



# Recreational Use

Code of Practice



## **1. Introduction**

Public access to, and recreational use of, drinking water supply reservoirs and the surrounding land areas are complex and controversial issues. This is mainly due to the inherent conflict between the protection of a drinking water supply and the demands of the public to use land-based water supplies and their surroundings for recreational and other purposes.

Recreation and physical activity are known contributing factors in satisfying the social and health needs of the population. The Isle of Man Government's Physical Activity Strategy recognises this and further states that the promotion of physical activity is a shared task for all divisions within Government Departments, Local Authorities, private and third sector organisations.

Human activity on or around a reservoir, used to supply drinking water to the community, is considered to be a potential source of contamination. As such, Manx Utilities must exercise caution when considering any requests for recreational activities on water supply lands and the impacts these may have.

Prevention of contamination of our raw water source, in conjunction with the removal of contaminants by treatment, is an integral part of the World Health Organisation's multi-barrier approach to minimise drinking water related health risks. Water treatment processes, although effective to a very high standard on the Island, are designed to reduce, and not completely remove, bacteria and other contaminants. Barriers to contamination can and do fail due to a number of causes; this has been demonstrated in the UK and elsewhere on a number of occasions when outbreaks of serious illness (for example cases of cryptosporidiosis) have been traced to a contaminated public water supply. It is for this reason that Manx Utilities has adopted a multi barrier approach, in line with the water industry quality standards, to protect and preserve the Island's drinking water supplies.

The desire for recreational activities in the natural environment has increased, with different interest groups competing with each other for access to open spaces. Manx Utilities is committed to promoting safe and reasonable access to reservoirs and surrounding lands, but it also has a duty to protect aquatic and associated ecosystems by reducing and preventing pollution and degradation of local water resources. The approach of opening up catchments to multiple interest groups, often with conflicting attitudes and values, can be at odds with the needs of Manx Utilities to protect the safety of the public, the quality of source waters, the safety of the reservoirs and subsequently, Manx Utilities' statutory function to supply wholesome drinking water to the population of the Isle of Man.

The first step in the water supply chain is to ensure that the source water is of the highest quality that can be achieved. This, in turn, will diminish the potential load of drinking water contaminants, thus reducing treatment costs and subsequent health risks to consumers.

Risk assessments have been undertaken by a cross government working group, in conjunction with the Government Insurers in order to consider the risks and consequences of recreational activities on water safety, reservoir safety, health and safety, conservation and access, public liability and cost and resource. This information has been considered in conjunction with the findings of the public consultation on the recreational use of reservoirs in the subsequent development of this recreational use policy.

## 2. Local Context

### Manx Utilities Reservoirs

Manx Utilities owns ten impounding reservoirs. As detailed in the table below, seven of these, by virtue of their capacity, come within the Water Act 1991, five of which are currently in use for the supply of raw water to the Island's water treatment works (WTW).

Reservoir	Depth (m)	Capacity (m <sup>3</sup> )	Catchment Area (km <sup>2</sup> )	Constructed	Use	WTW
Sulby	73	4,832,000	19.98	1982	<b>Water Supply</b>	Sulby & Douglas
West Baldwin	26	1,364,000	11.98	1905	<b>Water Supply</b>	Douglas
Block Eary	16.4	50,000	4.12	1945	<b>Water Supply</b>	Sulby
Kerrowdhoo	16.3	230,000	2.26	1893	<b>Water Supply</b>	Douglas
Clypse	13.4	140,000	2.26	1878	<b>Water Supply</b>	Douglas
Cringle	21	144,000	1.54	1946	-	-
Ballure	17	86,000	4.82	1885	-	-

## 3. Recreational Use Statement

**Activities which occur on foot (such as walking, running, shore fishing and dog walking) are the activities which Manx Utilities considers represent an acceptable risk to water quality, safety and the reservoir structures. Manx Utilities will be pleased to continue to support the activities which occur on foot around its reservoirs.**

**Clubs and organisations may continue to approach Manx Utilities for specific permission to hold special events on or near the reservoirs. Evidence of public liability insurance must be provided for such events.**

## 4. General Statutory Context

### 4.1 The Water Act 1991

The Water Act 1991 states that a statutory function of Manx Utilities is to supply water in the Island subject to and in accordance with the Act.<sup>1</sup>

The Act further states that if it appears necessary for the purpose of protecting Manx Utilities' raw water resource against pollution, Byelaws may be introduced to;

- a) define the area to which the byelaws apply;
- b) prohibit or regulate the doing within that area of any act specified in the byelaw.

A person acting in contravention of such byelaws shall be guilty of an offence.

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<sup>1</sup> The Water Act 1991. This can be viewed at:

[http://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1991/1991-0024/WaterAct1991\\_4.pdf](http://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1991/1991-0024/WaterAct1991_4.pdf)

The Water Act further states that if any person is guilty of an act or neglect whereby any spring, well, borehole, or reservoir, the water from which is used or likely to be used for human consumption or domestic purposes, or for manufacturing food or drink for human consumption, is polluted or likely to be polluted, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000, or on conviction on information to a fine.

## **4.2 The Water Pollution Act 1993**

The Water Pollution Act 1993 states that no person may knowingly cause or permit any poisonous, noxious or polluting matter or any solid waste matter to enter any controlled waters and that a person who acts in contravention of subsection 1 of the Act shall be guilty of an offence and liable on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000, or to both.<sup>2</sup>

## **4.3 European Drinking Water Directive**

Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (European Drinking Water Directive)<sup>3</sup> sets standards for drinking water quality to apply in all member states, implemented in England and Wales, and adopted by Manx Utilities as best practice, through the drinking water regulations cited below;

- The Water Supply (Water Quality) Regulations 2016 (SI 2016/614)<sup>4</sup>

Regulation 27 now requires a comprehensive risk assessment for each treatment works and connected supply system which covers all hazards and hazardous events. These risk assessments must be undertaken using the drinking water safety plan approach published by World Health Organisation (WHO) in the Drinking Water Guidelines 2004.

### **4.3.1 Drinking Water Safety Plans**

The WHO advocates the risk assessment approach because it focuses on public health and balances all the hazards and risks with the emphasis on water supply management. WHO believe that historically water companies have relied too heavily on water treatment technology and that end point testing is too little too late. This approach is nothing new; it is a way of building on the good practice, procedures and processes that are already in place. It is now regulatory in England and Wales and as such has also been adopted by Manx Utilities as best practice.

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<sup>2</sup> The Water Pollution Act 1993. This can be viewed at:

[http://legislation.gov.uk/cms/images/LEGISLATION/PRINCIPAL/1993/1993-0014/WaterPollutionAct1993\\_3.pdf](http://legislation.gov.uk/cms/images/LEGISLATION/PRINCIPAL/1993/1993-0014/WaterPollutionAct1993_3.pdf)

<sup>3</sup> Council Directive 98/83/EC of 3 November 1998, the European Drinking Water Directive. This can be viewed at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31998L0083:EN:NOT>

<sup>4</sup> The Water Supply (Water Quality) Regulations 2016 (SI 2016/614) - The Guidance on the Water Supply (Water Quality) Regulations 2016:

<http://www.dwi.gov.uk/stakeholders/guidance-and-codes-of-practice/wswq/index.html>

#### **4.4 The Conservation Access and Recreation Code of Practice (Environment Act 1995 and Water Industry Act 1991- Guidance for the Environment Agency and Water and Sewerage Undertakers)**

These UK Acts are built into the code of practice and are utilised by the water industry in England and Wales in the formulation of recreational use policies.

They state that relevant bodies are required to take such steps, as are reasonably practicable and consistent with other enactments relating to their functions, to secure that any rights which they have to the use of water, and associated land, are exercised so as to ensure that the water or land is made available, in the best manner, for recreational purposes.<sup>6</sup>

The Guidance also states that relevant bodies should seek to ensure that access is provided to as wide a range of facilities as possible and to as wide a range of people as possible, as promoting access for all should help to improve health and reduce social exclusion and that partnerships between interested bodies should be developed to maximise the potential of schemes for recreation.

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<sup>6</sup> The Conservation Access and Recreation Code of Practice (Environment Act 1995 water Industry Act 1991- Guidance for the Environment Agency and Water and Sewerage Undertakers. This can be viewed at: <http://collections.europarchive.org/tna/20080305115859/http://www.defra.gov.uk/environment/water/industry/copcar/index.htm>



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