

ANGUS COUNCIL

ROADS COMMITTEE

22 NOVEMBER 2001

FLOOD PREVENTION AND LAND DRAINAGE (SCOTLAND) ACT 1997
REPORTING

REPORT BY THE ACTING DIRECTOR OF ROADS

AND THE DIRECTOR OF LAW & ADMINISTRATION

ABSTRACT

This report presents for consideration a proposed Report to be published for public information under the Flood Prevention and Land Drainage (Scotland) Act 1997 being the third biennial published by Angus Council under the 1997 Act.

1 RECOMMENDATIONS

It is recommended that the Committee agree:-

- (i) to note the requirement of the Act to publish a Report on 26 November 2001;
- (ii) to consider the draft Statutory Report and agree the content of the Report for publication;
- (iii) that a public notice alerting the public to the publication of the Statutory Report be published in "The Courier and Advertiser" with copies of the Report itself being made available at various Council Offices, Monifieth, Carnoustie and Montrose Access Offices and at Council Libraries.

2 INTRODUCTION

The main provisions of the Flood Prevention and Land Drainage (Scotland) Act 1997 came into force on the 26 May 1997. The detailed implications for Angus Council of the requirements imposed by the Act were previously reported in Report No. 881/97 (Roads Committee of 28 August 1997).

One of the duties imposed by the Act upon the Council is the requirement to prepare and publish a Report biennially for public information purposes. The third such Report falls due on 26 November 2001.

3 DETAILS

- (3.1) The main provisions of the Flood Prevention and Land Drainage (Scotland) Act 1997 came into being on the 26 May 1997. Essentially, and as reported in

the earlier Council Report No. 881/97, the Council now has a duty to carry out flood prevention operations in three distinct categories:

- (a) Assessment of Water Courses
 - (b) Maintenance of Water Courses
 - (c) Publication of Reports
- (3.2) In terms of Section 3 of the Act the Council is required to prepare and publish the next biennial Report by 26 November 2001 specifying the measures which it has taken since publication of the previous report to prevent or mitigate the flooding of non-agricultural land in its area together with further proposals due to be brought forward.
- (3.3) A draft of the third Report has been prepared by the Acting Director of Roads and has been issued to Committee Members. It is proposed that this Report be published and made available for public information.
- (3.4) The mechanism proposed for making the Report available is that copies will be available for scrutiny in all Council libraries, Monifieth, Carnoustie and Montrose Access Offices and various other main Council Offices, and that a public notice be printed in "The Courier and Advertiser" drawing attention to these arrangements. This proposed method has been discussed with the Scottish Executive who have agreed that such a mechanism would be acceptable.
- (3.5) It is further suggested that a copy of the Report be made available to the Scottish Executive for their information.
- (3.6) Planning of potential development in areas prone to flooding is covered by Council policies set out in the Structure and Local Plans.

4 **FINANCIAL IMPLICATIONS**

Although the overall financial implications to the Council of the duties imposed by the new Act are still emerging, as described in Report No. 881/97, the costs associated with the production of the Report and the associated press notice can be contained within the Roads Department Revenue Budget for Flood Prevention.

There are no capital costs arising from this Report.

5 **CONSULTATION**

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

6 CONCLUSION

The Flood Prevention and Land Drainage (Scotland) Act 1997 requires the Council to publish a Report for public information by 26 November 2001. A draft of the proposed Statutory Report is put forward for the Committee's approval prior to publication.

R W McNeil
ACTING DIRECTOR OF ROADS

Catherine A Coull
DIRECTOR OF LAW & ADMINISTRATION

NOTE

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report:-

The Scottish Office Agriculture, Environment and Fisheries Department Circular No 1/1997 - Flood Prevention and Land Drainage (Scotland) Act 1997

Explanatory and financial memorandum appended to Flood Prevention and Land Drainage (Scotland) Bill dated 20 November 1996

Report No 881/97. "The Flood Prevention and Land Drainage (Scotland) Act 1997" – Roads Committee of 28 August 1997.

Report No 1146/97. "Flood Prevention and Land Drainage (Scotland) Act 1997 Reporting" – Angus Council 6 November 1997.

Report No 1100/99 – "Flood Prevention and Land Drainage (Scotland) Act 1997 – Reporting" – Angus Council 4 November 1999.

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