

**TITLE: Update on the Scottish Network of Marine Protected Areas**

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**1. SUMMARY**

- 1.1 This report provides the background to current Scottish Government consultation on possible nature conservation Marine Protected Areas (MPA) and details the key issues that have formed the proposed Council response in **Annex 2**.
- 1.2 Information on the MPA proposals was taken to Area Business Days in November for comment and has informed the proposed response.
- 1.3 An ecologically coherent network of well-managed marine protected areas is considered vital by Scottish Government to conserve and regenerate Scottish seas, in turn protecting the many goods and services they provide now, and for generations to come.
- 1.4 33 Possible Nature Conservation MPAs in Scotland have been identified using a science-led approach, with provision for Scottish Ministers to have regard “to any social or economic consequences of designation” when considering whether it is desirable to designate an area as a Nature Conservation MPA.
- 1.5 The consultation seeks views on the scientific argument for each proposed MPA, the proposed features and their conservation objectives, recommended management options and potential positive and negative socio-economic impacts of each possible MPA.

**2. RECOMMENDATION**

- 2.1 It is recommended that Members:
  - (i) Note the content of the report, including feedback from Area Committee Business Days in Section 4.1 ; and
  - (ii) Approve **Annex 2** of this report as the Council’s formal response to the Scottish Government consultation on Scottish nature conservation Marine Protected Areas.

**3. DETAIL****3.1 Overview of proposed MPA network**

- 3.1.1 Scottish seas account for 61% of UK waters and remain at the forefront of Scotland’s food and energy needs, through fishing, aquaculture, oil and gas, and new industries such as renewables, as well as recreation and tourism activities. An ecologically coherent network of well-managed marine protected areas is therefore considered vital by the Scottish Government to conserve and regenerate our seas, in turn protecting the many goods and services they provide now, and for generations to come.
- 3.1.2 The Scottish Government are committed to using the powers under the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 to develop a MPA network that delivers their priorities at Scottish, UK and international levels.
- 3.1.3 In Scotland there are already many existing protected areas in our seas. These range from Special Protection Areas (SPAs) for seabirds, Special Areas of Conservation

(SACs) for features such as reefs and seals, and Sites of Specific Scientific Interest (SSSIs). There are also other area based measures, predominantly for fisheries management, that are considered to make a contribution to the network. **Appendix 1** includes a map (Figure 1) showing existing designated sites already contributing to the MPA network in Argyll and Bute.

- 3.1.4 Nature Conservation MPAs are being identified for features (species, habitats and geology) that are believed to require more protection than is currently offered by existing protected areas. These features are considered to most deserve protection, either because they are rare, threatened or declining, representative or because they are almost only found in Scottish waters.
- 3.1.5 Conservation objectives will aim to protect features in their current state for the future, or to allow them to recover to the state they should be to remain healthy and productive. MPAs will be managed to achieve these conservation objectives, using the principle of sustainable use. This means that only activities that present a risk of hindering the achievement of the conservation objectives will have specific management measures implemented.
- 3.1.6 MPAs will be monitored to allow Scottish Ministers to report every six years on whether conservation objectives have been achieved. Monitoring results will also be used to inform future decisions on management of MPAs. Site-based measures may therefore change over time as knowledge evolves.
- 3.1.7 The consideration of management will be undertaken at a site level on a case by case basis, recognising the unique variation of protected features and activities that exist within each Nature Conservation MPA proposal. This process will provide opportunities for stakeholders to present their view, including their practical environmental knowledge and activity data.

### 3.2 Consultation details

- 3.2.1 The [main consultation document](#) provides an overview of the 33 possible Nature Conservation MPAs and is supported by a [Sustainability Appraisal](#), combining environmental and social economic impacts and a [Management Handbook](#) which describes the processes of how the overall network will be managed.

The following documents are available for each possible MPA on the [Scottish Government website](#):

Document	Content
<i>Site Summary Document</i>	Summarises MPA extent & features
<i>Data Confidence Assessment</i>	Assessment of confidence of data used to identify possible MPA
<i>Selection Guidelines</i>	Detailed assessment of the MPA through the MPA Selection Guidelines
<i>Management Options Paper</i>	Preferred management options for activities considered capable of having an effect on protected features
<i>Business and Regulatory Impact Assessment (BRIA)</i>	Examines socio-economic impact of designation - estimates of economic impact on activities from proposed management and identification of potential socio-economic benefits

- 3.2.2 10 separate consultation events, run by SNH and Marine Scotland took place across Argyll and Bute in September and October. Events were held on Mull, Coll, Tiree, Islay, Jura and in Oban, Lochgilphead, Inveraray, Dunoon and Campbeltown.

Attendance ranged from 10 to 50 at each event with over 200 people attending the 10 events in total.

### **3.3 Proposed scope of Council response**

3.3.1 Based on a review of the documentation listed in section 3.2 of this report, the proposed Council response set out in **Appendix 2** has focussed on: the case for designation; preferred management options; and potential environmental and socio-economic impacts and benefits of individual MPAs. The response considers only MPAs that are within Argyll and Bute or adjacent to our coastal waters and of interest to our coastal communities.

3.3.2 **Appendix 1** (Figure 2) shows the boundaries of five inshore possible MPAs that are within Argyll and Bute coastal waters and a further two possible MPAs that are outwith Argyll and Bute but are of economic importance to Argyll and Bute fishermen. A large MPA search area (Skye to Mull), being considered for basking shark, minke whale and Risso's dolphins is still being assessed by SNH, and if taken forward will be fully consulted on in 2014.

### **3.4 Potential benefits of an MPA network**

3.4.1 While the key overall objective of the MPA network is to safeguard the most important natural heritage features in Scottish waters based on the principle of sustainable use, the Scottish Government believe a well managed network can contribute in other ways than simply protecting biodiversity. It is important to note however, that while there is clearly potential for wider benefits from a well managed MPA network, it is difficult to give any certainty as to whether they will in fact be realised.

3.4.3 Direct benefits can include:

- Protection of habitats that support commercially important fish and shellfish species which are harvested for food and other uses or targeted by recreational activities;
- Protection of mobile species or habitats and key areas which support these species which in turn provide opportunities for wildlife tourism.

3.4.4 Indirect benefits could include:

- Maximising potential for marine habitats and species to naturally cycle nutrients and reduce the effects of climate change through acting as carbon sinks. We currently gain no direct economic output from these benefits, but they provide services that would be very costly to manage ourselves if they disappeared;
- Storm protection from reefs and kelp beds;
- Important biopharmaceutical properties of some marine species;
- Non-use benefits – values reflect the benefit derived by the public from knowing that specific species and habitats are being protected.

### **3.5 Socio-economic assessment**

3.5.1 Nature Conservation MPAs in Scotland are being identified using a science-led approach, with provision for Scottish Ministers to have regard “to any social or economic consequences of designation” when considering whether it is desirable to designate an area as a Nature Conservation MPA.

3.5.2 A Sustainability Appraisal has been developed to inform the scientific recommendations with social, economic and wider environmental considerations. The social and economic analyses in the Sustainability Appraisal are based on the findings of a socio-economic report which investigated the potential economic benefits and costs, and associated potential social impacts, of designating each individual proposed MPA. It also considered the potential economic benefits, costs, and associated potential social impacts of designating the suite of MPAs as whole.

- 3.5.3 For many of the activities and sectors affected – finfish and shellfish aquaculture, military activities, ports and harbours, recreational boating and telecom cables – both the site-level and combined impacts are estimated to be small and therefore no significant combined impacts are expected.
- 3.5.4 For commercial fisheries, significant cost impacts are identified for some inshore sites under intermediate and upper scenarios, reflecting the impact of the management measures applied. Given that the focus of protection is on seabed habitats and commercial sea fishing is the most widely dispersed activity, it is inevitable that this activity will interact with proposed MPA features more than any other activity. This is confirmed by the proportion of fisheries related management options and subsequent estimation of potential economic impact.
- 3.5.5 The potential benefits of an MPA network are difficult to quantify in financial terms and not surprisingly financial values for potential socio-economic benefits have not been estimated in the consultation documents for each possible MPA.
- 3.5.6 The benefits generated by the MPAs would mostly accrue to services dependent on healthy and productive seas, such as fisheries, ecotourism, and recreational activities. It is not possible to quantify the benefits of individual MPAs, but the value to Scottish households of marine conservation in Scottish waters generated by the MPA network as a whole is estimated within the range of £239–583 million over 20 years.

### **3.6 Key Issues**

- 3.6.1 From reviewing over 50 consultation documents and considering some initial views from Argyll and Bute stakeholders the following key issues have been identified which form the basis of the proposed consultation response, detailed in **Annex 2**.

#### Balancing of benefits versus economic impact

- 3.6.2 It is difficult for individuals responding to this consultation to weigh up the possible socio-economic impact resulting from MPA management against the possible environmental and socio-economic benefits of MPA designation. This is particularly the case for the fishing industry given the wide range of management options proposed and uncertainty of whether some measures will be required or not.
- 3.6.3 Some MPAs are estimated to have a greater economic impact than others, in particular the Loch Sunart to Sound of Jura pMPA and the South Arran pMPA where commercial fisheries will be most affected. Other pMPAs such as Loch Sween and Loch Creran will have limited economic impact. It is important that the economic impact on our key sectors from proposed management does not outweigh the environmental and economic benefits of designation, risking socio-economic impacts on our coastal communities.
- 3.6.4 The proposals for the 5 pMPAs in Argyll and Bute coastal waters support the objectives of the Argyll and Bute LBAP in that the features identified for protection are listed in the LBAP as priority habitats and species. The Councils EDAP and proposed LDP identify renewable energy development, aquaculture, commercial fishing and tourism & recreation as key economic growth sectors. The MPA proposals relevant to Argyll and Bute are in general considered unlikely to have a significant impact on the renewable, aquaculture or tourism sectors but will affect the commercial fishing sector. The fishing industry in particular have potential to gain from the wider benefit of a well managed MPA network, but also have the most to lose in terms of potential restrictions on fishing activity and required changes to existing practices. There may be potential indirect benefits to tourism from MPA designation and any impact on the fishing industry may be partially mitigated by wider ecological and economic benefits if appropriate management, developed with the industry is implemented and successful.

3.6.5 The potential for some form of 'compensation management scheme', akin to land based schemes which provide payment for agricultural practices benefitting biodiversity, was raised at the Council MPA seminar in June. It is considered that while this type of approach has added complications at sea as a largely shared resource, Marine Scotland should look into the potential for rewarding good stewardship with financial incentives to help mitigate economic impacts on activities affected by MPA designation.

3.6.6 Lorn Environmental Action Forum (LEAF) who attended the Council MPA seminar in June, have provided some initial views on the MPA proposals which raise concern that the total coverage of the MPA network is too low and should be approaching at least 30% of the Scottish marine area, with each MPA treated as a no-take zone where no activities are allowed, rather than restricting only activities that are certain to directly affect the biodiversity features. Not identifying no-take zones is considered by LEAF to weaken the protection of Scottish Seas and reduce the overall benefits of an MPA network. The proposed MPAs make up approximately 10% of Scottish Seas and added to existing designations give a coverage of around 23%.

#### MPA boundaries

3.6.8 The Loch Sunart to Sound of Jura MPA is a very large area which includes several key harbour areas and ferry ports. The relatively small working areas around these harbour/ports are unlikely to be of any significance for the proposed skate and geology features, and therefore to avoid any unnecessary complications for future essential harbour works, it is recommended that these areas are removed from the MPA boundary. It is noted that the proposed Oban harbour area has been excluded and this should also be considered at Tobermory and Craignure.

#### Loch Sunart to Sound of Jura MPA

3.6.9 It is agreed that Skate are a species in need of protection and that the area of the possible MPA does encompass the main areas where large skate are commonly caught by recreational anglers. However, there appears to be a high level of uncertainty over the likely future management options and potential for restrictions on economic activity, given the large scale of the MPA and fact that little is known about where the skate breed, lay eggs and whether there are specific nursery areas for juvenile skate. It is therefore suggested that this MPA should either be kept as a search area until such time as additional research work has been completed on nursery/breeding areas. These concerns are shared by Mull Aquaculture & Fishermen's Association and Clyde Fishermen's Association who believe it is unacceptable to designate an MPA without first understanding the consequences for those likely to be affected.

#### Management Options

3.6.10 A number of management options have been identified as 'to be considered' rather than being recommended. This has been done to flag up potential conflicts between activities and MPA features where there is currently not enough information to determine whether additional management is needed. Management Options to be considered have been identified mainly for fishing activities and provide significant uncertainty as to the likely level of management restrictions and therefore economic impact. It is likely that some of these 'measures for consideration' will not be needed and some of them may already be met through existing management processes.

#### Activities not considered

3.6.11 Management Options papers for each possible MPA have identified relevant activities that where management should be considered to ensure protection of the proposed MPA features. The Loch Sunart to Sound of Mull pMPA needs to consider the potential for future sub-sea electricity cables that will be needed to service the emerging offshore marine renewable industry. Potential development areas of Tiree and Islay are likely to require cables which will cross through the proposed MPA. The

Loch Creran pMPA does not consider the potential for new moorings to impact on the flame shell bed feature.

Council responsibilities as a planning authority

3.6.12 The MPA proposals outlined in the current consultation have full policy protection as if they were designated. The Council will need to consider proposed Nature Conservation MPAs and the final designated MPAs when determining planning applications that could affect a sites features. This will relate mainly to aquaculture applications and relevant Supplementary Guidance of the Council's Local Development Plan is being updated as appropriate. The Council will also need to be involved in the development of management plans for each designated MPA to ensure management is consistent with the Council's planning policy and guidance.

**4. FEEDBACK FROM AREA COMMITTEE BUSINESS DAYS**

4.1 A report on the MPA consultation was taken to the four Area Committee Business Days in November and the table below briefly summarises the main points raised at these meetings. Please note that these are points raised by individual members rather than consensus views.

Area	No. of MPAs within area	Main points
Bute & Cowal	1	<ul style="list-style-type: none"> <li>• Proposals do not go far enough and support expressed for MPAs to be treated as No Take Zones.</li> <li>• Proposals will not protect fish populations in the Clyde from unsustainable fishing practices.</li> <li>• Existing No Take Zones such as Lamlash Bay have demonstrated environmental and socio-economic benefits.</li> <li>• Would compensation scheme (see 3.6.6) result in any financial cost to the Council?</li> <li>• What are financial costs of delivering management plans/schemes?</li> </ul>
Helensburgh & Lomond	0	<ul style="list-style-type: none"> <li>• Potential opportunity for long-term benefits to Clyde ecosystem and tourism but keen to ensure no significant impact on wider economic activity.</li> </ul>
Mid Argyll, Kintyre & the Islands	4	<ul style="list-style-type: none"> <li>• Concern over scale of Loch Sunart to Sound of Jura proposal and potential for significant economic impacts.</li> <li>• Some support for recommendation (3.6.9) that the Loch Sunart to Sound of Jura MPA be treated as a search area until further research is completed, but also some views that this proposal should not be supported in any way.</li> <li>• There should be sensitive targeting of measures across all MPAs.</li> <li>• Upper Loch Fyne and Loch Goil MPA should not be supported as no evidence that existing activity is affecting area.</li> <li>• Question over whether the Clyde Sea Sill MPA would affect renewable development &amp; existing tidal leases.</li> <li>• The potential economic impacts added up across all Argyll and Bute MPA proposals are significant.</li> <li>• Cod Recovery Plan and other fisheries measures are already having an economic impact on fishing communities. MPA management will be an additional restriction.</li> </ul>
Oban, Lorn & the Isles	2	<ul style="list-style-type: none"> <li>• Loch Sunart to Sound of Mull pMPA - concerns over scale, lack of scientific evidence and uncertainty over management and socio-economic impact.</li> </ul>

		<ul style="list-style-type: none"> <li>• Support for recommendation to treat Loch Sunart to Sound of Mull proposal as a search area.</li> <li>• Question over need for two designations covering Loch Creran.</li> <li>• Concern over whether Loch Creran pMPA would limit potential use/growth of Barcaldine MRC as a renewable servicing site.</li> </ul>
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**5. NEXT STAGES**

5.1 The final decision as to designations and management rests with Scottish Ministers and the first MPAs will be designated in 2014, with further work on management options and development of management plans undertaken up to 2016.

**6. IMPLICATIONS**

**Policy:** Positively influencing the development of Scottish MPA Network assists the Council deliver its commitments for the environment and SOA local outcomes for the economy, communities and environment.

Relevant Supplementary Guidance policies of the Local Development Plan will need to be updated to account for new MPAs once designated. The determination of planning applications will need to consider the conservation objectives of relevant MPAs.

**Financial:** None.

**Personnel:** Council officer time in preparing appropriate planning guidance, considering MPAs for relevant planning applications and liaising with Marine Scotland over development of management options.

**Equal Opportunities:** None.

**Legal:** Public authorities should attempt to exercise their functions in a way which furthers the conservation objectives of a MPA, or if this is not possible act in a manner that least hinders their achievement.

