

CONSULTATION QUESTIONS

1. Do you support the development of an MPA network in Scotland's Seas?

Yes X No

We support the development of an MPA network based on sound science and data. As socio-economic factors are of consideration within the MPA network significant consideration should be given to existing activity in the proposed areas. Proposed management should be proportional and based on good industry practice as there is no evidence to suggest that current practices of the O & G industry are having a detrimental effect in any of the proposed MPA sites, as supported by the conservation objectives being set as 'conserve'(as opposed to 'restore' which recognises a degree of impact.). We have concern that some suggested management measures are inappropriate and could affect the viability of O & G reserves, to the detriment of Scotland and the UK as a whole. In this regard DECC would welcome input on the development of any future management measures.

Individual possible Nature Conservation MPAs

2. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Clyde Sea Sill* possible Nature Conservation MPA?

Designation: Yes No X

Comments

Management Options: Yes No X

Comments

Socioeconomic Assessment: Yes No X

Comments

All of the above: Yes No X

Comments

3. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *East Caithness Cliffs* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

4. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *East of Gannet and Montrose Fields* possible Nature Conservation MPA?

Designation: Yes No

We have some concerns with the designation of this site as it covers an area already significantly important for O & G production (the site is even named after the O & G fields!) with another 21 licences awarded in the 26th & 27th licensing rounds indicating significant future potential for activity in the area. Decommissioning will also be an absolute requirement in the future with potential to significantly impact on the area. The designation for Ocean Quahog and deep sea mud is not restricted to this one site and it is felt that a smaller area or alternative site could be more appropriate in achieving the aim of supporting the species and habitat which would not interfere with development or impact on the economy of Scotland and the UK. We do not consider that this conforms to the ideals of the selection process 'to identify the least damaged most natural locations of biodiversity interest'.

Management Options: Yes No

- The Management Options paper should state "early dialogue with the **relevant regulator**," not just Marine Scotland, as MS will not always be relevant regulator (i.e. for O & G).

- The Management Options Paper does not seem to acknowledge that there is a distinction between Oil and Gas Licenses which are issued based on the high level Strategic Environmental Assessment and in some cases further appropriate assessment and the activity specific consents/approvals which are supported by site specific data. Suggest amendment from 'through the existing licensing process' to 'through the existing regulatory processes.'
- Unclear how Conserve objective is achievable when feature condition is categorised as "uncertain" and yet distribution maps have been included.

Socioeconomic Assessment:

Yes X No

- Oil and Gas is present across the possible MPA, yet consultation with DECC and Industry's trade body Oil and Gas UK do not feature in the consultation section of the BRIA.
- Unclear why 'treatment of cuttings that use oil base muds on site' is included in the intermediate estimates. Currently there is **already** a requirement that if OBM cuttings are *not* skipped and shipped they **must** be treated before any discharge. However if this is an absolute requirement to treat on site, then not clear what benefit this would have to the NCMPA and removes the current choice operators have to either skip and ship or to treat on site prior to discharge.
- The BRIA suggests that 'the intermediate scenario is to be viewed as the best estimate i.e. the management measures likely to be closest to any measures that might be developed in the future.' – this is of concern as the assumptions made go beyond current best industry practice and in some cases it is not clear what the driver for the assumption is.
- Unclear why 'treatment of cuttings that use oil base muds on site' is included in the intermediate estimates of the BRIA. Currently there is **already** a requirement that if OBM cuttings are *not* skipped and shipped they **must** be treated before any discharge. However if this is an absolute requirement to treat on site, then not clear what benefit this would have to the NCMPA.
-

All of the above:

Yes X No

The development of the industry specific management measures and the status of them i.e. whether they are mandatory requirements, is key to the socioeconomic impact of the designation, particularly in consideration that four of the awarded blocks (oil & gas) overlap with proposed features. DECC would welcome input on the development of any future management measures.

5. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Faroe-Shetland sponge belt* possible Nature Conservation MPA?

Designation:

Yes X No

- Again this pMPA significantly overlaps with O & G activity that is already in

the area and it should be borne in mind that additional activity, such as infill wells is likely and decommissioning activity will be an absolute requirement. A significant number of licences have been awarded during the 26th & 27th licensing rounds indicating significant interest in the area for development. We have concerns in respect to the quality and availability of data on the *distribution* of protected features within the MPA. More consideration should be given to the size and siting of this pMPA.

