
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 209

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

PART IV

Modification and termination of authorisations

Surrender of authorisation

27.—(1) This regulation applies if an authorisation granted under regulation 7 or 8 is in force and either—

- (a) it is intended to cease the authorised activity; or
- (b) the authorised activity has ceased.

(2) Where paragraph (1) applies and the authorisation is under regulation 7, the operator—

- (a) where possible, must notify SEPA of the intention to cease the authorised activity and the date on which it will cease as soon as that information is known to the operator; and
- (b) must in any event notify SEPA of the cessation of the activity within 7 days of that cessation.

(3) Where paragraph (1) applies and the authorisation is under regulation 8, the responsible person shall apply to SEPA to surrender the authorisation or part of it, and SEPA must grant or refuse that application for surrender.

(4) The provisions of regulations 11, 13 and 14(1) to (3) apply to an application under paragraph (3) as if it were an application.

(5) Before determining whether to grant or refuse an application under paragraph (3) SEPA must—

- (a) assess the risk to the water environment posed by the cessation of the activity referred to in paragraph (1); and
- (b) take account of the steps (if any) that have been taken and identify any steps necessary to—
 - (i) avoid any risk of adverse impact on the water environment resulting from the cessation of the authorised activity; and
 - (ii) leave the relevant part of the water environment affected by the authorised activity in a state which will permit compliance with any relevant requirements of the legislation referred to in Part 1 of Schedule 4.