

Fishing Focus Group – 3rd Meeting 2012  
11 October 2012 - Conference Rooms 7 & 8 – Victoria Quay, Edinburgh

1230 hours – Lunch will be available  
1300 hours – Meeting Start

## AGENDA

1. Welcome, introductions, apologies and opening remarks
2. Minutes of the last meeting
3. Marine Renewables  
  
Scotmap progress (verbal update)  
Sectoral planning (Paper 120301)
4. Marine Planning and Strategy  
  
Marine plan / Marine regions (Paper 120302)  
MSFD (Verbal update)
5. Marine Nature Conservation  
  
Progress with MPA network (Papers 120303 and 120304)  
Recent additional transposition of EU Wild Birds Directive (Paper 120305)  
Demonstration and Research MPAs (SFF Item)
6. Fisheries management in European Marine Sites (Verbal Update)
7. AOB

**Fishing Focus Group – 3rd Meeting 2012  
11 October 2012 - Conference Rooms 7 & 8 – Victoria Quay, Edinburgh**

**1300 hours – Meeting Start**

**Attendees**

Marine Scotland : Linda Rosborough (chair), Allan Gibb, Phil Gilmour (until item 3), David Mallon, Anna Donald, Eamon Murphy, Michael McLeod, Phil Alcock (until item 3)

SFF : Patrick Stewart, Kenny Coull

CFA : Archie MacFarlane

MNWFA : John Hermse, Angus MacLeod (Item 5)

SWFPA : David Anderson

IFGs : George White, Nick Lake

SNH : Katie Gillham

JNCC : Tom Blasdale

**1. Welcome, Introductions, Apologies and opening remarks**

Apologies : June & Andrew Lochhead, Mark Tasker, Mike Park, Roddy MacColl, David Donnan, Duncan MacInnes, Billy Hughes

Chair welcomed everyone including those attending for the first time

**2. Minutes of the last meeting**

All actions from the previous meeting have been completed.

SFF asked that a sentence regarding objections be struck from the minutes. They considered it to be inaccurate and not even a paraphrase of what was discussed. They suggested alternative text which had been recorded on the day by a number of attendees. SFF cannot accept these minutes as they stand. It's a matter of trust that discussions are recorded accurately. Minutes must reflect what was said.

MS do not take verbatim minutes and are trying to convey what was meant in the minutes. What LOT is doing is a reflection of trying to ensure that fishing industry is properly engaged by developers.

**ACTION** – MS and SFF to resolve this text by correspondence before next meeting (Linda Rosborough, David Palmer, and Kenny Coull)

### **3. Marine Renewables**

#### **Scotmap progress (verbal update)**

MS have appointed external contractors to undertake the remaining interviews that could not be undertaken by MS Fishery Officers. The external contractors are a mixture of ex-IFG area officers, fishing industry reps and local folk with previous knowledge of fishing in the area. The procurement process has taken longer than expected due to particular procurement rules, notably insurance indemnity. Approx 100 interviews already completed and aiming to get the majority done by the end of November. Once MSS has the data they will create maps in the same manner as undertaken for the Pentland Firth and Orkney Waters trial

#### **Q&A**

IFG – Will there be an audit process to ensure that the data gathered is accurate and verifiable before the numbers become set in stone?

CFA – Handling of the data. Developers contacted me wanting access to the raw data. We fear that MSS is coming under pressure from developers to get access to the data and we would like assurances that this will never happen as the SFF position is that no raw data provided to the developers

MS will not share any raw data unless we get permission from the owner and fully intend to consult on the outputs and address any shortcomings.

**ACTION** - MS will advise the attendee's of the audit process via e-mail and could discuss further at additional MS / Industry meetings if required (Phil Alcock).

#### **Sectoral planning (Paper 120301)**

MS aim to bring all the offshore wind and wave and tidal plans together into one plan. Workshops have been held and were very useful and positive. Trying to get information that may not be captured via other means, to ensure that we have the best evidence base on fishing activities for use in the licensing process, is also important to decision making.

### **4. Marine Planning and Strategy**

#### **Marine plan / Marine regions (Paper 120302)**

The timetable for the final draft version of the plan has been revised and we are aiming for a summer 2013 consultation. The statement of public participation has been revised to reflect this. The new timescale allows potential for joining up the consultation processes for the plan, MPAs and Renewables. This may lead to a longer consultation period. Public consultation on regions will begin before the end of the year with a draft SSI detailing the boundary co-ordinates and maps. We have been working to ensure that planning regions and IFGs have roughly the same boundaries. Going forward we will also be looking at the requirements to establish Marine Planning Partnerships for each region.

## **Q&A**

SFF raised concerns over some of the boundaries for the regions and IFGs from a fisheries management perspective asked if marine planning could result in a disadvantageous effect on the fishing industry. Some land based stakeholders have strong views on protecting the marine environment armed with little evidence who will seek to influence the local planning process.

MS will highlight the concerns in the consultation paper and will consider amendments based on consultation responses and that decision makers will have to regard to the marine plan or in some cases make decisions in accordance with it. Any regional plans will have to be approved by Ministers and be in accordance with the national plan.

