
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 286

The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013

Procedure in relation to a pre-application consultation statement

5.—(1) A prospective applicant for a marine licence who considers that the activity in respect of which a licence may, or is to, be sought which may, or is to, be of a class or description prescribed in regulation 4 may notify the Scottish Ministers requiring a pre-application consultation statement from them.

- (2) A notification requiring a pre-application consultation statement must be accompanied by—
- (a) a plan sufficient to identify the area of the Scottish marine area which is the subject of a prospective application for a marine licence;
 - (b) a description of the nature and the purpose of the licensable marine activity and of its possible effects on the environment; and
 - (c) such further information or representations that the prospective applicant considers relevant.

(3) On receiving a notification under paragraph (1), the Scottish Ministers must, if they consider that they have not been provided with sufficient information to give a pre-application consultation statement, within three weeks of their receipt of the notification give notice to the prospective applicant of the particular points on which they require further information.

(4) When the Scottish Ministers consider that they have been provided with sufficient information in respect of the marine activity referred to in the notification under paragraph (1) they must provide a pre-application consultation statement to the prospective applicant under paragraph (5) or (6) within three weeks of whichever is the later of—

- (a) the date of receipt by them of the notification requiring a pre-application consultation statement; and
- (b) the date by which they have received all the further information required by them under paragraph (3),

or within such longer period as may be agreed by the Scottish Ministers and the prospective applicant.

(5) Where the Scottish Ministers are of the opinion that the marine activity referred to in the notification under paragraph (1) is of a class or description prescribed in regulation 4, then they must provide the prospective applicant with a pre-application consultation statement to that effect giving reasons for their opinion.

(6) Where the Scottish Ministers are of the opinion that the marine activity referred to in the notification under paragraph (1) is not of a class or description prescribed in regulation 4, then they must provide the prospective applicant with a pre-application consultation statement to that effect giving reasons for their opinion.