



## **WATER ENVIRONMENT (CONTROLLED ACTIVITIES) FEES AND CHARGES (SCOTLAND) SCHEME 2014**

The Scottish Environment Protection Agency, in exercise of its powers under regulation 11(1)(a) of and Schedule 5 to the Water Environment (Controlled Activities) (Scotland) Regulations 2011 and in accordance with paragraphs 10 and 11 of said Schedule HEREBY, with the approval of Scottish Ministers, makes the following scheme of fees and charges.

### **1 COMMENCEMENT & CITATION**

- 1.1 The Scheme shall be cited and referred to as the Water Environment (Controlled Activities) Fees and Charges (Scotland) Scheme 2014 (“the Scheme”).
- 1.2 The Scheme shall apply to Scotland only and shall come into force on 1<sup>st</sup> April 2014, notwithstanding the date of execution hereof.
- 1.3 The Water Environment (Controlled Activities) Fees and Charges (Scotland) Scheme 2013 shall cease to have effect on 1<sup>st</sup> April 2014 insofar as it relates to any period on or after 1<sup>st</sup> April 2014.

### **2 INTERPRETATION**

- 2.1 In the Scheme, except where the context otherwise states:

“Abstraction” shall have the same meaning ascribed to it in the 2003 Act;

“activity” has the same meaning as ascribed to “controlled activities” in the 2011 Regulations;

“Administrative Variation” means, otherwise than in relation to mobile abstraction plant, the variation of an authorisation which does not require an environmental assessment of its impact to be undertaken by SEPA, as part of SEPA’s determination of it;

“application” means an application to SEPA for an authorisation under Regulation 11 of the 2011 Regulations;

“associated” means in respect of any one activity, where there is such a degree of interdependency in any one greater scheme of activities that SEPA deem it appropriate for one authorisation to be granted under the 2011 Regulations to include all such interdependent activities. SEPA Guidance, updated from time to time, is available via the website or on request;

“authorisation” means any single authorisation granted by SEPA under Regulation 7 or 8 of the 2011 Regulations or an authorisation granted by SEPA under Regulation 10 of the 2011 Regulations;

“Bank” means any bank or shore or Wetland or any area in the vicinity of Inland Water or Wetland;

“Bed” means the bottom, channel or bed of any inland surface waters (other than Banks);

“Complex Licence” means any Licence granted by SEPA which is considered by SEPA to require a more complex environmental assessment than a Simple Licence and site specific conditions. SEPA Guidance, updated from time to time, is available via the website or on request;

“Disposal to Land” means the disposal or discharge of substances listed in Schedules 1 or 2 of the 2011 Regulations or substances considered by SEPA as liable or likely to cause pollution to the groundwater, insofar as not otherwise regulated by SEPA;

“discounts” means the prices to be charged as shown in clause 4 hereof;

“Effluent” includes any liquid, including particles of matter and other substances in suspension in it;

“Engineering Works” means the carrying out of building or engineering works or any other works (save those referred to in section 20(3)(c) of the 2003 Act) and/or any activities connected therewith,

- in inland water (other than groundwater) or Wetlands; or
- in the vicinity of Inland Waters or Wetland, and deemed by SEPA as having or likely to have a significant adverse effect on the water environment;

“Environmental Service” means the carrying out, operation or maintenance of any activity which is in the view of SEPA, solely for the benefit of the environment, not being for commercial purposes or in implementation of a statutory duty or condition of an authorisation. SEPA Guidance, updated from time to time, is available via the website or on request;

“financial year” shall mean a period of one year starting on 1 April, or such other period of one year as SEPA may from time to time determine;

“Impoundment” shall have the same meaning as ascribed to it as “Impounding Works” under Section 20(6) of the 2003 Act;

“in bye” shall have the same meaning as is given in the Rural Development Contracts (Land Managers Options) (Scotland) Regulations 2008, regulation 2(5) and Schedule 1 thereof;

“Licence” means any authorisation granted by SEPA in terms of Regulation 8 or 10 of the 2011 Regulations;

“mobile abstraction plant” means plant which is designed to move or to be moved whether on roads or otherwise and which is used for abstraction;

“On-line Registration” means any registration made, completed and paid for electronically by an applicant via a facility provided by SEPA on its website;

“Point Source Discharge” means a discharge of Effluent or other matter to the water environment or land by a fixed installation, pipe, outlet or otherwise which is considered by SEPA as liable or likely to cause pollution to the water environment, save as not otherwise regulated by SEPA;

“Regime” means for the purposes of the Scheme, the regulatory environmental controls and charging applicable respectively to Point Source Discharge, Disposal to Land, Abstraction, Impoundment and Engineering Works;

“Registration” means any authorisation applied for and/or authorised in terms of Regulations 7 or 10 of the 2011 Regulations, or for the purposes of an authorisation containing more than one activity, each and every activity which would have been capable of being authorised individually as a Registration. SEPA Guidance, updated from time to time, is available via the website or on request;

“SEPA” means the Scottish Environment Protection Agency, incorporated under the Environment Act 1995 and having its Corporate Office at Erskine Court, Castle Business Park, Stirling, FK9 4TR;

“SEPA Annual Monitoring Plan” means such programmes, schedules and plans of work prepared by SEPA defining the controlled activities or matters which will be subject to monitoring, sampling, inspection or audit by SEPA, as may be varied from time to time;

