



Agency Board Meeting 28 July 2020

Board Report Number: SEPA 23/20

Chief Executive's Report

Summary:	<p>The Chief Executive's Report highlights the progress we are making becoming a Phase 2 Environment Protection Agency. The report includes updates on:</p> <ul style="list-style-type: none"> • Significant deliverables and milestones in relation to our Annual Operating Plan • Other work that is critical to Phase 2 • Staff welfare • Activities which have a high media profile • Activities which have a high impact on stakeholders • Areas that Board members have asked us to include
Risks:	N/A
Resource and Staffing Implications:	N/A
Equalities:	<p>The importance delivering an inclusive, sustainable restart to Scotland's economy is described in section 1.13.</p> <p>An Equality Impact Assessment has been completed as part of the work to deliver MS Teams (section 3.2)</p>
Environmental and Carbon Impact:	<p>The report includes articles on how we have continued to protect and improve the environment through the COVID-19 pandemic.</p> <p>The report also includes articles on how we are contributing to Scotland's Green Recovery.</p>
Purpose and audience of the report:	<p>For information</p> <p>Agency Board, public and Scottish Government</p>
Report Authors:	<p>Terry A'Hearn, Chief Executive Kelly Mathewson, Senior Business Consultant, Business Strategy Team Craig Ballantyne, Junior Business Consultant, Business Strategy Team</p>
Appendices:	None

Chief Executive's Report**Introduction**

Since the May Board meeting, we have continued to focus on our response to COVID-19 and making sure that we deliver our environment protection services and look after both the physical and the mental health and well-being of our workforce. We currently have a group of staff from different portfolios working on a draft Recovery Plan for Phase 3 of the lockdown which will be finalised very soon.

We have also made progress on several non-COVID related matters. We have completed project specifications for all 47 of the AOP projects, identified which projects need resources reallocated to them and which projects need Staff Ideas Groups. We have set an ambitious aim in setting the 47 AOP projects and the work over the past two months to plan and initiate the projects has put us in a good position to deliver the projects.

We have strengthened our ability to deliver by establishing an AOP Implementation Group which is chaired by Fiona Wylie who is a member of AMT for the rest of the financial year.

I have continued to record video messages to all staff and we are complementing this with other communication activities to support our workforce.

Finally, I want to acknowledge the continued strong support we are receiving from our Unison branch which is very helpful in running the organisation during this unusual period. Unison is also being very proactive and helpful on a number of non-emergency related issues such as Job Evaluation system reform, flexibility of staff movements, etc.

Terry A'Hearn
Chief Executive Officer

1. Regulation

1.1 Mossmorran: SEPA to submit a report to Crown Office (Ian Buchanan)

On 13 May, we announced our intention to submit a report to the Crown Office and Procurator Fiscal Service for consideration of prosecution over Mossmorran flaring in April 2019. A detailed technical assessment of the timelines for new ground flare installations by ExxonMobil Chemical Limited, including utilising independent technical advisors to verify the proposed programme, was also announced.

An external review by the Irish Environmental Protection Agency is taking place. The review will look at regulation to share best practice and advise on further actions that may be taken to drive compliance. This will report by October 2020.

Recognising the requirement to strengthen arrangements for community engagement, we also confirmed we are actively supporting Fife Council's review of the Mossmorran and Braefoot Bay Community Safety Committee. This is aimed at refreshing community participation and engagement around the Mossmorran complex. We are also collaborating with Fife Council to review monitoring. We will seek input from local communities and other public partners as soon as it is safely practical to do so.

The announcement was carried by Scottish, UK and international media, with 47 UK articles in total. There were 22 broadcast pieces including BBC Good Morning Scotland and BBC Reporting Scotland's 6.30pm bulletin. This had the potential to reach 11,336,001 listeners.

In addition to media coverage there was a range of social media posts. These came from our own accounts, but a number of key political stakeholders shared the messages to their 74,495 followers.

The news was also shared through our [Mossmorran Hub](#) and e-newsletter.