**Risk:** None.

**Customer Service:** None.

Sandy Mactaggart  
**Executive Director of Development & Infrastructure**

For further information contact: Mark Steward, Marine & Coastal Development Manager  
 Tel. 01631567972; Email: [mark.steward@argyll-bute.gov.uk](mailto:mark.steward@argyll-bute.gov.uk)

## GLOSSARY/ABBREVIATIONS

**Biodiversity features:** Habitats or structures that support species and add diversity to our marine environment.

**BRIA** – Business and Regulatory Impact Assessment

**Circalittoral:** The algal dominated zone below the low water mark).

**Ecosystem services benefits:** a framework for looking at whole ecosystems in decision making, and for valuing the ecosystem services they provide, to ensure that society can maintain a healthy and resilient natural environment now and for future generations.

**Geodiversity features:** Sites or features that are representative examples of the area's geological deposits and features.

**Mobile gear:** Refers to fishing techniques using towed gear i.e. trawling and dredging.

***Nephrops*:** *Nephrops* is a genus of lobsters comprising a single extant species, *Nephrops norvegicus* (the Norway lobster or Dublin Bay prawn).

**pMPA:** potential Marine Protected Area

**SAC:** Special Area of Conservation

**Shelf deeps:** Elongated depressions in the seabed of the continental shelf in the form of channels, troughs, valleys or even canyons.

**Sublittoral:** Depths greater than the intertidal zone.



6. APPENDICES

Annex 1 – Possible MPAs relevant to Argyll and Bute

Figure 1 – Possible MPAs and other existing designated sites in Argyll and Bute which already contribute to the MPA network

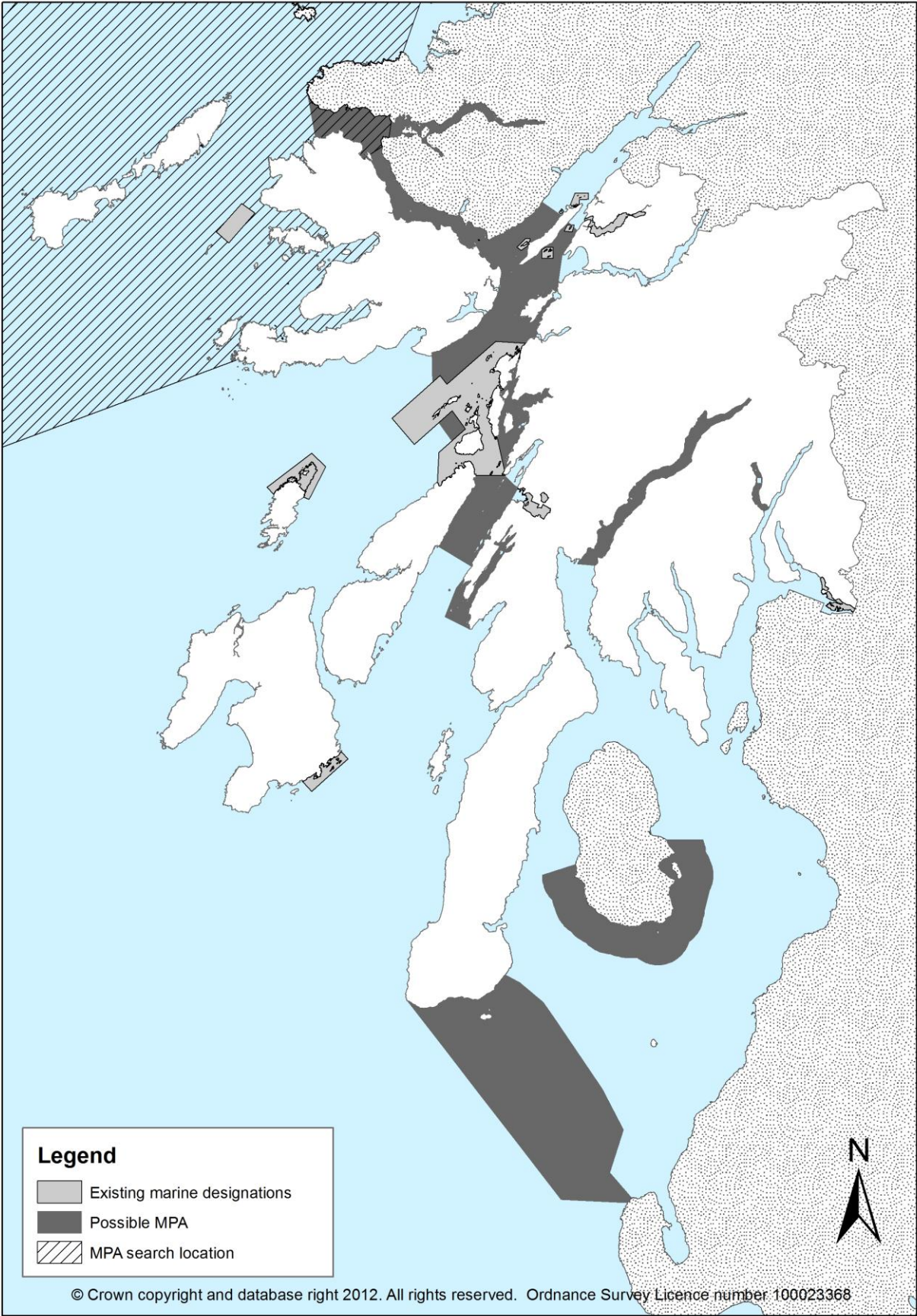
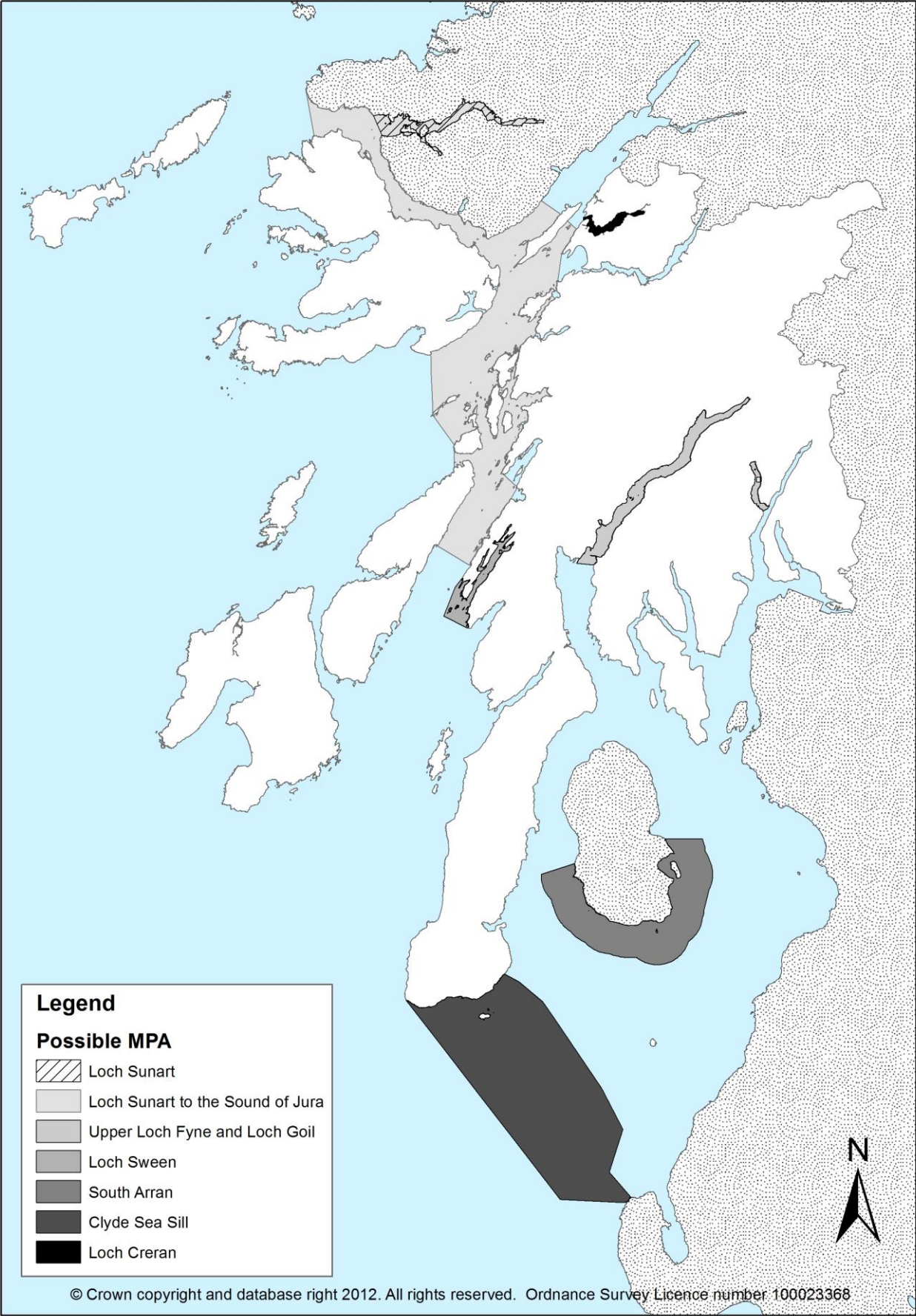


