Virtual Fisheries Forum | 01/02/2024 | Reservoir Safety Reform Programme

Q & A SESSION

Q. The term near-miss has been mentioned a couple of times - can you define what is a near miss?

A. (Tony Deakin) – A near miss would be defined as a noted or logged issue that had the potential to develop into a more serious situation. A small leak, small value blockage or slip way obstruction, that may, if un-detected or left un-resolved, have the potential to result in a more serious safety incident.

Q. Does the legislation include our club as tenants?

A. (Mark Owen) - Assuming your club is renting the fishing rights on a reservoir and or raised lake, you are covered under the definition of 'undertaker' under the reservoir act – which basically means the legal onus of responsibility fall on the user of said reservoir / raised lake, as opposed to the actual owner. As a club, you should have that covered within your lease agreement. So, yes as a tenant 'undertaker' it will include you. Previously, the high-risk element of the designation of the reservoir act, covers 25,000m3 and above – whereas ministers have indicated a lower threshold of 10,000m3 or above. Ministers have also made clear to government departments is, they want it to be risk based and proportionate, with stakeholders involved in the process from day one. (Tony Deakin) – It is worth noting that there can be more than one designated 'undertaker' on a reservoir, taking a joint, equal responsibility.

(water sports clubs etc). In the event there are not undertakers / users of said reservoir, then the land owner would be liable / responsible.

Q. I have 3 lakes one 10200 m/3 and two smaller lakes 7000m/3 each draining into the larger lake. They are separated by 3m causeways. The two smaller lakes above the larger lakes by 2pprox.-I.0m. Am I likely to be classified as 3 lakes or one large lake?

A. (Mark Owen) – This would be classified as a cascade, and these have been taken the impact of cascades off this review. (Tony Deakin) – We did look at cascades being included, but if the level is dropped to 10,000m3, it was felt that including both wasn't necessary. It was either reduce the volume *or* include cascades. Your scenario would currently be deemed or classified as three lakes and not one single large lake.

Q. Will the new ideas include powers for the EA to have a say in planning – more and more water keeps being pushed into reservoirs due to new houses and roads nearby which given climate change seems madness given many of the reservoirs are hundreds of years old?

A. (Tony Deakin) – We are currently working closely with local planning authorities, and we are a consultee in regard to applications that may affect a reservoir relative to said application. The local planning authority do have the power to incorporate our suggestion or simply ignore them. New applications, downstream (within the inundation area) of a reservoir, could impact and change the reservoirs classification to high risk – due to the risk to life, though no fault of the owner. The owner would then have to, going forward, comply with inspection and safety criteria relative to its new 'high risk' classification. We have suggested, within planning applications, that in some instances, the developer building the houses may need to compensate the reservoir owner in some way. (Mark Owen) – We have campaigned a lot – for the need for the Environment agency to have greater powers in this respect.

Q. Our club's concern is, if we drop regs to 10km3 does our 36km3 res suddenly become a higher risk. Hazard Class is key along with pragmatism. i.e.. very rural (low risk) vs risk to life.

A. (Tony Deakin) – Not necessary, if the threshold is reduced. The current risk designation classification is based on what the downstream impacts would be. This classification is based on a reservoir would be High-Rig if there are one or more lives at risk downstream. The new Hazard classification will introduce a a more risk based. It is likely that up to 1500 new water bodies will fall under the new regulations because of the threshold reduction. Of those, 500 would be categorised as high risk, with the remaining 1000 being not high-risk. The main criteria will be a proportionate risk to life.

Q. Tony it would be useful if you could indicate typical annual costs by the EA, Supervising Engineer and Inspecting Engineer for a reservoir under the Act.
Also please explain that capacity is taken at top water level. If an undertaker wishes to consider lowering the water level such that the capacity will be <10k he can do so but this activity could cause failure, so advice should be taken. If the reservoir becomes registered under the Act, there are then detailed procedures to go through including formal engineer appointment and certification. In both cases of course the possible need for planning permission should be considered up front.

A. (Tony Deakin) – Prices can and do vary. The appointment of an engineer would be on a contractual agreement, between the owner and the engineer. A typical supervising engineer's annual report can be in the £500 region. An inspecting engineers report can be between £1,000 - £2,000 (these are just my own estimate and so could vary around the country). If you have a reservoir that just has a 2 / 3 m high embankment – it will command quite a light inspection, whereas a utility company with a 60m high concrete dam wall would call for something much more substantial and costly. The Environment Agency produce a list of panel of engineers….https://www.gov.uk/government/publications/contact-details-of-engineers-on-the-all-reservoirs-panel and when looking to choose one, and

with costs in mind, look for the geographic location of the engineer, relative to where your reservoir is located. Also, there could be a cost saving if there is more than one reservoir or raised lake to be surveyed on the same day/visit.

Q. Could I reduce the water level in my reservoir in order that it then falls under the 10,000m3 threshold.?

A. (Tony Deakin) – Yes. However, its just not a simple case of reducing the water levels as any sudden reduction in water level can be dangerous as it can alter the water pressures within the embankment/dam, potentially causing the bank/dam to fail. It could also be harmful to the aquatic inhabitants. If you were to simply reduce your water hight level, a good storm would just re-fill it again and so this would mean your reservoir would still fall under the Reservoirs Act. You would need to make structural changes to the reservoir to reduce its overall capacity and capability to hold water. You should seek the advice of a panel engineer in this regard before any physical works are carried out.

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