

Update on management of Marine Protected Areas and Special Areas of Conservation

1.0 EXECUTIVE SUMMARY

- 1.1 Following a report on the management of Marine Protected Areas considered by the committee in November 2015, this report provides an update on the final decision of Scottish Government on management proposals for existing Marine Protected Areas (MPA) and Special Areas of Conservation (SAC).
- 1.2 On 18 December 2015 the Cabinet Secretary made an announcement on MPA and SAC management which included the following:
- Decision that management measures for all sites consulted on in 2014, and were not subject to further consultation in 2015 will remain unchanged;
 - Decision that the management proposals under a Marine Conservation Order for South Arran MPA, consulted on in 2015 will remain as proposed; and
 - Further changes have been made to management proposals for the Loch Sunart to Sound of Jura MPA, with further representations invited by 18 January 2016.
- 1.3 The announcement estimates the direct economic impact on the fishing industry across Scotland as very low, but does not reflect the potential higher levels of impact at a local scale. To help minimise any local impact the Cabinet Secretary has committed to a three point plan including which while welcomed is considered unlikely to fully mitigate potential local economic impact.
- 1.4 As directed by the EDI Committee in November 2015, Council officers wrote to MSPs for Argyll and Bute and for the Highlands and Islands, and the MP for Argyll and Bute, in supporting the case for appropriate financial support measures necessary to mitigate adverse economic impacts and protect the fragile fishing communities of Argyll and Bute.
- 1.5 The committee is asked to note the contents of the report and agree to issues raised in 4.4 of the report forming a short Council response to the new Loch Sunart to Sound of Jura Marine Conservation Order consultation.

Update on management of Marine Protected Areas and Special Areas of Conservation

2.0 INTRODUCTION

- 2.1 Following a report on the management of Marine Protected Areas considered by the committee in November 2015, this report provides an update on the final decisions of Scottish Government on management proposals for existing Marine Protected Areas (MPA) and Special Areas of Conservation (SAC).

3.0 RECOMMENDATIONS

- 3.1 That the committee:
- (i) note the contents of the report; and
 - (ii) agree to issues raised in 4.4 of the report forming a short Council response to the new Loch Sunart to Sound of Jura Marine Conservation Order consultation.

4.0 DETAILS

4.1 Background

- 4.1.1 In July 2014 Scottish Government designated thirty Nature Conservation MPAs across Scotland which alongside existing marine SAC and Special Protection Areas (SPA) created a Scottish Marine Protected Area network.
- 4.1.2 The Scottish Government subsequently consulted on different management approaches for a selection of MPAs and marine SACs between November 2014 and February 2015. This consultation covered two SACs and five MPAs either within Argyll and Bute or relevant to our coastal communities.
- 4.1.3 In June, Richard Lochhead announced the Scottish Government's proposed management measures for the MPAs and SACs covered by the consultation. The announcement included the Government's decision on proposed management measures for each MPA/SAC and initiated the publication of four [draft Marine Conservation Orders](#) (MCO) for consultation in July/August 2015.
- 4.1.4 Argyll and Bute Council submitted detailed responses to the Marine Conservation Order consultations for the Loch Sunart to Sound of Jura MPA and the South Arran MPA. These responses were approved by the EDI Committee in August 2015 and

focused largely on the potential localised economic impact on the fishing industry and associated coastal communities.

- 4.1.5 As directed by the EDI Committee, additional representation on MPA/SAC management proposals was made to the Cabinet Secretary Richard Lochhead and the Rural Affairs, Climate Change and Environment (RACCE) Committee, in order to influence parliamentary scrutiny of proposals in Autumn 2015.
- 4.1.6 As a result of significant representation to Scottish Government the RACCE Committee requested a delay in the process of laying the various Scottish Statutory Instruments before Parliament and held a verbal evidence session on the 23rd September which involved representatives from the fishing industry across Scotland.
- 4.1.7 After seeking clarification from the Cabinet Secretary on a number of issues the RACCE Committee concluded that due to differences in views on the four MPAs subject to MCO consultations it ultimately fell to Scottish Government to make a final determination on how to proceed based on best available evidence. The Committee did however raise the following points:
- Welcomed Cabinet Secretary's decision to continue to consider any unintended socio-economic issues; and
 - Highlighted that final decisions should recognise the need to ensure responsible, environmentally sustainable fishing interests and jobs are protected and appropriate compensation considered.

