



Department  
for Environment  
Food & Rural Affairs



Department  
for International  
Development



Foreign &  
Commonwealth  
Office

The Rt Hon the Lord Goldsmith of Richmond Park  
Minister of State

Baroness McIntosh  
House of Lords  
London  
SW1A 0AA

2 July 2020

Dear Lady McIntosh,

I want to thank you for the points you raised in the recent SI debate which took place on Monday 8 June, and more recently through your proposed amendment to the Agriculture Bill. Due to the lack of time in the debate on 8 June, I was unable to address them in full, so I take this opportunity to provide you with my response in this letter. In the debate, you raised two key points around the environmental benefits and potentially rewarding farmers for public good. You also raised the query around reservoirs in particular small raised reservoir (SRRs), i.e. those between 10,000m<sup>3</sup> -25,000m<sup>3</sup> in volume.

In regards to your first point about environmental benefits and potentially rewarding farmers, as I mentioned in the debate this is at the very heart and essence of the Government's environmental land management scheme, which will replace the common agricultural policy. It will specifically pay farmers, foresters, and other land manager's public money for providing public goods through the management of land and water.

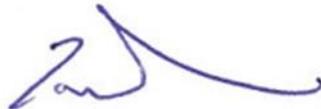
Where appropriate, flood risk management authorities, including the Environment Agency, can store water on land to remove it from a river and reduce the flood risk further downstream. In certain circumstances, the landowner may receive an easement payment for providing such a service, the only exceptions being functioning floodplains as these are naturally meant to store water. The temporary storage of flood water on land would not necessarily constitute a raised reservoir and would, therefore, be exempt from reservoir safety regulations in England.

Regarding your second point about reservoirs, currently, only Large Raised Reservoirs (LRRs) are regulated by the **Reservoir Act 1975** as amended by the **Flood and Water Management Act 2010**. LRRs are those that have a volume threshold of 25,000m<sup>3</sup> and above. The regulation of LRRs is to ensure public safety. The **Flood and Water Management Act 2010** made a provision for the threshold to be reduced so as to regulate SRRs, but this has not been commenced.

As you know Defra commissioned a research study into SRRs and recently published all the reports. The information gathered is being considered to inform future policy for SRRs and whether they should be regulated under the Reservoirs Act 1975. This research identified that potentially more than 30% of SRRs could pose a risk to life, and would therefore be designated as high risk. I am sure you understand that this will be an important factor in any policy changes we identify. If we do decide to make changes that impact on small raised reservoirs we will consult on these in due course. If SRRs are brought within the regulations, this would be for public safety reasons. Under these circumstances, it would not be appropriate to exclude any, perhaps especially if public funding is invested in them. However, we would not expect all SRRs to necessarily pose a risk to life, and therefore be designated as high risk. Only those that are would, and rightly so, be subject to the full regulatory regime. I can confirm that consideration will be given to how farm water storage is best managed within reservoir safety regulation.

Thank you once again.

With best wishes,

A handwritten signature in blue ink, appearing to be 'Paul', written in a cursive style.

**THE RT HON THE LORD GOLDSMITH OF RICHMOND PARK**