

**Media Backgrounder: FOI disclosure on Whiteshore Cockles by the Scottish Government in August 2021** (FOI/202100225785 – published on 19 August 2021)

A [FOI disclosure by the Scottish Government dated 13 August 2021](#) reveals that:

The Scottish Government wrote to Whiteshore Cockles on 5 July 2021 established a ‘Task and Finish Group’ tightening the net on disposal of diseased farmed salmon:

CnES reported that WCL is not operating to the terms of the method statement and is disposing of fish waste in embanked sand pits that are open and filled with ensiled/liquefied fish waste. These pits are being built using sand from outwith the site and being shored up with hard-core rock and remaining uncovered for weeks with little seaweed cover. There is evidence of seepage from the pits and members of the public are complaining about the smell. CnES also has concerns around how much capacity is left at your site to bury fish waste and around record keeping in general. On recording keeping, hand written notes have shown fish mortalities from the mainland going to WCL.

Do you have any comments on the reasons for the practices reported above and departure from the method statement at the WCL site?

The Cabinet Secretary for Rural Affairs and Islands and her predecessor have been informed about the situation at the WCL site. Based on the information available, the Scottish Government is presently of the opinion that your current authorisation to bury fish waste on site should be replaced with a time limited and conditional authorisation. To achieve this we will establish a Task and Finish Group with officials from the Scottish Government (SG), CnES, the Scottish Environment Protection Agency (SEPA) and the Animal and Plant Health Agency (APHA), with a view to identifying conditions that would be required to be adhered to if burial is to continue on site. We will be in touch to provide an opportunity for you to meet with the Task and Finish Group in advance of any final decision regarding the conditions to be imposed in any future authorisation by way of derogation from the requirements of the 2013 Regulations.

A copy of this letter has been sent to CnES, SEPA and APHA.

Whiteshore Cockles wrote to the Scottish Government and the Comhairle nan Eilean Siar (Western Isles Council) on 29 June 2021 referring to “damaging” information disclosed to Scottish Salmon Watch claiming that a PPC application would be submitted to SEPA in July 2021 with the new system “up and running by 31<sup>st</sup> March 2022”:

Unfortunately <redacted> submitted an FOI request and received back a selection of emails from CNES and your department which contain a lot of statements which are entirely untrue but will be damaging to us all.

The main reception pit and macerator connections are 90 % complete and we just have to get SEPA's agreement on the final air filtration system. The stainless steel tipping body is on site and will be installed once all the concrete works are completed.. Due to the current crisis in getting steel we have been quoted a December delivery date for the stainless steel sheeting to line the pit. This will take three weeks to install and therefore this building will be complete by the end of January.

Licence for rendering animal by products - this has been applied for and I am in contact with your staff regularly to supply information.

SEPA. It has been agreed with the SEPA inspector that our application will be submitted in July and our consultants are confident in achieving this. With the problems SEOPA have been having of late we dont know how long the application process will take but we are allowing six months.

Allowing for teething problems etc we therefore fully expect to have our new system up and running by the 31st March 2022 ( if not sooner ).

SEPA (the person who sent the email works for both SEPA and the Scottish Government) wrote to the Scottish Government admitting that they had agreed to “fast track” a PPC permit for Whiteshore Cockles even though SEPA “in general are not accepting new applications for PPC permits”.

**From**<redacted>[@gov.scot](mailto:redacted@gov.scot)>

**Sent:** 25 June 2021 10:45

**To:** <redacted>[@gov.scot](mailto:redacted@gov.scot)>

**Subject:** RE: Whiteshore Cockles Ltd, North Uist - Actions to address concerns around fish waste burial practices

Hi <redacted>

The Whiteshore Cockles Ltd (WCL) animal by-product processing plant could have a number of potentially significant environmental impacts and needs a permit under Part A of the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC). A key aspect of concern for us is the potential for the release of offensive odour that, if the plant is not built and operated correctly, could result in a worsening of the situation affecting the surrounding local community. Some of the fish meal produced will be used as a fuel in a boiler that will provide heat to the drying process. This means the plant must also meet the stringent design and emissions controls for waste incineration activities.

We advised WCL that they would need a permit for their animal by-product processing plant and associated co-incinerator in September 2019. We have been engaging with them providing pre-application advice to improve their proposed plant and infrastructure such that it could meet the relevant requirements to enable a permit to be granted.

