

## CONSULTATION RESPONSE

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April 2023

Draft response by Scottish Sea Farms to the Scottish Government consultation on Highly Protected Marine Areas, submitted on Monday 17 April 2023.

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 oppose*

### **General response to the aims and purpose of Highly Protected Marine Areas**

We **strongly object** to the proposals for HPMA as outlined in the consultation. The aims and purpose of HPMA described in the Policy Framework are poorly defined and based on assumptions rather than scientific evidence. We consider the Welsh approach, to be demonstrably proportionate, targeted and based on a robust scientific assessment of the existing protections already in place as the model to follow in delivering effective marine conservation management. In the absence of an equivalent assessment of Scotland's MPA network, it is impossible to make any credible case for HPMA designation.

The Bute House Agreement identifies that HPMA will be delivered through a policy framework which provides for 'balanced representation of the ecology of Scotland's seas, the recovery of priority marine features, ecosystem recovery and biodiversity enhancement, account taken of socio-economic factors and public engagement and consultation'. Regarding the environmental aspects it has not been demonstrated that HPMA are necessary to deliver the Bute House agreement or that the existing extensive MPA network alongside other management approaches does not already provide the Agreements objectives. The aims and purpose of HPMA described in the Policy Framework are poorly defined and are based on assumptions rather than scientific evidence.

It is not even certain that HPMA will deliver the assumed benefits outlined in the consultation as there is no robust way to measure the effectiveness of implementing a HPMA given the lack of historical baseline data and limited ongoing monitoring of the marine environment. Without an environmental baseline and trends to understand natural variability in the marine environment it will not be possible to determine whether or how marine ecosystems are being impacted by human activities or to demonstrate that the implementation of HPMA, and all the significant restrictions they bring, have resulted in any environmental benefits in terms of ecosystem recovery and/or enhancement.

MPA have an important role to play in protecting vulnerable habitats and species when they have clear conservation objectives, are well sited, and managed based on evidence. A careful, evidence and dialogue-based approach to establishing and managing an existing network of MPAs has, however, been abandoned and replaced by a rushed and inadequate process. No evidence has been provided that the extensive network of existing MPAs and other relevant policies/regulation are not protecting the marine environment, and therefore that HPMA are necessary. Further monitoring is required to gather the evidence to assess the effectiveness of

existing MPAs in delivering their aims as well as identifying any shortfalls to make an informed decision regarding whether HPMAs are required.

The HPMAs proposals disregard regional approaches to marine planning and management such as regional marine plans developed in Shetland and Orkney and regional approaches to fisheries management in Shetland by the Shetland Shellfish Management Organisation. These regional approaches have been developed in collaboration with marine sectors and recognise and value the importance of sustainable marine sectors.

In contrast to the statement made by Arianne Burgess MSP that “Important marine habitats have declined across all of Scotland’s waters due to pressures including bottom-contacting fishing and aquaculture, and 46% of our fish populations are overfished, according to Scotland’s Marine Assessment 2020”, the condition of designated sites report<sup>1</sup> concluded that overall, progress had been made through Scotland’s MPA network compared to the baseline, demonstrating the success of existing strategies. In addition, the proportion of Scotland’s protected sites in favourable condition official statistics 2021 report<sup>2</sup>, indicates that 98.1% of marine habitats are in favourable condition (no change since 2020).

The Scottish Government’s own indicators also show that marine biodiversity is continuing an upwards trend. According to the Scottish Government Wellbeing Economy Monitor<sup>3</sup> indicators (Figure 1), the marine abundance indicator shows that marine species abundance has stabilised and has been recovering since 2012. During this time the fish farming sector has continued to grow.

