



About RSPB Scotland

RSPB Scotland is part of the RSPB, which speaks out for birds and wildlife, tackles the problems that threaten our environment and promotes the conservation of wild birds and their habitats. We are a charity supported by nearly 90,000 members in Scotland, based in coastal and rural areas as well as towns and cities, and 2,358 volunteers who contributed 131,904 hours in 2011/12. Some 80% of our income, and thus our spend, is raised from the private sector and our membership, with the remainder coming from public funds, grants, trust funds and foundations.

RSPB Scotland's work covers a wide range of issues including planning, climate change, agriculture and marine issues. We work with the renewable energy industry on and offshore, and with all marine-based industries including fisheries and aquaculture, with the aim of developing sustainable businesses supporting coastal communities for the long term. We have practical experience of managing land and coast for conservation, farming, forestry and other enterprises. As well as commenting on national policy issues, our professional planning and conservation staff comment on several hundred individual project proposals in Scotland each year. Together with our partners in Birdlife International, we have expertise in spatial planning, marine and sustainability issues within Scotland and throughout Europe and the world.

Q1. Do you agree with the recommended list of Priority Marine Features as the basis for targeting future marine conservation action in Scotland's seas?

No, RSPB Scotland does not support the recommended list of Priority Marine Features. Seabird species must be added to this list if it is to be effective in targeting future conservation action to where it is most needed in Scotland's seas.

The consultation proposes a recommended list of PMFs which "*represents 80 habitats and species of marine conservation importance ... for which action will be prioritised via a three pillar approach*". The PMF list "*is not intended to replace these lists (EC Directives, domestic legislation, Biodiversity Action Plans and the OSPAR list of threatened or declining habitats and species) but **provides a new focus for marine conservation activities across the three pillar approach***".

RSPB Scotland strongly believes that declining seabird populations have a desperate need for such focussed action. Seabirds can be proven to meet the criteria- based approach used to identify PMFs. Excluding seabirds from the list is yet another lapse in logic from Scottish Government in planning Scotland's seas.

The SNH report on PMFs (<http://www.snh.gov.uk/docs/B1150960.pdf>) concludes with "*It is understood that other agencies may already have management strategies in place for some of the features on the list, particularly the fish and mammals. However, this was not considered reason to prevent their inclusion on the list. All the features which have passed the criteria are considered important components of the biodiversity of Scottish seas*".

Seabirds were omitted at a very early stage, ostensibly because many are included in lists for other legislation and so they were not considered nor included. This was done without public consultation or discussion with expert bodies, including RSPB Scotland.

Omitting seabirds from the PMF list will disadvantage Scotland's important populations as seabirds may not benefit from protection either by area based mechanisms available under the Marine (Scotland) Act, or by wider seas measures, and, in the competition for essential research needs to be met, may be overlooked in favour of species included the PMF list.

We welcome and support conservation activities that result from seabirds being included in these other lists, such as the designation of SPAs.

However, we note that:

- i) there has been serious delays and inaction in designating marine SPAs
- ii) the existing SPAs alone cannot and have not prevented declines in seabird populations, and
- iii) they cannot and do not protect nationally important populations of seabirds.

Including seabirds as PMFs and designating MPAs for seabirds would address these issues and would therefore make an essential contribution to helping Scottish Government meet its various environmental obligations including those under the Birds Directive, Marine Strategy Framework Directive, OSPAR and Convention on Biological Diversity.

Scotland's seabirds are experiencing chronic declines. Of the 11 species of seabirds for which abundance could be calculated, nine have shown significant and sustained declines (SNH, 2013; <http://www.snh.gov.uk/docs/B424907.pdf>). Since 1986, the overall abundance of Scottish seabirds has declined by 46%. Arctic skua, Arctic tern and black-legged kittiwake have suffered particularly badly, by 80%, 72% and 68% respectively. On Orkney, some colonies are now extinct and RSPB Scotland's own monitoring data has shown that successful breeding is desperately poor – of 325 nesting attempts in 2013, spread across 5 separate colonies, only one single kittiwake chick fledged.

The consultation paper explains that PMF species were assessed against criteria that considered:

- i) whether a significant proportion of their population occur in Scotland
- ii) whether they are under threat or in decline and
- iii) the functional role they play.

Given that seabird species can be shown to meet the criteria-based approach used to identify PMFs, we still fail to understand the scientific rationale for their exclusion from the PMF list.

We assume that seabirds were considered at the very start of the process to identify PMFs, because birds feature on many of the original lists combined in Stage 1, but were then removed. Had seabirds been progressed to Stage 4 and been assessed against the Importance Criteria, clearly they would meet the criteria of proportional importance, threat or decline, and functional importance, as well as other original criteria of data deficiency and international commitment.

In fact, of the 13 Scottish breeding seabird species considered by JNCC's previous Nationally Important Marine Features (NIMF) work, nine were found to be of proportional importance, four were classified as rare and seven in significant decline.

SNH states that seabirds were excluded because "*work on seabirds is further developed and this would not be a useful exercise to undertake at this time*"¹. RSPB Scotland welcome and support conservation work for seabirds already underway by the Scottish Government. However, given that the declines outlined above have been significant since the mid 1990s, during which time the Scottish Government has been undertaking this work, and that legislation requiring amongst other things "*the conservation of all species of naturally occurring birds in the wild*" has existed throughout this time, we believe that this existing programme of work is not sufficient to conserve Scottish seabirds.

On land, the establishment of SPAs alone did not meet the requirements of Articles 3 and 4 of the Birds Directive and so consequently the Wildlife and Countryside Act 1981 and Nature Conservation (Scotland) Act 2004 were used to protect nationally important populations through SSSIs. Our seas must be afforded the same protection through these two complimentary tiers, (1) marine extensions to existing SSIs on land, and other sites to protect nationally important populations of seabirds and their foraging areas, and (2) SPAs for foraging 'hotspots' where internationally important populations of seabirds feed. MPAs for seabirds, and their inclusion on the PMF list are practical and immediate tools the Scottish Government has in its gift to protect our declining seabird populations.

Ensuring seabirds are on the PMF and so benefit from focussed conservation action is particularly important in light of the draft National Marine Plan. The draft National Marine Plan's current ambition to see growth in all marine sectors, including offshore wind development, aquaculture and fishing, will ultimately increase pressure on seabird populations already under threat. Anticipating that the National Marine Plan requires PMFs to be considered within the context of the Marine Regulations (as amended), including seabirds as PMFs would ensure that this deployment is done in a way appropriate for the conservation of Scotland's seabird species.

In summary, seabirds species must be listed as Priority Marine Features in order for them to be comprehensively protected in

¹ SNH Invitation to review draft PMF list and FAQ, p5

Scottish waters, and benefit fully from the 'three pillar approach' to nature conservation jointly agreed by the Scottish Government, marine industries and NGOs to be the basis of Scotland's Marine Act.

General

Q2. Are there other issues that have not been highlighted in this consultation that you would like to mention?

No