



Marine Scotland

Improving protection given to Priority Marine Features

Response to Scoping Consultation

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Introduction

The project to improve protection given to Priority Marine Features (PMFs) outside the MPA network was initiated in May 2017. This followed an incident in Loch Carron in April 2017 when a flame shell bed was damaged by scallop dredging activity, and resulted in the designation of the Loch Carron MPA. The Cabinet Secretary for Environment, Climate Change, and Land Reform also requested that necessary steps were taken to ensure that PMFs were being protected in accordance with the National Marine Plan.

The National Marine Plan states that “Development and use of the marine environment must not result in significant impact on the national status of Priority Marine Features”. Furthermore the Marine (Scotland) Act 2010 requires that decision makers should act in the way best calculated to further the achievement of sustainable development and use, including the protection and, where appropriate, enhancement of the health of the Scottish marine area.

Most industries have to go through a licensing process, with many required to undertake environmental impact assessments to enable the regulator to determine whether a project will have a significant impact. PMFs are considered in this process, and Scottish Natural Heritage (SNH) provide advice to regulators based on published guidance¹. All regulators should continue to make decisions in accordance with the policies set out in the National Marine Plan.

The principal aim of the project is to ensure that the necessary fisheries management measures are in place to ensure protection of PMFs, and comply with the relevant policy in the National Marine Plan. The current PMF list² has 81 habitats and species and therefore a prioritisation exercise was undertaken. Through this process Marine Scotland and SNH identified 11 habitats which are particularly sensitive to impact from bottom contacting mobile fishing gears.

¹ <https://www.nature.scot/sites/default/files/2017-11/Priority-Marine-Features-Guidance-May-2016.pdf>

² <https://www.nature.scot/sites/default/files/2018-05/Priority%20Marine%20Features%20in%20Scotlands%20seas.pdf>

The habitats and species are a very important part of the marine ecosystem. They provide a range of natural goods and services from which we all benefit. The 11 Priority Marine Features are:

- Blue mussel beds
- Cold water coral reefs
- Fan mussel aggregations
- Flame shell beds
- Horse mussel beds
- Maerl beds
- Maerl or coarse shell gravel with burrowing sea cucumbers
- Native oysters
- Northern sea fan and sponge communities
- Seagrass beds
- Serpulid aggregations

Whilst the focus in this project is on managing fisheries to ensure the conservation of these important habitats and species, it is anticipated that the SNH advice documents form part of a wider context. It is expected that the advice in the assessment of each PMF will have relevance to all industries and regulators. Separately, SNH is developing more detailed guidance on those habitats and species which are regularly assessed in relation to development proposals.

The scoping consultation

This consultation³ took place between 05 July and 31 August 2018. Scoping is an essential part of the process required under the Environmental Assessment (Scotland) Act 2005. Normally such consultations only involve certain authorities but on this occasion the Scottish Government opted to have a wider consultation.

The following documents were published as part of the consultation:

- Consultation document
- The scoping report
- SNH guidance documents for each of the 11 Priority Marine Features
- Fishing footprint map layers
- A potential management approach map layer

³ <https://consult.gov.scot/marine-scotland/priority-marine-features/>

The consultation asked nine questions, and a total of 57 responses were received. There were 24 responses from organisations and 33 from individuals. Analysis of each question is provided below.

1. Do you have any comments on the economic assessment methodology?

There were comments made in 37 responses.

The relevant themes identified for this question were:

- a) Needs to provide greater information on benefits of protecting the environment
- b) Local dependencies on fishing need to be taken into account
- c) General policy 19 of the National Marine Plan requires use of sound evidence
- d) The approach proposed was a competent methodology

Scottish Government response:

The assessments will use the best available evidence and quantify costs and benefits where possible.

2. Do you have any comments on the Screening / Scoping Report for the Strategic Environmental Assessment?

There were comments made in 34 responses.

The relevant themes identified for this question were:

- a) Other PMFs should be included
- b) The scope of including 11 PMFs was appropriate
- c) The report was adequate for its purpose

Scottish Government response:

The risk assessment and rationale for selecting the 11 PMFs remains valid. Consideration of any other PMFs will come after completion of this project using a further risk assessment.

3. Do you have any comments on the approach taken by SNH to develop the advice?

There were comments made in 37 responses.

The relevant themes identified for this question were:

- a) Knowledge gaps need addressed, with precautionary approach for now
- b) More PMFs should be covered at this stage
- c) A number of other records of the 11 PMFs were suggested for inclusion
- d) The approach could cause shifting baselines regarding the current PMF status
- e) The approach taken is satisfactory for these 11 PMFs

Scottish Government response:

A number of additional records have now been included. See Annex A for details.

