Environmental Standards Scotland
Ìrean Àrainneachdail na h-Alba

[redacted]
Principal Operations Manager
foi@environmentalstandards.scot
[redacted]

[redacted]

30 September 2026

Dear [redacted],

Information Request – partial disclosure

ESS Reference: ESS.IR.044

I am writing in response to your email of 3 September 2026, requesting information under the Freedom of Information (Scotland) Act 2002 (FOISA).

The information you requested is as follows:

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

- Please provide a copy of all documents which discuss representation IESS.26.040
- Specifically, I would be interested in the 'Suitability for Pre-Investigation' briefing note for this representation'

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 information falling within the scope of your request, but that we have chosen not to disclose some of that that information at this stage.

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 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 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.

The attached Schedule of information lists all the information we hold within the scope of your request, including documents which have been redacted to remove third party personal data.

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

An exception under regulation 10(4)(e) of the EIRs (internal communications) applies to some of the information requested.

Regulation 10(4)(e) allows authorities to refuse to disclose internal communications. This is a class-based exception, meaning that there is no need to consider whether disclosure of the communication would cause harm before applying the exception. Provided the information is

an internal communication, the exception will apply. This exception has been applied to all ESS' internal notes and emails within the scope of the request.

Public interest test

The exception in regulation 10(4)(e) is subject to the public interest test in section 2(1)(b) of regulation 10(1)(b) of the EIRs. This means that ESS can only withhold the information if the public interest in maintaining the exemption/exception outweighs the public interest in giving you the information. 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 releasing these documents.

Outwith Scope

It is important to note that some of information you have requested is held in documents which include information outwith the scope of your request. In these documents, only content within the scope of your request has been released. The attached Schedule of information lists the specific documents which contain information outwith the scope of your request.

Wherever information has been removed, this is marked in the text, along with reference to the exception we are applying.

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

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

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

[redacted]

[redacted]

Principal Operations Manager
Environmental Standards Scotland

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

Schedule of Information - EIR Reference Number: ESS.IR.044

Doc no.	Title	Release – wholly or in part	Exemptions/ exceptions applied	Public interest test
1	Email chain initial enquiry and meeting – Sewage pollution at Elie Bay– Including attached letter – IESS.26.040	In part	Reg 11(2) Personal Information	Not subject to public interest test
2	20260520 Internal preparation for phone call – IESS.26.040	In part	Reg 11(2) Personal Information Reg 10(4)(e) Internal Communications	Not subject to public interest test In favour of releasing
3	20260520 Note of telephone call with representer – IESS.26.040	In part	Reg 11(2) Personal Information Reg 10(4)(e) Internal Communications	Not subject to public interest test In favour of releasing
4	20260527 Email outgoing – Acknowledgment of intention to submit representation – IESS.26.040	In part	Reg 11(2) Personal Information	Not subject to public interest test
5	20260608 Email outgoing – ack receipt of representation – IESS.26.040	In part	Reg 11(2) Personal Information	Not subject to public interest test
6	20260623 Internal Briefing Note – Suitability for pre-investigation – IESS.26.040	In part	Reg 11(2) Personal Information	Not subject to public interest test

			Reg 10(4)(e) Internal Communications	
7	20260625 Internal e-mail – sign off for move to pre-investigation – IESS.26.040	In part	Reg 11(2) Personal Information Reg 10(4)(e) Internal Communications	Not subject to public interest test In favour of releasing
8	20260629 Email incoming – supporting data analysis on Elie Harbour CSO – including attached letter – IESS.26.040	In part	Reg 11(2) Personal Information	Not subject to public interest test
	20260706 Email incoming – Correspondence to SEPA – including attached letter – IESS.26.040	In part	Reg 11(2) Personal Information	Not subject to public interest test
9	20260706 Email outgoing – Acknowledgment of correspondence and arrangement of meeting – IESS.26.040	In part	Reg 11(2) Personal Information	Not subject to public interest test
10	20260715 Internal briefing for Executive Team	In part	Reg 11(2) Personal Information Reg 10(4)(e) Internal Communications Some information out of scope	Not subject to public interest test In favour of releasing
11	20260720 Email outgoing – response to further correspondence – IESS.26.040	In part	Reg 11(2) Personal Information	Not subject to public interest test

12	20260720 Internal e-mail – sharing link to file – IESS.26.040	In part	Reg 11(2) Personal Information Reg 10(4)(e) Internal Communications	Not subject to public interest test In favour of releasing
13	20260720 Internal e-mail – reminder to send all staff e-mail – IESS.26.040	In part	Reg 11(2) Personal Information Reg 10(4)(e) Internal Communications	Not subject to public interest test In favour of releasing
14	20260720 Internal e-mail – all staff notification new representation received – IESS.26.040	In part	Reg 11(2) Personal Information Reg 10(4)(e) Internal Communications	Not subject to public interest test In favour of releasing
15	20260721 Internal e-mail – MR arranging internal meeting	In part	Reg 11(2) Personal Information Reg 10(4)(e) Internal Communications Some information out of scope	Not subject to public interest test In favour of releasing
16	20260721 Internal e-mail – updating website with new case details	In part	Reg 11(2) Personal Information Reg 10(4)(e) Internal Communications	Not subject to public interest test In favour of releasing

17	20260731 Internal e-mail – summary of available data on relevant CSO – IESS.26.040	In part	Reg 11(2) Personal Information Reg 10(4)(e) Internal Communications	Not subject to public interest test In favour of releasing
18	20260807 Internal briefing for Board	In part	Reg 11(2) Personal Information Reg 10(4)(e) Internal Communications Some information out of scope	Not subject to public interest test In favour of releasing
19	20260825 Email outgoing – ESS confirmation of how to consider e-coli data – IESS.26.040	In part	Reg 11(2) Personal Information	Not subject to public interest test
20	20260831 Internal e-mail – Ack of responses of planning of shared s23 requests – IESS.26.040	In part	Reg 11(2) Personal Information Reg 10(4)(e) Internal Communications	Not subject to public interest test In favour of releasing
21	20260901 Email outgoing – s23 letter issued to SEPA – IESS.26.040	In part	Reg 11(2) Personal Information	Not subject to public interest test
22	20260901 Email outgoing – s23 letter issued to Scottish Water – IESS.26.040	In part	Reg 11(2) Personal Information	Not subject to public interest test

23	20260901 Email incoming – SEPA acknowledgment of s23 request – IESS.26.040	In part	Reg 11(2) Personal Information	Not subject to public interest test
24	20260901 Email incoming – Scottish Water ack of s23 request – IESS.26.040	In part	Reg 11(2) Personal Information	Not subject to public interest test

From: 1
To: 1 ; ESS Representations
Subject: RE: Safety of Water at Elie Bay
Date: 18 May 2026 11:46:00
Attachments: image001.png
image002.png
image003.png

Good Morning 1 ,

My apologies for missing your voicemail.

In terms of my availability this week, I am currently free the following:

Tuesday 19th – anytime between 11am and 2.30pm.
Wednesday 20th – anytime from 1pm onwards.
Thursday 21st – free all day.

Into the following week, Wed 27th, Thurs 28th and morning of Fri 29th are all relatively free too.

Please do let me know what date / time would suit yourself and 1 best and I will send over appointment for conference call. Does Microsoft teams work for both of you?

I look forward to speaking soon. Kind Regards,
1

1
Principal Investigations Officer
1 @environmentalstandards.scot
1

From: 1 @gmail.com>
Sent: 18 May 2026 11:29
To: ESS Representations <Representations@environmentalstandards.scot>
Subject: Re: Safety of Water at Elie Bay

Hi 1

I am following up on your email and the voicemail I left you last week.

Both 1 and I are keen to meet and I wondered if you could suggest some dates

and times for a conference call.

Many thanks in advance.

Kind regards

1

1
1 Elie Harbour Trust
1

On Wed, 6 May 2026 at 13:47, <Representations@environmentalstandards.scot> wrote:

> Good Afternoon 1 ,
>
> Many thanks for your letter directed to our Chief Executive Mark Roberts and for contacting ESS regarding the issues you are experiencing.
>
> In the first instance, I wondered if yourself and / or 1 (as chair of the Harbour Trust) would be free for a quick call to discuss ESS' remit, related work we have already done or have underway and how best ESS is able to assist in the matters you outline.
>
> If so, I'd be grateful if you could let me know a convenient date / time for a call. I look forward to hearing from you soon.
>
> Kind Regards,
> 1
>
> 1
> Principal Investigations Officer
> 1 @environmentalstandards.scot
> 1
>
> **General Enquiries** | enquiries@environmentalstandards.scot
> 0808 1964000 | www.environmentalstandards.scot
> Address: Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD
>
> **From:** 1 @gmail.com>
> **Sent:** 05 May 2026 10:13
> **To:** ESS Representations <representations@environmentalstandards.scot>
> **Subject:** Safety of Water at Elie Bay
>
> Dear 1

Please find attached a letter from the Chair of Elie Harbour Trust.

Kind regards

1

1
1
Elie Harbour Trust

1

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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.

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1
1
Elie Harbour Trust

1

Elie Harbour Trust Ltd
Chair: 1 | Treasurer: 1
Secretary: 1
Registered address: 1
Tel: 1 | Email: 1@gmail.com

5 May 2026

Dear Mark

I am writing as Chair of Elie Harbour Trust to raise serious public health concerns about the safety of the water in the Elie Bay based on data recently obtained under FOI from Scottish Water.

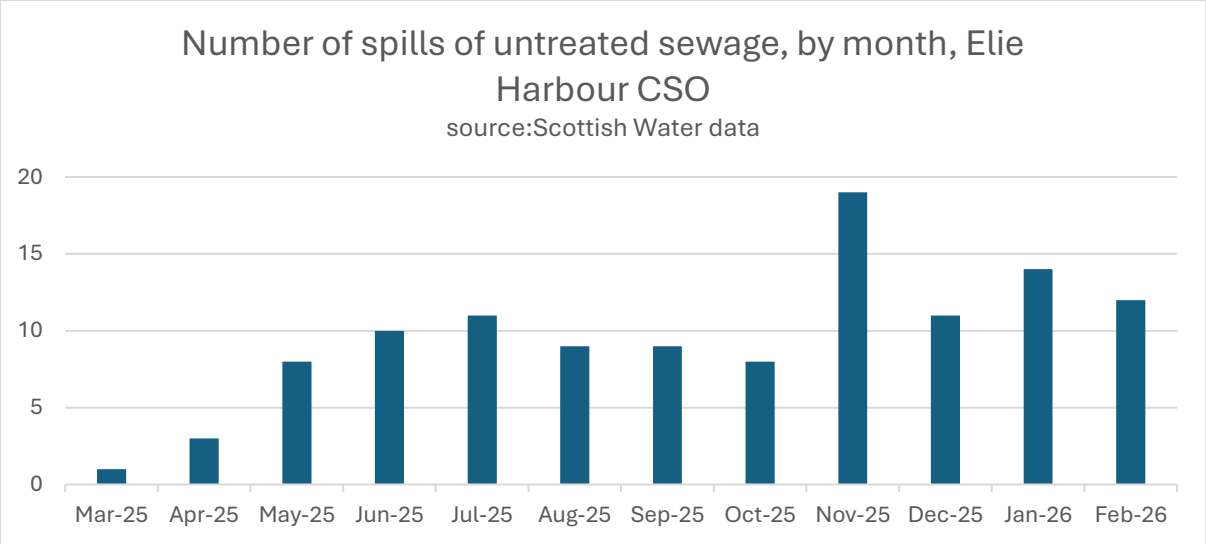
The data from the Elie Harbour CSO shows 115 discharges in 12 months.

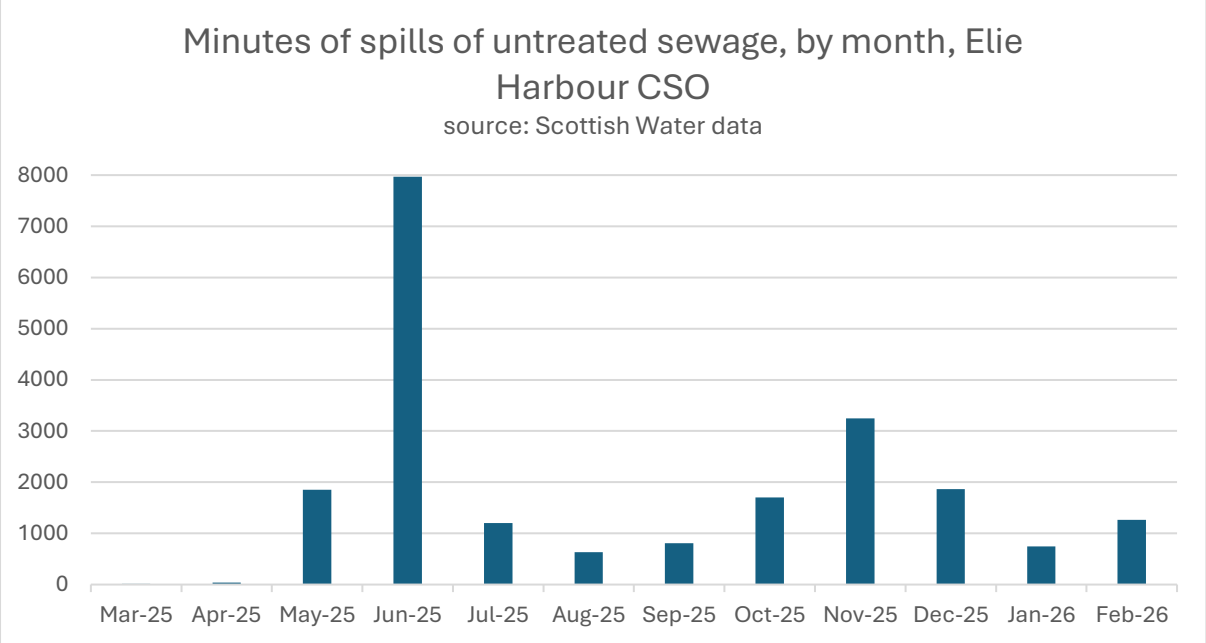
This public health situation requires immediate and urgent action to deal with the current volumes of sewage.

It is our view that the regulators have failed in their statutory powers, permitting Scottish Water to pollute. We believe Fife Council and its planning department must consider this context and ensure any housing development does not commence prior to adequate remediation of the Elie & Earlsferry wastewater system.

As you will be aware, Elie Bay is EU Designated Bathing Water and one of the most visited beaches in North East Fife, an economy dependent on tourism.
Despite this, untreated sewage was spilled 115 times between March 2025 and February 2026 from the Harbour CSO into waters in which

children, visitors and local residents bathe throughout the year.





Despite raising serious concerns with Scottish Water and SEPA last year, we were told that Elie was not an investment priority and that the system was adequate with proper management. These concerns include several occasions of local residents (and their pets) falling ill after bathing on Elie beach.

115 discharges in 12 months equates to a discharge on average every 3 days and absolutely does not correlate to a discharge only in exceptional circumstances. It is well in excess of the UK/DEFRA trigger for investigation and remediation, of 20-30 spills per annum.

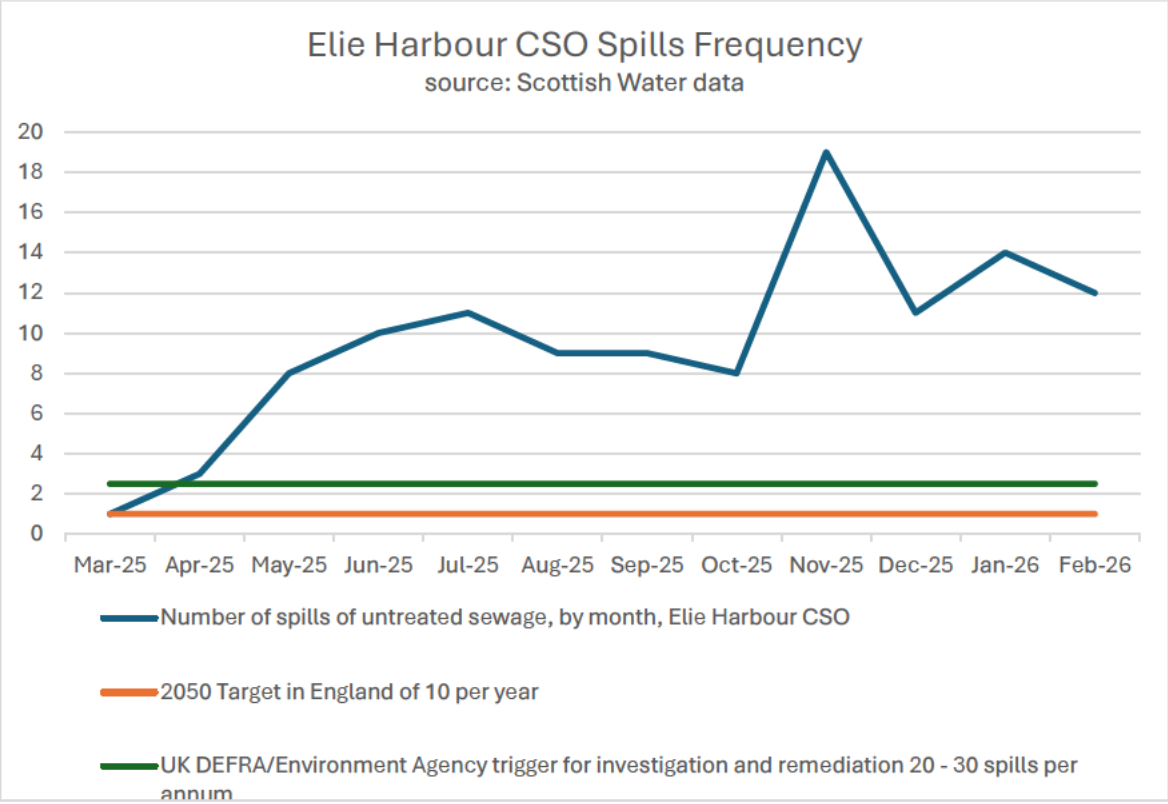
Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

Our analysis of the other 2 CSO's in the last month (when real time data became available) indicates that they are spilling at a similar frequency. At time of writing (30/4/26), one of the other CSO's had been discharging for 18 hours.

There is regular evidence that the discharges are causing a visible impact on the receiving waters which does not appear to have been appropriately acknowledged by Scottish Water as none of the Elie CSOs are a priority for maintenance.

115 spills in 12 months is highly suggestive of both a breach in permit and the permit not being fit for purpose. We have separately written to SEPA asking to address this.

The Court of Justice of the European Union (CJEU) in 2012 (Commission v United Kingdom, ruled in a case based on a general obligation to treat all waste water in order to meet the objectives of environmental legislation, and that regular overflows of untreated waste water are counter to the legislation. While it may not be possible to collect and treat all wastewater after 'unusually heavy rainfall', ***this cannot occur in normal circumstances***.



Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

In 2023, Fife Council Planning department granted outline planning consent to develop land in Elie for new homes. This planning consent stated that "*No works shall commence on site until confirmation that the requisite upgrading of the sewer system is going ahead….to ensure that the required infrastructure is in place prior to works commencing on site*".

We are not against sustainable and affordable housing being developed in Elie providing that the sewage system is upgraded to meet the current and planned future demand. But we are calling on Fife Council and Scottish Water to address the public health issues in our community resulting from frequent sewage spills both in the marine environment and on our streets.
This is a matter of great concern to our community

I look forward to your early response

With kind regards

1 [redacted]

1 [redacted]
1 [redacted]

E1 [redacted]@gmail.com
1 [redacted]

Copy Sent:

- Ken Gourlay, CEO Fife Council
- Alex Plant – CEO, Scottish Water
- Mark Roberts – CEO, Environmental Standards
- 1 [redacted] – Head of Fife Council Planning Department
- 1 [redacted], Fife Council Planning Committee
- 1 [redacted], Fife Council Planning Committee
- Wendy Chamberlain, MP North East Fife
- Willie Rennie, MSP North East Fife

IESS.26.040 – CSO / Sewage Spills @ Elie Bay:

Call with enquirers (20.05.2026) – [redacted] / [redacted].

Many thanks for contacting ESS with your concerns.

Issues raised in your letter are similar to previously submitted representations and work undertaken by ESS:

1. Analytical Piece – Report on Storm Overflows.
    - Looked into available data on storm overflows, their impact on the environment and the effectiveness of legislation and policy in place to protect it.
    - Made a number of recommendations which are relevant:
    - Rec 3 – 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.
    - Rec 4 – SEPA should review and update its authorisation regimes and associated regulatory and operational guidance to reflect Scottish Governments revised guidance.
    - Rec 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.
    - Development / implementation of these recommendations underway, but likely to have direct effect on regulation of overflows.
2. Effectiveness of SEPA's response to pollution incidents.
3. Duty on Scottish Water to effectually deal with sewage.
4. Network Capacity (Gullane)
5. River Tyne (Monitoring of compliance with CAR discharge limits)

- A wide range of work underway that is of direct relevance to the issues experienced at Elie Bay.
- However, would encourage you to formally submit a representation to us – this will act as additional supporting evidence / endorsement for pursuing the work already way / help demonstrate that it is a national issue.

Note of Telephone Call

Case reference: IESS.26.040

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

Details

Following receipt of enquiry from 1 regarding sewage pollution in Elie Bay, 1 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 thanked 1 and 1 for contacting ESS with their concerns.

1 provided an overview of ESS' remit and functions.

1 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 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. 1 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 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 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)

- 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.

From: [redacted]
To: [redacted].co.uk"; [redacted]@gmail.com
Subject: RE: IESS.26.040 - Sewage Spills & Network Capacity - Next Steps
Date: 27 May 2026 09:01:00
Attachments: image001.png

Many thanks [redacted] – will keep my eyes open for representation form coming in from [redacted].

Thanks again,
[redacted].

From: [redacted].co.uk [redacted].co.uk>
Sent: 21 May 2026 17:02
To: [redacted]@environmentalstandards.scot>;
[redacted]@gmail.com
Subject: RE: IESS.26.040 - Sewage Spills & Network Capacity - Next Steps

Thank you for your message [redacted]. I thought that our meeting was useful and am a little heartened to learn that
you are already dealing with a number of similar cases to ours.

We will keep you posted of any further developments in Elie and I am sure that [redacted] will complete a registration form for you to ensure that our issues are recorded and can be actioned along with other similar cases.

Kind regards

[redacted]

[redacted]
[redacted]
Elie Harbour Trust

E: [redacted].co.uk
Mob: [redacted]

From: [redacted]@environmentalstandards.scot
[redacted]@environmentalstandards.scot>
Sent: 21 May 2026 14:42
To: [redacted]@gmail.com; [redacted].co.uk
Subject: IESS.26.040 - Sewage Spills & Network Capacity - Next Steps

Good Afternoon [redacted] and [redacted],

Firstly, many thanks for your time yesterday on our call – I found it very useful to fully understand the issues you are experiencing in Elie Bay.

As mentioned on the call, the issues at Elie Bay are very similar to areas of work we have underway / already completed.

I would still encourage you to submit a formal representation to us – more information on how to do this, and what we can investigate can be found on our website: How to raise a concern - Environmental Standards Scotland.

Should you have any questions, or require any assistance in completing the representation form, please do not hesitate to contact me. I have some leave coming up, but will be back in the office from next Wed 27th June.

Kind Regards,

1 [redacted]

1 [redacted]
Principal Investigations Officer
1 [redacted]@environmentalstandards.scot
1 [redacted]

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

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Virus-free.www.avast.com

From: [redacted]
To: [redacted]
Cc: ESS Representations
Subject: RE: IESS.26.040 - Sewage Spills & Network Capacity - Next Steps
Date: 08 June 2026 09:21:24
Attachments: image001.png
image003.png

Morning [redacted],

Many thanks for submitting this representation to ESS.

I will now work through it with a view to confirming that the issues raised fall within ESS' remit and pass our significance test. I will complete this no later than 7th July and inform you of the outcome.

As mentioned on our call, it may be that the issues raised are already covered by work we have undertaken, or currently have underway.

Will be sure to reach out if I have any clarifications. Kind Regards,
[redacted]

[redacted]
Principal Investigations Officer
[redacted]@environmentalstandards.scot
[redacted]

From: [redacted]@gmail.com>
Sent: 08 June 2026 08:06
To: [redacted]@environmentalstandards.scot>
Subject: Fwd: IESS.26.040 - Sewage Spills & Network Capacity - Next Steps

Hi [redacted]

Please find attached the The Elie Harbour Trust formal representation to ESS.

If you have any questions please give me a call or send an email.

Kind regards

[redacted].

1
1
Elie Harbour Trust

1

---------- Forwarded message ---------
From: 1 @icloud.com>
Date: Thu, 4 Jun 2026 at 15:47
Subject: Re: IESS.26.040 - Sewage Spills & Network Capacity - Next Steps
To: 1 @gmail.com>

Hi 1
Please find attached edited representation form.
It also calls for copies of correspondence.

> On 26 May 2026, at 11:59, 1
> 1 @gmail.com> wrote:
>
> Hi 1
>
> Further to my attached letter I have enclosed the ESS representation document for your review. Their suggestion was to simply cut and paste our original letter. However, if there any additional points you wish to add please do so.
>
> Once you are happy with the document I will send it back to 1 at ESS.
>
> **PS** I have sent details of ESS to 1
>
> Kind regards
>
> 1
>
> 1
> 1 Elie Harbour Trust
> 1
>
> ---------- Forwarded message ---------
> From: 1 @gmail.com>
> Date: Tue, 26 May 2026 at 11:51
> Subject: Fwd: IESS.26.040 - Sewage Spills & Network Capacity - Next Steps
> To: 1 .co.uk>, 1
> 1 @gmail.com>, 1 @me.com>,
> 1 @icloud.com>, 1
> 1 .com>, 1
> co.uk>, 1

1 @btinternet.com>, 1 @gmail.com>, 1 @btinternet.com>, 1 1 @live.co.uk>

All

Post our Dear CEO letters we recently issued 1, Principle Investigations Officer from Environmental Standards Scotland contacted us and John and myself met with him last week. The key points and actions from our meeting are as follows:

Overview of ESS

Environmental Standards Scotland (ESS) is an **independent** public body, set up to ensure environmental laws and standards are adhered to in Scotland, replacing the European Union's scrutiny and enforcement role after Brexit.

By holding public authorities to account, they will ensure that Scotland's people and nature benefit from a high quality, healthy environment through improved compliance with and better implementation of effective environmental law

Their strategy Strategy 2026-2031 was approved by the Scottish Parliament in March 2026.

How do ESS achieve this?

ESS' functions are set out in the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, and include: scrutinising and investigating public authorities' **compliance** with environmental law, the **effectiveness** of the law and how it is implemented and applied in Scotland. They also aim to identify areas where environmental legislation is inadequate or could be improved.

They cover all public authorities, including:

- the Scottish Government and its agencies
- local authorities
- health and transport authorities
- organisations carrying out functions of a public nature

Their powers

They have a range of statutory powers to help secure compliance with environmental law or improvements in effectiveness of environmental law, including:

- issuing an **information notice** requiring a public authority(s) to provide them with any information needed to carry out their

functions

- issuing a **compliance notice** requiring a public authority(s) to take the steps specified in the notice to address its failure to comply with environmental law, and to prevent that failure, and the environmental harm associated with it, from being repeated in the future
- issuing an **improvement report**, where they consider that the actions of a public authority(s) represents a 'systemic failure', recommending measures that Scottish Ministers and public authorities should take to ensure compliance with environmental law and/or improve its effectiveness
- in order to prevent or mitigate serious environmental harm, making an application for **judicial review** (or applying to the Court for permission to intervene in an existing judicial review) where they consider that the conduct of a public authority(s) constitutes a 'serious' failure to comply with environmental law

For all reports relating to investigations they have carried out or are currently working on, visit our investigation reports.

Monitoring and analysis

They undertake a range of monitoring and analytical work to ensure that they are well informed about environmental performance and identify issues of potential concern.

They may consider, assess and review data on the quality of the environment in Scotland, keep under review implementation of any international obligation of the UK relating to environmental protection and have regard to developments in international environmental protection legislation.

Their investigations can be triggered by either a representation made to them, or through their own monitoring and analysis work highlighting an issue of concern.

Next Steps

We walked [redacted] through the high level issues facing Elie Bay and he asked us to make formal representation using their standard documentation (cut and paste from our letter). I have completed this and will forward to [redacted] for her review and for her add any additional points post our Dear CEO letter.

Please Note: ESS are not able to focus on local issues such as ours however, if enough towns and villages continue to raise the same or similar issues that we are experiencing and ESS view it a systemic issue they will very much get involved with the Scottish Government and its agencies e.g. Scottish Water and SEPA.

Kind regards

[redacted]

[redacted]
[redacted] Elie Harbour Trust
[redacted]

---------- Forwarded message ---------
From: [redacted]@environmentalstandards.scot>
Date: Thu, 21 May 2026 at 14:42
Subject: IESS.26.040 - Sewage Spills & Network Capacity - Next Steps
To: [redacted]@gmail.com>, [redacted].co.uk>

Good Afternoon [redacted] and [redacted],

Firstly, many thanks for your time yesterday on our call – I found it very useful to fully understand the issues you are experiencing in Elie Bay.

As mentioned on the call, the issues at Elie Bay are very similar to areas of work we have underway / already completed.

I would still encourage you to submit a formal representation to us – more information on how to do this, and what we can investigate can be found on our website: How to raise a concern - Environmental Standards Scotland.

Should you have any questions, or require any assistance in completing the representation form, please do not hesitate to contact me. I have some leave coming up, but will be back in the office from next Wed 27th June.

Kind Regards,
[redacted].

[redacted] <image002.png>
Principal Investigations Officer
[redacted]@environmentalstandards.scot
[redacted]

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

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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.

--
1 [redacted]
1 [redacted]
Elie Harbour Trust

1 [redacted]

<image001.png><ESS-REPRESENTATION-FORM May 2026.docx>

ENVIRONMENTAL
Standards Scotland
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Representation Form

The purpose of this form

We can accept and will consider (free of charge) any representation which includes any instance of concern from anyone about how public authorities discharge their environmental law responsibilities or the effectiveness of environmental law itself.

The purpose of this form is to enable you to set out your representation in a structured way so that we can carry out an initial assessment and consider what steps, if any, should or can be taken. We may also wish to contact you to discuss your representation or seek further information from you. If you have any difficulties in using or completing this form, our staff are more than happy to assist and can be contacted at Representations@environmentalstandards.scot.

Please use this form to contact us if you have specific concerns:

- that a public authority isn't complying with an environmental law;
- that an environmental law isn't being implemented or applied properly; or
- that an environmental law isn't effective in protecting the environment.

In this context a public authority means a person carrying out any function of a public nature and environmental law means any law which is mainly about the environment.

Compliance relates to whether a public authority is failing to take proper account of environmental law when exercising its functions or is acting in a way that is contrary to (or incompatible with) environmental law.

Environmental law means any law which includes provisions mainly about the environment and environmental protection, with environmental protection including:

> (a) protecting, maintaining, restoring or improving the quality of the environment,
>
> (b) preventing, mitigating, minimising or remedying environmental harm caused by human activities; and
>
> (c) monitoring, considering, assessing, recording, reporting on or managing data on anything relating to paragraphs (a) and (b).

In practical terms, the effectiveness of environmental law relates to whether the law is achieving its intended effect in protecting the environment and contributing to our international obligations relating to environmental protections.

Next steps

It is important to explain that, before considering what action should be taken, we normally expect that you will have given the relevant public authority the opportunity to respond to the issue or that you have tried to resolve your concerns through other available mechanisms. Whatever action we do take, we will write to you setting out the reasons for this and provide as much further assistance as we can.

It is also important to understand that we are not an appeal or complaints body for individual decisions taken by public authorities in the exercise of their regulatory functions in relation to a particular person or case (for example, a decision on an application for a licence or a decision on regulatory enforcement in a specific case).

The ‘How to raise a concern’ and ‘Frequently Asked Questions’ pages on our website provide further information on our role and may assist you in completing this form.

By submitting this form you agree to our Data Privacy Notice. ESS may use the information you provide but we will not share your personal information without obtaining prior consent from you. You may tell us at any time if you wish to withdraw your representation.

When you have completed this form, please send it to Representations@environmentalstandards.scot.

Section 1 – Your representation

1. Please tell us below the name of the public authority you are contacting us about.

Scottish Water, SEPA, Fife Council

2. What area of the environment does your representation relate to? (for example, air quality/pollution, water quality/pollution, contaminated land, nature conservation, protected sites, protected species, climate change environmental assessment and monitoring).

Water Quality/Pollution

3. Have you already contacted the public authority about the matter?

Yes ☒ No ☐

Have you received a response?

Yes ☒ No ☐

If the answer to either of the above questions is 'no', please tell us in the box below why this is the case.

Click or tap here to enter text.

4. Does your representation relate to:

- A public authority not complying with an environmental law?

  Yes ☒ No ☐ Don't know ☐

- Environmental law not being implemented or applied properly?

  Yes ☒ No ☐ Don't know ☐

- An environmental law isn't effective in protecting the environment?