1.2 SEPA begins analysis of first samples in COVID-19 waste water monitoring trial (David Pirie)

We are one of the first European Environment Protection Agencies to monitor COVID-19 in waste water. The first samples are being analysed in our Angus Smith Building laboratories. We are using techniques based on the latest scientific research trialled by the University of Edinburgh's Roslin Institute and other leading academic institutions in the field.

If successful, the trial could form the basis of an ongoing monitoring programme. This would provide additional information to further strengthen the nation's Test and Protect strategy in response to the pandemic.

The release resulted in 54 articles across national broadcast, online and print media (including David Pirie on BBC Good Morning Scotland). International, UK and local coverage was also achieved.



1.3 Social media waste campaign (Ian Buchanan)

At the start of the COVID-19 emergency, a new trend emerged with operators beginning to advertise their household waste collection services on social media. This was primarily due to household waste recycling centres being closed and many homeowners making home improvements. Many of these were reported to us as being illegitimate, so we carried out a program of verifying the intelligence and contacting those identified. We checked to find out if they had appropriate authorisation and what arrangements they had in place for the waste they were collecting.

Through this programme, we have contacted 45 operators with various outcomes. Some have ceased activity, some have now obtained appropriate waste carriers licenses, while others were given advice and guidance. Several of the operators have been linked to unauthorised deposits and are now being investigated further. We are considering actions like fixed monetary penalties for those we identify as operating without appropriate licenses.

This work is continuing and is now part of business as usual. We will carry out regular checks and interventions with those advertising through social media.

1.3.1 Stay compliant, protect the environment waste campaign (Ian Buchanan)

To further tackle the issue, we led on the development of an industry facing waste campaign, targeted towards those that collect, transport and dispose of waste. We worked as part of a co-ordinated group which included the Scottish Government, Zero Waste Scotland, The Convention Of Scottish Local Authorities (COSLA), the Scottish Environmental Services Association (SESA) and the Resource Management Association Scotland (RMAS).

 **Scottish Environment Protection Agency** @ScottishEPA · 30 May
If your business produces, transports, stores or deals with waste you still have a legal responsibility to make sure it's recycled or managed properly. Stay compliant, protect the environment. #ManagingOurWaste bit.ly/2XqSguO



As well as a dedicated [information hub](#) for the waste management sector on the shared campaign website, we have a [dedicated hub on our website](#) focused on regulatory support and activities including temporary regulatory positions.

Our digital campaign, which took a targeted approach to our key audiences, is estimated to have reached an audience of around 350,000, and sponsorship has included direct marketing with the key trade publications, Let's Recycle and Materials Recycling World (MRW).

The initial release attracted 47 pieces of coverage specifically related to the campaign including The Times Scotland, The Scotsman, The Herald, The Press & Journal and the Metro, as well as Materials Recycling World (MRW) and Let's Recycle. Based on readership numbers, this created over 19,000,000 opportunities to see our messages.

1.4 Regulating & Supporting Sectors (Ian Buchanan)

Through our organisational decision-making framework, we continue to have arrangements in place to respond to the most significant environmental events.

We are continuing to deliver a programme of desk-based regulatory checks. This has been focused to target high-hazard activities, sites which have the greatest impact on communities, and a range of key sectors. In undertaking these checks, we are also pointing businesses to our over-arching approach to regulation during the public health emergency and any specific regulatory positions or guidance we have taken which they may find helpful.

1.5 Drones (Ian Buchanan)

The imagery that can be obtained by using drones has many uses. These include flyovers of licensed sites, and establishing the extent and activity on illegal sites. Using drones is a relatively safe way of carrying out these checks as it does not require staff to enter premises. It also allows the checks to be carried out by only two members of staff adhering to social distancing.

We have established a Drone and Imagery Coordination group. This group has developed COVID-safe working practices to allow our drone pilots to carry out their work. They have now carried out initial drone flights for sites that have been authorised for deployment under our current Authorisation Framework. We are working on finding the best digital solution to allow safe and evidentially robust sharing of the product with relevant staff.

Four more staff have been authorised to attend flight training so that they will be able to operate our drones and widen our capability.

We are preparing a Frequently Asked Questions document for our website and media content to let the public know that we are flying drones as part of our regulatory activities.

