

## Public Consultation Record

The Department received the following communications from members of the public during the Consultation Period between **30 September 2015 to 30 November 2015** in respect of the proposed new byelaws for the British Underwater Test and Evaluation Centre (BUTEC). Following the public consultation period the MOD and the BUTEC site contractors QinetiQ additionally conducted Working Group Meetings with the local fishing community in the vicinity, to address their concerns.

### Comments and MOD response re British Underwater Test and Evaluation Centre (BUTEC)

	Summarised Comment	MOD Response
1	Are there any proposed direct benefits of this development to the host communities?	Yes. In addition to the enhanced capability of the range benefiting national security, it will also be very good news for around 80 QinetiQ staff employed at Applecross and the Kyle of Lochalsh, improving the facilities and securing jobs at a large employment site in this remote area into the foreseeable future.
2	Who is gaining the financial returns from the proposed BUTEC expansion?	The local community will derive financial benefits from continuing secure employment on the site. The MOD expansion has been planned with QinetiQ to hopefully deliver some £1 million per annum in operational cost savings until 2028, securing value for the taxpayer while QinetiQ will be fairly recompensed for their work.
3	Can the applicants clarify if the “deadline” for responses 18/11/2015 is the beginning or end of the “consultation” process?	This was the original date for the end of the consultation process which was subsequently extended until the end of Nov.
4	The fishing industry and local communities were assured of a “robust consultation”. Can the MOD/applicant please provide evidence detailing the number of meetings held with representatives of the local fishing industry, and representatives of the wider community to date?	QinetiQ was asked to discuss proposals with the fishing community and to this end it was decided to discuss the detail locally with fishermen and with groups representing those fishermen. The BUTEC and Rona ranges are aware of the boats and individual fishermen that operate on the range and a list was drawn up of those together with any known contact details. An initial meeting was held with the Marine Scotland Senior fisheries Officer in Portree to attempt to understand the fishing patterns and inform her of the Byelaw review proposals. She offered some more contact information from which a number of meetings were planned. Essentially identified from the initial information was the need to discuss with individuals from Portree, Sheildaig, Kyle, Kyleakin and Applecross. Some other boats were identified from further north but records indicated that they had not fished the range area for some time. The following meetings then took place at the BUTEC Kyle site involving S McWhinney from Portree, the key members representing the NWRFA together with A Macleod from Applecross and A Hodgson representing Keltic Seafood and those scallop diving on the range area. Concerns were raised and noted at the meeting and we asked whether further meetings would need to be arranged with others at Applecross and regarding scallop diving. Both A Macleod and A Hodgson indicated they were representing them. Considerable effort was also made to contact those from Sheildaig including

		phone calls, e-mails etc but despite saying that a meeting would be arranged no dates were put forward. An e-mail from J Strachan was received just before the byelaw consultation started and as she was requesting detail of the extent of the proposals she was pointed toward the BRT website and we now understand info was sent to her. A public meeting was held and all written enquiries received during the public consultation will be addressed and Working Groups are being set up to discuss outstanding matters.												
5	The times and location of the only public meeting have been changed after they were advertised, which could potentially deny stakeholders access to the consultation process. This further undermines the credibility of the current round of consultation, and it is accordingly suggested that the current consultation be considered preliminary until such a time as all the forgoing issues and questions have been addressed and until the socioeconomic implications are fully assessed and made available to both the applicant and all the respondents. This is essential so that all stakeholders can submit informed responses to the consultation.	The timing of the meeting had to be changed at short notice because of very severe weather and took into account the primacy of attendee's safety.												
6	During parliamentary questions and correspondences with both the MOD and the defence minister, assurances were given that there would be no doubling of the range area. Such assurances now appear to be at best ill informed, and at worst disingenuous. Such a situation has been souring relationships and good faith that the communities and the applicant should in better circumstances wish to foster. It has also undermined the consultation process by misleading the extent of the possible goodwill on the applicant's part to reach a mutually beneficial outcome.	<p>Although the proposed Inner Sea Area has been significantly increased; the proposed Outer Sea Area has been reduced in size. The details are as follows:</p> <table><tr><th>Location</th><th>Current Byelaws Site</th><th>Proposed New Byelaws Site</th><th>Change in Area</th></tr><tr><td>Inner Sea Area</td><td>26 km<sup>2</sup></td><td>54 km<sup>2</sup></td><td>+ 28 km<sup>2</sup></td></tr><tr><td>Outer Sea Area</td><td>56 km<sup>2</sup></td><td>51 km<sup>2</sup></td><td>- 5 km<sup>2</sup></td></tr></table> <p>I can assure you that there has been no attempt on the part of the MOD to be disingenuous. It should also be noted that it is possible that a nursery effect within the proposed expansion of the Inner Sea Area may in the longer term result in improved creel catches from the immediate adjoining Outer Sea Area. Further discussions about how the proposed byelaws will operate will be available at the forthcoming working group meetings.</p>	Location	Current Byelaws Site	Proposed New Byelaws Site	Change in Area	Inner Sea Area	26 km <sup>2</sup>	54 km <sup>2</sup>	+ 28 km <sup>2</sup>	Outer Sea Area	56 km <sup>2</sup>	51 km <sup>2</sup>	- 5 km <sup>2</sup>
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7	It is tendered that if the MOD and/or the private contractors wish to foster a relationship based on goodwill and claim that a meaningful/credible consultation has taken place, then the MOD or their contractor should engage in a process of frank and honest negotiations on how to best meet the needs of both parties and mitigate (or otherwise address) the issues raised by this proposal.	(A further explanation will be provided at the forthcoming Working Group Meeting).												

8	The MNWFA is concerned at any possible increased submarine activity in the area because of the recent negative interactions between submarines and fishing boats in the Minches and the Irish Sea. We would like some clarity on this issue and whether it is likely to happen.	<p>The Naval Service operates its submarine fleet under the most stringent safety regime, which is subject to independent scrutiny. Submarine safety is of the utmost importance to the Royal Navy, as is the safety of other mariners.</p> <p>The importance of consultation between the Royal Navy and fishermen is fully recognised and many arrangements to improve consultation procedures have been implemented. The Royal Navy has a Fishery Liaison Officer to provide a central point of contact with the UK fishing industry, to pass information on fishing activity to exercise authorities and to ensure all submarine crews receive training on fishing vessels and their avoidance. This allows local fishermen's associations or representatives to give advice about local fishing practices and on seasonal fishing patterns. We are confident that revisions to current practices will reduce the risk of a further incident of this kind to as low as possible, but we will not be complacent and procedures will continue to be reviewed to ensure the highest safety standards are maintained.</p> <p>It should be appreciated, however, that it is necessary to maintain the integrity of our submarine capability; therefore the Royal Navy will not cease dived operations in the Irish Sea and UK waters, but revised instructions have been issued to Commanding Officers to reduce the risk of further occurrences such as this.</p>
9	The meeting with representatives of NWRFA did not provide sufficient detail to enable them to assess the implications of the proposals in terms of the impacts on local fisheries and communities.	The proposed forthcoming Working Group meetings will facilitate a discussion of how the byelaws will operate and should enable the NWRFA to fully assess potential impacts.
10	Insufficient time for responses after public meeting on 13 November up to original consultation deadline of 18 November.	The deadline was extended to 30 November 2015.
11	Further extension to 30 November still well short of standard 90 days period generally allowed by other Government Departments.	The 49 days allowed for the public consultation process was in excess of the normal 35 days allowed for consultation in respect of byelaws. It is not accepted that 90 days is a period used by all other Government Departments.
12	49 days insufficient to allow detailed economic impact assessment concerning loss of vessel earnings if the Inner Sea Area is more than doubled to 53.9 Sq Km.	<p>An economic impact assessment commissioned on behalf of the NWIFG was submitted as part of the public consultation, and forms part of the evidence being considered by the MOD.</p> <p><b>NOTE:</b> DE&amp;S commissioned an EIA from Defence Economics:  <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/527292/EIA_BUTEC-unclassified-20160602.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/527292/EIA_BUTEC-unclassified-20160602.pdf</a></p>
13	Request minimum of 3 months from 30 November, or preferably 3 months after publication of full socioeconomic impact assessment, to allow sufficient time for consideration of report findings.	There will not be a decision on the implementation of the new byelaws by March 2016. However, while the economic impact assessment will be completed before any such decision is taken, so as to allow a reasonable time for consideration of the issues, we do not believe that setting an arbitrary timescale would be appropriate.
14	<u>Additional considerations</u>	Economic survey has subsequently been received by MOD.

