



Consultation Response

Scottish Highly Protected Marine Areas (HPMAs) Scottish Wildlife Trust Response

14 April 2023

"Nature is our life support system but it's under threat from the twin crises of biodiversity loss and the climate emergency. The designation of HPMAs could play a vital role in addressing these crises but only as a tool within a suite of other measures to achieve a holistic approach to managing the competing uses of the marine environment and protecting it for the benefit of future generations, ensuring nature is at the heart of Scotland's future."

The Scottish Wildlife Trust welcomes this opportunity to respond to Scottish Highly Protected Marine Areas (HPMAs) Consultation.

Summary

- The Scottish Wildlife Trust strongly supports the creation of HPMAs with strict protections to aid in the recovery of marine ecosystems and mitigating climate change.
- We strongly support HPMA site identification based on Blue Carbon. The Trust believes that natural recovery through protection and enhancement of blue carbon habitats could make a significant contribution towards meeting Scotland's climate change targets, as well as providing many additional benefits that will contribute to achieving Good Environmental Status in Scotland's seas.
- The Trust strongly supports strengthening the existing MPA network to allow for greater connectivity between existing sites and protections for mobile species or those with seasonal variations in habitat as well as areas that provide supporting functions and processes.
- We support the provision of some recreational activities within HPMAs so that people can continue to enjoy and engage with the marine environment. In terms of recreational activities, the Trust supports the provision of guidance to marine users so that people can continue to enjoy the marine environment whilst being mindful of species and habitats and acting in a responsible way.
- The Trust welcomes the consideration of activities that take place outside of a HPMA to provide a more holistic approach to marine management, in keeping with the ecosystems approach. We welcome the recognition of the complex web of interactions that occur within the marine environment and the provision to protect all elements of the marine ecosystem within the HPMA boundary.
- The Trust would like to see "non-damaging activities" more clearly defined within the policy so that it is clear to the public and for enforcement by authorities.
- Engagement with stakeholders, marine users and local communities must be undertaken early in the process as well as continuously throughout to ensure support for any site designations.
- The marine environment is already a very busy space and so consideration must be given to marine spatial planning to aid in site assessment and identification and should be done in conjunction with the NMP2.
- Early consultation and meaningful engagement with communities will be essential to the overall success of HPMAs as a tool for improving the health of Scotland's Seas and the benefits they can provide to communities through ecosystem services.

Our Response

Question 1 What is your view of the aims and purpose of Highly Protected Marine Areas as set out in sections 2 and 3 of the draft Policy Framework?

Strongly support.

The Scottish Wildlife Trust (herein after referred to as the Trust) strongly supports the creation of HPMAs with strict protections to aid in the recovery of marine ecosystems and mitigating climate change.

The Trusts [Strategy 2030](#) vision is a network of healthy, resilient ecosystems on land and sea that are supporting both people and wildlife. The three main drivers behind this vision are combating the twin nature and climate crises as well as addressing the disconnect between people and nature. We therefore support the provision of some recreational activities within HPMAs so that people can continue to enjoy and engage with the marine environment. The Trust also supports the provision for active restoration of historically present habitats or species, such as seagrass and native oyster beds.

The Trust would like to see “non-damaging activities” more clearly defined within the policy so that it is clear to the public and for enforcement by authorities. The list of permitted activities ranges from wild swimming which is a low impact activity to jet skis/motorboat use which are a much higher impact activity in comparison. Ideally each proposed non-damaging activity would be risk assessed in some way.

We welcome the recognition of the complex web of interactions that occur within the marine environment and the provision to protect all elements of the marine ecosystem within the HPMA boundary.

Question 2 What is your view of the effectiveness of the approaches to manage the activities listed below, as set out in section 6 of the draft Policy Framework, in order to achieve the aims and purpose of HPMAs?

The Trust broadly supports an approach where extractive and/or damaging activities are prohibited within a HPMA. However, the framework proposed appears to rule out a lot of areas for site assessment and we have concerns that by being so strict areas that would most benefit from protection could be overlooked, for example because there is a cable within the area or a pier. If the purpose of HPMAs is to allow for ecological recovery, then consideration for management measures and site selection should be based on scientific knowledge of habitats and species locations in addition to whether there are currently any activities that cannot be relocated. In terms of recreational activities, the Trust supports the provision of guidance to marine users so that people can continue to enjoy the marine environment whilst being mindful of species and habitats and acting in a responsible way.

Question 3 What is your view of the proposed additional powers set out in section 8.3.2 of the draft Policy Framework: “Allow for activities to be prohibited from the point of designation to afford high levels of protection.”

Support

The Trust welcomes the consideration of activities that take place outside of a HPMA to provide a more holistic approach to marine management, in keeping with the ecosystems approach. In terms

of enforcement the Trust would welcome strict measures and procedures to detect offences, with resources provided for a robust enforcement strategy. We would also like to see resources provided for monitoring ecosystem recovery from pressures outlined in the Scotland Marine Assessment 2020 so that evidence of the benefits of higher protections to rate of recovery of degraded areas could be provided (i.e., tissue sample testing for exposure to anthropogenic chemicals/microplastics/evidence of stress).

