

Net Zero, Energy and Transport Committee
Meeting held 25 October 2022
Supplementary Written Evidence from
The Scottish Environment Protection Agency

Purpose of this Further Written Submission

Thank you for the opportunity to present evidence to the Committee on Tuesday 25 October in regard to its consideration of environmental regulation post EU exit, common frameworks and the Levelling Up and Regeneration Bill. In the session, members sought information on a range of other specific areas beyond this focus and so I welcome the opportunity to follow up with the Committee on these points.

1. Cyber Attack and Information Requests

The Committee asked for an update about how SEPA is building back following the cyber-attack and how the incident has affected the agency's day-to-day operationality and requests for information.

On Christmas Eve 2020, SEPA was the victim of a sophisticated criminal cyber-attack which resulted in the loss of access to the vast majority of our systems and data, significantly impacting the organisation.

The attack was very serious and we are still in recovery from it. We quickly reinstated the most critical services to the people of Scotland such as our flood warning service and our ability to respond to environmental events. Once these critical services were secure, we then set out a plan for longer term recovery. We decided not to simply build back the old systems but to develop and build new systems for the future. Already we have brought forward new online services and this process of recovery continues.

We estimate that around 85% of our data has been recovered, however access to many datasets remains restricted as new systems to allow data to be accessed and interrogated are being built. This makes the job of many of our staff more difficult.

With respect to access to information requests specifically, the cyber-attack resulted in the loss of electronic data and systems. As a result, SEPA was unable to respond to requests for information. During 2021, we rebuilt a basic access to information service, however during this time a backlog of requests for information developed as our ability to respond continued to be compromised.

During 2022 we have prioritised responding to appeals and new requests. We have also increased resources in this area and embarked on a project to modernise information management. As a result, we have made significant improvements in our response rate to new requests for information, improving from 12% on time in March 2022 to 60% in September 2022. We aim to meet and exceed the Office of the Scottish Information Commissioner's (OSIC) adequate standard of 80% as soon as we can.

We continue to be in close contact with OSIC to develop an action plan to improve our current performance. We are also continuing to tackle the remaining backlog and are establishing an efficient and sustainable approach to handling access requests.

2. Environmental Assessments

The Committee asked what SEPA's view was on the current regime of Environmental Impact Assessments and what, if any, improvements the agency would suggest making to this system.

These assessments – which include EIA, SEA and HRA - are an important part of how we protect Scotland's environment. They are required for all developments, plans and decisions that may lead to a significant impact on the environment. They are therefore very important and focused on the most significant proposals. They are also mature processes that are very well understood by both developers and regulators. SEPA is a statutory consultee for environmental assessments (EIA and SEA) in Scotland, most commonly through the land use planning process. Over the past 12 months SEPA was consulted 475 times.

SEPA would always welcome practical ways that make assessments simpler, clearer, more robust and focused on the things that are the most important – so long as changes resulted in commensurate or better environmental protection. Through our statutory role in EIA and SEA we are aware of some areas where we consider that enhancements could be made. For example:

We believe that there is room to be more rigorous at the scoping stage so that assessments clearly focus on - and put the most scrutiny into - the most significant issues. This would allow developers and regulators to focus resources on identifying, understanding and where necessary mitigating the most important things. This could result in shorter, more targeted reports that provide for more informed decisions.

Secondly, we continue to understand better what climate change will mean and in response Scotland has set ambitious net zero targets. We believe that there is scope to use assessments more powerfully to help to understand the climate impacts of a policy or proposal and to consider how it provides for a just transition to net zero by 2045.

3. Combined Sewer Overflows

The Committee asked if SEPA has a record of every sewage discharge in a watercourse in Scotland or if this information was lost as part of the data breach in 2020.

Scottish Water is currently responsible for 3667 combined sewer overflows (covering 50,000Km of sewer network) of which 340 have a monitor. Scottish Water records these data.

