

Citizen Participation and Public Petitions Committee  
Wednesday 30 October 2024  
16th Meeting, 2024 (Session 6)

## PE1988: Review the process for disposal of household raw sewage

### Introduction

**Petitioner** Sue Wallis

**Petition summary** Calling on the Scottish Parliament to urge the Scottish Government to:

- review the process for allowing raw sewage discharge from homes into Scottish coastal waters
- provide additional funding to SEPA for enforcement
- introduce legislation to ban households from discharging raw sewage

**Webpage** <https://petitions.parliament.scot/petitions/PE1988>

1. [The Committee last considered this petition at its meeting on 20 December 2023.](#) At that meeting, the Committee agreed to write to the Scottish Government.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Scottish Government and the Petitioner, which are set out in **Annexe C**.
4. The [Scottish Government consulted on water, wastewater and drainage policy.](#) The consultation closed in February and the analysis has been published. An extract from the analysis is provided at **Annexe D**.
5. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
6. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
7. [The Scottish Government gave its initial response to the petition on 14 December 2022.](#)
8. Every petition collects signatures while it remains under consideration. At the time of writing, 8 signatures have been received on this petition.

## **Action**

9. The Committee is invited to consider what action it wishes to take.

**Clerks to the Committee**  
**October 2024**

## **Annexe A: Summary of petition**

### **PE1988: Review the process for disposal of household raw sewage**

#### **Petitioner**

Sue Wallis

#### **Date Lodged**

16 November 2022

#### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to:

- review the process for allowing raw sewage discharge from homes into Scottish coastal waters
- provide additional funding to SEPA for enforcement
- introduce legislation to ban households from discharging raw sewage

#### **Previous action**

Emails to Jenni Minto MSP (local MSP), and Michael Russell MSP (previous MSP).

Discussions with Scottish Water Directors & staff, and SEPA area manager & staff, there's a desire from them for change but a need for funding from elsewhere.

Scottish Water claims not to have budget to connect homes to any local sewage networks and SEPA doesn't have budget to police the system.

#### **Background information**

Rural households have a legal right to discharge raw sewage to the sea; polluting waters and beaches. SEPA controls the approval and policing of the current process for these historic rights. Outfall pipes break and sewage is deposited on beaches at low tides. By SEPA's own admission their budget does not enable effective enforcement action to be taken.

Many of the homes can't afford to connect to any sewer or have space/money for septic tanks/reed beds. Many do not want to change a system that is free waste disposal for them.

The Scottish Government should ban outfall pipes and allocate specific funding for SEPA to identify and enforce shortfall pipe correction. All activity/paralysis is put at the door of funding and only the Scottish Government can break that impasse. Does the Scottish Parliament support this polluting process that is allowed in this day and age? Doing nothing to change it is supporting it.

## **Annexe B: Extract from Official Report of last consideration of PE1988 on 20 December 2023**

**The Convener:** Petition PE1988, which was lodged by Sue Wallis, calls on the Scottish Parliament to urge the Scottish Government to review the process for allowing raw sewage discharge from homes into Scottish coastal waters, provide additional funding to the Scottish Environment Protection Agency for enforcement and introduce legislation to ban households from discharging raw sewage.

The committee previously considered the petition on 8 March, when we agreed to write to SEPA and the Law Society of Scotland. The Law Society of Scotland's written submission outlines the process and requirements during the conveyancing process for properties with no connection to a mains sewer or private septic tank, which was of interest to members of the committee.

The most recent submission from SEPA confirms that the review of its approach to regulating private sewage discharges has concluded. It points to a service level statement that sets out SEPA's intention to restrict the majority of its complaint action to providing advice and guidance. SEPA states that the onus will be on owners and operators to ensure that treatment systems meet the required standards and are maintained in good working order. Deterrent action by SEPA will take place through specific campaigns targeted at known problem areas.

The petitioner highlights the selective nature of SEPA's approach and states that that will not help all areas. She shares that a member of staff at SEPA informed her that it does not have the resources to monitor agreements made by homeowners to repair broken pipes. The petitioner has asked that a new law be created to legally impose timescales for changing to a private processing system or connection to the mains sewer.