Question 4 What is your view of the proposed additional powers set out in section 8.3.3 of the draft Policy Framework: "Establish processes to permit certain limited activities within a HPMA on a case-by-case basis for specified reasons."

Support

The Trust strongly supports the provision for activities in relation to scientific monitoring and habitat/species restoration projects. Monitoring should be a key component of any HPMA to provide robust data to inform actions to mitigate both the climate and nature crises.

Question 5 What is your view of the proposed additional powers set out in section 8.3.4 of the draft Policy Framework: "Activities which are not permitted in a HPMA but are justified in specified cases of emergency or force majeure."

Support

In the event of activities being permitted the reasons behind the justification should be made publicly available.

Question 6 What is your view of the proposed additional powers set out in section 8.3.5 of the draft Policy Framework: "Measures for activities allowed and carefully managed in HPMA's."

Support

The Trust strongly supports provisions for people to be able to use the marine environment for enjoyment, education and enhanced wellbeing. Again, the Trust would like to see "non-damaging activities" better defined within the policy framework so that it is clear to the public what is and is not allowed within the area. We support the use of a Code of Conduct to aid in this, as well as the potential for permits to limit certain activities during key breeding seasons for example.

Question 7 Do you have any further comments on the draft Policy Framework, which have not been covered by your answers to the previous questions?

N/A

Draft Site Selection Guidelines

Question 8 What is your view of the proposal that HPMA site identification should be based upon the "functions and resources of significance to Scotland's seas," as set out in Annex B of the draft Site Selection Guidelines?

Functions and Resources	Extent of Support
Blue Carbon	Strongly support
Essential fish habitats	Support
Strengthening MPA network	Strongly support
Protection from storm and sea level rise	Support
Research and education	Support

Enjoyment and appreciation	Support
Other important ecosystem services	Support

We strongly support HPMA site identification based on Blue Carbon. The Trust believes that natural recovery through protection and enhancement of blue carbon habitats could make a significant contribution towards meeting Scotland's climate change targets, as well as providing many additional benefits that will contribute to achieving Good Environmental Status in Scotland's seas. For example, many of these habitats increase biodiversity, provide vital nursery grounds for juvenile fish and shellfish, improve water quality, increase seafloor integrity, and create the foundations for stable ecosystems. For more information on the Trusts position on Blue Carbon you can find our briefing at the following link: [Scottish Wildlife Trust - Blue Carbon Briefing](#)

The Trust strongly supports strengthening the existing MPA network to allow for greater connectivity between existing sites and protections for mobile species or those with seasonal variations in habitat as well as areas that provide supporting functions and processes. We would prefer to see the identification and designation of new sites as HPMA's to expand the MPA network rather than upgrading existing MPAs.

We would also support the designation of sites for research and education purposes, particularly with the view of collecting long term data sets as it is acknowledged that ecosystem recovery will likely take place over long timescales. It will be important to consider provisions for collecting data at an early stage in the process to make the most of the opportunity for long term monitoring. The Trust advocates for youth engagement and education and how important it is for young people to learn about and connect with the marine environment, for example through our Young Leaders network.

Goal 2 of the Trusts Strategy 2030 seeks to encourage communities to take action for nature by encouraging a deeper connection with the environment. It is therefore encouraging to see mental health and wellbeing considered as an important ecosystem service.

Question 9 What is your view of the general principles that are intended to inform the approach to HPMA selection, as listed below and set out in section 4.1 of the draft Site Selection Guidelines?

Site Selection	Support of general principles
Use of robust evidence base	Strongly support
HPMA scale and use of functional ecosystem units	Support
Ensuring added value	Support
Delivering ecosystem recovery	Strongly support

The Trust strongly supports the use of a robust evidence base that will include knowledge exchange between different marine experts and users so that everyone can be involved at an early stage, including local communities.

We are also supportive of the intention to set no minimum or maximum size for a HPMA and no predetermined view regarding the number of potential sites to be identified, to allow maximum benefit to marine ecosystems and species. Similarly we support the provision for "at least" 10% of Scotland's seas being protected (as outlined in our [Nature Recovery Plan](#)) leaving the option open to go even further.

Question 10 What is your view of the proposed five-stage site selection process, found in sections 4.2 and 4.3 as well as Figure 2 and Annex A of the draft Site Selection Guidelines?

Support

Given that there is an interim target of a 75% reduction in emissions by 2030 and net zero target by 2040, it should be recognised throughout the process that climate change is already affecting Scotland's environment and communities and so any designations for climate mitigation should not be unduly delayed.

Engagement with stakeholders, marine users and local communities must be undertaken early in the process as well as continuously throughout to ensure support for any site designations and enhanced education and understanding as well as knowledge building. In terms of Stage 5 "People, Planet and Prosperity" the Trust would advocate for an ecosystem-based approach that would put nature at the heart of Scotland's future.

