

Delivering Scotland's River Basin Management Plans: Improving the physical condition of Scotland's water environment

A Consultation

February 2015

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1. PURPOSE

Scotland's water environment is one of our greatest natural assets, providing many benefits for our economy, wildlife, health and well-being. To ensure the continued sustainable use of Scotland's water resources, we need to manage the full range of pressures that can affect the quality of our waters. This includes impacts caused by historic changes to the physical characteristics of our rivers, lochs, estuaries and coastal waters.

Progress to date in addressing such impacts has been limited, and this consultation proposes several key steps to help strengthen the delivery framework:

- using scoping studies at the water body or catchment scale to provide a firm basis for identifying where improvements may be needed and developing proportionate improvement plans;
- increasing efforts to encourage and develop partnerships to take forward voluntary restoration projects; and
- increasing emphasis on remediation at the site of artificial structures where there are significant impacts and/or fish passage is impeded.

We would welcome any comments on the proposals set out in this paper.

2. CONSULTATION ARRANGEMENTS

Please send your views and comments on the proposals set out in this document to:

Environmental Quality Division
Scottish Government
Area 1-D North
Victoria Quay
EDINBURGH
EH6 6QQ

Tel: 0131-244-0205

Email: EQCAT@Scotland.gsi.gov.uk

Responses should reach us by 22 May 2015. Earlier responses would be welcome.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** attached at **Annex B** with your response as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

3. INTRODUCTION

The EU Water Framework Directive (WFD) was introduced in 2000 and requires Member States to establish a framework for the management of Europe's water resources through the introduction of a new river basin management planning process.

The first River Basin Management Plans (RBMPs) published by SEPA in 2009 set out a programme of measures to help protect and improve Scotland's water environment. This approach allows environmental improvements to be prioritised over successive planning cycles. To secure the continued sustainable use of Scotland's water resources, we need to manage the full range of pressures that can affect the quality of our waters. These include sources of pollution, changes to the flow of water, and changes to the physical characteristics such as the shape and structure of our rivers, lochs, estuaries and coastal waters.

Many of the necessary improvements can be secured by means of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). These give SEPA powers to control the impacts of a wide range of on-going activities such as abstractions, the operation of dams and weirs, and new building or engineering works in the water environment. However there are many impacts resulting from past alterations to the physical characteristics of our water environment which are not associated with an on-going controlled activity and which therefore cannot be addressed using CAR.

To help address these impacts, in 2012 SEPA published its [plan](#) for 'Improving the physical condition of Scotland's water environment'. SEPA has also been working with third party groups, local authorities and land managers to develop improvement projects, supported by contributions from the Water Environment Fund. This approach has delivered a number of improvements - in particular SEPA and the Rivers and Fisheries Trusts of Scotland (RAFTS) have been engaged in delivering a programme of work to remove or ease barriers to fish passage. However these various collaborative initiatives have largely been opportunistic. Many have been dependent on the presence of an established partnership group which has developed effective relationships with landowners and managers, such as catchment management partnerships or fishery trusts. As a result we have seen some localised improvements, but generally not at a water body or catchment scale.

SEPA's current [consultations](#) on the second round of Scotland and Solway Tweed RBMPs (for the period 2015-2021) highlight that over 300 of Scotland's water bodies remain adversely affected by alterations to their beds, banks and shores; and around 330 affected by barriers to fish migration. The location of these pressures are illustrated in the following maps.

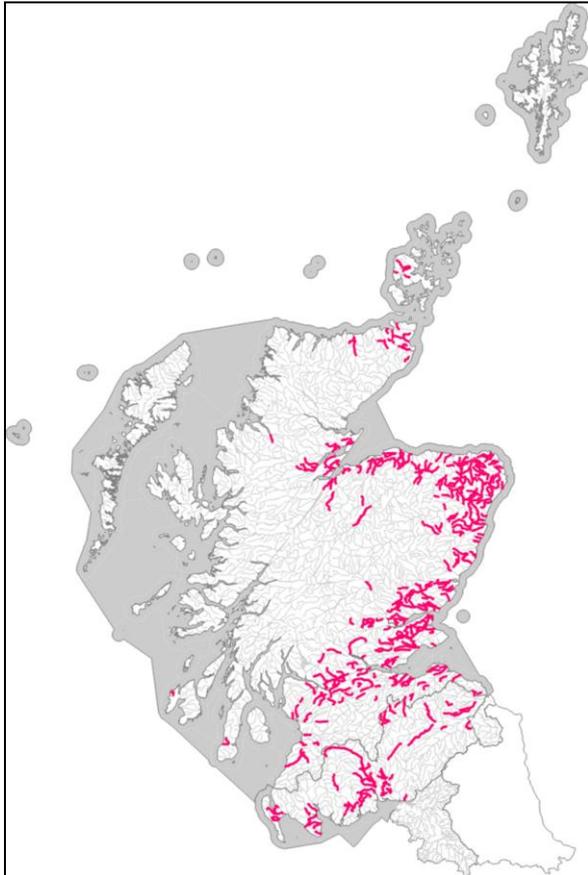


Figure 1: Water bodies predicted to be worse than good status in 2015 due to impacts on the physical condition of their beds, bank and shores

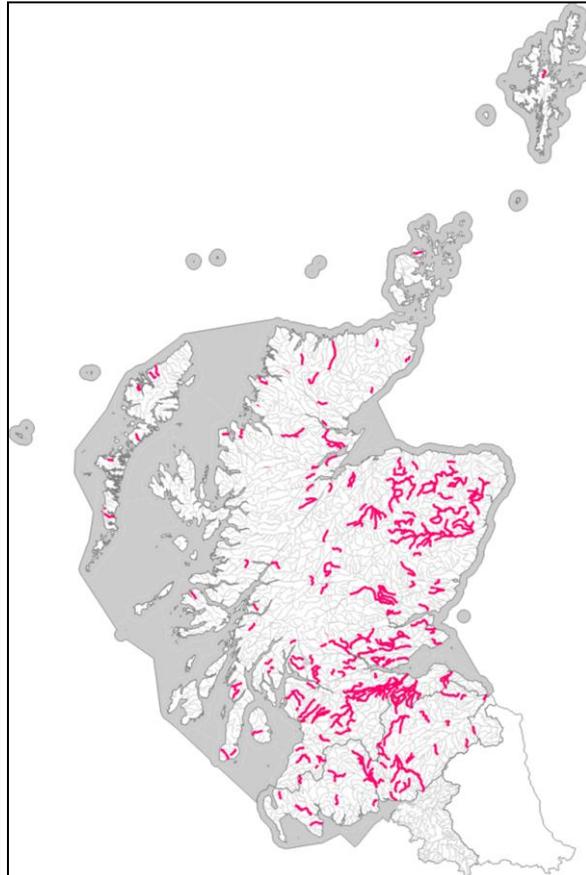


Figure 2: Water bodies predicted to be worse than good status in 2015 due to impacts by man-made barriers to fish movement

The scale of this task challenges us to review the effectiveness of the current opportunistic approach and move towards a more strategic approach to the delivery of targeted improvement measures at the water body scale, aimed at securing the greatest environmental benefits.

This consultation proposes the development of a structured delivery framework supported by legislative and financial mechanisms to help national bodies, local authorities and other partners such as voluntary bodies and land managers take forward measures aimed at addressing the legacy impacts of physical alterations to the banks, beds and shores of Scotland's rivers, lochs, estuaries and coastal waters.

