

Highly Protected Marine Areas (HPMAs): Analysis of consultation responses

Final Report

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FINAL REPORT

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Terminology, style and abbreviations

Terminology

The titles of the five documents which formed the basis for this consultation – (i) the draft HPMA Policy Framework, (ii) the draft Site Selection Guidelines, (iii) the initial Sustainability Appraisal, (iv) the partial Island Communities Impact Assessment screening report, and (v) the partial Business and Regulatory Impact Assessment – are capitalised in Chapter 1 where these documents are introduced. Thereafter (from Chapter 2 onwards), the titles are **not** capitalised to make the text more readable. The fourth and fifth documents are abbreviated as ‘partial ICIA screening report’, and ‘partial BRIA’, respectively.

Style (use of quotation marks)

Throughout this report, single quotation marks (‘) are used to indicate where the (exact) words of a respondent’s comments are reported verbatim.

Abbreviations

The following terms and abbreviations are used in this report.

- **Business and Regulatory Impact Assessment (BRIA):** A process of estimating the costs, benefits and risks of proposed legislation, voluntary regulation, codes of practice or guidance that may impact on the public, private or third sector.
- **Bute House Agreement:** A shared policy programme agreed between the Scottish National Party and the Scottish Greens in August 2021. It focuses on areas of mutual interest in relation to climate emergency, economic recovery, child poverty, the natural environment, energy and the constitution.
- **Department for Environment, Food and Rural Affairs (DEFRA):** The UK Government department responsible for environmental protection, food production and standards, agriculture, fisheries and rural communities.
- **Highly Protected Marine Areas (HPMAs):** Areas of the sea that are given a high level of protection to allow the protection and full recovery of marine ecosystems. The current consultation has proposed to establish 10% of Scottish inshore and offshore waters as HPMAs.
- **International Union for Conservation of Nature (IUCN):** A membership body that brings government and civil society organisations together with a global network of experts to promote conservation and sustainable development. The consultation proposed that HPMAs would broadly align with the three most strictly protected categories (Ia – strict nature reserve, Ib – wilderness area, and II – national park) as set out in the [Guidelines for Applying the IUCN’s Protected Area Management Categories to Marine Protected Areas](#).
- **Island Communities Impact Assessment (ICIA):** Required by Section 7 of the Islands (Scotland) Act 2018, an ICIA is a process that public authorities must use to identify the impacts that policies, strategies or services might have on island communities in Scotland.

- **Marine Protected Areas (MPAs):** Protected sites with a marine element, this can be a generic term to include Special Areas of Conservation (SAC), Special Protection Areas (SPAs) and MPA sites. Under the Marine (Scotland) Act 2010 there are three types of designation – nature conservation, historic, and demonstration and research.
- **Priority Marine Features (PMF):** A [defined list of 81 habitats and species](#) considered to be of conservation importance in Scotland’s seas, adopted by Scottish Ministers in 2014.
- **Strategic Environmental Assessment (SEA):** The Environmental Assessment (Scotland) Act 2005 sets out a requirement for certain public plans, programmes and strategies to be assessed for their potential effects on the environment. The process of fulfilling this requirement is called a Strategic Environmental Assessment (SEA).
- **Socio-Economic Impact Assessment (SEIA):** A process which aims to identify and assess the potential social and economic effects (positive and negative) of a proposed development or policy on the lives and circumstances of people and their communities.
- **Qualitative analysis:** The analysis of non-numerical data, used in the current consultation analysis process to identify themes in the comments made by respondents to the consultation.
- **Quantitative analysis:** The analysis of numerical data is derived in the current consultation from the responses to multiple-choice tick-box questions.

Executive summary

1. The [Bute House Agreement](#) included a commitment that Scottish Ministers would designate at least 10% of Scotland's seas as Highly Protected Marine Areas (HPMAs) by 2026. A public consultation was carried out between December 2022 and April 2023 to seek views on the aims and purpose of HPMAs, how the proposal would be implemented, and its potential impacts.
2. The consultation comprised five draft documents:
 - The [draft HPMA Policy Framework](#) set out the proposed definition and aims of HPMAs and what this would mean for different activities taking place in Scottish waters.
 - The [draft Site Selection Guidelines](#) described the proposed process for identifying and selecting (future) sites to designate as HPMAs in Scottish waters.
 - The [initial Sustainability Appraisal](#) provided an assessment of any cumulative impacts (environmental and socio-economic) of the HPMA policy, based upon the draft policy framework and site selection guidelines.
 - A [partial Island Communities Impact Assessment \(ICIA\) screening report](#) completed the first two stages of the statutory ICIA process by identifying issues that merit further exploration through research and engagement with island representatives.
 - A [partial Business and Regulatory Impact Assessment \(BRIA\)](#) presented an initial assessment of the potential costs, benefits and risks of introducing HPMAs and their potential impacts on the public, private and third sectors.
3. The consultation contained 19 questions – these were mainly closed (tick-box) questions followed by a space for comments.

About the respondents and responses

4. The analysis was based on **4,502** responses. This comprised **2,458 substantive responses** (that is, personalised responses) and **2,044 standard campaign responses** (where the respondent simply added their name to text produced by a campaign organiser).
5. Substantive responses were received from 289 organisations and 2,169 individuals. Organisational respondents comprised fishing organisations (53); community organisations (52); environmental organisations (33); organisations in the recreation, tourism and culture sectors (32); aquaculture organisations (30); public sector bodies including regulators and local authorities (21); business / private sector organisations (20); energy providers (12); fish selling and processing organisations (11); shipping organisations, ports and harbours (9); and political groups (7). Responses also came from a small group of other organisation types (9) that did not fit into any of the other categories.¹
6. Individual respondents often identified themselves as being involved in the fishing or aquaculture sectors – as owners, contractors or employees – or as family members, neighbours or friends of people involved in this sector. Individual respondents also often

¹ Note that this 12-group classification was simplified to an 8-group classification for the purpose of analysis.

highlighted their geographical location – with many saying they lived in coastal or island communities and were submitting a response as a ‘concerned member of the community’.

7. The standard campaign responses received in the consultation came from two separate campaigns. There were 2,018 Scottish Environment LINK campaign responses, and 26 responses from a campaign organised in Shetland.

About the analysis and findings

8. The large response to this consultation indicated a high degree of interest in this topic, and a willingness to engage with the Scottish Government. It should be noted, however, that there were widespread criticisms about the consultation process and the accompanying documentation, the consultation questions – which respondents found complex and difficult to understand – and the way that views had been sought on the proposals. These views were expressed mainly by respondents who were opposed to the proposals, but also by those who supported them.

9. The challenges that individuals, in particular, had in answering the questions means that caution should be used in interpreting the findings, especially in relation to the closed (tick-box) questions. For this reason, the analysis of respondents’ comments (made in response to the open questions) is particularly important for understanding people’s views.

Overall balance of opinion on HPMAs

10. All those who submitted a campaign response and the vast majority (more than 95%) of those who submitted a substantive response expressed a clear view either in support of, or against, the introduction of HPMA

s as proposed by the Scottish Government. There were two main groups:

- 55% of respondents **supported** the introduction of HPMA
s (note that a large majority of respondents in this group submitted Scottish Environment LINK campaign responses)- 43% of respondents **opposed** the introduction of HPMA
s (note that almost all the respondents in this group submitted a personalised response to the consultation).

11. The remaining 2% of respondents held **neutral** views – that is, they did not express clear support for, or opposition to, the introduction of HPMA

s.

Policy framework – aims and purpose (Q1)

12. Those who supported HPMA

s did so because they saw a need to take urgent action to protect the marine environment, and they believed that HPMAs would be effective in improving marine biodiversity. However, this group also expressed a range of caveats – often related to the potential for adverse impacts on local communities.

13. Those who opposed HPMA

s gave a range of reasons for their views, including (among others): (i) the lack of a scientific basis for establishing HPMAs, (ii) the arbitrary and disproportionate nature of the proposed policy, and the 10% target in particular, and (iii) the potential for serious socio-economic impacts on island and coastal communities.

14. Among organisations, levels of support for the aims and purpose of HPMA

s were highest among environmental organisations and organisations in the recreation, tourism and culture

sectors. Levels of opposition were highest among fishing organisations; fish selling and processing organisations; community groups; and aquaculture organisations.

Policy framework – management of activities (Q2–Q7)

15. Six questions sought views on the proposals set out in the draft policy framework for managing a range of different activities in HPMA, and proposals for new legal powers in relation to HPMA. Note that respondents repeatedly said that they found these questions difficult to understand.

16. The consultation asked respondents for their views on the effectiveness of proposed approaches to managing 16 specific activities within HPMA. Levels of support were highest in relation to the proposed approach to managing ‘shipping and ferries’ and lowest in relation to the approach to managing ‘recreational fishing of any kind’. Levels of opposition were highest in relation to the proposed approach to managing ‘commercial fishing of any kind’ and lowest in relation to the approach to managing ‘carbon capture, utilisation and storage’.

17. There was limited support for additional powers to be granted in relation to HPMA. Respondents were least supportive of powers to prohibit activities from the point of designation – 1 in 5 respondents supported this. Support was highest for powers to suspend restrictions in the event of a *force majeure* – 2 in 5 respondents supported this. In every case, organisations were more likely to support the granting of additional powers than individuals. Environmental organisations were the most likely to support the granting of additional powers, whilst fishing groups or organisations, and business / private sector organisations were most likely to oppose this.

Site selection (Q8–Q11)

18. The draft site selection guidelines stated that HPMA site identification will be based on ‘functions and resources of significance to Scotland’s seas’. Seven specific functions and resources were proposed: (i) blue carbon, (ii) essential fish habitats, (iii) strengthening the Scottish MPA network, (iv) protection from storms and sea level rise, (v) research and education, (vi) enjoyment and appreciation, and (vii) other important ecosystem services. The consultation sought views on these.

19. Respondents who supported the introduction of HPMA were most likely to highlight ‘blue carbon’, ‘essential fish habitats’ and ‘other ecosystem services’ as being key objectives for marine conservation. Comments from respondents who were opposed to the introduction of HPMA often focused on issues relating to the definitions used and the lack of evidence available on individual functions and resources. Some queried or were unclear about the relevance of the individual functions and resources for marine conservation or site selection.

20. The guidelines stated that the site selection process will be underpinned by four general principles: (i) use of robust evidence base, (ii) HPMA scale and the use of functional ecosystem units, (iii) ensuring added value, and (iv) delivering ecosystem recovery. Support among respondents was highest for ‘use of robust evidence base’.

21. A five-stage site selection process was proposed involving: (i) identification of possible HPMA sites based on functions and resources of significance to Scotland’s seas, (ii) consideration of the contribution of potential sites to the overarching aims of HPMA, (iii)

defining the appropriate scale of the proposed site, (iv) reviewing the current use of the site and setting out management arrangements for existing activities, and (v) assessing the wider potential benefits of designating the site as an HPMA. One in six respondents said they supported the five-stage process, although views varied significantly among different respondent types and organisation types. Environmental organisations expressed the greatest support, while fishing-related organisations were almost unanimously opposed.

22. In relation to all the questions about the site selection guidelines, recurring themes – both among those who supported and those who opposed HPMA – related to the importance of robust evidence, concerns about the timescales for designating HPMA, the importance of community and stakeholder engagement, and the need to take account of socio-economic as well as environmental factors.

Impacts (Q12–Q18)

23. Support for the accuracy and fairness of the various impact assessments undertaken in relation to the introduction of HPMA ranged from 9% (for the partial Business and Regulatory Impact Assessment) to 16% (for the partial Island Communities Impact Assessment screening report).

24. Some respondents were content with the impact assessments that had been presented but recognised that there was further work to be done. However, a large majority of respondents – including individuals, and organisations of all kinds – were critical of these impact assessments.

25. Criticisms of the individual impacts assessments were that they had omitted or given inadequate coverage to important issues; were vague or lacking in detail; underestimated the negative impacts of HPMA; had not been developed in consultation with coastal and island communities; and were not relevant, given that individual sites had not yet been selected.

26. Respondents identified a wide range of possible impacts of HPMA, including issues related to employment, prosperity, depopulation, infrastructure, mental health and wellbeing, cultural heritage and communities' relationship with the seas, and community cohesion. These impacts were often described as potentially 'devastating'.

Other comments and alternative approaches (Q19)

27. Respondents often suggested additional, complementary and / or alternative approaches to the conservation of Scotland's seas. Suggestions were made both by those who opposed HPMA, and by those who supported HPMA.

28. Both groups repeatedly called for a strategic, evidence-based approach to conserving and protecting Scotland's seas. They suggested this would be best delivered through a co-ordinated, comprehensive and coherent spatial marine management plan / framework.

29. Both groups emphasised the importance of: (i) collaboration and partnership working with local communities and stakeholders in developing 'bottom up' approaches to marine and environmental management, (ii) building on the local knowledge and values of people who live by and work on the sea, and respecting local sustainable fishing practices, and (iii) greater consideration of socio-economic impacts alongside environmental impacts.

1 Introduction

1.1 The [Bute House Agreement](#) included a commitment that Scottish Ministers would designate at least 10% of Scotland's seas as Highly Protected Marine Areas (HPMAs) by 2026. A public consultation seeking views on the aims and purpose of HPMAs, how the proposal will be implemented, and its potential impacts was carried out between December 2022 and April 2023. This report presents the findings of an independent analysis of responses to that consultation.

Policy context

1.2 The Scottish Government would like to see a marine environment that is clean, healthy, safe, productive and biologically diverse – and that meets the long-term needs of nature and people.

1.3 Currently, Scotland has a network of Marine Protected Areas (MPAs).² Marine sites are designated as MPAs based on certain features of the site. So, for example, some MPAs (NC MPAs, SACs, SPAs and SSSIs) are intended to protect marine habitats, species and geology, while others protect historical sites (such as shipwrecks). MPAs give protection by prohibiting or regulating potentially damaging activities in the defined area, to the extent that this is needed in order to achieve the conservation objectives for a site.

1.4 Most existing MPAs in Scottish waters allow for sustainable use – that is, they allow the continuation of activities (including certain methods of fishing) as long as the conservation objectives for a site can be achieved. The Scottish Government is currently working with stakeholders to develop fisheries management measures for MPAs and other key coastal biodiversity locations.

1.5 More recently, the Scottish Government announced plans to introduce Highly Protected Marine Areas (HPMAs). The Bute House Agreement between the Scottish Government and the Scottish Green Party includes a commitment to designate at least 10% of Scotland's seas as HPMAs, with the intention that HPMA designation would provide **additional** environmental protections over and above those provided by existing MPAs.

1.6 To determine how and where HPMAs will be identified and implemented, the Marine Directorate of the Scottish Government developed a draft HPMA Policy Framework, and NatureScot and the Joint Nature Conservation Committee (JNCC)³ drafted a set of guidelines to inform the selection of HPMAs. The draft Policy Framework proposed to prohibit **all** extractive, destructive or depositional activities including all fisheries, aquaculture, and other infrastructure developments (such as offshore wind farms), whilst allowing other activities, such as tourism or recreational activities, at non-damaging levels only. HPMAs may overlap with existing MPAs where there is a need for extra environmental protection.

² The MPA network comprises a combination of officially designated Nature Conservation Marine Protection Areas (NC MPAs), Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSIs), historic sites, sites for demonstration and research, and Ramsar Sites. Ramsar Sites are rare or unique wetlands of international importance. Ramsar Sites are named for the [Ramsar Convention](#) (adopted in Ramsar, Iran in February 1971).

³ The Joint Nature Conservation Committee (JNCC) is a public body that advises the UK Government and devolved administrations on UK-wide and international nature conservation.

1.7 Alongside the draft Policy Framework and Site Selection Guidelines, work was also carried out to assess the potential impacts of the policy. A Strategic Environmental Impact Assessment (SEIA), a Socio-Economic Assessment (SEA), a partial Island Communities Impact Assessment (ICIA) screening report and a partial Business and Regulatory Impact Assessment (BRIA) were all produced as part of the policy development process.

1.8 The Scottish Government carried out a public consultation on the draft Policy Framework and Site Selection Guidelines – as well as the potential impacts of the policy. The consultation opened on 12 December 2022. The closing date for the consultation was originally set for 20 March 2023, but this was subsequently extended by four weeks to 17 April 2023.

About the consultation

1.9 The [consultation paper issued by the Scottish Government](#) sought views and comments on several draft documents:

- The [draft HPMa Policy Framework](#) set out the Scottish Government’s proposed definition and aims of HPMAs and what this could mean for different activities taking place in Scottish waters.
- The [draft Site Selection Guidelines](#) described the proposed process for identifying and selecting (future) sites to designate as Highly Protected Marine Areas (HPMAs) in Scottish waters.
- The [initial Sustainability Appraisal](#) provided an assessment of any cumulative impacts (environmental and socio-economic) of the HPMa policy, based upon the draft policy framework and site selection guidelines.
- A [partial Island Communities Impact Assessment \(ICIA\) screening report](#) completed the first two stages of the statutory ICIA process by identifying whether there are issues which merit further exploration through research and engagement with island representatives.
- A [partial Business and Regulatory Impact Assessment \(BRIA\)](#) presented an initial assessment of the potential costs, benefits and risks of introducing HPMAs and their potential impacts on the public, private and third sectors.

1.10 The consultation questionnaire contained 19 numbered questions. Several of these were multi-part questions comprising one or more closed (tick-box) questions and a space for comments. Most of the closed questions asked respondents to indicate whether they ‘strongly supported’, ‘supported’, ‘opposed’, ‘strongly opposed’, or were ‘neutral’ in relation to the particular issues raised in the questions. The questions addressed the following:

- Questions 1 to 7 sought views on the draft Policy Framework
- Questions 8 to 11 sought views on the draft Site Selection Guidelines
- Questions 12 to 18 sought views on the potential impact of HPMAs.

1.11 A final question, Question 19, invited further comments on the Scottish Government’s commitment to introduce HPMAs.

1.12 Respondents could complete an online questionnaire or submit a response via email or post. In addition, the Scottish Government organised seven (7) online sessions to allow potential respondents to ask questions about the policy framework and draft site selection guidelines before submitting their response. A further three (3) sessions were subsequently arranged in response to demand.

About the analysis

1.13 This report is based on a robust and systematic analysis of the responses to the consultation. Both quantitative and qualitative analyses were carried out. Frequency analysis was undertaken in relation to the closed questions and the findings are shown in tables in this report. To simplify the findings and make the report more accessible, the five-point scale (strongly support, support, neutral, oppose, strongly oppose) used for most questions in the consultation questionnaire has been reduced to a three-point scale: (i) 'support' which includes 'strongly support', (ii) 'neutral', and (iii) 'oppose' which includes 'strongly oppose'. However, findings using the full five-point scale are presented in tables in Annex 1 – and references to these tables appear at appropriate points throughout this report.⁴ Qualitative analysis of the comments made in response to each open question was also undertaken. This aimed to identify the main themes and the full range of views submitted in response to each question or group of questions, and to explore areas of agreement and disagreement among respondents.

1.14 As will be discussed in Chapter 2, this consultation received 378 responses by email. Those who submitted these responses often explicitly said that they had difficulties engaging with the consultation questionnaire, but they wanted to make their views known about the proposal to establish HPMA in 10% of Scottish seas. As part of the analysis, work was undertaken to capture the overall attitudes of these respondents towards HPMA – based on the comments in their messages. A four-point scale was used: (i) 'support', (ii) 'neutral', (iii) 'oppose', and (iv) 'unclear or mixed views'. The results of the analysis based on this categorisation are discussed in Chapter 3.

1.15 Not all respondents answered every question. In cases where a respondent did not use the consultation questionnaire (i.e. they submitted their views by email), and their response to a tick-box question could be easily inferred from their written comments, a response to the relevant tick-box question was input by the analytical team. The tables in this report include these responses.

Caveats about the findings

1.16 As with all consultations, it is important to bear in mind that the views of those who have responded to a public consultation are not necessarily representative of the views of the wider population. Individuals (and organisations) who have a keen interest in a topic – and the capacity to respond – are more likely to participate in a consultation than those who do not. This self-selection means that the views of consultation participants cannot be generalised to the wider population.

1.17 For this reason, the approach to consultation analysis is primarily qualitative in nature. Its main purpose is not to identify how **many** people held particular views, but rather to

⁴ Note that Annex 1 is provided as a separate document.

understand the full range of views and any concerns that respondents may have – as expressed in their comments.

1.18 Moreover, it is important to note that respondents to this consultation often explicitly stated that they found it difficult to answer the consultation questions – because they found the questions too technical, or because the questions seemed (to them) to assume their support for HPMAAs when, in fact, they opposed HPMAAs.⁵ It was also clear during the analysis that respondents often interpreted the consultation questions in different ways. This means that the findings presented in the tables of this report must be treated with great caution. This issue reinforces the importance of the qualitative analysis in understanding people's views.

1.19 Finally, the tables in this report provide a breakdown of responses to the closed questions by organisation type. This has resulted in very small numbers in most of the cells of the tables. It is important to bear in mind – specifically in relation to the organisational respondents – that statements about percentages sometimes relate to fewer than 10 respondents.

Structure of the report

1.20 The remainder of this report is structured as follows:

- Chapter 2 presents information about the respondents to the consultation and the responses submitted.
- Chapter 3 provides an overview of the key messages and recurring themes from the consultation responses.
- Chapters 4 to 8 present the results of the analysis of the responses, on a question-by-question basis.

1.21 This report also contains seven annexes as follows:

- Annex 1 – which is published as a separate document – presents findings from the analysis of responses to the closed questions, broken down by (i) respondent type and (ii) organisation type, using the original five-category response scale: (i.e. strongly support, support, neutral, oppose and strongly oppose).
- Annex 2 contains a list of organisational respondents.
- Annex 3 provides details of the campaign responses received in the consultation.
- Annex 4 sets out the response rates to individual consultation questions.
- Annex 5 presents a summary of respondents' views on the consultation process.
- Annexes 6 and 7 contain further detail on the findings of the analysis of Question 2 and Question 8, respectively. These two questions were particularly complex multi-part questions. A high-level summary of the views expressed in relation to these questions appears in Chapters 5 and 6, respectively.

⁵ See Annex 5 for further details about respondents' views on the consultation and consultation process.

2 Description of the responses and respondents

2.1 This chapter provides information about the respondents to the consultation and the responses submitted.

Number of responses received and number included in the analysis

2.2 The consultation received a total of 4,594 submissions. These comprised:

- 2,129 responses submitted through Citizen Space
- 378 responses submitted by email or post
- 26 responses submitted by post as part of a Shetland-based campaign (this will be referred to as the Shetland postal campaign)
- 2,061 responses submitted as part of a Scottish Environment LINK campaign.

2.3 Responses received by email were entered into a database and, following quality assurance checks, were added to the database of responses received through Citizen Space. In addition, 43 of the 2,061 Scottish Environment LINK campaign responses were identified as 'personalised' responses. These were also added to the consultation database. The remaining 2,018 Scottish Environment LINK responses were 'standard campaign responses' which were not substantively edited by the respondent. These responses and the Shetland postal campaign responses were **not** entered into the consultation database, and so are not included in the tables throughout this report. However, the views expressed in these responses were included in the analysis as discussed below (see the discussion of campaign responses.)

2.4 A total of 92 responses were removed from the analysis for the following reasons:

- 30 responses were entirely blank
- 53 responses were found to be duplicate or multiple different responses submitted by 50 different respondents⁶
- 9 submissions were identified as consultation-related correspondence, which did not contain a consultation response.⁷

2.5 In cases where the respondent submitted a duplicate response, one response was removed and one retained for the analysis. In cases where the respondent submitted multiple different responses, the responses were combined into a single amalgamated response.⁸

⁶ This includes the response from one organisation that contacted the Scottish Government to ask for their duplicate response to be removed. In some cases, the respondent submitted a duplicate response – one by email and one through Citizen Space – or they sent (by email) follow-up material to their Citizen Space response. In other cases, the respondent submitted two different responses. (In two cases, the respondent submitted three responses.)

⁷ Examples included a message requesting a Word version of the consultation questionnaire; a message acknowledging receipt of information about the consultation; a request for information about whether HPMA's already exist in Scotland and who the Scottish Government's partners in this initiative are; a request for information about the exact closing date / time of the consultation.

⁸ Where the respondent submitted multiple different responses, if their answers to the closed questions differed across their responses, the latter response was retained and comments from their earlier response were copied into that.

2.6 Thus, the analysis presented in this report was based on **4,502** responses. This comprised **2,458 substantive responses** and **2,044 standard campaign responses** of various types. See Tables 2.1 and 2.2 below.

Table 2.1: Number of responses included in the analysis

Responses received	Number
• Citizen Space	2,129
• Email or post	378
• Shetland postal campaign	26
• Scottish Environment LINK campaign	2,061
Total received	4,594
Responses removed	Number
• Blank responses	- 30
• Duplicates or multiple responses from the same respondent	- 53
• Consultation-related correspondence not containing a response	- 9
Total removed	- 92
Total responses included in the analysis	4,502

Table 2.2: Number of responses included in the analysis, by type of response

Substantive responses (55%)	Number
• Responses received by Citizen Space or email	2,416
• Scottish Environment LINK non-standard campaign responses*	42
Total substantive responses	2,458
Standard campaign responses (45%)	Number
• Scottish Environment LINK campaign responses	2,018
• Shetland postal campaign responses	26
Total standard campaign responses	2,044
Total responses included in the analysis (100%)	4,502

* A total of 43 substantive (i.e. personalised) responses were identified among the Scottish Environment LINK campaign responses. However, **two** of these were submitted by **one** individual. These two responses were combined into a single amalgamated response, resulting in a total of 42 substantive responses from 42 individuals.

About the respondents (substantive responses only)

2.7 Substantive responses were received from 289 organisations and 2,169 individuals (see Table 2.3).

Table 2.3: Responses included in the analysis, by respondent type

Respondent type	Number	Percent
Organisations	289	12%
Individuals	2,169	88%
Total respondents (substantive responses only)	2,458	100%

Organisational respondents

2.8 The response form for this consultation invited respondents (individuals and organisations) to select – from a list provided – the ‘sector’ to which they or their organisation was best aligned.

2.9 This list and self-selection process was used as the starting point for a categorisation that could be used to describe the organisational respondents to the consultation. However, not all organisations answered this question and, among those that did, there were differences in the way respondents had classified themselves. As a result, further work was done to create a set of categories that could be applied more consistently across all organisational respondents. Table 2.4 (below) presents details of the 12 main types of organisations that responded to the consultation, based on this re-categorisation.

Table 2.4: Organisational respondents, by type

Organisation type	Number	Percent
1. Fishing organisations / groups	53	18%
2. Community organisations / groups	52	18%
3. Environmental organisations	33	11%
4. Recreation, tourism and culture organisations	32	11%
5. Aquaculture organisations / groups	30	10%
6. Public sector bodies including regulators and local authorities	21	7%
7. Business / private sector organisations	20	7%
8. Energy providers	12	4%
9. Fish selling and processing organisations / groups	11	4%
10. Shipping organisations, ports and harbours	9	3%
11. Political groups	7	2%
12. Other organisation types	9	3%
Total, all organisations	289	100%

2.10 Table 2.4 shows that the two largest categories of organisational respondents were fishing organisations / groups and community organisations / groups – each accounting for around a fifth (18%) of all organisational respondents. Fishing organisations / groups included those directly involved in fishing, fishing boat owners / operators, and their membership and representative bodies. Community groups included community councils, community development trusts, and their representative bodies.

2.11 The next largest organisational groups comprised (i) environmental organisations (11%), (ii) organisations / groups involved in the recreation, tourism and culture sectors (11%); and aquaculture organisations / groups (10%). Environmental organisations included those with a focus on environmental protection and nature conservation, as well as those with a broader interest in achieving ‘sustainable’ marine environments. Respondents from the recreation, tourism and culture sectors included sailing, angling, diving and sporting clubs and organisations, as well as hospitality organisations. Aquaculture organisations / groups included those involved in finfish, shellfish and seaweed aquaculture, and their representative bodies.

2.12 The remaining organisations comprised public sector bodies including regulators and local authorities (7%); organisations in the business / private sector (7%); energy providers (4%), fish selling and processing organisations (4%); organisations involved in the management of shipping, ports and harbours (3%), political groups (2%); and a small group of ‘other organisation types’ which did not fit into any of the other categories. This final category included academic organisations.

2.13 A complete list of organisational respondents is provided at Annex 2 of this report.

A simplified classification of organisations

2.14 To reduce the size of the tables in the report, a simplified classification of organisations was developed and agreed with the Scottish Government. This classification comprised eight (rather than 12) categories. (See Table 2.5 below.)

Table 2.5: Simplified classification of organisations

Organisation type	Includes (from Table 2.4 above)	Number	Percent
1. Fishing organisations / groups	<ul style="list-style-type: none"> Fishing organisations / groups 	53	18%
2. Community organisations / groups	<ul style="list-style-type: none"> Community organisations / groups 	52	18%
3. Environmental organisations	<ul style="list-style-type: none"> Environmental organisations 	33	11%
4. Recreation, tourism and culture organisations	<ul style="list-style-type: none"> Recreation, tourism and culture organisations 	32	11%
5. Aquaculture organisations / groups	<ul style="list-style-type: none"> Aquaculture organisations / groups 	30	10%
6. Public sector bodies including regulators and local authorities	<ul style="list-style-type: none"> Public sector bodies including regulators and local authorities 	21	7%
7. Fish selling and processing organisations / groups	<ul style="list-style-type: none"> Fish selling and processing organisations / groups 	11	4%
8. Other organisation types	<ul style="list-style-type: none"> Business / private sector organisations Energy providers Shipping, ports and harbours Political groups Other organisation types 	57	9%
Total, all organisations		289	100%

2.15 This 8-group classification is used throughout the remainder of this report – except in Annex 1 where the original 12-group categorisation (see Table 2.4) has been retained.

Individual respondents

2.16 Information about ‘sector alignment’ was also available for more than three-quarters of individuals. This information, together with statements included elsewhere in people’s responses, indicated that a large proportion of individual respondents were involved in the fishing or aquaculture sectors – as owners, contractors or employees – or as family members, neighbours or friends of people involved in this sector. Individual respondents also often highlighted their geographical location – with many saying they lived in coastal or island communities and were submitting a response as a ‘concerned member of the community’. Less than 2% of individual respondents identified themselves as being part of an ‘environmental organisation’, although individuals sometimes indicated their interest in environmental issues within their response.

2.17 The detail on how individuals responded to the sector alignment question is not presented in this report because of the high degree of variability and inconsistency in the way the question was answered. However, the responses nevertheless provide an insight into the perspectives of individual respondents in relation to the proposal to introduce HPAs and informs the qualitative analysis undertaken.

Campaign respondents

What is a campaign response?

2.18 A ‘campaign response’ is defined as a response to a consultation which is based on a template provided by a campaign organiser. The campaign organiser assists their members and supporters either by providing suggested responses to individual consultation questions or to the consultation overall, **or** by providing a commentary on the consultation and the consultation questions which people may draw on in drafting their own responses.

2.19 ‘Standard’ campaign responses are based on a ‘standard’ template, to which the respondent simply adds their name and submits the response (usually through a website) without amendment. ‘Non-standard’ campaign responses are responses based on the template, but where the respondent has personalised the response by adding additional substantive comments. Throughout the remainder of this report, ‘standard’ campaign responses are referred to, simply, as ‘campaign responses’. ‘Non-standard campaign responses’ are referred to – and reported – as substantive responses.

2.20 This consultation received responses from two campaigns. One was organised by Scottish Environment LINK, and a second smaller campaign was organised in Shetland. The organiser of the latter campaign was not known.

2.21 As noted in paragraph 2.3 above, campaign responses **were** included in the analysis, but are **not** included in the tables throughout this report.

