Fisheries management measures within Scottish offshore Marine Protected Areas – Scottish Government Official Response to Consultation

September 2025

Scottish Government
Riaghaltas na h-Alba

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1. Introduction

The Scottish Government's vision for the marine environment is one of clean, healthy, safe, productive, and biologically diverse seas, managed sustainably to meet the long-term needs of both nature and people. As part of this vision, Scottish Ministers are introducing fisheries management measures for Marine Protected Areas (MPAs) where such measures are needed but are not already in place.

From 19 August to 14 October 2024, the Scottish Government consulted on proposed fisheries management measures for 20 offshore MPAs. Of these, 15 sites had two options presented (zonal management or full site closure), while five sites had only one option (full site closure). The consultation also sought views on a proposed amendment to the boundary of the West of Scotland MPA.

The MPAs consulted on include MPAs designated under the UK Marine and Coastal Access Act 2009 and Special Areas of Conservation (SACs) designated under the Conservation of Offshore Habitats and Species Regulations 2017.

In making decisions on proposed management measures for the offshore sites; Scottish Ministers complied with their varied statutory obligations and duties including the specific requirements noted below.

Under the UK Marine and Coastal Access Act 2009 Scottish Ministers have a duty to designate MPAs that contribute to the conservation and improvement of the UK's marine environment. Once designated, it may be necessary to implement management measures to help achieve the conservation objectives of each site. These objectives set out the ecological aims for the protected features and the management measures may include restrictions on specific fishing gear types or spatial/seasonal closures, depending on the sensitivity of the site.

For MPAs, under the Marine and Coastal Access Act 2009, Scottish Ministers have a duty to exercise functions which could significantly affect an NCMPA in a manner that best furthers the conservation objectives of the site (or where that is not possible, least hinders the achievement of the objectives).

For Special Areas of Conservation (SACs), The Conservation of Offshore Habitats and Species Regulations 2017 require Scottish Ministers to implement measures considered necessary for the achievement of the conservation objectives of each SAC and which correspond to the ecological requirements of the habitats and species for which the SAC has been designated. In doing so, Ministers must also consider economic, social and cultural requirements, and regional and local characteristics, as well as any existing site management schemes.

The fisheries measures have been developed individually for each site, based on the best available scientific evidence of the potential impact of different fishing gears on the site's protected features. This includes advice and evidence provided by the Joint Nature Conservation Committee (JNCC), the relevant Statutory Nature Conservation Body. Further information for each site is available in the Fisheries Management Options papers, accessible via the JNCC Resource Hub.

An independent analysis of consultation responses was carried out by the Diffley Partnership. Their report has been published separately and is available online on the Scottish Government website.

As with all public consultations, the responses received may not reflect the views of the general population. Those with a strong interest in the issue are more likely to respond, which can result in a self-selection bias. For this reason, the consultation analysis focuses on understanding the range and reasoning behind different views, rather than measuring the level of support for particular options.

All responses have been given equal consideration, whether submitted by individuals or organisations. To support review and analysis of responses, they were categorised as follows:

Substantive response: A response drafted by a respondent using their own words (and not submitted through a co-ordinated campaign), or a nonstandard campaign response. The use of the term 'substantive' here is not intended to imply that such responses were lengthier or more substantial than, for example, standard campaign responses – simply that the responses were original or, in the case of non-standard campaign responses, were personalised.

Campaign response: A response submitted through a co-ordinated campaign, often using standard text provided by the campaign organiser. Campaign responses are of two types – standard and nonstandard.

> **Standard campaign response:** A response to the consultation in which the respondent simply added their name to the standard text provided by a campaign organiser without making any changes to it.
>
> **Non-standard campaign response:** A response to the consultation in which the respondent edited the standard text provided by a campaign organiser or added their own comments to it before submitting it (usually via the campaign organiser's website).

The full consultation paper and all associated documents are available online.

2. Key consultation findings

The consultation revealed a fundamental divide between advocates of conservation and industry stakeholders when it came to zonal or full site measures. Proponents of full site measures underscored the importance of environmental issues and long-term recovery, while supporters of zonal measures argued for stakeholder inclusivity and a proportionate approach which also allowed for industry to continue to operate in these areas while achieving environmental goals.

Economic impact on fishing communities: Fishermen and industry representatives voiced apprehensions about the potential economic consequences of the proposed restrictions. They highlighted the cumulative impact of MPAs and offshore wind farm developments on their livelihoods, emphasising the need for

evidence-based decision-making to balance conservation goals with economic sustainability.

Effectiveness of zonal measures: Environmental groups expressed concerns that zonal measures in 15 MPAs might not provide sufficient protection. Advocates for full site measures stressed the necessity of comprehensive protection to restore designated features to favourable conservation status.

Concerns over enforcement: Stakeholders urged the government to implement and enforce robust management measures within protected areas.

These concerns underscore the need for a balanced approach that considers both ecological protection and the socio-economic implications for coastal communities.

3. Consultation Documents Reviewed

A number of documents were provided for comment and feedback. These were:

Sustainability Appraisal (SA)
Socio-Economic Impact Assessment (SEIA)
Strategic Environmental Assessment (SEA)
Business and Regulatory Impact Assessment (BRIA)
Island Communities Impact Assessment (ICIA)
Fisheries Assessment (per site)

3.1 Sustainability Appraisal (SA)

The Sustainability Appraisal (SA) is an assessment of environmental, social, and economic effects. Drafted by marine consultants ABPmer on behalf of the Scottish Government, the SA provides a high-level overview of the cumulative impacts of the proposed fisheries management measures. It is comprised of the high-level findings of the Strategic Environmental Assessment Report (SEA) and the Socio-Economic Impact Assessment (SEIA).

A number of respondents criticised the SA for its perceived imbalance, focusing on costs to fisheries while underrepresenting the long-term benefits of ecosystem recovery. Officials acknowledge there is a lack of robust quantitative evidence available to fully capture these long-term benefits, and as a result, have had to rely more heavily on qualitative data to inform the appraisal.

Further discussion on the SEA and SEIA, which informed this document, is provided in sections 3.2 and 3.3.

3.2 Socio-Economic Impact Assessment (SEIA)

The Scottish Government acknowledges the wide range of views shared in response to the Socio-Economic Impact Assessment (SEIA), and we are grateful to all who contributed detailed feedback. We recognise the concerns raised by industry and others regarding how the SEIA presents and analyses potential socio-economic

effects. We note that some respondents felt the assessment over-relied on fleet-wide turnover figures and therefore may not have fully reflected the disproportionate impacts on specific sectors and geographic areas, including remote coastal communities.

SG Response

In response to concerns relating to the scale of the assessment, we would like to clarify that while headline figures are presented at a national level for context, the assessment also includes more granular analysis. This covers regional and sectoral impacts, including home and landing ports, gear types and fleet segment impacts from measures at individual sites and also as a result of the full suite of measures. However, due to the large volume and technical nature of the report, we understand that some of this detail may not have been easily accessible. We will consider how to present future assessments in a more user-friendly format to ensure key findings are more readily understood. A number of these impacts are presented in a supporting document to the SEIA which is available online here: (Appendix C Site Assessment Table).

With regard to long-term benefits, we acknowledge that these are more challenging to quantify but are nonetheless an important consideration. Healthy ecosystems provide services such as improved fish stock resilience, carbon storage, and climate regulation. These benefits are expected to grow over time and deliver broad societal value. We will continue to explore how such long-term effects can be better reflected in future assessments.

3.3 Strategic Environmental Assessment (SEA)

We welcome the feedback provided on the Strategic Environmental Assessment (SEA) and appreciate the range of perspectives shared. The SEA is an important tool to help understand and assess the potential environmental impacts. The SEA focuses solely on environmental effects only, and did not assess the socio-economic impacts, which were covered separately in the SEIA.

We note some respondents expressed concern that the SEA did not fully reflect the risks of Option 2 (full site restrictions), particularly due to displacement effects for fishing activity. Others felt that the SEA did not adequately capture the environmental benefits arising from spill-over effects or long-term improvements to marine biodiversity.

SG Response

Where there were high levels of scientific uncertainty, particularly around these broader effects, a more qualitative assessment was undertaken. Ongoing monitoring can assist to reduce scientific uncertainty. It is noted that the management measures and other factors may result in changes to fishing activity in the future and this will be monitored and considered on an ongoing basis. While the impacts from non-UK vessels, and potential effects on offshore ecosystems are more difficult to quantify at this time, these issues have been noted and will continue to inform our broader marine planning work.

Conversely, some respondents highlighted that the SEA could have better captured the positive environmental outcomes of full-site protection under Option 2, including enhanced spillover effects and potential contributions to achieving Good Environmental Status. These benefits were considered in the SEA, though we acknowledge that more detailed modelling of such long-term effects may be appropriate as better data becomes available.

Overall, we note that a number of respondents found the SEA to be a useful and well-structured assessment that adds value to the evidence base. The SEA has provided a baseline against which future changes can be measured, and we will consider how to improve accessibility and transparency in future assessment reporting. We will continue to work with stakeholders to ensure that environmental, conservation and other outcomes are robustly monitored, understood, and acted upon through an adaptive management approach.

3.4 Business and Regulatory Impact Assessment (BRIA)

The purpose of the BRIA is to provide an initial understanding of the likely costs, benefits and wider implications of the proposed fisheries management measures for businesses and stakeholders. The assessment was informed by the analysis undertaken as part of the SEIA.

SG Response

We note the views shared by a number of respondents regarding the perceived difference in engagement between the development of zonal measures (Option 1) and full-site measures (Option 2). The zonal approach was indeed shaped over many years of engagement with fisheries and environmental stakeholders, including through workshops, bilateral meetings, and collaboration with Advisory Councils. While the full-site approach (Option 2) was introduced as required, later in the process, due to the need to assess a reasonable alternative. Further detail on this is provided in 5.5.

