

(EIRs)

Thank you for your request dated 28/01/2022 under the Environmental Information (Scotland)

Regulations 2004 (EIRs).

Your request

You asked for the following information:-

1. When and specifically, how microplastic pollution issues will be addressed by the Scottish Government. In particular, on leading edge erosion aspects, assessment of Bisphenol A (BNA)

and other pollutants found in water and water sources near industrial wind turbines in Scotland.

2. Copies of plans to measure the pollution levels of BNA and microplastics in ground water and

water sources around Scottish wind power installations for inclusion as priority substances under the WFD.

3. If no such requirement is to be imposed upon developers, planning authorities, please provide

reasons, and any legal advice given, which absolves the government from taking such action. As the information you have requested is 'environmental information' for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your

request under those Regulations. We are applying the exemption at section 39(2) of the Freedom of

Information (Scotland) Act 2002 (FOISA), so that we do not also have to deal with your request under Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See

[www.lobbying.scot](http://www.lobbying.scot)

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FOISA.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information

outweighs the public interest in applying the exemption. We have found that, on balance, the public

interest lies in favour of upholding the exemption, because there is no public interest in dealing with

the same request under two different regimes. This is essentially a technical point and has no material

effect on the outcome of your request.

Response to your request

The answer to your question is:-

Under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (also known as

Controlled Activities Regulations (CAR)), enforced by Scottish Environment Protection Agency

(SEPA), microplastics, specifically Bisphenol A, are not listed as a main pollutant or hazardous

material. Therefore the pollution levels of BNA and microplastics in ground water and water sources

around Scottish wind power installations are not specifically being measured currently.

Emerging contaminants of concern, including microplastics and Bisphenol A, are continuously being

risk assessed by the EU under the Water Framework Directive (WFD) for inclusion as priority

substances. The EU is currently reviewing the list of priority substances for adoption and microplastics and Bisphenol A are under consideration. The Scottish Government has made clear its

commitment to maintain or exceed environmental standards in place upon EU exit, and to maintain

alignment with developing EU standards, as far as possible.

When applications for wind farm developments are submitted to the Scottish Ministers under the

Electricity Act 1989, the impact on the water environment is assessed within the Environmental

Impact Assessment Report submitted with the application. The Scottish Ministers take into account

the impacts on the water environment and on granting consent for wind farm development conditions

can be attached to the deemed planning permission in relation to water quality and monitoring during

the construction of a wind farm.

Some of the information you have requested is available from the Scottish Environment Protection

Agency, who commissioned a report on understanding microplastics in the Scottish Environment,

available online at Scottish Microplastics Report ([sepa.org.uk](http://sepa.org.uk)), although this report does not specify

wind turbines as a source of pollution. Under regulation 6(1)(b) of the EIRs, we do not have to give

you information which is already publicly available and easily accessible to you in another form or

format. If, however, you do not have internet access to obtain this information from the website(s)

listed, then please contact me again and I will send you a paper copy.

Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal

review of the response, by writing to Kersti Berge, Scottish Government, Energy Consents Unit, 4th

Floor, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU; [Kersti.Berge@gov.scot](mailto:Kersti.Berge@gov.scot).

Your review request should explain why you are dissatisfied with this response, and should be made

within 40 working days from the date when you received this letter. We will complete the review and Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See

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