ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE

AGENDA

19th Meeting, 2018 (Session 5)

Tuesday 5 June 2018

The Committee will meet at 9.30 am in the Robert Burns Room (CR1).

1. **Decision on taking business in private**: The Committee will decide whether to take items 6, 7, 8 and 9 in private.

2. **Declaration of interests**: Alex Neil will be invited to declare any relevant interests.

3. **Scottish Government EU Roundtable on Environment and Climate Change**: The Committee will take evidence on the Environmental Governance Report of the Roundtable on Environment and Climate Change from—
   
   Professor Campbell Gemmel, Canopus Scotland (Chair of the Roundtable);
   
   Lloyd Austin, Royal Society for the Protection of Birds;
   
   Jonny Hughes, Scottish Wildlife Trust;
   
   Professor Colin Reid, University of Dundee (via video conference).

4. **Subordinate legislation**: The Committee will consider the following instrument—
   

5. **Petition PE1646**: The Committee will consider a petition by Caroline Hayes on Drinking water supplies in Scotland.

6. **Subordinate legislation**: The Committee will consider a draft report on the Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Eligible Land, Regulators and Restrictions on Transfers and Dealing) (Scotland) Regulations 2018 [draft].
7. **Scottish Government Budget**: The Committee will consider its approach to consideration of the Scottish Government Budget.

8. **Work programme**: The Committee will consider its work programme.

9. **Scottish Government EU Roundtable on Environment and Climate Change**: The Committee will consider evidence heard earlier in the meeting.

Lynn Tullis  
Clerk to the Environment, Climate Change and Land Reform Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
Tel: 0131 348 5240  
Email: ecclr.committee@parliament.scot.

The papers for this meeting are as follows—

**Agenda item 3**  
EU Environment and Climate Change Round Table  
ECCLR/S5/18/19/1

**Agenda item 4**  
Revised Code of Practice on Litter and Refuse  
ECCLR/S5/18/19/2

**Agenda item 5**  
PE1646 cover note  
ECCLR/S5/18/19/3

**Agenda item 6**  
PRIVATE PAPER  
ECCLR/S5/18/19/4 (P)

**Agenda item 7**  
PRIVATE PAPER  
ECCLR/S5/18/19/5 (P)

**Agenda item 8**  
PRIVATE PAPER  
ECCLR/S5/18/19/6 (P)
Environment, Climate Change and Land Reform Committee

19th Meeting, 2018 (Session 5)

Tuesday 5 June 2018

Scottish Government EU Environment and Climate Change Round Table

Introduction

1. At its meeting of 8 May 2018 the Committee agreed to hear from the Scottish Government EU Environment and Climate Change Roundtable. The Committee will take evidence on their report which will be published on 1 June 2018, from: Professor Campbell Gemmell, Canopus Scotland; Lloyd Austin, Royal Society for the Protection of Birds; Jonny Hughes, Scottish Wildlife Trust; and Professor Colin Reid, University of Dundee (by video link).

Background

2. In a letter to the ECCLR Committee on 8 January 2018 the Cabinet Secretary referred to the establishment of a group to provide advice to the Scottish Government on environmental governance - “To inform our thinking, I have commissioned the Roundtable on the Environment and Climate Change to provide advice by March 2018 on future environmental governance arrangements in Scotland. This will involve identifying where gaps may emerge in existing powers to monitor and enforce environmental standards in Scotland, and setting out options for providing appropriate levels of scrutiny, reporting and accountability following the UK’s exit from the EU, using international comparisons where appropriate.” The report of the Roundtable is not yet in the public domain.

3. The Committee issued a call for evidence on its inquiry on the EU environmental and animal welfare principles, which closed on 29 March 2018 http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/107913.aspx

4. The Committee then heard from the Cabinet Secretary for Environment, Climate Change and Land Reform on 8 May 2018 http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11517

Clerks
Environment, Climate Change and Land Reform Committee.
Environment, Climate Change and Land Reform Committee

19th Meeting, 2018 (Session 5)

Tuesday 5 June 2018

Revised Code of Practice on Litter and Refuse (COPLAR)

Background
1. On 17 May 2018, the Scottish Government’s Revised Code of Practice on Litter and Refuse (COPLAR) (SG/2018/81) was laid in the Scottish Parliament.

2. This Code of Practice on Litter and Refuse (COPLAR) provides practical guidance on fulfilling the duties under the Environmental Protection Act 1990 (Section 89). These are to, as far as is practicable:
   - keep land clear of litter and refuse (Duty 1)
   - keep certain roads clean (Duty 2).

3. The Delegated Powers and Law Reform Committee considered the document at its meeting on 29 May and determined it had no points to raise.

4. The Environment, Climate Change and Land Reform Committee will consider this document at its meeting on 5 June 2018.

5. Correspondence from the Cabinet Secretary for Environment, Climate Change and Land Reform is included at Annexe A and the revised code itself can be found here.

