

Infrastructure and Capital Investment Committee

## **WATER RESOURCES (SCOTLAND) BILL**

### CALL FOR VIEWS

6 July 2012

The Infrastructure and Capital Investment Committee is seeking views on the general principles of the Water Resources (Scotland) Bill. A copy of the Bill and the accompanying documents can be found at—

[Water Resources \(Scotland\) Bill](#)

The Bill was introduced to the Scottish Parliament on 27 June 2012. It is anticipated that the Infrastructure and Capital Investment Committee will be designated as the lead committee for Stage 1 consideration of the Bill.

#### **Aims of the Bill**

The Scottish Government's intention is that the Bill should set a framework for making the most of Scotland's water resources. The Bill seeks to develop and improve the management of water resources as a key part of achieving the Government's wider Hydro Nation agenda. The Bill makes provision across a broad range of topics relating to water and sewerage services in Scotland and these are described in more detail below.

#### **Committee consideration at Stage 1**

The Infrastructure and Capital Investment Committee expects to consider written submissions and to take oral evidence from September to early November, before reporting on the Bill's general principles towards the end of November 2012.

The Committee therefore invites all interested organisations and individuals to submit written evidence on the Bill and its likely impact. In particular, the Committee would like to receive responses to a number of key questions that are set out below under each of the Bill's main headings.

##### Part 1: Development of Water Resources

This places a new duty on the Scottish Ministers to take such reasonable steps as they consider appropriate to ensure that the value of Scotland's water resources is developed through the Hydro Nation programme. It provides for Ministers to direct designated public bodies as to their involvement in this development. It also places a requirement on Ministers to report to the Scottish Parliament on the fulfilment of the duty. This Part of the Bill is designed to create an explicit focus for the Scottish Ministers on Scotland's water resources and their potential and the continuing development of the Hydro Nation programme.

**Q1.** Section 1 of the Bill proposes placing a duty on Scottish Ministers to take such reasonable steps as they consider appropriate to ensure the development of the value of Scotland's water resources. Do you consider these proposals to be sufficient to drive forward the delivery of the Scottish Government's aim of making Scotland a Hydro Nation?

**Q2.** What are your views on the proposal that Scottish Ministers should be able to direct public bodies to participate in the development of water resources?

**Q3.** Do you have any comments on the requirement for Scottish Ministers to report to the Scottish Parliament on these activities every three years? Is this sufficient to ensure that Scottish Ministers will be held accountable for meeting the duty placed upon them to ensure the development of Scotland's water resources?

#### Part 2: Control of Water Abstraction

This part provides for the Scottish Ministers to control large scale water abstractions. It proposes prohibiting abstractions from the water environment that are above the specified threshold rate, unless they are exempt or are approved by the Scottish Ministers. The policy intention is to ensure that applications for abstractions are considered not only in terms of their environmental impact but also in their broader and long-term impact on the value of the water resources of Scotland.

**Q4.** In your view is the new licensing regime necessary and will it offer the desired benefit of ensuring that the value of the water resources of Scotland are maximised for the people of Scotland?

**Q5.** Is the threshold set in the Bill for defining large scale abstractions of greater than 10 megalitres of water per day appropriate?

**Q6.** Is the list of possible purposes by which a large scale abstraction may be exempt from requiring Ministerial approval, such as where an abstraction is carried out for the purpose of generating electricity by hydro-power, appropriate?

#### Part 3: Scottish Water's functions

This part places a new duty on Scottish Water to develop the value of its assets and expertise and to promote the use of its assets for the generation of renewable energy. Provision is also made for the Scottish Ministers to give grants or to lend directly to subsidiaries of Scottish Water, and for the water and sewerage undertaking established by Scottish Water to be able to borrow from the Scottish Ministers or any other person. The policy intention is that these new powers will encourage Scottish Water to develop commercially and generally to support the Hydro nation agenda.

**Q7.** What are your views on Scottish Water being given specific powers to develop its assets and support the generation of renewable energy?

**Q8.** Are you content that the definition of core powers will provide sufficient safeguards for core water and sewerage functions against risks incurred by Scottish Water in pursuing non-core functions?

#### Part 4: Raw Water Quality

This part gives Scottish Water certain additional powers of entry for the purpose of monitoring the quality of “raw water” (water that may be used for human consumption) and for the purpose of investigating anything that may be affecting the quality of such water. It also allows Scottish Water to enter into agreements with owners and occupiers of land, as well as with local authorities, for the carrying out of activities for the purpose of improving the quality of raw water. The policy intention is to safeguard and improve, where possible, the quality of raw water.

