

# **Planning Scotland's Seas: Priority Marine Features (PMF)**

## **Analysis Of Consultation Responses**

# **PLANNING SCOTLAND'S SEAS PRIORITY MARINE FEATURES**

## **ANALYSIS OF CONSULTATION RESPONSES**

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The views expressed in this report are those of the researcher and do not necessarily represent those of the Scottish Government or Scottish Ministers

Marine Scotland  
2014

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## **ACKNOWLEDGEMENTS**

Thanks to the individuals and organisations who responded to the consultation and to all at Marine Scotland who provided input and offered advice as required.

# 1 EXECUTIVE SUMMARY

## Background

- 1.1 In light of its three pillar approach to conservation – species conservation, site protection and wider seas policies and measures – Marine Scotland has developed a draft list of Priority Marine Features. The concept of Priority Marine Features (PMFs) is not intended to replace existing lists, but rather to provide a new focus for marine conservation activities.
- 1.2 The intended purpose of the list is to support advice on marine biodiversity, guide future research priorities and help deliver marine conservation, planning and licensing systems set out in the Marine (Scotland) Act and other statutory processes.
- 1.3 Marine Scotland ran a consultation exercise between 25 July and 13 November 2013 seeking comments on the draft Priority Marine Features list. The consultation involved 2 core questions – **Do you agree with the recommended list of Priority Marine Features as the basis for targeting future marine conservation action in Scotland’s seas?** and **Are there any other issues that have not been highlighted in this consultation that you would like to mention?**
- 1.4 A total of 31 consultation responses were received; four from individuals and 27 from organisations.

## Priority Marine Features

- 1.5 Question 1 asked **Do you agree with the recommended list of Priority Marine Features as the basis for targeting future marine conservation action in Scotland’s seas?**
- 1.6 Of those who definitively answered the question, a slight majority (13) stated that yes, they agreed with the PMF list as the basis for targeting future marine conservation action in Scotland’s seas. Ten of the 31 respondents said ‘no’ to the question and eight did not answer definitively.
- 1.7 In terms of positive additional comments, nine respondents made comments to show their support for PMFs generally. Others highlighted support for PMFs on the basis of the process undertaken together with broad support for the idea.
- 1.8 Three respondents added additional caveats related to how mobile commercial species would be affected and questioning how the PMFs would evolve in light of climate change.
- 1.9 Ten responses stated that they did not agree with the recommended list of Priority Marine Features, although two environmental/conservation organisations who disagreed sought to declare their broad support for the PMFs in principle. As for the others, there was considerable disparity in the range of responses given and their reasons for doing so.

- 1.10 Six responses in total referenced the desire to see specific species or groups to be removed from the list of PMFs. The most common requested removals were those with a commercial significance. The most frequently cited species recommended for removal from the list was Atlantic mackerel and Atlantic halibut which were argued to have sufficient stocks. Brown trout was also singled out on the basis that it is believed to be ubiquitous in Scotland's freshwater areas.
- 1.11 With respect to commercially relevant species there was some recognition of the need for regulation. However, one fisheries organisation commented that the targeting of commercial species is currently managed by the Common Fisheries Policy and therefore additional regulation is unnecessary.
- 1.12 Two environmental/conservation organisations praised the inclusion of grey seals, whilst others respondents argued that in fact they should be removed from the list on the basis that they are predatory and in fact represent in themselves a threat to other PMFs.
- 1.13 Six responses answered no to the consultation on the basis, at least in part, of their desire to see specific additional species or groups added the list of PMFs. The most widely cited group requested for inclusion was seabirds. Those citing the need to include seabirds referenced widespread evidence to suggest that populations are declining and that they can be proven to meet the criteria used in the identification of PMFs.
- 1.14 Aside from seabirds, a number of other species were suggested for inclusion. Two environment/conservation organisations put forward the suggestion that there is a need for a wider range of cetacean species. An individual argued that there is a need to add more chondrichthyes.
- 1.15 Five of those who said 'no' to the first question on the consultation highlighted concerns about the implementation of PMFs.
- 1.16 Two fisheries organisations stated that they were unable to agree or disagree with the consultation – one because the purpose lacked specificity and the other as they were unclear on the management measures. They felt that advice from the International Council for the Exploration of the Sea (ICES) should be sought as is done by the European Commission.

