

## Colm Fraser

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**From:** Donaldson, Fiona <Fiona.Donaldson@SEPA.org.uk>  
**Sent:** 09 November 2021 13:59  
**To:** Ian.Murdoch@gov.scot; Charles.Allan@gov.scot; Lorna.King@gov.scot  
**Cc:** Panos.Pliatsikas@gov.scot; Kenny MacLeod | G; Colm Fraser; Lisa Johnson; Marion Finlayson; Rui.Couchinho@apha.gov.uk; Michael.Park@apha.gov.uk; Maclean, Ruth; Nick.Ambrose@gov.scot; Samuel.Mcdonald@gov.scot; Ian.Hastie@gov.scot; Rebecca.Miller@gov.scot  
**Subject:** RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

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Just to update you on the Whiteshore Cockles PPC permit timeline: we have had discussions with the operator and they have advised they expect to be able to submit a permit application in early 2022 with the timing dependent on some further work they need to undertake to design the emissions control infrastructure. Therefore the timeline indicated below is reasonable.

Regards,

Fiona

Fiona Donaldson

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**Subject:** RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

Ian,

Regarding the PPC permit process: we are continuing dialogue with Whiteshore Cockles and we believe that they have the resources available to develop a proposal that will meet the relevant requirements. We have asked them for an indication of when they expect to be able to submit a permit application and I will let you know their response. Taking various factors into account, a likely timeline would be an application received by March 2022, and a permit issued by December 2022. They could then begin commissioning once they have the permit in place and this is likely to last at least 2 months. The site is likely start to waste processing in March 2023. This timescale could be advanced, but this is

dependent on the quality of the permit application and more crucially, the emissions control measures being employed at the site.

It is our understanding that Whiteshore Cockles intend re-evaluate a number of the proposed emissions control measures to meet the relevant requirements in light of SEPA's feedback on the withdrawn application. Discussions with their new consultancy support indicate odour treatment system, as well as other areas, will need to be redesigned. We are awaiting Whiteshore Cockles to confirm its approach in writing. Subject to this confirmation, it is SEPA's view that they should be allowed some time to properly develop these measures, but this has to be balanced with the continued operation of burial activities.

The options are to extend the derogation to 31/3/23 or until the PPC permit is in place, whichever is the earlier, or they have to find another treatment route in the meantime.

Regards,

Fiona

Fiona Donaldson

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**Subject:** RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

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Thanks Charles and Lorna, both of your comments are helpful

Going back to Lorna's email, on the record keeping, I think we can make a work around on GDPR issues. WCL should be keeping commercial documents of all consignments going to the site under ABP Regulations. I am sure a system can be adapted to rely this information to CNeS for official supervision purposes. I will let CNeS comment on frequency of providing this data.

On event mortality, it is important we distinguish mortality that is above background levels. From what you say FHI already make this distinction, so this is not new. We have concerns about the current burial procedures and site capacity to bury fish morts at WCL. This is the reason we are reviewing the burial derogation to make it easier for CEnS to official supervise the site. The geographical condition should reduce the current volume of morts going to the site. However, we should also be aware of mortality levels above background levels to ensure disposal is managed properly. You mentioned the FHI provide guidance when levels rise above background, does it refer to ABP regulations?

On your questions:

- Who do these conditions apply to - whiteshore or the fish farms? I assume the conditions can only apply to whiteshore? Only WCL
- What is the difference in what is to be achieved by condition (2) and condition (7)? Condition 2 is general record keeping compliance. Condition 7 would be to ensure large scale disposal is managed properly i.e. not sitting uncovered for days.
- What is the fish farm or whiteside to do i.e. notify only or notify and wait for approval? Because it's the latter and if there's a delay to approval, what do you expect the fish farm to do with mortalities in the meantime? In theory, we would not reject any request from fish farms local to WCL. We are trying to prevent large quantities of/any fish morts from out with Barra and Uist being disposed of at WCL.
- Why does a disposal plan need to be forwarded everytime? Is it an operational requirement of the fish farm to have a disposal plan and is this not checked via other routes than a condition which applies to whiteshore? And equally if the conditions only apply to whiteshore than why does the disposal plan need to be forwarded every time?

