

## Scottish MPA project - least damaged more natural review

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.

Scottish Environment LINK's Marine Taskforce (LINK) values the opportunity to comment on the Scottish Marine Protected Area project's assessment of least damaged, more natural (LD/MN) locations and is extremely grateful for offers from both SNH/JNCC and Marine Scotland for bilateral meetings to discuss the report. We welcome this as a first step in the process to identify suitable locations for Marine Protected Areas (MPAs) and appreciate much more work is required to achieve the goal of an ecologically coherent network of well-managed MPAs in Scotland's seas.

In particular, we note the general duty under s3 of the Marine (Scotland) Act 2010 (the Act) for Scottish Ministers to act in the best way calculated to further the achievement of sustainable development, including the protection and, *where appropriate, enhancement* of the health of that area when exercising their functions under the Act. Further, we note that s68 of the Act empowers Ministers to designate Nature Conservation MPAs for conservation purposes, where conservation includes enabling or facilitating, recovery or increase of marine species and habitats. We firmly believe to meet the requirements of s79 and create a network of conservation sites that will contribute to improvement of the marine environment and represent the range of the UK's marine features, designation of Nature Conservation MPAs will also be required out-with areas identified as least damaged/more natural in the report.

LINK strongly supports a science led process which is inclusive and transparent. We believe events, such as the Scottish MPA project's recent workshops, are incredibly important in this respect. In order to contribute fully to these opportunities we ask for all supporting information to be shared with stakeholders as early as possible, including information on data sources. This is particularly important in the absence of an independent scientific review panel and will help reassure stakeholders that decisions are based on the best available scientific evidence.

The preamble to the Marine Strategy Framework Directive explicitly states that programmes of measures and subsequent actions must be based, in particular, on the precautionary principle. LINK is fully supportive of this general principle of EU law and endorses its application to the designation and management of MPAs. Using the best available scientific evidence and applying the precautionary principle where necessary will help to retain the credibility of this process and ensure it's compatibility with the principles of sustainable development<sup>1</sup>.

Further, we stress our support for the approach to the consideration of socio-economic factors in the designation of MPAs as set out by the Cabinet Secretary in his letter to the Rural Affairs and Environment Committee. Socio-economic factors should only be considered in exceptional

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<sup>1</sup> As set out in the UK Sustainable Development Strategy and Scottish Planning Policy (SPP).

circumstances<sup>2</sup> during the designation stages where “two or more areas could make *equivalent* contribution”<sup>3</sup> to the network.

At the ecological data-mining workshop we raised concerns regarding the content of the geo-diversity database. We remain concerned that it is missing important up-to-date information, for example, Seabird 2000, European Seabirds at Sea and Shetland Oil Terminal Environmental Advisory Group data. We also raised concerns over a lack of data in relation to Risso dolphin distribution around Lewis. Several organisations, including Hebridean Whale and Dolphin Trust, are supplying effort-based cetacean survey data to JNCC for the new Cetacean Atlas. We would expect these data to be used in this process to ensure the most comprehensive and up-to-date assessment of cetacean distributions, densities and high-use habitats. We ask for clarification on the data sets used in the development of the most recent version of the geo-database, and would insist that these datasets are included.

With regard to the JNCC, SNH and Marine Scotland report ‘Identifying Areas Considered to be Least Damaged/More Natural in Scotland’s Seas’, we are concerned that the impacts of pelagic trawling, purse seining and drift netting were excluded from the LD/MN location assessment. Numerous studies indicate high levels of auk bycatch in gillnets and the negative interactions between alcid seabirds and drift netting are widely acknowledged<sup>4</sup>. We recognise drift netting effort is low in Scotland. However, given the potential for localised ‘hotspots’ of bycatch and the known impact of driftnets on diving birds, it is inappropriate to exclude such activities from the process. The interactions between pelagic trawlers/purse-seine vessels and seabirds are poorly understood, although anecdotal evidence indicates seabird by-catch issues and these impacts should also be considered.

Further, we are concerned that the impacts of pelagic trawling, purse seining and drift netting on cetacean MPA search features were specifically excluded. We strongly believe these impacts should be considered and we encourage taking steps to address any data deficiencies in this area.

While we understand the desire to rationalise the locations being taken forward as LD/MN we are concerned that the removal of single pixel sites may result in the removal of potentially important LD/MN locations. However, without explanation of why individual sites were rationalised, beyond those identified in Annex I, it is difficult to comment on whether this approach is appropriate on a site-specific basis. For example, the Shetland archipelago is considered the single most important area in the UK for black guillemot and the rationalisation of these LD/MN locations, originally identified in figure 2, is of concern.

We believe the table in Annex A of pressures and their associated benchmarks is incomplete. We are of the firm belief that non-physical disturbance pressures, in particular acoustic pollution, should be included. Acoustic pollution can be linked to a number of activities in Annex B including aquaculture through the use of anti-predator Acoustic Deterrent Devices (ADDs). It is recognised the impacts of ADDs need to be analysed further, however, we have concerns that ADD technologies could lead to disturbance and exclusion of cetaceans which use the surrounding habitat. In addition, marine litter should be considered as a pressure in the ‘pollution and other chemical changes’ category, and ‘physical damage to species’ should be considered as a biological pressure. We appreciate that incorporation of acoustic and marine litter pressures is not straightforward and we would welcome the opportunity to be involved in any process designed to resolve this.

