

[REDACTED]
Business and Finance Manager
foi@environmentalstandards.scot

Wednesday 17 June 2026

Dear [REDACTED],

Information Request – partial disclosure

ESS Reference: ESS.IR.037

I am writing in response to your email of 2 April 2026, requesting information under the Environmental Information (Scotland) Regulations 2004 (EIRs).

The information you requested in part 1 is as follows:

‘In accordance with the Freedom of Information Act, I would be grateful if you could comply with the following request:

In its 2024 report, Environmental Standards Scotland called on the Scottish Government to publish up-to-date, clear and specific guidance about the exceptional circumstances in which it is permissible for storm overflows to spill. In July 2025 the Scottish Government agreed to review this guidance.

Please provide a copy of all documents which discuss this guidance and the review into it since September 2024.

Please include copies of all correspondence, documents, reports, minutes, letters and emails.’

Environmental Standards Scotland Enquiries

enquiries@environmentalstandards.scot

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

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 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.

I can confirm that Environmental Standards Scotland holds some of the requested information, but that the organisation has chosen not to disclose some of that that information at this stage. I enclose the information listed in the attached Schedule of Information.

The Environmental Information (Scotland) Regulations 2004 (the EIRs) allow(s) a Scottish public authority to withhold information in response to a request, where one or more exceptions listed in the EIRs apply(ies). In this case, ESS believes the following exceptions apply:

Regulation 10(4)(e) of the EIR – internal communications

Under the terms of the exception at 10(4)(e) of the EIRs, ESS may choose not to disclose internal communications where that is in the public interest.

When undertaking investigatory or analytical work, ESS' priority is achieving an effective and successful outcome. This means that the organisation must be able to consider all available options and to debate those rigorously, to fully understand their possible implications. The ability to do so will be affected by the assessment of the law and actions of the public authority. Disclosure of those assessments may undermine or constrain the organisation's view of those actions while they are still under discussion and analysis. In order to operate effectively, ESS must be able to communicate freely internally.

In this case, ESS has chosen not to disclose some information on this basis.

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Public interest test

The exception in 10(4)(e) is subject to the public interest test in regulation 10(1)(b) of the EIRs. This means that ESS can only withhold the information if the public interest in maintaining the exception outweighs the public interest in giving you the information. Taking account of all the circumstances of your request, we have considered if the public interest in disclosing each item of information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception for some of the information. We recognise that there is a public interest in disclosing information as part of an open, transparent and accountable public sector, and to inform public debate. However, this is outweighed by the strong public interest in maintaining the ability of proposals to be discussed confidentially.

Regulation 10(5)(b) – the course of justice

An exception under regulation 10(5)(b) of the EIRs applies to some of the information you have requested. Legal professional privilege allows for legal advice to be sought and given in a confidential manner. ESS has chosen not to disclose some of the requested information on this basis.

This exception 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 exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in release. However, this is outweighed by the public interest in allowing Ministers and policy makers confidential advice and guidance in these matters.

Regulation 11(2) of the EIR – personal data

An exception under regulation 11(2) of the EIRs (personal information) 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 General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exception is not

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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 exception.

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

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0808 1964000

FOI 22 – Schedule of Information

Case Reference Number: ESS.IR.037

Doc no.	Title	Release – wholly or in part	Exemptions/ exceptions applied	Public interest test
1.	Correspondence between ESS and SG – ESS Statement on CSO guidance – 2 July 25	In part	Reg 11(2)(a)	Not subject to public interest test
2.	Correspondence between ESS and SG – RE: CSO Guidance – 25 March 2026	In part	Reg 11(2)(a)	Not subject to public interest test
3.	Letter from Gillian Martin MSP – ESS Storm Overflows analytical report	In part	Reg 11(2)(a)	Not subject to public interest test
4.	Email exchange re letter from Scottish Water	In part	Reg 11(2)(a)	Not subject to public interest test
5.	Emailed letter from MR to Gillan Martin MSP – 16 May 2025	In part	Reg 11(2)(a)	Not subject to public interest test
6.	Emailed letter from MR to Gillan Martin MSP – 2 July 2025	In part	Reg 11(2)(a)	Not subject to public interest test
7.	Internal email re update from SEPA	In part	Reg 11(2)(a)	Not subject to public interest test

8.	ESS statement on Scottish Government, Scottish Water and SEPAs response to Storm overflows report	Wholly		
9.	Email chasing response from MR letter to Gillian Martin MSP – 5 June 2025	In part	Reg 11(2)(a)	Not subject to public interest test
10.	Email MR to Scottish Water – 5 November 2025	In part	Reg 11(2)(a)	Not subject to public interest test
11.	Internal correspondence – Summary of WQ Liaison Meeting	In part	Reg 11(2)(a)	Not subject to public interest test
12.	Note of Telephone Call – IESS.26.040	In part	Reg 11(2)(a)	Not subject to public interest test
13.	Case Working Notes – IESS.25.002 – Contains Summary of Legal Advice. docx	WITHHELD	Reg 10(4)(e) - Internal communications	In favour of maintaining exemption
14.	Internal correspondence - Executive Team Meeting on 18 June	In part	Reg 11(2)(a)	Not subject to public interest test
15.	Internal correspondence – Sharing of article mentioning ESS	In part	Reg 11(2)(a)	Not subject to public interest test
16.	Correspondence - ESS Investigations and Analysis Tracker	In part	Reg 11(2)(a)	Not subject to public interest test

17.	Correspondence - ESS Investigations and Analysis Tracker	In part	Reg 11(2)(a)	Not subject to public interest test
18.	Correspondence - For review – Draft statement for overflow report	WITHELD	Reg 10(4)(e) - Internal communications	In favour of maintaining exemption
19.	Correspondence – Re meeting between ESS and SG	WITHELD	Reg 10(4)(e) - Internal communications	In favour of maintaining exemption
20.	Correspondence - Sewage discharge report – correspondence with public authorities on recommendations	In part	Reg 11(2)(a)	Not subject to public interest test
21.	Correspondence - SG Investigations and Analysis	In part	Reg 11(2)(a)	Not subject to public interest test
22.	Correspondence - SG Investigations and Tracker	In part	Reg 11(2)(a)	Not subject to public interest test
23.	Correspondence - SG Investigations and Tracker	In part	Reg 11(2)(a)	Not subject to public interest test
24.	Correspondence outgoing - William Wilson - KT - Update on Water Quality report issues	In part	Reg 11(2)(a)	Not subject to public interest test
25.	Internal correspondence - herald - quote requested - FINAL DRAFT TO CLEAR.msg	WITHHELD	Reg 10(4)(e) - Internal communications	In favour of maintaining exemption

26.	Internal correspondence - ESS - RE ENDS Report OEP publishes recommendations for DEFRA Ofwat and EA	WITHELD	Reg 10(4)(e) - Internal communications	In favour of maintaining exemption
27.	Internal correspondence - Letter Outgoing - CEO to SG - CSO report - second response to recommendation	WITHHELD	Reg 10(4)(e) - Internal communications	In favour of maintaining exemption
28.	Correspondence outgoing - ESS to SG - CSO Guidance	In part	Reg 11(2)(a)	Not subject to public interest test

From: [redacted]
To: [redacted]
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

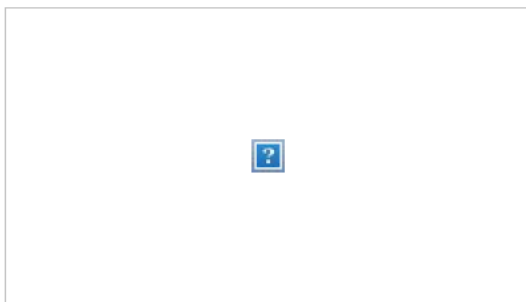
Any queries just give me a shout

[redacted]

[redacted]
Head of Strategy & Analysis

[redacted]
[redacted]

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: 1 [redacted]
To: 1 [redacted]
Cc: 1 [redacted]
Subject: RE: CSO Guidance
Date: 25 March 2026 16:57:39
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)

Hello 1 [redacted]

Thank you for your reply and confirmation that there are ongoing discussions with SEPA and WICS. We are of course happy, in due course, to discuss how any potential proposals can address the specific elements of the recommendation.

We undertook regulatory mapping in support of [our storm overflows report](#) and have summarised this in narrative in the report itself, particularly in chapters 3 and 7. The Scottish Office issued guidance in 1998 for operators and regulators in support of the Urban Waste Water Treatment (Scotland) Regulations 1994, which informs SEPA's regulatory guidance and Scottish Water's operational guidance, which ESS also recommended should be updated in due course.

We will seek a formal update from the Scottish Government on this recommendation after the election to confirm the latest position and any further necessary steps in writing for the public record, as noted below.

