

Our Ref: CAR/L/1108535  
Your Ref:

Aberdeenshire Council  
Woodhill House  
Westburn Road  
Aberdeen  
AB16 5GB

FAO Chief Executive

15 May 2013

Dear Madam

**WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) REGULATIONS 2011  
("THE REGULATIONS")**

**LETTER ISSUING AUTHORISATION  
APPLICATION ID: CAR/L/1108535  
APPLICANT: ABERDEENSHIRE COUNCIL  
LOCATION: HUNTLY FLOOD ALLEVIATION SCHEME**

Thank you for sending us your application which we received on 12 December 2012. We have considered the application and decided to grant an authorisation subject to conditions in the attached authorisation, CAR/L/1108535. The authorisation is subject to the conditions in the attached schedules of conditions. Failure to comply with any of these conditions is an offence under the Regulations.

There is a right of appeal against the terms or conditions of the enclosed authorisation. Notice of any appeal including a statement of the grounds of appeal must be given in writing to the Scottish Ministers within 3 months of the date of the enclosed authorisation. A copy of the appeal should also be forwarded to SEPA. The bringing of an appeal will not suspend the operation of the said condition or conditions.

Appeals should be sent to:

**Scottish Government Directorate for Planning and Environmental Appeals, 4 The Courtyard,  
Callendar Business Park, Callendar Road, Falkirk, FK1 1XR**

Tel: 01324 696400

Email: [DPEA@scotland.gsi.gov.uk](mailto:DPEA@scotland.gsi.gov.uk)

Con'td

<b>T &amp; I - Gordon House</b>	
Ref	C/117511
Reply	
Date	17 MAY 2013
Assign To	WRM
Aberdeen Office	
Inverdee House, Baxter Street Torry, Aberdeen AB11 9QA tel 01224 266 600 fax 01224 896 657 www.sepa.org.uk	



Chairman  
David Sigsworth

Chief Executive  
James Curran

If you have any questions regarding this letter please contact Bev Winter at the Elgin office or telephone 01343 547663.

Yours faithfully



Karen Meade  
Senior Registry Officer

Enc.

1 & 1 GOLDEN HORSE		10/1
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		10/1

**SCOTTISH ENVIRONMENT PROTECTION AGENCY**

**WATER ENVIRONMENT AND WATER SERVICES (SCOTLAND) ACT 2003  
WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) REGULATIONS  
2011 ("THE REGULATIONS")**

**WATER USE LICENCE**

**Licence Number:** CAR/L/1108535  
**Responsible Person:** Aberdeenshire Council  
**Site or Location of Activity/Activities:** Huntly Flood Alleviation Scheme

The Scottish Environment Protection Agency, in accordance with regulations 8 and 15 of the Regulations, hereby authorises the carrying on of the controlled activity or activities set out in Schedule 1 of this licence, at or near or in connection with the site or location set out above, subject to the requirements of the Regulations and to the conditions contained in the schedules attached to and forming part of this licence.

The person responsible for securing compliance with this licence and its conditions ("the responsible person") shall be, having its principal office at Woodhill House, Westburn Road, Aberdeen, AB16 5GB .

This licence and its conditions shall, except where otherwise provided in any of those conditions, take effect on 15 May 2013.



Signed:

Date: 15 May 2013

Authorised to sign on behalf of the  
Scottish Environment Protection Agency

**Right of Appeal**

You are entitled to appeal to the Scottish Ministers, within three months of the date of this licence, if you have been granted a form of authorisation which is different from the form of authorisation which you believe ought to have been granted (under regulation 50(b) of the Regulations) or against any condition or conditions of this licence (under regulation 50(c) of the Regulations). The bringing of an appeal against a condition will not have the effect of suspending the operation of the condition. The procedures for the making of an appeal are set out in Schedule 9 of the Regulations.

