



**Agency Board Meeting  
29 April 2014**

**Board Report Number: SEPA 10/14**

**Chief Executive's Report**

<b>Summary:</b>	This paper highlights areas of environmental achievement and concern, enforcement action, and major partnership activities, as well as business related issues in respect of corporate performance and activity, since the Board meeting on 11 February 2014.
<b>Risks:</b>	N/A
<b>Financial Implications:</b>	N/A
<b>Staffing Implications:</b>	N/A
<b>Environmental and Carbon Impact:</b>	N/A
<b>Purpose of the report:</b>	For information
<b>Report Author:</b>	James Curran, Chief Executive Margaret McLean, Personal Assistant
<b>Appendices:</b>	None

## Chief Executive's Report

### **INTRODUCTION**

It is often said that 85% of environmental legislation in the UK originates in Europe. One very notable exception, of course, is the recently agreed Regulatory Reform (Scotland) Act which is very much home-grown. But it remains the case, and for very good reasons, that Europe has a profound influence on our corpus of environmental regulation. So it's not at all surprising that SEPA puts some effort into creating and maintaining appropriate links and influence across Europe.

We strive to be a "world class regulator" and one test of our success is the judgement of our European fellow agencies. As recently as at last year's Royal Highland Show, the EC Environment Commissioner Janez Potočnik, singled out Scotland for recognition as an example of best practice in our innovative approach to tackling diffuse agricultural pollution.

But there are other issues on which we think we're pioneering and would like to test our methods against European standards, to spread good practice to others, and conversely of course to learn from successes elsewhere.

I always make the effort to attend the Network of European Environment Protection Agencies (EPA Network) – actually an institution which was originally proposed by SEPA and of which we're a founder member. At recent EPA Network plenary sessions we've been the prime mover for action on citizen science, environmental liabilities, and ecosystem services. The result was that I chaired a workshop, hosted in Oslo by the Norwegian EPA, on potential European solutions to legacy problems such as created by the insolvency of Scottish Coal. Ten countries attended, along with a video link to three policy-makers in the European Commission. A set of recommendations was agreed and a short report submitted to the Commission. More recently I co-chaired another workshop, hosted by the European Environment Agency (EEA) in Copenhagen, on the use of citizen science in policy and regulation. Again ten countries attended and a proposal will be made to the next EPA Network plenary to take forward two or three specific Europe-wide initiatives on air quality, marine litter and possibly Riverfly. On ecosystem services we've been instrumental in creating an active joint interest group with the network of European Nature Conservation Agencies (ENCA) to take forward the operationalising of the ecosystem services and the natural capital concepts.

EPA has a number of other interest groups but we're careful to focus our resources on specific and relevant issues – for example, on carbon capture and storage, but not on noise.

Another key European group, on which SEPA is represented at board level, is the network for the implementation and enforcement of environmental law (known as IMPEL) which is formally supported by the Commission itself. SEPA co-chairs the IMPEL cluster on permitting, inspection and enforcement which seeks to ensure that European environmental legislation is practicable, enforceable and explores complementary approaches. IMPEL works to harmonise regulatory activities across Europe and, regularly undertakes cross-border peer reviews: for example, SEPA staff have been involved in several of these, including Iceland in 2012. SEPA was itself reviewed back in 2007 and we subsequently introduced refresher training to ensure staff maintain competency. SEPA had over 40 internal training courses on regulatory activities but, at that time, offered no specific refresher training.

Of course our interactions with Europe extend further. Although we have no seconded staff at present we have, over recent years, had individuals seconded into the EEA or into the Commission itself working either on data reporting or on policy development related to regulation. In addition we receive considerable inside intelligence and advice on developing European policies through our membership of Scotland Europa – another key source for our well-developed horizon-scanning service.

To summarise, we focus our limited resources on European engagement specifically in three target areas:

- Tracking/influencing EU legislation and policies, playing a leading role in shaping developments to the benefit of Scotland (e.g. securing commitment to environmental targets and improvements)
- Raising Scotland's profile in Europe and internationally
- Bilateral; work with European and international partners, e.g. sharing good practice to secure skills/information that could be applied back in Scotland; and/or humanitarian, e.g. technical support to other countries.

We believe our activities form part of SEPA's response to the Scottish Government's Action Plan on European Engagement - which identifies certain priorities for the Government and encourages wider participation in Europe in a co-ordinated manner.

Of course we also participate in international conferences, host international delegations, and engage, when resources permit, in EU-funded programmes where SEPA can lend its expertise and raise both Scotland's and its own profile, e.g. through the European Commission's Technical Assistance Information Exchange (TAIEX) and Twinning initiatives.

Also within the "International engagement" section of this report, mention is made of an EU funding event that took place in Battleby on 16 April. This was a Scottish information day on EU funding for the environment 2014-2020 covering the LIFE programme for environment and climate action; territorial cooperation (Interreg); Horizon 2020 funding for research and innovation; European Structural and Investment Funds (ESIF) in Scotland; and the Scottish Rural Development Programme (SRDP). I'm grateful to Scotland Europa for leading on the organisation of this event, hosted by SNH, and assisted by SEPA and Scottish Government.

I'm keen that SEPA explores with partners the different European funding streams available to us to access or influence – our experience in using LIFE+ funding to support the development of SEWeb has been very positive. SEPA's own External Engagement Unit has been assessing with partners in Government, Scotland Europa, and SNH where the strongest opportunities lie for Scotland in the new LIFE programme in relation to the Environment and Rural Affairs portfolio. SEPA also submitted responses in recent months to the Scottish Government consultations on the new ESIF Programmes and the SRDP. We strongly support the investment priorities identified in the programme and see a firm link with our work. We most certainly welcome the recognition given to sustainable development as a horizontal theme, and also the reference made to the SNH-led work last year on mainstreaming environmental sustainability into EU funds, which SEPA contributed to. It's important that environmental sustainability principles are firmly built into all levels of the delivery processes and I emphasised this point through my own participation in the Scottish Government led shadow Strategic Delivery Partnership (SDP) on Environment, Low Carbon and Resource Efficiency that examined draft proposals for potential projects for 2014-2020. We'll continue to support the lead organisations in developing the details on the proposals, as appropriate to SEPA's role and responsibilities.

In my last two Board reports I have commented on SEPA's commitment to partnership working and sustainability. I counted up that 29 out of 37 stories in the first quarter relied on partnership, while 24 out of 38 of the stories in the second quarter involved sustainability. So – what about European connectivity? Well it's difficult because so much of what we do is intrinsically linked back through European directives. But my estimate is that 34 out of 63 stories that follow have a European context.

No surprise then that SEPA puts some effort into our European engagement.....

## 1. The Environment

### 1.1 Launch of Our Climate Challenge

*Our climate challenge* was published on SEPA's web site<sup>[1]</sup> on 3 March 2014, at the start of the UK Climate Week and had a positive reception.

Our climate challenge seeks to provide an appropriate response to the challenge proposed by climate change, assisting the delivery of Scotland's world-leading legislation and building on the achievement of our first plan (2008-2012). This plan is based on the agency's vision on climate change and organises efforts around four strategic themes. These are:

- Acting as a key climate change leader and adviser.
- Helping Scotland to adapt.
- Working with Scottish business.
- Being an exemplar and educator.

The plan is ambitious and outward facing, contributing to wider Scottish efforts on climate change. It aims to build on the agency's unique position as an adviser to government. It adds value to our scientific knowledge and expertise – and our function as a regulator. It also recognises the need to improve our own performance and set an example for others. Lastly the plan acknowledges the importance of working with partners.

The launch of *Our climate challenge* was supported by a press release and a more in-depth article in SEPAView. This is still available online<sup>[2]</sup>.

I recorded a series of short video to explain the new plan and these were released as Twitter feeds over Climate Week.

There was positive feedback to the plan. Several agency board members were kind enough to make positive comments. On behalf of Scottish Government, Environment and Climate Change Minister Paul Wheelhouse said:

*"I welcome SEPA's 'Our Climate Challenge' report which sets out their actions along with partners, to help Scotland respond to the challenges of climate change mitigation and adaptation. Coinciding with Climate Week, its publication is all the more timely, given the discussions I'm taking part in at the Environment Council in Brussels today, contributing to international efforts to tackle Europe's climate change challenges and to address possibly the greatest challenge facing the global community."*

Further internal and external promotional work has already been undertaken or is planned for the coming months. For example, on 2<sup>nd</sup> April the plan was presented at the Sustainable Scotland Network's (SSN) quarterly meeting. A communications plan, to develop further support for the plan, is under development. This will aim to secure further awareness and buy-in over 2014-15.

### 1.2 Air Quality - Funding

On 12 March there was a Parliamentary Debate on air quality. The Minister for Environment and Climate Change emphasised the importance of this environmental issue and emphasised that Government was working with Transport Scotland, Local Authorities and SEPA to address these. He also announced that Ministers had recently provided SEPA with £200,000 to fund the work of the Scottish Urban Air Quality Steering Group. This funding will be used to help fund the Steering Group's work on:

<sup>[1]</sup> *Our climate challenge* can be viewed on our website at <http://sepa.org.uk/idoc.ashx?docid=cef91af3-f9bd-4205-9bcc-492e09e9d120&version=-1>

<sup>[2]</sup> SEPAView article on *Our climate challenge* is available at <http://www.sepaview.com/2014/03/our-climate-challenge/>

- promoting the work by successful European cities in addressing air pollution;
- developing citizen science initiative;
- developing our understanding of the links between air quality and health; and
- developing SEPA's air quality modelling capacity.

