

Marine Protected Areas in the Seas around Scotland

**Event Report 17 March 2011
The CatStrand, New Galloway
Dumfries & Galloway**

**Hosted by South West Association of Nature Conservationists
in association with Solway Firth Partnership
and Marine Scotland**

marinescotland



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1 Introduction

The event formed part of the programme of discussion forums hosted by South West Association of Nature Conservationists (SWANC) and was organised in association with Solway Firth Partnership and Marine Scotland. The event was held at The CatStrand, New Galloway at 7:30 pm on Thursday, 17 March 2011.

SWANC is an informal group that organises a winter programme of presentations from speakers covering a wide range of rural issues. The group was established in the Glenkens area of Dumfries and Galloway about 20 years ago and advertises its meetings through an email network, posters and local word of mouth. Over the years, the group has attracted input from specialists in wildlife conservation, climate change, renewable energy and sustainable living.

Solway Firth Partnership is an independent charity which supports sustainable use of the local marine environment and was formed 18 years ago. The Partnership works to support a vibrant rural economy while protecting the unique character, features and wildlife of the Solway Firth. Membership of the Partnership is free and open to anyone with an interest in the sea. Activities include organising events which enable connection between local people, regulators and policy makers. Solway Firth Partnership is governed by a board of 12 trustees and has 1 full time and 1 part time member of staff based in Dumfries.

<http://www.solwayfirthpartnership.co.uk/>

Marine Scotland is a directorate of the Scottish Government (SG) with responsibility for integrated management of Scotland's seas and was established in 2009. Marine Scotland brings together the functions of the previous SG Marine Directorate, Fisheries Research Services (Marine Scotland Science) and Scottish Fisheries Protection Agency (Marine Scotland Compliance). Marine Scotland has around 700 staff based in a network of offices and laboratories around Scotland. Divisions within Marine Scotland focus on marine planning, environment, sea fisheries and energy issues amongst others.

<http://www.scotland.gov.uk/About/Directorates/Wealthier-and-Fairer/marine-scotland>

The event was not part of a statutory consultation. It was an opportunity to provide information about the Marine Protected Areas programme and enable an informal discussion between local people, sectoral interests and Marine Scotland. It was also intended to help create links between people who would like to contribute to the Marine Protected Areas programme as it moves forward.

2 Publicity, information and registration

SWANC sent out an open invitation by email to its network of around 200 people with the request that this be passed on to others who may have an interest in attending.

Solway Firth Partnership sent out an open invitation by email and letter to people including members, conservationists, commercial fishermen, sea anglers, netters, divers, recreational sailors, seafood related businesses, renewable energy companies, local Councillors, local authority officers, environmental charities and Fishery Boards and also requested that this be passed on to others with an interest.

A press release promoting the open invitation to attend the event was sent to all local newspapers covering the coastline of Dumfries and Galloway and Ayrshire.

Resources are not available to monitor all titles but coverage was certainly provided by the Dumfries Courier, 'Marine life spotlight', 11 March edition.

A press release was also issued to South West radio stations and the event was promoted on BBC Radio Scotland regional news bulletin 17 March.

The event was publicised on the Solway Firth Partnership website. Organisers are grateful for promotion on the Scottish Sea Angling Conservation Network website and to individuals who kindly posted information on angling web forums.

Solway Firth Partnership invited enquiries regarding the event and sought advance registration to support:

- good event planning by having a reasonable estimate of number of attendees;
- establishment of a contact database for distribution of relevant information;
- informal provision of information about the event;
- liaison with people interested in engaging but unable to attend the scheduled event.

3 Event

3.1 Introduction

Reception was from 7pm in The CatStrand bar.

In keeping with the nature of the event, there was no formal registration but opportunities were provided for people to provide contact details if they wished to be kept informed of further developments regarding the MPA programme. The event was attended by around 50 people with a wide range of interests.

3.2 Welcome and registration

Welcome and brief introduction from Alice Campbell of SWANC and Pam Taylor of Solway Firth Partnership at 7.30pm in the auditorium.

It was explained that a summary of the meeting would be prepared by Solway Firth Partnership and circulated by email to those who had provided contact details and to others likely to have an interest in the information. The report would also be posted on the Partnership website as soon as possible after the event.

3.3 Marine Scotland Presentation

The full MPA Presentation is included as Annex 1.

David Mallon of the Marine Environment Branch, Marine Scotland, provided a presentation explaining how Marine Protected Areas can be designated under new powers contained in the Marine Scotland Act. Guidelines on the Selection of MPAs have been published recently and include details of 42 search features.

