

SCOTTISH ENVIRONMENT PROTECTION AGENCY

STRATEGY MEETING

The thirty-second Board Strategy meeting took place at 1.00 p.m. on Tuesday 26 June 2018 in the Board Room, Angus Smith Building, Eurocentral, Lanarkshire

Present:

Terry A'Hearn	Michelle Francis
Fran van Dijk	Nick Martin
Richard Dixon	Bill McKelvey
Bob Downes (Chairman)	Lesley Sawers
Nicola Gordon	

In Attendance:

Richard Birch	SEPO, Sector Team (item 9 only)
Ian Buchanan	Head of Regulatory Services (item 9 only)
Lin Bunten	Head of Function, Continuous Improvement
Catherine Cunningham	Executive Support Manager
Willie Duncan	Ecology Unit Manager (item 11 only)
Alan Farquhar	Planning Unit Manager (item 10 only)
Alistair Galloway	Head of Operations (item 9 only)
Jo Green	Chief Officer Performance and Innovation
Martin Grey	Head of Communications and Marketing
David Harley	Head of Function, Water
Julie Holmes	Specialist (item 11 only)
John Higgins	Area Manager, Sector Team (item 9 only)
Fiona Johnstone	Specialist 1, Sector Team (item 9 only)
John Kenny	Chief Officer Circular Economy
Bridget Marshall	Regulatory Strategy and Government Relations Manager (item 8 only)
Fiona Martin	Chief Officer, People and Property
Daniel Masterson	Assistant Scientist (Board observer)
Alasdair Matheson	Senior Specialist Scientist (item 11 only)
Stuart McGregor	Chief Officer, Finance
Jennifer McWhirter	Clerk to the Board
David Ogilvie	Sector Unit Manager (item 9 only)
Amanda Reilly	Unit Manager, Sector Team (item 9 only)
Gary Walker	Manager, Waste and Landfill Tax (item 9 only)
Hannah Walkinshaw	Assistant Scientist (Board observer)

Board Members only session

The Chief Executive introduced the Board member only session. Jennifer McWhirter (Clerk to the Board) and Catherine Cunningham (Executive Support Manager) were in attendance.

1. Chairman's Opening Remarks

The Chairman welcomed everyone to the meeting. He welcomed, Hannah Walkinshaw and Daniel Masterson observing the meeting as part of the shadowing programme and Lin Bunten in attendance on behalf of Anne Anderson and David Harley in attendance on behalf of David Pirie.

He confirmed there were no fire alarm tests timetabled for the day and provided details of the evacuation procedure.

The Chairman advised the Board that the intention was to focus on Board Effectiveness for part of the

Board day in September 2018 and asked for feedback from Board members on subjects for the remainder of the day and their thoughts on how to conduct the Board effectiveness session.

2. Apologies for absence

Apologies were received from, Martin Hill, Anne Anderson and David Pirie.

3. Order of Business

The order of business was confirmed as advertised on the agenda.

4. Declarations of Interests

Richard Dixon declared an interest in item 8 (Update on EU Exit Developments (STRAT 04/18)) on the Board agenda, due to his role on the BREXIT sub-group involved in producing the report referred to within the Board paper (3.1).

5. Approval of the minutes of meeting held on 20 March 2018

The minutes of the meeting on 20 March 2018 were **approved** as an accurate record of that meeting.

6. Matters Arising

The Clerk to the Board provided the following updates:

Action 63: A verbal update was provided to the Agency Board on 24 April and 29 May 2018. The Board agreed this would no longer be a standing item on Board agendas and that further updates would be provided as determined by the AMT. The action is now closed.

Action 64: Cross cutting issues have been included as risks and summarised in the paper for today's meeting (item 8 on the agenda). The action is now closed.

Action 65: David Harley advised that this work is underway and will be circulated once completed.

7. Board Engagement Activity

Michelle Francis advised that she had attended the Next Steps for Waste and the Circular Economy in Scotland Conference on 20 June 2018. She highlighted that Becs Walker had been a speaker and advised that there had been discussion around the deposit return scheme and also a question from the British Metal Recycling Association around SEPA's role in respect of regulation in this area.

In response to a question around bio-degradable landfills by 2021 the Clerk to the Board confirmed that this is on the Board planner for later in the year.

