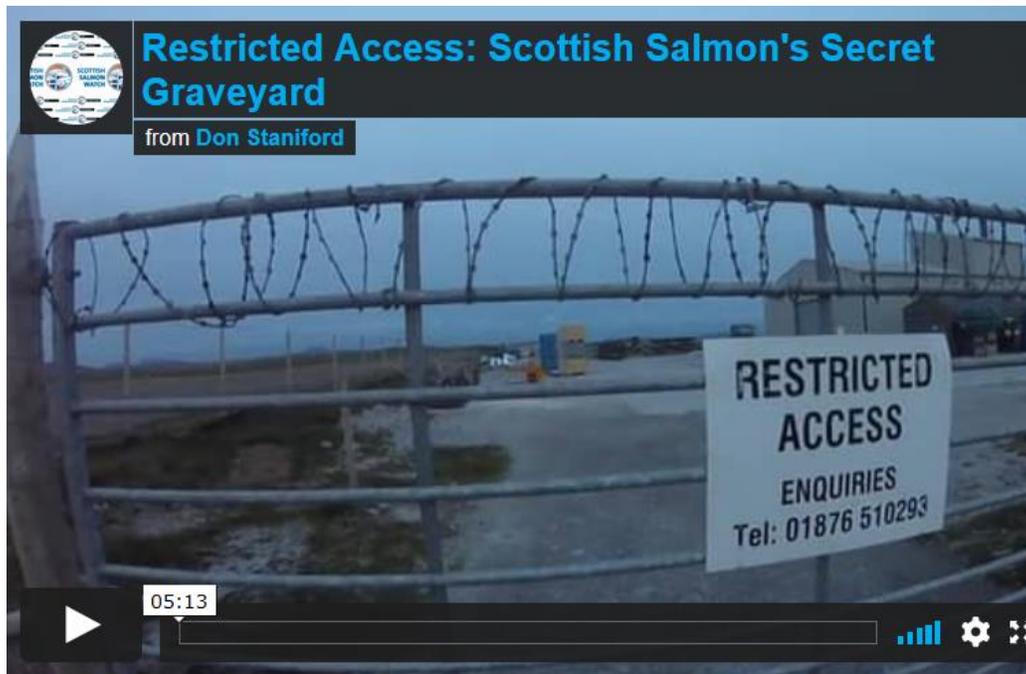




To: Scottish Ministers, Scottish Environment Protection Agency & DEFRA
Cc: Western Isles Council, European Commission & MSPs
Subject: EU Derogation for Whiteshore Cockles Must be Rescinded Now!
Date: 27 May 2021

When will the UK and Scottish Government start adhering to EU law and stop the burial of diseased farmed salmon at Whiteshore Cockles in North Uist in the Outer Hebrides?

Earlier this month (3 May 2021) Scottish Salmon Watch [visited the mass graveyard](#) – where millions of disease-ridden salmon have been buried illegally since at least 2005 – and it is was a shocking and stomach-churning experience which [still leaves a nasty smell](#).



As statutory context ([as explained by the Scottish Government](#)): “The [EU Animal By-Product Regulation 1069/2009](#) and its accompanying implementing [Commission Regulation 142/2011](#) came into force in Scotland in March 2011 and among other measures prohibits the burial or burning of fallen stock on-farm. The EU regulations are implemented by the [Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2013](#) and the [Animal By-Products \(Miscellaneous Amendments\) \(Scotland\) Regulations 2015](#).”

The Times [reported today \(27 May 2021\)](#):

THE  TIMES Today's sections ▾ Past six days Explore ▾ Times Radio Times+

Scotland

Islanders raise a stink over vast salmon graveyard

Marc Horne

Thursday May 27 2021, 12:01am, The Times



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

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Scotland

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.

Scotland

“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 granted a temporary exemption to allow Whiteshore Cockles to keep burying fish, but said “the derogation cannot go on indefinitely”.

Scotland

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 pollution prevention permit to operate a fish rendering plant.

“We are currently awaiting an application,” a spokesman said.

Share



Save



Read more in a press release [online here](#)

Scottish Salmon Watch, 27 May 2021

[Scottish Salmon's Illegal Graveyard for Millions of Diseased Fish](#)



- Video lifts lid on millions of disease-ridden farmed fish dumped in Outer Hebrides
 - Whiteshore Cockles ‘graveyard’ “stinks to high heaven” & “must be shut down now”
 - EU loophole allowing dumping in landfill should be closed immediately say campaigners
 - “the derogation cannot go on indefinitely” admitted the Scottish Government in 2017
 - “Odours can be prevalent within the local community,” admit Whiteshore Cockles.
- “There is always the risk smells dispersing widely if the wrong weather conditions prevail”

Stomach-churning [video footage](#) of Scottish salmon dumped illegally in the Outer Hebrides lifts the lid on how millions of diseased farmed salmon are still going to landfill [despite European laws introduced in 2003 preventing burial of mortalities](#). Whiteshore Cockles in North Uist was granted an EU derogation in 2016 but the Scottish Government conceded in 2017 that “the derogation cannot go on indefinitely”. A pledge to stop dumping dead salmon made in 2018 by [Angus MacDonald \(owner of Whiteshore Cockles\)](#) on the BBC’s ‘One Show’ has failed. Campaigners are now [calling for landfill burial of dead salmon to be halted immediately](#) [1].

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.”

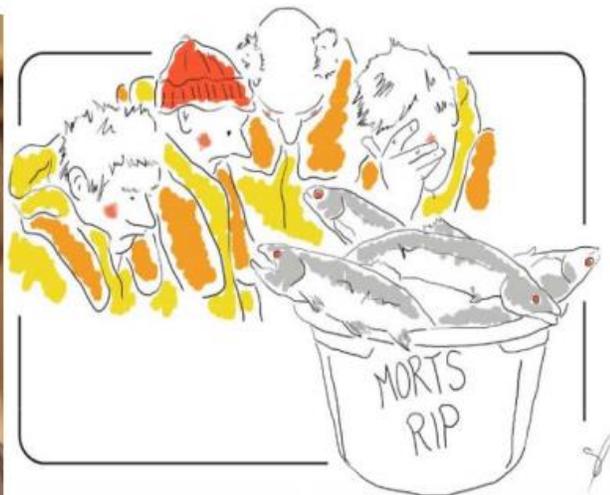
“Between August 2011 and June 2012 82,663 salmon deaths from disease were recorded at Ardmaddy fish farm in Seil Sound, Argyll,” [continued Rob Edwards writing in The Sunday Herald in April 2016](#). “When the local environmental group, Save Seil Sound, asked what had happened to the resulting 257 tonnes 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.



The [media backgrounder](#) included:

3) Since 2003, the UK have breached an EU Directive on the disposal of morts. In 2015, the EC complaint prompted the Scottish Government to [consult on a change of policy to avoid "large fines"](#)

4) In January 2016, the Scottish introduced new '[Guidance on the Disposal of Aquaculture Animal By-Products](#)' and published the new report: "[Zero Waste Report - Finfish Mortalities in Scotland](#)"

5) Mortalities in 2016 are [estimated at 20,000 tonnes \(around 10 million farmed salmon\)](#) with a [mortality rate in the sea of 23.7% \(according to the latest data published by the Scottish Government\)](#)

6) The Scottish Government [proposed a six-month derogation in Shetland](#) (i.e. landfill disposal of morts was allowed in Shetland until July)



[Photo](#): Dead farmed salmon from Grieg Seafood in Shetland

7) An unnamed company in the Western Isles also [requested a six month derogation](#)

8) The Scottish Salmon Producers Organisation [issued 'General Guidance on the Disposal of Fish' in August 2015](#)

[A letter from the European Commission to the authorities of the United Kingdom in November 2014](#) (in response to [Save Seil Sound's complaint filed in 2013](#)) included:

 Ref. Ares(2017)909436 - 20/02/2017



EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL
General Affairs
Legal affairs

Brussels,

EU PILOT 7150/14/SNCO

Request for observations of the authorities of the United Kingdom

Subject: Alleged breaches of Union legislation in relation to the collection and disposal of animal by-products originating from aquaculture establishments in Scotland

7. Could the authorities of the United Kingdom explain how they justify the designation of remote areas in Scotland as currently in force on the basis of the EU legislation explained above, having particular regard to the general obligation of the Member State under Article 4(4) of Regulation (EC) No 1069/2009 to have in place a proper disposal system which complies with the rules laid down in the Regulation, the obligations laid down in Articles 12 to 14 of that Regulation as regards the disposal of different categories of animal by-products, and the definition of a "remote area" as laid down in Article 3(23) of the Regulation? In answering this question, particular account should be taken of the disposal of animal by-products originating from aquaculture establishments.

8. Do the authorities of the United Kingdom consider amending their legislation in relation to the designation of remote areas in Scotland taking account of the foregoing considerations and questions? If so, could they provide the Commission services with a time frame for such amendments?

9. Could the authorities of the United Kingdom explain how they monitor and verify that the relevant requirements of Regulation (EC) No 1069/2009 and Regulation (EU) no 142/2011 are fulfilled by operators as regards animal by-products originating from aquaculture establishments in Scotland? Could they in particular explain:

a) how they ensure that the disposal of such animal by-products in territories designated as remote areas takes place under official supervision by means which prevent the transmission of risks to public and animal health, as required by Article 19(1)(b) of Regulation (EC) No 1069/2009;

Lead Department: MAFF

Cc: Usual infraction contacts; [REDACTED]
info

Pilot case reference: **7150/14/SNCO Alleged breaches of Union legislation in relation to the collection and disposal of animal by-products originating from aquaculture establishments in Scotland**

Please find attached details from the Commission on the case. Below are the deadlines for letting CO know whether you will take on this case and for providing a full response to the case.

Accepting the case

Please let Cabinet Office know no later than **Monday 1 December 2014** whether you agree to take on this case.

Response to Commission

In order to meet the Commission's deadline, please arrange for a co-ordinated response to be e-mailed to Cabinet Office (Kim Sri Shan and Jennifer Raynor) by no later than close **Monday 2 February 2015**.

NB: You should also send a copy of your response to the correspondent, if the details are authorised in the attached 'Issue document'

Many thanks and kind regards,

[REDACTED]



[REDACTED]
European and Global Issues Secretariat
Room 421 | 70 Whitehall | SW1A 2AS
[REDACTED]

Please click here for [EGIS Infractions Guidance](#)

The Scottish Parliament addressed the disposal of farmed salmon mortalities in [December 2015 via the Rural Affairs, Climate Change & Environment Committee](#) - citing an estimated cost increase of at least £2 million per year for the Scottish salmon farming industry (based on an average of 10,000 tonnes of morts per year) – although it appears that full disclosure in relation to [Save Seil Sound's EC complaint](#) was not made to MSPs (Ewan Kennedy, pers.comm):

Costs

The total cost to the industry of mortality disposal is not known. However, if average current costs of disposal are conservatively estimated at greater than £200/tonne then, with an average of around 10,000 tonnes of mortalities, the industry cost is at least £2 million per year.

For option 1, we are failing to correctly apply EU legislation into domestic legislation which puts the UK at risk of the European Commission starting formal infringement against us if we do not amend the ABPR. The minimum cost of infraction to the Scottish Government could be a €9,666,000 lump sum and possible daily substantial fines of thousands of pounds for continued non-compliance.

Fish farmers presently use a limited range of routine fish mortality disposal options. The following provides a summary of the associated costs for these options:

- Landfill costs range from £130-300/tonne on island sites and £50-550/tonne in Argyll.
- Incineration off-site range from £150/tonne for mainland fish farm sites to £300/tonne for island sites.
- Disposal by anaerobic digestion ranged from £50-60/tonne.

From our stakeholder engagement we were unable to provide specific costs for on-site incineration. However, there would be an initial set up cost plus fuel and maintenance.

The consequences of the removal of the derogation allowing fish waste to be disposed of via landfill will only fall on those companies that operate in areas where landfill is presently a major disposal option. This applies especially to the Western Isles, Shetland and parts of Argyll.

