

Scottish Environment LINK briefing on commissioned report ‘Ensuring the effectiveness of the Marine Protected Area Network in Scotland’.

Background

Scottish Environment LINK’s Marine Group commissioned a report, funded by LINK, National Trust for Scotland and the Marine Protected Area Fighting Fund¹, analysing the current Scottish MPA network against IUCN criteria to determine whether the MPA network meets its requirements based on management objectives. The report was undertaken by Professor James Harrison (University of Edinburgh), with a final version approved by the steering group at the end of September 2023. The report provides a thorough analysis of Scotland’s MPA network, examining how its policy implementation meets global and national law. It provides a series of 28 recommendations that could be considered by policymakers to increase the likelihood of conservation goals being achieved.

The steering group engaged with the author and his research team on behalf of the Marine Group, and also worked with an external member (Dr Daniella Diz, Heriot-Watt University) who has extensive expertise in international marine conservation policy and law. Three main meetings were held between the author and steering group, and comments/reflections on the developing text were taken into account in the final version.

Rationale

In the face of a global ocean emergency, UK governments are aiming to protect ocean resources, committing to protecting at least 30% of its sea area by 2030. In its 2021 Bute House Agreement, the Scottish Government pledged an even more ambitious plan to allocate 10% of Scottish seas as Highly Protected Marine Areas by 2026, a commitment which was abandoned following a public consultation on policy proposals in 2023. While Scotland’s existing MPA designations cover over 30% of UK seas, LINK members feel their effectiveness falls short and many lack the protection they need from damaging fishing activities, which are the most widespread pressure on Scottish seabed habitats. This project sought to comprehensively assess the status and effectiveness of Scottish MPAs against global standards and scientific best practice, providing a crucial baseline for tracking progress towards ambitious targets and informing further protection efforts.

¹ Funding granted by the Marine Protected Area Fighting Fund, managed jointly by The Wildlife Trusts, World Wide Fund for nature, Royal Society for the Protection of Birds and the Marine Conservation Society, on behalf of the Tubney Charitable Trust.

The aim of this report is to provide an updated, independent assessment of Scottish MPA effectiveness, offering a clear picture of strengths and weaknesses and providing an up-to-date benchmark for measuring progress towards the 2030 target, enabling comparisons with terrestrial areas and other countries.

LINK review

The report is a detailed and comprehensive analysis of Scotland's MPA network, exploring whether it meets international and national objectives and the legal basis for the way it is currently being implemented.

The key takeaway message from this report is that Scotland's MPA network is underperforming, partly as a result of how the legislation underpinning MPAs has been interpreted into policy. There is the need for an holistic approach to ocean protection and recovery and management of human activities, which is underscored by the many recommendations and gaps highlighted in this analysis of Scotland's MPA network. A major gap in the efficacy of the MPA network is the **adoption of measures to manage the impact of commercial fishing on Priority Marine Features** within MPAs, a process that has been underway for nearly 10 years.

LINK members welcome the focus on addressing gaps in the existing network, including completing the much-delayed suite of management measures for fishing activities within MPAs and providing more detailed guidance on how Other Effective Area-based Conservation Measures (OECMs) are considered to contribute to biodiversity goals. The report advises the Scottish Government to commit to **more comprehensive management plans for MPAs**, as well as **improved monitoring, and enforcement**, such as through innovative approaches like multi-site management and use of remote monitoring technology.

The report places emphasis on international guidance and **alignment with targets like Global Biodiversity Framework (2022) and the EU Biodiversity Strategy**, which include respective targets for the active restoration of degraded marine ecosystems and for placing at least 10% of land and sea under strict protection by 2030. Strong emphasis on international alignment is commendable, but **specifics on how the Scottish Government will translate guidance into action** are needed.

There are several other key points, which LINK members would further emphasise:

- Only 46/233 designated sites have 100% of protected features in favourable maintained/recovered condition, indicating a need for better management as well as better data collection.
- Resource allocation: many recommendations require significant resources for implementation. Concrete plans and funding commitments are needed for achieving stated goals.

- Stakeholder engagement: ensuring meaningful involvement of affected communities and stakeholders is crucial for long-term success.
- Legal and policy coherence: aligning with international and European frameworks while meeting domestic legal requirements needs careful attention to detail. There must also be integration of marine conservation policy with sectoral management to ensure an holistic approach.
- Measurable targets and timelines: setting clear, measurable targets and timelines for achieving various improvements will enhance accountability, track progress and manage stakeholder expectations.
- The vast majority of sites fall within IUCN category IV (i.e. they are managed for sustainable use). What this means in reality is that most marine activities are allowed to continue within MPAs except in zones where there is a direct risk to PMFs known to exist there. As the marine environment is very dynamic and species and habitat do not occur in isolation but as part of a connected ecosystem, this approach is likely to have limited long-term conservation value. At best it will maintain the current state of our marine biodiversity, which is known to be (generally) in poor health.

