

<b>Agenda Item</b>	<b>11</b>
<b>Report No</b>	<b>ECI/25/2023</b>

## HIGHLAND COUNCIL

**Committee:** Economy and Infrastructure

**Date:** 4 May 2023

**Report Title:** Highly Protected Marine Areas Consultation Response

**Report By:** Executive Chief Officer Infrastructure & Environment

### 1 Purpose/Executive Summary

- 1.1 This report aims to ensure that the Council is aware of and engaged with the Scottish Government proposals to introduce a new network of designated sites known as Highly Protected Marine Areas (HPMAs) to 10% of Scottish seas by 2026. It presents an overview of the proposals put forward in a recent Scottish Government consultation on the matter and seeks agreement by homologation on the Council's consultation response prepared by the Coastal Planning Officer and informed by feedback from elected Members.
- 1.2 The Highland Council consultation response was prepared and submitted ahead of the closing date of the consultation set as 17 April 2023. The response acknowledges the need for further action on the biodiversity crisis but raises significant concerns over the potential for the proposals to result in significant socio-economic impacts on Highland's fragile coastal communities. It registers the Highland Council's strong opposition to the proposals in their current format, citing the 10% target and three-year implementation time frame as key issues.

### 2 Recommendations

- 2.1 Members are asked to:-
  - i. **Note** the details of the HPMAs and the proposals put forward by Scottish Government;
  - ii. **Agree** by homologation the Council's response to the consultation; and
  - iii. **Consider** and agree next steps proposed for engaging with this process.

### 3 Implications

- 3.1 **Resource** – Engagement with HPMA process requires Coastal Planning Officer time diverted from other matters.
- 3.2 **Legal** – No direct implications.
- 3.3 **Community (Equality, Poverty, Rural and Island)** – introduction of HPMA has potential to result in significant socio-economic impacts on coastal and island communities. Notably through displacement of existing activity and or loss of income and jobs. Cultural heritage may also be impacted where affected communities have strong ties to fishing activity. Enjoyment and appreciation of the natural environment may be preserved or enhanced, subject to controls.
- 3.4 **Climate Change / Carbon Clever** – Introduction of HPMA has potential to contribute towards climate change mitigation and adaptation.
- 3.5 **Risk** – Introduction of HPMA presents a risk of substantial socio-economic impacts on coastal communities. However, they also intended to mitigate risk of further loss of marine biodiversity. The topic is therefore somewhat contentious and polarising, attracting substantial media attention and as such brings with it reputational risk. This is particularly the case should there be a failure to actively engage in the process.
- 3.6 **Gaelic** – No direct implications.

### 4 Background to Highly Protect Marine Areas.

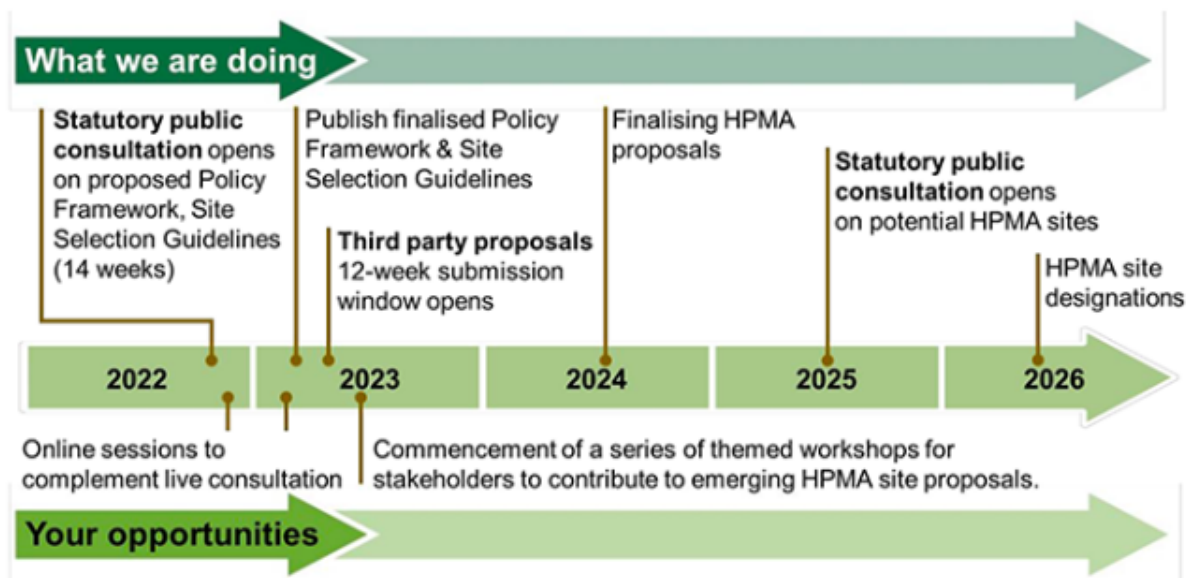
- 4.1 Through the [Bute House Agreement](#), Scottish Ministers have committed to designate at least 10% of Scotland's seas as Highly Protected Marine Areas (HPMA), by 2026. This target is derived from the EU Biodiversity Strategy for 2030 target of 'strict protection' of EU seas by 2030. The rationale for pursuing HPMA is in the context a deepening crisis associated with loss of biodiversity internationally, recognised at the UN Biodiversity Conference (COP15), and in response to several international and national commitments.
- 4.2 National assessments of marine biodiversity through the UK Marine Strategy and the Scottish Marine Assessment 2020 show that several marine species or habitats are either in decline or in a stable but degraded state. Overall, a complex and mixed picture is presented across the various descriptors of marine biodiversity in the UK and Scotland's seas.