6. The Committee is invited to consider the revised code of practice and to agree any further action it may wish to take in relation to the document.

Clerks
Environment, Climate Change and Land Reform Committee
17 May 2018

Dear Conveners,

**Code of Practice on Litter and Refuse**

I am writing to advise you that a new version of the Code of Practice on Litter and Refuse (COPLAR) has been laid in Parliament, to replace the current version which was published in 2006.

COPLAR is issued to support duty holders with fulfilling their responsibilities under Section 89 of the Environmental Protection Act 1990. These are to as far as is practicable keep:

- land clear of litter and refuse (Duty 1)
- roads clean (Duty 2)

Reviewing the Code of Practice was a National Litter Strategy commitment. The project was overseen by a review steering group. Its membership included: COSLA, Keep Scotland Beautiful, Transport Scotland and the Association for Public Service Excellence. Further advice and support for duty holders will be made available through Zero Waste Scotland.

The annex to this letter provides members with further background which I hope you will find helpful.

Roseanna Cunningham

**Code of Practice on Litter and Refuse**

**What is the Code of Practice on Litter and Refuse (COPLAR)?**

COPLAR supports fulfilment of the Environmental Protection Act 1990’s two Section 89 duties which are to, as far as is practicable, keep:

- land clear of litter and refuse (Duty 1)
• roads clean (Duty 2)

Duty 1 covers:

• Local authorities
• Scottish ministers
• Crown authorities
• Crown Estate Commissioners
• Crown Estate Scotland
• Educational institutions
• Any operator of a relevant railway asset (such as a railway station and track)
• Light railway/tramway operators
• Passenger Transport Executives
• Road transport operators, other than taxi or other hire cars
• Canal operators
• Port/dock/harbour/pier operators
• Airport operators

Duty 2 relates to local authorities for relevant roads, and Scottish ministers for motorways and special roads.

COPLAR covers a broad range of advice:

• how to prioritise land and roads
• the standard that demonstrates duty fulfilment
• what to consider as litter, refuse and detritus
• how quickly to restore areas affected by those problems and how to assess the scale of the issues.

The previous version, published in 2006, focused on street cleansing as the main way to fulfil the duties. The update expands this to include wider prevention tactics.

COPLAR is issued under Section 89 (7) and duty holders shall have regard to it, under Section 89 (10).

Why update COPLAR?

The National Litter Strategy committed to reviewing COPLAR following a consultation which identified support for doing so.

The review was an opportunity to align the code with the strategy’s prevention aim and the Commission on the Future Delivery of Public Services (The Christie Commission), which established that prevention in public service is more efficient than treatment.
What was the process for reviewing the document?

The Scottish Government convened a review steering group which included duty holders, key professional bodies and Keep Scotland Beautiful (full membership below).

Zero Waste Scotland held workshops and meetings with stakeholders, including local authorities.

Scottish Government public bodies were invited to contribute their views and a short consultation for duty holders was held in summer 2017. Its findings will be available on the Scottish Government website.

What was the steering group membership?

- COSLA
- Association for Public Service Excellence (APSE)
- Chartered Institute of Wastes Management (CIWM)
- Scottish Canals
- Transport Scotland
- Network Rail
- Keep Scotland Beautiful
- Zero Waste Scotland
- a former member of the Christie Commission took part in earlier meetings

What did the review conclude?

The review identified the following challenges with the 2006 code:

- resources were focused on clear up rather than preventing the problem – which is at odds with recommended prevention approaches to protect public budgets from unnecessary spend
- street cleansing was offered as the solution for fulfilling both duties which missed the opportunity to prevent litter by influencing behaviour of people who litter
- it is written for a local authority audience and does not clearly signal to other duty holders what they need to do
- it doesn’t specifically include litter in trees, bushes, ponds or streams.

What are the principles behind the COPLAR review?

- land that is litter-free, and roads that are clean, meet the standard (Grade A) and do not require restorative action
- large and dangerous build ups of litter and refuse should be removed more quickly than smaller items
- cleansing is one way to fulfil the duty but preventing litter from being dropped is in line with The Christie Commission which established that prevention in public service is more efficient than treatment. The new approach can avoid unnecessary cleaning costs and the wider expense of social, economic and
environmental issues (litter has been shown to be a factor in crime rates and to have an impact on house prices, health and wellbeing).

- preventative tactics influence behaviour and encourage personal responsibility
- flexibility remains - duty holders are free to decide:
  - how and when to monitor their areas
  - which prevention tactics to introduce, and when
  - what they want to evidence as justification if duties are unfulfilled.

What are the main changes within COPLAR 2018?