We have a list of potential sites and are assessing which are suitable to carry out drone flights.

1.6 Air Quality (John Kenny)

On 18 June 2020, the Agency Management Team received a presentation on cross-portfolio working and key achievements relating to our work on air quality, including the recent work relating to air quality and COVID-19. Reducing air pollution is essential to protect public health and the environment. While levels in Scotland are relatively good compared to other European Union Member States, work is still required to drive down emissions further. The last estimate carried out by Health Protection Scotland in 2018 estimated the number deaths across Scotland, with air pollution being the main cause, at 1724.

Based on the air quality modelling work we carried out for the development and delivery of Scotland's Low Emission Zones, the Scottish Government requested that we develop further capability to collect and analyse data on the impacts of COVID-19 on air quality and the environment. This work initially focused on the lockdown period and is now progressing to assess the impacts of the recovery phase. This work has positioned us to provide significant evidence to support measures under the green recovery and transition to sustainable cities. It also provides an excellent example of the type of Phase 2 approach to working we are moving towards.

The Scottish Government is extremely keen for these tools to be made available on their [Air Quality in Scotland Website](#). This provides us with an ideal opportunity to showcase our work in this area. We have also presented this data to Public Health Scotland for assessment of the potential additional sustainability, social and inequalities impacts of the response to COVID-19.

1.7 Water Environment Fund (John Kenny)

COVID-19 has had an impact on our Programme of Work and budget. There has been a 25% reduction in staff capacity, and a three month delay to projects at the construction or procurement phase. Construction and procurement have now restarted in line with Scottish Government guidelines, but with increased costs for new Health and Safety requirements and de/remobilisation costs. The 2020-2021 Programme is moving forward with adaptive ways of working for some tasks and extended timelines. There is a budget variance of £0.5 million on a profile of £1.7 million. We anticipate this will be reduced once projects are restarted and additional COVID-19 related costs are better understood and shared with partners. The Scottish Government is being kept up-to-date and the risk is being managed.

In June 2020, for the first time in more than a century, juvenile salmon have migrated upstream of the Gottar Water weir in Quarriers Village, Renfrewshire. This is a direct result of a recently completed Water Environment Fund fish pass project to allow fish to access 9km of river upstream. This will help slow the decline in wild salmon stocks, promote angling, and promote environmental education opportunities within the historic Quarriers Homes conservation area.

The Upper River Nairn Water Environment Fund funded restoration project has been selected as an exemplar for [Engineering with Nature: an Atlas volume 2](#).

1.8 Landfill Tax (John Kenny)

The Scottish Landfill Communities Fund end of year report for 2019-2020 has been completed for submission to the Revenue Scotland Board. That was the Scottish Landfill Communities Fund's fifth year.

At the end of the year, all Approved Bodies were compliant with the regulations and the conditions of approval we had set. We continue to enjoy an effective relationship with the Approved Bodies. In a new development this year, to give a more rounded view of the performance of the Fund, we included projects in our compliance assessments. In the first four years of the Scottish Landfill Communities Fund, over 1,200 projects have been enrolled with a total award commitment of £28m. Of the project inspections carried out, no non-compliances were found. We continue to adapt to what we are learning year on year, and drive forward improvements.

1.9 NetRegs (John Kenny)

There have been record numbers of users accessing the [NetRegs website](#) despite the current pandemic. With almost 25,000 user sessions last month, current usage of the website has almost doubled since the same period in 2019. We have seen a similar increase since lockdown began with over 20,000 users per month throughout the period. Many of these users are first time visitors to NetRegs.

With such a high interest in guidance on environmental legislation and good practice, we have been adding a number of new e-learning courses to the website. The uptake for these has also been significant with 650 courses completed over the last quarter.

1.10 DecomRegHub (John Kenny)

The SEPA-led [DecomRegHub project](#) recently launched its website to help the oil and gas decommissioning sector navigate regulatory requirements. This website is the result of a partnership of regulatory agencies with a shared interest in oil and gas decommissioning.

