

POLICY NOTE

THE LOCH SUNART TO THE SOUND OF JURA MARINE CONSERVATION ORDER 2016

SSI 2016/90

1. The above instrument was made in exercise of the powers conferred by sections 85(1)(a), (1)(d), (2) and (4), 86(1) and (3) 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 Loch Sunart to Sound of Jura Nature Conservation Marine Protected Area (“Loch Sunart to Sound of Jura MPA”), to conserve common skate, which is the protected feature. The designation of the Loch Sunart to Sound of Jura MPA took effect on 07 August 2014. In addition this instrument also protects the reef habitats of the Firth of Lorn Special Area of Conservation.

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 Loch Sunart to Sound of Jura 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 Loch Sunart to Sound of Jura MPA. It also regulates the use of the Loch Sunart to Sound of Jura 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, and again between December 2015 and January 2016.

¹ (OJ L 354, 28.12.2013, p.22)

8. For the first consultation there were a variety of representations highlighting changes that could be made to improve the measures from a fisheries perspective. Some of these changes were adopted for the second consultation, and other revisions were considered to be an improvement from an economic impact perspective. Many of the responses to the second consultation repeated views already expressed. New information regarding potential skate egg laying areas came to light during the 2nd consultation and will be investigated after implementation of the measures.

9. Having taken into account all the representations received, the Scottish Government concluded that the proposal from the second consultation should remain unchanged.

Impact Assessments

10. An equality impact assessment screening has been completed on the Loch Sunart to Sound of Jura Marine Conservation Order 2016. This concluded that there were no equality issues requiring full assessment.

Financial Effects

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