Figure 2 – Possible MPAs relevant to Argyll and Bute





## Annex 2 - CONSULTATION QUESTIONS

### CONSULTATION QUESTIONS

#### 1. Do you support the development of an MPA network in Scotland's Seas?

Yes  No

There is no doubt as to the quality and diversity of Argyll and Bute's coast and inshore waters, making our coastal area one of our prime assets which requires protection and wise management and is critical to our economic success. It is therefore vital that this resource is used sustainably and the Council welcomes the opportunity to comment on individual Marine Protected Area (MPA) proposals and an overall MPA network.

In responding to the additional questions below the Council has chosen to comment only on proposed MPA's that lie within the Argyll and Bute Council area or are of particular interest to our coastal communities. The proposals for the five pMPAs in Argyll and Bute coastal waters support the objectives of the Argyll and Bute Local Biodiversity Action Plan (LBAP) in that the features identified for protection are listed in the LBAP as priority habitats and species.

While the Council is supportive of the principle of MPAs, and the long term environmental and economic benefits that may arise from a well managed network, it is vitally important that the right balance is struck between environmental protection and socio-economic impact on marine activities and coastal communities.

The Council has found it difficult to weigh up the potential benefits and impacts, which is partially a result of the Business and Regulatory Impact Assessments (BRIA) estimating economic impact against different management scenarios which do not always match up with the Management Options papers. In addition the Management Options papers are not as specific as expected and a large number of management options identified as 'to be considered' results in a significant level of uncertainty as to the likely scope of management required and resulting economic consequences. This is particularly the case for the fishing industry given the wide range of management options proposed across the proposed MPAs.

The Council is also of the view that some of the predicted localised benefits identified in the individual BRIAs are speculative and based on a premise that features will always be degraded by human activity without MPA protection. This assumption is not justified for every MPA as some sites have been identified based on the presence of high quality features in the absence of MPA management.

The Councils Economic Development Action Plan and proposed LDP identify renewable energy development, aquaculture, commercial fishing and tourism & recreation as key economic growth sectors and our comments on the individual MPA proposals have therefore considered implications for these activities as well as the potential environmental and economic benefits from designation.

Overall, the proposed MPAs relevant to Argyll and Bute are considered unlikely to result in significant economic impacts on the marine renewable, aquaculture or tourism sectors but are likely to affect the commercial fishing sector. The fishing industry in particular have potential to gain from the long-term wider benefits of a well managed MPA network, but also have the most to lose in terms of potential restrictions on fishing activity and required changes to existing practices. There may be potential indirect benefits to tourism from MPA designation and any impact on the fishing industry may be partially mitigated by wider ecological and economic benefits if appropriate management, developed with the industry is implemented and successful.

