

ANGUS COUNCIL

ROADS COMMITTEE

28 AUGUST 1997

DRAINAGE OF SURFACE WATER FROM ROADS

REPORT BY THE DIRECTOR OF ROADS

ABSTRACT

This report proposes that agreements on an individual site basis be made by the Director of Roads with North of Scotland Water Authority regarding the provision, management, maintenance or use of surface water drains.

1 RECOMMENDATION

It is recommended that the Committee agree:-

to delegate to the Director of Roads, as part of Construction Consent approvals, the power to make agreements with North of Scotland Water Authority under Section 7 of the Sewerage (Scotland) Act 1968 (as amended) until such time as national guidelines are published.

2 INTRODUCTION

(i) The Situation Prior to 1 April 1996

Section 1(1) of The Sewerage (Scotland) Act 1968 made it a duty of the local authority to provide public sewers for the drainage of surface water (defined in Section 59(1) as the run-off of rainwater from roofs and any paved ground surface within the curtilage of premises).

Prior to the Local Government Reorganisation in 1975, Section 7(1) of the Sewerage (Scotland) Act 1968 stated that “a highway authority and a local authority may agree, on such terms and conditions as may be specified in the agreement, as to the provision, management, maintenance or use of their sewers or drains for the conveyance of water from the surface of streets or surface water from premises”.

In 1975, Tayside Regional Council became both roads and sewerage authority and Section 7(1) was amended to relate only to agreements between the Secretary of State and a local authority in respect of trunk roads. Agreements were not necessary in respect of roads under the control of the local authority and the surface water from roads and premises was usually conveyed in a joint sewer maintained by the Water Services Department of Tayside Regional Council.

(ii) **The Situation After 1 April 1996**

On Local Government Reorganisation, the North of Scotland Water Authority (NOSWA) took over responsibility for sewerage and Angus Council became the roads authority. Section 7(1) of the 1968 Act now allows for agreements to be made between the sewerage and roads authorities similar to the pre 1975 position.

The Control of Pollution Act 1974, as amended by Schedule 23 of the Water Act 1989 and Schedule 16 of the Environment Act 1995, provides for legal control of all discharges into watercourses. Control of surface water discharges is now a discretionary power vested in the Scottish Environment Protection Agency (SEPA). SEPA is seeking to encourage a preventative approach so that the smaller discharges need not be subject to regulation. A system of Prohibition Notices enables control of the more significant discharges and can be used to require the formal consent of SEPA. Surface water discharges to soakaways are not subject to regulation.

In May 1996, SEPA published 'A Guide to Surface Water Best Management Practices' which provides general guidelines for developers to follow. As a result of problems encountered by a number of Local Authorities regarding surface water drainage since this publication a working group with representatives from the Local Authorities was set up to look at methods of dealing with surface water drainage which would satisfy both the SEPA requirements and the Design Manual for Roads and Bridges.

Further to this, following a meeting between COSLA, SEPA, and the three Water Authorities, Building Control representatives and representatives from the Working Group, a Steering Group has been set up with a view to producing a Surface Water Drainage design manual.

Until such time as national guidelines or agreements are produced individual site agreements are required so that developments are not unduly delayed.

3 **FINANCIAL IMPLICATIONS**

The maintenance costs relevant to the adoption of a new road would be increased if the surface water drains were to become the responsibility of the Council.

On the other hand it can be anticipated that charges in respect of long term maintenance would now be levied by NOSWA if it were to adopt surface water drains which are also serving as road drains.

Either way costs which prior to 1996 were carried by the sewerage authority will now fall to the roads authority.

There are also likely to be increased maintenance costs associated with the best management practices recommended in the SEPA guide.

The revenue implications associated with these changes to the arrangements which were in place prior to 1 April 1996 will be taken into account in the calculation of average annual maintenance costs associated with the adoption of a new road and will be reported to Committee in due course on a site by site basis through the normal construction consent and adoption procedures.

4 CONSULTATION

The Chief Executive, the Director of Law and Administration and the Director of Finance have been consulted in the preparation of this Report.

Dr Bob McLellan
DIRECTOR OF ROADS

NOTE

No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

REPORTS/surf.drain
AWM/JSG
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