Regards,

1 [redacted]

From: 1 [redacted]
Sent: 24 March 2026 07:30
To: 1 [redacted]
1 [redacted]
Cc: 1 [redacted]
Subject: RE: CSO Guidance

Morning 1 [redacted]

Thanks for your email and apologies for missing your deadline slightly. I have been catching up post leave.

I can confirm that discussions with SEPA and WICS are ongoing with a view identifying how we can most proportionately address the issue you raise without cutting across existing roles and responsibilities and regulatory frameworks. As you will appreciate this is a complex area and there are already a number of mechanisms in place that might in part address this or may be capable of amendment to address the issue you raise.

I was wondering if ESS had done any mapping of the regulatory landscape before reaching your initial conclusion that the SG guidance should be updated. If you have, that would be helpful to see to help inform our discussions.

Redaction Key
1 - regulation 11(2) (a)
2 - regulation 10(5) (b)
3 - out of scope
4 - regulation 10(4) (e)

I will keep you updated as matters progress.

Regards

1

From: 1

Sent: 11 March 2026 15:55

To: 1

Cc: 1

Subject: RE: CSO Guidance

Hello 1

I'm getting back in touch to follow up on the below. I note your out of office says you are on leave until 16 March so have continued to include 1 in this email chain.

We would be grateful if the Scottish Government could set out progress on implementing ESS' recommendation on revising the outdated guidance on storm overflows, in line with the Cabinet Secretary's letter from 10 June.

As discussed, 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. It is our intention to confirm the latest position and any further necessary steps in writing for the public record.

We would be grateful for a response by 23 March.

Regards,

1

From: 1

Sent: 19 February 2026 13:17

To: 1

Cc: 1

Subject: RE: CSO Guidance

Thanks 1,

Look forward to hearing more in due course. In the meantime, do let us know if it

Redaction Key

1 - regulation 11(2) (a)

2 - regulation 10(5) (b)

3 - out of scope

4 - regulation 10(4) (e)

would be helpful to discuss further.

Regards,

1

From: 1

Sent: 19 February 2026 11:08

To: 1

1

Cc: 1

Subject: RE: CSO Guidance

Morning 1

I am picking this up as 1 is covering other priorities at the moment.

I can confirm that I am currently liaising with WICS and SEPA on the best way to approach your request so that we ensure the correct roles and responsibilities are adhered to. I will provide a further update once those discussion are complete.

Regards

1

From: 1

Sent: 19 February 2026 10:48

To: 1

Cc: 1

1

Subject: RE: CSO Guidance

Hello 1,

Hope all is well? When we met in January we agreed that you would aim to give ESS a further update on SG's plans regarding the guidance in mid February. Happy to discuss if helpful or for you to do so via email, whatever you prefer.

Regards,

1

From: 1

Sent: 12 January 2026 17:20

To: 1

Cc: 1

1

Subject: RE: CSO Guidance

Redaction Key

- 1 - regulation 11(2) (a)
- 2 - regulation 10(5) (b)
- 3 - out of scope
- 4 - regulation 10(4) (e)

Hi [redacted]

Jo Blewett would like to attend the meeting. Would it be possible to move the meeting until after 14:30 on 16th? Alternatively would 13:00 on 19th work for you?

Many thanks

[redacted]

From: [redacted]
Sent: 22 December 2025 11:39
To: [redacted]
Cc: [redacted]
Subject: RE: CSO Guidance

Thanks [redacted]

That would be good. Have stuck something in the diary for the 16th – let me know if that doesn't suit

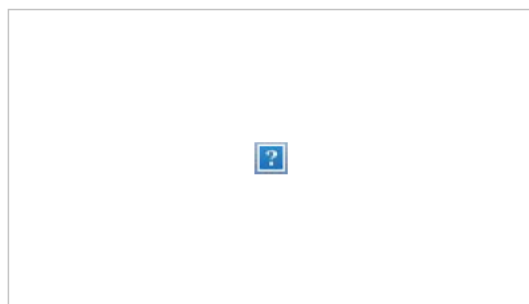
Cheers

[redacted]

[redacted]
Head of Strategy & Analysis

[redacted]
[redacted]

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



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From: [redacted]
Sent: 19 December 2025 17:31
To: [redacted]
Cc: [redacted]
Subject: RE: CSO Guidance

Hi [redacted]

Redaction Key
1 - regulation 11(2) (a)
2 - regulation 10(5) (b)
3 - out of scope
4 - regulation 10(4) (e)

Apologies for not getting back to you sooner.

Yes, let's plan a catch up for the New Year – I'll be back on the 12 Jan. We can cover the guidance but also what is coming up in Europe which may be of interest to you.

Have a lovely Christmas.

1

From: 1

Sent: 08 December 2025 13:01

To: 1

Cc: 1

Subject: CSO Guidance

Hi 1

Just wondering if there is any update on progress with revising guidance on storm overflows following the Cab Sec's letter in June agreeing to take this forward?

Would it be worth organising a catch-up to talk through what's planned?

Thanks

1

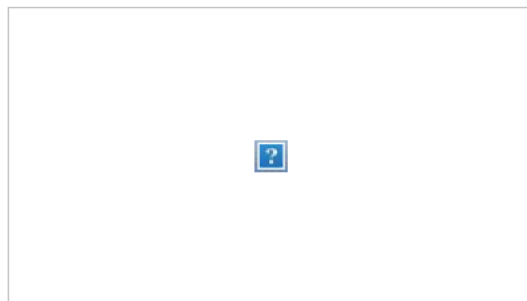
1
Head of Strategy & Analysis

1
1

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

Redaction Key

1 - regulation 11(2) (a)

2 - regulation 10(5) (b)

3 - out of scope

4 - regulation 10(4) (e)

Cabinet Secretary for Net Zero and Energy
Rùnaire a' Chaibineit airson Cothromachadh Carboin is
Cumhachd
Gillian Martin MSP/BPA



Scottish Government
Riaghaltas na h-Alba
gov.scot

T : 0300 244 4000
E : scottish.ministers@gov.scot

Mark Roberts

[Redacted]

Our Reference: 202500466682

Your Reference: ESS' Storm Overflows analytical report recommendations

10 June 2025

Dear Mark,

Thank you for your letter of 16 May 2025 regarding the recommendations made by Environmental Standards Scotland (ESS) in its report 'Storm Overflows – An assessment of spills, their impact on the water environment and the effectiveness of legislation and policy'.

I am pleased that ESS recognises the improvements that have been delivered relating to the installation of monitors on sewer systems and Scottish Water's commitment to publish data. This information, together with the sewer models built for a number of Scotland's sewer networks, should enable Scottish Water and the Scottish Environment Protection Agency (SEPA) to better understand where sewer overflows are having a detrimental impact on the environment.

You request that the Scottish Government reconsiders its position in relation to reviewing the existing guidance on the definition of exceptional circumstances in which it is permissible for storm overflows to spill. As my officials have explained, the current legislation is out of date and we are exploring policy options to rectify that situation. However in recognition of the ESS request my officials will look at how much the current guidance can practically be updated in advance of any legislative reform. Officials will discuss this further with ESS as work progresses.

As ESS may be aware, in Scotland we have deviated from concentrating on spill rates to considering the impact of sewer spills on the water environment through the River Basin Management Plans. Our approach is clearly delivering benefits with 87% of Scotland's entire water environment being assessed by SEPA as having a 'high' or 'good' classification for water quality. This is an increase of 5% 2014. Much of this improvement reflects the investments made in wastewater treatment and sewerage networks. I expect this approach to be maintained for Scottish Water's next investment period 2027-33.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

Redaction Key
1 - regulation 11(2)(a)
2 - regulation 10(5) (b)
3 - scope
4 - regulation 10(4) (e)
St Andrew's House, Regent Road, Edinburgh EH1
3DG
WWW.GOV.SCO



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Looking forward, alignment with the EU's recast Urban Wastewater Treatment Directive provides Scotland with an opportunity to reconsider how urban run-off and wastewater should be collected and conveyed, and the standards to which it should be treated. It considers, for example, how to define urban areas and the need to consider sources of pollution from the drainage of urban run-off and wastewater systems. My officials are assessing the alignment options together with the costs. I am expecting detailed assessments to be provided to me over the summer months in advance of a public consultation in late Autumn. I would very much welcome ESS' contribution to this debate and I support the constructive nature of the dialogue between our officials.

Yours sincerely,

1
[Redacted Signature]

GILLIAN MARTIN

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

Redaction Key
St Andrew's House, Regent Road, Edinburgh EH1

3DG 1 - regulation 11(2)(a)

WWW.GOV.SCOT 2 - regulation 10(5) (b)

4 - regulation 10(4) (e)



From: [Mark Roberts](#)
To: 1 [REDACTED]
Subject: FW: Storm Overflows – An Assessment of Spills
Date: 01 September 2025 14:46:36
Attachments: [image001.png](#)
[01 Sep 25 - Mark Roberts - ESS.pdf](#)

To see below from SW.

