RSPB Scotland welcomes this opportunity to respond to the consultation on the management of this tranche of inshore SACs and MPAs. The introduction of legislation to protect the marine environment over the past decade has given Scotland the potential to become a global player in marine conservation. With developments in marine conservation comes opportunity and responsibility: opportunity to protect the wealth of Scotland’s natural assets and the responsibility to ensure that this is achieved whilst keeping scientific integrity at the centre of the process.

RSPB Scotland does not believe that the management measures proposed for a number of sites in this consultation are sufficient to achieve the agreed conservation objectives. We therefore ask that the management measures for these sites are amended and improved as a matter of urgency.

As pressures on the marine environment grow, so too does our knowledge of species and habitats, and of what is required to ensure that the measures of protection we employ today provide a lasting legacy of a healthy marine environment to the next generation. The site
designations themselves are not enough to secure this legacy: research, compliance, and monitoring are key to demonstrate that the effect of marine activities within and outwith marine protected areas do not compromise the conservation objectives of the site.

However, the MPA process is only one aspect of the Scottish Government’s responsibility to ensure that Scottish waters achieve Good Environmental status under the EU Marine Strategy Framework Directive¹. This means protecting of all of Scotland’s seas, not just designated areas. Site designation is only one pillar of the ‘three pillar’ approach to marine management, alongside species conservation and wider seas measures, as committed to by the Scottish Government in its Strategy for Marine Nature Conservation². To this end, conservation action for species, and wider-seas measures and policies must be established applied throughout our seas. This is particularly pertinent with respect to Priority Marine Features (PMFs), which should be protected within MPAs and SACs. A strategic plan should be developed for each PMF to ensure these species and habitats remain in favourable condition throughout Scotland’s marine area.

Scotland’s Marine Science Strategy 2011 – 2015³ states that “Scotland’s Marine Vision is for ‘Clean, healthy, safe, productive, biologically diverse marine and coastal environments, managed to meet the long-term needs of people and nature’. Our vision will be delivered through a co-ordinated approach to the management of the marine environment, underpinned by high quality marine science directed towards policy issues.” It is important that the process of selecting appropriate management measures to help achieve the conservation objectives of marine protected areas reflects this vision.

It is essential for the integrity of the emerging network of marine protected areas in Scotland that a scientific approach is consistently applied, and that decisions about management reflect the overarching obligations for marine protection. Scotland must achieve Good Environmental Status under the EU Marine Strategy Framework Directive, halt the loss of biodiversity under the Aichi Biodiversity targets, meet the Scottish Government’s own climate change, emissions and biodiversity targets, and meet the obligations of the Designation Orders and conservation objectives for each MPA.

It is important to consider how scientific data is used in relation to management of protected areas. The level of confidence in the data used for designation of MPAs varies between species and sites, as reported in SNH Commissioned Report 600⁴. Management of protected areas should consider the proximity of marine activities where confidence is low and the use of buffer zones⁵; particularly where a zonal management approach is being considered. We will comment on specific examples of this throughout our consultation response.

Monitoring of protected areas after management measures have been put in place is vital to build our understanding of how those measures impact upon species, habitats and marine

² http://www.scotland.gov.uk/Topics/marine/marine-environment/Conservationstrategy/marineconstrategy
⁴ http://www.snh.org.uk/pdfs/publications/commissioned_reports/600.pdf
⁵ http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2013/Special%20requests/NEAFC_Evaluation_of_buffer_zones.pdf
users, and ultimately determines if the process has, or has not, been a success. Monitoring should be a key component of every management approach and commence when management in introduced to each MPA/SAC.

Designation Orders⁶ for MPAs state that species “already in a favourable condition, remain in such condition and so far as not already in favourable condition, be brought into such condition and remain in such condition” – the only way to know if the conservation objectives have been successful is to have a monitoring strategy in place. The definition of ‘favourable condition’ is clearly defined and key part of various legislations (see box 1).