Overall the Council is supportive of the pMPAs and has no significant objection to the 'recommended' management options for pMPAs within Argyll and Bute. Where we have concerns

is over some of the management options 'to be considered' which may have potential for more significant economic impacts on activities both within individual pMPAs and cumulatively across all proposals in Argyll coastal waters and the Firth of Clyde. It is likely that some of these 'measures for consideration' will not be needed and that some of them may already be met through existing management processes. The Council therefore considers that management measures should be both practical and proportionate and take account of changes in management that have already been implemented by the fishing industry, including gear modifications, existing spatial measures and reductions in days at sea.

When fishery management measures are being considered for proposed MPAs in the Firth of Clyde the cumulative socio-economic impact on fishermen from Kintyre and their associated coastal communities should be considered carefully by Scottish Government, relating to the Clyde Sea Sill, South Arran and Loch Fyne and Loch Goil pMPAs. In addition, these measures will also need to be considered in relation to any wider management proposals that emerge from the Clyde 2020 project.

Based on figures provided in the Business & Regulatory Impact Assessments, the cumulative economic impact on fishing activity (all) taking account of percentage of fishing likely to be undertaken by Argyll and Bute fishermen, is estimated at around £240,000/year or £4.3 million over a 20 year period. Looking at the three MPA proposals in the Clyde the potential economic impact is estimated at £135,000/year or £2.3million over 20 years. Considering MPA proposals that could affect Kintyre fishermen, the figures are estimated at £150,000/year or £2.6 million over 20 years.

The Council is also concerned about the potential for displacement of fishing activity as a result of MPA management and its associated economic and environmental consequences. We welcome recognition that this is something that needs to be carefully explored and would welcome the undertaking of work on this issue prior to Scottish Ministers making decisions on designation of MPAs.

The Council welcomes the commitment in the Management Options papers that discussion with those involved in existing marine activities will be continued in order to improve understanding about the interactions between activities and proposed protected features, and where management measures are required, the development of these would be undertaken via discussion with relevant interests and informed by any detailed information on activities that can be made available.

The Council requests that Scottish Government give consideration to the potential for some form of marine 'compensation management scheme', akin to land based schemes which provide payment for agricultural practices benefitting biodiversity. While it is considered that this type of approach has added complications at sea as a largely shared resource, the potential for rewarding good stewardship with financial incentives is worth exploring as an option to help mitigate economic impacts on activities affected by MPA designation.

## **Individual possible Nature Conservation MPAs**

### **2. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Clyde Sea Sill* possible Nature Conservation MPA?**

Designation: Yes  No

The Council has no objection to proposed features and case for designation for this proposed MPA.

Management Options: Yes  No

### Renewables

There is an existing tidal lease in Sanda Sound, within the MPA boundary but the Management Options paper considers that this development will not significantly affect the MPA features. There is a larger tidal lease area to the North West of the MPA boundary and a draft plan option for tidal development (identified in the current Draft Sectoral Plans for Marine Renewables consultation) overlaps with the MPA. Restrictions on new marine renewable development would be limited to within 2km of Sanda and Sheep islands and therefore the recommended management options are not considered likely to impact the draft plan tidal area or the seabed lease to the north of the MPA.

### Fishing

The Council supports the recommended management option to exclude pressures associated with set nets in areas used by black guillemots.

The Management Options paper advises that further management to reduce or limit pressures associated with mobile/active gear on areas of sand and coarse sediment should be considered. This habitat type is widely distributed throughout the MPA boundary and further management if needed may result in a reduction in fishing effort for trawling and dredging or zoning which would restrict fishing from some parts of the MPA.

Socioeconomic Assessment:

Yes  No

The annual value of fisheries landings within the pMPA is estimated to be £874K. If 50% of the MPA was closed to mobile gear fishing the estimated annual economic impact is £110K/year, equating to £1.6 million over 20 years. It is noted that these are worst case estimates and that only a proportion (less than 50%) of fishing activity within the MPA is likely to be from Argyll and Bute based vessels.

All of the above:

Yes  No

The Council's overall view is that the pMPA can be supported based on implementation of recommended management options and expected resulting implications for marine renewable development and fishing. Should further 'to be considered' management measures, relating to restrictions on mobile gear on sand and coarse sediment, be required the economic impact on the local fishing industry based in Kintyre will depend on the extent of restrictions and should be carefully considered by Scottish Government cumulatively with measures needed for other MPAs in the Firth of Clyde. See comments under Qu1 above.

### **3. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Creran* possible Nature Conservation MPA?**

Designation:

Yes  No

The Council supports the case for designation for this proposed MPA and the value in protecting the flame shell beds in Loch Creran. Loch Creran is already a Special Area of Conservation which protects other forms of biogenic reef and the pMPA proposal is considered a sensible addition to protect what is a sensitive habitat to human activity.

Management Options:

Yes  No

The 'recommended' and 'to be considered' management options are supported and considered necessary to fully protect the proposed feature. The Council would wish to be involved in the finalisation of any management plan for this pMPA if approved.

The Marine Resource Centre at Barcaldine is promoted as a key port/servicing site in the West

coast cluster of infrastructure to support the marine renewable sector. The pMPA and proposed management is not considered a threat to further use and development of the site at Barcaldine.

There are existing statutory fisheries restrictions in the loch which are in place to protect the 'reef' features of the Loch Creran SAC. It is considered that it would be relatively straightforward to amend the existing fisheries order to restrict mobile gear fishing in areas of flame shell beds. The MPA if designated provides an opportunity to apply measures restricting hydraulic dredging and targeted collection of horse mussels from the whole of the loch, providing additional protection for the SAC features.

