

Inner Hebrides and the Minches proposed Special Area of Conservation for the protection of harbour porpoise.

Questions & Answers

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SPECIAL AREAS OF CONSERVATION

What is a Special Area of Conservation (SAC)?

Special Areas of Conservation (SACs) are areas of land, freshwater and/or sea designated under the EU Habitats Directive as being particularly important for the conservation of the natural habitats and species of plants and animals they support.

Why do we need SACs for harbour porpoise?

The listing of harbour porpoise in the EU Habitats Directive means the Scottish Government has a legal obligation to protect harbour porpoises wherever they are found in our seas, and also to designate Special Areas of Conservation for them. SACs will contribute towards maintaining the favourable conservation status of harbour porpoise by conserving harbour porpoise and the habitats that support them in Scottish waters.

Considering that harbour porpoise are already a protected species throughout Europe, what added protection will an SAC provide?

The harbour porpoise is legally protected throughout Scottish waters. However, species protection alone is not thought to be sufficient. Area-based measures which provide protection for harbour porpoise habitat and supporting prey species (including the introduction of SACs) will make a significant contribution to maintaining the species at favourable conservation status.

Currently, the single SAC located in Northern Ireland is not considered sufficient to fulfil the wider UK's obligation under the EU Habitats Directive. The Inner Hebrides and the Minches pSAC has been identified in Scotland alongside five other pSACs in waters adjacent to England, Wales and Northern Ireland (see <http://jncc.defra.gov.uk/page-7059>).

SAC designation requires the establishment of conservation objectives for the protected features of the site, conservation measures (should these be required) and the assessment of plans and projects (proposals with potential to negatively impact the site), for which approval can only normally be given where they will not adversely affect the designated species or habitats.

Are harbour porpoises protected in any other ways?

The EU Habitats Directive prohibits deliberate killing, capturing or disturbance of harbour porpoise anywhere in European waters. The EU Marine Strategy Framework Directive (MSFD) requires Member States to develop strategies for the management of human activities including noise levels in the marine environment which harbour porpoise are susceptible. Harbour porpoise is also listed as a threatened and / or declining species under the OSPAR convention; and Fisheries Regulation EC 812/2004 concerning incidental catches of cetaceans in fisheries. Porpoises are also included in the international Agreement on the Conservation of Small Cetaceans in the Baltic, North East Atlantic, Irish and North Sea (ASCOBANS) to which the UK is a signatory.

How was the Inner Hebrides and the Minches pSAC identified?

The Inner Hebrides and the Minches pSAC is located within the West Scotland harbour porpoise Management Unit¹ and is an area with high predicted and observed densities of harbour porpoise. The area included within the site covers important summer habitat, where the density of animals has been shown to be consistently above average. Although there are more data from summer months, harbour porpoise are present throughout the year.

In January 2016 a request was made by Scottish Government for Scottish Natural Heritage

¹ UK waters are divided into three management units for harbour porpoise: the North Sea (NS), the Celtic and Irish Seas (CIS) and West Scotland (WS), see Figure 1 below.

to work with Marine Scotland Science, JNCC and others to provide joint advice on a site.. The advice was requested by the Scottish Government because the West Scotland management unit is the only management unit around the UK in which a site for harbour porpoise has not been proposed.

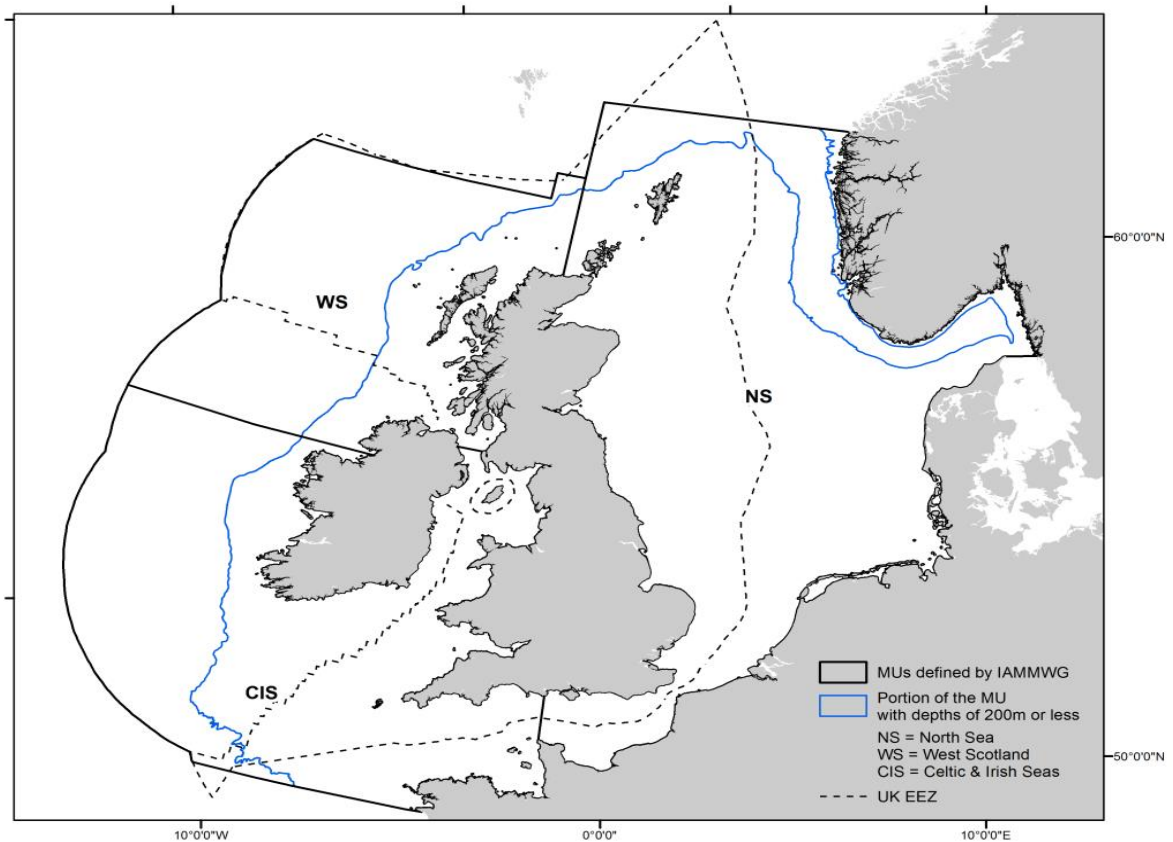


Figure 1. Management Units for harbour porpoise defined by the UK Inter-Agency Marine Mammal Working Group (IAMMWG, 2015). These areas were derived from those used by ICES (2014) to define Assessment Units in wider European waters.

Is the evidence sufficient to designate the site?

Yes. Collecting scientifically robust data on a wide ranging, highly mobile species, such as harbour porpoise, is challenging. However we are confident that the evidence is sufficient to designate the site. All data used in the selection process are sea-based data collected from shipboard or aerial surveys. The majority of these data are visual sightings but acoustic data (collected by passive listening devices that are towed behind a vessel and detect porpoise vocalisations) are also used. The data analysis process was externally peer reviewed before publication. More information on the evidence and how data were used can be found in the [Overview Document](#).

Why is the Inner Hebrides and the Minches pSAC so large?

Large sites are ecologically more sensible for wide-ranging species that have the potential to move over large distances. The Inner Hebrides and the Minches pSAC needed to be large to ensure that sufficient numbers of porpoises and area of their habitat were included within the site.

What information sources were used, and how can I view them?

Two sets of modelled outputs were used to identify the Inner Hebrides and the Minches pSAC.

DHI Water Environments Ltd undertook a contract for JNCC that used data from the Joint Cetacean Protocol (JCP) and habitat variables (e.g. sediment, currents, depth) to produce models to determine if persistent areas of high harbour porpoise density were present in UK

waters. This work was published in Heinänen and Skov (2015) and is available from http://jncc.defra.gov.uk/pdf/JNCC_Report%20544_web.pdf. Those areas identified as being persistently in the top 10% of harbour porpoise densities in the West Scotland management unit were used to identify the possible SAC. The JCP was created in 2004 and is amongst the largest collation of standardised survey data on harbour porpoise in the world, comprising 39 data sources with data from at least 545 distinct survey platforms (ships and aircraft) representing over 1.05 million km of survey effort (coverage across the entire study area) over an 18 year period from 1994-2011. More information on the JCP can be found on the JNCC Joint Cetacean Protocol webpage: <http://jncc.defra.gov.uk/page-5657>.

A second set of modelling outputs produced by Booth (2010) and Booth *et al.* (2013), with some additional data incorporated, were also used. These are referred to as the West coast analysis. These studies used sightings and acoustic detections of harbour porpoise from Hebridean Whale and Dolphin Trust (HWDT) data, collected during the summers of 2003-2008. The publication by Booth *et al.* (2013) used an additional two years of HWDT data from 2009 and 2010. These HWDT effort-corrected sightings data were also included within the JCP and therefore the data cannot be considered to be completely independent. In addition, acoustic data collected from a towed hydrophone were also used and were analysed separately from the visual survey data. The model outputs predict the relative density of harbour porpoise along the west coast of Scotland from Kintyre to the north end of the Minch using HWDT data and habitat variables (e.g. sediment type (% mud), maximum spring tidal range, seabed depth and slope). Booth (2010) used areas defined by the 80th percentile (top 20%) of density to identify possible locations for Special Areas of Conservation for harbour porpoise. For the purposes of identifying a site in West Scotland the top 20% areas were reproduced using the additional data presented in Booth *et al.* (2013).

Further details are provided in the [Overview document](#). Relevant GIS data are available to view through [NMPi](#) at launch.

What do the analysis outputs mean in terms of the presence of harbour porpoise in the selected areas?

An Area of Search (AoS) was identified through visual inspection of the model outputs (see above) to identify areas predicted to be of high harbour porpoise density. The AoS incorporated the top 10% persistent high density areas from the West Scotland shelf analysis and virtually all of the top 20% of harbour porpoise density derived from the West coast analysis, in addition to some areas that were in the top 50% of harbour porpoise densities from the latter.

How does the site selection process for the Inner Hebrides and the Minches compare to the process for the rest of the UK?

The persistent top 10% density areas produced in the West Scotland shelf analysis was used as the part of the starting point (Area of Search) to identify the Inner Hebrides and the Minches pSAC. This top 10% density area was derived from analyses undertaken by Heinänen and Skov (2015), which also produced persistent top 10% density areas for the rest of the UK management units and were used in the selection of pSACs elsewhere in the UK. However, the model outputs derived from the West coast analysis were also used to derive the Area of Search from which the Inner Hebrides and the Minches pSAC was identified. In refining the Areas of Search the two approaches both considered the confidence in the modelled data, the presence of sightings data and used a very similar set of boundary setting principles which are outlined in the [Overview document](#). The approach for the Inner Hebrides and the Minches pSAC also considered the presence of calf/juvenile data following Marine Scotland's request but this was not done in the rest of the UK. We also considered other published work relating to the distribution of porpoises on the west coast. Further details are provided in the Overview document.

How fixed are the boundaries of the proposed harbour porpoise site, what scope is there to change them?

The boundaries are based on a comprehensive analysis of data on harbour porpoise distribution. SNH, MSS and JNCC consider that the boundaries were identified through a robust scientific approach. However, at this stage this is a proposed site and changes to boundaries can be considered if there is a sound scientific basis and appropriate evidence for doing so.

It is important to note that social or economic considerations, including for example the potential impact of SAC designation on existing or future commercial activities, cannot be taken into account in decisions about designating SACs or defining their boundaries (in accordance with the EU Habitats Directive). Such issues may be addressed through management decisions once an SAC has been designated.

My data/report found other areas to be important: why have they not been included?

The site identification process involved the use of sightings data within the Joint Cetacean Protocol that met certain technical standards, as well as additional acoustic data from the Hebridean Whale and Dolphin Trust. Available data from the West Scotland Management Unit were analysed using two different statistical models (the West Scotland shelf analysis and the West coast analysis) to determine where relatively higher densities of harbour porpoises are present. The areas identified were also supported by harbour porpoise habitat association modeling work by two other studies. This was considered to be a robust approach for determining areas of high density.

What if we have more data that haven't yet been used in the analysis?

Although SNH, JNCC and MSS have completed work on the identification of for the Inner Hebrides and the Minches SAC for harbour porpoise, additional data have the potential to inform the development of the final boundaries and future management of any designated site. If you hold data on harbour porpoise that you would like to be considered further by SNH, JNCC and MSS please submit it as part of a response to the consultation www.snh.gov.uk/porpoiseSAC

Was the work subject to expert review?

Marine Scotland hosted a workshop on the 4-5th February 2016 which brought together Marine Scotland Science, SNH and JNCC to develop a draft SAC. Two independent scientists also took part. During the workshop, a new site proposal was identified and draft conservation objectives and management advice were also discussed. Following the workshop, SNH led production of the Selection Assessment Document and the overview document with input from others who attended. Between 10-12th February the work was then peer reviewed by independent scientists (Dr Cormac Booth, and independent scientists from the Universities of St Andrews and Aberdeen), as well as by staff in SNH, Marine Scotland and JNCC. These comments were then addressed and the advice was signed-off through SNH's peer review process for formal advice on protected areas. This included review by SNH's Scientific Advisory Committee, Management Team and Protected Areas Committee.

The West coast analysis is published and therefore has also been subject to peer review and the West Scotland shelf analysis was peer reviewed during the finalisation of the contract as well as by JNCC statistician.

Has a decision already been made on whether this site will be designated?

No. Once formal consultation has taken place Scottish Natural Heritage, MSS and JNCC will prepare a report on the consultation responses for Scottish Ministers. The report will include revisions to the advice, where appropriate. The decision on whether to submit candidate SACs to the European Commission lies with Scottish Ministers and must be made only on the basis of the scientific evidence for the site under consideration.

Does the site have any kind of formal protection now?

It is Scottish Government policy that all proposed SACs, that is any SAC which is the subject of a formal consultation, should be treated as designated in terms of management decisions and assessment of new activities (i.e. they receive policy protection). If Scottish Ministers decide to submit the site to the European Commission as candidate SACs, at that point they will have full legal protection.

Who makes the final decision on whether to designate the site?

Before pSACs are designated they must be formally submitted to the European Commission (EC) as candidate SACs (cSACs).

The decision on whether to formally submit candidate SACs to the EC is made by the relevant Scottish Ministers. If the candidate SAC is accepted as a Site of Community Importance (SCI) by the European Commission, then Scottish Ministers have up to 6 years to formally designate the site as an SAC and have any necessary management in place.

MANAGEMENT OF SACs

What are the conservation objectives for the site?

The draft Conservation Objectives for the site have been developed by SNH, JNCC and Marine Scotland Science, and agreed with the Scottish Government.

Conservation Objectives are designed to ensure that the obligations of the EU Habitats Directive are met. They do this by providing a basis against which to assess the requirements of Article 6(2) of the Directive which requires that there should be no deterioration or significant disturbance of the qualifying species or to the habitats upon which they rely. The Conservation Objectives provide a basis for assessing plans and projects as required under Article 6(3) of the Directive.

The conservation objectives of the site are:

1. To maintain site integrity and ensure the site continues to make a contribution to harbour porpoise remaining at favourable conservation status in UK waters.
2. To avoid significant killing, injury, or disturbance of harbour porpoise.
3. To maintain the habitat and prey of harbour porpoise in favourable condition.

Further supplementary advice on the conservation objectives are provided in the [Advice to Support Management](#) document.

Who is responsible for management of the site?

Once designated, all authorities with existing responsibilities for planning and regulating marine activities in the marine and coastal environment are responsible for ensuring that these activities do not have a detrimental effect on the qualifying feature, harbour porpoise.

How will the site be managed?

Harbour porpoises are already protected wherever they occur in Scottish waters under European and UK law and there are already measures in place which contribute to site management. The species is found throughout UK waters and ranges widely, but the proposed Inner Hebrides and the Minches pSAC represents an area that appears to be of particular importance to the species. Designation of the proposed Inner Hebrides and the Minches pSAC will ensure that the impact of any new coastal or marine developments on harbour porpoise and their habitats will be assessed and managed appropriately.

Additional management may be required in or near the site in order to ensure that the conservation objectives for the site are met. [Advice to support management](#) has been prepared to provide people using the site with information that will help them assess the possible implications of the SAC for their activities. The management advice will provide the starting point for discussing future management of the site.

Will any current or new activities be affected?

Harbour porpoise are considered to be in favourable conservation status in UK waters. SACs are intended to protect species and habitats and they are not intended to prohibit activities or become 'no go' areas. Additional management for the site would only be introduced for activities that posed a risk to achieving the conservation objectives of the site. There would be further opportunities to discuss management of the site should the site be designated.

There is a statutory procedure that must be followed when considering plans or projects that could affect SACs, whether the proposals are located within the site or outside. The statutory assessment process is known as a Habitat Regulations Appraisal (HRA).

How will we know what the impacts will be on affected activities?

A Business and Regulatory Impact Assessment (BRIA) has been produced to provide a clear understanding of the possible socio-economic impacts of designating the Inner Hebrides and the Minches pSAC as a Special Area of Conservation. The assessment has not identified any significant economic impacts to activities currently operating in the pSAC, mainly due to the adoption of existing best practice and the location of these activities.

The BRIA is available as part of the consultation on the Marine Scotland webpages: <http://www.gov.scot/Topics/marine/marine-environment/mpanetwork/harbourporpoisesacs>

CONSULTATION

How are consultation responses taken into account?

During and after the consultation, responses will be carefully considered and the results of this process will be presented in a publically available report which summarises whether any changes could/should be made to the site proposal in light of any scientific information and evidence submitted. Although socio-economic information cannot be taken into account in the site designation process, any evidence received will be passed to Marine Scotland who may use it when determining management measures that they are responsible for.

What is the timetable for the site after consultation?

What happens after the consultation and when will depend on the responses gathered during consultation. If changes or amendments to the proposed site are minor or not required the timetable should progress quickly and, subject to the agreement of Scottish Ministers, we would expect the site to be formally submitted to the European Commission as a candidate SAC in 2016.

How can I make a response?

Additional information and links to the online response form can be accessed through the Scottish Natural Heritage webpage: www.snh.gov.uk/porpoiseSAC

Contacts

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