

The Highland Council

Response to Marine Scotland Consultation

Consultation on Registerable Marine Activities and on Marine Licence Applications requiring pre-application consultation

General

Highland Council welcomes the Marine Scotland approach to marine licensing, which appears to err on the side of caution (requiring more pre-application consultation rather than less). This seems like a reasonable approach because it helps to raise the standard of license applications and helps to pre-empt or reduce the incidence of conflicts of interest and objections. It also puts the onus on the prospective developer to engage properly with local communities at an early stage which is normal good practice.

Requiring that developers undertake pre-application public consultation on marine licence proposals encourages engagement with local communities, and, as stated, this is to be welcomed.

Longer term The Highland Council would be keen to ensure that significant activities which currently require a marine licence should not be demoted to registerable status only, without public consultation.

Response to Consultation questions

Q1. What are your views on the overall costs and savings identified in the impact assessments?

- A) Introduction of Registerable Activities: The Highland Council supports Option 2, which involves minor admin costs to the Scottish Government but reduces regulatory burden and costs to industry.
- B) Introduction of Pre-Application Consultation: The Highland Council supports Option 2, which involved early consultation costs for industry but provides an opportunity to identify potential issues and problems at an early stage in the process and should therefore support determination efficiency.

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

A2. Yes. Highland Council considers the registration process to be appropriately structured. As proposed, approval should take place once it has been established that the activity meets the specifications of the Marine Licensing (Registered Activities) (Scottish Inshore Regions) Regulations 2012.

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

A3. N/A

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

A4. *Yes. These low risk activities should be registerable rather than be required to undergo the full marine licensing applications process.*

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

A5. No.

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

A6.

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

A7. *No. Highland Council believes that statutory consultees should be specified within the secondary legislation to be drafted following this consultation exercise. This should help ensure that standards of consultation are set and that applicants are not left to their own devices when it comes to pre-application consultation.*

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

A8. *Highland Council suggests that the following organisations or people should be specified as statutory consultees at the pre-application stages of the licensing process:*

- *Local Communities – via advertisements in local newspapers, Community Council meetings or local development trusts where they exist.*
- *SEPA*
- *SNH*
- *Salmon Fishery Boards*
- *Local Authorities.*
- *Ministry of Defence*
- *Ports and harbour authorities*
- *Northern Lighthouse Board*

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

A9. *Yes. The classes of activity seem appropriate at this stage.*

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

A10. N/A

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

A11. No. The proposals do not discriminate disproportionately between persons defined by any of the above criteria.

Q12. If you answered yes to Question 7, in what way do you believe the proposals to be discriminatory?

A12. N/A

Highland Council
20th June 2012