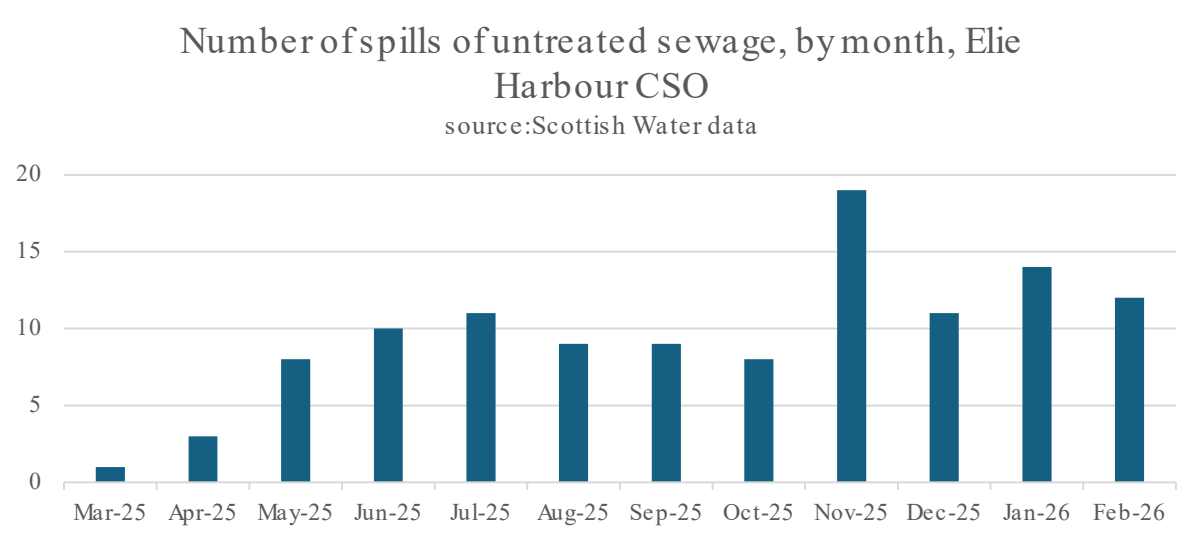
  Yes ☒ No ☐ Don't know ☐

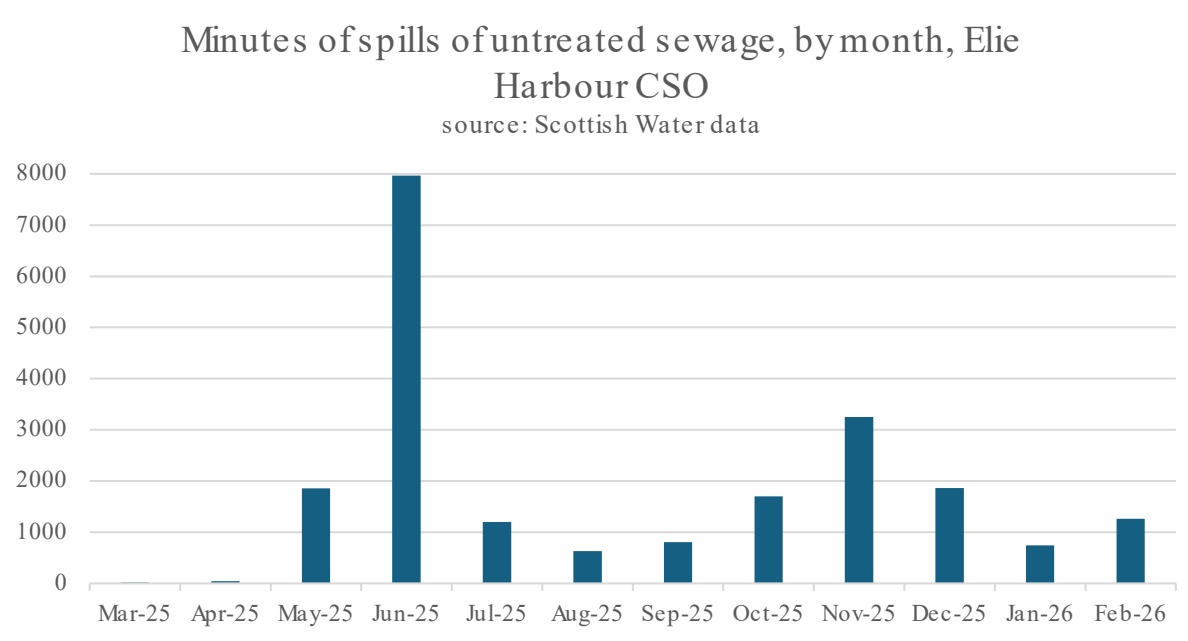
5. If the answer to the above questions is 'no', ESS may not be able to help you. If you have answered 'yes' or 'don't know' to any of the questions above, please tell us in the box below what the background to your representation is, including the key dates when decisions/actions were taken, and specifically what you feel has gone wrong. If possible, please include below the details of the environmental law(s) your concerns relate to and, whether there any related public authority policies, guidance and/or decisions.

It would also be of assistance if you could also provide copies of the public authority's response to you and any supporting information you have.

We would like to raise serious public health concerns due to the systemic failure of the waste water system in Elie & Earlsferry based on data recently obtained under FOI from Scottish Water.
The data from the Elie Harbour CSO shows 115 discharges in 12 months.
This public health situation requires immediate and urgent action to deal with the current volumes of sewage.
It is our view that the regulators have failed in their statutory powers, permitting Scottish Water to pollute. We believe Fife Council and its planning department must consider this context and ensure any housing development does not commence prior to adequate remediation of the Elie & Earlsferry wastewater system.
We believe, from evidence of other coastal communities throughout the Firth of Forth, that this is a systemic issue in the Forth water catchment. We would like to see Elie's case being used as a case study to systemic improvement to the wastewater management in our coastal commnuity.

Elie Bay is EU Designated Bathing Water and one of the most visited beaches in North East Fife, an economy dependent on tourism.
Despite this, untreated sewage was spilled 115 times between March 2025 and February 2026 from the Harbour CSO into waters in which children, visitors and local residents bathe throughout the year.





Despite raising serious concerns with Scottish Water and SEPA last year, we were told that Elie was not an investment priority and that the system was adequate with proper management. These concerns include several occasions of local residents (and their pets) falling ill after bathing on Elie beach.

115 discharges in 12 months equates to a discharge on average every 3 days and absolutely does not correlate to a discharge only in exceptional circumstances. It is well in excess of the UK/DEFRA trigger for investigation and remediation, of 20-30 spills per annum.

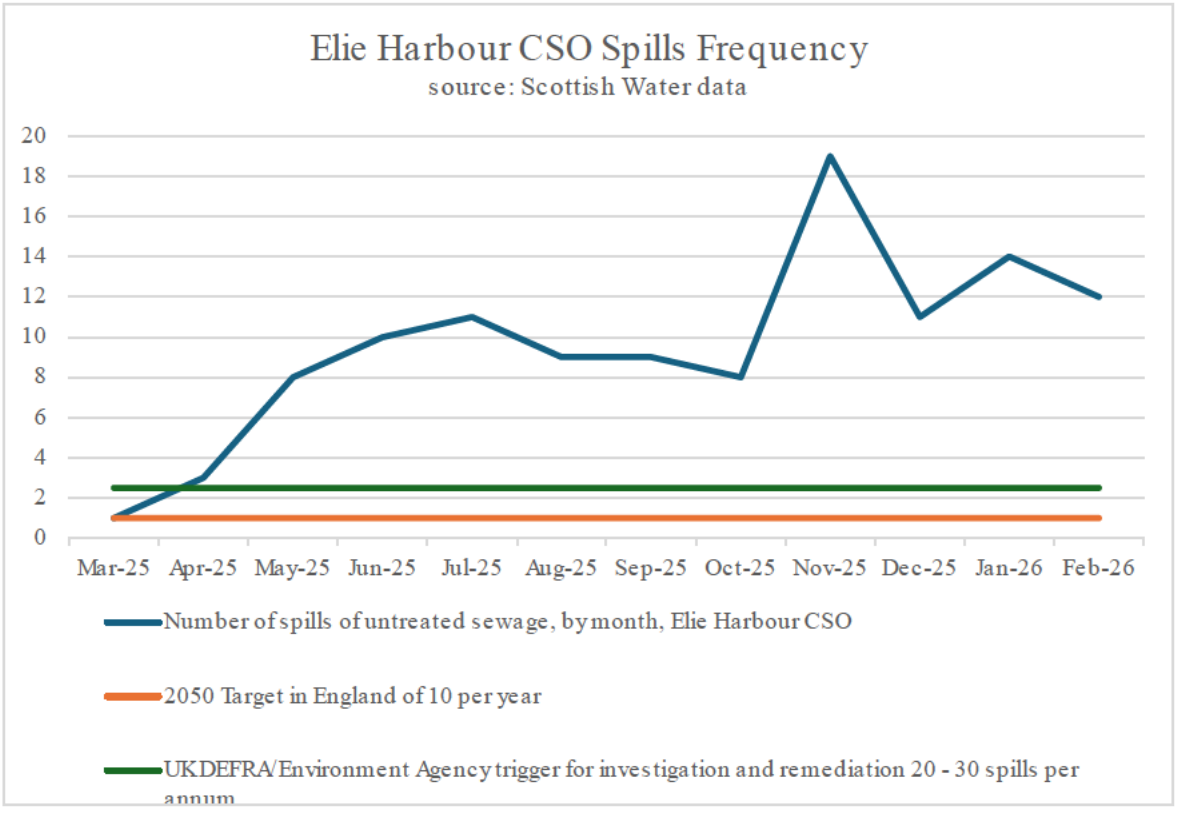
Our analysis of the other 2 CSO's in the two month (when real time data became available) indicates that they are spilling at a similar frequency.

There is regular evidence that the discharges are causing a visible impact on the receiving waters which does not appear to have been appropriately acknowledged by Scottish Water as none of the Elie CSOs are a priority for maintenance.

115 spills in 12 months is highly suggestive of both a breach in permit and the permit not being fit for purpose.
In Jan 2007, SEPA granted Scottish Water a permit variation that allows spills when capacity at Elie Harbour is exceeded. This variation (CAR/L/1001145/VN1) dated 11th Jan 2007 permits Scottish Water to discharge untreated sewage from Elie Harbour CSO 'when, and …as long as, the storm storage facility is at capacity'.

This permit is an extraordinary breach of the Urban Wastewater Treatment directive. We have separately written to SEPA asking to for this permit variation to be rescinded; but so far we have had no adequate response.

The Court of Justice of the European Union (CJEU) in 2012 (Commission v United Kingdom, ruled in a case based on a general obligation to treat all waste water in order to meet the objectives of environmental legislation, and that regular overflows of untreated waste water are counter to the legislation. While it may not be possible to collect and treat all wastewater after 'unusually heavy rainfall', this cannot occur in normal circumstances.



In 2023, Fife Council Planning department granted outline planning consent to develop land in Elie for new homes. This planning consent stated that “No works shall commence on site until confirmation that the requisite upgrading of the sewer system is going ahead….to ensure that the required infrastructure is in place prior to works commencing on site”.

We are not against sustainable and affordable housing being developed in Elie providing that the sewage system is upgraded to meet the current and planned future demand. But we are calling on Fife Council and Scottish Water to address the public health issues in our community resulting from frequent sewage spills both in the marine environment and on our streets.

6. What outcome are you seeking through bringing your representation to ESS?

The law as written is clear. The failure appears to lie in how that law has been implemented in Scotland. The outcomes we are seeking are the following:

1. We call on ESS to ensure that the Scottish Government and Scottish Water implement the law correctly.
2. We also call on ESS to call on SEPA to take the correct enforcement action against Scottish Water and to rescind the 2007 license variation.
3. The ultimate outcome the Elie community is seeking is an upgrade to the wastewater system which is currently failing, at a time when additional housing is planned that will hook into an already failing system.

CSO discharges in Scotland are governed by the Urban Waste Water Treatment (Scotland) Regulations 1994, implementing the 1991 European Urban Waste Water Treatment Directive. The Regulations impose two obligations on Scottish Water. First, sewerage systems, including storm overflows, must meet the requirements of BTKNEEC (best technical knowledge not entailing excessive costs) to limit pollution.

Second, read with the Directive objectives and European Court of Justice decisions, the Regulations require that under normal climatic conditions all urban waste water is collected and treated except in exceptional circumstances. The ECJ has confirmed this exception is narrow: unusually heavy rainfall is the illustrative example, not the standard.

The 1998 Scottish Office guidance implementing these Regulations subtly but critically weakened the legal standard. Environmental Standards Scotland have note that where the Directive refers to ‘unusually 'heavy rainfall’, the guidance refers simply to ‘heavy rainfall’, dropping the word ‘unusually’.

SEPA’s operational guidance has gone further, stating only that CSOs should operate ‘in response to rainfall events’. SEPA licences issued to Scottish Water typically specify that discharges ‘shall only occur as a consequence of rainfall and/or snow melt’, with no frequency threshold, no intensity threshold, and no numerical limit on spill events per year.

Consequently, Scottish Water can discharge hundreds of times from a single CSO in a year withoutbreaching its licence conditions. This is not a loophole; it is the direct consequence of guidance and permitting standards that have failed to implement the law correctly for over 25 years.
Whereas Defra published new Storm Overflows Policy and Guidance (March 2025), and the Environment Agency introduced numerical permit conditions (spills exceeding 20 per year cannot be considered exceptional), the Scottish Government agreed in July 2025 to 'bring forward a guidance review on exceptional circumstances'. No updated guidance has yet been published, and no enforcement action has yet been taken on the basis of the existing legal standard.
Elie Harbour CSO spilled 115 times in the year to March 2026. Under the correct legal interpretation of the 1994 Regulations, a CSO operating at that frequency cannot credibly be described as discharging only in exceptional circumstances. Yet because the guidance and licence conditions do not reflect that standard, Scottish Water faces no enforcement action and SEPA has no clear regulatory basis on which to act.
SEPA is aware that Elie Harbour CSO spills frequently as the data is reported to it under licence. It will also be aware that dry-weather spills have occurred in the East Neuk of Fife. Because SEPA's licence conditions do not incorporate the 'exceptional circumstances' standard, a CSO spilling 115 times a year does not breach the condition as drafted, which requires only that discharges occur 'as a consequence of 'rainfall' (or in the case of Elie Harbour CSO, when capacity is insufficient). SEPA cannot easily penalise Scottish Water for conduct its own licences permit, even if that conduct is incompatible with the law those licences are meant to implement. This is the enforcement trap ESS identified: the guidance failure creates the licensing failure, which creates the enforcement failure.
That said, dry-weather spills are a clear licence breach and are unlawful on any reading of SEPA's own licence conditions, which require discharges to occur only as a consequence of rainfall or snowmelt. Nonetheless Scottish Water and SEPA had jointly identified 12 storm overflows at risk of dry-weather operation before the ESS 2024 report (this number thought to be a significant underestimate), yet no enforcement action has been taken. SEPA are developing a new 'analytical tool' for this purpose which is still in development.

7. How did you hear about ESS?

Word of mouth

Section 2 – Your details

The person who identified the problem should normally fill in this form. If you are acting on behalf of someone else, please check and confirm that they are content for you to do so.

First Name	1 [redacted]
Last Name	1 [redacted]
Your Organisation's name (if applicable)	The Elie Harbour Trust
Telephone Number	1 [redacted]
Email address	1 [redacted]@gmail.com
Address Line 1	1 [redacted]
Address Line 2	1 [redacted]
Town/City	1 [redacted]
Post Code	1 [redacted]
Preferred contact method	Email or telephone

To investigate your concerns, or make further enquiries, we normally need to contact the public authority to confirm that you have tried to resolve your concerns with them first. We may also need to discuss with the public authority the nature of your concerns. This means that we may need to share with the public authority personal information related to your case.

Diversity Monitoring

ESS would appreciate if you could assist us to ensure we are reaching as many people as possible and preventing barriers from using our service. To support this, we have an Equality and Diversity Monitoring Form available to all who submit a representation.

We understand that this information is particularly personal and sensitive, and you may not want to share it with us. So whilst we would encourage you to share your details, please note filling in this form is voluntary and will not affect our investigation of your representation.

All information shared will be confidentially held in a secure database, separate from your representation.

Declaration

By completing and signing this form, I confirm that the information given is accurate and that I provide my consent for ESS to share information about me with the public authority/authorities subject to the representation **(if you have any concerns about us sharing your information with the public authority please contact us to discuss)**.

I also understand that ESS may access and review information about my concerns held by the public authority and that, depending on the nature of the representation, this may include sensitive personal information. I also understand that my personal information will be retained by ESS as set out in our privacy notice.

Signature *(Click image to add a digital signature file)*	Click or tap here to enter text.	**Date**	Click or tap here to enter text.

Section 3 – Checklist

- Have you fully completed all sections of the form that apply to you?

  Yes ☐ No ☐

- Have you included copies of all your supporting paperwork (in particular any response you have received from the public authority)?

  Yes ☐ No ☐

- Please do not send us original documents. To help protect your information we do not hold original documents on our files. Any original documents you send will be returned. Also, when our involvement with your representation comes to an end, the

documents we hold on our files will be destroyed in line with our records retention policy.

- If you plan to send us large amounts of documents, please put your documents in date order, putting the most recent document at the front and oldest at the back.

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Environmental Standards Scotland

Internal Briefing Note: CSO Spills & Network Capacity (Elie Bay)

Suitability for pre-investigation IESS.2026.040

23 June 2026

1. Purpose

1.1. Further to receiving a representation and supporting information from The Elie Harbour Trust on 08/06/2026, this note provides a preliminary review of the information submitted and an assessment of the remit and significance tests, to determine whether the case is suitable to be progressed to pre-investigation. This review has been carried out in line with the Investigations Operational Guidance.

2. Summary of representation

2.1. The representation sets out concerns over the environmental and public health impact of sewage spills (from combined sewer overflows) in the vicinity of Elie Bay (Fife). The representation sets out the importance of Elie Bay: It is a designated Bathing Water, a heavily visited beach and supports the economy and tourism industry of the area.

2.2. The representation provides an overview of overflow data, summarising that the CSO spilled 115 times between March 2025 and February 2026, equating to a discharge on average every three days. The representation highlights that this is not illustrative of only discharging in 'exceptional circumstances' and is in excess of the UK / DEFRA trigger for investigation and remediation (set at 20-30 spills per annum). The representation also summarises that there have been several occasions of local residents (and their pets) falling ill after bathing. The representation also sets out that there is regular evidence of visible impact on the receiving waters which has not been properly acknowledged.

2.3. The representation questions the effectiveness of SEPA's approach to regulation (given the aforementioned spill frequency and observed impacts) and of the authorisation itself, which is intended to control the impact. The representation summarises a variation was undertaken in 2007 which permits the discharge of sewage 'when, and….as long as, the storm storage facility is at capacity.' The representation contends that this is a breach of the Urban Wastewater Treatment Directive as the current 'looseness' does not reflect the expected standard of the Directive and subsequent case law (The Court

of Justice of the European Union (CJEU) in 2012 (Commission v United Kingdom)).

2.4. Lastly, the representation sets out that in 2023, Fife Council planning granted outline planning consent for new homes which stated that 'no works shall commence until confirmation that the requisite upgrading of the sewer system is going ahead..'. This could have parallels with the issues under consideration in case IESS.24.034 which is investigating the system of governance of how new connections to existing sewage infrastructure are permitted.

2.5. The outcome sought by the representation is for ESS to:

(a) Ensure that the Scottish Government and Scottish Water implement the law correctly.

(b) To call for SEPA to take the correct enforcement action against Scottish Water and to rescind the 2007 licence variation.

(c) That the Elie wastewater system is upgraded in lieu of current failures and proposed additional housing connections.

3. Legislative background

3.1. Regulation 4(1) of The Urban Waste Water Treatment (Scotland) Regulations 1994 requires Scottish Water to ensure that collecting systems are provided which are designed, constructed and maintained in accordance with the best technical knowledge not entailing excessive costs with regard to the volume and characteristics of waste water, the prevention of leaks, and the limitation of pollution of receiving waters due to storm overflows. Regulation 4(3) requires that waste water entering collecting systems is subject to treatment before discharge and that plants are constructed, operated and maintained to ensure sufficient performance under all normal local climatic conditions.

3.2. The Scottish Office published supporting guidance in 1998 which states that the "Directive acknowledges the impracticality of constructing collection systems and treatment works such as to treat all waste water during situations such as heavy rainfall". As found in ESS' storm overflows report there is no indication in the guidance material of how exceptional the rainfall event must be to allow the storm overflow to spill.

3.3. The representation sets out that the failure within the guidance to adequately define when it is permissible for a CSO to spill has driven ineffective regulation (including authorisation conditions) by SEPA.

4. Public authority position

4.1. Little detail is provided on engagement with the relevant public authorities within the representation. It simply sets out that SEPA have not provided an adequate response to a written request to rescind the 2007 permit variation.

5. Preliminary assessment of the representation to ESS remit

5.1. The table below provides a preliminary assessment of whether the content of the representation falls within ESS's remit.

Does the representation relate to a public authority?	Yes, SEPA, Scottish Water and The Scottish Government
Does the representation relate to environmental law?	**Y**es – the Urban Waste Water Treatment Direcitve, the Urban Waste Water Treatment (Scotland) Regulations 1994 and The Environmental Authorisation (Scotland) Regulations 2018.
Do the issues raised by the representation relate to a failure to comply with environmental law?	No, the issues raised within the representation relate to ineffective implementation / application of law and ineffectiveness of the law itself.
Do the issues raised by the representation relate to the effectiveness of environmental law?	Yes – the failure to faithfully reflect the expectation of the 'exceptional circumstances' provision of the Urban Waste Water Treatment Directive
Do the issues raised by the representation relate to the effectiveness of implementation or application of environmental law?	Potentially – the failure to faithfully reflect the expectation of the 'exceptional circumstances' provision of the Urban Waste Water Treatment Directive within domestic law and SEPA's regulatory approach could be indicative of ineffective implementation.
Does the representation pertain to any legislative provisions excluded from	No

ESS's remit, per the 2021 Act?	
Is the representation premature?	Potentially – no detail has been provided of the correspondence or complaints made to the respective public authorities. However, the nature of the issues raised and the public authorities respective positions are well understood given ESS' previous work in this field.
Have any alternate remedies been identified?	Potentially – Recommendation 3 of ESS' storm overflows report called for 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. Relatedly recommendation 4 called for SEPA to 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. Therefore, the successfully delivery of these recommendations may resolve the issues raised within the representation.

5.2. Given the above, it is concluded the case is within our remit.

6. Preliminary assessment of the representation to ESS investigation criteria

6.1. The table below provides a summary of the representation against ESS's criteria for investigation.

Does the matter arise from a significant or potentially significant incident concerning the environment?	Yes Sewage discharges contain a wide range of contaminants, which can pose a risk to the environment. Additionally, sewage discharges can elevate nutrient levels and affect water quality and

	ecology. The failure to treat sewage to the required legal standard has the potential to cause significant harm to the environment. The representation provides evidence which alleges significant impact on the environment.
Does the matter raise public health concerns?	Yes Sewage discharges contain pathogens and viruses that can cause illness, typically through exposure from undertaking recreational activities in affected waters and the representation summarises instances of people (and pets) falling unwell.
Is the matter something which seriously affected (or could seriously affect) the welfare of any member of the public?	Potentially Poor water quality because of sewage related impacts has the potential to affect the ability of individuals to partake in water-based recreational activities. Additionally, poor water quality can negatively impact individuals enjoyment of and access to the environment.
Does the matter concern significant alleged neglect or systemic non-compliance?	Potentially If case is indicative of a systemic issue that Scottish Water apply to managing and treating sewage across Scotland.
Could the matter undermine public confidence?	Yes Sewage spills are currently a topic of acute public interest. If it is found that there is systemic non-compliance, public confidence could be undermined.
Does the matter concern a failure to meet international obligations?	No

6.2. Following on the above, the case is considered to meet ESS' criteria for investigation.

7. Assessment and conclusion

7.1. The case meets ESS' remit and significance criteria and therefore it is proposed that the case be moved to pre-investigation. This is principally to allow for an assessment of the crossover with the storm overflows report recommendations and discussion on the feasibility of delivery of them. It is noted that these recommendations remain outstanding, despite being made over 21 months ago. It therefore has to be established if the issues raised within this representation can be successfully and timeously resolved through delivery and implementation of the 2024 overflows report recommendations. As such, it will be necessary to ensure that any revised guidance (if / when prepared) satisfactorily addresses the issues raised.

7.2. Additionally, it will be necessary to determine if the matters raised in this representation constitute an environmental failing (non-compliance / ineffective implementation). The work undertaken as part of the overflows analytical report will be assistive in determining this. This includes determining if SEPA's approach to licensing (as alleged in the representation) is incompatible with the requirements of the Urban Waste Water Treatment Directive.

From: [redacted]
To: [redacted]
Subject: RE: Sign-off sought for Move to Pre-Investigation - IESS.26.040
Date: 25 June 2026 08:52:02
Attachments: image001.png
image003.png
image004.png
image005.png

Hi [redacted], all noted and understood. Just on point 3, the CSO report states that allowing wastewater to be discharged regularly or during normal rainfall would amount to a breach of the **1994 Regulations**. Seems likely that the Elie Bay CSO is discharging regularly and during normal rainfall, so can we already say the evidence suggests likely non-compliance with the 1994 Regulations?

Don't feel you have to respond, this can all be considered further during pre-investigation.

[redacted]

Click **here** to sign up to receive our email update for the latest news about ESS and our work.

[redacted]
Head of Investigations, Standards and Compliance
[redacted]@environmentalstandards.scot
[redacted]

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

From: [redacted]@environmentalstandards.scot>
Sent: 24 June 2026 15:56
To: [redacted]@environmentalstandards.scot>
Subject: RE: Sign-off sought for Move to Pre-Investigation - IESS.26.040

Hi [redacted],

Many thanks for reviewing and for the helpful comments, will be sure to update the briefing to include them. Some immediate thoughts for our consideration as case progresses:

Re. point 1 – It is perhaps something for us to consider, but as I understand SEPA's current approach to licensing is driven by the 1998 guidance…i.e. the 1998 guidance gives no definition / clear expectation of when a CSO can spill, and this looseness / lack of definition has crept into SEPA's approach to licensing….i.e. all roads lead back to the guidance and overlap with the extant recommendation.

Point 2 – I agree, how SG define this going forward is critical. Perhaps need to consider if us guiding this through the investigation could be viewed as ESS (organisationally) having 2 bites of the cherry?

Point 3 – non-compliance with the requirements of the urban waste water directive? Agree though that proving an environmental failing has already been significantly progressed.

Thanks,
1 .

From: 1 @environmentalstandards.scot>
Sent: 24 June 2026 10:58
To: 1 @environmentalstandards.scot>
Subject: RE: Sign-off sought for Move to Pre-Investigation - IESS.26.040

Hi 1 , thanks very much for this, another excellent briefing. I agree that this case should be moved to pre-investigation. Just a few thoughts on the 'assessment and conclusion section':

1. I wasn't sure how SEPA can licence a situation that is potentially unlawful. I might have gotten the wrong end of the stick here but, if not, is this a material point for us to at least consider?
2. On exceptional circumstances, it seems that our CSO report recommended only that the SG define exceptional circumstances. But what if the SG's definition (whenever they get round to doing it) is still unsatisfactory? Does this representation give us the space to go further than the CSO recommendation so that we can say what we think exceptional circumstances are?
3. The CSO report states: *ESS finds that the Scottish Government should publish up-to-date guidance to provide clarity on the exceptional conditions under which it is permissible for storm overflows to spill. In particular, it should be clear that allowing untreated waste water to be discharged regularly, or during normal rainfall, would amount to a breach of the 1994 Regulations, unless it can be demonstrated that BTKNEEC applies.* What I'm wondering is whether, based on the above highlighted sentence, we are already some way to being able to say there is a non-compliance here?

I appreciate this can all be checked out at pre-invest but maybe worth including them in the briefing for the record (that is of course only if you agree with them).

Can you save a copy of this e-mail on erdm for audit purposes please.

Thanks again
1

Click **here** to sign up to receive our email update for the latest news about ESS and our work.

1
Head of Investigations, Standards and Compliance
1 @environmentalstandards.scot
1

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

From: 1 @environmentalstandards.scot>
Sent: 23 June 2026 15:01
To: 1 @environmentalstandards.scot>
Subject: Sign-off sought for Move to Pre-Investigation - IESS.26.040

Hi 1 ,

I have sifted the recent representation received on sewage spills in Elie Bay. The suitability for pre-investigation briefing can be accessed here:

20260623 - Internal Briefing Note- Suitability for Pre-Investigation - IESS.26.040 (A56695747)

I propose that the case be moved to pre-investigation to allow for an assessment to be made of the crossover with the recommendations made by the analytical overflows report and discussion on the feasibility of delivery of them. I consider that the issues raised within the representation **could** be resolved by delivery of these recommendations, however it first important to establish that these recommendations can be successfully and timeously delivered.

As ever, if you are in agreement, would be grateful if you could sign-off move to pre-investigation. Would also welcome any comments or suggestions.

In terms of timescales, deadline for notifying rep contact is 7th of July, so will require sign-off before you go on leave.

Thanks,
1 .

1
Principal Investigations Officer
1 @environmentalstandards.scot
1

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

From: 1
To: 1
Subject: Re: IESS.26.040 - Sewage Spills & Network Capacity - Accepted for Pre-Investigation
Date: 29 June 2026 10:54:31
Attachments: image002.png
image004.png
SEPA Letter of Complaint 3 23-6-2026.pdf

Hi 1

Many thanks for your email with a very positive update.

I thought I would share the 3rd letter that we have sent to SEPA as it contains a significant amount of facts and figures which supports our point of view.

The letter was prepared by 1 who is a Non Executive Director of OFWAT and indeed should you wish to speak to her I would be delighted to facilitate a meeting.

Kind regards

1

1
1 Elie Harbour Trust
1

On Thu, 25 Jun 2026 at 14:28, 1 @environmentalstandards.scot> wrote:

> Good Afternoon 1 ,
>
> Many thanks for submitting your representation to ESS regarding sewage spills and network capacity in Elie Bay (case ref: IESS.26.040).
>
> Just a quick update to let you know that your representation has passed our remit and significance tests and has been accepted for pre-investigation.
>
> In effect, I will now undertake enquiries with a view to confirming if the situation at Elie Bay is suggestive of systemic non-compliance with environmental law, ineffective implementation / application of environmental law, or if the law itself is ineffective. I will obviously take into account the findings of our other organisational work (as I previously set out) when undertaking these enquiries.
>
> Additionally, I will also discuss with colleagues progress on delivery of key recommendations ESS has previously made, which are important in the context of the issues you have raised.

Will be keep in touch as my case work and internal discussions progress. As ever, any questions or if you want to discuss any of the above in more detail, please do just let me know and more than happy to have a call.

Many Thanks,

[redacted].

[redacted]

Principal Investigations Officer

[redacted]@environmentalstandards.scot

[redacted]

General Enquiries | enquiries@environmentalstandards.scot

0808 1964000 | www.environmentalstandards.scot

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

From: [redacted]
Sent: 08 June 2026 09:21
To: [redacted]@gmail.com>
Cc: ESS Representations <Representations@environmentalstandards.scot>
Subject: RE: IESS.26.040 - Sewage Spills & Network Capacity - Next Steps

Morning [redacted],

Many thanks for submitting this representation to ESS.

I will now work through it with a view to confirming that the issues raised fall

within ESS' remit and pass our significance test. I will complete this no later than 7th July and inform you of the outcome.

As mentioned on our call, it may be that the issues raised are already covered by work we have undertaken, or currently have underway.

Will be sure to reach out if I have any clarifications. Kind Regards,

1 .

1

Principal Investigations Officer

1 @environmentalstandards.scot

1

General Enquiries | enquiries@environmentalstandards.scot

0808 1964000 | www.environmentalstandards.scot

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

From: 1 @gmail.com>
Sent: 08 June 2026 08:06
To: 1 @environmentalstandards.scot>
Subject: Fwd: IESS.26.040 - Sewage Spills & Network Capacity - Next Steps

Hi 1

Please find attached the The Elie Harbour Trust formal representation to ESS.

If you have any questions please give me a call or send an email.

Kind regards

[redacted].

[redacted]

[redacted]

Elie Harbour Trust

[redacted]

---------- Forwarded message ---------
From: [redacted]@icloud.com>
Date: Thu, 4 Jun 2026 at 15:47
Subject: Re: IESS.26.040 - Sewage Spills & Network Capacity - Next Steps
To: [redacted]@gmail.com>

Hi [redacted]

Please find attached edited representation form.

It also calls for copies of correspondence.

> On 26 May 2026, at 11:59, [redacted]
> [redacted]@gmail.com> wrote:
>
> Hi [redacted]
>
> Further to my attached letter I have enclosed the ESS representation document for your review. Their suggestion was to simply cut and paste our original letter. However, if there any additional points you wish to add

please do so.

Once you are happy with the document I will send it back to [1] at ESS.

PS I have sent details of ESS to [1]

Kind regards

[1]

[1]

[1] Elie Harbour Trust

[1]

---------- Forwarded message ---------
From: [1] @gmail.com>
Date: Tue, 26 May 2026 at 11:51
Subject: Fwd: IESS.26.040 - Sewage Spills & Network Capacity - Next Steps
To: [1] .co.uk>, [1] [1] @gmail.com>, [1] @me.com>, [1] @icloud.com>, [1] .com>, [1] .co.uk>, [1] @btinternet.com>, [1] @gmail.com>, [1] @btinternet.com>, [1] @live.co.uk>

All

Post our Dear CEO letters we recently issued [1], Principle Investigations Officer from Environmental Standards Scotland contacted us and John and myself met with him last week. The key points and actions from our meeting are as follows:

Overview of ESS

Environmental Standards Scotland (ESS) is an **independent** public body, set up to ensure environmental laws and standards are adhered to in Scotland, replacing the European Union's scrutiny and enforcement role after Brexit.

By holding public authorities to account, they will ensure that Scotland's people and nature benefit from a high quality, healthy environment through improved compliance with and better implementation of effective environmental law

Their strategy Strategy 2026-2031 was approved by the Scottish Parliament in March 2026.

How do ESS achieve this?

ESS' functions are set out in the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, and include: scrutinising and investigating public authorities' **compliance** with environmental law, the **effectiveness** of the law and how it is implemented and applied in Scotland. They also aim to identify areas where environmental legislation is inadequate or could be improved.

They cover all public authorities, including:

- the Scottish Government and its agencies
- local authorities
- health and transport authorities
- organisations carrying out functions of a public nature

Their powers

They have a range of statutory powers to help secure compliance with environmental law or improvements in effectiveness of environmental law, including:

- issuing an **information notice** requiring a public authority(s) to provide them with any information needed to carry out their functions
- issuing a **compliance notice** requiring a public authority(s) to take the steps specified in the notice to address its failure to comply with environmental law, and to prevent that failure, and the environmental harm associated with it, from being repeated in the future
- issuing an **improvement report**, where they consider that the actions of a public authority(s) represents a 'systemic failure', recommending measures that Scottish Ministers and public

authorities should take to ensure compliance with environmental law and/or improve its effectiveness

- in order to prevent or mitigate serious environmental harm, making an application for **judicial review** (or applying to the Court for permission to intervene in an existing judicial review) where they consider that the conduct of a public authority(s) constitutes a 'serious' failure to comply with environmental law

For all reports relating to investigations they have carried out or are currently working on, visit our investigation reports.

Monitoring and analysis

They undertake a range of monitoring and analytical work to ensure that they are well informed about environmental performance and identify issues of potential concern.

They may consider, assess and review data on the quality of the environment in Scotland, keep under review implementation of any international obligation of the UK relating to environmental protection and have regard to developments in international environmental protection legislation.

Their investigations can be triggered by either a representation made to them, or through their own monitoring and analysis work highlighting an issue of concern.

Next Steps

We walked [redacted] through the high level issues facing Elie Bay and he asked us to make formal representation using their standard documentation (cut and paste from our letter). I have completed this and will forward to [redacted] for her review and for her add any additional points post our Dear CEO letter.

Please Note: ESS are not able to focus on local issues such as ours however, if enough towns and villages continue to raise the same or similar issues that we are experiencing and ESS view it a systemic issue they will very much get involved with the Scottish Government and its agencies e.g. Scottish Water and SEPA.

Kind regards

[redacted]

[redacted] Elie Harbour Trust [redacted]

---------- Forwarded message ---------
From: [redacted]@environmentalstandards.scot>
Date: Thu, 21 May 2026 at 14:42
Subject: IESS.26.040 - Sewage Spills & Network Capacity - Next Steps
To: [redacted]@gmail.com>, [redacted].co.uk>

Good Afternoon [redacted] and [redacted],

Firstly, many thanks for your time yesterday on our call – I found it very useful to fully understand the issues you are experiencing in Elie Bay.

As mentioned on the call, the issues at Elie Bay are very similar to areas of work we have underway / already completed.

I would still encourage you to submit a formal representation to us – more information on how to do this, and what we can investigate can be found on our website: How to raise a concern - Environmental Standards Scotland.

