

Draft Fisheries Assessment Methodology Report

August 2024

Scottish Government

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1. Requirement for draft Fisheries Assessments

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. To help achieve this, Scottish Ministers have committed to implementing fisheries management measures for existing Marine Protected Areas (MPAs) where these are not already in place. Throughout these draft Fisheries Assessments and associated consultation documentation on proposed fisheries management measures in Scottish offshore MPAs we refer to sites designated under section 116 of the Marine and Coastal Access Act 2009 as Nature Conservation Marine Protected Areas (NCMPA). The term is used to collectively refer to these NCMPAs as Special Areas of Conservation (SAC). Scottish Ministers have taken an evidence-based approach to developing fisheries management measures for NCMPAs and SACs to ensure they are managed to meet the needs of the protected features, their conservation objectives and site integrity, whilst still allowing sustainable use to continue.

The objective of the draft Fisheries Assessments is to assess the potential impacts of commercial fishing activities on certain NCMPAs and SACs.

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive), contains a requirement for a Habitats Regulations Assessment (HRA) to be undertaken for any plan or project proposed which is not directly connected with or necessary to the management of a European site, that may have a significant effect on that site, either individually or in combination with other plans or projects. The Habitats Directive has been implemented for sites within the offshore region by [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#).

No equivalent requirement is in place for non-European Site designations, such as NCMPAs. However, Scottish Ministers have taken the decision to assess the impact of commercial fishing activities within each NCMPA wholly or partly within the Scottish offshore region to determine whether the current levels of fishing activities within each NCMPA would or might hinder the conservation objectives for that NCMPA and to identify options for management measures. Draft Fisheries Assessments have therefore been prepared for both SACs and NCMPAs, with the aim of finalising the Fisheries Assessment following public consultation.

In the context of these draft Fisheries Assessments, commercial fishing activity within SACs is considered to be the plan or project. The implications of fishing activity in view of the conservation objectives for each SAC are assessed through

the fisheries screening stage (Part A), the fisheries assessment (Part B), and the in combination (cumulative effect) assessment (Part C).

These draft Fisheries Assessments use the best available evidence to fully consider potential impacts of commercial fishing activity, and in-combination (cumulative) effects with other plans and projects, against the conservation objectives for the site. If the assessment concludes that use of certain fishing gear types is not compatible with the conservation objectives of the site, proposed fisheries management measures will be considered.

For the draft Fisheries Assessments related to fishing activity in NCMPAs, a similar structure is adopted. The activities are assessed through the fisheries screening stage (Part A), the fisheries assessment (Part B), and the in combination (cumulative effect) assessment (Part C) so as to consider whether the fishing activity would or might hinder the conservation objectives. In that case, proposed fisheries management measures will be considered.

2. Draft Fisheries Assessment Process

These draft Fisheries Assessments determine the impact that fishing activities may have on the protected features of the site in light of the site's conservation objectives. For SACs, the assessment will determine whether there is a likely significant effect from fishing activities and the potential for an adverse effect on site integrity. For NCMPAs, the assessment will determine if fishing activities are capable of affecting (the protected features and whether they would or might hinder the achievement of the conservation objectives of the site.

To summarise, all draft Fisheries Assessments have been undertaken in three stages:

Part A: Fisheries Screening: Screening stage of fisheries activities occurring within the site. Fishing activities which do not pose concern to the protected features and/or are not occurring in the site are not taken forward to Part B of the assessment. All fishing activities remaining are then taken through to Part B.

Part B: Fisheries Assessment: This is necessary where further in-depth analysis is required to assess the effects of fishing activities (pressures) on the features within the site.

Part C: In-Combination Assessment: Consideration of the residual impacts of certain other fishing activities alongside other relevant offshore region activities occurring in or within a 5 km buffer zone from the site boundary.

2.1 Draft Fisheries Assessments

The following sections describe the process undertaken for SACs and NCMPAs when considering the potential effects of fishing activities within the site.

2.1.1 Draft SAC Fisheries Assessment

Part A of this assessment follows the 'Likely Significant Effect (LSE)' test under [Article 6\(3\) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora \(the Habitats Directive\)](#); for sites within the offshore region under [Regulation 28 of the Conservation of Offshore Marine Habitats and Species Regulations 2017](#).

The test for Likely Significant Effect under [Regulation 28\(2\)\(b\) of the Conservation of Offshore Marine Habitats and Species Regulations 2017](#) is not required for activities which are directly connected with or necessary to the management of the site. As these assessments are being undertaken on fishing activities occurring within the protected area, fishing activities are not considered to be directly connected with or necessary to the management of the site, unless otherwise indicated.

In line with the guidance within [EU Commission guidance on the Assessment of plans and projects significantly affecting Natura 2000 sites; a methodological guidance on the provisions of Article 6 \(3\) and \(4\) of the Habitats Directive 92/43/EEC](#), this assessment considers an LSE as any effect that may reasonably be predicted as a consequence of a plan or project that would negatively and significantly affect the conservation objectives established for the designated habitats and species of the protected area. If any likely significant effect of a plan or project cannot be excluded with certainty, then a full appropriate assessment should be undertaken.

In Part A of this assessment the pressure-feature interactions were assessed to determine the potential for LSE and subsequent risk to the conservation objectives. This section looks at the pressures exerted by the fishing activity occurring in the site (within the assessment period) in relation to the sensitivities of the protected features.

The potential for LSE was identified where there was both a medium-high risk of a pressure arising from the fishing activity and where any designated habitats and species features were considered sensitive to that pressure. These pressure-features interactions were then taken forward for each relevant fishing activity to the appropriate assessment stage (Part B) to determine whether the plan or project would have an adverse effect on site integrity.

