

## Response ID ANON-FB69-QAYH-A

Submitted to Scottish Highly Protected Marine Areas (HPMAs)  
Submitted on 2023-04-17 08:48:39

### Draft Policy Framework

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?

Oppose

Please explain your answer in the text box:

As there is no universally agreed definition of what a highly protected marine area is, we should take the opportunity to ensure that the definition we use is fit for purpose in Scotland. The current alignment with the three most strictly protected categories set out in IUCN is unnecessarily restrictive and, drawing from our membership across rural and island Scotland, is very likely to lead to negative consequences for island and rural communities.

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

Management approaches to activities - Commercial fishing (of any kind):

Oppose

Management approaches to activities - Recreational fishing (of any kind):

Oppose

Management approaches to activities - All other recreational activities:

Neutral

Management approaches to activities - Finfish aquaculture:

Neutral

Management approaches to activities - Shellfish aquaculture:

Oppose

Management approaches to activities - Seaweed harvesting:

Oppose

Management approaches to activities - Oil and gas sector:

Neutral

Management approaches to activities - Renewable energy:

Oppose

Management approaches to activities - Carbon capture, utilisation and storage:

Management approaches to activities - Subsea cables:

Neutral

Management approaches to activities - Aggregate extraction:

Neutral

Management approaches to activities - Ports and harbours:

Oppose

Management approaches to activities - Shipping and ferries:

Neutral

Management approaches to activities - Military and defence:

Neutral

Management approaches to activities - Hydrogen production:

Oppose

Management approaches to activities - Space Ports:

Oppose

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

Our responses in this section closely relate to those of the Scottish Islands Federation and are provided on the basis that proposed HPMA sites have not yet been selected. We, therefore, have tried to consider the impact on the range of areas which could be selected for HPMA, including those directly adjacent to existing communities and wider locations routinely used by islanders. These comments cover all of the areas raised by our members, or members of our partner organisation, where an opinion has been expressed above. With the exception of subsea cables, all areas marked 'neutral' have elicited little comment from members.

Members have highlighted that island fishing fleets can be a major part of the local economy with one calling their fleet 'a rare economic and socio-demographic success story on the islands' and going on to say: "Since we redeveloped our harbours (with support from Marine Scotland and HIE) our fleet has grown to nine vessels, provides 15-20 full time jobs and supports the families of 16 children of school or pre-school age (the total school roll hovers between 50 and 60)."

This quote is of stark importance given that p. 18 of the Policy Note states "while employment in the fishing fleet is a small percentage of total employment in Scotland (0.2% of the Scottish labour force in 2020), it accounts for a higher percentage of employment in island communities." It is a huge employer in many island communities and contributes to the social fabric of many places. One job in an island community does not necessarily equate to one job in a large town in urban Scotland: there are economies of scale which must be considered, and which we believe any proposal for HPMA must absolutely consider. In fact, in many island communities, it is simply not possible to commute off-island on a daily basis for work and the jobs market is therefore limited. Given this, special consideration must be given to the level of impact the loss of even a small number of jobs can have on a fragile island community. If existing employment in any area (including commercial fishing and more widely) is made unviable by the implementation of a HPMA, there is a very real chance that this will lead to islanders moving away to find work, reducing school rolls and contributing to the depopulation of Scotland's islands, as was indicated by feedback from one of our member organisations:

"An HPMA around these waters, if it entailed a total ban on commercial fishing as envisaged, would wipe out our fishing industry. It is reasonable to assume that multiple families would have to leave the island, exacerbating the ongoing population aging and decline, and hollowing out the school and other public services."

It is also important to consider that the Western Isles Council already projects a 16% reduction in the islands' population in the next 20 years compared to a 2.5% fall in Scotland as a whole.

We also note that there is no difference in ownership within the fleet: for examples, it may be worth considering whether local fishers have more access than large-scale trawlers who use Scottish waters but are owned by companies out-with Scotland. We would welcome further comment and research on this during any policy development.

