

ANGUS COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE

21 APRIL 2009

RESERVOIRS ACT 1975 – BIENNIAL REPORT

REPORT BY THE DIRECTOR OF INFRASTRUCTURE SERVICES

**ABSTRACT**

This Report summarises the duties of the Council as Enforcement Authority under the Reservoirs Act 1975 and updates the Committee in respect of the Biennial Report for the reservoirs within Angus submitted to the Scottish Ministers.

**1 RECOMMENDATION**

- 1.1 It is recommended that the Committee notes the contents of the Biennial Report submitted to the Scottish Ministers.

**2 INTRODUCTION**

- 2.1 The statutory duties of Enforcement Authority under the Reservoirs Act 1975 (The Act) are exercised on behalf of the Council by the Head of Roads.
- 2.2 The Act places on the Enforcement Authority the responsibility to maintain a register of reservoirs within Angus and to ensure that the users or owners of reservoirs have undertaken the required inspections and supervision, and are complying with their duties under the Act.
- 2.3 Within the Angus area there are a total of 17 large raised reservoirs as defined by the Act (see Appendix 1). Seven are privately owned, six are owned by Scottish Water and the remaining four are owned by Angus Council itself (Crombie, Monikie Clear Water Basin, Monikie North Pond and Monikie South (Island) Pond).
- 2.4 The Council is not the Enforcement Authority for the reservoirs which it owns itself, although in practice the Head of Roads acts as quasi-Enforcement Authority and the Director of Neighbourhood Services acts as “owner” of the reservoirs on behalf of the Council.

**3 DETAILS**

- 3.1 As part of the statutory duty under the Reservoirs Act 1975, the Council is required to maintain a ‘List of Reservoirs’ and to ensure that the owners, or utilities using the reservoir comply with their duties under the Act.
- 3.2 Owners or undertakers duties include arranging an inspection of the reservoir at least once every ten years and the implementation of any recommendations resulting from such inspections.
- 3.3 Every reservoir is also required to have a Supervising Engineer who has a duty to check, at least once a year, that the reservoir is operating satisfactorily.
- 3.4 The Enforcement Authority (the Council) is required to submit a Biennial Report to Scottish Ministers detailing the action which has been carried out in the previous two

years. The latest report has been submitted to the Ministers by the due date of 1 April 2009 and a copy is now attached (Appendix 2) for the reference of the Committee.

#### **4 FINANCIAL IMPLICATIONS**

##### **4.1 Revenue**

4.1.1 The staff costs associated with carrying out the statutory duty placed on the Council by the Act generally to date have been modest and are allowed for in the Infrastructure Services Department Revenue Budget for Statutory Duties (Roads Division).

##### **4.2 Capital**

4.2.1 There are no capital funding implications arising from the requirement to discharge the statutory duty.

#### **5 HUMAN RIGHTS IMPLICATIONS**

5.1 There are no human rights implications arising from this report.

#### **6 EQUALITIES IMPLICATIONS**

6.1 The issues dealt with in this Report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

#### **7 SINGLE OUTCOME AGREEMENT**

7.1 This report contributes to the following local outcome(s) contained within the Single Outcome Agreement for Angus.

*9. We live our lives safe from crime, disorder and danger*

#### **8 CONSULTATION**

8.1 The Chief Executive, Director of Corporate Services, Head of Finance, Head of Law and Administration and Director of Neighbourhood Services were consulted in the preparation of this report.

#### **9 CONCLUSION**

9.1 This Report summarises the statutory duties of the Council in respect of the Reservoirs Act 1975 and updates the Committee on the Biennial Report submitted to Scottish Ministers in accordance with the requirements of the Act.

ERIC S LOWSON  
DIRECTOR OF INFRASTRUCTURE SERVICES

NOTE

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report:-

Report No. 593/99 – Reservoirs Act 1975 – Biennial Report – Angus Council Roads Committee – 8 June 1999.

Report No. 332/01 – Reservoirs Act 1975 – Biennial Report – Angus Council Roads Committee – 8 March 2001.

Report No 313/03 – Reservoirs Act 1975 – Biennial Report – Angus Council Roads Committee – 6 March 2003.

Report No 524/05 – Reservoirs Act 1975 – Biennial Report – Angus Council Roads Committee – 28 April 2005.

