

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [ESS Representations](#)  
**Subject:** Message for [REDACTED] - Contact with Environmental Standards Scotland  
**Date:** 10 February 2023 16:18:00  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Dear [REDACTED],

I am writing to you regarding the representation you made to Environmental Standards Scotland. You indicated on our form that email was your preferred contact method.

Thank you for your representation – you asked if there was specific legislation to protect watercourses from silt pollution, particularly in relation to housebuilding; and if SEPA have the responsibility to act on incidents of silt pollution.

Silt is considered to be a pollutant under the Pollution Prevention and Control (Scotland) Regulations 2012.

The legislation to protect watercourses from silt pollution is the Water Environment (Controlled Activities) (Scotland) Regulations 2011 or CAR Regulations. The CAR Regulations contain a schedule of activities which must be authorised by SEPA. Authorisation can be in the form of a license, or be authorised under General Binding Rules, for activities considered to be lower risk. I have included links to further information below.

Should the construction site meet the specification below, it requires a licence from SEPA. If it does not meet these specifications General Binding Rule 10 (GBR 10) provides authorisation.

*Construction sites that discharge water run-off to the water environment and:*

- a) cover an area greater than 4 hectares; or*
- b) contain a road (or track) greater than 5 kilometres in length; or*
- c) include any land with an area greater than 1 hectare that has a slope more than 25 degrees; or*
- d) include any road (or track) with a length greater than 500 metres that has a slope more than 25 degrees*

If you think that a building site is in breach of its authorisation under GBR 10, or its license conditions, then you can report this to SEPA as the responsible body. It may be helpful to have photo or video evidence including date and location.

If you do not feel that the response from SEPA was satisfactory, you can make a complaint to them. I have included SEPA's complaints procedure [here](#). This includes a web enquiry form for you to make your complaint. ESS is not a complaints body, so unfortunately we cannot help you resolve service complaints against public bodies. However, should you wish to, you may raise your complaint with the [Scottish Public Service Ombudsman](#).

I hope this has answered your questions and resolved your representation. Please

contact me if you have any further questions, I will be happy to assist.

[The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011 \(legislation.gov.uk\)](#)

[Water run-off from construction sites | Scottish Environment Protection Agency \(SEPA\)](#)

[REDACTED]  
Senior Investigations Officer

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