Scottish Environment LINK campaign

2.22 The Scottish Environment LINK campaign was a web-based email campaign. This campaign:

- Expressed support for the Scottish Government’s proposals to designate at least 10% of Scotland’s seas as HPAs

- Expressed support for the prohibition of certain types of activities within HPMA and adjacent waters, while allowing access for certain other types of activities
- Expressed support for the general principles for HPMA site selection
- Called for better management of activities that damage marine species and habitats.

2.23 This campaign generated 2,018 responses. The campaign text is shown at Annex 3.

Shetland postal campaign

2.24 The Shetland postal campaign was based on a template letter to which respondents could add their names and contact details and send (by post) to the Scottish Government. This campaign:

- Expressed opposition to the concept of HPMA, claiming it lacked a scientific basis
- Highlighted the potential for a disproportionately adverse impact on island and fishing communities
- Called for a greater recognition of the importance of fishing to food security
- Suggested that the intention to designate 10% of Scottish seas as HPMA was 'extreme' and not consistent with proposals put forward by the UK Government for English waters
- Highlighted the challenges of restrictions on marine access already affecting fishing crews
- Reiterated the potential adverse socio-economic impacts of the policy on the fishing industry and fishing communities.

2.25 This campaign generated 26 responses. The campaign text is shown at Annex 3.

Overview of campaign responses

2.26 Table 2.6 provides a brief overview of each of the campaigns.

Table 2.6: Overview of campaigns

Campaign organiser / Campaign name	Submission method / format	Consultation questions addressed by campaign	Number of standard campaign submissions
Scottish Environment LINK	Email via the Scottish Environment LINK website	1, 2, 11, 7	2,018
Shetland Postal Campaign	Post	1, 12–16, 19	26
Total standard campaign responses			2,044

2.27 See Annex 3 for further details.

Campaign-like responses

2.28 In addition to the campaigns described above, two other forms of campaign-like activity were identified within the responses, as follows:

- Small clusters of identical or almost identical responses

- Responses using sections of common text or common phrasing, suggesting collaboration between organisations and individuals in preparing responses, or the sharing of responses within communities, groups, networks or social circles.

2.29 Responses of these types have been treated as substantive responses.

Response to the consultation

Response rates at individual questions (substantive responses only)

2.30 As noted above, there were 2,458 substantive responses to the consultation. However, not all respondents answered all the consultation questions and respondents' comments at the open questions did not always address the specific consultation questions in the answers provided. This was so not only for those who submitted their responses by email without having completed a questionnaire, but also for those who submitted their responses using the online questionnaire provided.

2.31 It was not uncommon in this consultation for respondents to say that they did not understand certain questions, that they found it difficult to answer certain questions, and / or that they found the questionnaire irrelevant given their views on HPMAs.

2.32 The response rates for individual questions are shown in Annex 4. However, given the issues outlined above, the figures shown in Annex 4 cannot be taken as an accurate indication of the extent to which respondents addressed individual questions – although they do provide an indication of the extent to which respondents attempted to engage with the consultation.

2.33 Among organisations, the highest response rate (89%) was for the open part of Question 1 (which asked for views on the aims and purpose of HPMAs). The lowest response rate (50%) was for the open part of Question 12 (which asked for views on the Strategic Environmental Report).

2.34 Among individuals, the highest response rate (86%) was for the **closed** part of Question 1 (which asked for views on the aims and purpose of HPMAs). The lowest response rate (36%), as for organisations, was for the open part of Question 12.

2.35 Annex 4 provides further details.

Challenges with the consultation process

2.36 Many respondents – including those who submitted their responses by email, post and Citizen Space – said they found it difficult to engage with this consultation. Many were highly critical of the consultation documents and the consultation process itself. The reasons for this dissatisfaction are discussed in Annex 5 of this report.

3 Overview of findings

3.1 This chapter presents a brief overview of the views expressed in response to the consultation. It outlines the main perspectives of respondents and highlights key themes and areas of agreement and disagreement in the responses.

Responses to the consultation

3.2 The consultation received a total of 4,502 responses. These comprised 2,458 personalised responses and 2,044 campaign responses.⁹ Most of the campaign responses (99%) were prompted by a campaign organised by Scottish Environment LINK, an environmental organisation. The remaining campaign responses (1%) were submitted in response to a Shetland-based campaign.

3.3 The large response to this consultation indicated a high degree of interest in this topic, and a willingness to engage with the Scottish Government. It should be noted, however, that there were widespread criticisms about the consultation process, the consultation questions – which respondents found complex and difficult to understand – and the way that views had been sought on the proposals. These views were expressed mainly by respondents who were opposed to the proposals, but also by those who supported them.

Overall balance of opinion on HPMAs¹⁰

3.4 All those who submitted a campaign response and the vast majority (more than 95%) of those who submitted a substantive response expressed a clear view either in support of, or against, the introduction of HPMAs. There were two main groups:

- 55% of respondents **supported** the introduction of HPMAs (note that a large majority of the respondents in this group submitted Scottish Environment LINK campaign responses)
- 43% of respondents **opposed** the introduction of HPMAs (note that almost all the respondents in this group submitted a personalised response to the consultation).

3.5 The remaining 2% of respondents held **neutral** views – that is, they did not express clear support for, or opposition to, the introduction of HPMAs. This suggests highly polarised views among respondents, with one group very firmly in support of the introduction of HPMAs, one group firmly opposed, and very few holding neutral or ambivalent views.

3.6 However, this apparent polarisation masks a great deal of common ground shared by respondents in relation to the importance of protecting the marine environment and marine ecosystems – as well as agreement on many aspects of how that might be achieved.

3.7 The main arguments made both for and against the introduction of HPMAs are briefly summarised below. This is followed by a summary of the main areas of consensus about how policy on this topic should be developed.

⁹ This figure represents the final number of responses after blank responses, duplicates, etc. were removed from the analysis – see Chapter 2.

¹⁰ For an explanation of how the percentages in this section were calculated, see Table A1.3 in Annex 1.

Arguments in support of the introduction of HPMAs

3.8 Those who supported the introduction of HPMAs did so because they saw an urgent need to intervene to protect the habitats of species that are in decline and / or are critically endangered. This group also pointed to national and international evidence indicating that high levels of marine protection are effective in improving marine biodiversity. However, alongside their broad support for HPMAs, this group also expressed a range of caveats. Many of these related to the potential for HPMAs to have significant adverse impacts on local communities – and the need to mitigate these impacts by involving local communities in the process of developing HPMAs. They also expressed the view that HPMAs were likely to be ineffective unless they formed part of a coherent wider spatial management plan for Scotland's seas.

Arguments against the introduction of HPMAs

3.9 Those who opposed the introduction of HPMAs often stated their commitment to marine conservation but did not think HPMAs provided an appropriate mechanism for addressing the issue. They gave a number of reasons for their views: (i) there was no scientific justification for establishing HPMAs, (ii) the proposal to set aside 10% of Scotland's seas for HPMAs was both arbitrary and disproportionate, (iii) the policy would have unacceptable social and economic impacts on island and coastal communities, (iv) there had been inadequate engagement with stakeholders in developing the proposals, (v) HPMAs were inconsistent with a range of other Scottish Government and / or international policies, and (vi) the timescale for putting HPMAs in place (by 2026) was unrealistic and incompatible with good policy-making.

Areas of consensus in relation to future policy development

3.10 The main areas of consensus between those supporting and those opposing the introduction of HPMAs are set out below.

- Communities must be directly involved in the process of identifying, developing and managing marine conservation measures. The process of involving communities will take time; it is highly unlikely this can be achieved within the timescale proposed by the Scottish Government for establishing HPMAs.
- Any measures need to be clearly evidence-based, monitored and enforced.
- There needs to be an appropriate balance struck between conservation needs and the needs of local communities. There needs to be a just transition.
- Marine conservation measures, including HPMAs, need to sit within a coherent marine management plan. They should also be consistent with other related national and international legislation, policies, and strategies.
- Blanket bans on human activities should be considered carefully, and distinctions should be made in the management of high and low-impact activities. In the fisheries sector, low-impact fishing should be incentivised and supported. High-impact fishing should be restricted and carefully managed.

4 Policy framework – aims and purpose (Q1)

Summary of key points

- Around a fifth (20%) of respondents who submitted substantive responses said they supported the aims and purpose of HPMAs (12% said they supported them strongly), while three-quarters (76%) opposed them (67% said they opposed them strongly). Just 4% of respondents selected 'neutral'.
- Among organisations, levels of support for the aims and purpose of HPMAs were highest among environmental organisations and organisations in the recreation, tourism and culture sectors. Levels of opposition were highest among fishing organisations; fish selling and processing organisations; community groups; and aquaculture organisations.
- Those who supported HPMAs did so because they saw a need to take urgent action to protect the marine environment, and they believed that HPMAs would be effective in improving marine biodiversity. However, this group also expressed a range of caveats – often related to the potential for adverse impacts on local communities.
- Those who opposed HPMAs gave a range of reasons for their views. These related to: (i) the lack of a scientific basis for establishing HPMAs, (ii) the arbitrary and disproportionate nature of the proposed policy, (iii) the potential for serious socio-economic impacts on island and coastal communities, (iv) the inadequate engagement with stakeholders and local communities, (v) the inconsistency with other Scottish Government and / or international policies, and (vi) the unrealistic and inappropriate timetable proposed for implementation.

4.1 As noted in Chapter 1, the consultation paper sought views on a draft policy framework which set out the Scottish Government's commitment to designate at least 10% of Scotland's seas as HPMAs by 2026, and outlined how this commitment could be implemented. The framework summarised the background to the policy, and set out a definition for HPMAs, their aims, and the relationship with the existing MPA network. It then described the proposed HPMA process and how site selection and designation could be put into practice; the proposed treatment of different sectoral activities within HPMAs; proposals relating to monitoring and compliance, and proposals for new legal powers in relation to HPMAs.

4.2 A series of seven questions sought views on the policy framework. This chapter presents an analysis of the views on the first question, which addressed the proposed aims and purpose of HPMAs.

4.3 The HPMA policy framework stated that the designation of 10% of Scotland's seas as HPMAs is intended to deliver 'demonstrable benefit to the achievement of the Scottish Government's vision for the marine environment and to make a significant contribution to the achievement of broader UK, regional and global conservation ambitions'. HPMAs would do this by (i) facilitating ecosystem recovery and enhancement, (ii) enhancing the benefits that coastal communities and others derive from Scotland's seas, (iii) contributing to the mitigation of climate change impacts, and (iv) supporting ecosystem adaptation and improving resilience, in line with the approach set out in [Scotland's Marine Nature Conservation Strategy](#). Question 1 asked:

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 / Support / Neutral / Oppose / Strongly oppose] Please explain your answer in the text box.

4.4 Table 4.1 below and Table A1.1 in Annex 1 show the following main points based on the substantive responses:

- Overall, a fifth (20%) of respondents said they supported the aims and purpose of HPMA (12% said they supported them strongly), while three-quarters (76%) opposed them (67% said they opposed them strongly). Just 4% of respondents selected 'neutral'.
- Organisations (29%) were more likely to express support for the aims and purpose of HPMA than individuals (19%); conversely, organisations were less likely to express opposition (65%) than individuals (77%).
- Among organisations, levels of support were highest among environmental organisations (87%). Levels of opposition were highest among fishing organisations (98%), fish selling and processing organisations (88%), community groups (86%) and aquaculture organisations (85%). Organisations in the recreation, tourism and cultural sector and public sector bodies were divided in their views.

Table 4.1: Q1 – 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?

Respondent type	Support Number	Support Percent	Neutral Number	Neutral Percent	Oppose Number	Oppose Percent	Total Number	Total Percent
Fishing organisations / groups	0	0%	1	2%	41	98%	42	100%
Community organisations and groups	4	10%	2	5%	36	86%	42	100%
Environmental organisations	26	87%	3	10%	1	3%	30	100%
Recreation, tourism and culture organisations	13	52%	1	4%	11	44%	25	100%
Aquaculture organisations / groups	2	8%	2	8%	22	85%	26	100%
Public sector bodies including regulators and local authorities	6	40%	1	7%	8	53%	15	100%
Fish selling and processing organisations / groups	1	13%	0	0%	7	88%	8	100%
Other organisation types	15	34%	5	11%	24	55%	44	100%
Total organisations	67	29%	15	6%	150	65%	232	100%
Total individuals	358	19%	66	4%	1,443	77%	1,867	100%
Total, all respondents	425	20%	81	4%	1,593	76%	2,099	100%

Percentages may not total 100% due to rounding.

The table combines those who selected 'strongly support' OR 'support' into a single category (Support). It also combines those who selected 'strongly oppose' OR 'oppose' into a single category (Oppose). See Table A1.1 in Annex 1 for a full breakdown of the responses using the 5 original response categories.

4.5 In addition, a large proportion of respondents (304 out of 378) who submitted their views by email or post did not answer the consultation questions. Thus, their views are not included in Table 4.1 above, nor are they included in subsequent tables. However, most expressed clear views on the proposal to establish HPMA in 10% of Scottish seas. To capture this information, the overall attitude of these respondents towards HPMA was assessed on the basis of their comments. The responses were then assigned to one of four categories: (i) Support, (ii) Oppose, (iii) Neutral, or (iv) Unclear or mixed. This analysis indicated that, overall, 88% of this group were opposed to the concept, principle, or policy of creating HPMA in Scottish waters. Individuals were more likely than organisations to express opposition (91% vs 72%, respectively). (See Table A1.2 in Annex 1 for details.)

4.6 Regarding the **campaign respondents**:

- 2,018 respondents who submitted Scottish Environment LINK campaign responses said that they **'support** the Scottish Government's proposals to designate at least 10% of Scotland's seas as Highly Protected Marine Areas (HPMAs)'
- 26 respondents who submitted Shetland postal campaign responses stated that they are **'utterly opposed** to the concept of HPMAs'.

4.7 Question 1 asked specifically for views on the aims and purpose of HPMAs as set out in the draft policy framework. It was clear from the responses, however, that respondents had interpreted the question in different ways. In particular:

- Many of the respondents who answered 'oppose' or 'strongly oppose' – both organisations and individuals – did not discuss the aims and purpose of HPMAs in their comments. Instead, they explained why they opposed the principle or policy of establishing HPMAs in 10% of Scotland's seas.
- By contrast, those who answered 'support' or 'strongly support' at Question 1 generally **did** discuss their views on the aims and purpose of HPMAs. In most cases, respondents in this group specifically stated that they supported the aims and purpose of HPMAs as set out in the draft policy framework.

4.8 In addition:

- Respondents who opposed HPMAs frequently said that they supported the need to protect and improve the marine environment, but they did not believe that introducing HPMAs and banning all activities (including low-impact activities) from certain areas was an appropriate way to achieve this.
- Respondents who supported the aims and purpose of HPMAs, frequently expressed caveats, or made suggestions about what would need to be put in place to ensure the aims and purpose were achieved in an appropriate way. Some within this group suggested changes to the proposed aims and purpose. It is also worth noting that, very occasionally, respondents (both organisations and individuals) in this group said that they supported the aims and purpose of HPMAs as set out in the draft policy framework, but they did not support HPMAs as the vehicle for achieving these OR their support was contingent upon ensuring that the livelihoods of low-impact fishers were not put at risk.

4.9 These varying interpretations of Question 1 suggest that the findings shown in Table 4.1 are not, in fact, an accurate reflection of (all) respondents' views on the aims and purpose of HPMAs as described in the draft policy framework.

4.10 The remainder of this chapter provides a high-level summary of respondents' views on HPMAs. Within this, there will be a discussion about respondents' views on the aims and purpose of HPMAs.

Views supporting HPMAs

4.11 Organisations and individuals who expressed support for the principle of establishing HPMAs in 10% of Scotland's seas generally gave one or both of two reasons for their views. This group thought that:

- There is a biodiversity crisis resulting from human activity and an urgent need to intervene (in a 'radical' and 'transformational' way) to protect the habitats of species that are in decline and / or are critically endangered.
- There is national and international evidence to show that strict levels of marine protection are effective in improving biodiversity.

4.12 The views expressed in relation to these reasons, and a brief summary of other less frequently mentioned reasons, are provided below.

4.13 This group of respondents often explicitly stated that they supported the aims and purpose of HPMAs, but they also frequently highlighted a range of issues which they thought would need to be addressed – in relation to the designation or management of HPMAs – to enable the aims and purpose of HPMAs to be achieved. These issues are also summarised below, and many of these are discussed in greater detail in subsequent chapters of this report.

Biodiversity crisis

4.14 Respondents who were in favour of establishing HPMAs argued that marine ecosystems are currently facing both a biodiversity crisis and a climate change crisis. Several environmental organisations pointed to declining populations of Scotland's wild salmon, sea trout, freshwater pearl mussels (which depend on Atlantic salmon or sea trout for completion of their life cycle), and seabirds (puffins in particular). Others highlighted the degradation of key seabed habitats and the impact of this on organisms such as maerl, mussels, flameshells, tube-building worms and corals. Some respondents also discussed increasing threats to whales and dolphins (due to bycatch, underwater noise, etc.).

4.15 This group considered that, given the current biodiversity crisis, it was vital that a proportion of Scotland's marine environment should be given 'robust' and 'meaningful' protection as soon as possible. They saw HPMAs as playing a potentially key role in this, as they would be expected to protect entire marine habitats and feeding areas, rather than an individual species or a particular feature of the seabed.

4.16 The Scottish Environment LINK campaign respondents endorsed these views, saying that 'urgently restoring ocean health is vital if we are to reverse the interlinked climate and nature emergencies, safeguard our marine environment and secure resources for future generations'.

Evidence indicates the effectiveness of HPMAs

4.17 Respondents who supported the creation of HPMAs often commented that research studies have found that strict levels of protection – rather than measures simply designed to mitigate the impacts of certain activities – have the greatest positive conservation impacts. Organisations in this group repeatedly stated that strictly protected marine areas have

consistently been shown to result in ‘ocean recovery zones’ with the benefits spilling over into surrounding waters. These respondents frequently highlighted research from Scotland (specifically in relation to the community-led no-take zone at Lamlash Bay, Arran), the Isle of Man and the Isle of Lundy in the UK, New Zealand, California in the USA, and elsewhere which have demonstrated dramatic improvements in marine biodiversity.

4.18 Scottish Environment LINK campaign respondents echoed these views, stating that ‘evidence shows that strict levels of protection can create ocean recovery zones, helping ecosystems recover and providing benefits to society including increased fish and shellfish populations and opportunities for sustainable fishing.’

Other reasons for supporting the principle of HPMAs

4.19 Occasionally, respondents gave other reasons for supporting the introduction of HPMAs in Scotland’s seas. For example:

- There were concerns among some respondents that there was currently no ‘policing’ or enforcement of protections within the existing MPA network. Those who made this point expected that HPMAs would be enforced.
- HPMAs were seen to offer an opportunity to provide ‘reference areas’ from which ecological recovery rates could be monitored. Those who raised this issue suggested that the potential learning from HPMAs could be used to inform the management of marine areas outside HPMAs.
- The commitment to designate 10% of Scotland’s seas as HPMAs aligns with international commitments made in December 2022 to substantially increase the area of natural ecosystems.¹¹

Caveats

4.20 Respondents of all types who voiced support for HPMAs frequently raised concerns and caveats in their comments. In many cases, these related to issues of site selection and management. These same issues were raised again in relation to subsequent consultation questions and so are not discussed here in detail. However, the list below highlights the key issues raised at Question 1:

- HPMAs must form part of a strategic, coherent, ecosystem-based spatial management plan (or framework) that will not only secure ecological benefit but will also prioritise, support and incentivise a just transition to low-impact sustainable fisheries.
- The draft policy framework and supporting documents said little about how the enhancement of benefits to island and coastal communities would be achieved.
- A balance needs to be struck between the **costs** of HPMAs for local communities and businesses and the **benefits** for the marine environment.

¹¹ It is not clear from the response(s) which international commitments are referred to here, but it could be the Kunming-Montreal Agreement from Dec 2022 ([COP15: Final text of Kunming-Montreal Global Biodiversity Framework | Convention on Biological Diversity \(cbd.int\)](https://www.cbd.int/article/cop15-final-text-kunming-montreal-gbf-221222)). Document reference CBD/COP/15/L25. See <https://www.cbd.int/article/cop15-final-text-kunming-montreal-gbf-221222> for further details.

- Buffer zones will be needed around HPMAAs (where only low-impact fisheries are permitted) to ensure that high-impact fishing does not occur right up to the boundary.
- The designation and design of HPMAAs should be underpinned by sound scientific evidence and guided by communities. Sufficient time would need to be allowed for this and there was a question about whether the proposed timescales were adequate.
- Certain recreational activities (and some respondents also suggested that certain low-impact forms of fishing) should be permitted within HPMAAs.
- A clear definition is needed of 'non-damaging activities' that would be permitted in HPMAAs. These should ideally be risk assessed.
- Further information is needed about how HPMAAs would be monitored (to determine if they are achieving their aims) and enforced (to ensure compliance with restrictions). Both of these activities will require resources.

4.21 Respondents repeatedly cited the experience of introducing the community-led no-take zone at Lamlash Bay in Arran, highlighting that it took more than 10 years to be established due to the need to engage extensively with the local community and respond to initial public objections. It was suggested that more information should be shared with the public about this type of model to inform marine conservation efforts elsewhere in Scotland's seas.

Views opposing HPMAAs

4.22 Respondents who answered 'oppose' or 'strongly oppose' at Question 1 often stated explicitly that they recognised the importance of marine conservation, and the need to take steps to protect and improve the biodiversity of Scotland's seas. Some of these respondents (including public sector organisations) explicitly stated that they supported the aims and purpose set out in the draft policy framework. However, they did not agree that HPMAAs were an appropriate mechanism for achieving these.

4.23 The Shetland postal campaign respondents echoed these views, stating that 'I believe the Scottish fishing industry has proven in the past that they are not opposed to sensible conservation measures, recognising that strong fish stocks and healthy marine ecosystems are in their own interest – and in the interest of sustaining their fishing communities'.

4.24 Indeed, respondents involved in fishing and aquaculture (and related industries) often highlighted the sustainability of their activities and their ongoing commitments to conservation. This group discussed in detail the specific practical measures they have taken voluntarily over a number of years to support conservation aims. They – and individuals living in island and coastal communities – expressed concern that the HPMA policy appeared (in their view) to be based on a mistaken assumption that all forms of fishing are 'damaging' and must be 'banned' to conserve the marine environment.

4.25 Respondents who expressed opposition to HPMAAs repeatedly gave one or more of six reasons for their views:

- There was no scientific justification for establishing HPMAAs.
- The proposal to allocate 10% of Scottish seas to HPMAAs was arbitrary and disproportionate.

- The policy would have ‘devastating’ social and economic impacts on island and coastal communities.
- There had been inadequate consultation and engagement with stakeholders in developing the proposals.
- The policy of establishing HPMA was inconsistent with other Scottish Government and / or international policies.
- The timetable for having HPMA in place (by 2026) was unrealistic and incompatible with due process and good policy-making.

4.26 Each of these reasons is discussed briefly below. A short list of other reasons, raised less often, is given at the end of this section.

No scientific basis for establishing HPMA

4.27 One of the main recurring themes in the views of respondents who were opposed to the creation of HPMA was that the proposed policy of establishing HPMA in 10% of Scotland’s seas had no scientific basis. Instead, respondents in this group believed that a political decision had been made ‘behind closed doors’ to establish HPMA in 10% of Scotland’s seas, and evidence was then gathered to justify that decision. The policy to establish HPMA was described as a ‘political trade-off’, based on ‘unsubstantiated assumptions and ideology’ rather than scientific evidence.

4.28 Respondents (both organisations and individuals) made a range of inter-related points:

- It is difficult to know what HPMA are intended to achieve exactly. Statements in the draft policy framework such as ‘the need to regenerate Scotland’s seas’ implies that Scotland’s seas are degraded, but there was no evidence presented to confirm this. (Note, however, that some public sector bodies – who were also opposed to HPMA – acknowledged that there is evidence presented in the [UK Marine Strategy \(2019\)](#) and the [Scottish Marine Assessment \(2020\)](#), which indicates that many species and habitats found in Scotland’s seas are in a degraded state.)
- There was no realistic assessment of the likely impacts of the policy on conservation objectives, local businesses or local communities. There was no consideration given to how the displacement of fishing and other activities into surrounding areas would be addressed.
- There was no discussion of how the effects of the policy (positive and negative) would be measured and how its overall success (or failure) would be ascertained. Respondents suggested that a robust scientific methodology would have to be developed to collect data, establish baselines (in relation to all / any relevant indicators – both environmental and socio-economic) and measure changes. In addition, no information was included about what the mechanism would be for reviewing and removing HPMA status where appropriate.
- There is no definition of what constitutes activities at ‘non-damaging levels’ and no indication of how ‘damage’ would be measured. Fishing organisations suggested that, in proposing a complete ban on all fishing within HPMA, the draft policy framework made the assumption that all forms of fishing must be ‘damaging’, but provided no

indication of what damage to which habitats and species was being caused – nor how it compared to damage caused by natural processes (such as waves, storms and tidal currents).

4.29 Those who raised this issue wanted any decisions regarding the management of Scotland's seas to be clearly based on rigorous scientific evidence and monitoring protocols.

4.30 Shetland postal campaign respondents shared these views, saying that the consultation had provided 'no scientific evidence as to the need for, or potential effectiveness of, banning fishing / aquaculture activity through HPMAs'. This group thought that the 'proposals seem to be driven by politics and pledges in the Bute House Agreement, rather than driven by any environmental or conservation imperatives'.

Arbitrary and disproportionate nature of the proposal

4.31 A second very common theme in respondents' comments was that the proposal to allocate 10% of Scottish seas to HPMAs was both arbitrary (with no reason given for this target) and disproportionate in a number of respects. Respondents (both organisations and individuals) made several points:

- In England, less than 1% of the surrounding seas are to be designated as HPMAs. In comparison, the plan to designate 10% of seas as HPMAs seemed excessive.
- The figure of 10% did not take into account that there are already large areas of Scotland's seas currently unavailable for fishing – including areas allocated to undersea cables, renewable energy schemes, etc.
- There was concern among some organisations that the 10% of seas proposed for HPMAs would be **in addition to** the 37% of seas currently comprising the MPA network. These respondents noted that the draft policy framework points to the [EU Biodiversity Strategy](#) as the driver for the HPMAs policy but that this strategy sets a target of expanding protected areas to cover 30% of the EU's land and sea area, with 'strictly protected' areas covering one third of the 30% of protected areas (or 10% of land and sea area).
- There were concerns that the 10% target would be disproportionately concentrated in Scotland's inshore waters because (i) there was more scientific evidence available for inshore waters as compared with offshore waters, and (ii) Scotland's already has devolved powers to be able to legislate to establish HPMAs in inshore waters.
- Some respondents also suggested the displacement of existing inshore fishing would have a disproportionately negative impact on small-scale, low-impact fishers. It was also pointed out that large-scale commercial fishers using large vessels and undertaking high-impact trawling and dredging were much more able to move their activities to other areas compared to small boats and static-gear fishers. In contrast, it was not always viable (practically or financially) for small-scale and static-gear fishers to move their operations from existing sites.
- Finally, community organisations and groups and individual respondents thought that the proposals would have a disproportionately negative impact on island and rural coastal communities, as compared with communities elsewhere on the mainland of

Scotland. (See Chapter 7 for further details about respondents' views on the possible impacts on communities.)

4.32 Respondents urged the Scottish Government to dispense with the arbitrary 10% target.

Social and economic impacts on island / coastal communities

4.33 A third recurring theme in the views of those who were opposed to HPMA was that the policy, as proposed, would have severe negative social and economic impacts on island and rural coastal communities. Some respondents described these impacts as potentially 'devastating' or 'catastrophic'. This was a particularly strong view from those involved in fishing and aquaculture; community organisations and groups; groups involved in recreation, tourism and culture; local authorities; and individuals. These respondents pointed out that fishing and marine tourism and their associated supply chain businesses are a significant component (in some areas, the **largest** component) of the rural economy in Scotland. Imposing a blanket ban on all forms of fishing within HPMA was seen to be unnecessarily restrictive and likely to result in a loss of livelihood for many people. Some suggested that local fishing-related businesses would be 'decimated'. The knock-on effect of this would lead to people leaving these communities.

4.34 Some respondents who identified themselves as currently employed in fishing and related sectors and marine tourism expressed concerns that their livelihoods and those of their employees and co-workers would be threatened by the proposal to establish HPMA.

4.35 There was a widespread view among all those who opposed HPMA that socio-economic wellbeing should be a key indicator in measuring the success of any conservation initiative in Scottish seas, and that socio-economic factors should be prioritised over the achievement of a 10% target.

Inadequate engagement with stakeholders and local communities

4.36 A recurring theme among respondents of all types was that there had been insufficient engagement with key stakeholders – including those in the fishing, aquaculture and related industries, local authorities, and local communities – regarding the proposed introduction of HPMA.

4.37 Local authorities expressed concerns that the HPMA process had reached what they saw as 'an advanced stage' with minimal prior communication or opportunity to learn about the objectives, reasoning, impacts and timescales involved. Respondents from across all sectors were also highly critical of the lack of sufficient engagement with stakeholders who would be directly affected by the policy. Some highlighted the positive levels of engagement that had contributed to the development of MPAs and Priority Marine Features (PMFs).

4.38 Respondents repeatedly called for 'meaningful' engagement with stakeholders and local communities before any HPMA sites are proposed.

Inconsistency with other Scottish Government and / or international policies

4.39 Respondents who were opposed to the creation of HPMA often pointed out contradictions in the consultation paper (for example, stating that 'Scotland's seas are among the most biologically diverse in Europe', but then suggesting that urgent action is

needed to support the ‘recovery and resilience’ of those same seas). In addition, they highlighted perceived conflicts between the HPMA policy and a range of other Scottish, UK and international legislation, policies and initiatives. Examples mentioned most often were:

- [‘Just transition’](#) (also part of the Bute House Agreement): It was suggested that this should be included as a fundamental principle of HPMA. The impact on all sectors needs to be considered before sites are proposed and there needs to be clarity on the expected impacts and subsidies / compensation that will be made available to those affected.
- [The National Islands Plan](#) and the [Islands \(Scotland\) Act 2018](#): The proposal does not comply with the duty to improve and promote sustainable economic development, health and wellbeing or community empowerment in island communities.
- The [United Nations Sustainable Development Goal 14.b](#): This states that access to fishing opportunities for small-scale and artisan fishers should be protected.
- [Section 25 of the UK Fisheries Act 2020](#): This places a duty on national fisheries authorities (when distributing quotas for use by fishing boats) to incentivise the use of fishing techniques that have a reduced impact on the environment (for example that use less energy or cause less damage to habitats).

4.40 Less often, respondents mentioned a range of other national strategies and plans that they thought the HPMA policy was either inconsistent with or had not sufficiently taken into account, including: the [National Strategy for Economic Transformation \(NSEF\)](#), the [Marine Tourism Strategy](#), [Scotland’s Population Strategy](#) which is supported by the ‘place-based approach’ set out in the [fourth National Planning Framework](#), and Scotland’s [National Plan for Industrial Biotechnology](#).

4.41 Like respondents who were in favour of HPMA, those who were opposed often highlighted a need for a more strategic approach to managing Scotland’s marine environment. (See paragraph 4.20, point 1 above.) However, those who were in favour of HPMA talked about the need for a comprehensive ecosystem-based spatial marine management plan, whereas those who were opposed to HPMA talked about the need for an ecosystems-based management plan for **fisheries**, in particular – as required by the Fisheries Act 2020.

4.42 Unlike the former group, which thought that HPMA should be developed **as part of** a comprehensive plan, the latter thought that such a plan could be developed **in lieu of** HPMA or they thought this plan was needed **before** any HPMA were identified.

