

## CONSULTATION QUESTIONS

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

No comment

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

Yes, but not with the principle. The only purpose of registration appears to be to enable Marine Scotland to maintain a record of the type, frequency and location of registered activities. But no reason is given for needing to record this information in relation to the types of activity proposed for registration. If a type of activity is considered to have low environmental impact, the first alternative that should be considered is exemption from licensing. Indeed, some of the types of activity proposed for registration would appear to have less environmental impact than some of those which have already been declared exempt. The purpose of registration under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) is to record the location and frequency of activities which on their own have little impact but which, *cumulatively with other activities of that type*, could pose a risk of greater environmental impact. The classic example is septic tank discharges. The same principle should be used to justify registration under the Marine (Scotland) Act. Registration should only be considered for a type of activity that, cumulatively with other activities of that type, could pose a risk to the environment. It is submitted that most, if not all, the types of activity proposed for registration are unlikely to have a cumulative impact, and are therefore more suitable for exemption from licensing. Alternatively, registration should only be considered where the collection of information on frequency and location of any registerable activity has been properly justified in the public interest.

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

No comment

**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?**

As stated above, there appears to be little benefit in recording the frequency and location of most, if not all, of these types of activity, so they should be considered for exemption rather than registration.

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

The licensing of discharges of used sea-lice bath treatments from well-boats in the vicinity of marine cage fish farms should be passed to SEPA, in the interests of integrated regulation. SEPA already licenses such discharges when made from the actual fish cages, and provides the data on emission limits to Marine Scotland for use in licences under FEPA/ the Marine (Scotland) Act. There should be no need for two licences to regulate the same type of activity in connection with a single fish farm. CAR does not currently apply “to any activity for which a licence is needed under Part II of the Food and Environment Protection Act 1985 or Part 4 of the Marine Licensing (Scotland) Act 2010” (CAR regulation 3(2)). The simplification in regulation could therefore be achieved by exempting this type of activity from licensing under the Marine (Scotland) Act, meaning that CAR would thenceforth apply to it.

**Q7. Do you 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?**

No comment

**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?**

No comment

**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?**

N/A