<http://www.scotland.gov.uk/Topics/marine/marine-environment/mpanetwork/mpaguidelines>

MPAs will contribute to improving the health of our seas in line with international obligations. Along with existing designated sites, MPAs will form part of a network around the UK and beyond and are set to come into being in 2012. Sustainable use of the seas is a key principle and establishment of an MPA does not automatically prevent activity within the site.

The selection process is currently underway led by Marine Scotland, Scottish Natural Heritage (SNH) and the Joint Nature Conservation Council (JNCC). The first draft set of sites will be produced in Autumn 2011 and will be subject to full stakeholder consultation.

3.4 Open floor

A summary of questions and comments from the audience is shown in bold type with responses from David Mallon in plain type.

Q Will The Crown Estate need to comply with any development constraints resulting from designation of MPAs?

The Crown Estate is one of a range of partners who make up the Marine Strategy Forum; this group provides advice on implementation of the Marine Scotland Act and wider marine issues. The Crown Estate will be subject to any constraints which arise as a result of MPA management objectives; it does not have any special exemption.

Q Do MPAs mean that some areas will be looked after and that others will be subject to more intense economic pressure as a result? If this is the case, what is the net benefit of MPAs?

The aim is to manage the seas in a sustainable way and MPAs are part of a package of measures to achieve this. Nature conservation will be addressed through the three pillar approach: wider seas measures; species conservation; and site protection. So the health of MPAs and wider seas will be addressed. For example, marine planning and environmental assessments that form part of the licensing process will contribute to the health of our seas inside and outside MPAs.

Q The Clyde has been described as a marine desert because its condition is so poor. Is it possible that a damaged area such as this could become a Demonstration and Research MPA to see if the area could be regenerated?

The process of MPA designation allows for third parties to propose Demonstration & Research and Nature Conservation MPAs. Designation of MPAs could potentially offer the opportunity of promoting recovery as well as providing protection.

Q The designation process for Marine Conservation Zones (MCZs) in the Irish Sea has the same fundamental weakness as the process being proposed for MPAs: areas are selected then the management process is agreed and put in place. The management process should inform site selection.

The process of identifying MPAs will be based principally on scientific evidence. Impact assessments, stakeholder engagement and public consultation will be the means by which socio-economic information will be taken into account in the decision making process. Management measures will be dependent on the features for which the site is designated.

Statement: Experience from Net Gain, one of the four MCZ designation initiatives addressing English inshore and offshore waters, is that the process has been different in each of the four areas. The Scottish process has the benefit of a single approach to all potential MPAs rather than them being considered on a regional basis.

Consistency is important and there are opportunities to learn from others. The work led by Marine Scotland to identify Nature Conservation MPAs is looking

across Scottish inshore and offshore waters. Interestingly, Scotland's Marine Atlas which has been published recently, illustrates that Scotland has 60% of UK seas. <http://www.scotland.gov.uk/Publications/2011/03/16182005/0>

Q How far up the estuary can an MPA covering an area like the Solway Firth extend and how do you manage cross border designations?

Generally the MPA will extend to the High Water Mark. The Marine (Scotland) Act, provides the facility to include parts of land including islands within an MPA.

Legislation covering MCZs and MPAs is broadly similar and the Solway Firth already has a cross border Natura site (under European habitats and species legislation). There is a ministerial commitment to ensuring marine planning for the Solway considers the estuary as a whole despite legislative differences between England and Scotland. Consultation on designations will be widespread and not restricted to local stakeholders.

Q Will The Crown Estate have an over-riding input to the designation of MPAs?

The Crown Estate is one of the many stakeholders who will be consulted but will have no right of veto. Ministers have the power to designate MPAs.

Q How can locals propose a site for consideration as an MPA?

Information about third party proposals is included in the MPA Guidance document (link in 3.3) which is available online through both the Marine Scotland and Solway Firth Partnership websites. Potential sites can be proposed at any time by contacting Marine Scotland but our preference is to identify Nature Conservation MPA proposals as early as possible so that they can be considered in the context of designing the MPA network.

Q How will MPAs be policed?

Marine Scotland has a compliance function and can enforce conservation measures if necessary. Damaging an MPA will be an offence. There is also the potential to introduce additional management measures that will need to be enforced and for applying conditions to any license issued for development within an MPA.

