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D I R E C T I O N

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**THE WATER ENVIRONMENT (CONTROLLED  
ACTIVITIES) (SCOTLAND) REGULATIONS 2011**

**The Water Environment (Controlled Activities) (Unconventional  
Oil or Gas Development) (Scotland) (No. 2) Direction 2015**

The Scottish Ministers, having consulted the Scottish Environment Protection Agency in accordance with regulation 20(2) of the Water Environment (Controlled Activities) (Scotland) Regulations 2011<sup>(a)</sup>, give the following Direction to the Scottish Environment Protection Agency in exercise of the powers conferred by regulation 20(1) of those Regulations.

**Citation, commencement and interpretation**

1.—(1) This Direction may be cited as the Water Environment (Controlled Activities) (Unconventional Oil or Gas Development) (Scotland) (No. 2) Direction 2015 and comes into force at 12 noon on 8<sup>th</sup> October 2015.

(2) In this Direction—

“application” means an application made in accordance with regulation 11 of the Regulations or, if regulation 18(1) of the Regulations applies, an application made in accordance with regulation 18(4) of the Regulations;

“authorisation” and “controlled activity” have the meanings they both have in regulation 2(1) of the Regulations;

“the Regulations” means the Water Environment (Controlled Activities) (Scotland) Regulations 2011;

“SEPA” means the Scottish Environment Protection Agency”; and

“unconventional oil or gas development” means development connected to the onshore exploration, appraisal or production of coal bed methane, shale oil or shale gas using unconventional extraction techniques, including hydraulic fracturing, but does not include the drilling of boreholes solely for the purpose of core sampling.

**Referral of applications for determination by the Scottish Ministers**

2. The Scottish Ministers direct SEPA to refer to them for their determination any application under the Regulations for an authorisation to carry on any controlled activity in connection with unconventional oil or gas development.

**Revocation**

3. The Water Environment (Controlled Activities)(Unconventional Oil or Gas Development) (Scotland) Direction 2015a is hereby revoked.

St Andrew's House,  
Edinburgh  
8<sup>th</sup> October 2015

*WILLIAM GEORGE BURGESS*  
A member of the staff of the Scottish Ministers

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(a) The Water Environment (Controlled Activities)(Unconventional Oil or Gas Development)(Scotland) Direction 2015 was made by the Scottish Ministers on 28<sup>th</sup> January 2015.