

Our Ref: F0191363

If telephoning ask for:
[REDACTED]

5 February 2020

Dear [REDACTED]

REQUEST FOR INFORMATION

Thank you for your request, received by SEPA on 21 December 2019 in which you asked for the following information:

Original Request

- 1) The number of water quality sampling points over the last five years.
Please break this down by year and by region, country, or local authority area.
- 2) The number of water quality samples taken by Sepa over the last five years.
Please break this down by year and by region, country, or local authority area.
- 3) The number of staff employed by Sepa as of 1 January, each year, over the last five years.
Please break this down by office location.
- 4) The number of annual inspections of permitted sites by Sepa officers – and the number of permitted sites – over the last five years.
Please break this down by year and by region, country, or local authority area.
- 5) The number of permit breaches of sites regulated by Sepa over the last five years.
Please break this down by year and by region, country, or local authority area.
- 6) The number of audits over the last five years
Please break this down by year.
- 7) The number of checks of pollution monitoring equipment over the last five years.
Please break this down by year.
- 8) The number of reviews of data submissions over the last five years.
Please break this down by year.
- 9) The number of prosecutions pursued by Sepa over the last five years.
Please break this number down by year, the body Sepa pursued prosecution of, the fine issued, and the reason for pursuit of prosecution.
- 10) I am unable to download any data from the water classification hub. Please can you share the complete dataset with me in spreadsheet form?

Clarification Received 08/01/2020

Please can I change question 7[a] to: The number of air quality sampling points over the last five years.

Please break this down by year and by region, country, or local authority area.

And please can I add the following:

[7b] The number of air quality samples taken by Sepa over the last five years.
Please break this down by year and by region, country, or local authority area.

We have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 as we have determined that the information sought in your request is environmental information. We are therefore handling your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs). In this case the public interest in maintaining this exemption and in dealing with the request in line with the requirements of the EIRs outweighs any public interest in disclosing the information under FOISA.

Response

1. The number of water quality sampling points over the last five years. Please break this down by year and by region, country, or local authority area.

2. The number of water quality samples taken by Sepa over the last five years. Please break this down by year and by region, country, or local authority area.

Please refer to the attached spreadsheet [Q1&2 Totals - Chemistry, Micro and Ecology.](#)

3. The number of staff employed by Sepa as of 1 January, each year, over the last five years. Please break this down by office location.

Please refer to the attached spreadsheet [Q3 Staff Numbers by Office.](#)

4. The number of annual inspections of permitted sites by Sepa officers and the number of permitted sites

Number of annual inspections:

Please note that this information is recorded and supplied by financial year.

	2014-15	2015-16	2016-17	2017-18	2018-19
East	1484	1442	1338	1203	997
North	1505	1402	1149	1189	1213
West	1183	1270	987	708	898
TOTAL	4172	4114	3474	3100	3108

Number of permitted sites:

Please refer to the attached document [Q4 Number of Permitted Sites](#) which contains numbers of all new licences/permits since January 2015 on a calendar year basis by the three regions (East, North and West).

5. The number of permit breaches of sites regulated by Sepa over the last five years. Please break this down by year and by region, country, or local authority area.

	2014	2015	2016	2017	2018
East	397	336	361	320	384
North	349	351	356	330	347
West	333	305	357	279	313
TOTAL	1079	992	1074	929	1044

Please note that a licence can have minor breaches/ gross breaches and still be rated as Good or Broadly Compliant. This is why the totals of licences with breaches will differ from the number of licences we have published with an unsatisfactory rating.

6. The number of audits over the last five year. Please break this down by year.

	2014-15	2015-16	2016-17	2017-18	2018-19
East	62	90	74	86	79
North	36	36	67	72	81
West	118	176	135	101	95
TOTAL	216	302	276	259	255

Please note that this information is recorded and supplied by financial year.

7a The number of air quality sampling points over the last five years. Please break this down by year and by region, country, or local authority area.

