

Proposal to designate a Deep Sea Marine Reserve in Scottish waters

September 2019



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Introduction

The Scottish Government's vision for the marine environment is of clean, healthy, safe, productive and diverse seas; managed to meet the long term needs of nature and people.

Thank you for taking the time to consider this consultation paper. We would welcome your views on the potential creation of the West of Scotland Deep Sea Marine Reserve, as part of the Scottish Marine Protected Area (MPA) network. This consultation fulfils a commitment in the 2018-19 Programme for Government, and builds on the 2017-18 Programme for Government commitment to assess the feasibility of creating a Deep Sea Marine Reserve.

If taken forward to designation, the site would be underpinned by the powers in the Marine and Coastal Access Act 2009. This means in legal terms it would have the same status as the other existing Marine Protected Areas in offshore waters.

The West of Scotland Deep Sea Marine Reserve, if designated, would help meet our international commitments to protect the marine environment in the North-East Atlantic, as required under the OSPAR Convention. Ten of the habitats and species identified for protection are on the OSPAR threatened and/or declining list¹.

The consultation seeks your views on the following questions:

1. Do you support the designation of the West of Scotland Deep Sea Marine Reserve?
2. Do you agree that the scientific evidence presented justifies the case for designation?
3. Do you have any comments on the Conservation Objectives and Management Advice?
4. Do you have any comments on the Business and Regulatory Impact Assessment?
5. Do you have any comments on the Sustainability Appraisal, including the Environmental Report and the Socio-Economic Impact Assessment?

¹ <https://www.ospar.org/documents?d=32794>

What documents should I read to answer these questions?

The following documents are available:

- Ecological overview
- Data confidence assessment of the scientific evidence
- Methods document: the short list of proposed protected features
- Conservation objectives and management advice
- Business and Regulatory Impact Assessment (BRIA)
- Strategic Environmental Assessment
- Socio-Economic Impact Assessment
- Sustainability Appraisal, combining environmental, social and economic effects

For additional information please refer to:

- The Marine Protected Areas Network – 2018 Report to the Scottish Parliament²
- JNCC³ MPA network web pages
- Scottish Government MPA network web pages⁴

To view the proposed West of Scotland Area in relation to the rest of Scotland's MPA network please visit Marine Scotland Maps⁵. The downloadable GIS data on the Deep Sea Marine Reserve is available on www.SpatialData.gov.scot under Open Government Licence.

How do I respond to the consultation?

You are invited to respond to this consultation by 31 December 2019. Please respond to the consultation using the Scottish Government's consultation hub, Citizen Space (<https://consult.gov.scot/>). You can access and respond to this consultation online at: <https://consult.gov.scot/marine-scotland/deep-sea-marine-reserve>

Further details on how to respond can be found in Appendix A & B

² <https://www.gov.scot/publications/marine-protected-area-network-2018-report-scottish-parliament/>

³ <http://jncc.defra.gov.uk/marineprotectedareas>

⁴ <https://www2.gov.scot/Topics/marine/marine-environment/mpanetwork>

⁵ <http://maps.marine.gov.scot>

Scotland's Marine Protected Area (MPA) network

The seas around Scotland and the spectacular wildlife they support are one of our best kept secrets, one that only a very few have had the privilege to explore first hand, but upon which we all depend for our quality of life.

Our seas account for 61% of UK waters and remain at the forefront of our food and energy needs, through fishing, aquaculture, oil and gas, and new industries such as renewables, as well as recreation activities and eco-tourism.

Scotland's MPA network is being developed to help safeguard our most important natural and cultural heritage features on the principle of sustainable use. By doing so protecting the many natural goods and services they provide for current and future generations to enjoy.

The MPA network, as shown in Figure 1, currently consists of sites designated for nature conservation and other areas which provide nature conservation benefits (called Other Area Based Measures) protecting the historic environment, and for demonstrating or researching marine management. The network currently consists of 231 sites which protects 22% of our seas.

