

To: ENVIRONMENT POLICY BOARD

On: 9 NOVEMBER 2016

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Report by: DIRECTOR OF COMMUNITY RESOURCES

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Heading: SCOTTISH ENVIRONMENT PROTECTION AGENCY (SEPA) ONE  
PLANET PROSPERITY – OUR REGULATORY STRATEGY

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## 1. Summary

- 1.1 On 8 August 2016 the Scottish Environment Protection Agency (SEPA) published their regulatory strategy entitled - *“One Planet Prosperity – Our Regulatory Strategy”*.
- 1.2 SEPA plan to use the powers given to them under the Regulatory Reform (Scotland) Act 2014 to help Scotland be one of the first countries to tackle the challenge of the over-use of the planet’s natural resources.
- 1.3 The regulatory strategy establishes a clear purpose for SEPA which seeks to support and create both social and economic benefits for Scotland by devising and delivering environmental improvements. This is described in the statutory purpose:

*Protect and improve the environment (environmental success) in ways that, as far as possible, create:*

  - *Health and well-being benefits (social success); and*
  - *Sustainable economic growth (economic success).*
- 1.4 This represents a step change from the previous focus purely on environmental issues and reflects the Scottish Government commitment to better regulation which the Council has also adopted through the Integrated

Enforcement Policy agreed at Leadership Board on 14 September 2016.  
Within their regulatory strategy SEPA are committing to six new organisational objectives:

- Producing information and evidence that people use to make decisions.
- Helping people implement successful innovation, not minor improvements on 'business as usual'.
- Helping communities see the environment as an opportunity to create social and economic success.
- Routinely interacting with regulated businesses through their boardrooms, executive teams and owners.
- Being an organisation that people are clamouring to work for.
- Using partnerships as a principal way of delivering outcomes.

- 1.5 Implementation of this strategy should lead to benefits for communities, business and stakeholders including Renfrewshire Council. The principles adopted take on board the five principles of Better Regulation as required by the Scottish Government and align well with the approach to regulation now agreed by the Council.
- 1.6 This strategy represents a change in the approach to regulation by SEPA and local authorities will be required to observe, respond and work with SEPA as they implement their new regulatory strategy. However, the approach being adopted is positive and is one that should be welcomed by elected members.
- 1.7 The strategy is available for download at the SEPA website and is attached as Appendix 1.

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## **2. Recommendations**

It is recommended that the Environment Policy Board:

- 2.1 Notes the publication of the Scottish Environment Protection Agency (SEPA) regulatory strategy entitled - *"One Planet Prosperity – Our Regulatory Strategy"*;
- 2.2 Welcomes the regulatory shift from SEPA from a solely environmental focus to one that also reflects and supports social and economic factors.
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### **3. Background**

- 3.1 SEPA was formed in 1996 to act as Scotland's environmental regulator and flood warning authority with its main role to protect and improve Scotland's environment.
- 3.2 The primary objective behind the creation of the Environmental Protection Agencies (EPAs) around the world (including SEPA) was to reduce gross pollution, especially from industrial premises.
- 3.3 According to the SEPA strategy and ecological footprint measure, Scotland is currently using around three times its share of planetary resources to sustain its current living. SEPA is looking at innovative and powerful ways to tackle this global challenge and reduce Scotland's impact on global resources.
- 3.4 The strategy highlights some of SEPA's successes over the past 20 years including the substantial clean-up of the River Clyde, reductions in industrial pollution and improvements in landfill performance. However, it is clear that there is still a great deal to be done. The strategy outlines a need to shift focus, work in smarter ways and help society to tackle sources of pollution, over-use of natural resources and major environmental challenges such as climate change.
- 3.5 Renfrewshire Council works very closely with SEPA on many issues including waste, new food waste regulations, recycling, closed landfills, contaminated land, fly tipping and non-compliant businesses.
- 3.6 Appendix 1 of the SEPA strategy sets out 12 actions for 2016/17:
  - Development of a Sectoral approach

SEPA will define the sectors and appoint 75% of the sector leads within the next year. In delivering sector plans, they will map existing levels of compliance and focus on the key levers that influence a particular sector.
  - Sustainable Growth Agreements

SEPA will develop clear principles underpinning their approach and will secure Sustainable Growth Agreements (SGAs) with at least 3 businesses. These SGAs will focus on practical actions to improve environmental performance in a way that delivers business success.
  - Integrated Regulatory Framework (Regulatory Reform (Scotland) Act)

SEPA will continue to work in partnership with the Scottish Government in ensuring this strategy and the legislation being developed under the Act allows them to achieve their statutory purpose. This will require consultation on detailed policy principles.

- Reform of permissions

A clear vision for simpler, joined up, outcome based permits will be articulated and SEPA will engage with stakeholders on the approach they are developing. A new permitting service will be set up to drive improvements in relation to the processing of applications.

- Improvements to enforcement

SEPA will implement improvements to their Enforcement Policy, allowing them to take a more proportionate and effective approach. This will also include the phasing of new fixed and variable monetary penalties and enforcement undertakings.

- Tackling non-compliance

Operational effort will be targeted to reduce non-compliance and focus on those who have remained non-compliant for a number of years (or who 'dip in and out' of compliance). SEPA will also use new fixed penalties (where appropriate) as part of two campaigns targeting non-compliance.

- Reform of charging

A new regulatory charging scheme will introduce a more transparent and balanced approach to charging. SEPA will also ensure good communication with charge payers.

- Regulatory Evidence Strategy

A new Regulatory Evidence Strategy will be implemented to support this strategy.

- Staff development

SEPA will place a major focus on staff development giving staff access to world leading external practice and building confidence to deliver new ways of working.

- Communication and engagement

This strategy will be incorporated into SEPA's internal and external communications. This will highlight to the people of Scotland the practical work being undertaken and will help increase understanding, confidence and recognition amongst staff.

- Structure change

There will be small changes to the high level structure within SEPA. This will allow them to strongly deliver their regulatory outcomes and ensure leadership capacity is in place.

- International Innovation Panel

The establishment of an Innovation Panel, made up of international experts, will add to the expertise and experience existing in Scotland. This will broaden thinking and maximise the level of ambition allowing SEPA to deliver as powerfully as possible.

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## Implications of the Report

1. **Financial** – there are no direct costs from this report, however, depending on the shift in focus could lead to future costs for Renfrewshire Council.
2. **HR & Organisational Development** – none
3. **Community Planning**  
  
**Community Care, Health & Well-being** – the businesses regulated by SEPA have an impact on communities and the health and well-being of the residents of Scotland and Renfrewshire. This shift in regulatory focus should assist businesses and communities.  
  
**Greener** – As the national environmental body, SEPA lead on certain environmental issues that will improve the wider greener agenda within Renfrewshire.
4. **Legal** – none
5. **Property/Assets**-none
6. **Information Technology** - none
7. **Equality & Human Rights** - There are no impacts on equality and human rights as part of this paper.
8. **Health & Safety** – none
9. **Procurement** – none
10. **Risk** – none
11. **Privacy Impact** - none

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## List of Background Papers

- a) Appendix 1 - Scottish Environment Protection Agency (SEPA) regulatory strategy - *“One Planet Prosperity – Our Regulatory Strategy”*.

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