

# Reservoir safety

February 2015

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In July 2013, the safety regulations applying to “large raised reservoirs” in England were updated to make them more risk-based. Defra said at that time that it was also considering further changes, including whether to extend regulation to cover smaller reservoirs. Ministers have decided that the presently available evidence would not support a decision to extend regulation, but have asked Defra to work with others to strengthen the evidence base to enable a final decision in the next Parliament.

This information note updates reservoir owners and other interested parties.

## Reservoir safety regime

Reservoir safety is regulated through the Reservoirs Act 1975 (RA75), as amended by the Flood and Water Management Act 2010. RA75 applies to “large raised reservoirs” – i.e. reservoirs which store more than 25,000m<sup>3</sup> above ground level, equivalent to about 10 Olympic swimming pools. There are around 2000 such reservoirs in England.

England has an excellent reservoir safety record, and there have been no dam breaches resulting in the loss of life since reservoir safety legislation was first introduced in 1930.

The aim of the RA75 is to ensure that reservoirs are properly constructed and well managed and maintained, to ensure they are safe. The legislation requires that owners of large reservoirs must employ licensed engineers to build large reservoirs and supervise them when they are in operation. They must also be inspected at least every 10 years by specially licensed civil engineers. Reservoir undertakers must act on any “measures in the interests of safety” identified in an engineer’s inspection report.

The Environment Agency is responsible for managing and implementing reservoir safety regulations in England, and for enforcing safety requirements if needed.

RA75 does not apply to smaller reservoirs (holding less than 25,000m<sup>3</sup>). However, owners/operators would be liable if their reservoir dams failed and caused harm to people or property, and the Environment Agency provides good practice guidance to help owners take adequate safety precautions.

In July 2013, Defra introduced new regulations to make the safety rules more risk-based, using powers under the Flood and Water Management Act 2010. The Environment Agency is now in the process of designating large reservoirs as either ‘high risk’ or ‘not high-risk’ depending on the potential hazard they pose. When this work is complete (by summer 2015) ‘high-risk’ reservoirs will continue to be subject to full regulation, while large reservoirs posing a low level of risk will receive lighter touch regulation.

## Further consideration of reservoirs issues

The Flood and Water Management Act 2010 also gives Ministers the ability to make further changes to the regulatory regime, in particular by extending regulation to cover smaller reservoirs between 10,000m<sup>3</sup> and 25,000m<sup>3</sup>, including reservoirs in “cascade”. There are several thousand of these smaller reservoirs in England.

Defra has considered the evidence currently available, including information supplied by the engineering community and others. Smaller reservoirs generally pose less of a risk than larger reservoirs because they hold less water, although there is evidence that a minority of smaller reservoirs could pose a risk in certain circumstances. However, we do not yet have a clear understanding of how many smaller reservoirs might pose a risk, the level of risk they pose, or where they are.

Defra has decided not to make further changes to the regime at this time because the current evidence base would not support such changes. For example it would not be possible to target new regulation and avoid imposing unjustified new costs on thousands of smaller reservoirs that do not pose a problem.

Instead, Ministers have asked the Defra reservoirs team to explore doing further research to inform a future decision on whether to regulate smaller reservoirs in the next Parliament. Defra plans to take this forward in consultation with the engineering community and other interested parties.

## Further information

Environment Agency guidance for reservoir owners and operators is available on the gov.uk website:

<https://www.gov.uk/reservoirs-a-guide-for-owners-and-operators>

## Contacting Defra

The Defra Helpline can be contacted on 03459 33 55 77 and is open Monday to Friday 8:00 am to 6:00 pm. You can also email us at [defra.helpline@defra.gsi.gov.uk](mailto:defra.helpline@defra.gsi.gov.uk) or write to us at: Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London, SW1P 3JR.

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