

Enclosure No.	Description	Date	Explanation of redactions	Clause
1	FMQ Bathing Waters Willie Rennie MSP letter Oct 2023	26 October 2023		
2	Bathing Waters FMQ follow-up Ministerial brief September 2023	29 September 2023		
3	Enclosure 3: Bathing Waters FMQ follow-up Ministerial brief October 2023	26 October 2023		
4	SEPA The Times enquiry_ Bathing sites response	5 December 2023	Personal data	11(2)
5	Ministerial feedback re FMQ and FM PQ on Bathing Waters		Personal data	11(2)
6	Media query (Record_Scotsman) - Surfers against Sewage NR - beach water quality Nov 2023	21 November	Personal data	11(2)
7	Willie Rennie FMQ Correspondence from the Cabinet Secretary for Transport, Net Zero and Just Transition	31 October	Personal data	11(2)
7.1	Letter - Willie Rennie FMQ Correspondence from the Cabinet Secretary for Transport, Net Zero and Just Transition	31 October		
8	Email - SEPA BW monitoring data 2023	25 September	Personal data	11(2)
8.1	Enclosure 8.1: Email - SEPA BW monitoring data 2023	25 September		
9	Email: Correspondence from the Cabinet Secretary for Transport, Net Zero and Just Transition	31 October	Personal data	11(2)
9.1	Attachment: Correspondence from the Cabinet Secretary for Transport, Net Zero and Just Transition	31 October		
10	Enclosure 10: ENFOR Director Briefing TNZJT Pre Cab call BW text 25 Sept 2023	25 September		
11	FMQ S6F-02404 Liz Smith SG action on contamination of swimming sites	28 September		
12	RE: S Gov request for final copy of our response to Ferret asap	25 September	Personal data	11(2)
13	RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA	25 September	Personal data Internal communication	11(2) 10(4) (e)
13.1	Attachment - RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA	25 September		
14	RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA	28 September	Personal data Internal communication	11(2) 10(4) (e)

14.1	Attachment 1 of 2: RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA	28 September		
14.2	Attachment 2 of 2 RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA	28 September		
15	FW: For info: Media query (Times) - Environmental Standards Scotland report on bathing water categorisation	4 December	Personal data	11(2)
16	Lower Largo Bay - Ministerial briefing	18 October	Personal data	11(2)
16.1	Attachment: Lower Largo Bay - Ministerial briefing	18 October		
17	RE: For Clearance: Media Query - Immediate - Bathing Water Quality – PA	24 September	Personal data Internal communication	11(2) 10(4) (e)
18	RE: To clear - Media query - Dry spill overflows - The Ferret	26 October	Personal data	11(2)
19	RE: Bathing Waters letters for FMQ follow-up	26 October	Personal data Internal communication	11(2) 10(4) (e)
20	FMQ Scottish Water m(incl sewage spills) 5 Dec update	6 December		

**Enclosure 1: FMQ Bathing Waters Willie Rennie MSP letter Oct 2023**

Cabinet Secretary for Transport, Net Zero and Just  
Transition

Mairi McAllan MSP



T: 0300 244 4000

E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Email: [Willie.Rennie.msp@parliament.scot](mailto:Willie.Rennie.msp@parliament.scot)

Our ref: «Ourref»  
November 2023

Thank you for your question to the First Minister in Parliament on 28 September raising your concerns about reports in the media that 50 out of 89 of the most popular beaches in Scotland fail to meet the standard for safe bathing due to sewage. I am replying as I have portfolio responsibility for the issues you raise.

The Bathing Water Directive is implemented in Scotland by the Bathing Waters (Scotland) Regulations 2008. Under these regulations the Scottish Environment Protection Agency (SEPA) has responsibilities for monitoring, classifying, protecting and improving bathing water quality at designated locations.

SEPA follows strict EU standards in classifying Bathing Waters on the basis of four years data to provide confidence as to expected water quality for the public. Whilst, Bathing Waters classification gives an overall indication of expected water quality there can be short term fluctuations in water quality caused by heavy rainfall and these are experienced at Bathing Waters across the UK and Europe. In 2023, SEPA has analysed 1,452 water quality classification samples from 89 designated Bathing Waters and 94% were found to be at safe levels.

It is not accurate to assume all short-term elevated bathing water quality monitoring results are caused by sewage and the media analysis of SEPA's bathing water monitoring data was incorrect in doing so. Water quality can be impacted by a range of bacterial sources following heavy rain, including agricultural land runoff, urban runoff, and dog and seagull faeces, and not just sewage spills. SEPA's monitoring and investigative work indicates that 19 bathing waters and not 50, as reported in the media, experienced short-term elevated faecal bacteria levels from human sources, in 2023.

Whilst a small number of 'poor' monitoring results at a designated Bathing Water is disappointing, often it is unavoidably weather related, and is not an indication that water quality is continually poor on all other days. We take these poor water quality reports very seriously and SEPA investigates these incidents in order to seek overall improvements to bathing water quality.

SEPA also has a network of 30 electronic signs at bathing waters that can be affected by rainfall so the public can make informed decisions about whether to bathe. SEPA also makes people aware of any pollution events that may impact the water quality. This information is also available on our website and by calling its contact centre.

We are committed to improving bathing water quality across Scotland for everyone to enjoy. The Scottish Government works with SEPA and Scottish Water to ensure investment has been targeted at areas where it will have the greatest benefit, with major improvements in water quality at locations that had long-term issues such as Irvine and Ayr, following projects to upgrade sewage systems, install new treatment and investigate mis-connections. Scottish Water has invested £24.5 million on bathing water improvements since 2015.

Scottish Water is currently working to install monitors on all its sewer outfalls in or near bathing waters to provide near real-time spill data by December 2024 to provide alerts to the public. This commitment is set out in Scottish Water's Improving Urban Waters Routemap, which was published at the end of 2021. These actions will help inform bathers and support SEPA's and Scottish Water work to prioritise investment where it will most benefit our environment and communities.

The Scottish Government is committed to improving water quality at bathing waters across Scotland. In 2023 we saw the highest number of bathing waters ever in Scotland with the highest number rated excellent for water quality and a total of 98% of locations achieving the bathing water quality standards.

I hope you find this information useful.

**Mairi McAllan**

## Enclosure 2: Bathing Waters FMQ follow-up Ministerial brief October 2023

**24 Sep** – Media - 50 Scottish Bathing Waters reported as containing unsafe sewage levels following an analysis of SEPA's published Bathing Water monitoring results by The Ferret, which it undertakes every year. NGOs call for monitoring data of CSOs to be shared with the public, spill reduction targets, and stopping sewage spills into the sea.

SEPA is responsible for monitoring, classifying, protecting and improving bathing water quality at the 89 designated Bathing Waters under the Bathing Waters (Scotland) Regulations 2008. SEPA follows strict EU methodology and standards to produce the bathing waters classification – which is based on an average quality level over four years. Bathing Waters are classified as 'excellent', 'good', 'sufficient' or 'poor'. Overall, there are currently 2 Bathing Waters classified as 'poor' due to sewage and SEPA is working with Scottish Water to identify solutions at these locations. The next Bathing Waters classification will be published by SEPA at the end of November.

Bathing Waters classification gives an overall indication of expected water quality, but there can be short term fluctuations in water quality driven by heavy rainfall. The most common causes of water quality issues in Scotland are short term pollution following heavy rainfall which can cause sewer overflows, agricultural run-off from land, and surface water discharges from roads, car parks, and pavements etc. This means bacteria from dog fouling and from gulls can also cause poor bathing water quality.

SEPA has analysed 1,452 water quality classification samples from 89 designated Bathing Waters this 2023 season and 94% were found to be at safe levels. There were 50 bathing waters with one or more elevated results. However, there is no published monitoring information to support the Ferret's conclusions that these are all due to unsafe levels of sewage. SEPA utilises Microbial Source Tracking (MST) to identify the source of faecal bacterial pollution such as human, ruminant, canine or gull sources to aid its investigation of short term pollution. SEPA MST analysis indicated that human sources were significant at 19 out of 89 Bathing Waters in 2023, rather than the 50 reported by the Ferret.

### **BATHING WATERS**

#### **98% of Scotland's bathing waters currently achieve the bathing water quality standards with more being rated excellent than ever before.**

- SEPA follows EU standards in classifying Bathing Waters on the basis of 4 years data providing confidence as to expected water quality.
- In 2023, SEPA has analysed 1,452 water quality classification samples from 89 designated Bathing Waters and 94% were found to be at safe levels.
- SEPA's monitoring and investigative work indicates that 19 bathing waters and not 50 experienced short-term elevated faecal bacteria levels from human sources, in 2023.
- Short term fluctuations in water quality caused by heavy rainfall are experienced at Bathing Waters across the UK and Europe.
- Water quality can be impacted by a range of bacterial sources following heavy rain, including agricultural land runoff, urban runoff, and dog and seagull faeces, and not just sewage spills.
- In line with globally recognised guidance, SEPA advises against bathing for up to 48 hours after heavy rainfall due to the increased risk of poor water quality from a range of different sources.
- Whilst a small number of 'poor' monitoring results at a designated Bathing Water is disappointing, often it is unavoidably weather related, and is not an indication that water quality is continually poor on all other days.
- We take poor water quality reports very seriously with SEPA investigating incidents in order to seek overall improvements to bathing water quality.
- Scottish Water has commitment to providing monitors on all its sewer overflows within 2km of a designated bathing water and provide near real-time spill data by December 2024.
- The spill monitoring data will inform the public and support SEPA's and Scottish Water work to prioritise investment where it will most benefit our environment, bathers and communities.

### Enclosure 3: Bathing Waters FMQ follow-up Ministerial brief October 2023

**28 Sept** – Liz Smith MSP FMQ re media reports of poor bathing water quality at Scottish beaches and in particular Lower Largo. Follow-up question from Willie Rennie MSP re CSO targets and monitoring.

**24 Sep** – Media - 50 Scottish Bathing Waters reported as containing unsafe sewage levels following an analysis of SEPA's published Bathing Water monitoring results by The Ferret, which it undertakes every year. NGOs call for monitoring data of CSOs to be shared with the public, spill reduction targets, and stopping sewage spills into the sea.

SEPA is responsible for monitoring, classifying, protecting and improving bathing water quality at the 89 designated Bathing Waters under the Bathing Waters (Scotland) Regulations 2008. SEPA follows strict EU methodology and standards to produce the bathing waters classification – which is based on an average quality level over four years. Bathing Waters are classified as 'excellent', 'good', 'sufficient' or 'poor'. Overall, there are currently 2 Bathing Waters classified as 'poor' due to sewage and SEPA is working with Scottish Water to identify solutions at these locations. The next Bathing Waters classification will be published by SEPA at the end of November.

Bathing Waters classification gives an overall indication of expected water quality, but there can be short term fluctuations in water quality driven by heavy rainfall. The most common causes of water quality issues in Scotland are short term pollution following heavy rainfall which can cause sewer overflows, agricultural run-off from land, and surface water discharges from roads, car parks, and pavements etc. This means bacteria from dog fouling and from gulls can also cause poor bathing water quality.

SEPA has analysed 1,452 water quality classification samples from 89 designated Bathing Waters this 2023 season and 94% were found to be at safe levels. There were 50 bathing waters with one or more elevated results. However, there is no published monitoring information to support the Ferret's conclusions that these are all due to unsafe levels of sewage. SEPA utilises Microbial Source Tracking (MST) to identify the source of faecal bacterial pollution such as human, ruminant, canine or gull sources to aid its investigation of short term pollution. SEPA MST analysis indicated that human sources were significant at 19 out of 89 Bathing Waters in 2023, rather than the 50 reported by the Ferret.

#### **RECENT MEDIA REPORTING ON BATHING WATERS**

##### **Media analysis of SEPA's bathing water monitoring data is incorrect.**

- It is not accurate to assume all short-term elevated bathing water quality monitoring results are caused by sewage.
- Water quality can be impacted by a range of bacterial sources following heavy rain, including agricultural land runoff, urban runoff, and dog and seagull faeces, and not just sewage spills.
- SEPA's monitoring and investigative work indicates that 19 bathing waters and not 50, reported in the media, experienced short-term elevated faecal bacteria levels from human sources, in 2023.
- We are committed to improving bathing water quality across Scotland for everyone to enjoy.
- In 2023, SEPA has analysed 1,452 water quality classification samples from 89 designated Bathing Waters and 94% were found to be at safe levels.

## **BATHING WATERS**

### **98% of Scotland's bathing waters currently achieve the bathing water quality standards with more being rated excellent than ever before.**

- SEPA follows EU standards in classifying Bathing Waters on the basis of 4 years data providing confidence as to expected water quality.
- Short term fluctuations in water quality caused by heavy rainfall are experienced at Bathing Waters across the UK and Europe.
- In line with globally recognised guidance, SEPA advises against bathing for up to 48 hours after heavy rainfall due to the increased risk of poor water quality from a range of different sources.
- Whilst a small number of 'poor' monitoring results at a designated Bathing Water is disappointing, often it is unavoidably weather related, and is not an indication that water quality is continually poor on all other days.

### **We take poor water quality reports very seriously with SEPA investigating incidents in order to seek overall improvements to bathing water quality.**

- Scottish Water has committed to providing monitors on all its sewer overflows within 2km of a designated bathing water and provide near real-time spill data by December 2024.
- The spill monitoring data will inform the public and support both SEPA and Scottish Water's work to prioritise investment where it will most benefit our environment, bathers and communities.

### **Lower Largo Bathing Water**

Prior to Lower Largo being designated as a bathing water in 2022, Scottish Water's sewage treatment system was not designed, or required, to deliver bathing water standards. The Lower Largo network is almost entirely a combined sewerage system. There are four combined sewer overflows (CSOs) which act as relief points during wet weather to prevent flooding. There is one sewage pumping station (Temple) which pumps flow to Lower Largo Wastewater Treatment Works (WwTW). Lower Largo WwTW is a primary treatment works (i.e. septic tank), where sewage is settled to remove solids before being discharged via an outfall to Largo Bay. The current shared outfall for Temple Sewage Pumping Station and Lower Largo WwTW discharges prior to Mean Low Water Springs (MLWS), which means that there is poor dispersal of effluent during low tides.

Scottish Water initiated a bathing water study in Autumn 2021 following a similar methodology to all previous bathing water studies carried out by Scottish Water. A bathing water study is the most complex type of study that Scottish Water undertakes and usually requires 4 years' worth of data for accurate modelling and analysis. This is to allow for natural variations in the seasons to be captured and accounted for in the model e.g. drier or wetter than average months which can impact bathing water samples. It is imperative that Scottish Water ensures that it fully understands the impact of its assets before it seeks to implement a solution.

In light of the community's concerns, Scottish Water has attempted to accelerate the study to calibrate the model on one year's worth of data. However, there is a risk in doing this as a longer period of data collection provides more certainty on possible environmental impacts.

Scottish Water is currently calibrating the bathing water model and, by early November, will receive a needs assessment which will inform the impact, if any, on bathing water quality from each Scottish Water asset which is discharging in the vicinity. It will also identify any improvements in Scottish Water assets that may be required.

Whilst the modelling work is underway, Scottish Water has been able to make some positive interim interventions – working with their delivery partners, they have completed work to resolve the mis-connection of a number of properties in the Temple area of Lower Largo. This is a positive improvement to the drainage network in the village which should benefit the coastal water environment.

Scottish Water has also undertaken the following related work:

#### 2022 Bathing Season work

- Carried out manhole surveys and CCTV surveys,
- Flow survey ongoing. A flow survey requires 3 storm events, as it has been a dry summer the survey has been extended in November,
- Intensive water quality sampling programme at the bathing water and burns which flow into the bathing water,
- Bathymetric survey (via boats) –to map the seabed,
- Current profile and dispersion testing –to understand how discharges disperse in the water environment, and
- Updating the sewer network hydraulic model and building the marine model.

