

What does the Flood and Water Management Bill mean for reservoir owners?

The Bill will introduce new arrangements for reservoir safety based on risk rather than the size of the reservoir. For the first time, reservoirs with a capacity between 10,000 and 25,000 cubic metres will be brought within the scope of the Reservoir Act 1975. However, where a reservoir does not represent a risk to public safety, routine supervision and inspection requirements under that Act will not apply.

Regulatory and other burdens will be proportionate to the risk. The Bill will require all reservoirs which are 10,000 cubic metres or more to register, but there will be no charge for registration and the information required will be kept to a minimum.

Ministers will have the power to amend the proposed 10,000 cubic metres threshold figure upwards or downwards in light of the evidence which will be collected by the Environment Agency as the first stage in the implementation of the Bill as it affects reservoirs.

A reservoir which presents no risk to the public (even if very large) would be subject to lighter regulation than a smaller reservoir which does represent such a risk. While some reservoirs will be regulated for the first time, others will benefit from a lighter form of regulation than they are currently subject to.

The Government has committed to reviewing the regulatory impact of the Bill's proposals as they affect reservoirs within one year of the necessary secondary legislation coming into force.

We will ensure that controls are proportionate to the risks and justifiable. In doing this we can specify what control regime each reservoir needs according to the Environment Agency risk assessment, we can vary the minimum threshold up or down according to the acquisition of knowledge; and we can make exemptions.

Fishing Clubs and other recreational users

We have taken account of representations made during consultations and adjusted the definition of reservoir undertaker to ensure that the burden on recreational users of reservoirs is proportionate. If, for example, a club's lease is only for fishing rights, they won't be caught at all. However, if their lease brings with it responsibilities for reservoir maintenance then they will have a share of the undertaker's responsibilities.

From our discussions with the Angling Trust and Fish Legal we anticipate that many recreational users of small reservoirs will have short term arrangements (vast majority for less than 7 years, with many only for 2 or 3) for use, which do not involve them in the responsibilities of undertakers as now defined in the Bill.

Farmers

Many farm reservoirs are low structures remote from built up areas. Reservoirs which pose no risks to public safety will not be designated as high-risk and they will be exempt from the routine supervision and inspection requirements, regardless of their size.

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What are we doing outside the scope of the Bill

Reservoir legislation and flood authorities

The Environment Agency has produced inundation maps for larger reservoirs, which will feed into flood risk assessments and emergency planning by Local Resilience Fora. These are required under the Civil Contingencies Act 2004.

Revised spatial planning guidance, which is currently being discussed, will also take account of the mapping capability of the Environment Agency, Local Resilience Fora and Utility Companies.

The need for inundation maps for the smaller reservoirs covered by the Bill will be assessed by the Environment Agency and Defra in the light of the risk assessment to be undertaken on each of these, once they have been registered with the Environment Agency.