



SEAS OFF FOULA PROPOSED SPECIAL PROTECTION AREA

ADVICE TO SUPPORT MANAGEMENT

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For further information on marine SPAs visit: <http://jncc.defra.gov.uk/page-1414>

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June 2016

Content

1. Purpose of this document	5
2. Management Options Summary	6
3. Site Summary	8
4. Species distribution within the site	10
5. Roles	10
6. Conservation Objectives	10
7. Management Options.....	11
8. Conclusions and further recommendations	24
9. References.....	24

Document Distribution List and Version Control				
Format	Version	Issue date	Version development and review	Issued to
Electronic	0.4	30/03/2015	Internal drafting and review of pre-version 1.0 drafts by JNCC pSPA team, Offshore Industry Advisors and Fisheries Advisors	Intern JNCC comments
Electronic	0.5	08/04/2015	Addressed comments	MPA sub-group
Electronic	0.6	14/05/2015	Addressed comments	Internal comments from Offshore Industries Advice and Species Advice
Electronic	1.0	08/06/2015	Addressed comments	Marine Scotland
Electronic	2.0	20/06/2016	Adjusted format to match changed St Kilda MOP version 2.1	
Electronic	3.0	09/09/2016	Final checks and consistency edits.	

Further information on Special Protection Areas, the wider network and protected areas management is available at <http://jncc.defra.gov.uk/page-162>.

The following documents provide further information about the features, evidence and assessment of the Seas off Foula pSPA and should be read alongside this paper:

- Site Selection Document
- Draft Conservation Objectives and Advice on Operations

For the full range of site documents and more on the fascinating range of marine life to be found in Scotland's seas, visit -

<http://jncc.defra.gov.uk/SPAconsultation>

1. Purpose of this document

Marine Protected Areas (MPAs) are an environmental management tool available to help conserve marine ecosystems whilst supporting sustainable development. Sea users are understandably nervous that any proposal for a new MPA may affect their use of an area. If and how a new MPA may affect sea users, public authorities and the wider public (collectively called stakeholders) influences how people respond to a proposal, particularly through their responses to a public consultation.

This document provides information to support discussions with stakeholders about potential future management of activities associated with the Seas off Foula proposed Special Protection Area (pSPA) during the formal consultation. The document describes our current knowledge of where activities that could potentially affect those features take place within the pSPA. It sets out the conservation objectives for the qualifying bird features, as detailed in the draft Conservation Objectives and Advice on Operations document, that provide the starting point for public authorities to consider whether additional management action is required for activities. The document also presents possible management options for each of those activities that are currently considered likely to influence whether the conservation objectives of the protected features are achieved. These options are based on our current understanding of the sensitivities of the qualifying bird species and their supporting habitats to marine activities. The development of site management is an ongoing, iterative process that will continue after classification, building on and adapting to knowledge gained from management actions and their monitoring.

The paper covers a range of different activities but is not exhaustive. It does not attempt to cover all possible future activities or eventualities (e.g. as a result of accidents) and does not consider likely cumulative effects that could result from different types of activities being carried out within the pSPA.

The document encourages stakeholders with an interest in the area to engage with the formal consultation, so that a full understanding can be gained of activities occurring within the pSPA and how these might interact with the listed features. Such knowledge will help ensure that any management actions are proportionate and based on the best available information, such that the Seas off Foula pSPA makes a genuine and long-lasting contribution to the protection of Scotland's marine environment.

2. Management Options Summary

This section summarises the management options for the Seas off Foula pSPA. It focuses on where we consider there could be a risk in terms of achieving the conservation objectives for the protected features. The options aim to **minimise the risk** of the protected features **not meeting their conservation objective** within the pSPA. The full detail on these options is provided in the subsequent sections. Discussions between sea users, scientists and managers will be needed to develop any management measures deemed necessary.

Activity	Management options
Fishing activity: Line fishing gear (long lines)	<p>No change to existing management: There is a risk of not achieving the conservation objectives for northern fulmar.</p> <p>Reduce/limit pressures: This option would reduce, but may not entirely eliminate, the risk of not achieving the conservation objectives for northern fulmar. Appropriate management of long line fishing activity for the protection of northern fulmar could include technical measures designed to make hooks inaccessible to birds.</p> <p>Remove/avoid pressures: This option would minimise the risk of northern fulmar not achieving the conservation objectives. Evidence suggests this might be achieved through technical measures (such as streamers, offal management and weighted lines) which have proved very effective in other fisheries.</p>
Energy production: marine hydrocarbons (oil and gas exploration and development)	<p>No change to existing management: Under existing management Habitats Regulations Appraisals (HRA) would be required for new proposals.</p> <p>Reduce/limit pressures: A range of scenarios are available under this management option to ensure the conservation objectives for the site are met. A lower management scenario could require HRA for new proposals, while an upper scenario could have a presumption against future oil or gas developments in or near (within 10km of) the pSPA.</p> <p>Remove/avoid pressures: It is not possible to entirely remove the risk of hydrocarbon pollution from an accident or incident that may impact the features, however, planning measures such as those described under the reduce/limit option could reduce this risk.</p>

Military activity	<p>No change to existing management: The Ministry of Defence (MoD) seeks to manage its activities in a manner that minimises environmental impact. However, without any dialogue there is a risk that the MoD Environmental Protection Guidelines do not sufficiently consider the sensitivity of features to a range of military activities.</p> <p>Reduce/limit pressures: Updating the MoD Environmental Protection Guidelines to encompass this site and any seasonal sensitivities would increase the likelihood that the site's features would meet their conservation objectives.</p> <p>Remove/avoid pressures: Due to the strategic importance of MoD activities it may not always be possible to remove or avoid these pressures. However dialogue with the MoD should seek to reduce or limit these pressures as described above.</p>
Shipping hazardous cargoes	<p>No change to existing management: If no changes are made to the existing management practices, a residual risk remains that an unforeseen incident or accident from the shipping of hazardous cargo may impact the conservation objectives for the site.</p> <p>Reduce/limit pressures: Implementing measures to minimise the risk of oil spill in and around the pSPA e.g. through planning measures such as delineating Areas To Be Avoided (ATBA), would reduce the risk that an unforeseen incident or accident would impair the site features' ability to meet their conservation objectives.</p> <p>Remove / avoid pressures: The risk of an incident or accident affecting the pSPA cannot be entirely removed, however appropriate planning measures such as identifying ATBA would reduce risk of impact to the site's features from an incident involving ships carrying hazardous cargoes.</p>

3. Site Summary

The Seas off Foula proposed Special Protection Area (pSPA) is located north of the Scottish mainland and Orkney Islands, and about 15 km west of Shetland Islands. It covers 3,412 km² of inshore and offshore waters and surrounds the island of Foula (see Figure 1).