“Sewage Effluent” includes any Effluent from sewage disposal or from sewerage works vested in a sewerage authority and domestic sewage effluent;

“Simple Licence” means any Licence granted by SEPA which contains primarily standard conditions imposed by SEPA for the purposes of protection of the water environment or, for the purposes of an authorisation containing more than one activity, each and every activity which would have been capable of being authorised individually as a Simple Licence. SEPA Guidance, updated from time to time, is available via the website or on request;

“the 1995 Act” means the Environment Act 1995, as amended from time to time;

“the 2003 Act” means the Water Environment and Water Services (Scotland) Act 2003, as amended from time to time;

“the 2011 Regulations” means the Water Environment (Controlled Activities) (Scotland) Regulations 2011, as amended from time to time;

“Technical Variation” means the variation of an authorisation which does require SEPA to carry out an environmental assessment of its impact, as part of its determination;

“Trade Effluent” includes any Effluent, other than surface water and domestic sewage, which is discharged from premises used for carrying on any trade or industry.

2.2 Except insofar as expressly stated herein, the Scheme shall be construed by reference to and in accordance with the 2003 Act, the 2011 Regulations and the Interpretation Act 1978.

2.3 For the avoidance of doubt, reference to a clause is deemed to include all sub-clauses thereof without the need for any further specification unless the context otherwise requires.

### **3 APPLICATION FEES**

#### **3.1 Registrations**

3.1.1 Subject to Clauses 3.4, 4 and 6, the Application Fee shall be as follows, namely:-

On-line Registrations (All Regimes)	-	£80 per activity
Registrations (All Regimes)	-	£108 per activity

#### **3.2 Simple Licences**

3.2.1 Subject to Clauses 3.4, 4 and 6 the Application Fee shall be as follows, namely:-

Simple Licence (All Regimes)	-	£622 per activity
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3.2.2 For Disposal to Land activities, where an application relates to a discharge or discharges at one or more places within land occupied by the same person this will be assessed as one activity and only one Application Fee shall be payable. For the purposes of the Scheme only, a common grazing and/or related in-by-land managed by a grazing committee shall be treated as being land occupied by the same person.

3.2.3 Hydropower schemes with a maximum installed generating capacity of up to and including 100kW will attract a Simple Licence Application Fee.

#### **3.3 Complex Licences**

3.3.1 Subject to Clauses 3.2.2, 3.4, 4 and 6 the Application Fee shall be £2,934

#### **3.4 All applications**

3.4.1 The application fee is for the consideration of a duly made application for an authorisation or permit, it is not refundable in the event of either the application being refused or withdrawn.

### **4 APPLICATION FEES - DISCOUNTS FOR ASSOCIATED ACTIVITIES**

4.1 SEPA will award discounts for Registrations, Simple Licences, Complex Licences and technical and administrative variations which are made at the same time, based on the number of associated activities contained in them and whether within the same or different Regimes.

4.2 The discount across all associated activities shall be thirty per cent of the total sum that would otherwise be payable, but excluding from discount the application which incurs

the higher or highest fee. Accordingly, and by way of illustration, if three applications were submitted at the same time, one for a complex licence activity and two for associated simple licence activities, there would be a discount applying to the two simple licence activities and the full fee would continue to apply to the complex licence activity.

## **5 SUBSISTENCE CHARGES**

### **5.1 Calculation of Subsistence Charges: General**

5.1.1 A Subsistence Charge, subject to Clause 6, shall be payable as set out in this Clause. For the avoidance of doubt:

- (i) a Subsistence Charge shall be based on the total of all charges payable in respect of point source, disposal of land, abstraction, impoundment and engineering works as specified within this clause; and
- (ii) where an activity could fall under several different multipliers or factors then the higher or highest will apply.

5.1.2 Where a single licence attracts two or more subsistence charges; or two or more licences covering activities at a single site or scheme, which attracts two or more subsistence charges,  
namely –

- Point source discharge;
- Disposal to land;
- Engineering; and/or
- Abstraction or impoundment

then the overall subsistence charge for that single licence, site or scheme shall be reduced by ten percent (10%) overall.

### **5.2 Point Source Discharge**

5.2.1 Subject to clause 5.7 a Subsistence Charge shall be payable in respect of a licence that authorises activities specified in the SEPA Annual Monitoring Plan, except for sewer networks where charges will apply irrespective of whether they are included within SEPA's Annual Monitoring Plan, which shall be the product of the following factors, namely:-

Vp = Volume

Cp = Contents

Rp = Receiving Waters

Np = Number of Activities, or

Nsn = Number of Overflows on a sewer network licence, and

Fp = Financial.

Accordingly, a Subsistence Charge shall be determined by using the following formula:

Subsistence Charge =  $Vp \times Cp \times Rp \times Np \times Fp$ .

or

Subsistence Charge =  $Vp \times Cp \times Rp \times Nsn \times Fp$ .

- (b) Where more than one Effluent is treated together or having joined together is then monitored together by SEPA prior to discharge or where there is more than one Effluent of the same nature and the monitoring of any one or more of them is the means by which SEPA monitors them all then they will be considered as a single activity;
- (c) In calculating the Subsistence Charges for a licence any registration-level activities included as part of a water use licence will not be included in the calculation of the charge. A registration-level activity is determined by the criteria specified within the CAR practical guide and not licence level activities which are deemed registered during the transfer into a CAR licence.