Should you have any questions, or require any assistance in completing the representation form, please do not hesitate to contact me. I have some leave coming up, but will be back in the office from next Wed 27th June.

Kind Regards,

[redacted].

[redacted] <image002.png>

Principal Investigations Officer

[redacted]@environmentalstandards.scot

[redacted]

General Enquiries | enquiries@environmentalstandards.scot

0808 1964000 | www.environmentalstandards.scot

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

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--

1 [redacted]

1 [redacted]

Elie Harbour Trust

1 [redacted]

<image001.png><ESS-REPRESENTATION-FORM May 2026.docx>

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--
1 [redacted]
1 [redacted]
Elie Harbour Trust

1 [redacted]

23 June 2026

Nicole Paterson
The Chief Executive
Scottish Environment Protection Agency
Strathallan House
Castle Business Park
Stirling
FK9 4TH

Formal complaint: Combined Sewer Overflow CSO002395, Elie Harbour — Environmental Authorisations (Scotland) Regulations 2018

Dear Nicole,

Many thanks for your recent correspondence. Regrettably, I am writing on behalf of Elie Harbour Trust to make a further formal complaint under the Environmental Authorisations (Scotland) Regulations 2018 (EAS(S)R 2018), regarding the operation by Scottish Water of Combined Sewer Overflow CSO002395 at Elie Harbour.

The Trust has received and analysed Scottish Water's own published discharge data for CSO002395 for the period February 2025 to March 2026 and cross-referenced against SEPA rainfall data from the St Monans gauge (#335620). The analysis, set out in full in the attached report, notes 123 discharge events totalling over 366 hours of spill duration. Sixty per cent of events for which daily rainfall data are available occurred with less than 2mm of rainfall recorded on the day of discharge and in the 48 hours prior. One event, a continuous spill of 92.6 hours beginning 1 June 2025, during a month of average rainfall immediately following one of the driest recorded springs in Fife, has no credible storm overflow explanation and is assessed as a probable mechanical failure at the Elie Harbour pumping station.

Since March 2026, we have been monitoring CSO spill data from Scottish Water's Overflow Map: this recent monitoring confirms spills are continuing at an excessive rate and also during periods of dry weather. The Scottish Water portal was offline for 25 consecutive days from 19 May 2026, during which period residents observed and photographed sewage flooding and beach contamination which should have been categorised as a serious pollution incident.

The Trust further draws SEPA's attention to the failure, identified by Environmental Standards Scotland in its September 2024 report, to implement the Urban Waste Water Treatment Directive correctly in Scotland. The Urban Waste Water Treatment (Scotland) Regulations 1994 require that CSO discharges occur only in exceptional circumstances. The current licence conditions for CSO002395, which permit discharge whenever the storm storage facility is at capacity, and permit variation CAR/L/1001145/VN1 (dated 11 January 2007) in particular, are incompatible with that standard. At 123 spills in thirteen months, CSO002395 plainly does not meet the exceptional circumstances test confirmed by the European Court of Justice in Commission v United Kingdom (Case C-301/10, 2012). The Trust requests that SEPA rescind the permit variation as a matter of urgency.

While we acknowledge that the legal framework regarding CSO spills is currently unhelpful in Scotland, it is very clear that dry spills are illegal. Our analysis confirms that dry spills are regularly occurring at Elie Harbour CSO. Elie Harbour Trust therefore formally requests that SEPA:

1. Treat this report as a formal complaint and investigate CSO002395 under the Environmental Authorisations (Scotland) Regulations 2018 on the grounds of confirmed dry-weather discharge, a prolonged continuous spill in non-storm conditions, and a 25-day gap in monitoring during which environmental harm was observed.
2. Confirm whether Scottish Water notified SEPA of a pollution incident in respect of the 92.6-hour continuous discharge beginning 1 June 2025, and request Scottish Water's pump operational logs for 1–4 June 2025 under the Environmental Information (Scotland) Regulations 2004 to establish the cause.
3. Investigate the cause of the 25-day monitoring portal outage from 19 May to approximately 12 June 2026, and confirm what steps were taken to identify and respond to environmental harm during that period.
4. Require Scottish Water to provide a formal capacity assessment of the Elie combined sewer network covering all three monitored CSO sites.
5. Rescind permit variation CAR/L/1001145/VN1 (dated 11 January 2007), which permits Scottish Water to discharge untreated sewage from CSO002395 "when, and as long as, the storm storage facility is at capacity". This variation is incompatible with the Urban Waste Water Treatment (Scotland) Regulations 1994 and with EAS(S)R 2018. The evidence in this report demonstrates that the Elie Harbour network routinely reaches capacity under ordinary Scottish rainfall, with the result that the variation functions not as a storm emergency provision but as a standing licence to discharge in conditions the Directive prohibits. It is creating an ongoing and unacceptable risk to public health and should be withdrawn forthwith.

Elie Harbour Trust requests a written response within 20 working days as required under the Environmental Information (Scotland) Regulations 2004. A copy of this letter and the attached report is being provided to Environmental Standards Scotland and to Elie's local MSPs.

Yours sincerely,

1

1

1 Elie Harbour Trust
1

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

Elie Harbour Sewer Overflows

Analysis of Scottish Water Monitoring Data and Community Evidence, 2025–2026

Prepared by: Elie Harbour Trust

Submitted to: Scottish Environment Protection Agency (SEPA)

Date of analysis: June 2026

Executive Summary

This report constitutes a further formal complaint by Elie Harbour Trust to the Scottish Environment Protection Agency (SEPA), regarding the operation of Combined Sewer Overflow CSO002395 at Elie Harbour by Scottish Water. CSO002395 is permitted to discharge a mixture of rainwater and untreated sewage into the sea only as a safety valve during periods of heavy rainfall, to prevent sewage from backing up into the sewer network and surrounding properties. This report examines whether CSO002395 is operating within the terms of that permission by comparing Scottish Water's own published discharge records against published rainfall data.

Scottish Water's own data show that CSO002395 discharged on 123 occasions in just over a year, amounting to more than 15 days of continuous discharge in aggregate. On more than two-thirds of the days for which rainfall data are available, discharge occurred with little or no rainfall recorded on the day of discharge or in the 48 hours prior.

Metric	Value	Note
Total spill events recorded at CSO002395	123	Feb 2025 – Mar 2026. Scottish Water's own published data.
Total spill duration	366.8 hours (22,010 min)	Across all 123 events
Longest single spill	92.6 hours — 1 Jun 2025	5,555 min continuous. Average rainfall month. Assessed as mechanical failure, not storm overflow.
Events with 0mm rainfall on day of discharge and in prior 48 hours	22 of 100 (22%)	Of events where daily gauge data was available
Events with <2mm rainfall on day of discharge and in prior 48 hours	60 of 100 (60%)	Below the traditional dry-weather flow threshold
Events with Heavy (>25mm) rainfall on day of discharge	0 of 100 (0%)	No heavy rainfall event triggered any spill
Confirmed TRUE DRY WEATHER spill (SW dataset)	1 confirmed + ~10 probable	14 Aug 2025: 0mm day-of, 0.4mm antecedent. Plus ~10 events in drought months Feb–Apr 2025.
Community monitoring: dry-weather spills confirmed	5 events (25–27 Apr, 9 May, 24 May 2026)	0mm day-of AND <2mm antecedent at St Monans gauge

Metric	Value	Note
SEPA monitoring portal offline	25+ days (19 May – ~12 Jun 2026)	Environmental harm observed during outage not in SW public dataset

Key Findings

- CSO002395 discharges in the absence of storm conditions. Sixty-nine per cent of spill events for which daily rainfall data are available occurred with less than 2mm of rainfall recorded on the day of discharge and in the 48 hours prior.
- The network does not recover its capacity between rainfall events. Discharges continue on completely dry days because the system remains saturated from rainfall received days earlier, indicating that the network retains no spare capacity even under ordinary conditions.
- In June 2025, CSO002395 discharged continuously for 92.6 hours, during a month of average rainfall immediately following one of the driest recorded springs in the area. No weather-related explanation accounts for this discharge. The most probable cause is mechanical failure at the Elie Harbour pumping station, and Scottish Water should be required to account for this event.
- The statutory monitoring system for CSO002395 was offline for 25 days in May and June 2026. During this period, residents reported sewage-related flooding on Admiralty Lane, in the Elie Harbour toilet block, and on the Ferry Road beach path; none of these incidents appears in Scottish Water's public records.
- The figures in this report should be regarded as a minimum, and the true extent of discharge activity is likely to be greater.

Scottish Water is only permitted to let sewage overflow at Elie Harbour under a specific environmental authorisation, granted under the Environmental Authorisations (Scotland) Regulations 2018 (EAS(S)R 2018). That authorisation exists for one reason — to stop sewers flooding homes and streets during genuine storms. It does not allow Scottish Water to discharge sewage simply because the network is too small for everyday rainfall, or for any reason other than a genuine storm overload. A spill with no rain to justify it falls outside what the authorisation permits. That makes it an unauthorised discharge and a breach of environmental law, not merely an operational failure. The pattern of confirmed dry-weather discharges, a prolonged continuous spill with no storm cause, and a 25-day gap in monitoring during which further harm was observed, is the basis on which Elie Harbour Trust requests that SEPA take formal enforcement action against Scottish Water.

On the basis of the evidence set out above, Elie Harbour Trust requests that SEPA:

1. Treat this report as a formal complaint and investigate CSO002395 under the Environmental Authorisations (Scotland) Regulations 2018 on the grounds of confirmed dry-weather discharge, a prolonged continuous spill in non-storm conditions, and a 25-day gap in monitoring during which environmental harm was observed.
2. Confirm whether Scottish Water notified SEPA of a pollution incident in respect of the 92.6-hour continuous discharge beginning 1 June 2025, and request Scottish Water's pump operational logs for 1–4 June 2025 under the Environmental Information (Scotland) Regulations 2004 to establish the cause.
3. Investigate the cause of the 25-day monitoring portal outage from 19 May to approximately 12 June 2026, and confirm what steps were taken to identify and respond to environmental harm during that period.

4. Require Scottish Water to provide a formal capacity assessment of the Elie combined sewer network covering all three monitored CSO sites, together with a published remediation plan and compliance timetable.
5. Urgently rescind permit variation CAR/L/1001145/VN1 (dated 11 January 2007), which authorises Scottish Water to discharge untreated sewage from CSO002395 whenever the storm storage facility is at capacity. This permit variation is creating an ongoing and unacceptable risk to public health and should be withdrawn forthwith. Given the evidence that the Elie Harbour network routinely reaches capacity under ordinary rainfall, this variation has the practical effect of licensing the pattern of chronic, non-exceptional discharge documented in this report, and is incompatible with the Urban Waste Water Treatment (Scotland) Regulations 1994 and with EAS(S)R 2018.

Section 1: Scottish Water Data: Findings (Feb 2025 – Mar 2026)

Spill data have been cross-referenced against rainfall data from the St Monans gauge to identify the proportion of discharges occurring during dry or near-dry weather. SEPA is understood to be developing a tool to assess dry-weather spills. Pending the availability of that tool, Elie Harbour Trust has developed its own approach, described in detail in Appendix B. The methodology uses a two-layer test that considers both the rainfall recorded on the day of discharge and the rainfall recorded in the 48 hours prior (antecedent rainfall). The primary classification layer assigns each spill event to a rainfall band (Dry, Trace, Light, Moderate, or Heavy) based on day-of rainfall. We then apply a second, stricter test: a spill is classified as a confirmed dry-weather discharge only where day-of rainfall was 0mm AND 48-hour antecedent rainfall was below 2mm. The headline figures — that 60% of events occurred with less than 2mm of rainfall on the day of discharge, and 69% with less than 2mm across either the day of discharge or the prior 48-hour period — are therefore likely to be an underestimate.

The structural failure summary table separately identifies events by antecedent wetness, explicitly distinguishing confirmed dry-weather spills, low-antecedent spills, and dry-day persistence events (spills on rainless days following recent rain). These three sub-categories ensure that the analysis does not conflate a spill on a genuinely dry day with one that occurred because the network had not yet drained after a recent rainfall event. The figures cited in this report reflect that distinction throughout.

Rainfall Classification of Spill Events at Elie Harbour CSO

Rainfall Band	Events	% of Total	Cumulative %	Key Finding
Dry (0mm)	22	22%	22%	Network discharges with zero rainfall input
Trace (>0–<2mm)	38	38%	60%	Modal trigger condition: near-zero rainfall
Trace (1–<2mm)	9	9%	69%	69% of all spills below the dry-weather threshold
Light (2–10mm)	23	23%	92%	Light rain triggers most remaining spills
Moderate (10–25mm)	8	8%	100%	Only 8 events at moderate rainfall
Heavy (>25mm)	0	0%	100%	No heavy rain event triggered any spill in this dataset

The data suggests a series of structural failures in addition to a number of illegal Dry Weather Spills.

Category	Events	Flag	Interpretation
TRUE DRY: 0mm day + <2mm antecedent	1	ENFORCEMENT BASIS	14 Aug 2025: 55 min, 0mm day-of, 0.4mm antecedent. No storm causation possible.
LOW ANTECEDENT: 0mm day, 2–5mm antecedent	5	Likely structural	Very low prior wetness. Implausible as storm overflow at a functioning CSO.
DRY-DAY PERSISTENCE: 0mm day, ≥5mm antecedent	16	Network saturation	Spills on dry days after recent rain. Wet well does not recover between events.
DRY WEATHER — MONTHLY BASIS (Feb–May 2025)	~10 estimated	Probable structural	4 months <50% of seasonal avg rainfall. SEPA confirmed exceptional Fife drought. Daily data unavailable.
TOTAL with structural failure indicators	~32 of 123	26% of all events	Conservative estimate.

The June 2025 92.6-Hour Continuous Spill

This is the single most significant event in the Scottish Water dataset and warrants separate regulatory investigation by SEPA.

- Start: 1 June 2025, 11:40. Duration: 5,555 minutes (92.6 hours — approximately 3 days and 20 hours).
- June 2025 rainfall at St Monans: 63.2mm — average for the month. No extreme precipitation event is recorded.
- Spring 2025 was a recorded drought in Fife. SEPA water scarcity reports (April–May 2025) confirm that ground conditions were extremely dry, meaning any rainfall would have been absorbed by dry soil rather than generating sewer inflow.
- Daily gauge data coverage begins 18 June 2025 — after this spill ended. The implied average daily rainfall for 1–16 June is approximately 3mm/day, derived from the monthly total minus the measured second half of the month.
- A 92.6-hour continuous discharge under these conditions has no credible storm overflow explanation. The most probable cause is mechanical failure at the Elie Harbour pumping station — either pump breakdown or a sustained blockage causing prolonged wet-well overflow.
- If a pump or equipment failure caused this spill, it constitutes a reportable pollution incident under EAS(S)R 2018, addressed in the requests to SEPA set out in Section 3.

Clustering Pattern

31 spill clusters were identified across the 100 events with daily data. The dominant pattern is network saturation: spills persisting across multiple days at low daily rainfall (1–5mm/day), not acute response to individual storm events. Key examples:

- Cluster 25 — 6 to 11 January 2026: 11 events over 6 consecutive days at an average of just 3.2mm/day. The most enforcement-significant cluster in the dataset, demonstrating that the network cannot manage normal Scottish winter rainfall without sustained CSO activation.
- Multiple clusters show dry-day persistence: spills continuing at 0mm day-of rainfall on the day following a wet day, because the wet well has not drained. This is directly analogous to the behaviour observed in the community monitoring data.
- The highest single day-of rainfall in the entire dataset was 23.4mm (19 October 2025, Cluster 16). Not one spill coincided with rainfall above 25mm. The significance of this is the inverse of the dry-weather argument: not only does the network discharge without heavy rain, it never discharges because of it. A combined sewer network designed to function as a storm emergency overflow would be expected to activate during genuinely heavy rainfall. The absence of any spill event above 25mm — alongside the prevalence of spills at 0–2mm — confirms that the Elie Harbour CSO is not operating as an occasional emergency safety valve but as a routine outlet for a network unable to manage ordinary Scottish rainfall.

SEPA Monitoring Outage: 19 May – ~12 June 2026

The SEPA / Scottish Water public monitoring portal for Elie Harbour CSO was offline for at least 25 consecutive days from 19 May 2026. No spill data was published for this period.

During the outage period the following environmental harm was observed and recorded:

- 20–21 May 2026: Admiralty Lane and Toft area — sewer flooding.
- 22–23 May 2026: Elie Harbour toilet block — flooding.
- 24 May 2026: Ferry Road — sewage coming onto beach path.
- 28 May 2026: Foul odour reported at yellow buoy and Elie Harbour

All events of 20–24 May occurred during zero or near-zero rainfall conditions (0–0.8mm/day at St Monans). The 22–24 May events are confirmed dry-weather discharges. The monitoring outage means it cannot be determined whether these represent unreported spill events at CSO002395 or separate failure events in the network. Either possibility raises serious questions about the reliability of the Scottish Water public monitoring feed as a complete record.

Section 2: Regulatory framework failure

As SEPA will acknowledge, the evidence set out in this report must be read against a regulatory background in which the legal standard governing CSO operation has not been correctly implemented in Scotland for over twenty-five years. That failure has direct consequences for public health in Elie.

The legal standard. The Urban Waste Water Treatment (Scotland) Regulations 1994 implement the 1991 EU Urban Waste Water Treatment Directive. The Regulations require that, under normal climatic conditions, all urban wastewater is collected and treated except in exceptional circumstances. The European Court of Justice confirmed in Commission v United Kingdom (Case C-301/10, 2012) that this exception is narrow: unusually heavy rainfall is the illustrative example given in the Directive, not the standard. A CSO that discharges routinely, in ordinary rainfall, or because the network has insufficient capacity, is not operating within that standard.

The cascade of implementation failures. Environmental Standards Scotland identified in its September 2024 report a three-stage cascade of failure in how Scotland has implemented this standard. First, the 1998 Scottish Office guidance dropped the word "unusually" from the Directive's formulation, substituting "heavy rainfall" for "unusually heavy rainfall" and thereby widening the exception at source. Second, SEPA's operational guidance weakened the standard further, requiring only that CSOs operate "in response to rainfall events", with no frequency threshold and no intensity requirement. Third, licence conditions issued to Scottish Water for Elie Harbour CSO reflect that weakened standard: they require only that discharges occur "as a consequence of rainfall and/or snow melt", with no numerical cap on annual spill events. And for Elie Harbour, the extraordinary permit variation, which we request is removed as a matter of urgency, that permits spills when the system is at capacity. The consequence is that Scottish Water can discharge hundreds of times from a single CSO in a year without breaching its licence conditions as drafted. This is not a loophole; it is the direct result of guidance and permitting standards that have failed for over twenty-five years to give effect to the law they purport to implement.

The consequence for Elie Harbour CSO. CSO002395 discharged 123 times in thirteen months. By comparison, the Environment Agency in England has determined that spills exceeding 20 per year per CSO cannot credibly be described as exceptional. Under the correct legal interpretation of the 1994 Regulations, a CSO operating at nearly seven times that frequency plainly does not meet the "exceptional circumstances" standard the Directive requires. The permit variation CAR/L/1001145/VN1 compounds this failure: it expressly authorises discharge "when, and as long as, the storm storage facility is at capacity", which is precisely the condition this report documents as occurring during ordinary Scottish rainfall. A permission to discharge whenever the network is full is not a storm emergency overflow authorisation; it is a licence to discharge in conditions the Directive prohibits.

Public health consequences. This implementation failure is not abstract. Untreated sewage contains E. coli, norovirus, and hepatitis viruses; contact with contaminated seawater causes gastrointestinal illness, skin and wound infections, and respiratory, ear, and eye infections. At Elie, residents and their pets have reported these conditions following sea contact at the beach. Elie Harbour Trust's own sampling in 2025 confirmed dangerous levels of sewage contamination from the Loch Run onto Elie beach. SEPA's bathing water data show that individual samples at Ruby Bay have recorded intestinal enterococci at ten times the safe limit — a spike masked by Elie's rolling four-year "Excellent" classification, which tells bathers nothing about conditions on any given day. The monitoring gap deepens the public health risk: with only 34% of Scottish overflows monitored nationally and the SEPA portal offline for 25 days during the period covered by this complaint, the full extent of exposure cannot be quantified. The structural enforcement failure identified by ESS creates a structural public health failure. Residents cannot protect themselves if the monitoring system does not record the discharges that contaminate the water they swim in. We welcome the additional testing and monitoring that SEPA has committed.

What SEPA can and should do now. While Elie Harbour Trust recognises that the broader guidance failure requires action by the Scottish Government, dry-weather spills are a clear breach of the existing licence conditions for CSO002395 and are therefore illegal and enforceable today. The permit variation CAR/L/1001145/VN1 can be rescinded forthwith and SEPA can place on record, in its response to this complaint, its assessment of whether 123 spills in thirteen months is consistent with the exceptional circumstances standard the law requires.

Section 3: Requests to SEPA

The Elie Harbour sewer network is not being operated in compliance with its environmental authorisation. The volume, pattern, and conditions of CSO discharges — including confirmed dry-weather events and a near-four-day continuous spill — are inconsistent with a network designed to function as a storm emergency overflow only. Dry weather spills are illegal.

The June 2025 continuous spill meets the definition of a reportable pollution incident under EAS(S)R 2018. The 25-day monitoring outage represents a failure of Scottish Water's obligation to maintain effective environmental monitoring at this CSO. The pattern of portal under-reporting and monitoring gaps identified in this report indicates that the true number and duration of spill events at this site is likely higher than the official dataset records.

On the basis of the conclusions set out above, Elie Harbour Trust requests that SEPA:

1. Treat this report as a formal complaint and investigate CSO002395 under the Environmental Authorisations (Scotland) Regulations 2018 on the grounds of confirmed dry-weather discharge, a prolonged continuous spill in non-storm conditions, and a 25-day gap in monitoring during which environmental harm was observed.
2. Confirm whether Scottish Water notified SEPA of a pollution incident in respect of the 92.6-hour continuous discharge beginning 1 June 2025, and request Scottish Water's pump operational logs for 1–4 June 2025 under the Environmental Information (Scotland) Regulations 2004 to establish the cause.
3. Investigate the cause of the 25-day monitoring portal outage from 19 May to approximately 12 June 2026, and confirm what steps were taken to identify and respond to environmental harm during that period.
4. Require Scottish Water to provide a formal capacity assessment of the Elie combined sewer network covering all three monitored CSO sites, together with a published remediation plan and compliance timetable.
5. Rescind permit variation CAR/L/1001145/VN1 (dated 11 January 2007), which permits Scottish Water to discharge untreated sewage from CSO002395 “when, and as long as, the storm storage facility is at capacity”. This variation is incompatible with the Urban Waste Water Treatment (Scotland) Regulations 1994 and with EAS(S)R 2018. The evidence in this report demonstrates that the Elie Harbour network routinely reaches capacity under ordinary Scottish rainfall — including during the January 2026 eleven-event cluster at an average of just 3.2mm per day — with the result that the variation functions not as a storm emergency provision but as a standing licence to discharge in conditions the Directive prohibits. This permit variation is creating an ongoing and unacceptable risk to public health and should be withdrawn forthwith.

Appendix A — Scottish Water Monthly Spill Summary (Feb 2025 – Mar 2026)

Source: Scottish Water / SEPA public CSO monitoring dataset, CSO002395. Rainfall: SEPA St Monans gauge #335620, monthly totals. OGL: n/a = not yet available. Seasonal averages are approximate long-term monthly figures for the East Fife coastal zone.

Month	Events	Total Min	Total Hrs	Rainfall (mm)	vs Seasonal Avg	Classification
Feb 2025	3	470	7.8	20.0	42% of avg	Very Dry — no daily data
Mar 2025	1	15	0.3	13.4	26% of avg	Very Dry — record drought
Apr 2025	3	40	0.7	12.8	34% of avg	Very Dry — record drought
May 2025	9	2,915	48.6	37.8	84% of avg	Dry — includes 28.7 hr spill
Jun 2025	9	6,910	115.2	63.2	115% of avg	Average — 92.6 hr spill assessed as mech. failure
Jul 2025	11	1,200	20.0	52.4	81% of avg	Below Average
Aug 2025	9	630	10.5	29.2	49% of avg	Dry — includes confirmed DW spill 14 Aug
Sep 2025	9	805	13.4	61.8	88% of avg	Average
Oct 2025	8	1,700	28.3	75.4	101% of avg	Average
Nov 2025	19	3,250	54.2	113.4	129% of avg	Wet — peak event month
Dec 2025	11	1,865	31.1	75.2	94% of avg	Average
Jan 2026	14	745	12.4	76.6	132% of avg	Wet — 11-event cluster 6–11 Jan
Feb 2026	12	1,265	21.1	62.6	130% of avg	Wet
Mar 2026	5	200	3.3	23.0	44% of avg	Dry
TOTAL	123	22,010	366.8	—	—	—

Orange = pre-coverage (no daily data). Amber = elevated concern.

Appendix B — Data Sources and Methodology

Methodology

Daily Rainfall Cross-Reference and 09:00 Offset

Each spill event was matched to the St Monans gauge reading for the calendar day on which it started. For spills starting before 09:00, the gauge reading for the preceding calendar day was used, reflecting the fact that the 09:00 reading covers rain from the prior day. The matched figure is referred to as "day-of rainfall" throughout.

48-Hour Antecedent Rainfall

The cumulative rainfall for the two calendar days prior to each spill event (D−1 and D−2) was calculated as "48-hour antecedent rainfall". This is a more hydrologically meaningful measure of network saturation than same-day rainfall: a dry day following a prolonged wet period is fundamentally different from a dry day after an extended dry period.

Rainfall Classification

Classification	Day-of Rainfall	Significance
Dry	0mm	No rainfall input. Spills in this band cannot be attributed to storm overflow.
Trace	>0mm and <2mm	Near-zero. Below the traditional dry-weather flow definition threshold.
Light	2mm to <10mm	Low intensity. A functioning combined sewer should generally absorb this without overflow.
Moderate	10mm to <25mm	Moderate storm input. Some overflow response may be expected in older networks.
Heavy	25mm or above	Significant storm. Overflow response would be expected even in well-maintained systems. Zero events in this band in either dataset.

Dry-Weather Spill Flag

A spill event is flagged as a confirmed dry-weather discharge where: (1) day-of rainfall = 0mm, AND (2) 48-hour antecedent rainfall < 2mm. Events meeting this definition cannot be attributed to storm overflow and are indicative of structural base-load failure or pumping station malfunction.

Events with 0mm day-of rainfall but higher antecedent wetness are classified as “dry-day persistence” — reflecting network inability to drain between rainfall events, rather than outright dry-weather structural failure.

Why day-of rainfall is used for primary classification. This analysis uses a two-layer approach to rainfall. The primary classification assigns each spill event to a rainfall band (Dry, Trace, Light, Moderate, Heavy) based on the day-of rainfall recorded at St Monans. The 48-hour antecedent rainfall is then applied as a second layer: first, to classify events within the zero-day-of-rainfall group into confirmed dry-weather, low-antecedent, and dry-day persistence sub-categories; and second, as the stricter enforcement-basis test (0mm day-of AND <2mm antecedent). The headline narrative figures of 60% and 69% used in this report refer to events with less than 2mm of rainfall recorded either on the day of discharge or in the preceding 48 hours, combining both layers. This framing is supported by the structural failure table, which breaks down all 22 zero-day-of-rainfall events by their antecedent

wetness, confirming that the pattern of low-rainfall spills is not an artefact of the day-of measure alone but holds when the prior 48-hour period is also examined.

Data Gap: February to Mid-June 2025

Daily gauge data is unavailable for the 23 Scottish Water spill events between 15 February and 17 June 2025. Monthly totals from the SEPA rainfall aggregation are used for classification. SEPA water scarcity reports confirm February to May 2025 was exceptionally dry in Fife, with groundwater at or near record lows.

Data Sources

Scottish Water / SEPA Public CSO Monitoring Dataset

Site: Elie, Harbour SPS CSO, asset reference CSO002395. This is Scottish Water's own published dataset, made available through the SEPA environmental monitoring portal. The data covers 15 February 2025 to 13 March 2026 and records 123 individual discharge events, each with a start datetime, end datetime, and duration in minutes. This data is the operator's own published record. It is not estimated or inferred.

SEPA St Monans Rain Gauge (#335620)

Station: St Monans, Fife. SEPA station number 335620. Coordinates: 56.2°N, 2.8°W. Distance from Elie Harbour CSO: approximately 5.1km west along the East Neuk coast. This is the closest operational SEPA tipping bucket rain gauge to the site. No gauge exists within the KY9 postcode.

Data was accessed via the SEPA Rainfall API under the Open Government Licence v3.0. The gauge reports daily totals timestamped at 09:00, representing the 24-hour accumulation ending at that time — i.e. the reading for day D at 09:00 represents rain that fell on calendar day D−1. A one-day offset was applied throughout this analysis to correctly align rainfall readings with spill dates.

Daily data coverage: 18 June 2025 to 16 June 2026 (269 readings). For February to mid-June 2025, monthly totals were used as a fallback classification basis.

Elie Water Action Group Community Monitoring Dataset

Compiled by: Elie Water Action Group. Coverage: 29 March 2026 to 16 June 2026 (79 days). Three CSO sites monitored: Cadgers Wynd, Elie Harbour, and Elie South Street.

The community dataset was assembled by cross-checking the Scottish Water public online monitoring portal daily and recording spill durations for each site. Where the portal showed no data but community members directly observed evidence of sewage discharge — beach foam, street flooding, sewage on footpaths — these observations were recorded separately with photographic evidence, witness attribution, and dates. The community dataset is not a substitute for SEPA statutory monitoring data. However, it provides material additional evidence where the official portal was offline, where data was not updated promptly, or where visible environmental harm was not captured by the automatic sensor network.

Source	Details	Licence
Scottish Water / SEPA CSO Public Dataset	CSO002395, Elie Harbour SPS CSO. Start datetime, end datetime, duration (min). 15 Feb 2025 – 13 Mar 2026. 123 events. Accessed via SEPA environmental monitoring portal.	OGL v3.0

Source	Details	Licence
SEPA St Monans Rain Gauge #335620	Daily rainfall totals (mm) timestamped at 09:00. 18 Jun 2025 – 16 Jun 2026. 269 readings. Coordinates: 56.2°N, 2.8°W. ~5.1km west of Elie Harbour CSO. Accessed via www2.sepa.org.uk/Rainfall/api/Daily/335620	OGL v3.0
SEPA Rainfall Monthly Aggregation	Monthly totals Feb 2025 – Jun 2026 (St Monans). Used for pre-Jun 2025 fallback classification. Accessed via rainfall.scot.	OGL v3.0
SEPA Water Scarcity Reports 2025	Published monthly. Confirm exceptional drought in Fife, Feb–May 2025. Used as corroborating context for dry-weather spill assessment. beta.sepa.scot/water-scarcity/	Crown Copyright
Elie Water Action Group Community Monitoring	Daily portal cross-check for Cadgers Wynd, Elie Harbour, South Street CSOs. Supplemented by direct observation with photographic evidence and witness attribution. 29 Mar – 16 Jun 2026. Compiled by the Elie Water Action Group.	Community-collected data

All findings in this report are based solely on publicly available data or community observational records. No proprietary Scottish Water operational data was used or accessed.

From: [redacted]
To: [redacted]
Subject: RE: Sewage at Elie Harbour & Bay
Date: 06 July 2026 16:18:55
Attachments: image001.png
image002.png
image003.png
image004.png

Good Afternoon [redacted],

Many thanks for passing on this correspondence, and your email of the 29th June. Apologies for my delay in acknowledging it, I have only just returned from leave today. I will be sure to review it in detail and consider it further as part of my investigation.

Regarding a quick catch-up, this week is looking fairly busy but I could do the afternoon of either Wednesday (8th) or Thursday (9th)? Alternatively, could look into next week if neither of those dates work.

Many Thanks,
[redacted].

[redacted]
Principal Investigations Officer
[redacted]@environmentalstandards.scot
[redacted]

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

From: [redacted]@gmail.com>
Sent: 06 July 2026 14:24
To: [redacted]@environmentalstandards.scot>
Subject: Fwd: Sewage at Elie Harbour & Bay

Hi [redacted]

I thought I would copy you in our most recent email exchange with SEPA and the fact we are now arranging a face to face meeting to fully discuss our concerns.

Of real concern is the statement from Scottish Water on the Fife Planning site stating "Scottish Water have no objections to this planning application" and we have challenged Scottish Water directly.

Once you have read the email and letter please give me a call or drop me an email to that we can discuss further.

Kind regards

[redacted]

[redacted]
[redacted] Elie Harbour Trust
[redacted]

---------- Forwarded message ---------
From: [redacted]@gmail.com>
Date: Mon, 6 Jul 2026 at 14:00
Subject: Re: Sewage at Elie Harbour & Bay
To: CLT & Board Support [redacted]@sepa.org.uk>, [redacted]@icloud.com>, [redacted].co.uk>
Cc: CLT & Board Support [redacted]@sepa.org.uk>, [redacted]@sepa.org.uk>, [redacted]@sepa.org.uk>

Hi [redacted] and [redacted]

Many thanks for your email on the 3rd July, its very much appreciated.

[redacted], we would very much like to take you up on your offer to meet and both myself and [redacted] Houston are free Tuesday, Wednesday and Thursday of this week and hopefully we can find a time that suites your diary.

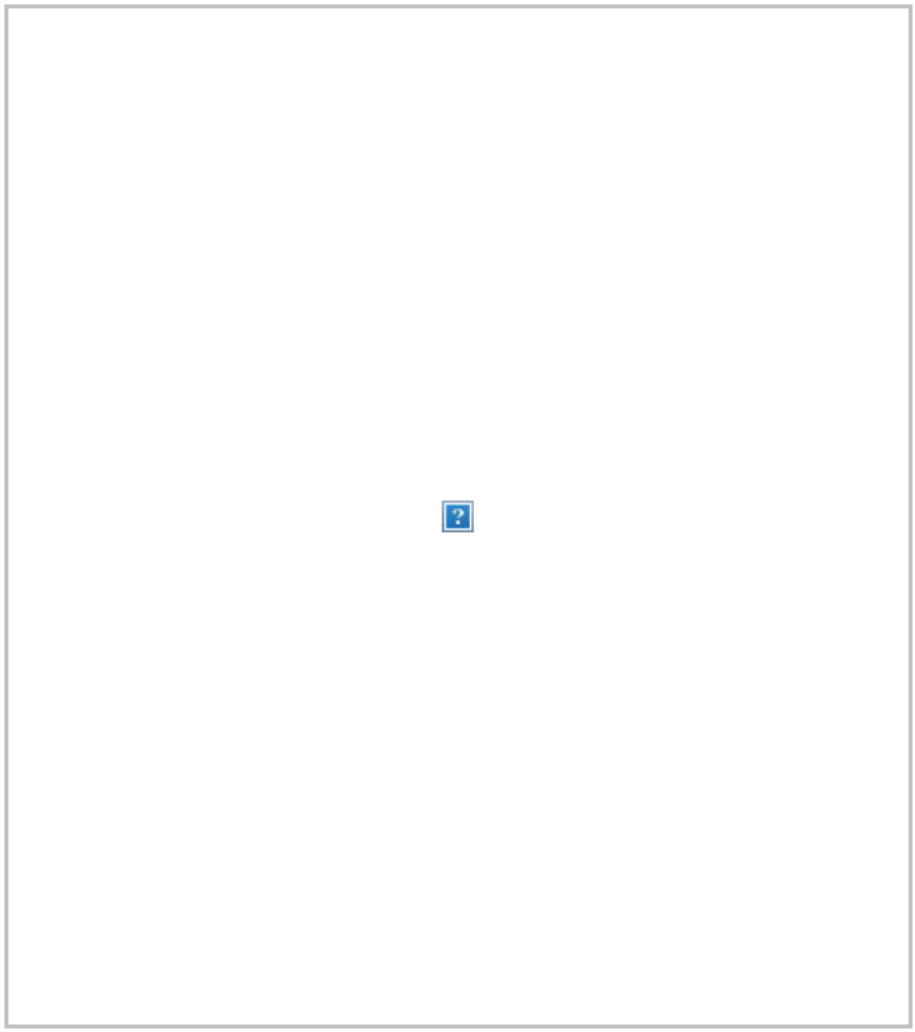
Given our discussions todate and the fact we are now arranging a face to face meeting I have been somewhat surprised to see on The Fife Council Planning site a statement from Scottish Water stating that "Scottish Water has no objection to this planning application" (see below) and politely request that as a statutory consultee that you register your objection until you have fully concluded your investigations.

