



To: Scottish Information Commissioner
Cc: Western Isles Council (Comhairle nan Eilean Siar)
From: Scottish Salmon Watch
Date: 1 July 2021
Subject: [Appeal re. Western Isles Council's refusal to disclose information on Whiteshore Cockles](#)

Please consider this an appeal against Western Isles Council (Comhairle nan Eilean Siar) for failing to disclose information on Whiteshore Cockles.

As reference please find enclosed emails relating to this case – including Scottish Salmon Watch's FOI request filed on 8 December 2020 and the FOI review refusal by Western Isles Council (Comhairle nan Eilean Siar) on 22 June 2021 (Appendix 1).

Please note that Scottish Salmon Watch submitted an appeal with the Scottish Information Commissioner on 25 May 2021 (attached here in Appendix 2 for easy reference and [online here](#)) but this was deemed invalid as Western Isles Council (Comhairle nan Eilean Siar) had failed to reply to the FOI at all.

Hence Scottish Salmon Watch has now filed a new appeal following the completed FOI review by Western Isles Council (Comhairle nan Eilean Siar) on 22 June 2021.

Scottish Salmon Watch requests that the Scottish Information Commissioner forces Western Isles Council (Comhairle nan Eilean Siar) to disclose information on Whiteshore Cockles.

Far from being “exempt from disclosure” as argued by the Legal and Procurement Manager at Western Isles Council (Comhairle nan Eilean Siar), Scottish Salmon Watch argues that this information should be made public. In fact, an FOI disclosure last week (24 June 2021) by the Scottish Government to Scottish Salmon Watch – effectively the same FOI request as refused by Western Isles Council (Comhairle nan Eilean Siar) – provides detailed information on Whiteshore Cockles.

The Scottish Information Commissioner can find this FOI disclosure – in response to a FOI request by Scottish Salmon Watch filed on 25 May 2021 – [posted online by the Scottish Government on 29 June 2021](#). Scottish Salmon Watch also published a summary of the FOI disclosure via a media backgrounder and press release earlier today (1 July 2021) [online here](#).

The recent [FOI disclosure on Whiteshore Cockles by the Scottish Government](#) (as well as another [FOI disclosure by the Scottish Government in September 2018](#)) blow out of the water

the FOI refusal by the Legal and Procurement Manager at Western Isles Council (Comhairle nan Eilean Siar). The Scottish Information Commissioner is encouraged to explore the dichotomy between the transparency of the Scottish Government (at least in this case) and the case for confidentiality so desperately (and unconvincingly) argued by Western Isles Council (Comhairle nan Eilean Siar). Here's the FOI disclosure [posted online by the Scottish Government on 29 June 2021](#):



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PUBLICATION - FOI/EIR RELEASE

Information regarding Whiteshore Cockles, North Uist from August 2018: EIR release

Published: 29 Jun 2021

Information request and response under the Environmental Information (Scotland) Regulations 2004

Directorate: [Agriculture and Rural Economy Directorate](#)

Part of: [Environment and climate change, Public sector](#)

FOI reference: FOI/202100207142

Date received: 25 May 2021

Date responded: 24 Jun 2021

Scottish Government response:

Please find attached the documents held by Scottish Government on mortalities at Whiteshore Cockles, including correspondence with European Commission and any other documents and information relating to the derogation, disposal system, burial and installation since 1 January 2015.



[FOI - 202100207142 - Information Released - Annex 1](#)

86 page PDF | 2.1 MB

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[FOI - 202100207142 - Information Released - Annex 2 to 6](#)

9 page PDF | 435.2 kB

Download



[FOI - 202100207142 - Information Released - Annex 7](#)

9 page PDF | 3.0 MB

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The Scottish Government's [FOI disclosure to Scottish Salmon Watch \(24 June 2021\)](#) not only includes reference to Western Isles Council (Comhairle nan Eilean Siar) but also discloses emails authored by Western Isles Council (Comhairle nan Eilean Siar) – including:

From: <redacted> <<redacted>>
Sent: 26 May 2021 12:09
To: Communications Rural Economy & Environment
<CommunicationsRuralEconomy&Environment@gov.scot>; <redacted>
Cc: Voas S (Sheila) <redacted>(MARLAB) <redacted>
Subject: Burial of salmon mortalities at Whiteshore Cockles Ltd, North Uist - Press enquiry to Local Authority

All

Forwarding for awareness. Comhairle nan Eilean Siar (CnES) have received a press enquiry about the dumping of salmon carcasses at Whiteshore Cockles Ltd in North Uist. Follow up correspondence may come to SG.

The burial of salmon morts has been illegal under the animal by-product Regulations since 2016. However, we have allowed Whiteshore Cockles Ltd a derogation to allow burial to continue until they installed a legally compliant disposal route for salmon morts on their site in North Uist. Whiteshore Cockles Ltd expected their fish waste dryer to be operational in the summer of 2016 but to date it is still not operational.

Policy met with CnES on 19 March to raise concerns that Whiteshore Cockles are not operating to the terms of the Method Statement (one of the conditions to allow burial of salmon morts to continue). Policy have engaged with SGLD to look at legal options on how to address Whiteshore Cockles Ltd not complying with the Method Statement. A submission is being prepared for the Cabinet Secretary for Rural Affairs and Islands on this issue.

<redacted>

<redacted>

Animal Health - Disease Prevention Team | Animal Health & Welfare Division | Directorate for Agriculture & Rural Economy | Scottish Government
Tel. <redacted> | Mob: <redacted>

From: <redacted>

Sent: 19 March 2021 15:23

To: <redacted> (MARLAB) <redacted>

Cc: Voas S (Sheila) <redacted>

Subject: Whiteshore Cockles - ABP Policy meeting with Comhairle nan Eilean Siar - 19 March 2021

All

Myself and <redacted> met with <redacted>, <redacted> and <redacted> from Comhairle nan Eilean Siar (CnES) to discuss the burial of fish mortalities at Whiteshore Cockles Ltd, North Uist.

I explained the derogation to allow the site to continue to bury fish mortalities on site was still in place due to a delay with obtaining a Part A Pollution Prevention Certificate (PPC) from SEPA. We had updated Ministers about this delay in 2019, but as the site has not been able to obtain a Part A PPC, burial on site could continue.

CnES have very valid concerns that the site is not operating to the terms of the Method Statement (I need to dig this out of eRDM). They are also starting to receive complaints from members of the public about the smell from the site. By all accounts local residents quality of life are being severely hampered by the current practices at Whiteshore.

I have attached a link to an email with pictures from a recent visit by CnES:

Click on the link to open 'Fish - Whiteshore Cockles - site pictures - March 2021' –

(Email 30.1) <https://erdm.scotland.gov.uk:8443/documents/A32553155/details>

The pictures show open pits with liquefied/ensiled fish morts. The pits themselves have been made out of sand from the beach as CnES assuming capacity to bury more fish morts on the site is running out. The pits are remaining uncovered for weeks with little seaweed cover, which is producing a smell locals are complaining about. According to the original Method Statement, Whiteshore would cover pits with seaweed and sand within a day. CnES reported that due to the liquid content of the fish waste, it was difficult to cover the pits in sand. Basically sinking to the bottom of the liquid fish waste.

CnES are concerned about:

- How Whiteshore are burying waste – not being done to original Method Statement as described above.

- How much fish morts are being disposed of – record keeping is not great. Hand written notes being provided to CnES. Fish morts from all over Western Isles and even mainland going to site.
- How much capacity is left at the site – current disposal practice raises questions about capacity. Building pits with sand from out with the site and shoring them up with hard-core rock. Evidence of seepage from the side of pits.
- Legal options for enforcing change/better practice – definition of derogation to allow burial being vague i.e. states it is legal but clearly causing an environmental nuisance. SEPA will not action when it is an ABP disposal site. CnES relying on issues being resolved when PPC in place.

