

Scottish Salmon Watch, 1 July 2021

**FOI Lifts Lid on the Stench of Scottish Salmon:  
Government Legal Department Target Illegal Dumping of Diseased Salmon**



A Freedom of Information (FOI) disclosure by the Scottish Government provides damning details on how the salmon farming industry have been allowed to illegally dump millions of diseased salmon near EU-protected habitats in the Outer Hebrides. The FOI documents - [posted online by the Scottish Government on 29 June 2021](#) - include the following revelations:

- **Whiteshore Cockles caught breaching operating conditions at salmon dump in North Uist**
  - **“Policy have engaged with the Scottish Government Legal Directorate to look at legal options on how to address Whiteshore Cockles not complying”**  
**admitted the Scottish Government in May 2021**
- **Salmon companies such as Mowi, Loch Duart and The Scottish Salmon Company are still breaching EU law by disposing millions of diseased fish in landfill despite negative press**
- **“Surely the aquaculture sector must be concerned about damage from media coverage, do we have nay levers we can use to alter their choice of disposal route?”**  
**asked the Scottish Government in March 2021**
- **“Scottish Government are keen that the use of the Whiteshore Cockles burial site should not continue indefinitely because there are several distinctly preferable disposal options available to the salmon producers of the Western Isles”** said an email in 2018



- “The ensiled fish waste is definitely not helping with the problem,” stated a redacted email (believed to be from the Scottish Government) in March 2021. “It has potentially been sitting for weeks already before it gets to Whiteshore so the smell will be intensified”

- Comhairle nan Eilean Siar (Western Isles Council) are “starting to receive complaints from members of the public about the smell from the site” wrote the Scottish Government in March 2021. “By all accounts local residents quality of life are being severely hampered by the current practices at Whiteshore”

“The pictures [[disclosed via FOI](#)] show open pits with liquefied/ensiled fish morts” wrote the Scottish Government in March 2021. “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”



- Visit Scotland reported a complaint on the dumping of salmon in 2018 after coverage on the BBC ‘One Show’. “Visit Scotland are seeking guidance on what they should advise any other visitors who might contact them about this,” said the Animal & Health Plant Agency

- “As this issue has run on for years now, the lack of an end date for the derogation and lack of strict enforcement mean there is little incentive to progress at pace with the facility, and it does not help with the industry’s reputation,” wrote a Veterinary Adviser for the Scottish Government in March 2021. “I am supportive of exploring what powers are available to ensure that the landfill site operates according to set criteria and the dryer facility is progressed without further delay”

- Comhairle nan Eilean Siar (Western Isles Council) “are concerned about how much fish morts are being disposed of – record keeping is not great” wrote the Scottish Government in March 2021. “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 pits and shoring them up with hard-core rock. Evidence of seepage from the side of the 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 (sic) when it is an ABP disposal site. CnES relying on issue being resolved when PPC [Pollution, Prevention & Control] in place”**



**- “CnES will probably admit that official supervision has not been conducted very well” wrote the Scottish Government in March 2021. “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 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” wrote the Scottish Government in March 2021. “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”**

**- A letter from Tidy Planet to Whiteshore Cockles in February 2019 explained that there was at least a 28 week delay in delivering the ‘fish mort system’ when it became clear bigger machinery was needed. “Following the higher incidence of mortality that you experienced at the end of last (sic) where you on occasion received up to 40 tonnes of morts in 24 hours and over 1000 tonnes in one month, we had to suspend the work on the dryers as they would not be able to process more than 20 tonnes per day. In addition, as confirmed by Animal Health, you are not able to store morts for longer than 24 hours following receipt to your site and this means that we had to re-design the main part of the drying and separation system to move from a fixed capacity batch type system to a semi continuous system that provides you with a significantly increased capacity of up to 50 tonnes per day”**

# FOI Disclosure [Posted Online by the Scottish Government](#) (29 June 2021)



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

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PUBLICATION - FOI/EIR RELEASE

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

Published: 29 Jun 2021

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

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

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

**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

Download



[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

Download

Read a summary of key points below and in full via [FOI Disclosure by Scottish Government on  
Illegal Dumping of Diseased Salmon](#)

Campaigners are calling on the illegal salmon dump to be closed down and are urging consumers to boycott disease-ridden Scottish salmon.

“Scottish Ministers must immediately stop the illegal dumping of diseased salmon by Mowi, The Scottish Salmon Company and Loch Duart in the sand dunes of North Uist,” said Don Staniford, Director of Scottish Salmon Watch, who [visited the illegal landfill site in May](#). “Salmon farmers cannot be allowed to flout the law and must be forced to pay for legal disposal like any other sector. If the salmon farming industry cannot operate without sustaining mass mortalities then it is simply not sustainable. Tourists flocking to Scotland this summer do not want the bad stench of rotten Scottish salmon ruining their holidays. Consumers are advised to avoid disease-ridden Scottish salmon like the proverbial plague.”



“Salmon farming companies in Scotland have been riding roughshod over regulations for decades whether it is ignoring the law on the disposal of diseased fish, the use of acoustic deterrent devices, the killing of seals or the use of toxic chemicals,” continued Staniford who today [wrote to Scottish Ministers urging immediate action](#). “Shame on the Scottish Government for permitting the illegal dumping of diseased salmon at Whiteshore Cockles for nearly two decades since Bruce Sandison of the Salmon Farm Protest Group blew the whistle back in 2005. Even after the Scottish Government introduced new laws in 2016 – following a complaint filed by Ewan Kennedy of Save Seil Sound with the European Commission in 2013 that Scotland was failing to follow legislation enacted in 2003 – Scottish Ministers continued to turn a blind eye as millions more disease-ridden salmon carcasses piled up near EU protected habitats in North Uist. The salmon farming sector is not above the law – something the Scottish Government Legal Directorate needs to tackle once and for all. This sordid saga stinks to high heaven just like the disease-ridden salmon buried in the leaching cess-pit at Whiteshore Cockles.”

**Contact:** Don Staniford: [salmonfarmingkills@gmail.com](mailto:salmonfarmingkills@gmail.com) (email to arrange a phone/video call)

## Background: Nearly two decades of illegal dumping of diseased Scottish salmon

In May 2021, Scottish Salmon Watch [called on Scottish Ministers to stop the illegal dumping of diseased salmon at Whiteshore Cockles in North Uist](#) (the [law making the disposal of diseased illegal dated back to October 2003](#)).



**Don Staniford**

@TheGAAIA

Why is Whiteshore Cockles still being allowed to break the law by illegally dumping diseased salmon in North Uist?

@GreenerScotland @ScottishEPA @cne\_siar

@EuropeanCommiss @EU\_Health @APHAgovuk

@DefraGovUK @MairiMcAllan @MairiGougeon

@BenMacpherson



Islanders raise a stink over vast salmon graveyard

This article is the subject of a legal complaint from Angus MacDonald and Whiteshore Cockles. Hundreds of thousands of diseased salmon from fis...

[thetimes.co.uk](https://www.thetimes.co.uk)

8:09 AM · May 27, 2021



Read more via [The Times: “Islanders raise a stink over vast salmon graveyard”](#) (27 May 2021)

Read Scottish Salmon Watch’s letter to Scottish Ministers, SEPA and DEFRA (copied to the European Commission) re. the breach of EU law dated 27 May 2021 [online here](#)



**Don Staniford** @TheGAAIA · Jun 14



If you go down to the beach today, you're sure of a big surprise!

@north\_uist @cne\_siar @OuterHebs

Here's a photo of one of North Uist's beautiful beaches near Whiteshore

Cockles' disease-ridden salmon dump sent in by a tourist @\_KateForbes

@Ivan\_McKee

[tinyurl.com/3stenhvb](https://tinyurl.com/3stenhvb)



Net Zero Scotland and 9 others



## Restricted Access: Scottish Salmon's Secret Graveyard

from Don Staniford



05:13



Scottish Salmon Watch's [letter to Scottish Ministers dated 27 May 2021](#) included:

As further context, the [European Union were notified back in 2013 by Ewan Kennedy of Save Seil Sound that salmon farming companies were flouting the law](#). "A local complaint to the European Commission over the poor regulation of the disposal of dead fish from salmon farms has forced the Scottish Government to rewrite the rules," [reported The Sunday Herald in April 2016](#). "For years the caged salmon industry has been allowed to dump diseased fish in landfill sites because of a loophole in public health law. But ministers have now had to close the loophole and oblige fish farm companies to dispose of dead fish in safer ways. From the start of 2016 salmon farms must abide by the rules introduced in the wake of the outbreak of mad cow disease (BSE) in the 1980s. The farms have to incinerate, sterilise or compost their wastes, and not just tip them into landfill sites."

"Between August 2011 and June 2012 82,663 salmon deaths from disease were recorded at Ardmaddy fish farm in Seil Sound, Argyll," [continued Rob Edwards writing in The Sunday Herald in April 2016](#). "When the local environmental group, Save Seil Sound, asked what had happened to the resulting 257 tonnes of dead fish, [no-one seemed to know](#). In 2013 the group [lodged a formal complaint](#) with the European Commission, which eventually [responded last month](#). The response revealed that UK and Scottish authorities had changed the rules in order to avoid breaching European law, and incurring a fine."

In May 2017, [the Global Alliance Against Industrial Aquaculture reported](#):

### **Media Backgrounder: Mort Disposal of Scottish Farmed Salmon (May 2017)**

#### **Ewan Kennedy - The €10 Million Mort Man**

Following a complaint by Ewan Kennedy of Save Seil Sound to the European Commission in 2013, the UK Government avoided a fine of nearly €10 million (£8.2 million) and "possible daily substantial fines of thousands of pounds for continued non-compliance" for breaching a Directive on the disposal of Scottish farmed salmon mortalities since 2003.



Here's the [reply from Scottish Ministers dated 25 June 2021](#):

**DIRECTORATE FOR AGRICULTURE AND RURAL  
ECONOMY (ARE)**  
ARE : Animal Health and Welfare



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

Don Staniford  
salmonfarmingkills@gmail.com

Our Reference: 202100209434

25 June 2021

Dear Mr Staniford,

Thank you for your letter of the 27 May 2021 to the Scottish Ministers about the breach of EU law on the continued dumping of disease salmon in landfill. I have been asked to reply on behalf of Ms Mairi Gougeon MSP, the Cabinet Secretary for Rural Affairs and Islands.

As you will be aware, the disposal of fish waste by burying it in a landfill was banned on 1 January 2016. This was following an investigation by the European Commission that concluded the aquaculture industry in Scotland could not take advantage of a derogation that allows animal by-products to be burned or buried on site or disposed of by other means under official supervision in remote areas of Scotland. The Scottish Government amended the Animal By-Products (Enforcement) (Scotland) Regulations 2013 so that the remote area derogation applied to terrestrial livestock animals only to ensure compliance with European legislation. However, the European Commission granted the Scottish Government two derogations to allow the continued disposal of fish waste by burial. One derogation was for Shetland to allow time to construct a storage facility to bulk up fish waste before it is sent for disposal. This work was completed within the expected timescale of June 2016. The second derogation was for Whiteshore Cockles Ltd (WCL), Bayhead, North Uist to install a drying system for processing fish waste.

The derogation for WCL was originally granted a six month derogation to complete the fish waste dryer. However, it has been extended due to a number of unforeseen setbacks from the original planning stage through to purchasing and the installation of equipment. The current derogation that allows WCL to bury fish waste on site is in place until they obtain Pollution Prevention and Control (PPC) Part A from the Scottish Environment Protection Agency.

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)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)



INVESTORS  
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Until 2020



Whilst we take your concerns seriously removing the current derogation may jeopardise the completion of the fish dryer. The fish waste dryer WCL are building will be an environmentally sustainable alternative to landfill and will produce by-products of fertiliser and fish oil. This solution will reduce the energy required to process and transport this waste stream and eliminate the need for it to be buried on site.

I hope this answers your queries.

Yours sincerely

Ian Murdoch  
**AHW : Disease Prevention**

Scottish Salmon Watch wrote today (1 July 2021) to Scottish Ministers reiterating calls for the salmon farming industry to stop illegally dumping diseased salmon at Whiteshore Cocksles – read [online here](#)

Scottish Salmon Watch filed an appeal today (1 July 2021) with the Scottish Information Commissioner with respect to the refusal by Comhairle nan Eilean Siar (Western Isles Council) to provide information on the illegal dumping of diseased salmon at Whiteshore Cocksles – read [online here](#)



Today's Times newspaper reported today (1 July 2021): "[Fish graveyard 'severely hampers' life for islanders, officials claim](#)"



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

Marc Horne

Thursday July 01 2021, 12.01am,  
The Times



Video footage [shot by a tourist in June 2021](#) shows how close the illegal salmon dump is to the beach and [EU protected habitats](#).



 **Don Staniford**  
@TheGAAlA



Scotland's hidden beaches #1 - the secret gems Visit Scotland keeps hidden from the public! [vimeo.com/562683501](https://vimeo.com/562683501)  
@north\_uist @cne\_siar @OuterHebs @\_KateForbes  
@Ivan\_McKee @VisitScotland @VisitScotNews  
@SSPOsays @salmon\_scottish  
HS6 5DY #WhiteshoreCockles #NorthUist #Bayhead



10:11 AM · Jun 14, 2021



Mass mortalities from disease-ridden salmon farms operated by The Scottish Salmon Company, Mowi and Loch Duart have been dumped illegally at Whiteshore Cockles for nearly two decades (The Times first [exposed the dump site back in 2005](#) following [investigative work by Bruce Sandison of The Salmon Farm Protest Group](#)). Here's a photo [published by the Scottish Government's Fish Health Inspectorate](#) via an inspection visit to Vuia Mor salmon farm in Loch Roag in August 2018:



In September 2018, the [BBC 'One Show' featured video footage of the Whiteshore Cockles salmon dump](#) including an interview with Angus MacDonald who claimed: "I'm not going to continue burial for much longer because I have a new state-of-the-art unit coming in".



Salmon Farming Expose on the BBC One Show - September 2018

The Ferret [reported in March 2021](#) (using a photo of farmed salmon dumped at Whiteshore Cockles):

 **The Ferret** ✓  
@FerretScot

45 per cent of the salmon killed by disease or other problems at Scottish fish farms end up as landfill, are incinerated or disposed of as waste. [#fishytales](#)



Millions of dead salmon dumped, burnt or destroyed  
Nearly half of Scotland's salmon farms burn, dump or destroy millions of dead fish every year.  
[theferret.scot](#)

11:20 AM · Mar 21, 2021

 **The Ferret** Account Log Out ... Weekly email



**Millions of  
dead salmon  
dumped,  
burnt or  
destroyed**

Jamie Mann · March 21, 2021

In March 2021, [Compassion in World Farming published](#) photos of diseased and dead Scottish salmon including this photo ([sourced from video footage](#)) from Whiteshore Cockles taken in October 2020:



## Key Points: FOI Disclosure by the Scottish Government (24 June 2021)

The [Freedom of Information disclosure by the Scottish Government to Scottish Salmon Watch \(24 June 2021\)](#) included an email from the Scottish Government following a press inquiry (from Marc Horne of [The Times](#)) in late May 2021. “Policy have engaged with SGLD [Scottish Government Legal Directorate] to look at legal options on how to address Whiteshore Cockles not complying with the Method Statement” stated an [email dated 26 May 2021](#) from the Scottish Government’s Directorate for Agriculture & Rural Economy.