5.2.3 A Subsistence Charge will not be payable for a discharge of:

- (a) Effluent from cooling or heat exchange processes where the authorised volume to be discharged is 10 cubic metres or less a day; or
- (b) Sewage Effluent or Trade Effluent, except Effluent from cooling or heat exchange processes, which prior to treatment does not contain:
  - (i) a biochemical oxygen demand loading of more than 900 grammes a day; or
  - (ii) toxic, persistent or other substances which may be harmful.

5.2.4 With the exception of discharges specified in Clauses 5.2.6(3)(d) and 5.2.6(4)(c), where the period of the year during which the discharge may be made is restricted by conditions of the authorisation or another statutory licence, then the amount payable is calculated by apportioning the Subsistence Charge for that financial year pro rata to the period during which the discharge is authorised to be made.

5.2.5 The Volume Factor

- (1) The Volume Factor relates to the maximum daily volume of discharge permitted by the authorisation as follows:-

Volume Band	Cubic Metres	Factor
Vp1	Up to and including 5	0.3
Vp2	More than 5 up to and including 20	0.5
Vp3	More than 20 up to and including 100	1.0
Vp4	More than 100 up to and including 1,000	2.0
Vp5	More than 1,000 up to and including 10,000	3.0
Vp6	More than 10,000 up to and including 50,000	6.0
Vp7	More than 50,000 up to and including 150,000	12.0
Vp8	More than 150,000	24.0

- (2) The Volume Factor for the Trade Effluent from a marine cage fish farm relates to the maximum weight of fish held at any one time as permitted by the authorisation, and in the case of a freshwater cage fish farm relates to the annual production of fish as specified in the authorisation as follows:–

Volume Band	Tonnes	Factor
Vp1	Up to and including 200	0.3
Vp2	More than 200 up to and including 1,000	0.5
Vp3	More than 1,000	1.0

- (3) Subject to Clauses (4) and (5) below, where no maximum daily volume or maximum weight of fish held at any one time or annual production figure is given in an authorisation, the Volume Factor is 1.0 except where the discharge is:

- (a) (i) made in an emergency;  
 (ii) surface water (not containing Trade Effluent);  
 (iii) permitted by the authorisation on not more than four days per year; or  
 (iv) Sewage Effluent from a plant serving less than 25 people or a population equivalent of 25 people.

when the Volume Factor is 0.3;

- (b) made from a cage fish farm when the Volume Factor is 0.5.

- (4) For continuous discharges of Sewage Effluent:

- (a) where the dry weather flow is known by SEPA, the daily maximum volume shall be taken to be three times the dry weather flow;  
 (b) where no dry weather flow is specified in the authorisation, the daily maximum volume shall be taken to be 2.4 times the average daily flow;  
 (c) where no dry weather flow or average daily flow is given in the authorisation, the daily maximum volume shall be taken to be the flow to full treatment.

- (5) For Trade Effluents:

- (a) the maximum daily volume shall be the volume of discharge specified in the authorisation;  
 (b) subject to (c) below, where no maximum volume of discharge is specified in the authorisation, the maximum daily volume shall be the daily dry weather flow;  
 (c) where the discharge may contain rainfall, the maximum daily volume shall be taken to be three times the daily dry weather flow.

### 5.2.6 The Contents Factor

- (1) The Contents Factor relates to the provisions in the authorisation controlling or regulating the contents of the discharge such that the Contents Factor will apply to the discharges falling within the Bands all as set out in the following table:

Band	Factor
CpA	14.0
CpB	5.0
CpC	3.0
CpD	2.0
CpE	1.0
CpF	0.5
CpG	0.3

Where:-

- (2) Band A relates to

Trade Effluent or Sewage Effluent or other matter; and

- (a) the authorisation contains numeric conditions for any of the following substances excluding any condition for total oil and/or grease or discharges in Band B(d), C(c) or G(b):

- pesticides including organotins
- fungicides
- herbicides
- polyhalogenated biphenyls
- aliphatic hydrocarbons
- aromatic hydrocarbons
- halogenated hydrocarbons including haloforms
- alcohols with the exemption of methanol, ethanol, butanol and propanol, glycols (including total and poly)
- aromatic nitrogen compounds
- phenolic compounds (with exemption of total and mono hydric phenols)
- heterocyclic hydrocarbons
- esters
- ethers
- ketones
- aldehydes (with the exemption of formaldehyde); or

- (b) the authorisation includes conditions relating to viruses; or

- (c) the authorisation includes conditions which specify the need for toxicity tests, other than rapid bacterial toxicity tests, to determine compliance.

- (3) Band B relates to

Trade Effluent or Sewage Effluent or other matter (except where the authorisation falls in Band A) where



