



Marine Scotland

Consultation on possible designation
of a Seal Haul-Out Site
Proposal in respect of the Ythan Estuary

Analysis of Consultation Responses

CONSULTATION ON POSSIBLE DESIGNATION OF A SEAL HAUL-OUT SITE Proposal in respect of the Ythan Estuary

Analysis of Consultation Responses

1. BACKGROUND

1.1. The Marine (Scotland) Act 2010 specifies that Scottish Ministers consult the Natural Environment Research Council (NERC) before designating seal haul-out sites to protect seals from harassment through a Statutory Instrument.

1.2. On behalf of NERC, the Sea Mammal Research Unit (SMRU) at St Andrews University developed a methodology¹ for identifying suitable seal haul-out sites for designation, which was endorsed by Scottish Natural Heritage (SNH) and Marine Scotland Science.

1.3. This methodology identified 194 proposed sites which were subject to a public consultation in March 2011. The consultation response was positive and the Protection of Seals (Designation of Haul-Out Sites) (Scotland) Order 2014 (SSI 2004/185) subsequently came into force on 30 September 2014. This order designated the 194 identified seal haul-out sites² where seals are protected from harassment all year round.

1.4. Marine Scotland also produced Guidance³ on the Offence of Harassment at Seal Haul-out Sites, to assist the public.

1.5. This initial list of designated seal haul-out sites is open for review by Scottish Ministers. This allows for the designated sites to reflect changes in seal haul-out patterns over time by the addition of sites newly adopted by seals, if they meet the criteria, or by the removal of existing sites that seals have abandoned and which no longer meet the criteria.

1.6. NERC's Special Committee on Seals (SCOS), which meets annually to discuss all matters related to the management of UK seal populations advised that the list of seal haul-out sites should normally be reviewed every 5 years. They also, however, recommended some flexibility to take account of specific cases of particular concern.

1.7. In 2015, Marine Scotland received a proposal from several members of the public and users of the area that a seal haul-out site located at the mouth of the River Ythan should be considered for designation to protect seals using this site from harassment. This is a relatively new site for grey seals situated in the East Coast of Scotland Management Area. The number of seals using this site has only very

¹Method used to identify key seal haul-out sites in Scotland for designation under the Marine (Scotland) Act Section 117 <http://www.smru.st-and.ac.uk/documents/1741.pdf>

²List of Haul-Out Sites

<http://www.gov.scot/Topics/marine/marine-environment/species/19887/20814/haulouts/list>

³Guidance on the Offence of Harassment offers information on what might constitute "harassment" in relation to seals on haul-out sites. The guidance is advisory only and is not binding on the criminal courts. <http://www.gov.scot/Resource/0045/00452869.pdf>

recently shown significant increase. Therefore, the site was identified as important too late to be included in the initial seal haul-out designation process.

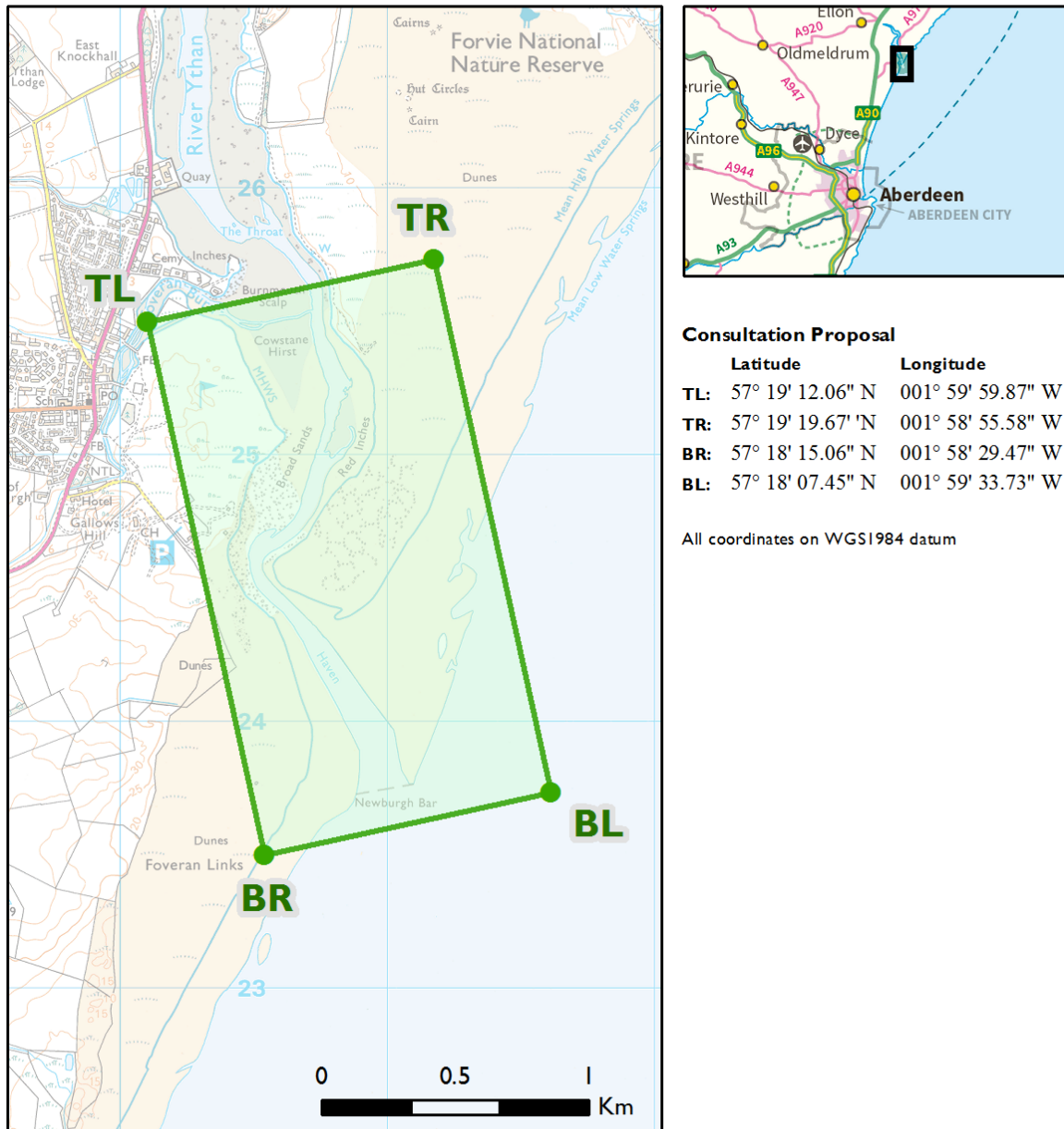
1.8. The proposal was presented to SMRU and SNH. SMRU advised that the site met the criteria for consideration for designation and SNH endorsed these views.

1.9. A public consultation was therefore undertaken to allow stakeholders and members of the public to comment on whether or not the site should be designated, whether or not there was a risk of harassment at the new site and the timings of the designation.

