



## COMHAIRLE NAN EILEAN SIAR

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**Paul Wheelhouse MSP**  
**Minister for Environment and Climate Change**  
**The Scottish Parliament**  
**Edinburgh**  
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**DONALD MANFORD (SNP)**  
**Councillor, Barraigh, Bhatersaigh,**  
**Eirisgeigh agus Uibhist a Deas**  
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10<sup>th</sup> September 2012.

Dear Minister,

### **Request for Independent review of the evidence process for selecting East Mingulay Ridges marine special area of conservation.**

I would like to take this opportunity to congratulate you on your appointment and wish you a long and successful term of service.

On 17<sup>th</sup> November 2011, I wrote to your predecessor Stewart Stevenson MSP requesting an investigation into the processes used to designate the massively unpopular special areas of conservation in the area. Regretably he felt unable to grant my request although, hugely to his credit he did subsequently accept that Scottish Natural Heritage had achieved the quite exceptional feat of utterly losing the trust of the local community.

You will be aware that last year DEFRA commissioned an Independent Review into processes in England where the robustness and integrity of similar actions were called into question by stakeholders.

I request that you commission an independent review of the process to designate East Mingulay Ridges for the following reasons:

Selection was not justified by the science produced by SNH, but believed it was agenda led using the meeting of EU quota as justification. No evidence was produced that EU had ever asked for additional reefs of the type at East Mingulay and no evidence to support claims that this area was required by EU. Hence, the SNH claim that the designation is required under EU Habitats Directive is, distrusted and disbelieved.

In order to have any expectation of rebuilding trust or believing information to be impartial or objective; it is necessary to investigate what separation existed between Scottish Natural Heritage and Marine Scotland for providing and evaluating evidence. What principals exist for accepting or rejecting new evidence? What formal arrangements and guidelines are in place to ensure that SNH did not consciously or unconsciously allow their advocacy function to influence their work? What methods of separation exist between science and policy or personal conflicts of interest? Is SNH's role as advocate and objective provider of science-based advice appropriate? What principals exist against which evidence will be evaluated and what consultation took place on these protocols?

It is further necessary to establish what efforts were made to ensure that "best" examples of reef habitat in "UK" waters were selected? Was there a SNH bias towards short-term inshore solutions to save money, regardless of the cost and economic destruction inflicted on the communities concerned?

It is clearly understood locally that the Habitats Directive, adopted in 1992, is one of the cornerstones of EU nature conservation policy. It is equally understood that it is built around the Natura 2000 (N2K) Network of protected sites which consists of Special Areas of Conservation and Special Protection Areas. It is well known that in practice, member states have little discretion and that economic or social factors cannot be considered when selecting sites.

For these reasons and many others, it is imperative that such organisations can be trusted and believed by the people they exist to serve. I hope you can agree with me that this situation should not be allowed to endure and in all our interests to commission an independent review which should be a first step in beginning to rebuild trust.

Yours faithfully

Donald Manford.