



Overview

General Comments

Scottish Water notes that SEPA intends to consult separately on proposed changes to application and subsistence charges later in 2024. We recognise that the proposals for some of the authorisation types may require additional assessment by SEPA (e.g. fit and proper person assessment) and any associated costs may need to be recovered through the charging scheme. However, we would expect the transfer of existing authorisations to the proposed new framework of authorisations to be cost neutral to operators. We would welcome a detailed breakdown of existing and proposed charges for each of our authorisations when the charging consultation is published.

Detailed Response

Specific Comments

CATEGORIES OF WASTE MANAGEMENT ACTIVITIES

Transporting Waste

5.3.6 Do you agree these activities should be authorised by Registration?

Scottish Water agrees that a Registration authorisation is appropriate for transporting waste.

It is not clear if a Registration for transporting waste produced by another person would also cover transportation of your own waste. We transport our own waste arising from public water and wastewater assets and also transport wastes arising from private assets such as septic tanks (i.e. produced by others). It is possible that both activities could be carried out by the same vehicles so clarity is required on how this would be authorised. It seems overly complicated to require two separate authorisations.

5.3.7 Do you agree with the proposed names of these new authorisations (i.e., transporting your own waste, and transporting waste produced by another person)?

Scottish Water agrees with the names for the proposed new authorisations. If it is possible to authorise both activities under a single Registration, then the associated name should reflect this wider scope.

5.3.8 Do you agree with an authorisation period of five years when registering to transport your own waste?

Scottish Water is likely to require a Registration for transporting our own waste and for transporting waste produced by others. If these are to remain separate



<p>authorisations, then we would prefer to have the same renewal period for both Registrations.</p>	
5.3.9	<p>Do you agree with an authorisation period of three years when registering to transport waste produced by another person?</p>
<p>Refer to response to Q5.3.8.</p>	
5.3.10	<p>Do you agree that SEPA should apply a level of technical competence assessment to anyone seeking authorisation to transport waste produced by another person?</p>
<p>Scottish Water agrees that transporters of waste should be able to demonstrate some level of technical assessment.</p> <p>More detail is needed on the scope of such an assessment. If it is to be applied to individuals (i.e. drivers), in addition to (or instead of) at an organisational level, then we would note that implementation will need to allow time for development and delivery of a corporate training programme to identify and embed the necessary competencies.</p> <p>We would welcome further discussion in this area.</p>	
5.3.11	<p>Do you have views on possible Standard Conditions?</p>
<p>Scottish Water broadly agrees with the list of likely key elements of the Standard Conditions that is set out in Section 5.3.6 of the consultation document, and we look forward to further, more detailed, consultation later this year.</p>	
5.3.12	<p>Do you have views on whether charities and voluntary organisations should be liable to pay the appropriate charges when registering to transport waste produced by another person?</p>
<p>No</p>	
5.3.13	<p>Do you think anyone operating waste collection services should be required to display their registration authorisation number on any advert for waste services, whether in print or online, including social media?</p>
<p>Scottish Water does not object to displaying our authorisation number(s) on any advert for our waste services.</p>	
<p>Acting as a Broker or Dealer of Waste</p>	
5.4.14	<p>Do you agree these activities should be authorised by Registration?</p>
<p>Scottish Water agrees that acting as a broker or dealer of waste should be authorised by Registration.</p> <p>We seek clarity on whether the definition of 'broker' includes arranging to empty a private septic tank and take the resultant sludge for further treatment and subsequent recovery/recycling. If it does, then we will be both a broker and a transporter of another person's waste and it appears that two separate</p>	



authorisations will be required. As noted in the response to Q5.3.8a, it seems overly complicated to require separate registrations.

We would welcome further discussion to better understand the definition of broker and its applicability to our activities.

5.4.15 Do you agree with an authorisation period of three years when registering as a broker or dealer of waste?

Scottish Water agrees with the proposal to time-limit the authorisation period to three years for this registration. It relates to dealing with another person's waste and aligns with renewal period for a Registration to allow transportation of another person's waste.

5.4.16 Do you agree that SEPA should apply a level of technical competence assessment to anyone seeking authorisation as a broker or dealer of waste?

Scottish Water agrees that brokers and dealers of waste should be able to demonstrate some level of technical competence.

