

Email 1.

From: [redacted]

Sent: 25 November 2021 17:03

To: [redacted]

Cc: [redacted]

Subject: Re: Whiteshore Cockles - Task and Finish Group - future conditions for the burial of fish waste

Good evening [redacted].

Nothing here that rings alarm bells although due to logistical / winter ground conditions/ administrative reasons a few of the items need discussed further to clarify our working practices.

I am available anytime over the next two weeks for a video call.

The numbers of mortalities will traditionally be very limited from now till May when the water temperature starts to rise again so this will help matters.

Everything is moving ahead well now with SEPA (since we employed a new consultant) and the engineers are also on schedule to get the plant fully installed.

Best regards

[redacted]

On 25 Nov 2021, 16:11 +0000, [redacted], wrote:

Dear [redacted] I want to start with extending my apologise to you on the time it has taken for the Task and Finish Group to get in contact with you. Over the past few months we have engaged within the group to identify conditions which we feel will enable the burial of fish waste under official supervision to be carried out at your site. I want to add that these conditions are not set in stone and open for discussion within reason: Proposed burial conditions No burial above ground (no bunded pits) Weekly list of morts detailing daily tonnage and origin sites to be emailed to eh@cne-siar.gov.uk. No pits left uncovered overnight, if pit has capacity left then predator net is firmly secured over the site – records and daily time stamped photographic evidence to be kept Animal by-product waste from aquaculture to be buried within 4 hours on arriving at site Skips to be cleaned and disinfected immediately on emptying in accordance with cleaning schedule agreed in advance with competent authority Only animal by-product waste from aquaculture from finfish farms operated by authorised Aquaculture Production Businesses and within the Western Isles Council planning authority area is received Any disposal of animal by-product waste from aquaculture above background levels (event mortality) have to be pre-notified to Western Isles Council and the Scottish Government with quantities, origin location and disposal plan To end on 31/03/22 – to be debated The site will be subject to a weekly unannounced inspection The Task and Finish Group would be happy to meet to discuss our thinking on these conditions. Let me know who should be included for a meeting and I will try to arrange a virtual meeting over the next couple of weeks. [redacted] Animal Health - Disease Prevention Team | Animal

Health & Welfare Division | Directorate for Agriculture & Rural Economy | Scottish Government
Tel. [redacted] | Mob: [redacted]

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Email 2.

Sent: 16 December 2021 14:52

To: [redacted]

Cc: [redacted]

Subject: Whiteshore Cockles - Task and Finish Group - burial waste conditions - draft meeting notes

(annex 1)

Good afternoon everyone,

Thank you all for attending the Task and Finish Group Meeting on Monday the 13th of December.

Please see the attached document which covers the main topics discussed at the meeting including an update from Whiteshore Cockles Ltd, background to the Task and Finish Group, proposed burial derogation conditions and next steps/actions agreed.

Please can I ask you all to have a read of the notes and I invite you to send me any comments regarding the content.

If you have any questions or queries please let me know and I am also happy to discuss anything further with you should it be required.

Kind Regards

[redacted]

Policy Officer

Disease Prevention Team

Animal Health & Welfare Division

Directorate for Agriculture & Rural Economy

Scottish Government

Email 3.

From: [redacted]

Sent: 17 November 2021 16:59

To: [redacted]

Cc: [redacted]

Subject: FW: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

annex 2

Afternoon [redacted]

As you know the main reason we have been pushing for the controls and conditions on the operation is the level of smell emanating from the site rather than from ABP controls. This is causing significant impact on the neighbouring area and can be detected from a large distance.

The Animal Health Officer was at the site on 1st November and although the site appeared relatively tidy there were approximately 11 bunded pits “open” in that they were covered in seaweed, which does little to prevent odour escape. The pits can't be covered with sand as it sinks into the liquid and would cause overflow. The operators have to wait for the waste to solidify enough/drain before properly covering and the pits will continue to emit smell until they can be fully covered. This is not in compliance with their existing method statement.

My understanding was that the site was allowed to continue burying waste to ensure that there was a local solution for routine morts and to ensure that staff could be employed until the new plant was up and running; however, there are no restrictions on the quantities they are taking.

There appears to have been significant quantities disposed of over the last few weeks and appears to be ongoing due to fish farm events/incidents, which may explain the 11 pits. The quantities involved in “event” mortalities again brings the site's capacity into question and increases the level and duration of odours. It is likely that some of these “open” pits will not be covered properly for months. This aerial photo, which appears to be relatively recent, gives an indication of some of the pits and limited land available. <https://www.google.co.uk/maps/@57.5696889,-7.4600288,490m/data=!3m1!1e3>.

We asked Whiteshores for details of what has been buried over the last period. The figures they supplied showed over 9800 tonnes buried in the last 16 months. Their method statement says the site has a capacity to hold 40,000 tonnes. These figures indicate that they have utilised nearly a quarter of the site's capacity in 16 months. If these figures are representative of previous years, even with natural breakdown, I would seriously question what capacity, if any, the site has remaining. Also for context – assuming a 4 metre pit is achievable and 1m³ per ton – to bury October's waste (~1160 m³) would need the equivalent of a 17m x 17m pit.

We agreed to monitor the site using the proposed conditions below and based on the derogation ending on 31 March 2022. Given this date is now unlikely and they can't effectively comply with the main conditions that could limit odours I honestly don't see any real point in arranging monitoring as it will do little to mitigate the smells. Also based on the current method of disposal there are likely to be open pits well after the derogation end date.

[redacted] said the options are to extend the derogation to 31/3/23 or until the PPC permit is in place, whichever is the earlier, or they have to find another treatment route in the meantime. Given the ongoing concerns regarding capacity and odour, I don't see how we can support extending the derogation.

Regards

[redacted]

--

[redacted]

[redacted] | [Manaidsear Seirbheisean Luchd-Cleachdaidh agus Arainneachd \(Consumer and Environmental Services Manager\)](#)

Roinn nan Coimhearsnachdan | Comhairle nan Eilean Siar | Rathad Shanndabhaig | Steornabhagh | Eilean Leodhais | HS1 2BW

[Communities Department](#) | Comhairle nan Eilean Siar | [Sandwick Road](#) | [Stornoway](#) | [Isle of Lewis](#) | HS1 2BW

[redacted] | [redacted] | [Ext \[redacted\]](#) | www.cne-siar.gov.uk

Links to further service information:

COVID

Trading Standards

Food Safety

Health and Safety at Work

Licensing

Animal Health & Welfare

Consumer & Environmental Services welcomes your feedback. Please help us improve our service by taking our short customer survey at www.surveymonkey.com/s/cnes-ces-c

Ag Obair Comhla airson na h-Eileanan Siar **COMHAIRLE NAN EILEAN SIAR** Working Together for the Western Isles



From: [redacted]

Sent: 02 November 2021 16:37

To: [redacted]

Cc: [redacted]

Subject: RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

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

Thanks [redacted] and [redacted], both of your comments are helpful

Going back to [redacted] email, on the record keeping, I think we can make a work around on GDPR issues. WCL should be keeping commercial documents of all consignments going to the site under ABP Regulations. I am sure a system can be adapted to rely this information to CNeS for official supervision purposes. I will let CNeS comment on frequency of providing this data.

On event mortality, it is important we distinguish mortality that is above background levels. From what you say FHI already make this distinction, so this is not new. We have concerns about the current burial procedures and site capacity to bury fish morts at WCL. This is the reason we are reviewing the burial derogation to make it easier for CEnS to official supervise the site. The geographical condition should reduce the current volume of morts going to the site. However, we should also be aware of mortality levels above background levels to ensure disposal is managed properly. You mentioned the FHI provide guidance when levels rise above background, does it refer to ABP regulations?

On your questions:

- Who do these conditions apply to - whiteshore or the fish farms? I assume the conditions can only apply to whiteshore? Only WCL
- What is the difference in what is to achieved by condition (2) and condition (7)? Condition 2 is general record keeping compliance. Condition 7 would be to ensure large scale disposal is managed properly i.e. not sitting uncovered for days.
- What is the fish farm or whiteside to do i.e. notify only or notify and wait for approval? Because it's the latter and if there's a delay to approval, what do you expect the fish farm to do with mortalities in the meantime? In theory, we would not reject any request from fish farms local to WCL. We are trying to prevent large quantities of/any fish morts from out with Barra and Uist being disposed of at WCL.
- Why does a disposal plan need to forwarded everytime? Is it an operational requirement of the fish farm to have a disposal plan and is this not checked via other routes than a condition which applies to whiteshore? And equally if the conditions only apply to whiteshore than why does the disposal plan need to forwarded every time?

A disposal plan is needed because burial of fish morts is not be allowed. We have temporarily allowed burial for WCL and these conditions apply to WCL only. We want to ensure that fish morts that are not included under the derogation are not getting buried at WCL. We want to maintain strict

conditions for any fish farms that plan to use WCL as their method as disposal. So if a fish farm needs to use WCL for above background (event mortality) disposal then we need to have a process of recording that use.

