

Environmental Standards Scotland

Ìrean Àrainneachdail na h-Alba

ENVIRONMENTAL
Standards Scotland
Ìrean Àrainneachdail na h-Alba

[REDACTED]
Business and Finance Manager

foi@environmentalstandards.scot

0808 1964000

[REDACTED]

14 October 2025

Dear [REDACTED]

Information request – partial disclosure

ESS reference: ESS.IR.016

I am writing in response to your email of 16 September 2025, requesting information under the Freedom of Information (Scotland) Act 2002 (FOISA). The information you requested is as follows:

Please provide a copy of all documents which discuss the Scottish Government's plans to revise and review the guidance about the exceptional circumstances in which it is permissible for storm overflows to spill, following its commitment to do so in a [letter](#) to Environmental Standards Scotland dated 10th June. Please include copies of all correspondence, documents, reports, minutes, letters and emails.

As the information you have requested is 'environmental information' for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your request under those Regulations. We are applying the exemption at section 39(2) of the

Environmental Standards Scotland Enquiries

enquiries@environmentalstandards.scot

Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD

0808 1964000

Freedom of Information (Scotland) Act 2002 (FOISA), so that we do not also have to deal with your request under FOISA.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption, because there is no public interest in dealing with the same request under two different regimes. This is essentially a technical point and has no material effect on the outcome of your request.

Our response

I enclose the information listed in the attached Schedule of Information. The documentation spans the period from 10 June 2025 (although your request does not specify the year, we are relying on the date in the letter you have provided a link to) to the date of your request (16 September 2025).

Some of the information you asked for cannot be provided because it is exempt from disclosure.

The EIRs allow a Scottish public authority to withhold information in response to a request, where one or more exemptions listed in the EIRs applies. While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested. An exemption under Regulation 11(2)(a) of the EIRs applies to some of the information requested, because it is personal data of a third party and disclosing it would contravene the data protection principles in Article 5(1) of the UK General Data Protection Regulation. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

To provide you with as much information as possible, the documents enclosed have been redacted to remove exempt information, while leaving the rest of the information in place. Wherever information has been removed, this is marked in the text, along with reference to the exemption we are applying.

Environmental Standards Scotland Enquiries

enquiries@environmentalstandards.scot

Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD
0808 1964000

Right to seek a review

If you are unhappy with this response to your request under EIRs, you may ask us to carry out an internal review of the response by writing to:

Chief Executive Officer

Environmental Standards Scotland

Thistle House

91 Haymarket Terrace Edinburgh

EH12 5HD

Email foi@environmentalstandards.scot

Your review request should explain why you are dissatisfied with this response and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at: <https://www.foi.scot/appeal>

Yours sincerely



Business and Finance Manager

Environmental Standards Scotland

Environmental Standards Scotland Enquiries

enquiries@environmentalstandards.scot

Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD

0808 1964000

Schedule of Information

Case Reference Number: ESS.IR.016

Doc no.	Title	Release – wholly or in part	Exemptions/ exceptions applied	Public interest test
1.	Email (internal) titled “News release to clear” – 30 June 2025	In part	Regulation 11(2)(a)	Not subject to public interest test
2.	Email (internal) titled “FW: news release to send our tomorrow AM” – 1 July 2025	In part	Regulation 11(2)(a)	Not subject to public interest test
3.	News release on ESS website – 1 July 2025 CSO guidance review being brought forward	Wholly – already in the public domain		
4.	Email chain (internal) titled “RE: Letter Outgoing - CEO to SG - CSO report - second response to recommendation – 30 June to 2 July 2025	In part	Regulation 11(2)(a)	Not subject to public interest test
5.	Email to SG officials titled “ESS Statement on CSO guidance” – 2 July 2025	In part	Regulation 11(2)(a)	Not subject to public interest test
6.	Emails (internal) titled “RE: Sewage discharge report - correspondence with	In part	Regulation 11(2)(a)	Not subject to public interest test

	public authorities on recommendations” – 2 July 2025			
7.	Letter (outgoing) – 2 July 2025 from CEO to Cabinet Secretary re: response to CSO report	Wholly – already in the public domain		
8.	Email (internal) titled: “recent coverage – ENDS report” – sent on 3 July 2025	In part	Regulation 11(2)(a)	Not subject to public interest test
9.	Excerpt of Strategy and Analysis Update report for 4 July 2025 ESS Board meeting	Wholly – in so far as the information is within scope of the request		
10.	Draft minutes from 4 July 2025 Board meeting	Wholly – already in the public domain		
11.	Email chain (internal) titled “RE: Good use of our sewer outflows report in this story” 29 July to 30 July 2025	In part	Regulation 11(2)(a)	Not subject to public interest test

From: R.11(2)
To: R.11(2)
Cc: R.11(2)
Subject: news release to clear
Date: 30 June 2025 16:12:36

Hi R.1
(2)

Can you please provide clearance on this news release?

R.11(has signed off his quote. As discussed, if R.11(2 comes back with any substantial edits I'll clear them with R.11 tomorrow.
(2)

news release - CSO report guidance update - with R. edits - 20250630 details - Objective
11

Thank you,

R.1
(2)

From: R.11(2)
To: R.11(2)
Cc: R.11(2)
Subject: FW: news release to send our tomorrow AM
Date: 01 July 2025 09:35:00
Attachments: [image001.png](#)
[image003.png](#)
[final_press_release - CSO guidance update.docx](#)
[image004.png](#)

Hi R.11(2)

This is the final press release that was cleared by R.11 and R.1 yesterday.

