

COMMUNITIES COMMITTEE

Wednesday 28 February 2007

Session 2

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COMMUNITIES COMMITTEE

6th Meeting 2007, Session 2

CONVENER

*Karen Whitefield (Airdrie and Shotts) (Lab)

DEPUTY CONVENER

*Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

COMMITTEE MEMBERS

Scott Barrie (Dunfermline West) (Lab)
*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)
Christine Grahame (South of Scotland) (SNP)
*Patrick Harvie (Glasgow) (Green)
*John Home Robertson (East Lothian) (Lab)
*Tricia Marwick (Mid Scotland and Fife) (SNP)
*Dave Petrie (Highlands and Islands) (Con)

COMMITTEE SUBSTITUTES

Chris Ballance (South of Scotland) (Green)
Alex Johnstone (North East Scotland) (Con)
Christine May (Central Fife) (Lab)
Mike Rumbles (West Aberdeenshire and Kincardine) (LD)
Ms Sandra White (Glasgow) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Des McNulty (Deputy Minister for Communities)
Graham Robinson (Scottish Executive Development Department)
Ed Swanney (Scottish Executive Development Department)

THE FOLLOWING GAVE EVIDENCE:

Professor Jim Baird (Chartered Institution of Wastes Management)
Kathy Cameron (Convention of Scottish Local Authorities)
Ann Coleman (Greengairs Environmental Forum)
Katherine Donnachie (Scottish Environment Protection Agency)
John Ferguson (Scottish Environment Protection Agency)
Iain Gulland (Community Recycling Network for Scotland)
Patricia Hawthorn (Scottish Environmental Services Association)
Malcolm Macleod (Scottish Society of Directors of Planning)
Gordon Pollock (Convention of Scottish Local Authorities)
Colin Paterson (Scottish Environmental Services Association)
Graham U'ren (Royal Town Planning Institute in Scotland)

CLERK TO THE COMMITTEE

Steve Farrell

SENIOR ASSISTANT CLERK

Katy Orr

ASSISTANT CLERK

Catherine Fergusson

LOCATION

Committee Room 6

Scottish Parliament

Communities Committee

Wednesday 28 February 2007

[THE CONVENER *opened the meeting at 09:41*]

Planning for Waste Management (Draft Scottish Planning Policy)

The Convener (Karen Whitefield): I am sorry for the delay in opening the sixth meeting in 2007 of the Communities Committee. I remind everybody that mobile phones and BlackBerrys should be turned off.

Our agenda has been changed, as the Deputy Minister for Communities, who was required to attend the meeting for the first three items, has not turned up. We will now take item 4 first, which is evidence from three panels of witnesses on draft Scottish planning policy 10, on planning for waste management. I am grateful to our first panel of witnesses for being on time. I welcome Iain Gulland of the Community Recycling Network for Scotland and Ann Coleman of Greengairs environmental forum. Thank you for joining us.

Dave Petrie (Highlands and Islands) (Con): Good morning. I have a question for Ann Coleman in particular, on the impact of landfill on communities. Draft SPP 10 refers to a Department for Environment, Food and Rural Affairs study that indicates that landfill has only a minimal effect on health. Your community has lived beside some of the largest landfill sites in the country. What has been the impact on your community of doing so?

Ann Coleman (Greengairs Environmental Forum): We must separate what has been proven from what the public perceive. There is a gap in that respect. The public are concerned about the potential effects of risk factors on health. Odour from a landfill site is pollution, some of which is hazardous to health. There are also other problems.

The convener is well aware that some people in our community are convinced that every cancer case in the village is related to the landfill site. That view might be completely farcical, but it indicates the fears and perceptions of people in a community that lives with landfill. We had opencast mining in our area for a long time, too. Such fears and perceptions are not good.

Obviously, there is also a psychological impact from looking out on to a landfill site. The visual impact has a detrimental effect that I think is underestimated. Living next to a landfill also

carries some stigma with it. Those psychological effects perhaps are not considered enough.

09:45

Dave Petrie: You mentioned the odour from the site. I take it that, in your experience, there is no odour control on the site.

Ann Coleman: Yes, there is odour control, but the problem is that it is not always possible to control all the effects. There is a perception that mitigating measures will control everything, but that is not the case. We are not dealing with an exact science. The odour problems change.

The worst period of odour that we had recently—which, to be fair, was well over a year ago—was not caused by any malpractice or drop in standards on site. In fact, it was a consequence of improvements to the leachate control on site. When the workers tried to cap the cell that they had been working on, they found that it had become subject to what is called a dry-oven effect. Because the cell was drier and cooked the waste quicker, it caused an unbelievable odour when all the long-term control measures for leachate and to take the methane off for power and so on were applied. There was nothing that they could do other than take time to cap the cell. After that incident, the procedures were changed and workers now cap cells as they go. However, the changing mix of waste that goes to landfill creates its own problems. Those factors will always exist. On another occasion, we had odour problems because of vandalism.

I am not saying that practices on every site ensure that odours do not occur, but I have to say that I do not believe that the odours from the Greengairs landfill site have been caused by neglect in any way. The problem is just the science of landfill and the anomalies that it throws up.

Dave Petrie: You mentioned that members of the community reckon that living close to the landfill site has an adverse effect on health. Do they have evidence for that?

Ann Coleman: The local perception is that, yes, there is an effect on health.

Dave Petrie: Is there medical evidence for that?

Ann Coleman: No, not that I am aware of. However, the amount of research that has been done on that is another matter. It is all very well to say that the effect cannot be proved, but can it be disproved? Even if it cannot be proved, we still have a gap as far as the public are concerned, and that breeds concern. To be fair, as we all know from the planning reforms, there is a loss of public confidence and trust in the decision-making process, which does not really help when we are trying to deal with these issues.

Tricia Marwick (Mid Scotland and Fife) (SNP):

You mentioned the effect on the community. Do people want out of the community? Do they simply not want to live there? Is there difficulty in attracting other people to come and live in the community? What effect does the landfill site have on people wanting to leave the community or not wanting to come into it?

Ann Coleman: This is quite funny, in a way. You have to remember that Greengairs is an ex-mining community, where people will stand their ground and say, "This is our place. This is our environment. You will not put us out." To begin with, they would not allow the community council to claim landfill tax funding. They said, "We are not for sale. You are not buying us." That is the grit of the people who we are talking about. They do not want to move out. They are not prepared to give way. They reckon that, if they give way, Greengairs will disappear into a hole and the whole area will be given to landfill.

Regarding the effect on people moving into the area, I can mention only one incident. One Sunday afternoon, a very irate builder chapped my door and complained bitterly about an article in the newspaper in which I talked about the odour in the area—the odour that I mentioned earlier—when he was looking to invest £7 million in housing in the community. He said, "Do you realise what damage you have done?" I told him, "I am only telling the facts as they are. As far as I am concerned, anyone who is buying a house here should be well aware of that."

Needless to say, he did not progress with his offer to develop land in the area. We have a small local development of 50 new houses, but it would be difficult to get good prices for those houses or to encourage a large number of people into the area, if that example is anything to go by.

John Home Robertson (East Lothian) (Lab): I am vaguely familiar with the general subject because the main landfill site for the south-east—for Edinburgh, the Lothians and the Borders—is at Oxwell Mains near Dunbar on my patch. I was astonished to discover that what appears to be a highly successful holiday development is being put together just across the road from there, which is an indication that such sites can be screened and managed in a way that is conducive to people living and getting on with their lives nearby.

That aside, there is obviously a need for monitoring and enforcement, as you have mentioned. SPP 10 refers to new start and temporary stop notices that will give local authorities extra powers to control activities on landfill sites, for which there is a need when there is a risk of something going wrong. How has the planning authority in North Lanarkshire used enforcement powers to limit the impact of the

landfill and of the traffic that is linked to it on the local community?

Ann Coleman: To be honest, I am not aware that the local authority has done very much. However, to be fair, we cannot complain about enforcement in relation to the landfill, although we could in relation to the opencast mining. In our community, the rules that apply to landfill seem to be much more enforceable, but I am aware of another community in which a waste management site, including a form of landfill, operated for three years without being stopped, even though it had no planning permission. That is completely unacceptable. I can speak about only our area. The monitoring and control standards that apply in our area should be a minimum. We had a problem a number of years ago, but in the past few years the situation has definitely improved. We cannot complain about what has happened recently.

John Home Robertson: I mentioned traffic. Happily, the bulk of the waste for the landfill site in East Lothian comes in by train, so traffic on the roads is not a big issue, but it must be a big factor in Greengairs. Has the local authority taken any steps to control the flow of traffic or the routes that trucks take to get to the landfill site?

Ann Coleman: Not really. One of the problems that we face is that traffic assessments in the area rarely appear to be complete. Any increase in traffic on the main road through the community would cause difficulties, but the trucks do not need to go through the community, because the landfill and opencast operators built a cut-off road before the villages of Greengairs and Wattston. Most of the vehicles go round the back; very few of them come through the villages. However, there is a great deal of traffic on the main road.

John Home Robertson: Will the new enforcement powers under SPP 10, which will enable planning authorities to impose temporary stop notices if there is a problem with traffic or with practice on a site, give greater confidence to communities?

Ann Coleman: Stop notices would not have dealt with the main problems that we had. Enforcement officers have to put such notices in place. One of our biggest problems was that the incidents occurred outside office hours and the local authority would not take the community's word for it. It would not send officers along to witness the breaches, so we could get nothing done.

John Home Robertson: That is a separate issue. Assuming that supervision is being carried out, will it be helpful for local authorities to have the power to impose a temporary stop notice when they have evidence that something has gone wrong?

Ann Coleman: Yes.

Patrick Harvie (Glasgow) (Green): I will ask about proximity to settlements. With opencast coal mining, a minimum distance of 500m from settlements is suggested. However, although draft SPP 10 specifies a minimum distance of 250m for composting sites, it does not specify a minimum for other types of waste sites. What do you think of that?

Ann Coleman: That is totally inadequate. I live almost a mile as the crow flies from the landfill site. We have a problem with the odours, which are pervasive. I have been wakened from my sleep at half past 3 in the morning. There is no way that a distance of 250m provides a buffer.

Patrick Harvie: Is it noise or the smell that disturbs you at night?

Ann Coleman: It is the smell. Also, 250m is not enough, given the noise levels. One of the worst noises, which is unnecessary, is the audible reversing warnings from vehicles.

John Home Robertson: Oh, yes.

Ann Coleman: It is like Chinese torture—it is really awful. There is no recognition of that. To be honest, given the noise from the movement of heavy equipment on the sites, we should forget the distance of 250m, because it is not enough.

Patrick Harvie: You make a strong case. People who live near facilities such as supermarkets may have the same experience of reversing vehicles' sirens. We will speak to ministers about the draft SPP. If they say that setting a hard-and-fast minimum distance would not be appropriate, how will you respond to that?

Ann Coleman: There are two ways of considering the issue. First, I can understand the relevance of having flexibility to deal with the specifics of topography, location and the type and extent of waste management. We have a huge landfill site, but other places may be different. All those matters need to be taken into consideration. I do not know much about the new environmental assessment and how that process will deal with those issues. However, although there should be scope for flexibility to allow everything to be taken into consideration, that distance is not adequate for odour control.

Patrick Harvie: So you cannot see any reason why there should be a specified minimum for opencast coal mining and composting but not for other activities.

Ann Coleman: For landfill, there must be a specified minimum distance but, in some situations, that distance may not be enough.

Patrick Harvie: Yes; it would be different in different circumstances.

I will move on to cumulative impact. Your community has been used in an almost totemic way in relation to the concept of environmental injustice. Cumulative impact is one of the most visible issues. The draft SPP suggests that a cumulative impact assessment should be carried out when there are two or more developments within a 5km radius. Is that proposal enough to address the impact on communities?

10:00

Ann Coleman: No, definitely not. It is far too weak and it just touches on the issues. On the cumulative impact of two or more sites, the nearest operational landfill site to us is the largest capacity landfill site in Europe, but it would count as only one site. Another area could have two small waste management facilities, which would count as two sites, but the large one near us would count only as one.

