



Our Approach to Regulation

Protect Adapt Improve

Context

We have reviewed our approach to regulation, evolving our 2016 Regulatory Strategy to better reflect future challenges and opportunities.

Our environment continues to face serious challenges and as a nation we continue to live well beyond the means of our planet. The global crises of climate change, pollution and nature loss are existential threats that Scotland must play its full part in helping to tackle.

Scotland's environment is central to our identity, success, and development as a nation. It is fundamental to our culture, economy, and quality of life. This means an environment where the quality of our air, water and land is high, where our resources are used fairly and efficiently and where species in Scotland are not at risk of extinction.

We have a leading role to play in making this a reality. One of the most significant ways we do this is by regulating activities that may impact on the environment or communities. We can also help to support businesses that want to innovate and to grow sustainably.

This approach describes how we intend to target and focus our resources so that we can play our part, with others, to take the urgent action needed to protect and improve Scotland's environment, and to tackle the climate, pollution, and nature loss crises.



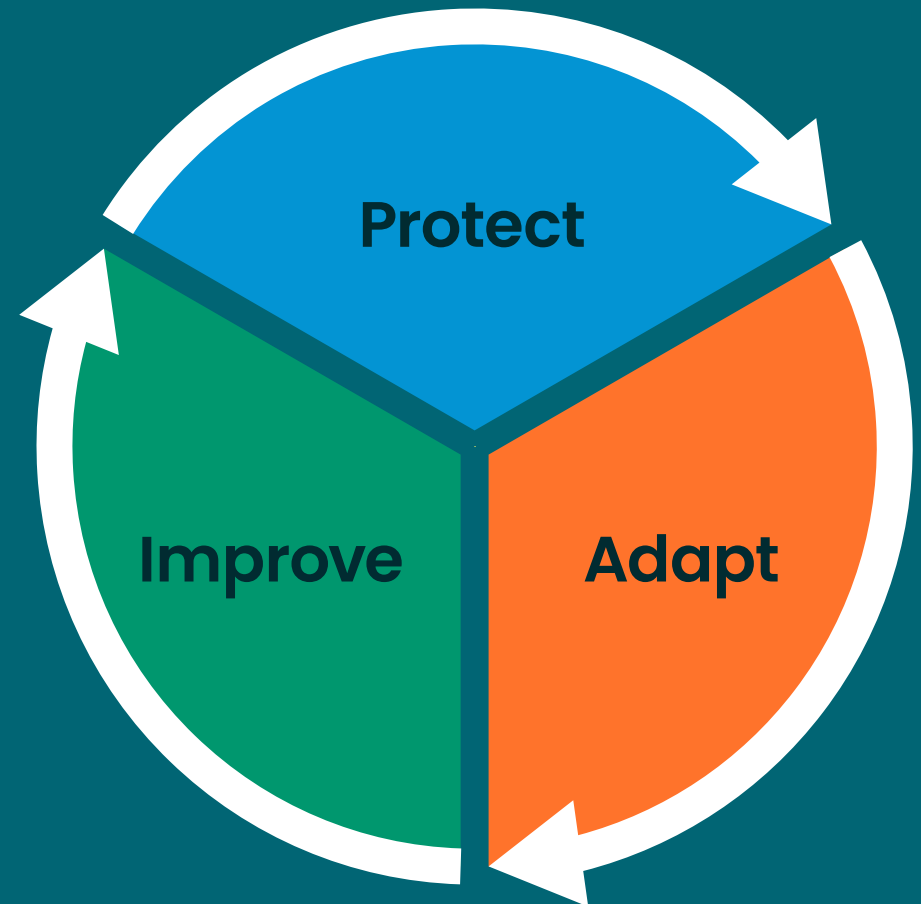
Our purpose

As set out in the Regulatory Reform (Scotland) Act 2014, SEPA have to carry out our functions for the primary purpose of protecting and improving the environment (including managing natural resources in a sustainable way).

In doing so, and provided it is consistent with the primary purpose, SEPA should contribute to (a) improving the health and wellbeing of people in Scotland, and (b) achieving sustainable economic growth.

Our Approach to Regulation sets our focus and targets our resources to:

- » Control pollution.
- » Help Scotland to tackle the climate and nature loss crises.
- » Support environmentally safe and successful organisations and activities.
- » Tackle environmental crime, ensuring that Scotland's environment and communities are protected.
- » Support sectors who want to use innovation to go further and to do more than required by environmental regulations.

