



Briefing Note

Reservoir Safety – Scottish Government Consultation

Introduction

There are over 1,000 reservoirs in Scotland, many of which are privately owned.

Currently 650 of those reservoirs are classified as Large Raised Reservoirs (LRR) – reservoirs which hold or are capable of holding 25,000 cubic metres of water above the natural level of any part of the land adjoining the reservoir – and as a result are subject to strict regulatory controls. That number is set to increase to around 900 if the Scottish Government implements the plans set out in its consultation paper 'Reservoir Safety in Scotland' to reduce the minimum capacity of Large Raised Reservoirs from 25,000 to 10,000 cubic metres of water.

New categorisation for LRRs

The Flood Risk Management (Scotland) Act 2009 transferred responsibility for enforcement of the current regulatory regime from the 32 local authorities to the Scottish Environment Protection Agency (SEPA). The Scottish Government is now proposing that SEPA categorises LRRs which hold, or are capable of holding, over 10,000 cubic metres of water into high risk, medium risk or low risk categories depending on the impact that escapes of water from the relevant LRR would have on downstream populations, property and critical infrastructure and the likelihood of an uncontrolled release of water, taking into account other factors such as volume, type of dam structure, incident records and advice from engineers.

In order to allow such categorisation to take place, the owners of LRRs would be required to register the LRR with SEPA. Views are being sought by the Scottish Government as to the extent of the information that will be required as part of that registration process and the registration dues to be paid by owners. An annual subsistence charge is also proposed in order to meet the ongoing costs incurred by SEPA in maintaining the LRR register and enforcing the new legislation.

Flood plans

Existing legislation allows the Scottish Government to make regulations which require the reservoir undertaker (usually the owner) to produce a flood plan setting out the on-site steps which an undertaker will take in the event of a potential or imminent uncontrolled release of water from a LRR. In its consultation paper the Scottish Government is inviting comments on the criteria for determining whether a flood plan requires to be prepared, whether there should be different levels of flood plans depending on the categorisation of the LRR as high, medium or low risk and the frequency with which such flood plans should be reviewed. It is anticipated that such flood plans would be prepared at the expense of the owner of the LRR.

Disclosure of information

An important consideration for landowners will be the ability of the public to access the register maintained by SEPA. It is also proposed that all LRR undertakers, regardless of the categorisation of risk, should be required to erect an information board in a prominent location adjacent to the LRR detailing the names and contact details of the reservoir undertaker, the engineer who supervises the LRR and the owner.

If implemented, the proposals would significantly increase the obligations imposed upon the owners of LRRs, a category of ownership that will be significantly extended if the minimum criteria for LRRs is reduced from 25,000 to 10,000 cubic metres of water.

Consultation details

Consultation responses should be submitted no later than 18th April 2010. Responses should be submitted to:

engineering@scotland.gsi.gov.uk

or

Gordon Gilchrist
Water, Air, Soils and Flooding Division
The Scottish Government
1H North
Victoria Quay
Edinburgh EH6 6QQ

Further details can be found at: <http://www.scotland.gov.uk/consultations/seconsult.aspx>

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This note is intended as a brief commentary of the Scottish Government consultation on Reservoir Safety. No responsibility can be accepted for any action taken in reliance on this note and specialist advice should be taken in every case. Turcan Connell is happy to provide such advice. © Turcan Connell 2010

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