

INITIAL WRIT

SHERIFFDOM OF NORTH STRATHCLYDE AT OBAN

In causa

Scottish Sea Farms Limited, a company incorporated under the Companies Acts (Company Number 00958001), having its registered office at c/o Shepherd and Wedderburn LLP, Octagon Point, 5 Cheapside, London, England, EC2V 6AA

PURSUER

against

Don Staniford, residing at 78 Glenwood Drive, Irby, Wirral, CH61 4UJ

DEFENDER

The Pursuer craves the court:

1. To grant an extended interdict against the Defender by himself or by his agents, employees, volunteers or servants, or by anyone acting on his behalf or under his instructions, procurement or encouragement from:
 - 1.1 boarding, entering onto, physically occupying, attaching himself to, attaching vessels to, trespassing upon, or approaching within 15 metres of all structures, docks, walkways, buildings, yards, or approaching within 15 metres of all floats, vessels, boats, or pens of aquaculture sites of the Pursuer, a list of which are produced by the Pursuer at no. 5/1 of process (the "Pursuer's Aquaculture Sites");
 - 1.2 flying unmanned aircraft (also known as drones) over the Pursuer's leased areas of the seabed, or within 150 metres horizontally of the Pursuer's Aquaculture Sites or within 50m horizontally of the Pursuer's staff;
 - 1.3 operating unmanned underwater vehicles (also known as drones) over the Pursuer's leased areas of the seabed, or within 15 metres of the Pursuer's Aquaculture Sites;
2. To grant such an extended interdict ad interim; and
3. To find the Defender liable to the Pursuer in the expenses of the action.

CONDESCENDENCE

4. The pursuer is Scottish Sea Farms Limited, a company incorporated under the Companies Acts (Company Number 00958001), having its registered office at c/o Shepherd and Wedderburn LLP, Octagon Point, 5 Cheapside, London, England, EC2V 6AA. The Defender is Don Staniford, residing at 78 Glenwood Drive, Irby, Wirral, CH61 4UJ. The Pursuer seeks interdict against the

Defender in respect of the Defender's wrongful actings at the Pursuer's Aquaculture Sites. The Pursuer's Aquaculture Sites include a marine farm at Loch Spelve, a sea loch on the southeast coast of the Isle of Mull, within the jurisdiction of this court. The Defender's wrongful actings, which are hereinafter condescended upon, include wrongful actings at the Pursuer's marine farm at Loch Spelve. This court accordingly has jurisdiction. There are no proceedings pending before any other court involving the present cause of action and between the parties hereto. There is no agreement prorogating jurisdiction over the subject matter of the present cause to any other court. Proceedings were also raised against the Defender, and interdict granted on 9 August 2023, in similar terms, in the action raised by Mowi Scotland Limited under court reference OBN-A20-21.

5. The Pursuer carries on business in the aquaculture industry. The Pursuer's business involves the breeding, rearing and harvesting of salmon. The Pursuer rears these salmon at freshwater hatcheries and marine farms that it operates across Scotland and within the UK's territorial waters, including on the foreshore. The Pursuer also operates its business from, *inter alia*, offices, yards and processing facilities. The list of the Pursuer's Aquaculture Sites is produced by the Pursuer at no. 5/1 of process and is referred to for its terms, which are held to be incorporated herein *brevitatis causa*.
6. The Defender is an environmental activist. The Defender protests about the salmon aquaculture industry across Scotland and other countries. The Defender posts about his activities on his website at <https://scottishsalmonwatch.org/>. On 1 February 2022, Scottish Salmon Watch rebranded as Scamon Scotland. Since on or around 12 September 2010, the Defender has published a blog, "Green Around the Gills", at <https://donstaniford.typepad.com/>. Since 1 November 2012, the Defender has operated a channel on the online video-sharing platform, YouTube, at <https://www.youtube.com/@donstaniford4181>. Since September 2018, the Defender has operated a channel on the online video-sharing platform, Vimeo, at <https://vimeo.com/donstaniford>. The Defender operates an account on the social media platform X (formerly known as Twitter) with the username @TheGAAIA. The Defender operates an account on the social media platform Facebook with the username Don Staniford.