#### Operational impacts

- In September 2022, Scottish Water responded to a drainage issue around the Temple Car Park in Lower Largo,
- Response to sewer issue which caused sewer flooding to properties beside Temple Car Park and on the road,
- Scottish Water carried out a repair on a broken trap at the start of September after some flooding. This did not solve the issue and further CCTV was carried out and it was discovered that there is a possible collapsed sewer which is under the sand dunes on the beach, and
- Scottish Water and its contractor partners carried out work at the start of October and fixed the problem.

#### Operational update and communications

- In April this year Scottish Water discovered a suspected issue with the network around Temple Pumping Station,
- The historic issue highlighted in the last community update was that the network arrangement at the Temple Pumping station was not clear and study work suggested the network records were incorrect,
- Since then, Scottish Water has been doing further work to get an accurate picture of the pipework arrangement,
- In April and May, Scottish Water's operations teams attempted to investigate the connections and resolve at pace, however a site visit on 22nd May found a vast amount of concrete under the beach near the pumping station and

Scottish Water had difficulty locating a buried manhole under the beach near the pumping station (approx. 2m below the surface),

- After understanding the complexities in access, it was clear that a larger engineering construction team was required, this is now in place,
- There have been further site visits and work began at the start of August 2023. The work consists of excavation on the beach in line with tidal movements to raise the manhole level to the surface to allow further investigation and ultimately confirm if a network issue exists. Scottish Water continue to keep us informed of progress.

#### Enclosure 4: SEPA The Times enquiry\_ Bathing sites response

**From:** [redacted reg 11(2)]@sepa.org.uk

**Sent:** Tuesday, December 5, 2023 11:54 AM

**To:** [redacted reg 11(2)]<[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot

**Subject:** RE: The Times enquiry: Bathing sites response

OFFICIAL

Hi [redacted reg 11(2)],

While we didn't make the deadline yesterday, sharing SEPA's lines in response to The Times enquiry with you for reference.

- Does SEPA recognise the process was not previously transparent?

*The designation of bathing waters in Scotland is the responsibility of Scottish Ministers.*

- Does it make the frequently cited 98% bathing water quality statistic less reliable as a measure of the impact of sewage pollution in Scottish waters?

**In 2024 98% of Scotland's designated bathing waters will again meet or exceed the Sufficient classification - with 84% achieving the higher standards of Excellent or Good.**

**This long-term positive trend for Scottish bathing water quality has been demonstrated in sampling and analysis carried out by Scotland's environment regulator through the bathing season and pre-season period, 15 May to 15 September.**

**Ruth Stidson, SEPA's Principal Scientist for bathing waters, said:**

**"Our bathing waters have the best water quality since 2015, when tighter standards first came into force.**

**"The statistic of 98% reflects the proportion of designated bathing areas meeting or exceeding standards described in the Bathing Waters (Scotland) Regulations."**

#### Notes to Editors

- **Bathing Waters classifications are calculated at the end of the bathing water season and apply to each bathing water for the duration of the following season. They are calculated using data from the four previous years. See our latest release about 2024 Bathing Waters classifications here.**
- **Classifications are available on SEPA's website.**
- **Scotland's official bathing water season runs between 1 June and 15 September. Pre-season sampling is carried out during May.**
- **Throughout the season, SEPA's specialist teams sample the designated waters providing regular water quality information which is published on the SEPA website. Monitoring water quality in this way means SEPA can provide information on water quality for bathing and develop a strategy for any water quality improvements needed.**

- Scotland experiences some of the wettest weather in Europe. Heavy rain can have an impact on water quality at bathing waters due to pollutants being washed into rivers from sewage treatment systems, roads and pavements.
- Misconnections mean a property's wastewater is connected into the surface water network, or surface water drainage is connected to the foul sewer network. These can occur when a property is being built, or when modifications are made to a property's plumbing or drainage.


Best wishes,


[redacted reg 11(2)]

**[redacted reg 11(2)]**

Scottish Environment Protection Agency

 [redacted reg 11(2)]

 [redacted reg 11(2)]@sepa.org.uk

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

OFFICIAL

**From:** [redacted reg 11(2)]@gov.scot

**Sent:** Monday, December 4, 2023 4:49 PM

**To:** [redacted reg 11(2)] <[redacted reg 11(2)]@sepa.org.uk>; [redacted reg 11(2)]< [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot

**Subject:** RE: The Times enquiry: Bathing sites response

OFFICIAL

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 [redacted reg 11(2)],

I have a deadline of 5 pm from our comms for the same query – if you have your response ready it would be helpful to have sight of.

Many thanks,

[redacted reg 11(2)]

OFFICIAL

**From:** [redacted reg 11(2)] <[redacted reg 11(2)]@sepa.org.uk>  
**Sent:** Monday, December 4, 2023 2:44 PM  
**To:** Communications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>  
**Subject:** The Times enquiry: Bathing sites response

OFFICIAL

Good afternoon all,




Flagging the below enquiry we've received from The Times. Not sure if the reporter has contacted you already, but perhaps the first question would be one for SG?

I will circulate our response once approved.

Best wishes,

[redacted reg 11(2)]

**[redacted reg 11(2)]**  
Scottish Environment Protection Agency

-  [redacted reg 11(2)]
-  [redacted reg 11(2)]@sepa.org.uk
-  Angus Smith Building | 6 Parklands Avenue | Eurocentral | Holytown |  
North Lanarkshire | ML1 4WQ

OFFICIAL

**From:** [redacted reg 11(2)]@thetimes.co.uk>  
**Sent:** Monday, December 4, 2023 12:55 PM  
**To:** Media <publicrelations@sepa.org.uk>  
**Subject:** Bathing sites response

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.

Hello, can we get a response to this please

<https://environmentalstandards.scot/wp-content/uploads/2023/12/Case-Summary-Report-Bathing-Waters-IESS.23.005.pdf>

Specifically

- Does SEPA recognise the process was not previously transparent?
- Does it make the frequently cited 98% bathing water quality statistic less reliable as a measure of the impact of sewage pollution in Scottish waters?

My deadline is 5pm.

Thanks

[redacted reg 11(2)]

[redacted reg 11(2)]

**THE  TIMES**

**Enclosure 5: Email - Ministerial feedback re FMQ and FM PQ on Bathing Waters**

**From:** [redacted reg 11(2)]@gov.scot> **On Behalf Of** Cabinet Secretary for Transport, Net Zero & Just Transition

**Sent:** Friday, September 29, 2023 4:09 PM

**To:** [redacted reg 11(2)]@gov.scot; Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge <Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; David Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry <director.enfor@gov.scot>

**Subject:** RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

Hi [redacted reg 11(2)],

Ms McAllan has noted.

Thanks,

[redacted reg 11(2)]

[redacted reg 11(2)] Cabinet Secretary Transport, Net Zero and Just Transition

CabSecTNZJT@gov.scot

[redacted reg 11(2)]

**From:** [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>

**Sent:** Thursday, September 28, 2023 8:24 AM

**To:** Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot> [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge <Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot> [redacted reg 11(2)]@gov.scot>; David Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry <director.enfor@gov.scot>

**Subject:** RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

Hi [redacted reg 11(2)]

For Ms McAllan's awareness here is the finalised FMQ and known FM PQ regarding bathing waters for today.

[redacted reg 11(2)]

[redacted reg 11(2)]

**From:** [redacted reg 11(2)]@gov.scot> **On Behalf Of** Cabinet Secretary for Transport, Net Zero & Just Transition

**Sent:** Wednesday, September 27, 2023 11:15 AM

**To:** [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>; [redacted reg 11(2)]@gov.scot>

**Cc:** [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge <Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; David Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry <director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot Communications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>

**Subject:** RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

**This email is for the official record and confirms a Ministerial Decision. This email must be placed in the official record (eRDM) by your team in line with SG records management policy.**

Hi [redacted reg 11(2)],

Ms McAllan has noted this information.

She has been asked to see the FMQ for this week when prepared, please.

Thanks

[redacted reg 11(2)]

[redacted reg 11(2)]

**From:** [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>

**Sent:** 25 September 2023 08:06

**To:** [redacted reg 11(2)]@gov.scot>; Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>; [redacted reg 11(2)]@gov.scot>

**Cc:** [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge <Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; David Signorini <David.Signorini@gov.scot>;

Director of Environment & Forestry <director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot  
Communications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot  
**Subject:** RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

Hi [redacted reg 11(2)],

I will pick up on the Ferret Bathing Waters article today and will provide advice and rebuttal lines for Ms McAllan and also the update Sewage Spills FMQ brief, accordingly.

[redacted reg 11(2)]

**[redacted reg 11(2)]**

**From:** [redacted reg 11(2)]@gov.scot>

**Sent:** Sunday, September 24, 2023 5:40 PM

**To:** Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>; [redacted reg 11(2)]@gov.scot>

**Cc:** [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge <Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot; David Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry <director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot  
Communications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>  
**Subject:** RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

Hi [redacted reg 11(2)],

For awareness - We were unable to get hold of officials today for this query for them to provide a more robust rebuttal of the lines. We will flag this with net zero comms colleagues for them to pick up with officials tomorrow to make sure our response is strengthened as per the Cab Sec's guidance below.

Many thanks

[redacted reg 11(2)],

**From:** [redacted reg 11(2)]@gov.scot> **On Behalf Of** Cabinet Secretary for Transport, Net Zero & Just Transition

**Sent:** Sunday, September 24, 2023 5:30 PM

**To:** [redacted reg 11(2)]@gov.scot>; Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Deputy Director Environmental Quality and

Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot  
[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>;  
Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge  
<Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot>; David  
Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry  
<director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot>;  
[redacted reg 11(2)]@gov.scotCommunications Net Zero & Rural Affairs  
<CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>  
**Subject:** RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

[redacted reg 11(2)]

The Cab Sec has commented that the lines generally read ok but is there nothing more direct we can rebut with which is specific to bathing waters? Or indeed those areas which are not designating bathing waters.

Thanks,

[redacted reg 11(2)]

[redacted reg 11(2)]

**From:** [redacted reg 11(2)]@gov.scot>  
**Sent:** Sunday, September 24, 2023 4:33 PM  
**To:** Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>  
**Cc:** [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot <[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge <Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot>; David Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry <director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scotCommunications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>  
**Subject:** For Clearance: Media Query - Immediate - Bathing Water Quality - PA

## **PO Cabinet Secretary for Transport, Net Zero and Just Transition**

We've been approached by PA for a response to the Lib Dem news release below, which itself is a response to an investigation published by The Ferret today. The report and news release lead on the finding that more than half of Scotland's most popular beaches for wild swimming have been polluted with unsafe levels of sewage this summer.

The response below has been agreed with officials and SpAds. Grateful if you can advise if Ms McAllan is content.

Thanks,

[redacted reg 11(2)]

[redacted reg 11(2)]

A Scottish Government spokesperson said:

“We take the issue of sewage pollution incidents very seriously. Comprehensive monitoring of our water environment is already undertaken by SEPA to assess water quality, water quantity (flows and levels), physical condition and ecology which are combined to produce an overall classification. 87% of Scotland’s entire water environment is assessed by SEPA as having a ‘high’ or ‘good’ classification for water quality – up from 82% six years ago. The results of those assessments are high and we continue to strive for further improvement.”

### **Sewage: Cole-Hamilton comments on 50 out of 89 of Scotland’s bathing waters breaching safety limits**

Responding to an investigation published by The Ferret which found that more than half of Scotland’s most popular beaches for wild swimming were polluted with unsafe levels of sewage this summer, including Lower Largo beach in Fife where faecal bacteria was found to be 50 times the legal limit due to sewer overflows, Scottish Liberal Democrat leader Alex Cole-Hamilton MSP said:

“This shows the SNP and Greens are letting the Government-owned water company off the hook for dumping sewage into our rivers, lakes and beaches.

“It’s time ministers stopped excusing these filthy practices when levels of faecal bacteria on our beaches are reaching 50 times the safe limit. No wonder people are thinking twice before dipping their toes in.

“Scottish Liberal Democrats are leading the calls for all sewage discharges to be recorded and published to uncover the true scale of the problem, legally-binding targets to tackle sewage dumping and measures to upgrade Scotland’s Victorian sewage systems. It’s time to end the sewage scandal.”

ENDS

Notes to editors:

The Ferret’s investigation can be found here. It uncovered:

- “Since the start of May, 50 of the country’s 89 designated bathing waters have breached European safety limits for faecal bacteria at least once when they were tested.”
- “Fourteen of these were among 38 swimming spots where water quality is classed as ‘excellent’ by the Scottish Environment Protection Agency (Sepa).”
- “The highest concentrations of faecal bacteria this summer were found at Lower Largo beach in Fife. Levels there were found to be at least 50 times the safe limit on three separate occasions.”

- “Two freshwater bathing spots – Luss Bay on the banks of Loch Lomond and Dores beach on the north-east shore of Loch Ness – also returned samples with very high levels of the bacteria.”

**Enclosure 6: Media query (Record\_Scotsman) - Surfers against Sewage NR - beach water quality  
Nov 2023**

**From:** [redacted reg 11(2)]@gov.scot> **On Behalf Of** Cabinet Secretary for Transport, Net Zero & Just Transition

**Sent:** Monday, November 20, 2023 9:17 PM

**To:** [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Communications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>; Leanne Dobson <Leanne.Dobson@gov.scot>; Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>

**Subject:** RE: For clearance: Media query (Record/Scotsman) - Surfers against Sewage NR - beach water quality

Hi [redacted reg 11(2)],

Content for this to issue on SpAd clearance.

Thanks,

[redacted reg 11(2)]

[redacted reg 11(2)],

**From:** [redacted reg 11(2)]@gov.scot>

**Sent:** Monday, November 20, 2023 8:48 PM

**To:** [redacted reg 11(2)]@gov.scot>; Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Communications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>; Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>; Leanne Dobson <Leanne.Dobson@gov.scot>; Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>

**Subject:** RE: For clearance: Media query (Record/Scotsman) - Surfers against Sewage NR - beach water quality

Cabinet Secretary, PO.

Grateful for an indication of whether the Cabinet Secretary will be able to clear or whether it should issue on SpAds clearance.

This is close to missing newspaper deadlines so I would appreciate some guidance on the above by 21:15 please.

Best wishes.

[redacted reg 11(2)],

.

**From:** [redacted reg 11(2)]@gov.scot>

**Sent:** 20 November 2023 18:36

**To:** Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot; Jon Rathjen <Jon.Rathjen@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Communications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>; Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>; Leanne Dobson <Leanne.Dobson@gov.scot>; [redacted reg 11(2)]@gov.scot>

**Subject:** RE: For clearance: Media query (Record/Scotsman) - Surfers against Sewage NR - beach water quality

Copying in duty comms to progress – grateful for clearance on the below.

Thanks,

[redacted reg 11(2)]  
[redacted reg 11(2)]

**From:** [redacted reg 11(2)]@gov.scot>

**Sent:** Monday, November 20, 2023 5:27 PM

**To:** Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** [redacted reg 11(2)]@gov.scot; Jon Rathjen <Jon.Rathjen@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Communications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>; Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>; Leanne Dobson <Leanne.Dobson@gov.scot>; [redacted reg 11(2)]@gov.scot>

**Subject:** For clearance: Media query (Record/Scotsman) - Surfers against Sewage NR - beach water quality

Hi PO

Received a request for a response to news release issued by Surfers Against Sewage re bathing water quality particularly at Portobello beach, focusing on their own data (release copied below)

Analysis found that ‘untreated sewage has been released into Scottish rivers and seas at least 58,304 times over the last 5 years. However, just 161 out of the 3,641 sewage overflows in Scotland were reported on during this time period meaning this figure is a gross underestimation of reality, with the true number of discharges likely to be in the 100,000s.’

SW and SEPA have also been approached and have copied SW’s response at the bottom of the chain.

Proposed response below – SpAds have commented. Grateful if you can let us know if the Cab Sec is content for us to issue

Thanks

[redacted reg 11(2)]

Scottish Government spokesperson said:

“SEPA’s latest bathing water data to be published today [21<sup>st</sup> November] shows that Scotland now has the highest number of designated Bathing Water sites ever, with the vast majority classified as good or excellent. This reflects the overall good ecological condition of Scotland’s rivers and coastal waters, and demonstrates the benefits of our continued investment in protecting and improving bathing waters across the country.

