
NORTH AYRSHIRE COUNCIL

25 May 2021

Cabinet

Title:	Ayrshire Flood Risk Management Strategy and Plan
Purpose:	To update Cabinet on progress and next steps in relation to the Second Cycle of the Ayrshire Flood Risk Management Strategy and Ayrshire Flood Risk Management Plan.
Recommendation:	<p>It is proposed that Cabinet:</p> <ul style="list-style-type: none">i. notes the progress to date in developing the Second Cycle of the Ayrshire Flood Risk Management Strategy and Ayrshire Flood Risk Management Plan;ii. approves the list of 'Prioritised Measures' for North Ayrshire for inclusion in the forthcoming Second Cycle Ayrshire Flood Risk Management Strategy and Ayrshire Flood Risk Management Plan;iii. delegates the Executive Director (Place) to approve the subsequent publication of the Ayrshire Flood Risk Management Plan (Supplementary Part) prior to 31 July 2021.

1. Executive Summary

- 1.1 The Flood Risk Management (Scotland) Act 2009 set out a framework for a new approach to flood risk management in Scotland. The country was divided into 'Local Plan Districts' (LPDs), with Ayrshire operating as a single LPD. The Act outlines a requirement for regular publication of a Strategy and Plan for each LPD, which can be summarised as follows:
- **Ayrshire Flood Risk Management Strategy**- this is prepared and published by SEPA (Scottish Environment Protection Agency) with support from the Ayrshire local authorities and other stakeholders. The Strategy identifies the flood risk in each LPD and outlines the means for mitigation.
 - **Ayrshire Flood Risk Management Plan** - this document clarifies the mitigation actions to reduce flood risk and confirms the resources and timescales required. It also highlights where coordination with other authorities is required. This is a two-part document ('Supplementary Part' and 'Implementation Part').

- 1.2 An Ayrshire Flood Steering Group was established to act as a partnership working mechanism to support the regular preparation and delivery of both the Strategy and Plan.
- 1.3 The Strategy and Plan operate in overlapping cycles. Preparation of the Ayrshire Flood Risk Management Strategy is led by SEPA with support from the Ayrshire local authorities and other partners. The preparation and publication of the Ayrshire Flood Risk Management Plan is led by the Ayrshire local authorities. The First Cycle Ayrshire Flood Risk Management Plan was approved at Cabinet in May 2016, for the period 2016-22, and officers have been implementing the flood risk studies and progressing the flood risk schemes outlined in that document.
- 1.4 During the implementation phase for the First Cycle, the Strategy and Plan for the Second Cycle are developed. As part of this process, in November 2019, Cabinet agreed to submit the three potential flood protection schemes noted in Table 1 below to SEPA for consideration for inclusion in the Ayrshire Flood Risk Management Strategy. The Covid-19 pandemic and a cyber-attack on SEPA's ICT infrastructure has delayed SEPA's publication of the Ayrshire Flood Risk Management Strategy, and it has therefore not yet been determined which flooding proposals will be supported by funding from the Scottish Government.
- 1.5 To allow local authorities to progress with the development of their Local Flood Risk Management Plans, the Scottish Government confirmed that 'Prioritised Measures' could be listed in Plans. This does not commit a local authority to implementation if finances are not made available by the Scottish Government.
- 1.6 Due to the national delay, a joint consultation approach has been agreed between local authorities and SEPA. Approval is sought from Cabinet in relation to the proposed Prioritised Measures in Tables 2 and 3 below. Thereafter, SEPA will publish the draft Second Cycle Ayrshire Flood Risk Management Strategy. This will allow the three Ayrshire authorities to prepare and publish the Ayrshire Flood Risk Management Plan (Supplementary Part) and consult on this jointly with SEPA. The two documents contain very similar information.
- 1.7 The draft Second Cycle Ayrshire Flood Risk Management Strategy was scheduled to be published by SEPA on or prior to 31 March 2021 however the revised publication deadline date is 31 July 2021. The document will therefore be published for consultation on or just prior to 31 July 2021 for a three-month period. Cabinet is requested to delegate the Executive Director (Place) to approve the parallel publication of the Ayrshire Flood Risk Management Plan (Supplementary Part) for consultation on the same date.