Unrealistic, inappropriate timetable

4.43 Some (particularly organisational) respondents commented that the timetable committed to in the Bute House Agreement is entirely inadequate to collect robust scientific evidence, engage with stakeholders and local communities, and examine the potential impacts and solutions to underpin the process of identifying HPMA sites. There was a suggestion that this timeframe was ‘incompatible with due process and good policy-making’ and would ultimately result in limiting input from the key stakeholders and community members who would be most affected by the policy.

Other comments made by those opposing HPMAs

4.44 In addition, respondents who opposed HPMAs occasionally made other comments. A recurring theme was that substantial resources will be required for management, compensation, and enforcement activity. Respondents said that HPMAs will fail because they are excessively bureaucratic, expensive, and labour intensive.

Different approaches to marine conservation

4.45 Some organisations and individuals who were opposed to HPMAs suggested that, as there is no universally agreed definition of what an HPMA is, 'we should take the opportunity to ensure that the definition we use is fit for purpose in Scotland'. Others suggested that inadequate consideration had been given to alternative ways of protecting the seas which would better promote the sustainability of island and coastal communities. In some cases, respondents made specific suggestions about other types of approaches. This material has been gathered together into the final chapter of this report.

5 Policy framework – management of activities (Q2–Q7)

Summary of key points

- Six questions sought views on the proposals set out in the draft policy framework for managing a range of different activities in HPMA, and proposals for new legal powers in relation to HPMA. Respondents repeatedly said that they found these questions difficult to understand.
- The consultation asked respondents for their views on the effectiveness of proposed approaches to managing 16 specific activities within HPMA. Levels of support were highest in relation to the proposed approach to managing ‘shipping and ferries’ and lowest in relation to the approach to managing ‘recreational fishing of any kind’. Levels of opposition were highest in relation to the proposed approach to managing ‘commercial fishing of any kind’ and lowest in relation to the approach to managing ‘carbon capture, utilisation and storage’.
- There was limited support for additional powers to be granted in relation to HPMA. Respondents were least supportive of powers to prohibit activities from the point of designation – 1 in 5 respondents supported this. Support was highest for powers to suspend restrictions in the event of a force majeure – 2 in 5 respondents supported this. Environmental organisations were the most likely to support the granting of additional powers, while fishing groups or organisations, and business / private sector organisations were most likely to oppose this.

5.1 In addition to setting out the aims and purpose of the proposed HPMA, the draft policy framework described the proposed HPMA process and how site selection and designation could be put into practice; the proposed management of different activities within HPMA; proposals for monitoring and compliance; and proposals for new legal powers in relation to HPMA. Questions 2 to 7 in the consultation paper sought views on these issues.

Question 2: What is your view of the effectiveness of the proposed 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 HPMA? [Strongly support / Support / Neutral / Oppose / Strongly oppose]

Please explain your answer in the text box below and if you think we have missed any activities, please suggest them here.

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”? [Strongly support / Support / Neutral / Oppose / Strongly oppose] Please explain your answer in the text box.

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”? [Strongly support / Support / Neutral / Oppose / Strongly oppose] Please explain your answer in the text box.

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”? [Strongly support / Support / Neutral / Oppose / Strongly oppose] Please explain your answer in the text box.

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”? [Strongly support / Support / Neutral / Oppose / Strongly oppose] Please explain your answer in the text box.

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? Please add your response in the text box.

Effectiveness of proposed approaches to manage activities (Q2)

5.2 Section 6 of the draft policy framework discussed the proposed approach to managing a range of different activities within HPMAs across the following sectors:

- Commercial fishing (of any kind)
- Recreational fishing (of any kind)
- All other recreational activities
- Aquaculture (finfish, shellfish, seaweed)
- Oil and gas
- Renewable energy
- Carbon capture, utilisation and storage
- Subsea cables
- Aggregate extraction
- Ports and harbours
- Shipping and ferries
- Military and defence
- Hydrogen production
- Space ports.

5.3 For each sector, the policy framework set out (i) proposed restrictions on activities within HPMAs, and (ii) proposals for excluding some areas from the site selection process because of ongoing activities. It noted issues to be addressed in the site selection process and issues to be addressed via legal powers.

5.4 Question 2 asked for views on the effectiveness of the proposed approach for each sector. This question contained 16 closed sub-questions, each focusing on one of the items in the list above. Of the 2,458 respondents who submitted substantive responses, 1,530 (62%) answered one or more of these closed questions.

5.5 Tables 5.1 (part 1) and 5.1 (part 2) on the following pages, and Tables A1.4 to A1.19 in Annex 1, show the following main points based on the substantive responses:

- Across each of the 16 activities, the proposed approaches to management were supported by between 22% and 32% of respondents. Approaches to management were opposed by between 39% and 69% of respondents across the 16 activities. The proportion of respondents selecting 'neutral' in relation to any activity was highly variable, ranging between 6% (for 'commercial fishing of any kind') and 35% (for 'military and defence').
- Levels of support were highest in relation to the management of 'shipping and ferries' (32%) and lowest in relation to the management of 'recreational fishing of any kind' (22%). Levels of opposition were highest in relation to the management of 'commercial fishing of any kind' (69%) and lowest in relation to the management of 'carbon capture, utilisation and storage' (39%).
- In every case, respondents who expressed opposition to the suggested approaches were more likely to say they were 'strongly opposed' rather than simply 'opposed'. For example, whilst 69% overall said they were opposed in relation to the approaches to managing commercial fishing, 56% said they were strongly opposed.
- In 14 of the 16 cases, the proportion supporting the proposed approach to managing specific activities was very similar for both organisations and individuals (within 4%). The exceptions to this were in relation to 'aggregate extraction' (37% of organisations supported this approach, compared with 27% of individuals) and 'renewable energy' (26% of organisations supported this compared with 32% of individuals).

- In all (16) cases, individuals were equally likely or more likely than organisations to choose 'oppose'. In three cases the difference was 10% or more, namely, 'aggregate extraction' (46% vs 32%), 'shipping and ferries' (46% vs 34%) and 'all other recreational activities' (57% vs 47%).

Table 5.1 (part 1): Q2 – What is your view of the effectiveness of the proposed 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?

Activity	Support Number	Support Percent	Neutral Number	Neutral Percent	Oppose Number	Oppose Percent	Total Number	Total Percent
1. Commercial fishing (of any kind)								
Organisations	42	24%	17	10%	116	66%	175	100%
Individuals	325	25%	75	6%	925	70%	1,325	100%
Total	367	24%	92	6%	1,041	69%	1,500	100%
2. Recreational fishing (of any kind)								
Organisations	35	21%	28	17%	105	63%	168	100%
Individuals	293	22%	129	10%	901	68%	1,323	100%
Total	328	22%	157	11%	1,006	67%	1,491	100%
3. All other recreational activities								
Organisations	42	25%	46	28%	78	47%	166	100%
Individuals	310	24%	251	19%	749	57%	1,310	100%
Total	352	24%	297	20%	827	56%	1,476	100%
4. Finfish aquaculture								
Organisations	47	27%	27	16%	97	57%	171	100%
Individuals	367	28%	193	15%	747	57%	1,307	100%
Total	414	28%	220	15%	844	57%	1,478	100%
5. Shellfish aquaculture								
Organisations	42	25%	26	15%	102	60%	170	100%
Individuals	335	26%	131	10%	842	64%	1,308	100%
Total	377	26%	157	11%	944	64%	1,478	100%
6. Seaweed harvesting								
Organisations	44	27%	31	19%	91	55%	166	100%
Individuals	348	27%	179	14%	778	60%	1,305	100%
Total	392	27%	210	14%	869	59%	1,471	100%
7. Oil and gas sector								
Organisations	50	31%	57	35%	55	34%	162	100%
Individuals	366	28%	372	29%	559	43%	1,297	100%
Total	416	29%	429	29%	614	42%	1,459	100%
8. Renewable energy								
Organisations	43	26%	44	27%	79	48%	166	100%
Individuals	413	32%	249	19%	634	49%	1,296	100%
Total	456	31%	293	20%	713	49%	1,462	100%

Percentages may not total 100% due to rounding.

The table combines those who selected 'strongly support' OR 'support' into a single category (Support). It also combines those who selected 'strongly oppose' OR 'oppose' into a single category (Oppose). See Tables A1.4 to A1.19 in Annex 1 for a full breakdown of the responses using the 5 original response categories.

Table 5.1 (part 2): Q2 – What is your view of the effectiveness of the proposed 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?

Activity	Support Number	Support Percent	Neutral Number	Neutral Percent	Oppose Number	Oppose Percent	Total Number	Total Percent
9. Carbon capture, utilisation and storage								
Organisations	47	29%	58	36%	57	35%	162	100%
Individuals	367	29%	414	32%	503	39%	1,284	100%
Total	414	29%	472	33%	560	39%	1,446	100%
10. Subsea cables								
Organisations	41	25%	52	32%	69	43%	162	100%
Individuals	333	26%	357	28%	593	46%	1,283	100%
Total	374	26%	409	28%	662	46%	1,445	100%
11. Aggregate extraction								
Organisations	60	37%	50	31%	52	32%	162	100%
Individuals	351	27%	342	27%	591	46%	1,284	100%
Total	411	28%	392	27%	643	44%	1,446	100%
12. Ports and harbours								
Organisations	45	27%	40	24%	80	48%	165	100%
Individuals	386	30%	264	21%	637	49%	1,287	100%
Total	431	30%	304	21%	717	49%	1,452	100%
13. Shipping and ferries								
Organisations	49	30%	60	36%	57	34%	166	100%
Individuals	420	33%	278	22%	589	46%	1,287	100%
Total	469	32%	338	23%	646	44%	1,453	100%
14. Military and defence								
Organisations	40	25%	68	43%	50	32%	158	100%
Individuals	319	25%	432	34%	532	41%	1,283	100%
Total	359	25%	500	35%	582	40%	1,441	100%
15. Hydrogen production								
Organisations	42	26%	51	32%	67	42%	160	100%
Individuals	334	26%	399	31%	536	42%	1,269	100%
Total	376	26%	450	31%	603	42%	1,429	100%
16. Space ports								
Organisations	43	27%	54	34%	63	39%	160	100%
Individuals	291	23%	418	33%	558	44%	1,267	100%
Total	334	23%	472	33%	621	44%	1,427	100%

Percentages may not total 100% due to rounding.

The table combines those who selected 'strongly support' OR 'support' into a single category (Support). It also combines those who selected 'strongly oppose' OR 'oppose' into a single category (Oppose). See Tables A1.3 to A1.18 in Annex 1 for a full breakdown of the responses using the 5 original response categories.

5.6 In addition, 2,018 respondents who submitted **Scottish Environment LINK campaign responses** said that they supported the prohibition of all activities that remove or damage natural marine resources, or that dump materials and pollutants in the sea, within HPMAs and adjacent waters. They also said they supported access for recreation and cultural heritage within HPMAs as long as activities are well regulated and low impact.

5.7 The paragraphs below present a high-level summary of the comments received in relation to the proposed management approaches. A more detailed analysis of the comments is provided at Annex 6.

5.8 It should be noted that respondents – individuals especially, but also some organisational respondents – were critical of this question:

- Some said they found the question difficult to understand. Respondents said they found the phrasing of the question complicated and / or they were unsure what they were expressing support for or opposition to. Some chose not to answer the question; others provided an answer while expressing uncertainty about whether they had understood the question and were responding in the way they intended.
- Some said it was not possible to comment properly without knowing where HPMA sites would be located.
- Some said it was a 'leading question' which assumed agreement with HPMA's.

5.9 In addition, some respondents did not answer the question because they were opposed to the introduction of HPMA's and therefore did not wish to comment on the proposed approach to managing individual activities under such an arrangement.

5.10 Among the remaining respondents, some offered general comments while others commented in relation to one or more of the 16 activities as presented in the following sections. Note that individuals were more likely to comment at a general level, and those that commented on individual activities were more likely to comment on fishing-related activities than other activities. Overall, the activities that attracted most comment were those relating to fishing (both commercial and recreational) and aquaculture. Some activities (including those relating to military and defence activities, carbon capture, utilisation and storage, aggregate extraction, hydrogen production, and space ports) received very few comments.

Views on the general approach

5.11 In addition to commenting in relation to the 16 activities, respondents also often commented at a more general level.

5.12 Those who offered broad endorsement of the proposed management measures (largely environmental organisations and some individuals who provided a substantive response) thought it was necessary to restrict and / or carefully manage human activities to protect the marine environment. However, some also noted the importance of taking account of socio-economic impacts and engaging with communities and stakeholder groups in developing restrictions. Others said the effectiveness of any measures put in place would depend on adequate monitoring and enforcement.

5.13 Those who were broadly opposed to the proposed management measures (a range of organisations and most individuals who provided a substantive response) said management measures were unnecessary, disproportionate, or not based on evidence. These respondents also pointed to the likely socio-economic impacts on communities, the lack of detail in the proposals, and the fact that many of the listed activities were already well regulated. In general, respondents in this group argued that low-impact non-damaging activities should be allowed to continue in HPMA's.

Fishing and aquaculture

5.14 The draft policy framework proposed that fishing (both commercial and recreational) and aquaculture (both finfish and shellfish) would not be permitted in HPMA. It also proposed that seaweed harvesting below MLWS would not be permitted,¹² but it did not discuss specific management arrangements in relation to seaweed cultivation – another form of aquaculture. These topics received most comments at Question 2. Across all five of these activities, organisations and individuals repeatedly said that a distinction needs to be made between low-impact and high-impact forms of fishing and aquaculture.

5.15 Respondents considered low-impact forms of fishing to include line fishing, creel fishing, hand-diving, fishing with static gear, recreational and ‘subsistence’ fishing. High-impact forms of fishing were considered to be bottom trawling and dredging. In general, as discussed in paragraph 5.13 above, respondents who made this distinction thought that low-impact forms of fishing should be permitted in HPMA. Some, but not all, environmental organisations agreed with this view. However, other environmental organisations thought that all forms of fishing should be prohibited in HPMA, but that low-impact forms of fishing should be permitted in HPMA ‘buffer zones’ – that is, areas immediately outside the boundaries of HPMA where high-impact forms of fishing would still be prohibited.

5.16 Low-impact forms of aquaculture were considered to be shellfish aquaculture and seaweed cultivation. Respondents thought these forms of aquaculture should be permitted in HPMA because they help improve biodiversity and support improvements to the marine environment. Regarding seaweed harvesting, specifically, respondents often said that a distinction should be made between seaweed harvesting and seaweed cultivation, and that different management approaches may be needed for these two activities. However, the general view was that sustainable seaweed harvesting (linked to seaweed cultivation) should also be permitted in HPMA. Some environmental organisations agreed with these views.

5.17 Views on finfish aquaculture were polarised. Some respondents considered finfish aquaculture to have serious adverse effects on the marine environment. This group (which included environmental organisations, some organisations in the ‘other organisation types’ category and some individuals) thought finfish aquaculture should not take place in HPMA. However, other respondents disagreed, saying that claims of negative impacts on the marine environment were ‘unfounded and exaggerated’. This latter group highlighted the importance of finfish aquaculture to both national and local economies in Scotland. Irrespective of whether they agreed or disagreed with the proposed management approaches to finfish aquaculture, respondents thought the proposal to relocate finfish farms from areas selected as HPMA was likely to be problematic. For example, some said the concept of relocation was based on unrealistic assumptions that did not address the legal, practical and financial realities. These respondents also questioned the powers of the Scottish Government to guarantee relocation of an existing finfish farm to an alternative site of equal value elsewhere.

Other recreational activities

5.18 The draft policy framework proposed that recreational activities (e.g. use of motorised and non-motorised vessels, personal watercrafts, windsurfing, swimming, and diving) be

¹² MLWS: Mean Low Water Springs, the average throughout a year of the heights of two successive low waters during those periods of 24 hours (approximately once a fortnight) when the range of the tide is greatest.

allowed within HPMA's at carefully managed levels, that any restrictions be based on scientific advice and that guidance and permit systems be used, where appropriate, in the management of activities.

5.19 Organisational respondents broadly agreed that non-damaging recreational activities should be allowed in HPMA's, and endorsed the use of guidance and permits for managing such activities where appropriate. However, some environmental organisations suggested various caveats to their support for this approach – for example, calling for the use of motorised vessels to be prohibited or restricted, and stressing the importance of monitoring and enforcement. Some respondents from the recreation, tourism and culture sectors emphasised the low-impact, sustainable nature of local marine tourism and the principles of 'responsible tourism' and called for an evidence-based approach to any restrictions on activities. Respondents of all types stressed the importance of recreational activities to local communities and economies.

5.20 Individuals expressed similar views to organisations. However, some said they were opposed to any restrictions on low-impact activities, while others thought the use of motorised vessels should be managed. Those with an interest in recreational boating expressed concerns about the implications of possible HPMA restrictions for their activities – including in relation to anchoring and moorings.

Commercial / industrial activities

5.21 The draft policy framework proposed that a range of non-fishing activities which could be described as 'commercial' and / or 'industrial' (the oil and gas sector, renewable energy, carbon capture, utilisation and storage, subsea cables, aggregate extraction and hydrogen production) should be largely excluded from consideration in designating HPMA's. That is, an area where these activities were ongoing or were already in the planning process, would be deemed 'out of scope' when choosing sites to designate as HPMA's. Specific exceptions to this (different for each activity) were described in the policy framework.

5.22 The comments expressed in relation to these activities were generally made by organisations involved in these sectors (i.e. energy providers, local authorities or regulatory bodies) who were broadly in favour of the approaches outlined, as well as by environmental and community organisations, and a range of individuals, who were broadly opposed.

5.23 The comments from energy providers, and other organisations with similar interests were often very detailed in nature and in many cases related to licensing and regulatory issues and 'future-proofing'. The comments from environmental organisations, community organisations and individuals were at a more general level and focused more on the benefits to communities of employment in the (broadly defined) renewable energy sector, the contribution this makes to the achievement of climate change targets, and an unwillingness to see large areas excluded from consideration as potential HPMA's.

Shipping and ferries, and ports and harbours

5.24 The draft policy framework proposed that (i) existing ports and harbours and associated areas and infrastructure be excluded from the HPMA site identification process, and that (ii) the development of new ports, harbours, ferry piers and marinas would be prohibited in

areas designated as HPMA. With regard to shipping and ferries, it proposed that transit across HPMA would continue to be allowed.

5.25 Those providing substantive comments on the proposed management arrangements for **ports and harbours** broadly endorsed the exclusion of existing facilities from HPMA site designation and noted the importance of such facilities for coastal communities and businesses. Shipping, ports and harbour organisations made a number of suggestions as to how the exclusions might be defined. Respondents – including community groups; recreation, tourism and culture organisations; public sector bodies; and individuals – were, however, concerned about the proposed ban on the future development of new ports, harbours, ferry piers and marinas. It was suggested that this could contravene the Islands (Scotland) Act 2018 by treating island communities substantially different to mainland communities. There were calls for a flexible approach to allow the development of small-scale appropriate facilities that would be of benefit to coastal communities and businesses, particularly in more remote areas.

5.26 Respondents were broadly content with the proposals relating to **shipping and ferries** although a few respondents from a number of different sectors suggested more nuanced approaches incorporating limited restrictions of various types (e.g. seasonal restrictions, restrictions related to the environmental-friendliness of the vessel).

Other activities – military and defence and space ports

5.27 The draft policy framework proposed the exclusion of some areas hosting military infrastructure and activities from the HPMA site selection process, and the continuation of MoD defence activities in line with relevant environmental guidelines within future designated areas. It also proposed banning (i) new space port infrastructure and the deposition of debris or other materials from space launches, and (ii) the issuing of new licences for space launches in HPMA. Areas covered by existing space port licences would be considered for exclusion as HPMA on a case-by-case basis.

5.28 Comment on both these issues were limited. However, some respondents, including environmental organisations and individuals, expressed concern about the potential for environmental damage and the incompatibility of such activities with the conservation aims of HPMA. A specific issue was raised in relation to the impact of military sonar on cetaceans (whales and dolphins). Other types of organisational respondents and other individuals tended to highlight the possible socio-economic impact of restrictions on activities that were important to local coastal economies – the growing space port industry was particularly noted in this respect.

Missing activities

Question 2 asked respondents if they thought any activities were missing from the list. Suggestions were limited but included deep sea mining and extraction of minerals, release of pollutants / sewage into the sea or nearby water courses, cruise ship operations / tourism, salvage operations, and research activities.

Prohibiting activities from the point of designation (Q3)

5.29 Section 8.3.2 of the policy framework set out proposals for new legal powers to be introduced, within the existing framework of the Marine (Scotland) Act 2010, to allow for a range of activities to be prohibited from the point of HPMA designation. Question 3 asked for views on this proposed new power.

5.30 Table 5.2 below and Table A1.20 in Annex 1 show the following main points based on the substantive responses:

- Overall, around a fifth (19%) of respondents said they supported the proposal (13% said they supported it strongly), while more than three-quarters (78%) opposed it (69% said they opposed it strongly). Just 3% of respondents selected 'neutral'.
- Organisations (24%) were more likely to express support for the proposal than individuals (18%); conversely organisations were less likely to express opposition (70%) than individuals (79%).
- Levels of support were highest among environmental organisations (93%). Levels of opposition were highest among fishing organisations (100%), fish selling and processing (100%) organisations, aquaculture organisations (95%), and community groups (83%). Around two-thirds of organisations in the recreation, tourism and culture sector (64%) and in the 'other organisation types' category (69%) were also opposed.

Table 5.2: Q3 – 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'?

Respondent type	Support Number	Support Percent	Neutral Number	Neutral Percent	Oppose Number	Oppose Percent	Total Number	Total Percent
Fishing organisations / groups	0	0%	0	0%	28	100%	28	100%
Community organisations and groups	5	14%	1	3%	30	83%	36	100%
Environmental organisations	27	93%	1	3%	1	3%	29	100%
Recreation, tourism and culture organisations	6	27%	2	9%	14	64%	22	100%
Aquaculture organisations / groups	0	0%	1	5%	21	95%	22	100%
Public sector bodies including regulators and local authorities	2	15%	1	8%	10	77%	13	100%
Fish selling and processing organisations / groups	0	0%	0	0%	6	100%	6	100%
Other organisation types	7	17%	6	14%	29	69%	42	100%
Total organisations	47	24%	12	6%	139	70%	198	100%
Total individuals	250	18%	41	3%	1,107	79%	1,398	100%
Total, all respondents	297	19%	53	3%	1,246	78%	1,596	100%

Percentages may not total 100% due to rounding.

The table combines those who selected 'strongly support' OR 'support' into a single category (Support). It also combines those who selected 'strongly oppose' OR 'oppose' into a single category (Oppose). See Table A1.20 in Annex 1 for a full breakdown of the responses using the 5 original response categories.

5.31 A range of respondents explicitly said they found this question difficult to answer. This was for two main reasons:

- They were unclear how Question 3 differed from the two preceding questions.
- The question itself was complex. It asked three sub-questions: (1) Should there be new powers? (2) Should the new powers allow activities to be prohibited? and (3) Should this prohibition be from the point of designation? The question also included an assumption that these additional powers would 'afford high levels of protection'.

5.32 Respondents' comments at Question 3 were therefore, to a large extent, simply a restatement of (i) their views on whether or not they supported the designation of HPMA, (ii) the reasons for these views, and (iii) the extent to which they did or did not agree with the list of (16) proposed prohibited activities within HPMA. These points are discussed in Chapter 4 and in relation to Question 2 above.

5.33 Respondents who supported the designation of HPMA confirmed their support for the proposed new powers, subject to there being no conflict or overlap with existing legislation. These respondents expected the activities covered by the new powers to be prohibited at the point of designation. One public sector body went on to ask for further additional powers in relation to (i) relocating existing human activities and (ii) revoking existing permits.

5.34 Respondents who did not support the designation of HPMA questioned the requirement for new powers, and made the following main points:

- Many of the activities listed are already strongly regulated, with licence systems in place. Scottish Ministers already have powers to regulate / assess environmental impact under the Marine (Scotland) Act 2010, and additional powers – particularly 'blanket' powers of the kind suggested – are not required.
- No new powers should be granted until (i) sites have been selected, (ii) consultation with affected communities has been completed, and (iii) compensation arrangements are in place.
- The new powers are likely to be incompatible with UK and / or international law relating to fishing and marine issues, as well as other existing law in Scotland (relating, for example, to community assets and community empowerment) and to face legal challenge.

5.35 In addition, respondents (both organisations and individuals) who worked in areas where production and investment cycles are planned many years ahead (for example those working in aquaculture, the renewable energy sector, and energy providers more generally), noted that any new powers would have to be introduced in an appropriate timescale which allowed adequate 'lead-in' time for any proposed change.

Activities permitted on a case-by-case basis (Q4)

5.36 Section 8.3.3 of the policy framework set out proposals for additional powers to be introduced to establish processes by which public authorities can permit certain limited activities within a HPMA on a case-by-case basis for specified reasons. Such reasons related to lifeline services to remote and island communities, public safety, habitat or species

restoration projects furthering the objectives of a HPMA, scientific monitoring, compliance with international law and legal obligations, or any other over-riding reason identified by Scottish Ministers.

5.37 Question 4 asked for views on this proposed new power. Table 5.3 below and Table A1.21 in Annex 1 show the following main points based on the substantive responses:

- Overall, around a third (31%) of respondents said they supported the proposal (14% said they supported it strongly), while just over a half (56%) opposed it (44% said they opposed it strongly). Around one in eight respondents (13%) selected 'neutral'.
- Organisations were more likely to express support for the proposal (41%) than individuals (30%); conversely organisations were less likely to express opposition (41%) than individuals (58%).
- Among organisations, levels of support were highest among environmental organisations (70%) and public sector bodies (69%). Levels of opposition were highest among fishing organisations (72%), aquaculture organisations (50%), and community groups (49%).

Table 5.3: Q4 – 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’?

Respondent type	Support Number	Support Percent	Neutral Number	Neutral Percent	Oppose Number	Oppose Percent	Total Number	Total Percent
Fishing organisations / groups	4	16%	3	12%	18	72%	25	100%
Community organisations and groups	12	34%	6	17%	17	49%	35	100%
Environmental organisations	21	70%	8	27%	1	3%	30	100%
Recreation, tourism and culture organisations	10	45%	3	14%	9	41%	22	100%
Aquaculture organisations / groups	5	23%	6	27%	11	50%	22	100%
Public sector bodies including regulators and local authorities	9	69%	1	8%	3	23%	13	100%
Fish selling and processing organisations / groups	1	17%	3	50%	2	33%	6	100%
Other organisation types	18	42%	5	12%	20	47%	43	100%
Total organisations	80	41%	35	18%	81	41%	196	100%
Total individuals	407	30%	169	12%	791	58%	13,67	100%
Total, all respondents	487	31%	204	13%	872	56%	1,563	100%

Percentages may not total 100% due to rounding.

The table combines those who selected 'strongly support' OR 'support' into a single category (Support). It also combines those who selected 'strongly oppose' OR 'oppose' into a single category (Oppose). See Table A1.21 in Annex 1 for a full breakdown of the responses using the 5 original response categories.

5.38 The comments at Question 4 were of three distinct types, as follows:

- Respondents said their comments had been provided earlier (at Question 1 and / or Question 2).

- Respondents commented in relation to (i) their overall views about HPMA and / or (ii) their views about which specific activities should and should not be prohibited within an HPMA.
- Respondents commented on whether or not a case-by-case approach to the permission of certain limited activities was supported.

5.39 The first two types of comment above are considered elsewhere in this report. (See Chapter 4 and the discussion of Question 2 above.)

5.40 As far as the proposed case-by-case approach was concerned, a small number of respondents said simply that they either supported this kind of approach – because they saw it as a practical necessity under the circumstances, or did not support this kind of approach – because it was bureaucratic or a waste of money, and / or because HPMA should be designed to allow a certain amount of activity without the need for special permission.

5.41 However, most respondents who commented went on to ask for further clarification, or to raise further questions about how the process of case-by-case assessment would work. The main issues raised by respondents included the following:

- The proposal as set out in section 8.3.3 was ‘vague’, and ‘lacked clarity’. In particular, respondents asked what is meant by ‘specified reasons’ and ‘no reasonable alternative’?
- Who / which organisation(s) will have the power to decide what is permissible on a case-by case basis? Moreover, how could communities have confidence that the case-by-case assessment process would not prioritise ‘large scale’ commercial interests over local interests?
- How will consistency, transparency, and scrutiny in decision-making be achieved?
- How will the impacts of any special permissions be monitored and evaluated?
- Where will the resources to carry out this case-by-case assessment come from? Respondents thought this was likely to be a labour-intensive process, and they were not clear whether there would be adequate resources allocated to it. Some respondents – particularly community groups and individuals – also emphasised that there should be no additional costs arising from any permitting process.

5.42 Respondents emphasised the importance of maintaining lifeline services but did not specifically comment on whether they should be assessed on a case-by-case basis under HPMA powers.

Activities permitted in cases of emergency or force majeure (Q5)

5.43 Section 8.3.4 of the policy framework set out proposals to allow some activities otherwise prohibited in a HPMA in cases of emergency and force majeure. This would cover circumstances related to, for example, the prevention of injury, loss of life or damage to property; search and rescue activity, firefighting, anchoring of vessels in storms, and any other activities required for the purpose of securing the safety of a vessel, aircraft or marine structure; the emergency removal of obstructions or dangers to navigation; and responses to environmental incidents such as chemical or oil spills.

5.44 Question 5 asked for views on the proposed new powers to cover the use of prohibited activities in such situations. Table 5.4 below and Table A1.22 in Annex 1 show the following main points based on the substantive responses:

- Overall, 4 in 10 respondents (40%) said they supported the proposal (20% said they supported it strongly), while around a third (37%) opposed it (32% said they opposed it strongly). A quarter of respondents (24%) selected 'neutral'.
- Organisations were more likely to express support for the proposal (56%) than individuals (37%); conversely organisations were less likely to express opposition (16%) than individuals (40%).
- Among organisations, high levels of support were expressed by environmental organisations (89%) and public sector bodies (85%). All other organisational groups expressed mixed views on this question.

Table 5.4: Q5 – 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’?

Respondent type	Support Number	Support Percent	Neutral Number	Neutral Percent	Oppose Number	Oppose Percent	Total Number	Total Percent
Fishing organisations / groups	6	23%	11	42%	9	35%	26	100%
Community organisations and groups	15	47%	14	44%	3	9%	32	100%
Environmental organisations	25	89%	3	11%	0	0%	28	100%
Recreation, tourism and culture organisations	12	57%	5	24%	4	19%	21	100%
Aquaculture organisations / groups	9	45%	9	45%	2	10%	20	100%
Public sector bodies including regulators and local authorities	11	85%	1	8%	1	8%	13	100%
Fish selling and processing organisations / groups	3	50%	1	17%	2	33%	6	100%
Other organisation types	24	56%	9	21%	10	23%	43	100%
Total organisations	105	56%	53	28%	31	16%	189	100%
Total individuals	494	37%	303	23%	523	40%	1,320	100%
Total, all respondents	599	40%	356	24%	554	37%	1,509	100%

Percentages may not total 100% due to rounding.

The table combines those who selected ‘strongly support’ OR ‘support’ into a single category (Support). It also combines those who selected ‘strongly oppose’ OR ‘oppose’ into a single category (Oppose). See Table A1.22 in Annex 1 for a full breakdown of the responses using the 5 original response categories.

5.45 In general, comments at Question 5 were limited to:

- A restatement of respondents’ views on the designation of HPMA’s (see Chapter 4), and
- Affirmation that in emergency situations affecting public safety (‘force majeure’) it made sense to allow otherwise prohibited activities to take place in HPMA’s – indeed, some respondents asked why this question had been included in the consultation, as the answer was ‘so obvious’.

5.46 In other cases, respondents asked for transparency in relation to the decision-making processes which would be followed in any emergency scenario, and wished to be reassured that any decisions made in an emergency situation would not be in conflict with international maritime law. However, no respondent offered any reasons why a 'force majeure' should not prompt the suspension of rules in relation to HPMAs.