I am also concerned about one thing I noted in the draft SPP about completed sites. We have several recently completed landfill sites, and they have a cumulative impact that does not seem to be emphasised in the draft SPP. We feel strongly about that. There should be no more than one landfill site. We should not be expected to take any more than that. So much of our land is contaminated.

Do not forget that it is not just the operation of landfill sites that has an impact; there is also a cumulative impact because of the amount of land that is left with limited use options for a considerable period into the future.

Patrick Harvie: I could tease out two issues from that. The first is about when the cumulative impact assessment mechanism should kick in. Should it be based on the number of developments, the volume of waste that is being managed or the style of management? Secondly, is the assessment mechanism going to be sufficient? The draft SPP states that if the assessment indicates that the cumulative impact

"cannot be mitigated adequately, permission should be refused",

but the assessment is conducted by the developer, not by an independent body, so is the cumulative impact assessment mechanism going to work? Even if it does work, is it going to be applied in the right situations? Should it be about the volume of waste that is being managed or the way that it is being managed as opposed to the number of developments?

Ann Coleman: I do not want to be too critical of all of this, because an attempt has been made. However, it is as if draft SPP 10 mentions cumulative impact simply to demonstrate that the issue is being talked about. It does not give me

any confidence that anything is going to be done about it.

Cumulative impact should be determined scientifically. We do not understand it. How is the community going to be able to read an environmental impact assessment? How are we going to be able to understand it? The assessment will need to be done on a scientific basis and people will need help to understand it.

Dave Petrie: Odour is obviously a major concern. From my experience of waste water treatment works, environmental health departments used to set boundary conditions for odour, and odour levels could be monitored at the site boundary. Has it ever been suggested that odour could be measured at the boundary of a site?

Ann Coleman: What is the point of measuring it at the site boundary? Air pollution and odours do not recognise boundaries. It depends on which direction the wind is blowing. If there is monitoring at one side of the site and the wind is blowing the other way—

Dave Petrie: No, but all that would be taken into account. If the odour is generated at the centre of the site, it has to be controlled from the source, so that, irrespective of the wind, it does not get beyond the boundary.

Ann Coleman: The problem with that is that public expectation could be raised that odour control can be maintained at a boundary. In one case, an expert tried to tell us that the odours would not go beyond the boundary of a landfill site. We know from experience that that is completely unrealistic. Getting factual information to the public is a problem, and saying that odours will be monitored at the site boundaries could be a bit misleading. It is not about that: some places might not control odours as well as others do. Odour is one of the problems of landfill, but there is also noise, dust and everything else. However, it could be misleading to try and make the public believe in some sort of monitoring and some kind of boundary.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I agree that it is difficult to manage the problem and to measure how it affects the community. I want to pursue the issue of cumulative impact. Paragraph 43 on page 12 of the draft SPP states:

“Planning authorities should ensure that landfill proposals, or extensions to existing landfill sites, will not lead to a disproportionate burden”.

Any similar developments, including mineral workings within a 5km radius of the site, will be taken into account when an application is considered. That is better than the system with

which we are trying to work at the moment. How would you improve the situation?

Ann Coleman: Only now are we getting an acknowledgement that cumulative impact is an issue. In the past, it was mentioned only in relation to opencast, but now its relevance is being acknowledged. That is only the start. There are many other environmental issues to which cumulative impact will be relevant. Climate change means that, in future, cumulative impact will be complex, not simple. Cumulative impact relates to pollution of any kind, so it will become much more relevant across the board.

Cathie Craigie: I am familiar with the area that we are discussing, which has a landfill site and opencast and looks like the surface of the moon in places. The draft SPP is a step in the right direction, as it attempts to protect communities in the area. You have acknowledged that it is a start. In a few words, can you suggest any improvements that we might make?

Ann Coleman: I would find it difficult to do that in a few words. I would like to see more scientific assessment of cumulative impact. The public point of view on any kind of development is that it should not overpower their environment; that must be taken into account. There is no doubt that developments such as landfill and opencast tend to overpower the environment in which they are located. Can we reduce the impact of such developments on communities and leave them with land that can be used for purposes other than landfill, waste management and opencast? Can we leave them with enough land to be more sustainable communities, with different land use options? The same applies to wind farms, which I support. However, the cumulative impact of such developments is to rob communities of all their land—their entire local environment—and to deny them the opportunity of varied development.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I would like to change the direction of questioning. I have two questions for Iain Gulland. First, it would be useful if you could give us some examples and illustrations of how community groups have helped to increase waste recycling and reuse and composting, and to improve waste reduction and prevention.

Iain Gulland (Community Recycling Network for Scotland): The community recycling sector in Scotland consists of more than 180 groups, which range from small volunteer groups in villages that do community composting or waste prevention work to more substantial social enterprises. They provide front-line recycling services—if that is the right expression—and work in partnership with local authorities to provide kerbside recycling schemes and bring sites, as well as with the commercial sector to provide services to

businesses, such as paper recycling. There is a full range of activities.

The CRNS carries out a mapping exercise every year—we have been looking recently at the figures for last year. The community recycling sector employs something like 1,100 full-time equivalent employees in Scotland, but more important, it supports 950 training placements and offers 3,000 volunteering opportunities.

The community recycling sector is about more than just recycling. Groups do it for a variety of reasons, including keeping waste out of landfill. Many projects have stemmed from campaigns against the threat of a landfill site or incinerator. We have then decided to do something more proactive by examining waste minimisation. Many of the people involved come from an environmental background, but more important, many come from a social background. They realise the value of waste material as an asset rather than a liability, and try to do something positive with it in terms of jobs and employment.

Our figures from last year show that the community recycling sector is probably diverting from landfill something in the region of 73,000 tonnes of material. To put that in context, according to figures that were reported to the Scottish Environment Protection Agency, South Lanarkshire Council was the best-performing local authority last year on tonnage, rather than in recycling percentages, and it did 61,000 or 62,000 tonnes. The community recycling sector is diverting from landfill more waste than the best-performing local authority.

On economic impact, the sector has an annual turnover of about £25 million to £26 million. All the figures are increasing since the mapping studies that we carried out in 2005 and 2003. It is a great time for community recycling and for the environment thanks to investment from the Scottish Executive. That investment represents recognition that it has a part to play in delivery of national targets, both in municipal and non-municipal waste.

The sector is improving and it is tackling some of the more difficult wastes. We are running the first-ever mattress-deconstruction recycling project in the United Kingdom: we are taking away a waste stream that is a problem for any waste management company, no matter what—incineration or landfill—one wants to do with it. The project is also looking at carpets and other difficult wastes; not the kind of stuff that people put out in their household bins, but which they would certainly take to the civic amenity site.

In the light of the proximity principle behind community composting, it is important not to truck green waste across great parts of Scotland but to

deal with it locally instead—we are considering soil remineralisation in communities and so on. Community recycling has a positive impact that will continue as time goes on.

Mr Stone: Thank you for that; it was very interesting. Building on that, how can community groups further the sustainable approach to waste management in the future?

Iain Gulland: As well as consideration of waste as an opportunity to drive sustainable economic, social and environmental benefits locally, the main focus of the sector is waste prevention. We are pleased to see that the community recycling sector and other stakeholders are very much at the heart of the waste prevention action plan that was launched yesterday.

Our work is about preventing waste in the first place—we ask why the waste is being produced. Recycling is still end-of-pipe so we should be looking at why the stuff is being produced, whether it is compost, food waste, paper or nappies. Our sector has a key role in delivering those messages locally. We are the community talking to the community. We look at how we can react to waste, and we put people more in touch with why they are producing the waste in the first place and with the impact that it has. We have a key role in developing sustainability because our work is not just about measuring tonnages and ticking boxes; we are trying to reduce waste in the first place.

10:15

Cathie Craigie: That takes us nicely on to the next point, which is about waste management planning in other developments. The draft SPP states in paragraph 12 on page 46 that

“Residential, commercial and industrial properties should be designed to provide for waste separation and collection.”

I have experience of that locally, both commercially and in residential areas, where a local authority is willing and wants to provide residents with the facilities to recycle glass, paper and so on, but there are problems because of failures to think ahead in the design and planning of those areas. How can the policy be developed to promote recycling at source and to reduce the volume of waste?

Iain Gulland: There are a number of issues. I have had the same experience as Cathie Craigie. Before I went to the community side, I worked for local authorities. We tried, in our planning recommendations for proposed housing developments, to have developers include mini recycling sites in housing developments, but they saw that as an additional cost and said that they would not be able to sell the houses next to the recycling sites and so on. I can appreciate their difficulty, but we need to take bolder steps.

The environment has changed and the culture has changed. We accept that we need to recycle and reduce waste, so it is necessary to put such conditions on planning applications at whatever level for housing, as happens for utilities such as water, sewerage and so on. We must ask developers how they will deal with waste; we must put the onus on them to propose waste plans.

The draft SPP mentions waste area plans for construction projects. That is the same idea. Before the project happens the developer should identify, at the development stage or the planning stage, how it will deal with waste. Obviously, to deal with domestic waste it is necessary to create space within each house so that extra containers can be stored and presented safely for collection. In business developments, such as retail parks, we must start thinking about the issue up front rather than further down the line. When I was involved in local authorities, it was a bugbear that we would examine housing at the last minute only to discover that there was no place to put two 40-litre bins or boxes and stuff like that. We must put the onus on the developers to consider waste at an early stage—that will focus their minds. If there will otherwise be an additional cost to their development, they will think about putting in waste minimisation facilities in their sites.

Cathie Craigie: Does the draft SPP go far enough? How would you improve it? I do not think that it goes far enough and it is crucial that we eliminate the long journeys that impact on communities such as Ann Coleman's.

Iain Gulland: The draft SPP covers many issues, but the main focus seems to be on landfill, incinerators and the need for planning for them. It is a bit like the waste strategy for Scotland, which was still just looking at the end of the pipe, to some extent.

Yesterday, a waste prevention action plan was published that takes the first real look at what we have just been talking about; it looks further up the pipe and establishes what planning processes can be put in place to address the issue. The structure of the document covers those issues, but you really have to read it closely. A knee-jerk response after a first glance at the document is that it is about incinerators and landfill. There are good bits in it, but they need to be expanded so that there is a more holistic approach to waste planning. Perhaps the prevention stuff should be up front. We should be examining where waste is produced in the first place and how planning can affect that. The section on that is buried in the document at section 46.

Other stuff, such as waste planning for construction sites, is also buried in the document. There is good stuff that could be expanded and developed to help us consider some potentially

radical solutions, but it is lost in the stuff about policy on land use and incinerators, and policy against landfill and its impact. Those are crucial and should not be downplayed, but perhaps the document is trying to do too many things. Perhaps there should be three or four separate documents or there should be a wider document that is laid out with prevention first, and which then looks down the line to establish how, if we must have waste, it will be dealt with locally to ensure that communities are not disadvantaged economically, socially and environmentally.

John Home Robertson: I was particularly interested to hear what Mr Gulland said about initiatives to recycle mattresses, carpets and the like, which would obviously be a useful step forward. I suppose that the next best thing is for it to go to a proper landfill site, but we all know that far too much of that kind of material is turning up fly-tipped on road sides in the countryside and all the rest of it.

It seems that for every responsible person who supports Mr Gulland's organisation and tries to get rid of stuff responsibly, there are still rather more people who are prepared to go to unbelievable lengths to pollute our roadsides and countryside by dumping stuff. What will it take to stop that sort of behaviour?

Iain Gulland: First of all, a culture change is required—there are campaigns such as one called dump the dumpers. However, fly-tipping is a crime, so we also have to pursue it as such. Resources will be required to police that, although I think that policing would be for the Scottish Environment Protection Agency rather than the police.

John Home Robertson: We need some high-profile prosecutions.