CnES will probably admit that official supervision has not been conducted very well on their part. In their defence, they feel limited to what enforcement action can be taken when we say burial is legal and SEPA will not get involved as it is an ABP issue.

I had already agreed to update Ministers following this meeting. I wanted to raise the delay with obtaining a Part A PPC still on-going. Now after meeting with CnES, I feel we should seek agreement to challenge Whiteshore about how they are burying fish waste, how much fish waste is being disposed of and where it is coming from. The derogation was only meant to be short term and to provide local fish farms with a local disposal option until a legally compliant option was available to them. I feel in its current state, Whiteshore are taking advantage of derogation by extending their scope or range to bring in more income. We have tried to police this by stopping new fish farms from citing Whiteshore as their disposal route. It should not be a cheap disposal route for the industry's salmon mortalities.

If the derogation is to continue to be in place, it should be time limited and used as a disposal route for local fish farms only. What is local will need to be up for discussion. Depending on the response from Whiteshore, it may need to be limited to the capacity they can dispose of. Again this would need to be up for discussion. Other options could be leaving burial for event mortalities only. This was some of the reason for the site to continue burial in the first place.

Happy for anyone else's thoughts on moving forward with this. <redacted> can also add anything I might have missed.

Thanks

<redacted>

<redacted>

Animal Health - Disease Prevention Team | Animal Health & Welfare Division | Directorate for Agriculture & Rural Economy | Scottish Government
Tel. <redacted> | Mob: <redacted>

From: <redacted>

Sent: 19 March 2021 11:23

To: <redacted>

Cc: <redacted>

Subject: photos

(Annex 7)

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<redacted>

<redacted> | Manaidsear Seirbheisean Luchd-Cleachdaidh agus Arainneachd (Consumer and Environmental Services Manager)

Roinn nan Coimhearsnachdan | Comhairle nan Eilean Siar | Rathad Shanndabhaig | Steornabhagh | Eilean Leodhais | HS1 2BW

Communities Department | [Comhairle nan Eilean Siar](#) | Sandwich Road | Stornoway | Isle of Lewis | HS1 2BW

[<redacted>](#) | <redacted> | Ext <redacted> | www.cne-siar.gov.uk

[Note that these photos seem to have been disclosed by the Scottish Government on 24 June 2021 via [FOI - 202100207142 - Information Released - Annex 7](#)]

From: <redacted>

Sent: 27 September 2018 11:16

To: APHA Corporate Correspondence <APHA.CorporateCorrespondence@apha.gsi.gov.uk>

Cc: <redacted>

Subject: RE: Salmon - disposal on beach - Isle of Lewis.

Morning <redacted>

As <redacted> mentioned we are aware current issues regarding Whiteshores and are monitoring the situation closely to ensure compliance with the temporary derogation. In fact I was down there on Monday this week monitoring the site and it appears they are complying with the agreed methods of disposal. The picture was also forwarded to us 2-3 weeks ago alleging that the disposal site was Great Berneray although it definitely is the site in North Uist. I suspect the information was obtained third-hand and confused the area where the salmon were reared with the area of disposal. At the moment we have no concerns about the operation.

This method of disposal is due to end in March 2019.

Let me know if you require any further information

<redacted>

<redacted>

Animal Health Inspector
Consumer and Environmental Services
Development Department
Comhairle nan Eilean Siar
Sandwick Road
Stornoway
Isle of Lewis.
HS1 2BW

Tel: <redacted>, Fax: <redacted>, Mob: <redacted>
www.cne-siar.gov.uk

Further details are available via [FOI Lifts Lid on the Stench of Scottish Salmon: Scottish Government Legal Department Target Illegal Dumping of Diseased Salmon in Outer Hebrides](#)

The Scottish Government's [FOI disclosure to Scottish Salmon Watch on 24 June 2021](#) and [FOI disclosure to Scottish Salmon Watch dated 4 September 2018](#) beg the question: how can Western Isles Council (Comhairle nan Eilean Siar) legitimately justify their special exemption from FOI laws?

It is painfully clear via FOI disclosures by the Scottish Government that Western Isles Council (Comhairle nan Eilean Siar) are guilty of aiding and abetting the illegal dumping of diseased salmon at Whiteshore Cockles for nearly two decades. And it is obvious that Western Isles Council (Comhairle nan Eilean Siar) is painted in an extremely embarrassing light. Yet that is not a reason to prevent further disclosures.

Such is the incestuous relationship between Western Isles Council (Comhairle nan Eilean Siar) and the salmon farming sector that there is a blind spot over the illegal dumping of diseased salmon at Whiteshore Cockles. Judging by the actions – or lack of them – by Western Isles Council (Comhairle nan Eilean Siar) over Whiteshore Cockles it is hard to escape the conclusion that an unwritten rule exists within Western Isles Council (Comhairle nan Eilean Siar) that excludes the salmon farming sector from regulation and legislation.

It seems that the ‘Salmafia’ exert such control over Western Isles Council (Comhairle nan Eilean Siar) that there is a code of silence (omerta). Or perhaps Western Isles Council (Comhairle nan Eilean Siar) is in the same Masonic Lodge as the owners of Whiteshore Cockles?

Secret handshakes aside, Scottish Salmon Watch was under the impression that publicly funded local authorities like Western Isles Council (Comhairle nan Eilean Siar) were duty bound to obey the law. Surely the public – especially locals who have the misfortune to live close to the stench that is Whiteshore Cockles – have a right to know why illegal dumping of diseased salmon continues near EU protected habitats?

It is worth repeating the [email from the Scottish Government’s ‘Animal Health – Disease Prevention Team’ to the Marine Laboratory and Sheila Voas \(Chief Veterinary Officer in the Scottish Government\) dated 19 March 2021 \(published by the Scottish Government on 29 June 2021\)](#) which included:

CnES have very valid concerns that the site is not operating to the terms of the Method Statement (I need to dig this out of eRDM). They are also starting to receive complaints from members of the public about the smell from the site. By all accounts local residents quality of life are being severely hampered by the current practices at Whiteshore.

“The ensiled fish waste is definitely not helping with the problem,” [stated another email \(believed to be from the Scottish Government\) dated 19 March 2021 \(published by the Scottish Government on 29 June 2021\)](#). “It has potentially been sitting for weeks already before it gets to Whiteshore so the smell will be intensified”.

Another email [published by the Scottish Government on 29 June 2021](#) illustrates how Western Isles Council (Comhairle nan Eilean Siar) is monitoring media interest in Whiteshore Cockles.

From: <redacted>
Sent: 27 May 2021 10:56
To: <redacted>
Subject: RE: WHITESHORE - Screening assessment

Thanks <redacted>

FYI

<https://www.thetimes.co.uk/article/islanders-raise-a-stink-over-vast-salmon-graveyard-v6kxj5hz>

<redacted>

Islanders raise a stink over vast salmon graveyard

Marc Horne

Hundreds of thousands of diseased salmon from fish farms are being buried beneath sand dunes on the Western Isles, generating "stomach churning" odours for nearby residents.

Campaigners and islanders have raised concerns over the disposal of industrial quantities of unprocessed fish on a beach in North Uist by the firm Whiteshore Cockles.

Dumping carcasses is contrary to environmental guidelines and the stench is polluting the air for neighbours.

Don Staniford, the director of Scottish Salmon Watch, a group which opposes fish farming, has released a video from the site shot earlier this year.

It shows rotting fish awaiting disposal, with blood seeping out of one container near the crofting township of Kyles Paible.

"The authorities have turned a blind eye to the continued dumping of diseased farmed salmon in landfill at Whiteshore Cockles for well over a decade," he said. "Scotland's secret salmon graveyard stinks to high heaven and must be shut down now."

Ewan Kennedy, an environmental campaigner and retired lawyer, added: "It's extremely concerning to learn that massive quantities of diseased fish, many dead from viruses, are still being dumped in open landfill. It's also concerning that post-Brexit there's no possibility of the UK government facing the threat of enormous fines."

The EU had previously raised concerns over the disposal of unprocessed fish in landfill and had urged the UK to comply with environmental legislation.

In 2016 the Scottish government

The firm conceded the process has caused problems for the community, noting in correspondence with Western Isles council: "The current system of burying the fish waste has one major drawback. The fish are all kept outside while the burial area is being prepared, and if there is a southwest wind then odours can be prevalent within the local community."

"The pits are covered with several layers of seaweed to allow for the natural regeneration of the ground but again, till the waste has settled, there is always the risk of smells dispersing widely."

In 2018 Angus MacDonald, the firm's owner, pledged that the problem would be resolved, stating: "I'm not going to continue burial for much longer because I have a new state-of-the-art unit coming in."

Three years later the promised industrial drying system, which would turn the carcasses into fish oil and fishmeal, is still not operational. MacDonald insisted it had been delayed by the pandemic and planning requirements.

"I really don't want to be burying these fish, believe you me," he said. "I want to convert them into bio oil which is great for the environment."

He pledged the new unit would be operational by next Easter "at the very latest", adding: "I'd only be too happy to discuss, explain and apologise to the local community. I'm endeavouring to do away with the odour issues."

Western Isles council said: "We are aware of the concerns around the facility."

The Scottish Environment Protection Agency confirmed that Whiteshore Cockles would require a pollu-

<redacted>

<redacted> | Manaidsear Seirbheisean Luchd-Cleachdaidh agus Arainneachd (Consumer and Environmental Services Manager)

Roinn nan Coimhearsnachdan | Comhairle nan Eilean Siar | Rathad Shanndabhaig | Steornabhagh | Eilean Leodhais | HS1 2BW

Communities Department | [Comhairle nan Eilean Siar](#) | Sandwick Road | Stornoway | Isle of Lewis | HS1 2BW

<redacted> | <redacted> | <redacted> | www.cne-siar.gov.uk

Western Isles Council (Comhairle nan Eilean Siar) should be interested in today's Times newspaper article: "[Fish graveyard 'severely hampers' life for islanders, officials claim](#)".

The Times media coverage once again highlight the public interest in this issue and is pertinent to this appeal.

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Scotland

Fish graveyard 'severely hampers' life for islanders, officials claim

Marc Horne

Thursday July 01 2021, 12:01am, The Times



Islanders on North Uist have complained about the stench from salmon being buried in sand dunes

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A [letter sent earlier today \(1 July 2021\) by Scottish Salmon Watch to Scottish Ministers](#) on the illegal dumping of diseased salmon at Whiteshore Cockles may also be of public interest and relevant to this appeal. The fact that this issue is now being discussed at Cabinet level and involves Scottish Government policy and the Scottish Government Legal Department shows the level of public relevance.

Tim Langley, Legal and Procurement Manager, advances the argument that “the requested information is exempt from disclosure under section 30(c) of the Act on the ground that its disclosure would prejudice substantially, or be likely to prejudice substantially, the effective

conduct of public affairs, i.e. the efficient and effective carrying out of the Comhairle’s environmental health functions” in the FOI refusal by Western Isles Council (Comhairle nan Eilean Siar) on 22 June 2021.

Such an argument falls down by the fact that Western Isles Council (Comhairle nan Eilean Siar) has been exposed as inefficient and ineffective in failing to carry out their environmental health functions with respect to Whiteshore Cockles. Public officials surely cannot be allowed to continue to behave badly in private without any public accountability?

“The Comhairle has statutory obligations in respect of environmental health, and generally relies on the promotion of good relationships with those businesses which it regulates in order to ensure the efficient discharge of those duties,” continued Tim Langley, Legal and Procurement Manager, in the FOI refusal by Western Isles Council (Comhairle nan Eilean Siar) on 22 June 2021. “Those good relationships would be seriously eroded, the Comhairle’s duties would be much harder to discharge, and there would be an increased risk of non-compliance by businesses, if the requested information were to be disclosed.”

Scottish Salmon Watch considers such an argument to be baseless when it is patently apparent that Whiteshore Cockles has benefited from a ‘good relationship’ with Western Isles Council (Comhairle nan Eilean Siar) turning a blind eye to the illegal dumping of diseased salmon over nearly two decades of operations. Moreover, there is zero chance of an “increased risk of non-compliance” by Whiteshore Cockles when non-compliance has been normal practice since at least 2004.

Further background on the illegality of Whiteshore Cockles – and the complicit role played by Western Isles Council (Comhairle nan Eilean Siar) and the Scottish Government – is detailed in a letter to Scottish Ministers [dated 27 May 2021](#).

In the hope that Western Isles Council (Comhairle nan Eilean Siar) do the right thing I have copied their FOI unit and Legal and Procurement Manager into this appeal. Instead of a time-consuming appeal which may take over a year (judged by previous appeals), Scottish Salmon Watch would be happy for Western Isles Council (Comhairle nan Eilean Siar) to disclose the documents requested on 8 December 2020 – adding documents up to today’s date – by the end of this month (i.e. 31 July 2021).

As you can see from [today’s news report in The Times](#), the issue of the illegal dumping of diseased salmon at Whiteshore Cockles is an unmitigated public relations disaster. Scottish Salmon Watch can fully understand how Western Isles Council (Comhairle nan Eilean Siar) wants to keep their role in covering up continued illegal activity and “environmental nuisance” (as the [Scottish Government described it in March 2021](#)). However, breaching FOI law in a doomed attempt to conceal breaches of EU and Scottish law is at best misguided and at worst a criminal offence.

Finally, Scottish Salmon Watch asks the Scottish Information Commissioner to investigate Western Isles Council (Comhairle nan Eilean Siar) for their abject failures to respond to FOI requests and comply with FOI law. Something is seriously rotten in the state of Comhairle nan

Eilean Siar who seem to operate as if they are above the law. This is certainly not the first time that Western Isles Council (Comhairle nan Eilean Siar) has failed to follow FOI law (or animal health and disease legislation for that matter) – as [detailed in Scottish Salmon Watch's appeal filed on 25 May 2021](#). Hopefully it will be the last time.

If you need any further information please do not hesitate to contact me.

Thanks,

Don Staniford

Director, Scottish Salmon Watch

Appendix 1: FOI refusal by Comhairle nan Eilean Siar (Western Isles Council)

From: **Don Staniford** <salmonfarmingkills@gmail.com>

Date: Tue, May 25, 2021 at 12:26 PM

Subject: Appeal re. Western Isles Council's refusal to provide information on Whiteshore Cockles

To: Enquiries <enquiries@itspublicknowledge.info>

Cc: CNES FOI Team <foi@cne-siar.gov.uk>, Tim Langley tim.langley@cne-siar.gov.uk

Please find attached an appeal re. the failure of Western Isles Council (Comhairle nan Eilean Siar) to respond to a FOI on Whiteshore Cockles filed by Scottish Salmon Watch on 8 December 2020.

It has been six months since the FOI was filed and despite repeated emails there still has been no reply or even an explanation from Western Isles Council (Comhairle nan Eilean Siar) why no reply has been forthcoming.

You will see from the attached appeal - [online here](#) - that Western Isles Council (Comhairle nan Eilean Siar) has previous 'form' on this issue and were forced by the Scottish Information Commissioner to disclose information on the same site back in 2006.

In the hope of prompting Western Isles Council (Comhairle nan Eilean Siar) into a reply I have copied the FOI team and Tim Langley (Legal Services Manager) into this appeal. Hopefully the Scottish Information Commissioner's time will not be wasted on this simple matter.