Note: the planning application reference is: **Planning application 26/01491/ARC — Wadeslea, Elie (Cruden Homes Ltd)**

Kind regards

[redacted]

[redacted]
[redacted] Elie Harbour Trust
[redacted]



On Fri, 3 Jul 2026 at 16:48, CLT & Board Support
1 [redacted] @sepa.org.uk> wrote:

OFFICIAL

Email sent on behalf of Chief Executive

Dear 1 [redacted],

Thank you for again for your recent correspondence to SEPA of 23 June 2026 to our Chief Executive.

As we have previously partially upheld your Stage 1 complaint, we consider your letter as further correspondence on a regulatory matter.

We are taking your concerns and the information you provided very seriously. We have passed on your concerns and request to a Unit Manager in SEPA's Regulation, Business and Environment Portfolio who will look into the matter

further.

We are also happy to arrange a meeting, please contact [1], Head of Operational Excellence and Improvement, [1]@sepa.org.uk directly with suitable dates.

Thank you very much for taking the time to raise your concerns with us.

Kind regards

[1]

[1]

Board Co-ordinator

[1]
[1]@sepa.org.uk

Postal address: Angus Smith Building, Unit 6, 4 Parklands Avenue, Holytown, Motherwell, ML1 4WQ
Visit the SEPA website or follow us:
LinkedIn ¦ X: @ScottishEPA ¦ Facebook ¦ Instagram

OFFICIAL

From: [1]@gmail.com>
Sent: 23 June 2026 12:43
To: Paterson, Nicole <Nicole.Paterson@sepa.org.uk>
Subject: Re: Sewage at Elie Harbour & Bay

> CAUTION: This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Nicole

Many thanks for responding to our previous letter and email.

We have prepared a response to your letter which I have attached and I look forward to your response in due course.

Kind regards

1

1
1 Elie Harbour Trust
1

On Thu, 4 Jun 2026 at 14:23, Iain Dalglish
1 @gmail.com> wrote:

> Dear Nicole
>
> Thank you for your letter of 2nd June 2026 and for taking the time to respond to my Chair's letter and my email.
>
> We appreciate the extra monitoring and testing to be carried out by the local SEPA team this bathing season. Your local team 1 and 1 have been responsive and supportive of our concerns, and we will be interested to see what the results of these investigations are.
>
> Regrettably given your response, we feel we have no option, given the vital importance of the integrity of our bathing waters and local marine environment, not to mention the danger to public health, to issue a formal complaint which is detailed within the attached letter.
>
> Yours sincerely
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Elie Harbour Trust

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Nicole Paterson
Chief Executive
Scottish Environment Protection Agency
Strathallan House
Castle Business Park
Stirling
FK9 4TH

6 July 2026

Dear Nicole,

Planning application 26/01491/ARC — Wadeslea, Elie (Cruden Homes Ltd): request that SEPA object as statutory consultee on public health and environmental grounds

Many thanks for the email from [redacted] on 3rd July and your reassurance regarding our concerns at Elie Harbour. We look forward to continuing to engage with you on these matters.

You may be aware that an application from Cruden Homes Ltd is currently before Fife Council, for 86 residential units at Wadeslea, Elie, with associated development at The Grange, Earlsferry. We believe that SEPA is a statutory consultee on this application. We respectfully ask that SEPA would object to the proposals, or alternatively advise Fife Council that determination should be deferred, until the serious capacity and compliance failures in the receiving sewer network are resolved.

We acknowledge that the regulatory framework governing storm overflows in Scotland (guidance last updated in 1998, and implementation of the Urban Waste Water Treatment Directive that Environmental Standards Scotland has itself found wanting in its September 2024 assessment) has not made SEPA's task straightforward. However, at this point we are very concerned that development ambitions will supercede public health and environmental considerations.

Our recent complaint to you has documented 123 discharge events at CSO002395 (Elie Harbour) between February 2025 and March 2026, totalling over 366 hours. Cross-referencing against SEPA's own St Monans rainfall gauge (#335620) suggests that up to 60% of events occurred with less than 2mm of rain on the day and in the preceding 48 hours. One continuous discharge of 92.6 hours from 1 June 2025 followed one of the driest springs on record in Fife. These dry-weather spills are unlawful and an indication of a wastewater network with insufficient capacity, insufficient maintenance of its capacity, or both.

The overflow discharges to Elie Harbour, a designated bathing water. Individual samples at Ruby Bay have recorded intestinal enterococci at ten times the safe limit, residents and their

pets have reported illness consistent with sewage exposure after swimming, and our own 2025 testing confirmed regular sewage pollution regularly reaching Elie beach. We are very grateful to the SEPA team for their increased efforts in relation to water quality testing.

Meanwhile, Cruden Home's (the developer's) own Drainage Impact Assessment confirms that all three CSOs downstream of the development already fail Formula 'A', and that the development would increase annual spill volumes at CSO002395 in every modelled scenario — from +950 m³ (+5.3%) for the core scheme to +3,583 m³ (+20%) at full build-out, on a baseline of 57 spill events and 17,946 m³ per year. The DIA records that Scottish Water's own policy is zero impact on spill volumes at overflows failing Formula 'A'. On the developer's own evidence, that test cannot be met.

We are pleased to share that our representation to Environmental Standards Scotland concerning sewage spills and network capacity in Elie Bay has passed ESS's remit and significance tests and has now been accepted for pre-investigation (case reference IESS.26.040). ESS has indicated that its enquiries will consider whether the situation at Elie Bay is suggestive of systemic non-compliance with environmental law, ineffective implementation of environmental law, or ineffectiveness of the law itself. We look forward to engaging with both yourselves and ESS on this process. We respectfully suggest that it would be inconsistent with SEPA's statutory purpose and duties for a development to be permitted to add load to this network while these important questions are under active examination.

What we ask

On behalf of the residents and businesses of Elie & Earlsferry, whose wellbeing and livelihoods depend on the reduction of current levels of wastewater pollution, we request:

1. That SEPA, as statutory consultee, submit an objection to application 26/01491/ARC on the grounds that the receiving network is already in breach of applicable standards and the applicant's own modelling shows material deterioration in every scenario; or
2. Alternatively, that SEPA advise Fife Council that it cannot support determination of the application until (a) the compliance and capacity issues at CSO002395 raised in the Trust's June 2026 complaint are resolved, (b) Scottish Water has provided a binding, fully-funded and scheduled commitment to the necessary network upgrades, and (c) the ESS pre-investigation has concluded.

Either course would be consistent with SEPA's advisory role under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and with National Planning Framework 4, including Policy 22 on flood risk and water management, which requires that development is supported by adequate water and drainage infrastructure.

We thank you again for the contact from Ms Dick on 3rd July and will follow up directly with [redacted].

Yours sincerely,

[redacted]

[redacted]
[redacted] Elie Harbour Trust

[redacted]

cc: Environmental Standards Scotland (case ref IESS.26.040)

ISC casework update – 15 July 2026 meeting

Purpose

1. The purpose of this paper is to provide an update on:

2 [redacted]

2 [redacted]

- cases received since last meeting

2 [redacted]

2 [redacted]

2 [redacted]

2 [redacted]

2 [redacted]

2 [redacted]

2 [redacted]

[redacted]

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

2 [redacted]

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Key:
1 - Regulation 11(2) Personal Information
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Key:
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Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

Cases received since last meeting

100. Three representations have been received and accepted for pre-investigation since the previous ET meeting

IESS.26.040 – CSO Discharge and Network Capacity (Elie Bay)

101. Representation received from local community trust suggesting that the recorded frequency of spills from a combined sewer overflow is non-compliant with the requirements of the urban waste water treatment regulations and overarching directive. The representation provides analysis of spills compared against recorded rainfall data and suggests that spills regularly occur after no or very light rain and therefore fails to meet the 'exceptional circumstances' requirement. A meeting with S&A colleagues is planned given the potential overlap with the findings and recommendations of the overflow analytical report.

102. Secondly, the representation suggests that the sewage system is at capacity (as acknowledged in previous planning responses) but this is now at risk of being over-turned and the representation questions the veracity of Scottish Water's approach to determining new connections. This overlaps with case 24.034 and will potentially be collapsed into this case.

103. The representation has been accepted for pre-investigation and has been allocated to 1 .

2 [redacted]

[redacted]

2 [redacted]

[redacted]

2 [redacted]

[redacted]

2 [redacted]

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

2 [redacted]

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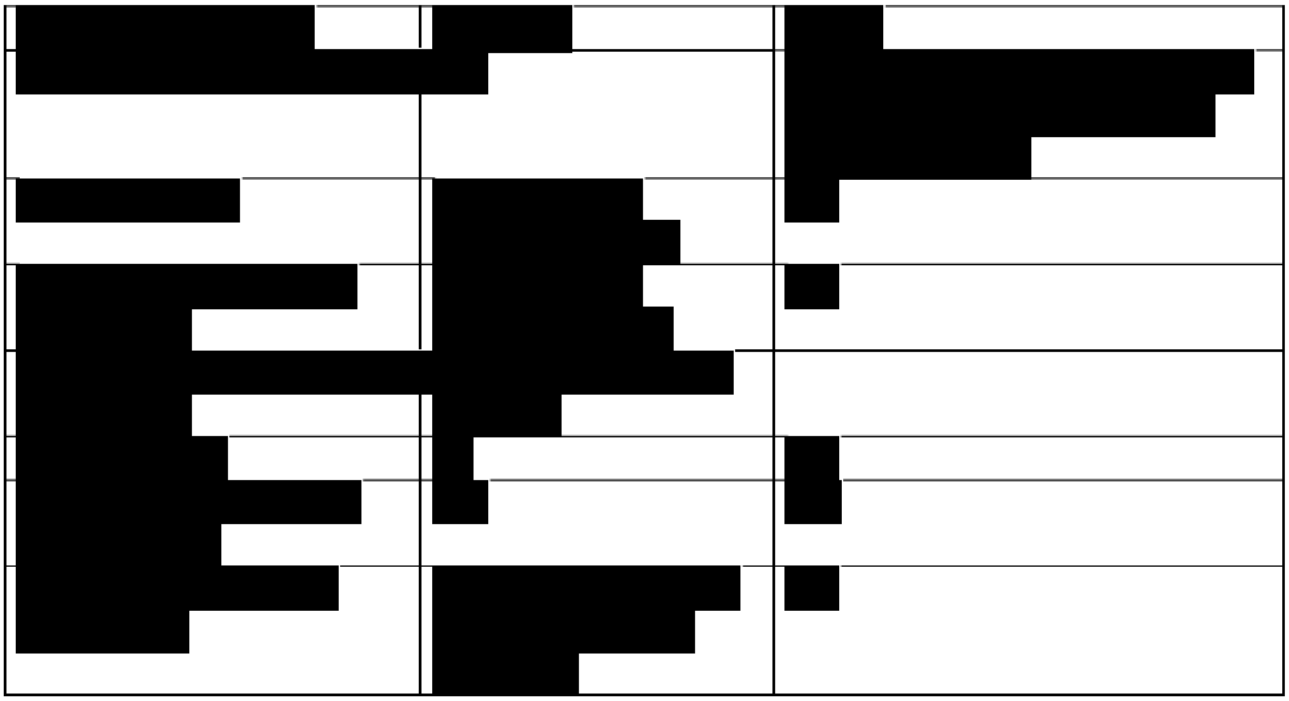
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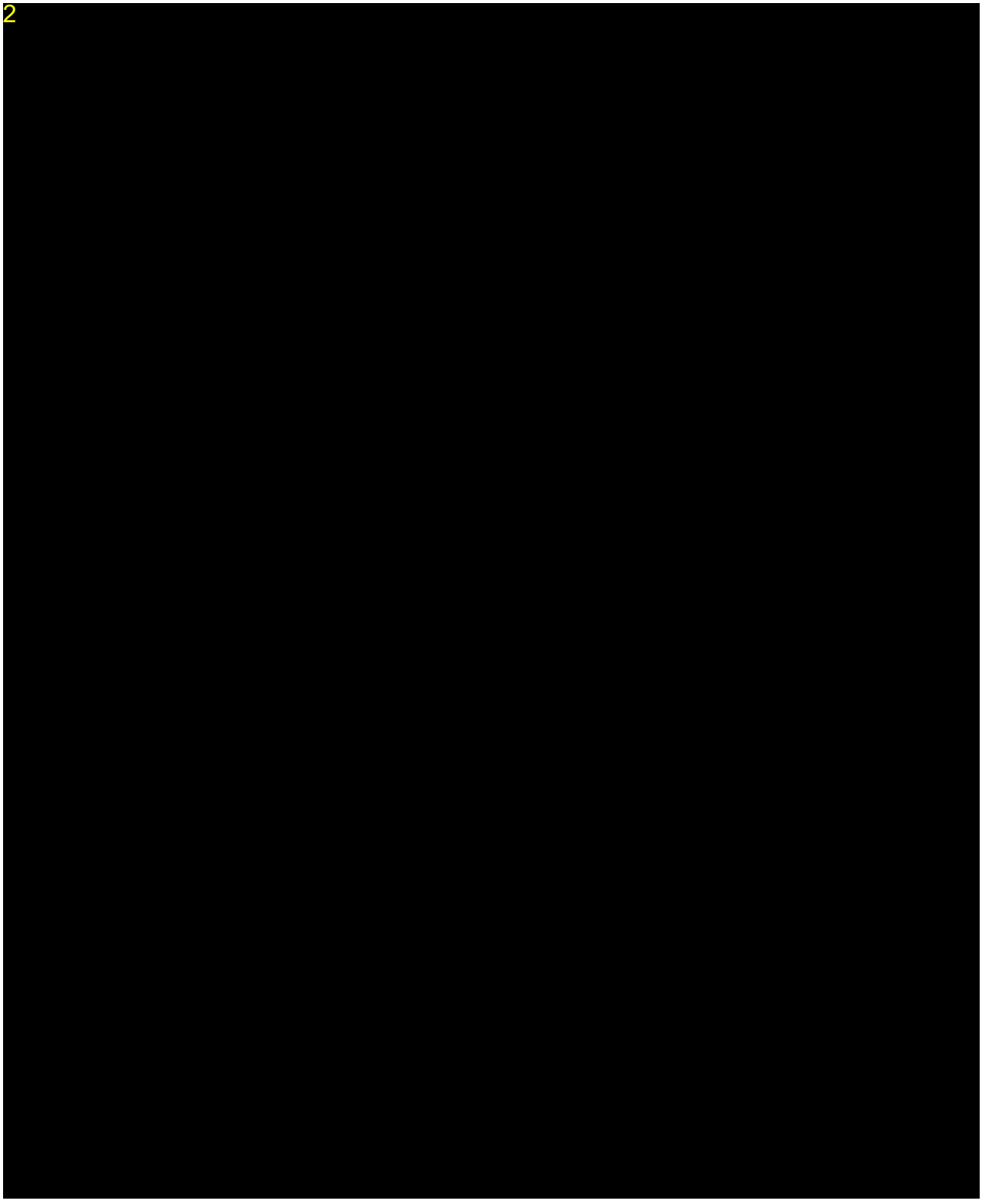
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2 - Information out of scope



Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: Follow up from our ca l last week
Date: 20 July 2026 10:52:00
Attachments: image001.png
image002.png
image003.png
image004.jpg
image005.jpg
image006.jpg

Good Morning [redacted],

Many thanks for providing this information – all very useful in understanding the situation in more detail.

Regarding SEPA's licensing approach, as discussed when we caught up I intend to write to SEPA to enquire about this condition in due course. For clarity, this will be focussed on the effectiveness of this as a condition across the board, and not specifically with respect to the Elie Bay.

As ever, please feel free to get in touch with any information and I'll be sure to keep both yourself and [redacted] updated on progress.

Kind Regards,
[redacted].

[redacted]
Principal Investigations Officer
[redacted]@environmentalstandards.scot
[redacted]

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

From: [redacted]@hotmail com>
Sent: 17 July 2026 16:14
To: [redacted]@environmentalstandards scot>
Cc [redacted]@gmail com>
Subject: Follow up from our call last week

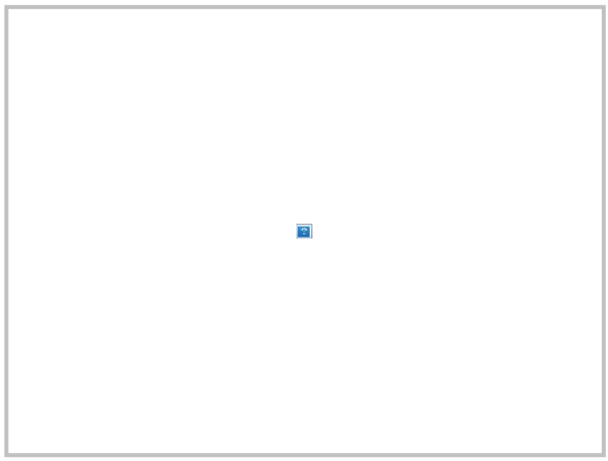
Good afternoon [redacted]
I do hope all well and it was lovely to meet you the other day. Many thanks also for the introduction to Mark who I enjoyed meeting this morning.

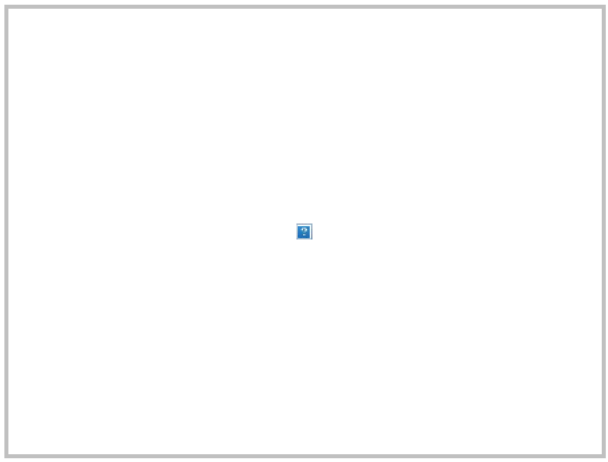
Following up on a couple of points when we spoke, I mentioned the flawed approach with which Scottish Water are evaluating the proposed Elie development, ie 3 CSOs failing pre- and post-development, therefore no change to number of failures - contained in the attached Drainage Impact Assessment in exec summary and elsewhere in the document (attached). Might be interesting to know whether this is a test used more broadly.

Separately, I understand from the Elie Harbour Trust that SEPA appeared reluctant to remove the permit variation that permits spills whenever capacity is exceeded. Unclear why, but as it is so obviously inconsistent with environmental law and was put in place as a temporary measure when additional storm tank capacity was being built several years ago, it would seem appropriate for it to be removed. Anything you can do to assist on this matter would be appreciated - though I do recognise your focus is a national one.

I offered to share some photos - I have so many - here are few from my last visit in June.
Kind regards
[redacted]

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ESS.IR.044
Item 11
Email Attachment



Drainage Impact Assessment

Wadeslea, Elie (3 Scenarios)

Bayne Stevenson Associates Ltd

June 2026

Scottish Water Horizons

Key:
1 - Regulation 11(2) Personal Information
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ESS.IR.044
Item 11
Email Attachment



This Drainage Impact Assessment details the best way to provide drainage to your site, containing all of the information you need to make an informed decision about the next steps of your project.

Contact

[redacted]

[redacted]

Project number

HOZDP_DIA7571

Date of issue

04/06/26

DRAFT FOR REVIEW v5

Scottish Water	Date Issued	Date Approved
	05/06/2026	

www.scottishwaterhorizons.co.uk

Key:
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Executive Summary

Background	
Proposed Development	The Grange, Earlsferry Wadeslea
Current Site Usage	Greenfield
Model Utilised	DOA000862_Elie_v88_2026.2.icmt
Proposed Connection Point	The Grange, Earlsferry: New MH upstream of NO48002102 Wadeslea: 49005101
Receiving WwTW	ELIE SEP NT494996 WwTW
Stage 1 Analysis – Scenario 1	
Flooding Assessment Summary	The proposed development is predicted to increase flooding at 13 model manholes during summer storm events.
Top Water Level Assessment Summary	The proposed development is predicted to increase relevant top water levels at 1 model manhole during summer storm events.
CSO Assessment Summary	A total of 0 CSOs have been assessed, with 3 noted as on the downstream route and 0 noted as nearby. The proposed development is predicted to increase spill volumes at 2 CSOs, with the largest predicted increase at ELIE, HARBOUR SPS CSO during a typical year
Formula "A" Criteria Summary	A total of 3 CSOs have been assessed on the downstream route. 0 CSOs are predicted to pass Formula 'A' criteria in both 'pre' and 'post' development. 3 CSOs are predicted to fail Formula 'A' criteria in both 'pre' and 'post' development. 0 CSOs are predicted to change Formula 'A' Criteria status from pass to fail because of the addition of the proposed development
Pass Forward to WwTW Summary	The proposed development is predicted to increase pass forward to ELIE SEP NT494996 WwTW by 8,498m³ during a typical year
Lowest Floor Level Criteria Summary	The Grange, Earlsferry development is predicted to **pass** the Lowest Ground Level Assessment. The Wadeslea development is predicted to **pass** the Lowest Ground Level Assessment.
Stage 1 Analysis – Scenario 2	
Flooding Assessment Summary	The proposed development is predicted to increase flooding at 15 model manholes during summer storm events.
Top Water Level Assessment Summary	The proposed development is predicted to increase relevant top water levels at 1 model manhole during summer storm events.
CSO Assessment Summary	A total of 3 CSOs have been assessed, with 3 noted as on the downstream route. The proposed development is predicted to increase spill volumes at 2 CSOs, with the largest predicted increase at ELIE, HARBOUR SPS CSO during a typical year
Formula "A" Criteria Summary	A total of 3 CSOs have been assessed on the downstream route. 0 CSOs are predicted to pass Formula 'A' criteria in both 'pre' and 'post' development. 3 CSOs are predicted to fail Formula 'A' criteria in both 'pre' and 'post' development. 0 CSOs are predicted to change Formula 'A' Criteria status from pass to fail because of the addition of the proposed development

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Pass Forward to WwTW Summary	The proposed development is predicted to increase pass forward to ELIE SEP NT494996 WwTW by 14,460³ during a typical year
Lowest Floor Level Criteria Summary	The Grange, Earlsferry development is predicted to **pass** the Lowest Ground Level Assessment. The Wadeslea development is predicted to **pass** the Lowest Ground Level Assessment.
Stage 1 Analysis – Scenario 3	
Flooding Assessment Summary	The proposed development is predicted to increase flooding at 16 model manholes during summer storm events.
Top Water Level Assessment Summary	The proposed development is predicted to increase relevant top water levels at 3 model manholes during summer storm events.
CSO Assessment Summary	A total of 3 CSOs have been assessed, with 3 noted as on the downstream route and 0 noted as nearby. The proposed development is predicted to increase spill volumes at 2 CSOs, with the largest predicted increase at ELIE, HARBOUR SPS CSO during a typical year
Formula "A" Criteria Summary	A total of 3 CSOs have been assessed on the downstream route. 0 CSOs are predicted to pass Formula 'A' criteria in both 'pre' and 'post' development. 3 CSOs are predicted to fail Formula 'A' criteria in both 'pre' and 'post' development. 0 CSOs are predicted to change Formula 'A' Criteria status from pass to fail because of the addition of the proposed development
Pass Forward to WwTW Summary	The proposed development is predicted to increase pass forward to ELIE SEP NT494996 WwTW by 26,033m³ during a typical year
Lowest Floor Level Criteria Summary	The Grange, Earlsferry development is predicted to **pass** the Lowest Ground Level Assessment. The Wadeslea development is predicted to **pass** the Lowest Ground Level Assessment.
Stage 1 Conclusion	Scottish Water have requested a stage 2 optioneering assessment to solve for predicted flooding, TWL and CSO spill increases over all three scenarios

Stage 2 Analysis Options Summary	
Extent of detriment instructed to solve for:	Predicted flooding, TWL and CSO spill increases over all three scenarios
	Description
Option 1	Surface Water Removal Scheme, CSO Storage & Online Sewer Upsize.

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1. Introduction

1.1. Appointment

Cruden Homes Ltd and Elie Estates, and Bayne Stevenson Associates Ltd are requesting a foul sewerage connection for residential and/or mixed developments at Wadeslea, Elie. The proposed development is to be considered over 3 modelling scenarios to consist of the following:

- Scenario 1: Earlsferry/ Grange site and Wadeslea 25+86 Houses
- Scenario 2: Sc 1 + Care Home/ Business (60 Bed Care Home)
- Scenario 3: Above + future development (150 units)

The baseline model utilised for the study was sourced from the Elie Earlsferry Catchment “DOA000862 Elie MM” model.

The modelling parameters have been agreed with Scottish Water Horizons and the developer in the Development Data Summary (DDS) which was approved on 09/02/2026.

The future development has been incorporated into the model based on information provided by the developer.

SW has not provided any further information on any network changes/ upgrades/ outcomes of other DIAs for this study.

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1.2. Study Objectives

The objectives of the study are listed below:

Stage 1

Collate Site Information

- Liaise with SW/SWH and developer/agent to obtain detailed information on the proposed development.

Update Existing Model

- Incorporate the proposed development into the hydraulic model provided by SW.

Development Assessment

- Investigate the impact of the flows from the proposed development on the system downstream from the proposed connection point.

Stage 2

Notional Solution Development

- Where development flows will cause an unacceptable detriment to the current hydraulic and/ or environmental performance, formulate possible solutions, which satisfy the requirements of the Client Brief (i.e. maintain current performance levels). Solution development will include an element of engineering input to ensure levels of buildability achieved.

Conclusions and Recommendations

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1.3. Information Received

The following information was received and utilised during the study:

Developer or Agent

- (Ø1.4m NSG14 6000L)
- 30-79000ltr septic drawing
- 311642-HAH-XX-XX-DR-C-00207 Proposed Offset Areas for Additional Sewer Capacity
- Earlsferry - drainage strategy
- Earlsferry Location Plan
- Earlsferry POC
- GL0040P-01 18000 - 79000 Litre Septic Cesspools Silage Settlement Tanks - Installation Operation Guidelines
- Grease Separators 2000-11000Litre Installation Operation Guidelines
- Wadeslea - Phase 1 and 2[future] drainage strategy
- Wadeslea Location Plan
- Wadeslea POC
- 05_-_SUPERSEDED_PROPOSED_SITE_PLAN-2278048
- 29_-_DRAINAGE_STRATEGY-2612715
- Elie Mark Up.pdf
- gully testing.pdf
- J5921-BSA-P1-ZZ-DR-C-0300-A-Drainage Layout _Sheet 1 of 2
- J5921-BSA-P1-ZZ-DR-C-0301-A-Drainage Layout_Sheet 2 of 2

Scottish Water (SW) / Scottish Water Horizons (SWH)

- GIS Data
- Model Data and Associated Documentation

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2. Methodology

2.1. Methodology

The methodology adopted to undertake this DIA is summarised below:

- Calculate flows from the proposed development and include them in the 'developed model' scenario.
- Using the model with the proposed development, re-run critical duration storms and annual typical rainfall to recalculate the CSO spill frequencies and flood volumes.
- Compare the results of the 'baseline' model and the 'developed' model with the proposed development and establish network performance, in terms of flood volumes and CSO spill frequencies and volumes.

Proposed developments are modelled as an input of foul flow (generated by a population and/or trade flow) and percentage runoff from the development site.

It has been agreed with the developer and SW that the surface water runoff from impermeable areas within the site will be drained via a separate surface water system, incorporating Sustainable Urban Drainage Systems (SUDS) techniques.

For residential developments, it is standard SW DIA procedure to include a nominal 1% of the development area to impermeable runoff surfaces in the foul sub-catchments of the development. This is to represent possible misconnections between the foul and surface water networks.

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2.2. Assessment Criteria

The criterion for approval of the proposed development is that no detriment to the existing level of performance should be caused by the additional flow from the development site.

To assess any detriment to the network performance resulting from the proposed developments the following criteria are considered:

- Flood volumes at manholes upstream and downstream of the development.
- Flood volumes at sites where flooding has been historically reported or confirmed.
- Spill frequency and volume at Combined Sewer Overflows (CSOs) affected upstream and downstream of the development.

SW has a policy that proposed developments should have 'zero impact' on catchment sewer network performance. Therefore, if the flood volumes at historically reported sites have increased, then the development is considered to have had an impact, and an option that maintains network performance at present levels is required.

In the event that downstream CSOs are predicted to pass Formula 'A', and negligible increases in spill volume are predicted during the critical duration storm, then this is considered to meet Scottish Water's 'zero impact' policy and no options are required.

Annual spill frequencies and volumes are calculated using a Time Series Rainfall (TSR) set provided by SW. Should there be no predicted increase in the annual spills after the development's addition to the network, then this would also qualify as 'zero impact' and no options would be required. However, if the annual spill frequencies and volumes are predicted to increase at a CSO, which does not pass Formula 'A', then an option will be required.

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3. Proposed Development and Model Details

3.1. Development Data Summary

The modelling parameters have been agreed with Scottish Water Horizons and the developer in the Development Data Summary (DDS) which was approved on 09/02/2026.

The table below presents the agreed DDS details for the three future scenarios.

SCENARIO 1

Development Data - Wadeslea		Detail	
Developer Name	Cruden Homes Ltd and Elie Estates		
Development Name	Wadeslea		
Development Type	Residential		
Existing Site Usage	Greenfield		
Proposed Drainage System Type	Foul Only		
Proposed "Modelled" Connection Point	49005101		
Lowest Ground Level of Proposed development	8.95mAOD		
Pumped flow	No		
Modelling Parameters		**Units**	**Detail**
Residential Units	86		
Residential Population (P)	215		Population multiplier of 2.5 as agreed with SW
Per Capita Water Consumption (G) Residential	165	l/hd/day	In accordance with SW policy
Commercial Flows (E)	0.000	l/s	
Residential Flows (PG)	0.411	l/s	Based on 165 l/hd/day in accordance with SW policy
Infiltration (I)	0.041	l/s	10% in accordance with SW DIA policy
Total Flows	0.452	l/s	Inclusive of 10% infiltration.
Impermeable Response	1% Residential		

Table 1 - Development Data Summary - Wadeslea

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

Development Data – The Grange		Detail	
Developer Name	Bayne Stevenson Associates Ltd		
Development Name	The Grange, Earlsferry		
Development Type	Residential		
Existing Site Usage	Greenfield		
Proposed Drainage System Type	Foul Only		
Proposed "Modelled" Connection Point	New MH upstream of NO48002102		
Lowest Ground Level of Proposed development	13.86mAOD	As per development layout	
Pumped flow	No		
Modelling Parameters		**Units**	**Detail**
Residential Units	25		
Residential Population (P)	62.5		Population multiplier of 2.5 as agreed with SW
Per Capita Water Consumption (G) Residential	165	l/hd/day	In accordance with SW policy
Residential Flows (PG)	0.119	l/s	
Infiltration (I)	0.012	l/s	10% in accordance with SW DIA policy
Total Flows	0.131	l/s	
Impermeable Response	1% Residential		

Table 2 - Development Data Summary – The Grange

Key:
1 - Regulation 11(2) Personal Information
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The figures below highlights the proposed developments' locations and the proposed modelling connection points for Scenario 1.