	Note: particularly for items V, VI and VII below, more detailed consideration of the financial and other implications will be contained within the economic survey commissioned by the NW IFG. This may not be fully complete by 30 November 2015, but an indicative timescale will be given by that date for its completion.	
15	<b>I. Consultation Process &amp; issues therein</b> a) The consultation process doesn't align with Scotland's National Marine Plan, which has a strategic framework prioritising strong Stakeholder engagement to give greater clarity and transparency to decision making in the marine environment; b) As already acknowledged, there are discrepancies in latitude and longitudes of range boundaries published in MOD consultation documents; The consultation document does not sufficiently explain the reasons for selection of the boundary are as indicated and whether any alternative areas could be considered.	a) There is no mandatory requirement for the consultation process to align with Scotland's National Marine Plan, only to meet the requirements of the Military Lands Act 1892; which it does b) Any discrepancies in the longitude or latitude of the range boundaries will be corrected in the final version of the byelaws. The boundaries of the proposed new range reflect the presently determined operational requirements.
16	Request for MOU between all parties.	The MOD Raasay Ranges have enjoyed an effective working relationship with the local community, including the fishing industry, for many years. If a new byelaw is established, we expect that this will be renewed on the basis of mutual pragmatism and flexibility. Therefore, we do not believe that a MOU would be appropriate or justified.
17	Request for postponement of conclusion of consultation.	The public consultation period lasted 49 days and finished on 30 Nov 15; it will not be extended. Notwithstanding the Economic Impact Assessment commissioned by the NWIFG has been subsequently received and is being considered prior to the submission of a final version of the byelaws for Ministerial signature.
18	The west coast of Scotland, including the area in question between the west coast mainland and the Islands of Rona and Raasay, is important habitat for a number of mobile marine species, including whales, porpoises and dolphins (Wilcox, 2014). The impacts of noise pollution on marine mammals have been well documented (for example, Erbe et al, in press; Richardson et al., 1995) and military sonar in particular (Dolman and Jasny, 2015; Dolman et al., 2011a, 2011b). Despite this, no environmental impact assessment of the military activities undertaken on the BUTEC range have been undertaken nor have field surveys to understand the densities of cetaceans or impacts resulting from activities occurring on the range been undertaken.	MOD activity in the marine area to the West of Scotland has been underway for many years and over that time there has been much consideration of possible environmental impacts not only at Defence test and evaluation sites, ranges and training areas but also in the wider marine area. These considerations and the extensive mitigation put in place as a result aim to meet the requirements of EU, UK and Scottish environmental regulations and to meet the obligations of international conventions to which UK is a signatory. The regulatory requirement for Strategic Environmental Assessments, laid out in the European SEA Directive (Directive 2001/42/EC) and the UK and Scottish Regulations transcribing this into domestic legislation, do not apply to plans and programmes whose "sole purpose is to serve national defence". Without a clear regulatory imperative or persuasive evidence of likely significant environmental effect, MOD cannot justify the expenditure of extremely scarce public funds to undertake what would be an extensive assessment on top of the environmental assessments already conducted. MOD's on going collaboration with Statutory Nature Conservation Bodies ensures that it remains aware of emerging environmental concerns whilst planning its activities in the west of Scotland and further afield. In this way new evidence of likely impacts can be considered and mitigation altered or

		<p>adopted as necessary to reduce MOD's environmental impacts.</p> <p>At the BUTEC range QinetiQ have a variety of procedures in place to check for sea mammals. The MOD will be holding Working Group Meetings for interested parties in early February and March 2016, at which you may wish to raise conservation matters for more detailed discussion.</p>
19	<p>Request the MOD undertake a Strategic Environmental Assessment of all MOD activities during exercises in the west coast exercise area, to include those activities occurring on the BUTEC range, before proceeding with this byelaw. As a component of this, we encourage the MOD to facilitate and fund research to investigate its potential impacts on the marine environment. BUTEC is uniquely equipped with a rich passive acoustic dataset to assess the effects of their activities there on cetaceans, and recent work has demonstrated the feasibility of extracting the data necessary to achieve this (Wilcox, 2014). We would also request that BUTEC make acoustic data available to researchers, towards furthering the knowledge of cetaceans in the area.</p> <p>Collaborations between military and marine researchers have revolutionised our understanding of endangered species in the past, helping with long- overdue conservation measures and international agreements.</p>	See 18 above.
20	<p>In addition, we recognise that the core of the BUTEC range is a large No Take Zone (NTZ) where no extractive activities are permitted. We understand that the positive effects of this are evident in that some fishing vessels preferentially fish in the zone around the boundary.</p>	See 18 above.
21	<p>Aware the MOD is actively involved in discussions surrounding the development of the Scottish marine protected areas network and its role within this. As a result, we also encourage the MOD to facilitate and fund research to investigate the benefits of this NTZ to the conservation of the local marine fauna and any resulting positive impacts to fishing communities.</p> <p>Happy to meet to discuss these issues further.</p>	See 18 above.
22	<p>If they have conducted a socio-economic impact assessment, why has this has not been readably publicly available?</p>	The economic impact assessment has not yet been completed. It will be made available to interested parties when it is finished.
23	<p>The discussion on any economic impact assessment at the meeting on November 13th was both haphazard and ambiguous. There needs to be an EIA that conforms to other industry guidelines and is</p>	An economic impact assessment is being undertaken by the MOD. This will complement the Socio-Economic Report that we have been undertaking and will give a better understanding of the likely effects of the proposed changes on the local economy, including those exposed during consultation, but will also balance these against the contribution of the Raasay Ranges.

	meaningful within the context of this consultation.	
24	<p>Lack of assessment of economic impact of the proposed new byelaws on local community. We have deep concerns about the proposed new BUTEC byelaws and possible negative economic impacts on the area. We question what “reasonable steps” have been taken to ascertain “whether the byelaws would injuriously affect any public rights”.</p> <p>Applecross is a small, fragile community reliant on small industries - including the local fishing industry, kayaking, sailing and wider tourism. The impact of the proposed new byelaws on the local economy has not been assessed – the consultation documents have included no consideration of the wider effects or impacts on the community. We object to this lack and request a period of full consultation to scope the potential economic impact of the proposed new byelaws – with consideration of how to minimise any harm and/or propose compensation to the community.</p>	<p>An economic impact assessment is being undertaken by the MOD. This will complement the Socio-Economic Report that we have been undertaking and will give a better understanding of the likely effects of the proposed changes on the local economy, including those exposed during consultation, but will also balance these against the contribution of the Raasay Ranges. The implementation of the BUTEC Byelaws does not constitute an act of negligence by the MOD which would be subject to payment of compensation under common law, therefore no such compensation can be paid. At the conclusion of the Economic Impact Assessment presently being conducted into the introduction of the new byelaws to support the range changes at BUTEC, the MOD will be in a position to determine precisely how any changes might impact on the livelihood of fishermen using these waters.</p>
25	<p>More could and should have been done to liaise with fishing and other interests, and full socio-economic and environmental impact assessments should have been carried out before these consultation proposals were made public. Particularly in the light of assurances from Philip Dunne on 23 June 2015 (Quote provided).</p>	<p>An economic impact assessment is being undertaken by the MOD. This will complement the Socio-Economic Report that we have been undertaking and will give a better understanding of the likely effects of the proposed changes on the local economy, including those exposed during consultation, but will also balance these against the contribution of the Raasay Ranges.</p>
26	<p>NWIFG has commissioned a short economic impact assessment to provide a clearer understanding of the implications of the proposed measures. Insufficient time to produce substantive report by 30 November, but short statement from Steve Westbrook attached. Draft report due by third week in December to be finalised soon afterwards based on any feedback. Assurance sought that the report will be fully taken into account.</p>	<p>The assessment was subsequently received and will be given detailed consideration as part of the consultation process.</p>
27	<p>Request for the following baseline information to be taken into account pending receipt of economic impact assessment report commissioned by NWIFG: This data has been gathered from fisheries records held by Marine Scotland including “Scotmap”, in liaison with fishermen: (i) The British Underwater Test and Evaluation Centre (BUTEC) range is situated in the Inner Sound of Raasay in the middle of some of Scotland’s most valuable and</p>	<p>The information supplied by the NWIFG will be considered in conjunction with the socio and economic assessment subsequently provided on their behalf.</p>

