



Agency Board Meeting 28 September 2021

Board Report Number: SEPA 33/21

The Integrated Authorisation Framework

- Summary:** The Integrated Authorisation Framework (IAF) is a single authorisation framework that will bring together all the permissioning arrangements for SEPA's four main regulatory regimes (water, waste, radioactive substances and Pollution Prevention and Control) into an integrated permissioning structure and under a single standardised procedure. It provides a significant opportunity to simplify, streamline and standardise the system of environmental authorisations in Scotland. Resource pressures within Scottish Government Legal Department (SGLD) whilst preparing for Brexit led to significant delays and an eventual pause in drafting regulations. Drafting work has now started again.
- Risks:**
- The drafting takes a long time
 - SEPA fail to take advantage of the opportunities provided.
- Resource and Staffing Implications:**
- There are two stages to the work
- Development of the regulations
 - Implementation of the regulations.
- The resourcing of the development of the Regulations falls largely on the policy teams and although demanding they have been aware that this work has been coming for a number of years and are allocating resource to work with SGLD. There is also a need for co-ordinating resource and legal resource and arrangements have been made to allocate significant resource.
- In terms of the implementation of the regulations this is a big project which interfaces with the future regulatory build workstream and the permitting workstream. Considerable resource will be needed from across the organisation. We are at the early stages of scoping out how we will organise ourselves around the implementation and the future build.
- Equalities:** Equality considerations will be built into the drafting of the regulations and the implementation.

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- Environmental and Carbon Impact:** The regulations do not in themselves change the environmental standards within the directives. However, it enables more of a focus on carbon reduction and circular economy. In the waste side it is transformational in terms of enabling circular economy ambitions.
- Purpose and audience of the report:** To provide an update to the Board and to give the Board an opportunity to provide feedback at this early stage.
- Report Author:** Bridget Marshall, Head of Regulatory Strategy and Government Relations
Olivia Cunningham, Principal Policy Officer
Jeremy Warner, Legal Senior Manager
- Appendices:** None

1. Introduction

- 1.1 The IAF is a single authorisation framework that will bring together all the permissioning arrangements for SEPA's four main regulatory regimes (water, waste, radioactive substances and Pollution Prevention and Control) into an integrated permissioning structure and under a single standardised procedure. It provides a significant opportunity to simplify, streamline and standardise the system of environmental authorisations in Scotland.

2. Background

Due to time pressures driven by Directive implementation requirements, Radioactive Substances was introduced as a standalone regime within the new framework on 1 September 2018 by The Environmental Authorisations (Scotland) Regulations 2018. An authorisation guide, guidance on who can hold an authorisation and a public participation statement was also published in September 2018 to support the implementation of the radioactive substances regime into IAF.

It was envisaged that the remaining regimes would be introduced into the IAF in a phased manner shortly afterwards. However, resource pressures within SGLD whilst preparing for Brexit and then Covid led to significant delays and an eventual pause in drafting regulations.

3. Opportunities

- 3.1 Scottish Government have reaffirmed their commitment to the project.
- 3.2 At a high level the IAF if ambitiously implemented enables us to become an effective modern regulator allowing us to play our part in implementing effectively the Scottish Government Climate Change Plan and circular economy objectives whilst protecting biodiversity and the environment overall. It is also important to help SEPA become the progressive environmental regulator needed by Scotland and reflected in the Benny Higgins Report. There is a recognition that high-quality regulatory standards are essential to underpin inclusive, lasting and green economic recovery. The focus is on ensuring that regulators are administering processes that are efficient, flexible and outcome-focussed. In practical terms, instead of having four similar yet slightly different application processes, determination processes, appeals processes and enforcement processes the IAF integrates all processes into one. The IAF also provides a very practical way of strengthening and demonstrating delivery under the Environment Strategy.
- 3.3 The new Fit & Proper Person test gives SEPA the ability to take a much wider and rounded approach in assessing the suitability of an operator to hold an authorisation, so that we can avoid giving authorisations to those who will undermine our regulatory system. The powerful new Regulatory Notice gives us broader powers to bring regulated businesses into compliance quickly, easily and cost effectively and it strengthens some of the existing weaknesses in our regulatory toolkit. For example, it will enable us to target those who carry out unauthorised activities such as dumping waste and require them to remove it, as opposed to the current situation where we can only target the landowner who may not have been the polluter.
- 3.4 Opportunities now arise to build back one integrated digital system and process. The Regulations also allow us to take a transformational step forward in terms of the proportionality and simplification of all of our permits. It enables us to produce standard

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rules for all of our lower risk authorisations and place them in general binding rules, notifications or registrations. A combination of online applications and standard rules will allow a significant proportion of our authorisations to be efficiently determined. It will be a major step forward in our aspiration to spend no more than 10% of our time on permitting activities. This frees up time to use the full One Planet Prosperity regulatory toolkit to achieve compliance and beyond compliance outcome

4. Recommendations

4.1 The Board is asked to **note** the contents of this paper.

Bridget Marshall, Head of Regulatory Strategy and Government Relations
Olivia Cunningham, Principal Policy Officer
Jeremy Warner, Legal Senior Manager

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