Hope this is helpful.

[redacted]

[redacted]

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

From: **[redacted]**

Sent: 02 November 2021 09:20

To: **[redacted]**

Cc: **[redacted]**

Subject: RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

Folks

I support the comments that **[redacted]** has made, particularly querying why we are differentiating between routine, and non-routine – the challenges for alternative disposal routes are similar, or increased for non-routine. The challenge for the Uists / Barra is the current lack of disposal options and the difficulty of transporting the mortality off-island.

From the perspective of disease control, the challenge is to offer a biosecure disposal option at a reasonable distance from the source of the mortalities, whilst minimising nuisance.

With regard to what defines the farms in the Uists / Barra, I think of them as being the farms with their operating shore base in the Uists / Barra, regardless of where they are spatially in the sea.

Happy to discuss further if required.

[redacted]

Fish Health Inspectorate Group Leader

Marine Scotland|Marine Laboratory|375 Victoria Road|Aberdeen|AB11 9DB

Tel: **[redacted]**

Mobile: **[redacted]**

www.gov.scot/marinescotland

From: [redacted]

Sent: 29 October 2021 09:00

To: [redacted]

Cc: [redacted]

Subject: FW: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

[redacted],

Hopefully the comments below are helpful but have copied [redacted] (FHI) in for additional comment / correction if he has anything to add.

From our perspective mortality for disposal is mortality for disposal i.e. whatever the volume, cause or 'event' the end result is fish which needs disposed of in accordance with waste management regulations. Legislation and Scottish Government policy is in place regarding mortality issues which arise during production. For example, mortality above 'background levels' is reported to the Fish Health Inspectorate, considered, investigated if necessary and managed according to advice given. In the event that a notifiable disease was found, the enforcement of contingency measures and advice by the FHI would ensure waste was disposed of in accordance with disease management measures.

Therefore I'm not seeing the need for distinction in conditions between 'routine' mortality of otherwise, and whether the mortality is the result of an 'event' or not. I recommend the conditions focus on waste management irrespective of the reason or volume for the waste. Some information regarding mortality on sites and cause is reported in the public domain and I would caution against the conditions being used to generate information on mortality for any reason other than monitoring of waste management at the site. There's may also be a data protection issue to be considered with regards to the collection of data which is not required for waste management purposes.

This provides the context for my comments below.

I'm happy to chat about my comments if it would be helpful.

[redacted]

[redacted]

(Working days Monday, Wednesday, Thursday)

Head of fish health and welfare
Marine Scotland – Aquaculture and Recreational Fisheries

Scottish Government | Area GB-North | Victoria Quay| Edinburgh| EH6 6QQ

Tel: [redacted]
Mob: [redacted]
e: [redacted]
w: <http://www.scotland.gov.uk/marinescotland>

From: [redacted]
Sent: 28 October 2021 16:03
To: [redacted]
Subject: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

Hello

I have received advice from my Scottish Government legal colleagues on the fish waste burial conditions. Nothing major to change but they would like to see a bit more detail in the conditions. I have highlighted the conditions that need more detail and put in bold who I think is best placed to advise.

Burial conditions

1. No burial above ground (no banded pits)
2. Weekly list of morts detailing daily tonnage and origin sites to be emailed to eh@cne-siar.gov.uk. **Am assuming this is to monitor compliance that the site is only receiving from the geographic area the derogation is intended to support and appropriate use of site capacity rather than to mortality per se, because the latter would not be appropriate. Is weekly the correct frequency?**
3. No pits left uncovered overnight – records and daily time stamped photographic evidence to be kept.

Further specification on the meaning “uncovered”. Greater specificity on the requirements will make it easier to establish a breach of the condition. We have this in the original Method Statement - Hole is covered in sand. If the pit has capacity left then a predator net is firmly secured over the site. Probably a question for **CnES**, is this what you would be looking for by having the pits covered?

4. Fish morts to be buried within 4 hours of arriving on site.

Recommend changing to – Animal by-product waste from aquaculture to be buried within 4 hours on arriving at site.

5. Skips to be cleaned immediately on emptying.

More detail on cleaning requirements, again to be clearer is condition has been breached. Method statement states - The empty bins are transported to the wash area where they are steam cleaned and disinfected before the lids

are attached with cable ties. Are we content with this condition? Maybe **APHA** could state example to follow?

6. Only routine morts from Uist & Barra

Is routine sufficiently clear? Same with Uist and Barra. Would “from fish cultivated in waters [around/within x distance of] the coastline of Uist and Barra and any inland waters of those islands [if there are any fish on inland waters]” be more appropriate? Suggest **Marine Scotland** advise.

The Marine area is usually described by nautical miles from mean high spring tides. Alternatively it could be described by the planning authority jurisdiction which extends down to Mean Low Water Springs, with the exception of fish farming which extends out to 12 nautical miles. However if there is a need to distinguish between sites off Uist and Barra only then you may just have to specify

Also see my introductory comments regarding ‘routine’. I’m unclear how ‘routine’ is being defined or why it matters. I would suggest its not relevant.

I suggest

‘Only animal by-product waste from finfish farms operated by authorised Aquaculture Production Businesses and within the Western Isles Council planning authority area is received’

Or if the specific islands of Barra and (both?) Uist and not other islands need to be specified , you could say

‘Only animal by-product waste from finish farms operated by authorised Aquaculture Production Businesses within coastal waters immediately adjacent to island X, island Y,....’

7. Any disposal of event morts have to be pre-notified to CNES & SG with quantities, origin location and disposal plan

Specification on an “event”. Could **Marine Scotland** provide advice on event mortality? I dont think it's necessary to refer to ‘event’ mortalities. I cant think why the reason for mortality is relevant. It can be argued that any mortality is the result of an event.

I’m not familiar with legislation requirements of waste disposal and notification obligations, so I’m not clear if pre-notification is required. so accept the following as suggestions for clarifying with a view to improving the condition.

- Who do these conditions apply to - whiteshore or the fish farms? I assume the conditions can only apply to whiteshore?
- What is the difference in what is to achieved by condition (2) and condition (7)?

- What is the fish farm or whiteside to do i.e. notify only or notify and wait for approval? Because it's the latter and if there's a delay to approval, what do you expect the fish farm to do with mortalities in the meantime?
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8. To end on 31/03/22 – to be debated
9. The site will be subject to a weekly unannounced weekly inspection.
10. Whiteshores will pay £200+vat for CNES monitoring

There may be scope for CNeS to charge but it should be removed from the conditions.

Burial derogation

We are wanting to move away from an open ended derogation. The new derogation is likely to remain in place until 31 March (at which point it would come to an end), although subject to cancellation by the Scottish Ministers if Whiteshore Cockles fails to adhere to the conditions.

On top of the conditions, an additional event that might lead to the cancellation of the derogation could be the refusal of the PPC Permit. Burial is not a long term solution, so failure to get a PPC Permit would mean the aquaculture industry seek alternative disposal routes. Can **SEPA** advise on appealing a refusal of a the PPC Permit? Could a revised application be made after the initial refusal?

In any case, the new derogation will not make a categorical statement that a new derogation will not be granted if the existing one comes to an end. That will enable us to have a full range of options available to it.

Grateful for comment by 19 November.

Thanks

[redacted]

[redacted]

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

Email 4.

From: [redacted]

Sent: 24 November 2021 15:07

To: [redacted]

Cc: [redacted]

Subject: RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

[redacted],

I don't have any concerns thanks – your comments in response to mine have helped clarify so thank you .

Condition (2) there may be benefit in clarifying the purpose (i.e. for monitoring capacity) either in the condition or else in the understanding between regulating parties. This will hopefully avoid any confusion that mortality reporting is required here for purposes of health monitoring.

Condition (7) as above.

Thanks for on going sight of this of this and the opportunity to comment, much appreciated.

[redacted]

[redacted]

(Working days Monday, Wednesday, Thursday)

Head of fish health and welfare
Marine Scotland – Aquaculture and Recreational Fisheries

Scottish Government | Area GB-North | Victoria Quay| Edinburgh| EH6 6QQ

Tel: [redacted]

Mob: [redacted]

e: [redacted]

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

From: [redacted]

Sent: 24 November 2021 11:22

To: [redacted]

Cc: [redacted]>

Subject: RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

Hi both

I just wanted to double check you were content with the conditions 2 and 7?

[redacted]

From: [redacted]

Sent: 02 November 2021 16:37

To: [redacted]

Cc: [redacted]

Subject: RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

Thanks [redacted] and [redacted], both of your comments are helpful

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Hope this is helpful.