Activities allowed and carefully managed in HPMAs (Q6)

5.47 Section 8.3.5 of the policy framework proposed that some activities would be allowed to take place in HPMAs under careful management and at non-damaging levels. Identified activities included SCUBA diving; snorkelling; swimming; the use of motorised vessels or personal watercrafts (e.g. motorboats, jet skis); the use of non-motorised vessels or crafts (e.g. sailboats, kayaking, canoeing, paddleboarding, surf, kitesurfing, windsurfing, etc.); wildlife watching; anchoring and mooring at specified designated locations; and scientific research using non-damaging methods for the purpose of monitoring the ecological condition of the HPMAs.

5.48 The framework suggested the introduction of provisions that would allow such activities to be managed in a range of ways such as by using guidance and codes of conduct (with the issuing potentially delegated to other bodies), permitting systems (with the issuing potentially delegated to other bodies), and designation orders (under the Marine (Scotland) Act and the UK Marine and Coastal Access Act 2009).

5.49 Question 6 asked for views on the proposed additional powers. Table 5.5 below and Table A1.23 in Annex 1 show the following main points based on the substantive responses:

- Overall, around a quarter (27%) of respondents said they supported the proposal (10% said they supported it strongly), while around half (55%) opposed it (45% said they opposed it strongly). One in six respondents (17%) selected 'neutral'.
- Organisations were more likely to express support for the proposal (36%) than individuals (26%); conversely organisations were less likely to express opposition (39%) than individuals (58%).
- Among organisations, levels of support were highest among environmental organisations (80%) and public sector bodies (62%). Levels of opposition were highest amongst fish selling and processing organisations (80%), aquaculture organisations (71%), and fishing organisations (64%). Community organisations, organisations in the recreation, tourism and culture sector, and organisations in the 'other organisation types' category expressed mixed views on this question.

Table 5.5: Q6 – What is your view of the proposed additional powers set out in section 8.3.4 of the draft Policy Framework: ‘Measures for activities allowed and carefully managed in HPMAs’?

Respondent type	Support Number	Support Percent	Neutral Number	Neutral Percent	Oppose Number	Oppose Percent	Total Number	Total Percent
Fishing organisations / groups	1	4%	8	32%	16	64%	25	100%
Community organisations and groups	7	21%	14	41%	13	38%	34	100%
Environmental organisations	24	80%	5	17%	1	3%	30	100%
Recreation, tourism and culture organisations	8	38%	7	33%	6	29%	21	100%
Aquaculture organisations / groups	5	24%	1	5%	15	71%	21	100%
Public sector bodies including regulators and local authorities	8	62%	1	8%	4	31%	13	100%
Fish selling and processing organisations / groups	0	0%	1	20%	4	80%	5	100%
Other organisation types	16	39%	10	24%	15	37%	41	100%
Total organisations	69	36%	47	25%	74	39%	190	100%
Total individuals	345	26%	218	16%	769	58%	1,332	100%
Total, all respondents	414	27%	265	17%	843	55%	1,522	100%

Percentages do not total 100% due to rounding.

The table combines those who selected ‘strongly support’ OR ‘support’ into a single category (Support). It also combines those who selected ‘strongly oppose’ OR ‘oppose’ into a single category (Oppose). See Table A1.23 in Annex 1 for a full breakdown of the responses using the 5 original response categories.

5.50 Comments at Question 6 focused on three main areas as follows:

- Issues of principle in relation to permitting some activities to take place in HPMAs
- Composition of the list of (potentially) permitted activities
- Views and questions about the approach to implementation of a system to permit some activities to take place in HPMAs.

5.51 Each of these is discussed further below.

5.52 In general, respondents who supported the designation of HPMAs thought that an arrangement of the kind described in section 8.3.5 was a reasonable idea, as long as it was carefully managed, that ‘non-damaging’ was clearly defined and agreed, and that the system was not too resource intensive or bureaucratic.

5.53 By contrast, respondents who did not support the designation of HPMAs answered in three distinct ways as follows:

- One group of respondents said that since no change to current arrangements was required (i.e. since they did not think it was necessary to designate HPMAs), the proposal was not relevant.
- A second group said that a system such as that proposed would make an insignificant difference to the overall impact of HPMAs.

- A third group said they did not disagree outright with the proposal – rather they had questions about (i) the definition and assessment of ‘non-damaging’ activities, (ii) the composition of the list of (potentially) permitted activities, and (iii) the practical arrangements for any such scheme.

5.54 Some respondents who supported the designation of HPMAs endorsed the list of activities presented. More commonly, however, respondents (both those who supported the designation of HPMAs and those who opposed them) queried why the list was so restricted. In particular, fishing and aquaculture organisations, community groups, recreation, tourism and culture organisations, as well as many individuals thought the list should be expanded to include all low-impact activities of any kind – including fishing activities, marine tourism and recreational activities such as anchoring and mooring.

5.55 It was common for respondents from fishing and aquaculture organisations to highlight that the list of (potentially) permitted activities was ‘biased’ towards (encouraging or permitting) activities relating to tourism. These respondents emphasised that tourism was highly seasonal and of far less economic importance to their area than fishing. By contrast, public bodies, recreation, tourism and culture organisations, community groups and many individuals from coastal communities emphasised the economic importance of tourism to their area, and highlighted their concerns that a permit system might dissuade tourists from visiting.

5.56 As far as the implementation of any such scheme was concerned, respondents from a wide range of organisational groups as well as individuals made the following main points:

- It would be important to limit the bureaucracy that any such scheme might entail. In order to be successful, the scheme needed to be easy to understand and manage.
- A locally managed permit system would be preferable. Community groups and individuals in particular – but also respondents from a wide range of organisational groups – emphasised that local communities should be involved in developing and managing any scheme, and that this would be the best way to facilitate / encourage compliance. It was suggested that a locally developed accreditation scheme – co-designed with local people involved in low-impact activities – could be particularly helpful. Some respondents argued that local residents should be exempt from any fees relating to individual permits; however, they also noted that it was unlikely that local communities would receive much by way of revenue from any such scheme.
- It was not clear how any scheme would be enforced.

Other comments (Q7)

5.57 A final question in this section invited any further comments on the draft policy framework.

5.58 Comments at Question 7 covered three main aspects of the policy framework as follows:

- High-level, strategic or overarching considerations that underpin the policy framework as a whole

- Areas which are missing from, or appear to be under-developed in, the policy framework
- Specific issues relating to the implementation of HPMA.s.

5.59 Each of these are discussed in further detail below.

5.60 In relation to **strategic, or overarching considerations**, the following main points were made:

- The policy framework has not delivered on its stated aim to involve those who will be affected by the designation of HPMA.s in the development of the policy approach.
- Policy in relation to HPMA.s should align with wider Scottish Government policies, plans and strategies, especially with those that aim to support the long-term viability of remote and rural populations, and those that address issues related to environmental protection and sustainability. As previously discussed in Chapter 4, respondents who opposed the designation of HPMA.s said it was not clear that this was currently the case; indeed, some respondents said they thought there was a profound contradiction between the Scottish Government's policies in relation to remote and rural populations (including the depopulation of the Scottish islands) and the designation of HPMA.s.
- Before moving to designate HPMA.s, other spatial measures to manage human activities in the marine environment should first be explored. (See Chapter 8, where alternatives to HPMA.s are discussed in full.)
- HPMA.s should not be pursued in isolation – rather they should be accompanied by a comprehensive spatial plan which covers all industries / activities in the marine environment. The current approach, according to respondents, involves several competing spatial management processes. Scottish Environment LINK campaign respondents echoed these views, stating that 'HPMA.s must not simply be oases in a marine desert. Activities that damage marine species and habitats must also be better managed throughout Scotland's seas, to prevent further degradation, for HPMA.s to provide their full potential benefit to both people and ocean'.
- The policy framework needs to explain how the designation of HPMA.s will contribute to / deliver a 'just transition'.

5.61 The following main areas were identified as being either **missing from, or under-developed**, in the current draft policy framework:

- There is no (or very limited) discussion in the policy framework of the potential for adverse environmental consequences following designation of HPMA.s.
- There is limited or inadequate discussion in the policy framework of:
 - The payment of compensation to those adversely affected by the designation of HPMA.s
 - The formal methodologies which will be used to monitor and evaluate HPMA.s, and how HPMA status might be rescinded if it proves unsuccessful
 - The potential adverse impact on food security.

- The reasons why the enforcement powers and penalties for MPAs have – according to respondents – been ineffective, and the case for why the enforcement powers and penalties discussed in relation to the designation of HPMA will be different / effective are not addressed.

5.62 Respondents also made a range of more specific points in relation to **the implementation** of HPMA as follows:

- The timescales for designation of HPMA are too short, rushed and premature.
- The HPMA approach is ‘discriminatory’, and disadvantages small fishing organisations and coastal communities who rely on fishing for their livelihoods.
- It is not clear what the legal basis is for the removal of current extant licences (e.g. for aquaculture).
- It is not clear how the designation of HPMA can proceed if the UK does not transfer the relevant powers.

5.63 Finally, another issue raised by a number of respondents was that of defining HPMA boundaries with reference to the MLWS (mean low water springs). There were two views on this. Some respondents (environmental organisations in particular) thought that boundaries should be set using the MHWS (mean high water springs) to avoid confusion about the inclusion of nearshore areas, particularly in places with big tidal ranges, and provide maximum environmental protection. However, others (individuals and community groups) agreed with the proposed approach as extending the boundary beyond that would have a greater impact on on-shore activities such as collecting shellfish or seaweed for personal use. Alongside this, there was also a call for the term ‘low tide mark’ to be used as this would be clearer to those unfamiliar with marine terminology.

6 Site selection (Q8–Q11)

Summary of key points

- The draft site selection guidelines stated that HPMA site identification will be based on ‘functions and resources of significance to Scotland’s seas’. Each of the seven functions and resources proposed was supported by between 21% and 31% of respondents. For each item, support was higher among organisations than individuals.
- Respondents who supported the introduction of HPMA sites were most likely to highlight ‘blue carbon’, ‘essential fish habitats’ and ‘other ecosystem services’ as being key objectives for marine conservation. Comments from respondents who opposed the introduction of HPMA sites often focused on definitional issues and the lack of evidence available on individual functions and resources. Some queried the relevance of the individual functions and resources for marine conservation or site selection.
- The guidelines stated that the site selection process will be underpinned by four general principles. Each of the principles was supported by between 32% and 58% of respondents. Support was highest for ‘use of robust evidence base’ – this was seen as critical and was the only principle that attracted overall majority support.
- A five-stage site selection process was proposed. One in six respondents (16%) said they supported this process. Among organisation types, views varied significantly: while 80% of environmental organisations expressed support, all fish selling and processing organisations (100%), and almost all fishing organisations (94%) were opposed.
- In relation to all the questions on the site selection guidelines, recurring themes – both among those who supported and those who opposed HPMA sites – related to the importance of robust evidence, concerns about the timescales for designating HPMA sites, the importance of community and stakeholder engagement, and the need to take account of socio-economic as well as environmental factors. There was a range of views on the ‘weight’ to be attached to different perspectives and factors in the site selection process.

6.1 The consultation paper sought views on draft guidelines, prepared by NatureScot and the Joint Nature Conservation Committee (JNCC), for the identification and selection of individual HPMA sites. The guidelines are intended to complement the policy framework developed by the Scottish Government, and the proposed site selection process is intended to ensure the sites chosen as HPMA sites provide for:

- Balanced representation of the ecology of Scotland’s seas and their geographical spread from the coast to the deep sea
- Ecosystem recovery and biodiversity enhancement, including protection of blue carbon and essential fish habitats
- The recovery of Priority Marine Features (PMFs)
- Coverage of at least 10% of Scotland’s seas.

6.2 The draft site selection guidelines set out a five-stage process for developing HPMA proposals. Proposals that pass all five stages will then progress to a network level assessment. This will consider the relative merits of all HPMA options and combinations with a view to optimising ecological, social and cultural benefits in the final choice of sites. The guidelines stated that site identification will be based on ‘functions and resources of significance to Scotland’s seas’, and that the site selection process will rely on general principles and take account of socio-economic as well as environmental factors.

6.3 The consultation asked four questions on the 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 listed below and set out in Annex B of the draft Site Selection Guidelines? [Strongly support / Support / Neutral / Oppose / Strongly oppose]

- Blue carbon
- Essential fish habitats
- Strengthening the Scottish MPA network
- Protection from storms and sea level rise
- Research and education
- Enjoyment and appreciation
- Other important ecosystem services

Please explain your answer in the text box, including any suggested changes to the list.

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? [Strongly support / Support / Neutral / Oppose / Strongly oppose]

- Use of robust evidence base
- HPMA scale and the use of functional ecosystem units
- Ensuring added value
- Delivering ecosystem recovery

Please explain your answer in the text box, including any suggested changes to the list.

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? [Strongly support / Support / Neutral / Oppose / Strongly oppose]

Please explain your answer in the text box.

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?

6.4 This chapter looks at respondents’ views on each question in turn. The following points should be noted about the analysis presented here:

- There was a great deal of overlap in the comments offered at each question. As far as possible, points are noted at the most appropriate question and are not covered in detail at multiple questions.
- Around a third of those commenting did not offer any specific views on the site selection process. Instead, they repeated overall views on the proposed introduction of HPMA. This was particularly the case for those who opposed the introduction HPMA. These views are presented in Chapter 4 and are not repeated here in any detail.
- Across this set of questions, comments suggested that some of those who selected ‘oppose’ did so because they were opposed to the introduction of HPMA in general, rather than because they were specifically opposed to individual aspects of the draft site selection process. Some said the proposed site selection process was ‘irrelevant’, as they did not want the policy to be introduced at all. Therefore, given this approach, caution should be taken in interpreting the responses to the closed questions.
- By and large, the points made by those who selected ‘neutral’ at the closed questions in this section were not substantively different to the points made by those who selected ‘support’ or ‘oppose’; thus, their views are not presented separately.

The functions and resources forming the basis of site selection (Q8)

6.5 The draft guidelines stated that HPMA site selection would be based on the conservation of marine ecosystems and driven by the presence of a set of ‘functions and resources’ identified as being of significance to Scotland’s seas, as follows:

- Blue carbon
- Essential fish habitats (including prey species)
- Strengthening the Scottish MPA network
- Protection from storms and sea level rise
- Research and education
- Enjoyment and appreciation
- Other important ecosystem services.

6.6 Question 8 asked for views on this list of functions and resources. The question comprised seven separate tick-box questions. Of the total 2,458 respondents who submitted substantive responses, 1,704 (69%) answered at least one of the tick-box questions.

6.7 Table 6.1 below and Tables A1.24 to A1.30 in Annex 1 show the following main points based on the substantive responses:

- Each of the seven items were supported by between 21% and 31% of respondents. Levels of opposition were higher, ranging from 51% to 67% across the list.
- Respondents who expressed opposition were more likely to say they were ‘strongly opposed’ (rather than simply ‘opposed’). The proportion of respondents who were ‘strongly opposed’ ranged from 47% to 57% for each function or resource. By contrast, those who expressed ‘strong support’ ranged from 12% to 18% across the seven items.
- Individuals were more likely than organisations to oppose each of the seven items. In every case, individuals were at least 10% more likely than organisations to express opposition. In relation to blue carbon and essential fish habitats, individuals were 20% more likely than organisations to be opposed.
- Among the organisational respondents, environmental organisations and energy providers were most likely to support each of the seven items. These two groups gave the highest levels of support to blue carbon, essential fish habitats, and research and education. (See Tables A1.24 to A1.30 in Annex 1 for details.)
- Fish selling and processing organisations and fishing organisations were most likely to express opposition in relation to all seven items. In addition, opposition was unanimous, or nearly unanimous, among one or both of these groups in relation to blue carbon, essential fish habitats, and strengthening the Scottish MPA network. (See Tables A1.24 to A1.30 in Annex 1 for details.)

Table 6.1: Q8 – 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 listed below and set out in Annex B of the draft Site Selection Guidelines?

Functions and resources	Support Number	Support Percent	Neutral Number	Neutral Percent	Oppose Number	Oppose Percent	Total Number	Total Percent
1. Blue carbon								
Organisations	71	39%	37	20%	74	41%	182	100%
Individuals	285	19%	282	19%	907	62%	1,474	100%
Total	356	21%	319	19%	981	59%	1,656	100%
2. Essential fish habitats								
Organisations	75	41%	31	17%	75	41%	181	100%
Individuals	415	28%	161	11%	914	61%	1,490	100%
Total	490	29%	192	11%	989	59%	1,671	100%
3. Strengthening the Scottish MPA network								
Organisations	61	33%	22	12%	100	55%	183	100%
Individuals	288	19%	174	12%	1,028	69%	1,490	100%
Total	349	21%	196	12%	1,128	67%	1,673	100%
4. Protection from storms and sea level rise								
Organisations	67	36%	41	22%	76	41%	184	100%
Individuals	384	26%	281	19%	822	55%	1,487	100%
Total	451	27%	322	19%	898	54%	1,671	100%
5. Research and education								
Organisations	69	38%	49	27%	65	36%	183	100%
Individuals	446	30%	253	17%	784	53%	1,483	100%
Total	515	31%	302	18%	849	51%	1,666	100%
6. Enjoyment and appreciation								
Organisations	64	35%	36	20%	83	45%	183	100%
Individuals	417	28%	207	14%	861	58%	1,485	100%
Total	481	29%	243	15%	944	57%	1,668	100%
7. Other important ecosystem services								
Organisations	64	36%	45	25%	70	39%	179	100%
Individuals	346	24%	306	21%	810	55%	1,462	100%
Total	410	25%	351	21%	880	54%	1,641	100%

Percentages may not total 100% due to rounding.

The table combines those who selected ‘strongly support’ OR ‘support’ into a single category (Support). It also combines those who selected ‘strongly oppose’ OR ‘oppose’ into a single category (Oppose). See Tables A1.24 to A1.30 in Annex 1 for a full breakdown of the responses using the 5 original response categories.

6.8 The sections below present an overview of the comments received from respondents on (i) the use of the proposed list of functions and resources as a whole in identifying possible HPMA sites (ii) the use of individual functions or resources, and (iii) additions and revisions to the list of functions and resources.

Views on the list of functions and resources of significance to Scotland's seas

6.9 As noted above, some respondents commented at a general level on the list of functions and resources included in the draft site selection guidelines. Some, environmental organisations and individuals in particular, offered general support, saying, for example, that all the functions and resources were 'important', or 'relevant and reasonable'.

6.10 More commonly, however, respondents (both organisations and individuals) made generally critical comments, describing the set of functions and resources as 'unfounded', 'vague' or 'nonsense', or saying that there was not enough evidence on the functions and resources and how they would be affected by HPMA designation. Others called for more detail and further 'unpacking' of the functions and resources, or greater clarity on the approach to assessment and weighting.

6.11 Additionally, environmental organisations drew attention to 'well-established globally accepted' guidance and criteria for MPA site selection, and to the selection criteria for Scotland's current MPA network. They suggested that these could be used for HPMA selection.

6.12 Some respondents also suggested that protection should focus on, for example, (i) areas of high biodiversity or supporting rare or threatened species or (ii) areas that are particularly damaged or vulnerable. Those responding to the consultation as part of the Scottish Environment LINK campaign called for the chosen sites to include 'both healthy and degraded areas, and species and habitats that represent the full range of Scotland's natural marine biodiversity'.

6.13 Some respondents (particularly individuals) said that action should be taken to address known environmental problems such as marine pollution (these comments were brief and it was not clear if they applied in the context of HPMA selection or to protecting the marine environment more generally).

Views on individual functions and resources

6.14 Respondents offered a wide range of comments on each of the seven functions and resources that it was proposed would form the basis of site identification. The main points are summarised here.

6.15 Those broadly **supportive** of the introduction of HPMA thought all the functions and resources were relevant or important but were particularly likely to highlight blue carbon, essential fish habitats and other ecosystem services as being key to the objectives of marine conservation and ecosystem recovery. On the issue of strengthening the MPA network, respondents in this group endorsed this aim and generally called for HPMA sites to be outwith, and additional to, existing MPA sites. They also noted the importance of clarity of definitions and concepts – and taking account of socio-economic impacts as well as environmental factors.

6.16 Those broadly **opposed** to HPMA offered criticisms or queried the relevance of each of the proposed functions and resources. Key views in the responses across the seven functions and resources related to:

- A perceived lack of evidence to support the use of functions or resources – particularly in relation to blue carbon, essential fish habitats, strengthening of the HPMA network and other ecosystem services
- A perceived lack of specificity and a need for well-defined (and better defined) terms and concepts
- Doubt about the relevance of individual functions or resources as site selection criteria – particularly in relation to (i) protection from storms and sea level rise, (ii) research and education, and (iii) enjoyment and appreciation
- Scepticism about the need to strengthen the MPA network, and a preference for any new HPMA to be located within or overlapping with existing MPA boundaries
- Concern about a perceived lack of attention paid to socio-economic impacts in the site identification process.

6.17 The comments made indicated varied levels of familiarity with and understanding of the proposed criteria and how they would be applied to the site selection process, as well as varied views on the inclusion of the criteria for site identification purposes.

6.18 Further information on the main points raised in relation to each individual function or resource is provided in Annex 7.

Suggested additions and changes to the list of functions and resources

6.19 Question 8 specifically asked respondents to suggest any changes to the list of functions and resources that would be used in site identification. The main suggestions put forward by respondents included the following:

- Food security, low-carbon food production and nutritional health
- The presence of key species
- The presence of historic sites such as shipwrecks
- The provision of functions protecting against climate change.

6.20 Respondents (environmental organisations in particular) also suggested that the overarching aim for HPMA should be presented as ‘ecosystem protection, recovery and enhancement’ or ‘supporting recovery and enhancement of biodiversity’ and that this should be reflected in the site identification criteria. Some respondents also suggested that selection should be based on evidence of ecosystem damage, and should focus on the most damaged areas rather than on preserving sites currently in good condition.

6.21 Additionally, there was also a very widespread view that the lack of reference to the sustainability of communities, or the socio-economic or cultural impacts of HPMA at the site identification stage was a ‘massive oversight’. Respondents of all types argued for consideration of community impacts at an early stage in site identification, and emphasised the need for community engagement and input throughout the process. See also the discussion at Question 10 (paragraph 6.49).

General principles intended to inform the site selection process (Q9)

6.22 The draft guideline document sets out four general principles that would be followed in the HPMA site selection process, as follows:

- Use of a robust evidence base
- HPMA scale and the use of functional ecosystem units
- Ensuring added value
- Delivering ecosystem recovery.

6.23 The draft site selection guidelines stated that these principles build on those used to identify MPA sites and would apply to all stages of the HPMA selection process.

6.24 Question 9 asked for views on the principles. The question was made up of four separate tick-box questions. Of the total 2,458 respondents who submitted substantive responses, 1,360 (55%) answered one or more of the tick-box questions at Question 9.

6.25 Table 6.2 below and Tables A1.31 to A1.34 in Annex 1 show the following main points based on the substantive responses:

- Each of the four principles was supported by between 32% and 58% of respondents. Each was opposed by between 34% and 45% of respondents. The proportion of respondents who said their views were 'neutral' ranged from 8% for 'use of robust evidence' to 27% for 'ensuring added value'.
- Support was highest for 'use of robust evidence base' – this was the only principle that attracted majority support. Overall, 58% of all respondents supported the use of this principle, although support was notably higher among organisations (77%) than individuals (55%). Respondents were also more likely to select 'strongly support' than 'support' for this principle.
- Organisations were more likely than individuals to support each of the four principles, and, by contrast, individuals were more likely than organisations to oppose all four principles.
- Among organisations, all but business / private sector organisations and fish processing and selling organisations expressed majority support for 'use of robust evidence base' as a site selection principle. Support was highest among shipping, ports and harbours (100%), political groups (100%) and environmental organisations (96%). (See Tables A1.31 to A1.34 in Annex 1 for details.)
- There was no consensus in views in relation to the other three principles, with support ranging from 32% to 43% and opposition ranging from 35% to 45%. In relation to each of these principles, support was highest among environmental organisations (90% or above). Other organisation types expressing relatively high levels of support across these principles (75% or above) included recreation, tourism and culture organisations and energy providers. (See Tables A1.31 to A1.34 in Annex 1 for details.)

Table 6.2: Q9 – 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?

General principles	Support Number	Support Percent	Neutral Number	Neutral Percent	Oppose Number	Oppose Percent	Total Number	Total Percent
1. Use of a robust evidence base								
Organisations	132	77%	11	6%	28	16%	171	100%
Individuals	650	55%	96	8%	433	37%	1,179	100%
Total	782	58%	107	8%	461	34%	1,350	100%
2. HPMA scale and the use of functional ecosystem units								
Organisations	69	42%	38	23%	57	35%	164	100%
Individuals	348	30%	258	23%	537	47%	1,143	100%
Total	417	32%	296	23%	594	45%	1,307	100%
3. Ensuring added value								
Organisations	80	49%	37	23%	46	28%	163	100%
Individuals	349	31%	312	27%	475	42%	1,136	100%
Total	429	33%	349	27%	521	40%	1,299	100%
4. Delivering ecosystem recovery								
Organisations	85	51%	41	25%	40	24%	166	100%
Individuals	474	41%	256	22%	418	36%	1,148	100%
Total	559	43%	297	23%	458	35%	1,314	100%

Percentages may not total 100% due to rounding.

The table combines those who selected 'strongly support' OR 'support' into a single category (Support). It also combines those who selected 'strongly oppose' OR 'oppose' into a single category (Oppose). See Tables A1.31 to A1.34 in Annex 1 for a full breakdown of the responses using the 5 original response categories.

6.26 In addition, 2,018 Scottish Environment LINK campaign respondents said that they 'support the general principles for selecting where HPMA's will be located and what they will protect'.

6.27 The following sections present an analysis of the comments made by respondents who provided substantive responses. General comments are covered first, before presenting views on each individual principle. It should be noted that, as with the functions and resources considered at Question 8, the comments from respondents – individuals in particular – indicated varying levels of familiarity with and understanding of the proposed principles and related concepts addressed in this question.

General comments

6.28 Those commenting on the principles in a general way offered contrasting views. On the one hand, some respondents provided an overall positive assessment of the principles, describing them as 'strong pillars for the selection process' or 'strong principles consistent with an ecosystem approach'. On the other hand, other respondents described them as a 'relatively arbitrary' set of principles, or said, for example, that they 'sound good but don't mean much'.

Use of a robust evidence base

6.29 As shown in Table 6.2, the use of a robust evidence base was the only one of the four principles which attracted majority support overall, both from organisations and individuals. There was broad agreement among respondents of all types that a robust evidence base was critical for making important decisions on the designation of HPMA.

6.30 Respondents largely agreed that the evidence base for site selection needed to be:

- Comprehensive, and open to public scrutiny
- Local rather than national or 'generic', with specific opposition to using modelled data, and concerns about the lack of sufficiently detailed data to assess impacts at community level
- Inclusive in taking account of local knowledge and information and the experience of those who live by and work on the sea as well as expert scientific evidence
- Holistic in including socio-economic, ecological and environmental evidence.

6.31 However, there was also a widespread view that good quality evidence on all aspects of the marine environment was not currently available, with respondents expressing scepticism about whether such an evidence base could be assembled in time to be used in the selection of HPMA sites by 2026. Respondents described the timeline as 'challenging' or 'unrealistic'. A range of respondents (including fishing and aquaculture organisations, community groups and organisations, and a few individuals) suggested that a small number of pilot HPMA might help provide evidence for the development of the HPMA programme.

6.32 Some respondents highlighted the reference in the consultation paper to the use of 'best available' evidence and a 'preference for relying upon existing data'. Some expressed concern about this and were strongly of the view that new and detailed evidence was required. However, others (mainly environmental organisations and individuals) argued for the use of a 'precautionary approach' in the absence of complete knowledge, or said that 'the absence of perfect knowledge' should not be used as a barrier to HPMA implementation.

6.33 In their responses to this question, respondents repeatedly (i) pointed out the perceived lack of a clear evidence base for the introduction of the HPMA policy as a whole, or the absence of such evidence in the consultation documents, and (ii) argued that the principle of using a robust evidence base for site selection was undermined by the already stated commitment of designating at least 10% of Scotland's seas as HPMA.

HPMA scale and the use of functional ecosystem units

6.34 The comments made in relation to this principle were varied in nature. Some respondents – including environmental organisations – broadly welcomed the focus on functional ecosystems and favoured larger rather than smaller HPMA as offering the most potential in terms of ecosystem protection and recovery, and research, education and enjoyment. However, other respondents were concerned about the designation of large inshore areas as HPMA and the potential impact this would have on existing coastal activities. Some, individuals in particular, said they favoured a system based on a greater

number of smaller sites which would allow greater scope for existing marine activities to continue.

6.35 The lack of stated parameters (e.g. in terms of size and number) for establishing HPMA sites was seen as offering helpful flexibility by some respondents, while others thought that, alongside the stated 10% target, this introduced uncertainty and the risk of pressure and 'spatial squeeze' in coastal areas.

6.36 Comments on the relationship between existing MPAs and new HPMA sites are covered in the discussion related to 'strengthening the MPA network' at Question 8 (see paragraphs 6.9 to 6.18 and Annex 7).

Ensuring added value

6.37 The draft site selection guidelines explained that HPMA sites were intended 'to add clear value to the conservation and wider sustainable use of Scotland's seas over and beyond existing marine conservation policies and management'. Comments in relation to the proposed principle of ensuring added value suggested that many respondents were uncertain either about the meaning of this principle or how it would be implemented in practice.

6.38 Respondents from a range of sectors referred to the principle as 'vague', and 'poorly defined', or said it was not clear if the 'added value' referred to 'purely conservation objectives, wider objectives or both'. There were calls for a more precise definition to be provided.

6.39 Those offering fuller comments mainly argued that it was important that any assessment of 'added value' take account of socio-economic factors – and specifically the socio-economic value associated with fishing – as well as environmental factors. However, there was also a less common view put forward by environmental organisations that environmental and ecological value should take precedence in any assessment.

Delivering ecosystem recovery

6.40 Those commenting on ecosystem recovery as a principle for site selection were largely supportive of its inclusion. Environmental organisations and some individuals were particularly supportive of the principle arguing that this was essential to HPMA designation and should carry more weight or be at the forefront of site selection process. Some of those who supported this principle went on to raise the following caveats:

- They said the wording should be broadened to refer to 'delivering ecosystem protection and recovery' or 'delivering ecosystem recovery and enhancement'.
- They said the principle should be further defined and quantified, and that baselines should be established for future research purposes.
- They argued that sustainable ecosystem recovery required local support, education, funding, and regulation.

6.41 Those respondents expressing stronger reservations about the use of the principle in site selection questioned the extent of and evidence for current ecosystem damage and

degradation and thus the need for recovery, and / or the assumption that recovery required the removal of all human activities.

Proposed five-stage site selection process (Q10)

6.42 The draft guidelines proposed a site selection process that involved five stages:

- Stage 1: Identification of possible HPMA sites based on functions and resources of significance to Scotland's seas
- Stage 2: Consideration of the contribution of potential sites to the overarching aims of HPMA
- Stage 3: Defining the appropriate scale of the proposed HPMA site
- Stage 4: Reviewing the current use of sites and setting out the management of existing activities under HPMA arrangements
- Stage 5: People, Planet and Prosperity – an assessment of the wider potential benefits of HPMA designation.

6.43 It was anticipated that progression through the stages would be iterative rather than linear – particularly in relation to stages 3 and 4 – and that the process would be underpinned by robust evidence, stakeholder engagement and public consultation.

6.44 Question 10 asked for views on the process. Table 6.3 below and Table A1.35 in Annex 1 show the following main points based on the substantive responses:

- Overall, around one in six respondents (16%) said they supported the proposed process (7% said they supported it strongly), while around two-thirds (69%) said they opposed it (60% said they opposed it strongly). One in seven (15%) selected 'neutral'.
- Organisations were more likely to express support for the process (25%) than individuals (15%); conversely, organisations (60%) were less likely than individuals to say they opposed the process (70%).
- Among organisations, support for the proposed process was highest among environmental organisations (80%). Levels of opposition were highest among fish selling and processing organisations (100%) and fishing organisations (94%). Around two-thirds of community organisations and groups and aquaculture organisations (69% in both cases) also opposed the proposed process. Other organisational groups (recreation, tourism and culture organisations; public sector bodies; and organisations in the 'other organisation types' category) had mixed views.

Table 6.3: Q10 – 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?

Respondent type	Support Number	Support Percent	Neutral Number	Neutral Percent	Oppose Number	Oppose Percent	Total Number	Total Percent
Fishing organisations / groups	0	0%	2	6%	34	94%	36	100%
Community organisations and groups	4	13%	6	19%	22	69%	32	100%
Environmental organisations	20	80%	4	16%	1	4%	25	100%
Recreation, tourism and culture organisations	9	43%	2	10%	10	48%	21	100%
Aquaculture organisations / groups	1	4%	7	27%	18	69%	26	100%
Public sector bodies including regulators and local authorities	3	25%	3	25%	6	50%	12	100%
Fish selling and processing organisations / groups	0	0%	0	0%	6	100%	6	100%
Other organisation types	12	32%	5	14%	20	54%	37	100%
Total organisations	49	25%	29	15%	117	60%	195	100%
Total individuals	227	15%	221	15%	1,061	70%	1,509	100%
Total, all respondents	276	16%	250	15%	1,178	69%	1,704	100%

Percentages may not total 100% due to rounding.

The table combines those who selected 'strongly support' OR 'support' into a single category (Support). It also combines those who selected 'strongly oppose' OR 'oppose' into a single category (Oppose). See Table A1.35 in Annex 1 for a full breakdown of the responses using the 5 original response categories.

6.45 Those commenting at Question 10 often repeated comments made at earlier questions on site selection. The comments which focused specifically on the five-stage process are summarised in the section below.

6.46 Those offering **broadly positive** views on the site selection process described it as clear, comprehensive, sound, logical, or well thought out. Individuals were particularly likely to give such straightforward comments, while organisations were more likely to qualify their overall views on the process. Amongst organisations, some welcomed the references to socio-economic impacts, the involvement of stakeholders and the non-linear pathway. Public sector and regulatory bodies were particularly likely to comment positively on the process describing it as sensible, providing clarity, and 'address[ing] all relevant matters'.

6.47 However, it was more common for respondents to offer broad support for the process while also raising concerns or seeking clarification and reassurances on issues such as the evidence base that would support the process; the need for clarity and transparency in the process; community and stakeholder involvement; and consideration of socio-economic issues. The main points made by these respondents were often similar to those raised by others who offered an overall negative assessment of the process, as discussed below (see paragraph 6.49).

6.48 In a few cases respondents who were opposed to the introduction of HPMAAs nevertheless indicated a **degree of support** for the draft site selection process as they thought this would provide an acceptable way for proposals to be considered / contested should the policy proceed.

6.49 Those who offered **broadly negative** comments on the site selection process included respondents – mainly individuals – who described it as vague, bureaucratic or incomprehensible. Organisations generally provided fuller reasons for their opposition to or reservations about the process, focusing on the following three main interlinked issues in their comments: (i) consideration of socio-economic and cultural impacts, (ii) stakeholder and community engagement and input, and (iii) methodology. Views on each of these are summarised below.

- **The assessment of socio-economic and cultural impacts:** While respondents welcomed the consideration of socio-economic and cultural impacts within the site selection process, they often thought this was not given enough prominence. In particular it was noted that socio-economic considerations did not explicitly feature in the process until stage 4 which respondents thought was too late. There was a specific suggestion that a socio-economic assessment should be carried out at stage 1 with any proposals deemed as having an overall detrimental effect not proceeding further. There was also concern about the language used in the text and graphic in the guidelines which referred to ‘benefits’ rather than ‘impacts’ (thus emphasising the potential positive impacts and downplaying the consideration of negative impacts). Respondents also called for further detail on how socio-economic considerations would be assessed and weighted against other relevant factors.
- **Stakeholder and community engagement and input:** There were widespread calls for a more collaborative ‘bottom-up’ process that gave greater priority to the input of stakeholders and local communities and emphasised a commitment to a ‘just transition’. Clarity was sought about when and how stakeholders and communities would feed into the selection process, which stakeholders would be involved in advising Ministers on the sites that should go forward for public consultation, and the weight that would be attached to the views of different groups and stakeholders. Some said that the process should be guided by local communities, with appropriate time, resources and support provided to allow this to happen. There were also suggestions for regional approaches to the co-creation of site proposals and communities using the ‘third party’ process (outlined in section 5.1 of the draft site selection guidelines) to put forward their own proposals. There were also warnings that the process could give rise to conflicting views and divisions between different groups within communities. Respondents noted the need for mechanisms for dealing with such conflict and reaching compromise positions.
- **Methodology:** Clarity was sought on the methodology to be adopted at each stage in the process – in particular, respondents queried the proposed qualitative assessment of socio-economic impacts (at stage 4), given the reliance on quantitative data in relation to other aspects of the assessment and selection process. They called for more information on how different evidence and perspectives would be weighted in the process. For many this was about ensuring that community voices were heard throughout the process. However, there was also a specific concern, expressed by environmental organisations, that nature conservation objectives should remain the priority in site selection and not be overridden by socio-economic interests and powerful commercial interests in particular.

6.50 Additionally, respondents were doubtful that, if all the steps were followed (with necessary evidence gathered and considered, and appropriate stakeholder and community engagement undertaken), the process could be completed to allow site selection by 2026.

Other comments on the site selection guidelines (Q11)

6.51 A final question in this section, Question 11, asked respondents for any other comments on the draft site selection guidelines. This section summarises additional points raised at Question 11 (and at Questions 8 to 10) about the site selection process which have not been covered elsewhere in the sections above.

- **A strategic approach to site selection:** A range of respondents including both environmental and fishing / aquaculture organisations said the selection process had to be part of an overall coherent approach to marine management, biodiversity and conservation. As such it would be important that the site selection process considered the effect of designation on adjacent areas and the potential for displacement and how that will be managed, and that there was clarity about the contribution of potential sites to wider ecosystem recovery and enhancement.
- **Relationship with the overall policy aims for HPMA:** Respondents frequently expressed concern that the stated commitment to designating 10% of Scotland's seas as HPMA would be a main driver in the site selection process, over-riding any evidence-based approach that might be put in place. Additionally, in a few cases, respondents queried what would happen if the selection process resulted in less than 10% of seas being designated as HPMA.
- **Ensuring alignment with other government policies:** Respondents noted the importance of site selection taking account of other current policies. For example, some in the fisheries and aquaculture sectors highlighted the commitment to 'incentivise the use of lower impact gears' included in the 2020 UK Fisheries Act, while the risk of HPMA designation impeding renewable energy development and hampering the achievement of Scottish Government net zero targets was noted by an energy provider.
- **Excluding areas from the site selection process:** There was a common suggestion that fishing and aquaculture and some leisure activities should be classed as activities that it is not feasible to relocate and that the presence of such activities should provide a basis for excluding areas from the HPMA selection process. It was also suggested that there should be an initial stage in the site selection process which defined and scoped out areas to be excluded from designation.

6.52 Finally, some respondents said that it was difficult to comment, in the abstract, on site selection processes without knowing the specific sites under consideration.

7 Impacts (Q12–Q18)

Summary of key points

- Support for the accuracy and fairness of the various impact assessments undertaken in relation to the introduction of HPMA's ranged from 9% (for the partial Business and Regulatory Impact Assessment) to 16% (for the partial Island Communities Impact Assessment screening report).
- Some respondents were content with the impact assessments that had been presented but recognised that there was further work to be done. However, a large majority of respondents – including individuals, and organisations of all kinds – were critical of the impact assessments.
- Criticisms of the individual impacts assessments were that they had omitted or given inadequate coverage to important issues; were vague or lacking in detail; underestimated the negative impacts of HPMA's; had not been developed in consultation with coastal and island communities; and were not relevant, given that individuals sites had not yet been selected.
- Respondents identified a wide range of possible impacts from HPMA's, including issues related to employment, prosperity, depopulation, infrastructure, mental health and wellbeing, cultural heritage and communities' relationship with the seas, and community cohesion. These impacts were often described as potentially 'devastating'.

7.1 The consultation paper was accompanied by a set of impact reports: a strategic environmental report and socio-economic impact assessment, both summarised within the sustainability appraisal; a partial Business and Regulatory Impact Assessment (BRIA); and a draft Island Communities Impact Assessment (ICIA) screening report. Questions 12 to 18 asked for respondents' views on these reports and invited further comments on the potential impacts of the HPMA proposals.

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? [Strongly support / Support / Neutral / Oppose / Strongly oppose] Please explain your answer in the text box.

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? [Strongly support / Support / Neutral / Oppose / Strongly oppose] Please explain your answer in the text box.

Question 14: What is your view of the partial ICIA screening report as an accurate representation of potential impacts, raised by the implementation of the draft Policy Framework and Site Selection Guidelines? [Strongly support / Support / Neutral / Oppose / Strongly oppose] Please explain your answer in the text box.

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 / No / Not sure] Please explain your answer in the text box, including any additional impacts that have not been identified in the partial ICIA screening report.

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? [Strongly support / Support / Neutral / Oppose / Strongly oppose] Please explain your answer in the text box.

Question 17: Do you think that the implementation of the draft Policy Framework and Site Selection Guidelines will have any financial, regulatory or resource impacts – positive and/or negative – for you and/or your business? [Yes / No / Not sure]

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

7.2 This chapter looks at respondents' views on each question in turn. The following points should be noted about the analysis presented in this chapter:

- There was a great deal of overlap in the comments offered at each question – as far as possible, points are noted at the most appropriate question and are not covered in detail at multiple questions.
- Across this set of questions, comments suggested that some of those who selected 'oppose' did so because they were opposed to the introduction of HPMA in general, rather than because they were specifically opposed to particular statements made in the various impact reports. Therefore, caution should be taken in interpreting the responses to the closed questions.
- Across this set of questions, comments suggested that respondents did not always (or even often) make clear distinctions between the four individual reports described above, or acknowledge the caveats which had been provided about the provisional nature of (much of) the impact assessments.
- By and large, the points made by those who selected 'neutral' at the closed questions in this section were not substantively different to the points made by those who selected 'support' or 'oppose'; thus their views are not presented separately.

Strategic Environmental Report (Q12)

7.3 The Environmental Assessment (Scotland) Act 2005 requires that certain public plans, programmes and strategies be assessed for their potential effects on the environment. Strategic Environmental Assessment (SEA) is the process used to fulfil this requirement. An SEA identifies the likely environmental impacts of proposed plans and policies and reasonable alternatives; the mitigation measures that could avoid or minimise any significant adverse effects; and opportunities for enhancements of beneficial effects.

7.4 The HPMA SEA report set out a baseline, describing the character of the environments which may be affected by the designation of HPMA status, and provided an assessment of the likely impact of the introduction of HPMA on that environment. It also considered the environmental effect of a 'reasonable alternative' – in this case, the introduction of a more stringent alternative environmental management system.

7.5 Overall, the SEA concluded that the environmental benefits of increased protection that will result from the designation of HPMA would be greater or at least balanced by the expected adverse impacts – identified in the SEA as those associated with displacement of fishing and longer cable or pipeline routes.

7.6 As the location of HPMA have not yet been identified, the initial SEA undertaken involved preliminary consideration of the type of impacts that could arise from the designation of HPMA status. Once sites have been selected and proposed for designation, site-specific SEAs involving spatial analysis of specific potential sites and a more detailed assessment of the scale of potential environmental effects will be undertaken.

7.7 Question 12 invited comments on the SEA report produced in relation to HPMA. The question asked respondents to consider the accuracy of the report's representation of the

potential impacts, issues and considerations raised by the introduction of the draft policy framework and site selection guidelines.

7.8 Table 7.1 below and Table A1.36 in Annex 1 show the following main points based on the substantive responses:

- Overall, around one in seven respondents (15%) said they supported the SEA (5% expressed strong support), while around two-thirds (68%) opposed it (60% expressed strong opposition). One in six respondents (17%) selected 'neutral'.
- Organisations (20%) were more likely than individuals (14%) to express support for the SEA; conversely, organisations (51%) were less likely than individuals (70%) to express opposition.
- Among organisations, environmental organisations (55%) were the only group to express majority support for the SEA, with the remainder of this group (45%) selecting 'neutral'. Levels of opposition were highest among fishing organisations (94%) and fish selling and processing organisations (67%). A majority of aquaculture organisations (58%) were also opposed, with most others in this group (33%) selecting 'neutral'. Other organisational groups expressed mixed views.

Table 7.1: Q12 – 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?

Respondent type	Support Number	Support Percent	Neutral Number	Neutral Percent	Oppose Number	Oppose Percent	Total Number	Total Percent
Fishing organisations / groups	0	0%	2	6%	34	94%	36	100%
Community organisations and groups	4	14%	10	34%	15	52%	29	100%
Environmental organisations	12	55%	10	45%	0	0%	22	100%
Recreation, tourism and culture organisations	5	26%	7	37%	7	37%	19	100%
Aquaculture organisations / groups	2	8%	8	33%	14	58%	24	100%
Public sector bodies including regulators and local authorities	5	45%	4	36%	2	18%	11	100%
Fish selling and processing organisations / groups	0	0%	2	33%	4	67%	6	100%
Other organisation types	9	25%	9	25%	18	50%	36	100%
Total organisations	37	20%	52	28%	94	51%	183	100%
Total individuals	202	14%	230	16%	1,027	70%	1,459	100%
Total, all respondents	239	15%	282	17%	1,121	68%	1,642	100%

Percentages may not total 100% due to rounding.

The table combines those who selected 'strongly support' OR 'support' into a single category (Support). It also combines those who selected 'strongly oppose' OR 'oppose' into a single category (Oppose). See Table A1.36 in Annex 1 for a full breakdown of the responses using the 5 original response categories.

7.9 A small number of respondents used their comments at Question 12 to affirm their agreement that the SEA provided an accurate (and fair) representation of the potential impacts, issues and considerations relating to the designation of HPMAs. These comments

were sometimes accompanied by a caveat such as ‘seems fine at this stage’ or ‘the SEA needs to be seen alongside the social and economic impacts’.

7.10 More commonly, however, respondents set out the reasons why they did not think (some aspect of) the SEA was accurate or fair. In some cases, respondents made clear they supported the proposal to designate HPMA, but they queried some aspect(s) of the SEA. However, in most cases respondents opposed the designation of HPMA and also offered critical comments in relation to the SEA.

7.11 Both groups of respondents (i.e. both those who supported HPMA and those who opposed them) stated three main criticisms of the SEA as follows:

- **The SEA serves no useful purpose, given that HPMA sites have not yet been selected:** Respondents making this point questioned the legitimacy of producing a SEA in advance of specific HPMA being identified or designated. They argued that the location of any sites would need to be known before an assessment of the environmental impact of the HPMA(s) could be made.
- **Important issues have been omitted or given inadequate coverage in the SEA:** It was suggested these omissions were – at least in part – due to the lack of early engagement or consultation with relevant stakeholders; it was thought that comprehensive engagement with stakeholders would have allowed a wider range of (potential) impacts to be identified. The areas mentioned as not receiving sufficient focus in the SEA were wide-ranging – and included not only environmental impacts, but also wider impacts. (The wider impacts are discussed below at Questions 13, 14 and 16 as appropriate.) Comments made specifically in relation to their environmental impacts included: (i) environmental impacts of relocating businesses and the possibility of displacement, (ii) the requirement for a wide, comprehensive and coherent environmental management plan (which would set out, amongst other things, how HPMA fit with the existing network of MPAs), (iii) cumulative impacts, (iv) the identification of other ‘reasonable alternatives’, and (v) food security. This last aspect was specifically mentioned by the Shetland postal campaign which said that ‘I would prefer that any government effort to protect the environment should aim to be compatible with the production of [this] low-carbon and nutritious protein [i.e. fish] rather than threaten its existence’.
- **The SEA should not be seen in isolation and needs to be considered alongside an examination of the social and economic impacts of HPMA:** Both individual and organisational respondents – particularly those from the fishing and aquaculture sector – argued that wider considerations relating to social and economic impacts were equally (if not more) important than environmental considerations.

7.12 In addition, it was common for respondents who were opposed to the introduction of HPMA to argue that the SEA in its entirety was based on unsubstantiated assumptions and generalisations, and that it lacked scientific credibility or justification. These respondents argued that: (i) the SEA had not provided any baseline from which to measure progress or change, (ii) ‘no quantification’ had been offered of the environmental impacts identified, (iii) the term ‘damage’ had not been defined, quantified or measured, (iv) the ‘potential’ or ‘possible’ effects discussed in the SEA, and the benefits that ‘might’ or ‘could’ be achieved

were all speculative, and (v) it was not possible to measure the environmental impacts of 'displacement' of prohibited activities or the 'spill-over' benefits of HPMA's (i.e. the impact of HPMA's on non-HPMA areas), especially given the lack of evidence in relation to direct benefits of HPMA's.

7.13 Some respondents, particularly those associated with the aquaculture sector, provided examples and evidence where their own experience or knowledge conflicted with that described in the SEA. For example, some respondents described local initiatives involving 'blanket bans' which they said had not increased biodiversity. In addition, some of these respondents said that since no negative environmental impacts of shellfish aquaculture had been identified in the SEA, it was not clear why this activity would be prohibited within an HPMA.

7.14 Finally, a broad range of respondents – both individuals and organisations – wished the methodology for assessing environmental impacts to be described more clearly and to be applied more transparently.

Socio-Economic Impact Assessment (Q13)

7.15 A socio-economic impact assessment (SEIA) aims to identify and assess the potential social and economic effects (positive and negative) of a proposed development or policy on the lives and circumstances of people and their communities.

7.16 In the case of HPMA's, the SEIA process sought to estimate the effects of the designation and management of HPMA's both at site level and for a suite of HPMA's as a whole in terms of:

- Potential economic impacts to marine activities
- Potential social impacts
- Potential impacts on the public sector
- Potential environmental impacts (costs and benefits, including social benefits through ecosystem services).

7.17 As the locations of individual HPMA's have not yet been identified, the initial SEIA undertaken involved a preliminary consideration of issues and a scoping of the type of impacts that could arise from future designation of HPMA status. Thus, the report issued for consultation presented the results of this initial scoping work and set out a methodology for assessing the social and economic impacts once individual sites have been identified.

7.18 Question 13 asked for views on the SEIA report.

7.19 Table 7.2 and Table A1.37 in Annex 1 show the following main points based on the substantive responses:

- Overall, around one in eight respondents (12%) expressed support for the SEIA report (4% expressed strong support), while around three-quarters (74%) expressed opposition (65% expressed strong opposition). Around one in seven respondents (14%) selected 'neutral'.

- Organisations (16%) were more likely than individuals (11%) to express support for the SEIA report conversely, organisations (63%) were less likely than individuals (75%) to express opposition.
- None of the organisational groups expressed majority support for the SEIA report. Environmental organisations (40%) expressed the highest level of support. Levels of opposition were highest among fishing organisations (97%), fish selling and processing organisations (83%), aquaculture organisations (71%) and community organisations (70%). Around half of public sector bodies (55%), recreation, tourism and culture organisations (48%), and organisations in the 'other organisation types' category (54%) expressed opposition, with the remainder more likely to select 'neutral' than 'support'.

Table 7.2: Q13 – 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?

Respondent type	Support Number	Support Percent	Neutral Number	Neutral Percent	Oppose Number	Oppose Percent	Total Number	Total Percent
Fishing organisations / groups	0	0%	1	3%	35	97%	36	100%
Community organisations and groups	6	18%	4	12%	23	70%	33	100%
Environmental organisations	10	40%	9	36%	6	24%	25	100%
Recreation, tourism and culture organisations	3	14%	8	38%	10	48%	21	100%
Aquaculture organisations / groups	2	8%	5	21%	17	71%	24	100%
Public sector bodies including regulators and local authorities	2	18%	3	27%	6	55%	11	100%
Fish selling and processing organisations / groups	0	0%	1	17%	5	83%	6	100%
Other organisation types	7	19%	10	27%	20	54%	37	100%
Total organisations	30	16%	41	21%	122	63%	193	100%
Total individuals	169	11%	200	13%	1,131	75%	1500	100%
Total, all respondents	199	12%	241	14%	1,253	74%	1,693	100%

Note: In addition, 1 respondent who submitted a response by email answered 'Neutral / Opposed' in response to this question. This response is not included in the table.

Percentages may not total 100% due to rounding.

The table combines those who selected 'strongly support' OR 'support' into a single category (Support). It also combines those who selected 'strongly oppose' OR 'oppose' into a single category (Oppose). See Table A1.37 in Annex 1 for a full breakdown of the responses using the 5 original response categories.

7.20 A small number of respondents (including a substantial number of environmental organisations) affirmed their agreement that the SEIA provided an accurate (and fair) representation of potential impacts, issues and considerations related to the designation of HPMA. These respondents thought HPMA designation would bring a range of benefits – environmental, economic and social. Their comments emphasised the importance of taking a long-term view in weighing up the benefits against any short-term costs.

7.21 More often, however, respondents set out reasons why they did not think (some aspect of) the SEIA, or, indeed, the methodological approach as a whole, was accurate or fair.

7.22 In some cases, respondents made clear they supported the proposal to designate HPMA's, but they queried some aspect(s) of the SEIA. More commonly, however, respondents opposed the designation of HPMA's and also offered critical comments in relation to the SEIA.

7.23 In addition, a wide range of respondents described (sometimes in considerable detail) the social and economic impacts they thought would arise if HPMA's were to be designated. This group of respondents were opposed to HPMA's, and they described the negative and adverse impacts which they believed would follow from the designation of HPMA's. These comments were made by many concerned individuals who described their situation living in coastal or island communities, as well as by individuals and organisations involved with fishing and aquaculture, recreation, tourism and culture, and community organisations. Similar comments were also made via the Shetland postal campaign which said that HPMA's are the single greatest threat to many of Scotland's rural and island communities, who rely on the socio-economic benefits brought by local fishing and agriculture industries.

7.24 The comments made by these respondents discussed the potential impacts both on their own communities, and on island, coastal, and remote communities across Scotland more generally.

7.25 The negative impacts identified were wide-ranging and related to employment, prosperity, depopulation, infrastructure, mental health and wellbeing, cultural heritage and communities' relationship with the seas, and community cohesion. Respondents' comments highlighted the fragility of coastal communities, and the negative 'snowballing' effects which could follow from the loss of a few local jobs. These respondents thought the SEIA had failed to understand the magnitude of the potential adverse impacts on communities.

7.26 Some of the respondents who highlighted these negative impacts went on to argue that the positive impacts set out in the SEIA (arising, for example, from an increase in marine tourism / eco-tourism) had been overstated.

7.27 As far as **general comments on the SEIA** were concerned, the main points made were that:

- It was not possible to comment on the SEIA given that the location of HPMA sites had not been identified. However, it was also noted that the uncertainty regarding site locations was causing alarm and distress in communities and was (already) acting as a deterrent to investment.
- The methodology only identifies impacts at a national / area level. Respondents argued that it was the community-level impacts which were key.
- The lack of prior stakeholder engagement had undermined the scope and coverage of the SEIA.
- There was no proper (scientific) basis for the assumptions made throughout the SEIA that the designation of HPMA's might bring environmental, economic, and social benefits. Moreover, these respondents argued that the future (potential) benefits were simply theoretical; by contrast, they saw the costs (in terms of the adverse impacts described above) as inescapable.

7.28 A wide range of **detailed points in relation to the SEIA** were raised. These covered (i) issues respondents thought were missing or given inadequate consideration and (ii) specific assumptions or assessments which respondents disagreed with.

7.29 Examples of issues that respondents thought were missing, or given inadequate consideration included: impacts on shipping; viability of harbours; food and energy security; aquaculture; future investment; ‘stranded’ assets; compensation; language and cultural practices – including the impact on the Gaelic language which depends for its viability on the economic survival of (fishing) communities especially on the west coast and the Western Isles; discharge of waste material and ballast water; costs of communication associated with designation of HPMAs; and space ports.

7.30 In addition, it was thought that the SEIA had not properly or fully acknowledged the scale of the contribution made by the fishing industry to the Scottish economy.

7.31 Examples of specific assumptions or assessments which respondents disagreed with included: the costs for additional licensing (the aquaculture sector said these costs had been vastly underestimated), the costs of relocating businesses (fishing and aquaculture sectors in particular mentioned this), the opportunity costs associated with designating HPMAs where development consents are in place (e.g. in relation to renewable energy projects and offshore windfarms), and the timescale over which benefits would be achieved.

7.32 Finally, a small number of respondents discussed the SEIA specifically in relation to the existing MPA network. Two main points were made. First, it was suggested that the MPA SEIA guidance (issued in October 2022) provided a model for how the HPMAs SEIA should be undertaken. Second, it was suggested that MPAs had failed to deliver benefits, and that an evaluation of the existing MPA network was required before proceeding with HPMAs.

Island Community Impact Assessment (ICIA) (Q14 and Q15)

7.33 The Islands (Scotland) Act 2018 requires the Scottish Government (as a ‘relevant authority’) to undertake an Island Communities Impact Assessment (ICIA) when developing new policies, strategies, or initiatives that are likely to have an effect on an island community that is significantly different from its effect on other communities in Scotland.

7.34 The Scottish Government’s ICIA guidance sets out a four-stage screening process that should be followed prior to preparing an ICIA. This involves:

- Developing a clear understanding of the objectives and intended outcomes of the policy, strategy or service including any island needs or impacts
- Gathering data, identifying evidence gaps and identifying stakeholders
- Consulting with appropriate stakeholders
- Assessing whether there are any issues resulting from the proposed policy that are significantly different from those that would be experienced on the mainland, or on other islands.

7.35 If any significantly different impacts are identified, a full ICIA should be carried out.

7.36 The work undertaken in relation to HPMAs addressed the first two stages of the ICIA screening process. The partial screening report identified potential differential impacts related to the fishing industry and eco-tourism, and identified data sources that could be used in carrying out full assessments for individual sites. The partial screening took a general approach; a full screening exercise and, where necessary, a full ICIA will be undertaken for individual sites once these have been identified.

7.37 Question 14 asked for views on the partial screening report issued for consultation. Table 7.3 and Table A1.38 in Annex 1 show the following main points based on the substantive responses:

- Overall, around one in six respondents (16%) expressed support for the partial ICIA screening report (8% expressed strong support), while almost three-quarters of respondents (72%) expressed opposition (65% expressed strong opposition). Around one in eight (12%) said they were neutral in their views.
- Levels for support for the partial ICIA screening report were similar for both organisations (15%) and individuals (16%). However, organisations (65%) were less likely than individuals (73%) to express opposition to the report.
- No organisational group expressed majority support for the partial ICIA screening report. Most environmental organisations (75%) expressed neutral views. Levels of opposition were highest among fishing organisations (91%), community organisations (81%), fish selling and processing organisations (80%) and aquaculture organisations (74%). Other organisational groups had mixed views but were, on balance, opposed.

Table 7.3: Q14 – What is your view of the partial ICIA screening report as an accurate representation of potential impacts, raised by the implementation of the draft Policy Framework and Site Selection Guidelines?

Respondent type	Support Number	Support Percent	Neutral Number	Neutral Percent	Oppose Number	Oppose Percent	Total Number	Total Percent
Fishing organisations / groups	3	9%	0	0%	30	91%	33	100%
Community organisations and groups	7	19%	0	0%	29	81%	36	100%
Environmental organisations	3	19%	12	75%	1	6%	16	100%
Recreation, tourism and culture organisations	2	11%	6	32%	11	58%	19	100%
Aquaculture organisations / groups	2	9%	4	17%	17	74%	23	100%
Public sector bodies including regulators and local authorities	2	18%	3	27%	6	55%	11	100%
Fish selling and processing organisations / groups	1	20%	0	0%	4	80%	5	100%
Other organisation types	7	22%	9	28%	16	50%	32	100%
Total organisations	27	15%	34	19%	114	65%	175	100%
Total individuals	230	16%	167	11%	1,083	73%	1,480	100%
Total, all respondents	257	16%	201	12%	1,197	72%	1,655	100%

Percentages may not total 100% due to rounding.

The table combines those who selected 'strongly support' OR 'support' into a single category (Support). It also combines those who selected 'strongly oppose' OR 'oppose' into a single category (Oppose). See Table A1.38 in Annex 1 for a full breakdown of the responses using the 5 original response categories.

7.38 A small number of respondents affirmed their agreement that the partial ICIA screening report (referred to hereafter as ‘the partial ICIA’) provided an accurate (and fair) representation of potential impacts, issues and considerations related to the designation of HPMAs. These respondents thought the designation of HPMAs would bring a range of benefits – environmental, economic and social to island communities. However, some of these respondents also emphasised that (i) community involvement / co-development with communities would be key if HPMAs were to realise their full potential in relation to conservation and the local economy, and (ii) affected communities and businesses should be supported through the transition process (both financially, and in other ways). This was referred to as ‘just transition’.

7.39 More commonly, however, a wide range of individuals (particularly those living in island and coastal communities and those associated with fishing, aquaculture and tourism) as well as organisational respondents from all sectors set out the reasons why they did not think (some aspect of) the partial ICIA was satisfactory. The main reasons they gave for their dissatisfaction were as follows:

- The stakeholder engagement which had taken place prior to introducing the partial ICIA was inadequate.
- The partial ICIA did not contain sufficient detail or substance in relation to its assessment of potential impacts.
- The partial ICIA had not fully acknowledged the wide range of contributions – economic, social and environmental – made by existing marine-based activities and industries to their communities, and to Scottish life more generally. The partial ICIA had also greatly underestimated the negative impacts on communities of the current proposals for designating HPMAs.

7.40 Each of these is discussed further below.

7.41 Some respondents explicitly recognised that the partial ICIA was at an early stage and accepted that stakeholder engagement had therefore, been necessarily limited. In addition, a small number of respondents said it was too early to provide feedback on the partial ICIA, but that they would give their comments once the proposals were further developed.

7.42 However, more commonly respondents were critical of the stakeholder engagement which had been undertaken so far. The main points made by this latter group of respondents were as follows:

- The plans for stakeholder engagement listed in section 7 of the partial ICIA have not been adhered to – respondents thought that much more stakeholder engagement needed to be done in advance of any site selection.
- The stakeholder engagement to date has been neither transparent nor inclusive – Scottish Government and NatureScot have simply laid out their intentions and said that more detail would be provided / more consultation would be undertaken as the plans progress.

- Stakeholder engagement to date has been limited to business representatives only. Some organisational respondents explicitly said that they had not been included in any engagement activities.
- The list of stakeholders engaged with so far does not include community representatives, community groups, or community councils. Neither does it include any local authorities. Respondents argued that both geographically defined communities and relevant communities of interest (including crofting communities and Gaelic-speaking communities) should be included in the stakeholder engagement.

7.43 The partial ICIA was described by respondents as ‘vague’, and ‘lacking in detail’. The partial ICIA notes that there are gaps in the data required to produce a full ICIA. However, it does not contain proposals for how these data gaps will be addressed and how further analysis of potential impacts will be done. The lack of baseline data from which to measure progress was seen as a serious omission, as was the lack of a clear statement of the objectives and intended outcomes for island communities of designating HPMAs.

7.44 As has already been discussed in relation to Questions 13 and 14, respondents thought the partial ICIA (like the SEA and the SEIA) had not fully acknowledged the wide range of contributions and investments – economic, social and environmental – made by existing activities and industries to their local communities, and to Scottish life more generally. These contributions should not simply be measured in financial terms, but on a holistic basis. Respondents also thought that the partial ICIA had greatly underestimated the potential for negative impacts on communities of the current proposals for designating HPMAs. This latter point was also emphasised by the Shetland postal campaign which emphasised the severe adverse impacts on Scotland’s rural and island communities if HPMAs were to be introduced.

7.45 Finally, it was suggested that (i) full ICIA’s should be driven by, and carried out by, local communities – not ‘outside agencies’ and that (ii) the ICIA’s (once completed) should apply to all remote coastal communities – not just to island communities.

7.46 A follow-up question, Question 15, asked respondents for their views on whether the proposed policy framework and site selection guidelines would have any differential impacts (positive and / or negative) on island communities.¹³ The question specifically asked about impacts additional to those already identified in the partial ICIA screening report.

7.47 No further impacts – in addition to those already discussed in relation to Questions 12, 13 and 14 above – were identified at Question 15. Respondents who were opposed to HPMAs (both organisations and individuals) reiterated the severe (‘devastating’) and wide-ranging negative impacts they thought HPMAs would have in relation to the economic, environmental, social, and cultural wellbeing of island communities. These respondents often expressed their views forcefully, using strong language. Respondents who supported HPMAs also reiterated comments they had made earlier about the potential benefits they thought HPMAs might bring to island communities, particularly in relation to improving the marine environment and encouraging eco-tourism.

¹³ See Table A1.39 in Annex 1 for a full breakdown of the responses to Question 15.

Business and Regulatory Impact Assessment (BRIA) (Q16 to Q18)

7.48 The Scottish Government uses the Business and Regulatory Impact Assessment (BRIA) process to analyse the cost and benefits to businesses and the third sector of any proposed legislation or regulation. The aim of the process is to use evidence to identify the proposal that best achieves the stated policy objectives while also minimising associated costs and burdens. The inclusion of a partial BRIA within a consultation is designed to encourage comment by those affected by the proposals.

7.49 The partial BRIA accompanying the consultation paper in this case provided an overview of the background to and aims of the proposed introduction of HPMAs. It set out two policy options – option 1, a ‘do nothing’ option, and option 2, the option of introducing HPMAs – and identified the sectors and businesses likely to be affected by the introduction of HPMAs. It then presented an initial assessment of the potential costs and benefits of each option and the potential impacts on the public, private and third sectors, and on communities and society.

7.50 Question 16 invited views on the partial BRIA. In particular, it asked whether the assessment presented an accurate representation of the potential impacts, issues and considerations raised by the implementation of the draft policy framework and site selection guidelines.

7.51 Table 7.4 and Table A1.40 in Annex 1 show the following main points based on the substantive responses:

- Overall, around one in ten respondents (9%) expressed support for the partial BRIA (4% expressed strong support), while three-quarters (74%) expressed opposition (63% expressed strong opposition). One in six respondents (17%) selected ‘neutral’.
- Organisations (13%) were slightly more likely than individuals (9%) to express support for the partial BRIA; conversely, organisations (65%) were less likely than individuals (75%) to express opposition.
- Among organisations, no group expressed majority support for the partial BRIA. Two-thirds of environmental organisations (64%) expressed neutral views. Levels of opposition were highest among fishing organisations (94%), community organisations (74%), aquaculture organisations (74%) and fish selling and processing organisations (71%). Other organisational groups had mixed views but were, on balance, opposed.

Table 7.4: Q16 – 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?

Respondent type	Support Number	Support Percent	Neutral Number	Neutral Percent	Oppose Number	Oppose Percent	Total Number	Total Percent
Fishing organisations / groups	2	6%	0	0%	32	94%	34	100%
Community organisations and groups	5	15%	4	12%	25	74%	34	100%
Environmental organisations	3	21%	9	64%	2	14%	14	100%
Recreation, tourism and culture organisations	5	23%	5	23%	12	55%	22	100%
Aquaculture organisations / groups	1	4%	5	22%	17	74%	23	100%
Public sector bodies including regulators and local authorities	1	9%	4	36%	6	55%	11	100%
Fish selling and processing organisations / groups	0	0%	2	29%	5	71%	7	100%
Other organisation types	7	18%	12	30%	21	53%	40	100%
Total organisations	24	13%	41	22%	120	65%	185	100%
Total individuals	126	9%	228	16%	1,071	75%	1,425	100%
Total, all respondents	150	9%	269	17%	1,191	74%	1,610	100%

Percentages may not total 100% due to rounding.

The table combines those who selected 'strongly support' OR 'support' into a single category (Support). It also combines those who selected 'strongly oppose' OR 'oppose' into a single category (Oppose). See Table A1.40 in Annex 1 for a full breakdown of the responses using the 5 original response categories.

7.52 A small number of respondents affirmed their agreement that the partial BRIA provided an accurate (and fair) representation of potential impacts, issues and considerations related to the designation of HPMAs. These respondents thought the designation of HPMAs would bring a range of benefits – environmental, economic and social. Some of these respondents went on to qualify their comments – for example by saying that the partial BRIA (i) accurately reflected the current situation but did not attempt to anticipate the impact of future scenarios, (ii) should be based on evidence and not assumptions, or (iii) should take into account the views of communities and other relevant stakeholders.

7.53 More commonly, however, a wide range of respondents (including individuals living in island and coastal communities, and organisations of all kinds) set out reasons why they did not think (some aspect of) the partial BRIA was satisfactory. The main reasons respondents gave for their dissatisfaction were that:

- The partial BRIA was based on an analysis of only two possible policy options.
- The partial BRIA contained limited discussion (or no discussion) of key areas of vital relevance to island / coastal economies.
- The evidence set out in the partial BRIA (or elements of it) was incorrect or contested.

7.54 Each of these is discussed further below.

7.55 As noted in paragraph 7.49, the partial BRIA set out two policy options – a 'do nothing' option, and the option of introducing HPMAs. Some respondents (both individuals and

organisations) questioned this and suggested that other policy options should also be considered including, for example (i) improving the management of Scottish seas, and (ii) re-examining and revising restrictions within existing MPAs. Others suggested modifications of the proposed HPMA arrangements such as allowing greater levels of non-damaging activities within HPMA and the gradual implementation of HPMA, with reconsideration of the 10% target and the timescales for introduction. (See Chapter 8 for a fuller discussion of alternative policy approaches suggested by respondents.)

7.56 A range of fishing organisations described the partial BRIA as ‘a commentary on relevant potential impacts’, rather than an evidence-based analysis of impacts (which is what respondents said the partial BRIA purported to be). It was specifically noted by these respondents that the partial BRIA did not contain any quantitative assessments of impacts, and that the final table (Table 14.1 Summary costs and benefits) was blank.

7.57 In addition, some pointed to major elements that were missing from the partial BRIA. For example, attention was drawn to the lack of reference to the aquaculture industry at sections 5, 6 and 7 – even though organisational respondents said their own business had provided detailed evidence which could have been presented in these sections. Moreover, it was noted that section 11 (on enforcement, monitoring and compliance) contained ‘just 12 words’. Respondents from the fishing industry in particular questioned the value of the partial BRIA given the lack of detail it contained.

7.58 Some respondents questioned (aspects of) the evidence presented or argued that their own experience did not agree with the evidence presented. For example, fishing organisations argued that their experience of leaving marine areas unfished did not result in the benefits set out in the partial BRIA, while aquaculture organisations said that many more licences than set out in paragraph 4.4.2 would be required if finfish farms were to be relocated. More generally, a range of respondents from the fishing industry and beyond (i) queried the statement that ‘benefits will not change in the short / medium term’ if the ‘do nothing’ option is adopted, (ii) thought that assessing the impacts of displacement based on a single study from 2014 was not adequate, and (iii) believed the assertion that MPAs could mitigate climate change was not scientifically justified.

7.59 Other points, similar to those raised in relation to the SEA, SEIA and partial ICIA were also made. These covered (i) the lack of prior engagement and consultation to this point, (ii) the inability to judge information in the partial BRIA, given that specific sites had not yet been designated, (iii) the lack of consideration given to cumulative impacts, (iv) the absence of any proposed mitigations (that might lead to a just transition), (v) the lack of discussion about compensation arrangements, (vi) the relatively small-scale positive impacts that marine tourism / eco-tourism could bring, (vii) concerns about the lack of evaluation of the existing MPA network, (viii) a concern that there will be insufficient resources available to implement, monitor and enforce HPMA, and (ix) a belief that benefits had been overestimated and adverse effects underestimated.

7.60 Finally, the Shetland postal campaign, while not directly addressing the partial BRIA, echoed the general sentiments of the fishing industry, and made the point that the economic viability of (fishing) vessels would be destabilised by HPMA and that this would have severe economic and business impacts.

7.61 Two further questions, Question 17 and Question 18, asked respondents about any financial, regulatory or resource impacts – positive and / or negative – for their (own) business.

7.62 Question 17 was a closed (tick-box) question which asked if there would be impacts of any kind and did not ask respondents to distinguish whether these would be positive or negative. Thus, the findings in relation to Question 17 were difficult to interpret and not particularly informative.¹⁴ However, in general, a large majority of both organisations and individuals said there would be impacts of some kind for themselves and / or for their businesses. The only exceptions to this were environmental organisations, recreation, tourism and cultural organisations, and public sector bodies who were fairly ambivalent about whether their organisations would experience any impacts.

7.63 The follow-up question (Question 18) allowed respondents the opportunity to comment from a personal (or organisational) perspective about any financial, regulatory or resource impacts of introducing HPMA's. However, the comments offered at this question simply repeated points which had already been made in response to earlier questions in this chapter (Questions 12–16). Therefore, a separate analysis of these comments is not presented here.

¹⁴ See Table A1.41 in Annex 1 for a full breakdown of the responses to Question 17.

8 Other comments and suggestions (Q19)

Summary of key points

- Respondents often suggested additional, complementary and / or alternative approaches to the conservation of Scotland's seas. Suggestions were made both by those who opposed HPMA's, and those who supported HPMA's.
- Both groups repeatedly called for a strategic, evidence-based approach to the conservation and protection of Scotland's seas based on a coherent spatial marine management plan or framework.
- Both groups emphasised the importance of:
 - Collaboration and partnership working with local communities and stakeholders in developing 'bottom up' approaches to marine and environmental management
 - Building on the local knowledge and values of people who live by and work on the sea and respecting local sustainable fishing practices
 - Greater consideration of socio-economic impacts (and consideration of the views of affected communities) alongside environmental impacts.

8.1 A final question asked respondents for any other thoughts they had on the Scottish Government's commitment to introduce HPMA's to at least 10% of Scottish waters.

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?

8.2 Most often, respondents used this question to reprise their general support for or opposition to the creation of HPMA's. Those who supported HPMA's said they offered the potential to protect vital habitats and species by enabling the recovery and regeneration of marine ecosystems. This group often said they wanted to see more than 10% of Scotland's seas allocated to HPMA's. Those who opposed HPMA's said that any positive conservation effects would be far outweighed by negative impacts on local communities. This group called for the Scottish Government to urgently reconsider the policy. A discussion of these views is not repeated here – see Chapter 4 for details.

8.3 A second very common theme in the responses at Question 19 related to respondents' concerns (and criticisms) about the lack of accessibility of the consultation documents and consultation process. These views and other similar comments made in response to questions throughout the consultation have been gathered together and are discussed in Annex 5 and are not repeated here.

8.4 A third theme, raised predominantly by those opposed to HPMA's but also by some supporters, was that the Scottish Government had not engaged adequately with stakeholders in formulating their proposals. These respondents said this issue would have to be addressed in any future policy development.

8.5 Finally, a fourth theme related to respondents' suggestions about additional, complementary and / or alternative approaches to the conservation of Scotland's seas. Many of these suggestions were made by those who opposed HPMA's. However, some additional or complementary suggestions were also offered by respondents who supported the concept of HPMA's. The importance of better and more comprehensive community engagement was

a key underpinning feature of the suggestions for how this policy should be developed in going forward. The remainder of this chapter focuses on this theme.

Preferred approaches to marine conservation

8.6 As discussed in Chapter 4, respondents who opposed HPMA's frequently emphasised their commitment to marine conservation and ecosystem protection. This group not only said they supported conservation, but also highlighted specific, practical conservation initiatives that they had been involved in. However, they did not agree that the proposal to establish HPMA's in 10% of Scottish seas – as proposed in the Scottish Government's draft policy framework – was appropriate, and / or they questioned whether the available evidence indicated the need for such an extensive and restrictive approach.

8.7 Key to this group's opposition was a perception that: (i) the proposal to set aside 10% of Scotland's seas was an arbitrary and disproportionate target, based on a political agreement rather than scientific evidence, and (ii) the proposal would have 'devastating' impacts on local communities who had not been properly consulted on the matter. Respondents in this group – including fishing and aquaculture organisations, community groups, public sector organisations, and some individuals – often discussed alternative approaches to marine conservation which they viewed as preferable.

8.8 Respondents who supported the aims and purposes of HPMA's did so because they thought urgent action was needed to regenerate Scotland's seas and because they believed that HPMA's could be effective in achieving this. However, respondents in this group – including environmental organisations and some individuals – were concerned that the effectiveness of HPMA's was not guaranteed and would depend to a great extent on how they were implemented in practice.

The importance of a strategic approach

8.9 Those who supported and those who opposed HPMA's repeatedly called for a strategic, evidence-based approach to the conservation and protection of Scotland's seas based on a coherent spatial marine management plan / framework. Respondents also said that such a plan or framework should take account of the values and needs (social and economic) of island and coastal communities. They contrasted this type of approach with the current situation in which (they perceived) competing spatial management procedures were being developed in parallel. As part of a co-ordinated, strategic framework, respondents who proposed alternatives to HPMA's thought there should be greater use, and enforcement, of commercial fisheries management measures. More specifically, those who raised this point wanted to see (i) a prohibition in specified areas on fishing methods perceived as being most damaging to the marine environment (e.g. bottom trawling and dredging), and (ii) the use of 'no-take zones' where appropriate.

8.10 Respondents who opposed HPMA's often suggested that such a plan should be developed instead of HPMA's, or that HPMA's should only be developed once such a plan was in place. Respondents who supported HPMA's often said that HPMA's could only achieve their conservation aims if they were set within such a plan – thus implying that the strategic plan should be developed before HPMA's are designated.

Other specific suggestions

8.11 Other specific suggestions made by respondents are set out below.

Pilot sites

8.12 One recurring suggestion from respondents who opposed HPMA was that, instead of setting aside 10% of Scotland's seas for HPMA, the Scottish Government should pilot a small number of (carefully chosen) HPMA sites in Scottish waters which could be monitored in relation to their implementation and impacts. These pilots should be co-produced with local communities. This type of approach would provide the necessary evidence to allow informed decisions to be taken about any further roll-out in other areas. It was noted that DEFRA had adopted such an approach in introducing HPMA in England.

Local approaches

8.13 The need for **local approaches** to marine protection and conservation was repeatedly highlighted in contrast to the blanket approach proposed by the draft policy framework. Respondents who opposed HPMA argued that decisions about fishing and the marine environment should be taken in collaboration with local stakeholders using locally devolved powers. This would allow decisions to be informed by local knowledge and expertise and would also avoid significant adverse impacts on communities. Respondents who supported HPMA agreed that community buy-in would be necessary if HPMA were to be successful.

8.14 Some respondents suggested that responsibilities for **local management** of the seas should lie with local authorities, community groups or specially established coastal authorities. Those who offered such suggestions drew attention to what they saw as successful approaches including:

- The work done by Shetland Council's Marine Planning Team – and the establishment of the Shetland Shellfish Management Organisation to oversee devolved responsibilities for shellfish fisheries around the islands.
- The involvement of the local community in the development and management of the Lamlash Bay no-take zone in South Arran.

8.15 There was a specific suggestion for an approach involving the development and use of bespoke measures to address issues identified through **local 'ecological gap assessment'** exercises. This suggestion again reinforces the importance respondents placed on having an evidence-based approach to marine conservation.

Building on existing approaches

8.16 There were also suggestions from those who opposed HPMA that existing marine protection arrangements could be improved and built upon to achieve the objectives set for HPMA. Respondents noted this would require detailed evaluation to be undertaken of current arrangements. Those who offered these suggestions thought that existing protections could be enhanced through better policing and enforcement of current restrictions, and the introduction of additional targeted restrictions on activities where necessary.

Learning from elsewhere

8.17 Some respondents argued that it was important to learn from experience elsewhere.

8.18 Those who opposed HPMA generally drew attention to approaches to marine conservation in other parts of the UK, with the following specifically mentioned:

- Both England and Wales have adopted approaches to meeting their conservation obligations without resorting to blanket bans on all human activities across 10% of their seas.
- In Wales, proposals to introduce HPMA were abandoned in 2012 in favour of a full-scale review of the existing MPA network. The review found the existing measures to be generally effective in protecting the marine environment, although some gaps were identified. Consultation is now being undertaken on further MPA designations to address these gaps – but there are no plans at present to re-introduce HPMA proposals in Wales.

8.19 Those who supported HPMA often pointed to international experience – with New Zealand and California (in the USA) given as examples.

8.20 Finally, both groups cited the approach taken at Lamlash Bay (on the Isle of Arran) as a model which provides useful learning.

Underpinning principles for alternative approaches

8.21 Across the varying approaches suggested, respondents (both those who opposed HPMA and those who broadly supported their aims and purposes) emphasised the need for:

- Collaboration and partnership working with local communities and stakeholder organisations in developing ‘bottom up’ approaches to marine and environmental management
- Building on the local knowledge and values of people who live by and work on the sea, and respecting local sustainable fishing practices – respondents involved in the fishing and aquaculture sectors repeatedly emphasised that they used sustainable, low-impact methods and that they recognised that their livelihoods depended on continuing to protect the marine environment
- Greater consideration of socio-economic impacts (and consideration of the views of affected communities) alongside environmental impacts.

Annex 1: Full tables

This annex, which has been published as a separate document, presents findings from the analysis of responses to the closed (tick-box) questions – broken down by respondent type and organisation type – using the **original** (5-category) version of the questions: (i) strongly support, (ii) support, (iii) neutral, (iv) oppose and (v) strongly oppose.

Note that the tables presented in Chapters 3 to 7 of the report have used a simplified 8-group organisational classification. This classification was developed to reduce the size of the tables in the report and also to reduce the likelihood of small numbers in the individual table cells. In this annex, the **original** 12-group organisational classification has been retained.

Annex 2: Organisational respondents

There were responses from 289 organisations. These are listed below.

Fishing organisations / groups (54)

- Aberdeen Fish Producers Organisation Ltd
- AK & DM Morrison Ltd
- Alison Shellfish Ltd
- Anglo Scottish Fishermen's Association
- Bracadale Marine Ltd
- Butler Diving Company
- C Turner Fishing
- Clyde Fishermen's Association (CFA)
- Communities Inshore Fisheries Alliance (CIFA)
- Communities Inshore Fisheries Alliance / Bakkafrost [joint response]
- Dawn Shellfish Ltd
- The Don Fishing Company Ltd
- Eastern England Fish Producers Organisation
- Fishermen's Mutual Association
- Fishing Forward UK
- The Fishing Vessel Agents & Owners Association (Scotland) Ltd
- Fladda Maid Fishing Company Limited
- Galloway Static Gear Fishermen's Association
- Kilo Shellfish Ltd
- L.H.D. Limited
- Lochfyne Langoustines Ltd
- Lunar Fishing Co Ltd / Lunar Harvest Fishing Ltd / Lunar QMG Ltd
- Mackenzie Fishing Ltd
- Mallaig and North West Fishermen's Association
- Mull and Iona Fishermen's Association
- NESFO Ltd
- North Minch Shellfish Association
- North West Responsible Fishermen's Association
- Orkney Fish Producers Organisation
- Orkney Fisheries Association
- Peter & J Johnstone Ltd
- Rival Fishing Co
- Ross, Sutherland, Skye & Lochalsh Fisherman's Association (RSSLA)
- Scalpay Shellfish
- Scotprime Seafoods Ltd
- Scottish Creel Fisherman's Federation
- Scottish Fishermen's Federation
- Scottish Fishermen's Organisation
- Scottish Pelagic Fishermen's Association
- Scottish White Fish Producers Association

- Shetland Fish Producers' Organisation
- Shetland Fishermen's Association
- Shetland Shellfish Management Organisation
- Skye Scallop Divers Ltd
- Sound of Harris Shellfish Ltd
- South Western Fish Producer Organisation Ltd
- Stornoway Fishermen's Cooperative Ltd
- W&J Knox Ltd
- West Coast Sea Products Ltd
- West Coast Seaweed
- West of Scotland Fish Producers' Organisation (WSFPO)
- Western Isles Fishermen's Association
- Westward Fishing Company
- White Heather Fishing

Community organisations and groups (52)

- Action West Loch
- Airidhantuim Community Council
- Arisaig and District Community Council
- Bayble Boatowners and Pier Users Association
- Bhaltois Community Trust
- Broadford and Strath Community Council
- Carbost Pier Ltd
- Castlebay and Vatersay Community Council
- Coigach Community Council
- Coigach Community Development Company
- Coll Community Council
- Colonsay Community Development Company
- Community Land Outer Hebrides
- Community Land Scotland
- Community of Elgol
- East Kintyre Community Council
- Fisherrow Harbour & Seafront Association
- GalGael Trust
- Galson Estate Trust
- Inveraray Community Council
- Iona Community Council
- Islay Community Council
- Kilninver and Kilmelford Community Council
- Lochboisdale Community Council
- Luing Community Council
- Mallaig Community Council
- Misneachd Alba
- Mull and Iona Community Trust
- North Harris Trust
- North West Mull Community Woodland Co. Ltd

- North Yell Development Council
- Northbay Community Council
- Oban Community Council
- Pairc Trust
- Point Community Council
- Scalloway Community Council
- Scottish Crofting Federation
- Scottish Islands Federation
- Scottish Rural Action
- Seil and Easdale Community Council
- South West Mull and Iona Development
- Staffin Community Trust
- Storas Uibhist
- Tingwall, Whiteness and Weisdale Community Council
- Tìree Community Council
- Tìree Community Development Trust
- Tìree Community Maritime Assets Ltd
- Urras Sgìre Oighreachd Bharabhais Community Company
- Vatersay Community Organisation
- West Ardnamurchan Community Council
- West Harris Trust
- Whalsay Community Council

Environmental organisations (33)

- Argyll Fisheries Trust
- Ayrshire Rivers Trust
- Blue Marine Foundation
- British Ecological Society - Scottish Policy Group
- Chartered Institute of Ecology and Environmental Management (CIEEM)
- Coastal Communities Network
- Community of Arran Seabed Trust (COAST)
- Fauna & Flora
- Fish Legal
- Fisheries Management Scotland
- Friends of the Earth Inverness
- Friends of the Sound of Jura
- Hebridean Whale and Dolphin Trust
- Marine Concern & Seal Scotland
- Marine Conservation Society
- National Trust for Scotland
- Oceania
- The Open Seas Trust
- Our Seas
- Rewilding Britain
- Royal Society for the Protection of Birds (RSPB)
- Save Our Seals Fund

- Scottish Environment LINK (Marine Group)
- Scottish Wildlife Trust
- Sea Change Wester Ross
- Seawilding
- Skye and Lochalsh Rivers Trust
- South Skye Seas Initiative
- Stop Climate Chaos Scotland
- Sustainable Inshore Fisheries Trust
- West Sutherland Fisheries Trust
- Whale and Dolphin Conservation
- WildFish Scotland

Recreation, tourism and culture (33)

- Angling Scotland
- Ardnish Estate
- Ardrossan & District Sea Angling Club
- Borvemor Black House - Isle of Harris
- Bowe Sports
- British Marine Scotland
- Ceòlas Uibhist
- Clearwater Paddling
- Cnoc Ruaig holiday lets
- Coralbox Gift Shop
- Cruising Association, Celtic Division
- Dive & Sea the Hebrides
- Ebony May SY33
- Finsbay Fishing South Harris
- Inverlael Ventures
- Islay Sea Adventures / Islay Marine Centre / Lucky Lucy Fishing Boat (Joint Response)
- Lerigoligan Mooring Holders Association (LMHA)
- Lochcarron Moorings Association
- Misty Isle Boat Trips
- Mull and Iona Food Trail
- Oban Sea School
- Oban Tourism Group
- Royal Highland Yacht Club
- Royal Yachting Association Scotland
- Scottish Tourism Alliance
- Stornoway Sea Angling Club
- Tighnabruaich Sailing School
- Turus Mara
- VisitScotland
- West Connel Mooring Owners' Association
- West Highland Anchorages and Moorings Association
- Western Isles Scouts
- Wild Scotland

Aquaculture organisations / groups (29)

- AKVA Group
- Association of Scottish Shellfish Growers
- Atlantic Mariculture Ltd
- Bakkafrost Scotland Ltd
- Blueshell Mussels Limited
- British Trout Association
- C.W.C. Brown Ltd
- Cooke Aquaculture Scotland Ltd
- Croggan Pier Oysters
- East Voe Shellfish Ltd
- Fassfern Mussels Ltd
- Inverlussa Mussel Farm
- Isle of Barra Oysters
- Isle of Mull Oysters Ltd
- Kaly Group Limited
- Kames Fish Farming Ltd
- Kilbride Shellfish Ltd
- Loch Duart Ltd
- Loch Laxford Shellfish Ltd
- Loch Long Salmon
- Mowi Scotland Limited
- Organic Sea Harvest Ltd
- Salar Pursuits Limited
- Salmon Scotland
- Scottish Sea Farms Limited
- Scottish Seaweed Association
- Scottish Seaweed Industry Organisation
- Scottish Shellfish Marketing Group
- Shetland Mussels Ltd

Public sector bodies including regulators and local authorities (21)

- Argyll & Bute Council
- Argyll District Salmon Fishery Board
- Bòrd na Gàidhlig
- Comhairle nan Eilean Siar
- Comhairle nan Eilean Siar, Spaceport 1 Project Board
- Crown Estate Scotland
- Dumfries and Galloway Council
- The Highland Council
- Highlands and Islands Enterprise
- Historic Environment Scotland
- Inverclyde Council
- North & East Coast Regional Inshore Fisheries Group
- North Ayrshire Council

- North East Scotland Fisheries Development Partnership (NESFDP)
- Offshore Petroleum Regulator for Environment and Decommissioning (OPRED)
- Orkney Islands Council
- Scottish Environment Protection Agency
- Scottish Water
- Shetland Islands Council
- South of Scotland Enterprise
- Wester Ross Area Salmon Fishery Board

Businesses / private sector organisations (20)

- A. Robb Engineering
- Brevik Marine
- CC Services Groundworks Ltd
- Coll & Tiree Vets
- Crinan Boatyard Ltd
- Croft36
- CSM & Co
- Elgol Bistro
- Gael Force Group
- Industrial Biotechnology Innovation Centre (IBioIC)
- Inverlussa Marine Services
- Know Edge Ltd
- Mackay's Ironmongers Ltd
- Mann Judd Gordon Ltd
- No 10 Retail Warehouse
- Northbay Innovations Ltd
- Scotland Food & Drink
- Tobermory Freshwater Ltd
- The Turbo Guy Ltd
- Watt Marine Ltd

Energy providers (12)

- EDF Energy
- EnerGeo Alliance
- Flotation Energy
- Fred Olsen Seawind
- Mull Renewables Investments Ltd
- Northland Power UK Limited - Scotland
- Offshore Energies UK (OEUK)
- Scottish Power Renewables
- Scottish Renewables
- SSE Renewables
- SSEN Transmission and SSEN Distribution
- Windswept and Interesting Ltd

Fish selling and processing organisations / groups (11)

- Alba Fish and Shellfish
- Barratlantic Ltd
- Easdale Seafoods Ltd
- Kallin Shellfish Ltd
- Mikiety Ltd
- Murray McBay & Co
- Murray Smoked Products
- Scottish Seafood Association
- Seafood Scotland
- Seafood Shetland
- Shetland Seafood Auctions Limited

Shipping, ports and harbours (9)

- British Ports Association
- Inverness Harbour Trust
- Lerwick Port Authority
- Mallaig Harbour Authority
- Port of Cromarty Firth
- Scrabster Harbour Trust
- Stornoway Port Authority
- Tarbert Harbour Authority
- UK Chamber of Shipping

Political groups (7)

- Alba Party
- Comhairle nan Eilean SNP Group
- Common Weal Dundee
- Highland Liberal Democrats
- Perth and Kinross Branch of the Scottish Greens
- SNP Branch Lewis & Harris
- Western Isles Constituency Labour Party

Other organisations (8)

- The Carbon Capture and Storage Association (CCSA)
- Mineral Products Association Scotland
- NFU Scotland
- Nourish Scotland
- Scottish Association for Marine Science
- Staunch Industries
- UHI-Shetland
- University of Glasgow, School of Biodiversity, One Health and Veterinary Medicine

Annex 3: Campaign responses

This annex provides information about the two campaigns which provided templates or suggested text to be used in responding to the consultation. Copies of these campaign texts are provided below. Information is also provided on how the text has been allocated to individual consultation questions for the purposes of analysis.

Scottish Environment LINK¹⁵ campaign

This campaign provided a template response which individuals could submit to the consultation via a website. The response did not follow the structure of the consultation questionnaire. Table A3.1 provides details of how the content of the response has been allocated to the consultation questions for the purposes of the analysis. A total of 2,018 standard and 43 non-standard responses were received.

To: HPMAs mailbox

Subject: Campaign to Create ocean recovery zones for Scotland's seas

[Respondent name, postcode and email address goes here.]

Dear Minister,

I support the Scottish Government's proposals to designate at least 10% of Scotland's seas as Highly Protected Marine Areas (HPMAs). Evidence shows that such strict levels of protection can create ocean recovery zones, helping ecosystems recover and providing benefits to society including increased fish and shellfish populations and opportunities for sustainable fishing (1). Urgently restoring ocean health is vital if we are to reverse the interlinked climate and nature emergencies, safeguard our marine environment and secure resources for future generations.

I support the prohibition of all activities that remove or damage natural marine resources, or that dump materials and pollutants in the sea, within HPMAs and adjacent waters. I support access for recreation and cultural heritage within HPMAs as long as activities are well-regulated and low impact.

I support the general principles for selecting where HPMAs will be located and what they will protect. The chosen sites should include both healthy and degraded areas, and species and habitats that represent the full range of Scotland's natural marine biodiversity. HPMAs should focus on providing site-based protection outwith the existing marine protected area network.

HPMAs must not simply be oases in a marine desert. Activities that damage marine species and habitats must also be better managed throughout Scotland's seas, to prevent further degradation, for HPMAs to provide their full potential benefit to both people and ocean.

(1)

Yours sincerely,

[Respondent's name]

¹⁵ Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Table A3.1: Allocation of ‘Scottish Environment LINK’ campaign text to the consultation questions

Consultation text	Related consultation questions
I support the Scottish Government’s proposals to designate at least 10% of Scotland’s seas as Highly Protected Marine Areas (HPMAs). Evidence shows that such strict levels of protection can create ocean recovery zones, helping ecosystems recover and providing benefits to society including increased fish and shellfish populations and opportunities for sustainable fishing (1). Urgently restoring ocean health is vital if we are to reverse the interlinked climate and nature emergencies, safeguard our marine environment and secure resources for future generations.	Q1
I support the prohibition of all activities that remove or damage natural marine resources, or that dump materials and pollutants in the sea, within HPMAs and adjacent waters. I support access for recreation and cultural heritage within HPMAs as long as activities are well-regulated and low impact.	Q2
I support the general principles for selecting where HPMAs will be located and what they will protect. The chosen sites should include both healthy and degraded areas, and species and habitats that represent the full range of Scotland’s natural marine biodiversity. HPMAs should focus on providing site-based protection outwith the existing marine protected area network	Q9 / 11
HPMAs must not simply be oases in a marine desert. Activities that damage marine species and habitats must also be better managed throughout Scotland’s seas, to prevent further degradation, for HPMAs to provide their full potential benefit to both people and ocean.	Q7

Shetland postal campaign

This campaign provided a template letter which individuals could sign and send to the Scottish Government. The letter did not follow the structure of the consultation questionnaire. Table A3.2 provides details of how the content of the letter has been allocated to the consultation questions for the purposes of the analysis. The originator of the campaign is not known. Twenty-six (26) standard responses were received.

HPMA Policy Team

The Scottish Government

Area 1B North

Victoria Quay Edinburgh

To whom it may concern,

Please consider this correspondence as an individual response to the Highly Protected Marine Area public consultation currently being run by the Scottish Government, and closing on 20th March 2023. I am submitting my response in this format, as opposed to the overly complicated online 'Citizen Space' portal, due to technical inability on my part — and trust that this response will please be accepted and duly considered in the same manner.

I am utterly opposed to the concept of HPMAs — with the associated consultation documents providing no scientific evidence as to the need for, or potential effectiveness of, banning fishing/aquaculture activity through HPMAs. Instead, these proposals seem to be driven by politics and pledges in the Bute House Agreement, rather than driven by any environmental or conservation imperatives.

Many of Scotland's rural and island communities rely on the socio-economic benefits brought by local fishing and aquaculture industries, to which the prospect of HPMAs is the single greatest threat. HPMAs appear to be yet another central belt vote winner, allowing Scottish Ministers to burnish supposedly environmentally friendly credentials, at the sole expense of Scotland's already fragile remote/island areas and fishing communities that rely on producing high-quality and low carbon food from the sea.

I would prefer that any government effort to protect the environment should aim to be compatible with the production of this low-carbon and nutritious protein, rather than threaten its existence.

The Scottish Government's ill-conceived commitment to designate 10% of Scotland seas as Highly Protected Marine Areas by the year 2026 seems extreme and overly ambitious. In contrast, UK Government proposals put forward 5 potential HPMAs covering only 0.53% of English waters. Please note that plans for one of those areas, around Holy Island/Lindisfarne, have now had to be scrapped in the face of community protest at the sheer economic damage it would have caused to the island through the effect on its fishing crews. There are lessons to be learned there by the Scottish Government, if it has the wit to do so.

In particular, fishing crews already face a substantial and growing spatial challenge at sea, including a rapidly developed Marine Protected Area network — which already protects the environmental features that could be impacted by different types of fishing activity. Adding unnecessarily to this spatial squeeze through the introduction of unevidenced HPMAs will only destabilise the economic

viability of vessels - with terrible economic consequences for the families, supply chain businesses and wider communities who rely on them and their crews for employment and income.

I believe that the Scottish fishing industry has proven in the past that they are not opposed to sensible conservation measures, recognising that strong fish stocks and healthy marine ecosystems are in their own interest — and in the wider interest of sustaining their fishing communities. However, nothing about these HPMA proposals are sensible and — for the sake of my whole community — I would urge the Scottish Government to abandon these reckless and unevidenced proposals.

I confirm that the Scottish Government has permission to publish this individual response.

Name:

Signed:

Email address:

Address:

Table A3.2: Allocation of Shetland postal campaign text to the consultation questions

Consultation text	Related consultation questions
<p>I am utterly opposed to the concept of HPMA's – with the associated consultation providing no scientific evidence as to the need for, or potential effectiveness of, banning fishing/aquaculture activity through HPMA's. Instead, these proposals seem to be driven by politics and pledges in the Bute House Agreement, rather than driven by any environmental or conservation imperatives.</p>	<p>Q1</p>
<p>I believe that the Scottish fishing industry has proven in the past that they are not opposed to sensible conservation measures, recognising that strong fish stocks and healthy marine ecosystems are in their own interest – and in the wider interest of sustaining their fishing communities. However, nothing about these HPMA proposals are sensible and — for the sake of my whole community — I would urge the Scottish Government to abandon these reckless and unevicenced proposals.</p>	<p>Q1</p>
<p>Many of Scotland's rural and island communities rely on the socio-economic benefits brought by local fishing and agriculture industries, to which the prospect of HPMA's is the single greatest threat. HPMA's appear to be yet another central belt vote winner, allowing Scottish Ministers to burnish supposedly environmentally friendly credentials, at the sole expense of Scotland's already fragile remote/island areas and fishing communities that rely on producing high-quality and low carbon food from the sea.</p>	<p>Qs12-16 (impacts)</p>
<p>In particular, fishing crews already face a substantial and growing spatial challenge at sea, including a rapidly developed Marine Protected Area network – which already protects the environmental features that could be impacted by different types of fishing activity. Adding unnecessarily to this spatial squeeze through the introduction of unevicenced HPMA's will only destabilise the economic viability of vessels - with terrible economic consequences for the families, supply chain businesses and wider communities who rely on them and their crews for employment and income.</p>	<p>Qs12-16 (impacts)</p>
<p>I would prefer that any government effort to protect the environment should aim to be compatible with the production of this low-carbon and nutritious protein, rather than threaten its existence.</p> <p>The Scottish Government's ill-conceived commitment to designate 10% of Scotland seas as Highly Protected Marine Areas by the year 2026 seems extreme and overly ambitious. In contrast, UK Government proposals put forward 5 potential HPMA's covering only 0.53% of English waters. Please note that plans for one of those areas, around Holy Island/Lindisfarne, have now had to be scrapped in the face of community protest at the sheer economic damage it would have caused to the island through the effect on its fishing crews. There are lessons to be learned there by the Scottish Government, if it has the wit to do so.</p>	<p>Q19 (recoded to 'alternative arrangements')</p>

Annex 4: Question response rates (substantive responses only)

Respondent type		Organisations		Individuals		Total	
Consultation questions		Number of organisations	% of total 289 organisations	Number of individuals	% of total 2169 individuals	Total number	% of total 2458
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 / Support / Neutral / Oppose / Strongly oppose]	232	80%	1867	86%	2099	85%
	Please explain your answer in the text box.	258	89%	1735	80%	1993	81%
2	What is your view of the effectiveness of the proposed 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? [Strongly support / Support / Neutral / Oppose / Strongly oppose]	175	61%	1325	61%	1500	61%
	• Commercial fishing (of any kind)	168	58%	1323	61%	1491	61%
	• Recreational fishing (of any kind)	166	57%	1310	60%	1476	60%
	• All other recreational activities	171	59%	1307	60%	1478	60%
	• Aquaculture (finfish, shellfish, seaweed)	170	59%	1308	60%	1478	60%
	• Oil and gas	166	57%	1305	60%	1471	60%
	• Renewable energy	162	56%	1297	60%	1459	59%
	• Carbon capture, utilisation and storage	166	57%	1296	60%	1462	59%
	• Subsea cables	162	56%	1284	59%	1446	59%
	• Aggregate extraction	162	56%	1283	59%	1445	59%
	• Ports and harbours	162	56%	1284	59%	1446	59%
	• Shipping and ferries	165	57%	1287	59%	1452	59%
	• Military and defence	166	57%	1287	59%	1453	59%
	• Hydrogen production	158	55%	1283	59%	1441	59%
	• Space Ports	160	55%	1269	59%	1429	58%

	Please explain your answer in the text box below and if you think we have missed any activities, please suggest them here.	160	55%	1267	58%	1427	58%
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”? [Strongly support / Support / Neutral / Oppose / Strongly oppose]	198	69%	1398	64%	1596	65%
	Please explain your answer in the text box.	194	67%	1237	57%	1431	58%
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”? [Strongly support / Support / Neutral / Oppose / Strongly oppose]	196	68%	1367	63%	1563	64%
	Please explain your answer in the text box.	201	70%	1176	54%	1377	56%
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”? [Strongly support / Support / Neutral / Oppose / Strongly oppose]	189	65%	1320	61%	1509	61%
	Please explain your answer in the text box.	147	51%	980	45%	1127	46%
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 HPMAs”? [Strongly support / Support / Neutral / Oppose / Strongly oppose]	190	66%	1332	61%	1522	62%
	Please explain your answer in the text box.	175	61%	1119	52%	1294	53%
7	Do you have any further comments on the draft Policy Framework, which have not been	197	68%	1355	62%	1552	63%

	covered by your answers to the previous questions? Please explain your answer in the text box.						
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 listed below and set out in Annex B of the draft Site Selection Guidelines? [Strongly support / Support / Neutral / Oppose / Strongly oppose]	182	63%	1474	68%	1656	67%
	• Blue Carbon	181	63%	1490	69%	1671	68%
	• Essential Fish Habitats	183	63%	1490	69%	1673	68%
	• Strengthening the Scottish MPA network	184	64%	1487	69%	1671	68%
	• Protection from storms and sea level rise	183	63%	1483	68%	1666	68%
	• Research and education	183	63%	1485	68%	1668	68%
	• Enjoyment and appreciation	179	62%	1462	67%	1641	67%
	• Other important ecosystem services	180	62%	905	42%	1085	44%
	Please explain your answer in the text box, including any suggested changes to the list.	182	63%	1474	68%	1656	67%
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? [Strongly support / Support / Neutral / Oppose / Strongly oppose]	171	59%	1179	54%	1350	55%
	• Use of a robust evidence base	164	57%	1143	53%	1307	53%
	• HPMA scale and the use of functional ecosystem units	163	56%	1136	52%	1299	53%
	• Ensuring added value	166	57%	1148	53%	1314	53%
	• Delivering ecosystem recovery	182	63%	953	44%	1135	46%
	Please explain your answer in the text box, including any suggested changes to the list.	171	59%	1179	54%	1350	55%
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	195	67%	1509	70%	1704	69%

	the draft Site Selection Guidelines? [Strongly support / Support / Neutral / Oppose / Strongly oppose]						
	Please explain your answer in the text box.	168	58%	867	40%	1035	42%
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?	169	58%	1060	49%	1229	50%
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? [Strongly support / Support / Neutral / Oppose / Strongly oppose]	183	63%	1459	67%	1642	67%
	Please explain your answer in the text box.	145	50%	773	36%	918	37%
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? [Strongly support / Support / Neutral / Oppose / Strongly oppose]	194	67%	1500	69%	1694	69%
	Please explain your answer in the text box.	170	59%	914	42%	1084	44%
14	What is your view of the partial ICIA screening report as an accurate representation of potential impacts, raised by the implementation of the draft Policy Framework and Site Selection Guidelines? [Strongly support / Support / Neutral / Oppose / Strongly oppose]	175	61%	1480	68%	1655	67%
	Please explain your answer in the text box.	161	56%	934	43%	1095	45%

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 / No / Not sure]	175	61%	1527	70%	1702	69%
	Please explain your answer in the text box.	173	60%	1249	58%	1422	58%
16	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”? [Strongly support / Support / Neutral / Oppose / Strongly oppose]	185	64%	1425	66%	1610	66%
	Please explain your answer in the text box, including any additional impacts that have not been identified in the partial ICIA screening report.	164	57%	864	40%	1028	42%
17	Do you think that the implementation of the draft Policy Framework and Site Selection Guidelines will have any financial, regulatory or resource impacts – positive and/or negative – for you and/or your business? [Yes / No / Not sure]	192	66%	1432	66%	1624	66%
18	If you answered “yes” to the previous question, please specify which of the proposals/actions you refer to and why you believe this would result in financial, regulatory or resource impacts for your business.	175	61%	1135	52%	1310	53%
19	Do you have any further thoughts on the Scottish Government’s commitment to introduce HPMA’s to at least 10% of Scottish waters?	234	81%	1722	79%	1956	80%

Annex 5: Views on the consultation process

The online consultation questionnaire included two questions seeking views on the consultation process:

Evaluation Question 1: How satisfied were you with this consultation? [Very satisfied / Quite satisfied / Neither satisfied nor dissatisfied / Quite dissatisfied / Very dissatisfied]

Please enter comments here.

Evaluation Question 2: How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation? [Very satisfied / Quite satisfied / Neither satisfied nor dissatisfied / Quite dissatisfied / Very dissatisfied]

Please enter comments here.

This annex provides a summary of the responses to these questions. Note that these questions were only available to respondents who submitted their responses through Citizen Space. However, the discussion below also draws on comments made about the consultation process by respondents who submitted their responses by email and post.

Satisfaction with the consultation process (EQ1)

Table A5.1 shows that, overall, 15% of respondents were slightly or very satisfied with the consultation process, compared with 61% who were slightly or very dissatisfied. The views of organisations and individuals on this matter were almost identical.

Table A5.1: EQ1 – How satisfied were you with this consultation?

Respondent type	Organisations		Individuals		Total	
	Number	Percent	Number	Percent	Number	Percent
Very satisfied	15	9%	88	7%	103	7%
Slightly satisfied	19	11%	96	7%	115	8%
Neither satisfied nor dissatisfied	45	26%	323	24%	368	24%
Slightly dissatisfied	24	14%	166	12%	190	13%
Very dissatisfied	67	39%	662	50%	729	48%
Total	170	100%	1,335	100%	1,505	100%

Note: The table is based on the views of respondents who submitted their responses through Citizen Space. Percentages may not total 100% due to rounding.

Respondents who were satisfied noted the comprehensive nature of the consultation, and the opportunity it provided to explain the rationale for their responses. These respondents welcomed the consultation, were pleased that the deadline for responses had been extended and thought the workshops had been a helpful and a useful addition to the process.

Respondents who were satisfied, however, also raised a range of caveats about the consultation process. Their caveats mirrored (in a less emphatic way), the reasons that other respondents gave for their dissatisfaction with the process. The main issues raised (either as reasons for dissatisfaction, or caveats to satisfaction) were as follows:

- The consultation was not thought to be accessible to ‘members of the general public’, ‘fishermen’, ‘community groups’, ‘non-experts’ etc. The supporting documents ran to well over 400 pages, and were described as being complex, difficult to understand, full of technical language and jargon, and very time consuming to read and respond to. It was thought that this complexity would ‘put people off’ and would limit the extent to which they could (or would) engage with the consultation. Some respondents suggested that the consultation had been deliberately designed to put people off responding. It was suggested that a short summary of the technical documents (written in plain English) would have been useful. The absence of a Gaelic versions of the consultation documents was also noted.
- The consultation questionnaire itself was described as ‘not well-designed’, and respondents found the questions difficult to understand. Individual questions were seen to be ‘complex’, ‘technical’, ‘vague’, ‘biased’, ‘unclear’ and not written in plain English. Some thought the questions were ‘leading’ or assumed agreement with the overall policy direction.
- Respondents thought the widespread use of support / oppose tick-box responses did not allow people to easily express their views on the underlying policy or the implication of its implementation. (Some respondents explicitly said they were unsure what they were supporting or opposing.)
- The Scottish Government had not communicated early enough or effectively enough with the people and communities whose lives would be affected by the proposals. Many respondents said that the views of directly affected communities had not been taken into account in devising the consultation process / consultation questionnaire. Moreover, the consultation had not been well advertised, and the launch of the consultation just prior to the Christmas break had not been helpful.
- Some respondents said the documents showed that the Scottish Government lacked understanding of the issues raised by the HPMA policy, and how this would affect coastal communities; others said they did not trust the Scottish Government to take their concerns into consideration. There was a widespread view that the decisions on HPMA had already been taken; the consultation was therefore regarded as ‘not genuine’.

Additionally, respondents were often critical of or reported difficulties using the online consultation platform and questionnaire, and there were calls for more direct, face-to-face engagement and consultation. See the section below for further comments on the online platform.

Finally, a range of respondents said they were dissatisfied with the consultation process because they (i) did not agree with the designation of HPMA and / or because they (ii) did not agree that the documentation offered a fair and accurate assessment of the issues under consideration (particularly the negative impacts which respondents thought had been underplayed in the documentation) or (iii) thought it was a ‘waste of money’.

Satisfaction with the Citizen Space platform (EQ2)

Table A5.2 shows that, overall, 28% of respondents were slightly or very satisfied with the Citizen Space platform, compared with 27% who were slightly or very dissatisfied.

Organisations (43%) were more likely than individuals (27%) to say they were satisfied or very satisfied. Conversely, individuals (28%) were more likely than organisations (18%) to say they were dissatisfied or very dissatisfied. A relatively large proportion of respondents (45%) said they were neither satisfied nor dissatisfied.

Table A5.2: EQ2 – How satisfied were you with the Citizen Space platform?

Respondent type	Organisations		Individuals		Total	
	Number	Percent	Number	Percent	Number	Percent
Very satisfied	26	16%	166	13%	192	13%
Slightly satisfied	42	25%	182	14%	224	15%
Neither satisfied nor dissatisfied	67	41%	588	45%	655	45%
Slightly dissatisfied	14	8%	115	9%	129	9%
Very dissatisfied	16	10%	247	19%	263	18%
Total	165	100%	1,298	100%	1,463	100%

Note: The table is based on the views of respondents who submitted their responses through Citizen Space. Percentages may not total 100% due to rounding.

Respondents who offered **overall positive comments** on the online Citizen Space platform described it as ‘easy to use’, ‘excellent’, ‘intuitive’, and ‘user-friendly’. Some gave more measured responses, describing the platform as ‘fine’, ‘ok’, or ‘easy enough’.

Respondents in this group said they found the site easy to navigate. They appreciated being able to access relevant documents for individual questions via links, and to save their partially completed response (which they could then return to at a later point). Some, though, said that those less accustomed to IT may have found the system challenging to use.

However, it was also common for respondents in this group to highlight particular issues they had encountered in using the system. These included: difficulties finding the link to the consultation; difficulties navigating around the system and to and from the survey and the linked documents; and losing text when moving backwards in the survey. These points were also commented on by those offering overall negative comments on the system, as described below.

Respondents who were **generally critical** of the online Citizen Space platform described it as ‘clunky’, ‘unwieldy’, ‘cumbersome’ and ‘not user-friendly’.

Respondents in this group frequently commented on the (lack of) accessibility of the Citizen Space platform. They thought it would be difficult for people without good IT skills to use – some highlighted that this could affect older people in particular. It was also pointed out that the system was only available to those with computer access and a good internet connection.

Many of the individuals who responded to the consultation by email said that they had found the online system too difficult to use. Related to this, several respondents criticised the lack of paper copies of the consultation paper and related documents, were critical of the lack of alternative ways to respond, or said that it had not been easy to find out about alternatives to the online system.

Those who used the online system and who expressed general dissatisfaction highlighted the following issues:

- The numerous links to different documents, and the difficulties navigating to relevant documents while responding
- Links not taking people straight to the relevant document or page
- The questionnaire page closing when users accessed links which meant it was not possible to type a response while referring to relevant documents
- Difficulties retrieving a previously started response, and losing previously input responses when returning to a part-completed questionnaire
- Particular difficulties accessing, navigating and completing the consultation on a phone
- The absence of a 'back' button to allow previous response to be re-read without losing text, and the absence of a spell-checker.

Respondents also reported experiences of the system freezing or crashing, and links not working.

The main suggestions from respondents – both those expressing general satisfaction with the system and those expressing general dissatisfaction were that:

- Linked documents should open in a new window
- Links should take the user directly to the relevant point in a document
- A save button should be included after each question, rather than just at the bottom of each section in the questionnaire.

Organisational respondents made a number of specific suggestions that they said would assist them in responding to consultations. These included being able to:

- Download a copy of the questionnaire to share with members for discussion and internal consultation purposes, and to use in preparing draft responses
- Access the questionnaire and all the associated documents in a zip file
- Print a PDF output of responses before submission to assist with internal consultation.

Organisational respondents also reported difficulties copying footnotes into the system.

Finally, in a few cases respondents said they did not know what 'Citizen Space' was or did not understand what the question referred to.

Annex 6: Views on the proposed management approaches to specific activities (Q2)

Section 6 of the draft policy framework discussed the proposed approach to managing a range of different activities within HPMA across the following sectors:

- Commercial fishing (of any kind)
- Recreational fishing (of any kind)
- All other recreational activities
- Aquaculture (finfish, shellfish, seaweed)
- Oil and gas
- Renewable energy
- Carbon capture, utilisation and storage
- Subsea cables
- Aggregate extraction
- Ports and harbours
- Shipping and ferries
- Military and defence
- Hydrogen production
- Space ports.

Question 2 asked for views on the effectiveness of the proposed approach for each sector. This question contained 16 closed sub-questions, each focusing on one of the items in the list above. Chapter 5 includes a summary of the comments made at Question 2, and this annex provides a more detailed analysis of those comments.

Commercial fishing (of any kind)

Respondents of all types expressed views in relation to the proposal to ban all commercial fishing from HPMA. There were several themes in the comments.

The most common theme was that any proposal to ban all forms of commercial fishing in 10% of Scotland's seas was 'draconian', 'high-handed', and 'unrealistic' and would have severe negative impacts on the fishing industry. As discussed in Chapter 5, respondents thought this proposal would result in the displacement of current fishing activity and have unintended consequences – for the viability of low-impact fisheries, for the economy of small island communities, and for marine conservation.

Alongside this point, respondents repeatedly emphasised that a distinction needs to be made between small-scale, low-impact forms of fishing – for example, line fishing, creel fishing, hand-diving, fishing with static gear, etc. – and (what they saw as) high-impact, unsustainable forms of fishing such as bottom trawling and dredging. These respondents largely agreed that trawling and dredging should be banned within HPMA but thought low-impact forms of fishing should be permitted. Some environmental organisations also thought that low-impact commercial fishing should be permitted in HPMA under licence.

In contrast, a less common view, expressed by some respondents from fishing organisations, was that the negative impacts attributed to trawling / dredging were disputed and likely to be substantially overestimated in research reports. This group pointed to other studies that had found only limited impacts on seabed carbon stocks from trawling. Within this group, there were suggestions that a more nuanced, feature-based approach to managing commercial fishing in HPMA was needed, without the requirement to ban all forms of commercial fishing. For example, they thought that fishing for migratory pelagic species (such as herring and mackerel) was unlikely to have any effect on conservation

within HPMAAs and should be permitted; however, benthic dredging should not be permitted on reefs, seagrass or maerl beds.

A group of fishing and aquaculture organisations from Shetland highlighted the unique, locally agreed arrangements for managing fisheries around the Shetland islands. This group pointed out that these arrangements (which are provided for by the Shetland Islands Regulated Fishery (Scotland) Order 2012/348 and are informed by scientific surveys and assessments) helped ensure the sustainability of fishing surrounding Shetland. These respondents argued that these local arrangements should not be set aside or overruled by the introduction of HPMAAs.

Among those who thought all commercial fishing should be prohibited in HPMAAs (some environmental organisations, some public sector organisations, and some individuals), there were suggestions that low-impact fishing should be permitted in buffer zones (which should be closed to high-impact fishing). Occasionally, environmental organisations supported a ban on all forms of commercial fishing in HPMAAs but acknowledged that this would make site identification more difficult because of the likely socio-economic impacts for island and coastal communities. This group emphasised the need for a comprehensive ecosystem-based spatial marine management plan and a just transition.

Very occasionally, respondents commented specifically on the proposal to introduce minimum speed requirements for transiting HPMA sites to help ensure that fishing is not occurring. Those who raised this point noted that such a requirement takes no account of weather conditions which may require vessels to 'dodge' and travel slowly to wait out heavy seas. This group argued that speed limits can affect the safety of vessels and crew and cannot be set arbitrarily.

Recreational fishing (of any kind)

The draft policy framework proposed a ban on recreational fishing of any kind in HPMAAs. Respondents commenting on this proposal included those from recreation, tourism and culture groups; community groups and shipping, ports and harbours; some public sector organisations; and some individuals. Few fishing organisations or aquaculture organisations discussed recreational fishing in their comments at Question 2.

In general, respondents who discussed this activity thought it should not be prohibited in HPMAAs. They gave four reasons for their views.

- The main point made by these respondents was that there was no evidence that fishing with a rod and line has any impact on fish populations and habitats. Some environmental organisations also queried whether recreational fishing would have any impact on the overall aims of HPMAAs.
- Second, recreational fishing was seen to be an important part of the cultural, social and economic way of life on the islands. Respondents said it contributes to food security, wellbeing and preservation of marine knowledge. It also allows people to maintain a relationship with nature and connects them to their history. One energy provider organisation echoed this view, commenting that recreational fishing 'maintains a level of interaction with the environment that is needed to monitor the health of our waters'. There was also a suggestion among environmental organisations that a prohibition on

recreational fishing in 10% of Scotland's waters (when there is no such prohibition in the other 90%) could result in disengaging the very people whose support should be sought in introducing HPMAs.

- Third, respondents thought a ban on recreational fishing in HPMAs would risk damaging marine tourism and the wellbeing of visitors and local people alike.
- Finally, recreational fishing already has legislative restrictions on species, size and quantity; these limits would be compatible with the aims of HPMAs.

Among environmental organisations, there were a range of views about whether it was appropriate to prohibit recreational fishing in HPMAs. Some argued that it should be (but with steps taken to accommodate recreational fishing outside HPMAs); others thought it could be permitted under 'non-extractive' catch and return licence arrangements; a third group (as mentioned above) thought it should be allowed in HPMAs within limits.

There were questions (from community groups and from recreation, tourism and culture groups) about whether 'subsistence fishing' (i.e. where an individual – usually an older person on a limited income – fishes just for their own use) would be permitted within HPMAs. In general, those who raised this point saw this activity as neither commercial nor recreational fishing, and they thought there should be no restriction on it.

There were suggestions that a prohibition on recreational fishing in HPMAs would be difficult to enforce, and that it could be difficult to distinguish between recreational and commercial fishing for the purposes of enforcement.

All other recreational activities

The draft policy framework proposed the following:

- Recreational activities (e.g. use of motorised and non-motorised vessels, personal watercrafts, windsurfing, swimming, snorkelling and SCUBA diving) would be allowed within HPMAs at carefully managed levels.
- Any restrictions would be based on scientific advice from NatureScot.
- Guidance and permit systems would be used, where appropriate, in the management of activities.

Respondents commenting on the proposed management arrangements for other recreational activities included environmental organisations, fishing and aquaculture organisations, public sector and regulatory bodies, community groups and organisations, recreation, tourism and culture organisations, and other organisation types, as well as some individuals.

Environmental organisations broadly agreed that non-damaging recreational activities should be allowed in HPMAs. However, this group commonly qualified their views. They said for example that activities should only be allowed in areas without wildlife susceptible to disturbance, that activities should be sustainable and should not undermine the objectives of the conservation objectives of the site, or that the issue needed further consideration. There was a specific call for the use of motorised vessels to be prohibited or more strictly controlled than other activities. Respondents in this group emphasised the importance of careful

management and enforcement, and there was support for some activities to be covered by a permit system. Respondents endorsed the use of guidance, codes of conduct and accreditation schemes in regulating recreational activities. Respondents, including some from the recreational and tourism sectors, noted the potential to make use of existing schemes and to work with stakeholder organisations and communities to develop co-management approaches.

Other types of organisational respondents stressed the importance of water-based recreational activities for local businesses, economies, and communities, and were concerned about the negative effects of any HPMA-related restrictions. Respondents from the recreation and tourism sectors in particular welcomed the stated continuation of non-damaging activities. They emphasised the low-impact sustainable nature of local marine tourism and the principles of 'responsible tourism' and called for an evidence-based approach to restrictions on activities deemed to be damaging.

There were specific calls for:

- Existing recreational moorings to be allowed to remain in HPMA, and for new mooring to be allowed, dependent on scientific advice
- The impact of cruise liners – noted as a growing sector – to be considered within HPMA management arrangements.

Individuals who commented at this question provided a range of views. As with organisational respondents, it was common for individuals to highlight the importance of recreational activities for the economies of local areas. Some also noted its importance for the health and wellbeing of people in local communities.

In terms of management arrangements, some offered brief comments focusing on particular activities – usually swimming, kayaking, surfing etc. – which they said had no or low environmental impact and should be allowed to continue unrestricted. More commonly, however, individuals agreed that restrictions on some activities may be appropriate in some cases, depending on the likelihood of causing environmental damage. Respondents often picked out the use of motorboats and jet skis as requiring regulation or prohibition.

One group of respondents (mainly individuals, but also some organisations) focused on how recreational boating might be managed. This group argued that recreational boating was a low-impact activity and that restrictions were therefore unnecessary. Their concerns focused on issues including the possible introduction of a limit on the number of vessels allowed in an HPMA at one time, a permit system for boats wishing to use HPMA, and speed limits. On each of these, respondents raised issues related to necessity, practicability and enforcement. They also highlighted concerns about possible restrictions on anchoring and the provision of moorings in HPMA for the use of recreational boats – respondents said this had safety implications and might limit boating activities in more remote areas in particular. Respondents called for any restrictions to be clearly evidenced.

Finfish aquaculture

Comments in relation to the proposed management of finfish aquaculture were received from fishing organisations; aquaculture organisations; community groups; recreation, tourism and

culture organisations; environmental organisations; some public sector bodies; and some individuals. Views on this activity were polarised.

On the one hand, some respondents (including some recreation, tourism and culture organisations; some public sector organisations; and all environmental organisations) thought the practices of this industry are 'devastating' for the seabed; for the water column; for surrounding and migratory marine species; and for small-scale fishermen. Environmental organisations said the impacts of finfish farms included impacts from (i) pesticides used for sea lice control, (ii) dissolved waste food, (iii) faeces, and (iv) the discharge of sea lice. Respondents in this group thought that finfish aquaculture should be prohibited in HPMA's.

By contrast, other respondents (including some community groups; some public sector bodies; some aquaculture groups; and some individuals) highlighted the importance of finfish aquaculture – not only for local economies but also, as a nationally significant food sector, for the economy of Scotland. This group disagreed that finfish farms were incompatible with marine protection, and they noted that this sector has worked closely with the Scottish Government over a number of years to reduce its impact on the environment. In addition, they repeatedly pointed out that the activities of the finfish aquaculture sector are highly regulated and extensively monitored. These respondents called for 'unfounded and exaggerated claims of negative impacts' to be addressed. They argued that the proposed approach of prohibiting finfish aquaculture in HPMA's was unjustifiable (based on research evidence) and could stifle investment and innovation in the sector. Some suggested that the aquaculture sector was being unfairly discriminated against in the HPMA proposals (noting the less restrictive management proposals for renewable energy developments in particular). Some argued that commercial aquaculture activities that had already received consent should be permitted to continue as long as they are operating within the requirements of their licences.

Environmental organisations generally supported the prohibition of finfish aquaculture in HPMA's, but some thought this prohibition should not necessarily apply to shellfish aquaculture. Indeed, a range of respondents (including public sector organisations) commented that it was important to distinguish between finfish aquaculture, which was perceived as having a greater environmental impact, and shellfish aquaculture, which employed low-impact methods and offered potential ecosystem benefits. (See discussion of shellfish aquaculture below.)

Some environmental organisations pointed to the proposal in the draft policy framework that existing finfish aquaculture activities could be relocated if they are currently located in areas which may ultimately be selected as HPMA sites. These respondents thought the presence of existing finfish aquaculture sites should **not** be a reason to exclude a site from being considered as an HPMA. However, this view was in contrast to that of some aquaculture organisations who argued that no HPMA's should be put in place where aquaculture sites were currently located.

Both those supporting and those opposed to the prohibition of finfish aquaculture in HPMA's expressed a range of concerns about the suggestion that existing finfish farms might be relocated if they were in areas selected as HPMA sites. Some (including aquaculture organisations and public sector organisations) thought that relocation may not be feasible, and it was suggested that the concept of relocation was based on unrealistic assumptions

which did not address the legal, practical and financial realities. They also questioned the powers of the Scottish Government to guarantee relocation of an existing finfish farm to an alternative site of equal value elsewhere.

Some environmental organisations suggested that relocation could create environmental pressures in new locations. These respondents also expressed concerns about the potential impacts on other fishing activities of relocating finfish farms. A range of organisations suggested that any attempts to relocate existing fish farms should be accompanied by compensation.

