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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

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

**PART III**

**Applications and Application Procedure**

**Time limits for determining applications**

17.—(1) SEPA must determine an application—

- (a) for an authorisation under regulation 7, within 30 days; and
- (b) for an authorisation under regulation 8 within 4 months,

beginning with the date on which it receives the application; but may determine it within such other period as may be agreed in writing with the applicant.

(2) For the purposes of calculating the periods mentioned in paragraph (1), SEPA must disregard any periods—

- (a) beginning with the date on which it serves notice under regulation 13(2) and ending with the last date by which any written representations must be made under regulation 13(4);
- (b) beginning with the date it requests information under regulation 14(1) and ending with the date it receives the information requested or the date of the expiry of the period specified or agreed under regulation 14(2), whichever is the earlier; and
- (c) in excess of 35 days during which it is prohibited from making a determination by virtue of regulation 16.

(3) The application will be treated as if it were refused at the end of the period provided for in paragraph (1) if—

- (a) SEPA fails to determine the application within the period provided for in paragraph (1); and
- (b) the applicant notifies SEPA in writing that the applicant wishes the failure to be treated as a refusal.