1.10. The proposed site is located close to and partly within the Forvie National Nature Reserve (NNR), where public access is restricted between April and August each year to safeguard the terns during their breeding season. See Figure 1.

ES-003: Ythan River Mouth

Designated seal haul-out site (year round)



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Figure 1. The original proposal in respect of the Ythan seal haul-out site as presented in the Consultation document

THE CONSULTATION

1.11. The Consultation ran for 12 weeks from 7 September to 4 December 2015.

1.12. The Consultation⁴ was published on the Scottish Government website together with the Guidance on the Offence of Harassment at Seal Haul-out Sites.

1.13. A number of key stakeholders received an e-mail informing them of the consultation and they were encouraged to disseminate the information in order to reach as wide an audience as possible. The proposal also featured in local news and on social media.

1.14. The Consultation document contained seven questions (Table 1) which sought stakeholders views on three key issues:

- Whether or not the proposed site should be designated;
- What potential risks of harassment of seals there are on the proposed site;
- Whether or not there are sufficient grounds for considering designation before the appropriate period of 5 years and, if so, how quickly this should occur?

Table 1. Consultation Questions

No	Question
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1	Do you consider that the proposed site should be designated to protect seals from harassment
2	If you support designation of this site, what are your reasons
3	If you oppose the designation of this site, what are your reasons
4	Do you consider that seals on this site are at risk of harassment
5	What activities do you consider could represent a potential risk of harassment to seals on this particular site
6	Do you consider that there are grounds for considering designation of this site before the normal review period of 5 years
7	If yes, how quickly should such a designation occur

1.15. The Consultation attracted 306 unique responses from 6 separate respondent groups. The majority of the questions allowed the insertion of free text and/or additional comments.

⁴Consultation on Possible Designation of a Seal Haul-Out Site
<http://www.gov.scot/Publications/2015/09/2473>

The Consultation Report

1.16. This report provides an analysis of the consultation responses and sets out the Scottish Government response. The individual responses to each question were examined together with any comments and key themes were identified.

1.17. The responses reflect views from a range of interested parties, however the majority came from local residents. Other responses included fishing interests, community groups, non-governmental organisations and a local authority (Table & Figure 2).

Table 2. Consultation responses split by respondent group

Respondent	Number
Total Individuals	185 (93%)
Total Organisations	28 (7%)
Community groups	5
Local authority	1
Fishing industry	14
Animal welfare group	7
Other government body	1
Total Responses	306

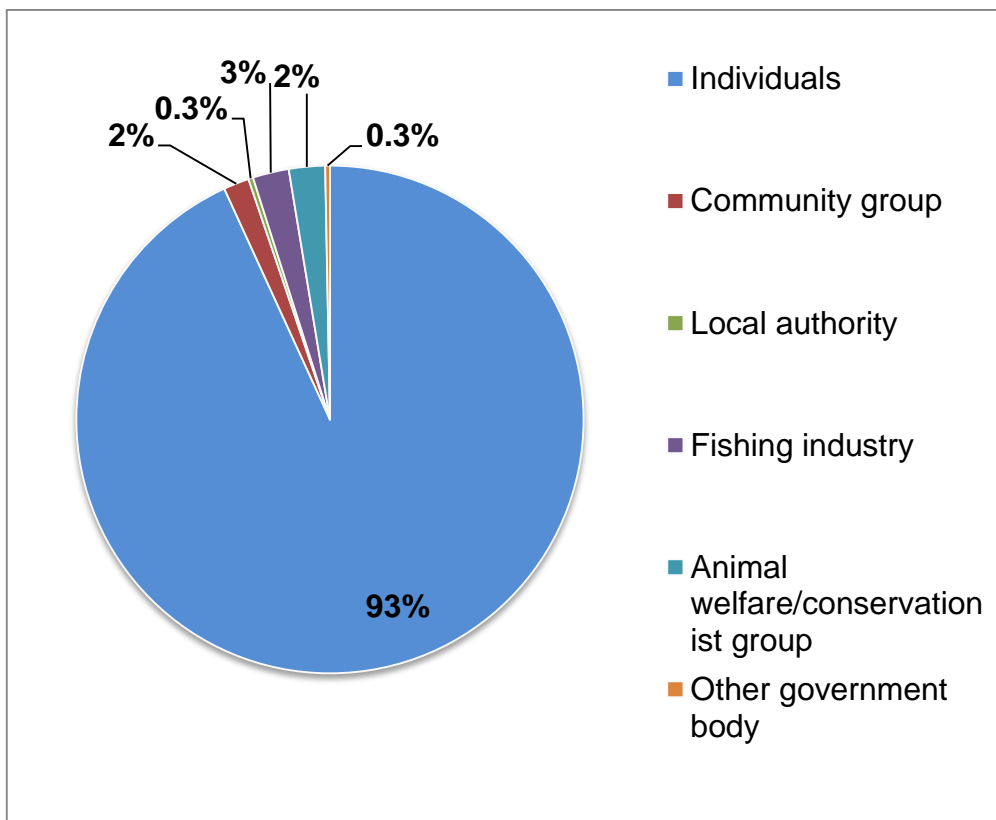


Figure 2. Breakdown of respondent groups by stakeholder interest

2. RESPONSES TO THE QUESTIONS

Question 1: Do you consider that the proposed site should be designated to protect seals from harassment?

2.1. The responses indicated that 102 respondents (33%) were in favour of the site being designated, whilst 204 (67%) stated they were against designation.

Table 3. Support for designation

Respondent group	Yes	No
Individuals	90	195
Community group	3	2
Local authority	1	-
Fishing industry	-	7
Animal welfare group	7	-
Other government body	1	0
Total (306)	102 (33%)	204 (67%)

