



The Scottish Parliament
Pàrlamaid na h-Alba

Mark Roberts
Chief Executive Officer
Environmental Standards Scotland

By email only

**Net Zero, Energy and Transport
Committee**

c/o Clerk to the Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

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14 November 2023

Dear Mark

Sewage pollution in Scotland

The Net Zero, Energy and Transport Committee has recently considered water policy and wider issues relating to Scotland's water industry.

We took evidence from the Scottish Environment Protection Agency (SEPA) and NatureScot [on 3 October](#). [On 31 October](#), we held an evidence session with Scottish Water. We heard from the Water Industry Commission for Scotland (WICS) and Consumer Scotland [on 7 November](#).

As part of these sessions, we discussed incidents of sewage discharge into our water environment. This followed a number of media reports which alleged misconduct by Scottish Water in its operation of Combined Sewage Overflows (CSOs). However, Scottish Water told us their use of CSOs was fully compliant with their legal obligations. WICS also said characterisations made in the media were often overstated and did not reflect the actuality of the situation.

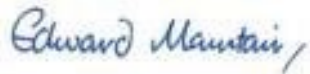
Environmental Standards Scotland (ESS) has a key role to play in independently assessing how public bodies such as Scottish Water and SEPA comply with their legal obligations on water quality and pollution. It is also your role to ascertain whether the current regulatory frameworks that govern the water industry in Scotland remain sufficiently robust and future-proofed.

We would welcome ESS's current assessment (if any) of how CSOs in Scotland are operating to help inform our scrutiny of Scottish Water, SEPA and the Scottish Government. It would be helpful if ESS could provide an overview of key issues raised in the representations it has received regarding CSOs. In addition, we are seeking updates on the status of ESS's investigations with regards to:

- Scottish Water's compliance with license conditions under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 regarding the operation of CSOs, particularly during periods of low rainfall.
- SEPA's enforcement of license conditions under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 with regards to the operation of CSOs
- Details of any other analytical work in relation to sewage pollution and whether ESS has any cause for concern over legal compliance of public authorities on this issue or the effectiveness of the current legal framework.

On behalf of the Committee, I request a response to this letter by 12 December 2023.

Yours sincerely,



Edward Mountain MSP

Convener

Net Zero, Energy and Transport Committee