



## RESPONSE TO F0194491

### Request Timeline

Date	Status
29/08/2022	EIR Request received [statutory deadline 26/09/2022]
27/09/2022	Apology Email Issued
04/11/2022	EIR Response issued

### Requested Information

[...] an incident regarding a sunken barge at Bakkafrost Scotland (The Scottish Salmon Company) off Portree on the Isle of Skye [...]

Could you please provide information on the alleged incident at Bakkafrost Scotland's Portree salmon farm?

[...] It appears that Bakkafrost Scotland (when named The Scottish Salmon Company) launched a new feed barge off Portree in 2019/2018. [...]

[...] presumably, if there has been a toxic leak, then SEPA would have been notified and would have been involved.

[...]Further information on this alleged pollution incident would be much appreciated.

### Response

We can confirm that we have handled your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs).

We apologise for the delay in providing this response.

SEPA Access to Information Team began working remotely on 17 March 2020 due to COVID-19. In addition, there was continued disruption due to a sophisticated criminal cyber-attack on Christmas Eve 2020 which have significantly affected SEPA's ability to respond to Access to Information enquiries. More information about SEPA's response and service status can be found here: <https://www.sepa.org.uk/about-us/cyber-attack>

On 27 November 2021, SEPA was informed, in an email from The Scottish Salmon Company, that the feed barge for their Loch Portree sites had sunk the previous day during a storm. SEPA is unable to confirm if this is the feed barge which was installed in 2018/19.

A multi-agency group was set up on 30 November 2021 in response to the incident, involving SEPA, the Maritime and Coastguard Agency, Marine Scotland, Highland Council, and other organisations.

Fuel and oil from the barge were safely removed by December 2021 and posed no further risk to the local water environment. SEPA continued to work with partners to ensure that the waste feed within the barge was recovered or disposed of in accordance with waste management legislation.

The feed was sealed into the barge whilst arrangements were put in place to recover the barge. Please see attached emails which give details of the gas which was produced as a result of decomposition of the feed within the silos, the venting plan for the gases and the current situation with regards to the completion of the initial recovery stage.

- **Email 1\_Update from Barge Recovery Works**
- **Email 2\_Notification on Barge at Portree**
- **Email 3\_Portree Barge Gas Venting Plan Update**
- **Document\_Salmon Feeder Barge Gas Purging - Attachment**
- **Email 4\_Bakkafrost Statement**

Further information regarding the regulations/ exceptions applied to this information can be found below.

## Application of Regulations/Exceptions

### Section 39(2)

We have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 as we have determined that the information sought in your request is environmental information. We are therefore handling your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs). In this case the public interest in maintaining this exemption and in dealing with the request in line with the requirements of the EIRs outweighs any public interest in disclosing the information under FOISA.

### Regulation 11(2) – Personal data

Personal data relating to SEPA staff and private individuals has been redacted from the released documents in accordance with Regulation 11(2) of the EIRs and Data Protection Principles. SEPA has not withheld complete documents which contain such personal data and have released all other information within the document.

**What to expect when making a Request for Information**

Each request for information, under The Environmental Information (Scotland) Regulations 2004 or the Freedom of Information (Scotland) Act 2002, is formally logged by the authority. The request falls within a process that has two internal stages carried out by the authority; a right of appeal to the Scottish Information Commissioner followed by an appeal to the Court of Session on a point of law only.

- Stage 1 – Request for information
- Stage 2 – Formal Review
- Stage 3 – Appeal for decision by Scottish Information Commissioner (OSIC)
- Stage 4 – Appeal to the Court of Session on a point of law only.

Each enquiry will have a unique Reference Number which should be quoted when you contact us.

**How you will be kept informed**

You will receive an acknowledgement for your request and Formal Review. We aim to reply to all enquiries promptly, within 20 working days. You will receive a response along with the requested information and/or an explanation regarding any withheld information. We may also contact you if we require clarification or if we are issuing a fees notice.

**What happens once your enquiry has been responded to?**

If you are not happy with the response or have failed to receive a response, you have the right to request a Formal Review from SEPA.

Guidance on your rights and how to ask for a review is on the Scottish Information Commissioner's website; <http://itspublicknowledge.info/YourRights/Askingforareview.aspx>

We will ensure that all personal data is processed, recorded and retained in accordance with the requirements of the Data Protection Act 2018 throughout the handling of each request. You have a right to see information about yourself via submitting a Subject Access Request under the Data Protection Act 2018.

**What to do if you are not happy with how your enquiry and review were handled**

If you are unsatisfied with our Formal Review response or have failed to receive a response, you can then appeal to the Scottish Information Commissioner via the links below.

[www.itspublicknowledge.info/appeal](http://www.itspublicknowledge.info/appeal)

<http://www.itspublicknowledge.info/home/ContactUs/ContactUs.aspx>

Should you wish to appeal against the Scottish Information Commissioner's decision, you have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of the decision.