Annex A

Regulation 11 - Personal Data

While our aim is to provide information whenever possible, in this instance an exception under Regulation 11, personal data, has been applied to some of the information requested.

Information has been redacted under Regulation 11 (Personal Data), as it contains personal information and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulations (GDPR) and in Section 34(1) of the Data Protection Act 2018.

This exception is not subject to the 'public interest test'.

Regulation 10(4)(e) - Internal communication

While our aim is to provide information whenever possible, in this instance an exception under Regulation 10(4)(e), internal communication, has been applied to some of the information requested.

This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception.

We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in releasing the information as part of an open, transparent and accountable government. However, this is outweighed by the greater public interest in allowing Scottish Government officials and ministers a private space to share free and frank views for the purpose of deliberation of any given policy.

Regulation 10(5)(f) - Third Party Interests

A small amount of information has been withheld under regulation 10(5)(f) Third Party Interests. This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception.

We recognise that there is some public interest in releasing the information as part of an open, transparent and accountable government. However, disclosure of this commercially sensitive information would, or would be likely to, prejudice substantially the confidentiality of commercial information provided by third parties.

Annex B

BIODEGRADABLE MUNICIPAL WASTE LANDFILL BAN - BRIEFING FOR CABINET SECRETARY FOR CLIMATE ACTION & ENERGY, 23 JUNE 2025

Purpose of meeting

To consider approach to managing risks in delivering forthcoming ban and agree next steps.

Points for discussion

1. Key issues/risks
2. Key considerations
3. Potential options – pros and cons; red lines, risk appetite/tolerance
4. Next steps

Background

- Significant preparations made for ban since previous decision was taken to delay coming into force date from 2021 to 31 December 2025. 29 of the 32 local authorities have alternative measures in place *[Remaining LAs – Borders, West Lothian, Western Isles]*
- Independent review of incineration (2022) noted that there would be a temporary shortfall in energy from waste (EfW) capacity when ban comes into force, noting exports could be an alternative interim solution, but projected a surplus of EfW capacity from circa 2027 if all EfWs under construction or with planning permission progressed
- Latest available evidence suggests significant challenges remain to securing full compliance by 31 December, in particular an ongoing gap in available EfW capacity in Scotland which is impacting on ability of remaining commercial operators (notably SMEs) and LAs to secure alternative solutions.
- EfW pipeline has been impacted by wider issues, including inflationary and supply chain pressures. Some developments delayed or now uncertain. We are working with SEPA and waste sector to ensure clear understanding of latest position and implications for available capacity.
- Based on latest intel, this may mean there is undercapacity until 2028, and then just enough capacity from that point, with little flexibility in the event of plant outages, downtime, breakdowns, business failure, or contingency for national crisis. Also perpetuates a 'buyers market' mentality where EfW operators can pick and choose, and leave certain waste streams with no home. The risk of significant overcapacity over the medium term is now very low.
- Waste sector representatives have restated the sector's ongoing support for the ban and ongoing commitment to find solutions. However, given concerns about ongoing capacity gap, in proposals put forward to the Scottish Government on 4 June waste sector representatives have proposed a temporary solution whereby SEPA could issue an interim regulatory position statement that would allow time-limited derogations from the ban in strictly limited circumstances.
- In response to this attention, and the concerns raised, the First Minister acknowledged remaining implementation challenges and reaffirmed that the Scottish Government continues to work closely with the waste sector to explore several options.

Key issues/risks

***Delivery risks**:*

- Challenges to securing full compliance with ban without significant waste exports to England or Europe due to ongoing capacity gap following ban – latest published evidence

(Oct 2024) suggested circa 600,000 tonne gap. Latest advice from SEPA (unpublished) is that this may have reduced to circa 300,000 tonnes.

- Waste sector has raised concerns about potential need to export waste south and potential disruption to waste collection/disposal unless alternative solutions put in place. Specific concerns raised regarding potential impact on NHS and social care waste arrangements; and on SMEs. Waste sector has also raised concerns about limited resilience/flexibility in the event of planned or unplanned EfW closures.
- Any delay to fully implementing ban many also impact on delivery of waste sector emission reduction targets (see below and Annex A).

Political risks due to previous delay & potential for waste exports (UKG concerns raised.)

[REDACTED: REGULATION 10(4)(e)]

Key uncertainties

- Actual available remaining capacity in Scottish EfWs – commercial sensitive information, EfW operators reluctant to share but actively working on securing clearer understanding of this.
- Whether main problem (tonnage wise) is SME commercial waste, or waste from 3 remaining LAs – these require potentially different solutions.
- Cosla position on options including providing any temporary flexibility, given 29 out of 32 LAs have invested to be ready.
- SEPA position on scope for any temporary flexibility – [REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]

1. **[REDACTED: REGULATION 10(4)(e)]**
2. **[REDACTED: REGULATION 10(4)(e)]**
3. **[REDACTED: REGULATION 10(4)(e)**

Key considerations

Political:

- Ban already delayed from 2021.
- Large waste operators and 29 out of 32 LAs already have invested to put in place ban compliant solutions.

Environmental:

- These shorter-term challenges need to be balanced with the positive impact of the BMW ban on our GHG emissions reduction objectives, and longer-term residual waste strategic planning to ensure that we have appropriate capacity in place to manage the expected, declining volumes and composition of waste – and (learning lessons from Covid-19 pandemic) to manage any national crisis where additional residual waste capacity may be needed to protect public health.

- While much of the impact of the policy has already been realised, sector emissions are projected to continue to drop as a result of less waste (especially biodegradable types) going to landfill. The reduction in BMW to landfill is projected to help reduce overall sector emissions from 1.7 MtCO2e in 2023 to between 0.58 and 0.74 MtCO2e by 2040. This range assumes implementation of the BMW ban to the current 2025 timescale. Exporting large volumes of waste likely to generate additional transport emissions – but further analysis needed to compare environmental impact of options

- In the most recent Carbon budget advice (2025), the CCC's pathway assumes (1) the near elimination of biodegradable waste to landfill by 2028 across the UK (this assumption goes beyond municipal waste, and covers non-municipal waste, i.e. from both household and commercial and industrial sites); and (2) an elimination of all waste sent to landfill in *2045.* In order to deliver the BW assumption, the CCC states that SG *"should consider accelerating plans to introduce statutory recycling and reuse local performance targets, currently planned from 2030, to increase recycling and waste reduction efforts ahead of the elimination of biodegradable waste going to landfill*".

Impact on public services & business:

- 29/32 local authorities already have ban compliant solutions in place.
- Concerns raised about potential impact on remaining LAs and on NHS/social care waste management if alternative solutions not in place**.**
- Potential additional costs of securing ban compliant solutions for remaining LAs and businesses (notably SMEs)

Financial

- Interaction with Sottish Landfill Tax revenue – Scottish Fiscal Commission projection already assume full implementation of ban by Dec 2025.
- If waste is exported to England and landfilled, UKG would benefit from revenue.

[REDACTED: REGULATION 10(4)(e)]

Action taken to date/in train

- Ongoing evidence gathering about challenges and EfW capacity/pipeline
- Initial option identification/appraisal with SEPA/ZWS

- Engagement: Initial discussions with commercial waste sector reps and professional body – 12 June; and with Scottish Government/Local Government Strategic Steering Group 18 June

Next steps

- **Further engagement with sector**: SG and SEPA officials met with sector reps on 12 June to discuss the sector's initial proposal. Officials are now urgently seeking to get a **clearer view on the capacity gap**, working with the sector: for example, what sources and types of waste are exposed / do not have a contract in place (for example, is it predominantly SME waste), what are the implications, and the mitigation options for the sector and government. Further meeting with waste sector representatives 26 June.
- **Further engagement with Local Government:** Fu*rther engagement planned with local government/ Cosla and UKG officials. [Subject to your views, you may wish to onsider initial discussion between Cabinet Secretary and Cosla spokesperson].*
- **Further evidence gathering and review of available options** with SEPA and ZWS, working with waste sector.
- **Development of advice**: We will provide an interim update to you by end of this week, following further discussion with waste sector on 26 June. Following further engagement with sector and SEPA/ZWS, officials will look to lay out options and risks at pace for you. Subject to your views, we can provide a draft note from you to FM and other Ministerial colleagues (Cab Sec Local Government & Finance, DFM have cross-cutting interests).

Further detail is provided in Annex A.

Waste Management Team
Circular Economy Division
23 June 2025

ANNEX A

Background

- The Landfill (Scotland) Regulations 2003 includes a provision for a ban on biodegradable municipal waste going to landfill from 31 December 2025. Equivalent provision will also be in the Environmental Authorisations (Scotland) Regulations 2018 from 1 November 2025.
- The ban's objectives are to reduce waste landfilled, help extract remaining resource value from the residual waste stream, and reduce greenhouse gas emissions from landfilling biodegradable waste.
- The landfill ban was originally legislated for with intention to launch in 2021. Industry concerns, such as the lack of local authority and commercial sector readiness and limited available EfW capacity in Scotland, resulted in the launch date moving to 31 December 2025.

Key issues and challenges – BMW ban

- **Capacity gap**: In October 2024, SG & Zero Waste Scotland published a report which indicated that there could be a capacity shortfall of approximately 600kt in 2026 for residual waste (ie waste that can no longer be landfilled as a result of the ban, where there isn't a viable/contracted alternative disposal route). The latest (unpublished) advice from SEPA is that this figure may be closer to 300kt.
- **Key sector concerns**: In early June 2025, a Waste Sector briefing sent to SG notes concerns about short fall of capacity ('capacity gap') to fully comply with the ban; and negative environmental and financial impacts (eg extra transport emissions/cost, loss of landfill tax revenue) if waste needs exported to England or abroad - sector estimated circa 100 HGVs per day may need haulage to England.
- **Sector proposal**: Representatives of CIWM, REA, RMAS and SESA put forward, in a discussion paper, their initial views on a potential solution to manage the capacity gap from the end of 2025 to 2028. Their suggestion was for SEPA to publish an Interim

Regulatory Position Statement, allowing time-limited derogations to be applied in limited circumstances. SG and SEPA officials met with sector reps on 12 June, and this will be discussed in more detail at Thursday 26 June's Sector Forum.

