

Proposal to designate Red Rocks and Longay as a Marine Protected Area: Analysis of consultation responses

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Terminology and abbreviations

The following abbreviations and terms are used in this report.

BRIA (Business and Regulatory Impact Assessment): The BRIA process looks at the likely costs, benefits and risks of proposed primary or secondary legislation in Scotland. The process can also be used to assess voluntary regulation, codes of practice, guidance, or policy changes that may have an impact on the public, private or third sector.

CMA (Conservation and Management Advice): Formal advice provided by NatureScot in relation to the possible designation of a Marine Protected Area (MPA).

HPMA (Highly Protected Marine Area): A type of Marine Protected Area which offers the strictest possible environmental protections designed to allow the recovery of marine ecosystems.

ICIA (Island Communities Impact Assessment): When a new strategy, policy or service is being developed, an ICIA is used to consider the needs of different island communities and how the proposal will affect them. The aim is to reduce any negative impacts so that everyone will benefit from a proposal and outcomes for island communities are improved.

IUCN (International Union for Conservation of Nature): An international organization working in the field of nature conservation and sustainable use of natural resources. It is involved in data gathering and analysis, research, field projects, advocacy and education.

MCO (Marine Conservation Order): Under the provisions of the Marine (Scotland) Act 2010, Scottish Ministers have powers to make MCOs, setting out arrangements for regulating activity in Marine Protected Areas.

MPA (Marine Protected Area): Areas of sea managed in such a way as to protect wildlife, geology, and historic features, and to demonstrate sustainable management of the sea.

Bute House Agreement: A shared policy programme and cooperation agreement established in August 2021 between the Scottish National Party and the Scottish Greens.

Creel fishing / creeling: A form of static fishing involving dropping baited baskets onto the seabed to catch shellfish.

Dredge fishing: A form of mobile fishing that involves pulling a rigid structure along the seabed in order to catch bottom-dwelling shellfish.

Flame shell beds: The flame shell or file shell is a bivalve mollusc that live hidden on the seabed in nests, which they build from shells, stones and other materials. Hundreds of nests can combine to form a dense bed, which raises and stabilises the seabed and makes it attractive to many other creatures.

Geodiversity: Geodiversity refers to the variety of the geological and physical elements of nature, such as minerals, rocks, soils, fossils and landforms, and active geological and geomorphological processes. Biodiversity and geodiversity together constitute the natural diversity of planet Earth.

Maerl beds: Maerl is a purple-pink hard seaweed that forms spiky underwater 'carpets' on the seabed, known as 'maerl beds'. As a type of 'coralline' algae, maerl deposits lime in its cell walls as it grows, creating a hard, brittle skeleton.

Marine Protected Area Network: The Scottish MPA network includes sites for nature conservation, protection of biodiversity, demonstrating sustainable management, and protecting our heritage.

Marine (Scotland) Act 2010: Legislation which places a duty on Scottish Ministers to protect and enhance the marine environment, including through measures to help boost economic investment and growth in areas such as marine renewables.

Mobile fishing activities / mobile gear: Fishing using dredge, trawl or similar devices (gear) that are designed to be towed or pushed to take any sea fisheries resources.

Nephrops: *Nephrops norvegicus* (also known as Norway lobster, langoustine, scampi, and Dublin Bay prawn) is a mud burrowing marine decapod crustacean.

Pelagic fishing: Fishing that takes place in water above the seabed.

Qualitative analysis: A type of analysis that is based on non-numeric information, with a focus on exploring and understanding attitudes and behaviours.

Quantitative analysis: A type of analysis that is based on numeric data with a focus on measuring the prevalence of, trends in, or relationship between phenomena, attributes, attitudes, behaviours, etc.

Quaternary of Scotland: During the Quaternary (the last 2.6 million years), thick ice sheets accumulated over Scotland on at least five separate occasions. These ice sheets have had a huge influence on the morphology and appearance of the present Scottish seabed, producing a range of landforms and deposits.

Static fishing activities / static gear: Fishing using creels, gill nets or similar devices (gear) which is set to allow fish to swim into it, or to attract fish by bait, thus causing the fish to become caught in the gear.

Trawl fishing: A form of mobile fishing that involves pulling a net through water behind a boat to catch fish.

Executive summary

1. The Scottish Government has proposed creating a permanent Marine Protected Area (MPA) within the Inner Sound of Skye by Red Rocks and Longay. The area was urgently designated as an MPA in 2021, following identification of a flapper skate nursery. Flapper skate are a critically endangered species, and the conservation objectives for the proposed permanent MPA are the protection of flapper skate eggs and the Quaternary of Scotland geodiversity feature that provides essential habitat for flapper skate egg-laying.
2. A [consultation launched via the Scottish Governments consultation hub](#) was carried out between February and April 2022 seeking views on the proposed MPA and the associated management measures for the site. The main findings from an analysis of the responses to the consultation are summarised here.
3. The consultation received 63 responses. Following (i) the removal of duplicates and (ii) the combining of multiple responses from a single respondent, the analysis was based on 61 responses – 41 from individuals and 17 from organisations (13 environmental organisations and 4 fishing organisations).

Main findings

- Almost all respondents (57 out of 61) supported the designation of Red Rocks and Longay as a permanent MPA. All the organisational respondents indicated support.
 - Almost all respondents (55 out of 60) agreed that the scientific evidence presented supports and justifies the case for the designation of the site as an MPA. Organisations were unanimous in their views on this issue.
 - A majority of respondents (48 out of 60) agreed with the list of proposed protected features. Amongst the organisational respondents, all the fishing organisations (4) indicated agreement, compared to 8 out of 13 environmental organisations.
 - The majority of respondents (38 out of 58) agreed with the list of prohibited activities included in the draft Marine Conservation Order (MCO) for the proposed MPA. However, while four-fifths of individuals (34 out of 43) agreed, two-thirds of organisations (10 out of 15) disagreed. Those disagreeing included all three of the fishing organisations (two representing the mobile fishing industry and one representing the static fishing industry) that answered this question.
4. Key points and recurring themes in the consultation responses included the following:
 - In general, both organisations and individuals supported the designation of Red Rocks and Longay as a permanent MPA and endorsed the proposed protected features. Respondents highlighted the critically endangered status of the flapper skate species, the importance of the site and its geology as a breeding ground for flapper skate, the uniqueness of the site in Scotland's waters, and the wider benefits that designation offered to the marine environment.
 - For the most part, respondents thought the establishment of a permanent MPA was 'proportionate', and that the restrictions on some activities were justified by the long-

term environmental benefits to be gained. However, some respondents (including fishing organisations) expressed concerns about the proposed impact of the management measures for the MPA on the local creel fishing industry.

- Respondents generally thought that the scientific evidence presented provided a robust case for the creation of the MPA. However, some (environmental organisations and individuals) thought the evidence indicated a need for protection to be extended to additional geological features and to areas beyond the proposed MPA boundary.
- In just a few cases, respondents (all individuals) disputed the evidence, and argued that flapper skate as a species were not in need of protection and that the MPA was therefore not justified.
- Comments on NatureScot's conservation and management advice and the related list of prohibited activities included in the draft MCO mainly focused on two activities: fishing and diving:
 - Fishing: There was broad support for NatureScot's advice related to fishing activities in the MPA area. However, there was a common view that the inclusion of creel fishing on the list of prohibited activities in the MCO did not reflect NatureScot's advice and was not justified on scientific grounds. Respondents suggested that creeling could be pursued safely in limited circumstances and that a compromise position could be reached on this in consultation with stakeholders. Additionally, some respondents (particularly environmental organisations and individuals) thought further restrictions on mobile fishing were merited beyond the MPA boundary in order to fully protect the flapper skate population.
 - Diving: Although most respondents were content with the advice that diving would not significantly affect the protected features there was some disagreement with this position and calls for diving activities to be prohibited or subject to greater regulation because of the potential risks presented.
- Comments on the partial Business and Regulatory Impact Assessment and the partial Island Communities Impact Assessment accompanying the consultation paper were often general in nature; those that were more specific focused on the perceived lack of consultation on the proposal, or called for more detailed consideration of the various potential impacts of the creation of the MPA (both positive and negative), including for the fishing industry.
- Across the consultation questions, respondents made a number of more general points related to the proposed MPA. Key amongst these were calls for:
 - Further research and monitoring in relation to the lifecycle and behaviour of juvenile and adult flapper skate; the presence of other flapper skate nurseries in other areas; the presence of other marine features in need of protection; the impact of different activities, including those displaced as a result of management measures; and the impact of MPA status and related management measures.

