

Citizen Participation and Public Petitions Committee

4th Meeting, 2023 (Session 6), Wednesday 8
March 2023

PE1988: Review the process for disposal of household raw sewage

Petitioner	Sue Wallis
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to: <ul style="list-style-type: none">- review the process for allowing raw sewage discharge from homes into Scottish coastal waters- provide additional funding to SEPA for enforcement- introduce legislation to ban households from discharging raw sewage
Webpage	https://petitions.parliament.scot/petitions/PE1988

Introduction

1. This is a new petition that was lodged on 16 November 2022.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. While not a formal requirement, petitioners have the option to collect signatures on their petition. On this occasion, the petitioner elected not to collect this information.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.
6. A submission has been provided by the petitioner. This is included at **Annexe D**.

Action

7. The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE1988: Review the process for disposal of household raw sewage

Petitioner

Sue Wallis

Date Lodged:

16/11/22

Petition summary

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

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

Previous action

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

Discussions with Scottish Water Directors & staff, and SEPA area manager & staff, there's a desire from them for change but a need for funding from elsewhere. Scottish Water claims not to have budget to connect homes to any local sewage networks and SEPA doesn't have budget to police the system.

Background information

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

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

The Scottish Government should ban outfall pipes and allocate specific funding for SEPA to identify and enforce shortfall pipe correction. All activity/paralysis is put at the door of funding and only the Scottish Government can break that impasse. Does the Scottish Parliament

support this polluting process that is allowed in this day and age? Doing nothing to change it is supporting it.

Annexe B

The logo for SPICe, featuring the text 'SPICe' in white on a dark blue background.The logo for The Information Centre, featuring the text 'The Information Centre' and 'An t-Ionad Fiosrachaidh' in white on a dark blue background.

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE1988/A](#): Review the process for disposal of household raw sewage

Brief overview of issues raised by the petition

- The petition calls on the Scottish Parliament to urge the Scottish Government to:
 - review the process for allowing raw sewage discharge from homes into Scottish coastal waters
 - provide additional funding to SEPA for enforcement
 - introduce legislation to ban households from discharging raw sewage
- The petitioner is concerned with the impact of sewage discharge into coastal waters and its impact on water quality and beaches.
- SEPA is responsible for the regulation of sewage discharge into the water environment and requires authorisation for discharges under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR).
- [The submission from the Scottish Government](#) notes that not all private sewage discharges are currently authorised. SEPA estimates from modelling that there are about 170, 000 properties on a private sewage system in Scotland and it is intended that those remaining unauthorised private sewage discharges are picked up and authorised through due diligence during house sales.
- The submission also states:

- “SEPA believes that there remains a significant number of untreated discharges in Argyll and Bute owned by private individuals. Under CAR, the householders are responsible for their own wastewater provision. As agreed with Scottish Government at the introduction of CAR in 2006, SEPA is dealing with these in a phased manner over the long term. Householders are required to register their private wastewater discharge with SEPA during conveyancing for any house purchase. At this time, owners are required to install appropriate treatment if there is currently none provided.”
- More detail is provided in the Scottish Government’s submission and in [SEPA’s position statement WAT-PS-08-01: Untreated Sewage Discharges](#) which sets out its policy on continuous discharges of untreated sewage and how these are to be regulated under CAR.
- The petitioner is also concerned that SEPA does not have financial resources to tackle the problem and that private households cannot afford to implement adequate sewage systems.
- The Scottish Government’s submission notes that tackling issues can require a considerable amount of resource to attempt to resolve what is most often a relatively insignificant environmental impact but SEPA starts to target enforcement action prioritised on the highest risks to the water environment.
- The Scottish Government’s submission also explains that SEPA has [variable monetary penalties](#) available to encourage households to install proper sewage treatment systems and can refer cases for criminal prosecution if necessary.
- The petitioner also calls on the Scottish Government to ban outfall pipes and allocate specific funding for SEPA to identify and enforce shortfall pipe correction.
- Financial responsibility for the provision of private sewage treatment rests with the individual home owner or community. Scottish Water is responsible for the provision of public sewage treatment infrastructure.

- The Scottish Government response states that there are no plans to provide additional funds to Scottish Water to provide connections to households with private sewerage arrangements during the current investment period but households have the option to connect to the public network at their own expense and Scottish Water will make a reasonable cost contribution towards the costs of the project should a new main be required.

Scottish Parliament Action

- [Question reference: S6W-12978](#)
- [Question reference: S6W-12976](#)
- [Question reference: S6W-10889](#)

SPICe

30/01/2023

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot. Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C

Scottish Government submission of 14 December 2022

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

Background: legislation

The EU Water Framework Directive (WFD) was introduced in 2000 for the purpose of establishing a common framework for the sustainable management of Europe's water environment. The WFD was transposed into Scots Law by the Water Environment and Water Services (Scotland) Act 2003. This introduced a framework of River Basin Management Planning (RBMP), requiring objectives to be set for every waterbody in terms of ecological and chemical status.