Can you pop on the website when you have a moment today? R.1(2)

Thanks,

R.1
R.11(2)

From: R.11(2)

Sent: 30 June 2025 16:55

To: R.11(2) @smarts.agency>

Subject: news release to send our tomorrow AM

Hi R.11(2)

I've attached the news release here.

Hopefully all reads OK to you but any Qs just give me a shout!

Thanks,

R.1
R.11(2)

R.11(2) (she/her)

Senior Communications Officer

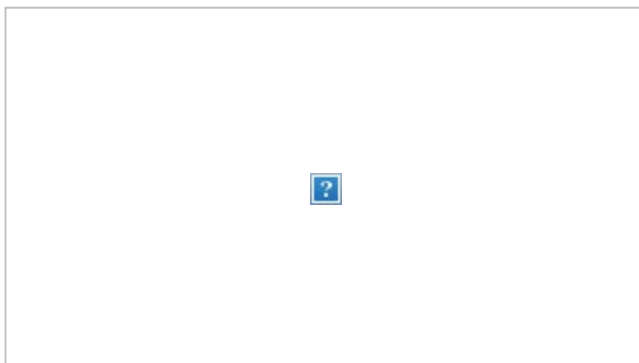
R.11(2) @environmentalstandards.scot

R.11(2)

General Enquiries | enquiries@environmentalstandards.scot

0808 1964000 | www.environmentalstandards.scot

Address: Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD



BSL users can contact us via an online BSL/English interpreter

News Release

Immediate Release

1 July 2025

Environmental Standards Scotland welcomes the Scottish Government's commitment to bring forward review of guidance on storm overflows

Environmental Standards Scotland (ESS) has welcomed a commitment by the Scottish Government to review existing guidance on the definition of the exceptional circumstances in which it is permissible for storm overflows to spill in Scotland.

In a letter to ESS, the Cabinet Secretary for Net Zero and Energy confirmed that this decision was taken in "recognition of the ESS request" to reconsider their position on this matter.

A previous statement from the Cabinet Secretary had said that the Scottish Government was assessing the European Union's Urban Wastewater Treatment Directive and planned to bring forward revised legislation concerning the operation of storm overflows as part of that process. However, ESS asked the Cabinet Secretary to reconsider updating guidance on the existing legislation, given concerns that revised legislation would take a significant amount of time and would result in an unacceptable delay and lack of clarity.

Chief Executive of ESS, Mark Roberts said: "We have been clear that guidance in Scotland about the exceptional circumstances in which it is permissible for storm overflows to spill is outdated and is unclear that spills should only occur in exceptional circumstances.

"There is a high level of public concern on the operation and management of storm overflows in Scotland. That's why we welcome this change of course from the Scottish Government to now look at how the guidance on exceptional circumstances

can be updated without waiting for changes to be made to legislation that may take years to be finalised.

“ESS will continue to monitor and report on the delivery of this commitment.”

Storm overflows are part of the sewerage system and are designed to reduce the risk of sewers flooding homes and businesses. However, spills from storm overflows can pose a risk to the environment and to human health. The Scottish Government, Scottish Water and the Scottish Environment Protection Agency (SEPA) all have responsibilities in relation to the storm overflows in Scotland.

In response to a separate ESS recommendation that called for greater information and transparency on storm overflows, Scottish Water launched an [overflow map](#) in December 2024 showing real-time data from overflows across Scotland.

ENDS

Notes to editors:

- i) You can read the letter from the Cabinet Secretary to ESS confirming the decision to bring forward the review of the guidance [here](#)
- ii) You can read the letter from ESS to the Cabinet Secretary requesting that the guidance is updated sooner than the Cabinet Secretary previously committed to doing so [here](#)
- iii) You can read the initial letter from the Cabinet Secretary to ESS stating that the Scottish Government will update the guidance as part of assessing the recast Urban Waste Water Treatment Directive [here](#)
- iv) The Urban Waste Water Treatment (Scotland) Regulations 1994 and ‘exceptional circumstances’.

The Scottish regulations controlling waste water treatment (the Urban Waste Water Treatment (Scotland) Regulations 1994) derive from the 1991 European Urban Waste Water Treatment Directive. The Regulations require Scottish Water to ensure that sewerage systems, including storm overflows, meet the requirements of BTKNEEC (best technical knowledge not entailing excessive costs) to limit pollution. In addition, the Regulations require, when read together with the objectives of the Directive and decisions from the European Court of Justice, that under normal climatic conditions and taking into account seasonal variation, all urban waste water is collected and treated, except in exceptional circumstances. **The Scottish guidance on this was last updated in 1998 and ESS finds that it fails to reflect the requirement for spills from storm overflows to be exceptional.** This has had consequences for Scottish Water's operations and SEPA's regulatory activity and limits effective implementation and application of the law (see paragraphs 7.1 – 7.12 of the report).

v) You can read ESS' full report on storm overflows that was published in September 2024 [here](#). The report made six recommendations to the Scottish Government, Scottish Water and SEPA. Recommendation 3 was in relation to guidance on the exceptional circumstances in which it is permissible for storm overflows to spill:

Recommendation 3: 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.

