Scottish Environment LINK response to Scottish Highly Protected Marine Areas (Policy Framework and Site Selection Guidelines, April 2023)

Introduction to Scottish Environment LINK

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.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organizations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment. Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits. This consultation response was written by LINK's Marine Group.

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

Please explain your answer:
LINK strongly supports the proposal to designate at least 10% of Scotland's seas as Highly Protected Marine Areas (HPMAs). Scotland's Marine Assessment 2020 identified climate change and bottom-towed mobile and pelagic fishing activities as the key pressures facing marine biodiversity. We therefore believe that HPMAs are an essential step toward recovering the health of the marine environment to help tackle the twin climate and nature crises.

As we are facing a twin nature and climate crisis, nature's recovery must be core to conservation policy and government priorities, necessary to achieve national and international commitments, including the attainment of Good Environmental Status for our sea. Scientific evidence[1] supports the imperative to have core recovery areas as part of a holistic approach to sustainable management of Scotland's sea. LINK members believe that HPMAs are essential to contribute to ecosystem recovery and must be included in a wider marine ecosystem-based management framework to help secure effective ecological recovery.

Internationally agreed standards (e.g. Global Biodiversity Framework Target 3, EU Biodiversity Strategy 2030) now call for at least 10% of the ocean to be strictly protected to enable large-scale ecosystem recovery. Less than 1% of Scotland's seas is currently strictly protected from human activities. Some areas may have *de facto* protection due to inaccessible seabed topography, remoteness or military use, but few of these areas are scientifically monitored and may form disconnected populations where surrounding areas of seabed are more modified by human activities. HPMAs offer the opportunity to provide reference areas from which ecological

[1] Pauly, D., Christensen, V., Guénette, S., Pitcher, T. J., Sumaila, U. R., Walters, C. J., ... & Zeller, D. (2002). Towards sustainability in world fisheries. *Nature*, *418*(6898), 689-695.

recovery rates can be monitored and findings from which can be used to inform other areas of marine management.

International meta-studies have shown that sites with the highest forms of protection from fishing can lead to the biomass within site boundaries increasing up to more than fourfold[2]. The community-led no take zone in north Lamlash Bay off the Isle of Arran is Scotland's only strictly protected area, the closest we have to a HPMA (as proposed in the current consultation), although designated under inshore fishing legislation without legal protection from non-fishing extractive or depositional activities, and demonstrates the potential for success on a small scale including more and bigger lobsters and scallops and a seabed richer in life. Similar effects have been recorded for scallops in the Isle of Man, and lobsters on the Isle of Lundy[3]. As well as ecological improvement over the last 10+ years, social and economic benefits have been evidenced as a result of the NTZ. Scaling up this model will require a considered and holistic approach. The Great Barrier Reef zoning plan is considered a largely successful example of spatial management and Systematic Conservation Planning (SCP), which forms the basis of the Global Biodiversity Framework[4] in which there are strictly protected areas, conservation zones (that allow for sustainable use) and industrial areas.

HPMAs form key area protection measures contributing to the site protection pillar of the three-pillar approach to nature conservation in Scotland's Marine Nature Conservation Strategy. However, to realise the potential benefits of HPMAs, it is crucial that they are integrated with targeted species protection and wider seas measures as part of an ecosystem-based approach to much-needed transformative change in Scotland's seas. This also means accounting for impacts that occur outside the HPMAs that may have an effect on ecosystem recovery, and the impacts of displacing activities from HPMAs to the wider marine environment. For years, LINK members have been calling for strictly protected areas as part of a wider ecosystem-based approach to spatial management of Scotland's seas, in particular within its busy inshore area. 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 under licence and in areas where it can be demonstrated that substrates are more resilient to the impact of bottom-towed gear and it can be socially and economically justified),
- areas for nature conservation.

This requires assessment of the marine environment and its vulnerability to human pressures, and opportunities for sustainable use, against the current capacity of marine industries in order to manage 'spatial squeeze' and ensure an equitable flow of ecosystem services benefits and enable existing marine industries and/or their workforce to transition to sustainable activities compatible with the designation, while enabling ecosystem recovery (just transition principles).