From: 1 [REDACTED]
Sent: 01 September 2025 14:42
To: Mark Roberts 1 [REDACTED]
Cc: 1 [REDACTED]
1 [REDACTED]
Subject: Storm Overflows – An Assessment of Spills

Dear Mark

Please find attached letter from Simon Parsons.

Kind Regards

1 [REDACTED]

1 [REDACTED] | **Executive Assistant**

to Simon Parsons | Director of Environment, Planning and Assurance
and Lynne Highway | People Director

Mobile: 07713 055 301

Working Days: Monday-Thursday



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Redaction Key

- 1 - regulation 11(2) (a)
- 2 - regulation 10(5) (b)
- 3 - out of scope
- 4 - regulation 10(4) (e)

SW Public
Commercial

From: [redacted] on behalf of [Mark Roberts](#)
To: [Central Correspondence Unit](#)
Cc: [redacted]; [Tim Ellis](#); [redacted]
[Mark Roberts](#)
Subject: Letter regarding ESS Storm Overflows analytical report recommendations
Date: 16 May 2025 15:39:14
Attachments: [Letter Outgoing - CEO to SG - CSO report - FINAL.pdf](#)
[image001.png](#)
[image003.png](#)

Dear Gillian Martin MSP

Please see attached letter.

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

If you have any queries please do not hesitate to contact us.

Kind Regards

Mark Roberts (he/his)
Chief Executive Officer

[redacted]

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

From: [redacted] on behalf of [Mark Roberts](#)
To: [Cabinet Secretary for Climate Action and Energy](#)
Cc: [redacted] [Tim Ellis](#); [redacted] [Mark Roberts](#)
Subject: Letter regarding ESS' Storm Overflows analytical report - second response to recommendation
Date: 02 July 2025 10:14:36
Attachments: [image001.png](#)
[Letter Outgoing - CEO to SG - CSO report - second response to recommendation - 20250702.pdf](#)
[image002.png](#)

Dear Gillian Martin MSP

Please see attached letter regarding ESS' Storm Overflows analytical report - second response to recommendation.

Any queries please do not hesitate to get in contact.

Kind Regards

Mark Roberts (he/his)
Chief Executive Officer

[redacted]

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

Redaction Key

- 1 - regulation 11(2) (a)
- 2 - regulation 10(5) (b)
- 3 - out of scope
- 4 - regulation 10(4) (e)

From: [redacted]
To: [redacted]
Cc: [Mark Roberts](#)
Subject: FW: SEPA's second update on ESS Analytical Report Storm overflows
Date: 02 April 2026 12:23:52
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[20260402_SEPA update on Urban Waters.pdf](#)
[image011.png](#)
[image012.png](#)

[redacted] – see attached update from SEPA. Could you take a first look at this please?

Mark – for info

[redacted]

Click [here](#) to sign up to receive our email update for the latest news about ESS and our work.

[redacted]
Head of Strategy and Analysis

[redacted]
[redacted]

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

From: [redacted]
Sent: 02 April 2026 12:01
To: [redacted]
[redacted]
Cc: [redacted]
Subject: RE: SEPA's second update on ESS Analytical Report Storm overflows

OFFICIAL

Hi [redacted]

Just corrected the date on the letter, and pdf-d it for you.

Yours,

[redacted]

[redacted]

Head of Environmental Quality; Data, Evidence & Innovation

Redaction Key
1 - regulation 11(2) (a)
2 - regulation 10(5) (b)
3 - out of scope
4 - regulation 10(4) (e)

Scottish Environment Protection Agency



[Redacted]



[Redacted]



Angus Smith Building | Unit 6 | 4 Parklands Avenue | Eurocentral | Holytown |
North Lanarkshire | ML1 4WQ



SEPA logo



OFFICIAL

From: [Redacted]

Sent: 02 April 2026 11:52

To: [Redacted]

Cc: [Redacted]

[Redacted]

Subject: SEPA's second update on ESS Analytical Report Storm overflows

OFFICIAL

Hi [Redacted]

I have attached SEPA's second update on your analytical report on storm overflows. I hope this is helpful and please get in touch if anything more we can provide.

best wishes [Redacted]

[Redacted]

Chief Officer: Governance, Performance and Engagement

Scottish Environment Protection Agency

Buidheann Dion Àrainneachd na h-Alba

[Redacted]

[Redacted]

Waverley Court, 4 E Market Street, Old Town, Edinburgh, EH7 9SF

Postal address: Angus Smith Building, Unit 6, 4 Parklands Avenue, Holytown,

Motherwell, ML1 4WQ

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Redaction Key

1 - regulation 11(2) (a)

2 - regulation 10(5) (b)

3 - out of scope

4 - regulation 10(4) (e)

Working flexibly

I work flexibly (e.g. Monday - Thursday).

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Dh'fhaodte gu bheil am fiosrachadh a gheibhear sa phost-d seo, còmhla ri ceanglachain sam bith na chois, diomhair, agus thathar an dùil gun tèid a chleachdadh leothasan a-mhàin air an robhar ag amas. Chan eilear ag ùghdarrachadh gum faighear cothrom air an fhiosrachadh, no gun dèanar lethbhreac no ath-chleachdadh a dhèanamh dheth, le neach sam bith eile. Mur sibhse an neach ris an robhar ag amas, nach toir sibh fios thugainn sa bhad le post-d freagairte gu postmaster@sepa.org.uk. Oifis chlàraichte: Angus Smith Building, SEPA, Unit 6, 4 Parklands Avenue, Holytown, Motherwell, ML1 4WQ. Dh'fhaodte gun tèid conaltradh le SEPA a sgrùdadh no a chlàradh no a leigeil mu sgaoil gus obrachadh èifeachdach an t-siostaim a dhèanamh tèarainte agus airson adhbharan laghail.

OFFICIAL

Redaction Key

- 1 - regulation 11(2) (a)
- 2 - regulation 10(5) (b)
- 3 - out of scope
- 4 - regulation 10(4) (e)

15 May 2025

Statement on the Scottish Government, Scottish Water and SEPA's response to Environmental Standards Scotland's report 'Storm Overflows - An assessment of spills, their impact on the water environment and the effectiveness of legislation and policy'

1. Background

1.1. In September 2024, Environmental Standards Scotland published its 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. The report set out that:

- 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. ESS' analysis of Scottish Water data reported to SEPA shows that in 2023, 49% of the 142 storm overflows and emergency overflows spilled over 50 times, 32% over 100 times and four spilled more than 500 times. As an example, one Combined Sewer Overflow (CSO) at the Meadowhead treatment works in North Ayrshire spilled wastewater 365 times on 124 different days in 2023
- current Scottish guidance is outdated and it is not sufficiently clear that spills from storm overflows should only occur in exceptional circumstances. This limits

the effective implementation and application of the Urban Waste Water Treatment (Scotland) Regulations 1994

- the system of identifying, reporting, classifying and addressing environmental pollution incidents (EPIs) is one of the key ways of protecting the environment from pollution from storm overflows. ESS has therefore begun investigatory work on the legislation governing EPIs and the responsibilities of the Scottish Environment Protection Agency (SEPA) and Scottish Water

1.2. The Scottish Government, Scottish Water and SEPA have responded to ESS' recommendations. A copy of the Scottish Government's response can be found [here](#), Scottish Water's response can be found [here](#) and a copy of SEPA's response can be found [here](#). This statement sets out ESS' view on the responses from the Scottish Government, Scottish Water and SEPA and the action that it intends to take to monitor implementation. ESS is also currently considering a number of representations in this area.

1.3. A detailed summary of ESS' position and next steps on each recommendation is included below. In summary, ESS will:

- Seek an update by 1 September 2025 from Scottish Water and SEPA on relevant progress (recommendations 1, 5 and 6)
- Write to Scottish Water to request further details on their activity relevant to recommendation 2
- Write to the Scottish Government to request that they reconsider their position on guidance (recommendation 3)
- Continue to monitor implementation and engage with relevant public bodies

2. Response to recommendations

2.1. ESS welcomes the constructive dialogue that has taken place with the Scottish Government, Scottish Water and SEPA since publication of ESS' report. ESS' view on the responses to each recommendation is set out below.

Recommendation 1: The Scottish Government, Scottish Water and SEPA must make data in relation to waste water 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.

2.2. ESS notes the progress that has been made by Scottish Water against their Improving Urban Waters Routemap commitment to install 1000 new overflow Event Duration Monitors (EDMs) in 2024. ESS will track the ongoing commitment to install a further 700 EDMs in 2025. We will also seek an update by 1 September 2025 from Scottish Water on their consideration of how best to publish data to identify where environmental pollution incidents (EPIs) are associated with overflow discharge locations.

