**Better Environmental Regulation Newsletter – February 2017**

This is our latest newsletter on the Better Environmental Regulation (BER) programme and provides an update on progress and our future plans.

Our next round of stakeholder meetings kicked off in February with two general events on 27th February and 1st March. Further sector specific events are also being planned. These events will provide an update and enable stakeholders to input to the ongoing development of the different components of the programme.

**Integrated Authorisation Framework**

On 12th January 2017 we published a joint consultation on [proposals for a new integrated authorisation framework](http://www.gov.scot/Publications/2017/01/5439). The consultation explains how we propose to simplify, streamline and integrate the existing environmental authorisation regimes.  Key proposals in the consultation include:

* Integration of the authorisation, procedural and enforcement arrangements for existing regimes relating to water, waste, radioactive substances and pollution prevention and control;
* Standardisation of authorisation tiers across those regimes, with regulated activities authorised at the lowest appropriate level;
* Establishment of simple universal environmental outcomes:
  + to prevent harm;
  + to use resources sustainably; and
  + to prevent incidents and accidents;
* Simplification and standardisation of the process for obtaining, modifying, transferring or surrendering authorisations across the existing regimes;
* A new Fit and Proper Person test across the existing regimes;
* Consistent and flexible processes for enforcement across existing regimes;
* Simpler and standardised processes to enable public participation in decision making;

The integrated authorisation framework will enable SEPA to deliver proportionate, outcome focused regulation that significantly simplifies the regulatory landscape, reduces regulatory burden and supports business innovation.  It will enable SEPA to work in a more integrated way, focusing on the environmental risks that matter the most.

The framework is a cornerstone in delivering better environmental regulation and SEPA’s Regulatory Strategy. SEPA is also developing a new Permitting Service to improve the processing of new applications and drive the practical reforms to permits enabled by the integrated authorisation framework.

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| **Key Dates** | |
| 12th April 2017 | Consultation on integrated authorisation framework closes |

**Enforcement**

Two new enforcement measures for SEPA to use were phased in during 2016: the use of Fixed Monetary Penalties and Enforcement Undertakings. In June 2016 SEPA published its enforcement [policy](http://www.sepa.org.uk/media/219244/enforcement-policy.pdf) and [guidance](http://www.sepa.org.uk/media/219242/enforcement-guidance.pdf) which sets out how these new measures will be used. Further, in September 2016, SEPA consulted on its approach to using new [Variable Monetary Penalties](http://www.sepa.org.uk/media/219694/determining-the-amount-of-a-variable-monetary-penalty-consultation-document.pdf). This consultation is informing SEPA’s approach to implementing use of VMPs.

The measures provide SEPA with a more flexible suite of tools to challenge those who commit environmental offences and bring about improvements in their behaviour so that compliance with environmental legislation is achieved.

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| **Key Dates** | |
| 2017 | Introduction of Variable Monetary Penalties and VMP Undertakings |

**Charging**

The Environmental Regulation (Scotland) Charging Scheme 2016 came into force on 1 April 2016. This introduced a charging scheme which replaced five schemes with a single consistent way of allocating charges across most charge payers. This new scheme enables a more flexible approach in line with SEPA’S Regulatory Strategy, allowing SEPA to target its regulatory activity to where it will deliver the most benefit.

Preparations for the planned review of the Scheme are now underway. This work will deliver the changes outlined in the 2015 consultation and will also take account of feedback that we have received from charge-payers since implementation of the scheme.

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| **Key Dates** | |
| June 2017 | Consultation on planned revisions to the charging scheme for 2018 |
| April 2018 | Revised scheme planned to come into force |

**Compliance Assessment Scheme (CAS)**

In November 2015 SEPA consulted on plans to revise its CAS. The planned revisions aim to make the scheme simpler and more proportionate by ensuring that the scheme is more closely aligned with environmental risks.

Compliance with regulatory obligations is the minimum expected from every operator who holds an environmental authorisation issued by SEPA. The new scheme will allow SEPA to target its efforts on those that are non-compliant whilst continuing to engage, encourage and support those businesses that meet their environmental obligations.

In the first half of 2017, SEPA will publish its proposals for revised CAS and on the new CAS manual. This will provide operators with an opportunity to comment on the detail of the new scheme.

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| **Key Dates** | |
| February 2017 | SEPA published an [analysis of consultation responses](http://www.sepa.org.uk/media/219792/revision-the-sepa-compliance-assessment-scheme-summary-of-responses.pdf) and its response |
| June 2017 | Consultation on the revised CAS manual |
| 1 April 2018 | Earliest introduction of the compliance element of the charging scheme |

**SEPA’s Regulatory Strategy**

In August 2016, SEPA published its regulatory strategy [*One Planet Prosperity*](http://www.sepa.org.uk/media/219427/one-planet-prosperity-our-regulatory-strategy.pdf). *One Planet Prosperity* is a landmark document for SEPA’s future work.  It sets out a vision for its approach to regulation in the future, which will go from being grounded in different regulatory regimes to be grounded in working across whole sectors.

The vision is simple but powerful:

(1) to get all of those that SEPA regulates to meet their legal obligations quickly, easily and cost effectively; and

(2) to help as many regulated entities as possible to move “beyond compliance”.

The Regulatory Strategy will enable SEPA to deliver, as powerfully as possible, its statutory purpose under the Regulatory Reform (Scotland) Act 2014. This statutory purpose is to protect and improve the environment (environmental success) in ways that, as far as possible, create health and well-being benefits for the people of Scotland (social success) and sustainable economic growth (economic success).

A key initiative is a strong focus on sector engagement. SEPA has established a new Sector Unit that will spearhead its work to develop sector plans that focus on practical ways of delivering environmental, social and economic success.  These sector plans are being developed in partnership and SEPA is involving stakeholders as each plan is developed. They will provide the basis for systematically tackling the key issues being faced in the sector and for enabling the most promising “beyond compliance” opportunities to become a reality.

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| **Key Dates** | |
| April 2017 | First Sustainable Growth Agreements in place |
| March 2018 | First four Sector plans agreed and in place |

**Regulatory Evidence Strategy**

SEPA has developed a [new approach](http://www.sepa.org.uk/media/163322/sepas_regulatory_evidence_strategy.pdf) to collecting information on the activities that it regulates. This approach provides greater consistency and improves information available for making decisions. It also ensures that operators take more responsibility for monitoring compliance with their licence conditions. SEPA is developing this approach on a sectoral basis which will involve discussions with affected operators.

**Contacts**

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