POLICY NOTE

THE RED ROCKS AND LONGAY URGENT MARINE CONSERVATION (NO. 2) ORDER 2021 (URGENT CONTINUATION) ORDER 2022

SSI 2022/39

1. The Red Rocks and Longay Urgent Marine Conservation (No. 2) Order 2021 (Urgent Continuation) Order 2022 is made by the Scottish Ministers in exercise of the powers conferred by section 88(6) of the Marine (Scotland) Act 2010 ("the 2010 Act") and all other powers enabling them to do so.

Policy Objectives

2. The purpose of the Order is to extend the duration of The Red Rocks and Longay Urgent Marine Conservation (No 2) Order 2021, which prohibits the deployment and use of certain fishing gears and other activities in the Red Rocks and Longay Marine Protected Area (MPA). The original Red Rocks and Longay MPA was designated to conserve flapper skate and their eggs.

Policy Background

2. The Red Rocks and Longay MPA was first designated in March 2021, following provision of advice from NatureScot regarding the discovery of flapper skate eggs in the Inner Sound of Skye. According to section 3 of the Marine (Scotland) Act 2010 Scottish Ministers must act in a way best calculated to further the achievement of sustainable development, including the improvement of the health of the Scottish Marine Area, when exercising any function that affects that Area under the Act. In 2021, having identified approximately 100 flapper skate eggs, Scottish Ministers determined there was a need to act in a way that helped recovery, and therefore improve the health of our seas.

4. At the same time as the Red Rocks and Longay MPA was urgently designated in March 2021, The Red Rocks and Longay Urgent Marine Conservation Order 2021 was implemented. The MPA was re-designated in December 2021 to extend the site boundary due to discovery of an estimated 725 further flapper skate eggs outside the original site boundary, and the urgent Marine Conservation Order was revoked and replaced by The Red Rocks and Longay Urgent Marine Conservation (No 2) Order 2021 to make reference to the re-designated MPA, to further the conservation objectives of the MPA.

5. In accordance with section 88(2) of the 2010 Act, an urgent marine conservation order can only remain in place for a maximum of 12 months. However, the Scottish Ministers may extend such an order for up to a further 12 months by making an urgent continuation order in accordance with section 88 (6) and (7) of the 2010 Act. If making an urgent continuation order, the Scottish Ministers must intend to make a permanent marine conservation order in respect of the MPA concerned and must have published notice of their proposal to do so.

Notice to designate permanent MPA and permanent Marine Conservation Order

7. In accordance with the requirements of the 2010 Act, on 01 February 2022 the Scottish Ministers published notice of their proposal to designate the Red Rocks and Longay MPA on a permanent basis and to implement a permanent marine conservation order in respect of the Red Rocks and Longay MPA. All of the relevant documents can be found at: https://consult.gov.scot/marine-conservation/red-rocks-longay-marine-protected-area.

Consultation

8. In determining the need for this Order the Scottish Ministers have taken account of advice from NatureScot. There has been no public consultation on this Urgent Continuation Order, however as noted above, there is an ongoing consultation on the proposal to designate Red Rocks and Longay as a permanent MPA with an associated marine conservation order.

Impact Assessments

9. A Business and Regulatory Impact Assessment (BRIA) has not been carried out for this Urgent Continuation Order, however a partial BRIA has been published for the consultation on the designation of a permanent MPA and a permanent Marine Conservation Order in respect of the Red Rocks and Longay MPA. A draft Islands Community Impact Assessment screening (ICIA) has also been published, which determined a full assessment was not required. Screening for an Equality Impact Assessment was undertaken and full assessment was not required.

Scottish Government
Marine Scotland Directorate
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