On a wider note, achieving our RBMP objectives has the potential to contribute to the achievement of a range of other Scottish Government policies, such as the [2020 Challenge for Scotland's Biodiversity](#), the [Scottish Forestry Strategy](#), and reducing flood risk. However, these various policy programmes operate at different geographical and spatial scales, and currently rely on a range of delivery bodies and mechanisms. We believe there is considerable scope for improved coordination and synergies to be achieved at the individual project level; and it is hoped that our work to improve the physical condition of these water bodies might in turn prompt local groups to take forward more integrated catchment management in those areas.

4. STRENGTHENING THE DELIVERY FRAMEWORK

4.1 Overview of proposed approach

Establishing a more systematic approach to improving the physical condition of our water environment will require much greater emphasis on identifying national priorities at a water body or catchment scale, and an associated strengthening of the delivery framework. We propose a multi-strand approach to tackling the range of identified pressures:

- developing a nationally-prioritised programme of **river restoration projects** where the scale of the achievable benefits clearly demonstrates the value of making such improvements; and
- taking steps to address the impacts of artificial **structures** (both currently in use or redundant) having an adverse effect on the water environment or preventing fish passage, by
 - increasing the number of reviews of CAR authorisations for dams and weirs, and
 - ensuring authorities responsible for other artificial structures such as culverts or bridge footings make any necessary improvements.

The following sections discuss these various matters in more detail.

4.2 Provisional prioritisation of water bodies for investigation

The RBMP process provides an over-arching framework for prioritising and coordinating work to address adverse impacts on Scotland's water environment. This framework ensures an appropriate balance can be struck between the protection and improvement of the water environment and sustainable water use, by setting appropriate objectives at a water body level. In general terms, this [objective-setting exercise](#) allows us to identify on a case-by-case basis where it is proportionate to improve water bodies to 'good status' given the resultant benefits; but where this would be disproportionately costly or technically infeasible, then a less stringent objective such as 'moderate status' may be set.

Certain uses of the water environment – such as hydropower, water supply and food production - provide important socio-economic benefits which could be compromised by actions to restore the affected water bodies to 'good status'. Such water bodies have been identified as 'heavily modified' (HMWBs). Instead of 'good status', the aim for HMWBs is to achieve the best ecological quality that can reasonably be achieved in the affected water bodies without significant adverse impacts on these uses.

Using existing [classification](#) data and information from other bodies and organisations such as RAFTS, SEPA is currently developing a provisional prioritisation of water bodies impacted by physical alterations. Factors which will help inform this water body prioritisation include:

- the magnitude of the improvement in terms of ecological status, taking account of the area or length of the water environment that would benefit, including by removing or easing barriers to fish migration;
- the potential for the improvement to benefit public amenity, taking account of population numbers in the area surrounding the water body concerned; and
- the contribution that the improvement would make to achieving other important objectives, such as those we have set for nature conservation.

For this initial prioritisation exercise, it is inevitable that some broad judgments based on SEPA's knowledge of the current pressures have to be made about the possible options which may exist for making improvements and whether these are likely to be feasible.

SEPA has now produced provisional priorities for exploring [restoration](#) opportunities and improving [fish passage](#). SEPA is currently consulting on these provisional priorities in its draft river basin plan consultations issued in December 2014.

4.3 Improving the evidence base and identifying options

The prioritisation exercise is just the first step in this process. We recognise that we will need further detailed information at a water body level before any decisions can be taken about any improvements it might be proportionate and feasible to make.

In practice, there will be a number of clearly-defined steps to this exercise, beginning with the initial prioritisation and progressing through a range of increasingly detailed studies before moving on, where appropriate, to the design and subsequent implementation of on-the-ground measures. Such an exercise has to be an iterative process; and at each step engagement, consultation and negotiation with land managers and other stakeholders will be of paramount importance.

Firstly, **baseline studies** will help confirm the true scale of pressures on a water body or on multiple water bodies within a catchment. The information obtained may result in the water body being:

- re-classified to a higher status class if the pressures have been over-estimated;
- re-classified to a lower status class if the pressures have been under-estimated;
- designated as heavily modified if the criteria for designation are satisfied.

Confidence in the tools to support such an exercise is vital, and SEPA is currently reviewing and refining its existing assessment tools and methods to ensure any adverse effects on ecology can be properly assessed, and that the ecological benefits of any improvement measures can be clearly demonstrated.

If the classification indicates improvements may be needed then more detailed studies may be necessary to help determine if improving the physical condition of the water body would be **disproportionately costly or technically infeasible**. This would require studies to:

- identify the range of improvements that would be sufficient to improve the status of the water body concerned; and
- gather the information necessary to assess the scale of any social, economic and environmental benefits derived from improving the water body's status.

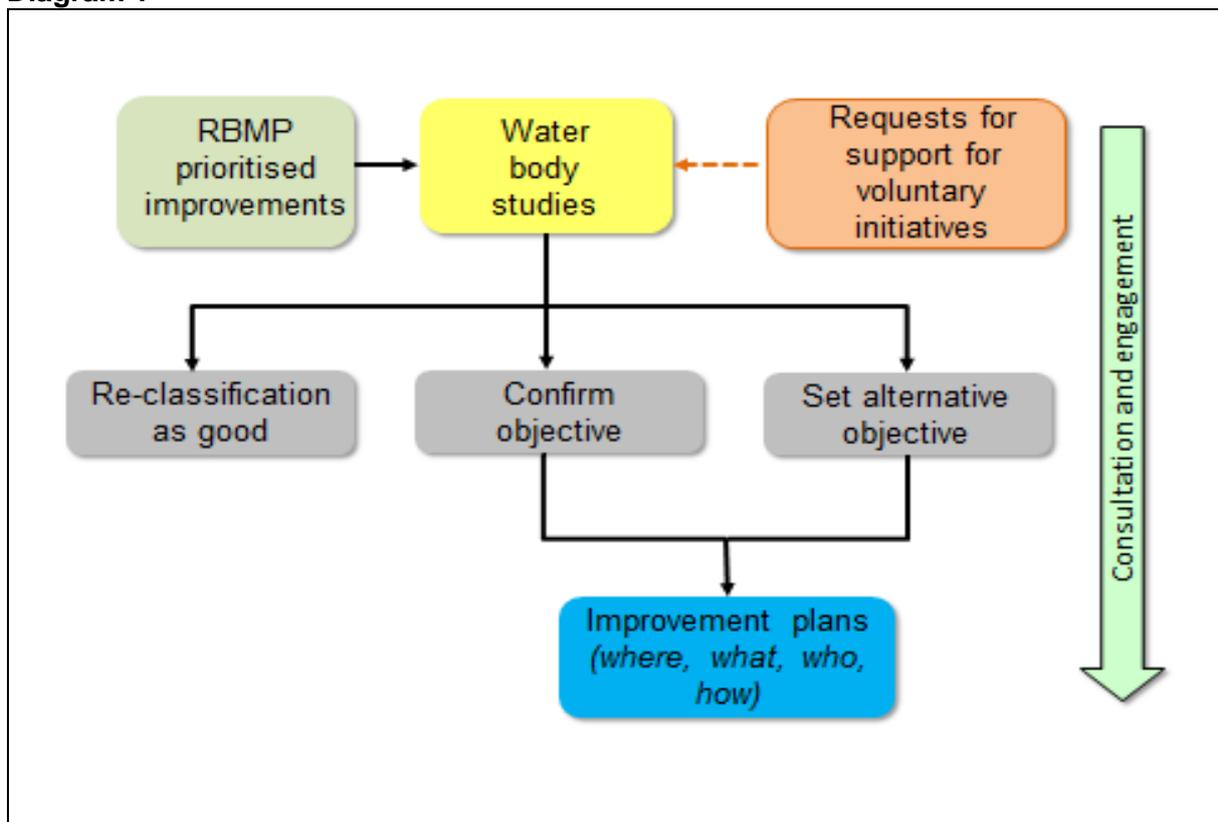
The outcomes of this assessment will inform whether it is proportionate to carry out improvement measures and establish the appropriate water body objective.

