

Consultation Response

Proposed Changes to the
Environmental Regulation
(Scotland) Guidance on
Public Participation and
Fit and Proper Person Test

March 2025

Consultation Response

Proposed Changes to the Environmental
Regulation (Scotland) Guidance on Public
Participation and Fit and Proper Person Test

March 2025

Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Environmental Law sub-committee welcomes the opportunity to consider and respond to the SEPA consultation: *Proposed Changes to the Environmental Regulation (Scotland) Guidance on Public Participation and Fit and Proper Person Test*.¹ The sub-committee has the following comments to put forward for consideration.

Consultation Questions

Public Participation Statement

6. Do you agree with the proposed approach on pre-application?

Please delete as appropriate: Yes or No.

If you answered 'No' please explain why?

We consider that there are parallels with the existing requirements for consultation under the planning system. Careful consideration should be given to ensuring that there is no unnecessary duplication. It is unclear how the proposed pre-application approach will dovetail with the EIA requirements within the planning process.

We would also welcome additional details/guidance on which permit applications will require pre-application engagement to be published/made available. It is difficult to assess whether the new requirements are reasonable whilst it is unclear what they will apply to.

We also recommend that the approach on pre-application provides greater clarity on whether engagement is intended primarily to inform communities, or to gather communities' views. Both are referred to in the proposed additional text. Clarity on this will manage expectations and build trust.

¹ [Proposed Changes to the Environmental Regulation \(Scotland\) Guidance on Public Participation and Fit and Proper Person Test - Scottish Environment Protection Agency - Citizen Space](#)

7. Do you have additional suggestions for the prospective applicant in terms of the public consultation process outlined in the proposed in the annex?

No.

If you answered 'Yes please explain why?

8. Do you think we should have minimum criteria that we expect the potential applicant to demonstrate to meet the requirement for pre-application engagement?

No.

If you answered 'Yes please explain why?

9. Do you have any additional suggestions for engaging with the local community?

We have no further comments.

Simplification of Call-in process

10. Is the new text understandable?

Yes or No. If you answered 'No' please explain why?

We have no comments.



Fit and Proper Person test

11. Do you agree with the proposal for SEPA to ask applicants if they, or their relevant associates, have any convictions for relevant offences (“relevant convictions”), which includes both environmental and non-environmental offences, as part of their application?

Yes

If you answered ‘No’ please explain why?

--



For further information, please contact:

Jennifer Paton
Policy Team
Law Society of Scotland
DD: 0131 476 8136
JenniferPaton@lawscot.org.uk