### **Additional Comments**

- 1.17 Twenty-one consultation responses provided additional comments to Question 2. Four respondents added comments which were broadly supportive of the process and six made some form of suggested amendment or improvement to the PMF list and process. The remainder were comments expressing a need for clarification.
- 1.18 Suggested improvements / amendments to the PMFs included:
- It is important to ensure threatened or declining species which were not included in the PMF list are not ignored altogether;

- Outputs from the Marine Protected Areas (MPA) network need to be fed back into the PMF list;
- A need for the National Marine Plan (NMP) to define the status of PMFs;
- A need to ensure balance so that all activities having the potential to have a significant impact on PMFs can be considered at licencing stage.

1.19 In terms of points for clarification, the most notable related to the purpose and/or intention of the list and the status of protection, highlighted in five separate consultation responses. Other points included:

- A lack of clarity on the benefits of inclusion of some PMFs which are already protected;
- Clarification on the licensing process;
- Clarification on how PMFs relate to Marine Protected Areas (MPA) and whether management measures will be extended to areas outside of the MPA;
- Clarification on how the three pillar approach should be addressed in marine plans;
- Clarification on the regulatory status of PMFs;
- Clarification on the process of features being added to or removed from the list;
- Clarification on the risks / pressures to PMFs;
- Clarification on whether PMFs are already in force or in draft;
- More information required on implications on fisheries and angling on account of commercial and recreational species.

## 2 INTRODUCTION

### Background

- 2.1 There are myriad lists of species and habits which have been developed at a Scottish, UK and international level with a view to informing nature conservation action. These include EC Directives, domestic legislation, Biodiversity Action Plans and the OSPAR list of threatened or declining habitats and species. In light of its three pillar approach to conservation – species conservation, site protection and wider seas policies and measures – Marine Scotland has developed a list of Priority Marine Features. The concept of Priority Marine Features (PMFs) is not intended to replace existing lists, but rather to provide a new focus for marine conservation activities in light of this three pillar approach.
- 2.2 The list was developed by assessing species and habitats existing on current conservation registers against criteria that considered whether a significant proportion of their population exist within Scotland’s seas, the extent to which they are considered under threat or in decline and what functional role they play. Marine and taxonomic specialists were consulted and an external assessment of the process was also undertaken before a targeted peer review of the draft list and evidence.
- 2.3 The intended purpose of the list is to support advice on marine biodiversity, guide future research priorities and help deliver marine planning and licensing systems set out in the Marine (Scotland) Act. The Act delivered new powers to protect additional habitats and species through MPAs which are considered to be of national importance but PMFs are a broader concept under the 3 pillar approach.
- 2.4 The recommended list of Priority Marine Features represents 80 habitats and species of marine conservation importance for which it would be appropriate to use area based measures, such as Marine Protected Areas or non-area based mechanisms to achieve better protection; in some cases a mixture of both would be appropriate. PMFs are intended to be protected by a range of mechanisms, as appropriate to the individual features under the three pillar approach and some may benefit from protection under more than one pillar.
- 2.5 Marine Scotland ran a consultation exercise between 25 July and 13 November 2013 seeking comments on the draft Priority Marine Features list. The consultation involved two core questions – **Do you agree with the recommended list of Priority Marine Features as the basis for targeting future marine conservation action in Scotland’s seas?** and **Are there any other issues that have not been highlighted in this consultation that you would like to mention?**
- 2.6 A total of 31 consultation responses were received; four from individuals and 27 from organisations.



## Overview of responses

2.7 The consultation Respondent Information Form (RIF) requested respondents to identify whether they were responding as an individual or on behalf of an organisation. Individuals were asked what information, if any, they permitted to be made available in the reporting. Organisations were informed that the name and address of the represented organisation would be made publically available and were asked to confirm whether or not they agreed to this.

2.8 As can be seen in the following table, a wide range of organisation types were represented through the responses received. The most common organisation type was Local Authorities with six responses received from this group. Four responses each were registered from Fisheries organisations and environment/conservation groups. Of the 27 organisation responses, ten different organisation types were represented.