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<sup>2</sup> See: [www.scottish.parliament.uk/s3/committees/rae/bills/Marine%20bill/documents/20100201CabSecMPANetwork-formatted.pdf](http://www.scottish.parliament.uk/s3/committees/rae/bills/Marine%20bill/documents/20100201CabSecMPANetwork-formatted.pdf)

<sup>3</sup> See: [www.scotland.gov.uk/Topics/marine/marine-environment/mpanetwork/mpaguidelines](http://www.scotland.gov.uk/Topics/marine/marine-environment/mpanetwork/mpaguidelines)

<sup>4</sup> Zydulis, R., Bellebaum, J., Österblom, H., Vetemaa, M., Schirmeister, B., Stipniece, A., Dagys, M., van Eerden, M. & Garthe, S. 2009 Bycatch in gillnet fisheries – An overlooked threat to waterbird populations. *Biological Conservation* 142, 1269-1281 and CAFF Technical Report no. 1 – Incidental Take of Seabirds in Commercial Fisheries in the Arctic Countries (1998)

Annex B, 'Marine Activities and their Associated Pressures', should consider 'physical damage to species' stemming from collision risk as a pressure in relation to renewable energy developments. The 'Extraction of Living Resources' activity theme should consider entanglement as a 'physical damage to species' pressure.

During the LD/MN MPA workshop it was suggested further work was required to assess the relative impact of differing gear types in order to help establish LD/MN areas. We would support such further work. Further, we understand VMS data from 2006/2007 for vessels >15m will now also be included in this assessment and that some consideration of the possible impact of vessels <15m, at least in terms of the areas purported not to be fished, will be provided and welcome the inclusion of both.

In addition, we look forward to the results of further analysis on intensity of activity, which we believe should also consider cumulative and in-combination impacts, and analysis of the biodiversity value of locations identified as LD/MN.

We note several locations identified as LD/MN overlap with areas identified for future renewable development through the offshore wind plan, regional locational guidance and Saltire Prize leasing rounds. We acknowledge these are proposed future developments and have been considered as contextual information. However, we would welcome clarification as to what bearing identification of a site as a least damaged/more natural area will have on future development proposals.

Further, we seek clarification as to whether the results of the LD/MN work will be considered across the three pillars of the Scottish Government's marine nature conservation strategy, and in particular marine planning under the third pillar 'wider seas measures'.

While we acknowledge the MPA search feature records listed in Annex G and H are not intended to be comprehensive lists, we note that records for cetaceans and black guillemot are missing. We have identified LD/MN locations where these search features occur below. Further, we note the MPA Selection Guidelines suggest black guillemot, minke whale, Risso dolphin and white beaked dolphin are of 'particular interest' in inshore waters. However we believe there may also be important offshore areas for these species. We therefore also identify those offshore LD/MN areas which have records for these MPA search features below.

ESAS and Seabird 2000 data was used to identify the LD/MN areas with records of MPA search feature black guillemot presence.

We look forward to remaining involved as the process develops, both through the workshop and bilateral meetings, and reiterate our call for early sight of new outputs in order to engage as fully as possible.

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Wigtown Bay

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*ESAS/Seabird 2000 data records MPA search feature black guillemot in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Loch Sween

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*ESAS/Seabird 2000 data records MPA search feature black guillemot in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Loch Nevis and Loch Hourn

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*ESAS/Seabird 2000 data records MPA search feature black guillemot in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Loch Torridon

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*ESAS/Seabird 2000 data records MPA search feature black guillemot in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: North West Islay and Laggan Bay

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*ESAS/Seabird 2000 data records MPA search feature black guillemot in this area.*

*Basking shark data from*

*[http://www.mcsuk.org/downloads/wildlife/basking\\_sharks/BSW20%20Report.pdf](http://www.mcsuk.org/downloads/wildlife/basking_sharks/BSW20%20Report.pdf)  
at North-west Islay and Laggan Bay (although small numbers there)*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: South West Tiree including Skerryvore

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*Draft SNH Commissioned Report 'Weir, C. R. (2010). Advice on developing a programme of survey work to underpin the selection of Marine Protected Areas for cetaceans in Scottish territorial waters' records MPA search feature minke whale in this area.*

*ESAS/Seabird 2000 data records MPA search feature black guillemot in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: East of Benbecula and North Uist

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*2003 Cetacean Atlas of North West Europe record presence of MPA search feature Risso dolphin, and draft SNH Weir, C. R. (2010). Advice on developing a programme of survey work to underpin the selection of Marine Protected Areas for cetaceans in Scottish territorial waters. records MPA search features minke whale and white beaked dolphin in this area.*

*ESAS/Seabird 2000 data records MPA search feature black guillemot in this area.*

*Basking shark data from*

*[http://www.mcsuk.org/downloads/wildlife/basking\\_sharks/BSW20%20Report.pdf](http://www.mcsuk.org/downloads/wildlife/basking_sharks/BSW20%20Report.pdf)  
at East of Benbecula and North Uist (although small numbers there)*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Loch Tarbert

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*Draft SNH report Weir, C. R. (2010). Advice on developing a programme of survey work to underpin the selection of Marine Protected Areas for cetaceans in Scottish territorial waters. records MPA search features minke whale and Risso's dolphin in this area.*

*ESAS/Seabird 2000 data records MPA search feature black guillemot in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Between the Monach Islands and St Kilda

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*2003 Cetacean Atlas of North West European Waters records MPA search feature Minke, Risso and White Beaked Dolphin in this area.*

*The Monach Islands support one of the largest black guillemot colonies in Scotland.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: North West Rockall Bank

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*2003 Cetacean Atlas of North West European Waters records presence of MPA search feature minke whale in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Lochs a Chairn Bhain, Glencoul and Glendhu

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*Draft SNH report Weir, C. R. (2010). Advice on developing a programme of survey work to underpin the selection of Marine Protected Areas for cetaceans in Scottish territorial waters. records MPA search feature minke whale in this area.*

*ESAS/Seabird 2000 data records MPA search feature black guillemot in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: West of Outer Hebrides

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*2003 Cetacean Atlas of North West European Waters records MPA search features Minke, Risso and White-beaked dolphins in this area.*

*The Monach Islands support one of the biggest black guillemot colonies in Scotland, and there are colonies around Barra and the surrounding islands.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Loch Long and Loch Duich

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*Draft SNH report Weir, C. R. (2010). Advice on developing a programme of survey work to underpin the selection of Marine Protected Areas for cetaceans in Scottish territorial waters records MPA search feature minke whale in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Loch Carron

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*ESAS/Seabird 2000 data records MPA search feature black guillemot in this area.*

*Loch Carron also includes the 'Flame shell beds' MPA search feature. Although the list is not intended to be exhaustive in the Annex, the beds are worth noting.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Greater East of Marr and Montrose Bank

Does the information provided on existing spatial management largely reflect your understanding? If not, please provide details alongside any additional data/evidence to support your answer

*Wee Bankie Closed Area (sandeel fishing closure) should be noted.*

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*2003 Cetacean Atlas of North West European Waters records presence of MPA search features minke and white-beaked dolphin in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Lesser East of Marr and Montrose Bank

Does the information provided on existing spatial management largely reflect your understanding? If not, please provide details alongside any additional data/evidence to support your answer

*Wee Bankie Closed Area (sandeel fishing closure) should be noted.*

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*2003 Cetacean Atlas of North West European Waters records MPA search feature minke and white-beaked dolphin in this area*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: St Andrews Bay and Eden Estuary

Does the information provided on existing spatial management largely reflect your understanding? If not, please provide details alongside any additional data/evidence to support your answer

*Wee Bankie Closed Area (sandeel fishing closure) should be noted.*

*Fife Ness (within St Andrews Bay) contains lush tide-swept seaweed communities as identified by Seasearch.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Stanton Banks to South West of St. Kilda

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*2003 Cetacean Atlas of North West European Waters records MPA search features Risso and White-beaked dolphin in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: North East of Fair Isle

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*2003 Cetacean Atlas of North West European Waters records MPA search feature white-beaked dolphin in this area.*

*ESAS/Seabird 2000 data records MPA search feature black guillemot in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Inshore South Isles, Orkney

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*2003 Cetacean Atlas of North West European Waters records MPA search feature white-beaked dolphin in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Norwegian Boundary Sediment Plain

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*2003 Cetacean Atlas of North West European Waters records MPA search feature white-beaked dolphin in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: East of Gannet Field

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*2003 Cetacean Atlas of North West European Waters records MPA search feature white-beaked dolphin in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: East of Orkney



Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*2003 Cetacean Atlas of North West European Waters records White-beaked dolphin in this area.*

*ESAS/Seabird 2000 data records MPA search feature black guillemot in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: North Orkney to Fair Isle

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*ESAS/Seabird 2000 data records MPA search feature black guillemot in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Waters Around Rousay

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*ESAS/Seabird 2000 data records MPA search feature black guillemot in this area.*

NAME OF LEAST DAMAGED/MORE NATURAL LOCATION: Inshore South Isles, Orkney

Do you know of any additional information that might support an assessment of the biodiversity value of this potential LDMN location (see the [ecological workshop](#) data set list for existing datasets)? If yes, please provide details

*ESAS/Seabird 2000 data records MPA search feature black guillemot in this area.*

Scottish Environment LINK's Marine Task Force is supported by:

Hebridean Whale and Dolphin Trust	Scottish Wildlife Trust
Marine Conservation Society	WWF Scotland
National Trust for Scotland	Whale and Dolphin Conservation Society
RSPB Scotland	

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