We continue to work well on this project remotely, and we recently presented a webinar on it to the sector, hosted by [Decom North Sea](#). This webinar registered the highest attendance for a presentation hosted by this trade body, demonstrating the appetite for this initiative within the sector.

One of our DecomRegHub partners, the Oil and Gas Authority, are revising their corporate strategy to include an industry climate change target of “net zero” in addition to maximum economic recovery. We are engaged in this process to ensure that every opportunity is taken by the offshore decommissioning sector to make a meaningful contribution to Scotland’s green recovery.

1.11 Future economy and society (Jo Green)

A key objective of our work on new economy and society, including the current focus on green recovery, is to use this agenda to shape and catalyse actions on place and sector priorities from our Annual Operating Plan. For example, in our work we are leading with the Scottish Government and Zero Waste Scotland to drive a “circular recovery”, and in our work to take forward place-based priorities which will be increasingly linked into the work of Regional Economic Partnerships in Scotland. We have engaged with the Scottish Government’s Advisory Group on Economic Recovery, highlighting practical examples of our innovation on place and sector-based work. The Group’s [report and recommendations](#) recognised our work on regulatory innovation, including on Sustainable Growth Agreements.

1.12 £1 billion challenge route map announced by SEPA & Scottish Wildlife Trust (Jo Green)

Part of our work on green finance includes the Scottish Conservation [£1b Finance Challenge](#). This is a joint initiative between us and the Scottish Wildlife Trust. We have now launched a route map which was developed in collaboration with a broad coalition of stakeholders and experts. The route map highlights nine tangible opportunities for investment. These opportunities would contribute to a green recovery and result in significant benefits for nature, people’s health and wellbeing, and the nation’s economy. Crucially, the route map also includes models which aim to stimulate investment in Scotland’s natural capital by delivering a financial return to investors.



There were six pieces of coverage including The Scotsman, The Herald, The Planner, and Business Insider – contributing to over 12,000,000 opportunities to see.

1.13 Scotland's economy and environment agencies working towards a green recovery (Jo Green)

On 22 June, we announced a new partnership with Scottish Enterprise.

In a [joint thought leader article](#), both Chief Executives stress the importance of driving green growth and delivering an inclusive, sustainable restart to Scotland's economy. The article showcased the River Leven Programme which both organisations are signatories to. This article included reference to the announcement by Volans that the Leven project is to be the first living case study in its Green Swan Observatory, propelling the project to the global 'one to watch' list for innovative approaches.



Scottish Enterprise SEPA

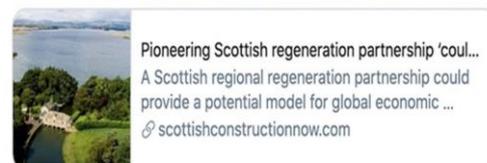
The feature appeared in Business HQ Magazine, The Herald on Sunday and Herald Business (online and paper) providing 2,323,594 potential opportunities to see.

1.14 SEPA partnership names 'Green Swan Observatory' one to watch (Terry A'Hearn)

Our pioneering River Leven partnership programme was named as a potential model for global economic recovery towards the end of June.



The Leven Programme brings together environment and economic agencies with private partners aiming to transform an area once at the centre of Scotland's industrial revolution, locking in sustainable, inclusive growth. The programme was named a '[Green Swan Observatory](#)', propelling the project to the global 'one to watch' list for innovative approaches. Previous recipients of the Green Swan Awards include 'Earth Day' and the multi-award-winning Eden Project in Cornwall.



It came as five new partners - Network Rail, The Coal Authority, Zero Waste Scotland, Historic Environment Scotland, and Fife Coast & Countryside Trust - join another ten private and public partners on the one-year anniversary of the partnership.

The announcement from Volans was covered in edie.net, Green Biz, PR Newswire, Scottish Construction Now. This gave 239,167 opportunities to see our message.

1.15 Development of new beach signage boards (David Pirie)

Our globally recognised electronic bathing water signage boards provide the statutory public health advice function required in the Bathing Water (Scotland) Regulations 2008. Our current signs are based upon 18 year old designs and we plan to upgrade them over the next three years.