**Table 1.1 Consultation responses**

| <b>Respondent group</b>  | <b>Number</b> |
|--------------------------|---------------|
| Total Individuals        | 4             |
| Academic/scientific      | 1             |
| Aquaculture              | 3             |
| Energy                   | 3             |
| Environment/Conservation | 4             |
| Fisheries                | 4             |
| Historic/heritage        | 1             |
| Local Authority          | 6             |
| Public Sector            | 1             |
| Recreation/tourism       | 3             |
| Other                    | 1             |
| Total Organisations      | 27            |
| <b>Total</b>             | <b>31</b>     |

2.9 A list of all those organisations who submitted a response to the consultation is included in Appendix 1.

## Analysis and reporting

2.10 Comments given at each question were examined and main themes, similar issues raised or comments made in a number of responses, were identified. In addition, we looked for sub-themes such as reasons for opinions, specific examples or explanations, alternative suggestions or other related comments.

2.11 The main themes were looked at in relation to respondent groups to ascertain whether any particular theme was specific to one particular group, or whether it appeared in responses across groups. When looking at sub-group differences, it must be also borne in mind that where a specific opinion has been identified in relation to a particular group or groups, this does not indicate that other groups agree or disagree with this opinion, but rather that they have simply not commented on that particular point.

- 2.12 The following chapters document the substance of the analysis and present the main views expressed in responses. Appropriate verbatim comments, from those who gave permission for their responses to be made public, are used throughout the report to illustrate themes or to provide extra detail for some specific points. The consultation questions are included in Appendix 2.
- 2.13 While the consultation gave all those who wished to comment an opportunity to do so, given the self-selecting nature of this type of exercise, any figures quoted here cannot be extrapolated to the wider population.

### 3 PRIORITY MARINE FEATURES

3.1 The overall main purpose of the consultation was to assess whether or not respondents agreed with the recommended list of Priority Marine Features (PMF) as a basis for targeting future marine conservation action in Scotland’s seas. It also sought to seek what amendments respondents would recommend to the list if relevant. Question 1 asked:

**Q1. Do you agree with the recommended list of Priority Marine Features as the basis for targeting future marine conservation action in Scotland’s seas?**

**If your response includes a suggestion to amend the list, please indicate the specific species and habitats that your comments apply to and, where possible, provide or reference any evidence or data sources which have influenced your comments.**

3.2 As can be seen in the table below, of those who definitively answered the question, a slight majority (13) stated that yes, they agreed with the PMF list as the basis for targeting future marine conservation action in Scotland’s seas. All but one local authority agreed as did two out of three aquaculture organisations and the same proportion of energy organisations. One of three recreation/tourism organisations agreed as did the individual academic/scientific, public sector and ‘other’ organisations represented and one of the individuals.

**Table 2.1 Question 1**

| <b>Respondent group</b>      | <b>Yes</b> | <b>No</b> | <b>No Reply</b> |
|------------------------------|------------|-----------|-----------------|
| Individuals (4)              | 1          | 2         | 1               |
| Academic/scientific (1)      | 1          | -         | -               |
| Aquaculture (3)              | 1          | 2         | -               |
| Energy (3)                   | 2          | -         | 1               |
| Environment/Conservation (4) | -          | 4         | -               |
| Fisheries (4)                | -          | 1         | 3               |
| Historic/heritage (1)        | -          | -         | 1               |
| Local Authority (6)          | 5          | 1         | -               |
| Public Sector (1)            | 1          | -         | -               |
| Recreation/tourism (3)       | 1          | -         | 2               |
| Other (1)                    | 1          | -         | -               |
| <b>Total (31)</b>            | <b>13</b>  | <b>10</b> | <b>8</b>        |

3.3 The table shows that ten of the 31 respondents said ‘no’ to the question, comprised of all four environment/conservation organisations (two of whom sought to declare their broad support for the PMFs in principle), two individuals and two aquaculture organisations, one fisheries organisation and a local authority.

3.4 Three of the four fisheries organisations did not give a definitive answer though did provide comments (detailed later in this chapter). Two recreation/tourism organisations declined to answer or comment as did one energy organisation and one individual.