Whilst we do wholly agree there are practices which can be incredibly damaging for the marine environment, there are certain activities which can take place in areas in tandem with promoting biodiversity. For example, some aspects of shellfish and seaweed cultivation, owned and operated by local businesses, could be far more 'sustainable' and environmentally astute than other practices. The cultural and historic importance of engaging with the sea is but another matter we further consider in this response.

We are concerned that a total ban on commercial fishing and shellfish aquaculture fails to take into account small scale sustainable fishing which is a key part of many island economies. The proposal also fails to take into account the potential current and future economic development of sustainable seaweed harvesting for a variety of purposes, including activities which are beneficial to wider society such as the use of seaweed to create alternative materials to replace plastic packaging and for fertilizer. To quote one of our partner's member organisations:

"The consultation documents make little reference to the potential impact on small communities like ours. We are particularly concerned about the socio-economic impact assessment methodology which (Section 4.1.5) doesn't appear to distinguish small scale low impact fixed line fisheries like ours, from larger scale offshore fisheries. However the nature and scale of the impacts is vastly different: a larger operation will typically draw its crew from a wide area (often an international crew), and their vessels' size a range allows them cover a much larger area. Moving elsewhere to fish is an option for large operators, but it is not an option for our boats."

There is no differentiation between types of commercial fishing within the proposal with a blanket ban on all fishing proposed. We would welcome such differentiation. One member organisation noted that their island's fishing businesses are made up entirely low impact fixed-line lobster/crab creel fishing, and are already subject to MPA restrictions.

We also note that subsistence fishing or collection of shellfish or seaweed has not been included as a category but we can only assume these activities will also be banned. This activity is neither a commercial or a recreational activity. This small-scale practice is an important part of cultural and economic life in many islands. It contributes to food security, promotes the sustainable use of local resources, assists decarbonisation through its focus on local food, and helps to combat the higher cost of living in many islands. In addition, these activities promote people-place connections and understanding of place, as well as health and wellbeing. These areas have been shown to promote resilience in small communities. We are increasingly concerned by the exclusion of people in these zones and a lack of understanding of important cultural practices with the sea and foreshore.

A focus on large-scale renewable energy developments in the consultation does not take into account potential small scale developments (either commercial or community-led) which can add to energy security and economic sustainability of island and coastal communities while also assisting decarbonisation. For example, it is assumed that a community whose seas were subject to a HPMA would be unable to benefit from developing micro-tidal power sources or a district heating system using a closed-loop sea-based water source heat pump. Both of these examples have been actively explored in island communities in recent years and a total ban on these activities, or if HPMA were put in the wrong place, would be very damaging.

In terms of subsea cable restrictions and exemptions, we assume that the exemption for power cables for distribution covers those cables which feed renewable energy generated in islands to the National Grid, not just distribution of services to these areas from the mainland. This is essential to avoid penalising island communities, which have a wealth of resources in this area which are as-yet underdeveloped. Penalising island communities in this way is likely to contravene the Islands (Scotland) Act.

It is unclear what is considered to be a port or harbour under the proposals and there is concern that many smaller ports and harbours in island communities will be overlooked. In particular, one member of our partner organisation noted that 5.3.6 mentions that 'Home Port Districts' will be used 'as a proxy for likely location of employment'. We are aware of a number of island-based fishing businesses whose vessels are registered in mainland ports such as Oban or Campbeltown. We are concerned that the impact assessment could therefore miss the impact to individual islands.

There is also concern that the restriction on new piers will have a detrimental impact on upgrading or further developing island infrastructure and transport networks to assist sustainability goals. Special consideration must be given to future plans and aspirations for the upgrading or development of new ports, harbours and piers to avoid contravening the Islands (Scotland) Act, given that this area affects islands in a substantially different way to the mainland. Further information is needed on how a potential ban on space port activity would impact on islands who are already working on developments in this area.

We note that it is intended that MLWS will mark the boundary of any HPMA. We recommend this be amended to the low tide mark to ensure the language used makes the boundary clear to those not familiar with marine terminology. To this end, this consultation response has been prepared with the understanding that no activity above the low tide mark will be restricted or prohibited within a HPMA. Should the boundary extend beyond this it will be essential to consider and respect longstanding use of the shore by island communities including for the collection of shellfish for personal use and the widespread practice of seaweed collection for fertilizer. Both of these practices are historically significant to communities, are arguably more common than sea-based activities, and remain important to contemporary issues such as food security, the cost-of-living crisis and decarbonisation.