In January 2016, the Scottish Government introduced new ['Guidance on the Disposal of Aquaculture Animal By-Products'](#) and published the new report: "[Zero Waste Report - Finfish Mortalities in Scotland](#)". The [Zero Waste Scotland report: Finfish Mortalities in Scotland](#) (January 2016) included:

4.2 The impacts on Rural Landfill Operators

Ten remote landfill site operators were contacted (using the most recent, SEPA, 2013 database) to quantify the economic impacts that will result from a future change to regulations which prohibits the landfilling of fish farm waste. The tonnages identified amount to approximately 23% of the estimated arisings of fish mortalities in the country, with the loss of income for Scottish landfill sites as a whole, shown to be £228,149.

In October 2015, the Scottish Government [proposed a six month derogation in Shetland](#) (Scottish Salmon Watch understands that Shetland Isles Council stopped the dumping of dead salmon in landfill during 2016). Documents disclosed via Freedom of Information reveal that an unnamed company in the Western Isles (now understood to be Whiteshore Cockles) also [requested a six month derogation](#). An [update for the European Commission from the Scottish Government in January 2016](#) included:

EU PILOT 7150/14/SNCO

Request for follow-up

Alleged breaches of Union legislation in relation to the collection and disposal of animal by-products originating from aquaculture establishments in Scotland

Update on progress

The Animal By-Products (Enforcement) (Scotland) Regulations 2013 (ABPR) are now amended by the *Animal By-Products (Miscellaneous Amendments) (Scotland) Regulations 2015¹* and the instrument came into force on **1 January 2016**. There are two key principles to this instrument:

- It sets out that the remote areas derogation applies to terrestrial livestock animals only to ensure full compliance with European legislation; and
- It also changes how fish mortalities and other aquaculture animal by-product (ABP) waste (from the family *Salmonidae*) can be disposed of in the areas categorised as remote. It is in this legislative context that **fish farms located in remote areas are no longer able to send their waste to a landfill site, or the other means of disposal as set out in Article 19(1)(b) of the EU Control Regulation.**



This Western Isles company is seeking a similar 6 month derogation to the landfill ban with the aim of implementing a drying system for the processing of category 2 fish waste and mortalities. They are embarking on an environmentally sustainable alternative to landfill and ensiling of highly putrescible fish wastes and their system has been designed to eliminate any potential risk to human and animal health from the handling, processing and subsequent use of the fish oil and meal. The method of disposal will produce by-products of **fertiliser** and **fish oil** (for use locally on croft land, and for processing into biofuel to operate the drying machinery respectively). This solution will reduce the energy required to process and transport this waste stream and eliminate the need for it to be sent to landfill. **The Scottish Government is satisfied that this process meets the conditions prescribed by Point C (Processing method 3), Chapter III, Annex IV of Commission Regulation (EU) No. 142/2011** and is split into two operations as follows:

- (a) Processing of the category 2 fish wastes in a single batch system that will reduce the particle size of the waste to >30mm and then sterilise this waste at temperatures prescribed by the regulation. The process will then continue heating the waste to dehydrate the solid and liquid waste to less than 5% moisture content;
- (b) The dehydrated and sterilised waste will then be separated into two fractions – oil and meal by the use of a mechanical separation system.

Are you content with this proposal?

So how did a 6 month derogation agreed in 2016 for Whiteshore Cockles turn into a 5 year saga of delays, obfuscation, missed deadlines, broken promises and false assurances?

In December 2017 ([following a BBC One Show feature on mass mortalities and waste disposal called 'The Dead Salmon Run'](#)), a [redacted email \(believed to be from Whiteshore Cockles\) to the Scottish Government stated](#): “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 commission 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”.

In December 2017, [Ian Cox of the Scottish Government replied](#): “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”.

“Yes I have updated all the interested parties,” [wrote a redacted email \(believed to be from Whiteshore Cockles\) to Ian Cox of the Scottish Government in December 2017](#). “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.....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”.

[A search of [SEPA’s Compliance Assessment Scheme](#) finds no documents relating to Whiteshore Cockles – although there is currently only data available for 2018 – and [SEPA’s ‘Scottish Pollutant Release Inventory’ is currently listed as offline due to “a significant cyber attack which has affected our internal systems and communications”](#)].

“I am just updating all interested parties on our ongoing Fish Drier Project,” [wrote a redacted email \(believed to be from Whiteshore Cockles\) to Ian Cox of the Scottish Government in May 2018](#). “We have now completed all the infrastructure i.e. new road, over an acre of concrete laid for biosecurity isolation units.....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 Drier system too 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.....They all agree that a local solution for a local problem is the best way to go 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 am sure you will be delighted (as we all are) that we have reached the final hurdle with the winning post now in sight”.

Throughout 2018 (and it seems during 2019, 2020 and still during 2021), mass mortalities from the Scottish Salmon Company’s disease-ridden salmon farms in Loch Roag continued to be dumped at Whiteshore Cockles. 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

In October 2019, Kate Forbes (Cabinet Secretary for Finance) [visited Whiteshore Cockles in her then role as Cabinet Secretary for Digital Economy](#) but it is not known if the EU derogation and continued burial of diseased salmon was a topic for discussion. Did Kate Forbes, now [Cabinet Secretary for Finance and the Economy](#), even raise the issue of the illegal dumping of diseased salmon with Whiteshore Cockles and was she properly briefed by the Scottish Government?



‘Case Information’ [published by the Scottish Government’s Fish Health Inspectorate](#) reported for a site inspection of Loch Duart’s Lochmaddy salmon farm in June 2020 that work installing a fish dryer and biomass machinery at Whiteshore Cockles “has temporarily stopped” but that “it is hoped that the plant will be fully operational by winter this year, or early 2021”:

Case No:	2020-0233	Date of visit:	18/06/2020
Time spent on site:	1 Hour	Main Inspector:	[REDACTED]
Site No:	FS0853	Site Name:	Lochmaddy
Business No:	FB0398	Business Name:	Loch Duart Ltd
How are mortalities disposed of?	[REDACTED]		
If other detail:	White shore cockles		

Mortalities are disposed of via landfill at White Shore Cockles. It has recently been refitted to accommodate dryer and biomass machinery to recycle fish waste into fuel and is currently at the stage of commissioning, however work has temporarily stopped. It is hoped that the plant will be fully operational by winter this year, or early 2021.

The impact of Covid-19 is understandable but Whiteshore Cockles and the statutory authorities cannot pin all the blame on a virus which first hit in 2020. Whiteshore Cockles has long known that burial of diseased salmon contravenes EU law.

In November 2013, a [Scottish Government report from the Fisheries Health Inspectorate](#) (relating to an inspection of The Scottish Salmon Company's salmon farm at North Uiskevagh) cited: "Current mortality disposal via Whiteshore Cockles Ltd, site is looking at anaerobic digestion in the longer term".

In November 2015, [Ian Cox of the Scottish Government wrote with respect to continued dumping at Whiteshore Cockles](#): "Regardless of what we decide, enforcement will be from the Western Isles Council who have been reluctant to do anything about this site in the past".

In November 2015, Whiteshore Cockles wrote to Western Isles Council on the 'expected timescale' of the Fish Waste Drier (to replace burial of morts) claiming that the equipment could be place by the end of 2015 but requesting an extension of the EU derogation. "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," [wrote Whiteshore Cockles](#). "The extension if granted should ensure that the new process of treating the fish mortalities is fully compliant and operational".

"This requests (sic) feels like they have delayed to the last minute, albeit due to waiting for information about possible funding," [wrote Ian Cox of the Scottish Government in another email in November 2015](#). "It does not feel right to me to allow Whiteshores to continue to bury fish waste at their site".

In January 2016, [Kenny MacLeod of Western Isles Council wrote to the Scottish Government](#): "I was wondering, from our enforcement hat on, what's happening with Whiteshores derogation request? I suspect they are still using the site for burying morts."

In June 2016, a [Scottish Government report from the Fisheries Health Inspectorate](#) (relating to an inspection of Marine Harvest's salmon farm at Hellisay cited: "Morts currently going to landfill, Whiteshore Cockles. They are waiting for the installation of a site incinerator".

A [redacted email in July 2016](#) (believed to be from Whiteshore Cockles) to Ian Cox of the Scottish Government stated: "We are starting the infrastructure work next week and hope to get the drier order finalised by the end of the month....We have told all the fish farms that our deadline to be fully operational is the end of the year....Does Brexit affect anything?"

"Thanks for the update and that the timeline for progressing the works remains on track to be fully operational by the end of the year," [wrote Ian Cox of the Scottish Government in reply in July 2016](#). "In terms of the implications of the EU Referendum it is still business as usual and this is the usual SG line – "the UK remains a full member of the European Union until Art. 50 negotiations conclude, and therefore currently remains subject to all responsibilities and obligations of membership". Appreciate that Brexit may change things but it really is too soon to speculate at this stage".

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

The Ferret article (21 March 2021) [included](#):

Some 16 salmon farms in the Outer Hebrides sent their dead fish to a landfill on North Uist run by [Whiteshore Cockles](#). The firm is promising to replace the landfill with a processing plant to turn the carcasses into fish oil and fishmeal.

Despite its [guidance](#) to the contrary, the Scottish Government allows fish to be buried at Whiteshore Cockles without being processed first. “Until the processing plant is operational, the site has a derogation to landfill salmon mortalities without processing,” the government told The Ferret.

In 2018 [the government said](#) the system had “taken longer than originally planned” and was expected to be operational later in 2018. However, the plant has not yet opened.

Whiteshore Cockles said that it had spent years “designing and constructing a unique drying system plant” and that engineers would “connect the final pipework to the plant to make it operational” when coronavirus lockdown restrictions were eased.

“The long term target for the fish oil is to have a biofuel production plant on site and to distribute this fuel to the fish farms at a discounted rate to use in their vehicles, as well as using it to power our own generators,” stated the firm’s Ralph Thompson.

“The fishmeal will be used as a fuel for our biomass burner which in turn distributes its heat to the drier.” The plan was for excess energy to be used to heat a community-owned grain drier and fuel sea salt production.

Whiteshore Cockles was also researching ways to turn excess fishmeal into products for the local crofting and fishing community, Thompson said. This would “provide economic and environmental benefits to the local community”.

Thompson added: “The fish farming industry in these islands has helped to stem the tide of depopulation as it employs a high percentage of our working population and provides them with job security and an excellent standard of living.”



Data published by the [Scottish Government's Fish Health Inspectorate \(2013 to 2020\)](#) – data prior to 2013 is not available - shows that salmon farms in the Outer Hebrides have continued to dump disease-ridden salmon at Whiteshore Cockles over the last decade:

Case No:	2013-0565	Date of visit:	26/11/2013
Time spent on site:	5.5hrs	Main Inspector:	DRS
Site No:	FS1255	Site Name:	North Uiskevagh
Business No:	FB0169	Business Name:	The Scottish Salmon Company

Current mortality disposal via Whiteshore Cockles Ltd, site is looking at anerobic digestion in the longer term.

