

Our Ref: CAR/L/1002928

26 February 2018

Dear Sir/Madam

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

**NOTIFICATION OF PROPOSED DETERMINATION OF APPLICATION
APPLICATION FOR VARIATION OF AUTHORISATION**

REFERENCE NUMBER: CAR/L/1002928

LOCATION OF ACTIVITY: GAIRLOCH WWTW, FASAICH, BY GAIRLOCH

Thank you for your written representation to the Scottish Environment Protection Agency (SEPA) regarding the above application under the Regulations to vary licence CAR/L/1002928 authorising the carrying on of a controlled activity, namely a discharge of treated sewage effluent into Loch Gairloch.

The variation of authorisation at Gairloch WWTW application received by SEPA on 24 May 2016 for a septic tank discharge was first advertised in July 2016, with a number of valid third party representations to this advert received by SEPA. This application was subsequently amended by Scottish Water to a septic tank discharge with seasonal provision of an ultraviolet treatment process. The amended application was advertised in August 2017, with a number of valid third party representations received by SEPA to the second advert. SEPA has considered all valid third party representations received in response to the 2016 and 2017 adverts.

SEPA has considered the application and is now ready to make its determination. SEPA hereby gives you notice that it proposes to grant the application. Please find enclosed a copy of the draft schedule to SEPA's proposed notice of variation.

In reaching this determination, SEPA considered all third party representations (including yours) and other information. We took them into account as described in the Appendix to this letter.

You now have the opportunity to object to the proposed determination, if you so wish.

If you object to SEPA's proposed determination, you may, within the period of 21 days beginning with the date you receive this notice, notify the Scottish Ministers in writing of your objection. If you or anyone else does so, the Scottish Ministers may direct SEPA to refer the application to them for

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Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Dingwall Office
Graesser House, Fodderty Way,
Dingwall Business Park, Dingwall IV15 9XB
tel 01349 862021 fax 01349 863987
www.sepa.org.uk • customer enquiries 03000 99 66 99

their own determination (or "call in" the application), provided certain criteria are met. You must send a copy of that notification (or "call-in request") to SEPA within the same 21-day period⁵⁰.

The address for notifying Scottish Ministers is as follows:

**Scottish Ministers, Scottish Government, Environment and Forestry Directorate,
Environmental Quality Division, Area 1-D (North), Victoria Quay, Edinburgh EH6 6QQ**

Or by email: EQCAT@scotland.gsi.gov.uk

The address for sending copy notification to SEPA is as follows:

**The Registry, Scottish Environment Protection Agency, Graesser House, Dingwall
Business Park, Fodderty Way, DINGWALL, IV15 9XB**

Email: registrydingwall@sepa.org.uk

If within that 21-day period no such notification is made to Scottish Ministers, or if SEPA receives no copy notification, SEPA will proceed with its determination and issue the final notice of variation to the applicant.

If any such notification is duly made to Scottish Ministers and copied to SEPA, SEPA may not proceed with its determination until either:

- we have received written notice from Scottish Ministers confirming that they do not intend to call in the application; or
- we have received no written notice from the Scottish Ministers, and a period of 63 days, beginning with the date of service of this notice, has expired

Please remember that, if you object, and notify Scottish Ministers accordingly, but fail to copy your notification to SEPA within the 21-day period provided, SEPA may proceed with its determination irrespective of your objection. It is therefore important to copy any such notification to SEPA within that period.

If you do not object to SEPA's proposed determination, you do not need to take any further action.

If you have any questions regarding this letter please contact Andrew Steel at SEPA's Dingwall office, Graesser House, Dingwall Business Park, Fodderty Way, Dingwall IV15 9XB or telephone 01349 862021.

Yours faithfully


SENIOR REGISTRY OFFICER

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⁵⁰ see regulation 16(4)

APPENDIX 1

SEPA'S CONSIDERATION OF THIRD PARTY REPRESENTATIONS

In common with any industry which makes discharges to the aquatic environment, Scottish Water must apply for and may be granted a licence, or a variation to a licence, under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). These regulations provide SEPA with the powers to ensure that the activities which may pose a risk to the water environment are controlled. The determination process allows SEPA to set limits to ensure that Gairloch Wastewater Treatment Works (WWTW) is operating within the carrying capacity of the environment at the location in which it discharges.

