

News Release

Immediate Release

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## **Environmental Standards Scotland reaches agreement with the Scottish Government on action to prevent excess incineration capacity**

**Figures show incineration in Scotland has increased by 354% since 2011**

Environmental Standards Scotland (ESS) has reached agreement with the Scottish Government on a series of actions that will bring clarity over Scotland's future incineration capacity needs and ensure that consideration is given to them when determining applications for increasing incineration capacity in Scotland.

Together these actions will help ensure that Scotland does not become overly reliant on incineration as a means of waste management, known in the industry as, 'incineration lock-in.'

While incineration is considered to have a lower climate impact than landfill, there is a concern that unregulated growth of the industry poses a risk to public health, threatens to undermine preferable waste management options such as recycling, and could hamper Scotland's net zero ambitions.

More than 1.86 million tonnes of waste<sup>1</sup> was burned in Scotland in 2024, an increase of 354% from 2011. The shift towards increased incineration has resulted in the construction of new incineration facilities. As of 2024, 18 permitted incineration sites

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<sup>1</sup> [Waste Incinerated in Scotland 2024](#)

were operating in Scotland<sup>2</sup>. In addition, the available capacity at an existing facility has also increased. For example, in 2023, the waste facility in Dunbar expanded its capacity by 65,000 tonnes.

ESS undertook an investigation following concerns raised that the Scottish Government had failed to implement a key recommendation from a 2022 independent review of incineration<sup>3</sup>. This recommendation concerned the development of an indicative residual waste management cap intended to prevent long-term incineration overcapacity and support Scotland's transition to a circular economy. Although the Scottish Government accepted this recommendation at the time<sup>4</sup>, it was never implemented.

Concerns had also been raised to ESS that the Scottish Government had failed to control incineration capacity effectively.

A new report published today by ESS, "The effectiveness of the Scottish Government's Implementation and Application of Environmental Law in relation to Incineration Capacity in Scotland", outlines the measures the Scottish Government has agreed to implement in response to the concerns raised by ESS' investigation.

These measures include commitments to:

- publish an updated forecast of incineration capacity in Scotland
- develop an indicative residual waste treatment cap through the forthcoming Residual Waste Plan (due in 2027)
- integrate the national indicative cap into the Scottish Environment Protection Agency's permitting framework, ensuring that national capacity is considered

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<sup>2</sup> [Waste Incinerated in Scotland 2024](#)

<sup>3</sup> [Stop, Sort, Burn, Bury \(www.gov.scot\)](http://www.gov.scot)

<sup>4</sup> [Scottish Government Response to: Stop, Sort, Burn, Bury? The Independent Review of the Role of Incineration in the Waste Hierarchy in Scotland](#)

when assessing all environmental authorisation applications for capacity changes

Mark Roberts, Chief Executive of ESS, said: “While well-regulated incineration has a role in managing unavoidable residual waste, we must prevent the potential harm caused from over-reliance on this method of waste management.

“The Scottish Government’s commitment to develop an indicative cap and ensuring this is reflected in SEPA’s permitting regulations, will provide a strategic benchmark for decision making, reinforce the objectives of the waste hierarchy and prevent overcapacity that could undermine wider recycling and waste reduction efforts.

“We will continue to monitor the implementation of the new measures and provide updates to the public on progress.”

**ENDS**

#### **Notes to editors**

**1) You can read the full ESS report [here](#)**

**2) Environmental law and closing the gap in environmental controls:**

There are two mechanisms that control incineration capacity at operational and in-pipeline facilities. Firstly, under the planning system, physical extensions to accommodate capacity increases require new planning permission. Operators must apply to vary the conditions of the original planning consent (under Section 42 of the Town and Country Planning (Scotland) Act 1997) where conditions controlling capacity are in place. Planning authorities are also encouraged to consider the intent of National Planning Framework 4 policy 12(g), which states that proposals for new incineration facilities will not be supported except in very limited or exceptional circumstances when assessing individual cases.

However, during ESS' enquiries, gaps were identified which allowed increases in capacity without these planning controls taking effect.

Secondly, Schedule 22, Part 2, Paragraph (1)(b) of the Environmental Authorisation (Scotland) Regulations 2018 (as amended), requires SEPA to ensure that authorisations regulating incineration and co-incineration activities contain the facilities total waste incineration capacity. However, during ESS' enquiries, SEPA confirmed that it does not consider national capacity when determining or varying authorisations for individual facilities. In ESS' view, the absence of national capacity as a material consideration when setting capacity at individual facilities creates the potential for incineration capacity to increase without assessing if this aligns with Scotland's overall residual waste management needs.

For these reasons, ESS considers that the above safeguards collectively do not comprehensively control incineration capacity at existing or pipeline facilities.

Additionally, ESS considers that the absence of an indicative cap is a significant weakness, as it limits the effectiveness of these existing planning and environmental permitting controls in avoiding overcapacity and the associated environmental risks.

To address these concerns, the Scottish Government has agreed to develop an indicative residual waste treatment cap and will ensure it is reflected in SEPA's permitting regulations. Therefore, national capacity will now be considered when assessing applications for environmental authorisations and reflected in them. Additionally, the Scottish Government has committed to publish an updated capacity analysis to ensure the latest forecasts are publicly available.

### **3) About Environmental Standards Scotland (ESS):**

Environmental Standards Scotland (ESS) began its formal operations on October 2021, as part of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, following the UK's departure from the European Union. ESS is responsible for ensuring Scotland's public authorities, including government and its agencies, are compliant with environmental law.

ESS is independent of Scottish Government, but accountable to the Scottish Parliament. ESS scrutinises public authorities' compliance with environmental law, the effectiveness of these laws and the way they are implemented and applied and has statutory powers to act where required.

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