- More consultation to allow the views of all stakeholders to influence the development of measures acceptable to all parties.
 - Monitoring and enforcement of MPA management measures put in place.
- Respondents also commonly called for further development of Scotland's MPA network in an ecologically coherent way, a move away from over-fishing, a transition towards low-impact fishing, and a more holistic spatial approach to marine and fisheries management.

1 Introduction

1.1 The Scottish Government has proposed creating a permanent Marine Protected Area (MPA) within the Inner Sound of Skye by Red Rocks and Longay. A consultation seeking views on this proposal and the future management of the MPA was carried out between February and April 2022. This report presents findings from an analysis of responses to that consultation.

Policy context

1.2 The Scottish Government would like to see a marine environment that is clean, healthy, safe, productive and biologically diverse – and which meets the long-term needs of nature and people.

1.3 Scotland's network of Marine Protected Areas (MPAs) plays a key part in delivering that vision by helping to safeguard important natural and cultural heritage features based on the principle of sustainable use. An MPA is defined by the International Union for Conservation of Nature (IUCN) as 'a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values'.¹

1.4 Ministers are committed to developing Scotland's MPA network. The current network consists of 245 sites and protects 37 per cent of Scotland's seas. In addition to MPAs, the network includes areas that provide nature conservation benefits (Other Area Based Measures) or protect the historic environment (Historic MPAs), and areas for demonstrating or researching marine management (Demonstration and Research MPAs).

1.5 An area within the Inner Sound of Skye by Red Rocks and Longay was urgently designated as an MPA in March 2021, following the discovery of the largest flapper skate nursery in Scotland. An urgent Marine Conservation Order (MCO) was put in place at the same time. The flapper skate population in the seas off the British Isles has declined steadily over the last century. The species is also regarded as threatened, declining or endangered in European waters by OSPAR² and IUCN.

1.6 Scottish Ministers now wish to designate the area as an MPA on a permanent basis and make an associated MCO. The process for establishing a permanent MPA is set out in the Marine (Scotland) Act 2010. This Act requires Ministers to carry out a public consultation prior to establishing a permanent MPA.

The consultation

1.7 In line with the requirements of the Marine (Scotland) Act 2010, the Scottish Government has consulted on two related issues, as follows:

¹ IUCN (2008) [Towards Networks of Marine Protected Areas](#).

² OSPAR is the mechanism by which 15 Governments and the EU cooperate to protect the marine environment of the north-east Atlantic.

- A proposal to designate Red Rocks and Longay as a nature conservation MPA on a permanent basis to protect flapper skate eggs and the Quaternary of Scotland geodiversity feature that is providing essential habitat for flapper skate egg-laying
- A proposal to make a Marine Conservation Order (MCO) on a permanent basis to further the stated conservation objectives for the Red Rocks and Longay MPA.

1.8 [The consultation paper issued by the Scottish Government](#) sets out the process for the designation of MPAs (including the requirement to consult) and describes the current network of protected areas around Scotland's coast. It set out the background to Red Rocks and Longay's designation as an MPA on an urgent basis. It then summarised the scientific advice, conservation objectives, management advice, management measures, and monitoring arrangements in relation to the creation of a permanent MPA. A partial Business and Regulatory Impact Assessment (BRIA) and draft Island Communities Impact Assessment (ICIA) have also been carried out and the results of these exercises were summarised. Links to these and other relevant documents were provided alongside the consultation paper.

1.9 The accompanying consultation questionnaire contained seven numbered questions – four two-part questions comprised of a closed (tick-box) question and an open question asking respondents to explain their response, and three single-part open questions. The questions focused on the designation of a permanent MPA (Question 1); the scientific case for the designation and the proposed protected features of the MPA (Question 2 and Question 3); and the management of the proposed MPA (Question 4 and Question 5). Comments were also invited on the partial BRIA and draft ICIA (Question 6 and Question 7).

1.10 The consultation paper was published on the Scottish Government consultation website on 1 February 2022 with views invited by 26 April 2022. Respondents could complete an online questionnaire or submit a response via email or post. To support the consultation, the Scottish Government hosted a series of drop-in online information sessions in late March 2021. These sessions were aimed at providing general information on the consultation and consultation process, the proposed MPA site and protected features and were attended by five people, all of whom were representatives of organisations with an interest in the proposal.

About the analysis

1.11 This report is based on a robust and systematic analysis of the responses to the consultation. Frequency analysis was undertaken in relation to all the closed questions, and the findings are shown in tables throughout the report. For each question, the table shows the number of respondents, and the percentage of all respondents answering the question who selected each response option. The relatively small number of responses received should, however, be noted in interpreting the quantitative findings presented.

1.12 Qualitative analysis was undertaken of the comments made in response to each question. The aim of this analysis was to identify the main themes and the full range of views expressed in response to each question (or group of questions), and to explore areas of agreement and disagreement among respondents.

1.13 As with all consultations it is important to bear in mind that the views of those who have responded are not representative of the views of the wider population. Individuals (and organisations) who have a keen interest in a topic – and the capacity to respond – are more likely to participate in a consultation than those who do not. This self-selection means that the views of consultation participants cannot be generalised to the wider population.

1.14 For this reason, the approach to consultation analysis is primarily qualitative in nature. Its main purpose is not to identify how **many** people held particular views, but rather to understand the full range of views expressed.

The report

1.15 The remainder of this report is structured as follows:

- Chapter 2 presents information on the respondents to the consultation and the responses submitted.
- Chapters 3 to 5 present the results of the analysis of the responses to the consultation questions.

1.16 Annexes to the report present a list of organisational respondents (Annex 1); response rates for individual questions (Annex 2); details of references cited by respondents in their responses (Annex 3); and a summary of respondent views on the consultation process (Annex 4).

2 Description of the responses and respondents

2.1 This chapter provides information about the respondents to the consultation and the responses submitted.

Number of responses received

2.2 The consultation received a total of 63 responses. All but one of the responses were submitted through the Scottish Government's online consultation hub. The remaining response was submitted by email.

2.3 Two respondents submitted two responses. In one case the respondent submitted two different online responses, while in the other case the respondent submitted an online response and a separate offline response (by email) providing further comment on the consultation questions. In both cases, the different responses received were amalgamated (with one response retained and one removed), ensuring that the respondents were counted only once in the analysis.

2.4 Thus, the analysis presented in this report is based on **61** responses (63 submitted responses minus 2 removed responses). See Table 2.1.

Table 2.1: Responses included in the analysis

Response type	Number of responses received / removed
Responses submitted through Scottish Government consultation hub	62
Responses submitted by email	1
<i>Responses combined (one response retained / one response removed)</i>	-2
Total responses included in the analysis	61

About the respondents

2.5 Responses were received from 17 organisations and 44 individuals (see Table 2.2).

Table 2.2: Responses included in the analysis, by respondent type

Respondent type	Number	Percent
Organisations	17	28%
Individuals	44	72%
Total	61	100%

Organisational respondents

2.6 Table 2.3 below presents details of the types of organisations that responded to the consultation. The organisations fell into two main categories of (i) environmental organisations and community groups (accounting for around three-quarters of organisational respondents – 13 out of 17 organisations) and (ii) fishing industry bodies (accounting for the remaining quarter – 4 out of 17 organisations).