Question 11 Do you have any further comments on the draft Site Selection Guidelines, which have not been covered by your answers to the previous questions?

N/A

Initial Sustainability Appraisal

Question 12 What is your view of the Strategic Environmental Report, summarised within sections 3 and 4 of the Sustainability Appraisal, as an accurate representation of the potential impacts, issues and considerations raised by the introduction of the draft Policy Framework and Site Selection Guidelines?

Support

The marine environment is already a very busy space and so consideration must be given to marine spatial planning to aid in site assessment and identification and should be done in conjunction with the NMP2. As has already been mentioned perhaps the site assessment guidelines are too strict to allow for a larger, more connected network.

Consideration should be given to just transition for any marine users displaced from areas, and resources made available for connecting with the HMPA in new and different ways i.e., through marine tourism.

Question 13 What is your view of the Socio-Economic Impact Assessment, summarised within sections 3 and 4 of the Sustainability Appraisal, as an accurate representation of the potential impacts, issues and considerations raised by the introduction of the draft Policy Framework and Site Selection Guidelines?

Support

The benefits that HPMAs could bring to communities that would offset impacts should be highlighted such as alternative avenues of employment (marine tourism), benefits to fisheries due to overspill, benefits to aquaculture due to improved water quality out with HMPAs and improved resilience to climate change. Consulting with communities at the earliest point possible will be absolutely key.

Partial Island Communities Impact Assessment (ICIA) Screening Report

Question 14 What is your view of the partial ICIA screening report as an accurate representation of potential impacts, raised by implementation of the draft Policy Framework and Site Selection Guidelines?

Support

It will be important to consider the potential impacts to island communities where employment is more likely to be based in marine industries and where alternative employment is not guaranteed. Again, early consultation and detailed screening will be required so that island communities can benefit from the positives of HPMA's. Bringing social research methods into community consultations such as Community Voice Method which we used in our [Oceans of Value](#) project can aid in engagement around controversial topics.

Question 15 Do you think that the implementation of the draft Policy Framework and Site Selection Guidelines will have any significantly differential impacts - positive and/or negative - on island communities?

Yes

There will be positives in terms of opportunities for marine tourism and resilience to the effects of climate change. There will however be challenges as well and so it is important for the policy to consider transition periods, retraining, associated costs and a more joined up approach for how HPMA's will be implemented.

Partial Business and Regulatory Impact Assessment (BRIA)

Question 16 What is your view of the partial BRIA as an accurate representation of the potential impacts, issues and considerations raised by the implementation of the draft Policy Framework and Site Selection Guidelines?

Support

The Trust supports the considerations of the benefits a healthy ecosystem can provide such as enhanced ecosystem services which include increase in fish stocks, resilience to climate change and space for recreation.

Question 17 Do you think that the implementation of the draft Policy Framework and Site Selection Guidelines will have any financial, regulatory or resource implications - positive and/or negative - for you and/or your business?

Yes

Question 18 If you answered "yes" to the previous question, please specify in the text box below, which of the proposals/actions you refer to and why you believe this would result in financial, regulatory or resource implications for your business.

The Trust has recent experience of having to repeatedly defend protected sites from inappropriate development. This is costly for us as a charity but also for developers who have been given the impression that protected sites aren't really protected and that speculative applications may well succeed. If HPMA's are poorly implemented and or enforced, we could have a situation where charities are continually having to highlight problems costing us time, effort and money that would be better directed to positive activities during a nature and climate emergency.

Our Commitment

Question 19 Do you have any further thoughts on the Scottish Government's commitment to introduce HPMA's to at least 10% of Scottish waters?

The Trusts Strategy 2030 goals are focused on both protecting and restoring ecosystems as well as connecting people with nature. The designation of HPMA's will go some way to helping achieve these goals with a more sustainable future for Scotland's marine environment. There are concerns however around the timing of HPMA's coming before the National Marine Plan 2 and cohesive Marine Spatial Planning in inshore waters. It will be especially important to use the designation of HPMA's to bring greater connectivity within the existing MPA network, with the onus on selecting new sites as opposed to upgrading the protection of existing MPAs and basing this on a holistic approach to marine management.

Early consultation and meaningful engagement with communities will be essential to the overall success of HPMA's as a tool for improving the health of Scotland's Seas and the benefits they can provide through ecosystem services. We would want to avoid a situation like that of Holy Island where the negative discussions around HPMA's in part lead to the deselection of Lindisfarne as a HPMA in English waters. Properly resourcing enforcement and long-term scientific monitoring and data collection will also be key to realising the benefits of HPMA's and improving on environmental protection measures in future.

The Trust strongly supports the commitment to protect at least 10% of Scotland's seas. Nature is our life support system but it's under threat from the twin crises of biodiversity loss and the climate emergency. The designation of HPMA's could play a vital role in addressing these crises but only as a tool within a suite of other measures such as marine spatial planning to achieve a holistic approach to managing the competing uses of the marine environment and protecting it for the benefit of future generations.

The Trust is also included as a signatory to the Scottish Environment Link response.