LINK members support HPMAs having a purpose for enjoyment and appreciation. To help people access and use HPMAs responsibly, it would be helpful to provide a list of "non-damaging activities" as well as provide clear

[2] PISCO-The Science of Marine Reserves - PISCO (naturalengland.org.uk)
[3] https://www.frontiersin.org/articles/10.3389/fmars.2020.00076/full
[4] Adams, V.M., Mills, M., Weeks, R., Segan, D.B., Pressey, R.L., Gurney, G.G., Groves, C., Davis, F.W. and Álvarez-Romero, J.G., 2019. Implementation strategies for systematic conservation planning. Ambio, 48, pp.139-152.

education and/ or bespoke guidance for different habitats and or ecosystems. We also believe that more clarity on indicators of success of HPMAs are needed.

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?
Support the proposed approach to management of sectoral activities.

Please explain your answer in the text box and if you think we have missed any activities, please suggest them here:
LINK members broadly support the proposed approach of HPMAs to exclude all extractive, depositional and damaging activities.

We agree that access to nature should be encouraged, but non-damaging levels of activities should be clearly defined and guidance provided for users. There may be limited circumstances whereby additional regulations need to be put in place. For example, LINK would support the provision for the Scottish Marine Wildlife Watching Code to be given greater emphasis within HPMAs, including for it to be reviewed so that any issues that emerge can be addressed, locally and nationally. Wildlife Safe (WiSe) scheme training and accreditation could also be made mandatory for commercial wildlife-watching professionals operating within or adjacent to an HPMA. Capacity and funding to monitor and enforce activities permitted to take place in HPMAs are essential to ensuring the education and conservation objectives are met. We also support the intention to produce guidance to ensure that users carry out activities in a non-damaging manner. HPMAs will be a new concept for many marine users and accessible, promoted and clear guidance will help users be responsible and also identify instances of irresponsible use.

We also believe that proposed development such as unleased offshore wind sites should not be scoped out of HPMA selection and should be considered against climate and nature benefits of resilient and recovered ecosystems, allowing the best sites to be protected for nature. We do not agree that areas where cable routes for planned renewable projects (including INTOG and Scotwind projects) should be excluded from the HPMA selection process. Although cables in HPMAs may be required for lifeline services, the laying of cables in HPMAs should be a last resort, and should be routed around HPMAs. Clarity on when a requirement for routing cables around HPMAs would be welcomed (e.g. when costs are over X%/X amount).

Activities outside HPMAs should be considered as part of the process to ensure that external impacts do not negatively impact the conservation objectives and that potential benefits of HPMAs, such as spillover of fish and shellfish, are accessible in an equitable and sustainable way. We believe to ensure this, low impact fisheries zones should be established adjacent to HPMAs. HPMAs will by their nature push industrial fisheries activity outside their boundaries, and it is important to ensure that industrial activity is not simply displaced to the area immediately over the boundary. Creating low impact fisheries zones would also help protect low impact fisheries, which may also be displaced, by giving them preferential access to waters. This would need to be underpinned by a just transition.

A collaborative approach with all stakeholders is essential to achieving conservation objectives, and to build support among stakeholders and wider society. LINK believes that 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.

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."

We support the proposed additional powers.

Please explain your answer:

LINK members support the proposed additional powers to “allow for activities to be prohibited from the point of designation to afford high levels of protection”. We think that the provision to consider impacts on HPMA from outside the site must include appropriate resourcing for statutory bodies, including Local Authorities, NatureScot, SEPA, Marine Scotland, Crown Estate Scotland and others to be able to do this effectively. It is important that the new powers enable the Scottish Government and relevant statutory bodies to be adaptive in their approach to management.

A collaborative approach with all stakeholders is 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. It is essential that additional powers for implementing HPMAs also include mechanisms for community empowerment. As we stated in our recent correspondence with the Cabinet Secretary for Rural Affairs, Land Reform and Islands: “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.” The level of public and private funding allocated to the implementation of HPMAs must be sufficient to enable this.

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.”

We support this

Please explain your answer:
We support sustainable use of HPMAs provided governance of these sites is in line with the Global Biodiversity Framework Target 3 by "ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting.... local communities". LINK members support the proposed additional powers for public authorities to permit certain damaging activities within HPMAs on a case by case basis, and the necessary public safety measures. However, any such measures that may impact HPMAs need to be monitored. We would also support the principle of HPMAs allowing, where appropriate, carefully licensed habitat or species restoration projects.