SFF and MNWFA noted that they had not had any dialogue with the local marine planning officer in Oban and would welcome discussions in the near future.

**ACTION** - Local Marine Planning Officer to make contact with industry representatives (Anna Donald)

## **MSFD (Verbal update)**

Consultation exercise took place earlier this year. UK ministers now seeking approval from their devolved counterparts. Some minor changes have occurred. Species that are subject to the data collection framework are considered to be commercial.

Changes of interest to fishing industry

Descriptor 3 - Will be revised to align better with commitments to MSY and CFP reform. JNCC explained that in almost all cases Fmsy (maximum sustainable yield) is a tougher target than Fpa (precautionary approach)

Birds – Going with the 75% of species within limits. May take action on specific species in decline even if indicator is being met. Specific target to be set regarding predation by non-indigenous species on key seabird colonies.

Fish - May take action on specific species in decline even if indicator is being met

Sediment Habitats – Composition of the 2 options proposed covering reduction of harmful activity.

## **5. Marine Nature Conservation**

### **Progress with MPA network (Papers 120303 and 120304)**

Papers outline the work to date to bring forward science based proposals for Nature Conservation MPAs and outline the next steps. The report to Parliament will cover the network in its entirety including all the SACs etc.

There are some issues to resolved regarding being able to consult on all the MPA proposals at the same time which may lead to a tranced approach being taken.

## **Q&A**

IFG asked if concerns over the evidence base for some of the proposals at the last workshop had been addressed and what engagement will take place with inshore fishermen going forward.

MS stated that some additional surveys have taken place and SNH/JNCC were working to ensure that the best available evidence is sufficient to support any proposals. And will be seeking to engage industry representatives in the near future regarding the management guidelines once first draft is ready. The consultation on MPA proposals will include the scientific case, impact assessment, and management options (or proposal).

MNWFA asked who is making the assessments and highlighted a concern if the data collectors were then assessing the evidence themselves.

MS stated that SNH/JNCC are doing the scientific assessment. It is their statutory function to do so. MS economists are leading on the sustainability appraisal.

SFF raised concerns about the independence of the SNH / JNCC committees who validate their assessments and expressed a willingness to discuss further how independent expert review might take place following consultation.

**ACTION** - SNH to provide details of who serves on their committee (Katie Gillham)  
MS to further discuss possible review process with SFF (David Mallon).

## **Recent additional transposition of EU Wild Birds Directive (Paper 120305)**

It became apparent from discussions with the EC that the transposition was not complete which resulted in a SSI to apply to Scotland out to 12NM. DEFRA amended the offshore regulations which apply to offshore Scotland. Time pressures left us regrettably unable to have a consultation on the amendments.

## **Q&A**

SFF have concerns that this may lead to a further round of MPAs for biotopes that are important to seabirds.

MS stated that the work programme already being followed should deliver what is required. There is no intention to change implementation plans.

## **Demonstration and Research MPAs (SFF Item)**

SFF noted that the two proposals put forward to date do not appear to satisfy the guidelines and do not even make any reference to them. Both of these applications want to prohibit fishing and it would be helpful if they were set out against the guidelines especially the one that wants information about discussion with 3<sup>rd</sup> parties who will be affected.

MS stated that assessment that is taking place will assess the applications against the guidelines even if they are not written out as such.

**ACTION** - MS to consider whether the applications should be set out against the guidelines as suggested by SFF (David Mallon).

## **6. Fisheries management in European Marine Sites (Verbal Update)**

DEFRA has changed their approach stemming from MCS correspondence which threatened legal action if fishing was not considered a plan or project. Dialogue with the European Commission also indicated that the existing approach was no longer tenable. The existing approach, as in Scotland, was follow the requirements of Article 6 of the Habitats Directive by applying Article 6(2) and prevent deterioration by taking action on a case by case basis as required. Article 6(3) would apply to a proposal to remove restrictions that had been put in place.

### **Q&A**

MNWFA raised concerns that DEFRA legal advice will be applicable in Scotland and stated that they received legal advice 6 years ago that fishing was a plan or project under the terms of the Habitats Directive

MS is getting legal advice from a Scots Law perspective.

IFG asked if MPAs will be affected by any change of approach.

MS stated they are designated under different legislation and will be managed in accordance with their own legislative requirements even when they are overlapping.

## **7. AOB**

MS noted the existence of the new Scottish Creel Fishermans Federation and propose to invite them to join this group.

MNWFA asked about progress with the Sound of Barra

MS stated that they await the final report from SNH which had Data Protection Act issues to resolve. The intention is to make it publically available in its entirety after Ministers have had a chance to see it.