In order to help achieve these objectives, the Act also gave Scottish Ministers powers to introduce regulations to control activities that can have an adverse effect on the water environment. Such controls have been put in place through the Water Environment (Controlled Activities) (Scotland) Regulations 2011, which gives the Scottish Environment Protection Agency (SEPA) powers to control a range of activities including sewage discharges.

Recognising that a purely regulatory approach would not facilitate the development of more strategic solutions where required, the Act also introduced an obligation for Ministers, the Scottish Environment Protection Agency (SEPA) and certain 'responsible authorities' to work together to secure compliance with the WFD. Key public bodies such as local authorities, SEPA and Scottish Water are required to work collaboratively to deliver appropriate solutions to more complex water quality issues.

Rural wastewater treatment - introduction

Some 8% of households in Scotland have private sewerage treatment arrangements. In rural Scotland, privately-owned individual or community septic tanks are widely used for the collection and treatment of household wastewater. Septic tanks are a valid form of wastewater

disposal and are often the most appropriate form of treatment in rural areas.

Where they are properly maintained, individual septic tanks do not cause deterioration at a waterbody scale; however, cumulatively these can have a potential adverse impact on surface and groundwater quality. The risks of impacts on human health is a particular consideration in catchments where drinking water supplies, shellfish, and bathing waters are at risk from pollution from such sources.

SEPA deals with over 200 reports a year related to private sewage discharges. More than half of these relate to public nuisance issues rather than water environmental impacts. A number of issues have been identified which are being addressed with respect to privately-owned systems:

- individual/ community septic tank owners failing to register their tank with SEPA
- individual/ community septic tank owners failing to carry out routine maintenance/emptying
- some discharges with inadequate or no treatment still in existence

It is recognised that the impacts from these inadequacies may not pose a significant risk to the water environment in general; and that resources must be targeted at the greatest areas of risk. In the interests of equity, it is important that proportionate steps are taken to ensure that all sources of pollution are well-managed. Septic tank owners have a role to play in minimising pollution and improved management of septic tanks can contribute to that goal. Responsibility for the regulation of private sewage treatment systems is split between local authority Planning, Building Standards, and Environmental Health and SEPA.

Scottish Environment Protection Agency's (SEPA) regulatory approach

SEPA requires that discharges of sewage into the water environment are authorised under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). In determining an application to discharge SEPA must assess the risk to the water environment from the discharge in order to minimize the impacts from sewage pollution on the environment and wildlife. SEPA's guidance states that it requires treatment for all discharges and that those into or near bathing waters and shellfish waters may require enhanced treatment. This guidance

provides more detail [wat-rm-03-regulation-of-sewage-discharges-to-surface-waters.docx \(live.com\)](#).

Not all private sewage discharges are currently authorised. SEPA estimates from modelling that there are about 170, 000 properties on a private sewage system in Scotland. The current register of septic tanks held by SEPA is known to be incomplete. The number of unauthorised discharges is likely to be high and it is intended that those remaining unauthorised private sewage discharges are picked up and authorised through due diligence during house sales.

SEPA believes that there remains a significant number of untreated discharges in Argyll and Bute owned by private individuals. Under CAR, the householders are responsible for their own wastewater provision. As agreed with Scottish Government at the introduction of CAR in 2006, SEPA is dealing with these in a phased manner over the long term. Householders are required to register their private wastewater discharge with SEPA during conveyancing for any house purchase. At this time, owners are required to install appropriate treatment if there is currently none provided.

SEPA's position statement [WAT-PS-08-01: Untreated Sewage Discharges](#) sets out its policy on continuous discharges of untreated sewage and how these are to be regulated under CAR. In cases where application is made to formalise an existing discharge that does not have treatment SEPA will require that an appropriate level of treatment be provided within a reasonable timescale through conditions in the authorisation.

For example, there has been significant SEPA involvement to address issues with the discharge of untreated sewage and sewage effluent from properties in Kames, Tighnabruaich, Argyll and Bute. Whilst this does continue, SEPA is actively reviewing the approach that it takes to dealing with the regulation and particularly the enforcement of matters relating to these discharges across the whole of Scotland. These issues can require a considerable amount of resource to attempt to resolve what is most often a relatively insignificant environmental impact.

In general, the approach that SEPA takes, with partners, to resolve these matters is summarised below:

- Working with Scottish Water to identify the households in the area not currently connected to the public sewer that could most

easily connect to the existing network. The aim would then be to encourage these households to take advantage of the opportunity which exists to connect to that system and remove further private sewage discharges. SEPA is also continuing to work with Scottish Water to bring about improvements to the existing public sewer network.

