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Thursday 18 September 2025

Gillian Martin MSP, Cabinet Secretary for Climate Action and Energy
Scottish Government
St. Andrew's House
Regent Road
Edinburgh EH1 3DG

Dear Cabinet Secretary,

Direct SEPA to refuse a PPC permit for the Oldhall incinerator

We are writing to you as local community representatives and environmental groups to request that the Scottish Government uses its powers under the Pollution Prevention and Control (Scotland) Regulations 2012 ('the PPC Regulations') to direct the Scottish Environment Protection Agency ('SEPA') to refuse to award a PPC permit to the Oldhall Energy Recovery Limited in North Ayrshire.

This letter sets out the case against the Oldhall incinerator and how the Scottish Government can act to reject the permit using its powers through the PPC Regulations.

The case against the Oldhall Incinerator

From 25 August to 22 September 2025, SEPA has conducted a public consultation on its decision to award a PPC permit to the Oldhall incinerator.

During this time, there has been an overwhelming public response calling for SEPA to reverse this decision and reject the permit. So far, over 1,300 people have responded to SEPA's consultation in this way. People are concerned about the impact that the incinerator will have on local health, its contribution to climate breakdown, and how the incinerator will make it harder for Scotland to develop a circular economy.

There are several reasons to reverse SEPA's decision:

- Incinerators emit pollution, such as dioxins, which are harmful to human health;
- Carbon emissions from burning waste such as plastic contribute to climate breakdown. Burning plastic has an even worse carbon impact than landfilling it;
- The Oldhall incinerator lacks a comprehensive plan for a heat district network which would significantly reduce its operating emissions. The developers have not identified local partners or timeframes for building a heat network based on the excess heat from the incinerator;
- Burning waste material limits circular economy efforts to reuse and recycle waste instead. A 2023 Zero Waste Scotland study found that 52% of household waste thrown away could have been recycled;
- The Oldhall incinerator will add to the risk of overcapacity for incineration in Scotland, as set out in the Scottish Government's 2022 independent review. Incineration rates grew by 15% in Scotland in 2023 whilst recycling rates have stagnated for a decade;
- Local people have not been listened to by government throughout the development process.

It is important that the Scottish Government act as soon as possible because all money spent on incineration increases the risk of locking into a polluting and harmful waste management system. Public money that is pumped into incinerators cannot be spent on reuse and recycling solutions. This project should not have been allowed to progress so far because of the harm it will do to people and the environment, but it must now be stopped.

Using the PPC Regulations to reject the permit

The PPC Regulations are used to environmentally regulate some industrial activities. Operators of installations that fall under the PPC regulations must have a permit, granted by SEPA, in order to operate.

Regulation 60 gives Scottish Ministers the power to direct SEPA on its functions under the PPC Regulations. Regulation 60 is phrased very broadly and clearly gives the Scottish Ministers the power to direct SEPA to refuse PPC permits for all incinerators. According to Regulation 60(5), SEPA must comply with any directions from Scottish Ministers.

By refusing to use these powers when the case against the Oldhall incinerator is so clear and local opposition so strong, the Scottish Government is failing to protect the people of Scotland from the harm this incinerator will do if allowed to start operating.

We therefore call on the Scottish Government to support people and prevent harmful pollution, climate emissions and further incineration overcapacity in Scotland by directing SEPA to refuse to award a PPC permit to the Oldhall incinerator.

Environmental safeguards

While we strongly believe that the Scottish Government should direct SEPA to refuse a permit immediately, if the Scottish Government is minded to allow SEPA to award the permit, this should be delayed until two important environmental safeguards can be put in place.

Firstly, the new plant should be connected to a district heating scheme before it is allowed to start operating. Every day that the Oldhall incinerator operates without a district heating network means that unnecessary climate emissions are being produced.

Secondly, only once the Scottish Government's Residual Waste Plan has been published as planned in 2027 will it be clear how much additional incineration capacity, if any, is needed. To allow the Oldhall plant to start operating before the plan is finalised increases the risk of incineration overcapacity.

By agreeing to these safeguards, the Scottish Government can mitigate a significant proportion of the damage that the Oldhall incinerator is likely to cause.

Conclusion

We call on the Scottish Government to prevent harm to human health, climate related pollution and overcapacity of incineration by immediately directing SEPA to refuse a PPC permit to the Oldhall incinerator in North Ayrshire. According to the PPC Regulations, only Scottish Ministers have the power to direct SEPA in this way.

We would welcome a meeting to discuss these points with you in more detail. We look forward to your reply.

Yours,

Kim Pratt, Friends of the Earth Scotland

On behalf of

Irvine Without Incinerators

Friends of the Earth Scotland

UK Without Incinerators Network