The Council is surprised that additional management is not recommended for moorings given the sensitivity of flame shell beds to physical disturbance. It is suggested that new mooring development could be managed by adding consideration of the flame shell bed feature to the existing moorings pack already in use to protect the SAC features.

Socioeconomic Assessment: Yes  No

The proposed management measures are not considered likely to significantly impact existing activities in the loch and therefore the predicted economic impact is low.

All of the above: Yes  No

Overall the Council supports the designation of this proposed MPA.

#### 4. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Sunart* possible Nature Conservation MPA?

Designation: Yes  No

The Loch Sunart pMPA is proposed in order to conserve three specific habitats - flame shell beds found in the tidal narrows, aggregations of northern feather star, normally associated with deeper offshore habitats; and serpulid aggregations in Loch Teacuis. It is noted that the possible MPA overlaps with the subtidal element of the existing Loch Sunart SAC which is designated for rocky reef habitat and otters. The Council has no objection to the case for designation of this pMPA.

Management Options: Yes  No

This pMPA is outwith Argyll and Bute but Loch Sunart is visited by Argyll and Bute fishermen, particular from Mull. The comments below therefore only focus on this activity.

The Council supports all recommended management measures which appear necessary to adequately protect the proposed features.

Socioeconomic Assessment: Yes  No

The annual value of fisheries landings within the pMPA is estimated to be £21K, with 73% of these landings to Argyll and Bute ports. If 25% of the MPA was closed to mobile gear fishing the estimated annual economic impact is £1K/year, equating to £9K over 20 years. The economic impact of fisheries management measures is considered to be relatively low.

All of the above: Yes  No

The proposed MPA is already designated as an SAC and activities relevant to Argyll and Bute are not considered likely to be significantly affected by proposed management measures. The Council therefore has no objection to the designation of this pMPA.

**5. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Sunart to the Sound of Jura* possible Nature Conservation MPA?**

Designation:

Yes  No

It is agreed that Skate are a species in need of protection and that the area of the possible MPA does encompass the main areas where large skate are commonly caught by recreational anglers. There is however little knowledge on the distribution of juvenile skate and where skate breed and lay egg cases.

The Data Confidence Assessment states that reproductively mature common skate are resident in relatively high numbers within a number of the deep glaciated channels and that there is also some evidence that the shallow reef areas within the MPA proposal are used by common skate for laying their egg-cases. However, there is no evidence to point toward specific parts of the MPA boundary as nursery grounds for this species.

Management Options:

Yes  No

Management options which are supported

The Council fully supports the recommended management measures relating to exclusion of bottom-set nets and longlines across the entire MPA, which may benefit marine mammals and spurdog as well as skate.

The Council is pleased to see no management restrictions on recreational angling for skate and supports the suggested further development of best practice, which will allow this economically important and sustainable activity to continue whilst providing essential information on the skate population.

Concerns over management options

The Council does have concerns however about the measures for further consideration relating to limiting use of mobile gear to ensure levels of mortality do not affect the long-term viability of common skate and about the potential for future management related to the protection of skate eggs.

The Management Options paper identifies that '*Common skate are at risk of capture in most mobile gears, even from a young age due to their size and shape. However, current fishing regulations mean that targeted fishing for the species is not allowed. Common skate may not be landed and should be returned to the sea as quickly as possible if taken as bycatch. Mortality of fish that have been returned to the sea is likely to be variable, but will depend on factors such as handling and the length of time exposed to air.*'

The paper goes on to state that '*...the eggs of common skate are thought to be laid unattached on the seabed and are sensitive to the kind of physical impact and abrasion caused by dredges and trawls. However, relatively little is known about the breeding behaviour of common skate and the habitat preference for egg laying. Future management measures may therefore be best focussed on ways of further reducing fishing-related mortality. For example, through better handling of by-caught skate, gear modification and / or spatial measures that reduce the risk of by-catch of skate within the site*'. Should this MPA be designated, the Council would wish to see measures relating to better handling of by-caught skate and gear modification considered prior to determination of whether spatial measures are required.

The Management Options paper also identifies that '*If research identifies critical time periods and habitat of specific importance for egg laying then temporal and / or spatial measures should be considered to protect common skate egg cases.*' There are therefore uncertainties as to whether future aquaculture development and fishing activities will be affected should significant areas where skate lay eggs be discovered and management for these sectors is required.



#### Activities not considered

The management options paper does not consider the potential for future subsea energy cables to support marine renewable development. If the offshore wind development off Tiree goes ahead it is likely that cables will need to cross through the pMPA.

Socioeconomic Assessment: Yes  No

The economic impact of the 'recommended' management measures are not considered significant but implementation of additional measure relating to reducing mobile gear fishing pressure and potential measures to protect skate egg laying areas may have a much greater economic impact.

The annual value of fisheries landings within the pMPA is estimated to be £1.2 million. If 50% of the MPA was closed to mobile gear fishing the estimated annual economic impact is £98K/year, equating to £1.4 million over 20 years. While the estimates are a worst case scenario, should this level of management be required the economic impact on fishing activity is not insignificant.

All of the above: Yes  No

It is agreed that Skate are a species in need of protection and that the area of the possible MPA does encompass the main areas where large skate occur in high numbers. However, there appears to be a high level of uncertainty over the likely future management options and potential for restrictions on economic activity, given the large scale of the MPA and fact that little is known about where the skate breed, lay eggs and whether there are specific nursery areas for juvenile skate. It is therefore suggested that this MPA should be kept as a search area until such time as additional research work has been completed on nursery/breeding areas. Mull Aquaculture & Fishermen's Association and Clyde Fishermen Association share these concerns and do not believe it is acceptable to designate an MPA without first understanding the full consequences for those likely to be affected.

#### MPA boundary

The Loch Sunart to Sound of Jura MPA is a very large area which includes several key harbour areas and ferry ports. The relatively small working areas around these harbour/ports are unlikely to be of any great significance for the proposed skate and geology features, and therefore to avoid any unnecessary complications for future essential harbour works, it is requested that should this MPA be designated, these areas are removed from the MPA boundary. It is noted that the proposed Oban harbour area has been excluded and this should also be considered at Tobermory and Craignure.