2. How are mortalities disposed of?	Landfill
If other detail:	Whiteshore Cockles

Case No:	2013-0551	Date of visit:	20/11/2013
Time spent on site:	4 hours	Main Inspector:	SJD
Site No:	FS0398	Site Name:	Clachan Hatchery
Business No:	FB0444	Business Name:	Hebridean Smolts Ltd

2. How are mortalities disposed of?	Landfill
If other detail:	White shore cockles

Case No:	2013-0552	Date of visit:	20/11/2013
Time spent on site:	1.5 hours	Main Inspector:	SJD
Site No:	FS1255	Site Name:	North Uiskevagh
Business No:	FB0169	Business Name:	The Scottish Salmon Company

2. How are mortalities disposed of?	Landfill
If other detail:	Whiteshore Cockles

Case No:	2013-0553	Date of visit:	20/11/2013
Time spent on site:	1 hour	Main Inspector:	SJD
Site No:	FS1254	Site Name:	Outer Eport
Business No:	FB0169	Business Name:	The Scottish Salmon Company

2. How are mortalities disposed of?	Landfill
If other detail:	Whiteshore Cockles

Case No:	2014-0599	Date of visit:	03/12/2014
Time spent on site:	0hrs	Main Inspector:	AJW
Site No:	FS1259	Site Name:	Stulaigh
Business No:	FB0119	Business Name:	Marine Harvest (Scotland) Ltd

How are mortalities disposed of?	Landfill
If other detail:	Whiteshore Cockles
Any disease on site? (since last inspection)	Y
If yes, detail:	HSMI - July/August

Case No:	2015-0365	Date of visit:	26/08/2015
Time spent on site:	0hrs	Main Inspector:	AJW
Site No:	FS0194	Site Name:	Upper Loch Tormasad
Business No:	FB0169	Business Name:	The Scottish Salmon Company

Morts go to landfill to Whiteshore Cockles but are looking into alternative methods for future.

Case No:	2015-0369	Date of visit:	02/09/2015
Time spent on site:	3 hours	Main Inspector:	JET
Site No:	FS0051	Site Name:	Bagh Chlann Neill
Business No:	FB0169	Business Name:	The Scottish Salmon Company

Dead fish waste taken to landfill, whiteshore cockles.

Case No:	2016-0249	Date of visit:	15/06/2016
Time spent on site:	0	Main Inspector:	AJW
Site No:	FS1261	Site Name:	Hellisay
Business No:	FB0119	Business Name:	Marine Harvest (Scotland) Ltd

Morts currently going to landfill, Whiteshore Cockles. They are waiting for the installation of a site incinerator.

Case No:	2017-0335	Date of visit:	30/08/2017
Time spent on site:	4 hours	Main Inspector:	DCB
Site No:	FS0853	Site Name:	Lochmaddy
Business No:	FB0398	Business Name:	Loch Duart Ltd
2. How are mortalities disposed of?			(detail)
If other detail:			Landfill, whiteshore cockles

Case No:	2018-0108	Date of visit:	27/03/2018
Time spent on site:	2 hours	Main Inspector:	ALW
Site No:	FS0643	Site Name:	Langass Hatchery
Business No:	FB0169	Business Name:	The Scottish Salmon Company
2. How are mortalities disposed of?			Other (detail)
If other detail:			Landfill at Whiteshore Cockles
3. Mortality records complete and correctly entered?			Y
4. Recent mortality (last 4 wks):			1,383 in alevins and 3,906 in first feeding fry in last 4 weeks (mainly due to gut fungus)

Case No:	2018-0109	Date of visit:	27/03/2018
Time spent on site:	2.5 hours	Main Inspector:	ALW
Site No:	FS0195	Site Name:	Loch Geireann
Business No:	FB0169	Business Name:	The Scottish Salmon Company

All mortalities are weighed, length taken and pit tag recovered before disposal. Mortalities held at Langass Hatchery before disposal. Recent mortalities due to bird damage.

2. How are mortalities disposed of?	Other (detail)
If other detail:	Landfill at Whiteshore Cockles

Case No:	2018-0111	Date of visit:	28/03/2018
Time spent on site:	5 hours	Main Inspector:	ALW
Site No:	FS1083	Site Name:	Groatay
Business No:	FB0119	Business Name:	Marine Harvest (Scotland) Ltd

Pasteurella skyensis diagnosed on site in December 2017. Mortalities increased post hydrogen peroxide treatment for AGD at end of November and initially thought that increase was related to treatment. Samples indicated that it was at early stage of infection with no chronic signs and decision made to actively remove mortalities to lower infection pressure and not treat with antibiotics. Using ROV to ensure all mortalities are removed. Mortality levels have been higher at Groatay than at Grey Horse Channel, losing 4.583% since start of December (December - 9,639, January - 8,056, February - 4,185 and March (to date) - 5,033). Site has had an issue with severe AGD last year and have had several hydrogen peroxide treatments (September, October and twice in November 2017).

2. How are mortalities disposed of?	Other (detail)
If other detail:	Landfill at Whiteshore Cockles

6. Any other peaks in mortality during period checked?	Y
Mortality levels increased during December (range from ~100-700/day/cage, average 311/cage/day), attributed to infection with <i>Pasteurella skyensis</i> . Have lost 4.53% since start of December (24,822).	

Case No:	2018-0112	Date of visit:	28/03/2018
Time spent on site:	5 hours	Main Inspector:	ALW
Site No:	FS1122	Site Name:	Grey Horse Channel
Business No:	FB0119	Business Name:	Marine Harvest (Scotland) Ltd

2. How are mortalities disposed of?	Other (detail)
If other detail:	Landfill at Whiteshore Cockles

6. Any other peaks in mortality during period checked?	Y
Mortality levels increased in December 2017 (range from ~150-300/day/cage, average of 264/day/cage), attributed to <i>Pasteurella skyensis</i> . Have lost 2.48% since start of December (13,699).	
If yes, detail:	
7. Have increased (unexplained) mortalities been reported to vet or FHI?	Y
If yes, detail action:	No treatment for <i>P. skyensis</i> as infection at low level. Removing mortalities to reduce infection pressure

Histopathology examination revealed mild complex gill health with presence of amoeboid-like cells suggestive of amoebic gill disease (AGD) and samples tested positive by QPCR for *Neoparamoeba perurans*. Epitheliocystis was also observed and samples tested positive by QPCR for *Candidatus Branchiomonas cysticola* and *Candidatus Syngnamydia salmonis*. Some vascular damage in the gills and mild hepatic necrosis was also noted.

Due to the gill health issues reported on site, samples were screened for salmon gill poxvirus and *Paranucleospora theridion* (syn, *Desmozoon lepeophtherii*) by QPCR. Samples tested positive for both pathogens.

Vibrio sp. and *Moritella viscosa* were isolated. The level and purity of growth would not suggest these bacteria are implicated in current fish morbidity.

Case No:	2018-0278	Date of visit:	13/08/2018
Time spent on site:	6 hours	Main Inspector:	ALW
Site No:	FS1103	Site Name:	Vuia Mor
Business No:	FB0169	Business Name:	The Scottish Salmon Company

Site inspected following report from company of increased mortality in week 31 due to clinical anaemia. Mortality levels had been low (range of 0.19-0.46% per week over preceding 7 weeks, 0.95% in May and 0.79% in June). Sharp increase in mortality in week 31 to 5.93% and 13.30% in week 32.

Have harvested from site from March through to June, but due to the increase in mortality rates are now harvesting most days to get all of the fish off the site. Have harvested 101,546 fish between 5-12 August. Fish are being transported live to the killing stations at either Arnish or Ardyne.

Mortalities are being disposed at Whiteshore Cockles. Due to mortality levels, the Carly (operated by Fergusons Transport) is on site to collect mortalities with two tankers on the boat holding ~20T each. Fish are removed from the cage using the uplift and pumped into a grab/basket. Once full the grab is lifted over the sealed tanker and the fish are released into the tanker. The boat then travels direct to North Uist and the tankers are taken by road to Whiteshore Cockles.

On site lethargic fish seen in cages with high lice loads and cranial lice damage (estimate 50 - 100 per cage inspected with some worse than others e.g. cage 1). Reported that number of fish with visible lice damage has increased over the last week. Eight lethargic fish, plus two feeding fish removed for sampling.

2. How are mortalities disposed of?	Other (detail)
If other detail:	Whole fish to Whiteshore Cockles
3. Mortality records complete and correctly entered?	Y
4. Recent mortality (last 4 wks):	Wk 29 = 884 (0.35%), wk 30 = 1,043 (0.41%), wk 31 = 14,995 (5.93%), wk 32 = 31,571 (13.3%)

Additional comments:

Fish 1 - Slight lice damage to head, some petechial haemorrhages on gill
 Fish 2 - Smaller, Slight lice damage to head, damaged gill, small number of petechial haemorrhages on liver
 Fish 3 - Slight lice damage to head, some petechial haemorrhages on gill, small number of petechial haemorrhages on liver, spleen pale, liver very pale
 Fish 4 - severe lice damage to head, small white patches on gills
 Fish 5 - severe lice damage to head
 Fish 6 - severe lice damage to head
 Fish 7 - severe lice damage to head, some petechial haemorrhages on gill
 Fish 8 - Slight lice damage to head

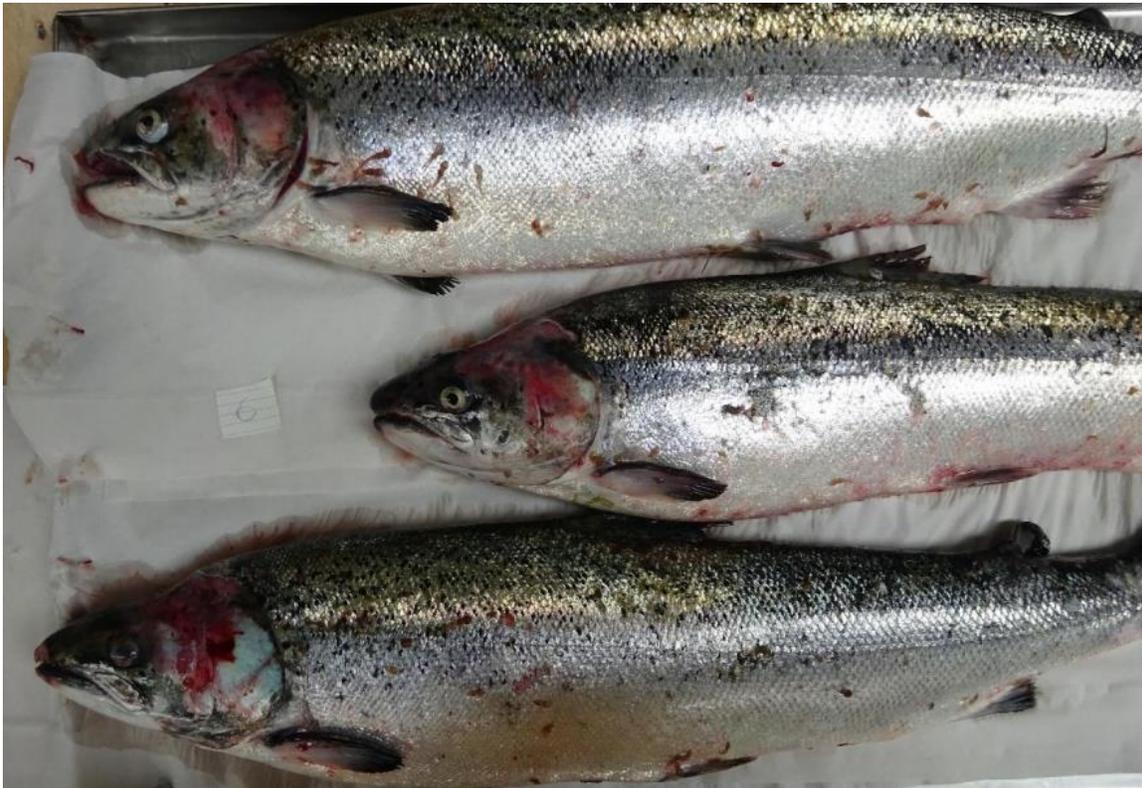
The above site was inspected, following a report from the company of a recent increase in mortality, attributed to anaemia. During the inspection of the site, a number of lethargic Atlantic salmon with high lice loads and physical damage were observed. Ten fish were removed for further examination and subsequent diagnostic sampling.

Histopathology examination revealed widespread gill circulatory disturbances in all fish (likely associated with treatments or water insult) and splenic pathology. One fish also showed mild multifocal hepatic necrosis.

Due to the gill health issues reported on site, samples were screened for salmon gill poxvirus, *Noeparamoeba perurans* (the causative agent of amoebic gill disease) and *Paranucleospora theridion* (syn, *Desmozoon lepeophtherii*) by QPCR. Samples tested positive for all three pathogens.

