

From: Foi Enquiries

Sent: 22 August 2019 16:03

Subject: EIR-19-1010 - Silver Burn

Thank you for your information request of 24 July 2019. Aberdeen City Council (ACC) has completed the necessary search for the information requested. Our response is now detailed below.

I would like to know the history of the Silver Burn which runs behind Broadfold Drive.

1. Has there been any history of sewage draining into the burn?

• **how many drains and types of drains which flow into it**

Scottish Environment Protection Agency (SEPA)/ Scottish Water are likely to hold this information.

ACC is unable to provide you with information on history of sewage draining into the burn and how many drains and types of drains, as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

2. Has the council got a scheme to check their bank on a regular basis and take action to repair any damage caused by flooding which causes severe damage to the bank and to the other bank?

No, this would be dealt with on a response basis and in proportion to the assessed risk.

• **Do they remove any boulders and stones etc which fall into the burn from their bank and causes damage to both banks.**

Yes, we would if we are made aware of any such situation we will react in proportion to the assessed risk.

3. Is the burn adequate to handle the amount of water which comes down when it floods?

Unable to say unless a detailed flood assessment is carried out.

ACC is unable to provide you with information on if the burn is adequate to handle the amount of water which comes down when it floods, as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

4. How bad is the contamination in both banks caused by the raw sewage which comes down when the sewage drains overflow when there is excess rain?

Scottish Environment Protection Agency (SEPA)/ Scottish Water are likely to hold this information.

ACC is unable to provide you with information on contamination in both banks caused by the raw sewage, as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

5. Any other relevant information regarding the burn.

The hake (McDonalds) is on the list of priority hakes for inspection and clearance.

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

We hope this helps with your request.

Yours sincerely,



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