



Virtual Fisheries Forum 23/11/2022 (Reservoir Safety Reform).

Q&A session

Q. What exactly will there be charging for?

A. (Tony) In Scotland and Wales, at the moment, charges cover the regulators administration fees such as the registration of the reservoir, any reviews relating to high-risk designation etc. These charges do not apply to Northern Ireland currently. We will be looking to introduce something similar, but this will only be done following public consultation.

Q. Are there currently any guidance documents for both Small and Large reservoirs please?

A. (Tony) Yes, the last slide of my presentation has all the weblinks and official pages of information the GOV.UK website.

Q. Are angling clubs in England going to receive any grant aid in relation to remedial works required after initial inspection?

A. (Tony) I'm not sure about this one, as it is a question for government ministers. A financial impact assessment will be made to assess the costs of introducing the legislation vs the benefits gained from it. Any legislation produced needs to be proportionate to the risk and as part of this work, government will need to consider whether grants will be made available to support reservoir undertaker.

Q. We lease a water from. Rochdale Council, we have members of the public who jump off the dam wall into the water and have had pipes blocked due to rubbish being thrown in by members of the public. Would you advise for safety purposes and prevention of pipes being blocked that we fence off access to the site?

A. (Tony) That is a decision for yourselves, but public safety is an issue which every reservoir undertaker needs to manage and have planning in place for.

Q. How can we measure surface area so we can calculate capacity?

A. (Tony) If you have an Ordinance survey map or go onto any [ORDINANCE SURVEY WEBSITE](#) and use the scaled map to work out the surface area. Then you need to figure out the rough depth which can be done by going down to your reservoir and stand at the stream where the water comes out and then look up to see where the water height is above the stream. If the volume/capacity is approximated as being very close to the threshold of 10,000 cubic meters you can then carry out bathymetric surveys through a private company to use remote sensing for accurate depth mapping.

A. (Alex) I think some of the modern castable depth/feature finding devices on the tackle trade market could also be a useful asset for figuring out an accurate depth.

Q. As an owner of fishing rights on a large reservoir, does the fishing club have any responsibilities?

A. (Tony) The Reservoirs Act refers to what is called “the undertaker” of the reservoir which means the group/person/operator carrying out an “undertaking”. i.e., Managing the water levels and or maintaining the dam structures. If there are no undertakings happening, then the landowner is usually the undertaker.

Q. Just to confirm re charging. Will this be an annual standing charge for reservoir owners or just a charge for any incidents that occur?

A. (Tony) I am not sure yet. If you go onto the SEPA website or the NRW website, you can see what charges they are doing currently. Over the next 2 years the Environment Agency will start a public consultation

where we will ask questions such as whether stakeholders feel charging is fair/appropriate.

Q. We at PAAS would like clarification on who is going to identify reservoirs over 10k cubic meters, given that the current limit for the act is 25k cubic meters? will it fall on the landowner or the EA? or some other body? and also how does the new act deal with reservoirs that are rented and how are their capacities assessed?

A. (Tony) The responsibility to register the reservoir sits with the undertaker. If there are any doubts, please speak to us. As the regulator, we have to maintain the register. We will help you and we may have a site visit. With regards to the matter of renting it comes down to the T&Cs of your rental use of the site as to whether this makes you “the undertaker”/controller of reservoir water levels. There can be multiple undertakers for one reservoir meaning legally there is shared responsibility but again the T&Cs will make this clear.

Q. During the presentation there were references to the owners and their responsibilities but how will angling clubs who lease the fishing rights and other users be affected?

A. (Tony) Depends on the terms of your rental lease but usually the undertaker is the reservoir owner and not the fishing rights leaser.

Q. Could you explain a bit more about how the capacity of a reservoir impacts responsibilities?

A. (Tony) Currently the act is simplistic, saying that any reservoir with a capacity beneath 25,000 cubic meters is exempt and any reservoir holding more than 25,000 cubic meters above natural ground level will fall under the act.

Q. Does silt come into play when measuring volume?

A. (Tony) Yes it does, we have to determine silt density and depth so that it could be excluded from the volume calculation.

Q. Could Tony run through current requirements for SMALL RESERVOIRS please. Would I be correct in thinking that there is no current requirement to register a small reservoir? Also, that there is no requirement to appoint a panel engineer for SMALL RESERVOIRS. Does an on-site reservoir FLOOD PLAN need to be generated for SMALL RESERVOIRS. Where would an OFF-SITE flood plan be available from, if one were required for a SMALL RESERVOIR owner/user?