[redacted]

[redacted]

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

From: [redacted]

Sent: 02 November 2021 09:20

To: [redacted]

Cc: [redacted]

Subject: RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

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There may be scope for CNeS to charge but it should be removed from the conditions.

Burial derogation

We are wanting to move away from an open ended derogation. The new derogation is likely to remain in place until 31 March (at which point it would come to an end), although subject to cancellation by the Scottish Ministers if Whiteshore Cockles fails to adhere to the conditions.

On top of the conditions, an additional event that might lead to the cancellation of the derogation could be the refusal of the PPC Permit. Burial is not a long term solution, so failure to get a PPC Permit would mean the aquaculture industry seek alternative disposal routes. Can **SEPA** advise on appealing a refusal of a the PPC Permit? Could a revised application be made after the initial refusal?

In any case, the new derogation will not make a categorical statement that a new derogation will not be granted if the existing one comes to an end. That will enable us to have a full range of options available to it.

Grateful for comment by 19 November.

Thanks

[redacted]

[redacted]

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

Email 5.

From: [redacted]

Sent: 14 April 2022 09:50

To: [redacted]

Subject: Newspaper article



Stornoway Gazette

finished article..pdf (annex 3)

Good morning [redacted], [redacted],

Please find attached an article that I have written which will appear in the Stornoway Gazette today.

It has been a long journey but we see a light at the end of the tunnel now.

Thank you for your continued support.

Best regards

[redacted]

Email 6.

From: [redacted]

Sent: 18 January 2022 16:37

To: [redacted]

Cc: [redacted]

Subject: RE: Whiteshore

Hi [redacted]

No hurry as long as we know things are being extended till the PPC is issued as the conditions are being followed as discussed.

Very quiet now anyway and our consultant seems to be having almost daily contact with SEPA which is good.

Regards

[redacted]

On 18 Jan 2022, 15:54 +0000, [redacted], wrote:

Hi [redacted]- Sorry for the late reply. Just on the updated burial conditions, they are sitting with my lawyers who are extremely busy at the moment. Hopefully we can get them issued to you by the end of the month. [redacted] *Animal Health - Disease Prevention Team | Animal Health & Welfare Division | Directorate for Agriculture & Rural Economy | Scottish Government* Tel. [redacted] | Mob:

[redacted] **From:** [redacted] **Sent:** 06 January 2022 09:21 **To:** [redacted]

Subject: Whiteshore

Happy New Year [redacted] & [redacted],

The Omicron virus seems to be continuing to spread rapidly in the Western Isles and we are tightening our restrictions around our small bubble of workers. If any of your staff would like to visit our site could they please give me a call the day before so I can arrange for an individual to meet them. I will be working from Inverness from next week till the end of the month but I am available at all times on [redacted]. We are also requesting that anyone outside the Whiteshore site bubble takes a lateral flow test before arriving.

In case of complaints. I was at the site yesterday (after taking a LF test) and the smell was horrendous. Nothing to do with the fish though - all the machair area surrounding our site has been spread with rotten seaweed, the traditional crofting practice at this time of year, and the odour is a lot worse than than the morts.

Is there any update on us getting an official letter confirming our derogation status as discussed at our last meeting?

Stay safe and best regards.

[redacted]

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Email 7.

From: [redacted]

Sent: 18 January 2022 15:54

To: [redacted]

Cc: [redacted]

Subject: RE: Whiteshore

Hi [redacted]

Sorry for the late reply. Just on the updated burial conditions, they are sitting with my lawyers who are extremely busy at the moment. Hopefully we can get them issued to you by the end of the month.

[redacted]

[redacted]

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

Tel. [redacted] / Mob: [redacted]

From: [redacted]

Sent: 06 January 2022 09:21

To: [redacted]

Subject: Whiteshore

Happy New Year [redacted] & [redacted],

The Omicron virus seems to be continuing to spread rapidly in the Western Isles and we are tightening our restrictions around our small bubble of workers. If any of your staff would like to visit our site could they please give me a call the day before so I can arrange for an individual to meet them. I will be working from Inverness from next week till the end of the month but I am available at all times on [redacted]. We are also requesting that anyone outside the Whiteshore site bubble takes a lateral flow test before arriving.

In case of complaints. I was at the site yesterday (after taking a LF test) and the smell was horrendous. Nothing to do with the fish though - all the machair area surrounding our site has been spread with rotten seaweed, the traditional crofting practice at this time of year, and the odour is a lot worse than than the morts.

Is there any update on us getting an official letter confirming our derogation status as discussed at our last meeting?

Stay safe and best regards.

[redacted]

Email 8.

From: [redacted]

Sent: 25 March 2022 13:46

To: [redacted]

Subject: Whiteshore Cockles

[redacted], [redacted],

Hope all is well with you both.

After two and a half years and countless consultants our Part A PPC application was submitted to SEPA yesterday.

The application has hundreds of pages of information attached to it and if you want a copy please let me know.

If you can exert any pressure on SEPA to process the application asap I would be obliged as we are in the final stages of preparing / commissioning the equipment and will be ready for operation once the permit is granted.

i am sure we will all be glad once the new system is in full flow.

Any queries please do not hesitate to get in touch.

[redacted]

Email 9.

From: [redacted]

Sent: 12 May 2022 15:13

To: [redacted]

Subject: RE: OFFICIAL SENSITIVE: Regulatory position statement for Whiteshore boiler UPDATE

Dear All,

I am just off the phone with [redacted].

Cat.1 was proposed as they know the calorific value of cat.1 MBM. No one burns cat.3, so its calorific value is unknown.

They'd be willing to consider using cat.3 PAP to commission the boiler if we agreed that only registration would be required (so no storage approval). This would allow them to save time on the approval procedures. The funds for the approval fee would then be used to purchase the cat.3.

We haven't really discussed this, but is this something that you'd be willing to consider? Registration only to burn cat.3 PAP? Could I have your thoughts please?

[redacted] will come up with a written SOP for storing the PAP on site and its "Use register". All material would be used during the commissioning or [redacted] offered that he could take it back, if preferred (I said we would rather that it was all used).

[redacted] is now to speak with [redacted]. They will try to find out what would be the calorific value of the cat 3 PAP as it might be that they would require more than 10-15 tonnes. They will also need to seek SEPA acceptance to burn cat 3 and not cat 1.

I am told he has never been asked for a temporary approval under ABPR to run boiler commissioning trials.

When Whiteshore apply for approval of their method 4 cat 2 rendering site, they will start up the boiler with cat.2 MBM obtained during its commissioning.

Best wishes,

[redacted]

Veterinary Advisor – Field Delivery Scotland

Animal and Plant Health Agency (APHA)

Telephone: [redacted] | Mobile: [redacted] | Email: [redacted]

Website: www.gov.uk/apha | Twitter: @APHAgovuk | Facebook: aphagov

Address: c/p APHA Galashiels Field Services, Cotgreen Road, Tweedbank, Galashiels, TD1 3SG

From: [redacted]

Sent: 12 May 2022 14:11

To: [redacted]

Subject: OFFICIAL SENSITIVE: Regulatory position statement for Whiteshore boiler

From: [redacted]

Sent: 10 May 2022 13:10

To: [redacted]

Cc: [redacted]

Subject: Fwd: Regulatory position statement for Whiteshore boiler

[redacted]

Further to our discussions yesterday regarding the above, please see below and attached letter from Sepa which provides the comfort that we talked about.

The registration of Whiteshore is being processed currently and it is our intention to supply the product when that is complete.

We will of course keep [redacted] in the picture.

Many thanks for advice.

Best regards

[redacted]

Get Outlook for iOS

From: [redacted]
Sent: Tuesday, May 10, 2022 11:49:58 AM
To: [redacted]
Subject: Fwd: Regulatory position statement for Whiteshore boiler

Good morning [redacted]

Please see attached letter from SEPA which gave is permission to use the MBM etc.

I will submit the registration document today and we will use DRMacLeod Ltd for haulage who are already registered.

[redacted].

----- Forwarded message -----

From: [redacted]
Date: 10 May 2022, 11:30 +0100
To: [redacted]
Subject: Regulatory position statement for Whiteshore boiler
Hi [redacted],

Attached is the regulatory position statement for the operation of the boiler for the RHI and commissioning testing.
All MBM will be used in the testing and none will be left over or held for a later date.

Best regards

[redacted]

[redacted]

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Email 10.

From: [redacted]
Sent: 11 May 2022 09:23
To: [redacted]
Cc: [redacted]
Subject: RE: OFFICIAL SENISITIVE: Regulatory position statement for Whiteshore boiler

Hi [redacted],

Would you be available for a 30 – 45 minutes call on Friday sometime between 12.30 and 2.30? There is a bit going on here and I think it would be of more benefit to discuss in person.

[redacted]

From: [redacted]

Sent: 10 May 2022 17:00

To: [redacted]

Cc: [redacted]

Subject: RE: OFFICIAL SENISITIVE: Regulatory position statement for Whiteshore boiler

Hi [redacted],

I believe the approval as a storage plant under ABPR would not be legally required in this case.