- 4.3 HPMA would represent a new type of designation that would introduce ‘strict protection’ within them that would exceed any levels of protection currently in place on land or sea. These sites would provide high levels of protection by excluding all forms of new or ongoing human activity understood to be damaging or extractive, such as commercial and recreational fishing or aquaculture, while allowing non-damaging recreational activities to take place but at carefully managed levels. New sites would not be proposed over areas with existing hard infrastructure such as offshore wind or ports. They may occur within the boundaries or existing designated sites or in other areas outside existing designation boundaries.
- 4.4 HPMA are proposed to be identified anywhere between the mean low water springs line and the boundary of the Scottish Exclusive Economic Zone (200 nautical miles). The introduction of HPMA would require new primary legislation. For Scottish inshore waters (up to 12 nautical miles from the coast) there is full legislative competence within Scotland to introduce the necessary powers. For the Scottish offshore region (beyond 12 nautical miles out to the outer limits of the UK continental shelf) legislative competence over the marine environment is currently reserved to the UK Government (with some exceptions). Agreement is being sought from the UK Government to provide for equivalent powers for Scottish Ministers to designate HPMA in Scottish offshore waters.

**5 Overview of consultation**

- 5.1 The recent Scottish Government consultation sought views on the overarching framework and associated assessments that would support the designation process. No specific sites have yet been identified. The site selection process would be expected to commence through the latter half of 2023. This would be subject to engagement points with relevant parties and affected sectors throughout, prior to formal consultation on proposed sites.

Figure 1: Indicative timeline showing HPMA project milestones and engagement opportunities



5.2 As well as seeking views on the over-arching aims and commitment the consultation sought more detailed feedback on a number of associated documents and assessments, including:-

- [Policy Framework](#)
- [Site Selection Guidelines](#)
- [Initial Sustainability Appraisal](#)
- [Partial Island Communities Impact Assessment \(ICIA\) Screening Report](#)
- [Partial Business and Regulatory Impact Assessment \(BRIA\)](#)
- [Socio-Economic Impact Assessment](#)
- [Strategic Environmental Report](#)

5.3 Scottish Government agreed a one-month extension to the consultation window but would not agree a further extension that would enable Highland Council's consultation response to be taken to committee for agreement prior to its submission ahead of the deadline.

## 6 Overview of consultation response

6.1 The consultation is set out within a set format online with questions targeted to specified sections of the consultation documents. A copy of the questions along with HC responses (in blue italics) is attached as **Appendix 1**.

6.2 Council Members and officers received a range of correspondence from individuals and businesses raising their concerns with the proposals. Following Senior Leadership Group meeting 14 March, a direction was given to respond to the consultation lodging Highland Council's opposition to the proposed approach. Further feedback was provided on 4 April to provide stronger emphasis on the objections raised by the Council.

6.2 The response prepared and submitted lodges Highland Council's opposition of the framework in its current form, raising the following over-arching concerns:-

- the potential for significant socio-economic impacts on Highland communities;
- the 10% target needs clearer definition in relation to inshore and offshore regions; and
- the timeframe for delivery undermines the process. Potentially limiting the quality of the assessments undertaken and the ability for stakeholders to engage.

The draft response also acknowledges the biodiversity crisis and evidence base that has prompted the proposed approach. Detailed commentary is provided on the consultation documents where prompted. In some cases, neutral or supportive response are given, notwithstanding the over-arching objection made to the proposal progressing as it currently is.

