

[REDACTED]

**Case Reference Number:** 2021/Dec/FMP/Culraven Limited

**FMP Reference Number:** FMP-2022-9008

**Payment Reference Number:** FMP-2022-9008

**SCOTTISH ENVIRONMENT PROTECTION AGENCY**

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

**FIXED MONETARY PENALTY NOTICE**

**To: Culraven Limited, Company Number SC462341,  
[REDACTED] Kirkcudbright, DG6 4SG**

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)(b) of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) ("CAR 2011") of failing to comply with or contravene a general binding rule.

Grounds for imposing the penalty:

In terms of Regulation 6 (1) of CAR 2011 a controlled activity specified in Part 1 of Schedule 3 is authorised if it is carried out in accordance with the rules of general application ('General Binding Rules') specified for that activity.

In terms of Regulation 44(1)(b) of CAR 2011 it is an offence for a person to fail to comply with or contravene a General Binding Rule.

On the date and at the location specified below, you were found to have carried out a controlled activity referred to in Part 1 of Schedule 3 of CAR 2011, namely the keeping of livestock in breach of General Binding Rule 19 (a)(i). You failed to prevent significant erosion or poaching of land that is within 5m of the Corraford burn. SEPA officers witnessed 28 metres of significant poaching by livestock of the righthand bank (looking downstream) of the Corraford burn. The poaching was observed between points NX 65481 50029 (upstream) to NX 65468 50005 (downstream).

Date of offence: 06 December 2021

Location of offence: Land at Corraford Burn, High Nunton, between the points NX 65481 50029 to NX 65468 50005

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 [REDACTED]  
Authorised to sign on behalf of  
The Scottish Environment Protection Agency

Date: 2 May 2022



## **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 Strathallan House, Castle Business Park, Stirling, FK9 4TZ .

## **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, North Lanarkshire, 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, North Lanarkshire, 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).

