

**FMP Reference Number: FMP-2023-9009**

**Payment Reference Number: 9038067**

**SCOTTISH ENVIRONMENT PROTECTION AGENCY**

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

**FIXED MONETARY PENALTY NOTICE**

**To: Sands Caravan and Camping Limited**

**Gairloch**

**Wester Ross**

**IV21**

**Company No: SC480771**

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 (“CAR 2011”) in that you did carry on a controlled activity, namely the discharge of sewage effluent to the water environment, without the authority of an authorisation, as more particularly described below.

**Grounds for the proposal to impose the fixed monetary penalty:**

In terms of Regulation 4 of CAR 2011, no person shall carry on any controlled activity except insofar as it is authorised under CAR 2011 and carried on in accordance with that authorisation. A ‘controlled activity’ is any activity referred to in Regulation 3 of CAR 2011. One of the activities listed in Regulation 3 is activities liable to cause pollution of the water environment.

It is an offence under Regulation 44(1)(a) of CAR 2011 for a person to contravene Regulation 4.

SEPA is satisfied that between the dates specified below, Sands Caravan and Camping Limited carried on a controlled activity, namely the discharge of sewage effluent to the water environment, an activity liable to cause pollution of the water environment, without the authority of an authorisation and contrary to Regulation 4 and Regulation 44(1)(a) of CAR 2011.

On 2 March 2023, a SEPA officer became aware that Sands Caravan and Camping Limited's site, at the location specified below (hereinafter referred to as 'the Site'), had staff within the Site's accommodation unit, served by treatment system no. 4. On 31 March 2023, SEPA officers became aware that the Site had opened for seasonal business and use.

The Site is served by various sewage treatment systems which, when operating as designed, treat sewage produced during the operation of the Site, with the systems thereafter discharging sewage effluent, via soakaway, to land or to the River Sand.

Authorised SEPA officers attended the Site on 5 April 2023. The officers observed toilet blocks no. 4 and no. 12 together with the café, all situated on the Site, all to be operational and in use. The café is served by treatment system no. 2, and toilet block no. 4 is served by treatment systems no. 6 and no. 7. Toilet block no. 12 is served by treatment system no. 1. SEPA officers therefore concluded treatment systems no. 1, no. 2, no. 6 and no. 7 to have been operational on 5 April 2023.

A director of Sands Caravan and Camping Limited confirmed to a SEPA officer on 10 April 2023 that the following treatment systems were in operation at the Site: no. 1, no. 2, no. 3, no. 4, no. 5, no. 6 and no. 7.

On 3 May 2023, authorised SEPA officers attended the Site and witnessed an unauthorised discharge from each of the following treatment systems:

- no. 2 (NGR NG 75837 78593);
- no. 5 (NGR NG 75910 78421); and
- no. 7 (NGR NG 75882 78691).

On the same date, said SEPA officers obtained samples of each of the discharges and took photographs of same.

On 16 May 2023, an authorised SEPA officer attended the Site and witnessed an unauthorised discharge from each of the following treatment systems:

- no. 2 (NGR NG 75837 78593);
- no. 3 (NGR NG 75775 78540);
- no. 6 (NGR NG 75868 78652); and
- no. 7 (NGR NG 75882 78691).

On the same date, said officer obtained a sample of each of the discharges, and took photographs of same.

On 6 June 2023 an authorised SEPA officer attended the Site and witnessed an unauthorised discharge from treatment system no. 2. On the same date, said officer obtained a sample of the discharge, and took photographs of same.

The discharge of sewage effluent to the water environment is a controlled activity in terms of Regulation 3 of CAR 2011 in that it is an activity liable to cause pollution of the water environment. Said controlled activity would require an authorisation under CAR 2011.

The above-mentioned discharges of sewage effluent to the water environment therefore amount to a controlled activity. A search of SEPA's records confirmed there were no CAR 2011 authorisations in place for said controlled activity, in respect of treatment systems no. 2, no. 3, no. 5, no. 6 and no. 7 at the Site, as at the dates each of the discharges were witnessed by SEPA officers.

A search of SEPA's records also confirmed that as of 31 March 2023, at which time the Site had opened for business and use, there were no CAR 2011 authorisations in place for the discharge of sewage effluent to the water environment from treatment systems no. 2, no. 3, no. 5, no. 6 and no. 7 at the Site.

CAR 2011 authorisations were subsequently issued by SEPA to Sands Caravan and Camping Limited, authorising the controlled activity of the discharge of treated sewage effluent to the water environment from the following treatment systems at the Site:

- no. 6 – issued 24 May 2023;
- no. 7 – issued 24 May 2023;
- no. 3 – issued 26 May 2023; and
- no. 5 – issued 6 June 2023.

**Date range of offences:** Between 31 March 2023 and 6 June 2023.

**Location of offences:** Sands Caravan and Camping, Gairloch, Wester Ross, IV21

**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](http://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](mailto: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](mailto: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](mailto: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](http://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.

Please address any questions, comments and requests regarding our data processing practices to [dataprotection@sepa.org.uk](mailto:dataprotection@sepa.org.uk).