Additional LINK points

The report highlights Special Areas of Protection as part of Scotland's MPA network, but it does not mention that 'Phase 3' of the UK SPA Sufficiency Review is in progress, in which recommendations from the previous phase completed in 2018 are still to be implemented. Action for certain species and SPAs, for which gaps were identified during earlier stages of the review, are still outstanding and should be completed/addressed urgently. Evidence shows that seabirds should be considered a priority for conservation measures, including the UK Marine Strategy assessment (2019) and the more recent Seabird Census, which highlights the importance of broader deliverables, such as the Seabird Conservation Strategy, as well as site-specific measures through marine and coastal colony SPAs.

LINK members underscore the important contribution Scotland's MPA network should be making to safeguarding ecosystem services - the benefits humans obtain from a healthy environment. The report rightly highlights the IUCN definition of protected areas includes reference to ecosystem services as a driver for the conservation action, but does not delve into this in detail as Scotland's MPA network is implemented by a risk-based approach to selected PMFs. Marine ecosystem services include food provisioning, nutrient cycling (such as 'blue carbon' transport and storage), coastal defence, and human well-being. Research by Potts *et al.* (2014) underscored the importance of developing conservation measures to account for habitats and species beyond their individual status and showed that, while Scottish MPA policy recognises the principle of ecosystem services, the selection of sites does not appear to be on that basis. An evaluation of Scotland's MPA network through an ecosystem service lens would be valuable to highlight where current protections support these, where the gaps are, and ensure the MPA network is protected for nature and climate.

LINK's conclusion

As Scotland's MPA network is a central tenet of the Scottish Government's Nature Conservation Strategy for safeguarding its marine environment, it should be providing core site-based protection and enabling recovery of marine ecosystems in alignment with conservation measures for species and wider seas measures, such as fisheries management and planning. LINK members welcome the progress that has been made to date, but we urge policymakers to move away from traditional, piecemeal approaches to marine conservation. This report underscores the concerning fact that there is some way to go to deliver a well-managed ecologically coherent network of MPAs in Scottish seas. In the context of increasing urgency to implement progressive actions for climate and nature, current and forthcoming policy must be developed and delivered in an holistic, joined up and inclusive approach to increase the likelihood of successful outcomes for nature and people.

Table 1: LINK Marine Group member analysis of the recommendations in the report “Ensuring the effectiveness of the Marine Protected Area Network in Scotland” by Professor James Harrison (University of Edinburgh). LINK members have suggested the priority with which each recommendation should be considered: High = by 2026; Medium = by 2028; Low = by 2030 or later.

Report recommendation	LINK Marine Group comment	Priority
<i>Chapter 2 – scope of study and definitions</i>		
1. The Scottish Government should develop a policy on the contribution of OEACMs to meeting international conservation targets, which aligns with international guidance produced by the CBD COP and takes into account best practice from other jurisdictions.	LINK members support this recommendation. By definition OEACMs are not protected areas, although they may contribute to some extent to conservation goals. Clarity on how these measures are considered in relation to the MPA network and its objectives would be welcome.	Medium
<i>Chapter 3 – legal and policy context</i>		
2. The Scottish Government should acknowledge the importance of taking into account international policy and guidance in developing the Scottish MPA network, as part of the development of its National Biodiversity Strategy, which should commit to furthering the effectiveness, equity and integration of the MPA network in pursuit of GBF Target 3.	LINK members support this recommendation. While the Scottish Government does acknowledge the international policy context and seeks to take a progressive approach to marine conservation, LINK agrees with the view that the Scottish MPA network could be strengthened in relation to the GBF targets.	High
3. The UK, with the support of the Scottish Government, should consider volunteering for a peer review of its MPA network with a view to identifying progress as well as areas for further improvement in order to meet GBF Target 3.	LINK members support this recommendation. This would be a helpful approach to identifying possible ways to improve Scotland’s MPA network in relation to recommendation (2), including the effectiveness of management, equity of access and benefits, and integration with other conservation measures and frameworks.	High
4. The Scottish Government should consider the gaps in the OSPAR Network identified by the OSPAR Commission and consider what steps, if any, could be taken within the marine areas under Scotland’s jurisdiction to address these gaps.	LINK members support this recommendation. Research shows that while the UK MPA network has the highest percentage coverage of the OSPAR	High

