

PERTH AND KINROSS COUNCIL

Enterprise and Infrastructure Committee – 7 November 2012

SCOTTISH WATER

Report by Depute Director (Environment)

ABSTRACT

This report highlights the improved situation with Scottish Water in relation to their involvement in the planning process and picks up on improvements in relation to flood risk management.

1. RECOMMENDATIONS

1.1 The Committee is asked to note

- i) The improvements with regard to Scottish Water's involvement in the planning process
- ii) The improvements with regard to flood risk management.

2. BACKGROUND

- 2.1 This report has been prepared in response to a request from Members for further information in relation to the interface with Scottish Water following consideration of the Annual Performance Report 2011/12 at the Council meeting on 27 June 2012.

3. PROPOSALS

- 3.1 Scottish Water's involvement in the planning process has changed significantly in the last few years and they are now committed to demonstrating a willingness to work in partnership to deliver development. In relation to Development Planning this, to a large extent, is due to the requirement for Scottish Water to prioritise the development of new strategic infrastructure in accordance with its investment programme, the spatial priorities identified in the National Planning Framework, and the development priorities identified by local authorities in development plans. In addition Scottish Water along with other key agencies has a duty to co-operate with planning authorities throughout the development plan process to ensure that Local Development Plans are fully co-ordinated with other key strategies. This seeks to ensure that from the earliest stage key infrastructure providers are signed up to the delivery of emerging proposals.
- 3.2 In line with this, a Key Agency Stakeholder Group was set up at the commencement of the Local Development Plan (LDP) preparation process to ensure continuous engagement. Scottish Water has pro-actively engaged as part of this group at the formal stages of the process i.e. Main Issues Report and Proposed Plan, and also informally working with Council Officers and SEPA to resolve potential areas of conflict. This ensures that Scottish Water

has bought in to the strategy and proposals of the LDP and that it is committed to assist in its delivery.

- 3.3 In relation to Development Management, Scottish Water no longer objects to planning applications on the basis of a lack of capacity. Instead, when there may be an issue with capacity to connect to a public sewer they will clearly articulate any issue allowing Development Management to put an Informative on any planning consent advising the applicant of a need to speak to Scottish Water to discuss connection to the Public system.
- 3.4 The introduction of the Flood Risk Management (Scotland) Act 2009 (the '2009 Act') has resulted in some improvements and greater joint working in the management of flood risk in Scotland. The new legislation has already delivered a national flood risk assessment and a new generation of flood maps will be produced in December 2013, followed by flood risk management plans in December 2015. Scottish Water are required to play a key role in this process.
- 3.5 The Scottish Ministers, SEPA, Local Authorities and Scottish Water all have new duties under the 2009 Act, including a general duty to adopt an integrated approach by co-operating with each other to ensure and co-ordinate the exercise of their respective functions. Greater partnership working is being driven by the creation of fourteen new Local Plan District Partnerships across Scotland. The partnerships are formed by representatives from SEPA, local authorities and Scottish Water and will oversee the preparation and implementation of new Local Flood Risk Management Plans.
- 3.6 This process will deliver benefits through new work by Scottish Water to assess areas at high risk of sewer flooding. The Local Plan District Partnerships will produce surface water management plans to address the risk of urban flooding. Scottish Water and a number of local authorities have also recently invested in five joint studies in urban areas at high risk of flooding across Scotland. One of these, the Tayside Integrated Catchment Study, includes the Invergowrie area of Perth and Kinross and may provide benefit to this area in the future.
- 3.7 In addition to this, the Council has noted a new approach to partnership working from Scottish Water during investigations following flooding. The Council is working jointly with them to respond to flooding in high risk areas.
- 3.8 Scottish Water are currently identifying priorities for their next investment plan but this will be in advance of the identification of measures to reduce flood risk required by the 2009 Act. As a result, Scottish Water's funding cycle does not as yet align with the six year flood risk management planning cycle set out under the 2009 Act. It is therefore too early to tell if this process will translate into greater Scottish Water investment in measures to address flooding on the ground but initial discussions have been encouraging.

4. CONSULTATION

- 4.1 The Head of Legal Services, the Head of Democratic Services and the Head of Finance have been consulted in the preparation of this report.

5. RESOURCE IMPLICATIONS

Capital

- 5.1 There are no capital implications arising from the recommendations of the report.

Revenue

- 5.2 There are no revenue implications arising from the recommendations of the report.

6. COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012

- 6.1 The Council's Corporate Plan 2009-2012 lays out five Objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. This report impacts on the following:-

- (i) A Safe, Secure and Welcoming Environment
- (iii) A Prosperous, Sustainable and Inclusive Economy

7. EQUALITIES IMPACT ASSESSMENT (EqIA)

- 7.1 An equality impact assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.

- 7.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- i) Assessed as **not relevant** for the purposes of EqIA

8. STRATEGIC ENVIRONMENTAL ASSESSMENT

- 8.1 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).

- 8.2 However, no action is required as the Act does not apply to the matters presented in this report. This is because the Committee are requested to note the contents of the report only and the Committee are not being requested to

approve, adopt or agree to an action or to set the framework for future decisions.

9. CONCLUSION

- 9.1 The Council are asked to note the improved position with regard to Scottish Waters involvement in both Development Planning and Development Management and with regard to flood risk management issues.

BARBARA RENTON
DEPUTE DIRECTOR (ENVIRONMENT)

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.

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