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John Mouat,  
Marine Biodiversity Team Lead,  
Marine Directorate, Scottish Government.

Dear John,

Thank you for your time with Scottish Environment LINK's Marine Group members on 16<sup>th</sup> January to discuss the latest updates on the Scottish Government's process to apply fisheries management measures within Special Protection Areas (SPAs) for seabirds and Marine Protected Areas (MPAs) for mobile species.

We wanted to follow up on the meeting with a summary of our points, having had the chance to reflect on the updates and discuss the details amongst ourselves. We believe the key priorities for these sites are to consider a **precautionary approach to mitigating bycatch and entanglement, to require REM with cameras** on all Scottish fishing vessels (particularly those that present the highest risk of bycatch) and **monitoring of protected feature populations**.

We would urge a more precautionary approach to bycatch: there are limited levels of independent monitoring for bycatch at sea, which means we do not understand the true extent of the problem. In our view, the roll out of REM with cameras across the Scottish fishing fleet is essential, and a priority should be those which are associated with high levels of bycatch, such as long-lining and gill nets. Mitigation of entanglement in creel lines particularly on the west coast, should also be a key consideration of MPA management measures.

We noted that the proposals are based on a low concern over population level impacts of bycatch for cetaceans and we question whether this relates to the previous point that very poor data is available for the populations and the levels of bycatch. The Scottish Entanglement Alliance research outputs show that basking sharks and minke whales are the most commonly entangled species ([MacLennan et al., 2021](#)). This research also shows that entanglement is the single largest cause of death for minke whales and that they are at risk of localised depletion on the west coast ([Leaper et al., 2022](#)). We also know that where set nets and small cetaceans overlap, such as harbour porpoises, there is a high risk of bycatch occurring. We think there should at the very least be a precautionary principle applied here which assumes bycatch is having an impact and so should be minimised and where possible eliminated for sensitive species.

We are concerned that reliance on voluntary monitoring via the inshore app is not going to deliver the data needed as some, if not most, fishers will be reluctant to report a problem. Again, the priority needs to be robust, transparent monitoring via REM with cameras, including on small boats. There are now compact systems for this sort of application.



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We have concerns over the move to zone measures within an MPA as this will make effective monitoring and enforcement extremely challenging unless they introduce REM at same time to evidence activities.

Entanglement is the biggest threat to the MPA features for the Sea of the Hebrides site. NatureScot advice states that 'best practice should be adopted/developed to reduce or limit the risk of entanglement of basking shark and minke whale in creel ropes and long lines', so this needs to be acknowledged in the consultation. In terms of mitigating entanglement in creel lines, we know there are measures that can be put in place to minimise this risk, including the current trials underway with sinking line, and possible scoping of the role of spatial or temporal creel-free zones in sensitive areas such as courtship or breeding aggregations. We should be using the evidence that already exists in these published research outputs to demonstrate the scale and extent of the problem. Best practice guidelines to reduce entanglement risk are already available from the Scottish Entanglement Alliance ([SEA, 2018](#)). Best practice should also include the requirement to monitor creel effort within the MPA because with restrictions on other types of fishing, we may see creeling within/around the MPA increase, and therefore the risk of entanglement also increase. Best practice should also extend to gear trials or adaptations being prioritised within/around the MPA. We would strongly support further consideration of these measures within the management proposals for these sites.

Finally, we wish to reiterate concerns about the multiple separate policy processes under which conservation measures are being taken forwards for these SPAs and MPAs. For example, spatial fisheries restrictions (for nature conservation), technical fisheries measures, and disturbance from tourism and noise are all being addressed by different legislation, policy processes, Marine Directorate teams and Ministerial portfolios. We emphasise the importance of having a joined-up and holistic approach to ensure appropriate protection of the species and habitat in these MPAs, and to ensure that there is a clear assessment of the outcomes.

We look forward to discussing the forthcoming environmental, social and economic assessments for the proposals.

Yours sincerely,

Calum Duncan (Head of Conservation Scotland, Marine Conservation Society; Convenor, Scottish Environment LINK's Marine Group)

Helen McLachlan (Head of Marine Policy, RSPB Scotland)

Anna Moscrop (Head of Science Policy, Whale and Dolphin Conservation)

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