We acknowledge that concerns were raised regarding the potential for displacement of fishing activity under Option 2, and its disproportionate impacts on certain sectors, particularly the mobile demersal fleet. These issues were also considered in the Strategic Environmental Assessment and the Socio-Economic Impact Assessment. However, as noted in these assessments, there is significant uncertainty around the scale, location, and effects of displacement. To ensure these potential impacts were still considered, a qualitative assessment was undertaken.

As part of the wider package of assessments, the costs and benefits of the various options are assessed through different lenses, economic, environmental, and regulatory, but we agree that it is important for the combined outputs to present a clear and holistic picture. We will consider these comments carefully in future management work.

3.5 Island Communities Impact Assessment (ICIA)

An Island Communities Impact Assessment (ICIA) was carried out as an integral part of the wider impact assessment process. The ICIA plays a crucial role in ensuring that the specific needs and unique circumstances of island communities are meaningfully considered in the development of new policies.

Some respondents argued that a single, national-level assessment failed to capture the distinct impacts on individual islands. This was particularly emphasised in responses from Shetland, where the cultural, historical, and economic importance of the fishing industry were seen as overlooked.

Others noted that the ICIA focused too heavily on potential risks without adequately considering the potential long-term benefits of sustainable fisheries for island communities, or the environmental and social costs of inaction. A few respondents, while supportive of the environmental aims of the proposals, emphasised the need for financial support to help communities transition toward more sustainable practices.

SG Response

As part of the ICIA process, a formal screening assessment was carried out. This concluded that there were no differential impacts on island communities compared to those on the mainland. However, in recognition of the importance of understanding regional variation, further analysis was carried out through the Socio-Economic Impact Assessment (SEIA) to explore potential localised effects in more detail.

Within the SEIA, both regional and relative effects were explored, using home port and landing port data to identify where island and remote rural communities may be more significantly affected due to their geographic isolation and strong dependence on fishing-related activity. This included consideration of potential changes in fish landings, local processing activity (where applicable), and the implications for individuals and businesses reliant on those activities.

The ICIA and SEIA both examined both the potential impacts and opportunities for island communities, with a particular focus on identifying any disproportionate effects compared to mainland areas. While the ICIA primarily considered potential risks, we recognise the importance of more fully capturing the long-term environmental and social benefits of the proposed measures, including healthier fish stocks, more resilient ecosystems, and enhanced support for sustainable island livelihoods.

We also acknowledge calls for targeted support to accompany these measures. While not part of the ICIA itself, the Scottish Government remains committed to ongoing engagement with island communities and stakeholders as measures are implemented.

3.6 Fisheries Assessment (per site)

We note the feedback on the Draft Fisheries Assessments and are pleased that many respondents recognised the value of site-specific analysis, the clarity of

methodology, and the careful consideration given to fishing gear types and their associated impacts. Some respondents felt that the assessments lacked sufficient consideration of the broader impacts of vessel displacement and the financial contributions required.

SG Response

We acknowledge the concerns raised regarding vessel displacement impacts, data timelines, and the broader context of spatial pressures from other marine sectors. These factors are inherently complex and often subject to high uncertainty. Where quantitative data was limited or not available, a more qualitative approach was taken to ensure these nuances were still reflected.

Wider considerations such as displacement effects and socio-economic impacts are not assessed within these assessments, which focus solely at the direct impacts of fishing activity on the designated features in the site. These wider impacts are instead captured in the Socio-economic Impact Assessment.

All comments received have been considered in finalising the assessments. These have been published alongside this document and are available online.

4. Site-Specific Consideration

4.1 Anton Dohrn SAC, Braemar Pockmarks SAC, Darwin Mounds SAC, Scanner Pockmark SAC and West of Scotland MPA

For the five sites, Anton Dohrn SAC, Braemar Pockmarks SAC, Darwin Mounds SAC, Scanner Pockmark SAC and West of Scotland MPA, only one management measure option was considered appropriate. In line with SNCB advice, a full site restriction on demersal mobile and demersal static fishing gears was identified as the sole suitable option to support the achievement of the sites' conservation objectives.

SG Response

We note the strong support received for the proposed measures across these sites. This reflects a shared recognition of the importance of protecting Scotland's most sensitive offshore marine habitats and species.

Some concerns were raised regarding the socio-economic impact of proposed measures for the West of Scotland MPA. This site was designated in 2020, and initial discussions on management measures took place with stakeholders in 2022. While a large proportion of the site is already closed to bottom trawling and set nets under Common Fisheries Policy (Amendment etc.) (Eu Exit) Regulations 2019 (S.I. 2019/739), these closures do not include shallower seamount areas. The proposed measures will now extend protection to the entire site, including those shallower zones, ensuring consistent and comprehensive coverage.

In the Darwin Mounds SAC, bottom trawling is already prohibited under the Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019, No. 1312). In line with JNCC advice, the final management measures will also

prohibit the use of demersal static gear to strengthen the protection of this highly sensitive habitat.