Next meeting – 31<sup>st</sup> January 2013

## Fishing Focus 2/2012 - Actions

<b>Action</b>	<b>Assigned to</b>	<b>What was done</b>
Paper on renewable subsidies to be circulated.	David Palmer	Sent out with the initial draft agenda in August
Circulate the map of the regions	David Palmer	Has gone out in the paper for meeting 3/2012
Dialogue on MSFD descriptors 1,3,4,6	Anna Donald	Dialogue has continued since the last meeting
Clarify Species in / out of the CFP	Anna Donald	
Look for more opportunities with local fishing interests to discuss MPAs etc	David Mallon	Open offer to attend association meetings or IFG meetings stands
Renewable licensing - Reflect in Paper	Phil Gilmour	In paper for the tripartite meeting

## **RENEWABLES OBLIGATION (RO)**

### Background

1. Introduced in 2002, the Renewables Obligation is the main mechanism across the UK for supporting renewable electricity generation. There are separate (but virtually identical) ROs in place in England and Wales, in Northern Ireland, and in Scotland. The RO creates a market for renewable power by placing an obligation on all licensed electricity suppliers to source a specific and annually increasing percentage of their sales from the various eligible technologies. For 2007-08, the RO was set at 7.9%.

2. The RO is administered by Ofgem, who issue renewable generators with Renewable Obligation Certificates (ROCs) for each megawatt hour (MWh) of eligible renewable electricity. Generators sell these ROCs to suppliers at a premium price, which is on top of the price that they will receive for the related power itself. The suppliers can then use these ROCs to prove that they have met the terms of their RO.

3. Electricity suppliers can meet their obligation by:

- Presenting the necessary number of ROCs to Ofgem, as above;
- Paying a buy-out price to Ofgem, i.e. where they have been unable to source the required number of ROCs. The buy-out price was £34.30/MWh in 2007-08, and is adjusted for inflation annually; or
- Through a combination of presenting ROCs and paying the buy-out price.

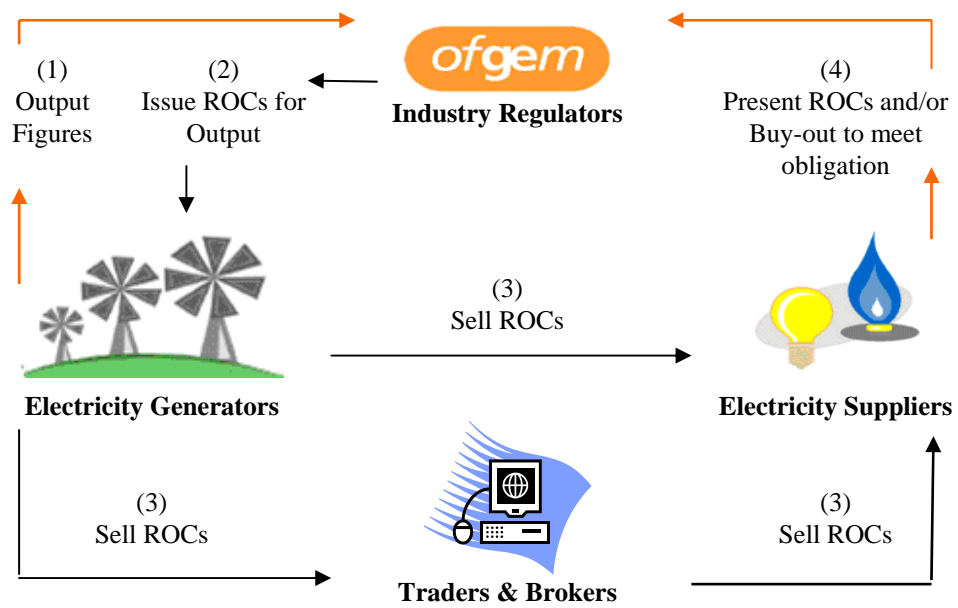
4. The buy-out price was set at £30/MWh when the ROs were introduced in 2002. This was judged to be the price that best balanced the probability of meeting the RO target with the associated environmental benefit and an acceptable level of additional cost to the consumer. The legislation requires Ofgem to adjust the buy-out price annually in line with inflation, as determined by the Retail Price Index (RPI).

5. Buy-out price payments from suppliers are held by Ofgem in a buy-out fund and then recycled to suppliers who have presented ROCs – that is, the more ROCs a supplier presents, the greater the proportion of the buy-out fund they will receive. These recycle payments provide an incentive suppliers to buy ROCs and to pay more than the level of the buy-out price itself. This gives ROCs their value, provides the necessary return for investors in (most) renewable technologies, and is pretty much the heart of the RO mechanism.

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## RO Schematic – How It Works

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## **FISHING FOCUS GROUP MEETING – SECTORAL MARINE PLANNING UPDATE – 1-10-12**

