



RESPONSE TO F0196906

Request Timeline

Date	Status
19/03/2024	EIR Request received [statutory deadline 17/04/2024]
16/04/2024	Clarification Requested
18/04/2024	Clarification Received [statutory deadline 17/05/2024]
26/04/2024	EIR Response issued

Requested Information

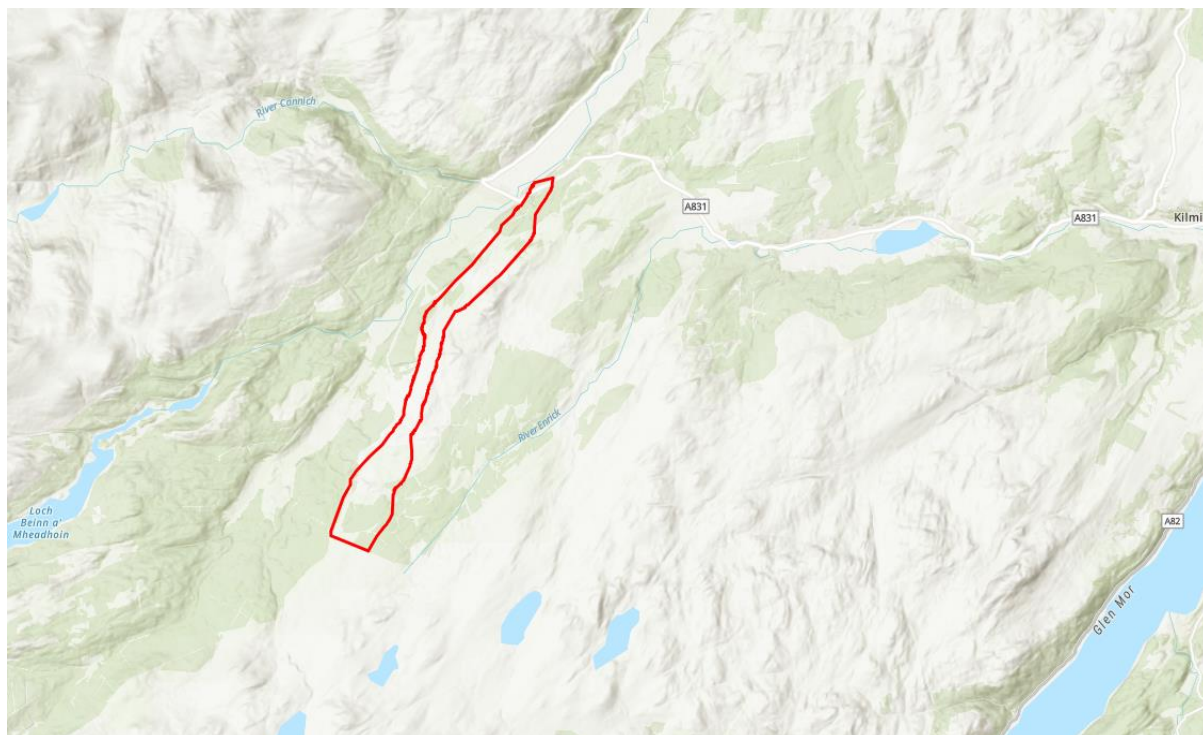
[...] near the existing Fasnakyle Substation. The approximate Grid Reference for the centre of the site is NH 32219 28423 and nearest postcode is IV4 7LZ. Please see image below for the Proposed Development (red line boundary). I have also attached Shapefiles, if that is easier.

We would be grateful if you or someone in your team would examine your available records and inform us of any information relating to potentially contaminated land within the site within a radius of no greater than 1km from the site. Information we would be looking for includes the following:

1. Any information relating to historical land use within and surrounding the vicinity of the site;
2. Any relevant contaminated land information you may hold about the site, including pollution incidents;
3. Any particular areas of sensitivity in the vicinity of the site or nearby areas for which SEPA may have particular concern.

Please let us know if there is a cost for this service.

Looking forward to hearing from you/your team.