**BOX 1**

In the case of the species covered by the Directive (ref Article 1(i)) this means that:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

In the case of natural habitats, favourable conservation status (ref Article 1(e)) is achieved when:

- its natural range and the areas it covers within that range are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable as defined in Article 1(i).

The development of a network of marine protected areas in Scotland is a fantastic opportunity to protect some of our most important natural heritage. However, protected areas should be considered the minimum of what is required to offer protection and enhancement of Scotland’s sea area and the species and habitats within it. Without adequate and appropriate management of marine protected areas in place, Scotland will fail to meet the aforementioned national and international legal obligations.

Economics should not be cited as a reason to avoid the introduction of management approaches which will achieve the conservation objectives of designated areas. The economic information provided throughout the process has failed to adequately quantify the potential economic benefit from designating protected areas. The process of deciding how a marine protected area should be managed should first and foremost consider what best serves the conservation objectives of a site, and take account of the intrinsic value of Scotland’s unique, diverse and awe-inspiring marine wildlife.

Answers to Consultation Questions

East Mingulay SAC

1. Do you support the preferred approach (number 1) for managing this protected area?

   Yes ☐  No ☐

We believe that Approach 1 may be the minimum level of management required to meet the conservation objectives of this site. Information provided in the consultation documents suggests that Approach 1 will introduce measures which can achieve the ‘maintain’ conservation objective for the qualifying feature, reefs. However, we feel that more research is required to better understand the effects of suspended sediment caused by mobile demersal gear on the qualifying feature and, depending on that information, management approaches be altered accordingly.

Whilst Approach 1 may achieve the conservation objectives of the SAC, the effect management measures may have on fishing activity in the SAC has not been accounted for, as the implementation of zonal management could lead to an increase in fishing activity in the parts of the SAC where mobile demersal gear is permitted. Approach 2, which would prohibit mobile demersal gear throughout the SAC, gives the highest probability of meeting the conservation objectives.

It is important for the integrity of the SAC, and a legal obligation, that an Appropriate Assessment (AA) be completed to assess the impacts of fishing activity on the reef. We have been unable to find any record of an AA being carried out in any of the documents relating to East Mingulay on SNH’s website.

Monitoring of protected areas immediately after management has been put in place is vital to our understanding of how that management and the designation impacts upon species, habitats and marine users, and ultimately determines if the process has, or has not, been a success.

2. If you answered no to question 1, do you support the other approach?

   Yes ☐  No ☐

See answer to question one.

3. Do you agree with the economic, social, and environmental assessments of the impact of the management approaches?

   Yes ☐  No ☒

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The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.

Loch Creran SAC / MPA

4. Do you support the preferred approach (number 1) for managing this protected area?  
   Yes ☒ No ☐

Based on information provided in the consultation documents, management Approach 1, as a minimum and in addition to existing management measures, appears to be the lowest level of management required to meet the conservation objectives of the MPA/SAC. However, Approach 2, the precautionary approach, provides the highest probability of the MPA/SAC meeting its conservation objectives and provides an opportunity to enhance the status of the features and ecosystem present within the site.

If Approach 1 is applied, it will be necessary to ensure that a monitoring strategy is in place to assess the impacts management has on the MPA/SAC and on the protected features. Page 12 of the Approaches consultation document states that “trawling is unlikely to take place where the flame shell bed (is recorded)”. The word “unlikely” gives little confidence in the current knowledge of use of the site and further makes the case for monitoring of the site to ensure damaging fishing activity does not occur in areas where species sensitive to such disturbance appear. This is particularly important in this MPA/SAC as this part of the west coast of Scotland has other protected areas from which displaced fishing effort could impact upon Loch Creran MPA/SAC.

It is essential for the integrity of marine protected areas in Scotland that a scientific approach be consistently applied and that decisions about management consider the overarching reasons for the inception of marine protection in Scotland. Monitoring of protected areas after management has been put in place is vital to our understanding of how that management and the designation impacts upon species, habitats and marine users, and ultimately determines if the process has, or has not, been a success.

