

Statutory Guidance on the General Purpose of the Scottish Environment Protection Agency and its Contribution Towards Sustainable Development

March 2015

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Laid before the Scottish Parliament by the Minister for Environment, Climate Change and Land Reform under Section 31(5) of the Environment Act 1995

December 2014

SG/2014/267

1. Background

1.1 The Scottish Environment Protection Agency (SEPA) has a wide range of duties and functions and these have evolved since it was established in 1996.

1.2 This document provides statutory guidance to SEPA following the general purpose inserted into the Environment Act 1995 (“the 1995 Act”) by the Regulatory Reform (Scotland) Act 2014.

1.3 Specifically, guidance is offered to SEPA with respect to:

- section 20A of the 1995 Act and duties therein.
- Section 31 of the 1995 Act and the contribution SEPA makes towards attaining the objective of achieving sustainable development.

1.4 The guidance is intended to assist SEPA in preparing its Corporate Plan, in delivery of its work programme as it supports delivery of the Scottish Government’s Purpose:

“To focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.”

1.5 This guidance is issued by the Scottish Ministers under section 20A of the Environment Act 1995 and replaces the previous guidance “*The Scottish Environment Protection Agency (SEPA) and Sustainable Development*” issued in 2006. It will be reviewed and revised by the Scottish Ministers as and when appropriate.

2. General purpose of SEPA

2.1 This guidance recognises that SEPA’s primary role is to protect and improve the environment as Scotland’s principal environmental regulator.

2.2 The Regulatory Reform (Scotland) Act 2014 introduced a general purpose for SEPA, as follows:

(1) SEPA is to carry out the functions conferred on it by or under this Act or any other enactment for the purpose of protecting and improving the environment (including managing natural resources in a sustainable way).

(2) In carrying out its functions for that purpose SEPA must, except to the extent that it would be inconsistent with subsection (1) to do so, contribute to—

(a) improving the health and well being of people in Scotland, and

(b) achieving sustainable economic growth

2.3 This provides for a clear hierarchy which acknowledges the three elements of sustainable development but that primacy is to be given, by SEPA, to protecting and improving the environment.

2.4 The Scottish Government defines sustainable economic growth as:

“...building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too”.

2.5 The interaction between SEPA’s General Purpose and outcomes and the National Performance Framework (NPF), and the indicators by which SEPA’s performance is measured, shall be set out in SEPA’s Corporate Plan, as approved by the Scottish Ministers.

3. Attainment of the objective of achieving sustainable development

3.1 The goal of sustainable development¹, to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations, is integral to the Scottish Government's overall Purpose.

3.2 The fundamental principle of sustainable development is that it integrates the range of economic, social and environmental objectives that underpin our long-term prosperity and flourishing. This will be reflected in SEPA’s interpretation and delivery of sustainable economic growth.

3.3 One of SEPA’s main contributions to sustainable development will be in working with others to help those in Scotland understand how economic and social benefits can be maximised without undermining natural capital and ecosystem services.

3.4 SEPA’s approach should consider Scotland’s natural environment as underpinning the health and wellbeing of communities, providing a stock of potential resources and assets able to produce value and on-going services to Scotland’s economy. Maintaining this natural capital and protecting and enhancing the quality of water, land and living resources, is essential in supporting Scottish communities and businesses and SEPA has a particular role in contributing to the protection and enhancement of these “ecosystem services” for the long term.

¹ <http://www.gov.scot/Topics/Environment/SustainableDevelopment>

3.5 The Scottish Government expects SEPA to measure success and augment the National Performance Framework by recognising the value of ecosystem services, and the contribution these provide to human wellbeing and sustainable development.

3.6 In operating under its General Purpose, the Scottish Ministers expect SEPA to align with and demonstrate the achievement of the Scottish Government's Purpose in their delivery of outcomes for the environment, health and wellbeing and the economy.

3.7 Alignment with the NPF will help SEPA as an organisation manage the balancing judgements required in carrying out its functions to reflect the range of environmental, social and economic factors that underpin long term wellbeing, prosperity and resilience.