It is only to burn the MBM/use it as fuel. Normally, they would only require WID approval for such activity (similar to power stations). My understanding is that they need to commission the boiler prior to obtaining the WID approval.

Moreover, the approval would be very short lived as it is not the intention of Whiteshore at this stage to continue using Category 1 MBM as a feedstock. It is their intention to feed the biomass boiler with cat. 2 fish protein from their process when it has been commissioned and running. Whiteshore would receive only one consignment of 10 tote bags of cat.1 MBM from Dundas (approx. 10-15 tonnes). They do not have a clear answer on the rate of usage during the commissioning trials of the biomass boiler as by their very nature that is dependant in a number of circumstances. However, they estimate that it would be burnt within 2-4 days during the commissioning trial.

The operator is asking if the trails could occur concurrently with the application for the store approval if SG insisted on the approval requirement.

Please, let me know your thoughts.

Best wishes,

[redacted]

Veterinary Advisor – Field Delivery Scotland

Animal and Plant Health Agency (APHA)

Telephone: [redacted] | Mobile [redacted] | Email: [redacted]

Website: www.gov.uk/apha | Twitter: @APHAgovuk | Facebook: aphagov

Address: c/p APHA Galashiels Field Services, Cotgreen Road, Tweedbank, Galashiels, TD1 3SG

From: [redacted]
Sent: 10 May 2022 14:49
To: [redacted]
Cc: [redacted]>
Subject: RE: OFFICIAL SENISITIVE: Regulatory position statement for Whiteshore boiler

Hi [redacted],

To follow up with an issue Whiteshore will encounter, they will require an ABP storage approval to store the Cat 1 MBM onsite before it is used in the biomass boiler.

Regards

[redacted]

[redacted]

Disease Prevention
Animal Health and Welfare Division (P Spur)
Directorate for Agriculture & Rural Economy, Scottish Government
Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD

I am now working from home Monday to Friday, 7 am – 3 pm. I have full access to emails and this is the best way to contact me.

Tel: [redacted]
Fax: [redacted]



From: [redacted]
Sent: 10 May 2022 14:37
To: [redacted]
Cc: [redacted]
Subject: RE: OFFICIAL SENISITIVE: Regulatory position statement for Whiteshore boiler

Thanks [redacted],

I'm unaware of any registration submitted by Whiteshore, but it may come in over the next few days.

Regards

[redacted]

[redacted]

Disease Prevention
Animal Health and Welfare Division (P Spur)
Directorate for Agriculture & Rural Economy, Scottish Government
Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD

I am now working from home Monday to Friday, 7 am – 3 pm. I have full access to emails and this is the best way to contact me.

Tel: [redacted]

Fax: [redacted]



From: [redacted]

Sent: 10 May 2022 14:29

To: [redacted]

Subject: OFFICIAL SENSITIVE: Regulatory position statement for Whiteshore boiler

Dear Both,

Please, be advised that Whiteshore Cockles Limited are interested in receiving a permission to burn cat.1 MBM in their biomass boiler. The plan is that in the future the boiler will be fed with cat 2 MBM obtained during method 4 processing of the fish mortalities in their own cat.2 rendering plant (cat.2 fish oil will be sold for biodiesel production). Currently they do not have cat.2 MBM therefore they approached Dundas as they could source one single consignment of 10 tonnes of cat.1 MBM from them. This is to allow Whiteshore Cockles to commission the boiler.

I advised [redacted] of Dundas Chemical, that the recipient of cat.1 MBM should either be approved or registered under ABP Regulations.

My understanding is that Whiteshore Cokles have already approached you for registration to operate as cat.1 transporter and also to use the cat.1 MBM as a fuel.

Please, find attached communication from SEPA on this matter.

Kind regards,

[redacted]

Veterinary Advisor – Field Delivery Scotland

Animal and Plant Health Agency (APHA)

Telephone: [redacted] | Mobile: [redacted] | Email: [redacted]

Website: www.gov.uk/apha | Twitter: @APHAgovuk | Facebook: aphagov

Address: c/p APHA Galashiels Field Services, Cotgreen Road, Tweedbank, Galashiels, TD1 3SG

From: [redacted]

Sent: 10 May 2022 13:10

To: [redacted]

Cc: [redacted]

Subject: Fwd: Regulatory position statement for Whiteshore boiler

[redacted],

Further to our discussions yesterday regarding the above, please see below and attached letter from Sepa which provides the comfort that we talked about.

The registration of Whiteshore is being processed currently and it is our intention to supply the product when that is complete.

We will of course keep [redacted] in the picture.

Many thanks for advice.

Best regards

[redacted]

Get Outlook for iOS

From: [redacted]

Sent: Tuesday, May 10, 2022 11:49:58 AM

To: [redacted]

Subject: Fwd: Regulatory position statement for Whiteshore boiler

Good morning [redacted]

Please see attached letter from SEPA which gave is permission to use the MBM etc.

I will submit the registration document today and we will use DRMacLeod Ltd for haulage who are already registered.

[redacted].

----- Forwarded message -----

From: [redacted]

Date: 10 May 2022, 11:30 +0100

To: [redacted]

Subject: Regulatory position statement for Whiteshore boiler

Hi [redacted],

Attached is the regulatory position statement for the operation of the boiler for the RHI and commissioning testing.

All MBM will be used in the testing and none will be left over or held for a later date.

Best regards

[redacted]

[redacted]

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Email 11.

From: [redacted]

Sent: 12 May 2022 14:11

To: [redacted]

Subject: OFFICIAL SENSITIVE: Regulatory position statement for Whiteshore boiler

From: [redacted]
Sent: 10 May 2022 13:10
To: [redacted]
Cc: [redacted]
Subject: Fwd: Regulatory position statement for Whiteshore boiler



220117 Whiteshore
Cockles Boiler RHI tes **annex 4**

[redacted],
Further to our discussions yesterday regarding the above, please see below and attached letter from Sepa which provides the comfort that we talked about. The registration of Whiteshore is being processed currently and it is our intention to supply the product when that is complete. We will of course keep [redacted] in the picture. Many thanks for advice.
Best regards
[redacted]
Get Outlook for iOS

From: [redacted]
Sent: Tuesday, May 10, 2022 11:49:58 AM
To: [redacted]
Subject: Fwd: Regulatory position statement for Whiteshore boiler

Good morning [redacted]

Please see attached letter from SEPA which gave is permission to use the MBM etc.

I will submit the registration document today and we will use DRMacLeod Ltd for haulage who are already registered.

[redacted].
----- Forwarded message -----

From: [redacted]
Date: 10 May 2022, 11:30 +0100
To: [redacted]
Subject: Regulatory position statement for Whiteshore boiler
Hi [redacted],

Attached is the regulatory position statement for the operation of the boiler for the RHI and commissioning testing. All MBM will be used in the testing and none will be left over or held for a later date.

Best regards

[redacted]

Please consider the environment before printing this e-mail

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Email 12.

From: [redacted]

Sent: 23 February 2022 11:21

To: [redacted]

Cc: [redacted]

Subject: Re: Animal health - animal by-products - derogation for Whiteshore Cockles - draft text - SGLD to policy - legal rural

Hi [redacted],

Main items to look for:

- 1)description of cleaning step
- 2)use of a DEFRA approved disinfectant at general order concentration

[redacted]

Sent from my iPad

On 22 Feb 2022, at 12:28, [redacted] wrote:

Hi [redacted] and [redacted]

We are trying to finalise the fish waste burial conditions for Whiteshore Cockles. Would you be able to look at condition 8 and provide some lines for what to inspect for disinfection procedures?

Thanks

[redacted]

[redacted]

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

[redacted]

[redacted]

Email 13.

From: [redacted]

Sent: 23 February 2022 22:32

To: [redacted]

Cc: [redacted]

Subject: RE: Animal health - animal by-products - derogation for Whiteshore Cockles - draft text - SGLD to policy - legal rural

Hi [redacted], those comment boxes were getting messy so I have added in comments below in response to points raised. If you need me to transfer them into the do, just let me know.

9. Only fish waste from fish farms operated by authorised aquaculture production businesses within Comhairle nan Eilean Siar's planning authority area may be buried on site.

'Aquaculture Production Business' is the term given to those farms which are authorised to carry out aquaculture production by the competent authority and the term used in the Aquatic Animal Health (Scotland) Regulations. I would suggest using it instead of 'fish farming'

I don't have strong opinion on how the spatial area is described – the Comhairle describe itself as the 'local authority'. [redacted] made the point before that the APBs could be considered in terms of where the shore bases were as opposed to trying to define a marine area. The point to capture is that the use of Whiteshore is only to support those who had no alternative other than taking waste off the island(s) which wasn't always possible / feasible.

