

ANGUS COUNCIL

ROADS COMMITTEE

8 MARCH 2001

**RESERVOIRS ACT 1975 – BIENNIAL REPORT**

**REPORT BY THE DIRECTOR OF ROADS**

**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 RECOMMENDATIONS**

It is recommended that the Committee agree:-

- (i) to note the contents of the Biennial Report submitted to the Scottish Ministers.

**2 INTRODUCTION**

The Committee will be aware that the statutory duty of Enforcement Authority under the Reservoirs Act 1975 is exercised on behalf of the Council by the Director of Roads.

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 comply with their duties under the Act.

Within the Angus area there is a total of 17 reservoirs. Seven are privately owned, 6 are owned by the North of Scotland Water Authority and the remaining 4 are owned by Angus Council itself (Crombie, Monikie Clear Water Basin, Monikie North Pond and Monikie South (Island) Pond).

The Council is not the Enforcement Authority for the reservoirs which it owns itself.

**3 DETAILS**

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.

Owners or undertakers duties include arranging the inspection of the reservoir at least every ten years and the implementation of any recommendations resulting from such inspections.

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.

The Enforcement Authority is required to submit a Biennial Report to Scottish Ministers detailing what action has been carried out in the previous two years. The latest report has been submitted and a copy is attached.

**4 FINANCIAL IMPLICATIONS**

**Revenue**

The staff costs associated with the carrying out of the statutory duty placed on the Council by the Act are modest and are allowed for in the Roads Department Revenue Budget for Statutory Duties.

**Capital**

There are no capital implications with regard to this statutory duty.

5 **HUMAN RIGHTS IMPLICATIONS**

There are no human rights implications arising from this report.

6 **CONSULTATION**

The Chief Executive, the Director of Law and Administration and the Director of Finance have been consulted in the preparation of this Report.

7 **CONCLUSION**

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

Dr Bob McLellan  
DIRECTOR OF ROADS

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.

IAC/JSG  
February 2001  
REPORTS/reservoirs.act

**ANGUS COUNCIL****RESERVOIR ACT 1975 (REGISTERS, REPORTS AND RECORDS)  
REGULATIONS 1985****Report to Scottish Ministers under Section 4 of Statutory Instrument  
177/1985****APRIL 2001**

Under the above Regulations, at 31 March 2001, 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 appendix

Of the reservoirs for which the Council is the Enforcement Authority three were due for inspection since the previous biennial report in April 1999.

Glenogil, Ledcrieff Loch and Piperdam Loch were inspected in 1999 and reports and certificates have been received. There were no issues with regard to safety in these reports.

There are outstanding issues on other reservoirs with regard to measures recommended by the inspecting engineers in the interest of safety. These are detailed below:-

a) **Brewlands Reservoir**

An inspection of this reservoir was undertaken on 15 July 1997 with the report being forwarded on 29 March 1999.

Various issues were recommended by the inspecting engineer, which are disputed by the owner (undertaker) who is seeking a second opinion on the issues. The Council is pursuing the progress of obtaining the second opinion, and a letter has been sent to the owner indicating an Enforcement Action under the Act will be issued unless the issue is adequately dealt with.

b) **Kinnaird Lake**

The issue of freeboard has been the subject of discussion between the owner (undertaker) and the inspecting engineer. The council is awaiting the outcome of these discussions.

c) **Lintrathen Reservoir**

Recommendations in the interest of safety required works to be completed by December 2002. The Council is aware that site investigation works and design of proposals have been undertaken in this respect.

d) **Loch Shandra**

A contractor has been appointed to carry out works in Spring 2001. The Council will monitor the progress.

e) **Backwater and Den of Ogil**

The works are completed and certificates under Section 10(6) are being sought by the Council.

Due to the retirement from the list of reservoir supervising engineers by Mr B Kitching in August 2000, the Council has written to these undertakers where Mr Kitching was the current supervising engineer. Two responses are outstanding regarding Loch Auchintaple and Long Loch, and the Council will pursue the undertakers for a response.

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

The Council has been involved in reservoirs and irrigation ponds which are below the capacity of 25,000 cubic metres and therefore not covered by the Reservoirs Act 1975.

There have been several small impounding reservoirs constructed in the Angus Council area in recent years. The Council has been forced to act in some instances with regard to it's powers as a Planning Authority and Roads Authority to deal with concerns over the planning or construction of these reservoirs especially where they have been constructed at a higher elevation, and in close proximity to a public road.