

Report

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Report to:	Enterprise Resources Committee
Date of Meeting:	10 November 2010
Report by:	Executive Director (Enterprise Resources)

Subject:	Sewerage (Scotland) Act 1968 - Section 7
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ seek approval for the Council as Roads Authority to enter into a Section 7 Agreement and subsequent associated schedules with Scottish Water
- ◆ amend the Scheme of Delegations to allow the Executive Director (Enterprise Resources) to sign Schedules which will be entered into on a site specific basis pursuant to the Section 7 Agreement

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the Council enter into a Section 7 Agreement with Scottish Water
- (2) that powers be delegated to the Executive Director (Enterprise Resources) to sign Schedules to be entered into with Scottish Water pursuant to the Section 7 Agreement

3. Background

- 3.1. Local Authorities, as Roads Authorities, have a duty under the Roads (Scotland) Act 1984 to effectually drain surface water from public roads.
- 3.2. Scottish Water has a duty under Section 1 of the Sewerage (Scotland) Act 1968 to provide such public sewers as may be necessary for effectually draining its area of domestic sewage, surface water and trade effluent, and to make such provision, by means of sewage treatment works or otherwise, as may be necessary for effectually dealing with the contents of its sewers.
- 3.3. To provide a separate system of roads drainage as well as surface water drainage would incur unnecessary expense for the both the Council and Scottish Water. The connection of roads drainage to public sewers and the connection of surface water from premises to roads drainage are discretionary and subject to agreement under Section 7 of the Sewerage (Scotland) Act 1968.
- 3.4. Neither South Lanarkshire Council, as Roads Authority, nor Scottish Water can unreasonably refuse to enter into a Section 7 Agreement.

4. Section 7 Agreement

- 4.1. During the past two years Scottish Water and SCOTS (The Society of Chief Officers Transportation Scotland) have been working together to develop an Agreement

under Section 7 of the Sewerage (Scotland) Act 1968 regarding the conveyance and treatment of surface water run-off from public roads and the curtilage of buildings. South Lanarkshire Council has been part of this process.

- 4.2. A Section 7 Agreement is intended to provide confidence to both the Council and Scottish Water that the activities carried out by one do not have a negative impact on the assets belonging to the other by including the requirement to provide necessary treatment and attenuation for each of their drainage activities.
- 4.3. This Agreement will enable the Council, as Roads Authority, and Scottish Water to share a single drainage system and to encourage the best practice in the use of sustainable urban drainage.
- 4.4. This Agreement is fundamental to integrated surface water management and will also be a significant step towards the Council and Scottish Water meeting their obligations to help facilitate the implementation of the Flood Risk Management (Scotland) Act 2009.
- 4.5. The terms of the Section 7 Agreement to be entered into by the Council with Scottish Water have now been broadly agreed. The Agreement sets out the general terms for the shared use of roads drainage and public surface water sewers by the parties. The Agreement will last indefinitely and comes into force on the last date of signing by the parties. The Agreement applies to new connections made to the road drainage system and/or public surface water sewers. The Agreement will be reviewed five years after coming into force.
- 4.6. As new developments/planning applications are processed, schedules specific to these new developments detailing the surface water drainage system within those new developments and identifying ownership of and maintenance responsibility for that system will be entered into as a supplementary documents to the Section 7 Agreement. The Executive Director (Enterprise Resources) will be required to sign off the individual schedules.

5. Employee Implications

- 5.1. None

6. Financial Implications

- 6.1. None

7. Other Implications

- 7.1. There are considered to be no significant risks associated with entering into a Section 7 agreement with Scottish Water.

8. Equality Impact Assessment and Consultation Arrangements

- 8.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore, no impact assessment is required.
- 8.2. Consultation has taken place between Roads and Transportation Services, Planning and Building Standards Services with regards to the implementation of the agreement when signed.

Colin McDowall
Executive Director (Enterprise Resources)

19 October 2010

Link(s) to Council Objectives/Values/Improvement Themes

- Improve the quality of the physical environment
- Improve the road network and public transport
- Improve the quality of life of everyone in South Lanarkshire
- Support the local economy by providing the right conditions for growth, improving skills and employability
- Working with and respecting others

Previous References

None.

List of Background Papers

- Draft Section 7 Agreement

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:- David Reid

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