



Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)

This briefing note provides information on the recent changes made to the **Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)**, otherwise known as CAR brought about by the **Water Environment (Miscellaneous) (Scotland) Regulations 2017** that effect forest road construction.

General Binding Rules or GBRs are for specific low risk activities. When an activity complies with the relevant GBR, there is no need to contact SEPA or apply for a formal authorisation.

Changes to GBR 10(b) Surface water run-off from a construction site

From 1 September 2018, a licence from SEPA will be required for the construction of new forest roads and associated infrastructure (e.g. borrow pits and bridges), or major upgrades of existing roads, where they:

- are in excess of **5km in length**; or
- include a length of more than **500m** on ground with a **slope in excess of 25°**.

The licence will be subject to submission of a pollution prevention plan that demonstrates that surface water and the drainage system has been thoroughly planned and will be managed to avoid diffuse pollution in the water environment.

A key feature of CAR licences, unlike GBRs is that they require the applicant to nominate a 'responsible person' (i.e. an individual/partnership/company) to be held accountable for securing compliance with the terms of the licence. The licence is transferrable.

Application fees apply to all licences. Information on charges and associated guidance is available from [SEPA](https://www.sepa.org.uk).

No other forestry project is subject to this change in regulation.

FCS and SEPA are in the process of developing joint guidance for the forest industry that will clarify how the licence will apply.

The CAR Practical Guide, Version 8, February 2018 can be found here:
<https://www.sepa.org.uk/media/34761/car-practical-guide-v8-final.pdf>