- (a) the authorisation contains numeric conditions for any of the following substances, excluding discharges in Band G(b):
    - metals and metalloids (other than those included in Band F(b))
    - cyanides
    - sulphides
    - phenolic compounds (total and monohydric)
    - methanol
    - ethanol
    - butanol
    - propanol
    - glycols (including total and poly)
    - carboxylic acids
    - organic nitrogen compounds (other than those above and Band A and with the exception of urea and quaternary ammonium salts); or
  - (b) the authorisation requires rapid bacterial toxicity tests to determine compliance; or
  - (c) the authorisation includes conditions relating to bacteria; or
  - (d) in respect of from cage fish farms, the authorisation contains numeric conditions limiting the use of specified substances, other than hydrogen peroxide, for the treatment of diseases or parasites.
- (4) Band C (except where the authorisation falls in Band A or B) relates to:
- (a) sewage Effluent with numeric conditions other than volume, but not including effluents specified in B, E(b) or G(b); or
  - (b) trade Effluent of an organic nature with numeric conditions other than those included in Band G(b) or Band E(b); or
  - (c) trade Effluent from cage fish farms, including substances not covered by Band B(d) such as hydrogen peroxide.
  - (d) discharges of other matter with numeric conditions, other than volume.
- (5) Band D (except where the authorisation falls in Bands A, B or C) relates to:-
- (a) sewage Effluent with no numeric conditions other than volume or only descriptive conditions other than those Effluents specified in Band E, F and G.
  - (b) any discharges of Trade Effluent other than those specified in Bands E, F and G.
- (6) Band E (except where the authorisation falls in Bands A, B, C or D) relates to:
- (a) surface water drainage from trade premises; or
  - (b) storm and/or emergency discharges at treatment works, pumping stations and from drainage systems; or

- (c) any Trade Effluents of cooling water other than those specified in Band G; or
  - (d) any Trade Effluents from the prevention of interference with mining or quarrying and from the continuation of pumping of such discharges following closure, other than those specified in Band F.
- (7) Band F (except where the authorisation falls in Bands A, B, C, D or E) relates to the discharge of:
- (a) surface water (not containing Trade Effluent); or
  - (b) trade Effluent from the prevention of interference with mining or quarrying and from the continuation of pumping of such discharges following closure, for which there are no conditions or the only numeric conditions are one or more of volume, suspended solids, iron, pH and chloride; or
  - (c) any Effluent not identified elsewhere
- and none of the criteria listed in Bands A to E apply.
- (8) Band G relates to the discharge of:
- (a) cooling water for which the only conditions are one or more relating to volume, temperature, pH and/or chlorine and none of the criteria listed in Bands A to E apply;
  - (b) Trade Effluent from fish farms, other than those specified in Bands B or C.

#### 5.2.7 The Receiving Waters Factor

- (1) The Receiving Waters Factors shall be and relate respectively to the types of waters receiving the discharges as set out in the table below

Band	Type	Factor
RWp1	Groundwaters or land	0.5
RWp2	Coastal waters	1.5
RWp3	Inland Waters	1.0
RWp4	Transitional waters	1.5

#### 5.2.8 The Point Source Number of Activities Factor

Subject to clause 5.2.10, the Point Source Number of Activities Factor applies to sites with more than one associated point source activity. The Factor shall be determined by the number of associated activities on a single licence as in the table below. The Factor shall only be applied to the higher or highest single point source charge on the licence. For clarification, the Number of Activities Factor will not apply to activities in a Sewer Network licence.

Band	Number of Point Source Activities	Factor
Np1	1	1.0
Np2	2-5	1.1
Np3	6-10	1.3
Np4	11 or more	1.5

5.2.9 Where a single site licence is appropriate, in SEPA's sole discretion, but the licence review has not yet been completed and a single site licence has not yet been issued SEPA may apply the Number of Activities Factor.

#### 5.2.10 Number of Overflows on a sewer network licence Factor

Sewer network licence charges shall be calculated according to the number of overflows in a sewer network licence as in the table below. Site charges shall be multiplied by the appropriate number in the column headed "Factor" in the table below. The Factor shall only be applied to the higher or highest single activity charge on the licence. For clarification, where sewer network licence charges apply the Point Source Number of Activities Factor shall not apply.

Band	Number of overflows on a Sewer Network Licence	Factor
Nsn1	1	1
Nsn2	2-5	1.25
Nsn3	6-10	4
Nsn4	11-25	8
Nsn5	26-50	16
Nsn6	51-100	32
Nsn7	101 or more	64

#### 5.2.11 The Financial Factor

The Financial Factor (Fp) for 2014 – 2015 is £729

### 5.3 Disposal to Land

5.3.1 Subject to Clause 5.7 a Subsistence Charge shall be payable in respect of each Licence for the Disposal to Land, which shall be the product of the following, namely:-

Vd = The Volume Factor

Cd = The Contents Factor

Rd = The Receiving Environment Factor, and

Fd = The Financial Factor.

Accordingly, a Subsistence Charge shall be determined by using the following formula:

Subsistence Charge = Vd x Cd x Rd x Fd.

### 5.3.2 The Volume Factor

The Volume Factor relates to the maximum daily volume of discharge permitted by the authorisation as follows:

Band	Cubic Metres	Factor
Vd1	Up to and including 5	0.3
Vd2	More than 5 up to and including 20	0.5
Vd3	More than 20	1.0

Where no maximum daily volume is given in an authorisation, the Volume Factor is 1.0.

### 5.3.3 The Contents Factor (Cd)

The Contents Factor is 2.0.

### 5.3.4 The Receiving Waters Factor (Rd)

The Receiving Waters Factor is 0.5.

### 5.3.5 The Financial Factor

The Financial Factor (Fd) for 2014 – 2015 is £406

## 5.4 Abstraction

5.4.1 Subject to Clauses 5.4.10, 5.7 and 6.0, a Subsistence Charge shall be payable in respect of each Abstraction Licence, which shall be the product of the following, namely:-

- Va = Volume Abstracted Factor
- Lo = Loss Factor
- Le = Length Affected Factor
- So = Source of Abstraction Factor
- Se = Seasonality Factor
- Pa = Proportion of Flow Factor
- Na = Number of Abstractions Factor, and
- Fa = Financial Factor.

