2015 CHAPTER 8

PART 1

CONTROLLED RESERVOIRS, REGISTRATION AND RESERVOIR DESIGNATION

Controlled reservoirs

Controlled reservoirs

1 For the purposes of this Act, a controlled reservoir is any of the followingstructures or areas which is capable of holding 10,000 cubic metres or more of water above the natural level of any part of the surrounding land—

(a) a structure designed or used for collecting and storing water,

(b) a lake or other area created or enlarged by artificial means, the artificial creation or enlargement having been designed, or the lake or other area so created or enlarged being used, for collecting and storing water.

Structure or area which is to be treated as a controlled reservoir

2.—(1) This section determines when a section 1(a) or (b) structure or area which is not a controlled reservoir is to be treated as a controlled reservoir for the purposes of this Act.

(2) Where both of the following apply—

(a) water does (or could) flow from a section 1(a) or (b) structure or area to any other section 1(a) or (b) structure or area, and

(b) any 2 or more such structures or areas (taken together) are capable of holding 10,000 cubic metres or more of water above the natural level of any part of the surrounding land,

each of the section 1(a) or (b) structures or areas is to be treated for the purposes of this Act as a controlled reservoir.

(3) The Department, having taken into account the matters mentioned in section 3, may by regulations provide that a section 1(a) or (b) structure or area which neither is a controlled reservoir, nor falls to be treated as a controlled reservoir under subsection (2), is to be treated for the purposes of this Act as a controlled reservoir.

(4) The Department must serve notice of the making of regulations under subsection (3) on the person who will, as at the date of the making of them, be the reservoir manager of any section 1(a) or (b) structure or area which will, by virtue of the regulations, be treated as a controlled reservoir for the purposes of this Act; and such notice must advise the person of—

(a) the requirement for the reservoir manager to register the controlled reservoir with the Department in accordance with sections 10 and 13,

(b) the period within which the reservoir manager must do so.

(5) In this section and section 3, a "section 1(a) or (b) structure or area" means a structure, lake or other area referred to in paragraph (a) or (b) of section 1.

PROSPECTIVE

Matters to be taken into account under section 2(3)

3.—(1) The matters the Department is required by section 2(3) to take into account are—

(a) in so far as it is reasonably practicable to do so, as respects the section 1(a) or (b) structure or area alone or, where water does or could flow between it and any other section 1(a) or (b) structure or area, also any such other structure or area—

(i) the potential adverse consequences of an uncontrolled release of water from the structure or area,

(ii) the probability of an uncontrolled release of water from the structure or area,

(b) such other matters as the Department may, by regulations, provide.

(2) For the purposes of subsection (1)(a)(i), potential adverse consequences include the matters specified in paragraphs (a) and (b) of section 22(2) (for the purposes of reservoir designation).

(3) The issues the Department may take into account in assessing under subsection (1)(a) the potential adverse consequences or probability of an uncontrolled release of water from a section 1(a) or (b) structure or area include, as regards the structure or area, the issues specified in paragraphs (a) to (e) of section 22(3) and in regulations under section 23 (for the purposes of reservoir designation); and for that purpose the references in those paragraphs of section 22(3) to "the reservoir" are to be construed as references to the section 1(a) or (b) structure or area.

(4) Before making regulations under subsection (1)(b), the Department must consult the Institution of Civil Engineers and such other organisations or persons as it considers appropriate.

PROSPECTIVE

Controlled reservoirs: further provision

4.—(1) The Department may by order substitute a different volume of water for the volume for the time being specified in sections 1, 2(2)(b), 41(3) and (5), 45(3)(a) and 49(3)(b).

(2) The Department may by regulations make provision for the purposes of sections 1, 2, 41, 45 and 49 as to—

(a) how the volume of water capable of being held above the natural level of the surrounding land is to be calculated,

(b) how "natural level" and "surrounding land" are to be construed.

(3) Before making an order under subsection (1) or regulations under subsection (2), the Department must consult—

(a) the Institution of Civil Engineers,

(b) such other organisations representing engineering or concerned with the practice of water and environmental management as it considers appropriate.

Controlled reservoirs: supplementary

5.—(1) A controlled reservoir includes any basin, spillway, valve, dam, pumping station, weir, sluice, pipe and other thing which is integral to the functioning or operation of the reservoir.

(2) The following structures or areas are not a controlled reservoir (and are not to be taken into account in relation to what is to be treated as a controlled reservoir for the purposes of section 2(2) or (3))—

(a) a canal or other inland waterway,

(b) an embanked watercourse,

(c) a road or railway embankment which is not integral to the functioning or operation of a controlled reservoir,

(d) a weir which does not serve a functional or operational purpose as regards a controlled reservoir,

(e) a structure or area of water which protects land from the sea,

(f) a pond within an extractive waste site or other waste facility,

(g) a sewage sludge lagoon or other waste water treatment lagoon,

(h) an ash, silt or sludge lagoon used for the purpose of a mine or power generation,

(i) a lagoon for the storage of chemical materials or their waste products,

(j) a slurry tank.

(3) The Department may by regulations make provision as to—

(a) what constitutes any of the structures or areas referred to in subsection (2),

(b) what other thing (if any) described in the regulations is not a controlled reservoir (and is not to be taken into account in relation to what is to be treated as a controlled reservoir for the purposes of section 2(2) or (3)).

Status:
This version of this cross heading contains provisions that are prospective.

Changes to legislation:
There are currently no known outstanding effects for the Reservoirs Act (Northern Ireland) 2015, Cross Heading: Controlled reservoirs.