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| Report on | Reservoirs Act (Northern Ireland) 2015 – Consultation |
| Date of Meeting | 3 rd February 2022 |
| Reporting Officer | Mark Kelso |

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| Is this report restricted for confidential business? | Yes | |
| If 'Yes', confirm below the exempt information category relied upon | No | X |

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| 1.0 | Purpose of Report |
| 1.1 | To update Members on the recent consultation launched by Department for Infrastructure on 29 th November 2021 in regards to the Implementation of the Reservoirs Act (NI) 2015 and the additional controls which will be applied . See correspondence from Department for Infrastructure – Water & Drainage Division in Appendix 1. |
| 2.0 | Background |
| 2.1 | This consultation provides the opportunity to comment on the draft secondary legislation required to further commence and implement the key elements of the management and maintenance regime for reservoir safety provided by the Reservoirs Act (NI) 2015 (the Act). |
| 2.2 | The consultation was issued on 29 th November 2021 for an 8 week consultation period with response by 23 rd January 2022. A draft response has been forwarded to the Department indicating a full response will be provided once agreed at Committee and Council , with amendments as necessary . |
| 3.0 | Main Report |
| 3.1 | Members will be aware that the Reservoir Act (NI) 2015 which came into effect in 2015 introduced a range of new responsibilities for Council as the identified Reservoir Manager for the designated reservoirs assigned to Council in Mid Ulster specifically at Dungannon Park and Ballysaggart Lough , Dungannon . Planned Statutory Controls |
| 3.2 | The consultation outlines key statutory controls which are planned to be introduced through secondary legislation. These to include Registration, Designation, supervision by a Supervising Engineer, inspection by an Inspecting Engineer and a requirement to undertake Remedial Measures in the Interest of Safety. |
| 3.3 | The planned management and maintenance regime is designed to minimise the risk of flooding due to an uncontrolled release of water resulting from a structural failure at the dam or reservoir . |

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| | <p>The Department indicate that these controls if correctly implemented will safeguard human life, the environment, cultural heritage and economic activity.</p> |
| | <p>Designation of Reservoirs</p> |
| 3.4 | <p>The Department is planning to implement a Designation for each reservoir which will result in a 'classification of High, Medium and Low Consequence.</p> <p>The Department of Infrastructure will act as the 'regulator' in this regard and the level of designation placed on each reservoir determines the level of regulation and management applied through the Reservoirs Act.</p> |
| | <p>Draft Consultation Response</p> |
| 3.5 | <p>The Department has made a general reference to potential for grant funding to support this implementation however no detail has been provided of the scale or extent of any funding to be made available. I have summarized below our draft response on particular issues below. The draft response is attached at Appendix :</p> |
| | <p>Statutory Controls</p> |
| 3.6 | <p>It is noted that this legislation is being brought into play without any detailed consideration of the 'actual financial impact' being placed on 'new duty holders'</p> <p>'Duty Holders including Mid Ulster District Council should be able to bid for and obtain financial support to undertake any planned or programmed remedial or improvement works which are now required to ensure the continued safety of the reservoir structures.</p> <p>Funding packages in particular should be prioritised to Reservoirs now designated as High or Medium Consequence , which require sizeable capital improvement works to ensure their structural integrity and continued good maintenance going forward</p> |
| | <p>Reservoir Designation</p> |
| 3.7 | <p>Section 22 of the Reservoirs Act notes that in giving a designation the Department will consider;</p> <ul style="list-style-type: none"> (a) the potential adverse consequences of an uncontrolled release of water from the controlled reservoir, (b) the probability of such a release. <p>However, the planned implementation suggests that the probability of such a release will not be considered in the designation process, as there 'is presently no agreed industry methodology for assessing the probability of an uncontrolled release of water from a reservoir.'</p> |

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| | <p>This seems to neglect the guidance within the Department for Environment and Rural Affairs “Guide to risk assessment for reservoir safety management” which sets out a tiered quantitative approach to risk assessment for UK Reservoirs, including a quantitative assessment of the probability of failure.</p> |
| 3.8 | <p>A full copy of the draft consultation response is attached at Appendix 2 .If members have any further comments these can be reflected in the response provided. Just to note Council has progressed the appointment of technical consultant teams to undertake technical assessments in preparation for the statutory controls which will now be applied. Further reports on progress will be brought forward in due course.</p> |
| 4.0 | Other Considerations |
| 4.1 | Financial, Human Resources & Risk Implications |
| | Financial: As referenced in the report |
| | Human: N/a |
| | Risk Management: As referenced in the report |
| 4.2 | Screening & Impact Assessments |
| | Equality & Good Relations Implications: N/a |
| | Rural Needs Implications: N/a |
| 5.0 | Recommendation(s) |
| 5.1 | <p>That members note the content of the report and approve the draft Consultation response on Implementation of the Reservoirs Act (NI) 2015 as outlined in Appendix 2.</p> |
| 6.0 | Documents Attached & References |
| 6.1 | Appendix 1 – Department for Infrastructure correspondence. |
| 6.2 | Appendix 2 – Draft Consultation Response. |
| 6.3 | Appendix 3 – Consultation document. |