

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

Diffuse Pollution GBRs

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.

Diffuse Pollution GBRs

- 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!!!!

Diffuse Pollution GBRs



Diffuse Pollution GBRs

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.

Diffuse Pollution GBRs

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.

Diffuse Pollution GBRs

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