

POLICY NOTE

THE WATER ENVIRONMENT (SHELLFISH WATER PROTECTED AREAS: DESIGNATION) (SCOTLAND) ORDER 2013

SSI 2013/324

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 negative procedure.

Policy Objectives

1. The Order designates 84 areas¹ of coastal or transitional water as shellfish water protected areas for the purposes of Part 1 (protection of the water environment) of the Water Environment and Water Services (Scotland) Act 2003 ('the 2003 Act').

Background and discussion

2. The Shellfish Waters Directive (2006/113/EC) ('SWD') was introduced to protect designated waters from pollution in order to support shellfish life and growth. The SWD is repealed with effect from 22 December 2013, and Ministers wish to offer continued protection to support the sustainable growth of the shellfish sector in Scotland.

3. The Aquaculture and Fisheries (Scotland) Act 2013 inserted section 5A into the 2003 Act to enable areas of water to be designated as 'shellfish water protected areas'. This Order designates 84 such areas within the Scotland River Basin District.

4. The Order is made alongside the Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013 which make further provision regarding the setting of environmental objectives for each designated area. The Regulations set out the default outcomes to be achieved, but allow for alternative deadlines, less stringent objectives or temporary deterioration in water quality under certain prescribed circumstances and subject to certain conditions. They also make strong links to the River Basin Management Plans, ensuring that shellfish water protected areas are treated as integral component of those Plans.

Consultation and financial implications

5. A 12-week consultation was held between 8 July and 27 September 2013. All relevant business interests strongly supported the proposals. Together the Order and the Regulations seek to protect and develop economically significant shellfish production.

¹ The Loch Ryan area lies in the cross-border Solway Tweed River Basin District. We are currently working with DEFRA to prepare amendments to the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004 to enable Loch Ryan to be designated by Scottish Ministers and a further Order will be brought forward in respect of the Loch Ryan area in due course.

Environmental Quality Division
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