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## NORTH AYRSHIRE COUNCIL

15 June 2021

### Cabinet

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| <b>Title:</b> | <b>Mill Burn, Millport Flood Protection Scheme: Scheme Confirmation</b> |
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| <b>Purpose:</b> | To seek Cabinet approval for confirmation of the Mill Burn, Millport Flood Protection Scheme and to update Cabinet on the proposed next steps. |
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| <b>Recommendation:</b> | That Cabinet approves confirmation of the Scheme and the commencement of the final design for the project. |
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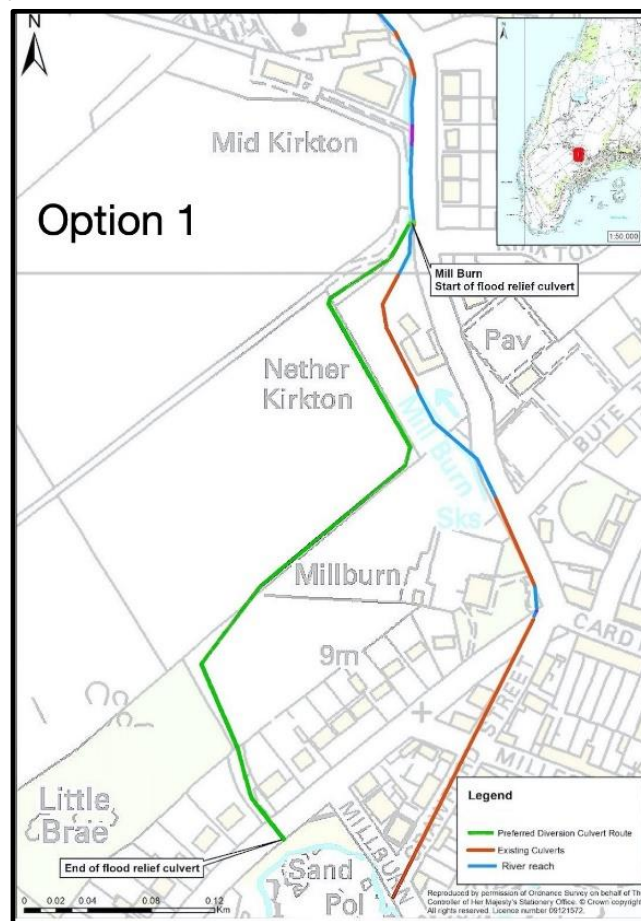
### 1. Executive Summary

- 1.1 The requirement for the Mill Burn Flood Protection Scheme for Millport was included within the Ayrshire Local Flood Risk Management Strategy and Plan in 2015 and 2016 respectively.
- 1.2 An option appraisal was completed which identified potential options to mitigate flooding from the Mill Burn, Millport. Final optioneering for the scheme was completed in February 2020, and two potential design solutions were developed.
- 1.3 A non-statutory community consultation was undertaken between 13 July 2020 and 10 August 2020. The objective of the consultation was to inform the community on progress and to seek community views on the two proposed scheme options to support decision making in future stages of the flood scheme.
- 1.4 The proposed scheme was estimated to require funding of £1.1m, and provision was made within our capital investment programme for the Council's 20% share of the required costs, with 80% of the estimated costs being funded by Scottish Government. An update on the budget position is provided in Section 4 of this report.
- 1.5 On 10 November 2020 Cabinet confirmed Option 1 as the preferred option and approved the submission of the formal Scheme Notification to the Scottish Government, triggering the statutory public consultation prior to scheme confirmation. The statutory consultation has now been completed and Cabinet is recommended to formally confirm Option 1. Thereafter, officers will publish a notice of the confirmation and the scheme will become operative six weeks afterwards subject to an appeal process as detailed in paragraph 2.6.

### 2. Background

- 2.1 A flood risk assessment and option appraisal was undertaken in relation to the Mill Burn in Millport in 2015 and identified flood risk and potential mitigation options. A review of the original flood risk assessment was undertaken in 2019 to include updated climate change data.
- 2.2 A further optioneering exercise was completed in February 2020, based on this improved information and two potential scheme options were developed.
- 2.3 A non-statutory community consultation was undertaken between 13 July 2020 and 10 August 2020. Two options were consulted on and the greatest support was for Option 1, which incorporates the construction of a 495m long, 1000mm diameter flow bypass culvert between Golf Road/Kirkton Crescent junction and West Bay via Nether Kirkton Farm. The bypass culvert will work in conjunction with the existing culvert in times of high flows. The bypass culvert follows the perimeter of the fields at Nether Kirkton as shown in Figure 1 below. The proposed scheme provides protection for 124 properties up to a 1 in 200 year flood return period.

