

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 11 FEBRUARY 2003

STATUS OF FLOOD PREVENTION SCHEME

Report by Director of Development Services

1 PURPOSE OF REPORT

- 1.1 To inform Committee of the status and progress of the Flood Prevention Scheme - Galston/Cessnock, Crookedholm and Riccarton Areas;
- 1.2 To seek approval to engage the Babbie Group to supervise the implementation of the construction works.

2 BACKGROUND

- 2.1 At the Development Services Committee meeting of 12 February 2002, it was reported that three objections to the Scheme were received. Two were subsequently withdrawn with one sustained.

To resolve the outstanding objection a Public Inquiry was required and this was held on the 8th October 2002. The objector withdrew his objection on this day after legal argument was heard.

3 STATUS AND PROGRESS OF WORKS

- 3.1 The current status and progress of the Flood Prevention Scheme is as follows:

The Scottish Ministers in exercise of the powers conferred on them by Section 4 of, and Paragraph 7 of the Second Schedule, to the Flood Prevention (Scotland) Act 1961 (as amended) confirmed on the 5th November 2002 the Scheme.

Notification of confirmation of the Scheme was issued to the affected parties, service/utility providers, and consultees on the 15th and 18th November 2002.

The Scheme as confirmed became operative on 22nd November 2002 being the date on which confirmation was first advertised in the Kilmarnock Standard and the Edinburgh Gazette as required by Paragraph 8 of the Second Schedule of the Act. The advert was published for two consecutive weeks.

To comply with European Legislation, the Scheme was advertised in the "Official Journal of the European Communities" on the 10 December 2002. Twenty-two Contractors have expressed interest in tendering for the work. This will be shortened to a tender list of eight.

It is anticipated that the contract will be let for tender by mid/end March 2003 through the normal contract tendering procedures and that the contract works will commence around May 2003. The duration of the works is expected to last for approximately 15 months. The estimated cost of the works is in excess of £6m.

Technical consultations have confirmed that priority will have to be given to the construction of the works at Galston/Cessnock attenuation proposals. An indicative time scale for this work is around 6/7 months. These works have the effect of reducing water levels downstream in times of high river flows and are required to counter the adverse impact on water levels due to the proposed works at Crookedholm and Riccarton.

Crookedholm or Riccarton could be constructed in parallel with the Galston/Cessnock attenuation proposals and this will be discussed with the successful tenderer.

It is anticipated that the whole scheme should be operational by end August 2004.

4 ENGAGEMENT OF CONSULTANTS PERSONNEL

- 4.1** The Babbie Group successfully tendered for the preparation and submission of the Flood Prevention Scheme to the Scottish Ministers and is currently finalising the preparation of the contract documents for tender issue to contractors. As the Babbie Group has taken us to this point it would be expedient to engage Babbie site supervisory personnel with a working knowledge and experience of the Scheme in preference to the introduction of a third party.
- 4.2** In addition the attenuation works at Galston will fall under the requirements of the Reservoirs Act 1975 and in order to comply with this legislation a 'Panel Engineer' as registered with the Institution of Civil Engineers is required to oversee these works. The Babbie Group employs such a specialist Engineer. There are few such Engineers in the UK.
- 4.3** The cost of the site supervisory personnel will be compared to known rates for comparable Babbie staff to ensure that best value is achieved and demonstrated.
- 4.4** As detailed in clause 3 above, construction works are anticipated to start in May 2003. This leaves little time to prepare a contract for tender/evaluation etc with the possibility of having no site supervisory personnel available for this date.

5 LEGAL IMPLICATIONS

- 5.1** The Council has powers to carry out flood prevention works. Major schemes undertaken directly by the Council on privately owned land require submission

of a Flood Prevention Scheme to the Scottish Ministers under the Flood Prevention (Scotland) Act 1961.

- 5.2** Confirmation of the Scheme by the Scottish Ministers gives the Council powers of entry on to land to construct the works.

6 FINANCIAL IMPLICATIONS

- 6.1** It is anticipated that 50% of the funding will be through direct grant from the Scottish Executive and that the Executive will authorise the remainder as an addition to the Council's S94 borrowing consent.

- 6.2** A formal decision on grant assistance is expected to be given by mid March 2003 after submission by the Council of the estimated expenditure profile.

7 RECOMMENDATIONS

- 7.1** The Committee is requested to note the status and progress of the Flood Prevention Scheme – Galston/Cessnock, Crookedholm and Riccarton Areas.

- 7.2** The committee is requested to approve the appointment of personnel from the Babbie Group to supervise the implementation of the construction works.

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Director of Development Services

3 February 2003
SC/JMcR/JR

BACKGROUND PAPERS

Nil

For further information on the contents of this report, please contact John McRobert, Roads & Transportation Division, on 01563 576310

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