- 1.1 Marine Scotland has commenced its review of the Plan for Offshore Wind Energy. It is also updating the 2007 Strategic Environmental Assessment (SEA) of wave and tidal energy. Finalised plans for all three technologies will be adopted in 2013.
- 1.2 The Plans will be brought together and accompanied by an integrated 'Sustainability Appraisal'. This will include an assessment of the impacts of the plan on communities, other users of the sea and the economy (a 'socio-economic impact assessment') and the environment (a Strategic Environmental Assessment). A Habitats Regulations Appraisal (HRA) will also be undertaken, to identify potential for effects on European nature conservation sites. The Appraisal process will also seek to incorporate other assessments such as Business and Regulatory Impact Assessment and Equalities Impact Assessment, as required.
- 1.3 Building upon the **Scoping Reports for Offshore Wind, Wave and Tidal Energy** (which identify broad search areas for offshore wind, wave and tidal energy plan options), Marine Scotland have been undertaking a series of initial events, to raise awareness of the planning process. We are also inviting early views and ideas on the **Draft Initial Plan Frameworks** (which set out of the process for developing plans for offshore wind, wave and tidal energy) and the **Draft Regional Locational Guidance** documents (which contain detailed information in relation to the 'scoping' search areas for future offshore wind, wave and tidal energy plan options).
- 1.4 The Scoping Reports, Draft Initial Plan Frameworks and Draft Regional Locational Guidance documents for offshore wind, wave and tidal energy are available at:  
  
<http://www.scotland.gov.uk/Topics/marine/marineenergy/Planning>
- 1.5 Marine Scotland held 3 workshops in June 2012 with representatives of the fishing sector to discuss and gain views in relation to the areas of search. Marine Scotland are now seeking to arrange a further workshop(s) with the fishing sector as part of this informal consultation period. David Pratt (MS) and Kenny Coull (SFF) are taking this forward will seek to confirm dates as soon as possible.

## **MARINE PLANNING**

### National Marine Plan

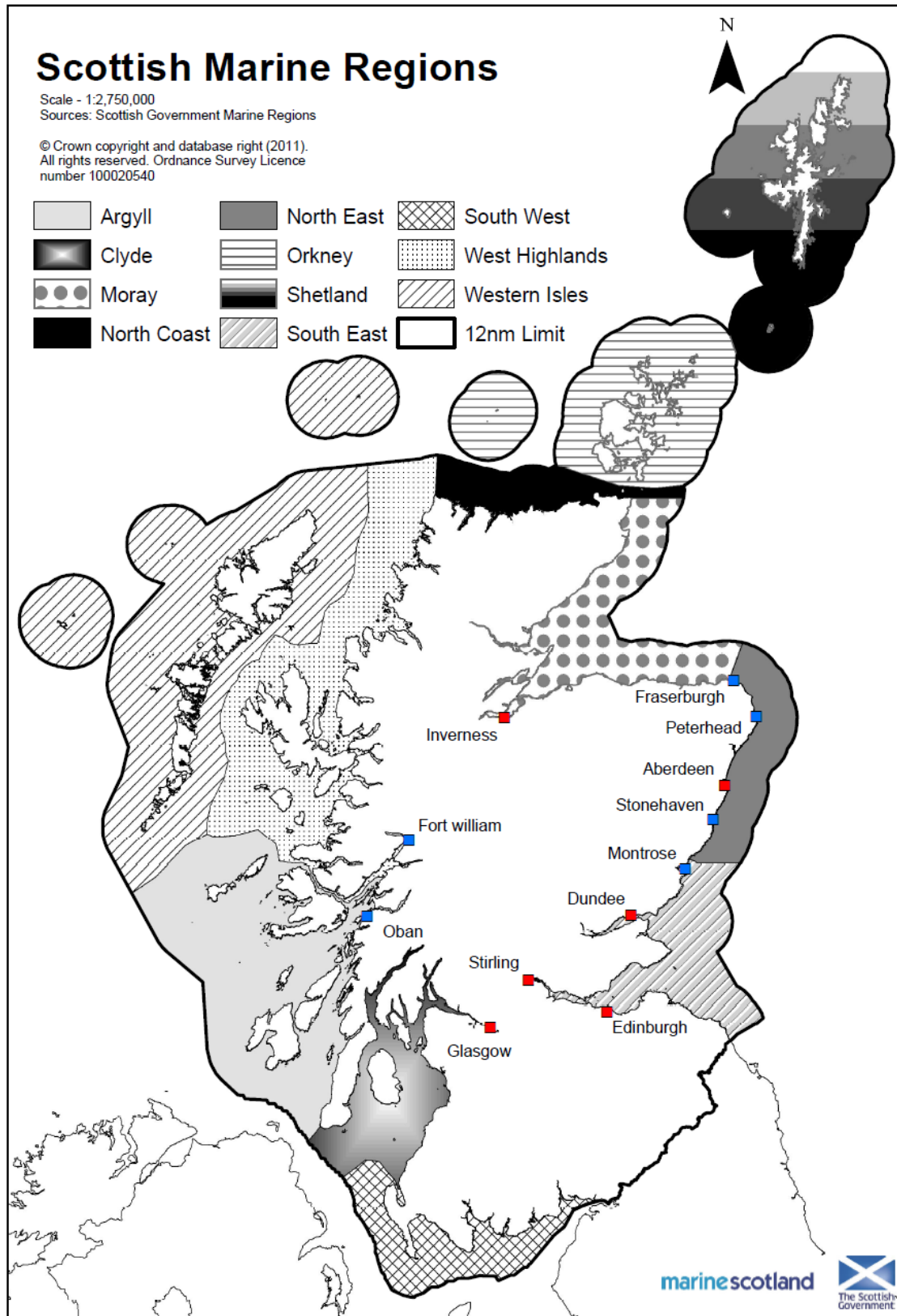
1. The National Marine Plan (NMP) will implement planning provisions of the Marine (Scotland) Act 2010. It will set out Ministers' objectives and priorities regarding how marine resources should be utilised in coming years.
2. A pre-consultation draft national marine plan was developed in March 2011. Building on comments received, a Draft National Marine Plan is being developed for public consultation. Resolution of complex issues and resource limitations have delayed development of the Draft Plan: a revised timescale has been drafted which takes account of production and clearance procedures of the document. As the Draft Plan will include reserved functions (MOD, shipping, oil and gas and carbon storage) the process ahead of consultation will include comment by the Secretary of State and this introduces an element of uncertainty into the timeline.
3. It is now anticipated that Scottish Ministers will consider the draft Plan by the end of 2012, with Secretary of State comment and consideration by the full Scottish Cabinet to follow in spring 2013. This would result in a consultation on a Draft National Marine Plan in summer 2013. Subsequent process would mean introduction of a National Marine Plan to the Scottish Parliament in summer 2014. The Statement of Public Participation has been updated to reflect the change to the timeline.
4. The new timescale should allow for better integration of the spatial outputs from the planned consultations on Marine Protected Areas and wind, wave and tidal energy into the National Marine Plan.

