



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

Overview

General Comments

Scottish Water's primary functions are the provision of safe drinking water, and the collection, management, treatment and safe return to the environment of wastewater, which is vital to support a sustainable society.

In the interests of public health, any statutory framework must take into account and balance the legitimate needs of all users of the marine environment. This includes the water industry's requirement to appropriately return to the environment society's treated effluent. We invest in Waste Water Treatment Works (WWTW) to meet regulatory drivers based on a number of criteria, including the status of the receiving waters for the final effluent or discharge. Any changes that subsequently require investment to improve water quality or place an additional financial burden to the business will have to be appropriately reflected in the Quality & Standards (Q&S) investment cycle.

Detailed Response

Specific Comments

Exclusion of Pipelines

A critical point of importance to Scottish Water is that under the section on Classes of activity subject to pre-application consultation, reference is made to cables, but not pipelines, that cross the inter-tidal boundary.

Pipelines are a critical part of our asset base, serving to transfer sewage to or discharge effluent from wastewater treatment works (WWTW) and to distribute potable drinking water.

There is a continual need to construct, inspect, maintain, refurbish or replace pipeline assets to ensure a high level of service to our customers, most of these assets are part of a greater network of assets whose functionality is dependant on each part being fully operational.

We do not consider it feasible that pipelines should be included in the pre-application consultation process.

We further note that the primary legislation allows for conditions to be placed on exempt activities but not on registerable activities and this then restricts the activities that qualify for registration. We therefore have concerns that the tiers within the hierarchy of the system, as defined by exemption, registration and licensing, are not



connected and will not reflect their risk to the environment, and that the benefits that could be achieved by the registration of relatively low/medium risk activities are lost.

Scottish Water considers that our activities in the marine environment will continue to be covered by the licensing regime.

Consultation Questions

1	What are your views on the overall costs and savings identified in the Business and Regulatory Impact Assessments?
<p>Scottish Water supports the principle of introducing 'Registerable Activities' into the marine licensing regime, we recognise that there will be cost benefits for the applicant as fees will not apply and for the Scottish Government a reduction in the administrative burden associated with licensing.</p> <p>The principle of pre- application consultation is established in terrestrial planning and can contribute positively to the benefit of local communities, developer and the progress of the overall process. We note that the costs identified are considered to be minor and mainly associated with venue rentals for liaison events. In circumstances where developments and projects are delayed, costs are incurred by the developer, it is therefore essential that guidance is provided setting out the criteria and process for pre-application consultation applications and that the threshold for applying this requirement is, as far as possible in line with Environmental Impact Assessment (EIA) requirements.</p>	
2	Do you agree with the registration process as described?
<p>Scottish Water agrees that the process as described is straightforward however we believe it is necessary to consider emergency situations within the scope of the process.</p>	
3	If not, what changes would you propose to the process?
<p>There is a need to include a process whereby an activity can be carried out and the authorities informed of as soon as practically possible, this is consistent with the approach taken by both SEPA and Scottish Natural Heritage (SNH) for certain emergency situation.</p>	
4	Do you agree that the listed activities should be registerable, rather than licensable? Yes/No
<p>We have no comment to make on the listed activities per se and we would refer you to the comments under Specific Comments above.</p>	



5	Do you have further comments regarding the activities listed above?
<p>We recognise the difficulty in preparing a list that balances the need to be prescriptive but not overly specific as to omit similar activities.</p>	
6	Are there any other classes of activity that should be registerable?
<p>No, not under the legislative framework as it stands.</p>	
7	Do agree that statutory consultees should not be specified in legislation for the pre-application consultation process? Yes/No
<p>I refer you to the answer given below at 8</p>	
8	If not, which persons or bodies do you believe should be specified as statutory consultees for the pre-application consultation process?
<p>We consider it appropriate that consideration be given to making SEPA a statutory consultation due to their regulatory role with regard to Water Framework Directive (WFD) waters, which includes transitional and coastal waters out to 3nm.</p>	
9	Do you agree with the classes of activity that will be subject to preapplication consultation? Yes/No
<p>Scottish Water considers that the list of classes of activity, as set out in the consultation, is open to different interpretations by applicants. We understand that the intention is to be consistent with the thresholds for carrying out an Environmental Impact Assessment (EIA) and we would support this approach.</p>	
10	If not, what activities would you add or remove from the list?
<p>We are very concerned that in respect of activities not included, reference is made to cables, but not pipelines that cross the inter-tidal boundary.</p> <p>Pipelines are a critical and ubiquitous part of Scottish Water's asset base, serving to transfer sewage to or discharge effluent from wastewater treatment works (WWTW) and to distribute potable drinking water. There is a continual need to construct, inspect, maintain, refurbish or replace pipeline assets to ensure a high level of service to our customers, most of these assets are part of a greater network of assets whose functionality is dependant on each part being fully operational.</p> <p>It is not feasible that pipelines should be included in the pre-application consultation process..</p> <p>In addition, we do not agree that the class of activity in point 7 should be included in the list, we have no sight of the process by which such activities would be determined, and in addition it introduces levels of risk and unknown costs to</p>	



developers.	
11	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
No	
12	If you answered yes to Question 11, in what way do you believe the proposals to be discriminatory?