The process of determining the licence variation application for Gairloch WWTW involves advertising and consultation to ensure that interested parties can comment.

An application has been made by Scottish Water for a varied WWTW discharge to Loch Gairloch. The variation proposal includes:

- Proposed replacement of existing tertiary process providing year-round treatment (bioreactor membrane treatment), with a septic tank process with seasonal provision of filtration and Ultraviolet treatment.
- Proposed extension to the existing discharge pipe to NG 77062 77383 – an extension of approximately 22m.
- The proposed discharge would ensure compliance with SEPA policy on Environmental Quality Standards (EQS) with no breach beyond the mixing zone (Refer to SEPA Guidance Document WAT-SG-11)
- There will be no change to the volume of sewage effluent treated and discharged.

The amended Gairloch WWTW variation application attracted a number of third party representations relating to the water environment following the adverts placed in 2016 and 2017. The following is a summary of how SEPA has carried out its determination of the application and considered the representations that have been made.

Water Framework Directive

The Loch Gairloch waterbody (ID # 200150) has been classified by SEPA as 'Good' status since 2007. The current status of the water body meets the requirements of the Water Framework Directive, thus SEPA must ensure that no deterioration from 'Good' status occurs, unless caused by a new activity providing significant specified benefits to society of the wider environment. The proposed variation to the discharge from Gairloch WWTW would cause no deterioration to the 'Good' status of Loch Gairloch.

Bathing Waters

There are two designated bathing water areas at Gairloch, located at:

- Sand Beach (Grid ref: NG 75860 77940); and
- Gairloch Beach (Grid ref: NG 80405 75701).

The specific details of these bathing beach designations can be found on the SEPA website, at <http://apps.sepa.org.uk/BathingWaters>.

Specific areas at these beaches were designated as bathing waters (BW) in March 2017. Their water quality microbiological classification standards are set from the Bathing Water Directive (2006/7/EC) (shown below). The determinands in the Bathing Water Directive 2006/7/EC have been used by SEPA from 2012 for environmental assessment. Areas designated under the Bathing Waters Directive 2006/7/EC are Protected Areas under the Water Environment and Water Services (Scotland) Act 2003.

In accordance with SEPA Regulatory Method 'WAT-RM-13 – Microbial Discharges', SEPA will expect new or modified discharges to ensure no deterioration and achieve Good standards as a minimum for EC identified bathing waters. These standards will be achieved at any point within the identified bathing water.

Results from SEPA sampling at Sand Beach and Gairloch Beach during the 2017 bathing water period, all met the 'Excellent' classification standard and the 2017 classification of bathing waters at Sand Beach and Gairloch Beach has been finalised as 'Excellent'. Assessment for EU Bathing Waters Directive classification purposes is based on a rolling four years of monitoring results. SEPA assess and report compliance with discharge standards annually.

Microbiological standards for classification of Coastal and Transitional Waters

Parameter	Excellent	Good	Sufficient
Intestinal enterococci	100/100ml as a 95%ile	200/100 ml as a 95%ile	185/100 ml as a 90%ile
Escherichia coli	250/100ml as a 95%ile	500/100 ml as a 95%ile	500/100 ml as a 90%ile

The proposed microbiological licence discharge standards have been modelled by the applicant and assessed by SEPA, and are deemed sufficient to achieve compliance with 'Excellent' bathing water standards prior to the discharge mixing with waters at the designated edge of the bathing waters area, for the duration of the bathing waters season (which runs from 1 June to 15 September annually). SEPA's aim is for all bathing waters to achieve a classification of at least sufficient by 2020, therefore this discharge should cause no deterioration in microbiological standards during the designated bathing water period.

SEPA has not undertaken an assessment of economic benefit to the local economy of the two new bathing water designations in Loch Gairloch.