## Summary of Yes Responses

- 3.5 Of the 13 positive responses, there were a wide range of additional comments made by respondents including some in support of PMFs generally or referencing specific elements. Several respondents also added some concerns despite their overall support for the measures.
- 3.6 In terms of positive additional comments, nine respondents made comments to show their support for PMFs generally. One local authority commented generally that:
- “The list will be used to support advice on marine biodiversity, guide future research priorities and help deliver marine planning and licensing systems set out in the Marine (Scotland) Act. The Council supports this approach.”
- 3.7 Others highlighted support for PMFs on the basis of the process undertaken together with broad support for the idea. As another local authority commented:
- “As the recommended PMF list is drawn from existing lists of habitats and species that are identified as priorities for conservation and they have clearly undergone a rigorous selection process. No additions or deletions are proposed.”
- 3.8 The Association of Salmon Fishery Boards highlighted their particular support for the inclusion of Atlantic salmon and sea trout on the basis that there is widespread recognition of their decline in recent years.
- 3.9 The remaining three respondents who answered yes to the first question on the consultation added a series of caveats and/or concerns which they felt needed to be addressed. An aquaculture organisation expressed concerns over the management of some mobile species listed as PMFs but felt that these would be more appropriately voiced in the Marine Protected Areas (MPA) consultation running alongside this one. An academic/scientific organisation made a similar remark in that they felt it was unclear how mobile commercial species would be affected and indeed what effects the PMF list would have on ‘commercial exploitation’ of such species.
- 3.10 An individual commented that they felt all areas were well covered and that the PMFs were comprehensive; however stated that there was a need to consider how the list would evolve in light of climate change and warming seas.

## Summary of No Responses

- 3.11 As shown in the table above, ten responses to the consultation stated that they did not agree with the recommended list of Priority Marine Features as the basis for targeting future marine conservation action in Scotland’s seas. A wide range of detailed reasons for this response was offered and the following summarises the reasons given for this response. Two environmental/conservation organisations sought to declare their broad support for the PMFs in principle and commented that they were pleased with the spread of marine

species and habitats represented. Particular support was mentioned for the inclusion of grey and harbour seals.

3.12 As for the others, there was considerable disparity in the range of responses given and their reasons for doing so. Six responses to the consultation specified specific features which should be removed from the list of PMFs, and six listed specific species which should be added to the list of PMFs. Five responses highlighted concerns over how the PMFs would be implemented.

### **Species requested for removal from the PMF list**

3.13 As mentioned, six responses in total referenced the desire to see specific species or groups to be removed from the list of PMFs – comprised of two fisheries organisations, two aquaculture organisations, one local authority and one individual. The most common requested removals were those with a commercial significance, though the justification for removal was mostly on the basis of thriving stock levels. The most frequently cited species recommended for removal was Atlantic Mackerel (five mentions), which according to one individual is certified by the Marine Stewardship Council.

3.14 Similar numbers of respondents felt that Atlantic halibut did not merit inclusion in the list (four mentions) – a local authority felt that at a local level, there were sufficient stocks.

3.15 The table below highlights the specific species mentioned and which have a commercial significance. All species were mentioned by at least two separate organisations, most commonly fisheries organisations.

**Table 2.2 Species with commercial relevance requested for removal from PMFs**

| <b>Species</b>                                  | <b>Mentions</b> |
|---|-----------------|
| Atlantic mackerel ( <i>Scomber scombrus</i> )   | 5               |
| Atlantic halibut                                | 4               |
| Cod ( <i>Gadus morhua</i> )                     | 3               |
| (Migratory) Brown Trout ( <i>Salmo trutta</i> ) | 3               |
| Saithe  | 3               |
| Spiny Lobster                                   | 2               |
| Anglerfish                                      | 2               |
| Atlantic herring                                | 2               |
| Black Scabbardfish                              | 2               |
| Blue Ling                                       | 2               |
| Blue Whiting                                    | 2               |
| Greenland halibut                               | 2               |
| Horse mackerel                                  | 2               |
| Ling  | 2               |
| Norway Pout                                     | 2               |
| Sandeels  | 2               |
| Sandy Ray                                       | 2               |
| Round-nose grenadier                            | 2               |
| Whiting   | 2               |