Accordingly, a Subsistence Charge shall be determined by using the following formula:

$$\text{Subsistence Charge} = Va \times Lo \times Le \times So \times Se \times Pa \times Na \times Fa.$$

In calculating the Subsistence Charges for a licence any registration level activities included as part of a licence will not be included in the calculation of the charge.

#### 5.4.2 The Volume Abstracted Factor

The Volume Abstracted Factor applies to the maximum daily volume authorised and is in relation to the description and Bands respectively as set out in the table below:

(Va) Band	Description	Factor
Va1	>150 megalitres/day	22.8
Va2	>50 to 150 megalitres/day	13.7
Va3	>10 to 50 megalitres/day	9.3
Va4	>2 to 10 megalitres/day	5.0
Va5	101 to 2000 cubic metres/day	1.0
Va6	>50 to 100 cubic metres /day	0.3
Va7	0 to 50 cubic metres /day	0

5.4.2.1 For mobile abstraction plant, the determination of the Volume Abstracted Factor will be based on the maximum daily volume which that mobile abstraction plant can abstract as defined within the authorisation.

#### 5.4.3 Loss Factor

The Loss Factor is determined by the description and Bands respectively as set out in the table below:

(Lo) Band	Description	Factor
Lo1	Non Consumptive Use	0.3
Lo2	Partially Consumptive Use	1.0
Lo3	Consumptive Use	1.1

5.4.3.1 In relation to Clause 5.4.3,

- “Non-Consumptive Use” of water shall be applied where typically over 95% of the abstracted water is returned to the water environment. The following activities will be considered non-consumptive unless demonstrated otherwise:
  - hydropower generation;
  - amenity pools through flow;
  - hydraulic testing;
  - fish farms;
  - watercress growing; and
  - non-evaporative cooling.
- “Partially Consumptive Use” shall be applied where typically between 10% and 95% of the abstracted water is returned to the water environment. The following activities will be considered partially consumptive unless demonstrated otherwise:
  - public and private water supply;
  - commercial and industrial purposes not specified elsewhere;
  - use as a means of conveying material;

- abstraction for agricultural purposes (excluding irrigation, fish farms and watercress growing);
  - washing;
  - evaporative cooling and other evaporative uses.
- “Consumptive Use” shall be applied where typically less than 10% of the abstracted water is returned to the water environment. The following activities will be considered consumptive unless demonstrated otherwise:
    - where water forms part of the product;
    - irrigation; and
    - dust suppression.

#### 5.4.4 The Length Affected Factor

The Length Affected Factor is determined by the description and Bands respectively as set out in the table below:

(Le) Band	Description	Factor
Le1	Returned < 500m from Abstraction	0.2
Le2	Returned 500m to <1km from Abstraction	0.9
Le3	Returned 1km to 5km from Abstraction	1.3
Le4	Returned > 5km from Abstraction	1.9

5.4.4.1 Length Affected Band will be determined by the distance, measured along the Bank, between an abstraction point and the point at which the water is returned to the water environment.

5.4.4.2 For the avoidance of doubt the Length Affected Band will be Le1 for:-

- coastal and estuarine abstractions and
- abstractions from a loch which are returned to the same loch.

5.4.4.3 For abstractions from groundwater the Length Affected Band will be determined by the straight line distance between the borehole/point of issue and the point of return to the water environment.

5.4.4.4 Where:-

- a Licence for Abstraction covers more than one activity; and
- different charge Bands apply to the individual activities,

then, the charge Band which will be used to calculate the Subsistence Charge for that Licence will be that Band with the highest Factor which applies to greater than 25% of the total volume abstracted or to greater than 40ML per day (“the 25% Rule”).

#### 5.4.5 The Source Type Factor

The Source Type Factor is determined by the description and Bands respectively as set out in the table below:

(So) Band	Description	Factor
So1	Coastal and Estuary	0.17
So2	Inland	1.00

#### 5.4.5.1 Where:-

- a Licence for Abstraction covers more than one source type; and
- different charge Bands apply to the individual activities,

then, the charge Band which will be used to calculate the Subsistence Charge for that Licence will be that Band with the highest Factor which applies to greater than 25% of the total volume abstracted, or to greater than 40ML per day (“the 25% Rule”).

#### 5.4.6 The Seasonality Factor

The Seasonality Factor is determined by the description and Bands respectively as set out in the table below:

(Se) Band	Description	Factor
Se1	Winter Only (1 <sup>st</sup> October to 31 <sup>st</sup> March)	0.1
Se2	Summer Only (1 <sup>st</sup> April to 31 <sup>st</sup> October )	0.3
Se3	All Year	1.0

5.4.6.1 Any reduced Factor for the purposes of the Seasonality Factor shall only be awarded and applied by SEPA if the activity/use concerned is constrained by conditions of licence/authorisation.

5.4.6.2 For the avoidance of doubt, the Seasonality Band will be Se1 for:-

- abstractions from isolated ponds or off-line impoundments which are fed by seepage, groundwater or land-drainage; and
- authorised abstractions used to fill isolated ponds or off-line impoundments which are filled during the Winter by authorised abstractions and the pond or impoundment stores at least 75% of the total volume of water required during the Summer.