Third party groups or land managers may also bring forward **voluntary initiatives** to inform these considerations; and such proposals for local initiatives must be considered within the wider water body context, to clarify whether a project might, individually or in conjunction with others, contribute to an overall improvement in ecological status.

Where environmental improvements are judged to be necessary, feasible and proportionate, detailed **plans** for any works required to make the improvements will be prepared. Where a number of proportionate and cost-effective options are identified, the preferred options will be identified in consultation with land managers and other stakeholders.

Diagram 1 illustrates how this initial scoping phase might work in practice.

Diagram 1



4.4 Interaction with flood risk management

In 2012 SEPA launched a [pilot catchment](#) project to explore the viability of combining restoration measures with those for natural flood risk management (NFM). The emerging findings suggest that although opportunities for both restoration and NFM exist at the water body scale, the measures to achieve NFM do not necessarily coincide spatially with the measures required for restoration.

In order to maximise any achievable synergies we propose that the water body studies undertaken for the purpose of restoration should identify options for both NFM and restoration. As the local authorities are responsible for the delivery of NFM measures, any opportunities identified through these studies would be passed to them for consideration. However in the interests of cost-effectiveness we would strongly encourage joint restoration and NFM delivery programmes where practical.

4.5 Identifying who should carry out improvement measures

As noted previously, necessary improvements will take one of 2 forms

- improvements to structures such as weirs, dams, culverts, bridges, and associated works; or
- more general river restoration activity.

The nature of the required improvement will inform who is likely to be best-placed to carry out the improvement works.

4.5.1 Artificial structures

We propose to take greater steps to encourage owners and authorities responsible for the operation, management and maintenance of **artificial structures** such as weirs, dams, bridges and culverts, to maintain and/or upgrade those structures appropriately to prevent them having an adverse effect on the water environment or preventing fish passage.

- Improvements to address the impacts of **dams and weirs** currently in use will continue to be secured by the existing CAR provisions through an accelerated programme of licence reviews.
- Structures such as road and rail culverts and bridges can cause significant adverse impacts on the water environment, often acting as barriers to fish migration. As these are not generally associated with a 'controlled activity' these cannot normally be addressed using CAR. Responsibility for maintaining such structures typically rests with local or national authorities. We propose that greater emphasis is given to ensuring such structures are maintained or upgraded through **asset management programmes**, taking due account of wider priorities, and with the aim of ensuring achievement of Scotland's RBMP objectives within an appropriate timescale.
- Smaller structures owned by individual land managers and no longer serving a commercial purpose may attract **financial support** for any necessary improvements - section 5.1 provides further detail.

4.5.2 River restoration projects

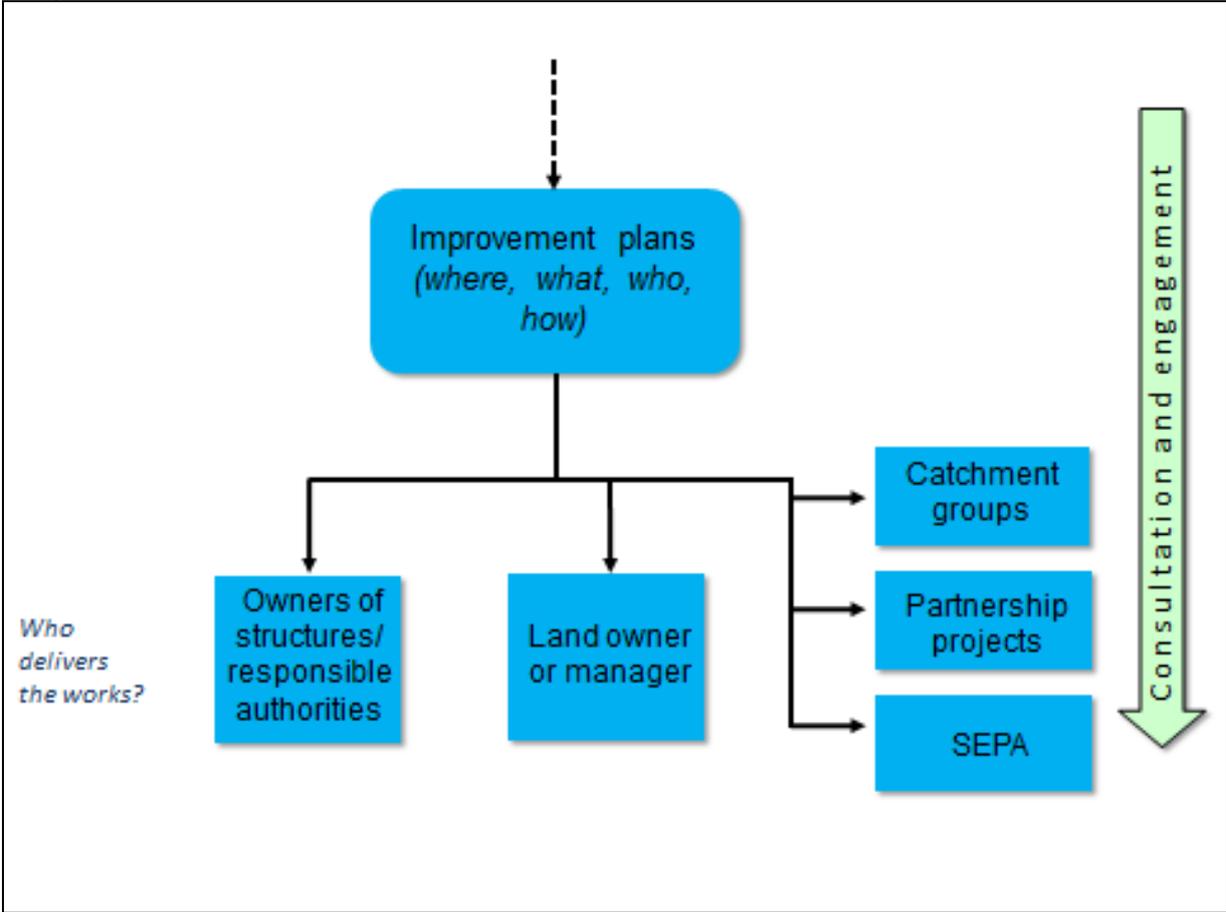
For those water bodies most seriously impacted by historic changes to their banks, beds and shores we propose to develop a **nationally-prioritised programme of restoration projects**. We expect that the most significant benefits can be made by counter-acting the impacts of urban development by opening up green space in and around our towns and cities. Some improvements to rural rivers may also be proportionate and feasible with landowner cooperation, but it is essential that priority is given to food production on our most productive land.

- Where relatively simple small scale improvements are required, **individual land owners or managers** might be best-placed and agreeable to carrying out any necessary works with appropriate financial support through rural development funding or the Water Environment Fund.
- More complex or larger scale works are likely to require a **partnership approach**. Such projects may require a detailed design process, and may require authorisation under CAR. Local circumstances will determine who is best-placed to lead the development and delivery of such projects.
 - These could be taken forward by local organisations experienced in the delivery of river restoration projects such as fishery trusts and catchment management partnerships. However those with sufficient experience are currently fairly limited in number.
 - Where a project is likely to deliver multiple benefits and no experienced group or delivery partnership exists, we would expect relevant public bodies such as SEPA, local authorities, Scottish Natural Heritage, Forestry Commission Scotland, and Scottish Water to form a project partnership, working in conjunction with local catchment groups and land managers. The public body taking on the role of co-ordination would be expected to directly commission the design and ground-works contracts required.
 - Where a project is unlikely to offer such multiple benefits or in the absence of an experienced delivery partner, SEPA is expected to lead the project and directly commission the design and ground-works contracts required.

