

## Reservoirs Bill

### Discussion with Private Sector Owners

Tuesday 18 March 2014

In Attendance:

John Witchell  
Terry Maguire  
Jim Haughey MBE  
Damien McCallin  
Dr Jim Bradley  
Robert Wilson  
John Gilliland  
Martin Coburn  
John Coburn  
Marcus Malley  
Ray McKeeman  
Nuala Wheeler  
Denise Corbett  
Kieran Brazier  
David Porter

During the discussion the participants broke into two discussions groups. The first group discussed and reported back on issues 1, 2 and 3. The second group discussed and reported back on issues 4, 5 and 6. Both groups were given the opportunity to discuss other issues of concern which are reported at the end of this document.

#### **Issue 1: Classification of Risk**

- Concerns about how the risk is designated, It is not based on the probability of the reservoir breaching.
- Other countries (USA & Australia) have achieved this yet we here say it is impossible.
- This is coming from Europe yet some EU countries are not implementing this, why are we?
- Current classification of risk and the Bill are based on out of date flood maps.
- Unfair burden being placed on people who have had reservoirs placed upon them and classification may push them under.
- Reservoirs prevent more flood risk than they create. There is likelihood that abandoned or decommissioned reservoirs would create more flooding.
- Risk comes from probability, if a high risk reservoir has £20k worth of improvements for example, it would still be high risk. How is this workable?

- We always hear about reducing red tape, yet it seems to be being created here along with an industry.

### **Issue 2: Panel of Engineers**

- Grant aid should be 100% for both inspection and remedial work. It is unfair when private owners are categorised with councils and other Government bodies who have access to money.
- Reservoirs have successfully regulated their reservoirs here for years, why the need now for experts?
- Reservoirs are covered by 3<sup>rd</sup> party insurance.
- One engineer in Northern Ireland who is not quite yet a panel engineer. Are we creating an industry? Other engineers could have the ability/capability to do this, is there a need for panel engineers?
- No engineer will ever say a reservoir is 100% safe.

### **Issue 3: Planning Service**

- Concerns about who will police the planning aspect.
- Concerns about abandoned reservoirs which would need planning permission to be decommissioned.
- Mills are frequently downstream from reservoirs, and employ people. Options could be to fix/make it safe or get rid of employees.
- Dishonest builders may build without permission. This will have or could have a negative effect on your reservoir until a case is decided on, maybe even 3-4 years.

### **Issue 4: Operating requirements**

- Concern re 'capable of holding' – what if there is no economic reason to 'fix' a reservoir. Will an engineer still be required?
- Low number of failed reservoirs here – what is the reasoning behind the Bill for low key reservoirs?
- Engineer's recommendations could increase costs for some reservoirs significantly but could also reduce them or reduce fears around the process.

### **Issue 5: Grant Aid**

- Grant aid would need to be a guarantee. Community assets will be lost and the time and effort spent in developing them will have been wasted. Huge impact on the community.
- If a dam is filled in, will compliance still be required?
- Concern regarding getting a dam up to the required standard and the associated capital costs. Grant aid is a grey area.
- Wildlife and biodiversity issues need to be considered if grant aid at 100% is not provided.
- Bill will have an impact on a range of issues if grant aid not given – health, social benefits, biodiversity and environmental impact.
- Funding should be open ended – if time bound then just delaying the problem.

- Requirement for more record keeping – too much red tape. Will this necessitate employing an additional person just for this purpose?

### **Issue 6: Decommissioning**

- The Bill will not stop you decommissioning a reservoir but there needs to be recognition of the wider use i.e. community and environmental costs.
- Will Rivers Agency take costs if clubs etc. go into liquidation? Rivers Agency will but they may pursue for costs.

### **Other Issues**

- There seems to be no concern for the rights of unknowing reservoir owners, particularly stress and wellbeing issues.
- Concern around correct definition and explanation of a reservoir, including qualifying amount.
- The consultation process between Rivers Agency and reservoirs owners prior to tonight. How many have further fell through the loophole?
- Importance of dams regarding heritage and the true definition of why the Bill is being brought forward.
- Ecology issues were decommissioning may be the only option and the impact on wildlife including endangered species.
- How will any work that is undertaken improve the mitigation of failure?
- A need for a simple way of decommissioning reservoirs including a reasonable get out clause for owners not able for the costs. This is seen as a last resort and not what we want to see.
- Concern regarding the consultation process carried out by Rivers Agency.
- Private owners should have been properly identified before consultation began in order to influence thinking.
- Whilst the Bill is a well-researched engineering document, no thought has been given to social and environmental concerns.
- Committee cannot make a judgement call unless all costs for private owners are known.
- Rivers Agency has agreed to provide the risk assessment and flood maps.
- The Bill will not be a priority within the budget and therefore grant aid may not be guaranteed.
- If initial works are identified will there be financial assistance?