A. (Tony) Currently there are no legal requirement for small reservoirs (holding less than 25,000 cubic meters) under the Reservoirs Act. , If the government decides to reduce this to 10,000 cubic metres, then anything between 10,000 and 25,000 cubic metres will have to follow all the legal requirements of the Act. The off-site flood plan is produced by the local authority, and this is their responsibility. The on-site emergency flood plan is the reservoir undertaker's responsibility.

Q. There seems to be conflicting opinions on whether our water is a Reservoir! Upon Google searches there are 4 types! We have a Flood Balancing Reservoir outlet! Does this new legislation affect Stewartby Water sports Club? We lease the water?

A. (Tony) That is quite specific, so let's follow up afterwards via my contact details.

Q. Do the EA offer an on-site advice service, for both SMALL & LARGE RESERVOIRS?

A. (Tony) Yes, the links at the end of my presentation include guidance for on-site plan creation.

Q. We are the undertakers of a reservoir, our neighbour plans to develop the land below the reservoir building a large care home. They have planning agreed even though the care home will be flooded should the dam breach. We have reported to the developer, the planners and the EA no one is listening to us as the undertaker. Where do we go from here?

A. (Tony) Lets follow this up after the meeting through my contact details. I would suggest you need to continue communicating with the local planning authority.

Q. Will the EA contact clubs directly in April 2023?

A. (Tony) For those who we have details for yes. I would like to work with the Angling Trust to make contact with more angling stakeholders also.

Q. We have 2 reservoirs, one when drained leads to another, when that's drained it eventually runs, we understand into the canal. In the area around the canal there is currently planning agreed to build 75 houses, how can we be sure that nothing in the build of the houses restricts our discharge of water from the lodges for example if we wanted to net these to access stock levels?

A. (Tony) Another one to follow up after the meeting and again you need to speak to the local planning authority about this too.

Q. United Utilities will have a large part to play in this. If a club lease a water from them, do they need to do anything or is the responsibility that of UU?

A. (Tony) the Reservoirs Act is written in such a way that when there is a water company involved, they are usually the sole undertaker although you should double check your lease contract.

Q. Does silt need to be removed by a licensed contractor?

A. (Tony) There are a few things to consider with silt removal, but it isn't my area of specialism. If you do dig out silt and leave it on site that should be OK and straight forward. If you want to transfer the silt off-site for disposal then it becomes classed as waste, and you will need the right waste disposal permit to do this. Speak to our local EA area office about this.

Q. A lot of dam walls in Northern Ireland are quite old probably around 100 years plus tied into the textile trade and well as impounding reservoirs. Is this taken into account with regards risk?

A. (Tony) The age and wear & tear on dams needs to be considered but it is really all down to good maintenance. The average age of dams in England is about 135 years old. The oldest in England is 925 years old which goes to show if you maintain them well, they will last.

Q. As a Panel Engineer and angler could Tony please: 1) State the importance of development downstream on spillway and freeboard requirement i.e. Category A B C (&D). 2) Remind all that even if not under the Act - the Undertaker does have a duty of care. 3) Make it clear that it is not just loss of lives downstream that should be considered. I am an expert witness for a client whose dam failed. Water and silt destroyed the ground floor of a large stately home, destroyed gardens and deposited silt in a prime coarse fishery – The cost was £millions.

A. (Tony) Yes you are correct with everything there. Owning a dam can be very expensive. Regarding spillway and it's design, if you have a high risk reservoir you have to look at it under what is known as a design category. This ranges from A (highest) – D (lowest) and what this means is that depending on the category, the spillway has to be built to pass a flood event of different severity. Category A dams can cost millions, Category D typically cost thousands.

Q. can you remove shrubs or grass from dam walls and repair it or is it the undertakers issue/ N.Ireland?

A. (Tony) Engineers will always try to have shrubs removed. However, if it is mature trees, then it may be safer to leave the trees in place due to their roots within the dam wall structure. The EA certainly recommends all dams are kept clear of small/medium vegetation.

The links from Tony's presentation:

Government Independent Review	https://www.gov.uk/government/publications/toddbrook-reservoir-incident-2019-independent-review
Canal and River Trust independent Review	https://canalrivertrust.org.uk/refresh/media/thumbnail/41505-report-on-toddbrook-reservoir-by-dy-andrew-hughes.pdf
Reservoir Safety Review	https://www.gov.uk/government/publications/reservoir-review-part-b-2020
Government acceptance of recommendations and outline of what will be implemented	Written statements - Written questions, answers and statements - UK Parliament
General information – search 'Reservoirs'	https://www.gov.uk/

Key contacts from this forum meeting:

- Alex Clegg (Angling Trust National Angler Engagement Manager)
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- Sam Hubbard (Angling Trust National Angler Engagement Officer)
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- Tony Deakin (Environment Agency National Reservoir Safety Team)
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