2. Background

- 2.1 The Flood Risk Management (Scotland) Act 2009 sets out a national approach to flood risk management. The country was also divided into 'Local Plan Districts' (LPDs), with Ayrshire operating as a single LPD. The approach to flood risk management follows a cycle of strategy then a cycle of planning for each LPD. The timing of the cycles is shown in Figure 1 below.

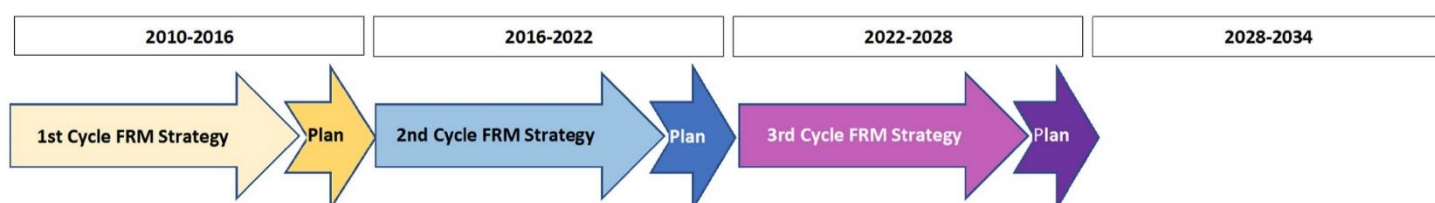


Figure 1: Timing of Flood Risk Management Cycles

- 2.2 The **Ayrshire Flood Risk Management Strategy** is led by SEPA and assesses the flood risk for each catchment area and considers the mitigation actions or required further studies.

The **Ayrshire Flood Risk Management Plan** has two parts:

- The **Supplementary Part** of the Ayrshire Flood Risk Management Plan effectively contains the same information as the Ayrshire Flood Risk Management Strategy. While the ownership of actions is with the relevant local authorities, it confirms the agreement and intention to proceed with the contents of the Strategy.
- The **Implementation Part** of the Local Flood Risk Management Plan seeks to deliver studies, projects and other measures identified through the Strategy cycle which are confirmed in the Supplementary Plan. These two processes are designed to overlap to deliver an ongoing programme of flood risk activities.

2.2 First Cycle of the Ayrshire Flood Risk Management Strategy and Plan

2.2.1 The First Cycle Ayrshire Flood Risk Management Strategy was developed between 2010 and 2015 and then published in 2015, and the First Cycle Ayrshire Flood Risk Management Plan was subsequently published on 22 June 2016. The Plan included three Flood Protection Schemes (Upper Garnock, Millport Coastal and Millport Millburn), and proposed completion of a number of flood studies to determine potential future projects which could then be considered for inclusion in a future Strategy and Plan cycle.

2.2.2 An 'Interim Report' on the progress of the first cycle of the plan was submitted to the Scottish Government in March 2019 and the report showed good progress on all deliverables.

2.3 Second Cycle of Ayrshire Flood Risk Management Strategy and Plan

2.3.1 The Second Cycle of the Ayrshire Flood Risk Management Strategy is due to be published by SEPA in December 2021. In advance of this, SEPA were due to publish a draft version of the document. This would normally include the information required for the 'Supplementary Part' of the Second Cycle Ayrshire Flood Risk Management Plan including proposed actions, schemes and studies to be reflected in a draft Ayrshire Flood Risk Management Plan for publication and consultation by the local authority.

2.3.2 Due to the Covid-19 pandemic and cyber attack on SEPA, the work has been delayed and SEPA has not been able to share the final draft of the Second Cycle Strategy documents with local authorities to inform their Local Flood Risk Management Plan Supplementary Part documents.

2.3.3 In December 2020, the Scottish Government issued a letter stating that in the Ayrshire Flood Risk Management Plan consultation documents, local authorities should refer to 'potential actions' in the Plan. This is to clarify that publication of intent to consider a scheme does not commit a local authority to implementation if a scheme proves not to be feasible.

