

## **How to Respond**

### **Responding to this consultation**

You are invited to respond to this consultation by 13 November 2013 using the form in Appendices D & E.

**Please send your response with the completed Respondent Information Form (see 'Handling your Response' below) to:**

Responses can be sent by email, by post or by online electronic response form:

Email: [Marine Environment Mailbox@scotland.gsi.gov.uk](mailto:Marine_Environment_Mailbox@scotland.gsi.gov.uk)

Post: MPA Network Consultation  
Scottish Government  
Marine Planning and Policy Division  
Area 1-A South  
Victoria Quay  
Edinburgh  
EH66QQ

On line: [www.scotland.gov.uk/consultations](http://www.scotland.gov.uk/consultations)

If you have any enquiries please send them to [Marine Environment Mailbox@scotland.gsi.gov.uk](mailto:Marine_Environment_Mailbox@scotland.gsi.gov.uk) or call Sebastian Howell on 0131 244 5301, Michael McLeod on 0131 244 5562 or Paul Cook on 0131 244 0381.

We would be grateful if you would use the consultation questionnaire provided in your response as this will aid our analysis of the responses received. This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>.

The Scottish Government has an email alert system for consultations, <http://register.scotland.gov.uk>. This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). It complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

### **Handling your response**

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** which forms part of the consultation questionnaire as this will ensure that we treat your response appropriately. If you ask

for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

### **Next steps in the process**

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library and on the SEConsult web pages. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

### **What happens next?**

Following the closing date, all responses will be analysed and considered to help us make a decision on the shape of the MPA network. We aim to issue a report on this consultation process in early 2014.

### **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to Sebastian Howell. (0131 244 5301 or [Sebastian.howell@scotland.gsi.gov.uk](mailto:Sebastian.howell@scotland.gsi.gov.uk)).

### **The Scottish Government Consultation Process**

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses.

Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of

all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH113XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (e.g. analysis of response reports) can be accessed at: Scottish Government consultations (<http://www.scotland.gov.uk/consultations>) The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may: indicate the need for policy development or review; inform the development of a particular policy; help decisions to be made between alternative policy proposals; be used to finalise legislation before it is implemented. Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

**While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.**



## **CONSULTATION QUESTIONS**

### **1. Do you support the development of an MPA network in Scotland's Seas?**

Yes  No

This response has been written by RYA Scotland in collaboration with the RYA as many users of Scottish waters are domiciled in other parts of the United Kingdom.

We are broadly supportive of the Scottish Government's plans to establish a coherent network of Marine Protected Areas to achieve their shared goal of 'clean, healthy, safe, productive and biologically diverse oceans and seas'. In particular, we welcome the provisions in the Marine (Scotland) Act 2010 that enable Ministers to take socio-economic factors into account when designating new Marine Protected Areas (MPAs).

The RYA's primary objectives of engaging in the consultation process regarding the development of MPAs are to protect the public right of navigation and to ensure, as far as possible, that recreational boating interests are not adversely affected by the designation of such MPAs.

The importance of recreational boating in Scotland has been recognised in Scotland's Marine Atlas and in the draft National Marine Plan. We recognise that there has been effective dialogue between stakeholders and the Statutory Nature Conservation Agencies through the five workshops and bilateral meetings and that important socio-economic impacts have been taken into account.

The RYA has a clear policy position in relation to MPAs, which was published in 2012 and is summarised below:

1. The Marine (Scotland) Act 2010 provides that, in considering whether it is desirable to designate an area as an MPA, the Scottish Ministers may have regard to any economic or social consequence of doing so. The RYA believes that, other than in exceptional circumstances, Scottish Ministers should have regard to the potential economic or social consequences of designating an MPA.
2. The RYA believes that MPAs should be no larger than required to protect the habitats and wildlife features which it is intended to protect and that the scientific basis for designating a particular feature for protection should be sound.
3. Protection measures should only be introduced in relation to vessel activity if sound scientific evidence confirms that the protected habitat or wildlife feature and such vessel activity cannot reasonably co-exist in a particular area. Where there is doubt about the extent to which existing or likely future vessel activity might impact on the protected feature, research should be undertaken to inform the decision making process before any protection measures are applied.
4. No protection measures should be put in place unless it has been established that the relevant habitat and/or wildlife feature is present

in the area to be protected and that the proposed enforcement regime is likely to be effective in protecting it. Any proposed protection measure restricting vessel activity should be proportionate to the perceived impact of the activity to be restricted and should be confined to the specific parts of an MPA where the habitat or wildlife feature the measure is intended to protect is located. There should be no presumption that protection measures should apply uniformly across the whole of an MPA.

