

2 November 2022

**From SAVE PAPAY! Halt the East Moclett Fish Farm on Papa Westray Campaign Group.**

c/o Vestness,  
Papa Westray,  
Orkney Islands,  
Scotland.

For the attention of Mairi McAllan,  
Minister for Environment, Biodiversity and Land Reform,  
Scottish Government,  
Edinburgh.

Dear Ms McAllan

**A community-led demand for an immediate moratorium on all fish farm applications and ongoing developments in Scotland by the Scottish Environment Minister**

We are writing as a matter of urgency to ask the Scottish Government to enforce a moratorium on all existing applications and ongoing new development for salmon fish farms across the whole of Scotland.

We have been astonished by Orkney Islands Council's decision on 8<sup>th</sup> September 2022 to allow one of the biggest fish farms in Scottish marine history to be given the go-ahead in the waters off East Moclett, North Sound, Papa Westray, Orkney.

We are urging you to use your Scottish Ministerial legal powers to halt this - and all other fish farm development and applications - while you align the considerable recommendations of the Scottish Parliament's Environment, Climate Change and Land Reform Committee (ECCLRC) report on the environmental impacts of salmon farming,<sup>1</sup> with the actual position in October 2022.

The ECCLR recommendation are based on a report undertaken by SAMS Research Services Ltd (SRSL). The purpose of the report was to inform the ECCLR's consideration and assist it in reaching its own views in advance of the Rural Economy and Connectivity Committee's (RECC) inquiry into salmon farming in Scotland. This report was published on 25 January 2018.

We highlight the multiple failure of regulation and the lack of accountability by several of Scotland's statutory organisation, which now requires your most immediate and decisive action. We cite Scottish Environment Protection Agency (SEPA) and NatureScot (formerly Scottish Natural Heritage) failure to

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<sup>1</sup> [https://archive2021.parliament.scot/S5\\_Environment/Inquiries/20180305\\_GD\\_to\\_Rec\\_salmon\\_farming.pdf](https://archive2021.parliament.scot/S5_Environment/Inquiries/20180305_GD_to_Rec_salmon_farming.pdf)

provide satisfactory data analysis from recognised independent experts to support the 82 valid objections by the majority of Papa Westray people, including the Papa Westray Community Council, and the SAVE PAPAY! Halt the East Moclett Fish Farm on Papa Westray Campaign Group, formerly the No East Moclett Campaign Group, in the assessment of this massive fish farm.



**One of six existing sites in the Sound of Papa: View from Vestness farm, the southern shores of Papa Westray. The number of cages here was increased without any local consultation.**

This project comprises six cages with a 160-metre circumference, over 450,00 square metres, with a 600 tonne feeding barge, and a biomass of 3,850 tonnes. These are among the largest cages used in the Scotland. This will be an increase the company's current yearly output in Orkney and Shetland of 26,000 tonnes from seawater operations to nearly 30,000 tonnes per year, 10 per cent of Scotland's total. The aquaculture industry in Scotland produced 163,000 tonnes in 2016. The industry plans to extend production to about 200,000 tonnes in 2020 and to 300,000 - 400,000 tonnes by 2030.

We note the major concerns addressed in the ECCLR report and we argue that there are multiple and glaring breaches of these recommendations in the East Moclett go-ahead by Orkney Islands Council, including the definition of the Marine (Scotland) Act 2010 which stipulates the definition of 'inshore', which is up to 12 nautical miles, and 'offshore', between 12 and 200 nautical miles, fish farms. Cooke Aquaculture Scotland consistently refer to the East Moclett site as 'offshore' when it is demonstrably 'inshore', while Marine Scotland's letter to Orkney Islands Council said: *"The site is in a very exposed location and it is further offshore than many aquaculture sites in the Scottish industry."* The site is 2,850 metres from Papay's coast.