Incursions

7. Since at least 2018, the Defender has attended at the Pursuer's Aquaculture Sites uninvited and without the Pursuer's permission. The Pursuer relies on the following examples of incursions:
 - 7.1 On 4 August 2018, the Defender attended at the Pursuer's marine farm at Loch Spelve, Mull. On 14 October 2018, the Defender uploaded a video to his Vimeo channel named "'Very Poor' Scottish Sea Farms in Loch Spelve". The Defender travelled by canoe. The Defender canoed within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender canoed over the water above the Pursuer's leased area of the seabed. The Defender attached his canoe to the Pursuer's pen and structures.
 - 7.2 On 1 September 2018, the Defender attended at the Pursuer's marine farm at Tanera, Summer Isles. On 14 October 2018, the Defender uploaded a video to his Vimeo channel named "Kayak visit to Summer Isles salmon farm". The Defender was accompanied by another unknown

individual. The Defender and his associate travelled by kayak. The Defender and his associate kayaked within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender and his associate kayaked between the Pursuer's pens. The Defender and his associate kayaked over the water above the Pursuer's leased area of the seabed. The Defender boarded one of the Pursuer's vessels. The Defender opened one of the Pursuer's mortality bins.

- 7.3 On 14 September 2018, the Defender attended at the Pursuer's processing plant at South Shian, Benderloch, Oban. On 28 September 2018, the Defender uploaded a video named "Dead Cleaner Fish & Scottish Salmon - Fish Waste Category 3" to his Vimeo channel. The Defender opened the Pursuer's mortality bins. The Defender filmed the inside of the mortality bins.
- 7.4 On 15 July 2019, the Defender attended at the Pursuer's marine farm at Shuna, Loch Linnhe. On 25 August 2019, the Defender uploaded a video to his Vimeo channel named "The Tentacles of Scottish Sea Farms". On 25 August 2019, the Defender uploaded a video to his Vimeo channel named "Welfare Assured Scottish Sea Farms - Shame on the RSPCA!". The Defender travelled by kayak. The Defender kayaked within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender kayaked over the water above the Pursuer's leased area of the seabed. The Defender attached his kayak to the Pursuer's structures and pen. The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the pen. The Defender inserted an electronic recording device below the surface of the water within the pen. The Defender filmed below the water surface within the pen.
- 7.5 On 16 July 2020, the Defender escorted Mr Matt Mellen and other unknown individuals to the Pursuer's marine farm at Loch Creran. Mr Mellen is a free-diver and environmentalist. The Defender, Mr Mellen and their associates travelled by yacht. The yacht remained outside the leased area of the seabed marked by the Pursuer's buoys. On 28 July 2020, the Defender uploaded a video to his Vimeo channel named "Diver in Danger - Reckless Scottish Sea Farms in Loch Creran". On 29 July 2020, the Defender uploaded a video to his Vimeo channel named "Scottish Salmon is 'Unfit for Human Consumption' Says Diver Matt Mellen". On 29 July 2020, the Defender uploaded a video to his Vimeo channel named "Free Diving in Public Waters Around a Salmon Farm in Loch Creran". On 18 September 2020, a video named "Loch, Stock and Salmon – an adventure to the wild west coast of Scotland" was published on YouTube channel belonging to Ecohustler. On 14 October 2020, an article authored by Mr Mellen was published in the Ecologist. The article, produced by the Pursuer at no. 5/2 of process, is referred to for its terms. Mr Mellen dived and swam within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. Mr Mellen swam up to the edge of one of the Pursuer's pens. Mr Mellen dived underwater and swam above the Pursuer's leased area of the seabed and under at least one of the Pursuer's pens. Mr Mellen dived and swam near to one of the Pursuer's vessels. Mr Mellen was accessing the Pursuer's Aquaculture Sites without permission. An unmanned aerial vehicle (also known as a drone) was used to film the Pursuer's marine farm from above. The unmanned aerial vehicle was flown over the Pursuer's marine farm while the Pursuer's staff were working at the Pursuer's marine farm.