**From:** <redacted> <<redacted>>  
**Sent:** 26 May 2021 12:09  
**To:** Communications Rural Economy & Environment  
<[CommunicationsRuralEconomy&Environment@gov.scot](mailto: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. Comhairlie 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>

“I had been seeking legal advice on this from my colleagues and never managed to get an update to Ministers in time before the Scottish Parliament elections,” [wrote the Scottish Government’s Directorate for Agriculture & Rural Economy on 26 May 2021](#).

**From:** <redacted>  
**Sent:** 26 May 2021 11:43  
**To:** <redacted>  
**Subject:** RE: WHITESHORE - Screening assessment

**WARNING: THIS EMAIL CAME FROM OUTSIDE THE COMHAIRLE; PLEASE TREAT HYPERLINKS OR ATTACHMENTS WITH CAUTION. CONTACT THE IT HELPDESK IF IN ANY DOUBT.**

Morning <redacted>

I am happy with that response. I will alert my own communications team that there is some press interest in Whiteshore Cockles.

I had been seeking legal advice on this from my colleagues and never managed to get an update to Ministers in time before the Scottish Parliament elections. A submission on this will be going to Mairi Gougeon, the new Cabinet Secretary for

Rural Affairs and Islands, hopefully next week. We should be able to come back with a formal response soon.

<redacted>

<redacted>

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

An [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](#) asked “Surely the aquaculture sector must be concerned about damage from media coverage, do we have any levers we can use to alter their choice of disposal route?”.

**From:** <redacted>  
**Sent:** 19 March 2021 16:49  
**To:** <redacted> (MARLAB) <redacted>  
**Cc:** Voas S (Sheila) <<redacted>>  
**Subject:** RE: Whiteshore Cockles - ABP Policy meeting with Comhairle nan Eilean Siar - 19 March 2021

Thanks <redacted> and <redacted>.

Stating the obvious but based on this I am supportive of increasing pressure in whatever way we can to force completion of the new plant, and to ensure that in the interim that the method statement is adhered to. It also looks like CnES need support and we need SEPA on board.

Surely the aquaculture sector must be concerned about damage from media coverage, do we have any levers we can use to alter their choice of disposal route?

A coordinated plan of action would help us get our thoughts and actions in the right order.

<redacted>

<redacted>

*Animal Health - Disease Prevention | Directorate for Agriculture and Rural Economy | Scottish Government | Tel. <redacted> | Mob. <redacted>*

Another [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](#) 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.

[CnES = Comhairle nan Eilean Siar which is Western Isles Council]

“As this issue has run on for years now, the lack of an end date for the derogation and lack of strict enforcement mean there is little incentive to progress at pace with the facility, and it does not help with the industry’s reputation,” [stated an email from a Veterinary Adviser in the Scottish Government's Animal Health and Welfare Division \(copied to Sheila Voas, Chief Veterinary Officer for Scotland\) dated 19 March 2021](#). “I am supportive of exploring what powers are available to ensure that the landfill site operates according to set criteria and the dryer facility is progressed without further delay.”

From: <redacted>  
Sent: 19 March 2021 15:49  
To: <redacted> (MARLAB) <redacted>  
Cc: Voas S (Sheila) <<redacted>>  
Subject: RE: Whiteshore Cockles - ABP Policy meeting with Comhairle nan Eilean Siar - 19 March 2021

<redacted>.

Thanks for this update.

As this issue has run on for years now, the lack of an end date for the derogation and lack of strict enforcement mean there is little incentive to progress at pace with the facility, and it does not help with the industry’s reputation.

I am supportive of exploring what powers are available to ensure that the landfill site operates according to set criteria and the dryer facility is progressed without further delay.

With regard to the ensiling method – presumably there is no option of separating off any liquid prior to burial as it would still have to be disposed of by an approved route, even if it has not been subjected to maceration & turned to mush.

Kind Regards

<redacted>

<redacted> BVM&S, MRCVS  
Veterinary Adviser

Veterinary and Science Team,  
Animal Health and Welfare Division,

Agriculture and Rural Delivery Directorate  
The Scottish Government, Saughton House, P Spur  
Broomhouse Drive, EDINBURGH, EH11 3XD.

Mobile <redacted>  
Email <redacted>

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

**From:** <redacted>  
**Sent:** 19 March 2021 16:02  
**To:** <redacted> (MARLAB) <redacted>  
**Cc:** Voas S (Sheila) <<redacted>>  
**Subject:** RE: Whiteshore Cockles - ABP Policy meeting with Comhairle nan Eilean Siar - 19 March 2021

Thanks <redacted>

The ensiled fish waste is definitely not helping with the problem. It has potentially been sitting for weeks already before it gets to Whiteshore so the smell will be intensified. You are also right that if you separate the liquid part it still needs to be disposed of via an approved route.

<redacted>

An [email from the Scottish Government’s ‘Animal Health – Disease Prevention Team’ to the Scottish Environment Protection Agency dated 8 March 2021](#) stated that “we are keen to see the site operational in a manner that is compliant with this legislation [Animal By-Products (Enforcement) (Scotland) Regulations 2013]”.

**From:** <redacted>  
**Sent:** 08 March 2021 17:48  
**To:** <redacted>  
**Cc:** <redacted>  
**Subject:** Whiteshore Cockles Ltd, North Uist - fish waste processing site

<redacted>/<redacted>

I understand that all SEPA queries are to be directed to the sponsorship team in the first instance.

I have been contacted by <redacted> who is the owner of Whiteshore Cockles Ltd. Mr <redacted> is in the process of developing a fish waste dryer that will dispose of fish mortalities from salmon farms. Whiteshore Cockles Ltd had been burying fish waste at their site in North Uist but following a complaint to the European Commission in 2014, we changed our animal by-products legislation in 2015 to stop the burial of fish waste in Scotland. However, we had a derogation in place that was agreed by the European Commission for Whiteshore Cockles to continue to bury fish waste at their site in North Uist until the fish dryer was operational.

The dryer has been under development/construction for a few years and we expected it to be running by the summer of 2018. However, this timeline has extended due to multiple issues (mainly funding, sourcing equipment and EU Exit), one of which was the deviation from their original plans to increase the dryer capacity meaning the site needed a Part A PPC permit from SEPA. Mr <redacted> has stated he has nearly completed the Part A PPC application (see email below) which needs to be in place before the site can be approved to operate under the Animal By-Products (Enforcement) (Scotland) Regulations 2013. We are keen to see the site operational in a manner that is compliant with this legislation.

The [undated email](#) (believed to be in March 2021 from Whiteshore Cockles to the Scottish Government) stated “No problems to report you will be glad to hear (apart from SEPA being kaput)”:

No problems to report you will be glad to hear ( apart from SEPA being kaput ) but I can give you an update and I just need a contact to start the ABP application as <redacted> is now retired and I cant seem to find the person who has replaced him.

We have 95% of the Part APPC application completed ( two consultants for 16 months work) and as I believe all the documentation for this will cover nearly everything your dept will require we are now in a position to submit / complete the application.

An [email believed to be from Whiteshore Cockles to the Scottish Government dated 18 October 2019](#) referred to the “madness” of advice from the Scottish Environment Protection Agency:

**From:** <redacted>  
**Sent:** 18 October 2019 09:19  
**To:** <redacted>  
**Subject:** Fwd: Whiteshore Cockles - Today's catch up

Hi <redacted>

Please see attached email from SEPA.

Apparently we will be in breach of the law and could be fined £50k if we run a test with fish to allow your team to approve the system before the PPC permit is issued.

Madness!

Will give you a call later as I would like to pick your brains about the possibility of classifying our finished product as fuel and not waste.

Regards

<redacted>

An [email from the Scottish Environment Protection Agency dated 17 October 2019](#) stated:

For clarity, if Whiteshore Cockles operates the plant with any animal by-product material without a PPC permit in place then this would be a clear breach of Regulation 11 of the PPC (Scotland) Regulations 2012 (see excerpt below). SEPA would consider undertaking enforcement action in line with its enforcement policy and guidance (<https://www.sepa.org.uk/regulations/enforcement/>). As this would be the operation of an unlicensed activity this could include seeking an interim interdict to prevent operations, reporting to the Procurator Fiscal or issuing variable monetary penalty (the latter two options involve fines up to £40,000 per offence).

An [email from the Scottish Government dated 11 October 2019](#) referred to a [site visit to Whiteshore Cockles by Kate Forbes](#) (then the Minister for Public Finance and Digital Economy, now Cabinet Secretary for Finance and the Economy) and stated that “I would expect ministers will have to make a decision on the future of the site if Whiteshore fails to get a permit from SEPA, but for now the decision to extend the derogation can sit with officials”.

**From:** <redacted>  
**Sent:** 11 October 2019 14:49  
**To:** <redacted> Voas S (Sheila) <redacted> Gallego J (Jesus) <redacted>  
**Cc:** <redacted>  
**Subject:** Whiteshore Cockles - Extension to derogation to allow burial of fish waste

As expected, following the SEPA requirement for the site to have a [Part A PPC application](#), Whiteshore has requested an extension to their burial derogation to cover this process. <redacted> stated this process has added extra costs to the fish dryer project and explained if the site had to stop burying waste, they would struggle to finance and complete the project. He had reiterated this <redacted> Minister for Public Finance and Digital Economy when she was at the site last week, hence the involvement of <redacted> (Deputy Director, Financial Services Division).

Given the circumstances, I would be content to extend the derogation to cover the PPC application. Does anyone have any comment to make on this?

I will update ministers of our plans going forward. I would expect ministers will have to make a decision on the future of the site if Whiteshore fails to get a permit from SEPA, but for now the decision to extend the derogation can sit with officials.

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

Here's a [Tweet on the visit of Kate Forbes to Whiteshore Cockles in October 2019](#):



Photos [disclosed by the Scottish Government via FOI on 24 June 2021](#) feature what appears to be a female 'inspecting' the Whiteshore Cockles salmon dump (Scottish Salmon Watch has asked when the photos were taken).



Here's other photos of Whiteshore Cockles [disclosed by the Scottish Government via FOI on 24 June 2021](#):



[A letter from the Managing Director of Tidy Planet to Whiteshore Cockles in February 2019](#) explained that there was at least a 28 week delay in delivering the ‘fish mort system’ when it became clear bigger machinery was needed. “Following the higher incidence of mortality that you experienced at the end of last (sic) where you on occasion received up to 40 tonnes of morts in 24 hours and over 1000 tonnes in one month, we had to suspend the work on the dryers as they would not be able to process more than 20 tonnes per day. In addition, as confirmed by Animal Health, you are not able to store morts for longer than 24 hours following receipt to your site and this means that we had to re-design the main part of the drying and separation system to move from a fixed capacity batch type system to a semi continuous system that provides you with a significantly increased capacity of up to 50 tonnes per day”



Redwood Court, Tytherington Business Park,  
Macclesfield, Cheshire, SK10 2XH

Tel: +44 (0)1625 666798

hello@tidyplanet.co.uk  
www.tidyplanet.co.uk

Whiteshore Cockles  
Whiteshore  
Kyles, Paible  
Isle of North Uist  
HS6 5DY

22<sup>nd</sup> February 2019

Dear [REDACTED],

Further to my telephone call last week, I wanted to provide you with a detailed update on the current state of the order for the fish mort system.

Following your order placement last September where we had agreed on the supply of a system to process up to 20 tonnes of fish morts per day, we completed the detailed design of the system based on this requirement and placed a number of orders for the individual items of equipment that make up the fish mort to fertiliser system. Many of these items were on 5 – 6 month delivery and we now have these in our workshop.

However following the higher incidence of mortality that you experienced at the end of last where you on occasion received up to 40 tonnes of morts in 24 hours and over 1000 tonnes in one month, we had to suspend the work on the dryers as they would not be able to process more than 20 tonnes per day. In addition, as confirmed by Animal Health, you are not able to store morts for longer than 48 hours following receipt to your site and this mean that we had to re-design the main part of the drying and separation system to move from a fixed capacity batch type system to a semi continuous system that provides you with a significantly increased capacity of up to 50 tonnes per day.

As the system is bespoke to your requirements and is significantly smaller than a commercial fish waste processing facility and yet substantially larger than a farm based system, we have had to design a continuous cooker and batch dryer from scratch and this has taken much longer than anticipated as there is no pre-existing equipment to base our design on.

We have had to test each stage of the process to ensure that it will be as efficient as we need it to be as there is a limited supply of electricity and other services on the site and now that we have completed this, we have finalised the new designs and gone back to our manufacturers for lead times.

I'm very sorry to inform you that the best lead times we can get for this specialised equipment manufacture is 28 weeks, as the designs have to be approved by an international body for pressure rated equipment and their lead times have been extended as a result of a rush for approvals before the end of March in case there are any implications following Brexit.

I wish to assure you that we are doing everything that we can to reduce the manufacturing times in order to minimise the delay, but this is the result of the need to increase the capacity of the equipment whilst delivering a solution that meets your requirements.

“APHA [Animal & Plant Health Agency] received an enquiry from ‘Visit Scotland’ following a complaint from a visitor about salmon being dumped on a beach at Great Bernera,” stated an [email dated 25 September 2018](#). “Visit Scotland are seeking guidance on what they should advise any other visitors who might contact them about this.”

**From:** APHA Corporate Correspondence  
[mailto:APHA.CorporateCorrespondence@apha.gsi.gov.uk]  
**Sent:** 25 September 2018 08:12  
**To:** <redacted>  
**Cc:** APHA Corporate Correspondence  
**Subject:** FW: Salmon - disposal on beach - Isle of Lewis.

Good Morning <redacted>,

APHA received an enquiry from “Visit Scotland” following a complaint from a visitor about salmon being buried on a beach at Great Bernera. “Visit Scotland” are seeking guidance on what they should advise any other visitors who might contact them about this.

I am in the process of producing a draft response to them and the Animal by Products team (ABP) suggested that I notify you of this complaint to find out if you have any comments or wish to provide input to this.

(See email chain for history.)

Many thanks

<redacted>  
Complaints & Correspondence Manager.  
Executive Support & Correspondence Management  
email: [APHA.CorporateCorrespondence@apha.gsi.gov.uk](mailto:APHA.CorporateCorrespondence@apha.gsi.gov.uk)  
**Animal and Plant Health Agency (APHA)**  
Email: <redacted> Website: [www.gov.uk/apha](http://www.gov.uk/apha) | Twitter: [@APHAgovuk](https://twitter.com/APHAgovuk) | Facebook: [aphagov](https://www.facebook.com/aphagov)  
Address: APHA, Room B1, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.

**From:** MS FishHealth  
**Sent:** 11 September 2018 09:20  
**To:** <redacted>  
**Subject:** RE: Our Ref: 658-26282 / 65506 – Salmon

Morning

I don't know if you saw the report on The One Show last night about Vacasay, but below is a still image from Whiteshore Cockles, the waste disposal site, which is identical to the photo that was sent to Visit Scotland and reported to have been taken at a beach on Bernera.