4. Delivery

4.1 SEPA has an important role to play in engaging and working in partnership across the public, private and third sectors, and with communities, in terms of achieving shared outcomes and effective local and national delivery.

4.2 To meet the challenges ahead, the Scottish Ministers expect SEPA to focus particularly on the four pillars of the Scottish Government's public service reform agenda:

(i) a decisive shift towards prevention, in terms of how SEPA recognises the interconnectedness of the environment and takes an integrated approach; seeks to understand behavioural drivers and address root causes; and acts for the benefit of the public at large to regulate activities that have the potential to cause environmental harm.

(ii) a greater focus on 'place' to drive better partnership, collaboration and local delivery, in terms of how SEPA seeks to understand and respond to stakeholders; bases its action on a broad range of evidence and analysis; and promotes greater responsibility for the environment in society by informing and encouraging voluntary action within communities and promoting the business benefits of good environmental performance.

(iii) investing in people who deliver services through enhanced workforce development and effective leadership in terms of the outcomes sought from the SEPA change programme; and,

(iv) a more transparent public service culture which improves standards of performance and access to information and decision-making.

4.3 As a high performance organisation, the Scottish Ministers expect SEPA to target resources where it is most needed and where environmental, social and economic risks and benefits are greatest, to deliver value for money and exploit opportunities offered by the digital age.

5. Approach and outcomes for SEPA

5.1 SEPA's General Purpose sets the outcomes the Scottish Ministers expect them to align themselves to and deliver.

5.2 SEPA is expected to take an outcomes-based approach to delivery of public services in Scotland and SEPA's role within this wider context reflects the fact that Scotland's public bodies cannot look at issues in isolation.

5.3 The outcomes that SEPA seek should complement and be fully aligned with the National Outcomes set out in the NPF. This will involve SEPA working in partnership to tackle Scotland's key long-term economic, social and environmental challenges, contributing to sustainable development and helping to make a difference to the quality of life for the people of Scotland.

5.4 Overleaf are details of the three high level outcomes which SEPA should align itself to in its contribution to the delivery of the NPF and to the Scottish Government's Purpose.

5.5 To help focus its work on delivering or contributing to these, SEPA should have regard to the Ministerial expectations that sit beneath each high level outcome and reflect these in SEPA's Corporate Plan to:

- develop and implement priorities and its work programme in an integrated way;
- develop indicators to measure and report on performance against these outcomes; and
- explain its vision and set its strategic objectives within this framework.

Scotland's environment is protected and improving

- Risks to the environment are regulated proportionately and effectively.
- Scotland is prepared for a sustainable future including a low carbon economy and tackling climate change.
- Natural capital and ecosystem services are better understood, protected and enhanced.
- Environmental harms are identified by gathering intelligence as well as evidence-based monitoring and reporting.
- The behavioural drivers and root causes of environmental harm and non-compliance are addressed.
- There is greater partnership working through development of effective relationships and shared objectives with stakeholders.
- Information, advice and guidance is easily available to inform action.

Health and wellbeing of people in Scotland is improving

- Health and wellbeing are taken into account in decision making and regulatory activity.
- Communities are protected by tackling the highest risks, non-compliance and environmental crime and through provision of appropriate public warning systems.
- The benefits of a good environment for health and wellbeing are promoted.
- SEPA's understanding of the environmental impact on human health is increasing and, where possible, action to improve health and wellbeing and tackle health inequalities is supported.
- Voluntary action within communities is encouraged and businesses participate as "good neighbours".
- Community concerns are responded to, resilience, learning and ownership are increased and engagement is encouraged.

SEPA contribute to the achievement of sustainable economic growth

- Environmental crime is being tackled to help create a level playing field for legitimate businesses.
- The impact of regulatory activity on business is considered by taking sustainable economic growth and business factors into account, and better regulation principles have been adopted.
- The business benefits of good environmental performance are promoted and the achievement of a more resource-efficient Scotland and a circular economy are supported.
- SEPA is a high-performance, best value, customer-focussed organisation.
- There is a greater understanding, both of the economic value of the environment, and by SEPA of the sectors they regulate.
- Key and emerging market sectors, including low carbon markets, are supported and prioritised.



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Edinburgh
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