

POLICY NOTE

THE WATER ENVIRONMENT (SHELLFISH WATER PROTECTED AREAS: ENVIRONMENTAL OBJECTIVES ETC.) (SCOTLAND) REGULATIONS 2013

SSI 2013/325

The above instrument is made in exercise of the powers conferred by sections 8(5), 9(4), 10(2)(b), 19(1) and 36(2) and (3) of the Water Environment and Water Services (Scotland) Act 2003. The instrument is subject to negative procedure.

Policy Objectives

1. The Regulations make further provision in relation to areas of coastal water and transitional water which are designated as 'shellfish water protected areas' under section 5A of the Water Environment and Water Services (Scotland) Act 2003 ('the 2003 Act') in order to support shellfish life and growth and to contribute to the high quality of shellfish products.

Background and discussion

2. The Shellfish Waters Directive (2006/113/EC) ('SWD') was introduced to protect designated areas of water 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 The SWD is repealed with effect from 22 December 2013, and Ministers wish to offer continued protection to support the sustainable growth of the shellfish sector in Scotland.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'. The Water Environment (Shellfish Water Protected Areas: Designation) (Scotland) Order 2013 (and the accompanying maps) to be laid before the Scottish Parliament provides for the designation of 84 such areas within the Scotland River Basin District with effect from 22 December 2013.

4. The Regulations make further provision regarding the setting of environmental objectives for each of those designated areas. In particular, they 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 with the 2013 Order, these Regulations will ensure an appropriate balance is achieved between the long-term growth of the shellfish sector and any future investment by Scottish Water. A final Business and Regulatory Assessment has been prepared and will be published on the Scottish Government website.

Environmental Quality Division
November 2013