10. Before moving any consignment of fish waste to the site for disposal arising from a mortality event, notification of the approximate weight of fish waste in the consignment, its geographical source and a plan for its disposal must be given to Comhairle nan Eilean Siar and the Scottish Government by [insert means of communication e.g. "by sending emails to eh@cne-siar.gov.uk and XXX@gov.scot"] at least [48 hours] before the consignment is delivered.

'Mortality event' is a term we use loosely to convey an incident e.g. a disease outbreak, a seal attack, an algal bloom etc which has caused multiple fish (of an undefined number) to die, but it has no real meaning. We don't agree that a reference should be made to a 'mortality event' in the conditions – 'fish mortalities' is a better term to use. Or is the term necessary to reference in the condition at all - could we simply just say 'before moving any consignment of fish waste to the site for disposal, notification'. There is some discussion about in the comment boxes about how to define 'event' in terms of percentage or weight, but I'm not clear why this is relevant – why would we distinguish between waste of one weight or % than another, and what are the companies to

do with the waste of other weights of percentages. I'm happy to help further if I can better understand, so happy to discuss.

2. and 10. I understand why the type of information described is being requested, I predict that it will be subject to FOI for the Comhairlie as the data will be held by them for the first time.

[redacted]

From: [redacted]

Sent: 22 February 2022 12:25

To: [redacted]

Cc: [redacted]

Subject: FW: Animal health - animal by-products - derogation for Whiteshore Cockles - draft text - SGLD to policy - legal rural

Hi [redacted], [redacted] and [redacted]

We are finalising the fish waste burial conditions for Whiteshore Cockles. The attached letter has comments from SGLD and ABP policy. Would you be able to take a look at conditions 9 and 10? These need to be clarified by MS/FHI.

Thanks

[redacted]

[redacted]

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

[redacted]

Email 14.

[redacted]

Email 15.

[redacted]

Email 16

[redacted]

Email 17

[redacted]

Email 18.

[redacted]

Email 19.

[redacted]

Email 20.

From: [redacted]

Sent: 24 November 2021 15:07

To: [redacted]

Cc: [redacted]

Subject: RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

[redacted],

I don't have any concerns thanks – your comments in response to mine have helped clarify so thank you .

Condition (2) there may be benefit in clarifying the purpose (i.e. for monitoring capacity) either in the condition or else in the understanding between regulating parties. This will hopefully avoid any confusion that mortality reporting is required here for purposes of health monitoring.

Condition (7) as above.

Thanks for on going sight of this of this and the opportunity to comment, much appreciated.

[redacted]

[redacted]

(Working days Monday, Wednesday, Thursday)

Head of fish health and welfare
Marine Scotland – Aquaculture and Recreational Fisheries

Scottish Government | Area GB-North | Victoria Quay| Edinburgh| EH6 6QQ

Tel: **[redacted]**
Mob: **[redacted]**
e: **[redacted]**
w: <http://www.scotland.gov.uk/marinescotland>

From: **[redacted]**
Sent: 24 November 2021 11:22
To: **[redacted]**
Cc: **[redacted]**
Subject: RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions
- for comment by 19 November

Hi both

I just wanted to double check you were content with the conditions 2 and 7?

[redacted]

From: **[redacted]**
Sent: 02 November 2021 16:37
To: **[redacted]**
Cc: **[redacted]**
Subject: RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions
- for comment by 19 November

Thanks **[redacted]** and **[redacted]**, both of your comments are helpful

Going back to **[redacted]** email, on the record keeping, I think we can make a work around on GDPR issues. WCL should be keeping commercial documents of all consignments going to the site under ABP Regulations. I am sure a system can be adapted to rely this information to CNeS for official supervision purposes. I will let CNeS comment on frequency of providing this data.

On event mortality, it is important we distinguish mortality that is above background levels. From what you say FHI already make this distinction, so this is not new. We have concerns about the current burial procedures and site capacity to bury fish morts at WCL. This is the reason we are reviewing the burial derogation to make it easier for CEnS to official supervise the site. The geographical condition should reduce the current volume of morts going to the site. However, we should also be aware of mortality levels above background levels to ensure disposal is managed properly. You mentioned the FHI provide guidance when levels rise above background, does it refer to ABP regulations?

On your questions:

- Who do these conditions apply to - whiteshore or the fish farms? I assume the conditions can only apply to whiteshore? Only WCL
- What is the difference in what is to be achieved by condition (2) and condition (7)? Condition 2 is general record keeping compliance. Condition 7 would be to ensure large scale disposal is managed properly i.e. not sitting uncovered for days.
- What is the fish farm or whiteside to do i.e. notify only or notify and wait for approval? Because it's the latter and if there's a delay to approval, what do you expect the fish farm to do with mortalities in the meantime? In theory, we would not reject any request from fish farms local to WCL. We are trying to prevent large quantities of/any fish morts from out with Barra and Uist being disposed of at WCL.
- Why does a disposal plan need to be forwarded everytime? Is it an operational requirement of the fish farm to have a disposal plan and is this not checked via other routes than a condition which applies to whiteshore? And equally if the conditions only apply to whiteshore than why does the disposal plan need to be forwarded every time?

A disposal plan is needed because burial of fish morts is not to be allowed. We have temporarily allowed burial for WCL and these conditions apply to WCL only. We want to ensure that fish morts that are not included under the derogation are not getting buried at WCL. We want to maintain strict conditions for any fish farms that plan to use WCL as their method of disposal. So if a fish farm needs to use WCL for above background (event mortality) disposal then we need to have a process of recording that use.

Hope this is helpful.

[redacted]

[redacted]

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

From: [redacted]

Sent: 02 November 2021 09:20

To: [redacted]

Cc: [redacted]

Subject: RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

Folks

I support the comments that [redacted] has made, particularly querying why we are differentiating between routine, and non-routine – the challenges for alternative disposal routes are similar, or increased for non-routine. The challenge for the Uists /

Barra is the current lack of disposal options and the difficulty of transporting the mortality off-island.

From the perspective of disease control, the challenge is to offer a biosecure disposal option at a reasonable distance from the source of the mortalities, whilst minimising nuisance.

With regard to what defines the farms in the Uists / Barra, I think of them as being the farms with their operating shore base in the Uists / Barra, regardless of where they are spatially in the sea.

Happy to discuss further if required.

[redacted]

Fish Health Inspectorate Group Leader

Marine Scotland|Marine Laboratory|375 Victoria Road|Aberdeen|AB11 9DB

Tel: **[redacted]**

Mobile: **[redacted]**

www.gov.scot/marinescotland

From: **[redacted]**

Sent: 29 October 2021 09:00

To: **[redacted]**

Cc: **[redacted]**

Subject: FW: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

[redacted],

Hopefully the comments below are helpful but have copied **[redacted]** (FHI) in for additional comment / correction if he has anything to add.

From our perspective mortality for disposal is mortality for disposal i.e. whatever the volume, cause or 'event' the end result is fish which needs disposed of in accordance with waste management regulations. Legislation and Scottish Government policy is in place regarding mortality issues which arise during production. For example, mortality above 'background levels' is reported to the Fish Health Inspectorate, considered, investigated if necessary and managed according to advice given. In the event that a notifiable disease was found, the enforcement of contingency measures and advice by the FHI would ensure waste was disposed of in accordance with disease management measures.

Therefore I'm not seeing the need for distinction in conditions between 'routine' mortality of otherwise, and whether the mortality is the result of an 'event' or not. I recommend the conditions focus on waste management irrespective of the reason or volume for the waste. Some information regarding mortality on sites and cause is

reported in the public domain and I would caution against the conditions being used to generate information on mortality for any reason other than monitoring of waste management at the site. There's may also be a data protection issue to be considered with regards to the collection of data which is not required for waste management purposes.

This provides the context for my comments below.

I'm happy to chat about my comments if it would be helpful.

[redacted]

[redacted]

(Working days Monday, Wednesday, Thursday)

Head of fish health and welfare
Marine Scotland – Aquaculture and Recreational Fisheries

Scottish Government | Area GB-North | Victoria Quay| Edinburgh| EH6 6QQ

Tel: [redacted]
Mob: [redacted]
e: [redacted]
w: <http://www.scotland.gov.uk/marinescotland>

From: [redacted]
Sent: 28 October 2021 16:03
To: [redacted]
Cc: [redacted]
Subject: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

Hello

I have received advice from my Scottish Government legal colleagues on the fish waste burial conditions. Nothing major to change but they would like to see a bit more detail in the conditions. I have highlighted the conditions that need more detail and put in bold who I think is best placed to advise.

Burial conditions

1. No burial above ground (no banded pits)
2. Weekly list of morts detailing daily tonnage and origin sites to be emailed to eh@cne-siar.gov.uk. **Am assuming this is to monitor compliance that the site is only**

receiving from the geographic area the derogation is intended to support and appropriate use of site capacity rather than to mortality per se, because the latter would not be appropriate. Is weekly the correct frequency?

