WATER FRAMEWORK DIRECTIVE IN SCOTLAND

NEW CONTROLS PROTECT SCOTLAND’S WATER

There has been a major change recently in how Scotland’s water environment is managed. On 1 April this year the Water Environment (Controlled Activities) (Scotland) Regulations 2005 came into force. Otherwise known simply as the Controlled Activity Regulations, or CAR, they provide a new regime for protecting Scotland’s water, including activities which previously were not controlled.

The regulations, underpinned by the Water Framework Directive, relate to a range of activities which might affect the quality of the water environment. That includes wetlands, rivers, lochs, transitional waters (estuaries), coastal water and groundwater. Some of these activities were not previously subject to regulation in Scotland. But since 1 April it has been an offence to undertake any of the following activities without a CAR authorisation:

- discharge to all wetlands, surface waters and groundwaters (replacing the Control of Pollution Act 1974);
- disposal to land (replacing the Groundwater Regulations 1998);
- abstraction from all wetlands, surface waters and groundwaters;
- impoundment (dams and weirs) of rivers, lochs, wetlands and transitional waters; and engineering work in inland waters and wetlands.

Three different types of CAR authorisation mean that a proportionate and risk-based approach can be taken towards how regulations are being implemented in Scotland, specifically: general binding rules, registration and licensing.

General Binding Rules

General binding rules (or GBRs) are the lowest level of control and cover low risk activities. These include, for example, discharge of surface water runoff, small scale abstractions, dredging of small rivers and operating plant or machinery in, or in the vicinity of water. Activities undertaken in accordance with the rules do not require an authorisation and, therefore, do not incur a charge.

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Where a number of small-scale activities are undertaken, which individually pose a small environmental risk but which cumulatively could result in environmental harm, a registration is required. This will include details of the scale of activity and its location and will be valid as long as the activity is carried out according to the terms of the application. There is an application fee, but no charge for ongoing subsistence.

The introduction of the Controlled Activity Regulations mean that for the first time Scotland’s rivers, lochs and wetland habitats will be protected not only from water pollution, but also from the effects of water abstractions, dams and engineering works. The Water Framework Directive has established a new legal framework for the protection, improvement and sustainable use of water in the natural environment across Europe.

Finally, an activity may require a site-specific licence to protect the water environment. If necessary, a licence can cover linked activities on a number of sites over a wide area, as well as multiple activities on a single site. Depending on the level of risk posed by the activity, a licence may be ‘simple’ or ‘complex’. Application fees apply to all licenses, and subsistence charges may also be required.

If all this seems a little confusing, even daunting, don’t worry – help is at hand. The Scottish Environment Protection Agency (SEPA), which is responsible for CAR, has published a practical guide to help operators in Scotland determine the level of authorisation they require. Whether the activity is point source pollution, abstraction, impoundment or engineering, the guidance provides clear, regime-specific information of what is covered by general binding rules, or requires registration, simple or complex licensing. There’s even a helpful glossary of the technical terms use in the regulations.

For further information and guidance about the Directive, CAR, and the associated charging scheme visit: [www.sepa.org.uk/wfd](http://www.sepa.org.uk/wfd).

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PROJECTS

NOLIMP

NOnt Sea regional and Local Implementation of the Water Framework Directive

The project looks at practical ways of implementing the WFD both locally and regionally through pilot projects in five countries. Three of the current Scottish NOLIMP partners, Aberdeenshire Council, Scottish Natural Heritage and the Scottish Environment Protection Agency, worked together between 1998 and 2001 to establish and run the North East Rivers Project.

The aims of this project were to increase understanding of the need to conserve and enhance the water environment within Aberdeenshire and to stimulate cross agency working and understanding. The NOLIMP Project, locally known as the 3 Dee Vision Project, will assist the delivery of actions identified by the River Dee Catchment Management Plan.

Preparations for the new Objective 3 North Sea Programme have been underway for some time now. The new programme will draw from the experiences made during the IIC and IIIB programme periods and focus on topics of the most interest and urgent concern. The programme will start in 2007 and there will be a tender for projects sometime in the early months of that same year.

Working Towards Best Practice - Farming and Wildlife Advisory Group (FWAG)/SEPA project

FWAG provides farmers and landowners with practical advice on making adjustments to farm operations and enhancing farm features in order to support wildlife, landscape, archaeology, access and other conservation issues.

For details see the FWAG website: (http://www.fwag.org.uk/scotland/)

Latest News

Sustainable farming and pollution prevention.
SEPA's news release, 20/06/06

Sustainable farming was showcased again recently in May, when The Scottish Environment Protection Agency (SEPA) co-ordinated the visit of around 40 farmers, land owners and other interested parties to the constructed farm wetlands (CFW) at Boreland of Girthon farm in Gatehouse of Fleet.

David Austin, who farms at Boreland of Girthon, operates a system independent of the FWAG/SEPA project. He explained the design of his CFW, which comprises a series of linked ponds and wetlands which convey the run-off water from his yard areas. This is done to prevent pollution from the water run-off reaching the nearby burn. David Austin also talked about the importance of the research undertaken before construction, and of working with SEPA to help prevent pollution and to ensure compliance with regulations.


Patterns of Climate Change across Scotland
SNIFTER Report CC03, March 2006.

This study is focused upon the identification of trends in Scottish climate and providing the regional and spatial detail that national averages mask. The study does not seek to explain, or attribute a cause, for identified trends. Many of the trends identified are significant and therefore beyond the range expected from natural variability. Whether or not the changes are due to anthropogenic climate change it is clear that these observed trends are often comparable with those predicted for the future.

The report is available for download from the SNIFTER website: (http://www.sniffer.org.uk).

Copies of the full report can be obtained from FWR: email: office@fwr.org.uk

Water Resource Management Newsletters (POWRM).

E-newsletters contain updates from the Project Officer in Water Resource Management (POWRM) with the aim to help farmers reduce diffuse pollution risks from agricultural practices. The quarterly e-newsletter, produced by the Scottish Agricultural College (SAC), is sent to a number of farmers, farm consultants and a range of other organisations and professionals.

(The POWRM Post is a partnership initiative supported by SAC, SEERAD, SNH, WWF (Scotland), NFUS, FWAG Scotland and SEPA)

The last (June 2006) issue includes information on results from the Diffuse Water Pollution from Rural Land Use consultation that closed on 13 March 2006: (http://www.sac.ac.uk/consultancy/fbs/publications/powrmnewsletters/)
AN UPDATE on the work of the Information Centre

IN ADDITION TO OUR WEBSITE, our second communication channel to raise public awareness is through having stands at exhibitions and events.

Our new focus on more publicly orientated events has taken us to both the River Parrett River Festival in May and the Royal Agriculture Show in July.

At both events, our stand was very popular with lots of people, including some well know politicians, who showed considerable interest about the potential effects the WFD may have on different activities.

The service we are providing is seen as very useful from the feedback we are getting and the amount of literature taken from the stands.

Future events where we plan also to have a presence include the Royal Berkshire Show and the Ribble Forum both in September, the SEPA conference in October, and the Environment Agency’s Annual Conference in November.

We were also invited to give presentations on the WFD to the PlantNetwork Conference, Consumer Council for Water, and the International Navigation Association (PIANC).

Finally, we are very proud to announce that the work of the WFD Information Centre has been recognised by both Defra, in inviting FWR to sit on the WFD Stakeholder Group, and by the Scottish Executive who have been generous in their support for the Information Centre’s work.

Should you have any questions on the above then please do not hesitate to contact me (see details below).

Neil Tytler, Manager WFDIC