While the Darwin Mounds Fisheries Assessment concluded that no additional measures were needed due to low levels of current activity, precautionary management is being taken forward due to the vulnerability of the site's features to demersal static gear.

We also acknowledge the concerns raised regarding the categorisation of fishing gears, namely static demersal longlines and nets at these sites and further detail is provided within this report in section 5.7. Within this package of measures, longlines and gillnets are classified as demersal static gear due to the potential for interaction with the seabed. While evidence suggests these gears generally have a lower impact compared to mobile gears, our statutory advisors consider that seabed contact, particularly from anchors and weighted lines, can still result in significant cumulative damage to protected features. As such this allows the potential to compromise the conservation objectives of these sites and therefore must be appropriately managed.

4.2 Central Fladen MPA

The Scottish Government acknowledges and understands the differing perspectives shared through the consultation, particularly regarding the ecological importance of burrowed mud and the significance of the site as valuable fishing grounds. Several respondents outlined the potential benefits of full site measures in protecting burrowed mud (a designated feature of the MPA). They described how burrowed mud is an important nursery ground for species such as juvenile cod, whiting and haddock, and protecting this from disruption by mobile demersal mobile gear will help support stock recovery.

Others wrote that the restoration of burrowed mud across the Central Fladen MPA, would preserve existing carbon stocks and had potential to support adjacent areas of the Fladen grounds through export of sea pen and other larvae. Those in support of Option 1 noted that the zonal fisheries management measures proposed for the Central Fladen MPA were the result of a lengthy and meaningful stakeholder engagement process and should therefore be respected.

SG Response

Following the public consultation, JNCC advised that the zonal measures originally proposed were considered insufficient to protect the burrowed mud and would not avoid a significant risk of hindering the conservation objectives arising from fishing within the site. This advice can be found online via the JNCC website.

In this additional advice, JNCC were unable to determine the precise proportion of the burrowed mud feature that requires protection to meet the conservation objectives. JNCC did not advise, however, that a full site closure to fishing was necessary.

Therefore, the Marine Directorate developed revised measures based on the best available scientific advice, taking into account JNCC advice and all other relevant factors. These were reviewed by the Chief Scientific Advisor for Marine (CSAm). The revised measures fall within the scope of the options consulted on and reflect JNCC's advice.

The revised measures have therefore increased the level protection for the burrowed mud feature from 40% coverage to 62% within Central Fladen MPA. The location of these revised measures reflects the existing fishing footprint to help minimise potential economic impacts, while providing stronger protection for the burrowed mud feature and considering wider environmental outcomes.

4.3 East of Gannet and Montrose Fields MPA

Respondents were divided in their support for the proposed fisheries management measures for the East of Gannet and Montrose Fields MPA. Supporters of Option 2 highlighted the greater ecological benefits it would provide, including stronger protection for sensitive features such as ocean quahog, sea pens, and deep-sea mud habitats. Those in favour of Option 1 emphasised the comprehensive stakeholder engagement that informed its development and argued it would meet conservation objectives with fewer socioeconomic impacts.

SG Response

The Scottish Government notes the range of views submitted on the proposed management measures for East of Gannet and Montrose Fields MPA.

Following the consultation JNCC advised that there would remain a significant risk of the offshore deep-sea mud features within East of Gannet and Montrose Fields MPA being maintained in a modified state due to ongoing fishing activity should zonal measures consulted on be implemented. This presents a continued risk of not achieving the conservation objectives. This change was primarily due to an oversight in JNCC's management advice, explained below. JNCC did not advise, however, that a full site closure to fishing was necessary to mitigate this risk.

The zonal measures consulted on were based on the best available evidence at the time, from 2015/2016. However, a 2022 evidence review by JNCC, incorporating 2017 survey data and updated modelling, better identified the distribution of the protected offshore deep-sea mud features. This revealed that a significant proportion of the protected feature lay outside areas covered by the proposed measures. While JNCC initially advised that changes to the management proposals were not necessary, further consideration of the updated evidence has led them to conclude that a more precautionary approach would be appropriate. Their latest feedback notes that, under the zonal measures as consulted on, there would be a continued risk of not achieving the conservation objectives.

To address this, the Marine Directorate developed revised measures based on the best available scientific advice, taking into account the JNCC advice and all other relevant factors. These were reviewed by the Chief Scientific Advisor for Marine

(CSAm). The revised measures fall within the scope of the options consulted on and, reflecting JNCC's post-consultation advice.

Originally, 29% of the protected mud area in the site was captured under the original zoned measures. Under the revised plans measures, this has increased to 70%. In determining the proposed measures, we have taken into account the distribution of fishing activity to ensure a fair and balanced approach. As most fishing occurs in the southern part of the site, the new closures focus on the northern mud areas, helping to minimise economic impact while still delivering meaningful protection. This helps create fair and balanced protection zones. Because only the southern part is heavily fished, the economic impact of increasing the level of protection does not increase dramatically.

4.4 East Rockall Bank, Pobie Bank, Solan Bank, Stanton Banks, North-West Rockall Bank, Wyville Thomson Ridge

Respondents raised a number of points regarding the proposed management measures at these sites, including support for tailored, site-specific approaches that reflect the ecological sensitivity of different features. Many welcomed the stakeholder engagement that informed Option 1 but also voiced concerns about the level of representation from the static gear sector during consultation. There were also questions around how fishing gears, particularly demersal static gears like longlines and set nets, had been categorised.

SG Response

The Scottish Government recognises the ecological importance of a number of features protected at these sites, particularly the sensitive habitats vulnerable to physical disturbance. By tailoring site-specific measures to different gear types, based on their impacts on these features, we can effectively address these sensitivities within the management approach.

At the same time, we recognise the value placed on the stakeholder engagement process that informed the development of Option 1, and the view that this approach reflects a more targeted response to fishing activity within the site. Concerns regarding the representation of the static gear sector during consultation have been noted; workshop and meeting minutes and further consideration on this have been discussed in section 5.8.

We also acknowledge the concerns raised regarding the categorisation of fishing gears, namely static demersal longlines and nets at these sites and further detail is provided within this report in section 5.7.

We remain committed to inclusive and transparent policy development and will consider how engagement with all sectors, including static gear operators, can be strengthened in future processes. The Scottish Government will continue to ensure that management measures are evidence-based, proportionate, and capable of delivering both environmental protection and long-term sustainability for marine users.

While demersal static gear impacts stony and bedrock reefs are less understood than those of mobile gears, with earlier studies suggesting minimal effects, JNCC highlighted recent research which indicates the potential for impacts at high gear densities, especially inshore. This advice and the associated research is [available online via the JNCC website. SG acknowledge the additional evidence and will take this into account as part of the Scottish MPA monitoring strategy through pressure monitoring in these sites, capturing any additional risk through adaptive management if required.

Similarly, JNCC noted that wider protection for areas of potential reef would improve the likelihood of meeting the sites' conservation objectives. SG have acknowledged this and in line with the approach taken across all sites, should new evidence be found of additional reef outside of management zones, this will be considered as part of an adaptive management approach.

4.5 Faroe Shetland Sponge Belt, North-east Faroe Shetland Channel

Several respondents referenced survey work carried out by JNCC in 2021 within the Faroe-Shetland Sponge Belt MPA and called for this new data to be taken into account before finalising management measures. Others raised concerns about the classification of static demersal gears—such as longlines and nets—and questioned how their potential impacts had been assessed in comparison to mobile gears.

SG Response

A number of respondents highlighted data collection conducted by JNCC in 2021 within the Faroe-Shetland Sponge Belt MPA. Officials are aware of this work and continue to liaise with JNCC to stay informed of progress. We are currently awaiting the outcome of JNCC's quality assurance process for this data, after which it will be carefully considered and factored into the ongoing adaptive management approach as appropriate to ensure that measures remain effective and responsive to the best available evidence.

We also acknowledge the concerns raised regarding the categorisation of fishing gears, namely static demersal longlines and nets at these sites and further detail is provided within this report in section 5.7.

4.6 Firth of Forth Banks Complex, Geikie Slide and Hebridean Slope, Norwegian Boundary Sediment Plain, The Barra Fan and Hebrides Terrace Seamount, and West Shetland Shelf

A number of respondents, particularly from the fishing industry, raised concerns about the economic implications of the proposed management measures, especially when considered alongside the cumulative effect of other marine policies. Many industry stakeholders expressed support for the zonal approach (Option 1), which they felt was developed through a constructive and collaborative stakeholder process. This view was especially strong in relation to the West Shetland Shelf site, where the zoned measures captured the voluntary agreement between static and mobile gear fishers to manage gear conflict and taking into account the safety of those working in the area.

Stakeholders from environmental and conservation organisations generally expressed a strong preference for Option 2, which proposed full-site closures to demersal mobile fishing gear. These respondents argued that a more comprehensive and precautionary approach was needed to support habitat recovery and secure the long-term conservation objectives of the MPA network.

Concerns were also raised about the assessment of environmental impacts in the Strategic Environmental Assessment (SEA), particularly in relation to displacement effects under Option 2. Some respondents felt that while the SEA acknowledged the potential for unintended environmental consequences due to displaced fishing activity, the rationale for its conclusions could have been more clearly communicated, especially with respect to assumptions about where such displacement might occur and its likely impact.

SG Response

The Scottish Government acknowledges the broad range of views submitted in response to the consultation and recognises the value placed by many stakeholders on the collaborative development of the zonal approach. At the same time, the Government acknowledges the strong support from environmental organisations for more comprehensive measures. These views highlight the importance of continued monitoring and evaluation to ensure that management measures remain effective in delivering conservation outcomes. The Scottish Government is committed to an adaptive management approach, as set out in the Scottish Biodiversity Strategy, which allows for management to be refined in response to emerging evidence.

In relation to the Strategic Environmental Assessment, the Scottish Government notes the concerns raised regarding how displacement effects were presented. While the SEA did recognise the risk of unintended environmental consequences of displaced fishing activity, the Government acknowledges that the reasoning could have been more clearly articulated. Feedback from this consultation will be taken into account in future assessments, with the aim of improving transparency and providing clearer justifications for assumptions and conclusions relating to displacement and wider environmental effects.

5. Crosscutting Comments

Throughout the consultation, a number of recurring themes emerged across multiple sites and stakeholder groups. These cross-cutting comments highlight broader concerns, opportunities, and implementation challenges and have been considered in how we take forward the finalised measures.

5.1 Socio-economic Impacts

Fishing industry respondents raised strong concerns about the potential economic effects of the proposed restrictions, particularly for smaller operators and remote coastal communities that may be more vulnerable to change.

SG Response

Assessing and understanding the potential socio-economic impacts has been central to informing management decisions. A feature-based approach was used to develop the measures, helping to minimise disruption to fishing activity where possible, while still ensuring protection for important marine habitats and species.

To strike a balance between environmental protection and socio-economic sustainability, the management measures were developed collaboratively with industry and environmental stakeholders. This approach aimed to ensure that the views and needs of affected communities were reflected in the design of the proposals.

A detailed Socio-Economic Impact Assessment (SEIA) was carried out to identify and assess the potential economic and social effects of the proposed fisheries management measures, both at the level of individual sites and also across the full package of sites. The assessment considered not only the potential costs but also the longer-term benefits that could arise from improved marine ecosystem health.

Many of these long-term benefits are expected to stem from improved ecosystem services, such as healthier fish stocks, carbon storage, climate regulation, and cultural and educational value. While these benefits are difficult to quantify due to data limitations and valuation challenges, they are expected to deliver wide-reaching and meaningful gains for society, including benefits to fisheries through spill-over effects, greater carbon sequestration, and improved opportunities for recreation and wellbeing.

5.2 Enforcement and Compliance

A consistent concern raised through the consultation was the need for clear, enforceable measures and adequate resources to ensure compliance. This was particularly emphasised by respondents from environmental and scientific communities, who highlighted that without proper monitoring and enforcement, the proposed protections may not achieve their intended conservation outcomes.

SG Response

We recognise that successful implementation of fisheries management measures depends on robust compliance. Marine Directorate Compliance will continue to work in partnership with the fishing industry, technology providers, and other agencies to strengthen monitoring tools, including the use of vessel monitoring systems (VMS), electronic reporting, and remote surveillance.

An Order implementing the measures will be taken forward under section 5(1) of the Sea Fish (Conservation) Act 1967 (“the 1967 Act”). Once this Order comes into effect any person who contravenes a prohibition or restriction imposed by it will commit an offence under that section. The maximum penalties are specified by section 11 of the 1967 Act. On summary conviction, the maximum penalty is a fine not exceeding £50,000. On conviction on indictment, the maximum penalty is an unlimited fine. These penalties serve as an important enforcement mechanism to

support sustainable fisheries management and compliance with conservation measures.

As part of the measures, a minimum transit speed of six knots for vessels operating restricted gears will be added to all fishing licences. The Order will include a requirement to ensure that the specified fishing gear for any specified area is stowed when a fishing vessel is in that area. Section 9 of the 1967 Act sets out certain exemptions for scientific and other specified purposes.

5.3 Monitoring and Assessment

Many respondents emphasised the importance of long-term scientific monitoring to evaluate the effectiveness of fisheries management measures, with concerns raised about current gaps in data, particularly in offshore areas where access and monitoring are more challenging. Environmental organisations, academic institutions, and several individual respondents highlighted the need for clearly defined monitoring objectives, consistent methodologies, and transparent reporting to track ecological outcomes and adapt management where necessary.

SG response

The Scottish Government recognises that scientific monitoring is vital for evaluating the ecological effectiveness and wider impact of fisheries management measures and for supporting evidence-based decision-making. Recovery rates for protected features can vary widely, with some slow-growing habitats and species potentially taking decades or even centuries to fully recover or re-establish. These variations will be carefully considered when monitoring and assessing the condition of sites and their protected features.

The Marine Directorate will continue to work closely with JNCC to undertake targeted surveys and assessments, focusing on key indicators such as habitat condition and species abundance to assess the condition of protected features within MPAs. This includes carrying out seabed surveys, analysing data on species and habitats, and developing standardised methods to support long-term site assessments. These activities are guided by the Scottish MPA Monitoring Strategy, and the resulting evidence will inform the ongoing protection and restoration of marine biodiversity within MPAs.

5.4 Data Gaps and the Role of Evidence

Several consultees, including industry representatives and NGOs, emphasised the importance of a transparent, evidence-based approach. While some called for precautionary protections in the face of data gaps, others urged further site-specific studies to justify restrictions.

SG Response

Our management decisions are based on the best available scientific evidence and are guided by JNCC advice. This advice considers the risks to site conservation objectives, including the sensitivity of protected features, existing data gaps, and any

uncertainties in the evidence. Ongoing research and site-specific surveys will be prioritised through the Scottish MPA Monitoring Strategy.

As always, we welcome the submission of evidence and data for consideration as part of the ongoing management and monitoring of MPAs. Any such information can be shared with NatureScot or JNCC, who are responsible for reviewing and quality assuring data used to inform conservation advice.

5.5 Reasonable Alternative

A number of respondents commented that the 'reasonable alternative' of Option 2, applying measures to the full site, should not be considered due to the potential for increased socio-economic costs, and possible environment effects that could arise from displaced fishing activity.

SG Response

In line with The Environmental Assessment of Plans and Programmes Regulations 2004, public bodies are required through the Strategic Environmental Assessment process to assess reasonable alternatives.

The alternative consulted on is a more precautionary approach involving full-site restrictions on specified gear types. This alternative was selected as it met the environmental objectives and allowed for a comparative assessment of a broader range of potential impacts, supporting a more robust and transparent decision-making process.

5.6 Environmental Assessment Outcomes

Some respondents raised concerns that the measures proposed under the reasonable alternative (Option 2), which would apply restrictions across the full site rather than zonally, as in Option ,1 could deliver lesser environmental benefits overall. This concern stemmed from the potential for displacement of fishing activity, which could lead to increased pressure in already heavily fished areas, expansion into previously unfished or low-activity areas, or a shift in effort to gear types not restricted by the proposed measures. Respondents noted that such displacement could undermine the intended conservation outcomes.

SG response

The Scottish Government acknowledges these concerns and recognises the complexity of predicting displacement effects. These potential impacts were considered in the overall assessment of the options. However, the primary purpose of the proposed measures remains the protection of the specific habitats and species for which each site is designated. In line with this, decisions were guided by the need to ensure effective site-level conservation, while also taking into account the broader implications of potential displacement. The Scottish Government remains committed to monitoring the outcomes of management measures and adapting approaches where necessary, consistent with the adaptive management approach.

5.7 Gear categorisation

A recurring theme in the consultation responses was the classification of fishing gears, particularly the inclusion of anchored nets and lines within the broader category of static gear. Respondents raised questions about the appropriateness of this categorisation.

SG Response

The Scottish Government acknowledges that while static gears such as longlines and set nets (e.g. trammel, gill, and entangler nets) are generally considered lower impact than mobile gears, their use in sensitive habitats must still be assessed case by case. While hooks and lines themselves are unlikely to directly contact protected features, the gears may still pose a risk due to the potential disturbance caused by their weights and anchor stones making contact with the seabed.

Evidence from observer programmes suggests low benthic bycatch from gillnets, but scientific studies show even limited disturbance can have long-term consequences, especially for slow-growing features like cold-water corals and deep-sea sponge aggregations (ICES, 2009; Andrews et al., 2002). One study found 38% of coral colonies in longline areas had sustained damage, which may lead to lasting changes in benthic communities, (Pham, *et al*., 2014). Given the slow growth and long recovery times of these features, recovery could take hundreds or even thousands of years (Sherwood and Edinger, 2009; Carreiro-Silva et al., 2013).

Cumulative effects, even from infrequent interactions, are a key consideration in the development of fisheries management measures. Our conservation objectives aim not only to protect the presence of features but to maintain their condition, structure, and extent. Restoration of such habitats is extremely difficult, if not impossible, so prevention of damage is critical.

We also recognise the challenges in monitoring static gear activity, particularly at depth, due to limitations of current compliance tools like VMS. While Scottish vessels may not typically fish static gear directly on the seabed in sensitive areas, vessels from other nations may do so, adding to the potential risk.

This decision has been informed by the best available scientific evidence, including collaboration with statutory scientific advisors, to ensure that fisheries management measures, including gear categories, are evidence-based and proportionate to conservation objectives. The full JNCC Fisheries Management Guidance for all features is available online via the JNCC website. Key documents relevant to this this concern include those on Coral gardens, Deep-sea sponge aggregations, and Seamount communities.

5.8 Stakeholder Engagement and Transparency

A recurring theme was the importance of transparency in decision making and the need for clear channels for stakeholder engagement, particularly during the development of site-specific measures. The development of these measures has been a collaborative effort involving stakeholders, advisory bodies, and officials, and

we extend our sincere thanks to all who have contributed their time and insight to reach this point.

SG Response

Extensive engagement has been a key part of developing the fisheries management measures for offshore MPAs. Stakeholder workshops took place in June 2013, April 2014, and March 2015, involving fishing industry representatives from a range of nations, individual fishers, environmental NGOs, advisory bodies, and marine scientists. These early discussions helped shape initial proposals, and meeting notes are available online.

As evidence evolved, updated measures were shared with stakeholders in workshops in 2022, allowing continued input on changes needed to reflect the latest scientific understanding. Additionally, following the lifting of the EU Cod Recovery Plan restrictions on the West Shetland Shelf MPA in 2019, new measures were developed collaboratively with statutory nature conservation bodies (SNCBs) and stakeholders, with relevant workshop minutes published online.

In December 2022, a further workshop was held to present draft impact assessments and gather stakeholder feedback, reinforcing the transparent and collaborative approach.

Engagement extended beyond domestic stakeholders to include EU member states, who were sent proposals during the initial consultation in 2016, invited to provide comments, and participate in a dedicated workshop in Edinburgh. Correspondence and workshop notes are publicly accessible via the Scottish Government website. In 2024, SG officials held meetings with fisheries representatives from the EU, Norway and Faroese to provide an update on the process and outline and discuss the measures subject to consultation.

Looking ahead, we will continue to strengthen stakeholder involvement, with a particular focus on targeted engagement with fishers and local communities. We remain committed to open and inclusive governance, ensuring that future decision making is transparent, inclusive, and evidence led, shaped by engagement.

The upcoming consultation on fisheries management measures for inshore MPAs, planned for November 2025, will build on lessons learned from this process. We recognise the challenges relating to the volume of material and information and will endeavour to ensure information and materials are accessible, clear, and user-friendly.

5.9 Integration with Wider Marine Policy and Net Zero Goals

There was strong support for ensuring that MPA management measures are integrated with broader marine and climate policies. Respondents highlighted the opportunity for MPAs to contribute to climate resilience, blue carbon storage, and nature recovery targets.

We agree that fisheries management in MPAs contribute to wider national objectives. The Scottish Blue Carbon Action Plan will align with MPA implementation to help to maximise co-benefits for climate mitigation and biodiversity. We are taking an ecosystem-based approach to marine planning and development of our updated national marine plan, in support of sustainable development and ecosystem-based management of human activities. We seek to do this through our coordinated approach to management of the marine environment and marine resources across a range of different policies and commitments.

6. Final Fisheries Management Measures

The Scottish Government has considered the best available scientific advice and evidence, alongside other relevant factors, including the wider environmental and socio-economic impacts of the measures. This approach reflects the need to manage risks to achieving conservation objectives for MPAs, and ensures that decision making remains reasonable, proportionate and non-discriminatory.

The full measures, maps and the relevant coordinates are available online.

7. Implementation

The Scottish Government will proceed with the implementation of the fisheries management measures for offshore Marine Protected Areas. The relevant statutory order was laid before Scottish Parliament on 1 September 2025, with the measures coming into force on 16 October 2025. In advance of implementation, the Scottish Government are engaging with stakeholders, including the fishing industry, environmental organisations, and local communities, to provide clear guidance and ensure a shared understanding of the new measures. Public communications will be issued to raise awareness and support compliance.

A programme of monitoring and evaluation will assess the effectiveness of the measures in achieving conservation objectives. This will underpin an adaptive management approach, enabling adjustments where necessary based on additional evidence. The Scottish Government remains committed to ongoing collaboration with stakeholders to ensure the long-term sustainability and stewardship of Scotland’s marine environment.

8. West of Scotland Boundary Amendment

The consultation sought views on a proposed amendment to the site boundary of the West of Scotland MPA. The amendment was intended to address an overlap with Faroese continental shelf and the "Faroese Special Area," a zone where Scottish Ministers do not hold full jurisdiction. Adjusting the boundary ensures that the entire MPA falls within the jurisdiction of Scottish Ministers, enabling effective governance and enforcement.

Scientific advice from the Joint Nature Conservation Committee (JNCC) confirmed that the proposed change would not compromise the ecological integrity of the site.

Half (50%) of respondents to the question on the boundary amendment expressed support for the proposal, while 10% opposed it. The remaining 40% were neutral. Supporters generally viewed the change as a pragmatic solution to avoid jurisdictional complexities and ensure effective conservation.

SG Response

Scottish Ministers have considered all consultation responses. The amended boundary was signed by the Cabinet Secretary for Climate Change and Energy 28 July 2025 and came into effect 11 August 2025.

The amended boundary has no impact on vessel registration or licensing and does not reduce access to fishing grounds. The change aligns the boundary of the MPA with Scotland's Exclusive Economic Zone (EEZ), meaning the MPA no longer overlaps with the shared 'Special Area'.

9. Conclusion

The Scottish Government remains firmly committed to the sustainable management of our marine environment, ensuring that the long-term health of marine ecosystems is safeguarded while supporting the resilience of our coastal and island communities. The introduction of fisheries management measures in offshore MPAs represents an important step toward achieving our national and international commitments to marine conservation.

The Scottish Government recognises that successful marine management relies on ongoing dialogue and shared stewardship. We are committed to continuing our collaboration with the fishing industry, environmental organisations, local authorities, and other stakeholders to ensure that future decisions remain inclusive, evidence-based, and adaptive to change.

We are grateful to all individuals, communities, and organisations who took the time to engage with the public consultation. The feedback received has played a vital role in shaping the final management measures.

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The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80643-033-8 (web only)

Published by The Scottish Government, September 2025

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1638366 (09/25)

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