

[Redacted under reg 11(1)]

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Our Reference: 202200315791

9 September 2022

Dear [Redacted under reg 11(1)],

Thank you for getting in touch with your concerns regarding environmental protection in Scottish waters. Please be assured all the individuals involved in these processes are working their hardest to manage Scottish seas in a way best for Scotland, whether that is through species protection policy, developing fisheries management measures for Marine Protected Areas (MPAs) or developing the policy framework for Highly Protected Marine Areas (HPMAs).

The current MPA network takes a feature led management approach, providing specific protection to designated features whilst allowing other activities to continue following a risk based assessment. This will be complemented by the addition of HPMAs, which will take an ecosystem approach, restricting all extractive, destructive or depositional activity in the areas. This however does not mean current MPAs do not provide protection. Each designation (e.g. Nature Conservation MPA, SAC, SPA) provides immediate protection by placing a duty on public authorities to ensure that there is no significant risk to the protected features from consented human activities. This means in practice that any activity requiring a marine license must now also undertake additional assessments to prove the activity will not prevent conservation objectives being met.

231 of the 245 sites within the Scottish MPA network are designated for nature conservation purposes, these are the NCMPAs, SACs, SPAs, RAMSAR sites and SSSIs. We have provided further detail in Annex A below for the protection that comes from designation and the relevant legislative requirements.

Fisheries management is undertaken at a sector level and is implemented through a separate process. These measures are developed on a site-by-site basis to take into account the sensitives and

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distribution of the protected features. Measures for the most vulnerable sites were implemented in 2016 and measures for the next phase of sites will be implemented by March 2024. We note you reference the Clyde Cod Box, however for awareness these measures are for stock management,

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rather than nature conservation and therefore informed using stock management advice which is separate to the feature specific advice used for fisheries management within MPAs. Enforcement of protective measures applied to MPAs falls under the remit of Marine Scotland Compliance and details of this can be found on the [Marine and Fisheries Compliance web page](#).

The scientific advice for the conservation of protected features within protected areas is provided from our Statutory Nature Conservation Bodies: NatureScot and JNCC. All evidence and advice is publicly available online. For offshore site the evidence used to develop advice, and the advice itself can be found in the [Conservation Advice Package for each site](#) (link to Anton Dohrn Seamount SAC as an example). For inshore sites the advice can be accessed via the [Conservation and Management Advice documents](#).

The scientific advice is used to develop initial draft management proposals. However it is important to bear in mind that these management decisions when implemented may lead to socio-economic effects, which may be positive or negative. These potential impacts are fully assessed to help create a clear a picture as possible of potential impacts and potential mitigation strategies. These assessments are an essential part of the process to allow Ministers to make a fully informed decision on these measures.

Stakeholders are always welcome to provide additional evidence to either policy officials or the advisors at the SNCBs to contribute to the development of well-designed and effective management measures. Further engagement is due to take place for all fisheries management measures, and the HPMA site selection process will also include opportunities for third party proposals and we will encourage all stakeholders to consider engaging in this process. Minutes of all specific meetings with stakeholders to discuss measures are made available online.

To summarise, the designation provides legislative protection, further protection is then implemented where necessary via fisheries management measures, all of which will be subject to public consultation to ensure all voices are heard. Please be reassured Marine Concern are on our list of stakeholders and will be made aware of relevant engagement opportunities.

I would also like to flag the option to subscribe to the Marine Protected Areas bulletin, which provides quarterly updates on MPA projects and details upcoming opportunities for engagement. This is shared with stakeholders from all fields. Please email Marine_Conservation@gov.scot if this is something you would like to receive.

Yours sincerely,

[Redacted under reg 11(2)]
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Annex A

The breakdown of the 245 sites with the Scottish MPA Network is as follows:

- 65 Sites of Special Scientific Interest (SSSI)
- 58 Special Areas of Conservation (SAC)
- 56 Special Protected Areas (SPA)
- 36 Nature Conservation MPAs (NCMPA)
- 16 RAMSAR sites
- 8 Historic MPAs
- 5 Other Area Based Measures
- 1 Demonstration & Research MPA

The designation of a **NCMPA** means that licensable activities (such as industry deposits, or oil and gas exploration and production) proposed to or taking place within NCMPAs are managed in accordance with the clauses set out under Section 127 of The Marine & Coastal Access Act (2009). The relevant SNCB has a statutory responsibility to advise the regulator on developments that are capable of affecting the protected features of the MPAs and that may hinder the achievement of the site's conservation objectives.

SACs and SPAs are designated under the Habitats Regulations 2017. The appropriate authority is required to undertake an appropriate assessment of any plan or project that is likely to have a significant effect on either of these sites. If significant effects are either unknown or likely to occur, the proposal can only go ahead under regulation 63 of the 2017 Regulations after having established through an appropriate assessment that it will not adversely affect the integrity of the site. If it is not possible to determine that the proposal will not adversely affect the integrity of the site and there are no alternative solutions, the proposal can only proceed if there are imperative reasons of overriding public interest for doing so (and having obtained any necessary compensatory measures).

RAMSAR sites are sites designated under the international Convention on Wetlands of International Importance 1973. Article 3.1 of the Convention specifies that "Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands". All 16 RAMSAR sites which contribute to the Scottish MPA network have site specific management plans which are publicly available online via the [RAMSAR Site Information Service](#).

SSSIs are areas of land and water that are considered to best represent our natural heritage. The legislation underpinning SSSIs is the [Nature Conservation \(Scotland\) Act 2004](#) and requires that any activities that are likely to damage the natural features for which the site is designated are identified. These activities are listed for each site as 'Operations Requiring Consent.' Before any activity listed on the ORC list is undertaken, permission must be sought from NatureScot and a consent issued. Consent may be refused where the activity could damage the natural features of an SSSI.

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