



MARINE PROTECTED AREAS IN THE SEAS AROUND SCOTLAND

Guidelines on the selection of MPAs and development of the MPA network

MARINE SCOTLAND DRAFT MARCH 2010

COAST (Community of Arran Seabed Trust) is pleased to note that included in this document are the outlines on how proposals from third parties in inshore waters will be assessed and what the government would expect these proposals to contain. The new legal powers and duties on MPAs recognise the value of a MPA network for the protection of the Scottish marine environment and the importance of securing all these benefits for current and future generations. COAST considers it is **vitaly** important that there is this long term vision and it does not become sacrificial and derailed for short term gains by powerful lobby groups.

COAST is pleased to read that stakeholders will have an opportunity to comment on all proposed MPAs before they are designated and the government wishes to involve stakeholders at key stages in development of a MPA network. The process for this will be instrumental to its success. Further, COAST waits with interest the additional guidance on management of MPAs that will be produced. Of particular concern from COAST's experience with a No Take Zone in Lamlash Bay are the issues of compliance and how this will be managed. That management of an MPA will be determined by the objectives for the designation and influenced by results from monitoring; this gives a clear indication that follow up research and clarity of purpose will be pursued. Finally, a 6-yearly report to the Scottish government **should** ensure continuity of purpose.

The process to selection of an MPA is lengthy and involves consultation. It is unclear how the results of consultation will be weighted in the decision making which follows. That is of considerable concern, following our experience in Lamlash Bay where we still await the Community MPA- derailed by just 00.7% of the legitimate stakeholders (99.3%) in favour of it, if we draw comparisons to the NTZ public consultation. In too many recent consultations in theory, in practice marine community stakeholders were severely disadvantaged and in some cases almost completely ignored (SSMEI draft). This does not inspire confidence in the way these MPAs will be developed. Short term expediency to placate the mobile sector, through the IFGs, the CFA or SFF could derail the whole process. The balance of the value of ecosystem services to communities like Arran where tourism is a major economic driver appears to be of lesser importance compared with short term decimation of the marine environment by a very few mobile fishermen. The balance to get this right is at the top of the agenda for many communities. The management of our fishery is held by government on behalf of us all. This needs to be clearly remembered as Scotland moves forward, belatedly, to protect its seas. COAST will be looking for rapid progress to obtaining an MPA in Lamlash Bay, to complete the process embarked on over 10 years ago when local people began to demand an end to the decimation of their fishing rights and protection of maerl a nursery bed for white fish and many other species. That we have the first NTZ in Scotland is a testament to the endurance, research done by locals, and a willingness to lobby again and again for conservation and sustainability. The marine environment is now much higher on the agenda of the nation, in the media, and in the psyche of Scottish people. They know it needs protection if we are to regain sustainable economic wealth and richness of our seas

1.16 The Marine (Scotland) Act includes provision for Marine Scotland to consider third party proposals for Nature Conservation and Demonstration/Research MPAs in inshore waters.

This is an important inclusion in the Guidelines, particularly for local marine conservation initiatives, such as those put forward by COAST where historic data clearly shows the need for conservation of maerl and nursery beds.

1.19 The new powers will be used to recognise locations of habitats or species which are important, rare, threatened and/or representative and which contribute to a wider network.

Larger areas, such as the Clyde estuary have been known for generations as nursery areas for white fish and scallops. The Clyde white fishery collapsed due to over fishing and modern mobile gear. It would be appropriate under the new powers, to re-introduce the 3 mile limit for mobile fisheries, so making a large MPA as an important nursery area.

1.20 Nature Conservation MPAs and existing protected areas in the seas around Scotland (including European Marine Sites designated under EC Directives and relevant parts of SSSIs) will form the main building blocks of the MPA network.

There is considerable concern that this could exclude any new designations of conservation, demonstration and research, and historic sites MPAs. It is in fact a recipe for the *status quo* which is already unacceptable in terms of sustainability and restoration of the Scottish inshore waters.

STAKEHOLDER ENGAGEMENT

This is of importance to marine community based organisations developing strategies to protect and rejuvenate their depleted inshore waters with an aim to achieving sustainability for the longer term.

1.24 Whilst it is positive that key stakeholders and organisations will be consulted formally and informally as part of network design and the MPA selection process it remains unclear how this will be achieved.

1.25 Science will be the primary consideration in the selection of Nature Conservation MPAs, drawing upon the best available information.

It is clear that science is important, though not necessary from the site directly under consideration. Inshore research from Britain and further afield gives clear guidance for and results from conservation of particular habitats and species.

1.26, 1.27, 1.28, 1.29 Figure 1 and Figure 2

Whilst COAST welcomes these proposals, the experience in Lamlash Bay, where a community conservation area was promised 2 years ago, where over 99% of replies to the consultation were positively in favour of it, **nothing has been progressed**. A degree of cynicism on Arran has developed and there is a suggestion that these processes will not produce the outcomes in terms of an MPA, just prolong endless and in the end, non-productive outcomes and frustration within stakeholder communities. The status quo will be the only outcome, leaving behind ill-will and disillusion in communities and other stakeholders who have a real commitment to improving the marine ecosystem around Scottish coasts.

