

Date : 13<sup>th</sup> January 2025  
To : Net Zero, Energy and Transport Committee  
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## **ENVIRONMENTAL AUTHORISATIONS (SCOTLAND) AMENDMENT REGULATIONS 2025**

1. Following the Committee's letter, received on 4 December 2024, seeking further comments in relation to sewage sludge as part of the final Environmental Authorisations (Scotland) Amendment Regulations 2025, we provide this below. We also set out our views on wider issues as part of the Integrated Authorisation Framework (IAF) in relation to changes to the charging scheme and the proposed standard conditions for registration-level activities.
2. For information, we have invited the Scottish Environment Protection Agency (SEPA) to meet with our Environment and Land Use Committee at the end of January to talk about the regulations and we look forward to this discussion.

### **Sewage sludge**

3. We are concerned that the new regulations impose extensive testing conditions for materials to be spread on farm. We do not believe that slurry and farmyard manure should be classed as the same as the other products as set out by SEPA. Heavy metals are not part of the standard slurry or farmyard manure (FYM) analysis and incorporating them into this would increase the burden for farmers and land managers. These are organic fertiliser products, and their use should be encouraged as part of circular economy ambitions. We do not think testing for metals from these products is proportionate and believe exemptions should be granted for the use of only slurry and FYM as a soil improver.

4. As with the other proposed changes to these regulations, we support ambitions of SEPA to become more efficient and streamlined, and hope that any savings can be passed onto the customer. However, we are not in favour of changes to the regulatory regime which result in increased bureaucracy in terms of testing and reporting. Nor do we support changes which will have a disproportionate burden or cost to the farmer or land manager.

### **Proposed changes to the Charging Scheme**

5. Overall, we are broadly supportive of the move to an Integrated Authorisation Framework if the intended outcomes of achieving a simpler and more transparent regulatory framework are achieved.
6. We support the creation of new descriptions to make it easier to understand the charges applied to specific activities. We are also supportive of smaller activities moving away from being licenced. We also support the move to a single licence for spreading waste to land. This will improve efficiency and hopefully save our member's money.
7. As the intention of the IAF is to make charges and applications more efficient, we would like to see SEPA continually try to improve its processes. With the hope that the benefits of a simple, transparent and efficient regulatory regime are then passed down the chain to the end user.
8. We would like to see the classification of charges and licences continually kept under review to ensure they are proportionate.
9. We do not want to make it more difficult for farmers and crofters to carry out key activities necessary for their business. The IAF should ensure there is flexibility.
10. Crucially, it is essential that SEPA undertake thorough and targeted communications for all licence holders in Scotland to make sure they are aware of these changes and the impacts they will have on individual businesses.
11. As a general point we would like SEPA to consider around charging, many of our members must apply for authorisations to undertake water activity after extreme weather events such as flooding. This was the case in October 2023 where intense rainfall in parts of the east and north of Scotland caused huge economic and physical damage. Our members are required to apply and pay for licences to deal with natural events that are completely outwith their control.

12. NFU Scotland is calling on SEPA and by extension the Scottish Government to consider waiving charges in circumstances where water activity is necessary as a result of an event outwith the farmer's control.
13. We have some concerns about the regulation of non-waste AD plants. We are unclear about the implications this will have on some farming businesses. Many of our members have on-farm AD plants and these contribute to farm resilience as well as Scottish Government circular economy obligations.
14. We believe that an imposition and escalation should only be used as a final resort. As these changes are potentially wide-ranging for many licence holders, SEPA must ensure that thorough communications have been carried out to make people aware of such changes. We would advocate for verbal and written warnings in the first instance and emphasise that charges for imposition and escalation should only be used where absolutely necessary.

#### **Standard conditions for registration-level activities**

15. We agree with the list of core standard conditions for the aim of improving performance, standards and efficiency. However, these should not be unduly onerous for users to comply with and implement, and the requirements should be reviewed regularly to ensure they are proportionate. Where there is testing and monitoring required, we would like to stress that the equipment needed to do so not be too expensive. If this was the case, this would be a barrier to some of the positive work our members are undertaking in terms of soil improvement and reducing emissions.
16. In terms of the requirements for pollution control, while we agree with the principles, we do not feel people should be punished or penalised for circumstances outwith their control. If measures have been taken to minimise the possibility and / or impacts of such incidents – essentially, if someone has taken all practical measures to 'do the right thing', they should not be punished for an event or incident that is outwith their control.

17. Overall, we feel that a flexible and cooperative approach should be taken.
18. We have some concerns about the conditions around reusing and disposing of waste. We feel that regulations should go some way to promote and incentivise the reuse of waste. Anything that makes it too difficult to do so will have the opposite of the intended outcome. The remote and rural areas of some farming and crofting businesses must also be taken into account when thinking about these conditions, there must be flexibility and an approach that balances environmental outcomes with feasibility and practicability.
19. The licensing of non-waste AD plants could have profound impacts on the installation and use of on-farm AD. We are concerned that this could restrict and potentially disincentivise the use of on-farm AD, where we think this should be encouraged. SEPA must have a clear and targeted communications plan to ensure that people are aware of these changes. They must also ensure that these conditions are not too onerous to the point they dissuade people from investing in AD, which is a crucial component in tackling emissions and improving the circular economy of a farm.