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Private and Confidential

Net Zero, Energy and Transport Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Response issued by email to netzero.committee@parliament.scot

Renfrewshire Council's response to Net Zero, Energy and Transport Committee in relation to Environmental Authorisations (Scotland) Amendment Regulations 2025 (the "Regulations")

Dear Sirs,

As Head of Operations & Service Development at Renfrewshire Council I am authorised to issue a response to Net Zero, Energy and Transport Committee's letter of 4 December 2024 requesting that Councils raise concerns or points regarding the impact of the Regulations.

Renfrewshire Council wishes to raise several questions and concerns in relation to the Regulations as outlined in this letter. This relates firstly to Renfrewshire Council's internal waste operations, and secondly to Renfrewshire Council's operations as part of the Clyde Valley contract with four other Local Authorities to treat residual waste.

As outlined further below, it is currently very difficult for Renfrewshire Council to raise specific and substantive concerns or points on the impact in relation to its operational activities including waste management; its regulatory and monitoring responsibilities; and the environment or communities in the area. This is due to the limited information provided within the Scottish Government's consultation published on 15 December 2023; the draft Environmental Authorisations (Scotland) Amendment Regulations 2025 ("2025 Regulations") and the Business and Regulatory Impact Assessment ("BRIA") on the actual regulatory impact of the transition to the common framework.

Renfrewshire council hold six waste management licenses (WML's) for its five recycling centres and one closed landfill. The transitional arrangements in schedule 23 of the Regulations state that existing waste management licences will become deemed permits under the 2018 Regulations, and that deemed permits will continue to be subject to their existing conditions. This seems both practical and pragmatic. Our assumption is that there will be no requirement for operators to re-apply for WMLs and PPC Permits. There is, however, no published guidance on this transitional point and it is not explicitly covered in the BRIA.

What is also not clear, is how long such transitional arrangements last. There is concern that the transition to the common framework may trigger a review of conditions by SEPA, to standardise



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Permits at sites across the country. Any such changes may have financial implications for Renfrewshire Council as a licence holder and may also impact the operation of the Clyde Valley contract for which Renfrewshire Council is jointly liable with four other Local Authorities. Under this contract, it is suspected that one of the waste sites could change from WML to PPC, however, at present based on the information available it is unclear what the full impact of this would be.

The design of the tiered system of authorisations is clear. However, it is unclear whether all Permits under the new regime, including former WML's, will now be subject to the wider and more prescriptive standards currently applied to PPC Permits. Again, there are financial and operational implications to Renfrewshire Council dependant on the answer to this question.

As stated above, Renfrewshire Council uses an external contractor for the management of residual waste including much of its household waste in a partnership contract with four other Local Authorities. The relevant contract contains clauses covering liability for costs arising from qualified changes in law. Without a clear understanding of whether there will be additional regulatory burdens, and associated costs, applied to existing sites, it is not possible to assess whether the relevant contract clauses have been triggered and at what cost to the Local Authorities. It would have been helpful for greater clarity on transitional provisions, both short and long term, to have been set out and assessed as part of the BRIA.

In choosing to limit the scope of the BRIA to those activities newly brought under regulation, Scottish Government has left a large amount of uncertainty in relation to the future regulation of existing sites. Uncertainty is unhelpful and often costly. It makes forward planning difficult both for site operators and for their clients. It would be helpful to extend the scope of the BRIA to consider all implications of the regulations, and to provide greater clarity on the impacts for existing sites and existing contracts.

Renfrewshire Council would also appreciate confirmation that there will be no automatic need to review or change the existing conditions under the deemed permits simply by virtue of the transition to the new Environmental Authorisation regime. Alternatively, if there are plans for a SEPA-led review of the permit/ licence conditions driven by the transition to the new Environmental Authorisation regime, it would be helpful to have details of what this review might entail and a timeframe for said review. Clarity is very much required to facilitate our investment decisions, future budgets, and our procurement strategy.

To summarise, Renfrewshire Council's concern is whether the transition to the common framework will result in increased regulation and what the practical impact of this will be, which in turn will impact on site operations and budgetary considerations. This is our principal concern based on the information that is available to us. However, we are likely to have further queries when more information is available.

It would be grateful if you could provide answers to the above questions as soon as possible.

Yours sincerely

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