

## **POLICY NOTE**

### **THE WATER ENVIRONMENT (REMEDIAL MEASURES) (SCOTLAND) REGULATIONS 2016**

#### **SSI 2016/19**

1. The above instrument is made in exercise of the powers conferred by sections 22 and 36(2) and (3) of, and Schedule 2A to, the Water Environment and Water Services (Scotland) Act 2003 (“the 2003 Act”), and section 2(2) of the European Communities Act 1972. The instrument is subject to negative procedure.

#### Policy Objectives

2. These Regulations support the delivery of our obligations under the EU Water Framework Directive 2000/60/EC (“WFD”), with particular reference to facilitating improvements in the physical condition of water bodies adversely affected by historic structures owned, managed or maintained by certain public bodies.

#### Background

3. The WFD established a framework for community action for the protection and improvement of the water environment across Europe. The provisions of the WFD are transposed in the Scotland River Basin District by means of the Water Environment and Water Services (Scotland) Act 2003 (“the WEWS Act”). Section 22 of the WEWS Act provides for Ministers to make regulations in connection with remedial or restoration measures for the purpose of facilitating the achievement of environmental objectives set out in river basin management plans (RBMPs).

4. Preparation for the latest round of RBMPs identified that the banks and beds of over 300 water bodies are adversely affected by historic structures such as culverts, bridge footings and crossings. Many of the structures causing these impacts are either owned, managed, or maintained by public bodies, parts of Government such as Transport Scotland, or Network Rail. Although there is a general requirement for public bodies to facilitate the achievement of our RBMP objectives, progress has been slow; and these new provisions are intended to encourage specified bodies to make greater progress in these matters.

#### Consultation and financial implications

5. In February 2015 we published a consultation including draft regulations to help SEPA ensure that artificial structures owned, managed or maintained by certain authorities do not cause adverse impacts on the physical condition of our water environment or prevent fish passage. Respondents were supportive of our proposals.

6. No business and regulatory impact assessment has been prepared for these Regulations because no additional impacts on business, charities or voluntary bodies is foreseen.