

Consultation on proposal to designate Red Rocks and Longay as a Marine Protected Area

February 2022



Scottish Government
Riaghaltas na h-Alba
gov.scot

Contents

	<i>Page no.</i>
Introduction	3
What documents should I read to answer these questions?.....	4
How do I respond to the consultation?	4
Scotland’s Marine Protected Area (MPA) network	5
Red Rocks and Longay MPA	7
NatureScot Advice	8
Conservation Objectives	9
Management Advice	9
Management Measures	10
Monitoring	11
Business and Regulatory Impact Assessment	11
Summary of Island Communities Impact Assessment (ICIA) screening	13
Appendix A: How to respond to the consultation	15
How to respond to this consultation	15
Handling your response	15
Next steps in the process.....	15
Comments and complaints	16
The Scottish Government consultation process	16
Appendix B	17

Introduction

The Scottish Government's vision is for a marine environment that is clean, healthy, safe, productive and biologically diverse; managed to meet the long term needs of nature and people.

Thank you for taking the time to consider this consultation paper. We would welcome your views on the designation of Red Rocks and Longay as a Marine Protected Area (MPA), with an associated Marine Conservation Order (MCO).

Under S. 77 of the Marine (Scotland) Act 2010, Scottish Ministers can designate an MPA on an urgent basis without publishing notice of their proposals or consulting those likely to be affected.

Red Rocks and Longay MPA was designated in this way in March 2021, following discovery of a nationally important flapper skate nursery area at the site. An urgent MCO was put in place at the same time to protect flapper skate from pressures in the marine environment, restricting activities which may adversely affect the flapper skate and their eggs.

The urgently designated MPA and urgent MCO are still in place. However, an MPA designated on an urgent basis can only remain in place for a maximum of two years. An urgent MCO can only remain in place for a maximum of one year, although this can be extended by up to a further year if Scottish Ministers intend to make a permanent MCO in respect of the MPA concerned and publish notice of their proposal to do so.

Scottish Ministers intend to designate the Red Rocks and Longay MPA as an MPA on a permanent basis and make an associated MCO and are therefore extending the urgent MCO by making an Urgent Continuation Order following the launch of this consultation. In order to designate an MPA and make an MCO on a permanent basis, the Marine (Scotland) Act 2010 requires Scottish Ministers to undertake certain steps, including a public consultation. The permanent orders need to be brought into force by 10 March 2023.

Therefore, the two items below are the subject of this public consultation:

- Proposal to designate Red Rocks and Longay as a nature conservation MPA on a permanent basis to protect flapper skate and the Quarternary of Scotland geodiversity feature that is providing essential habitat for skate egg-laying.
- Proposal to make a Marine Conservation Order (MCO) on a permanent basis to further the stated conservation objectives for the Red Rocks and Longay MPA.

This consultation seeks your views on the following questions:

1. Do you support the designation of Red Rocks and Longay as a permanent Marine Protected Area (MPA)?
2. Do you agree that the scientific evidence presented supports and justifies the case for the designation of the site?
3. Do you agree with the list of proposed protected features?

4. Do you have any comments on the Conservation and Management Advice (CMA) for the Red Rocks & Longay Marine Protected Area (MPA)?
5. Do you agree with the list of prohibited activities included in the draft Marine Conservation Order (MCO) which may impact flapper skate eggs?
6. Do you have any comments on the partial Business and Regulatory Impact Assessment (BRIA)?
7. Do you have any comments on the draft Island Communities Impact Assessment (ICIA) screening?

What documents should I read to answer these questions?

The following documents are available which provide additional information on the proposal for the Red Rocks and Longay MPA:

- Draft Marine Protected Area Designation Order for Red Rocks and Longay MPA;
- Draft Marine Conservation Order for Red Rocks and Longay MPA;
- Data Confidence Assessment of the scientific evidence (DCA);
- Detailed Assessment Against the MPA Selection Guidelines (DAAG);
- Conservation and Management advice (CMA);
- MPA Fisheries Guidance Note - Flapper skate;
- Partial Business and Regulatory Impact Assessments (BRIA); and
- Draft Island Communities Impact Assessment Screening (ICIA).

For additional information please refer to:

- [The Marine Protected Areas Network – 2018 Report to the Scottish Parliament](#);
- [NatureScot's MPA network web page](#);
- [JNCC's MPA network web page](#); and
- [Marine Scotland's MPA network web pages](#).