The next generation of signs are at an early design stage with two proof of concept units proposed for building in 2020. We are aiming for these to be available to replace old signs at one or two beach locations next year.



Possible design for new bathing water signage

We are currently engaging with users and partners (e.g. local authority, Non-Governmental Organisations, community police) to explore future use (e.g. screen style signs for electronic posters could be useful at high profile locations).

2. Flooding and drought

2.1 Maintaining our hydrometric network during the pandemic (David Pirie)

We have kept our hydrometric network operational during the lockdown period. This is an essential part of our flood warning system. Without the network, we would have to rely on forecasts and models in a situation where things often change unexpectedly. For example, at the start of lockdown Skye received 160mm of rain in a little over 24hrs. This was the 4th highest on record and double the amount forecast. Having the river gauging network operational allowed us to monitor the impacts and understand that the risk remained low. No warnings were required to be issued on this occasion. Our real-time data gave us the information necessary to keep communities informed and safe.

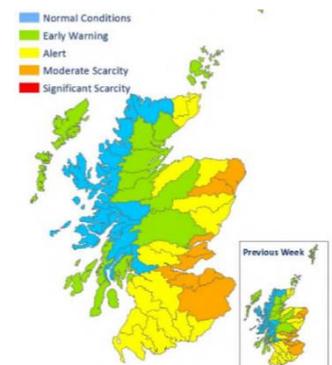
Late June and early July was a particularly busy period where intense lightning storms brought telecommunications disruption. We had to work quickly to bring a number of sites back into operation to enable the Flood Warning service to continue to operate effectively.

In response to lockdown and in line with Scottish Government guidance, our ability to undertake field-related activities has been restricted. We are focusing only on maintaining the most essential sites which make up about 60% of the network. Recently we have been able to increase the types and number of activities we are undertaking. We have restarted our cableway inspections and tendering for construction & repair work.

2.2 Update on water scarcity situation (David Pirie)

We provide a regular assessment of the developing severity of any water scarcity. We combine measurements of rainfall, low flows in rivers (see above) and storage conditions (groundwater, spring & loch levels) with information on evaporation and rainfall predictions from the Met Office.

The most up to date water scarcity report has received widespread compliments from our partners. The report is available [on our website](#).



2.3 New tool for abstractions from rivers during drought (David Pirie)

During drought conditions it is important that people abstracting water from a catchment can work together to manage the available resources in a way that protects the environment. This is particularly important for abstractions for irrigation where operators can time their abstractions to avoid lowering river flows to levels that cause harm.

Over the recent dry weather, we have been working in collaboration with farmers to install sensors in rivers that have large numbers of abstractions for irrigation. Our intention is to provide real time information from sensors (river levels/flow, rainfall & soil moisture) to farmers together with a scheduling tool that will allow them to share their plans for abstractions. We will not have this system ready to help farmers for this year's irrigation season but it will be ready for next year. In the context of the changes driven by climate change, we think that this is a useful contribution to supporting a green recovery in one of the Government's national critical infrastructure sectors. As part of this work we have had a video conference with the New Zealand Ministry of the Environment as it is investigating similar systems.

2.4 New flood warning duty rota staff (David Pirie)

Following a message to staff early in 2020 inviting expressions of interest to join our flood warning rotas, a series of introductory sessions were held with prospective new recruits during June.

By the end of June, almost 20 formal requests had been received to join the rotas. The new members will now be assigned to specific rotas and will embark on an intensive training session so they can make a useful contribution to the winter 2020-2021 flooding season.