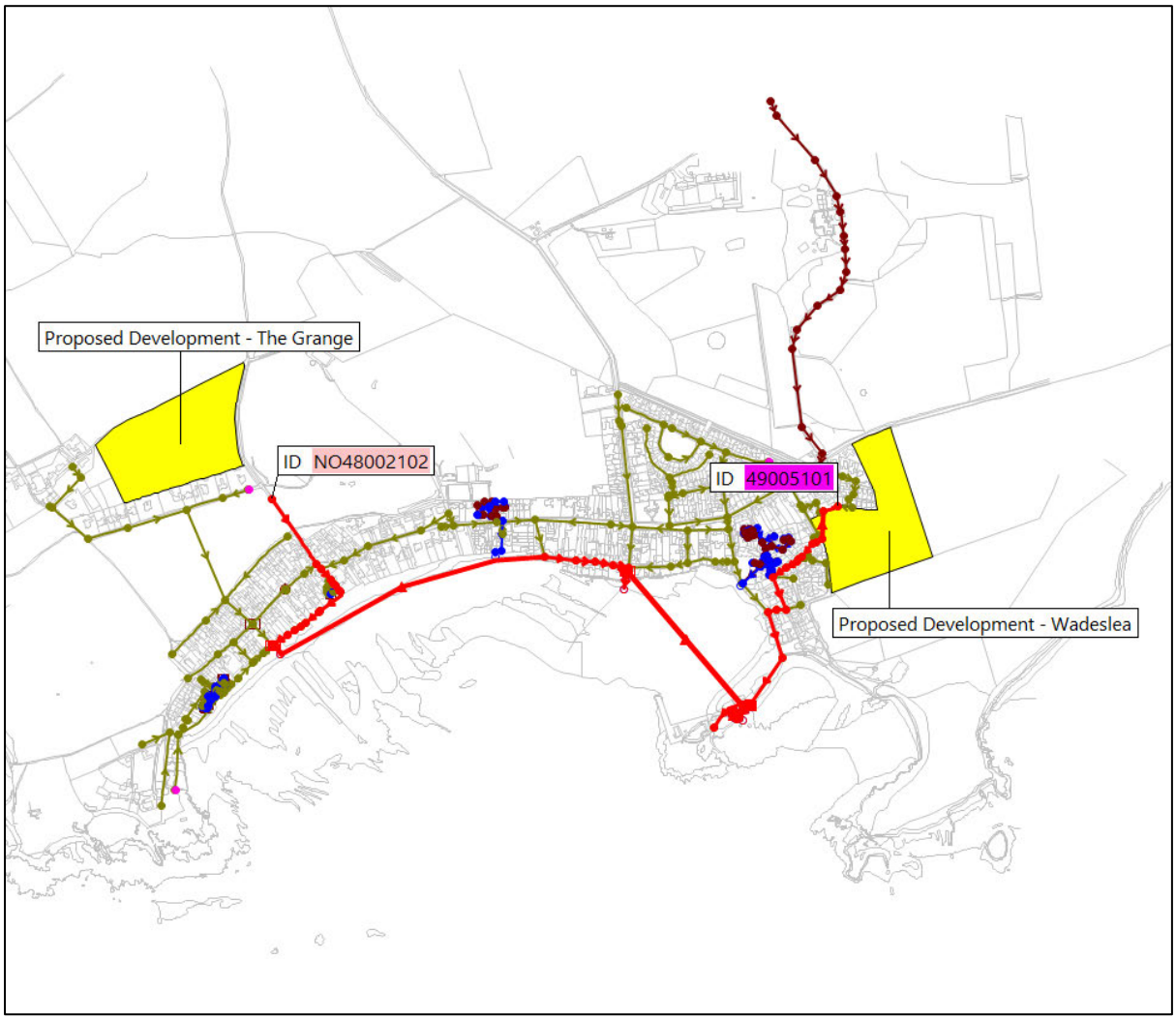


Figure 1 - Development Location and Proposed Modelling Connection Point – SCENARIO 1

Note

- Connection points are labelled accordingly
- Indicative development boundary is shaded in yellow
- Downstream route highlighted in red

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

SCENARIO 2

Development Data - Wadeslea		Detail
Developer Name	Cruden Homes Ltd and Elie Estates	
Development Name	Wadeslea	
Development Type	Residential and Commercial	
Existing Site Usage	Greenfield	
Proposed Drainage System Type	Foul Only	
Proposed "Modelled" Connection Point	49005101	
Lowest Ground Level of Proposed development	8.95mAOD	
Pumped flow	No	

Modelling Parameters		Units	Detail
Residential Units	86		
Residential Population (P)	215		Population multiplier of 2.5 as agreed with SW
Per Capita Water Consumption (G) Residential	165	l/hd/day	In accordance with SW policy
Commercial Flows (E)	0.365	l/s	
Residential Flows (PG)	0.411	l/s	Based on 165 l/hd/day in accordance with SW policy
Infiltration (I)	0.078	l/s	10% in accordance with SW DIA policy
Total Flows	0.853	l/s	Inclusive of 10% infiltration.
Impermeable Response	1% Residential 0% Commercial		

Table 3 - Development Data Summary - Wadeslea

Key:
1 - Regulation 11(2) Personal Information
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Development Data – The Grange		Detail	
Developer Name	Bayne Stevenson Associates Ltd		
Development Name	The Grange, Earlsferry		
Development Type	Residential		
Existing Site Usage	Greenfield		
Proposed Drainage System Type	Foul Only		
Proposed "Modelled" Connection Point	New MH upstream of NO48002102		
Lowest Ground Level of Proposed development	13.86mAOD	As per development layout	
Pumped flow	No		
Modelling Parameters		**Units**	**Detail**
Residential Units	25		
Residential Population (P)	62.5		Population multiplier of 2.5 as agreed with SW
Per Capita Water Consumption (G) Residential	165	l/hd/day	In accordance with SW policy
Residential Flows (PG)	0.119	l/s	
Infiltration (I)	0.012	l/s	10% in accordance with SW DIA policy
Total Flows	0.131	l/s	
Impermeable Response	1% Residential		

Table 4 - Development Data Summary – The Grange

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

The figures below highlight the proposed developments' locations and the proposed modelling connection points.

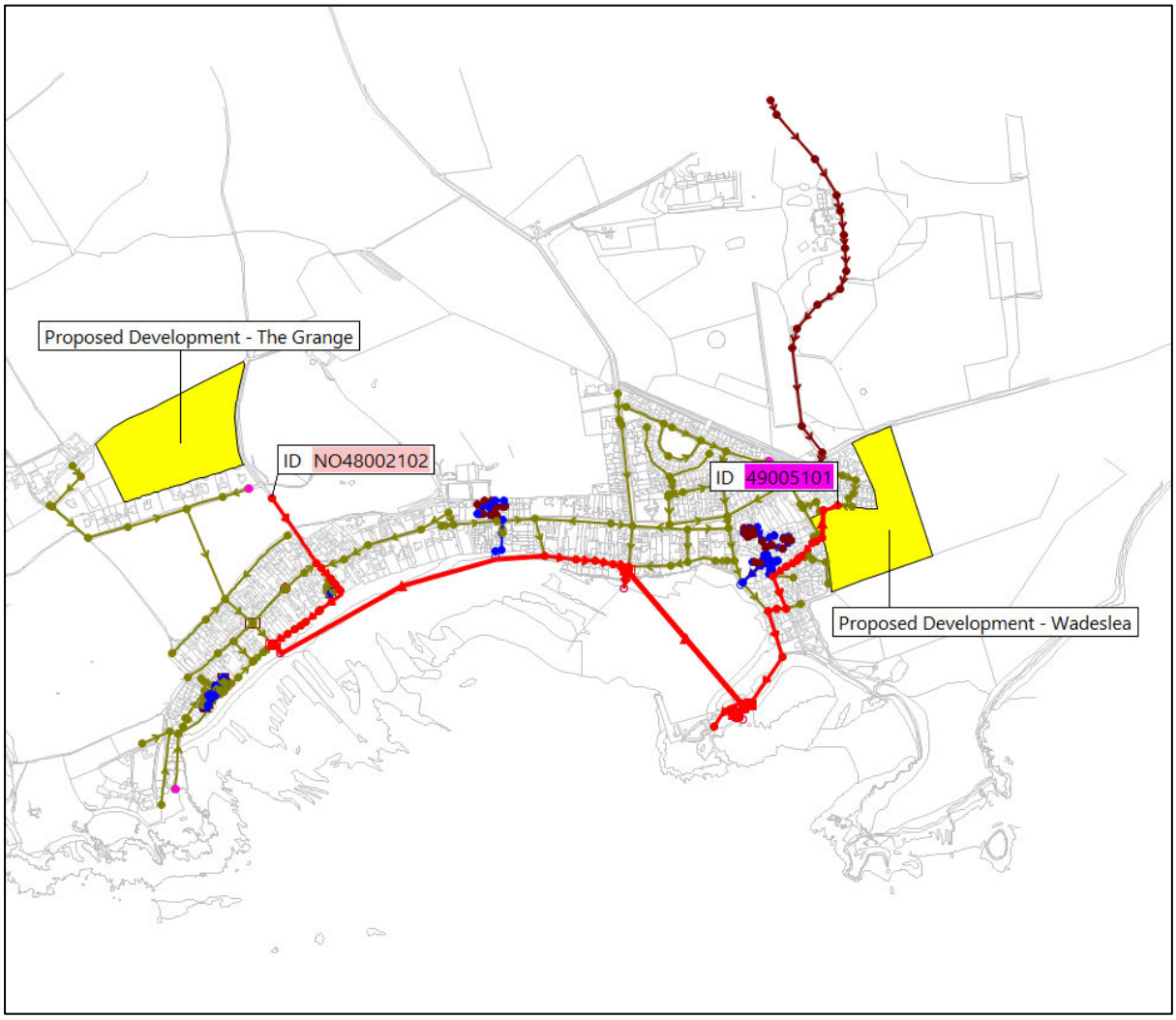


Figure 2 - Development Location and Proposed Modelling Connection Point

Note

- Connection points are labelled accordingly
- Indicative development boundary is shaded in yellow
- Downstream route highlighted in red

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

SCENARIO 3

Development Data - Wadeslea		Detail
Developer Name	Cruden Homes Ltd and Elie Estates	
Development Name	Wadeslea	
Development Type	Residential and Commercial	
Existing Site Usage	Greenfield	
Proposed Drainage System Type	Foul Only	
Proposed "Modelled" Connection Point	49005101	
Lowest Ground Level of Proposed development	8.95mAOD	
Pumped flow	No	

Modelling Parameters		Units	Detail
Residential Units	236		
Residential Population (P)	590		Population multiplier of 2.5 as agreed with SW
Per Capita Water Consumption (G) Residential	165	l/hd/day	In accordance with SW policy
Commercial Flows (E)	0.365	l/s	
Residential Flows (PG)	1.127	l/s	Based on 165 l/hd/day in accordance with SW policy
Infiltration (I)	0.149	l/s	10% in accordance with SW DIA policy
Total Flows	1.641	l/s	Inclusive of 10% infiltration.
Impermeable Response	1% Residential 0% Commercial		

Table 5 - Development Data Summary - Wadeslea

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

Development Data – The Grange		Detail	
Developer Name	Bayne Stevenson Associates Ltd		
Development Name	The Grange, Earlsferry		
Development Type	Residential		
Existing Site Usage	Greenfield		
Proposed Drainage System Type	Foul Only		
Proposed "Modelled" Connection Point	New MH upstream of NO48002102		
Lowest Ground Level of Proposed development	13.86mAOD		
Pumped flow	No		
Modelling Parameters		**Units**	**Detail**
Residential Units	25		
Residential Population (P)	62.5		Population multiplier of 2.5 as agreed with SW
Per Capita Water Consumption (G) Residential	165	l/hd/day	In accordance with SW policy
Residential Flows (PG)	0.119	l/s	
Infiltration (I)	0.012	l/s	10% in accordance with SW DIA policy
Total Flows	0.131	l/s	
Impermeable Response	1% Residential		

Table 6 - Development Data Summary – The Grange

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

The figures below highlight the proposed developments' locations and the proposed modelling connection points.

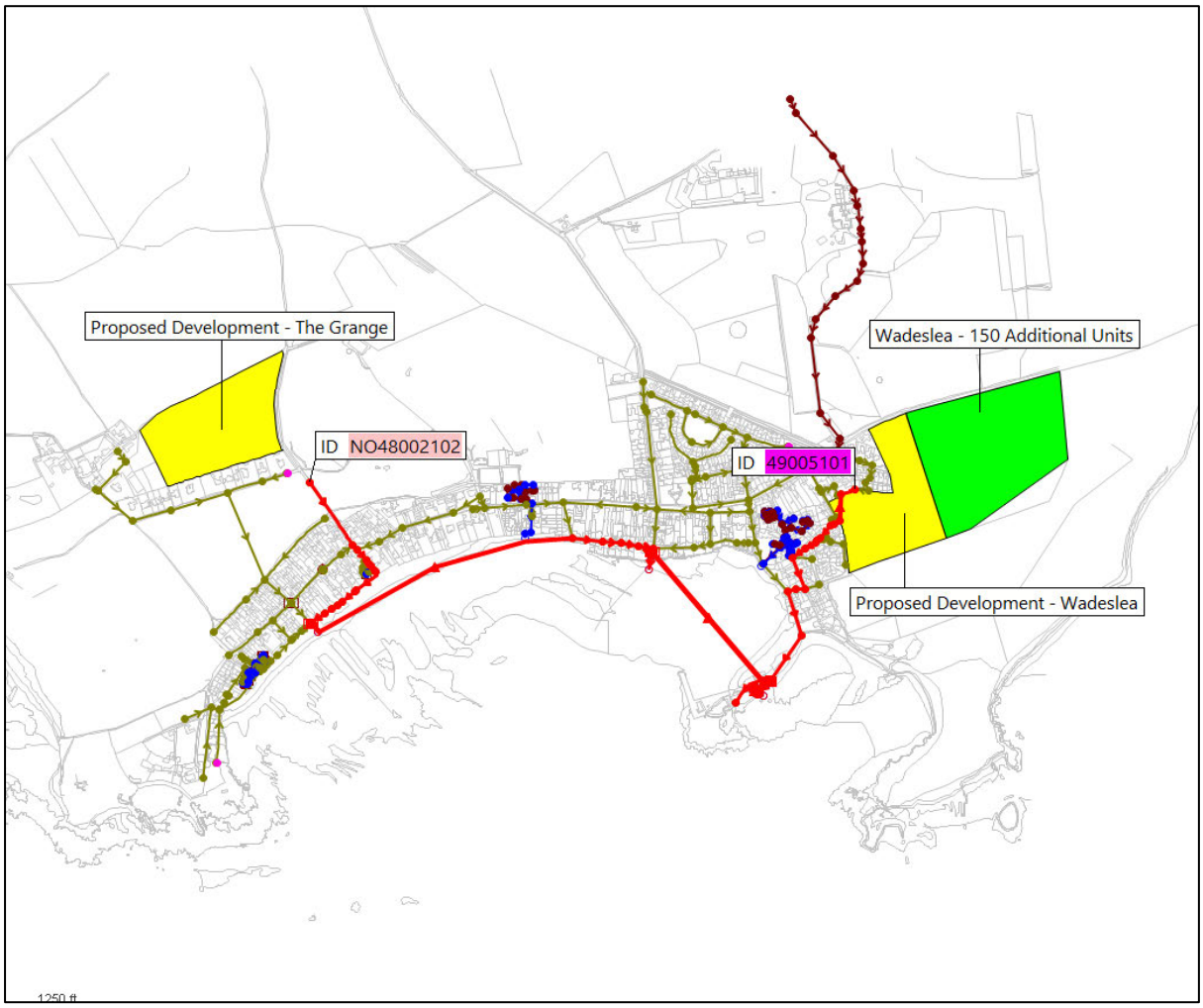


Figure 3 - Development Location and Proposed Modelling Connection Point

Note

- Connection points are labelled accordingly
- Indicative development boundary is shaded in yellow
- Downstream route highlighted in red

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

3.2. Model Review and Baseline Model Updates

The model 'DOA000862 Elie MM' (Version '88' Scenario 'Base') was reviewed as part of the baseline model review to assess its suitability for use within a DIA.

The model has been assessed as suitable for the purposes of a DIA following a review of the model parameters, model setup and associated modelling files.

Version 4 of this report incorporates a baseline model update at subcatchment NO49005101. Following the stage 2 optioneering assessment (draft report v3), this area was initially highlighted as a potential area for surface water removal. However following survey works and discussions with the developer, the area is believed to be separately drained. The baseline model indicated the original data source as flag A3 (assumed/ estimated). Therefore the subcatchment within the baseline model has been updated accordingly.

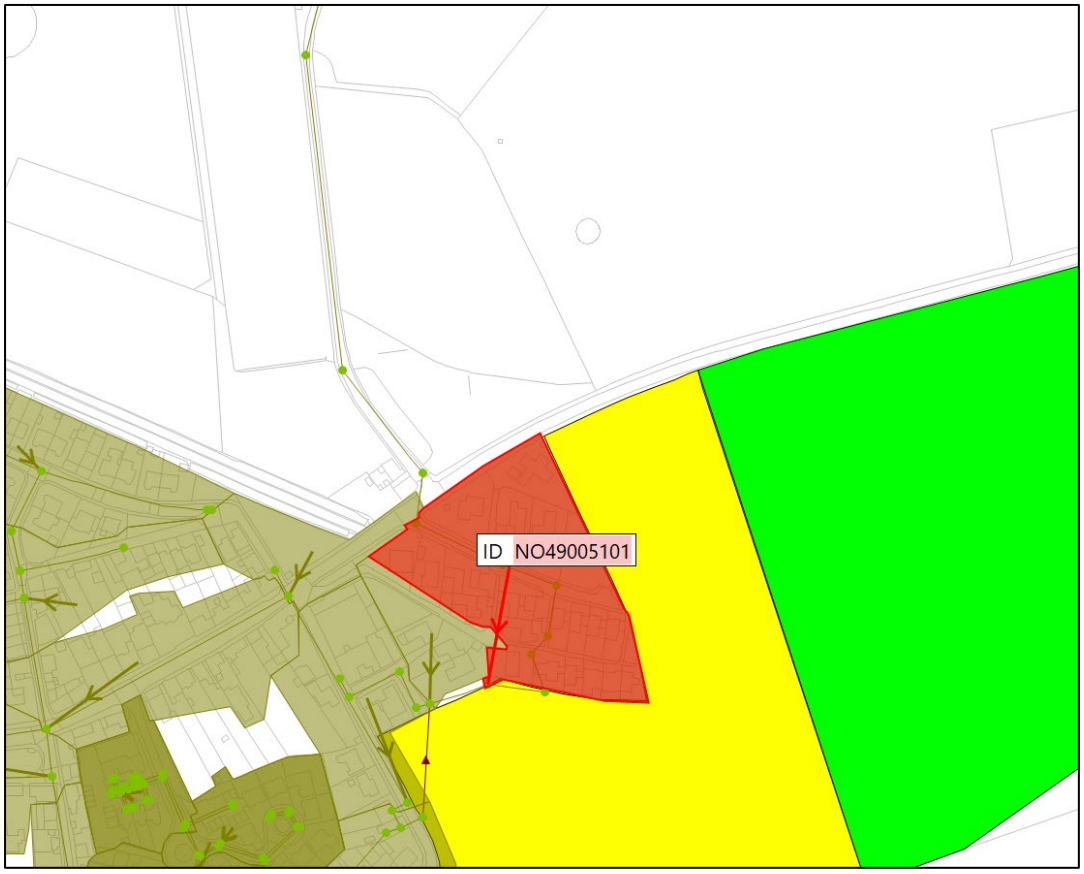


Figure 4 - Subcatchment Update at NO49005101

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

3.3. Proposed Development Brownfield Flow Removal

Following a review of the model ‘DOA000862 Elie MM’ (Version ‘88’ Scenario ‘Base’), it was assessed that no Brownfield Flow Removal of baseline model parameters were required.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

3.4. Proposed Development Model Scenarios

Cruden Homes Ltd and Elie Estates, and Bayne Stevenson Associates Ltd are requesting foul sewerage connections for residential and/or mixed developments at Wadeslea, Elie. The proposed developments are to be considered over the following three modelling scenarios to consist of the following:

- Scenario 1: Earlsferry/ Grange site and Wadeslea 25+86 Houses
- Scenario 2: Sc 1 + Care Home/ Business (60 Bed Care Home)
- Scenario 3: Above + future development (150 units)

The figures below highlight the modelling arrangement that has been created for each of the DIA scenarios.

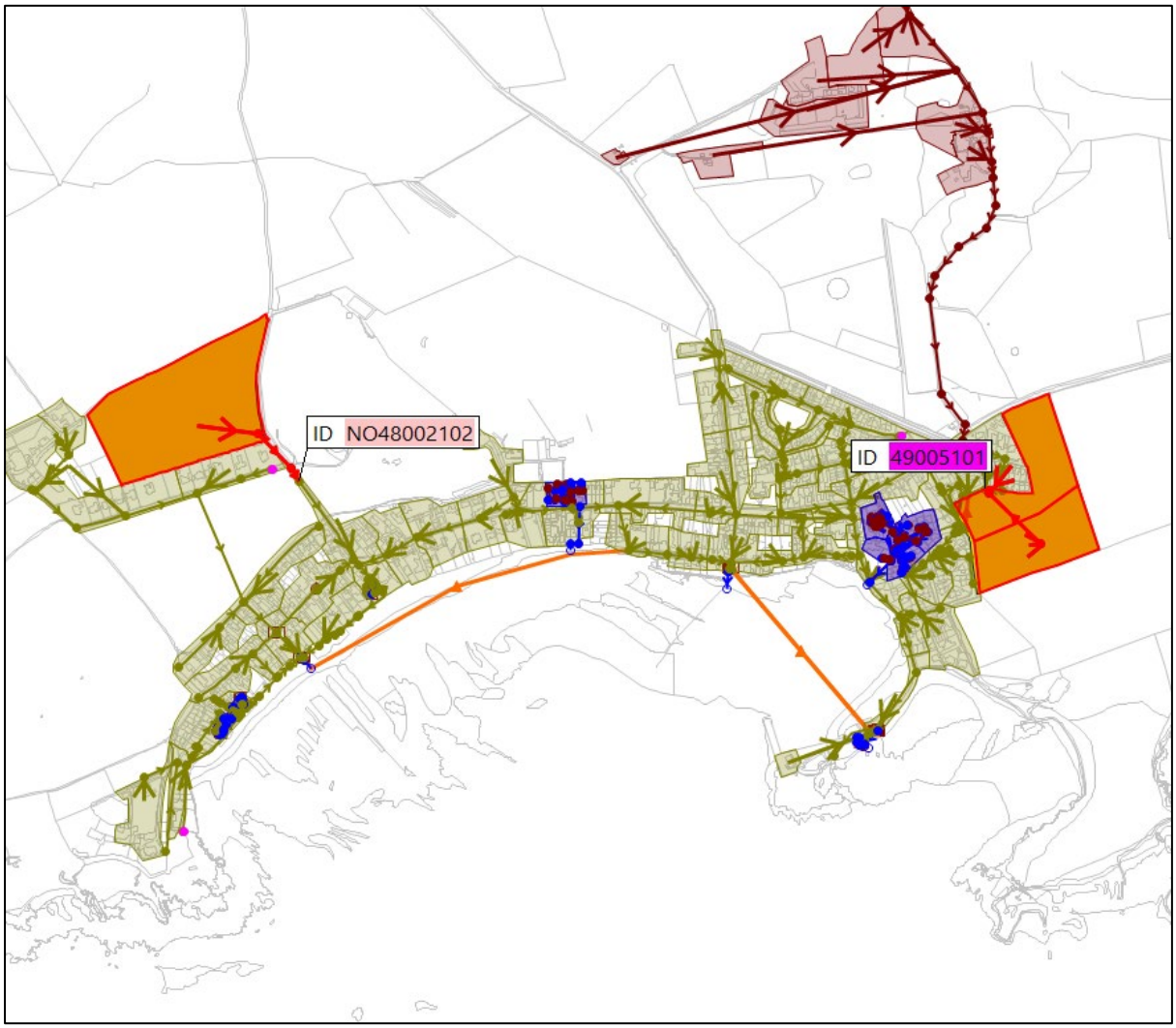


Figure 5 - Proposed Development Arrangement - SCENARIO 1

Note

- Connections points are labelled accordingly
- Indicative proposed development modelling additions have been highlighted
- Indicative proposed development key modelling parameter have been labelled accordingly

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

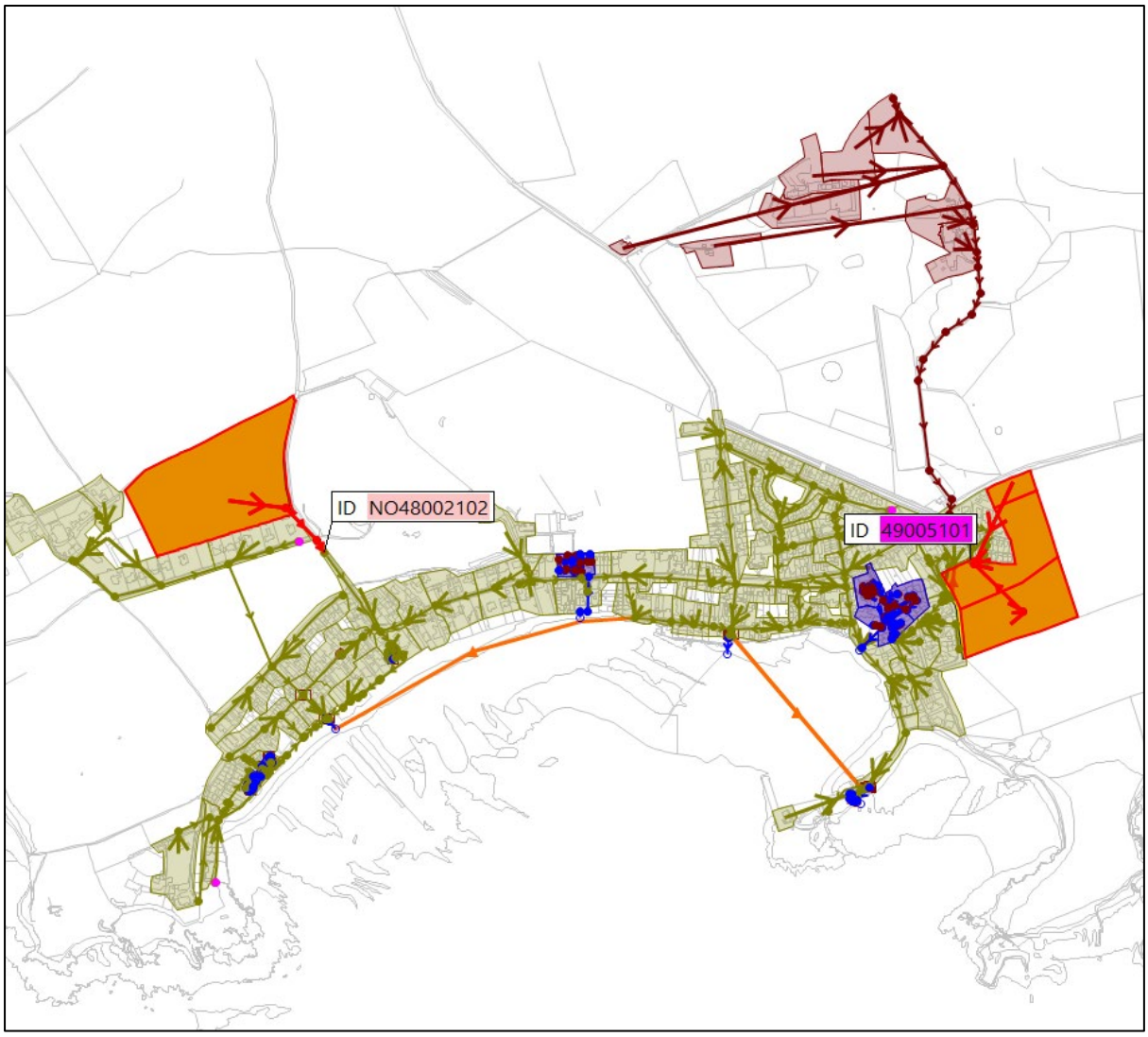


Figure 6 - Proposed Development Arrangement – SCENARIO 2

Note

- Connection points are labelled accordingly
- Indicative proposed development modelling additions have been highlighted
- Indicative proposed development key modelling parameter have been labelled accordingly

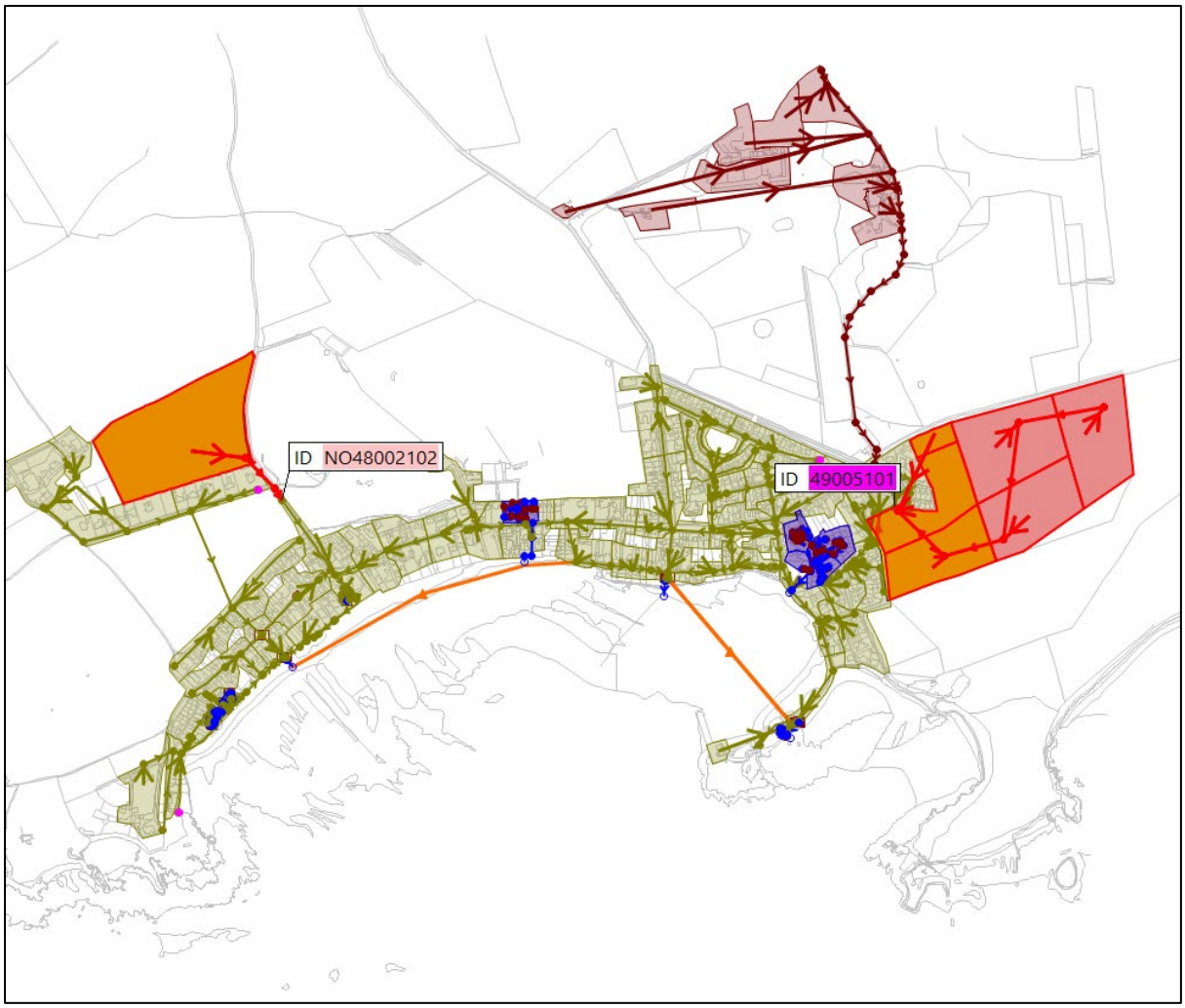


Figure 7 - Proposed Development Arrangement – SCENARIO 3

Note

- Connection points are labelled accordingly
- Indicative proposed development modelling additions have been highlighted
- Indicative proposed development key modelling parameter have been labelled accordingly

4. Model Assessments – Existing and Developed Comparisons

4.1. Flooding Assessment

Brief Requirements

Compare analysis of the existing model to the developed model in terms of flood volumes.

Assessment

A range of 30-year summer storms were simulated on Baseline and Future scenarios. The results were then compared to assess the impact of the proposed development.

Tables 7-9 below summarise the locations where flooding increases were predicted downstream following the inclusion of the proposed development for each scenario.

4.2. Scenario 1

The proposed development is predicted to cause changes at 9 model manholes during summer storm events.

The table below summarises the locations where flooding increases were predicted downstream.

Node ID	Baseline					Future					Difference				
	Storm Durations (mins) & Flood Volumes (m^3)														
	60	120	180	300	600	60	120	180	300	600	60	120	180	300	600
48994901	173	210	232	251	232	179	218	240	261	242	**6**	**8**	**9**	**9**	**11**
48994904	164	199	221	252	294	167	202	224	256	299	**3**	**3**	**3**	**4**	**5**
49005005	25	31	31	29	26	27	33	35	34	32	**3**	**3**	**4**	**5**	**6**
49005006	61	76	77	75	67	67	80	84	84	79	**6**	**4**	**7**	**9**	**11**
49994904	48	61	64	63	51	49	62	67	66	56	**1**	**1**	**3**	**3**	**5**
ROCKVIEW A (TRAP)	31	39	45	54	68	31	40	46	56	69	**1**	**1**	**1**	**1**	**2**
ROCKVIEW C (TRAP)	63	77	87	101	121	64	79	88	103	123	**1**	**2**	**2**	**2**	**2**
PROSPECT E (TRAP/RWP)	70	85	95	110	131	71	87	97	112	134	**1**	**2**	**2**	**2**	**3**
KATHERINE VILLA A	17	24	28	34	40	18	24	29	35	42	**1**	**1**	**1**	**1**	**2**

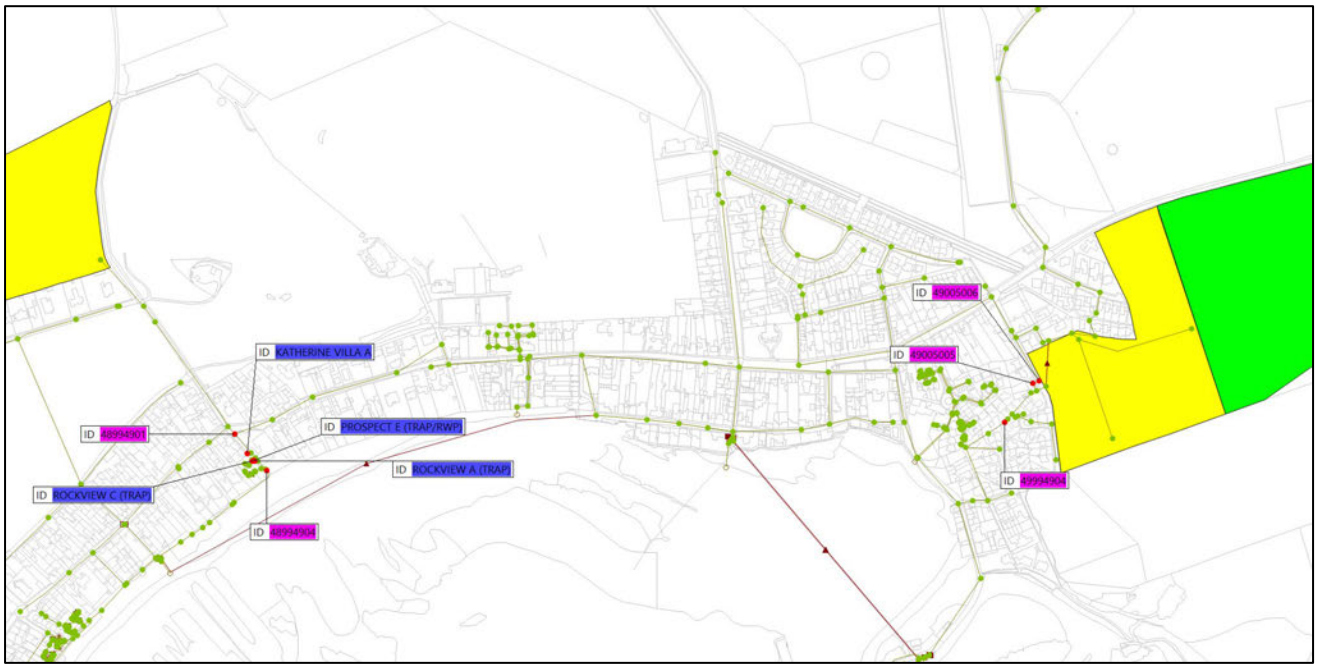
Table 7 - Comparative Flooding Analysis (30-Year Return Period – Summer)

Note

- Due to MS Excel rounding errors comparative results may show ± 1 m^3 errors.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

The figure below illustrates an overview of the flooding locations in relation to the proposed development.



Overview of Flooding Change Locations

Note

- Primary downstream sewer route from development is highlighted in red
- Indicative development boundary is shaded in yellow and labelled
- Predicted flooding nodes are labelled

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

4.3. Scenario 2

The proposed development is predicted to cause changes at 10 model manholes during summer storm events.

The table below summarises the locations where flooding increases were predicted downstream.

Node ID	Baseline					Future					Difference				
	Storm Durations (mins) & Flood Volumes (m^3)														
	60	120	180	300	600	60	120	180	300	600	60	120	180	300	600
48993902	30	19	11	4	0	31	20	12	5	0	**2**	**2**	**1**	**1**	**0**
48994901	173	210	232	251	232	180	218	240	261	242	**7**	**8**	**9**	**10**	**11**
48994904	164	199	221	252	294	167	202	224	256	298	**3**	**3**	**3**	**4**	**5**
49005002	2	3	3	2	1	3	4	4	4	2	**1**	**1**	**2**	**2**	**1**
49005005	25	31	31	29	26	28	34	37	37	35	**3**	**4**	**6**	**8**	**9**
49005006	61	76	77	75	67	68	82	88	90	85	**7**	**6**	**11**	**15**	**18**
49994904	48	61	64	63	51	49	62	67	68	58	**1**	**2**	**3**	**5**	**7**
ROCKVIEW C (TRAP)	63	77	87	101	121	64	79	88	103	123	**1**	**2**	**2**	**2**	**2**
PROSPECT E (TRAP/RWP)	70	85	95	110	131	71	87	97	112	134	**1**	**2**	**2**	**2**	**3**
KATHERINE VILLA A	17	24	28	34	40	18	24	29	36	42	**1**	**1**	**1**	**1**	**2**

Table 8 - Comparative Flooding Analysis (30-Year Return Period – Summer)

Note

- Due to MS Excel rounding errors comparative results may show ± 1 m^3 errors.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

The figure below illustrates an overview of the flooding locations in relation to the proposed development.

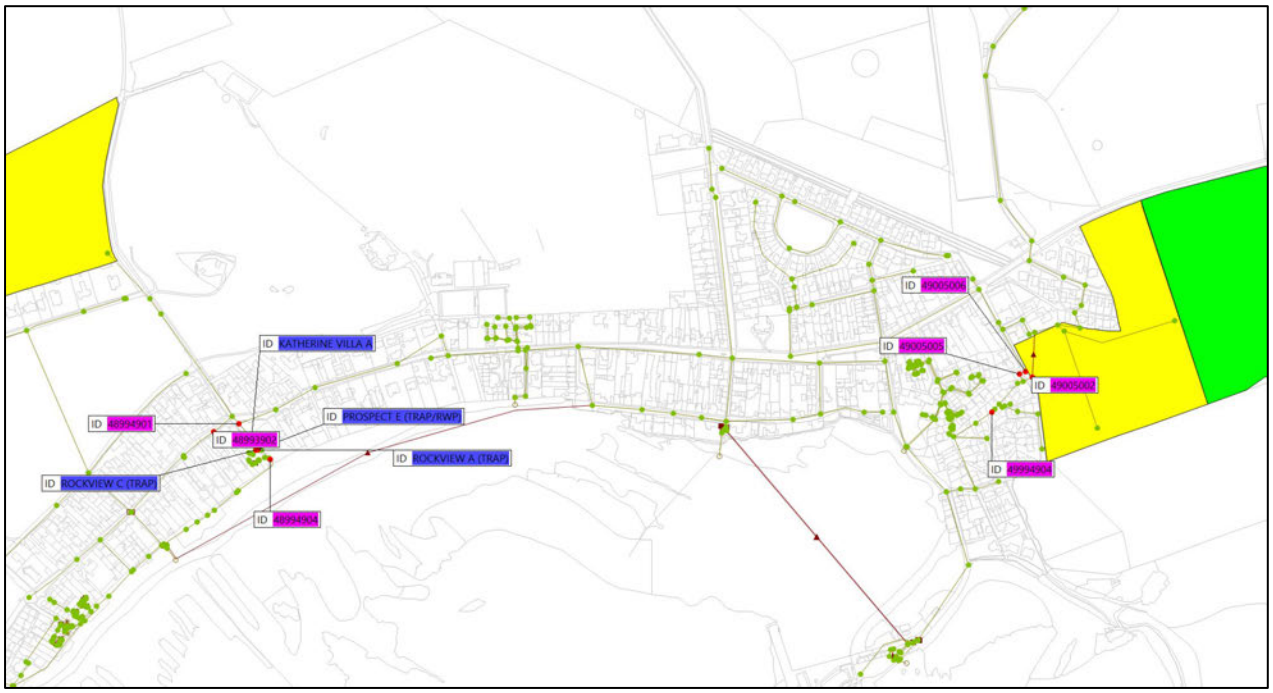


Figure 8 - Overview of Flooding Change Locations

Note

- Primary downstream sewer route from development is highlighted in red
- Indicative development boundary is shaded in yellow and labelled
- Predicted flooding nodes are labelled

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

4.4. Scenario 3

The proposed development is predicted to cause changes at 13 model manholes during summer storm events.

The table below summarises the locations where flooding increases were predicted downstream.

Node ID	Baseline					Future					Difference				
	Storm Durations (mins) & Flood Volumes (m^3)														
	60	120	180	300	600	60	120	180	300	600	60	120	180	300	600
48993902	30	19	11	4	0	31	20	12	4	0	**1**	**2**	**1**	**1**	**0**
48994901	173	210	232	251	232	179	218	240	261	242	**6**	**8**	**9**	**9**	**11**
48994904	164	199	221	252	294	166	202	224	256	299	**2**	**3**	**3**	**4**	**5**
49005002	2	3	3	2	1	4	6	6	7	5	**2**	**3**	**4**	**5**	**4**
49005005	25	31	31	29	26	30	39	43	48	47	**6**	**8**	**12**	**19**	**21**
49005006	61	76	77	75	67	73	90	99	109	108	**12**	**14**	**22**	**34**	**41**
ELIE WADESLEA WWPS	7	0	0	0	0	10	5	0	0	0	**3**	**5**	**0**	**0**	**0**
49993904	320	405	450	468	414	318	406	452	470	416	**-1**	**1**	**2**	**2**	**3**
49994904	48	61	64	63	51	50	64	69	72	65	**2**	**3**	**5**	**9**	**14**
49994905	3	5	5	4	3	4	5	6	7	6	**0**	**1**	**2**	**3**	**3**
49995901	2	3	3	2	1	3	4	5	5	4	**1**	**1**	**2**	**3**	**3**
ROCKVIEW C (TRAP)	63	77	87	101	121	64	79	88	103	123	**1**	**2**	**2**	**2**	**2**
PROSPECT E (TRAP/RWP)	70	85	95	110	131	71	87	97	112	134	**1**	**2**	**2**	**2**	**3**

Table 9 - Comparative Flooding Analysis (30-Year Return Period – Summer)

Note

- Due to MS Excel rounding errors comparative results may show ± 1 m^3 errors.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

The figure below illustrates an overview of the flooding locations in relation to the proposed development.

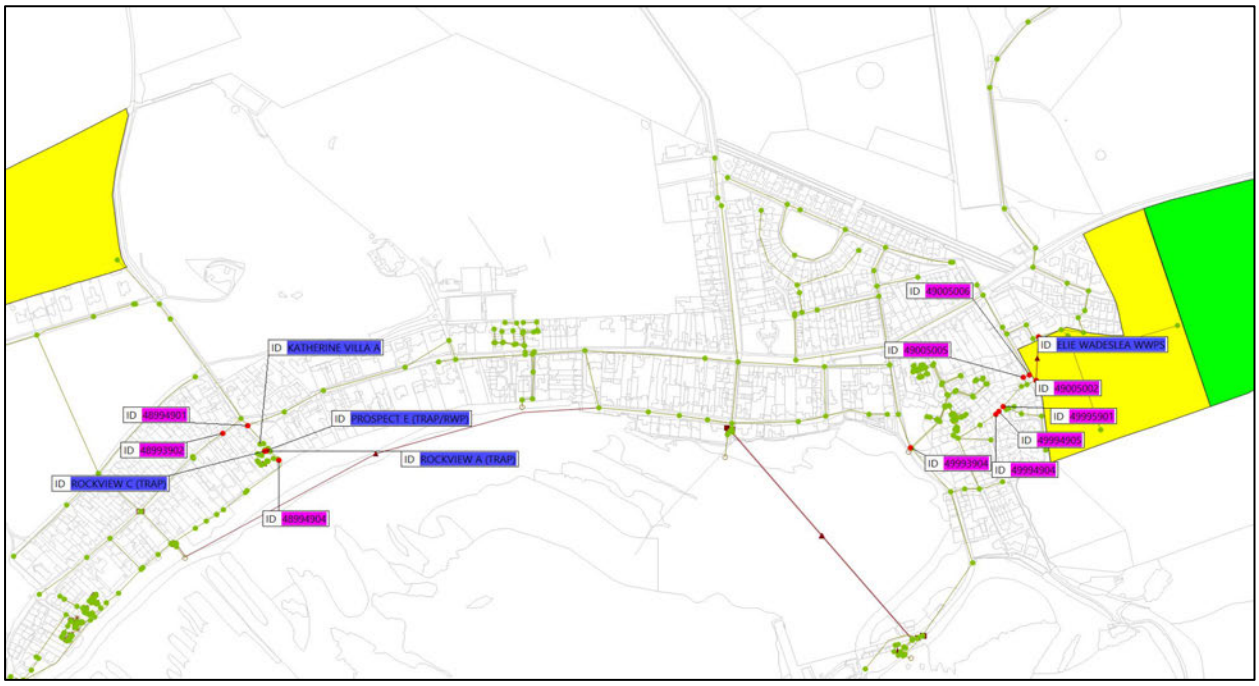


Figure 9 - Overview of Flooding Change Locations

Note

- Primary downstream sewer route from development is highlighted in red
- Indicative development boundary is shaded in yellow and labelled
- Predicted flooding nodes are labelled

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

4.5. Top Water Level Assessment

Brief Requirements

Compare analysis of the existing model to the developed model in terms of manhole surcharge levels within 500mm of manhole cover levels.

Assessment

A range of 30-year (winter and summer) storms were simulated on Baseline and Future scenarios. The results were then compared to assess the impact of the proposed development.

4.6. Scenario 1

The proposed development is predicted to change relevant top water levels at 1 model manhole during summer storm events.

The table below summarises the locations where surcharge increases were predicted downstream in summer storm events.

Node ID	Levels (m AOD)			Impact		
	Cover Level	Baseline Surcharge	Future Surcharge	Increase (mm)	Freeboard (mm)	Detriment Type
48993903	6.940	6.834	6.849	15	91	Existing

Table 10 - Comparative Surcharge Analysis (30-Year Return Period – Summer)

Note

- A detriment type is considered 'New' if future surcharge is brought to within 500mm of manhole cover level
- A detriment type is considered 'Existing' if baseline and future surcharge are both within 500mm of manhole cover level

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

The figure below illustrates an overview of the surcharge locations in relation to the proposed development.

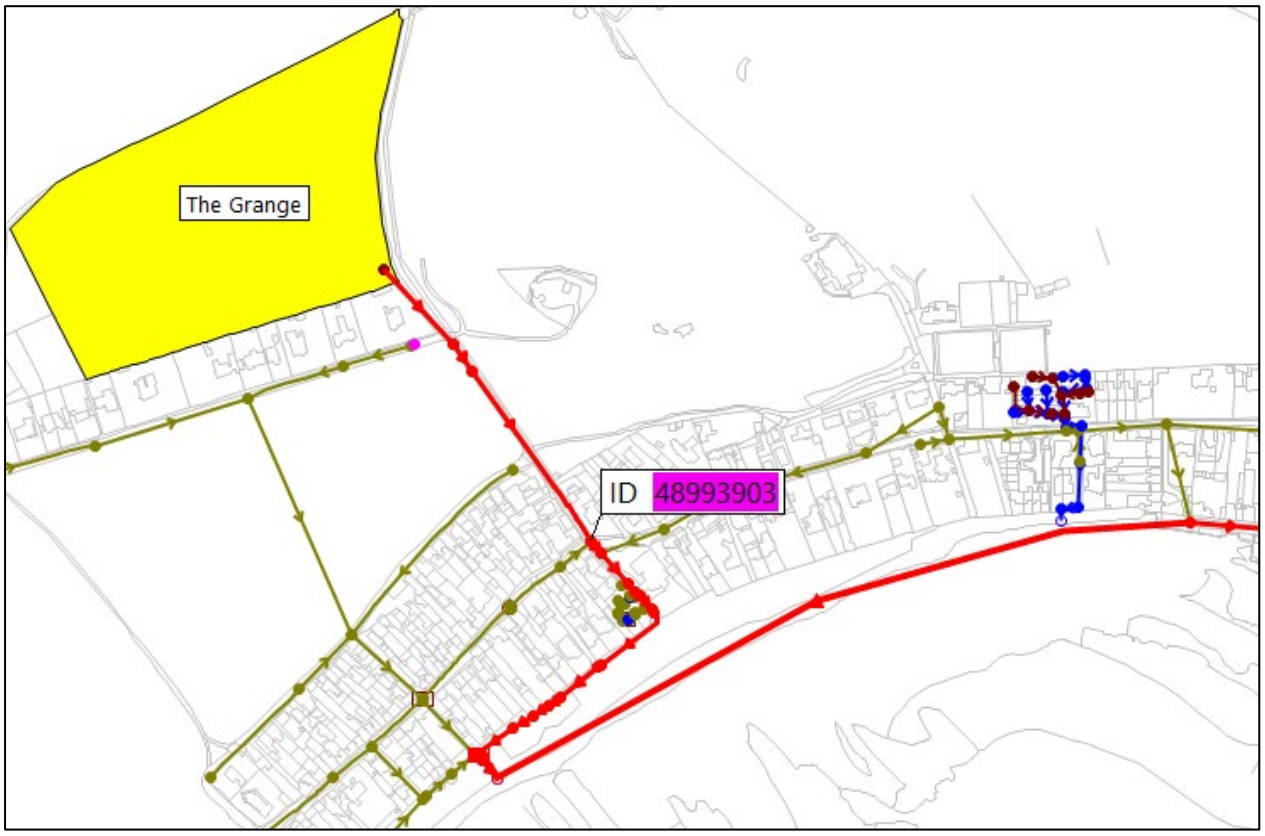


Figure 10 - Overview of Surcharge Change Locations

Note

- Primary downstream sewer route from development is highlighted in red
- Indicative development boundary is shaded in yellow and labelled
- Predicted surcharge nodes are labelled

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

4.7. Scenario 2

The proposed development is predicted to change relevant top water levels at 1 model manhole during summer storm events.

The table below summarises the locations where surcharge increases were predicted downstream in summer storm events.

Node ID	Levels (m AOD)			Impact		
	Cover Level	Baseline Surcharge	Future Surcharge	Increase (mm)	Freeboard (mm)	Detriment Type
48993903	6.940	6.834	6.849	15	91	Existing

Table 11 - Comparative Surcharge Analysis (30-Year Return Period – Summer)

Note

- A detriment type is considered 'New' if future surcharge is brought to within 500mm of manhole cover level
- A detriment type is considered 'Existing' if baseline and future surcharge are both within 500mm of manhole cover level

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

The figure below illustrates an overview of the surcharge locations in relation to the proposed development.

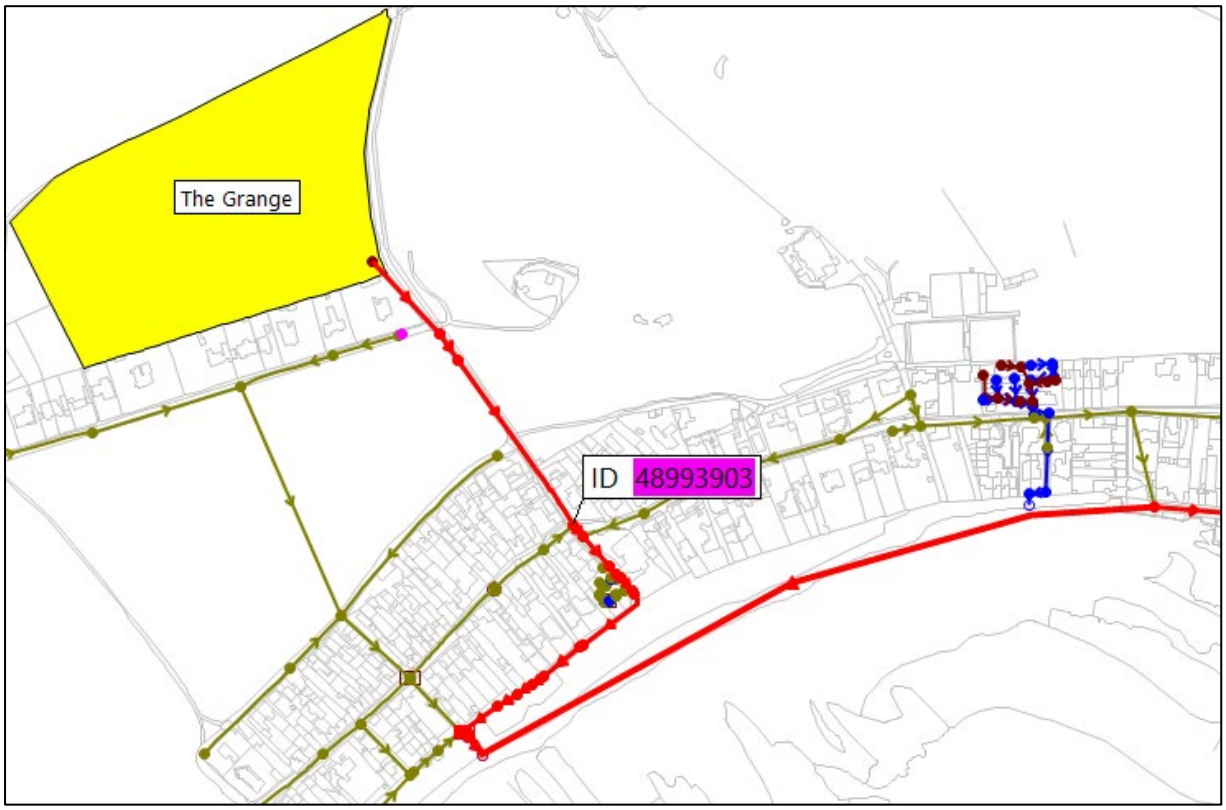


Figure 11 - Overview of Surcharge Change Locations

Note

- Primary downstream sewer route from development is highlighted in red
- Indicative development boundary is shaded in yellow and labelled
- Predicted surcharge nodes are labelled

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

4.8. Scenario 3

The proposed development is predicted to change relevant top water levels at 4 model manholes during summer storm events.

The table below summarises the locations where surcharge increases were predicted downstream in summer storm events.

Node ID	Levels (m AOD)			Impact		
	Cover Level	Baseline Surcharge	Future Surcharge	Increase (mm)	Freeboard (mm)	Detriment Type
48993903	6.940	6.835	6.849	14	91	Existing
NT49995905	9.250	8.938	8.961	23	289	Existing
NT49995904	8.960	8.938	8.960	22	0	Existing
NO49002754	8.690	8.252	8.328	76	362	Existing

Table 12 - Comparative Surcharge Analysis (30-Year Return Period – Summer)

Note

- A detriment type is considered 'New' if future surcharge is brought to within 500mm of manhole cover level
- A detriment type is considered 'Existing' if baseline and future surcharge are both within 500mm of manhole cover level

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

The figure below illustrates an overview of the surcharge locations in relation to the proposed development.



Figure 12 - Overview of Surcharge Change Locations

Note

- Primary downstream sewer route from development is highlighted in red
- Indicative development boundary is shaded in yellow and labelled
- Predicted surcharge nodes are labelled

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

4.9. CSO Spill Frequency and Volume

Brief Requirements

Compare analysis of the existing model to the developed model in terms of spill volumes and number of activations from CSOs affected by the development

Assessment

The CSO assessment was undertaken using a 'Typical Year' Time Series Rainfall (TSR) set provided by SW.

4.10. Scenario 1

The table below summarises the CSOs with predicted increases downstream of the proposed development.

Overflow name or Location	Overflow ID (CSO/ EO Spill Link)	Annual Totals					
		Baseline Scenario		Future Scenario		Differences	
		Spills (>50m³)	Spill Volume (m³)	Spills (>50m³)	Spill Volume (m³)	Volume (m³)	%
ELIE, HARBOUR SPS CSO * (CSO002395)	ELIE, HARBOUR SPS CSO DRY.1*	57	17,946	59	18,897	**950**	**5.296**
EARLSFERRY CADGERS WYND SPS CSO NT483997 (CSO002387)	Outfall MH Chamber.2	61	19,376	63	19,810	**433**	**2.235**

Table 13 - CSO Comparative Assessment

Note

- Spill frequency results are presented such that spills which commence within 6 hours of the previous spill finishing are considered to be a single spill.
- Due to MS Excel rounding errors comparative results may show ± 1 m^3 errors.
- *Part 4 Asset

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

4.11. Scenario 2

The table below summarises the CSOs with predicted increases downstream of the proposed development.

Overflow name or Location	Overflow ID (CSO/ EO Spill Link)	Annual Totals					
		Baseline Scenario		Future Scenario		Differences	
		Spills (>50m³)	Spill Volume (m³)	Spills (>50m³)	Spill Volume (m³)	Volume (m³)	%
ELIE, HARBOUR SPS CSO * (CSO002395)	ELIE, HARBOUR SPS CSO DRY.1*	57	17,946	60	19,822	**1,875**	**10.450**
EARLSFERRY CADGERS WYND SPS CSO NT483997 (CSO002387)	Outfall MH Chamber.2	61	19,376	63	19,801	**424**	**2.190**

Table 14 - CSO Comparative Assessment

Note

- Spill frequency results are presented such that spills which commence within 6 hours of the previous spill finishing are considered to be a single spill.
- Due to MS Excel rounding errors comparative results may show ± 1 m^3 errors.
- *Part 4 Asset

4.12. Scenario 3

The table below summarises the CSOs with predicted increases downstream of the proposed development.

Overflow name or Location	Overflow ID (CSO/ EO Spill Link)	Annual Totals					
		Baseline Scenario		Future Scenario		Differences	
		Spills (>50m³)	Spill Volume (m³)	Spills (>50m³)	Spill Volume (m³)	Volume (m³)	%
ELIE, HARBOUR SPS CSO * (CSO002395)	ELIE, HARBOUR SPS CSO DRY.1*	57	17,946	63	21,530	**3,583**	**19.966**
EARLSFERRY CADGERS WYND SPS CSO NT483997 (CSO002387)	Outfall MH Chamber.2	61	19,376	62	19,791	**414**	**2.138**

Table 15 - CSO Comparative Assessment

Note

- Spill frequency results are presented such that spills which commence within 6 hours of the previous spill finishing are considered to be a single spill.
- Due to MS Excel rounding errors comparative results may show ± 1 m^3 errors.
- *Part 4 Asset

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

The figure below illustrates the location the CSOs in relation to the proposed development.

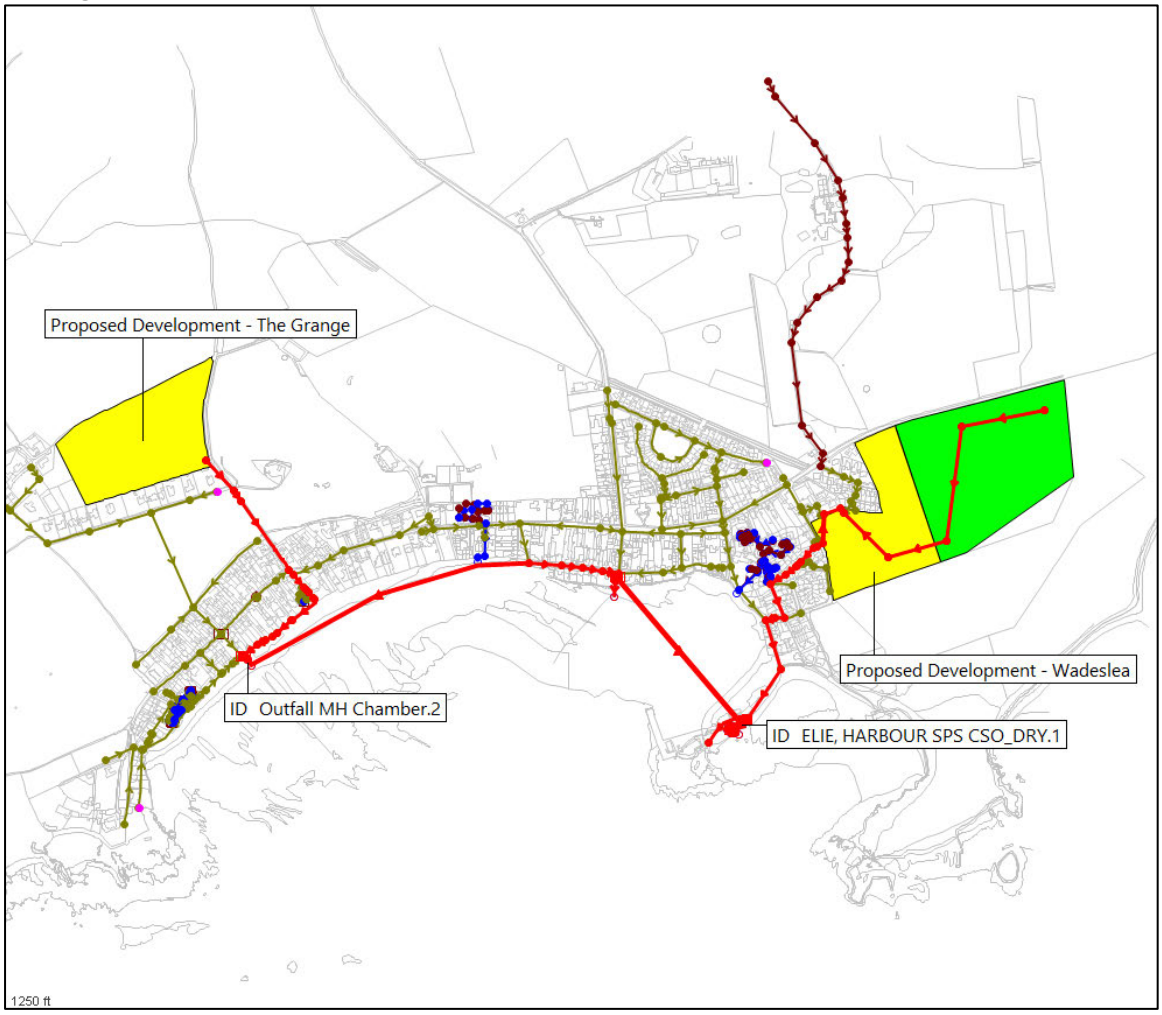


Figure 13 - Overview of CSO Locations

Note

- Primary downstream sewer route from development is highlighted in red
- Indicative development boundary is shaded in yellow and labelled
- CSO locations are labelled

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

4.13. Formula 'A' and CSO Setting Assessment

Brief Requirements

Calculate Formula 'A' for existing and proposed flows at CSOs affected by the development.

Assessment

In accordance with the SW Development Brief, the calculation of Formula 'A' and the CSO settings for those directly downstream of the proposed development are required.

4.14. Scenario 1

The table below summarises the Formula 'A' Assessment results.

CSO Location	Setting (l/s)	Existing Baseline		With Proposed Development	
		Formula 'A' (l/s)	Passes Formula 'A'	Formula 'A' (l/s)	Passes Formula 'A'
ELIE, SOUTH STREET SPS CSO	14	18.0	N	18.4	N
ELIE, HARBOUR SPS CSO	8	10.4	N	11.9	N
EARLSFERRY CADGERS WYND SPS CSO NT483997	7	10.3	N	10.8	N

Table 16 - Formula 'A' Assessment

Note

- The setting and Formula 'A' value has been calculated using the 'current; InfoWorks model provided by SW
- Due to MS Excel rounding errors comparative results may show ± 1 m^3 errors.

4.15. Scenario 2

The table below summarises the Formula 'A' Assessment results.

CSO Location	Setting (l/s)	Existing Baseline		With Proposed Development	
		Formula 'A' (l/s)	Passes Formula 'A'	Formula 'A' (l/s)	Passes Formula 'A'
ELIE, SOUTH STREET SPS CSO	14	18.0	N	18.4	N
ELIE, HARBOUR SPS CSO	8	10.4	N	13.0	N
EARLSFERRY CADGERS WYND SPS CSO NT483997	7	10.3	N	10.8	N

Table 17 - Formula 'A' Assessment

Note

- The setting and Formula 'A' value has been calculated using the 'current; InfoWorks model provided by SW
- Due to MS Excel rounding errors comparative results may show ± 1 m^3 errors.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

4.16. Scenario 3

The table below summarises the Formula 'A' Assessment results.

CSO Location	Setting (l/s)	Existing Baseline		With Proposed Development	
		Formula 'A' (l/s)	Passes Formula 'A'	Formula 'A' (l/s)	Passes Formula 'A'
ELIE, SOUTH STREET SPS CSO	14	18.0	N	18.4	N
ELIE, HARBOUR SPS CSO	8	10.4	N	15.5	N
EARLSFERRY CADGERS WYND SPS CSO NT483997	7	10.3	N	10.8	N

Table 18 - Formula 'A' Assessment

Note

- The setting and Formula 'A' value has been calculated using the 'current; InfoWorks model provided by SW
- Due to MS Excel rounding errors comparative results may show ± 1 m^3 errors.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

4.17. Pass Forward to Treatment Works

Brief Requirements

Compare analysis of the existing model to the developed model in terms of pass forward rate affected by the development.

Assessment

The 'Pass Forward' assessment was undertaken using a set of 'Typical Year' TSR events provided by SW.

4.18. Scenario 1

The table below summarises the comparative summary of pass forward flow to the WwTW.

Inlet Location	Inlet Link ID	Annual Totals			
		Existing Scenario	Future Scenario	Differences	
				m^3	%
ELIE SEP NT494996 WwTW	4999354A.1	139,577	148.075	**8,498**	**6.1**

Table 19 - Pass Forward to ELIE SEP NT494996 WwTW

Note

- Due to MS Excel rounding errors comparative results may show ± 1 m^3 errors.

4.19. Scenario 2

The table below summarises the comparative summary of pass forward flow to the WwTW.

Inlet Location	Inlet Link ID	Annual Totals			
		Existing Scenario	Future Scenario	Differences	
				m^3	%
ELIE SEP NT494996 WwTW	4999354A.1	139,577	154,038	**14,460**	**10.36**

Table 20 - Pass Forward to ELIE SEP NT494996 WwTW

Note

- Due to MS Excel rounding errors comparative results may show ± 1 m^3 errors.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

4.20. Scenario 3

The table below summarises the comparative summary of pass forward flow to the WwTW.

Inlet Location	Inlet Link ID	Annual Totals			
		Existing Scenario	Future Scenario	Differences	
				m^3	%
ELIE SEP NT494996 WwTW	4999354A.1	139,577	165,610	**26,033**	**18.6**

Table 21 - Pass Forward to ELIE SEP NT494996 WwTW

Note

- Due to MS Excel rounding errors comparative results may show ± 1 m^3 errors.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

4.21. Lowest Ground Level Criteria

Brief Requirements

A final check on the lowest ground level must be made against the hydraulic gradient for the connecting sewer. The ground level must be above the levels generated in 1 in 30-year critical storm duration.

Assessment

In accordance with the SW Development Brief, the analysis of a 30-year storm was carried out to predict whether flood levels are above the lowest ground level of the development.

The lowest ground level of the proposed Wadeslea development is 8.95mAOD and has been assigned to model node LGL_Wadeslea; and the lowest ground level of the proposed the Grange development is 13.86mAOD and has been assigned to model node LGL_Grange

4.22. Scenario 1

The lowest ground level of the **Grange, Earlsferry** development is 13.86mAOD and has been assigned to model node LGL_Grange.

The maximum surcharge level of the **Grange, Earlsferry** development site at model node LGL_Grange is 13.307mAOD, predicted during summer storm events. This provides a freeboard measurement of 0.553m, meaning the proposed development is predicted to **Pass** the lowest ground level criteria.

The lowest ground level of **Wadeslea** development is 8.95mAOD and has been assigned to model node LGL_Wadeslea.

The maximum surcharge level of the **Wadeslea** development site at model node LGL_Wadeslea is 8.126mAOD, predicted during summer storm events. This provides a freeboard measurement of 0.824m, meaning the proposed development is predicted to **Pass** the lowest ground level criteria.

4.23. Scenario 2

The lowest ground level of the **Grange, Earlsferry** development is 13.86mAOD and has been assigned to model node LGL_Grange.

The maximum surcharge level of the **Grange, Earlsferry** development site at model node LGL_Grange is 13.307mAOD, predicted during summer storm events. This provides a freeboard measurement of 0.553m, meaning the proposed development is predicted to **Pass** the lowest ground level criteria.

The lowest ground level of **Wadeslea** development is 8.95mAOD and has been assigned to model node LGL_Wadeslea.

The maximum surcharge level of the **Wadeslea** development site at model node LGL_Wadeslea is 8.185mAOD, predicted during summer storm events. This provides a freeboard measurement of 0.765m, meaning the proposed development is predicted to **Pass** the lowest ground level criteria.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

4.24. Scenario 3

The lowest ground level of the **Grange, Earlsferry** development is 13.86mAOD and has been assigned to model node LGL_Grange.

The maximum surcharge level of the **Grange, Earlsferry** development site at model node LGL_Grange is 13.307mAOD, predicted during summer storm events. This provides a freeboard measurement of 0.553m, meaning the proposed development is predicted to **Pass** the lowest ground level criteria.

The lowest ground level of **Wadeslea** development is 8.95mAOD and has been assigned to model node LGL_Wadeslea.

The maximum surcharge level of the **Wadeslea** development site at model node LGL_Wadeslea is 8.375mAOD, predicted during summer storm events. This provides a freeboard measurement of 0.575m, meaning the proposed development is predicted to **Pass** the lowest ground level criteria.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

5. Stage 1 Network Performance Assessment & Conclusions

The following has been concluded from modelling assessment for the addition of the proposed development site at Elie and Earlsferry:

A range of 30-year design storms were simulated for the Elie and Earlsferry development.

Scenario 1

- The proposed development is predicted to cause flood increases at 9 model manholes during summer storm events.
- The proposed development is predicted to increase relevant top water levels at 1 model manhole during summer storm events.
- The proposed development at the **Grange, Earlsferry** is predicted to **pass** the Lowest Ground Level Assessment.
- The proposed development at **Wadeslea** is predicted to **pass** the Lowest Ground Level Assessment.

A 'typical year' rainfall set was simulated for the Elie and Earlsferry development.

- A total of 3 CSOs have been assessed, with 3 noted as on the downstream route and 0 noted as nearby.
- The proposed development is predicted to increase spill volumes at 2 CSOs including the Part 4 CSO at the WwTW.
- 0 CSO is predicted to pass Formula 'A' criteria in both 'pre' and 'post' development.
- 3 CSOs are predicted to fail Formula 'A' criteria in both 'pre' and 'post' development.
- 0 CSO is predicted to change Formula 'A' Criteria status from pass to fail because of the addition of the proposed development.
- The proposed development is predicted to increase pass forward to ELIE SEP NT494996 WwTW by 8,498m^3 during a typical year.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

Scenario 2

- The proposed development is predicted to cause flood increases at 10 model manholes during summer storm events.
- The proposed development is predicted to increase relevant top water levels at 1 model manhole during summer storm events.
- The proposed development at the **Grange, Earlsferry** is predicted to **pass** the Lowest Ground Level Assessment.
- The proposed development at **Wadeslea** is predicted to **pass** the Lowest Ground Level Assessment.

