

Mark Roberts
Chief Executive
Environmental Standards Scotland
Ìrean Àrainneachdail na h-Alba

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Gillian Martin MSP
Acting Cabinet Secretary for Net Zero and Energy
The Scottish Government
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30 August 2024

Dear Acting Cabinet Secretary,

On 4 September 2024, Environmental Standards Scotland (ESS) will publish a report summarising its analysis of sewage discharge from storm overflows into the aquatic environment. I enclose a copy of this report.

ESS undertook this analysis as a result of public concern about sewage discharge, the lack of publicly available data on storm overflows in Scotland and investigations into this issue in England. ESS' report:

- analyses the data and evidence on the frequency and duration of sewage discharges from storm overflows in Scotland
- summarises a literature review focused on studies of continuous treated discharges and intermittent discharges

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- examines the effectiveness of existing legislation and guidance including in light of future changes, such as climate change and the proposed revisions to the European Urban Waste Water Treatment Directive

The report makes a number of recommendations to the Scottish Government, the Scottish Environment Protection Agency (SEPA) and Scottish Water. The report concludes that there is no comprehensive, publicly available information on the scale and environmental impact of spills from storm overflows in Scotland. We recommend that the Scottish Government, Scottish Water and SEPA must improve the data made available to the public in relation to waste water spills, compliance with licences and environmental pollution incidents to provide a comprehensive and accessible picture of the scale of spills from storm overflows.

Furthermore, the report recommends that the Scottish Government should as a matter of priority: (1) prepare and publish up to date, clear and specific guidance about the exceptional circumstances in which it is permissible for storm overflows to spill; (2) ensure this guidance takes into account predicted future climatic conditions (commissioning further research if required); and (3) provide up to date information on BTKNEEC requirements.

A revised Urban Waste Water Treatment Directive was formally adopted by the European Parliament on 10 April 2024. The Scottish Government will need to review the legislation relating to waste water management to meet its commitment to keep pace with developments in European policy and legislation.

These recommendations made by ESS (under section 20(2)(c) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021) and wider findings of the analysis will be published in the form of an analytical report, “Storm overflows – an assessment of spills, their impact on the environment and the effectiveness of legislation and policy”. ESS has issued a copy of the report to the Scottish Government, SEPA and Scottish Water, and it will be published on ESS’ website.

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ESS expects the Scottish Government, SEPA and Scottish Water to respond to the recommendations laid out in the report, making a statement about the action they intend to take to address them, as soon as possible and no later than six months from publication of the report.

Yours sincerely,

Mark Roberts
Chief Executive

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