



**Scottish
Water**

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Dear Sir/Madam,

A Human Rights Bill for Scotland

Scottish Water welcomes the opportunity to comment on the above consultation and thank you for allowing an extension in which to provide our response.

We would like to provide comment on the following areas in the consultation –

The addition of a right to a healthy environment: In providing drinking water, drainage and sewerage services to Scotland's population, the protection of the environment is central to Scottish Water's day to day operations and investment decisions.

Scottish Water's operations are already heavily regulated by a plethora of existing legislation relating to protection of the environment and the water environment specifically. Scottish Water's activities are licensed by SEPA, and Scottish Water works closely with SEPA to ensure that the water and sewer network is appropriately managed and upgraded.

We have considered the consultation proposals and will require further information in order to understand how the right to a healthy environment is to be defined and how it is intended that the right will be enforced against the background of existing legislation which already regulates our operations and works to protect the water environment.

We have the following specific comments which we suggest the Scottish Government should consider:-

1. The Scottish Government has stated in the consultation paper that the approach to defining a healthy environment in the Bill will be key and that the definition used in the Aarhus Convention could be used for this purpose. We note that the Aarhus Convention does not define a healthy environment and are therefore unclear as to how exactly this could be applied. We would be grateful for further clarification on this aspect to allow us to comment and understand this proposed right further.

2. We suggest that the definition of a “healthy environment” should be based on scientific evidence and benchmarked, so it is clear when a standard(s) has not been achieved.
3. We would appreciate information/clarification on how the new proposes duties for public bodies relating to the right to a healthy environment, will interact with existing legislation. The National Taskforce for Human Rights Leadership Report, on which the consultation proposals are based, highlighted that environmental law is necessary for the fulfilment of the human right to life (and all that it includes) while the exercise of the right to a healthy environment is vital to the protection of the environment. However, the consultation paper does not set out how the right to a healthy environment will be considered in relation to existing regimes which are already in place to protect the environment.
4. Scottish Water’s operations are licensed by SEPA through existing legislation through Waste Management Licences, Pollution Prevention and Control permits and the Controlled Activities (Scotland) Regulations. These regimes require Scottish Water to adhere to strict standards in order to protect the environment. The right to a healthy environment to be included in the Bill should take account of this and ensure no public body, including Scottish Water, is considered to be in breach of the right to a healthy environment where it has complied with existing environmental law, for example where Scottish Water is already compliant with the conditions of the licences that it holds and with any agreements that it has in place with SEPA regarding its operations.

More broadly it would be beneficial to understand how the proposed Human Rights Bill for Scotland would interact with all existing legislation and regulation, and we would welcome a discussion on this.

Reporting: Scottish Water, as a regulated public sector body, already carries out extensive reporting covering all aspects of our business both to our regulators and the Scottish Government. We would suggest that prior to agreeing a reporting format a mapping exercise is carried out to understand what existing reporting covers and whether there are any gaps with regards to proposed reporting requirements in the Bill.

Extension of the role of SPSO: We are unclear on how the extended SPSO role would interact with the role of bodies such as Citizen Advice Scotland and Consumer Scotland. A closer look at duties and functions would ensure that these are not duplicated.



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We would be keen to engage further with the Scottish Government through the consultation process to ensure the above points are covered in the draft Bill and in particular, to understand how the Scottish Government intends to define the right to a healthy environment.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Emma Campbell'.

Emma Campbell
Group Legal Counsel and Director of Governance
Scottish Water