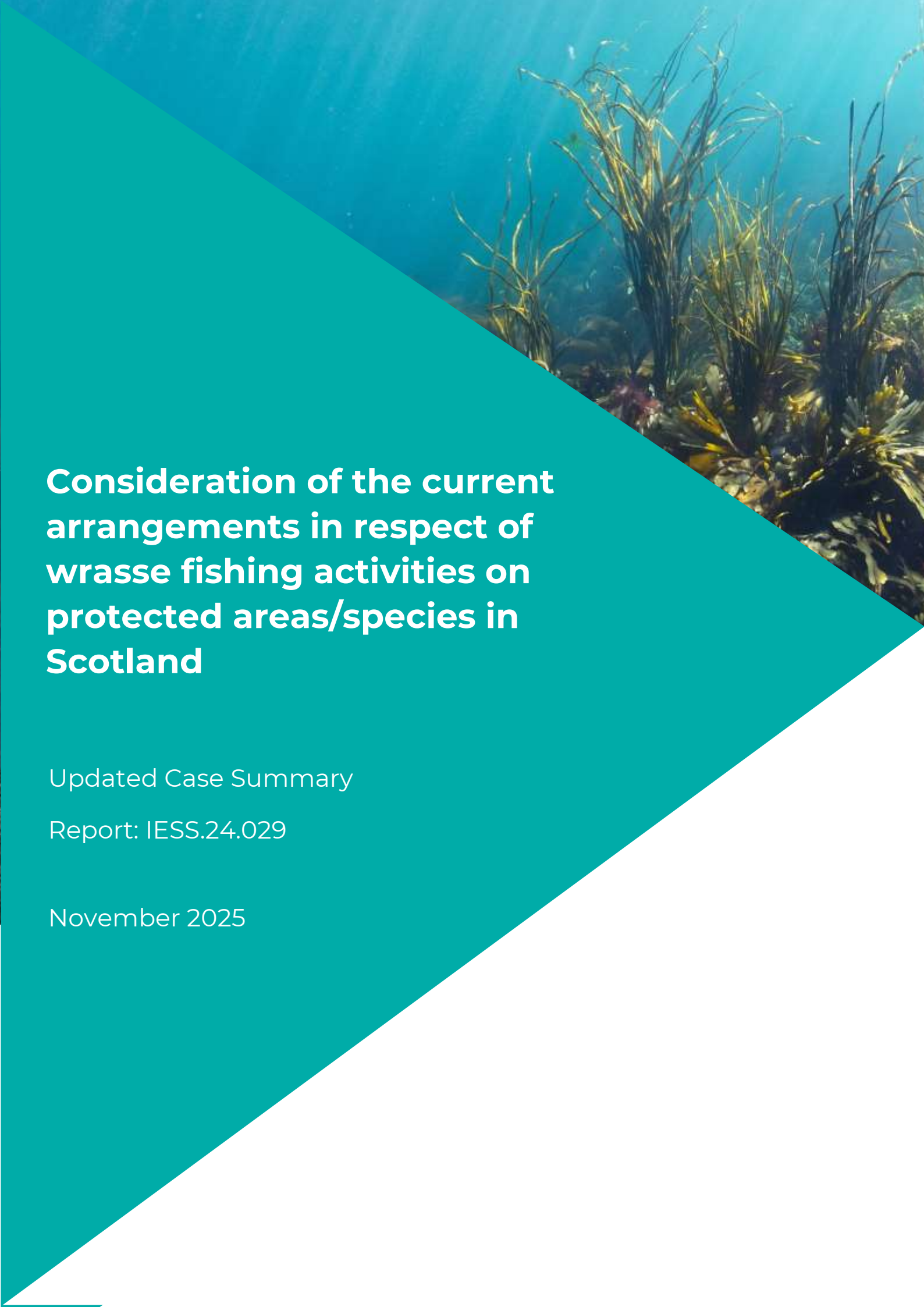




Consideration of the current arrangements in respect of wrasse fishing activities on protected areas/species in Scotland

Updated Case Summary

Report: IESS.24.029

November 2025

Case Summary Report

For further background information on this case, please see ESS' previous case summary report on our [website](#).

What was the issue?	Environmental Standards Scotland (ESS) received a representation raising concerns that the Marine Directorate had permitted commercial wrasse fishing within protected areas without first carrying out an appropriate assessment (AA), as required under the Habitats Regulations. The representation highlighted potential ecological risks, including impacts on rocky reef ecosystems and protected species due to the removal of wrasse.
What did ESS do?	ESS reviewed relevant evidence and legal requirements and concluded that the Marine Directorate had not fulfilled its legal duty to carry out an AA. In response, the Marine Directorate committed to: • conducting an AA before the 2025 fishing season • consulting with NatureScot • publishing the findings of the assessment ESS advised it would consider the completed assessment to determine whether any further action was required.
What outcome was achieved?	The Marine Directorate has now completed the assessment, consulted with NatureScot, and published the findings on its website. ESS has decided to close the case, as the Marine Directorate has now undertaken an assessment that addresses the concerns raised in the representation. Notwithstanding this decision, ESS intends to undertake further investigatory work to examine how AAs are applied more broadly across public authorities in Scotland.

Background

Wrasse are important fish species that play a key role in maintaining the health of rocky reef ecosystems and are also used in aquaculture to help control sea lice. However, growing concerns have been raised about declining wrasse populations and the potential impact of their removal on wider marine ecosystems.

Under the Conservation (Natural Habitats, &c.) Regulations 1994¹ (“the Habitats Regulations”), public authorities are required to carry out an appropriate assessment (AA) if a proposed activity could affect protected habitats or species. This legal safeguard helps ensure that conservation objectives are not compromised.

ESS received a representation alleging that the Marine Directorate had permitted wrasse fishing in protected areas without first carrying out an AA, potentially causing harm to sensitive habitats and species.

ESS’ Consideration

ESS reviewed the representation, relevant evidence, and applicable environmental law. It concluded that an AA should have been undertaken before permitting the activity in line with legal obligations under the Habitats Regulations.

ESS engaged with the Marine Directorate to resolve the issue through informal resolution. As part of this process, the Marine Directorate committed to carrying out an AA for commercial wrasse fisheries, working in consultation with NatureScot. This assessment has now been completed and made publicly available².

ESS welcomes the Marine Directorate’s completion of its assessment and its engagement with NatureScot. This represents a positive step towards fulfilling statutory obligations under the Habitats Regulations. However, ESS also identified some procedural and evidential aspects of the assessment that raise broader concerns about the overall robustness of the AA regime.

¹ [The Conservation \(Natural Habitats, &c.\) Regulations 1994](#)

² [Inshore waters - regulated commercial use of traps/pots to catch wrasse: fisheries assessment - gov.scot](#)

ESS considers this case highlights a timely opportunity to initiate a comprehensive review of how AAs are conducted across Scottish public authorities, to ensure that future assessments are:

- transparent and clearly reasoned
- based on robust scientific evidence
- legally compliant
- consistently aligned with conservation objectives

Outcome Achieved and Next Steps

ESS is satisfied that informal resolution has been achieved following the completion and publication of the Marine Directorate's assessment. Accordingly, ESS intends to close this case.

Notwithstanding this decision, ESS will undertake further investigatory work to consider the effectiveness of the broader AA regime. This work will include a review of AA practices across public authorities, with the aim of promoting consistency, improving practice, and ensuring legal compliance with statutory obligations under the Habitats Regulations.

ESS will engage with relevant stakeholders to support improvements in AA practice across Scotland and publish findings from this review.

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