4. Do you have any comments on the specific advice for any of the PMFs?

There were comments made in 31 responses.

The relevant themes identified for this question were:

- a) Advice on management of other activities should be clearer
- b) An ecosystem approach should be taken
- c) The PMFs appear to exist in harmony with current fishing activity
- d) The advice doesn't account for the already diminished status of the PMFs
- e) The best available evidence isn't good enough
- f) The value of ecosystem services could be elaborated more

Scottish Government response:

Updated versions of the PMF-specific advice documents and the overview document for the next consultation stage will take account of these themes where appropriate.

5. Do you have any comments on the identification of areas for management consideration?

There were comments made in 40 responses.

The relevant themes identified for this question were:

- a) All the records for the 11 PMFs should be included
- b) All seabed near coast should be protected to safeguard unknown records
- c) Management zones should be carefully drawn to minimise impact on fishing

Scottish Government response:

A number of additional records of the 11 PMFs have now been included (see Annex A). The response to question 9 setting out the reasonable alternatives addresses these themes.

6. Do you agree that 12 hours per year is a suitable level to define the fishing footprint?

There were comments made in 41 responses.

The relevant themes identified for this question were:

- a) The grid cell size was too coarse for anything other than context
- b) There should be no limit on the minimum number of fishing hours included
- c) There is no tracking on under 12m vessels which means there could be gaps

Scottish Government response:

Going forward these data layers will be used to provide contextual information about the distribution of fishing activity. The average layers have been published on NMPi with a scale to visualise the variation in fishing effort. It is our view that there needs to be a minimum level of effort for cells to be included and therefore we are satisfied that an average for 12 hours per year for an entire sector of the fleet is reasonable.

7. Do you have any evidence of fishing activity outwith the footprint, in particular for vessels under 12m in length?

There were comments made in 36 responses.

The theme identified for this question was:

- a) Any further work would require input from fishermen all around Scotland

Scottish Government response:

There was no further information provided in the responses that resulted in a change to the displayed footprint. As the layers are going to provide context only, we are satisfied they are fit for purpose. They are relatively easy to update with each iteration of the ICES outputs.

8. Do you have any views on the management approach identified for the appraisal?

There were comments made in 38 responses.

The themes identified for this question were:

- a) Measures in the approach are too limited to adequately protect PMFs
- b) Measures should be pragmatic and not cause unnecessary restriction to activity

Scottish Government response:

The management approach will be assessed in the Sustainability Appraisal along with reasonable alternatives described under question 9. It is our view that the combination of these reflect both of the themes which emerged under the question.

9. Are there any other reasonable alternative approaches to management that could be tested in the Sustainability Appraisal?

There were comments made in 45 responses.

Table 1 below lists the various approaches suggested and provides a response to each of them.

Table 1: Analysis of the alternatives suggested

Approach	Description	Response
0.5nm limit	Prohibit use of all bottom contacting mobile gear within 0.5 nautical miles of land.	This is considered a reasonable alternative because around 90% of the records of the 11 PMFs are found in this area.
0.5nm limit plus 50m depth	Prohibit use of all bottom contacting mobile gear within 0.5 nautical miles of land extending to 50 metres water depth where further.	This is not considered a reasonable alternative because it does not add much value to the protection of the 11 PMFs over and above the 0.5nm limit alternative.
1 mile limit	Prohibit use of all bottom contacting mobile gear within 1 nautical mile of land.	This is not considered a reasonable alternative because it does not add much value to the protection of the 11 PMFs over and above the 0.5nm limit alternative.
3 mile limit	Prohibit use of all bottom contacting mobile gear within 3 nautical miles of land.	This is not considered a reasonable alternative that is within scope of this project. What is being suggested would be a step change in fisheries management.

