

**FLOOD PREVENTION AND LAND DRAINAGE
(SCOTLAND) ACT 1997
BIENNIAL REPORT No. 5
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BIENNIAL REPORT No. 5, November 2005

This document was revised as follows:-

Revision Status Indicator

Page no.	Date	Revision	Description of change

Introduction

Flood Prevention and Land Drainage (Scotland) Act 1997

In March 1997 the introduction of the Flood Prevention and Land Drainage (Scotland) Act 1997 instigated changes to the responsibilities and duties of Local Authorities in Scotland.

This Act amended the Flood Prevention (Scotland) Act 1961 and repealed sections of the Land Drainage (Scotland) Act 1930 and the Land Drainage (Scotland) Act 1941.

In respect of this Act the flooding referred to is the flooding of land, not being agricultural land. Flooding of agricultural land falls outwith the requirements of the Act.

The implications on The Highland Council of this Act impose the following additional requirements:-

- a) **Assessment of Watercourses**, from time to time for the purpose of ascertaining whether any such watercourse is in a condition likely to flood.
- b) **A Duty to Maintain Watercourses**, which are in a condition likely to cause flooding, or where works would substantially reduce the likelihood of such flooding.
- c) **Notification of Local Authorities outwith the Area**. Where it appears to The Highland Council that any watercourse in the area is in a condition which is likely to cause flooding, outwith the area, the Council shall notify the local authority for the area in which that land is situated.
- d) **Reports** shall be published, at two year intervals.

In recognition of these requirements The Highland Council prepared and implemented a Flood Prevention Policy, a copy of which is included in Appendix A of this report.

This report is published in accordance with reporting requirements of the Act identified in paragraph 1.d above.

Previous reports were published in November 1997, November 2000, November 2001 and November 2003.

Flood Alleviation in the Highlands

The Council have published a leaflet 'Flood Alleviation in the Highlands' a copy of which is included as Appendix F.

This leaflet seeks to give advice to the public on their responsibilities, coupled with details of the responsibilities of the Council, Scottish Water and the Scottish Environment Protection Agency (SEPA) in respect of flooding issues. It recommends that the public prepare for flooding and contains sensible precautions. The leaflet goes on to contain details of what to do if flooding occurs.