

Consultation on five offshore possible Special Areas of Conservation: Hatton Bank, Anton Dohrn Seamount, East Rockall Bank, Pobie Bank Reef and Solan Bank Reef

Scottish Environment LINK is the forum for Scotland's voluntary environment organisations, with over 30 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

LINK's marine taskforce (LINK MTF) is grateful for the opportunity to respond to the consultation on five offshore possible Special Areas of Conservation (pSAC). We warmly welcome and strongly support the proposal for the five offshore SAC sites: Hatton Bank, Anton Dohrn Seamount, East Rockall Bank, Pobie Bank Reef and Solan Bank Reef. We encourage Scottish Ministers and, subsequently, the Secretary of State to approve these sites for submission to the European Commission (EC).

We believe a compelling scientific rationale for the formal designation of these sites has been put forward. As clearly identified by the consultation, under European case law sites must be selected and boundaries established using only scientific information relating to selection criteria in Annex III of the Habitats Directive. This approach must, therefore, be followed.

Scotland's network of marine protected areas

The European Commission requires that the Natura network of protected areas is completed by the end of 2012. Failure to complete the network could result in infringement proceedings. At the last EC moderation in 2009, the UK was judged to have insufficient sites for reef habitat in the network. We feel it is particularly important to note that no alternative sites of a similar type are known to exist, although possible alternatives were considered during the scoping stage but not recommended on scientific grounds. These five sites therefore make an essential contribution to the network, helping the UK to meet EU commitments.

Furthermore, together with existing marine SACs and new nature conservation Marine Protected Areas (MPAs) to be designated under the Marine (Scotland) Act 2010 and the UK Marine and Coastal Access Act 2009, these five sites will make an important contribution to Scotland's network of marine protected areas as required by s79 of the Marine (Scotland) Act. Delivering this network will also help fulfil the OSPAR commitment to create an ecologically coherent network of well-managed marine protected areas. Furthermore, the network will help take significant steps towards achieving Good Environmental Status as required by the Marine Strategy Framework Directive, reversing the worrying decline in health of our seas and regenerating our marine environment.

We note that Hatton Bank pSAC falls within the Hatton Bank Search Location, as identified by the Scottish MPA project. As well as containing the reef features proposed to be protected by the pSAC, the Search Location also contains, among other features, offshore deep-sea muds and carbonate

mound communities. We fully support designation of Hatton Bank as both the pSAC and as a nature conservation MPA to properly protect all the features found within this area.

We remain extremely concerned by the high risk of serious gaps remaining in the network at this stage in the process. Of particular concern is the lack in protection that may be offered to highly mobile species, including Scotland's internationally significant seabird populations and iconic cetacean populations. We continue to believe that the protection of areas used for important life processes such as feeding, breeding and raising young, is an essential element of any management strategy aimed at the conservation of highly mobile species. Furthermore, the delivery of a fully representative network of MPAs in Scotland would also have to designate new nature conservation MPAs for Natura features such as reefs, seabirds and cetaceans that, while may not fulfil international criteria, are nevertheless of considerable national importance. If sites are not identified and designated for these nationally important Natura species, and other highly mobile species, it will seriously call into question the ecological coherence of the network and risk Scotland's Natura compliance.

Boundaries

While LINK MTF supports the proposal, we do have some concerns relating to the process which has resulted in changes to the boundary for Hatton Bank pSAC deviating away from JNCC Guidance¹. This guidance states where features are at risk from bottom trawling, a margin should be included in the proposed boundary to ensure their protection. However, in this instance, this approach was not recommended by JNCC, since this would have created a boundary inconsistent with the closure proposed by ICES. Sections of the reef have been recorded within the proposed 2km margin in "a small number of points". Bearing in mind the limited number of scientific surveys that have been carried out on this site, and the lack of fisheries data, we do not believe this has a scientific basis, nor is in line with a precautionary approach. We would therefore recommend the boundary is drawn in accordance with JNCC guidance.

We note that regions of potential reef have been excluded from Pobie Bank where it is considered there is the lowest confidence in the data. We strongly urge that these areas are not ruled out of the designation, at least until ground-truthing has been carried out. As the consultation confirms, "*any bottom trawling that occurs in the area may pose a threat to the reef*". Regardless of any boundary change, it is important that in line with the Scottish Government's 3 pillar approach to marine nature conservation, wider seas measures such as marine planning and fisheries management measures recognise the sensitivity of these features where they occur and take action to protect them. This approach is in keeping with principle 2.5e of the Scottish Government's guidelines on the selection of nature conservation MPAs and development of the MPA network which states –

"management of MPAs should be integrated with wider marine management. By providing the framework within which all marine management will occur, marine planning will help ensure better integration between the needs of Nature Conservation MPAs and those of surrounding areas."

This principle should be applied to Pobie Bank and all other potential SACs.

¹ http://jncc.defra.gov.uk/pdf/SACHabBoundaryGuidance_2008Update.pdf

Conservation Objectives and management

We note that the Conservation Objectives and Advice on Operations are not part of this formal consultation and look forward to engaging in future consultation on this matter

The Scottish Government and other UK authorities are obliged to take the appropriate steps to avoid deterioration of European Wildlife Sites, including marine sites. Therefore, there will need to be a commitment of resources to monitoring the status of the sites and compliance with any management measures put in place, together with a firm resolve to deal with breaches with urgency and rigour.

Restoration of pSACs

Finally, we welcome all opportunities to restore sites where they are not currently in Favourable Conservation Status. This should be reflected in the conservation objectives and management measures for each site. We note that restoration is considered possible, with average effort, for the biological communities at Pobie Bank and Solan Bank, and therefore anticipate seeing this reflected in the final Conservation Objectives and advice on operations for both sites. Restoration is considered to be more difficult (or impossible) at Hatton Bank, Anton Dohrn Seamount and East Rockall Bank pSACs. While we recognise recovery may be a slower process, we urge that appropriate conservation objectives and management measures are still put in place to aid recovery from the historic damage that has taken place.

This response was compiled on behalf of Scottish Environment LINK's Marine Task Force and is supported by:

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