4. THE MPA NETWORK IN THE SEAS AROUND SCOTLAND.

Vision for the network

4.2. To protect, preserve, prevent deterioration and, where practicable, conserve and improve marine natural features for biodiversity and geodiversity in the seas around Scotland

COAST believes that many community marine stakeholders, sea anglers, wild salmon groups, static fishermen, yachtsmen, divers and other interested environmental groups look to MPAs to improve Scottish inshore waters, so that increased sustainability is achieved. Effective engagement with these stakeholders is critical to achieve these aims.

General principles for Nature Conservation MPAs

g. The best available scientific information will be used to select and manage Nature Conservation MPAs, in recognition that our current understanding of Scotland's seas is incomplete. **Lack of scientific certainty should not be used as a reason for postponing MPA selection** where there is a potential threat of damage to areas which potentially make a unique contribution to the MPA network.

COAST considers this an important piece since “**lack of conclusive scientific research** “ has frequently been used by the mobile fishery sector to prevent conservation measures, for example over maerl and eel grass nursery beds, which continue to be decimated around the Scottish coasts.

Role of MPAs

Biodiversity

• **essential areas for key life cycle stages of important mobile species, including habitats known to be important for reproduction and nursery stages.**

An important consideration for sustainability and rejuvenation of collapsed fisheries. This needs to include wider areas, such as in the Clyde estuary. Maerl beds in the No Take Zone in Lamlash Bay and eel grass beds on the west coast of Arran could be considered as part of such a wider Clyde MPA.

4.8 They are, for example, only appropriate for wide-ranging species where such species use defined areas predictably for key life cycle stages, such as breeding or nursery areas.

However this section appears to rule out closure of an area such as the Clyde, so there needs to be a greater clarity between these sections **4.7 and 4.8** to avoid the sense of rigidity in specification.

The make-up of the MPA network

4.10 (ii) (ii) Areas supported by spatial measures which have been put in place for the purpose of delivering benefits for marine nature conservation but which are not formally designated as MPAs for biodiversity protection, e.g. protected areas under the Inshore Fisheries (Scotland) Act 1984 can provide benefits to marine habitats through management of particular gears and fishing practices. Where appropriate these spatial measures may be recognised as a contribution to the network but are unlikely to require further designation as new MPAs.

This section is of particular relevance to Lamlash Bay No Take Zone, and the statement is of concern as it suggests that it is almost designed to meet this one issue as a legal consideration. Does this render the No Take Zone as a compromise ending without MPA status, even though the presence of maerl beds, a nursery area which is deemed endangered? This is totally unsatisfactory and prompts a clamour for redesignation in this case

5. THE ROLE OF PRIORITY MARINE FEATURES IN MPA NETWORK DEVELOPMENT

5.2 The purpose of the second list is to identify habitats and species for which MPAs could be effective in contributing to their conservation. The draft list is included in Annex 3.

An interesting and comprehensive initial draft list which gives opportunities to better manage Scottish inshore waters.

SEASEARCH in Lamlash Bay has already provided evidence of habitats which provide maerl nursery beds. Other substrates and species give credence to the suggestion of a Demonstration and Research MPA.

6. SELECTION AND ASSESSMENT GUIDELINES FOR NEW MPAs

6.1 • For Demonstration and Research MPAs guidance is provided (see paragraphs 6.19 to 6.24) on factors that Marine Scotland plans to take into account when developing proposals in inshore waters.

• Proposals for Nature Conservation and Demonstration and Research MPAs in inshore waters may also be developed by third parties, in liaison with SNH and Marine Scotland. Paragraphs 6.25 – 6.33 outline guidance on factors to be considered when such proposals are being developed and assessed. Tables 8 and 9 of Annex 2 will also be used to assess proposals.

The guidance and Figure 6 give rise to concern. The format is overcomplicated, restrictive and a process designed to slow every action. By the time an MPA is finally agreed it will be too late to preserve the very ecosystem it seeks to protect. The environment and substrate will have been stripped of rare species and features destroyed by destructive fishing practices. The power of the lobby will hinder, delay any decision by the Scottish government, as indeed we have seen in Lamlash Bay over the past years. The Clyde is the Newfoundland of Scotland due to government intransigence in dealing with the management of the fisheries. The IFGs are against MPAs “in principle”. So the question here is whether this is all talk and process and no decision making in favour of MPAs will result, due particularly to the usual power groups dead set against change?

Guidelines for the development and assessment of Demonstration and Research MPAs

6.20 It is not the intention of Demonstration and Research MPAs to introduce restrictions on existing or normally sustainable activities. This will only be done on a time limited basis when restrictions are necessary to support the demonstration or the research objectives being undertaken.