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 oppose

Please explain your answer in the text box:

Our responses to this section are closely related to those of the Scottish Islands Federation and are provided on the basis that proposed HPMA sites have not yet been selected. We, therefore, have tried to consider the impact on the range of areas which could be selected for HPMA, including those directly adjacent to existing communities and wider locations routinely used by islanders. We oppose this proposal based on the following areas:

- The proposed restrictions fail to take into account the social and economic impact that the loss of even a small number of jobs in a key sector like commercial fishing is likely to have on some island communities
- The restrictions do not consider activities related to subsistence, including fishing and collection of shellfish and seaweed. These are important to the culture, wellbeing and economic sustainability of many island areas, including in the crofting counties.
- Restrictions on fishing may not only damage jobs and the economy but also efforts to tackle food security, decarbonisation and cost of living in island areas by removing the ability to catch / collect or buy locally available food, increasing the reliance on food imports to islands. Whilst we see the need for change with some fishing practices in order to support environmental aims, we firmly believe that fishers need to be a huge part of the conversation as they are very much part of, and support, solutions.
- Restrictions on renewable energy production will potentially limit development of small-scale community renewables, for example closed loop, sea-based water source heat pumps, micro tidal and micro-wave power. This limits economic development potential of these resources which could be contributing to decarbonisation both on a local and national level as well as providing sustainable income for local communities.
- The proposal should consider allowing exemptions for low impact activity which benefits communities or contributes to the cultural well-being of areas.

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."

Oppose

Please explain your answer in the text box.:

In line with previous answers, we oppose blanket powers to restrict certain activities. If restrictions are put in place the following points should be considered:

- In reference to new power distribution cables or broadband/telecommunication cables to an island or remote community: this should be clarified to confirm that this allows businesses and communities in islands to feed locally-produced energy into the National Grid as well as drawing energy from it from it.
- Exemptions should be widened to include low impact activities such as low-impact commercial and subsistence fishing, shellfish collection and seaweed harvesting, with again attention to the business operators and their scale (i.e. small-scale versus larger corporates). There should be no additional licencing cost for this activity.
- Exemption should be widened to include exemptions for the development of small scale renewables by / partnership with communities.
- Requiring a fee for activities such as subsistence fishing would mean that the proposal endorses charging people for access to local resources which have been freely available to them throughout history. This would appear to be at odds with wider government legislations, such as that pertaining to land reform and community empowerment, which seeks to recognise and strengthen a community's rights over local resources.

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."

Neutral

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's."

Neutral

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:

## Draft Site Selection Guidelines

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

Functions and resources - extent of support - Blue Carbon:

Functions and resources - extent of support - Essential Fish Habitats:

Functions and resources - extent of support - Strengthening the Scottish MPA network:

Functions and resources - extent of support - Protection from storms and sea level rise:

Functions and resources - extent of support - Research and education:

Functions and resources - extent of support - Enjoyment and appreciation:

Functions and resources - extent of support - Other important ecosystem services:

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

Community impact is not listed amongst the proposed selection criteria for sites. We see this as an oversight and put forward that selection of sites should be viewed on a community by community basis. For example, in some places, a HPMA near a certain island community may result in the loss of 3 fishing jobs, which may not only have an economic impact within a small community but may also have knock on impacts - for example, whole families may away from the island due to the loss of employment which impacts the sustainability of schools and public services, and contributes to depopulation. There have been many stories during this consultation process which have brought to the fore just now important fishing jobs have been on the local economy and future generations staying in the area, supporting the school roll and service provision.