## 7 Suggested next steps

- 7.1 Notwithstanding the objection lodged by Highland Council to the proposals, it is suggested that officer engagement with the process is maintained, whatever the format the HPMA proposal takes following close of consultation. If or when the HPMA process proceeds more site-specific detail will emerge that will enable a better understanding of the extent to which Highland would be affected. It is proposed that further updates on HPMA process are provided to the committee as and when matters progress.

Designation: Executive Chief Officer Infrastructure & Environment

Date: 5 April 2023

Authors: Jethro Watson, Coastal Planning Officer

Background Papers: [Policy Framework](#)  
[Site Selection Guidelines](#)  
[Initial Sustainability Appraisal](#)  
[Partial Island Communities Impact Assessment \(ICIA\) Screening Report](#)  
[Partial Business and Regulatory Impact Assessment \(BRIA\)](#)  
[Socio-Economic Impact Assessment](#)  
[Strategic Environmental Report](#)

## HPMA consultation HC response

### 3. Consultation Questions

#### 3.1. Why your views matter

The Scottish Government is committed to realising our vision of the marine environment being clean, healthy, safe, productive, diverse and managed to meet the long term needs of nature and people. Your responses will help to shape and inform how we do this.

Respondents should take into consideration the information provided in this document alongside any other knowledge or personal experiences that could be relevant. All opinions are welcome.

You are invited to answer all the questions. However, if you are unable to answer any question then please feel free to skip and move on to the next.

The questions are asked in relation to specific documents: (i) Policy Framework; (ii) Site Selection Guidelines; (iii) Initial Sustainability Appraisal; (iv) Partial Island Communities Impact Assessment (ICIA) Screening Report; and (v) Partial Business and Regulatory Impact Assessment (BRIA).

**We recommend reading the full suite of documents before starting to submit your responses.**

### 3.2. Policy Framework

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  Support  Neutral  Oppose  Strongly oppose

Please explain your answer in the text box:

*Highland Council ("the Council") acknowledges that the assessments presented within the updated UK Marine Strategy (2019) and the Scottish Marine Assessment 2020 indicate that many species and habitats found in Scotland's seas are in a degraded state. The Council is supportive of the intent that further action is necessary to not only halt marine biodiversity decline but to start enhancing it. Nonetheless, we have very substantial concerns regarding the means proposed to achieve this within the draft Policy Framework. In particular, the targets and timeframe contained within the aim and the potential for significant socio-economic impacts on fragile coastal and island communities. Therefore, we strongly oppose the aims of the framework in its current format.*

*It is understood that the target of 10% of Scottish waters is derived from international targets and commitments. However, Highland Council would urge caution over a percentage target being prioritised. Should the decision to proceed with HPMA's be taken, acceptable socio-economic impact should be a key indicator of a successful outcome rather than the achievement of a percentage target for area covered. As it stands, the Policy Framework is unclear to what degree designations within the Scottish inshore region would contribute to this overall 10% target that applies to both inshore and offshore regions. This may be a positive which would allow for some flexibility on the scale and number of sites proposed within the inshore region. Whilst any designated sites that do come forward would surely need to be representative for habitats and species across Scottish waters, the range of activities ongoing within inshore region introduces a far greater degree of complexity and would likely result in more significant socio-economic effects, notably on the commercial fishing and aquaculture sectors. Highland Council has strong concerns over the potential for a higher proportion of this target being delivered within the inshore region, simply because the devolved powers are already in place to do so. Given that the legislative changes that would allow for devolved powers to designate sites within the offshore region are not in place, this would seem to jeopardise the timeline for meeting the stated target of 2026. It is critical that clarification is provided as to how this target is to be achieved with regards to the inshore and offshore regions.*

*Although, the proposed timeframe of having all sites designated by 2026 is not stipulated in section 2 or 3 of the draft Policy Framework it is integral to Highland Council's concerns over the stated aims. Stakeholder trust and meaningful engagement would be critical to the successful implementation of the described 'strict protection' measures at any scale. The choice to programme the designation process in this way seems to risk limiting input from those marine stakeholders that are the most affected and has potential to erode trust in the process. Local community members and businesses have stressed concerns to the Council of the*

*potential for devastating impacts on their livelihoods. The process is likely to give rise to complex socio-economic effects that may prove difficult to assess and fully understand. Therefore, an accelerated timeline will only serve to heighten the risk that any impacts are not fully or adequately understood. Preferably this process would take, a stepped approach that allows time for thorough consultation, sufficient to establish buy in from the relevant marine and coastal stakeholders.*