Action: Clerk to the Board

Lesley Sawers advised that she had attended a VC session with staff from the Orkney and Shetland offices with the Chairman on 25 June 2018 and that it reinforced the challenges and issues of those working remotely going into specifics around the timing of meetings, the ability to participate and the costs involved. She confirmed that a desire to be more active in sector plans and to have a connection with colleagues was expressed and highlighted the positive feedback given in respect of involvement in a Commercial Services opportunity. The Chairman confirmed that if this VC pilot works more will be done involving other Board members.

The Chairman advised that he has completed his appraisal with Bridget Campbell and will report on this at the next formal Board meeting and share it with the Board.

Action: Chairman/Clerk to the Board

He confirmed that he had also met with the Auditor General, Caroline Gardiner on 4 June 2018 with

Lesley Sawers, as Chair of the Audit Committee. He advised that this was a very positive meeting where costs around collating and monitoring information and the importance of culture from an evidential point of view were discussed. Lesley Sawers highlighted that guidance to Boards in respect of equalities duties has been produced and will be issued.

Nicola Gordon confirmed that she had attended a Gas and Electricity Markets Authority event on 13 June 2018 on behalf of the Chairman. She advised there was interest in One Planet Prosperity and that the Director of Energy and Climate Change at Scottish Government is keen to become involved.

7.1 Board Buddy Register

The Clerk to the Board provided an overview of the Board Buddy Register Updates. She thanked the Board for their expressions of interest in respect of the next ten sector plans and confirmed that she would be in touch shortly with details about Board Buddy allocations.

The Chief Executive highlighted that at a recent session with sector leads and deputy leads they had been very positive about Board Buddies.

The Board **noted** the update.

8. Update on EU Exit Developments (STRAT 04/18)

Jo Green introduced the item and welcomed Bridget Marshall to the meeting.

Bridget Marshall presented an overview of EU exit developments and advised that the work is moving very quickly in respect of the EU Withdrawal Bill. She highlighted that the consultation on environmental principles and governance in the context of the EU Continuity (Scotland) Bill is very different to the Defra consultation on the contents of the proposed Environmental Principles and Governance Bill.

She confirmed that there are two areas for consideration by SEPA: our role in short term transition arrangements; and the longer term role of the Agency. Bridget Marshall drew the Boards attention to the new body that has been proposed in England to address this work and advised that a broader approach is being taken within Scotland looking at all possible options and asking all public bodies for their views. She highlighted that it is recognised that there would be various issue to be considered during the transition period and that it is too early to have a view in respect of the final solution but that we have expertise and could work with others.

The Board discussed other options including the role of Parliament and direct reporting as well as the potential to use Parliamentary Committees during the transition period. The Board commented that there may be benefit in looking at the approach taken within other smaller countries and Bridget Marshall confirmed she could speak to her contacts.

In response to a question around environmental courts and whether they would be of benefit to SEPA, Bridget Marshall advised that there is no proposal to move criminal matters over so there is more benefit in continuing to have specialist judges in the criminal court system.

Bridget Marshall advised that this work is fast moving with initial discussions due to take place over the summer for the March 2019 transition and confirmed that meetings are taking place monthly with Board Buddies and that regular updates would continue to be provided to the Board.

The Board noted the update.

9. Sector Plans (STRAT 05/18)

The Chief Executive introduced the item and confirmed that the final Landfill, Metals and Whisky Sector Plans were being presented to the Board for approval and that the draft Tyres and North Sea Oil & Gas Decommissioning Sector Plans were being presented to the Board for approval for

consultation.

9.1 Landfill Sector Plan

Richard Birch and John Higgins presented the plan and highlighted the changes made following the consultation.

The Board discussed including the increasing financial pressures in respect of landfill and a demonstration of the inclusive growth and quality of life aspects to communities.

Action: Chief Executive/Sector Lead

In response to a question in respect of the next steps and communications, the Chief Executive confirmed that when in draft the focus had been internal but that once approved there would be a targeted external focus with good media coverage. He advised that the implementation plan sets out the actions for 2018/2019 and that these will be reported back to the Board

Action: Chief Executive/Clerk to the Board

The Chief Executive confirmed that the new compliance baseline is being moved to next year after new permits are issued.

The Board approved the final plan.

9.2 Metals Sector Plan

Ian Buchanan presented the plan and confirmed that feedback from the consultation had generally been positive with some tidying up of language. He advised that compliance was not an issue and that tackling illegal activity was top of the list of actions.