SEPA have four routine air quality monitoring points known as the Volcanic Emissions Network. SEPA host the [Volcanic Emissions Network \(VEN\)](#) on behalf of the Scottish Government. The recent data from these monitoring points and further details are available from this link. These are continuous monitoring stations and no samples in the traditional sense are taken.

Beyond this, air quality monitoring is not part of our responsibilities. Under regulation 9 of the EIRs please see the below links which provide more details on the air quality monitoring in Scotland.

<http://www.scottishairquality.scot/>
<https://uk-air.defra.gov.uk/networks/network-info?view=aurn>

7b. The number of air quality samples taken by Sepa over the last five years. Please break this down by year and by region, country, or local authority area.

The Volcanic Emissions Network monitoring points continuously monitors air quality, this means that individual samples cannot be provided.

SEPA does not hold this information therefore 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.

8. The number of reviews of data submissions over the last five years. Please break this down by year.

	2014	2015	2016	2017	2018
CAR	953	939	957	1153	1396
PPC	751	745	727	714	688
RSA	45	15	16	31	60
WML	552	596	616	628	757
TOTAL	2301	2295	2316	2526	2901

Please note that these figures are not definitive as they represent the data submissions supplied as Data Returns and do not necessarily include all data provided through other mechanisms.

9. The number of prosecutions pursued by Sepa over the last five years. Please break this number down by year, the body Sepa pursued prosecution of, the fine issued, and the reason for pursuit of prosecution.

SEPA has pursued the following prosecutions over the last 5 years. SEPA defines pursued as meaning what has been in Court in that calendar year. Please note that these figures are rolling, and do not reflect the number of cases reported to the Procurator Fiscal in each calendar year. These are cases that have been reported in previous years and have been in the Court system and the figures given are the outcome of these cases. Please be advised that reports submitted in a year are very rarely concluded in the same year.

Year	No.	Prosecutions pursued by SEPA
2019	8	1 marked no prosecution 7 still awaiting marking
2018	1	1 awaiting marking
2017	6	1 proceedings discontinued 1 no prosecution 1 awaiting marking 2 pled guilty - An individual – waste offence - 250 hours CPO - An individual - CAR offence - £500 fine

2016	13	<p>2 proceedings discontinued 4 no prosecution 1 Admonishment</p> <p>6 pled guilty</p> <ul style="list-style-type: none"> - An individual – CAR Offence -£500 fine - Robert J Carruth (farming partnership) – CAR Offence - £8,000 - An individual – waste offence - £6,000 and £20,388 Confiscation Order - An individual – Section 110 offence - 160 hours CPO - An individual – waste offences - £4,000 fine - and An individual –waste offences– 200 hours CPO and £2,500 Confiscation Order - Autowaste Services (Scotland) Ltd - £27,000 and An individual – waste offences – 300 CPO and £44,711 Confiscation Order
2015	23	<p>9 No Prosecution 1 Proceedings Discontinued 1 Procurator Fiscal Warning letter 3 awaiting marking 1 admonishment</p> <p>1 found guilty – An individual –Section 110 offence -£250</p> <p>7 pled guilty</p> <ul style="list-style-type: none"> - An individual - £500 - Scottish Water – CAR Offence- £7,500 - David McCreery & Sons – CAR Offence - £1,200 - An individual and R&A Wilson Ltd – CAR offences- £2,650 - An individual – Section 110 offence - £100 - An individual – Section 110 offence - £100 - Scottish Water – CAR offence - £17,000

10. I am unable to download any data from the water classification hub. Please can you share the complete dataset with me in spreadsheet form?

Please refer to the attached document ([Q10\) 5 years WFD classification EQ.](#)

If you are not satisfied with our response, you have 40 working days from the date of this letter to request a formal review from SEPA at:


Access to Information
SEPA
Strathallan House
Castle Business Park
Stirling
FK9 4TZ
Email: foi@sepa.org.uk

If you are still not satisfied, you can appeal to the Scottish Information Commissioner.
www.itspublicknowledge.info/appeal

Your unique reference number is F0191363. Please quote this in any future contact with us about your request.

If you have any queries in the meantime, please contact me.

Yours sincerely


SEPA Access to Information Team

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.