If an operator is both a 'broker' and a 'transporter' of waste, and must hold two separate Registrations, then there could be an element of duplication in having to demonstrate technical competence for both authorisations. If this applies to Scottish Water, then we would welcome further discussion to understand how this can be managed.

Storage & Treatment of Waste

5.5.17 Is Table 2: Type of authorisation for the storage and treatment of waste, clear and understandable?

No

General

Scottish Water notes that many of the activities to be authorised by Registration are '*storage and treatment*'. On our sites, we usually provide temporary storage prior to uplift for onward treatment, use or disposal and it is not clear how '*storage only*' activities will be authorised, particularly those that exceed the thresholds set out in the proposed General Binding Rules (GBRs) for temporary storage of waste.

Several of the activities stipulate specific onward use of the wastes i.e. reuse, recovery, recycling. It is not clear if this relates only to the treatment activities or if it applies to sites that only store wastes. If it is the latter, then it is not clear why onward use after the wastes leave a site should determine the type of authorisation for that site.

Item (f)

Scottish Water would welcome amendment of Item (f) in Table 2 (refer to capitalised text below) to align with the corresponding text set out in Section 5.5.9 of the consultation document:

STORAGE AND TREATMENT OF LESS THAN, OR EQUAL TO, 100,000M³ OF IMPORTED, SPECIFIED WASTE IN A 12-MONTH PERIOD WITHIN THE BOUNDARY OF A WATER TREATMENT WORKS OR A WASTEWATER TREATMENT WORKS (INCLUDING THE SLUDGE TREATMENT FACILITY).



It is important to restrict this Registration to 'imported' waste to ensure that indigenous wastes are not captured in accordance with Regulation 7 of the Controlled Activities Regulations 1992.

We assume that the 'specified' waste will be set out in the Standard Conditions (i.e. wastes arising from the sewerage network and water and wastewater treatment facilities (including septic tanks and portable/chemical toilets)).

Potentially Missing Item in Table 2

Scottish Water has sites with a Paragraph 48 exemption (which is related to storage of waste electronic and electrical equipment (WEEE) pending recovery elsewhere) and Annex 1 shows that a Registration will be required for this activity. However, it does not appear to be covered by any of the registration options listed in Table 2. Clarity is required on whether the activity currently authorised by a Paragraph 48 exemption will require a Registration or if it can be carried out under the proposed GBR 2 (Temporary Storage of Waste at a Place Owned or Occupied by the Producer).

5.5.18 - 30 Do you agree with the type of authorisation proposed for each activity?

No to each type of authorisation listed in Questions 5.5.18 - 5.5.30

Scottish Water notes that some activities can be authorised under a GBR until specified thresholds are reached and then a Registration is required; a Notification authorisation is only available for preparing waste for reuse for its original purpose (excluding WEEE) and we would like to explore possible options for wider use of the intermediary Notification level.

There is a significant difference between the proposed limit for storing solid waste under GBR 2 (50m³) and, for example, the limit for storing segregated non-hazardous waste for recycling under a Registration (500tonnes); other Registrations have even higher thresholds e.g. 20,000t for inert and excavation waste. We would welcome consideration of a staged approach to authorising storage and/or treatment of waste that includes Notifications, especially for non-hazardous wastes.

As an example, we currently have several depots that are authorised to store segregated wastes, such as mixed metals, plastics, wood, soil and stones etc. (i.e. these are effectively mini transfer stations). The wastes are kept in skips, or dedicated bays, until uplifted for treatment/use elsewhere. The total volumes/tonnages could exceed the GBR 2 threshold which means that a Registration would be required. As there are separate Registrations for different waste types, we may require multiple Registrations at the same site and, according to the consultation document, SEPA may then decide to escalate multiple registration-type activities into a Permit. This does not seem appropriate to the level of risk associated with these activities. We would welcome intermediate thresholds and Notification options to align with the low level of risk associated with this type of activity.