In the site, water depths range mainly between 50m and 150m; shallow areas with less than 50m depth occur only around Foula and 10km north of it, while depths of more than 150m are only reached in the northwest (see Figure 1). The medium and shallow parts of the area are therefore within a depth range which is favoured by sandeel (30-80m, Wright *et al.* 2000). In addition, the Shetland-Orkney thermal front overlaps with Seas off Foula pSPA, suggesting that this feature might create relatively predictable foraging areas (Begg and Reid 1997).

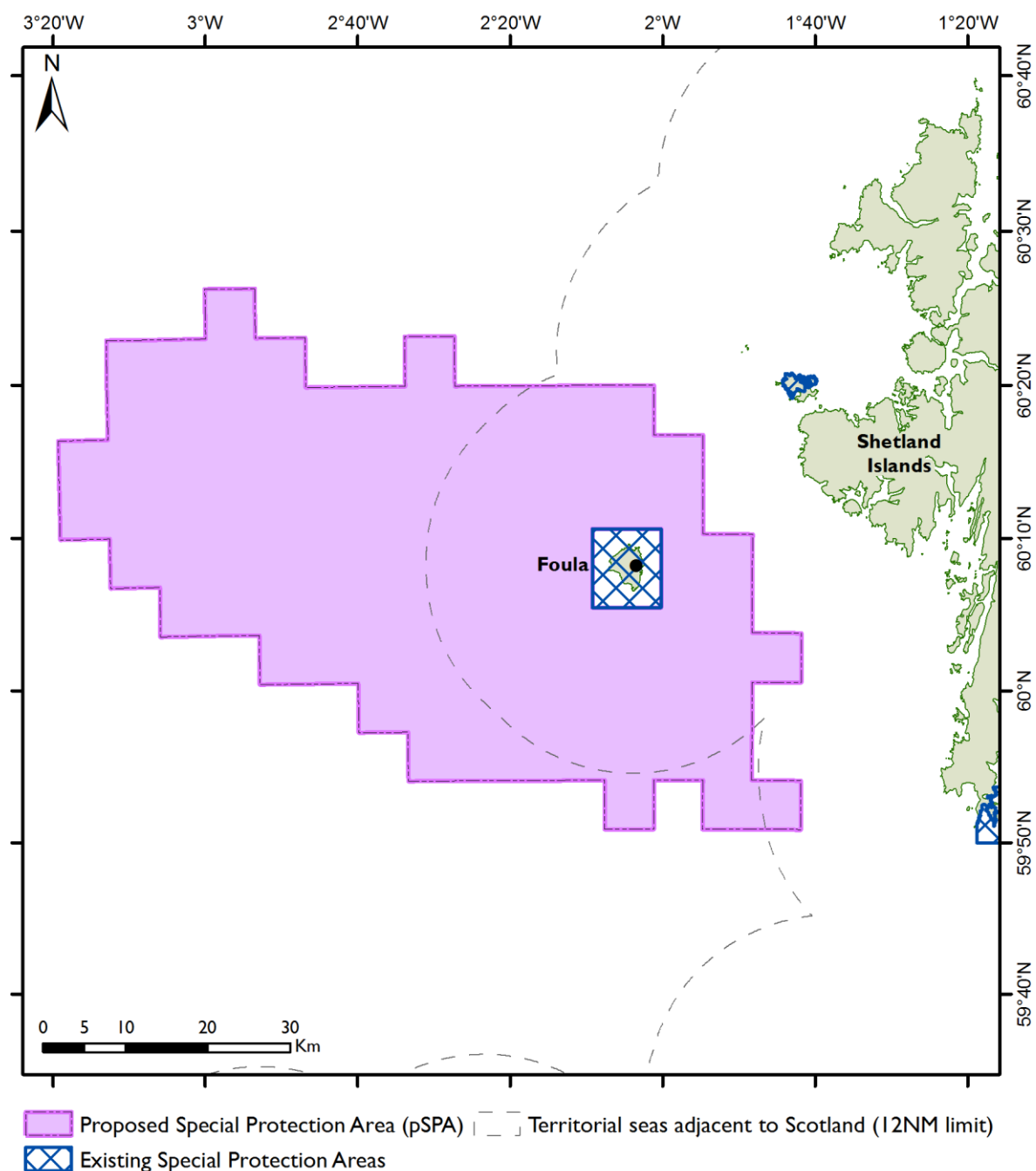
A number of human activities take place in the area within and around the Seas off Foula pSPA. Fishing activity within the site includes the use of both mobile and set (fixed) fishing gear types, including otter trawling, seines (encircling) nets, line fishing gears, static nets, creeling and potting. Licensed blocks for oil and gas development overlap the western part of the Seas off Foula pSPA, to date only four inactive dry and exploratory wells have been drilled in this area. There is a considerable amount of shipping activity around Shetland particularly associated with access to and from the harbours of Lerwick, Scalloway, Sullom Voe, the nearby Clair ridge oilfield, and from a number of ferry routes. There are also telecommunications cables on the seabed going through the pSPA. Recreational activities such as RYA cruising routes occur within the site. There are military practice areas to the south of the pSPA, around the Orkney Islands and pressures from this activity to which the features are sensitive (such as noise related pressures) may travel into the pSPA.

The Seas off Foula pSPA has been identified alongside a wider network of SPA proposals that have been established to help conserve important marine areas for seabirds. This proposal has been identified for the following protected features:

- | | | |
|---------------------|---------------------------------|------------------------------|
| • great skua, | <i>Stercorarius skua</i> | (breeding season and winter) |
| • northern fulmar, | <i>Fulmarus glacialis</i> | (breeding season and winter) |
| • *Arctic skua, | <i>Stercorarius parasiticus</i> | (breeding season) |
| • common guillemot, | <i>Uria aalge</i> | (breeding season and winter) |
| • Atlantic puffin, | <i>Fratercula arctica</i> | (breeding season) |

Further information on how these features have been selected and the boundary has been identified can be found in the Site Selection Document for Seas off Foula pSPA¹

¹ Available at: http://jncc.defra.gov.uk/pdf/SAS_Departmental_Brief_Foula.pdf.



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Figure 1: Location of the Seas off Foula pSPA.

4. Species distribution within the site

All features of interest are considered to be present across the entire Seas off Foula pSPA.

5. Roles

JNCC and Scottish Natural Heritage provide jointly conservation advice to Scottish Government and other public authorities on how it might be possible to achieve the conservation objectives for the protected features within the pSPA. The scientific advice will include possible options for managing human activities in the Seas off Foula pSPA to enable the features achieve their conservation objectives.

Marine Scotland lead the discussions on developing appropriate management actions with stakeholders and other public authorities who have powers to regulate activities, taking account of JNCC's and others' advice. The preferred management option will be identified, and if required specific management measures would then be developed with relevant authorities. Marine Scotland is responsible for making recommendations to Scottish Ministers on these measures and any review of site management in the future. Scottish Ministers will decide whether to implement these measures. It is expected that licensed activities taking place within, or nearby, the pSPA will continue to be managed through the existing licensing system.

6. Conservation Objectives

The conservation objectives set out the essential elements needed to ensure that the qualifying features of the site make an appropriate contribution to the EC Birds Directive. They form the framework for establishing appropriate management options and assessing all future plans and projects that have the potential to affect the qualifying features of the site.

Conservation objectives are set for all protected features within each pSPA. The conservation objectives for the protected features within the Seas off Foula pSPA are proposed to be:

Site conservation objective:

To avoid significant deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, subject to natural change, thus ensuring that the integrity of the site is maintained in the long term and makes an appropriate contribution to achieving the aims of the Birds Directive for each of the qualifying species.

This contribution would be achieved through delivering the following objectives for each of the sites qualifying features:

- A. Avoid significant mortality, injury and disturbance of the qualifying features, so that the distribution of the species and ability to use the site are maintained in the long-term;
- B. Maintain the habitats and food resources of the qualifying features in favourable condition.

More information on the conservation objectives can be found in the Seas off Foula

7. Management Options

The management options set out below provide a starting point for discussing any management actions that might be required for all the site's features to achieve their conservation objectives. Should the site be classified, discussions on any management will be led by the relevant authority and will involve stakeholders.

This document does not represent any formal management advice or decisions on management actions. Instead it presents general options based on an assessment of the sensitivities of species to pressures and existing activities/exposure levels. Management options were developed for each pSPA where we consider that some form of active management intervention may be necessary to achieve the conservation objective for each protected feature. We adopted a risk-based approach to identify appropriate management options; i.e. our advice is focused where we believe there is a risk of the protected features not achieving their conservation objective due to ongoing activities. The best available evidence and information on protected features and relevant activities have been used, and also our understanding of the relationships between the protected features and activities. The management options may be further informed by discussion with stakeholders. If new information becomes available during the consultation, the management options may be revised.

The presented information (at pre-classification stage) is general and not exhaustive, and is provided to assist and focus stakeholders and authorities in their consideration of the management of these operations. All of the management options provided are based on the best available evidence of existing activities taking place within the pSPA. All new plans and projects will still need to be considered by the relevant competent authority, and detailed advice from JNCC and SNH will be provided on such proposals on a case-by-case basis. Any impact on the site's features will depend on the location, scale, nature and intensity of the relevant activity.

Sensitivities of protected features to activities

The management options focus on those activities that cause a pressure to which a protected feature has a medium or high sensitivity³, and if that activity is likely to be relevant in scale to the features of the site. The protected features of a pSPA are considered sensitive to activities that could adversely affect their conservation value, especially if they are unable or are very slow to recover from the effect. Pressures can be physical, chemical or biological (e.g. removal of non-target species). Different activities may cause the same pressure, e.g. shipping and military activities can both disturb seabirds although the scale and intensity of the disturbance pressure can vary between activities.

An assessment of sensitivity of bird features to various pressures and activities is provided in a Sensitivity Assessment for Bird Features database. This database provides an assessment of species specific seabird sensitivity to anthropogenic activities that can occur in the marine environment. Similar assessments for supporting habitat features are provided in the Feature Activity Sensitivity Tool (FEAST)⁴ available on the Marine Scotland website. These sensitivities reflect our current general understanding of the associations between activities, pressures and features, and support the first steps of the assessment of risk to the

² Available at: http://jncc.defra.gov.uk/pdf/SAS_Conservation_Objectives_and_Reg_18_Foula.pdf

³ In this context sensitivity has been defined as a measure of tolerance (or intolerance) to changes in environmental conditions (Tillin *et al.* 2010).

⁴ See <http://www.gov.scot/Topics/marine/marine-environment/FEAST-Intro>

features in the pSPA. Authorities should use this tool when considering the management of any activity that is impacting upon the site's features or supporting habitat features, along with the supporting databases.

No assessments of the sensitivity of Arctic skua to activities or pressures are available. In the absence of this information this document has used the ecology of Arctic skua as a basis for judgments on its sensitivity to the activities or pressures occurring within the Seas off Foula pSPA. Unlike the Great Skua, Arctic skua do not normally scavenge behind fishing boats or feed as members in multi-species flocks of seabirds on surface shoals of fish. Arctic skua are simply too small to compete in such situations (Furness and Ratcliffe, 2004). Arctic skuas obtain most of their food by piracy (kleptoparasitism). In Scotland Arctic skuas chase mainly smaller seabirds such as auks, terns and Kittiwakes and steal sandeels and other small fish from them (Lloyd *et al* 1991).

Overlap of activities with protected feature distributions

Risks to a feature not achieving its conservation objectives were identified where there is an overlap between protected features and those activities expected to exert a pressure to which the features are sensitive. Management options are recommended for each activity with specific details provided in the following sections. The text focuses on interactions in terms of physical overlap but the assessment of risk in the future should also take account of the intensity and frequency of the activities occurring within, or nearby, the pSPA.

The advice in relation to disturbance is not about preventing or reducing the disturbance of individual animals *per se*, but about ensuring that any disturbance that does occur is not at a level that disrupts or prevents the key life-cycle activities of the proposed qualifying species within the site. It will include considering whether disturbance affects a species continued access to the site and access to the resources upon which they depend to complete those key life-cycle activities.

Three management options have been identified that may be applied:

- management action to remove or avoid pressures;
- management action to reduce or limit pressures;
- no additional management action is required.

Where an option suggests to 'reduce or limit' pressures, there are choices around how this could be achieved for a given activity. For example, management action could reduce the intensity of an activity and/or limit the activity to only certain parts of a site, possibly at certain times of the year.

Stakeholders can provide local environmental knowledge and detailed information on activities, including in relation to intensity, frequency, and methods. Such additional information will help to develop more specific management options, focused on interactions between features and activities. Marine Scotland and the relevant regulatory body will agree any management measures for the pSPA with stakeholders following classification of the SPA.

Overview of activities

Table 1 below lists those human activities that are thought to currently take place (May 2016) within or close to the Seas off Foula pSPA. Those activities to which the protected features are thought to be sensitive are explored in detail, activities to which the protected features are thought to be not sensitive (i.e. any interaction between the activity and the protected features is considered to be minimal) will not be considered further within this

document. Any future change in the activities listed in Table 1, or the introduction of other activities not identified within the table, would need to be considered on a case-by-case basis to establish any appropriate management actions. Future improvements to our understanding of the sensitivity of features to pressures might mean that existing activities which are not considered likely to affect the protected features would need to be re-considered.

Table 1: Overview of existing activities believed to take place within or close to the Seas off Foula pSPA.

Activities occurring which are considered likely to affect the protected features	Activities not considered likely to affect the qualifying features (other than insignificantly)
<p>Fishing activity:</p> <ul style="list-style-type: none"> • Longline fishing <p>Licensed activities:</p> <ul style="list-style-type: none"> • Oil and Gas <p>Military activities:</p> <ul style="list-style-type: none"> • Disturbance caused by military activity <p>Shipping:</p> <ul style="list-style-type: none"> • Disturbance caused by shipping, but particularly the risk of accident /discharge from vessels carrying hazardous cargo (particularly oil spill) 	<p>Fishing activity</p> <ul style="list-style-type: none"> • Otter trawling • Seining netting • Static nets • Creeling and potting <p>Telecommunications cables</p> <ul style="list-style-type: none"> • Disturbance during maintenance activity. <p>Recreational activity</p> <ul style="list-style-type: none"> • Disturbance caused by RYA cruising, recreational boating.

The initial advice provided in this document does not preclude the requirement for all new projects and plans to undergo a Habitats Regulations Appraisal (HRA) by the relevant competent authority. Equally it does not preclude the requirement for competent authorities to carry out a review of existing consents, permissions and/or licences. We would however anticipate that existing activities where we have identified no additional management based on our understanding of current operations can be scoped out at an early stage of the HRA. Early engagement with the relevant competent authority is recommended to ensure HRA requirements for plans and projects are scoped appropriately and unnecessary costs are avoided. Furthermore, management action may change where our understanding of the interaction between the listed features and activities develops over time.

1.1 Fishing activity (longline gear)

Fishing activity is regulated under the EU Common Fisheries Policy (Regulation 1380/2013/EU). Management of fisheries within the UK's 12 nautical miles territorial limit is regulated by national authorities (Scottish Government), whilst beyond this limit out to the extent of the UK Exclusive Economic Zone, fisheries management is an exclusive competence of the EU. The Seas off Foula pSPA straddles the 12 nautical miles limit and any management measures would therefore need to be applied under relevant inshore and Common Fisheries Policy regulations.

In the period from 2009 to 2013, fishing effort with longline gears was concentrated in the western part of the pSPA as shown in Figure 2. This reflects the distribution of the target species (hake) which generally occurs in relatively deep water.

Longline hooks are baited when they are set. Birds can be caught by a hook while attempting to scavenge the bait when the line is set, the catch while the line is being hauled, or any offal discarded during the setting or hauling of lines. The foraging behaviour of some species makes them more susceptible to such bycatch by this means. Evidence suggests northern fulmar is susceptible to bycatch in longline fisheries (ICES 2013).

Northern fulmar is considered to be the primary seabird bycatch from longline fisheries in the northeast atlantic (Brothers *et al.* 1999, Dunn and Steel 2001, Løkkeborg 2003, 2008, Tasker *et al.* 2000). Quantitative estimates of bycatch are not available but there is a risk that mortality could be sufficient to have a significant effect on northern fulmar populations.

Great skua is attracted to longline vessels but have generally been observed to kleptoparasitise gulls rather than target the bait or offal directly; nevertheless evidence from ringing recoveries shows that great skua are sometimes caught as bycatch in longline fisheries (Dunn and Steel 2001, Furness 1978). The data available on great skua bycatch in longline fishing gear is sparse, particularly as some ringing recovery records do not distinguish the gear type. It is therefore difficult to assess whether the current level of bycatch is likely to have a population level impact. We have provided options for reduction of northern fulmar bycatch, and in the absence of further information for great skua, it is assumed that actions to manage the risk for northern fulmar will have benefits for great skua. However, if further evidence were to become available regarding great skua and bycatch susceptibility, then additional management to reduce the risk to great skua may be required. The mitigation measures in the management options follow current best practice in reducing seabird bycatch in longline fisheries (Birdlife International 2013, Løkkeborg 2008).

Management Options
Fishing activity:
 (longline gear)

No change to existing management: For most of the fishing activity taking place within the site at the present time (May 2016), no change to existing management measures have been identified. However, due to the evidence of fulmar by-catch in longline fisheries, no management presents a risk of northern fulmar not achieving its conservation objectives in the site.

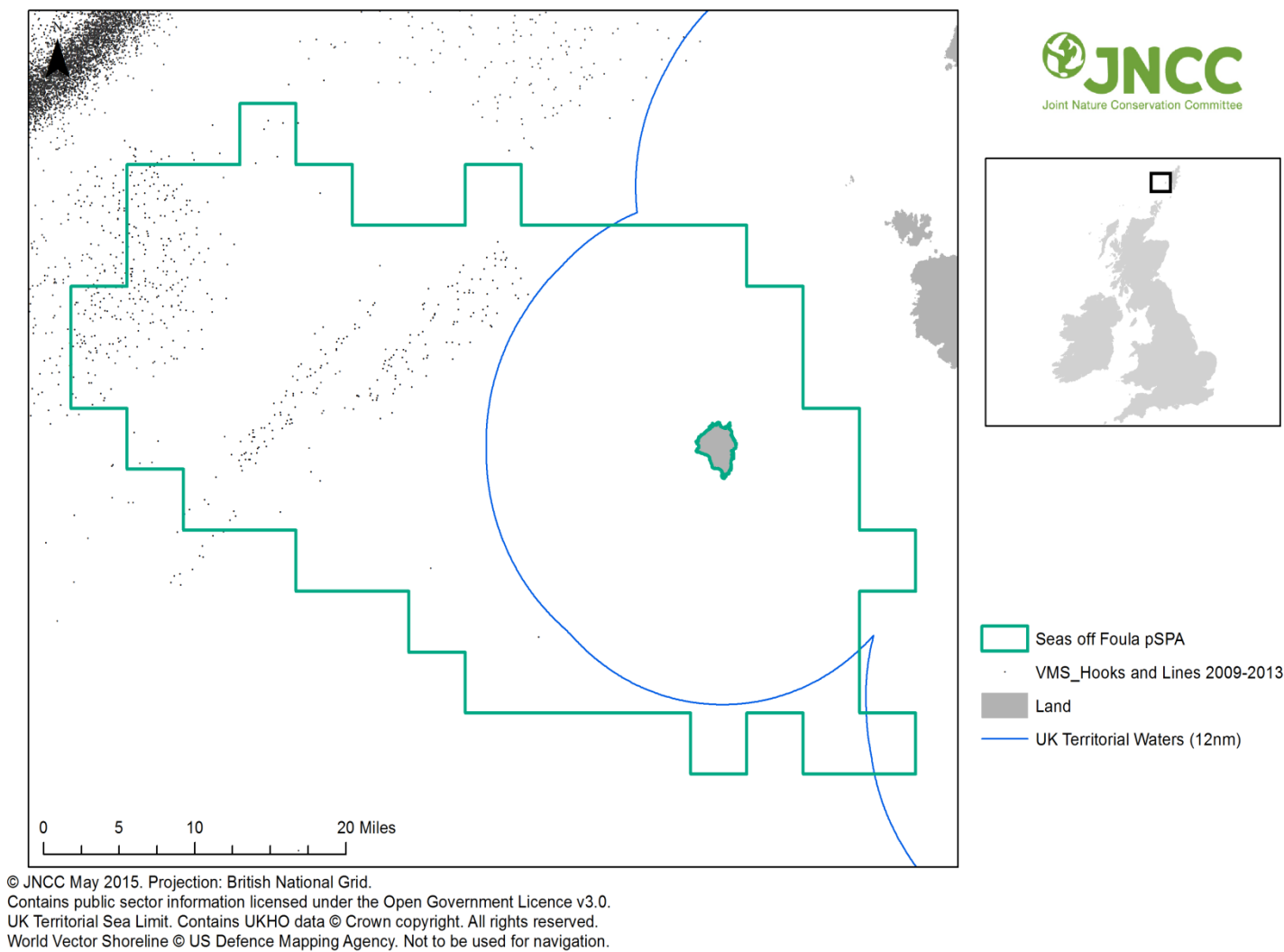
Reduce/limit pressures: Fisheries managers may wish to consider a range of actions that could be used to reduce the risk of northern fulmar bycatch within the site. These actions could include:

- Technical measures designed to make hooks inaccessible to birds (e.g. setting streamers, weighting lines)
- Follow best practice guidelines (e.g. minimise offal discards during setting or hauling of lines)
- Temporal measures (e.g. night time setting of lines). However such measures would require further investigation of the specific temporal foraging strategies of fulmar and any differences in the attraction of fulmars to vessels fishing at night

Remove/avoid pressures: Actions under this option would minimise the risk of northern fulmar not achieving its conservation objectives by eliminating the risk of fulmar bycatch. Evidence suggests this action might be achieved through technical measures (such as streamers, offal management and weighted lines), which have proved very

effective in other fisheries.

Figure 2: Location of long line fishing activity in relation to protected features.



1.2 Oil and Gas Activity (exploration and development)

The Department for Business, Energy & Industrial Strategy (formerly Department of Energy and Climate Change (DECC)) regulate oil and gas operations in the seas around Scotland and the UK. They hold responsibility for determining whether a proposed activity and/or development has the potential to significantly affect the protected features of a pSPA.

Where a new application is submitted for licence, the Department for Business, Energy & Industrial Strategy will consider whether the operations are likely to affect the protected features and in that case, they will undertake an Appropriate Assessment to determine what measures may be required under the HRA process. JNCC (in consultation with SNH when required) engage in this process to provide statutory conservation advice.

