

The suite of Scottish marine dSPAs

This information pack accompanies the public release of information on the suite of Scottish marine draft Special Protection Areas. It contains 4 sections:

1. General information
2. Overview map of the suite
3. The individual marine dSPAs
4. Frequently asked questions brief



Scottish Natural Heritage
Joint Nature Conservation Committee
Marine Scotland

22 July 2014

1. General information

Summary

Special Protection Areas (SPAs) are classified under the Birds Directive (EC Directive on the conservation of wild birds - 2009/147/EC) to protect rare, vulnerable and migratory birds. The suite of SPAs on land in Scotland is well established, but further work is needed to complete a network at sea. The UK government has committed to identifying a network of SPAs in the marine environment, and having them substantially classified, by the end of 2015. A suite of marine dSPAs in Scottish waters is hereby provided for the information of stakeholders. It is designed to alert stakeholders to additional marine sites that are likely to be considered by the Scottish Government over the next few months. Its public release does not constitute a consultation at this stage but aims to provide early information on the process of developing a network of marine SPAs in Scotland.

Background

The Birds Directive requires member states of the EU to identify SPAs for:

- rare or vulnerable bird species (as listed in Annex I of the Directive); and
- regularly occurring migratory bird species.

And to do so in the geographical sea and land area where the Directive applies.

The Directive was adopted in 1979 by the EU member states due to increasing concerns about declines in Europe's wild bird populations caused by pollution, loss of habitats and unsustainable exploitation. The Directive recognises that wild birds, many of which are migratory, are a shared heritage of the member states and that their conservation needs international co-operation. The creation of a network of protected sites, including SPAs, is one of several conservation measures that contribute to the protection of rare, vulnerable and migratory bird species.

In the UK to date, three entirely marine SPAs have been classified. These are Outer Thames Estuary SPA (England), Liverpool Bay/Bae Lerpwl SPA (English/Welsh cross-border) and Bae Caerfyrddin/Carmarthen Bay SPA (Wales). In Northern Ireland, Rathlin Island SPA comprises both terrestrial and marine components, and in Scotland, 31 marine extensions to seabird colony SPAs have been classified.

Further work is required to complete a marine UK-wide network of SPAs at sea in order to meet the needs of seabirds and waterfowl. The Joint Nature Conservation Committee (JNCC) has been working over the past decade on behalf of all the country Statutory Nature Conservation Bodies (SNCBs) to complete a programme of data collection and analysis to inform the provision of advice on possible sites. Natural England, Natural Resources Wales, and the Department of Environment Northern Ireland (DoENI) are considering several possible marine SPAs in English, Welsh and Northern Irish inshore waters, including extensions to existing seabird colony SPAs and entirely marine SPAs.

The network of marine dSPAs in Scotland will be progressed by Scottish Natural Heritage (SNH) where these fall largely within 12 nautical miles from shore and by JNCC where they fall largely beyond 12 nautical miles.

The marine SPA process in Scottish waters

The process of identifying a suite of marine SPAs has involved many years of research on marine birds carried out largely by JNCC. The results of this research has been used by SNH to inform proposals for inshore sites (within 12 nautical miles) and by JNCC for offshore sites (from 12 to 200 nautical miles). The Birds Directive does not set out formal selection criteria for SPAs, so JNCC and the SNCBs have, as far as possible, applied well-established guidelines developed for the classification of terrestrial SPAs to the marine environment. These guidelines provide the basis for identifying the “most suitable territories in number and size” as required by the Birds Directive.

For each of the dSPAs a scientific case has been built in a document called a “Departmental Brief”. Where the dSPA is shared with England (the Solway Firth), SNH and Natural England will work together should classification be merited. The Departmental Brief contains the scientific information required by Scottish Ministers to make a decision on whether or not an dSPA should be progressed. If approved, stakeholders will be consulted on the scientific case for classification. A consultation report then allows Scottish Ministers to make a final decision on classification.

Status of the suite

The suite of marine dSPAs is provided for information to stakeholders. Early publication is designed to alert stakeholders to additional marine sites that are likely to be considered by Scottish Government over the next few months. It does not constitute a consultation at this stage. Formal consultation on those dSPAs confirmed for progression by Scottish Ministers will follow later, probably in 2015. In the lead-up to consultation Marine Scotland will conduct a Business and Regulatory Impact Assessment for sites in the suite.

The different types of marine SPA comprising the suite

The suite includes different categories of marine bird interest, each with its own supporting scientific information. Data in support of the sites have been collected and analysed by rigorous, systematic and repeatable methods that have been published in scientific literature and/or developed in consultation with ornithological and statistical experts. All scientific work has been peer reviewed at key stages throughout the process to ensure quality and rigour.

The marine bird interests in Scottish waters fall into five categories, as follows. In drawing up the suite emphasis has been placed on identifying areas that function as “hotspots” for many rather than just a few or only one species.

Inshore wintering waterfowl

Twenty-two Areas of Search were identified in Scottish coastal waters that potentially host qualifying numbers of wintering divers, grebes and seaduck. Aerial survey and shore-based count data were collected and bird numbers estimated for each area. Nine areas have been shortlisted through application of the UK SPA Guidelines to represent the main concentrations and range of these species.

Seabird aggregations

Data on the distribution and numbers of seabirds at sea extracted from the European Seabird at Sea (ESAS) database were used in a hotspot analysis to identify aggregations of seabirds throughout British waters. From the hotspots identified, five areas have been included in the suite. These were selected by SNH and JNCC by applying the UK SPA guidelines to an initial longer list of hotspots in Scottish waters.

Foraging areas for breeding terns

Terns forage within a limited range of their breeding colonies, and are not adequately covered by the previous two categories. Data on tern movements collected at a sample of tern colonies were analysed to identify foraging distributions around tern colonies of interest. In Scotland, five colonies have been chosen, all of which overlap with other categories of marine SPA interest.

Foraging areas for breeding red-throated divers

The foraging distributions of breeding red-throated divers (*Gavia stellata*) were determined using survey and tracking data at several important areas. Six sites have been included in the network of dSPAs, all of which overlap with other marine bird interests. The area identified around the Isle of Rum overlaps with an existing seabird colony extension for Manx shearwaters (*Puffinus puffinus*).

Important areas for European shag

Potentially important areas for European shag (*Phalacrocorax aristotelis*) were identified in both the inshore wintering waterfowl work and the seabird aggregations analyses. Additional tracking data from one of the largest shag colonies, on the Isle of May, enabled identification of important foraging areas around this colony, which is part of an existing terrestrial SPA. Four areas have been identified and selected for inclusion in the suite of dSPAs, again all of which overlap with other marine bird interests.

The UK perspective

Northern Ireland is planning to progress a number of marine SPAs in their inshore waters. These sites will be informed by distribution of important wintering waterbird populations and extensions to a number of existing seabird colony SPAs. Wales are progressing extensions to existing seabird colony SPAs in their territorial waters, and are also considering the available evidence for fully marine SPAs. England are progressing a network of marine SPAs in their inshore waters, including extensions to existing seabird colony SPAs and entirely marine SPAs for both waterbirds and seabirds; further information can be found on the [Natural England website](#). JNCC is considering possible marine SPAs in offshore waters elsewhere in the UK.

Combined with the suite of sites in Scottish waters, a network of marine SPAs for rare, vulnerable and migratory bird species using waters around the UK should be largely established by 2016. This should include the most important regularly occurring aggregations of waterbirds and seabirds but there will probably be a need for review of the adequacy of this network beyond that date.

