

Response ID ANON-FB69-QQG9-S

Submitted to Scottish Highly Protected Marine Areas (HPMAs)
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Draft Policy Framework

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 in the text box:

The quality of the natural environment is one reason for the popularity of the west coast and islands of Scotland for recreational boating. RYA Scotland also recognises the importance of a sustainable fishing industry without which the future of many small harbours would be put in doubt. Note that enhancing biodiversity appears in the RYA Scotland Sustainability Action Plan (currently being updated) and also in the current version of the Scottish Marine Tourism Strategy, Giant Strides.

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?

Management approaches to activities - Commercial fishing (of any kind):

Neutral

Management approaches to activities - Recreational fishing (of any kind):

Strongly support

Management approaches to activities - All other recreational activities:

Strongly support

Management approaches to activities - Finfish aquaculture:

Neutral

Management approaches to activities - Shellfish aquaculture:

Neutral

Management approaches to activities - Seaweed harvesting:

Neutral

Management approaches to activities - Oil and gas sector:

Neutral

Management approaches to activities - Renewable energy:

Neutral

Management approaches to activities - Carbon capture, utilisation and storage:

Neutral

Management approaches to activities - Subsea cables:

Neutral

Management approaches to activities - Aggregate extraction:

Neutral

Management approaches to activities - Ports and harbours:

Strongly support

Management approaches to activities - Shipping and ferries:

Strongly support

Management approaches to activities - Military and defence:

Neutral

Management approaches to activities - Hydrogen production:

Neutral

Management approaches to activities - Space Ports:

Neutral

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

I have marked the activities which relate directly to recreational boating but feel it inappropriate to comment on other sectors. Note that the effectiveness of the approaches to some activities will be contingent on adequate monitoring and enforcement which are likely to be difficult and expensive. Also, there may be measures that would be effective in the narrow sense but that we would not support due to knock-on effects on other sectors.

I welcome the conclusion that recreational water activities at non-damaging levels should be permitted in HPMA's.

Cruise liners, which are an expanding and important part of marine tourism, deserve a separate entry due to the numbers of people involved.

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."

Strongly support

Please explain your answer in the text box:

There has to be legal backing for measures to ensure that they are effective so RYA Scotland supports the granting of these additional powers. I note that these powers are permissive so that a degree of flexibility can be built in, particularly in relation to timing and transition to a new regime.

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."

Strongly support

Please explain your answer in the text box.:

There may be activities that have not been considered for exemption but that do not impact on the biodiversity value of an HPMA, for example because of the time of year when the activity takes place. There needs to be an exemption for salvage operations in cases where leaving a sunken vessel could lead to pollution. In such a case rapid action will be needed to minimise the risk of damage to the site.

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."

Strongly support

Please explain your answer in the text box.:

It is recognised, for example in UNCLOS, that vessels may have to stop during a passage for reasons of force majeure or to render assistance. Failure to include this section could lead to a risk to life and indeed damage to the HPMA.

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 HPMA's."

Strongly support

Please explain your answer in the text box.:

I agree with the proposal but feel that clarification is needed as to the vessels that can be used within the HPMA. Presumably the intention is that all recreational vessels will be allowed to be used. If not, it would seem anomalous that jetskis (note that jetski is a trademark, the appropriate term is Personal Water Craft) and motorboats would be allowed. RYA Scotland would be happy to work on this to provide clearer definitions. It is unclear how a process could be put in place to manage the number of recreational boats in an HPMA, except in the case of organised events although an informal event organised using social media would be difficult to manage.

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 welcome the acceptance that responsible sailing is not a threat to biodiversity and will continue to work, for example through The Green Blue, to make sure that all recreational boaters in Scottish waters understand what responsible sailing entails.

Draft Site Selection Guidelines

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?

Functions and resources - extent of support - Blue Carbon:

Support

Functions and resources - extent of support - Essential Fish Habitats:

Strongly support

Functions and resources - extent of support - Strengthening the Scottish MPA network:

Strongly support

Functions and resources - extent of support - Protection from storms and sea level rise:

Neutral

Functions and resources - extent of support - Research and education:

Neutral

Functions and resources - extent of support - Enjoyment and appreciation:

Support

Functions and resources - extent of support - Other important ecosystem services:

Neutral

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

Strengthening the existing network of MPA sites, for example by including habitat restoration and by co-ordinating with fishing regulations is the most important thing to consider.

Many blue carbon sinks are already protected as PMFs within the existing MPA network.

It is unclear how the creation of a HPMA can provide protection from storms and sea level rise. Nature Based Solutions will play a role but are unlikely to be effective in major storms. Salt marsh, which is likely to play a bigger role on this, is excluded from the HPMA scheme as it occurs above the low water mark of spring tides.

Research and education are important but should not be criteria for HPMA selection. Additional Demonstration and Research MPAs could be created if needed.

Similarly, enjoyment and appreciation should arise from the creation of the HPMA and not be selection criteria. Many recreational boaters would welcome the creation of areas where there are no fish or seaweed farms and no creel buoys or other hazards to navigation. This would also serve to emphasise the apparent unspoiled nature of the environment. However, RYA Scotland recognises that such activities are important for local economies, particularly in remote areas, and that they help support the harbour facilities on which we depend.

Human health and wellbeing is an important ecosystem service but all areas of the Scottish seas are important for it and it is not clear that creating an HPMA would add anything in that respect.

