

**ANGUS COUNCIL**

**COMMUNITIES COMMITTEE – 12 NOVEMBER 2019**

**ARBROATH (BROTHOCK WATER) FLOOD PROTECTION SCHEME - UPDATE**

**ABSTRACT**

This report updates the committee on the progress of the Arbroath (Brothock Water) Flood Protection Scheme and the procurement of the construction contract.

**1. BACKGROUND**

- 1.1 With reference to Article 8 of the minutes of the Communities Committee of 15 January 2019 (Report No. 11/19), Arbroath (Brothock Water) Flood Protection Scheme, it was agreed to confirm the proposed scheme without modifications, and approval was given to procurement authority, permission for negotiations on land, access and compensation.
- 1.2 The programme for the delivery of the scheme was for construction in 2019/20 and 2020/21. This met the requirement for the scheme to be completed within the first six year flood risk management planning cycle from 2016-2022.

**2. CURRENT POSITION**

- 2.1 A revised programme for the works has been attached in **Appendix 1**, which shows a delay to the construction commencement from January 2020 to April 2020. The delay was predominantly in procurement due to an unforeseen requirement to review the application of financial checks for the European Single Procurement Document procurement, which was completed satisfactorily with the assistance of finance officers.
- 2.2 As per the approval of the final decision, and in accordance with the Flood Risk Management (Scotland) Act 2009, the final decision of the scheme was notified to all with an interest in the scheme, including a notice published in the Arbroath Herald, The Courier and the Edinburgh Gazette on 1 February 2019.
- 2.3 The Flood Risk Management (Scotland) Act 2009 and associated regulations provide powers of entry and access to construct the scheme, which will ensure that the scheme progresses in line with the revised programme. However, entry and access to land are being pursued through negotiation and agreement. Land negotiations are on-going and will continue during the life of the project. Agreements are being negotiated with landowners for the construction of two upstream flood storage areas (FSA). Other land issues will concern access to complete the works.
- 2.4 The Committee authorised the initiation of the procurement process to procure a civil engineering contractor for the main works and for Accommodation and Utility Diversionary Works.
- 2.5 Enabling works to avoid a clash with any public utilities, for which delegated authority to procure and deliver were approved by this Committee previously, reference section 2.1 of this report, are to be progressed in advance of the main construction contract. These include overhead and underground electricity cables, overhead telecommunication cables and a sewer diversion.
- 2.6 The main construction works are being procured by a two-stage process through the Public Contracts Scotland (PCS) online portal. Stage one is an open procedure where bidders have been invited to complete a European Single Procurement Document (Scotland) (ESPD). This stage will allow officers to evaluate suitable qualified and experienced bidders using a consistent approach in the selection. The deadline for returns was 25 September 2019. Forty notes of interest were received with fourteen submissions, which will be evaluated and assessed.

- 2.7 Stage two of the tender will be released to a closed tender list determined from the evaluation of the ESPD returns. The number of bidders on the list will be a maximum of six, depending on the assessment of the submissions from stage one.
- 2.8 Following the assessment of tender returns, the contract award for the construction of the Arbroath (Brothock Water) Flood Protection Scheme will be made on the basis of the most economically advantageous price / quality tender, which was approved by this Committee previously, reference section 2.1 of this report. The award will be made by the Director of Legal and Democratic Services, following consultation with the Director of Infrastructure Services, and thereafter the Director of Infrastructure Services will execute and deliver the construction contract and any other necessary documentation in respect of the project on behalf of Angus Council.
- 2.9 The works require a CAR (Controlled Activities Regulations) license from Scottish Environment Protection Agency (SEPA) to be in place before any works can be undertaken within the Brothock and Hercules Den bodies of water. This represents a project risk, however, the project team have held close consultations with SEPA for the duration of the project and are working closely with them to ensure water quality issues are fully accounted for in delivering the scheme. This open dialogue will continue for the remainder of the project. A CAR licence application to SEPA will be finalised and submitted once the construction contractor has been appointed and the methods of working confirmed.
- 2.10 A deemed planning application was made to the Scottish Ministers in April 2019 in accordance with the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010. Deemed planning was then granted in August with conditions attached. The conditions are all in line with the requirements of the contract, such as conditions outlined previously in the Environmental Impact Assessment.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 Committee Report No. 11/19 identified project funding of £11.932million, which remains current and will be reviewed in light of tender returns.
- 3.2 The funding from Scottish Government's Capital Flood Grant totals £9.234million.
- 3.3 The expenditure profile has been revised to accord with the works starting in March 2020 and not January 2020 from £3.499million to £0.15million in 2019/2020 and £6.639million to £9.988million in 2020/21.

**NOTE:** The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report No. 11/19 - Arbroath (Brothock Water) Flood Protection Scheme – Update, Communities Committee 15 January 2019

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List of Appendices:

- Appendix 1 - Revised Programme for the Arbroath (Brothock Water) Flood Protection Scheme



## Revised Programme for the Arbroath (Brothock Water) Flood Protection Scheme

**CAR Licence Application Preparation:** 170 days; Start Monday 07/01/19; Finish 30/08/2019; 100% complete  
**CAR Licence Application & Approval:** 90 days; Start Monday 16/09/19; Finish 31/01/2020; 5% complete  
**Tender Documents:** 115 days; Start Monday 06/05/19; Finish 11/10/2019; 90% complete  
**Tender Drawings Preparation:** 115 days; Start Monday 07/01/19; Finish 14/06/2019; 100% complete  
**Tender Drawings AC Review:** 5 days; Start Monday 17/06/19; Finish 21/06/2019; 100% complete  
**Tender Drawings Completion:** 15 days; Start Monday 24/06/19; Finish 12/07/2019; 90% complete  
**Land Negotiations – Brothock Meadows:** 170 days; Start Monday 07/01/19; Finish 30/08/2019; 50% complete  
**Land Purchase – Brothock Meadows:** 45 days; Start Monday 02/09/19; Finish 01/11/2019; 0% complete  
**Land Negotiations – St Vigeans:** 170 days; Start Monday 07/01/19; Finish 30/08/2019; 90% complete  
**Land Purchase – St Vigeans:** 45 days; Start Monday 02/09/19; Finish 01/11/2019; 0% complete  
**Land Negotiations – For the whole Scheme Pre-contract:** 60 days; Start Monday 28/10/19; Finish 31/01/2020; 0% complete  
**Land Negotiations –Post-contract:** 320 days; Start Monday 03/02/20; Finish 23/04/2021; 0% complete  
**AC Planning to prep Planning Statement:** 25 days; Start Monday 03/06/19; Finish 05/07/2019; 100% complete  
**Statutory Consents (Deemed Planning):** 70 days; Start Monday 08/07/19; Finish 11/10/2019; 100% complete  
**Finance Checks on PQQs (ESPD):** 73 days; Start Monday 15/05/19; Finish 23/08/2019; 100% complete  
**PQQ (ESPD) Period:** 23 days; Start Monday 26/08/19; Finish 25/09/2019; 80% complete  
**PQQ (ESPD) Selection:** 12 days; Start Monday 26/08/19; Finish 11/10/2019; 0% complete  
**Tender Period:** 43 days; Start Monday 14/10/19; Finish 11/12/2019; 0% complete  
**Tender Appraisal:** 12 days; Start Monday 12/12/19; Finish 10/01/2020; 0% complete  
**Contract Award:** 5 days; Start Monday 13/01/20; Finish 17/01/2020; 0% complete  
**Notice of Works:** 10 days; Start Monday 13/01/20; Finish 24/01/2020; 0% complete  
**Public Engagement and Notice for entry:** 45 days; Start Monday 27/01/20; Finish 27/03/2020; 0% complete  
**Construction on site:** 320 days; Start Monday 30/03/20; Finish 18/06/2021; 0% complete  
**Snagging:** 20 days; Start Monday 21/06/21; Finish 16/07/2021; 0% complete  
**Final application for payment:** 10 days; Start Monday 19/07/2021; Finish 30/07/2021; 0% complete