Do members have any comments or suggestions as to how we might proceed? I seek inspiration, colleagues.

**Maurice Golden:** SEPA's reliance on targeted enforcement campaigns, rather than checking the robustness of individual systems, is concerning. I wonder whether we should write to the Scottish Government to ask how it believes householders who fail to meet their responsibility for waste-water discharge can be held to account in practice.

**The Convener:** Thank you. From the evidence that the committee received, that seemed to me to be a deficiency. As there are no further comments from colleagues, are we content to keep the petition open and seek that additional information?

**Members *indicated agreement.***

## Annexe C: Written submissions

### Scottish Government written submission, 1 February 2024

#### PE1988/G: Review the process for disposal of household raw sewage

Thank you for your letter from Citizen Participation and Public Petitions Committee dated 21 December 2023 regarding the Scottish Environment Protection Agency's regulation of private sewage discharges to ensure protection and improvement of the water environment.

The Scottish Government supports the Scottish Environment Protection Agency's (SEPA) published approach to environmental regulation, '[How We Regulate](#)'. SEPA regulates thousands of businesses across Scotland and receives over 8,000 incident-related reports each year. SEPA prioritises its environmental incident response activity to ensure it focuses on the areas which best protect the environment and communities. This means that it gives highest priority to incidents which cause the greatest impact, or involve significant non-compliance for activities it regulates. Reported incidents which are considered lower priority (incidents causing minor or no impact to the environment or less significant non-compliance) are allocated a lower resource priority as appropriate.

Some 8% of households in Scotland have private sewerage treatment arrangements. Owners and operators of septic tanks or small private sewage treatment systems are wholly responsible for ensuring that their treatment systems are maintained in good working order and do not cause pollution or nuisance to their neighbours.

SEPA receives over 200 reports a year related to private sewage discharges.

SEPA's experience is that in the vast majority of cases, any environmental impact associated with non-compliance with the conditions of an authorisation for a private sewage discharge, is likely to be very localised, small in scale and have a low to no impact on the water environment. As such, reports to SEPA relating to small-scale private sewage systems are considered lower priority.

SEPA's approach to the regulation of private sewage treatment systems is reflected in its published [small-scale sewage service level statement](#). In general, SEPA responds to incident reports with no or low impact on the water environment by providing householders with advice and guidance on maintaining private sewage treatment systems and the owners legal responsibilities. However, in the rare circumstances where there was evidence of a more serious environmental impact associated with a small-scale private sewage discharge, SEPA would take action in accordance with its enforcement policy

SEPA maintains a deterrent by carrying out compliance campaigns to focus its regulatory effort to known problem locations or subject areas (e.g. unauthorised discharges, authorisations with upgrade conditions). These campaigns use enforcement tools, such as Fixed Monetary Penalties, to enforce timescales for improvement measures to be implemented, to change behaviours for those who

persistently fail to comply, and where improvements are necessary to limit localised environmental harm or nuisance.

The Scottish Government's continuous policy development in the area of environmental protection and improvement currently has two open consultations related to this matter. The first consultation seeking views at [Environmental Authorisations \(Scotland\) Regulations 2018: proposed amendments - Scottish Government consultations - Citizen Space](#), closes on 31 March. The proposals are to incorporate SEPA's four main regulatory regimes, including the Water Environment (Controlled Activities) (Scotland) Regulations 2011 controlling private sewage treatment discharges, into an integrated environmental authorisation framework as part of Scottish Government and SEPA's joint Better Environmental Regulation Programme.

The Scottish Government's [Water, wastewater and drainage policy consultation - Citizen Space](#), open until 21 February, is also currently seeking views on the regulation of private wastewater treatment systems to protect the environment as part of the Scottish Government's proposed principles and considerations in developing policy for the future of the water industry in Scotland in response to the climate emergency.