Please provide a receipt for this FOI appeal.

Thanks,

Don Staniford

Director, Scottish Salmon Watch



From: <sjenkins@itspublicknowledge.info>

Date: Tue, May 25, 2021 at 4:05 PM

Subject: Application for a decision by the Scottish Information Commissioner -202100666

To: <salmonfarmingkills@gmail.com>

Our Ref 202100666

25 May 2021

Dear Mr Staniford

Application for Decision by the Scottish Information Commissioner
Public Authority: Comhairle nan Eilean Siar

I refer to your application for a decision from the Scottish Information Commissioner, made by email today, 25 May 2021. You asked the Commissioner to investigate the way in which Comhairle nan Eilean Siar handled your request for information regarding Whiteshore Cockles.

Before we can take your application forward, there are a number of steps you must take in relation to your information request. This is explained in the attached guidance, called "How to make a valid application to the Scottish Information Commissioner", and includes complying with a number of timescales set by the legislation.

Unfortunately, we can't investigate your case as you did not request a review within 40 working days of the date you should have received a response. In this case, you should have received a response within 20 working days of your request i.e. by 8 January 2021. You then had 40 working days in which to request a review/follow up the Council's failure to respond to your request i.e. by 5 March 2021. As you didn't make representations to the Council, regarding its failure to respond, until 18 March 2021 we cannot investigate your case. As your request relates to environmental information and falls under EIRs legislation, a request for review must be made within 40 days of the date that you should have received a response.

I appreciate that this is frustrating for you but the only option is to submit the request again. If the Council doesn't respond within the 20 working days, you should submit a request for a review of its failure to respond no later than 40 working days thereafter.

If you wish to go ahead with an application to the Commissioner, please send me a new application, once you have followed the additional steps I have described above. We have an application form on our website which you might find useful, at the appropriate time - www.itspublicknowledge.info/appeal. Let me know if you would like me to send you a copy.

Yours sincerely

Suzanne Jenkins
Validation Officer

Attached. "How to make a valid application to the Scottish Information Commissioner: Guidance for Requesters"

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
KY16 9DS

E-mail: sjenkins@itspublicknowledge.info
www.itspublicknowledge.info

From: **CNES FOI Team** <foi@cne-siar.gov.uk>
Date: Wed, May 26, 2021 at 1:33 PM
Subject: Re: [Ticket#2021052527000364] Appeal re. Western Isles Council's refusal to provide information on Whiteshore Cockles
To: Don Staniford <salmonfarmingkills@gmail.com>
Cc: Tim Langley Legal and Procurement Manager <tim.langley@cne-siar.gov.uk>, Enquiries <enquiries@itspublicknowledge.info>

Dear Mr Staniford

Re: help desk request (ticket ref [2021052527000364](#))

Thank you for your email. I will review the matter and contact you again as soon as possible but in any event within the requisite 20 working days.

--

Kind regards

Tim Langley

Comhairle nan Eilean Siar | Sandwick Road | Stornoway | Isle of Lewis | HS1 2BW

Email: foi@cne-siar.gov.uk

Web: <https://www.cne-siar.gov.uk>

Tel: 01851 600 501 (*Extension 211598*)

From: **Don Staniford** <salmonfarmingkills@gmail.com>

Date: Wed, May 26, 2021 at 8:46 PM

Subject: Re: Appeal re. Western Isles Council's refusal to provide information on Whiteshore Cockles

To: CNES FOI Team <foi@cne-siar.gov.uk>

Cc: Tim Langley Legal and Procurement Manager <tim.langley@cne-siar.gov.uk>, Enquiries <enquiries@itspublicknowledge.info>

Thanks - it would save me re-filing the FOI.

From: **Don Staniford** <salmonfarmingkills@gmail.com>

Date: Thu, May 27, 2021 at 8:14 AM

Subject: Re: Appeal re. Western Isles Council's refusal to provide information on Whiteshore Cockles

To: CNES FOI Team <foi@cne-siar.gov.uk>

Cc: Tim Langley Legal and Procurement Manager <tim.langley@cne-siar.gov.uk>, Enquiries enquiries@itspublicknowledge.info

You may be interested in an article in The Times today: "[Islanders raise a stink over vast salmon graveyard](#)"

Video footage, a press release and a letter will be posted asking why Western Isles Council and the Scottish Government have allowed Whiteshore Cockles to flout the law will be posted later this morning via <https://donstaniford.typepad.com/my-blog/2021/05/video-exposes-mass-graves-of-millions-of-diseased-scottish-salmon-.html>

The information requested by Scottish Salmon Watch back in December 2020 on Whiteshore Cockles would be much appreciated.

Best fishes,

Don

From: Tim Langley <tim.langley@cne-siar.gov.uk>
Date: Thu, May 27, 2021 at 8:17 AM
Subject: RE: Appeal re. Western Isles Council's refusal to provide information on Whiteshore Cockles
To: Don Staniford <salmonfarmingkills@gmail.com>, Freedom of Information Requests <foi@cne-siar.gov.uk>
Cc: Enquiries <enquiries@itspublicknowledge.info>

Dear Mr Staniford

Thank you for your email. Is this a new FOI request?

Regards

Tiom Langley| Manaidsear Lagha agus Solair| Comhairle nan Eilean Siar| Rathad Shanndabhaig| Steornabhagh| Eilean Leodhais| HS1 2BW
Tim Langley| Legal and Procurement Manager| Comhairle nan Eilean Siar| Sandwick Road| Stornoway| Isle of Lewis| HS1 2BW
tim.langley@cne-siar.gov.uk | 01851 822604 | Ext 211214 | 07970 552 371

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Thu, May 27, 2021 at 9:03 AM
Subject: Re: Appeal re. Western Isles Council's refusal to provide information on Whiteshore Cockles
To: Tim Langley <tim.langley@cne-siar.gov.uk>
Cc: Freedom of Information Requests <foi@cne-siar.gov.uk>, Enquiries <enquiries@itspublicknowledge.info>

I'd prefer - and it would be better optically and from a PR point of view - for you to respond to the original FOI request dated 8 December 2020?

You could maybe even throw in an apology for failing to respond and provide information since 8 December 2020.

But I can file a new FOI request if that is better for you. Your call.

New Tweet - you're copied in: <https://twitter.com/TheGAAIA/status/1397825636228648961>

Best fishes,

Don

From: Tim Langley <tim.langley@cne-siar.gov.uk>
Date: Mon, May 31, 2021 at 1:01 PM
Subject: RE: Appeal re. Western Isles Council's refusal to provide information on Whiteshore Cockles
To: Don Staniford <salmonfarmingkills@gmail.com>

Dear Mr Staniford

Thank you for your email. You clearly should have received a response to your request dated 8 December 2020 some time ago. You appear not to have, and I apologise on behalf of the Comhairle for that. The FOI Assistant returns from annual leave tomorrow, and at that point I will liaise with her with a view to concluding this request, and my review, urgently.

Regards

Tim

[Tiom Langley](#) | [Manaidsear Lagha agus Solair](#) | [Comhairle nan Eilean Siar](#) | [Rathad Shanndabhaig](#) | [Steornabhagh](#) | [Eilean Leodhais](#) | HS1 2BW
[Tim Langley](#) | [Legal and Procurement Manager](#) | [Comhairle nan Eilean Siar](#) | [Sandwick Road](#) | [Stornoway](#) | [Isle of Lewis](#) | HS1 2BW
tim.langley@cne-siar.gov.uk | 01851 822604 | Ext 211214 | 07970 552 371

From: **Tim Langley** <tim.langley@cne-siar.gov.uk>
Date: Tue, Jun 22, 2021 at 5:36 PM
Subject: FW: Appeal re. Western Isles Council's refusal to provide information on Whiteshore Cockles
To: Don Staniford <salmonfarmingkills@gmail.com>

Dear Mr Staniford

I write for the purpose of formally concluding my review which you requested in your email dated 25 May 2021 at 12.30pm below.

Your original request was made on 8 December 2020 (our reference 2020120827000349). Allowing for public holidays, you should have received a response by 11 January 2021. You did not receive any response, for which I again apologise.

I must now go on to answer your original request, which was as follows:

*Please provide information on Whiteshore Cockles since 1 January 2019.
Please include any letters, emails, photos, complaints, discussions and any other details relating to Whiteshore Cockles and the transport, disposal, burial, incineration, ensilage and processing of farmed salmon wastes and mortalities.*

Having carefully considered the matter and relevant guidance issued by the Office of the Scottish Information Commissioner I have concluded that, although the Comhairle holds information

which falls within the scope of the request, it is exempt from disclosure. Although the Freedom of Information (Scotland) Act 2002 (“the Act”) Act creates a general right of access to information held by a public authority, that access is not unrestricted and is tempered by a number of statutory exemptions. In my opinion, one of those exemptions is applicable to the information in question.

I consider that the requested information is exempt from disclosure under section 30(c) of the Act on the ground that its disclosure would prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs, i.e. the efficient and effective carrying out of the Comhairle’s environmental health functions. The requested information comprises correspondence to, from or concerning Whiteshore Cockles, a private business. The Comhairle has no contractual relationship with that business but is interested in it from an environmental health perspective because of its waste disposal activities. The Comhairle has statutory obligations in respect of environmental health, and generally relies on the promotion of good relationships with those businesses which it regulates in order to ensure the efficient discharge of those duties. Those good relationships would be seriously eroded, the Comhairle’s duties would be much harder to discharge, and there would be an increased risk of non-compliance by businesses, if the requested information were to be disclosed.

That exemption is subject to the “public interest test”, which means that even if the exemption were to apply, the information must still be disclosed if the public interest in disclosing it outweighs the public interest in withholding it. The Scottish Information Commissioner’s guidance on the public interest test states:

FOISA does not define the public interest. It has been described elsewhere as “something which is of serious concern and benefit to the public”, not merely something of individual interest. It has also been described as “something that is “in the interest of the public”, not merely “of interest to the public.” In other words, it serves the interests of the public.

The guidance goes on to suggest that the following are, amongst others, the issues which an authority should consider when applying the test.

- *the general public interest that information is accessible i.e. whether disclosure would enhance scrutiny of decision-making processes and thereby improve accountability and participation.* Disclosure of the requested information would not be likely to have any effect on the scrutiny of decision-making nor improve accountability.
- *whether disclosure would contribute to the administration of justice and enforcement of the law including the prevention or detection of crime or the apprehension or prosecution of offenders.* Disclosure would, for the reasons explained above, be likely to have the opposite effect.
- *whether disclosure would contribute to ensuring effective oversight of expenditure of public funds and that the public obtain value for money.* It is unlikely that disclosure would have any significant contribution to oversight of public expenditure, but it may cause more public expenditure for the reasons set out above.
- *whether disclosure keeps the public adequately informed of any danger to public health or safety, or to the environment.* Disclosure would inform the public of waste management practices involving salmon morts which I accept is in the public interest. However, the purpose

of not disclosing the information is to maintain an effective relationship with operators so as to ensure that no situation arises where there is a danger to public health or safety or the environment.

- *whether disclosure would impact adversely on safeguarding national security or international relations.* Disclosure would have no effect here.
- *whether disclosure would contribute to ensuring that any public authority with regulatory responsibilities is adequately discharging its functions.* I accept that there may be public interest in disclosure from this perspective, but there is no question here that the Comhairle is not discharging its functions, and indeed as I have said above, the risk of disclosure is that it would actually make discharge of those functions harder.
- *whether disclosure would ensure fairness in relation to applications or complaints, reveal malpractice or enable the correction of misleading claims.* Disclosure would have not be likely to have a significant effect on these issues.
- *whether disclosure would contribute to a debate on a matter of public interest.* Disclosure may contribute to such a debate, but that debate is already going on.
- *whether disclosure would prejudice the protection of an individual's right to privacy.* Disclosure would not be likely to have any effect on an individual's right to privacy as the information does not relate to individuals. However, maintaining the confidentiality of communications with Whiteshore Cockles is relevant although not a reason in itself not to disclose the information.

Merely because something is of interest to the public does not necessarily mean that it is in the interest of the public to disclose it. The authority must weigh up the competing interests. I acknowledge that it is generally in the public interest to disclose information. However, there is also clearly strong public interest in protecting the effective conduct of public affairs. In this case I do not consider that at present there is any special or particular benefit to be derived from disclosing the information. On the other hand, it is particularly important to the public interest that the Comhairle should operate an effective and efficient environmental health function which strikes the right balance between monitoring and prevention on the one hand and enforcement on the other. In my opinion the balance of public interest is in not disclosing the information. Therefore, I consider that the exemption set out in s30(c) of the Act applies to the requested information, and that it is not in the public interest to disclose it.

That completes my review. Should you remain dissatisfied after completion of the review process you may, within 6 months, apply to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, to establish whether your request for information has been processed in accordance with Part 1 of the Freedom of Information (Scotland) Act 2002. You may make your application online at www.itspublicknowledge.info/Appeal. Should you remain dissatisfied after the conclusion of an application to the Scottish Information Commissioner you have the right to appeal to the Court of Session on a point of law.

Regards

Tiom Langley| Manaidsear Lagha agus Solair| Comhairle nan Eilean Siar| Rathad Shanndabhaig| Steornabhagh| Eilean Leodhais| HS1 2BW

Tim Langley| Legal and Procurement Manager| Comhairle nan Eilean Siar| Sandwick Road|
Stornoway| Isle of Lewis| HS1 2BW
tim.langley@cne-siar.gov.uk | 01851 822604 | Ext 211214 | 07970 552 371

Here's a copy of Scottish Salmon Watch's FOI filed in December 2020:

From: Don Staniford <salmonfarmingkills@gmail.com>
Date: Tue, Dec 8, 2020 at 11:13 AM
Subject: FOI re. Whiteshore Cockles since 1 January 2019
To: CNES FOI Team <foi@cne-siar.gov.uk>

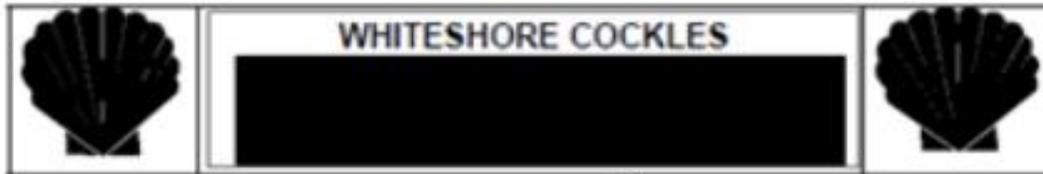
Please provide information on Whiteshore Cockles since 1 January 2019.

Please include any letters, emails, photos, complaints, discussions and any other details relating to Whiteshore Cockles and the transport, disposal, burial, incineration, ensilage and processing of farmed salmon wastes and mortalities.

As context, please note a FOI disclosure in September 2018 from the Scottish Government:
<https://www.gov.scot/publications/disposal-of-mortalities-at-whiteshore-cockles-foi-release/>

Another FOI disclosure by SEPA in 2019 (F0190855) did not provide any information from SEPA's perspective.

The Scottish Government FOI disclosure included a letter from Whiteshore Cockles to Comhairle nan Eilean Siar in November 2015 requested an extension of the derogation until September 2016:



09/11/2015

Mr K MacLeod
Animal Health Officer
Comhairle nan Eilean Siar
Stornoway
Isle of Lewis

Dear Mr MacLeod,

Reference : Fish Waste Drier Project , North Uist.

Further to our meeting last week this letter is to give you an update on the Fish Waste Drier Project and our expected timescales.

All the necessary planning consents are now in place and building works could begin as soon as a warrant has been issued. [REDACTED] have been in discussions with AHVLA and the drying process has now been accepted as a method of treating the fish mortalities. However, until the unit is fully operational and samples have been taken of the by products the official approval cannot be issued.

It was our intention to apply to the EMFF for grant assistance with this project and our initial discussions with the Scottish Government all proved positive as the project 'ticks every box' on any environmental or economic scale. However we have now been waiting for the scheme to open for seven months and three deadlines have passed without any definite date being announced. With the ban on using the current burial method coming into effect on the 1st January 2016 we can no longer afford to wait for the EMFF scheme for funding.

Western Isles Enterprise have realised the importance of this project to the local economy and the timescales involved and have now submitted an application to their head office in Inverness requesting approval of a substantial grant towards the capital costs of the project. A decision is expected in late December and as the remaining funding requirements have been approved by the Bank of Scotland we fully expect to get the equipment ordered before the end of this year.

We hope to begin the infrastructure works in March and have the drier unit on site and operational by mid June as there is a four month delivery period on the equipment. As with any new system we would expect teething problems at the start of the processing period and the manufacturer has suggested a time period of three months should be allowed to ensure the plant is fully functional and meeting all the necessary standards of the regulatory authorities.

We would therefore request that an application be made for a derogation to extend the deadline for the end of the burial process at the Bayhead site to September 2016. This extension if granted should ensure that the new process of treating the fish mortalities is fully compliant and operational.

And the letter generated discussion - including:

From: Murdoch I J (Ian)
Sent: 17 November 2015 08:53
To: 'GSX - Kenny MacLeod | G'
Cc: Cox IDA (Ian); Ambrose N (Nick) Dr; Macaldowie C (Colin)
Subject: RE: Letter from Whiteshore Cockles Ltd

Kenny

Thank you for sight of the letter from Whiteshore Cockles Ltd seeking a formal burial derogation extension for their Bayhead site until September 2016.

As you are aware the Scottish Government is amending the Animal By-Products (Enforcement) (Scotland) Regulations 2013, and for the provisions to come into force as of 1 January 2016. Once amended, these Regulations will specify to which species of animals the remote areas derogation should apply, so fish farms located in remote areas will no longer be able to send their waste to a landfill site, or the other means of disposal listed in Article 19(1)(b) of the EU Control Regulation (EC) No 1069/2009. The amended Regulations will therefore ensure full compliance with European legislation.

Whiteshore contends that a derogation extension would allow them to put the necessary infrastructure in place to provide them a suitable alternative route for disposal of category 2 waste. For their proposal to proceed the Scottish Government would need to make a case to the European Commission for their approval. There is precedent in that there a similar proposal has recently gone forward to the Commission from a [REDACTED] producer. That proposal has however set out a sound infrastructure plan, the key issues being faced by [REDACTED], and the plans that are in place for alternative disposal routes for category 2 waste. This plan will also not be operational until end-June 2016, but it does outline a relatively persuasive case for an extension, and moreover how it will allow the producers sufficient time to put the necessary infrastructure in place. The proposals also sets out clear milestones in the run-up to the proposed end date.

On this basis we would welcome a similarly more structured approach from Whiteshore on their proposals and it would clearly be in Whiteshore's interests if they were to make a more robust case in its argumentation for a derogation extension.

As I mentioned on the phone to you, I have taken on a new role within the Animal Health and Welfare Division and will no longer be the policy lead for animal by-products. My colleague Ian Cox recently joined the Division at the start of November to take over this role from me and I would be grateful if you could reply to him. Ian can be contacted on [REDACTED] or by email at [REDACTED]

Ian



From: Purcell, Jenny (APH [REDACTED])
Sent: 23 November 2015 08:42
To: Murdoch I J (Ian)
Cc: Macaldowie C (Colin); Ambrose N (Nick) Dr; Cox IDA (Ian)
Subject: RE: Letter from Whiteshore Cockles Ltd

Hi Ian
(cc: as before)

I agree with Nick's suggestion.

Whiteshore Cockles have been discussing this proposal with [REDACTED] for over a year. They have also been in discussion with APHA about approval. They do appear to be serious about the proposal.

Like you, I have reservations about Whiteshore Cockles' continuing use of an unofficial landfill site. Would it be appropriate to get a report from the Local Authority on how the landfill site has been operated over the past 18 months?

Best wishes,
Jenny

Jenny Purcell BVSc PhD MRCVS
Veterinary Officer
APHA Hamilton Field Services

Animal and Plant Health Agency (APHA)

Telephone: [REDACTED] Mobile: [REDACTED] | Email: [REDACTED]
Website: www.gov.uk/apha | Twitter: [@APHAgovuk](https://twitter.com/APHAgovuk) | Facebook: [aphagov](https://www.facebook.com/aphagov)
Address: c/o APHA Galashiels Field Services, Cotgreen Road, Tweedbank, Galashiels, TD1 3SG

From: [REDACTED]
Sent: 13 December 2017 17:39
To: Cox ID (Ian)
Subject: North Uist

Dear Ian

Hope all is well with you.

Due to the current publicity regarding the transportation of salmon morts on the mainland I am giving the fish farms a report on our drier project and thought I should keep you updated.

Our infrastructure is now completed and the construction of the building to hold the plant is well under way and will be completed by the New Year. Our drier system will be up and running by April hopefully with the commissioning being completed by the summer.

The fish farms in Lewis and Harris are keen for us to treat their mortalities due to the recycling process and the extra quantity has meant that we have had to recalculate all our figures and upgrade the proposed facility to include a biomass burner. This has taken an age to arrange and the extra costs which are extreme have meant that we have had to rearrange finance which has also been a slow process.

Thank you for your support and patience and I am sure that you are happy that we are on the final lap. I will also update SEPA and Vivien Taylor with our completion timescale.

Best regards

[REDACTED]

From: [REDACTED]
Sent: 19 December 2017 16:57
To: Cox ID (Ian)
Subject: Re: North Uist

Hi Ian

Yes I have updated all the interested parties. Everything should be up and running by May/June.

I have contacted SEPA and Vivien Taylor in Inverness so we can start all the paperwork for any emissions (only purified water) and the licence etc that Vivien needs to approve.

It has taken us three years to get everything confirmed but thankfully we are now on the homeward run.

How did the other areas get on ? Haven't heard what [REDACTED] decided on in the end .

The bad publicity that the "One Show" generated last week has highlighted the transport issues which makes our " local solution for a local problem" even more important.



Thanks again for your patience and will keep you updated.

> On 19 Dec 2017, at 16:42, [REDACTED] wrote:

>

> [REDACTED]

>

> Thanks for the update. Are you keeping in regular contact with Western Isles council too? It is important that we progress this as quickly as possible as the derogation cannot go on indefinitely.

>

> Best wishes

>

> Ian

>

>

>

>

>

> Ian Cox | Animal Health and Welfare Division | Disease Prevention Team
> (TSEs and ABP Policy) P Spur | Saughton House | Broomhouse Drive |
> EDINBURGH EH11 3XD Tel [REDACTED]



From: [REDACTED]
Sent: 31 May 2018 14:12
To: Cox ID (Ian)
Subject: Whiteshore Fish drier.

Good afternoon Ian,

Hope all is well and you are enjoying the same excellent weather as the Hebrides.

I am just updating all interested parties on our ongoing Fish Drier Project.

We have now completed all the infrastructure i.e new road, over an acre of concrete laid for bio-security isolation units [REDACTED] and the building is now erected awaiting the concrete floor etc.

The design / size of the drier unit and ancillary equipment has now been completed and agreed with the supplier and we are just awaiting confirmation on the final costs before ordering for delivery which will be as soon as possible.

This has been a huge and long running project which has grown "arms and legs" since we decided to go with the Dryer system two years ago. All the major fish farms are looking at how to deal with their mortalities in the quickest and most environmentally friendly way due to some recent bad publicity. To this effect we have now agreed to treat the mortalities from [REDACTED] with the possibility of [REDACTED] to follow. They all agree that a local solution for a local problem is the best way to go and with our recycling plant helping the local economy in several ways it is a win win situation for the community and the Fish Farm operators. I have attached some information on the drier system that we are ordering.

These negotiations have however taken an age to complete and we could not order the final equipment until we knew the projected tonnage that we would have to deal with.

Thank you once again for your support and patience whilst we have been working on this project. It has been much appreciated and I am sure you will be delighted (as we all are) that we have reached the final hurdle with the winning post now in sight.

Best regards

[REDACTED]

[REDACTED]

Data published by the Scottish Government's Fish Health Inspectorate in 2019 and 2020 (online via: <https://www.gov.scot/collections/publication-of-fish-health-inspectorate-information/>) shows that farmed salmon mortalities may still be being buried at Whiteshore Cockles.

Please consider this a FOI request under the relevant FOI and Environmental Information regulations.

Please provide a receipt for this FOI request.

Please provide the information electronically.

Thanks,

Don Staniford

Director, Scottish Salmon Watch

Here's other emails confirming receipt and repeated follow ups:

From: **CNES FOI Team** <foi@cne-siar.gov.uk>
Date: Tue, Dec 8, 2020 at 11:16 AM
Subject: [Ticket#2020120827000349] Re: FOI re. Whiteshore Cockles since 1 January 2019
To: Don Staniford <salmonfarmingkills@gmail.com>

Dear Don Staniford

I write to acknowledge receipt of your request for information and note the terms of your request as detailed below. We've automatically assigned this request an reference of **2020120827000349**. Please use this reference number in all correspondence with us (Tip: replying to this email, so that the ticket ref is included in email subject is the easiest way to correspond with us on this case)

Your request for information will be processed in accordance with the Freedom of Information (Scotland) Act 2002 ("the Act") / Environmental Information (Scotland) Regulations 2004 ('the EIRs') and guidance issued by the Office of the Scottish Information Commissioner. A response to your request for information will be issued promptly and in any event within 20 working days following receipt of the request.

--

Le durachd,

Freedom of Information Team

Comhairle nan Eilean Siar | Sandwick Road | Stornoway | Isle of Lewis | HS1 2BQ

Web: www.cne-siar.gov.uk
Tel: 01851 822721 (*Extension 211 599*)

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Thu, Mar 18, 2021 at 11:34 AM
Subject: Re: [Ticket#2020120827000349] Re: FOI re. Whiteshore Cockles since 1 January 2019
To: CNES FOI Team foi@cne-siar.gov.uk

I still have not received a FOI reply to this request filed on 8 December 2020.

When do you think you will reply?

Thanks,

Don

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Thu, May 20, 2021 at 11:30 AM
Subject: Re: [Ticket#2020120827000349] Re: FOI re. Whiteshore Cockles since 1 January 2019
To: CNES FOI Team foi@cne-siar.gov.uk

I've still not received a FOI reply for a request filed on 8 December 2020 - do I need to complain to the Scottish Information Commissioner or will you finally reply soon?

Thanks,

Don

Appendix 2: [Appeal filed by Scottish Salmon Watch on 25 May 2021](#)



To: Scottish Information Commissioner
Cc: Western Isles Council (Comhairle nan Eilean Siar)
From: Scottish Salmon Watch
Date: 25 May 2021
Subject: Western Isles Council - Failure to reply to a FOI request filed in December 2020

Please consider this an appeal against Western Isles Council (Comhairle nan Eilean Siar) for failing to respond to a FOI request filed by Scottish Salmon Watch over six months ago.

Scottish Salmon Watch's unanswered FOI request dated 8 December 2020 is enclosed below in the Appendix along with emails in March 2021 and May 2021 following up the lack of a reply by Western Isles Council (Comhairle nan Eilean Siar).

This is not the first time that Western Isles Council (Comhairle nan Eilean Siar) has failed to respond to a FOI request with respect to the Whiteshore Cockles burial site.

The Scottish Information Commissioner ruled in January 2006 that Western Isles Council (Comhairle nan Eilean Siar) failed to respond to a FOI request from Bruce Sandison of the Salmon Farm Protest Group and ordered disclosure of information on the fish burial site [Whiteshore Cockles] ([Decision 005/2006 Mr Sandison and Comhairle nan Eilean Siar](#)).



Decision 005/2006 Mr Sandison and Comhairle nan Eilean Siar

Request for information relating to marine harvest sites in a fish burial site on North Uist

**Applicant: Bruce Sandison
Authority: Comhairle nan Eilean Siar
Case No: 200503176
Decision Date: 18 January 2006**

Could you please force Western Isles Council (Comhairle nan Eilean Siar) to disclose the information requested in December 2020?

In the hope that Western Isles Council (Comhairle nan Eilean Siar) will provide a swift reply I have copied their FOI unit into this appeal.

If you need any further information please do not hesitate to contact me.

Thanks,

Don Staniford

Director, Scottish Salmon Watch

Appendix:

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Tue, Dec 8, 2020 at 11:13 AM
Subject: FOI re. Whiteshore Cockles since 1 January 2019
To: CNES FOI Team <foi@cne-siar.gov.uk>

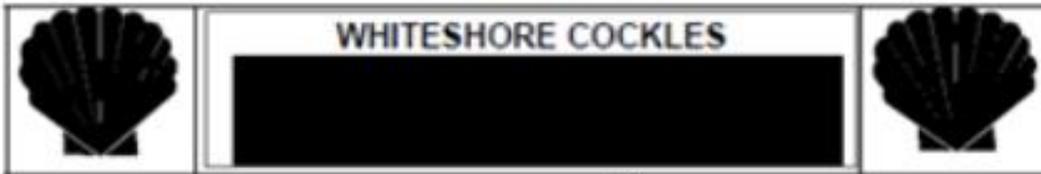
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09/11/2015

Mr K MacLeod
Animal Health Officer
Comhairle nan Eilean Siar
Stornoway
Isle of Lewis

Dear Mr MacLeod,

Reference : Fish Waste Drier Project , North Uist.

Further to our meeting last week this letter is to give you an update on the Fish Waste Drier Project and our expected timescales.

All the necessary planning consents are now in place and building works could begin as soon as a warrant has been issued. [REDACTED] have been in discussions with AHVLA and the drying process has now been accepted as a method of treating the fish mortalities. However, until the unit is fully operational and samples have been taken of the by products the official approval cannot be issued.

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We would therefore request that an application be made for a derogation to extend the deadline for the end of the burial process at the Bayhead site to September 2016. This extension if granted should ensure that the new process of treating the fish mortalities is fully compliant and operational.

And the letter generated discussion - including:

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Sent: 17 November 2015 08:53
To: 'GSX - Kenny MacLeod | G'
Cc: Cox IDA (Ian); Ambrose N (Nick) Dr; Macaldowie C (Colin)
Subject: RE: Letter from Whiteshore Cockles Ltd

Kenny

Thank you for sight of the letter from Whiteshore Cockles Ltd seeking a formal burial derogation extension for their Bayhead site until September 2016.

As you are aware the Scottish Government is amending the Animal By-Products (Enforcement) (Scotland) Regulations 2013, and for the provisions to come into force as of 1 January 2016. Once amended, these Regulations will specify to which species of animals the remote areas derogation should apply, so fish farms located in remote areas will no longer be able to send their waste to a landfill site, or the other means of disposal listed in Article 19(1)(b) of the EU Control Regulation (EC) No 1069/2009. The amended Regulations will therefore ensure full compliance with European legislation.

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As I mentioned on the phone to you, I have taken on a new role within the Animal Health and Welfare Division and will no longer be the policy lead for animal by-products. My colleague Ian Cox recently joined the Division at the start of November to take over this role from me and I would be grateful if you could reply to him. Ian can be contacted on [REDACTED] or by email at [REDACTED]

Ian



From: Purcell, Jenny (APH [REDACTED])
Sent: 23 November 2015 08:42
To: Murdoch I J (Ian)
Cc: Macaldowie C (Colin); Ambrose N (Nick) Dr; Cox IDA (Ian)
Subject: RE: Letter from Whiteshore Cockles Ltd

Hi Ian
(cc: as before)

I agree with Nick's suggestion.

Whiteshore Cockles have been discussing this proposal with [REDACTED] for over a year. They have also been in discussion with APHA about approval. They do appear to be serious about the proposal.

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Best wishes,
Jenny

Jenny Purcell BVSc PhD MRCVS
Veterinary Officer
APHA Hamilton Field Services

Animal and Plant Health Agency (APHA)

Telephone: [REDACTED] Mobile: [REDACTED] | Email: [REDACTED]
Website: www.gov.uk/apha | Twitter: [@APHAgovuk](https://twitter.com/APHAgovuk) | Facebook: [aphagov](https://www.facebook.com/aphagov)
Address: c/o APHA Galashiels Field Services, Cotgreen Road, Tweedbank, Galashiels, TD1 3SG

From: [REDACTED]
Sent: 13 December 2017 17:39
To: Cox ID (Ian)
Subject: North Uist

Dear Ian

Hope all is well with you.

Due to the current publicity regarding the transportation of salmon morts on the mainland I am giving the fish farms a report on our drier project and thought I should keep you updated.

Our infrastructure is now completed and the construction of the building to hold the plant is well under way and will be completed by the New Year. Our drier system will be up and running by April hopefully with the commissioning being completed by the summer.

The fish farms in Lewis and Harris are keen for us to treat their mortalities due to the recycling process and the extra quantity has meant that we have had to recalculate all our figures and upgrade the proposed facility to include a biomass burner. This has taken an age to arrange and the extra costs which are extreme have meant that we have had to rearrange finance which has also been a slow process.

Thank you for your support and patience and I am sure that you are happy that we are on the final lap. I will also update SEPA and Vivien Taylor with our completion timescale.

Best regards

[REDACTED]

From: [REDACTED]
Sent: 19 December 2017 16:57
To: Cox ID (Ian)
Subject: Re: North Uist

Hi Ian

Yes I have updated all the interested parties. Everything should be up and running by May/June.

I have contacted SEPA and Vivien Taylor in Inverness so we can start all the paperwork for any emissions (only purified water) and the licence etc that Vivien needs to approve.

It has taken us three years to get everything confirmed but thankfully we are now on the homeward run.

How did the other areas get on ? Haven't heard what [REDACTED] decided on in the end .

The bad publicity that the "One Show" generated last week has highlighted the transport issues which makes our " local solution for a local problem" even more important.



Thanks again for your patience and will keep you updated.

> On 19 Dec 2017, at 16:42, [REDACTED] wrote:

>

> [REDACTED]

>

> Thanks for the update. Are you keeping in regular contact with Western Isles council too? It is important that we progress this as quickly as possible as the derogation cannot go on indefinitely.

>

> Best wishes

>

> Ian

>

>

>

>

>

> Ian Cox | Animal Health and Welfare Division | Disease Prevention Team
> (TSEs and ABP Policy) P Spur | Saughton House | Broomhouse Drive |
> EDINBURGH EH11 3XD Tel [REDACTED]



From: [REDACTED]
Sent: 31 May 2018 14:12
To: Cox ID (Ian)
Subject: Whiteshore Fish drier.

Good afternoon Ian,

Hope all is well and you are enjoying the same excellent weather as the Hebrides.

I am just updating all interested parties on our ongoing Fish Drier Project.

We have now completed all the infrastructure i.e new road, over an acre of concrete laid for bio-security isolation units [REDACTED] and the building is now erected awaiting the concrete floor etc.

The design / size of the drier unit and ancillary equipment has now been completed and agreed with the supplier and we are just awaiting confirmation on the final costs before ordering for delivery which will be as soon as possible.

This has been a huge and long running project which has grown "arms and legs" since we decided to go with the Dryer system two years ago. All the major fish farms are looking at how to deal with their mortalities in the quickest and most environmentally friendly way due to some recent bad publicity. To this effect we have now agreed to treat the mortalities from [REDACTED] with the possibility of [REDACTED] to follow. They all agree that a local solution for a local problem is the best way to go and with our recycling plant helping the local economy in several ways it is a win win situation for the community and the Fish Farm operators. I have attached some information on the drier system that we are ordering.

These negotiations have however taken an age to complete and we could not order the final equipment until we knew the projected tonnage that we would have to deal with.

Thank you once again for your support and patience whilst we have been working on this project. It has been much appreciated and I am sure you will be delighted (as we all are) that we have reached the final hurdle with the winning post now in sight.

Best regards

[REDACTED]

[REDACTED]

Data published by the Scottish Government's Fish Health Inspectorate in 2019 and 2020 (online via: <https://www.gov.scot/collections/publication-of-fish-health-inspectorate-information/>) shows that farmed salmon mortalities may still be being buried at Whiteshore Cockles.

Please consider this a FOI request under the relevant FOI and Environmental Information regulations.

Please provide a receipt for this FOI request.

Please provide the information electronically.

Thanks,

Don Staniford

Director, Scottish Salmon Watch

From: **CNES FOI Team** <foi@cne-siar.gov.uk>

Date: Tue, Dec 8, 2020 at 11:16 AM

Subject: [Ticket#2020120827000349] Re: FOI re. Whiteshore Cockles since 1 January 2019

To: Don Staniford <salmonfarmingkills@gmail.com>

Dear Don Staniford

I write to acknowledge receipt of your request for information and note the terms of your request as detailed below. We've automatically assigned this request an reference of **2020120827000349**. Please use this reference number in all correspondence with us (Tip: replying to this email, so that the ticket ref is included in email subject is the easiest way to correspond with us on this case)

Your request for information will be processed in accordance with the Freedom of Information (Scotland) Act 2002 ("the Act") / Environmental Information (Scotland) Regulations 2004 ('the EIRs') and guidance issued by the Office of the Scottish Information Commissioner. A response to your request for information will be issued promptly and in any event within 20 working days following receipt of the request.

--

Le durachd,

Freedom of Information Team

Comhairle nan Eilean Siar | Sandwick Road | Stornoway | Isle of Lewis | HS1 2BQ

Web: www.cne-siar.gov.uk

Tel: 01851 822721 (*Extension 211 599*)

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Thu, Mar 18, 2021 at 11:34 AM
Subject: Re: [Ticket#2020120827000349] Re: FOI re. Whiteshore Cockles since 1 January 2019
To: CNES FOI Team foi@cne-siar.gov.uk

I still have not received a FOI reply to this request filed on 8 December 2020.

When do you think you will reply?

Thanks,

Don

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Thu, May 20, 2021 at 11:30 AM
Subject: Re: [Ticket#2020120827000349] Re: FOI re. Whiteshore Cockles since 1 January 2019
To: CNES FOI Team foi@cne-siar.gov.uk

I've still not received a FOI reply for a request filed on 8 December 2020 - do I need to complain to the Scottish Information Commissioner or will you finally reply soon?

Thanks,

Don