From: R.11(2)
To: R.11(2)
Cc: R.11(2)
Subject: RE: Letter Outgoing - CEO to SG - CSO report - second response to recommendation - 20250702 (A53312621)
Date: 02 July 2025 09:16:00
Attachments: [image001.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Hi R.11(2)
^

The address for the Cab Sec is now cabsecforcae@gov.scot

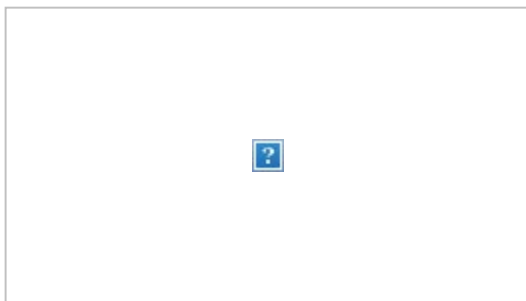
Can you also copy in R.11(2) [@gov.scot](mailto:R.11(2)@gov.scot))
and R.11(2) [@gov.scot](mailto:R.11(2)@gov.scot)) in SG please

Plus Exec Team in ESS please

R.1
1(2)

R.11(2) (He/His)
Head of Strategy & Analysis
R.11(2) [@environmentalstandards.scot](mailto:R.11(2)@environmentalstandards.scot)
R.11(2)

General Enquiries | enquiries@environmentalstandards.scot
0808 1964000 | www.environmentalstandards.scot
Address: Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD



BSL users can contact us via an online BSL/English interpreter

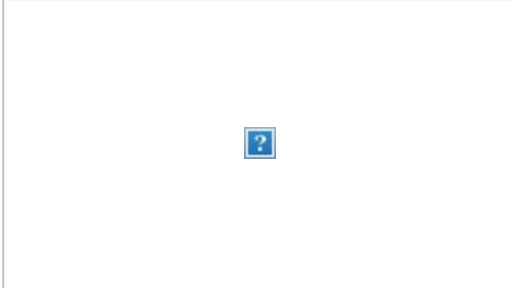
From: R.11(2) [@environmentalstandards.scot](mailto:R.11(2)@environmentalstandards.scot)>
Sent: 01 July 2025 11:52
To: R.11(2) [@environmentalstandards.scot](mailto:R.11(2)@environmentalstandards.scot)>; R.11(2) [@environmentalstandards.scot](mailto:R.11(2)@environmentalstandards.scot)>
Cc: R.11(2) [@environmentalstandards.scot](mailto:R.11(2)@environmentalstandards.scot)>
Subject: RE: Letter Outgoing - CEO to SG - CSO report - second response to recommendation - 20250702 (A53312621)

Hello R.11(2) ! Yes certainly! Sorry could I just confirm, what is the best email address for the cabinet secretary? There seems to be a few different ones used before.... and also who you would like in cc?

Kind Regards

R.11(2) (She/Her)
Business Support Officer
R.11(2) @environmentalstandards.scot
R.11(2)

General Enquiries | enquiries@environmentalstandards.scot
0808 1964000 | www.environmentalstandards.scot
Address: Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD



BSL users can contact us via an online BSL/English interpreter

From: R.11(2) @environmentalstandards.scot>
Sent: 30 June 2025 16:58
To: R.11(2) @environmentalstandards.scot>; R.11(2) @environmentalstandards.scot>; R.11(2) @environmentalstandards.scot>
Subject: RE: Letter Outgoing - CEO to SG - CSO report - second response to recommendation - 20250702 (A53312621)

Thanks R.11(2)

Happy with this.

R.11(2)

From: R.11(2) @environmentalstandards.scot>
Sent: 30 June 2025 16:19
To: R.11(2) @environmentalstandards.scot>; R.11(2) @environmentalstandards.scot>; R.11(2) @environmentalstandards.scot>

Subject: Letter Outgoing - CEO to SG - CSO report - second response to recommendation - 20250702 (A53312621)

Hi R.11(2)

As discussed – now that the CSO statement has been approved for publication – I've drafted a short letter to the Cab Sec welcoming their commitment to update the guidance.

Grateful if you could approve the letter at the link below for sending to Gillian Martin.
Happy to adjust as necessary

Letter Outgoing - CEO to SG - CSO report - second response to recommendation -
20250702

<https://erdm.scotland.gov.uk:8443/documents/A53312621/details>

R.11(2) – once approved by R.11(could you issue this to the Cab Sec please?

R.11(2) – once issued could this be added to our website under the “Our
monitoring and analysis” section please?

