The river basin management plan for the Solway Tweed river basin district 2009–2015

Annex 1 Competent authorities

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This annex sets out the names and addresses of competent authorities for the implementation of the Water Framework Directive within the Solway Tweed river basin district and a note of their legal status and responsibilities.

If you would like to contact the competent authorities you can also find contact details here:

Scottish Ministers:

Water Framework Directive Team
Scottish Government
Water Division
Area 1-H (North)
Victoria Quay
Edinburgh EH6 6QQ

SEPA:

Scottish Environment Protection Agency
SEPA Corporate Office
Erskine Court
Castle Business Park
STIRLING
FK9 4TR

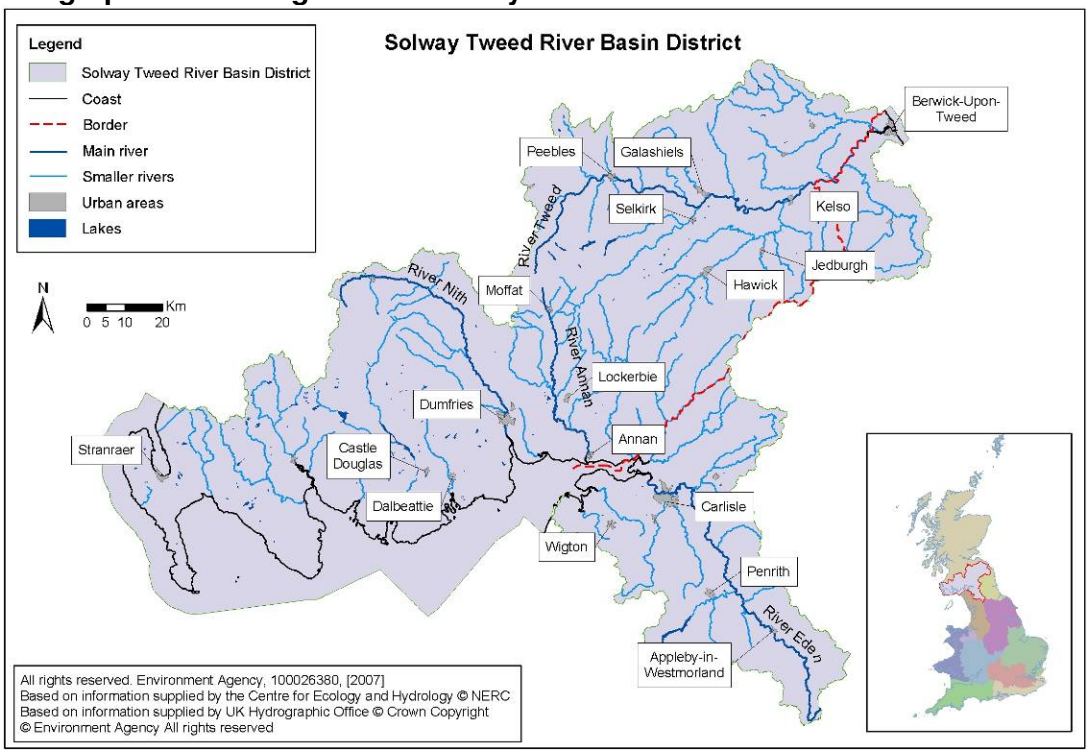
Defra:

Secretary of State for Environment, Food and Rural Affairs
Nobel House, 17 Smith Square, London, UK, SW1P 3JR

Environment Agency:

Environment Agency
Rio House, Waterside Drive, Aztec West
Almondsbury, Bristol, UK BS32 4UD

Geographical coverage of the Solway Tweed river basin district



1 Legal status of competent authorities

The competent authorities for the Solway Tweed river basin district (Solway Tweed RBD) are:

- Scottish Ministers;
- Secretary of State
- Scottish Environment Protection Agency (SEPA) and the Environment Agency

Scottish Ministers

Under Section 44 of the Scotland Act 1998 the Scottish Ministers comprise the First Minister, other Scottish Ministers appointed by the First Minister, the Lord Advocate and the Solicitor-General for Scotland:
www.opsi.gov.uk/acts/acts1998/ukpga_19980046_en_1.htm

Secretary of State

The Secretary of State is legally part of the Crown and is not established in legislation.

SEPA and the Environment Agency

SEPA and the Environment Agency are non-departmental public bodies established by the Environment Act 1995:
www.opsi.gov.uk/acts/acts1995/Ukpga_19950025_en_1.htm

1.1 Responsibilities

Article 3(2) of the WFD requires Member States to identify the appropriate competent authority for the application of the rules of the directive within each river basin district. For the Solway Tweed river basin district responsibilities are set out in The Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004[1].