With specific reference to the storage and treatment of waste within the boundary of a water or wastewater treatment works, Scottish Water notes that a Registration is proposed. This level of authorisation is likely to require a Fit and Proper Person assessment which is an additional level of regulation compared to the current Paragraph 10 exemption. As the activity is carried out by a very limited number of operators (once the PFI contracts come to an end, we will be the only operator) and is closely monitored for impacts on the wastewater treatment processes, we believe it is very low risk. We agree that a site-specific authorisation is required to maintain control over imports; from an operational perspective it would not be appropriate to operate under a GBR as this could lead to imports at any/all works, many of which would not be able to accommodate additional loads within the treatment process. We would, therefore welcome consideration of a Notification authorisation with a lower threshold e.g. 50,000tonnes/yr, in addition to the proposed Registration with a limit of 100,000tonnes/yr. We recognise that SEPA may want sight of waste data related to this activity and that a Notification may not cover the necessary reporting conditions. We would, therefore, welcome further discussion with SEPA to explore how data can be shared if a Notification is used to authorise this activity.

5.5.19

What maximum size of container do you consider appropriate for the storage of asbestos at Registration level?

Response to additional question at 5.5.19

Scottish Water would suggest that the maximum size of container should be 25-yard skip/container.

Anaerobic Digestion

5.7.34

Is Table 4: Type of authorisation for anaerobic digestion, clear and understandable?

It would be helpful to clearly identify this activity as 'Anaerobic Digestion (waste)' to clearly distinguish between it and the closely associated activity called 'Anaerobic Digestion (non-waste)'.

For Item (a) in Table 4, it states that no authorisation is required for small scale anaerobic digestion (AD) where the waste is treated at the place it was produced. It is not clear if this activity is the same as Item (i) in the list of activities covered by a Low Risk Position in Section 5.1.1. The descriptions are different, but there are similarities i.e. both relate to AD of low volumes of waste at the place of production. If it is duplication, then Item (a) should be removed from Table 4. If it is not duplication, then 'small scale' needs to be defined for Item (a) in Table 4. It is also not clear if a maximum throughput threshold applies or if the activity applies to all waste types.

There appear to be scenarios where it might not be clear if the activity is an Item (a) activity or an Item (b) activity. For example, where kitchen or agricultural waste is produced at the site of the AD plant (e.g. hotel, hospital farm etc.), the digestate is used for fertiliser and the biogas is used to generate electricity then it would appear that either no authorisation is required, or a Registration is needed.

For Item (b), 'biowaste' is not defined in the proposed Environmental Authorisation (Scotland) Regulations (EA(S)R) ('biomass' is defined in Schedule 19, Part 1, Regulation (3)). If this term is to be used, then a definition is required.



For consistency, it would be helpful if Item (b) was amended as follows (capitalised text below) to align with the corresponding text set out in Section 5.7.1 and the activity descriptions set out in Table 39 of the consultation document:

Anaerobic digestion of BIOWASTE WITH A THROUGHPUT OF less than, or equal to, 100 tonnes per day

It is not clear from the supporting text for Item (b) if the Standard Conditions will include quality requirements for the digestate.

For Item (c), Scottish Water notes that a Permit is required for ‘*all other anaerobic digestion*’. There appears to be some inconsistencies in the way the authorisation type has been applied. We would like to understand if the intention is to require a Permit, rather than a Registration, for

- anaerobic digestion of less than, or equal to, 100 tonnes/day biowaste, where the output is not used as a fertiliser and/or the biogas is not used for producing energy. If so, this could limit innovative alternative uses for the outputs from anaerobic digestion.
- anaerobic digestion of less than, or equal to, 100 tonnes/day, where the feedstock is not biowaste. If it does, we would like to understand why the authorisation level is based on waste type, rather than capacity/size of plant.

If it is not the intention to authorise the above activities with a Permit, then it would be helpful if Item (c) in Table 4 was amended as follows (capitalised text below) to align with the corresponding text set out in Section 5.7.2 and the activity descriptions set out in Table 39 of the consultation document:

Anaerobic digestion OF ANY WASTE WITH A THROUGHPUT OF MORE THAN 100 TONNES PER DAY

In Section 5.7.2, it states that where the digestate from an AD plant with a throughput of more than 100tonnes/day does not meet end-of-waste criteria then the final use must be authorised on a case-by-case basis. It is not clear how this aligns with the permit for recovery of waste to land for soil improvement purposes which allows the operator to manage a landbank rather than authorising every application of waste. Also, this statement is not included in Section 5.7.1. Does this mean that another requirement for the Item (b) activity is that the digestate has to achieve end-of-waste?

**5.7.35 –
5.7.36**

Do you agree with the type of authorisation proposed for each activity?