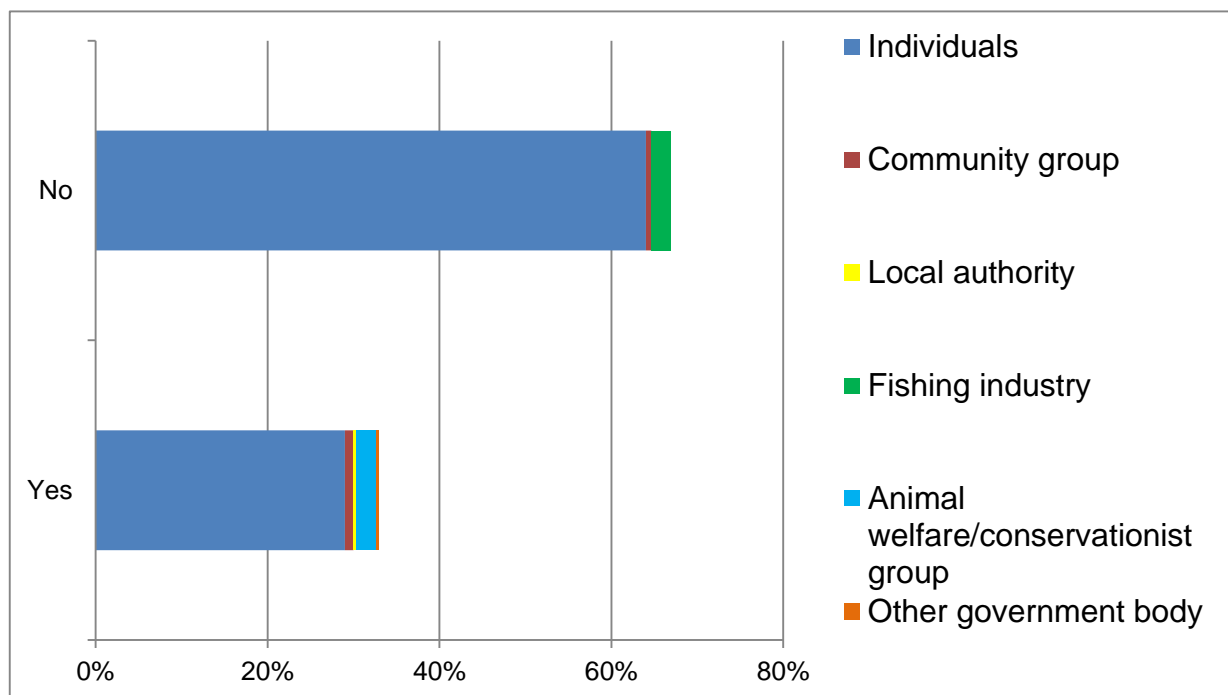


Figure 3: Percentage of respondents in each stakeholder group for and against designation

Question 2: If you support designation of this site, what are your reasons?

- 2.2. There were 102 written comments provided for this question, of which:-
- 101 comments came from those supporting designation
 - 1 respondent, who was against designation, provided a response stating they would support a haul out on the north shore, or a more contained site.
 - 203 against designation and 1 in favour of designation did not answer this question
- 2.3. The 101 supportive responses fell into the following broad categories:-
- 49 respondents expressed concerns about seal conservation in the area and highlighted the importance of protection for seals when they are hauled-out and at their most vulnerable.
 - 31 respondents either named activities that are likely to cause harassment at the site or have already witnessed such harassment.
 - 14 offered strong support for designation provided public access is not restricted on the south shore suggesting a smaller site limited to north shore.
 - 7 respondents strongly supported designation if the site was limited to the north side where they had witnessed disturbance to the seals.
- 2.4. The respondents were concerned that easy access to the beach where seals haul-out allowed members of the public to get too close to the animals. They supported the haul out designation to prevent this.

Examples of comments submitted in support of designation are included below:

Numerous incidents of varying severity have been reported to me over the past year or so.

I have personally witnessed seal harassment. I believe that the seals can be protected while not affecting the public's right to walk on the South side.
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We support designation of this site as numbers of grey seals have been increasing at the Ythan Estuary in recent years, the site now represents one of the largest summer grey seal haul-outs on the east coast of Scotland. Designation would provide appropriate protection to the seals while hauled out and vulnerable.

Question 3: If you oppose the designation of this site, what are your reasons?

2.5. There were 204 responses to this question (see Table 4), of which:-

- 84 were concerned that public access would be prohibited inside the entire designated area, including the south shore.
- 70 still considered that protection of seals was necessary but would only support designation of north shore, where seals normally haul-out. Out of these, 10 said they would welcome ways to protect the habitat where seals live and that most users of the area already comply with and would accept new ways to further protect the site.
- 49 were opposed due to the potential impact on local fishing interests.
- 1 was strongly against designation because there are far too many seals.
- 102 in support of designation did not answer this question.

Table 4. Reasons for opposing designation

Respondent group	Fear about denial of public access	North shore only	Impact on fishing	Strongly against
Individuals	83	69	42	1
Community	-	1	-	-
Local authority	-	-	-	-
Fishing industry	1	-	7	-
Animal welfare group	-	-	-	-
Other	-	-	-	-
Total (204)	84	70	49	1

2.6. There were concerns about public access and suggestions of a restriction on the north shore only.

Examples of comments submitted against designation are included below:

While in favour of protecting endangered species this must be done with sympathy to the needs of the local community and the amenities that they are afforded in the area.
I am generally in support of having a seal haul site on the area where they already land. At the northern shore of the estuary mouth at the end of the dune area, but the area that has been designated in the document appears to be wholly out of proportion to the area that the large seal colony actually use.
I oppose this designation and consider it not appropriate due to the proximity to other wildlife and human users. The seal population has expanded rapidly in the last ten years in the Ythan.
I strongly oppose the designation of this site on the Newburgh side if the estuary (...) In my opinion the Forvie Sands side is where the seals congregate and this is already a partly protected area. These rules could be tightened to prevent harassment without restricting the beach to residents and tourists.

2.7. There were also concerns from fishing interests. Examples included:

In providing selective protection to one specific species, an untoward effect might be to disturb the natural balance of things. Grey seals are top predators, whose natural prey includes salmon and sea trout. Both species of migratory salmonids are in steep and alarming decline - nowhere more evident than on the East Coast of Scotland and in the environs of the Ythan, Ugie, Don and Dee in particular - all prime hunting grounds for the grey seals that frequent the Ythan estuary haul out area.

In the wider scheme of things the Scottish Government ought to give due weight, not only to the welfare of seals, but also to the inversely associated welfare of migratory salmon and sea trout. The importance of these to the economy of the East of Scotland should not be underestimated

The Ythan has been categorised a Grade 2 river by the Scottish Government, which means that Management action is necessary to reduce exploitation of the wild salmon population for conservation purposes. Considering additional protection to the seals (the salmon's main predator in the estuary) is clearly at odds with this obligation. The south side of the estuary is a public amenity and recreational area.

Question 4: Do you consider that seals on this site are at risk of harassment?

2.8. There were 299 responses to this question, of which:-

- 180 respondents considered there was no harassment at the site. Of these, 4 respondents provided comments suggesting disturbance was sometimes witnessed despite answering “no” to this question.
- 119 consultees considered that there was harassment at the site . Of these, 22 stated that they had witnessed activities with a negative, harmful and distressing impact to seals.
- 7 did not answer this question.

Table 5. Whether there is risk of harassment at the proposed site

Respondent group

	Yes	No	Not answered
Individuals	107	171	
Organisations	12	9	
Total	119	180	7

Examples of comments provided at Question 4 are included below:

- Do not consider there is risk of harassment

No I do not consider the seals are at risk of harassment at all!
I have indeed occasionally witnessed dogs barking at the seals and jumping into the estuary to try to get to the seals. (...)There is no risk whatsoever that I can see to the burgeoning seal population from people simply looking at them from the opposite side of the estuary.
Occasionally I have seen individuals on the north shore approach the seals. This should be discouraged as it does disturb them. I feel that there are grounds for cordoning off area on the north side of the estuary where they tend to bask.
They of course are not at risk of harassment - that's why they're there!

- Consider there is risk of harassment/ or have witnessed harassment

Having visited the site and seen the seals stampede into the water because of the actions of people harassing them the protection is definitely required.
(...) have witnessed on a number of locations, people getting too close to take photos causing resting seals to re-enter the water causing stress and energy loss.
I have seen walkers with dogs on the north side of the river where the seals usually reside but this is a very rare occurrence. Seals are already thriving in this area without this increased protection.