Capacity gap - EfW

- There are currently 8 operating Energy from Waste (EfW) plants in Scotland.
- A further two facilities (Westfield and Oldhall) are on track to complete this year.
- If these facilities are operational, this means that on day one post-BMW ban, SEPA estimates a 205,000 tonnes shortfall – this may rise to circa 300-350 kt tonnes given the current closure of Levenseat EfW.
- There are two further facilities in the construction pipeline – [REDACTED: REGULATION 10(4)(e)] Assuming 90% plant availability this provides around 390,000 tonnes of new capacity, which just about closes the gap **but after the ban has taken effect**.
- [REDACTED: REGULATION 10(4)(e)] and there have been no 'new' proposals since the EfW notification direction was issued by Ministers in November 2022.
- We will ultimately have 12 EfW facilities in Scotland (or 11 if the Levenseat facility remains closed) by 2028, with it being unlikely that more are on the horizon.
- **Implications**: Undercapacity until 2028, and then just enough capacity from that point, with little flexibility in the event of plant outages, downtime, breakdowns, business failure, or contingency for national crisis. Also perpetuates a 'buyers market' mentality where EfW operators can pick and choose, and leave certain waste streams with no home. The risk of significant overcapacity over the medium term is now very low.
- In the short-term, the capacity shortfall will likely result in waste needing to leave Scotland for disposal, and will be costly.
- Most Local Authorities (29 out of 32) have a contract in place with EfW plants for most of their tonnage, driven by SG's programme to support LAs to put in place alternative solutions to comply with the ban.
- Early estimates suggest it is SME waste where the issues are likely to arise: cost increases will likely be borne by the SME waste sector who will have to pass on the costs to their customers – high street retail, hospitality etc.

Key waste trends

- Scotland produces around 10.2 million tonnes of waste every year (2022): 23% from household source, 32% from Commercial and Industrial, 45% from Construction and Demolition activity. Of this total, around 62% is recycled, 14% is incinerated, and 23% is landfilled.
- The underlying trends over the past decade show a reduction in waste, a significant shift away from landfill, a rise in recycling, and a rise in incineration.
- In 2023 we landfilled 2m tonnes of waste in Scotland – down from around 7m tonnes in 2005, highlighting significant pace of reduction, driven by BMW ban, Scottish Landfill Tax, and waste reduction/recycling policies.
- The composition of the waste that goes to landfill has changed dramatically, partly as a result of the BMW ban: we have seen a 73% reduction in BMW landfilled since 2005, reducing from 2.0 million tonnes in 2005 to 0.55 million tonnes in 2023. During this period, greenhouse gas emissions from landfill fell from 4.2 MtCO2e to 1.3 MtCO2e, driven by the reduction in BMW waste, and improved landfill gas capture. The number of active landfills has reduced from 170 to 26.
- Much of the remaining material we landfill has a low carbon impact (such as soil and stones) when landfilled, or cannot easily be recycled or disposed of by other means.

GHG emissions

- The majority of emissions in the CCP waste sector are from the decomposition of biodegradable waste in landfills, which produces methane - a greenhouse gas that is around 28 times more potent in the atmosphere than carbon dioxide over a 100-year period.

- The BMW ban to landfill has driven substantial sector emissions reductions by reducing the amount of waste going to landfill and altering the composition of what goes to landfill.
- This has seen waste sector emissions drop from 3 MtCO2e in 2010, to 1.7 MtCOe in 2023. The release of methane from landfill accounts for around 79% of waste sector emissions.
- While much of the impact of the policy has been realised in terms of reduced landfill, sector emissions are projected to continue to drop as a result of less waste (especially biodegradable types) going to landfill. Because landfill gas from biodegradable waste is produced over a number of years (due to the time taken for the waste to decompose), the full benefits in terms of emissions reductions does not occur immediately, but is realised over an extended time period.
- The reduction in BMW to landfill is projected to help reduce overall sector emissions to between **0.58 and 0.74 MtCO2e by 2040**. This range assumes implementation of the BMW ban to the current 2025 timescale.

Climate Change Committee (CCC)

- The CCC has made clear and consistent recommendations about BMW waste and the wider use of landfill since progress reporting began.
- In the most recent Carbon budget advice (2025), the CCC's pathway assumes **(1) the near elimination of biodegradable waste to landfill by 2028** across the UK (this assumption goes beyond municipal waste, and covers non-municipal waste, i.e. from both household and commercial and industrial sites); and **(2) an elimination of all waste sent to landfill in 2045.**
- In order to deliver the BW assumption, the CCC states that SG "*should consider accelerating plans to introduce statutory recycling and reuse local performance targets, currently planned from 2030, to increase recycling and waste reduction efforts ahead of the elimination of biodegradable waste going to landfill*".
- SG's call for evidence on the landfilling of biodegradable and other wastes earlier this year, is designed to directly address some of these recommendations, including evidence and logistical challenges around extending the ban to non-municipal biodegradable waste.

UKG Position

- Previously launched a call for evidence on elimination of biodegradable waste by 2028 to address CCC recommendation, but haven't committed to it yet. Published Call for evidence analysis/response earlier this year Call for Evidence to support the near elimination of biodegradable waste disposal in landfill from 2028 - GOV.UK

Residual waste plan to 2045

- The Circular Economy and Waste Route Map sets out our strategic approach to the sustainable management of our resources through to 2030.
- In its Decarbonise disposal section, it outlines a priority action for the development of a **residual waste plan for Scotland by 2027**.
- This Plan will set the long-term vision for future disposal practices in Scotland to minimise the environmental and climate impacts of waste, while ensuring that we have appropriate capacity in place to manage the expected, declining volumes and composition of waste in the future (accounting for the impact of our 'upstream' policies, like product stewardship, EPR and recycling). The Plan seeks to implement some of the key recommendations from the independent review of incineration.
- The Route Map commits to developing this Plan in collaboration with an advisory group (made up of public/private sector stakeholders).
- The Plan will consider how to ensure a strategic withdrawal from landfill, while ensuring we maintain the necessary capacity to manage waste for which landfill remains the best environmental outcome. **This will help us directly address the CCC's recommendation around phasing out all landfill by 2045.**

- Work to develop this plan has already begun, with plans for an interim report due in 2025/26.

Key Findings from SLR Landfill Capacity Assessment 2026-2036

- A study of Scotland's Landfill Capacity for 2026 – 2036 has been completed by SLR Consulting, on behalf of ZWS, following the previous 2024 report. This report looks at what Scotland's projected landfill capacity needs will be. Full advice on this report, including approval for publication and handling, will follow in due course. Key relevant findings include:
- Between 56-62% of waste currently landfilled annually in Scotland may fall outside the scope of the BMW Ban.
- This means that between c.0.54-0.65Mt (low scenario) c.0.8–1.0Mt (high scenario) per annum will be required for non-hazardous landfill capacity.
- However, a majority of landfill operators indicated plans to close their non-hazardous landfill sites over the period 2025-2027.
- There would be sufficient non-hazardous engineered capacity in Scotland at least until 2026-2027, but that this could be supplemented by planned development of permitted landfill capacity, providing further capacity until 2029-2031, and developing all remaining permitted landfill capacity, which would extend capacity to 2031-2036.
- There is a risk to future supply of hazardous landfill capacity due to there being only a single site in Scotland, with capacity projected to be depleted by 2026.
- The report makes specific recommendations, including the development of a Residual Waste Capacity Model to monitor the ongoing impact of the BMW Ban.

Waste management team
Circular Economy Division
23 June 2025

What	Meeting with COSLA Environment and Economy Spokesperson to: • Acknowledge councils' preparations for the impending ban on biodegradable municipal waste (BMW) being sent to landfill from 31 December 2025; • Listen to views on councils' remaining challenges; and • Discuss the options being explored to address implementation challenges, and any local authority specific issues or considerations.
Where	Online via MS Teams
When	8 October 2025, 13:30 – 14:15
Key message(s)	I welcome and thank Local Authorities across Scotland for the preparations that have undertaken over recent years, which have resulted in an overwhelming majority of Local Authorities having ban compliant solutions in place ahead of the ban. Although significant progress has been made in preparation across the sector, I am aware of the challenges being faced by some parts of the sector,

	notably SMEs and a few councils, to meet the requirements of the ban. I proposed this meeting as I am keen to share my views on what I have heard from the sector and also understand COSLA's perspective on preferred options and next steps. We need to work together to try and assist the sector in tackling the issues they are facing in meeting the ban whilst maintaining the highest level of environmental protection we can.
Who	COSLA Councillor Gail Macgregor – COSLA Spokesperson for Environment and Economy
Why	An opportunity to capture any views from a COSLA perspective on the options being explored in relation to delay to the BMW ban.
Supporting official	[REDACTED: REGULATION 11(2)] – Head of Waste Prevention Unit [REDACTED: REGULATION 11(2)] – Head of Recycling & Waste Management [REDACTED: REGULATION 11(2)] – Team Leader - Waste Management [REDACTED: REGULATION 11(2)] – Waste Management Team
Briefing contents	**Annex A:** Attendees **Annex B:** Opening remarks and Questions **Annex C:** Local Authority readiness and key issues/considerations for local government **Annex D:** Summary of RMAS Proposal

ANNEX A

ATTENDEES

Councillor Gail Macgregor - COSLA Spokesperson for Environment and Economy
Cllr Macgregor has served as a Councillor for the Scottish Conservative and Unionist Party for the Annadale North Ward in Dumfries and Galloway since 2007. She was appointed as COSLA's Environment and Economy Spokesperson in June 2022, previously having served as COSLA's Resource Spokesperson since 2017.

ANNEX B

SUGGESTED SPEAKING POINTS/OPENING REMARKS

[REDACTED: REGULATION 10(4)(e)]

- I welcome this opportunity to meet with you to hear your perspective as COSLA spokesperson, and to understand the specific challenges Local Authorities are facing.
- The issues are well known but, to summarise, the ban on biodegradable municipal waste going to landfill is scheduled to come into force on 31 December 2025 in line with Climate Change Committee recommendations.
- Across the sector, significant steps have been taken to prepare for the ban, and I want to welcome in particular the efforts Local Authorities have made in putting ban-compliant solutions in place, including over the last five years since the previous delay to the ban.

- I understand latest available information confirms that the overwhelming majority of Local Authorities have reported readiness for the ban and the remainder are progressing arrangements towards compliance
- The ban is driving industry and behavioural change. SEPA data shows we are nearly 90% there.
- However, we know from SEPA's analysis that the Energy from Waste (EfW) capacity in Scotland is currently insufficient to handle the amount of waste being diverted from landfill thereby creating significant challenges for the sector, in particular SMEs.
- I recognise the interdependencies between SMEs and Local Authorities, and the knock on effects that business failure may have on councils and communities, particularly in relation to NHS and social care waste contracts and in rural areas.
- Given the First Minister has set out clearly that it is not acceptable for a situation to arise where a large amount of waste is being transported to England, this leaves an estimated 300,000 tonnes of waste with no apparent disposal route outside of landfill.
- I have also heard concern from across the waste sector regarding how to manage the impact of planned or unplanned shutdowns of EfW plants, given the current shortfall of EfW capacity and limited headroom once more facilities come onstream. I understand that this is a particular concern for councils.
- I recognise that Local Authorities' ability to continue to comply with the ban is dependent on there being sufficient capacity in the market, and the pressure that may be put onto authorities in the event of planned and unplanned EfW shutdowns.
- I have been actively considering the options within my gift to mitigate the challenges facing the sector – these are broadly limited to the legislative space, whether retaining the legislation as currently contemplated, or amending the legislation to either delay the ban or change the enforcement requirements.
- Some key considerations for me include the need to:

- avoid backsliding on the ban and protect the carbon emission reductions already achieved
- keep a clear focus on reducing the amount of residual waste we need to manage, alongside landfill diversion for non-recyclable waste
- prevent significant tonnages of waste being hauled for landfill in England
- prevent significant impacts on small businesses and public services in Scotland.

