

DESIGNING SCOTLAND'S LEGISLATIVE AND POLICY FRAMEWORK FOR WATER & WASTEWATER

Water and the management of wastewater will be amongst the defining agendas of the 2026-2031 Scottish Parliament session. Policy areas, from economic development to land management and from energy to population health, depend on accessible, sufficient, affordable and clean water, and on our ability to manage wastewater effectively.

PRESSURES ON WATER & WASTEWATER SYSTEMS

Scotland is often seen as a water-rich country, but pressures on its water and wastewater systems are impacting the environment as well as thousands of households, communities, and businesses. These pressures are intensified by factors including the climate emergency, demographic change and ageing infrastructure.

- **Extreme weather** and **water scarcity**
- Changing patterns of **demand**
- **Land use** and development
- Sewer system **flooding and pollution**
- **Cost** of delivery of public and private services
- **Governance gaps** for private systems, blue-green infrastructure, and drainage

PLACE-BASED DIFFERENCES

Water and wastewater are place-based issues. The west coast receives more rainfall than the east. The north mainland has large lochs, while central and southern areas hold Scotland's highest-yielding aquifers (underground layers of permeable rock and sediment that store and transmit groundwater).

Scotland's population is largely migrating away from the west, leading to increasing demand pressures in the east. Tourist numbers further increase seasonal demand in many areas.

How people access drinking water and manage their wastewater also varies across Scotland:

- **In towns and cities**, almost every household and business is served through mains water and wastewater systems managed by Scottish Water.
- **In rural and island areas**, many households and businesses depend on decentralised (off mains) systems. Around 190,000 people in rural Scotland (circa 21% of the rural population) rely on private water supplies (PWS) such as boreholes, wells, streams, and rainwater harvesting. Certain communities, like the Isle of Lismore and Knoydart, depend entirely on PWS. Meanwhile, around 169,000 rural households (39% of the rural housing stock) use private wastewater systems (PWWS) such as septic tanks or small treatment systems. Certain older rural properties might discharge wastewater directly into the environment.

The pressures show up differently as a result. Cities face sewage system flooding and overflows. Rural and island communities are more likely to face scarcity, and must shoulder the costs of maintaining and improving their own infrastructure, with little support.

SRA Scottish Rural Action
Decentralised Water Technologies
Newcastle University
UKRI Engineering and Physical Sciences Research Council

SCOTLAND'S CURRENT FRAMEWORK

Scotland has a complex legal and policy framework for water and wastewater. Its foundations include the **Sewerage (Scotland) Act 1968** and the **Water (Scotland) Act 1980**, both of which remain central to the provision of public sewerage and water supply. Since devolution, the Scottish Parliament has added further layers of legislation which sit alongside a body of secondary legislation, regulations and guidance issued by different water sector institutions, as well as European Union-derived directives, now being revisited following the UK's exit. The forthcoming **Human Rights Bill for Scotland**, which is expected to include the human rights to water and sanitation, will add another layer to the framework.

Most of the existing legal and policy framework focuses on delivering services, including supplying drinking water, treating sewage, and addressing flood risks, rather than monitoring and protecting Scotland's natural water resources. One exception to this is the **Water Environment and Water Services (Scotland) Act 2003** which covers the protection of water quality and ecology around river basin catchments.

The piecemeal approach to Scotland's legal and policy framework for water and wastewater has led to gaps, including:

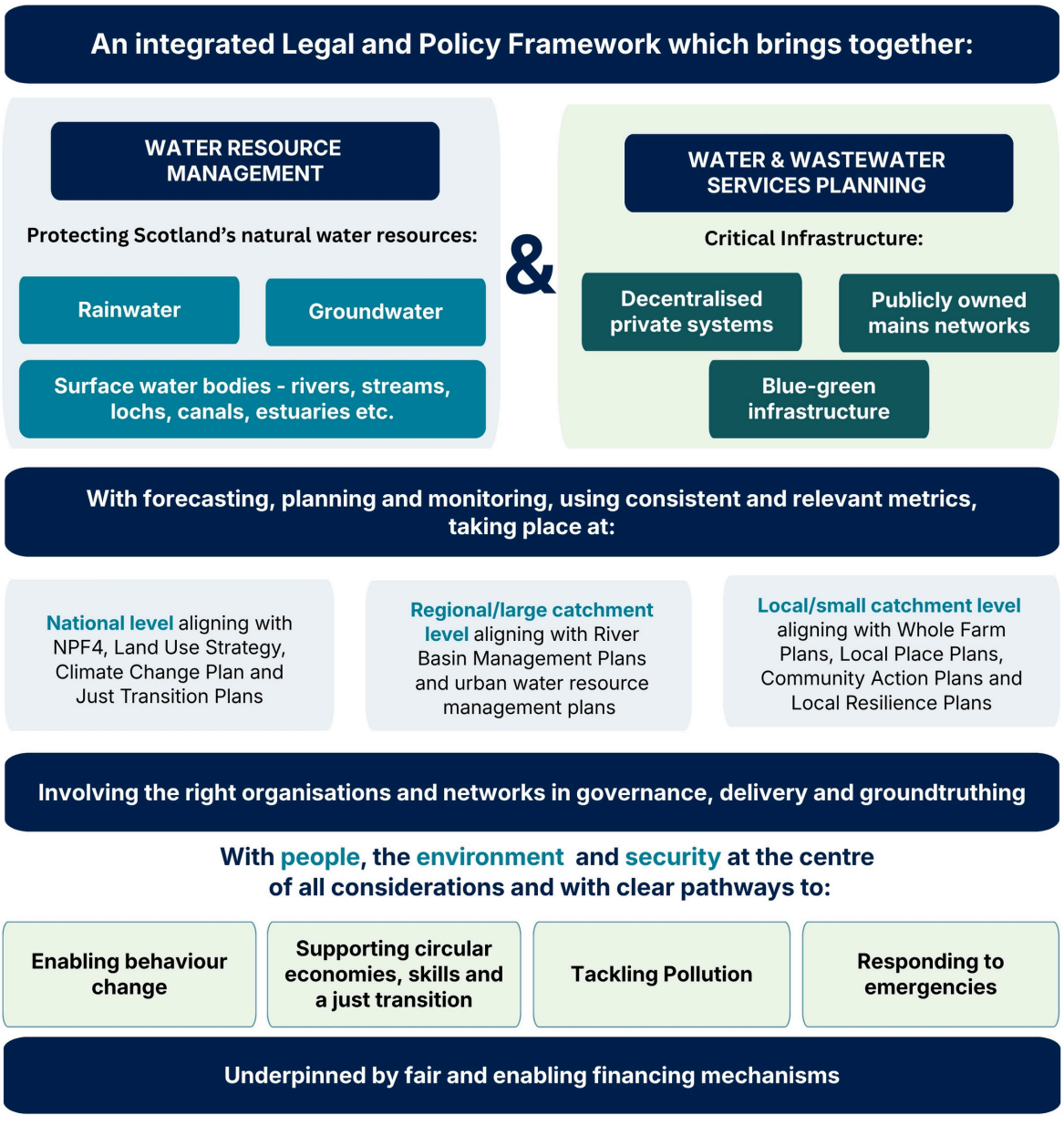
- **Water resources and water services are planned separately and there is no duty on Scottish Ministers or others to forecast changing demand or supply patterns.** The bodies that look after rivers and lochs and those that run taps, pipes and sewers are not required to plan together, nor do they have clear mechanisms to coordinate in relation to changes in land use (e.g. for forestry or major developments such as energy infrastructure and data centres). This makes it harder to anticipate scarcity, demand and infrastructure limits across catchments.
- Following on from the above, **responsibility for drainage and blue-green infrastructure is split** between local authorities, Scottish Water, the Scottish Environmental Protection Agency (SEPA), developers and owners, so good ambitions struggle to become funded delivery.
- **Groundwater, rainwater, and surface water runoff have been overlooked** as strategic resources.
- **Decentralised systems are largely invisible.** Many PWS and PWWS are unregistered, so nobody knows their location or condition. Of the small number of exempt private supplies tested in 2023, 17.9% failed for E. coli, compared to one failure in nearly 27,000 mains tests. When a private system fails, no public body is obliged to help.
- **Pollution safeguards are largely inadequate.** Most combined sewer overflows are unmonitored. Communities gather their own evidence, but find it is often not enough to trigger an investigation.
- **Different types of emergencies are handled reactively and separately,** although flooding, pollution, and drought are closely linked.

In 2023, the Scottish Government undertook a consultation on water, wastewater and drainage. The consultation concluded that there is a need to refresh Scotland's legal and policy framework under **a new Water, Wastewater and Drainage (WWD) Bill.**

A NEW, INTEGRATED FRAMEWORK

A well-designed WWD Bill, and associated policy, would offer an integrated framework, bringing together water resource management with water and wastewater services planning. It would recognise rainwater and groundwater as strategic resources alongside surface water bodies, and take into account mains networks, decentralised private systems and blue-green infrastructure.

It would enable forecasting, planning and monitoring at national, regional, and local levels involving the correct organisations and networks in governance, delivery, and groundtruthing (checking conditions locally). It would put people, the environment, and security at the centre of all considerations, and remove barriers to enabling behaviour change, to building circular economies, to delivering a just transition for the water sector and to tackling pollution and responding to emergencies. The framework would be underpinned by fair and enabling financing mechanisms.



An integrated legal and policy framework would help Scotland address the pressures we face and take advantage of the opportunities presented to us.

OPPORTUNITIES

The nine areas below offer opportunities to address the pressures faced by Scotland's water and wastewater systems, and create foundations for **stronger partnership working across silos**, **a fair and vibrant economy** and **improved population health and environmental protection**:

- **Accurate forecasting of changing water needs** across regions, will enable us to anticipate scarcity across regions and settle fairly who gets water when supplies are tight.
- **Joined-up assessments and groundtruthing (checking conditions locally) in planning** will strengthen partnership working and prevent harm to water resources and supplies.
- **Supporting PWS and PWWS owners and fostering innovation in decentralised systems** will improve safety and resilience while opening up a growing market for local skills and technology.
- **Recognising groundwater and rainwater, including surface water runoff, as strategic resources** will add supply, build drought resilience, and take pressure off sewage infrastructure.
- **Giving blue-green infrastructure clearer status,** funding and shared planning will unlock options that reduce flooding and overflows while also benefiting nature and communities.
- **Tackling water pollution**, including better monitoring and stronger enforcement, will protect water bodies, the ecosystems that depend on them and the people who use them.
- **Creating a circular economy for wastewater,** updating current rules and investing in innovative processes will turn a cost and a pollution risk into a source of value.
- **Joining up emergency planning** will protect people in vulnerable circumstances and strengthen community resilience.
- **Improving water literacy and behaviour change** by building awareness, including among private system owners, will reduce demand and strengthen the other measures.

SCAN ME

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WE HAVE DEVELOPED GUIDANCE

A working group of academic, public, private, and community sector practitioners have collaborated on **Guidance** to enable policymakers and policy advocates to explore the topics in this brief in more detail.

The Scottish Government has indicated that a WWD Bill is not on the cards in the near future but, in the meantime, new legislative and policy proposals will be developed and added to the current framework . The Guidance aims to make sure that new proposals, whether a WWD Bill or something else, maximise integration and support Scotland to take advantage of the many opportunities for our water and wastewater systems.