

Scottish Environment Protection Agency Buidheann Dìon Àrainneachd na h-Alba

Whiteshore Cockles Ltd Whiteshore Kyles Paible Isle of North Uist HS6 5DY Our Ref: E Your Ref:

EE02600668

If emailing, mark FAO:

Dear

ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED) ("the Act") THE WASTE MANAGEMENT (SCOTLAND) REGULATIONS 2011 (AS AMENDED) ("the Regulations") BURNING OF WASTE AT: WHITESHORE COCKLES, KYLES, PAIBLE, NORTH UIST

It has been brought to the attention of SEPA that controlled waste has been burnt at an area of land at Whiteshore Cockles, Kyles, Paible. "Controlled waste" means household, industrial and commercial waste or any such waste.

I must advise you that it is an offence to keep, treat or dispose controlled waste, or knowingly cause or knowingly permit controlled waste to be treated, kept or disposed of in or on any land. This includes the disposal of waste by open burning under Section 33 of the Environmental Protection Act 1990, (except in accordance with Regulations 17 and 18 and Schedule 3 Paragraph 29 or 30 of the Regulations), irrespective of whether dark or black smoke is generated.

There is also potential for legal action by local authorities under The Clean Air Act 1993 if dark or black smoke is produced, and under Part III of the Environmental Protection Act 1990 if there is statutory nuisance.

Therefore, I would request that you take steps to ensure that all unauthorised burning of waste on site ceases immediately. If you believe your burning activity is covered by an exemption from waste management licensing please ensure that you meet all the relevant objectives (as detailed on SEPA's website at https://www.sepa.org.uk/regulations/waste/activities-exempt-from-waste-management-licensing/)





Chairman Bob Downes

CEO OFFICIAL Nicole Paterson **Angus Smith Building**

6 Parklands Avenue Eurocentral Holytown North Lanarkshire ML1 4WQ

Tel: 03000 99 66 99 www.sepa.org.uk Please note that should SEPA substantiate that you knowingly permit or knowingly cause any unauthorised burning of controlled waste at this location in future then we will take enforcement action in line with our enforcement policy which can be found at: https://www.sepa.org.uk/regulations/enforcement/.

If you wish to discuss the content of this letter you can contact me at ahsh@sepa.org.uk, marking any email for my attention.

Yours sincerely



From: SEPA Sent: Mon, 29 May 2023 15:18:12 To: SEPA Cc: SEPA Subject: Customer Call Enquiry: White Shore Cockles, North Uist Importance: Normal Sensitivity: None

OFFICIAL - CONFIDENTIAL

Customer Call Enquiry: Subject here

CUSTOMER DETAILS	
NAME	
BUSINESS NAME (if applicable):	Police Scotland
ADDRESS	
TOWN	
POSTCODE	
Tel	
Email	
Details of the enquiry: is looking to speak to someone in the Stornoway office in relation to reports of	
burning they have taken.	
A company "White shore Cockles" have been reported as burning miscellaneous items including gas canisters, metals and other items which is giving off huge billowing black smoke clouds.	
They want to talk to officers as the police believe SEPA have a history with this company.	
NOTE: If you require any checks on information (invalid telephone number/ or clarify information) –which will re	

NOTE: If you require any checks on information (invalid telephone number/ or clarify information) –which will require a call to be listened to:

Please reply to <u>@sepa.org.uk</u> as this is monitored by SCC Senior operators who can carry out a check.

Regards

Scottish Environment Protection Agency (SEPA)

Angus Smith Building I 6 Maxim Park I Holytown I ML1 4WQ



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Registered office: SEPA, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytow n, North Lanarkshire, ML1 4WQ. Under the Regulation of Investigatory Pow ers Act 2000, the email system at SEPA may be subject to monitoring from time to time.

Dh'fhaodadh gum bi am fiosrachadh sa phost-d seo agus ceanglachan sam bith a tha na chois dìomhair, agus cha bu choir am fiosrachadh a bhith air a chleachdadh le neach sam bith ach an luchd-faighinn a bha còir am fiosrachadh fhaighinn. Chan fhaod neach sam bith eile cothrom fhaighinn air an fhiosrachadh a tha sa phost-d no a tha an cois a' phuist-d, ch

an fhaod iad lethbhreac a dhèanamh dheth no a chleachdadh a-rithist. Mura h-ann dhuibhse a tha am post-d seo, feuch gun inns sibh dhuinn sa bhad le bhith cur post-d gu postmaster@sepa.org.uk