We urge you to take immediate Scottish Government Executive Action to place a Mortarium on new and existing developments for fish farms until the ECCLR's recommendations has been fully implemented and amalgamate into the statutory powers of the relevant organisations.

## Introduction:

The waters around Papa Westray around Orkney already have more than their fair share of fish farms. The applicant, Cooke Aquaculture Scotland (CAS), has acknowledged the size and scale in its submission to Orkney Islands Council councillors, but the visual viewpoints from elevated land positions across Papa Westray does not really do justice to the infringement to local amenities.

In CAS's Environmental Impact Assessment (EIA)<sup>2</sup>, the company provided a contextual location of its existing sites in the vicinity of East Moclett. There are already six existing fish farms, at Ousenness, Vestness, East Skelwick Skerry, Bay of Cleat North, Bay of Cleat South, and Scarfhall Point, which are close to the shore, but this seventh, classed as 'offshore' is still well within the definition of 'inshore' and is likely to cause even great harm in the water channels around the island. In December 2021, four of the six were currently active. East Skelwick is currently the largest with 2,500 tonnes per annum, compared with 3,850 tonnes from the new site. The decision to approve fundamentally ignores the cumulative impacts on these seven fish farms on the environment and the community.

The Papa Westray campaigners are also deeply concerned about an arbitrary line which is been drawn up between the archipelago of the Orkney Islands in the so-called Pentland Firth and Orkney Waters Marine Spatial Plan (PFOWMP). This would create a specific protection area for marine licensing which will separate the islands with Orkney Mainland, Burray, South Ronaldsay, Hoy, Shapinsay and Rousay, including the Pentland Firth and Scapa Flow, within the parameters of the marine protection, while the obvious protection of this plan will not be extended to the more remote islands of the North-East, including Westray, Papa Westray, Eday, Sanday, Stronsay, and North Ronaldsay. It is in this area where CAS already have extensively fish farm interests and will therefore be able to operate in a less restricted marine environment. This is a disturbing proposition.

If an operator, such as CAS, is allowed to operate with relative impunity, as appears to be the case, then the fish farm industry will simply be allowed to destroy Scotland's natural marine heritage. The campaigners in Papa Westray have been living with 'inshore' fish farms for a number of years yet the activity has increased by stealth with a lack of proper local consultation. The Papa Westray community is now saying "Enough is Enough".

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<sup>2</sup> Cooke Aquaculture Scotland's Environmental Impact Assessment for East Moclett, December 2021, Page 40.



A map of the existing Cooke Aquaculture Scotland (CAS) sites from its own environmental impact study. The map does not even designate the island of Papa Westray, only Westray.

**The critical environmental references for the ECCLRC report:**

You will be well aware of the serious environmental concerns created by the expansion of Scotland’s fish farms and that further steps must be taken to control and regulate this. We cite as a critical document the Environment, Climate Change and Land Reform (ECCLR) Committee report on the environmental impacts of salmon farming. For some reason, perhaps delays caused by the COVID pandemic and a lack of action on behalf of the Scottish Government, this report was unavailable to those seeking to object to the East Mockett salmon fish farm.

The SRSR report, by Donald Cameron, focused on the environmental impacts of the industry in relation to the marine environment. Evidence to this Committee highlighted considerable additional environmental impacts, including in relation to freshwater environments.

The key additional environmental conclusion made (we have highlighted in bold all the points which support our appeal) are: <sup>3</sup>

- 1.** It is clear to the Committee that the same set of concerns regarding the environmental impact of salmon farming exist now as in 2002 but the scale and impact of these has expanded since

<sup>3</sup> [https://archive2021.parliament.scot/S5\\_Environment/Inquiries/20180305\\_GD\\_to\\_Rec\\_salmon\\_farming.pdf](https://archive2021.parliament.scot/S5_Environment/Inquiries/20180305_GD_to_Rec_salmon_farming.pdf) P66.