It might be worth forwarding this to APHA and the LA in case they didn't see the show

Cheers

<redacted>

**From:** <redacted> On Behalf Of <redacted>  
**Sent:** 10 September 2018 13:58  
**To:** Marine Scotland Mailbox <[Marine\\_Scotland\\_Mailbox@gov.scot](mailto:Marine_Scotland_Mailbox@gov.scot)>  
**Subject:** Our Ref: 658-26282 / 65506 – Salmon

Good afternoon

I am hoping you can give some guidance on the following matter. Our CEO was recently contacted by a visitor to Lewis who had encountered a large deposit of dead salmon on the beach at Great Bernera. I have attached a copy of a photo taken by the visitor.

Given recent news coverage regarding salmon farming in the area, I would be grateful if you were able to give some guidance on what we should advise any other visitors who may contact us about this matter.

Yours sincerely

<redacted>  
Partnerships Operations Executive  
VisitScotland  
Great Glen House  
Inverness  
IV3 8NW  
Email: <redacted>  
Tel: <redacted>



“Scottish Government are keen that the use of the Whiteshore Cockles burial site should not continue indefinitely because there are several distinctly preferable disposal options available to the salmon producers of the Western Isles” said the Scottish Government in an [email dated 24 September 2018](#).

**From:** <redacted>  
**Sent:** 24 September 2018 13:24  
**To:** APHA Corporate Correspondence <[APHA.CorporateCorrespondence@apha.gsi.gov.uk](mailto:APHA.CorporateCorrespondence@apha.gsi.gov.uk)>  
**Cc:** <redacted>  
**Subject:** RE: Salmon - disposal on beach - Isle of Lewis.

I would support the advice from <redacted> to notify the local council, Comhairle nan Eilean Sair (CnES), about this complaint. The best person to contact is <redacted> by email at <redacted> or by phone on <redacted>.

The legal position on disposing of fish mortalities is to use an approved animal by-product (ABP) disposal route. At the start of January 2016 we amended the Animal By-Products (Enforcement) (Scotland) Regulations 2013 to stop aquatic ABP being sent to licensed landfill sites for disposal. This was following a complaint made to the European Commission that the UK was making use of a derogation for remote areas in such a way that the majority of the aquaculture industry in Scotland takes place within the derogated remote areas (The remote areas derogation allows burial or burning of ABPs 'on site' rather than by via authorised routes such as incineration or rendering, or anaerobic digestion).

The picture below looks like it is from Whiteshore Cockles in North Uist. Whiteshore Cockles is currently operating under a derogation (approved by the European Commission) to allow the burial of salmon mortalities until a legally ABP compliant disposal route is put in place on site. This is the only site in Scotland that can bury aquatic ABP.

Scottish Government are keen that the use of the Whiteshore Cockles burial site should not continue indefinitely because there are several distinctly preferable disposal options available to the salmon producers of the Western Isles. However, we recognised that CnES is acting to improve the current situation and allowed CnES to supervise the site with an ultimate objective for changing to better (and fully legal) disposal methods, in mind.

At present the ABP compliant disposal route is still not operational. Whiteshore Cockles continues to operate as a burial site for fish waste under the supervision of CnES.

Let me know if you need more information.

<redacted>

<redacted>  
The Scottish Government  
Directorate for Agriculture & Rural Economy  
Animal Health & Welfare  
P-Spur, Saughton House,  
Broomhouse Drive,  
Edinburgh, EH11 3XD

Tel: <redacted>  
Fax: <redacted>

A heavily redacted [‘Memorandum’ from the Animal & Plant Health Agency dated 6 September 2018](#) (sent just before the [BBC ‘One Show’ expose on Whiteshore Cockles broadcast on 10 September 2018](#)) included:

Re: **SALMON DISPOSAL AT WHITESHORE COCKLES**  
**Whiteshore, Kyles, Paible, Isle of North Uist, HS6 5DY**  
Map ref: NF754672 ABP reg number U1141549 (haulier)

### **Background**

1. The site at Whiteshores has been operating as a burial site for dead salmon since 2004. I have only visited the site once on the 12<sup>th</sup> December 2012 with Mr ■■■■■■■■■■, CnES and ■■■■■■■■■■, SG as a fact finding visit (copy of report attached).
2. The premises is not approved under the ABP legislation but is a registered as a haulier (U1141459) dated 04/03/2013.
3. A letter from Scottish Government dated 3<sup>rd</sup> September 2013 outlined the current situation confirming that the operation did not comply with the remote area derogation and was not under official supervision as a licenced landfill site and a deadline of the 1<sup>st</sup> January 2014 was set for fish farms to stop using the site.
4. The site has continued to operate on the understanding that it would stop once it had full ABP approval as a method 1 processing plant.

And:

### **Options**

1. As the premises is not ABP approved or operating as a licenced landfill site, it should be stopped from operating by the local authority, Comhairle nan Eilean Sair as soon as practical.
2. The site continues to operate until it has full ABP approval as a processing plant.
3. A date is set by which the premises must stop operating as a burial site regardless of the stage of ABP approval.

### **Recommendation**

1. With the caveat that any decision would have to be made in consultation with the Scottish Government and Comhairle nan Eilean Sair, I would recommend option 3 as the most proportionate option.

## Media Backgrounder (July 2021)

### [FOI Disclosure by Scottish Government on Illegal Dumping of Diseased Salmon](#)



Damning documents [disclosed by the Scottish Government \(24 June 2021\) via FOI](#) ([posted online on 29 June 2021](#)) reveal further details on how Whitehouse Cockles is illegally dumping diseased salmon in North Uist with the authorities turning a blind eye to [breaches of EU law](#).



#### **Key Documents:**

PDFs disclosed by the Scottish Government via FOI on 24 June 2021:

- [Annex 1 - Whiteshore FOI Redacted](#)
- [Annex 2 - Whiteshore FOI Redacted](#)
- [Annex 3 - Whiteshore FOI Redacted](#)
- [Annex 4 - Whiteshore FOI Redacted](#)
- [Annex 5 - Whiteshore FOI Redacted](#)
- [Annex 6 - Whiteshore FOI Redacted](#)
- [Annex 7.1 - Whiteshore FOI Redacted page 6](#)
- [Annex 7.2 - Whiteshore FOI Redacted Page 5](#)
- [Annex 7.3 - Whiteshore FOI Redacted Page 4](#)
- [Annex 7.4 - Whiteshore FOI Redacted Page 3](#)
- [Annex 7.5 - Whiteshore FOI Redacted Page 2](#)
- [Annex 7.6 - Whiteshore FOI Redacted Page 1](#)
- [Annex 7.7 - Whiteshore FOI Redacted Page 9](#)
- [Annex 7.8 - Whiteshore FOI Redacted Page 8](#)
- [Annex 7.9 - Whiteshore FOI Redacted Page 7](#)

FOI reply letter from Scottish Government dated 24 June 2021 - [online here](#)

FOI reply letter (amended) from Scottish Government dated 25 June 2021 - [online here](#)

Key Documents from the [Scottish Government's FOI Disclosure on 24 June 2021](#)  
(in chronological order – most recent first):

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-v6kbxj5hz>

<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](http://www.cne-siar.gov.uk)

**From:** <redacted> <<redacted>>

**Sent:** 26 May 2021 12:11

**To:** <redacted> Communications Rural Economy & Environment <<redacted>>

**Cc:** Voas S (Sheila) <<redacted>>(MARLAB) <redacted>

**Subject:** RE: Burial of salmon mortalities at Whiteshore Cockles Ltd, North Uist - Press enquiry to Local Authority

Thanks <redacted>, that's really helpful.

Kind regards,

<redacted>

<redacted> | Communications: News (Environment, Climate Change and Energy)

Senior Media Manager

Scottish Government, St Andrew's House

E: <redacted>

**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:** 26 May 2021 11:43

**To:** <redacted>

**Subject:** RE: WHITESHORE - Screening assessment

**WARNING: THIS EMAIL CAME FROM OUTSIDE THE COMHAIRLE; PLEASE TREAT HYPERLINKS OR ATTACHMENTS WITH CAUTION. CONTACT THE IT HELPDESK IF IN ANY DOUBT.**

Morning <redacted>

I am happy with that response. I will alert my own communications team that there is some press interest in Whiteshore Cocks.

I had been seeking legal advice on this from my colleagues and never managed to get an update to Ministers in time before the Scottish Parliament elections. A submission on this will be going to Mairi Gougeon, the new Cabinet Secretary for

Rural Affairs and Islands, hopefully next week. We should be able to come back with a formal response soon.

<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:** 26 May 2021 11:25  
**To:** <redacted>  
**Subject:** RE: WHITESHORE - Screening assessment

Morning <redacted>

Any progress re this?

Please see attached press enquiry.

My thoughts of a Comhairle response are keeping it brief - something like:  
The Comhairle are aware of the concerns around the facility and are in discussion with the Scottish Government to find an early resolution.

Give me a call if you want to discuss.

<redacted>

--

<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 | <redacted> | Sandwich Road | Stornoway | Isle of Lewis | HS1 2BW  
| <redacted> | Ext <redacted> | <redacted> | [www.cne-siar.gov.uk](http://www.cne-siar.gov.uk) | [Area Offices](#)

Email 8.1

Morning gents. Any guidance/thoughts on query below?

**From:** <redacted>

**Sent:** 26 May 2021 09:45

**To:** <redacted>

**Subject:** The Times - Dumping of salmon carcasses

**WARNING: THIS EMAIL CAME FROM OUTSIDE THE COMHAIRLE; PLEASE TREAT HYPERLINKS OR ATTACHMENTS WITH CAUTION. CONTACT THE IT HELPDESK IF IN ANY DOUBT.**

Good morning <redacted>,

I wonder if you, or one of your colleagues, might be able to help me?

We are going to be running an article in tomorrow's edition about the continued landfill disposal of hundreds of thousands of unprocessed salmon carcasses by the firm Whiteshore Cockles beneath dunes on North Uist.

There have been complaints that the process is contrary to Scottish Government guidance and causes foul odours which affects the local community.

In 2018 <redacted> told the BBC "I'm not going to continue burial for much longer because I have a new state-of-the-art unit coming in."

Our understanding is that the promised unit has not been introduced and the landfill dumping of dead salmon continues to this day.

We also understand that planning permission was granted in March for the installation of a fish drying plant at the site,

However, concerns have been raised that it will take until 2022 or 2023 for any new drier unit to be installed and become operational.

My editor is very keen to get the Comhairle's take on this.

I'd be very grateful if you were able to send over a statement for publication before 4.30 today.

Many thanks and best wishes,

<redacted>

<redacted>, Scotland reporter, The Times

<redacted>

**From:** <redacted>

**Sent:** 19 March 2021 16:49

**To:** <redacted> (MARLAB) <redacted>

**Cc:** Voas S (Sheila) <<redacted>>

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

Thanks <redacted> and <redacted>.

Stating the obvious but based on this I am supportive of increasing pressure in whatever way we can to force completion of the new plant, and to ensure that in the interim that the method statement is adhered to. It also looks like CnES need support and we need SEPA on board.

Surely the aquaculture sector must be concerned about damage from media coverage, do we have any levers we can use to alter their choice of disposal route?

A coordinated plan of action would help us get our thoughts and actions in the right order.

<redacted>

<redacted>

*Animal Health - Disease Prevention | Directorate for Agriculture and Rural Economy | Scottish Government | Tel. <redacted> | Mob. <redacted>*

**From:** <redacted>

**Sent:** 19 March 2021 16:02

**To:** <redacted> (MARLAB) <redacted>

**Cc:** Voas S (Sheila) <<redacted>>

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

Thanks <redacted>

The ensiled fish waste is definitely not helping with the problem. It has potentially been sitting for weeks already before it gets to Whiteshore so the smell will be intensified. You are also right that if you separate the liquid part it still needs to be disposed of via an approved route.

<redacted>

**From:** <redacted>

**Sent:** 19 March 2021 15:49

**To:** <redacted> (MARLAB) <redacted>

**Cc:** Voas S (Sheila) <<redacted>>

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

<redacted>,

Thanks for this update.

As this issue has run on for years now, the lack of an end date for the derogation and lack of strict enforcement mean there is little incentive to progress at pace with the facility, and it does not help with the industry's reputation.

I am supportive of exploring what powers are available to ensure that the landfill site operates according to set criteria and the dryer facility is progressed without further delay.

With regard to the ensiling method – presumably there is no option of separating off any liquid prior to burial as it would still have to be disposed of by an approved route, even if it has not been subjected to maceration & turned to mush.

Kind Regards

<redacted>

<redacted> BVM&S, MRCVS

Veterinary Adviser

Veterinary and Science Team,  
Animal Health and Welfare Division,

Agriculture and Rural Delivery Directorate  
The Scottish Government, Saughton House, P Spur  
Broomhouse Drive, EDINBURGH, EH11 3XD.

Mobile <redacted>

Email <redacted>

**From:** <redacted>  
**Sent:** 19 March 2021 15:23  
**To:** <redacted>  
**Subject:** RE: WHITESHORE - Screening assessment

**WARNING: THIS EMAIL CAME FROM OUTSIDE THE COMHAIRLE; PLEASE TREAT HYPERLINKS OR ATTACHMENTS WITH CAUTION. CONTACT THE IT HELPDESK IF IN ANY DOUBT.**

Hi <redacted>

That statement on the derogation looks factual so I am happy with the content. I have updated my colleagues in in Animal Health and Welfare plus Marine Scotland on today's meeting. I will aim to get an update on Whiteshore Cockles to Ministers next week with a view to reviewing the conditions of the derogation and seeking a update on capacity/burial practices at the site.

<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 mortalities are being disposed of – record keeping is not great. Hand written notes being provided to CnES. Fish mortalities 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> <redacted>

**Sent:** 19 March 2021 12:29

**To:** <redacted>

**Subject:** FW: WHITESHORE - Screening assessment

Hi <redacted>

This is what planning are putting in their screening assessment report.

*The site is situated in a coastal location, on the machair, to the south-west of Paible, North Uist. The application site forms part of a larger site, which was granted planning permission for the burying and ensiling of fish morts in 2005.*

*It is understood that fish morts are classed as Category 2 animal by-products (ABPs) and that the disposal of fish morts by burial was conducted under a derogation for remote areas, for the disposal of ABPs, initially monitored through Comhairle nan Eilean Siar (Animal Health); it was not considered to be a permitted operation regulated by SEPA.*

*In January 2016 the derogation for the disposal of salmon morts by this means ceased to be effective, through an amendment to the Animal By-Products (Enforcement) (Scotland) Regulations 2013. Notwithstanding the Regulations, the Scottish Government (Animal Health and Welfare Division) granted its authority to allow the burial of fish morts to continue, initially for periods of six months and in October 2019, confirmed this burial activity could continue on this particular site, on condition that burial would end when a fish waste processing facility, planned for the site was granted a PPC permit from SEPA.*

*From the applicant's submitted BAT Assessment, it is understood that the aquaculture industry is now required to ensure that they dispose of their waste in accordance with the 2013 Regulations, so that it can no longer be landfilled.*

Thanks for today.