- Given the importance of our partnership approach, I would like to be open and upfront with you about my views and the evidence and available options. However, I would emphasise that discussions are ongoing and final formal decisions are still to be taken.
- My initial preference is that the ban comes into force as planned given the level of preparedness otherwise across the sector and recognising the work done by Local Authorities to implement ban compliant solutions by 2026.
- Options are being actively considered to provide temporary flexibility to those without solutions in place, drawing on options put forward by the waste sector
- I want to ensure that any solution offers comfort to remaining councils and also helps councils' contingency planning in the event of unplanned shutdowns.
- Before any formal decision is communicated, I'm keen to understand:

- COSLA's views on key challenges and available options, in particular the potential to provide time-limited flexibility in relation to the ban for those who need it
- COSLA's view and a Local Authority perspective on other proposals put forward by other parts of the waste sector.

[REDACTED: REGULATION 10(4)(e)]

<u>[REDACTED: REGULATION 10(4)(e)]:</u>

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ANNEX C

LOCAL AUTHORITY READINESS AND KEY ISSUES/CONSIDERATIONS FOR LOCAL GOVERNMENT

Local Authority Readiness Survey

- The overwhelming majority of Local Authorities have ban complaint solutions in place ahead of the ban going live on 31 December 2025.
- Zero Waste Scotland conduced a readiness survey to ascertain the level of preparedness across Local Authorities in August 2025. The survey received responses from all 32 Local Authorities.
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Key Issues and Considerations for Local Government

- The most important considerations from a COSLA perspective remain efficiency and cost, but significant concern also remains as to what contingencies will be allowed in the cases of planned and unplanned outages (such as the recent closure of the NESS facility serving Aberdeen City, Aberdeenshire and Moray Councils).
- [REDACTED: REGULATION 10(4)(e)]

ANNEX D

[REDACTED: REGULATION 10(4)(e)]

1. [REDACTED: REGULATION 10(4)(e)]
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3. [REDACTED: REGULATION 10(4)(e)]
4. [REDACTED: REGULATION 10(4)(e)]
5. [REDACTED: REGULATION 10(4)(e)]
6. [REDACTED: REGULATION 10(4)(e)]
7. [REDACTED: REGULATION 10(4)(e)]
8. [REDACTED: REGULATION 10(4)(e)]
9. [REDACTED: REGULATION 10(4)(e)]

What	Call with Minister Creagh, following recent correspondence on the upcoming biodegradable municipal waste ban and potential implications and concerns over cross-border transportation of waste.
Where	N/A – via phone
When	Thursday 3 July 2025 16:00-
Key message(s)	• The ban on landfilling biodegradable municipal waste that comes into effect on 31 December 2025 is a crucial part of delivering Scotland's net zero ambitions and in line with Committee for Climate Change advice. • The environmental policies put in place have already been effective, leading to the halving of landfill waste in the past decade and our highest recycling rates ever. • It is crucial to Scotland's net zero ambitions to continue to build on that progress through the implementation of the ban on biodegradable municipal waste going to landfill, which is due to come into force on 31 December 2025. • The Scottish Government continues to work with sector partners, including waste operators and Local Authorities, to examine the various challenges and opportunities Scotland faces as we work to achieve our net zero goals and progress towards a circular economy. • Waste sector representatives have restated the sector's ongoing support for the ban and ongoing commitment to find solutions. • In preparation for the ban, the waste sector has already made significant investment in Scotland's energy from waste infrastructure and the vast majority of local authorities - 29 out of 32 - already having alternative measures in place. • We recognise the sector is facing some ongoing challenges in securing full compliance, partly linked to a temporary shortfall in available energy from waste capacity in Scotland

	• The shortfall in Scottish energy from waste capacity is, in part, linked to delays in constructing some of the planned energy from waste capacity, due to wider economic or supply chain challenges. • Scottish Government's position is that we do not believe it to be acceptable for a large amount of waste to be transported to England. • Officials will continue to liaise with Defra officials, recognising the importance of ongoing communication and cooperation.
Who	Mary Creagh CBE MP Parliamentary Under Secretary of State for Nature
Why	Letter from Minister Creagh requested meeting to discuss: • Scottish Government's plans concerning the implementation of this policy and how it may impact waste management in England • How we can best work together, in light of your plans, to ensure the safe and sanitary management of wastes as well as delivering our climate change and circular economy ambitions. Officials suggest you also use this meeting to seek clarity from Minister Creagh on UK government's policy intentions regarding landfilling biodegradable waste
Supporting official	[REDACTED: REGULATION 11(2)], [REDACTED: REGULATION 11(2)]
Briefing contents	**Annex A:** Top lines and relevant briefing **Annex B:** Additional background

ANNEX A

Top Lines

- The ban on landfilling biodegradable municipal waste that comes into effect on 31 December 2025 is a crucial part of delivering Scotland's net zero ambitions and in line with Committee for Climate Change advice.
- The environmental policies put in place have already been effective, leading to the halving of landfill waste in the past decade and our highest recycling rates ever.
- It is crucial to Scotland's net zero ambitions to continue to build on that progress through the implementation of the ban on biodegradable municipal waste going to landfill on 31 December 2025.
- The Scottish Government continues to work with sector partners, including waste operators and Local Authorities, to examine the various challenges and opportunities Scotland faces as we work to achieve our net zero goals and progress towards a circular economy.
- Waste sector representatives have restated the sector's ongoing support for the ban and ongoing commitment to find solutions.
- In preparation for the ban, the waste sector has already made significant investment in Scotland's energy from waste infrastructure, with the vast majority of local authorities - 29 out of 32 - already having alternative measures in place.

CAPACITY GAP

I note sector concerns about the shortfall of capacity and we are working closely with sector representatives to explore options to manage this between 2025-28.

- SEPA and Sottish Government officials met with sector stakeholders in late June to explore their proposal in greater detail.
- There are currently 8 operating Energy from Waste (EfW) plants in Scotland, and 6 plants either under construction or at commissioning stage, with these scheduled to become fully operational between 2025 and 2028.

Additional incinerators, with energy from waste schemes, will come onstream in the next year, and over the next three years - so the capacity gap is temporary.

- Available projections continue to indicate a capacity gap, then turning into an estimated capacity surplus from 2027.
- I have offered to meet with stakeholders to discuss these issues in more detail.
- We will continue to factor UK-wide capacity and system resilience into our scenario planning, in order to prepare for any and all eventualities
- My officials will continue to liaise with Defra officials, recognising the importance of ongoing communication and cooperation.

DELAY TO BUILDING NEW EfW FACILITIES

- The Scottish Government continues to work very closely with local authorities and waste sector bodies to monitor and review key issues as the date of the ban approaches, including available disposal capacity.
- The construction of some new facilities is delayed due to wider factors, including inflation and supply chain pressures.

POTENTIAL INCREASED WASTE EXPORT TO ENGLAND AND ABROAD

- As part of our ambition for a circular economy, the Scottish Government is clear that we should manage as much of our own waste in Scotland as possible. Currently, only around 15% of waste we, as a nation, produce is processed elsewhere.
- Scotland itself takes on waste on behalf of other parts of the UK. Notably, housing the UK's only facility responsible for the reprocessing of farm plastics.
- It is important, therefore, that all four nations work collaboratively to secure the UK's critical disposal and material reprocessing infrastructure.

- The management of residual waste is a complex area for all partners in the sector, including public bodies and private operators.
- In relation to the forthcoming ban on landfilling biodegradable municipal waste, Scottish Government's position is that we do not believe it to be acceptable for a large amount of waste to be transported to England.

WASTE TARGETS

Scotland has made significant progress in reducing waste, increasing recycling and decarbonising the waste sector.

- The overall recycling rate in Scotland of 62.3% in 2022 is at its highest level since records began in 2011. *[target of 70% by 2025]*
- Scotland now landfills less than a quarter of all waste (23%), the lowest level on record. The total amount of waste going to landfill in Scotland has halved over the past decade.
- For two years in a row we have met our target to reduce total waste arising in Scotland by 15%, compared to 2011 levels.
- In 2023, waste sector emissions were 73% lower than in 1990.

ANNEX B

Additional background briefing

The household recycling rate of 43.5% in 2023 was a small increase from 2022, but we know there is progress to be made on household recycling, which dropped during the pandemic. *[the household recycling target was 50% in 2013 and 60% in 2020]*

- This is why the Circular Economy (Scotland) Act and Circular Economy & Waste Route Map set out further measures to improve and modernise local recycling.
- This includes working in collaboration with local authorities and households to design new statutory standards for recycling to create more consistent and easy to use services across Scotland.
- We are also giving local authorities more powers to tackle persistent, deliberate contamination of recycling, mirroring powers that are already available to local authorities in England and Wales, recognising that supporting high quality recycling is everybody's responsibility.

OVERALL RECYCLING

The overall recycling rate in Scotland of 62.3% in 2022 is at its highest level since records began in 2011, and the Scottish Government is doing more to increase household recycling.

- We are co-designing new nationwide recycling standards with local authorities to deliver better, more consistent services across Scotland, and make it easier for households to recycle.
- Our Recycling Improvement Fund has allocated almost £70 million to 48 projects in 27 local authorities to deliver more frequent recycling collections and boost Scotland's capacity to recycle problematic materials like plastic films.
- The Scottish Government provided over £1 billion of funding through the Strategic Waste Fund between 2008 and 2022 to assist local authorities in the implementation of the Zero Waste Plan, including support for projects to drive local improvements in recycling.

CIRCULAR ECONOMY & WASTE ROUTE MAP ("Route Map", published December 2024)

- A circular economy, in which resources are kept in use for as long as possible, is not just good for the environment, it will also create new economic opportunities and green jobs here in Scotland.
- Delivering a system-wide transformation to 2030 is a shared challenge and we continue to work closely with local government, regulators and the business community to ensure the approach has collaboration and co-design at its heart.

