



**Cyfoeth
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**Natural
Resources
Wales**

Reservoir Safety Compliance Charging Scheme

A Guide to Our Fees and Charges 2019-20

Natural Resources Wales

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Our basis for charging

On 1 April 2013 Natural Resources Wales (NRW)¹ was appointed the duty of enforcement authority for the Reservoirs Act 1975, in Wales. This law seeks to protect public safety against the uncontrolled escape of water from large raised reservoirs.

In our work as a regulator, our duty is to ensure reservoir undertakers observe and comply with the law, we do this by providing advice and guidance so that undertakers understand the minimum standards of what they must do to help keep their dams and reservoir structures safe and are reminded of their duties for reservoir inspection, supervision and maintenance.

Natural Resources Wales in exercise of its powers provided by the Environment Act 1995, s41(1) may recover the costs of performing its functions conferred on it by the Reservoirs Act 1975; and with the approval of the Welsh Ministers, makes the following Reservoir Safety Compliance Charging Scheme.

Definitions

This Charging Scheme shall:

- (a) be referred to as the Reservoir Safety Compliance Charging Scheme;
- (b) come into force on 1 April 2017; and
- (c) remain in force until revoked, replaced or superseded.

In this Scheme;

- (a) "the 1975 Act" means the Reservoir Act 1975;
- (b) "NRW" means Natural Resources Wales;
- (c) "high risk reservoir" means a large raised reservoir as defined by the 1975 Act which NRW designates as a high risk reservoir. NRW may designate a reservoir as high risk if it thinks that, in the event of an uncontrolled escape of from the reservoir, human life could be endangered, and does so by service of a notice has been served under section 2B of the 1975 Act which may be subject to an appeal under section 2E.

Why do I have to pay?

Until now all our activity under the Reservoirs Act 1975 has been funded by the public purse through NRW's Grant in Aid from Welsh Government.

Changes in the Reservoirs Act 1975 which came into force in 2016 introduced new responsibilities for NRW. We have therefore agreed with Welsh Government that the cost of providing our reservoir safety regulation service should no longer be solely funded from

¹ The Natural Resources Body for Wales (Functions) Order 2013 transferred the statutory functions of Environment Agency Wales, Forestry Commission Wales and the Countryside Council for Wales, along with some functions of Welsh Government, to NRW.

the public purse. Instead, reservoir undertakers, as the holders of the main liabilities subject to regulation, should bear the appropriate costs for the activities we carry out.

The fees we charge to an individual undertaker represent a proportion of our costs for the service incurred in performing our Reservoirs Act 1975 functions and do not directly relate to the cost of regulating any particular reservoir. The income we raise from our charges covers only a part of our overall costs under the Reservoirs Act 1975. For example, we do not charge for our costs for enforcement action because we will seek to recover these directly from an offender.

What do I have to pay, and when?

The level of charges is shown in Table 1.

Table 1. Reservoir Safety Compliance Charges

Type	Fee	Due date
First registration (after 1 October 2017)	£510	At time of first registration
High risk reservoir annual monitoring	£230	1 month after final designation has been notified. Payable on invoice.
Reservoir, not designated high risk, annual monitoring	£0	No fee payable unless re-designated as a "high risk reservoir"

VAT: All charges quoted in the scheme and guidance are exempt from VAT.

Registration Fees

A charge shall be payable for any reservoir registered under section 2(2B) of the 1975 Act, applicable from 1 October 2017. The registration fee must be paid at the time of registration. A registration will not be considered duly made until payment is received.

If a registration is withdrawn we reserve the right to retain the registration fee in full and make no refund. We will not normally make a refund if the registration is withdrawn more than 1 calendar month after it has been duly made, and where we have carried out work to process the registration.

Annual Compliance Monitoring Fees

An annual compliance monitoring fee shall be payable for high risk reservoirs, in addition to any registration fee. The annual compliance monitoring charging period is from 1 April to 31 March.

The fee will first be applied from 28 days following the date of a notice served under 2B of the 1975 Act, confirming the final designation of a high risk reservoir² and for subsequent years on 1 April. We will send an invoice for annual compliance monitoring fees to the reservoir undertakers. Fees which are applied to a reservoir, designated as high risk reservoir part way through the charging period, will be charged pro rata for the remainder of that year to 31 March.

How do I pay?

You can pay by cheque, credit or debit card, electronic transfer (BACS or CHAPS), bank giro credit. Details on how to make your payment are included with the invoice and are available on our [website](#).

You must submit payment for the first registration of a reservoir with the registration form. A registration will not be considered duly made until payment has been received.

Annual compliance monitoring fees must be paid on demand by our invoice.

Payments by post should be sent to:

Charges Team
Finance & Corporate Services
Natural Resources Wales
Tŷ Cambria
29 Newport Road
Cardiff
CF24 0TP
Tel: 0300 065 3000

You can pay by cheque, credit or debit card by filling in the associated form. If you wish to pay by credit or debit card over the phone we will contact you when we receive your registration.

Cash payments are not accepted.

What happens if there are multiple undertakers?

We apply one set of fees to a reservoir. If you are one of several different undertakers you must agree between yourselves how to apportion the fees. If you also appoint engineers, you may choose to use the same principles for apportionment. We advise that any agreement is made in writing.

² Subject to any appeal made against the designation under section 2E of the 1975 Act.

Do I still have to pay for engineers?

Yes. Our fees do not include any costs for the appointment of qualified civil engineers to advise or direct work on your reservoir. You remain liable for appointing, and paying for, engineers according to your responsibilities and your reservoir's designation.

If we consider it necessary to appoint an engineer to advise us about your reservoir using our default or emergency powers, we will seek to recover the cost of this from you. We must notify you of this beforehand and will usually advise you to make the appropriate appointment. In an emergency, we may appoint an engineer without notification if we consider the delay would further endanger the safety of your reservoir.

Risk designation review

Initial risk designation has been included within the registration fee. We will review our charges over time and consider whether to charge for carrying out a review of a risk designation. All reviews of our charging schemes are subject to public consultation and approval by the Minister.

What if I forget or choose not to pay?

A registration which is not accompanied by the appropriate fee is not deemed to be 'duly made' and so the registration will be considered invalid and your reservoir will not appear on the register. Failure to register may be considered an offence.

If a fee submitted to us is incorrect, you will be advised and asked to pay the balance. If a fee is not paid when due we may take action to recover the debt.

For the minority who fail to comply with the law we will consider our response in line with our enforcement and sanctions [policy](#).

Sources of further information

- Charges section on our [website](#)
- More guidance on reservoir safety is available on our [website](#) or from our [Reservoir Safety Team](#).

Who can I talk to about this?

For billing enquiries please refer to the email addresses on the front of your invoice. If you have any queries regarding the interpretation of charges please contact the Charges Team:

enquiries@naturalresourceswales.gov.uk

Charges Team
Finance & Corporate Services
Natural Resources Wales
Tŷ Cambria
29 Newport Road
Cardiff
CF24 0TP

We welcome views from our users, stakeholders and the public, including comments about the content and presentation of this scheme. If you are happy with our service please tell us about it, it helps us to identify good practice and rewards our staff. If you are unhappy with our service please let us know how we can improve it.

For copies of Natural Resources Wales publications please contact enquiries on 0300 065 3000 or by email enquiries@naturalresourceswales.gov.uk.

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