<redacted>

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**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](#) | Sandwick Road | Stornoway | Isle of Lewis | HS1 2BW  
[<redacted>](#) | <redacted> | Ext <redacted> | [www.cne-siar.gov.uk](http://www.cne-siar.gov.uk)

**From:** <redacted>  
**Sent:** 11 March 2021 07:49  
**To:** <redacted>  
**Cc:** <redacted>  
**Subject:** RE: Whiteshore Cockles Ltd, North Uist - fish waste processing site

Hi <redacted>

Just to let you know SEPA have confirmed that they have been in touch with Mr <redacted>

Thanks

<redacted>

<redacted>  
Sponsorship Manager Environment and Forestry Sponsorship Hub  
Future Environment Division  
Scottish Government  
M: <redacted>  
[<redacted>](#)

**From:** <redacted>  
**Sent:** 10 March 2021 09:32  
**To:** <redacted>**Cc:** <redacted>  
**Subject:** RE: Whiteshore Cockles Ltd, North Uist - fish waste processing site

Thanks <redacted>. Hopefully we get to see some progress on the site in the near future.

<redacted>

**From:** <redacted>  
**Sent:** 10 March 2021 09:30  
**To:** <redacted>  
**Cc:** <redacted>  
**Subject:** RE: Whiteshore Cockles Ltd, North Uist - fish waste processing site

<redacted>

I have contacted SEPA and they have already been approached about this and will pick up directly with Mr <redacted> to assist with his application.

I hope that is useful.

Please get in touch if you have any further questions

Thanks

<redacted>

<redacted>  
Sponsorship Manager Environment and Forestry Sponsorship Hub  
Future Environment Division  
Scottish Government  
M: <redacted>  
<redacted>

**From:** <redacted> **Sent:** 08 March 2021 17:48  
**To:** <redacted>  
**Cc:** <redacted>  
**Subject:** Whiteshore Cockles Ltd, North Uist - fish waste processing site

<redacted>/<redacted>

I understand that all SEPA queries are to be directed to the sponsorship team in the first instance.

I have been contacted by <redacted> who is the owner of Whiteshore Cockles Ltd. Mr <redacted> is in the process of developing a fish waste dryer that will dispose of fish mortalities from salmon farms. Whiteshore Cockles Ltd had been burying fish waste at their site in North Uist but following a complaint to the European Commission in 2014, we changed our animal by-products legislation in 2015 to stop the burial of fish waste in Scotland. However, we had a derogation in place that was agreed by the European Commission for Whiteshore Cockles to continue to bury fish waste at their site in North Uist until the fish dryer was operational.

The dryer has been under development/construction for a few years and we expected it to be running by the summer of 2018. However, this timeline has extended due to multiple issues (mainly funding, sourcing equipment and EU Exit), one of which was the deviation from their original plans to increase the dryer capacity meaning the site needed a Part A PPC permit from SEPA. Mr <redacted> has stated he has nearly completed the Part A PPC application (see email below) which needs to be in place before the site can be approved to operate under the Animal By-Products (Enforcement) (Scotland) Regulations 2013. We are keen to see the site operational in a manner that is compliant with this legislation.

Mr <redacted> is looking for an update on when this work will be able to start once his application is submitted to SEPA. Are you able to provide me with an update that I could feedback to Mr <redacted>?

Thanks

<redacted>

<redacted>

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

**Subject:** Whiteshore

Good morning <redacted>,

Hope you are surviving these strange times.

Could you give me a time to call you when it is convenient or could you call me if you get a minute.

No problems to report you will be glad to hear ( apart from SEPA being kaput ) but I can give you an update and I just need a contact to start the ABP application as <redacted> is now retired and I cant seem to find the person who has replaced him.

We have 95% of the Part APPC application completed ( two consultants for 16 months work) and as I believe all the documentation for this will cover nearly everything your dept will require we are now in a position to submit / complete the application.

Best regards

<redacted>

**From:** <redacted>

**Sent:** 05 February 2020 15:26

**To:** <redacted>

**Subject:** Re: Contingency plans

Thanks for this <redacted> it covers everything I need - basically an emergency situation.

It is very unlikely that we would ever have to go down the contingency route. We thought ( although nobody knows where the thought came from) that there was a timescale for us to have to get rid of the morts once we collect them. However I spoke to <redacted> and he confirmed that this isn't the case. We basically make up a preferred method statement with our projected timescales. This takes a lot of pressure off us. Due to ferry timetables and weather conditions it would be impractical to have a rigid timeframe for anything out here anyway.

Thanks once again for your assistance. We are nearly there!

On 5 Feb 2020, at 15:07, <redacted> wrote:

Hi <redacted>

Sorry for this dropping off my work list before Christmas. I have managed to discussed this with my colleagues and in short, we would allow burial of fish morts as an option for your site's contingency plan. However, it must be clear that the burial of fish morts would not be allowed as a day to day management tool and used only in emergency situations.

This would need to be approved, if the contingency option was needed in an emergency, by the Scottish Government and carried out under official supervision. That official supervision may be via the local authority, APHA or an authority approved as authorised persons by Scottish Ministers under the Animal By-Product Regulations depending on circumstances and what measures are put in place.

With regards to monitoring, during an instance of 'a possible disease or infection hitting a few or more of the sites simultaneously', assuming that the disease is listed, it will be for the farm producers to seek permission from Marine Scotland to move their mortalities and that route of disposal would need to be identifiable as bio secure. Again, burial of fish morts at the site would need to be dealt with by a case by case basis if such an outbreak was to occur.

I hope this helps for completing the scoping document and I am happy to discuss this further if needed.

<redacted>

<redacted>

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

**From:** <redacted>

**Sent:** 04 February 2020 11:04

**To:** <redacted>

**Subject:** Contingency plans

Hi <redacted>,

Hope all is well.

Sorry for bothering you but have you got any further with your thoughts / our idea for burial with our contingency plan?

I am getting hassled to produce answers so we can get a " draft scoping document" submitted this week.

All the best

<redacted>

<redacted>

**From:** <redacted>

**Sent:** 19 November 2019 15:19

**To:** <redacted>

**Cc:** <redacted>

**Subject:** Official sensitive: Whiteshore Cockles question on project completion

Hi <redacted>,

I haven't been able to speak to <redacted> today, but from my involvement I am as confident as I can be that this project will be completed.

I understand that <redacted> has invested in the region of £2 million in this project so far. I attended a meeting with SEPA and his suppliers and consultants on 25<sup>th</sup> September 2019. The equipment is being supplied by Tidy Planet, who have been involved in a number of major ABP projects - [www.tidyplanet.co.uk/](http://www.tidyplanet.co.uk/) From that meeting I understood that the manufacture of the equipment, a rendering plant and biomass boiler/incinerator plus ancillary equipment, was at an advanced stage. Delivery was planned before the end of October. The building to house it all has already been built, and a minor alteration to accommodate the incinerator had received planning consent and was being completed. I don't have an update on delivery.

At the meeting it became clear that the impact that increasing the potential throughput would have on PPC permitting had not been appreciated by <redacted>. He was at that point just starting the Part A PPC application process, having recently found and appointed environmental consultants to work on his behalf.

<redacted> submitted a very basic draft ABP Application at the end of last year. Since the meeting in September, which <redacted> didn't attend, I have met with him, and had a few telephone

discussions. I await a revised draft. I am nevertheless hopeful that with the aid of his consultants <redacted> should be able to submit a satisfactory application. From the plans I have seen the initial Approval process should not be too problematic. There are some issues with water supply, drainage and the lack of mains electricity on site, but I believe these can be overcome. The biomass boiler/incinerator will be IED approved by SEPA, so will not require APHA/SG Approval.

So in summary, we have a way to go, but I have confidence in the suppliers and consultants appointed to pursue this project to completion.

Regards

<redacted>

<redacted>

Veterinary Officer

APHA Inverness Field Services Office

**Animal and Plant Health Agency (APHA)**

Telephone: <redacted> | Mobile: <redacted>

Please note my e-mail has changed to <redacted> (It no longer includes .gsi)

Website: [www.gov.uk/apha](http://www.gov.uk/apha) | Twitter: [@APHAgovuk](https://twitter.com/APHAgovuk) | Facebook: [aphagov](https://www.facebook.com/aphagov)

Address: Longman House, 28 Longman Road, Inverness, IV1 1SF

**From:** <redacted>  
**Sent:** 18 November 2019 12:44  
**To:** <redacted>  
**Cc:** <redacted>  
**Subject:** Whiteshore Cockles question on project completion

Hi <redacted>

We received a question from special advisors asking how confident we are that the fish waste drier is in fact in development and being built currently. From my last conversation with <redacted> a couple of weeks ago he stated that the equipment for the fish waste dryer is on its way. Your update email from the start of October also confirmed that the equipment was due to arrive at the end of October.

I would say we are confident the project will be completed. This is based on private investment from the company and continued dialogue on progress, or lack of it. Can I ask for your thoughts on this please? I also think it is worthwhile seeking an update from <redacted> at CnES.

<redacted>

<redacted>

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

**From:** <redacted>  
**Sent:** 13 November 2019 09:11  
**To:** <redacted>  
**Subject:** Re: Whiteshore

Hi <redacted>

Thanks for this.

It doesn't look like we can get anywhere with this as SEPA say it is an Animal Health legislation that can designate our "end of waste" product as a fuel.

Back to the drawing board.

I am still updating Murdoch MacLeod on developments ( or lack of) to see if a common sense approach could be taken with approving or testing our plant but once again I have my doubts.

Thanks again and I will keep you updated.

Best regards

<redacted>

On 12 Nov 2019, at 17:53, <redacted> wrote:

Hi <redacted>

Sorry for not getting back to you sooner. I may have misunderstood your original question about fishmeal being used as fuel no longer being a waste product. The animal by-product (ABP) legislation introduces an "end point" in the manufacturing chain. This end point is for ABPs that have been treated or tested in a way which ensures that the remaining risks are minimal. If these conditions are fulfilled, the processed ABP would no longer be subject to any specific health rules. Instead, under product safety rules, there is an obligation of the manufacturer to place only safe products on the market.

The EU ABP implementing regulation (EC No.142/2011) sets out end points in the manufacturing chain for certain derived products at Article 3. Biodiesel, gasoline and fuels are covered under this article. These are pretty specific and set out the conditions which have certain products have to meet before they can be placed on the market. I think this is slightly different to an end of waste product which SEPA are the experts for. My thinking is that SEPA will still view the processed fishmeal you are producing as a waste even though you are using it as a fuel.

Sorry I am unable to be more helpful.

<redacted>

**From:** <redacted>  
**Sent:** 11 November 2019 15:01  
**To:** <redacted>  
**Subject:** Whiteshore

Hi <redacted>,

Hope all is well.

Just a quick email to ask if your colleague managed to get anywhere with getting our fishmeal designated as a fuel at "end of waste.?"

Could be very important in our "discussions" with SEPA.

Thanks again for your assistance - all the plant is on its way from different parts of Europe.

Best regards

<redacted>

<redacted>

**From:** <redacted>  
**Sent:** 28 October 2019 15:16  
**To:** <redacted>  
**Cc:** <redacted>  
**Subject:** RE: Extension to derogation  
(Annex 5)  
Dear <redacted>

Apologise in the delay in getting back to you. Attached is a letter extending the burial derogation at your site which will cover the time period to apply for a PPC permit from SEPA. The burial derogation will no longer be valid once your site has been granted a PPC permit.

Thanks

<redacted>

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

**From:** <redacted>  
**Sent:** 18 October 2019 09:19  
**To:** <redacted>  
**Subject:** Fwd: Whiteshore Cockles - Today's catch up

Hi <redacted>

Please see attached email from SEPA.

Apparently we will be in breach of the law and could be fined £50k if we run a test with fish to allow your team to approve the system before the PPC permit is issued.

Madness!

Will give you a call later as I would like to pick your brains about the possibility of classifying our finished product as fuel and not waste.

Regards

<redacted>

Begin forwarded message:

**From:** "<redacted>  
**Date:** 17 October 2019 at 16:16:31 BST  
**To:** <redacted>  
**Cc:** <redacted>  
**Subject:** Whiteshore Cockles - Today's catch up

Hi <redacted>

Thanks for today's catch-up providing an update on progress with the Whiteshore Cockles Salmon Morts processing facility. The following summarises the key points that we covered.

#### 1. Commissioning

We discussed the forthcoming arrival of the processing plant and its commissioning. It was emphasised that until a PPC permit has been determined and issued to Whiteshore Cockles that no animal by-product material should be processed in the facility. This includes the period of commissioning to prove the effective operation of the plant and as the PPC Regulations apply from

the moment that this material will start to be used within the plant (the PPC activity has effectively commenced operation). This position is taken to ensure that the potential environmental impacts are adequately controlled to prevent and minimise emissions that could be caused by the commissioning activities. It was also clarified that this does not apply to any dry or wet water functional testing to prove the integrity or operational capability of the plant.

For clarity, if Whiteshore Cockles operates the plant with any animal by-product material without a PPC permit in place then this would be a clear breach of Regulation 11 of the PPC (Scotland) Regulations 2012 (see excerpt below). SEPA would consider undertaking enforcement action in line with its enforcement policy and guidance (<https://www.sepa.org.uk/regulations/enforcement/>). As this would be the operation of an unlicensed activity this could include seeking an interim interdict to prevent operations, reporting to the Procurator Fiscal or issuing variable monetary penalty (the latter two options involve fines up to £40,000 per offence).

**“Permits: requirement for a permit**

—(1) This regulation applies to—

- (a) a Part A installation,
- (b) a Part B installation
- (c) any mobile plant, and
- (d) a solvents installation.

(2) No person may operate an installation or any plant to which this regulation applies except under, and to the extent, authorised by a permit.”

## 2. Planning

Providing a PPC application, as enquired in your email of 11<sup>th</sup> October 2019, will not address SEPA's objection to the current planning application being considered by the local authority. Planning and PPC consentability are linked in that SEPA must ensure that any proposed development subject to planning approval should be capable of gaining the appropriate level of authorisation. We are currently not in that position at the moment as we have not received enough evidence to assure SEPA that the appropriate physical infrastructure, where planning approval is required, is in place to ensure the facility is able to be operated meeting subsequent permit conditions. The standard of this submission is outlined in my email of 10<sup>th</sup> October 2019.

## 3. Continued operation of the burial activities

Thank you for the update regarding Scottish Government's verbal indication that the burial activities will continue to past 1<sup>st</sup> January 2020 until a PPC permit is issued.

## 4. Continuous emissions monitoring

I understand your concerns about the cost involved with implementing a continuous emissions monitoring system (CEMS) but these are deemed to be necessary due to the potential environmental risk if the combustion plant is not operated properly. Combustion conditions for animal by-product co-incineration facilities can produce pollutants of significant concern (dioxins, acid gases, particulate etc) if they are not adequately managed. The use of CEMS is specified in the animal by-products BAT reference ("BREF") document and associated UK guidance which apply to this proposal. This is a European requirement which has been brought in Scottish Regulations by the Scottish Government to provide assurance that such activities are managed to a high standard. As

already indicated in previous correspondence this is due to the scale of the proposed activities being above the Part A activity threshold set out in the PPC Regulations and associated ABP BREF.

5. ABP fish meal as a fuel

My understanding from the position relayed by Animal Health is that for Category 2 material that continue to be ABP until they are subject to the combustion conditions specified with the relevant animal by-product regulations. This means that the Whiteshore Cockles plant will be still subject to Part A PPC controls and meet its relevant standards (including those covered above in Section 3). Should the ABP based fish meal be sent for use as fuel off-site, it will have to be undertaken in a conditions specified in the ABP regulations. An end of waste case for a ABP fish meal fuel is unlikely to be accepted by SEPA unless there is an appropriate product standard that such material can meet.

6. Weekly updates

It would be very welcome if the Whiteshore Cockles team could provide updates regarding progress with the project at least once per week. This request is made to help ensure that all relevant parties are aware of any potential requirements that may need to be considered to help ensure that the relevant regulations are complied with. We understand that the project is at a delicate stage at the moment and SEPA does wish to help as much as it can do within its remit as an environmental regulator. The offer of having discussions to provide feedback around specific proposals to deliver compliance with any potential permit conditions outside of this update still stands.

As ever, do get in touch if you have any further queries.

Kind regards

<redacted>

<redacted>

Specialist I (PPC & COMAH)  
National Technical Support Unit  
Environmental Performance Function  
Compliance and Beyond Portfolio  
Scottish Environment Protection Agency  
Graesser House  
Fodderty Way  
Dingwall Business Park  
Dingwall  
IV15 9XB

Tel:

<redacted> (direct dial)

01349 862021 (reception)

<redacted> (Mobile)

**From:** <redacted>  
**Sent:** 11 October 2019 15:13  
**To:** <redacted> Voas S (Sheila) <<redacted>> Gallego J (Jesus) <<redacted>>  
**Cc:** <redacted>  
**Subject:** RE: Whiteshore Cockles - Extension to derogation to allow burial of fish waste

Hi <redacted>

Extension would appear to be the correct thing to do under the circumstances, and ultimately Ministers will take the final decision. Happy with your approach.

Have a good weekend when it comes.

Best regards

<REDACTED>

Aquaculture Health, Welfare and Innovation Policy Manager  
Marine Scotland – Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe  
Tel: +44 (0)131 244 7007  
E-mail: <redacted>  
Web: <http://www.scotland.gov.uk/marinescotland>  
Mail: Scottish Government, 1B North, Victoria Quay, Edinburgh EH6 6QQ



**From:** <redacted>  
**Sent:** 11 October 2019 14:49  
**To:** <redacted> Voas S (Sheila) <<redacted>> Gallego J (Jesus) <<redacted>>  
**Cc:** <redacted>  
**Subject:** Whiteshore Cockles - Extension to derogation to allow burial of fish waste

As expected, following the SEPA requirement for the site to have a [Part A PPC application](#), Whiteshores have requested an extension to their burial derogation to cover this process. <redacted> stated this process has added extra costs to the fish dryer project and explained if the site had to stop burying waste, they would struggle to finance and complete the project. He had reiterated this <redacted> Minister for Public Finance and Digital Economy when she was at the site last week, hence the involved of <redacted> (Deputy Director, Financial Services Division).

Given the circumstances, I would be content to extend the derogation to cover the PPC application. Does anyone have any comment to make on this?

I will update ministers of our plans going forward. I would expect ministers will have to make a decision on the future of the site if Whiteshores fails to get a permit from SEPA, but for now the decision to extend the derogation can sit with officials.

<redacted>

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

**From:** <redacted>  
**Sent:** 09 October 2019 16:10  
**To:** <redacted>  
**Cc:** <redacted> <<redacted> <redacted>  
**Subject:** Extension to derogation

Dear Mr <redacted>,

Further to our telephone conversation today and your discussion with <redacted> I would greatly appreciate it if you could grant us an extension to our derogation allowing us to bury salmon mortalities as per the current practice.

The current derogation expires on 31/12/2019 and as you requested we will have all the new plant and machinery in place by this date ready for processing the morts. Unfortunately, as you are now aware SEPA are demanding that we now complete a Part A PPC application which means we cannot operate the drier system until this is completed.

We are getting different timescales quoted to us for completing this application and therefore I would be obliged if the derogation could be extended until the PPC process is completed. We have engaged an environmental consultant to process the application so it will be completed as quickly as SEPA allow.

Once again thank you for your cooperation and assistance with this matter.

**From:** Macleod M (Murdoch) <<redacted>@gov.scot>  
**Sent:** 09 October 2019 15:35  
**To:** <redacted>  
**Cc:** <redacted>  
**Subject:** RE: Fish Drying Project , North Uist.

Hi <redacted>

I hope to arrange a meeting which I will facilitate between Whiteshore Cockles and SEPA later this month. In the meantime, I have spoken to my colleague <redacted> who is confident that Whiteshore Cockles have grounds for an extension of derogation until the PPC is complete (subject to confirmation at the meeting which I shall facilitate later this month).

You agreed to call me on 21 Oct to give me an update.

Take care

Murdoch

**Dr Murdoch M Macleod**

Deputy Director, Finance (Financial Services)  
and Location Director for the Outer Hebrides  
The Scottish Government  
Room 3A North, Victoria Quay  
Edinburgh, EH6 6QQ

**Dr Murchadh M Macleòid**

Leas-Stùiriche an Iomhais  
agus Stùiriche Ionadail airson na h-Eileanan an Iar  
Rioghaltas na h-Alba  
3A Tuath, Cidhe Bhictoria  
Dun Eideann, EH6 6QQ

Fon: <redacted>

**From:** <redacted>  
**Sent:** 09 October 2019 16:54  
**To:** <redacted>(<RFDACTFD>) <redacted> <redacted>  
**Cc:** <redacted>  
**Subject:** RE: Fish Drying Project , North Uist.

Thanks <redacted>

Grateful to be kept updated. Will leave with the EQD as to whether they might wish to query with SEPA separately given current aquaculture sensitivities.

Best regards

<REDACTED>

Aquaculture Health, Welfare and Innovation Policy Manager  
Marine Scotland – Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe  
Tel: <redacted>  
E-mail: <redacted>  
Web: <http://www.scotland.gov.uk/marinescotland>  
Mail: Scottish Government, 1B North, Victoria Quay, Edinburgh EH6 6QQ



**From:** <redacted>  
**Sent:** 09 October 2019 16:45  
**To:** <redacted>(MARLAB) <redacted>  
**Cc:** <redacted>  
**Subject:** RE: Fish Drying Project , North Uist.

Hi <redacted>

I spoke to <redacted> from Whiteshore Cockles this afternoon. I asked him to formally write to me seeking an extension to their derogation to allow fish waste to continue to be buried at their site in North Uist.

Murdoch MacLeod (Deputy Director, Finance and Location Director for the Outer Hebrides) is arranging a meeting with Whiteshores and SEPA later this month. I am unlikely to raise this issue with SEPA directly but if we decide to grant an extension

to the derogation, I would want it to cover the time period for the Pollution Prevention and Control (PPC) permit to be completed.

<redacted>

<redacted>

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

**From:** <redacted>  
**Sent:** 09 October 2019 14:40  
**To:** <redacted>(MARLAB)<redacted>  
**Cc:** <redacted>  
**Subject:** RE: Fish Drying Project , North Uist.  
**Importance:** High

Hi <redacted>

Thanks for this.

I am copying correspondence (below and attached) to EQD division and the wider aquaculture team as issue with delays to the issue of CAR licences has been raised recently by the aquaculture industry who have issued a letter of complaint to SEPA, and is frequently raised at the aquaculture industry leadership group – where this also has the potential to be raised.

I note the original feed in was from Financial Services Division/ Murdoch – are there plans for SG to respond, or is an action waiting with SEPA to respond? Has the SEPA position been confirmed?

Best regards

<REDACTED>

Aquaculture Health, Welfare and Innovation Policy Manager  
Marine Scotland – Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe  
Tel: <redacted>  
E-mail: <redacted>

Web: <http://www.scotland.gov.uk/marinescotland>

Mail: Scottish Government, 1B North, Victoria Quay, Edinburgh EH6 6QQ



**From:** <redacted>

**Sent:** 09 October 2019 13:13

**To:** <redacted>(MARLAB)<redacted>

**Subject:** FW: Fish Drying Project , North Uist.

For info. Further details on SEPA engagement with Whiteshores.

Ian

**From:** Macleod M (Murdoch) <<redacted>@gov.scot>

**Sent:** 09 October 2019 12:57

**To:** <redacted>

**Cc:** <redacted>

**Subject:** RE: Fish Drying Project , North Uist.

Hi there

Fed into the system

Take care

Murdoch

**Dr Murdoch M Macleod**

Deputy Director, Finance (Financial Services)  
and Location Director for the Outer Hebrides  
The Scottish Government  
Room 3A North, Victoria Quay  
Edinburgh, EH6 6QQ

**Dr Murchadh M Macleòid**

Leas-Stùiriche an Iomhais  
agus Stiùiriche Ionadail airson na h-Eileanan an Iar  
Rioghaltas na h-Alba  
3A Tuath, Cidhe Bhictoria  
Dun Eideann, EH6 6QQ

Fon: <redacted>

**From:** <redacted>  
**Sent:** 09 October 2019 12:37  
**To:** Macleod M (Murdoch) <redacted@gov.scot>  
**Cc:** <redacted>  
**Subject:** Fish Drying Project , North Uist.

Dear Murdoch,

As requested please find below a brief outline of our fish drying project to date and the possible consequences of SEPA requesting that we submit a Part A PPC application in order to begin operations.

We currently have a derogation in place to continue burying the fish mortalities until 31/12 /2019 which was granted by <redacted> , Directorate for Agriculture and Rural

Economy ( whom I have copied in to this email ) and our timescale for completion of this project has been dictated by this deadline. We have equipment already in situ in Manchester with various parts being shipped from Italy, Spain and Czechoslovakia within the next few weeks. The plant, at a total cost approaching two million pounds will then all be assembled in North Uist and ready for full scale processing by the end of the year.

We have kept in touch with the various governing and monitoring agencies to update them on our progress over the last few years since the project began and were aware that we required approval / certification from the Animal Health Plant Agency and SEPA. I met with AHPA yesterday in Inverness and we have started the application process which will lead to their approval. This will not hold up proceedings as the final approval cannot be given till they validate the plant whilst testing it in operation.

Our planning application ref no : 14/00333/PPD to "erect shed for drying of fish morts" received the following response from SEPA. ( I have only shown below the relevant points but the complete text is available on the Comhairle Nan Eilean Siar website)

1. Comment Date: Tuesday 7 October 2014.

" We have no objection to this planning application. Consult the APHA for advice on how they will regulate the proposals."

1.2." Our local operation team has been in discussions with the operator regarding this proposal as it is novel technology for dealing with fish morts.'

1.3 " based on the information provided to date we **do not consider it is likely that the process will require a PPC permit from us. "**

They then mention that a permit is only required if there is an emission to air or give rise to an offensive smell outside the premises. We have been operating for 14 years whilst having the morts outside waiting for burial and the instances of any smell offending anyone ( the nearest house is about half a mile away) are rare. This can be checked with the local Animal Health Officer who monitors our operations. Our new system will have all the morts in a sealed building to contain any smells or odour.

1.4 " There may be role for a Waste Management Licence"

1.5 "From the local teams discussions with the operator it does seem likely that they will need require an authorisation from us under the Water Environment ( Controlled Activities ) (Scotland) Regulations (CAR) as the process gives rise to steam which is condensed and a liquid needs to be discharged. No information has been provided on likely quantity or quality of this discharge , however it is likely to be able to gain authorisation from us."

If SEPA continue to insist on a full Part A or B PPC application this could take up to eight months to complete and cost tens of thousands of pounds which we have not budgeted for and can barely afford. We have engaged <redacted>, Managing Director, Atmos Consulting , who is an environmental consultant to assist us with the applications to AHPA and what we believed to be the simple applications mentioned above in the SEPA response.

As mentioned above we have been dealing with the local SEPA officials who know how we operate and have local knowledge of the situation. **Why have they now been ignored and why has the advice given to us in 2014 ( which we have been following ) now been overturned? The advice given in 2014 would appear to be**

**appropriate in this case for the very low environmental impact and low emissions which our dryer system will generate.**

If our derogation expires and we are no longer allowed to receive mortalities for burial and SEPA do not allow us to use the new plant the environmental and economic impact on our island communities will be immense. The fish farms would then have to arrange collection of the morts from a mainland transport haulier, make a return journey on a ferry to the mainland ( if allowed, as there have already been murmurings of discontent for this practice to continue on the Stornoway - Ullapool route) and then travel hundreds of miles to a rendering plant in the south of the country. As we cater for all the Western Isles area and have an experienced and dedicated transport system in place to deal with all eventualities we can predict that this would be a logistical nightmare to arrange. During the summer months it is impossible to get a booking for a car on the ferries at short notice so a bulker lorry would be almost impossible. The scenario of hundreds of tons of fish mortalities lying around the Western Isles for days / weeks waiting to be collected and transported away is a distinct possibility. Instead of SEPA protecting the environment they will have created an environmental disaster which will receive national media coverage. The " One Show " on BBC last year made a damaging video clip of one lorry transporting morts from the north of Scotland to the Borders. The impact of what the media would show with scores of lorries transporting from the islands would cause huge damage to the salmon industry which is vital to Scotland's economy.

In terms of economic loss our company's huge financial investment could prove to be crippling if the morts were directed to the mainland for disposal. We are currently looking to engage more staff to help with the expected increase in business that the new plant will generate and these jobs will be lost as well as the current staff. The transport network we have created employs full-time and part time employees and these jobs would also be lost. The financial impact on the fish farms having to transport morts to the mainland could also affect their long term planning for expansion in the Western Isles as we have contracts with all the major companies which offer them very competitive terms and an excellent service for disposing of their mortalities.

As explained earlier we only have a matter of days to try and reach a solution to this problem as all the machinery is leaving the factories shortly and we will have to assess if it is still economically viable for us to continue with the project if a simple solution cannot be found.

Thank you for your assistance in this matter and if you require any further information please do not hesitate to call me anytime.

**From:** <redacted>  
**Sent:** 09 October 2019 09:48  
**To:** <redacted>  
**Cc:** <redacted>  
**Subject:** Official Sensitive: Whiteshore Cockles Ltd

<redacted> and <redacted>,

I attended a meeting with SEPA, Dingwall and consultants representing Whiteshore Cockles Ltd on 25<sup>th</sup> September. I subsequently met with <redacted> yesterday.

<redacted> is working with Tidy Planet, who are supplying a continuous rendering plant, which will be integrated with a biomass incinerator. The equipment has been manufactured and is due for delivery to North Uist before the end of October.

Yesterday's meeting was arranged to discuss the plans and advise <redacted> on his ABP Application for processing/rendering. He is installing a continuous method 4 cooker, which will require validation. The biomass incinerator will be IED approved so will not require ABP Approval. There is some work to be done on internal layout, product flows, HACCP, clean/dirty separation and personnel movements. However in principle I see no major barriers to ABP Approval at this point.

SEPA consents are a different issue. I understand that due to an increase in the throughput of the proposed plant that it will now require a Part A, rather than Part B PPC Permit, as originally envisaged. Consultants had just been appointed to draft the PPC Application at the time of the meeting with SEPA. SEPA will take a minimum of 4 months from receipt of a satisfactory application to issue a permit. In reality the timescale will be more like 6-9 months (not including the time to write the application).

I understand that Whiteshore Cockles Ltd's derogation to allow burial of Category 2 salmon mortals expires on 31<sup>st</sup> December 2019. Whilst the equipment could be installed and operational in November, the site will not have SEPA consent to operate until May/June 2020 at the earliest. Provisional ABP Approval should be possible before that, but both SEPA and SG Approval must be in place before the plant is commissioned. Validation will take place after that.

I expect that <redacted> will be in touch to request a further extension to his derogation. I understand that he is in dialogue with Ministers, in particular with regard to SEPA requirements and timescales.

Regards  
<redacted>

<redacted> **BVM&S MRCVS**  
Veterinary Officer  
APHA Inverness Field Services Office

**Animal and Plant Health Agency (APHA)**  
Telephone: <redacted> | Mobile: <redacted>  
Please note my e-mail has changed to <redacted> (It no longer includes .gsi)  
Website: [www.gov.uk/apha](http://www.gov.uk/apha) | Twitter: [@APHAgovuk](https://twitter.com/APHAgovuk) | Facebook: [aphagov](https://www.facebook.com/aphagov)  
Address: Longman House, 28 Longman Road, Inverness, IV1 1SF

**From:** <redacted>  
**Sent:** 29 August 2019 10:34  
**To:** <redacted>  
**Subject:** RE: Fish waste Site, North Uist.

Hi <redacted>

Given that this material will be disposed as landfill until the fish dryer is operational, I don't see any disease control reasons for not allowing it in extreme circumstances.

Won't this still be non-compliant with the legislation? Or does it make allowances for landfill disposal during disease outbreaks?

Regards

<redacted>

**From:** <redacted>  
**Sent:** 28 August 2019 17:38  
**To:** <redacted>**Cc:** <redacted>  
**Subject:** FW: Fish waste Site, North Uist.

All

Update on Whiteshores. All seems good but they are looking for our thoughts on burial being an option in extreme circumstances. What are your thoughts?

Mine are as long as Council continue to supervise, possibly notify us when/if it ever happens, it could be allowed. Need guidelines/guidance on when it could be an option.

I am going to be on leave and will be back on 10 September, I'll send a holding reply to <redacted>

<redacted>

**From:** <redacted>  
**Sent:** 27 August 2019 12:28  
**To:** <redacted>  
**Cc:** <redacted>  
**Subject:** Fish waste Site, North Uist.

Dear <redacted>,

Hope all is well and life is treating you ok.

Everything is on track with the equipment etc for the Fish processing site in North Uist and we are hopeful that everything will be in place by the end of October and all the teething problems etc will be sorted and we will be in full production with the new system by the year end. We had a visit today from Jamie Hepburn the Minister for Business and he showed a great interest in our project.

We are very hopeful that we will eventually be processing all the morts from all the sites in the Western Isles and all the fish farming companies are keen to support this alternative to the mainland transportation that some sites are currently undertaken.

With so many people involved in the process i.e. Fish farm employees, transport drivers and our own staff I am keen to make up a Method Statement and Processing Flow Chart which will allow everybody to know exactly what they do , and cant do, in any situation that arises. We have had a couple of instances recently of staff not knowing or understanding some of the planning restrictions we work under e.g. no deliveries after 9 p.m. or on a Sunday ( to respect the religious practices on North Uist.) and we need to make sure that everyone involved knows the correct procedures.

To this end I have had discussions with <redacted>, Animal Health Officer for Comhairle Nan Eilean Siar, and we have concerns about a possible disease or infection hitting a few or more of the sites simultaneously in which case we cannot cope with processing the tonnage within the SEPA time restrictions. We are in the process of building a shed with a storage pit which will more than cater for all the tonnage we can expect to get in normal circumstances based on our 14 years experience and the increase in the farming capacities.

If, and this is a big If, we get an extremely rare situation as explained above would it be possible to revert back to our previous burial method to clear any backlog and prevent mortalities having to be transported to a mainland waste site? We do not expect this situation to happen but we cannot control the forces of nature and possible mechanical breakdown.

Your thoughts on this matter would be appreciated. I have copied <redacted> into this email.

-----  
From: <redacted>  
Sent: 27 March 2019 11:40  
To: <redacted>  
Cc: <redacted>  
Subject: RE: Derogation

Hi <redacted>

Thank you for forwarding on the update from <redacted> with his request to seek an extension to the fish waste dryer project completion date. We are satisfied with the reasoning behind the delay and can confirm that Scottish Ministers have agreed with the project extension, allowing fish mortalities to be buried at the Whiteshore Cockles site in North Uist until 31 December 2019.

Let me know if you need any further information.

<redacted>

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

From: <redacted>  
Sent: 11 March 2019 10:28  
To: <redacted>  
Subject: RE: Letter SW 22.02.2019.pdf

Morning <redacted>  
Sorry for delay but just back from leave.  
Yes, as far as I am aware he is funding the project privately.  
Cheers  
<redacted>

-----Original Message-----  
From: <redacted>  
Sent: 01 March 2019 13:59  
To: <redacted>  
Subject: RE: Letter SW 22.02.2019.pdf

[External Email]

Hi <redacted>

Just a quick question hopefully you can answer. Has the fish waste dryer at Whiteshores been funded privately? I am pretty sure the answer is yes which has been one of the reasons for the delay i.e. they had to find money to resource the project.

<redacted>

From: <redacted>  
Sent: 27 February 2019 17:15  
To: <redacted>  
Cc: <redacted>  
Subject: RE: Letter SW 22.02.2019.pdf

[External Email]

Thanks <redacted>

I will discuss extending the derogation with my colleagues but ultimately we will need Ministerial approval on this. I should have a formal response to you hopefully within the next 3 weeks.

<redacted>

<redacted>

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

From: <redacted>  
Sent: 22 February 2019 13:50  
To: <redacted>  
Subject: Derogation

[External Email]

Dear <redacted>,

Further to our conversation last week please find attached a letter from Tidy Planet Ltd outlining the delivery schedules for the equipment to use in our innovative system of drying the salmon mortalities.

As you are aware we have been three years in finalising the equipment and the total investment made by our company in the project will be almost £2m by the time the plant is installed. Due to the increase in the geographical area we intend to service and the ever expanding stocking densities of the fish farms we have had to increase the capacity of the processing plant greatly to cater for all possible mortalities. It seemed pointless going ahead with the smaller capacity which couldn't handle all the requirements of the main Fish Farming companies. This drying plant and storage facility will enable us to cater for all eventualities within the Western Isles for the foreseeable future. This will then stop all transportation of morts to the mainland and the environmental and logistical problems this creates.

Taking into consideration all the worst possible scenarios ( and Brexit) we will have the full plant operational by October 2019 at the very latest.

Could you on our behalf ask <redacted> for an extension to our derogation till the end of October. We can guarantee that we will have a full collection and disposal service in place by then and no further extensions will be asked / applied for.

We appreciate the problems that you and <redacted> had to deal with last Autumn but this project when completed will satisfy all requirements from the Fish Farm companies , Animal Health and SEPA.

If you require any further information including copies of quotations and lists of the machinery we have ordered please do not hesitate to get in touch.

Best regards as always.



Redwood Court, Tytherington Business Park,  
Macclesfield, Cheshire, SK10 2XH

Tel: +44 (0)1625 666798

hello@tidyplanet.co.uk  
www.tidyplanet.co.uk

Whiteshore Cockles  
Whiteshore  
Kyles, Paible  
Isle of North Uist  
HS6 5DY

22<sup>nd</sup> February 2019

Dear [REDACTED],

Further to my telephone call last week, I wanted to provide you with a detailed update on the current state of the order for the fish mort system.

Following your order placement last September where we had agreed on the supply of a system to process up to 20 tonnes of fish mort per day, we completed the detailed design of the system based on this requirement and placed a number of orders for the individual items of equipment that make up the fish mort to fertiliser system. Many of these items were on 5 – 6 month delivery and we now have these in our workshop.

However following the higher incidence of mortality that you experienced at the end of last where you on occasion received up to 40 tonnes of mort in 24 hours and over 1000 tonnes in one month, we had to suspend the work on the dryers as they would not be able to process more than 20 tonnes per day. In addition, as confirmed by Animal Health, you are not able to store mort for longer than 48 hours following receipt to your site and this mean that we had to re-design the main part of the drying and separation system to move from a fixed capacity batch type system to a semi continuous system that provides you with a significantly increased capacity of up to 50 tonnes per day.

As the system is bespoke to your requirements and is significantly smaller than a commercial fish waste processing facility and yet substantially larger than a farm based system, we have had to design a continuous cooker and batch dryer from scratch and this has taken much longer than anticipated as there is no pre-existing equipment to base our design on.

We have had to test each stage of the process to ensure that it will be as efficient as we need it to be as there is a limited supply of electricity and other services on the site and now that we have completed this, we have finalised the new designs and gone back to our manufacturers for lead times.

I'm very sorry to inform you that the best lead times we can get for this specialised equipment manufacture is 28 weeks, as the designs have to be approved by an international body for pressure rated equipment and their lead times have been extended as a result of a rush for approvals before the end of March in case there are any implications following Brexit.

I wish to assure you that we are doing everything that we can to reduce the manufacturing times in order to minimise the delay, but this is the result of the need to increase the capacity of the equipment whilst delivering a solution that meets your requirements.

Kind regards,



[REDACTED]  
Managing Director  
Tidy Planet Limited



Agriculture and Rural Economy Directorate  
Animal Health and Welfare Division



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

T: [REDACTED]  
E: [REDACTED]

Mr [REDACTED]  
Whiteshore Cockles Ltd  
Whiteshore  
Kyles, Paible  
Isle of North Uist  
HS6 5DY

28 October 2019

Dear Mr [REDACTED]

**ANIMAL BY-PRODUCTS (ENFORCEMENT) (SCOTLAND) REGULATIONS 2013  
DISPOSAL OF FISH WASTE BY BURIAL IN NORTH UIST**

Thank you for your email of 9 October requesting an extension to the derogation to allow Whiteshore Cockles Ltd to continue to bury fish waste as per the current practice.

You had indicated that the Scottish Environment Protection Agency (SEPA) requires your fish waste drying equipment to have a permit for "Part A" activity under the Pollution Prevention and Control (Scotland) Regulations 2012. SEPA have confirmed that no animal by-products can be processed until a PPC permit is in place. From my discussions with my colleagues in the Animal and Plant Health Agency (APHA), I understand that SEPA will take a minimum of 4 months from receipt of a satisfactory application to issue a PPC permit.

Going on your original timescale that your equipment could be installed and operational in November, your site will not have SEPA consent to operate until May/June 2020 at the earliest. As SEPA consent is needed before your site can be approved under the Animal By-Products (Enforcement) (Scotland) Regulations 2013, we can confirm that authority is granted to continue to bury fish waste on site with the condition that burial ends when your site is granted a PPC permit.

A copy of this letter has been sent to Comhairle nan Eilean Siar, SEPA and the Animal and Plant Health Agency.

Yours sincerely

[Redacted signature block]

Animal Health – Disease Prevention

Saughton House, Broomhouse Drive, Edinburgh EH11 3XD  
www.gov.scot



INVESTORS  
IN PEOPLE

Accredited  
Until 2020



**From:** <redacted>

**Sent:** 15 October 2018 16:10

**To:** <redacted>

**Subject:** Whiteshore Cockles Ltd

(ANNEX 1)

Dear <redacted>,

Please find attached letter updating you on all the plant and machinery etc we have ordered for the drier system.

As you previously advised we are hoping to have everything in place and operating by the end of march 2019.

Best regards

**From:** <redacted>

**Sent:** 05 October 2018 08:43

**To:** <redacted>

**Subject:** Re: Correspondence from the Scottish Government

Dear <redacted>

Thanks for your letter requesting an update on the installation of the drier system.

The manufacturers whom we have ordered the plant from are back in Uist on the 11 th of this month to finalise positioning etc so we can get all the drainage , electrics in place before the machinery arrives.

I will get an update on delivery schedules from them then and send you a complete report on the equipment and timescales involved.

I have been in touch with <redacted> and I am currently completing the licence application as the manufacturers have now agreed a method system with her.

Thanks for your patience as I fully understand the pressures that have put on you.

Regards

<redacted>

On 4 Oct 2018, at 12:07, <<redacted> wrote:

Dear <redacted>

Please see the attached letter seeking an update on the progress you are making towards installing a fish waste drying system at Whiteshore Cockles Ltd.

Thanks

<redacted>

<redacted>

The Scottish Government  
Directorate for Agriculture & Rural Economy  
Animal Health & Welfare  
P-Spur, Saughton House,  
Broomhouse Drive,  
Edinburgh, EH11 3XD

Agriculture and Rural Economy Directorate  
Animal Health and Welfare Division



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

T: [REDACTED]  
E: [REDACTED]

Mr [REDACTED]  
Whiteshore Cockles Ltd  
Whiteshores  
Kyle  
Pailble  
Isle of North Uist  
HS6 5DY

4 October 2018

Dear Mr [REDACTED]

I am writing to you to seek an update on the progress you are making towards installing a fish waste drying system at Whiteshore Cockles Ltd.

As you will be aware, when we contacted the European Commission about seeking an extension to continue disposing of salmon mortalities by burial at Whiteshore Cockles Ltd we initially sought a 6 month derogation. This derogation was granted but the timing has well exceeded the original 6 months. The Scottish Government will not allow the burial of fish waste to continue indefinitely at Whiteshore Cockles Ltd.

To keep Scottish Ministers updated, I would be grateful if you could provide me with a timeline that sets out the progress you have made so far and when you expect the system to be operational. The timeline should contain a breakdown of important milestones, such as planned changes to infrastructure plus equipment delivery and installation dates. Validation time by the Animal and Plant Health Agency for approving the fish waste drying system under the Animal By-Products (Enforcement) (Scotland) Regulations 2013 should also be considered.

Please could you provide me with this information by 26 October 2018. A copy of this letter has been sent to Comhairle nan Eilean Siar, the Scottish Environment Protection Agency and the Animal and Plant Health Agency.

Yours sincerely

[REDACTED]

Animal Health – Disease Prevention

**From:** <redacted>

**Sent:** 27 September 2018 11:16

**To:** APHA Corporate Correspondence <[APHA.CorporateCorrespondence@apha.gsi.gov.uk](mailto: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](http://www.cne-siar.gov.uk)

**From:** APHA Corporate Correspondence  
[<mailto:APHA.CorporateCorrespondence@apha.gsi.gov.uk>]  
**Sent:** 25 September 2018 08:12  
**To:** <redacted>  
**Cc:** APHA Corporate Correspondence  
**Subject:** FW: Salmon - disposal on beach - Isle of Lewis.