Thanks everyone

R.1
1/2)

From: R.11(2)
To: R.11(2)
Subject: ESS Statement on CSO guidance
Date: 02 July 2025 09:21:00
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Hi Both

Apologies – I meant to send you this in advance of us issuing it but time ran away from me. Link below to a statement on our website welcoming the SG commitment to update the CSO guidance. Thanks again for agreeing to do this

[Guidance review on storm overflows brought forward - Environmental Standards Scotland](#)

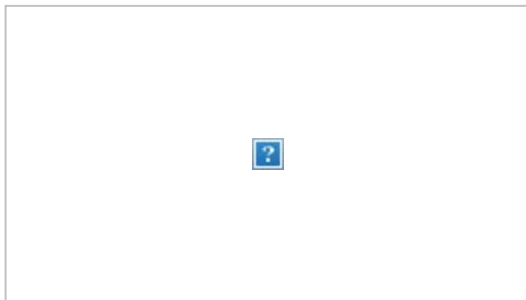
The Cab Sec (cc.ed to you both) should also get a very short letter welcoming the commitment too shortly

Any queries just give me a shout

R.1
1/2)

R.11(2) (He/His)
Head of Strategy & Analysis
R.11(2) [@environmentalstandards.scot](#)
R.11(2)

General Enquiries | enquiries@environmentalstandards.scot
0808 1964000 | www.environmentalstandards.scot
Address: Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD



BSL users can contact us via an online BSL/English interpreter

From: R.11(2)
To: R.11(2)
Cc: R.11(2)

Subject: RE: Sewage discharge report - correspondence with public authorities on recommendations
Date: 02 July 2025 15:49:20

Thank you – and yes, good to see the whole story, blow by blow.
And you will possibly have seen that there's a good piece in today's ENDS on this
(copied below for those without easy access.
See you all on Friday.
Best regards,
R.11(
^)

Scottish government U-turns on decision to review storm overflows guidance

Michael Donnelly - 02 Jul 2025

The Scottish government has said that it will review guidance on the definition of the exceptional circumstances in which it is permissible for storm overflows to spill, reversing a previous position after pressure from Scotland's environmental watchdog.

In a report on storm overflows published [in September last year](#), Environmental Standards Scotland (ESS) recommended that ministers should “as a matter of priority ... prepare and publish up to date, clear and specific guidance about the exceptional circumstances in which it is permissible for storm overflows to spill”.

In a response, the Scottish government initially said it intended “to focus our energies on how best to apply the [revised 2025 Urban Wastewater Treatment Directive] in Scotland rather than update dated guidance”.

But in further correspondence, ESS warned that the focus on updating existing legislation was “likely to take a significant amount of time to implement”, meaning that “it could be 2027 at the earliest, before any new legislation comes into force”. ESS said that “this leaves an unacceptable lack of clarity on the exceptional circumstances in which it is permissible for storm overflows to spill”.

The body requested, “as a matter of urgency”, that the Scottish

government reconsidered its position “to take into account the need to provide clarity on this issue to Scottish Water and [the Scottish Environment Protection Agency] and given the levels of public concern over this issue”.

The Scottish government has now confirmed that it will review the guidance ahead of work to update current legislation.

[In a letter](#) to ESS, cabinet secretary for net zero and energy, Gillian Martin, said officials will “look at how much the current guidance can practically be updated in advance of any legislative reform”.

Mark Roberts, chief executive of ESS, said: “We have been clear that guidance in Scotland about the exceptional circumstances in which it is permissible for storm overflows to spill is outdated and is unclear that spills should only occur in exceptional circumstances.

“There is a high level of public concern on the operation and management of storm overflows in Scotland. That’s why we welcome this change of course from the Scottish government to now look at how the guidance on exceptional circumstances can be updated without waiting for changes to be made to legislation that may take years to be finalised.

“ESS will continue to monitor and report on the delivery of this commitment.”

From: R.11(2) @R.11(2) .co.uk>
Sent: 02 July 2025 10:56
To: R.11(2) @environmentalstandards.scot
Cc: R.11(2) R.11(2) >; R.11(2) @ec.europa.eu>; R.11(2) R.11(2) >; R.11(2) @dundee.ac.uk>; R.11(2) @stir.ac.uk>; R.11(2) >; R.11(2) @environmentalstandards.scot>; R.11(2) @environmentalstandards.scot>; R.11(2) @environmentalstandards.scot>; R.11(2) @environmentalstandards.scot>; R.11(2) @environmentalstandards.scot>; R.11(2) @environmentalstandards.scot>
Subject: Re: Sewage discharge report - correspondence with public authorities on recommendations

CAUTION: This email originated from outside the University of Dundee. Do not click links or open attachments unless you recognise the sender's email address and know the content is safe.

Thank you for the update R.11(2) this looks like a big success for us in terms of

getting real action to improve the environment.

Cheers, [R.11\(2\)](#)

On 2 Jul 2025, at 09:44, [R.11\(2\)](#) @environmentalstandards.scot wrote:

Dear Board members

There was an action for me from the April meeting to circulate a copy of Scottish Water's response to the recommendations in our CSO/sewage discharge report.

Given that there has now been a series of exchanges between us and the relevant public authorities (Scottish Government, SEPA and Scottish Water) I thought it might be helpful to set them all out in one place and summarise where we have got to.

ESS report

Firstly, for ease of access, our report is available at: [Storm overflows - an assessment of spills, their impact on the water environment and the effectiveness of legislation and policy - Environmental Standards Scotland](#)

SEPA's response

SEPA's response to our recommendations is available at: [SEPA's response to ESS' Storm Overflows report - Environmental Standards Scotland](#)

We were content with this response as it contains a clear commitment from SEPA to take action and to provide a further update to us by 1 September 2025.