To see how the site interacts with current protected areas and other marine activities please visit [Marine Scotland Maps](#). The downloadable GIS data on MPAs is available on [Natural Spaces](#) under Open Government Licence.

How do I respond to the consultation?

You are invited to respond to this consultation by **26 April 2022**. Please respond to the consultation online using the Scottish Government's consultation hub, [Citizen Space](#).

Further details on how to respond can be found in Appendix A and B

Scotland's Marine Protected Area (MPA) network

The seas around Scotland and the spectacular wildlife they support are one of our best kept secrets, one that only a very few have had the privilege to explore first hand, but upon which we all depend for our quality of life.

Our seas account for 61% of UK waters and remain at the forefront of our food and energy needs, through fishing, aquaculture, oil and gas, and new industries such as renewable energy, as well as recreation activities and eco-tourism.

Scotland's MPA network is being developed to help safeguard our most important natural and cultural heritage features on the principle of sustainable use. By doing so we are protecting the natural goods and services they provide for current and future generations to enjoy.

The MPA network, as shown in Figure 1, consists of sites designated for nature conservation. In addition to MPAs the network includes areas that: provide nature conservation benefits (called Other Area Based Measures), protect the historic environment (Historic MPAs), and areas for demonstrating or researching marine management (Demonstration and Research MPAs). The network currently consists of 245 sites which protect 37% of our seas.

Scottish Ministers have national and international commitments to create a network of MPAs which:

- Contributes to conservation or improvement of the marine environment;
- Represents a range of features present in Scottish waters; and
- Reflects that the conservation of a feature may require the designation of more than one MPA.