A disposal plan is needed because burial of fish morts is not allowed. We have temporarily allowed burial for WCL and these conditions apply to WCL only. We want to ensure that fish morts that are not included under the derogation are not getting buried at WCL. We want to maintain strict conditions for any fish farms that plan to use WCL as their method of disposal. So if a fish farm needs to use WCL for above background (event mortality) disposal then we need to have a process of recording that use.

Hope this is helpful.

Ian

**Ian J Murdoch**

Animal Health - Disease Prevention Team | Animal Health & Welfare Division | Directorate for Agriculture & Rural Economy | Scottish Government

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**Subject:** RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

Folks

I support the comments that Lorna has made, particularly querying why we are differentiating between routine, and non-routine – the challenges for alternative disposal routes are similar, or increased for non-routine. The challenge for the Uists / Barra is the current lack of disposal options and the difficulty of transporting the mortality off-island.

From the perspective of disease control, the challenge is to offer a biosecure disposal option at a reasonable distance from the source of the mortalities, whilst minimising nuisance.

With regard to what defines the farms in the Uists / Barra, I think of them as being the farms with their operating shore base in the Uists / Barra, regardless of where they are spatially in the sea.

Happy to discuss further if required.

**Charles Allan**

Fish Health Inspectorate Group Leader

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**Subject:** FW: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

Ian,

Hopefully the comments below are helpful but have copied Charles (FHI) in for additional comment / correction if he has anything to add.

From our perspective mortality for disposal is mortality for disposal i.e. whatever the volume, cause or 'event' the end result is fish which needs disposed of in accordance with waste management regulations. Legislation and Scottish Government policy is in place regarding mortality issues which arise during production. For example, mortality above 'background levels' is reported to the Fish Health Inspectorate, considered, investigated if necessary and managed according to advice given. In the event that a notifiable disease was found, the enforcement of contingency measures and advice by the FHI would ensure waste was disposed of in accordance with disease management measures.

Therefore I'm not seeing the need for distinction in conditions between 'routine' mortality of otherwise, and whether the mortality is the result of an 'event' or not. I recommend the conditions focus on waste management irrespective of the reason or volume for the waste. Some information regarding mortality on sites and cause is reported in the public domain and I would caution against the conditions being used to generate information on mortality for any reason other than monitoring of waste management at the site. There's may also be a data protection issue to be considered with regards to the collection of data which is not required for waste management purposes.

This provides the context for my comments below.

I'm happy to chat about my comments if it would be helpful.

Lorna

## Lorna King

(Working days Monday, Wednesday, Thursday)

Head of fish health and welfare  
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**Sent:** 28 October 2021 16:03

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**Subject:** Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

Hello

I have received advice from my Scottish Government legal colleagues on the fish waste burial conditions. Nothing major to change but they would like to see a bit more detail in the conditions. I have highlighted the conditions that need more detail and put in bold who I think is best placed to advise.

### Burial conditions

1. No burial above ground (no bunded pits)
2. Weekly list of morts detailing daily tonnage and origin sites to be emailed to [eh@cne-siar.gov.uk](mailto:eh@cne-siar.gov.uk).  
**Am assuming this is to monitor compliance that the site is only receiving from the geographic area**

the derogation is intended to support and appropriate use of site capacity rather than to mortality per se, because the latter would not be appropriate. Is weekly the correct frequency?

3. No pits left uncovered overnight – records and daily time stamped photographic evidence to be kept.

Further specification on the meaning “uncovered”. Greater specificity on the requirements will make it easier to establish a breach of the condition. We have this in the original Method Statement - Hole is covered in sand. If the pit has capacity left then a predator net is firmly secured over the site. Probably a question for **CnES**, is this what you would be looking for by having the pits covered?