Scottish Water's response

Scottish Water's initial response to our recommendations is available at: [Scottish Water's response to ESS' Storm Overflows report - Environmental Standards Scotland](#)

Whilst broadly content that Scottish Water was committed to taking action in response to our recommendations we considered that more detail (particularly regarding the timescale for action) was required and therefore wrote to them asking that further detail be provided by 1 September 2025: [Letter from ESS to Scottish Water - Storm Overflows report recommendations - May 2025 - Environmental Standards Scotland](#)

Scottish Water's response to our follow up letter is available at: [Letter from Scottish Water to ESS - Storm Overflows report recommendations - May 2025 - Environmental Standards Scotland](#)

Their follow-up contains a clear commitment to provide us with further details by 1 September 2025 so we wrote to Scottish Water welcoming this: [Letter from ESS to Scottish Water - Storm Overflows report recommendations - June 2025 - Environmental Standards Scotland](#)

Scottish Government response

Scottish Government's initial response to our recommendations is available at: [The Scottish Government's response to ESS' Storm Overflows report - Environmental Standards Scotland](#)

Whilst this contains a clear indication that current Ministers are committed to updating Scottish legislation to reflect the recast EU Urban Waste Water Treatment Directive (which would help address the recommendations made in our report) this is obviously subject to decisions by, and the priorities of, the next Scottish administration, as well as Parliamentary timetabling. Furthermore, the Scottish Government initially refused to update current guidance because they considered it more important to focus their energies on considering legislative changes to reflect the new EU Directive. We considered that this risked an unacceptable delay in providing clarity on the exceptional circumstances in which it is permissible for storm overflows to spill, as it could be several years before updated legislation is in place and any associated guidance is issued.

We therefore wrote to the Scottish Government asking that they reconsider their decision on updating the guidance: [Letter from ESS to the Scottish Government - Storm Overflows report recommendations - May 2025 - Environmental Standards Scotland](#)

I'm pleased to say that, as a result, Scottish Government have now provided a further response, within which they commit to updating current guidance: [Letter from the Scottish Government to ESS - Storm Overflows report recommendations - June 2025 - Environmental Standards Scotland](#)

We're now satisfied with the responses from all the public authorities involved – though will of course monitor implementation and that we receive further updates as promised. We issued a statement on the Scottish Government response yesterday ([Guidance review on storm overflows brought forward - Environmental Standards Scotland](#)) in particular highlighting the decision to amend their response and their agreement to update guidance on the circumstances in which it is permissible for CSOs to spill. A letter from ^{R.11}(to the Cabinet Secretary will follow shortly

ESS Statement on initial responses

For completeness the statement that ESS made following the initial responses to our recommendations (confirming that we planned to follow-up with Scottish Government and Scottish Water) is available at: [Statement on responses to ESS' Storm Overflows report - Environmental Standards Scotland](#)

I hope that this update is helpful. Happy to field any queries on this by email or in person at the Board meeting on 4 July.

Regards

R.1
1/2)

R.11(2) (He/His)

<image004.png>

Head of Strategy &

Analysis R.11(2) [@environmentalstandards.scot](mailto:R.11(2)@environmentalstandards.scot)

R.11(2)

General Enquiries | enquiries@environmentalstandards.scot

0808 1964000 | www.environmentalstandards.scot

Address: Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD

[<image003.png>](#)

BSL users can contact us via an online BSL/English interpreter

Legal Disclaimer: This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with Environmental Standards Scotland may be monitored in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of Environmental Standards Scotland.

About Environmental Standards Scotland: Our address is: Environmental Standards Scotland, Thistle House, 91 Haymarket Terrace, Edinburgh EH12 5HE : Telephone 0808 1964000. To find out more about us, including how we use any personal data we collect, visit our website www.environmentalstandards.scot.

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

ENVIRONMENTAL
Standards Scotland
Ìrean Àrainneachdail na h-Alba

Gillian Martin MSP
Acting Cabinet Secretary for Net Zero and Energy
Scottish Government
(By email)

2 July 2025

Dear Cabinet Secretary,

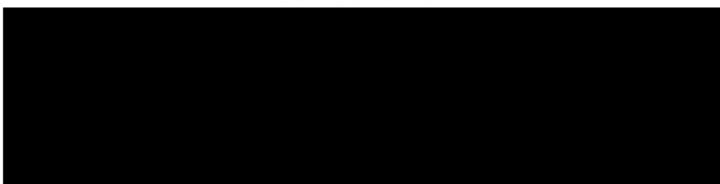
RE: ESS' Storm Overflows analytical report recommendations

Thank you for your letter of 10 June 2025, updating 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’](#).

I am pleased that you have agreed to update existing guidance on the definition of exceptional circumstances in which it is permissible for storm overflows to spill ahead of legislative reform in response to recommendation 3 in our report. ESS believes that it is important to provide clarity on this issue to Scottish Water and SEPA and to the wider public.

ESS welcomes the constructive dialogue that has taken place with your officials since the publication of our report. We will monitor implementation of the response to our recommendations and will continue to engage with your officials as this work progresses.

