

Depute Chief Executive: Richard Grieveson

Head of Housing & Communities: Blair Millar

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Ref: **MR/KC**

23rd December 2024

Edward Mountain MSP
Convenor
Net Zero, Energy and Transport Committee
The Scottish Parliament
Edinburgh,
EH99 1SP

Dear Edward

Environmental Authorisations (Scotland) Amendment Regulations 2025

In response to your letter to of the Chief Executive of 4th December, please find below the Council's position, including a number of points relating to the question set provided.

In general terms, East Ayrshire Council recognises that the proposals outlined in the 2025 Regulations aim to consolidate the authorisation framework by bringing together all the regulatory authorisation arrangements for SEPA's four main regulatory areas into an integrated structure under a single standardised procedure and is supportive of this approach. The proposed Regulations are viewed to be proportionate, bringing regulation in line with that of England and Wales and ensuring that new activities are carried out in a manner which is appropriately regulated to safeguard the environment and our communities. Turning to responses to particular areas of interest:

- In respect of the Council's regulatory and monitoring responsibilities relating to sewage sludge activities (schedule 18; recovery of waste by application to land for the purpose of soil improvement);
 - Currently, spreading is dealt with by SEPA under exemption from waste management licensing. Since this is an exemption, any odours arising from the spreading is dealt with by Environmental Health under section 80 of the Environmental Protection Act 1990. Revised guidance to set out the regulatory response and scope of the new regime should be provided to provide direction to LA's, SEPA and to allow the public to understand the new regulatory responsibilities and who they should complain to in the event of concern.

- In respect of the Council's regulatory and monitoring responsibilities relating to Electricity Generators (combustion plant with an aggregated rated thermal input of 1 MW or more at a single site);
 - Further guidance is required regarding scope and consideration given to the assessments carried out at planning stage by Environmental Health Officers directed by Clean Air Act 1993.
- In respect of the Council's waste management operational activities relating to Non-waste anaerobic digestion (AD);
 - Currently, food waste is the sole material managed by East Ayrshire falling with the AD process and this is managed via an external contractor. The introduction of regulation for anaerobic digestion that use bio – based feedstock not identified as waste are proportionate and the 2025 Regulations will introduce regulation for anaerobic digestion that use bio-based feedstock not defined as waste. This will allow a level regulatory playing field for AD operators in Scotland ensuring that all AD activities are conducted in ways that do not impact the environment.

Should you require any further information, please do not hesitate to contact me.

Yours sincerely

Malcolm Rae
Service Manager Cleaner Communities