



**Scottish
Water**
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18 October 2022

Net Zero, Energy and Transport Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Scottish Water
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Via email to:

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Dear Convener,

Scottish Water Submission: UK Levelling-up and Regeneration Bill

Thank you for the invitation to express our views on the Levelling-up and Regeneration Bill introduced in the House of Commons on 11 May 2022. We welcome the opportunity.

We have carried out an internal consultation on this subject and would like to share with you our comments below.

“What are your views on proposals in the UK Levelling-up and Regeneration Bill in relation to environmental law; and specifically in relation to provisions to give the UK Government new powers to create Environmental Outcome Reports, which would be applicable in Scotland.”

Scottish Water functions both as a developer and as the body responsible for managing critical water and wastewater infrastructure. The responses provided therefore encompass responses on behalf of both of these roles.

The majority of Scottish Water’s infrastructure projects fall under permitted development rights. As a developer, we engage the relevant Local Authority for EIA screening requests for approximately 20 projects a year, however very few projects (less than one project per annum) meet the requirements for Environmental Impact Assessment (EIA) under the existing EIA regulations.

As a responsible developer, we welcome the delivery of projects that comply with these regulations. Protecting and enhancing the environment is a key priority for Scottish Water and we would be committed to any legislation or regulation that continues to safeguard Scotland’s natural resources.

The importance for us as a business would be consistency and clarity in the applications and framework for how we would comply with any requirements moving forward.

Clause 116 of the Bill introduces the powers to specify outcomes relating to environmental protection. Scottish Water is engaged in critical infrastructure projects across Scotland and, whilst we welcome a tailored approach to environmental protection measures on a site-specific basis, we caution the need for clarity across all consenting authorities in the form of defined environmental standards. To ensure consistency in our approach as a developer, we would seek clear guidance on an overarching national approach and further clarity on regional priorities (such as local biodiversity action plans), such that the hierarchy of regional

environmental priorities is understood. The involvement of NatureScot and SEPA in this process would be beneficial.

Clause 96 of the Bill introduces the street vote system. Scottish Water would request that critical public services are provisioned with an exemption from this clause in order to maintain impartial and objective oversight of public infrastructure, as determined by the relevant Local Authority.

We would further highlight that each proposal meeting the requirements for EOR be considered in the context of its broader scope (e.g., ecosystem services, public health, and critical infrastructure), in addition to environmental considerations; thus ensuring Scottish Water's public service remit to provide water and waste water services is given proportionate consideration. Provisions for critical infrastructure, such as those that meet the criteria for Imperative Reasons of Overriding Public Interest (IROPI) under the existing HRA regulations, should continue to be addressed within the Bill.

We hope these comments are helpful and give a high-level overview of this matter in relation to Scottish Water operations. If any further clarity is needed from Scottish Water, we would be happy to provide any additional input the committee requires.

Yours sincerely

Alan Thomson
Head of Corporate Relations