“We are not complacent and will continue to work closely with SEPA and Scottish Water to monitor and improve water quality, to make sure that as many people as possible are able to enjoy them.”

“Scottish Water is committing up to £500m to improve water quality, increase monitoring of the highest priority waters and tackle debris and spills. However, it is important to note that overflows from sewers are wastewater which has been highly diluted by rainwater, and which normally consist of less than 1% toilet waste.

“We are also launching today (November 21) a public consultation on Water, Wastewater and Drainage which considers how we limit the amount of rainwater in sewers to reduce overflows from sewers.”

## **Background**

- 2023 bathing water data to be published today (21st November) by SEPA reflects that for next year, 98% of Scotland’s bathing waters will again meet or exceed the Sufficient classification - with 85% achieving the higher standards of Excellent or Good.
- 87% of waterbodies in Scotland are assessed by SEPA as having ‘high’ or ‘good’ water quality, up from 82% six years ago.
- Combined Sewer Overflows (CSOs) are an integral part of a sewage network, designed to spill highly-diluted sewage to the environment to avoid overloading the sewer system and causing it to back up and flood homes and businesses during periods of intense rainfall.
- Scottish Water has committed to providing monitors on all its sewer overflows within 2km of a designated bathing water and provide near real-time spill data by December 2024.
- The spill monitoring data will inform the public and support both SEPA and Scottish Water’s work to prioritise investment where it will most benefit our environment, bathers and communities.
- As part of River Basin Management Planning, when setting objectives for protection and improvement of the water environment SEPA also considers impacts to the condition of areas protected for nature conservation. There are currently no identified conservation areas in Scotland that are failing to meet good ecological condition due to sewage discharges.
- A consultation on banning wet wipes containing plastic launched on 14 October.

## Query

Surfers Against Sewage's (SAS) annual water quality report is due to be released on Tuesday 21 November. The report highlights that Scottish Water discharged sewage 58,304 times in the last 5 years from just 161 of the 3,641 overflows in its network.

A mere 4% of Scottish Water's overflows are reported on, meaning the available discharge figures are likely a huge underestimation.

The report highlights a severe lack of accountability from Scottish Water on the sewage issue. Many popular bathing sites across Scotland, such as Portobello in Edinburgh and Thurso, a world-class surfing location, have no reporting whatsoever.

A new SAS Community Group, the Porty Water Collective, have taken it upon themselves to monitor water quality in the Portobello area after concerns about the ongoing impacts of sewage discharges on the health of people and ecosystems.

SAS's annual water quality report brings together citizen science data, Event Duration Monitoring (EDM) data, and figures from SAS's Safer Seas and Rivers Service (SSRS), to paint a picture of water quality across the UK.

### **We can offer:**

- Press release (see below).
- Access to the full embargoed report.
- Interviews with SAS CEO Giles Bristow, and Campaigns Manager Izzy Ross.
- High-res imagery of SAS representatives protesting sewage pollution across the UK. Please access images [here](#).
- Interviews with community members affected by the sewage issue in Scotland, including a spokesperson from the Porty Water Collective.

**Under strict embargo until 00:01 on Tuesday 21 November 2023**

**Scottish Water discharged sewage 58,304 times in the last 5 years from just 4% of overflows**

*The latest water quality report from Surfers Against Sewage (SAS) highlights a severe lack of accountability from Scottish Water.*

- Untreated sewage has been discharged by Scottish Water at least 14,008 times in 2022 alone.
- Only 4% of Scottish Water's 3,641 overflows are reported on, meaning these statistics are likely a huge underestimation.
- Many popular bathing sites across Scotland, such as Portobello in Edinburgh, have no reporting whatsoever.
- New Surfers Against Sewage Community Group will monitor water quality in Portobello area.

A new report released today by Surfers Against Sewage (SAS) emphasises Scotland's sewage blind spot due to a lack of reporting by Scottish Water. Analysis of EDM data by SAS found that untreated sewage has been released into Scottish rivers and seas at least 58,304 times over the last 5 years. However, just 161 out of the 3,641 sewage overflows in Scotland were reported on during this time period meaning this figure is a gross underestimation of reality, with the true number of discharges likely to be in the 100,000s.

Under 4% of sewage overflows in Scotland are required to be reported on, a stark contrast to England and Wales where nearly 100% are monitored. This leaves the Scottish public in the dark about the performance of the other 96% of overflows and the impact these are having on Scottish rivers and coastline.

The little data that is reported by Scottish Water is patchy, according to SAS. Three sewage overflows that previously were reported on annually are now only required to report during the bathing season due to the license agreement approved by the Scottish Environment Protection Agency (SEPA). Additionally, some overflows that were previously monitored now go entirely unreported and are labelled as having 'no license requirement for reporting'.

**Giles Bristow, CEO of Surfers Against Sewage, said:** *"Yet again, our annual water quality report reveals the complacency and disregard of governments, water companies and regulators towards the health of rivers and coastlines in Scotland and across the UK – and by extension people's health. How much do our blue spaces need to suffocate in sewage before those we elect to keep us safe and protect our environment wake up and smell the shit?"*

*"We are seeing failure at every level – from governments and regulators failing to enforce the law, to water companies refusing to clean up their act – with the general public ending up the biggest loser every time. How many times can we say 'enough is enough'? Our leaders need to prioritise transparency, ensure laws and regulations are properly enforced, and prevent water companies from continuing to pollute our blue spaces."*

Sicknesses due to sewage pollution reported to SAS reached 1,924 UK cases in the last year – nearly triple the number of cases reported a year prior. These cases resulted in 1,987 days taken off sick, which translates to 5 years of work lost to ill health caused by polluted waters. Many of these sicknesses have led to hospitalisation, events cancelled, earnings lost, and businesses closed. As this data only covers cases reported to SAS, these numbers are likely to be the tip of the iceberg.

The Porty Water Collective was set up in response to the ongoing poor state of water quality in Portobello, Edinburgh, which is impacted by several sewage overflows bringing sewage downstream into the sea via the Figgate Burn (known locally as the 'Figgy Burn'). Portobello is a popular beach with thousands of visitors, but notably has no reporting whatsoever. Users of the beach rarely have any idea if the area is safe to enjoy, or if they will unknowingly be swimming in sewage. The Collective is conducting regular testing in the area with support from SAS to monitor water quality and raise awareness in the absence of any reporting from Scottish Water.

**Charlie Allanson-Oddy, founding member of the Porty Water Collective and an SAS regional representative, said:** *"It's obvious from walking the beaches, from the number of baby wipes, that there is a massive sewage-related problem - something that is ignored by SEPA and Scottish Water. What we know - from testing conducted in 2021, and now from the Collective's current water quality testing backed by SAS - is that there are dangerously high levels of E. coli and chloroforms in the Figgy Burn from CSOs further upstream. Not all the locals know this."*

Scottish Water has made a promise to install monitoring equipment on 1,000 of the highest priority sewage overflows by 2024 with the remaining 2,600 to be considered in terms of cost and benefit.

SAS are calling on the Scottish Government to direct Scottish Water to install event duration monitoring on all overflows and for that data to be freely and easily accessible to the public in real-time so the Scottish public can make informed decisions when entering the water. Additionally, SAS want the Scottish Government to set progressive sewage reduction targets to end untreated discharges into bathing waters, popular water usage areas, and high priority nature sites by 2030.

This year SAS developed the End Sewage Pollution Manifesto, which sets out the policies needed to clean up our rivers and seas. Created in collaboration with environmental charities, sports governing bodies and community groups around the UK, the manifesto suggests a five-point plan to make the UK's waters healthy and safe to enjoy again:

- Enforce the law and regulations

- Stop pollution for profit
- Prioritise high-risk pollution events
- Empower a nature-led approach to tackling sewage pollution
- Reveal the truth by ensuring UK-wide transparency on sewage pollution.

**ENDS**

### Scottish Water response

A Scottish Water spokesperson said:

"The status of 87% of water bodies in Scotland have been classified as good or better status for water quality by SEPA and our continued investment - £2.7bn in the past decade with an additional £500m to improve monitoring and infrastructure - will help meet even higher standards.

"As a public body, we are independently regulated and fully accountable to Ministers.

"We remain on track to install 1000 new monitors at discharge locations, with a further 1200 monitors being placed elsewhere as we transform Scotland's waste water system to cope better with climate change and growth.

"Sewer discharges happen to reduce the risk of flooding in homes and consist mainly of run-off from roads and roofs and grey water from household appliances, with less than 1% coming from waste water from toilets. Water quality can also be significantly impacted from other sources including agricultural run-off."

[redacted reg 11(2)]

**Enclosure 7: Email - Willie Rennie FMQ Correspondence from the Cabinet Secretary for Transport, Net Zero and Just Transition**

**From:** [redacted reg 11(2)]@gov.scot> **On Behalf Of** Cabinet Secretary for Transport, Net Zero & Just Transition

**Sent:** Tuesday, October 31, 2023 12:34 PM

**To:** Rennie W (Willie), MSP <Willie.Rennie.msp@parliament.scot>

**Cc:** Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Subject:** Correspondence from the Cabinet Secretary for Transport, Net Zero and Just Transition

Good afternoon,

Please see attached correspondence from Mairi McAllan MSP, Cabinet Secretary for Transport, Net Zero and Just Transition

Many thanks,

[redacted reg 11(2)]

**Enclosure 7.1: Attachment - Willie Rennie FMQ Correspondence from the Cabinet Secretary for Transport, Net Zero and Just Transition**

Cabinet Secretary for Transport, Net Zero and  
Just Transition  
Mairi McAllan MSP  
T: 0300 244 4000  
E: scottish.ministers@gov.scot



Email: [Willie.Rennie.msp@parliament.scot](mailto:Willie.Rennie.msp@parliament.scot)

31 October 2023

Thank you for your question to the First Minister in Parliament on 28 September raising your concerns about reports in the media that 50 out of 89 of the most popular beaches in Scotland fail to meet the standard for safe bathing due to sewage. I am replying as I have portfolio responsibility for the issues you raise.

The Bathing Water Directive is implemented in Scotland by the Bathing Waters (Scotland) Regulations 2008. Under these regulations the Scottish Environment Protection Agency (SEPA) has responsibilities for monitoring, classifying, protecting and improving bathing water quality at designated locations.

SEPA follows strict EU standards in classifying Bathing Waters on the basis of four years data to provide confidence as to expected water quality for the public. Whilst Bathing Waters classification gives an overall indication of expected water quality there can be short term fluctuations in water quality caused by heavy rainfall and these are experienced at Bathing Waters across the UK and Europe. In 2023, SEPA has analysed 1,452 water quality classification samples from 89 designated Bathing Waters and 94% were found to be at safe levels.

It is not accurate to assume all short-term elevated bathing water quality monitoring results are caused by sewage and the media analysis of SEPA's bathing water monitoring data was incorrect in doing so. Water quality can be impacted by a range of bacterial sources following heavy rain, including agricultural land runoff, urban runoff, and dog and seagull faeces, and not just sewage spills. SEPA's monitoring and investigative work indicates that 19 bathing waters and not 50, as reported in the media, experienced short-term elevated faecal bacteria levels from human sources, in 2023.

Whilst a small number of 'poor' monitoring results at a designated Bathing Water is disappointing, often it is unavoidably weather related, and is not an indication that water quality is continually poor on all other days. We take these poor water quality reports very seriously and SEPA investigates these incidents in order to seek overall improvements to bathing water quality.

SEPA also has a network of 30 electronic signs at bathing waters that can be affected by rainfall so the public can make informed decisions about whether to bathe. SEPA also makes people aware of any pollution events that may impact the water quality. This information is also available on our website and by calling its contact centre.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot) St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

We are committed to improving bathing water quality across Scotland for everyone to enjoy. The Scottish Government works with SEPA and Scottish Water to ensure investment has been targeted at areas where it will have the greatest benefit, with major improvements in water quality at locations that had long-term issues such as Irvine and Ayr, following projects to upgrade sewage systems, install new treatment and investigate mis-connections. Scottish Water has invested £24.5 million on bathing water improvements since 2015.

Scottish Water is currently working to install monitors on all its sewer outfalls in or near bathing waters to provide near real-time spill data by December 2024 to provide alerts to the public. This commitment is set out in Scottish Water's Improving Urban Waters Routemap, which was published at the end of 2021. These actions will help inform bathers and support SEPA's and Scottish Water work to prioritise investment where it will most benefit our environment and communities.

The Scottish Government is committed to improving water quality at bathing waters across Scotland. In 2023 we saw the highest number of bathing waters ever in Scotland with the highest number rated excellent for water quality and a total of 98% of locations achieving the bathing water quality standards.

I hope you find this information useful.

MAIRI MCALLAN

## Enclosure 8: Email - SEPA BW monitoring data 2023

OFFICIAL

Hi [redacted reg 11(2)],

All our bathing waters data has been entered into databases and is undergoing final checks as is standard. The following data is therefore draft although based on previous years I expect any changes to be minimal.

In 2023 SEPA collected 1452 classification samples at Scotland's 89 bathing waters. Of these samples:

- 1359 (94%) recorded E coli <500 AND IE < 200
- 93 (6%) recorded E coli =>500 and/or IE =>200, that's 6%
- There were 50 unique bathing waters with one or more elevated results

In 2023, there were 66 classification samples where E coli => 500. We have MST data for 61 of these samples. Of these 61 samples human sources were:

- Highly significant in 14 samples
- Present in 10 samples
- Detected, not quantifiable in 20 samples
- Low significance in 12 samples
- Absent in 5
- Overall 36% of samples where E coli => 500 and we have MST data had a human source present or highly significant

In 2023, there were 27 classification samples where E coli < 500 but IE was =>200. We have MST data for 6 of these samples, as currently decisions on if to undertake MST analysis is based on early E coli counts (16 of the 27 samples had IE =<250). Of these 6 samples human sources were:

- Highly significant in 2 samples
- Present in 1 samples
- Detected, not quantifiable in 2 samples
- Low significance in 1 samples

Looking at all samples where we have data and E coli => 500 and/or IE=> 200:

- **40% of samples had a human source present or highly significant**
- **This happened at 19 unique bathing waters, listed below:**

Bathing water name
Anstruther (Billow Ness)
Ayr (South Beach)
Collieston
Dhoon Bay

Dores
Eyemouth
Fraserburgh (Tiger Hill)
Heads of Ayr
Irvine
Kinghorn (Harbour Beach)
Leven
Lower Largo
Monifieth
Nairn (East)
North Berwick (Milsey Bay)
North Berwick (West)
Portobello (Central)
Portobello (West)
Seamill

Data is attached, please give me a call if there is anything you would like to further discuss, I'm available until 1345, and then briefly after 1530.

Kind regards  
[redacted reg 11(2)]

OFFICIAL

**From:** [redacted reg 11(2)]@gov.scot <[redacted reg 11(2)]@gov.scot>  
**Sent:** Monday, September 25, 2023 9:52 AM  
**To:** [redacted reg 11(2)]@SEPA.org.uk>  
**Cc:** Critchlow-Watton, Nathan <n.critchlowwatton@sepa.org.uk>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot  
**Subject:** The Ferret Bathing Waters article

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 [redacted reg 11(2)]

Following our discussion this morning here is a copy of the Ferret article.

Please can you provide:

- A copy of SEPA's response to the Ferret
- Overall number of bathing water samples taken by SEPA in 2023, which met standards.

- MST indicating out of the 50 BW will exceedances, how many were impacted by human sewage.

As I pointed out, I was completely unaware of the Ferret questioning SEPA on this matter and I was understanding SEPA had procedures in place to ensure that I would be informed of any BW media releases.