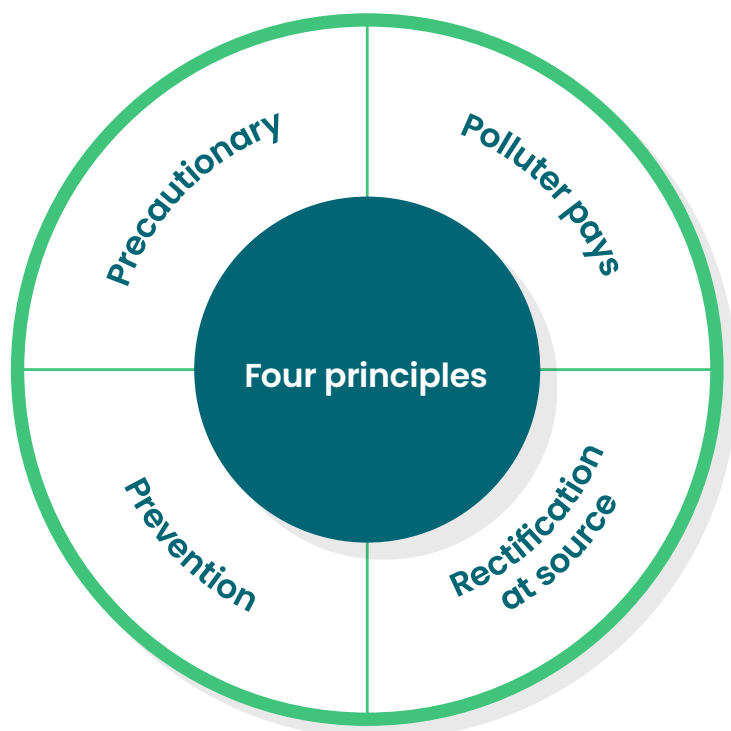


Our principles

Our Approach to Regulation is guided by principles that underpin our work. These are drawn from the [Scottish Government's Environmental Strategy](#) and from the principles of better regulation set out in the [Scottish Regulators' Strategic Code of Practice](#).

What we do

These are the four principles that we apply across our regulatory work:



How we do it

- » **We are proportionate and target our work.** We focus our efforts on where there are the biggest risks to, or opportunities for, the environment and communities and tailor our approach to the desired outcomes.
- » **We act consistently.** We have policies and procedures to support consistent regulatory decision making and our decisions are informed by evidence and led by intelligence. We pursue continuous improvement.
- » **We are accountable and transparent.** We are alive to the interests of others and take account of their views and the impact on them in our regulatory decisions. We are clear in what we expect from others and what they can expect from us.

Protect

We regulate to protect the environment and communities from harm.

By:

- » Securing high compliance with the legislation we enforce and the authorisations we issue.
- » Taking appropriate action against those who do not comply with our legislation and authorisations.
- » Preparing for, responding to, and investigating environmental events.
- » Understanding where harms are occurring in our environment.

Adapt

We regulate to help Scotland to adapt to our changing environment.

By:

- » Using our regulation to help operators to be resilient to climate change and other changes affecting our environment, such as the transition to a circular economy.
- » Enabling innovation through regulation.
- » Taking account of climate change and other emerging environmental threats where necessary in our regulatory decision making.

Improve

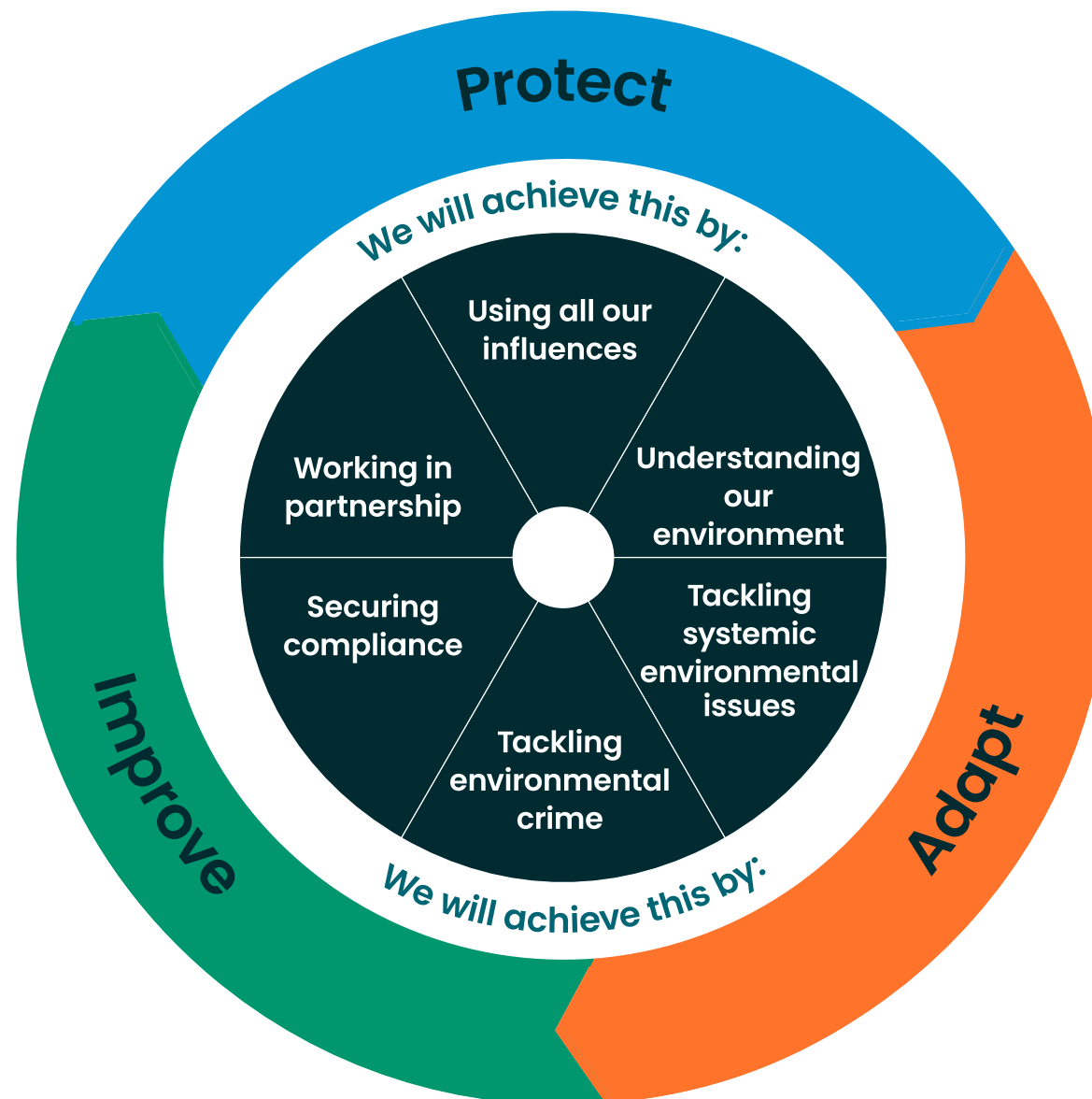
We regulate to improve the quality of our environment for people and for nature and to help operators transition to net zero.