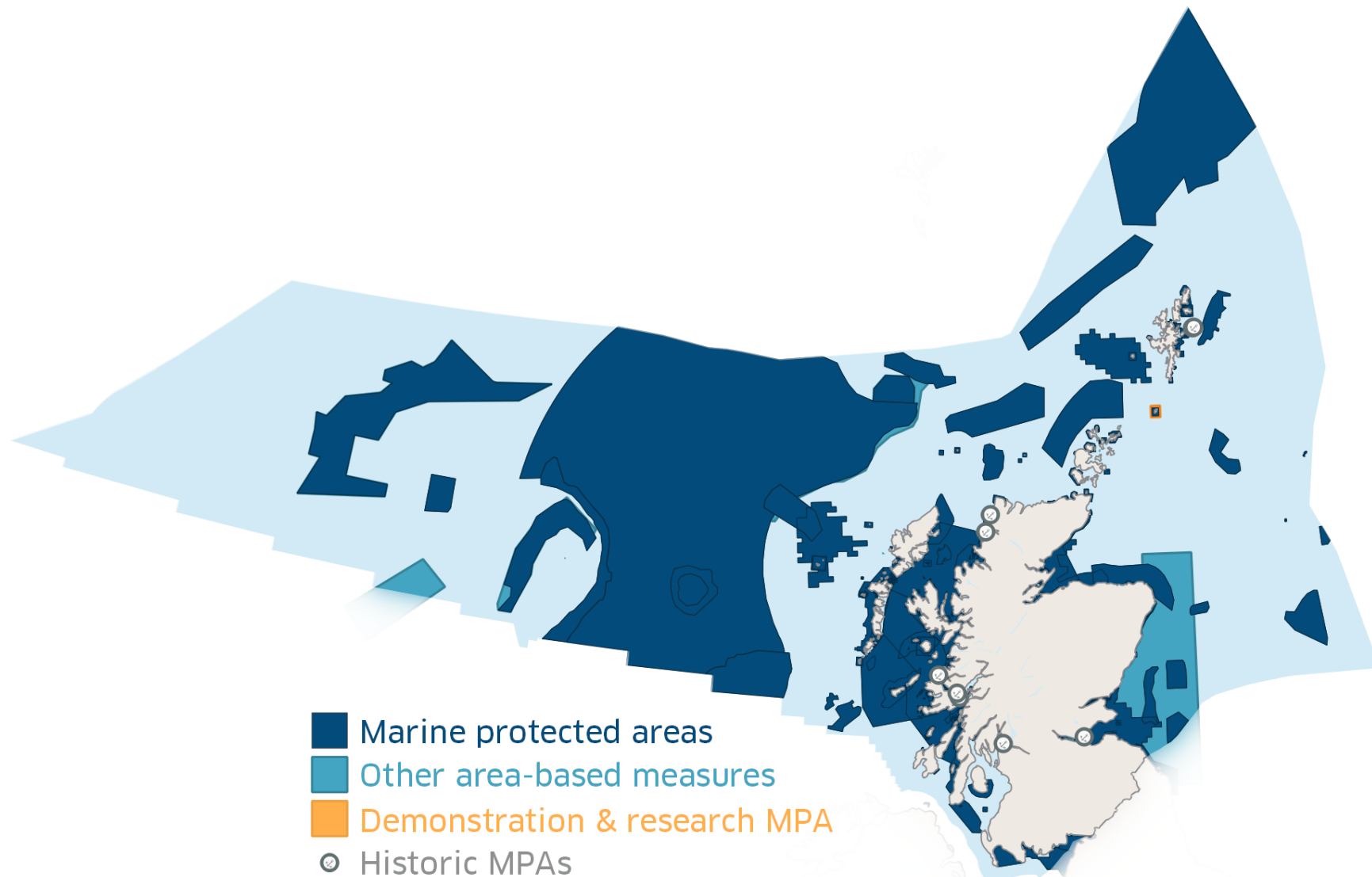


Figure 1: The existing MPA network in Scottish waters. Contains information from the Scottish Government (Marine Scotland), NatureScot, and Historic Environment Scotland licensed under the Open Government Licence v3.0.

Red Rocks and Longay MPA

Flapper skate (*Dipturus intermedius*) was historically abundant in the north-east Atlantic and widely distributed in the seas surrounding the British Isles, however its range has reduced significantly and catch rates declined throughout the 20th century. It now only occurs in the northern North Sea, off Northern Ireland's north-east coast and off Scotland's north-west coast. Part of the common skate complex (along with blue skate), they are on the OSPAR Threatened and/or Declining Species and Habitats List and the list of Priority Marine Features. Furthermore they are considered 'Critically Endangered' globally and in European waters by the International Union for Conservation of Nature (IUCN).

Dive surveys by members of the public identified over 100 flapper skate eggs in the Inner Sound of Skye in 2020 following their initial identification by commercial scallop divers. Marine Scotland obtained advice from NatureScot to understand the conservation requirements of the flapper skate eggs, and input from stakeholders to understand areas of economic importance and views about the extent of the site boundary, and designated an MPA urgently in March 2021.

Following further surveys to gather evidence for the permanent site in August and September 2021, a significant number of flapper skate eggs were discovered north of the original site. Scottish Ministers determined there was a need to urgently extend the boundary of the urgently designated Red Rocks and Longay MPA in the interim. The MPA was extended in December 2021.

An urgently designated MPA can only be in place for a maximum of two years so this consultation is being undertaken to inform the permanent designation of the site. Figure 2 shows the proposed permanent site boundary which is the extended boundary put in place in December 2021.

