1 RECOMMENDATION

It is recommended that the Committee:-

1. note the ongoing discussions with officials from Scottish Water exploring possible measures which might assist the resolution of the current drainage constraint on development in Kirriemuir; and

2. agree to contribute up to £5,000 toward funding a Scoping Study to be undertaken by Scottish Water Solutions Ltd. that will investigate in outline the feasibility and costs of expanding drainage capacity in Kirriemuir.

2 INTRODUCTION

2.1 Members will recall that at the Strategic Policy Committee on 16 March 2004, Mr. Alan Thomson, Head of Strategic Liaison of Scottish Water, gave a presentation on Scottish Water’s Investment Programme. Members raised serious concerns relating to the uncertainty of timing of investment to resolve drainage issues in Angus and in particular the lack of any resolution to the current drainage constraint affecting Kirriemuir.

2.2 Since that meeting, discussions have continued to take place between officers of the Council and representatives of both Scottish Water and Scottish Environmental Protection Agency (SEPA) exploring in some detail the issues arising for the Kirriemuir drainage infrastructure.

2.3 This report provides an update on the current position and seeks authority to contribute to a Scoping Study to be funded by the Council that will investigate in outline the costs of expanding drainage capacity in Kirriemuir.

3 CURRENT POSITION

3.1 Since 1999 a formal drainage constraint has been in place between Angus Council and the Water Authority (previously NoSWA, now Scottish Water) in relation to the Kirriemuir Wastewater Treatment Plant (WWTP) Catchment Area which has restricted the implementation of development proposals in the town (report 1132/99 refers). This constraint was required in response to the introduction of a revised
discharge consent by SEPA in order to maintain the quality of the receiving water course – the Ladywell Burn. This effectively reduced the volumetric capacity of the Kirriemuir WWTP and therefore the capacity of the plant to accept further drainage connections.

3.2 Scottish Water have allocated money in their Quality and Standards 2 Programme for Kirriemuir. However, Scottish Water has confirmed that current expenditure plans focus on meeting environmental and quality standards while maintaining assets at current levels of performance and do not in the main allow for growth. At this point in time the final solution being pursued by Scottish Water to upgrade Kirriemuir WWTP does not therefore include a growth driver that will enable any future development proposals.

3.3 The Chief Executive of Scottish Water has also written in response to the Council’s earlier request asking the water authority to honour its commitment to allow a drainage connection to land identified for employment use at East Muirhead of Logie in line with the previous undertaking given as part of the agreed terms of the formal drainage constraint (report 272/04 to Infrastructure Services Committee, 4 March 2004 refers). Scottish Water has indicated that it is unable to allow a connection to the public sewerage system which would result in additional foul flows. In this context Scottish Water now interprets “dry processes” as employment uses that produce no foul effluent. This effectively means that Scottish Water are not prepared to view any foul flow from the development of new employment land as permissible within the terms of the drainage constraint. At present this situation is therefore delaying further progress on bringing forward employment land for development.

3.4 It should also be noted that it is Scottish Water Solutions Ltd. (SWS) (a specially formed development company) that will source and implement the physical works projects for, and on behalf of, Scottish Water.

3.5 SWS are currently undertaking design works for the Kirriemuir WWTP based only on meeting requirements from existing development. Following discussions between Scottish Water and Angus Council officials, there is an opportunity to commission SWS to investigate at this stage, the likely cost differential between the “do minimum” project and a more comprehensive project that would accommodate further development in Kirriemuir. It is considered that this course of action which would involve the preparation of a Scoping Study on expanding drainage capacity should be actively pursued in order to provide a clearer indication of the additional costs involved.

4 FINANCIAL IMPLICATIONS

4.1 The suggested contribution by Angus Council to funding the Scoping Study is up to a maximum of £5,000. This figure can be contained within the Planning & Transport Department’s Revenue Budget for 2004/05.

4.2 This is a specialist study, sourced through Scottish Water, which can only reasonably be undertaken by Scottish Water Solutions. It is therefore considered by the Director of Planning and Transport that, in accordance with Financial Regulations 16.1.3e, it is not practicable to invite competitive tenders to undertake the Scoping Study.

5 HUMAN RIGHTS IMPLICATIONS
5.1 There are no human rights implications arising from this report.

6 CONSULTATION

6.1 The Chief Executive, Director of Law & Administration, Director of Finance and Director of Property Services have been consulted in the preparation of this report.

7 CONCLUSION

7.1 Scottish Water are required to comply with the discharge consent standards set by SEPA for the Kirriemuir WWTP by the end of 2005. The current investment approach by Scottish Water does not include additional capacity at the WWTP to accommodate new development. Opportunity currently exists to contribute to funding a Technical Scoping Study, to be undertaken by Scottish Water Solutions Ltd. to investigate the feasibility and costs of an improved drainage solution that may enable future development.

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.

AA/GDP/KW
28 May 2004

Alex Anderson
Director of Planning and Transport