For each activity assessed in Part A, there were two possible outcomes for each identified pressure-feature interaction:

1. The pressure-feature interactions **were not** included for Part B:
 - a. If the feature is not exposed to the pressure, and is not likely to be in the future; or
 - b. If the effect/impact of the pressure is not likely to be significant.
2. The pressure-feature interactions **were** included for assessment in Part B:
 - a. If the feature is exposed to the pressure, or is it likely to be in the future; and
 - b. If the potential scale or magnitude of any effect is likely to be significant; or

- c. If it is not possible to determine whether the magnitude of any effect is likely to be significant.

Part B of the assessment aligns with the requirements for an Appropriate Assessment under the [Conservation of Offshore Marine Habitats and Species Regulations 2017](#) (as amended). This considers the potential impact to site integrity by assessing the impact of fishing gears scoped in in Part A. This involves determining the level of interaction between the feature and the fishing activity, assessing the potential impact on the feature, and subsequently if fishing activities are liable to affect the conservation objectives of the site and thus the integrity of the site.

In Part C of the assessment, the impact of commercial fisheries activities is considered alongside all other plans and projects that may affect the site. This includes fishing methods which were identified as occurring within the site in Part A, but screened out in Part B on the conclusion that the pressure-feature interaction did not have a medium-high risk activity profile and/or the features were not sensitive to the pressure. Fishing activities identified in Part B as requiring management to avoid adverse effects on site integrity will not be considered in Part C.

2.1.2 Draft NCPA Fisheries Assessments

In Part A of this assessment the pressure-feature interactions were assessed to determine if the activities are capable of affecting the protected feature. This section looks at the pressures exerted by the fishing activity occurring in the site (within the assessment period) in relation to the sensitivities of the protected features. Activities potentially capable of affecting the protected feature were identified where there was both a medium-high risk of a pressure arising from the fishing activity and if any of the features were considered sensitive to that pressure. These pressure-features interactions were then taken forward to the fisheries assessment stage (Part B) to determine whether the plan or project would or might hinder the achievement of the conservation objectives.

For each activity assessed in Part A, there were two possible outcomes for each identified pressure-feature interaction:

1. The pressure-feature interactions **were not** included for Part B:
 - a. If the features is not exposed to the pressure, and is not likely to be in the future; or
 - b. If the effect/impact of the pressure is non-existent or insignificant.
2. The pressure-feature interactions **were** included for assessment in Part B:
 - a. If the feature is exposed to the pressure, or is it likely to be in the future; and
 - b. If the pressure is capable of affecting the feature, other than i; or
 - c. If it is not possible to determine whether the pressure is capable of affecting the feature.

Part B of the assessment considers the potential for activities to affect the feature by assessing the impact of fishing gears identified in Part A. This involves determining

the level of interaction between the feature and the fishing activity, assessing the potential impact on the feature, and subsequently whether if fishing activities would or might hinder the achievement of the conservation objectives for the site.

In Part C of the assessment, the impact of commercial fisheries activities is considered alongside certain other activities that may affect the site. This includes fishing activity/pressure combinations which were excluded in Part A of the assessment as not being capable of impacting the feature, fishing interactions assessed in Part B but that would not hinder the conservation objectives for the site, and other activities occurring within the NCMPSA which are not related to fishing. Fishing activities identified in Part B as those which would hinder the achievement of site conservation objectives will not be considered in Part C.

3. Sources of Evidence

Best available data and evidence have been used to inform these draft Fisheries Assessments.

Evidence used in the draft Fisheries Assessments falls into two broad categories:

1. **Fishing activity information.** This includes VMS and logbook data from 2015-2019 and information on spatial distribution, intensity and trends of fishing activities and types of gear used.
2. **Ecological information.** Includes distribution, condition and sensitivity of protected features within a site.

Fishing Activity Information

Prior to the site-based screening of fishing activity, the initial scope of the fishing assessment was defined as commercial fishing gears that currently operate or could conceivably operate in the future within the Scottish offshore region. The list of gears to include within the scope of all draft Fisheries Assessments conducted was derived from analysis of logbook data recorded since 2009 to 2019, restricted to within the Scottish offshore region. This data range was utilised to align with the wider assessments undertaken as part of this policy. Table 1 outlines the gears identified from these logbook data, providing the potential fishing activities that may occur across the Scottish offshore region designated sites, and subsequently requiring consideration in the assessments.

Table 1. Commercial fishing gears that currently or has previously operated within the offshore region. Data on gear use was derived from logbook data over the period 2009 to 2019.

Gear Type		Gear code	Aggregated Gear Method
Towed	Beam Trawl	TBB	Demersal trawls

	Bottom otter trawl	OTB		
	Multi-rig trawls	OTT		
	Pair trawl	PTB		
	Pair trawl (not specified)	PT		
	Nephrops trawls	TBN		
	Bottom trawls (not specified)	TB		
	Otter trawls (not specified)	OT		
	Anchor seine	SDN	Demersal seines	
	Scottish fly/seine	SSC		
	Pair seine	SPR		
	Scottish fly/seine	SSC		
	Seine net (not specified)	SX		
	Other Trawls (not specified)	TX		
	Towed (pelagic)	Mid-water trawl (single)	OTM	Pelagic fishing
		Mid-water (pair)	PTM	
Mid-water trawl (not specified)		TM		
Purse seines		PS		
Purse seines (one vessel)		PS1		
Seine net (not specified)		SX		
Dredges (towed)	Boat dredges	DRB	Boat dredges	
Static-pots/traps	Pots/creels	FPO	Traps/creels	
Static-fixed nets	Gillnets (not specified)	GN	Anchored nets/lines	
	Set gillnets	GNS		
	Gillnets and entangling nets (not specified)	GEN		
	Fixed gillnets (on stakes)	GNF		
Lines	Longlines (not specified)	LL		

