

## Marine Conservation Orders must be adopted without delay

### Summary

- The proposed MCOs for Loch Sunart to the Sound of Jura and Wester Ross nature conservation MPAs should be adopted without delay;
- LINK members have outstanding concerns about the Loch Sunart to the Sound of Jura MPA, (including the impact of fisheries derogations on potential common skate breeding and nursery grounds) which the Scottish Government should prioritise in their ecological and socio-economic monitoring;
- The Scottish Government must commit to resourcing and supporting a robust programme of monitoring and compliance to ensure that the implementation of management measures in Scottish MPAs is effective.

### INTRODUCTION

LINK members remain supportive of the Scottish Government's process to establish management measures for nature conservation Marine Protected Areas (MPAs) and welcome the opportunity to engage with other stakeholders as part of it. Since welcoming the suite of proportionate management proposals for inshore MPAs and Special Areas of Conservation (SACs) in June 2015, we have become increasingly concerned that subsequent dilution of some of the proposals may prevent those sites achieving their conservation objectives. In our view, subsequent derogations prioritise short-term socio-economic interests over longer-term conservation goals and opportunities for sustainable use. Furthermore we are concerned that, with the increasing complexity of the proposed management boundaries and the decreasing annual budget of Marine Scotland, ecological monitoring, enforcement and compliance will be inadequate. This briefing highlights specific points for consideration about the proposed Marine Conservation Orders (MCOs) for the Loch Sunart to Sound of Jura and Wester Ross MPAs and makes recommendations to the RACCE committee regarding the on-going delivery of their conservation objectives.

#### *Loch Sunart to the Sound of Jura MPA*

LINK members welcomed the management option proposed in June 2015, following extensive public consultation. This option restricted mobile demersal fishing from an extensive area of the site – part of which (Firth of Lorn SAC) was already prohibited to scallop dredging since 2007 – which would have afforded more protection to the common skate species complex in this area. The amended proposed MCO laid before parliament for this site still restricts mobile fishing from a significant proportion, but it has undergone changes to reduce the economic impact on a number of local fishing businesses, a principle with which we sympathise. We would like to emphasise here that the Scottish Government has already committed to supporting potentially affected fishing businesses through the European Marine Fisheries Fund. The Marine (Scotland) Act 2010 requires that any public decision-making body must determine whether an act is capable of affecting '*any ecological...process on which the conservation of any protected feature in a Nature Conservation MPA...is (wholly or in part) dependent*' (paragraph 83(b)(iv)) when considering its authorisation. For common skate, relevant ecological processes would include breeding, nursery and feeding activity, and the ability to freely migrate or traverse across areas. We are therefore concerned that a number of the new areas derogated to accommodate these fishing activities are potentially important skate nursery habitat for eggs and juveniles in shallow waters. We expressed these concerns in detail in our most recent MCO consultation response, but the proposed derogations have been retained. The additional derogation west of Scarba poses further cause for concern since this deep channel may be an important local migratory corridor for skate, potentially restricting safe transit between deep and shallow areas. Furthermore, with the potential for fishing activity from the wider MPA area to be concentrated within the proposed derogated areas, the risk of bycatch may increase. Research by Marine Scotland Science and the Scottish Sea Angling Conservation Network (whose citizen science tagging programme informed

the selection of this site) recommended that protection should extend across all depth ranges utilised by skate (from 6 to 205 metres) and potentially beyond the boundary of the MPA itself<sup>1</sup>.

Furthermore, from a socio-economic perspective, the shallow derogations may also limit opportunities for more sustainable forms of fishing, such as hand-diving for scallops and sea angling that relies on shallower areas for access. We request clarification on how other fishing activity has been considered in the Scottish Government's socio-economic assessment of the revised MCO.

We welcome the remaining area of the site restricting mobile demersal fishing activity, and recommend that this MCO is adopted without delay given that the management process has been delayed. However, we suggest that more evidence is needed to ensure that the new derogations (added since June 2015) will not disturb or adversely impact potential habitat for key life stages of the common skate. We acknowledge that these derogations are seasonal, with a closure to mobile demersal fishing effective from April 1<sup>st</sup>, so any impact on breeding individuals should be significantly reduced. However, bottom-towed fishing gear can modify seabed habitat and there is little available evidence on the essential habitat requirements for common skate spawning areas or juvenile animals (e.g. food supply, burying in the sediment for camouflage, adhering eggs to substrate) and we remain concerned about the long-term implications of allowing mobile demersal fishing in these areas. We seek assurance that ecological monitoring of this will be of high priority and that the Scottish Government would respond quickly if derogated areas were found to impact on common skate.

#### *Wester Ross MPA*

This site is designated to protect many important seabed features and most crucially to recover maerl beds and flame shell beds. Both of these habitats support an abundance of other species, including commercial species such as scallops, but have historically declined in extent and are now found only in fragmented patches. Of particular note is the extensive area of burrowed mud habitat, host to a variety of ecologically important species such as tall sea pens, northern featherstar aggregations and the commercially important 'prawn' (*Nephrops*). Proportionate restrictions of *Nephrops* trawling activities are therefore key, not only to protect the habitat itself and the delicate species upon which it relies, but also for the future viability of the *Nephrops* stock in the area. A prohibition on scallop dredging across the site is appropriate for the conservation of seabed features, particularly vulnerable maerl beds and maerl gravel habitat that provides an important supply of scallop spat.

LINK members broadly support the derogations in the proposed MCO for Wester Ross MPA, and acknowledge that some of the derogations have been amended to support local fishing vessels. As with all the inshore MPAs that are now, or will shortly be, subject to management measures, we expect the Scottish Government to prioritise ecological monitoring to further understand the conservation requirements for burrowed mud and its component species and to ensure that maerl and flame shell beds are given the maximum opportunity to recover some of their former extent.

This LINK Parliamentary Briefing has been compiled on behalf of the LINK Marine Group (formerly 'Taskforce') and is supported by the following member organizations: Marine Conservation Society; National Trust for Scotland; Scottish Wildlife Trust; Whale and Dolphin Conservation; WWF Scotland

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<sup>1</sup> Neat, F., Pinto, C., Burrett, I., Cowie, L., Travis, J., Thorburn, J., ... & Wright, P. J. (2014). Site fidelity, survival and conservation options for the threatened flapper skate (*Dipturus cf. intermedia*). *Aquatic Conservation: Marine and Freshwater Ecosystems*.

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