
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 348

The Water Environment (Controlled Activities) (Scotland) Regulations 2005

PART III

Applications and Application Procedure

Determination of application

15.—(1) Before determining an application SEPA shall—

- (a) assess the risk to the water environment posed by the carrying on of the activity referred to in the application;
- (b) assess what steps may be taken to ensure efficient and sustainable water use;
- (c) apply the requirements of—
 - (i) the legislation referred to in Part 1 of Schedule 4, and
 - (ii) regulation 24(5); and
- (d) have regard to the provisions of the legislation referred to in Part 2 of Schedule 4.

(2) Where an application is in respect of the carrying on of more than one controlled activity, SEPA may grant or refuse to grant it in relation to any one or more of those activities.

(3) SEPA shall consider an application and shall either grant or refuse to grant an authorisation to carry on the activity, or, as the case may be, each of the activities referred to in that application, and shall notify the applicant of its decision.

(4) Where SEPA refuses to grant an application (in whole or in part) it shall, when notifying that refusal, give its reasons for doing so.

(5) Where SEPA decides to grant an authorisation, it shall, having considered the matters referred to in paragraph (1) and the nature of the impact or likely impact of the activity (whether on its own or in association with other activities) on the water environment, grant it in the form of an authorisation under either—

- (a) regulation 8, or
- (b) regulation 9.