

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Environment (Controlled Activities) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

SCHEDULE 3

Regulation 7

General Binding Rules

PART 1

Commencement Information

II Sch. 3 Pt. 1 in force at 1.4.2006, see [reg. 1\(2\)](#)

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Rules</i>
<p>1. The operation of any weir that—</p> <ul style="list-style-type: none">(a) is not associated with an abstraction;(b) is not capable of being operated to control the water level upstream of the weir;(c) does not result in the creation of a height differential between the upstream and downstream water surfaces of more than one metre; and(d) was constructed before 1st April 2006. <p>2. The abstraction of less than 10 m³ in any one day.</p>	<p>(a) (a) the weir shall not impede the free passage of salmon and sea trout during periods within which, in the absence of the weir, the flow of the river would be at a level expected to enable migration.</p> <p>(a) (a) there shall be a means of demonstrating that the abstraction is less than 10 m³ in any one day, such as a means of measuring the rate of the abstraction or a means of demonstrating that the maximum volume that could be abstracted cannot exceed 10 m³ in any one day; and</p> <p>(b) water leakage shall be kept to a minimum by ensuring all pipe work, storage tanks and other equipment associated with the abstraction and use of the water are maintained in a state of good repair.</p>
<p>3. The construction or extension of any well, borehole or other works by which water may be abstracted, or the installation or modification of any machinery or apparatus by which additional</p>	<p>(a) (a) subject to paragraphs (b) and (c), the construction of the well or borehole shall be such as to avoid the entry of water of a different</p>

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Environment (Controlled Activities) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Rules</i>
<p>quantities of water may be abstracted, where such works are–</p> <ul style="list-style-type: none"> (a) not intended for the purpose of abstraction; or (b) intended for the abstraction of less than 10 m³ in any one day; or (c) intended for the abstraction of less than 150 m³ in any period of one year, and the purpose of the abstraction is either– <ul style="list-style-type: none"> (i) to test for the yield of the borehole or well or the hydraulic properties of the aquifer; or (ii) to sample the water quality. 	<p>chemical composition into the body of groundwater;</p> <ul style="list-style-type: none"> (b) drilling fluids may be introduced into the well or borehole if necessary to facilitate the drilling of the well or borehole provided this does not result in pollution of the water environment; (c) potable water may be introduced into the well or borehole to test the hydraulic properties of the aquifer; and (d) when the well or borehole is not being used for abstraction, it shall be back-filled or sealed to the extent necessary to avoid loss of groundwater from any aquifer.
<p>4. The abstraction from a borehole, and any subsequent discharge of the abstracted water, where the total volume of water abstracted is less than 150 m³ in any period of one year and the purpose of the abstraction is either–</p> <ul style="list-style-type: none"> (a) to test the yield of the borehole or well or the hydraulic properties of the aquifer; or (b) to sample the water quality. 	<ul style="list-style-type: none"> (a) (a) the abstraction shall not cause the entry of water of a different chemical composition into the body of groundwater; and (b) when the borehole is not being used for abstraction, it shall be back-filled or sealed to the extent necessary to avoid loss of groundwater from any aquifer.
<p>5. The dredging of a river, burn or ditch that–</p> <ul style="list-style-type: none"> (a) has an average width of less than one metre along the stretch to be worked, as measured at the bottom of the channel; and (b) has been artificially straightened or canalised along the length which is to be worked. 	<ul style="list-style-type: none"> (a) (a) vegetation on any bank of the river, burn or ditch may be removed or modified only to the extent that the works cannot reasonably be carried out without such removal or modification; (b) any vegetation removed shall not be disposed of into the channel; (c) the bed of the channel adjacent to each bank of the river or burn shall be left undisturbed; (d) all reasonable steps shall be taken to prevent the transport of sediments or other matter disturbed by the works into waters beyond the worked stretch; (e) the works shall not be undertaken during periods in which fish are likely to be spawning in the river, burn or ditch nor in the period