As any kind of damaging activity in HPMAs will fundamentally undermine their purpose and potentially hinder achieving the conservation objectives, clarity is needed on what public authorities would be empowered to make such decisions about activities in HPMAs and what criteria will have to be fulfilled. In cases where local/community governance of HPMAs is enabled, local or central authorities’ decision-making must be collaborative.

Scientific monitoring should be an essential part of HPMAs. Robust monitoring of all HPMAs would provide a key opportunity to track ecological change, evaluate the recovery of ecosystems and the potential of HPMAs as

reference sites. Ideally, a standard approach to establish environmental monitoring arrays within HPMAs covering the physical, chemical and ecological aspects, using innovative/digital monitoring, would be adopted.

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."

We support this.

Please explain your answer:
LINK members support the necessary public safety measures under specific conditions and accompanied by sufficient safeguards. The impacts of any interventions in HPMAs should be monitored.

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 HPMAs."
We support this

Please explain your answer:
As stated under Question 1, LINK members support sustainable access to nature and for HPMAs having a purpose for education, enjoyment, research and appreciation.

However, it would depend on how "non-damaging" activities are defined and they should have a clear conservation, research or education purpose. The definition and scope of such activities should be clearly defined and based on the best available evidence, and should be effectively regulated within HPMAs. Robust monitoring and enforcement of the regulations are essentials to ensure activities occur at a "non-damaging" level within HPMAs.

On the proposition under section 8.3.5 to adopt guidance (e.g. a code of conduct), LINK would support the provision for the Scottish Marine Wildlife Watching Code to be given greater emphasis within HPMAs, including for it to be reviewed so that any issues that emerge can be addressed, locally and nationally.

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
We support the Ministerial powers being proposed, including recognising the request for such powers from the UK Government to be devolved for the Scottish Marine Area beyond 12 nautical miles.

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?
We support all these

Please explain your answer in the text box, including any suggested changes to the list:
LINK members broadly support all the criteria for HPMA site identification above. We want to share additional thoughts:

Blue Carbon

Blue Carbon habitats provide potential for contributing to climate mitigation, adaptation and increasing marine ecosystem resilience to climate change. LINK calls for HPMAs to identify and protect damaged areas that need to recover.

Properly protecting habitats that provide a carbon pathway (e.g. kelp forests) and/or carbon sequestration (e.g. seagrass beds) and/or long-term carbon storage (e.g. seabed sediments and bivalve mollusc beds) is critical to help address the climate and nature crises. The carbon storage capacity of Scotland's marine sediments is estimated to account for approximately 52% of Scotland's greenhouse gas emissions in 2011[5] – but only 2.7% of inorganic and 1.6% of organic marine carbon stores were included within Scotland's MPA network in 2017. Key actions to protect Blue Carbon resources are: 1. Protecting existing long-term stores (e.g. sediments) 2. Protecting established blue carbon habitats (e.g. seagrass meadows) and enabling enhancement 3. habitat restoration, including for habitats such as seagrass beds and native oyster beds.

Studies conducted in the past decade have revealed that the existence of cetaceans plays a significant role in maintaining a healthy marine ecosystem and fighting climate change[6]. When moving through the water column to feed and breathe at the surface, cetaceans move nutrients within the water column that would otherwise settle on the ocean floor. Their excrement contains nutrients like nitrogen, phosphorous, and iron, which are released when they defecate near the surface. These nutrients are necessary for phytoplankton growth, and during photosynthesis, phytoplankton absorb significant amounts of atmospheric carbon dioxide[7], thus aiding in mitigating climate change.

Although research has largely focused on larger whales, early studies have indicated that even dolphins, which do not typically migrate over long distances, play a vital role in nutrient transport between coastal and offshore ecosystems. Spinner dolphins, for example, forage offshore at night and move into coastal lagoons of the Chagos Archipelago during the day for rest, depositing an estimated 288kg of nitrogen per year[8]. As these dolphins live year-round in these areas, they enhance coral reef productivity by bringing in these nutrients.

Cetaceans in the UK store an estimated 2 million tonnes of carbon on their bodies and cycle 60,000 tonnes of nitrogen annually[9]. The UK's harbour porpoise population is believed to store 1,148 tonnes of carbon, while the minke whale population stores approximately 16,190 tonnes of carbon[10]. Losing these animals would have a significant impact on nutrient cycling, as well as the health and resilience of the entire ecosystem.

