

Committee(s):	Date(s):	Item no.
Open Spaces, City Gardens & West Ham Park Policy & Resources	24 April	
	3 May	
Subject: Consultation on the Implementation of Amendments to the Reservoirs Act 1975	Public	
Report of: The City Surveyor	For Decision	
<u>Summary</u>		
<p>The Department for Environment, Food and Rural Affairs (Defra) have published a consultation on the Implementation of Amendments to the Reservoirs Act 1975 (the 1975 Act) which closes on 17 May 2010. The consultation considers a number of changes to the 1975 Act including reducing the threshold at which a water body is considered a large raised reservoir from 25,000 cubic metres to 10,000 cubic metres. Changes to the reporting and monitoring regime are also proposed.</p> <p>The City is already a statutory undertaker for several large raised reservoirs on Hampstead Heath and Epping Forest, and the current proposals will extend this duty to other large bodies of water held by the City.</p> <p>To enable a detailed response to be prepared, it is proposed that approval of the final response be delegated to the Town Clerk in Consultation with the Chairmen and Deputy Chairmen of the appropriate Committees.</p> <p>Recommendations</p> <p>It is recommended that:-</p> <ul style="list-style-type: none"> Approval of the detailed response to the Consultation on the Implementation of Amendments to the Reservoirs Act 1975 be delegated to the Town Clerk in the consultation with the Chairmen and Deputy Chairmen of Open Spaces, City Gardens, West Ham Park, Policy & Resources, Hampstead Heath, Highgate Wood & Queens Park, and Epping Forest & Commons Committees 		

Main Report

Background

1. The Department for Environment, Food and Rural Affairs (Defra) have published a consultation on the Implementation of Amendments to the Reservoirs Act 1975 (the 1975 Act). The consultation closes on 17 May

2010. This is the latest in a series of consultations on different elements of the Flood Water Management Act 2010 (the 2010 Act). The 2010 Act followed the serious flooding that occurred in the summer of 2007 and legislated on a variety of issues related to flooding including strategic coordination, coastal flooding, fluvial flooding, drainage and reservoirs. This consultation document refers specifically to the provisions on large raised reservoirs.

2. In broad terms, the 2010 Act extends the provisions of the 1975 Act by introducing a new lower threshold at which a body of water is considered a “large raised reservoir”. There are also provisions for secondary legislation including (pertinently to the City):-
 - a. Defining a structure or area to be treated as a large raised reservoirs including considerations of their proximity to or potential to interact with other structures or areas (i.e. cascade reservoirs)
 - b. The introduction of charges covering all reservoirs.
 - c. Increases the extent of criminal liability from the 1975 Act.
3. The UK and Welsh Governments propose to commence implementation in two phases – the first phase coming into effect in Autumn 2012 and applying to those existing large raised reservoirs capable of holding more than 25,000 cubic metres of water above the natural level of the surrounding land (i.e those covered by the 1975 Act); and the second phase coming into effect at a yet unspecified later date and which will apply to the new threshold 10,000 cubic metres. As undertaker for a number of large raised reservoirs capable of holding more than 25,000 cubic meters, the City will be covered by the first phase of implementation in autumn this year.
4. Currently the Hampstead No 1, Highgate Men’s Bathing Pond and Model Boating Pond are designated as large raised reservoirs. It is expected that all the ponds which make up the Hampstead and Highgate chains will considered as High Risk Reservoirs as they are in cascades. At Epping Forest there are currently five ponds subject to the 1975 Act (Highams Park Lake, Perch Pond, Ornamental Water, Heronry Pond and Connaught Water). Under the new proposals, it is likely that additionally, both Leg of Mutton and Baldwins Pond will also be covered by the second phase of the legislation which introduces the lower threshold of 10,000 cubic metres.

Current Position

5. The City is a statutory undertaker for a number of large raised reservoirs including Highams Park Lake in Epping Forrest, and the Hampstead No 1, Highgate Men’s Bathing Pond and Model Boating Pond at Hampstead Heath. These reservoirs are covered by the provisions of the 1975 Act, and Members will be aware that officers are already progressing the Hampstead

Heath Hydrology project and have submitted a project proposal for works at Highams Park Lake to ensure compliance with the provisions of the 1975 Act incorporating the 2010 Act amendments.

6. This legislation will increase the number of ponds included within the statutory framework of the legislation. The impact of this is slightly reduced as we already operate best practice in this area and already treat many of these ponds as if they are reservoirs. The extension of legislation means will be an increased risk of non-compliance with the revised legislation. There will also be an increased cost for complying with the legislation arising from registration fees and the submission of additional information may be required.
7. As the consultation impacts on the high profile dams project at Hampstead Heath and elsewhere, officers have sought a meeting with Defra to discuss the consultation.

The Consultation

8. The Consultation is divided into a number of sections, and proposals are made in regards to: Large Raised Reservoirs: Capacity, Exemptions & Registration; Monitoring, Supervision & Inspections; Construction, Alteration, Abandonment & Discontinuance; Flood Plans; Panels of Engineers & Engineer Reports; Appeals' Criminal Sanctions and Expenses and Charges.
9. Key issues for the City include the approach to cascade reservoirs as this impacts on the two chains of ponds on Hampstead Heath, increased cost in compliance arising from increased reporting to the Environment Agency and changes to criminal liability.

Options

10. As the City is the undertaker for a number of water bodies currently defined as large raised reservoirs, and other water bodies officers have been assessing the implementation of the 2010 Act. To aid this process, officers have requested a meeting with Defra. As the proposed meeting with Defra has not yet taken place, and officers are still assessing the detailed impact of the proposed changes, it is proposed that the detailed response be delegated to the Town Clerk in consultation with the Chairmen and Deputy Chairmen of the Open Spaces, City Gardens & West Ham Park Committee, Hampstead Heath, Highgate Wood & Queens Park Committee, Epping Forest and Commons Committee and Policy & Resources Committee.

Corporate & Strategic Implications

11. The City of London manages a number of water bodies at Epping Forest and Hampstead Heath as part of our commitment to provide valued services to London and the nation. An increased number of these water bodies will be

covered by the legislation due to the reduced threshold at which a water body is considered a large raised reservoir.

Implications

12. Whilst it is anticipated that there will be increased costs to the City in complying with this legislation, detailed legal and financial implications will be laid out in the delegated report.

Conclusion

13. To enable a final response to the consultation to be prepared, it is proposed that the final response be delegated to the Town Clerk in consultation with the Chairmen and Deputy Chairmen of the Open Spaces, City Gardens & West Ham Park Committee, Hampstead Heath, Highgate Wood & Queens Park Committee, Epping Forest and Commons Committee and Policy & Resources Committee.

Background Papers:

- Reservoir Safety in England and Wales: Consultation on the Implementation of Amendments to the Reservoirs Act 1975

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