Figure 1: Option 1 Layout



- 2.4 During the option development, officers have worked closely with the private landowners concerned to assess the technical feasibility of the options considered. The landowners have expressed support for the scheme and understand the positive impact this scheme would have on the Millport community.
- 2.5 On 10 November 2020, Cabinet confirmed the preferred option and agreed that officers submit the formal Scheme Notification to the Scottish Government. The

Scheme Notification triggered the statutory consultation which was carried out between 23 March 2021 and 3 May 2021. No objections have been received.

- 2.6 Should Cabinet approve confirmation of the Scheme, officers shall give notice of the decision to all relevant persons. Notice must be given in local newspapers in the relevant local authority areas, and in the Edinburgh Gazette. There is a right of appeal against the local authority's decision. The notice must include a statement that any person affected by the confirmed scheme may appeal the decision to the sheriff court before the expiry of a period of six weeks. The Scheme becomes operative six weeks after the notice of confirmation unless an appeal is made.
- 2.7 Once the scheme is operative, final design work can commence. An outline programme setting out the key next steps (subject to no appeal being made), with indicative timescales, is detailed below:
- Complete detailed design – September 2021
  - Tender process – October 2021 to March 2022
  - Complete negotiations with landowner – early 2022
  - Construction commences – summer 2022
  - Scheme completion – early 2023
- 2.8 Currently the programme for the Mill Burn Flood Alleviation Scheme has a similar construction start date to the Millport Coastal Flood Protection Scheme. However, the two schemes are being constructed in different parts of Millport and are different in nature and will therefore be tendered individually to reduce risk and ensure effective delivery of both schemes.

### **3. Proposals**

- 3.1 That Cabinet approves confirmation of the Scheme and the commencement of the final design for the project.

### **4. Implications/Socio-economic Duty**

#### **Financial**

- 4.1 The proposed scheme was originally estimated to require funding of £1.100m, and provision was made within the capital investment programme for the Council's 20% share (£0.220m) of the required project costs, with 80% (£0.880m) of the estimated costs being funded by Scottish Government.
- 4.1.1 Following the revised Flood Risk Assessment and updated option appraisal it is estimated that the preferred option (Option 1) will require a total budget of £1.310m. The Council's 20% share of the total estimated costs has therefore increased by an additional £0.042m. The required additional funding was considered as part of the Council's capital budget setting process in March 2021 and has been allocated to the project.

#### **Human Resources**

- 4.2 This project will be managed within existing resources.

## **Legal**

- 4.3 The Scheme must be developed in accordance with the Flood Risk Management (Scotland) Act 2009. The Scheme becomes operative six weeks after the notice of confirmation unless an appeal is made.

## **Equality/Socio-economic**

- 4.4 An Equality Impact Assessment will be carried out during the detailed design stage of the project.

## **Environmental and Sustainability**

- 4.5 The flood protection scheme will protect up to 124 properties in Millport against flooding from the Mill Burn in the long term as part of the Council's approach to climate change adaptation. An Environmental Impact Assessment (EIA) was submitted with the Scheme Notification, with reference to the Flood Risk Management Act and the Environmental Impact Assessment (Scotland) Regulations 2017.

## **Key Priorities**

- 4.6 The construction of the scheme will contribute to the Council Plan priority of 'creating a sustainable environment with effective infrastructure' by delivering a flood protection scheme which reduces flooding risk to up to 124 properties.

## **Community Wealth Building**

- 4.7 A package of community wealth building measures will be incorporated into the construction project and this will be considered further at the tender preparation stage.

## **5. Consultation**

- 5.1 A non-statutory community consultation was carried out between 13 July 2020 and 10 August 2020 to inform the community on progress and to seek views on the proposed scheme options to support decision making in future stages of the flood scheme.
- 5.2 The Scheme Notification statutory public consultation was carried out between 23 March 2021 to 3 May 2021.

RUSSELL McCUTCHEON  
Executive Director (Place)

For further information please contact **David Hammond, Head of Commercial Services**, on **01294 324570**.

## **Background Papers**