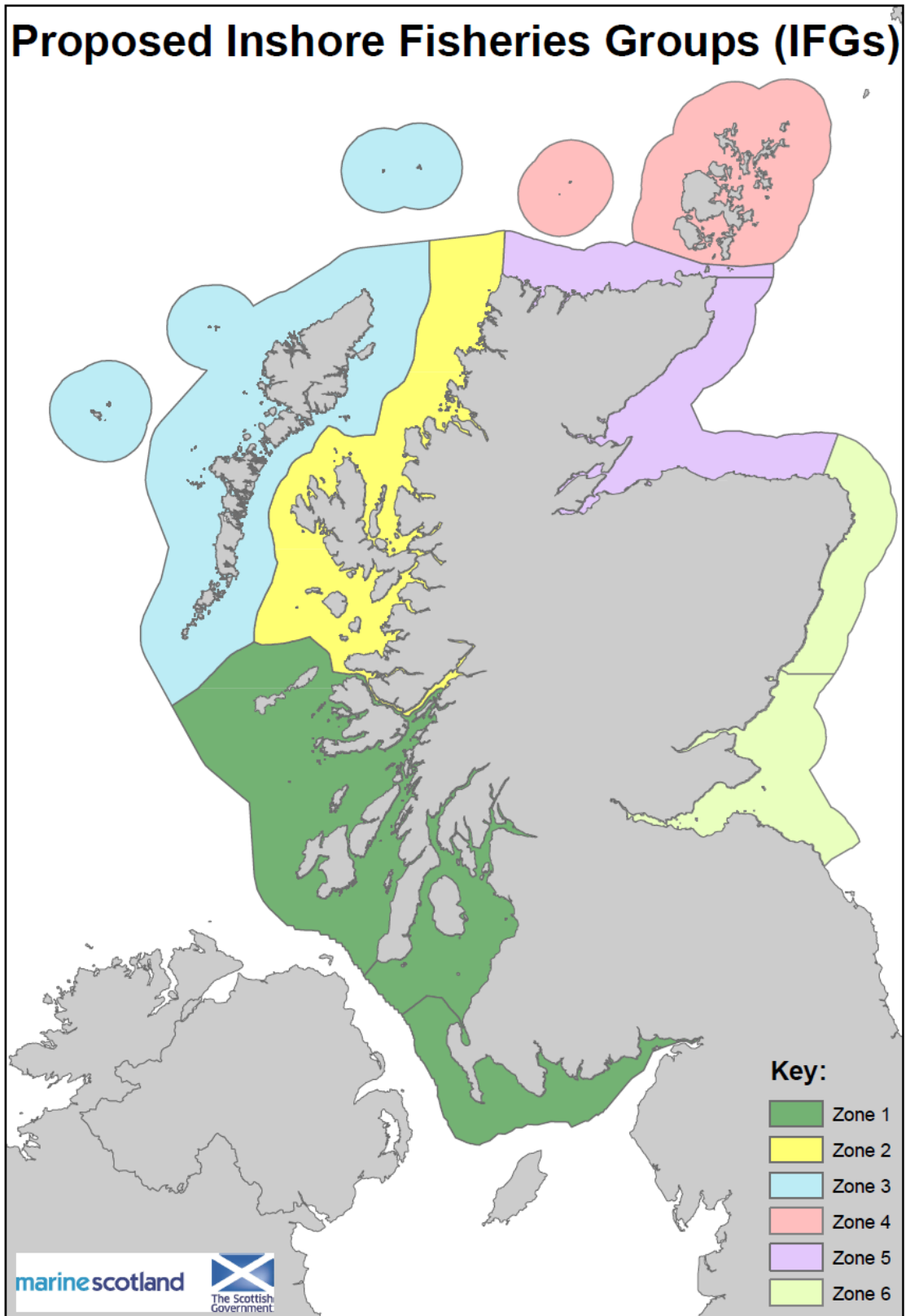
### Regional Marine Planning

5. The statutory instrument setting out the boundaries of Scottish Marine Regions is due to be issued for consultation during October, with the consultation period running until January 2013. A map depicting the current proposals is attached at Annex A.
6. Boundaries for Inshore Fisheries Groups are also being revised to allow for universal coverage around the coast – a map of current proposals is attached at Annex B. On current proposals, there will be 6 Inshore Fisheries Groups and 11 Scottish Marine Regions. It has been agreed in principle that boundaries should be coterminous, so that each Scottish Marine Region will be supported by one Inshore Fisheries Group; and each Inshore Fisheries Group will relate to a maximum of three regions (most will relate to one or two regions only).

7. Marine Scotland is considering approaches to developing regional marine planning and is currently working with local authorities in Highland and Orkney, and other interested parties, to develop a marine spatial plan for the Pentland Firth and Orkney waters. It is anticipated that the products of this work will feed into future regional plans. Marine Scotland has also appointed a regional marine planning officer in Oban, working with local interests to assist in the development of planning for the Argyll region, and is liaising with interested parties in a number of other localities to discuss possible governance arrangements.

8. The Scottish Coastal Forum is hosting an event on 5 October which will consider emerging issues related to regional marine planning.



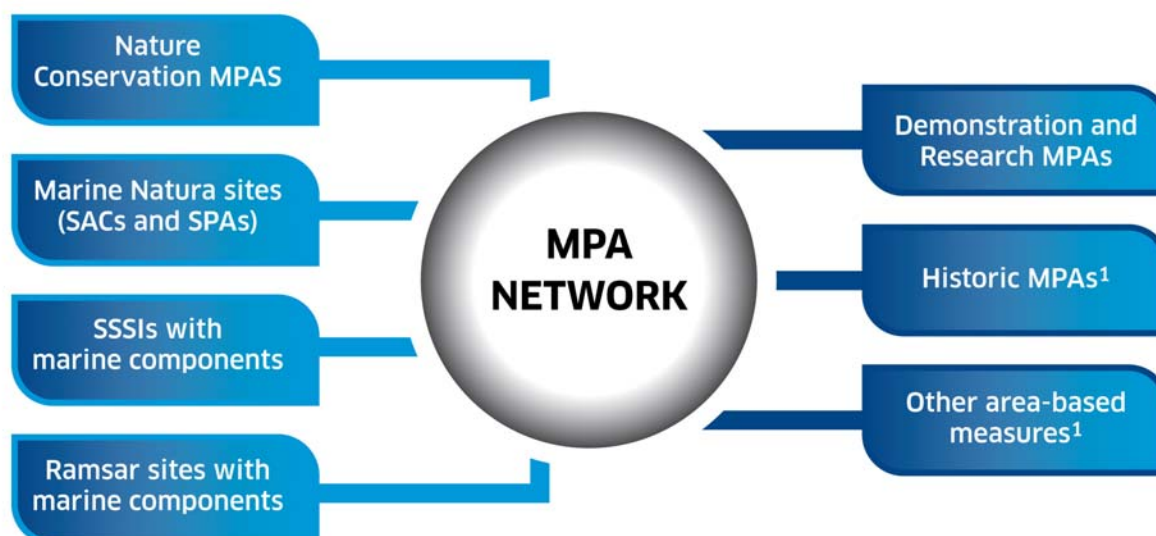