Question 5: What activities do you consider could represent a potential risk of harassment to seals on this particular site?

2.9. There were 245 responses to this question both from those who supported the designation and those who did not.

2.10. 168 respondents named activities which might cause harassment and these are shown in Table 6. Almost half of these (n=70) named only one activity, while others mentioned between two and eight activities that could potentially cause harassment.

2.11. The most popular view was that disturbance would be caused by *people getting too close*. This category included photographers, walkers or tourists who are approaching the seals to either get a closer look or a better picture, despite the warning signage.

2.12. Dog walking was a very close second and fishing was also listed in a large number of responses.

Table 6. Activities considered likely to cause harassment at the proposed haul-out site

Activity	Number of times listed
People getting too close (walkers, photographers, tourists)	98
(Irresponsible) dog walkers	93
Fishing	
netting (n= 23)	
angling (n= 11)	53
both (n= 18)	
Drones	29
Seal licensing	10
Acoustic Deterrent Devices (ADDs)	1
Jet skis	8
Litter	6
Leisure boats	7
Quad bikes	6
Human activity in general	4
Canoes	5
Game shooting	3

2.13. Other activities such as drones, canoes, jet skis, leisure boats, game shooting, quad bikes, wind surfing and kite surfing were also mentioned, but in much smaller numbers. The main worry was the noise some of these activities produce.

2.14. Seal licensing (shooting of seals under licence) was mentioned 10 times however it is important to note that there are no seal licences issued in the area. One respondent mentioned the use of Acoustic Deterrent Devices (ADDs) as a potential activity causing harassment to seals.

2.15. Four said that any human activity could potentially cause harassment.

Examples of activities mentioned are included here:

Seals may be disturbed by dogs swimming in the estuary or by people walking along the sand spit to the north. It is my view that responsible and informed access on the south side does not lead to harassment.

We have had people flying drones close to the colony, which scattered the seals and drove them into the sea, including very young pups. (The police were unable to prosecute due to lack of designation.) Just last Saturday two groups of people approached the seal colony and scared them into the water. (Photographs available.) During a beach party in July youths were seen throwing rocks at seals in the water.

The local angling club (of which I am a member) does provide another potential impact source, as seals are afraid of and try to avoid people standing in or near the water. However, I think that anglers are very cautious (at least I think I am) and try to avoid any disturbance of seals or other wildlife on the banks.

Lack of activity by SNH to exclude access to the north bank outside the bird breeding season could allow harassment.
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2.16. A number of respondents (n=68) said that no activity is causing harassment to seals and a few (n=4) thought there was little or no risk to seals from human activity in this area. In their opinion the Ythan seal population is not affected by human activity and seem to be doing well.

Examples included:

Given that seal numbers, mainly greys, have increased from virtually zero a decade ago to around 1300 in 2015 (information from local observers) there is no evidence to suggest human activities have impacted negatively on seal numbers.

There is no evidence to suggest that any harassment of seals ever has taken or ever will, take place.

They grey seal population in the area has dramatically increased in recent years and there seems no evidence that harassment is an issue.

Question 6: Do you consider that there are grounds for considering designation of this site before the normal review period of 5 years?

2.17. A total of 293 responses were submitted at this question (Table 7):

- 189 answered no to this question and 48 provided explanations in the additional comments box.
 - 23 gave general comments against the designation with some arguing that the seals are doing well enough without extra protection.
 - 10 commented that the dramatic increase in the number of seals using the site is a good enough reason not to consider designation before the normal 5 year period.
 - 7 commented that the site should be confined to the north shore before they could agree with designation.
 - 4 did not feel there are specific grounds for immediate designation, but agreed that if designation was necessary they would see no reasons for delaying the decision.
- 104 responded yes and were in favour of the site being considered for designation before the normal review period of 5 years. 67 provided additional comments displaying their support that an action should be taken sooner rather than later.
- 13 did not answer this question.

Table 7. Whether the site should be designated prior to the normal 5 year review period

Respondent group	Yes	No
Individuals	92	180
Community group	3	2
Local authority	1	-
Fishing industry	-	7
Animal welfare group	7	-
Other government body	1	-
Total (293)	104	189

• Examples of no responses

Probably there will be no need to reconsider the overall designation of this site, but local factors may become clearer within a short period and an early review, perhaps after one or two years, should help improve its management.

The area should be restricted to the north bank only, in which case I would support a designation at the appropriate time.

The seals are not endangered in this site and, should their numbers continue to increase, may adversely affect the local ecosystem.

• Examples of yes responses

As the site becomes more well known the levels of harassment have risen and if it continues it may very well damage an important Seal colony before the next review comes round.

If there is a delay in designation there is a risk that those who oppose the presence of the seals will try and scare them away, so that the refuge becomes meaningless.

Question 7: If yes, how quickly should such a designation occur?

2.18. 116 answered this question . This included 25 who had responded no to designation

2.19. 190 did not answer this question.

Table 8. How quickly should designation occur

	Responses	
	Individuals	Organisations
After 1 year	9	
After 3 years	9	1
Immediately	85	12
Not answered	182	8

3. KEY THEMES

3.1. PUBLIC ACCESS

A close analysis of yes and no responses indicated an important issue that influenced responses to the consultation. This was a fear that designation might restrict or deny public access to the entire proposed area and a resultant desire that the designated area be more closely defined to the area where seals haul-out. Some argued that the co-ordinates do not represent where the seals haul-out and intrude on large areas of public access and amenity.

84 respondents based their no answer on fear of denial of public access. A further 70 respondents who answered no to designation and 15 of those who answered yes specified they would only support designation of the northern⁵ side of the estuary mouth where seals normally haul-out. This makes a total of 169 respondents whose concerns were around public access to the southern shore.

Examples included:

The area proposed is very much larger than the actual haul-out site and includes much of the South bank which is popular with dog walkers, horse riders, nature watchers and, to a much lesser extent, anglers. This also includes part of the Golf Course. It seems inappropriate to consider designation of areas where seals do not currently haul-out .

The south bank of the river is used by residents and visitors for walking, bird watching and recreation. There is also an 18 hole championship golf course part of which appears to be within the site. This is an important asset to the local economy. We have lived in the area for 16 years and have enjoyed these facilities with our children and now hope to continue to do so in our retirement.
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The proposal neither explains nor proves beyond any doubt that access to the proposed area will in any way be restricted to walkers, dog walkers, golfers and fishermen. We cannot risk the loss of such an important facility to the Newburgh community by creating this vast area, then along comes a body with extremist views who could seek legally, to ban access to the site.
--

Two responses submitted maps suggesting a much smaller area should be designated, where seals can normally be found.

A number (n=7) of comments stressed that disturbance by the public on the north shore is not an issue and that wildlife enthusiasts can watch and admire the seals from the south side of the Ythan.

Some said that inclusion of south and west shores would further antagonise people against the seals.