	Set longlines	LLS	Pelagic fishing
	Hooks and lines (not specified)	LX	
	Longlines (not specified)	LL	
	Hooks and lines (not specified)	LX	
	Handlines and pole-lines (mechanized)	LHM	
	Handlines and pole-lines (hand-operated)	LHP	
	Trolling lines	LTL	

Fishing Activity Data Sources

The initial activity screening stage utilised logbook data from 2009-2019. For the site specific screening, levels of fishing activity within the period range of 2015-2019 were assessed utilising the following evidence sources (where relevant):

- Vessel Monitoring System (VMS) and logbook data (UK and non-UK vessels); and
- Spatial footprint analysis using swept-area ratios.

The swept-area is the cumulative area contacted by a fishing gear within a grid cell over one year. The swept-area ratio (SAR, also defined as fishing intensity) is the swept-area divided by the surface area of the grid cell.” The VMS intensity data and Swept Area Ratio (SAR) are derived from the [2021 ICES report](#); these data are for both UK and EU vessels combined. The spatial resolution of VMS data and SAR c-square grid cells in the maps (Fig. 2 – Fig. 4) is 0.05° × 0.05° ([ICES, 2021](#)). The area covered by a c-square changes with latitude; in Scottish waters the average area is 63.75 km², varying between 72.9 km² in the South and 54.6 km² in the far North. The descriptions of the VMS intensity layers and SAR data sources are summarised in Table 2.

Commercial sea fishing activity has the potential to vary in nature and intensity over time. This assessment considers fishing activity based on activity levels and type between 2015-2019. This date range was considered to provide the best available data on current fishing activity levels for the assessment. Using a five year date range provides an average view of fishing activity within the site; latter years (2020 – 2021) were not considered representative of regular fishing activity due to the Covid pandemic. The selected date range (2015 – 2019) was used consistently across all assessments within the consultation package.

VMS Data

In Scottish waters all vessels of 12 metres and over are required to be fitted with an electronic Vessel Monitoring System (VMS) which allows for more detailed information about the location of fishing activity to be recorded. Smaller vessels are currently not covered by VMS and report their catches through paper-based logs.

Vessels are classified as actively fishing from VMS data showing vessels travelling between 0-6 knots.

Fishing effort for non-UK vessels is derived from VMS data providing location and speed. Gear type and effort is available from where the vessel lands in a UK port or from the vessel type where available.

Paper log book data was also checked to determine if there was any fishing activity that would not have been picked up by analysis of VMS data. Fishing vessels less than 12 m are not required to have VMS on board. Therefore for sites close to the inshore limit (12 nm) or the sites which overlap the inshore region (0-12 nm), which were most likely to have the potential for smaller fishing vessels activity occurring, ensured their fishing activity was taken into account in the assessments.

Table 2. Descriptors for VMS and Swept Area Ratio fishing data used in the draft fisheries assessments.

Evidence source	Confidence	Description
VMS data (mobile gear)	High/moderate	Confidence in VMS is high for describing activity relating to larger vessels (>12 m). But it does not describe activity of smaller vessels. Assumptions in the processing that speed of 0-6 knots is “fishing speed”. This may therefore include vessels travelling at these speeds, but which are not fishing, and exclude fishing taking place above these speeds. Therefore, this may over or under-estimate fishing activity.
VMS data (static gear)	Moderate	VMS data for static gear has similar assumptions to mobile gear. However, VMS tracks the position of the vessel and deployed gear. VMS can only be used to infer shooting or hauling locations for static gear, not soak times.
Paper Log Book data (<12 m vessels)	Moderate	VMS data is not available for vessels less than 12 m and is not a requirement to carry on board for these size of vessels. These vessels in generally fish within the inshore region (0-12 nm).

		Paper log book data relies on self-reporting from the vessels and was used to determine any fishing activity within the offshore MPAs which are close the inshore limit (12 nm) or in sites which overlap the inshore limit. This data relies of self-reporting and therefore may over or under-estimate fishing activity.
Swept-area ratio	High/moderate	<p>Swept-area ratio is derived from VMS and subject to the same assumptions, strengths, and limitations.</p> <p>The ratio determines how often the entire cell is swept (1 = entire cell has been swept once). The ratio depends on the spatial resolution, which for these data is 0.05 decimal degrees.</p> <p>Due to the temporal resolution of the VMS ping data (approximately 2 hour intervals), it is not possible to accurately resolve the distribution of effort below grid scale. As such, there is an assumption that the distribution of effort (thus area swept) across the grid cell is homogenous.</p>

Draft Fisheries Assessment Ecological Information

The draft Fisheries Assessments use the conservation advice packages produced by the Joint Nature Conservation Committee (JNCC), and for sites that overlap with the Scottish inshore region conservation advice packages produced jointly by JNCC and NatureScot. These provide information on the features of the site, their conservation objectives and feature condition.

The exploration of feature sensitivity to fishing gears and subsequent pressures within Part B of each assessment was informed by the relevant conservation advice packages and supplemented where appropriate from wider literature, FeAST or MarLIN.