An application had been expected in early 2020. We have agreed to fast track it to enable the plant to commence operations if the application demonstrates that it would be built and operated in a manner that would meet requirements, but we haven't received an application yet. On Christmas Eve, SEPA was subject to a serious and complex cyber-attack which has significantly impacted our contact centre, internal systems, processes and communications. We got back in touch with WCL in March to let them know that whilst in general we are not accepting new applications for PPC permits we will accept theirs. We are still committed to issuing the permit as quickly as possible, but that is dependent on the quality of the application WCL submits.

In December 2020, a retrospective planning application for the recent modifications to the WCL facility was submitted and was granted by CNES (Western Isles Council). The information provided by WCL showed that the facility was capable of being granted a PPC permit but we made it clear in our response to CNES that, on the basis of the information provided, the current proposals would not be sufficient for it to be permitted as it was clearly deficient in a number of key areas. The basis for this was detailed to WCL in February 2021 to help with their permit application preparation, with an offer for a meeting to discuss any points.

We last spoke to WCL on 24th May to get an update on progress and we again offered a meeting to help them complete their application. They indicated that they would speak to their consultants to see if the permit application could be ready for submission to SEPA by the end of this month (June).

On 22 June 2021, the Scottish Government wrote to SEPA (at a Scottish Government email address) expressing “concerns around how Whiteshore Cockles are currently burying fish waste at their site”.

**From:** <redacted>@gov.scot>  
**Sent:** 22 June 2021 10:19  
**To:** <redacted>@gov.scot>  
**Cc:** <redacted>@gov.scot>; <redacted>@gov.scot>; <redacted>@gov.scot>; <redacted>@gov.scot>  
**Subject:** FW: Whiteshore Cockles Ltd, North Uist - Actions to address concerns around fish waste burial practices

Hi <redacted>

<redacted> suggested you would be the best contact to provide an update on the application process for a PPC permit at Whiteshore Cockles Ltd (WCL), North Uist.

As you can see from my email to Comhairle nan Eilean Siar (CnES) below, we have concerns around how WCL are currently burying fish waste at their site. WCL have a derogation to bury fish waste at their site until a fish waste dryer system has been installed. The installation of the dryer has suffered from a number of setbacks for a few years now. The current delay is around obtaining a PPC permit. Are you able to provide an update on how the PPC permit process is going at WCL?

Thanks

<redacted>

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

On 21 June 2021, the Scottish Government wrote to Comhairle nan Eilean Siar (Western Isles Council):

**the Cabinet Secretary has stated that the current situation cannot continue and action must be taken to address these concerns.**

As a means to address these concerns, we suggested that the existing burial derogation is replaced with a derogation that is time-limited and which imposes express conditions on the operations of WCL. The Cabinet Secretary supports this recommendation and has requested SEPA involvement as well. As a minimum, the new derogation would need to be time-limited to a specified period and would specify enforceable conditions such as a requirement for record keeping, a limitation on fish waste coming only from the Western Isles and a requirement that certain practices be followed.

Comhairle nan Eilean Siar (Western Isles Council) replied that “we still have concerns over capacity” and “it should be clear what the sanctions are” (if Whiteshore Cockles continues to ignore the derogation).

**From:** <redacted> <<redacted>@cne-siar.gov.uk>  
**Sent:** 22 June 2021 10:35  
**To:** <redacted>@gov.scot<redacted>@cne-siar.gov.uk>  
**Cc:** <redacted>@gov.scot>; <redacted>@gov.scot>; <redacted>@gov.scot>; <redacted>@gov.scot>; <redacted>@gov.scot>; <redacted>@apha.gov.uk  
**Subject:** RE: Whiteshore Cockles Ltd, North Uist - Actions to address concerns around fish waste burial practices

Morning <redacted>

Good to see it being progressed and we are happy to be involved in anything that will resolve the issues, including being part of the Task and Finish Group.

A few observations.

I think the timescale should be very limited to ensure a quick transition to the new plant; I understand that there are external constraints on WCL's progression but it should still be a tight window.

We still have concerns over capacity and in addition to the geographical restriction there should be some restriction on quantity, tied in with WCL being able to demonstrate capacity.

In terms of the new derogation being enforceable, I think it should be clear what the sanctions are and how it will be monitored.

