



**Water Environment (Controlled Activities) (Scotland) Regulations
2011**

LICENCE APPLICANT GUIDANCE

**FORM A – RESPONSIBLE PERSON, OTHER
CONTACTS AND SITE DETAILS**

Guidance structure:

FORM A:

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DATA PROTECTION NOTICE

The Data Protection Notice on the front of your application form gives you information about how SEPA may process the information which you supply in your application. SEPA must comply with the Data Protection Act 1998 which specifies how personal information can be collected, stored, processed and disseminated. It also gives persons a right to be informed about the information which organisations hold on them, and how this information has been used.

If you feel that data may have been handled inappropriately, you can contact the Information Commissioner's Office. The Information Officer is an independent official appointed by the Crown to oversee the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environment Information Regulations 2004. More information can be obtained from the Information Commissioner's website at www.informationcommissioner.gov.uk.

SECTION 1: RESPONSIBLE PERSON AND OTHER CONTACTS

1.1.1 Responsible Person

The CAR licensing regime requires the licence holder to nominate a “responsible person” who shall be responsible for securing compliance with the terms of the licence and the conditions specified within it. A ‘responsible person’ may, in legal terms, be a **natural** person (i.e. an individual) or a **legal** person (i.e. a registered company, a corporation established by statute or charter, or a partnership).

Below are more detailed descriptions of legal and natural responsible persons

Legal Person	A legal person is not an individual person, but is an organisation recognised in the eyes of the law as having a distinct personality from the individuals who are its members, directors or partners. If such a legal person is to be the ‘responsible person’, the full name of the legal person, its status in law (e.g. public limited company, partnership), registration number if a company and contact address should be inserted where indicated. An individual, who has authority to bind the organisation by signing legal documents on its behalf, must sign the application on behalf of the organisation. Where the organisation is a company, this will normally be a director or company secretary. In the case of a partnership, this will normally be a partner. Details of the individual's full name and position within the organisation is required to be inserted, and the application form signed by that individual.
Natural Person	If you are a natural responsible person, you, as an individual, will be responsible for securing compliance with the terms and conditions of the licence. You should therefore insert your full name with a contact address. You must sign the application form.

NB Scots law does not recognise clubs, friendly societies, building societies, trade unions and other unincorporated or voluntary associations (such as residents associations) as legal persons, so such bodies cannot be ‘responsible persons’ and will require to nominate a **natural** or **legal** person to be the ‘responsible person’ on its behalf.

A “responsible person” may ultimately be subject to criminal liability if the terms of the licence are breached. If you are unsure of the implications of being the ‘responsible person’, you should obtain legal advice before continuing.

The application form asks you to specify if the responsible person is an individual or corporate body and if so what type. The name should be an individual's name where the responsible person is to be a natural person and the name of a company or organisation if the responsible person is to be a legal person.

The **address** for the Responsible person should be the registered office if this is a company – otherwise an address where the responsible person can be contacted (which may be different from the site address where the “activities” occur).

1.1.2 Anything to Disclose?

Although it is not SEPA's intention to carry out a compliance test in respect of each individual application due to the escalating costs this would involve, SEPA expects that persons applying to take on the responsibility of licence conditions should not do so lightly. Therefore, if you feel, for whatever reason, that you might **not** be able to ensure compliance with any licence conditions, please declare your concerns now. SEPA will make appropriate enquiries if it is felt that licence conditions are not being complied with.

1.1.3 Other Contacts, Billing and Correspondence Addresses

Please specify if the address given for the responsible person is to be used for other purposes by indicating if the responsible person and the address provided in 1.1.1 are the same as the **applicant contact, billing contact, correspondence address and address for serving of notices**. If not, enter these details under 1.2 and/ or 1.3.

Applicant Contact	It will help us to have someone we can contact if there are any queries or issues regarding the application. This person should have the authority to act on your behalf. This could be an agent or operational manager rather than the responsible person or applicant.
Billing Address	If you are applying for a licence then you may be required to pay an annual subsistence charge. Details should be provided of the address you wish invoices to be sent to along with a contact name.
Correspondence Address	This is the address where any correspondence such as official letters and copy of the licence are to be sent.
Address for Serving of Notices	There may be occasions when SEPA must serve notice on the responsible person, and it is important that you detail if there is a specific/different address you wish such notices to be sent, or if you wish the actual licence (once determined) to be issued to an alternative address, e.g. an agent's address.

SECTION 2: ABOUT THE SITE OR SCHEME OF ASSOCIATED ACTIVITIES

2.1 Site Details

Where the site address (i.e. the address from where the controlled activities are carried out) is different to the registered office please provide the full address or location details here

The activities at your site may fall under a Companies House Standard Industry Code (SIC), if so please provide the SIC code number.

2.2 Activities carried out at the site

Please state the number of activities you are applying for under each regime;

- Point Source discharges to land (including soakaways and waste sheep dip or waste pesticide disposal), groundwater or surface waters
- Impoundment of water
- Abstraction of water (including borehole construction)
- Engineering within, or within the vicinity, of freshwaters

This section indicates to SEPA, and to you, the correct additional forms to be completed and submitted with your application.

2.3 Grid Reference

Please supply a 10 character National Grid Reference (NGR) for the site location i.e. a central or key point at the site which is representative of its location (e.g. XY 1234 5678). If the site is large, or extends beyond a single point, please give the NGR for the front gate/entrance.

If in doubt about your NGR you may seek help from your local SEPA office who can check a grid reference with you before you submit an application, but will not generate one for you.

National Grid References should be given in at least a **ten character** format e.g. XY 1234 / 5678. A quick guide is given here, but more detailed guidance is available from the Ordnance Survey at: www.ordnancesurvey.co.uk/oswebsite/getamap/.

GUIDANCE ON HOW TO GIVE A 10 CHARACTER NATIONAL GRID REFERENCE (Use at least a 1:25000 scale OS Map or a 1:10000 if possible):

1. Note the letters identifying the 100 000 metre square in which the point lies. These letters can usually be found in each corner of the map.	NG
2. First quote EASTINGS. Locate first VERTICAL grid line to LEFT of the point and read LARGE figures.	NG 91
3. Subdivide the 1000 metre square into imaginary 10 by 10 squares. Estimate which imaginary square to the RIGHT of the VERTICAL grid line identified in step 2 the point lies in.	NG 914
4. Estimate tenths from the LEFT of the imaginary square to the point.	NG 9142
5. Then quote NORTHINGS. Locate first HORIZONTAL grid line BELOW the point and read LARGE figures.	NG 9142 58
6. Subdivide the 1000 metre square into imaginary 10 by 10 squares. Estimate which imaginary square ABOVE the HORIZONTAL grid line identified in step 5 the point lies in.	NG 9142 582
7. Estimate tenths from the BASE of the imaginary square to the point.	NG 9142 5826

2.4 The Site Plan

Your site plan will vary depending upon the size and scale of the activities involved. Ideally your plan will be **at least** 1:25,000 scale and clearly show the location of the site, and the locations of all the related activities being applied for. This is an overview plan to establish correct activity locations and the nature of the whole site. Detailed plans and designs for specific activities may be asked for in other forms. It is important that any submitted plans are to scale, clear and legible.

2.5 Existing SEPA licenses associated with the site

Your site may currently have an environmental licence issued by SEPA. This could be:

- Other CAR licenses or registrations
- Waste Management licence,
- Pollution Prevention Control permit,
- Air Pollution Control authorisation,
- Integrated Pollution Control Authorisation,
- Control of Pollution Act discharge consent
- Groundwater authorisation

Where such an environmental licence exists for the site, please provide the reference number. This is usually written on the licence document. Continue on a separate sheet if necessary.

2.6 Planning Permissions and Building Warrants

If appropriate please detail any planning permission or building warrant reference numbers associated with the activities. It may be that certain environmental conditions have already been placed on your development that SEPA wish to take into account during the determination of the application.

2.7 Non-Technical Summary

You must provide a non-technical summary of the information submitted in your application. This should cover your answers to all the questions relevant to your application. Where possible, it should follow the same order in which you have answered the other questions on the application form, highlighting the main points in non-technical language that is understandable by the general public as non-specialists. As a guide, a non-technical summary of the following information should be included:

- a description of the controlled activity(ies) being applied for comprising information on siting, design and size;
- a description of the measures envisaged in order to mitigate and, if possible, remedy significant adverse effects on the water environment;
- any data provided to SEPA in order to identify and assess the main effects which the controlled activity(ies) is/are likely to have on the water environment;
- an outline of the main alternatives studied by you and an indication of the main reasons for the choice made, taking into account the environmental effects;

The amount of detail you provide in the Non-Technical summary depends on the complexity of the application. Simple activities will clearly require less detailed information to be submitted. If you are unsure of the level of detail required, please contact your local area office for further advice.

SECTION 3: NATIONAL SECURITY AND COMMERCIAL CONFIDENTIALITY

This section allows you to initiate a claim for information to be protected as **commercially confidential** and asks you to tell us if you have applied to the Scottish Ministers for a direction on **national security**.

3.1 Commercial Confidentiality

You have the right to claim that information contained within or attached to an application is commercially confidential. If you wish to do this you should tick the 'yes' box in response to this question. You should submit an attachment giving precise reasons to justify any such claim. If possible, please submit the information that you consider to be confidential in a way that will allow it to be removed easily. For example, you may submit it on separate pages rather than mixing it with information for which confidentiality is not claimed. You should mark the information 'claimed confidential' where appropriate on the application form or any attachments and ensure it is clearly referenced.

