



The Scottish Parliament
Pàrlamaid na h-Alba

Net Zero, Energy and Transport Committee

Nicole Paterson
Chief Executive Office
SEPA

06 February 2025

Dear Nicole,

The Environmental Authorisations (Scotland) Amendment Regulations 2025

In anticipation of the above Regulations being re-laid, the Committee agreed on 3 December 2024, to write to a range of stakeholders to gather further information. Stakeholder responses are available on the Committee's [website](#).

Broadly, stakeholders welcomed the Integrated Authorisation Framework and the expansion of environmental regulation to new areas. However, some stakeholders raised concerns regarding the proposed regulatory changes, particularly in relation to sewage sludge, anaerobic digestion, ammonia, and water regulation.

In advance of the Committee considering the Regulations in March, we would appreciate further information regarding the areas set out below.

The Committee would appreciate a response by 27 February.

Yours sincerely,

Edward Mountain MSP

Convener

Net Zero, Energy and Transport Committee

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

Sewage sludge – impacts on current practice

East Ayrshire Council said that given spreading of sewage sludge is currently exempt from waste management licensing, any complaints about odours arising from spreading are dealt with by local authority environmental health officers under section 80 of the Environmental Protection Act 1990. Given the regulatory shift, East Ayrshire Council suggested that revised guidance should be provided to clarify new roles and responsibilities, including to enable the public to understand who they should complain to in the event of a concern. Other local authorities also noted their existing role in tackling odour/nuisance complaints in this area whilst generally welcoming the principle of new regulation.

The Committee asks if SEPA will work with local authorities to clarify roles in light of the regulatory changes for sewage sludge, covering how those roles will be publicised so the general public know who to approach in the case of complaints or concerns.

Anaerobic digestion (AD)

Concerns have been raised with the Committee by AD stakeholders that regulating non-waste AD (in a similar manner to how waste AD sites are regulated) will mean applying Best Available Techniques (BAT) under the Industrial Emissions Directive (IED), which will not be financially viable and will lead to more energy intensive practices.

The Committee is keen to understand what changes, in practical terms, non-waste AD sites may be required to make e.g. to their infrastructure or site management to comply with SEPA authorisations. The Committee asks SEPA to clarify what conditions will apply to non-waste AD sites under these amendment Regulations including in what circumstances BAT under the Industrial Emissions Directive may apply e.g. relevant thresholds, and what flexibility SEPA will have under these Regulations to apply varying conditions.

Grissan Renewable Energy raised concerns that SEPA has indicated it intends to amend the Distillers Materials Position Statement (which states that Distillers Materials will not be regulated as waste) which has been in place since 2013, and that consequently, Grissan is “attempting to discern proposals to operate in a new non-waste regulated environment and also in a potential environment where we operate as a processor of wastes”. Both Grissan and the Scotch Whisky Association expressed strong views that this Position Statement should not be revoked.

The Committee asks SEPA to clarify if there has been a re-classification of AD feedstocks (or if this is being considered) and if this flows from the amendment Regulations or from a change in SEPA policy or guidance, and what the implications of this change are for the AD industry including those using feedstocks from distilleries. The Committee would also welcome information on whether SEPA is in ongoing discussions with stakeholders in this area.

Water regime

Scottish Water has queried whether its water abstraction activities will be able to be excluded from the SEPA public register “for national security reasons” e.g. under Regulation 45 of the 2018 Regulations.

The Committee would welcome further information on how Regulation 45 of the 2018 Regulations may be applied in respect of water abstraction or other areas of regulation being brought into the Integrated Authorisation Framework, and what SEPA’s role is in this, noting that Scottish Ministers and the Secretary of State have powers to make directions in this area.