- 3.16 Brown trout specifically was singled out by two aquaculture organisations on the basis that it is believed to be ubiquitous in Scotland's freshwater areas – one also commented that sea trout are not genetically distinct from brown trout and therefore these should be considered and treated collectively.
- 3.17 In addition, one fisheries organisation commented that: "We are all interested in the conservation of marine species, we cannot have a sustainable fishery, a sustainable economy and a sustainable community without some element of conservation. Continued access to all mobile marine species must be maintained and only withdrawn following scientific ICES (advice), however we require more information on the end purposes of this."
- 3.18 With respect to commercially relevant species there was some recognition of the need for regulation. However, one fisheries organisation commented that the targeting of commercial species is currently managed by the Common Fisheries Policy and as such there was concern that 'The Member State has no authority to regulate the uptake of non-territorial waters for nature conservation purposes'. Another argued that all commercially important species fall under the remit of the European Commission, who base their regulations on the scientific evidence generated by ICES, suggesting that an extra level of regulation and bureaucracy is in fact superfluous to needs.
- 3.19 Indeed two responses specifically stated concerns about how the evidence process for the PMFs was generated and requested more information on how this was achieved.
- 3.20 Three responses (two from aquaculture organisations and one from a local authority) commented on the fact that there should more consideration made for local issues and levels and that the PMFs were not necessarily relevant for all areas. As the relevant local authority stated:
- "It is clear that the PMF list has been developed at a national level reflecting habitats and species of marine conservation importance across Scotland. However at a local level, from an Outer Hebrides perspective, many of the identified species, especially the mobile species which are also commercial fish stocks, represent stocks considered healthy and abundant relative to fishing activity."
- 3.21 Whilst two responses praised the inclusion of grey seals, three respondents argued that in fact they should not be added to the list on the basis that they are predatory and in fact represent in themselves a threat to other PMFs even though this was not a criterion for rejecting features from the list.
- 3.22 Two other species were given mention for removal by one respondent each – monkfish was mentioned by a local authority and one individual highlighted an inconsistency in that certain species of whales and dolphin listed have been identified as of 'least concern' by the International Union for Conservation of Nature (IUCN) e.g. *Phocoena phocoena*.

## Species requested for inclusion in the PMF list

- 3.23 Six responses answered no to the consultation on the basis, at least in part, of their desire to see specific additional species or groups added the list of PMFs – four from environment/conservation organisations and two from individuals. The most widely cited group requested for inclusion by three of the environment/conservation organisations and one individual, was seabirds.
- 3.24 Seabirds were the group most commonly considered to be missing from the list of PMFs. Those citing the need to include seabirds referenced widespread evidence to suggest that populations are declining and that they can be proven to meet the criteria used in the identification of PMFs. One environment/conservation organisation argued the rationale for exclusion:
- “We remain concerned that seabirds were excluded from the very beginning of the process and were never considered against the criteria, principally due to the range of protection initiatives already underway, including Special Protection Areas . This reasoning is inconsistent as there are other EU protected species that have European Marine Sites that are on the PMF list—bottlenose dolphins and both seal species, for example.”
- 3.25 Another conservation organisation highlighted the risks of ignoring seabirds creating the risk of falling between two stools of regulation, stating that ‘Omitting seabirds from the PMF list will disadvantage Scotland’s important populations as seabirds may not benefit from protection either by area based mechanisms available under the Marine (Scotland) Act, or by wider seas measures’. The organisation continued to mention that of the 13 Scottish breeding seabird species, four were classified as rare and seven as in significant decline by the Joint Nature Conservation Committee’s Nationally Important Marine Features.
- 3.26 One individual specified the need to include guillemots, razorbills, kittiwakes, fulmars, gannets and puffins. With respect to puffins, these were mentioned in the context of their iconic status and the affection for them from the general public. Another conservation organisation simply stated that the addition of all Natura 2000 species would be sufficient coverage.
- 3.27 Aside from seabirds, a number of other species were suggested for inclusion. Two environment/conservation organisations put forward the suggestion that there is a need for a wider range of cetacean species – specifically blue whales and humpback whales. One of these organisations continued to say that seahorses should also be included, specifically the spiny seahorse and short snouted seahorse.
- 3.28 An individual argued that there is a need to add more chondrichthyes, stating that the *Squatina squatina* is on the IUCN list as ‘critically endangered’ and that the blue shark is ‘near threatened’.

## Concerns about implementation

3.29 Five of those who said ‘no’ to the first question on the consultation highlighted concerns about the implementation of PMFs. For two respondents there were concerns about how protection measures for commercially caught species would be implemented (one individual and one fisheries organisation). A conservation organisation wished to see more information on the level and extent of habitat and species protection generally as this was considered to be unclear. Similarly, a local authority wished for clarification on how Scottish Marine Area listing works in practice stating that “Clarification is needed over whether the species only occurs in the listed area, generally occurs in the listed area or is only a PMF in the listed area.”