Approach	Description	Response
3 mile limit plus strict management between 3 and 6 miles	Prohibit use of all bottom contacting mobile gear within 3 nautical miles of land, along with strict process of Environmental Impact Assessment between 3 and 6 nautical miles.	This is not considered a reasonable alternative that is within scope of this project. What is being suggested would be a step change in fisheries management.
6 limit	Prohibit use of all bottom contacting mobile gear within 6 nautical miles of land.	This is not considered a reasonable alternative that is within scope of this project. What is being suggested would be a step change in fisheries management.
Full closure	Prohibit use of all bottom contacting mobile gear within territorial waters.	This is not considered a reasonable alternative that is within scope of this project. What is being suggested would be a step change in fisheries management.
Local management	Determine measures at a more local or regional level.	It is recognised that there is considerable regional variation in distribution of PMFs and fishing activity. The next consultation will seek views on where a more regional approach should be considered.
Management for all PMFs	Extend consideration of this project from the 11 selected PMFs.	This project will remain focused on the 11 PMFs already selected. Other PMFs may be considered at a later date if deemed necessary.
Specific zones	Have specific prohibitions in place where the 11 PMFs exist.	We consider this to be the same as the approach we proposed.

Reasonable alternatives selected for the Sustainability Appraisal:

1. Prohibition of bottom contacting mobile fishing gears within specific zones around records of the 11 PMFs (This is the current preferred policy approach).
2. Prohibition of bottom contacting mobile fishing gears within 0.5 nautical miles of land
3. Prohibition of bottom contacting mobile fishing gears within 0.5 nautical miles of land plus any specific zones from approach 1 that are outside the limit.

Scottish Government response:

This project is not being undertaken to cause a step change in fisheries management. The future of fisheries management discussion is the correct place for consideration of significant changes to inshore fisheries management. This project is being taken forward to ensure implementation of a specific policy in the national marine plan. The Scottish Government is satisfied that the alternatives selected can achieve the desired outcome. Going beyond these within this project is considered beyond scope and therefore not reasonable in the context of the Environmental Assessment (Scotland) Act 2005.

Annex A - New PMF data and possible management zone additions

SNH and Marine Scotland identified a number of possible PMF management zone additions to supplement those published as part of the 2018 consultation to illustrate the traditional management approach. The zones have been developed in response to new PMF data which has been mobilised since the launch of the 2018 consultation and now available in GEMS (GEodatabase of Marine features in Scotland). The following data sources have been mobilised:

- 2015 - 2017 Seasearch Scotland surveys (at least 15 additional surveys)
- 2016 SNH / SEPA South Skye sea lochs survey
- 2015 SWT Wester Ross DDV survey
- 2015 Wyre Sound and Tingwall maerl bed diver core survey
- 2008 - 2009 SNH survey of *Limaria hians* in Loch Alsh and Loch Carron
- 2004 SNH survey of subtidal seagrass beds in North-West Scotland (Handa maerl bed record)

Further PMF records from the following five sources will progress into future GEMS updates following formal review:

- 2018 EMFF surveys - Inner Sound, Small Isles and Clyde Sea - 27 applicable PMF records
- 2018 Melvaig herring ground survey - nine maerl bed records (see SNH report no. 1085)
- SeagrassSpotter [<https://seagrassspotter.org/>] - 17 confirmed 'new' subtidal *Zostera marina* seagrass beds
- Scallop diver observations - three records of flame shell beds and a seagrass bed
- 2009 Highland Council seagrass bed records - two records in Inverie Bay, Loch Nevis.

The possible PMF management zone additions are listed in Table 2 with details of the feature(s) present, along with a note clarifying whether the zone is wholly new or an amendment to an existing delineated zone and a guide on the age of the records present. As part of developing these proposals a small number of inconsistencies in the PMFs listed against the illustrative management zones published in support of the 2018 consultation were identified. Amendments that could be made to relevant existing metadata are presented in Table 3.

Table 2: Additions and amendments to illustrative management zones

Name	PMF(s)	Justification	Change
Merkland, Arran	Maerl beds	New data - additional 2018 EMFF records	Extension
SW Bute	Maerl beds	New data - additional 2018 EMFF record. Other record 1996	New area
Ardlamont Point	Maerl beds	New data - additional 2018 EMFF records	Extension
Loch Scavaig	Maerl beds, Maerl or coarse shell gravel with burrowing sea cucumbers, Northern sea fan and sponge communities	New data - additional 2016 SNH/SEPA and Seasearch records	New area
Pabay, Inner Sound	Flame shell beds	New data - record from scallop diver (validated by SNH divers in February 2019)	New area
Longay, Inner Sound	Flame shell beds	New data - records from scallop diver (unconfirmed.)	New area
Scalpay, Inner Sound	Maerl beds	New data - additional 2018 EMFF records	New area
Melvaig	Maerl beds, Seagrass beds	New data - 2018 Melvaig herring survey	Extension
Scapa Flow	Horse mussel beds	New data - Seasearch 2017 records. Previous records - SNH ROV survey 1995	Extension
Sound of Iona	Seagrass beds	New data - Seagrass Spotter 2016 record	New area

