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By e-mail

20<sup>th</sup> June 2012

**Dear Sirs,**

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

The RYA is the UK body for all forms of recreational and competitive boating. It represents dinghy and yacht racing, motor and sail cruising, RIBs and sportsboats, powerboat racing, windsurfing, inland cruising and personal watercraft. The RYA currently has over 100,000 personal members, the majority of whom choose to go afloat for purely recreational non-competitive pleasure on coastal and inland waters. There are an estimated further 500,000 boat owners nationally who are members of over 1,500 RYA affiliated clubs and class associations. The RYA also sets and maintains an international standard for recreational boat training through a network of over 2,200 RYA Recognised Training Centres in 20 countries. On average, approximately 160,000 people per year complete RYA training courses.

RYA Scotland is a forum for Scottish boating and is part of the RYA. It was a founding member of the Scottish Boating Alliance. There are currently 151 RYA affiliated leisure clubs in Scotland with 120 RYA approved training centres and 1,900 RYA qualified instructors.

The RYA is recognised by all government offices as being the negotiating body for the activities it represents and RYA Scotland has historically been a non-statutory consultee on matters relating to Scottish navigation and safety issues, including applications under Section 34 of the Coast Protection Act.

The RYA and the British Marine Federation have also developed The Green Blue programme to minimise the environmental impact of recreational boating across the UK.

We have pleasure in submitting our response to Marine Scotland's recent consultation on registerable marine activities and on marine licence applications requiring pre-application consultation. Please find attached our completed respondent information form for your consideration.

I hope the comments provided in this letter are useful and look forward to receiving your response. If you wish to discuss any of the above then please do not hesitate to contact me.

**Yours sincerely,**

*Paula McCrew*

**James Stuart**  
**Chief Operating Officer**

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



## RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

Organisation Name

RYA Scotland

Title Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

Surname

Stuart

Forename

James

### 2. Postal Address

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### 3. Permissions - I am responding as...

Individual

/

Group/Organisation

*Please tick as appropriate*

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate*  Yes  No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  Yes  No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*  Yes  No

## CONSULTATION QUESTIONS

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

Both impact assessments as presented appear to provide a reasonable representation of the options. We have no further comments to add at this time.

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

The RYA and RYAS welcome the proposals for registerable activities and that these will be defined in the regulations. It is our view that this approach should lead to a more efficient and user friendly system allowing Marine Scotland to target their resources more effectively.

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

We appreciate that the definition of 'specified threshold of environmental impact' will be very important in considering the effectiveness and application of the regulations. However we note that there is very little detail on how this will be defined. It is our view that this is a fundamental aspect of these proposals and look forward to receiving greater clarity on this matter.

We note the information required for registration. While most of these are self-explanatory, we have concerns on the question of 'timing of the project' particularly in connection with 'placement of temporary marker buoys'.

It is not uncommon for buoys to be placed and removed several times a week during the sailing season, depending on the tide and wind (among other things) to facilitate yacht racing. It would, in our view, be a disproportionate and impractical use of time and resources by the applicants and Marine Scotland were it necessary for this activity to be re-registered on each occasion. This might be avoided if a general area were to be identified within which buoys could be placed, lifted and re-placed as necessary. Such an application could be made on registration of the activity and a further application only when there is a substantive change in either the nature of the activity, or the location in which it will take place.

Buoys are also laid on a temporary basis for dinghy racing, probably with even less environmental impact, and no specific exemption is granted for such activities. Is it envisaged that the registration process would cover such racing as well or is that not considered a licensable activity at all?

It is also not clear what, if any, role the relevant harbour authorities may have in regulating registered activities. If as we suggest above, a registered area approach is adopted this may result in different issues arising in different parts of a diverse area with different sailing clubs and other water based activities with potentially conflicting concerns. This is particularly relevant in the Forth estuary with varied water users and numerous sailing

clubs, some in close proximity.

In addition we would like to take the opportunity to highlight the importance of the 'project description' being sufficiently detailed such that no further clarity is required. It will also be essential for a 'key words' system to be developed alongside so that the registered activities database is fully searchable.

**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?**

Whilst we agree that the 5 classes of activity being considered for registration under the new legislation are sensible we would like clarification on whether this list is finite, or whether there is provision to add further activities to this list as appropriate. It is our view that there may be circumstances in the future where our understanding of the impacts of other activities may be such that they fall below the 'specified threshold of environmental impact' and as such should be able to be a registered activity rather than licensable.

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

Once a full and detailed definition of 'specified threshold of environmental impact' we would like to see other activities with minimal environmental impact considered as registerable activities. For example small-scale maintenance dredging such as those carried out by sailing clubs, and minor like-for-like repairs to pontoons and jetties. We would be happy to discuss this further with Marine Scotland as appropriate.

**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?**

It is not clear why the application process should not involve the existing statutory consultees under the licensing process when the two schemes sit so closely together. We also note that the pre-consultation provisions would be similar in approach to up front consideration of planning applications. RYA and RYAS engagement in such applications primarily relates to navigational safety for recreational boaters and as a non-statutory consultee we often work with the Maritime and Coastguard Agency or the Northern Lighthouse Board to ensure that recreational boaters are not unduly

affected. It is our view that in the absence of statutory consultees there would be a danger that navigational safety may not receive as much attention as it might and this could present a danger to all mariners.

**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?**

We have no objections to the proposed activities to be subject to pre-application consultation however we seek clarity on activity 5 (Marinas where the enclosed water surface area exceeds 1000 sq metres and extensions to existing marinas that take the enclosed water surface area over that threshold). Where an application relates to an extension, is it the intention of Marine Scotland that such a licence will relate to only the new works or need to be applied across the whole site, even though consent will have previously been awarded for the existing infrastructure? Given the level of work involved by both the applicant and Marine Scotland in dealing with such proposals it is our view that consideration should be giving to the division of resources in such matters and ensure that the process is proportionate at all times.

**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?**

Comments