

Mark Roberts
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Ìrean Àrainneachdail na h-Alba

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Gillian Martin MSP
Acting Cabinet Secretary for Net Zero and Energy
Scottish Government

(By email)

16 May 2025

Dear Acting Cabinet Secretary,

RE: ESS' Storm Overflows analytical report recommendations

Thank you for your letter of 4 March 2025 setting out the Scottish Government's response to recommendations made by ESS in our report on ['Storm Overflows – An assessment of spills, their impact on the water environment and the effectiveness of legislation and policy'](#).

The report finds that action needs to be taken to improve monitoring, regulatory guidance and the operation of storm overflows in Scotland.

[In our statement on the Scottish Government, Scottish Water and SEPA's responses to ESS' report](#), ESS welcomes the constructive dialogue that has taken place with the Scottish Government, Scottish Water and SEPA since the publication of our report.

Recommendation 1

ESS welcomes the Scottish Government's full support for the publication of information on spill data in response to recommendation 1. We will continue to engage with the Scottish Government, Scottish Water and SEPA on this topic and will seek an update from Scottish Water and SEPA by 1 September 2025.

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Recommendation 3

As set out in our statement, ESS notes the Scottish Government's commitment to assessing the recast Urban Waste Water Treatment Directive (UWWTD) which came into force in the European Union on 1 January 2025. However, this is likely to take a significant amount of time to implement given the need for legislative change and the stage of the current parliamentary session. This means it could be 2027 at the earliest, before any new legislation comes into force. In ESS' view, this leaves an unacceptable lack of clarity on the exceptional circumstances in which it is permissible for storm overflows to spill.

Therefore, ESS requests, as a matter of urgency, that the Scottish Government reconsiders this position to take into account the need to provide clarity on this issue to Scottish Water and SEPA and given the levels of public concern over this issue.

ESS will always seek to work constructively with public authorities where possible to reach informal resolution where we identify issues of environmental concern. However, where it is not possible to resolve a matter by agreement in a reasonable timescale, we will use the statutory powers available to us to prevent risk of harm to the environment, and to ensure the necessary remedial action is taken to put matters right.

I would be grateful if you could respond within 15 working days of the date of this letter.

Yours sincerely,

Mark Roberts

Chief Executive

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