It is vital that research, compliance, monitoring and additional funding be made available to ensure that the effect of marine activities within and outwith marine protected areas can be fully assessed. Additionally, as well as management measures within the MPA, the three pillar approach of species, sites and wider-seas measures by applied throughout.
5. Under the preferred approach should there be a permit scheme to maintain trawl effort at current levels?

Yes ☒ No ☐

RSPB Scotland supports the principle of a permit scheme for trawling in Loch Creran. However, this is based on the information provided in the consultation document which suggests that the current level of trawling will not compromise the ability of the MPA to meet the agreed conservation objectives for the site. An Appropriate Assessment into the impact of fishing activity must be carried out to ensure that this operator does not negatively impact upon the features for which the site has been designated/identified.

6. If you answered no to question 4, do you support the other approach?

Yes ☐ No ☒

See answer to question 4.

7. Do you agree with the economic, social, and environmental assessments of the impact of the management approaches?

Yes ☐ No ☒

The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.

Loch Laxford SAC

8. Do you support the management approach for this protected area?

Yes ☒ No ☐

The information in the consultation documents provides evidence that Approach 1 will meet the conservation objectives of the SAC. Monitoring of protected areas before and after management has been put in place is vital to our understanding of how that management and the designation impacts upon species, habitats and marine users, and ultimately determines if the process has, or has not, been a success.

9. Do you agree with the economic, social, and environmental assessments of the impact of the management approach?

Yes ☐ No ☒

The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.
Loch Sunart to Sound of Jura MPA
(Incorporating Loch Sunart MPA and Loch Sunart SAC)

10. Do you support the preferred approach (number 2) for managing this protected area?

Yes ☐ No ☒

The consultation document’s preferred management approach seriously undermines the scientific approach which has been at the heart of the process since its inception, is written into the Marine (Scotland) Act and forms the vision of Scotland’s Marine Science Strategy (2011-2015). Moreover, this approach offers inadequate protection to meet the site’s conservation objectives and designation order.

Acceptable management must properly account for the distribution and sensitivities of all protected features and restrict all activities which negatively impact upon these. Measures for Loch Sunart must reflect records of common skate and provide an effective buffer zone around northern featherstar records at the mouth of the Loch. We support the management approach for Loch Teacuis.

Given that the FEAST tool states that common skate is sensitive to pressures associated with bottom impact fishing, and that the species is mobile and has suffered huge declines, larger exclusions of bottom impact fishing must be established. The information provided in the consultation document shows records of the species occurring outwith the proposed management zones within the MPA (Fig. D2, D3 & D4) and the management zones should be extended to protect these RSPB Scotland proposes expanding the zone in Sound of Jura westward to include the central sound; expanding the zone presented in zone 2 to incorporate all records around Kerrera and Lismore and the Sound of Mull.

To paraphrase Neat et al (2014), the Loch Sunart to Sound of Jura area is important for common skate, and though mortality of common skate is high, it can be reduced through a reduction of fishing activity, and measures should be introduced outwith protected areas.

In Loch Sunart, the area where demersal gear is excluded should be extended west to incorporate records of common skate and provide a wider buffer zone to protect northern featherstar populations. SNH report 600, says that “the distribution and extent of the polygons and point records cannot be regarded as truly representing the likely distribution of northern featherstar aggregations” in Loch Sunart. Therefore, it is essential that an appropriate buffer zone around known records is included in the management measures to take a truly precautionary approach to protect this species.