*The HPMA webinar sessions indicated that lessons learned from the HPMA process in England will be applied to the process in Scotland. Notably the integration of critical socio-economic considerations at an early point in the process. It is evident that the English process, through consultation, has arrived at a cautious scaled back approach that would in time, hopefully, allow for successes to be demonstrated and trust to be built prior to any expansion being considered. Although that process is not concluded, it would seem this fundamental lesson has not been applied to the development of this draft policy framework which seeks to go too far, too quickly.*

*The purpose of HPMA's in as far as they align with the Scotland's Nature Conservation Strategy makes sense and the principle of taking a 'whole site approach' in targeted areas would hopefully achieve positive biodiversity outcomes. However, implementing such a programme of work must appropriately recognise the drastic step change this represents for designations in the marine space and the existing users and coastal communities that will be affected. Positive biodiversity aspirations are important, as are actions that support them, but any actions should be well considered and realistic to ensure that outcomes are both successful and just.*

*In summary we do not think an arbitrary 10% target should be applied. Whatever the target for protection areas it must consider all waters, not just those the Scottish Government currently has delegated authority over and the integration of critical socio-economic considerations and thorough community engagement must be embedded at an early point in the process. In addition, the suggested timelines appear too short to allow proper evaluation to take place and should be revised accordingly.*

**2. What is your view of the effectiveness of the proposed 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 HPMA's?**

	Activity	Strongly support	Support	Neutral	Oppose	Strongly oppose
1.	Commercial fishing (of any kind)				X	
2.	Recreational fishing (of any kind)				X	
3.	All other recreational activities				X	
4.	Finfish aquaculture				X	



5.	Shellfish aquaculture				X	
6.	Seaweed harvesting				X	
7.	Oil and gas sector			X		
8.	Renewable energy			X		
9.	Carbon capture, utilisation			X		
10.	Subsea cables			X		
11.	Aggregate extraction			X		
12.	Ports and harbours			X		
13.	Shipping and ferries			X		
14.	Military and defence			X		
15.	Hydrogen production			X		
16.	Space Ports				X	

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

*The question and response categories are unclear. The question seeks opinions on how effective proposed measures will be in managing sectoral activities, but the response categories indicate whether they are supported or not. This makes providing a clear response challenging. In consideration of the Council's stated concerns regarding socio economic impact. A response of 'oppose' is provided to those activities that appear to involve the most direct displacement effect on existing activity and a 'neutral' response for those sectors where existing activity would be viewed as a hard constraint, preventing designation. Although it is noted, that all sectors operating in the marine area may be substantially effected.*

*Many marine habitats and ecosystems have been subject to human intervention for many years and the removal of activity could give rise to other unexpected consequences within marine ecosystems. However, it is acknowledged, that in likelihood a complete exclusion of most, if not all extractive or destructive human activity would likely result in marine biodiversity recovery. The degree to which these biodiversity gains can be evidenced and are then weighted against the potential for highly significant socio-economic impacts should be carefully considered. As should the degree to which the sector specific proposals are founded on good evidence and are practical and enforceable.*

*In terms of effectiveness, all activities that involve development of one kind or other and are controlled by licenses or permissions can most likely be controlled relatively effectively, should HPMA's be implemented. However, there are aspects of what is proposed that appear unclear or less reliable in relation to various sectors.*

*Commercial fishing is perhaps the most heavily affected activity (depending on site location). The proposed approach seems to lean towards compliance and enforcement rather than a shared stewardship and a stakeholder led approach.*

*Substantial monitoring and control of fishing activity is undertaken, and it is understood that increased roll out of vessel monitoring is proposed. However, it is not clear to what extent such a drastic change would be readily enforceable in practice. Strong concerns have been voiced by the fishing industry both publicly and directly to Highland Council. It is therefore vital that a reliance on enforcement and monitoring does not completely overtake early engagement with affected communities to develop an approach that has local support. It is also likely that some segments of the fishing fleet and effort would be more effected than others or more readily controlled via enforcement. The complexities around displacement of fishing effort will be difficult to fully assess. The commercial fishing sector, in particular, will require close collaboration, support and engagement if or when the framework progresses towards site selection. If closures of fishing grounds were to take place fishing activity would be subject to further spatial squeeze further limiting viability for some. So as to avoid past mistakes, appropriate routes for compensation must be made available so that fisherfolk affected have the option to sell their vessels, gear, licenses and shoreside machinery, equipment and premises to the Government for full market value.*