2.3. ESS notes the development of SEPA's new approach to compliance assessment, the Environmental Performance Assessment Scheme (EPAS), and that this scheme will record both compliance information related to discharges and link pollution incidents to licence compliance. We welcome the engagement to date from SEPA on EPAS and the

commitment to update ESS on progress on providing increased information to the public by 1 September 2025.

2.4. ESS welcomes the Scottish Government's full support for the publication of information on spill data. We will continue to engage with the Scottish Government, Scottish Water and SEPA on this topic.

Recommendation 2: Scottish Water must complete installation of, and publish all data from, the more comprehensive network of monitors set out in its 'Improving Urban Waters Routemap'. It should conduct and publish the results of targeted monitoring to assess the accuracy of predicted spill rates from its hydraulic modelling and in response to locations where environmental pollution incidents have occurred. In addition, monitors should be installed at all locations where storm overflows have been assessed as unsatisfactory and it should ensure that monitors are installed and operational wherever required by licence.

2.5. ESS notes the progress that has been made by Scottish Water to install 1000 new overflow Event Duration Monitors (EDMs) in 2024 and the development of the overflow map in December 2024. This is a helpful additional source of information for the public and ESS welcomes the commitment to continue to quality assure and expand the dataset regularly with new EDMs.

2.6. ESS notes that Scottish Water aim to have completed installation of EDMs where already required by licence by the end of March 2025. It is positive that EDMs cover the significant majority of locations assessed as being unsatisfactory, however as stated in the recommendation, it is ESS' view that EDMs should be installed at all locations where storm overflows have been assessed as unsatisfactory. Scottish Water's

proposal to develop plans to integrate live overflow event information with hydraulic modelling tools through the intelligent wastewater network (WWIN) is positive.

2.7. ESS will write to Scottish Water to request further details on the installation of EDMs at all locations where storm overflows have been assessed as unsatisfactory and to provide clarity on the anticipated timeline for developments through the intelligent wastewater network (WWIN).

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.

2.8. 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 that it would require legislative change and it is the final year of this parliamentary term. This means it is likely to 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, as it could be several years before updated legislation is in place and any associated guidance is issued.

2.9. ESS will write to the Scottish Government to request that this position is reconsidered as a matter of urgency, to take account of the need to provide clarity on this issue. ESS will ask the Scottish Government to set out its proposed next steps.

Recommendation 4: 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.

2.10. ESS notes that SEPA welcomes ESS’ recommendation for the Scottish Government to publish updated guidance about the exceptional circumstances in which it is permissible for storm overflows to spill (recommendation 3). ESS will continue to monitor developments following further engagement with the Scottish Government.

Recommendation 5: 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.

2.11. ESS notes that through SEPA’s water classification scheme and as part of the strategic review of charges 2021-2027, SEPA identified 60 catchments in which Scottish Water has been required to undertake studies where CSOs which spill in dry weather have been identified. We note that SEPA is currently reviewing Scottish Water’s analysis to identify high priority CSOs and is developing analytical tools to better consider the relationship between rainfall and spill data. We welcome SEPA’s commitment to undertake further work on this topic and provide a more detailed outline of work underway to ESS by 1 September 2025.

2.12. ESS welcomes Scottish Water’s commitment to develop a definition of dry weather operation for overflows with SEPA. ESS recognises that catchment response to rainfall can be complex. A clear, public statement on how infrastructure should

operate in these circumstances is helpful and will support compliance, monitoring and investment.

2.13. ESS notes Scottish Water's commitment to develop the capability to identify 'chronic' dry weather spills and link overflow events and rainfall data through the intelligent wastewater network (WWIN). ESS will seek a further update from Scottish Water on activity relevant to this recommendation by 1 September 2025.

Recommendation 6: Scottish Water should publish a comprehensive and accessible plan for all proposed improvement work specifying: (1) the locations of all these storm overflows; (2) the timetable when improvement work will take place; and (3) if the timetable for work has not been finalised, specify when a decision on whether to proceed will be made.

2.14. ESS notes that as part of Scottish Water's Improving Urban Waters Roadmap there is a published list of 108 high priority assets that have been identified for improvement and a supporting methodology. It is positive that information is also provided on Scottish Water's overflow map. However, while there is an indication across these sources of the priority of investment and the reason for investment, there is currently no timetable provided for when investment work will take place.

2.15. While ESS recognises that future investment decisions will be informed by the Strategic Review of Charges 2027-2033, it believes that it is important that clarity is provided to the public on the timetable for making decisions on when future investment in addressing high priority assets will be made. ESS will therefore seek a further update from Scottish Water on activity relevant to this recommendation by 1 September 2025. We will also continue to engage with the Scottish Government and Scottish Water on this topic.

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: FW: Letter regarding ESS' Storm Overflows analytical report recommendations
Date: 05 June 2025 15:27:39
Attachments: [Letter Outgoing - CEO to SG - CSO report - FINAL.pdf](#)
[image001.png](#)
[image003.png](#)

Hello [redacted],

Hope all is well? Just checking whether SG will be able to reply to this letter this week? If it is useful to discuss then I'm free today or [redacted] is available tomorrow.

Thanks,

[redacted]

From: [redacted] **On Behalf Of** Mark Roberts
Sent: 16 May 2025 15:39
To: Central Correspondence Unit <scottish.ministers@gov.scot>
Cc: [redacted]
[redacted] Tim Ellis [redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted] Mark Roberts
[redacted]

Subject: Letter regarding ESS' Storm Overflows analytical report recommendations

Dear Gillian Martin MSP

Please see attached letter.

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

If you have any queries please do not hesitate to contact us.

Kind Regards

Mark Roberts (he/his)
Chief Executive Officer

[redacted]

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

From: [redacted] on behalf of [Mark Roberts](#)
To: [redacted]
Cc: [redacted] [Mark Roberts](#); [redacted]
Subject: RE: Storm Overflows – An Assessment of Spills
Date: 05 November 2025 12:42:52
Attachments: [image001.png](#)
[Communications - outgoing - CSO report - letter to Scottish Water - November 2025.pdf](#)
[image002.png](#)
[image003.png](#)

Dear [redacted]

Please see attached response letter regarding Storm Overflows.

If you have any queries please do not hesitate to contact us.

Kind Regards

Mark Roberts (he/his)
Chief Executive Officer

[redacted]

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

From: [redacted]
Sent: 01 September 2025 14:42
To: Mark Roberts [redacted]
Cc: [redacted]
[redacted]
Subject: Storm Overflows – An Assessment of Spills

Dear Mark

Please find attached letter from Simon Parsons.

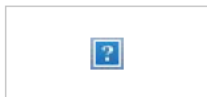
Kind Regards

[redacted]

[redacted] | **Executive Assistant**
to Simon Parsons | Director of Environment, Planning and Assurance
and Lynne Highway | People Director

[redacted]

Working Days: Monday-Thursday



Redaction Key

- 1 - regulation 11(2) (a)
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From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: S&A + ISC water liaison meeting
Date: 14 May 2026 12:57:18
Attachments: [image001.png](#)
[image003.png](#)

Hi [redacted]

Thanks for the helpful catch up yesterday on water, I mentioned I would;

- Ask [redacted] to continue to keep you in the loop on the CSO guidance work
- Ask [redacted] to share some detail on any findings/ recommendations that link with water quality monitoring on the SI project
- Share the info relevant to 8(5) on protected areas (see below)

Protected areas monitoring

Under section 8(5) in the WEWS Act sets, Scottish Ministers are given powers to make regulations about monitoring programmes (i.e. how monitoring required by s.8 is to be carried out). Regulations made under that power include

- [The Water Environment \(River Basin Management Planning: Further Provision\) \(Scotland\) Regulations 2013](#) (RBMP regs) as amended
- [The Water Environment \(Shellfish Water Protected Areas: Environmental Objectives etc.\) \(Scotland\) Regulations 2013](#)

There is also a general power under S2(6), where Scottish Ministers can make **directions** (whether general or specific) **and guidance** to SEPA, in relation to the exercise of its functions under the relevant enactments. SEPA must comply with any such directions and have regard to any such guidance. These directions specify classification systems, standards and monitoring requirements. e.g;

- [The Scotland River Basin District \(Quality of Shellfish Water Protected Areas\) \(Scotland\) Directions 2021](#) which direct the Scottish Environment Protection Agency (SEPA) on how to assess and classify the quality of shellfish water protected areas for the Scotland River Basin District.
- [The Scotland River Basin District \(Status\) Directions 2024](#)
- [The Scotland River Basin District \(Standards\) Directions 2024](#)

Also link to the [protected-area-register.xlsx](#) we were looking at.