Essential fish and shellfish habitats

HPMAs should protect and enable the recovery of essential habitats for commercial and non-commercial fish and shellfish species in order to support ecosystem function, and healthy populations of higher predators. Many seabed habitats are important for different species of fish and shellfish. The benefits of HPMA-type protection for shellfish have been documented for species such as scallops (Lamlash Bay, Isle of Man), which prefer healthy

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[5] https://scottishwildlifetrust.org.uk/our-work/our-projects/living-seas/blue-carbon/

[6] James, V.C., Asmutis-Silvia, R., Ritter, F., Iñíguez, M., Fuchs, A., 2021. Whales, Their Future Is Our Future. Whale and Dolphin Conservation.

[7] Dryden, H., Duncan, D., 2022. Climate Disruption Caused by a Decline in Marine Biodiversity and Pollution. IJECC 3414–3436. https://doi.org/10.9734/ijecc/2022/v12i111392

[8] Letessier, T.B., Johnston, J., Delarue, J., Martin, B., Anderson, R.C., 2022. Spinner dolphin residency in tropical atoll lagoons: Diurnal presence, seasonal variability and implications for nutrient dynamics. Journal of Zoology jzo.13000. https://doi.org/10.1111/jzo.13000

[9] Sheehy, J.M., Taylor, N.L., Zwerschke, N., Collar, M., Morgan, V., Merayo, E., 2022. Review of Evaluation and Valuation Methods for Cetacean Regulation and Maintenance Ecosystem Services With the Joint Cetacean Protocol Data. Front. Mar. Sci. 9, 872679. https://doi.org/10.3389/fmars.2022.872679

[10] Sheehy, J.M., Taylor, N.L., Zwerschke, N., Collar, M., Morgan, V., Merayo, E., 2022. Review of Evaluation and Valuation Methods for Cetacean Regulation and Maintenance Ecosystem Services With the Joint Cetacean Protocol Data. Front. Mar. Sci. 9, 872679. https://doi.org/10.3389/fmars.2022.872679

maerl and maerl gravel habitats to non-maerl or degraded maerl gravels, and lobsters (Lamlash Bay and Isle of Lundy), which benefit from more complex seabed habitat. Stereo-video surveys in the South Arran MPA[11] also indicate the importance of different habitat types for different fish species, with cod (*Gadus morhua*) preferring more rugose habitat types (maerl-gravel-pebble and seagrass beds) and heterogenous landscapes, than *Melanogrammus aeglefinus* (haddock) or *Merlangius merlangus* (whiting) which prefer sand and mud, all of which would indicate benefits of protecting these critical fish habitats. Further evidence of the scope for HPMAs supporting marine ecosystem enhancement can be found from the Windsock Area Closure study (http://www.scotland.gov.uk/Uploads/Documents/SISP0209.pdf). Although the report acknowledged more time would be needed to fully assess scope for recovery of demersal fish species, it nonetheless concluded that *"Some commercial species, such as large cod and haddock, showed positive trends…"* and, most significantly for wider ecosystem protection and enhancement, that *"The most evident effect of the closure was found for a non-commercial species, lesser spotted dogfish, which increased markedly in the Windsock area following the closure. Other elasmobranchs, although much less abundant in the study area, responded to the closure similarly to lesser spotted dogfish."*

Particular attention should be given to forage fish and their habitats. These are critical to the good functioning of our marine system, supporting a range of species, from commercially significant fish to seabirds. Scotland is internationally important for seabirds, with more than 5 million breeding here each year. Many of these seabirds are however in steep decline due to the effects of climate change, unsustainable fisheries, pollution and the impacts of invasive non-native species. The recent outbreak of Highly Pathogenic Avian Influenza significantly affected species, such as great skua and Northern gannets, and illustrates just how vulnerable our seabirds are and why we need to urgently secure measures that increase their resilience to, and ability to recover from, these shocks to the environment.

Fisheries practices affect seabirds in two main ways - risk of entanglement and drowning in fishing gear/ lines (or ghost fishing gear) and impacts on prey levels. Different types of fishing gear impact species differently depending on whether the species are plunge or pursuit divers or surface or water column feeders. It is important that HPMA measures are set to limit fishing methods which are incompatible with the seabird assemblages in important 'at sea' foraging areas.