Refer to response to 5.7.34

Recovery of Waste by Application to Land for Soil Improvement

5.8.37

Is Table 5: Type of authorisation for recovery of waste by application to land for the purpose of soil improvement, clear and understandable?

Scottish Water notes that it might be more reflective of risk to limit use of a Registration to a specified area or volume of waste, rather than to a single farm/site (unless controls on area/volume are to be included in the Standard Conditions).



5.8.38 - 5.8.39	Do you agree with the type of authorisation proposed for each activity?
<p>Scottish Water supports the proposal to require a Permit to authorise the use of waste on multiple farms/sites for the purpose of soil improvement. It will allow us to holistically manage our biosolids activities and associated landbank. We hope that it will also provide a more straightforward regulatory pathway for beneficial use of co-treated wastes and would welcome further discussion with SEPA on the conditions that will be included in our Permit to allow this activity. We believe co-treatment will be a key contributor to our Circular Economy and Net Zero ambitions.</p> <p>We would welcome confirmation that the Permit conditions will replicate the current Paragraph 8 guidance for stockpiles at the application site. We would also welcome consideration of conditions allowing temporary storage of biosolids at a different location during contingency situations. For example, scenarios caused by extreme weather events, a pandemic or an unforeseen change in legislation, regulations and/or policy (similar to the Farming Rules for Water situation in England).</p> <p>We note that the Permit will include reporting requirements and would welcome further discussions with SEPA to understand the scope, particularly if there is any intention to require more information than is currently reported in our annual Sludge Register return.</p>	
Recovery of Waste for Construction, Restoration, Reclamation or Improvement of Land	
5.9.40	Is Table 6: Type of authorisation for recovery of waste for construction, restoration, reclamation, or improvement of land clear and understandable?
<p>There appears to be an overlap between the thresholds for the Notification activity and the Registration activity. It is not clear which authorisation applies when 250t, or less, of waste is to be used in a construction project and so it would be helpful to have a lower limit on the Registration activity.</p> <p>All the activities listed in Table 6 are for 'use' of wastes. Clarification is required on whether the authorisations will also cover 'storage' of wastes prior to use.</p> <p>Section 5.9.4 provides additional information on the Registration activity and states that the authorisation covers '<i>activities where waste is imported for use in construction and in the restoration, reclamation or improvement of land</i>'. It is not clear if this authorisation is also intended to cover waste that is generated on a construction site and then used within the same site.</p>	
Additional Question 5.9.40	Waste types will be restricted to those suitable for these types of activities at Registration level. What types of waste do you consider appropriate for use?
<p>Scottish Water would suggest that any waste that can be used to manufacture soils and deliver benefit would be suitable for these types of activities. Consideration should also be given to providing flexibility beyond using EWC codes to define waste types, so that co-treated wastes can be included.</p>	
5.9.41	Do you agree with the type of authorisation proposed for each activity?



<p>Scottish Water welcomes the use of a Notification for the low-risk activity related to use of 250 tonnes, or less, in construction and maintenance projects. We note that there is a time limit of 12 months associated with this authorisation and would like to understand how that will be monitored/assessed given a Notification does not expire. Is the intention to require the authorisation holder to surrender the Notification at the end of the 12-month period?</p>	
<p>Incineration and Co-incineration of Waste</p>	
<p>5.10.46</p>	<p>Is Table 7: Type of authorisation for incineration and co-incineration clear and understandable?</p>
<p>It is not clear why incineration of biomass needs to be authorised. Schedule 22, Paragraph 2 of the proposed EA(S)R appears to exclude the treatment of biomass by incineration or co-incineration.</p>	
<p>5.10.47</p>	<p>Do you agree with the type of authorisation proposed for each activity?</p>
<p>It is not clear why incineration of biomass in an incineration/co-incineration plant with a capacity of 50kg/hr, or less, is to be authorised by a Notification. The proposed amendments to the EA(S)R appear to require a Registration or a Permit for waste treatment activities (Schedule 11, Paragraph 6).</p> <p>Scottish Water would like to understand if there are any opportunities to authorise small scale incineration of waste that is not biomass by either a Notification or a Registration.</p>	
<p>Landfill</p>	
<p>5.11.51</p>	<p>Do you agree with the type of authorisation proposed for each activity?</p>
<p>Yes</p>	
<p>Emerging Activities</p>	
<p>5.12.52</p>	<p>Do you carry out, or are you aware of, any new or emerging waste management activities that SEPA should take into consideration under the new framework?</p>
<p>Under the new framework, the use of recovered waste is limited to soil improvement (Section 5.8) and construction, restoration, reclamation or improvement of land (Section 5.9). Scottish Water believes there may be other outlets/markets for recovered waste in future. For example, resources recovered from water or wastewater processes could be used to enhance wastewater treatment e.g. biochar derived from screenings could be used as an adsorbent or catalyst in the activated sludge process. It is not clear from the current proposals if this type of activity would need to be authorised and, if it does, how it would be authorised. Given that opportunities and technologies are emerging fast for resource recovery and ambition for recovery might increase in the future, Scottish Water would welcome an authorisations framework that is designed with this future in mind.</p>	