[redacted]

Kind regards

[redacted]

[redacted]

Senior Policy Analyst - Strategy & Analysis Team

[redacted]

My working pattern is **monday, wednesdays and Thursdays**

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

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Note of Telephone Call

Case reference: IESS.26.040

Activity Date	02/06/2026		
Title	Call with enquirers		
Name of caller:	1 [REDACTED]		
Telephone number:	MS Teams		
Date of call:	20/05/2026	Time of call:	13:30

Details

Following receipt of enquiry from 1 [REDACTED] regarding sewage pollution in Elie Bay, 1 [REDACTED] arranged call to discuss issues in more detail, highlight work ESS has and is undertaking that is of a similar nature and potential next steps.

1 [REDACTED] thanked 1 [REDACTED] for contacting ESS with their concerns.

1 [REDACTED] provided an overview of ESS' remit and functions.

1 [REDACTED] provided an overview of the key issues experienced at Elie Bay, namely:

1. The routine discharge of sewage via deep sea outfall and observed sewage solids on the shore when there is an onshore wind. 1 [REDACTED] set out that in his opinion this is occurring more frequently than 'exceptional circumstances' and was unacceptable.
2. Concerns regarding the capacity of the sewage network and treatment system for any future development. ID set out that in 2019, Scottish Water and SEPA agreed that there should be no further development in the catchment without an upgrade to the sewage treatment works. Currently, this position is being tested through new development proposals in the catchment.

1 [REDACTED] acknowledged these concerns and highlighted the range of work underway that is of direct relevance to the issues experienced at Elie Bay:

- Analytical Report on Storm Overflows which looked into available data on storm overflows, their impact on the environment and the effectiveness of legislation and policy in place to protect it. 1 [REDACTED] highlighted Rec 3 as particular relevance – *Scottish Government should as a 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 and take into account future climatic conditions.*
- Investigation into the effectiveness of SEPA's response to pollution incidents (IESS.24.022)
- Investigation into Scottish Water's compliance with duty to effectually deal with sewage (IESS.25.002)
- Investigation into the system of governance for approving new connections to the sewer network and ensuring sufficient capacity (IESS.24.034)

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- Investigation into the effectiveness of SEPA's monitoring of compliance with CAR discharge limits from sewage treatment works (IESS.25.016)

1 concluded by encouraging 1 and 1 to formally submit a representation to us to act as additional supporting evidence and endorsement for pursuing the work already way. 1 advised this will also help demonstrate that it is a national issue with wider public concern.

1 and 1 noted they were reassured with the body of work underway and confirmed they intend to submit formal representation.

1 to follow-up with link to guidance and representation form.

Call closed – 35 mins.

FOLLOW UP ACTIONS:

1 to email with link to representation form and supporting guidance.

3 [Redacted]

3 [Redacted]

3 [Redacted]

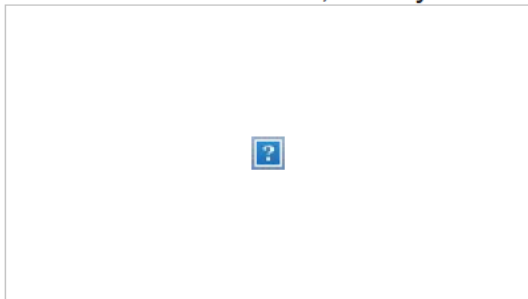
3 [Redacted]

3 [Redacted]

3 [Redacted]

Head of Strategy & Analysis

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From: 1 [redacted]
To: 1 [redacted]
Subject: FW: REQUEST: Scottish Government rebuked by own watchdog over sewage dumping
Date: 03 June 2025 15:15:21
Attachments: [image001.png](#)
[image005.jpg](#)
[image007.png](#)
[image002.png](#)

From: 1 [redacted]
Sent: 02 June 2025 11:58
To: Mark Roberts 1 [redacted]
1 [redacted]
1 [redacted]
1 [redacted]
Cc: 1 [redacted]
Subject: FW: REQUEST: Scottish Government rebuked by own watchdog over sewage dumping
ESS named in Lib Dem news release this weekend.

From: News Direct <News@newsdirect-uk.com>
Sent: 02 June 2025 11:45
To: 1 [redacted]
Subject: FW: REQUEST: Scottish Government rebuked by own watchdog over sewage dumping
From: Media Team - Scottish Liberal Democrats <media@scotlibdems.org.uk>
Sent: 30 May 2025 12:10
To: News Direct <News@newsdirect-uk.com>
Subject: Scottish Government rebuked by own watchdog over sewage dumping

Image removed by sender.



Scottish
Contact: 1 [redacted]
Embargo [redacted]

Scottish Government rebuked by own watchdog over sewage dumping

Scottish Liberal Democrat leader Alex Cole-Hamilton today said “there are no consequences for sewage dumping in Scotland” after SNP ministers rejected calls from their own independent watchdog to urgently overhaul sewage dumping rules and new analysis drew comparisons with the disgraced Thames Water.

Environmental Standards Scotland (ESS) found that Scottish Government guidance on sewage dumping fails to reflect the requirement for this to only occur in exceptional circumstances, set out by the European Court of Justice. However, the Scottish Government has refused to prioritise new guidance, which the ESS says leaves “an unacceptable lack of clarity” and “limits effective implementation and application of the

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3 - out of scope
4 - regulation 10(4) (e)

law”.

It comes as new analysis by the Scottish Liberal Democrats exposes how sewage dumping by Scotland’s government-owned water company compares to that of Thames Water - this week fined more than £100m for environmental breaches involving routine sewage dumping.

Ofwat found 30% of Thames Water’s overflows spilled more than 60 times in 2021 and that it could not demonstrate that “these spills resulted from exceptional circumstances, or that it would have been excessively costly to address the spills from these storm overflows”. However, the equivalent figure for the sewage dumping pipes monitored year-round in Scotland is 42%.

Alex Cole-Hamilton said:

“While Thames Water is hit with massive fines, there are no consequences for sewage dumping under this SNP Government.

“To make matters worse, SNP ministers are even defying their own independent environmental watchdog by failing to crack on and update 30-year-old sewage rules riddled with holes.

“To turn the tide on the sewage scandal, Scottish Liberal Democrats have published plans for a Clean Water Act that would bring our sewage network into the 21st century, clamp down on dumping and get to the bottom of this disgusting practice.”

ENDS

Notes to editors:

The ESS report into sewage dumping in Scotland can be found here -

<https://environmentalstandards.scot/our-work/our-analytical-work/storm-overflows-an-assessment-of-spills-their-impact-on-the-water-environment-and-the-effectiveness-of-legislation-and-policy/>

The ESS statement on responses where it rebukes the Scottish Government can be found here: <https://environmentalstandards.scot/our-work/our-analytical-work/statement-on-responses-to-ess-storm-overflows-report/>



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Sent with Mailjet. Published and promoted by Scottish Liberal Democrats, 4 Clifton Terrace, Edinburgh, EH12 5DR

From: 1

1

Sent: 02 June 2025 11:16

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To: News Direct <News@newsdirect-uk.com>

Subject: REQUEST: Scottish Government rebuked by own watchdog over sewage dumping

Hi there,

Can I please request the news release below cited in today's update – thank you.

- **Sewage Dumping:** The Scottish Liberal Democrats have claimed there are “no consequences” for sewage dumping in Scotland after the Scottish Government rejected calls from Environmental Standards Scotland (ESS) to overhaul sewage dumping rules. ESS has said government guidance around sewage dumping fails to reflect the requirement for this to only occur in exceptional circumstances, set out by the European Court of Justice and “leaves an unacceptable lack of clarity”. Environmental Standards Scotland and ESS are mentioned. ([Request Press Release](#)).

1

1

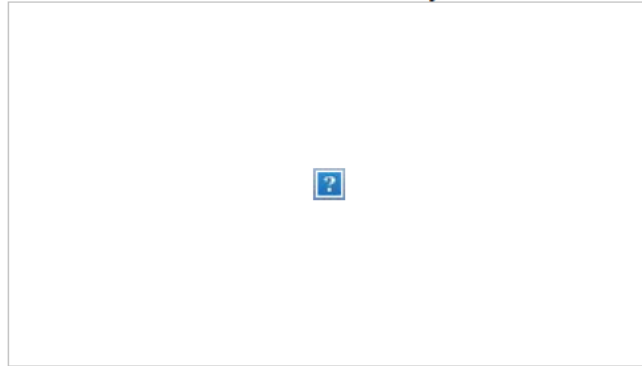
Senior Communications Officer

1

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2 - regulation 10(5) (b)

3 - out of scope

4 - regulation 10(4) (e)

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: ESS Investigations and Analysis Tracker
Date: 20 May 2026 12:15:45
Attachments: [ESS - SG investigations and analysis tracker - April 2026.xlsx](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.jpg](#)
[image006.png](#)

Hi [REDACTED]

And version with my updates in attached. Thanks too for the additional time to complete this – much appreciated

[REDACTED]

Click [here](#) to sign up to receive our email update for the latest news about ESS and our work.