### 1.3 Air Pollution, Citizen Science and Innovative Technology

SEPA is currently evaluating a number of "Air Quality Eggs" for the low-cost monitoring of air pollution, with a view to using these in future citizen science work as part of a wider community programme. A "sensor egg" is used to measure temperature, humidity, carbon monoxide, nitrogen dioxide, particulate matter and ozone. These data are transmitted to a "base-station egg" which then relays the data to an air quality website (<http://airqualityegg.com/>). SEPA has been testing these sensors in the laboratory and preliminary results are encouraging (there is some inter-sensor agreement). We now plan to extend this trial to the field and to deploy these sensors at some SEPA offices and at the homes of some staff volunteers. Subject to the results of this evaluation, SEPA aims to use these sensors to promote public awareness and understanding of air pollution and the lifestyle changes that are needed to tackle it. We are working with Professor D K Arvind (Chair in Distributed Wireless Computation Director, Centre for Speckled Computing School of Informatics) at Edinburgh University in developing this further.

### 1.4 Reservoir Inundation Mapping and Risk Designation

SEPA has recently completed the production of reservoir inundation maps for all reservoirs covered under the existing reservoir safety legislation. The Scottish Government provided funding of £1.5m for this work that was undertaken throughout 2012/13 and 2013/14. The work entailed SEPA developing and trialling methodologies, and placing contracts (with requisite security requirements) for the production of 750 sets of reservoir inundation maps for the 660 reservoirs covered under the legislation. Maps were produced for every dam associated with a reservoir showing outline inundation areas as well as depths, velocities and hazard ratings and as some reservoirs had multiple dams or dams requiring multiple runs, this resulted in the high number of maps. The production of these maps has enabled SEPA to assign a risk designation to all reservoirs, as required by the Reservoirs (Scotland) Act 2011, which SEPA will start to regulate in the next couple of years. We will soon start to engage with some reservoir managers and provide them with the initial risk designation assigned to their reservoirs.

### 1.5 Phase 1 of the pilot catchment project has been completed – (RBMP - River Basin Management Plan)

Phase 1 of the Scottish Government funded pilot catchment project completed in early 2014.

Non technical project summaries as well as full reports have been published on SEPA's website: [http://www.sepa.org.uk/water/river\\_basin\\_planning/implementing\\_rbmp/pilot\\_catchment\\_project.aspx](http://www.sepa.org.uk/water/river_basin_planning/implementing_rbmp/pilot_catchment_project.aspx).

Working with local landowners and land managers on a voluntary basis is critical to project success and we are now undertaking 1:1 discussions in all four catchments to see if there is interest in pursuing restoration. At present we currently have four sites (one from each catchment) going through a formal options appraisal and outline design process, and a further tranche of sites expected to enter this project phase in 2014/15.

### 1.6 Quality & Standards (Q and S) programme

SEPA has now signed off the last of the outstanding projects in the Q&S2 and Q&S3a completion programmes. These programmes were due to be completed in 2006/2010 respectively, however Scottish Water experienced significant delays in delivering a small number of projects due to planning, third party and complex technical issues.

SEPA continues to work closely with Scottish Water on the current programme (Q&S3b) which contains significant investment in Glasgow's wastewater network to improve water quality in the Clyde's tributaries.

## 2. Enforcement Action

### 2.1.1 Stud Recycling, North Lanarkshire

STUD Recycling Ltd (Joe Cahill) were fined £12,000 and Joe Cahill given a 6 month custodial sentence for offences contrary to Section 33 of the Environmental Protection Act 1990, namely the deposit, keeping and treating of controlled waste (approx. 30000 – 40000 tyres, waste mattresses, chemical drums and other waste types) at Easter Dunsyston Farm between 14 February 2012 and 14 August 2012.

### 2.1.2 Operation Rogue, Lanarkshire

SEPA (North Lanarkshire and South Lanarkshire Operations Teams) took part in a joint operation on 4 April 2014 known as Operation Rogue. SEPA identified waste carrier offences and advised on waste legislation throughout the day. Other agencies involved included the Benefits Agency, HMRC and Trading Standards.

### 2.1.3 Clann Waste Management Ltd, Lyon Road, Linwood

The above site is an unlicensed waste transfer station holding in excess of 100,000 waste tyres in the form of loose tyres and tyre bales. This site is politically as well as environmentally sensitive as it is on the flight path of Glasgow Airport and has been assessed as a potential fire risk ahead of the coming Commonwealth Games which has resulted in the site being of concern to the Scottish Government. The management of the company changed in late 2013 and a revised proposal to operate the business was made in December 2013 whereby the site would operate but would remove more tyres than it took in over a 20 week period to reduce the number on site to acceptable levels whilst making a new WML application. As a result the compliance date on the S59 Notice served has been extended to 31 May 2014. However by the end of March only 17,000 tyres had been removed as compared to the 47,000 stated in the Company's rescue plan and a failure to submit a new WML application. The company have been advised to submit a revised Rescue Plan and to look into permanent/temporary storage elsewhere.

### 2.1.4 Scottish Water WTW Aluminium Sludge Legacy

The HaCH team had previously commented on an action plan by Scottish Water to resolve an historic aluminium sludge storage problem at a closed water treatment works near Inverness as part of its Q&S initiative to resolve this issue. The team, at that time, were not satisfied that there was a clear and credible plan of action to manage and control this deposit and furthermore were concerned about plans SW had to create a treatment 'hub' at the site as the team considered the local environment would be unlikely to be able to 'cope' with the intended effluent discharge. Despite this, the HaCH team has been given sight of a recent update from Scottish Water that appears to contradict the local team's understanding of the current situation. Concerns have been raised internally that the proposed solution is not likely to be acceptable at the local scale and should therefore be re-considered.

### 2.1.5 Statutory Appeals lodged/concluded between the date of preparation of the last Chief Executive's Report to the Board and 31 March 2014

An Appeal by Caledonian Industrial Limited against SEPA's modifications to their waste management licence (WML/E/20179) imposing additional and amended conditions was decided on 29 January 2014. The Reporter upheld the appeal in part only and directed SEPA to remove condition 5.2.1 (which related to dust outside the site boundary) all other additional and amended conditions remain valid as conditions of the waste management licence.

Meridean Salmon Farms Limited lodged an appeal with the Scottish Ministers on 14 March 2014 in relation to a SEPA initiated variation notice varying the conditions of a CAR licence at West Scargun Shoall Marine Cage Fish Farm (also known as Quanterness), Wide Firth, Orkney.

#### 2.1.6 Criminal sentences imposed between the preparation of the last Chief Executive's Report to the Board and 31 March 2014

On 11 February 2014 at Stirling Sheriff Court, Scotbeef Limited was fined £26,250 for failure to comply with its environmental permit and failure to comply with an enforcement notice. The company pled guilty to (1) failing to store manure, slurry, bedding and paunch contents within the manure storage area (also known as the dung midden) as per its permit conditions and (2) failing to comply with an enforcement notice requiring the removal of the same material to this storage area. SEPA's investigation took place in early 2013 following receipt of a complaint from a member of the public.

On 4 March 2014 at Airdrie Sheriff Court, Joseph Cahill was sentenced to 6 months imprisonment and STUD Recycling Ltd was fined £12,000. Mr Cahill and the company pled guilty on 25 October 2013 to depositing, keeping and treating controlled waste, including waste vehicle tyres, mattresses, metal drums and fuel tanks, on a leased site at Easter Dunsyston Farm, Airdrie.

#### 2.1.7 Appeals against conviction or sentence

At the appeal court on 25 February 2014, their lordships refused the appeals by Doonin Plant Limited against their conviction and sentence and Gary Doonin's appeal against his conviction after the trial against the company and Mr Doonin in September 2012. Mr Doonin's sentencing has been deferred until 18 September 2014.

## 2. **PPC/COMAH**

#### 2.2.1 Norbord Inverness – OSB Mill expansion

Norbord Europe announced that it is planning to undertake a significant investment of some £150 million in upgrading its Inverness Orientated Strand Board (OSB) mill near Inverness. The investment secures the future of the Inverness site for the next 25 years and will generate significant number of jobs in the forestry sector. The proposal will result in the site's capacity being doubled to meet projected demand for its products. The plant will be subject to an environmental impact assessment to obtain planning consent and some substantial changes to the site's current PPC permit.

#### 2.2.2 Total - Shetland Gas Plant

TSU North are in the final stages of drafting and issuing a permit for the new Shetland Gas Terminal Operated by Total although the first gas to be received by the plant has now been pushed back to September 2014 rather than Total's original plan of June 2014.

#### 2.2.3 BP Sullom Voe Oil Terminal

BP Sullom Voe Terminal is currently undertaking a number of extensive site development projects to "future proof" the site. The contract for the operation and management of the BP owned Power Station on the terminal site has now been awarded to Colfley. Colfley is a GDF SUEZ company and claims to be the Europe leader in energy and environmental efficiency services, designing and implementing solutions to help businesses and public authorities make better use of energy, whilst reducing environmental impacts. Colfley replaces Fortum O&M who previously operated the power station under contract for the last 4 years. It is hoped that significant improvements to the efficiency of the power-station will be made under the combined management of BP and Colfley.

#### 2.2.4 Resource Efficiency (& GHG Harms) Project

Work has begun to develop SEPA internal (and external) guidance on conducting systematic assessments for resource efficiency/waste minimisation. Representatives from each of the regional

TSU teams are supporting the TSU North Manager, Rebecca Walker and Anne Marsden to develop spill guidance to facilitate a consistent approach to undertaking and collecting PPC resource efficiency data. This project will tie into the work undertaken by consultants Ricardo AEA and John Burns to develop a mass balance spreadsheet for GHG reductions achieved at PPC sites. Five case studies to demonstrate the benefits of resource efficiency have been written up and have been approved by the respective sites to be included in the guidance.