Q There has been no local activity relating to stakeholder engagement on MPAs, while there has been MCZ consultation in Kirkcudbright. The national stakeholder engagement which has been referred to is not sufficient. Are fishermen right to be concerned that MPAs including no take zones will be imposed or will they be consulted on proposals?

The MPA process in Scotland is at an early stage and the approach is different to the designation of MCZs. In England they are asking: "Where do you want an MCZ?" Identification of Nature Conservation MPAs will be based primarily on scientific evidence using the Selection Guidelines. As the process progresses, engagement will increasingly involve those at a local level and others with a direct interest in the proposals. Draft MPA proposals will be subject to a 12 week public consultation and will be subject to final endorsement by Scottish Ministers. A stakeholder engagement strategy is being produced to supplement the guidelines and will provide further detail on when and how stakeholders can get involved.

Q What happens if approval for offshore wind developments is given, with the potential for impact on the biodiversity of a proposed MPA, before the MPA designation can be put in place?

Environmental assessment is an essential part of the process for approval of any renewable energy development so potential environmental impacts will be considered even if the development is in an area that has not been designated as an MPA.

If the potential development is to take place within the boundary of one of the potential MPAs identified by September 2011, any environmental assessment will have to take account of the features of interest.

Q How optimistic are you that the marine environment will be in a better state in 10 years' time?

There is optimism and I am confident that there will be a genuine improvement in 10 years' time.

Q How many MPAs will there be and how extensive will they be?

No targets have been set for the number of MPAs or the area that they will cover. For financial planning purposes we have developed estimates of the costs of designating, managing and monitoring 10 inshore and 10 offshore sites in addition to other areas which are already formally designated as protected areas. An area of up to 30% of our seas has also been proposed by some organisations. However, MPA selection in Scottish waters will be based on the presence of key features and size will depend on the rationale for identification of the site and the features it is designed to protect.

Q Will MPAs be large enough to provide protection for biodiversity?

It's possible that important features may be limited to a small area. It could also be argued that development of a small proportion of a large designated area could be regarded as having a low overall impact; therefore creation of large MPAs is not necessarily always the best option. It may be appropriate for some large areas to be designated: North-west Rockall Bank SAC, for example, is roughly the size of the Scottish Borders.

Q Are similar approaches to marine conservation being taken by other European countries?

The OSPAR Convention involves international cooperation on the protection of the marine environment of the North-East Atlantic. OSPAR includes membership of Atlantic EU states, Iceland, Norway and the European Commission and addresses shared commitments to sustainable use and protection of the sea. Similar approaches are being taken by other countries including Norway, France, Spain and Ireland.

Q How will Good Environmental Status be achieved and how will it be measured?

Good Environmental Status (GES) is the key concept of the European Union Marine Strategy Framework Directive. Member states are required to report to the EC on establishment of Marine Protected Areas by 2013. This will form part of a package of measures contributing to GES. By 2020 member states must have put in place measures to achieve or maintain GES in their marine waters. The Directive sets out the descriptors of GES with which member states have to comply.

Q Is the necessary scientific expertise being applied to identification of MPAs and, if so, by whom?

There is an MPA Steering Group which includes scientists within Marine Scotland, Scottish Natural Heritage (SNH) and the Joint Nature Conservation Committee (JNCC). They will provide the initial proposals which will be subject to peer review and wider stakeholder consultation.

Q Which of the search features for identification of potential MPAs apply to the Solway Firth?

There is a list of over 40 search features within the guidelines including seabed habitats, mobile and limited mobility species and large-scale features. Some of these features do occur in the Solway.

Q What will happen if climate change and pollution impact on MPAs?

Future changes are to be expected and MPAs will be subject to 6-yearly review. There is scope to make changes to the MPA network to enable an adaptive approach to marine conservation which takes account of impacts of climate change and any other factors. The aim is to replicate features in the network so that it is sufficiently robust to withstand a major incident, either natural or man-made, in one area without the complete loss of a key habitat or species to the network as a whole.

Q Will leisure interests such as sea angling, sailing and diving be included in the consultation on MPAs?

Sea anglers are represented on the Marine Strategy Forum and individuals from all interests will have the opportunity to contribute to the MPA process.

Q Static gear fishermen have been working in Luce Bay for generations and provide the area with some protection due to lobster pots discouraging rogue fishermen from damaging the seabed. Will static gear fishermen be allowed to continue fishing the area?

Luce Bay is already a Special Area of Conservation (SAC) and lobster fishing is allowed. No guarantee can be given but if there is current activity that is not damaging the area there should be no reason why it should not continue.

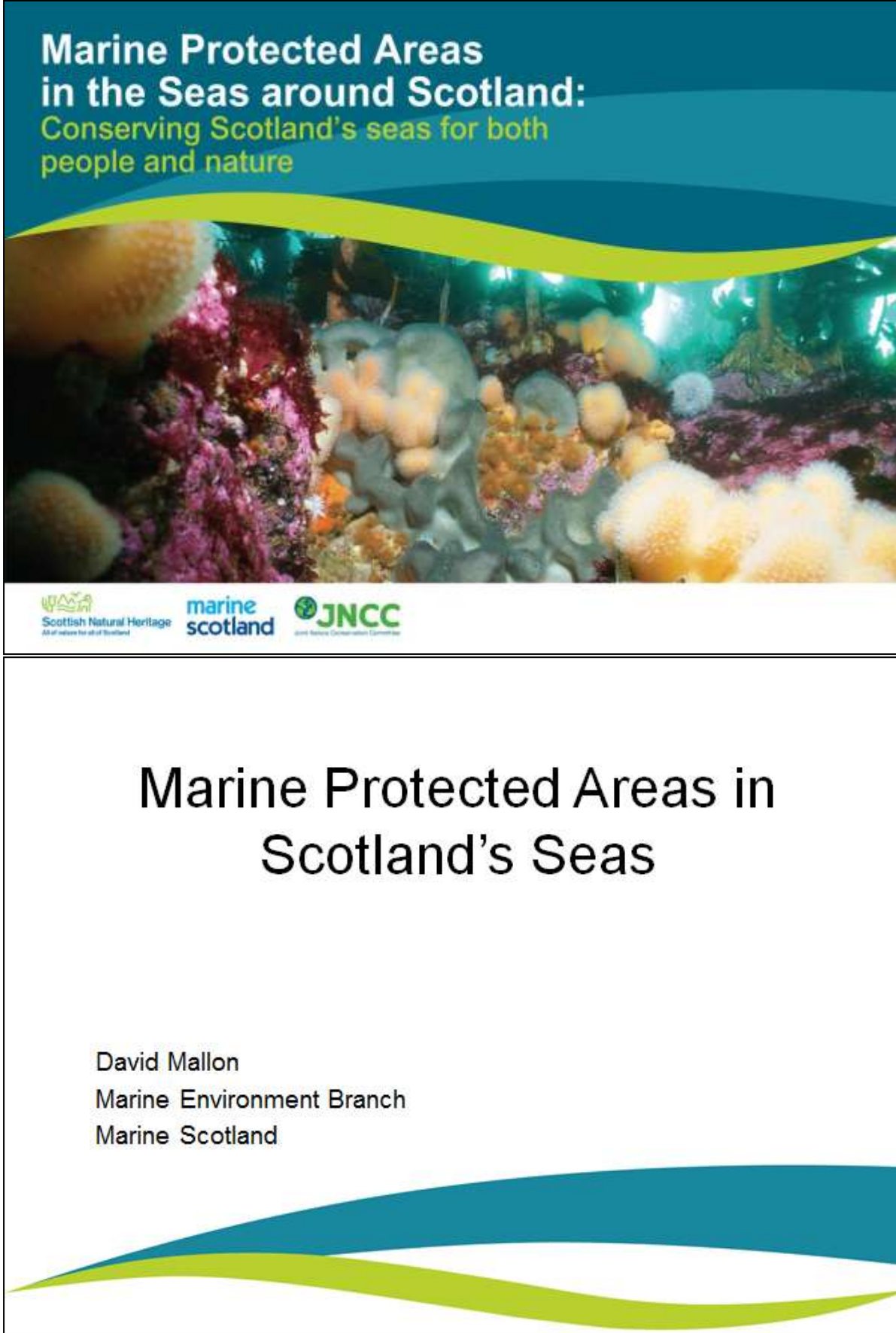
Q MPAs will be put in place before a management structure is in place: what can we do to help?

Contributions to the process are welcomed at every stage and the New Galloway event is intended to help raise awareness of the MPA programme and provide points of contact ahead of further consultation later in the year. The Marine Act is at an early stage of implementation and delivery will be guided by Ministers.

3.5 Close

The meeting closed at 9.15pm with thanks to everyone for their contributions.