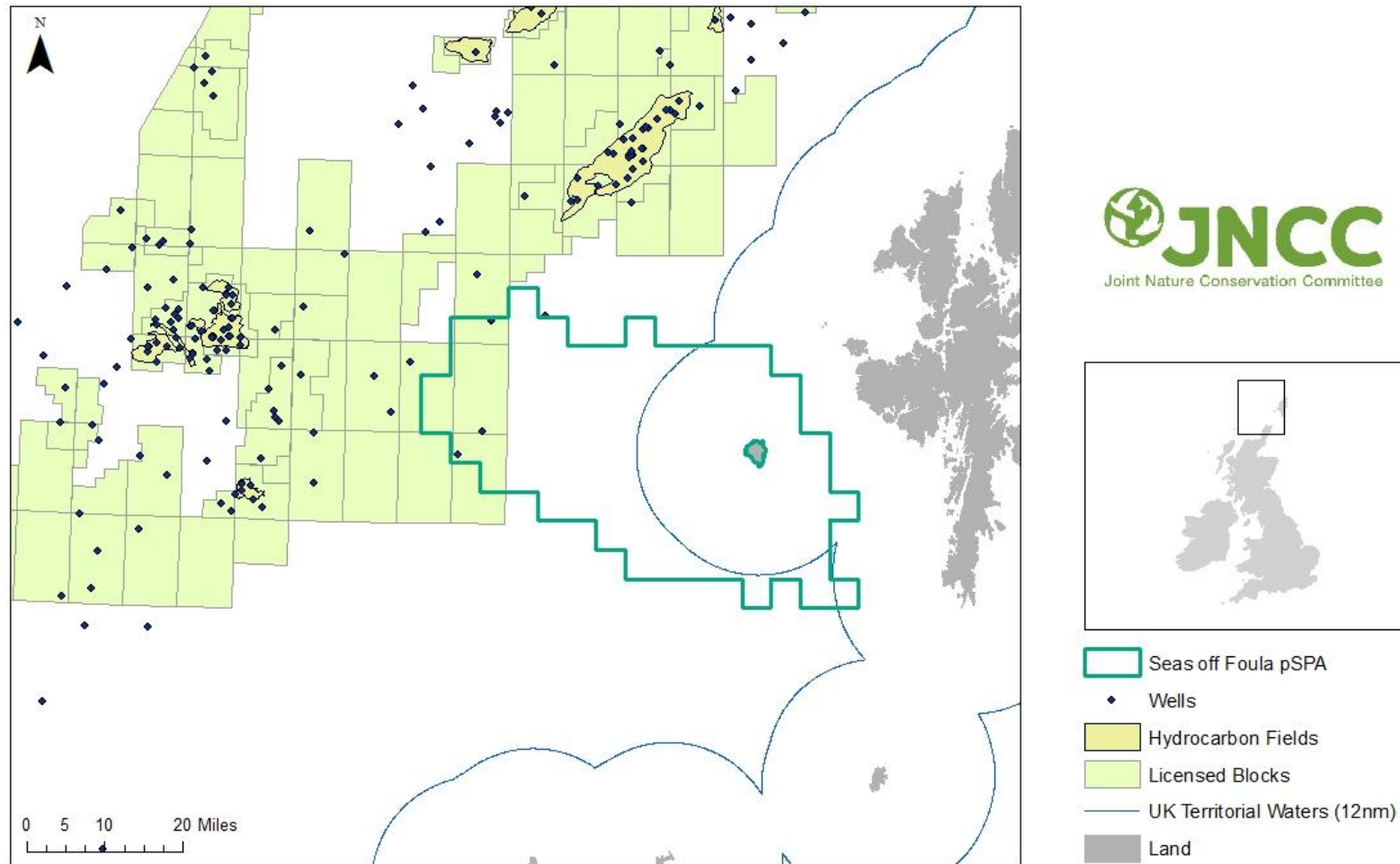
In providing advice, the nature, scale, timing and duration of activities are considered. Early engagement between the developer and the regulator and (JNCC and SNH) advisors will facilitate discussions on the information required within any assessment to consider the possible implications of the development on the protected features achieving their conservation objectives. If a potentially significant adverse effect is identified then mitigation measures may be required. Any such advice provided as part of the licensing process will need to be development specific. On this basis, the information provided as part of the (pre-consultation) management options is necessarily generic and therefore only indicative.

The western part of the pSPA overlaps with licensed blocks for oil and gas in Figure 3. At present there is no oil and gas exploration or extraction within these blocks.

Oil spills are a major source of hydrocarbon and polycyclic aromatic hydrocarbons (PAHs) contamination, and skuas and auks are amongst the most vulnerable seabird species to oil spill events (Williams *et al.* 1995). In the event of an oil spill, local incident pollution levels could be high enough to cause lethal and chronic effects as well as acute effects on the protected seabird features.

Management Options Oil and gas exploration and development:	<p>No change from existing management: Under existing management it is likely that a HRA would be triggered for any new proposals to ensure that they do not significantly impact the protected features of the site. However, there is still a risk to the features from hydrocarbon pollution arising from an unforeseen incident or accident.</p> <p>Reduce / limit pressures: Under existing management it is likely that a HRA would be triggered for any new proposals to ensure they do not significantly impact the protected features of the site. However, there is still a risk to the features from hydrocarbon pollution arising from an unforeseen incident or accident.</p> <p>Remove / avoid pressures: A presumption against future oil or gas developments in or near the pSPA is a planning measure that could be considered to reduce the risk to the features from hydrocarbon pollution arising from an unforeseen incident or accident.</p>
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Figure 3: Location of oil and gas licence area in relation to protected features.



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UK Territorial Sea Limit. Contains UKHO data © Crown copyright. All rights reserved.
World Vector Shoreline © US Defence Mapping Agency. Not to be used for navigation.

1.3 Ministry of Defence activity

Some military activity occurs in the area of the Seas of Foula pSPA. Discussion with the Ministry of Defence (MoD) suggests the level of activity around this area is limited. The MoD will incorporate the Seas off Foula pSPA into their Environmental Protection Guidelines for the Marine Environment. These guidelines help the MoD manage military activities in a way that will reduce risk of the features not achieving their conservation objectives.

Some military activity such as low-flying aircraft, firing munitions and exploding ordinance, high speed vessel manoeuvres or military exercises could cause disturbance to marine birds. Some further dialogue with the MoD may be appropriate to ensure that contingency arrangements are in place to avoid excessive disturbance, coordinated through the Ministry of Defence Environmental Protection Guidelines.

As part of its Marine Environment and Sustainability Assessment Tool (MESAT), the Royal Navy produce a layer for its electronic charts to provide advice to personnel on how military activities in the vicinity of designated marine protected areas may impact features. These electronic charts are used by Navy Commanders and other operational planners to ensure that military activities in the marine environment minimise their environmental impact. Environmental Protection Guidelines (Maritime) (latest version of the EPG(M)⁵) have been developed over the past few years in consultation with JNCC on behalf of the UK Statutory Nature Conservation Bodies (SNCBs). These charts offer guidance for the whole UK marine area.