In Scotland the competent authority role is undertaken by the Scottish Ministers and SEPA. Legislation transposing the Water Framework Directive in Scotland, namely Part 1 of the Water Environment and Water Services (Scotland) Act 2003, requires Scottish Ministers and SEPA to exercise their functions under the Act and a range of other designated legislation so as to secure compliance with the requirements of the Directive.

In addition, Scottish Ministers and SEPA must:

- have regard to the social and economic impact of exercising their functions;
- where relevant, promote sustainable flood management;
- act in the way best calculated to contribute to the achievement of sustainable development;
- so far as practicable, adopt an integrated approach by cooperating with each other and designated responsible authorities[2] with a view to coordinating the exercise of their respective functions.

The Scottish Ministers may give directions and guidance to SEPA in relation to the exercise of SEPA's functions as a competent authority. SEPA must comply with any such directions and have regard to any such guidance.

SEPA is also the authority responsible for enforcing regulatory controls on a wide range of activities that impact on the water environment in Scotland under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 and other secondary legislation.

The Scottish Ministers are the appellate authority under the 2005 Regulations.

For more details on the responsibilities of competent authorities please see the Water Environment and Water Services (Scotland) Act 2003 at: www.sepa.org.uk/water/regulations.aspx

In England there are two competent authority roles – the 'appropriate authority' role undertaken by the Secretary of State and the 'Agency' role undertaken by the Environment Agency.

The 'appropriate authority' has general responsibility for ensuring the directive is given effect. That authority also has specific responsibilities for ensuring that

[1] www.opsi.gov.uk/si/si2004/20040099.htm
[2] SEPA and Scottish Ministers are assisted in delivering river basin management planning by a number of designated responsible authorities: www.opsi.gov.uk/legislation/scotland/ssi2008/ssi_20080263_en_1

appropriate economic analysis is carried out, approving proposals for environmental objectives and programmes of measures, and approving the draft river basin management plans. The appropriate authority may also give guidance or directions to the 'Agency', and any other public body, on the practical implementation of the directive. The appropriate authority for a river basin district also has the duty to ensure that the requirements of the directive are given effect in relation to that district as a whole.

SEPA and the Environment Agency (the 'Agencies') are responsible for carrying out the analysis required for characterisation, monitoring, identifying waters used for the abstraction of drinking water, and establishing a register of those waters and other protected areas. It has to prepare proposals for environmental objectives and programmes of measures for each river basin district, and prepare draft river basin management plans. The Agencies must also ensure public participation in preparation of the river basin management plan and make certain information required under the directive accessible to the public.

2 Membership

Not applicable: the Water Framework Directive requires us to record if a competent authority acts as a co-ordinating body for other competent authorities and, if so, what is the membership of that group.

3 Contact points and procedures

Details of control measures adopted in accordance with Article 11(3)(g) and 11(3)(i) of the Water Framework Directive can be found in Chapter 3 Appendix 1, for Scotland also see the Water Environment (Controlled Activities) (Scotland) Regulations 2005: Policy Statement and Regulatory Impact Assessment available on the Scottish Government's website.

Background documentation and information used for the development of the Solway Tweed plan, and, in particular, actual monitoring data gathered in accordance with Article 8 and Annex V of the Water Framework Directive can be obtained from SEPA or the Environment Agency.

Much of the information held by the Agencies can be accessed by going to their websites. If the required information is not published on the website, it can be requested from SEPA by:

- emailing foi@sepa.org.uk;
- writing to Freepost RLRZ-XGXU-CJBZ, SEPA, Perth Office, 7 Whitefriars Crescent, Perth, PH2 0PA or any SEPA office;
- telephoning 08456 124 124 or any SEPA office;
- visiting any SEPA office.

SEPA office opening hours are 9.00 – 5.00 Monday to Friday, except for Christmas, New Year, Easter and St Andrews Day public holidays.

Further advice on the information SEPA can provide and how to obtain it is available on SEPA's website.

Request further information from the Environment Agency by:

- emailing enquiries@environment-agency.gov.uk
- writing to: National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY
- telephoning 08708 506 506
- or using the online enquiry form (http://www.environment-agency.gov.uk/contactus/default.aspx)

For specific queries on river basin management planning for the Solway Tweed RBD please contact Katie Wilson who will co-ordinate a response:

Katie Wilson,
River Basin Planning Manager,
SEPA,
Rivers House
Irongray Road
Dumfries
DG2 0JE
Telephone: 01387 720502,
Email: rbmp@sepa.org.uk

Further information can also be found on the SEPA website at:
www.sepa.org.uk/water/river_basin_planning.aspx