Annex 1 Marine Protected Areas presentation



The slide features a dark blue header with white and yellow-green text. Below the header is a photograph of a vibrant underwater reef with various sponges and corals. At the bottom of the slide, there are logos for Scottish Natural Heritage, marine scotland, and JNCC. The main title is centered in a large, black, sans-serif font. The presenter's name and affiliation are listed in a smaller, black, sans-serif font. The slide is decorated with wavy blue and yellow-green lines at the top and bottom.

Marine Protected Areas in the Seas around Scotland: Conserving Scotland's seas for both people and nature

Scottish Natural Heritage
All of nature for all of Scotland

marine
scotland

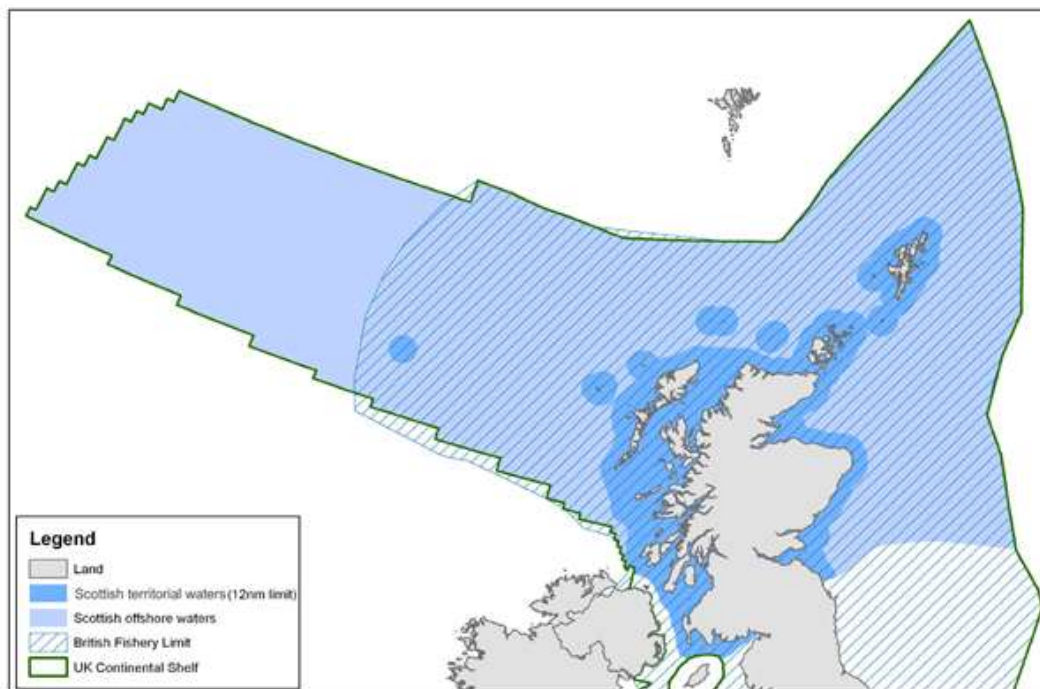
JNCC
Joint Nature Conservation Committee

Marine Protected Areas in Scotland's Seas

David Mallon
Marine Environment Branch
Marine Scotland

A new system for managing Scotland's seas

- Marine (Scotland) Act 2010 and UK Marine and Coastal Access Act 2009
- Executive devolution of planning and nature conservation in offshore waters
- Marine planning
- Marine licensing
- MPA networks
- Marine Scotland and better enforcement



Marine Nature Conservation

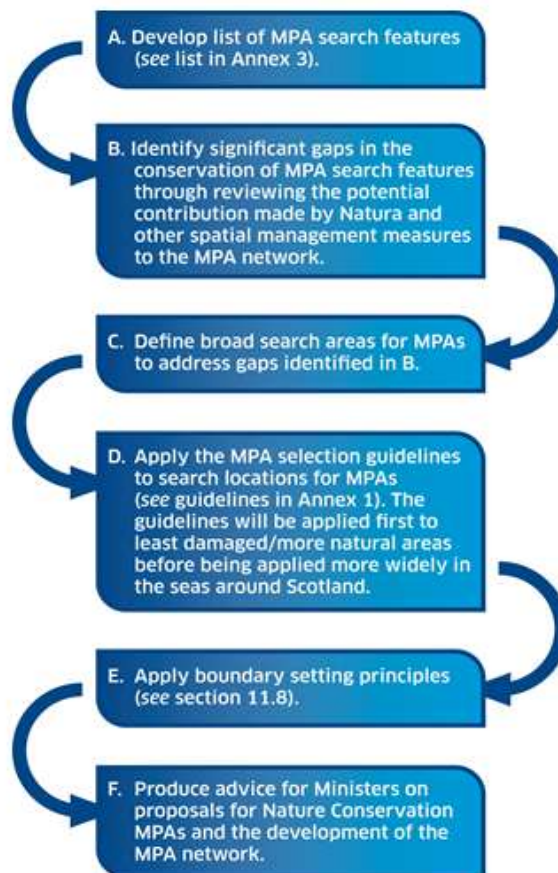
- Inshore and Offshore waters
- National priorities and international commitments
- Three pillar approach
 - i. Species Measures
 - ii. Site protection measures
 - iii. Wider seas policies and measures