2002. **There has been a lack of progress in tackling many of the key issues previously identified and unacceptable levels of mortality persist.**

2. Over that period there appears to have been **too little focus on the application of the precautionary principle in the development and expansion of the sector.**
3. Scotland is at a critical point in considering how salmon farming develops in a sustainable way in relation to the environment. The planned expansion of the industry over the next 10-15 years will place huge pressures on the environment. Industry growth targets of 300,000 - 400,000 tonnes by 2030 do not take into account the capacity of the environment to farm that quantity of salmon. **If the current issues are not addressed this expansion will be unsustainable and may cause irrecoverable damage to the environment.**
4. The Committee is deeply concerned that the development and growth of the sector is taking place without a full understanding of the environmental impacts. **The Committee considers an independent assessment of the environmental sustainability of the predicted growth of the sector is necessary.**
5. There are significant gaps in knowledge, data, monitoring and research around the adverse risk the sector poses to ecosystem functions, their resilience and the supply of ecosystem services. Further information is necessary in order to set realistic targets for the industry that fall within environmental limits. **There should be a requirement for the industry to fund the independent and independently verified research and development needed.**
6. The role, responsibilities and interaction of agencies requires review and agencies need to be appropriately funded and resourced to fully meet their environmental duties and obligations. Scotland's public bodies have a duty to protect biodiversity and this must be to the fore when considering the expansion of the sector. **We need to progress on the basis of the precautionary principle and agencies need to work together more effectively.**
7. There need to be changes to current farming practice. The industry needs to demonstrate it can effectively manage and mitigate its impacts.
8. Scotland needs an ecosystems-based approach to planning the industry's growth and development in both the marine and freshwater environment, identifying where salmon farming can take place and what the carrying capacity of that environment is. A cohesive framework is needed.
9. **As a matter of urgency the Committee wishes to see independent research commissioned, including a full cost-benefit analysis of Recirculating Aquaculture Systems (RAS), and a comparative analysis with the sector as it currently operates in Scotland, alongside further development and implementation of alternative technical solutions, supported by the use of incentives.**
10. Adaptive management which takes account of the precautionary principle, (using real-time, farm by farm data) could have the potential to reduce environmental impacts, but additional detail is needed on how it would be applied in practice
11. The Committee is supportive of aquaculture, **but further development and expansion must be on the basis of a precautionary approach and must be based on resolving the environmental problems. The status quo is not an option.**
12. The current consenting and regulatory framework, including the approach to sanctions and enforcement, is inadequate to address the environmental issues. The Committee is not convinced the sector is being regulated sufficiently, or regulated sufficiently effectively. **This needs to be addressed urgently because further expansion must be on an environmentally sustainable basis.**

We agree with many of the above conclusions made by this Scottish Parliament's committee. The final point states this must be addressed 'urgently'. This was stated in March 2018. Therefore, we urge you, as

the Environment Minister for Scotland, to tackle this matter now before more environmental damage is sustained.

### **The failure of the statutory regulator.**

For example, we also note that Scottish Natural Heritage (NatureScot) expressed its concerns about the ECCLRC report's criteria for assessing environmental effects.<sup>4</sup> It states: *the definition of significance of an effect seems to exclude Priority Marine Features; there is some inconsistency in the explanation of legal obligations for protected habitats and species, and; the report should have highlighted that a particular impact may not be significant in its own right but it could become significant on a cumulative or in-combination basis.*

This is a massively important point, raised by NatureScot, then ignored in its local submission on East Moclett. A case of the one hand not knowing what is going on in the other.

We would like this to be fully reconsidered for Papa Westray because the NatureScot report to Orkney Islands Council singularly failed to present the cumulative case, which should have included marine life on the seabed.

