



OUR REF S5801.121  
YOUR REF  
12 October 2023

**FIRST CLASS**  
Mr Don Staniford

Dear Sir

**Scottish Sea Farms Limited (“SSF”)**

Our client operates over 60 aquaculture sites across Scotland and within the UK’s territorial waters, including on the foreshore.

**Incursions**

For several years, you and other individuals have regularly accessed (or at least sought to access) our client’s fish farms, marine assets and other land-based facilities without our client’s consent. Our client tells us that it has documented, and has evidence of, numerous examples of incursions at its facilities. These include, but are not limited to, the following:

Date	Location	Activity
August 2018	Loch Spelve	You accessed, and filmed from, the gangways and pens at our client’s fish farm.
July 2019	Shuna	You accessed, and filmed from, the gangways and pens at our client’s fish farm. You were also videoing within a pen and untying nets at our client’s fish farm.
July 2020	Loch Creran	You attended at our client’s fish farm and while there, an individual who accompanied you, Matthew Mellen, dived and swam within our client’s leased area.
May 2021	Loch Spelve	You accessed, and filmed from, the gangways into a pen (or pens) at our client’s fish farm.
July 2022	Finuary, Sound of Mull	You boarded our client’s vessel.
February 2023	South Shian Processing site	You attended our client’s processing facility, videoing the facility and staff, and verbally abusing members of our client’s staff.
May 2023	Shuna Point	Our facility and staff were filmed carrying out their work. It is believed the footage was captured using a drone. You also accessed a barge at our client’s fish farm, removed cable ties and opened mortality bins.
June 2023	Kishorn	You were videoing within a pen and untying nets at our client’s fish farm.

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Our client has no indication that you will desist from this behaviour and reasonably concludes that these incursions will continue absent you agreeing to stop, or our client taking action to prevent future incursions.

### **Health & Safety and Biosecurity**

Your actions are not only unacceptable to our client because you are accessing our client's property without its consent, but because at least some of your actions pose a danger to you and jeopardise the welfare of the fish.

Our client assesses and reviews work related risks by carrying out risk assessments. It then puts in place appropriate arrangements for planning, organising, controlling, monitoring and reviewing any risks identified. In terms of its employees, our client puts in place arrangements for implementing its health and safety policy and to train its staff. In addition, our client's staff also have the necessary training and understanding to enable them to comply with the relevant biosecurity requirements.

Our client has no reason to believe that you understand any of the identified risks, have the requisite biosecurity training or comply with the relevant biosecurity requirements. Even if you did, which is not accepted, that would still not give you the right to access our client's property without SSF's consent.

### **Mowi's court action**

Our client is aware of the proceedings that were brought against you by Mowi Scotland Limited ("**Mowi**") in Oban Sheriff Court. We enclose a copy of the court's judgment.

As you know, the Sheriff repelled your defences, and rejected your argument that granting an interdict would interfere with exercising your right of navigation and that any interdict would restrict your actions as a "campaigner, journalist or the like."

Therefore, you have now been prohibited (interdicted) from doing any of the following:

- (i) "boarding, entering onto, physically occupying, attaching himself to, attaching vessels to or approaching within 15 metres of all structures, docks, walkways, buildings, floats or pens of salmon aquaculture farming sites of [Mowi];
- (ii) flying unmanned aircraft, also known as drones, above [Mowi's sites]; and
- (iii) instructing, procuring, encouraging or facilitating others to so act."

### **'Digivan' Tour**

In addition to the past incidents noted above, and our client's reasonably held belief that you will continue to act as you have done in the past, our client understands that you plan to attend at one of its processing plants near Oban on 5 November 2023, during the proposed "London to Edinburgh Digivan Tour",<sup>1</sup>

While our client respects your right to peacefully and lawfully protest, and in no way seeks to interfere with the responsible exercise of that right, this does not give you the right to board, access or otherwise interfere with our client's property. Indeed, in a case involving Greenpeace, the court was clear that the lack of access to a particular location is not destructive of the right of freedom of expression or freedom of assembly. In short, you do not require access to our client's facilities and premises in order to protest.

### **Action Required**

Our client requires that you confirm in writing that you will immediately cease from:

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<sup>1</sup> End Salmon Farming: Join the Scottish Salmon Boycott - 'Digivan' Tour from London to Edinburgh (31 October to 6 November) - Green Around the Gills (typepad.com)

1. boarding, entering onto, physically occupying, attaching yourself to, attaching vessels to, or approaching within 15 metres of all structures, docks, walkways, buildings, yards, floats, vessels, boats or pens of aquaculture sites of SSF ("**SSF's Aquaculture Sites**");
2. flying unmanned aircraft (a.k.a. drones) above SSF's Aquaculture Sites;
3. operating unmanned underwater vehicles (a.k.a. drones) above SSF's leased areas of the seabed, or within 15 metres of SSF's Aquaculture Sites; and
4. instructing, procuring, encouraging or facilitating others to so act in your stead.

Our client requires this confirmation in writing by 4pm on 27 October 2023. Failing this, SSF will be left with no option but to raise court proceedings against you. If proceedings are raised, no further warning will be given to you beforehand.

In the meantime, our client reserves all of its rights.

Yours faithfully

For and on behalf of Shepherd and Wedderburn LLP

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