

Better Environmental Regulation Programme

Consultation on draft Regulations for an Integrated Authorisation Framework

An analysis of responses

February 2018

1. Overview of responses

In September 2017, we consulted on draft Regulations for the creation of an integrated authorisation framework. The aim of the framework is to integrate, as far as the relevant European Directives allow, the authorisation, procedural and enforcement arrangements relating to water, waste, radioactive substances and pollution prevention and control.

The consultation ran from 28 September 2017 until 23 November 2017. We received 29 responses.

2. Key points

The vast majority of respondents supported the provisions set out in the draft Regulations. However, a number of respondents commented about the level of discretion afforded to SEPA across a number of the provisions.

We recognise that there is a balance to be struck between ensuring SEPA has sufficient flexibility to be able to respond appropriately to address the wide range of circumstances that are likely to occur, and providing sufficient certainty for operators and stakeholders.

SEPA is expected to behave reasonably in the exercise of all its functions. However we understand the concerns raised and have reviewed the relevant provisions, clarifying, and in some instances constraining, the scope of the discretion.

A number of detailed comments on individual provisions were also received, and we have taken these into account in producing the next draft of the Regulations.

3. Next steps

We are currently finalising the draft Regulations, which will form the basis of the Integrated Authorisation Framework and the technical provisions relating to the radioactive substances regime. It is expected that these will be laid before the Scottish Parliament in May 2018, and come into force in the autumn.

The technical provisions for the water, pollution prevention and control, and waste regimes will follow separately, with appropriate stakeholder engagement as each is developed.

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