2.7 The environmental organisations group included international, national and local bodies; it also included organisations with a focus on environmental protection and nature conservation, as well as those with a broader interest in achieving ‘sustainable’ marine environments (i.e. ensuring protection of the natural environment alongside appropriately managed commercial and leisure activities). The fishing industry organisations comprised three organisations related to mobile fishing activities and one organisation related to static fishing activities. See also Annex 1 for a full list of organisational respondents.

Table 2.3: Organisational respondents, by type

Organisation type	Number	Percent
Environmental organisations and community groups	13	76%
Fishing industry organisations	4	24%
Total	17	100%

Response rate to individual questions

2.8 Annex 2 provides details of the number (and percentage) of organisational and individual respondents who replied to each consultation question. The table shows a high level of response to all the closed questions – each of these was answered by 58 or more respondents (out of a total of 61). The response to the open questions was more varied with the number of respondents providing comments ranging from 24 at Question 7 to 49 at the open part of Question 1. At each of the open questions organisations were more likely than individuals to provide comments.

3 Creation of a permanent MPA (Q1–3)

3.1 As noted in Chapter 1, the consultation paper set out the background to the urgent designation of Red Rocks and Longay as an MPA in March 2021 following the identification of flapper skate eggs, and the current proposal to designate the site as a permanent MPA. It outlined the conservation objectives in taking this step, the evidence and advice considered in recommending the permanent designation of the site, and the plans for managing and monitoring the proposed MPA. The consultation was accompanied by a set of documents providing full information on various relevant issues.

3.2 A series of five questions sought views on the proposal for permanent designation as an MPA and the plans for its implementation. This chapter presents an analysis of the three questions relating to the creation of a permanent MPA; the two questions relating to the management of the MPA are addressed in Chapter 4.

Creation of a permanent MPA (Q1)

3.3 Question 1 asked respondents for their overall view on whether they supported the designation of the site as a permanent MPA:

Question 1: Do you support the designation of Red Rocks and Longay as a permanent Marine Protected Area (MPA)? [Yes / No / Undecided / Don't know]

Please explain your answer in the text box below.

3.4 All 61 respondents answered Question 1. Table 3.1 shows a high level of support for the designation of Red Rocks and Longay as a permanent MPA, with 57 out of 61 respondents answering 'yes' at Question 1. All the organisational respondents indicated support. Of the 4 individuals who did not indicate support, 2 answered 'no' and 2 answered 'don't know'.

Table 3.1: Q1 – Do you support the designation of Red Rocks and Longay as a permanent Marine Protected Area (MPA)?

Respondent type	Yes Number (Percent)	No Number (Percent)	Don't know Number (Percent)	Total Number (Percent)
Environmental organisations	13 (100%)	0 (0%)	0 (0%)	13 (100%)
Fishing industry organisations	4 (100%)	0 (0%)	0 (0%)	4 (100%)
All organisations	17 (100%)	0 (0%)	0 (0%)	17 (100%)
Individuals	40 (91%)	2 (5%)	2 (5%)	44 (100%)
All respondents	57 (93%)	2 (3%)	2 (3%)	61 (100%)

Percentages do not total 100% due to rounding.

3.5 A total of 49 respondents – 17 organisations and 32 individuals – provided comments at Question 1.

Views supporting the designation of a permanent MPA

3.6 In general, both organisations and individuals welcomed the proposal to designate Red Rocks and Longay as a permanent MPA. Respondents gave several related reasons for their views:

- The site is an important breeding ground, providing an essential habitat for the critically endangered flapper skate.
- Protecting breeding / nursery areas is crucial to the future conservation of the species.
- The site is, as far as is currently known, unique in Scotland in terms of the number of flapper skate eggs laid there.
- It is important to protect the site from human activities that could have a negative impact on flapper skate and other priority marine features.
- The site complements the current Loch Sunart to the Sound of Jura MPA, which provides protection for adult flapper skate.
- Designation as an MPA would not only protect the flapper skate, but also other marine mammals, fish species and sea birds that use the area.

3.7 Some individuals and organisations also made more general comments. Specifically, they welcomed the [Bute House Agreement](#), which commits to the designation of 10 per cent of Scotland's seas as Highly Protected Marine Areas (HPMAs). Some respondents expressed the view that 'over-fishing' is one of the causes of marine biodiversity decline, and that a move towards the use of low-impact fishing gear was urgently needed in Scotland's inshore waters. Some called for the creation of 'an ecologically coherent network of MPAs and good management of these' – ensuring protection from all damaging activities by humans.

3.8 Respondents from the fishing industry pointed out that the local creel fishing and diving sectors were initially responsible for identifying the flapper skate nursery, raising awareness of its existence, and advocating for its protection. This group noted that the fishing industry recognises the importance of protecting critically endangered marine species. However, they also expressed some concern about how the area will be managed and what impact this might have on local fishing.

3.9 Several environmental / conservation organisations made a range of additional points:

- It was considered that the creation of an MPA at Red Rocks and Longay does not address the principle of 'replication' in Scotland's MPA network.³ The Loch Sunart to Sound of Jura MPA provides protection for adult flapper skate, but if that site could no longer provide the necessary protection, Red Rocks and Longay would not

³ Replication is intended to provide contingency in the MPA network should one site become damaged or no longer able to provide a haven to a particular species at a particular life-stage.

replicate the function of protecting adult flapper skate. Rather, another site with adult flapper skate would require to be identified and included in the MPA network.

- There was a view that HPMAs designation should focus on already altered or diminished sites. The point was made that Red Rocks and Longay should be designated an MPA because of the evidence about the features of this site. Thus, this site should be considered as separate from (and in addition to) the intention to designate 10 per cent of Scotland's waters as HPMAs.
- It was suggested that protection of the glacial seabed is important, not only because of the habitat it provides, but also because of its specific geodiversity interest.

Views opposing (or unsure about) the designation of a permanent MPA

3.10 Three of the four individuals who did not answer 'yes' at Question 1 provided further comments to explain their views. Points made by this group were that (i) it is irrational to ban **all** fishing methods from this area, and (ii) the evidence was unclear about whether egg-laying by flapper skate occurs in the same places every year. One respondent in this group thought that current and previous protection measures – in particular, the designated MPA at Loch Sunart to the Sound of Jura – were sufficient, given that (in their view) flapper skate can be seen in large numbers all around the coast of Scotland, not just on the north-west coast.

Scientific evidence (Q2)

3.11 Scientific advice in support of the permanent designation of the site was provided by NatureScot. NatureScot's advice was included within two documents that accompanied the consultation paper: the [Detailed Assessment Against the MPA Selection Guidelines](#) (DAAG) and the [Data Confidence Assessment](#) (DCA) of the scientific evidence. Question 2 asked respondents if they thought the scientific evidence presented supports and justifies the case for the designation of the site.

Question 2: Do you agree that the scientific evidence presented supports and justifies the case for the designation of the site? [Yes / No / Undecided / Don't know]

Please explain your answer in the text box below.

3.12 Sixty (60) respondents answered Question 2. Table 3.1 shows a high level of agreement that the scientific evidence presented supports and justifies the case for the designation of the site, with 55 out of 60 respondents answering 'yes' at Question 2. Organisations were unanimous in their views on this issue. Among individuals, 38 out of 43 agreed and 3 disagreed (of the remaining two individual respondents, one answered 'undecided', and one answered 'don't know').

Table 3.2: Q2 – Do you agree that the scientific evidence presented supports and justifies the case for the designation of the site?

Respondent type	Yes Number (Percent)	No Number (Percent)	Undecided Number (Percent)	Don't know Number (Percent)	Total Number (Percent)
Environmental organisations	13 (100%)	0 (0%)	0 (0%)	0 (0%)	13 (100%)
Fishing industry organisations	4 (100%)	0 (0%)	0 (0%)	0 (0%)	4 (100%)
All organisations	17 (100%)	0 (0%)	0 (0%)	0 (0%)	17 (100%)
Individuals	38 (88%)	3 (7%)	1 (2%)	1 (2%)	43 (100%)
All respondents	55 (92%)	3 (5%)	1 (2%)	1 (2%)	60 (100%)

Percentages do not total 100% due to rounding.