*Recreational activities will pose a huge challenge given the management approach proposed. Challenges will be to be due to lack of awareness and lack of enforceability. As such guidance, codes of conduct and user group led initiatives would be a preferable approach if or when HPMAs proposals are progressed.*

*Fin fish aquaculture, the proposal to relocate these operations simplifies what is in likelihood a hugely complex and possibly non-feasible action, instead likely resulting in the closure of operations. Even where re-location were possible job losses would likely still be associated. The degree to which this sectors activities would be viewed as compatible outside the boundaries of HPMAs is also unclear, noting the diffuse and transboundary impacts that may be associated with this activity. This sector is already subject to planning policy controls that place a spatial squeeze on their accepted zones of operation. This has been recently renewed within Scottish Government's National Planning Framework 4 and will be subject to further control via the emerging SEPA sea lice management framework. Highland Council is aware of significant concerns raised by interests within this sector about the impacts on the continuity of their operations and the potential for a resultant impact on their ability to support other sectoral policy aims. Crucial though would be the potential impact on employment in remote Highland communities.*

*Shellfish aquaculture is subject to the same approach of possible re-location despite it being recognised as one of the most benign food production methods available and indeed, many shellfish species can in fact contribute to water quality. Further consideration of this sector as 'low impact' should be considered.*

*Space ports. The management approach here appears to have potential to inhibit the establishment of new operations by preventing future consents for deposits in the marine area as a result of launches. It's not clear if this would prevent any current operations or not. It is also not clear to what degree space port activity is expected to impact marine biodiversity.*

*Oil and gas activities are subject to a lack of control through devolved powers which is acknowledged but this poses a risk of undermining management elsewhere through a perception of double standards.*

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 support  Support  Neutral  Oppose  Strongly oppose

Please explain your answer in the text box:

*Highland Council opposes the implementation of a prohibition on the specified activities on the basis that the Policy Framework and its aim in its current format have potential to give rise to unacceptable socio-economic impacts.*

*The Council does not have a strong view on the level of fines or enforcement framework for HPMA's. New enforcement powers equivalent to those that are already in place for other types of designated site appear logical.*

*Consultation only makes reference to granting of Marine Licences where activities have to relocate. LPAs have planning jurisdiction in the marine area for aquaculture development. This must be considered also.*

*The need to assess activities out with HPMA boundaries, raises some concerns. The new guidance mentioned would need to be made public as early as possible. It is unclear how assessment of activities outside of a site would be undertaken or what the thresholds of acceptability would be. There is a high potential for complexity given that HPMA's would be protecting everything within the site rather than a particular feature. Existing assessment approaches are based on a pressure – pathway – feature model, a whole site approach would have to differ. It should also be highlighted that proposals may be being developed over some time in advance of proposed HPMA sites becoming public therefore there will be the potential for proposals to have to go back and re-assess impacts. Without a clear assessment methodology established there is a potential for uncertainty hampering sustainable marine development that supports coastal communities elsewhere.*

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 HPMA on a case-by-case basis for specified reasons.”

Strongly support  Support  Neutral  Oppose  Strongly oppose

Please explain your answer in the text box:

*If proposals to designate HPMA's move forward in line with the Policy Framework, Highland Council agrees that there would still be a need to establish processes for*

*permitting certain limited activities. The activities detailed in the document appear reasonable. Highland welcomes the inclusion of habitat restoration projects within this list but would highlight that in many cases these activities still fall within the definition of 'aquaculture' and as such are subject to planning controls from Local Planning Authorities, as well as other regulatory processes. Collaboration with all relevant decision makers would be necessary to establish appropriate processes and guidance.*

**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*.”

Strongly support  Support  Neutral  Oppose  Strongly oppose

Please explain your answer in the text box:

*Highland Council agrees that if sites were to be designated in accordance with this policy framework then there would certainly need for provisions related to the carrying out of activities in the case of emergencies.*

**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.”

Strongly support  Support  Neutral  Oppose  Strongly oppose

Please explain your answer in the text box:

*8.3.5 primarily relates to management of recreational pressures. Most of which would not currently be subject to regulation or permitting normally. Highland Council recognises that pressures arising from recreational activity, notably disturbance, can have a significant impact on sensitive species. This is highlighted by the UK Marine Strategy Updated Assessment (2019) for birds, which shows that in some cases recreational pressure can be just as significant as some other pressure that the policy framework proposes to restrict entirely.*