- The Route Map sets out an ambitious plan to deliver 11 priority actions and includes clear timelines to deliver these actions to maximise progress.
- Key projects include the *Co-Design* (with local authority partners) *of Household Recycling services and resulting statutory Code of Practice* and the development of a *Residual Waste Plan to 2045*, which aims to maximise the value of waste, decarbonise residual waste, and achieve the best environmental outcomes for materials

EXTENDED PRODUCER RESPONSIBILITY (EPR)

Packaging EPR

- Extended Producer Responsibility for Packaging is being implemented in 2025 on a four nations basis across the UK. It will move the full cost of dealing with packaging waste in households away from local taxpayers and councils to the producers, applying the 'polluter-pays principle.'
- PackUK has been appointed as the Scheme Administrator to deliver the UK's Extended Producer Responsibility for Packaging.
- Funding will go to local authorities to support effective and efficient collection systems for household packaging waste, with Scottish local authorities seeing £160 million per year in funding to support collection for household packaging waste. These payments will start from November 2025.
- It will incentivise businesses to reduce excess packaging, to design and use packaging that is easily recyclable, and encourage use of reusable and refillable packaging.

Waste Electrical and Electronic Equipment EPR

- We are committed to delivering an EPR scheme for WEEE, which will be delivered on a Four Nations basis.
- We held a Four Nations consultation in winter 23/24 and sought views on:
  - Collection infrastructure on household WEEE financed by EEE producers
  - Reforms to the take-back obligations that currently apply to distributors,
  - New obligations on Online Marketplaces
  - New WEEE category for vapes
- Obligations for online marketplaces and a new WEEE category for vapes have been selected as two priority reforms to be introduced in 2025.

What	BBC GMS interview on Waste in Scotland ahead of evening airing of Disclosure Scotland programme on the same topic
Where	N/A – via phone
When	Monday 16 June 2025 08:00-08:30
Key message(s)	• Scotland has had four additional years to prepare for the introduction of the landfill ban, after the Scottish Government paused the initial launch in 2021 following concerns from industry. • The environmental policies put in place have already been effective, leading to the halving of landfill waste in the past decade and our highest recycling rates ever. • It is crucial to Scotland's net zero ambitions to continue to build on that progress through the launch of the ban on biodegradable municipal waste going to landfill on 31 December 2025.

	• The Scottish Government continues to work with sector partners, including waste operators and Local Authorities, to examine the various challenges and opportunities Scotland faces as we work to achieve our net zero goals and progress towards a circular economy.
Who	BBC Good Morning Scotland
Why	To discuss the topic of Waste in Scotland, namely: • With the landfill ban coming into force, what will happen to Scotland's waste? • Why has the ban been introduced, • What are the Government's longer term plans on waste, • What are we doing to increase recycling rates in Scotland?
Supporting official	[REDACTED: REGULATION 11(2)]
Briefing contents	**Annex A:** Top lines and additional briefing **Annex B:** Previously agreed statement and Q&A on specific Disclosure questions
Comms official	[REDACTED: REGULATION 11(2)], [REDACTED: REGULATION 11(2)]

ANNEX A

Top Lines

- Scotland has had four additional years to prepare for the introduction of the landfill ban, after the Scottish Government paused the initial launch in 2021 following concerns from industry.
- The environmental policies put in place have already been effective, leading to the halving of landfill waste in the past decade and our highest recycling rates ever.
- It is crucial to Scotland's net zero ambitions to continue to build on that progress through the launch of the ban on biodegradable municipal waste going to landfill on 31 December 2025.
- The Scottish Government continues to work with sector partners, including waste operators and Local Authorities, to examine the various challenges and opportunities Scotland faces as we work to achieve our net zero goals and progress towards a circular economy.

Doesn't this just mean more waste will be burned if it can't be landfilled?

- The Scottish Government is committed to the goal of a circular economy, prioritising recycling, reuse and prevention to reduce our overall waste output.
- Scotland has a strong track record of recycling - with the overall rate at our highest level since records began in 2011 (62.3%) and the total amount of waste going to landfill in Scotland almost halving over the past decade.
- An independent review of the role of incineration in Scotland in 2022 stated that, in the short-term, incineration will have a role to play in managing our waste as we transition to a circular economy, in addition to being a preferable way of dealing with waste than landfill.

- As Scotland continues to move towards a circular economy, we will produce less waste; but we need to ensure that how we manage any waste we do produce aligns with our net zero carbon reduction goals.
- Scotland's whole-system approach is set out in our Circular Economy and Waste Route Map, making incineration a less attractive waste treatment method. This is through policies such as the proposed expansion of the UK Emissions Trading Scheme to include incineration, along with limiting the production of plastic while removing more of it from the waste stream prior to incineration.
- This includes policies such as the ban on certain Single Use Plastic Items, implementation of an Extended Producer Responsibility for packaging scheme this year and the commitment to require kerbside collection of plastic film and flexible packaging.

Is this not just placing further burden on already strained Local Authorities?

- The landfill ban constitutes just one piece of our wider circular economy goals and, in turn, a number of those policies will ease the burden at local authority level.
- The implementation of an Extended Producer Responsibility for packaging scheme, along with the bans on certain single-use plastic items will help to reduce the volume of residual waste that local authorities are expected to manage overall.
- The Scottish Government has and will continue to work closely with Local Authorities, and other public and private bodies to ensure readiness and flexibility to respond to policy changes.

WASTE TARGETS

Why has Scottish Government failed to meet its waste targets?

- Scotland has made significant progress in reducing waste, increasing recycling and decarbonising the waste sector.
- The overall recycling rate in Scotland of 62.3% in 2022 is at its highest level since records began in 2011.
- Official statistics show we now landfill less than a quarter of all waste (23%), the lowest level on record. The total amount of waste going to landfill in Scotland has halved over the past decade.
- We have also now met our target to reduce total waste arising in Scotland by 15% against 2011 levels for two years in a row.
- In 2021 waste sector carbon emissions were 76% lower than in 1990.

FUNDING FOR RECYCLING SERVICES

Why isn't SG providing enough funding to local authorities to improve recycling services?

- We recognise the crucial role councils and their employees play in communities across Scotland. The Scottish Government is providing record block grant funding of over £15.1 billion to local authorities in 2025-26, an increase of over £1 billion or 5.5 per cent in real terms compared to last year's budget.

- We are also making one of the biggest investments in a generation to modernise recycling in Scotland through the Recycling Improvement Fund for local authorities, with more than £66 million allocated to 27 local authorities for 48 projects to increase the quantity and quality of recycling across Scotland.
- We are funding a range of improvements, including more frequent recycling collections, the extension of food and garden waste collections, and boosting Scotland's capacity to recycle problematic materials like plastic films.
- Zero Waste Scotland estimate that Recycling Improvement Fund projects already underway will benefit 66% of Scottish households and reduce CO2 emissions by over 60,000 tonnes each year – the equivalent of taking over 32,000 cars off the road.

- The Circular Economy Bill and Circular Economy & Waste Route Map sets out further measures to improve and modernise local recycling, including working with local authorities and households to design new statutory standards for recycling services across Scotland.

CIRCULAR ECONOMY & WASTE ROUTE MAP ("Route Map", published December 2024)

- A circular economy, in which resources are kept in use for as long as possible, is not just good for the environment, it will also create new economic opportunities and green jobs here in Scotland.
- Delivering a system-wide transformation to 2030 is a shared challenge and we continue to work closely with local government, regulators and the business community to ensure the approach has collaboration and co-design at its heart.
- The Route Map sets out an ambitious plan to deliver 11 priority actions and includes clear timelines to deliver these actions to maximise progress.
- It also outlines areas where the pace can be accelerated should the future fiscal situation allow before 2030.
- The priority actions reflect the feedback from public consultations, including from businesses and local government.
- Key projects include the *Co-Design* (with local authority partners) *of Household Recycling services and resulting statutory Code of Practice* and the development of a *Residual Waste Plan to 2045*, which aims to maximise the value of waste, decarbonise residual waste, and achieve the best environmental outcomes for materials
- This helps to ensure that Scotland can deliver focused and targeted progress towards a Circular Economy which is both affordable and deliverable.

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- We held a Four Nations consultation in winter 23/24 and sought views on:
  - Collection infrastructure on household WEEE financed by EEE producers
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  - New WEEE category for vapes
- Obligations for online marketplaces and a new WEEE category for vapes have been selected as two priority reforms to be introduced in 2025.

ANNEX A

Previously cleared statement and Q&A on Disclosure questions

GENERAL STATEMENT ON WASTE

Acting Net Zero Secretary Gillian Martin said: “Reusing and recycling materials has a huge role to play in Scotland’s response to tackling the climate crisis.
“We must make the circular option, where we value materials and keep them in use for as long as possible, either in their original form or recycled, an easier choice for Scottish households, businesses and the public sector.
“We have already made excellent progress. The overall recycling rate in Scotland is at its highest level since records began in 2011 (62.3%), the total amount of waste going to landfill in Scotland has nearly halved over the past decade and in the most recent official statistics Scotland met its 2025 target to reduce all waste by 15%.
“We have also implemented a ban on the sale and supply of single-use vapes, fulfilling a Programme for Government commitment, are working on proposals for a charge on single-use disposable cups and are working with the UK Government on the implementation of a UK-wide deposit return scheme and on reforms to extended producer responsibilities for packaging, waste electronic and electrical goods, batteries and end of life vehicles.
“A circular economy is not just good for the environment, it will also create new economic opportunities and green jobs here in Scotland.“

SPECIFIC DISCLOSURE QUESTIONS

1. How well prepared is Scotland for the imposition of the landfill ban early next year?
“Scotland has had four extra years to prepare for a landfill ban, after pausing commencement in 2021 following concerns from industry.
“During this time we have made significant progress in reducing waste, increasing recycling and decarbonising its waste sector.
“Our overall recycling rates are the highest since records began (62.3%), the total amount of waste going to landfill has almost halved in the past decade, and the most recent official statistics on waste show that we met our 2025 target to reduce all waste by 15%.

“In anticipation of the landfill ban coming into force at the end of 2025, the Scottish Government has been supporting local authorities to increase the amount of waste they recycle through our £70 million Recycling Improvement Fund and the vast majority of local authorities have alternative measures in place ahead of the ban coming into force.
“However, we are not complacent, and the Scottish Government continues to work closely with local authorities and sector bodies to monitor and review any related issues which may arise as the date of the ban approaches. “

2. Zero Waste Scotland anticipates a ‘capacity gap’ of around 600,000 tonnes next year before all Energy from Waste incinerators are up and running and able to deal with the waste that would have gone to landfill. Where will this waste go?
An SG spokesperson said: “As part of our ambition for a circular economy, the Scottish Government is clear that we should manage as much of our own waste in Scotland as possible and currently, only around 15% of waste we, as a nation, produce is processed elsewhere.
“When the landfill ban comes into force at the end of 2025, there will be an unavoidable short-term incineration capacity gap for Scotland’s unavoidable and unrecyclable waste.
“Whilst this in part will be managed by reducing the amount of waste we produce and increasing recycling rates, two separate reports recognise that any temporary gap could be managed by exporting waste either for incineration or as landfill.
“Any export of waste should only ever be viewed short-term solution. The Scottish Government will continue to work with public and private sector partners to monitor infrastructure developments and deal with capacity risks.”