Partnership projects are considered more likely to deliver multiple benefits and value-for-money. For example, a local authority as owner of a culvert would be responsible for any works needed to ensure the culvert allows fish passage. However by taking a broader view, this might offer the potential to evolve into a partnership project opening up the culvert and creating green space, thus delivering increased social amenity as well as improvements to the water environment and associated habitats.

Diagram 2 illustrates these various options.

Diagram 2



5. FINANCIAL SUPPORT - DISCUSSION

5.1 Role of the Water Environment Fund

The Scottish Ministers will continue to provide financial support to help facilitate the delivery of suitable remediation and restoration initiatives through the Water Environment Fund. Contributions may be provided for both scoping studies and improvement works. Such support may be payable to partner organisations or directly to land managers.

Financial assistance may be available from the Fund to help with the remediation of some **artificial structures**. Table 1 provides some examples.

Table 1

Morphological alteration	Indicative examples where financial aid may be available	Indicative examples where financial aid may not be available
1. Impounding works (dams & weirs)	<ul style="list-style-type: none"> Abandoned dams that now serve no economic purpose 	<ul style="list-style-type: none"> Dams facilitating water abstraction or water storage for subsequent abstraction; Dams used to regulate river flows for flood risk management purposes; Dams on reservoirs used for economic activities (eg a commercial fishery); Dams not supporting any current economic activity but that are assets of an organisation whose business makes economic use of dams and weirs; Currently unused dams which the owner intends to use in future
2. Crossings (bridges, causeways, culverts, fords, pipelines)	<ul style="list-style-type: none"> Abandoned crossings, disconnected from any road, track, rail or pipeline route 	<ul style="list-style-type: none"> Crossings used for commercial use (eg connected to a road, track, rail, pipeline or other route)
3. Bed, bank and shore reinforcements (stone/concrete/clay walls, steel pilings; etc)	<ul style="list-style-type: none"> Reinforcements that are no longer protecting any economic activity (eg the road has been re-routed or abandoned) Reinforcements associated with an abandoned crossing 	<ul style="list-style-type: none"> Reinforcements associated with a crossing connected to a road/track, rail or pipeline route Reinforcements required to protect other adjacent economic interests from erosion/subsidence (eg a building, a road or rail route, farmland, etc)
4. Other artificial structures in the water environment (jetties, piers, groynes etc that are causing significant adverse impacts)	<ul style="list-style-type: none"> Abandoned structures (eg installed and then found to be ineffective or unnecessary and so abandoned) or that for other reasons do not provide economic benefits 	<ul style="list-style-type: none"> Structures benefiting an economic activity, such as jetties and piers in serviceable use by boats, and croys or groynes providing benefits to fisheries Structures where other legislation requires the removal of such structures (eg Harbour Orders)

For small-scale restoration works at the farm level involving **in-stream and/or bankside improvements**, financial support will be available from the Fund for measures introduced over and above compliance requirements. SEPA is in the process of developing a scheme of payment rates, which is expected to align with payment rates for similar measures undertaken through the Scotland Rural Development Programme (SRDP). Therefore land managers could choose whichever funding route best suited their needs - for example if a land manager was planning to carry out a programme of works which included both restoration and wider farm management measures, it may be more convenient to make a single application to the SRDP.

Contributions from the Water Environment Fund towards more **complex partnership projects** will be assessed on their individual merits, taking account of the contribution they make towards improvements in ecological status. Where multiple benefits are expected to be delivered by a restoration project, costs should be shared out in a reasonable way among delivery partners and beneficiaries. An assessment of the benefits will help inform how costs should be apportioned.

5.2 Compensation provisions

5.2.1 Loss or damage incurred during works

During the carrying out of remediation or restoration works every care must be taken to minimise any potential loss to land managers as a result of damage to land or crops. We will make suitable provision to ensure any land damaged during such work is returned to its former state and that compensation can be paid for any loss of income incurred under such circumstances.

5.2.2 Income foregone post-restoration

There may be some instances where an agreed restoration project could involve changing the profile or footprint of a watercourse and adjacent land, resulting in the subsequent reduction of the land available or in its productivity. We propose that a new compensation scheme should be introduced to enable applications for appropriate compensation¹ for any consequential loss of income to be made.

A number of considerations have informed our proposals for such a compensation scheme:

- We propose that income foregone in respect of a net area of land taken out of productive use as a result of necessary and agreed restoration work, over and above any statutory requirements such as buffer strips, would be eligible for compensation, subject to application.
- Any scheme needs to comply with State Aid rules set by Europe. In the interests of consistency and transparency we propose to adopt the same rates as set under the SRDP (£495 and £123 per hectare for arable and grassland respectively, for a maximum duration of 5 years).

¹ This scheme is not intended to provide compensation for flood management measures.

Good bankside management is steadily increasing as land managers take steps to reduce diffuse pollution. Adoption of more sustainable practices by land managers is expected in due course to become established practice

Land managers may receive some benefits from restoration work, such as more stable bank-sides and reduced localised flooding. Such benefits should as a matter of principle be taken into account when payment rates are being set. However these are difficult to quantify in such a way that allows a standard approach to be developed. Whilst it may be possible to assess such benefits on a site-by-site basis, that would add considerable complexity (and therefore increased administration costs) to the scheme. We believe that in the majority of cases such benefits are likely to be relatively small-scale.

- Taking account of these various considerations, we would propose that any compensation payable for income foregone shall be for an initial 5-year period only.
- For example, let's suppose a land manager supports the carrying out of a restoration project which ultimately results in a net loss to him of available grassland of 5 hectares over and above normal GBR compliance. If the land manager wished to claim compensation for income foregone on that land, then he would be entitled to claim as follows: £123 x 5 (hectares) x 5 (years) x 100% = £3075

The proposed scheme would be administered by SEPA alongside the Water Environment Fund. For ease of administration we would propose any compensation payable would be made as a single lump sum² towards the start of the 5-year period.

A land manager could choose whether to apply for payment for income foregone through a relevant agri-environment scheme, or through this new scheme. Land managers would not be entitled to apply to more than one scheme for compensation in respect of the same loss of income.

² Subject to approval from the European Commission

6. LEGISLATIVE PROVISIONS - DISCUSSION

6.1 RBMP objective-setting process

The [Water Environment \(River Basin Management Planning: Further Provision\) \(Scotland\) Regulations 2013](#) set out the objective-setting provisions for river basin management planning. In short, setting an appropriate environmental objective for each water body involves:

- identifying what improvements, if any, would be needed to achieve good status;
- assessing whether it would be technically infeasible or disproportionately expensive to make the improvements; and
- if improvements would be disproportionately expensive or technically infeasible, deciding what improvements would be feasible and proportionate.

6.2 Application of existing legislative tools

Implementation can in many instances be secured by means of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). These give SEPA powers to address the impacts of a wide range of pressures including the operation of dams and weirs, and where improvements to such structures are required, these will be secured using the existing CAR provisions.

6.3 Proposals for additional legislative tools

There are a considerable number of impacts caused by artificial structures which cannot normally be addressed using CAR. The full picture regarding the ownership and/or responsibility for the maintenance of such structures is not yet complete; however we know that many of the structures affecting fish passage in rural areas are the responsibility of transport authorities. Others are owned by or are the responsibility of Forestry Commission Scotland (FCS), flooding authorities, and Scottish Canals respectively. And it is likely that the majority of culverts and embankments in urban areas are the responsibility of transport authorities, flooding authorities, or Scottish Water.

Our public bodies must play their part in contributing to the physical improvement of Scotland's water environment. Several are already engaged in working with SEPA towards delivery of our RBMP objectives. However we need to increase our efforts to encourage all relevant public bodies to make a suitable contribution to these matters, and therefore propose to introduce new provisions which will apply to:

- responsible authorities designated by the [Water Environment \(Relevant Enactments and Designation of Responsible Authorities and Functions\) \(Scotland\) Order 2011](#); who by virtue of section 2(2) of the Water Environment and Water Services (Scotland) Act 2003, are required to exercise their designated functions so as to secure compliance with WFD requirements; and
- other transport authorities – Transport Scotland (effectively Scottish Ministers) for its road infrastructure functions and Network Rail for its rail infrastructure functions.

7. DETAIL OF PROPOSED LEGISLATIVE PROVISIONS

In light of the above discussions, we propose to introduce the following provisions.

7.1 Remedial measures notices

In the event that SEPA identifies that an artificial structure (either in isolation or in combination with other pressures) is preventing the achievement of an environmental objective, we propose that SEPA may issue a remedial measures notice to an 'appropriate person'.

We propose that an appropriate person is an individual or body who owns and/or is responsible for the maintenance of an artificial structure which is causing adverse impacts on the physical condition of a water body. We propose that the definition of an 'appropriate person' will be further constrained to responsible authorities as designated by the [2011 Order](#), plus Transport Scotland (effectively Scottish Ministers) and Network Rail.

SEPA must consult in advance any persons on whom it plans to serve a remedial measures notice. A remedial measures notice will set out in general terms the measures which require to be undertaken, the date by which these must be undertaken, and the reason the measures are required.

7.2 Associated provisions

SEPA will have the power to vary or revoke a remedial measures notice, and to serve notices to obtain information relating to the application of these regulations.

There will be a range of offence provisions and associated defence provisions. SEPA will have the powers to enforce the requirements of a notice through the Courts.

There will be provisions for an appropriate person to appeal to the Scottish Ministers under certain circumstances.

7.3 Interaction with CAR

If adverse impacts on our water environment are of such a scale and significance that the serving of a remedial measures notice is required, it is expected that the associated remedial measures will be subject to authorisation under CAR. Appropriate persons will therefore be expected to make an application for authorisation in line with the normal CAR process.

This approach enables us to ensure that the new provisions sit well alongside CAR, avoiding duplication of regulation; and that the full suite of normal CAR provisions - including advertisement and consultation with third parties; offences; appeals; and matters of rights of access and the associated compensation provisions - all apply.

The proposed regulations described in this section are attached at **Annex A**.

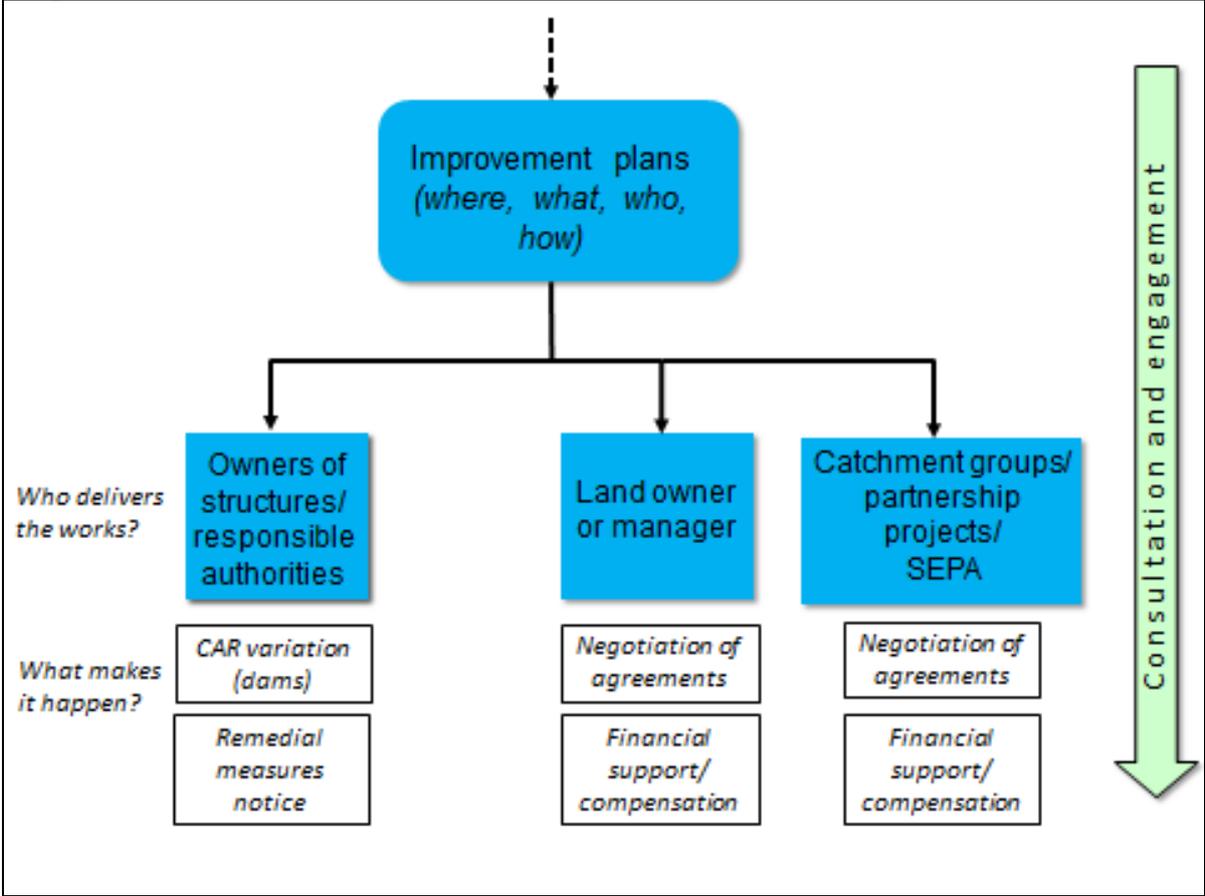
8. CONCLUSIONS AND WAY FORWARD

The Scotland and Solway-Tweed RBMPs illustrate that Scotland has a strong foundation on which to build a sustainable water environment. But they also identify a considerable number of physical impacts resulting from both current and historic activities. Some of these impacts can be addressed through existing regulatory powers. However, it is recognised that the current improvement framework does not adequately support the effective management of all such physical impacts.

This consultation sets out proposals for a better planned, prioritised and effective framework for the identification and delivery of proportionate and feasible remediation and restoration initiatives, strongly founded on partnership approaches and engagement with land owners and responsible public authorities. This consultation also outlines proposals for associated legislative provisions and financial mechanisms which will support the progressive improvement of the physical condition of those waters where the greatest benefits can be achieved.

These various proposals are summarised in Diagram 3 below.

Diagram 3



We would welcome any comments on the proposals set out in this paper.

**ANNEX A
IMPROVING THE PHYSICAL CONDITION OF SCOTLAND'S WATER
ENVIRONMENT - DRAFT REGULATIONS**

SCOTTISH STATUTORY INSTRUMENTS

2015 No.

CONSULTATION DRAFT

ENVIRONMENTAL PROTECTION

WATER

**The Water Environment (Remedial Measures) (Scotland) Regulations
2015**

Made - - - - - [] 2015

Laid before the Scottish Parliament [] 2015

Coming into force -- [] 2015

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SCHEDULE — Procedures in connection with appeals to the Scottish Ministers

The Scottish Ministers make the following Regulations 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⁽³⁾ and section 2(2) of the European Communities Act 1972⁽⁴⁾ and of all other powers enabling them to do so.

PART 1

Interpretation etc.

Citation and commencement

1. These Regulations may be cited as the Water Environment (Remedial Measures) (Scotland) Regulations 2015 and come into force on [] 2015.