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## INTERPRETATION OF TERMS

For the purposes of this licence, and unless the context requires otherwise, the following definitions shall apply:

### Generic

“the Act” means the Water Environment and Water Services (Scotland) Act 2003;

“controlled activity” means an activity to which the Regulations apply, in accordance with regulation 3(1) of the Regulations;

“incident” means:

- any accident which has had or could have an adverse impact on the water environment; or
- any malfunction, breakdown or failure of plant or techniques which has had or could have an adverse impact on the water environment; or
- any event, such as force majeure or action taken to save human life or limb, which results, or is likely to result, in a breach of any condition of this licence;

“pollution”, in relation to the water environment, means the direct or indirect introduction, as a result of human activity, of substances or heat into the water environment, or any part of it, which may give rise to any harm, and “harm” shall have the same meaning as in the Act;

“responsible person” means the person who is responsible for securing compliance with the terms of this licence and has been identified as such by SEPA in accordance with regulation 8(6) of the Regulations, and in this context ‘person’ includes a body corporate, limited liability partnership and Scottish partnership;

“the Regulations” means the Water Environment (Controlled Activities) (Scotland) Regulations 2011;

“SEPA” means the Scottish Environment Protection Agency;

“SEPA officer” means a person authorised by SEPA under regulation 31(4) of the Regulations or, pursuant to paragraph 6(c) of Schedule 10 of the Regulations, under regulation 27(4) of the Water Environment (Controlled Activities) (Scotland) Regulations 2005;

“the water environment” means all surface water, groundwater and wetlands; and “surface water”, “groundwater” and “wetlands” shall have the same meanings as in the Act;

“body of inland surface water” means a body of surface water which is also inland water; and “body of surface water” and “inland water” shall have the same meanings as in the Act;

“watercourse” shall have the same meaning as in the Act;



## Impounding works

“fish pass” means any fish pass, ladder, fish way, lift or other device which facilitates the free passage, upstream or downstream, of fish around, over or through an impounding works;

“height”, in relation to an impounding works, means the height as measured from the downstream toe of the impounding works to the crest or top of the spillway;

“impounding works” means, in relation to surface water -

- any dam, weir or other works by which water may be impounded,
- any works diverting the flow of water in connection with the construction or alteration of any dam, weir or other works falling within paragraph a);

“natural reasons” means any reason which is not related to (a) the operation of an impounding works or (b) the abstraction of surface water by the operator of an impounding works or (c) the abstraction of surface water for a purpose for which an impounding works was constructed or is being used;

“normal operation” means the operation of an impounding works under normal operating rules and management agreements without incidents or major maintenance works;

## Engineering works

“bankfull” means the highest point on the bank of any watercourse at which flowing water is held within the channel of the watercourse before spilling over onto the floodplain;

“bank height” means the height of the bank of any body of inland surface water measured vertically from the bank toe to the bank top, excluding any artificial heightening of the bank (e.g. embankments, retaining walls);

“bank toe” means the lowest point on the bank of any body of inland surface water where the bank meets the bed of the body of inland surface water;

“bank top” means the first major break in the slope of the bank of any body of inland surface water, beyond which cultivation or development would be possible;

“channel” means the bankfull cross-section that any watercourse occupies, including any exposed bars and vegetated islands;

“channel width” means the straight line distance that is between opposite bank toes of a watercourse and which spans the bed of the watercourse, including any exposed bars and vegetated islands;

“destabilise” means significantly disturb the natural state of balance between sediment erosion and deposition;

“existing” means existing prior to any works authorised by this licence being carried out;

“hydraulic drop” means any sudden change in the water level of any watercourse;

“left” or “right”, in relation to the bank of any watercourse, shall be determined when

facing downstream;

“substrate” means the material making up the bed of any body of inland surface water

Any reference to a numbered Condition, numbered Paragraph, group of Conditions, group of Paragraphs, Schedule, Table, Appendix or Figure or is a reference to the condition, paragraph, group of conditions, group of paragraphs, schedule, table, appendix or figure bearing that number in this licence.

Except where specified otherwise in this licence:

- “day” means any period of 24 consecutive hours,
- “week” means any period of 7 consecutive days,
- “month” means a calendar month,
- “quarter” means a calendar quarter,
- “year” means any period of 12 consecutive months;

and any derived words (e.g. “monthly”, “quarterly”) shall be interpreted accordingly.

Except where specified otherwise in this licence, any reference to an enactment or statutory instrument includes a reference to it as amended (whether before or after the date of this licence) and to any other enactment, which may, after the date of this licence, directly or indirectly replace it, with or without amendment.



