

**Public Participation Statement (PPS)**

Version 2

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**Guidance under the Environmental Authorisations (Scotland) Regulations 2018 (EASR)**

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# Public Participation Statement

This is our **Public participation statement (PPS)** that explains when and how we will involve the public and other interested bodies in our decisions on environmental authorisations. It will help you to understand how you can be involved.

## Is this of interest to me?

If you are:

* A member of the public who lives near to an existing or proposed activity and wants to find out more about applications we are consulting on.
* The prospective applicant that is applying for or is a holder of an environmental authorisation to understand their responsibilities.
* A public body with related responsibilities to protect the environment and human health.
* An interested body seeking information about regulated activities, who may wish to participate in the authorisation process or be kept informed of them.

By implementing this statement, we want to:

* Engage with you before a decision has been made so that we can make informed decisions that take account of all relevant facts.
* Engage you at the right time with the right information and with ongoing communication throughout the determination process (e.g. through public consultation, information on our website).
* Be clear on when you can influence or challenge a decision and make it simple to make your views known.
* Improve transparency by ensuring that you have access to information about the activities we authorise and their compliance.
* Encourage operators to engage with their communities and to be good neighbours.
* Make additional arrangements for participation for those sites or activities that attract a high level of public interest (see Annex 1 and Annex 2).

Our level of engagement with you will vary depending on the activity and the environmental authorisation being applied for.

# How we regulate

As Scotland’s principal environmental regulator, we regulate certain activities that could impact on the environment or human health. We authorise these activities subject to certain conditions and check compliance with our authorisations by carrying out audits, inspections and monitoring. Where necessary we take enforcement action to ensure authorisations are complied with and the environment and people are protected.

We help authorisation holders and individuals to understand and comply with environmental regulations and, where possible, realise the economic and social benefits of good environmental practice. We expect that the best businesses will already involve their communities and be good neighbours.

# What is an environmental authorisation?

Some activities can potentially be harmful to the environment and human health and require an environmental authorisation. These authorisations set out conditions so that activities are carried out to minimise pollution and environmental damage.

Activities that require an authorisation before they can be carried out include:

* Those with the potential to cause pollution such as factories, waste management sites and intensive agriculture.
* Abstraction of water for activities such as agricultural irrigation, hydro schemes and fish farms.
* Building and engineering works affecting inland waters such as building flood defence schemes and engineering works on riverbanks.

Different types of environmental authorisation exist depending on the scale and nature of activities (see Table 1). All these types of authorisations include rules or conditions that aim to protect the environment and people.

**Table** 1 – Types of environmental authorisation

| **Type of authorisation** | **What does the authorisation cover?** | **Example activities**  | **What controls are in place?** |
| --- | --- | --- | --- |
| **Permit** | Permits regulate activities that:* May have environmental and community impacts.
* Are non-standard.
* Are complex..
* Need rigorous assessment.
 | Examples of permit level activities include:* Landfill activities.
* New flood defences.
* Intensive rearing of poultry or pigs.
* Using or storing high-activity radioactive sealed sources.
 | Permits place conditions on the authorised person to ensure the activity can take place in ways that protect the environment and human health. These may be standard conditions or bespoke conditions.The authorised person must be in control of the regulated activity and fit and proper to be a permit holder. [Guidance](https://www.sepa.org.uk/media/372007/guidance_on_who_can_hold_an_authorisation.pdf) on who can hold an authorisation is available.  |
| **Registration** | Registration activities are lower risk and a simple assessment can take place to enable us to grant or refuse the application. | Examples of registration level activities include:* Medium scale composting activities.
* Sediment removal in a watercourse near a bridge.
* Dry cleaning.
* Using or storing sealed radioactive sources that exceed notification thresholds but don’t reach permit-level quantities.
 | A set of standard conditions will apply to a particular activity and the registration will contain no bespoke conditions. [Guidance](https://www.sepa.org.uk/media/372007/guidance_on_who_can_hold_an_authorisation.pdf) on who can hold an authorisation is available.  |
| **Notification** | Low risk activities that we do not need to grant or refuse the authorisation for, but where we need to know where and when certain activities take place to understand the potential for cumulative effects or for reporting purposes. | Examples of authorisation level activities include:* Grading, screening, or heating of designated minerals.
* Importing or exporting radioactive substances for limited use or short durations.
 | General Binding Rules (GBRs) may apply to certain activities. |
| **General Binding Rule (GBR)** | Low risk activities that need to be carried out in accordance with a set of GBRs. | Examples of GBR level activities include:* Storage of waste prior to collection.
* Agricultural activities that may cause diffuse pollution.
* Use of very small quantities of radioactive materials in research or teaching.
 | GBRs authorise an activity automatically without any prior contact or agreement from us. |

