

CONSULTATION: RESERVOIRS (SCOTLAND) AMENDMENT REGULATIONS 2015

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Introduction

Scottish Land & Estates welcomes the opportunity to respond to the “Reservoirs (Scotland) Amendment Regulations 2015” consultation. Scottish Land & Estates represents land owners, managers and rural businesses across Scotland, including many that own or manage reservoirs – most often of a smaller, non-commercial nature. These members will be affected by the proposals set out in the consultation document. As such this consultation is of relevance to us.

General Comments

In general terms we are content with the proposals in the consultation. Nevertheless we remain concerned about the risk designation methodology. This is a point we have raised at Reservoir Safety Stakeholder Group meetings. We make the point again in this response that likelihood of a breach should be taken into account along with the impact of a breach when the risk designation is being assessed.

Q1. Do you agree with the proposed approach to the review process contained in the draft Regulations?

In general terms we agree with the proposed approach to the review process, but we have a concern about the risk designation methodology. We expand on our concern below.

Q2. If you have any concerns or comments with regard to the proposed approach please specify them.

We are concerned that impact is the only criteria being used to determine the risk rating of a reservoir. We believe that assessment of the likelihood of a dam breach should be made and that this should be weighed against impact when formulating a rating. It is important that reservoir owners and managers are encouraged, in a positive way, to take actions which reduce any risks. The possible regrading to a lower risk category would we believe provide such an incentive. Without likelihood being taken into account, we see few possibilities for a regrading being made other than if SEPA have simply overlooked something in making their initial assessment.

Q3. Do you agree with the proposed approach to the appeals process contained in the draft Regulations?

We agree with the proposed approach to the appeals process.

Q4. If you have any concerns or comments with regard to the proposed approach to the appeals process please specify them.

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Q5. Do you have any comments or concerns about the proposed amendments to regulations 8, 10 and 17 of the 2015 Regulations?

We have no comments or concerns to make about the proposed amendments to regulations 8, 10 and 17 of the 2015 Regulations.