## SCHEDULE 1. CONTROLLED ACTIVITIES

### 1.1. Specification of the Authorised Activities

- 1.1.1. This licence authorises the controlled activities set out in the first column of Table 1.1 below that are carried on at the national grid reference (NGR) given for each of them in the second column of that table.
- 1.1.2. The location of each of those activities is referred to throughout this licence by the name or reference given for it in the fourth column of Table 1.1 below.
- 1.1.3. The activities specified above (“the Authorised Activities”) are authorised subject to the general conditions contained in Schedule 2.
- 1.1.4. Each of the Authorised Activities is authorised subject also to the particular conditions contained in the numbered schedule or schedules of conditions given for it in the fifth column of Table 1.1 below.

### 1.2. Purpose of the Authorised Activities

- 1.2.1. The Authorised Activities are for the primary purpose of flood defence.

**Table 1.1: Authorised Activities (licence level)**

Controlled Activity	NGR	Affected Waters	Name/Reference	Applicable Schedule(s) of Conditions
Construction and operation of impounding works	NJ 5211 4048	Meadow Burn	Flood storage impoundment	Schedules 2, 3, 4
Culverting for land gain	NJ 5125 4043	Ittingston Burn	Culvert 1	Schedules 2, 3, 5
Embankment	NJ 5117 4032	Ittingston Burn	Embankment 1	Schedules 2, 3, 5
Embankment	NJ 5118 4042	River Deveron	Embankment 2	Schedules 2, 3, 5
Embankment	NJ 5233 4067	River Deveron	Embankment 3	Schedules 2, 3, 5
Embankment	NJ 5261 4033	Meadow Burn	Embankment 4	Schedules 2, 3, 5
Set-back Embankment	NJ 5179 4057	River Deveron	Set-back Embankment 1	Schedules 2, 3, 5
Set-back Embankment	NJ 5274 4041	Meadow Burn	Set-back Embankment 2	Schedules 2, 3, 5
Green Bank Protection	NJ 5117 4043	River Deveron	Green bank 1	Schedules 2, 3, 5

## **SCHEDULE 2. GENERAL CONDITIONS**

### **2.1. Responsible person**

- 2.1.1. The responsible person to whom this licence is issued shall secure compliance with the conditions contained within it.

### **2.2. Commencement of the Authorised Activities**

- 2.2.1. No construction works authorised by this licence shall be commenced until SEPA has approved the required method statement for that works in terms of Condition(s) 3.2.
- 2.2.2. Commissioning of any Authorised Activity shall, if necessary, be carried out over a period and in a manner agreed in writing with SEPA.

### **2.3. Environmental harm**

- 2.3.1. Other than as specifically permitted or limited by any condition of this licence, none of the Authorised Activities shall have a significant adverse impact on, or cause pollution of, the water environment.

### **2.4. Incidents**

- 2.4.1. In the event of an incident, SEPA shall be **notified** without delay and in any case by the next working day after identification of the incident, such notification to include:
- (a) the time and duration of the incident,
  - (b) a description of the cause of the incident,
  - (c) any effect on the environment as a result of the incident and
  - (d) any measures taken to minimise or mitigate the effect and prevent a recurrence.
- 2.4.2. Where requested by SEPA, a written **report** shall be made following any incident, containing such further information as SEPA reasonably requires.

### **2.5. Maintenance of monitoring and measuring equipment**

- 2.5.1. All monitoring and measuring equipment required by this licence or used to demonstrate compliance with this licence shall be maintained in accordance with the manufacturers' instructions and/or to any relevant current certification standard, and in all cases so as to ensure that the equipment is in good working order at all times.
- 2.5.2. All such equipment shall be calibrated and tested regularly and in accordance with the manufacturer's recommendations and/or to any relevant current certification standard.
- 2.5.3. Evidence of such calibration and testing shall be recorded.



## 2.6. Records

- 2.6.1. A copy of this licence and, subject to Condition 2.6.2 below, of every record made in compliance with a condition of this licence shall be:
- (a) kept on site or at another location agreed with SEPA in writing, such that they are readily accessible for examination by all relevant persons, and
  - (b) made available to a SEPA officer on request.
- 2.6.2. Unless otherwise specified in a condition of this licence, every such record shall be:
- (a) preserved for not less than five years from the date of its being made; and
  - (b) kept as set out in Condition 2.6.1 for not less than one year from the date of its being made and thereafter at a location previously **notified** to SEPA in writing, if that location is not the site or other location agreed as above.
- 2.6.3. All such records shall be legible, and any amendment made to any record shall be made in such a way as to leave the original entry clear and legible, with the reason for each amendment explained in the said record.