In 2021, SEPA wrote to Scottish Water setting out its expectations and timetable for a route map to improve urban waters as part of the actions required in the River Basin Management Plan 2021-2027. We highlighted the need to accelerate our collective efforts - including SEPA, the Scottish Government, Local Authorities and customers - to improving our urban waters for the long term.

In December 2021, Scottish Water published a [route map](#) for improving urban waters. SEPA welcomed the route map, indicating that we will use regulatory tools as necessary to ensure that actions are progressed to address the most significant water quality impacts in accordance with the agreed timetable.

Under the route map, 246 new monitors will be installed at assets within 2Km of bathing waters and a further 754 will be prioritised, initially focusing on assets within 2km of bathing waters and shellfish waters. The timescale for the installation of all 1000 monitors is December 2024. This will give an overall monitor total of 1340.

As part of the route map, Scottish Water has committed to the following to improve the reporting of monitored sites:

- By December 2022, for monitored CSOs where data is already currently reported to SEPA, publish data annually and identify the main reasons for the spill where possible.
- By December 2023, publish data annually for all other monitored CSOs
- By December 2024 publish near real-time spill data for all monitored CSOs.

Flow reporting conditions are normally only required as part of the licence for wastewater treatment works serving greater than 15,000 population equivalents. In addition, certain wastewater treatment works serving less than 15,000 population equivalent may also be required to report flow data based on environmental need - for example low dilution or downstream designated sites. Of the 340 monitors currently installed Scottish Water are required to report under licence flow returns for 95 overflows.

4. Landfill

The Committee asked for SEPA's explanation why Scotland landfilled waste in 2021 increased from the previous year.

Waste [to landfill](#) did increase by 0.6m tonnes in 2021 (3.2m tonnes) compared to 2020 (2.6m tonnes). The largest difference was for landfilling 'soil and stones' from construction projects which increased from 0.8m tonnes in 2020 to 1.1m 2021. This is linked to the resumption of activity in the construction sector which was lower in 2020 as a result of Covid-19 restrictions. For comparison, in 2019, 1.2m tonnes of soil was landfilled.

In 2021, Scotland's [recycling rates also increased](#) as recycling centres reopened. An increase in both the amount of waste generated and amount recycled are likely due to a bounce back after lockdowns and other restrictions were lifted.

Due to the Covid-19 pandemic, 2020 and 2021 were exceptional years for waste management. Comparing these two years is therefore less revealing than looking at the long-term trend. Landfill rates in 2021 remain 54.4% less than in 2011.

5. Capital Budget

The Committee asked about the impact of a cut to capital allocations for SEPA from £6.2 million this year to £2.9m in 2025/26

The table below compares SEPA's current to previous spending review capital allocation. This shows a total increase of £7.9m (£3.4m for 2023/24 and £4.5m for 2024/25).

Scottish Environment Protection Agency - Capital Spending Review Allocation						
Description	21/22 £m	22/23 £m	23/24 £m	24/25 £m	25/26 £m	Total £m
Previous Spending Review	6.2	4.1	2.7	1.9	2.9	17.8
New Spending Review	6.2	4.1	6.1	6.4	2.9	25.7
Increase	0	0	3.4	4.5	0	7.9

The increase allows SEPA to implement investments that include:

- Continued recovery from the cyber-attack through the build back of systems and recovery of data;

- Transforming our digital capability and the development of new digital services, thereby allowing us to deliver many services more quickly and more efficiently;
- Maintenance and improvement of our asset base, notably our river gauging stations that support our flooding services, scientific equipment for field and lab work and investing in our property and vehicle fleet.

Following implementation of this programme, the capital allocation returns to a lower level in 2025/26. Like all public bodies, SEPA is operating within a constrained economic environment, with additional cost pressures from, for example, inflation. We will be required to continue to take challenging decisions about how and where to achieve the best outcomes from the money invested in us.

Jo Green
Acting CEO
Scottish Environment Protection Agency