The full list of sites and site information details where Fisheries Assessments have been drafted within the Scottish offshore region is displayed in Annex A, Table A 1. The Scottish inshore region will be considered separately, except those sites that overlap the Scottish offshore region and have been scoped into the current process. The list of features found across these sites and the feature condition and conservation objectives are displayed in Annex A, Table A 1.

Draft Fisheries Assessments have assessed only protected features of SACs and NCMPAs which are categorised as habitats and mobile species. Geomorphological and large-scale features have not been scoped into these assessments. JNCC's

advice supports the rationale that these protected features do not require assessment as fishing activities are unlikely to impact the conservation objectives of these features. However, this does not preclude the need for potential management in the future.

Feature Sensitivity Categorisation

The [Joint Nature Conservation Committee \(JNCC\)](#) and [Nature Scot](#) provides conservation advice for NCMPAs and SACs in the Scottish offshore region and inshore region respectively. These packages include advice on the possible adverse impacts that different activities can have on a sites protected features. For each offshore site, this advice is either in the form of Advice on Operations spreadsheets, or is provided through the Scottish Feature Activity Sensitivity Tool (FeAST), or the MarLIN (Marine Life Information Network) Marine Evidence based Sensitivity Assessments (MarESA).

For sites with an Advice on Operations spreadsheet available, the assessment information regarding the sensitivity relating to certain fishing activities are categorised as Not Relevant, Not Assessed, Sensitive, Not Sensitive or Insufficient evidence. The definitions for each category are displayed in Table 3, as provided by JNCC in the Advice and Operations documentation within the evidence section of sites on the JNCC website. The information in the Advice on Operations spreadsheets is sourced from either MarLIN's MarESA or FeAST, depending on the site.

For sites without an Advice on Operations spreadsheet, [FeAST \(Feature Activity Sensitivity Tool\)](#) was utilised directly. The associated sensitivity categories for features in this case are Associated, Sensitive, High, Medium, Low, Not Exposed, Not Assessed, Not Sensitive, and are outlined in Table 4. Sensitivity assessments on FeAST are based determined by considering the tolerance (None, Low, Medium, High) and recovery (Very Low, Low, Medium, High) of the feature to each pressure. Tolerance is the ability of the feature to absorb or resist change or disturbance; recovery is the ability of the feature to recover from disturbance or stress. For Solan Bank Reef SAC and Pobie Bank Reef SAC, following JNCC advice, [the advice and operations package for Stanton Bank SAC](#) was used in lieu of a complete advice package for Pobie Bank SAC. This was used to inform the feature sensitivity information within Part A to ensure the most up to date sensitivity evidence was used. Stanton Banks SAC was identified as a suitable proxy site due to the comparable features and site composition with Pobie Bank.

Pressures that are not relevant to the fishing activities, (pressures that are not exerted by that fishing activity: 'not relevant to the activity') do not need to be considered further in the draft fisheries assessments where these activities and pressures take place. According to the [PAD methods document](#) (Robson et al., 2018), pressures with low risk profiles (i.e. 'low' risk profile for the activity: Tables 2 & 4 within the draft fisheries assessments) generally do not occur at a level of concern and should not require consideration as part of an assessment, unless there are evidence-based case or site-specific factors that increase the risk, or there is uncertainty on the level of pressure on a receptor. Pressures with 'medium-high' risk

profiles are commonly induced by the activity at a level that needs to be considered further as part of an assessment.

Another pressure which has been considered as not relevant to any of the fishing activities occurring within the Scottish offshore region is the pressure of Visual Disturbance. According to the PAD database this pressure relates to bird protected features. Those sites being taken forward in the consultation for proposed fisheries management measures in Scottish offshore waters do not include Special Areas of Protection (SPAs) or have protected features protecting bird species. Given the offshore locations, the types of fishing activities taking place and the protected habitats and species, the pressure of visual disturbance has not been assessed within these draft Fisheries Assessments.

Table 3. Categories and definitions, from JNCC Advice and Operations on pressure-feature sensitivities.

Category	Description
Sensitive	The evidence base suggests that the feature or at least one of the component biotopes of the feature has a sensitivity to the pressure at the benchmark. This activity-pressure-feature combination should be taken to further assessment.
Not Sensitive	The evidence base suggests the feature is not sensitive to the pressure at the benchmark. It should be noted that the species or habitat may be sensitive at pressure levels higher than the benchmark (i.e. where the pressure is of greater intensity, magnitude or duration). This activity-pressure-feature combination should not be precluded from consideration (e.g. greater thought should be given to activity specific variations in pressure intensity and exposure in-combination, and indirect effects).
Not Relevant	Recorded where the evidence base suggests that there is no direct interaction between the pressure and the biotope group or species. Not relevant is also used to denote fields/scored that are literally 'not relevant', as in they cannot interact. For example, deep mud habitats are not exposed to changes in emersion.
Not Assessed	There is no sensitivity assessment available for this feature. This activity-pressure-feature combination should not be precluded from consideration (e.g. greater thought should be given to activity specific variations in pressure intensity and exposure in-combination, and indirect effects). This category is recorded where one of the following applies: <ol style="list-style-type: none"> 1. The evidence base is not considered to be adequate for an assessment of sensitivity to be made. 2. There is not enough evidence to assess the sensitivity of the specific feature/pressure combination and there is no suitable proxy information regarding the habitat (biotope) on which to base decisions. 3. FeAST or MarESA assessment have not yet taken place for the feature/biotopes.

Table 4. Feature sensitivity categories derived from FeAST.

Category	FeAST Sensitivity Description
Associated	The pressure is thought to be caused by the activity and the feature is considered exposed to that activity
High	A feature is assessed as having high sensitivity where the pressure causes severe or significant mortality of a species population (most individuals killed). Habitat features are highly sensitive where the pressure causes severe or significant mortality of key functional or structural species or those that characterise the habitat, and/or causes changes in the habitat such that environmental conditions are changed (e.g. the habitat type is changed). If recovery is possible, the feature is anticipated to take 10 years to recover from the impacts caused by the pressure.
Medium	Features with medium sensitivity are those characterised by medium resistance and no to low recovery or no to low resistance and medium to high recovery.
Low	Features with low sensitivity are those with high resistance or where recovery from any impacts caused by pressure is rapid, so that the feature is recovered within two years from cessation of pressure causing activity
Not Assessed	There is no evidence available with which to undertake a sensitivity assessment or the pressure definition/benchmark is not applicable to the feature.
Not exposed	Although the feature may be sensitive to the pressure, the activity exerting that pressure does not spatially overlap with the known distribution of the feature.
Not Sensitive	There is a good level of evidence to suggest that although the feature may be exposed it is not considered to be sensitive to the pressure (i.e. where tolerance to the pressure is high where there is no significant mortality of individuals or changes to the habitat, and where recovery from any impact is complete within 2 years).
Sensitive	Not enough information is available to complete one of the sensitivity assessment stages to give a final score, but due to concern over potential impacts on feature it has been assessed as sensitive.

Definitions

The following definitions have been used to inform these draft Fisheries Assessments for SACs, and are available from [Nature Scot](#) , [MarLIN](#) and [FeAST](#).

Likely effect

A “likely” effect is one that cannot be ruled out on the basis of objective information. The 2019 European Commission guidance on [Managing Natura 2000 Sites: The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC](#) (hereafter known as the 2019 European Commission guidance) advises in section 4.5.1 that the test is whether there is a ‘likelihood’ of effects rather than a ‘certainty’. Paragraph 45 of the Waddenzee judgement (C-127/02) further states that:

“...any plan or project not directly connected with or necessary to the management of the site is to be subject to an appropriate assessment of its implications for the site in view of the site’s conservation objectives if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects.”

In the light of the precautionary principle therefore, ‘likely’, in this context, should not simply be interpreted as ‘probable’ or ‘more likely than not’, but rather whether a significant effect can objectively be ruled out.

Significant effect

Paragraph 49 of the Waddenzee judgement states:

“...where a plan or project not directly connected with or necessary to the management of a site is likely to undermine the site’s conservation objectives, it must be considered likely to have a significant effect on that site. The assessment of that risk must be made in the light inter alia of the characteristics and specific environmental conditions of the site concerned by such a plan or project.”

The test of significance is therefore considering whether a plan or project could undermine the site’s conservation objectives. The assessment of that risk (of ‘significance’) must be made in the light, amongst other things, of the characteristics and specific environmental conditions of the site concerned. Each proposal should be considered on a case-by-case basis. The [2019 European Commission guidance](#) states at section 4.5.2 “*what may be significant in relation to one site may not be in relation to another*”.

Either alone or in combination

[Regulation 28 of The Conservation of Offshore Marine Habitats and Species Regulations 2017](#) makes it clear that ‘in combination with other plans or projects’ is a relevant consideration at this stage. Whether the proposal in question is likely to cause a threshold of significant impact to be crossed, in combination with plans or projects already completed, underway, or actually proposed (for example, in a local development plan), needs to be addressed so that combined effects on the site, over time or space, can be considered. Thus, approval given to a plan or project considered not likely to have a significant effect alone, should not set a precedent that further plans or projects of a similar type could be approved on the same basis. Examples include houses adjacent to a coastal otter site, discharge consents to a river catchment, land claim in an estuary.

Note that some plans or projects will consist of a number of different elements that may not be formally proposed at the same time. In such cases, where the different elements are essential to completion of the plan or project as a whole, they should be considered together in combination. For example, a proposed new windfarm will require a connection to the national grid, but this element may not be proposed at the same time, nor by the same applicant. However, it is legitimate to take account of the grid connection in combination with the windfarm proposal, even prior to the formal proposal of the grid connection itself, because it is an inevitable rather than a theoretical consequence should the windfarm proposal go ahead.

In terms of the other plans and projects to consider, plans or projects which have already been completed should only be taken into account if they have continuing effects on the site which could, in combination with other plans or projects, lead to a likely significant effect. Plans or projects that have already been completed prior to the site attaining European site status should not be considered as their effects should already form part of the environmental baseline. Any ongoing negative effects of such plans or projects with potential to adversely affect site integrity should be addressed via the review of consents process.

Appropriate

The term “appropriate” should be taken to mean ‘fit for the task’. There is no set formula as to what the assessment should cover, nor what format it should take. The 2004 Court of Justice of the European Union Waddenzee judgement provides the following, “...*all the aspects of the plan or project which can, by themselves or in combination with other plans or projects, affect the site's conservation objectives must be identified in the light of the best scientific knowledge in the field*”.

The implications of a proposal must be assessed in view of the conservation objectives for the site. The conservation objectives should ensure that the obligations of the Habitats Directive are met, including the obligation in Article 6(2) to avoid deterioration or significant disturbance of the qualifying interests. They will also ensure that the integrity of the site is maintained, or where necessary restored, and that each of the qualifying interests makes an appropriate contribution to favourable conservation status. The conservation objectives are available for all sites in Scotland on the Nature Scot [SiteLink webpages](#), [JNCC Nature Conservation MPA webpages](#) and the JNCC SAC webpages, as well as in Table 3 above. The appropriate assessment should consider the effect of the proposal on each of the conservation objectives to see whether they will be undermined.

Integrity

Integrity is not defined within the Habitats Directive or the Habitats Regulations.

Revised Circular 6/95 advises that the integrity of a site is “*the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified*”. The European Commission subscribes to a very similar definition as outlined in the [2019 European Commission guidance](#).

Mitigation

Mitigation measures are measures taken to avoid or reduce negative effects of a plan or project. [Regulation 48 of The Conservation \(Natural Habitats, &c\).](#)

[Regulations 1994](#), as amended and regulation 28 of the Conservation of Offshore Marine Habitats and Species Regulations 2017 allows conditions, including modifications to the proposal and mitigation to avoid adverse impacts or reduce them to an acceptable level, to be considered in coming to the final conclusion of whether adverse effects can be avoided. If discussions result in modifications being incorporated, the proposal in its modified form needs to be considered again through the full assessment process.

The following additional definitions apply in relation to the draft Fisheries Assessments for both SACs and NCMPAs:

Exposure

The degree to which marine habitats and species overlap with pressures.

Pressure

Force acting upon the marine environment, for example smothering of seabed habitats and species.

Recovery

The ability to recover from disturbance or stress.

Vulnerability

A combination of the sensitivity of a feature to a particular pressure/activity and its exposure to that pressure/activity.

In-combination (cumulative) impacts or effects

Where multiple plans, projects or activities may or may not interact with each other, could have an impact on the same protected feature(s). These may or may not have a spatial and/or temporal element.

4. Proposed fisheries management measures

Proposed fisheries management measures have been developed for individual sites. The fisheries measures proposed are based on best available scientific evidence regarding the risk to protected features from different fishing gear.

The gear types identified as requiring management for each site are identified from advice and evidence provided by JNCC and Nature Scot. This is evidence and advice are available for each site in the Fisheries Management Options papers which can be accessed through the [JNCC website: Resource Hub](#).

For fifteen sites, two options for fisheries management are presented within the consultation and draft Fisheries Assessments. In respect of each site, the two options which present different levels of management, will be considered against the relevant legislative provisions in the light of consultation responses.

The options also support the Environmental Outcomes of the National Performance Framework by restricting fishing activities to levels that will support the achievement

of site conservation objectives. Both also support the Scottish Governments Sustainable Development Goals of the National Performance Framework by allowing fishing activity which has been identified as not requiring management to continue in the site.

For sites with two options presented, Option 1 represents zoned measures for specified fishing activity. **Option 2** restricts specified fishing activity from the full site. The associated draft Fisheries Assessment contains the proposed fisheries management measures for each site.

For five sites, only one management proposal is presented which is a full site exclusion for fishing with specified gear. This is the case where a full site level of protection from the specified gear has been identified as the only suitable option to support the achievement the conservation objectives of the site.

The zonal measures presented under **Option 1** are measures that were developed in [workshops with stakeholders from 2013-2017](#) under the EU Common Fisheries Policy (CFP). While the UK was a member of the EU, Scotland was required to follow the CFP process in order to implement fisheries management measures for conservation purposes in the Scottish offshore region. However, this process was not completed prior to the UK exiting the EU. Following the EU exit, Scotland is continuing this work using domestic powers. Some amendments to the proposed measures have been made post-2017 due to changes in available supporting evidence. Any changes were put forward for discussion with stakeholders in 2022.

The full site restrictions under **Option 2** impose a greater level of restriction on fishing activities in the sites.

5. Consultation on draft Fisheries Assessments

Scottish Ministers have had regard to best available evidence for drafting these Fisheries Assessments and consulted with relevant advisors at JNCC and NatureScot.

The draft Fisheries Assessments will subject to public consultation for comments within the consultation period.

6. Monitoring and Review

Scottish Ministers will review finalised Fisheries Assessments as required. A review may be undertaken in response to updated conservation advice; updated advice on the condition of the feature; new information on the sensitivity of the feature to pressures arising from activities within the site; or information on changes in fishing activity within the site. To coordinate the collection and analysis of information regarding activity levels a monitoring and control plan may be developed for the sites.

Annex A

Table A 1. Site details for each site subject to draft Fisheries Assessments within the Scottish offshore region including habitat and species protected features (geomorphological and large-scale features have not been assessed within draft Fisheries Assessments and are therefore not listed within this table), site feature condition and conservation objectives.

Site	Site Information Centre Details	Protected feature	Site condition	Conservation objective
Anton Dohrn Seamount SAC	<p>Area (km²): 1,429</p> <p>Site code: UK0030387</p> <p>Site centre location (decimal degrees): Longitude -11.0232, Latitude 57.2146</p> <p>Date classified: 2017-09</p> <p>Anton Dohrn Seamount MPA JNCC - Adviser to Government on Nature Conservation</p>	<p>Annex 1 Reefs (as listed under the EU Habitats Directive as a priority for conservation)</p>	Unfavourable	Restore to favourable condition
Barra Fan and Hebrides Terrace Seamount NCMPA	<p>Area (km²): 4,373</p> <p>Site centre location: 56° 34.884' N 9° 41.793' W</p> <p>Date classified: 2014-08</p> <p>Barra Fan and Hebrides Terrace Seamount JNCC - Adviser to Government on Nature Conservation</p>	<p>Burrowed Mud (Seapen and burrowing megafauna communities)</p> <p>Offshore deep-sea muds</p> <p>Offshore subtidal sands and gravels</p> <p>Seamount communities</p>	Unfavourable	Recover to favourable condition

Braemar Pockmarks SAC	<p>Area (km²): 11.43</p> <p>Site centre location (decimal degrees): Longitude 1.4747, Latitude 58.9864</p> <p>Date classified: 2008-08</p> <p>Braemar Pockmarks MPA JNCC - Adviser to Government on Nature Conservation</p>	Annex I habitat Structures made by leaking gases	Unfavourable- noting it is not considered feasible to recover some of the features attributes through management measures	Restore to favourable condition
Central Fladen NCMPA	<p>Area (km²): 925</p> <p>Site centre location: 59° 02.547' N 0° 14.411' W</p> <p>Date classified: 2008 - 08</p> <p>Central Fladen MPA JNCC - Adviser to Government on Nature Conservation</p>	Burrowed Mud (Seapen and burrowing megafauna communities)	Unfavourable	Recover to favourable condition
Darwin Mounds SAC	<p>Area (km²): 1,377</p> <p>Site centre location (decimal degrees): Longitude -7.2167, Latitude 59.7583</p> <p>Date classified: 2008-08</p> <p>Darwin Mounds MPA JNCC - Adviser to Government on Nature Conservation</p>	Annex 1 Reefs (as listed under the EU Habitats Directive as a priority for conservation)	Unfavourable	Restore to favourable condition

<p>*East of Gannet and Montrose Fields NCMPA</p>	<p>Area (km²): 1,839 Site centre location: 57° 12.651' N 1° 17.345' E Date classified: 2014-08 East of Gannet and Montrose Fields MPA JNCC - Adviser to Government on Nature Conservation</p>	<p>Ocean Quahog (<i>Arctica islandica</i>) aggregations Offshore deep-sea muds</p>	<p>Unfavourable</p>	<p>Recover to favourable condition</p>
<p>East Rockall Bank SAC</p>	<p>Area (km²): 3,695 Site centre location (decimal degrees): Longitude -12.91, Latitude 57.6544 Date classified: 2012-10 East Rockall Bank MPA JNCC - Adviser to Government on Nature Conservation</p>	<p>Annex 1 Reefs (as listed under the EU Habitats Directive as a priority for conservation)</p>	<p>Unfavourable</p>	<p>Restore to favourable condition</p>
<p>Faroe-Shetland Sponge Belt NCMPA</p>	<p>Area (km²): 5,278 Site centre location: 60° 51.354' N 3° 04.677' W Date classified: 2014-04 Faroe-Shetland Sponge Belt MPA JNCC - Adviser to Government on Nature Conservation</p>	<p>Deep-sea sponge aggregations Ocean Quahog (<i>Arctica islandica</i>) aggregations Offshore subtidal sands and gravels</p>	<p>Unfavourable</p>	<p>Recover to favourable condition</p>

*Firth of Forth Banks Complex NCMPA	<p>Area (km²): 2,130</p> <p>Site centre location: 56° 27.294' N 1° 37.301' W</p> <p>Date classified: 2014-04</p> <p>Firth of Forth Banks Complex MPA JNCC - Adviser to Government on Nature Conservation</p>	<p>Ocean Quahog (<i>Arctica islandica</i>) aggregations</p> <p>Offshore subtidal sands and gravels</p>	Unfavourable	Recover to favourable condition
Geikie Slide and Hebridean Slope NCMPA	<p>Area (km²): 2,215</p> <p>Site centre location: 58° 22.229' N 9° 10.272' W</p> <p>Date classified: 2014-04</p> <p>Geikie Slide and Hebridean Slope MPA JNCC - Adviser to Government on Nature Conservation</p>	<p>Burrowed Mud (Seapen and burrowing megafauna communities)</p> <p>Offshore deep-sea muds</p> <p>Offshore subtidal sands and gravels</p>	Unfavourable	Recover to favourable condition
Hatton Bank SAC	<p>Area (km²): 15,694</p> <p>Site centre location (decimal degrees): Longitude 16.9687, Latitude 59.2578</p> <p>Date classified: 2012-09</p> <p>Hatton Bank MPA JNCC - Adviser to Government on Nature Conservation</p>	Annex 1 Reefs (as listed under the EU Habitats Directive as a priority for conservation)	Unfavourable	Restore to favourable condition
Hatton-Rockall Basin NCMPA	<p>Area (km²): 1,256</p>	Deep-sea sponge aggregations	Uncertain*	Recover to favourable condition

	<p>Site centre location: 58° 03.548' N 16° 24.096' W</p> <p>Date classified: 2014-07</p> <p>Hatton-Rockall Basin MPA JNCC - Adviser to Government on Nature Conservation</p>	Offshore deep-sea muds		
*North-West Orkney NCMPA	<p>Area (km²): 4,365</p> <p>Site centre location: 59° 30.907' N 3° 08.934' W</p> <p>Date classified: 2014-08</p> <p>North-West Orkney MPA JNCC - Adviser to Government on Nature Conservation</p>	Sandeels	Favourable	Conserve in favourable condition
North West Rockall Bank SAC	<p>Area (km²): 4,365</p> <p>Site centre location (decimal degrees): Longitude -14.1678, Latitude 57.7097</p> <p>Date classified: 2010-08</p> <p>North West Rockall Bank MPA JNCC - Adviser to Government on Nature Conservation</p>	Annex 1 Reefs (as listed under the EU Habitats Directive as a priority for conservation)	Unfavourable	Restore to favourable condition
North-East Faroe-Shetland	<p>Area (km²): 23,682</p> <p>Site centre location: 62° 35.915' N 0° 51.749' W</p>	<p>Deep-sea sponge aggregations</p> <p>Offshore deep-sea muds</p>	Deep-Sea mud unfavourable.	Recover Deep-sea muds to

Channel NCMPA	<p>Date classified: 2014-08</p> <p>North-East Faroe-Shetland Channel MPA JNCC - Adviser to Government on Nature Conservation</p>	Offshore subtidal sands and gravels	Deep-sea sponge aggregations and Offshore sands and gravels favourable	<p>favourable condition</p> <p>Conserve Deep-sea sponge aggregations and Offshore sands and gravels in favourable condition</p>
Norwegian Boundary Sediment Plain NCMPA	<p>Area (km²): 164</p> <p>Site centre location: 58° 04.548' N 1° 43.688' E</p> <p>Date classified: 2014-07</p> <p>Norwegian Boundary Sediment Plain MPA JNCC - Adviser to Government on Nature Conservation</p>	Ocean Quahog (<i>Arctica islandica</i>) aggregations	Unfavourable	Recover to favourable condition
*Pobie Bank Reef SAC	<p>Area (km²): 965</p> <p>Site centre location (decimal degrees): Longitude -0.2931, Latitude 60.5297</p> <p>Date classified: 2012-10</p> <p>Pobie Bank Reef MPA JNCC - Adviser to Government on Nature Conservation</p>	Annex 1 Reefs (as listed under the EU Habitats Directive as a priority for conservation)	Uncertain**	Maintain or Restore in/to favourable condition

Scanner Pockmark SAC	<p>Area (km²): 674</p> <p>Site centre location (decimal degrees): Longitude 0.9694, Latitude 58.2852</p> <p>Date classified: 2008-08</p> <p>Scanner Pockmark MPA JNCC - Adviser to Government on Nature Conservation</p>	Annex I habitat Structures made by leaking gases	Unfavourable – noting it is not considered feasible to recover some of the feature’s attributes through management intervention	Maintain or restore in/to favourable condition
*Solan Bank Reef SAC	<p>Area (km²): 856</p> <p>Site centre location (decimal degrees): Longitude -5.08, Latitude 59.0008</p> <p>Date classified: 2012-10</p> <p>Solan Bank Reef MPA JNCC - Adviser to Government on Nature Conservation</p>	Annex 1 Reefs (as listed under the EU Habitats Directive as a priority for conservation)	Uncertain**	Maintain or Restore in/to favourable condition
Stanton Banks SAC	<p>Area (km²): 817</p> <p>Site centre location (decimal degrees): Longitude -7.9078, Latitude 56.2347</p> <p>Date classified: 2008-08</p> <p>Stanton Banks MPA JNCC - Adviser to Government on Nature Conservation</p>	Annex 1 Reefs (as listed under the EU Habitats Directive as a priority for conservation)	Unfavourable	Restore to favourable condition

<p>Turbot Bank NCMPA</p>	<p>Area (km²): 251 Site centre location: 57° 23.393' N 0° 52.953' W Date classified: 2014-07 Turbot Bank MPA JNCC - Adviser to Government on Nature Conservation</p>	<p>Sandeels</p>	<p>Favourable</p>	<p>Conserve in favourable condition</p>
<p>West of Scotland NCMPA</p>	<p>Area (km²): 107,718 Site centre location: 58° 33.885' N 011° 13.688' W Date classified: 2020-10 West of Scotland MPA JNCC - Adviser to Government on Nature Conservation</p>	<p>Blue Ling (<i>Molva dypeterygia</i>) Burrowed Mud (Seapen and burrowing megafauna communities) Cold-water coral reefs (including <i>Lophelia pertusa</i> reefs) Coral gardens Deep-sea sponge aggregations Leafscale gulper shark (<i>Centrophorus squamosus</i>) Gulper shark (<i>Centrophorus granulosus</i>) Offshore deep-sea muds Offshore subtidal sands and gravels</p>	<p>Benthic features Uncertain** Mobile species unfavourable (except Blue Ling favourable)</p>	<p>Recover to favourable condition Recover mobile species to favourable condition Conserve Blue Ling in favourable condition</p>

		<p>Orange roughy (<i>Hoplostethus atlanticus</i>)</p> <p>Portuguese dogfish (<i>Centroscymnus coelolepis</i>)</p> <p>Roundnose grenadier (<i>Coryphaenoides rupestris</i>)</p> <p>Seamount communities</p>		
West Shetland Shelf NCMPA	<p>Area (km²): 4,083</p> <p>Site centre location: 59° 32.485' N 4° 55.089' W</p> <p>Date classified: 2014-08</p> <p>West Shetland Shelf MPA JNCC - Adviser to Government on Nature Conservation</p>	Offshore subtidal sands and gravels	Favourable	Conserve in favourable condition
Wyville-Thomson Ridge SAC	<p>Area (km²): 1,740</p> <p>Site centre location (decimal degrees): Longitude 59.9736, Latitude -6.715</p> <p>Date classified: 2010-08</p> <p>Wyville Thomson Ridge MPA JNCC - Adviser to Government on Nature Conservation</p>	Annex 1 Reefs (as listed under the EU Habitats Directive as a priority for conservation)	Unfavourable	Restore to favourable condition

*Sites that overlap with the Scottish inshore region but are included in the draft Fisheries Assessments for Scottish offshore region sites

** There is limited information available on the human activities taking place within the protected area. In the absence of evidence, JNCC cannot provide a view on the condition of the protected features of the site. When more evidence becomes available, JNCC's view on feature condition will be reviewed.



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