A ‘typical year’ rainfall set was simulated for the Elie and Earlsferry development.

- A total of 3 CSOs have been assessed, with 3 noted as on the downstream route and 0 noted as nearby.
- The proposed development is predicted to increase spill volumes at 2 CSOs.
- 0 CSO is predicted to pass Formula 'A' criteria in both 'pre' and 'post' development.
- 3 CSOs are predicted to fail Formula 'A' criteria in both 'pre' and 'post' development.
- 0 CSO is predicted to change Formula 'A' Criteria status from pass to fail because of the addition of the proposed development.
- The proposed development is predicted to increase pass forward to ELIE SEP NT494996 WwTW by 14,460m^3 during a typical year.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

Scenario 3

- The proposed development is predicted to cause flood increases at 13 model manholes during summer storm events.
- The proposed development is predicted to increase relevant top water levels at 3 model manholes during summer storm events.
- The proposed development at the **Grange, Earlsferry** is predicted to **pass** the Lowest Ground Level Assessment.
- The proposed development at **Wadeslea** is predicted to **pass** the Lowest Ground Level Assessment.

A ‘typical year’ rainfall set was simulated for the Elie and Earlsferry development.

- A total of 3 CSOs have been assessed, with 3 noted as on the downstream route and 0 noted as nearby.
- The proposed development is predicted to increase spill volumes at 2 CSOs.
- 0 CSO is predicted to pass Formula 'A' criteria in both 'pre' and 'post' development.
- 3 CSOs are predicted to fail Formula 'A' criteria in both 'pre' and 'post' development.
- 0 CSO is predicted to change Formula 'A' Criteria status from pass to fail because of the addition of the proposed development.
- The proposed development is predicted to increase pass forward to ELIE SEP NT494996 WwTW by 26,033m^3 during a typical year.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

6. Notional Solution Development

Brief Requirements

If required, carry out optioneering to give 'zero impact' on flood volumes, spill volumes and number of activations from CSOs affected by the developer.

Assessment

Notional options assessed as part of this DIA have been developed using a Type II – Drainage Planning Model as defined in the UDG Code of Practice for the Hydraulic Modelling of Sewer Systems V3.001 (December 2002).

A Type II – Drainage Planning model is considered appropriate for providing an overview of a specific drainage area. A Type III model is considered appropriate for use in detailed investigations, scheme appraisals and for the detailed design of schemes.

The model has been utilised without amendment, except where detailed in previous sections to facilitate the current commission. Hence this report has been compiled using due care and skill and is provided without prejudice. SWH can accept no liability for use of the information, or any conclusions/ proposals drawn from its use, if it is subsequently identified that the original model data/ predictions and information provided are in error.

To achieve 'zero impact' following development connection, the predicted flood volumes at confirmed flooding locations should not rise following addition of development flows to the network, and there should be no increase in annual spill volume for any downstream CSO's.

SWH were instructed to proceed to Stage 2 to solve for predicted flooding, top water level, and spill increases.

The scheme will require full compliance with the Construction (Design and Management) Regulations 2015 on approval to develop the option to outline and detailed design stages.

Stage 2 Analysis Options Summary	
Extent of detriment instructed to solve for:	Predicted flooding, TWL & CSO spill increases over all three scenarios
	Description
Option 1	Sewer upsizing, CSO storage and surface water removal scheme

Table 22 - Summary of Option

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

6.1. Option 1 –Online Sewer Upsize, CSO Storage & SW Removal Scheme

This option proposes the following elements to target the predicted flooding, TWL and spill detriment

- **Scenario 1**
    - **Element 1** – Construct new manhole 'A' downstream of The Grange connection point and upsize 39m length of 225mm diameter sewer to 1200mm diameter.
    - **Element 2-** Approximately **0.125Ha** of surface water removal in the vicinity of the Wadeslea site.
    - **Element 3 -** Construct an additional 7m^3 under existing spill level at the EARLSFERRY CADGERS WYND SPS CSO.
- **Scenario 2**
    - **Element 1** - Construct new manhole 'A' downstream of The Grange connection point and upsize 39m length of 225mm diameter sewer to 1200mm diameter.
    - **Element 2**- Approximately **0.134Ha** of surface water removal in the vicinity of the Wadeslea site.
    - **Element 3** - Construct an additional 7m^3 under existing spill level at the EARLSFERRY CADGERS WYND SPS CSO.
- **Scenario 3**
    - **Element 1** – Construct new manhole 'A' downstream of The Grange connection point and upsize 39m length of 225mm diameter sewer to 1200mm diameter.
    - **Element 2 -** Approximately **0.345Ha** of surface water removal in the vicinity of the Wadeslea site.
    - **Element 3** - Construct an additional 7m^3 under existing spill level at the EARLSFERRY CADGERS WYND SPS CSO.

Note on surface water removal areas:

For the stage 2 modelling, the hardstanding areas have been removed from subcatchments 'NO49004102' and '49005006' adjacent to the Wadeslea site, as indicated in Figure 15. The approximate location of potential surface water removal has been advised by the developer within Elie Mark Up.pdf

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

The figures below show location schematics for the proposed option elements for Scenarios 1,2 and 3.

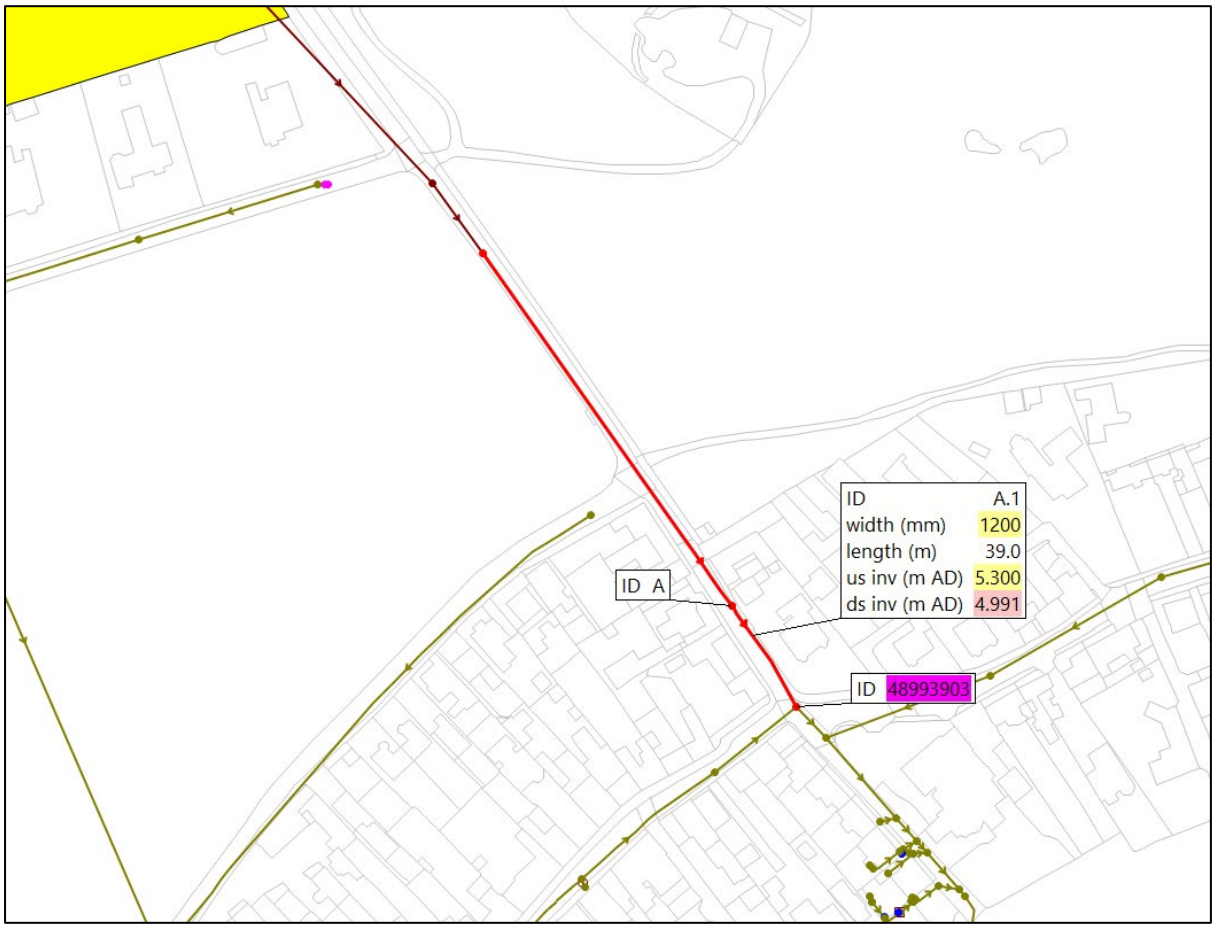


Figure 14 - Element 1 Location

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

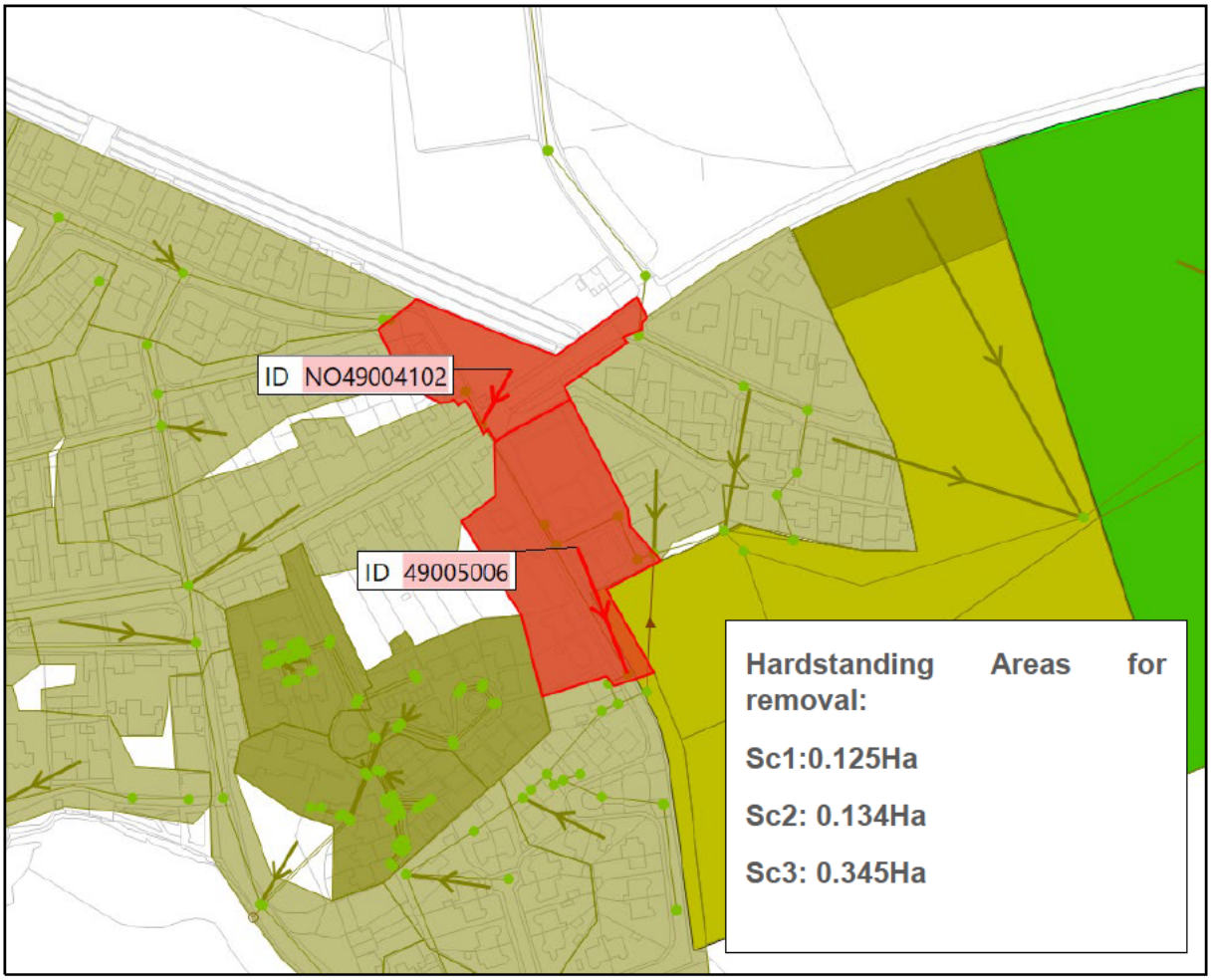


Figure 15 - Element 2 Location

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

The table below shows the flooding changes following Scenario 1 Option 1

Node ID	Baseline					Scenario 1 Option 1					Difference				
	Storm Durations (mins) & Flood Volumes (m^3)														
	60	120	180	300	600	60	120	180	300	600	60	120	180	300	600
48994901	173	210	232	251	232	158	200	225	249	232	**-15**	**-10**	**-7**	**-2**	**1**
48994904	164	199	221	252	294	157	192	213	245	288	**-7**	**-7**	**-7**	**-7**	**-6**
49005005	25	31	31	29	26	22	27	27	27	24	**-3**	**-4**	**-4**	**-3**	**-2**
49005006	61	76	77	75	67	54	65	68	68	62	**-7**	**-11**	**-9**	**-7**	**-6**
49994904	48	61	64	63	51	47	59	63	62	51	**-1**	**-2**	**-1**	**-1**	**0**
ROCKVIEW A (TRAP)	31	39	45	54	68	30	39	45	54	67	**-1**	**-1**	**-1**	**-1**	**0**
ROCKVIEW C (TRAP)	63	77	87	101	121	62	76	86	100	120	**-1**	**-1**	**-1**	**-1**	**-1**
PROSPECT E (TRAP/RWP)	70	85	95	110	131	68	85	95	110	131	**-1**	**-1**	**-1**	**-1**	**0**
KATHERINE VILLA A	17	24	28	34	40	15	22	26	33	39	**-2**	**-2**	**-2**	**-2**	**-1**

Table 24 - Flood Change Locations Scenario 1 Option 1

The table below shows the flooding changes following Scenario 2 Option 1

Node ID	Baseline					Scenario 2 Option 1					Difference				
	Storm Durations (mins) & Flood Volumes (m^3)														
	60	120	180	300	600	60	120	180	300	600	60	120	180	300	600
48993902	30	19	11	4	0	25	18	11	4	0	**-4**	**-1**	**0**	**0**	**0**
48994901	173	210	232	251	232	156	200	225	249	232	**-17**	**-10**	**-7**	**-2**	**1**
48994904	164	199	221	252	294	157	192	213	245	288	**-7**	**-7**	**-7**	**-7**	**-6**
49005002	2	3	3	2	1	2	3	3	3	1	**0**	**0**	**1**	**1**	**1**
49005005	25	31	31	29	26	22	27	29	29	26	**-2**	**-4**	**-2**	**-1**	**0**
49005006	61	76	77	75	67	55	66	71	71	67	**-7**	**-9**	**-6**	**-4**	**-1**
49994904	48	61	64	63	51	47	59	63	64	53	**-1**	**-1**	**-1**	**1**	**2**
ROCKVIEW C (TRAP)	63	77	87	101	121	62	76	86	100	120	**-1**	**-1**	**-1**	**-1**	**-1**
PROSPECT E (TRAP/RWP)	70	85	95	110	131	68	85	95	110	131	**-1**	**-1**	**-1**	**-1**	**0**
KATHERINE VILLA A	17	24	28	34	40	15	22	26	33	39	**-2**	**-2**	**-2**	**-2**	**-1**

Table 25 - Flood Change Locations Scenario 2 Option 1

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

The table below shows the flooding changes following Scenario 3 Option 1.

Node ID	Baseline					Scenario 3 Option 1					Difference				
	Storm Durations (mins) & Flood Volumes (m^3)														
	60	120	180	300	600	60	120	180	300	600	60	120	180	300	600
48993902	30	19	11	4	0	26	18	11	4	0	**-4**	**-1**	**0**	**0**	**0**
48994901	173	210	232	251	232	157	200	225	249	232	**-16**	**-10**	**-7**	**-3**	**1**
48994904	164	199	221	252	294	157	192	214	245	288	**-8**	**-7**	**-7**	**-7**	**-6**
49005002	2	3	3	2	1	3	3	4	4	3	**1**	**0**	**1**	**2**	**2**
49005005	25	31	31	29	26	22	26	28	30	29	**-2**	**-5**	**-3**	**1**	**3**
49005006	61	76	77	75	67	55	63	67	74	72	**-6**	**-12**	**-10**	**-2**	**4**
ELIE WADESLEA WWPS	7	0	0	0	0	0	0	0	0	0	**-7**	**0**	**0**	**0**	**0**
49993904	320	405	450	468	414	308	392	436	451	399	**-11**	**-13**	**-14**	**-17**	**-15**
49994904	48	61	64	63	51	45	57	62	63	57	**-3**	**-4**	**-2**	**0**	**5**
49994905	3	5	5	4	3	3	4	5	5	4	**-1**	**-1**	**0**	**1**	**1**
49995901	2	3	3	2	1	2	3	3	3	3	**0**	**0**	**0**	**1**	**1**
ROCKVIEW C (TRAP)	63	77	87	101	121	62	76	86	100	120	**-1**	**-1**	**-1**	**-1**	**-1**
PROSPECT E (TRAP/RWP)	70	85	95	110	131	68	85	95	109	131	**-2**	**-1**	**-1**	**-1**	**0**

Table 26 - Flood Change Locations Scenario 3 Option 1

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

The table below shows the TWL results following the inclusion of Option 1 for Scenario 1.

Node ID	Levels (m AOD)			Impact		
	Cover Level	Baseline Surcharge	Scenario 1 Option 1	Increase (mm)	Freeboard (mm)	Detriment Type
48993903	6.940	6.834	6.832	-2	62	Existing

Table 27 - TWL Comparative Assessment on TWL – Option 1 – SC1

The table below shows the TWL results following the inclusion of Option 1 for Scenario 2.

Node ID	Levels (m AOD)			Impact		
	Cover Level	Baseline Surcharge	Scenario 2 Option 1	Increase (mm)	Freeboard (mm)	Detriment Type
48993903	6.940	6.834	6.832	-2	62	Existing

Table 28 - TWL Comparative Assessment on TWL – Option 1 – SC2

The table below shows the TWL results following the inclusion of Option 1 for Scenario 3.

Node ID	Levels (m AOD)			Impact		
	Cover Level	Baseline Surcharge	Scenario 3 Option 1	Increase (mm)	Freeboard (mm)	Detriment Type
48993903	6.940	6.834	6.832	-2	62	Existing
NT49995905	9.250	8.938	8.923	-15	327	Existing
NT49995904	8.960	8.938	8.923	-15	37	Existing
NO49002754	8.690	8.252	8.031	-221	659	Existing

Table 29 - TWL Comparative Assessment on TWL – Option 1 – SC3

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1 - Regulation 11(2) Personal Information
2 - Information out of scope

The tables below summarise the predicted changes to the CSO downstream of the proposed development for Option 1 Scenarios 1,2 and 3.

Overflow name or Location	Overflow ID (CSO/ EO Spill Link)	Annual Totals					
		Baseline Scenario		Scenario 1 Option 1		Differences	
		Spills (>50m³)	Spill Volume (m³)	Spills (>50m³)	Spill Volume (m³)	Volume (m³)	%
EARLSFERRY CADGERS WYND SPS CSO NT483997 (CSO002387)	Outfall MH Chamber.2	61	19,376	61	19,343	-33	-0.16

Table 30 - CSO Comparative Assessment – Option 1 Scenario 1

Note

- Spill frequency results are presented such that spills which commence within 6 hours of the previous spill finishing are considered to be a single spill.
- Due to MS Excel rounding errors comparative results may show ± 1 m^3 errors.

Overflow name or Location	Overflow ID (CSO/ EO Spill Link)	Annual Totals					
		Baseline Scenario		Scenario 2 Option 1		Differences	
		Spills (>50m³)	Spill Volume (m³)	Spills (>50m³)	Spill Volume (m³)	Volume (m³)	%
EARLSFERRY CADGERS WYND SPS CSO NT483997 (CSO002387)	Outfall MH Chamber.2	61	19,376	61	19,344	-32	-0.16

Table 31 - CSO Comparative Assessment – Option 1 Scenario 2

Note

- Spill frequency results are presented such that spills which commence within 6 hours of the previous spill finishing are considered to be a single spill.
- Due to MS Excel rounding errors comparative results may show ± 1 m^3 errors.

Overflow name or Location	Overflow ID (CSO/ EO Spill Link)	Annual Totals					
		Baseline Scenario		Scenario 3 Option 1		Differences	
		Spills (>50m³)	Spill Volume (m³)	Spills (>50m³)	Spill Volume (m³)	Volume (m³)	%
EARLSFERRY CADGERS WYND SPS CSO NT483997 (CSO002387)	Outfall MH Chamber.2	61	19,376	61	19,333	-43	-0.22

Table 32 - CSO Comparative Assessment – Option 1 Scenario 3

Note

- Spill frequency results are presented such that spills which commence within 6 hours of the previous spill finishing are considered to be a single spill.
- Due to MS Excel rounding errors comparative results may show ± 1 m^3 errors.

Key:
1 - Regulation 11(2) Personal Information
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Surface Water Removal – UK SUDS Calculations

The surface water separation solution resolves the flooding & TWL detriment at all the nodes identified in the stage 1 assessment. Note that any solution involving surface water separation will require input from SEPA and considerations must be given to attenuation (water quantity or flood risk – both in terms of location and size of attenuation required) and to treatment of runoff flows (water quality).

Preliminary calculations have been carried out using the UK SUDS online tools, this has been done for the full build out (Scenario 3):

Parameter	Value
Contributing area (ha)	**0.345**
Paved contribution (%)	100
SAAR (Standard Average Annual Rainfall)	638
Soil type (WRAP)	3
Method	IH124
Greenfield runoff rate (Qbar) (l/s)	1.5
Minimum Attenuation Rate (l/s) To Minimise Blockage	2
Attenuation storage (m^3) – 30yr	**173**
Attenuation storage (m^3) – 100yr	**241**
Attenuation storage (m^3) – 200yr	**291**

Wadeslea Site – Full Build Out (Scenario 3)

The location at the Grange presents challenges in terms of limited space available for retrofit of SUDS, when considering the volume of attenuation storage required, however the nearby park/ grassed area to the south may be suitable. Commonly, open SUDS ponds are not feasible in already built-up urban environments. Additionally, traditional treatment and attenuation measures like swales and rain gardens are rendered difficult by the lack of space.

High-level recommendations for a potential SUDS scheme could be:

- Treatment and runoff pathway management: “Downstream Defender” type vortex treatment.
- Storage: Limited space in the area indicates that underground geocellular storage would likely be the best option.

SUDS should “aim to control surface water run-off close to where the rain falls and should mimic natural drainage as naturally as possible. SuDS provide opportunities, in line with other planning policies and legislative requirements, to:

- Avoid increases in flood risk and can reduce flood risk overall;
- Remove pollutants from run-off; and

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2 - Information out of scope

- Combine water management with green spaces with attendant benefits for amenity, recreation and wildlife.

Additional detailed design work is recommended to progress this solution

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

7. Design Considerations

The hydraulic assessment and notional solution development has been undertaken using the current InfoWorks model and asset information as available at the commencement of the DIA.

As this is limited to a desktop study only, construction constraints such as ground conditions, levels, service clashes, available space/ land, etc. have not been assessed. It is therefore recommended that if this notional solution is to be progressed to outline/ detailed design that further investigations into these are undertaken.

It should be emphasised that the level data contained within the model and that represented in the figures above is from a combination of sources and has also been inferred where there has been gaps in the model data.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

8. Stage 2 Network Performance Assessment & Conclusions

Scottish Water instructed that Stage 2 optioneering assessment be undertaken to mitigate the predicted flooding increase caused by the development.

The following options have been presented in Section 6 of this report to reduce the flood volume as follows:

- Option 1: Sewer Upsizing, CSO Storage & Surface Water Removal Scheme

Whilst the model represents the best tool currently available to undertake the Development Impact Assessment, it is noted that the model is a Type II – Drainage Area Planning Model. Should notional solutions be developed to outline/detailed design, consideration should be given to the validity of the level data provides; it is recommended that levels are confirmed by topographical survey within the proposed development and notional option scheme.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

From: 1
To: 1
Subject: FW: CSO discharge representation - JMcG e-mail to NL and SB 20 July 2026
Date: 23 September 2026 14:23:54
Attachments: image001.png
image002.png

From: 1 @environmentalstandards.scot>
Sent: 20 July 2026 10:37
To: 1 @environmentalstandards.scot>
Cc: 1 @environmentalstandards.scot>; Mark Roberts <Mark.Roberts@environmentalstandards.scot>
Subject: CSO discharge representation

Hi 1, as discussed earlier, the file info can be found here: Representations and Investigations: IESS.26.040: Dalglish I: Sewage Pollution / CSO Spills: 2026-2031 - Objective

It doesn't look like 1 has yet issued the all staff e-mail on this one. We'll do this later this week.

1

Click **here** to sign up to receive our email update for the latest news about ESS and our work.

1
Head of Investigations, Standards and Compliance
1 @environmentalstandards.scot
1

From: 1
To: 1
Subject: FW: CSO discharge representation - JMcG e-mail to NL and SB 20 July 2026
Date: 23 September 2026 14:23:13
Attachments: image001.png
image002.png

From: 1 @environmentalstandards.scot>
Sent: 20 July 2026 10:57
To: 1 @environmentalstandards.scot>
Subject: FW: CSO discharge representation

Hi 1, just FYI. Your invitation to 1 and 1 is quite timely!

We discussed the Elie harbour rep at the ET meeting this morning. As you can see I've sent 1 a link to the erdm folder.

I'm sorry if I've missed it, but it would be good to issue the all staff e-mail on this when you get a moment.

Thanks
1

Click **here** to sign up to receive our email update for the latest news about ESS and our work.

1
Head of Investigations, Standards and Compliance
1 @environmentalstandards.scot
1

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

From: [redacted]
To: ESS : Strategy and Analysis; ESS : Communications and Corporate Services; ESS : Standards, Compliance and Investigations; Mark Roberts
Subject: New Representation - IESS.26.040 - CSO Discharges (Elie Bay)
Date: 20 July 2026 11:14:24
Attachments: image001.png
image003.png

Morning All,

Another quick email to notify everyone that we have accepted for pre-investigation a representation regarding Combined Sewer Overflow Discharges at Elie Bay. The representation sets out concerns regarding the observed frequency of discharges from CSOs (on avg. 1 discharge every 3 days) and suggests that this is not illustrative of only discharging in exceptional circumstances. The representation also questions the effectiveness of SEPA's approach to regulation (given the aforementioned spill frequency and observed impact on the environment and human health) and of the authorisation itself, which is intended to control the impact. The representation concludes that the failure to adequately define when it is permissible for a CSO to spill has driven ineffective regulation (including authorisation conditions) by SEPA.

A more fulsome overview is available in the following briefing note: 20260623 - Internal Briefing Note- Suitability for Pre-Investigation - IESS.26.040 (A56695747)

All over relevant information and correspondence saved in the same eRDM folder.

These issues overlap with the findings and recommendations of our CSO overflows analytical report. A meeting is planned for later this week to discuss this overlap.

As ever, if anyone has any experience or knowledge of the issues raised and wants to input / flag anything, please do get in touch.

Many Thanks,
[redacted]

[redacted]
Principal Investigations Officer
[redacted]@environmentalstandards.scot
[redacted]

From: 1 [redacted]
To: 1 [redacted]
Subject: FW: Water work catch up
Date: 23 September 2026 14:25:41

From: Mark Roberts <Mark.Roberts@environmentalstandards.scot>
Sent: 21 July 2026 18:03
To: 1 [redacted]@environmentalstandards.scot>; 1 [redacted]@environmentalstandards.scot>; 1 [redacted]@environmentalstandards.scot>; 1 [redacted]@environmentalstandards.scot>; 1 [redacted]@environmentalstandards.scot>; 1 [redacted]@environmentalstandards.scot>; 1 [redacted]@environmentalstandards.scot>; 1 [redacted]@environmentalstandards.scot>; 1 [redacted]@environmentalstandards.scot>; 1 [redacted]@environmentalstandards.scot>
Subject: RE: Water work catch up

Dear All

1. We're meeting next Monday to share and discuss ESS' various "water" pieces of work. My goal is for everyone (and especially me) to:

- get an overview of where all our various pieces of "water" work are
- share what we think are going to be the potential conclusions and the anticipated timelines (if we know yet)
- make sure that we're not repeating work and actively look for connections between various pieces of work
- ensure that our conclusions/recommendations/messaging are consistent across multiple pieces of work

2. 2 [redacted]

2 [redacted]

- [redacted]
- [redacted]

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

2 [redacted]

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4. In terms of follow-up from previous work, we:

- 2 [redacted]
- [redacted]

[redacted]

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- [redacted]
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- [redacted]
- [redacted]
- [redacted]
- [redacted]

- IESS.26.040 (“Elie Bay CSO”) relating to what constitutes “exceptional” circumstances and SEPA’s licencing

7. It would be great if I could get a quick summary for each of the pieces of work in terms of what we think are going to be the potential conclusions and the anticipated timelines (if we know yet). A couple of minutes on each is fine – you’ll all know the details. Then I’d like to get into the common themes

across these (monitoring, effectiveness of licencing and what constitutes “exceptional”) spring immediately to mind.

Looking forward to the discussion.

Many thanks

[redacted]

From: 1 [redacted]
To: 1 [redacted]
Subject: FW: Representations Received - RA to SB 21/07/2026
Date: 22 September 2026 21:52:16
Attachments: image001.png
image002.png

From: 1 [redacted] @environmentalstandards.scot>
Sent: 21 July 2026 13:44
To: 1 [redacted] @environmentalstandards.scot>
Cc: 1 [redacted] @environmentalstandards.scot>; 1 [redacted] @environmentalstandards.scot>
Subject: Representations Received

Hi 1 [redacted],

I hope you are doing well.

Are you happy with the below wording for the 'representations received' webpage. This is for the three new representations which we have received.

If you are happy with the wording I will update the webpage.

Case ref	Environmental Category	Summary of Representation	Status and decision
IESS.26.044	Cross cutting environmental governance	Consideration of the interaction between protected sites legislation and planning legislation	Open – Representation under evaluation
IESS.26.040	Water	Consideration of Combined Sewer Overflow discharges	Open – Representation under evaluation
IESS.26.047	Biodiversity Fauna and Floras	Consideration of the management of protected species within the National Forest Estate	Open – Representation under evaluation

Many thanks,

1

1
Community and Engagement Lead
1 @environmentalstandards.scot
1

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

BSL users can contact via an online BSL/English interpreter

Click here to sign up to receive our email update for the latest news about ESS and our work

F om
To
Cc
Subject
Date 31 July 2026 17 42 43
Attachments image001.png
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image004.png

H

Following our chat about the Elie Harbour CSO representation the other week I asked f she could quickly tell me what was known about the CSO in question (including "when was the monitor installed?") from the data we can access.

With thanks to her for pulling this together so quickly please see below what we can find. Unfortunately no info on "when was the monitor installed?" but hopefully some of the other information is useful. I think the headline is that the CSO at Elie Harbour is not on the list of UIDs prioritised for investment and that the licence documentation is not available online – hence difficult to know whether the CSO is operating outwith its licence conditions

Hope this is some help

Cheers

C ick **here** to sign up to receive our ema l update for the latest news about ESS and our work.

Head of Strategy and Analysis
@environmentalstandards.scot

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

From @environmentalstandards.scot>
Sent: 31 July 2026 17:10
To @environmentalstandards.scot> @environmentalstandards.scot>
Subject: CSO information - Elie Harbour

H ,
C for info

As promised, I have had a quick look for the information relating to the Elie Harbour CSO.

Here is what I have found

Publication checks (keyword searched for "Elie" and manually checked for Elie Harbour within those results)
Scottish Water live overflow map present
SEPA designated bathing water present (Elie (Harbour) and Earlsferry) Bathing Waters | Profile | Scottish Environment Protection Agency (SEPA)
SW Reported Overflow Event Data to SEPA (2021-2025) – assets required to report to SEPA under licence cond tions not present
SW NonReported Overflow Event Data (2022-2025) not present
120326 UID Delivery Schedule March 2026 not present
Scottish Water EPI details for CSO-related pollution incidents 2024-25 not present
Environmental Po lution Incidents info (obtained via ISC s23 request – 2023-24) present

I cannot find a date for monitor installation in amongst any of the information publicly available (and there's no way of back tracking within the overflow map to find this out).

Live overflow map
From the publicly-viewable data obtained from the live overflows map (Overflow Map - Scottish Water)

Most recent overflow – 1h 05m 29/07/2026 19.55-21.00
Previous overflow – 1h 35m 29/07/2026 16.55 – 18.30
Planned Investment Priority: None

From the data I'm downloading in the background, essentia ly scraping the Overflow Map data, we get a couple of other bits of information
Asset ID CSO002395
Licence number associated with this asset CAR/L/1087332 (1.1.1c)
As of 10.25am today (31/07) Total overflows duration in last 48 hours 160 mins

On the SEPA register (Public Register Search Authorisations | Scottish Environment Protection Agency | SEPA) the licence is logged on the register, but no documents to download online.
Authorisation number
CAR/L/1087332
Authorisation holder
SCOTTISH WATER
Authorisation location
Elie / Earlsferry Sewerage Network --- ELIE / EARLSFERRY SEWERAGE NETWORK, ELIE / EARLSFERRY
Authorisation level
CAR Complex Licence
Authorisation status
Granted
Regulatory area
Water
NGR
NO 48711 00053
Last updated
31-Jul-2011
Documents
No documents available

Environmental pollution incidents
I've only looked in 2023/24. Search term "Elie Harbour".
I've located one record which was categorised as cat 4 against neighbouring CSO.

2 069	13-Nov-23	2356892		Report of sewage odour and possible pollu ion. Ops invest gat ons ound no ev dence of any sewage d scharges or po lu ion. WW Ops attended and checked nearby assets and all operating norma ly, although high f ow volumes noted, following heavy rainfall. Cancy Contrs also a tended and checked the network in the ocality but found no evidence of any untoward discharges. After investigating they found no sign of sewage in the area alongside the beach, down o Eli e Harbour. Due to the damp weather and heavy rain all the only odour detected was seaweed, w th plenty aying around the streets that were checked. After talking to nearby residents, they advised of an odour, simi ar to sewage, that had been coming and going during recent weather condit ons. Contrs went back over the area previously covered but definitely no ev dence of a sewage overspill or debr s, in or around area.	ELIE EARLSFERRY DOA		East	SEPA			FALSE		Yes	Agreed	4	12/12/2023	

Hope that's helpful.

Senior Data Analyst
@environmentalstandards.scot

My work ng days are Monday to Fr day.
I work part-time but my diary is up to date wi h non-working hours.

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

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

Investigations, Standards and Compliance casework update

Purpose

1. The purpose of this paper is to provide an update on:

    - 2 [redacted]
    - [redacted]
    - cases received since last meeting
    - 2 [redacted]
    - [redacted]

2. The Board is asked to:

    - note the update

Background

3. As previously agreed, at each Board meeting an update is provided on new representations, 2 [redacted]

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6 ESS-Investigation—-Strategic-Environmental-Assessment-IESS.24.060.pdf

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Water

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Cases received since last Board meeting

2 [redacted]

IESS.26.040 – CSO discharge and network capacity (Elie Bay)

100. Representation received from a local community trust suggesting that the recorded frequency of spills from a combined sewer overflow is non-compliant with the requirements of the urban waste water treatment regulations and overarching directive. The representation provides analysis of spills compared against recorded rainfall data and suggests that spills regularly occur after no or very light rain and therefore fails to meet the 'exceptional circumstances' requirement. A meeting with S&A colleagues is planned given the potential overlap with the findings and recommendations of the overflow analytical report.

101. Secondly, the representation suggests that the sewage system is at capacity (as acknowledged in previous planning responses) but this is now at risk of being over-turned and the representation questions the veracity of Scottish Water's approach to determining new connections. This overlaps with case 24.034 and will potentially be combined into this case. The representation has been accepted for pre-investigation and has been allocated to 1 [redacted].

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Key:
1 - Regulation 11(2) Personal Information
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From: 1
To: 1
Cc: 1 @icloud.com
Subject: RE: Elie Update
Date: 25 August 2026 11:35:00
Attachments: image001.png
image002.png
image003.png

Hi 1 ,

Many thanks for clarifying – I'll consider this both in terms of wider context of the current condition of Elie Bay and how this is considered as part of the system of approval for new connections to existing sewage infrastructure.

Separately, would it be possible for you to send on your workings for the analysis you provided on the CSO discharges (set out in your third letter complaint to SEPA, dated 23-6-2026)?

Many Thanks,
1 .

1
Principal Investigations Officer
1 @environmentalstandards.scot
1

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

From: 1 @gmail.com>
Sent: 17 August 2026 10:02
To: 1 @environmentalstandards.scot>
Cc: 1 @icloud.com
Subject: Re: Elie Update

Hi 1

Many thanks for your email.

Our main concern at present is that ecoli is, via the loch run,entering Elie Harbour at low tide on a daily basis. SEPA state that due to the dilution effect the water at high tide is safe to swim in!! In addition the loch run plays a key part in the proposed sewage management when the new houses are added at Wadelea. Currently Fife Council, Scottish Water, Cruden Homes and SEPA seem to think its perfectly ok to use a loch run, which has ecoli entering the loch run, grade 5 repairs outstanding and sink holes in some folks gardens which we assume are failures/breaches to the loch run.

in addition and also another hypotheses that while some of the discharge may emanate from Elie Estate septic tanks, that actually the highest readings occurred during the period that the Elie Harbour CSO was off-line during a period of sewer overflow on Admiralty Lane. Hence the possibility that Admiralty Lane spillage is getting into the freshwater course. Naturally Scottish Water prefer the suggestion that this is caused by the sceptic tanks, but the probability of overflow from Admiratly Lane should be investigated. I have attached the data to support this.

Kind regards

1

1
1 Elie Harbour Trust
1

On Fri, 14 Aug 2026 at 11:37, 1 @environmentalstandards.scot> wrote:

> Hi 1 ,
>
> Thanks for that clarification. In terms of relation, I was more considering how the private sewage issues relate the potential failures to comply with (or to ineffectively implement) environmental law regarding the reported frequent discharges from CSOs on the public sewer network and public sewer network capacity issues.
>
> I will need to give some thought as to what parts of environmental law are relevant for these private sewage issues and the cumulative impact within Elie Bay – my initial thinking is perhaps how SEPA ensure that all discharges are considered when determining the permissibility of any new connections.
>
> The other angle to pursue this would be to consider SEPA's approach to monitoring / regulating these private discharges? However to me this feels more disparate to the issues raised within the original representation.
>
> If time allows, perhaps we could catch up quickly on this next week? Many Thanks,
> 1 .

1
Principal Investigations Officer
1 @environmentalstandards.scot
1
1

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

From: 1 @gmail.com>
Sent: 12 August 2026 12:51
To: 1 @environmentalstandards.scot>
Cc: 1 @icloud.com
Subject: Re: Elie Update

Hi 1

Thanks for your email and no need to apologies.

We had asked SEPA to monitor the water from the Loch Run and it is their data which is in the document. We have presented the data in this way for easy sharing.

The working hypothesis is that the septic tanks belonging to householders in Elie Estate are leaking. There of course be other sources.

It does relate to our previous complaint in that the loch run plays a key sewage role to support the new houses being built at Wadeslea and will therefore exacerbate the sewage issue.

My understanding is that SEPA have already written to the householders.

Kind regards

1

1
1
Elie Harbour Trust

1

On Wed, 12 Aug 2026 at 11:13, 1 @environmentalstandards.scot> wrote:

Hi 1 ,

Apologies for the slow reply, I have been off unwell the start of this week.

Thank you for sending this information on. Could I just clarify, what data you have assessed for the Kilconquhar Loch outlet and Loch Run culvert sources?

Secondly, and for my own understanding, what is the source of these discharges? Are they from private / residential septic tanks or part of the public sewer network? The reason for asking is to help determine if this relates to the issues raised in your initial representation?

Many Thanks,
1

1
Principal Investigations Officer
1 @environmentalstandards.scot
1

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

From: 1 @gmail.com>
Sent: 09 August 2026 15:34
To: 1 @environmentalstandards.scot>
Cc: 1 @icloud.com>
Subject: Elie Update

Hi 1

I hope you are well.

I thought it wise to advise you that SEPA have now confirmed that E coli is entering the Elie Harbour via the Loch Run from Elie Estate. Using SEPA data I have attached a document that provides you with a detailed view of what the harbour is experiencing. In addition I have attached the warning signs, 3 of which have been put up in various places in the harbour. Interestingly no sign has been put up where the Loch Run enters the harbour and not surprisingly we are challenging this with Fife Coast and Countryside Trust.

The current hypothesis is that houses in the Elie estate may have septic tanks that are leaking. This has still to be proved and given the age of the Loch Run its not impossible that the sewage is accessing the Loch Run at other points on its journey into the harbour.

Also, it is worth highlighting that no communication has come out to anyone in the village from SEPA, Scottish Water or Fife Council and as we are a key stake holder I would have thought The Elie Harbour Trust and/or the community council would have been formally advised.

Happy to chat this over.

Kind regards

1

1
1
Elie Harbour Trust

1

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--
1 [redacted]
1 [redacted]
Elie Harbour Trust

1 [redacted]

Water Quality Awareness

Beach streams can contain harmful bacteria, especially after rain.

To protect yourself

- Do not drink the stream water
- Avoid splashing stream water in your mouth
- Wash your hands with clean water before eating

FIFE COAST & COUNTRYSIDE TRUST

Fife COUNCIL

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

Elie & Earlsferry Bathing Water

Summary of SEPA sampling results benchmarked against regulatory and public-health standards, May–July 2026

Prepared by Elie Harbour Trust

Executive summary

- Between 19 May and 7 July 2026, SEPA sampled Elie's designated bathing water on nine occasions and, across the same period, separately sampled the two 'freshwater' inputs that discharge onto the beach in front of The Toft, the Kilconquhar Loch outlet and the Loch Run culvert.
- The Loch Run discharging onto the beach is severely and persistently contaminated with human sewage: microbial source-tracking detected human sewage on every occasion it was analysed, identifying it as a **"Highly Significant Source"** in ten of the twelve tested samples (all six at the Kilconquhar outlet and four of six at the Loch Run culvert). Peak E. coli reached 55,000 cfu/100 ml.
- The peak E. coli reading is c.220 times the level at which a beach can be classed "excellent". Readings of this magnitude have triggered SEPA advice-against-bathing closures elsewhere in Scotland and Fife.
- The "excellent" bathing water classification for Elie is a four-year percentile assessment that describes the bathing water; it does not certify that the sewage flowing onto it is safe.

How to read the figures

- E. coli and IE (intestinal enterococci) are gut bacteria used as indicators of faecal contamination from human sewage or animal waste. They are measured in cfu/100 ml (colony-forming units per 100 ml of water). Higher numbers mean more contamination.
- Source-tracking (MST) is a laboratory method that identifies *whose* waste the bacteria came from: human sewage versus farm animals (ruminant) versus other. "Highly Significant Source" against the human column means strong evidence of human sewage.
- The SEPA statutory classification standards for bathing water quality are based on a four-year dataset using a percentile calculation; they describe a beach's long-run quality, not any single day, based on a sample taken from diluted bathing water.

1. The two designated bathing waters

These are the official beach sampling points that feed into SEPA's annual classification, the data that underpins Elie's excellent bathing-water status. On most (though not all) readings, SEPA identified only trace amounts of faecal contamination in the bathing-water tests at Elie Harbour and Ruby Bay.

Date (2026)	Harbour & Earlsferry		Ruby Bay	
	E. coli	IE	E. coli	IE
19 May	<10	20	10	<10
02 Jun	10	<10	<10	<10
08 Jun	<10	<10	<10	<10
10 Jun	<10	<10	<10	<10
16 Jun	10	10	<10	20
22 Jun	<10	10	<10	20
29 Jun	<10	<10	10	30
02 Jul	**40**	**130**	**80**	**40**
07 Jul	**<10**	**110**	**<10**	**90**

Readings stayed low through May and June (typically under 10–30). The one clear rise was in early July — intestinal enterococci reached 130 at the Harbour on 2 July and 110 on 7 July, with Ruby Bay at 80 (E. coli) on 2 July and 90 (IE) on 7 July. On the statutory percentile basis these figures are consistent with Elie's excellent classification, except for the 2 July and 7 July IE readings, which exceed the single-value "excellent" level of 100.

2. Loch Run culvert discharging onto Elie beach

The Kilconquhar Loch outlet and Loch Run culvert flow onto Elie beach in front of The Toft. Faecal contamination is found here at hundreds to thousands of times the levels regarded as safe for bathing. Source-tracking confirms this is human sewage.

Date (2026)	E. coli	IE	Human sewage source (MST)
Kilconquhar Loch outlet — discharges to harbour			
19 May	**3,700**	<100	**Highly Significant Source**
02 Jun	**7,500**	1,600	**Highly Significant Source**
08 Jun	1,100	<100	**Highly Significant Source**
10 Jun	**4,100**	500	**Highly Significant Source**
16 Jun	1,000	100	**Highly Significant Source**
22 Jun	1,500	500	**Highly Significant Source**
29 Jun	1,200	400	not analysed
02 Jul	1,300	500	not analysed
07 Jul	1,100	300	not analysed
Loch Run culvert — upstream input			
02 Jun	**55,000**	4,900	**Highly Significant Source**
08 Jun	1,100	100	**Highly Significant Source**
10 Jun	**5,000**	1,200	**Highly Significant Source**
16 Jun	**8,800**	200	**Highly Significant Source**
22 Jun	3,000	1,000	Source Present
29 Jun	1,100	800	Source of Low Significance
02 Jul	400	200	not analysed
07 Jul	1,200	100	not analysed

3. Additional in-water test

A supplementary sample taken in the water in Elie Bay, alongside the routine beach point, showed mostly trace amounts of E. coli and IE, with a rise in early July.

Date (2026)	E. coli	IE
19 May	<100	100
02 Jun	<100	<100
08 Jun	10	<10
10 Jun	<10	<10
16 Jun	20	20
22 Jun	<100	<100
29 Jun	<10	<10
02 Jul	**60**	**60**
07 Jul	**140**	**90**

4. The standards

SEPA statutory classification standards (coastal waters)

SEPA classifies each designated bathing water under *The Bathing Waters (Scotland) Regulations 2008 (SSI 2008/170)*, deriving from the revised EU Bathing Water Directive (2006/7/EC). The coastal-water thresholds applied by SEPA are:

Parameter (coastal)	Excellent	Good	Sufficient	Basis
Intestinal enterococci	≤ 100	≤ 200	≤ 185	95th / 90th %ile
Escherichia coli	≤ 250	≤ 500	≤ 500	95th / 90th %ile

Values in cfu/100 ml. "Excellent" and "Good" are assessed on the upper 95-percentile of a four-year dataset; "Sufficient" on the 90-percentile. Source: SSI 2008/170, Schedule 3; Directive 2006/7/EC, Annex I.

This standard judges a beach's long-run water quality across roughly forty samples over four years, not the safety of the water on any given day. A beach can hold an "excellent" classification while still experiencing individual days of contamination, because the percentile calculation is designed to tolerate a small number of high readings. Because the measure is an historic average, it will take a long time for poor performance to be recognised in the 4 year data set.

Moreover, the bathing water classification describes diluted sea water, and not the culvert discharging onto the beach.

Public health thresholds for a single sample

For judging whether exposure presents a risk to bathers or beach users on a given day, the relevant standards are the WHO *Guidelines for Safe Recreational Water Environments* and the operational trigger SEPA itself uses to advise against bathing. The WHO framework, from which the EU/Scottish 95-percentile values are derived, expresses risk in bands keyed to intestinal enterococci:

Band	IE (cfu/100 ml)	Indicative risk to bathers	Assessment
A	≤ 40	Low — GI-illness risk below ~1%	**Safe**
B	41–200	Increasing risk; upper bound aligns with EU/Scottish coastal "Good"	**Caution**
C	201–500	~5–10% GI illness (WHO); WHO/EU action band	**Advise caution**
D	> 500	> ~10% chance of GI illness per exposure (≈ 1 in 25 for AFRI)	**Unsafe**

WHO recreational-water risk bands (marine, intestinal enterococci). The EU/Scottish "excellent" coastal value of 100 cfu/100 ml sits within band B; the "sufficient" value of 185 near its top. Risk percentages are the WHO/EU epidemiological estimates for gastrointestinal (GI) illness and acute febrile respiratory illness (AFRI). The WHO A–D categories are formally defined on the 95-percentile of intestinal enterococci; the ≥ 500 cfu/100 ml band-D level is applied elsewhere (e.g. Australia's NHMRC guidance) as a single-sample "action" trigger for advice against bathing.

SEPA does appear to act on individual high results. When routine or reactive sampling returns a high bacterial count at a Scottish bathing water, SEPA activates electronic signs and "temporarily advises against bathing and paddling … due to the potential risk to human health," pending investigation, as it did at Portobello and Fisherrow (July 2024) and at Fife beaches including Kinghorn (2025 and the 2026 season). These interventions are triggered by single elevated samples, not by end-of-season percentiles. At Kinghorn, an E. coli result of about 1,300 cfu/100 ml was sufficient to trigger advice against bathing; several Loch Run and Kilconquhar readings at Elie are significantly above this level.

5. Elie measured against the standards

The two tables below take the highest E. coli and intestinal enterococci readings recorded at each Loch Run input and show how far each exceeds the two benchmarks: the SEPA value at which a beach can be classed "excellent" (Table 5.1a), and the WHO band-D level regarded as unsafe for a single bathing exposure (Table 5.1b). Because the WHO band is defined on intestinal enterococci only, the "unsafe" comparison is shown for IE alone.

Table 5.1a — Peak readings against the SEPA "Excellent" classification value

Freshwater input	Parameter	Peak reading	"Excellent" value	Fails "Excellent" by multiple of:
Loch Run culvert	E. coli	**55,000**	250	**220×**
Loch Run culvert	IE	**4,900**	100	**49×**
Kilconquhar Loch outlet	E. coli	**7,500**	250	**30×**
Kilconquhar Loch outlet	IE	**1,600**	100	**16×**

"Excellent" = SEPA coastal classification value (E. coli 250, IE 100 cfu/100 ml; SSI 2008/170, Schedule 3).

Table 5.1b — Peak IE readings against the WHO band-D "Unsafe" single-sample level

Freshwater input	Parameter	Peak reading	"Unsafe" level (band D)	Exceeds "Unsafe" by multiple of:
Loch Run culvert	IE	**4,900**	500	**~10×**
Kilconquhar Loch outlet	IE	**1,600**	500	**~3×**

"Unsafe" = WHO band-D single-sample health level (≈ 500 cfu/100 ml, intestinal enterococci). The WHO bands are keyed to intestinal enterococci, so no E. coli comparison is made against this level. Peak reading = the highest value recorded at that input over the nine visits; all four peaks fell on 2 June.

Contamination entering via the Loch Run is diluted once it reaches the open beach, which is why the designated points can read low on the same day. The public-health concern is exposure at and around the discharge point itself, where children play, not the four-year average across the whole beach.

6. Summary

- The designated bathing water tested clean on most samples, with one elevated cluster in early July, and remains consistent with Elie's excellent statutory classification, noting that this is based on a 4 year historic average.
- The Loch Run flowing onto the beach is dangerously contaminated with human sewage.
- The Loch Run readings are alarming. Peak E. coli of 55,000 cfu/100 ml is around 220 times the coastal "excellent" value; IE peaks run roughly 16–49 times the "excellent" value and about 3–10 times the WHO band-D "unsafe" level. Values at these levels have triggered SEPA advice-against-bathing closures elsewhere in Scotland and Fife.
- This sampling highlights a limitation of the SEPA bathing water methodology: a four-year "excellent" classification at Elie beach masks a human-sewage source flowing onto the beach. The classification describes the beach's long-run average; it does not certify that the discharge onto it is safe, which, on recognised public-health guidelines, it is not.

Sources

1. Primary data: SEPA bathing-water sampling results, Elie (Harbour) & Earlsferry [4556] and Elie (Ruby Bay) [10962], with associated samples at the Kilconquhar Loch Outlet [458651], Upstream of Loch Run Culvert [603579] and the Additional Bathing Water Transect [603580], 19 May – 7 July 2026 (dataset: Elie_Bathing_Water_Results_MaytoJuly2026).

2. The Bathing Waters (Scotland) Regulations 2008 (SSI 2008/170) — Schedule 3 (coastal and transitional classification standards) and Part 6 (management measures and advice against bathing). legislation.gov.uk/ssi/2008/170

3. Directive 2006/7/EC (revised EU Bathing Water Directive) — Annex I (coastal and transitional parameter values) and Annex II (percentile classification methodology). eur-lex.europa.eu — OJ L 64, 4.3.2006, p. 37.

4. WHO, *Guidelines for Safe Recreational Water Environments, Vol. 1 (Coastal and Fresh Waters)*, 2003 — §4.3, microbial water quality assessment categories A–D for intestinal enterococci (95-percentile basis). iris.who.int

5. SEPA / local-authority advice-against-bathing notices — operational single-sample trigger precedents: Portobello Central and Fisherrow Sands, July 2024 (sepa.scot; edinburgh.gov.uk; eastlothian.gov.uk); Kinghorn Harbour and Burntisland, Fife, July–August 2025 and the 2026 bathing season, where the Kinghorn Burn discharging across the beach prompted season-long advice against bathing (sepa.scot; scottishwater.co.uk).

From: 1
To: 1
Cc: 1
Subject: RE: IESS.26.040 - Sharing of planned S.23 requests
Date: 01 September 2026 13:09:00
Attachments: image001.png
image003.png
image004.png
image005.png

Hi Both,

Many thanks for getting back to me so promptly, and for our useful Teams chat yesterday 1 .

I'll update the proposed S23s to give recognition to the public availability of the some overflow data and include sp. mention of the Dry Day Overflow Events identification being adopted by Scottish Water / SEPA.

Will certainly share the responses when we get them. Thanks all,
1 .

1
Principal Investigations Officer
1 @environmentalstandards.scot
1

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

From: 1 @environmentalstandards.scot>
Sent: 01 September 2026 08:36
To: 1 @environmentalstandards.scot>; 1 @environmentalstandards.scot>; 1 @environmentalstandards.scot>; 1 @environmentalstandards.scot>; 1 @environmentalstandards.scot>
Cc: 1 @environmentalstandards.scot>; 1 @environmentalstandards.scot>
Subject: RE: IESS.26.040 - Sharing of planned S.23 requests

Hi all,

Thanks for checking and just to confirm, 1 has covered the points I might have raised below. Helpful in due course to discuss the responses you receive, 1 , as these are both relevant to our broader understanding of progress against the storm overflows report recommendations.

Regards,

1

From: 1 @environmentalstandards.scot>
Sent: 31 August 2026 14:09
To: 1 @environmentalstandards.scot>; 1 @environmentalstandards.scot>; 1 @environmentalstandards.scot>; 1 @environmentalstandards.scot>; 1 @environmentalstandards.scot>
Cc: 1 @environmentalstandards.scot>; 1 @environmentalstandards.scot>
Subject: RE: IESS.26.040 - Sharing of planned S.23 requests

Hi all,

Appreciate the short deadline on this, so just a few things for now. Just to say that 1 and I have caught up briefly on this so I've had a small look today on the CSO data point of view. The headlines:

- Scottish Water has just (in last couple of hours) re-published their 2022-2025 overflow data to include a further 1000 monitored locations - 2025 Overflow Event Data Published | Scottish Water - Scottish Water
- This includes one of the CSOs included in the representation (Elie Harbour CSO), so there is now data for 2025 for this asset.
- I understand that one of the issues within the representation relates to spills / rainfall. Just to note that Scottish Water and SEPA are developing an approach to describe Dry Day Overflow Events - Letter-incoming-Scottish-Water-to-ESS-update-on-Storm-Overflow-reccommendations-20260316.pdf Given that this information is publicly available but was also sent directly to ESS in response to a recommendation from the CSO report, I think it would be useful to refer to specifically in the s23 request.
- Looks like there's going to be some data analysis here, so here's the analytical request form: TEMPLATE - Strategy and Analysis Scoping Request Form - 20250709 (A53398408) - View

Best wishes,
1

From: 1 @environmentalstandards.scot>
Sent: 31 August 2026 13:10
To: 1 @environmentalstandards.scot>; 1 @environmentalstandards.scot>; 1 @environmentalstandards.scot>; 1 @environmentalstandards.scot>; 1 @environmentalstandards.scot>
Cc: 1 @environmentalstandards.scot>

Subject: RE: IESS.26.040 - Sharing of planned S.23 requests

Hi [1], I think [1] and [1] are off today so maybe best to hang fire util tomorrow.

Thanks
[1]

Click **here** to sign up to receive our email update for the latest news about ESS and our work.

[1]
Head of Investigations, Standards and Compliance
[1]@environmentalstandards.scot
[1]

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

From: [1]@environmentalstandards.scot>
Sent: 31 August 2026 11:51
To: [1]@environmentalstandards.scot>; [1]@environmentalstandards.scot>; [1]@environmentalstandards.scot>; [1]@environmentalstandards.scot>
Cc: [1]@environmentalstandards.scot>; [1]@environmentalstandards.scot>
Subject: IESS.26.040 - Sharing of planned S.23 requests

Hi All,

Sharing the attached planned S.23 requests of both SEPA and Scottish Water in relation to the Elie Bay CSO overflow case (IESS.26.040).

If you consider that ESS already holds any of the information requested via the S&A CSO project / wider water work, would be grateful if you could let me know?

Hoping to issue these by COP today / early tomorrow, so even just a heads up that we may have it and need more time to confirm would be helpful.

Happy to chat through as needed. Thanks,
[1]

[1]
Principal Investigations Officer
[1]@environmentalstandards.scot
[1]

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

From: 1
To: sepaessmailbox
Cc: 1
Subject: Section 23 Request - Combined Sewer Overflow Discharge in Elie Bay - IESS.26.040
Date: 01 September 2026 13:47:00
Attachments: image001.png
2026-09-01 - S23 Request #1 - SEPA - IESS.26.040.pdf
image002.png

Good Afternoon 1,

ESS has received a representation regarding the discharge of sewage from combined sewer overflows within the vicinity of Elie Bay (Fife).

To assist us in our consideration of this issue, I would be grateful if you could respond to the attached Section 23 letter by no later than 22 September 2026. If you anticipate any difficulties in meeting this deadline please let me know.

Any questions or points of clarification, please do get in touch.

Kind Regards,
1

1
Principal Investigations Officer
1@environmentalstandards.scot
07717528336

ESS.IR.044
Item 21
Email Attachment

1 [redacted]
Principal Investigations Officer
Environmental Standards Scotland
Ìrean Àrainneachdail na h-Alba
1 [redacted]@environmentalstandards.scot

ENVIRONMENTAL Standards Scotland
Ìrean Àrainneachdail na h-Alba

1 [redacted]
Head of Environmental and Regulatory Legal
SEPA
1 [redacted]@sepa.org.uk
CC: 1 [redacted]@sepa.org.uk

01/09/2026

Subject: Request for reasonable assistance in ESS' consideration of combined sewer overflows in Elie Bay.
Case Reference: IESS.26.040

Dear 1 [redacted],

ESS has received a representation regarding the discharge of sewage from combined sewer overflows (CSOs). The representation sets out that the frequent nature of discharges from CSOs within the vicinity of Elie Bay (Fife) are non-compliant with the requirements of environmental law. The representation also sets out that SEPA's current regulation of combined sewer overflows is ineffective implementation of environmental law.

To assist ESS' consideration of this representation, I am writing to SEPA to request reasonable assistance under its cooperation duties as set out in Section 23(1) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021.

I would be grateful if SEPA could provide ESS with a response to the following questions:

1. Please could SEPA provide a copy of the relevant authorisation(s) for the sewage network(s) and CSOs that serve Elie, including any granted variations?

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

2. Has SEPA undertaken any reviews of the suitability of this authorisation? If so, please provide details of what instigated these reviews, when these were undertaken and the outcomes of them.

3. The representation sets out that the granted authorisation allows the discharge of sewage 'when, and…as long as, the storm storage facility is at capacity'. Please could SEPA set out the rationale for:

    a. how this condition ensures protection of the water environment, as required by Schedule 10, Part 2, Regulation 3(1) of the Environmental Authorisation (Scotland) Regulations 2018 (as amended); and

    b. how it ensures the limitation of pollution of receiving waters due to storm overflows, as required by Regulation 6(2)(c) of the Urban Waste Water Treatment (Scotland) Regulations 1994.

4. Please could SEPA provide a summary of the compliance history for the above authorisation(s), including details of any breaches of authorisation conditions?

5. Please could SEPA provide a summary of any reports of pollution incidents arising from sewage overflows that discharge to Elie Bay and SEPA's regulatory response to these?

6. Has SEPA undertaken any analysis or investigation into the spill frequency of sewage overflows which discharge to Elie Bay, including the identification of 'Dry Day Overflow Events'? If so, please provide a summary of the analysis / investigation undertaken and the results of this.

7. Schedule 2, Regulation (2) of the Urban Waste Water Treatment (Scotland) Regulations 1994 requires that the design, construction and maintenance of collecting systems shall be undertaken in accordance with the best technical knowledge not entailing excessive costs.

    Has SEPA undertaken any assessment of the sewage network(s) and sewage overflows ('collecting system(s)') which serve Elie to ensure that it is designed, constructed and maintained in accordance with the best technical knowledge not entailing excessive costs? If so, please provide details of this assessment, including when it was undertaken and the results of it.

I would be grateful if you could respond by 22/09/2026 at the latest. Please reference our case number (IESS.26.040) in your return correspondence. If you have any questions or queries, please do not hesitate to contact me at the above e-mail address.

Kind Regards,



1 [redacted]

Principal Investigations Officer

From: 1
To: 1@scottishwater.co.uk"
Subject: Section 23 Request - Combined Sewer Overflow Discharge in Elie Bay - IESS.26.040
Date: 01 September 2026 13:49:00
Attachments: 2026-09-01 - S23 Request #1 - Scottish Water - IESS.26.040.pdf
image001.png
image003.png

Good Afternoon 1,

ESS has received a representation regarding the discharge of sewage from combined sewer overflows within the vicinity of Elie Bay (Fife).

To assist us in our consideration of this issue, I would be grateful if you could respond to the attached Section 23 letter by no later than 22 September 2026. If you anticipate any difficulties in meeting this deadline please let me know.

Any questions or points of clarification, please do get in touch.

Kind Regards,
1

1
Principal Investigations Officer
1@environmentalstandards.scot
1

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

1 [redacted]
Principal Investigations Officer
Environmental Standards Scotland
Ìrean Àrainneachdail na h-Alba
1 [redacted]@environmentalstandards.scot

1 [redacted]
Regulatory and Performance Manager - Wastewater
Scottish Water
1 [redacted]@scottishwater.co.uk

01/09/2026

Subject: Request for reasonable assistance in ESS' consideration of combined sewer overflows in Elie Bay.
Case Reference: IESS.26.040

Dear 1 [redacted],

ESS has received a representation regarding the discharge of sewage from combined sewer overflows (CSOs). The representation sets out that the frequent nature of discharges from CSOs within the vicinity of Elie Bay (Fife) are non-compliant with the requirements of environmental law. The CSOs in question are:

- Elie, Harbour SPS CSO
- Elie, South Street SPS CSO
- Earlsferry, Cadgers Wynd SPS CSO

To assist ESS' consideration of this representation, I am writing to Scottish Water to request reasonable assistance under its cooperation duties as set out in Section 23(1) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021.

I would be grateful if Scottish Water could provide ESS with a response to the following questions:

1. Please could Scottish Water provide all overflow event data that is held for the above sewer overflows from 2021 to present? I note that overflow data is publicly available from 2025 onwards for the Elie Harbour SPS CSO on Scottish Water's website. However, I would be grateful if any additional overflow data, which is not publicly available, could be provided.
2. Please could Scottish Water provide any rainfall data that is held for stations in proximity to Elie Bay from 2021 to present?
3. Please could Scottish Water provide a summary of any reports of pollution incidents arising from sewage overflows that discharge to Elie Bay and Scottish Water's response to these?
4. Has Scottish Water undertaken any analysis or investigation into the spill frequency of sewage overflows which discharge to Elie Bay, including the identification of 'Dry Day Overflow Events'? If so, please provide a summary of the analysis / investigation undertaken and the results of this.
5. Schedule 2, Regulation (2) of the Urban Waste Water Treatment (Scotland) Regulations 1994 requires that the design, construction and maintenance of collecting systems shall be undertaken in accordance with the best technical knowledge not entailing excessive costs. Has Scottish Water undertaken any assessment of the sewage network(s) and sewage overflows ('collecting system(s)') which serve Elie to ensure that it is designed, constructed and maintained in accordance with the best technical knowledge not entailing excessive costs? If so, please provide details of this assessment, including when it was undertaken and the results of it.

I would be grateful if you could respond by 22/09/2026 at the latest. Please reference our case number (IESS.26.040) in your return correspondence. If you have any questions or queries, please do not hesitate to contact me at the above e-mail address.

Kind Regards,

1 [redacted]

1 [redacted]

Principal Investigations Officer

From: sepaessmailbox
To: 1
Subject: RE: Section 23 Request - Combined Sewer Overflow Discharge in Elie Bay - IESS.26.040
Date: 01 September 2026 14:27:26
Attachments: image001.png
image002.png
image004.png
image005.png
image006.png
image007.png
image008.png
image009.png
image010.png
image011.png
image012.png

OFFICIAL

Good afternoon 1

I acknowledge receipt of the Section 23 Notice.

1 is currently on leave. I will pass this on to the Manager deputising in her absence and will contact the relevant people who can collate the information for the response.

I will let you know as soon as possible if this information can be collated by 22 September.

With thanks

1

1
Legal Knowledge Management Officer
Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

1
1@sepa.org.uk
Angus Smith Building I Unit 6 I 4 Parklands Avenue I Holytown I
North Lanarkshire I ML1 4WQ

SEPA logo with the three SEPA values of Passionate, Professional and Purposeful.

Where passion meets purpose, for a positive environmental impact across Scotland.

Key:
1 - Regulation 11(2) Personal Information
2 - Information out of scope

I work Monday to Friday

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Dh'fhaodadh gum bi am fiosrachadh sa phost-d seo agus ceanglachan sam bith a tha na chois dìomhair, agus cha bu chòir am fiosrachadh a bhith air a chleachdadh le neach sam bith ach an luchd-faighinn a bha còir am fiosrachadh fhaighinn. Chan fhaod neach sam bith eile cothrom fhaighinn air an fhiosrachadh a tha sa phost-d no a tha an cois a' phuist-d, chan fhaod iad lethbhreac a dhèanamh dheth no a chleachdadh arithist. Mura h-ann dhuibhse a tha am post-d seo, feuch gun inns sibh dhuinn sa bhad le bhith cur post-d 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

From: 1 @environmentalstandards.scot
1 @environmentalstandards.scot>
Sent: 01 September 2026 13:47
To: sepaessmailbox 1 @sepa.org.uk>
Cc: 1 1 @SEPA.org.uk>
Subject: Section 23 Request - Combined Sewer Overflow Discharge in Elie Bay - IESS.26.040

CAUTION: This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Afternoon 1 ,

ESS has received a representation regarding the discharge of sewage from combined sewer overflows within the vicinity of Elie Bay (Fife).

To assist us in our consideration of this issue, I would be grateful if you could respond to the attached Section 23 letter by no later than 22 September 2026. If you anticipate any difficulties in meeting this deadline please let me know.

Any questions or points of clarification, please do get in touch.

Kind Regards,
1

1
Principal Investigations Officer
1@environmentalstandards.scot
07717528336

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

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From: 1
To: 1
Subject: Re: Section 23 Request - Combined Sewer Overflow Discharge in Elie Bay - IESS.26.040
Date: 01 September 2026 18:38:44
Attachments: image003.png

Hi 1

I confirm receipt of the S23 request regarding the representation on Elie Bay.

I note the deadline of the 22nd September. I'm on leave tomorrow and Thursday. Once I've had an opportunity to discuss with my team, I'll come back to you to let you know if there are any difficulties meeting that deadline.

Thanks & regards
1

1 | Regulation & Performance Manager - Wastewater Directorate
M: 1 | E: 1 @scottishwater.co.uk

'Scottish Water is committed to protecting your data and information. Our privacy notice explains how Scottish Water uses personal data collected by Scottish Water. It also sets out our commitment to safeguarding personal information held about individuals - it does not apply to information we hold about companies and other organisations.
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Please find our Personal Data Policy within our 'Key Publications' page on our website
https://www.scottishwater.co.uk/about-us/publications/key-publications'

From: 1 @environmentalstandards.scot
1 @environmentalstandards.scot>
Sent: Tuesday, September 01, 2026 13:49
To: 1 @SCOTTISHWATER.CO.UK>
Subject: Section 23 Request - Combined Sewer Overflow Discharge in Elie Bay - IESS.26.040

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1 @environmentalstandards.scot. Learn why this is important

[**EXTERNAL MAIL** - Think Before You Click]
Good Afternoon 1,

ESS has received a representation regarding the discharge of sewage from combined sewer overflows within the vicinity of Elie Bay (Fife).

To assist us in our consideration of this issue, I would be grateful if you could respond to the attached Section 23 letter by no later than 22 September 2026. If

you anticipate any difficulties in meeting this deadline please let me know.

Any questions or points of clarification, please do get in touch.

Kind Regards,
1

1
Principal Investigations Officer
1 @environmentalstandards.scot
1



General Enquiries | enquiries@environmentalstandards.scot
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