Rob Gibson  
Convener  
Rural Affairs, Climate Change and Environment Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  

17 January 2013

Dear Mr Gibson

Aquaculture and Fisheries (Scotland) Bill

Thank you for the opportunity to provide Scottish Water’s views on Stage 1 of the Aquaculture and Fisheries (Scotland) Bill. As previously indicated to the Committee, unfortunately we were unable to attend the oral evidence session owing to a prior commitment with SEPA and SNH in Dingwall.

In providing information we will make some general remarks regarding our assets and operations and previous investment. We will then provide additional comments in relation to some of the specific points picked up in the committee meeting on 19th December.

General Comments

We support the objective of a sustainable and healthy shellfish industry, making best use of Scotland’s natural resources. However a key element of sustainability is ensuring the industry develops in a way that does not drive disproportionate public investment.

To that end, we believe an important consideration in setting future shellfish designations is the extent to which the water body may or may not be impacted by existing infrastructure (Scottish Water or others), agricultural diffuse pollution or wider land runoff issues. Failure to fully understand the ability of a water body to meet Class A requirements prior to taking a decision to designate has the potential to drive significant abortive expenditure in seeking to address a range of potential water quality impacts, which may not require to be addressed.

As a key principle, Scottish Water investment aims to deliver benefit to the environment and value to the customer. In order to do that, there must be clear evidence that Scottish Water assets are causing a problem, and that intervention by Scottish Water will deliver a benefit at reasonable cost.
Past investment

Over the past 10 years, Scottish Water has invested extensively to improve its assets in the vicinity of shellfish waters. In the region of £60-70m capital investment has delivered significant improvement to Scottish Water assets. The objectives were to meet the microbiological standards required for shellfish waters, and are included as conditions within discharge licences monitored by SEPA.

These schemes have generally sought to either remove the discharges through provision of central treatment and discharge outwith the vicinity of the shellfish water, or to disinfect the effluent to secure compliance. Additionally, investment in the network has focussed on limiting spill frequencies that would continue to support the shellfish water objectives.

Effectiveness of investment and diffuse pollution

Having addressed the Scottish Water discharges, we understand there is little evidence of a substantial improvement in shellfish water quality classification. Importantly, this does not mean that Scottish Water assets were not previously impacting quality. Rather, it indicates multiple sources of microbiological input of which, our assets contributed a proportion of the load. These may include agricultural diffuse pollution, land runoff, riverine inputs and private discharges).

It is important that in pursuing the shellfish waters agenda Scotland invests the time and effort to fully characterise the range of inputs and steps that may be required in order that the full benefits of designation may be realised.

Bathing Waters – a parallel for Shellfish?

Since 2010, and in partnership with SEPA, Scottish Water has delivered a number of bathing water studies to understand the extent to which our assets may impact the ability of the bathing water to achieve the revised Bathing Waters directive (they are currently designed and operated to meet existing standards).

This work has highlighted that for the majority of bathing waters there may be little or no investment required for Scottish Water – our assets are not the key limiting factor in achieving the standards. Further work is required by SEPA and other partners to better understand the extent to which other sources present a risk. To that end, SEPA’s priority catchment work focussed on diffuse pollution is an initiative we strongly support.

We suggest that in the interest of ensuring both the effectiveness of any pollution control measures, and that Scotland takes cost effective action, similar assessment may be required to support evidence based decisions.

Specific Comments – Relating to the transcript of 19th December

We appreciate that we have benefit of viewing the transcript of the meeting prior to responding. Our response will focus on some specific points raised during the hearing, and we are happy to provide further information if required.
Scottish Water discharges vs diffuse pollution

In response to the question asked by Jayne Baxter MSP, this is substantially covered above. It is our view that through our investment we have largely removed the impact of Scottish Water discharges as a source of shellfish water downgrade.

In terms of how we might address other sources, we believe there are lessons to be learned from SEPA’s priority catchment work and would agree that further investigation, licensing and promoting good practice for septic tanks would be appropriate.

Text Alert System

In respect of the point made by Craig Burton, we would highlight that over the past year we have developed an agreement with the Shellfish Growers that they will be alerted in the event of an Environmental Pollution Incident – a spill caused by a problem with the asset – that may lead to a spill to the shellfish water. As yet there have been no such instances since this agreement was made.

With regard to an alert system when an asset such as a Combined Sewer Overflow (CSO) spills under normal operating conditions, there is further work required. CSOs are a vital element of the sewerage system. As the majority of Scotland’s (and indeed Europe’s) sewerage infrastructure takes both sewage and surface rainfall, CSOs act as a relief valve to protect customers from the sewage system backing up during heavy rainfall.

When this occurs, dilute storm sewage may be discharged to the environment (along with other microbiological runoff as indicated in the evidence from the Food Standards Agency).

In the vicinity of shellfish waters and bathing waters CSOs are designed to operate at a frequency that protects the shellfish water. In most cases there will not be monitoring in place, and Scottish Water is currently exploring a monitoring strategy for such CSOs. This is a key step before we could progress an alert system in the manner of South West Water (as referenced in the transcript).

More importantly, we must recognise that (as noted by FSA Scotland in the transcript), shellfish waters may be significantly impacted by runoff during rainfall events. Alerting shellfish growers purely on the basis of a CSO discharge would not cover other sources of loading. As noted above, our bathing water studies have highlighted that in many cases Scottish Water assets are not the limiting factor to achieving compliance.

We suggest much work is required to better understand the relationship between the various sources of microbiological loading to shellfish waters and the impact of heavy rainfall. In particular, it would be useful to understand the extent to which risk to health is exacerbated by harvesting shellfish during extended periods of wet weather, which have been shown to be a key constraint on bathing water quality. Further study may inform the most appropriate response to be made.

We are keen to continue to engage with shellfish growers and others to explore this further.
Joint Working

We agree that in progressing this issue, joint working through the Shellfish Forum and in other groups is critical. We believe this is the key route to ensure that we deliver a sustainable approach to meeting the obligations of the Bill. We will engage with all parties as appropriate.

I hope that this addresses the questions of the Committee and would be happy to discuss this matter further as required.

Yours Sincerely

Mark Williams

Dr Mark Williams
Environmental Regulation and Climate Change Manager