5. The implementation of byelaws or orders to set out protection measures should not be considered until voluntary measures, such as voluntary zones, voluntary policing through clubs and other organisations, and education have been tried and clearly shown to have been unsuccessful.
6. Areas in which protection measures are applied should be clearly identifiable from readily available materials that any vessel skipper might reasonably be expected to have on board e.g. up to date charts, pilot books and/or almanacs. Where an area in which protection measures are applied is not physically marked on the water such as with buoyage, it should be a defence to any offence brought for infringement of the protection measure for a boater to show that they used reasonable endeavours to identify and stay outside the relevant area.
7. The implementation of any protection measure should be subject to regular review and there should be no presumption that protection measures should apply for the lifetime of the MPA. Any protection measure restricting a particular activity should only remain in place for as long as it can be demonstrated that the activity and the protected feature cannot reasonably co-exist in the relevant area and that the protection measure remains proportionate to the perceived impact of the activity.

We consider that the process so far is consistent with these principles. In relation to 3 we welcome the development of FEAST, the Feature Activity Sensitivity Tool.

## **Individual possible Nature Conservation MPAs**

**2. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Clyde Sea Sill* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**3. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *East Caithness Cliffs* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**4. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *East of Gannet and Montrose Fields* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**5. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Faroe-Shetland sponge belt* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**6. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Fetlar to Haroldswick* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No



**7. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Hatton-Rockall Basin* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**8. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Creran* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

We welcome the recommendation of a diver survey to check the extent of the flame shell bed should expansion of the moorings area at Creagan ever be considered.

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**9. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Sunart* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Useful and constructive discussions have been held with SNH. We support the proposals for moorings and anchorages and wish to continue our involvement in this important area for recreational sailing.

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**10. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Sunart to the Sound of Jura* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**11. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Sween* possible Nature Conservation MPA?**

Designation: Yes  No

Management Options: Yes  No

We support the proposals relating to moorings and would wish to be involved with any further discussions on this topic.

Socioeconomic Assessment: Yes  No

All of the above: Yes  No

**12. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Lochs Duich, Long and Aish* possible Nature Conservation MPA?**

Designation: Yes  No

Management Options: Yes  No

Socioeconomic Assessment: Yes  No

All of the above: Yes  No

**13. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Monach Isles* possible Nature Conservation MPA?**

Designation: Yes  No

Management Options: Yes  No

For completeness we note that there are anchorages in the Monach Isles used by occasional visitors but that anchoring will have no more impact than the other activities listed as not being considered to be capable of affecting the protected features.

Socioeconomic Assessment: Yes  No

All of the above: Yes  No

**14. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Mousa to Boddam* possible Nature Conservation MPA?**

Designation: Yes  No

Management Options: Yes  No

Socioeconomic Assessment: Yes  No

All of the above: Yes  No

**15. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *North-east Faroe Shetland Channel* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**16. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *North-west Orkney* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**17. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *North-west sea lochs and Summer Isles* possible Nature Conservation MPA?**

Designation: Yes  No

Management Options: Yes  No

We welcome the proposed ways forward for anchorages and moorings; clarifying if there are any adverse impacts and, if so, working together to see how they can be resolved.

Socioeconomic Assessment: Yes  No

All of the above: Yes  No

**18. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Noss Head* possible Nature Conservation MPA?**

Designation: Yes  No

Management Options: Yes  No

Socioeconomic Assessment: Yes  No

All of the above: Yes  No

**19. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Papa Westray* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**20. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Rosemary Bank Seamount* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**21. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Small Isles* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**22. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *South Arran* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

We welcome the commitment to explore further whether there might be an adverse effect of the anchorage in Whiting Bay. Any prohibition of anchoring would be likely to have a greater impact on the local community than on visiting recreational sailors.

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No



**23. Do you have any comments on the case for designation, management options and socioeconomic assessment for *The Barra Fan and Hebrides Terrace Seamount* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**24. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Turbot Bank* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**25. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Upper Loch Fyne and Loch Goil* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**26. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *West Shetland Shelf (formerly Windsock)* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

**27. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Wyre and Rousay Sounds* possible Nature Conservation MPA?**

Designation:

Yes  No

Management Options:

Yes  No

We note that no additional management is required for recreational anchorages in Rousay and Wyre Sounds and welcome the commitment to continue discussions with recreational users.

Socioeconomic Assessment:

Yes  No

All of the above:

Yes  No

## Choices to represent features in the MPA Network

**28. Recognising the scientific advice from JNCC included alternatives for representing offshore subtidal sands and gravels, ocean quahog and shelf banks and mounds in the Southern North Sea, do you have a preference or comments on the following combinations to represent these features, bearing in mind Turbot Bank will need to be designated to represent sandeel in this region:**

- Firth of Forth Banks Complex
- Turbot bank and Norwegian Boundary Sedimentary Plain
- Or Firth of Forth Banks Complex, Turbot bank and Norwegian Boundary Sedimentary Plain

No comments

**29. Do you have any comments on the case for designation, management options and socioeconomic assessments for the preference you have indicated in the question above, regarding alternatives for representing offshore subtidal sands and gravels, ocean quahog and shelf banks and mounds in the Southern North Sea?**

Yes  No

**30. Recognising the scientific advice from JNCC included alternatives for representing the burrowed mud feature in the Fladens, do you have a preference or comments on the following combinations to represent these features, bearing in mind the part of Central Fladen (known as Central Fladen (Core)) containing tall seapen (*Funiculina quadrangularis*) will need to be designated to represent tall seapen in this region:**

- Central Fladen pMPA only
- The tall sea-pen component of Central Fladen, plus Western Fladen
- Or the tall sea-pen component of Central Fladen, plus South-East Fladen.