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Environment (Controlled Activities) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Column 1 Activity	Column 2 Rules
<p>(i) The construction and maintenance of a minor bridge over a river, burn or ditch; or</p> <p>(ii) the construction, maintenance or removal of a temporary bridge over any river, burn or ditch that has a channel width of less than 5 metres.</p>	<p>between any such spawning and the emergence of the juvenile fish;</p> <p>(f) all reasonable steps shall be taken to avoid increased erosion of the bed or banks of the river, burn or ditch as a result of the works;</p> <p>(g) the works shall not result in the heightening of either bank.</p> <p>(a) (a) vegetation on any bank of the river, burn or ditch shall be removed or modified only to the extent necessary to carry out the works;</p> <p>(b) any vegetation removed shall not be disposed of into the channel;</p> <p>(c) the works shall not prevent the free passage of migratory fish;</p> <p>(d) the works shall not result in the narrowing of the channel width nor the heightening of either bank;</p> <p>(e) if necessary, a temporary culvert may be installed to facilitate the works. The culvert shall not extend more than 10 metres along the length of the river, burn or ditch and shall be removed on completion of the works;</p> <p>(f) the works shall not be undertaken during periods in which fish are likely to be spawning in the river, burn or ditch nor in the period between any such spawning and the emergence of the juvenile fish;</p> <p>(g) all reasonable steps shall be taken to ensure that the works do not result in increased erosion of the bed or banks of the river, burn or ditch;</p> <p>(h) as far as reasonably practicable, within 12 months of the commencement of the works, the bed and banks of the river, burn or ditch shall be reinstated to at least their condition prior to the commencement of the works; and</p> <p>(i) for temporary bridges, as far as reasonably practicable, and within 12 months of the removal of the</p>

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Environment (Controlled Activities) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Rules</i>
<p>7. The laying of a pipeline or cable by boring beneath the bed and banks of a river, burn or ditch.</p>	<p>bridge, the bed and banks shall be reinstated at least to their condition prior to the commencement of the works.</p> <p>(a) (a) the bed and banks shall not be altered as a result of the works other than in accordance with paragraphs (b) and (d);</p> <p>(b) vegetation on any bank of the river, burn or ditch may be removed or modified only to the extent that the works cannot reasonably be carried out without such removal or modification;</p> <p>(c) any vegetation removed shall not be disposed of into the channel; and</p> <p>(d) as far as reasonably practicable, within 12 months of the commencement of the works, the banks of the river, burn or ditch shall be reinstated at least to their condition prior to the commencement of the works.</p>
<p>8. Works to control the erosion of a bank of a river, burn or ditch by revetment.</p>	<p>(a) (a) all reasonable steps shall be taken to ensure that the works do not result in increased erosion of either bank of the river, burn or ditch;</p> <p>(b) the works shall not result in the destabilisation of the bed of the river, burn or ditch upstream or downstream of the works;</p> <p>(c) vegetation on either bank of the river, burn or ditch may be removed or modified only to the extent that the works cannot reasonably be carried out without such removal or modification;</p> <p>(d) any vegetation removed shall not be disposed of into the channel;</p> <p>(e) revetments shall be constructed from one or more of the following: vegetation; geotextiles; wood other than wood treated with preservatives; or non-grouted stone rip-rap;</p>

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Environment (Controlled Activities) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Rules</i>
<p>9. Operating any vehicle, plant or equipment for the purposes of undertaking activity 5, 6, 7 or 8.</p>	<ul style="list-style-type: none"> (f) the length of any revetment shall be no more than 10 metres or one channel width, whichever is greater; (g) where wood or stone rip-rap is used for a revetment, the wood or rip-rap shall be placed at the toe of the bank; (h) except for the purpose of repairing an existing revetment no bank protection works shall be undertaken within 5 channel widths or 50 metres (whichever is the greater) of any existing bank protection works on either bank of the river, burn or ditch; (i) the works shall not result in the heightening of either bank; (j) the works shall not be undertaken during periods in which fish are likely to be spawning in the river, burn or ditch nor in the period between any such spawning and the emergence of the juvenile fish; and (k) the revetments shall be maintained in the state of repair required to avoid increased erosion of the banks or destabilisation of the bed. <ul style="list-style-type: none"> (a) (a) any vehicles, plant or other equipment shall only operate in water where it is impracticable for them to operate on dry land; (b) the refuelling of vehicles, plant and other equipment shall be undertaken at least 10 metres from any surface water; (c) any static plant or equipment used within 10 metres of surface water shall be positioned on a suitably sized and maintained impervious drip tray with a capacity equal to 110 % of the capacity of the fuel tank which is supplying the tank or equipment; (d) any vehicle, plant or other equipment used in or near surface water shall not leak any oil; (e) the washing of vehicles, plant or other equipment shall be undertaken

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Environment (Controlled Activities) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Rules</i>
<p>10. Discharge of water run-off from a surface water drainage system to the water environment from construction sites, buildings, roads, yards or any other built developments</p>	<p>at least 10 metres away from any surface water and water from such washing shall not enter any surface water;</p> <p>(f) vehicles, plant or equipment shall not be operated in a river, burn or ditch during periods in which fish are likely to be spawning in the river, burn or ditch nor during the period between any such spawning and the subsequent emergence of the juvenile fish.</p> <p>(a) (a) the discharge shall not result in pollution of the water environment;</p> <p>(b) the discharge shall not contain any trade effluent or sewage, and shall not result in visible discolouration, iridescence, foaming or growth of sewage fungus in the water environment;</p> <p>(c) the discharge shall not result in the destabilisation of the banks or bed of the receiving surface water;</p> <p>(d) the discharge shall not contain any water run-off from any buildings, roads, yards or other built developments, the construction of which is completed after 1st April 2006, or from construction sites operated after 1st April 2006, unless—</p> <p>(i) those developments or construction sites are drained by a SUD system or equivalent equipped to avoid pollution of the water environment;</p> <p>(ii) the run-off is from a development that is a single dwelling and its curtilage; or</p> <p>(iii) the discharge is to coastal water;</p> <p>(e) the discharge shall not contain any water run-off from—</p> <p>(i) fuel delivery areas and areas where vehicles, plant and equipment are refuelled;</p>

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Environment (Controlled Activities) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Column 1 Activity	Column 2 Rules
<p>11. Discharge into a surface water drainage system.</p>	<ul style="list-style-type: none"> (ii) vehicle loading or unloading bays where potentially polluting matter is handled; or (iii) oil and chemical storage, handling and delivery areas; constructed after 1st April 2006; (f) all facilities with which the surface water drainage system is equipped to avoid pollution, including oil interceptors, silt traps and SUD system attenuation, settlement and treatment facilities, shall be maintained in a good state of repair; and (g) all reasonable steps shall be taken to ensure that any matter liable to block, obstruct, or otherwise impair the ability of the surface water drainage system to avoid pollution of the water environment is prevented from entering the drainage system. <ul style="list-style-type: none"> (a) (a) oil, paint, paint thinners, pesticides, detergents, disinfectants or other pollutants shall not be disposed of into a surface water drainage system or onto any surface that drains into a surface water drainage system; (b) any matter liable to block, obstruct, or otherwise impair the ability of the surface water drainage system to avoid pollution of the water environment shall not be disposed of into a surface water drainage system or onto a surface that drains into a surface water drainage system; and (c) sewage and trade effluent shall not be discharged into any surface water drainage system.

PART 2

Commencement Information

I2 Sch. 3 Pt. 2 in force at 1.4.2006, see [reg. 1\(2\)](#)

In this Schedule—

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Environment (Controlled Activities) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“channel width” means the straight-line distance that is between opposite bank-tops of a river, burn or ditch and which spans the bed of a river, burn or ditch, including any exposed bars and vegetated islands;

“minor bridge” means a bridge having no part of its structure within the channel of a river, burn or ditch and constructed for the purpose of supporting a footpath, cycle route or single-track road;

“oil” means any kind of oil and includes fuel oil, waste oil and hydraulic oil;

“revetment” means a modification to a bank of a river, burn or ditch that increases the resistance of the bank to lateral erosion;

“rip-rap” means irregular shaped stones placed along a bank of a river, burn or ditch for the purpose of increasing the resistance of the bank to erosion;

“sewage” has the same meaning as in section 59 of the Sewerage (Scotland) Act 1968⁽¹⁾;

“surface water drainage system” means a system, such as a SUD system, that is used to collect and drain surface water run-off from one or more premises and transport it to, and discharge it into, the water environment, and may include, among other things, any surface water sewers and associated inlets, outfalls, gullies, manholes, oil interceptors, silt traps, and attenuation, settlement and treatment facilities;

“temporary bridge” means any bridge which will be removed within a period of 12 months beginning with the date on which its construction commences; and

“trade effluent” has the same meaning as in section 59 of the Sewerage (Scotland) Act 1968.

⁽¹⁾ 1968 c. 47.

Status:

This version of this schedule contains provisions that are prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Environment (Controlled Activities) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Instrument appl by [S.S.I. 2006/133 reg 3](#)
- sch 3 am by [S.S.I. 2008/54 reg 2 schedule](#)
- Sch. 3 Pt. 1 coming into force by [S.S.I. 2005/348 reg. 1\(2\)](#)
- Sch. 3 Pt. 2 coming into force by [S.S.I. 2005/348 reg. 1\(2\)](#)
- sch 3 subst by [S.S.I. 2007/219 reg 2 schedule](#)
- Regulations revoked by [S.S.I. 2011/209 reg. 58\(1\)\(a\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 rule 16 words substituted by [S.S.I. 2009/420 reg. 4\(7\)](#)
- Sch. 8 para. 1(v)(w) inserted by [S.S.I. 2009/420 reg. 4\(9\)\(b\)](#)
- reg. 10(A1) inserted by [S.S.I. 2009/420 reg. 4\(4\)\(a\)](#)
- reg 15A added by [S.S.I. 2006/553 reg 2](#)