Whiteshore Cockles wrote to the Scottish Government on 6 July 2021 claiming:

**We have been overwhelmed by the support we have received from our local community since the illegal break in of our site by Mr [REDACTED] and the negative press reports which ensued.**

Here's the letter from the Scottish Government to Whiteshore Cockles dated 5 July 2021:

Agriculture and Rural Delivery Directorate  
Animal Health and Welfare Division



T: [REDACTED]  
E: [REDACTED]@gov.scot

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

5 July 2021

Dear [REDACTED]

Regulation (EC) No 1069/2009 (the Animal By-Product Regulation) specifies the permitted means of disposal of animal by-products and derived products. Disposal of animal by-products and derived products by way of burial is only permitted in an authorised landfill. Category 2 and category 3 material (as defined in the Animal By-Product Regulation) may only be buried at authorised landfill following processing and, in the case of category 2 material, permanent marking. The Animal By-Product Regulation continues in force following the UK's withdrawal from the European Union as retained EU law.

The Animal By-Products Regulation allows the Scottish Ministers, by way of derogation from the disposal requirements, to authorise disposal by burial or by others means in remote areas provided certain conditions are satisfied. In the absence of such authorisation, disposal of animal-by products or derived products other than by permitted means specified in the Animal By-Product Regulation is an offence under the Animal By-Products (Enforcement) (Scotland) Regulations 2013 (the 2013 Regulations). Some derogations are provided for in the 2013 Regulations. Others may be granted by way of separate authorisation issued by the Scottish Ministers.

We recently met with officials from Comhairle nan Eilean Siar (CnES) who had raised concerns around the continuation of fish waste burial practices by Whiteshore Cockles Ltd (WCL). As set out above, burial of fish waste is not normally permitted unless carried out by appropriate means at authorised landfill specified Animal By-Product Regulation. However, WCL was granted authorisation to allow the burial of fish waste on site by way of a temporary derogation from the requirements of the Animal By-Product Regulation. This temporary derogation was granted on the basis that a fish waste dryer system was being installed that would eliminate the need for routine fish farm waste to be buried on site. We are also of the understanding that fish waste would be buried in accordance with a method statement that was agreed between CnES and WCL.

This method statement requires the following:

- fish mortalities are from farms within the Western Isles;
- the collection and arrival at site process, in line with the 2013 Regulations, record keeping, cleansing and disinfection, etc;
- burial process - Tipped into holes and covered with sand. Predator net to be firmly secured if the pit has more capacity;
- maintenance procedures - Daily inspection of site, checking newly closed pits for any seepage, applying more sand if necessary. All holes to have seaweed spread on top of sand to stop wind blow and encourage grass growth;
- health and safety; and
- environmental responsibility. Relates to large population of Corn Bunting and no disturbance of their natural habitat.

CnES reported that WCL is not operating to the terms of the method statement and is disposing of fish waste in embanked sand pits that are open and filled with ensiled/liquefied fish waste. These pits are being built using sand from outwith the site and being shored up with hard-core rock and remaining uncovered for weeks with little seaweed cover. There is evidence of seepage from the pits and members of the public are complaining about the smell. CnES also has concerns around how much capacity is left at your site to bury fish waste and around record keeping in general. On recording keeping, hand written notes have shown fish mortalities from the mainland going to WCL.

Do you have any comments on the reasons for the practices reported above and departure from the method statement at the WCL site?

The Cabinet Secretary for Rural Affairs and Islands and her predecessor have been informed about the situation at the WCL site. Based on the information available, the Scottish Government is presently of the opinion that your current authorisation to bury fish waste on site should be replaced with a time limited and conditional authorisation. To achieve this we will establish a Task and Finish Group with officials from the Scottish Government (SG), CnES, the Scottish Environment Protection Agency (SEPA) and the Animal and Plant Health Agency (APHA), with a view to identifying conditions that would be required to be adhered to if burial is to continue on site. We will be in touch to provide an opportunity for you to meet with the Task and Finish Group in advance of any final decision regarding the conditions to be imposed in any future authorisation by way of derogation from the requirements of the 2013 Regulations.

A copy of this letter has been sent to CnES, SEPA and APHA.

Yours sincerely

██████████  
Animal Health – Disease Prevention Team

Whiteshore Cockles replied on 6 July 2021:

Whiteshore Cockles Ltd  
Whiteshore  
Kyles,  
Paible North  
Uist HS6  
5DY

Mr [REDACTED]  
Animal Health - Disease Prevention  
Team Agriculture and Rural Delivery  
Directorate Animal Health and Welfare  
Division Scottish Government  
Saughton House  
Broomhouse Drive  
Edinburgh, EH11 3XD

6th July 2021

Dear Mr [REDACTED],

Thank you for your letter dated 5 July 2021 regarding the disposal of animal by products and derived products by way of burial in an authorised landfill.