*However, applying new regulation to recreational activity may prove problematic. This would likely take some time to establish – possibly not aligning with stated time frames and be hard to properly enforce. Highland Council would also voice concern that it may negatively impact the tourism sector. The adoption of guidance would be the preferred approach to managing impacts and behaviours and would provide a better opportunity for community and stakeholder buy in, lessening the need to rely on enforcement options that simply may not be viable. As per the Council's comments regarding management of other sectors, close working with the sectors and groups affected would be essential to ensure that any sites that come forward are supported by stakeholders and work effectively. Time would be needed to do this.*

*Highland Council would refer the HPMA policy team to the voluntary no anchor zone in, Studland Bay, Dorset. This serves as an example of an attempt to manage recreational pressure within a marine protected area through voluntary means where statutory powers are available. In that case it was a single pressure in a very specific location which demonstrates that the complexity faced by what is proposed within the draft policy framework. Nonetheless, there may be lessons learned that can be applied here.*

**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:

*None*

### 3.3. Site Selection Guidelines

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 listed below and set out in Annex B of the draft [Site Selection Guidelines](#)?

	Function and Resources	Strongly support	Support	Neutral	Oppose	Strongly oppose
1.	Blue Carbon		X			
2.	Essential Fish Habitats		X			
3.	Strengthening the Scottish MPA network		X			
4.	Protection from storms and sea level rise		X			
5.	Research and education		X			
6.	Enjoyment and appreciation		X			
7.	Other important ecosystem services		X			

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

*All functions and resources identified seem relevant and reasonable to inform site selection. Categories 2 - ‘Essential fish habitat’ and 3 - ‘strengthening the Scottish MPA network’ both act as umbrella categories with lots of considerations sitting underneath. There could be some potential to ‘unpack’ these a little further. Appropriate weighting should be given in the site selection process. For example: a site may address multiple elements that strengthen the MPA network. This should be recognised and weighted accordingly, as compared to another category that is potentially less multifaceted such as ‘enjoyment and appreciation’.*

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](#)?

	General principle	Strongly support	Support	Neutral	Oppose	Strongly oppose
1.	Use of a robust evidence base		X			
2.	HPMA scale and the use of functional ecosystem units		X			
3.	Ensuring added value		X			



4.	Delivering ecosystem recovery		X			
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Please explain your answer in the text box, including any suggested changes to the list:

*The general principles identified seem relevant and reasonable to inform site selection. The evidence base within marine environment, or lack thereof, is likely to present a challenge. This is particularly relevant noting the proposed timescales. Relative confidence in ecological evidence should be appropriately weighted against evidence and assessment of socio-economic impact. Limiting socio-economic impact should be appropriately represented within the guiding principles.*

**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](#)?

Strongly support  Support  Neutral  Oppose  Strongly oppose

Please explain your answer in the text box:

*The five-stage site selection process appears to address all the relevant matters. It also outlines that it is likely that site selection will follow an iterative approach applying across stages rather than a simple linear one, which is important.*

*How the selection process is presented.*

*The process is explicitly non-linear but is presented as stages that a site will move through. This does have the potential to make the communication around the process confusing and doesn't help with assurances that socio-economic impacts will be considered throughout. Although just an issue of semantics, if the process is relatively non-linear it might benefit from being presented as such, for example '5 tests' that a site proposal would be subject to.*

*Site selection process and engagement*

*There should be clearer communication of the stakeholder engagement plan that sits alongside the site selection process. This document is referenced extensively in the more complex assessments, but insufficient emphasis is placed on that within the more readily accessible documents. Further detail should be provided on when and how further information will be communicated, particularly with regards to the outcome of this consultation and its impact on the site selection process. It should also address the preferred means and points in time for evidence to be submitted to the process. Awareness levels of this initial consultation amongst stakeholders in the Highland Council region appeared to be relatively low. The hosting of informative webinar sessions was beneficial, but this fell towards the latter part of the consultation window. This would suggest more could be done to improve communications strategy around this work. This will be critical for trust building in the process for those sectors most affected, more so if or when the process moves into the site selection phase. If the process is to move into site selection ample time must be given over to engagement in open forums with events held in local areas, maximising opportunities for 'hard to reach' stakeholders to input.*

Stage 4 and socio-economic factors.