Interpretation

2.—(1) In these Regulations—

“the 2004 Regulations” means the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004⁽⁵⁾;

“the 2011 Regulations” means the Water Environment (Controlled Activities) (Scotland) Regulations 2011⁽⁶⁾;

“appropriate person” means the Scottish Ministers, a responsible authority or the holder of the Network Licence;

“the Act” means the Water Environment and Water Services (Scotland) Act 2003;

“artificial structure” means any structure or item (including a bridge, canal, culvert, fitting, pipe, rail-crossing, road, wall and any connected or related apparatus);

⁽³⁾ 2003 asp 3; section 22 was amended by section 109(1) of the Reservoirs (Scotland) Act 2011 (asp 9), and Schedule 2A was inserted by section 109(2) of that Act. Paragraph (1) of section 22 is also modified by regulation 6(5) of S.I. 2003/3245 and by paragraph 5 of Schedule 4 to S.I. 2004/99 to have effect as if the reference to ‘environmental objectives set out in river basin management plans’ included references to environmental objectives set out in any river basin management plan for the Northumbria River Basin District and for the Solway Tweed River Basin District.

⁽⁴⁾ 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c. 51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c. 7) (“the 2008 Act”), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. [Section 2(2) is cited to enable (so far as may be necessary to supplement the other powers cited) provision to be made in regulation 13(4) (enforcement powers) and regulation 24 (appeals) for the purposes of implementing, or enabling the implementation of, obligations arising by or under the Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p.1, as amended by Decision No 2455/2001/EC (OJ L 331, 15.12.2001, p.1), Directive 2008/32/EC (OJ L 81, 20.3.2008, p.60), Directive 2008/105/EC (OJ L 348, 24.12.2008, p.84), Directive 2009/31/EC (OJ L 140, 5.6.2009, p.114) and Directive 2013/39/EU (OJ L 226, 24.8.2013, p.1) and for the purposes of dealing with matters arising out of or related to any such obligations.]

⁽⁵⁾ S.I. 2004/99, as amended by S.I. 2005/2035, S.I. 2008/1097, S.S.I. 2011/228, S.I. 2011/556, S.I. 2011/1043 and S.S.I. 2013/1675.

⁽⁶⁾ S.S.I. 2011/209 as amended by [].

“environmental objective” means any of the environmental objectives set out (as a summary or otherwise) in a river basin management plan;

“holder of the Network licence” means the holder for the time being of the Network Licence issued by the Office of Rail Regulation;

“land” includes land covered by water, and any works, plant or fixed machinery, building or other structure in, on or over land;

“responsible authority” means any public body or office holder designated as a responsible authority for the purposes of Part 2 of the Act⁽⁷⁾;

“remedial measures” means action (which may include the carrying out of operations or works in relation to any land or body of water) with a view to—

- (a) improving the hydromorphological characteristics of a body of water; or
- (b) restoring (in full or in part) the hydromorphological characteristics that, in the opinion of SEPA, a body of water (other than an artificial water body) would have if those characteristics had not been changed as a result of physical alterations by human activity;

“river basin management plan” means, as the case may be—

- (a) a river basin management plan approved by the Scottish Ministers under section 13 (including that section as applied by section 14(4)) of the Act⁽⁸⁾;
- (b) a river basin management plan for the Solway Tweed River Basin District approved under paragraph 10 of Schedule 1 to the 2004 Regulations;

“SEPA” means the Scottish Environment Protection Agency; and

“served” means served in writing;

“Solway Tweed River Basin District” means the area identified as a river basin district by regulation 3(1) of the 2004 Regulations.

(2) Except where the context otherwise requires—

- (a) references to a remedial measures notice are to be construed as a reference to a notice served under regulation 3(1) as varied (if at all) under regulation 6(1); and
- (b) references to an information notice are to be construed as a reference to an information notice served under regulation 9(1) as varied (if at all) under regulation 9(2).

(3) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in section 15(1) of the Electronic Communications Act 2000⁽⁹⁾ which has been recorded in written form and is capable of being reproduced in that form.

⁽⁷⁾ Water Environment (Relevant Enactments and Designation of Responsible Authorities and Functions) (Scotland) Order 2011. S.S.I. 2011/368.

⁽⁸⁾ The objectives which are required to be set under section 9(1)(a)(i) of the Act are (by virtue of section 9(7) of the same Act) those required to comply with Article 4 (environmental objectives) and paragraphs 2 and 3 of Article 7 (requirements in relation to water used for the abstraction of drinking water) of Directive 2000/60/EC (OJ L 327, 22.12.2000, p. 1, as amended by Decision No 2455/2001/EC (OJ L 331, 15.12.2001, p. 1), Directive 2008/32/EC (OJ L 81, 20.3.2008, p. 60), Directive 2008/105/EC (OJ L 348, 24.12.2008, p. 84) and Directive 2009/31/EC (OJ L 140, 5.6.2009, p. 114).

⁽⁹⁾ 2000 c.7; amended by the Communications Act 2003 (c.21).

PART 2

Notices to improve or restore bodies of water

Remedial measures notice

3.—(1) SEPA may serve a notice (a “remedial measures notice”) on an appropriate person requiring it to undertake such remedial measures as may be specified in the notice.

(2) SEPA may serve the notice only if it is satisfied that—

- (a) the appropriate person owns, manages, maintains or is otherwise responsible for an artificial structure which, by virtue of its impact on the hydromorphological characteristics of a body of water, is likely to prevent or delay the achievement of an environment objective;
- (b) it is necessary or expedient to require action by the appropriate person to undertake the remedial measures for the purposes of facilitating the achievement of that objective; and
- (c) the measures specified in the notice are necessary and proportionate for those purposes.

(3) The notice may be served on more than one appropriate person.

Content of notice

4.—(1) Each notice served under this Part must—

- (a) identify the appropriate person on whom it is served (“recipient”);
- (b) specify—
 - (i) the remedial measures which require to be undertaken;
 - (ii) the date by (or period within) which each measure must be completed; and
 - (iii) the environmental objectives which the measures are intended to facilitate;
- (c) inform the recipient that the carrying out of the remedial measures may require authorisation under the 2011 Regulations;
- (d) inform the recipient of the right of appeal against the notice under regulation 17.

(2) The notice must not require a remedial measure to be undertaken (or commenced) within the period of 28 days beginning with the day on which the notice was served.

(3) Where the notice is served on more than one appropriate or person, it must—

- (a) identify each recipient; and
- (b) specify whether each remedial measure is to be undertaken—
 - (i) by an individual recipient and, if so, which recipient; or
 - (ii) jointly and severally by two or more recipients and, if so, which recipients.

PART 3

Notices under Part 2: Further provision

Prior consultation

5.—(1) Before serving a remedial measures notice, SEPA must consult—

- (a) the appropriate person on whom the notice is to be served; and
 - (b) each other person as appears to SEPA likely to be substantially affected by the notice.
- (2) Each person must be consulted on the details of the proposed notice in such manner as SEPA considers appropriate with a view to—
- (a) bringing the proposed notice to the attention of the person; and
 - (b) inviting any such person who wishes to make representations to do so in writing to SEPA within a period of 28 days beginning with the date on which they first consulted.
- (3) SEPA must have regard to any representations it receives about the proposed notice from a person consulted under paragraph (1), within the period of 28 days beginning with the date on which the person was consulted before deciding to serve the notice.

Variation notices

6.—(1) SEPA may vary a remedial measures notice (“the principal notice”) by serving a further notice (a “variation notice”) on the appropriate person on whom the principal notice was served.

