

CONSULTATION: Consultation of the revision of the SEPA Compliance Assessment Scheme

Date: 22 October 2015

To: SEPA

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Scottish Land & Estates response to this consultation was submitted using SEPA's online consultation tool. Our answers to the consultation are noted below.

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Online Survey

1 What is your name?

Name: Anne Gray

2 What is your email address?

Email: anne.gray@scottishlandandestates.co.uk

3 What is your organisation?

Organisation: Scottish Land & Estates

4 Are you responding as an individual or on behalf of an organisation?

Organisation

5 ONLY ANSWER IF RESPONDING AS AN ORGANISATION. If you indicated in the previous question that you are responding on behalf of an organisation, the name and address of your organisation will be made available to the public. Please indicate whether you are content for your RESPONSE to be made available.

Yes, make my response available to the public.

6 ONLY ANSWER IF RESPONDING AS AN INDIVIDUAL. Do you agree to your response being made available to the public?

7 ONLY ANSWER IF YOU ARE RESPONDING AS AN INDIVIDUAL. Where confidentiality is not requested, we will make your responses available to the public on the following basis. Please select one of the following.

Not Answered

8 We will share your response internally with other SEPA and Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but would require your permission to do so. Are you content for them to contact you again in relation to this consultation exercise?

Yes

9 Do you think that SEPA should take into account compliance with other regulatory requirements when assessing and reporting compliance?

Yes

10 Do you think that environmental events not covered by the licence condition but associated with the licenced activity should be taken into account in assessment of compliance?

Yes

11 Do you agree that SEPA should consider those that are fully compliant as 'Compliant' and not 'Excellent'?

Yes

12 Do you agree with the changes to the matrix bringing environmental impact more to the fore?

Yes

13 Do you think that the category of repeated minor breaches should be removed from compliance calculations?

Yes

14 Do you think that focusing effort on major non-compliance will allow SEPA to be more proportionate in its approach to assessing compliance?

Yes

**15 Do you have any suggestions to improve the criteria used to define major breaches?
Enter your suggestions here:**

Scottish Land & Estates is comfortable with most of the Major Breach criteria set out in Table 3. However, we do not believe that Criteria 4 and 8 should be considered as causing a Major Breach.

SEPA has said that it wants to make changes to the CAS such that effort is directed to those businesses that pose a significant risk or impact to the environment. While not paying fees and not submitting data impact on SEPA's efficient running, they do not pose a risk to the environment, nor are they a breach of environmental legislation. While we support SEPA's efforts to ensure payment and data are received promptly, we do not believe the CAS is the mechanism with which to achieve this.

16 Do you think continuous assessment is a fairer way of calculating compliance?

Yes

17 Considering all the proposals in Section 2 do you think the revised scheme will help meet the requirements of being fairer, simpler and transparent?

Yes

18 What criteria should we use to identify those sites that have excellent environmental practice?

Enter your criteria here:

The examples SEPA has provided in the consultation document should be indicators of excellence, as should involvement in natural flood management and water quality improvement schemes (particularly including measures to minimise diffuse pollution). Aside from natural flood management and water quality projects instigated by SEPA, a number of our members are involved in SNH's Peatland Action project. It would be helpful therefore if SEPA could also identify projects such as Peatland Action which benefit the water environment but are hosted by other agencies.

19 Do you have any other comments to make?

Enter your comment here:

Qualifications to answers 9 and 10 - we are supportive of these measures because on the whole they can be applied objectively against given criteria. We can understand and support SEPA's overarching reasoning for wanting to bring these changes in. However, particularly with "environmental events", proving cause and effect will, as ever, be important. It should be clear that the event was caused as a result of "the activity" and not as a result of other factors (or a combination of "the activity" and other factors).

Qualification to answer 11 - we agree with the reasoning for a move from "excellent" to "compliant". However it would be nice to see an indication within the table that "excellent", "very good" and "good" scores can be achieved for those that demonstrate practice which goes beyond compliance.