

## SPSO decision report

**Case:** 201407037, Scottish Environment Protection Agency  
**Sector:** Scottish Government and devolved administration  
**Subject:** policy/administration  
**Outcome:** some upheld, no recommendations

### Summary

Mr C, who is an MSP, complained on behalf of his constituent (Mr A) about development on a site close to his home. Mr A was the former owner of the site and still held licenses from the Scottish Environment Protection Agency (SEPA) in relation to it. Mr A complained that works on the site were affecting his private water supply but that SEPA had done little to prevent this. He also complained that when planning applications were made to the local council, SEPA did not make a reasonable response and had understated information. Furthermore, he said that they did not make a reasonable response to his concerns about the licenses he held.

We investigated the complaint and found that SEPA had looked into Mr A's concerns but found no evidence to suggest that his water supply had been detrimentally affected. The developer had been required to apply for a license and submit data and testing information. Mr A was given appropriate advice. We also found that SEPA had made comments on the planning applications and that while Mr A would have preferred them to have made objections, this was a matter for their discretion based on their officers' professional opinion. Accordingly, these complaints were not upheld. However, we found that SEPA had unduly delayed in responding to Mr A's queries about his licenses and for this reason upheld this part of the complaint.