COAST has two questions related to this statement. What are normally sustainable activities? Clearly dredging will be excluded, or will it? Even if it is an existing activity since, it is clearly unsustainable by every measure so far designed. Is diving for scallops at key times of the year sustainable when for example scallops are reaching a certain size, but which when taken do not improve the stock of the Demonstration and Research MPA? This lacks clarity and appears as a fudge, maybe as a result of lobbying. Any research will be compromised.

Guidelines for the development and assessment of third party proposals for new MPAs

6.28 These processes reflect the fact that third parties may wish to develop MPA proposals for a range of different reasons. For instance, it may be that an MPA could be important in order to recognise the biodiversity importance of an area, underpin sustainable resource use, facilitate conflict resolution, and/or raise awareness through environmental education.

COAST considers that third party MPAs should be considered as a vital inclusion in policy for Scotland.

6.30 The driver behind third party proposals for a Demonstration and Research MPA is likely to be a perceived need for improved sustainable management of the area and the availability of a possible management solution that needs to be tested in practice. The emphasis in a proposal for a Demonstration and Research MPA will be on the benefits to an area. In all cases it will be

important to take into account possible impacts on individual communities of interest e.g. existing users of the area.

The experience to date in Lamlash Bay and the Clyde is that the existing users of unsustainable dredging and other practices take absolutely no account of others and indeed have damaged tourism, sea angling, and static fishermen's activities by their actions. Since the government holds fishery management on behalf of us all, not just those who practice short term plundering of fish and other stocks, COAST cannot see the rationale for this statement. In practice it means nothing changes for the better, even with an MPA in place.

6.31, 6.32, 6.33 The process of applying for a third party MPA

A clear, complex, format is described in detail, and, it could be said, constructed to discourage any third party application! The whole document has made a great point of including stakeholders in consultations and this section makes it **excluding** for everyone without the finances or expertise to develop complex plans to submit through various stages. I suspect there will be few takers, since most community stakeholders do not have the expertise or money to manage the process, **even though they know full well the desperate need for local conservation.**

6.35 If an area which is considered to be part of the network but which is not formally designated as a new MPA becomes de-classified from its original status, then SNH and JNCC review options for maintaining representation of the feature(s). This will be a science-based assessment against the relevant MPA selection guidelines to evaluate if the area still merits inclusion within the network and whether it should therefore be put forward for consultation as a Nature Conservation MPA.

Since Lamlash Bay has yet to receive the Community Conservation MPA status it was told would happen before the Marine (Scotland) Bill had even been written, it would appear that it meets some of these criteria. However, it also seems as if it becomes declassified from what was a government commitment.

Content of proposals for new MPAs

7.8 Proposals for new MPAs will be developed by Marine Scotland with input from SNH and/or JNCC, following discussion with key stakeholders. Key stakeholders will include those stakeholders such as other Government Departments, industry, environmental NGOs and others, who have an interest in the Scottish marine environment.

There is clarity here regarding the process, lengthy though it will be. However, there is no indication of the weighting that will be given to the arguments from key stakeholders. For example the mobile fishing lobby through the Clyde IFG comes out strongly against any suggestion of an MPA, already their stance. How will the government manage this in the face of other stakeholders putting forward a case for an MPA? Our experience at COAST is that there is an unequal balance in power and influence at the present time which must be addressed if any progress is to be made for the strategy to work for the future sustainability of Scottish inshore waters. **7.9** reinforces these concerns

ANNEX 2 – SELECTION GUIDELINES FOR DEMONSTRATION / RESEARCH MPAS AND THIRD PARTY PROPOSALS

Table 6. *Factors to be considered for Demonstration and Research MPAs*

Table 7. *Assessment guidelines for Marine Scotland proposals for Demonstration and Research MPAs*

Table 8. *Third Party proposals for Nature Conservation MPAs or Demonstration and Research MPAs should address the following:*

There is clarity here as to the process although turgid and lengthy. COAST suspects very few designations will be achieved as the process is over engineered to make it difficult to prove that protection of a site is essential without so much information that by the time it is obtained the environment, feature, species for protection, will have been destroyed by overfishing, dredging, or other developments.

Table 9. Assessment guidelines for third party proposals for Nature Conservation MPAs or Demonstration and Research MPAs

The process mostly appears straightforward except:

2. The marine natural features within the proposed MPA are considered to be important Will the proposed MPA make a significant contribution to the overall network of MPAs in Scottish waters e.g. does it fill a geographic gap.

This will make it more difficult to present a third party proposal for a Nature Conservation MPA. Which in turn will increase the third party proposals for Demonstration and Research MPAs. There is no indication on the number of Demonstration and Research MPAs which will be envisaged by the government in the first 5 years? Or is this a limiting proposal on marine community stakeholders obtaining MPA protection for their area of the Scottish inshore waters?

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