

Highly Protected Marine Areas (HPMAs) Policy Framework and Site Selection Guidelines

Island Communities Impact Assessment – Partial Screening Report

December 2022

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1. Introduction to the Islands (Scotland) Act 2018

The [Islands \(Scotland\) Act 2018](#) provides for a new duty on the Scottish ministers and other relevant public bodies that they must have regard to island communities in exercising their functions and in the development of legislation.

Section 13 of the 2018 Act obliges Scottish ministers to prepare an island communities impact assessment (ICIA) in relation to legislation which, in their opinion, is likely to have an effect on an island community which is significantly different from its effect on other communities in Scotland.

Section 13 of the 2018 Act states that an ICIA must:

- a) Describe the likely significantly different effect of the legislation
- b) Assess the extent to which the Scottish ministers consider that the legislation can be developed in such a manner as to improve or mitigate, for island communities, the outcomes resulting from the legislation
- c) Set out the financial implications of steps taken under this subsection to mitigate, for island communities, the outcomes resulting from the legislation.

The [Scottish Government's Island Communities Impact Assessments guidance](#) sets out four stages that must be undertaken prior to preparing an ICIA. These are:

- a) Developing a clear understanding of the objectives and intended outcomes of the policy, strategy or service including any island needs or impacts
- b) Gathering data, identifying evidence gaps and identifying stakeholders
- c) Consulting with appropriate stakeholders
- d) 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

If any significantly different impacts are identified, an ICIA will be required.

2. Framing and purpose of this document

This partial screening assessment seeks to complete the first two stages of the ICIA process by identifying whether there are issues which merit further exploration through research and engagement with island representatives.

Demographic, economic and social impacts should all be considered as part of the ICIA process.

3. Background

The Scottish Government is committed to introducing Highly Protected Marine Areas (HPMAs) covering at least 10% of inshore and offshore waters by 2026. HPMAs in Scottish waters will allow for the protection and recovery of marine ecosystems, contributing to halting biodiversity loss and aiding our efforts to mitigate and adapt to the effects of climate change. They will build upon our existing network of Marine Protected Areas (MPAs), representing a significant increase in the overall level of protection afforded to Scotland's seas.

HPMAs will afford high levels of protection to marine ecosystems by limiting or prohibiting specific human activities that may have negative impacts. Carefully managed recreational activities may still be allowed at non-damaging levels. This will provide the best possible chance of protecting and restoring marine ecosystems so they can continue to provide vital ecosystem services such as climate regulation and provision of food and support marine industries and the communities that depend upon them. We expect HPMAs to bring some socio-economic benefits from enhancing marine natural capital through the increased protection and recovery of marine areas. We also expect additional benefits, including for carefully managed tourism and recreational activities, opportunities for research and education, and positive impacts on human health. The introduction of HPMAs will contribute to achieving our UK and international environmental commitments (Box 1) as well as the commitment to rebuild Scotland's natural capital by 2032, as set out in our [National Strategy for Economic Transformation](#). Only by protecting and enhancing

our marine natural capital, can we secure the long-term economic and wellbeing benefits that we derive from our sea.

Our seas are vital to Scotland's population and key to our identity. They sustain the livelihoods of thousands of people in communities up and down the country, providing food, energy and a thriving marine tourism industry, among many other benefits. HPMAs will ultimately protect the resources and industries we all rely on, ensuring we can continue to benefit from our rich seas for generations to come. The introduction of HPMAs is a critical step in helping to address biodiversity loss and needs to occur alongside the growing demand for marine space for human activities.

4. Definition of HPMAs

HPMAs are proposed to be designated areas of the sea that are strictly protected to allow the marine ecosystems within to recover and thrive. These areas safeguard all of their marine life for the benefit of the planet and current and future generations; providing opportunities for carefully managed enjoyment and appreciation.

5. Policy Framework and Selection Guidelines

The subject of this consultation is a [HPMA Policy Framework](#) and [Site Selection Guidelines](#).

The Policy Framework sets out the Scottish Government commitment to designating a suite of Highly Protected Marine Areas (HPMAs), our aims for HPMAs and our proposals for what HPMAs are and what they will mean for different marine activities. It also describes how we will account for socio-economic factors alongside ecological considerations and policy objectives for sustainable industries, net zero targets and existing conservation measures. The commitment to designate at least 10% of Scotland's seas as HPMAs by 2026 is set out in the [Bute House Agreement](#).

The HPMAs Selection Guidelines set out a process to determine how and where HPMAs will be identified. The guidelines set out a five-stage site selection process, based in all cases around the conservation of marine ecosystems as the priority, and

driven by the presence of the following functions and resources of significance to Scotland's seas:

- 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

The policy framework and accompanying site selection guidelines as a whole are intended to apply to both Scottish inshore waters (0-12 nautical miles from the coast) and Scottish offshore waters (beyond 12 nautical miles). The selection and designation of HPMAs in offshore waters is subject to the prior transfer of relevant powers by the UK Government to Scottish Ministers. Sections of this document which set out our proposals in relation to legal powers to designate HPMAs therefore relate only to inshore waters. Some of the marine activities, which take place in Scottish inshore and offshore waters, relate to matters which are currently reserved to the UK Government, i.e. are not in the competence of the Scottish Parliament. The prohibition or management of these reserved activities will be subject to agreement with the UK Government. We will work closely with the UK Government to realise our vision for HPMAs in relation to offshore waters and reserved matters.