[REDACTED]
Head of Strategy and Analysis

[REDACTED]

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

From: [REDACTED]
Sent: 19 May 2026 11:00
To: [REDACTED]
[REDACTED]
Cc: [REDACTED]
[REDACTED]
Subject: RE: ESS Investigations and Analysis Tracker

Hi [REDACTED], I've updated the investigation information in the attached tracker. The main changes are that we've initiated another investigation and received a number of new representations where the SG will or could be involved.

Any questions please let me know.

Kind regards

[REDACTED]

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[REDACTED]
Head of Investigations, Standards and Compliance

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1 - regulation 11(2) (a)
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1 [Redacted]

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

From: 1 [Redacted]
Sent: 18 May 2026 08:53
To: 1 [Redacted]
[Redacted]
Cc: 1 [Redacted]
[Redacted]
Subject: ESS Investigations and Analysis Tracker

Hi 1 [Redacted] and 1 [Redacted]

Hope you are both well. Can you please update the ESS - SG Investigations and Analysis Tracker attached by close of play on Wednesday 27 May 2026?

Kind regards

1 [Redacted]

1 [Redacted] – **Sponsorship Manager – EnFor Sponsorship Hub**
[Scottish Government | Longman House | 28 Longman Road | Inverness IV1 1SF | Friday – non-working day](#)

SG_master_logo_RGB




From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: ESS Investigations and Analysis Tracker
Date: 01 May 2026 11:57:30
Attachments: [ESS - SG investigations and analysis tracker - April 2026 - NL tracks.xlsx](#)
[image003.png](#)
[image004.png](#)
[image005.jpg](#)
[image006.png](#)

Now attached ...

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[redacted]
Head of Strategy and Analysis

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

From: [redacted]
Sent: 30 April 2026 08:19
To: [redacted]
[redacted]
Cc: [redacted]
[redacted]
Subject: ESS Investigations and Analysis Tracker

Hi [redacted] and [redacted]

Hope you are both well. Can you please update the ESS - SG Investigations and Analysis Tracker attached by 11am on Tuesday 5th May 2026?

Kind regards

[redacted]

[redacted] - Sponsorship Manager – EnFor Sponsorship Hub
[Scottish Government | Longman House | 28 Longman Road | Inverness IV1 1SF | Friday – non-working day](#)

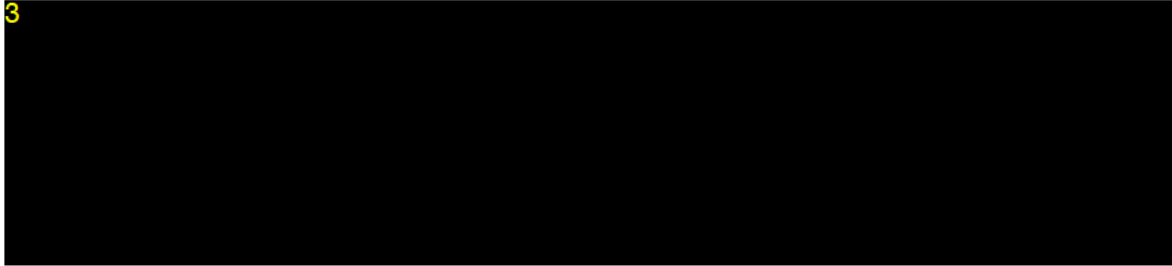
SG_master_logo_RGB




From: [Chris Spray \(Staff\)](#)
To: [Richard Dixon](#) 1
Cc: [Marie Fallon](#); [Paul McAleavey](#); [Paul McAleavey](#); [Annalisa Savaresi](#); [Morag Sheppard](#); [Mark Roberts](#) 1
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,
Chris

3



1
3



3



3



3



3 [Redacted]

3 [Redacted]

3 [Redacted]

3 [Redacted]

3 [Redacted]

From: Richard Dixon
Sent: 02 July 2025 10:56
To: 1 [Redacted]
Cc: Marie Fallon ; Paul McAleavey ; Paul McAleavey ; Chris Spray (Staff) ; Annalisa Savaresi ; Morag Sheppard ; Mark Roberts ; 1 [Redacted]

1 [Redacted]

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 1 [Redacted] this looks like a big success for us in terms of getting real action to improve the environment.
Cheers, Richard

On 2 Jul 2025, at 09:44, 1 [Redacted] 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

Redaction Key

- 1 - regulation 11(2) (a)
- 2 - regulation 10(5) (b)
- 3 - out of scope
- 4 - regulation 10(4) (e)

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 Mark 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

1

1

Head of Strategy & Analysis

1

1

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0808 1964000 | www.environmentalstandards.scot

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

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1 - regulation 11(2) (a)

2 - regulation 10(5) (b)

3 - out of scope

4 - regulation 10(4) (e)

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.

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- 1 - regulation 11(2) (a)
- 2 - regulation 10(5) (b)
- 3 - out of scope
- 4 - regulation 10(4) (e)

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: SG Investigations and Analysis
Date: 19 December 2025 15:25:13
Attachments: [ESS - SG investigations and analysis tracker - December 2025.xlsx](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)
[image007.png](#)

Hi [REDACTED]

Very minor updates from me included in the attached version

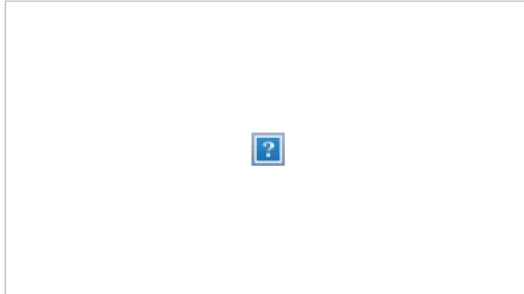
Cheers

[REDACTED]

[REDACTED]
Head of Strategy & Analysis

[REDACTED]
[REDACTED]

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0808 1964000 | www.environmentalstandards.scot
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From: [REDACTED]
Sent: 16 December 2025 15:39
To: [REDACTED]
[REDACTED]
Cc: [REDACTED]
Subject: SG Investigations and Analysis

Hi [REDACTED] and [REDACTED]

Hope you are both well. Can you please update the ESS - SG Investigations and Analysis Tracker attached by close of play on Monday 5th January 2026?

Have a lovely Christmas and a good new year when it comes.

Kind regards

Redaction Key
1 - regulation 11(2) (a)
2 - regulation 10(5) (b)
3 - out of scope
4 - regulation 10(4) (e)

1

1 [redacted] – Sponsorship Manager – EnFor Sponsorship Hub
Scottish Government | Longman House | 28 Longman Road | Inverness IV1 1SF |
Friday – non-working day

SG_master_logo_RGB



From: 1 [redacted]
To: 1 [redacted]
Cc: 1 [redacted]
Subject: RE: SG Investigations and Tracker
Date: 02 February 2026 11:00:55
Attachments: [image003.png](#)
[image004.png](#)
[image005.jpg](#)
[image006.png](#)
[ESS - SG investigations and analysis tracker - January 2026.xlsx](#)

Hi 1 [redacted]

Please find the updated tracker attached.

Many thanks,

1 [redacted]

1 [redacted]
Governance Lead
1 [redacted]



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

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From: 1 [redacted]
Sent: 29 January 2026 16:26
To: 1 [redacted]
1 [redacted]
Cc: 1 [redacted]
1 [redacted]
1 [redacted]
Subject: SG Investigations and Tracker

Hi 1 [redacted] and 1 [redacted]

Hope you are both well. Can you please update the ESS - SG Investigations and Analysis Tracker attached by close of play on Monday 2nd February 2026?

Redaction Key
1 - regulation 11(2) (a)
2 - regulation 10(5) (b)
3 - out of scope
4 - regulation 10(4) (e)

Kind regards

1

1 [REDACTED] – Sponsorship Manager – EnFor Sponsorship Hub
Scottish Government | Longman House | 28 Longman Road | Inverness IV1 1SF |
Friday – non-working day

SG_master_logo_RGB




From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: SG Investigations and Tracker
Date: 30 January 2026 18:01:01
Attachments: [ESS - SG investigations and analysis tracker - January 2026 \(ISC and SA Update\).xlsx](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)
[image007.png](#)

Thanks [REDACTED]

My updates in the attached version

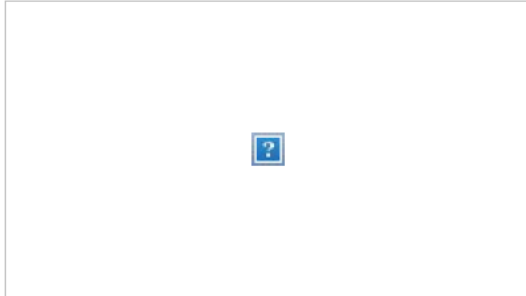
Cheers

[REDACTED]

[REDACTED]
Head of Strategy & Analysis

[REDACTED]
[REDACTED]

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From: [REDACTED]
Sent: 30 January 2026 12:03
To: [REDACTED]
Cc: [REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: SG Investigations and Tracker

Hi All,

Attached is updated tracker from ISC perspective. Have taken update from latest board paper and IMO, no need for [REDACTED] to review given how high level the summary is.