Management Options:

Yes X No

- The Management Options paper should state “early dialogue with the **relevant regulator**,” not just Marine Scotland, as MS will not always be relevant regulator (i.e.. for O & G).
- The BRIA suggests that ‘the intermediate scenario is to be viewed as the best estimate i.e. the management measures likely to be closest to any measures that might be developed in the future.’ – this is of concern as the assumptions made go beyond current best industry practice and in some cases it is not clear what the driver for the assumption is.
- We do not agree that the “no additional management measures & reduce /limit pressures management options” will have a similar effect as this will depend on the management measures proposed, some of which go beyond current industry best practice and regulatory requirements. Some management measures may be technically unfeasible or make the activity economically unviable e.g. micro siting,
- micro-siting and minimising or avoiding the introduction of materials – might not be possible to comply with given the nature of the seabed and the dynamic nature of the area.
- Remove/avoid pressure – it is difficult to see how this could be achieved with the current and potential level of O & G activity in the Faroe Shetland Sponge Belt pMPA.

Socioeconomic Assessment:

Yes X No

- Unclear how Conserve objective is achievable when feature condition is categorised as “uncertain”.
- Additional costs may also effect pre-26 & 27th licence round applications e.g. infill drilling applications at existing licensed locations.
- There is significant Oil and Gas presence and potential development in the area and the ‘designate scenario’ has the potential to have more far reaching impact on oil & gas if additional management measures are extended to current activities.
- Do not agree with the assumptions for Oil and Gas Cost Impacts – especially the intermediate estimate which appears to be virtually identical to lower the estimate.
- Unclear why ‘treatment of cuttings that use oil base muds on site’ is included in the lower and intermediate estimates. Currently there is **already** a requirement that if OBM cuttings are *not* skipped and shipped they **must** be treated before any discharge. However if this is an absolute

requirement to treat on site, then not clear what benefit this would have to the NCMPA.

- Inclusion of 'micro-siting of infrastructure in areas of reduced sponge density drawing on data held by JNCC & on data collected by operators.' suggests a more onerous sampling regime may be required even in the lower estimate. Unclear if a potentially larger sampling regime has been included in the cost estimates. Does not acknowledge that micro-siting may not be possible for all infrastructure.

All of the above:

Yes X No

There is already strong O & G activity with indications the area is ripe for development. Consideration should be given to redrawing the boundaries of this pMPA given that it may not be possible to comply with the proposed management options/measures. The development of the industry specific management measures and the status of them i.e. whether they are mandatory requirements, is key to the socioeconomic impact of the designation, particularly in consideration of the existing and potential oil and gas activity which overlaps with proposed features. DECC would welcome input on the development of any future management measures.

6. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Fetlar to Haroldswick* possible Nature Conservation MPA?

Designation:

Yes No X

Comments

Management Options:

Yes No X

Comments

Socioeconomic Assessment:

Yes No X

Comments

All of the above:

Yes No X

Comments

7. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Hatton-Rockall Basin*

possible Nature Conservation MPA?

Designation: Yes No X

Comments

Management Options: Yes No X

Comments

Socioeconomic Assessment: Yes No X

Comments

All of the above: Yes No X

Comments

8. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Creran* possible Nature Conservation MPA?

Designation: Yes No X

Comments

Management Options: Yes No X

Comments

Socioeconomic Assessment: Yes No X

Comments

All of the above: Yes No X

Comments

9. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Sunart* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

10. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Sunart to the Sound of Jura* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

11. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Sween* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

12. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Lochs Duich, Long and Aish* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

13. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Monach Isles* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

14. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Mousa to Boddam* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

15. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *North-east Faroe Shetland Channel* possible Nature Conservation MPA?

Designation:

Yes X No

- There is significant concern on the spatial extent of the pMPA. We have concerns in respect to the quality and availability of data on the distribution of protected features within the MPA. More consideration should be given to the size and siting of this pMPA.