Oifis chlàraichte: Togalach Aonghais Mhic a' Ghobhainn, 6 Craobhraid Parklands, Eurocentral, Baile a' Chuilinn, Siorrachd Lannraig a Tuath, ML1 4WQ Fo Achd Riaghladh nan Cumhachdan Rannsachaidh 2000, dh'fhaodadh gun tèid an siostam puist-d aig SEPA a sgrùdadh bho àm gu àm

OFFICIAL - CONFIDENTIAL

From	: SEPA
Sent:	31 May 2023 15:26:14
To:	
Subje	ct: RE: Whiteshore Fish site
Impo	rtance: Normal
Sensi	tivity: None

Hi

Thank you for the information and note what you say and what was able to tell me on our call. There is a contradiction between your version of events and what SEPA has been informed by Police Scotland, mainly over whether the burning of inappropriate materials was accidental or not. On this occasion SEPA will issue an advisory letter to Whiteshore Cockles Ltd to put on record that no burning of plastic wastes should take place. I note the steps you put in place at the time of the fire to put it out and those you intend to put in place to prevent a reoccurrence. I would like to take this opportunity to remind you of the need for waste transfer notes to be kept for a minimum of 2 years and provide an audit trail demonstrating waste has been dealt with appropriately and taken to a licensed site for disposal.

While burning is generally not an appropriate method of disposal of waste on occasion it can be permitted as part of an activity exempt from the need for a waste management licence. There is a waste exemption which permits the burning of plant material in the open:_

30. --(1) Burning waste on land in the open if-

(a) the waste consists of plant tissue;

(b) it is agricultural waste or it is produced on land which is operational land of a railway, light railway, tramway, British Waterways, or which is a forest, woodland, park, garden, verge, landscaped area, sports ground, recreation ground, bank of an inland waterway, churchyard or cemetery, or it is produced on other land as a result of demolition work;

(c) it is burned on the land where it is produced; and

(d) the total quantity burned in any period of 24 hours does not exceed 10 tonnes.

(2) Sub paragraph (1) only applies to the burning of waste by an establishment or undertaking where the waste burned is the establishment or undertaking's own waste.

(3) The burning of waste consisting of plant tissue waste, in pursuance of a notice given under article 32 of the Plant Health (Scotland) Order 2005.

(4) The total quantity of waste burned under sub-paragraph (3) in any period of 24 hours shall not exceed 10 tonnes.

(5) The storage pending its burning, on the land where it is to be burned, of waste which is to be burned in reliance upon the exemption conferred by sub paragraph (1) or (3).

(6) The treatment of land for the benefit of agriculture or ecological improvement by incorporation into soil of ash from waste which is burned on that land in reliance upon the exemption conferred by sub paragraph (1) or (3).

This is a free exemption, but it does need to be registered with SEPA. Burning can only take place where the above conditions are complied with and the relevant objectives, below, are met:

• endanger human health;

- present a risk to water, air, soil, plants or animals;
- cause nuisance through noise or odours;
- adversely affect the countryside or places of special interest.

Further information is available at <u>Activities exempt from waste management licensing | Scottish Environment Protection</u> <u>Agency (SEPA)</u> and The exemption can be registered online <u>Waste Management Exemptions | Scottish Environment</u> <u>Protection Agency (SEPA)</u>. Please note that the exemption cannot be registered to the same area which has been identified and outlined in the PPC permit.

I will email the advisory letter out in due course but should you have any further questions please do not hesitate to contact me.

<u>Kind R</u>egards

Argyll, Hebrides and South Highland EP Team Western Isles Office

Mob:

From:

To:

Sent: Monday, May 29, 2023 7:03 PM

@sepa.org.uk>

Subject: Whiteshore Fish site

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Good Evening

asked me to send you a brief outline of events that led to the unfortunate burning of plastic waste material this afternoon.

, was given the task of burning some old straw bales which were no longer any use due to dampness. As per usual we informed the local fire brigade of our intention.

to the previous job was doing at our base in Kyles.

Sparks from the bales must have carried to the waste materials that were gathered nearby waiting for collection and transporting to the mainland. These consisted of assorted plastic materials and home appliances. This resulted in a black cloud of smoke which could be seen from a great distance.

A member of the public obviously thought that a fire was out of control and phoned the local police and fire brigade. By the time the police arrived had started to extinguish the fire.

This was a one off incident which will not be repeated.

Our Health and Safety officer's first task tomorrow will be to do a risk assessment and formulate a procedural plan for any burning of waste materials.

The question has arisen - is it ok for us to burn old straw (we do it several times a year) and inform the fire service or do we need a specific licence for this purpose?

Your advice on this matter would be appreciated.

Once again we apologise for any inconvenience this may cause you.

Best regards

Whiteshore Cockles Ltd