# Why should I get involved?

We recognise you may be affected by some of the activities we regulate and have local knowledge and insight. Involving you will ensure that we benefit from this insight. Similarly, involving public and other bodies that have specialist or local knowledge is invaluable in helping us regulate effectively.

While we have technical expertise that enables us to understand the activities and their potential impacts on the environment and people, we want to use your specialist knowledge or knowledge about what is happening in your local environment to help us make better decisions.

# When can I get involved?

There are two ways in which you can get involved: (i) through public consultations on applications we receive for some permits (see How can I get involved in permit consultations?) and (ii) through consultations on proposals to make or change standard conditions.

We will also make information available on [SEPAs Consultation Hub](https://consultation.sepa.org.uk/). Please note that commercially confidential information or that subject to national security will not be made available.

**Table 2 – When will you be consulted and when will we provide information**

| **Type of authorisation** | **When will we consult and what information will we make available?** |
| --- | --- |
| **Permit**Longer determination period (normally four months or less) | We will consult on:* Some permit applications and draft decisions (see section ‘*How can I get involved in permit consultations?*’).
* Proposed standard conditions that will be used in permits.

We will make available:* Information on all permit applications (including surrenders, variations and transfers).
* Draft decision documents and draft permits in some cases.
* All granted permits.
* Responses to a public consultation (if requested by the responder).
* Compliance history.
* Any completed enforcement action taken by SEPA.
* All standard conditions and associated guidance.
 |
| **Registration**Determination period (28 days or less) | We will consult on:* Proposed standard conditions that will be used in registrations.

We will make available:* All applications for registrations (including surrenders, variations and transfers).
* All granted registrations.
* Any completed enforcement action taken by SEPA.
* All standard conditions and associated guidance.

  |
| **Notification**No determination | The Scottish Government will consult on all draft GBRs.We will make available:* All notifications.
* Any completed enforcement action taken by SEPA.
* GBRs and associated guidance.
 |
| **GBRs**Automatic authorisation | The Scottish Government will consult on all GBRs.We will make available:* Any completed enforcement action taken by SEPA.
* GBRs and associated guidance.
 |

The [Environmental Authorisation (Scotland) Regulations](https://www.legislation.gov.uk/sdsi/2025/9780111062319/contents) (Schedule 3) details what information we are required to provide. Please see our [Public Register](https://www.sepa.org.uk/regulations/authorisations-and-permits/public-register/).

# How can I get involved in permit consultations?

We will consult on those applications for permits and substantial variations to existing permits, which due to their nature or location have higher likelihood of environmental impact and community impact. You can find examples of these on [SEPAs Consultation Hub](https://consultation.sepa.org.uk/).

We will put all our permit applications on our website subject to commercial confidentiality and national security directions. If you become aware of an application for a permit that we are not consulting on, but you feel that we should be please contact us. Our aim is to engage with you.