Shellfish Waters

There are no Shellfish Water Protected Areas (SPAs) present in Loch Gairloch. There is no knowledge of any proposal for a SPA designation within Loch Gairloch. Therefore SEPA has made no further consideration regarding shellfish.

Fishing

There are no defined water quality standards which would restrict line, demersal or pelagic fishing activity within Loch Gairloch.

Habitat Appraisals

A habitat appraisal has been carried out for the 'Inner Hebrides and the Minches candidate SAC' (cSAC) (Site code 10508) area, the boundary of which is approximately 800 metres from the proposed discharge location. The qualifying interest for the candidate designated site are harbour porpoise. The Habitats Regulations Appraisal concluded that the proposed controlled activity associated with the Gairloch WWTW would have no likely significant effect on the integrity of the Inner Hebrides and the Minches cSAC.

Controlled Activities Regulations (CAR)

Provision of the existing enhanced discharge quality from Gairloch WWTW was undertaken voluntarily by Scottish Water, where the treatment provided ensured that without modelling, all environmental receptors were protected at the point of discharge. The existing SEPA licence standards ensure that Scottish Water provide the offered level of treatment.

Scottish Water propose replacement of the existing process with a year round septic tank process, with additional seasonal provision (1 May to 30 September annually) of filtration and Ultraviolet treatment, and a proposed extension to the existing discharge pipe. The provision of filtration and ultraviolet treatment from 1 May to 30 September annually is a wider timescale than the designated bathing waters period of 1 June to 15 September. The extended provision of UV treatment and limits on microbiological discharge quality standards would provide 15 days of additional protection beyond 15 September, and some additional microbiological protection during May, in advance of the designated bathing water period.

SEPA assessed the variation application and identified that the proposed variation would not result in deterioration in the status of the receiving water environment. The variation application was assessed using the following SEPA Regulatory Methods and Guidance:

- WAT-RM-13 – Microbiological discharges
- WAT-SG-11 – Modelling coastal and transitional discharges
- WAT-RM-20 – advertising and consultation

SEPA assessed the implications of the proposed change in the discharge upon existing designations and the risk to water users, using SEPA regulatory method document WAT-RM-13. SEPA undertook an assessment of the importance of the site (Loch Gairloch) and the risk to water users taking part in any activities of regional, national or international importance.

SEPA concluded that the Loch Gairloch water environment is frequently used for recreation by water users, however the level of activity which takes place outside the designated bathing waters areas and season is low, and the risk posed to water users is acceptable. Gairloch WWTW does not require year round microbial discharge standards to be imposed at the point of use, which would require end of discharge pipe standards to meet the bathing water standard of 'sufficient'. SEPA has therefore determined that the proposed discharge complies with environmental and microbiological requirements.

North West Highlands Snorkel trail

The Northwest Highlands Snorkel Trail identifies separate beginner and advanced snorkelling areas at 'Big Sand Carn Dearg' and 'An Dun'. The beginner snorkel trail areas appear to be located within the designated bathing water areas, therefore these would receive the required water quality protection during the designated bathing water period.

Individual sewage discharges and required treatment

Any application to SEPA for a sewage discharge is assessed using SEPA guidance documents WAT-RM-04 and WAT-RM-03. Applications are assessed on a case by case basis to ensure that the treatment proposed for the discharge provides an adequate level of environmental protection for groundwater or surface waters. SEPA promotes connection to the public sewer where it is reasonably practicable to do so. If the level of treatment set out in the application is not of a sufficient standard to meet SEPA's requirements, then SEPA may refuse the application.

Non-SEPA issues raised in representations

- The financial pay-back period of the variation proposal does not form part of the SEPA assessment of the variation application.
- SEPA has undertaken no assessment of the local economy or social impacts as a result of the proposed variation application.
- Where it is not relevant to determination of the application, SEPA cannot require Scottish Water to provide any outstanding information or interpretation which may have been discussed at local meetings.
- Odour issues associated with the sewer network or the waste water treatment works in Gairloch are not regulated by SEPA and any complaints may be raised with the Highland Council Environmental Health department on 01349 886606.