	area of any contracting party, the levels of protection/management within the network are low ² .	
5. The Scottish Government should take concrete steps to ensure that it meets the OSPAR Strategic Target of enabling all OSPAR MPAs to achieve their conservation objectives by 2024 – in doing so, it should commit to carrying out and publishing a self- assessment of existing management with a view to developing and publishing management plans for each OSPAR MPA.	LINK members believe the current priority (in January 2024) for Scotland’s MPA network is to progress and adopt fisheries management measures with no further delays to safeguard and enable the recovery of the marine features that are long overdue the protections promised 9 years ago.	High
<i>Chapter 4 - Overview of protected areas categories in the Scottish marine protection area</i>		
6. The spatial scope of the SSSI regime should be clarified and aligned with the position in England and Wales.	LINK members support this recommendation to give greater clarity and flexibility around how SSSIs can be identified and designated in the marine environment.	Medium
7. The Scottish Ministers should clarify the status of the Sound of Barra and Hatton Bank, using their powers where necessary to finalise their designation as SACs.	LINK members support this recommendation and note that both sites have draft fisheries management proposals, which will be subject to public consultation in due course ³ .	High
8. The Scottish Government should review the procedural requirements connected with appropriate assessments in order to determine whether it would be appropriate to introduce greater transparency to the process by requiring public participation.	LINK members support this recommendation and agree that improving public participation in decision-making processes is important. However, assessment processes such as this are complex and technical, and any public participation must be made accessible.	High
9. Work should continue on identifying appropriate sites for the establishment of NCMPAs or offshore MPAs in order to protect those MPA search features	LINK members support this recommendation. There are a number of under-represented PMFs within the MPA network, including elasmobranchs and aggregations of the rare fan mussel, and non-represented PMFs that were recommended for area-based protection	High

² <https://www.sciencedirect.com/science/article/pii/S0308597X22001567>

³ Note the definition of a Site of Community Importance (i.e. the Sound of Barra) relates to the significant contribution of the site to maintaining or restoring favourable status for Annex I habitats or Annex II species: <https://www.eea.europa.eu/help/glossary/eea-glossary/site-of-community-importance#:~:text=For%20animal%20species%20ranging%20over,to%20their%20life%20and%20reproduction.>

<p>which are currently excluded from the network or for which there is no replication.</p>	<p>such as the rare burrowing anemone <i>Aracnanthus sarsi</i>, spiny lobster and heart cockles. OSPAR guidance on ensuring MPA networks are 'ecologically coherent' is the basis for Scotland's MPA site selection guidelines. The OSPAR guidance also includes 'ecological processes' as an important part of these criteria, which LINK members agree should include consideration of life history stages (e.g. spawning areas, feeding grounds), biological nutrient cycling (e.g. 'blue carbon') and the regional and global conservation status of PMFs.</p> <p>The proposed action to review the PMF list (as part of the NMP2) process, detailed in the Strategic Framework for Biodiversity (2023), as well as the general policies in the NMP and in-prep NMP2 (e.g. General Policy 9) should take these gaps in the MPA network into account. The proposed refresh of the Scottish Marine Monitoring Strategy should also take into account priority gaps in PMF evidence.</p> <p>LINK members recognise that many MPA management measures will provide incidental protection for PMFs not formally designated within the MPA. However, formally designating MPAs for PMFs is crucial for ensuring that management measures can properly take account of conservation needs and can be adaptive when new evidence becomes available.</p>	
<p>10. The EIA regime for marine activities should be reviewed and revised in order to ensure that the EIA process applies to all major activities proposed within NCMPAs and offshore MPAs, thereby requiring publication of appropriate environmental information and opportunities for public participation in the decision-making process.</p>	<p>LINK members support this recommendation to ensure that all potential risks to MPA conservation objectives are considered and to take a fair and transparent approach to all regulated activities.</p>	<p>High</p>
<p>11. Guidance on the protection of site integrity under the 2009 and 2010 Acts should be developed in order to clarify the reach of the protection offered by the</p>	<p>LINK members strongly support this recommendation. Previous LINK representations on MPA management proposals emphasized the importance of considering how activities affect the site integrity as well</p>	<p>High</p>