**Q9.** Do you have any views about the proposals to give Scottish Water new powers of entry and inspection of premises (other than a house) in relation to the quality of raw water?

**Q10.** Do you have any views on how the proposal allowing Scottish Water to enter into agreements with owners or occupiers of land to undertake works to prevent the deterioration of water quality will work in practice and whether this is necessary and/or appropriate?

#### Part 5: Non-Domestic Services

This part introduces measures allowing water providers to demand and recover charges from customers where due, and requires landlords to inform a water provider when there is a change in occupancy in their property (as happens with other utilities). The policy intention is that the measures will help to ensure that the water market is operating efficiently and that those receiving water and sewerage services pay for them.

**Q11.** Are the new duties to be placed on landlords appropriate and do they raise any concerns?

**Q12.** Do you have any comments on the proposed arrangements for the creation of a scheme setting out the terms and conditions under which a deemed contract for the provision of water is to exist?

#### Part 6: Sewerage Network

This part allows Scottish Water to control inputs of certain priority substances and pollutants into the sewerage network through trade effluent consents, prohibits the input of fats, oils and grease into the public sewer, and gives Scottish Water improved monitoring powers in relation to inputs into sewers. It

also makes provision for common owners of private sewage treatment systems, such as septic tanks, to be able to carry out essential maintenance without the consent of all their co-owners in certain circumstances. The policy intention is to restrict inputs into the sewer that can cause harm to the water environment and can be costly and difficult to remove.

**Q13.** Do you have any comments about the proposal granting Scottish Water powers of entry and inspection of land or non-domestic property in relation to passing substances and pollutants into the sewer network?

**Q14.** Do you have any comments about the creation and enforcement of a new offence of passing, or permitting to be passed, fat, oil or grease into the public sewer network?

**Q15.** Do you have any comments on the proposal to allow any one proprietor to carry out works to private sewage treatment works, such as septic tanks, to maintain and empty these shared assets without having to secure the consent of the other owners?

#### Part 7: Water Shortage Orders

This part makes provision for the management of temporary water shortages by allowing Scottish Water to apply for, and the Scottish Ministers to make, Water Shortage Orders. These orders would replace the current Drought Orders and authorise Scottish Water to abstract water from or discharge it to any place, relax requirements to which Scottish Water is subject, and impose water saving measures. The policy intention is to update the law in relation to the management of interruptions to the public water supply by streamlining the process and allowing Scottish Water, SEPA and Scottish Ministers to react swiftly and in a proportionate way to such water shortages.

**Q16.** Are the proposals to create new water shortage and emergency water shortage orders proportionate and will they have the desired effect of dealing with temporary water shortages?

#### Financial implications

The costs implications for the Bill are set out by the Scottish Government in the Financial Memorandum, which accompanies the Explanatory Notes. Additional costs are anticipated in a number of areas in relation to, for example, companies seeking to apply for consent for large-scale water abstractions, co-operation agreements between Scottish Water and landowners to protect drinking water sources, obligation on the part of landlords to inform water providers of any change of occupancy of their property, and regulating the discharge of priority substances into the sewer network. The Bill also creates five new offences, all of which could result in offenders receiving fines.

In addition, Scottish Ministers have allocated £3 million per year from 2012/13 to 2014/15 to finance the development of the Hydro Nation agenda. Whilst this cost is not directly attributable to the Bill, it will support a range of actions central to the delivery of the duty on Ministers to develop the value of Scotland's water resources (Part 1 of the Bill).

**Q17.** Do you have any comments on the estimated costs associated with the Bill?

### **Submitting your views to the Committee**

The Committee invites views that are relevant to the remit and that will assist the Committee in meeting the objectives as outlined above.

You may not have a view on all of the issues covered by the Bill and so please do not feel that you have to respond to all of the questions that are set out above. In addition, if you wish to comment on issues relating to the Bill but are not covered by the specific questions then the Committee invites you to submit these views.

Before making a submission, please read the Parliament's [policy on treatment of written evidence by subject and mandatory committees](#).

To allow the Committee to take account of your views, submissions should be received by **midday on Monday 3 September 2012**.

Written submissions should be submitted electronically (preferably in Microsoft Word format) to—

[ici.committee@scottish.parliament.uk](mailto:ici.committee@scottish.parliament.uk)

If you have any questions regarding the Committee's scrutiny of the Bill then please contact the Committee clerking team at the e-mail address above or on 0131 348 5244.