<p>intensively used inshore fishing grounds <b>(Figure 1 on Annex A)</b>. The area is fished predominately by small vessels, less than 15 m in length <sup>1</sup>. The nephrops creel fishery is by far the most important fishery in the area <b>(Figures 2 and 3 on Annex A)</b>; landings of creel caught nephrops from statistical rectangles 43E4 and 44E4 had a first sale value of £3.4 million in 2014<sup>2</sup>. There are also fisheries for crab and lobster species and scallop dive fishing in the vicinity of the Range and nephrops creel and trawl fisheries to the south of the Inner Sound, towards and beyond the Kyle of Lochalsh.</p> <p>(ii) Fishing by any means is prohibited within the Inner Sea Area as prescribed in the British Underwater Test and Evaluation 1984 Byelaws (SI 1984/1852). There are also various zonal fishing restrictions in place in the area, in particular, creel-only and trawl-only fishing zones, which were introduced in The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 2004) to alleviate crowding on the grounds and manage conflict between static and mobile fishing sectors. Year round restrictions on mobile fishing gear also apply in Loch Gairloch to the north of the Inner Sound. Trawling is permitted by boats less than 12 m between April and September in the south of the Inner Sound <b>(Figure 4 on Annex A)</b>. This area is also very important to the creel fishery.</p> <p>(iii) The new draft byelaw proposes an extended Inner Sea Area of 53.9 km<sup>2</sup> which would more than double the area in which fishing, by any method, is prohibited at all times and reduce the fishable area in the creel only zone by ca. 11%. Based on information on fishing areas collected during the Scotmap exercise and Fisheries Officers local knowledge, it is estimated that at least 23 creel fishing vessels could be directly affected <sup>3</sup>, i.e. no longer be able to deploy a proportion of their gear where they do now; some vessels will be more affected than others. These are all small, locally based vessels with limited range and very few options to relocate to fish elsewhere. It is therefore highly likely that the proposed extension of the Inner Sea Area, if enacted, will displace creel fishing effort onto adjacent grounds, with concomitant impacts on others fishing in the</p>	
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<p>area, particular in the creel-only zone. (iv) It is difficult to estimate precisely the loss of vessel earnings which would occur as a result of expansion of the Inner Sea Area because of the lack of fine scale fishing location data for all potentially affected vessels (landings are reported to ICES statistical rectangles and there are no VMS data for small creel vessels), however, it is well established that a substantial proportion of the landings come from the creel-only zone. The value of the fishery is subject to seasonal changes in price and weather conditions, but to illustrate the potential impact, seven vessels operating around the perimeter of range caught just under 28 tonnes of Nephrops with a combined landing value of approximately £271,000 for June – August 2015 alone. (v) Displaced fishing effort may result in additional loss of catch in the adjacent area. Those involved in the fishery advise that it will exacerbate gear conflict on what are already crowded fishing grounds targeting nephrops. The impact of displaced activity is likely to extend to both the north and the south of the Inner Sea Area, potentially affecting upwards of 54 nephrops creel fishing vessels and the seasonal trawl fishery in the south of the Inner Sound.</p> <p><i>Notes</i></p> <ol style="list-style-type: none"> <li><i>1. Under 15 m vessels accounted for over 60% of landings by value in rectangle 43E4 in 2014.</i></li> <li><i>2. The combined value of creel caught Nephrops from statistical rectangles 43E4 and 44E4 in 2014 as reported to Scottish Government and stored on the Fisheries Information network FIN.</i></li> <li><i>3. This is estimated from Scotmap – the number of vessels with fishing areas which partially overlap the extended Inner Sea Area. Some overlaps are small in relation to the vessels total mapped area.</i></li> <li><i>4. Despite the best efforts of Marine Scotland staff to extract area specific data, fishermen expressed concerns that economic estimates were averaged over all vessels that deploy a proportion of their gear within the proposed expansions area some of the time, and did not accurately reflect losses to vessels</i></li> </ol>	
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	<i>that operate with &gt;50% of their gear in the proposed expansion area, specifically along the range boundary (which is the most lucrative fishing ground). This aspect will be addressed in the commissioned economic impact assessment by obtaining further data direct from the vessels most affected.</i>	
28	<p><b>II. Wider social implications of BUTEC range expansion</b></p> <p>a) If fishing vessels are forced out of operation then fishermen and their families would suffer directly through loss of jobs, as well as indirect negative impacts downstream e.g. to the processors and restaurants and local service industry. b) Creel fishing represents a significant economic activity in the Highlands; the vast majority of fishing vessels working within the Inner Sound are full-time operators, not part-time or hobby fishermen. c) A typical creel vessel in the Skye, Lochalsh area and SW Ross area has a crew of 2-3, and only employs local people. In addition, many fishing businesses have been passed down through families, and will be inherited by the 'next generation'. d) If the BUTEC range expands there would be a wider negative 'ripple' effect felt by the community, including the many issues associated with elevated unemployment, and insufficient opportunities for alternative employment in the area. e) Ultimately, loss of local fishing jobs could result in depopulation, negatively impacting schools, income to other local enterprises and service provision. Therefore it is important to protect the fishing industry as far as possible, before giving any consideration to compensation schemes.</p>	An economic impact assessment is being undertaken by the MOD. This will complement the Socio-Economic Report that we have been undertaking and will give a better understanding of the likely effects of the proposed changes on the local economy, including those exposed during consultation, but will also balance these against the contribution of the Raasay Ranges.
29	Request for economic impact assessment.	An economic impact assessment is being undertaken by the MOD. This will complement the Socio-Economic Report that we have been undertaking and will give a better understanding of the likely effects of the proposed changes on the local economy, including those exposed during consultation, but will also balance these against the contribution of the Raasay Ranges.
30	Have the MOD or their contractor carried out or otherwise assessed the economic and social impact of their proposals on surrounding communities?	See 29 above.
31	There will be a price to be paid financially by our	See 29 above.

	fishermen, both in direct economic losses and loss of access to future fishing opportunities. Has the applicant undertaken any assessment of the anticipated losses for the local and wider fishing interests?	
32	Is the applicant aware that the vast majority of the proposed expansion is into the only designated creel only area on the Scottish coastline?	This has been noted.
33	Is the applicant aware this 'creel only' fishery is of high value to research, and that by redefining the boundaries of the area they are disrupting the validity and credibility of one of the most important and long running experimental fisheries areas on the Scottish coastline?	This has been noted.
34	Are the applicants aware of, and have they taken into account, the fact that seabed substrate is the primary factor that affects the productivity of the local nephrops fishery, and that access to suitable substrate will directly influence the extent to which the fishery can be exploited? The proposed development will effectively cover the majority of suitable nephrops habitat/substrate, leaving only unsuitable areas outside its boundaries. Whereas the existing range boundaries still allow access to suitable substrate on its periphery.	This has been noted, while the economic impact associated with the proposed byelaw change is currently being assessed by the MOD. Moreover, after reviewing the concerns raised during the consultation process we are rewording the byelaws to eliminate some apparent confusion, and make sure that they place only those restrictions required to meet Defence needs. In particular, the wording will now make it clear that: a. The right to transit the Inner Sea Area will remain, as at present, although this will be managed over VHF radio by Range Control if the range is in use for military purposes. b. There will be no provision for closure of the Outer Sea Area, either in part or whole, at any time, and both creel and line fishing will be permitted in it – again as is currently the case. Any additional temporary controls required for specific activities will be notified through Notices to Mariners.
35	Are the applicants aware of, and have they taken into account, that after substrate the next most important factor affecting the productivity of the adjacent nephrops creel fisheries is water depth ; with deeper water tending to produce significantly larger nephrops and therefore significantly more lucrative fisheries. The application area not only encompasses the vast majority of the adjacent substrate but also a significant proportion of the deep water that presently bounds the existing site. Loss of access to such a significant proportion of this very valuable deep-water fishery will disproportionately affect the vessels presently working the range boundary, far more so than if the proposed development was situated in an area of shallower water of different substrate (e.g. rocky ground). It is therefore suggested that, if possible, the current proposal boundaries should be amended to make available either 1) more of the suitable substrate or 2) more of the deep water habitat around the existing range boundary for the nephrops fishery. It is believed that such an	See 34 above.

	accommodation could help mitigate the disproportionate economic losses that will be suffered by fishers currently working within the proposed expansion area.	
36	Have any studies been undertaken to assess the effect of displacement on existing and adjacent fishers, fishing patterns, and relationships therein?	No, not at present. We believe that only individual discussions with individual fishermen or the now recognised groups e.g. NWRFA etc, in conjunction with the Marine Scotland Fisheries Officer can offer worthwhile information.
37	Have the applicants, costed the economic implications to existing and adjacent fishers if gear was to become displaced from its current location and relocated to a less productive location?	Not at this juncture.
38	Is the applicant aware of, and how have they taken into consideration, the fact that the inner sound is presently the most lucrative nephrops fishery per sq km of any such fishery presently prosecuted within inshore Scottish waters? Accordingly, any potential disruption to that fishery is likely to be more disruptive than a similar disruption elsewhere on the Scottish coastline?	This has been noted, while the economic impact associated with the proposed byelaw change is currently being assessed by the MOD.