We are required to have an MPA network which:

- Contributes to conservation or improvement of the marine environment;
- Represents a range of features present in Scottish waters; and
- Reflects that the conservation of a feature may require the designation of more than one MPA.

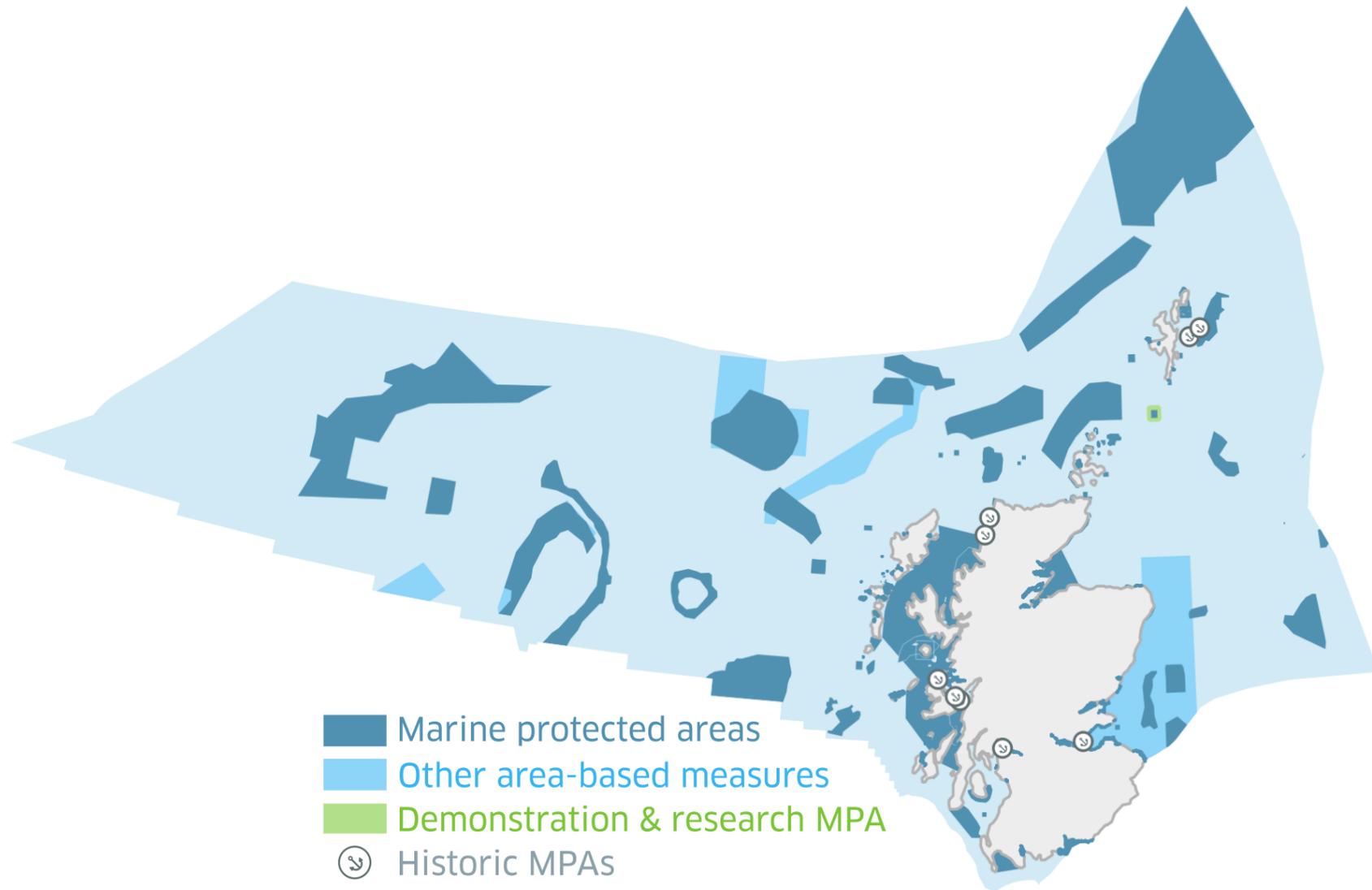


Figure 1: The existing MPA network in Scottish waters. Contains information from the Scottish Government (Marine Scotland), Scottish Natural Heritage, and Historic Environment Scotland licensed under the Open Government Licence v3.0.

Selection of the proposal

The deep seas around Scotland are home to some of the most vulnerable habitats and species on earth. Deep sea ecosystems provide a range of benefits to society, including nutrient cycling and carbon storage. In early 2017 the European Union implemented a new deep sea fishing regulation which prohibited trawling at depths of greater than 800 metres.

The programme for Government in 2017-18 committed to assessing the feasibility of creating a Deep Sea Marine Reserve. Previous work to identify sites for the MPA network began with a list of habitats and species that would benefit from protection, before going on to select appropriate locations. For this project we took a different approach. First, we identified two areas of search, as shown in figure 2 below, (West of Scotland and Faroe-Shetland) where water depths are greater than 800 metres, then considered what habitats and species were present in each location.

Deep Sea Marine Reserve: West of Scotland and Faroe-Shetland

Scottish Government (Marine Scotland) 2019. © Crown copyright. Contains data from JNCC and EMODnet

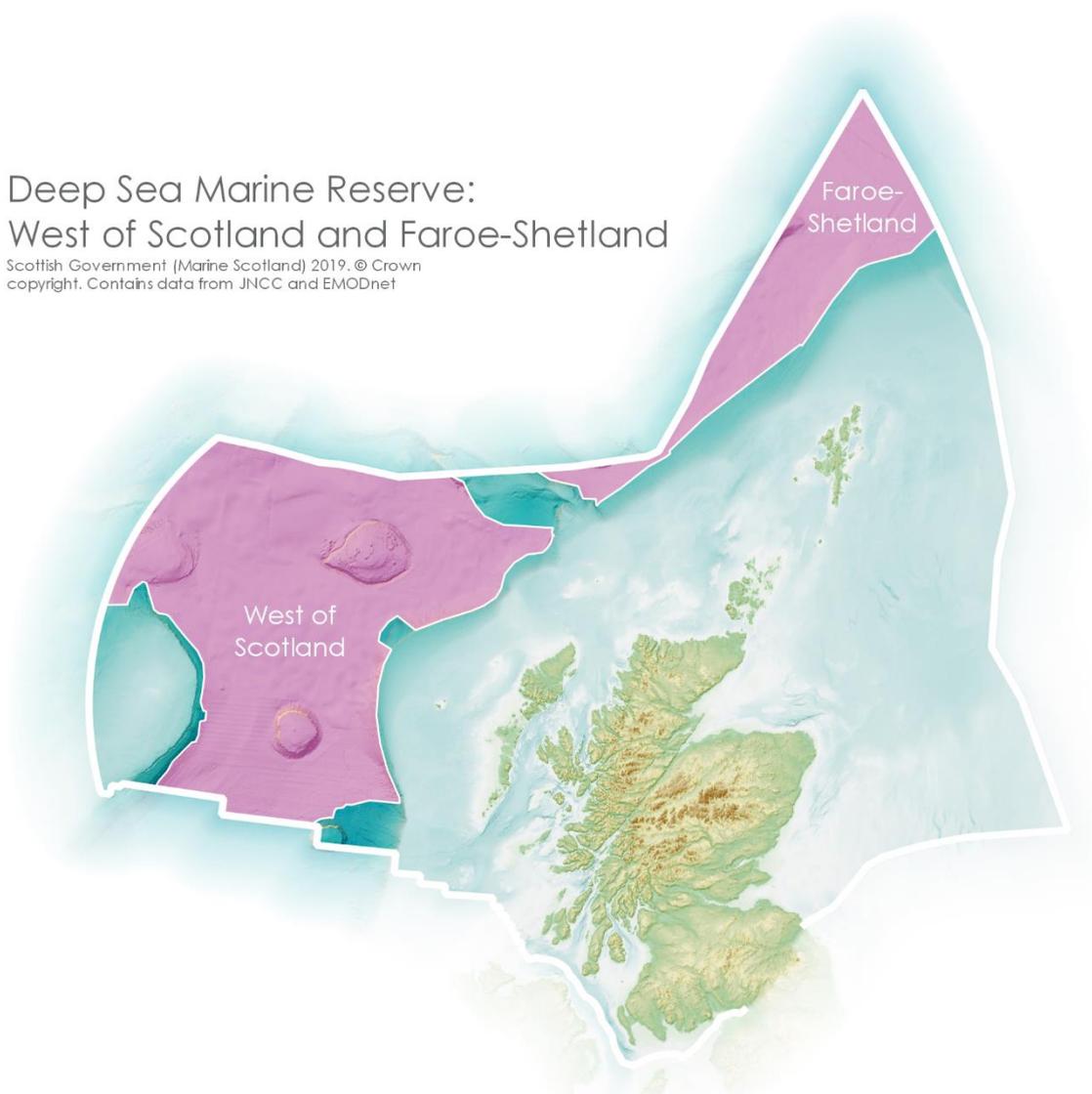


Figure 2: the two areas of search; West of Scotland and Faroe-Shetland

The Scottish MPA selection guidelines were then applied by JNCC to enable them to advise which habitats and species should be proposed for protection. This resulted in Scottish Ministers receiving scientific advice on the two locations:

- West of Scotland for fourteen habitats and species, of which ten are on the OSPAR list.
- Faroe-Shetland for four habitats and species, of which one is on the OSPAR list.

Well over half of the Faroe-Shetland location is already in the North East Faroe-Shetland Channel MPA. Furthermore the four habitats and species identified are already well represented in the Scottish MPA network. Therefore Scottish Ministers concluded that this location did not merit further consideration.

On the other hand the West of Scotland would increase the number of vulnerable habitats and species protected in the Scottish MPA network, as well as making a significant new contribution to the OSPAR MPA network. Therefore Scottish Ministers concluded that this proposal merited further consideration.

This consultation on the West of Scotland Deep Sea Marine Reserve fulfils the commitment made to consult on a proposal in the 2018-19 Programme for Government. It should be noted that, if designated, the West of Scotland would be designated under the Marine and Coastal Access Act 2009⁶.

⁶ <https://www.legislation.gov.uk/ukpga/2009/23/part/5>

Site Management

Conservation Objectives

JNCC have produced Conservation Objectives for the West of Scotland proposal. The Conservation Objectives describe the current and desired ecological or geological state (or quality) of each proposed protected feature. They are either to 'conserve' or 'recover' a feature. Where evidence exists that the feature is in an unfavourable condition at the site, the Conservation Objective will be to 'recover', otherwise it will be to 'conserve'.

Management Advice

JNCC have produced management advice. They have used a risk-based approach that considers each of the proposed protected features, the conservation objectives, and the activities which could affect their condition.

Management Measures

The responsibility for site management sits with Public Authorities who regulate activities. There are provisions in the Marine and Coastal Access Act 2009 which place duties on Public Authorities in relation to their own functions and any decisions they make to allow activities they regulate to take place.

Monitoring

The extent to which, in the opinion of the Scottish Ministers, the stated conservation objectives have been achieved is required to be reported on a six yearly cycle, and the last report was published in 2018⁷. Appropriate monitoring is important for forming an opinion for the report. The monitoring of the MPA network is covered in the Scottish MPA Monitoring Strategy⁸ which sets out how monitoring of the network should be prioritised and carried out. The results of monitoring are also used to inform future decisions on management.

⁷ <https://www.gov.scot/publications/marine-protected-area-network-2018-report-scottish-parliament/>

⁸ <https://www2.gov.scot/Topics/marine/marine-environment/mpanetwork/MPAmonitoring>

Sustainability Appraisal

Scottish Ministers may have regard “to any social or economic consequences of designation” when considering whether it is desirable to designate an area under the Marine and Coastal Access Act 2009.

The purpose of the Sustainability Appraisal is to inform the scientific recommendations with the social, economic and wider environmental considerations, without losing sight of the overall benefits of the Scottish MPA network. The Sustainability Appraisal is informed by a Strategic Environmental Assessment and a Socio-Economic Impact Assessment.

The Sustainability Appraisal for the Deep Sea Marine Reserve proposal was developed at the same time as the site selection process was undertaken and therefore contains information on both search areas. However, as outlined above, Ministers have only selected the West of Scotland area to be taken forward to consultation. Therefore the information in subsequent sections is focused solely on West of Scotland.

Strategic Environmental Assessment

The Strategic Environmental Assessment identifies the likely significant environmental impacts of the proposed plan, and considers reasonable alternatives to them. The SEA also identifies mitigation measures that are required to avoid or minimise any significant adverse effects such as the impacts of displacement and highlights opportunities for enhancements of beneficial effects.

Socio-Economic Impact Assessment

The Socio-Economic Impact Assessment aims to identify and assess the potential economic and social effects on the lives and circumstances of people, their families and their communities. The assessment investigates the potential cumulative economic benefits and costs, and associated potential social impacts of implementing the proposed management scenarios at the proposed site. The assessment also provides the Scottish Government with evidence on the economic and social effects to inform the Business and Regulatory Impact Assessment for the West of Scotland.

While the management measures are not known, three scenarios were developed to represent a range of potential management 'reasonable alternatives' which could be adopted following designation:

- Lower Scenario: Existing fisheries management and consenting processes;
- Intermediate Scenario: No extractive activities that affect the seabed (e.g. demersal fisheries, oil and gas development etc.); and
- Upper Scenario: No extractive activities that affect the seabed or the water column (e.g. demersal and pelagic fisheries, oil and gas exploration and development etc.).

The management scenarios are provided for indicative purposes and do not constrain future decisions or represent the final management measures that may be adopted or are subsequently required to meet the objectives of the proposed site.

West of Scotland

This section summarises information from various documents which underpin this proposal. It should be noted that designation of this site would result in the Rosemary Bank Seamount MPA being amalgamated into it. The West of Scotland would protect all the features currently protected in the Rosemary Bank Seamount MPA. However the Anton Dohrn Seamount Special Area of Conservation, designated under the EU Habitats Directive, would be left in place as it protects rocky reef habitats. The extent of the Anton Dohrn Seamount is within the West of Scotland proposal.

Site description

The West of Scotland covers 107,773 km² of a diverse marine landscape to the west of Scotland; from the steep gradient of the continental slope across the sediment plains of the Rockall Trough, to the slopes of George Bligh Bank and Rockall Bank, with two isolated seamounts (Anton Dohrn and Rosemary Bank) as shown in Figure 3 below. Table 1 below outlines the proposed protected features.

Table 1: Proposed protected features

Proposed protected features
Burrowed mud (including sea pens)
Coral gardens
Cold-water coral reefs (including <i>Lophelia pertusa</i> reefs)
Deep sea sponge aggregations
Offshore deep sea muds
Offshore subtidal sands and gravels
Seamount communities
Seamounts
Blue Ling (<i>Molva dypterygia</i>)
Leafscale gulper shark (<i>Centrophorus squamosus</i>)
Gulper shark (<i>Centrophorus granulosus</i>)
Orange roughy (<i>Hoplostethus atlanticus</i>)
Portuguese dogfish (<i>Centroscymnus coelolepis</i>)
Roundnose grenadier (<i>Coryphaenoides rupestris</i>)
Geodiversity features

Deep Sea Marine Reserve: West of Scotland area

Scottish Government (Marine Scotland) 2019. © Crown copyright. Contains data from JNCC and EMODnet

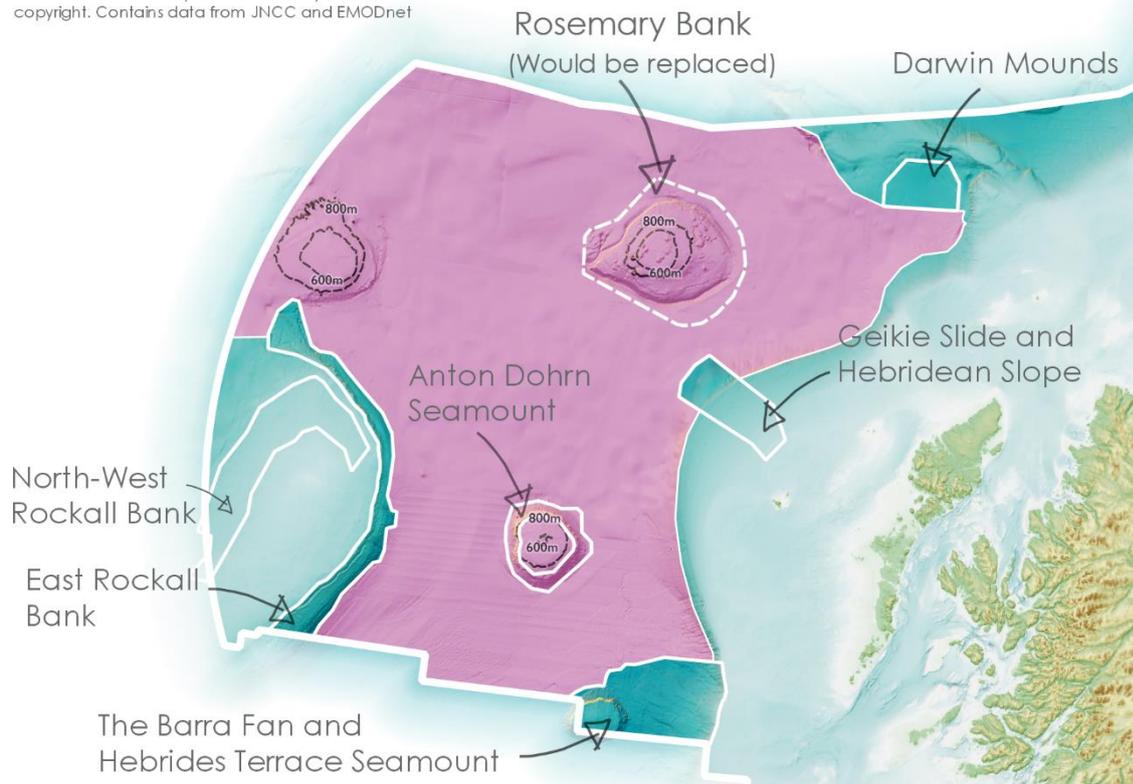


Figure 3: West of Scotland Deep Sea Marine Reserve proposal. Contains information from the Scottish Government (Marine Scotland) 2019, Joint Nature Conservation Committee, and EMODnet

Conservation Objectives and Management Advice

The conservation objectives of the West of Scotland are shown below in Table 2.

Table 2: Conservation objectives

Recover	Conserve
Burrowed mud	Blue Ling
Coral gardens	
Cold-water coral reefs	
Deep sea sponge aggregations	
Offshore deep sea muds	
Offshore subtidal sands and gravels	
Seamount communities	
Seamounts	
Gulper shark	
Leafscale gulper shark	
Orange roughy	
Portuguese dogfish	
Roundnose grenadier	

The management advice sets out where the JNCC consider additional management measures may be required to achieve the conservation objectives:

- There are currently three telecommunications cables crossing the site and early discussions with operators is encouraged regarding new cable routes or for the maintenance/removal of existing cables to minimise impacts.
- Oil and gas exploration has taken place and further activity may require additional mitigation measures on a case-by-case basis to achieve the conservation objectives.
- Military activity practise areas partially overlap the area but no additional management required.
- There is no evidence that shipping and noise generating activities are impacting these features and therefore no additional management required.
- Deep-sea mining does not currently take place within the site but significant research has taken place. JNCC advise that as an evolving industry a precautionary approach should be adopted whereby no licenses should be granted for deep-sea mining.
- Fishing activity already has a range of measures in place. Trawling at depths greater than 800 metres and use of gillnets and entangling nets greater than 600 metres is prohibited. JNCC advise extending these measures across the whole site, and to also cover other static gears.

Sustainability Appraisal Summary

The Strategic Environmental Assessment concluded that the designation of the West of Scotland proposal would have a minor immediate positive environmental effect, as demersal trawl fisheries measures are already in place. However it has the potential for more significant future benefits due to the reduction, exclusion or increased management of extractive activities (e.g. deep-sea mining).

Overall, the assessment highlights that the increased protection proposed would provide environmental benefits for the overarching SEA topic 'Biodiversity, Flora and Fauna'. This is because the designation of the sites will provide developers with a better understanding of the species and habitats being protected enabling more effective Environmental Impact Assessments. In turn this should ensure appropriate mitigation where necessary and therefore potentially reduce pressures associated with regulated activities.

The potential for cumulative adverse effects on the environment from the displacement of fishing activities has been identified as a result of the management of fisheries in adjacent MPAs, however due to legislative restrictions on deep sea fisheries, this potential is limited. A more detailed assessment of cumulative effects would be undertaken should additional fisheries management measures for the Deep Sea Marine Reserve be proposed in future.

The Socio-Economic Impact Assessment identified the potential cost impacts for six human activities. However, it was not possible to estimate costs associated with delays, opportunity costs of future activity foregone, or for impacts on investor confidence. The cost estimates for the intermediate scenario are considered to represent the best available estimate of quantified impacts.

The assessment has identified that the most significant cost would be to pelagic fisheries under the upper scenario. This impact reduces to zero under the intermediate scenario. There would also be costs to static fishing gear which can occur in the locations where the area is shallower than 600 metres, these being the George Bligh Bank, Rosemary Bank, and Anton Dhorn Seamount.

Tables 3 and 4 below outline the cost of impacts to human activities at the national scale. Table 3 shows the present value costs of the management scenarios to human activities other than fisheries. Table 4 shows the impact of the management scenarios on the fishing sector in terms of Gross Value Added.

Table 3: Present value (PV) in £'000 for quantified national cost (covering both assessed areas) impacts to human activities (costs discounted over assessment period (2019-2038), 2019 prices)

Sector	Lower	Intermediate	Upper
Military activities	195	195	195
Oil and gas	14	0	0
Power interconnectors and transmission lines	0	0	0
Seabed mining	0	0	0
Telecom cables	9	9	9

Table 4: Impacts of the West of Scotland Area on Gross Value Added in £'000 for quantified cost impacts to commercial fisheries (Direct and Indirect GVA⁹) (costs discounted over the assessment period (2019 – 2038), 2019 prices)

Gross Value Added	Lower	Intermediate	Upper
Direct	0	1,124	5,646
Direct + Indirect	0	1,628	8,175

⁹ Direct GVA relates specifically to the output of vessels and indirect GVA includes the supply chain.

Appendix A: How to respond to this consultation

You are invited to respond to this consultation by 31 December 2019. Please respond to the consultation using the Scottish Government's consultation hub, Citizen Space (<https://consult.gov.scot/>). Access and respond to this consultation online at <https://consult.gov.scot/marine-scotland/deep-sea-marine-reserve>

You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 31 December 2019.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form (as shown in Appendix B). Without this form we will not know how you would like your response processed. Please send the completed form with your response to:

marine_conservation@gov.scot

OR

Marine Conservation
Scottish Government
Area 1A South
Victoria Quay
Edinburgh
EH6 6QQ

If you have any enquiries please direct them to marine_conservation@gov.scot

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or to marine_conservation@gov.scot.

The Scottish Government Consultation Process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Appendix B: Respondent Information Form



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RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No



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

ISBN: 978-1-78781-912-2 (web only)

Published by The Scottish Government, September 2019

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS641222 (09/19)

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