Samples tested positive for salmonid alphavirus and infectious pancreatic necrosis by QPCR, but there was no associated pathology.

A *Vibrio* sp. was also isolated from the gills. The mixed growth would not suggest that it is a primary source of morbidity however the level of growth was significant.



Case No:	2020-0499	Date of visit:	17/11/2020
Time spent on site:	4hrs	Main Inspector:	
Site No:	FS1256	Site Name:	Plocrapol
Business No:	FB0169	Business Name:	The Scottish Salmon Company
Mortality Records			
1. Mortality records available for inspection?			<input type="checkbox"/>
2. How are mortalities disposed of?			Other (detail)
If other detail: Collected at a common skip at the shorebase then taken to White shore cockles.			

Case No: Date of visit:

Time spent on site: Main Inspector:

Site No: Site Name:
 Business No: Business Name:

Very little mortality observed on site so disposed of in domestic waste <25kg. In the event of a mass mortality or cull, fish waste would be disposed of by White Shore Cockles.

Case No: Date of visit:

Time spent on site: Main Inspector:

Site No: Site Name:
 Business No: Business Name:

How are mortalities disposed of?

If other detail:

Case No: Date of visit:

Time spent on site: Main Inspector:

Site No: Site Name:
 Business No: Business Name:

3. How are mortalities disposed of?
 If other detail:

Case No: Date of visit:

Time spent on site: Main Inspector:

Site No: Site Name:
 Business No: Business Name:

3. How are mortalities disposed of?

If other detail:

Case No: Date of visit:

Time spent on site: Main Inspector:

Site No: Site Name:
 Business No: Business Name:

3. How are mortalities disposed of?

If other detail:

I spoke earlier this week with Ewan Kennedy – who [filed the EC complaint in 2013](#) – and he suggested that the EU regulation outlawing burial of diseased farmed salmon dates back almost twenty year. The [EC complaint filed by Ewan Kennedy on behalf of Save Seil Sound in 2013](#) cites:

4 The Regulatory Regime

The basic European regulation was Number 1774/2002 Animal By-Products Regulation, implemented by SSI 2003/411. Both have now been replaced by European Regulation Number 1069/2009 and SSI 2011/171 respectively.

It must have been clear to those in government that Scotland was very ill-equipped to service the new regulatory regime. To advise them the then Scottish Executive set up a Fish Waste Management Group, which produced an interesting report in 2005. It can be accessed here:- <http://www.scotland.gov.uk/Publications/2005/02/20715/52849>

A quick internet search finds that it has been the statutory of Scottish Ministers – [including Kate Forbes who visited Whiteshore Cockles in October 2019](#) – to [enforce the law on the disposal of diseased farmed salmon since 1 October 2003](#).

SCOTTISH STATUTORY INSTRUMENTS

2003 No. 411

ANIMALS

ANIMAL HEALTH

The Animal By-Products (Scotland) Regulations 2003

<i>Made</i>	<i>4th September 2003</i>
<i>Laid before the Scottish Parliament</i>	<i>8th September 2003</i>
<i>Coming into force</i>	<i>1st October 2003</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

So why have Scottish Ministers failed for nearly two decades to force Whiteshore Cockles to comply with EU law? And why has an EU derogation granted for only 6 months been permitted to last for 5 years?

Thanks to the detective work of [award-winning journalist and campaigner Bruce Sandison \(aka Old Trout in Private Eye\)](#), we know that the burial of diseased farmed salmon at Whiteshore Cockles in North Uist goes back at least 16 years. The Sunday Times [reported in July 2005](#):

Fears raised by salmon dump

Marc Horne

Sunday July 17 2005, 1.00am,
The Sunday Times

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More than 100,000 fish have been buried, along with fish waste treated with acid, on a beach in North Uist.

Residents and campaigners say the dump is a threat to public health and called on the Scottish executive to introduce tougher regulations.

The fish were dumped following an outbreak of infectious pancreatic necrosis and a suspected outbreak of infectious salmon anaemia (ISA) at a fish farm run by Marine Harvest, a seafood firm, on the neighbouring island of South Uist.

Susan Rothwell, whose home is less than half a mile from the Kyles Paible dump, said: "The smell is indescribable. The stench of rotting fish day in, day out makes you feel ill. If you go anywhere near the place it is just covered by flies and seagulls.

Bruce Sandison, chairman of the Salmon Farm Protest Group, said: "This is an environmental and public health hazard on one of the most sensitive landscapes in Europe."

Planning permission was granted by the Western Isles council in 2004. The Scottish Environment Protection Agency (SEPA) said it was monitoring the dump.

Dave Cahill, a manager for Marine Harvest Scotland, said: "There was a temporary increase in the number of fish composted when there was a suspicion of ISA last year. Some fish were also killed in a storm last January. This has now returned to normal.

"Our procedures for disposing of the fish comply with all legal standards."

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Bruce Sandison of The Salmon Farm Protest Group [reported in July 2005](#):

SALMON FARM PROTEST GROUP, JULY 2005

THE SALMON KILLER DISEASE THAT NEVER WAS

BRUCE SANDISON ASSESSES AVAILABLE EVIDENCE AND REPORTS FROM A FARM FISH DISPOSAL DUMP ON NORTH UIST AND FROM THE MARINE HARVEST FISH FARM AT LOCH SHEILAVAIG ON SOUTH UIST

As we reported in May, the SFPG has been unable to obtain information from the Scottish Executive's (SE) Fisheries Research Services (FRS) about what is really happening on Marine Harvest fish farm sites in South Uist; particularly at the site at Loch Sheilavaig where the salmon-killer disease ISA (infectious salmon anaemia) was suspected: how many fish died there, what did they die of, which freshwater hatchery supplied the fish that became diseased, how many diseased fish escaped from the site during last January's storms.

The reason given by the FRS for withholding this information, which FRS admit they have, is that Marine Harvest refused to give permission for the release of details to the SFPG, and, as such, FRS could not then legally divulge that information to us.

The SE announced in November that there was a suspected outbreak of ISA at the Loch Sheilavaig site and that a movement control order had been imposed and controls placed upon nearby farms in Benbecula and North Uist. The Loch Sheilavaig controls were lifted on 19th May when the SE said there was no 'continuing evidence' of the disease.

Lewis Macdonald, Deputy Minister for Environment and Rural Development said: "Prompt action by companies in co-operation with the Fisheries Research Service's Health Inspectors is critical to preventing any possibility of disease spreading. It is because Marine Harvest responded in this way that we are today able to lift these restrictions."

So how did the fish die? FRS inspectors reported (10th November) that fish in one cage (at Loch Sheilavaig) were behaving abnormally, 'congregating at the surface', that the majority of fish had 'high sea lice load', that one fish, 'which had been dead for a considerable period of time, had a dark liver'. However, in response to written questions from the Scottish Green Party, the Lewis Macdonald would say only that ISA had not been found at the site.

But dead fish are still being removed from a Marine Harvest site in South Uist and there has been no SE announcement, at least none that the SFPG has seen, imposing new restriction orders on any fish farm site in the area.

The Scottish Environment Protection Agency (SEPA), under the Environmental Information Act, supplied SPFG with some detail about how dead fish were being disposed of near Kyles- Paible in North Uist, but that information appears to contradict reports received by SFPG about the location, use and operation of the site.

Jamie Hepburn, SEPA Environment Protection Officer, in a letter (7th December 04) to David Fraser of FRS, identified the burial site as being at Gd Reference 750670, but according to the planning approval issued by Western Isles Council, the site is in fact about half a mile further west at Gd Reference 737664.

Stuart Baird, also of SEPA, reported to David Fraser on 7th December 04 that SEPA had made “an assessment of the site that is being utilised to bury fish at Bornish, North Uist”. But Bornish is in South Uist, not North Uist?

Jamie Hepburn visited the site on 14th December, accompanied by Hazel MacLeod and Matt Macdonald. Which site they visited is not clear; the one he identified, or the one identified by Western Isles Council? Hepburn said: “The area is now taking fish waste from ISA sites on East Uist”. SEPA thus confirm that ISA was present, but the Minister denies ISA was found.

In a further letter dated 17th December, Mr Hepburn wrote: “The designated area is fenced and has access from the beach via a gate. There is a disinfectant procedure inside the gate. There was no evidence of any liquid escape or impact on the beach or surrounding area, there was no evidence of smell at the site. The site had numbered markers for each burial area and there is seaweed being spread over these areas where burial is complete.

“The active area has a ground net to prevent scavenging by birds. I am aware that the recent fish culls at a number of fish farms has lead to increased activity at the site but found no sign of any impact on the beach or machair. I was shown records that are being kept. They record each delivery, their site of origin and area of burial. Generally the site operation is satisfactory and I have no concerns regarding impact or pollution.”

To try to find out what was really happening, SFPG Chairman Bruce Sandison visited North and South Uist from 31st May to 3rd June. He reveals here the result of that visit and in doing so exposes a tale of mismanagement, intimidation and regulatory failure that implicates the Scottish Executive, Scottish Environment Protection Agency, Western Isles Council and Scottish Natural Heritage; neither does it reflect credit on Marine Harvest or upon dump-site-operator Angus MacDonald, who dispose of dead fish in this way.. The SFPG is now seeking full disclosure of all information pertaining to these matters.

Bruce Sandison of The Salmon Farm Protest Group [reported in September 2005](#):

PRESS RELEASE FOR IMMEDIATE USE " 23rd SEPT 2005
Bogus report from Scottish Environment Protection Agency
More than 300,000 diseased salmon from Marine Harvest Limited fish farms in the Western Isles have been buried in the machair (globally important shell-sand dunes and fields) at Kyles-paible near Bayhead on the Island of North Uist. Marine Harvest continues to use the site to dispose of their sick and dying fish.

When SFPG chairman Bruce Sandison visited and photographed the site on 31st May/1st June there were no disinfection facilities or warning to the public to keep out. Pools of stinking slurry and discarded bags were fly-ridden. Tubs used to transport the dead fish were being washed on the beach, polluting sea-pools. Government bodies responsible for the operation of the site " Scottish Executive (SE), Scottish Environment Protection Agency (SEPA) " deny that the site was in this state. They based this upon a report prepared by SEPA officer, Jamie Hepburn, from Stornoway.

Mr Hepburn claims to have visited the site the day after (2nd June) the SFPG visit, when he found there had been "No recent burials", nor was there "Any smell or evidence of burial". Scottish National Heritage inspected the site on 17th August when they found: "One active pit (approximately 4m x 4m) partly filled with fish and covered with a layer of sand," and there was a typical dead fish smell when standing right next to this open pit."

Three days later, Jamie Hepburn made another visit to the site when he reported: "There had been no recent burial of mortars. There was no smell or evidence of burial."

Bruce Sandison has now written to SEPA requesting a full review of their response to his concerns, and has copied his letter to SEPA chairman Sir Ken Collins, SEPA North Area Board Chairman Professor Brian Clark, and to SNH chief executive officer, Ian Jardine.

Sandison also wrote to Western Isles Council (11th June) under the Freedom of Information Act, seeking answers to his concerns about the operation of the fish dump. Under the terms of the Act, the council is required to respond within 20 working days. As of now, no reply has been received and the matter has been placed in the hands of Scotland's Freedom of Information Commissioner.

Bruce Sandison said: "I am appalled that an official of Scotland's environmental protection agency should have filed what is in my view an entirely spurious, misleading and bogus report, and that the Scottish Executive and SEPA support this report. I honestly believe that this is just another example of the lengths to which government bodies will go to protect the dirty business of fish farming from public scrutiny."

Even now in late May 2021 it is not clear if Whiteshore Cockles has approval from SEPA or the Scottish Government to operate their fish drier which was [only granted planning permission by Western Isles Council on 30 March 2021](#). Hence the burial of diseased salmon will continue at Whiteshore Cockles – in flagrant breach of EU law and in contravention of the six month derogation agreed five years ago in 2016.