2.3.4 On the 26 November 2019, Cabinet approved the submission of three potential flood protection schemes for submission to SEPA for consideration for inclusion in the Second Cycle Ayrshire Flood Risk Management Strategy as part of the regular 'National Prioritisation' exercise. These potential schemes were developed following flood risk studies identified and implemented as part of the First Cycle and are proposed to form part of the Second Cycle Strategy document.

2.3.5 In addition, a number of further studies have been identified for completion as part of the Second Cycle Ayrshire Local Flood Risk Management Plan, following investigation and feasibility work undertaken during Cycle 1.

2.3.6 The schemes and studies proposed for the draft Second Cycle Ayrshire Local Flood Risk Management Plan are shown in Tables 1, 2 and 3:

Table 1: Proposed NAC Schemes submitted to second Cycle National Prioritisation

Delivery Lead	Proposed Schemes	Estimated Cost (£)	Benefit Cost Ratio	Current Stage of the scheme
NAC	Lower Irvine Valley Flood Scheme	14.85m	1.41	Feasibility study/ Outline option appraisal
NAC	Brodict and Lamlash	1.2m	Brodict (part 1-3) 0.95/2.35/2.75 Lamlash 0.93	Feasibility Study/ Outline option appraisal
NAC/ Transport Scotland/ Network Rail	Keppenburn, Fairlie Culvert Upgrade	2.32m	1.05	Detailed design

Table 2 - Proposed NAC Schemes for the second Cycle Ayrshire Flood Risk Management Strategy & Plan *Subject to availability of Scottish Government and local authority funding

No	Scheme Location	Proposed Action	Cycle	Coordination
1	Kilbirnie and Glengarnock & Dalry	Construction of River Garnock Valley Flood Protection Scheme (FPS) (Ongoing and progressing - Funding package already agreed and in place)	1	NAC/SG
2	Millport	Millport Coastal FPS detail design & Implementation (Ongoing and progressing - Funding package already agreed and in place)	1&2	NAC/SEPA/SG
3	Millport	Mill Burn FPS detail design & Implementation (Ongoing and progressing - Funding package already agreed and in place)	1&2	NAC/SEPA
4	Irvine	Lower Irvine Valley FPS design	2*	NAC/SG/SEPA
5	Brodict	Flood Protection scheme detail design	2*	NAC/SG/SEPA
6	Lamlash	Flood Protection scheme detail design	2*	NAC/SG/SEPA

7	Fairlie	Flood Protection scheme detail design	2*	NAC/SG/SEPA
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Table 3 - Proposed NAC Studies for the second Cycle Ayrshire Flood Risk Management Strategy & Plan

No	Study Location	Flood Studies	Cycle	Estimated Cost (£)
1	Irvine	Surface Water Management Plan (options appraisal)	1&2	£30-40k
2	Kilbirnie and Glengarnock	Natural Flood Management Options Development	1&2	£35-45k
3	Largs north	Largs Wave Overtopping Study & options appraisal	1&2	£50-70k
4	Brodick	Flood Study - Natural Flood Management	2	£35-40k
5	Brodick	Coastal erosion adaptation plan	2	£35-45k
6	Lamlash	Flood Study - Natural Flood Management	2	£35-40k
7	Whiting Bay	Flood Study	2	£25-30k
8	Kilwinning and Dalgarven	Flood Study	2	£35-45k
9	Kilbirnie and Glengarnock	Flood Study	2	£25-35k
10	Saltcoats and Stevenston	Surface Water Management Plan (Phase 1 complete development)	1&2	£20-25k
11	Irvine Coastal	Surface Water Management Plan (Phase 2 options appraisal)	2	£30-40k
12	Saltcoats and Stevenston	Surface Water Management Plan (Phase 2 options appraisal)	2	70-85k

2.3.7 The above schemes and studies are known as the 'Prioritised Measures' and are proposed for inclusion in the Second Cycle Ayrshire Flood Risk Management Strategy document (the publication of which has been delayed to on or before 31 July 2021 by SEPA due the ongoing pandemic and a cyber-attack). There is a statutory obligation to publish a draft of the Supplementary Part of the Ayrshire Local Flood Risk Management Plan by the 31 July 2021, which requires Cabinet to consider the proposed Prioritised Measures now which will then enable officers to prepare and publish the Supplementary Part in time for the July deadline.