By:

- » Using our regulation to help those we regulate to transition to net zero.
- » Supporting businesses that want to grow sustainably and go beyond what's required by law.
- » Improving the environmental quality of Scotland.
- » Using our powers, where appropriate, to require those that harm our environment through non-compliance or illegal activity to undertake restorative action.

Our approach

We protect, adapt and improve by using the following six elements:



Working in partnership

We cannot achieve our outcomes by acting alone. Partnerships have always been a fundamental way of how we deliver regulatory outcomes and of how we help to deliver the best results most efficiently. Sometimes we lead, but equally we also commit to support the leadership of others by being an active partner. We:

- » Support and develop our staff so they continue to succeed in delivering our goals through partnerships.
- » Continue to foster and sustain partnerships to support delivery of our regulatory work.
- » Consider the views of all communities and stakeholders in our regulatory work.
- » Work with partners across a whole sector or sectors to help tackle compliance and systemic issues.

Using all our influences

As Scotland's national environmental regulator, we have a wide range of legislative powers, but also considerable influence. Using this wider influence to protect and improve the environment and communities will yield better outcomes. We:

- » Continue to use the full extent of our regulatory toolkit.
- » Use all available levers and influences to cause a positive step change in the behaviour of those we regulate.

Understanding our environment

We know our environment is changing. Understanding how, why and where changes are occurring allows us to focus our efforts on the most critical issues and to take preventative action against emerging threats. We:

- » Monitor Scotland's environment, checking where harms may be occurring, where there are requirements or opportunities for improvements, and that those improvements are making a difference.
- » Continue to gather information from site inspections, environmental monitoring, submitted data and reports, and from incidents that we attend. This will be used to support our verification work and, where necessary to underpin enforcement and improvements.

Securing compliance

We expect all regulated operators to understand their impact on the environment and to comply with their obligations in legislation and conditions set out in authorisations.

Operators that want to do the right thing will be supported, those that seek to benefit from non-compliance will be targeted. We:

- » When necessary, use appropriate enforcement tools and other influences to ensure compliance, drive restoration of the environment and/or stop the offending activity.
- » Provide the advice and information non-compliant operators need to enable them to get back into compliance as quickly and as effectively as possible.
- » Provide support and advice to help those operators that want to innovate in ways that help them to go further than simple compliance; for example, to transition to net zero, reduce materials use, reduce waste, and regenerate the environment.
- » Require operators to provide us with the right information, verify their reporting and provide assurance on environmental performance to the public.

Tackling environmental crime

Environmental crime impacts the environment, blights communities, and creates risks to legitimate business, health and wellbeing. Tackling it requires a multi-agency approach that creates a hostile business environment for those that choose not to comply with the law. We:

- » Deploy our enforcement tools in partnership with other regulators and law enforcement agencies to disrupt criminal activities and bring to justice those involved in environmental crime.
- » Use an evidence and intelligence led approach to target and tackle the most persistent offenders.
- » Work with businesses and partners to help create a level playing field in sectors blighted by criminality.

Tackling systemic environmental issues

The climate, pollution and nature loss crises are the result of continued overuse of the planet's resources. Securing compliance alone will not resolve these crises nor tackle the underlying causes of them. We must go further. We use our regulatory powers, partnerships and influence to:

- » Help address resource over consumption and the causes of climate change and nature loss.
- » Contribute to the delivery of net zero, climate adaptation and sustainability and biodiversity improvement.
- » Support regulated organisations as they transition to net zero.

For the future of our environment

For information on accessing this document in an alternative format or language please contact SEPA by emailing **equalities@sepa.org.uk**

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contactscotland-bsl.org