



The Scottish Parliament
Pàrlamaid na h-Alba

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

Richard Lochhead MSP

Cabinet Secretary for Rural Affairs, Food
and Environment

Scottish Government

Via email only

c/o Clerk to the Committee
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Dear Richard

Establishment and operation of Marine Protected Areas (“MPAs”)

Thank you for agreeing to suspend the process of finalising secondary legislation relating to the establishment and operation of MPAs, until the Rural Affairs, Climate Change and Environment Committee had an opportunity to consider concerns expressed by various stakeholders in relation to the proposed regulations for their management and operation. The Committee has now considered your most recent correspondence of 9 October 2015.

It would appear that there is little disagreement between stakeholders on proposed management plans for the majority of MPAs. This being the case the Government should move forward with laying the necessary SSIs before the Parliament to bring the management rules of those MPAs into force as soon as possible.

In respect of the four MPAs where major concerns have been expressed by the mobile fishing sector¹, the Scottish Government has acknowledged that there is no agreement between the respective stakeholders despite lengthy consultation and discussion. Those from the mobile fishing sector see the proposed management rules as going too far in terms of restricting fishing activity. Other stakeholders believe that the proposed management rules may fail to meet the conservation objectives sought if they are diminished. Ultimately, in such a scenario, it falls to the Scottish Government to make a final determination on how to proceed based on the best evidence available in order to achieve the statutory conservation objectives.

While the most recent concerns expressed by the mobile fishing sector are understandable, their accuracy is impossible to assess without the benefit of experience in terms of the actual operation data on the effect of the MPAs in question. We therefore welcome your decision to continue to consider any unintended socio-economic issues and we look forward to your conclusions, recognising the need to ensure that

¹ Wester Ross MPA, Small Isles MPA, Loch Sunart to the Sound of Jura MPA and the South Arran MPA

responsible, environmentally-sustainable fishing interests and jobs are protected and appropriate compensation considered.

We are mindful of the fact that the Scottish Parliament legislated for the protection of Scotland's marine environment in February 2010, by way of the Marine (Scotland) Act. The creation of MPAs is one of the main delivery mechanisms by which the policy objectives of that Act is to be delivered. MPAs are now likely to only become fully operational in early to mid-2016, six full years after they were legislated for.

As the end of Session 4 of the Parliament is only five months away, and in view of the other items in the Committee's work programme, the Committee is not planning to carry out any further scrutiny on MPAs before the Dissolution of Session 4 in March 2016. The Committee is anxious that full implementation of MPAs is brought into effect as soon as possible.

Therefore, the Committee urges the Scottish Government to reach a final decision regarding the management rules for the MPAs in question within a timeframe which allows the necessary SSIs to be considered by the Parliament before the end of Session 4. However, in order to facilitate proper parliamentary scrutiny of the impact of MPAs on fishing communities, we recommend the Scottish Government undertake a review of MPAs, to report to the Parliament and our successor committee no later than 12 months before the end of Session 5.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rob Gibson', with a stylized flourish at the end.

Rob Gibson MSP
Convener