Additionally, technologies are continuing to develop. Currently, the waste management categories and technologies are fairly limited e.g. anaerobic digestion, composting etc. The new framework needs to be flexible enough to accommodate these technological changes to waste management activities.

Scottish Water would welcome the consideration of new/emerging activities as lower risk activities, where appropriate, which could be authorised by a Registration, Notification or even a low-risk position, rather than a Permit. In the past, over-regulation of small-scale, site-specific activities has restricted innovation e.g. a self-fuelled cellulose recovery unit at a medium sized WwTW required a PPC permit during a trial, but using diesel to fuel the unit avoided the need for such an onerous authorisation.

5.12.53	Do you carry out, or are you aware of, any other activity that may be appropriately authorised at Notification or Registration level, which would require a Permit under current proposals?
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It is not clear from the current proposals how the following activities would be authorised. Scottish Water believes they are low risk and would welcome their authorisation under Low-Risk Positions and/or Notifications:

- separation of wastes arising from sewer networks into solid and liquid in the collection vehicle and discharge of liquids back into the sewer (similar to the gully waste activity that is to be covered by a Low-Risk Position)
- re-using filter bed material for construction activities (similar to the re-use of Type 1 aggregate that will not be subject to waste management authorisations)
- re-seeding WwTW with imported sludge to 're-start' biological processes. This activity cannot be predicted and happens occasionally, so it does not seem appropriate to obtain the proposed Registration for importing up to 100,000m³/yr at every WwTW to cater for a 'just-in-case' event.
- importing final effluent for treatment at another WwTW. Under certain conditions between March and May, some trickling filter sites can experience an extremely high rate sloughing event, known as 'spring shedding', and this can lead to an exceptionally high load on the humus tanks. If the humus tanks are unable to provide the required level of settlement, then this can cause high suspended solids in the effluent and pose a risk to the receiving water. Scottish Water has several measures in place to prepare for these events and to mitigate the impact to the environment. One of these is to tanker the final effluent off-site to another works that has the hydraulic and biological capacity to treat it (this is generally only an option for filter sites with lower flows). 'Spring shedding' may not happen every year and, if it does happen, it typically has a duration of only a few days. The sites are typically in more rural areas and are often some distance from larger sites that may be authorised to allow importing of sewage-related wastes. As mentioned for the re-seeding activity, it does not seem appropriate to obtain import Registrations across our whole asset base for this type of infrequent low-risk activity.

WATER ACTIVITIES
Sewage Discharges



7.2.54	Is Table 8: Type of authorisation for pollution control, sewage discharges, clear and understandable?
<p>The thresholds set out in Table 8 for new discharges do not align exactly with the descriptive text in Section 7.2.1. Item (a) in Table 8 refers to '<i>less than, or equal to, 10 domestic properties</i>' and '<i>a population equivalent of less than, or equal to, 50</i>'. By comparison, Section 7.2.1 sets lower limits to these thresholds i.e. '<i>4-10 domestic properties</i>' and '<i>15-50 population equivalent</i>'. If the lower limits apply, it is not clear what type of authorisation is required for a new discharge from less than 4 domestic properties or less than 15 population equivalent.</p> <p>For new discharges from small developments, the type of authorisation is dependent on whether the receiving water is a freshwater loch or a phosphate sensitive catchment. This differential does not appear to apply to existing discharges from similar sized developments. Is it the intention that all existing discharges of this size are to be authorised by a Registration, regardless of the receiving water classification?</p>	
7.2.55 – 7.2.62	Do you agree with the type of authorisation proposed for each activity?
<p>Scottish Water broadly agrees with the types of authorisation proposed for each activity. The default authorisation appears to be a Permit (Item (h) in Table 8), and we would welcome consideration of a flexible approach to authorising low risk activities that may allow a lower-level authorisation to be used. For example, it may be more appropriate to authorise nature-based solutions under a Registration, or even a Notification.</p>	
Discharges of Water Run-Off from Surface Water Drainage Systems	
7.5.67	Is Table 10: Type of authorisation for discharges of water run-off from surface water drainage systems, clear and understandable?
Yes	
7.5.68	Do you agree with the type of authorisation proposed for each activity?
Yes	
Discharges of Water Run-Off from Construction Sites, Borrow Pits, Quarries & Waterbound Roads & Tracks	
7.6.69	Is Table 11: Type of authorisation for discharges of water run-off from construction sites, borrow pits, quarries, and waterbound roads and tracks, clear and understandable?
Yes	
7.6.70 – 7.6.71	Do you agree with the type of authorisation proposed for each activity?
Yes	



The Cultivation of Land & Pesticide Storage & Application	
7.9.1a	Is Table 13: Type of authorisation for the cultivation of land and pesticide storage and application, clear and understandable?
Yes	
7.9.1b	Do you agree with the type of authorisation proposed for each activity?
Scottish Water agrees that the application of pesticides should be authorised by either a Registration or Permit.	
Sheep Dipping & The Keeping of Livestock	
7.10.75	Is Table 14: Type of authorisation for sheep dipping and the keeping of livestock, clear and understandable?
Yes	
7.10.76	Do you agree with the type of authorisation proposed for each activity?
Scottish Water agrees that the disposal of sheep dip should remain a permitted activity. Currently, SEPA contacts Scottish Water to establish if the disposal activities will take place in Drinking Water Protected Areas (DWPAs). We would welcome engagement with SEPA to ensure that future processes related to the permit application process will continue to include liaison with Scottish Water to establish DWPA details.	
The Disposal of Disinfectants & Detergents During the Outbreak of a Notifiable Disease	
7.11.77	Is Table 15: Type of authorisation for disposal of disinfectants and detergents during the outbreak of a notifiable disease, clear and understandable?
In the description of this activity in Table 15, Scottish Water would welcome addition of the general conditions that are already applied to a Registration authorising this activity. In particular, we would ask that disposal is not made to land within 250m of any well, spring, borehole used for human consumption or within 10m of a river, burn, ditch or loch or opening into any surface water drainage system.	
7.11.78	Do you agree with the type of authorisation proposed for this activity?
Yes	
Oil Storage	
7.12.79	Is Table 16: Type of authorisation for oil storage, clear and understandable?



Yes	
7.12.80	Do you agree with the type of authorisation proposed for each of these activities?
Yes	
Discharge of Other Effluents	
7.13.81	Is Table 17: Type of authorisation for discharge of other effluents, clear and understandable?
Yes	
7.13.82	Do you agree with the type of authorisation proposed for each of these activities?
<p>Table 17 indicates that all discharges from a water treatment works (WTW) will need to be authorised by a permit. However, Scottish Water notes that there appears to be an exemption from requiring an authorisation (Section 7.1 of the consultation) if discharges are occasional and are compliant with the Water (Scotland) Act and the Water Supply Hygiene (WSH) procedures. We welcome this approach. We also seek clarification that other low risk WTW discharges (e.g. instrument waste discharges to ground at small volumes), that may not comply with WSH procedures (e.g. not dechlorinated), can be authorised by a Registration, or even a Notification, rather than a Permit. This would align with previous positions adopted by SEPA for WTW discharges.</p>	
WATER ACTIVITIES - ABSTRACTIONS	
Abstraction Activities	
8.2.83	Is Table 18: Type of authorisation for abstraction, clear and understandable?
Yes	
8.2.84 – 8.2.90	Do you agree with the type of authorisation proposed for each activity?
Yes	
Construction, Extension or Operation of a Borehole or Well	
8.3.91	Is Table 19: Type of authorisation for construction, extension and/or operation of a borehole or well, clear and understandable?
Yes	
8.3.92 – 8.9.93	Do you agree with the type of authorisation proposed for each activity?