- 7.6 On 18 July 2020, the Defender attended at the Pursuer's marine farm at Fiunary, Sound of Mull. On or around 29 July 2020, the Defender uploaded a video to his Vimeo channel named "Caged Salmon: The Skeletons Lurking Inside Scottish Sea Farms". On or around 1 August 2020, the Defender uploaded a video to his Vimeo channel named "Shadowed by Scottish Sea Farms". The Defender travelled by kayak. The Defender kayaked within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender kayaked over the water above the Pursuer's leased area of the seabed. The Defender attached his kayak to the Pursuer's structures. The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender planned to insert an electronic device known as a GoPro below the surface of the water within one of the Pursuer's pens to film within the pen. The Defender was interrupted by one of the Pursuer's employees. The Defender was asked to leave the Pursuer's Aquaculture Sites by the Pursuer's employee.
- 7.7 On 20 July 2020, the Defender attended at the Pursuer's marine farm at Lismore West, Loch Linnhe. On 29 July 2020, the Defender uploaded a video to his Vimeo channel named "Salmon Farming is Destroying the Environment - Don't Buy Scottish Salmon!". On 4 August 2020, the Defender uploaded a video to his Vimeo channel named "Shhhhhh Secret Filming at Scottish Sea Farms - Lismore West in Loch Linnhe". On 22 October 2020, the Defender uploaded a video to his Vimeo channel named "Warning by Scottish Sea Farms: 'We Accept No Responsibility.....'". The Defender travelled by kayak. The Defender kayaked within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender kayaked over the water above the Pursuer's leased area of the seabed. The Defender read aloud a sign on one of the Pursuer's vessels. The sign stated that the Pursuer did not accept liability for any loss, injury or damage arising out of unauthorised use or access to the Pursuer's property. In the circumstances believed that the Defender knows that the environment around the Pursuer's Aquaculture Farms can be dangerous. The Defender attached his kayak to one of the Pursuer's structures. The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender stated that he was attending at the Pursuer's marine farm "to do some secret filming". Believed that the Defender knew that he was accessing the Pursuer's marine farm without the Pursuer's permission.
- 7.8 On 7 May 2021, the Defender and another unknown individual attended at the Pursuer's marine farm at Loch Spelve, Mull. On 10 May 2021, the Defender uploaded a video to his Vimeo channel named "Sailing by Scottish Sea Farms in Loch Spelve". On 10 May 2021, the Defender uploaded a video to his Vimeo channel named "Secret Filming at RSPCA Assured Salmon Farm". On 11 May 2021, the Defender uploaded a video to his Vimeo channel named "Telescopic Pole for Go Pro Filming Deep Inside Salmon Cages - 3.5 metres for £8.99!" On 13 May 2021, the Defender published a post on his blog. The Defender's blog post named "Secret Filming Exposes RSPCA 'Abused' Scottish Salmon - Welfare Complaint Filed Against M&S Supplier Scottish Sea Farms" and dated 13 May 2021, produced by the Pursuer at no. 5/3 of process, is referred to for its terms. The Defender and his associate travelled by yacht. The Defender read a sign on one of the Pursuer's structures. The sign advised members of the public to keep outside the Pursuer's buoys, that the Pursuer's marine farm was a working farm with livestock and that there were

hazards on and under the water. In the circumstances it is believed that the Defender knows that the environment around the Pursuer's Aquaculture Farms is dangerous. The Defender and his associate waited until the Pursuer's staff had left the marine farm for the evening. Around 7pm on 7 May 2021, the Defender boarded the walkways surrounding two of the Pursuer's pens. The Defender inserted an electronic recording device, which was fixed to a 3.5 metre extendable telescopic pole, below the surface of the water within the Pursuer's pens. The Defender filmed within the pens. Believed that the Defender knew that he was accessing the Pursuer's Aquaculture Sites without the Pursuer's permission.

- 7.9 Between 3 and 8 July 2022, the Defender attended at the Pursuer's marine farms at Fiunary, Sound of Mull and at Loch Creran. The Defender's blogpost named "Salmon Farming is Criminal - breaches of welfare laws by RSPCA Assured Scottish Sea Farms!" dated 22 July 2022, which is produced by the Pursuer at no. 5/4 of process, is referred to for its terms.
- 7.10 On 3 July 2022, the Defender attended at the Pursuer's marine farm at Fiunary, Sound of Mull. On 11 July 2022, the Defender uploaded a video to his YouTube channel named "Secret Filming at Scottish Sea Farms 3 July 2022". The Defender travelled to the vicinity of the marine farm by yacht. The Defender kayaked up to the Pursuer's marine farm. The Defender kayaked within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender kayaked over the water above the Pursuer's leased area of the seabed. The Defender attached his kayak to the Pursuer's structures and pen. The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the pen. The Defender inserted an electronic recording device below the surface of the water within the pen. The Defender filmed below the water surface within the pen.
- 7.11 On 3 July 2022, the Defender boarded one of the Pursuer's vessels that was anchored at Fiunary, Sound of Mull. On 4 July 2022, the Defender uploaded a video to his Vimeo channel named "Secret Filming Lifts Lid on Disease-Ridden RSPCA Assured Scottish Salmon - please boycott farmed salmon!" On 4 July 2022, the Defender uploaded a video to his Vimeo channel named "iPhone Mort's (sic) #1 Fiunary SSF Sound of Mull 3 July 2022.mp4". The Defender opened the Pursuer's mortality bins. The Defender filmed within the mortality bins. Believed that the Defender knew that he was accessing the Pursuer's Aquaculture Sites without the Pursuer's permission.
- 7.12 On 4 July 2022, the Defender attended at the Pursuer's marine farm at Fiunary, Sound of Mull. On 6 July 2022, the Defender uploaded a video to his Vimeo channel named "Secret Filming at Scottish Sea Farms 4 July 2022". Believed that the Defender knew that he was accessing the Pursuer's Aquaculture Sites without the Pursuer's permission. The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the pen. The Defender inserted an electronic recording device below the surface of the water within the pen. The Defender filmed below the water surface within the pen.
- 7.13 On 7 July 2022, the Defender attended at the Pursuer's marine farm at Fishnish Bay, Sound of Mull. On 9 July 2022, the Defender uploaded a video to his Vimeo channel named "Secret Filming at Scottish Sea Farms 7 July 2022 Fishnish in the Sound of Mull." The Defender boarded the

walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the pen. The Defender inserted an electronic recording device below the surface of the water within the pen. Believed that the Defender knew that he was accessing the Pursuer's Aquaculture Sites without the Pursuer's permission.

7.14 On 7 July 2022, the Defender attended at the Pursuer's marine farm at Scallastle, Sound of Mull. On 9 July 2022, the Defender uploaded a video to his Vimeo channel named "Secret Filming at Scottish Sea Farms 7 July 2022 Scallastle Bay in the Sound of Mull." Believed that the Defender knew that he was accessing the Pursuer's Aquaculture Sites without the Pursuer's permission. The Defender kayaked within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender kayaked over the water above the Pursuer's leased area of the seabed. The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the pen. The Defender inserted an electronic recording device below the surface of the water within the pen. The Defender filmed below the water surface within the pen.

7.15 On 8 July 2022, the Defender attended at the Pursuer's marine farm at Scallastle, Sound of Mull. On 9 July 2022, the Defender uploaded a video to his Vimeo channel named "Secret Filming at Scottish Sea Farms 8 July 2022 Scallastle Bay in Sound of Mull." Believed that the Defender knew that he was accessing the Pursuer's Aquaculture Sites without the Pursuer's permission. The Defender travelled by kayak. The Defender kayaked within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender kayaked over the water above the Pursuer's leased area of the seabed. The Defender attached his kayak to the Pursuer's structures and pens. The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the pen. The Defender inserted an electronic recording device below the surface of the water within the pen. The Defender filmed below the water surface within the pen.

7.16 On 8 July 2022, the Defender attended at the Pursuer's marine farm at Loch Creran. On 9 July 2022, the Defender uploaded a video to his Vimeo channel named "Secret Filming at Scottish Sea Farms 8 July 2022 Creran in Loch Creran." Believed that the Defender knew that he was accessing the Pursuer's Aquaculture Sites without the Pursuer's permission. The Defender travelled by kayak. The Defender kayaked within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender kayaked over the water above the Pursuer's leased area of the seabed. The Defender attached his kayak to the Pursuer's structures and pens. The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the pen. The Defender inserted an electronic recording device below the surface of the water within the pen. The Defender filmed below the water surface within the pen.

7.17 On or around 8 July 2022, the Defender uploaded a video to his Vimeo channel named "GOPR1890 How to board a salmon farm 8 July 2022.MP4." The Defender stated,

"This is how to board a salmon farm. Just kayaked up. We have a carabiner clip on. So, we just tie it on – and it's not very elegant sometimes but we just step on. There's no

security and you can lift the top net. So, we've just made sure our kayak's tied on, stepped onto the farm, looking around for mortalities. Looks like there's some sort of dead thing there. So, we just lift the top net..."

Believed that that the video has been uploaded to instruct, educate and encourage others to carry out the same activity.