## 2.7. Notifications

- 2.7.1. Where any condition of this licence requires SEPA to be **notified**, the notification shall be made using the contact details for notifications given in the explanatory notes attached to this licence, unless the condition in question requires otherwise.

## 2.8. Reports and submissions

- 2.8.1. Where any condition of this licence, as specified in the second column of **Table 2.1** below, requires information to be **reported** or **submitted**, the following shall apply:
- (a) The report or submission shall be forwarded to SEPA at the address for reports given in the explanatory notes attached to this licence, unless otherwise agreed in writing with SEPA.
  - (b) The report or submission shall be in a format agreed with SEPA or, failing such agreement, in a format specified by SEPA.
  - (c) The report or submission shall be forwarded by the date(s) or within the period or at the frequency specified in the third column of **Table 2.1** below, as applicable.
  - (d) Where applicable, the first such report shall be due on the date specified in the fourth column of that table.
  - (e) The report or submission shall include the reference number of this licence and the name of the responsible person.



**Table 2.1:** Summary of Reporting and Submission Requirements

<b>Summary of information to be reported/submitted</b>	<b>Licence Condition</b>	<b>Date by / period within / frequency at which to be reported/submitted</b>	<b>Date first report due</b>
Incident follow-up	2.4.2	Within 14 days of SEPA's request	N/A

## **2.9. Plant and Equipment Control**

- 2.9.1. Any vehicle, plant or other equipment used in connection with the Authorised Activities shall only be operated in surface water or wetlands where it is impracticable for it to be operated on dry land.
- 2.9.2. Any such vehicle, plant or other equipment used in or near any surface water or wetland shall be maintained and/or bunded so as to prevent spillage of any oil, fuel or other matter liable to cause pollution of the water environment.
- 2.9.3. The refuelling and/or washing of any such vehicle, plant or other equipment shall be undertaken at least 10 metres from any surface water, wetland or any groundwater abstraction point, and water from such washing shall be prevented from entering any surface water, wetland or groundwater abstraction point.
- 2.9.4. Any such vehicle, plant or other equipment shall not be operated in surface water if there is a reasonable likelihood that, within 50 metres of such an operation, there are freshwater pearl mussels.
- 2.9.5. Any static plant or equipment used temporarily within 10 metres of any surface water or wetland shall be positioned on a suitably sized and maintained impervious drip tray with a capacity equal to 110% of the capacity of the fuel tank which is supplying the said plant or equipment.

### SCHEDULE 3. FURTHER GENERAL CONDITIONS APPLYING TO ANY ACTIVITY LISTED IN TABLE 1.1

#### 3.1. Drawings

- 3.1.1. The engineering activities shall be carried out in accordance with drawing numbers listed in Table 3.1 below, as submitted with the application for this Licence. Where any Licence Condition conflicts with the drawing, the Licence Condition shall take precedence over the drawing.

**Table 3.1** Submitted Drawings

Drawing Number	Revision
5097730-RCF-CAR-001	B
5097730-RCF-CAR-100	E
5097730-RCF-CAR-101	B
5097730-RCF-CAR-102	D
5097730-RCF-CAR-103	C
5097730-RCF-CAR-200	B
5097730-RCF-CAR-201	B
5097730-RCF-CAR-2023	C
5097730-RCF-CAR-203	C
5097730-RCF-CAR-204	B

- 3.1.2. Proposed changes to the drawing(s) shall be submitted in writing to SEPA and the proposed changes shall not be implemented until SEPA has given its written agreement.

#### 3.2. Method Statements

- 3.2.1. A method statement shall be submitted detailing all operations associated with the engineering activities, this method statement shall be approved by SEPA and submitted by 28 days before the operation commences.
- 3.2.2. All engineering activities shall be carried out in accordance with the method statements submitted in accordance with Condition 3.2.1 above. Where any Licence Condition conflicts with the method statement, the Licence Condition shall take precedence over the method statement.
- 3.2.3. Proposed changes to the method statement shall be submitted in writing to SEPA.