#### 2.2.5 Scotbeef, Bridge of Allan, Stirlingshire

On 11 February 2014, the owners of Scotland's largest Abattoir, Bridge of Allan based Scotbeef, a subsidiary of fourth-generation family-owned parent company, J W Galloway Limited, pleaded guilty to two charges of breaching pollution control regulations. Sheriff Mark Thorley fined Scotbeef £26,250 for what he called "a significant breach".

#### 2.2.6 Glendevon Water Treatment Works

On 20 January 2014 Scottish Water was fined £10,000 at Alloa Sheriff Court for two pollution incidents in 2011 in Clackmannanshire that, between them, resulted in the pollution of the River Devon (spillage of Sulphuric Acid in July 2011) and the Goudnie Burn (discharge of untreated effluent in August 2011). The company pled guilty to two offences under Regulation 44 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011.

#### 2.2.7 Smith Skip Ltd, Knowes Farm Landfill, Beith

Smith Skip Ltd holds a PPC Part A landfill permit for their site at Knowes Farm which is on the northwest side of Beith. Daily operation of landfill activities is subcontracted to W H Malcolm Ltd.

SEPA has received over 400 odour complaints from residents living within close proximity of the Permitted Installation since the beginning of January 2014 to the end of March 2014, numbers escalating to include 177 complaints in February 2014.

A programme of remedial works have proved ineffective and SEPA have partially suspended the operator's permit to prevent acceptance of waste until all issues are resolved.

#### 2.2.8 Scotgen (Dumfries) Ltd, Dargavel Energy From Waste Facility, Dumfries

Scotgen Ltd were served a revocation notice on 23 August 2013, and appealed the decision, subsequently entered administration on 17 October 2013 and the appointed Administrators decided to continue with the appeal process. A newly formed company Rank Recycling Scotland Ltd (RRS) purchased Scotgen's assets (but not the PPC Permit or waste remaining on site) on the day Scotgen went in to administration. An application was subsequently made to transfer ownership of the PPC Permit from Scotgen to RRS – this application was refused on 30 January 2014.

On 5 February 2014 Scotgen's administrators withdrew their appeal and the revocation notice finally took effect. The site is currently occupied by RRS (who have been removing waste for several months); at this point all the potentially odorous solid non-hazardous waste ~800T has been removed and a start has been made on removing both solid and liquid hazardous waste to suitable disposal sites.

RRS have indicated they intend to apply for a new permit to modify, re-commission and operate the waste incineration plant at Dargavel Stores, Dumfries. To date there has been no Application for a new permit at this site, nor an indication as to when one would be likely.

#### 2.2.9 Scottish Leather Group Ltd – Tanning Industry

On receiving a request from Jonathon Muirhead, the Chairman of Scottish Leather Group Ltd, SEPA is undertaking a review of the regulation of the leather industry sites in Scotland. The Group are concerned that English tanneries and others within the EU are not regulated, as for example NCT Leather Ltd in Bridge of Weir, Renfrewshire are (a company in the group), under Part A of IPPC

which in the Group's view puts their companies at a competitive disadvantage in comparison with competitors within the EU. Therefore SEPA is taking the opportunity to review the sector as part of the implementation of the PPC 2012 Regulations. Evidence has been received from the Group on its behalf, from within SEPA, and the various legislative and guidance documents concerning the tanning and leather sector. This internal review is expected to be completed in April 2014 and will be reported back to the Group's Chairman.

## 2.3 Contaminated Land Part IIA

### 2.3.1 Special Site: Pelikan Hardcopy Ltd, Turriff, Aberdeenshire

TSU North contaminated land specialist is continuing to work with Pelikan regarding Trichloroethylene contamination at this site (i.e. chlorinated solvents at elevated levels in down gradient boreholes in weathered sandstone and sandstone bedrock, in reach of the site boundary). SEPA still considers there to be significant pollution at the assessment point following SEPA guidance. Pelikan outlined that while the site is still operational and productive, all non-operational expenditure was closely scrutinised and that markets are currently difficult and Head office support is required.

Pelikan Ltd are to develop an Options Appraisal, to be worked up with ERS, on feasibility of technical remedial treatments.

### 2.3.2 Potentially Radioactively Contaminated Land, Nairn

Further dialogue was held with Highland Council, in conjunction with Nina Patton of RS Unit, on the proposal being progressed to adequately assess the former Kingsteps Quarry in Nairn, which is anecdotally reported as possibly having accepted aircraft wastes, the implication of which being the presence of luminous dials.

## 2.4 Water

### 2.4.1 Water Supply Concerns, Orkney

Scottish Water has raised concerns about the quality of the raw water supply to a number of its treatment works served by lochs in Orkney, particularly as regards the presence of filamentous algae. SEPA staff from Northern Isles team attended a joint meeting with SW to which farmers were invited and this was well attended. SEPA is working with SW to help to resolve issues relating to pollution from farms, both direct and diffuse, that may be contributing to the trophic status of the lochs concerned.

Orkney Islands Council Environmental Health Department have raised concerns about the possible implications for public water supply should it prove necessary to close down any of the water treatment plants in the event that a serious filamentous algal issue arises.

### 2.4.2 Tar Balls, Moray Firth

On 24 February the North Highland operations team received a report from the RSPB Office in Golspie, that oil balls were present on the shoreline. These were described as waxy fist sized balls and were located in the strand line. Receiving Officer (RO) recalling similar incidents 2-3 years ago, contacted DECC to enquire whether if there were reports of any incidents from off shore facilities. DECC contacted MCA and offshore facility. RO also contacted SNH, Highland Council and Marine Scotland. The report resulted in a high level of interest from Scottish Government and Resilience departments across several organisations. The operators of the nearest offshore facility and on shore process facility voluntarily commenced a clear up of the affected areas, North Highland Operations advised on this as necessary, recommending that high access areas were targeted first. The incident demonstrated good communications across several organisations and cooperation with the regulated operator.

### 2.4.3 Flood Alleviation, Inverness

The HaCH team continue to liaise with the Highland Council over their Smithton & Culloden Flood Alleviation Scheme. The team has received a number of householder enquiries about engineering works in the burn at a location upstream of the Council funded flood alleviation works. The team is looking to see if it can assist the householders apply for a 'Catchment License' to cover works in this stretch and are working with the Council Flood Team to see if they would be willing to provide technical support for these householders.

### 2.4.4 Muir Dean Opencast Coal Site (OCCS), Crossgates, Fife

Four CAR authorisations are now ready to be issued after consultation with the new site operators, the Hargreaves Group. The Monitoring and Mitigation Plan has been linked to both the CAR abstraction licence conditions and the Positive Enforcement Notice issued by Fife Council, providing two levels of control over the water environment in and around the site. This is in the final draft stages, with technical support provided by SEPA Hydrogeology. It includes trigger levels for groundwater to act as an early warning system for any potential environmental impacts from operations on site. The Coal Authority has also agreed with Hargreaves the design of the lagoon treatment system which should be installed over the summer. The first meeting of the Muir Dean Technical Review Panel should take place in the next month, comprising SEPA OPS and Science, Fife Council, Hargreaves and The Coal Authority.

## 2.5 Air Quality and Energy

### 2.5.1 Environmental Protection Scotland (EPS) 'Fracking' event

Emma Taylor presented at EPS's event on the Science and Regulation behind fracking on 24 March in Edinburgh. The presentation provided information about unconventional gas operations in Scotland and how SEPA works with others to regulate them. The event was well attended mainly by local authorities and there were questions raised around the Scottish Government's position, noise controls, air pollution and post-abandonment monitoring.

### 2.5.2 SEPA unconventional gas event

Ben Jackson organised an internal event for SEPA Operations and Science and Strategy staff covering air quality issues relating to unconventional gas. This was held in Riccarton on 25 March. Professor Robert Field, an air quality expert from the University of Wyoming, spoke about his experiences of the unconventional gas industry in the United States. Professor Field discussed the possible air emission sources, the methods used to manage and mitigate these and the inventories used to record them. He presented his research which focussed on assessments of methane and volatile organic compound (VOC) emissions and the generation of ground-level ozone.

## 2.6 Planning and Engagement

### 2.6.1 Advice and Engagement

### 2.6.2 Vision in Business for the Environment of Scotland (VIBES) Awards

The first meeting of the steering group for 2014 was held on 5 March and the award categories for 2014 were agreed. Sponsorship for individual awards has been secured from Albert Bartlett, Zero Waste Scotland and Scottish Government. Stirling University is also supporting VIBES in 2014 by acting as "Venue Sponsor". It was agreed that Gillian Bruce should continue as Chair for the Awards in 2014.

Winners of the 2012 and 2013 Awards were assisted in preparing entries to compete for 12 places as UK entries for the European Business and Environmental Awards (EBEA). VIBES is one of 13 accredited feeder schemes that can put forward entries for EBEA. Announcement of the 12 entries

will be made at a UK Ceremony to be held at The Scotsman Hotel, Edinburgh on 14 May 2014. David Sigsworth has agreed to speak at this event.

### 2.6.3 NetRegs

The NetRegs e-learning tools are proving to be a popular addition to the website, attracting a total of 623 subscribers since their launch at the end of 2013.

Various web video clips on environmental good practice and compliance and self-assessment tool for businesses should be available from the NetRegs website soon.