3. No pits left uncovered overnight – records and daily time stamped photographic evidence to be kept.

Further specification on the meaning “uncovered”. Greater specificity on the requirements will make it easier to establish a breach of the condition. We have this in the original Method Statement - Hole is covered in sand. If the pit has capacity left then a predator net is firmly secured over the site. Probably a question for **CnES**, is this what you would be looking for by having the pits covered?

4. Fish morts to be buried within 4 hours of arriving on site.

Recommend changing to – Animal by-product waste from aquaculture to be buried within 4 hours on arriving at site.

5. Skips to be cleaned immediately on emptying.

More detail on cleaning requirements, again to be clearer is condition has been breached. Method statement states - The empty bins are transported to the wash area where they are steam cleaned and disinfected before the lids are attached with cable ties. Are we content with this condition? Maybe **APHA** could state example to follow?

6. Only routine morts from Uist & Barra

Is routine sufficiently clear? Same with Uist and Barra. Would “from fish cultivated in waters [around/within x distance of] the coastline of Uist and Barra and any inland waters of those islands [if there are any fish on inland waters]” be more appropriate? Suggest **Marine Scotland** advise.

The Marine area is usually described by nautical miles from mean high spring tides. Alternatively it could be described by the planning authority jurisdiction which extends down to Mean Low Water Springs, with the exception of fish farming which extends out to 12 nautical miles. However if there is a need to distinguish between sites off Uist and Barra only then you may just have to specify

Also see my introductory comments regarding ‘routine’. I’m unclear how ‘routine’ is being defined or why it matters. I would suggest its not relevant.

I suggest

‘Only animal by-product waste from finfish farms operated by authorised Aquaculture Production Businesses and within the Western Isles Council planning authority area is received’

Or if the specific islands of Barra and (both?) Uist and not other islands need to be specified , you could say

'Only animal by-product waste from finish farms operated by authorised Aquaculture Production Businesses within coastal waters immediately adjacent to island X, island Y,....'

7. Any disposal of event morts have to be pre-notified to CNES & SG with quantities, origin location and disposal plan

Specification on an "event". Could **Marine Scotland** provide advice on event mortality? I dont think it's necessary to refer to 'event' mortalities. I cant think why the reason for mortality is relevant. It can be argued that any mortality is the result of an event.

I'm not familiar with legislation requirements of waste disposal and notification obligations, so I'm not clear if pre-notification is required. so accept the following as suggestions for clarifying with a view to improving the condition.

- Who do these conditions apply to - whiteshore or the fish farms? I assume the conditions can only apply to whiteshore?
- What is the difference in what is to achieved by condition (2) and condition (7)?
- What is the fish farm or whiteside to do i.e. notify only or notify and wait for approval? Because it's the latter and if there's a delay to approval, what do you expect the fish farm to do with mortalities in the meantime?
- Why does a disposal plan need to forwarded everytime? Is it an operational requirement of the fish farm to have a disposal plan and is this not checked via other routes than a condition which applies to whiteshore? And equally if the conditions only apply to whiteshore than why does the disposal plan need to forwarded every time?

8. To end on 31/03/22 – to be debated

9. The site will be subject to a weekly unannounced weekly inspection.

10. Whiteshores will pay £200+vat for CNES monitoring

There may be scope for CNeS to charge but it should be removed from the conditions.

Burial derogation

We are wanting to move away from an open ended derogation. The new derogation is likely to remain in place until 31 March (at which point it would come to an end),

although subject to cancellation by the Scottish Ministers if Whiteshore Cockles fails to adhere to the conditions.

On top of the conditions, an additional event that might lead to the cancellation of the derogation could be the refusal of the PPC Permit. Burial is not a long term solution, so failure to get a PPC Permit would mean the aquaculture industry seek alternative disposal routes. Can **SEPA** advise on appealing a refusal of a the PPC Permit? Could a revised application be made after the initial refusal?

In any case, the new derogation will not make a categorical statement that a new derogation will not be granted if the existing one comes to an end. That will enable us to have a full range of options available to it.

Grateful for comment by 19 November.

Thanks

[redacted]

[redacted]

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

Email 21.

From: [redacted]

Sent: 16 December 2021 16:23

To: [redacted]

Cc: [redacted]

Subject: Re: Whiteshore Cockles - Task and Finish Group - burial waste conditions - draft meeting notes

Good afternoon [redacted]

Ref: Proposed Derogation Conditions

Item 4. Please change to Lewis/ Harris.

Skye is outwith the CNES area.

Regards.

[redacted]

On 16 Dec 2021, 14:52 +0000, [redacted], wrote:

Good afternoon everyone,

(annex 1)

Thank you all for attending the Task and Finish Group Meeting on Monday the 13th of December.

Please see the attached document which covers the main topics discussed at the meeting including an update from Whiteshore Cockles Ltd, background to the Task and Finish Group, proposed burial derogation conditions and next steps/actions agreed.

Please can I ask you all to have a read of the notes and I invite you to send me any comments regarding the content.

If you have any questions or queries please let me know and I am also happy to discuss anything further with you should it be required.

Kind Regards

[redacted]
Policy Officer
Disease Prevention Team
Animal Health & Welfare Division
Directorate for Agriculture & Rural Economy
Scottish Government

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Email 22.

From: **[redacted]**
Sent: 07 December 2021 18:04
To: **[redacted]**
Subject: Re: Task and Finish Group - Whiteshore Cockles future fish waste burial conditions

Meeting.

Thanks [redacted] I can then go through the different topics raised if that's acceptable. Most of them are no problem but some of them need discussing due to logistical / weather conditions that some of the committee are provably not aware of.

An agreed plan etc would be excellent for all interested parties.

Best regards

[redacted]

On 7 Dec 2021, 14:57 +0000, [redacted], wrote:

Afternoon Thanks for completing the Doodle Poll. Monday 13 December at 15:30 looked to be the most suitable time for everyone. Draft agenda Welcome and introductions – allBackground to Task and Finish Group – [redacted]Update from Whiteshore Cockles Ltd – [redacted]are you ok to give a general update on how your site operates and any progress with PPC permit?Discussion on proposed burial waste conditions – allNext steps – [redacted] Thanks

[redacted] Animal Health - Disease Prevention Team | Animal Health & Welfare Division | Directorate for Agriculture & Rural Economy | Scottish GovernmentTel. [redacted] | Mob: [redacted]

Microsoft Teams meeting

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Email 23.

From: [redacted]

Sent: 30 November 2021 16:57

To: [redacted]

Subject: RE: Whiteshore Cockles - Task and Finish Group - future conditions for the burial of fish waste

Thanks [redacted]

I have created a doodle poll looking for availability starting the w/b 6 December. Grateful if people could indicate their availability by the end of the week and we can get a virtual meeting set up.

https://doodle.com/poll/8wm5m4aic4vkm34p?utm_source=poll&utm_medium=link

[redacted]

[redacted]

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

From: [redacted]

Sent: 25 November 2021 17:03

To: [redacted]

Cc: [redacted]

Subject: Re: Whiteshore Cockles - Task and Finish Group - future conditions for the burial of fish waste

Good evening [redacted].

Nothing here that rings alarm bells although due to logistical / winter ground conditions/ administrative reasons a few of the items need discussed further to clarify our working practices.

I am available anytime over the next two weeks for a video call.

The numbers of mortalities will traditionally be very limited from now till May when the water temperature starts to rise again so this will help matters.

Everything is moving ahead well now with SEPA (since we employed a new consultant) and the engineers are also on schedule to get the plant fully installed.

Best regards

[redacted]

On 25 Nov 2021, 16:11 +0000, [redacted], wrote:

Dear [redacted] I want to start with extending my apologise to you on the time it has taken for the Task and Finish Group to get in contact with you. Over the past few months we have engaged within the group to identify conditions which we feel will enable the burial of fish waste under official supervision to be carried out at your site. I want to add that these conditions are not set in stone and open for discussion within reason: Proposed burial conditions No burial above ground (no bunded pits) Weekly list of morts detailing daily tonnage and origin sites to be emailed to eh@cne-siar.gov.uk. No pits left uncovered overnight, if pit has capacity left then

predator net is firmly secured over the site – records and daily time stamped photographic evidence to be kept Animal by-product waste from aquaculture to be buried within 4 hours on arriving at site Skips to be cleaned and disinfected immediately on emptying in accordance with cleaning schedule agreed in advance with competent authority Only animal by-product waste from aquaculture from finfish farms operated by authorised Aquaculture Production Businesses and within the Western Isles Council planning authority area is received Any disposal of animal by-product waste from aquaculture above background levels (event mortality) have to be pre-notified to Western Isles Council and the Scottish Government with quantities, origin location and disposal plan To end on 31/03/22 – to be debated The site will be subject to a weekly unannounced inspection The Task and Finish Group would be happy to meet to discuss our thinking on these conditions. Let me know who should be included for a meeting and I will try to arrange a virtual meeting over the next couple of weeks. [redacted] *Animal Health - Disease Prevention Team | Animal Health & Welfare Division | Directorate for Agriculture & Rural Economy | Scottish Government* Tel. [redacted] | Mob: [redacted]

***** This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return. Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.*****

Email 24.

