POLICY NOTE

THE WATER ENVIRONMENT (SHELLFISH WATER PROTECTED AREAS: DESIGNATION) (SCOTLAND) ORDER 2016

SSI 2016/

The above instrument is made in exercise of the powers conferred by section 5A(1) and (6) of the Water Environment and Water Services (Scotland) Act 2003. The instrument is subject to the negative procedure.

Policy Objectives

1. The Order designates an area of coastal water as a shellfish water protected area for the purposes of Part 1 (protection of the water environment) of the Water Environment and Water Services (Scotland) Act 2003 ("the 2003 Act"), as applied by regulation 5 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004.

Background and discussion

2. Directive (2006/113/EC) on the quality of shellfish waters was introduced to protect designated waters from pollution in order to support shellfish life and growth. It was repealed with effect from 22 December 2013.

3. Wishing to offer continued protection to support the sustainable growth of the shellfish sector, Ministers used the Aquaculture and Fisheries (Scotland) Act 2013 to insert section 5A into the 2003 Act to enable areas of water to be designated as 'shellfish water protected areas' and to provide that environmental objectives could be set to improve or protect those areas within Scotland's river basin management planning process.

4. 84 such areas within the Scotland River Basin District were subsequently designated by means of The Water Environment (Shellfish Water Protected Areas: Designation) (Scotland) Order 2013.

5. The Loch Ryan area lies in the cross-border Solway Tweed River Basin District. The UK Government has recently made amendments to the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004 which enable the Scottish Ministers to designate shellfish water protected areas within that part of that river basin district which lies in Scotland. Accordingly this Order in respect of Loch Ryan is now being brought forward.

6. The Order is supported by directions to the Scottish Environment Protection Agency. These directions make further provision regarding the setting of environmental objectives for the designated area, and the environmental standards to be used in assessing the achievement of those objectives.

Consultation and financial implications

7. A 12-week consultation in respect of all 85 sites was held between 8 July and 27 September 2013. All relevant business interests strongly supported the proposals. A Business and Regulatory Impact Assessment was published on the Scottish Government website at that time. This Order introduces no new financial implications.

Environmental Quality Division
September 2016