### 2.6.4 Environmental Technology Verification (ETV)

On 12 February 2014, the Centre for Carbon Measurement at the National Physical Laboratory (NPL) held the first Scottish Environmental Technology Verification (ETV) Workshop at the Edinburgh Centre for Carbon Innovation. The ETV workshop was held in collaboration with Scottish Enterprise (SE), Highlands and Islands Enterprise (HIE), SEPA and Water Research Centre (WRc), and was attended by over 50 delegates including low carbon tech Small to Medium Enterprise companies, policy makers, end users and academia.

The aim of the workshop was to raise awareness in Scotland, about the EU Commission ETV Pilot Programme and covered the logistics of participating in the programme and also the potential funding mechanisms to support the verification process with presentations from the two verification bodies in the UK (NPL and WRc), explaining principles of ETV, including eligibility requirements for technologies as well as the types of technologies included in the pilot programme.

### 2.6.5 Safeguarding Scotland's Resources

The Chairman gave a speech at the Safeguarding Scotland's Resources conference at Dynamic Earth on 20 February, focussing on SEPA's role in championing sustainable resource use and the framework provided to support and regulate businesses as we seek to achieve the multiple benefits of environmental protection and improvement, a thriving economy and a high standard of health and wellbeing.

## 2.7 **Planning**

### 2.7.1 Dart Energy Planning Appeal 31 March – 1 April

Dart Energy has appealed against the non-determination of their planning application for a coal bed methane production facility at Letham Moss and Powdrake Farm near Falkirk. Planning and Regulatory Officers appeared at two Hearing Sessions; one relating to regulation implemented by SEPA and other parties eg the Councils, HSE etc; and a session relating to draft planning conditions which would be applied in the event that planning consent was granted; along with matters relating to the regulations relating to the management of waste from extractive industries, (MEW regulations) which implement the Mining Waste Directive.

### 2.7.2 Flood Risk and Planning Workshops for Local Authorities

During March the Planning Service, Flood Risk Hydrology and Flood Risk Management Planning (FRMP) Regional Managers delivered a series of training events on Flood Risk and Planning in partnership with the Improvement Service. Workshops were delivered in Aberdeen, Edinburgh and Glasgow for local authority planning and flood prevention staff to provide an update on the Flood Risk Management Planning process within Scotland and how this relates to land use planning and also to raise awareness and gain feedback on the new floods maps. There was a particular focus on how the new maps can be best used for land use planning purposes.

### 2.7.3 Grangemouth Regulatory Review Group

Marc Becker, Flood Risk Hydrology Manager, provided an overview of the new flood maps which were published on the SEPA website in January. As this group has been established at the request of the Minister for Energy, Enterprise and Tourism, Russell Griggs proposed that he would update the Minister on progress made to date and invite him to the next meeting to discuss this further.

#### 2.7.4 Review of approach to Planning Responses for proposed Campsites in Loch Lomond and Trossachs National Park Authority (LLTNPA)

LLTNPA had previously consulted SEPA regarding their proposals to improve facilities and formalise areas currently used for “wild” camping. SEPA had registered objections in principle to these proposals as the areas were within the current 0.5% Annual Probability (1:200 year) flood plain. LLTNPA was concerned that this approach could give the impression that LLTNPA and SEPA were not working together. The outcome of the review concludes that the advice we have provided with regard to campsite applications has been appropriate and is consistent with SEPA’s roles and responsibilities within the land use planning system.

## 2.8 **Radioactive Substances**

### 2.8.1 Dounreay

#### 2.8.2 Site Inspection Work and Radioactive Substances Act (RSA) Compliance

Dounreay Site Restoration Limited (DSRL) identified an issue relating to the compliance reporting in respect of the gaseous Iodine-129 discharges from the Fuel Cycle Area stack. DSRL identified an error in its compliance reporting software, which had occurred when work on the software was undertaken in May 2013. The affected discharge remained at <4% of its authorised limit. SEPA has engaged with DSRL on this issue to ensure the accuracy of future reporting.

#### 2.8.3 Notifications

In March DSRL notified SEPA about an incident involving a fire within the Equipment Maintenance and Decontamination Facility, The source of the fire was the ignition of waste within a metal box and the fire was extinguished by the site fire brigade. SEPA attended site as part of its investigation of this matter and based on the monitoring data provided by DSRL there is no indication of release of activity to the environment as a result of this incident. SEPA will be undertaking further site discussions with DSRL on this during a visit to site in April.

In March DSRL notified SEPA about a potential issue in relation to a fuel can within a pond in the Prototype Fast Reactor (PFR) facility. DSRL advised that it believed that a fuel can had been damaged and as a result there is a potential for the release of activity into the pond water and a potential for gaseous discharges of Krypton-85 and tritium to have taken place from the facility’s authorised discharge stack. Based on the operator’s information on the maximum activity of these radionuclides present within the fuel can, the gaseous discharges of Krypton-85 and tritium which may have occurred as a result of the damage to the fuel can are likely to have remained well below the authorised limits. The radiological consequences of any discharges arising from this incident are considered to be very low. Following DSRL’s notification of this issue, SEPA made arrangements with its environmental monitoring programme contractor to have the filter papers of the off-site air samplers changed and checked as a reassurance measure. The initial environmental monitoring results provided by the contractor indicate nothing of concern. SEPA attended site as part of its investigation of this matter, which is on-going.

## 2.9 **Regulation of operational and decommissioning nuclear sites and equivalent MoD establishments**

### 2.9.1 Vulcan NRTE

Following an announcement by the Secretary of State for Defence that radioactivity had been detected from Vulcan’s reactor core in the cooling water in the sealed primary cooling circuit in 2012, briefings were prepared for the CEO and Chairman, press statements were prepared and the

Radioactive Substances Unit Manager attended the Dounreay Stakeholder meeting in addition to the usual SEPA representative. The announcement has also resulted in a number of Freedom of Information requests. Radioactive discharges to atmosphere, although increased did not exceed 43% of the limit set by SEPA and discharges at the limit would result in a dose to the most exposed group of approximately one billionth of the dose limit for the public.

#### 2.9.2 Hunterston B and Torness Power Stations

The applications by EDF Energy to vary the RSA Authorisations for Hunterston B and Torness Power Stations have been subjected to the first round of statutory consultation with Office for Nuclear Regulation and Food Standards Agency and been forwarded to Scottish Government in case Scottish Ministers wish to exercise their powers of Direction or call-in. The next step will be to carry out a public consultation on the applications.

#### 2.9.3 Dalgety Bay

The MoD is continuing to undertake monitoring and recovery of radioactive sources at Dalgety Bay. In parallel to this the MoD is developing a better understanding of the nature, magnitude and extent of the contamination such that it can develop a remediation strategy for the site. In order to allow the strategy to be developed SEPA has written to Public Health England to request its advice on the appropriate remediation levels for the site and we expect its response in early April 2014.

### 2.10 Enforcement Support Team/Legal

#### 2.10.1 Office of Surveillance Commissioners (OSC) Audit

On 17 January 2014, Assistant Surveillance Commissioner, HH David Hodson, visited SEPA to review the Agency's management of covert activities, governed by the requirements of the Regulation of Investigatory Powers (Scotland) Act 2000. At the conclusion of the inspection all those involved agreed that overall the inspection had gone very well. The Assistant Surveillance Commissioner made a small number of recommendations and they are being progressed.

#### 2.10.2 Scottish Landfill Tax

SEPA is making progress in partnership with the Scottish Government's Revenue Scotland to prepare for the collection of Scottish Landfill Tax from April 2015. On 2<sup>nd</sup> April 2014, senior officials from Revenue Scotland, SEPA and Registers of Scotland were invited to provide evidence to the Scottish Parliament Finance Committee. The invite had been extended in order for the three organisations to answer any questions in relation to the Revenue Scotland and Tax Power Bill and for SEPA to provide an update on the implementation of the Landfill Tax (Scotland) Act.

#### 2.10.3 Waste crime Team

In February the Waste Crime Team Manager and Enforcement Manager attended an Environmental Crime Seminar hosted by the NIEA in Belfast which included presentations from Europol, Interpol and the PSNI who gave an input on the Analysis of Waste Crime. The NIEA gave an overview of their NIEA Environmental Crime Unit and Strategic Partnership Working. This event was attended by delegates from across the UK & Europe including the NIEA, PSNI, SEPA, Interpol and Europol.

SEPA's Financial investigatory staff also attended a Financial Investigation Conference hosted by the NIEA which included presentations from the Attorney General for NI, PSNI, NIEA, Homeland Security and a number of QC's. This event was attended by delegates from across the UK & Europe including the NIEA, PSNI, SEPA, Homeland Security, Interpol, Europol, COPFS and the Crown Prosecution Service.

In April, the Waste Crime Team Manager attended the NIEA in Belfast meeting with their Environmental Crime Unit as an opportunity to build on the existing working relationship between SEPA the NIEA and other organisations such as Europol and Interpol, as well as the opportunity to share best practice.