Clarification Received

Yes please, we are interested in any permits and licenses granted by SEPA , in particular CAR activities, PPC authorisations and Waste Management licences.

Response

SEPA has handled your request under the Environmental Information (Scotland) Regulations 2004 (EIRs).

- 1. Any information relating to historical land use within and surrounding the vicinity of the site;**

Please see attached: **F0196906 Licences.xlsx**

Personal information has been removed under Regulation 11(2) of the EIRs.

Please note that private drinking water supply abstractions of 10m³ or less are covered by a General Binding Rule (GBR). As compliance with the GBR is mandatory and no formal SEPA authorisation or registration is required, we do not hold a record of these. It is the responsibility of the local authority to maintain a register of private drinking water supplies and we suggest you contact The Highland Council for this information. Contact details are provided in 'Application of Regulation and Exceptions' section below. Regulations 10(4)(a) and 14(1)(b) apply.

Please also note, in the interest of public safety, we cannot disclose the locations of public drinking water supply abstractions. Regulation 10(5)(a) applies.

The public register documentation which SEPA held prior to December 2020 continues to be impacted by the cyber attack. We are providing you with the best information we currently have available but cannot confirm it is complete or accurate. Any use you make of this information will be at your own risk.

Please note that the Site National Grid Reference (NGR) shown on the attached spreadsheet is not necessarily the location of an abstraction point. Instead, it refers to the registered site location only. Abstraction points are found in the licence documents and are not currently held on a central database.

We hold no other information on historical land use. Regulation 10(4)(a) applies.

2. Any relevant contaminated land information you may hold about the site, including pollution incidents;

We do not hold any contaminated land information on this particular site or surrounding area. Regulation 10(4)(a) applies.

Please note, SEPA does not routinely hold this type of information. The Local Authority is the lead regulator for contaminated land and as part of its duties it is required to keep an updated inspection strategy for its area. This may include

information on previous historic contaminative uses. The Local Authority is also the lead regulator for dealing with land contamination and its remediation through planning. Therefore, we recommended you contact the Highland Council on this matter. Contact details can be found in the 'Application of Regulations and Exceptions' section below. Regulation 14(1)(b) applies.

We have found no records of pollution incidents in the requested area. Regulation 10(4)(a) applies.

3. Any particular areas of sensitivity in the vicinity of the site or nearby areas for which SEPA may have particular concern.

This information can be found on the NatureScot website here:

[sitelink.nature.scot/home](https://www.naturescot.gov.scot/sitelink.nature.scot/home)

NatureScot can also be contacted directly for more information, contact details are given below. Regulation 9 applies.

Information Officer

NatureScot

Battleby

Redgorton

Perth

PH1 3EW

Email: foi@nature.scot

www.nature.scot/about-naturescot/access-information-and-services/access-information/freedom-information-requests

You can also check waterbody status to identify any downgraded water bodies in the area that maybe of concern using the Water Classification Hub.

Waterbody specific information for surface waters and groundwaters can be found here: www.sepa.org.uk/data-visualisation/water-classification-hub/

- Guide to using the hub: www.sepa.org.uk/media/330145/classification-hub-quick-guide.pdf
- Please note this is updated annually.

Regulation 6(1)(b) applies.

Further information regarding the regulations and any exceptions applied to this information can be found below.

Application of Regulations and Exceptions

Section 39(2)

The information you are requesting is environmental information. We have applied Section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA). We are therefore handling your request under the Environmental Information (Scotland) Regulations 2004 (EIRs).

Regulation 6(1)(b) Publicly Available and Easily Accessible

Where we have advised above that information is publicly available & easily accessible Regulation 6(1)(b) applies, the text of which is reproduced below;-

6(1) Where an applicant requests that environmental information be made available in a particular form or format, a Scottish public authority shall comply with that request unless- (b) the information is already publicly available and easily accessible to the applicant in another form or format.

Regulation 9 – Advice and assistance

Where we have issued additional information or advice this is provided in line with SEPA's duty to advise and assist under Regulation 9 of The Environmental Information (Scotland) Regulations 2004.