[REDACTED] unsure if you have already updated from S&A perspective hence internal email

Response Key
1 - regulation 11(2) (a)
2 - regulation 10(5) (b)
3 - out of scope
4 - regulation 10(4) (e)

for now.

Cheers,

1 [redacted]

From: 1 [redacted]

Sent: 30 January 2026 08:58

To: 1 [redacted]

Cc: 1 [redacted]

1 [redacted]

1 [redacted]

1 [redacted]

Subject: RE: SG Investigations and Tracker

Hi 1 [redacted]

As 1 [redacted] is on leave this week, would you be able to update this tracker for 1 [redacted] to review when he gets back on Monday?

With thanks,

1 [redacted]

From: 1 [redacted]

Sent: 29 January 2026 16:26

To: 1 [redacted]

[redacted]

Cc: 1 [redacted]

1 [redacted]

1 [redacted]

Subject: SG Investigations and Tracker

Hi 1 [redacted] and 1 [redacted]

Hope you are both well. Can you please update the ESS - SG Investigations and Analysis Tracker attached by close of play on Monday 2nd February 2026?

Kind regards

1 [redacted]

1 [redacted] – Sponsorship Manager – EnFor Sponsorship Hub
Scottish Government | Longman House | 28 Longman Road | Inverness IV1 1SF |
Friday – non-working day





From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Update on Water Quality report issues
Date: 21 April 2026 10:59:58
Attachments: [image001.png](#)
[image003.png](#)
[image002.png](#)

Hi [REDACTED],

Apologies for the delay. I have put your questions in red and provided links below. For the agricultural pollution and chemical pollution questions, I am not aware of any recent work, but I have reached out to relevant colleagues and will get back to you once I have a response.

1. CSOs and sewage pollution

- updates and responses to your recent report, and your advice on the best documents for reference in summarising its findings and the actions being taken in response to it;

Report, this is the best place to find summary and recommendations - [Storm overflows - an assessment of spills, their impact on the water environment and the effectiveness of legislation and policy - Environmental Standards Scotland](#)

ESS' response to Scottish Environment Protection Agency (SEPA), Scottish Government (SG) and Scottish Water (SW) responses to our recommendations May 2025 (includes links to their responses) - [Statement on responses to ESS' Storm Overflows report - May 2025 - Environmental Standards Scotland](#)

News release with links to SG and ESS correspondence on ESS' recommendation to update the guidance on when it is permissible for a storm overflow to spill - [News-Release-Storm-Overflows-Guidance-Review-July-2025.pdf](#)

Scottish Water's latest update - [Letter from Scottish Water to ESS - Storm Overflows Report Recommendations Update - Environmental Standards Scotland](#)

SEPA's latest update won't be published until after the election, their previous latest update is here - [Letter from ESS to SEPA - Storm Overflows Report Recommendations - Environmental Standards Scotland](#)

2. Agricultural pollution

- particularly any recent or current work by ESS covering excess nutrients, nitrogen and phosphorous; impacts of sewage sludge in agriculture; impacts of farm chemicals including Diazinon and Cypermethrin (as sheep dip or otherwise) have reached out to colleagues about this and will get back to you with anything relevant

3. Water Framework Directive implementation

- particularly monitoring required to deliver WFD; The monitoring strategy used by SEPA [Scotland's WFD Aquatic Monitoring Strategy](#)
- whether ESS has encountered the issue of waters achieving good status by due dates but with the regulator expressing 'low confidence' that this will actually happen, and whether that delivers WFD obligations; this is not something we have encountered but it will of course be of interest during our work on water quality monitoring.

percentage of waters meeting good ecological status and good chemical status; A

Redaction Key
1 - regulation 11(2) (a)
2 - regulation 10(5) (b)
3 - out of scope
4 - regulation 10(4) (e)

summary report was produced in 2024 [state-of-scotlands-water-environment-2024-classification-report.docx](#) and the [Water Classification Hub](#) provides up to date counts of water bodies

basis for good chemical status; detailed in Schedule 2 Part C here [SI/SR Template status of Scotland's response to the Court of Appeal's Pickering/Costa Beck judgement, if any, given jurisdictional variations](#); I have checked with our solicitor and will let you know if he has any comments

status of Scotland's overall preparedness to deliver WFD 2027 deadlines on good status SEPA's most recent RBMP ([211222-final-rbmp3-scotland.pdf](#)) noted an expectation to achieve 81% of water environment being in good or better condition by 2027, with the next RBMP expected this year

4. Chemical pollution

- any recent or current work on Cypermethrin, Diazinon, Imidacloprid, Fipronil, Glyphosate, Sewage Sludge in Agriculture, PFAS, Highway Runoff have reached out to colleagues about this and will get back to you with anything relevant

- anything we should read to try to understand how Scotland's approach to 'dynamic alignment' with EU law would impact its approach to chemical and pesticide regulation have reached out to colleagues about this and will get back to you with anything relevant

5. Monitoring, Enforcement, Regulator Resources

- any recent or current work on these areas by ESS.

We don't regularly comment on resourcing, so whilst it may come up in investigations where we have considered whether an activity is being undertaken effectively, it isn't something we have made specific recommendations on to date.

We have considered monitoring and enforcement through a number of pieces of work. We have several current and recent investigation topics that are considering monitoring approaches and effectiveness, though haven't made public statements on many of the current ones. A recent example that may be of interest is: [Licensing and Removal of Weirs - Interim Case Update - November 2025 - Environmental Standards Scot...](#). We have quite a few topics that are relevant to monitoring, for example: [How much could marine protected areas contribute to Good Environmental Status? Development of a pra...](#). We will also be publishing an analytical report on control of invasive non-native species in June that considers both monitoring and enforcement measures. Our investigations are published here: [Our investigation work - Environmental Standards Scotland](#) if you have specific topics of interest we would be happy to share your queries with our colleagues to provide further details.

We also mentioned we would send on:

- [Literature review on antimicrobial resistance in relation to the environment in Scotland - Environmental Standards Scotland](#),
- [Baseline Evidence Review: Water - Environmental Standards Scotland](#),
- [Response to Scottish Environment Protection Agency Consultation - Environmental Standards Scotland](#),
- SEPA's report on Safeguarding Scotland's Water Environment which mentions rural diffuse pollution - [safeguarding-scotland---s-water-environment-3.pdf](#)

Hopefully that is helpful, please let us know if you have any other questions.

Many thanks,

Redaction Key

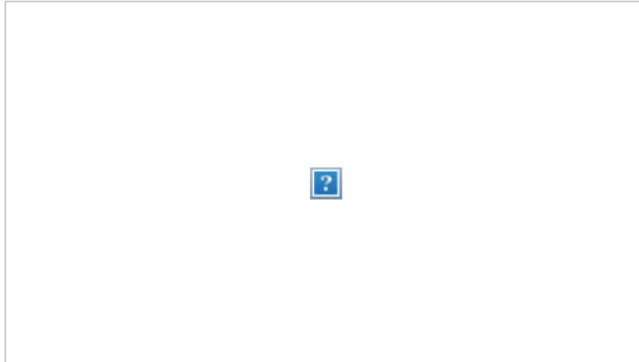
- 1 - regulation 11(2) (a)
- 2 - regulation 10(5) (b)
- 3 - out of scope
- 4 - regulation 10(4) (e)

1
Senior Policy Analyst

1

My working days are Monday, Tuesday and
Wednesday (morning)

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From: 1

Sent: 15 April 2026 09:52

To: 1

Cc: 1

1

1

Subject: Update on Water Quality report issues

1

Hope this finds you all well.