2.10.4 ENs issue 8 January 2014 – 25 March 2014**By Media**

	CAR	IPC/APC	Radioactive Substances	Waste	Producer Responsibility	PPC	Other
<b>North</b>	1			1			
<b>East</b>				2		2	
<b>West</b>	1			4			

**By Section**

	Section No.	North	East	West	Totals
Works Notice (SSAFO Regs)	Reg 8			1	<b>1</b>
Notice to Return Waste to UK (TFS Waste Regs)	Reg 8				
Enforcement Notice (EPA 90 Pt I)	13				
Prohibition Notice (EPA 90 Pt I)	14				
APC SED (EPA 90 Pt 1)	3(15)		1		<b>1</b>
(Partial) Revocation Notice (EPA 90 Pt II)	38(3)			1	<b>1</b>
Suspension Notice (EPA 90 Pt II)	38(6)				
Enforcement Notice (EPA 90 Pt II)	42(5)		2	1	<b>3</b>
Revocation/Suspension Notice (EPA 90 Pt II)	42(6)			1	<b>1</b>
Notice requiring Removal of Waste (EPA 90 Pt II)	59(1)	1		1	<b>2</b>
Enforcement Notice (CAR Licensed Sites)	28				
Enforcement Notice (CAR Unlicensed Sites)		1			<b>1</b>
Enforcement Notice (RSA 93)	21 (2)				
Prohibition Notice (RSA 93)	22 (2)				
Enforcement Notice (PPC Regs)	Reg 19				
Enforcement Notice (PPC Regs)	Reg 3(15)		1		<b>1</b>
Suspension Notice (PPC Regs)	Reg 20				
	<b>Totals</b>	<b>2</b>	<b>4</b>	<b>5</b>	<b>11</b>

**FWLs issued 8 January 2014 – 25 March 2014**

	CAR	IPC/APC	Radioactive Substances	Waste	Producer Responsibility	PPC	Other
<b>North</b>	3			1			
<b>East</b>	1			4			
<b>West</b>	5			6		1	

### 3. Partnership working

#### 3.1 Scottish engagement

##### 3.1.1 Working Towards a New Paradigm for Environmental Public Health

The Health Protection Network (HPN) and NHS Education for Scotland have been piloting a training course “The Environment in Public Health” for public health leaders in Scotland. John Redshaw (Specialist Scientist) attended a pilot event in Glasgow on 26<sup>th</sup> and 27<sup>th</sup> March 2014. This event was delivered by experts in the field (George Morris, Sheila Beck, and Lorraine Tulloch) who had previously advised the Scottish Government on place-making and health, most notably in relation to “Good Places, Better Health”.

The pilot considered the key contemporary issues in environment and public health and emphasised how good communication can raise the profile of the environment as a health determinant and, by extension, contribute to better and more equal population health. George Morris emphasised that public health needs to be built on ecological principles and that it must consider distal (indirect) issues as well as proximal (direct) ones. George recognised “Earth Overshoot Day” (New Economics Foundation) and “Planetary Boundaries” (Rockstrom et al, 2009) as two useful concepts for communicating on the new era for environmental public health. He is a keen advocate of “Ecological Public Health” (Rayner and Lang, 2012), (human ecology is inextricably linked to natural ecology and in dynamic interaction with it), and emphasised that we can no longer consider health, wellbeing and health services without thinking about the environment. Scotland’s National Performance Framework provides an ideal vehicle for delivering Ecological Public Health through an ecosystem services based approach. The HPN will review feedback from this pilot and develop plans for the future delivery of this training.

##### 3.1.2 Biodiversity Delivery and Monitoring Group

In my November report, I outlined the governance structure for the 2020 Vision for Delivering Scotland’s Biodiversity including participation from myself, the Chairman and Roger Owen (Head of Ecology). The 2020 Challenge for Biodiversity’s Delivery and Monitoring Group met on April 1 to consider agreement of the priority tasks for all Scottish partners. SEPA is considering how we will contribute, and where appropriate take the lead, on meeting biodiversity objectives within our remit and responsibilities. This consideration may form the basis of our Delivery Agreement with the 2020 Challenge. The Natural Capital Group, chaired by SEPA, has also drafted its key priorities for achieving biodiversity targets through building in natural capital and ecosystem services accounting approaches into decision-making.

##### 3.1.3 Flood Hazard Maps

SEPA undertook three engagement meetings with local authorities across Scotland in Aberdeen (5 March), Edinburgh (11 March) and Glasgow (20 March). The primary purpose was to disseminate up to date information and advice on application of the new flood hazard maps within the statutory Flood Risk and Land Use Planning advice SEPA provides under section 72 of the FRM Act. SEPA also took the opportunity to update delegates on the progression of the FRMP strategies and how this work links to land-use planning, which is classed as a non-structural ‘measure’ for the reduction of overall flood risk, primarily via the avoidance principle. All three events were well attended with planners and flood protection staff from all local authorities in Scotland represented. The events are considered as good examples of positive engagement with key Responsible Authority partners.

##### 3.1.4 Air Quality Modelling

SEPA is running a pilot air quality modelling exercise for Aberdeen. It is working with Aberdeen City Council, Glasgow City Council and Transport Scotland. Once the pilot has been completed we will discuss with local authorities how to take further work forward. Our expectation is that this exercise

will support the implementation of the Low Emission Strategy being developed by Scottish Government.

### 3.1.5 SEWeb Youth Debate

Nearly 200 entries have been made by schools and young people to the SEWeb competition on how to improve their local environment. We are now planning a high profile celebration event in June opened by the Minister and organised by Young Scot. We have lots of material (pictures, photos and videos) on the environment which we can now use to promote environmental issues.

### 3.1.6 New distillery proposal for Jedburgh, Scottish Borders

SEPA met with Scottish Borders Council, the Developer, and other regulatory authorities including SNH to discuss a proposed distillery at a site on the Jed Water south of Jedburgh. This is an ambitious £40M project that will be distilling, bottling and storing mainly whisky but also other spirits, together with a visitor centre and café.

### 3.1.7 Joint Working on Travelling People Waste Issues with Highland Council

The HaCH team has recently been contacted by the Highland Council about the activities of Travelling People in Inverness and specifically about waste materials left at a Travellers encampment. This follows on from contact made by Highland Council to the HaCH Operations team last summer about waste issues related to Traveller activity. There is a lack of clarity about the Roles and Responsibilities of different Agencies and also a need to manage the expectations of outside Agencies what SEPA can, and can't, do. After this recent contact reps of the HaCH team met with the Highland Council Trading Standards (TS) Manager to discuss working more closely together on this issue. The TS Manager has agreed to come to the North Regulatory Managers Meeting in May to describe the work TS are doing in partnership with Police Scotland.

### 3.1.8 Resilience/Emergency Planning

On 19 March SEPA's NG&S Team Unit Manager Grahame Newman and Resilience Officer Robbie MacDonald met with Steve Mardon and Andrew Denoven from Highland Council's Emergency Planning Department in SEPA's Elgin Office to discuss closer liaison between the two agencies with respect to day to day resilience issues but specifically Resilience/Emergency Planning Exercises at which SEPA would act in a more integral manner with respect to overall exercise scenario planning, providing for focused injects to test the preparedness and ability of the agencies to work together to provide a high standard of environmental outcomes.

### 3.1.9 Police Scotland Operation – 9<sup>th</sup> to 11<sup>th</sup> April 2014

Inspector Colin Mowat (Safer Communities Inspector) from Police Scotland advised SEPA that they were planning to carry out an operation in the North East of Scotland to target fly tipping. Inspector Mowat believed that this operation could be more effective if his Officers were aware of the regulations relating to the carrying of waste, and requested how SEPA could assist. Details were sent advising on the appropriate legislation and requirements placed upon those engaged in the activity. Inspector Mowat formally contacted the North Grampian & Speyside Team Unit Manager (Grahame Newman) to request the assistance of a desk based Officer to be available for the duration of the Operation. Dean Hope (EPO) would assist through access to computer data for confirmation of waste carrier registrations and other relevant information requests coming in from Operational Officers on the ground.

### 3.1.10 Operations Planning Liaison Engagement

South Grampian Operations staff took part in a joint liaison meeting between SEPA Planning and contacts from Aberdeen Council, SNH and Scottish Water. Sam Fleming gave a presentation on construction site pollution. There was a discussion on methods of education, and on dealing with pollution incidents. Aberdeen Council has requested that the presentation be rolled out to its planning case officers.

## 3.2 **National engagement**

### 3.2.1 Using Satellite Imagery to Detect Visual Changes in Site Land and Water Features and Determine Changes in Height and Measurement of Volumetric Change

Since September 2013, a group of cross directorate staff have been reviewing a number of methodologies for addressing the question of whether remote sensing/imaging technologies could assist in assessing visual changes to landforms and surface waters on large-scale sites such as opencast coal sites, large landfills and quarries. They have also been evaluating remote technologies for assessing height changes and thereby volumetric change. Two methodologies have been selected for a pilot project, namely: (1) the use of true-colour high resolution satellite imaging to detect visual changes and (2) the use of satellite captured tri-stereo imaging and analysis for height change detection. The outcome from this project will be reported in the fourth quarter of 2014-15.

## 3.3 International engagement

### 3.3.1 Flood Forecasting Workshop in Calgary, Canada

Michael Cranston (Flood Forecasting and Warning Manager) was invited to participate and present in a workshop on Flood Forecasting in Calgary, Canada on 18<sup>th</sup> and 19<sup>th</sup> February. The session was convened by the policy research group Alberta Innovates to review international best practice approaches to flood forecasting as part of their review following the devastating 2013 floods in the state of Alberta (this event is considered to have caused the most damage and the largest economic impact of any extreme weather event in Canada to date). Some of the learning points from Scotland include: developing longer lead times for early warning of flooding (similar to our 5 day ahead Flood Guidance Statement); setting a clear policy for flash flood warning (as per our Flood Warning Strategy); improving approaches to disseminating warnings to the public (Floodline being recognised as best practice); and much closer operational links between the hydrologists and meteorologists (similar to our partnership with the Met Office, the Scottish Flood Forecasting Service). Following the workshop, Lindsay Kline, one of the Canadian researchers recognised that “SEPA has an outstanding model for flood forecasting and warning. It also seems as though Scotland has been able to learn from past flood events and make influential changes. This is really something that I hope Alberta can do moving forward”.

