

Our Ref: **Redacted**

Mowi Scotland Limited
Mowi Farms Office
Glen Nevis Business Estate
Fort William
PH33 6RX

3 July 2024

Sent by email to: environment@mowi.com

Dear Sir/Madam

Water Environment and Water Services (Scotland) Act 2003**The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As Amended)****Mowi Scotland Limited****Subject: Assessment of Compliance with Permit Conditions**

Following a review of notifications and returns required to be submitted to SEPA for the period 2022 to present, the following non-compliances have been identified:

Site	CAR Licence	Condition	Non-compliance	Major non-compliance*
Am Maol, Isle of Muck	CAR/L/1109999	7.2.3	The report containing the steps taken to minimise the use of medicines was not submitted. Notification was received that the site was fallow on 14 August 2023 but no report has been received.	Yes



Chair
Lisa Tennant

CEO
Nicole Paterson

Angus Smith Building
6 Parklands Avenue
Eurocentral
Holytown
North Lanarkshire
ML1 4WQ

Tel: 03000 99 66 99
www.sepa.org.uk

An Camas (East)	CAR/L/1152492	6.2.2	The report for the biological monitoring undertaken on 22 June 2023 was received 113 days after the 16 week reporting window.	Yes
			The chemical monitoring undertaken on 4 October 2022 were received 401 days after the 16 week reporting window.	No
Ardgour (Linnhe)	CAR/L/1009970	7.2.2	No report has been received for the biological monitoring which the 2024 Q4 data returns indicates was undertaken on 31 October 2023. The condition in the active permit requires reports to be received within 16 weeks of the end of the monitoring window.	Yes
Ardintoul	CAR/L/1001806	A1.7	The total quantity of Emamectin benzoate used in the treatment started on 12 April 2023 was 57.88ug/kg over an 8 day period. This is the equivalent of 66.14ug/kg over a 7 day period.	Yes
Bagh Dail nan Ceann	CAR/L/1004226	2.3.1	The number of days between the stocking cycles in 2023 was less than the minimum period of 28 consecutive days. The site was notified as being fallow on 2 August 2023 and stocked on 13 August 2023, therefore the site was fallowed for 11 days between cycles.	No

		7.2.2	No report has been received for the biological monitoring which the 2024 Q4 data returns indicates was undertaken on 12 June 2023. The condition in the active permit requires reports to be received within 16 weeks of the end of the monitoring window.	Yes
Cairidh	CAR/L/1010432	7.2.2	The report for the monitoring undertaken on 03 June 2023 was received 369 days after the 16-reporting window.	Yes
Callert (Leven)	CAR/L/1009962	7.2.2	The report for the monitoring undertaken on 7 February 2023 was received 152 days after the 16-week reporting window.	No
Loch Torridon (Camas an Leim)	CAR/L/1010002	4.2.1	The sample average of the residue survey carried out on the 9 January 2023 was found to be 854.97ng/kg. This exceeds the standard of 763ng/kg (wet weight) seabed at the Compliance station in 5.3.2.	No
		7.2.2	The report for the monitoring undertaken on 09 January 2023 was received 207 days after the 16 week reporting window.	No
		7.2.3	The report containing the steps taken to minimise the use of medicines was not submitted. Notification was received that the	Yes

			site was fallow on 7 July 2023 but no report has been received	
Carradale (South)	CAR/L/1028518	6.3.2	The report for the biological monitoring undertaken on 18 January 2023 was 281 days overdue.	No
			The report for the chemical monitoring undertaken on 16 December 2022 was received 315 days after the 16-week reporting window.	No
Carradale (North)	CAR/L/1001968	6.3.2	The report for the biological monitoring undertaken on 18 January 2022 was received 274 days after the 16-week reporting window.	No
			The report for the chemical monitoring undertaken on 16 December 2022 was received 315 days after the 16 week reporting window.	No
Gorsten	CAR/L/1009968	7.2.2	No report has been received for the biological monitoring which the 2024 Q4 data returns indicates was undertaken on 06 January 2024. The condition in the active permit requires reports to be received within 16 weeks of the end of the monitoring window.	No