Iain Gulland: Yes—but education is also important. This is a great time for recycling: the culture is changing, awareness is increasing and money is being invested in the right things, such as kerbside collections and CA sites—which is where people ought to be taking the stuff that is being fly-tipped. However, although things are improving, I would guess that the number of those sites has not increased. Some people still do not think that it is convenient to take stuff to be recycled or disposed of properly. That is the challenge. We have focused on recycling and separation of waste, but people have to know that convenient locations exist for waste management, separation or recycling. That is not happening. Many people are still at a disadvantage because CA sites are far away from them, and some people will look for an easy outlet.

This is anecdotal, but a lot of the stuff that is dumped probably comes from builders or from

businesses doing small do-it-yourself type work. We will have to consider regulation of that type of work.

Ann Coleman: In our area, another problem has started to happen as a result of fly-tipping legislation: so that their identity cannot be detected from what they fly-tip, people are now setting it on fire. Smoke is going up from anything and everything that is dumped.

However, I have to say that in our area it is not easy to know how or where to dispose of things. We have had a huge campaign recently because the local authority has started to charge for special uplifts. If you do not have special uplifts, you are going to have fly-tipping. Also, the doors of the municipal site for waste are not always open. We also have very few of the kind of installations that others have been talking about. Fly-tipping is a huge problem and I am sorry that it is not talked about more in the planning policy.

Patrick Harvie: I would never want to detract from committee members who are keen to see some high-profile prosecutions, but would the witnesses agree that high-profile prosecutions would not have much effect if waste facilities were not in place or if people did not know about them? Job number 1 should be for the public sector and the community sector to work together to ensure that people know that they can get rid of things such as mattresses and carpets responsibly because the services exist and are the cheapest and easiest option. If a cheap and easy option exists, people are far more likely to use it, irrespective of any high-profile prosecutions.

Iain Gulland: I totally agree. Part of the process will be to ensure that facilities are put in place as widely as possible so that it is easier for people to use them. In the community sector, our target is to make recycling as easy as possible. Community recycling is successful because the facilities are in communities rather than on the outside of towns. We are doing positive things in communities. That is our main thrust and the Government is backing it.

Things are perhaps not moving as fast as some people would like. Mr Home Robertson asked about people's behaviour. Some people will fly-tip no matter how many facilities are in place and no matter how much we try to educate them. However, regulation can have an impact, so there could be a mechanism for curbing such behaviour, although Mr Harvie is right to suggest that more people would use facilities if they were closer at hand.

Dave Petrie: I would like to put to both witnesses a question on community engagement, which I feel is at the core of this issue. The committee was closely involved in the Planning etc

(Scotland) Act 2006, which very much focused on community engagement. Will the proposals for community engagement in the act help to ensure that new waste site developments are more acceptable to communities?

Ann Coleman: No. Many communities are still concerned about what the planning reforms will mean in terms of community engagement. We are asking for the planning advice note on community engagement to be trialled for two years before we come to a specific view on it. Community engagement becomes a problem because the public do not feel that it is worth their while to engage in the process. We will have to start by gaining people's confidence and demonstrating that it is worthwhile.

It is not clear how much influence community engagement will have. We are going to have a difficult time this year with a planning application in which, to be honest, no amount of community engagement will help. It will be extremely difficult for us to promote community engagement with the developer and the relevant parties because the community feels that it has lost before the process has started. The process will take a long time and we will see no early results.

Over time, as communities start to see community engagement having an effect, culture change—however it ends up being defined—will come about. However, before we reach that stage, further changes will be made to the process of community engagement.

Dave Petrie: From your experience, what is the reaction when communities rebel against something in a planning application? Are the communities simply ignored?

Ann Coleman: I do not want to say too much about the application that we are working on at the moment, because it is in the pre-application stage. However, I can say that the two open days that the developer organised in relation to it were poorly attended.

SPP 10 will do nothing to allay the worst fears of our local community, which relate to the emphasis on incineration, in whatever guise, and the proposal that waste sites continue to host waste into the future. Those factors will make it almost impossible for the community to engage in a reasoned manner, which will make the job for our MSP and the community representatives extremely difficult.

I want community engagement to be successful. I am part of a small group that wants to monitor community engagement and to ensure that it works properly and involves everybody. I have a commitment to ensuring that it works properly.

We need to get people involved, but the Executive is asking them to get involved in the national planning framework, the strategic plans and the local development plan. How are they going to understand strategic environmental assessments? How are they going to understand environmental impact assessments? That sort of thing will have to be addressed in the interests of community engagement.

10:30

Iain Gulland: I agree with most of that. One of the key factors is the community's ability to participate in engagement in terms of, for example, the cost of having meetings other than the ones that are organised by the developer, which are attended by only five people because they are not held at a convenient time and so on. We all have stories like that. There is a problem in respect of the community's ability to get involved in consultation exercises which is partly related to the language that is used to describe the stages of the process. That needs to be addressed. It will take time and it might take money and investment in the community, but it cannot be overlooked. I do not think that SPP 10 recognises that.

As well as the environmental impact, we also have to consider the social impact—economic injustice, for example. In SPP 10, the onus is put on the developer to consult; we spoke at the beginning about whether that will be independently assessed for adequacy. Particularly in waste management, there are tensions within local authorities, which are driven by targets from a high level. A facility that is planned for an area may have an impact on whether an authority reaches its targets, so there are tensions in respect of authorities being independent in assessing whether a developer has dealt with a community correctly in the pre-assessment stage.

There are issues about proper consultation. It should not be a matter of a developer saying, "Here are our plans; what do you think of them?" We should ensure from the beginning that problems are prevented.

Dave Petrie: There is the pre-application stage.

Iain Gulland: There is the pre-application stage, but there should be a dialogue rather than a developer simply presenting its plans, usually in a language that the community cannot understand, and asking what people think of them. I do not want to mention the specific council, but I am working with one at the moment on a personal level. The four-page letter that I received is in language that I struggle to understand, although I have been to three of the meetings. How can I return to the community that I represent to communicate the issues? That is an example of

why we should look at the process from the start and consider the capacity of the community, rather than just saying, "Well, I'm sorry; we don't have time for that". It is no longer sufficient to send out a questionnaire and move on.

Dave Petrie: You have made your position clear. Thank you very much.

The Convener: That concludes the committee's questioning to the witnesses. I thank them for their attendance and flexibility in starting a little earlier than anticipated.

I suspend the meeting briefly to allow the changeover of witnesses.

10:32

Meeting suspended.

10:33

On resuming—

The Convener: I welcome our second panel of the morning. We are joined by Professor James Baird of the Chartered Institution of Wastes Management and by Colin Paterson and Patricia Hawthorn of the Scottish Environmental Services Association. I thank them for attending.

To start, can you give us a little background about your organisations? Neither organisation has presented evidence to the committee before.

Professor Jim Baird (Chartered Institution of Wastes Management): I represent the Chartered Institution of Wastes Management. It is based in Northampton, but has regional centres, and I am basically vice-chair of the Scottish centre. We represent the professional arm of those who work in waste management, so our members are waste professionals in the sector.

Colin Paterson (Scottish Environmental Services Association): I am the chairman of the Scottish Environmental Services Association, which is the trade association for Scotland's managers of waste and secondary resource. Our members provide essential waste services and secondary resource management to Scotland's households, local authorities and businesses. They want to deliver compliance with relevant European Union law and restore to the productive economy more of the materials and energy that are contained in waste streams.

The Convener: As you know, we are considering draft SPP 10, on which the Scottish Executive has consulted. Are your organisations content with the consultation process?

Patricia Hawthorn (Scottish Environmental Services Association): Yes. We have participated actively in the work of the Scottish

Executive steering group and have responded to the consultation document. We welcome the opportunity to give oral evidence. *[Interruption.]*

The Convener: I remind all members of the committee, witnesses and visitors that mobile phones and BlackBerrys should be switched off—it is not acceptable just to switch them to silent mode. I am not sure who is the culprit, but everybody needs to be mindful that such technology interferes with our recording system.

John Home Robertson: Draft SPP 10 says quite a lot about municipal waste, which I suppose is domestic or household waste. However, 75 per cent of the waste that is generated in Scotland comes from commercial or industrial sources. I have knowledge of what happens with municipal waste in my constituency in landfill sites and I spent yesterday evening at the cement works at Dunbar, which shifts old tyres from the whole of Scotland and northern England and recovers energy from them. It also recovers energy from liquid waste, including a lot of unmentionable compounds of one kind or another. Is enough attention being paid to the management of industrial and commercial waste? Does the draft SPP deal adequately with all types of waste?

Professor Baird: You raise the issue of non-municipal waste. In most documents produced by the agencies that are involved in developing a waste framework or plan, the focus has largely been on municipal waste, for good reasons. That is partly because the information and data that we have on municipal waste are better than those that we have on other types of waste and partly because the devolved Administration can exercise policy levers to get local authorities to deliver change in the municipal waste area. Our ability to influence the management of non-municipal waste is slightly more restricted. For example, the works at Dunbar has to comply with a strict permitting regime, which limits the environmental impact of its operations. There are also fiscal measures, principally the landfill tax. Those things have bedevilled most of our work in Scotland in trying to tackle non-municipal waste. There is a similar problem in the draft SPP.

Colin Paterson: You are right that the focus of SPP 10 is municipal waste, probably because of the system of directives and targets for local authorities. Different issues arise in dealing with industrial and commercial waste, primarily the escalating landfill tax. You mentioned the split between domestic and commercial waste. Of the 19.5 million tonnes of material waste in Scotland, 3.5 million tonnes is municipal waste and 16 million tonnes is industrial and commercial waste. Planning for waste management should not be limited to treatment facilities for municipal waste; shared benefits can be gained from striking a

balance and providing facilities for both types of waste. It is essential that local planning authorities are encouraged to take note of capacity to do that.

John Home Robertson: I take the point that the fiscal levers are reserved. However, many powers are devolved. The Scottish Environment Protection Agency is a devolved authority and we are talking about planning, so there must be scope for influencing the management of industrial and commercial waste as well as municipal waste. Could more be done through the planning system or other systems? Given that we are concerned about the conservation of fuel, it is odd that several organisations uplift waste. Municipal vehicles collect waste from streets in our communities, but separate organisations tend to deal with the stuff that comes from shops. Is there a case for joined-up government in that context?

Professor Baird: The collection of waste from commercial properties is market-forces driven and interference in the economy in that regard does not quite fall within the remit of the planning authorities. However, one can offer a view on tackling non-municipal waste. The Scottish Executive's investment through the strategic waste fund will deliver big changes in how we deal with municipal waste. Part of the aim of SPP 10 is to bring planning authorities and professionals alongside people who work in the waste profession in tackling challenges that we will face during the next few years in relation to municipal waste. As landfill tax moves towards a rate of £35 per tonne in the medium term—we do not know how high the tax will be in the longer term—the economic drivers will kick in and the market will be such that waste facilities will need to be put in place for non-municipal waste. Therefore, to some extent the approach to municipal waste is setting the agenda and delivering an infrastructure that will ultimately pick up non-municipal waste, because of the economics of the situation.

John Home Robertson: Are we missing an opportunity? Could we do more at this stage through SPP 10 to make a better job of handling non-municipal waste?

Professor Baird: SPP 10 considers waste management facilities and where they are sited, but does not suggest that such facilities are exclusively for municipal waste. The principles that are set out in SPP 10 are good.

Patrick Harvie: SPP 10 identifies technologies that will be required to manage waste in the future and specifies the principal options for meeting future needs. To what extent have planning authorities taken account of the need for such facilities? What impact will SPP 10 have on the waste management infrastructure?

Patricia Hawthorn: Our members' view is that the planning system in Scotland has failed to deliver sufficient infrastructure for the management of Scotland's waste needs. Local planning authorities have not taken adequate account of the facilities required—that is acknowledged in SPP 10. In 2005 the Scottish Executive did a study on the provision of waste management facilities in local development plans, which found that seven out of 32 authorities had sufficient provision for the promotion of waste management facilities—I think that the study will be looked at again. Further provision for waste management infrastructure is needed in local development plans. We need to deliver many new facilities.

10:45

Professor Baird: As the planning policy document suggests, some planning authorities have failed to engage. In my work with local authorities, I have witnessed some planning authorities becoming very involved in joint working and cross-boundary area waste group working, but that has been lacking in some authorities.