Background
Reports suggesting that the temporary incineration gap could be managed by exporting waste are:

- Zero Waste Scotland's Landfill Ban Assurance Study
- Stop, Sort, Burn, Bury - incineration in the waste hierarchy: independent review - gov.scot

3. Industry experts suggest in the short term around 70 large waste haulage trucks a day will have to transport and dispose of Scottish Waste at English landfill sites or it will be shipped to other countries? Is that a scenario you recognise and what will the environmental impact of this be?
An SG spokesperson said: "The management of residual waste is a complex area for all partners in the sector, including public bodies and private operators.
"Scotland has a strong track record of recycling - with the overall rate at our highest level since records began in 2011 (62.3%) and the total amount of waste going to landfill in Scotland almost halving over the past decade.
"We will continue to meet regularly with the sector to examine the various challenges and opportunities Scotland faces, as we jointly progress towards a circular economy and our net zero goals."

4. How does the long-term contractual commitment to Energy from Waste incinerators fit with the Scottish Government's zero carbon ambitions?
An SG spokesperson said: "The 2022 independent review of the role of incineration in Scotland states that in the short-term, incineration will have a role to play in managing our waste as we transition to a circular economy.
"As we continue to increase our reuse and recycling rates, we will produce even less waste, however we will still need an appropriate way to manage our unavoidable and unrecyclable waste.
"That's why the Scottish Government's Fourth National Planning Framework (NPF4) makes clear that development proposals for energy-from-waste facilities will not be supported, except under limited circumstances.
"We have also been working with local authorities, through Zero Waste Scotland, to reduce the length of energy from waste contracts, and remove the requirement for guaranteed tonnages – giving local authorities the flexibility to respond to changes that will support Scotland's move to a circular economy."

5. Some local communities near these incinerators are concerned about pollution and carbon emissions, as well as the impact on their health. In placing a moratorium on building new incinerators, does the Scottish Government accept a cleaner, greener alternative needs to be found?
"As Scotland continues to increase reuse and recycling rates, less waste will be created.
"However, as we transition to a circular economy – where items are kept in use for as long as possible – incineration will have a short-term role to play in managing our unavoidable and unrecyclable waste.
"The Scottish Government's Fourth National Planning Framework (NPF4) makes clear that development proposals for energy-from-waste facilities will not be supported, except under limited circumstances.
"This policy, alongside the development of an indicative cap for the amount of unavoidable waste treatment, and a project for a sector-led plan to decarbonise energy from waste, will serve to limit and reduce the country's capacity for incineration over time."

What	Meeting with waste sector representatives to: • discuss the challenges facing small businesses in light of the impending ban on biodegradable municipal waste (BMW) being sent to landfill from 31 December 2025: and

	• hear views on key issues and suggested options to help mitigate these challenges.
Where	MS Teams link required
When	9.00AM – 9.45AM THURSDAY 11 SEPTEMBER 2025
Key message(s)	<u>Before presentation</u> The ban on landfilling biodegradable municipal waste that is due to come into effect on 31 December 2025 is a crucial part of delivering Scotland's net zero ambitions. Crucial that we continue to support progress towards the ban. I recognise that the waste sector has already made significant preparations for the ban, including significant investment in Scotland's energy from waste infrastructure. The vast majority of local authorities already have alternative measures in place. However, I am aware of the challenges being faced by some parts of the sector. I welcome waste sector representatives' commitment to find solutions to support full implementation of the ban. I am here to listen to your views on key issues and proposed options. <u>After presentation/discussion</u> I acknowledge the challenges facing the sector and I recognise the work/effort that has gone in to considering issues and developing preferred options, with thanks for working collaboratively with SG officials. You have highlighted a range of important issues, including the particular challenges that the temporary shortfall of energy from waste capacity presents for SMEs; and the need to maintain landfill as a contingency option in unforeseen circumstances and for orphaned waste. I will reflect further on the options that you have outlined today. I am keen to find an appropriate and feasible way forward that reduces impacts on the environment. Some key considerations include the need to: - avoid backsliding on the ban and protect the carbon emission reductions already achieved - keep a clear focus on reducing the amount of residual waste we need to manage, alongside landfill diversion for non-recyclable waste - prevent significant tonnages of waste being hauled for landfill in England - prevent significant impacts on small businesses and public services in Scotland. I am committed to ensuring as much of Scotland's waste as possible is dealt with in Scotland. The First Minister has set out clearly that it is not acceptable for a situation to arise where a large amount

	of waste is being transported to England. Scotland should be responsible for managing and disposing of our own waste and the infrastructure is being put in place to ensure we can do that. I appreciate that, given the preparations already made for the ban, there is not complete consensus on the best way forward. I would encourage you to continue your dialogue with each other, in discussion with SEPA and my officials. I also recognise that, building on today, it will be important for me to hear others' views, notably local government partners and SEPA. I know that certainty is critical to the sector and I will consider your views and potential options with my officials with a view to reaching a decision on the way forward as quickly as possible.
Who	Dr Nicki Souter – RMAS Andrew Murdoch - RMAS Wendy Rayner – CIWM Stephen Freeland – SESA Apologies sent from [REDACTED: REGULATION 11(2)] – REA
Why	A ban on Biodegradable Municipal Waste being sent to landfill will come into force on 31 December 2025, in line with Climate Change Committee recommendations. However the Energy from Waste (EfW) capacity in Scotland is currently insufficient to handle the amount of waste being diverted from landfill. Opportunity to hear directly from the commercial sector and professional body about ongoing implementation challenges, in particular the difficulties SMEs are facing once the BMW landfill ban comes into force after 31 December 2025, and proposed options to mitigate the impact. Although sector representatives have been collaborating, there is not yet clear consensus about the best way forward and you will have the chance to hear a range of views. Sector representatives are pressing for SG to set out its approach to the ban by end of September, to provide certainty, including for landfill operators
Supporting official	[REDACTED: REGULATION 11(2)] – Head of Waste Prevention: Reduce & Reuse Unit [REDACTED: REGULATION 11(2)] – Head of Recycling & Waste Management [REDACTED: REGULATION 11(2)] – Team Leader - Waste Management
Briefing contents	**Annex A:** Attendees & suggested meeting format **Annex B:** Key messages & Questions **Annex C**: Summary of issue

	Annex D: Landfill & EfW capacity overview **Annex E:** BMW Landfill Ban top lines

ANNEX A

ATTENDEES

External

RMAS - Resource Management Association Scotland

RMAS is the trade association for the SME Resource and Waste Management Sector in Scotland. As of March 2019, the Waste and Resource Management Sector in Scotland comprised of 400 registered companies employing 6,690 people, with a £1.263 billion turnover. 95% (380) of these registered companies were SMEs, who account for 55.4% of private sector turnover equating to a turnover of £738 million.

Representatives

DR NICKI SOUTER - *Director of Nicki Souter Associates and RMAS Co-ordinator.*

ANDREW MURDOCH - *Managing Director of J & M Murdoch & Son Waste Management Company and*
Chair of RMAS

CIWM - Chartered Institute of Wastes Management

CIWM is a professional membership organisation for individuals in the waste management sector, representing and supporting over 7000 individuals and 250 affiliated organisations across the UK and overseas.

Representative

WENDY RAYNER - *Regional Committee Chair of CIWM Scotland & Lead NHS Scotland Circular Economy Advisor*

SESA - Scottish Environmental Services Association

ESA is a trade association for the UK's waste and recycling industry and generally represents the interests of larger waste companies.

Representative

STEPHEN FREELAND - *Policy advisor for the ESA.*

Apologies from **[REDACTED: REGULATION 11(2)]** – Renewable Energy Association (REA)

ANNEX B

SUGGESTED AGENDA/STRUCTURE

- Cabinet Secretary to welcome sector representatives, introductions;
- Invite sector representatives to summarise key issues and present their preferred option(s) [*Suggest inviting views from representatives in the following order – RMAS; SESA; CIWM*]
- Questions from Cab Sec;
- Closing comments.

[REDACTED: REGULATION 10(4)(E)]

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ANNEX C

SUMMARY OF ISSUE

1. A ban on Biodegradable Municipal Waste (BMW) being sent to landfill will come into force on 31 December 2025, in line with Climate Change Committee recommendations. Delivering the ban is critical if we are to deliver the waste sector's emissions reduction trajectory set out in the Climate Change Plan (CCP).
2. However the Energy from Waste (EfW) capacity in Scotland is currently insufficient to handle the amount of waste being diverted from landfill.
3. EfW facilities prefer to handle large quantities of black bag waste which is generally collected by local authorities and larger operators. The reliability of this feedstock leads to long term contracts being put in place. SMEs tend to handle commercial and industrial waste and bulky waste which is not as palatable to the EfW plants due to its high calorific value.
4. The Resource Management Association Scotland (RMAS) contacted SG officials to outline its concerns that SMEs in Scotland will be disproportionately impacted by the ban due to the lack of available EfW capacity in Scotland.
5. Whilst there are plans in place for the construction of new EfW plants, these will not be in place for at least 2 years.
6. In light of the capacity gap, RMAS concern is that if an immediate landfill ban takes place on the 31st of December 2025 without transitional arrangements, that this will risk:
   - Political and service delivery risk.
   - Withdrawal of services in some parts of Scotland
   - Increased haulage of waste to landfills in England with associated financial and carbon impacts.
   - Sharp cost increases for SMEs, loss of SME market share or business failures.
   - Supply fragmentation (many small, sub-scale consignments) that undermines EfW performance and increases carbon from haulage.
   - Increased waste crime and environmental harm.
   - Economic viability of landfills still required for "out of scope" wastes.
7. Working with the Chartered Institute of Wastes Management (CIWM) Scotland, REA (Trade Association for Renewable Energy and Clean Technologies) and with input from the Scottish Environmental Services association (SESA), they developed a series of options to manage the capacity gap that will exist on the landfill ban implementation date, given that the full fleet of thermal treatment plants to take this material have not yet completed construction.