⁵ The North shore is within the Forvie Nature Reserve (Forvie NNR) and access by the public is restricted by SNH between April and August each year to allow for tern's breeding season.

Scottish Government response:

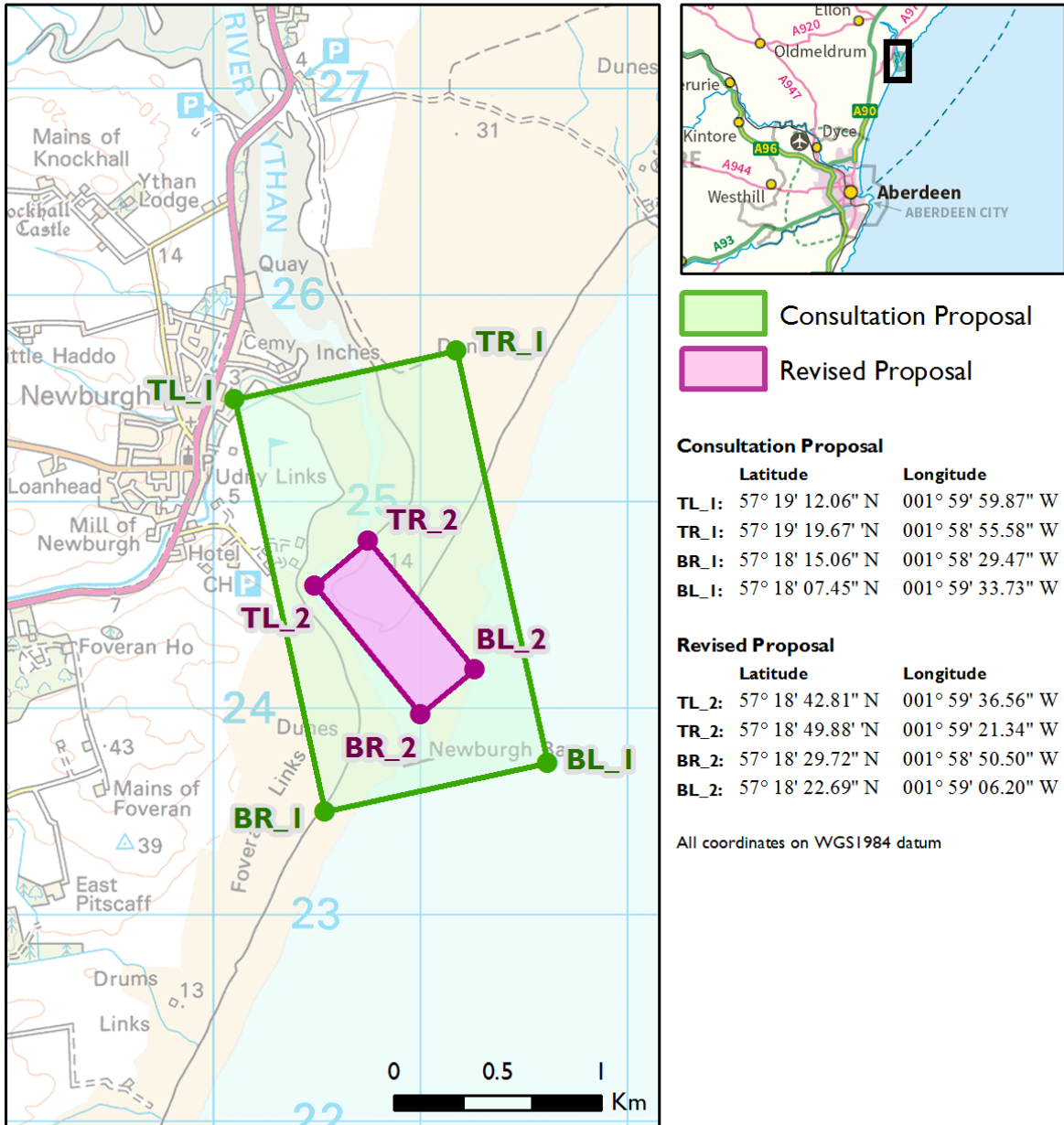
It was never intended that the designated area itself would involve any denial of public access but only that public access be restricted when it might result in harassment of the seals. The size of the area was selected in order to ensure protection for the locations where seals haul-out. Any existing activities, which have not caused any disturbance to seals in the past, can continue within the site boundaries as long as they avoid harassment⁶ of hauled-out seals.

In light of the comments and issues raised, however, the original boundaries of the proposed site were reviewed in consultation with SMRU and SNH. This produced a smaller site more closely aligned to where the seals haul-out. This new site should resolve the majority of public access concerns since it confines the designated area to the north bank as requested by many respondents. It also resolves the majority of public access issues, which almost entirely related to south and west shores, by excluding these from the new site (Figure 4).

⁶ Guidance on the Offence of Harassment offers information on what might constitute “harassment” in relation to seals on haul-out sites. The guidance is advisory only and is not binding on the criminal courts.

ES-003:Ythan River Mouth

Designated seal haul-out site (year round)



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Figure 4. Comparison between the original consultation proposal (green rectangle) and the revised proposal (pink rectangle)

3.2. FISHERIES

Concerns about the potential impact on local fishing were raised by 49 respondents, all from the fishing interests in the area. Seven fishery groups responded to the consultation, and 42 individuals responded, who practice recreational fishing in the area.

Twenty-seven out of 49 responses expressed concerns about declining salmon and sea trout in the estuary and asserted that the presence of large numbers of seals would impact on migratory fish. Sea trout are present in the estuary all year round and the Ythan is regarded as an important feeding ground for these species and the risk of predation by seals is much higher than that of salmon.

Twenty respondents voiced concerns that the proposed area would stop anglers from carrying out fishing in the Lower River or Estuary. Some even mentioned that the increase in seal numbers has already led to anglers no longer fishing in the lower part of the estuary. Many feared the designation would further restrict their activity which could lead to losses to the local economy, loss of salmon runs, and reduced catches of other fish species such as sea bass and flat fish.

Two netting interest strongly objected to the proposal. Their opinion was that the designation would materially impact their operations in a negative manner and that they will no longer be able to carry out their activity.

Examples included:

From personal observations over the past 25 years it is obvious the grey seal population at the Ythan estuary is growing exponentially without any assistance whatsoever. Further, the Atlantic salmon and sea-trout populations are crashing for numerous reasons , amongst which may possibly include seal predation.
In the wider scheme of things the Scottish Government ought to give due weight, not only to the welfare of seals, but also to the inversely associated welfare of migratory salmon and sea trout. The importance of these to the economy of the East of Scotland should not be underestimated - was clearly highlighted during the recent Scottish Wild Fisheries Review. I note that the Ythan is listed in Category 2, where "Management action is necessary to reduce exploitation (...).
It seems perverse to restrict killing of wild salmon by fishermen whilst encouraging and enhancing such killing by seals! Sea trout have been on the UK Biodiversity Action Plan Priority Species list since 2007.
I enjoy watching seals very much and marvel at their skills in the water but I regard their numbers at Newburgh are almost at vermin levels (...)It is unsustainable in a very special area such as this. A cull should be undertaken for the health of the river and the estuary and indeed for the seals themselves.