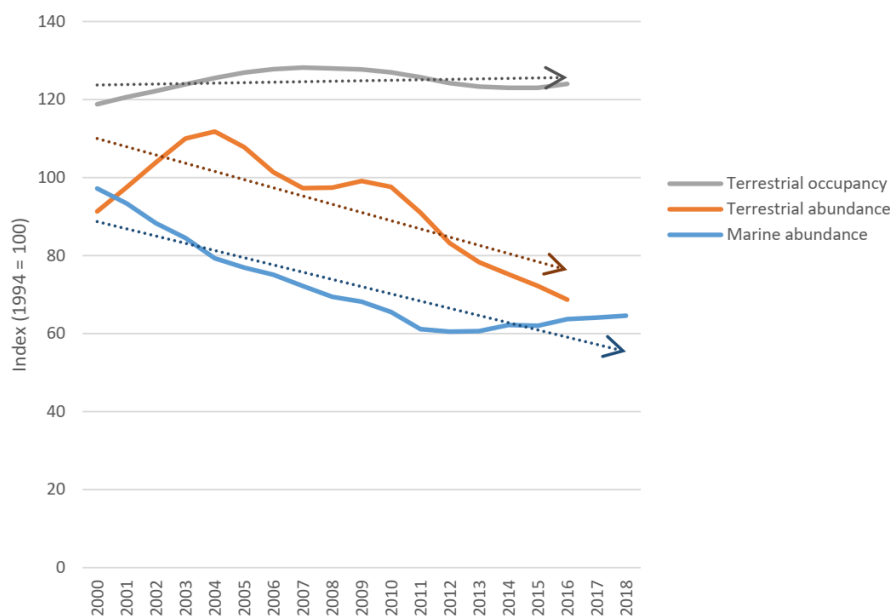


Figure 1: Three metrics that comprise Scotland’s biodiversity index

It is also clear from the suite of consultation documents and the engagement process adopted that engagement with key stakeholders has been severely lacking and inadequate and consequently, that socio-economic factors are being seriously downplayed, with impacts

1 [Condition of designated sites.pdf \(webarchive.org.uk\)](https://webarchive.org.uk)

2 [Official Statistics - Condition target 2021.pdf \(webarchive.org.uk\)](https://webarchive.org.uk)

3 [Wellbeing economy monitor - gov.scot \(www.gov.scot\)](http://www.gov.scot)

underestimated or disregarded. HPMA's will not contribute to the Scottish Government's vision for the marine environment as the proposed blanket ban on activities within HPMA's and their direct surroundings (other than carefully managed recreational activities) will not facilitate the productive use of the marine environment which meets the long-term needs of people.

### **Aims and purpose of HPMA's are inconsistent with national policy and strategy**

The proposals to introduce HPMA's do not align and are at odds with other government policies and objectives which support the sustainable growth of aquaculture, including the national marine plan, National Planning Framework 4, the blue economy vision, the aquaculture vision, trade policy, economic policy and local authority development plans for the marine area. Scottish Government must holistically consider the impact of HPMA proposals on other relevant policies, rather than considering them in isolation.

Some key examples of this are given below:

- *National Marine Plan*

Scotland's National Marine Plan provides a comprehensive overarching framework for all marine activity to enable sustainable development and use of the marine area in a way which will protect and enhance the marine environment whilst promoting both existing and emerging sectors. The vision of the plan is to have "*Clean, healthy, safe, productive and diverse seas; managed to meet the long term needs of nature and people*".

The vision for the marine environment is underpinned by a series of strategic objectives which mainly focus on the promotion of sustainable economic growth of the relevant sector. For aquaculture, this includes:

- An aquaculture sector that is sustainable, diverse, competitive economically viable and which contributes to food security whilst minimising environmental impact.
- Quality employment and sustainable economic activity in remote and rural areas, as well as more widely in Scotland.

- *National Planning Framework 4*

National Planning Framework 4 is a national plan guiding spatial development, designating national developments, identifying regional spatial priorities and setting out planning policies to deliver the strategy. NPF4 notes that food and drink is a key sector, with aquaculture providing a crucial and growing source of employment for many local communities. The aquaculture sector is of national significance, with salmon accounting for more than 40% of total food exports.

- *Blue Economy Vision*

HPMA proposals are in direct conflict with the following objectives and outcomes of the vision:

- Our seas can, and should create and maintain economic prosperity for the nation, especially in our remote coastal and island communities;
- Social inclusion and equalities outcome for a 'thriving, resilient, regenerated, healthy communities have more equal access to the benefits that ocean resources provide.

