



## Briefing for the Public Petitions Committee

**Petition Number:** [PE1431](#)

**Main Petitioner:** Mr Nicholas John Riddiford, on behalf of the Fair Isle Community

**Subject:** Marine Protected Area for Fair Isle

Calls on the Parliament to urge Scottish Government to implement a condition of the Council of Europe Diploma to Fair Isle by designating Fair Isle waters as a Marine Protected Area

### Background

Fair Isle is one of Britain's most remote inhabited islands. It is 5km long by 3km wide, and is situated approximately halfway between the Orkney and Shetland islands. It has been owned by the National Trust for Scotland since 1954.

The Marine (Scotland) Act 2010 introduces a general duty to protect and enhance the marine environment, and Part 5 contains new powers to designate Marine Protected Areas (MPAs) for the protection and enhancement of marine biodiversity as well as powers to create a network of conservation sites. Included within this Part is a provision for communities to recommend MPAs through their involvement in Marine Planning Partnerships.

The European Diploma of Protected Areas is an established international award by the Committee of Ministers of the Council of Europe (the Council) to natural and semi-natural areas and landscapes of exceptional European importance for the preservation of biological, geological and landscape diversity which are managed in an exemplary way. Fair Isle has held the Diploma continuously since 1985.

The Diploma is awarded to areas because of their outstanding scientific, cultural or aesthetic qualities, but also because they are protected by a suitable conservation scheme.

Diploma designation involves an initial evaluation undertaken by Council specialists. A further evaluation follows every five years and is conducted by independent scientists on behalf of the Council. Renewal of the Diploma depends on their recommendations (known as resolutions). The Council states:

The unique nature of the Diploma also lies in the fact that it is awarded for a limited duration; the threat that it may be withdrawn has a deterrent effect in respect of dangers liable to cause harm to the area and acts as a stimulus for the preservation and improvement of the site.

If the Council considers that the resolutions are not being met it raises the level of the issue to a condition. Failure to meet a condition risks the loss of the Diploma at the next renewal. Following the 2010 Fair Isle renewal, the Committee of Ministers placed the following condition on further renewal:

in recognition of the internationally important seabird colonies and associated marine environment currently experiencing severe pressure, the United Kingdom and Scottish Governments should use the powers invested in them through the Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010 to establish the protected marine area which has been called for in successive diploma renewals. A new protected marine area should be in conformity with the Fair Isle Marine Action Plan (FIMP);

The Fair Isle Community is acting through this petition to highlight the above condition, as well as their proposal to become part of the MPA network.

### **Scottish Government Action**

The Scottish Government is currently considering how best to create the network of MPAs, and is obliged by the Marine (Scotland) Act to report to Parliament on progress at the end of 2012. Cabinet Secretary Lochhead's [Ministerial Statement](#) of 1 September 2010 states:

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.

[Guidelines for selecting & developing MPAs](#) were published in February 2011.

The development of the MPA network is being undertaken in collaboration with marine stakeholders. Four workshops have recently been conducted, with the latest being held on 14/15 March. A final workshop is planned for June 2012. Thereafter, the Scottish Government plans to scrutinise the outcomes of these workshops in detail, with a view to consulting on proposed MPA sites in 2013.

### **Scottish Parliament Action**

There have been no debates on this subject during Session 4, however relevant Parliamentary Questions include:

**Question S4W-05757: Tavish Scott, Shetland Islands, Scottish Liberal Democrats, Date Lodged: 20/02/2012** To ask the Scottish Executive what proposed new (a) special areas of conservation and (b) marine protected areas (MPA) are in Shetland and what stakeholders have (i) been invited to take part and (ii) taken part in workshops to discuss the MPA search locations.

**Answered by Richard Lochhead (01/03/2012):** < >Five proposals for Special Areas of Conservation have been approved by Scottish Ministers for public consultation. This includes the Pobie Bank Reef approximately 12nm east of Shetland. Further details can be found at <http://jncc.defra.gov.uk/page-4537>. No MPA proposals have yet been finalised as work to develop an MPA network is still at the stage of identifying search locations. There is currently a search location near Fetlar in Shetland.

A full list of stakeholder interests that have attended, as well as those who have been invited but have not attended, MPA workshops is available online (<http://www.scotland.gov.uk/Topics/marine/marine-environment/mpanetwork/engagement/attendees>).

**Current Status:** Answered by Richard Lochhead on 01/03/2012

**Question S4W-05755: Tavish Scott, Shetland Islands, Scottish Liberal Democrats, Date Lodged: 20/02/2012** To ask the Scottish Executive what the timeline is for (a) identifying new marine protected areas (MPA), (b) reporting the MPA options to the Parliament for review and (c) the 12-week period of public consultation.

**Answered by Richard Lochhead (01/03/2012):** As indicated in my ministerial statement on the creation of a network of Marine Protected Areas, which was laid in Parliament on 1 September 2010, the aim is to make significant progress towards identifying Nature Conservation MPA proposals to complete the network by the end of 2012. In accordance with section 103 of the Marine (Scotland) Act, Scottish ministers will report to Parliament on progress at the end of 2012, and then take decisions based on the recommendations and it is envisaged that a 12 week public consultation of MPAs proposed for designation will be held in 2013.

**Current Status:** Answered by Richard Lochhead on 01/03/2012

**Question S4W-06120: Claire Baker, Mid Scotland and Fife, Scottish Labour, Date Lodged: 09/03/2012** To ask the Scottish Executive what recent meetings it has held with other states parties to the Oslo-Paris Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) to discuss the ecological coherence of the network of marine protected areas across the OSPAR area.

**Answered by Richard Lochhead (23/03/2012):** As part of the UK representation at relevant OSPAR meetings, Marine Scotland has participated in OSPAR discussions on progress and guidance on MPA network development. The last OSPAR Biodiversity Committee was held in February

2012 and the last OSPAR Intersessional Correspondence Group on MPAs met in September 2011. Marine Scotland officials meet regularly with UK Government, Department for Environment Northern Ireland, and Welsh Assembly Government officials to discuss MPA issues and the last meeting was held in Edinburgh on 26 January 2012.

**Current Status:** Answered by Richard Lochhead on 23/03/2012

**Question S4W-06118: Claire Baker, Mid Scotland and Fife, Scottish Labour, Date Lodged: 09/03/2012** To ask the Scottish Executive how the ecological coherence of the network of marine protected areas under the Marine (Scotland) Act 2010 is assessed.

**Answered by Richard Lochhead (23/03/2012):** Guidance has been developed under the Oslo-Paris Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) to support the agreement on development of a network of Marine Protected Areas. The guidance outlines key design features associated with ecological coherence. The Key elements are:

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 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 guidance is being used to develop the MPA network in Scottish waters. When finalising advice based on the MPA guidelines, SNH and JNCC will consider the extent to which proposals for inclusion in the network will contribute to an ecologically coherent network and ministers will report progress on contributing to a network of MPAs in accordance with sections 79 (2) and 103(3) of the Marine (Scotland) Act.

A report on the status of the OSPAR network of MPAs is prepared on an annual basis. The reports summarise the number and locations of MPAs included in the network and assesses whether the network is coherent based on assessment of the spatial distribution of the network and coverage of OSPAR threatened and/or declining habitats and species. Further details can be found in the latest 2010 Status Report on the OSPAR Network of Marine Protected Areas:

[http://www.ospar.org/documents/dbase/publications/p00548\\_Status%20report%20MPAs.pdf](http://www.ospar.org/documents/dbase/publications/p00548_Status%20report%20MPAs.pdf).

**Current Status:** Answered by Richard Lochhead on 23/03/2012

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21 May 2012

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