Thanks

[redacted reg 11(2)]

**[redacted reg 11(2)]**

**Enclosure 8.1: Email - SEPA BW monitoring data 2023**

Attachment needs to go as attachment to the correspondence as this is a large excel document



2023 draft data DL  
25 Sept 2023.xlsx

Enclosure 9: Email - Correspondence from the Cabinet Secretary for Transport, Net Zero and Just Transition

**From:** [redacted reg 11(2)]@gov.scot> **On Behalf Of** Cabinet Secretary for Transport, Net Zero & Just Transition

**Sent:** Tuesday, October 31, 2023 12:35 PM

**To:** Smith E (Liz), MSP <Elizabeth.Smith.msp@parliament.scot>

**Cc:** Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Subject:** Correspondence from the Cabinet Secretary for Transport, Net Zero and Just Transition

Good afternoon,

Please see attached correspondence from Mairi McAllan MSP, Cabinet Secretary for Transport, Net Zero and Just Transition

Many thanks,  
[redacted reg 11(2)]

Enclosure 9.1 - Attachment of Email: Correspondence from the Cabinet Secretary for Transport, Net Zero and Just Transition

Cabinet Secretary for Transport, Net  
Zero and Just Transition  
Mairi McAllan MSP  
T: 0300 244 4000  
E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)



Email: [Elizabeth.Smith.msp@parliament.scot](mailto:Elizabeth.Smith.msp@parliament.scot)

31 October 2023

Thank you for your question to the First Minister in Parliament on 28 September raising your concerns about poor bathing water quality at Lower Largo and across Scotland in general. I am replying as I have portfolio responsibility for the issue you raise.

The Bathing Water Directive is implemented in Scotland by the Bathing Waters (Scotland) Regulations 2008. Under these regulations the Scottish Environment Protection Agency (SEPA) has responsibilities for monitoring, classifying, protecting and improving bathing water quality at designated locations.

SEPA follows strict EU standards in classifying Bathing Waters on the basis of 4 years data to provide confidence as to expected water quality for the public. Whilst, Bathing Waters classification gives an overall indication of expected water quality there can be short term fluctuations in water quality caused by heavy rainfall and these are experienced at Bathing Waters across the UK and Europe. In 2023, SEPA has analysed 1,452 water quality classification samples from 89 designated Bathing Waters and 94% were found to be at safe levels.

It is not accurate to assume all short-term elevated bathing water quality monitoring results are caused by sewage and the media analysis of SEPA's bathing water monitoring data was incorrect in doing so. Water quality can be impacted by a range of bacterial sources following heavy rain, including agricultural land runoff, urban runoff, and dog and seagull faeces, and not just sewage spills. SEPA's monitoring and investigative work indicates that 19 bathing waters and not 50, as reported in the media, experienced short-term elevated faecal bacteria levels from human sources, in 2023. Whilst a small number of 'poor' monitoring results at a designated Bathing Water is disappointing, often it is unavoidably weather related, and is not an indication that water quality is continually poor on all other days. However, we take these poor water quality reports very seriously and SEPA is investigating incidents in order to seek overall improvements to bathing water quality.

SEPA is working closely with Scottish Water to ensure the water quality improvements at Lower Largo are delivered. SEPA has also worked with Fife Council to ensure accurate signage is in place and advise against swimming during periods of poor water quality.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot) St Andrew's House, Regent Road, Edinburgh EH1 3DG

[www.gov.scot](http://www.gov.scot)

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We invest in people Silver



Lower Largo was designated as a Bathing Water in 2022. Scottish Water's preliminary investigations concluded that it is very unlikely that Lower Largo, without any improvement, would reach the required 'sufficient' bathing waters classification standard. Prior to Lower Largo being designated as a bathing water, Scottish Water's sewage treatment system was not designed, or required, to deliver bathing water standards. There are a number of Scottish Water assets within the Lower Largo catchment that have the potential to impact on bathing water quality, including Lower Largo Wastewater Treatment Works and Temple pumping station.

Scottish Water and SEPA have agreed that a full scale bathing water quality study should be undertaken to identify bathing water quality improvement solutions costing up to £400k. A bathing water study is the most complex type of study that Scottish Water undertakes and usually requires 4 years' worth of data for accurate modelling and analysis. This is to allow for natural variations in the seasons to be captured and accounted for in the model e.g. drier or wetter than average months which can impact bathing water samples.

Scottish Water initiated a bathing water study in Autumn 2021. This requires comprehensive monitoring and survey work including: manhole excavation, CCTV and flow surveys of the sewer network; intensive water quality sampling programme at the bathing water and watercourses in the vicinity; a Bathymetric survey (via boats) to map the seabed; current profile and dispersion testing to understand how discharges disperse in the water environment. The information collected is used to update the sewer network hydraulic model and build the marine model. Scottish Water have accelerated the study for Lower Largo and aim to calibrate the model on one year's worth of data, although there is a risk in doing this as a longer period of data collection provides more certainty on possible environmental impacts.

Scottish Water is currently calibrating the bathing water model and by early November, will receive a needs assessment which will help identify impacts on bathing water quality and any improvements in Scottish Water assets that may be required. Scottish Water will then be in a position to understand the impacts on bathing water quality and will follow Scottish Water investment routes in collaboration with SEPA and others to deliver any solutions identified.

Scottish Water has also been able to make some interim positive interventions. Working with their delivery partners, they have completed work to resolve the mis-connection of a number of properties in the Temple area of Lower Largo. This is a positive improvement to the drainage network in the village which should benefit the coastal water environment. Other operational investigations are also currently ongoing to ensure that the existing drainage network and connections in the village are operating as designed. Scottish Water has worked closely with SEPA and the Lower Largo community for a number of years in relation to bathing water quality and will continue to do so. I have provided Scottish Water's most recent Lower Largo stakeholder update with further details.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot) St Andrew's House, Regent Road, Edinburgh EH1 3DG

The Scottish Government is committed to improving water quality at bathing waters across Scotland. Scottish Water has invested £24.5 million on bathing water improvements since 2015. In 2023, we saw the highest number of bathing waters ever in Scotland with the highest number rated excellent for water quality and a total of 98% of locations achieving the bathing water quality standards.

I hope you find this information helpful.

A handwritten signature in black ink, appearing to read 'Mairi McCallan', with a stylized, cursive script.

**MAIRI MCALLAN**

## **Enclosure 10: ENFOR Director Briefing TNZJT Pre Cab call BW text 25 Sept 2023**

There has been widespread coverage in the media, on 25 September, that 50 Scottish Bathing Waters contain unsafe sewage levels following an investigation by The Ferret. SEPA is responsible for protecting and improving water quality at Scotland's 89 designated Bathing Waters under the Bathing Waters (Scotland) Regulations 2008. Following strict EU standards, Bathing Waters classification is undertaken by SEPA using 4 years data to give an overall indication of expected water quality. 98% of Scotland's bathing waters currently achieve the bathing water quality standards with more being rated excellent than ever before. The next Bathing Waters classification will be published by SEPA at the end of November.

Short term fluctuations in water quality caused by heavy rainfall are experienced at Bathing Waters across the UK and Europe and can come from a range of sources, including agricultural land runoff, urban runoff, and dog and seagull faeces as well as sewage. SEPA investigates poor water quality sample results to seek overall improvements to bathing water quality. Scottish Water has commitment to providing monitors on all its Combined Sewer Overflows (CSOs) within 2km of a designated bathing water and provide near real-time spill data by December 2024, as requested by green NGOs in the media.

**SCOTTISH PARLIAMENT  
ORAL ANSWER**

**28 September 2023**

Index Heading: Economy

**Liz Smith (Mid Scotland and Fife (Region) ) (Scottish Conservative and Unionist Party):** To ask the First Minister what action the Scottish Government is taking in response to reports of widespread contamination at many of Scotland's outdoor swimming sites.

**S6F-02404**

**Humza Yousaf:** The Scottish Government is committed to improving water quality at bathing waters across Scotland.

Reporting in the media has not interpreted SEPA's bathing water monitoring data correctly. Since we introduced more stringent European standards in 2015, we have worked with SEPA, Scottish Water and key stakeholders to ensure there are now more bathing waters classified as good or excellent than ever before with 98% meeting the water quality standards.

Scottish Water is working to install monitors on all its sewer outfalls in or near bathing waters to provide near real-time spill data by December 2024. These actions will help inform bathers and support SEPA's and Scottish Water work to prioritise investment where it will most benefit our environment and communities.

**Enclosure 12: Email** RE: S Gov request for final copy of our response to Ferret asap

**From:** [redacted reg 11(2)]@sepa.org.uk>

**Sent:** Monday, September 25, 2023 11:24 AM

**To:** [redacted reg 11(2)]@gov.scot

**Cc:** [redacted reg 11(2)]@sepa.org.uk

**Subject:** RE: S Gov request for final copy of our response to Ferret asap

OFFICIAL

Hi [redacted reg 11(2)],

Hope you are well.

Please see SEPA's response below to The Ferret on bathing waters.

I'm sure you will be familiar with these lines already as they are very similar to what we have used in response to previous bathing water enquiries.

*A spokesperson for the Scottish Environment Protection Agency (SEPA) said:*

*"Scotland's bathing water quality is the best it has been since 2015 when tighter standards first came into force. This summer's season started with more bathing waters than ever before, and a record-breaking number rated excellent.*

*"Bathing waters classifications are calculated in accordance with rules and standards prescribed in The Bathing Waters (Scotland) Regulations 2008. SEPA's specialist teams take samples at all our bathing waters throughout the season, providing water quality information for all those who wish to visit. Bathers are advised on our website or electronic beach signs if the water quality is predicted to be poor so they can make an informed choice before entering the water.*

*"The most common causes of water quality issues in Scotland are short term pollution following heavy rainfall which can cause sewer overflows, agricultural run-off from land, and surface water discharges from roads, car parks, and pavements etc. This means bacteria from dog fouling and from gulls can also be factors.*

*"SEPA continue to raise or maintain the state of bathing waters throughout the country for the benefit of the communities and visitors who use them. We do this by identifying the causes of pollution and then working with partners and regulated operators to agree and implement the improvement requirements within a planned period."*

**NOTES TO EDITOR:**

- *The overall water quality condition at a designated bathing water is described by a classification statement of excellent, good, sufficient and poor, based on four years of monitoring data. These classifications are calculated at the end of a season for display at the start of the following season.*
- *Our Bathing Waters: Profiles (sepa.org.uk) provide location-specific information to the public. Each profile includes a description, map and photograph of the bathing water; information*

*on potential pollution sources and risks to water quality, and descriptions of measures being taken to improve water quality.*


- *The national plan to improve urban waters, was required by SEPA and Scottish Water published this in 2021. The plan set out the efforts required to tackle the most significant environmental impacts as soon as possible. The route map details the actions required by Scottish Water, as a public body and responsible authority for River Basin Management Planning. SEPA are clear in our regulatory role in ensuring Scottish Water delivers against its Urban Waters Route Map and River Basin Management Plan objectives.*

Many thanks,

**[redacted reg 11(2)]**  
Scottish Environment Protection Agency

 **[redacted reg 11(2)]**

 **[redacted reg 11(2)]** @sepa.org.uk

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

OFFICIAL

**From:** [redacted reg 11(2)]@sepa.org.uk>  
**Sent:** Monday, September 25, 2023 9:48 AM  
**To:** SEPA Communications <Communications@sepa.org.uk>  
**Cc:** [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>  
**Subject:** S Gov request for final copy of our response to Ferret asap  
**Importance:** High

OFFICIAL

Hello,

Please can you provide [redacted reg 11(2)] at Scottish Government with a copy of our final response to the Ferret asap?

Thanks

**Enclosure 13 email: RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA**

From: [redacted reg 11(2)]

Sent: Monday, September 25, 2023 5:55 PM

To: Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

Cc: [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot;

[redacted reg 11(2)]@gov.scot; Deputy Director Environmental Quality and Resilience

<DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot [redacted reg

11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Kevin Quinlan

<Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge

<Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; David

Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry

<director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg

11(2)]@gov.scot Communications Net Zero & Rural Affairs

<CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted

reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Katriona

Carmichael <Katriona.Carmichael@gov.scot>; Leanne Dobson <Leanne.Dobson@gov.scot>; Director

of Environment & Forestry <director.enfor@gov.scot>; Minister for Green Skills, Circular Economy

and Biodiversity <MinisterforGSCEB@gov.scot>; Cabinet Secretary for Rural Affairs, Land Reform and

Islands <CabSecRALRI@gov.scot>; Kate Higgins <Kate.Higgins@gov.scot>; Harry Huyton

<Harry.Huyton@gov.scot>

Subject: RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

Hi [redacted reg 11(2)]

Please find attached a briefing for Ms McAllan following the media response to the Ferret's article investigating SEPA's Bathing Waters monitoring results.

Regards

[redacted reg 11(2)]

[redacted reg 11(2)]

From: [redacted reg 11(2)]@gov.scot>

Sent: Sunday, September 24, 2023 5:40 PM

To: Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>; [redacted reg 11(2)]@gov.scot>

Cc: [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot;

[redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot;

[redacted reg 11(2)]@gov.scot; Deputy Director Environmental Quality and Resilience

<DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot [redacted reg

11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Kevin Quinlan

<Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge

<Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; David

Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry

<director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg

11(2)]@gov.scot Communications Net Zero & Rural Affairs

<CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>

Subject: RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

Hi [redacted reg 11(2)],

For awareness - We were unable to get hold of officials today for this query for them to provide a more robust rebuttal of the lines. We will flag this with net zero comms colleagues for them to pick up with officials tomorrow to make sure our response is strengthened as per the Cab Sec's guidance below.

Many thanks

[redacted reg 11(2)]

[redacted reg 11(2)]

From: [redacted reg 11(2)]@gov.scot> On Behalf Of Cabinet Secretary for Transport, Net Zero & Just Transition

Sent: Sunday, September 24, 2023 5:30 PM

To: [redacted reg 11(2)]@gov.scot>; Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

Cc: [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge <Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot; David Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry <director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scotCommunications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>

Subject: RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

[redacted reg 11(2)]

[redacted regulation 10(4) (e)].

Thanks,

[redacted reg 11(2)]

[redacted reg 11(2)]

From: [redacted reg 11(2)]@gov.scot>

Sent: Sunday, September 24, 2023 4:33 PM

To: Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

Cc: [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge <Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot; David Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry <director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot>;

[redacted reg 11(2)]@gov.scot  
<CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot  
Subject: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

PO Cabinet Secretary for Transport, Net Zero and Just Transition

We've been approached by PA for a response to the Lib Dem news release below, which itself is a response to an investigation published by The Ferret today. The report and news release lead on the finding that more than half of Scotland's most popular beaches for wild swimming have been polluted with unsafe levels of sewage this summer.

The response below has been agreed with officials and SpAds. Grateful if you can advise if Ms McAllan is content.

Thanks,

[redacted reg 11(2)]

[redacted reg 11(2)]

A Scottish Government spokesperson said:

"We take the issue of sewage pollution incidents very seriously. Comprehensive monitoring of our water environment is already undertaken by SEPA to assess water quality, water quantity (flows and levels), physical condition and ecology which are combined to produce an overall classification. 87% of Scotland's entire water environment is assessed by SEPA as having a 'high' or 'good' classification for water quality – up from 82% six years ago. The results of those assessments are high and we continue to strive for further improvement."

Sewage: Cole-Hamilton comments on 50 out of 89 of Scotland's bathing waters breaching safety limits

Responding to an investigation published by The Ferret which found that more than half of Scotland's most popular beaches for wild swimming were polluted with unsafe levels of sewage this summer, including Lower Largo beach in Fife where faecal bacteria was found to be 50 times the legal limit due to sewer overflows, Scottish Liberal Democrat leader Alex Cole-Hamilton MSP said:

"This shows the SNP and Greens are letting the Government-owned water company off the hook for dumping sewage into our rivers, lakes and beaches.

"It's time ministers stopped excusing these filthy practices when levels of faecal bacteria on our beaches are reaching 50 times the safe limit. No wonder people are thinking twice before dipping their toes in.

"Scottish Liberal Democrats are leading the calls for all sewage discharges to be recorded and published to uncover the true scale of the problem, legally-binding targets to tackle sewage dumping and measures to upgrade Scotland's Victorian sewage systems. It's time to end the sewage scandal."