Scientific evidence on stock levels must be used to inform catch levels and should be set to allow fishery stocks to recover more quickly. Sandeel levels greatly affect species such as kittiwakes and puffins, but also they provide a food source for other commercial species, such as cod, which are also an important prey source for other seabirds too. It is essential that HPMAs include measures to support the recovery of important prey fish such as sandeels.

Strengthening existing MPA network

Implementing an ecologically coherent network of MPAs which are well-managed under the OSPAR convention, aligning with the ecological principles of representativity, adequacy (size of site), viability, connectivity, replication, protection level and best available science, is a legal requirement under the Marine (Scotland) Act 2010.

LINK members think that HPMAs should be additional to the existing MPA network, since existing MPAs already have their respective conservation objectives that are legally required to be met using existing legal means (whether Marine Conservation Orders under the Marine (Scotland) Act 2010 or Marine and Coastal Access Act 2009 or fisheries orders under the relevant inshore and offshore fisheries regulations). In cases where HPMAs may overlap partially or fully with an existing MPA, it will be necessary to evaluate why such an overlap is

[11] https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0189011

necessary, where existing powers (as above) ought to be used to enable those existing sites to meet their legally required conservation objectives, which could contribute to the sustainable development and enhancement duty of the Marine (Scotland) Act 2010. In such circumstances, where there is considerable overlap, we think an alternative site for the replaced MPA should be identified. In short, HPMAs should not be used as a mechanism for existing sites to meet their conservation objectives, since that should be a requirement of existing law.

Pauly et al. 2002[12] states that: “"Marine protected areas (MPAs), with no-take reserves at their core, combined with a strongly limited effort in the remaining fishable areas, have been shown to have positive effects in helping to rebuild depleted stocks.”

Protection from storms and sea level rise
Protection from storms and sea level rise overlaps with blue carbon as many habitats fulfill both climate mitigation and adaptation functions.

Research and education
Research and education provide key opportunities for participation and benefits to local communities. It also ties in with active interventions for environmental recovery such as habitat restoration.

Other important ecosystem services
The anticipated benefits due to the spillover of fish and shellfish should prioritise sustainable industry and low impact businesses (e.g. allocation of quota). Support for displaced businesses should be provided until the benefits of HPMAs can be realised. As stated in our previous response, it is important to consider spatial opportunities and other activities holistically.

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?
We support this

Please explain your answer in the text box, including any suggested changes to the list
LINK members broadly support the general principles that are intended to inform the approach to HPMA selection.

A robust evidence base is critical to select HPMA. The consideration of data that has been quality assessed to inform HPMAs is important, but we are concerned that this is not sufficiently inclusive (e.g. of local community knowledge, values and lived experience) and it is a very short-term view. Other aspects of evidence should have more importance when the effectiveness of the HPMAs is reviewed in the context of the National Marine Plan. We encourage the inclusion of methods to capture these wider aspects for the future.

We broadly support the HPMA scale and the use of functional ecosystem units. We believe it should acknowledge intrinsic/non-use value of ecosystems and should also be used as an enabler for positive change and enhanced benefits.

As stated in previous questions, LINK strongly supports that HPMAs add value to the existing MPA network. Where existing powers (as above) ought to be used to enable those existing sites to meet their legally required conservation objectives, which could contribute to the sustainable development and enhancement duty of the Marine (Scotland) Act 2010. In such circumstances, where there is considerable overlap, we think an alternative

[12] Pauly, D., Christensen, V., Guénette, S., Pitcher, T. J., Sumaila, U. R., Walters, C. J., ... & Zeller, D. (2002). Towards sustainability in world fisheries. *Nature*, *418*(6898), 689-695.

site for the replaced MPA should be identified. In short, HPMAs should not be used as a mechanism for existing sites to meet their conservation objectives, since that should be a requirement of existing law. We believe that a mapping of likely ecosystem service benefits provided by HPMAs would be a useful exercise.

We support that HPMAs should deliver ecosystem recovery, targeting diminished areas, including areas where historic records show past ecosystem health. It is important to evaluate whether recovery of diminished ecosystems would be different due to modification of seabed and environment from human use. Clarity on baseline and targeted levels of recovery is therefore needed, as well as indicators of success.