In response to a question about what the metals sector might look like in ten years' time Ian Buchanan highlighted that because metal is a significant component of items in society that last, it will stay in circulation and retain value with focus being more on the flow of material than on sites in the future.

The Board approved the final plan.

9.3 Whisky Sector Plan

Fiona Johnstone presented the plan and advised that it had been amended to reflect comments arising from the consultation, highlighting that the plan now includes the use of peat and anaerobic digestion. She also advised that work is underway to develop the communications plan.

In response to a question around economic growth and influencers the Chief Executive highlighted the diagram within One Planet Prosperity and advised that there are differences across the plans with explicit reference being made to organisations only where there is work being undertaken on an environmental issue.

In response to a question in respect of the launch and communications around the plan the Chief executive confirmed that case studies from the plan will be used in the launch and that key messages will be strong within communications.

The Board approved the final plan.

The Chair highlighted the great work done in getting the first three plans to approval and thanked everyone involved.

9.4 Tyres

Gary Walker and Amanda Reilly presented the plan for Board approval for Consultation.

Gary Walker advised that the consultation will commence mid-July 2018 and that consideration is being given to running another internal staff event.

Amanda Reilly highlighted that the biggest change from the previous version of the plan was the incorporation of the flycatcher map from the citizen science project.

In response to a question in respect of tyre fitters and end of life vehicle sites being mentioned in the introduction but not elsewhere in the plan Gary Walker confirmed that we do not regulate them but have influence through the duty of care regime and advised that there will be focused campaigns where we work with others. The Board asked for this to be reflected throughout the plan.

Action: Chief Executive/Sector Lead

The Board approved the plan for consultation.

9.5 North Sea Oil and Gas Decommissioning

David Ogilvie presented the plan for Board approval for Consultation and advised that the plan has been updated to provide more detail on the sector, a clearer description of the decommissioning process and how we are interacting with this process.

The Board approved the plan for consultation.

10. Reform of Planning Service – Verbal update

David Harley introduced the item with Alan Farquhar in attendance.

Alan Farquhar advised that a reform of the Planning Service is underway and highlighted that the purpose of the reform is to ensure that the SEPA planning service is working on planning consultations at the outset so that there will still be detailed work done in respect of applications but a lot more strategic engagement. He confirmed that workshops have been held with staff to identify what a One Planet Prosperity Planning Service would look like.

The Board discussed the links between planning and sectors particularly construction and housing and transport.

In response to a question about timescales, David Harley advised that once the internal review of the planning service is carried out and ideas are generated, it will be presented to the Board.

Action: John Kenny/Clerk to the Board

The Board noted the update.

11. NFUS Sediment – Presentation

David Harley introduced the item and welcomed Alasdair Matheson, Julie Holmes and Willie Duncan to the meeting.

Alasdair Matheson advised that a technical assessment on gravel deposits and flooding was carried out in the Rivers Dee, Feshie and Tay. He highlighted that the purpose of this was to understand the catchments, slope, flows, placement and human modifications and confirmed that the evidence showed the differences based on the movement of gravel.

Alasdair Matheson advised that the evidence was communicated to three NFUS regional committees had been enthusiastic and that positive feedback had been received. He highlighted that the non-technical report had been published on the SEPA website, with NFUS publishing the executive summary.

Julie Holmes highlighted, through a video, the Ruthven Water Project which used innovative techniques to reinforce the bank and advised that SEPA and NFUS had worked together to identify and implement solutions in respect of sustainable bank protection work.

The Board highlighted that this had been an interesting and informative presentation.

In response to a question about bringing this work together with the diffuse pollution work stream, David Harley confirmed that this is part of a wider conversation about bringing farming back from land.

The Board discussed the climate change implications including the river needing more space when there is more energy in it and the fact that woodlands help with water temperature.

David Harley advised that this work has improved the relationship with farmers and helped the environment.

The Board asked to see the same river bank in 12/18 months' time.

Action: John Kenny/Clerk to the Board

The Board noted the update.

12. Action Note

The Clerk to the Board provided an update on the Action Note and confirmed that actions 63 and 64 are closed.

Actions 50, 59, 60 and 65 remain open.

The Board **noted** the update.

13. Any Other Business

No other business was raised.

14. Date and time of next meeting

The Board **noted** that the next meeting would take place on 30 October 2018 at 1.00pm at the Angus Smith Building.