#### 5.4.7 The Proportion of Flow Factor

The Proportion of Flow Factor is determined by the description and Bands respectively as set out in the table below:

(Pa) Band	Description	Factor
Pa1	>50% of 95 <sup>th</sup> percentile flow abstracted	1.05

Pa2	10–50% of 95 <sup>th</sup> percentile flow abstracted	1.00
Pa3	<10% of 95 <sup>th</sup> percentile flow abstracted	0.95

5.4.7.1 For the avoidance of doubt, the Proportion of Flow Band will be Pa3 for:-

- coastal and estuarine abstractions;
- abstractions from a loch which are returned to the same loch;
- abstractions from groundwater; and
- abstractions from isolated ponds or off-line impoundments which are fed by seepage, groundwater or land-drainage.

5.4.7.2 Where:-

- a Licence for Abstraction covers more than one activity;
- the percentage of the 95<sup>th</sup> percentile flow abstracted cannot be calculated as the sum of the different abstractions because they are widely separated; and
- different charge Bands apply to the individual activities,

then, the charge Band which will be used to calculate the Subsistence Charge for that Licence will be that Band with the highest Factor which applies to greater than 25% of the total volume abstracted, or to greater than 40ML per day (“the 25% Rule”).

5.4.8 Number of Abstractions Factor

The Number of Abstractions Factor is determined by the description and Bands respectively as set out in the table below:

(Na) Band	Description	Factor
Na1	1 to 5	1.00
Na2	6 to 25	2.00
Na3	26 to 100	3.60
Na4	>100	9.40

5.4.9 The Financial Factor

The Financial Factor (Fa) for 2014 – 2015 is £1,154

5.4.10 General Rules

5.4.10.1 Where any multi-activity licence/authorisation contains activities which if authorised individually would have been treated as a Registration, such activities will not be considered together with all other activities contained within any licence/authorisation for the purpose of determining the relevant charging factors and/or calculating charges.



5.4.10.2 In the case of lade abstraction, charges will apply to the volume which is abstracted for use by the authorised activity or activities, as opposed to the volume flowing into the lade.

5.4.10.3 Hydropower schemes with a maximum installed generating capacity greater than 2MW but less than 5MW of power shall attract a Subsistence Charge of £1,150 for each Licence.

## 5.5 Impoundment

Subject to Clauses 5.5.5, 5.7 and 6.0, a Subsistence Charge shall be payable in respect of each Impoundment Licence, which shall be the product of the following four factors, namely:-

Vi = Volume Impounded Factor

FP = Fish Pass Factor

Ni = Number of Impoundments Factor, and

Fi = Financial Factor

Accordingly, a Subsistence Charge shall be determined by using the following formula:

Subsistence Charge = Vi x FP x Ni x Fi.

### 5.5.1 The Volume Impounded Factor

The Volume Impounded Factor applies to the maximum impounded volume authorised and is in relation to the description and Bands respectively as set out in the table below:

(Vi) Band	Description	Factor
Vi1	>100,000 megalitres	10.7
Vi2	>50,000 to 100,000 megalitres	8.5
Vi3	>25,000 to 50,000 megalitres	6.6
Vi4	>1,000 to 25,000 megalitres	4.5
Vi5	>100 to 1,000 megalitres	2.5
Vi6	>25 to 100 megalitres	2.2
Vi7	0 to 25 megalitres	0

### 5.5.2 The Fish Pass Factor

The Fish Pass Factor is determined by the description and Bands respectively as set out in the table below:

(FP) Band	Description	Factor
FP1	Fish Pass Present	0.95
FP2	No Fish Pass Present	1.00

### 5.5.3 The Number of Impoundments Factor

The Number of Impoundments Factor is determined by the description and Bands respectively as set out in the table below:

(Ni) Band	Description	Factor
Ni1	1 to 2	1.00
Ni2	3 to 5	1.50
Ni3	6 to 10	2.10
Ni4	>10	3.00

#### 5.5.4 The Financial Factor

The Financial Factor (Fi) for 2014 – 2015 is £915

5.5.5 Each impoundment of greater than 25 megalitres used solely for Hydropower schemes with a maximum installed generating capacity greater than 2MW but less than 5MW of power shall attract a Subsistence Charge of £1,150 for each Licence.

### 5.6 Engineering Works

5.6.1 (a) Subject to Clauses 5.7 and 6, Subsistence Charges shall be payable in respect of each Engineering Works Licence specified in the SEPA Annual Monitoring Plan.

(b) Subsistence Charges shall be the product of the following, namely:

EL = The Length Factor, (which shall mean the total length of works affecting Inland Waters and/or Wetland);

EB = Bed Factor (which shall mean the proportion of the total length of works affecting the Bed of Inland Waters and/or the Bed of Wetland)

ES = Size Factor (which shall mean the size of affected Inland Waters and/or Wetland), and

Fe = Financial Factor (which means the monetary factor set to seek to ensure cost recovery.

Accordingly, a Subsistence Charge shall be determined by using the following formula:

Subsistence Charge = EL x EB x ES x Fe.

#### 5.6.2 The Length Factor

(a) The Length Factor is based on the total length of all activities within a single authorisation which affects Inland Water or Wetland to which the authorisation relates.

(b) Where any activity affects a bed of an Inland Water or bed of a Wetland each hectare of part thereof will be assessed as being equivalent to a kilometre of length

affected or part thereof. Accordingly, and by way of illustration, if 10.2 hectares of a loch (or other standing water) is dredged then the Length Factor will equate to 10.2 kilometres and be charged as Band 4, in terms of the table below.

