
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 209

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

PART III

Applications and Application Procedure

Determination of application

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

- (a) assess the risk to the water environment posed by the carrying on of the activity referred to in the application;
- (b) if the application is in respect of an activity that it considers has or is likely to have a significant adverse impact on the water environment—
 - (i) assess the indirect effects of that impact on any other aspects of the environment likely to be significantly affected;
 - (ii) consider any likely adverse social and economic effects of that impact and of any indirect environmental effects identified in accordance with sub-paragraph (i); and
 - (iii) consider the likely environmental, social and economic benefits of the activity;
- (c) assess the impact of the controlled activity on the interests of other users of the water environment;
- (d) assess what steps may be taken to ensure efficient and sustainable water use;
- (e) apply the requirements of the legislation referred to in Part 1 of Schedule 4, including, in particular, the provisions of Article 4 of the Directive and Article 6 of the Groundwater Directive 2006; and
- (f) have regard to the provisions of the legislation referred to in Part 2 of Schedule 4.

(2) If 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) Subject to regulation 16, SEPA must consider an application and must 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) If SEPA refuses to grant an application (in whole or in part) it must, when notifying the applicant of that refusal, give its reasons for doing so.

(5) If SEPA decides to grant an authorisation, it must, having considered the matters referred to in paragraph (1), grant it in the form of an authorisation under either—

- (a) regulation 7; or
- (b) regulation 8.

(6) If SEPA determines an application in respect of a controlled activity that SEPA considers likely to have a significant adverse impact on the water environment, SEPA must make available to the public—

- (a) its decision;
- (b) the main reasons for it;
- (c) the matters considered in making it; and
- (d) if the application is granted, details of any measures which will be taken to mitigate the significant adverse impact.