8 Site fidelity, survival and conservation options for the threatened flapper skate (Dipturus cf. intermedia). Francis Neat, Cecilia Pinto, Ian Burrett, Lewis Cowie, Justin Travis, James Thorburn, Fiona Gibb and Peter J. Wright. Aquatic conservation: marine and freshwater ecosystems. (2014)

9 http://www.snh.org.uk/pdfs/publications/commissioned_reports/600.pdf
Generally, it is essential for the integrity of marine protected areas in Scotland that a scientific approach be consistently applied and that decisions about management consider the overarching reasons for the inception of marine protection in Scotland. Monitoring of protected areas before and after management has been put in place is vital to our understanding of how that management and the designation impacts upon species, habitats and marine users, and ultimately determines if the process has, or has not, been a success.

It is vital that research, compliance, monitoring and additional funding be made available to ensure that the effect of marine activities within and outwith marine protected areas can be fully assessed. As well as management measures within the MPA, the three pillar approach of species, sites and wider-seas measures for common skate must be applied throughout Scottish waters.

11. **If you answered no to question 10, do you support the other approach?**
   - Yes [ ] No [x]

   The other management approaches proposed will not meet the conservation objectives of the site. See answer to question 10.

12. **Do you agree with the economic, social, and environmental assessments of the impact of the management approaches?**
   - Yes [ ] No [x]

   The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.

**Loch Sween MPA**

13. **Do you support the preferred approach (number 2) for managing this protected area?**
   - Yes [ ] No [x]

RSPB Scotland does not support either management Approach 1 or 2 proposed for Loch Sween MPA. The boundary for this MPA and the species that this MPA will protect, as is the case for all others, has been consulted upon and designated. It is essential for the integrity of the MPA network that species and habitats are protected wherever they occur within the agreed boundary of the MPA.

Management of the Loch Sween MPA must use the scientific evidence to inform management decisions and protect species and habitats where they occur within the MPA. This is in addition to wider seas measure for Priority Marine Feature (PMF) species where they occur outwith the MPA. To this end, the zone of no demersal...
trawl or mechanical dredge must be extended to cover the Maerl records outside of the Loch boundary.

It is essential for the integrity of marine protected areas in Scotland that a scientific approach be consistently applied and that decisions about management consider the overarching reasons for the inception of marine protection in Scotland. Monitoring of protected areas before and after management has been put in place is vital to our understanding of how that management and the designation impacts upon species, habitats and marine users, and ultimately determines if the process has, or has not, been a success.

It is vital that research, compliance, monitoring and additional funding be made available to ensure that the effect of marine activities within and outwith marine protected areas can be fully assessed.

14. If you answered no to question 13, do you support the other approach?
   Yes ☐ No ☒
   See answer to question 13.

15. Do you agree with the economic, social, and environmental assessments of the impact of the management approaches?
   Yes ☐ No ☒
   The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.

Lochs Duich Long & Alsh SAC / MPA

16. Do you support the management approach for this protected area?
   Yes ☐ No ☒
   The suggested management approach to reduce/limit the pressure on the burrowed mud features will not be effective in meeting the conservation objectives of the site, as many of the component species of burrowed mud are sensitive to disturbance by demersal fishing gear.

   Prohibition of demersal fishing gear across the entirety of the SAC/MPA is required to meet the conservation objectives and maintain site integrity.

   It is essential for the integrity of marine protected areas in Scotland that a scientific approach be consistently applied and that decisions about management consider the overarching reasons for the inception of marine protection in Scotland. Monitoring of
protected areas before and after management has been put in place is vital to our understanding of how that management and the designation impacts upon species, habitats and marine users, and ultimately determines if the process has, or has not, been a success.

It is vital that research, compliance, monitoring and additional funding be made available to ensure that the effect of marine activities within and outwith marine protected areas can be fully assessed. Additionally, as well as considering the high-level ambitions of protecting these areas, the three pillar approach of species, sites and wider-seas measures must be applied throughout Scotland’s seas.

17. Do you agree with the economic, social, and environmental assessments of the impact of the management approach?

Yes ☐ No ☒

The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.

Luce Bay SAC

18. Do you support the preferred approach (number 2) for managing this protected area?

Yes ☐ No ☐

A lack of information makes it difficult to comment on which management approach will achieve the conservation objectives of the SAC. From the information provided in the consultation document, it would appear that Approach 2 may be the minimum level of management required to meet the conservation objectives of the SAC.