Other international participants included representatives from the United States of America, the Netherlands and Switzerland. All costs and travel for the workshop were funded by Alberta Innovates. The session was also supported by Alberta Water Smart who has published information on the workshop and ongoing work <http://www.albertawater.com/alberta-water-blog/1607-flood-forecasting-workshop-day-1-summary>. A short article on the workshop has been published on the SFFS science blog <http://floodforecastingservice.net/2014/02/21/coupling-meteorological-and-hydrological-forecasting-models-the-canadian-case/>.

### 3.3.2 Coordinated European Research and Policy Framework for Oceans and Human Health

On 20<sup>th</sup> and 21<sup>st</sup> March 2014, John Redshaw (Specialist Scientist) joined a group of 50 experts from a range of disciplines and countries to discuss the research challenges and opportunities presented by the complex interactions between the marine environment and human health. Jointly organised by the European Centre for Environment and Human Health (ECEEH) and the European Marine Board (EMB), the workshop participants called for a coordinated European research response to:

- Improve our understanding of the public health benefits from marine and coastal systems;
- Reduce the burden of human disease linked with marine environmental causes; and
- Support evidence-based environmental and public health policies and maritime policies, including the Integrated Maritime Policy, the Marine Strategy Framework Directive and “Blue Growth”.

The following key message emerged from the workshop: Human health and wellbeing are intrinsically connected to, and impacted by, the seas and oceans that surround us. To manage this relationship, we need an effective policy framework that links public health and maritime policies. This requires an integrated and coherent European research effort. The workshop discussed the recently published

EMB Position Paper 19 “Oceans and Human Health: A Strategic Research Priority for Europe” and identified the key interdisciplinary research and policy challenges in this area. This paper may be down-load from the following website: [www.marineboard.eu](http://www.marineboard.eu)

### 3.3.3 Proposals for Further Restrictions on the Use of Nonylphenol on Imported Textiles

A report being undertaken by Swedish rapporteurs on behalf of the European Commission to look at proposals for further marketing and use restrictions for nonylphenol under REACH has been supported by SEPA’s monitoring data alongside data from the other UK environment agencies and industry. SEPA currently monitor for nonylphenol, a priority hazardous substance under the Water Framework Directive, at a network of water quality sites across Scotland and have found elevated levels at many of these despite the marketing and use restrictions that are already in place.

The use of SEPA’s monitoring data to support the decision-making on whether or not further restrictions on the use of nonylphenol on imported textiles are required to support cessation objectives is an excellent example of the way in which SEPA’s chemical monitoring data can influence regulatory action on an international scale. It is a successful example of the use of a campaign based approach to monitoring.

### 3.3.4 Brussels Workshop

Roger Owen, Head of Ecology has been invited to attend a workshop in Brussels organised by the EU Project BESAFE which aims to provide policymakers with the tools to improve the protection of biodiversity through communication of its value to society and the economy.

### 3.3.5 Water Framework Directive

SEPA is taking a leading role at a European level to harmonise what is understood by good ecological potential, the principal environmental objective for heavily modified water bodies under the Water Framework Directive. Heavily modified water bodies are rivers, lochs, estuaries or coastal waters that have been substantially modified for purposes such as hydroelectricity generation, public water supply, flood defence and land drainage. The work involves sharing experiences and approaches to the classification of these waters and is intended to ensure that the environmental standards we set for them are comparable across Europe. As Chair of the European Working Group responsible for the exercise, Peter Pollard, Unit Manager of SEPA’s National Water Unit, is responsible for overall management and coordination of the process. Janine Hensman, also from the Water Unit and coordinator of the UK Technical advisory group on the Water Framework Directive, acted as rapporteur at the initial workshop in Vienna on water bodies modified for hydroelectricity generation or public water supply. She is also coordinating UK technical and policy input into the process and assisting the project’s Steering Group, chaired by Peter. Final conclusions are expected to be published by the European Commission in the second half of 2015”

### 3.3.6 Network of Heads of European Environment Protection Agencies

On 24-25 April I will be attending the plenary of the Network of Heads of European Environment Protection Agencies (EPA Network) in Vienna. In my November 2013 report to the Board I highlighted discussions at the September EPA Network plenary on environmental liabilities and citizen science, with recommendations made to hold two workshops to discuss each topic in further detail. I have recently co-chaired these two workshops, which will feed into discussions at the forthcoming plenary.

I co-chaired with Signe N mdal, Director of the Department for Industry and Marine Environment at the Norwegian Environment Agency, the **Environmental Liabilities** workshop on 20 February in Oslo, supported by Lin Buntten, Operations Manager and Energy lead for SEPA.

Ten EPAs participated and the group was joined for part of the day, via video-conference, with colleagues from the European Commission’s DG Environment. We heard a number of interesting case studies from around Europe, including a presentation from Norway on their approach to imposing financial provisions for handlers of hazardous waste and landfill of waste. Lin Buntten

presented a Scottish case-study, focusing on issues I have previously reported to the Board on open-cast coal operators going into liquidation.

Last month a report on the workshop was submitted to DG Environment to support their review on environmental liability and financial security; this was received positively by the Commission. At the Vienna plenary in April I will lead a discussion on what work is now required to develop this study further in light of the recommendations made at the workshop.

On 12-13 March in Copenhagen I co-chaired with Hans Bruyninckx, Executive Director of the European Environment Agency (EEA), the **Citizen Science** (CS) workshop, supported by Paula Charleson, Head of Environmental Strategy, and Jenny Faichney, External Engagement Unit Manager.

The workshop was framed to answer two strategic questions; how is CS useful in the development and delivery of environmental policy, and how is CS useful in getting people involved in caring for their environment? Views were presented on these strategic questions from the European Commission, the European Citizen Science Association (ECSA), the Arctic Council, and through an impressive range of case studies from EPA Network members. Paula Charleson delivered a presentation to highlight SEPA's work on CS, with a focus on Scotland's Environment Web and its significance as a gateway to CS projects in Scotland. Paula also made reference to a new report produced for SEPA on "A Strategic Framework to Support the Implementation of Citizen Science for Environmental Monitoring". *All the presentations are available on the [EPA Network website](#).*

It was interesting to note that presentations from the EEA and DG Environment both stressed the importance of the 7<sup>th</sup> Environment Action Programme in relation to CS, putting emphasis on strengthening the environment science-policy interface, including the accessibility of data for citizens, and the contribution of CS to the evidence and knowledge base used for developing environmental policy.

A report of the workshop will be presented at the Vienna plenary highlighting how CS can be used to support EPAs in our various tasks relating to environmental policy and information. Further work on the topic will also be recommended including a couple of potential quick win pilots based on case studies that were presented in Copenhagen.

I can provide a verbal update at the Board meeting of the outcome of the plenary discussions in Vienna.

### 3.3.7 EU Funding Event

On 16 April in Battleby, Scotland Europa, SNH, the Scottish Government and SEPA's External Engagement Unit held a Scottish Information Day on EU funding for the environment 2014-2020. The event covered: the LIFE programme for environment and climate action; Territorial Cooperation (Interreg); Horizon 2020 funding for research and innovation; European Structural and Investment Funds in Scotland; and the Scottish Rural Development Programme.

Presentations were given by Scotland Europa on Scotland's strategic engagement in EU funding for the environment and the EU environment policy context for 2014 and beyond.

A number of Scottish case studies were presented, including from SEPA. Paula Brown, Senior Project Manager on Scotland's Environment Web (SEWeb), delivered a presentation on her experience of working on the LIFE+ funded SEWeb project.

The event was open to Scotland Europa members as well as wider Scottish stakeholders in the environment field. Over 80 participants attended the day from a wide range of organisations including universities, enterprise agencies, Green networks, local authorities, and NGOs.

Participation in this workshop is part of our efforts to increase our engagement with European funding opportunities.

### 3.3.8 Water Framework Directive

SEPA is taking a leading role at a European level to harmonise what is understood by good ecological potential, the principal environmental objective for heavily modified water bodies under the Water Framework Directive. As Chair of the European Working Group responsible for the exercise, Peter Pollard, Unit Manager, is responsible for overall management and coordination of the process.

Janine Hensman, also from the Water Unit and coordinator of the UK Technical advisory group on the Water Framework Directive, acted as rapporteur at the initial workshop in Vienna on water bodies modified for hydroelectricity generation or public water supply. She is also coordinating the UK technical and policy input into the process and assisting the project's Steering Group, chaired by Peter. Final conclusions are expected to be published by the European Commission in the second half of 2015

## 3.4 **Parliamentary engagement**

### 3.4.1 UK Committee on Climate Change (CCC) 2014 Scottish Progress Report Presentation at Scottish Parliament

Paula Charleson, Head of Environmental Strategy, attended a presentation on my behalf at the Scottish Parliament to inform MSPs and invited guests on the progress report of the Scottish Government's Climate Change targets, prepared by the UK Climate Change Committee. The event was hosted by Rob Gibson, Convener of the RACCE (Rural Affairs, Climate Change and Environment) Committee, and a short presentation was given by Jim Skea, a member of the UK Climate Change committee followed by discussion.

The report states that gross emissions in Scotland fell by 9.9% in 2011, with large reductions of over 20% in the power and residential sectors. In the power sector these reductions were due to switching from coal to renewable power generation. Residential emissions reductions were primarily due to the weather (2011 was milder than 2010), but also increased levels of insulation and a demand response to higher gas prices.