Bruce Sandison sadly [died in October 2016](#) – just as Whiteshore Cockles should have stopped dumping diseased salmon – so he cannot revisit the site. But maybe Joe Crowley of the BBC One Show [who visited Whiteshore Cockles in August 2018](#) could revisit this issue?



BBC One Show on Lice-Infested Scottish Salmon

2,335 views • Sep 10, 2018

👍 6 🗨️ 1 ➔ SHARE ⚙️ SAVE ...

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:



Salmon Suffering In Scottish Fish Farms

Watch later Share

MORE VIDEOS

and many are
thrown away as waste

1:24 / 2:49

YouTube

The image is a screenshot of a YouTube video player. At the top left, there is a green circular icon with a white recycling symbol and the title "Salmon Suffering In Scottish Fish Farms". To the right of the title are icons for "Watch later" and "Share". Below the title, the video content is visible, showing the same scene as the first image: rows of blue crates filled with dead salmon on a sandy beach. At the bottom of the video frame, there is a white text overlay that reads "and many are" followed by "thrown away as waste" in a larger, bold, red font. Below the video frame is the YouTube player interface, including a play button, a volume icon, a progress bar showing "1:24 / 2:49", a settings gear icon, the "YouTube" logo, and a full-screen icon.

On 30 March 2021, [Western Isles Council granted planning permission to Whiteshore Cockles](#):



Angus A MacDonald Contracting Services Ltd
Per Mr Ralph Thompson
Kyles Office
Kyles
Bayhead
North Uist
HS6 5DY

COMHAIRLE NAN EILEAN SIAR

Balivanich, Isle of Benbecula, HS7 5LA

Bail' a'Mhanaich, Beinn na Faoghla, HS7 5LA

Telephone	01870 602425
Fax	01870 602332
E-mail	anne.napier@cne-siar.gov.uk
Writer	Anne Napier
Our Reference	ANNNAP/CCM
Your Reference	
Date	30 March 2021

Dear Sir/Madam

APPROVAL OF PLANNING PERMISSION (DETAILED)

APPLICATION REFERENCE NO:	19/00288
TYPE OF APPLICATION:	Planning Permission (Detailed)
LOCATION OF DEVELOPMENT:	Whiteshore Cockles, Kyles Paible, Bayhead
PROPOSAL:	Use and extension of building to house biomass boiler; heighten part of roof; and install two flues.

Please find attached the Decision Notice relating to the above proposal, together with the Schedule of Approved Plans. Any conditions imposed on the grant of planning permission are detailed in Schedule 1. Conditions must be complied with and failure to do so may result in the Comhairle taking enforcement action. Certain conditions require that you submit details for agreement or information before works commence. Informatives may be included and are to make you aware of issues that may be pertinent to the proposed development .

The schedule of conditions included:

SCHEDULE 1: CONDITIONS

APPLICATION REFERENCE NO: **19/00288**

The following legally enforceable conditions are imposed on the grant of this planning consent for the reasons stated after each condition.

- Condition 6** No storage of fish mortars shall take place within the site at any time, except within the reception pit within the fish reception building.
Reason To protect the amenity and living conditions of nearby occupiers.
- Condition 9** The quantity of fish mortars processed on the site shall not exceed 2 tonnes per hour, to not exceed a total of 48 tonnes in 24 hours.
Reason To control the scale of the operations on site, to protect the amenity and living conditions of nearby occupiers.

The [planning permission approval dated 30 March 2021](#) also cited the need to obtain a Marine Licence from Marine Scotland for discharge of waste water to the sea and “would be subject to strict environmental controls through the Part A, Pollution Prevention and Control permitting process, regulation by SEPA”:

SCHEDULE 2: PLANS
(AND AS APPLICABLE) DETAILS OF APPROVED VARIATIONS, PLANNING AGREEMENTS AND DIRECTIONS

APPLICATION REFERENCE NO:	19/00288
----------------------------------	-----------------

Development Plan Compliance and Reasoning

It is considered that the extension and alteration of the existing building as proposed would meet the requirements of the development strategy set out in Outer Hebrides Local Development Plan 2018 (OHLDP) Policy DS1. The proposed use of the building and the application site for the processing, disposal and recovery of fish morts would be subject to strict environmental controls through the Part A, Pollution Prevention and Control permitting process, regulated by SEPA. The discharge of waste water to the sea would require a Marine Licence, which would be determined by Marine Scotland.

As such, it is considered that the application of planning conditions in these regards would not be necessary. However, to protect the amenity and living conditions of the local community, it is considered that controls would be required in relation to external storage and lighting, delivery times, access arrangements, quantity of fish morts processed on site, details of the finalised design and appearance of the building, plant and machinery, storage facilities, effluent storage, treatment and drainage provision for the site.

Given the existing use of the wider site and subject to these conditions, it is considered that the environmental and social impacts of the application development would be acceptable and that it would also result in economic benefits, both to the local economy and to the wider fish farming industry. For these reasons, it is considered that the application development would be in accordance with OHLDP Policies EI1, EI2, EI3, EI4, EI8, ED1, ED4, NBH1, NBH2, PD2 and PD6, and DP8 in the Supplementary Guidance on Marine Fish Farming. It would also not conflict with the National Planning Framework 3, the Scottish Planning Policy or the Zero Waste Plan.

Download other planning documents [online here](#)



 [On-line Planning](#)

Planning – Planning Application Documents

19/00288/PPD | Use and extension of building to house biomass boiler; heighten part of roof; and install two flues. | Whiteshore Cockles Of North Uist

Site photographs [posted online](#) dated 25 March 2021 paint a picture of a site still under construction:

Site photographs



A [non-technical planning statement from Whiteshore Cockles dated 15 January 2021](#) detailed how from 2017 even more morts from Harris and Lewis (in addition to the morts from North Uist to Barra) were dumped at Whiteshore Cockles:



WHITESHORE COCKLES LTD

Bayhead, Isle of North Uist.

Tel: 01876510724

macdonaldfirms@gmail.com

INFORMATION TO ACCOMPANY PLANNING APPLICATIONS: 19/00288/PPD AND 20/00007/PPD

History

For the past sixteen years Whiteshore Cockles Ltd have been accepting salmon morts at their site in Bayhead, North Uist. To this date the waste has been buried on the five acre site and this process has been monitored by the CNES Animal Health Dept , the Environmental Health Dept and SEPA. Up to 2017 the morts were accepted from the Southern Isles (North Uist to Barra) but since then we have been servicing all the sites within the Western Isles.

In 2016 we informed the Scottish Government that we were intending to install an innovative and unique drying system to process the fish which would involve recycling the waste material into reusable products. The design and manufacture of all the plant has taken four years, and has involved a huge financial investment from the company , with various components being supplied from around Europe. The infrastructure to house all the plant was completed in 2019 but unfortunately Covid -19 and changes and additions to the machinery design and operation, which SEPA have insisted on, have delayed the completion of the project. If government restrictions allow then we would hope to have everything completed on site by spring 2021. This would then just require the necessary permits and licences to be granted for the company to begin using the new process.

Benefits to the Local Economy , Environment and Community

The new *modus operandi* will employ up to ten full time staff with the senior positions enjoying high salaries in Uist terms. It will also support two full time posts and two part time positions within our transport partners operation. This will make Whiteshore Cockles Ltd one of the largest employers on North Uist. We have secured contracts with all the local fish farms to service their waste requirements and this will ensure their continued long term commitment to the islands economy. These new posts will help to stabilise the local community and the services within that their income will support.

The current system of burying the fish waste has one major drawback. The fish are all kept outside whilst the burial area is being prepared and if there is a south west 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 if the wrong weather conditions prevail. The new operation will ensure that no odours or noise will be noticeable within the local perimeter, as the waste will be housed in a sealed compartment from whenever it is delivered to our site and all the machinery will be operating within acceptable noise parameters. By processing all the morts from the Western Isles within North Uist this will negate the requirement to transport them by ferry and road transport to the south of Scotland.

Planning documents [publicly available online via Western Isles Council](#) in relation to Whiteshore Cockles included multiple 'questions arising from submissions' dated 4 March 2021:

19/00288/PPD, 20/00007/PPD and 21/00047/SCR_L - Whiteshores

Questions arising from submissions

BAT Assessment and Odour Impact Assessment (OIA)

1. The OIA indicates, in para 3.1, that it considers emissions from the biomass boiler and the biofilter. Has any assessment been undertaken for the pre-processing storage of waste on site, or the post-processing storage of fish meal and fish oil?
2. Is it proposed that all pre-processed waste would be stored within the fish mort storage building on site (planning application reference 20/00007/PPD)?
3. What would be the maximum quantity of pre-processed waste material stored on site?
4. Would different facilities exist for tub and skip storage?
5. How frequently are tankers envisaged to visit the site? What is their capacity? How would this waste be stored within the site?
6. Given that the supply is variable, what contingency arrangements would be in place for situations where storage facilities are at capacity?
7. How are the waste products proposed to be transferred from the storage facilities to the sealed reception pit?
8. How would the waste material be transferred from the sealed reception pit into the processing building?
9. The documents indicate that the process would be sealed. At what point in the process would it become sealed?
10. Section 2.1 of the BAT Assessment makes reference to Figure 2 and Appendix B and C. However, the appendices provided do not reflect the details referred to within this section. There is no process diagram included within the submissions. Please could this be provided.
11. The reports refer to the use of a biofilter for the processing building and the fish mort storage building? Please can details of this provision be clarified.
12. The reports also refer to retaining the buildings at sub atmospheric pressure, in order to reduce odour. How is this proposed to be achieved?

And:

16. What is the maximum daily quantity of fish waste proposed to be processed on the site?
The non-technical planning statement indicates a capacity of 32 tons [tonnes?] of waste in 24 hours. The BAT Assessment indicates a continuous operation that can process up to 2 tonnes per hour, or 48 tonnes per day.
17. At what point in the process, and how, would cleaning be undertaken?
18. Additional drainage and waste water storage arrangements have not been provided. Please can you confirm how the wash-down water, used for cleaning and to disinfect the emptied tubs and skips, would be stored on site? What would be the capacity of the effluent tanks? How would this waste water be disposed of?
19. Where would the disinfecting process for the tubs and skips take place within the site? Would this part of the site be bunded? How is the resulting odour from this part of the process proposed to be managed?

And:

22. The details provided indicate that some 48 tonnes of waste could be processed on site. What would this translate to in terms of the outputs of fish meal and fish oil?
23. The details indicate that some 250kg/hour of fish meal would be used as fuel for the biomass plant within the site. What would be the residual quantity of material produced and not used within the site?
24. Where and how would the fish meal and fish oil be stored within the site? What are the maximum storage quantities envisaged? Would the storage containers be sealed? How would the products be transferred into the storage containers?
25. How would the excess fish meal and the fish oil be transported from the site and in what type of container? How frequently would this occur?
26. The Odour Impact Assessment section 4.2 refers to the process as being 'moderately offensive'. This appears to contradict the identification of the proposal, as involving the most offensive odours, within the odour benchmark level in section 2.5 of the report. In addition, section 4.2 refers to the proposal as the revised AD facility. Please can these discrepancies be clarified.

The planning application also included a [document dated 3 March 2021](#):



59300-01 R1 v2

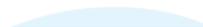
Report

Appraisal of Best Available Techniques

Whiteshore Cockles Fish Morts Processing Facility

Whiteshore Cockles Ltd

3 March 2021



The report included:

Purpose of the report

Atmos Consulting Limited ('Atmos') has been commissioned by Whiteshore Cockles Ltd ('WSC') to undertake a Best Available Techniques (BAT) assessment in relation to a proposed Fishmeal Processing Plant at Bayhead, Isle of North Uist.

Operation of the processing plant requires a Permit under Part 'A' of Schedule 1 to the Pollution Prevention and Control (Scotland) (PPC) Regulations 2012 issued by the Scottish Environment Protection Agency (SEPA). Currently SEPA have a standing objection to an application for planning permission to Comhairle nan Eilean Siar (CnES) in for an increase in the roof height for the building on site.

Although not cited in as a reason for the objection, SEPA have specifically requested a BAT assessment for the treatment of odour emissions from the facility.

