

## CONSULTATION QUESTIONS

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

Welcome the proposal to introduce registerable marine activities with no fee payable for the registration process. This will reduce the administrative and financial burden particularly and small businesses and community/voluntary organisations.

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

Further clarity and detailed required. Is likely to be set out the Marine Licensing (Registered Activities)(Scottish Inshore Regions) Regulations 2012?

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

The process appears to be clear and straight forward. An option to submit registration forms online would be a great benefit reducing paperwork and speeding up the process.

Further detail should be provided on the supporting information that would be required. Minimum standards for this information should be defined with particular reference to the required plan scale, acceptable maps/charts and any requirements for grid reference.

### **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 regarding the activities listed.

It should be noted that within the Harbour Authority Area in Orkney, under the Orkney Islands Act 1974 Section 11, a Works License is required for construction work including placing, alteration or extension of works. It is recommended that any secondary legislation should make clear reference to consenting requirements under existing legislation.

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

### **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 would be beneficial to involve statutory consultees in the process as early as possible. Where an EIA is required, consultees (ie. SNH, Local Authorities, Harbours Authority) will be involved at the scoping stage, though, for none EIA this may not be the case. Pre-consultation with Local Authorities, Harbours Authority, SNH and SEPA should be statutory.

With terrestrial planning there is a requirement for pre-application consultation between the developer and communities for national and major developments. This is an existing working system and could inform procedures for marine development consent including notification, consultation and reporting.

**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?**

Generally agree with the activities.

The proposed 30MW threshold possibly should be considered in the context of the construction of electricity generation station 20MW threshold for EIA and the definition as a Major development under Circular 5/2009 Hierarchy of Developments. The cross over of legislation in the intertidal area between MHWS and MLWS could create difficulties if the thresholds that effected these areas are not consistent across the legislation.

**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