- *The National Islands Plan*

The Islands (Scotland) Act 2018 states that Scottish Ministers must prepare a national islands plan setting out the main objectives and strategy in relation to improving outcomes for island communities that result from, or are contributed to by, the carrying out of functions of a public nature. Improving outcomes for islands communities includes increasing population levels and improving and promoting sustainable economic development. The National Islands Plan recognises that *“aquaculture contributes to sustainable economic growth in rural and coastal communities, especially in the Highlands and Islands. Many communities depend on the employment and revenue it provides and, as a growing industry, it has potential to contribute to future community cohesion by providing quality jobs in rural areas and helping to maintain community infrastructures such as schools, ferries and other services...The Scottish Government is supportive of the continued growth of aquaculture but we are clear that growth must be sustainable, with due regard to the marine environment and alongside other marine users...”*

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 purposes of HPMA's?**

Given the absence of a clear evidence base, failure to demonstrate that existing activities are damaging the marine environment, clear inconsistencies in what activities are allowed or restricted, and the significant socio-economic impacts on the wellbeing economy that would arise from proposed restrictions, we **strongly oppose** all the proposed approaches to manage activities set out in section 6 of the draft policy framework.

**Proposed approach for aquaculture activities**

We understand that the proposal means that aquaculture activities will not be permitted within HPMA's, nor will they be excluded from the site selection process and will need to be removed if they are currently consented or constructed within an area that becomes a designated HPMA. The consultation also suggests that fish farming development may not be permitted outside an HPMA if it has potential to interact with an HPMA and therefore aquaculture will also be restricted within an undefined buffer zone around HPMA's.

The consultation document states that any existing aquaculture development that is within an HPMA will need to relocate to allow recovery of natural processes but fails to identify what natural processes would be expected to recover or provide any evidence that aquaculture has impacted natural processes. This is further evidence of an opinion-based policy rather than one arising from robust scientific evidence. We strongly challenge the inappropriate and naïve assumption that aquaculture sites can relocate within Scotland's waters. There are limited areas for aquaculture to operate and there is no regulatory process which will guarantee an aquaculture company an alternative site of equal value elsewhere. The HPMA proposals are therefore a requirement to remove existing farms which will result in the permanent cessation of farming in an area and the related permanent cessation of the significant socio-economic contributions that aquaculture brings to that area including lost revenue, investment, jobs, supply chain impacts and the loss of a low carbon, nutritious protein source for public consumption.

It is therefore not unreasonable to assume the following worst-case scenarios of restrictions on salmon farming activities and development, should HPMA be implemented as proposed:

- Removal and complete cessation of existing salmon farms in HPMA. Should Scottish Government fail to secure permission from the UK government to move forward with HPMA beyond 12 nautical miles the targeted 10% of Scottish seas would equate to a massive 74% of inshore waters. If this scale of inshore waters was designated as HPMA this could result in removal of the majority, if not all Scottish salmon farms.
- Complete exclusion of new salmon farms within HPMA and within buffer zone areas out with HPMA. This could drastically further reduce new or alternative farming locations to deliver sustainable aquaculture development and could again result in the removal of existing farms.

### **Reasons why proposed restrictions on aquaculture are not appropriate**

There are significant inconsistencies in the approach taken to other sectors and activities. Salmon farming will be disproportionately restricted and impacted by the current HPMA proposals alongside commercial fishing and other forms of aquaculture. This is at odds with proposed approaches for several other sectors and activities which have either been defined as being of national significance or as unreasonable or unfeasible to “relocate” them.

There is a consistent and clear strategic policy position for fish farming in Scotland which recognises that it is a nationally significant key food sector, is part of the Critical National Infrastructure, is nationally significant in the fight against climate change and is a key component of the wellbeing economy. This strategic policy position sets out the intention for the sector to be able to grow to ensure the sector is diverse, competitive, economically viable and resilient, whilst acknowledging that this must be balanced against environmental considerations.

The continued underplaying of the significance of fish farming as a food production sector and the unfounded and exaggerated claims of negative impacts must be addressed. The disproportionate treatment of fish farming against other nationally significant sectors in the proposed HPMA policy framework is contrary to the established narrative. Not only does fish farming provide food for the UK, but it is also produced in a way which minimises impacts on climate change and the environment while having other significant socio-economic benefits.

Fish farming operates within environmental limits and delivers wellbeing benefits to communities all of which would be negatively impacted by this HPMA proposal including negative impacts on stocks of human, social and financial capital.