Activities that require a **permit** before they can be carried out include:

* Activities that have the potential to cause significant harm to the environment and people if not correctly managed, such as large scale energy production, intensive pig and poultry rearing, food, and drink manufacturers.
* Activities that are likely to have a significant adverse impact on the water environment or the interests of other users of the water environment, such as applications for large flood defence schemes, hydropower schemes.
* Activities that due to their nature or location may have a particular local or national public interest (e.g. fish farms).

In most cases we will be seeking your views on **how the activity proceeds** not whether the activity goes ahead at a particular location. This **does not** imply that the activity will be permitted by SEPA if it has been through the planning process. SEPA will not consider the suitability of the location of the activity at the environmental permitting stage if that has already been considered by the Planning Authority. However, SEPA may include conditions in a permit based on where the activity is taking place. We may ask specific questions around the activity we are seeking to regulate and the environment that surrounds it. For example, we may ask you to tell us about businesses in the area that we might not know about because we do not regulate them, the type of recreational activities that take place in the area or if places around you are prone to flooding. This will help us form a more complete picture of what impacts might occur.

It is our aim to determine permits within four months (including the public consultation period of at least 28 days). When we will take longer to determine a permit we will agree this with the applicant from the outset. This may include some cases where we think we need a longer public consultation period and this is agreed with the applicant.

## Steps in the application process for a permit

There are three steps that SEPA follow once we receive an application for permit with to prepare for our public consultation.

Step 1 is immediately after SEPA receive an application for permit. At this stage SEPA decides, based on the activity for which the application is for, if we will publicly consult. Prior to public consultation we will set out:

* how we will publicise the application and ways you can participate (see [Annex 2](#_Annex_2:_Publicising));
* the dates for the public consultation;
* what information we are looking for.

The type of arrangements we make for participation will be discussed with the applicant and will depend on the nature of the activity.

Step 2 is the public consultation itself. For those applications we consult on we will publicise the application on our website and by other means. The public consultation will run for 28 days to allow for time to determine the application within a 4 month window. The consultation will include a non-technical summary and targeted information on what aspect we are seeking information on. Information about how to submit a response and the deadline for response will be provided. To make our decision, we will consider:

* all the information on the application;
* all the responses we receive during the consultation;
* any additional information that the applicant has provided on request.

Step 3, the final step in the process is where the permit decision will be made and the permit will be granted or refused. If you have responded to the public consultation, we will contact you with information about the draft permit and the decision document (a record of how the decision has been made). In addition, we will consult on the draft decision for some permits. For certain applications (those subject to the Industrial Emissions Directive) we will consult on the draft decisions for 28 days regardless if a public response has been received or not. This gives you and other interested parties the opportunity to review our decision.

Scottish Ministers may choose to call in an application for their own determination. More information on this process is available via [Scottish Government](https://www.gov.scot/publications/process-considering-third-party-representations-under-environmental-authorisations-scotland-regulations/). The outcome of this process is that SEPA will grant or refuse the permit application in question.

There are two other processes that you can participate in outlined below.

## Pre-application Public Engagement

For some of these permit activities SEPA may require the prospective applicant to demonstrate that they have taken part in pre-application engagement with the community. The prospective applicant is responsible for any early engagement with interested stakeholders including members of the public. This allows interested parties an opportunity to engage early in the process and identify challenges and opportunities to the proposed activity. This is so that all parties can reach a common understanding of the potential issues that need to be assessed further.

## Planning Permission

Some applications may also require planning permission. This is a separate process to the SEPA authorisation. Where this is the case the planning authority will provide you with an opportunity to give your views. This is your opportunity to comment on the suitability of the location of the activity and other aspects that do not fall under the environmental permit that SEPA issues. In some cases, planning permission will be sought before an environmental permit from SEPA is issued. The requirement for public engagement is rooted in national planning policy and guidance, including the National Planning Framework 4 (NPF4) and supporting documents like Planning Advice Notes (PANs). For major developments, applicants must submit a Pre-Application Consultation (PAC) Report.

