
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 209

The Water Environment (Controlled Activities) (Scotland) Regulations 2011

PART III

Applications and Application Procedure

Form and content of applications for authorisation

11.—(1) An application to SEPA for an authorisation to carry on one or more controlled activities must be made in writing, in such form as SEPA may from time to time require, and must be accompanied by—

- (a) any charge prescribed in accordance with Schedule 5; and
- (b) such information in such form as SEPA may reasonably require.

(2) If SEPA considers that the controlled activity is likely to have a significant adverse impact on the water environment, SEPA shall, subject to paragraph (3), require that the application be accompanied by the following information:

- (a) a description of the controlled activity comprising information on its siting, design and size;
- (b) a description of the measures envisaged in order to mitigate and, if possible, remedy significant adverse impacts on the water environment;
- (c) the data reasonably required by SEPA to identify and assess the main impacts which the controlled activity is likely to have on the water environment;
- (d) an outline of the main alternatives studied by the applicant and an indication of the main reasons for the choice made, taking into account the environmental effects;
- (e) a non technical summary of the information provided under sub-paragraphs (a) to (d); and
- (f) such other information specified in Annex IV of the EIA Directive as SEPA considers relevant to determination of the application.

(3) SEPA must only require an application to be accompanied by the information referred to in paragraph (2) insofar as SEPA considers that information—

- (a) reasonably necessary to determine the application; and
- (b) reasonably capable of being compiled by the applicant having regard, among other factors, to current knowledge and methods of assessment.

(4) Before making an application, the applicant may request that SEPA provide an opinion on what information must accompany the application and SEPA must, subject to paragraphs (6) and (7), provide such an opinion to the applicant if so requested.

(5) A request for an opinion under paragraph (4) must be accompanied by—

- (a) information sufficient to identify the location of the controlled activity;

- (b) a brief description of the nature and purpose of the controlled activity and of its possible effects on the environment; and
- (c) such other information or representations as the person making the request may wish to provide or make.

(6) Upon receiving a request under paragraph (4) for an opinion, SEPA may, if it considers that it has not been provided with sufficient information to provide an opinion, notify the applicant in writing of the points on which further information is required.

(7) If the applicant fails to provide the further information requested by SEPA under paragraph (6), SEPA is not obliged to provide an opinion under paragraph (4).

(8) If SEPA considers that the controlled activity is likely to have a significant adverse impact on the water environment, SEPA must, in preparing its opinion under paragraph (4), consult with the applicant and any public authorities which in SEPA's opinion are likely, by virtue of their specific environmental responsibilities, to have an interest in the application.

(9) SEPA must, upon request, make available to the public a statement of the reasons for its assessment of whether or not the controlled activity in respect of which authorisation has been applied for is likely to have a significant adverse impact on the water environment and must inform the applicant that it has done so.