Yours sincerely,



Mark Roberts

Chief Executive

Environmental Standards Scotland
enquiries@environmentalstandards.scot
Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD
0808 1964000

From: R.11(2)
To: R.11(2)
Subject: recent Coverage - ENDS report
Date: 03 July 2025 10:20:00

Few pieces from last week or so that mention ESS and CSO report. Our news release on the review picked up by ENDS report and Water mag.

<https://www.endsreport.com/article/1924116/scottish-government-u-turns-decision-review-storm-overflows-guidance>

[Guidance review on Scotland's storm overflows brought forward after ESS request - Water Magazine](#)

https://theedinburghreporter.co.uk/2025/06/five-things-you-need-to-know-today-1930/#google_vignette

<https://www.edinburghnews.scotsman.com/news/sewage-spills-could-spoil-summer-trips-to-edinburghs-cramond-beauty-spot-claims-msp-5194616>

<https://www.scottishdailyexpress.co.uk/news/politics/snp-humiliating-u-turn-over-35468436>

Paper L - Strategy and Analysis update

Out of scope

Out of scope

- g) ESS published a response to the Scottish Government, Scottish Water and SEPA's responses to ESS' Storm Overflows report on 15 May and we have subsequently received satisfactory replies from both the Scottish Government and Scottish Water on our requests for further action and information. In particular, the Scottish Government has reversed its position and has now agreed to update guidance on the operation of the system and the definition of exceptional circumstances.

Out of scope

DRAFT Minutes of the Board meeting held on Friday 4 July 2025, 10:00 – 13:35 held in Lomond, Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD and via Microsoft Teams

DRAFT SUBJECT TO APPROVAL AT THE 3 OCTOBER 2025 BOARD MEETING

Board:

Richard Dixon (RD), Chair
Marie Fallon (MF)*
Paul McAleavey (PM)
Annalisa Savaresi (AS)*
Chris Spray (CS)
Morag Sheppard (MS)

*attending via Microsoft Teams

Apologies:

Jamie McGrandles (JMcG), Head of Investigations, Standards and Compliance

Attendees:

ESS Team (Items 2-7 as noted):

Mark Roberts (MR), Chief Executive
Lucy Fitzpatrick (LF), Senior Communications Officer (Items 2-3)
Kirsty Laing (KL), Business Support Officer (Minutes)
Neil Langhorn (NL), Head of Strategy and Analysis
Charlotte Lowe (CL), Governance Lead
Rebecca Peppiette (RP), Head of Corporate Services and Communications
Lauren Queen (LQ), In-house Solicitor

1.	Private session
2.	Welcome The Chair welcomed the Board and attendees to the meeting. There were apologies from JMcG. CS noted his interests relating to biodiversity due to his former position as Chair of the UK SPA [Special Protection Areas] and the Ramsar Scientific Working Group. MS declared an interest relating to her position as interim Board Member of the Water Industry Commission for Scotland. The minutes of the previous meeting on 25 April 2025 were approved.

3. Governance

MF provided an update on the work of the Audit and Risk Committee (the Committee) highlighting the Committee's discussion on the qualified assurance opinion provided by Scottish Government for the new Oracle finance system.

RP presented a summary of expenditure to date for the financial year 2025/26. The Board noted the updates and that a revised budget will be brought the Board meeting of 3 October 2025 for approval.

ACTION: to present the revised budget to the Board meeting of 3 October 2025 for approval.

RP presented the draft Annual Report and Accounts. In discussion, the Board:

- noted the inclusion of HM Treasury's Taskforce on Climate-related Financial Disclosures (TCFD) and pension information
- agreed the amendments to the report that were made following the Committee's review at the meeting of 23 June 2025
- noted that the return of £100k to the Scottish Government in January 2025 did not form part of the Autumn Budget Review due to time constraints, therefore was not reported publicly. It was recommended that a clarification be added to the Annual Report and Accounts to set this out

MF presented the Committee's Annual Report to the Board, detailing that requirements and assurances have been met for the financial year 2024/25. The Board noted the Committee report, approved the draft Annual Report and Accounts for onward submission to external audit, and thanked the Committee and team.

RP presented options for the Board's future consideration of the draft Annual Report and Accounts.

The Board agreed to review the draft 2025/26 Annual Report and Accounts by correspondence from 2026 onwards (unless circumstances required a meeting for

	more detailed consideration of the Report) and that the Board meeting schedule be amended accordingly. LF presented the report summarising progress on the review of the ESS Communication and Engagement Plan. In discussion, the Board considered: • the proposed outline of the contents for the Plan, including the draft communication vision and alignment with ESS' Strategy 2026-31 • the focus on external communications drawing on key communication principles • the role of the Board in the Plan, liaising with organisations and key stakeholders The Board noted the progress with the Plan and approved the proposed outline subject to amendments discussed. CL presented the ESS risk register, noting recommendations from the 23 June 2025 Committee meeting. In discussion, the Board: • considered the continued diligence managing potential cyber risks • noted the 'reasonable assurance' provided by the Internal Audit review of risk management and the steps being taken to implement recommendations • considered the outcome of the Audit and Risk development session, noting the discussion around risk appetite and ESS' increased confidence in certain risk areas The Board approved the updates to the risk register and noted the next steps for the review of ESS' Risk Management Policy and framework, which will be presented to the Board at the 3 October 2025 meeting. The Board Champions for equality, sustainability and cyber gave updates on ongoing work in their respective areas.
4.	Chief Executive's update MR provided an update on ESS' activities since the last Board meeting, highlighting:

	• engagement with The Scottish Parliament's Rural Affairs and Islands Committee and the Scottish Government (SG) regarding the Natural Environment (Scotland) Bill and ESS' anticipated role and reporting mechanisms as the independent review body • the recent publication of the SG's Public Service Reform strategy • people updates, including the progress of ongoing recruitment AS presented the draft minutes of the recent ESS International Advisory Panel meeting. The Board discussed progress on commissioning a report on Scotland's international regulatory alignment and considered how to continue to make best use of the Panel's expertise.
5.	Casework update MR presented an update on ongoing casework highlighting: • cases nearing conclusion including Ramsar, Special Protection Areas (SPA) and the Sustainable Management of Fisheries • ongoing work in areas such as incineration overcapacity and vehicle idling • new representations received in relation to the regulation of sewage discharges The Board noted the updates and in discussion: • agreed to review the Sustainable Management of Fisheries draft report by correspondence • discussed timescales for active casework and requested further detail on next steps ACTION: to provide further detail on next steps for active casework
6.	Strategy and Analysis NL provided an update on the work of the Strategy and Analysis team highlighting:

	• progress against the team's workplan and upcoming milestones for analytical projects on sea floor integrity, rural diffuse pollution, and Invasive Non-Native Species (INNS) • progress on the draft Strategy consultation process, noting the engagement sessions that have taken place and the plan for upcoming sessions • completion of the six-monthly review of analytical prioritisation The Board noted the updates and in discussion: • noted the SG's positive response to the report into combined sewer overflows • noted plans to review ESS' approach to identifying and prioritising issues for analysis under the new Strategy for 2026-2031 and requested that nominated Board members have early input to this • considered capacity and resourcing across all the ESS teams • noted the timelines for finalising the consultation analysis of the draft strategy and requested early sight of this ACTION: to provide further details on the review of ESS' approach to identifying and prioritising issues for analysis ACTION: to share Strategy consultation feedback with Board members by correspondence in advance of the next Board meeting
7.	Any other business The Board discussed and confirmed the meeting dates and schedule for 2026.

Dr Richard Dixon

Chair, Environmental Standards Scotland

[DATE]

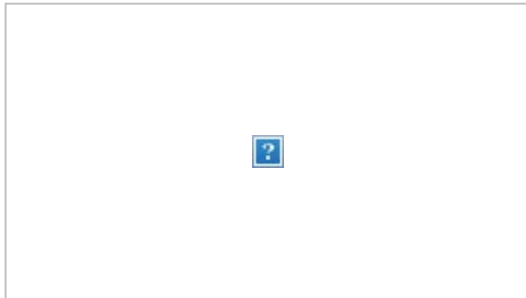
From: R.11(2)
To: R.11(2)
Subject: RE: Good use of our sewer outflows report in this story
Date: 30 July 2025 10:07:00
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Thanks R.11(2)

R
1

R.11(2) (He/His)
Head of Strategy & Analysis
R.11(2) [@environmentalstandards.scot](mailto:R.11(2)@environmentalstandards.scot)
R.11(2)

General Enquiries | enquiries@environmentalstandards.scot
0808 1964000 | www.environmentalstandards.scot
Address: Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD



BSL users can contact us via an online BSL/English interpreter

From: R.11(2) @environmentalstandards.scot>
Sent: 30 July 2025 09:23
To: R.11(2) @environmentalstandards.scot>; R.11(2) @environmentalstandards.scot>
Subject: RE: Good use of our sewer outflows report in this story

Hi R.1 – article below.

Thank you,

R.1

Claim water pollution is worse in Scotland than England is Mostly False
Ferret Journalists
July 28, 2025

In an [interview with Channel 4 News](#) posted on YouTube on 21 July 2025, the Labour minister said that sewage pollution was worse in Scotland than in England, as he argued against the nationalisation of water supply.

Ferret Fact Service looked at this claim and found it **Mostly False**.

Evidence

Steve Reed MP was [interviewed on Channel 4 News](#) on Monday, where he discussed the Labour government's plans to reform the UK water industry.

The government [plans to scrap the UK's water regulator](#), Ofwat, and replace it with a "single powerful super-regulator responsible for the entire water sector".

This was in response to an [independent report](#) into the water sector in England and Wales, commissioned by ministers and published in July 2025.

In the interview with journalist Krishnan Guru-Murthy, Reed was asked if nationalising the water supply in England and Wales would lead to better value and service for customers. He argued against nationalisation, citing the alleged cost of the move.

Reed also argued that nationalisation "wasn't guaranteed to work", citing Scotland's nationalised water supply, which he claimed saw pollution levels worse in north of the border than in England.

While water services were privatised in England and Wales in 1989 as part of then-prime minister Margaret Thatcher's drive to sell off state-run industries, Scotland's water services stayed in public hands and [since 2002](#) they have been provided by Scottish Water, a publicly-owned company answerable to Scottish ministers.

Water pollution can be measured in several different ways. The percentage of bodies of water in good condition is often cited in media reports about water quality and lack of pollution.