Grey Horse Channel	CAR/L/1025571	5.3.1	Sediment sampling for chemical residue was not undertaken following use of emamectin benzoate in a treatment that started on 20 September 2021.	No
Groatay	CAR/L/1011922	A1.7	The total quantity of Emamectin benzoate used in the treatment started on 7 June 2023 was 68.85ug/kg over a 5 day period.	Yes
		5.1.1	Sediment sampling for emamectin benzoate residues undertaken on 21 November 2022 was 264 days too late.	No
		6.4.2	The report for the chemical monitoring undertaken on 22 November 2022 was received 261 days after the 16 week reporting window.	No
Hellisay	CAR/L/1095612	3.5.2	The total quantity of Emamectin benzoate used in the treatment started on 9 September 2023 was 47.57ug/kg over a 9 day period. This is the equivalent of 61.19ug/kg over a 7 day period.	No
		5.3.1	Sediment sampling for chemical residue was not undertaken following use of emamectin benzoate in a treatment that ended on 14 August 2022.	No
Isle of Rum	CAR/L/1152362	7.2.3	The report containing the steps taken to minimise the use of medicines was not submitted.	Yes

			Notification was received that the site was fallow on 23 August 2023, but no report has been received.	
Kingairloch	CAR/L/1003887	7.2.3	The report containing the steps taken to minimise the use of medicines was not submitted. Notification was received that the site was fallow on 12 April 2023 but no report has been received.	Yes
Maol Ban	CAR/L/1009643	7.2.2	The report for the monitoring undertaken on 04 June 2023 was received 329 days after the 16 reporting window.	Yes
Marulaig Bay	CAR/L/1096609	6.4.2	The report for the monitoring undertaken on 16 June 2023 was received 223 days after the 16-week reporting window.	Yes
			The report for the chemical monitoring undertaken on 07 February 2023 was received 352 days after the 16-week reporting window.	No
Poll na Gille	CAR/L/1000800	7.2.2	The report for the chemical monitoring undertaken on 30 January 2023 was received 253 days after the 16-week reporting window.	No
Scalpay	CAR/L/1156482	6.2.2	The report for the chemical monitoring undertaken on 17 November 2023 was received 204	Yes

			days after the 16 week reporting window.	
Skipport Outer (Ornish)	CAR/L/1001968	5.3.1	Sediment sampling for chemical residue was not undertaken following use of emamectin benzoate in a treatment that ending on 04 October 2023.	Yes
		7.2.2	No report has been received for the biological monitoring which the 2024 Q4 data returns indicates was undertaken on 12 July 2023. The condition in the active permit requires reports to be received within 16 weeks of the end of the monitoring window.	Yes
Soay Sound	CAR/L/1004053	5.3.1	Sediment sampling for chemical residue was not undertaken following use of emamectin benzoate in a treatment that ended on 21 July 2022.	No
		7.2.2	No report has been received for the biological monitoring which the 2024 Q4 data returns indicates was undertaken on 18 October 2023. The condition in the active permit requires reports to be received within 16 weeks of the end of the monitoring window.	Yes
		7.2.3	The report containing the steps taken to minimise the use of	Yes

			medicines was not submitted. Notification was received that the site was fallow on 14 July 2023 but no report has been received.	
Stulaigh Island	CAR/L/1096609	5.1.1	Sediment sampling for chemical residue was not undertaken following use of emamectin benzoate in a treatment that ended on 28 August 2022.	No
		7.2.2	No report has been received for the biological monitoring which the 2024 Q4 data returns indicates was undertaken on 21 June 2023. The condition in the active permit requires reports to be received within 16 weeks of the end of the monitoring window.	Yes
Tabhaigh	CAR/L/1010002	6.2.2	The report for the chemical monitoring undertaken on 08 October 2022 was received 228 days after the 16 week reporting window.	No
Trilleachan Mor	CAR/L/1129793	6.2.2	The report for the biological and chemical monitoring undertaken on 27 September 2022 was received 317 days after the 16 week reporting window.	No

* Draft Major Non-Compliance criteria was applied for Non-Compliances after 1 April 2023

What you should do now

You should consider the outcome of this assessment and provide a response within 28 days of this letter detailing reasons why the non-compliances have occurred and what actions you propose to take to resolve the non-compliances identified.

