

## **POLICY NOTE**

### **THE LOCH CARRON URGENT MARINE CONSERVATION ORDER 2017**

#### **SSI 2017/158**

1. The Loch Carron Urgent Marine Conservation Order 2017 (“the Order”) is made by the Scottish Ministers in exercise of the powers conferred by sections 85(1)(a), (2) and (4), 86(1) and (3) and 88(1) and (2) of the Marine (Scotland) Act 2010 and all other powers enabling them to do so.

#### **Policy Objectives**

2. The purpose of the Order is to prohibit the deployment and use of certain fishing gears in the Loch Carron Marine Protected Area (MPA). The Loch Carron MPA has been designated to recover the flame shell beds to a favourable condition.

#### **Policy Background**

3. It was reported on 23 April 2017 that the Loch Carron flame shell beds had been damaged by a scallop dredger. Flame shell beds are a Priority Marine Feature and are, therefore, given general protection by Scotland’s National Marine Plan. At the time of the incident Loch Carron was not an MPA. However, in order to facilitate recovery of the damaged flame shell beds it was designated as such on 19 May 2017.

4. According to section 3 of the Marine (Scotland) Act 2010 Scottish Ministers must act in a way best calculated to further the achievement of sustainable development, including the improvement of the health of the Scottish Marine Area, when exercising any function that affects that Area under the Act. Having identified the damaged flame shell beds Scottish Ministers have determined that there is a need to act in a way that helps recovery in Loch Carron, and therefore improve the health of our seas.

5. Fisheries are not licensed in the same way as other marine activities – in that under such licensing regime fishermen are, subject certain specified exceptions, able to fish wherever they choose – which means that active measures need to be implemented. The purpose of this Order is to deliver these measures. Failure to do so leaves the flame shell beds at risk of further damage. Scientific studies have shown that flame shell beds could take over 100 years to recover from just one pass of scallop dredge fishing gear.

#### **Consultation**

6. As there is an urgent need to protect the flame shell beds no public consultation has taken place on this Order. Section 88 of the Marine (Scotland) Act 2010 empowers Scottish Ministers to dispense with consultation when there is an urgent need to act.

7. In determining the need for this Order the Scottish Ministers have taken account of advice from Marine Scotland Science and Scottish Natural Heritage.

#### **Impact Assessments**

8. A Business and Regulatory Impact Assessment (BRIA) has not been carried out for this Urgent Order. An equality assessment was not required.

Scottish Government  
Marine Scotland Directorate  
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