

Our Ref: F0190585

If telephoning ask for:
Cara Everitt

25 June 2019

Dear

REQUEST FOR INFORMATION

Thank you for your recent request, received by SEPA on 28 May 2019.

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.

For ease of reference, your request is replicated below together with our response.

Please could you inform me as to the recommendations made to N Lanarkshire council as to the tests and investigations they should carry out regarding St Ambrose high school Coatbridge.

SEPA is a key agency in the land use planning process in Scotland, providing environmental advice to planning authorities, developers and the wider public. We provide formal environmental advice in relation to development plans and on a wide range of development proposals across Scotland. Information about our role in planning is published on our website here <https://www.sepa.org.uk/environment/land/planning/>. When consulted on proposed developments by planning authorities, we provide comment in relation to our regulatory duties, with particular regard to potential pollution of the water environment associated with land affected by contamination.

As a statutory consultee, we responded to North Lanarkshire Council regarding the planning application 09/00818/FUL for the Erection of Secondary School, Additional Support Needs Secondary School, Community Facilities, External Playing Fields, Associated Road Access and Parking. Drumpellier Country Park, Townhead Road, Townhead, Coatbridge, North Lanarkshire ML5 1RX. In accordance with the terms of Regulation 6(1)(b) of the EIRs, we advise that you can view our Consultation Responses on the North Lanarkshire Council Planning website here <https://eplanning.northlanarkshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=KN6QYJBA0ED00>.

SEPA's Contaminated Land Team also provided advice to North Lanarkshire Council's Pollution Control Team regarding pollution of the water environment at the St Ambrose School site. In accordance with the

terms of Regulation 6(1)(b) of the EIRs, we advise we have previously published information that SEPA holds in relation to this for request reference number F0190226 on SEPA's Disclosure Log <http://apps.sepa.org.uk/disclosurelog/>. You can find this information and any further information we may add to our Disclosure Log in future by searching for 'Buchanan' or 'Ambrose' in the Title filter box.

Also how many of these recommendations have been carried out, and if the results have been shared with SEPA.

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.

In accordance with Regulation 14(1)(b) of the EIRs, we advise it is for North Lanarkshire Council as the Planning Authority to make the decision whether to approve or refuse any planning application, to make sure the development is carried out correctly and to take action when it is not. North Lanarkshire Council is also the primary regulator of contaminated land legislation contained within the Environmental Protection Act (1990) known as Part IIA. SEPA's acts as the enforcing authority where contaminated land has been designated as a special site. Once a special site has been designated as such by a Local Authority, we become the enforcing authority, but local authorities remain the enforcing authority for all other statutorily contaminated land. Further information about SEPA's role in relation to contaminated land is published on our website <https://www.sepa.org.uk/regulations/land/contaminated-land/>.

If you are not satisfied with our response, you have up until 21 August 2019 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.itspubliknowledge.info/appeal

Your unique reference number is F0190585. 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

Cara Everitt
Access to Information Co-ordinator

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.