# How can I get involved in the preparation of standard conditions?

Standard conditions are a set of rules that an applicant must comply with. They are used to control activities that are fairly consistent from site to site (e.g. emissions from petrol stations or emissions of solvents used in dry cleaning). Standard conditions will be used for all registrations and some permits. We will consult you when developing or changing the standard conditions we use.

To develop draft standard conditions, we will engage with those operators affected by them, any trade bodies that represent them and any other interested parties e.g. trade associations, partner public bodies, community groups. We will use standard conditions in registrations and permits, and we may publish guidance to explain how to comply with them.

We will, normally, publicly consult on all proposed standard conditions for at least 12 weeks. If we are making amendments to existing conditions we will take a similar approach to consultation. We will publicise the draft standard conditions on our website and by other means that will help us to reach those with an interest. We will provide details of the standard conditions we are proposing and why we are proposing them and the timeframes for making a representation. In some cases, we may decide to extend the consultation period or undertake targeted consultation. This is your opportunity to contribute to the development of standard conditions. Targeted publicity may include online information, emails to interest groups, social media etc. If the changes are administrative changes, we will not consult.

We will consider all the responses in preparing the final set of standard conditions. We will prepare any supporting guidance and where appropriate consult on that. You can view the final standard conditions on our website.

The Scottish Government will follow a similar process for preparing and consulting on proposed GBRs.

**Who else will we work with?**

SEPA works in partnership with several public bodies in determining certain permit applications. These include:

* Fisheries boards.
* Food Standards Scotland.
* Health and Safety Executive.
* Heath boards and Health Protection Scotland.
* Local authorities.
* Community councils.
* National Park authorities.
* Office for Nuclear Regulation.
* Police Scotland.
* NatureScot.
* Scottish Water.
* Other relevant organisations.

We will involve our public body partners in our decision making. Working with other experts ensures that we understand all aspects of our decision. For example, NatureScot can tell us if there is a site of special scientific interest (sites that best represent our natural heritage) that would be compromised by the conditions we propose to put in the permit.

We will work in a collaborative way with our partners and we will make sure advice that is relevant to the decision being made is recorded and made available to the public. It is important that others have access to the advice given by our public body partners.

# Glossary of terms

| **Term** | **Explanation** |
| --- | --- |
| **Appeal** | The opportunity provided for the applicant to dispute certain actions or decisions made by SEPA, by appealing to the Scottish Ministers. |
| **Applicant**  | The person that is applying for or is a holder (in case of a variation or transfer) of an environmental authorisation. |
| **Application** | A submission made to SEPA, for example to seek the granting of a new permit, surrender of a permit, variation of the conditions of a permit or transfer of a permit. |
| **Authorise** | In relation to regulated activities, it means giving permission to carry out the activities in accordance with a permit, registration, notification, or compliance with general binding rules. |
| **Determination** | The process by which SEPA decides whether or not to grant an authorisation, for example by issuing a permit with appropriate conditions or by refusing the permit. |
| **Determination period** | The period within which SEPA must determine an application. |
| **Environmental Authorisations Regulations (EASR)** | Environmental Authorisations (Scotland) Amendment Regulations 2018  |
| **General Binding Rules (GBRs)** | A set of mandatory rules that cover specific low risk activities. Activities complying fully with the rules do not require an application to be made to SEPA, although we can take enforcement action where activities are not being undertaken in compliance with GBRs. |
| **Regulated activity** | Any activity to which the Environmental Authorisations (Scotland) Amendment Regulations 2018 applies. |
| **Standard conditions** | A set of standard rules, generally applicable to a particular type of activity, which must be complied with. |
| **Substantial variation** | A change in operation which, in the regulator’s opinion, may have significant negative effects on people or the environment. |

# Annex 1: Pre-application public engagement

SEPA may require a person who intends to apply for a permit or a variation to an existing permit to consult with members of the public likely to be affected by the proposed activity or variation when:

* An activity that due to its nature or location may have a particular local or national public interest.
* An activity where our experience has shown that engaging with the local community is beneficial to the application process.

