# The Water Environment (Miscellaneous Amendments) (Scotland) Regulations 2017

**Diffuse Pollution GBRS** 

### Consultation

#### **Consultation 8 Dec 2016 – 2 Feb 2017**

4 key elements to the consultation:

- Proposed points of clarification and consolidation to the GBRs in Schedule 3 of CAR;
- Proposed new GBR on bank reinforcement;
- Proposed integration of the Water Environment (Oil Storage) (Scotland) Regulations 2006 into CAR as general binding rules;
- Proposed amendments based on priority catchment experience and in the interests of clarity.

#### Consultation

 20 responses – 11 in respect of introduction of oil storage rules only

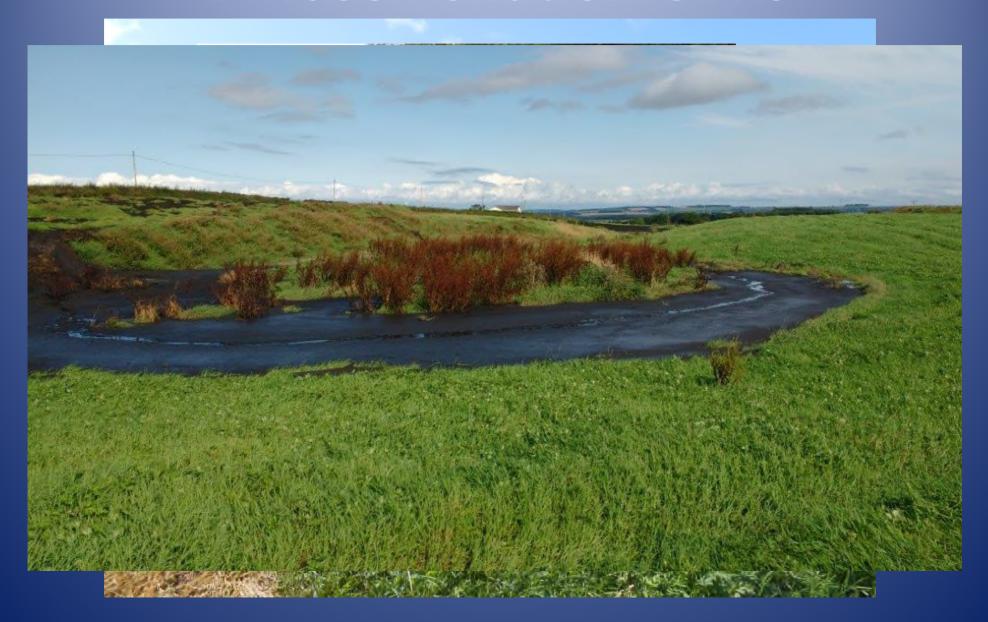
Overall most respondents supportive

Some amendments following consultation

#### GBR 18 - Storage and application of fertilisers

- Points of clarification on measuring points
- Protection of water for human consumption
- Controls on storage of liquid inorganic fertiliser following good practice guidance
- No application of fertilisers during heavy rainfall or when heavy rainfall is forecast within 48 hrs – following consultation reduced to 24 hrs.

- Consultation proposal on storage of sewage sludge and digestate - that it was only stored in field in quantity to be spread on that field.
- Storage conditions in WML or exemption, which are more restrictive than the GBR, as authorisations take precedence over GBR.
- GBR would only apply if there was no relevant condition in WML or exemption — Digestate to PAS 110 specifications not a waste so falls within GBR.
- One respondent considered the consultation proposal overly restrictive to waste management sector.
- However!!!!



We are currently considering a redraft of GBR 18 (f) to allow greater amounts to be stored in field heaps, if certain conditions are met.

- The requirement would apply anywhere that digestate or sewage sludge is to be stored outwith a secure container or lagoon
- If stored in a heap it must be protected to avoid ingress of water – rainfall turns dewatered digestate into a material which becomes extremely mobile
- A maximum storage period of 6 months for product stored outwith a container or lagoon.

#### **GBR 19 – Keeping of Livestock**

Following consultation - rules 19 (a),(c),and (d) will now include wells springs and boreholes.

#### **GBR 20 – Cultivation of land**

 Following consultation- rule 20 (c) will remain as text currently in the Water Environment (Controlled Activities)(Scotland) Amendment Regulations 2013.

#### GBR 23 – storage and application of pesticide

 Following consultation – a 250 metre exclusion zone upstream of drinking water abstraction points has been included for applications close to watercourses

#### **GBR 25 – Bank protection measures**

- New rule to allow land managers to carry out certain measures without applying for registration.
- Following consultation rule amended to clarify distances considered to be in 'vicinity'.

## Other GBRs

## GBR 10 – discharge from surface water drainage and construction sites

 Following consultation - the rule has been redrafted to better clarify the requirements.

#### GBRs 26,27, and 28 – Oil Storage

 The consolidation of the Water Environment (Oil Storage)(Scotland) Regulations 2006 into CAR has required the regulations to be notified to European Commission, under Technical Standards Directive, which is subject to 3 month stand still rule, which ends 20 October.

## Next Steps

 Lay regulations in Parliament early Dec at latest.

Coming into force date – 1 January 2018

#### **SRDP**

Managing Water Quality Option / Items on approved AECS contracts. 2015 -2016

No of contracts – 805

Value of items - £5.7m

#### **SRDP**

#### The Options / Items included:

- Alternative Watering
- Managing Steading Drainage and Rural Sustainable Drainage Systems
- Diffuse Pollution
- Pesticide Handling Facilities
- And capital items linked to be above Options.
- Embankment Engineering (Capital Only)
- Grass Strips in Arable Fields (Annual Recurrent only)
- Management of Floodplains (Annual Recurrent only)
- Water Margins in Arable Fields (Annual Recurrent only)
- Water Margins in Grassland Fields (Annual Recurrent only)

#### **Next round for applications January 2018**