- Duty 1 now encourages duty holders to influence behaviour so that less litter is dropped in the first place
- Duty 1 response times have been extended for duty holders who successfully influence behaviour and have less litter to clear
- a distinction between the two duties has been made with separate grades and response times
- clarity that the standard which reflects duty fulfilment is achieving ‘Grade A’
- refreshed grades and zones include metrics that will support consistency of interpretation between duty holders.

Improved language and structure also make it clear who the duties apply to, where litter should be removed from (extending its focus to include water, bushes and trees) and what to consider as litter, refuse and detritus.

What are the benefits of COPLAR 2018?

- the focus on litter prevention means there should be less to clean up
- effective prevention can off-set litter clear up costs
- the new approach also supports tackling wider social, economic and environmental issues associated with litter and flytipping
- supports easier benchmarking and sharing of best practice between duty holders.

The revised version has been careful to maintain flexibility for duty holder decision making.

What should duty holders do?

- assess how busy their land or roads are, and how likely these are to become littered
- decide the tactics to fulfil their duties
- make monitoring arrangements to assess the condition of their land and or roads
- when duty holders detect that an area has fallen below the standard (Grade A) or receive a complaint, they should restore it within the appropriate response times.
Which of the Scottish Government’s National Outcomes and Indicators does COPLAR support?

Outcomes

- We value and enjoy our built and natural environment and protect it and enhance it for future generations
- We reduce the local and global environmental impact of our consumption and production
- Our public services are high quality, continually improving, efficient and responsive to local people’s needs

Indicators

- Improve people’s perceptions of the quality of public services
- Improve people’s perceptions of their neighbourhood
- Improve the state of Scotland’s marine environment
- Reduce waste generated
Environment, Climate Change and Land Reform Committee

19th Meeting, 2018 (Session 5)

Tuesday 5 June 2018

PE1646: Drinking water supplies in Scotland

Background

1. Petition PE1646, from Caroline Hayes, was lodged on 12 April 2017. It calls on the Scottish Parliament to urge the Scottish Government to:
   
   i) review the role of the Drinking Water Quality Regulator; and
   
   ii) commission independent research into the safety of the chloramination of drinking water.

2. The petition stems from an issue in Badenoch and Strathspey where a change of water supply in 2012 led to concerns about the taste and odour of the water as well as possible skin irritation.

Public Petitions Committee consideration

3. Following evidence from the petitioner at the PPC’s meeting on 25 May 2017, the Committee wrote to the Scottish Government, Scottish Water, Drinking Water Quality Regulator, the Scottish Environment Protection Agency, Water Industry Commission for Scotland, NHS Highland, Strathspey & Badenoch Water Action Group. The responses to these letters can be read on the petition’s web page.

4. At its meeting on 26 October 2017, the PPC agreed to again write to Scottish Water, which responded in November 2017.

5. The most recent submission from the petitioner was received by the PPC on 8 March 2018. The submission highlighted continuing concerns about drinking water in Badenoch and Strathspey as well as problems with the Chloramination process in other parts of Scotland.

6. At its meeting on 15 March 2018, the Public Petitions Committee (PPC) agreed to refer the petition to the Environment, Climate Change and Land Reform Committee. A SPICE briefing on the Petition is available here.

Environment, Climate Change and Land Reform Committee consideration

At its meeting on 27 March, the Committee decided to consider the petition as part of a planned session with Scottish Water on 17 April 2018.

7. Ahead of this session, a number of submissions were received by the Committee:

   - Catherine M Phillips 28 March 2018
8. At the meeting on 17 April, the Committee took evidence from Scottish Water and heard that:

- A quarter of households in Scotland currently have chloraminated water.
- Chloramination is supported by the World Health Organisation and is a process used in the USA, Canada, Australia and in some parts of Europe.\(^1\)
- It is one of a number of disinfection methods available, and is often used in heavily peated areas\(^2\).

9. The Committee subsequently wrote to Scottish Water on 19 April and sought further details of the number of complaints they had received about chloramination. The Committee also asked for details of Scottish Water’s involvement in any peatland restoration projects. Scottish Water responded on 2 May.

For consideration

10. The Committee is invited to consider whether it wishes to:

- Review the available information on approaches to chloramination in different countries and which alternatives to chloramination are used.
- Request a briefing from Scottish Water on the range of water treatments currently being used throughout Scotland, the costs associated with these, and the decision-making process used to decide when chloramination is appropriate.
- Review available information on or commission independent advice on the potential safety and health impacts of chloramination.
- Request a briefing from Scottish Water or the Drinking Water Quality Regulator on how they ensure water in Scotland is safe to drink.
- Review the role of the Drinking Water Quality Regulator.

Clerks
Environment, Climate Change and Land Reform Committee

\(^1\) The Environment, Climate Change and Land Reform Committee, *Official Report, 17 April 2018*
\(^2\) The Environment, Climate Change and Land Reform Committee, *Official Report, 17 April 2018*