

13 March 2006

Water Division
Scottish Executive
Area 1-H, Victoria Quay
Edinburgh
EH6 6QQ

Dear Sir

Scottish Executive Consultation: Diffuse Water Pollution from Rural Land Use

The Scotch Whisky Association represents the interests of 95% of the Scotch Whisky industry. Our industry is reliant on high quality water resources for the production of whisky. We welcome the opportunity to comment on this consultation.

Equity of Approach

The approach set out is sensible and minimises the regulatory burden for operators whilst still managing any risk to the water environment. The proposed scale of regulation (from GBRs through to Targeted GBRs where problems are identified, and Licenses where persistent problems are apparent) appears to be logical and risk-based. It seems sensible that sites already regulated by IPPC should be deemed as having sufficiently stringent regulation so as not to require further intervention under the CAR.

The Executive and SEPA's willingness to adopt General Binding Rules (GBRs) for low-risk sectors is to be commended. GBRs allow for clear standards and obligations to be set, with intervention from the regulator required only where there is evidence of a problem.

This consultation acknowledges that diffuse pollution is a major threat to water quality in Scotland. It recognises pollution from agriculture as "the greatest single risk from rural diffuse sources to achieving good ecological status..." and that diffuse pollution is responsible for up to 43% of the water bodies in Scotland being at risk of not achieving good ecological status. The paper states that diffuse pollution is a more significant source of pollution than point sources in most water bodies.

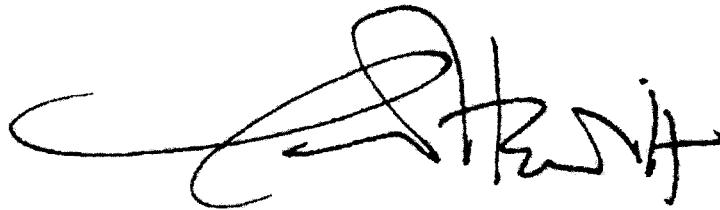
We welcome this approach for rural land use but it stands in sharp contrast to the heavy regulatory regime that the Scotch Whisky industry is facing under the separate charging scheme for abstractions and impoundments. This is not equitable and we are asking for similar treatment to other sectors. It should be possible for our sector to operate abstractions under a GBR, or at most a registration, where it has been demonstrated that there is no environmental concern.

Risk and Regulation

It is estimated that up to 43% of the water bodies in Scotland are at risk of not achieving good ecological status due to diffuse pollution. It would seem logical therefore that the Executive will wish to direct SEPA to dedicate just under half of its regulatory resource into regulating diffuse pollution, and recover a proportionate amount of its costs from contributors to diffuse pollution, if the CAR is to be a truly risk-based and equitable regulatory regime.

We are pleased to see that the Executive will, in due course, be considering how to tackle pollution related to industrial and urban landuse. Much is understood about point source discharges and there is regulation already in place to tackle point sources. It is now time to tackle other significant, but less easily controlled sources of pollution, such as emissions from traffic and road run-off as well as households.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'G. Hewitt', with a large, stylized flourish on the left side.

Gavin Hewitt
Chief Executive