Just following up on our recent discussions about the report in progress at I.E.P.A.W., which has grown a bit since we spoke. We would be more than grateful for any and all ESS updates on any of the following -

1. CSOs and sewage pollution
- updates and responses to your recent report, and your advice on the best documents for reference in summarising its findings and the actions being taken in response to it;
2. Agricultural pollution
- particularly any recent or current work by ESS covering excess nutrients, nitrogen

Redaction Key

1 - regulation 11(2) (a)

2 - regulation 10(5) (b)

3 - out of scope

4 - regulation 10(4) (e)

and phosphorous; impacts of sewage sludge in agriculture; impacts of farm chemicals including Diazinon and Cypermethrin (as sheep dip or otherwise)

3. Water Framework Directive implementation

- particularly monitoring required to deliver WFD;
- whether ESS has encountered the issue of waters achieving good status by due dates but with the regulator expressing 'low confidence' that this will actually happen, and whether that delivers WFD obligations;
- percentage of waters meeting good ecological status and good chemical status;
- basis for good chemical status;
- status of Scotland's response to the Court of Appeal's Pickering/Costa Beck judgement, if any, given jurisdictional variations;
- status of Scotland's overall preparedness to deliver WFD 2027 deadlines on good status

4. Chemical pollution

- any recent or current work on Cypermethrin, Diazinon, Imidacloprid, Fipronil, Glyphosate, Sewage Sludge in Agriculture, PFAS, Highway Runoff
- anything we should read to try to understand how Scotland's approach to 'dynamic alignment' with EU law would impact its approach to chemical and pesticide regulation

5. Monitoring, Enforcement, Regulator Resources

- any recent or current work on these areas by ESS.

Apologies for this long list, but while giving full credit for other people's work, we are more than keen to try to understand where progress is already being made in other UK jurisdictions.

Thanks very much.

1 [REDACTED]

1 [REDACTED]

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: CSO Guidance
Date: 10 June 2026 15:21:25
Attachments: [image004.png](#)
[image006.png](#)
[image002.png](#)
[image003.png](#)
[image005.png](#)

Yes please [REDACTED] If you could get in touch with SEPA to ask when they will be able to update you and us.

I would like that to be this month if possible. It's now 12 months since the Cab Sec committed to looking at how much the current guidance can practically be updated in advance of any legislative reform and we are keen to have clarity on what is proposed – preferably by way of a written update that we can publish on our website.

Our understanding of what guidance would be updated sounds as if it is different than your own. Whilst we accepted that the **whole** of the 1998 guidance may not need updating, this is the current guidance in operation in Scotland at present and our expectation was that, at least, elements of it would need to be updated or replaced to ensure that interpretation of the Directive and the 1994 Regulations reflects relevant case law etc.

If you could let us know when you expect clarification from SEPA that would be much appreciated

Regards

[REDACTED]

Click [here](#) to sign up to receive our email update for the latest news about ESS and our work.

[REDACTED]
Head of Strategy and Analysis

[REDACTED]

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

From: [REDACTED]

Sent: 10 June 2026 13:36

To: [REDACTED]

[REDACTED]

[REDACTED]

Cc: [REDACTED]

Redaction Key
1 - regulation 11(2) (a)
2 - regulation 10(5) (b)
3 - out of scope
4 - regulation 10(4) (e)

Subject: RE: CSO Guidance

Hi [redacted]

I can get in touch with SEPA and see what they say on timeframes.

They are not looking at updating the 1998 guidance which is a Scottish Office publication. As we previously discussed we do not consider that updating that guidance is a proportionate way of meeting the outcome. As we also discussed when we met, lots has changed in the sector governance since 1998 and it is important that we respect the right roles and responsibilities. At that meeting SG undertook to look at alternative ways of meeting your outcome and that is what SEPA are helping us look at.

I will back in touch when we have more clarity on the options.

Regards

[redacted]

From: [redacted]
Sent: 10 June 2026 13:29
To: [redacted]
[redacted]
[redacted]
Cc: [redacted]
Subject: RE: CSO Guidance

When do you expect to have that info from SEPA [redacted]? Can we put a date in the diary within the next 2 weeks?

Have SEPA explicitly been asked to consider updating the 1998 guidance? Or only their own regulatory and operational guidance?

Thanks

[redacted]

Click [here](#) to sign up to receive our email update for the latest news about ESS and our work.

[redacted]
Head of Strategy and Analysis
[redacted]

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

From: 1 [redacted]

Sent: 10 June 2026 13:24

To: 1 [redacted]

[redacted]

[redacted]

Cc: 1 [redacted]

Subject: RE: CSO Guidance

Hi 1 [redacted]

I do not yet have the intended scope of the work that SEPA propose. Once I have that I am happy to have a meeting to talk that through.

Regards

1 [redacted]

From: 1 [redacted]

Sent: 10 June 2026 13:14

To: 1 [redacted]

1 [redacted]

1 [redacted]

Cc: 1 [redacted]

Subject: RE: CSO Guidance

Hi 1 [redacted]

Thanks for the update. However, I don't think SEPA updating their guidance would adequately address recommendation 3 from our report.

The report was clear that we recommended that **the Scottish Government** should publish up to date guidance, clarifying the exceptional circumstances under which it is acceptable for CSOs to spill.

In turn, SEPA (and Scottish Water) will need to update their own regulatory and operational guidance and permitting regimes to reflect that updated guidance. That is why recommendation 4 separately states that SEPA should review and update **its** authorisation regimes and associated regulatory and operational guidance **to reflect the Scottish Government's revised guidance**.

Recommendations 3 and 4, and paragraph 7.9 of our report, are quite clear on this matter.

I therefore think it would be helpful to meet as a matter of urgency to discuss this and to clarify, as a minimum, the intended scope of the work that SEPA are considering, how that relates to the existing 1998 Scottish Government ("Scottish Office") guidance, and how recommendation 3 in our report is going to be delivered.

Regards

1

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1
Head of Strategy and Analysis

1

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

From: 1

Sent: 09 June 2026 07:18

To: 1

Cc: 1

Subject: RE: CSO Guidance

Morning Alan

I can give you an email update just now to save a meeting. We had a useful discussion with SEPA and WICS a couple of weeks ago. SEPA think they may be able to update their guidance to address this issue and have gone away to look at options.

Shall we meet once I have that information from SEPA?

Regards

1

From: 1

Sent: 08 June 2026 09:51

To: 1

Cc: 1

Subject: RE: CSO Guidance

Hello both,

Following up on the below now that the election has passed. Please could we have a meeting to discuss progress with this recommendation? Our intention is then to write to the Scottish Government to seek a formal update (as noted below) following on from the [Cabinet Secretary's letter](#) from last June.

Regards

Redaction Key

- 1 - regulation 11(2) (a)
- 2 - regulation 10(5) (b)
- 3 - out of scope
- 4 - regulation 10(4) (e)

1

From: 1
Sent: 25 March 2026 16:58
To: 1
Cc: 1
Subject: RE: CSO Guidance

Hello 1

Thank you for your reply and confirmation that there are ongoing discussions with SEPA and WICS. We are of course happy, in due course, to discuss how any potential proposals can address the specific elements of the recommendation.

We undertook regulatory mapping in support of [our storm overflows report](#) and have summarised this in narrative in the report itself, particularly in chapters 3 and 7. The Scottish Office issued guidance in 1998 for operators and regulators in support of the Urban Waste Water Treatment (Scotland) Regulations 1994, which informs SEPA's regulatory guidance and Scottish Water's operational guidance, which ESS also recommended should be updated in due course.

We will seek a formal update from the Scottish Government on this recommendation after the election to confirm the latest position and any further necessary steps in writing for the public record, as noted below.

Regards,

1

From: 1
Sent: 24 March 2026 07:30
To: 1
Cc: 1
Subject: RE: CSO Guidance

Morning 1

Thanks for your email and apologies for missing your deadline slightly. I have been catching up post leave.

I can confirm that discussions with SEPA and WICS are ongoing with a view identifying how we can most proportionately address the issue you raise without cutting across existing roles and responsibilities and regulatory frameworks. As you will appreciate this is a complex area and there are already a number of mechanisms in place that might in part address this or may be capable of amendment to address the issue you raise.

I was wondering if ESS had done any mapping of the regulatory landscape before

Redaction Key
1 - regulation 11(2) (a)
2 - regulation 10(5) (b)
3 - out of scope
4 - regulation 10(4) (e)

reaching your initial conclusion that the SG guidance should be updated. If you have, that would be helpful to see to help inform our discussions.

I will keep you updated as matters progress.

Regards

1

From: 1
Sent: 11 March 2026 15:55
To: 1
Cc: 1
Subject: RE: CSO Guidance

Hello 1

I'm getting back in touch to follow up on the below. I note your out of office says you are on leave until 16 March so have continued to include 1 in this email chain.

We would be grateful if the Scottish Government could set out progress on implementing ESS' recommendation on revising the outdated guidance on storm overflows, in line with the Cabinet Secretary's letter from 10 June.

As discussed, 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. It is our intention to confirm the latest position and any further necessary steps in writing for the public record.

We would be grateful for a response by 23 March.

Regards,

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From: 1
Sent: 19 February 2026 13:17
To: 1
Cc: 1
Subject: RE: CSO Guidance

Thanks 1

Redaction Key
1 - regulation 11(2) (a)
2 - regulation 10(5) (b)
3 - out of scope
4 - regulation 10(4) (e)