Regulation 10(4)(a) – Information not held

Where we have advised above that SEPA does not hold this information it is excepted under Regulation 10(4)(a) of the Environmental Information Regulations 2004. The text of which is reproduced below;

(4) A Scottish public authority may refuse to make environmental information available to the extent that;- (a) it does not hold that information when an applicant's request is received.

The exception in regulation 10(4)(a) is subject to the public interest test in regulation 10(1)(b) of the EIRs. As SEPA does not hold the information in question there is no conceivable public interest in requiring that the information be made available.

Regulation 10(5)(a) – International relations, national security, public safety

The locations of public drinking water supply abstractions are withheld from release under the terms of Regulation 10(5)(a) of the EIRs. The text of which is reproduced below.

10 (5) A Scottish public authority may refuse to make environmental information available to the extent that its disclosure would, or would be likely to, prejudice substantially, (a) international relations, defence, national security or public safety;

The Public Interest Test was carried out in relation to the information which is to be withheld under Regulation 10(5)(a) of the EIRs. It is acknowledged that there are public interest arguments in favour of disclosure of the subject information. However, there is a stronger public interest in withholding information that if disclosed would likely to prejudice substantially public safety in providing the locations of the public's drinking water supplies.

Regulation 11(2) – Personal data

Personal data relating to SEPA staff and private individuals has been redacted from the released documents in accordance with Regulation 11(2) of the EIRs and Data Protection Principles. SEPA has not withheld complete documents which contain such personal data and have released all other information within the document.

Regulation 14(1)(b) – Other authority

As confirmed above SEPA does not hold this information. In accordance with the terms of the EIRs regulation 14(1)(b), The text of which is reproduced below.

14(1) Where a Scottish public authority has received a request to make environmental information available and does not hold that information but believes

that another public authority holds the information requested then it shall (b) supply the applicant with the name and address of that other authority,

We advise that you contact:

Freedom of Information Officer

The Highland Council

Headquarters

Glenurquhart Road

Inverness

IV3 5NX

www.highland.gov.uk/info/704/data_protection_and_freedom_of_information/340/freedom_of_information

What to expect when making a Request for Information

Each request for information, under The Environmental Information (Scotland) Regulations 2004 or the Freedom of Information (Scotland) Act 2002, is formally logged by the authority. The request falls within a process that has two internal stages carried out by the authority; a right of appeal to the Scottish Information Commissioner followed by an appeal to the Court of Session on a point of law only.

- Stage 1 – Request for information
- Stage 2 – Formal Review
- Stage 3 – Appeal for decision by Scottish Information Commissioner (OSIC)
- Stage 4 – Appeal to the Court of Session on a point of law only.

Each enquiry will have a unique Reference Number which should be quoted when you contact us.

How you will be kept informed

You will receive an acknowledgement for your request and Formal Review. We aim to reply to all enquiries promptly, within 20 working days. You will receive a response along with the requested information and/or an explanation regarding any withheld information. We may also contact you if we require clarification or if we are issuing a fees notice.

What happens once your enquiry has been responded to?

If you are not happy with the response or have failed to receive a response, you have the right to request a Formal Review from SEPA.

Guidance on your rights and how to ask for a review is on the Scottish Information Commissioner's website; <http://itspublicknowledge.info/YourRights/Askingforareview.aspx>

We will ensure that all personal data is processed, recorded and retained in accordance with the requirements of the Data Protection Act 2018 throughout the handling of each request. You have a right to see information about yourself via submitting a Subject Access Request under the Data Protection Act 2018.

What to do if you are not happy with how your enquiry and review were handled

If you are unsatisfied with our Formal Review response or have failed to receive a response, you can then appeal to the Scottish Information Commissioner via the links below.

www.itspublicknowledge.info/appeal

<http://www.itspublicknowledge.info/home/ContactUs/ContactUs.aspx>

Should you wish to appeal against the Scottish Information Commissioner's decision, you have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of the decision.