

## CONSULTATION QUESTIONS

**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?**

**If your response includes a suggestion to amend the list, please indicate the specific species and habitats that your comments apply to and, where possible, provide or reference any evidence or data sources which have influenced your comments.**

Yes  No

The Highland Council agrees with the principle of designating specific species and habitats as Priority Marine Features. We note the list of PMFs included in the consultation and that a number of these have formed the basis for the selection of the proposed Marine Protected Areas, subject of another consultation to which the Council has already responded.

### **General**

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

Yes  No

The consultation on Priority Marine Features highlights that they will form the basis for marine conservation action. It is noted that paragraph 2.6 of the consultation document sets out that the PMFs are a prioritised list of marine habitats and species of conservation importance in Scotland's seas and should be taken into account in Environmental Statements and through relevant licensing / and consenting decisions.

It would have been helpful if the consultation had included information on the type of activities that may be considered to present a risk/pressure to the various PMFs and the possible management considerations that will be required in order to conserve the feature. We trust that information of this nature will follow once the PMF list is finalised.

In terms of management there needs to be a consideration of balance in consenting regimes such that all activities are treated in a similar manner in terms of determining their impacts. At present this balance is lacking. For example, if a developer was to consider siting a fish farm close to a flame shell, or sea grass bed it is to be expected that the presence of such habitats should trigger the need for an Environmental Statement to be prepared and that it should consider the impacts on the PMF. This may result in significant increased costs for the developer, an increased timescale for consideration and additional survey work. There is no mechanism for the impacts of activities not requiring a consent to be determined prior to the activity taking place with the result that damaging

activities for example scallop dredging can take place without need for any kind of spatial consent. Fisheries management needs to be improved so that this imbalance is resolved and so that all activities having the potential to have a significant impact on PMFs can be effectively considered at licencing stage.

The Council is confident that in determining planning applications for proposed developments in the marine environment, for example fish farming, it is able to consider the presence of PMFs. However, this ability would be greatly enhanced if we were to receive meaningful advice from statutory consultees in relation to the impacts of proposals on PMFs.

As an example we note that both Atlantic salmon and sea trout are included on the list of PMFs. Recent experience is that the advice received from Marine Scotland Science in relation to individual sites has been sadly lacking in respect of the impacts of developments on wild salmonids.

Responses from MSS and also SNH as statutory consultees in relation to fish farm planning need to give clear advice with regard to the impacts of a development on PMFs, to enable the Planning Authorities to reach a decision on cases. If consultees hold information with regard to the specific impacts of an activity on a PMF then it reasonable to expect them to analyse that information and state a clear opinion as to the suitability of a proposed development.