EXECUTIVE NOTE

THE WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (THIRD PARTY REPRESENTATIONS ETC) (SCOTLAND) REGULATIONS 2006 SSI/2006/553

The above instrument is made in exercise of the powers conferred by section 20 of, and Schedule 2 to, the Water Environment and Water Services (Scotland) Act 2003 ("the WEWS Act"). The instrument is subject to negative resolution procedure.

Policy Objectives

1. This instrument makes amendments to the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) which will support our policy for transparent and fair procedures for allowing third party representations with regards to applications for authorisations, variations or surrenders to be considered by SEPA, and by Scottish Ministers as appropriate.

Background

2. CAR came into force on 1 April 2006. Since then, activities liable to have an adverse impact on the water environment, including abstractions, impounding works, discharges, engineering works and the artificial recharge of groundwater, require authorisation by SEPA.

SEPA may require an operator to advertise its application where the proposed activity is likely to have significant adverse impacts on the water environment. This allows third parties to register any relevant concerns and the reasons for them with SEPA, who take any such issues into consideration in determining the application.

3. However, there may be some circumstances where third parties raise issues of such significance for the public interest that it may be more appropriate for Scottish Ministers to determine the application. Ministers therefore have the power under regulation 17 of CAR to direct SEPA to refer to them for their determination any application; any class or description of application; or any part of any particular application.

4. The instrument makes minor amendments to CAR in order to provide a transparent process for SEPA, and Ministers as appropriate, to take into account such representations in determining an application for authorisation.

5. The instrument also makes minor technical amendments which have no policy or political implications.

Consultation

6. This instrument is subject to the consultation requirements under section 21(1) of WEWS. This procedure has been consulted upon with the National Stakeholder Forum and SEPA through a discussion paper, and their comments taken into account in finalising the instrument.

Financial Implications

7. There are no financial implications arising from this instrument.

Negative Resolution Procedure

8. This instrument is subject to the negative resolution procedure.

Scottish Executive Environment and Rural Affairs Department
November 2006