Scottish Government response

Seal Numbers on the Haul-out

A number of fishery responses were concerned that the large numbers of seals reported on the Ythan haul-out are having a serious impact on the local fisheries through predation.

In practice, seal tagging research at other similar east coast seal haul-outs have indicated that the vast majority of seals tagged forage out at sea rather than in the local river or estuary. It is individual seals that predate in these local areas.

If specific fisheries are concerned about seal predation, they can apply for a seal licence under the Marine (Scotland) Act 2010. The licensing process would ensure that the possibility of any harassment of seals on this site was avoided.

Pressure on Salmonid Fisheries

The migratory fish stocks (sea trout and salmon) are in serious decline and their management is being reviewed by the Scottish Government at present as part of the Wild Fisheries Review.

Denial of Access for Anglers in the Lower River or Estuary

A number of responses from anglers were concerned that the original large seal haul-out site might prevent their access to the whole lower river and estuary. The area used by anglers is represented in blue in Figure 5.

In response to these concerns, the seal haul-out site proposal has been significantly reduced in size. This means that any limitation on access by anglers is effectively restricted to the relatively small area of the north shore of the estuary where the main body of seals are located and to periods when seals are present there.

Anglers should, therefore, be able to continue to fish in those areas of the lower river and the estuary outside of the new seal haul-out site provided they do not harass the seals in the site itself.

Denial of Access for Coastal Netting in the Estuary

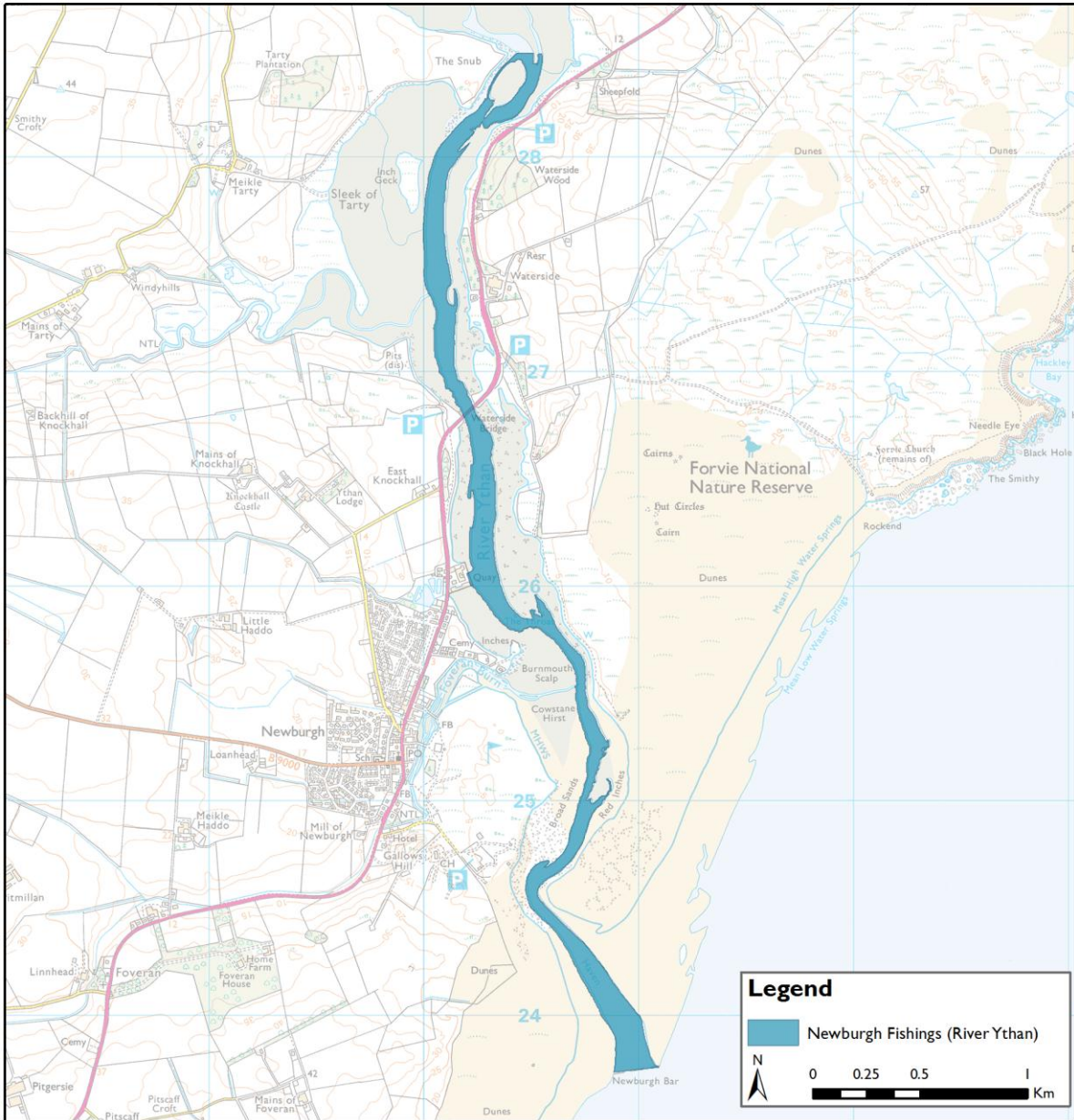
One response from a net fishery was concerned the original large seal haul-out site might effectively prevent access by coastal netting operations in the Ythan.

In response to these concerns, the seal haul-out site proposal has been significantly reduced in size. This means that any limitation on access by coastal netting is effectively restricted to the small area of the north shore of the estuary where the main body of seals are located and to periods when seals are present there.

Coastal netting should be able to continue to operate in areas outside of the estuary provided the activity is carried out away from the new seal haul-out site and that they do not harass the seals in the site itself.

River Ythan

Newburgh Fishings



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Figure 5. Map of Ythan fisheries. Includes angling and netting interests

3.3. TIMESCALES

The majority of respondents (n=204) were opposed to designation and a large number of these (n=189) also opposed the possibility of designation before the 5 year review period.

In contrast, those in support of designation (n=102) were strongly supportive of designation earlier than this 5 year period.

Scottish Government Response

In light of the changes made to the boundaries of the proposed site, the main concerns of the majority of those who opposed the previous site should be resolved.

In these circumstances, it is considered that on balance and in light of the passage of two years between the original 194 designations and now that designation in the near future would be acceptable.

4. CONCLUSIONS

Summary of main issues

The Consultation attracted 306 responses from 6 separate respondent groups. These were all individual responses with no submissions of campaign text.

The responses reflect views from a range of interested parties, however the majority came from local residents. Other responses included fishing interests, community groups, non-governmental organisations and a local authority.

