

ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE

Wednesday 1 October 2003
(Morning)

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2003.

Applications for reproduction should be made in writing to the Licensing Division,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Wednesday 1 October 2003

Col.

NATIONAL WASTE PLAN INQUIRY	257
SUBORDINATE LEGISLATION	283
Animal By-Products (Scotland) Regulations 2003 (SSI 2003/411)	283

ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE

7th Meeting 2003, Session 2

CONVENER

*Sarah Boyack (Edinburgh Central) (Lab)

DEPUTY CONVENER

*Eleanor Scott (Highlands and Islands) (Green)

COMMITTEE MEMBERS

*Roseanna Cunningham (Perth) (SNP)

*Mr Rob Gibson (Highlands and Islands) (SNP)

*Karen Gillon (Clydesdale) (Lab)

*Alex Johnstone (North East Scotland) (Con)

*Maureen Macmillan (Highlands and Islands) (Lab)

*Mr Alasdair Morrison (Western Isles) (Lab)

Nora Radcliffe (Gordon) (LD)

COMMITTEE SUBSTITUTES

Alex Fergusson (Galloway and Upper Nithsdale) (Con)

Janis Hughes (Glasgow Rutherglen) (Lab)

Mr Jim Mather (Highlands and Islands) (SNP)

Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD)

Mr Mark Ruskell (Mid Scotland and Fife) (Green)

*attended

THE FOLLOWING GAVE EVIDENCE:

Matthew Farrow (Confederation of British Industry Scotland)

Angus Macpherson (Recycling Advisory Group Scotland)

Dr Michael Milner (Business Environment Partnership)

Dr Nicki Souter (Waste Aware Scotland)

Andy Willox (Federation of Small Businesses Scotland)

CLERK TO THE COMMITTEE

Tracey Hawe

SENIOR ASSISTANT CLERK

Mark Brough

ASSISTANT CLERK

Catherine Johnstone

Roz Wheeler

LOCATION

Committee Room 2

Scottish Parliament

Environment and Rural Development Committee

Wednesday 1 October 2003

(Morning)

[THE DEPUTY CONVENER *opened the meeting at 10:31*]

National Waste Plan Inquiry

The Deputy Convener (Eleanor Scott): I welcome committee members, witnesses and members of the press and the public, and I remind everyone to switch off their mobile phones. As you see, I am not Sarah Boyack—she has had to attend another meeting but will arrive at some point during the morning, as will a couple of committee members who are also not here at the moment. I have received apologies from Nora Radcliffe.

I welcome our first group of witnesses. Matthew Farrow is head of policy at the Confederation of British Industry Scotland and Andy Willox is from the Federation of Small Businesses Scotland. An e-mail from the FSB has been circulated to members and I think that I am right in saying that we have not received a submission from the CBI. As we have read the FSB e-mail, we can proceed straight to questions.

Alex Johnstone (North East Scotland) (Con): I would be interested to hear, from both witnesses, a general assessment of the likely short-term impact on businesses of the plans for changes in waste handling in Scotland. Also, what opportunities—if any—will the changes offer businesses over the next few years?

Andy Willox (Federation of Small Businesses Scotland): There are opportunities, although the small business sector does not seem to be aware of them at the moment. Work to raise awareness has not been as widespread as we would have liked it to be.

On the ground, the issues are rather more serious. A lot seems to be happening in relation to the domestic and industrial sectors, but the small business sector does not seem to be included—there does not seem to be a way forward for that sector. Small businesses are certainly being made aware of the decreasing amount of landfill available and the increasing number of transfer stations. They also know, from presentations by the Scottish Environment Protection Agency and

others, about the cost implications. Of course, if you run a business, you have to think about how competitive your business can be—if you are able to stay in business at all. It seems to me that costs will go up six, seven or eightfold, and we must think about the alternatives if we want to stay in business. There seems to be a little confusion about where the opportunities are and where the small business sector is included. There seems to be a gap between it and the domestic sector and industry.

Matthew Farrow (Confederation of British Industry Scotland): The opportunities depend on whether you are talking about the waste management industry, which is also part of the CBI's membership, or waste producers. I know that the committee has heard detailed evidence from the Scottish Environmental Services Association and I would support a lot of what it says, in that there are many opportunities for the waste management industry but there are also major headaches. Those headaches, which the committee has discussed before, include planning issues, land-use planning, infrastructure and waste classification.

On waste producers, our sense from the data that are available—although I suppose that the data are pretty unreliable—is that business's waste performance has improved in recent years due to a package of measures. A lot of regulation is coming on stream that affects waste and waste policy. There are a lot of good-practice and sector-specific initiatives and there is much more awareness of the issues and opportunities. The contents of the national waste plan, which we support, will build on that. It is important to have the right mix of measures. There are problems with some of the regulations and the way in which they are designed and implemented. There are also problems with data, data awareness and awareness of opportunities. However, in the short term, the national waste plan will lead to a continued improvement in overall business waste performance.

There are opportunities for recycled markets and for further waste minimisation, as other witnesses have told the committee. The committee has heard about the instability of recycled markets and we hear a lot about that from our members. The CBI is working with bodies such as the Waste and Resources Action Programme to try to improve awareness. There is also a big job to do on consumer awareness, so that consumers recognise that recycled products are not of a lower quality than traditional products.

The Deputy Convener: We hoped to have someone from the retail industry at this meeting but they were unable to attend. We have received

a helpful submission from Safeway, which has been circulated to members.

Alex Johnstone: My question is on the likely costs to businesses and to industry in general. Recently we have had difficulties with the cost of water, which has increased dramatically for specific reasons. In future, it is likely that there will be a significant rise in the cost to business and industry of handling waste—Andy Willox touched on that. How much of a rise have you anticipated? How much cost do you believe industry in Scotland can absorb, and at what point do you expect that increase in costs to end?

Matthew Farrow: That is a big question. We do not have detailed figures. We do not have the expertise and it is not information that we are able to collect from our members. Sometimes it is sectors such as paper and chemicals, which are under a lot of competitive pressure and which compete on price outside Scotland, that have to absorb the biggest share of the costs. You touched on that difficulty with regard to water, and those sectors are certainly large users of water. The same is true of quite a few of the environmental regulations; for example, the pollution prevention and control regulations will particularly affect industrial sectors.

We find that companies try, as far as they can, to implement regulations in a cost-effective way. There is no point in doing it in any other way. One of the complaints that companies make to us is the short lead time. Again, I know that that has been mentioned to the committee before. Regulations are not transposed until shortly before they have to be implemented and it is difficult for companies to make judgments.

For example, one chemical company has been considering the waste acceptance criteria. It is concerned that one of its products, which is the by-product of a process, will not fit into any of the obvious categories and that it will not be able to send it to landfill when the landfill directive comes into force. The company is considering an anaerobic digester plant—I think that that is the right terminology—as the only way to deal with the waste stream, and it thinks that it will cost about £10 million to build. Part of the company's concern is that that is a huge investment for a company that is in tough markets, and it is still not clear from the legislation that is coming through and the various definitions whether the waste stream will be defined as a particular type of hazardous waste and whether it will need to build the plant.

Certainly the costs can be significant for some sectors. We look to SEPA, the Executive and the UK Government to transpose regulations as pragmatically as possible. It is possible that companies might need funding and support to

meet the demanding targets that are likely to be set.

Andy Willox: Some of our members from north-east Scotland and parts of the Highlands have seen an immediate increase in transfer charges. They received a letter on 8 September notifying them of a 23 per cent rise—£8 per tonne. No notice was given of the increase and it took place with immediate effect. Obviously we will have to pass on that cost. For many of our members who are in facilities management, waste management is only part of the business and they might have fixed-price contracts for two or three years. There had already been an earlier increase of 2.5 per cent as well as a 10 per cent increase in January, so transfer charges have increased by 35 per cent. There is also a cost to businesses as a result of the waiting times at transfer stations, which are becoming very busy. It is normal for a lorry or a van, which might have two people in it, to wait for almost an hour. It is difficult to pass on those costs and still remain competitive.

Mr Rob Gibson (Highlands and Islands) (SNP): To put the question in another way, we are always hearing from businesses—small and large—that there is an awful lot of red tape, which the Government should cut in order to free up the entrepreneurial spirit. Are there aspects of the waste strategy that you consider to be red tape? How would your members respond to that? You talked about short lead times for new regulations and sudden increases in costs, but are there other areas of the national waste strategy that could be simplified?

Matthew Farrow: A couple of examples spring to mind. One is data and data collection. We are concerned about the lack of detailed robust data on the non-municipal waste stream and we recognise that that needs to be addressed. Without better data, it is difficult to set realistic targets in documents such as the waste plan. However, members are concerned that what tends to happen is that different bodies, such as the Health and Safety Executive, SEPA and local authorities, ask them for data. That can be very time consuming for any business, whether it is large or small.

Another pressing example, which is not directly related to the national waste plan, is whether different materials are defined as waste or not. A couple of examples illustrate the problem. As one of our members in the waste management sector pointed out, if SEPA classifies a product as waste, such as good-quality clay that has been excavated from a construction site, our members are limited in how they can use that product. In one case, a company wanted to use clay from an excavated site to seal a landfill site—it is a good way to do so—but it could not, because SEPA defined the

clay as a waste product. I do not know why that happened, but it is possible that SEPA's decision was the result of other directives. That brings us to other issues such as waste licensing and so on.

Another example comes from a member company in England, but I think that the same issues apply in Scotland. A mobile phone retail company wanted to establish take-back stations, to encourage customers to return their old mobile phones. When it talked to the Environment Agency, it found that it would have to get a waste transfer licence for every shop. The bureaucracy involved would have been huge.

One of our biggest concerns is that the implementation of environmental regulations can prevent companies from doing things that we all agree are environmentally sound. For example, Scottish Power has spent a lot of time and effort working with Scottish Water to recycle waste sludge into fuel pellets, which can be burned in power stations instead of coal. That reduces emissions and has a big environmental benefit. However, the latest European directives might prevent the companies from doing that, by classifying the sludge as waste. In order to recycle it into fuel pellets, a lot of costly licensing would be needed. Everyone seems to agree that recycling the sludge is a sensible course of action and I think that I am right in saying that SEPA regards the process as the best practicable environmental option. The pellets produce enough power to heat about 30,000 homes.

Those examples show how there can be an increase in bureaucracy and in costs for businesses and a less environmentally sensible outcome.

10.45

Andy Willox: I cannot comment on the whole waste plan document because we have not had time to consider it and our members have not returned their responses to it. We will submit that information to the committee once we receive it. The recycling businesses in our sector seek opportunities to recycle, but they find it difficult to understand the complex SEPA regulations. For example, a re-screening process for soil waste prevents that waste from being sold on as topsoil. Matthew Farrow referred to that.

There seems to be a raft of complex regulations, which could be simplified. SEPA could at least look from the bottom up and work the regulations in with what is possible. We realise that many of the regulations exist for good reason, but sometimes that does not appear to be the case. It seems that the available opportunities can be used only by making a large financial investment.

Mr Gibson: So business-friendly regulations

ought to be framed in terms that a practical person on the ground will understand. Perhaps you can confirm that what you are saying is that business people must be better trained to understand the new regulations.

Andy Willox: The regulations could be better worded. You must appreciate that, in the small business sector, we do a core job, which might not require the intelligence to read a bulky report, so we would have to seek advice. The advice that many of our recycling members get from SEPA does not seem to be simple or clear and the recycling opportunities do not seem to be as simple as they might be. We are not looking for simplicity or low cost; we are looking for the opportunities, which I am sure would be grasped if we were shown them.

Matthew Farrow: Attitudes to regulations depend on the businesses involved. Obviously, larger businesses have environmental specialists who understand the technical issues and jargon. They are more concerned about having pragmatic regulation that does not create the sort of situations that I talked about in the examples I gave and which gives them a reasonable lead time to plan investment and so on.

We find the same from our smaller members as Andy Willox finds from his, which is that regulations must be worded as clearly as possible. I spoke to one of our legal members, who is an environmental expert, in the run-up to today's meeting. He said that it is his job to keep up to date with all the environmental legislation, but it is a struggle for him to do so and his clients find it even more of a struggle. He wondered whether SEPA could have six-monthly seminars to update interested companies and keep people abreast of changes. I do not know whether that is possible.

Companies must deal with a great volume of consultation and regulation from the European, UK and Scottish levels, which is an issue that the committee has touched on. Much of the regulation relates to waste, but the different levels approach the issue from different angles. All that regulation causes a huge headache for both small and large businesses.

Karen Gillon (Clydesdale) (Lab): If your companies go on as they are, it will cost them more to get rid of their waste. However, the cost of not dealing with the waste issue will be significantly higher to the country and the planet. We already see the cost of having to dig up waste that was dumped many years ago, for example. We must deal with the waste situation as it arises.

You said that it would be difficult for your companies to accommodate a rise in costs within their profit margins. What are your companies doing to reduce their waste? For example, are

they reducing the production of unnecessary packaging or using more recycled materials? If a lorry has delivered goods in the Highlands or the Borders, why does it not bring back stuff that can be recycled? Why are your companies not being more responsible about their waste?

Matthew Farrow: I have several thoughts on that. I tried to get across the idea earlier, but perhaps did not, that, overall, businesses recognise the challenge of waste; it is one of the toughest environmental challenges that business in Scotland faces. That is why the CBI was involved in the preparation of the national waste plan. We felt that the way in which the waste plan was developed in partnership with the stakeholders was positive and we valued the opportunity to be part of the process. We support the aims of the national waste plan.

A lot of good practice exists. Although the figures are not very good, our sense from the available data is that the proportion of business waste that is diverted away from landfill is increasing, although we could debate whether that proportion is increasing quickly enough and what more needs to be done.

The diversion rate is increasing for several reasons. One is that waste minimisation makes good business sense because it should save businesses time and money, which is perhaps what Karen Gillon's question was getting at. Another reason for the increased diversion rate is that the packaging regulations that are coming on stream will set tough targets that companies will have to abide by. Another reason is that many companies recognise their obligations.

Karen Gillon mentioned the practice of lorries coming back from stores with recyclable material. Obviously, performance varies, but Safeway, for example, has a strong recycling record and started doing that in 1971, I believe. Safeway also set up the first recycling sites at its depots in 1972 or 1973. Many businesses took similar actions long before waste became such an important political issue and was discussed in forums such as this.

The CBI is taking action in two or three respects. One is to work with our members on designing out waste. Our on-going project with the Design Council examines company case studies and considers how to improve companies' activities. We recognise the logic of resource-efficiency initiatives. Everybody thinks that the phrase "resource efficiency" sounds right, but it is difficult to define what it means. We are working with the consultant who runs CBI's benchmarking tool for environmental performance to try to develop its resource-efficiency elements. We also run best-practice events at which companies show the sort of measures that they adopt.

The challenge is tough, but we must continue to improve the performance of business in waste management and diversion. To do that, a package of measures is required. We have always accepted that regulation is required. A lot of regulation is in place and much more is coming on stream, but it is important to get the regulation right and to make it as cost effective as possible. Alongside that, we need financial incentives, such as the landfill tax, and voluntary good-practice agreements.

The issues vary from sector to sector and, in some sectors, recycling is more difficult. Packaging is a good example. We all agree that companies must reduce the amount of packaging that they use, which is the aim of the packaging regulations. I think that Safeway's target is to reduce packaging by 3 per cent a year. Packaging performs a number of functions for consumers. For example, it is sometimes required to keep food safe, to allow companies and consumers to identify whether goods have been tampered with, to keep goods safe when they are transported or to provide space for labelling. The companies to which I speak are trying to reduce packaging within those constraints. It would be nice if we could simply get rid of huge swathes of packaging because it is not needed, but some packaging is needed for public policy reasons.

Andy Willox: I hope that we have not given the impression that we are not changing or trying to do the right thing, because that is not the case. As most small businesses simply dispose of someone else's waste, they are not involved in cutting waste, but in taking it away and disposing of it. A number of businesses carry out work with the social sector involving house loads of furniture. There are methods of recycling furniture, such as through the voluntary sector or social work departments. Wood waste can be taken to a central point. There is a problem with paper and card, but steps are being taken towards minimisation in some retail sectors. One of our members, who lives right up in the north-east, near Fraserburgh, works with scrap cars, and an aluminium smelter has just been introduced to the system there. Moves are being made to do the right things.

Many contracts are with local councils, particularly with social work and environmental health departments, which are taking bulk waste to landfill because there is nowhere else to put it. We need facilities that take the waste in the appropriate form. No sensible alternative to the current method of transfer to landfill seems to be on the way, and waste disposal is going up in cost. It is not possible for people who have a contract to dispose of someone else's waste to stop the costs going up.

Karen Gillon: Let us take an example. Crisps come in packets, which are delivered in boxes. Multipacks of crisps have a further set of packaging. They also come to the supermarket in boxes, but they are cheaper. Why cannot people buy six packets of crisps more cheaply, but not in another packet, which then has to be disposed of, and which makes the product more expensive to produce? I should be able to buy six individual packets of crisps for the same price as the multipack, and without having to dispose of the bag that those packets go in.

The FSB has a lot of small companies, including grocers, which get their stuff delivered to them. A lorry might deliver boxes of crisps or sweets to all the small shops in a town such as Lanark, in my constituency, and then go back to the depot empty. Why could not all those small businesses get together and have the lorry take back the boxes and other packaging from the previous week? Are people thinking along those lines, or could such practices be developed to deal with some of the waste that currently goes to landfill sites, but which could be recycled?

Andy Willox: I do not know a lot about the retail sector, but I believe that some such systems are in place. However, those have to be thought through, as the person in the van that delivers the stuff will not be responsible for taking it away.

Returning to the question of opportunities, I recently spoke to someone in Perth who desperately wanted to extend his recycling activities. He has found a niche in the market, involving bigger, more corporate companies that might be getting rid of 800 or 900 desks. They cannot invite people to take them away, even for free, because of health and safety concerns—they would have to be carried up and down stairs and loaded, which presents the risk of various different injuries.

The person thought through the process and now takes the desks away, strips down the veneers, re-veneers them and sells them as new. He developed the whole process, leased a property and applied for assistance. He was told that he had a very good plan. However, when it was found that his was a private business, he got virtually no financial assistance, although he would have done if he worked in the voluntary sector. Obstacles can be put in the way of such initiatives. The man did a lot of work and research, and he is going to continue what he is doing, despite the lack of incentive to get going with it.

Maureen Macmillan (Highlands and Islands) (Lab): I return to issues of packaging and waste minimisation. You give the impression that, although regulations are now in force, it will take a long time before they have an impact on packaging. I agree that there should be

“the minimum adequate amount to maintain the necessary level of safety, hygiene and acceptance of the packaging”.

If Safeway can do that with the packaging for its own products, why cannot other companies that supply supermarkets do that now? Why do we have a lead-in time that is far too long?

Matthew Farrow: I did not want to give the impression that progress would not become apparent for some time. I do not have all the figures to hand. Safeway provides a good example, but all the big retailers are doing similar stuff. Some of that is driven by regulations, as you said, and some initiatives are good practice that has been followed for many years. I understand that the volume of packaging that supermarkets produce and distribute has decreased.

My point about the roles of packaging related to the fact that new targets are set to improve performance continually in new European directives. A realistic debate had to be held about what could be achieved. Purely from a waste management point of view, it might be said that we could do without swathes of packaging. My point was that some packaging might be important for a range of reasons, such as health and safety, combating fraud or eco-labelling. I did not want to give the impression that retailers have not achieved a lot and do not continue to achieve. As I said, I understand that Safeway has a target of a 3 per cent cut in packaging year on year.

11:00

You made a fair point about the supply chain. Several retailers are working through the British Retail Consortium with their supply chain on trying to reduce packaging. As I said, there are two sides to the issue. The regulations require packaging to be reduced, but often there are also sound business reasons for doing that. Particularly as the landfill tax increases, but even before then, it is in the business interest of those who are in a business that uses or produces a lot of packaging to minimise packaging, which should minimise transport costs.

It would be wrong to say that progress has not been apparent for many years and that it does not continue. As we follow a process of setting more demanding targets, the question is how we recognise that although some types of packaging can be made thinner or lighter—and companies try to do that—they might be needed for other reasons.

A good example is plastic bags. At a previous meeting, the committee touched on the Irish tax on plastic bags. Several retailers have reduced the thickness of plastic bags to reduce their weight. The temptation is to say, “No one needs plastic bags, so we will tax them and reduce their use.”

My understanding from Ireland is that because consumers do not want to pay the tax, they use paper bags all the time. Marks and Spencer has found that it must make four times as many lorry trips to deliver paper bags to its stores, because paper bags are heavier. Another debate concerns whether paper bags are more environmentally sound to produce.

Another consequence of the tax on plastic bags is a spate of thefts. Many customers are deciding to take the products that they have paid for out of the store without a bag. This might sound like a silly point, but it has become easier for thieves to mingle among those customers, so retailers in Ireland have found that the theft level is rising. It is tempting to say that a type of waste can be outlawed or taxed, but doing that might have unintended consequences, some of which might create other environmental problems.

Maureen Macmillan: I hear what you say about plastic bags, but I am interested in packages of aluminium foil inside a cardboard box that is wrapped in cellophane, which seems to be overdoing it. Are you satisfied with the speed with which manufacturers are considering such packaging, which is over the top and not necessary for safety or other reasons?

I have the impression that much packaging relates to promoting products. We must examine that. Perhaps the public perception is that the more a product is packaged and the glossier it looks, the more attractive it is compared with Safeway's or Tesco's own brand, for example. Do the public need to be educated that all that fancy packaging is not needed to have a good product?

Matthew Farrow: Consumer behaviour plays a big part. Many retailers would agree that environmental considerations are not uppermost in the choices that most consumers make.

Obviously, just as politicians need happy constituents and voters, retailers need satisfied customers. Retailers will try to reduce packaging wherever they can but they also have to be sensitive to the wishes of their customers.

I think that you are right in saying that a form of consumer education exercise needs to be undertaken. Many companies are concerned that, until consumers give the proper weighting to environmental factors, it will be difficult for them to address the sort of issues that you are talking about.

We must recognise that, even in a small corner shop, there might be 20 different brands of a particular product. If they all had minimal packaging, the consumer would have to spend a lot of time trying to work out which was which. You might say, of course, that that would be a price worth paying. If so, we would have to decide

whether that is the way that we want to go and whether we should try to persuade consumers that that is necessary.

Retailers recognise that they are well placed to try to improve consumer awareness of such issues. For example, the major retailers in Scotland work closely on initiatives such as the "do a little—change a lot" campaign and display its posters.

Maureen Macmillan: I wonder whether part of your argument is false because consumers buy the same products all the time. Certainly, I have been buying the same soap powder, toothpaste and coffee for about 40 years. I do not think that packaging makes all that much difference and manufacturers are deluding themselves if they think that it does.

Mathew Farrow: Retailers do a lot of market research on such areas and that leads them to make evaluations of their spending in that regard.

We have to get to a situation in which retailers can produce minimal packaging that is attractive to consumers but does not have the same environmental costs as packaging currently has. Our view—I think that it is the view of most retailers—is that, while we are not going to achieve a world in which there is almost no packaging on anything, the initiatives that retailers run and the various regulations with which they must comply will ensure that we will continue to reduce packaging every year.

As I said, for many reasons—for example, health and safety and labelling considerations—we will not get rid of packaging entirely. There are also big issues relating to consumer behaviour and the things that consumers read into particular products. The CBI is happy to work with other stakeholders to address such issues, but retailers cannot be expected to do that on their own as the issue is too wide.

The Deputy Convener: What is the level of interest in the industry in reprocessing? Does the sector view waste as an opportunity to create jobs? What sort of support would someone who wanted to take advantage of that opportunity get from the local enterprise companies?

Andy Willox: Due to awareness-raising work, many of our members have realised that waste presents an opportunity to get into a viable business that can create jobs and profits; an example of that is the re-veneering of desks that I mentioned earlier. Along with other business organisations, we want to feed that information to our members through our newsletters and websites.

However, a lot of legislation seems to lie between seeing the opportunity and getting the

volume of waste that would be required to make the business profitable. That is why the opportunities are harder for smaller businesses to take advantage of, as they might have problems with the availability of finance. Assistance needs to be given to help businesses get through the legislation. The market is found to be confusing and our members have said that contacting SEPA does not seem to simplify the situation.

It is probably easier to deal with waste that consists of paper and cardboard packaging than it would be to deal with other waste.

Matthew Farrow: My sense is that awareness is rising. It depends, to some extent, on what sort of company we are talking about. A manufacturing company that produces a lot of waste obviously has a big incentive to try to reuse that waste in its own processes or to segregate it and sell it. A small consultancy in Edinburgh, for which 90 per cent of the costs are staff and information technology, will produce quite a bit of paper waste and it would be good if it could recycle that waste. A lot of companies do that sort of stuff. It does not make much difference economically to them, but they do it to be good corporate citizens or because the people who run the companies want to do it. However, such recycling will not suddenly transform the companies' profitability.

I echo what Andy Willox said. There are plenty of anecdotal examples of companies wanting to do things in that field but getting frustrated by bureaucratic processes. For instance, an electronics company was looking for a specialised waste management firm to take away a specific type of electrical waste that it produced. The company had terrible trouble trying to get advice from any Government agency about which waste management company it could use. That is perhaps an issue.

I do not know a lot about funding, although I come across companies that have applied for funding to carry out composting, or whatever, but have found it difficult to get funding. A lot of new money is coming into the system through the national waste plan, which might address that problem.

The bureaucracy point is always with us. One of our members is a builders' merchant. It had a small site somewhere in Scotland where it found that a lot of its business clients were bringing waste and dumping it when they came to collect new materials. The company regarded that as a bit of a nuisance but thought that it could do something positive by setting up skips and encouraging companies to bring their waste to be segregated by the company, which would then get in touch with firms that could use it. The company had to get a waste transfer licence—there was some bureaucracy involved—and it also needed to

extend the site slightly or install some new facilities. I do not know the details, but it had to go through the planning process. Not surprisingly, that was difficult and objectors sprang up straight away. The committee has touched on that issue.

If we are going to deliver the infrastructure that the national waste plan requires, we must find a better way of aligning that with the planning process and giving people confidence that decisions on the siting of waste facilities are made in the right way. There are obligations on waste management companies, local authorities, community groups and so on. However, if we go down the third-party, right-of-appeal route, it will become increasingly difficult to deliver the infrastructure. As other witnesses have said, any type of waste facility seems, unfortunately, to attract automatic objections, even if it will not—one hopes—constitute a significant nuisance to local residents.

Andy Willox: The planning process slows things down dramatically. It took the member with the smelting plant about a year and a half to get the plant up and running. Progress was slowed right down by the planning process. I do not know how much of a problem planning is for landfill sites and transfer stations, but I have been told that it can take two to three years to get planning permission for such facilities. The planning process is one of the big obstacles to our taking up the opportunities that we want to take up.

The Deputy Convener: Alex Johnstone has a question, but we have only about a minute and a half left.

Alex Johnstone: I will ask it quickly. One of the options for the open test for consideration of the reduction of domestic waste is to move to direct charging, so that the person who produces the most waste pays the biggest share of the costs. As representatives of businesses, you have considerable experience of that type of regime. Have you received any indication of how much influence the cost of waste disposal has had on the volume of waste that businesses produce? Is there any scope within the system for cost-related disposal to squeeze down the volume of waste that needs to be dealt with?

11:15

Matthew Farrow: On the household issue, many businesses would support going down that route, although there is a concern that it could lead to fly-tipping. We get many complaints from members who own land and see more and more fly-tipping. They want much tougher enforcement by local authorities and SEPA on that.

On business, the landfill tax and so on have influenced behaviour. Is there scope to go further?

Not without sorting out the infrastructure. The risk is that we are already in a situation where businesses will, either by choice or through financial pressures, divert more and more waste away from landfill, only to find that there is nowhere for it to go. The trouble with waste policy is that there are so many different bits of the jigsaw. There would be a real danger of increasing the financial pressures without having infrastructure in place. We do not have that infrastructure in place at the moment—that goes back to the planning point.

Andy Willox: I agree entirely with Matthew Farrow. There are no alternatives. On the cost side, we are going along that route because most of our members are working with it, but the costs have to be passed back to the client, and if the costs are steadily increasing it will be difficult to keep contracts profitable. Throughout the country we see large wheelie bins on the street, but we do not know who is filling them up and what they are being filled up with. In some parts of the country we have probably moved backwards, in that, with the old street collections, the scaffies—or whatever we want to call them—said, “No, we don’t take that.” Now everything goes into the wheelie bins. On the domestic side we are probably going backwards a little, and business sees that. Business has to pay, but if landfill is going to be stopped, there must be alternatives. We are prepared to use whatever system is necessary to dispose of the waste, but the alternatives must be there.

The Deputy Convener: I thank the witnesses and invite them to stand down. They are welcome to stay for the rest of the meeting if they would like. We will have a two-minute suspension, during which the next panel of witnesses can come to the table.

11:17

Meeting suspended.

11:24

On resuming—

The Convener (Sarah Boyack): I welcome Angus Macpherson, treasurer of the Recycling Advisory Group Scotland; Dr Nicki Souter, the campaign manager for Waste Aware Scotland; and Dr Michael Milner, the senior business environmental adviser from the business environment partnership. Thank you for submitting written evidence to us in advance. It has been most useful to members of the committee. Members will kick off with questions. If everyone could keep their questions and answers as brief as possible, we will get through as much material as possible.

Alex Johnstone: I will start exactly where I finished with the last lot and ask the witnesses for their opinion on the same subject. Central funding of disposal of municipal waste is a tradition that has grown up over many years. In many countries, direct charging has led to a change in attitudes to waste and to recycling. Should we consider that type of charge in order to stimulate interest in a range of recycling and disposal initiatives, or is the traditional method of funding more appropriate for Scotland?

Angus Macpherson (Recycling Advisory Group Scotland): I will answer the question first then pass it over to the other witnesses. We were uncertain whether we should race to push the buzzers or whether we should answer each question along the row.

RAGS is a membership organisation that represents people in the community sector, the business sector, the waste management sector and other people who are interested in recycling. A wide cross-section of views are expressed through us and therefore we act as a focus for recycling issues. Some of our members enthusiastically express the view that charging at household level would be a good thing. They see it as a direct deterrent to those who dispose of a lot of household waste. We also have members who are firmly against direct charging and who believe that it would create a great deal of fly-tipping by householders.

There is a general view that an increase in landfill tax would accelerate recycling activity by industry, but there is concern about how that would impact on local authorities, who are the biggest payers of landfill tax from the perspective of disposal of municipal and household waste. The answer to the question is that there are enthusiasts for direct charging, but they are equally balanced by those who are not enthusiastic and who believe that direct charging would not be of benefit.

Dr Nicki Souter (Waste Aware Scotland): I will speak about the general public’s point of view. We conducted 9,000 face-to-face interviews with the public throughout the 32 local authorities and 11 waste strategy areas in Scotland. We asked the public about their attitudes to waste charging and about their understanding and awareness of the current costs of waste collection and disposal. One of the key things that we should focus on is that the public have a huge willingness to recycle. With the provision of infrastructure through the moneys that have been released through the strategic waste fund, the vast majority of the public throughout Scotland will participate. At present, we should not charge the public for waste collection, but we should have that option in reserve in case the public’s participation and engagement in the

infrastructure are not forthcoming, although I am confident that they will be.

Dr Michael Milner (Business Environment Partnership): We work with the small business community and we are well aware of the increasing willingness of the small business community to reduce the amount of waste that it produces and to increase the amount that it recycles. In our activities, we have to record for some of our sponsors the amount of waste that is either reduced or recycled. Since 2002, more than 5,000 tonnes of waste has been either minimised—by which I mean reduced—or diverted from landfill.

The majority of the small businesses that I come into contact with would like to recycle more. However, the problem, especially for small businesses outwith large cities such as Edinburgh, is that commercial recycling collection services are not readily available. Moreover, they do not have the space or the facilities to store waste that they want to recycle in order to ensure that there is enough waste to be recycled. As many businesses are located on industrial estates, it is very difficult for them to act collectively because they each have to provide a waste transfer note for their individual amounts of waste.

As a result, although the small business community is aware of the need and is willing to increase the amount of waste that it recycles, there is a danger that the effectiveness of its efforts is being somewhat hampered.

11:30

Mr Gibson: The issue centres on public awareness of and education about recycling and reuse. How should that situation break down between the authorities that apply the regulations and the companies and so on that must conform to them? Should there be an onus on users and regulators to ensure that such education takes place?

Angus Macpherson: RAGS has been very concerned with education. As a result, about four years ago, we made a video about recycling that was distributed to every school in Scotland and was enthusiastically received. I might be wrong, but I think that it has now been fitted into the nine-to-14 curriculum. We are thinking about whether to update the video, although I should say that that process has been accelerated by the fact that the RAGS office was burnt down with our major reserves of copies of the film inside it, which means that we cannot meet demand.

On a wider front, I know that there has been discussion about packaging regulations, which spreads responsibility for disseminating information between consumers and regulators.

However, the difficulty is that we do not know what information is supposed to be disseminated. The definitions of who we are trying to cater for, what we are trying to achieve and where we are trying to go lack a great deal of clarity. Instead, there appear to be aspirations. For example, some of our members aspire to zero waste, and there will be an opportunity to discuss that issue at our next conference, but as such aspirations are not clearly defined, it is difficult to know what to disseminate and how to disseminate it, or what is the message that we should send.

Dr Souter: Our national Waste Aware Scotland campaigning programme aims to change public attitudes. To date, our primary focus for reducing, reusing and recycling has been on the municipal solid waste stream. With this integrated campaigning strategy, we aim to work with all stakeholders including the Scottish Environment Protection Agency, the Scottish Executive, the local authorities and the community sector to deliver waste messaging on the ground.

It is incredibly important that the Waste Aware Scotland campaigning strategy is linked to the provision of infrastructure so that we do not go out and tell people to do something if no facilities are available that allow them to engage in that activity. On the individual local authority implementation plans, we will go out and campaign on things with which people can engage practically. That model can be applied to the option to reuse and reduce. We must ensure consumer choice in order to allow people to engage with each of those as we move up the waste hierarchy.

Zero waste is currently an aspirational target. We must think pragmatically about what people can engage with at the present time. As people start to source-separate and become more aware of their waste through recycling, it is much easier to feed to the general public secondary and tertiary messages that we should reuse and reduce.

Dr Milner: From the perspective of working with small businesses, the business environment partnership has worked with quite a large number of other organisations to help to disseminate information on the practical aims and benefits of the waste strategy. For example, with SEPA, we distributed the "No Time to Waste" video. We are also running a series of events in conjunction with SEPA and other stakeholders to launch the Lothian and Borders area waste plan. That series is aimed specifically at small businesses and concerns the business benefits and opportunities in reducing the amount of waste that is disposed of to landfill. At the events that we have run in the past, we have regularly had more than 60 business attendees in each of the local authorities in which we work. In addition, we have included

study material that highlights practical measures that small businesses can implement to reduce the amount of waste that they produce in conjunction with the Federation of Small Businesses and the Scottish energy efficiency office.

Frequently, when we help businesses by increasing their awareness of the cost of waste and of practical measures to reduce that waste, the employees carry that message home, which benefits their communities. Much more clarity and consistency are needed on what facilities are available locally to businesses and communities. Otherwise, people will want to recycle, but will be put off doing so because the facilities might not exist.

Mr Gibson: The RAGS submission suggests that the national waste plan provides a framework and direction, but makes the point that it

“does not provide sufficient exemplar schemes or best practice guidance”.

Is such provision part of the education process that is vital to reducing waste? Could it be improved?

Angus Macpherson: Yes, it is vital and it should be happening. I remember that comment being written—in fact, I may have written it myself. The distribution of the national waste plan is not the only means of providing exemplar schemes and best-practice guidance. Four times a year, RAGS runs for its members events at which people can gather such information and pass it around. Earlier, somebody mentioned that he did not know where to find waste electrical equipment solutions. He should have contacted RAGS. We would have been the ideal solution for that sort of problem.

Eleanor Scott (Highlands and Islands) (Green): I would like clarification about something in the RAGS submission. I hope that the answer will not be long and complicated, or I will wish that I had not asked about it. You said:

“The Scottish interpretation of Municipal Waste is not the same as that interpreted in England & Wales and is at odds with the EU interpretation that is wider. The forthcoming Waste & Emissions Trading Bill will highlight this problem.”

Will you clarify that, please?

Angus Macpherson: That would get us into technical detail which is not, I suspect, best covered in this forum. I also suspect that I am not the best person to cover it. However, within the broad definitions of waste, we can achieve or miss our targets solely by our interpretations of those definitions, rather than because of any particular activities that are being conducted.

Maureen Macmillan: Before we move on to reuse and reduce, I want to pick up on what Dr Souter said about organising recycling and

providing facilities. At the committee last week, when we discussed with the panel of witnesses how to reuse glass bottles, we received a pessimistic response. The panel said that nowadays that cannot be done, because glass is manufactured too thinly and all that can be done is to crush it. What other obstacles like that—where the manufacturing process has moved on from what it was, say, 30 years ago when we returned our milk bottles every morning—will we have to overcome before we can talk about reusing?

Dr Souter: I refer again to the national summary report and what the public told us on their doorsteps. We wanted to find out about the public understanding of recycle, reuse and reduce. Currently, public understanding of the concept of reduce is very poor. We have a lot of work to do to raise awareness of what that means practically, and to signpost people to what they can do. The public much more readily understood the concept of reuse. When we asked people to give examples of what they did to reuse, the examples tended to be things like reusing yoghurt pots or margarine tubs, or taking refillable containers to be refilled. The biggest thing that people did was reuse plastic bags. When we asked people what they did practically, we found that what they do is limited.

That links back to something that the CBI Scotland representative said. The matter is about telling people to look at waste not as rubbish, but as a resource that has quality and value. If we can get people to understand that there is value in the materials that they put into recycling bins, we can sell the message about what they can do to buy recycled goods, and the message that there is quality attached to that market. Public perception is married to the quality of materials that are produced. It is about building awareness and understanding and providing information, so that people can make informed choices about their consumer behaviour. However, the choice has to exist in the first place in order to allow them to engage.

Maureen Macmillan: What about manufacturers' choice? They have to choose whether to use reusable containers. How do we sort that out? How do we change the culture, when all the glass manufacturing plants are making thin glass and bottles that cannot be reused?

Dr Souter: I would not like to comment specifically on glass, because I am not an expert in market development. On extended producer responsibility or complete resource efficiency, legislative and fiscal measures will need to be targeted at producers, retailers and consumers to allow for the provision of choice. Measures have to be cross-sectoral. Swathes of fiscal and economic

measures are required to drive the agenda forward.

Dr Milner: May I add to that? There are a number of good examples of small companies that reuse their packaging as much as possible, or that reuse for goods that go out packaging from parts that come in. Such practices are becoming increasingly widespread. Obviously, more legislative and regulatory issues surround food products; that point was touched on earlier.

The Convener: How can you get business involved? In the business environment partnership's submission, I was struck by the cost savings already identified for companies that you have worked with. Clearly, major opportunities exist for businesses to save many more resources. How can we reach the point where other businesses will want to engage in that process? Earlier, the witness from the Federation of Small Businesses expressed unhappiness about regulatory requirements. Smaller businesses do not have the staffing resources to develop a lot of expertise, so what is the best way for the Executive, as part of the national waste plan, to encourage those businesses to save money, minimise waste and treat waste in a more environmentally sensible and sustainable way?

11:45

Dr Milner: When working with small businesses, we have found that what they need is practical measures that have a quick impact. Since 1998, we have worked with more than 600 businesses, considering the use of resources. We have helped them to identify potential cost savings of more than £5 million per annum, of which more than £2 million-worth have been implemented. I did a quick calculation earlier. Based on the number of companies that we have worked with, the potential saving is about £12,000 per company. The realised saving would be about £4,700 per company, from 434 substantial projects.

I believe that there are around 240,000 small and medium companies in Scotland. There is therefore a significant opportunity for the small business community to benefit by reducing the amount of waste that it produces. The benefits would go straight to the bottom line, so the companies would improve their competitiveness. In addition, companies would have the opportunity to realise new market opportunities—either through being able to compete more effectively or through being able to provide new products and services.

When preparing for this meeting, I looked at the value of what are called the environmental markets. Those markets are not only to do with recycling and waste reducing but to do with

monitoring new products and services. In the United Kingdom, it has been predicted that those markets will increase from £14.8 billion to £21.2 billion from 2000 to 2010. That is a significant opportunity for all businesses to benefit from waste minimisation and to develop new products and services.

You asked about engaging with business. The business environment partnership has about 40 different partners and funders. It was set up in about 1996 as part of Midlothian Enterprise Trust, which was part of the Midlothian Chamber of Commerce and Enterprise. A key point is that the partnership is plugged into the business community, through the chamber of commerce and enterprise; the economic development departments in the local authorities with which it works; Scottish Enterprise; the Scottish Environment Protection Agency; Scottish Water; and a large number of other stakeholder organisations. The partnership has a wide network for referrals and there is an increasing awareness among, for example, economic development advisers and the Scottish Enterprise network.

Eleanor Scott: In the Scottish waste awareness group's submission, you say that you were set up with a remit to change public attitudes to domestic waste. Non-governmental organisations and recycling groups also come under your remit. In the appendix, there is a table of campaign strategies that have been developed. You seem to list them as if they were council or area waste plan initiatives. For the area where I live, you list home composting. That has been promoted by voluntary groups and, if anything, undermined by the council's green waste collection. You also mention real nappies. A voluntary group in my area has promoted real nappies, but the council has declined to support it. To what extent are you able to encourage local authorities to absorb or work with the groups that have been active since before the authorities got involved?

Dr Souter: Waste Aware Scotland provides an overall national campaigning identity that is deliverable at the local level. By local level, we mean the level of local authorities, waste strategy area groups or partnerships. Partnership working is inherent in the delivery of the Waste Aware Scotland campaigns on the ground. We use the traditional media scheduling to raise awareness, but attitudes will be changed only if, in addition to that, we use educational messaging and ensure that we engage with all community stakeholders.

Those educational messages can be delivered via local authority recycling education officers, community sector groups and other organisations that are active at the local authority level. For instance, GRAB—the group for recycling in Argyll and Bute—is a fantastic example of a community

sector organisation that is proactive in educational and awareness-raising messaging. GRAB works very much in partnership with the local authority.

I have helped Highland Council to develop its waste-aware campaigning programme. Inherent in that strategy are all the community groups in the Highlands—Strathspey waste action network, Lochaber environmental group, Golspie recycling and environmental action network, waste Highland action on minimisation, Ross-shire waste action network and others—which are named as effective deliverers of waste-awareness educational messaging. It is important that we do not try to reinvent the wheel. Where there are examples of good practice on the ground, we need to encourage that and share knowledge about it across Scotland.

Eleanor Scott: I know that the voluntary groups are employers in some areas, but do you see the role of the voluntary groups as being purely educational? Do they also have a role in the delivery of recycling services and waste management?

Dr Souter: I can speak with confidence only about the area that I work in, but I think that the community sector has a huge role to play in helping to deliver waste-awareness educational messaging. In Campbeltown and other parts of Argyll and Bute, Campbeltown Waste Watchers Ltd is actively engaged in looking after recycling centres and points. I am sure that such groups have a dual role, but I suppose that the extent of that role will be determined by individual plans.

Eleanor Scott: In response to the question on whether the targets and priority approaches in the national waste plan are appropriate, your submission says that the plan needs to have a link to public participation. You said that the targets will be effective only through education and awareness raising. There is a perception among some of us that public awareness and willingness to reduce waste and to recycle is somewhat in advance of the facilities that are available for doing that. It is an infrastructure problem rather than one of education and public awareness. What is your view on that?

Dr Souter: When we went out and spoke to more than 9,000 people on the doorstep, not only did we ask people about the barriers to recycling and what would encourage them to recycle, but we tried to assess the baseline levels of understanding and knowledge. To use just one key exemplar, we have historically engaged with the public in very disparate ways, but we are now trying to adopt a continuity of approach and standardisation of terminology so that we can effectively sell a service to the public in which they can have confidence. Traditionally, we have told people to recycle, but we have never said why

they should recycle or what happens to the materials. It is important that we start to try to take people on a waste journey and close the loop.

There is huge willingness among the public to participate. The issue is about infrastructure provision, but there is also a duty to inform and educate about the need. Baseline levels of understanding of reuse and reduce are low. If we can engage people in recycling, we can start to provide information to help them to make informed choices about more sustainable individual waste-management behaviour.

Angus Macpherson: RAGS has been involved with the community recycling network in conducting a mapping exercise of all the community projects that are under way, including furniture recycling, which was talked about earlier, and the real nappy network. We are getting a much better idea of what the community sector is contributing. One of the challenges is finding out what the community sector is. Some people have spoken in terms of the voluntary sector; others have referred to the local business sector. Sometimes the projects focus on something completely different; for example, a project might focus on providing furniture for the socially deprived and happen to be using second-hand furniture. There is a wide range of projects and the community sector is not as clear cut as one would think.

Roseanna Cunningham (Perth) (SNP): This question is probably to Waste Aware Scotland. I am curious about how you monitor the effectiveness of the work. I am struck by the two tables in your submission, one of which is on the campaigns written for the Waste Aware Scotland campaigns in different local authorities and the other is at appendix 1. I am not entirely sure what the difference is between the two tables. One refers to campaign strategies developed and the other refers to campaigns written. I ask about monitoring effectiveness, because the local authority area where I live does not appear in the first table, but it has five entries in the second table, four of which are supposed to be live, but not one of which I, as a local council tax payer, am aware of. I wonder whether when we have grand plans we are monitoring whether anybody is aware of them. Is the ordinary person in the street even aware of what is available? I am not sure that they are. We have to consider that before we even get to the point of asking whether what is available is sufficient.

Dr Souter: The programme has just started with the release of the strategic waste fund moneys. Which area were you talking about in particular?

Roseanna Cunningham: I was talking about Perth and Kinross Council area, which is not mentioned in the table that refers to campaigns

written but is included in the table that refers to campaign strategies developed.

Dr Souter: I will explain the process that we have been going through. We are trying to develop a national campaign identity that is deliverable at local authority area level or waste strategy area group level. I was at a meeting of the Tayside waste strategy area group when it outlined as part of its implementation plan what infrastructure would be put in place in Perth and how long the roll-out would take.

We devise campaign strategies on specific issues. There is no point in telling people to recycle generically if the infrastructure is not there. Each Waste Aware Scotland campaign focuses on a specific issue. There are campaigns on home composting, kerbside recycling and recycling centres and points. There is different infrastructure to suit different locales and different housing types. Perth's campaign strategy has been written and submitted with a bid to the strategic waste fund, but Perth has not accessed money from the fund. The "Campaigns Written" heading is about what is going to be rolled out as part of local authorities' plans. A limited number of campaigns are live. In the next six months a huge number of campaigns will start to hit the ground running.

Roseanna Cunningham: How will you measure effectiveness?

Dr Souter: Inherent in the strategy is our ability to monitor and appraise the effectiveness of the campaigns. There are two ways of doing that, using soft and hard targets. The hard targets relate to tonnages and to the quantity of materials that have been collected. We also have to look at how effective the media scheduling and educational plans are. Nine or 12 months down the road, we will appraise the public's attitudes to current infrastructure and appraise the effectiveness of the different media that have been used to communicate the waste message—whether that be a stand-up presentation at a local mother-and-toddler group or a poster campaign. We will look at the public's recall of the messages that are linked to the waste campaigns. In that way, we can start to develop models of best value and good practice and, if a continuity of approach is taken across the 32 local authority areas, we can start to share that experience.

12:00

Maureen Macmillan: Angus Macpherson said that RAGS is mapping community services. When it does that, does it distinguish between voluntary bodies, community businesses, social firms and so forth? Many different kinds of community organisations are involved in waste. He also said that the enterprise companies were not engaging

with community businesses. Is that a constant across Scotland or is it the case only in particular parts of the country?

Angus Macpherson: That is a wide range of questions. On the first point, as we begin to go round the country, we are getting a greater awareness of the range of services that are out there. We are trying to decide how the information that we are collecting will be analysed. The presentation has not been finalised.

The second question concerned funding and the ability of community groups to access funding. The situation very much depends on the area. Some groups find it easier to access funds than others do. As a broad generalisation, it would be fair to say that the enterprise network does not seem to have been supportive of recycling activities. It is not easy to get enterprise funding.

Further to that point, waste fund moneys are equally difficult to access. We are beginning to see waste plans being supported by central funding, but the money needs to filter down the system so that community groups or businesses can get involved. They see that money is available, but they are not getting the funding that they need.

The story that we heard earlier is one that RAGS hears frequently. As you can imagine, many of our members are enthusiastic; they want to move forward on the issue and find the constraints difficult to understand. The definition of waste is in itself a restriction. All of a sudden, people have to go through waste planning, waste regulations—waste everything—when all that they may be trying to do is to set up a reuse facility.

The Convener: That seems a good point on which to end today—in a sense you have answered a question with a question. That concludes our evidence-taking sessions today. I thank the witnesses for coming before the committee and for giving us their submissions in advance. I invite them to escape at this point.

Next week's meeting is the last evidence-taking session in our national waste plan inquiry. We will take evidence from the Minister for Environment and Rural Development. I have clarified with the clerks that members should have a copy of all the other submissions, which will be circulated to members before the meeting. That will allow members to take an overview of the subject before we speak to the minister.

Subordinate Legislation

Animal By-Products (Scotland) Regulations 2003 (SSI 2003/411)

12:03

The Convener: The regulations that are before us are to be considered under the negative procedure. They have been considered by the Subordinate Legislation Committee, which has expressed concern about defective drafting. An extract from its report has been circulated to members. Do members have comments to make on the regulations?

Karen Gillon: I am not convinced that there is enough wrong with the regulations for us to do something about it. However, we should send a message to the Executive that such defective drafting needs to stop. The problem is not new; it has been going on for the past four years and we continually draw it to the Executive's attention. The stuff that is highlighted in the paper is fairly basic. If one part asks people to keep records, why does another not do so? To assume that people would know what to do is an inappropriate response. I ask the convener to write to the minister in the strongest terms to say that the problem needs to be sorted out. Such defective drafting would not be acceptable in a member's bill and it should not be acceptable in regulations that come from the Executive.

Alex Johnstone: The regulations are extremely important and I am 100 per cent supportive of their continuing as law. However, I share some of Karen Gillon's concerns. Some of the matters that the Subordinate Legislation Committee has drawn to our attention are probably not significant. However, the confusion over the meaning of terms, to which that committee refers in the first part of its report, could have a significant impact on the enforcement of regulation 32—and I suspect that that confusion might be the basis for challenges at some point. For that reason, although I am happy to support the regulations because they do things that we want to see done as quickly as possible, I am keen for the convener to write to the minister to indicate that if, in the future, it becomes necessary partially to redraft the regulations and to reintroduce them, we would be delighted to support them with equal enthusiasm at that time.

The Convener: I detect a consensus here. The Subordinate Legislation Committee has given this committee a clear indication that there is a policy matter for us to decide. We want to ensure that the regulations are properly enforced and deliver derogation for remote areas. It is important that that is clarified. I propose that we write to the

minister to draw the matter to his attention. We should also acknowledge in our formal report to the Parliament that the Subordinate Legislation Committee has raised the issue of defective drafting. In that way we can bring the matter to the attention both of the minister and of the Parliament. That would leave the option open for ministers to ensure that guidelines on the implementation of the regulations indicate how they should be interpreted. It would also give ministers the option to come back in the future, if necessary, with further regulations subject to the negative procedure that would put the provisions into effect. That course of action allows us to flag up the issue while letting farmers across Scotland get on with implementing the regulations—which is what we all want.

Roseanna Cunningham: We should make it explicit in anything that we say to the Executive that if a requirement is drafted that has no apparent sanction, it is completely unenforceable in law. Without a sanction, there is no way that the regulation can ever be enforced. The whole point of the instrument becomes moot. It is worth flagging that up.

The Convener: That brings us back to Karen Gillon's point about the regulations on keeping records.

We need to flag up those concerns to the Executive. There is also an issue around the fact that the Subordinate Legislation Committee says that the regulations are defective but does not recommend that we decline to support them—we need to know how important the Subordinate Legislation Committee thinks the matter is.

I take on board Roseanna Cunningham's point. At the very least, we should write to the minister to express our concerns. We should also mention those concerns in our report to the Parliament, to draw them to the attention of other committees and members. Does the committee agree to that?

Members indicated agreement.

The Convener: I clarify that we will also report that we are content to make no recommendation on the regulations to the Parliament. Is that agreed?

Members indicated agreement.

The Convener: I remind members that our meeting next week will start at 10 am—I am sure that you are delighted about that—and that there will be no pre-briefing. We will consider three Scottish statutory instruments, a further paper on the Nature Conservation (Scotland) Bill and related petitions and the minister will attend. I remind members that we will deal with the budget as well as with the national waste plan, so we will have quite a heavy work load.

Meeting closed at 12:09.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Monday 13 October 2003

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0870 606 5566 Fax 0870 606 5588

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 020 7242 6393 Fax 020 7242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriel Bookshop,
18-19 High Street, Cardiff CF1 2BZ
Tel 029 2039 5548 Fax 029 2038 4347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

RNID Typetalk calls welcome on
18001 0131 348 5412
Textphone 0131 348 3415

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers