

Marine Scotland

Consultation on Possible Designation of a Seal Haul-out Site

Proposal in respect of the Ythan Estuary

marinescotland

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Includes New Proposed Site ES 003

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Includes New Proposed Site ES 003

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CONSULTATION ON POSSIBLE DESIGNATION OF A SEAL HAUL-OUT SITE - Proposal In Respect of The Ythan Estuary

Background

Section 117 of the Marine (Scotland) Act 2010 (the Act) provides for Scottish Ministers, after consulting the Natural Environment Research Council (NERC), to designate haul-out sites, which are considered suitable to protect seals from harassment, through an order in the Scottish Parliament. **A haul-out site is a location on land where seals haul themselves out to rest, moult, breed or have pups.**

The Protection of Seals (Designation of Haul-Out Sites) (Scotland) Order 2014 came into force on 30 September 2014 and designated 194 seal haul-out sites where seals are protected from harassment.

The 194 designated sites consist of:-

- 149 haul-out sites consisting of 62 used by common (harbour) seals, 20 by grey seals and 67 shared by these species;
- 45 grey seal breeding sites, used by this species specifically during the breeding season.

All of these sites will be protected all year round.

They were identified through the [methodology](#) developed by Sea Mammal Research Unit (SMRU) on behalf of NERC. The list of seal haul-out sites is set out under each [Seal Management Area](#).

This initial list of designated seal haul-out sites is open for review by Scottish Ministers. This allows for the designated sites to reflect changes in seal haul-out patterns over time by the addition of sites newly adopted by seals, if they meet the criteria, or by the removal of existing sites that seals have abandoned.

The Scottish Government requested formal advice from NERC about how often these sites should be reviewed. At a meeting on 3 September 2014, NERC's Special Committee on Seals (SCOS), which meets annually to discuss all matters related to the management of UK seal populations advised that the list of seal haul-out sites should normally be reviewed every 5 years. They also, however, recommended some flexibility for specific cases of particular concern. More info about the SCOS advice can be found [here](#).

Marine Scotland has produced [guidance](#) on the offence of harassment at seal haul-out sites, which offers definitions of *harassment*, *intentional* and *reckless*.

Consultation On A Possible New Seal Haul-Out Site

The Scottish Government received a proposal that a seal haul-out site located at the mouth of the River Ythan should be considered for designation to protect seals using this site from harassment. This is a relatively new site for grey seals situated in the

East Coast of Scotland Management Area. This site was identified as important too late in the original seal haul-out designation process to be included in 2014.

In response Marine Scotland requested SMRU on behalf of NERC to assess the site against the original methodology. They found that the Ythan Estuary satisfies the necessary requirements for designation. The latest surveys confirmed the site holds 26% of grey seals and 1% of harbour seals in the East Coast of Scotland Seal Management Area.

The site is easily accessible by land and it may be vulnerable to disturbance. The increased number of seals using the site have attracted tourists and the presence of the latter could result in harassment of the seals. In SMRU's opinion there are therefore grounds for considering this seal haul-out site for designation in advance of the standard 5-yearly review.

Scottish Natural Heritage supports these views.

Purpose of Consultation

The purpose of the consultation process is to seek stakeholder views on the proposal for the designation of an additional seal haul-out site in the Ythan Estuary under the Marine (Scotland) Act 2010, and on the timing of any possible designation.

It is important to point out that this will focus on three issues which are intended to provide a focus for discussion:

1. Whether or not the proposed site should be designated;
2. What potential risks of harassment of seals there are on the proposed site;
3. Whether or not there are sufficient grounds for considering designation before the appropriate period of 5 years and, if so, how quickly this should occur?

Next Steps

Marine Scotland will review the responses to this consultation before submitting a recommendation for consideration by Scottish Ministers on whether or not to proceed with this proposal.

Questions

Question 1: Do you consider that the proposed site should be designated to protect seals from harassment?

Yes ☐ No ☐

Question 2: If you support designation of this site, what are your reasons?

Comments

Question 3: If you oppose the designation of this site, what are your reasons?

Comments

Question 4: Do you consider that seals on this site are at risk of harassment?

Yes ☐ No ☐

Comments

Question 5: What activities do you consider could represent a potential risk of harassment to seals on this particular site?

Comments

Question 6: Do you consider that there are grounds for considering designation of this site before the normal review period of 5 years?

Yes ☐ No ☐

Comments

Question 7: If yes, how quickly should such a designation occur?

immediately ☐

after 1 year ☐

after 3 years ☐

HOW TO RESPOND

Responding to this consultation

You are invited to respond to this consultation by 4 December 2015. Please note that no extensions to this date can be permitted.

Response method

Responses can be sent by email, by post or by online electronic response form:

Email: SealHaul-out@scotland.gsi.gov.uk

Post: Seal Haul-Out Consultation - Ythan
Scottish Government
Marine Planning and Policy
Area 1-A South
Victoria Quay
Edinburgh
EH6 6QQ

On line: www.scotland.gov.uk/consultations

If you have any enquiries please email using the above address or send them to Seal Haul-Out Consultation - Ythan, Marine Planning & Policy, Area 1-A South, Victoria Quay, Edinburgh EH6 6QQ or call Oana Racu on 0131 244 0318.

If responding by email or post, please clearly indicate in your response which questions or parts of the consultation you are responding to.

(You do not have to respond to all questions in this consultation)

Feel free to answer just the question(s) relating only to your interests or expertise.

Please also provide:

Your name

Your contact details

The organisation that you represent (if applicable)

The main area of interest you identify with (one only):

- Nature conservation
- Fisheries
- Industry/transport
- Aquaculture
- Local authority
- Community group
- Public sector/Regulatory body
- Local Coastal Partnership
- Other (please state)

This will assist with our analysis of responses received.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** enclosed in this consultation paper as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Response checklist

If responding by email or post, please ensure you include:

Your name, address and e-mail
The organisation you represent (where applicable)
The main area of interest you identify with (as above)
Identification of the part(s) and question(s) you are responding to
Respondent information form

Consultation availability

Hard copies of this consultation document can be requested from:-

Oana Racu

Marine Scotland

Marine Planning and Policy

Area 1-A South Victoria Quay

Edinburgh EH6 6QQ

Email: SealHaul-out@scotland.gsi.gov.uk Tel: 0131 244 0318

This consultation can be viewed online at www.scotland.gov.uk/consultations

The Scottish Government now has an email alert system for consultations (SEconsult: <http://Scotland.gov.uk/consultations/seconsult.aspx>). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web link). SEconsult complements, but in no way replaces Scottish Government distribution lists and is designed to allow stakeholders to keep up to date with all Scottish Government consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Next steps in the process

Where respondents have given permission for their response to be made public (see the enclosed Respondent Information Form), these will be made available to the public in the Scottish Government Library and on the Scottish Government consultation web pages in late Autumn 2015. We will check all responses where agreement to publish has been given for any potentially defamatory material before lodging them in the library or placing them on the website. You can make arrangements to view responses by contacting the Scottish Government Library on 0131 244 4565. Responses can be copied and sent to you, but a charge may be made for this service.

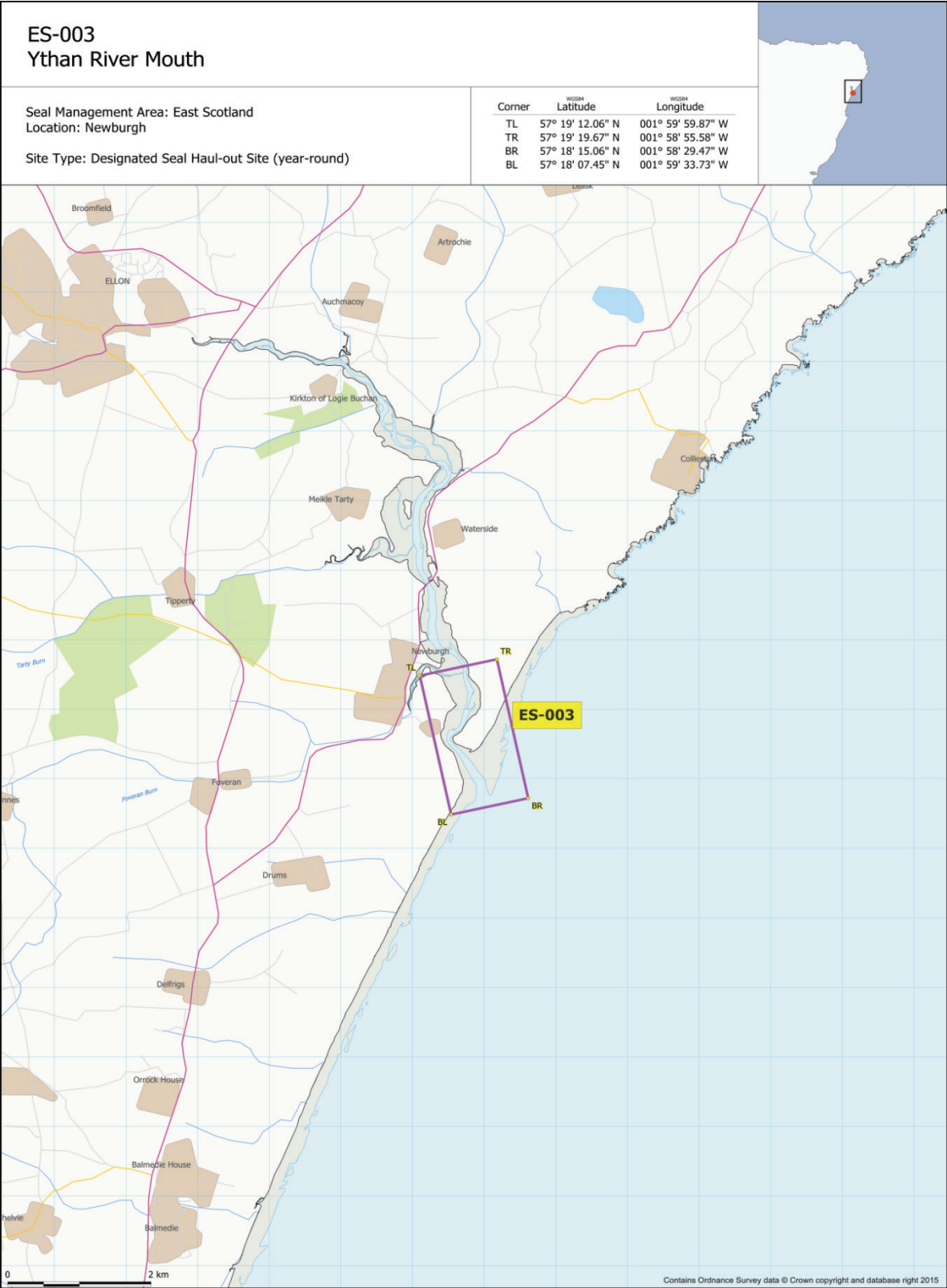
What happens next?

Following the closing date on 4 December 2015, all responses will be analysed and considered along with any other available evidence to help us reach a decision on a marine legislative framework.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to Oana Racu at the above address.

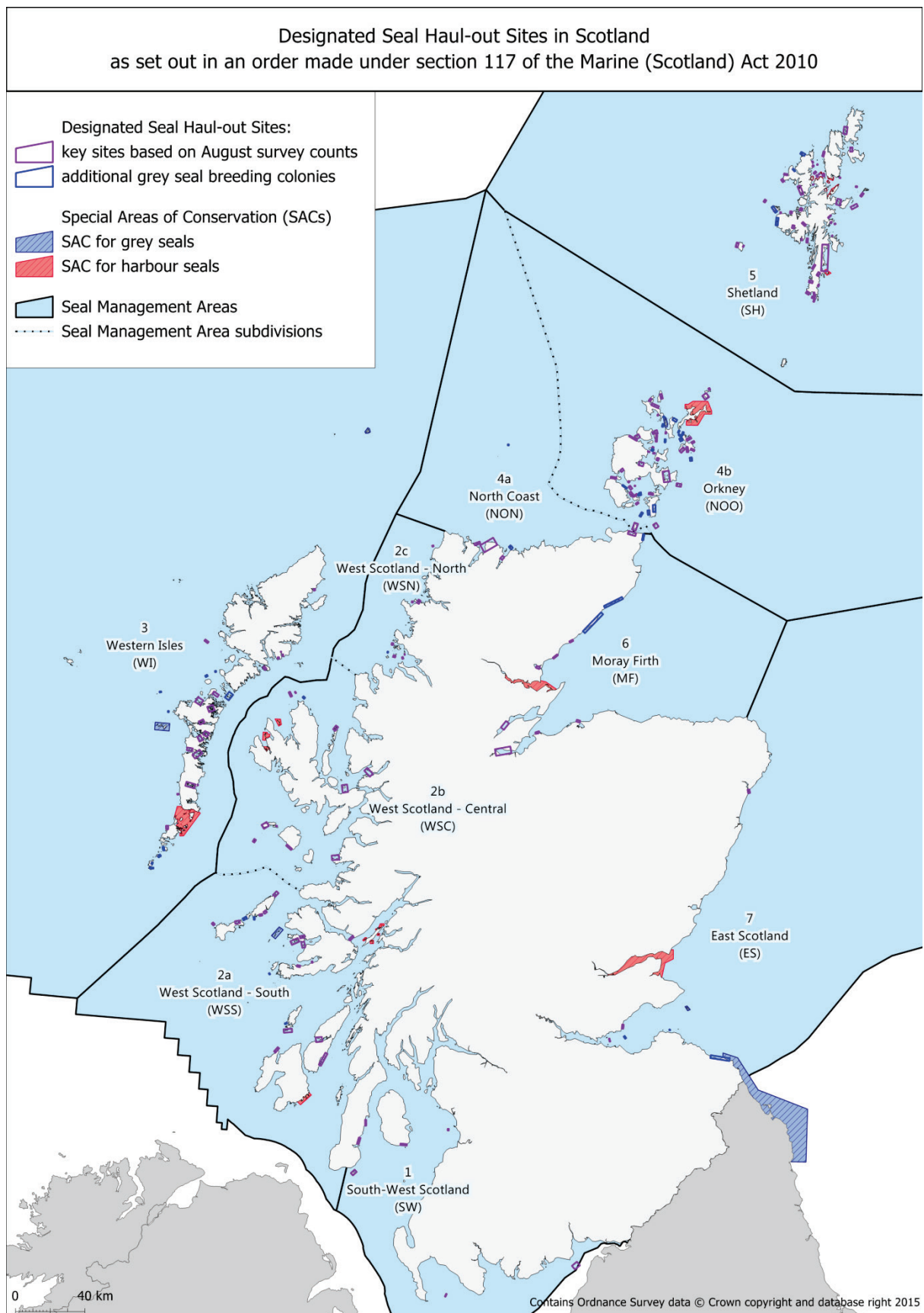
Annex A



Annex B



Annex C



Annex D

Site-ID	Site Name	Location	Coordinates (WGS84) for Bounding Rectangles				Species ¹	Pv% of SMA(sd) ²	Hg% of SMA(sd) ²
			Corner 1	Corner 2	Corner 3	Corner 4			
7	East Scotland								
ES-001	Kinghorn Rocks	Firth of Forth N	Lat: 56°05'05.52"N Long: 003°09'25.13"W	56°05'53.01"N 003°09'40.16"W	56°05'50.44"N 003°08'51.50"W	56°04'35.04"N 003°09'04.25"W	Pv&Hg	13%	2%
ES-002	Inchmickery and Cow & Calves	Firth of Forth	Lat: 56°00'58.71"N Long: 003°16'30.88"W	56°01'27.55"N 003°16'35.19"W	56°00'31.88"N 003°16'07.52"W	56°00'28.38"N 003°16'29.95"W	Pv&Hg	6%	1%
ES-003	Ythan River Mouth	Newburgh	Lat: 57°19'12.06"N Long: 001°59'59.87"W	57°19'19.67"N 001°58'55.58"W	57°18'15.06"N 001°58'29.47"W	57°18'07.45"N 001°59'33.73"W	Hg	1%	26%
							SAC(s):	48%	54%
							Total:	68%	83%

¹ **Pv** (*Phoca vitulina*): **Harbour/common seal**;

Hg (*Halichoerus grypus*): **Grey seal**.

If a site was identified for both species independently or both species contribute at least 10% to the total number of seals within the site, the site is regarded to be a shared site (Pv&Hg).

² **Percentage (%) of the Seal Management Area's (or sub-division's) Pv/Hg population** attributed to the site calculated using Time Weighted Averages (TWA) from counts obtained between 1996 - 2013. For some sites more counts (i.e. years) are available for calculating the TWA than are available for calculating the TWA of the entire Seal Management Area or sub-division. This means that the sum of all sites does not add up to 100% and can be smaller as well as greater. All percentages given are rounded to the nearest whole number. Therefore 0% does not necessarily imply that no animals were counted.



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