Yes	
WATER ACTIVITIES - IMPOUNDMENTS	
Impoundment Activities	
9.2.2a	Is Table 18: Type of authorisation for impoundment activities, clear and understandable?
Yes	
9.2.2b	Do you agree with the type of authorisation proposed for each activity?
Scottish Water welcomes the use of a Registration, instead of a Licence, to authorise impoundments which are more than 1m high and were built before 01 April 2006. Clarity is required on the transfer/application process to effect this change in authorisation.	
WATER ACTIVITIES - ENGINEERING	
Bank Works	
10.2.100	Is Table 21: Type of authorisation for bank works, clear and understandable?
Yes	
10.2.101 – 10.2.102	Do you agree with the type of authorisation proposed for each activity?
Yes	
Channel Modifications	
10.3.103	Is Table 22: Type of authorisation for channel modification, clear and understandable?
Yes	
10.3.104 – 10.3.107	Do you agree with the type of authorisation proposed for each activity?
Yes. Scottish Water welcomes the introduction of a Registration authorisation for minor watercourse modifications.	
Crossings	
10.4.108	Is Table 23: Type of authorisation for crossings, clear and understandable?
Yes	



10.4.109 – 10.4.111	Do you agree with the type of authorisation proposed for each activity?
Yes	
Instream or In-Loch Structures or the Placement of Boulders	
10.5.112	Is Table 24: Type of authorisation for in-loch structures or the placement of boulders, clear and understandable?
Yes	
10.5.113 – 10.5.115	Do you agree with the type of authorisation proposed for each activity?
Yes	
Sediment Management	
10.6.116	Is Table 25: Type of authorisation for sediment management, clear and understandable?
Yes	
10.6.117 – 10.6.121	Do you agree with the type of authorisation proposed for each activity?
Scottish Water notes that our existing licences for abstraction and impoundment activities include a general condition related to sediment management. Where this activity could be authorised by a Registration under EA(S)R, we seek clarity on how, or if, it would be incorporated into the transfer of the licence to a Permit.	
Other Engineering Activities	
10.7.122	Is Table 26: Type of authorisation for other engineering activities, clear and understandable?
It is not clear from Table 26, or any other table in this section, how emergency engineering activities will be authorised, particularly when conditions set out in the relevant General Binding Rules cannot be met e.g. undertaking emergency work during fish spawning periods. If a Registration or Permit is required, then it may not be possible to apply for, and grant, these authorisations before the work needs to be underway.	
10.7.123	Do you agree with the type of authorisation proposed for each activity?
Refer to response to Q10.7.122	
Engineering Activities in Wetlands	



10.8.124	Is Table 27: Type of authorisation for other engineering activities in wetlands, clear and understandable?
Yes	
10.8.125	Do you agree with the type of authorisation proposed for each activity?
Yes	
Engineering Activities in the Vicinity of Inland Surface Waters or Wetlands	
10.9.126	Is Table 28: Type of authorisation for engineering activities in the vicinity of inland surface waters or wetlands, clear and understandable?
Yes	
10.9.127 – 10.9.129	Do you agree with the type of authorisation proposed for each activity?
Yes	
Engineering Activities Beyond the Vicinity of Any Inland Surface Waters or Wetlands	
10.10.130	Is Table 29: Type of authorisation for engineering activities beyond the vicinity of any inland surface waters or wetlands, clear and understandable?
Yes	
10.10.131	Do you agree with the type of authorisation proposed for each activity?
Yes	
Maintenance, Replacement or Removal of and Existing Engineered Structure	
10.11.132	Is Table 30: Type of authorisation for maintenance, replacement, or removal, of an existing engineered structure, clear and understandable?
No	
<p>In Table 30, the type of authorisation for many of the activities is dependent on the 'type' and 'scale' of the activity. For example, replacement of 50% or more of an existing structure is authorised by a General Binding Rule, Registration or a Permit dependant on the type and scale of the activity, but no information is provided to explain what thresholds apply to each authorisation. More detail is needed on the criteria that will determine the type of authorisation to prevent ambiguity and inconsistency in application and ensure that applications are made in a timely manner.</p>	