Management implications of marine SPAs

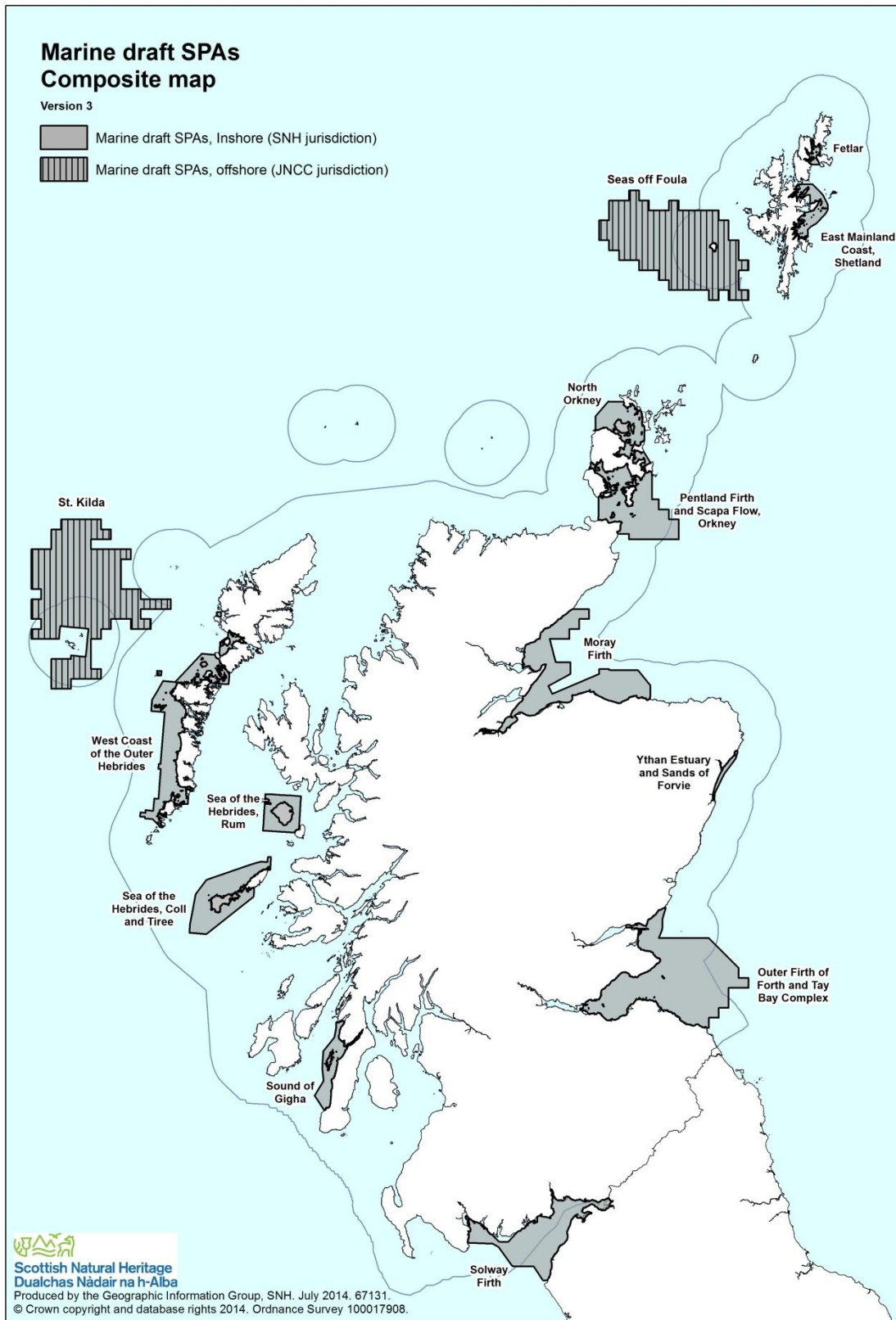
The dSPAs included in this suite are hotspots of marine bird interest and all overlap with human activities taking place in the marine environment. Conservation objectives will be drafted for each SPA prior to formal consultation. New developments and changes to existing human activities will need to be assessed in respect of potential conflict with the conservation objectives of potential SPAs. The legal requirements relating to the classification and management of SPAs in Scotland are set out in ***The Conservation (Natural Habitats, &c.) Regulations 1994***, known as the **Habitats Regulations**, and the ***Offshore Marine Conservation (Natural Habitats etc) Regulations 2007 (as amended)***. It is the Scottish Government's intention that Habitats Regulations Appraisal and Environmental Impact Assessment arrangements should be undertaken for sites in the suite from the date at which Ministerial approval is granted for the sites to go to consultation. The existing suite is an indicative list, and until specific Ministerial approval has been granted there is no certainty that they will all go forward to become pSPAs.

The most obvious direct pressures that may impact on the qualifying bird species are oil contamination, collision with renewable energy structures or displacement by them, damage to seabed habitats or removal of fish prey by fishing activities, and damage to the seabed through aggregate extraction.

Management arrangements for these and other activities in the SPAs will be agreed with stakeholders following classification. In a general sense the range of options for managing any operation will usually be one of the following:

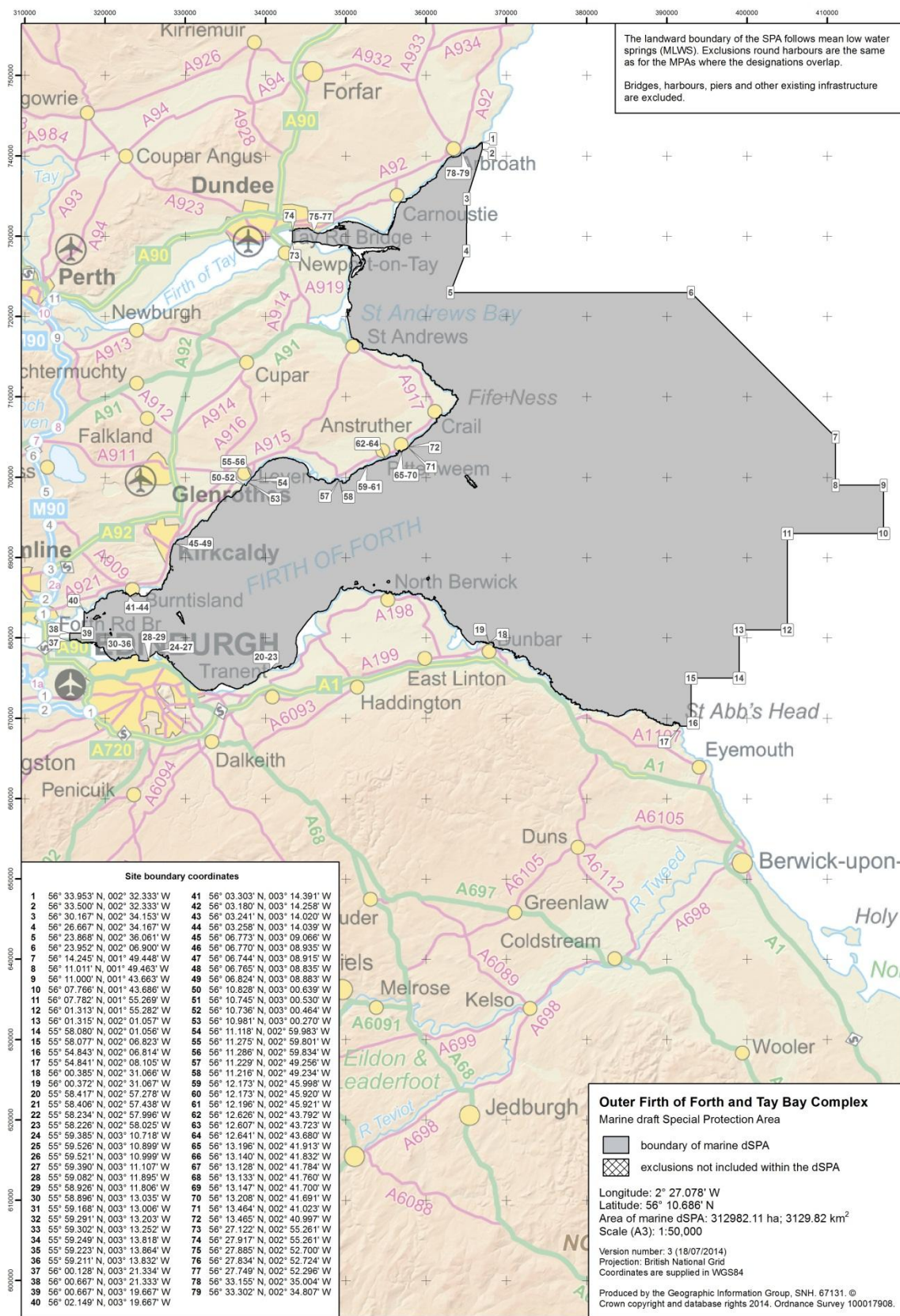
- Restrict the operation completely
- Zone the activity to certain parts of the site
- Establish mitigation measures to reduce or limit pressures
- Set limits of take of a particular resource
- No additional management required.

2. Overview map of the suite.



3. The individual marine draft Special Protection Areas

For each site this section provides a map of the proposed site boundary and a list of the qualifying bird species. The species listed for each dSPA do not always occur in important numbers throughout the dSPA and throughout the year. Rather, some species have distinct areas of elevated densities or foraging effort within the overall boundary and most exhibit strong seasonal variations in abundance. This level of detail is not provided here but will be presented in documentation which will be available during formal consultation.