3.13 A total of 42 respondents – 16 organisations and 26 individuals – provided comments at Question 2.

Views agreeing that the scientific evidence justifies MPA designation

3.14 As shown in the table above, all of the organisational respondents answered ‘yes’ to this question. In general, these respondents felt that the evidence presented regarding the ‘presence, abundance, and distribution’ of flapper skate eggs is robust and provides a ‘very strong case’ for permanent MPA designation. Some respondents noted that this evidence was initially gathered through citizen science efforts, and then subsequently verified by NatureScot.

3.15 Respondents also generally agreed that the evidence demonstrated the importance of the Quaternary of Scotland geodiversity features in providing a habitat for flapper skate egg-laying.

3.16 Some environmental / conservation organisations expressed concern about the proposed boundary for the Red Rocks and Longay MPA, suggesting that there have been observations of flapper skate eggs in nearby locations outside the proposed boundary. These respondents thought the site should be larger to protect adjacent spawning habitats.

3.17 Some environmental / conservation organisations also highlighted areas where they thought further research was needed. In particular they said:

- Further research is needed to understand how flapper skate use this site.
- Larger studies are needed to identify other sites critical for all stages of the flapper skate life cycle – and how to effectively connect the Red Rocks and Longay site to other sites used by juvenile and adult flapper skate within Scottish and international waters. Research into regional connectivity (for example, between Scottish and Irish waters) is needed to get a better understanding of how flapper skate use the entire region.
- Further surveys should be done to determine the extent of the critical habitat for flapper skate within this area. Surveys should follow best practice to mitigate adverse impacts on the features of the existing site and minimise disturbance to the species.

- A long-term monitoring strategy is needed to assess species distribution and population size over time.

3.18 Fishing industry respondents accepted that flapper skate eggs are highly sensitive to disturbance and require urgent protection. Some individuals noted that the long gestation period of flapper skate eggs provided a further imperative for designating the area as an MPA.

Views disagreeing that the scientific evidence justifies MPA designation

3.19 Those who answered ‘no’ or ‘undecided’ at Question 2 either said ‘no’ or ‘don’t know’ at Question 1. This group expressed two related views: (i) they dismissed the evidence presented in the consultation paper, and (ii) they disagreed with the proposal to ban all fishing activities (including creel fishing) in the area, suggesting that this was not evidence-based.

Protected features (Q3)

3.20 Based on the advice provided by NatureScot, the draft [Marine Protected Area Order](#) included two proposed protected features for the MPA: (i) flapper skate, and (ii) the Quaternary of Scotland (moraines, crag and tails, and rock drumlins) which is important to the eggs of the flapper skate. Question 3 asked respondents if they agreed with these proposed protected features:

Question 3: Do you agree with the list of proposed protected features? [Yes / No / Undecided / Don’t know]

Please explain your answer in the text box below.

3.21 Sixty (60) respondents answered Question 3. Table 3.3 shows that, overall, a majority of respondents (48 out of 60) agreed with the list of proposed protected features. Individuals were somewhat more likely than organisations to agree. Amongst the organisational respondents, all the fishing organisations (4) indicated agreement, compared to 8 out of 13 environmental organisations.

Table 3.3: Q3 – Do you agree with the list of proposed protected features?

Respondent type	Yes Number (Percent)	No Number (Percent)	Undecided Number (Percent)	Don’t know Number (Percent)	Total Number (Percent)
Environmental organisations	8 (62%)	5 (38%)	0 (0%)	0 (0%)	13 (100%)
Fishing industry organisations	4 (100%)	0 (0%)	0 (0%)	0 (0%)	4 (100%)
All organisations	12 (71%)	5 (29%)	0 (0%)	0 (0%)	17 (100%)
Individuals	36 (84%)	3* (7%)	1 (2%)	3* (7%)	43 (100%)
All respondents	48 (80%)	8 (13%)	1 (2%)	3 (5%)	60 (100%)

* One individual who answered ‘no’ and one who answered ‘don’t know’ made comments which indicated that they were strongly supportive of the list of proposed protected features. This suggests that they may have inadvertently ticked the wrong box at Question 3.

3.22 A total of 35 respondents – 15 organisations and 20 individuals – provided comments at Question 3.

Views supporting the list of proposed protected features

3.23 Among those who answered ‘yes’ at Question 3, some respondents (both organisations and individuals) simply reiterated their agreement with the list of proposed protected features and made no further comment.

3.24 Organisational respondents who explained their reasons for agreeing often echoed comments made at Question 1. Specifically, that:

- Protection of flapper skate egg-laying sites requires long-term management measures because of the low fertility of flapper skate and the length of time needed for eggs to hatch.
- The Quaternary of Scotland geodiversity feature is functionally linked to the flapper skate and provides crucial egg-laying habitat.
- Designation of this area as an MPA will also benefit other species using this habitat.

3.25 Individual respondents who gave reasons for their agreement at Question 3 made the following points:

- Both of the proposed protected features are sensitive to disturbance by humans, and the current evidence suggests that an urgent response is required.
- The proposal is proportionate: it will result in a small increase in restrictions on fishing as set against the preservation of a threatened fish species.
- The geodiversity of Scotland’s inshore waters is unique and should be protected. Exploration of Scotland’s geological heritage can contribute to a greater understanding of how ecosystems develop and change.

3.26 Some respondents – mainly environmental / conservation organisations and some individuals – agreed with the list of proposed protected features but wanted to see the boundary of the MPA enlarged to protect additional adjacent features. Specifically, they argued that the adjacent muddy seabed should be included within the MPA because of the association between such habitats and juvenile flapper skate and some adult flapper skate. Pointing to evidence of juvenile flapper skate bycatch in this area, they suggested that Nephrops fishing on the muddy ground adjacent to the proposed MPA should be limited to creel only, all year round (not just six months of year, as is currently the case), and that scallop dredging should not be permitted in this area at all. Alternatively, there was a suggestion that fishing vessels operating on the adjacent muddy ground in the Southern Inner Sound Protected Area should be required to remove tickler chains (i.e. chains that disturb the seabed and increase the chance of creatures being caught) to reduce bycatch.

3.27 This group made the point that the conservation of mobile species, like flapper skate, requires the creation of ‘ecological corridors’ which cover a range of habitats. They argued that the inclusion of adjacent areas would provide greater and more consistent protection

for flapper skate; help recover marine biodiversity and ecosystem function more generally; and would avoid creating what they saw as a 'patchwork' of MPAs. They suggested that, in general, a more 'holistic' approach to designating MPAs was needed to protect all life stages of endangered species.

3.28 This group of respondents also made a second point – related to the protection of other features in the area, rather than specifically to the protection of flapper skate. In particular, they called for the Red Rocks and Longay MPA to be expanded to include adjacent maerl and flame shell beds (to the west of the proposed MPA boundary). At the same time, there was also a suggestion that any maerl and flame shell beds which lie within the current proposed MPA boundary should be monitored to evaluate the impact of the MPA on these features.

Views opposing the list of proposed protected features

3.29 Environmental / conservation organisations answering 'no' to Question 3 did so because they wanted to see the boundary of the MPA extended to include additional adjacent features. The views expressed by these respondents echoed the points made above (see paragraphs 3.26–3.28).

3.30 Of the seven individual respondents who did not answer 'yes' to Question 3 (i.e. they answered 'no', 'undecided', or 'don't know'), two made comments suggesting that they were strongly supportive of including the proposed protected features within the MPA. Of the remaining five, three made further comments. These respondents suggested that (i) fishermen had not been adequately consulted about the proposals related to the establishment of a permanent MPA, (ii) the proposals reflected a lack of evidence-based decision-making (particularly in relation to a proposed ban on all fishing – which, it was said, was not in line with NatureScot's advice), and (iii) the proposals would prejudice the interests of local creel fishermen. One individual noted that creel fishing generally takes place on soft ground, not on the hard boulder ground where the flapper skate eggs had been identified.

