

Appendix 4:

Reservoirs charging scheme

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Key messages

NRW propose to amend our current charge for the registration and risk designation of large, raised reservoirs to reflect a more accurate level of activity required, and to include our investigation of unregistered reservoirs.

Our current charging scheme was introduced in 2017 with a single registration charge of £510 which has not increased since.

NRW propose to introduce new charges for standalone, timebound activities which require notification and processing by us, but which are not currently charged for.

Our registration charges do not include the costs we incur associated with enforcement.

Charge proposals

Reservoir compliance	2023/24	2022/23
Activity type	Proposed charge	Current charge
Registration of new reservoir	£757	£510
Risk designation review	£860	No charge
Notification of abandonment of a large, raised reservoir	£318	No charge
Notification of the reuse of a large, raised reservoir	£255	No charge
Notification of discontinuance of a large, raised reservoir	£191	No charge

Detailed breakdown

Revised registration charge

The Reservoirs Act 1975 places a duty on reservoir undertakers to register their reservoir and to provide specified information.

We have a duty to establish and maintain a register of large, raised reservoirs in Wales and, where we think that human life could be endangered in the event of an uncontrolled release, to designate a reservoir as 'high-risk'. Registration has several stages:

Investigation of potential reservoirs

To maintain an accurate register, we seek to identify large, raised reservoirs that have not been registered but we believe may be liable for registration. This is important work – we cannot understand and act on the flood risk held by these reservoirs unless we first have knowledge of them.

NRW propose that the costs of this work are included as an additional element of the Registration and Designation charge.

Registration

Undertakers have a duty to register their reservoir and to provide specific information. When we receive a registration, we check the validity of the information provided and, where information is missing or unclear may have to request it.

The current charging scheme was introduced in 2017, with charges waived for the initial six-month period.

Risk designation

After registration, we have a duty to consider and confirm the risk designation of the reservoir and to notify the undertaker of this.

Registration of reservoirs under construction

The construction of a large, raised reservoir must be notified to us at least 28 days before construction begins. Included with this notification is prescribed information similar to that required for all reservoirs.

NRW propose to apply the same Registration and Risk Designation charge to reservoirs under construction.

Amendments to the registered information

An undertaker has a legal duty to tell us about any changes once the reservoir is registered and all the prescribed information has been provided. NRW do not propose a separate charge for changes to registered information.

In circumstances where prescribed information has been changed but not notified to us by the undertaker, we may secure that information by means of a statutory notice and may seek to recover this cost on a case-by-case basis.

Activity type	Proposed charge	Current charge
Registration of new reservoir	£757	£510

Notifications

Some notifications by undertaker's prompt activity by us. The cost of this is not currently recovered. These activities are specific timebound events, notably a request for:

- a review of a risk designation
- a notification of abandonment
- reuse of an abandoned reservoir
- the discontinuance of large, raised reservoirs.

Request to review a risk designation

The current registration charge includes the administrative cost of providing a first risk designation. Our risk designations are normally reviewed every six years for all reservoirs, and the cost of this is recovered through our Annual Compliance Monitoring Charge.

An undertaker can request a risk designation review at any time. NRW propose a new charge to cover our costs of such a review as a specific activity. Our charge does not include the creation or provision of any evidence to support our review, for example flood maps. The cost of producing the evidence is to be borne by the undertaker.

Our activity is based on a review of the information supplied by the undertaker even if this is inadequate or does not result in a change of designation. We will provide a Provisional Designation based only on the information that we already hold or is provided by the undertaker.

There may be circumstances where additional activity may be helpful in deciding the appropriate designation, for example a site visit or study by us or our consultant. If we think this is necessary, we will set out the activity time, materials, and cost of this for the undertaker. If they choose to proceed with this element of our review, we will invoice the additional cost and the extra activity will be conducted following full payment. If the undertaker does not agree and pay for the additional activity, we will continue with our review on the evidence we have received.

Activity type	Proposed charge	Current charge
Risk designation review	£860	No charge

Notifying the abandonment of a large, raised reservoir

An abandoned reservoir is one which has been altered so that it cannot fill with water to a level that poses a risk. This is an activity controlled by section 14 of the Reservoirs Act 1975.

An undertaker who wishes to abandon their reservoir must appoint an engineer to produce a report, complete the necessary works and certify completion of the abandonment. We must receive a copy of the report and certificate before we can amend the register of large,

raised reservoirs. We also monitor the completion of any measures to be taken in the interests of safety.

In circumstances where we become aware that a reservoir has been abandoned without notification to us, we will seek to recover the notification charge in addition to any enforcement costs we incur.

Activity type	Proposed charge	Current charge
Notification of abandonment of a large, raised reservoir	£318	No charge

Notification of the discontinuance of a reservoir

When an undertaker wishes to discontinue (decommission) a large, raised reservoir this is a controlled activity under section 13 of the Reservoirs Act 1975. They must appoint an engineer to design and supervise the alteration, and to provide a certificate.

We must be notified about the appointment and receive a copy of the certificate. On receipt of the certificate, we remove the reservoir from the public register.

Activity type	Proposed charge	Current charge
Notification of discontinuance of a large, raised reservoir	£191	No charge

Notifying the reuse of an abandoned reservoir

Before an abandoned reservoir can be brought back into use, it must be inspected by a Construction Engineer and a Preliminary Certificate given prior to refilling.

We will recover the cost of the checks we need to do. We have not included compliance checks on any measures to be taken in the interests of safety required prior to the issue of a Final Certificate; this will be recovered through the Annual Compliance Monitoring Charge.

Consultation questions – see Appendix 9