

FMP Reference Number: FMP-2023-9015

Payment Reference Number: 9038069

SCOTTISH ENVIRONMENT PROTECTION AGENCY

**THE ENVIRONMENTAL REGULATION (ENFORCEMENT MEASURES)
(SCOTLAND) ORDER 2015 (“the Order”)**

FIXED MONETARY PENALTY NOTICE

To: Robert Main Ellen

[REDACTED]
[REDACTED]
[REDACTED]
Muir of Ord
IV6 [REDACTED]

The Scottish Environment Protection Agency (“SEPA”), hereby notifies you, that you are liable to a Fixed Monetary Penalty (FMP) because SEPA is satisfied on the balance of probabilities that you have committed a relevant offence prescribed under the Order, namely an offence under Regulation 44(1)(a) of The Water Environment (Controlled Activities) (Scotland) Regulations 2011.

Grounds for imposing the penalty:

SEPA is satisfied that you carried out a controlled activity, namely the discharge of sewage effluent from a motorhome to the water environment, without the authority of an authorisation on the date and at the location specified below.

It is an offence under regulation 44(1)(a) of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (“CAR”) for a person to contravene regulation 4 of CAR.

Regulation 4 of CAR prohibits the carrying on of a controlled activity without authorisation.

Controlled activities are listed in Regulation 3(1) of CAR, one of which is “activities liable to cause pollution of the water environment”.

The discharge of sewage effluent into a watercourse is an activity liable to cause pollution of the water environment. It is therefore a controlled activity and accordingly requires authorisation.

SEPA is satisfied that there is no authorisation for the discharge of sewage effluent to the water environment at the below location.

On 29 April 2023, you were witnessed pouring the contents of a motorhome toilet cassette containing sewage effluent into a roadside watercourse. The watercourse was at National Grid Reference NL 67721 98772, an un-named tributary of the Allt a' Ghlinne, Garrygall, Castlebay, Isle of Barra. A short time later you confirmed to Police Scotland Officers that you had emptied sewage waste from your motorhome into the roadside watercourse. You explained to the Officers that the cassette was full and overflowing and you had nowhere else to empty it. A free disposal point was located 1.5 km distance away at Castlebay Pier, Castlebay, Isle of Barra.

SEPA is satisfied, based on the observations of the witness and statements made by you to Police Scotland officers that you carried out an activity liable to cause pollution of the water environment, without authorisation, on the date and at the location specified below.

Date of offence: 29 April 2023

Location of offence: NL 67721 98772 un-named tributary of Allt a' Ghlinne, Garrygall, Castlebay, Isle of Barra

The amount of the FMP is £600.

You are required to pay the sum in full within 56 days beginning with the day this notice is served on you.

Details of how to pay, what will happen if you do not pay and how to appeal against this Notice are provided overleaf.

Signed..... 

Date: 02/08/2023

Authorised to sign on behalf of
The Scottish Environment Protection Agency

Amount of Penalty and effect of payment

The penalty has been set in accordance with the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015 (“the Order”).

How to Pay a Fixed Monetary Penalty

Acceptable payment methods are: Personal or Company Cheques, Debit Card, Credit Card, Postal Orders, and BACS.

Card payments can be made via the SEPA “Pay My Account” Service at www.sepa.org.uk/payments. You should quote the FMP Reference Number and Payment Reference Number as detailed on the front of this Notice in all communications with SEPA.

To make a BACS payment please email invoices@sepa.org.uk or call 07388 371 621 for our bank account details or queries.

Cheques and Postal Orders should be made payable to: Scottish Environment Protection Agency and sent to FMP Unit, SEPA, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, Motherwell, ML1 4WQ.

Late payment and Non-payment

If you do not pay the full amount owed within 56 days beginning with the day this notice is served on you, the amount due will be increased by 40% in accordance with the Order. SEPA can recover sums due but not paid in full as a civil debt.

Appeals

You can appeal against this Notice to the Scottish Land Court within 28 days beginning with the date of service of this Notice on the grounds that:

- The decision was based on an error of fact
- The decision was wrong in Law
- The decision was unreasonable

any other reason, (with the exception that the Order states that it is not a valid ground of appeal that SEPA failed to comply with the Guidance issued to it by the Lord Advocate under the Act).

You should submit your Appeal to The Scottish Land Court, George House, 126 George Street, Edinburgh, EH2 4HH. An application form for an appeal can be obtained by contacting the Court on 0131 271 4360 or from the Court’s website at <http://www.scottish-land-court.org.uk/using/making-an-application>. It would be helpful if you also sent a copy of your appeal documentation to SEPA, The Registry Department, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, Motherwell, ML1 4WQ.

The bringing of an appeal will have the effect of suspending payment of the penalty until after the appeal has been determined or withdrawn.

Queries

Any queries about this Notice should be addressed to SEPA, The Registry Department, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, Motherwell, ML1 4WQ or by email to registry@sepa.org.uk. Please note that entering into correspondence does not alter the timescale for submission of an appeal or payment being due.

The Data Protection Act 2018

Any personal data, provided in connection with this Notice, will be processed by the Scottish Environment Protection Agency for the purposes of publication and may be disclosed to Scottish Government and other public bodies. We may also pass it on to our agents/representatives to act on our behalf in connection with this Notice. Please address any questions, comments and requests regarding our data processing practices to dataprotection@sepa.org.uk.

Additional information about how we use personal information in the context of monetary penalties is available in the relevant SEPA Privacy Notice, which can be accessed from our website www.sepa.org.uk/help/privacy-policy/privacy-notices.

Information in relation to penalties will be published and publicised in accordance with SEPA's Policy on Communicating Penalties and Undertakings, which can be accessed from our website.

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