ENDS

Notes to editors:

The Ferret's investigation can be found here. It uncovered:

- "Since the start of May, 50 of the country's 89 designated bathing waters have breached European safety limits for faecal bacteria at least once when they were tested."
- "Fourteen of these were among 38 swimming spots where water quality is classed as 'excellent' by the Scottish Environment Protection Agency (Sepa)."
- "The highest concentrations of faecal bacteria this summer were found at Lower Largo beach in Fife. Levels there were found to be at least 50 times the safe limit on three separate occasions."
- "Two freshwater bathing spots – Luss Bay on the banks of Loch Lomond and Dores beach on the north-east shore of Loch Ness – also returned samples with very high levels of the bacteria."

**Enclosure 13.1 - Attachment - RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA**

**24 Sep** – Media - 50 Scottish Bathing Waters reported as containing unsafe sewage levels following an analysis of SEPA's published Bathing Water monitoring results by The Ferret, which it undertakes every year. NGOs call for monitoring data of CSOs to be shared with the public, spill reduction targets, and stopping sewage spills into the sea.

SEPA is responsible for monitoring, classifying, protecting and improving bathing water quality at the 89 designated Bathing Waters under the Bathing Waters (Scotland) Regulations 2008. SEPA follows strict EU methodology and standards to produce the bathing waters classification – which is based on an average quality level over four years. Bathing Waters are classified as 'excellent', 'good', 'sufficient' or 'poor'. Overall, there are currently 2 Bathing Waters classified as 'poor' due to sewage and SEPA is working with Scottish Water to identify solutions at these locations. The next Bathing Waters classification will be published by SEPA at the end of November.

Bathing Waters classification gives an overall indication of expected water quality, but there can be short term fluctuations in water quality driven by heavy rainfall. The most common causes of water quality issues in Scotland are short term pollution following heavy rainfall which can cause sewer overflows, agricultural run-off from land, and surface water discharges from roads, car parks, and pavements etc. This means bacteria from dog fouling and from gulls can also cause poor bathing water quality.

SEPA has analysed 1,452 water quality classification samples from 89 designated Bathing Waters this 2023 season and 94% were found to be at safe levels. There were 50 bathing waters with one or more elevated results. However, there is no published monitoring information to support the Ferret's conclusions that these are all due to unsafe levels of sewage. SEPA utilises Microbial Source Tracking (MST) to identify the source of faecal bacterial pollution such as human, ruminant, canine or gull sources to aid its investigation of short term pollution. SEPA MST analysis indicated that human sources were significant at 19 out of 89 Bathing Waters in 2023, rather than the 50 reported by the Ferret.

## **BATHING WATERS**

**98% of Scotland's bathing waters currently achieve the bathing water quality standards with more being rated excellent than ever before.**

- SEPA follows EU standards in classifying Bathing Waters on the basis of 4 years data providing confidence as to expected water quality.
- In 2023, SEPA has analysed 1,452 water quality classification samples from 89 designated Bathing Waters and 94% were found to be at safe levels.

- SEPA's monitoring and investigative work indicates that 19 bathing waters and not 50 experienced short-term elevated faecal bacteria levels from human sources, in 2023.
- Short term fluctuations in water quality caused by heavy rainfall are experienced at Bathing Waters across the UK and Europe.
- Water quality can be impacted by a range of bacterial sources following heavy rain, including agricultural land runoff, urban runoff, and dog and seagull faeces, and not just sewage spills.
- In line with globally recognised guidance, SEPA advises against bathing for up to 48 hours after heavy rainfall due to the increased risk of poor water quality from a range of different sources.
- Whilst a small number of 'poor' monitoring results at a designated Bathing Water is disappointing, often it is unavoidably weather related, and is not an indication that water quality is continually poor on all other days.
- We take poor water quality reports very seriously with SEPA investigating incidents in order to seek overall improvements to bathing water quality.
- Scottish Water has commitment to providing monitors on all its Combined Sewer Overflows (CSOs) within 2km of a designated bathing water and provide near real-time spill data by December 2024.
- The spill monitoring data will inform the public and support SEPA's and Scottish Water work to prioritise investment where it will most benefit our environment, bathers and communities.

**Enclosure 14: Email - RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA**

**From:** [redacted reg 11(2)]

**Sent:** Thursday, September 28, 2023 8:24 AM

**To:** Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge <Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; David Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry <director.enfor@gov.scot>

**Subject:** RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

Hi [redacted reg 11(2)]

For Ms McAllan's awareness here is the finalised FMQ and known FM PQ regarding bathing waters for today.

[redacted reg 11(2)]

**[redacted reg 11(2)]**

**From:** [redacted reg 11(2)]@gov.scot <[redacted reg 11(2)]@gov.scot> **On Behalf Of** Cabinet Secretary for Transport, Net Zero & Just Transition

**Sent:** Wednesday, September 27, 2023 11:15 AM

**To:** [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot; Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>; [redacted reg 11(2)]@gov.scot

**Cc:** [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge <Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; David Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry <director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot Communications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot

**Subject:** RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

**This email is for the official record and confirms a Ministerial Decision. This email must be placed in the official record (eRDM) by your team in line with SG records management policy.**

Hi [redacted reg 11(2)],

Ms McAllan has noted this information.

She has been asked to see the FMQ for this week when prepared, please.

Thanks

[redacted reg 11(2)]

**From:** [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>

**Sent:** 25 September 2023 08:06

**To:** [redacted reg 11(2)]@gov.scot; Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>; [redacted reg 11(2)]@gov.scot

**Cc:** [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge <Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; David Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry <director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot Communications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot

**Subject:** RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

Hi [redacted reg 11(2)]

I will pick up on the Ferret Bathing Waters article today and will provide advice and rebuttal lines for Ms McAllan and also the update Sewage Spills FMQ brief, accordingly.

[redacted reg 11(2)]

**[redacted reg 11(2)]**

**From:** [redacted reg 11(2)]@gov.scot

**Sent:** Sunday, September 24, 2023 5:40 PM

**To:** Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>; [redacted reg 11(2)]@gov.scot

**Cc:** [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge <Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; David Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry <director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot Communications Net Zero & Rural Affairs

<CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>

**Subject:** RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

Hi [redacted reg 11(2)],

For awareness - We were unable to get hold of officials today for this query for them to provide a more robust rebuttal of the lines. We will flag this with net zero comms colleagues for them to pick up with officials tomorrow to make sure our response is strengthened as per the Cab Sec's guidance below.

Many thanks

[redacted reg 11(2)]

--

**From:** [redacted reg 11(2)]@gov.scot> **On Behalf Of** Cabinet Secretary for Transport, Net Zero & Just Transition

**Sent:** Sunday, September 24, 2023 5:30 PM

**To:** [redacted reg 11(2)]@gov.scot>; Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge <Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; David Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry <director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Communications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>

**Subject:** RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

[redacted reg 11(2)]

[redacted regulation 10(4) (e)]

Thanks,

[redacted reg 11(2)]

[redacted reg 11(2)]

**From:** [redacted reg 11(2)]@gov.scot>

**Sent:** Sunday, September 24, 2023 4:33 PM

**To:** Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; Deputy Director Environmental Quality and

Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot  
[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>;  
Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge  
<Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot>; David  
Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry  
<director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot>;  
[redacted reg 11(2)]@gov.scotCommunications Net Zero & Rural Affairs  
<CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>  
**Subject:** For Clearance: Media Query - Immediate - Bathing Water Quality - PA

## **PO Cabinet Secretary for Transport, Net Zero and Just Transition**

We've been approached by PA for a response to the Lib Dem news release below, which itself is a response to an investigation published by The Ferret today. The report and news release lead on the finding that more than half of Scotland's most popular beaches for wild swimming have been polluted with unsafe levels of sewage this summer.

The response below has been agreed with officials and SpAds. Grateful if you can advise if Ms McAllan is content.

Thanks,

[redacted reg 11(2)]

[redacted reg 11(2)]

A Scottish Government spokesperson said:

"We take the issue of sewage pollution incidents very seriously. Comprehensive monitoring of our water environment is already undertaken by SEPA to assess water quality, water quantity (flows and levels), physical condition and ecology which are combined to produce an overall classification. 87% of Scotland's entire water environment is assessed by SEPA as having a 'high' or 'good' classification for water quality – up from 82% six years ago. The results of those assessments are high and we continue to strive for further improvement."

### **Sewage: Cole-Hamilton comments on 50 out of 89 of Scotland's bathing waters breaching safety limits**

Responding to an investigation published by The Ferret which found that more than half of Scotland's most popular beaches for wild swimming were polluted with unsafe levels of sewage this summer, including Lower Largo beach in Fife where faecal bacteria was found to be 50 times the legal limit due to sewer overflows, Scottish Liberal Democrat leader Alex Cole-Hamilton MSP said:

"This shows the SNP and Greens are letting the Government-owned water company off the hook for dumping sewage into our rivers, lakes and beaches.

“It’s time ministers stopped excusing these filthy practices when levels of faecal bacteria on our beaches are reaching 50 times the safe limit. No wonder people are thinking twice before dipping their toes in.

“Scottish Liberal Democrats are leading the calls for all sewage discharges to be recorded and published to uncover the true scale of the problem, legally-binding targets to tackle sewage dumping and measures to upgrade Scotland's Victorian sewage systems. It’s time to end the sewage scandal.”

ENDS

Notes to editors:

The Ferret’s investigation can be found here. It uncovered:

- “Since the start of May, 50 of the country’s 89 designated bathing waters have breached European safety limits for faecal bacteria at least once when they were tested.”
- “Fourteen of these were among 38 swimming spots where water quality is classed as ‘excellent’ by the Scottish Environment Protection Agency (Sepa).”
- “The highest concentrations of faecal bacteria this summer were found at Lower Largo beach in Fife. Levels there were found to be at least 50 times the safe limit on three separate occasions.”
- “Two freshwater bathing spots – Luss Bay on the banks of Loch Lomond and Dores beach on the north-east shore of Loch Ness – also returned samples with very high levels of the bacteria.”

**Enclosure 14.1: Attachment 1 of 2 - RE: For Clearance: Media Query - Immediate - Bathing Water Quality – PA**

**27 Sep** P&J “Call for tighter testing after Spey fish deaths”.

**24 Sep** Media report 50 Scottish Bathing Waters contain unsafe sewage levels following investigation by The Ferret.[SEPA determines number is 19 rather than 50]

**23 Sep** BBC – SEPA “Low oxygen levels in River Spey may have killed fish”.

**19 Sep** – Media more than 50 fish have been found dead along an almost 18-mile stretch of the River Spey; in the same area a child and a group of canoeists have fallen ill after reportedly drinking the water.

**11 Sep** Times – **Sewage spills soared in the past four years**

**5 Sep** PfG debate (Labour) – **Scottish Water’s Cash reserves could be used to give all customers a £100 rebate on their water bills**

**2 Sep** - Times 'Taps will run dry if water staff strike' Households will be left without water and pollution incidents will go untreated if hundreds of Scottish Water employees go on strike after a ballot, unions have warned. Unison consulted members and found that 82 per cent would be willing to take industrial action unless proposed changes to their pay and grading are withdrawn and a better salary offer is put forward. The unions involved have now committed to a formal ballots running from 22 September. Discussions with ACAS are ongoing to establish what role they can play to assist in resolving the dispute.

**2 Sep** Times **Scandal of Scotland's polluted coastline** Calls for greater monitoring of Scotland's sewage network after it was revealed the country's beaches have? eight times more sewage-related debris than those in England or Wales. Marine Conservation Society data shows that Scottish beaches had an average of 88.2 items of debris, such as wet wipes, per 100 metres last year. This compared with an average of 9.1 and 10.7 per 100 metres.

**SCOTLAND’S WATER QUALITY**

**87% of Scotland’s entire water environment is assessed by SEPA as having a ‘high’ or ‘good’ classification for water quality – up from 82% six years ago.**

- The upgrade in water quality reflects improvements made through Scottish Water’s investment programme, and work by a range of stakeholders to improve rural land management practices to reduce diffuse pollution.
- SEPA’s data indicates that 56% of *rivers* are in overall good condition, and for *water quality* the figure is much higher at 85%.

**We take the issue of sewage pollution incidents very seriously. Scottish Water’s Improving Urban Waters Route Map update demonstrates the work underway to reduce spills.**

- The Improving Urban Waters Route Map sets out a programme of continued action to reduce wastewater pollution and sewage litter over the coming decade backed by investment of up to half a billion pounds
- These overflows represent huge volumes of rainwater being safely transferred away from homes and businesses to prevent flooding

during times of excessive rainfall, normally less than 1% of these spills is sewage and the rest is largely rain water.

## **RECENT MEDIA REPORTING ON BATHING WATERS**

### **Media analysis of SEPA's bathing water monitoring data is incorrect.**

- It is not accurate to assume all short-term elevated bathing water quality monitoring results are caused by sewage.
- Water quality can be impacted by a range of bacterial sources following heavy rain, including agricultural land runoff, urban runoff, and dog and seagull faeces, and not just sewage spills.
- SEPA's monitoring and investigative work indicates that 19 bathing waters and not 50, reported in the media, experienced short-term elevated faecal bacteria levels from human sources, in 2023.
- We are committed to improving bathing water quality across Scotland for everyone to enjoy.
- In 2023, SEPA has analysed 1,452 water quality classification samples from 89 designated Bathing Waters and 94% were found to be at safe levels.

## **BATHING WATERS**

### **98% of Scotland's bathing waters currently achieve the bathing water quality standards with more being rated excellent than ever before.**

- SEPA follows EU standards in classifying Bathing Waters on the basis of 4 years data providing confidence as to expected water quality.
- Short term fluctuations in water quality caused by heavy rainfall are experienced at Bathing Waters across the UK and Europe.
- In line with globally recognised guidance, SEPA advises against bathing for up to 48 hours after heavy rainfall due to the increased risk of poor water quality from a range of different sources.
- Whilst a small number of 'poor' monitoring results at a designated Bathing Water is disappointing, often it is unavoidably weather related, and is not an indication that water quality is continually poor on all other days.

### **We take poor water quality reports very seriously with SEPA investigating incidents in order to seek overall improvements to bathing water quality.**

- Scottish Water has committed to providing monitors on all its sewer overflows within 2km of a designated bathing water and provide near real-time spill data by December 2024.
- The spill monitoring data will inform the public and support both SEPA and Scottish Water's work to prioritise investment where it will most benefit our environment, bathers and communities

### **54 projects have already been initiated to address issues caused by high priority CSO discharges by 2027 in line with Scottish Water's capital investment process.**

- Priority locations have been identified for 1,000 new spill monitors, with installation programmed over 2023 and 2024 at a value of £70m. The

methodology for deciding these locations is on the Scottish Water website.

- Spill data which is reported to SEPA has already been published on Scottish Water's website.
- The first annual update to the route map was published in December 2022

**Scottish Water is in the process of developing detailed solutions for 104 high priority unsatisfactory Combined Sewer Overflows (CSOs) due to their impact on water quality or sewage related debris.**

- Plans are already in place to address 24 high priority unsatisfactory Combined Sewer Overflows (CSOs) by 2027 as set out in the third River Basin Management Plan.
- Scottish Water is also developing solutions for 39 waste water treatment works which are included as water quality improvement measures.

#### **OVERFLOW MONITORING**

**Increasing the monitoring of sewage outflow pipes would not change the classification of the water environment under the current system by SEPA, Scotland's independent environmental regulator.**

- Rather than permanent monitoring, which is the common approach for water companies in England, Scottish Water carried out a more comprehensive Scotland-wide environmental study programme to assess the impacts of its assets on water quality during the 2015 to 2021 investment period costing £40m
- The computer models Scottish Water developed allow it to understand when CSOs will spill, under what rainfall conditions and the impact those spills will have on the environment.
- English water companies have not yet undertaken the detailed environmental assessments that have been completed in Scotland.
- SEPA regularly monitors the water environment to ensure it is not impacted by sewage spills.
- In 2019, it took around 19,000 monitoring samples across Scotland to safeguard the water quality of our rivers, lochs and coastal areas.
- SEPA licences and regulates 345 sewer networks operated by Scottish Water carrying out inspections on a rolling basis.
- In 2019 there were 7 out of 100 found not to be compliant with their licence conditions. SEPA took action to ensure compliance was achieved.
- Scottish Water's Improving Urban Waters Routemap outlines the significant investment underway to increase data monitors on our overflows by the end of 2024. As part of this work, data capture and availability is being reviewed to allow further enhancements.
- Scottish Water will publish information on the number of days for which monitors are unavailable to support the reporting of 2023 overflow events in January 2024.