Qualifying bird species in the **Firth of Forth and Tay Bay Complex** marine dSPA

Annex 1 species:

Red-throated diver

Slavonian grebe

Little Gull

Common tern

Arctic tern

Migratory species:

Common eider

Long-tailed duck

Common Scoter

Velvet scoter

Goldeneye

Red-breasted merganser

Northern gannet

Manx shearwater

European shag

Black-legged kittiwake

Common guillemot

Razorbill

Atlantic puffin

Black-headed gull

Common gull

Herring gull

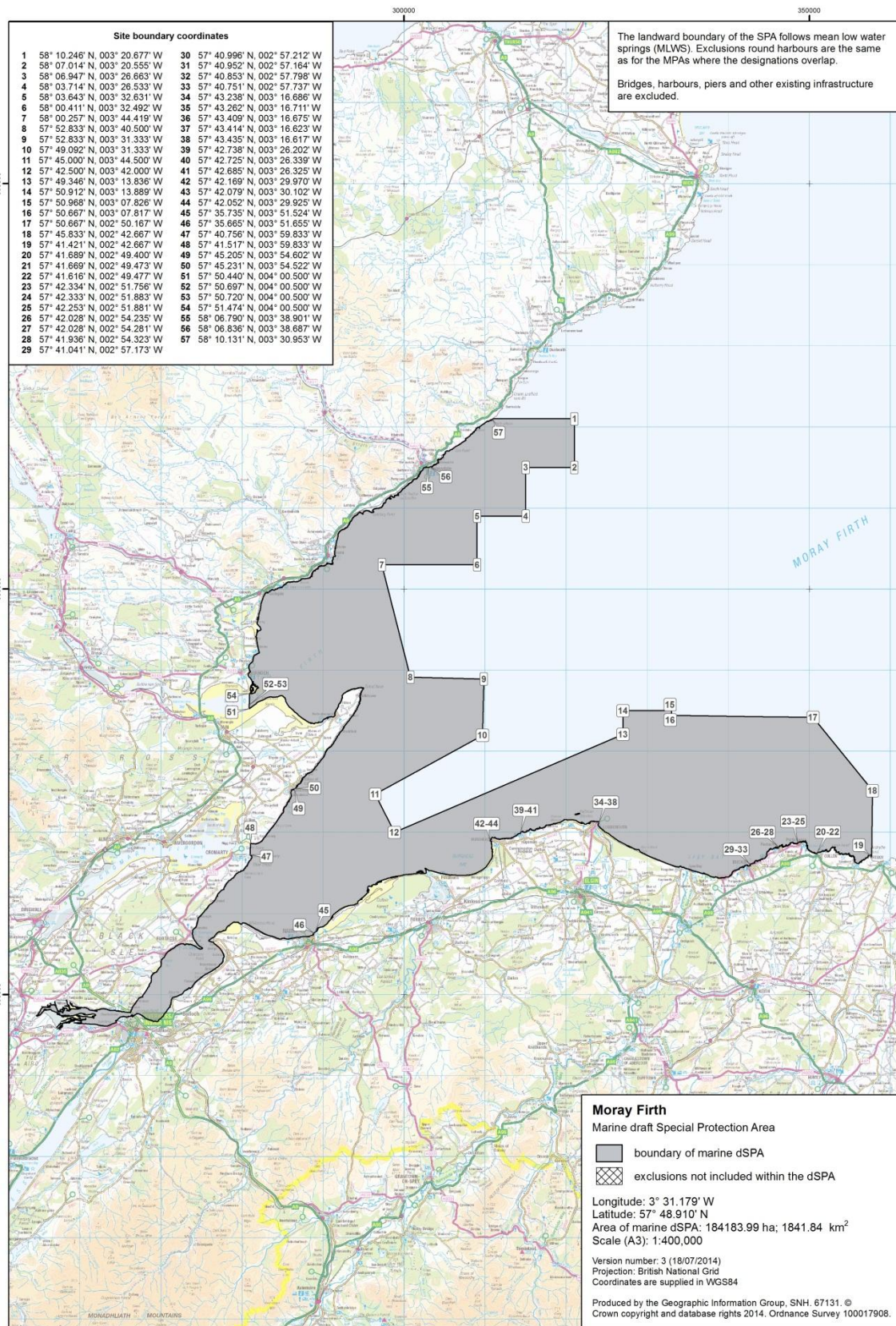


Qualifying bird species in the Ythan Estuary marine dSPA

Annex 1 species:

Sandwich tern

Little tern



Qualifying bird species in the **Moray Firth** marine dSPA

Annex 1 species:

Great northern diver

Red-throated diver

Slavonian grebe

Migratory species:

Scaup

Common eider

Long-tailed duck

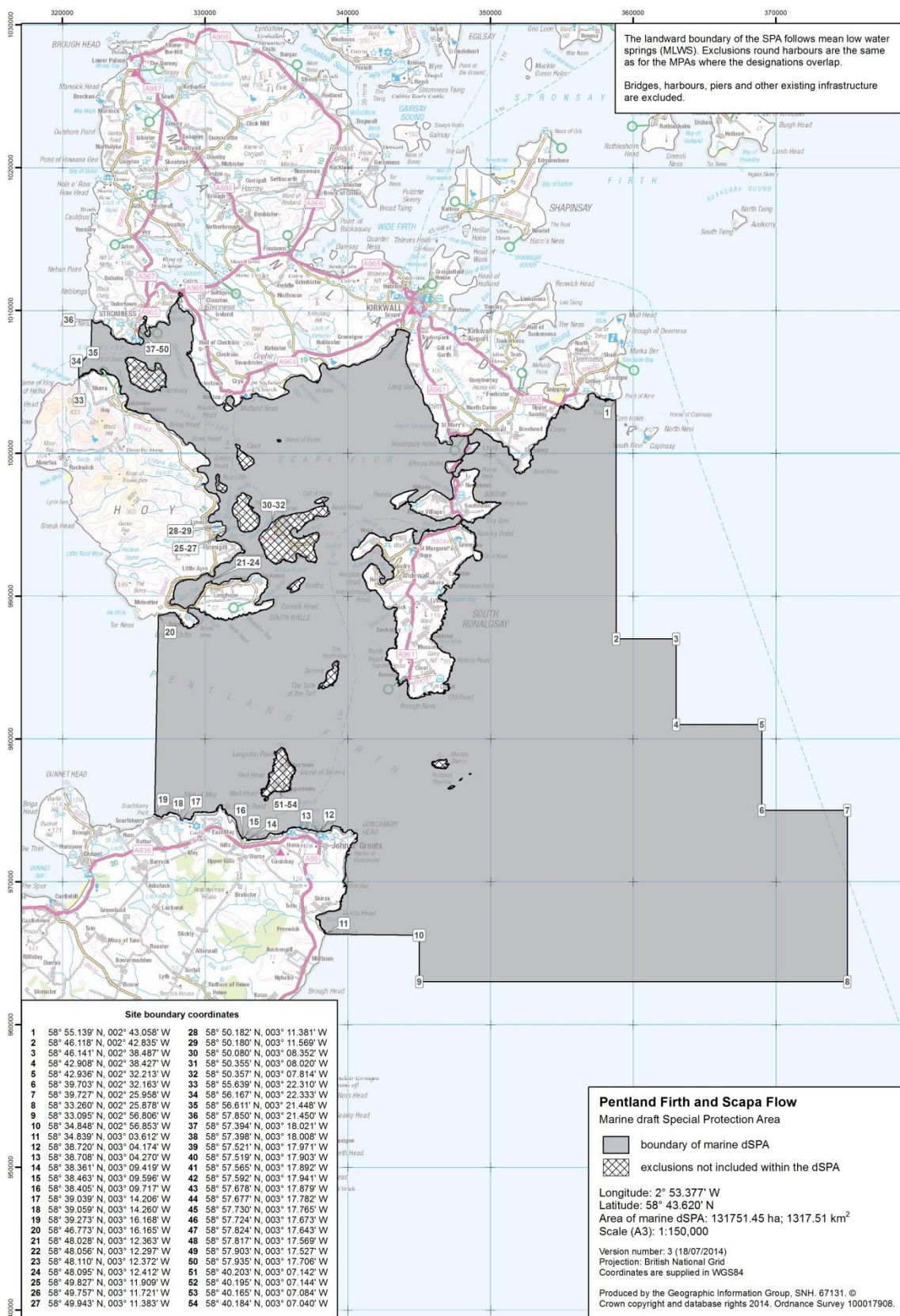
Common scoter

Velvet scoter

Common goldeneye

Red-breasted merganser

European shag



Qualifying bird species in the **Pentland Firth and Scapa Flow** marine dSPA

Annex 1 species:

