

FMP Reference Number: FMP-2023-9003
Payment Reference Number: 700219

SCOTTISH ENVIRONMENT PROTECTION AGENCY

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

FIXED MONETARY PENALTY NOTICE

To: The Good House Company Scotland Limited

[REDACTED]
[REDACTED]
**Kinross
Scotland
KY13** [REDACTED]

Company number SC292229

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 Section 33(6) of the Environmental Protection Act 1990.

Grounds for imposing the penalty:

SEPA is satisfied that The Good House Company Scotland Limited disposed of controlled waste on land without the authority of a waste management licence on the date and at the location specified below, in that employees of the company disposed of waste there by burning and there is no waste management licence in place for the land. This is contrary to the Environmental Protection Act 1990, Section 33(1)(b)(i), which states that, "a person shall not dispose of controlled waste on any land except under and in accordance with a waste management licence". It is an offence under Section 33(6) of the Environmental Protection Act 1990 to contravene Section 33(1)(b)(i).

On the 19 December 2022, SEPA received a notification at 16:09 to advise that burning was taking place at the location below.

On the 20 December 2022 at 11:20, an authorised SEPA Officer attended the location below and spoke to employees who confirmed they were operating at the site and were undertaking demolition activities and disposing of material. An employee identified the type of material that they had been burning which consisted of treated timber from the walls of the former poultry shed that had been demolished. An employee advised that a director of the company had instructed him to undertake this activity.

The SEPA Officer then observed the ongoing fire with the employees at the location below. The fire consisted of some plant tissue, but the SEPA Officer also identified a number of items of controlled waste within the fire, including treated wood from the walls of the former poultry shed, metal panels, cables, metal poles, insulation wool, roofing sheets and a metal box. Photographs were taken by the authorised SEPA Officer.

On the 29 December 2022, a Director of the Good House Company Scotland Limited submitted a receipt of a Paragraph 30 Exemption under the reference of WML/XS/2004194 for the burning plant tissue waste on land in the open.

On the 06 January 2023, the Director advised SEPA via email that it was [REDACTED] understanding that rotten timber could be burned.

Under Section 38 of the Regulatory Reform (Scotland) Act 2014, an employer can be liable for a relevant offence committed by an employee. SEPA is satisfied, based on the above statements from employees and observations made by the authorised SEPA Officer on site, that a relevant offence was committed by a person while acting as an employee of The Good House Company Scotland Limited and therefore, in terms of Section 38, that The Good House Company Scotland Limited also committed the relevant offence. SEPA is satisfied that in this instance The Good House Company Scotland Limited failed to take all reasonable precautions and exercise all due diligence to prevent the offence being committed by their employee. On this basis SEPA has decided that proceedings should be taken against the company.

The Paragraph 30 Exemption from Waste Management Licensing (WML/XS/2004194), registered on 25 August 2022 allows the burning of untreated wood, bark and plant matter in certain specific circumstances provided it does not cause pollution or a nuisance and provided the rules related to that exempt activity are complied with. The Exemption does not permit any other waste type to be burned in the open or for non-compliant waste to be combined with compliant waste before being burned and would not allow the burning of treated wood or the other waste types identified by the SEPA Officer.

SEPA is satisfied that this was a waste disposal activity and that The Good House Company Scotland Limited has no authorisation to dispose of controlled waste on this land by burning.

Date of offence: 20 December 2022

Location of offence: Land at [REDACTED] Grange, PH2 [REDACTED]

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]

Date: 9 May 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. 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 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 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

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

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.

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