- 7.18 On or around 8 February 2023, the Defender attended at the Pursuer's processing facility at South Shian. The Defender filmed the Pursuer's staff. The Defender was verbally abusive to the Pursuer's staff.
- 7.19 On 5 May 2023, the Defender attended at the Pursuer's marine farm at Shuna, Loch Linnhe. On 22 May 2023, the Defender uploaded a video to his Vimeo channel named "Lice-infested RSPCA Assured Scottish salmon with a side of welfare abuse - filmed at M&S supplier Scottish Sea Farms." The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the pen. The Defender inserted an electronic recording device below the surface of the water within the pen. The Defender filmed below the water surface within the pen.
- 7.20 On 16 May 2023, the Defender attended at the Pursuer's marine farm at Shuna, Loch Linnhe. On 22 May 2023, the Defender uploaded a vide to his Vimeo channel named "GOPR0845 Mort bin #1 Shuna Point 16 May 2023". On 22 May 2023, the Defender uploaded a video to his Vimeo channel named "Secret Filming Lifts Lid on RSPCA Assured Scottish Salmon". On 30 May 2023, the Defender published a post on his blog. The Defender's blogpost named "Video Exclusive: RSPCA Assured Scottish Salmon fresh from Loch Linnhe!", produced by the Pursuer at no. 5/5 of process, is referred to for its terms. The Defender boarded the Pursuer's vessels. The Defender opened the Pursuer's mortality bins. The Defender filmed within the mortality bins. The Defender approached and touched the Pursuer's incinerator. The Defender boarded the walkway surrounding one of the Pursuer's pens. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the pen. The Defender inserted an electronic recording device below the surface of the water within the pen. The Defender filmed below the water surface within the pen.
- 7.21 On or around 16 May 2023 at around 06:30am, the Defender and two other unknown individuals attended the Pursuer's marine farm at Dunstaffnage. On 18 September 2023, the Defender uploaded a video to his Vimeo channel named "Choppy return in boat from Dunstaffnage salmon farm (Scottish Sea Farms)". The Defender and his associates travelled by boat. The Defender stated his intention to return to the Pursuer's Aquaculture Sites in the future:

"...it's an interesting conditions (*sic*) today. Please, please support our work. Please help us get out there. Obviously, we're trying to come out there in much better weather in July but the mortality spike in the autumn, so we need to get out there all year round in October, November – all year round."

Believed that the Defender intends to continue attending at the Pursuer's Aquaculture Sites either himself or accompanied by other unknown individuals. Believed that the Defender will continue

to attend at the Pursuer's Aquaculture Sites by himself and accompanied by others without the Pursuer's permission, unless interdicted from doing so.

- 7.22 On or around 31 May 2023, the Defender attended at the Pursuer's Aquaculture Site at Shuna, Loch Linnhe. The Defender boarded one of the Pursuer's vessels. The Defender opened one of the Pursuer's mortality bins. The Defender filmed within the mortality bins. The Defender's tweet dated 31 May 2023, produced by the Pursuer at no. 5/7 of process, is referred to for its terms.
- 7.23 On 22 June 2023, the Defender attended at the Pursuer's marine farm at Scallastle, Sound of Mull. On 7 July 2023, the Defender uploaded a video to his Vimeo channel named "Jellyfish - the sting in the tail of salmon farming." The Defender boarded the walkway surrounding one of the Pursuer's pens. The pen was within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender filmed from the walkway.
- 7.24 On or around 7 July 2023, the Defender attended at one of the Pursuer's marine farms at Loch Kishorn. On or around 7 July 2023, the Defender uploaded a video to his Facebook account named "Help wanted from fish geeks - what species is this fish? It was trapped inside an RSPCA Assured salmon farm in Loch Kishorn in Scotland. It was infested with sea lice and swimming around in circles on the surface. Pollock, saithe, cod or haddock?". The Defender boarded the walkway surrounding one of the Pursuer's pens. The pen was within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender filmed from the walkway. The Defender lifted the above-surface netting of the pen. The Defender filmed within the pen above the surface water of the Pursuer's leased area of the seabed.
8. At all times as condended upon, the Defender and his associates have accessed the Pursuer's Aquaculture Sites without the Pursuer's permission.

Unmanned Aerial Vehicles

9. The Defender has been accompanied on occasions by unknown individuals when attending at the Pursuer's Aquaculture Sites. The Defender's associates have flown unmanned aerial vehicles ("**Drones**") within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The Defender's associates have flown Drones over the water above the Pursuer's leased area of the seabed. The Defender's associates have recovered the Defender carrying out the conduct complained of. The Pursuer's relies upon the following examples:
- 9.1 On 9 July 2022, the Defender uploaded a video to his Vimeo channel named "GOPR1832 Don kayaking close to farm via drone 5 July 2022.MP4." Believed that the footage was shot at the Pursuer's marine farm at Fiunary, Sound of Mull. An unknown associate of the Defender flew a Drone within the Pursuer's leased area of the seabed marked by the Pursuer's buoys.
- 9.2 On 9 July 2022, the Defender uploaded a video to his Vimeo channel named "Don jumping onto cage at Scallastle salmon farm 7 July 2022.MP4". Believed that the footage was shot at the Pursuer's marine farm at Scallastle, Sound of Mull. An unknown associate of the Defender flew a Drone within the Pursuer's leased area of the seabed marked by the Pursuer's buoys. The unknown associate of the Defender flew the Drone over the water above the Pursuer's leased area of the seabed.