*Stage 4 appears to be the main point at which socio-economic considerations are brought into consideration, through a qualitative analysis followed by a more detailed impact assessment. It is encouraging that this step is given clear weighting within the process but both qualitative and quantitative analysis must be detailed and thorough as well as supported by engagement with sectors and communities. Given that socio-economic factors will undoubtedly play a key role in defining a HPMA site and balancing the decision-making process, it is imperative that clear principles and thresholds are outlined with regards to what is an acceptable impact or not for decision makers and affected communities to understand. Clear baselines of economic activity must be established to assess against. All this this may come through in the impact assessments themselves but a less technical explanation within the site selection or policy framework documents would also be beneficial. At present a clear lack in trust and confidence has come from a number of the sectors affected. This should be taken as an indicator that further engagement with affected sectors and communities should be undertaken before site selection moves too far forward, including face to face forums. More should be done to emphasise the role, utility and significance of these assessment processes in the site selection process to build confidence. In doing so providing greater prominence of the socio-economic assessment within the process.*

**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 explain your answer in the text box:

*None.*



### 3.4. Initial Sustainability Appraisal

**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?

Strongly support  Support  Neutral  Oppose  Strongly oppose

Please explain your answer in the text box:

*The environmental impacts, issues and considerations raised by the introduction of the draft Policy Framework and Site Selection Guidelines appear to be adequately addressed within the Strategic Environmental Report. Highland Council is satisfied with the topics identified as either scoped in or out, in recognition that the Environmental Report sits as a component part of the wider Sustainability Appraisal which will consider some matters that are out of scope for this assessment.*

**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?

Strongly support  Support  Neutral  Oppose  Strongly oppose

Please explain your answer in the text box:

*The Socio-Economic Impact Assessment is integral to the site selection process. The framework and methodology proposed appears appropriate but input from the relevant affected sectors should be sought to ensure the evidence base used to inform the assessment is optimal. Highland Council is supportive broadly of the content within the SEIA and strongly supports the principle and significance of it to the process. The report categorises scale of potential impact upon commercial fishing and aquaculture as high – which appears appropriate. Notwithstanding this there are aspects noted below that should be addressed.*

#### Population and societal impacts

*It is understood that societal or population impacts are interconnected with and would flow from economic impacts. The SEIA acknowledges this and outlines an approach for assessing impacts. Highland Council would stress that some impacts may appear not significant economically but may still have significant social impacts in relation to fragile communities with strong cultural and traditional ties to certain sectors e.g. commercial fishing. Many such communities are found along Highland's coastline. Protection and preservation of these ways of life must also be central to decision making. It is welcomed that the assessment highlights community engagement as a key method of evidence gathering. It is critical that opportunities to engage and input are made as accessible as possible, taking account of stakeholder needs and preferences. Noting the potential 'hard to reach' nature of all those affected, face to face forums in local areas are necessary. Clear communication and advance publicity will be necessary and a recognition that potentially important*

*stakeholders may be interacting with the process with varying degrees of contextual awareness.*

*Space Ports*

*Space ports have been identified as a sector subject to control within the Policy Framework document but do not appear within the SEIA. It is not clear whether this sector is grouped with another, is scoped out of assessment or is omitted accidentally. Given there is no explicit reference within the SEIA it seems likely to be the latter. Highland is host to Space Hub Sutherland. Other space port installations are operational or in development elsewhere across Scotland. Given the potential for impacts on the operations of established or developing space ports it would seem essential to include them within the assessment.*

*Relocation of aquaculture developments*

*The Policy Framework details that aquaculture operations may be subject to relocation. The SEIA therefore presents a method for assessing the cost impacts of this. However, the feasibility of readily relocating within a short time frame is in likelihood quite low. Equivalent considerations may apply to other sectors that are most affected such as commercial fisheries, however the complexity around displacement and interactions between different segments of the fleet make this less certain or clear without further detail. It appears that that the assessments do provide for this to an extent but should be geared towards the most likely outcomes.*

*Impacts on public sector are identified within the SEIA. However, it is not clear if the report takes account of public sector impacts for Local Planning Authorities that would be involved in the regulatory process for permitting new aquaculture sites.*

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

**14.** What is your view of the [partial ICIA screening report](#) as an accurate representation of potential impacts, raised by the implementation of the draft Policy Framework and Site Selection Guidelines?

