

Rùnaire a' Chaibineit airson Cùisean Dùthchail, Biadh agus an Àrainneachd  
Cabinet Secretary for Rural Affairs, Food and the Environment  
Ridseard Lochhead BPA  
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Rob Gibson MSP  
Convenor  
Rural Affairs, Climate Change, and Environment Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP



17<sup>th</sup> August 2015

Dear Rob,

I wish to advise you that an urgent Marine Conservation Order for the Wester Ross MPA has been laid in the Scottish Parliament today. It will take effect tomorrow.

The Wester Ross marine protected area ("MPA") was designated on 23 July 2014 using the powers in sections 67(1)(a), 68, 69 and 79(1) of the Marine (Scotland) Act 2010 ("the Act"). Under section 3 of the Act when exercising any function under the Act that affects the Scottish marine area the Scottish Ministers and public authorities must act in the way best calculated to further the achievement of sustainable development, including the protection and, where appropriate, enhancement of the health of the area. Scottish Ministers consider that this Marine Conservation Order, made on an urgent basis, is necessary to further the conservation objectives of the Wester Ross MPA, in particular the recovery of the maerl beds protected feature.

Upon designation of the Wester Ross MPA a voluntary management arrangement for the MPA was implemented by the Scottish fishing industry. The purpose was to protect the maerl bed habitat, which is particularly vulnerable to fishing impacts, as an interim arrangement until such time long-term statutory measures are implemented.

It has come to the attention of the Scottish Government that the voluntary arrangement has recently been breached. Therefore, this Order is being made to prohibit and regulate fishing by dredging methods which may have a negative impact upon the maerl bed habitat, on a statutory basis, and is to come into force without delay.

This is of an urgent nature as scientific studies have shown that mobile fishing gears, such as scallop dredging, can destroy significant proportions of this habitat type with just one pass. Maerl beds are particularly vulnerable to physical disturbance and is very slow growing. Recovery from impact from mobile fishing gear could take centuries.

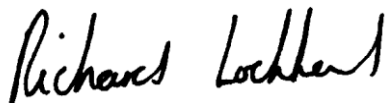
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Where the Scottish Ministers consider that there is an urgent need to protect an area in respect of which a marine conservation order may be made then section 88 of the Act allows the Ministers to make a Marine Conservation Order on an urgent basis. In such cases the procedure set down for prior consultation under section 87 of the Act does not apply. Orders made under section 88 of the Act are subject to negative parliamentary procedure. The Act allows such Orders to come into force without delay.

The Order prevents mechanical or suction dredging from taking place in the Wester Ross MPA. The Scottish Government announced on 11 June its intention to implement this measure on 01 October, which was later changed to 01 November 2015. However, in light of the breach of the voluntary agreement, waiting to this date would leave the maerl beds in particular at significant risk of further damage and / or destruction in the meantime.

A permanent Order will replace this one in due course. That order will follow normal Parliamentary procedure and allow the RACCE committee to scrutinise it accordingly before it takes effect.



**RICHARD LOCHHEAD**