4 Conservation and management advice and proposed prohibited activities (Q4 and 5)

4.1 This chapter presents an analysis of the responses to Questions 4 and 5. These questions sought views on (i) the conservation and management advice prepared by NatureScot in relation to the proposed permanent MPA (Question 4), and (ii) the list of prohibited activities proposed by Marine Scotland in response to that advice (Question 5). Each of these questions is addressed below, while a final section to the chapter addresses more general views raised in response to both questions.

Conservation and management advice (Q4)

4.2 The consultation paper drew attention to the Conservation and Management Advice document (CMA) produced by NatureScot for the Red Rocks and Longay MPA. This considered the proposed protected features and conservation objectives for the MPA, the activities that could affect the condition of those features, and the management measures that might be put in place to protect these.

4.3 Question 4 – an open question with no tick-box component – asked respondents for any comments on this advice:

Question 4: Do you have any comments on the Conservation and Management Advice (CMA) for the Red Rocks & Longay Marine Protected Area (MPA)?

Please explain your answer in the text box below.

4.4 A total of 43 respondents – 17 organisations and 26 individuals – provided comments at Question 4. The sections below present the views of organisations first, followed by the views of individuals.

Views of organisations

4.5 As stated in Chapter 3 (in relation to Question 1), all the organisations responding to the consultation supported the permanent designation of Red Rocks and Longay as an MPA. Those commenting at Question 4 often provided a mix of positive and negative comments on the advice from NatureScot on the creation of the site, expressing support for some aspects of the advice and concern about other aspects. The sections below present the views of environmental organisations first, before presenting the views of fishing organisations.

4.6 **Environmental organisations** commented on specific aspects of the advice as well as offering more general comments on the approach taken to developing advice on MPAs. Comments on specific aspects of the advice focused on the following:

- Conservation objectives: Some respondents suggested that a conservation objective of ‘recover’ (rather than ‘conserve’) for flapper skate eggs and their egg-laying habitat might be justified, given the critically endangered status of the species in the north-east Atlantic.

- Fishing: There was a range of comments from environmental organisations on different fishing activities, as follows:
 - Mobile gear (trawling and dredging): Respondents supported the recommendation to exclude bottom-contacting trawling and dredging in the MPA, but thought this should also apply to the surrounding Southern Inner Sound area on a year-round basis because of the 18-month gestation period for flapper skate eggs. It was noted that this would protect flapper skate and their habitat. In addition, there were calls from environmental organisations for restrictions to cover pelagic fishing (i.e. fishing above the seabed). Respondents argued that flapper skate have been seen at the surface of the sea so a ban on all mobile fishing at all depths was needed to protect them.
 - Static gear (including creeling): Respondents supported the distinction made between different types of static gear in the CMA, noting that NatureScot had **recommended the removal or avoidance** of ‘fishing with long-lines, drift nets and nets set on the seabed (tangle, trammel, gill)’, while stating that ‘management measures to reduce or limit the intensity of creel fishing within flapper skate egg-laying habitat **should be considered**’. However, there was a common view that the management measures proposed by Marine Scotland did not reflect the advice with respect to creel fishing (see Question 5). There was also a call for consideration of the introduction of buffer zones for displaced lower impact fishing activities.
 - Aquaculture: Respondents expressed concern about the possible impact on water quality from fish farming activities in the area surrounding the MPA (particularly if such activities were to increase) and called for future monitoring of this issue.
- Diving: Those commenting on diving were generally supportive of the advice given (i.e. that it was classed as an activity unlikely to affect the proposed protected features). However, there was one call for a more regulated approach to this activity, including the development of best practice resources and mandatory training for recreational and commercial divers, a permit system and partnership working with diving schools.
- Military planned exercises: It was suggested (by one organisation) that the noise associated with bi-annual military exercises in the vicinity of the MPA should be covered by the MPA management plan, and that further research should be undertaken on the impact of noise on flapper skate to address current evidence gaps on this issue.

4.7 More generally respondents often wished to see a (i) a precautionary approach taken towards the development of advice and management recommendations, particularly in the light of the evidence gaps in relation to flapper skate lifecycles and behaviours and the potential impact of different activities, (ii) an approach that sought to protect flapper skate at all stages of their lifecycle within and beyond the boundaries of the proposed MPA, and / or (iii) a wider integrated spatial and ecosystem based approach to marine management, and

a 'zoned approach to inshore fisheries management, with mobile-gear zones, static-gear zones and no-take zones' which took account of conservation needs and fisheries interests.

4.8 The **fishing organisations** that commented specifically on the conservation and management advice were content with the recommended restrictions on mobile fishing activities, but wished to see diving (recreational and commercial) similarly restricted in the MPA on the grounds that it posed a risk (albeit low) to flapper skate eggs. These organisations called for a risk-based approach to the development of advice and management measures that took account of the likelihood of an activity taking place in a protected area as well as the likely impact on protected features.

4.9 Additionally, one fishing organisation (representing the static fishing sector) raised the same point as that raised by environmental organisations in arguing that Marine Scotland had not followed the advice provided by NatureScot with respect to fishing activities (creel fishing, trawling, and dredge fishing in particular) in developing the management measures for the MPA. This issue is discussed further at Question 5.

Views of individuals

4.10 The individuals who answered Question 4 generally made brief comments with a range of different viewpoints expressed. Most commonly, individuals offered one of two positions, and either:

- Endorsed the management and conservation advice, describing it as, for example, 'well thought through and effective' and 'appropriately detailed and covering relevant activities', or
- Echoed the points raised by organisations – e.g. calling for a year-round ban on dredging and trawling in the area surrounding the MPA to protect adult and juvenile flapper skate entering or leaving the area; and expressing concern that NatureScot's advice on fishing activities had not been followed.

4.11 The remaining small group of individuals offered two contrasting views:

- One respondent proposed that activities in the MPA should be restricted solely to those with a scientific purpose in order to protect the flapper skate nursery.
- Two individuals queried the classification of the flapper skate population as endangered or the justification for the creation of the proposed MPA.

4.12 Finally, some individuals who commented at Question 4 did not address the specific aspects of the advice for the proposed site. Rather, they indicated their general support for marine protection, and the use of MPAs to achieve this, and / or called for more robust management of designated areas, and a more ambitious and proactive approach to this issue.

Prohibited activities (Q5)

4.13 A [draft MCO published on the Scottish Governments consultation hub](#) was issued alongside the consultation paper which set out the management measures proposed for the

Red Rocks and Longay permanent MPA by the Scottish Government. The measures included the prohibition of the following main activities:

- Fishing – dredging
- Fishing – creels
- Fishing – demersal trawling or seine
- Fishing – gill / trammel nets
- Recreational sea angling
- Marine deposit sites / waste disposal
- Aquaculture
- Marine infrastructure
- Anchoring

4.14 A full list of proposed prohibited activities was included in the draft MCO.

4.15 The consultation paper highlighted the inclusion of creel fishing in the list of prohibited activities. NatureScot had advised consideration of limiting or reducing creeling. However, in the absence of advice on what would constitute an acceptable level of creel fishing, the draft MCO proposed prohibition.

4.16 The consultation paper also highlighted the omission of diving (recreational and commercial) from the list of proposed prohibited activities. Diving is prohibited under the urgent MCO currently in place, but NatureScot have advised that this activity is unlikely to have a significant effect on the protected features. However, diving for scientific survey purposes will, under the provisions of the currently proposed MCO, require a permit.

