



Our Ref: EM 26-04

Your Ref:

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Dear Edward

Conservation of Habitats and Species (Offshore Wind) (Miscellaneous Amendments) (Scotland) Regulations 2026

I am writing in connection with the Net Zero, Energy and Transport Committee's consideration on 17 February of the draft Conservation of Habitats and Species (Offshore Wind) (Miscellaneous Amendments) (Scotland) Regulations 2026.

This is an important piece of legislation in that it enables significant departure from long-standing legislation designed to protect species and habitats deemed to be vulnerable and in need of conservation and protection. The legislation originated from the European Union and was assimilated into domestic law upon the UK's exit from the EU, such is its importance in protecting our natural environment.

That same legislation however now hampers the Scottish and UK Governments' ambitions for industrialising Scotland's seas with offshore wind farms, as it is widely acknowledged that these developments will cause significant adverse impacts on features which are protected under the law outlined above. In the case of Scotland, the impacts are predicted to be greatest on seabirds.

The draft SSI discussed by the Committee puts in place a completely untested mechanism to allow developers, mostly from companies based outside the UK, to offset these impacts in ways that are untried, untested and risk putting the Scottish and UK Governments' wider ambitions on nature recovery at risk.

As is so often the case, the devil will be in the detail: statutory guidance referred to in the draft SSI, but not subject to any parliamentary scrutiny or approval, essentially giving Ministers a free hand in permitting developers to find as yet undefined and unlimited means of making 'compensations' for the harm these developments will do to Scotland's seabirds.

Members:

Anglo Scottish Fishermen's Association · Fife Fishermen's Association · Fishing Vessel Agents & Owners Association (Scotland) Ltd · Mallaig & North-West Fishermen's Association Ltd · Orkney Fisheries Association · Scottish Pelagic Fishermen's Association Ltd · The Scottish White Fish Producers' Association Ltd · Shetland Fishermen's Association

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The Scottish Fishermen's Federation did not support the proposals during consultation, but that is not clear from Scottish Government's policy note. Further, the Cabinet Secretary was incorrect in her evidence to the Committee on 17th February when she stated that the fishing industry has been involved in developing the compensatory measures – we have categorically not been involved and were indeed appalled to hear from officials late last year that stakeholder workshops had been held on developing measures, but that our sector was not invited to attend. This is particularly egregious when considering that fisheries management measures are included in the portfolio of potential compensatory measures, yet we were excluded from the work to discuss these.

Offshore wind developments in Scottish waters now present both direct and indirect impacts on fishing – the direct displacement of fishing activity from areas that will no longer be accessible, the as-yet poorly understood impacts on marine ecosystems and now, through this SSI, the prospect of our sector being expected to pick up the environmental cost of at least some of the harm that the windfarms will cause to Scotland's seabirds – hardly a just transition.

Yours sincerely

A handwritten signature in black ink, appearing to read "Elspeth Macdonald".

Elspeth Macdonald
Chief Executive