



Animal &
Plant Health
Agency

Animal and Plant Health Agency
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Our Ref: ATIC2333

[REDACTED]
{By Email}

01 March 2021

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information about storage and disposal of hazardous material which we received on 30 January 2021. Your request has been handled under the Environmental Information Regulations 2004(EIR).

The information you requested and our response is detailed below:

“Please find attached letter from Mearns Community Council in relation to residents' concerns about the apparent abandonment of a former granary at Laurencekirk Railway Station and a desire to resolve the current risks and deteriorating state of the site.”

This submission is tendered on behalf of Mearns Community Council following concerns voiced by residents of Laurencekirk following the long-term storage of hazardous biological waste at a former grain-store adjacent to homes at Laurencekirk Railway Station.

It may help if the Animal and Plant Health Agency (APHA) describe its role in connection with Animal by-Product (ABP) premises. The premises in question is approved as section II derived products storage plant and APHA inspects annually to check for compliance with the legislation. A full list of approved premises can be found publicly here:

<https://www.gov.uk/government/publications/animal-by-product-operating-plants-approved-premises>

These types of premises are regulated by EC regulation 1069/2011 article 25, 26 and 29 and EC regulation 142/2011 annex IX, Chapter II.

Local authorities are responsible for enforcement of ABP approved premises.

Questions submitted under the Freedom of Information legislation.

1. How many similar stores from the BSE period exist in Scotland, or is this one unique?

As per attached approval list (link below) there are around 5 premises registered as storage facilities for derived products in Scotland of which 3 store category 1 products.

2. Research has shown that prions can survive for at least 5 years within a skull buried in the ground. Is there more recent information to demonstrate that the prions will disintegrate over time? (It is at least 14 years since the material was moved to this site.)

APHA Do not hold this information.

3. Is there a legal obligation for the owners to process this hazardous waste within a specific time scale?

Storage facilities are approved to hold ABP until disposal but there are no time scales as long as the storage is according to the regulations.

4. Do the owners possess a working plant to dispose of the waste by either of the two approved methods?

This information has been withheld under regulation 12(3) of the Environmental Information Regulations 2004 (EIR). The withheld information are considered third party personal information. Disclosure would contravene GDPR principle (a) because there is no lawful basis for processing it. The withheld information falls under regulation 12(3) and 13 of the EIRs, which relate to third party personal information. Regulation 12(3) is not subject to the public interest test.

5. Should details of the contents be displayed on the property to alert the authorities and members of the public of the risks?

There are no such requirements under the ABP legislation.

6. Is the location, adjacent to houses and a passenger railway station, permitted in respect of the explosion and fire risk (c.f.Beirut).

To our knowledge this waste is within scope of ABP regulations only and on that remit APHA regulates it. APHA has not been made aware of other risks, has not been requested to evaluate not communicate them to other agencies.

7. What action can be taken to safely remove the hazardous material (estimated to be several thousand tonnes)?

If and when the company starts to mobilize this waste, ABP legislation regulates safe transport. If and when the store becomes empty and the occupier wishes to relinquish its ABP approval, APHA has defined decontamination protocols that occupier would have to follow.

8. If no action is taken by the owner, what steps can the Scottish Government take to go beyond the current steps? (c.f. the case of hazardous medical waste in the central belt a few years ago).

APHA do not hold this information.

This enquiry should be directed to Scottish Government directly. You can [submit your FOI request online](#) or by emailing pressoffice@scot.nhs.uk

Please find attached documents found on GOV.UK that may further assist you:

<https://www.gov.uk/government/publications/animal-by-product-operating-plants-approved-premises>

Information disclosed in response to this EIR request is releasable to the public. In keeping with the spirit and effect of the EIR and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on GOV.UK, together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

An Annex is attached which explains the copyright that applies to the information being released to you and contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact the Access to Information Team at the email address below. During the current Coronavirus outbreak, our offices will be closed.

Yours sincerely

ACCESS TO INFORMATION TEAM

Email: enquiries@apha.gov.uk

Annex

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Complaints

If you are unhappy with the service you have received in relation to your request, you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to the Access to Information Manager at the address at the top of this letter or email enquiries@apha.gov.uk and the team will arrange for an internal review of your case.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted APHA's own complaints procedure. The ICO can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Coronavirus

If you wish to contact the ICO please do it via email or telephone as their offices are currently closed following Government advice due to the Coronavirus pandemic. They will therefore not be able to collect correspondence sent via post. Where possible, they ask that you [contact them online](#) or call on 0303 123 1113.