



### Summary

To tackle the intertwined climate and nature crises, a *de facto* ocean emergency, requires a paradigm shift from just protecting remnant habitats and ecosystems to recovering and restoring ecosystems on a large scale. LINK members welcome commitments under the Bute House Agreement to progressing and increasing spatial protection of marine ecosystems through completing management measures for the existing MPA network and designating at least 10% of Scotland's seas as Highly Protected Marine Areas by 2026. These processes must be ecosystem-based and must ensure marine activities operate within environmental limits.

### By 2030:

1. at least 30% of Scotland's seas must be under **high levels of protection** ([IUCN Protected Area category 1b \(highly protected\)](#)) with at least one-third of this (so at least 10% of Scotland's seas) **fully protected** under a new MPA designation of Highly Protected Marine Area (HPMA) ([IUCN Protected Area category 1a \(fully protected\)](#)). (See [The MPA Guide](#));
2. contributing to 1, the entire Scottish MPA network must be truly protected from damaging activities following a whole-site management approach;
3. to contribute to ecosystem recovery, criteria for HPMA's must include targeted recovery of damaged ecosystems, a minimum size of site and ecologically representative areas inshore and offshore;
4. delivery of HPMA's and MPAs must be integrated with other processes, including improving protection of Priority Marine Features beyond MPAs, a cap on inshore fishing effort and regional marine planning.

### Reflections on the current MPA network

LINK members welcome the commitments made in the Bute House Agreement to designate at least 10% of Scotland's seas as Highly Protected Marine Areas (HPMA's) by 2026 and to complete designation and management of Scotland's network of Marine Protected Areas (MPAs). Whilst progress on the MPA network has been delayed, we recognise the impact that EU exit and attending to the Covid 19 crisis has had on government capacity. However, three years on from the First Minister formally recognising the Global Climate Emergency, and amid growing evidence of the depth of the global biodiversity crisis, large scale recovery and restoration of nature on land and at sea is even more urgent. Maintaining the status quo will only accelerate further decline: nature's recovery must be core to conservation policy and government priorities, necessary to achieve national and international commitments, including attainment of Good Environmental Status for our sea.

Scotland's MPA network currently lacks widespread protection from some of the most significant pressures on the species and habitats it is designed to conserve. Scotland's Marine Assessment 2020 identified climate change and bottom-towed mobile and pelagic fishing activities as the key pressures facing marine biodiversity, yet fisheries management measures have only been implemented in a handful of designated inshore MPAs. While the regulatory framework affords consideration of MPAs for licensable activities, including aquaculture and renewable energy developments, existing consents authorised prior to designation are able to continue within MPAs. Other Area-Based Measures, such as fisheries management areas, do not necessarily restrict fishing methods that cause the most damage to seabed habitats. In short, despite covering 37% of Scotland's seas (including Other Area-Based Measures), the majority of the MPA network continues to exist in name



only without ecosystem-based spatial fisheries management, or measures to spatially manage other human activities.

### Fully and highly protected areas

#### Definition

The International Union for the Conservation of Nature (IUCN) has developed a set of categories to define levels of protection within protected areas, and guidance on how to implement these within terrestrial and marine environments. The majority of Scotland's current MPAs equate to a [category IV](#) (habitat/species management area), which *provides a management approach used in areas that have already undergone substantial modification, necessitating protection of remaining fragments, with or without intervention*. Our concern is that the MPA network as currently established may at best prevent further deterioration of remnant habitats but have limited scope to drive wider ocean recovery. Indeed, LINK's [commissioned report](#) on Seafloor Integrity (2018) highlights this: *Many of the current Nature Conservation MPAs cannot be expected to change dramatically as they were specifically chosen by prioritising the "Least Damaged Most Natural" areas*. A recent Marine Scotland Science [paper](#) also supports this: *These findings suggest that protection has been focussed in areas that already act as natural refugia for sensitive benthic species and lie away from the majority of fishing activity. While the measures do not reduce fishing pressure markedly, they do protect relatively pristine habitats from future fishing impacts*.

LINK members agree that to enable the recovery of marine ecosystems, Scotland's approach to protection should be as follows:

- at least 10% of Scotland's seas should be **fully protected** (i.e. **category 1a** under IUCN definitions), in which no extractive, damaging or depositional activity is permitted. Such sites are akin, perhaps somewhat confusingly, to the Highly Protected Marine Areas committed to in the Bute House agreement;
- at least 30% of Scotland's seas under **high levels of protection** (at least a third of which is **fully protected**, as above) - under IUCN definitions. There should therefore be *at least* a further 20% that conforms with IUCN **category 1b**, which will allow only small-scale, low-impact, sustainable activities at levels that allow and/or facilitate ecosystem recovery to take place.

#### What do these levels of protection mean in practice?

The Bute House Agreement states that HPMAs will be implemented in addition to the current MPA network and, by the nature of their designation, will deliver stricter management of activities. Much of this is still to be worked out from a policy perspective, and LINK is committed to working with the Scottish Government and marine stakeholders throughout this process. However, the recently published [MPA Guide](#) provides a helpful steer on what activities are or are not compatible with fully and highly protected areas. These range from zero compatibility and should not be permitted within these areas, to the possibility of some small-scale low-impact activities, which will need to be well-regulated and enforced. Some existing activities may need to be relocated to enable ecosystem recovery in certain areas. Table 1 provides a summary, taken from the MPA Guide.

Furthermore, on the basis that the Bute House Agreement specifies that HPMAs are for the purposes of ecosystem recovery, LINK members advocate that some of the key site selection criteria for these areas should include:

- targeted recovery of damaged seabed habitats, and critical habitats for vulnerable or declining species, including altered muds, sands and gravels, complex biogenic habitats and depleted blue carbon habitats, such as seagrass;
- a minimum size of site, to enable a good degree/extent of recovery (DEFRA guidance states a minimum size of 5km<sup>2</sup>);
- ecologically representative areas, including all life history stages for vulnerable or declining species;



- a whole-site approach to management, where an area is considered holistically as part of the wider ecosystem rather than simply a patchwork of individual remnant features.

Highly protected areas may allow some activities to continue if they meet criteria as outlined by the IUCN guidance, but ecosystem recovery must still be enabled.

### **Progress needed**

The Bute House Agreement commitments to designating at least 10% of Scotland's seas as HPMA's by 2026 and completing management of the current MPA network by 2024 must be met if we are to reverse the decline in nature at sea in time. In keeping with the Scottish Government's marine nature conservation strategy and an ecosystem-based approach, integration and coherence with parallel marine policies, including an updated National Marine Plan, regional marine plans and delivering climate and nature smart fisheries through the Future Fisheries Management process is also important. The Scottish Government's forthcoming Blue Economy Action Plan must also include recognition that meeting the Bute House marine conservation commitments, including on MPAs and HPMA's, can contribute to achieving the Blue Economy Vision outcomes, such as on Natural Capital and Climate.

LINK members recognise both the increasing demand for space at sea and the imperative for improved marine conservation measures to underpin ocean recovery. A collaborative approach with all stakeholders is therefore essential to achieving protected area objectives, to ensure that activities are sustainable and operate within environmental limits and to build support among stakeholders and wider society. Successful engagement must include improved stakeholder participation with clear expectations, wider strategy and support mechanisms for affected activities, use of best available science and independent scientific scrutiny of proposals.

### **This briefing is supported by the following LINK member organisations:**

Fidra, Marine Conservation Society, National Trust for Scotland, RSPB Scotland and WWF Scotland

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.

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Table 1: Description of IUCN Protected area categories fully (akin to proposed HPMA approach) and highly protected, transposed from the [MPA Guide](#)

Activity	Fully protected (HPMAs)	Further detail	Highly protected	Further detail
Mining, mineral oil and or gas prospecting	No	No mining, prospecting or exploitation. No active pipelines allowed with potential to leak.	No	No mining, prospecting or exploitation. No active pipelines allowed with potential to leak.
Dredging and dumping	No		No	
Anchoring	If yes, only small-scale, short duration anchoring with low impact	E.g., regulated by managing authority, at an appropriate distance from sensitive habitats (e.g., in sand and gravel), only anchored at the same location for a short time consistent with low impacts, preference for using moorings.	If yes, only small-scale, short duration anchoring with low impact	E.g., regulated by managing authority, at an appropriate distance from sensitive habitats (e.g., in sand and gravel), only anchored at the same location for a short time consistent with low impacts, preference for using moorings.
Infrastructure	If yes, minimal impact, small-scale for specific purposes only	Only minimal-impact, small-scale infrastructure for conservation, scientific, navigational, or sustainable tourism purposes. E.g., minimal-impact facilities fixed moorings, artificial reefs for conservation (not fishing), navigational lights, restoration works using aquaculture, facilities for recreational/cultural use (e.g., sustainable tourism).	Yes, but low impact, small scale	E.g., low-impact facilities associated with sustainable tourism and aquaculture, renewable energy structures, artificial reefs (may allow fishing).
Aquaculture	If yes, only for restoration not extraction		Yes, but low impact, low density, small scale, unfed	Unfed (or integrated multi-trophic) aquaculture that is small-scale and low-density (i.e., low total impact). E.g., low-density algae, bivalves (e.g., mussels, clams, oysters), sea cucumbers, herbivorous fish, integrated multi-trophic aquaculture. Appropriate distance from sensitive habitats (e.g., coral reefs, seagrass beds, kelp forests).



Fishing	No	No fishing of any kind	Yes, but infrequent use of a few (5 or fewer) gear types that are highly selective and low impact	E.g., cast nets, intertidal hand captures/gleaning, single lines (e.g., hooks, pole and line, rod, troll), spearfishing (free diving only), traps (lobster, octopus, crab), fish traps (used over a soft bottom habitat), hand dredges (bivalves), low-impact traditional extraction.
Non-extractive activities (e.g. recreation)	If yes, low impact, low density, small scale. Limited uses	Small-scale, closely regulated and restricted (via spatial, temporal or permitted) use with minimal to low impact. E.g., snorkeling, swimming, SCUBA diving, tide pooling, motorized or non-motorized vessels for non-extractive purposes (e.g., for snorkel, SCUBA, wildlife viewing), cultural/ceremonial gatherings, cultural education, teachings/knowledge transmission, and other uses with minimal to low impact.	If yes, low impact, low density, small scale. Limited uses	Small-scale, closely regulated and restricted (via spatial, temporal or permitted) use with minimal to low impact. E.g., snorkeling, swimming, SCUBA diving, tide pooling, motorized or non-motorized vessels for non-extractive purposes (e.g., for snorkel, SCUBA, wildlife viewing), cultural/ceremonial gatherings, cultural education, teachings/knowledge transmission, and other uses with minimal to low impact.