4.2 What has happened since the November EDI Committee meeting

- 4.2.1 On 18 December 2015 the Cabinet Secretary made an announcement on MPA and SAC management which included the following:
- Decision that management measures for all sites consulted on in 2014, and were not subject to further consultation in 2015, will remain unchanged. Management measures will take effect from 8 February 2016;
 - Decision that the management proposals under a Marine Conservation Order for South Arran MPA, consulted on in 2015 will remain as proposed and will take effect from 8 February 2016; and
 - Further changes have been made to management proposals for the Loch Sunart to Sound of Jura MPA, with further representations invited by 18 January 2016.
- 4.2.2 The press release covering the announcement, titled '[Conservation and communities key to MPA plan](#)' estimates that the direct economic impact on the fishing industry will be very low at around 0.25% of its combined earnings across Scotland. To help minimise any local impact the Cabinet Secretary has committed to a three point plan including:
- An environmental monitoring strategy, including opportunities for vessels to participate with funding of up to £500,000 over three years;
 - Resources for diversification will be an early priority for the European Maritime Fisheries Fund; and
 - A commitment to undertake a robust economic study in a year's time to assess the impact on coastal communities.
- 4.2.3 As directed by the EDI Committee in November 2015, Council officers wrote to MSPs for Argyll and Bute and for the Highlands and Islands, and the MP for Argyll and Bute, in supporting the case for appropriate financial support measures

necessary to mitigate adverse economic impacts and protect the fragile fishing communities of Argyll and Bute. This letter took account of the final decisions on MPA management and Government proposals to help minimise economic impact and identified the need for:

- A more coherent and inclusive financial strategy and dedicated package of support measures which goes wider than EMFF support, to help mitigate local economic impact on individual fishing businesses the local supply chain and associated coastal communities; and
- Short and long-term monitoring of the environmental and economic impact of management measures in MPAs and SACs to ensure management is effective and proportionate to its benefits, including the review recommended by the RACCE committee.

4.3 Views on Ministers announcement

- 4.3.1 The announcement from the Cabinet Secretary was scheduled to be made in the first week in December but was delayed by over two weeks. The late timing of the announcement and new consultation on the Loch Sunart to Sound of Jura MPA just before Christmas has given limited time to give full consideration to proposals and final decisions.
- 4.3.2 The decision to move forward with management proposals for MPAs consulted on only in 2014 was expected and the Council response to these proposals was largely supportive, although concerns were raised over cumulative economic impact.
- 4.3.3 The decision to move forward with management proposals unchanged for the South Arran MPA is disappointing, particularly as the Ministers announcement does not seem to acknowledge the potential for localised economic impact. Revised figures from Marine Scotland estimate that the final management measures will result in no scallop dredging grounds being available in the MPA and 48% of demersal trawl grounds available. This relates to 51% loss in total annual value from within the MPA (£470,000) and an estimated 2.5% reduction in the total revenue of 137 fishing vessels which will be affected to some degree. A 'recovery' conservation objective for some features of this MPA has led to stricter management measures being approved.
- 4.3.4 The announcement continues to focus on the overall impact on the income of all fishing vessels in Scotland being low and does not reflect the higher localised levels of economic impact within individual MPAs or potential cumulative impacts on coastal communities.
- 4.3.5 The three point plan identified to minimise local impact is welcomed but from initial details provided it is not clear whether it will be enough to mitigate localised economic impact and fully cover costs associated with diversification of affected fishing vessels. Opportunities for vessels to participate in environmental monitoring is likely to benefit few vessels and is a small amount of money over three years covering the whole of Scotland (equivalent to annual loss of fishing value from South Arran MPA). The European Maritime and Fisheries Fund (EMFF) will go live on 18 January 2016 and may be able to support up to 50% of costs associated with changes to vessels or fishing gear to allow diversification or adapting to change in fishing practices. Given the short period of two weeks between the opening of EMFF and MPA management measures taking effect, EMFF funding opportunities need to

be widely promoted to the fishing community by Marine Scotland and Inshore Fisheries Groups to ensure affected fishermen are able to timeously access these funds. Other funding mechanisms should also be explored.