In its submission, NatureScot said: *"We advise that there are likely significant effects on natural heritage interests as a result of this proposal, however in our opinion, mitigation measures provided by the applicant can assist with our conclusion of no adverse effect on site integrity."*<sup>5</sup>

The Orkney State of Marine Environment report on current status of aquaculture states: *"In 2018, the Scapa Flow Aquaculture Water Quality Impact Modelling Assessment determined that dissolved nutrient released from eight operational fish farms, three proposed fish farms, watercourses and sewage treatment plants is sufficiently low to maintain current compliance with High WFD Coastal Water DIN standards. For clarity, this work only considered nutrients and not chemical pollution."*<sup>6</sup>

This leads to the question of whether /how chemical pollution from aquaculture is being monitored in Orkney inshore waters? and how will regulators know if statutory levels of chemical pollution are being breached or if indeed they have already been breached given high levels of parasite infection and gill disease reported in the last 12 months?

As mentioned, the proposed development at East Moclett is 2,850m away from the nearest landfall of Papa Westray. Modelling performed in the EIA document states that the residual currents are in a direction 305°, if a line is drawn from the site of the proposed development along that bearing, it can be seen that salmon excrement and chemical therapeutants will be carried inshore to the coastline of Papa Westray and into the Marine Protected Area.

This nationally designated conservation area includes a shallow water sandy sediment bay, bounded by dense kelp forest; habitats which are used by bird populations including Arctic Terns and Black Guillemot, to forage for sand eels and butterfish.

In the Sound of Papa, the nearby Vestness salmon farm is in close proximity to a large seagrass meadow.<sup>7</sup> The original licence for Vestness was six cages, which has now expanded to 16 cages. How do regulators know if this accumulation and expansion of salmon farms and their waste products in the area is impacting upon the quality of the seagrass habitat? What data is being gathered by statutory regulators

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<sup>4</sup> NatureScot's report to the ECCLRC report, 2018.

<sup>5</sup> Letter from NatureScot to Orkney Council planning authority, 9 February 2022

<sup>6</sup> (<https://www.orkney.gov.uk/Files/Planning/Development-and-Marine-Planning/20210107-OIC-Report-V9-screen%20v2.pdf>) section 2.9.2 (p.37)

<sup>7</sup> <https://www.bbc.co.uk/news/uk-scotland-north-east-orkney-shetland-61712861>.

since recommended in 2018 to check on the health status of this Priority Marine Feature which is on the OSPAR List of threatened and/or declining species and habitats (OSPAR agreement 2008-6)?

You, as the Scottish Environment Minister, have been involved in Blue Carbon International Policy. First Minister Nicola Sturgeon, speaking to the Scottish Parliament about the success of various international initiative at COP26 in Glasgow. “This decade will be the most important in human history. The actions we take between now and 2030 that will determine whether or not we bequeath a sustainable and habitable planet to those who come after us.”

This type of coastal habitat is significant for the ecosystem services contribution it makes to sequestration of 'blue carbon' and for the way that its rhizomes stabilise seabed sediments, preventing erosion and providing a complex habitat for associated biodiversity to live in. Kelp forest is also a blue carbon habitat, capturing carbon through photosynthesis by the kelp fronds and then subsequent burial of detached kelp matter into marine sediments for long term storage.<sup>8</sup>

In other regions seagrass beds are having to be replanted e.g. Firth of Forth Restoration project. Restoration projects are very costly, and it should be considered at the planning stage, whether proposed developments will be detrimental to such habitats because conservation of existing habitats will be less expensive and more beneficial to coastal communities, than being left with damaged seabed which will require costly restoration at a later stage.<sup>9</sup>

Clearly it is better to preserve this now, rather than destroying it and spending more time and money trying to rekindle it at a later stage?

The Orkney State of Environment Assessment <sup>10</sup> states the benefits of regional marine planning include:

- Safeguarding the functioning of marine ecosystems whilst supporting economic activities;
- Policies, spatial allocations and data to improve certainty at the development consenting stage and support investment;
- Regional planning can help to reduce the conflicts between marine users;
- Partnership working and building a collective understanding between the many marine interests, including the issues and constraints within which each other are working;
- The development of a locally relevant marine planning strategy; often national legislation contains a ‘one size fits all’ approach, which may not be appropriate in an island context;
- Regional marine planning will allow the national interest to be interpreted at the local level in a way that is appropriate to local circumstances.