## Environmental Quality and Resilience Division

### Petitioner written submission, 27 February 2024

#### PE1988/H: Review the process for disposal of household raw sewage

The Committee will have spotted that the response from the Scottish Government provides a circular argument. It supports the SEPA 'How we regulate' approach, and restates the small-scale sewage service level statement, yet it is this SEPA statement that the Committee was asking for enlightenment on. Who is the master here?

The Scottish Government document entitled [The Purpose of SEPA](#) states that

"2.2 The Regulatory Reform (Scotland) Act 2014 introduced a general purpose for SEPA, as follows:

(1) SEPA is to carry out the functions conferred on it by or under this Act or any other enactment for the purpose of protecting and improving the environment (including managing natural resources in a sustainable way).

(2) In carrying out its functions for that purpose SEPA must, except to the extent that it would be inconsistent with subsection (1) to do so, contribute to –

(a) **improving the health and well being of people in Scotland**, and

(b) achieving sustainable economic growth."

The regulatory condition of contributing to **improving the health and well being of people in Scotland** seems to have got lost along the way in all of the responses to

this petition from SEPA and the Scottish Government, and in the small-scale sewage service level statement; all responses and strategies have focused entirely on environmental issues to the exclusion of other linked duties.

Primary schools in Argyll & Bute are now sharing their experiences of playing on sewage filled beaches and in raw sewage seas in a campaign called a Jobby-Free Sea.

How can this revolting situation be allowed to continue?

The link to that campaign is here:

<https://www.facebook.com/photo?fbid=122153279750022010&set=a.122096665730022010>

Please could the Committee remind the Scottish Government of their own Regulatory Reform (Scotland) Act 2014; that the purpose of SEPA's work **must** include improving the health and well-being of people in Scotland along with its environmental duties. This petition is all about the health and well-being of people using the seas and beaches around Scotland. SEPA cannot have sloping shoulders when it comes to health and well-being issues by cherry picking the more straightforward issues it deals with.

The duty of the Scottish Government is to direct SEPA to fulfil all of its regulatory duties. Raw sewage outflow pipes (broken or not) are an environmental issue PLUS a huge health and well-being issue to the people in Scotland.

## **Annexe D: Extract from the Scottish Government's water, wastewater and drainage policy consultation analysis**

### **Question 29: What support do owners and users of private wastewater systems require to best protect the environment?**

Of the 306 responses to this question, 122 (40%) referred to the need for more and/or better information and advice for private wastewater system users. Respondents noted that access to professional/expert advice would be helpful as well as having a central location for accessible advice, tools and support.

The next most common response, with 55 (18%) was the need for financial support.

Many respondents referred specifically to the need for grants to upgrade systems as well as access to financial advice. The Scottish Rural & Islands Parliament noted that 'A grant for wastewater systems, in line with a revised PWS grant should be introduced to encourage users to improve existing treatment systems or initial installation in the case of direct discharge'.

The third most prevalent response, with 50 (16%), was education. Respondents highlighted that greater understanding of the responsibility of private wastewater supply owners would be helpful, as well as understanding of the negative impact that systems can have on the environment and surrounding water when not managed correctly.

Other responses to this question included testing, including this being more regular, affordable, free and/or accessible (26 responses), monitoring (23 responses) and enforcement of current regulations (13 responses).

### **Question 31: Do you have any further views on public and private wastewater systems?**

There was a very broad range of responses to this question. Of the 204 responses to this question, 10 (5%) promoted resource recovery. Respondents pointed to the benefits of recycling waste in terms of the circular economy and the importance of this for Scotland's future.

The next two frequent responses, by a narrow margin, were limiting Combined Sewer Overflows (CSOs) and not forcing owner and users of Private Wastewater System to connect to the mains, both with 3 responses each (1%). There were a number of comments in relation to CSOs, with limiting the number of spills being the highest response. In relation to CSOs, respondents suggested that this should be prioritised as a matter of public health.

In relation to Private Wastewater Systems connecting to the mains, respondents noted that owners and users of private supplies should not be forced to connect to the mains supply if they are managing their wastewater correctly. Other responses about connecting to the public network, included that this should be free or financial support should be provided. Some respondents suggested that this should be mandatory though others disagreed.