

## Written submission from Whale and Dolphin Conservation

### Inclusion of Whales and Dolphins in a coherent Marine Protected Area network

#### Summary

- The 4 remaining proposed Marine Protected Areas (pMPAs) should be designated
- Designation of EU Special Areas of Conservation (SACs) for harbour porpoises is required
- Designation of EU Sound of Barra SAC should include bottlenose dolphins
- Robust MPA management measures should support MPA designations
- A conservation plan is required for white-beaked dolphins

#### Whales and dolphins in Scottish MPAs

WDC fully support SNH advice<sup>1</sup> for the remaining four proposed nature conservation Marine Protected Areas (ncMPAs) to be designated.

Scotland has an incredible opportunity to develop a world-class network of MPAs to include nationally important whales and dolphins.

As a result of WDC third party proposals, Sea of Hebrides and Southern Trench pMPAs include minke whales and the Northeast Lewis pMPA includes Risso's dolphins.

In addition to the scientific evidence, WDC handed over the signatures of more than 36,000 whale and dolphin supporters to Mr Lochhead in December 2012 when progress on developing the MPA network was reported to Parliament. A further 6,627 (out of 14,371) responses were received specifically on inclusion of whales and dolphins in the network during the 2013 MPA consultation.

#### EU Special Areas of Conservation

The EU Habitats Directive Natura 2000 Special Areas of Conservation (SACs) form part of the wider MPA network and are an essential component to ensure the network's ecological coherence.

Both bottlenose dolphins and harbour porpoises are listed as Annex II species under the EU Habitats Directive, requiring SACs for their protection. Scotland contains internationally important populations of both bottlenose dolphins and harbour porpoises, yet Scottish waters presently contain just one Special Area of Conservation for bottlenose dolphins in the Moray Firth. This SAC ensures that the conservation objectives for the dolphin population are met. This requires an additional level of environmental assessment when significant impacts cannot be ruled out, yet it has not been overly burdensome to industry. The SAC has led to

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<sup>1</sup> Scottish Natural Heritage Commissioned Report No. 780: Further advice to Scottish Government on the selection of Nature Conservation Marine Protected Areas for the development of the Scottish MPA network

world-leading scientific impact analysis, including an advanced assessment of cumulative impacts<sup>2</sup>.

WDC is supportive of the Sound of Barra SAC designation for the protection of sandbanks, reefs and harbour seals. However the public consultation did not include the vulnerable, resident population of 15 Sound of Barra bottlenose dolphins - that qualify under the EU Habitats Directive guidance. Scottish Environment Link have provided scientific evidence for their inclusion in the SAC<sup>3</sup>.

Harbour porpoises are also listed on Annex II of the EU Habitats Directive, as requiring sites for their protection. Despite having the highest densities of porpoises in northern Europe, and generally declining populations, Scotland has yet to designate any sites for their protection. Northern Ireland designated the only harbour porpoise SAC in the UK where harbour porpoise feature as a grade A-C, requiring management measures for their protection. As a result, the UK is failing in its duty to designate SACs for harbour porpoises and is currently facing infraction. WDC has produced a report titled 'Making space for porpoises, dolphins and whales in UK seas: Harbour Porpoise Special Areas of Conservation, as part of a coherent network of marine protected areas for cetaceans'<sup>4</sup>.

Designation of EU Special Areas of Conservation (SACs) for harbour porpoises throughout Scotland and Sound of Barra bottlenose dolphins along with inclusion of whale and dolphin MPAs in the network will help to ensure that the MPA network is supported by science and is ecologically coherent.

### **MPA management**

MPA management options should be robust and enforceable. WDC have provided an analysis of management requirements to SNH and would like to be involved in the development of appropriate measures for whale and dolphin MPAs.

### **Wider measures to ensure strict protection of whales and dolphins**

In addition to designating MPAs, whales and dolphins require 'strict protection' throughout their range under the EU Habitats Directive. SNH recommended white-beaked dolphins be removed from the MPA process due to presence at above average densities in Scottish waters. WDC have been working with international dolphin experts to develop appropriate conservation priorities for this important species that is at the southern extent of its range in Scottish waters<sup>5</sup>. An appropriate conservation plan should be a priority for this species and WDC would like to be involved in its development.

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<sup>2</sup> Lusseau, D. 2013. The cumulative effects of development at three ports in the Moray Firth on the bottlenose dolphin interest of the special area of conservation. Aberdeen University report to Marine Scotland.

<sup>3</sup> <http://www.scotlink.org/files/policy/ConsultationResponses/LINKRespSoundofBarrapSAC.pdf>

<sup>4</sup> <http://uk.whales.org/sites/default/files/making-space-for-uk-porpoises-dolphins-and-whales.pdf>

<sup>5</sup> Tetley, M. J. and Dolman, S. J. 2013. Proceedings of the European Cetacean Society / ASCOBANS / WDC Workshop Towards a Conservation Strategy for White-beaked Dolphins in the Northeast Atlantic.