



Briefing for the Public Petitions Committee

Petition Number: [PE1563](#)

Main Petitioner: Doreen Goldie on behalf of Avonbridge and Standburn Community Council

Subject: Ban sewage sludge use on land

Calling on the Scottish Parliament to urge the Scottish Government to ban the use of sewage sludge on land and to look for alternative acceptable methods of disposal as adopted in other European countries.

Background

Sewage sludge is a by-product of the waste-water treatment process. According to the UK [Department for Environment, Food and Rural Affairs](#) treated sewage sludge - also known as 'biosolids' - has several valuable properties. It:

- is a readily available alternative soil-building material
- contains nutrients and valuable trace elements essential to animals and plants
- is a more efficient and sustainable alternative to inorganic fertilisers and mineral fertilisers - such as phosphate
- provides a source of slow-release nitrogen ideal for use in land restoration
- is a good substitute for peat in land-reclamation projects thus conserving valuable natural peatland

However, sewage sludge can contain heavy metals which may be harmful to humans and animals unless it is applied correctly.

Regulations on the application of sludge to farm land

The Netregs website has guidance on environmental regulations for businesses in Scotland and Northern Ireland. It has a [page](#) which explains how the spreading of sewage sludge on agricultural and other land is regulated.

On farm land, different rules apply to farms in Nitrate Vulnerable Zones. There are four Nitrate Vulnerable Zones in Scotland - Lower Nithsdale; Edinburgh, East Lothian and the Borders; Strathmore and Fife; Aberdeenshire, Banff,

Buchan and Moray (see [maps](#)). In these areas [strict rules](#) apply to the use of fertilisers (including the use of sewage sludge) to reduce the risk of nitrate pollution.

All farmers who apply sewage sludge to land must comply with the Sludge (Use in Agriculture) Regulations 1989 (as amended). They prohibit the use of sludge from waste water (sewage) treatment works and septic tanks being spread on agricultural land unless specified requirements are fulfilled. They also specify certain activities that are not permitted on land following sludge application, until prescribed periods of time have lapsed.

Sewage sludge must not be applied to land:

- within 10m of any ditch, burn, river, loch, wetland or coastal water (on sloping ground a wider buffer zone may be required).
- within 50m of any spring that supplies water for human consumption or any uncapped well or borehole.
- on waterlogged or snow covered ground.
- on shallow soils (average depth of less than 40cm over gravel or fissured rock)

Additional requirements are that:

Farmers must only use sewage sludge that has been tested according to the Sludge Regulations, and this must not exceed the limit on the average annual rate of addition of metals in the sludge. They must not spread sewage sludge on a field unless they have tested the soil according to the Sludge Regulations. This includes checking that the limit on the concentration of metals in the soil will not be exceeded by spreading the sludge. Sludge must not spread sludge on land that has a soil pH of less than five.

Sewage sludge or septic tank sludge must not be used:

- when fruit, other than fruit trees, or vegetables are growing or are to be harvested in the soil
- without taking the nutrient needs of the plants into account
- if it will damage the quality of the soil, surface water or groundwater.

Farmers must give a sewage sludge producer information about any past sludge use by a different producer. This should include details of where, when and how much sludge was used and who supplied it.

After sewage sludge or septic tank sludge has been applied, farmers must not:

- graze animals or harvest forage crops for at least three weeks
- harvest fruit and vegetable crops that are grown in direct contact with the soil, and that are normally eaten raw, for at least 10 months.

After sewage sludge or septic tank sludge has been applied, farmers must:

- Work untreated sludge into the soil as soon as possible. Untreated sludge is sludge or septic tank sludge that has not undergone biological, chemical or heat treatment, long-term storage or a process to reduce its fermentability and health hazards.
- Inform SEPA immediately if sewage sludge enters a watercourse.

The Safe Sludge Matrix

Water UK representing the UK Water and Sewage Operators and the British Retail Consortium (BRC) representing the major retailers have developed the [Safe Sludge Matrix](#). It consists of a table of crop types, together with clear guidance on the minimum acceptable level of treatment for any sewage sludge which may be applied to that crop or rotation.

The PEPFAA Code

The Prevention of Pollution from Agricultural Activity (PEPFAA) Code is intended to provide practical guidance for farmers, on minimising the risks of environmental pollution from farming operations. The code includes measures which farmers are required to undertake/comply with by law; measures which they are required to comply with in order to receive farm subsidies; and other measures which are best practice. [Section 5](#) of the Code sets out the Dos and Don'ts for the use of non-agricultural wastes, including sewage sludge. It sets out the regulatory requirements described above, with additional best practices.

Spreading sludge on non-agricultural land

Netregs explains that businesses spreading sludge on non-agricultural land, e.g. land which is going to be planted with trees for forestry, must register an exemption from waste management licensing.

Scottish Government and Scottish Parliament Action

In July 2014 Angus MacDonald MSP tabled a PQ asking the Scottish Government whether it plans to review the practice of sewage sludge spreading and the effectiveness of controls and enforcement powers.

In his answer given on the 28 August 2014, the then Minister for Environment and Climate Change, Paul Wheelhouse MSP explained that he had asked his officials to consider with the Scottish Environment Protection Agency (SEPA) the current legal regime and practices around the spreading of sewage sludge. He said that following these discussions he intended to commission a review on the use of sewage sludge on land to ensure that this activity meets public expectations. This review will be led by SEPA in conjunction with officials and a wider range of stakeholders, including Scottish Water, local authorities, waste management contractors, the public and landowning interests.

In March 2015 Margaret Mitchell MSP tabled a question asking when the formal review of waste spreading will commence, and whether the public will have the opportunity to respond.

In his answer of the 26 March 2015 the Cabinet Secretary for Rural Affairs, Food and Environment, Richard Lochhead MSP stated that:

The review into the spreading of sewage sludge on land began on 6 March 2015 when the Scottish Environment Protection Agency, Scottish Water and Scottish Government met to finalise the terms of the review.

The review will take into account the views of a range of stakeholders and community groups. A meeting has already taken place with representatives of the Avonbridge and Standburn Community Council to hear their views and concerns.

At Portfolio Question Time on the 22 April 2015, Margaret Mitchell MSP [asked](#)¹ for an update on the review. In response the Cabinet Secretary replied that:

The review of waste spreading is under way. The Scottish Government—in partnership with the Scottish Environment Protection Agency and Scottish Water—has held a number of meetings with stakeholders to better understand the key issues regarding the spreading of sewage sludge on land.

In particular, my officials have met representatives of communities in the member's region to hear their concerns. We want to make sure that, when sewage sludge is stored or spread on land, it is done safely and does not cause nuisance or inconvenience to the public. As part of the review, we are looking closely at the legislation, processes and guidance underpinning the practice, and further meetings with key interests will take place in the coming weeks.

In the following exchanges, Margaret Mitchell MSP, Claudia Beamish MSP and Angus MacDonald MSP asked supplementary questions.

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23 April 2015

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¹ S40-04225