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Argyll and Bute Council **Comhairle Earra-Ghàidheal Agus Bhòid**

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22 March 2023

SUPPLEMENTARY PACK

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - BY MICROSOFT TEAMS on WEDNESDAY, 22 MARCH 2023 at 11:30 AM

I enclose herewith additional report agreed to the considered as an urgent item on the Agenda for the above meeting.

Douglas Hendry
Executive Director

ADDITIONAL ITEM

6. SCOTTISH GOVERNMENT PROPOSALS FOR HIGHLY PROTECTED MARINE AREAS (HPMA) (Pages 3 - 18)

Report by Executive Director with responsibility for Development and Economic Growth

Planning, Protective Services and Licensing Committee

Councillor John Armour	Councillor Jan Brown
Councillor Audrey Forrest	Councillor Kieron Green (Chair)
Councillor Amanda Hampsey (Vice-Chair)	
Councillor Daniel Hampsey	Councillor Graham Hardie
Councillor Fiona Howard	Councillor Willie Hume
Councillor Mark Irvine	Councillor Andrew Kain
Councillor Paul Donald Kennedy	Councillor Liz McCabe
Councillor Luna Martin	Councillor Peter Wallace

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ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE****DEVELOPMENT AND ECONOMIC
GROWTH****22 MARCH 2023**

**SCOTTISH GOVERNMENT PROPOSALS FOR HIGHLY PROTECTED MARINE
AREAS (HPMA)**

1.0 INTRODUCTION

- 1.1 The Scottish Government are consulting on proposals to establish Highly Protected Marine Areas (HPMAs) across Scotland. The consultation is seeking views on a number of key documents including draft Policy Framework and Site Selection Guidelines. Additional information on the consultation can be found via the following link. [Scottish Highly Protected Marine Areas \(HPMAs\)](#)
- 1.2 It needs to be emphasised that the consultation contains no boundaries of any proposed **HPMAs**, as this initial consultation focuses on the **criteria** for establishing them. The consultation period runs until 17th April 2023.
- 1.3 Given the timescale of 17th April 2023, it is proposed that Officers of the council are asked to prepare a response to the consultation, in consultation with the Leader, Depute Leader, Leader of the largest Opposition Group and the Policy Lead for Planning and Regulatory Services prior to the deadline of 17th April 2023.
- 1.4 Once the Officer response has been prepared in terms of paragraph 1.3 above, there will be a further opportunity for all Elected Members to contribute to the Council's overall response prior to submission to the Scottish Government.

RECOMMENDATIONS

It is recommended that Members of the Planning, Protective Services and Licensing Committee agrees:-

1. That the Council's response to the consultation is delegated to the Executive Director with responsibility for Development and Economic Growth in consultation with the Leader, Depute Leader, Leader of the largest Opposition Group and the Policy Lead for Planning and Regulatory Services to ensure that a response can be submitted by the deadline of 17th April 2023; and

2. That the Members of the Council have an opportunity to comment on the agreed delegated response prior to submission; and
3. That the council will continue to raise awareness of this consultation to ensure that local communities in Argyll and Bute can submit their own thoughts on the process being taken forward.

2.0 DETAIL

- 2.1 HPMAs are proposed to be designated areas of the sea that are strictly protected to allow the marine ecosystems within to recover and thrive. These areas safeguard all of their marine life for the benefit of the planet and current and future generations; providing opportunities for carefully managed enjoyment and appreciation. The designation and management of HPMAs will protect all elements of the marine ecosystem within their boundaries, including the seabed, water column habitats and everything that lives in the protected area. This will protect not only the species and habitats within them, but also the complex web of interactions and processes that form a marine ecosystem.
- 2.2 HPMAs are intended to form part of Scotland's Marine Protected Areas (MPA) network. They will complement and add value to the existing MPA network by affording high levels of protection to all marine biodiversity and associated ecosystem services within sites. The level of protection will be much stricter than for MPAs, with a more limited range of uses allowed. HPMAs may overlap either fully or partially with existing MPAs in order to maximise the conservation benefits associated with stricter management approaches in a particular geographic location. HPMAs may also be located outside the current MPA network.
- 2.3 HPMAs when designated will have considerable powers to restrict human activity within them including fishing and aquaculture that is currently controlled through the planning process and the PPSL when required. There could be significant implications for the social and economic future of local communities in Argyll and Bute which requires a carefully considered response to be submitted.
- 2.4 The Scottish Government are seeking views and comments on a number of key draft documents, to help inform and shape HPMA policy development, such as: Policy Framework; Site Selection Guidelines; Initial Sustainability Appraisal; Partial Island Communities Impact Assessment; and Partial Business and Regulatory Impact Assessment. The consultation questions are set out in **Appendix A** of this report.

