

POLICY NOTE

THE FINANCIAL ASSISTANCE FOR ENVIRONMENTAL PURPOSES (SCOTLAND) ORDER 2016

SSI 2016/406

The above instrument is made in exercise of the powers conferred by section 153(4) of the Environmental Protection Act 1990 (“the 1990 Act”). The instrument is subject to the negative procedure.

Policy Objectives

1. The Order varies section 153(1) of the 1990 Act to add a new purpose for which the Scottish Ministers may give financial assistance, namely any programme of measures to achieve, in relation to a body of water, environmental objectives of the kind that may be set in relation to that body of water under Part 1 of the Water Environment and Water Services (Scotland) Act 2003 or schedule 1 of the Water Environment (Water Framework Directive)(Solway Tweed River Basin District) Regulations 2004.

Background and discussion

2. The Water Framework Directive 2000/60/EC (“WFD”) requires Member States to establish a framework for the management of our water resources through the introduction of River Basin Management Plans (“RBMPs”), a cyclical, detailed planning mechanism for setting environmental objectives for each water body within a river basin district (“RBD”). The WFD sets challenging environmental objectives; in particular, to restore damaged surface waters and groundwater to 'good status' by 2027.

3. Currently **63%** of water bodies in Scotland are at good status. The need to make significantly greater progress in the 2015-21 period underpinned the development of the second Plans. In particular the RBMPs signal that we will take steps to address our most significant challenges.

4. Many of the necessary improvement measures can be delivered through traditional regulatory approaches, but some measures will be voluntary. Such voluntary actions will be required of a wide range of bodies, including local authorities, charities and individual land managers. Many such persons are likely to require some financial support to facilitate delivery of measures to the necessary standard.

5. This Order ensures that the powers are in place to allow Ministers to make grants to any appropriate body or individual for the purposes of delivering the programme of measures set out in the RBMPs.

Financial implications

6. No Business and Regulatory Impact Assessment has been prepared as this Order introduces no financial impacts on business, charities or voluntary bodies.

7. The powers are purely permissive; any grants made under the Order will be subject to budget availability.

Environmental Quality Division
November 2016