

SPSO decision report

Case: 201103656, Highlands and Islands Enterprise
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: not upheld, action taken by body to remedy, no recommendations

Summary

Mrs C is a landowner who owns a stretch of river close to a fish farm. She complained that when Highlands and Islands Enterprise (HIE) approved a grant for expansion of the fish farm, they did so without conducting sufficiently robust environmental checks and did not reasonably investigate the probable environmental impact.

Our investigation, which included taking independent advice from one of our advisers, found that HIE had used a reasonable scrutiny process and had applied it properly. We did, however, find that some of the information about how the fish farm was complying with the environmental regulations was supplied by the applicants themselves. Our adviser said that, while this complied with the process in place at the time, it would be more robust if such information was obtained from a third party, such as the relevant regulatory body. In this case the Scottish Environment Protection Agency (SEPA) was the regulatory body involved. The fish farm had provided HIE with copies of licences issued by SEPA and HIE had made some further enquiries to ensure that the licences were current and that SEPA were working with the fish farm to ensure on-going compliance. HIE have since reviewed their procedures and are in the process of issuing revised guidance to staff. The new procedures mean that in future any information on compliance with environmental regulations and requirements will be obtained from the regulatory body rather than the applicant.

Overall, we were satisfied that it is not HIE's role to monitor or police compliance. In this case the application documentation was correctly scrutinised, assessed and evaluated, and we also satisfied that in future the system will be even more robust.