Management Options:

Yes X No

- The Management Options paper should state “early dialogue with the **relevant regulator**,” not just Marine Scotland, as MS will not always be relevant regulator (i.e. for O & G).
- We do not agree that the “no additional management measures & reduce /limit pressures management options” will have a similar effect as this will depend on the management measures proposed, some of which go beyond current industry best practice and regulatory requirements. Some management measures may be technically unfeasible or make the activity economically unviable e.g. micro siting,
- The Management Options Paper does not seem to acknowledge that there is a distinction between Oil and Gas Licenses which are issued based on the high level Strategic Environmental Assessment and in some cases further appropriate assessment and the activity specific consents/approvals which are supported by site specific data. Suggest amendment from ‘through the existing licensing process’ to ‘through the existing regulatory processes.

Socioeconomic Assessment:

Yes X No

- Unclear how Conserve objective is achievable when feature condition is categorised as “uncertain”.
- The BRIA suggests that ‘the intermediate scenario is to be viewed as the best estimate i.e. the management measures likely to be closest to any measures that might be developed in the future.’ – this is of concern as the assumptions made go beyond current best industry practice and in some cases it is not clear what the driver for the assumption is.
- Additional costs may also effect pre-26 & 27th licence round applications e.g. infill drilling applications at existing licensed locations.
- BRIA should acknowledge consultation with DECC & confirm if consultation has been undertaken with the oil and gas trade body Oil & Gas UK.

All of the above:

Yes X No

The development of the industry specific management measures and the status of them i.e. whether they are mandatory requirements, is key to the socioeconomic

impact of the designation, particularly in consideration of the existing and potential oil and gas activity which overlaps with proposed features. DECC would welcome input on the development of any future management measures.

16. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *North-west Orkney* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

17. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *North-west sea lochs and Summer Isles* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

18. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Noss Head* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

19. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Papa Westray* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

20. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Rosemary Bank Seamount* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

21. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Small Isles* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

22. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *South Arran* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

23. Do you have any comments on the case for designation, management options and socioeconomic assessment for *The Barra Fan and Hebrides Terrace Seamount* possible Nature Conservation MPA?

Designation: Yes No

We have some concerns with the designation of this site as it covers an area that could potentially be developed for O & G in the future, as licences were awarded in the 27th Licence round which overlap with burrowed mud and offshore deep sea muds features of the pMPA.

Management Options: Yes No

- The Management Options paper should state “early dialogue with the **relevant regulator**,” not just Marine Scotland, as MS will not always be relevant regulator (i.e. for O & G).

Socioeconomic Assessment: Yes No

Comments

All of the above:

Yes x No

The development of the industry specific management measures and the status of them i.e. whether they are mandatory requirements, is key to the socioeconomic impact of the designation, particularly in consideration of the potential oil and gas activity which overlaps with some of the proposed features. There is the real possibility that the designation could result in impacts on investment opportunities. DECC would welcome input on the development of any future management measures.

24. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Turbot Bank* possible Nature Conservation MPA?

Designation:

Yes X No

Our preference is for the Firth of Forth Banks Complex to be designated rather than the combined Turbot Bank/Norwegian Boundary Sediment Plain

Management Options:

Yes No X

Comments

Socioeconomic Assessment:

Yes X No

Designation of the Firth of Forth Banks Complex to be designated rather than the combined Turbot Bank/Norwegian Boundary Sediment Plain would remove the potential for O & G activity in the Norwegian Boundary sediment Plain to compromise protection of the species/habitat.

All of the above:

Yes No X

Comments

25. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Upper Loch Fyne and Loch Goil* possible Nature Conservation MPA?

Designation:

Yes No X

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

26. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *West Shetland Shelf (formerly Windsock)* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

27. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Wyre and Rousay Sounds* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options:

Yes No X

Comments

Socioeconomic Assessment:

Yes No X

Comments

All of the above:

Yes No X

Comments

Choices to represent features in the MPA Network

28. Recognising the scientific advice from JNCC included alternatives for representing offshore subtidal sands and gravels, ocean quahog and shelf banks and mounds in the Southern North Sea, do you have a preference or comments on the following combinations to represent these features, bearing in mind Turbot Bank will need to be designated to represent sandeel in this region:

- Firth of Forth Banks Complex
- Turbot bank and Norwegian Boundary Sedimentary Plain
- Or Firth of Forth Banks Complex, Turbot bank and Norwegian Boundary Sedimentary Plain

Our preference would be for the Firth of Forth Banks complex as this has the potential to remove the Norwegian Boundary sediment Plain from the proposals where there is O & G activity. The proposed species/habitats could be protected without conflict with the O & G industry.