- Comprehensive monitoring of water bodies is undertaken by SEPA to assess water quality, water resources, physical condition and aquatic ecology which are combined to produce an overall classification of the water environment.

## **ROLE OF COMBINED SEWER OVERFLOWS (CSOs)**

**Combined Sewer Overflows (CSOs) are an integral part of Scotland's sewer networks, ensuring sewers don't back up and flood homes, streets and sewage works during periods of heavy rainfall.**

- It's not accurate to call CSO spills from the waste water network sewage spills. Normally, what is spilled is largely rain water as the toilet sewage element is less than 1% of the total volume.

**Scottish Water has reduced environmental pollution incidents by 60% over the last decade from 800 each year to fewer than 300, in spite of increasingly challenging weather patterns.**

- Scottish Water's national campaign 'Nature Calls' raises awareness of sewer blockages caused by inappropriately-flushed items such as wet wipes containing plastic and other personal hygiene products.
- Scottish Government is working with the UK government and other devolved administrations towards a shared solution to tackle wet wipe pollution.

**SEPA is required by law to identify unsatisfactory CSOs, primarily for water quality or sewage related debris impacts, in order to reduce those impacts on the water environment.**

- The Scottish Government recognises the multiple benefits that blue and green infrastructure provides to support climate and water resilience, including combined sewer overflow spill reduction, and published the Water Resilient Places Policy Framework in February 2021.
- Scottish Water, SEPA and the local authorities support the framework and we will continue to see increased use of blue and green infrastructure in future as this becomes the primary method for managing surface water.

**Combined Sewer Overflows (CSOs) must be licensed by SEPA, and any unsatisfactory discharges will be identified so that Scottish Water can invest to reduce the environmental impact.**

- There are no plans to introduce new targets in relation to sewage spills. Scottish Water is already required to improve the level of compliance with environmental licences, and it must invest to meet River Basin Management Plan objectives.
- Scottish Water's improving urban waters routemap confirms that 90 CSOs in Edinburgh have been identified for monitoring.
- 24 CSOs which discharge into the Water of Leith have been classified as Unsatisfactory and assessed as High Priority by Scottish Water, they are now in the solution development phase.

#### RIVER SPEY

**We take reports of this kind very seriously. SEPA has found no evidence of a recent pollution event, but continue to monitor the river and engage with relevant partners and authorities to determine the cause of the reported fish mortality.**

- SEPA were notified by the Spey Fishery Board on Monday 11<sup>th</sup> September that dead fish had been discovered in the River Spey. Circa 50 large dead fish have now been recovered across an 18 mile stretch of the River Spey.
- Despite water sampling and ongoing inspections, SEPA has found no evidence of a pollution event that would have resulted in the death of adult fish when other aquatic species and smaller fish are unharmed.
- SEPA are continuing to work closely with partners, including the Fish Health Inspectorate who lead on fish mortalities regarding this incidence. The Fish Health Inspectorate will analyse samples in due course.
- SEPA are asking anyone with any information or anyone who finds dead fish on or near any watercourse to contact them online or by calling their Pollution Hotline 0800 80 70 60.

#### SCOTTISH WATER FUNDING

**Scottish Water is performing well as a publicly owned corporation.**

- Evidence of its performance is clearly demonstrated by the fact that Scottish Water is matching the levels of service provided by the companies in England and Wales whilst ensuring that the average household charge in Scotland is lower.
- In 2023-24, the average charge is expected to be £411 compared to £448 in England and Wales.
- Scottish Water invested £3.7bn to deliver Ministers' objectives across the 2015-21 period.
- £880m was invested in 2022-23 – upgrading essential treatment works, water supply and sewer networks.

#### SCOTTISH WATER STRIKE ACTION

**There is the potential for strike action at Scottish Water and a risk this could disrupt services. However, this is not yet confirmed, and every effort is being made to avoid it.**

- I understand all the unions involved have now committed to formal ballots running from 22 September. Separately, discussions with ACAS are ongoing to establish what role they can play to assist in resolving the dispute.
- I would urge Scottish Water and union members to continue negotiations to seek a resolution.

## **SCOTTISH WATER CASH BALANCES/RESERVES**

**Cash Balances are not surpluses. They are largely allocated to investment projects in the current and future financial years as well as for contingencies.**

- Scottish Water's cash balance has reduced by over £100m since 31 March 2022 as it continues to invest in improving services.
- The cash balance is substantially allocated across the range of investment projects in the current financial year, including improving network infrastructure, wastewater treatment works etc.
- Scottish Water remains committed to delivering significant investment through the 2021-27 regulatory period. These projects will improve water quality, protect the environment, make progress towards net-zero emissions, replace aging assets and deliver even better services to customers.
- Scottish Water has a policy of retaining a cash balance to allow the company to deal with any unexpected shocks.

## **REMUNERATION**

**Scottish Water is subject to independent economic regulation. No other body accountable to the Scottish Parliament is subject to such a transparent and demanding improvement regime.**

- The remuneration packages of Scottish Water employees are a matter for Scottish Water – in line with the Government's public sector pay policy.
- That policy makes clear that all public sector bodies are expected to demonstrate pay restraint for the most senior workers.
- The current remuneration package is significantly smaller than that paid by comparable utilities, both in terms of salary and bonus incentives.
- Bonuses are only paid in the event of outperformance of demanding targets that are verified by independent regulators.

**SCOTTISH PARLIAMENT  
ORAL ANSWER**

**28 September 2023**

Index Heading: Economy

**Liz Smith (Mid Scotland and Fife (Region) ) (Scottish Conservative and Unionist Party):** To ask the First Minister what action the Scottish Government is taking in response to reports of widespread contamination at many of Scotland’s outdoor swimming sites.

**S6F-02404**

**Humza Yousaf:** The Scottish Government is committed to improving water quality at bathing waters across Scotland.

Reporting in the media has not interpreted SEPA’s bathing water monitoring data correctly. Since we introduced more stringent European standards in 2015, we have worked with SEPA, Scottish Water and key stakeholders to ensure there are now more bathing waters classified as good or excellent than ever before with 98% meeting the water quality standards.

Scottish Water is working to install monitors on all its sewer outfalls in or near bathing waters to provide near real-time spill data by December 2024. These actions will help inform bathers and support SEPA’s and Scottish Water work to prioritise investment where it will most benefit our environment and communities.

**Enclosure 15: FW: For info: Media query (Times) - Environmental Standards Scotland report on bathing water categorisation**

**From:** [redacted reg 11(2)]@gov.scot>

**Sent:** Monday, December 4, 2023 5:33 PM

**To:** Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Communications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Leanne Dobson <Leanne.Dobson@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>

**Subject:** For info: Media query (Times) - Environmental Standards Scotland report on bathing water categorisation

PO

For info – received a media query from the Times requesting a comment in response to summary report from Environmental Standards Scotland calling for greater transparency around the process for designating bathing waters – particularly the criteria for 150 people using them, which is ‘unnecessarily high’ compared to other UK nations. ESS have asked us to review the application and designation procedure

Have issued the following response on SpAd clearance – grateful if you could make Cab Sec aware on return

Thanks

[redacted reg 11(2)]

Scottish Government spokesperson said:

“Scotland now has the highest number of designated Bathing Water sites ever, with the vast majority classified as good or excellent. This demonstrates the benefits of our continued investment in protecting and improving bathing waters across the country.

“The Scottish Government is working with Environmental Standards Scotland to consider the points raised by their recent summary report.

“SEPA specialist teams sample water quality at designated bathing waters throughout the bathing water season and classifications are based on data from the four previous years. The latest classification shows that 98% of Scotland’s bathing waters continue to meet or exceed strict environmental standards.”

### Query

#### **Watchdog criticises ministers for lack of transparency on sewage-free bathing sites**

Based on this report from ESS

<https://environmentalstandards.scot/wp-content/uploads/2023/12/Case-Summary-Report-Bathing-Waters-IESS.23.005.pdf>

- Does the government recognise the process was not previously transparent?
- Does it make the frequently cited 98% bathing water quality statistic less reliable as a measure of the impact of sewage pollution in Scottish waters?

## **Enclosure 16: FW: Lower Largo Bay - Ministerial briefing**

**From:** [redacted reg 11(2)]@gov.scot>  
**Sent:** Wednesday, October 18, 2023 8:39 AM  
**To:** [redacted reg 11(2)]@gov.scot  
**Subject:** FW: Lower Largo Bay - Ministerial briefing

[redacted reg 11(2)],

Here's the update.

[redacted reg 11(2)]

**From:** [redacted reg 11(2)]@SCOTTISHWATER.CO.UK>  
**Sent:** Tuesday, October 17, 2023 4:19 PM  
**To:** [redacted reg 11(2)]@gov.scot>  
**Cc:** [redacted reg 11(2)] @SCOTTISHWATER.CO.UK>; [redacted reg 11(2)] @SCOTTISHWATER.CO.UK>; [redacted reg 11(2)] @scottishwater.co.uk>; [redacted reg 11(2)] @SCOTTISHWATER.CO.UK>  
**Subject:** Lower Largo Bay - Ministerial briefing

Hi [redacted reg 11(2)]

Please see below some briefing lines in relation to lower largo bay and our ongoing programme of work in this area. I've also attached a copy of the stakeholder update which was issued in July. Let me know if you need any more information on this.

### **Lower Largo bay**

Scottish Water has worked closely with SEPA and the Lower Largo community for a number of years in relation to the bathing water quality and will continue to do so.

2023 is the second year that Lower Largo bay has been an official designated bathing water and Scottish Water has an on-going programme of work in Lower Largo to understand any impact its waste water system is having on the water quality. Scottish Water is currently calibrating the bathing water model and by early November, will receive a needs assessment which will inform the impact, if any, on bathing water quality from each Scottish Water asset which is discharging in the vicinity and identify any improvements in Scottish Water assets that may be required.

Lower Largo Bay has performed at Poor status for the last two years and SEPA worked with Fife Council to ensure accurate signage was in place and advised against swimming during these periods. It is through the modelling work and subsequent needs assessment that Scottish Water will be able to understand the treatment levels required, if any, and will follow the Scottish Water investment routes in collaboration with SEPA and others to deliver any improvements identified as being needed.

Carrying out modelling and investigations to confirm needs is time consuming as is developing and delivering substantial improvements that might be necessary. However, Scottish Water have been able to make some positive interventions in the interim that should make a difference – working with their delivery partners, they have completed work to resolve the mis-connection of a number of

properties in the Temple area of Lower Largo. This is a positive improvement to the drainage network in the village which should benefit the coastal water environment.

Some other operational investigations are currently ongoing to ensure that the existing drainage network and connections in the village are operating as designed.

Scottish Water is committed to continuing to support the protection and improvement of Scotland's rivers, coastal waters and beaches. It remain committed to engaging with all stakeholders and the community in relation to Lower Largo.

#### Background

The Scottish Water system (sewers and treatment) in Lower Largo is not designed to meet bathing water standards. There are assets within the catchment which have the potential to impact on bathing water quality.

The Lower Largo network is almost entirely a combined sewerage system. There are four combined sewer overflows (CSOs) which act as relief points during wet weather to prevent flooding. There is one pumping station (Temple) which pumps flow to Lower Largo Wastewater Treatment Works (WWTW). Lower Largo WWTW is a primary treatment works, where sewage is settled to remove solids before being discharged via an outfall to Largo Bay.

Scottish Water initiated the bathing water study in Autumn 2021 and the study follows the similar format to all other bathing water studies that Scottish Water have carried out in the past. A bathing water study is the most complex type of study that Scottish Water undertakes and usually requires 4 years' worth of data for accurate modelling and analysis. This is to allow for natural variations in the seasons to be captured and accounted for in the model e.g. drier or wetter than average months which can impact bathing water samples. Scottish Water have attempted to accelerate the study for the community and try to calibrate the model on one year's worth of data, although there is a risk in doing this as a longer period of data collection provides more certainty on possible environmental impacts.

Regards

[redacted reg 11(2)]

[redacted reg 11(2)]

SW Public  
General

**Enclosure 16.1: attachment - FW: Lower Largo Bay - Ministerial briefing**



Lower Largo Scottish  
Water stakeholder up

**Enclosure 17: RE: For Clearance: Media Query - Immediate - Bathing Water Quality – PA**

**From:** [redacted reg 11(2)]@gov.scot> **On Behalf Of** Cabinet Secretary for Transport, Net Zero & Just Transition

**Sent:** Sunday, September 24, 2023 5:30 PM

**To:** [redacted reg 11(2)]@gov.scot>; Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge <Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot; David Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry <director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scotCommunications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>

**Subject:** RE: For Clearance: Media Query - Immediate - Bathing Water Quality - PA

[redacted reg 11(2)]

[redacted regulation 10(4) (e)]

Thanks,

[redacted reg 11(2)]

[redacted reg 11(2)]

**From:** [redacted reg 11(2)]@gov.scot>

**Sent:** Sunday, September 24, 2023 4:33 PM

**To:** Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Kevin Quinlan <Kevin.Quinlan@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; Kersti Berge <Kersti.Berge@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot; David Signorini <David.Signorini@gov.scot>; Director of Environment & Forestry <director.enfor@gov.scot>; [redacted reg 11(2)]@gov.scot[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scotCommunications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>

**Subject:** For Clearance: Media Query - Immediate - Bathing Water Quality - PA

**PO Cabinet Secretary for Transport, Net Zero and Just Transition**

We've been approached by PA for a response to the Lib Dem news release below, which itself is a response to an investigation published by The Ferret today. The report and news release lead on the finding that more than half of Scotland's most

popular beaches for wild swimming have been polluted with unsafe levels of sewage this summer.

The response below has been agreed with officials and SpAds. Grateful if you can advise if Ms McAllan is content.

Thanks,

[redacted reg 11(2)]

[redacted reg 11(2)]

A Scottish Government spokesperson said:

“We take the issue of sewage pollution incidents very seriously. Comprehensive monitoring of our water environment is already undertaken by SEPA to assess water quality, water quantity (flows and levels), physical condition and ecology which are combined to produce an overall classification. 87% of Scotland’s entire water environment is assessed by SEPA as having a ‘high’ or ‘good’ classification for water quality – up from 82% six years ago. The results of those assessments are high and we continue to strive for further improvement.”

### **Sewage: Cole-Hamilton comments on 50 out of 89 of Scotland’s bathing waters breaching safety limits**

Responding to an investigation published by The Ferret which found that more than half of Scotland’s most popular beaches for wild swimming were polluted with unsafe levels of sewage this summer, including Lower Largo beach in Fife where faecal bacteria was found to be 50 times the legal limit due to sewer overflows, Scottish Liberal Democrat leader Alex Cole-Hamilton MSP said:

“This shows the SNP and Greens are letting the Government-owned water company off the hook for dumping sewage into our rivers, lakes and beaches.

“It’s time ministers stopped excusing these filthy practices when levels of faecal bacteria on our beaches are reaching 50 times the safe limit. No wonder people are thinking twice before dipping their toes in.

“Scottish Liberal Democrats are leading the calls for all sewage discharges to be recorded and published to uncover the true scale of the problem, legally-binding targets to tackle sewage dumping and measures to upgrade Scotland’s Victorian sewage systems. It’s time to end the sewage scandal.”

ENDS

Notes to editors:

The Ferret’s investigation can be found here. It uncovered:

- “Since the start of May, 50 of the country’s 89 designated bathing waters have breached European safety limits for faecal bacteria at least once when they were tested.”