<p>legislation and to bring the protection in line with the protection offered to European marine sites.</p>	<p>as the PMF(s) for which the site is designated. It is LINK's view that "the ecological importance of a site, whilst designated for specific features, is greater as a functioning whole than as merely the sum of its parts."⁴ An example of this is how burrowed mud is considered as a habitat, with fisheries management measures largely designed around records of component species (such as sea pens), rather than the complexity of the habitat as a whole, including its importance as a habitat for the commercially important <i>Nephrops</i> and its role in long-term carbon storage.</p>	
<p>12. General guidance should be developed on the interpretation of the test to be applied by regulatory bodies under s. 83 of the 2010 Act and s. 126 of the 2009 Act when authorising activities which may have a significant effect on the conservation objectives of NCMPAs or offshore MPAs, with a view to harmonising the legal framework, as far as possible, with the requirements of the Habitats Regulations and ensuring that a precautionary approach is taken.</p>	<p>LINK members support this recommendation and has previously called for interpretation of s. 83 of the Marine (Scotland) Act 2010 to be equivalent to the Habitats Regulations³. It states that "any ecological or geomorphological process on which the conservation of any protected feature in a Nature Conservation MPA, or on which the stated purpose for a Demonstration and Research MPA, is (wholly or in part) dependent." (s. 83 (1)(b)(iv)) LINK members agree that the conservation objectives relating to PMFs are more likely to be achieved (or maintained) if the wider ecological function and site integrity of the site are taken into account in management decisions.</p>	<p>High</p>
<p>13. The Scottish Government should review the protection offered to Ramsar sites so that they are offered protection that at least accords with their international status under the UK's treaty commitments.</p>	<p>LINK members support this recommendation.</p>	<p>High-Medium</p>
<p><i>Chapter 5 - Evaluating the effectiveness of the current MPA network</i></p>		
<p>14. The Scottish Government should ensure that it has submitted comprehensive and accurate information to</p>	<p>LINK members support this recommendation.</p>	<p>Medium</p>

⁴ https://www.scotlink.org/files/documents/ScotLINK_MPA_management_consultation_response_0202151.pdf

<p>the WDPA for all MPAs contributing to its MPA network.</p>		
<p>15. The Scottish Government should consider the integration of some National Nature Reserves, as well as privately owned and managed nature reserves, into the Scottish MPA network.</p>	<p>The recent IUCN UK Protected Areas Working Group (PAWG) report states that NNRs, without additional underpinning designations like SSSI, shouldn't qualify as protected areas, but they "...warrant case-by-case consideration against OECM criteria."⁵ LINK members support this recommendation on a case-by-case basis, subject to recommendation (1) being completed by the Scottish Government.</p>	<p>Medium</p>
<p>16. The Scottish Government should clarify its policy on keeping pace with the proposals outlined in the EU Biodiversity Strategy, including the commitment to strict protection of at least 10% of Scottish marine waters by 2030 and any future targets adopted in the EU Nature Restoration Regulation.</p>	<p>LINK members strongly support this recommendation. LINK published its Ocean Recovery Plan for Scotland in 2020, which called for the Scottish Government to "Commit to at least 30% of Scotland's seas being highly protected, at least a third of which are fully protected (therefore 10% of Scotland's seas), from destructive and extractive activities by 2030 (meeting the ambition of international benchmarks)"⁵. LINK members recognise the Scottish Government's commitment to 'enhancing marine protection'⁶ and its proposed Strategic Framework for Biodiversity (2023, but further clarity is needed on what this means in conservation terms. There needs to be a credible, transformative pathway for ocean recovery in Scottish waters, that includes at least 10% of Scotland's seas being under strict protection by 2030 in line with keeping pace with the EU and the need for a spectrum of protection as set out in the Convention on Biological Diversity⁷. LINK members agree that 'enhanced marine protection' necessitates the identification and support of areas of stricter</p>	<p>High</p>

⁵ <https://iucn-nc.uk/wp-content/uploads/2023/12/Statements-of-Compliance-for-UK-protected-areas-and-%E2%80%98other-effective-area-based-conservation-measures-2023-Review-1.pdf>

⁶ <https://www.gov.scot/news/next-steps-for-marine-protection/#:~:text=Further%20community%20and%20industry%20engagement,Secretary%20Mairi%20McAllan%20has%20confirmed.>

⁷ <https://www.parliament.scot/-/media/files/committees/net-zero-energy-and-transport-committee/correspondence/2024/draft-delivery-plan-marine-conservation-society.pdf>