This report is intended to determine BAT for the installation, specifically in relation to management of odour.

Background

WSC is a salmon mortality waste handler currently operating a landfill facility for the burial of salmon farm mortalities (morts) (classed as category 2 animal by-products (ABPs)) under a derogation implemented by the Scottish Government which allows the disposal of ABPs by burial under official supervision in remote areas.

The aquaculture industry is, however, now required to ensure that they dispose of their waste in accordance with the Animal By-Products (Enforcement) (Scotland) Regulations 2013 (as amended) (ABP Regulations) i.e. it can no longer be disposed of in a landfill site.

WSC was granted planning consent by Comhairle nan Eilean Siar (CNES) in 2004 (planning reference: 04/00670) to construct and operate a facility for the burial of morts from fish farms in the Uists and Barra. In 2012 further planning consent was granted (planning reference 12/00020) to remove the restriction on the geographical source of the morts.

WSC is now seeking to implement a new drying system for the processing of the mortalities which would provide an alternative to landfilling and ensiling of putrescible fish wastes. In 2014, planning consent was granted to WSC (planning reference 14/00333) to construct and operate a facility for the drying of fish morts at the existing waste handling site.

Construction of the facility progressed but operation of the new drying facility has not yet commenced and following design evolution a further planning application was made in 2019 to extend the roof of existing building to accommodate a biomass boiler and flue (planning reference: 19/00288) and in January 2020 (planning reference: 20/00007) to construct a covered fish morts reception building.

The report continued:

Accessed from the North West via tracks and an unclassified road through Balemore from the A865 road the site is close to the shoreline and is surrounded by crofting fields, dunes and machair, with the Mean High Water Mark c. 60m to the south east at its closest point. The nearest settlement is the village of Balemore, c. 600m to the North of the site.

The North Uist and Islands Ramsar/Special Protection Area (SPA), the North Uist Special Area of Conservation (SAC) and Baleshare and Kirkibost Site of Special Scientific Interest (SSSI) lie approximately 3.5km to the north east of the site and 1.2km to the south east on Kirkibost Island.

And:

Delivery and Storage

Collection & Delivery

Fish mortals will be delivered by road into a sealed receiving pit to await processing. Only 'fresh' (i.e. not ensiled) mortalities will be accepted.

Fish mortals will be received in three types of containers:

- **Tubs.** These hold approximately 800kg of fish mortals (depending on age and condition) and have a liner attached to the inside and a lid which is kept in place by strong cable ties. All the Southern Isles fish farms use this form of transport apart from Loch A Liap (which uses a sealed skip). This has been the norm for the past fifteen years or more. The tubs are easily loaded and transported although have a greater tendency to emit an odour. They are disinfected before despatch from the fish farm.
- **Sealed Skips.** These are manufactured specifically to WSC design for the storage and transportation of the mortals. They emit no odour and there is a fortnightly collection schedule for each fish farm site, irrespective of the quantity of fish inside, unless the manager requests an early uplift. The skip is transported by a dedicated lorry and is disinfected and sprayed with a deodoriser before leaving the fish farm site for the ferry journey. This system has been operating for eighteen months (since July 2018) and in that time there have been no complaints from the general public in relation to odour. The capacity of these skips is approximately 12 tons.
- **Tankers.** When a major problem arises at a fish farm site they can call in a dedicated boat from Ferguson Transport which has two tankers aboard which the mortalities can be pumped directly from the cages. The boat then transports the fish to a slipway in North Uist from where two artic units transport the tanker to the site. The tankers would then be tipped directly into the processing building before being cleaned, disinfected and returned to the boat.

Unloading

Tubs will be loaded into the pit with a telehandler immediately upon delivery to the site. Skips will be tipped into the pit from the ramp immediately if there is storage room available in the pit. The fish mortals can be anything from a few hours to weeks old depending on many factors at the fish farms, including weather and availability of divers. The tubs are most likely to emit odour and will be given priority for processing. The sealed skips are completely sealed and sprayed with a deodoriser on collection, therefore representing less of an odour risk and are given lesser priority for processing.

Western Isles Council [reported on 30 March 2021](#) that “operation of the new drying facility...has not commenced”:



PLANNING APPLICATIONS BOARD

30 MARCH 2021

19/00288/PPD & 20/00007/PPD – BUILDINGS TO RECEIVE AND HOUSE PLANT TO PROCESS SALMON MORTS, WHITESHORE COCKLES LTD, BAYHEAD, NORTH UIST

Report by Head of Economic Development and Planning

- 2.3 Following concerns raised about the environmental impacts of the proposal, the developer has provided further details about the project. Whilst a number of matters are still outstanding, comments recently received from SEPA indicate that these are matters that can be addressed through the necessary Pollution Prevention and Control (PPC) Part A permitting process, regulated by SEPA.
- 5.1 The site is located in Paible, Bayhead, North Uist, within an area of machair adjacent to the coast. The site area is some 0.4ha in size and it forms part of a larger site of about 2ha, which has been used for the burial of salmon fish morts since 2005.
- 5.4 Planning permission was granted in February 2005 (Ref 04/00670/FUL) for the disposal of fish morts by burying or ensiling and erection of sheds, on a larger site which includes the area of the current applications. Disposal operations have taken place since that time, on land between the area of built development and the coast. A further permission was granted in 2012 (Ref 12/00020/PPD) to remove the geographical restriction on the source of the fish morts originally applied to the previous permission.
- 5.5 In 2014, planning consent was granted (Ref 14/00333) to construct and operate a facility for the drying of fish morts at the existing waste handling site (the 2014 building). Construction of the facility progressed but operation of the new drying facility, then proposed, has not commenced. The current applications follow further design evolutions for the process, requiring larger areas under the cover of buildings and increased height to accommodate plant, discharge stack and ultimately the use of the facility for the process.
- 5.6 It is understood that fish morts are classed as Category 2 animal by-products (ABPs). It is further understood that the disposal of fish morts by burial was conducted under a derogation for remote areas, for the disposal of ABPs, under the control of the Animal and Plant Health Authority, initially monitored through Comhairle nan Eilean Siar (Animal Health). It was not considered to be a permitted operation.
- 5.7 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.
- 5.8 From the applicant’s submitted Best Available Techniques (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.

- 5.16 Details of the proposed effluent storage and treatment facilities and of drainage arrangements for the site have not been provided, although it is understood that discharge to sea following treatment is proposed.

LEGISLATIVE CONTEXT

- 6.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (the Act) require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2 The type of facility proposed to operate from the site would be closely controlled under Part A of the Pollution Prevention and Control (PPC) regime, which represents the highest level of environmental control and is regulated by SEPA. The PPC permit regime provides an integrated environmental approach to the regulation of certain industrial activities, meaning that emissions to air, water and land, plus a range of other environmental effects, must be considered together.
- 6.3 A Part A PPC permit is required for major or complex industrial processes and certain types of waste operations, which undertake the highest risk activities. The main aim of the PPC regime is to achieve a high level of protection of the environment taken as a whole, by measures designed to prevent or, where that is not practicable, reduce emissions to air, water and land.
- 6.4 In addition to the above, if discharge from the site to the sea is proposed, this would require a Marine Licence from Marine Scotland.
- 6.5 Article 4 of the Waste Framework Directive (WFD) sets out the elements of the waste hierarchy, with waste prevention as the highest priority, followed in order by reuse, recycling, recovery and disposal. Article 16 of the WFD, which outlines the principles of self-sufficiency and proximity, specifies: the need 'to establish an integrated and adequate network of waste disposal installations [...] taking into account geographical circumstances or the need for specialised installations for certain types of waste'; and that 'the network shall enable waste to be disposed of in one of the nearest appropriate installations'.
- 6.6 The Waste (Scotland) Regulations 2012 provide a statutory framework to maximise the quantity and quality of materials available for recycling and to minimise the need for residual waste infrastructure, in accordance with the objectives of the revised WFD and Scotland's Zero Waste Plan (ZWP).
- 14.14 Documents have been provided in support of the proposal, which were submitted to address concerns about its potential environmental impacts. Following receipt of this additional information, SEPA has provided a further consultation response, which is provided in full in Appendix 4. This response indicates that SEPA does not consider that all the elements of the proposals as currently set out are capable of being authorised under the PPC regulations. Particular concerns have been raised about odour control.
- 14.15 In that respect, it is noted that the current operations on site have led to problems of odour within the local area. Fish processed at the site are those that have died at fish farms and, as a result, are at varying stages of decomposition when received at the site. The applicant's Odour Impact Assessment has identified the smell as being within the '*most offensive*' category. However, while the burial of decomposing fish on the site would cease, this would be replaced by the processing and heating of those fish. From discussions with SEPA, it is understood that this has the real potential to result in higher levels of emissions and greater odour impact than the existing use.

- 14.19 The site is located outside but relatively close to a number of environmentally sensitive areas. These include: Baleshare and Kikibost Site of Special Scientific Interest, which has one of the largest sand dune systems in Western Scotland; North Uist Machair Special Area of Conservation, which is designated for features including dunes, machair, marram, nutrient rich lochs, Atlantic salt meadows and drift lines; West Coast of the Outer Hebrides Special Protection Area, which is important for supporting breeding, non-breeding and migratory species of waterfowl and seabirds; and the North Uist Machair and Islands Special Protection Area and Ramsar site, which is noted for supporting breeding and migratory species of waders and Corncrake.
- 14.21 The consultation response from SEPA confirmed that all discharges to air (including odour), waste management issues, aqueous discharges and, in conjunction with the Animal and Plant Health Authority (APHA), the onsite management of animal by-products, would be directly controlled by SEPA through the PPC permit. In addition, Marine Scotland would regulate any discharges to the sea.
- 14.53 The OHLDP confirms that good quality water and waste water infrastructure is important not only to serve new development but also to protect the environment. Policy EI2 requires new developments to adopt the principles of Sustainable Drainage Systems (SuDS). The policy also requires private waste water systems to discharge to land. Where this is not possible, the developer must submit evidence that discharge to the water environment is acceptable to SEPA.
- 14.54 The application sites are close to the coast, but are separated from it by the remainder of the wider site. Policy EI3 requires development proposals to avoid adverse impact on the water environment. It states that all proposals involving activities adjacent to any water body must be accompanied by sufficient information to enable a full assessment to be made of the likely effects, including environmental effects, of the development.
- 14.55 In this case, no details of the waste water treatment or drainage arrangements have been provided. It is understood that drainage to the sea is likely to be proposed, which would require a licence from Marine Scotland. On-site effluent storage and treatment facilities are matters that would be subject to control through the PPC permit process. However, in the absence of details in these regards, there is the potential for further development and/or plant to be required on site to meet these requirements.

