



Law Society  
of Scotland

# Consultation response

Implementing the Water Environment and Water Services (Scotland) Act 2003: Updating environmental standards for the water environment

December 2020



## Introduction

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The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Environmental Law Sub-committee welcomes the opportunity to respond to the Scottish Government's consultation on *Implementing the Water Environment and Water Services (Scotland) Act 2003: Updating environmental standards for the water environment*<sup>1</sup>. We have the following comments to put forward for consideration.

## General comments

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We note that Section 8 of the consultation document considers spatial standards for river barriers. There will be instances, however, where the barrier in question only covers a short section of a river - such as a weir or dam - but where that barrier may cause an adverse impact on the river's ecology, such as forming a barrier to migratory fish.

We therefore question whether using a spatial standard is the correct approach to assessing the impacts of barriers, when it may not necessarily be the length of the barrier which determines the effect of the impact.

As such, it may be more appropriate to use spatial standards as more of a balancing consideration in a matrix of factors when assessing the effect of a barrier.

We also consider that it may be appropriate to give heightened consideration in rivers which are Special Areas of Conservation in terms of the Habitats Regulations, and where the qualifying species may be at particular risk to barriers.

<sup>1</sup> <https://consult.gov.scot/environment-forestry/updating-environmental-standards/>



**For further information, please contact:**

Alison McNab

Policy Team

Law Society of Scotland

DD: 0131 476 8109

[alisonmcnab@lawscot.org.uk](mailto:alisonmcnab@lawscot.org.uk)