4.17 Question 5 asked respondents if they agreed with the list of prohibited activities included in the draft MCO:

Question 5: Do you agree with the list of prohibited activities included in the draft Marine Conservation Order (MCO) which may impact flapper skate eggs? [Yes / No / Undecided / Don't know]

Please explain your answer in the text box below.

4.18 A total of 58 respondents answered Question 5. Table 4.1 shows that, overall, the majority of respondents (38 out of 58) agreed with the list of prohibited activities included in the draft MCO. However, there was a clear difference in the views of organisations and individuals. Two-thirds of organisations (10 out of 15) disagreed with the list of prohibited activities; this included each of the three fishing organisations (two representing the mobile fishing industry and one representing the static fishing industry) that answered this question. In contrast, four-fifths of individuals (34 out of 43) agreed with the list of prohibited activities.

Table 4.1: Q5 – Do you agree with the list of prohibited activities included in the draft Marine Conservation Order (MCO) which may impact flapper skate eggs?

Respondent type	Yes Number (Percent)	No Number (Percent)	Undecided Number (Percent)	Total Number (Percent)
Environmental organisations	4 (33%)	7 (58%)	1 (8%)	12 (100%)
Fishing industry organisations	0 (0%)	3 (100%)	0 (0%)	3 (100%)
All organisations	4 (27%)	10 (67%)	1 (7%)	15 (100%)
Individuals	34 (79%)	7 (16%)	2 (5%)	43 (100%)
All respondents	38 (66%)	17 (29%)	3 (5%)	58 (100%)

4.19 Altogether, 44 respondents – 17 organisations and 27 individuals – made comments at Question 5. This included two respondents who did not answer the closed part of the question. The sections below present the views of those who expressed general support for the list of prohibited activities and those who expressed concerns about activities included in, or excluded from, the list of prohibited activities. A final section summarises other related comments made by respondents at this question.

Views of those expressing general support for the list of prohibited activities

4.20 Around a quarter of those who commented at Question 5 (all of whom had ticked 'yes' at the closed part of the question) expressed their general support for the list of prohibited activities. This group of respondents was largely made up of individuals who made relatively brief comments stating, for example, that they 'fully support' or 'strongly approve' of the proposed list, or describing the measures as 'essential' or 'appropriate' to protect the flapper skate eggs and nursery habitat. Organisational respondents who expressed broad support for the list of prohibited items generally also went on to call for (i) an integrated spatial approach to marine management, informed by further research that took account of conservation priorities and fishing interests, and / or (ii) effective enforcement of MPA management measures, and monitoring of the impact of the measures. Some individuals also noted the importance of enforcement and monitoring.

Views of those expressing concerns about the list of prohibited activities

4.21 The remainder of the respondents who commented at Question 5 expressed concerns about the list of prohibited activities. This group was largely made up of those who selected 'no' or 'undecided' at the closed question but also included some who had answered 'yes' but went on to qualify their overall response by expressing concerns about one or more of the specific activities included on (or excluded from) the list.

4.22 With the exception of the occasional call from individual respondents for **all** activities to be banned, the concerns expressed by respondents largely focused on two specific activities – fishing and diving – each of which is addressed below.

Fishing

4.23 Respondents addressed several different types of fishing in their comments: creel fishing, mobile trawl and dredge fishing on the seabed, and, occasionally, angling.

4.24 The inclusion of **creel fishing** on the list of prohibited activities was the issue that attracted most comment. Respondents of all types frequently stated that this prohibition was not justified by the scientific evidence and did not reflect the advice from NatureScot that management measures to reduce or limit the intensity of this type of fishing should ‘be considered’.

4.25 Respondents (including both environmental and fishing organisations) generally argued that this form of fishing was low impact, and could be carried out safely in the designated area. Its inclusion on the list of prohibited activities was therefore seen as ‘not proportionate’, and potentially deterring the uptake of low-impact fishing methods. Respondents suggested a compromise position could be agreed in consultation with stakeholders. This might involve, for example, allowing creeling (for Nephrops) below a certain depth, on muddy ground and using lighter creels. It was argued that limited creeling activity of this type would ensure that creeling took place away from the flapper skate egg nurseries and did not interfere with the flapper skate eggs or their habitat. One environmental organisation took a slightly more cautious view and said their support for allowing creeling would depend on whether it could be demonstrated that such small-scale limited operations could be carried out safely.

4.26 Some respondents noted the importance of creel fishing to the economy of coastal communities in the area. It was also noted that the creel fishing community had been instrumental in bringing the flapper skate nursery to the attention of the authorities and were committed to protecting the species and its habitat.

4.27 One static fishing organisation provided a detailed submission setting out the case for allowing creeling under limited conditions. This organisation also highlighted the practical implications of adhering to and enforcing a ban on creeling within a fixed area given that marker buoys were subject to significant drift on the surface of the sea.

4.28 However, there was an alternative view – articulated by one environmental organisation – that it was right to take a precautionary approach in prohibiting creeling, given the lack of evidence on safe levels of activity and the importance of the conservation objectives of the proposed MPA.

4.29 The inclusion of **mobile trawl and dredge fishing on the seabed** on the list of prohibited activities also attracted comment. There was broad support among respondents for prohibition of this activity in the MPA because of the risk to the flapper skate eggs and their habitat. However, some argued that this form of fishing should also be prohibited all year in the Inner Sound area surrounding the MPA in order to protect juvenile and adult flapper skate entering and leaving the protected area (an exclusion zone of 10 nautical miles was also suggested). Such a step was seen as being in line with the advice from NatureScot ‘to consider activities that take place within or outside the possible MPA that could potentially kill or injure flapper skate in the possible MPA’ and consistent with a precautionary approach to establishing protective measures. Such views were generally expressed by environmental organisations and individuals, but one fishing organisation (representing the static sector) also raised the issue of the need for protection from trawl

and dredge activities outwith the designated MPA and said that this would be in line with the precautionary approach taken with regard to creel fishing.

4.30 There was also a call (from one individual) to extend the prohibition on mobile fishing to include **pelagic fishing** (i.e. fishing above the sea bed). This echoed the point made by other respondents in response to Question 4 (see paragraph 4.6).

4.31 Finally, a few respondents commented on the proposed prohibition of **angling** in the MPA. These respondents offered two contrasting views: while some thought this ban was appropriate there was an alternative view that this was a low-risk activity and could even have a positive impact if any flapper skate caught by anglers were tagged and returned.

Diving

4.32 The exclusion of diving from the list of prohibited activities attracted a mix of comments. Most of the respondents commenting on this issue were content with the proposal to allow recreational and commercial diving which they saw as a low-impact, low-risk activity. However, some respondents called for a stricter approach to be taken – with diving either prohibited completely in the MPA or only allowed with greater regulation.

4.33 Respondents cited concerns about the possible effect of human presence in the area on adult flapper skate and about possible interference with flapper skate eggs (some referred to social media evidence of divers handling flapper skate eggs). Some respondents (fishing organisations in particular) argued that a ban on diving was justified within a risk-based approach to management which took account of the likelihood of activity taking place in the protected area as well as its likely impact. It was also argued that a ban would have no financial impact on those affected.

General comments relevant to advice and management measures

4.34 Respondents of all types also offered more general comments related to the development of advice and management measures. These comments were made by respondents at both Question 4 and Question 5 who said:

- Further research and continued monitoring should be undertaken (with some saying it was important that this was done through the official ‘institutionalised framework’) in relation to issues such as: the lifecycle of flapper skate and the behaviour of juvenile and adult flapper skate; the presence of other flapper skate nurseries in other areas; the presence of other marine features in need of protection; the impact of different activities, including those displaced as a result of management measures; and the impact of MPA status and related management measures, including in relation to cumulative impacts and impacts in the wider sea area.
- More consultation was needed to allow the views of all stakeholders to influence the development of measures acceptable to all parties – some argued that a perceived lack of consultation in developing the current proposals contravened the requirements of the BRIA process (see Question 6).
- Effective monitoring and enforcement of any MPA management measures should be put in place.