	<p>protection for ocean recovery, with the backing of local communities. This approach is essential for safeguarding and enhancing ecosystem services, including critical fish and shellfish habitats, and the preservation and enhancement of blue carbon stores. When well-placed with local support, such measures will benefit both local communities and nature recovery in Scotland.</p>	
<p>17. The Scottish Government should continue the dialogue with relevant stakeholders on achieving enhanced protection of the MPA network and increasing the area within the network subject to strict protection.</p>	<p>LINK members strongly support this recommendation. Public and stakeholder responses to the HPMA policy framework consultation demonstrate the strength of feeling about the marine environment and how it is used. LINK members, along with many other stakeholders, highlighted the importance of community participation in an open letter to the Cabinet Secretary in relation to the HPMA policy framework consultation.⁸ The positive response from the HPMA consultation indicates public concern for marine health and support for a sustainable fisheries future. With 55% of respondents expressing support, it underscores the need for a structured process that fosters meaningful conversations and aligns with local community aspirations.</p>	<p>High</p>
<p>18. The Scottish Government should develop and publish a revised MPA monitoring strategy which sets out priorities for a six-year programme of work leading up to the MPA network report in 2030.</p>	<p>LINK members support this recommendation and acknowledge the proposed action in the Strategic Framework for Biodiversity (2023) to “Develop a new approach to marine biodiversity monitoring, including testing through pilots, covering both state and pressure work. This includes a review of the Scottish MPA Monitoring Strategy”. LINK members recognise the vital importance of monitoring to measure the effectiveness of conservation actions, and that much of the data on PMFs was collected 10 years ago or more. The Scottish Government should also set out how MPA monitoring will be resourced over the next six years and further explore supporting and enhancing community/citizen capacity to contribute monitoring data.</p>	<p>High-Medium</p>

⁸ <https://www.scotlink.org/wp-content/uploads/2023/03/2023-03-marine-stakeholder-letter-to-CabSecRALRI-on-HPMAs-.pdf>

<p>19. The Scottish Government should review its existing management measures in light of the available information on the status of protected features with a view to developing management plans for those MPAs which might require additional action to make progress in achieving favourable conditions for their protected features.</p>	<p>LINK members agree with this recommendation. However, we feel the first priority should be to complete the existing process to adopt fisheries management measures within inshore and offshore MPAs, and for the protection of PMFs outside MPAs, as soon as possible (see LINK comment on recommendation (21)). This process has been so long delayed and is the first step to ensuring protection for seabed habitats most at risk from bottom-contacting fishing pressures. LINK members are supportive of reviewing the efficacy of the management measures once in place, particularly given that the evidence and imperative for climate and nature action has moved on significantly since this process was initiated. Robust monitoring and collaborative working with marine stakeholders and communities will be essential to ensure ecosystem-based outcomes for this review.</p>	<p>Medium</p>
<p>20. The Scottish Government should introduce statutory targets relating to the achievement of favourable status of protected features in the MPA network as part of an ambitious and complete suite of targets driving a requirement for nature restoration across land and sea, inside and outside of protected areas.</p>	<p>LINK members strongly agree with this recommendation. LINK’s Marine Group set out its call for legally binding targets for the restoration Scotland’s seas in its Ocean Recovery Plan (2020)⁹. To halt and reverse biodiversity decline by 2030, the Scottish Government must drive change and “Place environmental health at the core of decision-making by enshrining ambitious targets for recovering the health of Scotland’s seas into law”. LINK members would like to see these targets at the forefront of the proposed Natural Environment (Scotland) Bill¹⁰.</p>	<p>High</p>
<p>21. The Scottish Government must progress its plans to adopt [fisheries] management measures for those inshore and offshore sites where management is not yet in place, without further delay.</p>	<p>LINK members strongly agree with this recommendation. Putting in place management measures for fisheries, particularly bottom-contacting gears, about which Scotland’s Marine Assessment 2020 states that they are the most widespread pressure on seabed habitats, is a basic requirement – the bare minimum – to enable a MPA to achieve its conservation objectives. However, the implementation of these</p>	<p>High</p>

⁹ https://www.scotlink.org/wp-content/uploads/2020/12/OceanRecoveryPlan_singlePages.pdf

¹⁰ <https://www.scotlink.org/wp-content/uploads/2023/08/Targets-Summary-Report-DIGITAL.pdf>