Scottish MPA project

- Project partnership – Marine Scotland, SNH, JNCC, Historic Scotland and SEPA
- Nature Conservation MPAs
- Demonstration & Research MPAs
- Historic MPAs

MPA Network

- Science-based process and sustainable use
- MPA statement to Scottish Parliament on key principles
- Finalised selection guidelines published
www.scotland.gov.uk/marinescotland/mpaguidelines
- MPA search features
- Aim is to deliver Scottish priorities, legal duties and international commitments




What will be included in the MPA Network

Nature Conservation MPAs


Other protected areas in marine environment
(SACs, SPAs, SSSIs, Ramsar sites)

Possibly some Demonstration and Historic MPAs

Possibly other area-based measures



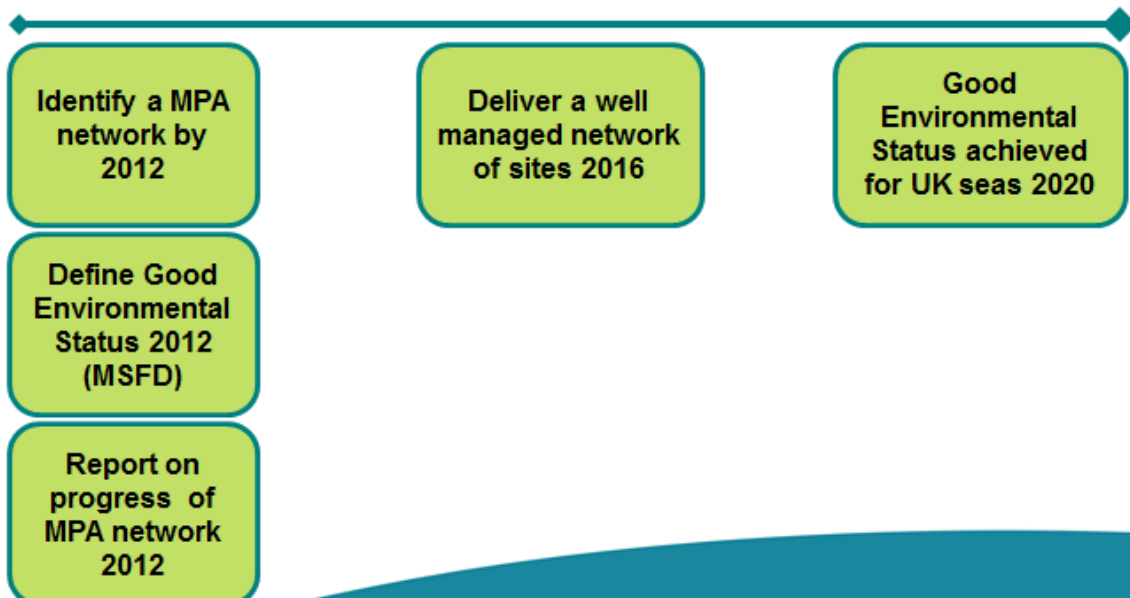
Features

- **MPA search features**
 - Underpin the initial selection of Nature Conservation MPAs
 - **MPA protected features**
 - Features which are formally protected by the designation order for a Nature Conservation MPA
 - **Network features**
 - List of features afforded protection by the MPA network as a whole
- 

Ecological coherence

- OSPAR guidance on key design features associated with ecological coherence:
 - Representation
 - Replication
 - Size of site
 - Adequacy
 - Connectivity
 - Management

Network timescales



Future stakeholder engagement

Ongoing

- Marine Strategy Forum
- Bilaterals with different national organisations
- Other events

2011/12

- 3 national stakeholder workshops
- Detailed discussions on MPA proposals

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