- 4.3.6 The commitment to undertake a robust economic study to assess the impact on coastal communities is welcomed, however waiting a year to start this work will leave stakeholders uncertain of the likely economic issues prior to being consulted on the next round of management proposals for other MPAs and the forthcoming consultation on the designation of new protected areas. Should this detailed economic assessment conclude that MPA management has resulted in unacceptable economic impacts on coastal communities, it is unclear as to whether measures will be reconsidered by Scottish Government.
- 4.3.8 The Cabinet Secretary has identified the four Marine Conservation Order consultations undertaken earlier this year (which included South Arran MPA and Loch Sunart to Sound of Jura MPA) as an 'independent and transparent test of decisions'. It is considered that, until such time as a report providing details of the responses received and reasons for decisions made, and individual responses to these public consultations are made publically available, these consultations cannot be considered to be a transparent process.

4.4 Views on new proposal for Loch Sunart to Sound of Jura MPA

- 4.4.1 The new MCO proposal subject to further public consultation has made some changes to the small areas where demersal trawling and scallop dredging (mobile gear fishing) are allowed, suggested in the Minister's announcement as being made in response to representations from fishing interests. The changes appear to allow mobile gear fishing to occur in additional small areas, including a small increase in the Sound of Mull where the value of fishing is relatively high.
- 4.4.2 The supporting documentation for the new MCO proposal has provided a more detailed estimate of the spatial impact on fishing activity by estimating the amount of fishing ground for prawn trawling and scallop dredging within the MPA and then the amount of this fishing ground which is available if restrictions are implemented. These new figures estimate that 61% of scallop dredging and 77% of demersal trawl ground will still be available within the MPA. This relates to 11% loss in total annual value (£200,000) from within the MPA and an estimated 1% reduction in the total revenue of 95 fishing vessels which will be affected to some degree.
- 4.4.3 Views on this new proposal from local fishing interests are not yet available but will be summarised verbally at the meeting if made available in time.

5.0 CONCLUSION

- 5.1 The Cabinet Secretary's announcement on 18 December 2015 delivered the final decisions on MPA and SAC management for all but one of the MPAs in Argyll and Bute. The announcement estimates that the direct economic impact on the fishing industry across Scotland as very low, but does not acknowledge the potential higher levels of impact at a local scale. The identified three point plan to help minimise local impacts is not considered adequate to fully mitigate local economic impact and Scottish Government is therefore urged to consider the following:

- A more coherent and inclusive financial strategy and dedicated package of support measures which goes wider than EMFF support, to help mitigate local economic impact on individual fishing businesses the local supply chain and associated coastal communities; and
- Short and long-term monitoring of the environmental and economic impact of management measures in MPAs and SACs to ensure management is effective and proportionate to its benefits, including the review recommended by the RACCE committee.

6.0 IMPLICATIONS

6.1	Policy	Positively influencing the proposed management of a Scottish network of marine protected areas assists the Council deliver the SOA outcome for a diverse and thriving economy, and commitments for the environment.
6.2	Financial	None
6.3	Legal	None
6.4	HR	None
6.5	Equalities	None
6.6	Risk	Some proposed MPA management measures are likely to result in local economic impacts on coastal communities in Argyll and Bute.
6.7	Customer Services	None

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Glossary of terms

European Maritime Fisheries Fund (EMFF) - European Structural and Investment (ESI) Fund for the EU's maritime and fisheries policies for 2014-2020.

Mobile gear fishing – Fishing activity which involves towed gear, such as trawling or dredging.

Marine Conservation Order (MCO) - May be made by Scottish Ministers to further the conservation objectives of a Marine Protected Area by regulating activities.

Marine Protected Areas (MPA) – Scottish marine designated site to protect specific nature conservation features including habitats, species and geological features.

Special Areas of Conservation (SAC) – European nature conservation designated site protecting habitats or species of conservation importance at European level.

Special Protection Area (SPA) - European nature conservation designated site protecting bird species of conservation importance at European level.