

SEPA Marine Science Pre-application consultation under CAR

1 CAR (Controlled Activities Regulations)

From the 1st of April, 2006, all applications to discharge controlled wastes from marine fish farms will be treated under a new regulatory regime; namely The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (known by the acronym 'CAR'), as empowered under the Water Environment and Water Services (Scotland) Act (WEWS). The main differences between CAR and the rescinded Control of Pollution Act 1974 (CoPA) with respect to point source discharges, such as fish farms, are:

- Should SEPA require any additional information in support of the application, the 4-month determination period is automatically adjourned until the applicant submits it.
- It is the applicant's responsibility to advertise the details of their application. SEPA will provide a template for the advert, to be completed by the applicant. When the advertisement goes into print the applicant has 5 days to inform SEPA that they have advertised. Failure to do so may result in a refusal of the application.
- A responsible person must be named on the licence. A responsible person can be a named individual or a body corporate.
- The application fee includes an allocation towards pre-application discussions.

Further information on WEWS and CAR can be found on SEPA's [website](#). Any unresolved issues may be taken up with an Environment Protection and Improvement (EPI) officer in your local SEPA office.

2 Extended Pre-application

The CAR application fee makes provision for discussion between the applicant and SEPA before the application is submitted. These CAR pre-application checks present an opportunity to establish the validity of information that subsequently may be required to be submitted as part of an Environmental Statement (ES) under the Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations 1999.

In order to ease the application process and minimise the need to reject incomplete applications, SEPA's Marine Science section propose to offer a two-stage check prior to the application being made.

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Pre-application Stage 1

The raw current meter data and the hydrographic data report may be submitted electronically, on CD or DVD, to check their suitability for modelling purposes. At this stage, SEPA will assess:

- The quality of the hydrographic data.
- The content of the site-survey and hydrographic data report.

SEPA will label the CD/DVD, mark it as checked, and return it to the applicant.

Pre-application Stage 2

The pre-application assessment is extended by providing a pre-submission 'completeness check', whereby the applicant adds: the benthic survey (as required, refer to Fish Farm manual), the modelling, their reporting, and the recommended license conditions to the CD/DVD and resubmits it, whereupon SEPA checks the following:

- That the correct type of benthic survey has been submitted,
- That the benthic survey is complete and fit for purpose,
- That all required modelling files are present,
- That the modelling report is present, and
- That the license recommendations are present, in the form of the modelling summary spreadsheet.

SEPA will mark the CD/DVD as checked, and return it to the applicant.

Application

Upon making the CAR application, the applicant resubmits the pre-checked CD/DVD with the other application materials, allowing SEPA to speed up the registration process and decrease the need to request additional information, avoiding the associated time penalty with respect to the determination period.

Notes:

1. the second set of pre-application checks are for 'completeness' and 'fitness', they are not an endorsement of any results, conclusions, or license recommendations – the latter will be assessed during the determination period, after the application has been accepted by SEPA.
2. other supporting information, i.e. chemical data sheets, stocking plans, &c., are not required by SEPA Marine Science for pre-application checks.
3. SEPA undertakes to complete each set of checks within 10 working days.
4. The pre-application submission is not a requirement but is strongly encouraged, as it should allow for more efficient and less costly preparation of CAR licenses.