



The Scottish Parliament
Pàrlamaid na h-Alba

Climate Action Committee

Gillian Martin
Cabinet Secretary for Climate Action and Rural Affairs
Scottish Government

15 October 2026

Dear Gillian,

Water services

During the Committee's evidence session on Thurs 17 September 2026, the Committee asked if the Scottish Government intended to bring forward a water bill following the commitment made in the 2023-2024 Programme for Government to "assess how water, sewerage and drainage services can adapt to the impacts of climate change to avoid water scarcity through future legislation". The Cabinet Secretary responded:

"No, because, at the end of the last session of Parliament, I looked at that in depth with my officials and we worked with our colleagues in the water industry, and a number of the necessary regulatory interventions would not have to be in primary legislation. I am getting advice from my officials on exactly what we need to do to secure the outcomes associated with infrastructure upgrade. We need to modernise our sewer network and should divert as many of our efforts as possible into doing that."

The Cabinet Secretary further added:

"I believe that we should use the legislative framework that we already have to support improvements in the water environment rather than introduce primary legislation. There are a number of reasons for that. First, we do not want to introduce primary legislation for its own sake, because that takes time and it is obviously better to do things more quickly if we can. We also need to consider the implications of the European Union urban wastewater treatment directive. That is an ongoing and complex piece of work that might require a lot of funding. I need to do an analysis of any of the commitments that we want to make in relation to that directive."

The Committee would like further clarity on the Scottish Government's ambition and assessment of legislative options for delivering proposals identified in the Scottish Government's Water, Wastewater and Drainage Policy Consultation which ran from

Contact: Climate Action Committee, The Scottish Parliament, Edinburgh, EH99 1SP.
Email climateaction.committee@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

November 2023 to February 2024. We would appreciate a response to the questions below.

Where possible, it would be helpful if the Scottish Government set out key priority areas and timescales and whether it intends to implement proposed actions through existing primary legislation, secondary legislation, guidance or other non-legislative action.

Water resource planning

The Scottish Government's Water, Wastewater and Drainage Policy consultation proposed creating “the legislative framework for an integrated planning approach to water resources across Scotland” and noted that there was no legal requirement to plan for Scotland’s water resources. The consultation also proposed taking a national view of monitoring and management of water quality at a catchment level, helping to minimise the risk of new and existing pollutants reaching drinking water sources.

- 1. Does the Scottish Government remain committed to establishing an integrated approach to water resource planning across Scotland, as proposed in the consultation?**
- 2. Given that the consultation identified the absence of a legal requirement to plan for Scotland’s water resources, how does the Scottish Government now intend to establish this approach without primary legislation? Which existing statutory powers does the Scottish Government consider sufficient to implement its proposals for water resource planning?**
- 3. How does the Scottish Government intend to integrate its proposed approach to national water resource planning with the existing River Basin Management Planning framework, and does it consider that the existing legislative framework provides sufficient powers to achieve effective integration between these plans?**
- 4. Does the Scottish Government intend to progress plans for “a national view of catchment risks” to “help better protect drinking water sources from pollutants”, and what options are being considered to achieve this?**
- 5. In relation to emerging pollutants of concern, the Scottish Government has previously said that it is considering implications of revised EU Directive 2026/805 including its updated list of water pollutants and revised standards for priority substances, which seek to tackle pollution from PFAS, pesticides and pharmaceuticals. What is the timeframe for this assessment and how will the Scottish Government ensure that environmental protections in Scotland do not fall behind in this area?**

Drinking water

The Scottish Government's Water, Wastewater and Drainage Policy consultation proposed a framework for managing emerging risks to drinking water sources, measures to reduce demand, action on higher-risk supplies and a risk-based regulatory approach. It also consulted on changing the process for responding to water shortages so that action could be taken sooner.

