

Annex B

CONSULTATION QUESTIONS

Question 1 – Do you agree with the approach the Scottish Government has taken in seeking to align SEPA's General Purpose with the National Performance Framework?

Yes No

Please explain your view

Our members are firmly of the view that SEPA have a public duty to facilitate development where it is technically possible and work with other key agencies in order to reduce duplication and overlap to achieve sustainable economic growth. It is our members' view that business advice and support as well as research should be part of SEPA's core function. It is important that the National Performance Framework is not 'stand-alone' and that it is bought into by the Scottish Government and public sector as a whole. Delivery remains the key concern not just in terms of access to finance (public and private) but also in terms of policy cohesion between the planning policy sector, other areas of government and wider regulatory systems. The Scottish Property Federation is clear that that wider public sector policy has to be properly aligned to support the Government's overall purpose.

Question 2 – Does the Statutory Guidance reflect the wider ambitions of the Scottish Government's public service reform agenda?

Yes No

Please explain your view

In general the SPF hopes that the Regulatory Reform (Scotland) Act 2014 will address a tendency in government to view costs in a segmented sense and not to realise or understand the full cumulative costs of the suite of regulatory burdens faced by developers and investors. A holistic approach by Government and its Agencies should ensure that no sector is overburdened by regulation and there will be greater consistency, confidence and clarity with clearly identifiable benefits from regulation.

Developers are required to pay substantial sums far in excess of the planning fee for a range of reports including among others Environmental Impact Assessments, Habitats studies, transport impact assessments, retail impact assessments, and water capacity studies. It is vital that guidance takes account of the competitiveness of Scotland vis-a-vis other parts of the UK as well as internationally. Sometimes there will be clear reasons for prioritising safety or environmental concerns above business competitiveness. However, there are also initiatives where Scotland is moving ahead of the field in terms of applying regulation, sometimes with little costed evidence base.

Question 3 – Do you agree with this guidance being presented in a single document?

Yes No

Please explain your view

Businesses that are working to comply with environmental regulation should be treated proportionately and given support where required. As environmental legislation / regulation currently stand it is difficult for businesses to know operationally what they are required to do to comply with environmental regulation. This has been as a result of the piecemeal fashion which environmental legislation has been brought into force with overlapping regulatory / enforcement regimes therefore a single source of guidance is vital.

SPF welcomes the general emphasis on improved joined up performance, transparency and accountability of SEPA. Industry requires an understanding the environmental framework if there is to be any confidence in both environmental regulation and enforcement. While there has been a noticeable improvement over the last three years members have reported experience of a continuing problem of inconsistency in the operational responses of SEPA in relation to different offices and different industrial sectors. There also remains variable technical quality in responses arising from resource constraints, particularly in key technical specialisms.

SPF would also welcome the removal of the practice of Statutory Consultees being obliged to lodge "holding objections" in circumstances where only technical requirements are required to be met, rather than decision in principle - for or against development. That of course would apply to other bodies as well as SEPA, but a wider spread system of clarification queries on technical matters would in some cases avoid other third parties objecting unnecessarily.

On ES assessments SNH are now taking the view, as their consistent start point, that aspects such as HMPs and CEMPs need to be fully worked up prior to the determination of applications so that all significant effects are identified and assessed. Some members have suggested that SEPA should consider the same approach rather than dealing with matters at the second stage (conditions) or through CAR procedures. Some members have also raised concern that in relation to peat SEPA sometime can take a rather narrow view and have suggested examining in detail as to whether the peat resource has been properly assessed and whether there are ecological effects to be addressed rather than relying solely checking the carbon payback calculator.

While senior staff at SEPA have a good and productive relationship with the SPF some members have raised concern about the visibility and engagement of SEPA at the 'coal-face' where there seems to be reluctance to attend meetings, meet objectors or take part in Public Inquiries.

Question 4: Do you agree with the proposed Ministerial Expectations beneath the High Level Outcomes for SEPA?

Yes No

Please explain your view

However, as noted in our answer to question 1 it is our members' view that business advice and support as well as research should be part of SEPA's contribution to the achievement of

sustainable economic growth. Delivery remains the key concern of our members therefore as well as being a high-performance, best value, customer focused organisation SEPA should also focus on its contribution to policy cohesion between the planning policy sector, other areas of government and wider regulatory systems. We are encouraged by the high-level interest in improving on pre-planning application advice demonstrated by SEPA and we will endeavour to collaborate with SEPA and the wider public sector on this initiative.

Annex C

RESPONDENT INFORMATION FORM for Consultation on Statutory Guidance for the General Purpose of SEPA and its contribution towards sustainable development

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately



1. Name/Organisation

Organisation Name

Scottish Property Federation

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

Mandy

Forename

Catterall

2. Postal Address

2nd Floor

Rutland House

20 Rutland Square

Edinburgh

Postcode EH1 2BB

Phone 0131 220 6304

Email mcatterall@bpf.org.uk

3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

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

Please tick as appropriate

Yes