

**FALKIRK COUNCIL**

**Subject: DRUMBOWIE RESERVOIR**  
**Meeting: POLICY & RESOURCES COMMITTEE**  
**Date: 13<sup>TH</sup> JANUARY 2009**  
**Author: DIRECTOR OF COMMUNITY SERVICES**

**1 INTRODUCTION**

- 1.1 The purpose of this report is to seek Members approval for the provision of a loan from the Council to Bonnybridge Angling Club in order to allow the Club to purchase Drumbowie Reservoir from Scottish Water.

**2. BACKGROUND**

- 2.1 Drumbowie Reservoir has been in existence since 1901. It was used up until 2006 for water supply and has subsequently been declared redundant by the owners Scottish Water.
- 2.2 At its meeting on 29<sup>th</sup> August 2006, the Education and Leisure Committee agreed a proposal to purchase Drumbowie Reservoir from Scottish Water at an estimated cost of £30,000, in order to ensure its retention as an important recreational resource for the local community, particularly Bonnybridge Angling Club who have leased access to the reservoir from Scottish Water since 1952. This was presented to the Policy and Resources Committee at its meeting on 12 September 2006 for approval.
- 2.3 Within the report to the Education and Leisure Committee, it was proposed that a full hydrology survey be carried out to ensure the integrity of the reservoir and its overall present condition before finally agreeing to purchase.
- 2.3 An inspection of the reservoir was carried out and the results and observations assessed with the overall findings considering the reservoir to be in acceptable condition but highlighting areas associated with ageing that will warrant a regular regime of monitoring and occasional remedial works as defects become evident in the future.

**3. INSPECTION REPORT**

- 3.1 A full Statutory Inspection of Drumbowie Reservoir was carried out by Mott and McDonald Engineers who have been involved in undertaking previous statutory inspections of the Dam over a number of years. The outcome of the inspection considers the Dam is in a satisfactory condition and that there are “no Matters in the Interests of Safety.”

- 3.2 However, the survey highlighted a number of matters of maintenance that will require to be addressed including some aspects such as repairs to the pitching of the Dam that will require attention annually. In addition, the report recommends that the reservoir should be visited weekly by a member of the owner's organisation both to record the water level and to inspect the condition of the dam.
- 3.3 The risk of failure of the Reservoir's earth embankment headwall although regarded as low, also has to be monitored closely particularly in light of recent high profile occurrences in England and in the recent failure of the East Ayrshire Dam, which also had an earth headwall similar to that at Drumbowie. These events have highlighted the uncertain nature of such structures and the difficulties in reliably predicting and maintaining these types of dams. The report identifies the Reservoir as having a combination of factors such as location and height of the Main Dam that considers it as a "Category A" structure.
- 3.4 The report concludes that in light of this that caution should be exercised by the Council in its proposal to acquire ownership of the Reservoir or indeed pass ownership of the reservoir if acquired, at some point in the future to the local angling club who may not have the necessary resources or skills to cope with unplanned events and their costs.
- 3.5 The cost to the Council would be considerable if such a failure of the Drumbowie Dam was to occur with a full breach having a significant impact on the lower Little Denny Reservoir and any resulting flooding impact that this might then have on the Little Denny Burn water system.
- 3.6 The Panel Engineer's report has been scrutinised by appropriate officers of the Council within Development Services who have advised that due to these identified potential high risks associated with the ownership of the Reservoir and the resulting financial consequences of any failure that the Council should not look to purchase.

#### **4 BONNYBRIDGE ANGLING CLUB**

- 4.1 Meetings with Bonnybridge Angling Club have confirmed their strong desire to purchase the reservoir directly from Scottish Water to secure its future and this report proposes how the Council might support this.
- 4.2 The Angling Club is self sufficient in terms of stocking the water and maintaining the Clubs boats and fishing equipment. Over the last two years, the Club have conducted considerable work on the management capacity within the Club and have developed an infrastructure that now facilitates them to generate a level of funding towards the purchase and ongoing maintenance costs of the Reservoir independently of the Council. Recent meetings have indicated their readiness to purchase the Reservoir as soon as possible.
- 4.3 It is with the purchase of the reservoir that the Club have requested a financial loan facility from the Council.

## **5 FINANCIAL IMPLICATIONS**

- 5.1 The cost of purchasing the Reservoir is circa £30,000 with an estimated ongoing annual maintenance cost of around £7,000. To date the Club has secured approximately £10,000 of its own money towards the purchase of the Reservoir from the Scottish Water - a considerable feat for a voluntary sports club over a short period and confirms their determination to retain the facility.
- 5.2 It was previously agreed to negotiate the purchase of the Reservoir via the Council's Culture and Leisure Strategy Capital Fund in 2007/2008. In light of the findings of the inspection report which has been carried out and the move by the Club to now purchase the Reservoir directly themselves, it is proposed that the Council support the angling club's request for financial loan support of up to £30,000, with a payback period of 5 years including interest payments.
- 5.3 It is also proposed that a "Following the Public Pound" assessment be conducted to ensure the club have the financial capacity and ability to repay a loan from the Council in advance of confirming such an arrangement.

## **LEGAL IMPLICATIONS**

- 6.2 Discussions with Legal Services have suggested that the Council could use the powers conferred on local authorities in the Local Government and Planning (Scotland) Act 1982 re the provision of recreational, sporting and social activities. This imposes duties to ensure the provision of such activities and describes a variety of powers to secure the duty, including the power to lend.
- 6.3 These general duties and powers are specifically excluded in relation to the provision of facilities for the recreational or sporting use of a Reservoir which is managed and operated by Scottish Water. However, at this time, the Reservoir is no longer part of the domestic water supply and as such has been isolated from the system and declared surplus from Scottish Water's asset needs and offered for sale as body of water. If sold to the Bonnybridge Angling Club, the Council would be in a position to provide the Club with a financial loan facility should it wish to do so.
- 6.4 It would also be possible to consider using the general power to incur expenditure which is to be found in S83 of the Local Government (Scotland) 1973 Act and the power to advance well being in the Local Government in Scotland Act 2003.

## **7 CONCLUSIONS**

- 7.1 As identified earlier in the report there are a number of new issues that have emerged from the proposed purchase of the Reservoir by the Council. Recent climate change has only heightened the unpredictability of these types of structures and the need for diligence when entering into ownership.

- 7.2 Equally, Bonnybridge Angling Club's aspirations to purchase the Reservoir themselves from Scottish Water, through the support of the Council via a financial loan, rather than enter into further access lease arrangements is recognised as being an opportunity for the Council to support a local club.
- 7.3 It is suggested that the loan facility be for the purchase price of £30,000, allowing the Club time to build up its funds to cover in a sustainable way the ongoing maintenance requirements.

## **8 RECOMMENDATIONS**

- 8.1 It is recommended that the Committee instructs the Director of Community Services to:
- i) Note that the advice to the Council is not to proceed with the purchase of Drumbowie Reservoir;
  - ii) Approve in principle the option to make a loan advance of £30,000 to Bonnybridge Angling Club to facilitate the purchase of Drumbowie Reservoir subject to conducting a "Following the Public Pound" assessment of the club's financial position to ensure they have the financial capacity and ability to repay a loan from the Council in advance of confirming such an arrangement; and
  - iii) In conjunction with the Directors of Law & Administration and Finance Services, arrangements are put in place to provide a financial loan to Bonnybridge Angling Club in order to allow them to purchase the Drumbowie Reservoir directly from Scottish Water.

.....  
**Maureen Campbell**  
**Director**

**23 December 2008**

Contact Officer: Tom Leighton - Tel 0904

### **List of Background Papers**

1. Mott and MacDonald Engineers Report
2. Education & Leisure Committee, Purchase of Drumbowie Reservoir, 29<sup>th</sup> August 2006
3. Policy & Resources Committee, 12th September 2006

Anyone person wishing to inspect the background papers listed above should telephone 01324 590904 and ask for Tom Leighton.