

PE1563/M

Scottish Government Email of 22 March 2016

Dear Ned

With regard to previous correspondence on this petition, I can confirm that we were given sight of the petitioner's comments on the Sludge Review recommendations, and wrote directly to Ms Goldie in reply.

I have attached a copy of this reply for the Committee's information.

I hope they find this helpful.

Regards

GARY GRAY

Zero Waste Delivery Team

Scottish Government

Dear Doreen

Thank you for taking the time to respond in detail to the recommendations.

Those recommendations that involve changes to legislation are currently being integrated into the SEPA/Scottish Government joint Better Environmental Regulation Programme, and we are working closely with technical and legal advisers to ensure these are transposed into law in the most effective way. We expect the public consultation to take place in late spring or early summer. It will be part of the consultation on the Better Environmental Regulation Programme, but we will issue a separate document to set out the legislative measure that relate the Sludge Review Recommendations. This will enable all affected stakeholders to put forward their views. Your response to the recommendations, along with any further material you may wish to submit in response to the formal public consultation, will be considered alongside all other responses that we receive. I will ensure that the information you sent us from Water Technology Engineering Ltd are submitted to the human health specialists who will be commissioned to update the SNIFFER report from 2008. The sludge review team fully recognised the need to get an up to date report on human health effects and risks, and I will ensure that Health Protection Scotland participate on the Steering Group of this important study.

During the course of the Sludge Review, we did not conduct a full public consultation, but rather spoke to a cross section of stakeholders, including 2 Community Councils - Avonbridge and Standburn Community Council and Douglas Community Council – as our task was to identify problems and develop solutions to those problems. During the full public consultation we hope and expect that responses will come from many other communities.

The process for developing new draft legislation, consulting on it and finalising it, and then taking it through Parliament is time consuming and complex. Consequently, we expect these changes to be in force by February 2018 at the latest. However, there are improvements that can be made to guidance, practice and evidence base before then, and we will do our best to make that happen. In addition, all those involved in the management, production and use of sewage sludge are now aware that these changes are coming, and will therefore be preparing for them. We are aware that the vast majority of sewage works are run by subcontractors under long term PFI contract, but they are still subject to the enforcement of regulations and will be affected by these changes.

As you know, there are also recommendations that do not involve legislation, such as improvements in communication and guidance, as well as the commissioning of research. We expect to make progress on these elements over the next few months, and I'm happy to meet with you later in the year at such time as there is some progress to report. In the meantime I'm aware there is ongoing liaison

between Scottish Water and the Community Council, and I also know that SEPA is continuing to monitor the local situation in the Falkirk area.

Finally, I am aware that there have been calls for the practice of spreading sewage sludge to cease. However, that option was never within the scope of the Review, and so it is not covered by the Recommendation report. In terms of the available evidence, I would reiterate the Scottish Government's position that when good practice is adhered to, it is safe and environmentally beneficial. Nevertheless, we want to see the evidence base improved and developed, as this will improve understanding and improve practice. With regard to the practice of incineration, I can confirm that we currently burn around 37% of our sewage sludge, and as such we do not differ greatly from most of our European neighbours.

With regard to the regulatory changes, much of the detail - such as the specifics of the "fit and proper person" test - has still to be developed and agreed, but the consultation document will clarify these points.

Thanks again for your help, and I look forward to meeting with you again later in the year.

Regards

Mike Berry

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