

POLICY NOTE

THE SOUTH ARRAN MARINE CONSERVATION (AMENDMENT) ORDER 2014

SSI 2014/297

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

Policy Objectives

2. The purpose of this instrument is to amend the South Arran Marine Conservation Order 2014 (SSI 2014 / 260) (“the principal Order”). This will exempt rod & line and hand line fishing from the prohibition, and give Scottish Ministers the power to issue permits for creel fishing within the prohibited areas.

3. Two creel permit fishing areas have been identified so far. Scottish Natural Heritage has confirmed that creel fishing in these areas would not be a risk to the recovery of the maerl beds and that angling presents a negligible risk to the habitat. Maerl beds are a protected feature of the South Arran marine protected area.

Consultation

4. Section 87 of the Marine (Scotland) Act 2010 sets out the procedure for making a Marine Conservation Order. However, the principal Order was made under powers to include section 88 of the Marine (Scotland) Act 2010. This meant that consultation was not carried out on a draft of the principal Order before it was made. Representations were invited on the principal Order on a retrospective basis.

5. A number of representations were received relating to the stringency of the measures. These included creel fishermen who had up to 30 years’ experience of fishing at South Arran in the newly prohibited areas. Recreational anglers were concerned they were being affected unnecessarily. They highlighted compliance difficulties for people without Global Positioning System equipment. This led to the proposal for the amending order.

6. A draft of the amending order was published by the Scottish Government on 29 October 2014 and representations were invited, both under section 87 of the Marine (Scotland) Act 2010. Messages of support were received from creel fishermen, a recreational angler, a community member, the Community of Arran Seabed Trust, and Scottish Environment Link. Some offered helpful suggestions for the operation of a permit scheme. The Clyde Fishermen’s Association sought re-assurance that there was no significant risk to recovery of the maerl beds.

Impact Assessments

7. An equality impact assessment screening was completed for the principal Order. This concluded that there were no equality issues requiring full assessment. This conclusion applies to this amending order as well.

Financial Effects

8. A Business and Regulatory Impact Assessment (BRIA) was completed for the South Arran MPA designation order. In that document lower, intermediate, and upper scenarios

were assessed. The impact of this Order will only have positive economic benefits. The impact of the amended South Arran Marine Conservation Order will fall between the lower and intermediate scenarios.

Marine Scotland – Marine Planning and Policy
6th November 2014