Drawing from the work of the Scottish Islands Federation, we also note the following decision from Westminster concerning the designation of HPMA's and would strongly recommend that Holyrood use community impact criteria relevant to Scottish islands to guide selection:

"Lindisfarne will not be designated due to the evidence showing there was a high level of dependency in the local area on employment opportunities provided by existing activities. One third of Holy Island residents are employed in commercial fishing. Many residents were concerned about losing their heritage, community and cultural identity through losing fishing. The geographical isolation of a large number of this site's stakeholders provides additional cost implications, including that it is difficult for them to switch jobs. Additionally, due to the community's isolation and self-dependency, the potential designation raised a number of health and safety concerns, including on mental health. Evidence of other impacts included reduced income from tourist activities, and the likelihood of the loss of school and coastguard provision due to fishers and families moving away from the island." (see <https://www.gov.uk/government/publications/highly-protected-marine-areas/highly-protected-marine-areas-hpmas>, accessed 13th March 2023).

A number of members have raised concerns that HPMA site selection will favour sites with existing MPA designations without consideration of the local impact. Any such approach to designation needs to be considered carefully.

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

Site selection - support of general principles - Use of a robust evidence base:

Site selection - support of general principles - HPMA scale and the use of functional ecosystem units:

Site selection - support of general principles - Ensuring added value:

Site selection - support of general principles - Delivering ecosystem recovery:

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

We have concerns over the ability to use a 'robust evidence base' effectively to measure the impact on small communities given the lack of granular data in many areas. Detailed information gathering is required for each area impacted on an island-by-island basis. This information should be gathered in partnership with islanders but should not add to the volunteer burden already placed on many island and rural communities - i.e. there should be a paid mechanism or grant to support such information gathering.

Community impact is not listed amongst the guiding principles for sites which we would also welcome.

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?

Oppose

Please explain your answer in the text box:

We note that this process looks at benefits of imposing HPMA area on communities, but does not appear to consider impacts. Furthermore, it appears that comparison of sites will be based on the contributions they can make to the HPMA plan, with no mention of comparing the relative impact sites may have on individual communities.

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?

Please add your response in the text box:

### Initial Sustainability Appraisal

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

Not Answered

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?

Not Answered

Please explain your answer in the text box.:

This assessment does not fully take into account key cultural practises and their impact on well-being and economy.

We have concerns over impacts have been quantified in monetary terms. This does not take into account the range of factors which impact on individual wellbeing and community sustainability. For example, employment and tourism have been considered, but access to and use of the waters by local people on a non-commercial basis (including subsistence activities) has been largely ignored. As we have noted, this is a huge activity for many people, particularly in the crofting counties.

We also have concerns that the stakeholder mapping exercise will not take into account community level stakeholders (both geographic communities and communities of interest for example crofters). We believe we have strong grounds for this concern based on the stakeholders listed so far in the consultation and we would welcome community members wholly be consulted on and part of this policy making process.

### Partial Island Communities Impact Assessment (ICIA) Screening Report

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

Strongly oppose

Please explain your answer in the text box.:

We believe that thus far the policy proposals do not provide an accurate picture of the potential impacts in island communities for many of the reasons listed elsewhere. This is very likely down to the issue that community level bodies or representative of community level bodies were not included as stakeholders within the 'partial' ICIA.

Additional impacts which are relevant to islands legislation include but are not limited to the future development of piers and infrastructure to allow for development of island transport networks; the wider impact of losing a small number of jobs in a small island, given the limited employment opportunities on-island; and the impact on local, island-specific cultural practices. The impact of employment in the islands needs wider consideration given the very fixed boundaries that islands have, with many people unable to commute beyond the island on a daily basis for alternative work, even if they wanted to.

There has been no mention in the consultation of the impact on food security, cost of living or food miles on the islands if communities are unable to access local fish or seafood either from local fishing businesses or via subsistence practices. We believe these need to be fully considered in any further developments.

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

Please explain your answer in the text box, including any additional impacts that have not been identified in the partial ICIA screening report.:

We, and Scottish Islands Federation, believe that this proposal has potentially significantly differential impacts on island communities, as outlined in our wider consultation response. This includes impacts on the economy, transport, decarbonisation, food security and culture which have potential knock-on impacts for the sustainability of island life. Despite the very real need to protect and restore many marine environments, consideration has not been fully given to the fact that the sea is central to all areas of island life rather than a peripheral consideration.

