

POLICY NOTE

THE SOUTH ARRAN MARINE CONSERVATION ORDER 2015

SSI 2015/437

1. The above instrument was made in exercise of the powers conferred by sections 85(1)(a), (2) and (4), 86(1) and (3), 88(1), (2) and (6) and 92(1) and (5) of the Marine (Scotland) Act 2010. The instrument is subject to negative procedure.

Policy Objectives

2. The purpose of this instrument is to further the conservation objectives of the of the South Arran Nature Conservation Marine Protected Area (“South Arran MPA”), including the recovery of maerl beds, one of the protected features. The designation of the South Arran MPA took effect on 07 August 2014.

3. Section 3 of the Marine (Scotland) Act 2010 provides that Scottish Ministers and public authorities must act in a way best calculated to further the achievement of sustainable development, including the protection and enhancement of the health of the Scottish marine area. Scottish Ministers consider this Marine Conservation Order necessary to further the conservation objectives of the South Arran MPA.

4. Scottish Ministers are empowered by Article 11(1) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy¹ to adopt conservation measures which are necessary for compliance with obligations under EU environmental legislation. This instrument will make a contribution towards compliance with the EU Marine Strategy Framework Directive (Directive 2008/56/EC of the European Parliament and of the Council establishing a framework for community action in the field of marine environmental policy).

5. The instrument prevents certain fishing methods from taking place in the South Arran MPA. It also regulates the use of the South Arran MPA by certain other fishing methods.

Consultation

6. A consultation on potential management approaches took place between November 2014 and February 2015. In response to that consultation Scottish Ministers published notice of their intention to make this instrument in June 2015.

7. Section 87 of the Marine (Scotland) Act 2010 sets out the consultation procedure which applies before a Marine Conservation Order may be made. Representations were invited from stakeholders between June and August 2015. Stakeholders generally responded in 2 ways. To say they supported the proposal but that the measures could be stronger, or to say that they felt the measures were too stringent.

¹ (OJ L 354, 28.12.2013, p.22)

8. Having taken into account all the representations received, the Scottish Government concluded that the proposal should remain unchanged.

Impact Assessments

9. An equality impact assessment screening has been completed on the South Arran Marine Conservation Order 2015. This concluded that there were no equality issues requiring full assessment.

Financial Effects

10. A Business and Regulatory Impact Assessment (BRIA) has been prepared and is available on the Scottish Government website.

Marine Scotland
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