Strongly support  Support  Neutral  Oppose  Strongly oppose

Please explain your answer in the text box:

*As per the other assessment documents and the policy framework, the overarching range of potential impacts detailed across sectors appears to be appropriate based on the level detail currently present.*

*Highland Council welcomes the inclusion of an ICIA within the process. It should also be noted that many remote and fragile but non-island communities may well be impacted at an equivalent level as island communities. Therefore, if or when the process moves forward towards site selection appropriate or equivalent levels of scrutiny and assessment should be applied through complementary assessments within the Sustainability Appraisal.*

**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  No  Not sure

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

*The impacts identified seem appropriate given the provisions around no limits on lifeline services. The main residual impact would appear to be on those sectors and businesses that may make up key sources of employment in these areas. These have been detailed within the ICIA report. A key implication of which could be a knock-on effect on population or human health.*

*The proposals have a likelihood of resulting in significant negative impacts upon island communities. However, there may well be similar or nearly equivalent degrees of fragility for other remote but non-island coastal communities on Highland's coastline. Therefore, it is not clear if or to what degree this would be more acutely felt by island communities only.*

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

**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?

Strongly support  Support  Neutral  Oppose  Strongly oppose

Please explain your answer in the text box:

*As per the other assessment documents and the policy framework, the overarching range of potential impacts detailed across sectors appears to be appropriate based on the level detail currently present. However, Highland Council have the following comments to make.*

#### Costs/ benefits – options

*The assessment options presented assumes a linear choice between doing nothing and full implementation. Whilst it is agreed that the highest impact scenario should be assessed, Highland Council would continue to advocate that if proposals were to proceed then this should be done so gradually with reconsideration of targets and timescales. If this approach were to be followed this would likely result in a different set of impacts and may represent an additional option to assess.*

#### Space Ports

*As with the other assessment document, space ports have been identified as a sector subject to control within the Policy Framework document but do not appear within the listed sectors/ businesses in the assessment documents. It is not clear whether this sector is grouped with another, is scoped out of assessment or is omitted accidentally. Given there is no explicit reference within the BRIA it seems likely to be the latter. Highland is host to Space Hub Sutherland. Other space port installations are operational or in development elsewhere across Scotland. Given the potential for impacts on the operations of established or developing space ports it would seem essential to include them within the assessment.*

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

Yes  No  Not sure

**18.** If you answered “yes” to the previous question, please specify which of the proposals/actions you refer to and why you believe this would result in financial, regulatory or resource impacts for your business.

*Public sector impacts have been identified within the BRIA and other assessments although it is not expanded on in much detail. Highland Council as a planning authority would have responsibility in the consenting process for the re-location of*

*any aquaculture developments. The introduction of new designations may also have an impact on decisions taken and advice provided for applications out with proposed site boundaries but deemed capable of affecting the site. Staff training would be required for new assessment processes. It's noted that Local Planning Authorities are not included under public bodies affected.*

*The Highland Council is a harbour authority for a number of sites along the Highland coastline many of which host parts of the fishing fleet and businesses associated with the supply chain. All of which may be impacted by the proposals which ultimately may impact upon lease agreements etc.*

*The Highland Council has duty of responsibility to engage with and represent Highland communities and businesses through all stages of this consultation. Council resources and expertise in this subject area is limited and therefore this will impact on delivery of other coastal and marine related work the Council would otherwise be undertaking.*

### 3.7. Our Commitment

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

*The Highland Council recognises the need to take action in response to the biodiversity crisis but has grave concerns over the potential for significant socio-economic impacts that the (currently proposed) HPMA policy framework may have on fragile coastal communities. This policy approach seeks to remove rights to engage in many economic activities in large areas of the Scottish Marine environment, where the rights to do so are vital to the economic livelihood and wellbeing of the fragile remote and rural communities that Highland Council seeks to look after. Concerns voiced to Highland Council make clear parallels between this policy taken to its fullest extent and historical highland clearances. Therefore, the Council very strongly opposes the proposals in their current form. Specifically, the 10% target and specified timeframes raise concerns. Clarity should be provided on the relative contribution towards this 10% target between the inshore and offshore regions. Noting the potential for more complex and significant impacts due to activity levels within the inshore region and the potential temptation to proceed here because of a lack of legislative barriers to progress. The timeframe applied to this commitment is also a key concern. Not only would it limit the ability to take a phased approach, building confidence and demonstrating benefits, it would also heighten the risk of not adequately understanding and assessing the impacts. A greater degree of flexibility around the proposed extent and timeframes should be considered if the decision to proceed with the proposal is taken.*

*It is worth highlighting the extensive range of existing measures and designations already in place across Scottish waters and the degree to which their management and advice provided on them is limited through a lack of sufficient resourcing. Whilst perhaps a separate question from the decision to designate a further 10% as HPMA's, consideration should be given to whether management of these sites can and will be appropriately resourced in perpetuity and/ or if positive biodiversity*

*outcomes may be more readily achieved through increased resourcing associated with existing measures.*