



Law Society
of Scotland

Consultation Response

Waste management (waste motor vehicle) permit
consultation

February 2020



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Environmental law Sub-committee welcomes the opportunity to consider and respond to SEPA's consultation: *Waste management (waste motor vehicle) permit consultation*¹. We have the following comments to put forward for consideration.

General remarks

We welcome the general approach towards simplification which this consultation represents.

Consultation questions

5. Do you agree that the removal of SEPA approved working plans from the permit is the way forward?

We agree with the principle that the responsibility for environmental management should rest with the authorised person in relation to any site. However, how will SEPA ensure that there is a level playing field across the sector in terms of such environmental management if there is no longer a standard template to follow? Does SEPA intend to introduce appropriate guidance to provide at least minimum standards that should be adhered to in order to prevent non-compliance and environmental harm at poorer performing sites?

¹ <https://consultation.sepa.org.uk/permits/waste-motor-vehicle-permit/>

6. Do you agree with our approach to technical competence?

We agree with the approach but again note that there should be clarity provided (perhaps through guidance) as to what SEPA will require, as a minimum, to demonstrate technical competence, particularly given that permits may be suspended if SEPA consider that this has ceased. Given that this is likely to be different from company to company or site to site, SEPA may want to consider a number of examples.

7. Do you agree with our approach? (Process control and management conditions)

We agree with the approach but again note that there should be clarity provided (perhaps through guidance) as to what SEPA will require as a minimum.

8. Do you agree with our new approach? (Structure of waste management permits)

Yes, we welcome the general approach towards simplification and consistency.

9. What are your views on our new approach of controlling the waste activities that can and cannot be undertaken?

We agree with the approach but as noted above, consider that there should be clarity provided (perhaps through guidance) as to what SEPA will require as a minimum to prevent inconsistency and potential non-compliance.

10. If you are an operator, do you think this new approach will affect operations on your site?

No comment.

11. Do you think it is clear from Table 1 of the permit which waste activities can and cannot be undertaken?

No comment.

12. What are your views on our new approach of controlling waste throughput?

We welcome the greater flexibility afforded by the new approach, which will, to some extent, accommodate market fluctuations and demand. Given the consequences of a limit being breached, it is important that the assessment and setting of the annual waste acceptance limit is done in conjunction with operators.

13. If you are an operator, do you think this new approach will affect operations on your site?

No comment.

14. What are your views on our new approach of controlling the quantity of wastes that can be stored?

Again, given the consequences of a limit being breached, it is important that the assessment and setting of the limits, on a site by site basis, is done in conjunction with operators.

15. Do you think the site infrastructure requirements (including Table 2) are clear and easy to understand?

No comment.

16. Do you think including the depollution and part removal / reuse steps is helpful?

Yes, we welcome the general approach towards simplification and consistency.

17. Are the steps easy to understand?

No comment.

18. Do you think our conditions around nuisance are robust enough to protect local communities near to sites?

We consider that it is necessary for SEPA to clarify what will be considered 'significant' to ensure that enforcement by officers is consistently applied, albeit taking into account the specifics of the site, rather than subjective.

19. Do you think our proposed approach is fair to operators?

Please see the response to question 18 which applies equally to this question.

20. Do you think including the discharge of trade effluent / surface water run-off in the permit is helpful?

Yes, we welcome the general approach towards simplification and consistency but it would be useful to understand how SEPA intend this approach to dovetail with the controlled activities regulations.

21. Are the discharge options and requirements easy to understand?

No comment.



For further information, please contact:

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