We acknowledge the proposed approach to site selection includes consideration of socio-economic impacts of HPMA designation. We believe that nature recovery should be given primacy in site selection and designation, for the sake of the environment as well as to enhance ecosystem services and flow of benefits. Socio-economics should be considered as part of an ecosystem-based approach and a just transition for sustainable marine industries. We recently wrote to the Cabinet Secretary in partnership with other marine stakeholders, stating the following: "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 HPMAs." This relates to the urgent need for wider, ecosystem-based spatial management of marine activities and for the implementation of buffer zones for lower impact industries alongside HPMAs.

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?
We support this

Please explain your answer
LINK broadly supports the five-stage site selection process. Questions remain regarding the measurability of the flow of benefits. How will they be measured to ensure equitable benefits across sectors and wider society?

We believe that the site selection of HPMAs must be evaluated on priorities and potential for ecosystem recovery alongside a holistic review and consideration of the footprint and capacity of marine industries, particularly fisheries. HPMAs alone cannot deliver benefits as part of a just transition otherwise. We must ensure that marine activities occur within environmental limits. A greater understanding of the capacity of the marine environment to accommodate current levels of human activities/industries is crucial to informing management measures going forwards. We referred to this specifically in the Future Fisheries Alliance-led response to the Future Catching Policy consultation and call for a review of the fishing fleet capacity.

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?
As stated in our recent letter to the Cabinet Secretary: "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 HPMAs. 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." We believe the Scottish Government needs to provide market support and diversification opportunities for businesses that would be displaced or affected by HPMAs. Local participation and an equitable flow of HPMA benefits is an essential part of success.

The site selection guidelines identify “research and education, enjoyment and appreciation (including recreation and aesthetics) as part of the selection criteria. Best practice[13] for socio-economic selection criteria of MPAs suggests that this should also include social acceptance, public health (e.g. bathing water quality), recreation, aesthetics (value of protecting or enhancing seascapes), safety, research and education (including linkages to seafood and consumer behaviour), importance to species, importance to fishers, nature of threats and long-term (5+ years) benefits.

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?
Neutral

Please explain your answer
LINK members do not think the air should be scoped out from the sustainability appraisal. HPMAs and marine ecosystems recovery may provide potential improvement to air quality via, for example, the recovery of blue carbon habitats.

Similarly, landscape and seascape have been scoped out, but HPMA may provide benefits from an enhanced environment.

On 4. Environmental baseline: This seems to be lacking detail for basic information on cetaceans, including the list of key species and information sources seem rather outdated (e.g the Scottish Marine Atlas is from 2011 and based on population estimates from 2007), when there have been surveys and publications since that provide more up to date information[14] on the status of cetacean species around Scotland.

On “Section 5.3.2: Reasonable alternatives”, LINK supports allowing non-damaging activities within HPMAs, including recreational activities and transit. However, more clarity is needed on what “non-damaging” is. We believe it is difficult to apply a broad “reasonable alternative” to HPMAs in general, as site-specific assessment and potentially restrictions may be required. For instance, some sites may need more stringent management than others to achieve conservation objectives.

On Section 5.4.4 “Cumulative effects”, we believe HPMA should provide additional value over and above existing MPAs. MPAs have the provision to deliver ecological recovery (i.e. protect, and where appropriate enhance) so if a HPMA is needed to augment it, this is a potential failure of MPA delivery. If HPMAs are designated over an MPA, an alternative site for the replaced MPA should be identified to maintain an ecologically coherent network of MPAs which are well-managed under the OSPAR convention, aligning with the ecological principles of representativity, adequacy (size of site), viability, connectivity and replication.

On section 5.4.5 “Cumulative effects”, LINK members are mindful that with the development of HPMAs in 10% of Scotland’s seas, alongside parallel processes such as progression of the existing MPA network and increasing offshore renewables development (such as ScotWind), space is becoming increasingly restricted for other sea users such as fisheries. It is therefore crucial that HPMA areas are implemented holistically and with cohesion across other policies including marine and sectoral planning or fisheries. It is essential to move to a just transition and ensure that marine industries are economically viable and operating within environmental limits. Provisions and frameworks for sustainable industries need to be put in place.

[13] Salm, R.V. et al. 2000. Marine and Coastal Protected Areas: A guide for planners and managers. IUCN. Washington DC
[14] https://scans3.wp.st-andrews.ac.uk/files/2022/08/SCANS-III_density_surface_modelling_report_final_20220815.pdf

On section 5.5.2 “Monitoring”, LINK members believe that Robust monitoring of all HPMAs would provide a key opportunity to track ecological change, evaluate the recovery of ecosystems and the potential of HPMAs as reference sites. The social and economic benefits of HPMAs should also be monitored and feed into the overall assessment to provide ongoing evidence on the benefits of HPMAs in order to create/maintain stakeholder support. Monitoring may help inform adaptation of other MPAs and conservation measures. Robust monitoring of all HPMAs is essential and will need to be well-resourced.