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?

Site selection - support of general principles - Use of a robust evidence base:

Strongly support

Site selection - support of general principles - HPMA scale and the use of functional ecosystem units:

Strongly support

Site selection - support of general principles - Ensuring added value:

Strongly support

Site selection - support of general principles - Delivering ecosystem recovery:

Strongly support

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

These are all essential principles consistent with the ecosystem approach.

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?

Strongly support

Please explain your answer in the text box:

This builds on the success of the original MPA project. Discussion with users of the sea should also take place at as early a stage as possible in a parallel process. It is clear from experience of the original MPA project that the difficult issues will relate to dredging and trawling for scallops and prawns and there is a need to discuss how a transition from damaging activities to undamaging ones might be managed before any sites become candidates for HPMA designation.

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?

Please add your response in the text box:

Perhaps the first stage should actually be to scope out areas that do not meet the criteria for designation as an HPMA, as listed in section 5.2 of the policy framework. However, these areas will need to be defined in more detail. Existing ports and harbours are to be excluded but the definition of the area occupied by them needs to be agreed. Statutory Harbour Authority boundaries might be appropriate but these occupy large parts of the Firths of Forth and Clyde. Key shipping lanes should probably also be excluded because of the noise generated by shipping passing through. Large areas are used for military exercises but MoD establishments and estate should be avoided. All these are mapped in NMPi.

It might be appropriate to consider inshore and offshore areas separately as the key factors differ between them.

Initial Sustainability Appraisal

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?

Support

Please explain your answer in the text box.:

It is not the designation of an HPMA that provides the stated benefits but its implementation, particularly in relation to monitoring and enforcement.

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?

Support

Please explain your answer in the text box.:

I have answered this question only on relation to recreational boating and water sports. Some recreational boaters also take part in recreational fishing but with a very low impact.

B.1.45 The definition of this sector should be expanded to include small sailing vessels which are used for cruising. Dinghy cruising is a recognised activity.

B.1.46 New marina developments are unlikely outwith existing harbours given the state of the economy.

B.1.47 It is not the responsibility of the RYA, including RYA Scotland, to disseminate information on speed restrictions, although we would of course be happy to do so. Not all recreational boaters are members of the RYA and many boats cruising Scottish waters come from out with the UK. Setting speed limits is complex. For example, low speeds may cause more damage to the environment from types of vessel that plane. There have in the past been round-Britain powerboat races. The RYA is no longer the governing body for this sport. Any future races should presumably be excluded from HPMA's. There will be additional costs of communicating the boundaries of and restrictions in HPMA's. The UKHO does not currently mark MPAs on its charts. Paper charts are being phased out and electronic charts available to recreational boaters may not be updated as frequently as we would like. In any cases, boundaries by themselves do not provide information about management measures. The relevant volumes of the Clyde Cruising Club Sailing Directions and Anchorages publication will require to be revised. A project ought to be set up into how any restrictions will be communicated. Note that this will probably have to be done each year to take account of visitors who are new to the area. Note that article 62 section 5 of UNCLOS provides that 'Coastal States shall give due notice of conservation and management laws and regulations', i.e. to other states. RYA Scotland will be happy to discuss these matters in more detail.

If fishing and other activities were to be reduced in some of the more remote areas this might lead to an adverse effect on the viability of harbours with a consequent effect on cruising boaters. Although legislation together with good work by fishermen's organisations has led to better marking of creel buoys, any increase in them caused by displacement could lead to problems for recreational boaters.

Partial Island Communities Impact Assessment (ICIA) Screening Report

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

Please explain your answer in the text box.:

Perhaps it should be noted that there might be interactions with the Regional Marine Plans for Orkney, Shetland, and presumably in future the Western Isles.

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?

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.:

There are some parts of the mainland, such as Knoydart, that are more remote than some of the islands. Conclusions from the ICIA may also be relevant to those areas.

Partial Business and Regulatory Impact Assessment (BRIA)

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?

Support

Please explain your answer in the text box.:

The methodology is standard. Note, however, that the recreational boating sector is largely characterised by a diverse range of small businesses and it will be important to work with bodies such as British Marine Scotland and Sail Scotland.

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?

No

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::

Our Commitment

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

Please add your response in the text box:

From our experience of contributing to the MPA project it is difficult to see where the 10% will be unless it is from areas that do not contain significant amounts of PMFs. For example, there are parts of the seas near the 200 mile limit where there are low levels of fishing and no other potentially damaging activities. It also makes a difference whether the 10% is made up of a few large areas or many small ones. The 10% should be an aspiration. All Scottish marine waters have at least a minimum level of protection (e.g for some mobile species, MarPol etc). There are also areas which are effectively protected but not designated, such as wind farm arrays and military ranges. It is important that some new areas are designated rather than simply re-badging existing MPAs where damaging activities are not allowed. However, there also needs to be a publicity campaign to show what is already being done to protect the marine environment.

There are areas where there is already strong community support for conservation measures such as the Lamlash Bay no-take zone, the St Abbs and Eyemouth Voluntary Marine Reserve and the Fair Isle Demonstration and Research MPA and these might be good candidates for being made HPMA's.

About you

What is your name?

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Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Royal Yachting Association Scotland

Sector and origin

Recreation and tourism business/association

If you selected 'other' please describe your sector in the text box:

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Very satisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Very satisfied

Please enter comments here.: