

Controlled Activities Regulations Proposals for Regulation

A Policy Statement from the LINK Freshwater Taskforce

May 2005



Scottish Environment LINK's Freshwater Taskforce warmly welcomes the Scottish Executive's proposals for Controlled Activities Regulations.

These regulations provide an effective and proportionate framework for regulation of activities that pose risk to the water environment, and which will ensure the well-being of our rivers, lochs, coasts and wetlands for generations to come. These will complete an important part of the implementation of the secondary legislation, following the acclaimed primary legislation delivered by the Scottish Parliament, of the Water Framework Directive. The approval of these regulations will safeguard water as an important asset for Scotland's economy, wildlife, tourism and people.

We therefore recommend that the Environment and Rural Development Committee approves these regulations and ensures that Scotland continues to lead Water Framework Directive implementation in Europe.

"The Bill will give us powers to tackle environmental problems... The bill will also give us powers to control water abstraction where necessary.

Those who abstract in a manner that is sensitive to the environment should in no way fear that power. Despite our obvious wealth in water resources, we face problems of over-abstraction in certain parts of the country at certain times of the year. The bill will allow us to balance the rights of one group to extract against the rights of others to pursue other environmental pursuits."

Minister for the Environment and Rural Development, Ross Finnie MSP during the Stage 1 debate on Water Services (Scotland) Bill, 2002.

**'Water is not a commercial product like any other but, rather, a heritage which must be protected, defended and treated as such'.
(Water Framework Directive)**

Scotland is a country rich in natural resources such as water. However, this does not mean that as a nation we have always looked after this resource in the most appropriate way. The extent of damage to the water environment caused by human activities has recently been assessed by

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SEPA in its 'characterisation report' which indicates that **almost half of Scotland's waters are at risk of not achieving good ecological status by 2015.**

The primary means of achieving WFD's environmental objectives is through **regulation of water abstractions and impoundments, point and diffuse source pollution, and building and engineering works.** These regulations will be fundamental to achieving WFD objectives in Scotland, which in combination with **proactive measures** such as education, encouragement for habitat restoration and incentive based charging regime will safeguard plentiful and clean water supply for all water users now and in future. The regulatory proposals have been subjected to a long revision process. Streamlining and simplification of the proposed regulations resulted in the reduction of the overall costs of WFD implementation. It is now expected that a majority of activities will fall within the scope of the General Binding Rules. This could mean that **SEPA may lose an overview of all activities taking place and their cumulative impacts on the water environment.** This also means that any **further streamlining of these regulations could result in Scotland not being able to comply with the requirements of the WFD.**

The Freshwater Taskforce welcomes the Scottish Executive's commitment to introduce regulations early in the process of WFD implementation. This approach is in line with the consensus from all involved, including the industries, that early introduction of regulations will allow the industry sector and other water users enough time to plan the necessary investments for mitigation measures, thus spreading the cost of compliance over a longer period of time. This will ensure that good ecological status is met by 2015.

We would like to commend the Scottish Executive and SEPA on the open and transparent approach to stakeholder involvement whilst developing secondary regulations and charging regimes. The proposals for controlled activities regulations provide a good framework for the development of risk-based and proportionate measures to control impacts on the water environment and safeguard sustainable water use for now and future generations. There will be some cost attached to water users. However, these costs must be seen in perspective. Scotland has an obligation to ensure adequate protection of all waters and their ecology. If the WFD provisions are implemented poorly, the costs to the society, industries and the environment will be great. The economic and environmental gains of properly implementing the Directive far outweigh the costs of its implementation.



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This statement is supported by the LINK Freshwater Taskforce and others:

The Royal Society for the Protection of Birds Scotland (RSPB Scotland)

WWF Scotland

The National Trust for Scotland (NTS)

Scottish Wildlife Trust (SWT)

Friends of the Earth Scotland (FoES)