Notwithstanding this reduction, it was reported that Scottish emissions were slightly higher than the legislated target in 2011 (by around 0.8 MtCO<sub>2</sub>e compared to a target of 53.4 MtCO<sub>2</sub>e). It was concluded that this could be attributed to the recent revision of the Scottish greenhouse gas inventory, which added 1.2 MtCO<sub>2</sub>e to estimated emissions in 2011. Jim Skea stated that the revision should not distract from the assessment of underlying progress reducing emissions. While the inventory revision represents an improvement in the methodology for estimating emissions, it will continue to make achievement of currently legislated targets more difficult. The committee laid out two options for addressing this. The first is to adjust targets, for example by recasting these in terms of year-on-year emissions reductions or by revising the targets to allow for the inventory revision. The second would be to adapt to the inventory change by finding additional opportunities to reduce emissions that go beyond current and proposed policies.

Overall, despite the first two legislated targets being missed, underlying progress appears on track in most sectors. However, there was a strong message that, going forward, the achievement of both annual emission targets and sectoral targets remains very challenging. The discussion that followed the presentation attempted to explore in more detail what more needs to be done beyond what is in the current Report on Policies and Proposals, RPP2, but at this stage the CCC have not presented any suggestions, and it will be for Scottish Government to look for ways to address the challenges, working with partners in the public and business sectors and with the people of Scotland. I have a very privileged position as, currently, the only non-Scottish Government member of their Climate

Change Delivery Board which is charged with the task of ensuring delivery of the government's plans to mitigate and adapt to climate change, and therefore have a unique opportunity to influence Scottish Government's actions.

## 4. SEPA Business

### 4.1 Performance & Quality Management

#### 4.1.2 Charging Schemes 2014-2015 and 2015-2016

SEPA has now received Ministerial approval for the proposed charge increases for 2014-2015 and 2015-16. From 01 April 2014 our main scheme fees and charges were increased as follows:

- Water, Pollution Prevention and Control (PPC) and Radioactive Substances (RS) (Nuclear) charges by 2.7%.
- Waste and Waste Exemption charges by 7.7%.

Please note that the following charges have not increased:

- Radioactive Substances (Non-Nuclear);
- Special Waste Notifications;
- Producer Responsibility (Packaging Waste);
- Transfrontier Shipments;
- Waste Electrical and Electronic Equipment;
- Waste Batteries and Accumulators;
- Emissions Trading Scheme (ETS) – including aviation charges;
- Carbon Reduction Commitment (CRC).

The schemes' structures have not been amended, excepting the PPC scheme which has been realigned to match the charges with the categories and descriptors in the PPC (Scotland) Regulations 2012. Some sections of the scheme have not altered but for some we have had to move, remove, amend and add new categories and descriptors.

Corporate Licence Administration System (CLAS) is being realigned with the new classifications for subsistence charging. This work is ongoing.

We have secured a 2 year settlement and charges will increase by the same percentages again in April 2015. The new charging framework will be implemented from April 2016. This information was included in the SEPA Management Brief so that Managers can ensure their staff are aware of these changes.

#### 4.1.3 Annual Operating Plan (AOP) update

Of the 27 performance measures in SEPA's Annual Operating Plan 2013-2014, eight performance measures were due to be reported at the end of February. Seven have a green RAG status and one has amber (Environmental Monitoring Plan).

The target for the Environmental Monitoring Plan measure was achieved at the end of December 2013 for the Annual Operating Plan 2012-2013. We are now monitoring delivery of the 2014 Environmental Monitoring Plan for the Annual Operating Plan 2014-2015 performance measure. It has amber status at the end of February 2014, because 90% of the sampling activities planned in the current plan have been completed, against our target of 95%. Delays have occurred in a joint

Forestry Commission-SEPA sampling exercise which required a spell of dry weather. January and February saw no such event and it has been delayed into March.

We are reporting against current plan until the sampling schedule for 2014 has been base-lined.

#### 4.1.4 Quality Management - Certification to ISO 9001 and ISO 14001

The contract for joint certification to the ISO standards for Quality and Environmental management systems was re-entered following the last 3 year cycle. In the exercise there were four companies which submitted tenders though two were excluded on security requirements. Of the remaining two, LRQA, were successful on both cost and technical merit.

The next surveillance by LRQA will take place over 10 days, 19-30 May and an agreed programme will be published by Business Strategy early April.

#### 4.1.5 Customer Service Complaints

Between 25 January 2014 and 2 April 2014, one Stage 1 Customer Service Complaints and one Stage 2 complaints were logged. Three Stage 1 complaints and one Stage 2 Complaints were completed during the reporting period. Of the Stage 1 complaints, two were not upheld and the third was withdrawn from the process following discussion with the complainant. The Stage 2 Review confirmed the findings of the earlier Stage 1 complaint, which had been partially upheld.

SEPA submitted its response to questions raised by the investigating officer in relation to the ongoing complaint lodged with the Scottish Public Services Ombudsman (SPSO).

The way SEPA and other public authorities have to handle and report on complaints about their services changed on 1 April 2014. The [Scottish Public Services Ombudsman](#) required SEPA to implement a complaints handling procedure (CHP), in line with the standard process applied by public authorities.

SEPA's procedure was published on the website on 1 April 2014.

Further details can be found at

[http://www.sepa.org.uk/about\\_us/dealing\\_with\\_us/customer\\_service\\_complaints.aspx](http://www.sepa.org.uk/about_us/dealing_with_us/customer_service_complaints.aspx)

In the new process, one formal investigation will be carried out before a complainant can refer the matter to the Ombudsman.

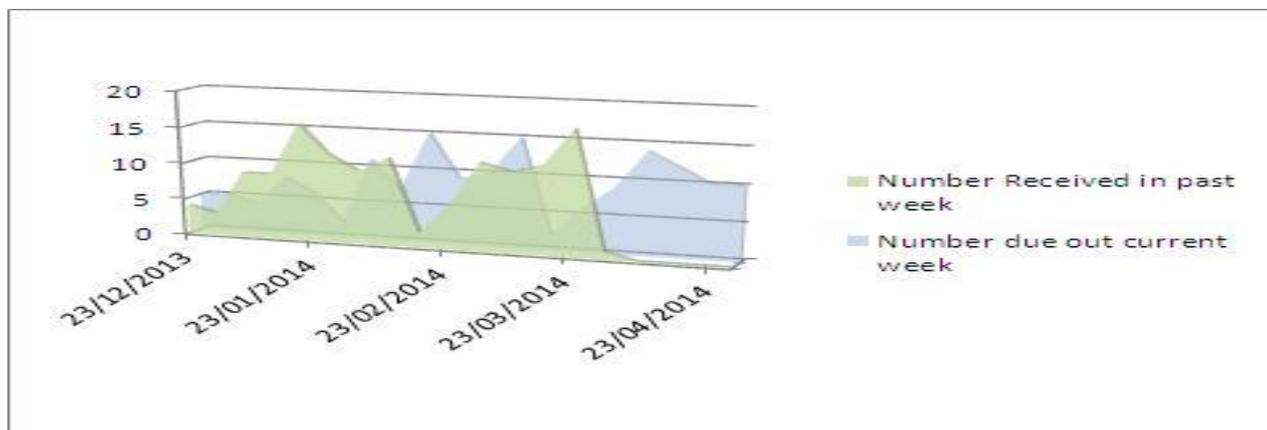
#### 4.1.6 Virtual Desktop Infrastructure

The ability of staff to work flexibly and efficiently is increasingly important to SEPA and its information systems are key to helping achieve this. As part of the programme to update its PC estate, SEPA took the decision to implement Virtual Desktop Infrastructure (VDI) to deliver desktop services to staff. The initial rollout of VDI was done as part of the move to Angus Smith Building (ASB) last year. VDI allows staff to access the same 'desktop' and hence suite of applications and data from any workstation in ASB and furthermore from home via the home portal. This flexible approach makes the ASB 8:10 desk ratio much easier to operate as staff can have access to identical computer and phone facilities whichever desk they sit at. Building on this initial success, SEPA IS have now designed a VDI infrastructure capable of supporting staff across the organisation. Making use of some end of year funding provided by Scottish Government, SEPA will be in a position to implement VDI in the Stirling offices in time to support the move from Erskine Court to Strathallan House. This is especially good news as the move will be a reasonably complex exercise where some staff will move twice. Rather than staff and individual PC's moving together with the logistical complexity that would involve, VDI enabled staff can move from office to office confident that their desktop's will be available for them wherever they sit. Although the initial focus will be Stirling the VDI rollout will continue across SEPA throughout the remainder of the year until all staff have access.

#### 4.1.7 Freedom of Information (FOI)

Between 25 January 2014 and 2 April 2014, 101 requests were logged and 85 requests were completed. One Formal Review was logged and two were completed during the reporting period. In both cases additional information was released at the Formal Review stage.

The chart below highlights the number of requests being handled by SEPA.



The appeal in relation to the withholding of a Field Development Plan is still ongoing. No Decision Notice was issued as at 7 April 2014.

The Office of the Scottish Information Commissioner (OSIC) held the inaugural Part 7 Bodies FOI Network meeting on 28 March 2014. SEPA provided the meeting room for the event at Strathearn House. The new network brings together practitioners to share best practice, share issues concerns and requests and receive updates on forthcoming developments from OSIC staff.

#### 4.1.8 Compliments

Between 1 January and 28 March 2014, 44 compliments have been recorded, 32 from external sources and 12 Internal. In this period the areas complimented have included the prompt response to enquiries, good support to external conferences and presentations and commendations for responses to the flooding issues over the winter. Examples include:

A member of the public who commended a Senior Registry Officer for the speed and feedback for his/her application. Originally he/she was told it may take up to 60 days to process this and issue. The customer was “amazed (in this day and age) that someone responded so quickly and dealt with this for me. A credit to the SEPA organisation in customer service.”