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?
Neutral

Please explain your answer
The HPMA Identification Guidelines includes the need to “minimise socio-economic impacts” and states that socio-economic factors will be used to screen out potential proposals. However, it does not indicate the use of socio-economic benefits of HPMAS to take forward proposals as part of this analysis. More detail is also needed on what socio-economic factors will be considered beyond the resilience and viability of marine industries and dependent marine communities (p5.). As long-term benefits of HPMAs may not be realised until 5+ years after designation, the assessment must consider this in its analysis. HPMAs should contribute to both current and future needs, and the costs of HPMAs to the current generation should not outweigh anticipated long-term benefits. LINK thinks that greater consideration of benefits should be added to the activities scoped in the sustainability appraisal.

Regenerated and restored coastal habitats, including kelp forests and biogenic reefs can increase coastal resilience, such as buffering extreme weather events[15]. Fisheries may benefit from spillover of fish and shellfish. Similarly, the aquaculture sector may benefit from improved ecology, water quality and regulation of nutrients. HPMAs may provide substantial benefits to the tourism sector, as well as support cultural heritage and the general well-being of society.

Regarding impacts on groups, we believe that more clarity is needed for all groups and opportunities to mitigate the impacts, including an integration across other policy areas and holistic approach to spatial management. On impacts on communities (5.3.11), LINK members believe that local participation in decision-making is essential. We think that the benefits of HPMAs should be considered in the long term and as part of a Just transition ensuring an equitable flow of benefits and support for delayed benefits. We recognise the potential for displacement of some activities as a result of HPMAs, and increasing pressure on space at sea with the accelerated agenda for development of offshore renewables to meet climate targets. This underlines the imperative to integrate all activities within Scotland’s marine planning system, to improve the evidence base and transparency across the Scottish fishing fleet to inform this, to mobilise financial and social support for change as part of a just transition for marine industries to operate in a climate-smart and nature friendly way, and to enable partnership working on HPMAs. These recommendations are echoed in the NFFO and SFF-commissioned report on spatial squeeze on fisheries[16].

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?
Neutral

[15] Sheehan, E. V., Holmes, L. A., Davies, B. F. R., Cartwright, A., Rees, A., & Attrill, M. J. (2021). Rewilding of protected areas enhances resilience of marine ecosystems to extreme climatic events. *Frontiers in Marine Science*, *8*, 671427.
[16] https://www.nffo.org.uk/wp-content/uploads/2022/06/R3900_SpatialSqueeze_Final_23Jun2022-part-1.pdf

Please explain your answer:

As stated in our response to questions above, LINK members believe that HPMAs should provide long-term benefits to marine sectors and wider society. Support may be needed during the initial adjustment. It is essential to provide market support, a secure supply chain and diversification opportunities for businesses that would be displaced or affected by HPMAs. Local participation and stewardship of businesses and communities is a key part of success.

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?
We hope that island communities and beyond would benefit from HPMAs via enhanced ecosystem services, a greater resilience to climate change and better adaptation as well as socio-economic opportunities for sectors such as small-scale fishing or tourism.

To ensure that these benefits can be realised, HPMAs must be implemented as part of a holistic approach, working in alignment with targeted species protection and wider seas measures as part of an ecosystem-based approach to much-needed transformative change in Scotland's seas. HPMAs should also enhance socio-economic pathways to increase a local and sustainable flow of benefits.

LINK members believe it will be crucial to provide support for negatively impacted communities or businesses as part of a just transition.

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?
Neutral

Please explain your answer
LINK welcomes that the BRIA includes details on the benefits that HPMAs would bring to different economic sectors at immediate, short and long terms.

Regarding displacement of activities due to the designation of a site, we believe the BRIA needs to include the impact that such a displacement would have on the marine environment outside the HPMA, where displacement may occur and propose mitigation measures.

