

Neil Langhorn
Environmental Standards Scotland

Via email:

1 September 2025

Dear Neil,

SEPA Update on ESS Analytical Report; “Storm overflows – an assessment of spills, their impact on the water environment and the effectiveness of legislation and policy”

SEPA [responded](#) to the above report on 4th March 2025. We gave a commitment to update you on progress by the 1st September, 2025.

SEPA welcomes the in-depth analysis that ESS has undertaken and the aspirations for the environment. The majority of recommendations relate to areas of work that have been underway for some time.

Through the delivery of the River Basin Management Plan (RBMP), the Improving Urban Waters Route map and our new Environmental Performance Assessment Scheme (EPAS), we are committed to continuing to demand investment in the worst overflows, strengthen the authorisations that drive compliance and report on performance.

As part of our wider commitment to transparency, SEPA are also changing how data is made available. In the past, information on some discharges was only available on request. From this autumn, we will begin publishing spill and compliance data in more accessible formats. Looking ahead, transparent performance reporting will be introduced through EPAS, meaning communities will be able to see clearly how operators are performing year after year.

Our priority now is meeting the commitments of the current RBMP cycle to 2027, while preparing to push water quality even further in the next cycle.



Chair
Lisa Tennant

CEO
Nicole Paterson

Angus Smith Building
SEPA
Unit 6, 4 Parklands Avenue
Holytown
Motherwell
ML1 4WQ

Tel: 03000 99 66 99
www.sepa.org.uk

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Scotland's waters are one of our greatest assets, and we are determined to protect and improve them for generations to come.

Below I will set-out each of the relevant recommendations, the commitments from SEPA, and an update on those commitments.

Recommendation one: *That Scottish Government, Scottish Water & SEPA must make data in relation to wastewater spills, compliance with licences and environmental pollution incidents available to the public to provide a comprehensive and accessible picture of the scale of spills from storm overflows. This should include reporting where and when discharges occur, their scale and the reasons for any discharges, as well as more details on when these result in pollution incidents covering the source, reasons and links to licence compliance.*

SEPA commitments:

- SEPA is developing a new approach to compliance assessment, the Environmental Performance Assessment Scheme (EPAS). A public consultation on EPAS will be launched on the 31st of March 2025; our aspiration is to implement EPAS in 2026.
- We will continue to explore ways of making our data publicly available in ways that provide a comprehensive and accessible picture of the scale of spills from storm overflows.
- Annual data on spills from wastewater treatment works operated by Private Finance Investment companies are available from SEPA on request; we are exploring how to make these data available proactively.

Update:

- The Environmental Performance Assessment Scheme (EPAS) consultation ran from 31 March to 30 June 2025, supported by an extensive programme of engagement and communications. We received 73 consultation responses, representing a good range of respondents across regulated businesses, trade bodies and community groups.
- By early 2026 we will:
 - publish a 'we asked, you said, we did' summary of consultation responses received, setting out how EPAS will operate, and
 - confirm the timescales for the implementation of EPAS.
- We have provided a new accessible data report format for discharge quality compliance against the Urban Wastewater Treatment Regulations to Scottish Government. We understand Scottish Government plan to publish the data for 2018, 2020 and 2022 by September 2025.
- We have created a new accessible data report format for overflow events data (which are spill events) for publishing PFI and Scottish Water data returns. The data for 2020-2024 is planned to be published on SEPA's website in autumn 2025.
- **Recommendation four:** *SEPA should review and update its authorisation regimes and associated regulatory and operational guidance to reflect the Scottish Government's revised guidance and ensure that it remains up to date, publicly available and is in line with best practice.*

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SEPA commitments:

- As the Government's independent environmental regulator, SEPA will work with the Scottish Government as requested on any review of the exceptional circumstances guidance and implement any changes directed by Scottish Government.

Update:

- We continue to engage closely with Scottish Government on many aspects of water and sewerage policy. Scottish Government will be able to provide an update on water policy development.

Recommendation five: *Scottish Water and SEPA should more routinely assess available rainfall, flow and spill event data to identify all instances of overflows which appear to spill in dry weather and prioritise these for investigation and improvement as soon as possible. Scottish Water and SEPA have identified 12 storm overflows which are at risk of operating in dry weather. ESS' analysis suggests that this is an underestimate.*

SEPA commitments:

- We will continue to prioritise CSOs which are suspected of discharging in dry weather. We are continuing to develop an analytical tool to look at the relationship between rainfall and spill data to identify patterns and trends. We will use this data to further inform our compliance and prioritisation approach.

Update:

SEPA have used a proportionate risk-based approach to prioritise combined sewer overflows which are having a water quality impact; these have been highlighted for investment within Spending Review 2021 (which will deliver investments by 2027).

We are working with Scottish Government and Scottish Water to look at investment priorities in the Scottish Water Strategic Review 21 (covering the period 2021 to 2027) and Strategic Review 27 (covering the period 2027 to 2033). We will work with Scottish Water to continue to verify unsatisfactory overflows and their priority, using all available data. Where unsatisfactory overflows are discharging during dry weather, they will continue to be a high priority for investment.

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We are currently developing a data analytical tool to overlay overflow spill data and rainfall data to identify trends. We will use the intelligence from this to inform our prioritisation process and direct Scottish Water's investment approach. However, due to the complexity of the relationship, this cannot yet be used to identify specific sites, and this will be a long-term project.

I hope this provides you with sufficient information on how SEPA is progressing the recommendations made in your report, and our commitment to protect and improve the environment. We will continue to provide you with progress updates at six-monthly intervals.

Yours sincerely,

A solid black rectangular box used to redact the signature of Alex Flucker.

Alex Flucker

Chief Operating Officer