- 9.3 On 10 July 2022, the Defender uploaded a video to his Vimeo channel named “Don kayaking out to Scallastle salmon farm 7 July 2022.MP4.” Believed that the footage was shot at the Pursuer’s marine farm at Scallastle, Sound of Mull. An unknown associate of the Defender flew a Drone within the Pursuer’s leased area of the seabed marked by the Pursuer’s buoys. The unknown associate of the Defender flew the Drone over the water above the Pursuer’s leased area of the seabed.
- 9.4 On 18 July 2022, the Defender uploaded a video to his YouTube channel named “GOPR1833 Don on farm via drone on biosecurity safety & lawsuit 5 July 2022.” Believed that the Drone footage was filmed at the Pursuer’s marine farm at Fiunary, Sound of Mull.
- 9.5 On 26 July 2022, the Defender uploaded a video to his Vimeo channel named “Droning on Don - Secret Filming at Scottish Sea Farms.” Believed that the footage was filmed at the Pursuer’s marine farm at Fiunary, Sound of Mull. An unknown associate of the Defender flew a Drone within the Pursuer’s leased area of the seabed marked by the Pursuer’s buoys. The unknown associate of the Defender flew the Drone over the water above the Pursuer’s leased area of the seabed.
10. At all times as condescended upon, the Defender and his associates have flown drones over the Pursuer’s Aquaculture Sites without the Pursuer’s permission.
11. Unknown individuals have operated Drones under the instructions, procurement or encouragement of the Defender at aquaculture sites operated by other salmon producers. The Pursuer relies upon the following examples:
- 11.1 On 26 May 2019, the Defender uploaded a video to his Vimeo channel called “Drone Landing at Quarry Point, Loch Fyne”. Believed that these videos were recorded at Bakkafrost Scotland Limited’s (formerly the Scottish Salmon Company Limited) marine farm at Loch Fyne. The Defender stated,
- “This is the drone coming in to land. We are in Loch Fyne, Quarry Point, May 2019. The drone’s (*sic*) just done its stuff over a salmon farm. This is the scene of a mass mortality at the Scottish Salmon Company.”
- 11.2 On 26 May 2019, the Defender uploaded a video to his Vimeo channel called “Droning On About Disease-Ridden Scottish Salmon”. The Defender stated,
- “This is Don Staniford reporting for Scottish Salmon Watch. This is just a drone going up over the salmon farm here in Loch Fyne. This is Ardcastle Bay. So, this drone’ll capture footage of the salmon...The drones just going to check out the – there’s a mort boat around the corner...”.
- Believed that the Defender will continue to instruct, procure or encourage unknown individuals to fly drones over the Pursuer’s Aquaculture Sites unless interdicted from doing so.

Unmanned underwater vehicles

12. As condescended upon, the Defender has sought various ways of accessing, and has accessed, the Pursuer’s Aquaculture Sites. The Defender has, *inter alia*, used electronic recording devices to film within the Pursuer’s pens and instructed, procured or encouraged others to fly Drones

over, and near to, the Pursuer's Aquaculture Sites. The Defender has done this over a period of time at various locations. The Pursuer has a reasonable apprehension that the Defender will continue with this conduct unless interdicted from doing so. The Pursuer has a reasonable apprehension that the Defender would use unmanned underwater vehicles to continue engaging in this conduct, if he was interdicted from physically accessing the Pursuer's Aquaculture Sites or from flying Drones.

Digivan Tour

13. On 10 October 2023, the Defender published a blog post announcing that he would be carrying out a protest tour from London to Edinburgh between 31 October and 6 November 2023. The Defender's blog post named "End Salmon Farming: Join the Scottish Salmon Boycott - 'Digivan' Tour from London to Edinburgh (31 October to 6 November)" is produced by the Pursuer at no.5/8 of process and referred to for its terms. The Defender's blog post states, *inter alia*, that a protest will take place at the Pursuer's processing plant near Oban on 5 November 2023. On 10 October 2023, Ecohustler magazine published an article promoting the Defender's Digivan tour. The Ecohustler article named "Join the End Salmon Farming - Digivan Tour" is produced by the Pursuer at no.5/9 of process and is referred to for its terms. The Ecohustler article quotes the Defender as saying:

"Salmon farming has spread like a malignant cancer on ours (*sic*) coasts. **Disease-ridden cages must be ripped out as a matter of urgency to safeguard ecosystem health.**" [Emphasis added].

