

# Scottish Government & SEPA Consultation on Proposals for an Integrated Authorisation Framework: Valpak Member Summary

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Scottish Government and SEPA have released a consultation regarding the proposals for an integrated authorisation framework. The consultation seeks stakeholder feedback on the proposals which cover permitting for 4 regimes;

- Waste;
- Pollution Prevention and Control (PPC);
- Radioactive substances; and
- Water

The consultation requests feedback to a number of questions which relate both to the general approach, and more specific questions which relate to the specified regimes.

You may wish to respond to this consultation if your site holds a current authorisation with SEPA for one or more of the regimes above, for example a waste exemption or Waste Management Licence.

**The deadline for responses is 12 April 2017.**

Full details, including the consultation document and information on how to respond to the consultation, can be found [here](#).

## Consultation information

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As part of the Better Environmental Programme the consultation aims to simplify and clarify the authorisation procedures across 4 regimes. The consultation document is set out with 4 parts relating to the general approach, and then additional documents, Parts 5 – 8, which outline specific criteria of how the approach will be tailored to the regime; Pollution Prevention and Control (PPC) (part 5); waste (part 6) radioactive substances (part 7) and water (Controlled Activities Regulations – CAR) (part 8).

The framework will include the re-transposition of a number of Directives, including, but not limited to, the Waste Framework Directive, Industrial Emissions Directive, WEEE Directive, Batteries Directive and Landfill Directive. It will also include replacing a number of pieces of existing legislation.

In a number of cases, Standard Rules and sector-specific guidance will be required. These will be consulted on at a later date, but SEPA will request input from industry, and in some cases guidance may be written by industry to include best practice.

The consultation outlines 3 “universal outcomes” which the framework will look to achieve:

- Prevent harm
- Prevent incidents and accidents
- Use resources sustainably

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Where possible, the 4 regimes will then follow a standard hierarchy of levels of authorisation, which will be based on a risk-based approach (from lower-risk activities to highest risk):

## General Binding Rules (GBRs)

These will be used for lowest-risk activities. If the rules of a GBR are adhered to, there is no need to notify SEPA of the activity.

## Notification

These will be used where SEPA are required to maintain a register of activities. It is likely that these will be completed via an online tool

## Registration

This form of authorisation is likely to apply where there are standard rules to be adhered to. An application for registration would be made to SEPA and a decision would be made within 28 days. This level of authorisation would require a specified operator (or two if applicable, and “other relevant persons”) who has “control of the activity” and will include a Fit and Proper Person test (FPP). SEPA will make this assessment against a number of criteria, which will be set in guidance.

## Permits

As the highest level of authorisation, permits are for “higher-risk or non-standard activities”. Generally decisions on permit applications would be made within a 4 month determination period, however there are certain applications that may require a longer determination period. SEPA request feedback as to how this could be achieved; either via an agreement at the beginning of the application process, or prescribe in legislation which applications would require an increased determination period. This level of authorisation would require a specified operator (or two if applicable) who “has control of the activity” and will include a Fit and Proper Person test (FPP).

The framework also aims to reduce administrative burden, both for SEPA and for regulated industry. For example, companies would be able to apply for one authorisation, at the highest required level, to cover multiple regime activities. Alternatively, companies could continue to apply for / register etc. individual authorisations for each activity. For certain notification waste activities, it is envisaged that a company could apply for one notification, but carry out the activity at multiple locations.

Whilst a number of existing authorisations are envisaged to be automatically transferred to the new framework, the consultation notes that there will be some instances where current authorisations may change authorisation level and an application will need to be made. SEPA intend to allow enough time for this transition to take place.

A number of changes are also envisaged for SEPA’s enforcement powers, including allowing enforcement notices to be issued where an “activity is causing, has caused, or is likely to cause, harm to the environment or human health”.