Management options

Military activity:

(e.g. practice areas)

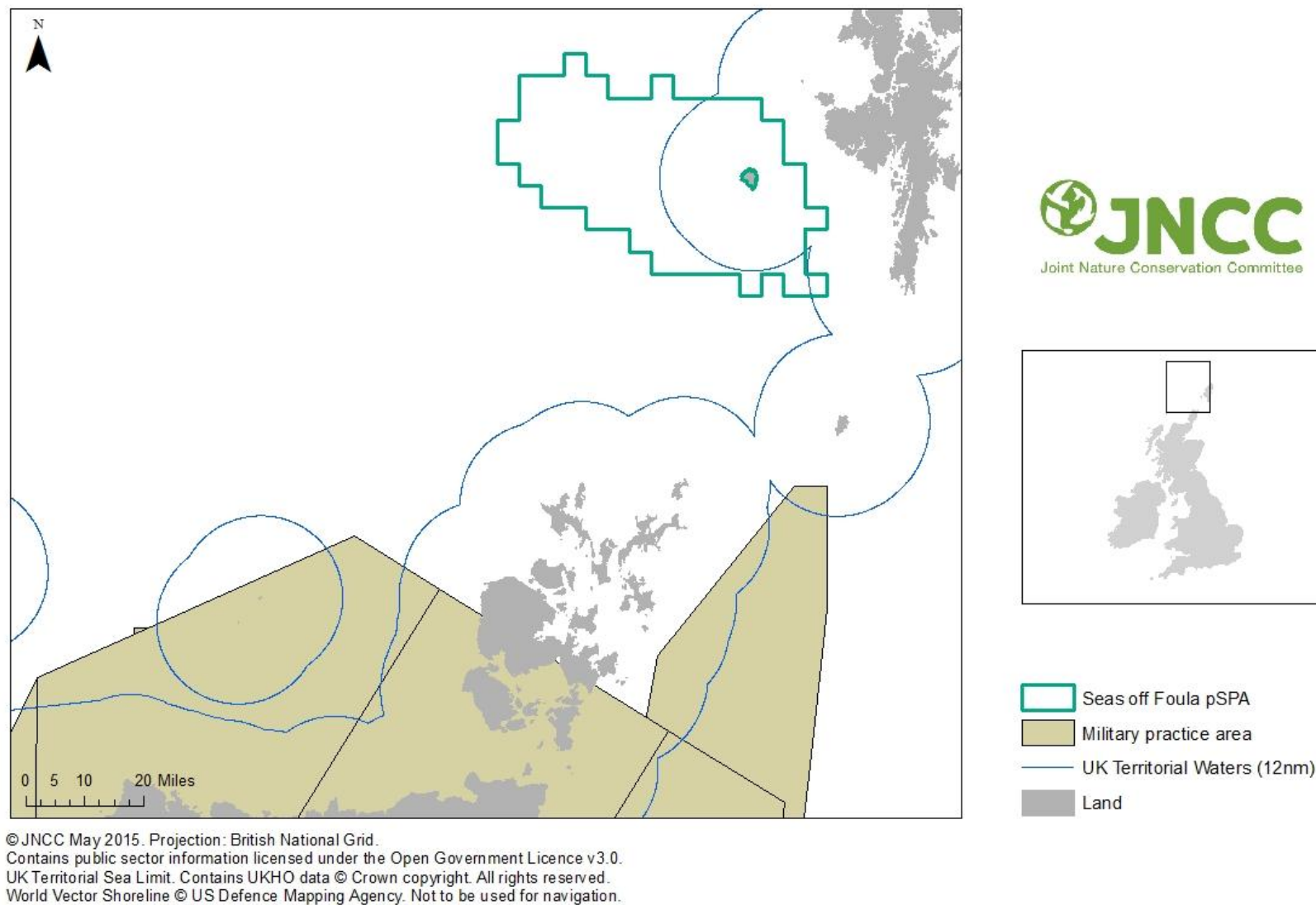
No change from existing management: The MoD seek to manage its activities in a manner that minimises environmental impact. However, without any further dialogue there is a risk that the sensitivity of features to a range of military activities is not sufficiently addressed within the MoD Environmental Protection Guidelines, thus creating a risk that the features may not achieve their conservation objectives.

Reduce / limit pressures: Update the MoD Environmental Protection Guidelines to encompass the Seas off Foula pSPA, noting any seasonal sensitivities of the protected features to minimise the risk that the features may not achieve their conservation objectives.

Remove / avoid pressures: Due to the strategic importance of MoD activities it may not always be possible to remove or avoid these pressures. However dialogue with the MoD should seek to reduce or limit these pressures as described above.

⁵ [www.jncc.defra.gov.uk/pdf/Environmental%20Protection%20Guidelines%20\(Maritime\)%20v2.1.pdf](http://www.jncc.defra.gov.uk/pdf/Environmental%20Protection%20Guidelines%20(Maritime)%20v2.1.pdf)

Figure 4: Location of the Ministry of Defence practice areas in relation to the Seas off Foula pSPA.



1.4 Shipping – carriage of hazardous cargoes

In the area of the Seas of Foula pSPA, the hazardous cargo we are primarily concerned with is the shipping of oil (the hazardous cargo). Oil is shipped by shuttle tanker from the oilfields west of Shetland to the Sullom Voe oil complex, and from here oil is exported by tanker and shipped worldwide. The management options described below aim to minimise the risk of oil spill in and around the pSPA. Existing management actions are likely to achieve this outcome as current regulation and best practice seek to ensure the safety of shipping at sea and minimise environmental impact (IMO 2004, Resolution MEPC 121(52)⁶). Nevertheless, there remains a residual risk from oil discharge by unforeseen incidents or accident.

To further reduce the risk of oil spill from an unforeseen incident or accident, planning measures such as identifying and promoting Areas To Be Avoided (ATBA) could be applied. Areas To Be Avoided are defined as areas within defined limits in which navigation is either particularly hazardous or it is exceptionally important to avoid casualties and which should be avoided by all ships, or by certain classes of ships⁷. ATBA are voluntary measures however previous experience suggests compliance with such voluntary measures is very high.

Existing International Maritime Organisation (IMO) routing measures are in place around the Shetland Islands and include Areas to be Avoided and Precautionary Areas on the approaches to Lerwick and Sullom Voe. Precautionary Areas are used to emphasise the need for care in navigation and when applied in conjunction with Areas to be Avoided allow access to commercial ports. There is an advisory Traffic Separation Scheme in the Fair Isle Channel and there are voluntary reporting systems covering that Channel and the Pentland Firth. A UK Government Emergency Towing Vessel is stationed to cover the Fair Isle Channel. The western part of the area is within range of the Emergency Towing Vessel stationed at Stornoway.

An ATBA is currently in place on the west coast of Shetland and this management option considers extending this to include the pSPA for the purpose of minimising risk to this environmentally sensitive area.

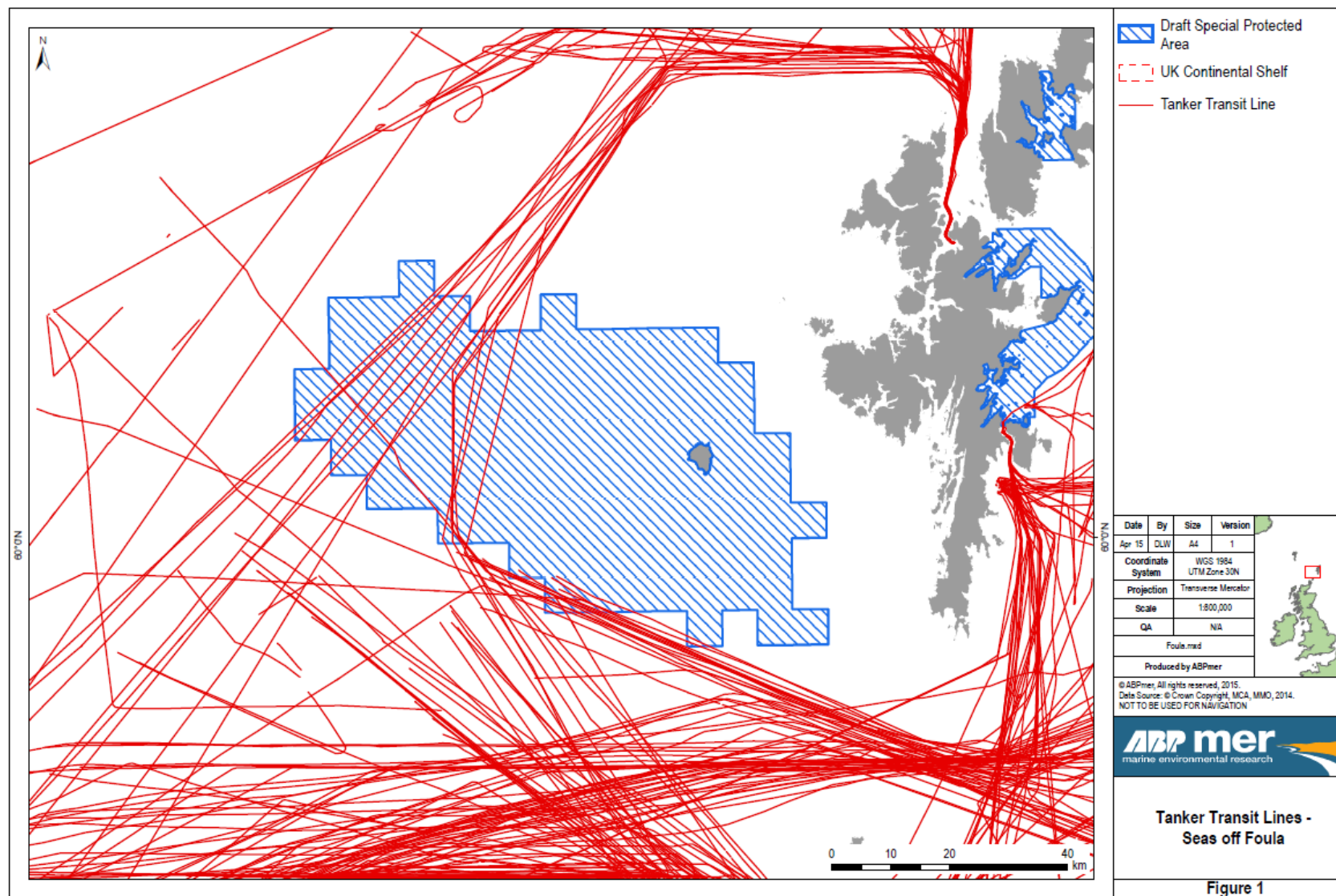
Management options Shipping: (hazardous cargo)	<p>No change from existing management: If no changes are made to the existing management practices, the shipping of hazardous cargoes are unlikely to impact the conservation objectives for the site however there remains a residual risk of discharge from an unforeseen incident or accident in the vicinity of the site.</p> <p>Reduce / limit pressures: Implementing measures to minimise the risk of oil spill in and around the pSPA e.g. through planning measures such as delineating Areas To Be Avoided (ATBA), would reduce the risk that an unforeseen incident or accident would impair the site features' ability to meet their conservation objectives.</p> <p>Remove / avoid pressures: The risk of an incident or accident affecting the pSPA cannot be entirely removed without prohibiting shipping in or adjacent to the site. However applying appropriate planning measures such as identifying ATBA would significantly reduce risk of impact to</p>
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⁶ RESOLUTION MEPC. 121(52)

⁷ <http://www.imo.org/OurWork/Safety/Navigation/Pages/ShipsRouteing.aspx>

the site's features from an incident involving ships carrying the most hazardous cargoes.

Figure 5: Tanker transit lines around the Seas off Foula pSPA.



8. Conclusions and further recommendations

Where management measures are required, the development of these would be undertaken via discussion with the relevant industries and scientific organisations. The relevant authority will lead the development of specific management measures.

Marine Scotland will make recommendations to Scottish Ministers on any management measures that may be required for the protected features to achieve their conservation objectives. Any such measures will be developed through discussion with stakeholders following classification of the SPA. Any statutory measures will be subject to consultation and the processes normally required by the legislation will be used. Where fisheries management measures are necessary and the pSPA is located where Scottish Ministers do not have exclusive competence, an application will be made for appropriate measures using the mechanisms of the EU Common Fisheries Policy. This process will include consultation on the measures at the EU level.

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