The Pursuer is reasonably apprehensive that the Defender will carry out the conduct complained of unless interdicted from doing so.

Health & Safety and Biosecurity

14. Aquaculture is a regulated industry. The Pursuer's business and operations are governed by the terms of, *inter alia*, the following: (1) the Aquaculture and Fisheries (Scotland) Act 2007; (2) the Aquaculture and Fisheries (Scotland) Act 2013; (3) the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003; (4) the Aquatic Animal Health (Scotland) Regulations 2009; (5) The Health and Safety at Work Act 1974; (6) the Health and Safety (First Aid) Regulations 1981; (7) the Electricity at Work Regulations 1989; (8) the Diving at Work Regulations 1997; (9) the Loading and Unloading of Fishing Vessels Regulations 1988; (10) the Management of Health and Safety at Work Regulations 1999; (11) the Electricity at Work Regulations 1989; (12) the Workplace (Health, Safety and Welfare) Regulations 1992; (13) the Provision and Use of Work Equipment Regulations 1998; (14) the Lifting Operations and Lifting Equipment Regulations 1998; (15) the Personal Protective Equipment at Work Regulations 1992; (16) the Manual Handling Operations Regulations 1992; (17) the Control of Substances Hazardous to Health Regulations 1999; (18) the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995; (19) the Water Environment (Controlled Activities) (Scotland) Regulations 2011; (20) the Town and Country Planning (Scotland) Act 1997. The Health & Safety Executive's publication, "Health and safety on floating fish farm installations", is produced by the Pursuer at no.5/10 of process and referred to for its terms.

15. The Pursuer's operations, and the conduct of the Pursuer's staff at the Pursuer's Aquaculture Sites, are overseen by, *inter alia*, the following agencies with statutory or other regulatory powers to act: (1) Marine Scotland; (2) the Scottish Environmental Protection Agency; (3) the Health and Safety Executive; (4) the Marine Coastal Agency; (5) the Fish Health Inspectorate.
16. The environment around the Pursuer's Aquaculture Farms can be dangerous. There can be hazards on or under the water within the Pursuer's leased area of the seabed. Believed that the Defender knows that the environment around the Pursuer's Aquaculture Farms can be dangerous. The Pursuer trains its staff on how to minimise or avoid any risks and to comply with all relevant health and safety legislation. The Defender claims that he behaves safely when attending at the Pursuer's Aquaculture Sites. The Pursuer has no knowledge of what training, if any, that the Defender has undertaken in terms of the legislation and regulations that apply to the aquaculture industry. The presence of the Defender and his associates at the Pursuer's Aquaculture Sites poses a risk to the health and safety of the Pursuer's staff. The presence of the Defender and his associates at the Pursuer's Aquaculture Sites poses a risk to their own health and safety.
17. The Aquatic Animal Health (Scotland) Regulations 2009 implement animal health requirements for aquaculture animals and the prevention and control of certain diseases in aquatic animals. Under and in terms of regulation 5 of the Aquatic Animal Health (Scotland) Regulations 2009, it is an offence to operate an aquaculture production business or a processing establishment unless the business or establishment is authorised by the Scottish Ministers. The Pursuer's Aquaculture Sites are authorised by the Fish Health Inspectorate on behalf of the Scottish Ministers. Under and in terms of regulation 13 of the 2009 Regulations, the Fish Health Inspectorate must keep a public record of authorised aquaculture production businesses and authorised processing establishments. The Fish Health Inspectorate's register of authorised aquaculture production businesses updated to 21 September 2023 is produced by the Pursuer at no.5/13 of process and referred to for its terms. The Fish Health Inspectorate's register of authorised processing establishments updated 16 March 2018 is produced by the Pursuer at no.5/14 of process and referred to for its terms.
18. In terms of regulation 6(2) of the Aquatic Animal Health (Scotland) Regulations 2009,
 - “(2) It is a condition of an authorisation that the [aquaculture production] business must—
 - (a) keep a record, in such form and manner as the competent authority may specify, of—
 - (i) the movement of any aquaculture animal or any aquaculture animal product into or out of the area in respect of which the business operates;
 - (ii) the number of any aquaculture animals that have died in each epidemiological unit within that area;
 - (iii) the results of any surveillance carried out by the business; and
 - (iv) the results of any surveillance carried out by the competent authority which have been notified to the business;

- (b) follow good biosecurity practice;
- (c) comply with any surveillance requirement imposed by the competent authority; and
- (d) have a system in place which enables the operator to demonstrate to the competent authority that the requirements of subparagraphs (a) to (c) are being met.”

