

Ms Mairi Gougeon MSP,
The Scottish Parliament
Edinburgh
EH99 1SP

31st March 2023

Dear Cabinet Secretary,

Congratulations on your re-appointment as Cabinet Secretary for Rural Affairs, Land Reform and Islands.

We are at a critical time for marine conservation in Scotland. We are in the midst of an ocean, biodiversity and climate emergency and time is running out to reverse the decline of marine life and help mitigate the impacts of climate change. Meaningful and transformative change to the way we manage activities at sea, and their impact on the marine environment is urgently required to enable ocean recovery, increase resilience to climate change¹ and support a just transition for all sectors of the maritime economy.

We welcome the commitment in the Bute House Agreement for at least 10% of Scotland's seas to be designated as Highly Protected Marine Areas (HPMAs), in line with accepted international recommendations², as a key tool to help recover ocean health and reverse the decline of marine life. Scientific evidence³ demonstrates the greatest marine benefits are achieved where core high protection zones are surrounded by buffer zones, nested within a wider spatial management framework. In Scotland, the Lamlash Bay Community Marine Conservation Area designated in 2008 on the east coast of Arran (a no-take zone with similar protection levels to the proposed HPMAs, at least for prohibiting extraction of biological resources), in combination with the wider South Arran Marine Protected Area acting as a buffer zone with fisheries management measures, has proven to significantly improve marine life, while providing opportunities for lower-impact static gear and scallop hand diving⁴. We know many of the public support such ocean recovery zones through polling⁵, and over 1,500 have so far responded to Scottish Environment LINK's e-action in support of the principle of HPMAs⁶.

We note that concerns have been raised about the current proposals for a draft HPMA policy framework and site selection guidelines. As organisations with marine businesses and members that are involved at local levels in coastal communities, we are sympathetic to these concerns. We strongly support the principle of HPMAs being implemented effectively as no take, no deposit and no construction zones, but we agree that the draft policy framework needs to be considered holistically across all aspects (environmental, social and economic) and provide more clarity to stakeholders before site proposals are developed.

There is clear interest and appetite amongst many individuals, groups and communities across Scotland to have greater involvement and leadership in marine conservation and recovery. There are opportunities for community collaboration, co-governance, and co-management of HPMAs beyond inviting third-party proposals. This could place communities at the heart of ecosystem-based decision-making.

¹ **"Deep, rapid and sustained mitigation and accelerated implementation of adaptation actions** in this decade would reduce projected losses and damages for humans and ecosystems" (Section C2, P27); opportunities for scaling up climate action: "reduce conversion of natural ecosystems", "ecosystem restoration...", "biodiversity management and ecosystem connectivity", "sustainable aquaculture and fisheries", "integrated coastal zone management" (P28)
(https://report.ipcc.ch/ar6syr/pdf/IPCC_AR6_SYR_SPM.pdf)

² https://environment.ec.europa.eu/strategy/biodiversity-strategy-2030_en

³ <https://doi.org/10.1002/aqc.3115>

⁴ <https://www.arrancoast.com/no-take-zone/>

⁵ <https://www.scotlink.org/publication/scottish-public-opinion-poll-on-mpas/>

⁶ <https://scotlink.eaction.online/oceanrecovery>

A more locally involved process for locating and designating HPMA (where practical) will lead to greater success and effectiveness, by strengthening relationships and knowledge-sharing, increasing acceptance of measures and easing transition of change. Such an important policy development with implications for change in use needs to provide transparency and clarity to marine stakeholders on what it means for them and assurances that support will be provided to facilitate the required changes. We would like to outline some of our key points.

1. Integrated and holistic ecosystem-based management

We strongly support the principle of HPMA as no take zones to provide **core areas for ecosystem recovery**, but with increasing pressure on seabed space it is essential that HPMA work as one part of a wider spatial management framework to ensure ecological benefit and a just transition to sustainable marine industries. Strict levels of protection can be sustained on a small scale, such as Lamlash Bay no take zone or Lundy marine reserve, and these models have proven successful at this scale, delivering local environmental and socio-economic benefits. A **holistic approach incorporating cross-policy alignment and integration and inclusive public participation** is required to scale up spatial management incorporating core areas for ecosystem recovery in other parts of Scotland's seas. Many of the existing marine protected areas do not currently have management measures for the most damaging forms of fishing in place, so resources must also be provided for existing protected areas if they are to complement the HPMA.

