

**DRAFT REGULATIONS ON THE PLANNING HIERARCHY
RESPONSE OF THE SCOTTISH ENVIRONMENTAL SERVICES ASSOCIATION**

The Scottish Environmental Services Association ("SESA") is the sectoral trade association representing Scotland's managers of waste and secondary resources. SESA's Members seek to align economic and environmental sustainability through delivering compliance with relevant waste and environmental law.

An effective planning system is a crucial driver for Scotland to develop a resource efficient economy. To process and treat waste in different ways, major investment is required by our sector and this investment is dependent on the Scottish Government delivering a clear and enabling planning framework.

Q1 Do you support the proposed number of classes in the Schedule of Major Developments?

Whilst there may be a case to consider waste facilities as major development, we see little merit in a separate class for waste management facilities. The proposed class of *EIA Schedule 1 development* would enable the largest of waste management development to be defined as major development.

However, if the Scottish Government is minded to include a greater range of waste management development as major development than currently offered by the thresholds of EIA Schedule 1, it may wish to consider amending the class of *EIA Schedule 1 development* to include all development which requires EIA.

Q2 Do you agree with the proposed major development thresholds described in the Schedule for:

- a) EIA Schedule 1 Development
- b) Housing
- c) Business and General Industry, Storage and Distribution
- d) Renewable Energy Generation
- e) Waste Management Facilities
- f) Transport Infrastructure
- g) All Other Development?

SESA does not support the threshold which the Scottish Government proposes to apply to major waste management facilities and seeks further clarification on a seemingly arbitrary threshold of 25 000 tonnes.

As the Scottish Government's proposals currently stand, major waste management development would range from an installation for the incineration of hazardous waste to a 25 000 tonne waste transfer station– the latter of which could not be considered as having greater than local significance. Given this range of development it is hard to envisage that local planning authorities could adequately apportion resources to reflect the scale and complexities of major development.

SESA is concerned that the proposed threshold is too low, thereby effectively defining the vast majority of waste management planning applications as major development. The determination of such development would be subject to the proposed extension from two to four months – with a potential period of eight months before an applicant could appeal against deemed refusal (if determination was extended by agreement).

The consultation's proposals are clearly at odds with the Scottish Government's commitment to promptly deliver a network of waste management facilities to secure Scotland's compliance with EU Directives on waste.

SESA suggests that thresholds for major development should be limited to those developments which fall within the scope of the EIA regulations. However, we see no merit in proposals contained within a separate consultation: *development management* whereby such planning applications would be subject to pre-determination hearing and with final decision taken by the full council. SESA supports the status quo as members of Planning Committees have received specialist training and possess more experience to determine planning applications.

Q3 Do you agree with the proposed approach of avoiding regional variation?

If, notwithstanding our response to question 2, the Scottish Government is minded to include a threshold for major waste management development, this should be less arbitrary than a 25 000 tonne threshold. As currently proposed, the threshold neither considers the scale and complexity of a development nor the resources of local authorities to process major planning applications.

If the Scottish Government is minded to set a threshold it may wish to consider the capacity of major development as a prescribed percentage of a local authority's *total* waste arisings.

Q4 Do you agree with the definition of local developments?

No comment.

Q5 Are there any potential impacts on the business or voluntary sectors that we should be aware of in finalising these regulations?

The development planning process has remained a slow and cumbersome process which has strained the resources of planning authorities and created uncertainty for the waste management industry which wants to invest in state of the art recycling and recovery facilities to ensure Scotland's waste is managed in accordance with EU waste law.

The proposals for planning reform contained within the consultation offer little by way of improvement to the processing of waste management planning applications through the planning system. SESA suggests that the planning system is more closely aligned with the Scottish Government's waste management strategy which requires an increase in waste management capacity to be delivered through the planning system.

For an industry which operates across the UK, planning and investment in new waste management facilities could be complicated by wide variations in planning regimes. The Scottish Government should strive to contribute, where appropriate, to consistency in planning regimes across the UK.

Q6 Are there any potential impacts on particular societal groups that we should be aware of in finalising these regulations?

No comment.