Good Morning <redacted>,

APHA received an enquiry from "Visit Scotland" following a complaint from a visitor about salmon being buried on a beach at Great Bernera. "Visit Scotland" are seeking guidance on what they should advise any other visitors who might contact them about this.

I am in the process of producing a draft response to them and the Animal by Products team (ABP) suggested that I notify you of this complaint to find out if you have any comments or wish to provide input to this.

(See email chain for history.)

Many thanks

<redacted>

Complaints & Correspondence Manager.  
Executive Support & Correspondence Management  
email: [APHA.CorporateCorrespondence@apha.gsi.gov.uk](mailto:APHA.CorporateCorrespondence@apha.gsi.gov.uk)

**Animal and Plant Health Agency (APHA)**

Email: <redacted> Website: [www.gov.uk/apha](http://www.gov.uk/apha) | Twitter: [@APHAgovuk](https://twitter.com/APHAgovuk) | Facebook: [aphagov](https://www.facebook.com/aphagov)  
Address: APHA, Room B1, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.

**From:** <redacted>

**Sent:** 24 September 2018 13:24

**To:** APHA Corporate Correspondence <[APHA.CorporateCorrespondence@apha.gsi.gov.uk](mailto:APHA.CorporateCorrespondence@apha.gsi.gov.uk)>

**Cc:** <redacted>

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

I would support the advice from <redacted> to notify the local council, Comhairle nan Eilean Sair (CnES), about this complaint. The best person to contact is <redacted> by email at <redacted> or by phone on <redacted>.

The legal position on disposing of fish mortalities is to use an approved animal by-product (ABP) disposal route. At the start of January 2016 we amended the Animal By-Products (Enforcement) (Scotland) Regulations 2013 to stop aquatic ABP being sent to licensed landfill sites for disposal. This was following a compliant made to the European Commission that the UK was making use of a derogation for remote areas in such a way that the majority of the aquaculture industry in Scotland takes place within the derogated remote areas (The remote areas derogation allows burial or burning of ABPs 'on site' rather than by via authorised routes such as incineration or rendering, or anaerobic digestion).

The picture below looks like it is from Whiteshore Cockles in North Uist. Whiteshore Cockles is currently operating under a derogation (approved by the European Commission) to allow the burial of salmon morts until a legally ABP compliant disposal route is put in place on site. This is the only site in Scotland that can bury aquatic ABP.

Scottish Government are keen that the use of the Whiteshore Cockles burial site should not continue indefinitely because there are several distinctly preferable disposal options available to the salmon producers of the Western Isles. However, we recognised that CnES is acting to improve the current situation and allowed CnES to supervise the site with an ultimate objective for changing to better (and fully legal) disposal methods, in mind.

At present the ABP compliant disposal route is still not operational. Whiteshore Cockles continues to operate as a burial site for fish waste under the supervision of CnES.

Let me know if you need more information.

<redacted>

<redacted>

The Scottish Government  
Directorate for Agriculture & Rural Economy  
Animal Health & Welfare  
P-Spur, Saughton House,  
Broomhouse Drive,  
Edinburgh, EH11 3XD

Tel: <redacted>

Fax: <redacted>

**From:** APHA Corporate Correspondence  
<[APHA.CorporateCorrespondence@apha.gsi.gov.uk](mailto:APHA.CorporateCorrespondence@apha.gsi.gov.uk)>  
**Sent:** 24 September 2018 12:46  
**To:** <redacted>  
**Cc:** APHA Corporate Correspondence <[APHA.CorporateCorrespondence@apha.gsi.gov.uk](mailto:APHA.CorporateCorrespondence@apha.gsi.gov.uk)>  
**Subject:** Salmon - disposal on beach - Isle of Lewis.

Hi <redacted> & <redacted>,

Are you able to provide a comment on this issue.

Thanks

<redacted>

Complaints & Correspondence Manager.

Executive Support & Correspondence Management

email: [APHA.CorporateCorrespondence@apha.gsi.gov.uk](mailto:APHA.CorporateCorrespondence@apha.gsi.gov.uk)

**Animal and Plant Health Agency (APHA)**

Email: <redacted>

Website: [www.gov.uk/apha](http://www.gov.uk/apha) | Twitter: [@APHAgovuk](https://twitter.com/APHAgovuk) | Facebook: [aphagov](https://www.facebook.com/aphagov)

Address: APHA, Room B1, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.

**From:** <redacted>

**Sent:** 24 September 2018 12:40

**To:** APHA Corporate Correspondence <[APHA.CorporateCorrespondence@apha.gsi.gov.uk](mailto:APHA.CorporateCorrespondence@apha.gsi.gov.uk)>

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

<redacted>.

I think we need a lead from Scottish government on this. The two contacts dealing with mass  
morts in Salmon farms are <redacted> (<redacted>[@gov.scot](mailto:)) and <redacted>  
([@gov.scot](mailto:)).

The picture does not look great and seems to be fly tipping but if we run it by SG and then  
refer to APHA and LA to investigate

<redacted>

**From:** APHA Corporate Correspondence  
**Sent:** 24 September 2018 12:26  
**To:** <redacted> (APHA) <<redacted>>  
**Cc:** APHA Corporate Correspondence <[APHA.CorporateCorrespondence@apha.gsi.gov.uk](mailto:APHA.CorporateCorrespondence@apha.gsi.gov.uk)>  
**Subject:** FW: Salmon - disposal on beach - Isle of Lewis.

Hi <redacted>,

Please see email chain.

I have been led to believe that there is a temporary concession to allow the disposal of dead fish from salmon farms by burial due to the excessive distances to travel to dispose by normal means.

Before I respond to this enquiry from Visit Scotland, tourist board. Are you aware of an agreement to allow for the burial of dead salmon on the beach at Bernara, Isle of Lewis? Or would this be a local arrangement?

Regards

<redacted>

Complaints & Correspondence Manager.  
Executive Support & Correspondence Management  
email: [APHA.CorporateCorrespondence@apha.gsi.gov.uk](mailto:APHA.CorporateCorrespondence@apha.gsi.gov.uk)

**Animal and Plant Health Agency (APHA)**

Email <redacted> Website: [www.gov.uk/apha](http://www.gov.uk/apha) | Twitter: [@APHAgovuk](https://twitter.com/APHAgovuk) | Facebook: [aphagov](https://www.facebook.com/aphagov)  
Address: APHA, Room B1, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.

**From:** MS FishHealth  
**Sent:** 11 September 2018 09:20  
**To:** <redacted>  
**Subject:** RE: Our Ref: 658-26282 / 65506 – Salmon

Morning

I don't know if you saw the report on The One Show last night about Vacasay, but below is a still image from Whiteshore Cockles, the waste disposal site, which is identical to the photo that was sent to Visit Scotland and reported to have been taken at a beach on Bernera.

It might be worth forwarding this to APHA and the LA in case they didn't see the show

Cheers

<redacted>



**From:** MS FishHealth  
**Sent:** 10 September 2018 15:13  
**To:** <redacted>  
**Subject:** RE: Our Ref: 658-26282 / 65506 – Salmon

Hi

They have a generic email address [APHA.Scotland@apha.gsi.gov.uk](mailto:APHA.Scotland@apha.gsi.gov.uk), but it is the Inverness office that covers Western Isles. I was on Lewis with <redacted> from the Inverness office last week, her email address is <redacted>, but I'm not sure if she has a specific role in relation to disposal of fish.

I don't have an email address, but I was speaking with <redacted> from WI council last week and he is one of their Environmental Health Officers who I think has been dealing with the disposal of fish from the some of the farms. His phone number is <redacted>

Cheers

<redacted>

**From:** <redacted> On Behalf Of <redacted>  
**Sent:** 10 September 2018 13:58  
**To:** Marine Scotland Mailbox <[Marine\\_Scotland\\_Mailbox@gov.scot](mailto:Marine_Scotland_Mailbox@gov.scot)>  
**Subject:** Our Ref: 658-26282 / 65506 – Salmon

Good afternoon

I am hoping you can give some guidance on the following matter. Our CEO was recently contacted by a visitor to Lewis who had encountered a large deposit of dead salmon on the beach at Great Bernera. I have attached a copy of a photo taken by the visitor.

Given recent news coverage regarding salmon farming in the area, I would be grateful if you were able to give some guidance on what we should advise any other visitors who may contact us about this matter.

Yours sincerely

<redacted>  
Partnerships Operations Executive  
VisitScotland  
Great Glen House  
Inverness  
IV3 8NW  
Email: <redacted>  
Tel: <redacted>

**From:** <redacted>  
**Sent:** 19 September 2018 12:48  
**To:** <redacted>  
**Subject:** FW: SALMON DISPOSAL AT WHITESHORF COCKLEFS 6.9.18  
**Importance:** High

(ANNEX 2)

**From:** <redacted>  
**Sent:** 06 September 2018 17:39  
**To:** <redacted>  
**Cc:** <redacted>

**Subject:** FW: SALMON DISPOSAL AT WHITESHORE COCKLES 6.9.18  
**Importance:** High

<redacted>, please find attached report – It would appear that ABP approval is still at least 4 months away.

<redacted> thanks for prioritising this today before going on leave.

<redacted>

**<redacted> BVM&S MRCVS**

APHA Veterinary Lead North Scotland

Telephone: <redacted> | Mobile: <redacted>

**From:** <redacted>

**Sent:** 06 September 2018 16:35

**To:** <redacted>

**Cc:** <redacted>

**Subject:** SALMON DISPOSAL AT WHITESHORE COCKLES 6.9.18

**Importance:** High

Good afternoon <redacted>

Please find attached a quick report on the burial site at Whiteshores, North Uist that I hope answers your questions about the site.

Kind regards

**<redacted>**

Veterinary Officer

**APHA Inverness Field Services Office**

Longman House  
28 Longman Road  
INVERNESS  
IV1 1SF

**T:** <redacted>

**M:** <redacted>

**F:** <redacted>

**E:** <redacted>

**MEMORANDUM**

From: [REDACTED]  
Location: APHA Inverness  
Tel: [REDACTED]  
Mobile: [REDACTED]  
Date: 06/09/2018

To: [REDACTED], VLS

Cc: [REDACTED], VA

Re: **SALMON DISPOSAL AT WHITESHORE COCKLES**  
**Whiteshore, Kyles, Paible, Isle of North Uist, HS6 5DY**  
Map ref: NF754672 ABP reg number U1141549 (haulier)

**Background**

1. The site at Whiteshores has been operating as a burial site for dead salmon since 2004. I have only visited the site once on the 12<sup>th</sup> December 2012 with Mr [REDACTED], CnES and [REDACTED], SG as a fact finding visit (copy of report attached).
2. The premises is not approved under the ABP legislation but is a registered as a haulier (U1141459) dated 04/03/2013.
3. A letter from Scottish Government dated 3<sup>rd</sup> September 2013 outlined the current situation confirming that the operation did not comply with the remote area derogation and was not under official supervision as a licenced landfill site and a deadline of the 1<sup>st</sup> January 2014 was set for fish farms to stop using the site.
4. The site has continued to operate on the understanding that it would stop once it had full ABP approval as a method 1 processing plant.

### **Current situation**

1. A completed APBR07 application for approval to process cat 2 ABP using method 1, was received in June 2015.

2. The applicant, Mr [REDACTED] was intending to have the infrastructure completed in March and the processing unit installed by June 2015.

3. To date the shed and infrastructure has been completed and on order placed for the processor which should arrive in 3-4 months. After installation the plant requires validation that will require at least 30 days of operation to be completed and a site

visit by APHA therefore the earliest the plant could be fully approved by would be the end of January 2019.

4. The fish farming industry are of the belief that the site has a derogation to bury salmon and that it is a legal method for the disposal of salmon morts.

### **Options**

1. As the premises is not ABP approved or operating as a licenced landfill site, it should be stopped from operating by the local authority, Comhairle nan Eilean Sair as soon as practical.

2. The site continues to operate until it has full ABP approval as a processing plant.

3. A date is set by which the premises must stop operating as a burial site regardless of the stage of ABP approval.

### **Recommendation**

1. With the caveat that any decision would have to be made in consultation with the Scottish Government and Comhairle nan Eilean Sair, I would recommend option 3 as the most proportionate option.

[REDACTED], VO

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
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[REDACTED]  
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** <redacted>**Sent:** 19 July 2018 16:58  
**To:** <redacted>  
**Cc:** <redacted>  
**Subject:** RE: FOI re. landfill, incineration, bio-gas, rendering and other disposal methods during 2018 (ANNEX 3)  
Hi <redacted>,  
(cc: <redacted> for info on your return; <redacted> as discussed/for further discussion next week)

I hope you've had a good break and are returning to work restored!

I've gone through the eRDM archive and come up with a very short line regarding the derogation that currently applies to the burial of aquaculture mortalities Whiteshore Cockles – see attached. However, <redacted> (<redacted>, cc'ed) and I have been discussing this case and we wonder if the provision of detail about the derogation is more than required by this FOI request? I will be out of the office next week (23<sup>rd</sup>- 27<sup>th</sup> July) but <redacted> would be happy to discuss further if that would be helpful: x<redacted>. <redacted> will be back at work on Monday 23<sup>rd</sup> July.

Best wishes,  
<redacted>

<REDACTED>

Animal Health and Welfare Division | Disease Prevention Team | P Spur | SH  
T: <redacted> | E: <redacted>

**From:** <redacted>  
**Sent:** 08 July 2018 22:37  
**To:** Central Enquiry Unit  
**Cc:** <redacted>  
**Subject:** FOI re. landfill, incineration, bio-gas, rendering and other disposal methods during 2018

Please provide information on disposal of farmed salmon via landfill, incineration, bio-gas and other disposal methods since 1 January 2018.

Please include any data on disposal methods, correspondence with salmon farming companies (e.g. Marine Harvest and Whiteshore Cockles) and waste disposal operators; and any other information relating to the disposal of farmed salmon via landfill, incineration, bio-gas and other disposal methods since 1 January 2018.