19. In terms of regulation 7(2) of the Aquatic Animal Health (Scotland) Regulations 2009,

“(2) It is a condition of an authorisation that the operator [of a processing establishment] must–

- (a) keep a record, in such form and manner as the competent authority may specify, of the movement of any aquaculture animal or any aquaculture animal product into or out of the premises of the establishment;
- (b) follow good biosecurity practice; and
- (c) have a system in place which will enable the operator to demonstrate to the competent authority that the requirements of subparagraphs (a) and (b) are being met.”

20. The Fish Health Inspectorate publishes guidance for operators of aquaculture processing establishments. The Fish Health Inspectorate’s “Your legal obligation” guidance is produced by the Pursuer at no.5/15 of process and is referred to for its terms, which are held to be incorporated *brevitatis causa* herein. The “Your legal obligation” guidance provides, *inter alia*, that the Fish Health Inspectorate will consider:

- “biosecurity measures implemented and instruction posted, in relation to biosecurity arrangements, on all routes of entry and exit from the site to prevent the transmission of fish disease.
- biosecurity measures implemented with regard to vehicular access to, from and within the processing establishment to prevent the transmission of fish disease.
- biosecurity measures implemented with regard to protective clothing and site equipment to prevent the transmission of fish disease.”

21. The Fish Health Inspectorate publishes guidance for operators of aquaculture production businesses. The Fish Health Inspectorate’s “Biosecurity Measures Plan” is produced by the Pursuer at no.5/16 of process and referred to for its terms, which are held to be incorporated *brevitatis causa* herein. The “Biosecurity Measures Plan” provides, *inter alia*, that the minimum information required as part of a plan includes:

“(e) The husbandry and biosecurity measures to be implemented between epidemiological units on the farm to ensure the transmission of fish diseases by the movement of staff, visitors, equipment and live or dead fish is minimised;”

22. The Pursuer trains its staff so that the Pursuer complies with its obligation to follow good biosecurity practice. The Pursuer has measures in place to ensure visitors follow good biosecurity practice. The Defender claims that he follows good biosecurity practice before

attending at the Pursuer's Aquaculture Sites. The Pursuer has no means to verify this. The presence of the Defender and his associates, and the conduct complained of, at the Pursuer's Aquaculture Sites poses a biosecurity risk to the Pursuer's fish.

23. In the circumstances, as condescended upon, the Pursuer has a strong *prima facie* case. The Defender's incursions are unlawful. The Defender has no lawful basis for the activities condescended upon.
24. The balance of convenience favours the Pursuer:
 - 24.1 The Defender's conduct poses a risk to the safety and well-being of the Pursuer's staff. The Defender's conduct poses a risk to the health of the Pursuer's fish. The Pursuer will suffer financial loss, if the fish are unintentionally harmed by the Defender. The Defender's conduct poses a risk to his own safety.
 - 24.2 The Defender has stated his intention to continue attending at the Pursuer's Aquaculture Sites all year round. Article of condescendence 7.21 is referred to for its terms.
 - 24.3 The Defender will not be interdicted from lawfully acting as an environmental activist. The terms of the interdict sought do not interfere with the responsible exercise of his right to peacefully and lawfully protest.
 - 24.4 Any concerns that the Defender has about the Pursuer's operations or conduct at the Pursuer's Aquaculture Sites can be submitted to the relevant agencies with statutory or other regulatory powers to act.
25. The Defender has been called upon to desist from the conduct complained of. The Defender refuses or delays unreasonably to do so. This action is accordingly necessary.

PLEAS-IN-LAW

1. The actings of the Defender as condescended upon being an interference with the Pursuer's exclusive right to the use and occupation of the Pursuer's Aquaculture Sites, and the Pursuer being reasonably apprehensive that the Defender will continue with the said conduct, extended interdict, in terms of s.84 of the Courts Reform (Scotland) Act 2014, should be pronounced as first craved.
2. In the circumstances, and having regard to the balance of convenience, extended interdict, in terms of s.84 of the Courts Reform (Scotland) Act 2014, should be pronounced *ad interim*.

IN RESPECT WHEREOF



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SOLICITORS FOR THE PURSUER