### **3.3. Mitigation**

- 3.3.1. All reasonable steps shall be taken to prevent the transport of sediments or other matter disturbed by the engineering activities in waters beyond the worked stretch;
- 3.3.2. During the engineering activities all reasonable steps shall be taken to ensure that work does not result in increased erosion of the bed or banks of the inland surface water.

### **3.4. Vegetation Control**

- 3.4.1. Vegetation shall be removed only to the extent that the engineering activities cannot reasonably be carried out without such removal and shall not be disposed of into the inland water;
- 3.4.2. Areas of bare earth shall be replanted/seeded with an appropriate mix of native riparian vegetation or lined with a biodegradable geotextile and thereafter, reasonable steps shall be taken to prevent livestock from eroding or poaching that area of land.

### **3.5. Isolation of Working Area**

- 3.5.1. The area of the engineering activity may be isolated and downstream flow shall be maintained by over pumping.
- 3.5.2. The inflow to any pumps used shall be screened to ensure that fish are not drawn into the pump during its operation.
- 3.5.3. The area of the engineering activity may be isolated and downstream flow shall be maintained by diverting the watercourse through a gravity fed pipe.
- 3.5.4. The area of the engineering activity may be isolated with the construction of a cofferdam.
- 3.5.5. The area of the engineering activity may be isolated and downstream flow shall be maintained with the construction of a temporary diversion channel.
- 3.5.6. The bed and banks of the temporary diversion channel shall be lined with a non-erodible material.
- 3.5.7. The bed or banks of the inland surface water downstream of the temporary diversion shall not be destabilised.
- 3.5.8. The watercourse shall be returned to its original channel as soon as practicable after completion of the works.



**SCHEDULE 4. CONDITIONS APPLYING TO ANY IMPOUNDING WORKS LISTED IN TABLE 1.1**

**4.1. Conditions Applying to the impoundment Listed in Table 1.**

4.1.1. The impoundment described in Table 1.1 shall have a design capacity of 35000m<sup>3</sup>.

**4.2. Sediment management**

4.2.1. Sediment removal shall, if required, be carried out only at or immediately upstream of the location of any of the Authorised Impounding Works.

4.2.2. The volume of sediment removed shall be the minimum necessary to maintain the efficient operation of the Authorised Impounding Works.

4.2.3. All reasonable steps shall be taken to avoid increased erosion of sediment within the bed or banks of the affected surface water, both within the worked stretch and downstream of it, as a result of any sediment management.

4.2.4. Sediment management shall not result in the heightening of either bank of the affected surface water.

4.2.5. The bed of the channel adjacent to each bank of the affected surface water shall at all times be left undisturbed.

4.2.6. All reasonable steps shall be taken to prevent the transport of sediments or other matter disturbed by sediment management into waters beyond the worked stretch.

4.2.7. No sediment management shall be undertaken during periods in which fish are likely to be spawning in the affected surface water nor in the period between any such spawning and the emergence of the juvenile fish without SEPA's prior written approval.

## SCHEDULE 5. CONDITIONS APPLYING TO ANY ENGINEERING ACTIVITY LISTED IN TABLE 1.1

### 5.1. Conditions Applying to any Green Bank Protection Listed in Table 1.

5.1.1. The green bank protection shall be constructed in accordance with Table 5.1 below;

**Table 5.1** Green Bank Protection

Name/Reference	NGR	Affected Bank	Length (meters)
Green Bank 1	NJ 5117 4043	Right	200

5.1.2. The bank reinforcement shall not result in the narrowing of the channel width or the heightening of either bank.

### 5.2. Conditions Applying to any Embankments or Set-back Embankments Listed in Table 1.

5.2.1. The embankments shall be constructed in accordance with Table 5.2 below;

**Table 5.2** Embankments and Setback Embankments

Name/Reference	NGR	Affected Bank	Length (meters)	Distance from bank top (meters)	Height above bank (meters)
Embankment	NJ 5117 4032	Right	210	1	0.5
Embankment	NJ 5118 4042	Right	385	8	2
Embankment	NJ 5233 4067	Right	1365	20	1.5
Embankment	NJ 5261 4033	Left	95	5	0.35
Set-back Embankment	NJ 5179 4057	Right	250	250	0.45
Set-back Embankment	NJ 5274 4041	Left	205	19	0.5