29. Do you have any comments on the case for designation, management options and socioeconomic assessments for the preference you have indicated in the question above, regarding alternatives for representing offshore subtidal sands and gravels, ocean quahog and shelf banks and mounds in the Southern North Sea?

Yes X No

- The Norwegian Boundary Sediment Plain area includes two active O & G fields and there are another six licences issued indicating significant current and future activity. Although the distribution of Ocean quahog seems concentrated in this area this is obviously as a result of environmental sampling undertaken by O & G interests and thus distribution is skewed. As there are alternative sites for ocean quahog, we consider it unnecessary to designate the Norwegian Boundary Sediment Plain as a pMPA.
- If the Norwegian Boundary Sediment Plain is designated the Management Options should state “Early dialogue with **the relevant regulator...**” as DECC are responsible for O & G not MS.
- Remove/avoid pressure – it is difficult to see how this could be achieved with the current and potential level of O & G activity in the Norwegian Boundary Sediment Plain.

30. Recognising the scientific advice from JNCC included alternatives for representing the burrowed mud feature in the Fladens, do you have a

preference or comments on the following combinations to represent these features, bearing in mind the part of Central Fladen (known as Central Fladen (Core)) containing tall seapen (*Funiculina quadrangularis*) will need to be designated to represent tall seapen in this region:

- Central Fladen pMPA only
- The tall sea-pen component of Central Fladen, plus Western Fladen
- Or the tall sea-pen component of Central Fladen, plus South-East Fladen.

31. Do you have any comments on the case for designation, management options and socioeconomic assessments for the preference you have indicated in the question above, regarding alternatives for representing the burrowed mud feature in the Fladens?

Yes No

The Western Fladen and SE Fladen boundaries surround several active O & G fields. Although the Central Fladen and Core areas have associated licences there is no current production. If these are the only suitable areas to represent burrowed mud it is preferable that a single area is chosen to limit interaction with industry.

32. Recognising the scientific advice from JNCC included alternatives for representing offshore subtidal sands and gravels, offshore deep sea mud, and burrowed mud in OSPAR Regions III and V, do you have a preference or comments on the following combinations to represent these features:

- South-West Sula Sgeir and Hebridean slope
- Or Geikie slide and Hebridean slope

Comments

33. Do you have any comments on the case for designation, management options and socioeconomic assessments for the preference you have indicated in the question above, regarding alternatives for representing offshore subtidal sands and gravels, offshore deep sea mud, and burrowed mud in OSPAR Regions III and V?

Yes No

Comments

Sustainability Appraisal

34. Do you have any comments on the Sustainability Appraisal of the MPA network as a whole?

Yes X No

- The costs for all phases seem to be a magnitude of order out. No consideration seems to have been made for additional survey work to delineate the extent of a feature – which could be considerable when in relation to some of the proposed larger sites.
- It is unclear whether the potential costs associated with ‘micro-siting’ have been taken into consideration.
- The SA seems to dismiss any additional cost for environmental data or justification or other proposed management measures would be incidental given the overall expenditure on exploration and development. However, O & G is a **business**, and many factors contribute to the sanctioning of a project, including the consideration of development costs in other parts of the world. If development is hindered this could have serious economic impacts on Scotland and the UK.

Final Thoughts

35. On the basis of your preferences on which pMPAs should be designated, do you view this to form a complete or ecologically coherent network, subject to the completion and recommendations of SNH’s further work on the 4 remaining search locations?

Yes X No

36. Do you have any other comments on the case for designation, management options, environmental or socioeconomic assessments of the pMPAs, or the network as a whole?

Yes X No

There are several areas where the data and evidence available for the designation of a site is uncertain and others where a significantly large area has been

proposed. More consideration should be given to the requirement for these sites or the spatial extent required to 'protect' a species or habitat.