If you disagree with the non-compliance(s) set out above, or have any questions about this letter, please provide a response to the aquaculture.notifications@sepa.org.uk and a member of the team will be in touch.

Although SEPA continues to assess compliance with permit conditions, we have ceased to apply our Compliance Assessment Scheme (CAS). SEPA is currently in the process of developing a replacement for CAS. It will be known as the Performance Assessment Scheme. Summary information is provided in Annex 1 and further information, including FAQs, are available on our website <https://www.sepa.org.uk/regulations/authorisations-and-permits/performance-assessment-scheme/>

Failure to fully address these non-compliances may result in SEPA taking further action in accordance with our enforcement policy and guidance which can be found at <https://www.sepa.org.uk/regulations/enforcement/>

Yours faithfully

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Enc: Annex 1: Developing a replacement to the 2009-2019 Compliance Assessment Scheme

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SEPA is developing a new approach to how we assess and publicly report compliance information. This approach will replace the 2009-2019 Compliance Assessment Scheme and will be known as the Performance Assessment Scheme.

How does this affect you now?

Compliance information we collect over the 2023/24 financial year will be used to inform a consultation during the 2024/25 financial year.

Feedback to this consultation will be used to finalise our approach. Our intention is to implement the new approach from 2025.

What information will SEPA collect over 2023/24?

- date compliance verification work was undertaken
- type of compliance verification work we undertook e.g. site inspection (announced or unannounced), remote review of operator submission
- compliance category assigned as a result of the verification – compliant, non-compliant, major non-compliant
- the high-level reason for non-compliance
- whether operator has an agreed improvement plan in place with SEPA (*only applicable to major non-compliant authorisations*)
- date operator rectified the issue as verified by SEPA (*only applicable to non-compliant authorisations*)

What is major non-compliance?

Major non-compliance represents what we consider to be the more significant type of non-compliance. The description of what we regard as draft major non-compliance can be found at https://www.sepa.org.uk/media/jjbjnh5l/major_non_compliance.pdf This will be subject to consultation in 2024/25.

How will the information be used to develop a Performance Assessment Scheme?

The Performance Assessment Scheme will be broader than simply whether or not an authorisation holder is fully compliant, non-compliant or majorly non-compliant with the conditions in their authorisation. It will likely factor in length of time in non-compliance, severity of the non-compliance, including impacts on people and the environment, how the operator responded to rectify a non-compliance, for example, through the implementation of an improvement plan. The onus is therefore on authorisation holders to remedy non-compliance as quickly as possible.

We propose to rate environmental performance as Good, Acceptable or Unacceptable. We recognise that in some instances an operator's environmental performance may be acceptable or even good, even when some non-compliance is recorded.

How will you communicate with me during the year?

We will endeavour to communicate the outcome of any compliance verification work swiftly. The outcome will be categorised in the following way: compliant, non-compliant or major non-compliant. This is not the Performance Assessment Scheme outcome. This will not be introduced until after the 2024 consultation.

The exception to this is remote assessments we undertake e.g. review of reports, data returns or discharge sampling to assess water quality. In general, we will only communicate the outcome of this type of compliance verification work where our assessment highlights non-compliance.

In cases where we attend your site, we aim to communicate non-compliances verbally on the day of the inspection and will follow-up in writing within 10 days. In cases where we remotely assess data the non-compliance will commence from the date that information was submitted to us and will end on the date you provide suitable evidence that compliance has been recovered.

What should I do now?

- Continue to take all necessary steps to comply with your environmental obligations
- If non-compliance is identified, then take all steps necessary to recover compliance as quickly as possible.

Further information, including FAQs, can be found on SEPA's website

<https://www.sepa.org.uk/regulations/authorisations-and-permits/performance-assessment-scheme/>