3.0 CONCLUSION

- 3.1 The consultation is the start of a process to identify HPMA designations in Scottish waters, and establish the criteria for selection of them. The Scottish

Government acknowledges that there is a need to recognise the potential socio economic impacts of the proposed designations, as well as the nature conservation benefits. The consultation questions are detailed in the attached appendix. An officer response to these questions is proposed which will be seeking to ensure that the criteria for selection of HPMA are robust, that there is full consultation when sites are identified, and that the impacts on the coastal and island communities whose economy and way of life is inextricably linked to the marine environment are properly recognised and mitigated or better still avoided as far as practicable.

- 3.2 A response to the consultation will be prepared by Officers before consideration through an initial delegation to senior councillors with a further opportunity for elected members to input prior to submission to the Scottish Government by the deadline of the 17th April.

4.0 IMPLICATIONS

- 4.1 Policy – The Scottish Government are seeking views and comments on a number of key draft documents, to help inform and shape HPMA policy development – there are currently no direct policy implications arising from this consultation.
- 4.2 Financial – There are currently no financial implications arising from this report.
- 4.3 Legal – None arising from this report.
- 4.4 HR – None from this report.
- 4.5 Fairer Scotland Duty: None known at this stage.
- 4.5.1 Equalities - protected characteristics: None known at this stage.
- 4.5.2 Socio-economic Duty: The Scottish Government acknowledges that there is a need to recognise the potential socio economic impacts of the proposed designations, as well as the nature conservation benefits.
- 4.5.3 Islands: The Scottish Government will engage with island representatives throughout the HPMA site selection and designation process.
- 4.6 Climate Change – HPMA's are being designated in response to the need to counter climate change and preserve our marine biodiversity
- 4.7 Risk – The Council requires to look at any potential risks and this will be picked up via the Council's response to the consultation.
- 4.8 Customer Service – None arising directly from this report.

Kirsty Flanagan, Executive Director with responsibility for Development and Economic Growth

20th March 2023

Policy Lead for Planning and Regulatory Services: Councillor Kieron Green

For further information contact:

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APPENDICES

Appendix A – Consultation Questions

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:

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 HPMAs?

	Activity	Strongly support	Support	Neutral	Oppose	Strongly oppose
1	Commercial fishing (of any kind)					
2	Recreational fishing (of any kind)					
3	All other recreational activities					
4	Finfish aquaculture					
5	Shellfish aquaculture					
6	Seaweed harvesting					
7	Oil and gas sector					
8	Renewable energy					
9	Carbon capture, utilisation and storage					

	Activity	Strongly support	Support	Neutral	Oppose	Strongly oppose
10	Subsea cables					
11	Aggregate extraction					
12	Ports and harbours					
13	Shipping and ferries					
14	Military and defence					
15	Hydrogen production					
16	Space Ports					

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

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:

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.”

Strongly support ☐ Support ☐ Neutral ☐ Oppose ☐ Strongly oppose ☐

Please explain your answer in the text box:

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:

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:

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:

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					
2	Essential Fish Habitats					
3	Strengthening the Scottish MPA network					
4	Protection from storms and sea level rise					
5	Research and education					
6	Enjoyment and appreciation					
7	Other important ecosystem services					

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

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					
2	HPMA scale and the use of functional ecosystem units					
3	Ensuring added value					
4	Delivering ecosystem recovery					

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

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:

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?

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:

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:

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:

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:

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:

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.

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?