However, Approach 2 can only be introduced under the condition that monitoring be carried out to assess the direct impact of fishing on the species and habitats for which the SAC has been designated, and that there is research into the interaction and dynamics between the soft sediment in the inner parts of the bay and the harder sediment at the outer part of the bay. In a complex mosaic of habitats, such as is the case in Luce Bay, zonal management of one part of the bay can have an affect on the dynamics of the entire bay area. We are concerned that the management approach may not fully achieve the conservation objectives of the SAC.

There is a risk that by adopting Approach 2 the duties set out in the Habitats Directive will be breached. An Appropriate Assessment is required to ascertain the effect the level of fishing permitted under Approach 2 has on the integrity of the habitats identified for protection as an SAC.

Approach 1 is the precautionary approach and provides us with much more
confidence in its ability to meet the conservation objectives.

Additionally, there is a need to ensure that mechanical dredging in the inner bay does not disturb Greenland White-fronted geese (qualifying features of the Torrs Warren SPA). The geese roost on the sand or shallow water in the intertidal area November – April and so would be potentially vulnerable to disturbance by mechanical dredging an hour before sunset to an hour after sunrise. An Appropriate Assessment is required under the Natura regulations.

19. If you answered no to Question 18, do you support one of the other approaches?

   Approach 1 ☒ Approach 3 ☐ No ☐

Should the monitoring work suggested in answer to question 18 not be possible or the Appropriate Assessment shows that the level of activity is damaging to the habitats protected with the SAC and therefore lead to a failure to meet the conservation objective, RSPB Scotland supports management Approach 1.

20. Do you agree with the economic, social, and environmental assessments of the impact of the management approach?

   Yes ☐ No ☒

The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.

Noss Head MPA

21. Do you support the management approach for this protected area?

   Yes ☒ No ☐

From the information provided in the consultation documents, the proposed management approach would meet the conservation objectives of the MPA.

22. Do you agree with the economic, social, and environmental assessments of the impact of the management approach?

   Yes ☐ No ☒

The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.
Sanday SAC

23. Do you support the management approach for this protected area?  
   Yes ☒ No ☐

   RSPB Scotland fully supports Marine Scotland’s preferred management approach.

24. Do you agree with the economic, social, and environmental assessments of the impact of the management approach?  
   Yes ☐ No ☒

   The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.

Small Isles MPA

25. Do you support the preferred approach (number 2) for managing this protected area?  
   Yes ☐ No ☒

   RSPB Scotland does not support either management Approach 1 or 2 proposed for Small Isles MPA – neither approaches are reasonable on the basis of evidence. The boundary for this MPA, as is the case for all others, has been consulted upon and designated, it is essential for the integrity of the MPA network that species and habitats are protected wherever they occur within the agreed boundary of the MPA.

   The proposed management will only protect the Sound of Canna and, although there is a high density of species in this area, many other occurrences of protected features will remain exposed to damaging activity, going against Marine Scotland’s management guidance and advice from SNH and leaving it highly likely that the conservation objectives will fail for this site. Further restriction of demersal trawling or mechanical dredging must be established in all locations where white cluster anemone, Northern sea fan and Northern sea fan and sponge communities have been recorded, plus an appropriate buffer. The Sounds of Canna zone must also be extended to the coast of Rum to allow some area for feature recovery.

   Not only do the proposed management options not follow the scientific advice provided to help inform management decisions, they will fail to meet the legal requirements associated with the conservation objectives and duty of the designation order.

   Management of the Small Isles MPA must use the scientific evidence to inform
management decisions and protect species and habitats where they occur within the MPA. This is in addition to wider seas measure for Priority Marine Feature (PMF) species where they occur outwith the MPA.

It is essential for the integrity of marine protected areas in Scotland that a scientific approach be consistently applied and that decisions about management consider the overarching reasons for the inception of marine protection in Scotland. Monitoring of protected areas before and after management has been put in place is vital to our understanding of how that management and the designation impacts upon species, habitats and marine users, and ultimately determines if the process has, or has not, been a success.

It is vital that research, compliance, monitoring and additional funding be made available to ensure that the effect of marine activities within and outwith marine protected areas can be fully assessed.

26. **If you answered no to Question 25, do you support the other approach?**

   Yes ☐ No ✗

   Please refer to our answer to question 25.

27. **Do you agree with the economic, social, and environmental assessments of the impact of the management approaches?**

   Yes ☐ No ✗

   The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.

South Arran MPA

28. **Do you support the proposed high level of protection for recovery of the maerl beds, and conservation of the seagrass beds?**

   Yes ✗ No ☐

   Both maerl beds and seagrass beds are listed Priority Marine Features (PMFs) and play an important role in the marine ecosystem in the South Arran MPA, therefore RSPB Scotland supports the proposed management measures to recover these features.
29. **Should there be a permit scheme for creel vessels to work within these recovery areas for maerl beds, and moorings adjacent to the seagrass beds?**
   Yes [ ] No [ ]

Maerl beds are sensitive to surface abrasion cause by the use of creels, therefore this activity should not be permitted within the recovery area for maerl. We would like to draw attention to a statement on page 49 of the Approaches consultation document, “It is proposed that no static gear be used in the areas essential to the recovery of maerl beds. However, given the long-term recovery period for this habitat is (sic) may be possible for there to be a limited creel fishery by permit within these recovery areas”. This is counterintuitive and ignores scientific advice about how best to recover this feature.

The FEAST tool shows seagrass habitats to have a high sensitivity to static gear, therefore this type of activity should not be permitted where the habitat is recorded.

30. **Do you support the preferred approach (number 3) for managing the protected area?**
   Yes [ ] No [ ]

RSPB Scotland does not support the preferred approach (three), or approaches one or two. Whilst we do support the measures common to all approaches, the restrictions on activity proposed under Approaches 1-3 is inadequate to meet the conservation objectives of the MPA and will breach the duty of the designation order.

Marine Scotland’s preferred management approach allows scallop dredging in areas directly parallel to, and in places overlapping, maerl bed records. Information from FEAST and the Approaches consultation document, as well as a number of peer reviewed scientific papers discuss the damaging impact scallop dredging has on maerl habitats.

Scallop dredging permitted under Approach 3 also overlaps burrowed mud and ocean quahog records. To meet the conservation objectives of the MPA the management measures must be altered to protect the species for which the MPA has been designated.

Buffer zones are recommended by ICES\(^\text{10}\) to ensure that species afforded protection through fisheries management receive that intended protection. This must be applied to the South Arran MPA to ensure the conservation objectives are met.

As is the case with some other MPAs, management approaches must not consider features in isolation and must account for interactions between species and habitats. This is particularly pertinent to burrowed mud, maerl beds, seagrass, kelp and

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\(^{10}\) http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2013/Special%20requests/NEAFC_Evaluation_of_buffer_zones.pdf
seaweed features in the South Arran MPA.

The South Arran MPA is another example where management approaches have used an interpretation of scientific evidence provided to develop inadequate management approaches which will fail to meet the conservation objectives, and therefore legal obligations of the MPA. Scientific evidence must inform management decisions and protect species and habitats where they occur within the MPA. This is in addition to wider seas measure for PMF species outwith the MPA.

It is essential for the integrity of marine protected areas in Scotland that a scientific approach be consistently applied and that decisions about management consider the overarching reasons for the inception of marine protection in Scotland.

Monitoring of protected areas before and after management has been put in place is vital to our understanding of how that management and the designation impacts upon species, habitats and marine users, and ultimately determines if the process has, or has not, been a success.