### **Failure to demonstrate how environmental aims are made achievable by the restrictions on aquaculture**

Responsible fish farming, as practiced by the Scottish salmon farming sector, results in minimal environmental impacts which are within permitted environmental limits and are reversible. The consultation documents fail to identify or provide any evidence as to why aquaculture is to be restricted within HPMA and what benefits to ecosystem processes would be expected to arise following its removal. Salmon farming is highly regulated with environmental interactions managed within safe environmental limits. A third of salmon farms in Scotland are located within existing marine protected areas and it is important to recognise that fish farming has been occurring across the west coast of Scotland and in the Northern Isles for many years

before the designation of the MPA network. Progress has been made in developing the Scottish MPA network which has increased in size significantly and now exceeds international targets with almost all MPA sites being designated because the features involved were identified to be present in significant numbers and considered to be in 'favourable' condition - this designation including areas where fish farming operations were already occurring.

The underlying assumption that all fish farming is damaging to the environment and therefore should be prohibited to ensure the environment is adequately protected is flawed and unjustified. There is a total absence of evidence in the consultation documents, or any reference to scientific research that existing marine ecosystems are degraded and that fish farming activities are responsible.

### **Failure to demonstrate how restrictions on aquaculture will support the aim to enhance the benefits that coastal communities and others derive from our seas**

Regarding this aim, Mairi McAllan, now Cabinet Secretary for Net Zero and Just Transition stated that "Our seas must remain a source of economic prosperity for the nation, especially in our remote, coastal and island communities." The Government's emphasis on safeguarding food security and economic viability is incongruent with the proposed approach to HPMA's which undermines both.

Aquaculture forms a significant and sustainable part of the Scottish economy, contributing to both exports and local communities in mainly vulnerable rural areas of Scotland. Salmon farming directly employs more than 2,500 people in coastal communities in rural Scotland, with a further 10,000 Scottish jobs elsewhere dependent on the sector<sup>4</sup>. In 2020, aquaculture generated £362 million GVA (0.26% of the Scottish economy and 9% of the marine economy GVA) soaring by 76% from £206 million in 2011. Salmon accounts for 96% of Scotland's aquaculture value, while the HMRC data confirms that Scottish salmon is the UK's largest food export.

Economic wellbeing is a National Outcome which can be contributed to by the responsible expansion of the salmon farming sector. This is crucial to realising Scotland's economic potential, as the sector constitutes a significant element of both the "blue economy" and "food and drink" key industries outlined in Scotland's National Strategy for Economic Transformation (2022)<sup>5</sup>. The strategy also emphasises the aim to ensure that the Scottish economy is more prosperous, more productive, and more internationally competitive. The Blue Economy Vision for Scotland (2022)<sup>6</sup> highlights the ambition for Scotland to be a global leader in healthy, quality, sustainably harvested and farmed Blue Foods, for the Scottish population and beyond. Scottish salmon is the epitome of healthy, quality, sustainably farmed and harvested Blue Food. The vision also defines and prioritises Blue Sectors, which are resource efficient, internationally competitive and operating to meet net zero and nature-positive commitments, supported by a skilled workforce that is inclusive, diverse, and fair, reflecting Scotland's commitment to equality and human rights. The Scottish salmon farming sector is an exemplification of a Blue Sector.

Marine protection designations must be implemented in a way that balances conservation objectives with socio-economic considerations. Ms McAllan previously said, "the sector can only truly be a sustainable success story if we work together to address and mitigate any impacts on the natural environment, whilst providing positive outcomes for Scotland's communities". The

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<sup>4</sup> [Scotland's Marine Economic Statistics 2020 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2021/04/Scotland's-Marine-Economic-Statistics-2020.pdf)

<sup>5</sup> [Scotland's National Strategy for Economic Transformation - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/02/Scotland's-National-Strategy-for-Economic-Transformation.pdf)

<sup>6</sup> [A Blue Economy Vision for Scotland - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/02/A-Blue-Economy-Vision-for-Scotland.pdf)

proposal in its current form will have a disproportionate socio-economic impact on island and coastal communities. The marine environment supports locally based occupations supporting livelihoods in these communities. The blanket ban of activities in HPMA's would mean the viability of vulnerable island and rural communities are put at risk leading to a significant further depopulation in these areas.