8. [REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]

1. [REDACTED: REGULATION 10(4)(e)]
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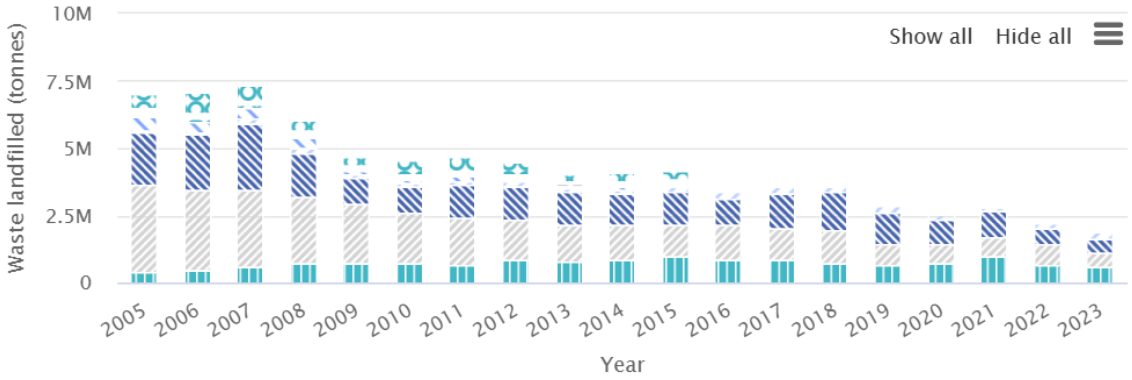
10. [REDACTED: REGULATION 10(4)(e)]
11. [REDACTED: REGULATION 10(4)(e)]

ANNEX D

LANDFILL AND EfW CAPACITY OVERVIEW

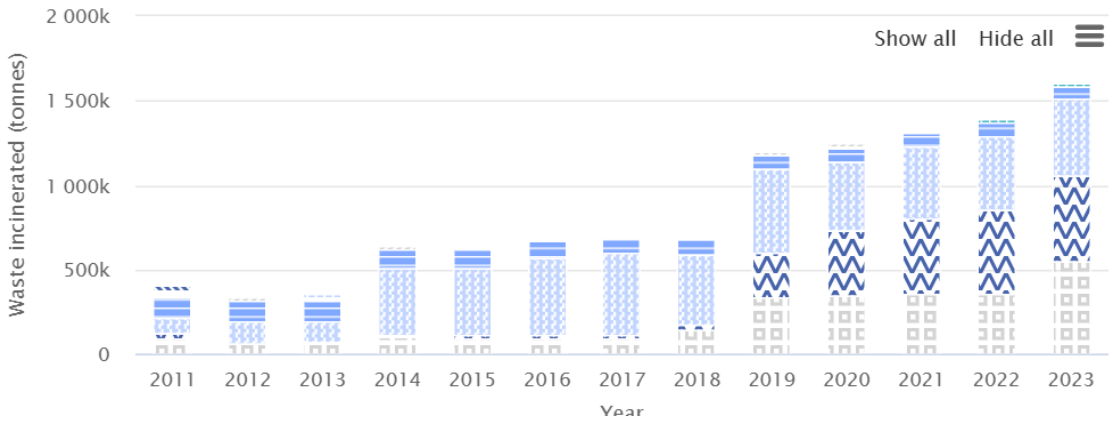
Landfill

- Landfill rates are at lowest recorded levels.
- Overall landfilling has reduced from 7,364,069 tonnes in 2007 to 1,998,625 tonnes in 2023 - a 73% reduction
- Data suggests that the landfill rate in 2024 will be even lower.



Energy from Waste

- Investment in Energy from Waste – 8 facilities since 2018 with two more on the way – rapid change for complex infrastructure
- Historically, Scotland had low rates of waste incineration compared to the rest of the UK and Europe – one reason the change looks so significant now.
- Pre 2014 – waste incineration was limited to two municipal waste sites (Dundee and Lerwick) and three facilities processing waste wood and poultry litter.
- The first new municipal waste incineration facilities since the announcement of the landfill ban opened in 2018 – Viridor Dunbar and FCC Millerhill.
- GRREC (2020), Levenseat (2021), Baldovie Line 3 (2022), Earls Gate (2023), Ness (2023) all followed in quick succession – Westfield (2025) just opened this summer.
- This is a rapid shift over five years and is the reason for the significant changes in both the landfill and incineration data since 2018.



- There is still not enough non-landfill treatment capacity in place for day one when the BMW ban comes into force.
- Until the two 'in construction' municipal EfW facilities are commissioned – bringing the total number to 11 – there will be a shortfall in treatment capacity for residual waste
- If landfill is banned and there is no incineration or other alternative, waste will have to move to England for disposal.
- The shortfall in treatment capacity is likely to be around 300,000 tonnes of waste during 2026.
- [REDACTED: REGULATION 10(4)(e)]
- Most Local Authorities have a compliant solution in place.
- A few outliers, including [REDACTED: REGULATION 10(4)(e)], where compliance costs are very high, are struggling.
- SME waste businesses are disproportionately affected by the shortfall in 2026 as they tend to be 'at the back of the queue' when it comes to securing limited capacity.

ANNEX E

BMW LANDFILL BAN TOP LINES

The ban on landfilling biodegradable municipal waste that comes into effect on 31 December 2025 is a crucial part of delivering Scotland's net zero ambitions and in line with Committee for Climate Change advice.

- Our ambition is to reduce the volume of waste requiring disposal by continuing to focus on waste prevention and building up Scotland's domestic capacity to deal with any unavoidable, non-recyclable waste.
- Currently, only around 15% of waste that Scotland produced is processed elsewhere – and our ambition is to reduce this further by focussing on waste prevention measures and enhancing domestic reprocessing capacity to deal with any unavoidable waste.
- Waste sector representatives have restated the sector's ongoing support for the ban and ongoing commitment to find solutions.
- The environmental policies already put in place have been effective, leading to a 61% drop in landfill waste since 2011 and our highest recycling rates ever. However, we know we have much more to do.
- We are working closely with the waste sector and with public and private sector partners to support a smooth transition away from landfill.
- We understand that 30 local authorities have a contractual arrangement in place for 2025 that complies with the landfill ban, with the remaining two finalising their arrangements. There is ongoing work with the private sector to address remaining gaps and build resilience.
- We will continue to monitor infrastructure developments and take steps to prevent any risks to capacity, as well as to prevent waste crime and protect legitimate operators.

What	Meeting with SEPA officials to: • Listen to any options/actions that SEPA propose to take to help address the challenges facing small businesses and remaining councils in light of the impending ban on biodegradable municipal waste (BMW) being sent to landfill from 31 December 2025: and • Discuss any other key issues and suggested options to help mitigate these challenges.
Where	Scottish Parliament, Room T3.21
When	3.30pm – 4.15pm THURSDAY 2 OCTOBER 2025
Key message(s)	Although significant progress has been made in preparation for the ban, I am aware of the challenges being faced by some parts of the sector in meeting the requirements of the BMW landfill ban and have had the opportunity to meet with sector representatives. I have asked for this meeting as I am keen to understand SEPA's perspective, as Scotland's environmental regulator, and understand any actions that could potentially be taken by SEPA to help mitigate these challenges. **I recognise SEPA's role as independent regulator and wish to emphasise that I do not wish to put any pressure on SEPA or ask SEPA to take any steps.** We need to work together to try and assist the sector in tackling the issues they are facing in meeting the ban whilst maintaining the highest level of environmental protection we can.
Who	SEPA Nicole Paterson – Chief Executive Kirsty-Louise Campbell – Chief Officer, Governance, Performance and Engagement
Why	A ban on Biodegradable Municipal Waste being sent to landfill will come into force on 31 December 2025, in line with Climate Change Committee recommendations. However, the Energy from Waste (EfW) capacity in Scotland is currently insufficient to handle the amount of waste anticipated to be diverted from landfill. On 11 September 2025 you met with representatives from the commercial sector and professional body about ongoing implementation challenges, in particular the difficulties SMEs are facing once the BMW landfill ban comes into force after 31 December 2025, and the options which have been put forward to mitigate the impact of these challenges. Sector representatives are pressing for SG to set out its approach to the ban as soon as possible, to provide certainty, including for landfill operators.

	Following that meeting, you asked to meet with SEPA officials to discuss any actions that could potentially be taken by SEPA as the environmental regulator to assist the sector in meeting the requirements of the ban and to understand SEPA's intended approach to enforcement of the ban.
Supporting official	[REDACTED: REGULATION 11(2)] – Head of Waste Prevention Unit [REDACTED: REGULATION 11(2)] – Head of Recycling & Waste Management [REDACTED: REGULATION 11(2)] – Team Leader - Waste Management
Briefing contents	**Annex A:** Attendees and Bios **Annex B:** Opening remarks, Questions & SGLD advice **Annex C:** Summary of RMAS proposal **Annex D:** Anticipated SEPA position

ANNEX A

ATTENDEES

External

SEPA

NICOLE PATERSON - Chief Executive and Accountable Officer of SEPA since 2022.

Biography

More than 25 years of experience in local government, latterly with North Lanarkshire Council as Head of Environmental Assets.

KIRSTY-LOUISE CAMPBELL – Chief Officer : Performance, Governance and Engagement since 2024.

Biography

Previously worked at Police Scotland and City of Edinburgh Council as Head of Strategy, Insight and Engagement.

ANNEX B

SUGGESTED SPEAKING POINTS/OPENING REMARKS

- I welcome this opportunity to meet with you to hear from SEPA CLT given your critical role as Scotland's environmental regulator
- The issues are well known but, to summarise, the ban on biodegradable municipal waste going to landfill comes into force on 31 December 2025 in line with Climate Change Committee recommendations.
- Across the sector significant steps have been taken to prepare for the ban, with the overwhelming majority of local authorities now having ban-compliant solutions in place. Large commercial waste companies have made considerable investment in

preparing for the ban, for example through development of significant additional energy from waste facilities and by taking strategic decisions to drive investment in recycling options further up the waste hierarchy.

- The ban is driving industry and behavioural change. SEPA data shows we are nearly 90% there.
- However we know from SEPA's analysis that the Energy from Waste (EfW) capacity in Scotland is currently insufficient to handle the amount of waste being diverted from landfill thereby creating significant challenges for the sector, in particular SME's.
- Given the First Minister has set out clearly that it is not acceptable for a situation to arise where a large amount of waste is being transported to England, this leaves an estimated 300,000 tonnes of waste with no apparent disposal route outside of landfill.
- I have also heard concern from across the waste sector regarding how to manage the impact of planned or unplanned shutdowns of EfW plants, given the current shortfall of EfW capacity and limited headroom once more facilities come onstream.
- I'm currently considering the options within my gift to mitigate the challenges facing the sector – these are broadly limited to the legislative space, whether retaining the legislation as currently contemplated, or amending the legislation to either delay the ban or change the enforcement requirements.
- Some key considerations for me include the need to:

- avoid backsliding on the ban and protect the carbon emission reductions already achieved
- keep a clear focus on reducing the amount of residual waste we need to manage, alongside landfill diversion for non-recyclable waste
- prevent significant tonnages of waste being hauled for landfill in England
- prevent significant impacts on small businesses and public services in Scotland.