39	Is the applicant aware of, and have they taken into account, and in what way do they propose to mitigate the fact that presently the nephrops creel fishery prosecuted within the inner sound "application area" employs more fishers per sq km than any other fishery in the Scottish west coast? And are they aware that that any displacement or area lost to this sector disproportionately affects more jobs than if such a proposal were located elsewhere or in any other fishery area?	Our response to such question has so far been that we are doing an SER, but I think it now needs to be extended to explain how we are going to use this to make a further assessment. My intention is, rather than trying to answer each question (or assertion, or digression) individually, to provide each of these respondents with an overall explanation of what we are doing. This would include: understanding the local economy through the SER, understanding the potential problems exposed by the consultation process, further dialogue to resolve some of the misunderstandings, review of what that resolution means in terms of the potential problems (do they go away, or change, or what?), and a final assessment of the economic impact as a result.
40	The rural Highlands and Island area is disproportionately affected by issues of depopulation, low income and accordingly by job losses, and the "proposal area" is located amongst some of our smallest, most fragile and most rural highlands and island communities. Therefore, what are the anticipated consequences for re-employment for those affected communities and individuals, and how does the applicant propose to address issues of reemployment, re-training and otherwise mitigating the effects of job and income losses in such impacted	An economic impact assessment is being undertaken by the MOD. This will complement the Socio-Economic Report that we have been undertaking and will give a better understanding of the likely effects of the proposed changes on the local economy, including those exposed during consultation, but will also balance these against the contribution of the Raasay Ranges.

	communities?	
41	<p><b>III. Restructuring of local fleet, displacement of vessels</b></p> <p>a) Most fishing vessels that would be displaced from the expanded BUTEC range will not be able to continue fishing with the same effort elsewhere because the surrounding waters are already fully exploited with fishing activity.</p> <p>b) Displacement of fishing activity from the BUTEC range is likely to elevate gear conflict (inter and intra-sectoral) in surrounding areas. c) Displaced vessels may need to 'downscale' both their vessel size and amount of gear, and in some instances vessels may be forced to stop fishing entirely.</p>	<p>We will seek the advice of the Senior Fisheries Officer at Portree to understand the potential for 'creel displacement' as a result of expansion of the Inner Sea Area. However, it should also be noted that the Outer Area 'buffer zone' has also expanded, and this will create a larger expanse of 'trawl free' and 'nephrops friendly' space to the advantage of the line and creel fishermen, and that this space may be able to absorb the displacement caused by the Inner Area.</p>
42	How do the applicants propose to address the issues associated of lack of dialogue with current stakeholders?	<p>The Dept will respond to all written comments received during the public consultation period. In addition it is proposed to set up a working group to included local interested parties (such as fishermen &amp; their associations) to discuss the main issues of concern and in particular how the new byelaws might operate on the ground. Initial meetings will be held in the locality in Feb/Mar 2016.</p>
43	We propose that another meeting (or series of meetings) is held with fisheries representatives, to assess those possible options, and with a view to better accommodate fisheries interests whilst still achieving the protection required by the BUTEC facility for their under-sea infrastructure.	See 42 above.
44	We propose that the applicants consider getting round the table with the representatives of the local fishing industry and look at possible options of amending the proposed boundaries of both the inner and outer areas and also to clarify the protocols regarding trials and access both to the primary closed area and the "buffer zone". We would hope that with amendment to the existing proposal that the applicant's goals can still be achieved as well as mitigating the effects on the adjacent fishers, this could lead to financial savings to both parties as compared to the implications of the current proposal.	<p>Please see response to question 42 above. The proposed meetings will afford the opportunity to discuss the issues identified.</p>

45	We believe that the MOD/QinetiQ should draw up a focus group consisting of the same companies and the NWIFG and local fishing interests to look at areas	<p>It is proposed to set up a working group to included local interested parties (such as fishermen &amp; their associations) to discuss the main issues of concern and in particular how the new byelaws might operate on the ground. Initial meetings will be held in the locality in Feb/Mar 2016.</p>
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	where the boundaries of the range can be altered to assist fishermen and in the knowledge that the activities of MOD/QinetiQ will not be compromised.	
46	Engagement by fishermen in constructive dialogue with DIO or QQ and to get information regarding the plans and the reasons behind the extent of the proposed extension were largely unsuccessful.	It is unfortunate that to date you have found the dialogue with the DIO and QinetiQ unsuccessful. It is proposed to set up a working group to included local interested parties (such as fishermen & their associations) to discuss the main issues of concern and in particular how the new byelaws might operate on the ground. Initial meetings will be held in the locality in Feb/Mar 2016. Hopefully this will provide the means to achieve a successful outcome for all parties.
47	Request Working Group is set up to facilitate constructive dialogue among stakeholders to consider the implications of any economic and environmental impact reports and discuss possible options in relation to size or location of any restricted areas required for BUTEC's activities.	It is proposed to set up a working group to included local interested parties (such as fishermen & their associations) to discuss the main issues of concern and in particular how the new byelaws might operate on the ground. Initial meetings will be held in the locality in Feb/Mar 2016.
48	In line with Defence Minister Philip Dunne's comments in the House of Commons - Request for full and proper discussion with fishing communities to investigate options could allow some fishing at certain times within the revised water space. This would be the remit of proposed project group.	It is proposed to set up a working group to included local interested parties (such as fishermen & their associations) to discuss the main issues of concern and in particular how the new byelaws might operate on the ground. Initial meetings will be held in the locality in Feb/Mar 2016.
49	During the only meeting that we were able to secure with the applicants, we were unable to access maps or clear documentation illustrating the extent of the proposal. We were assured of an ongoing dialogue with the MOD, and that we would have opportunity to participate in developing the proposal to the satisfaction of all parties. Since that initial meeting we have requested additional meetings on several occasions, yet to date none have been forthcoming. Accordingly, we feel that the current proposals could have benefited from the input of the fishing community, and could potentially be amended to mitigate many of the detrimental effects on the adjacent fishers and their communities.	Unfortunately the MOD was unable to release copies of the byelaw maps prior to the start of the consultation process. The proposed working group meetings in early Feb and March will hopefully provide the means to achieve a successful outcome for all parties

50	In the event that gear cannot be relocated, would the applicant reimburse the owner of the gear for lost fishing opportunity, and on what basis is the applicant proposing that this will be assessed/ administered?	The implementation of the BUTEC Byelaws does not constitute an act of negligence by the MOD which would be subject to payment of compensation under common law, therefore no such compensation can be paid. At the conclusion of the Economic Impact Assessment presently being conducted into the introduction of the new byelaws to support the range changes at BUTEC, the
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		MOD will be in a position to determine precisely how any changes might impact on the livelihood of fishermen using these waters. At this juncture there will be an opportunity to discuss with the fishermen affected how any financial losses might be considered.
51	Can the applicant offer reassurances, and/or a process that can compensate/mitigate losses suffered by vessels not being able to access fishing opportunities due to restrictions on transiting the range?	See 50 above.
52	Does the applicant propose any mechanism to offset that loss of creel only fisheries area to the creel sector and those adjacent communities if so what are the applicants proposals in this regard?	See 50 above.
53	In the event that the application undermines the commercial viability of the remainder of that creel only area, potentially undermining not just the fishery but the adjacent communities, what does the applicant propose in the way of safeguards or assurances to those communities that the applicant will shoulder the burden of responsibility for safeguarding their future?	See 50 above.
54	I presently own and operate two commercial fishing vessels within the vicinity of the present range boundary, of which around sixty percent of our annual catch by value is derived from the proposed areas of expansion, approx. twelve tons of nephrops valued at £140,000.00 is taken by creels. I employ four crewmen on a full-time basis and one part-time employee all of which are local men, two with young families and three dependants between them. One of my skippers has worked for me for fifteen years.	See 50 above.
55	The loss of fishing grounds to me and my employees due to the proposed BUTEC range expansion going ahead would threaten the commercial viability of my business, probably resulting in me losing key employees and consequently the collapse of my business.	See 50 above.
56	The area in question encompasses the most productive shellfish grounds in Scotland, which I have fished since February 1978 ,I had hoped to pass this enterprise onto my son, this will be a worthless	See 50 above.

	legacy for him should the expansion go ahead as the adjacent sea areas are a saturated solution of fishing effort.	
57	<p><b>IV. Alternative livelihoods / Compensation</b></p> <p>a) In the event that fishing vessels are to be excluded from operating in the BUTEC range, we would seek assurance that local vessel operators would be given an opportunity to tender for work in/around the BUTEC sites, e.g. for 'guard duty'. Although some current fishing vessels may not be big enough/safe enough for such work, this could be seen as a 'business opportunity' to secure investment towards 'vessel upgrades' if an income could be secured from the MOD / QinetiQ.</p> <p>b) The key aim of the NWIFG is to reach an accommodation with the MoD/QinetiQ that would enable continued fisheries activity at an economically and environmentally sustainable level. Should that not be possible, we will wish to enter discussions regarding potential compensation and other mitigation measures to counter the loss of employment, income and community benefits.</p>	<p>The MOD will work with the fishing community to assist in maintaining a continuing viable industry in this area, but no assurances as to future invitations to tender for guarding work can be given. The implementation of the BUTEC Byelaws does not constitute an act of negligence by the MOD which would be subject to payment of compensation under common law, therefore no such compensation can be paid. At the conclusion of the Economic Impact Assessment presently being conducted into the introduction of the new byelaws to support the range changes at BUTEC, the MOD will be in a position to determine precisely how any changes might impact on the livelihood of fishermen using these waters. At this juncture there will be an opportunity to discuss with the fishermen affected how any financial losses might be considered.</p>
58	Have the MOD attempted to calculate or otherwise factored the value of compensation required to replace the lost income to those fishers presently working in the area?	<p>No such assessment has been made at this juncture. Notwithstanding the implementation of the BUTEC Byelaws does not constitute an act of negligence by the MOD which would be subject to payment of compensation under common law, therefore no such compensation can be paid. At the conclusion of the Economic Impact Assessment presently being conducted into the introduction of the new byelaws to support the range changes at BUTEC, the MOD will be in a position to determine precisely how any changes might impact on the livelihood of fishermen using these waters. At this juncture there will be an opportunity to discuss with the fishermen affected how any financial losses might be considered.</p>
59	Are the applicants aware that 90% of the local fishing fleet are static "creel vessels" targeting nephrops, and are they aware that such static vessels suffer disproportionately (as compared to other fisheries sectors) from displacement of gear/fishing activity? In light of this, can the applicant propose any means to mitigate the issue of gear displacement that will inevitably threaten the creel fishery in the event of proposed BUTEC expansion?	<p>The Marine Scotland Senior Fisheries Officer indicated that dealing with creel conflict was part of her primary role in dealing with fishermen in this area. This happens already in areas close to the current ISA. We believe that only individual discussions with individual fishermen or the now recognised groups e.g. NWRFA etc, in conjunction with the Marine Scotland Fisheries Officer can offer worthwhile information.</p>
60	Is the applicant aware of gear conflict in the fishing industry, and that in the waters surrounding the	See 59 above.

	'application area' gear conflict is more pronounced than elsewhere in Scottish waters?	
61	Has the applicant made an assessment of the degree of gear conflict (both inter sectoral and cross sectoral), or the extent of exacerbated conflict that may arise out of this application and associated fisheries displacement?	See 59 above.
62	What are the applicant's proposals to address and or mitigate this issue of exacerbated gear conflict?	See 59 above.
63	Prawn trawlers could be directly affected by any displacement of effort from the outer areas of the current range if creel men are forced to move their pots to other nephrops grounds.	In the event of displacement impacting on prawn trawlers conflict resolution would be covered by the process identified at 59 above.
64	Is the applicant/MOD aware that there is precedent within the existing Range facilities to directly compensate fishers for lost access to fishing opportunity? If so, please clarify if that arrangement is to continue both in the proposed "closed" inner area and the proposed expanded "buffer zone" (outer area).	Currently there is an arrangement, in place between QinetiQ and a number of named individual, fishing principally from Sheildaig that pays those fishermen to remove their fishing gear from an area just prior to an underway noise ranging trial occurring on the Rona range. In addition we indicate where certain structures are located and these fishermen have agreed to avoid the areas to ensure no damage is done to our structures or their fishing gear. This agreement is monitored by conducting creel surveys close to a trial. Arrangements are also in place to ensure those fishermen properly mark their buoys for easy identification and that we can sink gear (recoverable) if necessary. The arrangement will not continue within the new byelawed areas. (A further explanation will be provided at the forthcoming Working Group Meeting).
65	Have the applicants assessed the physical quantity of fishing equipment presently deployed within the proposal area, and how much of that equipment will be displaced/removed pending a successful application?	It is assumed that all fishing gear within any proposed new areas is not fixed e.g. creel fleets. The range is aware of which vessels fish in which area but not necessarily how many creel fleets are deployed by each fishing vessel. However for specifics trials and operations the range often carries out extensive creel surveys to determine whose creels may be at risk. A relationship built up with some fishermen has requested them to properly mark fleet buoys such that if any issues arise involving range operations they can be easily contacted. (A further explanation will be provided at the forthcoming Working Group Meeting).
66	In the event that fishing equipment must be relocated, is the applicant proposing to relocate gear on behalf of fishermen, or is it proposing that the fishermen themselves relocate that gear on behalf of the applicant? In either instance, is the applicant offering to fund this relocation process?	QinetiQ and the range support vessels have no ability to recover and relocate fishing gear. The range is aware of which vessels fish in which area and for specific trials and operations the range often carries out extensive creel surveys to determine whose creels may be at risk. A relationship built up with some fishermen has requested them to properly mark fleet buoys such that if any issues arise involving range operations they can be easily contacted. This co-operation we see as key to ensure that we minimise damage to range equipment and fishing gear. (A further explanation will be provided at the forthcoming Working Group Meeting).
67	Has the applicant quantified or otherwise made an assessment of how regularly fishers will be prohibited from accessing their equipment presently deployed in the proposed "buffer zone"? If so, please can the applicant clarify/publish the anticipated details?	It is proposed that the Outer Sea Area (OSA) will now be zoned and any closure will more likely be only that part of the OSA required for a specific trial and for a stated time. QinetiQ are setting up an 'Advance Alert' system that will be used to inform mariners, in conjunction with existing communication channels – local paper adverts, twice daily broadcasts and Subfacts and if necessary via Notice to Mariners. This already happens to a degree with individual fisherman, but a



		suggestion recently has been for better communications overall. Unless specific zones of the OSA are activated there will always be safe passage to the west of the ISA and within one mile of the mainland shore on the East side. It is therefore seen as unlikely that delays will be any different to those at present. (A further explanation will be provided at the forthcoming Working Group Meeting).
68	Can the applicant offer binding assurances as to how often the “buffer zone” will be closed to fishing activity, and what processes will be in place to offer the fishermen recourse in the event such assurances are not met or not satisfactorily implemented?	Regular communication already takes place with individual fisherman often asking for delays or changes to fishing activity and this is seen as working in a similar way in the future. The Range will always try to limit the inconvenience to individual fishermen in going about their business and it is intended to get further information out to relevant parties. (A further explanation will be provided at the forthcoming Working Group Meeting). (A further explanation will be provided at the forthcoming Working Group Meeting).
69	Can the applicant specify how often transit across the range will be prohibited or restricted, and provide any calculations on how prohibition of transit will affect the vessels wishing to fish on both/ either side of the range?	The ISA prohibits all fishing activity and although the current wording of the proposed byelaw states that there will be no access, permission will always be granted depending on the nature of the trial and the ability to ensure safe navigation as is the situation at the moment. There may be delays in allowing a vessel to transit which will be managed by Range Control over VHF. When no trials are taking place transiting will always be allowed but regular communication with RTB will be, as now essential. It is proposed that the OSA will be zoned and any closure will more likely be only that part of the OSA required for a specific trial and for a stated time. QinetiQ are setting up an Advance Alert system that will be used to inform mariners, in conjunction with existing communication channels – local paper adverts, twice daily broadcasts and Subfacts and if necessary via Notice to Mariners. This already happens to a degree with individual fisherman, but a suggestion recently has been for better communications overall. (A further explanation will be provided at the forthcoming Working Group Meeting).
70	It was the belief of those fisheries representatives who attended the only meeting held at the BUTEC facility, that there may be an option to either relocate (or modestly reposition) some hydrophones such as to better accommodate the local creel fisheries. We would hope that if some of those options were pursued in good faith that a compromise could be reached, which allowed creel fishing to continue in many areas presently proposed to exclude creel fishers.	A further explanation will be provided at the forthcoming Working Group Meeting

71	It was the belief of those fisheries representatives who attended the meeting at the BUTEC facility that the “schematic” representation of the proposed hydrophone layout and associated cable routing were for illustrative purposes only, and that in any final	A further explanation will be provided at the forthcoming Working Group Meeting
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	proposal there might be options to “refine” any cable routing, so as to be more in line with commercial renewable standards.	
72	It is believed that the cabling space requirements could be substantially reduced, which would consequently reduce the negative impact to fishers working in the area. Therefore, if possible, fisheries representatives would like to work with the MOD to better assess the routing arrangements of cables and make recommendations regarding their positioning such that impacts to the existing fishery are minimized.	A further explanation will be provided at the forthcoming Working Group Meeting
73	It was explained to the fisheries representatives who attended the aforementioned meeting at BUTEC, that the MOD deployed two types of hydrophones, namely; “expensive” hydrophones and less vulnerable “creel friendly” hydrophones. It would appear from the schematic illustrations presented at that meeting that the Rona range boundaries had been superimposed over the Raasay range, and that “non creel friendly” (expensive) hydrophones would only be positioned outside the north western corner of the present Raasay range.	A further explanation will be provided at the forthcoming Working Group Meeting
74	It was the belief of those fisheries representatives in attendance at that meeting, that only the “expensive” hydrophones need be located within the closed area. Therefore there could be modest 'tweaking' of boundaries to accommodate those hydrophones, rather than the substantial proposal that we were ultimately presented with.	A further explanation will be provided at the forthcoming Working Group Meeting

75	It is believed by local fisheries representatives that the required under-sea infrastructure could be placed such as to substantially minimise disruption to the fishing community whilst still fulfilling the requirements of BUTEC. This could be achieved by sliding the superimposed outline of the Rona range approximately half a mile or more further south, such	A further explanation will be provided at the forthcoming Working Group Meeting
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	as to encapsulate the “expensive” hydrophones within the present Raasay boundaries and only leaving the “creel friendly” hydrophones protruding from the existing site; it being suggested that if such a scenario could be achieved, then the hydrophones that would extend past the present closed area boundaries would not require such an extensive “buffer zone” as that which is currently proposed?	
76	Can MOD/QinetiQ give assurances that static fishing gear will not need to be moved when fishing activities are not allowed in the buffer zone?	No such assurances can be given in respect of the movement of static fishing gear. Notwithstanding there will be the opportunity to discuss your concerns at the forthcoming working group meetings.
77	Can MOD/QinetiQ give assurances that fishing cannot take place for a period of more than three days in a row during operations?	A further explanation will be provided at the forthcoming Working Group Meeting
78	If the current Rona Range is not currently covered by any byelaws, and consequently when there is no submarine activity there is a local agreement to allow fishing on the Range. Is there any reason why in moving the upgraded Rona facility closer to the Range Terminal Building at Applecross, it is not possible to move the current operating practice to that new location. In other words is there any reason why it would not be possible to allow similar managed fishing in cooperation with MoD test/trials requirements, rather than closing down the whole area.	A further explanation will be provided at the forthcoming Working Group Meeting
79	Safety concerns with the expansion of the exclusion zone to shorelines of Inner Sound. We strongly object to Section 9 of the proposed byelaw – “Closure of outer sea areas when used for military purposes”. This closure would preclude the passage of any vessel along the eastern shore of Raasay and Rona – removing a safer passage at times of difficult weather. It would also potentially impact on local business such as fishing and kayaking courses – by making it an offence to enter the outer sea area which has been extended to the Raasay and Rona shore line. There should be a right of passage close to the eastern shore of Raasay and Rona to non-military marine traffic at all times, as is currently the case. To remove this is entirely unreasonable and would cause	A further explanation will be provided at the forthcoming Working Group Meeting

	extensive difficulties and hardship to local mariners and those, quite reasonably, expecting to make passage through the Inner Sound.	
80	I feel that we as static gear fishermen could work out a better solution to the requirement for more sea area with the current BUTEC operators that would potentially help me stay in business and continue to support the fragile highland village I reside in.	A further explanation will be provided at the forthcoming Working Group Meeting
81	<p><b>V. Area required/necessary for proposed BUTEC expansion &amp; prohibition of creel fishing – Inner Sea Area</b></p> <p>a) As part of the proposed working group discussions, the NWIFG requests further consideration of whether all fishing activity must be excluded/prohibited from the entire expanded 'Inner Sea' area, or whether continued activity may be possible, even for part of the year or around areas with 'creel friendly' hydrophones.</p> <p>b) Could some fishing activity continue in the 'Inner Sea' area if vessels were fitted with GPS tracking devices and/or AIS and creel tags to monitor and control fishing activity around 'sensitive' MOD infrastructure?</p> <p>c) Much of the proposed expansion is into the only designated 'creel only' area on the Scottish coastline. From NWRFA records, approximately 90% of the local fishing fleet are static "creel vessels" targeting nephrops, and these would suffer directly from displacement of gear/fishing activity, associated fisheries displacement and the likelihood of exacerbated gear conflict. Information from these vessels will be reflected in the economic assessment commissioned by NWIFG.</p>	A further explanation will be provided at the forthcoming Working Group Meeting
82	<p><b>VI. Access arrangements for the Outer Sea Area (i.e. 'Buffer zone') / removal of gear</b></p> <p>a) Further discussion is requested on potential for a cap/limit on the number of days that <i>Outer Sea</i> would be closed to fishing activity. Presently, the Outer Sea area is open to fishing activity all the time (with only one incident of closure in recent history); Fishermen</p>	A further explanation will be provided at the forthcoming Working Group Meeting.

	<p>would like the current arrangement to continue and would like assurances from the MOD/ QinetiQ that the Outer Sea area will not be closed more regularly if the BUTEC range expands and operates under the new proposed Bylaws.</p> <p>b) The MOD/ QinetiQ is requested to provide a protocol for closure of the <i>Outer Sea</i> area, which should seek input from the fishing industry and provide sufficient forward notice and details of the closure period.</p> <p>c) If the Outer Sea area is closed and fishing gear must be removed, then fishermen will need sufficient notice to access/move their gear prior to closure (i.e. range cannot simply close overnight). Creel vessels under 15m do not have the capacity to move large amounts of gear at any one time. Given that some vessels operate with &gt;50% of their gear in the 'Outer Sea' area, they may need several weeks to move all gear depending on weather and other conditions.</p>	
83	<p><b>VII. Timescales</b></p> <p>More information on proposed timescales for implementation of the new Byelaws is required, particularly for creel vessels operating within the proposed BUTEC expansion area (especially the Outer Sea Area). E.g. would there be a deadline for moving all fishing gear out of expanded 'Inner Sea' area, and how would the MOD/Facilitate this process?</p>	<p>The new byelaws will be made and subsequently come into force as soon as is appropriate. All relevant information including the outcome of economic impact assessment will be taken into account before a final decision is made by Minister. No deadline for the removal of fishing gear has been set; the process of any such removal if required can be addressed at the forthcoming working group meetings.</p>
84	<p>Is there any preconceived limitations or restrictions on how many days access to the range or outer area can be limited?</p>	<p>There is some confusion about the proposed byelaws in terms of what the restrictions are and how they will be managed. To avoid further confusion by trying to answer this in words we are propose to explain this at the forthcoming Working Group Meeting.</p>
85	<p>Is it possible that the restrictions to transiting the range, or access to the outer area, can increase above present closure rates? In addition, is it possible to create a "cap" on the amount of time that the range or outer area can be closed in any given week, month or year?</p>	<p>There is some confusion about the proposed byelaws in terms of what the restrictions are and how they will be managed. To avoid further confusion by trying to answer this in words we are propose to explain this at the forthcoming Working Group Meeting.</p>
86	<p>Can the applicant clarify what protocols are proposed to inform and liaise with fishers as to closed periods of both the primary site (inner sea area) and the outer area, and whether or not those protocols are agreed between all parties, or whether at present they are</p>	<p>There is some confusion about the proposed byelaws in terms of what the restrictions are and how they will be managed. To avoid further confusion by trying to answer this in words we are propose to explain this at the forthcoming Working Group Meeting.</p>