In fairness to them, planning authorities and their officers are following the guidance in the planning documents to which they operate. The planning policy will bring them up to speed with the current waste agenda. It is not about landfilling or set in old mining and quarries legislation; it is about an industrial infrastructure that can be co-located in industrial sites and it is about process and technology. The waste agenda is no longer about landfill, although residual waste treatment is needed. Planners need to grasp that in the development of plans and the planning policy offers a good opportunity for that.

Patrick Harvie: Why does SESA argue that the reference in paragraph 5 of the policy to specific types of technology and infrastructure as

"the principal options to meet future needs"

should be removed? Your response to the consultation says:

"the specific references to waste treatment technologies in paragraph 5 should be removed".

Patricia Hawthorn: We need a variety of new technologies to be represented in the new facilities. The facilities that are put in locations will vary, and determining that is the purpose of the environmental impact assessment process rather than a planning policy document. We would like the policy document to represent and allow for the full range of treatment technologies, but what is appropriate in a set of circumstances is not a question for the policy document.

Colin Paterson: We require a wider balance. It is clear that facilities for recycling, treatment and residual waste—landfilling—will be needed, whatever happens. We look for a more balanced approach to all facilities.

Professor Baird: The document is helpful. The list starts with the words "such as", so it is not definitive, but it will help planners to understand that the technologies that we will build are different from the waste management treatment facilities that we have had in the past.

Patrick Harvie: So you think that the text as it stands is helpful.

Professor Baird: Yes.

Patrick Harvie: The intention is to meet the aspirations of the national waste strategy and to comply with European legislation. What impact will they have on the facilities—the infrastructure—that we need?

Professor Baird: There is an urgency about this. We are being driven by targets from the landfill directive on diverting biodegradable waste from landfill. In particular, local authorities and indeed the United Kingdom will ultimately face fines for non-compliance with or non-delivery of those targets. We have made a good start on dealing with the collection and handling of waste that we can recover, but we expect a shortfall as we move towards 2010 and beyond in what we can achieve with the current infrastructure. Treatment facilities that will recover energy or reduce the biodegradability of waste need to be put in place urgently, so that we can meet and comply with the landfill directive.

We are probably looking to the document to bring planning authorities up to speed with the urgency of the situation. We want to engage fully with them in helping the local authorities to deliver the first wave of treatment. However, ultimately, as non-municipal waste moves into **the picture—through** economics—we will have an integrated waste infrastructure across Scotland.

Patrick Harvie: Does the document generate that sense of urgency?

Professor Baird: Yes. I think so.

Colin Paterson: There is certainly a view that a capacity issue is involved. For instance, in England, the Environment Agency has estimated that more than 2,000 new facilities will be required to meet requirements under the landfill directive. In Scotland, we do not have an estimate. However, in terms of capacity, the national waste plan calls for 1.2 million tonnes of material recovery facilities by 2020; 300,000 tonnes for mixed composting by 2010; a further 300,000 tonnes of composting for organics by 2010—increasing to 450,000 tonnes by 2020; and an expansion to more than 800,000

tonnes in energy from waste. If we were to address only the capacity issues under the directives, it is clear that many, many facilities would be required.

One guide is the past. Historically, in Scotland, we have been used to landfilling a lot of material in very large sites. The requirement for recycling under all the directives means that many more facilities will be needed to replace the landfills—in other words, that will not be done on a one-for-one basis.

Patrick Harvie: What impact will the Planning etc (Scotland) Act 2006 have? Will it facilitate the development that you say is required?

Patricia Hawthorn: Our organisation welcomes the review of the planning system and supports in principle many of the provisions in the new act. We advocate a system that permits the determination of planning applications at the local level, but we also support the provisions in the act for the establishment on a statutory basis of the national planning framework. That gives us the opportunity to define national developments where large facilities will fulfil a strategic need and help us to fulfil our directive targets.

Professor Baird: Anything that modernises the planning system to reflect the changes and pressures that we are under is good and to be welcomed. If indeed the act does that, we welcome that.

Mr Stone: The draft SPP refers to the need for a “new generation of installations” for waste management. Is there sufficient detail on the environmental impacts of those installations to guide developers on the measures that they may need to introduce to mitigate impacts or to take care of the environmental effects?

Patricia Hawthorn: I alluded earlier to the environmental impact assessment process, which our members support. They believe that it is very useful in assessing the impact of particular facilities on particular locations. Again, there is the potential for EIA to provide a more specific process in which to look at the impacts of particular facilities than perhaps may be allowed in a policy document. The environmental impact assessment process allows developers to look at the mitigation of environmental impacts in the environmental statement. In addition, mitigations will be considered through the pollution prevention and control permit application process.

Our overall view is that, in addition to the existing EIA process and the PPC permit process, planning authorities must have confidence in SEPA's ability to give consent for and regulate the developments to which authorities give planning approval.

Professor Baird: In truth, we have limited experience of such facilities. In Denmark, for instance, there are energy-from-waste plants on industrial sites. They are situated there quite happily, perhaps not alongside residents, but people who live nearby know that they are there and generally accept them. There is an issue about our understanding and accepting that these new technologies are highly regulated and controlled. If we are talking about incineration, they are not the old incinerators of the past—they are advanced thermal recovery operations. We need a little bit of experience in handling and bringing forward those facilities. The public have a long way to go in removing some of their built-in, ingrained fears over waste management facilities. There is perhaps a need to communicate what the new infrastructure will look like, what the technologies are and how they will function. We are good at helping the professionals in understanding that, but there is a long way to go in engaging communities in understanding those technologies.

Mr Stone: Does SPP 10 do enough to promote recycling at residential and commercial sites and so on?

Professor Baird: No; it does not do very much for recycling. There are pressures elsewhere and other policies that are being applied to promote and encourage recycling. We have commitment from ministers to deliver on percentage recycling figures and beyond. The document is not necessarily about promoting recycling, perhaps apart from a section near the end that relates to new developments. There is an issue there, but we can tackle that through the building standards and technical guidance that the agency can produce. SPP 10 is not necessarily meant to promote recycling, but it should certainly be aligned and concur with other policy areas in which we are promoting recycling.

Mr Stone: You do not see that as a glaring omission.

Professor Baird: No, I do not think so. Recycling is only one aspect of the waste management infrastructure, which is about the planning and development of facilities. The draft document will address sorting issues—that is one of the technologies that it mentions—which are bundled up in the recycling infrastructure. Recycling and composting are joined as part of our targets. When we talk about the biological treatment of waste, we are talking about composting. Elements of recycling treatment technologies are built into SPP 10.

John Home Robertson: Some of the technology for incineration is quite old. We have rightly banned the landfilling of tyres. I am not aware of any conventional incinerator that could

cope with that kind of material, so it is just as well that there is a cement kiln operating somewhere in Scotland, with the length of burn and the heat that is generated in such a kiln. If that facility were unable to take all the tyres from Scotland and northern England, what on earth would we do with all those tyres?

Colin Paterson: I am certainly not an expert on tyre technology. Other countries have technical plants that can cope with mixed materials. As we have said, the change in technology in the past five to 10 years has been incredible. That is continuing, and new technology providers are springing up daily. Throughout Europe, multiplants successfully take different types of materials. I cannot tell you that a guaranteed alternative is available, but I know that technology providers are working on EFW plants that are not single source.

Professor Baird: I may get the numbers slightly wrong, but when we get a tyre changed I think that a notional pound per tyre goes towards its recovery. Roughly £100 a tonne is paid to the sector to take our tyres and use them as a fuel in cement manufacture. If that did not happen, the market might dictate that we had to pay £2 per tyre to have them shipped to England, or perhaps someone would open a pyrolysis plant. The market would take care of it, but—

John Home Robertson: There would be a cost.

Professor Baird: Yes.

11:00

Dave Petrie: The draft SPP mentions modes of transport to sites and the close proximity of sites. How realistic is it to call for waste to be transported to nearby facilities by modes other than road, in accordance with the proximity principle?

Colin Paterson: Our members transport waste by the most economically viable method, as allowed by the authorities. We support the multimodal transport of waste, although the practicalities in Scotland are perhaps slightly different. Other places in Europe benefit from extensive rail and canal systems, but we are constrained by the lack of those.

In general, recyclants do not transport well and transport tends to push up waste management costs dramatically. If there is a call for more plants that can sort and reuse a range of materials, we support that. Instead of having five, six, eight or nine different plants, we could have two or three larger plants that could accept and process a wider range of materials. That would reduce the amount of transport that is required.

Dave Petrie: How competitive are the transport alternatives? It is sometimes uncompetitive to

transport timber by rail, so we have lots of journeys by massive trucks that cause a lot of damage to our roads.

Colin Paterson: The waste facility at Dunbar is a good example. The City of Edinburgh Council sends material to Dunbar by rail. That is an expensive option and it is quite restrictive; because of the way in which the rail people operate, they place an onerous burden on the people who sign the contracts, and the contracts are not lengthy. That option is undoubtedly more expensive than road haulage, but it is far more efficient because a single movement by rail can carry the same material as many vehicle movements.

Professor Baird: On the proximity principle, the draft SPP states that facilities should be sited on industrial land and brought closer to communities. Under that approach, the scope for carrying waste by rail is greatly diminished.

There is an issue about our pursuit of higher percentages of recycling and the effect that that has on vehicle movements. New services have been presented to householders, but in our pursuit of recycling targets we should remember that there are transport issues for communities, particularly in relation to the management of the carbon emissions that are associated with those services.

There are some issues, but multimodal transport is less of an issue when we talk about the proximity of facilities.

The Convener: Mr Petrie, before you move on, John Home Robertson has a brief supplementary question.

John Home Robertson: Colin Paterson mentioned the transport of waste by rail from Edinburgh to Dunbar, which is an important example. In commercial terms, operators would much rather go by truck because that is less expensive. Does that underline the need for planning conditions to require the use of appropriate modes of transport? That approach exists in Edinburgh at the moment. I dare say that those involved would like to wriggle out of it, but from East Lothian's point of view we need to keep it, for obvious reasons.

Colin Paterson: I agree.

Dave Petrie: Do you have any views on the distance that should be maintained between a waste management facility and a settlement?

Colin Paterson: We do not have any specific distance in mind. The distance should be considered in the environmental impact assessment, which should treat each facility on its own merits. We do not have a view on a distance in metres, for example.

Professor Baird: The concept of having a distance between facilities and settlements resulted from landfill controls. Historically, a distance of 250m was always used, and it is surprising how many houses are found within that distance of landfill sites. Buffer zones have also been introduced as a possibility, but if we are serious about thinking about waste treatment facilities as being like industrial processes, we should treat them in a similar way. Therefore, we should address odour control issues in composting plants, for example, rather than suggest buffer zones or distances. If we treated waste treatment facilities as industrial operations, we should have the confidence to site them in places where they are acceptable.

I know of no United Kingdom study on distances between waste management facilities and settlements, but DEFRA has done work that suggests that waste management facilities have no measurable impact on day-to-day living from a health point of view, which suggests that we should not be too worried about distances.

Dave Petrie: I represent a rural and island area. Are distances between facilities and settlements appropriate to such areas? Should we be more flexible? There will not be a waste management facility in every very small community.

Colin Paterson: Indeed. The planning policy document should recognise that flexibility is the key.

Professor Baird: I worked with North Ayrshire Council on a facility on Arran. A landfill site at Brodick was required to close. The infrastructure that has been put in place will shift the waste off the island and on to the mainland. It is inevitable that that will be done for small communities, so a transport issue is involved. The reasons for shifting waste are to do with permits and licences for sites and the size of sites rather than to do with finding optimal communities. We are constrained by pollution control legislation in that respect.

Patrick Harvie: Mr Paterson seemed to argue that there should not be specified minimum distances between waste management facilities and settlements, but there is a specified distance of 250m for composting sites, and a distance of 500m is specified for opencast facilities, which come within the area of environmental justice. Is there a reason for treating landfill differently and for not having a minimum distance between landfill sites and settlements? Is Mr Paterson arguing that minimum distances should be removed altogether?