A response from a parent on behalf of a school pupil who sought information on Impact of Nuclear Discharges on the Environment. “The information you gave was so educational and insightful. All very relevant to what my son needs for his assignment. My son would like me to pass on his thanks and appreciation to all who helped and responded to his request.”

Feedback from the Principal Planning Officer in Development Management at East Lothian Council. He was very complementary about our interaction with East Lothian on a number of issues. He also stated that we were certainly one of the better, if not the best key agency to speak to and interact with.

#### 4.1.9 Approval of SEPA Records Management Plan by Keeper of the Records of Scotland

The Public Records (Scotland) Act 2011 places an obligation on named public authorities to prepare and implement a records management plan which sets out proper arrangements for the management

of their records. SEPA was one of the first authorities to receive an invitation to submit a records management plan.

The SEPA records management plan was approved on 11 March 2014. The assessment report prepared for the Keeper of the Records of Scotland was published on the National Records of Scotland website at <http://www.nas.gov.uk/documents/Keeper'sAssessmentReportSEPA.pdf>.

## 4.2 Organisational Development

The Organisational Development (OD) team continues to deliver a wide range of advice and support in relation to Human Resources, Learning & Development, Health & Safety, Job Evaluation and Equalities.

### 4.2.1 Mediation

Mediation has been a key focus for the HR team with one of the Senior HR Advisors taking part in an accredited 5-day mediation course during February and March. The course was organised by the SEPA UNISON branch with some support from OD and trained 11 staff from across SEPA (a mix of Trade Union representatives, HR staff and managers). Discussions are continuing with UNISON to identify opportunities to use informal mediation as an alternative to formal procedures.

Formal mediation was also used effectively during March to resolve an employment issue which may otherwise have resulted in an Employment Tribunal.

### 4.2.2 Health, Safety and Wellbeing

OD recently reported the FY13-14 Q3 absence data which showed a reduction in the lost time rate to 2.03% (27.15 FTE). This is the lowest that the absence lost time rate has been since comprehensive reporting began in 2010. The absence data was presented in a new format to the Joint Negotiating and Consultative Committee (JNCC) which provided improved demographic analysis.

The Health and Wellbeing intranet site, providing a range of information to staff, went live on Friday 14<sup>th</sup> March and has received positive feedback to date. An update on Health and Safety Performance for 2013-14 will be provided to Board at its meeting on 27 May.

### 4.2.3 LGPS (Scotland) Reform 2015

Initial discussions have taken place in preparation for the implementation of the Public Service Pensions Act 2013 which takes effect in April 2015. Under the terms of the Act the Local Government Pension Scheme (Scotland) is changing from a final salary arrangement to a career average revalued earnings (CARE) arrangement. The final details of LGPS (Scotland) 2015 will not be available in regulatory form for several months. It is expected that the scheme requirements for Scotland will be similar to those starting in England and Wales from April 2014. For SEPA, initial preparation will focus on ensuring that existing SEPA systems meet the reporting requirements. A communication plan for staff will also be developed.

### 4.2.4 Equalities

Over the past year SEPA has seen the development of Equality Outcomes and a Mainstreaming Report to meet the statutory requirements of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

A timetable for the development of the second Mainstreaming report is underway, which will capture the various elements of activity to meet our five set Equality Outcomes.

The requirement to continue to embed equality into the day to day activity of the organisation and a key area of work in relation to this has been briefings to management teams in relation to mainstreaming equality and providing guidance on how this should be progressed. We are currently

improving our Equality Impact Assessment process to support this and have started a programme of training events.

#### 4.2.5 TEPO programme

There has been a successful recruiting of EPOs from the TEPO scheme in recent months to several of the North Ops teams. The production of competent EPO's through the TEPO scheme is particularly important in Aberdeen area where officers continue to leave SEPA at regular frequency for oil industry jobs.

### 4.3 **Stirling Office Move**

OD are continuing to support staff and managers with the forthcoming Stirling office move as well as preparing for the move themselves. Recent activities have been to support the development of a managers "community" bringing managers together to learn the lessons from the Angus Smith move and to highlight risks associated with the move, and address any constraints.

A selection of Stirling employees have successfully attended planned visits to Angus Smith, in order to experience the new ways of working which are already in use at Angus Smith, such as desk sharing, virtual (computer) desktops and the use of informal meeting areas.

### 4.4 **Communications overview**

#### 4.4.1 Media coverage

Our communications department has confirmed that between 1 January and 31 March there were 705 print articles mentioning SEPA.

There were 244 media enquiries during this time from various print, broadcast and online media.

In terms of subjects the top five for printed articles and media enquiries are as follows:

#### Printed articles

- Flooding
- Radioactivity
- Planning
- Waste
- Enforcement and operations

#### Media enquiries

- Water
- Waste
- Radioactivity
- Flooding
- Air

Over the three months 17 media releases and 11 statements were issued by SEPA, 76% of which were used by the media, resulting in 61 articles.

Stories which gained a lot of coverage included:

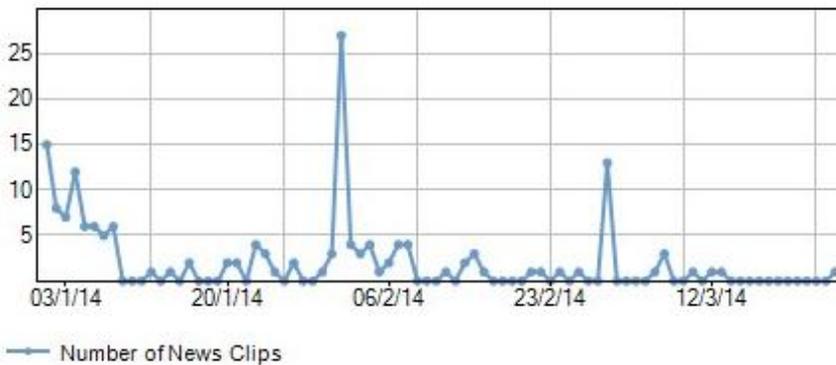
- SEPA targets flooding with new 'milestone' maps
- SEPA admits it's not easy being green - but sustainability is a worthwhile challenge
- Three prosecution releases totalling 18 article between them.

There were 314 supportive articles (45%), 346 neutral or balanced articles (49%) and 45 critical articles (6%).

There were 537 local media articles and 168 national media.

The word cloud to the right shows the most commonly used words in media articles about SEPA. The bigger the word, the more times it has occurred.

across alert Britain Environment Protection environmental fined flood flooding fresh high Landfill last management million minister Ministry mph new night North North Sea north-east oil parts plans plant Protection Agency public published rain rainfall Report risk river roads row Salmon Scotland Scotland's Scottish Scottish Environment Scottish Government sea SEPA severe snow storm storms today two warnings waste water waves Weather weekend winds Winter year yesterday



16/04/2014 10:4022/04/2014 This chart shows the amount of coverage over the month. The spikes in coverage in January and February are due to flooding, the one in March is due to media coverage of HMS Vulcan.

#### 4.4.2 Social media

SEPA’s communications team also monitors mentions on social media sites (such as Facebook and Twitter) and online blogs.

The chart below shows the number of mentions about SEPA which occurred between January and March. The spike in activity at the start of the year is due to flooding and the sharing of flood alerts, warnings and messages. The February peak is also due to flooding, and the cluster in March are due to discussions around the HMS Vulcan story.



- Dalgety Bay progress;
- SEPA's Edinburgh Science Festival event;
- Scotland's Environment Web youth discussion competition;

Others included retweets of prosecutions and the SEPA Update.

The word cloud for social media is as shown.

#### 4.4.3 Articles published on SEPA View

- [Managing Scotland's flood risk](#) 14 February 2014
- [River flow data floats Fraser's boat](#) 26 February 2014
- [Unconventional gas – a Scottish perspective](#) 25 March 2014
- [Our climate challenge](#) 3 March 2014
- [Unconventional gas and 'fracking' – a Scottish perspective](#) 25 March 2014
- [Mobile apps take science out of the lab and into your lap](#) 1 April 2014
- [Science needs you!](#) 1 April 2014

#### 4.4.4 Completed documents

- Hydrometry signage
- SAD CHALETS emergency response cards
- Floodline logo redesign
- 2x Inside Views
- Sustainable SEPA report
- Our climate challenge
- Various infographics for SEWeb
- VIBES leaflets/business cards redesign and print
- Annual operating plan
- Bathing waters report and bathing water profiles

#### 4.4.5 Project work

- The Communications Department has launched their [new intranet site](#). It includes a monthly [events planner](#), details of what each team does and how they can help you, along with an updated communications toolkit.
- Content for the next instalment of the "Making the Case for the Environment" series of awareness-raising campaigns, featuring the water environment, is currently in development.
- The SEPA Communications team has been working in partnership with Revenue Scotland, Scottish Government, HMRC and Registers of Scotland as part of the Joint Communications (JCOMMs) team focusing on the introduction two new devolved Scottish taxes: the new Scottish Landfill Tax (SLfT); and the Land and Buildings Transfer Tax.
- Work is well under way to update and develop the SEPA website. A team comprising Communications staff, the Web team and the PMO have been working to identify how we can design

the site better for our users, how we can reduce the size of the site without compromising content, and how we make our information more accessible to our users. Development of the site and content will continue over the summer months. It is planned to launch to the site late in September this year.