Shellfish aquaculture

The draft policy framework proposed that shellfish aquaculture would be prohibited in HPMA. A range of respondents (fishing organisations, aquaculture organisations, public sector organisations, community groups, some business / private sector organisations, and some individuals) said there was no justification for banning shellfish farming from HPMA, as this activity has negligible effects on the environment. In fact, they said shellfish aquaculture has been shown to be beneficial in terms of (i) improving biodiversity (by creating habitats for many species), (ii) absorbing excess nutrients from land run-off, and (iii) sequestering carbon (in shells). This group also made the points that shellfish aquaculture adds no artificial food to the environment, and filter feeders such as mussels and oysters help to purify the water. Respondents who discussed shellfish aquaculture in their comments were nearly unanimous that it should **not** be prohibited in HPMA. Some in this group pointed out that a proposal to ban shellfish aquaculture from HPMA was inconsistent with other statements in the draft policy framework which described shellfish aquaculture as 'one of the most environmentally benign methods of food production'. Some environmental organisations echoed these views.

Community groups also highlighted the importance of small-scale shellfish farms for local employment. One respondent in this group said that if shellfish aquaculture **is** permitted within HPMA there could be a requirement to ensure all infrastructure is removed and disposed of in an environmentally sensitive way in cases where the business ceases to operate.

Less often, and only among a subset of environmental organisations, there was a view that all forms of aquaculture (including shellfish aquaculture) should be prohibited in HPMA on the basis that HPMA should allow ecosystems to return to as natural as state as possible.

Seaweed aquaculture

The draft policy framework proposed that seaweed harvesting should be prohibited in HPMA, although the gathering of seaweed above MLWS would not be affected as areas above MLWS will not be included in HPMA.¹⁶ The draft policy framework also discussed seaweed cultivation as an activity, but it did not provide details of how the management of seaweed cultivation would be undertaken in HPMA.

A range of respondents addressed the topics of seaweed harvesting and / or seaweed cultivation in their comments. Comments were received from aquaculture organisations,

¹⁶ MLWS: Mean Low Water Springs, the average throughout a year of the heights of two successive low waters during those periods of 24 hours (approximately once a fortnight) when the range of the tide is greatest.

community groups, environmental organisations, some public sector organisations, and some individuals. A recurring theme in these comments was that seaweed **harvesting** (referred to in the question) needs to be clearly distinguished from seaweed **cultivation** (also referred to as ‘seaweed farming’) and that separate management approaches may be needed for these distinctive activities.

Some respondents raised concerns that seaweed **cultivation** might be prohibited in HPMA. This group suggested that seaweed cultivation, like shellfish aquaculture, has minimal, if any impacts on the marine environment and, indeed, offers substantial benefits in terms of habitat creation, restoration and improvements to water quality, and carbon sequestration. This activity, therefore, could help HPMA achieve their aims and should not be prohibited.

Some environmental organisations also thought there was a case for permitting seaweed cultivation in HPMA, so long as seaweed farms meet strict requirements regarding the use of pesticides, nutrients, harvesting techniques and infrastructure.

Other respondents (including public sector organisations, community groups, and some private sector organisations) saw the ‘seaweed industry’ as a significant growth sector, pointing to the use of seaweed for a variety of purposes including as an organic fertiliser and in the creation of alternatives to plastics. These respondents said that seaweed cultivation and ‘sustainable harvesting’ were likely to make a positive contribution to the aims of HPMA, create green jobs, and support sustainable economic growth. Some respondents highlighted the success of Norway in creating a sustainable seaweed industry. These respondents also suggested that any proposal to restrict seaweed cultivation and / or sustainable harvesting in HPMA would be inconsistent with the Scottish Government’s [Seafood Strategy](#), published in October 2022.

Some individual respondents suggested that protocols could be developed to set out good practice in terms of (i) the timing of and methods used for seaweed harvesting, and (ii) ways of minimising damage to dune systems when accessing the foreshore. Some community groups, public sector respondents and individuals also highlighted the traditional gathering of seaweed by crofters for use as fertiliser, which they considered to be a low-impact activity. These respondents suggested that the right of crofters to gather seaweed must be protected.

Less often, respondents (including some environmental organisations and a few business / private sector organisations) were opposed to (or raised concerns about) seaweed harvesting in HPMA, on the basis that seaweed provided important marine habitats and helped to prevent coastal erosion. This group thought there should be no harvesting of seaweed for any reason in HPMA.

Oil and gas sector

The policy framework explained the current (complex) regulatory framework for the oil and gas sector. It proposed that activities associated with oil and gas exploration, extraction and storage, including any exploratory activity and the construction of new infrastructure, should be avoided within HPMA. In addition, it was proposed that:

- Existing active oil and gas developments (including oil and gas pipelines) are excluded from the HPMA selection process.

- Areas with inactive pipelines and other inactive infrastructure such as plugged and abandoned wells will be considered as part of the HPMA selection and assessment process.
- Essential repair and maintenance activities as well as the removal of inactive infrastructure would be considered on a site-by-site basis.

A relatively small number of respondents, including environmental organisations and a range of other organisation types commented on the proposals for the oil and gas sector.

Some organisations who worked in the oil and gas and renewables sector supported the proposed approach overall and suggested that:

- Areas for which licences had already been assigned (even if there was no actual activity as yet) should also be exempt from HPMA designation.
- Areas with inactive oil and gas infrastructure should **not be excluded** from HPMA designation, and decommissioning activities should not be prohibited within HPMA.

By contrast, those who did not support the proposed approach (including most environmental organisations) said the following:

- Oil and gas sites should not be exempt from HPMA designation. Some said their proposed exemption from HPMA designation was 'ironic', given the nature of the damage inflicted on the (marine) environment by this sector and the importance of regenerating these damaged areas. It was common for these respondents to ask for fossil fuel industries to be banned altogether (not just in HPMA).
- The language in the proposals that oil and gas sites 'should be avoided', should be changed to make clear these sites – both those currently active and those being planned – should not be excluded from designation as HPMA.

Some scepticism was expressed by these latter respondents about whether the Scottish Government would implement any restrictions on the oil and gas sector – either because it might not have the devolved powers to do this, or because it might wish to offer the oil and gas sector preferential treatment. These respondents thought this was inappropriate, and that any preferential treatment should, instead, be aimed at renewable developments like offshore wind, tidal stream and wave technologies.

Renewable energy

The policy framework proposed that no new renewable energy projects, including exploratory activity or construction of new infrastructure, will be allowed in an area designated as a HPMA. In addition, it was proposed that existing renewable energy developments (including wind, tidal and wave), as well as any areas with draft or adopted plans, option agreements, exclusivity agreements or consents already in place for future renewable developments, would be excluded from the HPMA selection process. However, the transit of vessels associated with renewable energy projects through a HPMA would still be allowed.

Organisations who commented on the proposals relating to renewable energy included environmental organisations, community organisations, energy providers, and a range of other organisation types.

There were two main perspectives offered by respondents as follows:

- Respondents agreed with the proposals for exclusions as set out in the policy framework.
- Respondents agreed that ‘industrial / large scale developments’ were inappropriate but did not agree with the blanket prohibition set out and asked for a more nuanced (case-by-case) consideration which recognised the contribution that renewable energy made to other environmental targets – specifically in relation to climate change.

These two perspectives are discussed in more detail below.

A small number of energy providers and individuals said they agreed with the (blanket prohibition) approach set out in the policy framework. These organisations noted that they were pleased to see the policy framework had explicitly allowed for the transit of vessels through HPMA. For the avoidance of doubt, they wanted confirmation that the towing of vessels for infrastructure improvement (not just the transit of vessels) through HPMA would also be allowed.

All other respondents raised concerns about the blanket nature of the prohibition suggested in the policy framework. The main underlying reason for this was that (the development of) renewable energy was vital for meeting climate change and net zero targets. It was vital that the designation HPMA did not ‘get in the way’ of this.

This group made a number of distinct arguments to support their views as follows:

- Small-scale developments (either commercial or community-led) help coastal and island communities with energy security and economic sustainability, whilst also contributing to decarbonisation. These included, for example, micro-tidal power or district heating systems (using a closed loop sea-based water source heat pump) or wind turbines (such as in Tiree).
- The development of emerging technologies (such as hydrogen production) should not be ruled out. These technologies provide high-value employment, as well as contributing to meeting climate objectives.
- The continuing development of renewable energy systems will change how the seas are used over time. Data need to be collected so that any initiatives can be evaluated, and appropriate decisions made. If (for example) it is established that renewable energy sites do not impact negatively on the achievement of HPMA key objectives, then these should be permitted in HPMA in the future. By contrast, if it is established that renewable energy sites have adverse impacts on bird and marine life, further restrictions should be introduced.

Here and elsewhere, respondents who commented on areas connected to renewable energy (or energy provision more generally) said that the policy framework should also include

guidance on the provision of (i) wet storage areas and (ii) essential maintenance for existing nuclear generation stations (in relation to cooling water intakes, discharge lines etc.).

Carbon capture, utilisation and storage

The draft policy framework proposed that:

- The construction of new infrastructure associated with carbon capture utilisation and storage would not be allowed within HPMAs.
- Areas with existing infrastructure which could be repurposed for carbon dioxide (CO₂) transportation in future, such as existing oil and gas pipelines, will be considered for HPMAs designation.
- Where existing infrastructure in HPMAs has been repurposed for carbon capture storage, essential repair, maintenance and monitoring activities would be allowed.
- Decisions on whether to include areas with existing infrastructure that may be repurposed will be taken on a case-by-case basis.

Only a handful of organisations – of a range of types – and a small number of individuals commented on the proposals relating to carbon capture, utilisation and storage (CCUS).

Environmental organisations and individuals who supported the proposal to exclude CCUS from HPMAs argued that:

- CCUS is essentially a mechanism to prolong the extraction of oil and gas and should be excluded on that basis. The language in the policy framework should be strengthened to make this clearer by removing phrasing such as ‘wherever possible’ and ‘it is intended’ and replacing this wording with something more definitive.
- CCUS is not economically viable, and should not be pursued.

Three other main points were made as follows:

- If climate change ‘needed more immediate remediation’ than was currently the case, CCUS should be implemented as a matter of urgency and HPMAs should not ‘stand in the way’ (i.e. CCUS should take precedence over HPMAs in this scenario).
- Subsurface reservoirs underlying any designated HPMAs or existing infrastructure (e.g. pipelines that could be converted to transport of CO₂) should be considered for exclusion from HPMAs designation.
- CO₂ storage sites may require regular seismic surveys (to check the location of the CO₂ plume in the subsurface and to check on CO₂ containment within the store) and so it was important that (as suggested in the policy framework) essential repair, maintenance and monitoring of CCUS facilities would be allowed to continue in the event of an overlap between these sites and HPMAs.

Subsea cables

The policy framework proposed that, in general, the construction of new subsea cables within HPMAs will not be allowed. However, the framework also set out some specific

exceptions to this approach – relating to the laying of new cables for lifeline services to remote and island communities, the laying of new cables which are permitted in accordance with international law (UNCLOS), and the repair and maintenance of any cables which are permitted in HPMA, on a case-by-case basis.

Respondents who commented on the proposals relating to subsea cables included environmental organisations, energy providers, community organisations, public sector organisations and a range of individuals.

Energy providers supported the general approach set out in the policy framework. However, they requested further clarification of the arrangements on a wide range of detailed and technical issues including:

- How and when will these cable routes be defined for the purposes of safeguarding them from HPMA restrictions?
- In relation to the scope and definition of ‘power distribution cables’ which are to be exempted, does the exemption apply to all cables under 132kV transmission voltage or only those providing lifeline services to island communities?
- Would the exclusion apply to radial cable routes, the development of offshore cable networks, shared cable assets, multi-purpose interconnectors (MPI), all associated platforms and structures, and to associated construction and operational activities (including repair and maintenance)?
- Does the reference to ‘laying new cables’ include bootstrap cables which will be essential for the export of renewable energy from Scottish projects and are critical in assisting with the achievement of net zero targets? (It was noted that the draft policy framework did not mention bootstrap cables, which are a relatively recent development.)

Energy providers also noted that Grid development for offshore renewables is challenging, and it would be important that HPMA do not unnecessarily hinder progress. The main points they made were as follows:

- How would subsea cables associated with future offshore wind developments be dealt with to ensure adequate spatial planning and coexistence?
- How would questions of ‘future-proofing’ be addressed – to ensure that longer-term developments (especially in relation to offshore wind) can be accommodated?
- There was significant potential for a mismatch between the HPMA site selection process and the planning and development timelines for Scotwind and INTOG projects.
- Further consideration should be given to how (subsea cables and other related) activities outside – but adjacent to – HPMA would be taken account of.

Environmental organisations, community organisations and individuals in general disagreed with the proposal to exclude from the HPMA site selection process all sites which host cable routes. They agreed that laying new cables for lifeline services to remote and island communities was acceptable (as the policy framework suggested) but they also said that:

- Communities need these subsea cables to feed renewable energy generated on the islands and coastal communities into the National Grid.
- There are a large number of existing cables, and if they were all excluded from the HPMA selection process then the available sites for HPMA would be very constrained.
- It is not known whether the infrastructure, once settled, would have an adverse environmental effect on an HPMA. Indeed, leaving cables in situ might be less damaging than their removal or replacement. Some individuals offered a highly positive view of the presence of subsea cables, saying that they were temporary, did no harm and in time 'may become reefs, teeming with life'.
- The presence of subsea cables is not ideal within a protected area, but if the cables are in an area of high conservation value, they should not prevent the designation of an HPMA.
- New cables should be routed around HPMA and should only be laid in HPMA as a last resort.
- There was 'ample opportunity' to reroute sites which were currently in the planning stage.

Aggregate extraction

The policy framework stated the intention to disallow aggregate extraction within HPMA.

Only a handful of organisations – of a variety of types – and very few individuals commented on the proposals relating to aggregate extraction.

All those who commented agreed with the proposal that no aggregate extraction should take place within HPMA. Respondents noted that:

- Aggregate extraction can be 'chronically or intermittently highly disruptive'.
- HPMA should not be designated in areas that contain commercially significant deposits of marine sand and gravel resources. Such resources should be subject to safeguarding provisions to prevent unnecessary sterilisation that may prevent use in the future.
- HPMA should not be designated adjacent to potentially viable coastal sites for land-based aggregates extraction, as this could obstruct port and marine transport activity at these sites.

Two other points were made:

- Consideration should be given when designating HPMA to any potential effect on supply chains: for example, any effect on marine aggregate extraction could in turn affect offshore wind development, which relies on concrete and aggregate supplies.
- No marine aggregate extraction currently takes place in Scottish waters – although potentially viable deposits of marine sand and gravel are present. As permitted reserves of land-won aggregates are declining, it is possible that the aggregates sector will need to rely on marine extraction in the future.

Ports and harbours

The draft policy framework proposed the following:

- HPMAAs will not be designated in areas that overlap with existing ports and harbours, including areas with associated infrastructure, and areas which are dredged for navigational purposes and associated dredge deposit sites.
- The development of new ports, harbours, ferry piers and marinas will not be allowed within areas designated as HPMAAs.
- The deposit of dredged material associated with ports and harbours will not be allowed within HPMAAs.

Respondents commenting on the proposed management arrangement for ports and harbours included shipping, ports and harbours organisations, environmental organisations, fishing and aquaculture organisations, public sector and regulatory bodies, community groups and organisations, energy providers, and other organisation types, as well as a small number of individuals.

Those providing substantive comments on the proposed management arrangements for ports and harbours broadly endorsed the proposal to exclude existing facilities from HPMA site designation. Respondents generally noted the importance of such facilities for coastal communities and businesses. However, shipping, ports and harbour organisations made a number of points about the detail of this proposal, stating that (i) ports and harbour boundaries should be defined as harbour limits, as set out in the relevant Harbour Order, (ii) a buffer zone (3 miles was suggested) should apply around harbour areas and related infrastructure, and (iii) current and future dredge deposit disposal sites should be considered in setting HPMA boundaries.

Clarity was also sought on the implications for existing piers, marinas and moorings (as distinct from ports and harbours).

Respondents – including community groups; recreation, tourism and culture organisations; public sector bodies; and individuals – were, however, concerned about the proposed ban on the future development of new ports, harbours, ferry piers, marinas and breakwaters. In particular, there were calls for a flexible approach to allow the development of appropriate environmentally sensitive small-scale facilities or infrastructure that would be of benefit to communities and businesses – the importance of small visitor pontoons for some more remote communities was particularly mentioned. It was suggested that a prohibition on future pier and harbour developments could contravene the Islands (Scotland) Act 2018 by treating island communities substantially different to mainland communities. Some also raised concerns about restrictions on new port developments in the context of the expanding energy sector.

Shipping and ferries

The draft policy framework stated the intention that the transit of ships and ferries would be allowed and would not be restricted in HPMAAs.

Respondents commenting on the proposed management arrangement for shipping and ferries included shipping, ports and harbours organisations, environmental organisations, fishing and aquaculture organisations, public sector and regulatory bodies, community groups and organisations, energy providers, and other organisation types. A small number of individuals also commented.

Comments on the proposed approach for this activity were limited. Some welcomed the lack of restrictions on transit and said that this was crucially important for island and coastal communities and businesses. This was a key point for individuals who commented on this issue.

However, some respondents (environmental organisations, aquaculture organisations, public sector and regulatory bodies, energy providers, and other organisation types, and some individuals) nevertheless recognised that ferries and shipping were still potential sources of pollution and environmental damage. This group thought some restrictions may be appropriate and they generally favoured more nuanced approaches, including, for example:

- An approach that distinguished between different types of ferries and shipping such as lifeline ferry services, tankers and other commercial shipping, including cruise liners
- An approach that took account of the environmentally friendliness of a vessel – there was a related view that shipping should ‘decarbonise’ or shift to ‘hydrogen power’
- Some restrictions on transit through or activities undertaken in some HPMA
- Seasonal restrictions to protect wildlife where appropriate
- Lane and speed limits in order to reduce noise and pollution and prevent collision with wildlife and recreational users.

There were specific calls for (i) any prohibition on anchoring and discharging to explicitly apply to all types of vessel (rather than just shipping and ferries as suggested by the current draft policy framework), and (ii) the provision of fixed moorings to prevent damage from anchoring.

Military and defence

The draft policy framework noted this to be a reserved MoD matter, and proposed the following:

- Excluding some areas hosting military infrastructure and activities from the HPMA site selection process
- Allowing the continuation of MoD defence activities in line with relevant environmental guidelines.

Respondents commenting on the proposed management arrangement for military and defence activities included environmental organisations, fishing and aquaculture organisations, public sector and regulatory bodies, and community groups and organisations, as well as a small number of individuals.

Comments from respondents on the approach proposed for military and defence activities were limited. Most commonly, respondents (including individuals and one environmental organisation) argued that military and defence operations were not generally compatible with the conservation objectives of HPMAs. In particular, they noted the impact of sonar on marine creatures such as whales and dolphins; noise related to military and defence activities; and debris from military equipment on the seabed. These respondents questioned whether any military exercises should be allowed within or near any form of protected area, or called for them to be restricted.

However, some respondents, individuals in particular, said it was important that military and defence activities were able to take place – although some said that this should depend on circumstances, or that steps should be taken to minimise any environmental impact. It was also suggested that areas used by the military are often restricted in terms of other uses and therefore provide positive environments for nature conservation.

Other points on military and defence activities included the following:

- There was concern that permission for such activities under licence arrangements was more likely to be agreed than permission for fishing-related activities.
- There was a view that it was important to consider the impacts of any restrictions on communities, given the importance of the military and defence sectors to the local economy in some coastal areas.
- There was an expectation that military space launches would continue.

Hydrogen production

The draft policy framework proposed that hydrogen production would be prohibited within HPMAs and that HPMAs will not be designated in areas that overlap with existing hydrogen infrastructure.

Only a handful of organisations – including community organisations and a variety of organisational types – and a small number of individuals commented on the proposals relating to hydrogen production. One regulatory organisation said they had not provided comments on hydrogen production at this stage because the regulatory requirements are still being developed.

Those who agreed simply affirmed the proposals as set out in the policy framework.

The main points raised by community organisations – and other individuals who opposed the proposal to prohibit hydrogen production within HPMAs – were that:

- There is a concern that a ban on hydrogen production (in HPMAs) will limit the development of a renewable technology which is already a key part of sustainable economic development in some island areas (with potential for further development).
- Hydrogen production is an emerging sector which offers the potential of new jobs in a high-value industry within coastal communities.
- Hydrogen can provide a cleaner source of fuel for ferry services.

- The presence of renewable ‘devices’ will exclude other potentially damaging activities and may therefore improve protection and facilitate ecosystem recovery.

Three other points were made as follows:

- Specific licences would have to be agreed with the Scottish Government.
- There is no mention of the potential for offshore hydrogen storage (or storage of other gases, including methane) in the draft policy framework. Offshore gas stores may be vital for energy security in Scotland (and the UK) – and, in the case of hydrogen, to enable large-scale energy storage to provide balancing for renewables.
- It may be necessary to lay pipeline routes for hydrogen and hydrogen derivatives through HPMAs.

Space ports

The draft policy framework proposed the following:

- Banning new space port infrastructure below the MLWS¹⁷, and the deposition of debris or other materials from space launches within HPMAs
- Issuing no new licences for space launches in HPMAs
- Consideration on a case-by-case basis of the exclusion of areas covered by existing space port licences from the site selection process.

Respondents commenting on the proposed management arrangement for space ports included environmental organisations, fishing and aquaculture organisations, public sector and regulatory bodies, and community groups and organisations, as well as a small number of individuals.

Comments on the approach proposed for space ports were generally limited.

- Environmental organisations and some individuals thought that space port activities had the potential to cause environmental damage and should therefore be restricted in HPMAs and more generally. There was a call for the wording in the policy framework (‘should be avoided’) to be strengthened, and concern that space port activities would be allowed to proceed regardless of their environmental impacts.
- In contrast, a range of other organisation types (public sector and regulatory bodies, community groups and fishing organisations) and some individuals indicated concern about the impact any restrictions might have on the growth of a relatively new sector offering the opportunity of inward investment and high-value jobs. Some argued that the environmental impact of space ports was low, and that restrictions were not needed. Some queried the existing evidence of the environmental impacts of space port activities or drew attention to environmental assessments carried out for proposed developments, which indicated a minimal environmental impact. There was a specific

¹⁷ MLWS: Mean low water springs

call for the management approach adopted to draw a distinction between orbital and sub-orbital launch operations.

As with military and defence activities, there was a concern that permission for such activities under licence arrangements was more likely to be agreed than permission for fishing-related activities.

Missing activities

Question 2 asked respondents if they thought any activities were missing from the list. Suggestions were limited but included deep sea mining and extraction of minerals, release of pollutants / sewage into the sea or nearby water courses, cruise ship operations / tourism, salvage operations, and research activities.

Annex 7: Views on individual functions and resources as a basis for site selection (Q8)

This annex presents further detail on respondents' views on the functions and resources that would form the basis of site selection, as set out in the draft site selection guidelines.

The draft site selection guidelines presented a list of seven functions and resources identified as being of significance to Scotland's seas that would be used in identifying potential HPMA sites. Question 8 asked for views on the functions and resources used in site identification.

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 listed below and set out in Annex B of the draft Site Selection Guidelines? [Strongly support / Support / Neutral / Oppose / Strongly oppose]

- Blue carbon
- Essential fish habitats
- Strengthening the Scottish MPA network
- Protection from storms and sea level rise
- Research and education
- Enjoyment and appreciation
- Other important ecosystem services

Please explain your answer in the text box, including any suggested changes to the list.

Chapter 5 presents a high-level overview of the comments from respondents in response to this question. This annex presents a more detailed summary of the comments on each of the individual functions and resources.

Blue carbon

Those who supported the inclusion of 'blue carbon' argued that carbon storage was a key component in climate change mitigation, and that marine sites fulfilling this function should be protected from potentially damaging activities. Some said this was the most important function or resource in identifying HPMA sites. It was also argued that taking steps to protect blue carbon sites would enhance the environmental quality of Scotland's seas more generally by increasing biodiversity and creating the foundations for stable ecosystems.

However, some broadly supportive respondents nevertheless raised issues related to definitions and evidence, saying, for example:

- That there was a need to be clear about terminology, with some arguing for the protection of blue carbon ecosystems rather than the protection of blue carbon, as currently worded, and
- That this was a new area of science with methodologies still being developed and that this should be recognised in any decision-making process.

Environmental organisations in particular highlighted the role of cetaceans (whales, dolphins etc.) in blue carbon storage and the importance of protecting these species within any environmental measures.

Those who disagreed with the inclusion of blue carbon generally argued that there was insufficient knowledge and understanding of blue carbon for this to be used as part of the decision-making process. Respondents in the fishing and aquaculture sectors were particularly likely to offer views of this type, stating repeatedly that there was no evidence on where blue carbon is, what it is, or how it is affected by fishing, aquaculture or other activities. This group also argued that sustainable fishing and aquaculture practices would have minimal or no impact on blue carbon sites. Such respondents also pointed out perceived contradictions in (i) taking steps to restrict low-impact fishing activity in order to protect blue carbon while also allowing the construction of windfarms and associated cabling infrastructure which disturb the seabed, and (ii) restricting aquaculture activities when shellfish beds have the potential to act as blue carbon stores.

It was common for individuals to say that they did not know what 'blue carbon' was or to describe it as a 'woolly', 'poorly understood' or 'unproven' concept.

Essential fish habitats

Some respondents – environmental organisations and some individuals in particular – used their comment to express broad support for the inclusion of 'essential fish habitats'; some expressed strong support and said that this criterion should be the priority in site identification. Some welcomed the ecosystem- and habitat-based rather than species-specific approach.

However, it was also common for respondents in this group to stress the importance of the criterion being clearly defined and / or being explicitly phrased to include the protection of all marine life (e.g. fish, forage fish, shellfish, seabirds, cetaceans) given the varying and important roles of different species in maintaining healthy ecosystems. There was also some concern about whether the available evidence base would allow the identification and effective monitoring of essential habitats.

Those who indicated opposition to or reservations about this item included fishing and aquaculture organisations and individuals. Their comments focused on two main issues:

- They argued that essential fish habitats are already protected under the current MPA arrangements, and that these should be assessed before determining the need for further protection.
- They said that evidence on the location and current state of habitats and how protection would be addressed by HPMAs had not been presented, and / or that current knowledge and modelling on habitats and species behaviours was not adequate for making decisions about the introduction of HPMAs.

Additionally, some in this group said the term 'essential fish habitats' was vague and needed to be clarified – echoing the views of respondents who expressed support for its inclusion. In addition, in contrast to the views discussed above, some thought that conservation efforts should be focused on specific habitats and species to be successful.

Strengthening the MPA network

Those broadly supportive of including 'strengthening the MPA network' as a site identification criterion thought the creation of HPMAs would:

- Expand and add to existing protected areas in Scotland's waters
- Provide increased protection of key locations within existing MPAs
- Fill gaps and increase connectivity between sites in the existing MPA network
- Complement the existing MPA network and its focus on protecting particular identified features by delivering broader ecological protection and recovery.

However, respondents in this group stressed the need for effective management of both MPAs and HPMAs.

Those indicating opposition to the use of this criterion generally argued that:

- MPAs already provide good levels of environmental protection, and there is no evidence they need strengthening.
- MPAs provide good levels of protection, and their marine conservation role could be further enhanced without the creation of HPMAs – the development of the Welsh MPA network was cited as an example of how this could be done.
- Efforts should be put into ensuring the success of existing MPA sites before developing new levels of protection.
- Consideration of the need for HPMAs should await further information from the ongoing review of Scotland's MPA network – recent reports were said to have shown positive results, with the network review due in 2024.

In a few cases, respondents (including environmental organisations, businesses, and some individuals) argued that current MPA sites were not well managed and queried how the introduction of HPMAs would strengthen the network.

Respondents also offered a range of comments on the relationship between existing MPAs and the newly proposed HPMAs.

Those who were broadly supportive of the introduction of HPMAs generally favoured HPMAs being located in **new** areas rather than within or overlapping with existing MPAs. This view was also expressed by those who took part in the Scottish Environment LINK campaign which argued that 'HPMAs should focus on providing site-based protection outwith the existing marine protected area network'. Respondents in this group argued that HPMAs should not be used to deliver on existing MPA conservation objectives, with some suggesting that any significant overlap with existing sites should require the identification of an alternative MPA elsewhere.

In contrast, other respondents favoured locating HPMAs within, overlapping with or adjacent to MPAs, arguing that this approach:

- Could allow MPAs to act as helpful buffers around HPMAs

- Made sense as MPAs contained areas that were already identified as requiring protective measures
- Would limit the reduction in areas available for commercial fishing and other activities.

There was also some concern that existing MPA sites may be favoured to become HPMA sites without full consideration of community impacts, and that this could lead to a concentration of HPMA sites in the Outer and Inner Hebrides.

Protection from storms and sea level rise

Some respondents – mainly environmental organisations and individuals – were positive about the inclusion of ‘protection from storms and sea level rise’ as a site identification criterion, noting, for example, the beneficial role of some marine habitats in reducing coastal erosion. However, alongside this, there was widespread doubt or scepticism among other respondents about how and to what extent the creation of HPMA sites in Scottish waters could contribute to addressing such issues and mitigate weather- and climate-related challenges.

Research and education

Those supporting the inclusion of ‘research and education’ as a basis for site identification said that monitoring and evaluation in HPMA sites would allow the study of natural ecosystems, and be important to long-term site success, and that research and education provided opportunities for engaging with local communities.

Those offering more qualified support said that, while research and education were important, they were unclear how this could be a factor in site identification and selection, or they did not think that this should be a key criterion.

Those expressing greater reservations or opposition queried the justification for inclusion of research and education as a factor in site identification. They said that ample research and education opportunities exist under current arrangements, and that any benefits associated with research and education activities would be outweighed by wider negative community impacts.

Enjoyment and appreciation

Those indicating support for the inclusion of ‘enjoyment and appreciation’ did not often explain their views. Some did, though, call for consideration of this resource to take account of enjoyment and appreciation linked to low-impact recreational activities such as fishing, windsurfing / kiting and marine tourism – all activities which these respondents thought should be allowed to continue in HPMA sites.

Others expressing opposition to or reservations about the inclusion of enjoyment and appreciation argued that this:

- Was lacking in clarity, and was subjective and difficult to measure
- Could not be justified against the likely negative social and economic impacts of HPMA designation for local communities – there was concern that the inclusion of enjoyment and appreciation suggested that potentially damaging tourism was being prioritised

over low-impact fishing, and that the interest of non-local stakeholders would be prioritised over the interests and needs of coastal communities

- Should not be weighted highly in the assessment process and / or should not be favoured over conservation and climate change objectives.

Some respondents acknowledged that enhanced enjoyment and appreciation could potentially result from the creation of HPMA sites but were unsure how this could be used in the site identification process.

Other important ecosystem services

Those expressing varying degrees of support for 'other ecosystem services' as a criterion for identifying possible HPMA sites included environmental organisations and individuals. These respondents welcomed the recognition of the links between the marine environment and human wellbeing in particular, although some argued that this should be considered a potential benefit of HPMA designation rather than a basis for identification and selection. Some respondents in this group highlighted the marine food chain and the role of seagrass, algae and shellfish in filtering and regulating water quality as important ecosystem services.

Most often, those expressing opposition to or reservation about the inclusion of other ecosystem services queried the concept, describing it as undefined, and potentially applying to all coastal areas. Respondents said that this could result in inconsistent decisions about HPMA designation. In other cases, respondents in this group commented on the issue of wellbeing, stating that they did not see any wellbeing advantage associated with potential HPMA sites compared to other marine areas, or arguing that, while wellbeing was important, it was generally linked to economic prosperity which would be put at risk by HPMA sites.



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