Report No 509/07 – Reservoirs Act 1975 – Biennial Report – Infrastructure Services Committee – 14 June 2007

**REPORT NO: 326/09**

**APPENDIX 1**

**ANGUS COUNCIL  
REGISTER OF RESERVOIRS**

<b>Reservoir Name</b>	<b>Grid Ref</b>	<b>Date</b>	<b>Owner/Undertaker</b>	<b>Supervising Engineer</b>	<b>Inspecting Engineer</b>	<b>Date of Last Statutory Inspection</b>	<b>Date of Next Statutory Inspection</b>	<b>Any Actions Recommended by Inspecting Engineer</b>
Backwater	NO253591	1969	Scottish Water	Ken Turnbull	Richard Doake	23/10/08		
Brewlands	NO192612	c1900	Brewlands Farms	Ian AT Gowans	Ian AT Gowans	08/03/08	07/03/18	No
Crombie	NO527405	1869	Angus Council	James MacDonald	Philip Mackey	22/08/00	21/08/10	No
Den of Ogil	NO440619	1875	Scottish Water	Ravi Nathan	David Morris	19/11/03	19/11/13	Yes completed
Glenogil	NO450642	1908	Scottish Water	Ravi Nathan	Philip Mackey	26/08/99	25/08/09	No
Kinnaird Lake	NO630564	c1855	Southesk Estate	Andrew Hughes	Andrew Hughes	12/07/07	12/07/17	No
Ledcreeff Loch	NO270371	c1855	Trustees of W N Graham Menzies	Dillon Hughes	Philip Mackey	09/06/99	08/06/09	No
Lintrathen	NO274541	1875	Scottish Water	Ken Turnbull	Ian AT Gowans	31/05/05	31/05/15	No
Lintrathen CW Storage Tank	NO276537	1989	Scottish Water	Ken Turnbull	Ken Turnbull	20/09/06	20/09/16	No
Loch Auchintaple	NO197646		Major J P O Gibb	Ian AT Gowans	Ian AT Gowans	10/12/07	09/12/17	No
Loch Lee	NO431800	1982	Scottish Water	Ravi Nathan	Richard Doake	30/05/02	30/05/12	No
Loch Shandra	NO218621	1914	East Mill Farms	Ian AT Gowans	Ian AT Gowans	30/07/01	15/06/11	No
Loch Long	NO288386	c1850	Sir J A Cayzer Bart	James MacDonald	Ian AT Gowans	23/04/08	22/04/18	No
Monikie Clear Water Basin	NO502380	1845	Angus Council	James MacDonald	Philip Mackey	22/08/00	21/08/10	No
Monikie North Pond	NO505385	1854	Angus Council	James MacDonald	Philip Mackey	22/08/00	21/05/10	No
Monikie South (Island) Pond	NO505380	1845	Angus Council	James MacDonald	Philip Mackey	22/08/00	21/08/10	No
Piperdam Loch	NO305348	1989	Thomas Smith	Dillon Hughes	Philip Mackey	09/11/99	08/11/09	No

**ANGUS COUNCIL**

**RESERVOIRS ACT 1975 (REGISTERS, REPORTS AND RECORDS)  
REGULATIONS 1985**

**Report to Scottish Ministers under Section 4 of Statutory Instrument 177/1985**

**APRIL 2009**

Under the above Regulations, at 31 March 2009, Angus Council is the Enforcement Authority for thirteen large raised reservoirs and undertaker for a further four, all of which lie within the Council's boundary and are listed in the attached register.

Of the reservoirs for which the Council is the Enforcement Authority five were due for inspection since the previous biennial report in April 2007.

Kinnaird Lake was inspected in July 2007, and a certificate is awaited. There were no issues with regard to safety in the inspection.

After a reminder to the undertaker Loch Auchintaple was inspected in December 2007, and a certificate received. There were no issues with regard to safety in the inspection.

Brewlands was inspected in March 2008, and a certificate received. There were no issues with regard to safety in the inspection.

Backwater was inspected in October 2008, and a certificate is awaited. There is still a safety issue regarding the presentation of the monitoring records which the undertaker hopes to remedy in the near future.

After a few reminders to the undertaker Long Loch was inspected in April 2008, and a certificate received. There were no issues with regard to safety in the inspection.

The outstanding certificate for Linrathen Clear Water Storage Tank has now been received confirming there are no issues in regard to safety.

Because of the late inspection of reservoirs due to oversight or change of undertakers staff it is proposed a reminder is sent to undertakers two months before an inspection is due date.

Undertakers or supervising engineers have been contacted to confirm that all the reservoirs for which the Council is Enforcement Authority have currently appointed engineers.

Of the reservoirs where the Council is the undertaker, there is currently a supervising engineer appointed and there are no outstanding issues in respect of measures in the interest of safety.