

Consultation on the Reservoirs (Scotland) Amendment Regulations 2015



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Citizens Advice Scotland

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

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Forename

Sarah

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3. Permissions - I am responding as...

Individual / Group/Organisation

Please tick as

- (a) Do you agree to your response being made available to the public (in Scottish Government library)
- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis **Please tick ONE of the following boxes**
- Yes, make my response, name and address all available
- Yes, make my response available, but not my name and address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library) Are you content for your **response** to be made available?

Please tick as appropriate

Yes No

Yes, make my response and name available, but not my address

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate **No** **Yes**

CONSULTATION QUESTIONS

Question 1: Do you agree with the proposed approach to the review process contained in the draft Regulations?

Citizens Advice Scotland (“CAS”), its 61 member bureaux, consumer helpline and Extra Help Unit form Scotland’s largest independent advice network. Citizens Advice Bureaux advice services are delivered using over 250 service points throughout Scotland, from the islands to city centres, and through our helplines. Together, the Citizens Advice Service in Scotland helped 300,000 people with nearly 1 million issues in 2013/14.

On 1 April 2014, the roles and responsibilities of Consumer Futures were transferred by the UK Government to the Citizens Advice Service, encompassing CAS and our sister organisation Citizens Advice (England and Wales). CAS now represents the interests of citizens and consumers in essential regulated markets including energy, post and, in Scotland, water. Our aim within the water industry is to challenge and shape policy to ensure it reflects the needs of consumers. CAS, therefore, welcomes the opportunity to respond to the Scottish Government’s consultation on the Reservoirs (Scotland) Amendment Regulations 2015 (“the Consultation”).

CAS notes the proposed approach to the review process contained in the draft Regulations, and would welcome further engagement with the Scottish Government, SEPA and Scottish Water about certain aspects of this approach, and in particular about some of the issues around public messaging and flood prevention which we have highlighted below.

Question 2: If you have any concerns or comments with regard to the proposed approach please specify them.

CAS believes that, in order to maximise the protection to communities and businesses, it is essential that SEPA undertakes public engagement to highlight the proposed approach.

As part of this process CAS considers it is vital that SEPA works with Scottish Water, with the owners of private reservoirs and with other stakeholders including CAS to develop and manage the key messages which should be taken forward as part of this public engagement.

CAS believes it would be particularly helpful to have further details about the public messages which will be promoted and managed by SEPA where there has been a change in the designation of risk level for a specific reservoir. In this respect, while CAS would wish to avoid causing unnecessary alarm, we also believe it is important for communities and businesses situated in close proximity to reservoirs to be consulted about, and informed of, any changes in designations of risks levels for these reservoirs and for any changes to be set in context. Against this background, CAS considers it is vital that such communities will be informed by SEPA of any additional risks it has identified and about how these will be

managed, particularly where the risk is of such a level that it could potentially give rise to a national incident.

CAS also takes the view that it would be helpful if the public messages developed by SEPA confirm the steps it will take to ensure that adequate safeguards are put in place by reservoir owners to protect communities and businesses, in relation to how they will manage any controlled releases, or respond to uncontrolled releases of water from reservoirs. This would be particularly important where there has been heavy rain, and the ground in areas at risk of flooding is already saturated. Consumers may require reassurance that SEPA is putting appropriate steps in place to avoid flooding in this scenario.

We also consider that the approach must include action by SEPA, WICS and the Scottish Government to ensure that the owners of private reservoirs are fully updated about the proposed changes, which will be introduced through the amendments to the regulations. In this respect, CAS would welcome further information about the specific messages which will be developed to target the owners of private reservoirs and timescales within which they must respond and comply with new regulations.

Question 3: Do you agree with the proposed approach to the appeals process contained in the draft Regulations?

CAS has no substantive issues to raise about the appeals process.

Question 4: If you have any concerns or comments with regard to the proposed approach please specify them.

Please see previous answer to Question 3.

Question 5: Do you have any comments or concerns about the proposed amendments to regulations 8, 10 and 17 of the 2015 Regulations.

CAS has no substantive issues to raise about the proposed amendments.

Question 6: Do you agree with the conclusion that no impact on business, charities or voluntary bodies is expected from the proposals?

CAS would welcome further information from SEPA and from the Scottish Government about how communities, businesses and charities or voluntary bodies will be protected from the risks of flooding, particularly from controlled or uncontrolled releases of water from reservoirs where the land in neighbouring areas at risk of flooding is already saturated.

In this respect, while Scottish Water may be meeting CAR license

conditions put in place by SEPA in terms of the volume of water that can be released during controlled releases and the timing of these releases, if ground conditions are saturated, this may increase the flooding risk for communities within the proximity. CAS takes the view that ground conditions must be taken into consideration within licenced conditions related to volumes of water released from reservoirs under controlled circumstances to further protect communities at risk of flooding.