Written submission from Scottish Environment LINK

Summary

Scottish Environment LINK members have fully supported the development of Scottish Marine Protected Areas (MPAs) throughout the process and welcomed the 30 Nature Conservation MPAs announced for designation just over two weeks ago. The establishment of an ecologically coherent network of well managed MPAs is a vital step in helping to protect and regenerate our living seas, and the many goods and services they provide. However, Scotland is at risk of failing to deliver the network's objectives unless:

- More and better protection is provided for key species and habitats within the designated sites;
- Effective statutory management, monitoring and enforcement is implemented without delay;
- Further MPA sites are urgently progressed to fill the ecological gaps in the network.

Context

The Marine (Scotland) Act 2010 established duties to set up a network of marine protected areas that, with marine planning, contribute to the protection and, where appropriate, enhancement of Scotland's seas. Following extensive Government engagement with the public and stakeholders during 2013–14, over 14,000 responses to a public consultation were received, including 332 standard responses. All 14,371 campaign responses and over 99% of standard responses demonstrated support for proposals to establish NCMPAs. The designation of 30 NCMPAs is a major milestone on the journey to ecological recovery, but gaps in the network and an overly-cautious approach to management seriously risks this unique opportunity for wildlife protection and ecosystem recovery. **We welcome the RACCE committee's interest in scrutinising the Government's progress in this area, and here we outline some key challenges that require further attention**.

Areas for key Priority Marine Features (PMFs) are missing from the MPA network

The recently designated nature conservation MPAs could afford protection for 41 marine features and will cover as much as 12% of Scotland's seas – a significant geographic proportion. However the designation process has overlooked the protection needed for a number of important species that contribute towards a fully functioning marine ecosystem in Scotland.

Important marine features, such as sandeels, common skate and fan mussels, all of which are **vital components of the Scottish marine ecosystem**, are all under-represented in the MPA process. Despite clear evidence from research, key areas for these and other features have not been included in the network (such as important sandeel populations have not been recognised in the Firth of Forth). The ambition to actively manage a number of the features is also very limited with the

conservation objective for the majority set at 'conserve' and only a few relict patches of maerl and flame shell beds assigned a 'recover' objective. Other PMFs, such as sea trout and spiny lobster, have not been included in the network at all. Scottish Government guidelines for MPA selection require the use of best available evidence. Statutory conservation advice and scientific research support the case for better protection of the above features, so it is clear that further designations for these features are needed.

Paper parks or effective MPAs?

During a Parliamentary debate on 20th March 2014, the Cabinet Secretary stated: '*In the majority of MPA designations, there will simply be a designation, so that we are aware of the marine feature. Other MPAs will have management plans attached to them…but I do not expect there to be a huge number of such MPAs*'. This implies that MPAs will in most cases be little more than lines on a map or 'paper parks'. This sends a confusing message to coastal communities and other supportive stakeholder organisations who have assumed the MPAs will deliver tangible change. Having received widespread acclaim for its designation of the MPAs, it would be a great disappointment if the Government followed up with a poor record of management – or worse, failed the duties set out in the Marine (Scotland) Act for the protection and enhancement of the marine environment.

A SAMS[1] report stated that there are **unlikely to be any pristine marine habitats** on Scotland's share of the Continental shelf. Over many decades, we have modified vast areas of our marine environment by industrial activity at sea and are now left with relict areas to conserve. Bottom-towed fishing gear has been identified as one of the main causes of damage to the seabed and the decline in the health of Scotland's seas, as acknowledged by Marine Scotland, SNH, JNCC and a plethora of marine scientists. Despite this, draft management options proposed as part of a Marine Scotland study[2] on fisheries displacement suggest that many of the sites will be managed in such a way so as to require few, if any, changes to commercial fishing activity. In some sites, the draft management options suggest that as little as 5% of the site will be protected from such fishing activity, leaving the rest of the site largely unprotected and giving little scope for the recovery of those features we know to have declined (e.g. maerl beds in Wester Ross). This type of patch-management is difficult and more costly to enforce as potential observers from the shore or nearby vessels will be unable to confidently report an infringement of a tightly-defined and complex boundary. Even a site-wide reduction in effort from damaging fishing activities will not in many cases guarantee recovery for slow-growing marine organisms, for which a permanent rest from the impacts of bottom-towed fishing gear is necessary.

We note that many representatives of the fishing industry have acknowledged the likely benefits of MPAs and support their development, despite the concerns for displacement from fishing grounds, and the Scottish Fishermen's Federation have

[1] http://www.scotlink.org/wp/files/documents/SAMS-Report-with-LINK-Foreword.pdf
[2] http://www.scotland.gov.uk/Topics/marine/marine-environment/mpanetwork/Displacement/Displacement

proposed voluntary fishing restrictions within the newly designated network[3]. For the vast majority of law-abiding fishing vessels, a culture of compliance is best backed up with **statutory enforcement** to ensure that MPAs are not perceived as an optional exercise in bureaucracy. Furthermore, **monitoring the effectiveness of the management measures** is crucial to understanding how they have benefited the marine environment and to making decisions about future management actions. The requirement for monitoring presents a real opportunity for alleviating any short-term, socio-economic impacts of MPA designation via collaboration between affected marine users (such as fishermen) and those tasked with developing science-based monitoring programmes. The Scottish Government should make clear what resources will be made available (over the next five years, until the first network review) to achieve effective monitoring of the local and wider ecological status of features within MPAs and to properly enforce management across the MPA network. Scotland's resourcing for fisheries enforcement is currently much less than the English Inshore Fisheries Conservation Authorities'.

The MPA network is still not complete

A coherent and representative network of MPAs must include and protect enough of every type of habitat and enough critical areas for mobile species to allow dispersal, gene flow and migration of supported species between sites - connectivity that is essential for a healthier, better functioning marine ecosystem. Around 20% of the substantive responses to last year's consultation on MPAs commented that the proposed MPAs did not represent an 'ecologically coherent network', which the Scottish Government is required to achieve under international obligations. In a particularly poignant response, Professor Jeff Ardron (a leading marine scientist who created the criteria for ecological coherence used to develop the Scottish MPAs) stated that the proposed network '*failed to meet the basic tennets of representivity*'.

In combination with existing MPAs (Natura 2000, Ramsar and SSSIs), these new designations are a good start towards an ecologically coherent network. However, there are still clear gaps that remain for a number of features, including highly mobile species such as whales, dolphins, sharks, some vital seabird feeding areas and some rare and representative habitats. Scientific evidence suggests that protecting important areas for mobile species, such as migratory routes and foraging grounds, and providing sufficient replication and connectivity for all features is key to achieving ecological coherence,. We have an opportunity to protect these features for Scotland's sake and vital next steps are to progress the proposed MPA search locations, Demonstration and Research MPAs and internationally important sites for seabirds.

It is vital that the Scottish Parliament's landmark Marine (Scotland) Act achieves its statutory and popularly mandated objectives: namely the protection *and enhancement* of the Scottish marine area.

[3] http://www.sff.co.uk/node/1044