We have replied to your queries regarding our Method Statement procedures below:-

1. We were unaware that a geographical limit had been imposed on the derogation authority. On the very rare occasions that we have accepted morts from out with the Western Isles it has been in an emergency situation. The last time this occurred was over ten months ago and from today's date we will no longer accept fish from outside the Western Isles until our new plant is operational.
2. Our record keeping is nothing short of meticulous. Every collection is recorded on a waste transfer document which has the date, fish farm site name, time of collection, time of delivery to our site and amount of waste completed accurately. This document is countersigned by the site manager, driver and our site manager. It is then recorded digitally and copies are also given to the fish site and the transport company. This information is freely available at a moments notice to any of our monitoring agencies. Our biosecurity arrangements are also very rigid. Every vehicle arriving at our site is deeply cleaned and disinfected. All tubs and skips are also allocated to an individual holding area for each fish farm site before being cleaned and disinfected. A deodoriser is also put on all vehicles before leaving our site and going on to the public road.
3. The burial process is exactly as per our Method Statement.
4. Our maintenance procedures are followed exactly as per our Method Statement.
5. Our Health & Safety Policy is up to date as per legal requirements.
6. The Corn Bunting only arrived on our site after our current burial process and regeneration policy took place, as the site was an unproductive field previously. It is now one of the best populated areas in the Western Isles due to our environmental practices. This can be confirmed by our local RSPB office if required.

To address our other concerns that have been identified incorrectly:-

1. We have never accepted ensiled fish at our site.
2. We do not use sand from out with our site.
3. Hard core rock has never been used to shore up pits. The only rock / concrete on our site has been used in the extensive building programme for our drier project.
4. The maximum time any pit is uncovered is a few hours whilst burial operations are taking place. Seaweed cover is provided on a daily basis as and when required. Tens of thousands of tons of seaweed have been used on the site since we started.

5. The last known complaint we received was in October 2020 from a mainland family who have a holiday home on the island. On the rare occurrence of seepage from a pit it is dealt with immediately as per our maintenance procedures.
6. In October 2020 we provided CNES with an up to date plan which identified the areas of our site that were still available for burial; this shows that there is still ample capacity.


We have been overwhelmed by the support we have received from our local community since the illegal break in of our site by Mr [REDACTED] and the negative press reports which ensued. Since we started building works we have welcomed many visitors to the site who have shown an interest in our project which will be vital to the circular economy of the Highlands and Islands. Our local councillors have recently visited our site and were hugely impressed by the works that have already taken place and are fully supportive of our project, which will bring employment opportunities to the island as well as having significant environmental benefits. They also mentioned that they have never received any complaints from their constituents concerning our operation.

We welcome the opportunity to work with the proposed Task and Finish Group as their expertise and advice will hopefully assist us in completing our project as soon as possible. We will make ourselves available to the group members at the earliest opportunity to meet with and discuss the best way forward for all interested parties.

Yours sincerely

[REDACTED]  
Whiteshore Cockles  
Ltd

Scottish Salmon Watch [reported \(28 July 2021\)](#):

 **Don Staniford** @TheGAAIA

Revealed: Scottish Government wrote to Whiteshore Cockles re. concerns raised @cne\_siar over the import of diseased salmon from the mainland (in contravention of their derogation i.e. being permitted to break EU law) @scotgov @MairiMcAllan @ScottishEPA  
[tinyurl.com/yue74mnr](https://tinyurl.com/yue74mnr)

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



In your email to Scottish Ministers, you asked what evidence d Comhairle nan Eilean Siar (CnES) have in relation to salmon fe WCL. Scottish Government officials met with CnES on 19 Ma CnES raised a number of concerns about the fish waste burial concerns related to a recent inspection by CnES showing reco used WCL to dispose of its fish waste.

Scottish Government officials wrote to WCL on 5 July 2021 ab including the documented records showing fish waste collectio promptly on the 6 July 2021 stating they were unaware of the c on the occasions they had accepted fish waste from out with th emergency situation. As of the 6 July 2021, WCL no longer a Western Isles until their fish waste dryer is operational.

I hope you find this information helpful.