[redacted]

Email 25.

[redacted]

Email 26.

[redacted]

Email 27.

[redacted]

Email 28.

[redacted]

Email 29.

[redacted]

Email 30.

[redacted]

Email 31.

[redacted]

Email 32.

[redacted]

Email 33.

[redacted]

Email 34.

[redacted]

Email 35.

[redacted]

Email 36.

[redacted]

Email 37.

[redacted]

Email 38.

From: [redacted]

Sent: 23 February 2022 22:32

To: [redacted]

Cc: [redacted]

Subject: RE: Animal health - animal by-products - derogation for Whiteshore Cockles - draft text - SGLD to policy - legal rural

Hi [redacted], those comment boxes were getting messy so I have added in comments below in response to points raised. If you need me to transfer them into the do, just let me know.

9. Only fish waste from fish farms operated by authorised aquaculture production businesses within Comhairle nan Eilean Siar's planning authority area may be buried on site.

'Aquaculture Production Business' is the term given to those farms which are authorised to carry out aquaculture production by the competent authority and the term used in the Aquatic Animal Health (Scotland) Regulations. I would suggest using it instead of 'fish farming'

I don't have strong opinion on how the spatial area is described – the Comhairle describe itself as the 'local authority'. [redacted] made the point before that the APBs could be considered in terms of where the shore bases were as opposed to trying to define a marine area. The point to capture is that the use of Whiteshore is only to support those who had no alternative other than taking waste off the island(s) which wasn't always possible / feasible.

10. Before moving any consignment of fish waste to the site for disposal arising from a mortality event, notification of the approximate weight of fish waste in the consignment, its geographical source and a plan for its disposal must be given to Comhairle nan Eilean Siar and the Scottish Government by [insert means of communication e.g. "by sending emails to eh@cne-siar.gov.uk and XXX@gov.scot"] at least [48 hours] before the consignment is delivered.

'Mortality event' is a term we use loosely to convey an incident e.g. a disease outbreak, a seal attack, an algal bloom etc which has caused multiple fish (of an undefined number) to die, but it has no real meaning. We don't agree that a reference should be made to a 'mortality event' in the conditions – 'fish mortalities' is a better term to use. Or is the term necessary to reference in the condition at all - could we simply just say 'before moving any consignment of fish waste to the site for disposal, notification'. There is some discussion about in the comment boxes about how to define 'event' in terms of percentage or weight, but I'm not clear why this is relevant – why would we distinguish between waste of one weight or % than another, and what are the companies to do with the waste of other weights of percentages. I'm happy to help further if I can better understand, so happy to discuss.

2. and 10. I understand why the type of information described is being requested, I predict that it will be subject to FOI for the Comhairlie as the data will be held by them for the first time.

[redacted]

From: [redacted]

Sent: 22 February 2022 12:25

To: [redacted]

Cc: [redacted]

Subject: FW: Animal health - animal by-products - derogation for Whiteshore Cockles - draft text - SGLD to policy - legal rural

Hi [redacted], [redacted]and [redacted]

We are finalising the fish waste burial conditions for Whiteshore Cockles. The attached letter has comments from SGLD and ABP policy. Would you be able to take a look at conditions 9 and 10? These need to be clarified by MS/FHI.

Thanks

[redacted]

[redacted]

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

[redacted]

Email 39.

From: [redacted]

Sent: 23 February 2022 14:12

To: [redacted]

Subject: RE: Animal health - animal by-products - derogation for Whiteshore Cockles - draft text - SGLD to policy - legal rural

I don't think so, but will address in my comments

[redacted]Fish Health

Inspectorate Group Leader

Marine Scotland|Marine Laboratory|375 Victoria Road|Aberdeen|AB11 9DB

Tel: [redacted]

Mobile: [redacted]

www.gov.scot/marinescotland

From: [redacted]

Sent: 22 February 2022 12:35

To: [redacted]

Cc: [redacted]

Subject: RE: Animal health - animal by-products - derogation for Whiteshore Cockles - draft text - SGLD to policy - legal rural

[redacted],

Quick question. Does condition 10 as it stands, make reporting of mortalities mandatory for the farms which use Whiteshore Cockles for disposal?

Kind regards

[redacted]



[redacted]

Aquaculture Health & Welfare Policy Adviser

[Marine Scotland](#): Aquaculture and Recreational Fisheries

Scottish Government

Tel: [redacted]

E-mail: [redacted]

From: [redacted]

Sent: 22 February 2022 12:25

To: [redacted]

Cc: [redacted]

Subject: FW: Animal health - animal by-products - derogation for Whiteshore Cockles - draft text - SGLD to policy - legal rural

Hi [redacted], [redacted]and [redacted]

We are finalising the fish waste burial conditions for Whiteshore Cockles. The attached letter has comments from SGLD and ABP policy. Would you be able to take a look at conditions 9 and 10? These need to be clarified by MS/FHI.

Thanks

[redacted]

[redacted]

Animal Health - Disease Prevention Team | Animal Health & Welfare Division | Directorate for Agriculture & Rural Economy | Scottish Government
Te[redacted] | Mob: [redacted]

[redacted]

Email 40.

From: [redacted]

Sent: 22 February 2022 12:25

To: [redacted]

Cc: [redacted]

Subject: FW: Animal health - animal by-products - derogation for Whiteshore Cockles - draft text - SGLD to policy - legal rural

Hi [redacted], [redacted] and [redacted]

We are finalising the fish waste burial conditions for Whiteshore Cockles. The attached letter has comments from SGLD and ABP policy. Would you be able to take a look at conditions 9 and 10? These need to be clarified by MS/FHI.

Thanks

[redacted]

[redacted]

*Animal Health - Disease Prevention Team | Animal Health & Welfare Division |
Directorate for Agriculture & Rural Economy | Scottish Government
Tel [redacted] / Mob [redacted]*

Email 41.

From: [redacted]

Sent: 24 November 2021 15:07

To: [redacted]

Cc: [redacted]

Subject: RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

[redacted],

I don't have any concerns thanks – your comments in response to mine have helped clarify so thank you .

Condition (2) there may be benefit in clarifying the purpose (i.e. for monitoring capacity) either in the condition or else in the understanding between regulating parties. This will hopefully avoid any confusion that mortality reporting is required here for purposes of health monitoring.

Condition (7) as above.

Thanks for on going sight of this of this and the opportunity to comment, much appreciated.

[redacted]

[redacted]

(Working days Monday, Wednesday, Thursday)

Head of fish health and welfare
Marine Scotland – Aquaculture and Recreational Fisheries

Scottish Government | Area GB-North | Victoria Quay| Edinburgh| EH6 6QQ

Tel: [redacted]
Mob: [redacted]
e[redacted]
w: <http://www.scotland.gov.uk/marinescotland>

From: [redacted]
Sent: 24 November 2021 11:22
To: [redacted]
Cc: [redacted]
Subject: RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

Hi both

I just wanted to double check you were content with the conditions 2 and 7?

[redacted]

From: [redacted]
Sent: 02 November 2021 16:37
To: [redacted]
Cc: [redacted]
Subject: RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

Thanks [redacted] and [redacted], both of your comments are helpful

Going back to [redacted] email, on the record keeping, I think we can make a work around on GDPR issues. WCL should be keeping commercial documents of all consignments going to the site under ABP Regulations. I am sure a system can be

adapted to rely this information to CNeS for official supervision purposes. I will let CNeS comment on frequency of providing this data.

On event mortality, it is important we distinguish mortality that is above background levels. From what you say FHI already make this distinction, so this is not new. We have concerns about the current burial procedures and site capacity to bury fish morts at WCL. This is the reason we are reviewing the burial derogation to make it easier for CEnS to official supervise the site. The geographical condition should reduce the current volume of morts going to the site. However, we should also be aware of mortality levels above background levels to ensure disposal is managed properly. You mentioned the FHI provide guidance when levels rise above background, does it refer to ABP regulations?

On your questions:

- Who do these conditions apply to - whiteshore or the fish farms? I assume the conditions can only apply to whiteshore? Only WCL
- What is the difference in what is to achieved by condition (2) and condition (7)? Condition 2 is general record keeping compliance. Condition 7 would be to ensure large scale disposal is managed properly i.e. not sitting uncovered for days.
- What is the fish farm or whiteside to do i.e. notify only or notify and wait for approval? Because it's the latter and if there's a delay to approval, what do you expect the fish farm to do with mortalities in the meantime? In theory, we would not reject any request from fish farms local to WCL. We are trying to prevent large quantities of/any fish morts from out with Barra and Uist being disposed of at WCL.
- Why does a disposal plan need to forwarded everytime? Is it an operational requirement of the fish farm to have a disposal plan and is this not checked via other routes than a condition which applies to whiteshore? And equally if the conditions only apply to whiteshore than why does the disposal plan need to forwarded every time?