As background, this FOI was prompted by the following [FHI Case Information report in March 2018](#) for Marine Harvest's Groatay salmon farm (#111) and Marine Harvest's Grey Horse Channel salmon farm (#112) which both detailed how farmed salmon were disposed of via "Landfill at Whiteshore Cockles":

Case No:	2018-0111	Site No:	FST083
Date of Visit:	28/03/2018	Inspector(s):	ALW

**Registration/Authorisation Details**

1. Business/site details summary checked by site representative?  Y

2. Changes made to details?  Y

**Site Details**

Total No facilities	14	Facilities stocked	0	No facilities inspected	14
Species	SAL	WRS			
Age group	2017 Q3	Adult			
No Fish	622,801	20,013			
Mean Fish Wt	1.5kg	various			
Next Follow Date (Site)	Dec 2018	Next Input Date (Site)	Q2 2019		

Recent (last 4 wks) disease problems?  Y Any escapes (since last visit)?  N

If yes, detail:  Pasteurella skyensis

**Movement Records**

1. Movement records available for inspection?  Y

2. Date of last inspection:  11/10/2016

3. Are records complete and correctly entered?  Y

4. Are movement records available for dead fish and waste?  Y

5. Are records complete and correctly entered?  Y

6. Are health certificates for introductions (outwith GB) available?  N/A

**Transport Records**

1. Are any movements carried out by (or on behalf) of the business (not using a STB)?  Y

If yes, is there a system in place for maintenance of transportation records?  Y

**Mortality Records**

1. Mortality records available for inspection?  Y

2. How are mortalities disposed of?  Other (detail)

If other detail:  Landfill at Whiteshore Cookies

3. Mortality records complete and correctly entered?  Y

4. Recent mortality (last 4 wks):  w/b 26/2 = 928, w/b 5/3 = 1622, w/b 12/3 = 1744, w/b 19/3 = 580

5. Evidence of recent increased/atypical mortalities?  Y

If yes, facility nos/ho mortality per facility/ho stock per facility/reason:

Cage 23 due to seal damage from early to mid March (~1,500 fish over 8 day period), issue resolved

6. Any other peaks in mortality during period checked?  Y

If yes, detail:  Mortality levels increased during December (range from ~100-700/day/cage, average 311/cage/day), attributed to infection with Pasteurella skyensis. Have lost 4.53% since start of December (24,822).

7. Have increased (unexplained) mortalities been reported to vet or FHI?  Y

If yes, detail action:  Removal of mortalities, but infection at low level so decided not to treat with antibiotics

8. Have 'mortality events' been reported to FHI? If no, add MRE case and enter on mortality events sheet.  N/A

Via: <http://www.gov.scot/Resource/0053/00537757.pdf> (p85)

FHI 050, Version 11 Issued by: FHI Date of issue: 12/09/2017

Case No: 2018-0112 Site No: FS1122

Date of Visit: 28/03/2018 Inspector(s): ALW

**Registration/Authorisation Details**

1. Business/site details summary checked by site representative?  N

2. Changes made to details?  N

**Site Details**

Total No facilities	14	Facilities stocked	7	No facilities inspected	14
Species	SAL	WRS	LUM		
Age group	2017 Q3	Adult	Adult		
No Fish	537,738	19,841	27,500		
Mean Fish Wt	1.8kg	Various	~20g		
Next Fallow Date (Site)	December 2018	Next Input Date (Site)	2018 Q2		

Recent (last 4 wks) disease problems?  Y Any escapes (since last visit)?  N

If yes, detail:  Pasteurella skyensis

**Movement Records**

1. Movement records available for inspection?  Y

2. Date of last inspection:  11/10/2016

3. Are records complete and correctly entered?  Y

4. Are movement records available for dead fish and waste?  Y

5. Are records complete and correctly entered?  Y

6. Are health certificates for introductions (outwith GB) available?  N/A

**Transport Records**

1. Are any movements carried out by (or on behalf) of the business (not using a STB)?  Y

If yes, is there a system in place for maintenance of transportation records?  Y

**Mortality Records**

1. Mortality records available for inspection?  Y

2. How are mortalities disposed of?  Other (detail)

If other detail:  Landfill at Whiteshore Cookies

3. Mortality records complete and correctly entered?  Y

4. Recent mortality (last 4 wks):  w/b 28/2 = 110, w/b 5/3 = 566, w/b 12/3 = 381, w/b 19/3 = 381

5. Evidence of recent increased/atypical mortalities?  N

If yes, facility nos/no mortality per facility/no stock per facility/reason:

6. Any other peaks in mortality during period checked?  Y

Mortality levels increased in December 2017 (range from ~150-300/day/cage, average of 254/day/cage), attributed to Pasteurella skyensis. Have lost 2.48% since start of December (13,099).

If yes, detail:

7. Have increased (unexplained) mortalities been reported to vet or FHI?  Y

If yes, detail action:  No treatment for P. skyensis as infection at low level. Removing mortalities to reduce infection pressure

8. Have 'mortality events' been reported to FHI? If no, add MRT case and enter on mortality events sheet.  N/A

Via: <http://www.gov.scot/Resource/0053/00537757.pdf> (p105)

Scottish Salmon Watch was under the impression that disposal of dead farmed salmon via landfill was not legal.

As context please read:

[European Commission complaint over dead fish dumping forces rule change](#)  
[Guidance on the Disposal of Aquaculture Animal By-Products](#)  
[Zero Waste Report - Finfish Mortalities in Scotland](#)

The latter included:

In 2013, the Scottish Government implemented a derogation that allowed the disposal of ABPs by burning or burial on site or by other means under official supervision in remote areas. This meant that both terrestrial and aquatic mortalities generated within these ABP remote areas could be disposed at suitably supervised landfill sites. Since almost all fish farms in Scotland fall within these remote areas, some have taken the landfill option. However, the interpretation of this derogation has recently changed, and from 1<sup>st</sup> January 2016 it applied only to terrestrial livestock in the future. Under this policy, the aquaculture industry now need to ensure that fish farms located within the ABP remote areas are disposing of their waste in accordance with ABP legislation i.e. it can no longer be disposed of in a landfill site. Although this may present some immediate logistical challenges to the aquaculture sector, it should also present a number of opportunities through valorization of aquaculture wastes.

As [Zero Waste Scotland reported in 2015](#):

"Under this new policy, the aquaculture industry will need to ensure that fish farms located within the ABP remote area are disposing of their waste in accordance with ABP legislation i.e. it can no longer be disposed of in a landfill site."

Please consider this a request for information under the relevant Freedom of Information and Environmental Information Regulations including both the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 (as well as any other new or other regulations which may be appropriate).

Please provide this information electronically via email.

Please acknowledge receipt of this FOI request.

Many thanks and I look forward to a response shortly.

Best wishes,

<redacted>

<redacted>

Director, Scottish Salmon Watch: <https://scottishsalmonwatch.org/>

-----Original Message-----

From: <redacted>

Sent: 19 December 2017 16:57

To: <redacted>

Subject: Re: North Uist

Hi <redacted>

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

I have contacted SEPA and <redacted> in Inverness so we can start all the paperwork for any emissions ( only purified water) and the licence etc that <redacted> 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 Shetland 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.

<redacted>

> On 19 Dec 2017, at 16:42, <<redacted>> <<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

>

> <redacted>

>

>

>

>

>

>

> <redacted> | Animal Health and Welfare Division | Disease Prevention Team

> (TSEs and ABP Policy) P Spur | Saughton House | Broomhouse Drive |

> EDINBURGH EH11 3XD Tel. No. <redacted> | email: <redacted>

> From: <redacted>  
> Sent: 13 December 2017 17:39  
> To: <redacted>  
> Subject: North Uist  
>  
> Dear <redacted>  
>  
> Hope all is well with you.  
>  
> Due to the current publicity regarding the transportation of salmon mortos 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 <redacted> with our completion timescale.  
>  
> Best regards  
>  
> <redacted>

Undated document (Scottish Salmon Watch has asked when this document was written):

### **Information for inclusion in FoI on burial of salmon farm mortalities at Whiteshore Cocks, North Uist.**

In January 2016 the Scottish Government applied to the European Commission for a derogation to allow the continued burial of salmon farm mortalities at Whiteshore Cocks. The derogation was permitted on the grounds that the site operator undertook to install a disposal system that meets the requirements of the animal by-product regulations; burial would continue only until installation was complete. The installation has taken longer than originally planned, Scottish Government understand that the disposal site will be operational later this year.

## Appendix 1: FOI reply by the Scottish Government

From: <Ian.Murdoch@gov.scot>  
Date: Fri, Jun 25, 2021 at 3:45 PM  
Subject: Environmental Information (Scotland) Regulations 2004 Request - 202100207142  
To: <salmonfarmingkills@gmail.com>

Dear Mr Staniford

My sincere apologies but the letter I issued to you yesterday needs to be corrected. Attached is an amended response to your Environmental Information (Scotland) Regulations 2004 (EIR) request that was given the reference number 2021007142. The response that I issued to you on 24 June never included a response from the Marine Scotland – Licensing Operations Team (MS-LOT). I have now rectified that in the attached letter.

I also found out on this week that your original request had been uploaded to the Scottish Government correspondence system twice and you had been allocated two EIR request reference numbers. The one which I answered yesterday, 2021007142, and another 202100206659. The Scottish Government Freedom of Information Unit have instructed me that I need to contact the requester to ask if they are content for 202100206659 to be withdrawn. In short, I will need to send you a formal letter asking if you are content for EIR 202100206659 to be withdrawn. I will aim to get his to you on Monday next week.

Again I apologise for any inconvenience this may have caused.

Ian

*Ian J Murdoch  
Animal Health - Disease Prevention Team | Animal Health & Welfare Division | Directorate for  
Agriculture & Rural Economy | Scottish Government  
Tel. 0300 244 9833 | Mob: 07917 050252*

Tel: 0300 244 49833  
Email: [ian.murdoch@gov.scot](mailto:ian.murdoch@gov.scot)

Don Staniford  
Scottish Salmon Watch

Our ref: 202100207142

25 June 2021

Dear Mr Staniford

Thank you for your request dated 26 May 2021 under the Environmental Information (Scotland) Regulations 2004 (the EIRs).

### **Your request**

You asked for Scottish Government to provide information on Whiteshore Cockles in North Uist since 7 August 2018. This was to include information on disposal of mortalities, correspondence with European Commission, any other documents and information relating to the derogation, including copies of any correspondence and emails discussions relating to the October 2019 'confirmation' by the Scottish Government's Animal Health and Welfare Division that "burial activity could continue".

Also information relating to any odour complaints, photos, details of site visits, samples, environmental assessments, planning letters, emails, pollution, PPC, compliance, any other information relating to Whiteshore Cockles the disposal system, burial, installation of a fish drier.

Finally, information relating to an application or any discussions relating to a Marine Licence for Whiteshore Cockles and any waste permits required by Marine Scotland.

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 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.

## **Other exemptions**

Regulation 10(4)(a) – Information not held – Scottish Government does not hold information on environmental assessments or planning letters, this information will be held by the Scottish Environmental Protection Agency (SEPA) and Local Authority respectively.

Regulation 10(4)(e) – internal communications in relation to general policy and decision-making – This relates to ministerial submissions and internal communication in developing the submission between officials and private office.

## **Response to your request**

### 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.

Under regulation 6(1)(b) of the EIRs, we do not have to provide 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.

We may hold some information of relevance to your request, obtained through the Scottish Government's surveillance activities associated within aquatic animal health. The outcomes of that surveillance, including any information of relevance where such exists, is subject to active publication through the Scottish Government website:

<https://www.gov.scot/collections/publication-of-fish-health-inspectorate-information/>

No marine licence applications have been received from Whiteshore Cockles Ltd in relation to the activity in question and MS-LOT is not aware of any discussions that have taken place with Whiteshore Cockles Ltd between the dates specified relating to obtaining a marine licence. It should also be noted that the discharge of waste water into the marine environment is not a licensable activity under the Marine (Scotland) 2010 Act and therefore a marine licence would not be required to carry out such an activity.

### **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:

Sheila Voas  
Chief Veterinary Officer  
P Spur  
Scottish Government  
Saughton House  
Broomhouse Drive  
Edinburgh  
EH11 3XD

Email: [Sheila.voas@gov.scot](mailto:Sheila.voas@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 tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Yours sincerely,

Ian Murdoch

From: <casehandling.service@gov.scot>

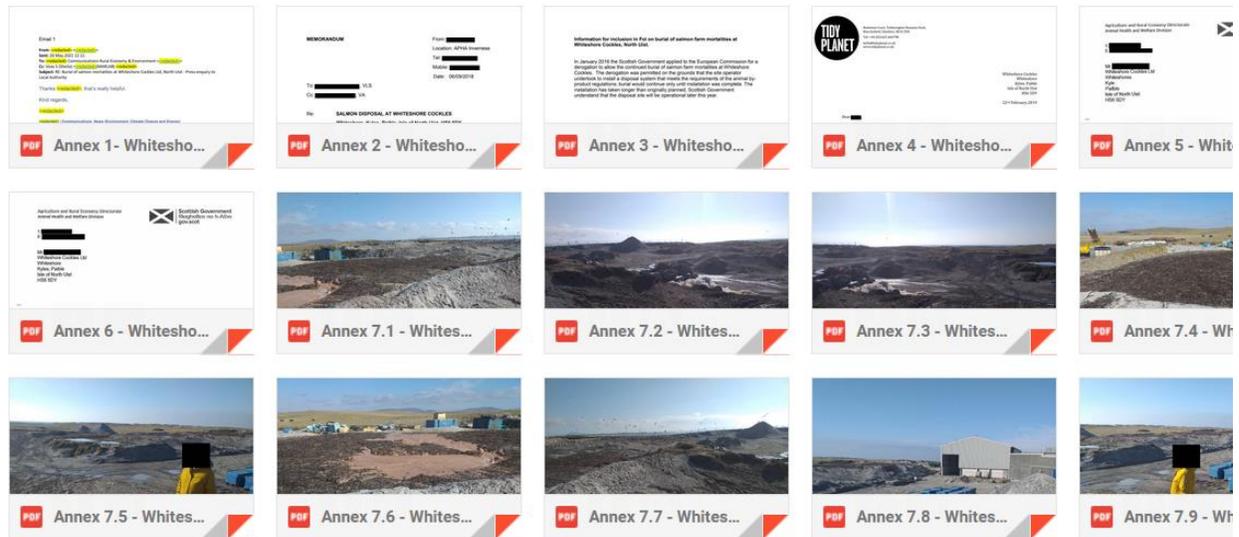
Date: Thu, Jun 24, 2021 at 3:23 PM

Subject: Your recent correspondence with Scottish Government and partner agencies - 202100207142

To: <salmonfarmingkills@gmail.com>

Please find attached a response to your correspondence.

## 16 Attachments



### Appendix 2: 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](mailto: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](http://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](mailto:sjenkins@itspublicknowledge.info)  
[www.itspublicknowledge.info](http://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](mailto: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](mailto: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

Tim 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](mailto: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](mailto:tim.langley@cne-siar.gov.uk) | 01851 822604 | Ext 211214 | 07970 552 371

From: **Tim Langley** <[tim.langley@cne-siar.gov.uk](mailto: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](mailto: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](http://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](mailto: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>

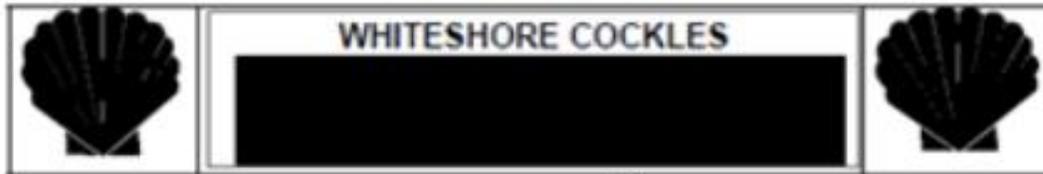
Please provide information on Whiteshore Cockles since 1 January 2019.

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 1<sup>st</sup> 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](http://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]



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**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](http://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](mailto: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](mailto: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