2.3.8 Approval is sought for the Prioritised Measures within Tables 2 and 3, which would then be included in the Second Cycle Ayrshire Flood Risk Management Strategy and Second Cycle Ayrshire Flood Risk Management Plan (Supplementary Plan). The latter document will be published jointly by the three Ayrshire authorities prior to 31 July 2021 for consultation for a three-month period.

2.3.9 Following the consultation period, both the Strategy and Plan (Supplementary Part) will be finalised, and work will commence on the Implementation Part which will be considered by Cabinet at a future meeting.

3. Proposals

- 3.1 That Cabinet note the progress to date in developing the Second Cycle of Ayrshire Flood Risk Management Strategy and Supplementary Plan for key areas within North Ayrshire with reference to the procedural challenges presented by the ongoing pandemic and cyber-attach on SEPA's ICT infrastructure.
- 3.2 That Cabinet approves the list of Prioritised Measures for North Ayrshire for inclusion in the forthcoming Second Cycle Ayrshire Flood Risk Management Strategy and Ayrshire Flood Risk Management Plan.
- 3.3 That Cabinet delegates the Executive Director (Place) to approve the subsequent publication of the Ayrshire Flood Risk Management Plan (Supplementary Part) prior to 31 July 2021 for public consultation for a three-month period.

4. Implications/Socio-economic Duty

Financial

- 4.1 The budget for the Second Cycle of the Flood Risk Management Planning Cycle has not been confirmed by Scottish Government and will not be known until at least mid-2021. Funding burdens for schemes and works is likely to remain at the current 80%/20% Scottish Government/local authority split.
- 4.1.2 Currently there is no funding allocation for the proposed Second Cycle schemes in the Council's capital programme because the Scottish Government have not yet identified any of the potential schemes as committed priorities. Should the proposed schemes become committed priorities, a review of the Council's agreed capital investment programme will require to take place at the appropriate time.
- 4.1.3 Funding for the proposed flood studies (Table 3) will be met from the revenue budget the Council annually receives from Scottish Government to deliver its obligations from the Flood Risk Management (Scotland) Act 2009.

Human Resources

- 4.2 Any additional human resource implications will be identified if or when commitment is made to take schemes forward.

Legal

- 4.3 The approval of the strategy will enable the Council to undertake its statutory obligations as identified in the 2009 Flood Risk Management (Scotland) Act.

Equality/Socio-economic

- 4.4 National studies have identified that the impact of flooding is greater within areas of deprivation. Implementation of studies and schemes therefore indirectly supports the

Council's socio-economic duty. Equality Rights Impact Assessment will be carried out during the implementation stage of the Local Flood Risk Management Plan.

Environmental and Sustainability

- 4.5 Flood risk management forms part of the Council's Environmental Sustainability and Climate Change Strategy by supporting communities to adapt to the impacts of climate change.

Key Priorities

- 4.6 Flood mitigation and protection of our communities addresses the Council Plan key priorities of 'protecting and enhancing the environment for future generations' and providing 'sustainable and effective infrastructure' by adapting our built environment to withstand the impacts of climate change.

Community Wealth Building

- 4.7 A package of community wealth building measures will be incorporated into the construction projects if and when they are progressed, and this will be considered further at the tender preparation stage.

5. Consultation

- 5.1 A Ministerial Direction received at the end of 2020 confirmed that the Lead Authority must publish a draft of the Supplementary Part of the Local Flood Risk Management Plan by the 31 March 2021. However, due to a cyber-attack on SEPA, this publication date is has been relaxed by a further Ministerial Direction until 31 July 2021.
- 5.2 The Strategy and Supplementary Part consultation will be a joint consultation to reduce resource requirements and duplication of work for SEPA and local authorities.

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Executive Director (Place)

For further information please contact **David Hammond , Head of Commercial Services,** on **4570**.

Background Papers

None