### **6. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Sween* possible Nature Conservation MPA?**

Designation: Yes  No

The Council recognises the overall biodiversity value of Loch Sween and supports the case for designation of this proposed MPA and the value in protecting the proposed features, in particular native oysters and maerl beds.

Management Options: Yes  No

The Council supports the identified management options for this pMPA but highlights that the likely level of restrictions on mobile and static gear fishing on burrowed mud and mixed sediment communities is unclear.

Socioeconomic Assessment: Yes  No



The annual value of fisheries landings within the pMPA is estimated to be £98K million. If 50% of the burrowed mud feature was closed to mobile gear fishing the estimated annual economic impact is £3K/year, equating to £51K over 20 years. Overall, the estimated economic impact of the potential management options is not considered significant in comparison to other MPA proposals.

All of the above:

Yes  No

Overall, the Council supports this proposal given the biodiversity value of Loch Sween, the lower level of activity within the pMPA and subsequent lesser predicted economic impact.

**7. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *South Arran* possible Nature Conservation MPA?**

Designation:

Yes  No

This pMPA is outwith Argyll and Bute but is fished by Argyll and Bute fishermen from the Kintyre coast. The Council notes that this pMPA has developed from an initial third party proposal from COAST, which has been assessed by SNH and judged to meet the selection guidelines as a proposed MPA.

The Council is aware of some concerns over the scientific evidence to support the inclusion of some benthic features and notes that while the Data Confidence Assessment identifies that there is high confidence that the proposed features are present, it appears that there is less confidence about the likely distribution of these features. It is also noted in the selection guidelines (2b) that the infaunal diversity level within the feature 'burrowed mud' varies considerably and it is therefore questioned as to whether this site represents a good example of burrowed mud within the network.

Management Options:

Yes  No

The Council has only considered fishing activity as Argyll and Bute fishermen are known to fish within this pMPA which is an area of relatively high fisheries value. The Council has no objection to the 'recommended' management measures but has concerns over the uncertainty of the scope of management options relating to burrowed mud and the likely resulting economic implications.

Socioeconomic Assessment:

Yes  No

The annual value of fisheries landings within the pMPA is estimated to be £950K. If 50% of the MPA was closed to mobile gear fishing the estimated annual economic impact is £114K/year, equating to £1.7 million over 20 years. While the estimates are a worst case scenario and only a proportion of fishing activity within the MPA is likely to be from Argyll and Bute based vessels, should this level of management be required the economic impact on fishing activity is not insignificant.

All of the above:

Yes  No

The Council's overall view is that the pMPA can be supported based on implementation of 'recommended' management options. Should further 'to be considered' management measures for fishing activity be required the economic impact on the local fishing industry based in Kintyre and associated coastal communities will depend on the extent of restrictions. It is considered important that the economic impact of management measures for the three MPA proposals within the Firth of Clyde are considered cumulatively as well as individually. See comments under Qu1 above.

**8. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Upper Loch Fyne and Loch Goil* possible Nature Conservation MPA?**

Designation:

Yes  No

The Council recognises the overall biodiversity value of upper Loch Fyne where there is good representation of multiple features, including burrowed mud, flame shell beds, horse mussel beds, ocean quahog and sublittoral mud and mixed sediment.

The overall case for designation is therefore supported but it is noted that the Data Confidence Assessment identifies there is a degree of uncertainty over presence and distribution of the ocean quahog, low or variable salinity habitats and sublittoral mud and mixed sediment features.

There is some inconsistency in the different documents for this pMPA as to whether the conservation objective for burrowed mud is 'conserve' or 'recover'. It is believed that it is the latter and this should be clarified and corrected.

Management Options:

Yes  No

The Council supports the 'recommended' management options for this pMPA, but feels there is significant uncertainty as to the scope of management options 'to be considered' and therefore the predicted economic impact on commercial fishing.

A voluntary agreement not to fish within parts of Loch Shira in order to protect fireworks anemone exists and designation of this MPA would provide an opportunity to formalise this agreement.

The Council has developed an Integrated Coastal Zone Management Plan for Loch Fyne which provides guidance on the future use and development of this area. The Council would wish to be involved in the development of any management plan/scheme should this MPA be designated.

Socioeconomic Assessment:

Yes  No

The annual value of fisheries landings within the pMPA is estimated to be £92K. The estimated annual economic impact is £5K/year, equating to £80K over 20 years. These estimates are a worst case scenario, based on the full MPA being closed to dredging, all mobile gear fishing restricted across the burrowed mud, horse mussel and flame shell bed features and expansion of static gear fishing being limited.

Should this level of management be required the overall economic impact is less significant than other MPA proposals in the Firth of Clyde.

All of the above:

Yes  No

The Council's overall view is that the pMPA can be supported based on implementation of 'recommended' management options. Should further 'to be considered' management measures for fishing activity be required the economic impact on the local fishing industry based in Kintyre and associated coastal communities will depend on the extent of restrictions. It is considered important that the economic impact of management measures for the three MPA proposals within the Firth of Clyde are considered cumulatively as well as individually. See comments under Qu1 above.

## **Sustainability Appraisal**

9. Do you have any comments on the Sustainability Appraisal of the MPA network as a whole?

Yes  No

No comments

## **Final Thoughts**

10. On the basis of your preferences on which pMPAs should be designated, do you view this to form a complete or ecologically coherent network, subject to the completion and recommendations of SNH's further work on the 4 remaining search locations?

Yes  No

Please see comments in response to question 1 above

11. Do you have any other comments on the case for designation, management options, environmental or socioeconomic assessments of the pMPAs, or the network as a whole?

Yes  No

Please see comments in response to question 1 above