Consultation response

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

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Introduction

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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. We have the following comments to put forward for consideration.

General comments

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.

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