- For properties that cannot / will not connect to the public sewer, SEPA starts to target enforcement action prioritised on the highest risks to the water environment. SEPA now has variable monetary penalties available to it, which are an effective tool in encouraging households to instal a proper sewage treatment system to connect to the public sewer rather than risk such a penalty. At the other end of the enforcement scale SEPA can seek prosecution by submitting a report to the Crown Office and Procurator Fiscal Service for consideration.
- SEPA is reviewing its regulation of private sewage systems across Scotland given the prevalence of these in our rural communities, the number of reports to SEPA from members of the public of concerns relating to these discharges and the relatively insignificant nature of the pollution which is typically occurring as a result of these discharges.

Further information on SEPA's enforcement policy and variable monetary penalties is available at

<https://www.sepa.org.uk/regulations/enforcement/>.

Scottish Water: First time provision

Scottish Water's focus during the 2021-27 investment period is to deliver the improvements required across the country within its existing network. During this period, Scottish Water expects to engage with customers and communities on a wide range of topics including investment priorities and this may include rural provision schemes where the need is identified as urgent or appropriate. This new process is still in the early stages of development.

It is important to note that some 8% of households in Scotland have private sewerage arrangements and therefore, whilst extending the public networks may offer a solution in some cases, we need to understand the needs of communities, the costs, and the appropriate technologies that will deliver the compliance with statutory requirements in the most effective and efficient manner. There are no plans to provide

additional funds to Scottish Water to provide connections to households with private sewerage arrangements during the current investment period.

Households do have the option to connect to the public network at their own expense and Scottish Water will make a reasonable cost contribution towards the costs of the project should a new main be required. The contribution is set out in the Reasonable Cost Regulations and is worth some £1986 per domestic property. Further information on connections to the public supply is available at:

<https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network/Single-Household-Customers>. Scottish Water will be able to provide further information on connecting to the public network if required.

Conclusion

In summary, there are still many private sewage systems which are poorly maintained leading to problems of environmental pollution and public nuisance with, consequently, reports being made to SEPA for investigation.

SEPA's principal means of resolving complaints is to educate and encourage those responsible for pollution to fix the problem. Use of enforcement powers to penalise those who do not act is rare, often for reasons of proportionality in relation to the risks to the environment. Managing pollution reports involving private sewage treatment to a satisfactory solution, whilst simultaneously managing the expectations of the reporter, is often difficult due the high costs of first time public sewer provision. Ultimately, financial responsibility for the provision of private sewage treatment rests with the individual home owner or community.

Annexe D

Petitioner submission of 8 January 2023

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

The whole basis for the Scottish Government dealing with sewage in water ways appears to have been placed on the EU Water Framework Directive with regards to objectives for ecological and chemical status. The importance of basic human decency to not have to face exposure to human faeces in communal areas does not get mentioned; there should also be an important status for social needs in communities. The Scottish Government's submission in response to this petition states "These issues can require a considerable amount of resource to attempt to resolve what is most often a relatively insignificant environmental impact." Perhaps water quality or environmental impact is not as important a basis of assessment as would be a legal right to not tread in human faeces; a matter of social decency. The local council has a duty to keep beaches clear of dog faeces according to The Litter (Animal Droppings) Order 1991 of the Environmental Protection Act (1990) and it is an offence for it to happen (The Dog Fouling (Scotland) Act 2003) with on the spot fines of £80, increasing to £500. How can it be that dog poo has a higher legal status as an offensive, and therefore immediately fineable, item on a beach than human poo has?

SEPA is the wrong body to deal with all of the problems linked with raw sewage in public areas and it would be more effective if it is not classed always as a water quality issue. In April 2019 I reported to SEPA the fact I had to walk past human faeces sitting at the end of a discharge pipe that ends half way up the beach. Nothing has changed in almost 4 years. The pipe is still broken half way up the beach, faeces still gets deposited at the end of it from when the toilet is flushed. This type of issue could be dealt with by the local councils, as they would dog faeces, because the SEPA way has had no effect in my local area in 4 years. People across the country would not tolerate such a response time from a local council in relation to a dog faeces issue. Householders receiving regular fines for discharging sewage on the beach may have more of an incentive to effect change in their behaviour than they do at the moment.

The longer term process for SEPA to gradually phase out these permitted raw sewage outfalls (during conveyancing for any new house purchase the new householders are required to install appropriate treatment if there is currently none provided) is obviously not effective either; several of the relevant properties for the broken pipe issue have been sold in this 4 year period and no change has happened through this phased process.

I appreciate that my examples are all from one area, but as the Government's submission states, "the number of unauthorised discharges is likely to be high... SEPA believes that there remains a significant number of untreated discharges in Argyll and Bute owned by private individuals." My home village is not the only area to have this problem.

The systems of controlling this raw sewage issue need to change because within the current system people's behaviour is not changing.