A close analysis of yes and no answers indicated the key issues that influenced responses to the consultation;

- The size of the proposed area which was impinging on the south shore, area popular with beach users, golfers etc. This led to a number of respondents (70 against designation and 15 in favour of designation) to specify that they would support designation if the proposed site was reduced to only include the northern side of the estuary.
- Fears that designation might restrict or deny public access to the entire proposed area were voiced by 84 respondents. These suggested that the designated area be more closely defined to the area where seals haul-out (i.e. north shores).
- Concerns that designation could have a negative impact on local fishing interests were voiced by a number of local angling groups, netsmen and also from individuals who practice recreational fishing in the area. All these responses were strongly against designation.

Scottish Government response to concerns raised

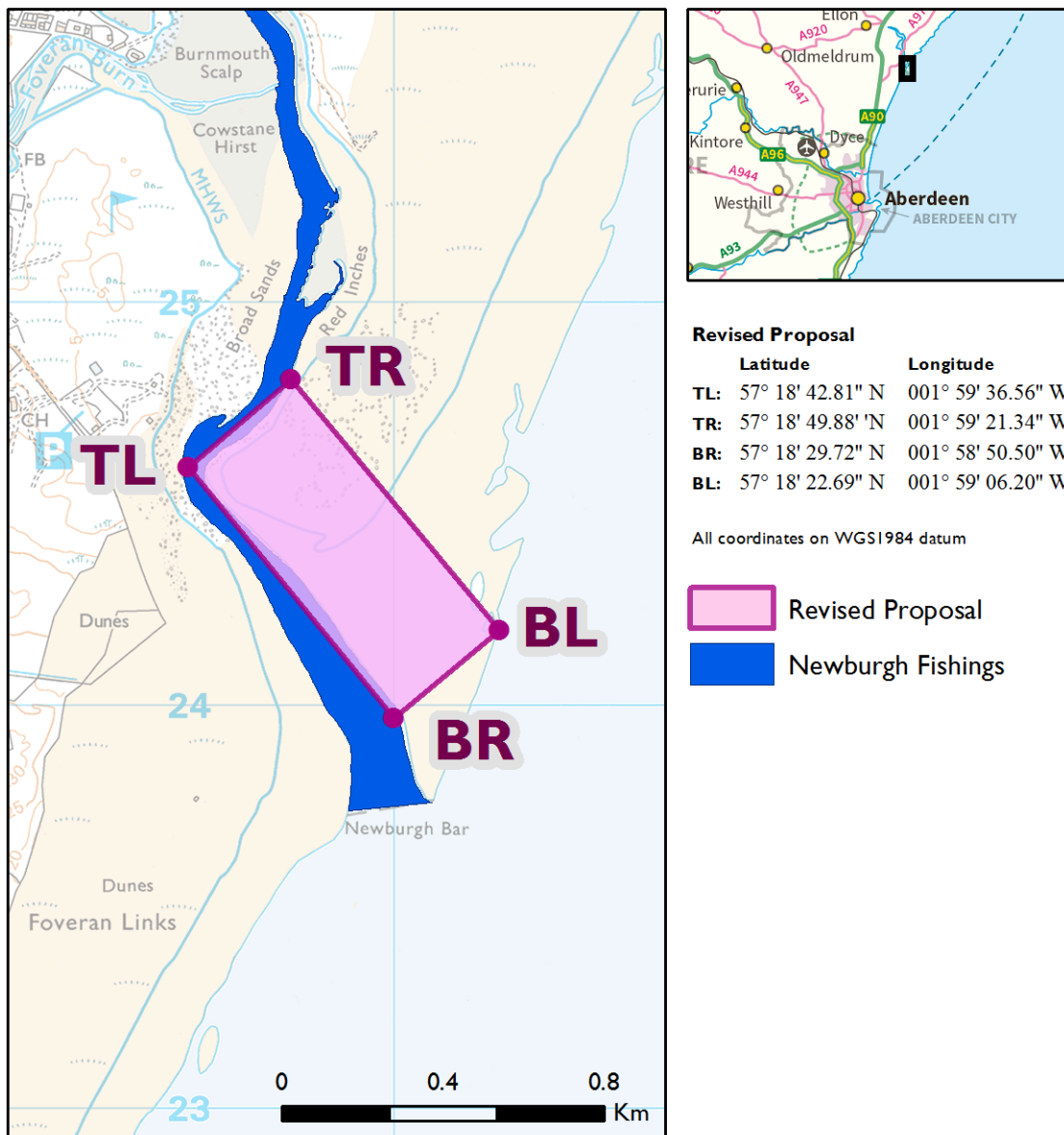
Marine Scotland in consultation with SMRU and SNH produced a smaller site more closely aligned to the seal haul-out itself. The designated area is now confined to the north bank as can be seen in Figure 4.

This means that any limitation on access and potential restrictions to any previously carried out activities will effectively only apply to the small area of the north shore of the estuary where the main body of seals are located and to periods when seals are present there.

If the site is designated, fishing access to the rest of the estuary and lower river will remain unaffected with limitations only applied to the mouth of the estuary where the actual seal haul-out is located (Figure 6).

ES-003: Ythan River Mouth

Designated seal haul-out site (year round)



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Figure 6. Revised site boundary in relation to the Ythan fisheries

ANNEX 1

The table below outlines the consultation responses reviewed by Marine Scotland. Full responses from organisations and individuals who gave their permission to publish are available online.

Respondent group	Submission reference number
Individuals	
Anonymous	4751197
Elaine Fathers	7953569
James Hutcheon	9081855
Anonymous	9897314
Patricia Tricker	19945659
Anonymous	22346874
Mark Hesketh	22551563
Ian Black	37345069
Louise Holmes	40363860
Anonymous	40497617
Anonymous	47430014
David Hawkins	62553101
Anonymous	67997745
Nora Pirie	69213888
Anonymous	70746119
Anonymous	72377581
A N Cairney	73144082
G W Souter	74689543
Anonymous	75509998
Caroline Thomson	80950027
C Bain	81399534
Anonymous	82080873
Ron Macdonald	84290034
Anonymous	84971735
Stephen Evans	86901435
Phyllus Hesketh	92894906
Anonymous	99219203
Anonymous	104882878
Rosalind Cuthill	105080075
Anonymous	107498412
Jacqueline Scoular	108023000
Anonymous	111245954
Anonymous	111520387
Anonymous	123978790
Anonymous	124822376
George Wallace	136978329
Anonymous	138244797
Esther Sutherland	139438373
Gordon Lodger	142273859
Anonymous	145480731
Anonymous	149292671
Anonymous	153502680
Anonymous	155436915