5.2.2. The embankments shall not destabilise the banks or bed of the inland surface water.

**5.3. Conditions Applying to any Culvert Listed in Table 1.**

5.3.1. The culvert shall be constructed in accordance with Table 5.3 below;

**Table 5.3** Culvert

<b>Name/Reference</b>	<b>NGR</b>	<b>Type</b>	<b>Length (meters)</b>
Culvert 1	NJ 5125 4043	Box	52

5.3.2. There shall be no hydraulic drop at the culvert inlet or outlet.



## EXPLANATORY NOTES

(These explanatory notes do not form part of the licence)

### 1. THE WATER FRAMEWORK DIRECTIVE

The Water Framework Directive (WFD) is a wide-ranging piece of European environmental legislation which became law in Scotland at the end of 2003 through the Water Environment and Water Services (Scotland) Act 2003 and in April 2006 through the Water Environment (Controlled Activities) (Scotland) Regulations 2005. In March 2011, the Water Environment (Controlled Activities) (Scotland) Regulations 2005 were replaced with the Water Environment (Controlled Activities)(Scotland) Regulations 2011 (“the Regulations”, also known as CAR).

The WFD establishes a legal framework for the protection, improvement and sustainable use of the water environment across Europe by requiring member states to:

- Prevent deterioration and enhance status of aquatic ecosystems, including groundwater;
- Promote sustainable water use;
- Reduce pollution; and
- Contribute to the mitigation of floods and droughts.

The Regulations set out the regulatory framework for achieving some of the aims of the WFD in Scotland, through a regime for authorising “controlled activities”, e.g. point source discharges, abstractions, impoundments and engineering activities. They provide for three levels of authorisation, dependent on the risks associated with a controlled activity. A licence is the highest level of authorisation.

Having differing levels of authorisation allows for proportionate and cost-effective controls, so that environmental protection can be achieved whilst minimising the regulatory burden.

### 2. WATER EFFICIENCY

Regulation 5 of the Regulations imposes a general duty to use water efficiently:

*“It is the duty of any person carrying out a controlled activity authorised under these Regulations to take all reasonable steps to secure efficient and sustainable water use.”*

For example, water efficiency could be the management of the total quantity of water abstracted from a source of supply using measures to minimise wastage, optimise use and reduce consumption.

The means of achieving this can be varied but may include good housekeeping, management systems and procedures, reusing and recycling water and the redesign of operations.

Water audits are the first step to using water efficiently. Water audits develop an understanding of the water system, enable detection of leakages and areas of water wastage and are a means of identifying opportunities for reduced water use.

### **3. APPEALS**

If you are aggrieved by any of the conditions of the licence or the level of authorisation, you may appeal to the Scottish Ministers. Further information on your right of appeal and the appeals procedure is contained in regulations 50 to 53 and Schedule 9 of the Regulations.

Formal notice of appeal under regulation 50(b) or (c) is to be given within three months of the date that the licence is issued. Paragraph 2 of Schedule 9 lists the documents that the appellant has to submit to the Scottish Ministers.

### **4. SUBSISTENCE CHARGES**

An annual subsistence charge may be payable in respect of the licence in terms of the current Water Environment (Controlled Activities) Fees and Charges (Scotland) Scheme, copies of which are available from SEPA. Where a subsistence charge is payable, an invoice will be sent to you.

The charging scheme provides that it is a condition of every authorisation that the fees and charges prescribed in the scheme are paid in accordance with the scheme. Failure to pay such charges may therefore constitute an offence.

### **5. GENERAL STATUTORY REQUIREMENTS**

A licence under the Regulations does not disapply any other statutory requirements applicable to the licence holder or his/her operations, such as any need to obtain planning permission or a building warrant, or any responsibilities under legislation for health, safety and welfare in the workplace.