- I'm keen to understand:

- SEPA's anticipated approach to the enforcement of the ban, and what if any space there is within that approach for the exercise of discretion by SEPA to take into account the likely difficulties for SMEs and remaining councils, and given the EfW capacity gap in the first year or two of the ban.
- [REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]

- [REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]

- [REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]

- [REDACTED: REGULATION 10(4)(e)]

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[REDACTED: REGULATION 10(4)(e)]

- [REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]

- [REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]
- [REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]
- [REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]
- [REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]

- **[REDACTED: REGULATION 10(4)(e)]**

  [REDACTED: REGULATION 10(4)(e)]

  [REDACTED: REGULATION 10(4)(e)]

ANNEX C

[REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]

1. [REDACTED: REGULATION 10(4)(e)]
2. [REDACTED: REGULATION 10(4)(e)]
3. [REDACTED: REGULATION 10(4)(e)]
4. [REDACTED: REGULATION 10(4)(e)]
5. [REDACTED: REGULATION 10(4)(e)]
6. [REDACTED: REGULATION 10(4)(e)]
7. [REDACTED: REGULATION 10(4)(e)]
8. [REDACTED: REGULATION 10(4)(e)]

ANNEX D

[REDACTED: REGULATION 10(4)(e)]

1. [REDACTED: REGULATION 10(4)(e)]
2. [REDACTED: REGULATION 10(4)(e)]
3. [REDACTED: REGULATION 10(4)(e)]
4. [REDACTED: REGULATION 10(4)(e)]
5. [REDACTED: REGULATION 10(4)(e)]
6. [REDACTED: REGULATION 10(4)(e)]

Annex C

[OUT OF SCOPE]

From: [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Sent: 11 September 2025 15:33
To: [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.wales>; [REDACTED: REGULATION 11(2)]@daera-ni.gov.uk>; [REDACTED: REGULATION 11(2)]@gov.wales>; [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot>
Cc: [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Subject: Summary of discussion: landfilling of biodegradable waste

Good afternoon all,

Thank you for your availability yesterday to discuss about near elimination of biodegradable waste policy.

Below is a summary of the discussion[REDACTED: REGULATION 10(5)(f)].

[REDACTED: REGULATION 10(5)(f)].

Attendees: [REDACTED: REGULATION 11(2)] (Defra), [REDACTED: REGULATION 11(2)] (Defra), [REDACTED: REGULATION 11(2)] (Defra), [REDACTED: REGULATION 11(2)] (Defra), [REDACTED: REGULATION 11(2)] (Defra) [REDACTED: REGULATION 11(2)] (Scotland), [REDACTED: REGULATION 11(2)] (Scotland), [REDACTED: REGULATION 11(2)] (Scotland), [REDACTED: REGULATION 11(2)] (Wales)
NI: [REDACTED: REGULATION 11(2)] has sent his apologies as he is on leave.

Updates

Scotland

- Extensive engagement with LAs, in terms of readiness for the upcoming ban on bio waste to landfill. Broad reflection from the engagement shows they are ready except few cases. However, there are concerns around availability of EfW capacity, particular during planned and unplanned shutdowns.
- Also, continuous engagement with commercial sectors (SMEs), to understand scope for flexibility as the ban in implemented.
- Progress on the Call for Evidence exploring options for a ban on non-municipal biodegradable waste: The CfE closed on the 17th June, and analytical review will be undertaken once analytical resource is procured.

[REDACTED: REGULATION 10(5)(f)]

- [REDACTED: REGULATION 10(5)(f)]

[REDACTED: REGULATION 10(5)(f)]

- [REDACTED: REGULATION 10(5)(f)]

[REDACTED: REGULATION 10(5)(f)]

- [REDACTED: REGULATION 10(5)(f)]

Thanks,
[REDACTED: REGULATION 11(2)]

[REDACTED: REGULATION 11(2)]
Landfill Policy Advisor | Circular Economy Directorate| Department for Environment, Food and Rural Affairs
Seacole Building, 2 Marsham St, London SW1P 4D
[REDACTED: REGULATION 11(2)]@defra.gov.uk | [REDACTED: REGULATION 11(2)]
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Sent: 15 October 2025 12:53
To: [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@gov.scot>
Cc: [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Subject: RE: Policy information and update

Hi [REDACTED: REGULATION 11(2)]

Thanks for this – [REDACTED: OUT OF SCOPE]

Ideally we'll be able to say more on our BMW landfill policy come the end of the month. Lots of moving parts, currently!

Best,

[REDACTED: REGULATION 11(2)]

[REDACTED: REGULATION 11(2)] (he/him)
Team Leader – Waste Management
Circular Economy Division
E:✉ [REDACTED: REGULATION 11(2)]@gov.scot
T:☎: [REDACTED: REGULATION 11(2)]

gov.scot

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From: [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Sent: 15 October 2025 12:10
To: [REDACTED: REGULATION 11(2)]@gov.scot>
Cc: [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Subject: Policy information and update

Hi [REDACTED: REGULATION 11(2)], all,

[REDACTED: OUT OF SCOPE]

I sit in the landfill policy area along with [REDACTED: REGULATION 11(2)] and [REDACTED: REGULATION 11(2)] who is the lead of the policy.

Following the departure of [REDACTED: REGULATION 11(2)], I though it would be great if I provide an overview where we are at with the near elimination of biodegradable waste to landfill policy along with the monthly catch-ups with the 4 nations to discuss about mixed waste in particularly 19 12 12.

Near elimination policy: We are continuing with the options assessment along with engaging with stakeholders. We aim to launch a consultation early next year; however we are still working this through.

4 nations call: The purpose of the meeting is to discuss/share any intel around challenges in diverting biodegradable waste (19 12 12) from landfill. Evidence and analysis team is leading on a waste composition research- We are yet to view that research which might aid us to understand the composition of mixed waste better.

I'd would be grateful if you can provide any updates on the ban of biodegradable waste to landfill policy in Scotland.

Please do not hesitate to reach out if you have any questions!

Thanks,
[REDACTED: REGULATION 11(2)]

Department for Environment Food & Rural Affairs

[REDACTED: REGULATION 11(2)]
Landfill Policy Advisor | Circular Economy Directorate| Department for Environment, Food and Rural Affairs
Seacole Building, 2 Marsham St, London SW1P 4D
[REDACTED: REGULATION 11(2)]@defra.gov.uk | [REDACTED: REGULATION 11(2)]
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From: [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Sent: 16 July 2025 09:30
To: [REDACTED: REGULATION 11(2)]@gov.scot>
Cc: [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot>
Subject: RE: OFFSEN: landfilling of biodegradable waste

Hi [REDACTED: REGULATION 11(2)],

Thanks for the response. Acknowledge, with the changes, the team must be very busy and thank you for confirming you're happy to be part of the working group. It would be great to share knowledge how we can tackle challenges.

I'll shortly send an invite out for the working group. Please let me know if the timing is not convenient.

In the meantime, if you do have any questions, please let me know.
Thanks,
[REDACTED: REGULATION 11(2)]

Department for Environment Food & Rural Affairs

[REDACTED: REGULATION 11(2)]
Landfill Policy Advisor | Circular Economy Directorate| Department for Environment, Food and Rural Affairs
Seacole Building, 2 Marsham St, London SW1P 4D
[REDACTED: REGULATION 11(2)]@defra.gov.uk | [REDACTED: REGULATION 11(2)]
Website X (formerly) Twitter Facebook LinkedIn Instagram

From: [REDACTED: REGULATION 11(2)]@gov.scot>
Sent: 16 July 2025 07:16
To: [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Cc: [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot>
Subject: RE: OFFSEN: landfilling of biodegradable waste

Hi [REDACTED: REGULATION 11(2)] – thanks for looping me into the exchanges with colleagues below. I'm sorry if there's not been a response to date, as you note there have been some significant changes in the unit and a range of issue on the go.

To confirm that I am currently providing interim unit head cover following [REDACTED: REGULATION 11(2)] departure, you have copied in some relevant colleagues ([REDACTED: REGULATION 11(2)], team leader plus [REDACTED: REGULATION 11(2)] one of the policy managers).

We recognise the importance and value of cross-government engagement around waste capacity and the value in working together to discuss approach to some shared challenges.

We would be keen to take part in any working group, and we'd also be happy to have further direct engagement around approach to the forthcoming ban, given temporary EFW capacity gap, building on recent meeting between our Cabinet Secretary and Minister Creagh, and also brief discussion last week at a liaison meeting [REDACTED: REGULATION 11(2)] and [REDACTED: REGULATION 11(2)] (I was unfortunately unable to attend but my unit head colleagues touched on this on my behalf, and we had an agreement to continue to liaise).

I would suggest you continue to direct any further communications to me, [REDACTED: REGULATION 11(2)] and [REDACTED: REGULATION 11(2)] and we can liaise with other colleagues and make arrangements at our end.

We look forward to further discussion.

Many thanks

[REDACTED: REGULATION 11(2)]
[REDACTED: REGULATION 11(2)]

Head of Waste Prevention: Reduce & Reuse Unit
Circular Economy Division
Environment & Forestry Directorate

From: [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Sent: 15 July 2025 15:48
To: [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot>
Cc: [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Subject: RE: OFFSEN: landfilling of biodegradable waste

Hello [REDACTED: REGULATION 11(2)],

Hope you're doing well!

I was previously liaising with [REDACTED: REGULATION 11(2)], [REDACTED: OUT OF SCOPE]

Primarily, we want to discuss, what approach Scotland's is placing should there be an insufficient infrastructure capacity.
Also, as mentioned below by my colleague [REDACTED: REGULATION 11(2)], we are proposing setting up a working group to share knowledge and discuss how to tackle mixed waste, particularly 19 12 12 with DA's. Please let us know if this is something you would be interested in.

If you do have any questions, please feel free to reach out.

