



The Scottish Parliament
Pàrlamaid na h-Alba

Net Zero, Energy and Transport Committee

Mark Roberts
Chief Executive Officer
Environmental Standards Scotland

4 December 2024

Dear Mark,

Environmental Authorisations (Scotland) Amendment Regulations 2025

On 3 December, the Net Zero, Energy and Transport Committee discussed the above regulations and agreed to gather more information from the Scottish Government and various stakeholders before considering the instrument at a future meeting. Please find below a list of questions.

Ammonia

Noting ESS's 2023 consultation response on the Regulations regarding ammonia emissions, what is ESS's view on the Scottish Government's position in the consultation analysis that it intends to progress this area through 'good practice'?

Has ESS met with the Scottish Government to discuss this issue and made further recommendations about how issues with ammonia and air quality should be tackled?

Sewage sludge

Noting ESS has published a report on soil quality (including recommendations on sewage sludge) since the consultation on these Regulations, do you have any comments on the Regulations or wider approach to sewage sludge? Specifically, have you discussed your recommendation with the Scottish Government regarding the need for further research in this area?

Changes to public consultation and call-in procedure

Noting ESS's comments in its consultation response regarding public consultation and Aarhus compliance, what is ESS's view on the changes to the 'call-in' procedure in the 2018 Regulations, removing the requirement for SEPA to notify third party objectors of its intention to determine an application, notify Scottish Ministers of that objection, and wait 21 days to allow for a decision to be made regarding use of call in powers? How, in your view, is this 'balanced' by the increased provision for pre-application consultation, with respect to the overall picture on access to environmental information and justice?

Contact: Net Zero, Energy and Transport Committee, The Scottish Parliament, Edinburgh, EH99 1SP. Email netzero.committee@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

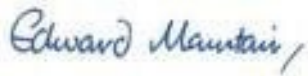
Other information

Are there any other ESS reports or live investigations relevant to these Regulations that you would like to highlight to the Committee?

Given the limited timeframe in which the Committee has to consider the regulations, we would appreciate a response by **Monday 30 December 2024**.

I apologise for this short deadline, which is necessitated by the nature of the parliamentary process for scrutiny of subordinate legislation which allows only 40 days for the Committee to consider. The Committee has requested that the Scottish Government withdraw the regulations and re-lay them early in the New Year to allow the Committee more time for scrutiny. If the Scottish Government agrees to this request, we can revisit this deadline to allow you more time to respond.

Yours sincerely,

A handwritten signature in blue ink that reads "Edward Mountain".

Edward Mountain MSP
Convener