The [independent water commission's report](#) compared the different nations of the UK, and found Scotland had more water bodies achieving 'good' status compared to England and Wales. Scotland's percentage of 'good' condition water bodies was 66 per cent, compared with 16 per cent in England, and 30 per cent in Wales.

It should be noted that Scotland has a lower population density than England, which is a key factor in determining good status.

In Scotland, [87 per cent of bathing waters](#) are considered to be in good condition, according to recent statistics. This is broadly comparable with England (85 per cent) but lower than Wales (94 per cent)

Another way to look at the level of pollution in water is by looking at sewage overflows. Both the Scottish and UK Governments [have been criticised](#) in recent years for the amount of sewage released into waterways, usually during heavy rainfall when the capacity of sewer pipes is exceeded.

To avoid flooding people's homes and public areas, water companies are allowed to use 'combined sewer overflows' to discharge untreated sewage into rivers or seas.

Surfers Against Sewage, a group which campaigns against pollution in waters across the UK, [found there were 23,498 discharges](#) of sewage from overflows in Scotland in 2024.

In England, there were [450,398 discharges](#) in 2024. However, England has [more comprehensive monitoring](#) of its sewage overflows, with [almost all](#) being monitored across the country. This means that sewage overflows are recorded and included in statistics.

In Scotland, there is a lack of data for many overflows that exist. Surfers Against Sewage found that 6.7 per cent of Scottish Water's network of overflows was monitored, meaning the true number of overflow discharges could be significantly higher.

Scottish Water has committed to improving its monitoring, and had [installed 1,000](#) new monitors by the end of 2024, which it claimed would bring monitoring up to [about 35 per cent](#) of storm overflows.

Scottish monitoring has been criticised by Environmental Standards Scotland (ESS), the Scottish Government body which scrutinises environmental law.

Environmental Standards Scotland (ESS), the Scottish Government body which scrutinises environmental law [said in 2024](#): "There is no comprehensive, publicly available information on the scale and environmental impact of spills from storm overflows in Scotland".

"Where there is data, it is clear that some sites spill much more frequently than should be expected, some of them hundreds of times a year," the agency said.

The UK Government cited the level of pollution incidents per 10,000km of sewage pipe as evidence for higher levels of pollution in Scotland.

A [report from ESS](#) looked at comparisons between Scotland and England.

It stated that such comparisons should be treated with caution "since the data for Scotland is presented by financial year compared to by calendar year in the other countries and there may be some differences in counting and reporting".

Scottish Water data indicated that there were 36 category 1 to 3 water and waste water incidents per 10,000 km of sewer in Scotland in 2023-24. According to [data analysed by ESS](#), there were 41 such incidents per 10,000km in England in 2023.

Ferret Fact Service verdict: Mostly False

Steve Reed's claim that pollution levels in Scotland are worse than in England is not supported by most of the evidence. Scotland has a higher percentage of water bodies achieving 'good' status, and the number of spillage incidents per 10,000km of sewage pipe is slightly lower in Scotland. Comparisons between Scotland and England on the use of sewage overflows is difficult to make due to a relative lack of monitoring in Scotland.

From: [R.11\(2\)](#) [@environmentalstandards.scot](#)>
Sent: 30 July 2025 08:57
To: [R.11\(2\)](#) [@environmentalstandards.scot](#)>; [R.11\(2\)](#) [@environmentalstandards.scot](#)>
Subject: FW: Good use of our sewer outflows report in this story

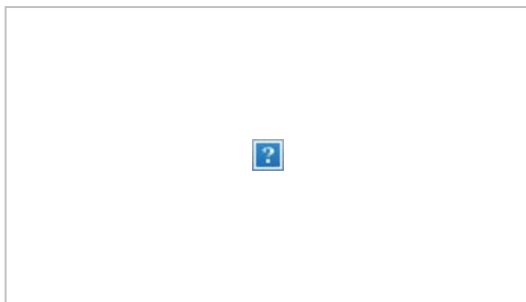
Morning

To see below. Would it be possible to get a copy of the article?

R
1

R.11(2) (He/His)
Head of Strategy & Analysis
R.11(2) @environmentalstandards.scot
R.11(2)

General Enquiries | enquiries@environmentalstandards.scot
0808 1964000 | www.environmentalstandards.scot
Address: Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD



BSL users can contact us via an online BSL/English interpreter

From: R.11(2) [@R.11\(2\).co.uk](mailto:@R.11(2).co.uk)>
Sent: 29 July 2025 10:52
To: R.11(2) @ec.europa.eu>; R.11(2) @stir.ac.uk>; R.11(2) @dundee.ac.uk>
Cc: R.11(2) @environmentalstandards.scot>; R.11(2) @environmentalstandards.scot>
Subject: Good use of our sewer outflows report in this story

The Ferret - Claim pollution worse in Scotland than England Mostly False

[https://theferret.scot/water-pollution-scotland-england-mostly-false/?utm_source=mailpoet&utm_medium=email&utm_source_platform=mailpoet&utm_campaign=Daily alerts](https://theferret.scot/water-pollution-scotland-england-mostly-false/?utm_source=mailpoet&utm_medium=email&utm_source_platform=mailpoet&utm_campaign=Daily%20alerts)