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## Seal Haul Out Sites – a consultation Consultation response from the Scottish Wildlife Trust

### 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

Scottish Wildlife Trust

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#### 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 X  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 X  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 X  Yes  No

The Scottish Wildlife Trust was founded in 1964 and has the purpose of advancing the conservation of Scotland's biodiversity for the benefit of present and future generations. We have a 25-year vision to re-establish a network of healthy and resilient ecosystems supporting expanding communities of native species across large areas of Scotland's land, water and seas. Membership stands at over 36,000 – several hundred of whom are involved in practical conservation work. We own or manage 122 reserves totalling 20,000 hectares, a significant proportion of which border on Scotland's coastline and provide protection to coastal and marine species. SWT-managed areas of importance to seals include Linga Holm off Stronsay and rocky islets in the Summer Isles.

The Scottish Wildlife Trust (SWT) is pleased to comment on the consultation on seal haul-outs. These comments should be read in conjunction with the response of Scottish Environment Link, which SWT endorses.

## CONSULTATION QUESTIONS

### General questions

Question 1: Do you consider that the overall number of seal haul out sites proposed at national/regional/local level represent a reasonable balance between seal conservation and other sustainable activities around the Scottish coastline?

We are pleased that SNH and SMRU were involved a scientific process to identify a long list of sites.

There are three points on which more clarity would be helpful.

1. It would be helpful to have a clear definition of what constitutes '*reckless or intentional harassment*' and what level of protection/ policing any designated sites will enjoy. Without this it is difficult to assess whether the proposed approach can be effective.

2. It would be helpful to clarify the distinction between haul-out and breeding/ conservation areas and whether there will be a further designation of seal conservation areas to cover all breeding sites. We are concerned, for example, at the omission of Linga Holm from the list, now the third largest grey seal pupping area in the world.

3. It is very difficult to make an assessment of the adequacy of this list in the absence of a rationale for site selection. It is unclear whether the final site selection process, (which '*sought to focus on those haul-out sites that offered an optimum balance between maximising protection for the largest number of seals while minimising possible impacts on other sustainable activities around the coast*' and '*therefore excluded the additional large numbers of smaller haul-out sites that contained fewer seals*'), is best designed to protect seals from harassment, the key purpose of the legislation. We understand that sites were selected within each management area on the basis of numerical importance alone.

We would question why all places where seals haul out cannot be defined as 'haul-out' sites for the purpose of the legislation and the seals there protected accordingly from reckless or intentional harassment. We imagine that this was the intent in the drafting of the legislation.

We strongly believe that sites should not be discounted for designation because harassment is possible and this would have to be managed (this may not be the case but there is ambiguity in the consultation document), but rather the reverse, to prevent harassment where sites are particularly vulnerable to it – in areas of high human population and/or marine activity. There are also likely to be sites of ecological importance which are not included because they do not support large numbers of seals. We would support the amendment of any list of sites to cover not simply abundance but also vulnerability to harassment and ecological importance, as new information comes forward.

We would support an alternative approach to the issue of the protection of seals at haul-out sites, which we believe better fulfils the spirit of the legislation (*to prevent the intentional or reckless harassment of seals at haul-out sites*). We would like to see the designation of all significant haul-out sites identified by SMRU and accompany this list of sites with a generic list of activities that might result in harassment and with recommended codes of conduct for those activities. For example sea kayaking, which is increasingly popular and a potentially sustainable form of recreation, can and often does cause seals to enter the water from haul-outs. The Scottish Canoe Association has developed an excellent Code of Conduct

(<http://www.canoescotland.org/LinkClick.aspx?fileticket=no88mEoJN28%3d&tabid=639>)

If the kayaker were following the SCA Code of Conduct (or adapted seal code specified by the Scottish Government) there could be no offence of reckless harassment.

Question 2: Do you consider that additional sites should be included at national/regional/local level and, if so, why, how many additional sites and which sites?

Yes, we would like to see designation of all significant haul-out sites, as described above.

Question 3: Do you consider that fewer sites should be included at national/regional/local level and, if so, why, how many fewer sites and which sites?

No

Question 4: Do you agree that existing Special Areas of Conservation for seals should be added to the list of seal haul out sites being considered for possible designation?

Yes

Question 5: Do you consider that particular national or regional level activities might represent a potential risk of harassment to seals on haul out sites in general?

Yes, there are a range of national/regional level activities, for example marine renewables development, the expansion of marine aquaculture and marine recreation and tourism, which represent a potential general risk. We believe that all

marine activities which have the potential to disturb seals at haul-out sites should be listed and codes of conduct associated with them.

Question 6: Do you consider that particular local activities might represent a potential risk of harassment to seals on particular haul out sites included on the list?

We note several potential interactions between aquaculture and seals, for example at Loch Einort in South Uist, between marine renewables activities and seals, for example off the south-west of Tiree and off Westray, and between recreation and seals, for example sea kayaking around the Summer Isles.

Question 7: Do you have any views on whether the boundaries of particular haul out sites included on the list might be revised?

No

### Equality assessment

The Scottish Government must ensure that any policies that it implements do not unduly discriminate against persons defined by age, gender, disability, sexual orientation, race and religion and belief. We would welcome your views on whether you believe that any of the propositions set out in this consultation paper will unduly impact on any of these groups mentioned.

No