Appendix 4 [dated 25 March 2021](#) includes:

CONSULTATION RESPONSES

APPENDIX 4

Consultee	Date	19/00288/PDD	Date	20/00007/PPD
SEPA	July 2019	<p>We thank the applicant for supplying further information in their email, which SEPA received on 17 July 2019.</p> <p>Advice for the planning authority</p> <p>Unfortunately we must object to this planning application on the grounds of lack of information. We will be pleased to consider the proposals further when the information identified below is submitted. Please note the advice outlined below.</p> <p>1. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA) and planning issues 1.1 Now that we are aware of the processes involved with the development, we advise that the proposal should be reconsidered under Schedule 2.</p>	Jan 2020	<p>Advice for the planning authority</p> <p>This development has the potential to be highly odorous and a very high standard of odour treatment and control is required to minimise the release of offensive smells. Whilst SEPA will control the processes through PPC, we consider these matters need to be considered further at the planning stage as the acceptability of the proposed design, layout and mitigation measures cannot be determined, nor the likelihood of residual odour when odour measures are implemented. We therefore object to this planning application on the grounds of lack of information. We will review this objection if the issues detailed in Section 1 below are adequately addressed.</p> <p>1. Pollution Prevention and Control (Scotland) Regulations 2012 (PPC) 1.1 Our response to you of 24 July 2019 on related application 19/00288/PPD indicated that the processing and</p>

CONSULTATION RESPONSES

Consultee	Date	19/00288/PDD	Date	20/00007/PPD
		<p>section 11(b)(i) Installation for the disposal of waste by incineration of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>1.2 This proposal has the potential to be highly odorous and a very high standard of odour treatment and control is required to minimise the release of offensive smells. However, in our experience, even with full compliance with regulatory controls, residual odour cannot be fully mitigated. Additionally, we have experience of such plant causing odour issues when equipment malfunctions. We therefore advise (whether or not EIA is required) that this issue should be addressed to assess impacts to potential receptors, which include residential properties and a school. In planning terms, the Planning Authority should consider if this location, in its proximity to nearby receptors, is suitable. This can be considered when the information identified below is available.</p> <p>1.3 As the proposal is a waste management development, policy and guidance related to waste contained within Scottish Planning Policy, Zero Waste Plan, Thermal Treatment of Waste Guidelines 2014 and guidance should be considered. The proposed development should be considered within the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.</p> <p>2. Pollution Prevention and Control (Scotland) Regulations 2012 (PPC)</p> <p>2.1 This proposal will require a PPC Part A permit as it will be processing and disposing of animal waste. Insufficient information has been provided to determine whether this scheme is capable of being authorised by us under PPC. We therefore must object and ask that the applicant contact SEPA Regulatory Services Team (details provided in Section 3.1 below) to discuss their PPC requirements in more detail. We would also direct</p>		<p>disposing of animal waste at this site requires a PPC Part A permit from SEPA. We can confirm that the storage of fish mortars before processing will need to be authorised under the same PPC Part A permit.</p> <p>1.2 As you know we met with the applicants and their consultant on 25 September 2019 to discuss the information required to allow us to withdraw our objection to related application 19/00288/PPD and to instigate pre- PPC application dialogue. This was followed by further constructive discussions in October and while some further general discussions have occurred with our technical specialist no information has been submitted to address our existing objection and a PPC permit has not yet been submitted.</p> <p>1.3 We always welcome pre-application engagement, especially on a proposal like this one which will be directly regulated by us and where it raises similar issues to a related application where we have an outstanding objection. We are therefore disappointed that this application has been submitted without the developer seeking our initial advice.</p> <p>1.4 As we have highlighted previously and outlined above this development has the potential to be highly odorous and a very high standard of odour treatment and control is required to minimise the release of offensive smells. The simplest (and likely most long term cost effective) method of reducing odours from the site is by locating the storage and treatment facilities in the same building. This allows a single odour treatment system to be put in place and removes the possibility of odour releases during outside movement of material between buildings, where releases are most difficult to contain and manage. We would therefore strongly advise the developer to reconsider the current proposal and instead further extend the existing process building to accommodate the storage areas.</p> <p>1.5 Unfortunately insufficient information has been provided to determine whether this storage proposal is capable of being authorised by us under PPC. We therefore must object until the issues outlined in sections 1.6 to 1.8 below are addressed to the extent that is relevant to planning and we are able to confirm that the proposal is capable of being authorised.</p>

Consultee	Date	19/00288/PDD	Date	20/00007/PPD
		<p>the applicant to review the advice on PPC Part A activities on the SEPA website and the detailed guidance for PPC Part A installations here.</p> <p>As some of the information required under PPC is required in order to inform the planning application, particularly to determine potential impact on sensitive receptors and whether or not the location is suitable for the proposed use, then we are obliged to object until this information is</p> <p>2.2 We highlight that even when we are able to provide a view on whether we consider the proposal capable of being authorised, we consider it to be at the applicant's commercial risk if any significant changes required</p> <p>---ORIGINAL RESPONSE 03.07.19--- Advice for the planning authority</p> <p>Unfortunately, we object to this planning application on the grounds of lack of information. We will review this objection if the issues detailed below are adequately addressed.</p> <p>Advice for the planning authority</p> <p>1. The Pollution Prevention and Control (Scotland) Regulations 2012 (PPC 2012)</p> <p>1.1 The applicant should confirm the thermal input of the proposed boiler in MW and whether it falls under the scope the Medium Combustion Plant Directive requirements within the Pollution Prevention and Controls (Scotland) Regulations 2012 (as amended). Further guidance can be found here.</p> <p>1.2 Depending on the size, scale and location of the Medium Combustion Plant (MCP), an Air Quality Impact Assessment (AQIA) may be required to</p>		<p>1.6 The building needs to be demonstrated to be designed in such a way as to ensure odours during normal working and cleaning are adequately contained, treated and released. No information is provided to explain the proposed working process and the Fish Pit Building drawing (dated 6/11/2019) is very basic and does not provide any detail in relation to the measures required. For example, the current design does not include any doors. The Building drawing needs to show the measures that will be used to contain and treat odours (design of doors to ensure negative pressure for example), and location of treatment facilities (which could include for example external chimneys). We ask that a supporting statement is also submitted to explain the proposed working practices so that it is clear that any physical requirements necessary are included on the plan. For example how is the material going to be moved from the underground pit to the process area? It may be that the odour treatment system is combined with the system to be used in the processing building; if this is the case then this should also be shown on a clear plan.</p> <p>1.7 To comply with animal by-products legislation and to minimise the potential for odour release the two pits shown on the Fish Pit - Fish Trough and Frame drawing (dated 5/11/19) will need to be cleaned out at regular intervals using approved liquid based cleaning agents. The waste effluent from this process will need to be contained, treated and then discharged to a suitable location, which we presume in this case is likely to be the sea. No information is provided on this aspect of the development. It will need to be clearly demonstrated that there is space within the building or within the site for the treatment system and the route to the discharge location will need to be shown (and presumably included in the red-line boundary of the planning application) and it will need to be demonstrated that the discharge is capable of being authorised by us under PPC. We recommend that a single treatment system is developed for the whole site.</p> <p>1.8 We note from the WSC Layout Fish Pit Building (dated 5/11/19) drawing that the fish are to be stored in an underground pit. Again, if we had been consulted prior to the application been</p>

Consultee	Date	19/00288/PDD	Date	20/00007/PPD
		<p>protect local air quality. We recommend pre-application consultation with the Planning Authority to determine if an AQIA is required as part of the planning application.</p> <p>1.3 The applicant is advised to also consider the potential need to undertake a habitats impacts assessment as required by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Nature Conservation (Scotland) Act 2004. This aspect could require consideration within any AQIA. Further guidance as to their application can be found within SEPA's MCPD application form: https://www.sepa.org.uk/media/399181/ppc_mcp_a_pplication_form.docx</p> <p>1.4 No information has been supplied on the fuel that will be burned, or the source. In order to determine whether this activity is likely consentable, we must object until the following information is submitted:</p> <p>a) The thermal input of the proposed boiler (in MW)</p> <p>b) The height of any stacks proposed</p> <p>c) The sources and volumes of the fuel;</p> <p>d) Drainage for any storage and processing areas.</p> <p>1.5 The discharge of boiler blow down requires a licence under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 if it is being discharged to surface or groundwater. Further guidance can be found here.</p> <p>1.6 Regulatory advice for the applicant</p> <p>2. Regulatory requirements</p> <p>2.1 Guidance on fuels can be found in our Permitting Guidance for Biomass Combustion. In addition, it must be ensured that ash is disposed of to a licensed waste facility.</p> <p>2.2 Details of general regulatory requirements and good practice advice for the applicant can be</p>		<p>submitted we would have advised against this design. This is because it will be challenging for the developer to demonstrate that the integrity of the structure is being maintained and it is preventing the entry of pollutants into the ground. We would therefore strongly advise that the developer reconsiders the current proposal and amends the design to include an above ground structure instead. If the design is not revised then at the very least the plans need to be update to show that the sub-surface vessel is double skinned with a monitoring systems in place as set out CIRIA guidance note C736 Containment systems for the prevention of pollution Secondary, tertiary and other measures for industrial and commercial premises.</p> <p>1.9 Our Specialist Alastair Whyte (contact details below) would be very happy to provide further advice to the developer on any of the above issues. Since the two applications for the site and our related objections are interlinked we recommend that a single comprehensive submission is prepared to address all the issues.</p> <p>1.10 We highlight that even when we are able to provide a view on whether we consider the proposal capable of being authorised, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application.</p> <p>1.11 We will directly control discharges to the air and water, odour, noise from the process and arrangements for the storage of chemicals, accidents / incident response and decommissioning under the PPC Regulations. As a result we will not be asking for specific planning conditions in relation to these issues, but appreciate that you may nonetheless in some cases apply related conditions to ensure you have suitable control over the relevant planning elements. We would be pleased to discuss the detailed wording of any related conditions you intend to apply to ensure they do not conflict with the PPC permit.</p> <p>Regulatory advice for the applicant</p> <p>2. Regulatory requirements</p>

Consultee	Date	19/00288/PDD	Date	20/00007/PPD
		<p>found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the Regulatory Services Team in your local SEPA office at: James Square, James Street, Stornoway HS1 2QN Tel: 01851 706477.</p>		<p>2.1 Please review the advice on PPC Part A activities on the SEPA website and the detailed guidance for PPC Part A installations here.</p> <p>2.2 Please contact Alastair Whyte, Specialist within the SEPA Waste and Industry team, by telephone (01349 860379) or via alastair.whyte@sepa.org.uk to discuss the requirements of the PPC Part A permit and if you require any further advice on the issues outlined above. He would welcome continued engagement as the project develops to ensure that the environmental implications of the decisions being made are fully understood.</p> <p>2.3 Details of other regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a non-PPC specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: James Square, James Street, Stornoway HS1 2QN Tel: 01851 706477.</p> <p>Should you wish to discuss this letter please do not hesitate to contact me on 01349 860359 or planning.dingwall@sepa.org.uk.</p>
	Jan 2020	<p>Advice for the planning authority</p> <p>The only new information currently on your website is Drawing "03(a) visual 1", which is a copy of a recent email chain between you and Mr Thompson including a basic site plan, and Drawing "04(a) visual 2", which is a visualisation of the building.</p> <p>As you know we met with the applicants and their consultant on 25 September 2019 to discuss the information required to allow us to withdraw our objection and this was followed by further constructive discussions with our technical specialist in October. However the information currently submitted does not address the issues we previously highlighted and therefore we maintain our objection.</p>	15 March 2021	<p>Advice to the planning authority</p> <p>We refer you and the developer to our previous responses of 21 Jan 2020 and 20 July 2020 which outlined the information we need to be included within the applications for us to provide you with our full planning advice.</p> <p>Based on the new submissions, which do not provide all the information we requested previously and include some contradictions and inaccuracies, we do not consider that all of the elements of the proposals as currently set out are capable of being authorised by us under the PPC regulations. We are especially concerned in relation to odour control. However taking into consideration the location and size of the site then we do consider that an improved proposal which has a better standard of emissions management and provides clarity as to how the process will function would be capable of being</p>

Consultee	Date	19/00288/PDD	Date	20/00007/PPD
		<p>The discussions we have had so far suggest that the main issues on which we require information are air emissions, odour control, effluent discharge and material storage.</p> <p>We note that the visualisation for the building now includes another stack (with a cowl which is often not Best Available Techniques) so we highlight that will need to be assessed in the air quality and odour impact assessment if it has the potential to release pollutants.</p> <p>Regulatory advice for the applicant</p> <p>Please contact Alastair Whyte, Specialist within the SEPA Waste and Industry team, by telephone (01349 860379) or via alastair.whyte@sepa.org.uk to discuss the requirements of the PPC Part A permit and if you require any further advice on the issues outlined in our previous response. He would welcome continued engagement as the project develops to ensure that the environmental implications of the decisions being made are fully understood.</p> <p>Details of other regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a non-PPC specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: James Square, James Street, Stornoway HS1 2QN Tel: 01851 706477.</p>		<p>authorised by SEPA. On that basis we withdraw our objections to these planning applications.</p> <p>We highlight however that as indicated above the development proposals will need to be modified and our above planning position is on the basis that the developer will continue to work with us to address the issues which we have identified, on which we will follow up directly with them in the near future.</p> <p>This further collaboration will likely result in changes to the site layout, which you may wish to take into consideration when approving current layout plans and setting conditions. We consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We can confirm that all discharges to air (including odour), waste management issues, aqueous discharges, and in conjunction with Animal and Plant Health Authority the onsite management of animal by-products, will be directly controlled by us via PPC and therefore we do not specifically request any planning conditions in relation to these environmental issues. Again, if helpful, we would be happy to discuss planning conditions with you further.</p> <p>Advice to the developer</p> <p>Our specialist Alastair Whyte will contact you again shortly to discuss the information provided in your planning submission and how it will relate to any subsequent PPC application.</p>
	May 2020	We note the proposals to enlarge the building but we are not clear as to the reasons for this and no information is provided to address the issues we have outlined previously. We therefore maintain our objection until the issues outlined in our previous		