A disposal plan is needed because burial of fish morts is not be allowed. We have temporarily allowed burial for WCL and these conditions apply to WCL only. We want to ensure that fish morts that are not included under the derogation are not getting buried at WCL. We want to maintain strict conditions for any fish farms that plan to use WCL as their method as disposal. So if a fish farm needs to use WCL for above background (event mortality) disposal then we need to have a process of recording that use.

Hope this is helpful.

[redacted]

[redacted]

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

From: [redacted]

Sent: 02 November 2021 09:20

To: [redacted]

Cc: [redacted]

Subject: RE: Whiteshore Cockles - Task and Finish Group - burial waste conditions
- for comment by 19 November

Folks

I support the comments that [redacted] has made, particularly querying why we are differentiating between routine, and non-routine – the challenges for alternative disposal routes are similar, or increased for non-routine. The challenge for the Uists / Barra is the current lack of disposal options and the difficulty of transporting the mortality off-island.

From the perspective of disease control, the challenge is to offer a biosecure disposal option at a reasonable distance from the source of the mortalities, whilst minimising nuisance.

With regard to what defines the farms in the Uists / Barra, I think of them as being the farms with their operating shore base in the Uists / Barra, regardless of where they are spatially in the sea.

Happy to discuss further if required.

[redacted]

Fish Health Inspectorate Group Leader

Marine Scotland|Marine Laboratory|375 Victoria Road|Aberdeen|AB11 9DB

Tel: [redacted]

Mobile: [redacted]

www.gov.scot/marinescotland

From: [redacted]

Sent: 29 October 2021 09:00

To: [redacted]

Cc: [redacted]

Subject: FW: Whiteshore Cockles - Task and Finish Group - burial waste conditions
- for comment by 19 November

[redacted],

Hopefully the comments below are helpful but have copied [redacted] (FHI) in for additional comment / correction if he has anything to add.

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Government policy is in place regarding mortality issues which arise during production. For example, mortality above 'background levels' is reported to the Fish Health Inspectorate, considered, investigated if necessary and managed according to advice given. In the event that a notifiable disease was found, the enforcement of contingency measures and advice by the FHI would ensure waste was disposed of in accordance with disease management measures.

Therefore I'm not seeing the need for distinction in conditions between 'routine' mortality of otherwise, and whether the mortality is the result of an 'event' or not. I recommend the conditions focus on waste management irrespective of the reason or volume for the waste. Some information regarding mortality on sites and cause is reported in the public domain and I would caution against the conditions being used to generate information on mortality for any reason other than monitoring of waste management at the site. There's may also be a data protection issue to be considered with regards to the collection of data which is not required for waste management purposes.

This provides the context for my comments below.

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[redacted]

[redacted]

(Working days Monday, Wednesday, Thursday)

Head of fish health and welfare
Marine Scotland – Aquaculture and Recreational Fisheries

Scottish Government | Area GB-North | Victoria Quay| Edinburgh| EH6 6QQ

Tel: **[redacted]**
Mob: **[redacted]**
e: **[redacted]**
w: <http://www.scotland.gov.uk/marinescotland>

From: **[redacted]**

Sent: 28 October 2021 16:03

To: **[redacted]**

Subject: Whiteshore Cockles - Task and Finish Group - burial waste conditions - for comment by 19 November

Hello

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2. Weekly list of morts detailing daily tonnage and origin sites to be emailed to eh@cne-siar.gov.uk. Am assuming this is to monitor compliance that the site is only receiving from the geographic area the derogation is intended to support and appropriate use of site capacity rather than to mortality per se, because the latter would not be appropriate. Is weekly the correct frequency?
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Further specification on the meaning “uncovered”. Greater specificity on the requirements will make it easier to establish a breach of the condition. We have this in the original Method Statement - Hole is covered in sand. If the pit has capacity left then a predator net is firmly secured over the site. Probably a question for **CnES**, is this what you would be looking for by having the pits covered?

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Recommend changing to – Animal by-product waste from aquaculture to be buried within 4 hours on arriving at site.

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6. Only routine morts from Uist & Barra

Is routine sufficiently clear? Same with Uist and Barra. Would “from fish cultivated in waters [around/within x distance of] the coastline of Uist and Barra and any inland waters of those islands [if there are any fish on inland waters]” be more appropriate? Suggest **Marine Scotland** advise.

The Marine area is usually described by nautical miles from mean high spring tides. Alternatively it could be described by the planning authority jurisdiction which extends down to Mean Low Water Springs, with the exception of fish farming which extends out to 12 nautical miles. However if there is a need to distinguish between sites off Uist and Barra only then you may just have to specify

Also see my introductory comments regarding 'routine'. I'm unclear how 'routine' is being defined or why it matters. I would suggest its not relevant.

I suggest

'Only animal by-product waste from finfish farms operated by authorised Aquaculture Production Businesses and within the Western Isles Council planning authority area is received'

Or if the specific islands of Barra and (both?) Uist and not other islands need to be specified , you could say

'Only animal by-product waste from finish farms operated by authorised Aquaculture Production Businesses within coastal waters immediately adjacent to island X, island Y,.....'

7. Any disposal of event morts have to be pre-notified to CNES & SG with quantities, origin location and disposal plan

Specification on an "event". Could **Marine Scotland** provide advice on event mortality? I dont think it's necessary to refer to 'event' mortalities. I cant think why the reason for mortality is relevant. It can be argued that any mortality is the result of an event.

I'm not familiar with legislation requirements of waste disposal and notification obligations, so I'm not clear if pre-notification is required. so accept the following as suggestions for clarifying with a view to improving the condition.

- Who do these conditions apply to - whiteshore or the fish farms? I assume the conditions can only apply to whiteshore?
- What is the difference in what is to achieved by condition (2) and condition (7)?
- What is the fish farm or whiteside to do i.e. notify only or notify and wait for approval? Because it's the latter and if there's a delay to approval, what do you expect the fish farm to do with mortalities in the meantime?
- Why does a disposal plan need to forwarded everytime? Is it an operational requirement of the fish farm to have a disposal plan and is this not checked via other routes than a condition which applies to whiteshore? And equally if the conditions only apply to whiteshore than why does the disposal plan need to forwarded every time?

8. To end on 31/03/22 – to be debated

9. The site will be subject to a weekly unannounced weekly inspection.

10. Whiteshores will pay £200+vat for CNES monitoring

There may be scope for CNeS to charge but it should be removed from the conditions.

Burial derogation

We are wanting to move away from an open ended derogation. The new derogation is likely to remain in place until 31 March (at which point it would come to an end), although subject to cancellation by the Scottish Ministers if Whiteshore Cockles fails to adhere to the conditions.

On top of the conditions, an additional event that might lead to the cancellation of the derogation could be the refusal of the PPC Permit. Burial is not a long term solution, so failure to get a PPC Permit would mean the aquaculture industry seek alternative disposal routes. Can **SEPA** advise on appealing a refusal of a the PPC Permit? Could a revised application be made after the initial refusal?

In any case, the new derogation will not make a categorical statement that a new derogation will not be granted if the existing one comes to an end. That will enable us to have a full range of options available to it.

Grateful for comment by 19 November.

Thanks

[redacted]

[redacted]

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

Email 42.

From: [redacted]

Sent: 10 December 2021 10:38

To: [redacted]

Cc: [redacted]

Subject: RE: whitsehore task and finish

Hi [redacted]

I think it would be good to have some representation from Marine Scotland at the meeting. CNeS emailed me last month advising they may not be able to offer official supervision at the site, along with concerns about actual capacity to bury fish waste

at the site. Attached the email for information. I expect it will be a discussion point at Monday's meeting.

[redacted]

[redacted]

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

From: [redacted]

Sent: 09 December 2021 22:52

To: [redacted]

Cc: [redacted]

Subject: whitsehore task and finish

Hi [redacted],

I note the task and finish group meeting is in the calendar for Monday. I don't usually attend but am happy to if there is anything you need my input on – it doesn't look like it from the agenda but thought I should check.

[redacted]

[redacted]

(Working days Monday, Wednesday, Thursday)

Head of fish health and welfare
Marine Scotland – Aquaculture and Recreational Fisheries

Scottish Government | Area GB-North | Victoria Quay| Edinburgh| EH6 6QQ

Tel: [redacted]

Mob: [redacted]

e: [redacted]

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

Email 43.

[redacted]

Email 44.

[redacted]