

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

17 June 2009

Rural Affairs and Environment Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Supplementary evidence on the Marine (Scotland) Bill

Dear Convenor,

Thank you for giving Scottish Environment LINK the opportunity to give oral evidence on the Marine (Scotland) Bill last week (10 June 2009). Time prevented the issue of Marine Protected Areas (MPAs) being discussed during our evidence session, but your Committee discussed this with both the Scottish Government and SNH. Therefore, it may be useful for me to reiterate our views on MPAs and, more specifically, the type and level of consultation we believe is appropriate for the two distinct stages of first *selecting* and then *managing* a MPA.

The decision to *designate* a MPA must be made on scientific criteria alone. If an area meets these criteria, Scottish Ministers must proceed with designation. The only flexibility, as stipulated in the Bill, is in areas where the desirability of designating two or more areas is equal. In such scenarios, Scottish Ministers may have regard to social or economic consequences of designation in making their decision of *where* - not *whether* - to designate.

Ensuring that sites are selected using scientific criteria alone does not mean that socio-economic concerns are ignored – it means they are considered at the appropriate stage i.e. when making management decisions. Designating an area does not prevent any activity or interfere with any rights – these effects are a result of the management decisions about what does or does not happen in the area. It is in the management arrangements that socio-economic concerns should be addressed by creating mechanisms to ensure the appropriate tests are met within the context of balancing public interests.

In order to prevent misunderstandings and to manage the expectations of stakeholders, it is vital that the consultation process clearly sets out the range of options available at both the designation and management decision stages of creating MPAs.

It must be made clear that if an area meets scientific selection criteria for designation, then stakeholders may be asked to present further scientific information, for example on the designating feature. It is misleading and unfair to suggest to stakeholders that socio-economic issues of importance to them may influence the selection of a site, when this is simply not the case in Natura sites or, as currently specified in the Marine (Scotland) Bill, new national protected area models.

Please do not hesitate to contact me if you or your Committee would appreciate further information on this or any other issue.

Lloyd Austin
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