## Progress with MPA network for biodiversity and geodiversity

1. MPA proposals are being identified to contribute to a network that delivers national and international commitments. The aim is to represent important marine life and geodiversity features such as geology and undersea landforms in Scottish inshore and offshore waters. Proposals have been identified using scientific data, with discussions at five stakeholder workshops over the last 18 months.
2. The MPA network will include existing protected areas (see diagram) such as Special Protection Areas (**SPAs**) for seabirds and Special Areas of Conservation (**SACs**) for features such as bottlenose dolphin, coral reefs and seals under EU Directives.
3. Parallel work is ongoing to complete SAC and SPAs designations for inclusion in network including 5 offshore SACs and inshore and offshore locations that meet the criteria for classification as SPAs under the EU Birds Directives. There is also provision to recognise other types of area-based measures and include them in the network.
4. SNH and JNCC advice on the network design is expected in **November 2012**. The Marine Acts require a progress report to Parliament by **end December 2012**.
5. MPAs will be managed on a case by case basis. General management guidelines should be finalised by **end December 2012** and will be complemented by SNH and JNCC assessments of the sensitivity of individual features to different types of activities. Draft conservation objectives, outline management and socioeconomic assessments will be included in public consultations on MPA proposals, which we aim to commence in **spring/summer 2013**.