N.B. Please note that an additional application fee is due where a commercial confidentiality request is made. Please refer to Clause 12 of the "Charging Scheme" for the correct fee and ensure that this is included in the total licence application fee submitted.

SEPA will consider whether any such claim is justified. We are required to let you know within 28 days of receipt of the application whether or not we agree that the information is confidential. If we agree, the application will be placed on the register with the confidential information removed. If SEPA does not agree, you may withdraw the application or appeal to the Scottish Ministers. If you do not appeal or withdraw the application within 21 days of our decision on the confidentiality claim, we will place the information on the public register. If you appeal, we will initially place the information for which commercial confidentiality has not been claimed on the public register. The other information will only be placed on the register, if appropriate, once the appeal has been determined.

3.2 National Security

You may consider that your application includes information that needs to be protected for reasons of national security. Any such claim should be submitted for determination by the Scottish Ministers, who will direct SEPA. If you believe there is any information in your application that should be kept from the public register for reasons of national security, please do not write anything on the Application Form that reveals this. Rather, you should provide details on a separate sheet, which is clearly referenced, and attach a copy of the application to the Scottish Ministers for a national security direction.

You should also contact the appropriate SEPA office before submitting the application to ascertain who is authorised to receive such information. You should then submit the full application in a sealed package with the name of the SEPA contact clearly marked upon it. To assist prompt processing, the application form (i.e. not any attachments) should be photocopied and, together with any application fee, should be placed alongside the envelope containing the full application in another package addressed to the relevant SEPA office.

SECTION 4: SIGNATURE AND DECLARATION

Please read the declaration carefully, ensuring that the ‘responsible person’ (or a duly authorised person on behalf of a responsible person) signs and dates the application form. If the application is for transfer of licence, then the current responsible person and proposed transferee must both sign the form, as it is a joint application.

It is an offence under regulation 44(l) of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 to make any statement which that person knows to be false or misleading in a material particular, or recklessly to make a statement which is false or misleading in a material particular, where the statement is made - ii) for the purpose of obtaining an authorisation issued under these Regulations to that or any other person, or the variation, transfer or surrender of an authorisation. If you make a false statement we may prepare a report for the Procurator Fiscal who may prosecute you and if you are convicted, you are liable to a fine or imprisonment (or both).

If you require any additional information or assistance please visit www.sepa.org.uk/water/water_regulation.aspx

SECTION 5: FEES AND CHARGES

When you send SEPA any application, you need to enclose a one-off application fee for processing. The fee should be calculated using the SEPA Charging Scheme which is available at www.sepa.org.uk/water/water_regulation/charging_scheme.aspx. The fees for the controlled activities under different regimes are calculated separately and then combined.

The application cannot be processed unless the application fee is correct. If the appropriate fee is not enclosed the application will be returned to you. Please complete the box provided, specifying the amount you are submitting.

5.1 Fee Calculator

To aid calculation of the application fee, SEPA has developed an online calculator for applicants which can provide a print out summary which should be appended to your application where the calculator has been used. Visit our website or contact your local office for more details.

5.2 Activity Summary & Commercial Confidentiality Request

The box provides a break down of your charge into the separate regime elements. This is to aid processing and ensures the correct fee is submitted. Remember, any associated Registration level activities must also be accounted for here.

Where applicable, please remember to add the correct fee for determining a request for commercial confidentiality (refer to Clause 12 of the “Charging Scheme”).

5.3 Payment Methods

SEPA are now able to receive several payment methods, electronically or otherwise. Please complete the relevant details for the method chosen.

SECTION 6: APPLICATION CHECKLIST

The application checklist is provided for your convenience. Please use it to ensure that you have included everything in your application before sending it to the appropriate office detailed on the front page of the application form.

Notes: Refusal of application

You can assume that your application has been refused if:

- We notify you of a decision to refuse the application. SEPA will notify the applicant of the reasons for refusal; or
- We do not give you a decision within four months of receiving it (or any other deadline you agree to in writing). SEPA will then notify the applicant of the reasons for refusal.

If we refuse your application or impose conditions which you consider unreasonable, you can appeal to the Scottish Ministers under Regulation 50 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011. You must send any such appeal to the Scottish Ministers within 3 months of the refusal date or the issue of the licence.

SECTION 7: WHAT TO DO NEXT – ACTIVITY-SPECIFIC FORMS

The next forms you must complete should relate only to the activities being carried out at your site. Sites with multiple associated activities should ensure that all relevant forms are submitted together within the same application, including any Registration forms. **Only activities associated with your site or scheme of activities can be applied for within the same application.**

The next forms are:

Point Source Discharges –general (excl fish farms)	B
Point Source Discharges – Fish Farms	C
Abstraction of water	D
Impoundment of water	D
Engineering of inland waters	E
Waste Sheep Dip And Waste Pesticide Disposal To Land	F