- “Fourteen of these were among 38 swimming spots where water quality is classed as ‘excellent’ by the Scottish Environment Protection Agency (Sepa).”
- “The highest concentrations of faecal bacteria this summer were found at Lower Largo beach in Fife. Levels there were found to be at least 50 times the safe limit on three separate occasions.”
- “Two freshwater bathing spots – Luss Bay on the banks of Loch Lomond and Dores beach on the north-east shore of Loch Ness – also returned samples with very high levels of the bacteria.”



“Scotland’s rivers and coastal waters are already rigorously monitored by the Scottish Environment Protection Agency. This monitoring shows they are in good health with 87% classed as having ‘high’ or ‘good’ water quality.

“Overflows from sewers normally consist of around 99% rainwater and less than 1% toilet waste. Scottish Water deals with 36,000 sewer blockages every year caused by inappropriate items being flushed down the sewers. Blockages can mean sewer overflows and flooding of properties. We all need to be more careful about what we flush, and we are supporting Scottish Water’s ‘Nature Calls’ campaign highlighting the impact of inappropriately-flushed items and the damage they cause to our environment.

“Scottish Water is also committing up to £500m to improve water quality, increase monitoring of the highest priority waters and tackle debris and spills.”

## **Background**

- 87% of waterbodies in Scotland are assessed by SEPA as having ‘high’ or ‘good’ water quality, up from 82% six years ago.
- Combined Sewer Overflows (CSOs) are an integral part of a sewage network, designed to spill highly-diluted sewage to the environment to avoid overloading the sewer system and causing it to back up and flood homes and businesses during periods of intense rainfall.
- The Scottish Government supports Scottish Water and SEPA’s work to ensure that any asset that spills in dry weather is given the highest priority for investigation and intervention.
- A consultation on banning wet wipes containing plastic launched on 14 October.

## **QUERY**

We are working on an update to the story that appeared in the Sunday Herald about illegal sewage polluting Scotland's beaches.

They have reported on the Ferret's investigation to sewage being "discharged illegally" during dry weather at beauty spots such as the West Sands beach in St Andrews.

The investigation claims to have uncovered 2300 "dry spilling" incidents from Scottish sewers in the past five years.

A copy of the full article can be accessed here <https://www.heraldscotland.com/news/23885317.illegal-sewage-pollutes-scotlands-protected-waters/> and the Scottish Government has been quoted as follows

"We have sought reassurance from Scottish Water and we note that they have challenged [The Ferret's] representation in detail.

They said Scottish rivers and coastal waters were already rigorously monitored by Sepa. "This monitoring shows they are in good health."

We were looking to see if you are happy with the comments or if there is anything else you want to add.

My deadline is 4pm.

Many thanks,  
[redacted reg 11(2)]

**Enclosure 18: Subject: RE: To clear - Media query - Dry spill overflows - The Ferret**

**From:** [redacted reg 11(2)]@gov.scot> **On Behalf Of** Cabinet Secretary for Transport, Net Zero & Just Transition

**Sent:** Thursday, October 26, 2023 5:39 PM

**To:** [redacted reg 11(2)]@gov.scot>; Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** Communications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot; Leanne Dobson <Leanne.Dobson@gov.scot>

**Subject:** RE: To clear - Media query - Dry spill overflows - The Ferret

[redacted reg 11(2)],

Ms McAllan is content however, would be keen to see an oral briefing next week once we've gotten to the bottom of this.

Thanks,

[redacted reg 11(2)]  
[redacted reg 11(2)]

**From:** [redacted reg 11(2)]@gov.scot>

**Sent:** Thursday, October 26, 2023 4:54 PM

**To:** Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** Communications Net Zero & Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Jon Rathjen <Jon.Rathjen@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; Deputy Director Environmental Quality and Resilience <DDEQR@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot; Leanne Dobson <Leanne.Dobson@gov.scot>

**Subject:** To clear - Media query - Dry spill overflows - The Ferret

PO / Cabinet Secretary for Transport, Net Zero & Just Transition,

We've been approached by the Ferret, looking for a response to concerns at the number of 'dry spill' events taking place across Scotland's water network. Deadline close of play.

To note, both Scottish Water and SEPA have also been approached and I have copied their responses at the foot.

Scottish Water's response makes clear that they do not accept the position that is being presented by the Ferret and we have reflected that in our response.

Policy, comms and SpAds have agreed the following response – grateful if you can confirm Ms McAllan is content.

Best,

[redacted reg 11(2)]

## **DRAFT REPLY**

### **A Scottish Government spokesperson said:**

“We have sought reassurance from Scottish Water and we note that they have challenged this representation in detail.

“Scotland's rivers and coastal waters are already rigorously monitored by the Scottish Environment Protection Agency. This monitoring shows they are in good health with 87% classed as having 'high' or 'good' water quality.

“Overflows from sewers normally consist of around 99% rainwater and less than 1% toilet waste. Scottish Water deals with 36,000 sewer blockages every year caused by inappropriate items being flushed down the sewers. Blockages can mean sewer overflows and flooding of properties. We all need to be more careful about what we flush, and we are supporting Scottish Water's 'Nature Calls' campaign highlighting the impact of inappropriately-flushed items and the damage they cause to our environment.

“Scottish Water is also committing up to £500m to improve water quality, increase monitoring of the highest priority waters and tackle debris and spills.”

### **Background**

- 87% of waterbodies in Scotland are assessed by SEPA as having 'high' or 'good' water quality, up from 82% six years ago.
- Combined Sewer Overflows (CSOs) are an integral part of a sewage network, designed to spill highly-diluted sewage to the environment to avoid overloading the sewer system and causing it to back up and flood homes and businesses during periods of intense rainfall.
- The Scottish Government supports Scottish Water and SEPA's work to ensure that any asset that spills in dry weather is given the highest priority for investigation and intervention.
- A consultation on banning wet wipes containing plastic launched on 14 October.

## **QUERY**

I'm writing a story on dry spilling that will be published this weekend in The Ferret and the Herald.

Scottish Water illegally discharged sewage hundreds of times during dry weather last year, an analysis by The Ferret suggests.

Our investigation uncovered 2,300 'dry spilling' incidents from Scottish sewers in the past five years, including soiling beauty spots such as West Sands beach at St Andrews.

Discharging sewage during dry weather into rivers and seas is illegal. Spilling sewage that has not been fully treated is permitted only as a result of unusually intense rainfall which dilutes it.

But The Ferret discovered that four per cent of sewage spills recorded by Scottish Water, the Scottish public water company, between 2018 to 2022 took place when it wasn't raining. This included periods of drought.

Our analysis shows sewage was also spilled into protected environments.

At one sewage treatment plant discharging into a shellfish protected water, raw sewage has been spilling since 2008 because the plant is unable to process the sewage volume quickly enough.

Campaigners said our findings showed "that a nauseating level of pollution is being kept under wraps".

Surfers Against Sewage accused Scottish Water of "appalling behaviour" and called on Sepa, the Scottish environment regulator, to "stand up to the polluters".

The Scottish Liberal Democrats said that "it seems like every appalling practice adopted by the private water companies in England is being mimicked by the government-owned water company in Scotland."

To identify dry spills, The Ferret cross-referenced two data sources: publicly accessible spill records from monitored discharge pipes and information about rainfall within three kilometres from each spill.

Four in five dry spills were from storm tanks – reserve capacities at sewage treatment works. Sewage spilled from storm tanks receives partial treatment but still contains faecal bacteria.

Ninety-five per cent of sewer overflows in Scotland are not monitored, suggesting dry spilling could be significantly more extensive.

More details below.

**Scanty spill monitoring conceals real extent of problem**

"To put this in concrete terms," said Alex Cole-Hamilton MSP, leader of the Scottish Liberal Democrats, "this means wet wipes and human waste overflowing into rivers and onto beaches, even when the system is not under abnormal stress."

Campaigners and politicians fear lack of spill monitoring could mean that dry spilling is a bigger issue than indicated in the data. Dr Laura Foster, Head of Clean Seas at the Marine Conservation Society, said: "We need to see electronic monitoring of all overflows, so we know the full extent of the problem."

She said: "For the sake of our rivers, seas, and our own health, we need to prevent sewage discharges."

Cole-Hamilton said that because of sparse monitoring, "the true number of dry spills taking place may be far higher."

He said: "Scottish Liberal Democrats will continue to demand action to stand out dry spilling entirely. That means speeding up measures to upgrade Scotland's Victorian sewer network, sewage discharges properly recorded and published to uncover the true scale of the problem and legally-binding targets to tackle sewage dumping."

Josh Harris, head of communications at Surfers Against Sewage, a campaign group, said: "Scottish Water has a lot to answer for. These dry spills are yet another shocking example of the water industry being given an inch and taking a mile. Sepa, as the regulator, should be standing up to the polluters and demanding better for our waterways. Scottish Water should be ashamed and we stand alongside our communities across Scotland in calling out this appalling behaviour."

## **SCOTTISH WATER RESPONSE**

A Scottish Water spokesperson said:

"This is a very complex area and we question the methodology and approach being used to support this analysis and the statements based on it."

"Scottish Water does not accept that these are dry weather discharges and we would not expect routine discharges to be Environmental Pollution Incidents (EPIs). These are routine discharges that are a normal, planned part of the waste water system operation and are fully compliant with water industry regulations."

"The analysis highlights that 80% of what are claimed to be dry weather discharges are from storm tanks, which partially treat waste water. This suggests there has been rainfall in the catchment since that is when storm tanks usually come into operation. It is therefore not a 'dry weather' event."

"The term 'raw sewage' is misleading – the vast majority of waste water discharged is from sinks, baths, showers, household appliances and rainwater and only about 1% is actual toilet waste"

“The water environment is generally good in Scotland with 98% of Scottish bathing waters achieving the bathing water quality standard and 87% of waterbodies meeting Good status or beyond for water quality.

“Scottish Water has invested £2.7 billion in improving and maintaining the public drainage system over the past decade to help improve our waters.

“Our Improving Urban Waters (IUW) routemap, which supports the national River Basin Management objectives (92% good water quality by 2027), commits us to additional investment of up to £500 million to further improve water quality.”

## **Background information**

There is no “practice” of dry-discharging as such. Dry weather discharges would normally only happen due to an issue with an asset.

Most dry weather discharges are caused by short-term operational issues which may have reduced capacity of the pipes resulting in a discharge.

Scottish Water deals with over 36,000 blockages a year, with the majority of these due to items wrongly put into the sewer, such as wipes, sanitary products and fat/oil/grease. Other potential factors can include mis-connections or hydraulic incapacity.

Emergency overflows can also discharge if there is an emergency, such as a breakdown at a pumping station or treatment works.

Through survey work, we are aware that 14 of the 108 high priority assets identified in our Improving Urban Waters Route Map show evidence of having operated in dry weather on some occasion.

It has been agreed with SEPA that any asset that discharges in dry weather is the highest priority for investigation and intervention.

## **SEPA RESPONSE**

Nathan Critchlow-Watton, Head of Water and Planning at the Scottish Environment Protection Agency (SEPA) said:

“Scotland’s water quality is at its highest level ever, with 87% of our water environment rated as good or better. This year, Scotland also has a record-breaking number of bathing waters rated as ‘excellent’.

“We welcome the increased public interest in the environment we all share, and the growing aspirations – heard loud and clear – for our water environment. The River Basin Management plan sets a water quality target for 92% of the water environment to be in good or better condition by 2027.

“We’re clear in our regulatory role in ensuring Scottish Water delivers against the Urban Waters Route Map, prioritising investment where it will most benefit our environment and communities. Scottish Water has committed to installing monitors on every CSO discharging to a Bathing or Shellfish Water by the end of 2024, with near real-time monitoring published for all these monitored CSOs by the end 2024. We will continue to work in partnership with Scottish Water when appropriate – and use regulatory tools when required - to ensure that actions to address the most significant water quality and litter impacts meet the timetable.

“While Scotland already enjoys some of the best water quality in Europe, SEPA is focused on ensuring improvement continues in the years ahead. We’ll do that by working together with public partners and regulated businesses, using our enforcement powers when necessary.”

Notes to editor:

- There are a number of causes of water quality issues in Scotland. These can include sewer overflows, diffuse pollution (surface water run-off from land and urban areas) and private sewerage systems.
- The Water Environment Hub ([sepa.org.uk](http://sepa.org.uk)) shows all the information for the River Basin Management Plans detailing the condition of watercourses across Scotland and any pressures they are facing.
- The national plan to improve urban waters, was required by SEPA and Scottish Water published this in 2021. The plan set out the efforts required to tackle the most significant environmental impacts as soon as possible. The route map details the actions required by Scottish Water, as a public body and responsible authority for River Basin Management Planning. SEPA is clear in our regulatory role in ensuring Scottish Water delivers against its Urban Waters Route Map and River Basin Management Plan objectives.
- SEPA and Scottish Water are prioritising the 1,000 monitors committed to under the route map, initially focusing on bathing waters and shellfish waters and their assets within two kilometres of the designations. The timescale for the installation of all 1,000 monitors is December 2024.

**Enclosure 19: RE: Bathing Waters letters for FMQ follow-up**

**From:** [redacted reg 11(2)]@gov.scot

**Sent:** Thursday, October 26, 2023 1:24 PM

**To:** Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** Anne Aitken <Anne.Aitken@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot

**Subject:** RE: Bathing Waters letters for FMQ follow-up

Hi [redacted reg 11(2)]

Following Ms McAllan's helpful feedback please find attached updated draft letters and briefing for her consideration.

Please provide me with copies of the final letters sent.

Thanks

[redacted reg 11(2)]

**[redacted reg 11(2)]**

**From:** [redacted reg 11(2)]@gov.scot> **On Behalf Of** Cabinet Secretary for Transport, Net Zero & Just Transition

**Sent:** Monday, October 23, 2023 10:13 AM

**To:** [redacted reg 11(2)] <[redacted reg 11(2)]@gov.scot>; Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** Anne Aitken <Anne.Aitken@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot

**Subject:** RE: Bathing Waters letters for FMQ follow-up

Good morning [redacted reg 11(2)],

Thanks for this.

Ms McAllan is not content with these letters, feeling that they should speak to the generality of the matter (i.e the ferret investigation), and should use lines from the submission – including that it is not accurate to extrapolate short term changes in water quality to the longer term. Ms McAllan feels we need to push back on this robustly, as well as including general lines about the quality of Scotland's bathing waters, coupled with determination for improvement.

Ms McAllan would also appreciate a personalised response to each MSP given the different topics touched on in their letters.

[redacted 10(4) (e)] - Ms McAllan would appreciate more detail on what is being done, what will be done, and the timescales involved. Ms McAllan is of the view that it is not acceptable to suggest that there will be a long period of modelling work before Scottish Water responds.

I would be grateful for revised drafts incorporating the above.

Many thanks,  
[redacted reg 11(2)]

[redacted reg 11(2)]

**From:** [redacted reg 11(2)] [redacted reg 11(2)]@gov.scot

**Sent:** Thursday, October 19, 2023 1:09 PM

**To:** Cabinet Secretary for Transport, Net Zero & Just Transition <CabSecTNZJT@gov.scot>

**Cc:** Anne Aitken <Anne.Aitken@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot>; [redacted reg 11(2)]@gov.scot [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot; [redacted reg 11(2)]@gov.scot>

**Subject:** Bathing Waters letters for FMQ follow-up

Hi [redacted reg 11(2)]

Further to the questions raised at FMQs 28 September by Mr Rennie and Ms Smith on Bathing Waters here are draft response letters for Ms McAllan.

I've also attached a the most recent Scottish Water Lower Largo stakeholder for Ms McAllan's awareness and to accompany the letter to Ms Smith, and a general briefing on Bathing Waters and the media report.

The Parliamentary record of the questions raised is available at [https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/meeting-of-parliament-28-09-2023?meeting=15466&iob=131971#orscontributions\\_M4941E408P744C2519820](https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/meeting-of-parliament-28-09-2023?meeting=15466&iob=131971#orscontributions_M4941E408P744C2519820).

Please provide me with copies on the final letters sent.

