

Net Zero, Energy and Transport Committee
Tuesday 17 December 2024
38th Meeting, 2024 (Session 6)

Environmental Authorisations (Scotland) Amendment Regulations 2025

Introduction

1. The Environmental Authorisations (Scotland) Amendment Regulations 2025 (“the 2025 Regulations”) were laid on 27 November and withdrawn on 9 December, at the request of the Committee, to allow further time for scrutiny before they are formally re-laid in the new year. The text of the regulations, as they were formerly laid, is available on the [Committee’s webpage](#).
2. The 2025 Regulations amend the Environmental Authorisations (Scotland) Regulations 2018 (“the 2018 Regulations”) to include technical provisions for SEPA’s regulation of industrial emissions, other emissions, waste, and water activities. The 2025 Regulations integrate the four main environmental regimes (water, waste, radioactive substances, and pollution prevention and control) into a single ‘Integrated Authorisation Framework’.
3. This framework is already set out in the 2018 Regulations, but only applied to regulation of radioactive substances. The 2025 Regulations will give effect to the Integrated Authorisation Framework across the four different areas, by bringing the technical requirements for each area of licensing into the Regulations and repealing or revoking current legislation for those regimes e.g. PPC, CAR.
4. The policy note states that the regulation of these activities remains largely consistent with current regimes, with some changes to standardise ‘tiers’ of authorisation based on environmental risk. Currently, there are different ‘tiers’ of authorisation depending on the regime e.g. authorisation, where a licence is needed, registration or notification, where activities must be reported to SEPA, or ‘General Binding Rules’, where authorisation and registration is not needed if activities follow those rules. The Integrated Authorisation Framework standardises those ‘tiers’ across the different licensing regimes, requiring some activities to be ‘mapped’ into the new structure. The structure is generally based on the tiers of authorisation already used in the water regime.
5. The 2025 Regulations bring ‘new activities’ into this common framework, changing the way that a number of activities are regulated. These are: applying sewage sludge to land; carbon capture; non-waste anaerobic digestion; and certain electricity generators (generators aggregating to 1 MW or more). The 2025 Regulations also make a number of changes to the common framework provided by the 2018 Regulations, such as changes to public participation and engagement under the framework.
6. The Scottish Government and SEPA, [consulted](#) on these proposals in December 2023 and SEPA [published a further consultation in January 2024](#) specifically on how they plan to implement the Integrated Authorisation Framework. The [Scottish Government also published an analysis of the responses to the 2023 consultation](#)

in June 2024. The 2023 consultation also included questions on how ammonia emissions from livestock might be better controlled in future in light of air quality issues. The 2025 Regulations do not include provisions on ammonia. The Scottish Government said in its 2024 analysis of the consultation that it will “give consideration on how to proceed to promote good practice across the sector”.

Committee consideration

7. Due to the length and complexity of the regulations, the Committee agreed, at its meeting on 3 December, to write to the Scottish Government, Environmental Standards Scotland, the Environmental Rights Centre Scotland, National Farmers Union Scotland, Scottish Water, Zero Waste Scotland and Local Authorities to gather further information. All correspondence and documentation relating to this instrument is available on the [Committee's website](#).
8. The Committee also agreed to hear from SEPA at today's meeting. SEPA will provide a written briefing which will be circulated to Members in advance of the meeting.
9. The Committee's [letter](#) to the Scottish Government expressed disappointment that it did not engage with the Committee about the content of the instrument in advance of it being laid to ensure the Committee could be as prepared as possible to scrutinise it within the strict 40-day deadline that applies for affirmative instruments. To ensure adequate time for the Committee to consult with stakeholders on the instrument the Committee asked the Scottish Government to consider formally withdrawing the regulations and then re-laying them early in the New Year.
10. The Scottish Government [responded on 6 December](#) and agreed that there would be benefit in the Committee having additional time to consider the Regulations and was content to formally withdraw the Regulations and re-lay them in the New Year in sufficient time to allow for completion of the Parliamentary process in advance of the proposed earliest coming into force date of 1 June 2025. The instrument was formally withdrawn on 9 December.
11. Following the withdrawal of the instrument, stakeholders were given additional time to respond, with a revised deadline of 13 January 2025.
12. The Committee will consider the written evidence it receives from stakeholders, and the evidence it hears from SEPA at today's meeting and decide whether further evidence is necessary. The Committee will then take evidence from the Scottish Government before making its recommendation to parliament on whether the instrument should be agreed.

Clerks to the Committee December 2024