5 Impact assessment (Q6 and 7)

5.1 The consultation paper was accompanied by a partial Business and Regulatory Impact Assessment (BRIA) and a draft Island Communities Impact Assessment (ICIA) screening report. Questions 6 and 7 in the consultation invited respondents to give their views on these documents, stating that any comments received would inform the development of final versions of each document.

Partial Business and Regulatory Impact Assessment (Q6)

5.2 The Scottish Government uses the BRIA process to analyse the cost and benefits to businesses and the third sector of any proposed legislation or regulation. The aim of the process is to use evidence to identify the proposal that best achieves the stated policy objectives while also minimising associated costs and burdens. The inclusion of a partial BRIA within a consultation is designed to encourage comment by those affected by the proposals.

5.3 The partial BRIA accompanying the consultation paper in this case outlined the policy objective of protecting the flapper skate population, and the benefits and estimated costs of two possible options: Option 1: do nothing; Option 2: creation of an MPA.

5.4 The partial BRIA argued that Option 1 was unlikely to achieve the policy objective and offered no other additional benefits. Furthermore, although no financial costs were identified, the possibility was raised of significant long-term and irreversible societal costs in terms of increased degradation of marine habitat and biodiversity.

5.5 With regard to Option 2, the partial BRIA stated that the creation of an MPA would help achieve the policy objective of protecting the flapper skate population while also offering broader benefits of contributing to an ecologically coherent MPA network, and protecting the biodiversity and ecosystems of Scotland's marine environment. The partial BRIA also included estimated costs for Option 2 for (i) the fishing industry (as a result of prohibited activities) and (ii) the public sector (in terms of future management of the MPA).

5.6 Question 6 in the consultation – an open question with no tick-box component – invited comments on the partial BRIA:

Question 6: Do you have any comments on the partial Business and Regulatory Impact Assessment (BRIA)?

Please explain your answer in the text box below.

5.7 A total of 33 respondents – 16 organisations and 17 individuals – provided comments at Question 6. However, this included 9 respondents who simply stated that they had no comments to make. Those making fuller comments offered two broad perspectives as described below.

5.8 Some individual respondents offered broadly positive (and usually brief) comments. These respondents did not discuss the partial BRIA in any detail but made points (sometimes reflecting those made at earlier questions) of a more general nature, saying that:

- The costs of MPA designation and the proposed management measures would be minimal and outweighed by the potential benefits.
- MPA designation, and the introduction of management measures, was necessary because voluntary action to protect the environment ‘has not worked’.
- The proposed Red Rocks and Longay MPA and / or the MPA network in general should be further expanded (in consultation with the local fishing communities).

5.9 In contrast, other respondents (both individuals and organisations) took a more critical stance in responding to this question. Within this group, environmental organisations and individuals argued that the management proposals put forward would have a disproportionate impact on the creel or static fishing industry (the partial BRIA did not differentiate between different types of fishing in the analysis presented), and reiterated points made at earlier questions that:

- The proposed restrictions on creel or static fishing were not supported by the evidence, and not in line with NatureScot’s advice, and that the costs to local communities were therefore not justified.
- An integrated spatial approach to the management of Scotland’s inshore waters was needed to protect the marine environment and support a just transition to low-impact fishing.

5.10 Additionally, respondents in this group offered the following more specific points in relation to the partial BRIA:

- Some environmental and fishing organisations thought that the document was insufficiently detailed given the size of the site under consideration. One respondent specifically called for greater clarity on the risks associated with the potential displacement of fishing activities to other areas, and suggested that temporary mitigation measures to support affected industries may be merited.
- Some environmental and fishing organisations, as well as individuals said that the requirement to consult with stakeholders as part of the BRIA process had not been met. There was a view that such consultation would have allowed the development of management measures that met the concerns of all parties. Some respondents said they were keen to work further with Marine Scotland and NatureScot on the protection of ecosystems, fish stocks and marine features.

Draft Island Communities Impact Assessment (ICIA) (Q7)

5.11 The Islands (Scotland) Act 2018 requires the Scottish Government (as a ‘relevant authority’) to have regard to the needs of island communities in carrying out their functions,

and to undertake an Island Communities Impact Assessment (ICIA) of policies, strategies, etc., in doing so.

5.12 A draft ICIA screening report was issued alongside the consultation paper. This considered the impact of the creation of a permanent Red Rocks and Longay MPA on island communities, taking into account pre-consultation engagement with stakeholder groups (including those with an island focus) as well as available evidence and analysis (including that drawn on in preparing the partial BRIA). It identified the envisaged impacts on the fishing industry as being unique to the island communities of Skye and Raasay, but the scale of the impact was not anticipated as leading to significantly different outcomes compared to the mainland and other islands.

5.13 Question 7 in the consultation – an open question with no tick-box component – invited comments on the draft ICIA:

Question 7: Do you have any comments on the draft Island Communities Impact Assessment (ICIA) screening?

Please explain your answer in the text box below.

5.14 A total of 24 respondents – 10 organisations and 14 individuals – commented at Question 7. However, this included 16 respondents who simply stated that they had no comments to make, with one respondent stating that they did not wish to comment as they were ‘not from an island community’.

5.15 Of the remaining respondents, four (two environmental organisations and two individuals) made substantive comments about the content of the ICIA, offering the following views:

- Two organisations thought the ICIA had too great a focus on the negative impacts of MPA designation and called for greater consideration of the possible benefits of MPA status (in terms of eco-friendly tourism and recreational diving). They also thought the ICIA should consider cumulative impacts (both pressures and benefits), and be clearer about the risks (environmental as well as socio-economic) of the potential displacement of fishing activities for island communities.
- Two individual respondents focused on the assessment of the impact on the fishing industry. One thought that insufficient effort had been made to assess the impact on the local static gear sector, while the other was concerned that the ICIA may have underestimated the impact on the fishing industry if the analysis had not taken account of the fact that vessels from Skye log their catch at Kyle on the mainland.

5.16 The remaining respondents offered brief comments of a more general nature. These largely echoed points made at earlier questions, with respondents stating either (i) that MPA designation would bring positive benefits, including for island communities, and that these positive benefits outweighed any potential negative impacts, or (ii) that it was

important for the management arrangements for the MPA to take account of the needs of the creel fishing sector.

Annex 1: Organisational respondents

Seventeen (17) organisations responded to the consultation. These are listed here.

Environmental organisations (13)

- Blue Marine Foundation (BLUE)
- Coastal Communities Network (CCN)
- Community of Arran Seabed Trust (COAST)
- International Otter Survival Fund (IOSF)
- Marine Conservation Society (MCS)
- Open Seas
- Our Seas Coalition
- Scottish Environment LINK (SE LINK)
- Shark and Skate Citizen Science Scotland (SSCSS)
- Skye & Lochalsh Environment Forum (SLEF) /South Skye Seas Initiative (SSSI)
- Sustainable Inshore Fisheries Trust (SIFT)
- Ulster Wildlife
- 58oN Scottish Seaweed

Fishing industry (4)

- Mallaig and North West Fishermen's Association (MNWFA)
- Scottish Creel Fisherman's Federation (SCFF)
- Scottish Fishermen's Federation (SFF)
- Scottish White Fish Producer's Association (SWFPA)

Annex 2: Question response rates

		Individuals		Organisations		Total	
		Number	% of total 44	Number	% of total 17	Number	% of total 61
1	Do you support the designation of Red Rocks and Longay as a permanent Marine Protected Area (MPA)? [Yes / No / Undecided / Don't know]	44	100%	17	100%	61	100%
	Please explain your answer in the text box below.	32	73%	17	100%	49	80%
2	Do you think the scientific evidence presented supports and justifies the case for the designation of the site? [Yes / No / Undecided / Don't know]	43	98%	17	100%	60	98%
	Please explain your answer in the text box below.	26	59%	16	94%	42	69%
3	Do you agree with the list of proposed protected features? [Yes / No / Undecided / Don't know]	43	98%	17	100%	60	98%
	Please explain your answer in the text box below.	20	45%	15	88%	35	57%
4	Do you have any comments on the Conservation and Management Advice (CMA) for the Red Rocks & Longay Marine Protected Area (MPA)? Please explain your answer in the text box below.	26	59%	17	100%	43	70%
5	Do you agree with the list of prohibited activities included in the draft Marine Conservation Order (MCO) which may impact flapper skate eggs? [Yes / No / Undecided / Don't know]	43	98%	15	88%	58	95%
	Please explain your answer in the text box below.	27	61%	17	100%	44	72%
6	Do you have any comments on the partial Business and Regulatory Impact Assessment (BRIA)? Please explain your answer in the text box below.	17	39%	16	94%	33	54%
7	Do you have any comments on the draft Island Communities Impact Assessment (ICIA) screening? Please explain your answer in the text box below.	14	32%	10	59%	24	39%

Annex 3: References cited by respondents

This annex provides a list of articles, reports and other resources cited by respondents in their answers to the consultation questions. The references are grouped by consultation question and listed alphabetically by author / organisation.

Question 1: Do you support the designation of Red Rocks and Longay as a permanent Marine Protected Area (MPA)?

- Benjamins, S., et al. (2021) First confirmed complete incubation of a flapper skate (*Dipturus intermedius*) egg in captivity. *Journal of Fish Biology*, 99(3): 1150–1154.
<https://onlinelibrary.wiley.com/doi/10.1111/jfb.14816>
<https://doi.org/10.1111/jfb.14816>
- IUCN Red List of Threatened Species [website] Flapper Skate:
<https://www.iucnredlist.org/species/18903491/68783461>
- OAP (Ospar Assessment Portal) [website] Status Assessment 2021 – Common Skate:
<https://oap.ospar.org/en/ospar-assessments/committee-assessments/biodiversity-committee/status-assesments/common-skate/>
- Regnier, T. et al. (2021) Age and growth of the critically endangered flapper skate, *Dipturus intermedius*. *Aquatic Conservation Marine and Freshwater Ecosystems*, 31(9): 238–2388.
<https://onlinelibrary.wiley.com/doi/abs/10.1002/aqc.3654>
<https://doi.org/10.1002/aqc.3654>
- Scottish Government / Marine Scotland (2012) *A Strategy for Marine Nature Conservation in Scotland's Seas*.
https://www.webarchive.org.uk/wayback/archive/20160107013417mp_/http://www.gov.scot/Resource/Doc/295194/0115590.pdf
- Ulster Wildlife Sea Deep [project website]: <https://www.seadeepni.org/>

Question 2: Do you think that the scientific evidence presented supports and justifies the case for the designation of the site?

- NatureScot [webpage] Scotland's Marine Protected Area Network:
<https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/marine-protected-areas/scotlands-marine-protected-area-network>
- Roos, N. et al. (2020) Protecting nursery areas without fisheries management is not enough to conserve the most endangered parrotfish of the Atlantic Ocean. *Scientific Reports*, 10(1).
<https://www.nature.com/articles/s41598-020-76207-x>
DOI: [10.1038/s41598-020-76207-x](https://doi.org/10.1038/s41598-020-76207-x)

Question 3: Do you agree with the list of proposed protected features?

- Fox (2010) [incomplete reference]
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Question 7: Do you have any comments on the draft Island Communities Impact Assessment (ICIA) screening?

- No references cited.

Annex 4: Views on the consultation process

The online consultation questionnaire included two questions seeking views on the consultation process:

Question Evaluation Question 1: How satisfied were you with this consultation? [Very satisfied / Quite satisfied / Neither satisfied nor dissatisfied / Quite dissatisfied / Very dissatisfied]

Please enter comments here.

Question Evaluation Question 2: How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation? [Very satisfied / Quite satisfied / Neither satisfied nor dissatisfied / Quite dissatisfied / Very dissatisfied]

Please enter comments here.

This annex provides a brief overview of the responses to these questions. The responses to each of the closed questions are presented in tables which show overall satisfaction levels with the consultation and the online consultation platform.

Twelve respondents – 9 individuals and 3 organisations – provided comments at either or both of EQ1 and EQ2. Relevant comments are summarised briefly after each table.

The section also draws on comments provided on the consultation process at individual consultation questions.

Satisfaction with the consultation process (EQ1)

Table A4.1 shows that over three-quarters of respondents (40 out of 51) were satisfied with the consultation (13 were quite satisfied, while 27 were very satisfied). However, individuals were more likely to be satisfied than organisations (31 out of 38 compared to 9 out of 13), and notably more likely to be very satisfied (22 out of 38 compared to 5 out of 13).

Table A4.1: EQ1 – How satisfied were you with this consultation?

	Very dissatisfied	Quite dissatisfied	Neither satisfied nor dissatisfied	Quite satisfied	Very satisfied	Total
Respondent type	Number (Percent)	Number (Percent)	Number (Percent)	Number (Percent)	Number (Percent)	Number (Percent)
Organisations	0 (0%)	0 (0%)	4 (31%)	4 (31%)	5 (38%)	13 (100%)
Individuals	2 (5%)	1 (3%)	4 (11%)	9 (24%)	22 (58%)	38 (100%)
All respondents	2 (4%)	1 (2%)	8 (16%)	13 (25%)	27 (53%)	51 (100%)

Most of the respondents who commented on the consultation as a whole offered positive views. Individuals who commented positively said that they:

- Welcomed the opportunity to give their views on an issue that was important to them
- Commended the information accompanying the consultation, and thought that the consultation had been comprehensive in its approach to considering different interests (community, conservation, business).

Organisations that offered positive comments highlighted the pre-consultation communication with Marine Scotland and the opportunity to find out more about MPA designation. (It should, however, be noted that in answering individual consultation questions, other respondents had been critical of the level of pre-consultation engagement, which they thought had been inadequate.)

Two respondents expressed two different concerns about the consultation:

- One individual was concerned that the proposals being consulted on did not reflect the advice provided to Marine Scotland by NatureScot. This reflected comments made by some respondents in response to individual consultation questions.
- One organisation said that their satisfaction with the consultation would depend on the account taken of the responses – they felt that other recent consultations in this policy area had listened to the views of some sectors more than others.

Satisfaction with the online platform (Citizen Space) (EQ2)

Table A4.2 shows high levels of satisfaction with the online consultation platform among both organisations and individuals. Nine out of ten respondents overall (45 out of 49 respondents) were satisfied with their use of the online platform to respond to the consultation. Individuals were somewhat more likely to be very satisfied than organisations.

Table A4.2: Q3 – How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?

	Very dissatisfied	Quite dissatisfied	Neither satisfied nor dissatisfied	Quite satisfied	Very satisfied	Total
Respondent type	Number (Percent)	Number (Percent)	Number (Percent)	Number (Percent)	Number (Percent)	Number (Percent)
Organisations	0 (0%)	0 (0%)	1 (8%)	6 (46%)	6 (46%)	13 (100%)
Individuals	1 (3%)	0 (0%)	2 (6%)	12 (33%)	21 (58%)	36 (100%)
All respondents	1 (2%)	0 (0%)	3 (6%)	18 (37%)	27 (55%)	49 (100%)

Comments on using the online consultation platform were largely positive, with respondents saying, for example, that they had found the process ‘simple’ or that it had been ‘easy to respond’. Respondents also commented positively on the information provided on the consultation page on the platform. However, one respondent who said that they were

familiar with the platform said that a new user may have difficulty navigating the site or be put off by the volume of text presented.

Two respondents made technical points relating to possible improvements, suggesting that:

- The site should allow the use of italic and bold text, and the inclusion of hyperlinks to other web resources.
- The 'more information' link at individual questions should open a new window.

Additional, one respondent expressed concern about the possible use of Google analytics on the platform.



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