



LISSANOURE
FARMS

21 March 2014

Mr Paul Frew MLA
Chairman
Agricultural and Rural Development Committee
Room 243 Parliament Buildings
Bililmiscaw
Stormont
Belfast
BT4 3XX

RE: Reservoirs Bill

I'm writing to you following your event on 18 March 2014, which I had asked Mr John Witchell, from Blakiston Houston Estates, to attend on my behalf. I have read the initial proposals and as a land owner, with lakes of historic and scenic value, some of these proposals do give me considerable grounds for concern.

Although I fully support the need to be aware of structures and reservoirs that may cause a risk, I have never heard of any major failure in Northern Ireland in recent times, let alone the last 100 years. I am also fully aware that "common law" applies and it is beholden on the landowner to make proportionate checks and carry out appropriate maintenance as a matter of good management.

My concern lies not with the high or even medium risk reservoirs/lakes but with the proposals that could be imposed on low risk structures.

There is always a tendency with legislation for "inflation" of requirements and hence, costs. In my experience, if there is a requirement to instruct a specialist firm of professionals (say, structural engineers) to inspect a low risk dam, they will always "over engineer" a recommendation as it is in their interest to take a zero risk approach. When in the real world, a common sense and pragmatic approach which has managed these structures of the years, in quite sufficient. What happens if the landowner cannot afford these "recommendations"? The default position of local authorities is grants, which of course never cover the complete costs. Is this really a sensible solution to a problem that did not exist in the first place?

I understand that areas at risk of floods are being mapped and I presume that these will be available to planning departments of local authorities and will be part of their analysis of any planning applications. A low risk lake could become a high risk should certain planning consent be granted with no compensation from the developer to the lake owner who would have substantially increased costs.

Many of these lakes are of scenic value to the locality but are not producing revenue for the landowner. My concerns are that we are sleepwalking to legislation which is onerous and heavy handed for a problem that is overstated. I fully support the registration of such lakes on the above basis but request that the approach of "common law" continues for low risk lakes where pragmatic and sensible management has been appropriate over the years.

I would be grateful if you would take my points in to consideration.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Peter Mackie', with a horizontal line underneath the name.

Peter Mackie
Managing Director

CC Stella McArdle, Committee Clerk