

**SCOTTISH
SALMON WATCH**



MORTALITIES

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

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

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

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

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



Decision 005/2006 Mr Sandison and Comhairle nan Eilean Siar

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

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

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

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

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

Thanks,

Don Staniford

Director, Scottish Salmon Watch

Appendix:

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

Date: Tue, Dec 8, 2020 at 11:13 AM

Subject: FOI re. Whiteshore Cockles since 1 January 2019

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

Please provide information on Whiteshore Cockles since 1 January 2019.

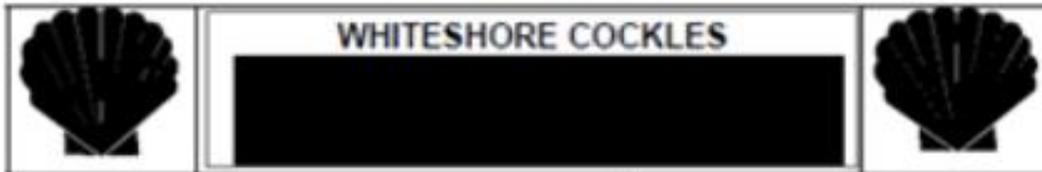
Please include any letters, emails, photos, complaints, discussions and any other details relating to Whiteshore Cockles and the transport, disposal, burial, incineration, ensilage and processing of farmed salmon wastes and mortalities.

As context, please note a FOI disclosure in September 2018 from the Scottish Government:

<https://www.gov.scot/publications/disposal-of-mortalities-at-whiteshore-cockles-foi-release/>

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

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



09/11/2015

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

Dear Mr MacLeod,

Reference : Fish Waste Drier Project , North Uist.

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

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

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

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

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

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

And the letter generated discussion - including:

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

Kenny

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

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

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

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

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

Ian



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

Hi Ian
(cc: as before)

I agree with Nick's suggestion.

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

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

Best wishes,
Jenny

Jenny Purcell BVSc PhD MRCVS
Veterinary Officer
APHA Hamilton Field Services

Animal and Plant Health Agency (APHA)

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

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

Dear Ian

Hope all is well with you.

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

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

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

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

Best regards

[REDACTED]

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

Hi Ian

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

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

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

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

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



Thanks again for your patience and will keep you updated.

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

>

> [REDACTED]

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> 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

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> Ian

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



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

Good afternoon Ian,

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

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

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

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

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

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

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

Best regards

[REDACTED]

[REDACTED]

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

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

Please provide a receipt for this FOI request.

Please provide the information electronically.

Thanks,

Don Staniford

Director, Scottish Salmon Watch

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

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

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

To: Don Staniford <salmonfarmingkills@gmail.com>

Dear Don Staniford

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

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

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Le durachd,

Freedom of Information Team

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

Web: www.cne-siar.gov.uk

Tel: 01851 822721 (*Extension 211 599*)

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

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

When do you think you will reply?

Thanks,

Don

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

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

Thanks,

Don