There are a range of resources available which provide guidance and principles on good public engagement. This includes:

* Planning Aid Scotland [Successful Planning = Effective Engagement and Delivery (SP=EED) Practical Guide](https://www.pas.org.uk/what-we-do/speed/)
* Scottish Community Development Centre [National Standard for Community Engagement](https://www.scdc.org.uk/what/national-standards)

In line with the standards above, some areas SEPA would expect the prospective applicant to provide information to the community on are:

* A description in general terms of the development to be carried out.
* The site location as far as possible with a plan showing the outline of the site at which the development is to be carried out and sufficient to identify that site plan.
* Details as to how the prospective applicant may be contacted and corresponded with.
* Information in plain English and accessible formats.
* A brief of who the applicant is and their experience and qualifications.

The prospective applicant can engage with the public through a variety of methods. The National Standards for Community Engagement suggests some examples of community engagement via:

* Focus groups.
* Public meetings.
* Surveys – paper and online.
* Social-media campaigns.
* Planning meetings.
* Story telling.

The engagement with the local community from the developer should be based on a shared understanding of community needs and goals. The purpose of this pre-application engagement is to raise awareness with local stakeholders.

For SEPA it is important that the prospective applicant understands how the proposal may impact local communities so that they can consider these aspects early on. The prospective applicant will need to submit this information to SEPA as part of the application process. SEPA will require documentation (such as a report which details the consultation process, who was consulted, the feedback received and how the feedback is used) to evidence engagement and satisfy the criteria that engagement has been completed to an appropriate standard.

For most activities that meet the above criteria a pre-application process will be required when seeking planning permission. Planning applicants are expected to align with guidance on community engagement. The applicant can use this process to meet needs for pre-application public engagement by providing evidence of pre-application engagement that with their application.

Pre-application engagement has already been part of the application process for some aquaculture applications. You can see the key steps outlined [here](https://www.sepa.org.uk/regulations/water/aquaculture/pre-application/).

# Annex 2: Publicising and participating in public engagement during the application process

SEPA will outline on [our website](https://www.sepa.org.uk) which activities it intends to consult the public on. For each consultation the means to engage the public will depend on the site and activity. Permit applications that we will consult on will be available on the SEPA Consultation Hub. SEPA will consult best practice for public engagement[[1]](#footnote-2). In conjunction with the potential operator, we will choose the best way to advertise the application for permit, such as:

* [SEPAs Consultation Hub](https://consultation.sepa.org.uk/)
* Dedicated project websites, media releases, fact sheets, freephone community information numbers, social media.
* Site visits and open houses.
* Newspapers, newsletters, posters, surveys posted to homes and businesses in the local area, community councils and relevant stakeholder groups.

In certain circumstances, we will also consider activities for more active participation by the applicant, this could include:

* Public meetings (large and small) and exhibitions.
* Focus groups and workshops.
* Online surveys.
* Social-media campaigns.
1. SEPA will look at a range of resources available which provide guidance and principles on good practice. This could include:

 [Successful Planning = Effective Engagement and Delivery (SP=EED) Practical Guide](https://www.pas.org.uk/what-we-do/speed/)

Scottish Community Development Centre [National Standard for Community Engagement](https://www.scdc.org.uk/what/national-standards)

[Scottish Government Planning Guidance: Effective Community Engagement in Local Development Plans People and planning](https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2024/12/guidance-effective-community-engagement-local-development-planning-guidance/documents/scottish-government-planning-guidance-effective-community-engagement-local-development-plans-people-planning/scottish-government-planning-guidance-effective-community-engagement-local-development-plans-people-planning/govscot%3Adocument/scottish-government-planning-guidance-effective-community-engagement-local-development-plans-people-planning.pdf) [↑](#footnote-ref-2)