Colin Paterson: Every facility, wherever it is located, should be environmentally assessed through the channels that are already available. Perhaps there should be greater flexibility rather

than having things set in stone for a particular waste type, but the environmental impact assessment should deal firmly with what the facility does and the material that is treated in it.

Patrick Harvie: So you think that there should be no guideline distance of, say, 250m?

Colin Paterson: I am not sure about that, but more consideration should be given to each type of material. We find it strange that a composting facility, for example, should be 250m from a settlement but another facility does not have to be. Matters need to be clarified.

Cathie Craigie: I have a question for all the panellists, some of whom listened to the evidence that we took from previous witnesses. It is clear that communities are, at best, apprehensive about the possibility that a waste treatment plant might be situated close to where they are. Do you think that planning authority consultation on development plans and pre-application engagement and consultation by developers will alleviate local concerns?

Patricia Hawthorn: It is probably unrealistic to think that we can remove all concerns. It is right to say that communities will be concerned about developments that are to be built round about them, but in enshrining some of the principles of consultation in the Planning etc (Scotland) Act 2006 and in the guidance—the PAN on community engagement—we are taking a step in the right direction. We have been happy to participate in the consultation process for that document.

Our members are highly positive about engaging in pre-application consultation with communities. In the past, they have often chosen to engage in such consultation, even when it has not been required. As part of that process, our members encourage local communities to take responsibility for the waste they produce. In other words, it is a two-way process.

We think that the provisions in SPP 10 on pre-application consultation are good, but we are concerned about the wording that says that such consultation may be expected or required. We ask that it be made explicit whether it is expected or required so that developers can have certainty. A developer who engages successfully in pre-application consultation can report on that, but there will be circumstances in which communities will simply not engage in the process. In our view, that should not be a reason for a planning authority immediately to refuse an application or to refuse to accept an application for consideration. Although our members support pre-application consultation, they think that it should not be a predetermining factor in whether an application is considered.

Cathie Craigie: Let us say that a member of your organisation was proposing to site a waste incinerator plant close to a village of 100 people. If it wrote to those 100 people asking them to attend a meeting and only two of them turned up, would that tick the box on consultation, or should the industry be expected to go further than that?

Patricia Hawthorn: All that the industry and local authorities can be expected to do is make available the facility for consultation, which can be done through meetings or the handing out of fliers to the community, for example. People are becoming quite creative in how they engage with communities. Members who promote good developments will try extremely hard to engage properly, but there will be circumstances in which the local community simply chooses not to engage. In such situations, we must deliver the facilities.

Cathie Craigie: I think that one of my colleagues mentioned the Planning etc (Scotland) Act 2006, which recently made its way through Parliament. The committee was heavily involved in the consideration of that bill. We know from the evidence we took that builders recognise the benefits of community involvement in the pre-application stages—in the end, it makes life easier all round—but such involvement requires up-front investment by developers. Are your members ready to invest up front to ensure that communities are informed and have sufficient resources to be able to engage? An earlier witness said that it can be difficult for members of community organisations, who are not professionals who are qualified in the field, to understand the meaning of an environmental impact study, for example. Does the industry think that it has a role to play in helping to resource local communities?

Patricia Hawthorn: Yes. Our members want to ensure that the consultation that takes place with the community is useful, so the process needs to be intelligible. If that is not achieved in the way that should happen through the environmental impact assessment process and the environmental statement, I am sure that our members will want to provide for further public meetings or information sheets or whatever the community requires.

11:15

Professor Baird: The question touches on an interesting issue about communities. I do not think that we have come to terms with what we mean by community engagement. The suggestion is that the developer needs to inform people, but in many ways that is a one-way process. It is interesting that Communities Scotland has produced guidelines on community engagement that give its definitive view on the issue. I think that we have

not quite grasped the extent to which we need to involve citizens in decisions. For instance, the water framework directive and the new waste framework directive talk about putting the citizen at the heart of policy making. We have not quite grasped what we mean by communities.

A colleague of mine who works in community engagement says that the biggest minority group is the general public. One of the previous witnesses today described how the developer of a facility gave a presentation that was poorly attended. We have not quite grasped how to get representation from communities so that we understand what communities need and how they should shape proposals. We have a long way to go in engaging communities in planning and all other aspects of policy development.

Ultimately, some degree of inequity will arise. That is the final point that we need to try to address. The First Minister has established an environmental justice fund to try to tackle some of those issues. We have not quite grasped the interlinkages and the need to engage communities in our decision making.

Cathie Craigie: We all need to work at that. However, I would like to hear that the waste industry is willing to invest in community engagement, which requires resources, time and money.

I will move on to my next question. Draft SPP 10 provides guidance on the criteria to be used in selecting sites. Is the guidance adequate?

Patricia Hawthorn: Our members would like to see flexibility so that planning authorities can decide on their own way of dealing with the issue in their local development plans. They should be able to take a site-specific or a criteria-based approach. The decision on how to deal with the issue should be left to individual local authorities.

Professor Baird: We think that it is helpful that the document begins to define the kind of land areas in which planners should be thinking about locating waste facilities. There is an element here of educating planners on the way in which such facilities should be handled. Pointing out to planners that industrial sites are potentially ideally suited for the handling and management of waste is something that should be encouraged. The fact that such things are defined in some way in the document is helpful.

The Convener: That concludes our lines of questioning, so I thank you all for your attendance.

I now suspend the meeting until 11.25 to allow for a short comfort break.

11:19

Meeting suspended.

11:25

On resuming—

The Convener: I reconvene the meeting and invite committee members to take their seats. I welcome our third and final panel of witnesses: Katherine Donnachie and John Ferguson of the Scottish Environment Protection Agency; Malcolm Macleod of the Scottish Society of Directors of Planning; Graham U'ren of the Royal Town Planning Institute in Scotland; and Kathy Cameron and Gordon Pollock of the Convention of Scottish Local Authorities. Thank you for joining us this morning.

Did your organisations participate in the Scottish Executive's consultation on SPP 10? Were you satisfied with the consultation, as conducted by the Executive?

Kathy Cameron (Convention of Scottish Local Authorities): COSLA has taken significant soundings from its member authorities. We are happy to share with the committee some of the key messages that we have got back in responses. There is a general welcome for the SPP, because of the need to focus attention on waste planning issues. Some authorities, however, have relayed to us concerns about the fact that the document calls for community engagement on the one hand, but seeks greater scope for central decision making on the other. There is a sense that decisions affecting local people should be taken at local level.

There is a belief that the model policy is too complex and inflexible to support local realities. There is a contradiction between support for the proximity principle regarding the transfer of waste, and plans under the strategic waste fund that will result in a small number of large treatment plants that will be a considerable distance from some areas of Scotland. It is noted that the SPP provides no planning guidance for non-municipal waste. The document calls for the use of site waste management plans for all new developments with a project value of more than £200,000 to be monitored. That is viewed as unfeasible without greater resourcing from the Scottish Executive. Some authorities are uncomfortable with a model policy that allows the use of class 4 business land for waste management installations. Finally, we think that the document is unclear about SEPA's role.

The Convener: Many of the issues that you have raised will be discussed in questions from members. I ask the remaining witnesses to respond to the question, which was whether they were satisfied with the consultation, rather than

about what was said in it. We will ask specific questions about responses to the consultation. I am conscious of the fact that this is a large panel, that we have a number of themes to cover and that we have limited time.

Graham U'ren (Royal Town Planning Institute in Scotland): We responded to the consultation. In general terms, we were fairly happy with the process.

Katherine Donnachie (Scottish Environment Protection Agency): SEPA was fully involved in the consultation process and greatly welcomes SPP 10. We thought that the process was very inclusive.

John Home Robertson: Kathy Cameron touched on the fact that the draft SPP is focused almost entirely on the 25 per cent of waste that comes from municipal sources. You may have heard some of our exchanges with the previous panel on that theme. Can you offer suggestions on how the SPP could or should be adapted to deal adequately with all types of waste, including the 75 per cent that comes from commercial, industrial and other sources?

11:30

John Ferguson (Scottish Environment Protection Agency): One key challenge for the Scottish Executive is that we are not yet clear what our facility capacity requirements are. The minister currently has for assessment the draft framework for the management of business waste in Scotland. We heard earlier that about 20 million tonnes of waste is produced in Scotland each year, of which only 3.5 million tonnes is municipal waste. Much of the focus of today's meeting has been on the issues of developing infrastructure for municipal waste. There is about 9 million tonnes of commercial and industrial waste—it is not non-municipal waste, it is commercial and industrial waste. Of that, about 3 million tonnes is biodegradable material or waste biomass. The draft framework for the management of business waste that is with the minister for consideration has some of the hooks from which we can start to develop alternatives to landfill.

There are key challenges for all waste but, with business waste, one of them is to prevent or minimise waste in the first instance and to improve recycling performance significantly. Commercial and industrial waste has always been mined for value in recycling to try to reduce significantly the landfill of materials. If we want to move away from landfill, one issue is what we will do with the material that we cannot recycle, because it has to go somewhere. We have the thorny issue of building incineration plants—I use that term because it is the legal one, but incineration

involves many different technologies and approaches.

If we want to be really smart, as the draft framework for the management of business waste points out, we could use the powers that we have to ban the landfill of organic materials or anything that will biodegrade. We heard from Ann Coleman that the odour from landfill has a significant impact on communities. That odour comes from the biodegradable material. We build incinerators because they reduce waste, but they only really reduce the element of the waste that is combustible. If we banned the landfill of all biodegradable material, took it out of the waste stream and said to all producers that they had to segregate that material, we would have several million tonnes of fairly clean waste biomass.

John Home Robertson: Hold on—I will stop you there. What would we do with that? It is all very well to ban the landfill of such waste, but what could we do to ensure that an alternative route was available for reuse?

John Ferguson: I am getting to that. Once we had that clean and segregated waste biomass, elements of it could be digested anaerobically, which creates a gas that Scottish and Southern Energy would bite your hand off to put into the transmission system to sell to householders. Some of the waste could be given to companies such as Ineos, which makes biodiesel for cars, which is a renewable fuel, and some of it could be burned in licensed facilities, which is a cleaner process than people burning such material in their gardens.

We are developing a biomass action plan for Scotland, which will require setting aside perhaps hundreds of thousands of acres to grow biomass to create renewable energy but, at the same time, we are throwing millions of tonnes of such material into landfill. That creates the problem that we are trying to address, because the landfill of biomass creates methane and has climate impacts. We are growing the use of renewable energy to try to reduce the impact on climate change. Waste biomass is a valuable commodity. We should simply say that it cannot go to landfill and that it needs to be clean and segregated. Then we will not need to build the mass-burn incinerators that the public are so concerned will be needed.

We must think out the policy framework that is required and then identify the technologies that we need. We can then send signals to the planning system about the required capacity. Therefore, the point that the draft SPP does not deal with commercial and industrial waste is not a criticism of it. The policy could not say what we need, because the work has not been done. SEPA has just commissioned such work, so I hope that within 12 months we will have a much clearer idea.

Clearly, that is the Executive's responsibility. I have said enough—I do not want to take up the entire conversation. We can deal with the issue, but we must do the homework first.

John Home Robertson: So we may need to revisit the policy when the work has been done.

John Ferguson: We need to do the homework to find out what facilities and technologies are required and roughly where they are required in Scotland. We can then send a signal to the planning system and to the private industries that can get down to developing the technologies. In that work, we must consider what we are trying to achieve for the environment and in tackling climate change. The issue is all about carbon management.

Graham U'ren: I am pleased that John Ferguson went first on that. At the heart of the issue is the relationship of the waste management strategy and how it comes through in the area waste plans with how the planning system can deliver on its part of the bargain. The planning system depends on being passed the baton. That is why we have such uncertainty in the planning system, for example about how to tackle the issue of criteria-based policies, which was discussed with an earlier panel. Although there are some circumstances in which they may do the job, by and large, criteria-based approaches to planning policy—as opposed to site-specific or even area-specific approaches to planning policy—simply put off the evil day with regard to the hard decision making.

