

EXECUTIVE NOTE

THE WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) AMENDMENT REGULATIONS 2007 SSI/2007/219

Introduction

The above instrument was made by the Scottish Ministers in exercise of the powers conferred by section 20, and section 36(2) and (3) of, and schedule 2 to, the Water Environment and Water Services (Scotland) Act 2003^(a), and of all other powers enabling them in that behalf, after consulting with the persons specified in section 21(1) of that Act, having published a draft of the proposed general binding rules in accordance with section 21(2), having had regard to the representations received about the proposed rules in accordance with section 21(4) of that Act, and having complied with the requirements of section 21 of that Act.

Policy Objectives

The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) were designed on the principle that the level of regulatory control to which activities are subject should be proportionate to the environmental risk posed by those activities. Accordingly, CAR provides for three levels of authorisation: general binding rules (GBRs), registration and licensing.

We are committed to the continuous reduction of the regulatory burden for operators requiring authorisation under CAR. SEPA provided advice on GBRs which could be introduced under Schedule 3 of CAR in respect of activities which currently require authorisation by SEPA, for example the temporary abstraction of groundwater at construction sites. The reduced regulation of these activities will benefit a number of sectors, including land managers, local authorities, the construction industry, District Salmon Fisheries Boards and Scottish Water.

Consultation

A consultation has been issued on the of amendments of CAR, which relax the requirements on operators.

The 28 day consultation period required under the WEWS Act for the introduction of regulations ended on 2 March 2007.

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^(a) 2003 asp 3: as amended by section 66 and paragraph 6 of Schedule 2 to the anti Social Behaviour etc. (Scotland) Act 2004 (asp 8), and regulation 3 of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (S.S.I. 2005/348).