Great northern diver

Red-throated diver

Black-throated diver

Slavonian grebe

Arctic tern

Migratory species:

European shag

Common guillemot

Common eider

Long-tailed duck

Common goldeneye

Red-breasted merganser



Qualifying bird species in the **North Orkney** marine dSPA

Annex 1 species:

Great northern diver

Slavonian grebe

Red-throated diver

Arctic tern

Migratory species:

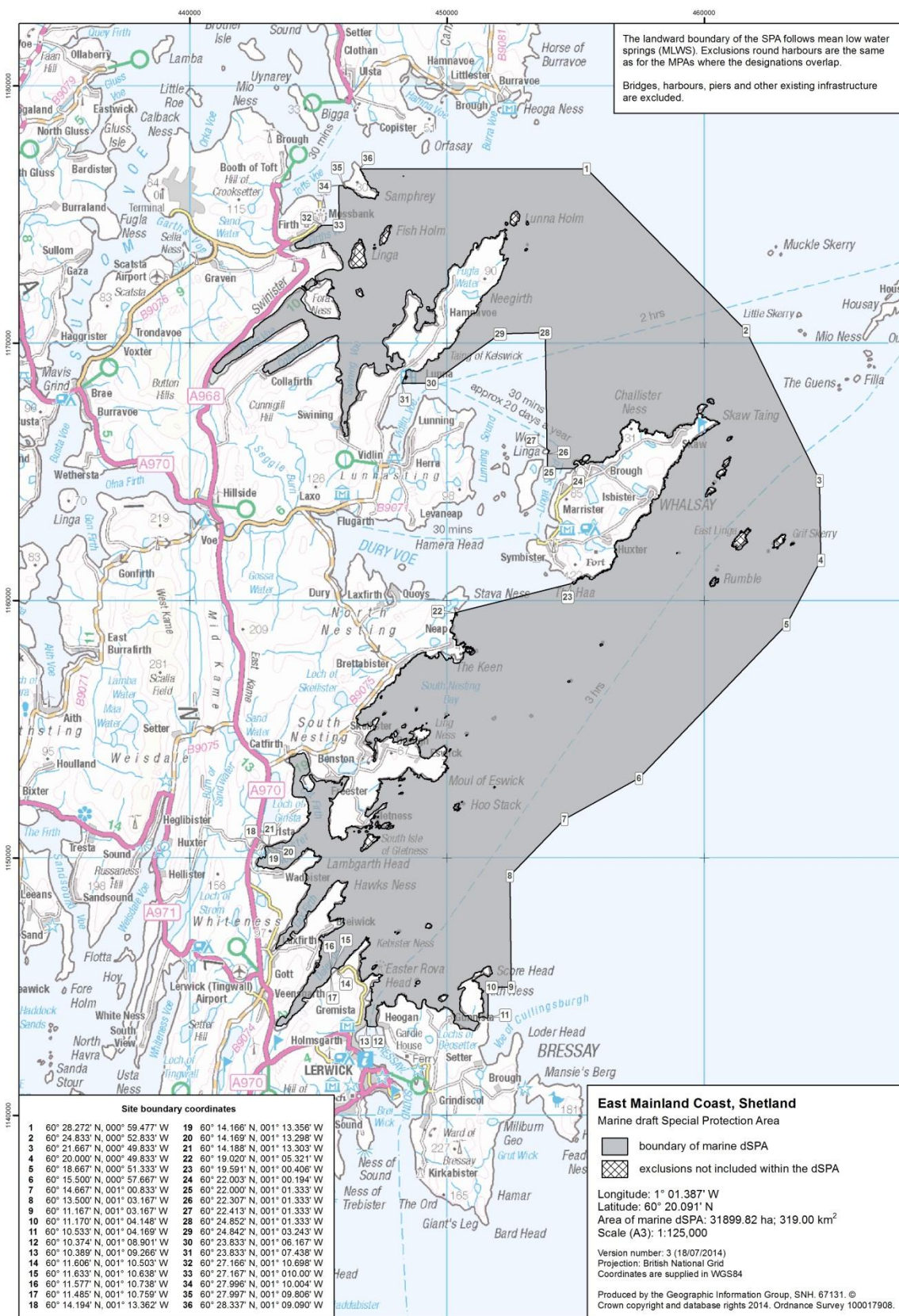
Common eider

Long-tailed duck

Velvet Scoter

Red-breasted merganser

European shag



Qualifying bird species in the **East Mainland Coast, Shetland** marine dSPA

Annex 1 species:

Great northern diver

Red-throated diver

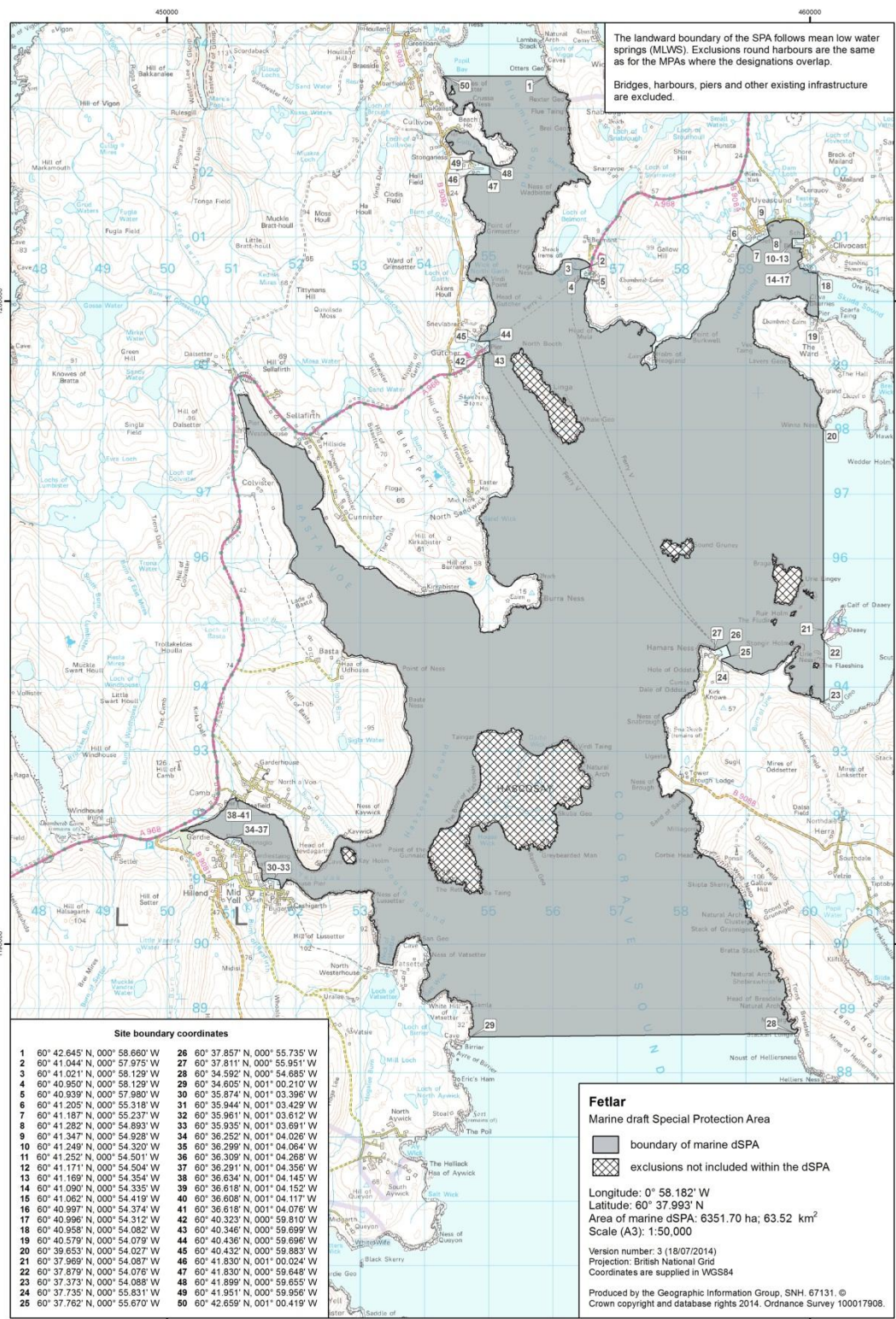
Slavonian grebe

Migratory species:

Common eider

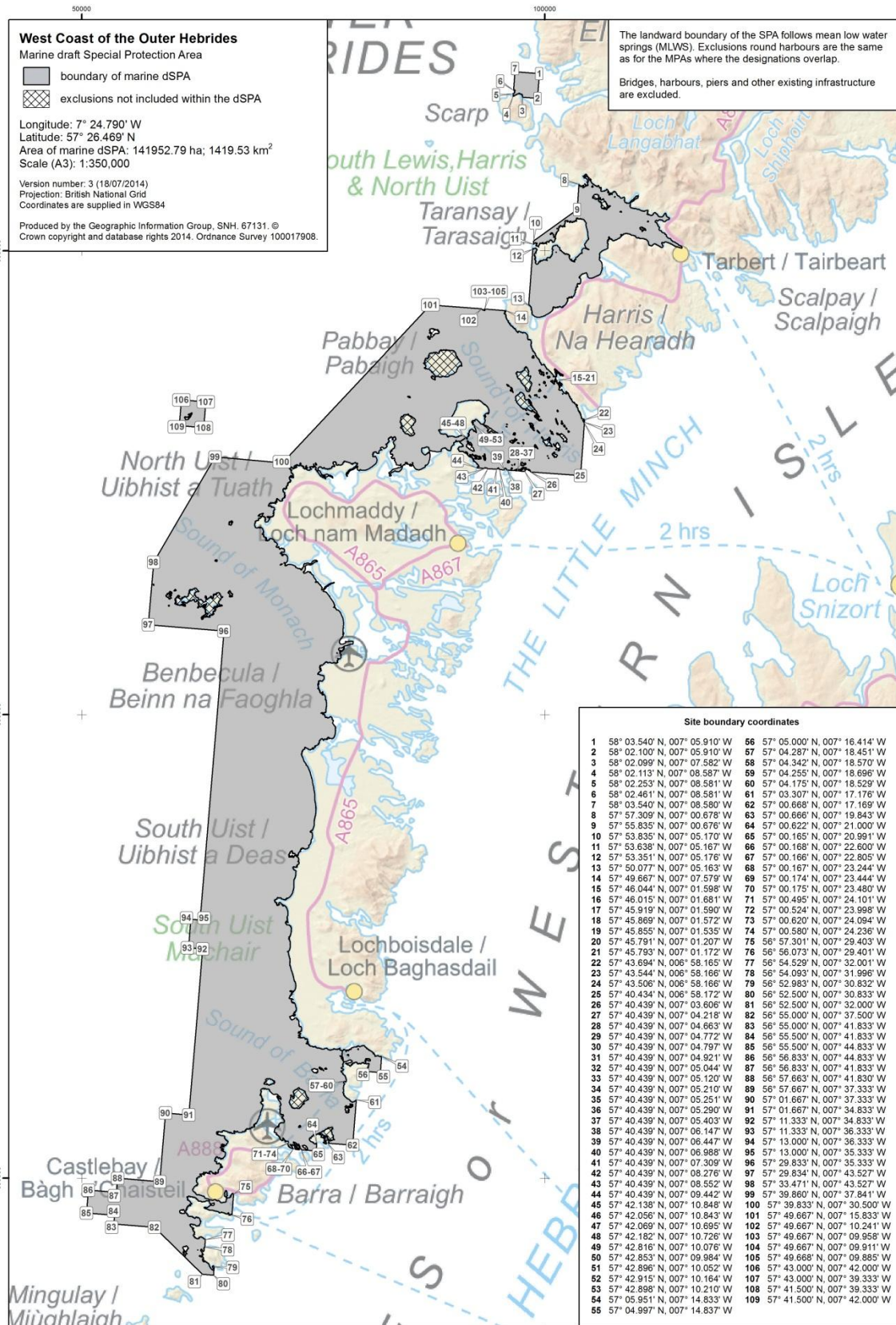
Long-tailed duck

Red-breasted merganser



Qualifying bird species in the Fetlar marine dSPA

Annex 1 species:
Red-throated diver



Qualifying bird species in the **West Coast of the Outer Hebrides** marine dSPA

Annex 1 species:

Great northern diver

Red-throated diver

Black-throated diver

Slavonian grebe

Migratory species:

Common eider

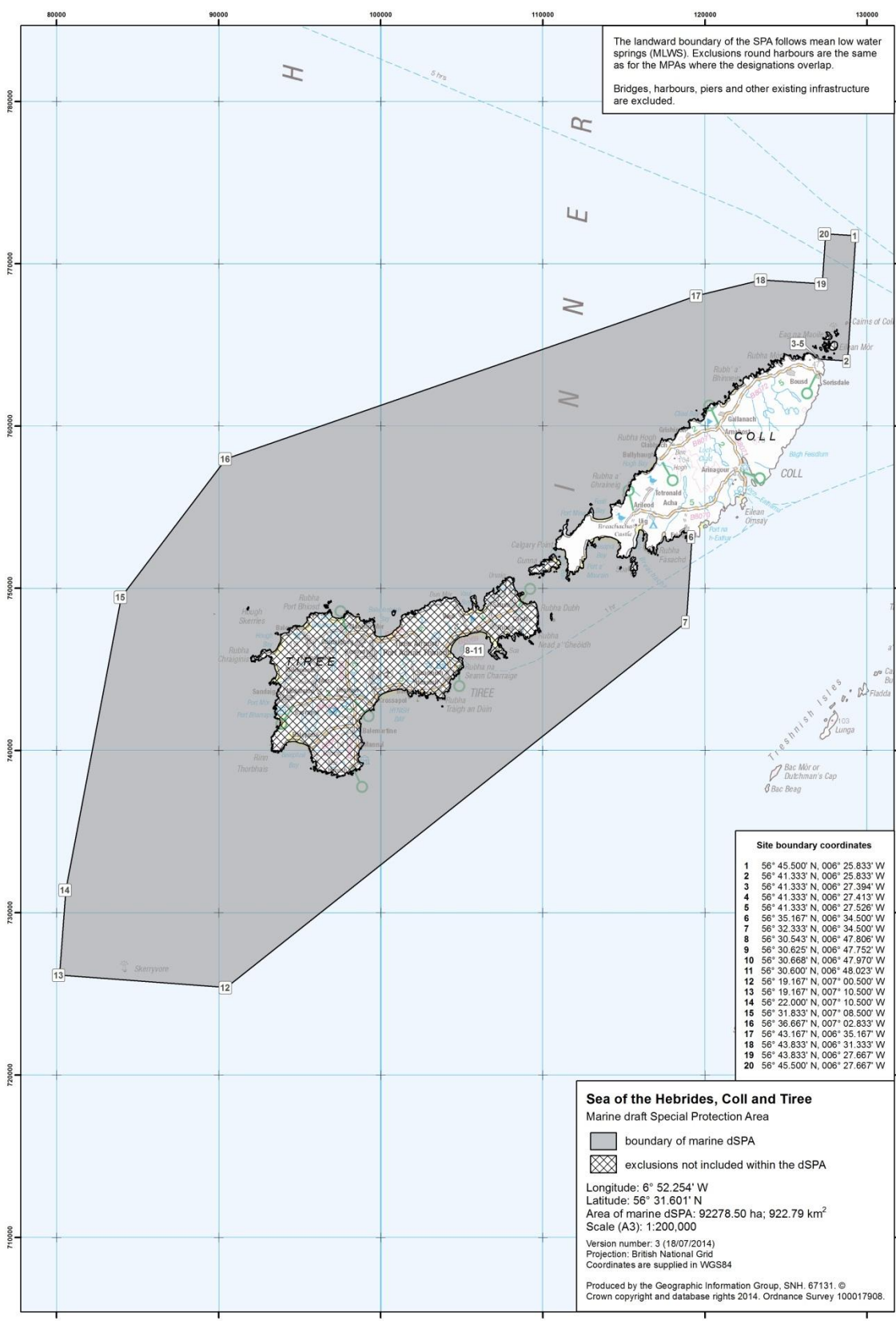
Long-tailed duck

Red-breasted merganser



Qualifying bird species in the **Rum** marine SPA

Annex 1 species:
Red-throated diver



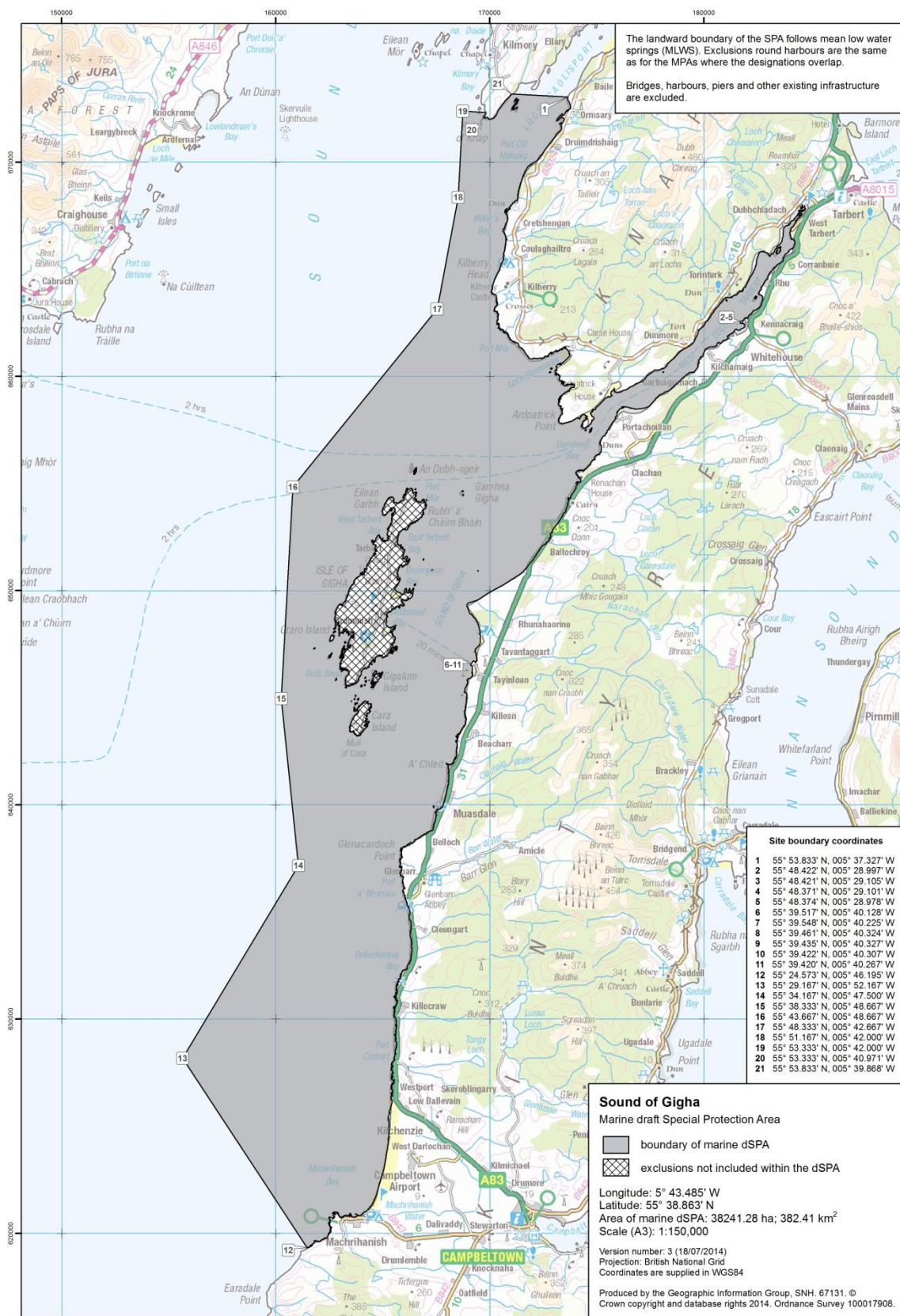
Qualifying bird species in the **Coll and Tiree** marine dSPA

Annex 1 species:

Great northern diver

Migratory species:

Common eider



Qualifying bird species in the **Sound of Gigha** marine dSPA

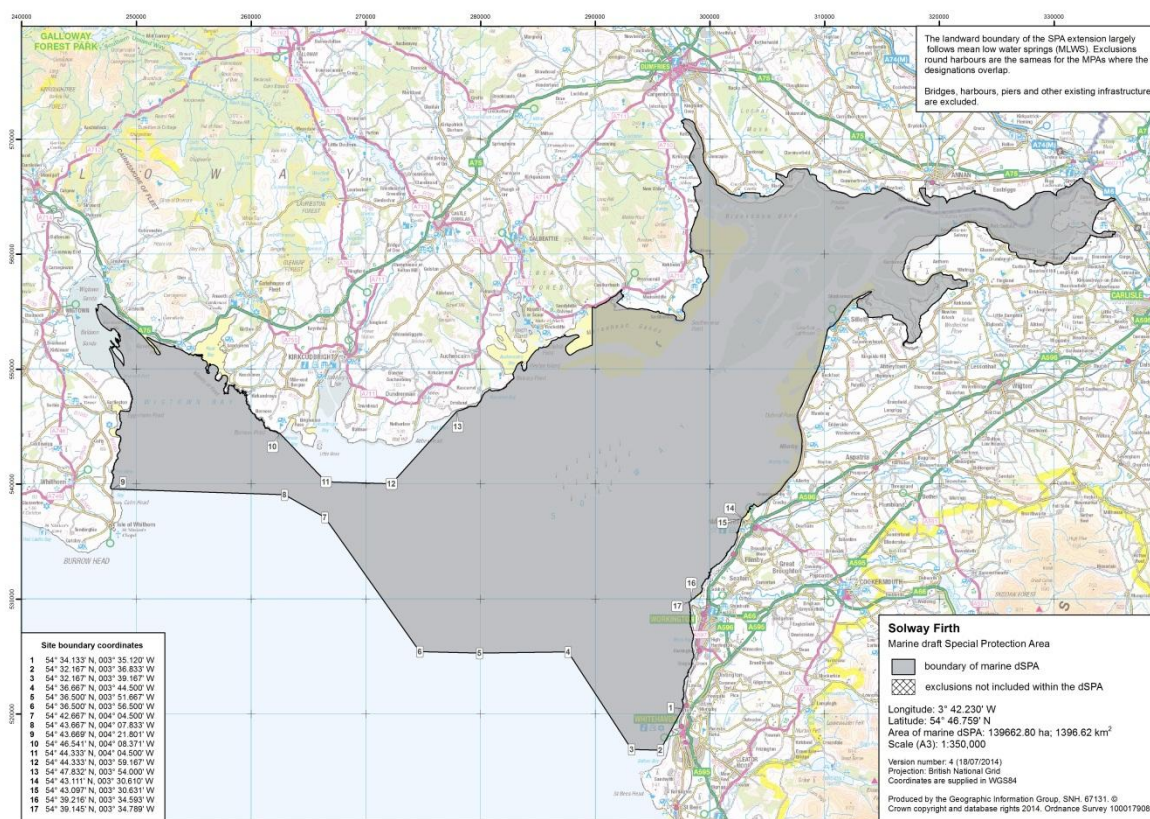
Annex 1 species:

Great northern diver

Migratory species:

Common eider

Red-breasted merganser

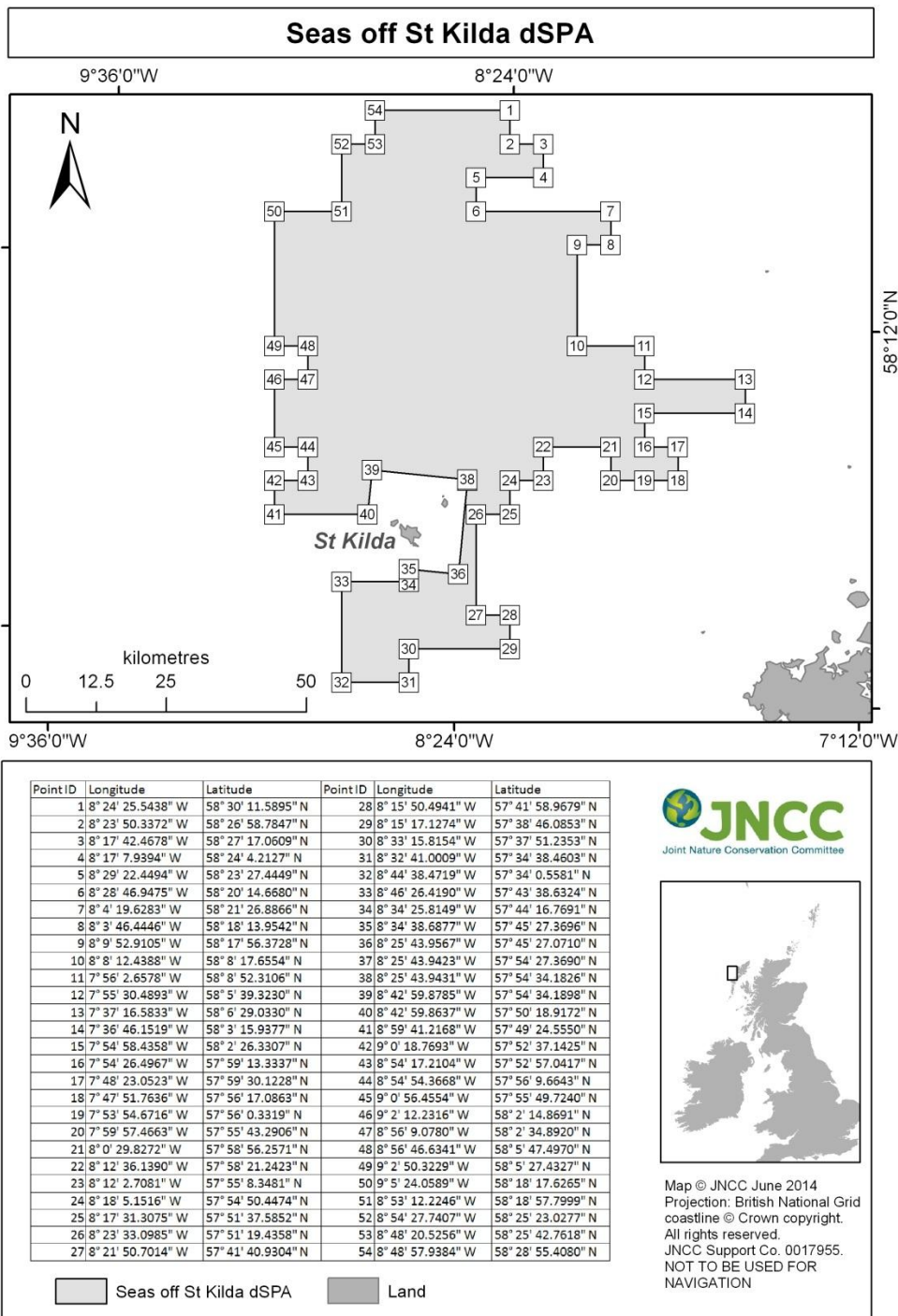


Qualifying bird species in the **Solway Firth** marine dSPA

Annex 1 species:
Red-throated diver

Migratory species:
Common scoter
Goosander

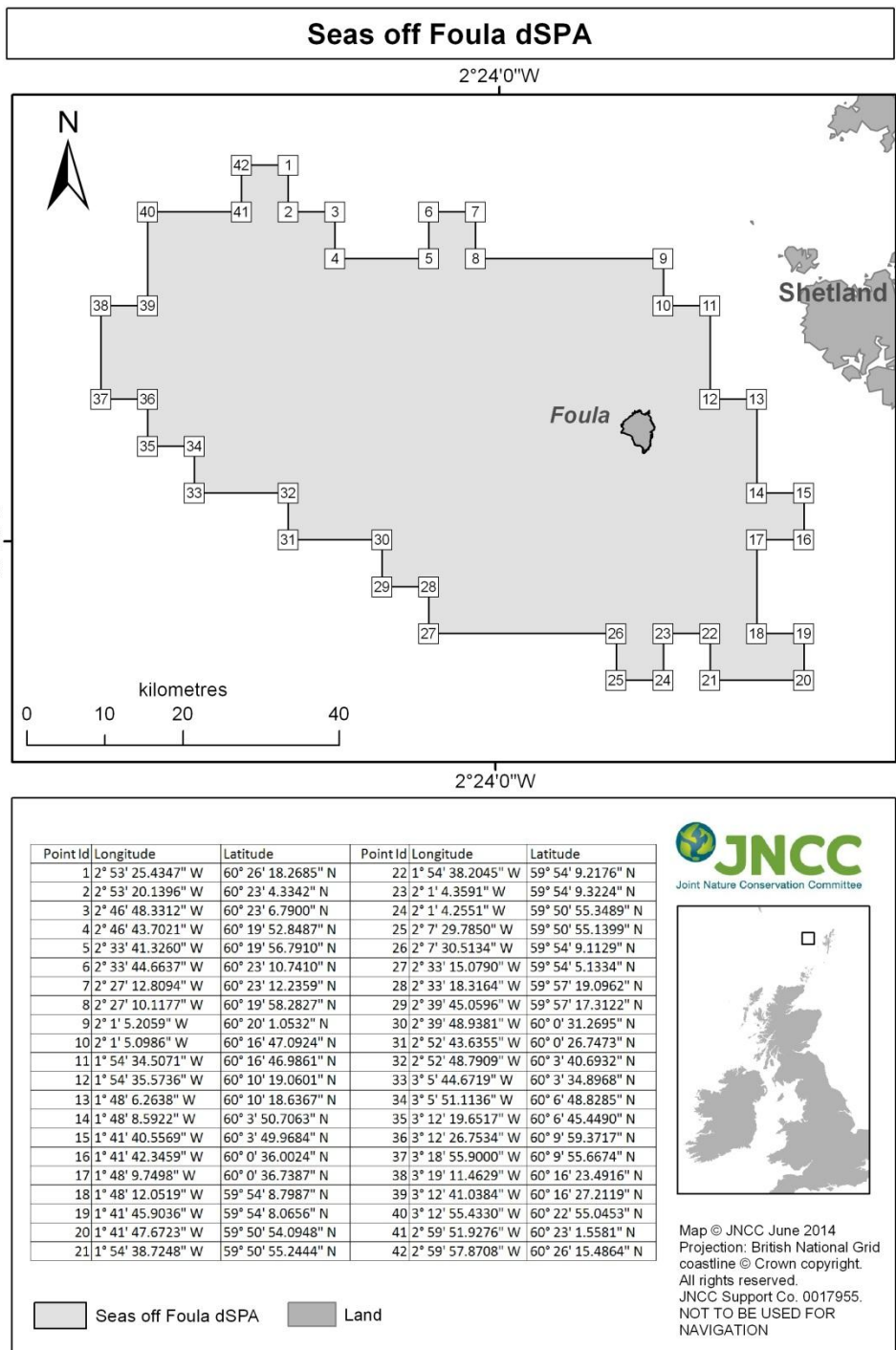
Migratory species from the 2001 SPA Review:
Ringed plover
Lapwing
Cormorant
Herring gull
Common gull
Black-headed gull



Qualifying bird species in the **Seas off St Kilda** marine dSPA

Migratory species:

- Northern gannet
- Northern fulmar
- European storm-petrel
- Common guillemot
- Atlantic puffin



Qualifying bird species in the **Seas off Foula** marine dSPA

- Migratory species:
- Great skua
 - Northern fulmar
 - Arctic skua
 - Common guillemot
 - Atlantic puffin

4. Frequently asked questions brief

1. Why are JNCC and SNH involved in the process to identify Special Protection Areas for marine waterbirds?

Special Protection Areas (SPAs) are identified under European legislation. The EC Birds Directive requires Member States of the European Union to “.....classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species” on land and at sea. This responsibility lies with the government of each Member State and in the UK this responsibility for Scotland has been devolved to Scottish Government. The Scottish Government has directed SNH and JNCC, as its statutory advisors on wildlife and conservation, to identify potential locations which might meet this obligation. When instructed by Scottish Ministers, SNH and JNCC will jointly consult interested parties and the general public for their views on the scientific cases on such areas becoming Special Protection Areas.

2. What are SNH and JNCCs role in identifying Special Protection Areas?

JNCC have a coordination role, and have undertaken a series of data collection, collation and analysis across the UK for a wide range of marine bird species. SNH have responsibility for advising in waters up to 12 nautical miles from coast, and so based on the evidence that JNCC provide, make recommendations to Scottish Government on potential locations for a suite of Special Protection Areas in this inshore region. JNCC have responsibility for advising in waters beyond 12 nautical miles from the coast, and so JNCC make recommendations to Scottish Government on potential locations for a suite of Special Protection Areas in this offshore region.

3. The global importance of Scotland’s seabirds

The extent and quality of habitat and available food around Scotland’s coast supports huge numbers of different species of seabirds. Few countries can match this and we have an international responsibility to protect what we have around Scotland. Scottish Government Minister Richard Lochhead has commented that “....Scotland's seabird populations are of European and global renown and it is absolutely vital that they receive the protection they deserve.” This is clear government recognition of the need for appropriate action to protect and maintain Scotland’s seabird and waterbird populations and meet the requirements of the EC Birds Directive.