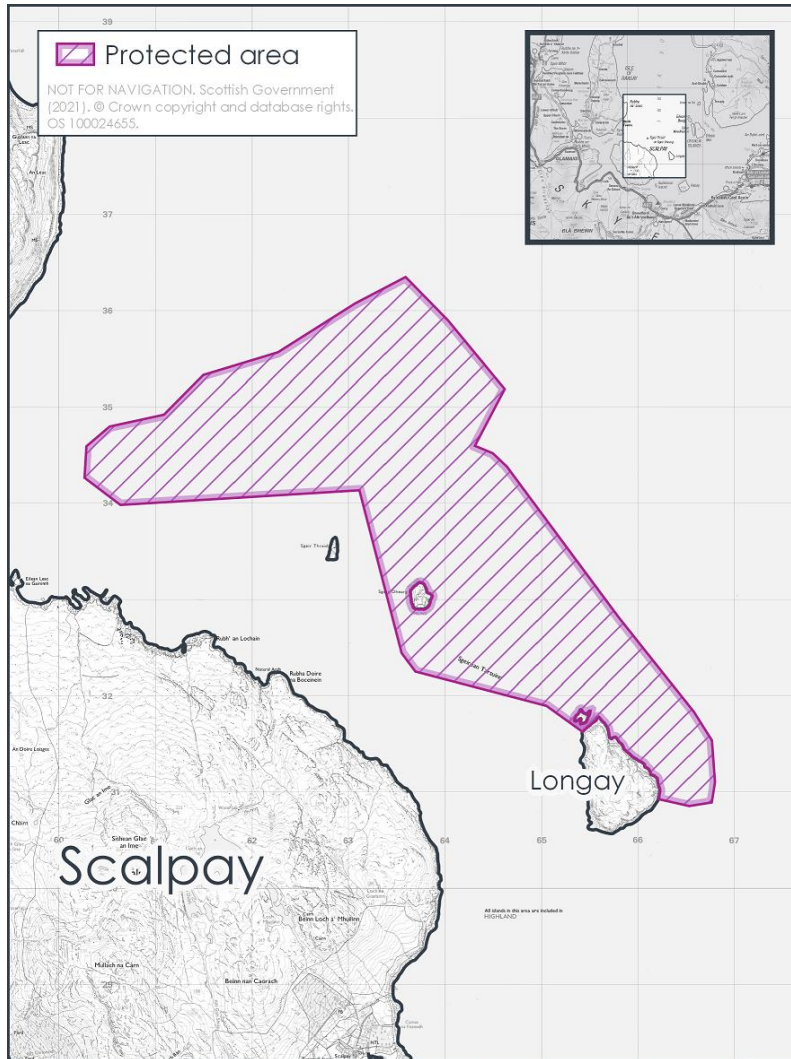


Figure 2: Proposed Red Rocks and Longay site boundary for permanent MPA.

NatureScot Advice

NatureScot scientific advice for the permanent designation of the site is presented within the Detailed Assessment Against the MPA Guidelines (for each stage of the selection process) and the Data Confidence Assessment (details of data used to support the site's selection).

During the gathering of evidence and assessment to support the permanent site designation for the conservation of flapper skate, important components of the Quaternary of Scotland geodiversity feature were identified. These are functionally linked to the flapper skate by providing suitable habitat for egg-laying. NatureScot advise that Quaternary of Scotland be included as a protected feature of this site.

The geodiversity feature was formed by glacial action over 1000's years and the components are robust. No additional management implications are associated with the inclusion of this feature (see Management Advice below and CMA for details).

We are proposing to make this an additional protected feature of the permanent site.

Conservation Objectives

Conservation Objectives describe the current and desired ecological or geological state (or quality) of each proposed protected feature. The objectives are either to 'conserve' or 'recover' a feature. Where evidence exists that the feature is in an unfavourable condition within the site, the objective will be to 'recover', otherwise it will be to 'conserve'.

The proposed Conservation Objectives for the MPA are outlined in the table below:

Proposed Protected Features	Conservation Objective
Flapper skate	Conserve
Quaternary of Scotland (Moraines, rock drumlins and crag and tails)	Conserve

Management Advice

NatureScot has produced a Conservation and Management Advice document (CMA) for the Red Rocks and Longay MPA to outline the conservation objectives and their management advice. They have used a risk-based approach by considering flapper skate and the proposed protected geodiversity feature, their conservation objectives, and the activities which could affect their condition.

The CMA determines that the proposed protected features, flapper skate and Quaternary of Scotland, are in favourable condition and provides advice to support the management of activities that are considered capable of affecting these. The CMA proposes no management measures for the Quaternary of Scotland geodiversity feature.

Nature Scot's advice lists activities considered capable of affecting flapper skate where pressures should be removed or avoided which are summarised below. As the geodiversity feature is closely associated with the flapper skate egg-laying habitat, advice on activities is not considered separately. Please see the CMA for further details:

- Aquaculture;
- Anchorage and moorings;
- Cables and pipelines;
- Coastal development e.g. construction of piers, slipways, jetties etc.;
- Fishing - demersal mobile/active gear;
- Fishing - static gear (gill/trammel nets);
- Fishing – recreational; and
- Marine deposit sites.

Activities considered capable of affecting flapper skate where pressures should be reduced or limited are:

- Fishing – Static gear (Creeling);
- Military - planned exercises;
- Scientific survey/research (incl. scientific diving/citizen science); and
- Seismic and other broadscale acoustic surveys.

Activities that are considered not likely to affect flapper skate (other than insignificantly).

- Commercial hand diving for scallops or other species (where eggs are not handled); and
- Recreational diving (where eggs are not handled).

NatureScot's CMA is also informed by their MPA Fisheries Guidance Note – Flapper skate, which is included in this consultation.

Management Measures

The responsibility for site management generally sits with Public Authorities who regulate activities. The Marine (Scotland) Act 2010 places duties on Public Authorities in relation to their own functions and any decisions they make to allow regulated activities to take place. In some cases specific measures may be required. The Marine (Scotland) Act 2010 provides the power to Scottish Ministers to implement MCOs to further site conservation objectives.