This state of the environmental assessment will inform the development of the Orkney Islands Regional Marine Plan to help deliver these benefits".

Regional planning only works if it aligned with National Scottish planning. It is clear that there is a divergence between the stated aims of the Scottish Government and the regional planners and councillors in Orkney who have approved this ‘inshore’ fish farm.

CAS’s EIA report states on the potential nutrient and chemical discharges and the degradation of the water column, stated: “Due to the energetic hydrographic regime of the North Sound, the modelled report of nutrients is not considered significant. Effluent from the site will be dispersed rapidly.”

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<sup>8</sup> [https://data.marine.gov.scot/sites/default/files//SMFS%201103\\_0.pdf](https://data.marine.gov.scot/sites/default/files//SMFS%201103_0.pdf)

<sup>9</sup> <https://www.scotsman.com/news/environment/scottish-seagrass-and-oyster-restoration-project-to-benefit-forth-marine-life-and-tackle-climate-change-3433734>

<sup>10</sup> Section 1.3 (Page 6)

In the case of the East Moclett proposal, it is questionable whether the **safeguarding of the functioning of marine ecosystems whilst supporting economic development**, has been adequately addressed.

Furthermore, buried in CAS's East Moclett submission is an equation to calculate the total faecal aquatic excrement from the proposed fish farm. Our maritime expert and a mathematics scholar was eventually able to work out that the 3,850 tonnes of biomass proposed by CAS, and accepted by Orkney Island councillors, equates per annum to the human excrement of 116,952 humans depositing their waste into the water. *This is untreated waste.* The island population is around 80 and those living on the island are expected, by Scottish Water, to use septic tanks for human waste.



**A restored Orkney house for island visitors: One of the six fish farms visible from Vestness. Fish faecal waste already makes bathing and wild swimming dangerous and unhealthy.**

The views of the RECC committee on the ecotoxicity of emamectic benzoate (EMB), as defence against sea lice in salmon, stated: “The Committee is concerned that there appear to be very significant data and analysis gaps related to the discharge of medicines and chemicals into the environment, including analysis of cumulative or additive effects. This requires to be addressed. The Committee has seen little evidence of proactive activity or action to systematically address the data gaps, either by the industry or the regulator.”

“The Committee remains unclear how the dispersal of waste (including chemicals) is monitored and accounted for and has concerns about the adequacy of the pollution permissioning and the adequacy of the current modelling.”

“The Committee is extremely concerned that SEPA may, in the past, or may currently, be permitting the discharge of priority substances and potentially damaging substances.”

Here, in the case of East Moclett, SEPA has failed in its monitoring and authorisation of Marine Pen Fish Farming Permits (CAR Licence) for CAS's expansion. CAR authorisation regulated the maximum biomass and discharge of organic wastes and medicinal residue into the water.

In its advice to the planning authority, SEPA stated: “We have no objection to the proposed development, however, please see Section 1 below for advice in relation to impacts on the water environment.”

Then under section. 1. Water environment, SEPA said:

*1.1 We have yet to receive an application for this proposal under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As Amended) (CAR). However, the information submitted as part of the planning application demonstrates that the proposal is likely to be consentable under CAR. For information, under CAR we will control the final biomass and quantities of sealice medicines.*

*1.2 Advice should be sought from NatureScot on the natural heritage designations. However, in so far as our remit extends, we can advise that discharges from the fish farm is unlikely to have a significant effect on bird species or the carbonate production area.*

The Papay Westray campaign group have asked both the Scottish Government and SEPA for sight of this CAR report but have not been provided with this. A clear breach of its regulatory mandate.