6. Aims of HPMAs

Designating 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 make a significant contribution to the achievement of broader UK, regional and global conservation ambition.

[Scotland's Nature Conservation Strategy for the marine environment](#) outlines a 'three-pillar' approach to nature conservation (species conservation, site protection, and wider seas policies and measures), in which, HPMAs are a part and aim to:

- Facilitating ecosystem recovery and enhancement
- Enhancing the benefits that coastal communities and others derive from our seas
- Contributing to the mitigation of climate change impacts
- Supporting ecosystem adaptation and improving resilience

The designation and management of HPMAs will protect all elements of the marine ecosystem within their boundaries, including the seabed, water column habitats and everything that lives in the protected area. This will protect not only the species and habitats within them, but also the complex web of interactions and processes that form a marine ecosystem.

HPMAs will still allow for some recreational activities to continue, provided they are at non-damaging levels. This means that the entire site (i.e. all habitats and species and their supporting environment) would be protected from risk of damage: meaning that harm would be prohibited, irrespective of severity or duration, unless the effects were negligible to all marine biodiversity and associated functions and resources within the boundaries.

In areas where human activity has been relatively low, HPMAs will ensure the marine ecosystem is preserved and allow for any recovery to occur as necessary. This will also enable the effects of prevailing conditions to be monitored.

In areas where there have been more significant levels of human activity, HPMAs will allow for the recovery of the marine ecosystem to a more natural state. Some HPMAs could also allow for active restoration of historically present habitats or species, such as seagrass and native oyster beds.

7. Consultation and Stakeholder Engagement

Our aim throughout is to be fair, transparent and inclusive and to strengthen the process by engaging with stakeholders at all key stages of policy development, site selection, assessment, and designation.

To help guide our engagement we have produced a [Stakeholder Engagement Plan](#). This sets out how and when stakeholders can engage throughout the process of designating HPMA's, from bilateral engagement to cross-sectoral workshops and statutory public consultations.

Initial informal engagement with stakeholders was carried out in Spring and Summer 2022 to introduce the commitment, plan for delivery and inform development of the Policy Framework and Site Selection Guidelines. Stakeholders engaged at this stage included:

- Association of Scottish Shellfish Growers (ASSG)
- British Trout Association (BTA)
- Coastal Communities Network (CCN)
- Communities Inshore Fisheries Alliance (CIFA)
- Convention of Scottish Local Authorities (COSLA)
- Crown Estate Scotland (CES)
- Oceana
- Regional Inshore Fisheries Groups including:
 - North and East Coast Regional Inshore Fisheries Group (NECRIFG)
 - Orkney Sustainable Fisheries (Regional Inshore Fisheries Group)
 - Outer Hebrides Regional Inshore Fishery Group
 - Shetland Fisherman's Association (SFA)
 - West Coast Regional Inshore Fisheries Group (WCRIFG)
- Royal Yachting Association (RYA)
- Salmon Scotland
- Scottish Creel Fishermen's Federation (SCFF)
- Scottish Environment LINK
- Scottish Environment Protection Agency (SEPA)
- Scottish Fishermen's Federation (SFF)
- Scottish Renewables
- Scottish Sea Farms Ltd
- Scottish Seaweed Industry Association (SSIA)

- Scottish White Fish Producers Association (SWFPA)

Following the end of public consultation the Policy Framework and Site Selection Guidelines will be finalised and published.

A phase of site selection and assessment will then begin. During this phase, a series of cross-sectoral themed workshops will allow stakeholders to contribute to and comment on proposals as they emerge. The themes of these workshops will include a focus on potential impacts to island communities.

A final public consultation on the proposed locations for HPMA's will be held in 2025.

8. Islands and HPMA's

The islands are defined as per the definition of the Island (Scotland) Act 2018:

1(1) In this Act, "island" means a naturally formed area of land which is—

- a) surrounded on all sides by the sea (ignoring artificial structures such as bridges), and
- b) above water at high tide.

Using this definition, one of the ways that islands will be identified is by their direct proximity to a proposed HPMA. Consultation and direct stakeholder engagement will also be used to identify islands which may be affected by a proposed HPMA that is not adjacently located.