Thanks,
[REDACTED: REGULATION 11(2)]

Department for Environment Food & Rural Affairs

[REDACTED: REGULATION 11(2)]
Landfill Policy Advisor | Circular Economy Directorate| Department for Environment, Food and Rural Affairs
Seacole Building, 2 Marsham St, London SW1P 4D
[REDACTED: REGULATION 11(2)]@defra.gov.uk | [REDACTED: REGULATION 11(2)]
Website X (formerly) Twitter Facebook LinkedIn Instagram

From: [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Sent: 10 July 2025 12:11
To: [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@gov.scot>
Cc: [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Subject: RE: OFFSEN: landfilling of biodegradable waste

Hi all,

Just wondering if you'd had a chance to consider the below? [REDACTED: OUT OF SCOPE]

Many thanks,

[REDACTED: REGULATION 11(2)]

[REDACTED: REGULATION 11(2)] (*he/him*)

Landfill Policy | Circular Economy Directorate | Department for Environment, Food and Rural Affairs
Department for Environment, Food & Rural Affairs | Horizon House | Deanery Road | Bristol | BS1 5AH

Working Pattern: 9 day fortnight with every other Friday as a non-working day. This means I work flexibly, please do not feel that you have to respond outside of your own normal working hours.

From: [REDACTED: REGULATION 11(2)]
Sent: 03 July 2025 16:29
To: [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@gov.scot>
Cc: [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Subject: RE: OFFSEN: landfilling of biodegradable waste

Hi all,

I've recently joined [REDACTED: REGULATION 11(2)] and [REDACTED: REGULATION 11(2)] team and just wanted to follow up to see if you might be free for a call in the next week or so to discuss the below.

We're also thinking about what we can do to tackle mixed waste (particularly 19 12 12) and wanted to see whether you'd be up for a joint call with NI and Wales to discuss further. We think it may be better to have a separate forum to discuss mixed waste rather than using the regular 4N catch up session, if you agree?

Let us know your thoughts on this approach – we can set up a preliminary chat if that works for you.

Many thanks,

[REDACTED: REGULATION 11(2)]

[REDACTED: REGULATION 11(2)] (*he/him*)
Landfill Policy | Circular Economy Directorate | Department for Environment, Food and Rural Affairs
Department for Environment, Food & Rural Affairs | Horizon House | Deanery Road | Bristol | BS1 5AH

Working Pattern: 9 day fortnight with every other Friday as a non-working day. This means I work flexibly, please do not feel that you have to respond outside of your own normal working hours.

From: [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Sent: 23 June 2025 16:48
To: [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@gov.scot>
Cc: [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Subject: RE: OFFSEN: landfilling of biodegradable waste

Hi [REDACTED: REGULATION 11(2)],

Hope you're well.

Just checking if there has been any update on the request.

Also, as you may be aware, BBC wrote an article regarding Scotland's ban on biodegradable waste and its impact on England. It would be great if we can have a discussion further on this.

Let me know when it best suits you and I can arrange a call.

Thanks,
[REDACTED: REGULATION 11(2)]

Department for Environment Food & Rural Affairs

[REDACTED: REGULATION 11(2)]
Landfill Policy Advisor | Circular Economy Directorate| Department for Environment, Food and Rural Affairs
Seacole Building, 2 Marsham St, London SW1P 4D
[REDACTED: REGULATION 11(2)]@defra.gov.uk | [REDACTED: REGULATION 11(2)]
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From: [REDACTED: REGULATION 11(2)]@gov.scot>
Sent: 03 June 2025 13:06
To: [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@gov.scot>
Cc: [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Subject: RE: OFFSEN: landfilling of biodegradable waste

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[REDACTED: REGULATION 11(2)] (he/him)
Zero Waste Delivery
Senior Policy Advisor – Recycling & Waste
Directorate for Environment & Forestry
Scottish Government

Scottish Government
Riaghaltas na h-Alba
gov.scot

From: [REDACTED: REGULATION 11(2)]@gov.scot>
Sent: 03 June 2025 12:43
To: [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot>
Cc: [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Subject: RE: OFFSEN: landfilling of biodegradable waste

Hi [REDACTED: REGULATION 11(2)]

Can you have a check of this, perhaps with SEPA, and see what can be shared with [REDACTED: REGULATION 11(2)]?

Thanks

[REDACTED: REGULATION 11(2)]

From: [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Sent: 21 May 2025 17:10
To: [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot>
Cc: [REDACTED: REGULATION 11(2)]@defra.gov.uk>; [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Subject: OFFSEN: landfilling of biodegradable waste

Hi all,

Hope you're well!

It was great speaking to you all on the subject of Scotland's ban on biodegradable waste to landfill and sharing knowledge.

We would be keen to know if any data/insights were used in determining which waste code should be banned in particular EWC 19 12 12 and 20 03 01. From our understanding, mixed waste is quite problematic waste stream due to its difficulty in determining what waste it consists of.

Would be great if you can shed any light on this as this is a EWC we are trying to obtain more insight/data on but has been quite difficult.

Thanks,
[REDACTED: REGULATION 11(2)]

Department for Environment Food & Rural Affairs

[REDACTED: REGULATION 11(2)]
Landfill Policy Advisor | Circular Economy Directorate| Department for Environment, Food and Rural Affairs
Northern Ireland Directorate
Department for Environment, Food and Rural Affairs
Seacole Building, 2 Marsham St, London SW1P 4D
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From: PS.Mary.Creagh (Defra) < [REDACTED: REGULATION 11(2)]@defra.gov.uk>
Sent: 18 June 2025 16:12
To: Cabinet Secretary for Climate Action and Energy <cabsecfornze@gov.scot>
Subject: Letter from Minister Creagh - Municipal Biodegradable Waste to Landfill Ban

Dear colleagues,

Please find attached a letter from Minister Creagh to Gillian Martin MSP, Cabinet Secretary for Net Zero and Energy, regarding the Scottish Government's upcoming municipal biodegradable waste to landfill ban and the potential for diverted materials to be sent to landfill in England. I would be very grateful for confirmation of receipt of this letter.

Kind regards,
[REDACTED: REGULATION 11(2)]

[REDACTED: REGULATION 11(2)] (she/her)
Senior Private Secretary and Head of Office to the Minister for Nature
Department for Environment, Food and Rural Affairs
[REDACTED: REGULATION 11(2)]@defra.gov.uk | +[REDACTED: REGULATION 11(2)]

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Gillian Martin MSP
Cabinet Secretary for
Climate Action and
Energy
The Scottish Parliament
Edinburgh
EH99 1SP

18 June 2025

Dear Gillian,

I am writing to you in response to recent news articles and a BBC Disclosure episode on 16 June 2025 regarding the Scottish Government's upcoming municipal biodegradable waste to landfill ban and the potential for diverted materials to be sent to landfill in England.

I understand that our officials are already discussing this issue, but I would welcome the opportunity to meet with you to discuss the Scottish Government's plans concerning the implementation of this policy and how it may impact waste management in England. I would also welcome a discussion as to how we can best work together, in light of your plans, to ensure the safe and sanitary management of wastes as well as delivering our climate change and circular economy ambitions.

I look forward to hearing from you.

MARY CREAGH CBE MP

Cabinet Secretary for Climate Action and Energy
Gillian Martin MSP

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Scottish Government
Riaghaltas na h-Alba

Mary Creagh CBE MP
Parliamentary Under Secretary of State for Nature Seacole Building
2 Marsham Street London
SW1P 4DF

Email: [REDACTED: REGULATION 11(2)]@defra.gov.uk

20 June 2025 Dear Mary,
Thank you for your letter of 18 June regarding the coverage of the Scottish Government's ban on biodegradable municipal waste going to landfill.

You may be interested to know that the First Minister responded directly to this issue in today's First Minister's Questions. The First Minister's response made clear that the Scottish Government's position is that we do not believe it to be acceptable for a large amount of waste to be transported to England. Furthermore, preparations have been made for the ban coming into force, with 29 out of 32 local councils in Scotland already having solutions in place.

My officials will continue to liaise with your officials, recognising the importance of ongoing communication and cooperation.

I look forward to discussing the matter further. Yours sincerely,

GILLIAN MARTIN

Cabinet Secretary CAE meeting with Minister for Nature Mary Creagh CBE MP
3 July 2025
17:10 – 17:40, Microsoft Teams

Attendees
Cabinet Secretary for Climate Action and Energy, Gillian Martin MSP
Minister for Nature, Mary Creagh CBE MP

Scottish Government officials
[REDACTED: REGULATION 11(2)], Unit Head Waste Prevention
[REDACTED: REGULATION 11(2)], Waste Management Team Leader

Note of meeting

- Minister Creagh opened the discussion to ask about the 29 of 32 councils having made preparations for the BMW ban coming into force, and asked what those preparations were and which local authorities do not have solutions in place.
- The Cabinet Secretary reaffirmed that all LAs have made preparations, however [REDACTED: REGULATION 10(4)(e)]finding it more difficult. Further noted that the difficulties here are arising from the commercial sector, not the LAs. Mentioned Scottish Enterprise colleagues looking into new investors for an incinerator at risk of coming offline.
- The Cabinet Secretary made the point that the Scottish Government does not want to put any waste beyond our borders, unless it is the most pragmatic option. Made the

point that we would not want to say to LAs whose nearest incinerator was in England that they must process their waste in Scotland.

- Minister Creagh reflected that they also want to get to a position in England where they are not using landfill, and added that they understand SG's desire for not wanting to shift deadlines.
- Minister Creagh asked how much is currently going into landfill and what SG anticipate the tonnage being?
- The Cabinet Secretary committed to write to Minister Creagh with an answer once we have a thorough analysis. Added that, in SG's initial analysis, the capacity gap will eventually turn into a small capacity surplus from 2027 with new EfW facilities coming online. Noted that the delay to EfW plants coming on stream is due to inflation in construction costs. Do not want to "continue as normal" and take foot off the gas. The Cabinet Secretary also wanted to factor in [REDACTED: REGULATION 10(4)(e)] developments into any response to Minister Creagh.
- Minister Creagh highlighted the 2022 Independent review into role of incineration. Stressed the need to know if the capacity outlined in that report has grown or shrunk.
- Minister Creagh noted a large amount of waste coming to England for treatment, and added they do not want to be in a world where there is a 40% increase in Scotland's waste export.
- [REDACTED: REGULATION 10(4)(e)]
- [REDACTED: REGULATION 10(4)(e)]
- Minister Creagh asked how much is currently going to landfill in Scotland. The Cabinet Secretary stated that the figure was 23% of Scotland's waste and that the figure has halved over past decade. Noted that LAs have been instrumental in that, and most have not been landfilling their waste for a number of years now. Noted that there were still issues to be addressed with the commercial sector.
- Minister Creagh raised EfW capacity, noting that their current remaining capacity is currently sitting at 224 million tonnes.
- Minister Creagh suggested that it would be beneficial to have a further conversation after recess, and that she was interested in learning what comes out of [REDACTED: REGULATION 10(4)(e)].
- Before drawing the meeting to a close, the Cabinet Secretary added that if UKG is seeing a picture of similar slow compliance from the commercial sector, there may be some learning SG can share based on our process.