	<p>measures is 7 years overdue, meaning that all fishing activities can legally continue in these sites, potentially damaging the species and habitats the MPA is designed to protect. Scotland’s MPAs were designated on the basis of protecting what biodiversity is left and preventing further decline as a result of human activities – without these measures, the MPA does not have its most basic level of protection and is unlikely to achieve this.</p> <p>Furthermore, evidence around the impact of human activities on the environment and ecosystem services it provides has moved on significantly since this process was started and measures to restrict fishing activities in Scottish MPAs were drafted. A global climate emergency and nature crisis is widely acknowledged, and scientific evidence points to the need for nature-based solutions and enabling ecosystem recovery. Protecting what is left is important, but environmental and societal needs require a more pressing narrative to regenerate and restore what has been lost. The Scottish Government must build on its approach to protect the marine environment and be forward-thinking in its conservation measures to facilitate enhancement of marine ecosystems, supporting environmental, social and economic needs for current and future generations.</p>	
<p>22. The Scottish Government should consider piloting multi-site management schemes using the powers available under the 2010 Act, building upon experience and best practice garnered from other successful marine management schemes in the UK, as well as lessons from the MARPAMM project.</p>	<p>LINK members support this recommendation, and consider some case studies of marine management plans would provide valuable learnings, such as:</p> <ul style="list-style-type: none"> ● Firth of Lorn SAC, which has the crucial element of having been community influenced¹¹ to protect reefs from damage by scallop dredging; ● Fal and Helford SAC management plan¹² 	

¹¹ <https://www.communitiesforseas.scot/fight-for-scotlands-nature/>

¹² file:///C:/Users/Esther/Downloads/050721_Management%20Scheme_For%20Printing%20(1).pdf

	The Outer Hebrides MarPAMM project produced a community-developed vision, objectives and priorities for MPAs through extensive community engagement. The Argyll MarPAMM ¹³ project produced high level principles for MPAs in the area.	
23. The development of a new National Marine Plan should be used an opportunity to provide more specific guidance on the spatial policies that might be needed at the regional level to support the MPA network.	LINK members support this recommendation. As a minimum, the NMP2 should give explicit guidance on prioritising spatial policies, with ocean recovery as the overarching driver.	High
<i>Chapter 6 - enforcement</i>		
24. The Marine Directorate of the Scottish Government should carry out a strategic review of its enforcement assets with a view to determining what further equipment or resources may be required in order to ensure an effective deterrence to illegal activity in MPAs.	LINK members support this recommendation, but the roll out of REM with cameras across the Scottish fishing fleet should be a priority action in the short-term to enable greater compliance, transparency and data collection. The Scottish Government should review its compliance assets and system in parallel. LINK members feel this review should be taken further to explore improved regional governance of fishing and conservation, which would cover compliance at a regional level. LINK's Ocean Recovery Plan calls for the introduction of "...world-leading fisheries legislation, policy and governance that supports delivery of new inshore fisheries governance bodies, REM, spatial management and a new licencing regime based on environmental, social and economic criteria." New inshore fisheries governance bodies should be "...established and resourced with governance inclusive of fisheries, environmental and recreational stakeholders; and fisheries research and management plans that contribute to nature and climate positive fishing and ocean recovery are developed." The Inshore Fisheries and Conservation Authorities (IFCA) in	High

¹³ https://www.mpa-management.eu/?page_id=863

	England provide a good model for this when compared to current, more limited structures in Scotland.	
25. When introducing requirements for REM, the Scottish Government should include appropriate arrangements to maximise the potential for this technology to be used for enforcement purposes, bearing in mind the challenges of meeting the corroboration rule in Scots criminal law.	LINK members support this recommendation – see (24)	High
26. Further action should be taken to align penalties for offences relating to protected areas in order to ensure parity of treatment for similar offences.	LINK members support this recommendation. However, increasing penalties for infringements of MPAs should be one part of a transformative approach to fisheries management. Current and forthcoming policy commitments, including Scotland’s proposed Strategic Framework for Biodiversity (2023), the Future Catching Policy, Fisheries Management Plans and the Bute House Agreement commitment to an inshore cap on fishing activities (as a ceiling from which to reduce activities that disrupt the seabed on an evidenced basis) are key opportunities to introduce positive and progressive actions that incentivise best practice.	High-Medium
27. Sentencing guidelines for environmental offences should be progressed in order to ensure that appropriate penalties are handed down for offences relating to protected areas.	LINK members support this recommendation, but see (26)	High-Medium
28. The maximum penalty and accompanying scale of fixed penalty notices should be revised with a view to ensuring that this tool provides a sufficient deterrent against offences.	LINK members support this recommendation, but see (26)	High-Medium