In line with the advice from NatureScot, the management measures being proposed for the Red Rocks and Longay permanent MPA in the draft MCO would prohibit the following activities:

- Fishing – dredging;
- Fishing – creels;
- Fishing - demersal trawling or seine;
- Fishing - gill/trammel nets;
- Recreational sea angling;
- Marine deposit sites/waste disposal;
- Aquaculture;
- Marine infrastructure; and
- Anchoring.

NatureScot have advised consideration of limiting or reducing creeling within the site, however they have been unable to provide any advice on an acceptable level of creel fishing that could be permitted without compromising the site conservation objectives. Therefore we are proposing to prohibit this activity in line with the management measures currently in place for the urgent MPA.

NatureScot have also advised that diving (both recreational and commercial) are activities that are considered not likely to affect the proposed protected features (other than insignificantly) we are therefore not proposing to prohibit these activities in the permanent site. These prohibitions will also be removed from the urgent MCO as soon as reasonably practicable.

Although NatureScot advise recreational and commercial diving aren't likely to significantly affect the protected feature, flapper skate, on a look but don't touch basis, they have advised diving for scientific survey should be reduced or limited due to the potential interaction with flapper skate or their eggs. Scientific survey which involves touching or taking of eggs will still be captured by the proposed provisions

to prohibit the killing, taking, destruction, molestation, touching or disturbance of flapper skate or the eggs of flapper skate.

Therefore it is proposed that individual wishing to undertake scientific survey operations (including citizen science) will need to apply for a permit under the provisions of the MCO, which will allow an assessment of the risks of each survey. This will allow limitation of diving for scientific survey within the site in line with advice from NatureScot.

Anyone looking to undertake any scientific research within the MPA should seek advice from NatureScot and Marine Scotland Licensing Operations Team and may be required to obtain a permit.

Further information on the application process would be available from Marine Scotland Licensing Operations Team.

Contact: MS.MarineLicensing@gov.scot

Monitoring

There is a requirement for Scottish Ministers to report every six years on the extent to which, in their opinion, the conservation objectives have been achieved. [The last of these reports was published in 2018](#). Appropriate monitoring is important for the report, which informs the opinion of Scottish Ministers. The monitoring of the MPA network is covered in the [Scottish MPA Monitoring Strategy](#) which sets out how monitoring of the network should be prioritised and carried out. The results of monitoring are also used to inform future decisions on management of MPAs.

Business and Regulatory Impact Assessment

Business and Regulatory Impact Assessments (BRIAs) look at the likely costs, benefits and risks of any proposed primary or secondary legislation. They also cover voluntary regulation, codes of practice, guidance, or policy changes that may have an impact on the public, private or third sector. A partial BRIA has been completed to consider the likely impacts of the proposals. The BRIA for the site will be finalised following the public consultation.

Evidence in the partial BRIA in relation to the proposed designation and management measures is drawn from the work of statutory nature conservation body NatureScot including assessments on previous MPAs and the most recent management advice for this site. This has been updated as required. It brings together the science-led arguments for management and the projected potential social and economic consequences of such action. This BRIA examines the socio-economic effects of designating the Red Rocks and Longay MPA and introducing management measures through the associated MCO. The appraisal period for assessing the socio-economic impacts covers the period from 2022 to 2041, although benefits will be delivered for longer if effective management measures remain in force.

The sectors and groups affected have been identified as:

- Commercial fisheries; and

- Tourism, recreational fishing and recreational diving.

The annual value of commercial fisheries within the MPA over the last 5 years is £69,000. If the site is designated the quantified costs for 2022-2041 to commercial fisheries and public sector is estimated to be in the region of £1.29-1.32 million. Total change to Gross Value Added (GVA) to commercial fisheries for 2022-2041 if the site is designated is estimated to be £0.511 million and direct reduction of employment if the site is designated is estimated to be 0.6 full time employment jobs. This reduction of employment estimate is a worst case scenario with vessels likely to react to any management measures in place in order to maintain profitability such as changing species/gear type.

Total non-quantifiable costs for tourism, recreational fishing and diving cannot be estimated but there would be an expected loss of ecosystem benefits for these activities in the MPA if prohibited. Total non-quantifiable costs for commercial fisheries if the site was designated cannot be estimated but displacement effects including conflict with other fishing vessels, environmental impacts in targeting new areas, longer steaming times and increased fuel costs, changes in costs and earnings, gear development and adaptation costs, and additional quota costs may occur.

Table 1 illustrates how the protected features of Red Rocks and Longay MPA contribute to benefits for people. Non-use value of the natural environment is the benefit people get simply from being aware of a diverse and sustainable marine environment even if they do not themselves ‘use it’.