Many of the issues raised in the report have been ignored by Orkney Island Council’s approval process for the East Moclett site in September 2022. There is no clear evidence from the critical Orkney Island Council’s Corporate Director for Neighbourhood Services and Infrastructure’s report that the councillors on the planning committee clearly understood the changing environmental position.

Indeed, on the issue of interactions with wild salmonids, CAS’s EIA report <sup>11</sup> admits: “Whilst every effort has been made to accurately assess potential impacts on wild salmonids, significant data gaps exist to the distribution and density of wild salmonids in Orkney.” It added: “Escaped farmed salmon also poses a risk of interaction including a potential interbreeding and increased competition for wild resources.”

This is exactly why the recommendation of the ECCR committee require immediate attention from the Minister.

## THE CUMULATIVE IMPACT

Each element of an impact study should not be a series of standalone issues. The whole web of nature is intertwined with water quality, fish and bird life and the landscape. Yet the substantial report by Cooke Aquaculture Scotland has sections on Cumulative Effects where it clearly underplays various impacts on sealife, fauna and bird activity.

“There were no species/habitats of conservation important or Priority Marine Features (PMF)s identified during the visual and benthic baseline survey at the proposes site” <sup>12</sup> and, on seabird activity, <sup>13</sup> where it stated: “The proposed site is also in an offshore, exposed location with significant water depth. This environment is significantly different to the more sheltered inshore finfish sites and so cumulative effects on protected species which favour shallower and more sheltered habitats are unlikely.”

Elsewhere in the CAS’s EIA, it states. “Aquaculture acts as a reservoir for disease pathogens in coastal environments. It provides the conditions for both the proliferation and spread of disease among farmed species, and potentially, the transfer of diseases back to wild counterparts.”

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<sup>11</sup> CAS EIA, Section 2.7.4, Page 11

<sup>12</sup> CAS EIA, Page 138

<sup>13</sup> CAS EIA, Page 235

Surely another key reason to have a moratorium on fish farms until more research is undertaken.

## CONCLUSION

Scotland places an increased value in each citizen's rights to a sense of place. Our sense of place on Papa Westray, one of the more remote and beautiful parts of our country, is rooted in the natural environment of land, sea and sky and our elemental connection with nature.

The SAVE PAPAY! Halt the East Moclett Fish Farm on Papa Westray Campaign Group is a community organisation representing the views of the majority of the people on Papa Westray. We are funded through our own community activities and raise this issue as a small organisation taking on the corporate might of large-scale enterprises. But we live here – and we want our voices to be heard in Edinburgh.

We fully understand and appreciate that economic necessity requires commerce, employment and income for every community, and indeed this close-knit community is an example where most people of working age have more than one job – and up to five jobs – many serving their local communities in a voluntary capacity. Our seasonal economy depends on visitors and nature-lovers who come to experience this unique landscape.

However, economic development must not come at the long-term detriment of our community, who have already welcomed more than our share of industrial fish farming. As islanders, we feel we are custodians of Papa Westray's future where population has been in decline for many years. We know that further expansion of fish farming will destroy our way of life and our deep sense of place and purpose.

We feel that Scotland's regulatory bodies, including SEPA and NatureScot have failed in their most elementary regulatory responsibilities. The RECC made several recommendations about SEPA's performance which have not been resolved.

We are writing to you to announce a moratorium of all fish farms in Scotland and that proper expert analysis be undertaken about the whole industry in Scotland. The Scottish Government made some significant commitments one year ago during COP26. The First Minister Nicola Sturgeon has spoken about Scotland's unique environment and its attraction for international visitors, we now expect clear and decisive action to rein in the exploitation of communities by international fish-firm operators riding rough-shod over inadequate regulatory watchdogs.

Yours sincerely

**On behalf of SAVE PAPAY! Halt the East Moclett Fish Farm on Papa Westray**