3. Our organisation

3.1 People & Property (Fiona Martin)

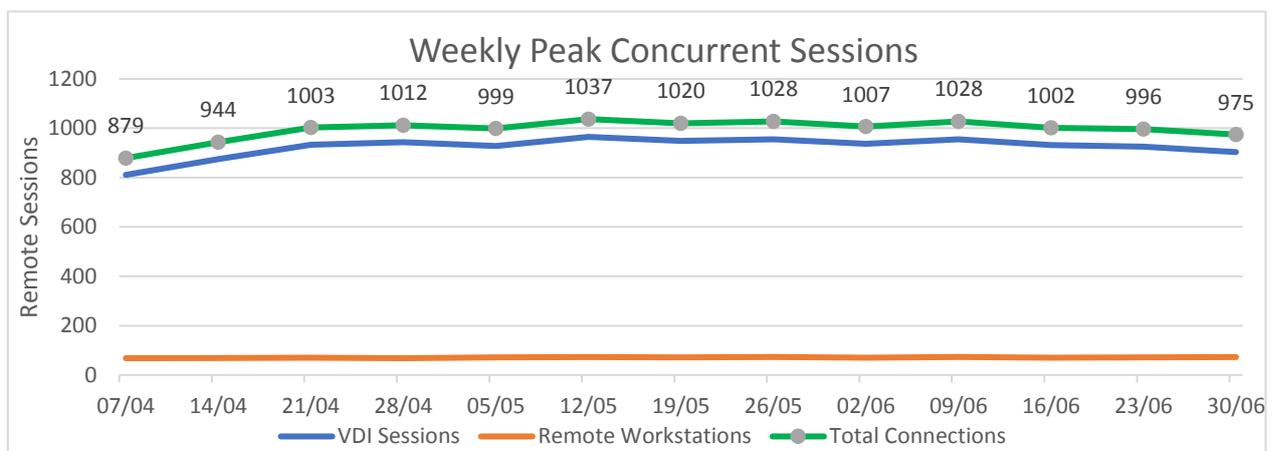
Colleagues in the People and Property portfolio have continued to play a significant role in developing the first SEPA recovery roadmap. This will be developed further by the Annual Operating Plan delivery group. The portfolio has continued to balance focusing on Annual Operating Plan priorities, supporting recovery plans, and responding to a range of operational issues.

Throughout this period, the portfolio has also sought to build the relationship with our recognised trade union, Unison.

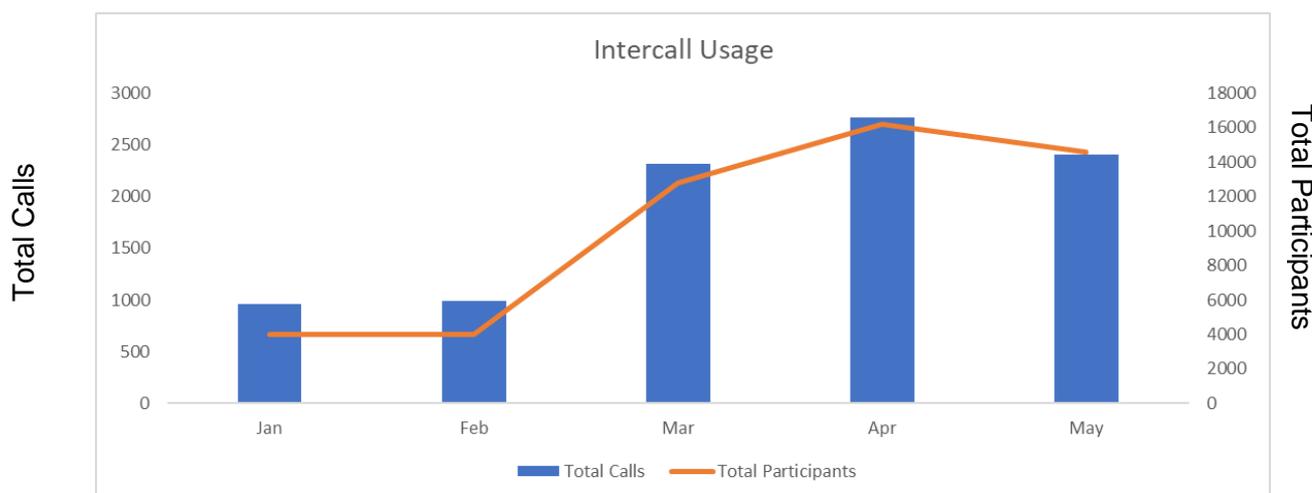
A formal pay claim has now been received from the trade union branch and responding to this will be a focus over the coming weeks.