### **6. CONTACT DETAILS FOR NOTIFICATIONS**

The contact address and telephone number for notifications in terms of Condition 2.7.1 of the licence is as follows:

Scottish Environment Protection Agency  
28 Perimeter Road  
Pinefield  
Elgin  
Moray IV30 6AF

During office hours

Tel No: 01343 547663  
Fax No: 01343 540884

Out of office hours and public holidays

Tel No: 0800 80 70 60

### **7. ADDRESS FOR REPORTS AND SUBMISSIONS**

The contact address for all information to be reported or submitted in terms of Condition 2.8.1 of the licence is as follows:



The Registry  
Scottish Environment Protection Agency  
Inverdee House  
Baxter Street  
Torry  
Aberdeen AB11 9QA  
registryaberdeen @sepa.org.uk

#### **8. SEPA REVIEW AND VARIATION OF CONDITIONS**

The conditions of the licence will be periodically reviewed by SEPA and may be varied under regulation 22 of the Regulations as a result of that review.

#### **9. OPERATOR-INITIATED VARIATION OF CONDITIONS**

The responsible person may apply to SEPA under regulation 24 for a variation of the conditions of the licence.

#### **10. TRANSFER OF AUTHORISATION**

A responsible person may apply to transfer the licence to another person under regulation 25 by making a joint application with the other person.

#### **11. SURRENDER OF AUTHORISATION**

Where the controlled activities authorised by the licence have ceased, or it is intended that the controlled activities will cease, the responsible person may apply to SEPA to surrender the licence under regulation 27.

#### **12. SUSPENSION AND REVOCATION OF AUTHORISATION**

SEPA may at any time suspend or revoke an authorisation (in whole or in part) by serving a notice on the responsible person under regulation 29.

#### **13. ENFORCEMENT NOTICES**

Where SEPA is of the opinion that an activity

- a) has contravened, is contravening or is likely to contravene any condition of the licence or
- b) has caused, is causing or is likely to cause significant adverse impacts on the water environment or
- c) has caused, is causing or is likely to cause a direct or indirect discharge into groundwater of any hazardous substance (as determined pursuant to Schedule 2 of the Regulations) or any other pollutant

SEPA may serve an enforcement notice on the responsible person under regulation 32.

This notice will specify the steps to be taken by the responsible person which SEPA considers to be necessary or appropriate to prevent, mitigate or remedy the contravention, the impact on the environment or the discharge into groundwater.



## 14. OFFENCES

It is an offence to carry on, or cause or permit others to carry on, any controlled activity except insofar as it is authorised under the Regulations and carried on in accordance with that authorisation.

It is an offence to fail to comply with or contravene, or cause or permit others to fail to comply with or contravene, a water use licence, including any condition imposed.

It is an offence to fail to comply with, or cause or permit others to fail to comply with, the requirements of an enforcement notice.

It is an offence to intentionally make, or cause or permit others to make, a false entry in any record required to be kept under a condition of an authorisation.

Further details on these and other offences and on penalties liable to be imposed upon conviction for an offence are provided in regulation 44 of the Regulations.

Directors, managers and other individuals within a company may be held personally liable for offences under the Regulations.

All personnel who are responsible for fulfilling any condition of the licence should be made aware of these facts.

Please note that your licence authorises you to carry out the activity or activities outlined in your application to SEPA in accordance with the licence and its conditions. Be aware, however, that any activity outwith the terms of the licence is prohibited under regulation 4 of the Regulations. Should you undertake any activity which does not conform to the terms of your licence, you may be subject to criminal proceedings in accordance with regulation 44(1)(a) and/or (d) of the Regulations. This prohibition encompasses any activity which is liable to cause pollution of the water environment. Section 20 of the Water Environment and Water Services (Scotland) Act 2003 includes definitions of "pollution" and "water environment".

The statutory definition of pollution, as set out in that section, is as follows:-

*"Pollution", in relation to the water environment, means the direct or indirect introduction, as a result of human activity, of substances or heat into the water environment, or any part of it, which may give rise to any harm, and "harm" means –*

- a) harm to the health of human beings or other living organisms,*
- b) harm to the quality of the water environment, including-*
  - i) harm to the water environment taken as a whole,*
  - ii) other impairment of or interference with, the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems,*
- c) offence to the senses of human beings,*
- d) damage to property, or*
- e) impairment of, or interference with, amenities or other legitimate uses of the water environment.'*