### PRINCIPAL COMPONENTS formally designated areas

### OTHER POSSIBLE CONTRIBUTIONS



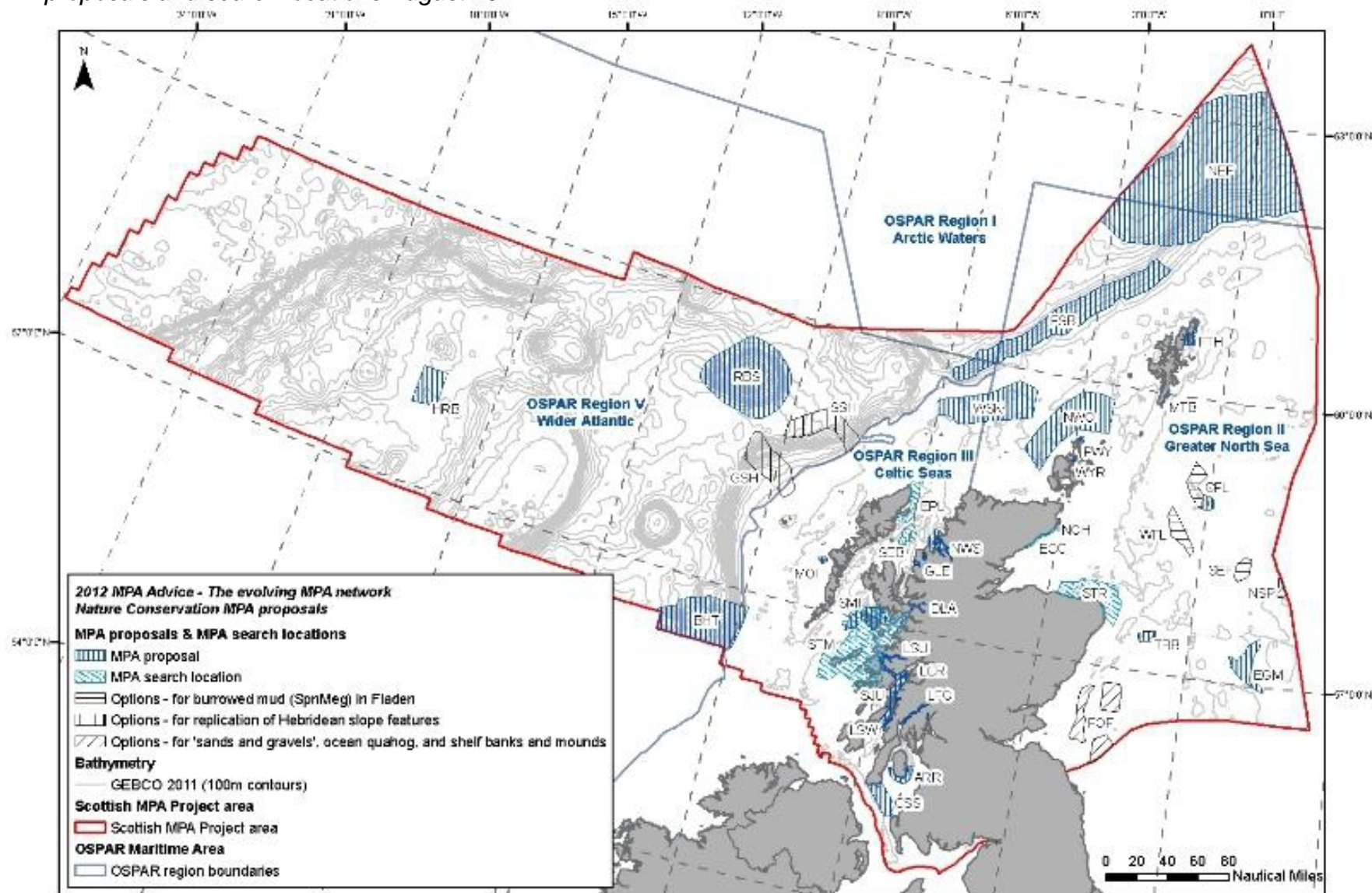
## **Historic MPAs**

9. Historic Scotland have begun preparation of proposals for the 1st tranche of Historic MPA designations, focussing on review and transition to Historic MPA status of Scotland's eight historic wrecks designated under section 1 of the Protection of Wrecks Act 1973.

10. These proposals will be subject to public consultation later in the autumn, with a view to designations being in place in **March/April 2013**.

11. Once transitions are complete, Section 1 of the Protection of Wrecks Act 1973 will be repealed in Scotland though it will continue to be used elsewhere in the UK.

Scottish MPA proposals and search locations August 2012



Map projected in UTM - Albers Equal Area Conic (Modified Standard Parallel - Standard Parallel 1 = 60°, Standard Parallel 2 = 69.5°). The outer limits of the UK Continental Shelf are set out in order made under section 1(2) of the Continental Shelf Act 1964 (UK Statute Book 1964, Chapter 1). Ordnance Survey Licence number 10007908. © Crown copyright and database right 2012. All rights reserved. Seabed habitat derived from UKSeaMap2010 version 7. NOT TO BE USED FOR NAVIGATION. Map copyright SMH & JMC 2012. 06/08/12

Summary of potential Nature Conservation MPAs and MPA search locations.

Name	Code	Status	Territorial/offshore/ joint
Faroe-Shetland sponge belt	FSB	NC MPA proposal	Offshore
North-east Faroe Shetland Channel	NEF	NC MPA proposal	Offshore
Central Fladen	CFL	NC MPA proposal	Offshore
East of Gannet and Montrose Fields	EGM	NC MPA proposal	Offshore
Fetlar to Haroldswick	FTH	NC MPA proposal	Territorial
Firth of Forth Banks Complex	FOF	NC MPA proposal	Offshore
Mousa to Boddam	MTB	NC MPA proposal	Territorial
North-west Orkney	NWO	NC MPA proposal	Joint
Norwegian boundary sediment plain	NSP	NC MPA proposal	Offshore
Noss Head	NOH	NC MPA proposal	Territorial
Papa Westray	PWY	NC MPA proposal	Territorial
South-east Fladen	SEF	NC MPA proposal	Offshore
Turbot Bank	TBB	NC MPA proposal	Offshore
Western Fladen	WFL	NC MPA proposal	Offshore
Wyre and Rousay Sounds	WYR	NC MPA proposal	Territorial
Windsock	WSK	NC MPA proposal	Offshore
Clyde Sea sill	CSS	NC MPA proposal	Territorial
Gairloch and Wester Loch Ewe	GLE	NC MPA proposal	Territorial
Loch Creran	LCR	NC MPA proposal	Territorial
Lochs Duich, Long & Alsh	DLA	NC MPA proposal	Territorial
Loch Sunart	LSU	NC MPA proposal	Territorial
Loch Sunart to the Sound of Jura	SJU	NC MPA proposal	Territorial
Loch Sween	LSW	NC MPA proposal	Territorial
Monarch Isles	MOI	NC MPA proposal	Territorial
North-west sea lochs and Summer Isles	NWS	NC MPA proposal	Territorial
Small Isles	SMI	NC MPA proposal	Territorial
South Arran	ARR	NC MPA proposal	Territorial
Upper Loch Fyne and Loch Goil	LFG	NC MPA proposal	Territorial
Geikie Slide and Hebridean slope	GSH	NC MPA proposal	Offshore
South-west Sula Sgeir and Hebridean slope	SSH	NC MPA proposal	Offshore
The Barra Fan and Hebrides Terrace Seamount	BHT	NC MPA proposal	Offshore
Hatton-Rockall Basin	HRB	NC MPA proposal	Offshore
Rosemary Bank Seamount	RBS	NC MPA proposal	Offshore
Southern Trench	STR	MPA Search Location	Joint
East Caithness Cliffs SPA	ECC	MPA Search Location	Territorial
Eye Peninsula to Butt of Lewis	EPL	MPA Search Location	Territorial
Shiant East Bank	SEB	MPA Search Location	Territorial
Skye to Mull	STM	MPA Search Location	Territorial

## **Additional Transposition of the EU Wild Birds Directive**

### **The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2012 (SSI 2012/228)**

The above Scottish Statutory Instrument came into force on 16 August 2012 and amended the Conservation (Natural Habitats, &c.) Regulations 1994. It can be viewed via the following web address:

<http://www.legislation.gov.uk/ssi/2012/228/contents/made>

The Instrument relates to correspondence and discussion between the European Commission, the UK Government and the Devolved Administrations, following which Scottish Ministers concluded that further action was required to transpose certain provisions of Directive 2009/147/EC on the conservation of wild birds (“the Birds Directive”).

The Instrument will introduce new duties for Scottish Ministers, Forestry Commission Scotland, local authorities, National Park Authorities, Scottish Natural Heritage and the Scottish Environment Protection Agency.

The Instrument provides the following:

- it places a new duty on the Scottish Ministers, Forestry Commission Scotland, local authorities, National Park authorities, Scottish Natural Heritage and the Scottish Environment Protection Agency to take such steps as they consider appropriate for the achievement of an objective which is defined in the instrument.
- that objective is the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in Scotland.
- it lists the relevant enactments which provide functions to empower the delivery of the objective by the specified bodies.
- it allows due account to be given to economic and recreational requirements when considering which measures may be appropriate for the purpose of securing or contributing to the objective (as is expressly provided by the Birds Directive).
- it places an additional duty on the appropriate nature conservation body (i.e. Scottish Natural Heritage) to review from time to time the extent to which the objective has been met, set out the conclusions of the review in a report, include any recommendations for further action and send the report to the Scottish Ministers.
- after consultation with the appropriate nature conservation body, the Scottish Ministers must give guidance to Forestry Commission Scotland, local authorities, National Park authorities and the Scottish Environment Protection Agency to facilitate the determination by those bodies of the extent to which the diversity and area of habitat for wild birds is sufficient.

- it clarifies that provision to create Marine Protected Areas under Part 5 of the Marine (Scotland) Act 2012 can be used to achieve the objective of preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in Scotland, where applicable in the marine environment.
- it requires that competent authorities use all reasonable endeavours to avoid pollution or deterioration of habitats of wild birds in Scotland.
- it requires Scottish Ministers to take such steps as they consider necessary to encourage research and scientific work.

Similar action to improve the transposition of the Birds Directive was co-ordinated across all the UK administrations.