Name	PMF(s)	Justification	Change
Ardchiavaig, Mull	Seagrass beds	New data - Seagrass Spotter 2017 record	New area
Red Point	Maerl beds, Seagrass beds	New data - multiple Seagrass Spotter 2014. Maerl bed record - SNH ROV survey 2004	New area
Loch Hourn	Maerl beds	New data - Seasearch 2016 records	New area
N Crowlin Islands, Inner Sound	Maerl beds	New data - additional 2018 EMFF records	New area
N Inner Sound	Maerl beds	New data - additional 2018 EMFF records	New area
Inverie, Loch Nevis	Seagrass beds	New data - records in both 2006 and 2009 from Highland Council consultant surveys	New area
Loch Long (Upper)	Horse mussel beds, Maerl or coarse shell gravel with burrowing sea cucumbers	New data - Seasearch 2017 records. Other records 2015, 2010 and 1989.	New area
Handa	Maerl beds, Northern sea fan and sponge communities	New data - SNH 2004 maerl bed not previously mobilised from Marine Recorder	New area
Gourock	Horse mussel beds	New data - Seasearch 2017 records	New area
West Loch Tarbert	Maerl beds, Native oysters, Seagrass beds	New data - Seasearch 2017 records of native oysters. Other records 2006 and 1989	New area

Name	PMF(s)	Justification	Change
Loch Ailort	Serpulid aggregations	Eleven records - SNH and Seasearch (2017 and 2014)	New area
NE Gigha	Horse mussel beds	Recent 2017 record (related to aquaculture development proposal)	New area
N Papa, Shetland	Maerl beds	Ten maerl records from 2011 (related to aqua. development proposal)	New area
Loch Craignish	Horse mussel beds, Northern sea fan and sponge communities, Seagrass beds	Multiple records of three PMFs but mainly >20 years (plus one 2016 Seasearch record of northern sea fan communities)	New area
Poll Athach, N Mull	Maerl beds, Native oysters	Multiple maerl records (1989); single native oyster record (2014)	New area
Rubha Chuaig, Inner Sound	Maerl beds	Two records - SNH 2003 and Seasearch 2000/01	New area

Table 3: Refinements to existing illustrative management zones in approach published in 2018 consultation.

Illustrative management zone name	Proposed refinement(s)
Loch a' Chnuic and Ardilistry, Islay	PMF should be Seagrass beds
Loch Indaal, Islay	Add Horse mussel beds
Loch nam, Uamh, Arisaig	Add Northern sea fan and sponge communities and Seagrass beds
Raasay to Scalpay, Skye	Add Horse mussel beds and Northern sea fan and sponge communities
Sound of Raasay, Skye	PMFs should be Fan mussels and Northern sea fan and sponge communities
Ascrib Islands, Skye	Add Northern sea fan and sponge communities
Duirinish, Skye	Add Northern sea fan and sponge communities
Loch Bracadale, Skye	Add Maerl or coarse shell gravel with burrowing sea cucumbers
Lochs Eishort and Slapin, Skye	Add Maerl or coarse shell gravel with burrowing sea cucumbers; Seagrass beds; and, Northern sea fan and sponge communities
Eddrachillis Bay	Add Horse mussel beds and Seagrass beds
Hoy Sound to South Walls, Orkney	The two discrete polygons were renamed to "Hoy Sound to South Walls, Orkney (East)" and "Hoy Sound to South Walls, Orkney (West)" to differentiate
Loch Eriboll	Add Horse mussel beds and Seagrass beds
Hoy Sound to South Walls, Orkney	Add Fan mussels and Seagrass beds
Copinsay, Orkney	PMF should be Horse mussel beds
Loch Seaforth, Lewis	Add Northern sea fan and sponge communities
Sound of Harris, Lewis [FID41]	PMF should be Maerl beds
Lochs Tamnabhaigh, Tealasbaigh, Reasort, and Crabhadail, Harris	Add Northern sea fan and sponge communities
Loch Aineort to Loch Baghasdail, South	Add Seagrass beds and Northern sea fan and sponge communities

Illustrative management zone name	Proposed refinement(s)
Uist	
Orkney Sounds and Firths	Add Horse mussel beds
Bo Fascadale	PMF should be Northern sea fan and sponge communities
Eigg	Add Maerl beds
Ulva and Loch na Keal	Add Seagrass beds and Northern sea fan and sponge communities
Orkney Sounds and Firths [FID62]	Add Horse mussel beds



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