- (2) The variation notice must—
- (a) identify the principal notice; and
 - (b) specify—
 - (i) the variation to the principal notice;
 - (ii) the date on which the variation takes effect (which must be at least 28 days after the date on which the variation notice is served); and
 - (iii) the reason for the variation.
- (3) The variation takes effect on the date specified in the variation notice (and this may be before or after a date specified in the principal notice by which a measure must be undertaken).
- (4) Where a variation notice affects land that was unaffected by the principal notice, regulation 5 (prior consultation) applies in relation to the variation notice as it applies in relation to a remedial measures notice.

Revocation notice

7.—(1) SEPA may revoke (in whole or in part) a remedial measures notice (“the principal notice”) by serving a notice (“a revocation notice”) on the appropriate person on whom the principal notice was served.

- (2) The notice served under paragraph (1) must—
- (a) identify the principal notice; and
 - (b) specify—
 - (i) in the case of a partial revocation, the part of the principal notice which is revoked;
 - (ii) the date on which the revocation takes effect; and
 - (iii) the reasons for the revocation.

(3) Where a principal notice is revoked under paragraph (1), the principal notice (or, in the case of a partial revocation, the part of the principal notice which is revoked) ceases to have effect from the date specified in the revocation notice on which the revocation takes effect.

(4) Where a revocation notice wholly revokes the principal notice (or the remaining parts of it), any variation notice which varied the principal notice is also revoked.

PART 4

SEPA enforcement powers

Powers and duty to monitor, enforce etc.

8.—(1) It is the duty of SEPA to monitor compliance with, and to enforce the provisions of, these Regulations.

(2) SEPA may secure the carrying out, through such persons as it considers appropriate, of such examination and investigation as it considers necessary for the purpose of discharging its duties under these Regulations.

(3) For the purpose of discharging any of SEPA's functions under these Regulations, a person who is authorised under regulation 31(4) of the 2011 Regulations may exercise, in accordance with the terms of that authorisation the powers specified in Part 1 of Schedule 6 of those Regulations in accordance with Parts 2 and 3 of that Schedule.

Power to obtain information

9.—(1) SEPA may serve a notice (an "information notice") on any person requiring that person to provide SEPA, within such period and in such form and manner as may be specified in the notice, with such information as SEPA reasonably considers necessary for the purposes of enabling it to perform any function under these Regulations.

(2) SEPA may vary or revoke an information notice by serving, on the person on whom the information notice was served, a further notice varying or, as the case may be, revoking it.

Enforcement by the courts

10. If SEPA is of the opinion that proceedings for an offence under regulation 11(a), (b) or (c) would afford an ineffectual remedy against a person who has failed to comply with a requirement of—

- (a) a remedial measures notice;
- (b) a variation notice; or
- (c) an information notice,

it may take proceedings in any court of competent jurisdiction for the purpose of securing compliance with that notice.

PART 5

Offences

Offences

11. It is an offence for a person to—

- (a) fail to comply with the requirements of a remedial measures notice;
- (b) fail to comply with the requirements of a variation notice;
- (c) fail to comply with the requirements of an information notice;
- (d) obstruct an authorised person in the exercise of that person's powers under regulation 8(3) and Schedule 6 to the 2011 Regulations;
- (e) fail to comply with any requirement imposed in the exercise of that person's powers under regulation 8(3) and Schedule 6 to the 2011 Regulations;
- (f) fail or refuse to provide facilities or assistance or any information or to permit any inspection reasonably required by an authorised person in the exercise of that person's powers or duties under or by virtue of regulation 8(3) and Schedule 6 to the 2011 Regulations;
- (g) prevent any other person from appearing before an authorised person, or answering any question to which an authorised person may require an answer, pursuant to regulation 8(3) and Schedule 6 to the 2011 Regulations;
- (h) pretend to be a person authorised in accordance with regulation 8(3);
- (i) make a statement which that person knows to be false or misleading in a material particular, or recklessly to make a statement which is false or misleading in a material particular, if the statement is made in purported compliance with a requirement to furnish any information imposed by or under any provision of these Regulations; or
- (j) cause or permit any other person to commit an offence under sub-paragraphs (a) to (i).

Defences

12. It is a defence for a person charged with an offence under regulation 11(a) or (b) to show that—

- (a) the acts or failures alleged to constitute the offence were—
 - (i) a result of an accident which could not reasonably have been foreseen;
 - (ii) a result of natural causes or force majeure which are exceptional or could not reasonably have been foreseen; or
 - (iii) [necessary in order to avoid, prevent or reduce an imminent risk of serious adverse effects on human health]; and
- (b) that the person does not own, manage, maintain or is otherwise responsible for the artificial structure in relation to which the remedial measures notice or a variation notice was served.

Penalties

13. A person who commits an offence under regulation 11 is liable—

- (a) on summary conviction to—

- (i) a fine;
- (ii) imprisonment for a term not exceeding 12 months; or
- (iii) both; or
- (b) on conviction on indictment to—
 - (i) a fine;
 - (ii) imprisonment for a term not exceeding 2 years; or
 - (iii) both.

Offences by bodies corporate

14.—(1) Where—

- (a) an offence under these Regulations has been committed by a body corporate or a Scottish partnership or other unincorporated association; and
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
 - (i) a relevant individual; or
 - (ii) an individual purporting to act in the capacity of a relevant individual,

the individual as well as the body corporate, Scottish partnership or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” means—

- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body; or
 - (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a Scottish partnership, a partner;
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

Offences by other persons

15. If the commission by person of an offence under these Regulations is due to the act or default of some other person, that other person may be charged with and convicted of the offence whether or not proceedings for the offence are taken against the first-mentioned person.

Power of court to order offence to be remedied

16.—(1) if—

- (a) a person commits an offence under regulation 11(a), (b) [or (i)];
- (b) in consequence of the acts or failures which constituted the offence—
 - (i) a measure has not been taken accordance with a remedial measures notice or a variation notice; or
 - (ii) there has been an adverse impact on the water environment which requires a measure to be undertaken to facilitate the achievement of an environment objective; and

(c) it appears to the court that it is in the power of that person to take the measure, the court may, in addition to, or instead of, imposing any punishment, order the person, within such time as may be fixed by the order of the court, to take such steps as may be specified in that order for remedying those matters.

(2) Before making such an order, the court must have regard to any representations by SEPA as to the improvement or restoration measures required for remedying those matters.

(3) The time fixed by an order of the court under paragraph (1) may be extended or further extended by a further order of the court on an application made before the end of the time originally fixed or extended under this paragraph, as the case may be.

(4) As long as an order under this regulation is in force in relation to a person, the person who committed the offence is not liable under regulation 18 as regards the matters in respect of which steps require to be taken in accordance with that order.

PART 6

Appeals

Appeals to the Scottish Ministers

17. A person other than Scottish Ministers, who is aggrieved by a requirement imposed on the person by—

- (a) a remedial measures notice;
- (b) a variation notice; or
- (c) an information notice,

may appeal to the Scottish Ministers against the notice.

Determination of appeals

18. On determining an appeal referred to in regulation 17, the Scottish Ministers may either quash or affirm the notice, and if they affirm it, they may do so in its original form or with such modifications as they may think fit.

Effect of notices etc. during consideration of appeal

19. Where an appeal is served, the notice which is being appealed against will not take effect until the day following the day on which the appeal is finally determined or withdrawn.

Appeals – miscellaneous

20. The Schedule, which makes provision for procedures for appeals under regulation 17, has effect.

PART 7

General

Amendment

21. In Schedule 1 to the Water Environment (Relevant Enactments and Designation of Responsible Authorities and Functions) (Scotland) Order 2011⁽¹⁰⁾, after the last entry, insert—

“The Water Environment (Remedial Measures) (Scotland) Regulations 2015.”.