Because we do not know much about the waste arisings from the commercial sector, we cannot know much about the infrastructure that will be needed to deal with them or, consequently, about the planning that will be needed. Therefore, it is right to deal with those needs through the broad, criteria-based planning, catch-all net that is sometimes used in the development plan, as we simply cannot anticipate what will come up. The issues come out only when the planning application comes along. The nature of the development simply could not be anticipated through the development plan process, which is what we would dearly love to do.

Malcolm Macleod (Scottish Society of Directors of Planning): The SPP needs, first, to set the context. Our view was that it did not set the context well enough—it did not cover the non-municipal waste, or whatever the correct term is. It needs to set that context and ensure that it is in the consciousness that 75 per cent of the waste is not covered by municipal waste.

No doubt, we will come on to discuss views on the model policy and what that should say. We recognise that the criteria that will need to be

taken into account in delivering facilities and the broad locational guidance will be the same as for municipal waste. It is important that the model policy that is promoted through the SPP fits both, so that the facilities can be delivered for both municipal and non-municipal waste.

John Home Robertson: That was one of the points on the COSLA shopping list that Kathy Cameron mentioned at the beginning of this panel. What does COSLA think should be in the SPP that is not in it now?

Gordon Pollock (Convention of Scottish Local Authorities): There is a complete lack of a way to deal with non-municipal waste—which is the term that I have been using—although SEPA's study will add to the evidence about how we can manage that. Moving completely away from landfill for biodegradable waste would be a significant task. We have one facility at the moment, which is for municipal waste. We certainly need to look at how we would deliver across Scotland.

I have a background in waste management in the councils. The councils have been looking into whether, when they procure facilities, there is an opportunity for the non-council collected waste to be taken account of in the procurement process. The difficulty with that is that the councils cannot guarantee that they will have that element of waste; therefore, we must provide as much flexibility as possible so that the private sector can be innovative in providing facilities. We should not necessarily restrict the capacities of facilities. We should not be prescriptive about the facilities that are built; we should merely ask for the required amount of waste diversion so that the private sector can consider the opportunities to take waste from the construction and industrial sectors at the same time. It is a difficult area.

John Home Robertson: I have a follow-up question. I am interested in what Mr Ferguson told us about the case for stopping the landfilling of biodegradable material. What volume of stuff are we talking about?

John Ferguson: We are currently studying that, as we are not absolutely certain. Our ability to detail what is in municipal waste is much greater than our ability to detail commercial and industrial waste. I would say that we are talking of around 3 million tonnes of biodegradable material.

John Home Robertson: So, 3 million tonnes is currently going to landfill.

John Ferguson: Yes.

John Home Robertson: But you are actively seeking alternative destinations for that.

John Ferguson: We hope to create a stop at the landfill and say to industry, "There's a lot of fuel here." Most of it is carbon-neutral fuel, so it

could offset and displace fossil fuels. It could contribute to our security of supply and our climate change strategies as well. That would give us much greater value. It would also avoid the life-cycle impacts of growing a lot of biomass. The life cycle of grown biomass produces a far higher level of carbon emissions than the use of waste biomass. There are many advantages in taking the latter approach.

John Home Robertson: It is not quite as simple as that, though, because a lot of fuel would be burned in transporting the stuff around the country. Nevertheless, I see what you are on about.

John Ferguson: Grown biomass is usually transported as well. Studies have compared the life cycle of grown biomass against the use of waste biomass, and it is clear that waste biomass is massively favoured over grown biomass if it can be made available.

Cathie Craigie: This is a question for whoever thinks that it is suitable to run with. It is important that, through the draft SPP, there are proper links between development plans and area waste plans. Is there a fit? Has the Executive got it right?

Katherine Donnachie: SPP 10 promotes the link to the area waste plans strongly, but the concern is that the previous planning policies and development plans did not always recognise that link. The situation is greatly improved in SPP 10, but the issue in linking to the area waste plan is that, as we have just discussed, the area waste plan has not yet tackled non-municipal waste, although the reviews of it will do so.

SEPA believes that, to get the fit between area waste plans and development plans, it is important for the Executive and SPP 10 to make explicit what the councils should include in development plan policies. Whether that is site criteria or site selection, what is included in the policy should be explicit. Too often, we end up at public inquiries negotiating about our and councils' interpretations.

Malcolm Macleod: The link between the area waste plans and development plans has perhaps not been as strong as it should be. The reference to the area waste plan is right, but the key problem is that, in terms of deliverability, the implementation of the waste plan and its fit with development plans has always been difficult. Funding might not be available or, for the facilities outlined in the area waste plans, needs may change or other initiatives come along.

It is very important that development plans link across to the context of the area waste plan and that the model policies and location guidance in development plans are flexible enough to deliver what the area waste plans set out. However, the risk of becoming too prescriptive and too tied to particular sites means that, as things move on, the

development plan will not deliver. We would like flexibility in a model policy.

Cathie Craigie: If we are identifying a programme of how to manage waste, communities will want to know that there is some certainty. How do we balance flexibility with certainty for communities?

Malcolm Macleod: The ideal position is that we set out a need for a certain type of facility in the location and then bring it through the development plan process. Communities need the certainty that that will be delivered. That has not always existed, and the risk has been that it only raises expectations to say that something will happen when, as things move on and funding streams change, another solution may be preferred. Communities need certainty, but in our experience it has been difficult to give that through the development plan process.

I will explain what I mean by flexibility. We would like all industrial and business sites supported for waste management uses. That would obviously depend on local circumstances, but we would want support at that level. At the time of the development plan, there would be certainty for communities to the extent that waste management uses might be appropriate within the location.

Ideally, we would love someone to say, "This facility will be delivered there", but in our experience it has not always been that straightforward.

11:45

Gordon Pollock: Clearly, local communities want to know what site will be used and what technology will be involved. Our difficulty is that we still have to get maximum value for money. That means that, when we go about the procurement process, a number of technologies can do the job and a number of sites can deal with the capacities that we are talking about. We have to ensure that there is sufficient competition to deliver value for money, which is a good reason not to have too much prescription.

The difficulty is that councils and developers are faced with a situation in which they are quite far down the road towards procurement before they can say for certain what site and technology will be used. We need to get that balance right.

Cathie Craigie: In order to meet the requirements of the European legislation on waste, there will likely be a need for new waste management facilities. How are we going to provide those facilities, how will we meet our targets and how are we going to be able to comply with the European legislation?

Gordon Pollock: What we are calling phase 2 concerns the delivery of facilities to treat the residual waste after maximum recycling and composting. With regard to the capacities that we need to achieve to meet the landfill diversion targets, we have to ensure that we are not interfering with the aspiration to be at the highest levels that are attainable in Europe.

It is possible to meet the EU diversion targets. The national framework identifies the fact that there will be a need for councils—certainly those across the central belt—to work together in that regard and the Convention of Scottish Local Authorities agrees with that. Councils have been closely considering various ways of working together to ensure that we achieve for the whole of Scotland. It is possible that a lot of early targets—those that are due to be met by 2013—will be met by a number of larger projects, where there are economies of scale.

Malcolm Macleod: There are several elements to the delivery of the policy. SPP 10 is welcome in relation to driving that delivery forward. There is a role for the national planning framework, as it can drive forward the spatial strategy at a Scotland-wide level. Within development plans, there is a role for the SPP to support business and industrial sites for delivery. I know that there is some discussion about whether class 4 land should be included, but there are good examples of facilities being delivered on such sites.

There is also a role for a strong statement that could be made on the need for planning authorities to proactively build thermal treatment into their plans for the expansion of settlements or new settlements. Such a statement could give communities comfort that such plans are part of our sustainability agenda and that local authorities and planning authorities that are preparing development plans have that back-up. Obviously, those plans will link in to the area waste plans and the national waste strategy but, in planning terms, it is important that waste management is seen as being an integral part of strategies that involve new settlements, big expansions and big land releases. All levels of the issue must be involved, from increasing recycling facilities to examining the key strategic infrastructure.

In your earlier discussion, the proximity principle was mentioned. The SPP could clarify exactly what is meant by the proximity principle in relation to different types of waste management. Reference is made to larger and more dispersed landfill sites, but it would be helpful to have a table giving information on the scale involved in the proximity principle—that is, does it cover local authority waste plan areas or strategic option review areas, or is it Scotland-wide? We have to

raise awareness of the waste agenda in communities.

Katherine Donnachie: Gordon Pollock spoke about how targets could be reached. The new shared facilities will obviously need sites, and Malcolm Macleod is right to say that if SPP 10 positively promotes the use of industrial and business land it will be a big step forward.

It was mentioned that a key site might be identified but might turn out not to be the one to be developed. However, if strategic sites were identified in the local plan, and if there were criteria-based policies, that would allow alternatives to come forward. That might overcome the problem that Gordon Pollock referred to, to do with competition and the market.

Patrick Harvie: I wanted to ask about the selection of sites, a subject that several witnesses have mentioned already. A balance has to be struck: there has to be guidance on the selection of sites—to reassure communities about what will happen in future—but there also has to be flexibility for local decision making. Is the balance correct? Is the guidance adequate, or should there be further guidance?

Katherine Donnachie: SPP 10 refers to a report on research by the Office of the Deputy Prime Minister into the planning of waste management facilities. The report is very good at outlining what is required in terms of site areas, and it could be used proactively by councils.

Gordon Pollock mentioned strategic waste fund proposals and talked about how councils were considering how to deliver facilities. SEPA has been involved with council planners in considering the criteria for site selection. That type of information could be made explicit in check-list form in SPP 10. That would make the sequence of events in the selection of a site clearer to developers, the planning authorities and the public. There is information throughout SPP 10 on the issue, but it is sometimes easier—for a busy member of a planning authority or the public—to be able to go to one place to see what is required in an easy-to-follow format.

Gordon Pollock: The intention of many councils is to identify sites that they can get control of and then offer to the market. That would give a bit more certainty as to which sites were likely to be developed, although the private sector could bring other sites to the competition as well.

Graham U'ren: Site identification is, in essence, technical. Planning advice note 63 has not been mentioned so far, but it contains the kind of guidance and advice that could well be revisited in this context.

By and large, the SPP has to sit above everything and provide a process. Many of the

things that we have been talking about—such as how, specifically, to do the job—are very much about good practice and technical advice. Such things will have to be considered as carefully as the policy framework itself.

John Ferguson: There are significant variations in how groups of authorities go through the process of looking at suitable sites. North Lanarkshire Council and South Lanarkshire Council are at the advanced stage of going to procurement and are waiting for ministerial permission. They have an evolved system of putting a range of sites through the sifting process and making clear the criteria that are used to determine which are suitable. Sharing best practice in selecting sites and providing a range of opportunities for developments in the future would help a lot of other authorities to learn about what has worked well.

Malcolm Macleod: I agree with everything that John Ferguson said. It all comes down to how the facilities are going to be delivered. There has to be certainty about what will happen and when developments will go through the planning process. The north of Scotland strategic options review process considered a number of sites throughout the north of Scotland, which was a useful exercise for planning purposes as well as for the purpose of specific waste management. The vast majority of preferred sites were already identified as industrial sites. The SPP says that waste management can be treated just like any other industrial process, and the preferred sites were already allocated for industrial use in development plans.

Patrick Harvie: The draft SPP refers to the new generation of installations and to specific technologies. John Ferguson talked about how we can make better use of biomass than putting it in landfill and about other technologies that might need to be made available. Does the draft SPP deal sufficiently with the impact on communities that such new installations might have?

Katherine Donnachie: Yes, it probably does, in that it makes the central point that, as with any other industry or significant environmental development, an environmental impact assessment would have to be carried out on certain developments. SPP 10 refers to the waste technology data centre, which includes information about new facilities. SEPA has done awareness-raising work and has produced information on technologies that are used in other countries. We are aware of applications that have been made in the north-east of Scotland to use new technologies to make diesel out of plastic through thermal treatment. The planning authority has dealt with such applications in the same way that it would deal with applications from another industry to

develop industrial land. There is enough guidance in SPP 10 in that regard.

Malcolm Macleod: Highland Council felt that the SPP could have made a stronger statement of support for alternative types of technology in order to get over inevitable, legitimate, community concerns about such facilities, to ensure that they are built into the planning process as early as possible and that developers demonstrate, through a sustainable master plan, that waste management at all levels is ticked off early. There is the opportunity for the SPP to give communities as well as local authorities confidence that there is support for such new facilities.

12:00

Graham U'ren: I do not want to contradict anything that has been said, but, in general terms, the planning process has to provide a suitable methodology to tackle a range of circumstances, which will not always be anticipated. Whether the technologies that are being referred to in the SPP might be regarded as new, and whether the SPP reflects enough of their characteristics to allay community concerns, might not be such a big issue as whether the planning process nevertheless ensures that people will be able to find out what they need to know at every step in the process. That has to be an overarching issue, and it was a huge theme for planning reform and the Planning etc (Scotland) Bill. Much of the philosophy must now be about the plan-making stage, and all those issues being lifted out by the strategic environmental assessment. When a particular proposal is being dealt with through the consultation process, the information from environmental statements should be made available so that people can be engaged. That higher-order principle always applies.

Patrick Harvie: Some of today's witnesses have expressed concerns that the draft SPP does not deal adequately with the promotion of recycling and the minimisation of waste in commercial, industrial and residential properties. One witness in particular has suggested that paragraph 46, which is about waste issues in other types of development, ought to be higher up the agenda and more prominent in the draft SPP. What more could the draft SPP say about waste recycling and minimisation in other types of development?

Katherine Donnachie: Development plans could be required to address that issue—they should not just consider the big facilities. From the moment that a development starts being designed, everyone involved generates waste in one way or another—setting aside what was said earlier about waste prevention—and every developer should take that on board with new developments.

Some councils have policies that require developers to submit sustainability checklists and to show that, from the very beginning, the design of the development should facilitate the new methods of waste collection. That should not just apply to residential developments; SEPA feels very strongly that it should apply to all new developments and that it should be built into developers' thinking at the very beginning, rather than when the development is at the building control stage or when the refuse vehicle is coming up the road. Council planning policies should be explicitly required to address that.

There are lots of examples of good practice in that field that could be referred to. It might be appropriate to update PAN 63 on waste management planning by including some of those links, but more could be done to promote recycling, composting and so on in new developments.

Patrick Harvie: Whenever I hear the phrase, "There are some examples of good practice", it reminds me that good practice is not the norm. Is that correct?

Katherine Donnachie: Good practice is becoming increasingly prevalent.

There is also the end issue of enforceability. It is fine getting such policies into the development plans but when the development planning application goes in, the planning officers have to get the developers to take the policies on board and follow them. There is a resourcing issue with enforcement, particularly in relation to site waste management plans. Who will enforce them—who has the resources to do so? It all comes back to front-line staff.

Patrick Harvie: That good practice is "increasingly prevalent" is a little better than "There are examples of good practice". Does anyone else have a view?

Gordon Pollock: I am not too concerned that there is not too much guidance in the draft SPP. The real driver is the Scottish Executive, which is continually increasing the level of recycling that it requires by certain dates. The provision of strategic waste funding to councils is the main driver for achieving increased recycling rates. I am not too concerned that it is not mentioned a lot in the draft SPP.

Graham U'ren: We are now at a very important time for debating how the planning system—or any form of instrument or incentive—can help to deal with waste management. However, there is a parallel energy management agenda. What are the implications of the planning system for that agenda?

Some concern must be felt if people's immediate reaction is that the planning system should just take that agenda on. Paragraph 46 makes an important reference to the role of building standards regulations. We must be clear that many issues that relate to construction specification should come from that regime, but there is no doubt that the two systems have a close relationship.

We are approaching a stage when we must not just say, "That's a planning issue that the planning authority must deal with." We must sit down and consider how all the regimes integrate in relation to new development and how we achieve the objectives. I subscribe to the general view that we must try to achieve the objectives, but a fairly smart job has to be done not to leave a vague reference to the obligation of the planning system. Planning can deal with matters that relate to layout, for example, but not to building construction per se. How do all those issues come together? We must tackle that agenda.

Dave Petrie: I will touch on health and the proximity principle. Does the draft SPP deal adequately with health issues—perceived or otherwise? I also have a question for SEPA. From experience, I understand that the likes of Scottish Water dispose of dried waste—possibly including heavy metals—under the urban waste water treatment directive. Has that issue been addressed?

John Ferguson: Concern is growing about the deposit of sewage sludge on land. Scottish Water is addressing that through alternative treatment options. I have never been particularly in favour of putting sewage sludge on land.

I ask my colleague to comment on whether SPP 10 adequately addresses the wider aspects of health.

Katherine Donnachie: Parts of SPP 10 seem to say that a planning authority need not concern itself with health. If planning authorities are not to be involved in considering the health impact, the Executive needs to make that clear to them.

SEPA considers health impacts when it deals with pollution prevention and control permits for larger installations—those that are probably of the most concern to the public, such as those for energy from waste and landfill. We consult health boards and the Food Standards Agency on such developments.

One health issue that occurred to us is that SPP 10 says that the health impacts of waste management installations are minimal, but that relates to municipal waste. Given that the SPP does not address non-municipal waste fully, the public could be given more comfort if they knew that similar research had been done on non-

municipal waste before it was concluded that that had no health impact. Paragraph 10 of the SPP could do with a bit of clarity.

Dave Petrie: What are your views on the proximity principle that waste should be transported to nearby facilities, and preferably by transport modes other than road?

Malcolm Macleod: We support the transport of waste by modes other than road, but we acknowledge the practical difficulties of that in large parts of Scotland. I made the point that the SPP or the national planning framework needs to be more specific about what the proximity principle means for different facilities.

Highland Council is shipping waste to landfill in Aberdeen and we will need clarification on how that fits with the proximity principle. It is right to deal with that in the SPP.

Dave Petrie: Are island communities doing the same thing?

Malcolm Macleod: I am not entirely sure. Shetland has its own EFW plant and the Western Isles has a large—

Katherine Donnachie: Anaerobic digestion plant.

Malcolm Macleod: Yes. We would welcome clarity on the proximity principle.

John Ferguson: The proximity principle is very difficult to tie down accurately. Malcolm Macleod wondered whether a facility needed to be at a local authority or area level or whether it should be at a Scottish level. We could go further and say that some facilities should be at a UK level and that perhaps only one facility will be required somewhere in Europe for some wastes. It depends on the waste that we are talking about. In general, common types of waste should be dealt with as close to their point of origin as possible. Common sense is applied to the process, but we could do with some broad guidelines and the use of lifecycle modelling to find ways of reducing the impact from transport by doing other things. We could do that with or for local authorities.

The proximity principle is closely associated with the self-sufficiency principle. Scotland should try to be as self-sufficient in its waste management as it can be. For example, 50 per cent of our hazardous waste currently travels south over the border to be dealt with in England because we do not produce enough of it to justify having a facility in Scotland. Self-sufficiency and proximity issues are intertwined and difficult to tie down in detailed guidance.

Dave Petrie: Thank you. I think that your answer probably covered my next question.

The Convener: We would all be misguided if we were to believe that some communities in Scotland were crying out to have waste management plant on their doorstep. I do not think for one minute that any of the witnesses are naive enough to think that. However, will the requirement on local authorities to ensure that there is pre-application consultation and consultation on development plans allow there to be a more open and transparent debate on how we manage our waste in Scotland? Will it give communities a say in the types of waste management facilities that are located within their boundaries?

Malcolm Macleod: There are different scales to consider, one of which is at the strategic level, whether through the area waste plans or the development plans. As is the case in community engagement in the rest of planning, waste management is probably one of the most difficult areas when it comes to allowing communities to set the agenda, because so much of its management is driven by strategy and the use of the best technology.

As regards the proper community engagement that is built into the Planning etc (Scotland) Act 2006, getting community engagement as early as possible, as happens with affordable housing and other big industrial processes, is the way forward.

It is critical that the mitigation and pre-application process is transparent and that it is done as early as possible. Communities must be able to see how their concerns have been taken on board. Although the process is never straightforward, whether it is done at the strategic level or the local level, it must be demonstrated that some mitigation has been put in place or, if it cannot be put in place, it must be explained why not. That is the way forward.

Graham U'ren: Although we welcome the SPP and the great improvements in the way in which the planning process is set out, I am inclined to think that some of the basics have not changed, so a lot will boil down to practice. For example, the Executive expresses concern in the draft SPP that

"To date, a number of planning authorities have failed to take account of the need for waste management infrastructure in their local plans."

If authorities are simply not putting enough into the plans, there is nothing much to consult on in the first place. Therefore, not only must we make the new ideas in the Planning etc (Scotland) Act 2006 and the procedures that arise from them work in the way that is intended, but we must ensure that we put into the system the things that are intended to go into it. That is particularly the case in relation to local plans, which need to do more to help the delivery of the infrastructure that is needed.

12:15

We also need to move beyond the funnel of broad, criteria-based policies that do not give a clear indication of what people can expect. As I said, it does not help that we cannot anticipate much about what the commercial sector produces. However, if local authorities are to make a real attempt to tackle the issue in development plans, as the Executive expects them to do, the new procedures will be vital. For example, main issues reports will set out not just current proposals but possible alternatives, which will generate exactly the kind of debate that should take place, without prejudice to the outcome. That is an important new part of the process.

A technical issue that is not yet resolved and which requires secondary legislation is the definition of developments for which pre-application consultation will be required. We all assume that the major criteria for inclusion in that category will be the scale and complexity of the proposed development, but perhaps the special nature of a development and bad-neighbour issues should be included in the definition of major developments and developments for which pre-application consultation will be required.

There will be many planning applications for municipally run facilities. Under the new arrangements, there will be a notification procedure if a local authority has any interest in an application, even if the proposed facility is contracted out and the application is made by a third party. The new approach to local authority applications will be important and different from the current procedure, in which a notice of intent to develop is required. The criteria that we expect ministers to apply will be to do with not just national policy but how an application progressed through the system and whether everyone had a fair crack of the whip and appropriate issues were considered. The new system will be well exemplified by the approach to waste treatment facilities.

Katherine Donnachie: The new procedures for increased consultation, pre-application consultation and development plans will be important in ensuring that the public are given information at the earliest possible opportunity. Perhaps this sounds naive, but if the public understand why waste management is so important—and that it is everyone's responsibility—they might have a more realistic understanding of why facilities must be provided, even if they do not like them. The fact that an issue is difficult is not an excuse for not addressing it. It is incumbent on us all in the Executive, SEPA, local authorities and the waste industry to be more proactive.

Gordon Pollock: The initial area waste plan process has been open, transparent and inclusive. As strategic outline cases for funding have been submitted throughout Scotland—and draft outline business cases in Lothian, the Borders and the Lanarkshires—if an approach has been at odds with the existing area waste plan, the same type of process has been followed. Options have been analysed and there has been public consultation, including a strategic environmental assessment. That happens at area level, but the difficulty is what happens when a development is proposed at someone's own back door, as I said. The public are obviously more interested in such proposals, which is why as much pre-application work as possible must be done. However, until we know what technology will be used and on what site, it is difficult to provide full details to communities.

John Home Robertson: I spent yesterday evening at a meeting of the local liaison group at Dunbar cement works. I underline the need not just for pre-application consultation but for continuing engagement with communities. It is not surprising that people were frightened and alarmed when they learned that large numbers of car tyres and countless tankerfuls of recycled liquid waste containing all manner of nasty stuff might be handled and burned at the cement kiln in Dunbar.

There was a lot of discussion before consent was granted—it is still going on. The issue is an important one for COSLA to deal with. It is very valuable for local community councillors, SEPA officials and others to be actively and regularly engaged throughout the year in explaining what is going on, how the matter is being handled and why things are being done. That can avoid all sorts of misconceptions. I hope that that is a principle that can be carried forward elsewhere.

Kathy Cameron: We will take that on board.

The Convener: We have covered a number of areas of interest to the committee and the three panels. Are there other issues on SPP 10 that we have not covered thus far that you feel the committee needs to consider?