<b>Band</b>	<b>Description</b>	<b>Factor</b>
EL1	Total length of activities affecting any Inland Water and/or Wetland greater than or equal to 250 metres and less than 500 metres.	1
EL2	Total length of activities affecting any Inland Water or Wetland greater than or equal to 500 metres and less than 1 kilometre.	1.5
EL3	Total length of activities affecting any Inland Water or Wetland greater than or equal to 1 kilometre and less than 5 kilometres.	3
EL4	Total length of activities affecting any Inland Water or Wetland greater than or equal to 5 kilometres.	4

### 5.6.3 Bed Factor

(a) The Bed Factor is based on the percentage of the total length of works that affect the bed of an Inland Water or Wetland.

(b) The Bed Factor is calculated by using the table below.

<b>Band</b>	<b>Description</b>	<b>Factor</b>
EB1a	Percentage of works affecting the bed is less than 50 per centum.	1
EB1b	Works affecting only a Wetland	1
EB2	The percentage of works affecting the bed is greater than or equal to fifty per centum and less than eighty per centum.	1.5
EB3	The percentage of works affecting the bed is greater than or equal to eighty per centum	2

### 5.6.4 Size Factor

(a) Calculation of the Size Factor is based on the table below.

<b>Band</b>	<b>Description</b>	<b>Factor</b>
ES1	Works affecting a river with a catchment area greater than or equal to 10km <sup>2</sup> and less than 100 km <sup>2</sup> , or loch with an area equal to or greater than 50 hectares and any other Inland Water or Wetland not mentioned in Band 2 below.	1
ES2	Works affecting a river with a catchment area equal to or greater than 100km <sup>2</sup> .	1.5

(b) Where works affect more than one river the Size Sub-Factor shall be based on the river having the larger or largest catchment area of the rivers affected.

### 5.6.5 Financial Factor

The Financial Factor (Fe) for 2014 – 2015 is £2,098.

### 5.6.6 Duration of Subsistence Charges

- (a) Subsistence Charges shall be payable as from the date specified in the authorisation or licence and where no date is specified from the date that SEPA determines that works have started.
- (b) Except as stated elsewhere herein, the charges will be payable for the period specified in the table below.
- (c) Where a subsistence charge is payable it shall be due for a minimum period of one year, regardless of the time taken on the works.
- (d) Where dredging is undertaken with any other activity or is otherwise related to any other activity then the Duration of the Subsistence Charge shall be determined solely by reference to the other activity, except where the other activities would not incur a Subsistence Charge, in which the Duration of Subsistence Charges for dredging shall be 1 year.

<b>Length Factor Band</b>	<b>Description</b>	<b>Duration of Subsistence Charge</b>
1	Total length of activities affecting the bed of an Inland Water or the bed of a Wetland of greater than 250 metres but less than 500 metres.	1 year
2	Total length of activities affecting the bed of Inland Water or the bed of a Wetland of 500 metres or more but less than 1 kilometre.	2 years
3 and 4	Total length of activities affecting the bed of an Inland Water or bed of a Wetland of equal to or more than 1 kilometre.	3 years
1 to 4	Dredging activities affecting the bed of an Inland Water or bed of a Wetland of 250 metres or more.	1 year.

## 5.7 Subsistence charge reduction factor

### 5.7.1 The Reduction Factor shall apply only where:

- a. Subsistence Charges are payable in respect of all associated activities in a single licence; otherwise the Reduction Factor shall not be applied; and
- b. a licence has two or more of the following Subsistence Charges; namely – Point Source; Disposal to Land; Abstraction or Impoundment; Engineering.

### 5.7.2 The Reduction Factor shall be 0.9.

### 5.7.3 Where a single site licence is appropriate, in SEPA's sole discretion, but the licence review has not yet been completed and a single site licence has not yet been issued SEPA may apply the Reduction Factor.

## 6 ENVIRONMENTAL SERVICE

### 6.1 No Application Fee or Subsistence Charge shall be levied by SEPA for any activity or associated activities deemed by SEPA to constitute an Environmental Service. SEPA shall issue supplemental provisions in respect of what constitutes an Environmental Service from time to time.

## **7 SURRENDER OF AUTHORISATION**

- 7.1 No fee shall be charged by SEPA for the surrender of an Authorisation, in whole or in part, implemented in accordance with Regulation 27 and 28 of the 2011 Regulations.

## **8 IMPOSITION OF AN AUTHORISATION**

- 8.1 Excepting for Application Fees payable under Clause 3.4 (Transitional Arrangements), the fee charged by SEPA in respect of any authorisation granted by SEPA under Regulation 10 of the 2011 Regulations as appropriate, may be the sum of the Application Fee that would otherwise have been applied had the authorisation not been so granted by SEPA, together with a surcharge of 30%.

## **9 ADMINISTRATIVE VARIATION OF AUTHORISATION**

- 9.1 In respect of any request for an Administrative Variation made in accordance with Regulation 24 of the 2011 Regulations, the charge payable shall be £85 per authorisation.

- 9.2 In respect of any Administrative Variation of an authorisation in accordance with Regulation 21 or 22 of the 2011 Regulations, no charge shall be payable in respect thereof.

- 9.3 If an abstraction is,

- carried out using mobile abstraction plant; and
- authorised under an existing Licence

the addition of each new point of abstraction to that Licence will attract an Administrative Variation fee of £85.

