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WWF Scotland Response: Proposals for a Better Regulation Bill

28 October 2012

Introduction

WWF Scotland welcomes the opportunity to respond to the Government consultation on proposals for a Better Regulation Bill. An effective regulatory approach has a critical role to play in providing effective protection for our natural world, helping to tackle climate change and address unsustainable patterns of resource use.

Summary

- An effective, targeted and transparent regulatory approach has a key role in delivering a low carbon and resource efficient Scotland.
- Applying a new statutory duty on regulatory authorities to pursue economic growth risks confusing and undermining the focus of those bodies with other primary purposes – not least protecting our environment.
- Pursuing economic growth *per se*, as measured by GDP alone, can undermine progress towards environmental or social goals that in turn can impact on our economic wellbeing and could undermine the Scottish Government commitment to deliver a flourishing Scotland.

Protecting our environment

The National Performance Framework includes a range of purpose targets, outcomes and indicators that relate to sustainability and are an important component of delivering a flourishing Scotland. An effective, targeted and transparent regulatory approach has a key role in helping to deliver these important outcomes, in particular supporting Scotland to meet our emission reduction targets established under the Climate Change (Scotland) Act.

Economic growth and regulatory activity

Pursuing economic growth *per se*, as measured by GDP alone, can undermine progress towards environmental or social goals that in turn can impact on our economic wellbeing and could undermine the Scottish Government commitment to deliver a flourishing Scotland. While GDP is a useful indicator of economic activity, it also measures and reflects expenditure associated with things we would rather avoid e.g. the clean-up cost after an oil spill, the cost of ill-health or crime. The Gulf of Mexico oil spill, for example, contributed to an increase in GDP even though it damaged the environment and the livelihoods of many fishermen.



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In addition an increasingly large and robust body of research confirms that, beyond a certain threshold, further increases in material wealth as measured by GDP do not translate into increased wellbeing in terms of community cohesion, healthy relationships, knowledge, wisdom, sense of purpose, connection with nature, and other dimensions of human happiness. In May last year the Carnegie UK Trust's Round Table report on economic performance and social progress in Scotland concluded 'we need to break our focus on economic growth and instead focus our effort on delivering well-being, now and into the future.'

We note that several regulators who have a primary responsibility to protect our environment already have duties to consider economic issues. The Natural Heritage (Scotland) Act 1991 includes a duty for SNH to take into account 'the need for social and economic development in Scotland or any part of Scotland' in exercising its functions. Likewise, under the 1995 Environment Act, SEPA must 'have regard to the social and economic needs of any area or description of area of Scotland' and statutory guidance requires that SEPA 'will enforce high environmental standards whilst having regard to economic considerations'.

We therefore do not believe it is appropriate to apply a further generic statutory duty on Scottish regulatory authorities to consider, and report on, the impact of their regulatory activity on business and/or promote principles which could further encourage would encourage economic growth.

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