4. Pressures on Scotland’s seabirds

There are enormous demands made of Scotland’s seas and coasts. Various commercial marine and coastal activities such as fishing, tourism and energy generate £2.2bn a year for the Scottish economy. The sea will also become increasingly important for the future development of marine renewables. It is a valuable asset that must be managed sustainably. Seabirds are part of what makes it so valuable. They are a vital indicator of the general state of our seas and crucial to sustainability. Yet populations of several species have been declining in recent years for reasons that are yet to be fully understood. Possible causes

include climate change, change in food supply, and disturbance (to habitat and/or the birds) from commercial and/or recreational use of the sea and coast. Scottish Government, along with SNH, JNCC and other organisations, is researching the possible causes in order to develop appropriate measures to address them.

5. Proposals to help seabirds

The Scottish Government is proposing to identify a series of marine SPAs for marine birds. These will be the areas that are most important to marine bird populations. The proposal is for these sites to then be managed in a way that will take account of the birds' interests. SNH and JNCC, when asked by Scottish Ministers, will consult publicly on the rationale for the selection of sites. The results of this consultation will inform Ministers' decisions as to which sites are ultimately included in the suite. In the meantime the Government, along with SNH, JNCC and other organisations, will continue to investigate the causes of seabird declines so we can work together on measures to address these.

6. How SPAs protect birds

SPAs are created to meet international commitments under the EC Birds Directive, which promotes the conservation of all wild birds, as well as the conservation of particular species. SPAs require the EU Member State to safeguard the birds and avoid disturbance and deterioration of their habitats. This means that proposed activities in or affecting an SPA are assessed for their potential to cause such disturbance or deterioration. Where this potential does exist, measures are put in place to avoid it becoming a reality before the activity goes ahead. This is the responsibility of the relevant consenting authority, with either SNH or JNCC providing advice and information as appropriate.

7. Why these specific SPAs have been identified

Data has been gathered across Britain's seas, much of it within the last decade but some datasets covering 30 plus years. This has been analysed to show important areas for certain species of birds at certain times of the year. This is usually for breeding or wintering seasons but occasionally also for moulting or chick rearing. The most suitable of these areas have been included within the suite of marine dSPAs.

8. What happens later in 2014/2015?

At the moment we are providing advance information about a forthcoming suite of potential SPAs that may be formally consulted upon, most likely early in 2015. SNH and JNCC have prepared documentation for these sites which will be passed to Scottish Ministers for approval. Once sites have been approved, a period of informal dialogue followed by formal consultation will commence. SNH and JNCC will collate all comments and report back to the Scottish Government. Ministers will then decide which sites will be classified as SPAs and whether there need to be any changes from the specific areas and species consulted upon.

9. Will the SPAs need to be monitored if they are classified?

Yes. The Birds Directive requires regular reports to the Commission on the conservation status of all Annex I and regularly migratory bird species listed within the Birds Directive. Therefore there will need to be some level of monitoring of Scottish seas, although this may not necessarily be focussed exclusively on SPAs.

10. Do the areas in the suite of dSPAs have formal protection now?

No. dSPAs do not have policy protection until there is ministerial approval to formally consult on them. At this point they become potential SPAs and are treated as classified sites until the Minister has decided whether or not to classify them. If the Minister decides not to confirm a site, then it no longer has the level of protection afforded to an SPA.

11. Why specific species are included for protection in the SPAs

The species identified for protection are specified in the Birds Directive. They are the species within Europe that are most vulnerable internationally or require international cooperation to protect. For individual sites, species are identified on the basis of their numbers and abundance, and how this compares to other sites. Species relevant to these new proposed sites include divers, grebes, seaducks and true seabirds¹.

12. The differences between SPAs and Marine Protected Areas (MPAs)

SPAs are created under the EC Birds Directive for the protection of wild birds and their habitat. Nature conservation MPAs are created under the Marine (Scotland) Act and the Marine & Coastal Access Act to protect a range of different habitats, wildlife, geology and undersea landforms which are important for biodiversity and geodiversity in Scotland but not protected under other legislation. The black guillemot is an example of a bird species not covered by SPA protection but is included as an MPA protected species.

13. Why consultation on SPAs will differ from the consultation on MPAs

SPAs are identified and classified solely on the basis of scientific information. Nature conservation MPAs are identified primarily on the basis of science but socio-economic and cultural factors are also taken into account. The MPA consultations are therefore necessarily more detailed. Also, the work on identifying the SPA suite was still ongoing at a time when the MPA rationale was ready for consultation.

14. Why there is overlap between some SPAs and some MPAs

Some sites have features that qualify for protection under the Birds Directive as well as other features protected by the Marine Scotland Act and the Marine & Coastal Access Act.

15. Responsibility for managing SPAs

Competent authorities (i.e. authorities with the power or duty to decide whether a proposal can proceed) are required to consult SNH or JNCC, as appropriate, over any plans or projects that are likely to have a significant effect on a SPA. SNH advises planning

¹ For a full list of species see Appendix 1.

authorities, developers and Scottish Government on nature and landscape issues out to 12 nautical miles (nm) from the coast. JNCC provides advice in waters beyond 12nm.

16. Wildlife Tour operator access to SPAs

This should continue largely as normal. The requirement of the Birds Directive is for operations to take account of the qualifying features of the site. Wildlife tour operators should follow the Marine Wildlife Watching Code whether or not they are within a marine SPA so that wildlife is not disturbed and can continue to be enjoyed by all. The Scottish Marine Wildlife Watching Code is available at:

<http://www.snh.org.uk/pdfs/publications/marine/Marine%20Guide.pdf>

In the longer term wildlife tour operators and the tourism industry in general may well benefit because SPA classification will protect birds that visitors come to see.

17. How fishing will be affected by SPA designation

Ultimately that will be a matter for the relevant consenting authority, which will refer to advice from SNH out to 12nm, and JNCC beyond 12nm. It will depend on the type of fishing and how this affects the bird interests. Given that these sites are already important and of sufficient quality to support the birds, it may be reasonable to assume that current fishing in many of these areas is largely compatible with the birds' interest. However in cases where a type and level of fishing activity might impact upon the birds, an assessment may be needed so that authorities can establish the extent to which the fishing activities do influence the birds' interests. The SPA designation is more about recognising the importance of the sites so that this can be monitored and taken into account by any future proposals, or significant change in existing operations, that may put additional pressures on the birds. The aim is always to find ways to enable fishing whilst continuing to protect the birds.

18. SPAs and development proposals

Consent for development will continue to be a matter for the relevant planning or licensing authority. The authorities will establish the extent to which the developments are likely to affect the birds' interests. The requirement is to take account of the birds when planning the development, so that any adverse effect can be avoided or reduced to an acceptable level.

19. Classification of further areas in the future.

The current suite has been identified on the basis of best available present knowledge. If future survey suggests additional areas are important for birds, or other forms of marine wildlife, then such areas could be further assessed at the request of government.

20. Other Scottish initiatives to protect Important and valuable marine wildlife

A number of statutory designations, either directly or indirectly, contribute to the conservation of marine birds. A leaflet is available which describes and contrasts these marine SACs, SPAs, SSSIs and Nature Conservation MPAs.

Appendix 1

Species represented within the proposed marine SPA suite

greater scaup (*Aythya marila*)
common eider (*Somateria mollissima mollissima*)
common eider (*Somateria mollissima faeroensis*)
long-tailed duck (*Clangula hyemalis*)
common scoter (*Melanitta nigra*)
velvet scoter (*Melanitta fusca*)
common goldeneye (*Bucephala clangula*)
red-breasted merganser (*Mergus serrator*)
goosander (*Mergus merganser*)
red-throated diver (*Gavia stellata*)
black-throated diver (*Gavia arctica*)
great northern diver (*Gavia immer*)
Slavonian grebe (*Podiceps auritus*).
northern fulmar (*Fulmarus glacialis*)
Manx shearwater (*Puffinus puffinus*)
European storm-petrel (*Hydrobates pelagicus*)
northern gannet (*Morus bassanus*)
European shag (*Phalacrocorax aristotelis*)
Arctic skua (*Stercorarius parasiticus*)
great skua (*Stercorarius skua*)
black-legged kittiwake (*Rissa tridactyla*)
black-headed gull (*Chroicocephalus ridibundus*)
little gull (*Hydrocoloeus minutus*)
common gull (*Larus canus*)
Herring gull (*Larus argentatus*)
little tern (*Sternula albifrons*)
Sandwich tern (*Sterna sandvicensis*)
common tern (*Sterna hirundo*)
Arctic tern (*Sterna paradisaea*)
common guillemot (*Uria aalge*)
razorbill (*Alca torda*)
Atlantic puffin (*Fratercula arctica*)