## **10 TECHNICAL VARIATION OF AUTHORISATION**

- 10.1 In respect of any request for a Technical Variation made in accordance with Regulation 24 of the 2011 Regulations, the charge payable shall be 75% of the Application Fee that would otherwise have been imposed in accordance with the Scheme.

- 10.2 In respect of any Technical Variation of an authorisation in accordance with Regulation 21 or 22 of the 2011 Regulations, no charge shall be payable in respect thereof.

## **11 TRANSFER OF AUTHORISATION**

- 11.1 In respect of any application for the transfer of an authorisation in accordance with Regulation 25 of the 2011 Regulations, the charge payable shall be £85 per authorisation.

## **12. APPLICATION FOR COMMERCIAL CONFIDENTIALITY**

- 12.1 In respect of any application for the determination of commercial confidentiality in accordance with Regulation 39 of the 2011 Regulations, the charge payable shall be £747 per authorisation.

## **13. REFUNDS/INCREASES OF SUBSISTENCE CHARGES**

- 13.1 Where as a result of any variation of an authorisation, the Subsistence Charge payable in respect of that authorisation increases or decreases, then any such increase or decrease in Subsistence Charge payable shall be provided for, as follows:-

13.1.1 Subject to Clauses 7.1 and 10.1 and 11.1 for those who have already made full payment the amount refundable or further sums due shall be the Subsistence Charge for the authorisation for the financial year in which the surrender, variation or transfer occurs divided by 365 and multiplied by the number of days from and including the date of the surrender, variation or transfer, up to and including the last day of that financial year; or

13.1.2 Subject to Clauses 7.1 and 10.1 and 11.1, where the Subsistence Charge for an authorisation has not already been paid in full at the date of surrender, variation or transfer of that authorisation, the amount shall be reduced or increased by an amount equivalent to the refund or further sums due which would have been payable at the date of variation had payment been made in full on 1<sup>st</sup> April of the financial year to which the Subsistence Charge relates.

## **14. PAYMENT AND LIABILITY FOR PAYMENT**

- 14.1 Liability for all fees and charges and any refunds which may become due under the Scheme shall be payable by or to as the case may be:-

- (a) The applicant for a Registration in terms of Regulation 7 of the 2011 Regulations;
- (b) The responsible person in terms of Regulation 8 of the 2011 Regulations;
- (c) Any person to whom an authorisation has been granted by SEPA in accordance with Regulation 10 of the 2011 Regulations;
- (d) The operator in terms of the 2011 Regulations.

- 14.2 Payment of fees (with the exception of payment of Application Fees by BACS transfer) and of charges under the Scheme shall be:

- By cheque, made payable to "The Scottish Environment Protection Agency" and endorsed "A/C Payee Only"; or
- By Credit or Debit Card, by telephone to SEPA offices or on completion of the appropriate form included with application forms/invoices.  
Payment made by credit cards will attract a variable surcharge.

- By BACS transfer, Sort Code 83-34-00, Account Number: 00137187 or such other account as SEPA may from time to time determine.
  - By Cash
- 14.3 Any Application Fee payable under the Scheme shall be due and payable in full on the making of an application.
- 14.4 Subsistence Charges shall apply:-
- to any activity which is being carried out but which although it requires authorisation is currently unauthorised and in respect of which an application for authorisation has been submitted during the year in question; and
  - from 1<sup>st</sup> April, 2014 and each 1 April thereafter regardless of the actual date on which SEPA grants the authorisation for the activity in question or the date from which that authorisation is to take effect, Subsistence Charges shall apply from 1 April in each year.
- 14.5 With the exception of Disposal to Land subsistence charges, which shall be payable in full on 1<sup>st</sup> April in each year, payment of the Subsistence Charge shall be due on 1<sup>st</sup> April and shall be payable in two instalments on 1<sup>st</sup> April and 1<sup>st</sup> October. An authorisation shall be deemed to continue to subsist and accordingly liability to pay the relevant Subsistence Charge will continue to subsist until the surrender of that authorisation has been applied for and accepted by SEPA in accordance with Regulations 27 and 28 of the 2011 Regulations, or until otherwise revoked by SEPA.
- 14.6 It shall be a condition of any authorisation that the fees and charges prescribed in the Scheme in relation to that authorisation are paid in accordance with the Scheme.
- 14.7 With effect from 1<sup>st</sup> April 2015 and on every anniversary thereof, SEPA may increase all charges and fees under the Scheme annually in line with increases in the Office for National Statistics measures of inflation as at 30<sup>th</sup> September in the immediately preceding year. Fees and charges shall be rounded up to the nearest pound sterling.
- 14.8 SEPA may as it considers necessary and after such consultation as it deems reasonable, introduce:-
- such exemptions from the fees and charges set out in the Scheme to make different provisions for different cases, or classes of cases including different provisions in relation to different circumstances or localities; and
  - supplemental, consequential and transitional provisions for the purposes of the Scheme.

**15. DECISIONS**

- 15.1 Where under the Scheme provision is made for anything to be assessed, agreed, determined, certified or otherwise decided by SEPA, such decision may be given on its behalf by the Chief Executive or other nominated officer for the purpose.

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**IN WITNESS WHEREOF** these presents typewritten on this and the twenty three preceding pages are executed for and on behalf of SEPA by Calum Sutherland MacDonald (subscribing his usual signature C MacDonald), Executive Director, at Stirling on the First April, Two Thousand and Fourteen in the presence of Jane Dewar, Personal Assistant.

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