Yours sincerely

Our Reference: 202100220425

26 July 2021

Dear Mr Staniford

Thank you for your email of 3 July 2021 to Scottish Ministers about t salmon at Whiteshore Cockles Ltd (WCL) in North Uist. I have been Cabinet Secretary for Rural Affairs and Islands to reply on her behal

Scottish Ministers, special advisers and the Permanent Secretary are covered by www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
 www.gov.scot

7:47 PM · Jul 28, 2021 from Scotland, United Kingdom 

 **Don Staniford**  
 @TheGAAIA 

Revealed: Whiteshore Cockles has still not applied to the Scottish Environment Protection Agency for a Pollution Prevention & Control permit (as of 14 July 2021)  
 @ScottishEPA @TerryAHearn  
 Why is the dumping of diseased salmon in North Uist still being permitted? @marinescotland

PUBLIC



**SEPA**  
 Scottish Environment Protection Agency  
 Buidheann Dion  
 Àrainneachd na h-Alba

**RESPONSE TO F0193398**

**Requested Information**  
**Has Whiteshore Cockles applied yet for a PPC permit from SEPA?**

**Response**  
 We can confirm that we have handled your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs).  
 We advise that SEPA have not yet received an application.

8:55 AM · Jul 28, 2021 

Read more via:

- [Exposed: 'Legal' Salmon Dump in North Uist Caught Importing Diseased Fish From the Mainland \(& they've still not applied to SEPA for a pollution permit\)!](#)
- [Taking the Fish - Illegal Salmon Dump Caught Taking Diseased Fish from the Mainland Despite 'Derogation'!](#)
- [Scottish Government 'exploring strategies' for mort burial site](#)
- [P&J: "Lives of Western Isles residents 'severely hampered by rotting fish dump'"](#)
- [The Times: "Fish graveyard 'severely hampers' life for islanders, officials claim"](#)
- [FOI Lifts Lid on the Stench of Scottish Salmon: Government Legal Department Target Illegal Dumping of Diseased Salmon](#)
- [Appeal to Scottish Information Commissioner re. FOI refusal by Western Isles Council on Whiteshore Cockles](#)
- [Letter to Scottish Ministers on Illegal Dumping of Diseased Scottish Salmon in North Uist](#)
- [Daily Mail: "Dumped into the dunes....thousands of rotten, disease ridden salmon"](#)
- [Independent: "Scottish islanders raise a stink over vast salmon graveyard"](#)
- [Video Exposes Mass Graves of Millions of Diseased Scottish Salmon](#)
- [The Times: "Islanders raise a stink over vast salmon graveyard"](#)

## **Appendix:**

From: <casehandling.service@gov.scot>

Date: Fri, Aug 13, 2021 at 11:27 AM

Subject: Your recent correspondence with Scottish Government - 202100225785

To: <[salmonfarmingkills@gmail.com](mailto:salmonfarmingkills@gmail.com)>

Please find attached a response to your correspondence.



Don Staniford  
salmonfarmingkills@gmail.com

Our Reference: 202100225785

13 August 2021

Dear Mr Staniford,

**REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004  
(EIRs)**

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

Your request

You asked for information on Whiteshore Cockles since 1 May 2021 including any emails, letters, Cabinet Briefings, photos, videos and other information. Also to include the correspondence cited in the letter, attached to request, from the Scottish Government; namely the letter/email from the Scottish Government on 5 July 2021 and reply on 6 July 2021 from Whiteshore Cockles.

As the information you have requested is 'environmental information' for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your request under those Regulations. We are applying the exemption at section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA), so that we do not also have to deal with your request under FOISA.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption.

We have found that, on balance, the public interest lies in favour of upholding the exemption, because there is no public interest in dealing with the same request under two different regimes. This is essentially a technical point and has no material effect on the outcome of your request.

Response to your request

I enclose a copy of the information you requested.

While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested because an exception under regulation 10(4)(e), Internal communications, of the EIRs applies to that information. The reasons why that exception applies are explained in the Annex to this letter.

Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to:

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

Email: [Sheila.voas@gov.scot](mailto:Sheila.voas@gov.scot)

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

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

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

Yours sincerely

Sam McDonald  
**AHW : Disease Prevention**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

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



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## **Annex**

An exception applies:

An exception under regulation 10(4)(e) of the EIRs applies to some of the information you have requested. Regulation 10(4)(e) of the EIRs allows a Scottish public authority to withhold internal communications. In this case a submission, a document which has been circulated internally.

This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in allowing a private space within which officials can provide free and frank advice and views to Ministers in submissions. It is clearly in the public interest that Ministers can properly and robustly defend the Government's policies and decisions. They need full and candid advice from officials to enable them to do so. Disclosure of this type of information could lead to a reduction in the comprehensiveness and frankness of such advice and views in the future, which would not be in the public interest.