It is estimated that effective management of Red Rocks and Longay MPA may provide wider benefits over and above these non-use values society places on a healthy and productive marine environment. The management measures are likely to support continued egg laying by flapper skate that depend on boulder substrate located within the site as nursery habitats.

Table 1: Summary of ecosystem services benefits arising from designation of MPA and implementation of MCO.

Services	Relevance	Baseline Level	Estimated impacts of designation and management	Value Weighting	Scale of Benefits	Confidence
Fish for human consumption	High - Support food web and contain nursery habitats.	Stocks reduced from potential maximum	Moderate – protection of site can contribute to recovery of fish and shellfish stocks	High - Commercial species supported and priority wildlife species.	Moderate	Moderate
Fish for non-human consumption		Stocks reduced from potential maximum	Moderate – protection of site can contribute to recovery of fish and shellfish stocks			
Gas and climate regulation	Nil - Low	Nil - Low	Nil-Low	Low	Low	High

Services	Relevance	Baseline Level	Estimated impacts of designation and management	Value Weighting	Scale of Benefits	Confidence
Natural hazard protection	Nil - Low	Nil - Low	Low	Minimal-Increase unlikely	Nil - Minimal	High
Regulation of pollution	Nil - Low	Nil - Low	Low - If protection allows recovery of habitats, service could increase	Minimal-Increase in this service unlikely	Minimal - Low	High
Non-use value of natural environment	Moderate – High Contribution of the site to MPA network and non-use value of flapper skate.	Low-Moderate Non-use value of the site may decline	Moderate - Protection of features of site from damage, allowing some recovery of population of flapper skate.	High - strong contribution to halting damage & decline of biodiversity. Protection of features is valued by divers and anglers.	Moderate	Moderate
Recreation	Moderate - active individuals and businesses	Moderate - High Including tourism activities and wildlife watching.	High – Protection of features of site from damage, allowing recovery of population of flapper skate.	Moderate - Extensive activities	Minimal-Moderate - Enhanced visitor experience	Low – Moderate
Research and Education	Moderate – High	Moderate – High	High Protection of key characteristics of site from decline, improving future research opportunities for juveniles, flapper skate eggs and reproductive biology of adults	High - opportunity to study recovery, opportunity to study life history of flapper skate	High	High – recovery to be monitored, life history of flapper skate to be studied

This is a summary of the BRIA. See the partial BRIA that accompanies this consultation for full details.

Summary of Island Communities Impact Assessment (ICIA) screening

The Islands (Scotland) Act 2018 provides for a duty on Scottish Ministers and other relevant public bodies where they must have regard to island communities in exercising their functions.

As the designation of the site affects island communities an ICIA screening exercise was undertaken to determine if the impacts from the policy had a significantly

different effect on an island community in comparison to mainland or other island communities.

The results of the screening assessment determined there was no need for a full ICIA and the impact on the island communities identified. The impact on Skye and Raasay, was not significantly different to the impact the policy will have on other islands or mainland communities.

This is a summary of the ICIA screening assessment. See the draft ICIA screening document that accompanies this consultation for full details.

Appendix A: How to respond to the consultation

How to respond to this consultation

You are invited to respond to this consultation by **26 April 2022**. Please respond to the consultation online using the Scottish Government's consultation hub, [Citizen Space](#).

You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 26 April 2022.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form (as shown in Appendix B). Without this form we will not know how you would like your response processed. Please send the completed form with your response to:

marine_conservation@gov.scot

OR

Marine Conservation
Scottish Government
Area 1B North
Victoria Quay
Edinburgh
EH6 6QQ

If you have any enquiries please direct them to marine_conservation@gov.scot.

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. 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 is 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.

To find out how we handle your personal data, please see our [privacy policy](#).

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 at the Scottish Government's consultation hub, [Citizen Space](#). If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or to marine_conservation@gov.scot.

The Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online at the Scottish Government's consultation hub, [Citizen Space](#). Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. 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; and
- Be used to finalise legislation before it is implemented.

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 on proposal to designate Red Rocks and Longay as a nature conservation Marine Protected Area, with an associated Marine Conservation Order

RESPONDENT INFORMATION FORM

To find out how we handle your personal data, please see our [privacy policy](#)

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

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?

- Yes
- No



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2022

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80201-969-8 (web only)

Published by The Scottish Government, February 2022

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1013998 (02/22)

W W W . g o v . s c o t