Thanks

[redacted reg 11(2)]

[redacted reg 11(2)]

[redacted reg 11(2)]

**Enclosures 19.1, 19.2, 19.3 and 19.4: RE: Bathing Waters letters for FMQ follow-up**

Enclosure 19.1 - Please see enclosure 7.1: Letter - Willie Rennie FMQ Correspondence from the Cabinet Secretary for Transport, Net Zero and Just Transition

Enclosure 19.2 - Please see enclosure 3: Bathing Waters FMQ follow-up Ministerial brief October 2023

Enclosure 19.3 - Please see enclosure 16.1: Lower Largo Bay - Ministerial briefing

Enclosure 19.4 – please see enclosure 11: FMQ S6F-02404 Liz Smith SG action on contamination of swimming sites

### SCOTTISH WATER (INCL SEWAGE SPILLS)

- 5 Dec** The Times (Scotland)The environment watchdog [Environmental Standards Scotland] has criticised SNP ministers for a lack of transparency over a process [designating bathing waters] that allows swimmers to be protected from sewage leaks.
- 2 Dec Glasgow Times** Jackson Carlaw hits out at Scottish Water junction plans [[S6M-11432](#)]
- 26 Nov The Herald** 'There's a clear conflict of interest' SEPA criticised for investing pensions in polluters and fossil fuel companies
- 21 Nov Daily Record** E coli warning at popular Scots beaches (Portobello, Edinburgh, and Thurso in the Highlands) as 'outflows aren't monitored'
- 11 Nov The Press and Journal (Inverness, Highlands & Islands)** Water supply at risk during strike
- 11 Nov: Daily Record** Striking staff blast water firm 'ransom'
- 11 Nov: i (The paper for today) (Scotland)** Scottish Water workers strike over pay grades
- 11 Nov: The Herald** Scottish Water workers walk out on strike over new grading structure for pay
- 10 Nov: BBC** Scottish Water workers 'driven to strike action', says union
- 5 Nov: Herald** reports on EXCLUSIVE Scottish Water is accused of 'ripping up the rules' over £1m bonuses to chiefs
- 5 Nov Herald:** It's time to stop' Union's outrage as chiefs are paid nearly £1m in bonuses

### SCOTTISH WATER STRIKE ACTION

**Pleased to note Scottish Water and recognised Unions have agreed to a pay and reward package that is being taken to a ballot of members which, if agreed, will formally end the now suspended industrial action.**

- An agreement was reached under the auspices of ACAS to take an updated deal on Thursday 14<sup>th</sup> November.
- Industrial action is suspended. If the ballot is, as expected, successful then staff should get pay rise into pockets for Christmas and new pay structure fully in place, as planned for 1 April.
- Result of ballot is expected within next few weeks.

### SENIOR WORKERS REMUNERATION

**Scottish Water is subject to independent economic regulation. No other body accountable to the Scottish Parliament is subject to such a transparent and demanding improvement regime.**

- The remuneration packages of Scottish Water employees are a matter for Scottish Water – in line with the Government's public sector pay policy.
- That policy makes clear that all public sector bodies are expected to demonstrate pay restraint for the most senior workers.

- The leadership and staff of Scottish Water have transformed its performance to the benefit of its customers and the economy.
- The current remuneration package – for the CEO and across senior management team members - is significantly smaller than that paid by comparable utilities, both in terms of salary and bonus incentives.
- Bonuses are only paid in the event of outperformance of demanding targets that are verified by independent regulators.
- As has been made clear previously, the Scottish Government is satisfied that the correct process was followed by the Scottish Water board in setting the remuneration of the Chief Executive.
- It is essential that we recruit highly experience personnel for such vital services. That means competing for talent with private sector counterparts.

### **Salary comparison tables for 2022-23**

The table below provides a comparison of Chief Executive salaries at a glance. Income from shareholdings is not included. Long-term incentive payments vary across companies and are paid at the end of regulatory periods.

#### **CEO**

<b>Company</b>	<b>Base Salary £</b>	<b>Bonus £</b>	<b>Long-term incentives £</b>
United Utilities	971,000	426,000	886,000
Severn Trent	771,900	358,800	1,944,700
Yorkshire Water	515,000	0	0
Welsh Water	341,000	0	0
Scottish Water	245,000	80,000	0

Scottish Water’s comparators vary in size (in terms of revenue). There is typically a strong correlation between company size and executive remuneration. However, although Scottish Water is larger in terms of revenue than a number of its peers, its base salaries remain lower by comparison.

### **SCOTTISH WATER ROADWORKS[Motion S6M-11432]**

**The project is part of essential £26 million worth of investment to improve the quality and resilience of the drinking water supply for many thousands of customers in the area.**

- It is a matter for Scottish Water to deliver investment projects and engage with local businesses and customers whilst work is on-going.
- Scottish Water is maintaining access to the shops and car park at all times in this case.
- Scottish Water expects to complete the works in a relatively short period of time [4-15 December]

#### **PRIVATISATION**

**There are no plans to privatise Scottish Water.**

- Scottish Water is performing well as a publicly owned corporation.

- Evidence of its performance is clearly demonstrated by the fact that Scottish Water is matching the levels of service provided by the companies in England and Wales whilst ensuring that the average household charge in Scotland is lower.
- Ministers confirmed in their Principles of Charging statement for the 2021-27 period that no dividends would be taken from Scottish Water.
- Scotland's commitment to public ownership of our water industry means that every pound raised is re-invested in the water industry.

## **INVESTMENT/FUNDING**

- Scottish Water will invest up to £4.5bn across the 2021-27 period.
- The investment programme is supported by government borrowing of up to £1.03bn.
- £880m was invested in 2022-23 – upgrading essential treatment works, water supply and sewer networks.
- Scottish Water invested £3.7bn to deliver Ministers' objectives across the 2015-21 period.
- Numerous jobs are supported through this industry including over 4,300 directly within Scottish Water and over 5,000 in the civil engineering, construction and design sectors - roughly 20% of the market in these sectors in Scotland.

## **WATER CHARGES**

### **The average water charge in Scotland remains lower than the average in England and Wales.**

- In 2023-24, the average charge is expected to be £411 compared to £448 in England and Wales.
- The Council Tax freeze does not apply to water charges.
- Decisions on the levels of water charges are matters for Scottish Water's Board. Their decision must be taken with due regard to the Principles of Charging for water services set by Scottish Ministers, including the key principle of affordability. Ministers have no powers to directly intervene in the charge setting process.

## **SCOTTISH WATER CASH BALANCES/RESERVES**

### **Cash Balances are not surpluses. They are largely allocated to investment projects in the current and future financial years as well as for contingencies.**

- Scottish Water's cash balance has reduced by over £100m since 31 March 2023 as it continues to invest in improving services.
- The cash balance is substantially allocated across the range of investment projects in the current financial year, including improving network infrastructure, wastewater treatment works etc.
- Scottish Water remains committed to delivering significant investment through the 2021-27 regulatory period. These projects will improve water quality, protect the environment, make progress towards net-zero emissions, replace aging assets and deliver even better services to customers.
- Scottish Water has a policy of retaining a cash balance to allow the company to deal with any unexpected shocks.

## **SCOTTISH WATER – SCOTLAND’S DRINKING WATER**

### **Scottish Water was served an enforcement notice by the Drinking Water Quality Regulator for Scotland for a backlog of inspections and repairs at service reservoirs.**

- The enforcement notice was issued following a number of inspections. Scottish Water has nearly 1000 service reservoirs across Scotland.
- We are working closely with Scottish Water to rectify the issues raised.
- The enforcement notice highlights the need for increasing investment in our water services.

## **SCOTLAND’S WATER QUALITY**

### **87% of Scotland’s entire water environment is assessed by SEPA as having a ‘high’ or ‘good’ classification for water quality – up from 82% six years ago.**

- The upgrade in water quality reflects improvements made through Scottish Water’s investment programme, and work by a range of stakeholders to improve rural land management practices to reduce diffuse pollution.
- SEPA’s data indicates that 56% of *rivers* are in overall good condition, and for *water quality* the figure is much higher at 85%.

### **In 2019, SEPA took around 19,000 monitoring samples across Scotland to safeguard the water quality of our rivers, lochs and coastal areas.**

- SEPA licences and regulates 345 sewer networks operated by Scottish Water carrying out inspections on a rolling basis.
- In 2019 there were 7 out of 100 found not to be compliant with their licence conditions. SEPA took action to ensure compliance was achieved.
- Scottish Water’s Improving Urban Waters Routemap outlines the significant investment underway to increase data monitors on our overflows by the end of 2024. As part of this work, data capture and availability is being reviewed to allow further enhancements.

### **We take poor water quality reports very seriously with SEPA investigating incidents in order to seek overall improvements to bathing water quality.**

- Scottish Water has committed to providing monitors on all its sewer overflows within 2km of a designated bathing water and provide near real-time spill data by December 2024.
- The spill monitoring data will inform the public and support both SEPA and Scottish Water’s work to prioritise investment where it will most benefit our environment, bathers and communities.

### **Increasing the monitoring of sewage outflow pipes would not change the classification of the water environment under the current system by SEPA.**

- Rather than permanent monitoring, which is the common approach for water companies in England, Scottish Water carried out a more comprehensive Scotland-wide environmental study programme (in partnership with SEPA) to assess the impacts of its assets on water quality during the 2015 to 2021 investment period costing £40m.

- The study programme involved detailed surveillance, monitoring and modelling to identify and prioritise planned improvements.
- The computer models Scottish Water developed allow it to understand when CSOs will spill, under what rainfall conditions and the impact those spills will have on the environment.
- English water companies have not yet undertaken the detailed environmental assessments that have been completed in Scotland.

**FERRET ANALYSIS OF SCOTTISH WATER SPILL DATA IN DRY WEATHER**  
**We have sought reassurance from Scottish Water and we note that they have challenged this representation in detail.**

- We support Scottish Water and SEPA's work to ensure that any asset that spills in dry weather is given the highest priority for investigation and intervention.

**ROLE OF COMBINED SEWER OVERFLOWS (CSOs)**  
**Combined Sewer Overflows (CSOs) are an integral part of Scotland's sewer networks, ensuring sewers don't back up and flood homes, streets and sewage works during periods of heavy rainfall.**

- It's not accurate to call CSO spills from the wastewater network sewage spills. Normally, what is spilled is largely rain water as the toilet sewage element is less than 1% of the total volume.

**Combined Sewer Overflows (CSOs) must be licensed by SEPA, and any unsatisfactory discharges will be identified so that Scottish Water can invest to reduce the environmental impact.**

- There are no plans to introduce new targets in relation to sewage spills.
- Scottish Water is already required to improve the level of compliance with environmental licences, and it must invest to meet River Basin Management Plan objectives.
- Scottish Water has reduced environmental pollution incidents by 60% over the last decade from 800 each year to fewer than 300, in spite of increasingly challenging weather patterns.

**SEWAGE SPILLS and OVERFLOW MONITORING**  
**Scottish Water's Improving Urban Waters Route Map update demonstrates the work underway to reduce spills from overflows.**

- The Improving Urban Waters Route Map sets out a programme of continued action to reduce wastewater pollution and sewage litter over the coming decade backed by investment of up to half a billion pounds
- These overflows represent huge volumes of rainwater being safely transferred away from homes and businesses to prevent flooding during times of excessive rainfall, normally less than 1% of these spills is sewage and the rest is largely rain water.

**54 projects have already been initiated to address issues caused by high priority Combined Sewer Overflow discharges by 2027 in line with Scottish Water's capital investment process.**

- Priority locations have been identified for 1,000 new spill monitors, with installation programmed over 2023 and 2024 at a value of £70m. The methodology for deciding these locations is on the Scottish Water website.
- Spill data which is reported to SEPA has already been published on Scottish Water’s website.
- The first annual update to the route map was published in December 2022

**Scottish Water is in the process of developing detailed solutions for 104 high priority unsatisfactory Combined Sewer Overflows (CSOs) due to their impact on water quality or sewage related debris.**

- Plans are already in place to address 24 high priority unsatisfactory Combined Sewer Overflows discharging into the Water of Leith by 2027 as set out in the third River Basin Management Plan.
- Scottish Water is also developing solutions for 39 waste water treatment works which are included as water quality improvement measures.
- Drinking Water supplied by Scottish Water remains of very high quality. In 2022, 99.92% of samples taken at consumer taps met stringent health-based standards.
- The public should have every confidence in our public supplies.

**BATHING WATERS**

**Scotland now has the highest number of designated Bathing Water sites ever, with the vast majority classified as good or excellent and 98% overall achieving the bathing water quality standards.**

- Environmental Standards Scotland concluded that the Scottish Government’s approach to designating Bathing Waters had not affected Scotland’s performance in comparison with other parts of the UK.
- Following Environmental Standards Scotland’s recommendations, the Scottish Government is working with it to update the application form and published guidance.
- This demonstrates the benefits of our continued investment in protecting and improving bathing waters across the country.
- Thurso and Portobello bathing waters, highlighted in the media, are rigorously monitored by SEPA and achieved water quality classification standards for 2024.
- A summary of latest bathing waters classification compared to 2022, 2021 and 2019 is shown in the table below. There was no classification in 2020 due to COVID restrictions.

<b>Classification</b>	<b>2019</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Excellent	29	32	38	38
Good	31	35	35	37
Sufficient	20	17	12	12
Poor	5	1	2	2
Total	85	85	87 <sup>a</sup>	89 <sup>b</sup>

<sup>a</sup> Lower Largo and Barassie were designated as Bathing Waters in 2022.

<sup>b</sup> Wardie Bay and Fisherrow Sands were designated as Bathing Waters in 2023.

- SEPA follows EU standards in classifying Bathing Waters on the basis of 4 years data providing confidence as to expected water quality.
- Short term fluctuations in water quality caused by heavy rainfall are experienced at Bathing Waters across the UK and Europe.
- In line with globally recognised guidance, SEPA advises against bathing for up to 48 hours after heavy rainfall due to the increased risk of poor water quality from a range of different sources.
- Whilst a small number of 'poor' monitoring results at a designated Bathing Water is disappointing, often it is unavoidably weather related, and is not an indication that water quality is continually poor on all other days.

**It is not accurate to assume all short-term elevated bathing water quality monitoring results are caused by sewage.**

- Water quality can be impacted by a range of bacterial sources following heavy rain, including agricultural land runoff, urban runoff, and dog and seagull faeces, and not just sewage spills.
- SEPA's monitoring and investigative work indicates that 19 bathing waters [and not 50, as reported in the media], experienced short-term elevated faecal bacteria levels from human sources, in 2023.
- We are committed to improving bathing water quality across Scotland for everyone to enjoy.
- In 2023, SEPA has analysed 1,452 water quality classification samples from 89 designated Bathing Waters and 94% were found to be at safe levels.

**SEPA FUNDING and SEPA PENSION FUND**

**The 2023-24 Budget increased funding for the Scottish Environmental Protection Agency and NatureScot by £18m recognising the pivotal role they play to protect, restore and value nature, and maintain a safe, healthy and sustainable environment for the people of Scotland.**

- The analysis reported provides inaccurate and misleading information on environment spend. It does not include other sources of funding such as European funds or in-year budget adjustments.
- Although budgets have been constrained over the past decade due to UK budget cuts, we have worked hard to provide our environment agencies with the necessary resources to fulfil their statutory functions and enabled them to increase revenue through environmental charges.
- SEPA has decades of experience regulating Scotland's environment. This is achieved through the blend of funding from Scottish Government alongside SEPA's regulatory activities funded by cost recovery under the principle of polluter pays.
- We will support SEPA and other public bodies to ensure resources are prioritised to maximum effect, recognising the pivotal role they play to protect, restore and value nature, and maintain a safe, healthy and sustainable environment for the people of Scotland.
- At the same time, we have expanded the range and number of agencies working in this area, including the Scottish Land Commission, Crown Estate Scotland, Forestry and Land Scotland and Scottish Forestry.

- SEPA is one of a range of members of the Falkirk Council Pension Fund where the funds are managed independently from SEPA, in line with the Public Services Pension Act and on behalf of the scheme's 37,000 members and pensioners.
- SEPA have confirmed that Falkirk pension fund is responding to the global threat of climate change and that its investment principles are publicly available online.