

11 December 2023

**Press release**

**ESS investigation leads to improvement in SEPA's regulation of sewage pollution**

Environmental Standards Scotland (ESS) has reached an informal resolution with the Scottish Environment Protection Agency (SEPA) following a representation about sewage running into the River Almond.

The representation was submitted by the Environmental Rights Centre for Scotland (ERCS) acting on behalf of a local community group. ERCS had asked ESS to investigate SEPA's failure to enforce conditions placed upon East Calder, Whitburn and Blackburn waste water treatment works, following reports of pollution in the form of sewage debris.

After investigation, ESS found that SEPA's systems for assessing waste water treatment works' compliance with licence conditions could be improved.

As a result of discussions between ESS and SEPA, SEPA has revised its guidance to provide clearer instructions to its staff in determining and enforcing breaches of licence conditions.

Mark Roberts, CEO at ESS, said:

“Complying with licence conditions for waste water treatment works is an essential part of protecting Scotland’s water bodies from harm. When reports of pollution are made, it is essential that SEPA’s systems to investigate them are clear, effective and understood by the public, by operators and by its staff.

“We are grateful to ERCS for bringing this case forward and to SEPA for its co-operation in reaching a resolution.

We encourage other individuals and groups who have concerns about the environment to contact us.”

Information on how to raise a concern can be found on our website - [How to Raise a Concern - Environmental Standards Scotland](#).

## Notes to editors

### **<sup>1</sup> About controlled water activities (CAR) authorisation**

The CAR Regulations is the more common name for The Water Environment (Controlled Activities) (Scotland) Regulations 2011.

A controlled activity is any activity which directly or indirectly has, or is likely to have, a significant adverse impact on the water environment. This includes any activity liable to cause pollution of the water environment, such as the discharge of sewage from a waste water treatment works.

Authorisation of an activity is undertaken and regulated by the Scottish Environment Protection Agency (SEPA). In order to ensure proportionate controls over activities three levels of control are permitted including; General Binding Rules (GBR), Registrations and Water Use Licences. SEPA have the discretion to move activities between registration and licences and from GBR to registration or licences as it considers necessary in order to protect the water environment and other water users.

A licence is required where controls or constraints upon the activity are to be imposed by SEPA. Licences allow for site-specific conditions to be set to protect the water environment from activities that pose a higher risk. Licences can cover linked activities on several sites over a wide area, as well as single or multiple activities on a single site.

### **About Environmental Standards Scotland**

Environmental Standards Scotland (ESS) is a public sector body, set up as a non-ministerial office, independent of Scottish Government, and accountable to the Scottish Parliament.

ESS has been set up to ensure environmental laws and standards are adhered to in Scotland, replacing the European Union's scrutiny and enforcement role after Brexit. Environmental Standards Scotland (ESS) was established in law by the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021.

ESS' role is to scrutinise, investigate and secure improvements in public authorities' compliance with environmental law, the effectiveness of environmental law, and the way it is being implemented and applied in Scotland.

All public authorities are covered, including the Scottish Government and its agencies, as well as organisations carrying out functions on behalf of public authorities.

A broad range of environmental law is covered, including all aspects of environmental protection and harm, particularly in relation human beings and their enjoyment of the environment.

Our Board operates under Standing Orders and we have a Framework agreement with the Scottish Government. [Home - Environmental Standards Scotland](#)

For more information: Visit [environmentalstandards.scot](http://environmentalstandards.scot)

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