Consultee	Date	19/00288/PDD	Date	20/00007/PPD
		response have been addressed and information is submitted to explain the changes now proposed. Please re-consult us when this is provided.		
	Sept 2020	<p>Thank you for your email which SEPA received on 8 July 2020 relating to SEPA's current objection to the above planning applications and for your subsequent response of 15 July 2020 confirming your proposals to soon submit your PPC permit application.</p> <p>We need enough information at the planning application stage to be able to give a view to the planning authority on whether the proposal is capable of being authorised by us, taking into consideration Best Available Techniques (BAT), the location of the site (to ensure that sensitive receptors are suitably considered) and the size of the site (to ensure all the infrastructure required can be accommodated). The note of the meeting of 25 September 2019 provided to you by our Alastair Whyte is a good detailed summary of the main issues which will need to be addressed as part of the PPC application, highlighting those that are especially relevant to planning. In view of this and subsequent discussions, revisions to application 19/00288/PPD and submission of application 20/00007/PPD we can clarify that we currently have the following planning information requirements, all of which need to be addressed by a suitably detailed planning submission (in addition to separately being addressed in full detail as part of the PPC permit submission):</p> <ol style="list-style-type: none"> (1) An updated basic description of the proposed working process, with reference to a clear process drawing, with supporting plan(s), showing what activities will take place in which locations. (2) For any identified environmental impact arising from the operation of the proposed facility, an 		

Consultee	Date	19/00288/PDD	Date	20/00007/PPD
		<p>explanation of why the techniques proposed should be considered as appropriate and the best available in these site-specific circumstances. A full BAT assessment will be required as part of the PPC permit application process.</p> <p>(3) A description of all the different odour sources and an explanation of how any emissions will be avoided or treated. Where abatement measures have planning implications (e.g. treatment system or contained within a structure) then proposals should be shown on clear plans. This description should be supported by an odour impact assessment that establishes the potential effect any residual or exceptional odour emissions will have on the surrounding community. We strongly advise that you engage with our Alastair Whyte regarding the odour treatment options, prior to submitting your response, so that the case for the chosen techniques are fully understood to assure us that it is capable being permitted as BAT.</p> <p>(4) A description of the sources of emissions that could affect air quality. This could include the animal by-product co-incinerator (referred to as the "boiler"), any electricity generating plant and odour treatment plant. The expected emissions from the sources should be provided and the submission supported with an air quality impact assessment, which considers the potential effects of these emissions on the surrounding community and nearby designated sensitive natural areas.</p> <p>(5) A description of all the different effluent discharges produced and information on how they will be stored, treated and disposed of. This should include liquid discharges from the fish pits, boiler blow down and any condensate. We need to understand if a single system will treat all the waste effluent from the site or whether it will be a variety of different systems. These treatment systems will</p>		

Consultee	Date	19/00288/PDD	Date	20/00007/PPD
		<p>have a land take so information is required on whether storage and treatment will occur within the existing or proposed buildings, or within other new buildings, or elsewhere within the site. A clear layout plan should be provided as part of the explanation. If a discharge to the sea is required then the proposed location of this should be shown. We also highlight that the red line boundary of the planning application may need to be amended as a result.</p> <p>(6) A plan showing surface water drainage proposals. Working areas, such as Animal By Products, chemical and waste storage and handling locations, will need to be contained with run-off directed to a catchment/treatment system. A simple drainage statement should explain the proposals. We would encourage you to provide method statements to our Alastair Whyte for the variety of impacts assessment that are required prior to the work being carried out. This will ensure that they meet our requirement and do not result in abortive work. We would also be very happy to provide comment on draft planning submissions prior to them being formally submitted to the planning authority, if this would be helpful.</p>		
	March 2021	<p>Advice to the planning authority</p> <p>We refer you and the developer to our previous responses of 21 Jan 2020 and 20 July 2020 which outlined the information we need to be included within the applications for us to provide you with our full planning advice.</p> <p>Based on the new submissions, which do not provide all the information we requested previously and include some contradictions and inaccuracies, we do not consider that all of the elements of the proposals as currently set out are capable of being authorised by us under the PPC regulations. We are especially concerned in relation to odour control. However</p>		

Consultee	Date	19/00288/PDD	Date	20/00007/PPD
		<p>taking into consideration the location and size of the site then we do consider that an improved proposal which has a better standard of emissions management and provides clarity as to how the process will function would be capable of being authorised by SEPA. On that basis we withdraw our objections to these planning applications.</p> <p>We highlight however that as indicated above the development proposals will need to be modified and our above planning position is on the basis that the developer will continue to work with us to address the issues which we have identified, on which we will follow up directly with them in the near future.</p> <p>This further collaboration will likely result in changes to the site layout, which you may wish to take into consideration when approving current layout plans and setting conditions. We consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We can confirm that all discharges to air (including odour), waste management issues, aqueous discharges, and in conjunction with Animal and Plant Health Authority the onsite management of animal by-products, will be directly controlled by us via PPC and therefore we do not specifically request any planning conditions in relation to these environmental issues. Again, if helpful, we would be happy to discuss planning conditions with you further.</p> <p>Advice to the developer Our specialist Alastair Whyte will contact you again shortly to discuss the information provided in your planning submission and how it will relate to any subsequent PPC application.</p>		

Scottish Salmon Watch can find no application by Whiteshore Cockles to either SEPA or the Scottish Government for the necessary pollution permits to operate a fish dryer and discharge wastes to the sea close to a number of environmentally sensitive and EU protected habitats. A FOI request was filed earlier this week (25 May 2021) to both SEPA and the Scottish Government for information on Whiteshore Cockles.

Today (27 May 2021) [The Times reported](#): “The Scottish Environment Protection Agency confirmed that Whiteshore Cockles would require a pollution prevention permit to operate a fish rendering plant. “We are currently awaiting an application,” a spokesman said.

In the absence of SEPA and Scottish Government permits – and SEPA’s outstanding concerns that not all elements of the proposal are capable of being authorized under the PPC regulations - it is considered likely that Whiteshore Cockles may never operate a fish drier. Even if Whiteshore Cockles did manage to secure SEPA and Scottish Government authorizations it could still be years before the fish drier became operational.

Scottish Salmon Watch simply does not believe Angus Macdonald of Whiteshore Cockles who pledged the new unit would be operational by next Easter “at the very latest” ([as reported in today’s Times](#)).

In the meantime, Scottish Salmon Watch urges the UK and Scottish Government – as well as the EU – to force the end to the illegal dumping of diseased salmon by Whiteshore Cockles and salmon farming companies such as Mowi (Marine Harvest), The Scottish Salmon Company and Loch Duart in the Outer Hebrides.

I am not an accountant but it seems that Whiteshore Cockles ([current control is listed at Companies House via Angus Macdonald and Michelle Macdonald](#)) has benefited significantly from the illegal dumping of diseased salmon (as well as salmon farming companies such as

Mowi/Marine Harvest, The Scottish Salmon Company and Loch Duart who use their cheap and nasty waste disposal service). The [latest accounts for Whiteshore Cockles filed on 30 November 2020](#) detailed:

WHITESHORE COCKLES LTD (REGISTERED NUMBER: SC379476)

		Balance Sheet		30 June 2020	
	Notes	30.6.20		30.6.19	
		£	£	£	£
FIXED ASSETS					
Tangible assets	5		2,346,287		1,408,448
CURRENT ASSETS					
Debtors	6	268,433		230,674	
Cash at bank		<u>366,896</u>		<u>-</u>	
		635,329		230,674	
CREDITORS					
Amounts falling due within one year	7	<u>219,348</u>		<u>449,548</u>	
NET CURRENT ASSETS/(LIABILITIES)			<u>415,981</u>		<u>(218,874)</u>
TOTAL ASSETS LESS CURRENT LIABILITIES			2,762,268		1,189,574
CREDITORS					
Amounts falling due after more than one year	8		(1,540,116)		(311,998)
PROVISIONS FOR LIABILITIES			(27,624)		(27,624)
ACCRUALS AND DEFERRED INCOME			<u>(435,608)</u>		<u>(467,208)</u>
NET ASSETS			<u>758,920</u>		<u>382,744</u>
CAPITAL AND RESERVES					
Called up share capital			200		200
Retained earnings			<u>758,720</u>		<u>382,544</u>
SHAREHOLDERS' FUNDS			<u>758,920</u>		<u>382,744</u>

WHITESHORE COCKLES LTD (REGISTERED NUMBER: SC379476)

**Notes to the Financial Statements - continued
for the Year Ended 30 June 2020**

6.	DEBTORS: AMOUNTS FALLING DUE WITHIN ONE YEAR		30.6.20		30.6.19
			£		£
	Trade debtors		224,470		145,800
	Amounts owed by associates		21,997		23,348
	Other debtors		<u>21,966</u>		<u>61,526</u>
			<u>268,433</u>		<u>230,674</u>
7.	CREDITORS: AMOUNTS FALLING DUE WITHIN ONE YEAR		30.6.20		30.6.19
			£		£
	Bank loans and overdrafts		-		61,407
	Hire purchase contracts		15,531		20,249
	Trade creditors		30,208		260,310
	Amounts owed to associates		87,931		82,602
	Taxation and social security		39,098		1,200
	Other creditors		<u>46,580</u>		<u>23,780</u>
			<u>219,348</u>		<u>449,548</u>
8.	CREDITORS: AMOUNTS FALLING DUE AFTER MORE THAN ONE YEAR		30.6.20		30.6.19
			£		£
	Bank loans		1,247,323		-
	Hire purchase contracts		26,828		-
	Other creditors		<u>265,965</u>		<u>311,998</u>
			<u>1,540,116</u>		<u>311,998</u>
	Amounts falling due in more than five years:				
	Repayable by instalments				
	Bank loans more 5 yr by instal		<u>1,247,323</u>		<u>-</u>

In summary, Whiteshore Cockles has still not as of 27 May 2021 stopped burying diseased salmon and the prospect is that burial will continue throughout 2021 and into 2022 (perhaps into 2023 making it twenty years since it became illegal to dump diseased salmon in landfill). The continued burial is in direct contravention of EU law and the six month derogation permitted in 2016. The UK and Scottish Governments – as well as Western Isles Council – have patently failed to enforce EU, UK and Scottish law in relation to the burial of diseased salmon in North Uist.

Bruce Sandison (whom I used to work with at the Salmon Farm Protest Group) will be turning in his grave at how Whiteshore Cockles have been permitted by the authorities to flout the law and dump millions of diseased salmon illegally near the EU protected sites he visited back in 2005.

Scottish Salmon Watch hopes that the UK and Scottish Government can finally clamp down on the illegal dumping of diseased salmon by Whiteshore Cockles. It may be too late given Brexit but hopefully the European Commission still have the power to fine the UK for failure to adhere to EU law on the dumping of diseased salmon by Whiteshore Cockles in North Uist.

But be warned – if you do choose to visit Whiteshore Cockles please bring a sick bag.



Yours faithfully,

Don Staniford

Director of Scottish Salmon Watch