Anonymous	164619315
Alan F Renaud	165858468
Professor Charles Weir	166892684
Anonymous	167224623
Anonymous	170685494
Anonymous	174207583
S G Taylor	178348297
Anonymous	198636525
Anonymous	202296269
Derek Pake	203672201
M Newbiggin	210463175
Anonymous	212415067
Anonymous	213299767
Kenneth Murray	219202302
John Duffus	219383731
Charles Catto	220641730
Jeremy Hopkins	225862269
I S Francis	225996394
Anonymous	235282935
Anonymous	239303302
Alexander Taylor	248883200
William Barron Campbell	253237623
Anthony Griffin	267003403
Anonymous	267451885
Professor Jeremy Cresswell	272408862
Jen Strachan	276680881
Anonymous	280204668
Anonymous	286753501
Frances Morrison	287730413
Thomas and Anne Whalley	290502501
Anonymous	295116820
Andrew Coventry	296418245
Anonymous	298959131
George Kindness	300852601
Harry Bickerstaff	305498263
Dr Andrew Walker	307067688
Anonymous	307862121
Martin Cheyne	310525926
Anonymous	317094114
Anonymous	323890846
Ruairidh Cooper	329251150
Anonymous	330108355
Anonymous	330328078
Anonymous	339946973
Karen Clements	353616283
Anonymous	354648636
Anonymous	362870697
Martyn Gorman	367986787
Anonymous	376217815
Anonymous	376457195

E Laver	378864908
C M Elliott	386195344
Anonymous	398674424
William M McDonald	402162216
Malcolm Lamont	409437499
Anonymous	422173311
Nicola Robb	422267731
Anonymous	429043455
Nicola Twine	429120225
Anonymous	429610249
Anonymous	430941235
Anonymous	435052765
Debra Storr	436487268
Kenneth Mackenzie	437304998
Lorraine Rae	437599266
Anonymous	447657613
Jane Bradford	451010538
Anonymous	452174538
Anonymous	455712509
Anonymous	458441987
Anonymous	459796629
Anonymous	462485375
Anonymous	463629336
William Taylor	465256421
Bryan Garden	468972741
Anonymous	469101297
Ian McColl	469891808
Anonymous	474701598
Sue Edwards	484779920
Anonymous	497497036
Anonymous	506055727
Anonymous	510697095
Glen Douglas	512666158
Fred Middlebrook	513757980
Anonymous	517624475
Anonymous	522605825
Anonymous	528236373
Peter Morrison	533228160
Andrew Wilkie	534116364
Anonymous	535468881
Tim Marshall	536212472
Shelley Jonnstone	536403094
Anonymous	546947733
Anonymous	548187916
Anonymous	551254953
Anonymous	553085110
Anonymous	553283924
Irene Taylor	565312557
Anonymous	568517340
Anonymous	571596631

Steven Cooper	572180947
Anonymous	576656349
V Easton	577520109
Mark Murray	600447535
Ian Still	602256191
Valerie Banks	605598816
Anonymous	608246381
Anonymous	615260222
Alexander Watson	616510756
A Bisset	616975917
Anonymous	621373212
Anonymous	622763905
Anonymous	624345899
Lindsay Allardyce	626053991
Philip Sellar	626316016
Anonymous	635773093
Anonymous	638400137
J Boyle	639243890
Eilidh Watson	640694914
Anonymous	640895642
Anonymous	641069871
Debra Storr	646265722
Anonymous	662954864
Andrew Maclean	666021200
Anonymous	667142448
George Clements	673294333
Anonymous	680659133
Anonymous	681805562
Anonymous	684072935
Anonymous	686467850
Anonymous	689548867
Anonymous	693826417
Anonymous	700432967
Kirsty Houston	700979152
Gavin McGrath	701396819
Lorraine Pollock	707896065
Anonymous	711683452
Anonymous	715850455
Anonymous	721208038
Anonymous	724566628
Anonymous	727519965
Anonymous	732296055
Anonymous	733460287
Anonymous	736987409
Ewen Cameron	738770182
Anonymous	743524718
Alex Davidson	745689033
Rebecca Rae	748633000
Kenneth Chalmers	750933995
Pat Smith	756784872

Anonymous	760381504
Anonymous	761351745
Anonymous	765781568
Anonymous	772747259
Dr William Church	776626108
Anonymous	780478695
Iain Smith	781573644
Anonymous	795201606
David Hardie	796197105
Anonymous	796681362
Duncan McRae	811069874
Anonymous	821333548
Sarah Peacock	821982127
Walter Innes	833612100
Anonymous	835634091
Philip Kenyon	838797152
David Fry	841115097
Chris York	841289207
Gordon Mason	842540523
Katherine Kennedy	845957040
Anonymous	859124078
Anonymous	859897938
Jill Rennie	860094766
C Smith	870537530
Robert McClymont	871928101
Anonymous	875222192
Anonymous	877495250
Stephen Baillie	878596691
Anonymous	880944293
PD Brown	884490603
Michael Michael J.W.	885674660
Lorraine Gosling	889179264
Raymond Davidson	894540831
Harry Webster	899464944
Anonymous	911491962
David Lumsden	911556704
Niall McKillop	911792575
Ross Flett	912880613
William Laver	913934388
Anonymous	914346146
Anonymous	919009385
Raymond Kenyon	919282658
Anonymous	923290558
Professor Nigel H Trewin	924072448
Anonymous	935059178
Anonymous	935062985
Anonymous	937906269
Anonymous	942271379
Anonymous	948794948
Anonymous	952347361

Anonymous	955238821
Anonymous	956463762
Douglas Stewart	960214114
C M Elliott	963008528
Anonymous	968482883
Ewan Clark	969792559
Louise Clark	973293227
Anonymous	976918955
Anonymous	977319822
Tom Gordon	979973260
Anonymous	984305166
Gordon Porter	985636580
J Murray	988404694
J Main	989561241
Anonymous	997750406
Anonymous	1005202790
Alexander Barelle	1006418497
Anonymous	1007351600
Fred Hay	1008388599
Mr Hugh Hodge	1010949349
Anonymous	1011299337
Anonymous	1017211911
Theresa Ritchie	1018468762
Sam Griffin	1020729090
Dr Trevor Hastings	1022851947
Anonymous	1023060296
Anonymous	1025343129
Dr R L Walker	1035965967
Anonymous	1048835329
Anonymous	1052560893
Anonymous	1066375003
Anonymous	1072643637

Respondent group	Organisation name	Submission reference number
Local authority	Aberdeenshire Council	297215771
Animal welfare NGOs	British Divers Marine Life Rescue	473585867
Animal welfare NGOs	Marine Concern	383348062
Animal welfare NGOs	Stop The Ythan Seal Cull - Ythan Seal Conservation Group	420157479
Animal welfare NGOs	Animal Concern Advice Line	825462460
Animal welfare NGOs	Cetacean Research & Rescue Unit (CRRU)	569651535
Animal welfare NGOs	Animal Concern, Save Our Seals Fund	900244869
Animal welfare NGOs	Whale and Dolphin Conservation	1020372126
Fishing Industry	Newburgh Angling Club	546906804; 1058234297
Fishing Industry	River Ythan Trust	753580082
Fishing Industry	Usan salmon Fisheries Ltd	844712622
Fishing Industry	Salmon Net Fishing Association of Scotland	506768035
Fishing Industry	Aberdeen and District Angling Association	635823418
Community group	Foveran Community Council	640833695
Community group	Aberdeenshire Local Outdoor Access Forum	812721258; 869655544
Other Government body	Scottish Natural Heritage	694763238



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