

Citizen Participation and Public Petitions Committee

14th Meeting, 2023 (Session 6), Wednesday
4 October 2023

PE2034: Stop the current proposals for Highly Protected Marine Areas (HPMAs) in Scotland

Petitioner	Stuart Chirnside
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to halt their current proposals for Highly Protected Marine Areas and bring forward new proposals that take account of sustainable fishing methods.
Webpage	https://petitions.parliament.scot/petitions/PE2034

Introduction

1. This is a new petition that was lodged on 20 June 2023.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition can collect signatures while it remains under consideration. At the time of writing, 70 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.

Action

The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE2034: Stop the current proposals for Highly Protected Marine Areas (HPMAs) in Scotland

Petitioner

Stuart Chirnside

Date lodged

20 June 2023

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to halt their current proposals for Highly Protected Marine Areas and bring forward new proposals that take account of sustainable fishing methods.

Previous action

I have contacted my constituency MSP and regional MSPs, as well as my local MP.

I have also contacted the First Minister and the Minister in charge of the proposals.

MSPs who have spoken on this subject in Parliament have also been contacted to discuss their support and views.

Background information

The current proposals do not consider sustainable fishing methods, which 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 where life must go on.

Blanket bans are not the way forward.

Annexe B

The logo for SPICe, featuring the text 'SPICe' in white on a dark purple background.The logo for The Information Centre, featuring the text 'The Information Centre' and 'An t-Ionad Fiosrachaidh' in white on a dark blue background.

Briefing for the Citizen Participation and Public Petitions Committee on petition PE2034: Stop the current proposals for Highly Protected Marine Areas (HPMAs) 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.”

Damon Davies

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

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP

Annexe C

Scottish Government submission of 8 September 2023

PE2034/A: Stop the current proposals for Highly Protected Marine Areas (HPMAs) in Scotland

Thank you for the chance to comment on PE2034 titled “Stop the current proposals for Highly Protected Marine Areas (HPMAs) in Scotland”.

I note this petition was published on 20 June 2023. I would like to draw the Committee’s attention to a statement made to Parliament on 29 June 2023 by the Cabinet Secretary for Transport, Net Zero and Just Transition ([Meeting of the Parliament: recent/publication | Scottish Parliament Website](#)). In that statement the Cabinet Secretary explained that the HPMA proposals which the Scottish Government had consulted on would not be progressed.

The Cabinet Secretary also committed to ensuring the Parliament is kept fully informed and will provide an update as soon as possible.

I hope you find this response helpful.

Marine Directorate