

Ministerial Statement on the creation of a network of Marine Protected Areas.

The Marine and Coastal Access Act 2009 (“the UK Act”) created new powers for Scottish Ministers to designate Marine Protected Areas (MPAs) in offshore waters adjacent to Scotland in order to protect marine biodiversity and geodiversity and contribute to UK and international networks of MPAs. Section 123(6) of the Act includes a duty for Scottish Ministers to make a statement about the principles and other matters that the Scottish Government intends to follow when contributing to the development of a MPA network.

This statement fulfils the obligation set out in section 123 (6) of the UK Act.

The MPA powers in the UK Act complement the new powers in the Marine (Scotland) Act (granted Royal Assent on 10 March 2010) to designate MPAs for nature conservation inside 12 nautical miles. The powers will be used in an integrated way to develop a MPA network that delivers our priorities at the Scottish, UK and international level. It is our intention to follow the principles set out in this statement when designating MPAs in inshore waters using the relevant powers in the Marine (Scotland) Act.

MPA networks are a key part of the Scottish Government’s strategy for marine nature conservation. The strategy will be delivered through a 3 pillar approach, recognising the value of (i) protected sites, (ii) protected species and (iii) wider policies and initiatives that contribute to our conservation aims. MPA networks, in combination with the new marine planning framework, are also an important part of our wider strategy for managing Scotland’s seas, which aims to integrate conservation and other marine activities in pursuing a vision for a ‘clean healthy, safe, productive and biologically diverse oceans and seas’.

The Scottish Government anticipates that the new MPAs, along with existing protected sites in our marine environment, will contribute to achieving Good Environmental Status (GES) under the Marine Strategy Framework Directive (MSFD) and deliver our contribution to the ecologically coherent network of MPAs under the OSPAR convention on the protection of the marine environment in the North East Atlantic

The Scottish Government is committed to ensuring that the network, which will include Natura 2000, Ramsar, SSSIs and the new MPAs, is ecologically coherent and will be substantially in place by the end of 2012. We will also consider on a case by case basis whether other area-based measures should be recognised as contributing to the aims of the network.

Ecological coherence is still an evolving concept in the scientific community and there is no universally accepted definition. Guidance has been developed under the OSPAR Convention on the key design features associated with ecological coherence.

The OSPAR agreement can be found at

http://www.ospar.org/documents/DBASE/DECRECS/Agreements/06-03e_Guidance%20ecol%20coherence%20MPA%20network.doc. and the key elements are listed below:

- Representation – To support the sustainable use, protection and conservation of marine biological diversity and ecosystems, areas which best represent the range of species, habitats and ecological processes (for which MPAs are a suitable measure) should be considered for inclusion.
- Replication – Replication of features in separate MPAs in each biogeographic area is desirable where it is possible in order to contribute to resilience and the aims of the network.
- Size of site – The appropriate size of a site should be determined by the purpose of the site and be sufficiently large to maintain the integrity of the feature for which it is selected.
- Adequacy – the MPA network should be of adequate size to deliver its ecological objectives.
- Connectivity – the MPA network should take into account the linkages between marine ecosystems and the dependence of some species and habitats on processes that occur outside the MPA concerned.
- Management – MPAs should be managed to ensure the protection of the features for which they were selected and to support the functioning of an ecologically coherent network.

The Scottish Government intends to consider these principles in the context of the seas around Scotland. In partnership with our statutory nature conservation advisers (Scottish Natural Heritage (SNH) and the Joint Nature Conservation Committee (JNCC)) we will consider this guidance and drafted guidelines on the use of the MPA powers in Scotland's seas in order to contribute to the development of MPA networks. The guidelines are still under development but include 8 principles on MPA networks which we intend to follow:

- i. The MPA network should be capable of delivering Scotland's MPA commitments, including national and international priorities for the conservation of priority marine features.
- ii. The purpose of the MPA network will be to deliver benefits for marine natural features and to support wider ecosystem function within the context of a 3 pillar approach. The network should safeguard marine natural features (relating to both biodiversity and geodiversity) in Scottish waters and, through sound management, deliver recovery where practicable.

- iii. The MPA network will include marine natural features considered as priorities for area-based protection in Scottish waters and will include features considered to be key and threatened and/or declining, and/or representing the range of features within Scotland's seas.
- iv. The presence of priority marine features will underpin the selection of Nature Conservation MPAs but preference will be given to the selection of areas with multiple features, including those of interest for both biodiversity and geodiversity. Functional units and processes which underpin these features (for ecology, geology and geomorphology) will be taken into account through boundary setting and management.
- v. Nature Conservation MPAs will be identified within Scottish MPA regions. This regional approach will be applied to the development of the MPA network for biodiversity features, whereas a national approach will be applied for geodiversity features. The proportion of each feature included within the MPA network will vary to reflect factors such as the importance of the feature and the element of risk to its survival in Scottish waters.
- vi. The MPA network will consist of a range of different types of protected areas, including European Marine Sites and Nature Conservation MPAs. Other types of area-based measures which offer protection to priority marine features may be recognised as contributing to Scotland's MPA network. These areas will follow the same scientific assessment process as Nature conservation MPAs to evaluate the contribution to national priorities these areas could offer.
- vii. MPAs forming part of the network will be managed so as to deliver long-term protection to the marine natural features they contain. An MPA network will contribute to Government objectives on the environment, as well as to broader objectives, including sustainable economic growth.
- viii. Significant progress towards identifying Nature Conservation MPAs to complete the network will have been made by the end of 2012.

A fundamental principle of our approach to marine nature conservation is that conservation should be integrated with productive and sustainable use of the seas. It is important therefore that users of the seas should be actively involved in our conservation policy and that the MPA network and its sites are well understood and supported. In ensuring we create an ecologically coherent network, the Scottish Government wants to minimise any adverse social and economic impacts and wherever possible to work with the grain of sustainable economic use of the seas. We believe that we should encourage the co-existence of MPAs and social and economic activities where they are mutually compatible as this exemplifies the key spirit of sustainable development. This should be reflected in marine planning.

In basing our decisions on the best available evidence we will draw on the scientific expertise of our statutory nature conservation advisers (SNH and JNCC) together with other evidence from Marine Scotland Science, the wider scientific community and sea-user communities. The Scottish Government acknowledges that some evidence may be uncertain or incomplete. For example, our understanding of the connectivity principle is still evolving and there are limited data available for some habitats such as those in the deep offshore environment. We expect uncertainty to be explicitly recognised and taken into account in the designation process.

The Scottish Government is clear that once designated, effective management is essential to ensure the delivery of the conservation objectives of a MPA and thereby ensuring the site's contribution to the MPA network. We expect evidence to result in differing conservation objectives for sites, ranging from maintenance of existing habitats to recovery of damaged or diminished features. Similarly we expect for some sites there will be a choice about the management measures that are felt likely to deliver those objectives. We wish to be clear about the implications of those choices, e.g practicality of recovery of existing habitats in the relevant location. Co-existence of activities will be encouraged where possible but we recognise that some activities in some areas may need to be controlled or excluded, meaning that the nature and intensity of human activities is likely to vary between sites.

As part of this management process, and to account for a marine environment which varies both naturally and under external pressures such as climate change, MPAs can be moved or decommissioned to secure the network's long term aims and ensure it is still protecting the features it was designated to protect. The Scottish Government also recognises the contribution of certain types of habitats to mitigating against climate change through carbon storage. We will work to maximise where possible links between MPAs and protecting habitats that provide this service.

We believe the approach to selecting, designating and managing Marine Protected Areas as well as the ecologically coherent network to which they contribute, will significantly contribute to the Scottish Government's aim to integrate policies to achieve our vision for clean healthy, safe, productive and biologically diverse oceans and seas.

This statement of principles will be kept under review, and the Scottish Government will continue to keep Parliament informed of key developments. A copy of this statement has been placed in SPICE, along with the draft version of the marine nature conservation strategy and MPA guidelines.