

CAMPBELTOWN FLOOD PROTECTION SCHEME

1.0 INTRODUCTION

- 1.1 This report provides an update on progress with the Campbeltown Flood Protection Scheme (CFPS), including work completed, key dates and risks going forward.

2.0 RECOMMENDATIONS

- 2.1 The Committee is asked to:
- Endorse this report and note that the full Business Case will be brought back to EDI Committee in December 2021. Construction of the final scheme will be subject to approval of Full Business Case prior to tender award.

3.0 DETAIL

Background

- 3.1 The Environment, Development and Infrastructure (EDI) Committee on 5 December 2019 confirmed the Campbeltown Flood Protection Scheme (CFPS) with modification and recommended to Council to approve additional budget to take the project to tender readiness.
- 3.2 In line with Section 65 of the Flood Risk Management (Scotland) Act 2009, Scottish Ministers directed, under Section 57 of the Town and Country Planning (Scotland) Act 1998, that planning permission for the development is deemed to be granted, subject to conditions.
- 3.3 Confirmation Notice was issued from 15 May 2020 to 26 June 2020 inclusive, in accordance with paragraph 11 of Schedule 2 of the Flood Risk Management (Scotland) Act 2009. CFPS became operative six weeks after Notice of its confirmation was first published in a locally circulating newspaper, as is required under paragraph 10(2)(d) of Schedule 2 of the above Act, as no appeals in accordance with paragraph 12 of Schedule 2 of the above Act were made against the Scheme in the period of the Confirmation Notice.

- 3.4 CFPS is the first scheme being promoted in Argyll and Bute under the Act and has received £3.972m of Scottish Government funding to date. The scheme is estimated to cost £9.330m and this would be 80% funded by the Scottish Government (£7.464m) and 20% by Argyll and Bute Council (£1.866m).
- 3.5 The EDI Committee on 3 June 2021 approved the issuing of the invitation to tender for CFPS works.

Stakeholder Consultation

- 3.6 Significant consultation has been undertaken during development of the scheme with stakeholders. This has included statutory stakeholder workshops with Scottish Water, SEPA, Scottish Natural Heritage and the local Planning Department to discuss section of the preferred scheme. We have also had significant consultation with the local community during the scheme development. The level of engagement has been successful with only three objections to the scheme from affected land owners. These were resolved successfully with minor amendments to the design and the scheme noticed again as modified. Officers will continue to engage with the local community as the scheme progresses particularly when planning construction work which by its nature will involve some managed disruption.

Design Progress

- 3.7 The Principal Designer has completed 95% of the design.
- 3.8 Draft Controlled Activities Regulation (CAR) Licence has been approved by SEPA. Official licence will be submitted w/c 2nd August.
- 3.9 Discharge of planning conditions is being completed as part of the detailed design progresses. Several planning conditions have been written into the contract documents and will become the responsibility of the Principal Contractor through the contract.

Land Acquisition

- 3.10 A review of required land acquisition is being carried out by the Council's technical advisors, there may be a possibility of reducing the required land take.
- 3.11 Some areas of land have been identified as part of a value engineering exercise which can be realised whilst increasing storage capacities along Tomaig Road.
- 3.12 Colleagues in Estates are currently assisting the project team by negotiating compensation arrangements for acquisition and rights of access.

Tenders

- 3.13 Construction tender selection stage has been completed. Five successful contractors will be invited to tender. One submission did not meet the

requirements of the selection stage criteria.

- 3.14 Construction tender is due to be issued week commencing 23 August 2021.
- 3.15 Property Flood Resilience Supply & Installation tender is due to be published w/c 6th September 2021.

Full Business Case (FBC)

- 3.16 A paper detailing the full Business Case will be brought back to EDI Committee in December 2021, this business case will be informed financially by the tender returns. Construction of the final scheme will be subject to approval of the Full Business Case prior to tender award.

4.0 CONCLUSION

- 4.1 The work to progress CFPS has been going on target and the project is continuing to progress to the next stage.

5.0 IMPLICATIONS

- 5.1 Policy – Works are in accordance with the Local Flood Risk Management Plan 2016-2022 as endorsed by the Council. Local Authorities have powers under Flood Risk Management (Scotland) Act 2009 “to manage flood risk and to take forward a flood protection scheme.” Campbeltown Flood Protection Scheme would enable Argyll and Bute Council to enact this power under the Flood Risk Management Policy.
- 5.2 Financial – The Scottish Government will fund 80% of the project cost with 20% required from the Council up to a maximum contract value of £9.33m. Some of the Council’s 20% share is included within the current capital plan, with the remainder set aside from the loans review gain reported to Council in February 2020.
- 5.3 Legal – Property Flood Resilience (PFR) – Property owners in receipt of funding for PFR measures will be required to sign a legal agreement, which sets out procedures for the works and acceptable obligations for the Council.

Granted Planning Permission will expire on 30 April 2023, unless the development has been started.

- 5.4 HR – None
- 5.5 Fairer Scotland Duty:
 - 5.5.1 Equalities – None
 - 5.5.2 Socio-economic Duty: As outlined in the Outline Business Case

5.5.3 Islands – None

5.6 Risk –

Abortive Fees – If the scheme is not progressed the Council will be liable for legal fees incurred by land owners to date. This is currently estimated to be £75k.

If the scheme is not progressed as per the LFRMP, the Council will forfeit the potential for 80% funding from the Scottish Government and may require to reimburse SG those funds already provided expressly for this purpose.

If we do not proceed, this would potentially negatively and financially impact all other current LFRMP actions from future execution.

5.7 Customer Service – None

Executive Director with responsibility for Roads and Infrastructure Kirsty Flanagan

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