



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 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