3.2 SEPA IT Systems (David Pirie)

Secure and reliable IT systems are key to any working from home strategy. Throughout the lockdown period, our systems have been performing well. Demand has remained steady throughout the period. The graph below shows weekly, concurrent virtual desktop interface (VDI) sessions over the recent period. The vast majority of staff are accessing our systems every work day. We have continued to experience a high demand for support from users. The majority of queries continue to be around home access to our systems, telephone conferencing, and failing home devices.



Staff continue to use InterCall as their primary mechanism for holding virtual meetings. During the lockdown period more favourable contract terms have been negotiated. The graph below shows the level of usage of this facility over the lockdown period.



We recognise that we require improved tools to support our internal and external collaboration. Last month, we commissioned a phased and controlled trial and pilot of Microsoft Teams as an improved corporate video conferencing and collaboration tool. Initially our focus has been on using Microsoft Teams to enable:

- Face to face video meetings.
- Formal meetings with the ability to share documents and presentations.
- Informal discussions with teams and colleagues.
- Real time collaborating on documents with staff.

During June, Microsoft Teams has been successfully installed and trialled across our network. A Data Protection Impact Assessment and an Equality Impact Assessment have been completed, basic training, staff induction packages and a pilot for approximately 10% of staff have been prepared and launched. At the end of the first week in July, approximately 122 users had been trained in the use of the software and 210 video conferences had been held. Approximately 50 staff will be trained for the pilot and it will run into August allowing us to evaluate how best to deploy Microsoft Teams more widely across the organisation.

3.3 Finance (Stuart McGregor)

We are working to ensure appropriate financial resources are available for business critical activities. These are necessary to deliver our Annual Operating Plan priorities for 2020-2021. We also need to make sure our expenditure is managed within available funding. This is under significant pressure associated with general budget pressures and the impact on the ongoing COVID-19 pandemic emergency.

We provide a detailed analysis of our financial position in the Quarterly Board Financial Monitoring Report. Significant movements will be reported outwith this reporting cycle as required.

Chargeable Activities – At the request of the Scottish Government, and in recognition of the financial challenges a number of our charge payers are facing during lockdown, we have delayed the issuing of charging scheme invoices for a further month. Invoicing will now take place in August, with those required in hard copy being actioned by an external service provider.

The Scottish Government is aware of the impact this will have on our cashflow, which will be managed through early drawdown of Grant in Aid.

We are working on four charging scheme consultations:-

- Emissions Trading Scheme
- Radioactive Substances
- Marine Cage Fish Farm
- Hydro

These are at various stages of completion, and are facing some resource challenges during the COVID-19 pandemic emergency and recovery periods.

A delay in consultation with industry on the Marine Cage Fish Farm proposals is expected to have a detrimental impact on current year income forecasts.

3.4 Procurement (Stuart McGregor)

Significant progress has now been made against the [Procurement Operating Plan 2019-2021](#). Delivery of this operating plan will assist the organisation in becoming a Phase 2 Environment Protection Agency through more effective procurement and commercial practice which supports the delivery of the Annual Operating Plan and One Planet Prosperity. More resilient supply chains which offer better value for money, sustainable outcomes and represent our values, will help to ensure that the organisation is acting with integrity. Key contract risks have been managed in response to COVID-19. Further work is now required to ensure effective contingency planning on critical contracts.

3.5 The California based Global Footprint Network looks to One Planet Prosperity for Earth Overshoot Day

The Global Footprint Network's Mathis Wagnackel – founder of Earth Overshoot Day – focused on our One Planet Prosperity strategy in a recent edition of Holyrood Magazine.



Writing for the political publication, Wagnackel's article [Choosing our future by design, not disaster](#) examined how the economic slowdown imposed by the COVID-19 pandemic has reduced the global Ecological Footprint. This pushed this year's Earth Overshoot Day to August 22. This is the latest date since 2005. Further work on Earth Overshoot Day will be a focus over the next few months, raising awareness in the lead up to the August date.

4. Action

The Board is asked to **note** this report. Updates will be provided at the meeting.

Terry A'Hearn, Chief Executive

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