No comment

**31. Do you have any comments on the case for designation, management options and socioeconomic assessments for the preference you have indicated in the question above, regarding alternatives for representing the burrowed mud feature in the Fladens?**

Yes  No

**32. Recognising the scientific advice from JNCC included alternatives for representing offshore subtidal sands and gravels, offshore deep sea mud, and burrowed mud in OSPAR Regions III and V, do you have a preference or comments on the following combinations to represent these features:**

South-West Sula Sgeir and Hebridean slope  
Or Geikie slide and Hebridean slope

  

**33. Do you have any comments on the case for designation, management options and socioeconomic assessments for the preference you have indicated in the question above, regarding alternatives for representing offshore subtidal sands and gravels, offshore deep sea mud, and burrowed mud in OSPAR Regions III and V?**

Yes  No

## **Sustainability Appraisal**

**34. Do you have any comments on the Sustainability Appraisal of the MPA network as a whole?**

Yes  No

## **Final Thoughts**

**35. On the basis of your preferences on which pMPAs should be designated, do you view this to form a complete or ecologically coherent network, subject to the completion and recommendations of SNH's further work on the 4 remaining search locations?**

Yes  No

This lies outwith the area of competence of the RYA/ RYAS.

**36. Do you have any other comments on the case for designation, management options, environmental or socioeconomic assessments of the pMPAs, or the network as a whole?**

Yes  No

### **Relationship between and management of Natura 2000 sites**

We note that it is the intention that existing marine and coastal Natura 2000 sites will ultimately become MPAs. This presumably means that there will be a management regime that may go beyond the existing list of Operations Requiring Consent and that may include restrictions on anchoring and/or mooring for recreational vessels. We seek confirmation that this assumption is correct. If so, RYA Scotland will be keen to work together with SNH to identify appropriate management regimes.

### **Anchoring and Mooring Restrictions**

RYAS has been working with SNH on this issue with regard to the current MPA proposals for some time and this has provided an excellent opportunity to discuss the nuances of such management approaches with beneficial outcomes.

Notwithstanding the excellent progress this work has made and indeed continues to make, the RYA policy position on resisting disproportionate, ineffective or unenforceable restrictions on anchoring and mooring remains as follows:

- should only be introduced if sound scientific evidence confirms that a particular protected feature and vessel anchoring cannot reasonably co-exist in a particular area.
- should be confined to the specific parts of an MPA in which anchoring and the protected habitat or wildlife feature cannot reasonably co-exist.
- should not be imposed unless it can be demonstrated that the relevant habitat and/or wildlife feature is present in the area to be protected, and that such a restriction will be effective in protecting it.
- should not be imposed unless it can be demonstrated that such a restriction will be enforceable and enforced.
- should not be imposed unless the area in which it is to be applied is properly marked on navigational charts and/or by physical marking such as buoyage.
- should not be imposed unless appropriate alternative facilities or management measures are available or made available in the locality in which the restriction is to be applied.

Furthermore, in considering the need to implement restrictions it is worth noting that good seamanship often involves taking measures including anchoring before there is a danger to life, for example to free a fouled propeller or to avoid running onto rocks; restrictions on anchoring may well result in delayed respite and riskier decision making.

### **Socio-economic Impacts**

The Scottish sailing tourism industry is estimated to contribute between £101m (SE, 2010) and, depending on definition, £200m (Mackenzie Wilson, 2007) each year to the economy and supports in excess of 2730 FTE jobs (SE, 2010). Indeed Mackenzie-Wilson (2007) suggest that including tourism this reaches as high as 7000 FTE jobs. Critically much of this activity contributes directly to fragile and rural economies. Although the current plans are unlikely to have an adverse impact on the sector and indeed may provide some benefits to recreational sailors, we have some concerns that changes may be suggested that would negate the excellent collaboration that has taken place during the MPA project.

The Marine (Scotland) Act 2010 provides that, in considering whether it is desirable to designate an area as an MPA, the Scottish Ministers may have regard to any economic or social consequence of doing so. It is only recently that the magnitude of the economic impact of recreational sailing in Scotland and in particular on fragile rural communities, has been recognised. We are reassured that the Government will consider all potential economic impacts

of designating MPAs to ensure that detrimental effects on local communities, and the economy as a whole, are minimised.