3.30 Finally another environment/conservation organisation expressed concerns regarding the distinction between features suitable for protection within nature conservation MPAs and those on the wider PMF list.

## Habitats for Inclusion in the list of PMFs

3.31 Two environment/conservation organisations specified a need to add certain habitats to the list of PMFs, most notably related to Kelp. The suggested habitats were:

- Kelp with cushion fauna and/or foliose red seaweeds.
- Kelp and red seaweeds (moderate energy infralittoral rock).
- Sediment-affected or disturbed kelp and seaweed communities.

3.32 The reasons given by one conservation organisation for including these in the PMFs were as follows:

“... kelp on infralittoral rock is underrepresented on the recommended list. These habitats play an important role in coastal protection, supporting biological communities and carbon fixing. There is currently considerable interest and activity for commercial seaweed harvesting in Scotland which could place kelp communities at risk. Interactions with marine energy devices could also raise conservation concern.”

## Summary of indefinite responses

3.33 A fisheries organisation stated that they were unable to agree or disagree on the basis that the definition and purpose intended of ‘targeting future marine conservation action’ was unclear and lacked specificity. They were keen to see more information about how conservation would apply to mobile species and felt that some mobile species should be excluded from the list – in line with those already mentioned. They and one other fisheries organisation felt that advice from the ICES should be sought for the reasons previously mentioned.

3.34 An energy organisation commented that they doubted the PMF list generally was the most appropriate way of conserving future sites and that these should be identified on a case-by-case basis, based on scientific evidence available.



3.35 Another fisheries organisation also stated that they could not conclude whether the list was fully comprehensive or not and wished to see more information on the management measures. Similarly, they agreed with the local authority who disagreed with the question on the basis that more information at a local level needs to be considered.

## 4 ADDITIONAL COMMENTS

4.1 The second question on the consultation allowed respondents the opportunity to make additional comments which they felt were pertinent to the exercise. Question 2 of the consultation asked:

**Q2. Are there other issues that have not been highlighted in this consultation that you would like to mention?**

4.2 Twenty-two consultation responses added additional comments at this stage. Table 4.1 below shows the profile of those responding.

**Table 4.1 Question 2**

| Respondent group             | Yes       | No       |
|------------------------------|-----------|----------|
| Individuals (4)              | 4         | -        |
| Academic/scientific (1)      | 1         | -        |
| Aquaculture (3)              | -         | 3        |
| Energy (3)                   | 2         | 1        |
| Environment/Conservation (4) | 2         | 2        |
| Fisheries (4)                | 4         | -        |
| Historic/heritage (1)        | 1         | -        |
| Local Authority (6)          | 4         | 2        |
| Public Sector (1)            | 1         | -        |
| Recreation/tourism (3)       | 3         | -        |
| Other (1)                    | -         | 1        |
| <b>Total (31)</b>            | <b>22</b> | <b>9</b> |

4.3 Four respondents added comments which were broadly supportive of the process – one recreation/tourism organisation agreed that the process seemed logical, robust and objective, whilst two other recreation/tourism organisations welcomed having a single list. A local authority added specific support for a six yearly review process, as proposed for new Marine Protected Areas.

4.4 Six responses made some form of suggested amendment or improvement to the PMF list and process. Two environment/conservation organisations stated that it is important to ensure threatened or declining species which were not included in the PMF list were not ignored altogether, citing those at risk from climate change as a key example. Aligned with this, an individual added that the PMF list needs to bear in mind species which will migrate to Scottish waters on the basis of climate change.

4.5 Another environment/conservation organisation suggested that the outputs from the MPA network need to be fed back into the PMF list, stating:

“In the absence of more evidence that the developing MPA network will be coherent for representative marine biodiversity features (in addition to those that are rare, threatened and declining), we remain to be convinced that the existing network of marine Special Areas of

Conservation will provide sufficient area-based protection measures to represent the full range of rock reef habitats in Scottish waters. It may be that, as understanding develops, further additional examples of representative habitat-types will be identified that should be added to the PMF list to drive conservation action both inside and outside MPAs.”

