

The Environmental Authorisations (Scotland) Amendment Regulations 2025

Equality Impact Assessment (EQIA) Screening

October 2024

Policy title:

The Environmental Authorisations (Scotland) Amendment Regulations 2025 - Equality Impact Assessment

Which National Outcome(s) does the policy contribute to?

The new regulations will amend the Environmental Authorisations (Scotland) Regulations 2018 to incorporate Waste, Water, Pollution Prevention and Control (PPC) and landfill authorisation regimes into an integrated authorisation framework (IAF). This will simplify and streamline how the Scottish Environment Protection Agency (SEPA) undertakes its regulatory functions regarding those activities.

Directorate: Division: team

Environment and Forestry: Environmental Quality and Resilience: Environmental Protection.

Environment and Forestry: Quality and Resilience: Chemicals and Industrial Emissions.

Environment and Forestry: Environmental Quality and Resilience: Water Environment.

Environment and Forestry: Environmental Quality and Resilience: Radioactive Substances and Nuclear Decommissioning.

Environment and Forestry: Circular Economy: Zero Waste Delivery

Policy lead responsible for taking the decision

Phil Leeks

Please record why you are not carrying out an EQIA and what your justification is for making that decision.

Summary

The public sector equality duty requires places a duty on listed public authorities, and other persons when exercising public functions, to have due regard to the need to:

- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the act
- advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
- foster good relations between persons who share a relevant protected characteristic and those who do not.

The equality legislation covers the characteristics of: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. An equality impact assessment (EQIA) aims to consider how policy (a policy can cover: activities, functions, strategies, programmes, and services or processes) may impact, either positively or negatively, on different sectors of the population in different ways.

An EQIA is not needed to be completed for the Environmental Authorisations (Scotland) Amendment Regulations 2025 (the SSI) for the reasons identified in this document. The aim of the SSI is to achieve the Scottish Government's

objectives of expanding the integrated authorisation framework to include the authorisation of other environmental activities regulated by SEPA.

The SSI is required primarily to enable the next stage of standardisation, simplification and streamlining of the process of complying with environmental legislation in Scotland, contributing to Scottish Ministers' goal to have the best possible environmental standards for Scotland. This will also enable SEPA to deliver public sector efficiencies by having proportionate, joined up, outcome focussed regulation, whilst reducing the regulatory burden for operators.

The SSI introduces new measures and activities that are neither directly nor indirectly discriminatory on the basis or age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. This is due to the SSI being about protecting the environment. Any person covered by a relevant characteristic can be an operator of an activity that would require an environmental authorisation (General Binding Rule, Notification, Registration or Permit).

Background

The Regulatory Reform (Scotland) Act 2014 enabled the creation of a new Integrated Authorisation Framework for environmental authorisation. The Environmental Authorisations (Scotland) Regulations 2018 came in to force on 1 September 2018 establishing the new framework and incorporating Radioactive Substances as the first 'regulated activity'.

There are unnecessary differences in fundamental areas across Pollution Prevention and Control (PPC), Waste, and Water environmental authorisation regimes in Scotland. As a result, the legislative framework and regulatory procedure is inconsistent and administratively cumbersome both for SEPA and operators.

The Scope of an EQIA

The impact of the SSI on equality is limited and it does not impose any additional impacts on any individuals falling within any of the current protected characteristics when compared to the existing policy. Therefore, a full EQIA is not considered necessary.

The proposed measures to simplify and streamline how SEPA undertakes its regulatory functions in relation to Waste, Water, Pollution Prevention and Control (PPC) and Landfill Authorisation will apply equally across all protected groups.

The new policy is aimed primarily at improving process and these changes will have the same effect regardless of protected characteristic. Also it has been identified that the addition of carbon capture and non-waste anaerobic digestion as new regulated activities has the capacity to benefit health regardless of protected characteristic. The associated regulatory burden for these new activities is consistent and proportionate to similar activities already regulated by SEPA.

Recommendations and Conclusion

The SSI will amend the Environmental Authorisations (Scotland) Regulations 2018, to bring waste, water, pollution prevention and control (PPC) and landfill authorisation regimes into the integrated authorisation framework provided by those regulations. This will simplify and streamline how the Scottish Environment Protection Agency (SEPA) undertakes its regulatory functions regarding those activities.

Based on an absence of concerns raised in relation to the operation of the current regimes, it is considered that the policy is neither directly nor indirectly discriminatory under the Equality Act 2010. It is not anticipated that the new measures themselves will directly impact on individuals with protected characteristics.

Any future implementation mechanisms will be subject to separate equality impact assessments if required.

The new measures do not seek to foster good relations between people who share a protected characteristic and those who do not. However, any plans, projects, strategies or policies which result from the new measures will (as appropriate) seek to foster good relationships.

Sign off

I confirm that the decision to NOT carry out an EQIA has been authorised by:

Anne Aitken

Deputy Director, Environmental Quality & Resilience Division

Date: 4 October 2024