

Our Ref: BM/JW/
ORG13-A2761
Your Ref: -

20 June 2012

Martin Cartney
Marine Scotland
Scottish Government
1 – A South, Victoria Quay
Edinburgh EH6 6QQ

By email: MS.Licence.Consult@scotland.gsi.gov.uk

Dear Mr Cartney

Consultation on Registerable Marine Activities and on Marine Licence Applications Requiring Pre-Application Consultation

Thank you for providing the Scottish Environment Protection Agency (SEPA) with the opportunity to comment on the above consultation document. Our response is attached together with the completed Respondent Information Form.

As a public body committed to openness and transparency, SEPA feels it is appropriate that this response be placed on the public record. If you require further clarification on any aspect of this correspondence, please contact Dr Brian Miller, Head of Marine Science, SEPA Edinburgh Office, Clearwater House, Heriot Watt Research Park, Avenue North, Riccarton, Edinburgh EH14 4AP (Tel: 0131 273 7385).

Yours sincerely

Dr Brian Miller
Head of Marine Science

Enc



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CONSULTATION QUESTIONS

Q1. What are your views on the overall costs and savings identified in the Business and Regulatory Impact Assessments?

No Comments

Q2. Do you agree with the registration process as described?

Yes

Q3. If not, what changes would you propose to the process?

None

Q4. Do you agree that the listed activities should be registerable, rather than licensable?

Yes No

Q5. Do you have further comments regarding the activities listed above?

No Comments

Q6. Are there any other classes of activity that should be registerable?

SEPA would like to see the following types of activity and others of a similar nature/scale included in the list of registerable activities:-

- sea outfalls used for single house septic tanks
- replacement of sea outfalls
- moorings for boating within and outwith harbour confines
- placement of sculptures
- installation of deer fences
- pinning of cables
- installation of pontoons
- removal of boulders from shallow navigation channels
- Removal of oil spill deposits from beaches
- sewage discharges from yachts, especially when at temporary anchorages in or close to EC Shellfish Growing Waters and when large numbers of yachts are gathered together, for example at regattas.

Q7. Do agree that statutory consultees should not be specified in legislation for the pre-application consultation process?

Yes No

Q8. If not, which persons or bodies do you believe should be specified as statutory consultees for the pre-application consultation process?

While SEPA agrees that statutory consultees should not be specified in the legislation, we strongly support and encourage pre-application consultation and engagement between Marine Scotland and ourselves, especially where this would add value to the process.

Q9. Do you agree with the classes of activity that will be subject to pre-application consultation?

Yes No

Q10. If not, what activities would you add or remove from the list?

A9. As a start yes.

Suggest dividing no 1 into two separate categories, one for supported structures such as bridges and walkways, and a second for causeways and other solid impounding structures e.g. weirs, as these structures have the potential to result in far reaching effects within water bodies beyond the footprint of the structure. An additional threshold based on number of supporting foundations for bridges and walkways could also be included.

No 2. mentions refurbishment. Further definition of refurbishment is required as physical interaction with the marine environment is likely to be negligible much of the time particularly when works lie wholly within the footprint of an existing structure. Maintenance of coast protection structures, drainage and flood defence works are currently exempted?

No 3. 'Cables crossing inter-tidal boundary', this should also include pipelines.

No 7. 'Other Developments...' it should be clarified what this class covers and what will trigger pre app consultation e.g. MPA, presence of UKBAP or contaminated ground, coastal erosion issues, CAR and marine licensing overlap?

Q11. Do you believe that the above proposals discriminate disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief?

Yes No

Q12. If you answered yes to Question 11, in what way do you believe the proposals to be discriminatory?

No Comments