It is vital that research, compliance, monitoring and additional funding be made available to ensure that the effect of marine activities within and outwith marine protected areas can be fully assessed.

31. If you answered no to Question 30, do you support one of the other approaches?
   Approach 1 ☐ Approach 2 ☐ No ☒

   See answer to question 30.

32. Do you agree with the economic, social, and environmental assessments of the impact of the management approaches?
   Yes ☐ No ☒

   The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.

St Kilda SAC

33. Do you support the management approach for this protected area?
   Yes ☒ No ☐

   The consultation documents provide evidence that the proposed management approach will meet the conservation objectives of the SAC.
Monitoring of protected areas after management has been put in place is vital to our understanding of how that management and the designation impacts upon species, habitats and marine users, and ultimately determines if the process has, or has not, been a success.

34. Do you agree with the economic, social, and environmental assessments of the impact of the management approach?

Yes ☐ No ☒

The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.

Treshnish Isles SAC

35. Do you support the preferred approach (number 1) for managing this protected area?

Yes ☒ No ☐

The information provided in the consultation documents suggest that Marine Scotland’s preferred management approach will meet the conservation objectives of the SAC. Monitoring of protected areas after management has been put in place is vital to our understanding of how that management and the designation impacts upon species, habitats and marine users, and ultimately determines if the process has, or has not, been a success.

36. If you answered no to Question 35, do you support the other approach?

Yes ☐ No ☒

See answer to question 35.

Upper Loch Fyne & Loch Goil MPA

37. Do you agree with the economic, social, and environmental assessments of the impact of the management approaches?

Yes ☐ No ☒

The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.
38. Do you support the proposed high level of protection for the recovery of the flame shell bed?

Yes ☒ No ☐

RSPB Scotland fully supports the high level of protection for the recovery of flame shell beds.

39. If you support a high level of protection for the flame shell bed should provision be made to permit certain activities under specific circumstances?

Yes ☐ No ☒

It is paradoxical, illogical and counterintuitive to suggest that because a species may take a long time to recover that certain damaging activities should be permitted in the recovery area. Where a species has a conservation objective to 'recover', management approaches should support this objective, not hinder or delay it.

40. Do you support the preferred spatial approach (number 1a) for managing recovery of the flame shell bed?

Yes ☒ No ☐

RSPB Scotland supports management Approach 1a.

41. If you answered no to Question 40, do you support the other approach for managing recovery of the flame shell bed?

Yes ☐ No ☒

1a is the preferable management approach as it provides a buffer zone around the protected features.

42. Do you support the preferred approach (number 2a) for managing the rest of the protected area?

Yes ☐ No ☒

RSPB Scotland does not support management Approaches 2a or 2b. Both of these approaches would permit damaging activities in areas where species for which the MPA has been designated are recorded. This is counter to what scientific evidence tells us about how to achieve the conservation objectives of this MPA and, if adopted, either of these management approaches would result in a failure to meet the duties of the designation order. It is true of this MPA, as it is with all MPAs, that management measures should reflect the requirement for protection or enhancement where appropriate.

It is essential for the integrity of marine protected areas in Scotland that a scientific approach be consistently applied and that decisions about management consider the
overarching reasons for the inception of marine protection in Scotland. Monitoring of protected areas before and after management has been put in place is vital to our understanding of how that management and the designation impacts upon species, habitats and marine users, and ultimately determines if the process has, or has not, been a success.

It is vital that research, compliance, monitoring and additional funding be made available to ensure that the effect of marine activities within and outwith marine protected areas can be fully assessed. Additionally, as well as considering the high-level of protection of these areas, the three pillar approach of species, sites and wider-seas measures must be applied throughout.

43. If you answered no to Question 42, do you support the other approach for managing the rest of the protected area?  
Yes ☐ No ☒

See answer to question 42.

44. Do you agree with the economic, social, and environmental assessments of the impact of the management approaches?  
Yes ☐ No ☒

The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.

Wester Ross MPA

45. Do you support the preferred approach (number 2) for managing the protected area?  
Yes ☐ No ☒

Management Approach 2 does not protect all records of features for which Wester Ross MPA has been designated. In particular, this proposed approach does not even protect occurrences of maerl which the site has been proposed to recover - recently reported by Scottish Natural Heritage and the Scottish Wildlife Trust (please refer to Scottish Environment LINK’s response for more information on these findings). Given these new findings, and the records of burrowed mud with seapens and burrowed mud with tall seapens outwith areas where management is proposed under approach two, a new management approach must be developed to meet the conservation objectives of the MPA. In particular, this approach must include further areas around Priest Island, Tanera Beg and outside of Loch Broom around Isle Martin.
It is essential for the integrity of marine protected areas in Scotland that a scientific approach be consistently applied and that decisions about management consider the overarching reasons for the inception of marine protection in Scotland. Monitoring of protected areas before and after management has been put in place is vital to our understanding of how that management and the designation impacts upon species, habitats and marine users, and ultimately determines if the process has, or has not, been a success.

It is vital that research, compliance, monitoring and additional funding be made available to ensure that the effect of marine activities within and outwith marine protected areas can be fully assessed. Additionally, as well as management measures within the MPA, the three pillar approach of species, sites and wider-seas measures must be applied throughout.

46. If you answered no to Question 43, do you support the other approach? 
Yes ☐ No ☒

See answer to question 45.

47. Should static gear fisheries be restricted in the areas essential to the recovery of maerl beds and flame shell beds?  
Yes ☒ No ☐

It is important that species and habitats afforded the rare accolade of a ‘recover’ conservation objective be given the best opportunity to achieve this. Both maerl and flame shell beds are sensitive to surface abrasion, so any form of activity which could compromise the ability of maerl and flame shell beds to ‘recover’ should be prohibited in the recovery area, this includes static gear fisheries.

48. Under either approach should the Summer Isles area be zoned by depth to enable scallop dredging to continue?  
Yes ☐ No ☐

Not enough information is provided in the consultation documents to comment on this. Activity permitted in an MPA should not negatively impact upon species and habitats for which the MPA has been designated or compromise the ability of the MPA to meet the agreed conservation objectives and duties of the designation order.

49. Do you agree with the economic, social, and environmental assessments of the impact of the management approaches? 
Yes ☐ No ☒
The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.

Wyre & Rousay Sounds MPA

50. Do you support the management approach for this protected area?
    Yes ☒ No ☐

The consultation documents provide evidence that the proposed management approach will meet the conservation objectives of the MPA, therefore RSPB Scotland supports the management approach for this MPA.

Monitoring of protected areas before and after management has been put in place is vital to our understanding of how that management and the designation impacts upon species, habitats and marine users, and ultimately determines if the process has, or has not, been a success.

51. Do you agree with the economic, social, and environmental assessments of the impact of the management approach?
    Yes ☐ No ☒

The economic information only considers the costs involved in the creation of a protected area and does not account for the benefits that may accrue now and over time as a result of protecting this area.
2014 Consultation on the management of inshore Special Areas of Conservation and Marine Protected Areas

Annex D - Respondent Information Form

Please Note this form must be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

The Royal Society for the Protection of Birds (RSPB) Scotland

Title Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ Please tick as appropriate

Surname

Whyte

Forename

Allan

2. Postal Address

RSPB Scotland HQ
2 Lochside View
Edinburgh

Postcode EH12 9DH Phone 0131 317 4100 Email allan.whyte@rspb.org.uk
3. Permissions - I am responding as…

**Individual** / **Group/Organisation**

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis. Please tick ONE of the following boxes:

- Yes, make my response, name and address all available
- Yes, make my response available, but not my name and address
- Yes, make my response and name available, but not my address

(c) The name and address of your organisation will be made available to the public (in the Scottish Government library. Are you content for your response to be made available?

Please tick as appropriate

- Yes
- No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

- Yes
- No