4. Fish morts to be buried within 4 hours of arriving on site.

Recommend changing to – Animal by-product waste from aquaculture to be buried within 4 hours on arriving at site.

5. Skips to be cleaned immediately on emptying.

More detail on cleaning requirements, again to be clearer is condition has been breached. Method statement states - The empty bins are transported to the wash area where they are steam cleaned and disinfected before the lids are attached with cable ties. Are we content with this condition? Maybe **APHA** could state example to follow?

6. Only routine morts from Uist & Barra

Is routine sufficiently clear? Same with Uist and Barra. Would “from fish cultivated in waters [around/within x distance of] the coastline of Uist and Barra and any inland waters of those islands [if there are any fish on inland waters]” be more appropriate? Suggest **Marine Scotland** advise.

The Marine area is usually described by nautical miles from mean high spring tides. Alternatively it could be described by the planning authority jurisdiction which extends down to Mean Low Water Springs, with the exception of fish farming which extends out to 12 nautical miles. However if there is a need to distinguish between sites off Uist and Barra only then you may just have to specify

Also see my introductory comments regarding ‘routine’. I’m unclear how ‘routine’ is being defined or why it matters. I would suggest its not relevant.

I suggest

*‘Only animal by-product waste from finfish farms operated by authorised Aquaculture Production Businesses and within the Western Isles Council planning authority area is received’*

Or if the specific islands of Barra and (both?) Uist and not other islands need to be specified , you could say

*‘Only animal by-product waste from finish farms operated by authorised Aquaculture Production Businesses within coastal waters immediately adjacent to island X, island Y,....’*

7. Any disposal of event morts have to be pre-notified to CNES & SG with quantities, origin location and disposal plan

Specification on an “event”. Could **Marine Scotland** provide advice on event mortality? I dont think it's necessary to refer to 'event' mortalities. I cant think why the reason for mortality is relevant. It can be argued that any mortality is the result of an event.

I'm not familiar with legislation requirements of waste disposal and notification obligations, so I'm not clear if pre-notification is required. so accept the following as suggestions for clarifying with a view to improving the condition.

- Who do these conditions apply to - whiteshore or the fish farms? I assume the conditions can only apply to whiteshore?
- What is the difference in what is to achieved by condition (2) and condition (7)?
- What is the fish farm or whiteside to do i.e. notify only or notify and wait for approval? Because it's the latter and if there's a delay to approval, what do you expect the fish farm to do with mortalities in the meantime?
- Why does a disposal plan need to forwarded everytime? Is it an operational requirement of the fish farm to have a disposal plan and is this not checked via other routes than a condition which applies to whiteshore? And equally if the conditions only apply to whiteshore than why does the disposal plan need to forwarded every time?

8. To end on 31/03/22 – to be debated

9. The site will be subject to a weekly unannounced weekly inspection.

10. Whiteshores will pay £200+vat for CNES monitoring

There may be scope for CNeS to charge but it should be removed from the conditions.

Burial derogation

We are wanting to move away from an open ended derogation. The new derogation is likely to remain in place until 31 March (at which point it would come to an end), although subject to cancelation by the Scottish Ministers if Whiteshore Cockles fails to adhere to the conditions.

On top of the conditions, an additional event that might lead to the cancellation of the derogation could be the refusal of the PPC Permit. Burial is not a long term solution, so failure to get a PPC Permit would mean the aquaculture industry seek alternative disposal routes. Can **SEPA** advise on appealing a refusal of a the PPC Permit? Could a revised application be made after the initial refusal?

In any case, the new derogation will not make a categorical statement that a new derogation will not be granted if the existing one comes to an end. That will enable us to have a full range of options available to it.

Grateful for comment by 19 November.

Thanks

Ian

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