



**Cyfoeth  
Naturiol  
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Natural  
Resources  
Wales**

## **Reservoir Safety in Wales Commencement to Schedule 4 to the Flood and Water Management Act 2010**

### **Consultation Response Form**

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Natural Resources Wales (NRW) has two roles under RA75:

- We are the *enforcement authority*. This is a role we took over from the Environment Agency on establishment of NRW in April 2013.
- We are *undertakers* (legal terminology of RA75) and are responsible for ensuring that NRW reservoirs under RA75 comply with the legislation.

### **Welsh Government Question**

The Welsh Government proposes to commence the whole of Schedule 4 to the Flood and Water Management Act 2010 at once. This will include the reduction of the capacity threshold of what is classified as a large raised reservoir to 10,000 cubic metres.

#### **Do you agree with the proposed approach to commencement?**

Yes – See below

#### **If not, please provide details as to why and how you would propose commencement.**

Not applicable

## Our Response to the Consultation

We support the proposed approach to commencement for the following reasons.

The reduction in the threshold of Reservoirs Act 1975 (RA75) will introduce an additional number of currently unknown structures into regulation. This will impact on current undertakers (legal terminology of RA75) as well as 'new' owners and operators who are currently unfamiliar with the RA75.

The purpose of Schedule 4, Flood and Water Management Act 2010 is to introduce a more risk based approach to RA75 and the proposed approach to the implementation of the legislation should support this principle. It should also facilitate and encourage owners of potential 'new' large raised reservoirs to disclose their potential reservoirs and seek advice and guidance from us.

The proposed approach in this consultation does satisfy these two tests.

- It does support a more risk based approach, in that the greater public safety risk is more likely to be in the unknown and un-regulated 10,000m<sup>3</sup> plus reservoirs and not those reservoirs currently under regulation. It also provides a mechanism for us to designate reservoirs as high risk immediately following implementation of the legislation should we be concerned there is a need to do this in the interest of public safety.
- It will place a requirement on undertakers to register their structures. This coupled with a relatively light touch requirement in terms of the initial information required does facilitate and encourage owners of potential reservoirs to disclose their reservoirs and seek advice and guidance.

The implementation of Schedule 4 Flood and Water Management Act 2010 will significantly increase the obligations on us as both the enforcement authority under RA75 and as a manager and operator of reservoirs regulated under RA75.

There are currently 203 large raised reservoirs greater than 25,000m<sup>3</sup> capacity regulated in Wales. We estimate that the reduction in the threshold to 10,000m<sup>3</sup> could introduce of the order of a further 200 reservoirs into the scope of RA75. Not all of these will be designated as high risk, but these will all be subject to a degree of regulation by NRW as the enforcement authority.

NRW are currently responsible as the owner/manager for 9 large raised reservoirs under RA75. We estimate that this could increase to around 35 following the reduction in the threshold to 10,000m<sup>3</sup>.

**Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:** We are happy for our response to be made public.

**Adrian Philpott – Principal Advisor – Flood Risk  
12<sup>th</sup> August 2014**