4.6 Similarly, a local authority stated that they felt there was a need for the NMP to define the status of PMFs and what weight should be attributed to them in decision making.

4.7 Another local authority stated that in terms of management of the PMFs, there is a need to ensure balance so that all activities having the potential to have a significant impact on PMFs can be considered at licencing stage.

### **Points of Clarification**

4.8 The majority of comments received in relation to the second question on the consultation document related to desired points of clarification. The most notable point of clarification related to the purpose and/or intention of the list and the status of protection, highlighted in five separate consultation responses. As one local authority put it:

“The reference<sup>1</sup> to ‘Marine Scotland guidance on safeguarding Priority Marine Features’ links to the current consultation paper on PMFs. This document outlines the purpose of PMFs and the process of identifying PMFs, it does not provide guidance on how they should be safeguarded in regional marine plans. The Scottish Government should provide this guidance within the National Marine Plan, or separately, with a hook to this guidance within the National Marine Plan.”

4.9 Three responses mentioned a lack of clarity on the benefits of inclusion of some PMFs (e.g. Natura 2000 species and marine animals) which are already protected for example by European legislation – however the development of a single list was welcomed by some.

4.10 Other points of clarification included:

- Clarification on the licensing process;
- Clarification on how PMFs relate to MPA and whether management measures will be extended to areas outside of the MPA;
- Clarification on how the three pillar approach should be addressed in marine plans;
- Clarification on the regulatory status of PMFs;
- Clarification on the process of features being added to or removed from the list;
- Clarification on the risks/pressures to PMFs;

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<sup>1</sup> Planning Scotland’s Seas: Scotland’s National Marine Plan Consultation Draft  
<http://www.scotland.gov.uk/Resource/0042/00428577.pdf>

- Clarification on whether PMFs are already in force or in draft;
- More information required on implications on fisheries and angling on account of commercial and recreational species.

## **APPENDIX**

## APPENDIX 1: LIST OF ORGANISATIONS

| Organisation Name                              |
|--|
| Association of Salmon Fishery Boards           |
| Comhairle nan Eilean Siar                      |
| Dumfries & Galloway Council                    |
| Institute for Archaeologists                   |
| Mallaig and North West Fishermen's Association |
| Marine Harvest Scotland Ltd                    |
| NAFC Marine Centre                             |
| National Grid                                  |
| Oil & Gas UK                                   |
| Orkney Islands Council                         |
| Outer Hebrides Inshore Fisheries Group         |
| Pentland Firth Yacht Club                      |
| Royal Yachting Association Scotland            |
| RSPB Scotland                                  |
| Scottish Environment LINK                      |
| Scottish Fishermen's Federation                |
| Scottish Salmon Company                        |
| Scottish Salmon Producers' Organisation        |
| Scottish Sports Association                    |
| Scottish Water                                 |
| Scottish Wildlife Trust                        |
| ScottishPower Renewables                       |
| Shetland Islands Council                       |
| South Ayrshire Council                         |
| The Highland Council                           |
| Western Isles Fishermen's Association          |
| Whale and Dolphin Conservation                 |
| 4 responses from individuals                   |

# APPENDIX 2: THE CONSULTATION QUESTIONNAIRE



## RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

Organisation Name

Title Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

Surname

Forename

### 2. Postal Address

  
  
  

Postcode

Phone

Email

### 3. Permissions - I am responding as...

Individual

/ Group/Organisation

*Please tick as appropriate*

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate*  Yes  No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site). Are you content for your **response** to be made available?

*Please tick as appropriate*

Yes  No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*

## CONSULTATION QUESTIONS

**Q1. Do you agree with the recommended list of Priority Marine Features as the basis for targeting future marine conservation action in Scotland's seas?**

**If your response includes a suggestion to amend the list, please indicate the specific species and habitats that your comments apply to and, where possible, provide or reference any evidence or data sources which have influenced your comments.**

Yes  No

Comments

### **General**

**Q2. Are there other issues that have not been highlighted in this consultation that you would like to mention?**

Yes  No

Comments





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ISBN: 978-1-78412-386-4 (web only)

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St Andrew's House  
Edinburgh  
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Produced for the Scottish Government by APS Group Scotland  
DPPAS26267 (04/14)

Published by the Scottish Government, April 2014

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