

SPSO decision report

Case: 201602603, Scottish Environment Protection Agency

Sector: Scottish Government and devolved administration

Subject: handling of application

Outcome: not upheld, no recommendations

Summary

Mrs C's neighbours applied for and were granted by Scottish Environment Protection Agency (SEPA) a licence to discharge treated sewage effluent into a ditch on their property. Mrs C complained that this allowed discharge into a ditch that runs dry and causes dangerous pollution to be deposited on her land and severely impacts on her enjoyment of her property as well as having a dangerous adverse effect on human and animal health. SEPA could find no evidence of such a nuisance being caused.

Mrs C felt that SEPA did not do enough to assess the application and had not done enough to address her concerns about the actual operation of the scheme.

We did not uphold Mrs C's complaint as we concluded SEPA had taken reasonable steps to minimise the risk of a nuisance and were not the responsible body for enforcing such a nuisance (though we noted no nuisance had actually yet been proven to exist).