2. Access to nature

We strongly support the Scottish Government's proposals to enable levels of recreational activities and access to HPMA that are compatible with the conservation objectives of the sites. This is essential for human health and wellbeing, cultural and spiritual values, and to support public awareness, education and research about marine ecosystems. However, we would like to call for **clarity on what 'non-damaging' levels of activities means in practice, how these activities will be managed and monitored** (as proposed in the draft policy framework) and what implications this may have on the environment and sea users.

3. Support for sustainable marine businesses and industries

The Bute House Agreement makes explicit reference to being guided by just transition principles (P48). The Scottish Government must also make clear the safeguards it will put in place to support sustainable/low impact businesses and coastal communities to realise the benefits of HPMA. Coupled with the much greater planned expansion of offshore renewables than originally anticipated, there are spatial implications for marine industries with potentially significant environmental and socio-economic impacts of displacement. In particular, ecosystem-based spatial management of fishing throughout Scotland's marine area is a vision all the signatories of this letter have long advocated for with their own respective positions and approaches. With a particular focus on inshore, while there are differences in some of the detail of our views, we agree on the principle that an inshore **low impact zone should be established, comprising:**

- **no-take zones,**
- **low impact static-gear only zones,**
- **low impact mobile-gear only zones (but only where this can be demonstrated in areas where substrates are more resilient to the impact of bottom-towed gear),**
- **areas for nature conservation.**

HPMA and the existing MPA network would form a part of this, along with other spatial measures and the proposed inshore cap on fishing, all of which would need to be

underpinned by robust marine spatial planning policies and the principles of sustainable development.

Next steps

The signatories of this letter will all be contributing their own detailed responses to the current consultation on the policy framework and site selection proposals for HPMA's. This letter seeks to emphasise the key principles about HPMA's on which we all agree, which we believe will be crucial to their success and the realisation of benefits for the planet, people and prosperity.

As a way forward to help mitigate some of our concerns, and those being expressed by stakeholders more widely, we propose that the draft policy framework is enhanced to include:

- consideration of provision for **buffer zones around HPMA's that give preferential access to low impact and artisanal marine businesses** within the policy framework, including for low impact fishing, sustainable seaweed harvesting and unfed mariculture;
- the **principles of HPMA implementation are assessed on paper on real areas of Scotland's seas as hypothetical case studies or test scenarios**, which will allow for full completion of the legally required assessments⁷ and provide clarity on the potential impacts for marine stakeholders and businesses before sites are proposed. This would also have to encompass inclusive local engagement with stakeholders to inform these test scenarios. Such case study scenarios should explore the use of buffer and low-impact zones in conjunction with HPMA's to examine how a more integrated spatial approach could work to deliver marine ecosystem recovery and social and economic benefits
- **A roadmap to show how HPMA's will contribute to a just transition for sustainable marine industries**, including provisions for diversification to lower impact activities and a clear partnership approach for working with stakeholders and communities.

We hope you find this contribution useful. We are at your disposal to discuss this further and we look forward to continuing our engagement in the consultation and wider delivery of HPMA's.

Yours sincerely,

Calum Duncan (Head of Conservation Scotland, Marine Conservation Society; Convenor, Scottish Environment LINK's Marine Group)

Mark Carter (Lead Representative, Marine Concern and Seal Scotland)

Clare Cavers (Senior Project Manager, Fidra)

Susan Davies (CEO, Scottish Seabird Centre)

Lyndsey Dodds (Ocean Recovery Policy Manager, WWF Scotland)

Lucy Kay (MPA Project Officer, Community of Arran Seabed Trust)

Charlotte Maddix (Advocacy Coordinator, Rewilding Britain)

Helen McLachlan (Head of Marine Policy, RSPB)

Charles Millar (Executive Director, Sustainable Inshore Fisheries Trust)

Rebecca Millar (Policy Officer, National Trust for Scotland)

Anna Mosecrop (UK Policy Manager, Whale and Dolphin Conservation)

Joe Richards (Scotland Project Manager, Blue Marine Foundation)

Jessica Stewart (Project Manager, Fauna and Flora International)

⁷ I.e. Sustainability Appraisal (Strategic Environmental Assessment, Socio-Economic Impact Assessment), Business Regulatory Impact Assessment, Island Communities Impact Assessment



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