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:
As environmental charities that represent the views and values of a considerable proportion of civic society, we believe the effective implementation of HPMAs will result in significant long-term benefits in the public interest. This includes place-based direct benefits, including enjoyment and cultural connection with the marine environment, non-use benefits, in which people value and appreciate the existence of natural areas, and wider

less measurable benefits, such as climate regulation and adaptation to environmental change. Non-use values and cultural ecosystem service benefits of nature conservation designations should be factored into a holistic approach to management of the marine area, and emerging studies are increasingly demonstrating the significance of this in relation to MPAs[17][18]. A public opinion poll undertaken in 2020 demonstrated significant support for MPAs in Scotland and 80% of respondents stated that MPAs should be fully or highly protected[19]. Over 1600 people have also responded to our e-action supporting the implementation of HPMAs.

We acknowledge also the cost to the public of implementing HPMAs, through the delivery of policy development, regulation of activities and public engagement on measures being brought forward by the Scottish Government. Public resources have already been utilised over the last two years developing the HPMA policy agenda, and this should not be wasted or discarded. It is our view that the resources needed to enable opportunities for co-management with local communities and stakeholders are currently insufficient and that the long-term success of HPMAs would be much greater with increased collaborative working between the Scottish Government and stakeholders. However, overarching the financial implications of benefits and costs to society of implementing HPMAs is the incontrovertible fact that the costs of inaction for biodiversity recovery will be much greater[20].

Question 19. Do you have any further thoughts on the Scottish Government's commitment to introduce HPMAs to at least 10% of Scottish waters?
Please add your response:
The importance of designating at least 10% of Scotland's seas as HPMAs cannot be overstated. This intervention will bring Scotland's marine conservation agenda in line with internationally accepted standards, including the Global Biodiversity Framework target 3 and the EU Biodiversity Strategy, as well as contribute as part of the UK Government and Devolved Administrations' commitment to protecting 30% of land and seas by 2030. To safeguard our marine environment for future generations requires us to think of the bigger picture. We need bold, decisive leadership to act ambitiously and collaboratively to set Scotland's seas on a path to ecosystem recovery and greater resilience. We agree completely with the principle of establishing core ecosystem recovery areas that are complementary to other spatial measures and management frameworks, which is considered a best practice approach for maximising environmental and socio-economic benefits (Pauly 2002) , and we are broadly supportive of the proposed HPMA policy framework and site selection guidelines.

However, there is a need for greater clarity on the anticipated approach to implementation, as well as on the benefits and costs of environmental, social and economic impacts. The timeframe for the HPMA commitment in the Bute House Agreement (at least 10% designated by 2026) is highly ambitious - this ambition is welcome in the urgent context of the climate and nature crises, but it should not be to the detriment of sufficiently embedding detailed community engagement to inform development and gather support for the draft policy framework.

As a way forward to help address some of this, and concerns being expressed by stakeholders more widely, we include the suggestions from our recent letter to the Cabinet Secretary for Rural Affairs, Land Reform and Islands[21], which proposed that the draft policy framework is enhanced to include:

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[17] https://www.int-res.com/articles/meps_oa/m467p015.pdf
[18] https://www.researchgate.net/profile/Jasper-Kenter/publication/259265454_The_value_of_potential_marine_protected_areas_in_the_UK_to_divers_and_sea_anglers_UK_National_Ecosystem_Assessment_interim_report/links/0a85e530c75dc6e25d000000/The-value-of-potential-marine-protected-areas-in-the-UK-to-divers-and-sea-anglers-UK-National-Ecosystem-Assessment-interim-report.pdf
[19] https://www.scotlink.org/publication/scottish-public-opinion-poll-on-mpas/
[20] https://www.unep.org/resources/global-environment-outlook-6
[21] https://www.scotlink.org/wp-content/uploads/2023/03/2023-03-marine-stakeholder-letter-to-CabSecRALRI-on-HPMAs-.pdf

- consideration of provision for buffer zones around HPMAs 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 assessments 7 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 HPMAs 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 HPMAs 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.

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For further information contact:

Calum Duncan (Convenor)
Calum.Duncan@mcsuk.org

Esther Brooker (Marine Policy and Engagement Officer)
esther@scotlink.org

Scottish Environment LINK the voice for Scotland's environment
Registered office: 5 Atholl Place, Perth, PH1 5NE. A Scottish Charity No. SC000296
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Registered Headquarters: 13 Marshall Place, Perth, PH2 8AH
Advocacy Office: Dolphin House, 4 Hunter Square, Edinburgh, EH1 1QW