

Daniel Brown
Sea Fisheries Management, Fishing
Communities and Inshore Management Team
Marine Directorate
Scottish Government
Room 511
Pentland House
47 Robb's Loan
Edinburgh EH14 1TY

Alex Adrian
Offshore Operations Manager (Scotland)
Tel: 0131 260 6076
Fax: 0131 260 6090
E-mail: alex.adrian@thecrownestate.co.uk

Your Ref.:
Our Ref.:

3 June 2008

Dear Mr Brown

Consultation on a Proposed Marine Reserve in Lamlash Bay

Thank you for the opportunity to comment on the above Marine Reserve proposal.

The Crown Estate as owner of the territorial seabed, has a statutory remit under 1961 Crown Estate Act that requires that we 'maintain and enhance the value of the estate with due regard to good management'. We look to achieve this through promoting development in the marine estate that seeks to balance socio-economic benefit with environmental sustainability, which incorporates our obligations with respect to maintenance of biodiversity.

Our responses to the questions in the consultation document are as follows:

Do you agree or disagree with the proposal to establish a Marine Reserve in Lamlash Bay?

The Crown Estate is broadly in agreement with this proposal, the reasons for this view provided in greater detail in the responses below.

Do you think there would be any (a) positive or (b) negative implications should a Marine Reserve be established in Lamlash Bay?

Positive implications would obviously be the realisation of the proposal's desired outcomes, notably biodiversity awareness enhancement with associated socio-economic benefits, and possibly informing on the potential for achieving a beneficial balance between localised fishery restriction and wider overall fishery enhancement through provision of a protected nursery environment. Appropriately robust, and scientific where applicable, monitoring on the progress towards these objectives will be integral to the assessment of the proposal's success, and as importantly, the informing of other such proposals in the future. It is essential that resources are available for this monitoring and assessment, and reports made available to stakeholders and interested parties. A comprehensive evaluation of the benefits and pitfalls of this proposal will comprise a positive implication in its own right in its contribution to any appraisal of the value of Marine Reserves in a Scottish context. In this respect,

Continuation

we consider that this proposal will very usefully inform forthcoming marine legislation and assist in evaluating the increasing pressures on the marine environment generally from both commercial and recreational angles in the future.

Negative implications fall here in the realm of potential rather than actual in our view, depending on the management of both the intended Reserve and progress toward its stated objectives. Firstly any risk that this proposal results in a sterilisation with respect to any properly assessed and appropriate marine development and use proposals in the Reserve area. An example would be the reference to scallop diving in the Regulatory Impact Assessment, as well as some of the activities associated with the socio-economic benefits, namely recreational diving and tourism. This means an inclusive approach should be adopted to proposals such that exclusion is on the basis of evidence-based risk assessment as far as possible rather than a precautionary basis alone. A robust monitoring regime, referred to above should facilitate such an approach in many cases. Secondly, the possible negative implications of the proposed Reserve impacting on marine users outside its immediate area. The assumption must be that the area designated for this proposal is adequate in its ability to suitably address the intended outcomes. Therefore use of the marine environment adjacent to the proposed Reserve for commercial and/or recreational activity should not be unreasonably restricted unless robust and verifiable evidence exists to indicate unacceptable risk to the Reserve and its intended objectives.

Are there any other points which you would like to make in relation to the proposed Lamlash Bay Marine Reserve?

Firstly that it would be useful to know of how progress toward the stated objectives is to be assessed, and whether any comparisons with “control areas” are intended to be part of this. It will be important to future proposals for marine conservation in spatial planning that projects like the Lamlash Bay Marine Reserve are shown to definitively deliver on their desired outcomes, and not merely ‘sanitise’ an area in regard to development and use, and rigorous assessment will be required to demonstrate this. There is little doubt that exploitation of the marine environment will increase, for largely beneficial reasons we trust, in food production through aquaculture and sustainable fisheries, marine renewable energy developments and recreational activities. The opportunity for the Lamlash project to demonstrate the positive contributions that properly managed Marine Reserves can offer to both biodiversity conservation and sustainable practice of other interests, and thereby inform future marine use management is significant, and should not be sacrificed to caution.

Yours sincerely



Alex Adrian

Offshore Operations Manager (Scotland)