John Ferguson: We welcome the strong connection between SPP 10 and the area waste plans. The on-going process of updating and reviewing area waste plans is imperative in terms of public engagement and detailing future requirements with industry. SPP 10 contains a reference to SEPA's guidelines on thermal treatment. SEPA saw the possibility of a massive shift from landfill to mass-burn incineration and realised the risk presented by that, in relation to not only public perception but environmental and resource efficiency. As I said, we welcome the connection between SPP 10 and the area waste plans. The guidelines give a clear indication that,

where thermal treatment forms a necessary part of the future, it must be in the form of high-efficiency energy recovery. Embedded energy in waste should not be wasted simply as a convenience of disposal.

Gordon Pollock: On that point, there is a lot of discussion among the Scottish Executive, SEPA and COSLA on the efficiencies of potential energy from waste facilities. The draft SPP mentions that the existing national waste plan indicates that 14 per cent of the requirement for municipal waste could be met by thermal treatment. The likelihood is that significantly more waste will be treated in that way. Although it is clear that it is best to have as much thermal efficiency as possible in these new facilities, the big issue is getting that efficiency on the ground on day one. We are looking to contractors who are not under the same requirement in England to link in with a third party to provide combined heat and power. The process is almost one of taking a bottom-up approach. If this is a good thing to do—which it is—the process needs to be driven from the top and, potentially, from the planning side of things. I feel that the draft document does not deal with that in enough detail.

The Convener: Do you have any further issues, Mr Macleod?

Malcolm Macleod: No. We covered all our main points.

Katherine Donnachie: The national waste plan mentioned that the Scottish Executive would look at whether applications in Scotland that run contrary to the national waste strategy and to which SEPA objects should be notified to Scottish ministers, as happens with applications in which flood risk is an issue, in relation to which SEPA advises against approval or recommends conditions. There is no mention in SPP 10 of whether that has been considered or whether there is a case to notify those applications to ministers.

The Convener: That concludes our questioning. I thank all panel members for their attendance at committee.

The meeting will be suspended briefly to allow for the changeover of witnesses.

12:23

Meeting suspended.

12:25

On resuming—

Subordinate Legislation

Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2007 (draft)

The Convener: We now return to the item on our agenda that should have been item 1. We will consider motion S2M-5588, which is that the committee recommends that the draft Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2007 be approved.

I welcome the Deputy Minister for Communities, Des McNulty, to the committee. He is accompanied for this item by Ed Swanney of the Scottish Executive planning division and by Norman MacLeod and Suzanne Lyle of the office of the solicitor to the Scottish Executive.

As committee members are aware, this Scottish statutory instrument is an affirmative instrument, so the minister is required, under rule 10.6.2 of the standing orders, to propose by motion that the committee recommends that the draft regulations be approved. Committee members have received copies of the draft regulations, together with accompanying documentation. I invite the minister to speak briefly to the draft regulations, but not to move the motion at this point.

The Deputy Minister for Communities (Des McNulty): Thank you, convener. I apologise to committee members for not being here at 9.30. It was my fault. There was a misunderstanding about the start time.

The draft Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2007 introduce new levels of planning fees, which, if recommended for approval by the committee, will come into effect on 1 April 2007. It will be the first increase in planning fees since April 2005. Even after taking into account the proposed increase, planning application fee levels continue to be modest: they represent only a small proportion of developers' overall costs.

The charging of fees for planning applications has been the law since 1981. Today's debate is nothing to do with changing that law, but is purely to do with the level of fees that we now consider to be appropriate. I appreciate that the percentage increases on a one-year basis are above the rate of inflation, but it should be remembered that the previous increase in fee levels was two years ago. It is also worth noting that the information on which

the calculations are founded is based on data relating to authorities' past performance, uprated to reflect current trends, which clearly demonstrate that there is a gap to be bridged between actual outcomes and target objectives. The proposed increases not only address the acknowledged shortfall but take into account an element to cover future inflation.

I make it clear that fees are not intended to address the full costs of development control, as such costs would require the inclusion of pre-application discussions, appeals and other non-qualifying activities. The fees are designed purely to cover the costs of processing planning applications. The Scottish ministers consider that the increases strike the right balance between full recovery and the likely impact on potential developers. The fees remain a very small part of development costs—considerably less than 1 per cent—and we have no evidence that they act as a deterrent to development. At the domestic property end of the scale, very few householders pay any fee at all, as the most minor developments do not require a planning application.

If it would help the committee, I will give some indicative figures. The fee for a planning application to build a new house will increase from the present level of £260 to £290 on 1 April 2007 if the new fees are approved. The fee for making substantial alterations to a domestic property will increase from £130 to £145. The minimum fee for a factory or office development will rise from the current level of £260 to £290. The maximum fee for the same category of development where the building is 3,750m² or more will increase by £1,000 to £14,500.

Ministers believe that users and potential beneficiaries of the development control system should meet the costs incurred in determining planning applications, which would otherwise be met by council tax payers and business rate payers. That principle is endorsed in the Planning etc (Scotland) Act 2006 and has been discussed at length by committee members. On that basis, the Scottish ministers expect that the increases that we propose will achieve and maintain the target of full cost recovery.

We are, of course, always concerned to identify further justifiable improvements that can be made to the fee scheme. That is why we have decided to carry out a fundamental review of local authority planning services funding, which will take into account the effect of the recently approved planning reforms on development control costs. We do not expect that any resulting changes in financing will come into effect until 2008-09 at the earliest, so the draft regulations deal with the uprating of fees under the current system. That is all that I want to say at the moment.

12:30

The Convener: Do members have any questions for the minister?

Dave Petrie: As a rather sad former maths teacher, it strikes me that an increase of 10 per cent—even over two years—is above inflation. I am interested to know what the increase was in 2005.

Des McNulty: It was 10 per cent in 2005.

Ed Swanney (Scottish Executive Development Department): It was 10 per cent in 2005, according to the figures that we have received from the planning authorities. There was no increase last year, because the figures that we got from the authorities showed that there was 103 per cent recovery. We go for only 100 per cent recovery.

The Convener: As there are no more questions, I ask the minister to move motion S2M-5588.

Motion moved,

That the Communities Committee recommends that the draft Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2007 be approved.—[*Des McNulty.*]

Motion agreed to.

The Convener: I suspend the meeting briefly to allow for a changeover of witnesses.

12:31

Meeting suspended.

12:32

On resuming—

Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007 (draft)

The Convener: The next item is consideration of motion S2M-5623, on the approval of the draft Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007. The minister has been joined by John O'Brien and Graham Robinson of the Scottish Executive planning division and by Norman MacLeod of the office of the solicitor to the Scottish Executive.

As members are aware, the draft order is subject to the affirmative procedure, so under rule 10.6.2 of the standing orders the minister is required to propose by motion that the committee recommends that the draft order be approved. The Subordinate Legislation Committee raised a number of issues on the draft order with the Scottish Executive and considered the Executive's response at its meeting on 27 February. I understand that the Executive acknowledged the

Subordinate Legislation Committee's point about its failure to follow proper legislative practice. Clarification was sought on two points in connection with the procedure to which the draft order is subject and on a point of drafting, and the Subordinate Legislation Committee was satisfied that the Executive's response provided adequate explanation on those three points.

Committee members have received copies of the draft order and the accompanying documentation, including the correspondence between the Subordinate Legislation Committee and the Executive. I invite the minister to speak briefly to the draft order, but he should not move the motion just yet.

Des McNulty: The draft order will help us to fulfil a long-standing Government commitment to introduce statutory planning controls on marine fish farming, which I remember being progressed when I was a member of the Transport and the Environment Committee about five years ago.

As well as proposing a number of changes to the Town and Country Planning (Scotland) Act 1997 and other primary and secondary legislation, the order designates marine zones and the planning authorities that will be responsible for marine fish farming within those zones. It will also, as far as is possible, ensure that the approach that is adopted is consistent with the controls over land-based developments and those governing freshwater fish farms.

Following extensive stakeholder consultation in 2004, the Executive has worked towards provisions that will introduce a robust and workable planning regime. In addition to a full public consultation, we have sought to engage continually with the industry, regulators, local authorities and amenity environmental groups through a specially convened planning sub-group of the Highlands and Islands aquaculture forum. The Executive would like to thank those organisations that have engaged in the process for their invaluable input and patience in getting us to this point.

If the approach is approved by the committee, it will be for planning authorities to consider applications for planning permission for new marine fish farms or for modifications to existing farms. Planning authorities will make their decisions within the development plan framework, and we intend to provide a Scottish planning policy document on fish farming to provide a policy context to assist planning authorities. Planning authorities will also be able to attract a fee under the revised consultation arrangements to reflect the marine environment.

The draft order introduces transitional arrangements for fish farm applications that are

currently with the Crown Estate. Transitional arrangements are also being introduced for Shetland Islands and Orkney Islands Councils to enable them to deal with the applications that are currently before them. We consider it only reasonable that developers who have already gone through various stages of the application process should not have to start again.

The extension of statutory planning controls will ensure that marine fish farming proposals are subject to a more effective, transparent and democratically accountable system of regulation. I hope that the committee will feel able to support the draft order so that that can happen.

The Convener: Does any member wish to ask questions?

John Home Robertson: I apologise, but I made the mistake of looking at the map. However implausible it might be that there could ever be marine farms off the coast of Aberdeen, Dundee, Edinburgh or West Lothian, I would specifically like to know what is the sea area of marine planning zone 18, which is Clackmannanshire Council's bit of the Firth of Forth? It does not seem to show on the map at all. Is it really worth designating it as a sea area?

Des McNulty: That sounds like a question to pass to officials.

Graham Robinson (Scottish Executive Development Department): It is quite difficult to see on the map—

John Home Robertson: You are telling me.

Graham Robinson: There is a small-scale map in the bottom right-hand corner of the minister's version of the map, which shows that Clackmannanshire has a small triangular sea area abutting the apex of the Firth of Forth. Ministers decided that it was appropriate that all sea areas that were transitional and coastal waters as defined in the Water Environment and Water Services (Scotland) Act 2003 should be covered.

John Home Robertson: I suppose that, with global warming, there might be even more sea areas in the future. We will worry about that later.

The Convener: As there are no more questions, I ask the minister to move the motion.

Motion moved,

That the Communities Committee recommends that the draft Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007 be approved.—[*Des McNulty.*]

Motion agreed to.

The Convener: We will report that decision to Parliament.

Housing Support Grant (Scotland) Order 2007 (draft)

The Convener: The fourth item is motion S2M-5586, to recommend the approval of the draft Housing Support Grant (Scotland) Order 2007.

As members are aware, the draft order is an affirmative instrument, so under rule 10.6.2 of the standing orders the minister is required to propose by motion that the committee recommends that the draft order be approved. Committee members have received copies of the draft order and the accompanying documentation. I invite the minister to speak briefly to the draft order, but he should not move the motion yet.

Des McNulty: I will be brief. The draft Housing Support Grant (Scotland) Order 2007 sets out the amount of housing support grant that is payable in 2007-08. Following the housing stock transfer by Comhairle nan Eilean Siar, only Shetland Islands Council continues to qualify for HSG, because of its very high housing debt. The grant payable will be about £1.8 million. All other councils have been able to balance their housing revenue accounts without the need for subsidy. However, HSG is still a substantial proportion of total HRA income in Shetland, and without the subsidy or a reduction in the housing debt, rent would have to increase to unaffordable levels.

The Convener: As members have no questions, I ask the minister to move the motion.

Motion moved,

That the Communities Committee recommends that the draft Housing Support Grant (Scotland) Order 2007 be approved.—[*Des McNulty.*]

Motion agreed to.

The Convener: Are we agreed that we should report to Parliament all the decisions that we have taken on the instruments that have been placed before us today?

Members indicated agreement.

The Convener: The committee should now be going into private session, but I suggest that we defer the final item on the agenda until our next committee meeting, if members are agreeable.

Mr Stone: Absolutely.

The Convener: That concludes the committee's consideration of business. I thank everyone for their attendance.

Meeting closed at 12:41.

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