9. Impacts and Outcomes

It is intended that HPMA's will place strict limits on human activities to allow the protection and recovery of marine ecosystems. Examples of activities which it is proposed will not be allowed within HPMA's include (noting that insofar as aspects of some of these activities are reserved, they cannot be regulated by the Scottish Parliament):

- commercial or non-commercial (including recreational) fishing. This includes fishing with mobile and static gears, demersal and pelagic gears, hand gathering and diving
- collection by any method of flora, fauna, natural materials (e.g. crustaceans, molluscs, seaweed, fossils, shells, rocks, sediments, seagrass, algae)
- activities associated with oil and gas exploration and production*
- activities associated with renewable energy production
- aggregate extraction
- anchoring*
- water abstraction
- mining*
- construction or installation of objects or infrastructure (including rock dump and rock armour)
- any form of aquaculture (finfish, shellfish, seaweed or other)
- other deposit or release of any substance or material (e.g. dredged material, rubbish, organic waste, chemicals)
- intentional introduction or release of plants, animals or other living organisms (except for the purposes of a recognised restoration project specifically relating to the aims of the HPMA)
- use of explosives*
- use of acoustic deterrent devices (ADDs)*
- seismic surveys*
- salvage operations*

*We intend to work with the UK Government to avoid these activities taking place in HPMA's wherever possible.

Limits on these human activities will likely have impacts on islands in the direct proximity of HPMA's. An internal scoping workshop was held, involving relevant members of Marine Scotland staff, with the aim of identifying ways in which the impact of the delivery of the policy commitment to designate HPMA's may differ for island communities.

At this stage, before sites have been proposed, potential general human activities that may be affected given rise to significantly differential impacts for island communities have been identified. The following areas may warrant further investigation, depending on the location of proposed HPMA's and how these locations would interact with island communities.

- The vulnerability of island communities where employment is dominated by both fisheries and aquaculture, and the island economy is highly dependent on these activities, is likely to be a key consideration.
- Spatial location of commercial fisheries activity may restrict the output capacity of this sector. Where an island community supports a specialist fishery that will be disproportionately impacted, this is more likely to require full assessment.
- Presence of aquaculture production businesses on island communities that could be in direct proximity of proposed HPMA's.
- Carefully managed eco-tourism that provides employment to an island community without causing damage to an HPMA could potentially have positive impacts. Positive economic opportunities created by HPMA's may not offset negative impacts if the types of employment are not directly comparable. It is our intention to engage with those with direct experience of island life (including island authorities, relevant businesses and island community members) during the site selection period to ensure that any additional island-specific impacts are identified when specific HPMA's proposals. The findings of this engagement will be fed into a full ICIA screening assessment.

10. Complementary Impact Assessments

An initial Sustainability Appraisal has been completed which combines an initial [Strategic Environmental Assessment](#) (SEA) and [Socio-Economic Impact Assessment](#) (SEIA). This will be updated following selection and assessment of proposed HPMA's.

The SEIA aims to identify and assess the potential economic and social effects of HPMA on the lives and circumstances of people, their families and their communities. The assessment investigates the potential cumulative economic benefits and costs, and associated potential social impacts, of implementing HPMA. Within the SEIA, understanding of the distribution of impacts will include identification of whether any island communities in Scotland could be affected in a significantly different way from mainland communities, as required by the Islands Act 2018. The SEIA currently does not identify specific impacts for any islands as there are no proposed sites at this point but sets out a methodology for how evidence will be gathered during site selection and assessment.

A partial [Business and Regulatory Impact Assessment](#) (BRIA) has been completed to identify likely impacts of HPMA on businesses and consider a methodology for how this will be assessed. The BRIA will be finalised following the public consultation on the designations for final site proposals and will assess impacts arising from those sites. The partial BRIA currently does not identify specific impacts for any islands as there are no proposed sites at this point.

11. Gathering data, identifying evidence gaps

The following data sources have been identified for use in assessing the impact on islands:

- Data is available on fishing vessels but the resolution of fishing location varies by vessel length.
- Information on current aquaculture development is available from Scotland's Aquaculture portal.
- The National Islands Plan Annual Report provides data on population levels, sustainable economic development, transport, housing, fuel poverty, digital connectivity, health, social care and wellbeing, environmental wellbeing and biosecurity, climate change and energy, empowered island communities and strong local partnerships, arts, culture and language & education. However, the data provided by the plan is limited as it encapsulates the islands as a whole.

- Visit Scotland has national tourism statistics for coastal tourism but does not break down into island specific statistics.

12. Next steps in the ICIA process

This partial screening document has identified a number of possible impacts for island communities. The ICIA screening determination cannot be completed until after a suite of proposed HPMAs are identified.

As the site selection process begins in 2023 and specific proposals emerge, we intend to seek perspectives from those with direct experience of island life in order to determine whether there are significantly different impacts for island communities which should be explored in more detail and addressed when meeting the commitment to designate at least 10% of Scotland's seas as HPMAs.

A full screening assessment will be published following further targeted engagement and identification of proposed HPMAs. That screening assessment will be used to determine whether an ICIA is required.

Should a full ICIA be required, it will be formally consulted on as part of the consultation package for a proposed suite of HPMAs. This is currently scheduled to occur in 2025.

A full Islands Assessment identifying appropriate mitigation measures would then be published at the time of any Ministerial decisions to designate HPMAs, which is currently expected to occur in 2026.



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