	only proposed unilaterally by the applicant?	
87	<p>There are discrepancies associated with the Latitudes and Longitudes supplied in the consultation documents (can you give an example here?), and the existing range boundaries that will require to be addressed, clarified then consulted upon, which the lack of at this stage potentially undermines the present consultation process.</p>	<p>Some errors have been identified and it is recognised there may be further discrepancies introduced by the tool used to transpose between easting's &amp; northing's and Lat/Long. It is recognised that Lat/Long is the Maritime standard and this will be clarified at the forthcoming Working Group Meeting.</p>
88	<p>I have owned and worked my own creel boat in this area for 25 years now and although I do not usually work my gear directly in the proposed area it is all within 3 miles of this and I think it is important to raise awareness of the impact that any displacement from the proposed area will have on vessels working close by.</p> <p>The "Scotmap" data available from Marine Scotland clearly shows that the Inner Sound is probably the most valuable fishery by area in Scotland and therefore the density of gear here is as high as can be viably achieved... Displacement of this gear will obviously have a major effect, not only on the vessels being displaced, but also on fishermen for some considerable distance. My business would be among those most affected.</p> <p>The public meeting in Kyleakin on 13th Nov. highlighted many of the concerns among the fishing community but I think also showed that we are not trying to stop the BUTEC development. Many of us, myself included, have close relatives who work there and we fully understand its importance, but the fishing is on a par with BUTEC regarding local employment and it would be wrong not to take proper heed of this sector in your plans. All the local fishermen gratefully welcome the formation of the working group at the meeting. We see this as not only the best way forward for mitigating the effects of the development on the fishing fleet, but also possibly the quickest route for the BUTEC proposals whilst maintaining the good relationship with the fishing industry so vital to its every day function.</p>	<p>There is a need to discuss displacement and it is the intention to do so at the forthcoming Working Group Meeting.</p>
89	<b>Background;</b>	<p>We cannot comment on any leaks and rumours associated with this proposal, which are clearly</p>

<p>The consultation has taken place to a background of leaks, rumours and silence which has not helped the process. There have been only two meetings that I have attended, one at the BUTEC Base in Kyle held by Richard Freeman and in attendance were a sub group of the NWRFA, Ally Hughson and myself representing both the Inshore Fisherman's Assoc and Applecross Community Council. At this meeting we were shown a map of the proposed Range expansion and the positioning of the new hydrophones which required protection, hence the proposed expansion. We were not to take photos or take the map with us but it is almost identical to the one leaked to the press earlier this summer. There was a distinct lack of answers to direct questions regarding the positioning of the hydro phones and fanning of cables. The point of the design of "creel friendly" hydro phones was brought up but with little positive response.</p> <p>I also attended a public an un-minuted meeting at Kyleakin five days before the end of the consultation period. Several points were brought up at that meeting with very few specific answers regarding the powers to close the road to the Base at Sand, the need for an Outer Sea Limit to the North of the Range, a socio/economic study on the cause and effect of the Range expansion, studies on where the directly affected gear is to be moved to, loss of earnings to the fishermen directly and the Communities they live in. How does the increased presence of naval activity affect a strong and healthy tourism industry, how will cetaceans be affected by the increase in sonar activity, the powers to close off transit of the Range and the Outer Sea Area to fishing activities during Trials. All these questions remain unanswered or were given non-specific replies. As a result of these issues there is so much uncertainty surrounding this "robust consultation" process. We are concerned as to why the consultation has been carried out with so little information available to respond to. Indeed there are so many unanswered</p>	<p>regrettable. However, the formal consultation followed the statutory process governing the creation or revision of military byelaws. The other issues raised will be addressed as part of our response to the consultation process including through additional planned meetings with local fishing associations which will enable a more detailed exchange of information on the practical implementation of the byelaws and their likely impact. In parallel and as noted elsewhere, the MOD is conducting an economic impact assessment of the impact of the proposed changes.</p> <p>The formal consultation that concluded on 30 November 15 covered the proposal to change the military byelaws at the MOD Raasay Ranges. This is separate from the project of capital investment at the Ranges to maintain their technical capability and replace ageing and unsuitable hardware. The work at the Sand Base that has been underway for some months, forms part of this activity and would have been required even if no changes to the byelaws had been planned. Unless work of this kind is taken forward the Raasay Ranges will have no medium term future.</p>
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<p>questions that this response has to make assumptions that may not be factual in the current plans for the BUTEC Range. We were promised in a Parliamentary question that the consultation would “involve a full and proper discussion”. What has emerged has been far from this.</p> <p>Finally the manner in which the fishermen and communities have been treated leaves a lot to be desired. Claiming that the on going work at the Sand base is merely maintenance disrespects the currently good relations between the fishermen and the MoD. There has been a stream of workmen carrying out the “upgrade” from early summer which includes renewing the cable ducts and putting in place all the cables for the new hydro phones, lorries going off the North Coast Road with huge concrete ducts. This is not classed as maintenance in anyone’s eyes other than QinetiQ/MoD. While accepting the need for a BUTEC Range a continued existence and the current local economy is now reliant on its continuance there is a need for QinetiQ/MoD to acknowledge there is another thriving economy that operates alongside their operations which provides much needed employment on the Applecross peninsula. It is important to note that the timescale of the consultation has not been nearly long enough to carry out a detailed socio/economic study on the impacts of the Range expansion. The standard timescale for consultations carried out by the Scottish Government is 90 days. While extending the current consultation from 35 to 49 days has been welcome it still is not long enough to gather information to show the detrimental effects of the expanded closure on the local economy.</p> <p>It is difficult to obtain definitive landings from such a concentrated area as it transcends two blocks, areas 43E4 44E4, but first sale values of £3.4 million have come from these blocks. This will include tonnage from the mobile sector which brings down the average value of the catch. The area of the proposed expansion is one of the few grounds which have a</p>	
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	<p>creel only fishery and the value of the fishery per tonne is far higher. An example of the potential impact comes from landings of £271,000 accounting for just seven vessels from June to August 2015, fishing in the affected area. The point to be made here is the proposed restricted area is regarded as one of the most lucrative fishing grounds on the west coast of Scotland. The vessels which fish this area are all under 15m and are locally based, not being the nomadic mobile sector. They land all their catch into the local ports surrounding these grounds.</p> <p>Given time a socio/economic study would supply the numbers of jobs created that supports the landings, packers, drivers, office and administration work and marketing, advertising and promotion of a top quality product. There is a strong secondary industry reliant on the procurement of this fishery, that of a strong tourist industry. An example of one boat's landing to one local outlet during the summer over one week totalled £1,000 and this value is trebled by the time the product reaches the plate. This is a locally based economy which is part of the attraction that brings in many visitors over an extended season.</p> <p>The creation of a vibrant sector around fresh and sustainably caught seafood is an important factor in its continued success.</p>	
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90	<p><b>Water:</b></p> <p>What actions have the Range operators taken to mitigate the loss of grounds regarding the Range Inner Sea expansion? Where do the boats place their creels when the restricted area is doubled in size? I am sure they realise that as well as being the most lucrative fishing grounds that are to be</p>	<p>After reviewing the concerns raised during the consultation process we are rewording the byelaws to eliminate some apparent confusion, and make sure that they place only those restrictions required to meet Defence needs. In particular, the wording will now make it clear that:</p> <ul style="list-style-type: none"> <li>a. The right to transit the Inner Sea Area will remain, as at present, although this will be managed over VHF radio by Range Control if the range is in use for military purposes.</li> <li>b. There will be no provision for closure of the Outer Sea Area, either in part or whole, at any</li> </ul>
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<p>restricted the surrounding grounds are already the most heavily fished. The displaced gear will either put boats out of business or create an atmosphere of conflict between static gear men fighting over more limited fishing grounds. As pressure intensifies to the south of the expansion, this conflict has the potential to spill over into a mobile/static gear area. The summer trawled grounds will have more creels for the mobile sector to negotiate leading to gear loss for the creel fishermen and loss of time in the mobile sector.</p> <p>The concerned following question has been repeatedly asked and has not received a definitive answer but an evasive response. The Range operators have the power to close The Outer Sea Area during trials, how often will this happen and what notice will be given, when this occurs? Due to the increased size and scope of proposed operations on the BUTEC Range and the intimation that QinetiQ aim to have the Range active as much as possible. This power and the exercise of this power may well be crucial to the viability of the local fleet.</p> <p>As the size of the vessels using the Range increases it was intimated that the vessels need a greater area to turn. The Range expansion to the south appears to have more than the protection of the hydrophones as a reason for implementation. Again by implication, does this mean that the Outer Sea Area will be closed more often? While not expecting reassurance for the future the fact that there already has been a request to close off the Inner Sound north of the Cowlins for a trial does not hold any kind of positive prospects for the future. Have any studies taken place to find any negative effects on cetaceans which are both resident and transitory on the Inner Sound? How does this affect the growing trade in environmental tourism? Tourism and commercial transport companies are expressing concern about restricting transit of the Range. Have the operators investigated the safety</p>	<p>time, and both creel and line fishing will permitted in it – again as is currently the case. Any additional temporary controls required for specific activities will be notified through Notices to Mariners.</p>
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	implications of exercising this power?	
91	<p><b>Ashore</b></p> <p>The considerations of the tourist industry on the Applecross peninsula does not appear to have been addressed. Tens of thousands of visitors come here to enjoy a Sanctuary, the original Gaelic name of the area, establishing a larger commercial base at Sand can adversely affect tourism here. Accommodation is already fully exploited, the Range operators expect a good standard of pre-booked accommodation, will this be available in the future? Has this been investigated? The powers to close of the road to the Base at Sand, how does this affect access to the Sand beach, an established holiday destination? Tourism is the main employer in the locality and there does not appear to be any consideration given to any adverse effects the expansion of the Range will have on this well established industry. The economic health of the locale depends largely on the health of tourism and additional employment will not replace any job losses. Once Applecross becomes known as a major testing site this will put the "remote and beautiful attraction" of the area at risk.</p>	<p>The physical changes resulting from the investment work to sustain the operation of the MOD Raasay ranges, together with the associated proposal to amend the byelaws, will have a negligible impact on their visible foot-print. However, these changes are necessary if the facility is to remain viable in the medium term. Part of the new investment will enable the range to be remotely operated, reducing the need to have additional trials staff at the Applecross site. Until this has been completed there will be an increased presence. Recognising that accommodation during this phase would be a problem QinetiQ and some of its contractors have used Hartfield house. Moreover, on current plans it is also unlikely that the volume of submarine testing will increase and as such, the impact on the availability of overnight accommodation is not expected to be significant in the longer term.</p>
92	<p><b>Conclusion and future</b></p> <p>The length of the consultation period and information released during it has meant that there are fundamental flaws in the process. There has no consideration been expressed by the Range operators on the effects of the proposed plans on the local community and economy. There are too many concerns expressed locally to include in this submission but one that is uppermost is if the Range is operated in a successful way the shareholders of a private company will benefit. This benefit accrues partly through the denying of access to long established traditional fishing grounds from which small operators have turned over profit for centuries. What have the Range operators put in place to compensate the loss of earnings from these fishermen as there is a CPO being carried out and a</p>	<p>As indicated previously the byelaw consultation progress is regulated by statute and has provided the opportunity for a wide variety of local interests to express their views. The meetings that are planned for February and March 16 between the MOD, QinetiQ and local fishing industry representatives will also provide opportunities for detailed discussion at working level. While QinetiQ, which operates the Raasay Ranges on behalf of the MOD, is a private company, the planned changes are driven by Defence requirements and the need to ensure that the full operational benefit is derived from the on-going investment work at the Ranges. This work is expected to deliver savings of £1M per annum to the UK taxpayer. We are confident that if all parties were to adopt a flexible and pragmatic approach to the implementation of the proposed byelaws, we would be able to build on and enhance the existing good relations between the Ranges and the local fishermen.</p>

	<p>transfer of profits from several small businesses to QinetiQ?</p> <p>Important to note that up till now there have been good relations between the Range operators and the local fishermen and we hope this will continue despite the flawed consultation process.</p>	
93	<p>Request for mitigation such as extent of Outer Sea Area.</p>	<p>After reviewing the concerns raised during the consultation process we are rewording the byelaws to eliminate some apparent confusion, and make sure that they place only those restrictions required to meet Defence needs. In particular, the wording will now make it clear that:</p> <ul style="list-style-type: none"> <li>a. The right to transit the Inner Sea Area will remain, as at present, although this will be managed over VHF radio by Range Control if the range is in use for military purposes.</li> <li>b. There will be no provision for closure of the Outer Sea Area, either in part or whole, at any time, and both creel and line fishing will be permitted in it – again as is currently the case. Any additional temporary controls required for specific activities will be notified through Notices to Mariners.</li> </ul>
94 (Received 11 Apr 16)	<p><b>From Applecross Community Council dated 4 Apr 2016:</b></p> <p>With reference to the above proposals, the Applecross Community Council (ACC) wish to lodge this letter in support of the local fishermen, and indeed the wider Applecross business community, receiving financial compensation in respect of losses of earnings as direct and indirect results of the proposed byelaw changes.</p> <p>As per the content of your letter (18<sup>th</sup> February 2016), and as minuted in recent ACC meetings, this issue is of great concern to the local area economically, socially and culturally.</p> <p>The ACC supports the efforts of the local interested parties whose livelihoods are threatened by these proposed changes. As noted in the recent concerns correspondence and responses letter (5<sup>th</sup> February 2016), the wider reaching financial implications of changes to the fishing grounds in the Inner Sound, whilst seemingly noted, do not appear to have been fully investigated or perhaps understood by the working group. That said, there may be future economic gains from the proposed changes but from the responses noted, this does not appear to be the case. It is unclear if these have been fully</p>	<p><b>Head of Byelaws Review Team responded by letter dated 6 May 2016:</b></p> <p>The Ministry of Defence (MOD) appreciates the concerns you have expressed in respect of the proposed new byelaws and range template changes at BUTEC and their potential impact on the local fishing and wider business community. It is for this reason that the initial public consultation period was extended and subsequently working group and other follow up meetings held to clarify issues and enable interested parties to express their concerns. In parallel an Economic Impact Assessment (EIA) was commissioned which is presently nearing completion; it is the MOD's intention that it will be published online at Gov.UK and copies forwarded to contributors. I can confirm that the EIA will look at the economic impact on the local area. The remit will extend beyond purely financial issues.</p> <p>As previously explained, MOD does not have a legal obligation to pay compensation for loss of earnings when making new byelaws. Only where private rights over the sea, shore or tidal waters are affected is compensation payable under section 2 of the Military Lands Act 1900.</p>

	<p>considered.</p> <p>Coupled with this are the more qualitative concerns about the down-stream social impact of changes to the local economy that is already in a fragile state with an aging and declining population. In addition, there are cultural effects on Applecross as a long-standing and traditional fishing community, where many local people retain strong familial fishery links extending to 4<sup>th</sup> and 5<sup>th</sup> generations.</p> <p>In summary, it seems unjust for changes to be made to the local area that will have a negative impact on hard working and self-employed individuals and also on businesses which operate in the area, without proper consideration being applied to adequate financial recompense. Such consideration, by its nature, will assist in allowing negative economic impact to be countered by offering other options to those affected in the area. It will also allow the social and cultural aspects of Applecross to be preserved for benefit of future generations!</p>	
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