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh

SCHEDULE Regulation 20

Procedures in connection with appeals to the Scottish Ministers

1. A person who wishes to appeal to the Scottish Ministers under regulation 17 must give to the Scottish Ministers written notice of the appeal together with the documents specified in paragraph 2 and must at the same time send to SEPA a copy of that notice together with copies of the documents specified in paragraph 2(a) and (d).

2. The documents mentioned in paragraph 1 are—

- (a) a statement of the grounds of appeal;
- (b) a copy of any relevant correspondence between the appellant and SEPA;
- (c) a copy of the notice which is the subject matter of the appeal; and
- (d) a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be disposed of on the basis of written representations.

3. An appellant may withdraw an appeal by notifying the Scottish Ministers in writing, and must send a copy of that notification to SEPA.

4. Subject to paragraph 5, notice of appeal in accordance with paragraph 1 is to be given before the expiry of the period of two months beginning with the date of the notice which is the subject matter of the appeal.

5. The Scottish Ministers may in a particular case allow notice of appeal to be given after the expiry of the period mentioned in paragraph 4.

6. Subject to paragraph 9, SEPA must, within 14 days of receipt of the copy of the notice of appeal sent in accordance with paragraph 1, give notice of it to—

- (a) any person who made representations to SEPA with respect to the subject matter of the appeal; and
- (b) any person who appears to SEPA to be affected or likely to be affected by, or have an interest in, the subject matter of the appeal.

7. A notice under paragraph 6 must—

⁽¹⁰⁾ S.S.I. 2011/368.

- (a) state that the notice of appeal has been given;
- (b) state the name of the appellant and the address of the site to which the notice being appealed against applies;
- (c) describe the notice to which the appeal relates; and
- (d) state that representations with respect to the appeal may be made to the Scottish Ministers in writing by any recipient of the notice within a period of 21 days beginning with the date of the notice and that copies of any representations so made will be furnished to the appellant and to SEPA.

8. SEPA must, within 14 days of sending a notice under paragraph 6—

- (a) notify the Scottish Ministers of the persons to whom and the date on which the notice was sent; and
- (b) indicate whether it wishes the appeal to be in the form of a hearing or to be disposed of on the basis of written representations.

9. In the event of an appeal being withdrawn, SEPA must give notice of the withdrawal to every person to whom notice was given under paragraph 6.

Hearing procedure

10. Before determining an appeal under regulation 18, the Scottish Ministers may afford the appellant and SEPA an opportunity of appearing before and being heard by a person appointed by them (“the appointed person”) and they must do so in any case where a request is made by the appellant or SEPA to be so heard.

11. A hearing held under paragraph 10 may, if the appointed person so decides, be held wholly, or held to any extent, in private.

12. If the Scottish Ministers cause a hearing to be held under paragraph 10, they must give the appellant and SEPA at least 28 days’ written notice (or such shorter period of notice as they may agree with the appellant and SEPA) of the date, time and place fixed for the holding of the hearing.

13. In the case of a hearing which is to be held wholly or partly in public, the Scottish Ministers must, at least 21 days before the date fixed for the holding of the hearing—

- (a) publish a copy of the notice mentioned in paragraph 12 in a newspaper circulating in the locality in which the controlled activity is carried on or is to be carried on;
- (b) serve a copy of that notice on every person mentioned in paragraph 6 who has made representations to the Scottish Ministers.

14. The Scottish Ministers may vary the date fixed for the holding of any hearing and paragraphs 12 and 13 must apply to the variation of a date as they applied to the date originally fixed.

15. The Scottish Ministers may also vary the time or place for the holding of a hearing and must give such notice of any such variation as appears to them to be reasonable.

16. The persons entitled to be heard at any hearing are the appellant and SEPA.

17. Nothing in paragraph 16 prevents the appointed person from permitting any other persons to be heard at the hearing and such permission must not be unreasonably withheld.

18. After the conclusion of a hearing, the appointed person must make a report to the Scottish Ministers in writing which must include the conclusions and recommendations of that person or the reasons for not making any recommendation.

19. Subsections (3) to (8) of section 210 of the Local Government (Scotland) Act 1973(a) (which relates to the costs of and holding of local inquiries) apply to hearings held under this paragraph by an appointed person as they apply to inquiries held under that section, but with the following modifications—

- (a) with the substitution in subsection (3) (notice of inquiry) for the reference to the person appointed to hold the inquiry of a reference to the appointed person;
- (b) with the substitution in subsection (4) (evidence) for the reference to the person appointed to hold the inquiry and, in paragraph (b), the reference to the person holding the inquiry of references to the appointed person;
- (c) with the substitution in subsection (6) (expenses of witnesses etc.) for the references to the Minister causing the inquiry to be held of a reference to the appointed person or the Scottish Ministers;
- (d) with the substitution in subsection (7) (expenses) for the references to the Minister of references to the appointed person or the Scottish Ministers;
- (e) with the substitution in subsection (7A) (recovery of entire administrative expense)—
 - (i) for the first reference to the Minister of a reference to the appointed person or the Scottish Ministers;
 - (ii) in paragraph (a), for the reference to the Minister of a reference to the Scottish Ministers; and
 - (iii) in paragraph (b), for the reference to the Minister holding the inquiry of a reference to the Scottish Ministers;
- (f) with the substitution in subsection (7B) (power to prescribe daily amount)—
 - (i) for the first reference to the Minister of a reference to the Scottish Ministers;
 - (ii) in paragraphs (a) and (c), for the references to the person appointed to hold the inquiry of references to the appointed person; and
 - (iii) in paragraph (d), for the reference to the Minister of a reference to the appointed person or the Scottish Ministers; and
- (g) with the substitution in subsection (8) (certification of expenses) for the reference to the Minister, the reference to him and the reference to the Crown of references to the appointed person or the Scottish Ministers.

Procedure for written representations

20. Where the appeal is to be disposed of on the basis of written representations, SEPA must submit any written representations to the Scottish Ministers not later than 28 days after receiving a copy of the documents mentioned in paragraph 2(a) and (d).

21. The appellant must make any further representations by way of reply to any representations made from SEPA not later than 28 days after the date of submission of those representations by SEPA under paragraph 20.

22. Any representations made by the appellant or SEPA must bear the date on which they are submitted to the Scottish Ministers.

23. When SEPA or the appellant submits any representations to the Scottish Ministers they must at the same time send a copy of them to the other party.

24. The Scottish Ministers must send to the appellant and SEPA a copy of any representations made to them by the persons mentioned in paragraph 6 and must allow the appellant and SEPA a period of not less than 14 days in which to make representations on them.

25. The Scottish Ministers may in a particular case—

- (a) set later time limits than those mentioned in paragraphs 20, 21 and 24;
- (b) require exchanges of representations between the parties in addition to those mentioned in paragraphs 20 and 21.

Determination and publication of appeal

26. The Scottish Ministers must give notice to the appellant of their determination of the appeal and their reasons for that determination, and must provide the appellant with a copy of any report mentioned in paragraph 18.

27. The Scottish Ministers must at the same time send a copy of the notice of the determination of the appeal, their reasons for that determination and a copy of any report mentioned in paragraph 18 to SEPA and to any person who made representations to the Scottish Ministers during the appeal.

**ANNEX B
IMPROVING THE PHYSICAL CONDITION OF SCOTLAND'S WATER
ENVIRONMENT**



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr **Please tick as appropriate**

Surname

Forename

2. Postal Address

<input type="text"/>		
Postcode	Phone	Email

3. Permissions - I am responding as...

Individual	/	Group/Organisation
<input type="checkbox"/>	Please tick as appropriate	<input type="checkbox"/>

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate
 Yes **No**

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate
 Yes **No**

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No



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This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-78544-137-0 (web only)

Published by The Scottish Government, February 2015

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS43963 (02/15)

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