10.11.133 – 10.11.136	Do you agree with the type of authorisation proposed for each activity?
Refer to response to Q 10.11.132	
WATER ACTIVITIES – OTHER ACTIVITIES THAT MAY AFFECT THE WATER ENVIRONMENT	
11.137	Do you agree that activities not otherwise specified or covered by another authorisation, that have, or are likely to have, a significant impact on the water environment, require a Permit authorisation?
<p>Scottish Water agrees that a Permit authorisation is required where an activity is not otherwise specified or covered by another authorisation and it can be evidenced the activity will, or is likely to, have a significant adverse impact on the water environment. It is important that any assessment of ‘significant adverse impact’ is transparent and consistently applied.</p> <p>Where there is no evidence of significant impact, it is not clear from the consultation if another authorisation type is available. The default authorisation should not be a Permit unless significant impact, or risk of significant impact, can be demonstrated.</p>	
EXISTING INDUSTRIAL ACTIVITIES	
Other Mineral Activities	
13.4.145	Is Table 34: Type of authorisation for other mineral activities, clear and understandable?
<p>No</p> <p>Item (a) in Table 34 appears to exclude ‘<i>the cutting of stone</i>’ from the crushing activity. Scottish Water would welcome clarity on the definition of this activity. There are occasions when material from disused WwTW filter beds (quarried stone) is processed prior to use in small scale construction activities and we need to understand if a Notification is required, in addition to compliance with the proposed GBR for using crushing equipment.</p> <p>We also note that in Table 3.4 of Annex 2, a Permit is required for the activity detailed in Item (a) when screening is carried out at a place that is not the place of production. The caveat of ‘<i>at the place of production</i>’ needs to be added to Item (a) so that it is clear when a Notification is appropriate and when a Permit is required.</p>	
13.4.146 – 13.4.148	Do you agree with the type of authorisation proposed for these activities?
Refer to response to Q13.4.145	
NEW INDUSTRIAL ACTIVITIES	
Anaerobic Digestion (AD) (Non-Waste)	



14.1.157	Is Table 39: Type of authorisation for anaerobic digestion (AD) (non-waste), clear and understandable?
<p>Scottish Water notes that it is SEPA's intention to regulate anaerobic digestion (AD) consistently and create a level playing field across the sector. It is not clear if the non-waste AD Registration activity set out in Table 39 will have the same requirements as those imposed on the similar waste AD Registration activity set out in Table 4 i.e. digestate is to be used a fertiliser and the biogas is to be burnt to produce energy.</p>	
14.1.158 – 14.1.159	Do you agree with the type of authorisation proposed for each activity?
Yes	
Carbon Capture	
14.2.160	Is Table 40: Type of authorisation for carbon capture, clear and understandable?
<p>Scottish Water notes that the capture of CO₂ for geological storage appears to be included in Paragraph 28(11) of Chapter 6, Part 4, Schedule 20, instead of Paragraph 46(11), as noted in Table 40.</p> <p>Further clarity is required on the scope of the term 'capture'. Table 40 indicates that the activity includes storage and/or utilisation. We would question whether sustainable onward use should be subject to regulatory controls. For example, there may be emerging technologies that are able to utilise captured carbon dioxide from industrial and waste processes for use in food production (greenhouses, ripening, carbonated drinks) i.e. making use of GHG emissions rather than generate CO₂ directly. Imposing regulatory controls for these activities could discourage circular economy development.</p>	
14.2.161 – 14.2.162	Do you agree with the type of authorisation proposed for each activity?
<p>The type of authorisation appears to be determined by the mechanism of separation, with a Permit required when chemical or physical absorption is used. Scottish Water would like clarity on the type of capture activities that this could be applied to. For example, would a permit be required to authorise the use of 'carbon cure' concretes where the curing processes lead to the absorption and long-term capture of CO₂?</p>	
Generators of Electricity Aggregating to 1 Megawatt Thermal (MWth) or More	
14.3.163	Is Table 41: Type of authorisation for generators of electricity aggregating to 1 megawatt thermal (MWth) or more, clear and understandable?
No	
<p>Table 14.1 clearly indicates that a registration is required for generators of electricity aggregating to 1MWth or more. However, in Annex 2, Table 1.1, it shows further thresholds could be applied to this activity i.e. (≥1MW & ≤20MW and >20MW &</p>	



<50MW). In addition, both activities are shown to require a permit. It is, therefore, not clear what type of authorisation applies to this activity.

14.3.164	Do you agree with the type of authorisation proposed for this activity?
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Refer to response to Q14.3.163

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