

Briefing for the Citizen Participation and Public Petitions Committee on petition PE2034: Stop the current proposals for Highly Protected Marine Areas (HMPAs) in Scotland, lodged by Stuart Chirnside

Brief overview of issues raised by the petition

The petitioner calls on the Scottish Parliament to urge the Scottish Government to halt its proposals for Highly Protected Marine Areas. The petitioner argues that the proposals do not take consider sustainable fishing methods and states that *“if managed correctly can provide Scotland with a financially viable fishing industry and will help ensure we continue to have vibrant communities in our coastal areas...”*

The Scottish Government’s proposals for Highly Protected Marine Areas

In the [2021 Scottish Government and Scottish Green Party Shared Policy Programme](#) (also known as the ‘Bute House Agreement’), the Scottish Government and Scottish Green Party jointly committed to introducing Highly Protected Marine Areas, covering at least 10% of Scotland’s seas. This commitment was restated in the Scottish Government’s 2022-23 Programme for Government, [draft Biodiversity Strategy](#), and the Blue Economy Vision delivery plan ‘[Delivering Scotland’s Blue Economy approach](#)’.

The Scottish Government has already [designated a network of Marine Protected Areas \(MPAs\)](#), covering around 37% of Scotland’s seas in both inshore and offshore waters. In these MPAs, marine activities such as fishing, aquaculture and energy infrastructure are allowed, with the relevant consents and licenses, as long as they do not adversely affect the protected features or undermine the stated conservation objectives. Scottish Ministers can also introduce management measures to restrict certain activities in MPAs in inshore waters through [Marine Conservation](#)

[Orders](#) which are subject to a separate consultation process and approval by the Scottish Parliament.

With **Highly Protected Marine Areas (HPMAs)**, the Scottish Government intended to take a different approach. Rather than protecting specific features, designated areas protect all biodiversity within the site from harm. This approach was intended to allow the marine environment to return to a more natural state with the aim of restoring and recovering marine ecosystems and their services. Unlike existing MPAs, all extractive, destructive and depositional activities would be automatically prohibited within HPMAs upon designation, unless exemptions are specified.

[The Scottish Government's policy framework for HPMAs](#), published in December 2022, points out that there is no internationally agreed definition of what constitutes “high” levels of protection for marine areas. However, in developing its proposals for HPMAs, the Scottish Government had set out policies that are closely aligned with the [UK Government's policy aims and objectives for HPMAs](#) as well as considering protected area categories established by the [International Union for the Conservation of Nature \(IUCN\)](#) and the [EU Biodiversity Strategy for 2030](#).

The Scottish Government's policy framework for HPMAs also highlights the wider context of the twin climate and nature crises, the need to reverse species decline and increase resilience in the marine environment to ensure the long-term benefits of marine resources.

The Scottish Government [concluded a statutory public consultation on the proposed Policy Framework and Site Selection Guidelines](#) which ran from 12 December 2022 to 17 April 2023.

Legislative framework for marine protected areas

Under the Marine (Scotland) Act 2010, Scottish Ministers have powers to designate MPAs in inshore Scottish waters (within 12 nautical miles). Scottish Ministers can also designate MPAs in offshore waters beyond 12 nautical miles using powers in the Marine and Coastal Access Act 2009, but they require agreement with the UK Secretary of State.

MPAs can be designated under these Acts to conserve specific features such as flora or fauna, marine habitats and features of

geological interest. Under the Marine (Scotland) Act 2010, MPAs can also be designated for research and demonstration purposes or to conserve historic marine assets (e.g. shipwrecks).

[The Scottish Government's view](#) was that existing legislation would not provide the necessary powers to designate HPMAs and provide the proposed level of protection.

The Bute House Agreement indicated that the intention was to deliver these provisions in the forthcoming Natural Environment Bill which was also included in the [Scottish Government's 2021-22 Programme for Government](#).

For HPMAs located in offshore waters, most powers to restrict marine activities are reserved to the UK Parliament and would likely require the UK Government to introduce legislation providing powers to Scottish Ministers to designate HPMAs in offshore waters or by granting powers for the Scottish Government to act in a reserved area.

Recent developments

On 29 June 2023, [the Cabinet Secretary for Net Zero and Just Transition announced](#) to the Scottish Parliament that proposals consulted on to implement Highly Protected Marine Areas (HPMAs) across 10% of Scotland's seas by 2026 would not be progressed. She further stated:

“I will outline more on our next steps after the summer recess, but I hope that it is clear that I am determined to protect our oceans in a way that is fair, and to find a way forward that ensures our seas remain a source of prosperity for the nation, especially in our remote, coastal and island communities.”

[The Scottish Government's 2023-24 programme for government](#) does not provide much detail on what the next steps might be. It makes a broad commitment to *“enhance the protection of our marine environment, including through progressing implementation of a suite of management measures in Marine Protected Areas, and supporting community-led marine protection.”*

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Researcher

14/09/2023

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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