### Partial Business and Regulatory Impact Assessment (BRIA)

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

Oppose

Please explain your answer in the text box.:

The BRIA states that communities of place may benefit from use of nearby HPMA's for recreational use but does not highlight the impact of the loss of use of communities within HPMA's related to key cultural, economic, subsistence, well-being and recreational activities.

We agreed that "a range of businesses will be affected by this legislation". We expect small, medium and large businesses to be affected directly and indirectly in a number of different sectors. Since the selection site for HPMA's has not taken place yet, we cannot estimate the costs to businesses. This is likely to have larger impacts on smaller, bounded communities (i.e. islands) with limited access to wider job markets. The true cost of this (not just in terms of monetary value but also in terms of actual impact on the community) must be considered when selecting each site. One member of the Scottish Islands Federation noted that the proposal has not factored in any compensation packages for fishermen who would be affected. However I should be noted that compensation packages aimed at individual businesses do not help counteract the wider socio economic impacts a HMPA designation may have on an community.

Societal impacts do not note that by placing additional burdens on fragile rural places, HPMA's may threaten the very survival of communities with knock on impacts for the economic and cultural benefits they can provide to society.

We also agree that "HPMA's could also impose environmental costs, such as the concentrating of fishing effort next and around the boundary of HPMA's and the displacement of fishing effort to less managed areas where the stocks might also be vulnerable" and believe this should be taken into account when sites are selected.

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

Yes

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

Answer::

We believe that this proposal could result in financial, regulatory or resource implications for our members in rural and island areas. Many of these impacts have been outlined in our wide response. However, we would like to reiterate the delicate balance of the economy in many of our island areas.

While some businesses may not be directly affected by this proposal through, for example, restrictions on their activity any negative impacts felt by one section of an island economy are likely to ripple out to other local businesses such as shops, suppliers and service providers.

### Our Commitment

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

Please add your response in the text box:

While we are fully supportive of efforts to ensure responsible stewardship of our natural resources, any policy pertaining to land or sea needs to take into account that these places have been routinely populated and used by humans throughout history. While we should seek to ensure that these areas are protected for future generations, and for the good of the wider planet, we need to recognise and value that humans make up a key part of these ecosystems. Protections should encourage responsible, sustainable use without damaging the fragile communities. As a member-led organisation, we have heard from our members that they are concerned by the potential impacts this could have (if not done appropriately, with communities involved at every stage) that not only could this further contribute to depopulation of various coastal areas in rural and island Scotland, but so too could Scotland lose intergenerational knowledge rooted in the places to fish, their names, the patterns of the fish, and their movements.

In terms of the wider policy context, although much work has been done on land reform and community empowerment in recent years, many island communities have not had the capacity or opportunity to gain better access to land to help facilitate sustainable futures. If HPMA's were to also restrict the ways in which communities can use the sea some islands communities could be effectively 'hemmed in' by restrictions on both land and sea. This would see their ability to utilise the natural resources which have helped sustain them for thousands of years severely curtailed.

We strongly advise that HPMA site selection excludes areas close to existing island and coastal communities due to the many known and unknown negative impacts such a designation could have on the future of these communities.

Examples of the wider impact provided by our members include likely impacts on an island-based boat yard which repairs and maintains fishing vessels, and seafood processing factories. Any designation which leads to loss of jobs and depopulation will likely lead to impacts for a much wider range of businesses and services serving islanders such as shops, couriers and schools. The rippling impact of losing just one or two jobs in some small island communities should not be underestimated. More should be done to consult with the set of key stakeholders missing from this consultation so far, such as those communities and individuals around the islands and rural Scotland whose livelihoods are linked with Scottish waters.

## About you

What is your name?

Name:

What is your email address?

Email:  
info@sra.scot

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:  
Scottish Rural Action

Sector and origin

Rural business/organisation

If you selected 'other' please describe your sector in the text box:

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

## Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:  
Slightly dissatisfied

Please enter comments here.:

It is possible to allow people to work on consultations at the same time via the web portal? I.e. people can login using passwords?

Is it also possible to ensure that the Word Docs which contain consultation questions are in formats which are easy to edit?

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Please enter comments here.: