

## Designation of Special Areas of Conservation – Member’s Debate Briefing

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.

Scotland’s coasts and seas are truly amazing. Not only are they home to a huge variety of incredible marine life, they also provide a vast array of goods and services. Yet the health of virtually every broad habitat type in Scottish waters is declining or a matter of serious concern. Special Areas of Conservation (SACs), as part of a wider network of well-managed, ecologically coherent marine protected areas, are vital to halt this trend and regenerate the health of our precious marine environment. **LINK’s Marine Taskforce strongly believes Scottish Natural Heritage (SNH) has established a compelling scientific rationale for the designation of SACs at both East Mingulay and the Sound of Barra.**

### Background

The EC Habitats Directive<sup>1</sup> requires member states to designate protected areas, known as SACs, for certain features. The Directive is translated into Scots law by the Conservation (Natural Habitats, &c.) Regulations 1994. The Scottish Government is responsible for designating SACs in Scotland. Together with sites designated under the Birds Directive<sup>2</sup> they form a network of sites known as Natura 2000. Periodically, the European Commission reviews the protected area networks around Europe to ensure the aims of the Directives are being delivered. In 2009 the Commission found the UK’s network failed to protect an adequate proportion of sandbanks, reefs and harbour seals. The Natura 2000 network must be completed by 2012. **Therefore, if further SACs for these features are not designated by the end of this year, the Scottish Government may be subject to infraction proceedings and face a substantial fine.**

### The SAC Designation process

It is well established case law of the European Court of Justice, that SAC designation decisions must be based solely on the ability of features within the site to meet criteria set out in Annex III of the Habitats Directive. The assessment focuses on ecological factors such as the representivity, extent and health of the feature, in order to assess the site’s ability to deliver demonstrable conservation benefit. Once this assessment has been carried out by SNH using their **best available scientific evidence**, they may or may not recommend designation of the site to Scottish Ministers. Following designation, Ministers and SNH can consider socio-economic factors in order to deliver a management regime which will ensure the site achieves and maintains favourable conservation status.

**Designation does not mean an end to all existing and future activity within the site;** only those activities that pose a risk to the favourable conservation status of the site would be managed.

### Why East Mingulay and the Sound of Barra?

The Outer Hebrides has an incredibly special marine environment. Nowhere is this more true than the environment of East Mingulay and the Sound of Barra. At

---

<sup>1</sup> Council Directive 92/43/EEC

<sup>2</sup> Council Directive 79/409/EEC

Mingulay, multi-beam and sidescan sonar, complimented by ground truthing, has confirmed the presence of the cold water reef *Lophelia pertusa*. While this reef type can be found in other offshore areas in the UK, this is the sole example of *Lophelia* in inshore UK waters. It is therefore subject to an entirely unique set of hydrological conditions, making it **incomparable to other examples found anywhere in the UK**. As with all reef healthy reef complexes, it supports and shelters a huge variety of species. Over 400 different species were identified during the surveys. Yet this habitat is incredibly fragile. **If the reefs were destroyed they would be virtually impossible to restore**. It is therefore essential this unique example of *Lophelia pertusa* is offered protection through an SAC designation.

The Sound of Barra has an equally special environment. Its complexity is reflected in the 19 different reef habitats it hosts, and the largest maerl beds in the UK are to be found here. Designation of the Sound as an SAC, significantly increase the geographic range of SACs protecting these features, helping to deliver connectivity throughout the Natura 2000 network, which is essential to ensure it thrives. It is also the only site proposed for the protection of harbour seals in the Western Isles. The Sound supports a large population of harbour seals, however, as throughout many areas of Scotland, their numbers are in decline. Increased protection for this iconic Scottish species is essential, and designation at Barra would finally reflect their full geographic range. The Sound of Barra was initially consulted on as a potential SAC in 2000. **Without protection of this site now, LINK strongly believes the Scottish Government will not meet the requirements of the Habitats Directive and fail to deliver an ecologically coherent network of MPAs in Scottish waters as required by the Marine (Scotland) Act 2010.**

#### **Benefits of Protected Areas**

There is a large body of evidence linking better marine health with economic productivity, social well-being and climate change mitigation. A 2009 report (*No charge? Valuing the Environment*, Natural England) estimates that the potential benefits of a UK network of marine protected areas could outweigh the costs by a factor of between **£7 billion and £19 billion**. As noted by SNH, habitats found at Mingulay and Barra provide habitat for a wide variety of species, including some commercial fish species. The habitats can offer shelter, feeding and breeding grounds. Their protection can therefore play an important role in sustainable fisheries management. It is essential we protect the unique and important features found within these sites. **Without a sound, healthy and well-functioning marine ecosystem, many ecosystem goods and services vital to communities throughout Scotland will be lost forever.**

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

Hebridean Whale and Dolphin Trust  
Marine Conservation Society  
RSPB Scotland

Scottish Wildlife Trust  
WWF Scotland  
Whale and Dolphin Conservation Society

**For further information please contact:**

**Sarah Archer**  
**LINK Marine Policy and Advocacy**  
**Officer**  
**Tel: 01350 728200**  
**email: sarah@scotlink.org**

**Lindsay Roberts**  
**Senior LINK Marine Policy and**  
**Advocacy Officer**  
**Tel: 0131 3116544**  
**email: lindsay@scotlink.org**

**Scottish Environment LINK is a Scottish Company limited by guarantee without a share capital under Company No. SC250899 and a Scottish Charity No. SC000296**