



2015 CHAPTER 8

PART 4

CONTROLLED RESERVOIRS: OTHER REQUIREMENTS

**Flood plans**

57.—(1) The Department may by regulations make provision as to—

- (a) the preparation of flood plans for controlled reservoirs,
- (b) such other matters in relation to such flood plans as it considers appropriate.

(2) A “flood plan” for a controlled reservoir is a plan setting out the action to be taken by the reservoir manager of the reservoir to which the plan relates in order to control or mitigate the effects of flooding likely to result from any escape of water from the reservoir.

(3) Regulations under subsection (1) may include provision—

- (a) as regards who is to prepare a flood plan,
- (b) requiring the preparation of flood plans for all controlled reservoirs, or controlled reservoirs of such categories or types as may be determined by the Department,
- (c) allowing a single flood plan to be prepared in respect of 2 or more controlled reservoirs between which water does (or could) flow,
- (d) specifying—
  - (i) the form in which a flood plan is to be prepared,
  - (ii) what is to be included in a flood plan,

- (e) requiring the person preparing a flood plan to have regard to any guidance that may be issued by the Department as regards flood plans,
- (f) requiring flood plans to be produced or submitted to the Department (whether or not for approval) by such time as either—
  - (i) the regulations specify, or
  - (ii) the Department may direct,
- (g) as regards the approval of flood plans (whether by the Department, supervising engineers or inspecting engineers),
- (h) as regards the review and updating of flood plans,
- (i) as regards the publication or distribution of copies of—
  - (i) a list of controlled reservoirs in relation to which a flood plan must be prepared by virtue of the regulations,
  - (ii) flood plans,
- (j) in connection with the testing of flood plans,
- (k) in connection with the referral of matters to a referee,
- (l) requiring the reservoir manager of the reservoir to which a flood plan relates, so far as it is reasonably practicable to do so, to take action set out in the plan relating to the reservoir in the event of an incident or emergency,
- (m) providing that the Department may, in circumstances specified in the regulations, do anything that another person is required to do under the regulations and may recover the costs of doing so from the person,
- (n) conferring powers of entry on any person duly authorised in writing by the Department in connection with its functions under the regulations,
- (o) making provision in connection with paragraphs (k), (m) and (n) and subsection (4) amending this Act (other than this section) or applying this Act with modifications,
- (p) as to offences,
- (q) providing that any offence created is triable only summarily,
- (r) providing for any offence created—
  - (i) which is committed in relation to a controlled reservoir which is, at the time the offence is committed, a high-consequence reservoir to be punishable on conviction by a fine not exceeding level 5 on the standard scale,
  - (ii) which is committed in relation to any other controlled reservoir to be punishable on conviction by a fine not exceeding level 4 on the standard scale.

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*Status: This is the original version (as it was originally enacted).*

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(4) Regulations under subsection (1) containing provision entitling the Department to recover costs as referred to in subsection (3)(m) must provide for a right of appeal to the Water Appeals Commission against—

- (a) the Department's decision to require the person to pay the costs,
- (b) the Department's decision as to the amount of the costs.

(5) The Commission may confirm, quash or vary the decision.

(6) If it appears to the Secretary of State that the publication or distribution of, or giving access to, any flood plans or any information in or relating to flood plans would adversely affect national security, the Secretary of State may by notice served on each reservoir manager concerned and each other relevant person, direct the manager and other relevant person—

- (a) not to publish, or not to publish except as specified in the notice, the flood plan, a copy of it or any information in or relating to it,
- (b) not to distribute and not to permit access to the flood plan, a copy of it or any information in or relating to it, except as specified in the notice.

(7) Notice under subsection (6) may also specify requirements as to the storage of the flood plan and copies of it in the interests of national security.

(8) Where notice under subsection (6) states that this subsection applies to any of the information specified in the notice ("the specified information"), the person on whom the notice is served must not give to any other person any indication of the existence of the specified information.

(9) For the purposes of subsection (6), a relevant person is a person (other than the Department)—

- (a) who is required, by virtue of regulations under subsection (1), to prepare, review or update the flood plan, provide, produce or submit it or publish or distribute copies of it,
- (b) who receives or may receive the flood plan or information in or relating to it.

(10) Any duty of a person under regulations made under subsection (1) to publish a flood plan, a copy of such a plan or any information in or relating to such a plan does not apply to the extent that notice served on the person under subsection (6) requires the person not to do so.

(11) Before making regulations under subsection (1), the Department must consult—

- (a) the reservoir managers of reservoirs for which they consider a flood plan will require to be prepared under the regulations,
- (b) the Institution of Civil Engineers,
- (c) such other persons as it considers appropriate.