- 6. How does the Scottish Government intend to establish its proposed risk-based regulatory approach to drinking water supplies, and will this require changes to secondary legislation?**
- 7. What measures does the Scottish Government intend to use to achieve the proposed net reduction in demand for drinking water?**
- 8. Does the Scottish Government intend to change the process for responding to water shortages so that appropriate action can be taken more quickly? If so, what changes are proposed and what legislative or regulatory mechanisms will be used?**
- 9. Does the Scottish Government intend to introduce new requirements for the testing and inspection of drinking water supplies regardless of their size or ownership, including private water supplies? If so, how will these requirements be implemented?**

Drainage

The Scottish Government's Water, Wastewater and Drainage Policy consultation proposed enshrining integrated drainage principles from sustainable flood risk management in legislation and creating a "legislative framework and clarity of responsibilities for collaborative planning and delivery of rainwater drainage infrastructure".

- 10. Does the Scottish Government remain committed to enshrining the principles of integrated drainage in legislation, as proposed in the consultation? If so, how will this be achieved without primary legislation?**
- 11. Does the Scottish Government still intend to establish a legislative framework clarifying responsibilities for the collaborative planning and delivery of rainwater drainage infrastructure? If so, how will this be achieved through existing powers?**
- 12. Does the Scottish Government intend to proceed with national drainage network mapping and Rainwater Drainage Network Planning, and will these be statutory requirements? How will this be integrated with river basin management planning?**

- 13. What existing powers will be used to provide better control over connections to drainage networks, as proposed in the consultation?**
- 14. What options is the Scottish Government considering progressing to incentivise the expansion of blue-green infrastructure to support better urban drainage, and to encourage the reduction of impermeable surfaces in the urban environment?**

Wastewater and resource recovery

The Scottish Government's Water, Wastewater and Drainage Policy consultation proposed creating a "legislative framework for wastewater collection and treatment in the best interests of Scotland", alongside measures concerning sewage spills, emerging contaminants and resource recovery.

- 15. Does the Scottish Government remain committed to creating the proposed legislative framework for wastewater collection and treatment? If so, how will this be delivered without primary legislation?**
- 16. Which elements of the existing legislative framework does the Scottish Government intend to use or amend to support the modernisation of the sewer network referred to by the Cabinet Secretary?**
- 17. What upgrade requirements are being considered as part of modernisation as a result of the implications of the EU revised Urban Wastewater Treatment Directive, and when does the Scottish Government expect its analysis of these requirements to be completed?**
- 18. Does the Scottish Government intend to introduce additional testing, inspection or regulatory requirements for private wastewater treatment systems? If so, how will these be implemented?**
- 19. Does the Scottish Government remain committed to enabling Scottish Water to undertake resource recovery and to fund this through customer charges?**

Paying for services

The Scottish Government's Water, Wastewater and Drainage Policy consultation considered recognising water, wastewater and drainage as three distinct services and explored potential changes to how households pay for those services.

- 20. Does the Scottish Government still intend to recognise water, wastewater and rainwater drainage as three separate services, as proposed in the consultation? If so, how will this be implemented?**
- 21. Following the consultation responses, does the Scottish Government intend to reform household water and wastewater charges currently**

linked to Council Tax bands and will this be considered alongside proposals for local governance reform?

22. Does the Scottish Government intend to introduce financial incentives or changes to charging arrangements to encourage households and businesses to reduce water consumption or prevent rainwater entering the sewer network?

23. The revised Urban Wastewater Treatment Directive seeks to embed the polluter pays principle by linking the financing of water treatment, via extended producer responsibility (EPR), to the sectors responsible for the pollution. Is the Scottish Government considering the option of introducing EPR for wastewater treatment?

Finally, will the Scottish Government publish an updated policy position or implementation plan setting out which of the consultation proposals it intends to take forward, the legislative, regulatory or other mechanisms through which these will be delivered, and the anticipated timescales for implementation?

On behalf of the Committee, I seek a response by **Thursday 8 November 2026**.

Yours sincerely,

Stuart McMillan MSP
Convener