



Controlled Activities Regulations

1. Purpose

This paper has been written to try and explain the Controlled Activities Regulations 2005 to our clients, local industry and the general public in a simple non-technical way that is easy to understand.

2. Who it affects

The regulations are to protect the ecological quality of the water environment in Scotland, to manage flood risk, promote good practices and encourage sustainable development. Anyone who conducts any activities such as abstraction or discharging into rivers, lochs, coastal waters or the groundwater will be affected by the regulations. Any activities such as building structures such as bridges, dams, weirs or culverts are also controlled under the regulations.

3. Background

At the end of 2003 the European Water Framework Directive No. 2000/60/EC became legally binding within Scotland. The Water Framework Directive (WFD) is a piece of wide ranging environmental legislation designed to protect and improve the quality of the water environment across Europe.

The WFD was translated into law in Scotland through the Water Environment and Water Services (Scotland) Act 2003 (WEWS). This act gave Scottish Executive minister's powers to introduce regulatory controls over the activities carried out to Scotland's water environment.

These regulatory controls are known as the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) and came into force on the 1 April 2006. It is now an offence to undertake any activities covered by CAR without authorisation. The Scottish Environment Protection Agency (SEPA) is responsible for enforcing and licensing the regulations.

4. What is Included

The water environment protected by the regulations includes all the following:

- Wetlands
- Rivers
- Lochs
- Estuaries (transitional waters)
- Coastal waters
- Groundwater



5. What is Excluded

There are however a number of items which do not come within the scope of the regulations. These are:

- Emergency works required on the water environment
- Other work already covered by the following legislation:
 - The Food and Environment Protection Act 1985
 - The Radioactive Substances Act 1993
 - The Pollution Prevention and Control (Scotland) Regulations 2000
 - The Waste Management Licensing Regulations 1994
- Removal of debris and litter
- Removal of vegetation
- Maintenance of existing structures
- Drainage ditches and road drainage
- Small works on minor watercourses



The new regulations replace some older existing legislation.

These include The Control of Pollution Act 1974 and the Ground Water Regulations 1998.

6. Controlled Activities

There are three levels of authorisation under CAR depending on the level of risk to the environment. They are the General Binding Rules (GBR), Registration and Licensing. The Licensing authorisation is subdivided into Simple Licence and Complex Licence activities.

7. General Binding Rules

The activities covered by the GBR are considered to be low risk of causing either ecological damage or increasing the flood risk. If these activities are carried out in accordance with the GBR rules then there is no need to apply for formal authorisation.

The activities covered by the GBR include the following:

- Discharges of surface water run-off and discharges into surface water drainage systems
- Construction of boreholes for small-scale abstraction of less than 10m³/day or for the purpose of testing or sampling
- Dredging on rivers less than 1 metre wide
- Construction of minor and temporary bridges
- Control of less than 10 metres of bank erosion
- Operating plant or machinery in or near a water body

The rules to be followed are to avoid any pollution, visible discolouration or iridescence foaming of the water. Discharges do not destabilise the river or loch bank or bed. Any SUDS or other treatment systems are maintained in a good state of repair.

8. Registration

Any small-scale activity that poses a small predictable risk to the water environment, but cumulatively could cause greater environmental damage, then SEPA need to aware of the number of these activities taking place on any water body. An application giving details and scale of work involved must be made to SEPA to register these types of activities. A charge is made for registering the activity and SEPA state that the application will normally be determined within 30 days.

The types of activities that require registration include:

- Discharge of sewage and organic effluents of up to a population equivalent of 15 (including to soakaways)
- All non-commercial fish hatcheries for native fish
- Cooling water, with no chemical addition or Freshwater Fisheries Directive compliance implications
- Inland abstractions greater than 10 m³/day up to 50 m³/day
- All coastal and estuarine abstractions less than 10m³/day
- Sediment management in canals and lades
- Sediment management within 10m of closed culverts and bridge centrelines or open culverts
- Green bank reinforcement and bank re-profiling up to 50m in length
- River and ford crossings with no structure in the bed and up to 20m of bank length affected

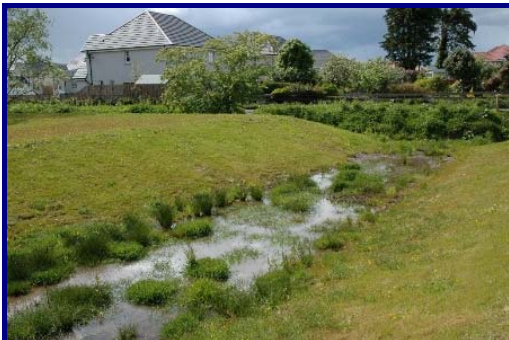
9. Licences

The licences replace the Control of Pollution Act consents and are similar except the CAR licence will require a “responsible person” to be nominated to secure compliance with the terms of the licence. The licences are divided into Simple Licences for applications, which have less risk, associated with them and Complex Licences for the higher risk activities. The licences will be able to apply to linked activities on a number of different sites over wide area. SEPA estimate that it will normally take about 4 months to approve a CAR licence application.

10. Further Information

More detailed information on CAR can be obtained from the SEPA website at www.sepa.org.uk/wfd

Our Water & Environmental engineers at Gunn MacPhee have been involved with CAR since its introduction in 2006 and have helped many clients in that time with their specific applications. For advice and assistance on your specific activities you can speak to either Colin MacPhee or Ian Fraser at Gunn MacPhee & Associates Ltd. Phone 01349 866700, alternatively email ianfraser@gunmacphee.co.uk



Gunn MacPhee & Associates
Ross-Shire Business
1 Castle Street
Dingwall
IV15 9HU

Web: www.gunmacphee.co.uk/environmental