The consultation continuously fails to recognise and understand how much value coastal communities and others derive from salmon farming's small use of the marine space. The salmon farming sector has around 213 active farms located on the west coast of Scotland and in the Western and Northern Isles. Optimum locations for salmon farms are limited, made more challenging by the exclusion of development from the north and east coasts of Scotland in national planning policy.

The spatial extent of the 'seabed footprint' of all these farms equates to 0.067% of Scotland's inshore waters out to 3 nautical miles and approximately 0.009% of Scotland's seas (Scottish Exclusive Economic Zone). The value derived from this extremely small proportion of the marine area, in terms of food produced and contribution to the wellbeing economy is higher per square kilometre than most marine sectors.

Given the exceptional value from use of a very small area of Scottish seas and the existing restrictions in available space for sustainable growth of the sector then it seems perfectly reasonable for salmon farming to be treated in the same way as other sectors such as marine renewables and marine cables, rather than being subject to disproportionate restrictions when compared to these marine sectors.

The consultation also fails to recognise the existing and increasing spatial constraints on fishing and aquaculture from conservation measures and marine renewable development. Designating HPMA's where fishing and aquaculture are not allowed to operate will significantly add to this spatial squeeze and competition for space.

### **Failure to demonstrate how restrictions on aquaculture will support the aim to contribute to the mitigation of climate change impacts**

A Scottish Government spokesman stated, 'to support a sustainable future, and in response to the climate and nature emergency, the evidence tells us we need to improve marine protection'. Ms McAllan also explained: "We all recognise the urgency of action to address the twin crises of climate change and biodiversity loss. So, it is right we lead the way in creating a coherent network of these protected areas for our most valuable ecosystems." The proposed HPMA's is not the appropriate mechanism to address the twin climate and biodiversity crises as food production is a major consideration in both. The HPMA proposal applies a strict dichotomy between areas reserved for nature conservation and areas necessary for food production. This contrasts starkly with the approach applied on land, where food production and environmental conservation are seen as complementary and intertwined objectives.

Food security is a key existential issue for any country. The Food and Agriculture Organisation of the United Nations recognizes aquaculture as a crucial contributor to address the challenges to global food security arising from climate change, intensified by the 2050 world population of 9.8 billion as projected by the United Nations<sup>7</sup>. Aquaculture also plays a substantive mitigating role against the adverse effects of climate change as protein derived from aquaculture is commonly associated with the lowest carbon output in comparison with other animal protein sources with

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<sup>7</sup> [World population projected to reach 9.8 billion in 2050, and 11.2 billion in 2100 | United Nations](#)

the added advantage of sustainable water use and low land-use cost. The High-Level Panel for a Sustainable Ocean Economy (Ocean Panel)<sup>8</sup> has also noted that the largest potential carbon reduction gains for food production lie in the sustainable expansion of marine aquaculture.

Scottish salmon also contributes to delivering the Good Food Nation (Scotland) Act 2022<sup>9</sup> aim of creating a sustainable food system as: it is a locally produced, high-quality nutritious food; it contributes to the mitigation of climate change as a low carbon protein source; the sector is a thriving part of the Scottish economy; it supports resilient supply chains; it operates in accordance with animal welfare and fair work standards; and it contributes to resilient local economies across Scotland.

Salmon farming has a role to play in tackling the global climate emergency and meeting Scotland's obligations for a just transition to a net-zero society by 2045. The Climate Change Plan (2018-2032)<sup>10</sup> highlights the ambition for Scotland to be among the lowest carbon and most efficient food producers in the world. The Scottish Government's Climate Change Adaptation Programme (2019-2024)<sup>11</sup>, which sets out five-year programme for climate change adaptation, identifies aquaculture as an increasingly important sector for Scotland, and highlights that in comparison to other animal proteins, salmon farming is one of the most eco-efficient and sustainable forms of protein available. It has the lowest carbon footprint, highest protein retention, lowest use of scarce freshwater and best feed conversion ratio of any of the major animal proteins.

It is also worth noting that sustainable development, as outlined in the key international conventions and declarations (The Stockholm Declaration (1972); The 1992 Rio Declaration on Environment and Development), is people centred and planet sensitive. Sustainable development should therefore, be promoted and enabled where benefits from natural resources can be harnessed to deliver the National Outcomes and the United Nations Sustainable Development Goals, in such a way that does not irreversibly damage or deplete natural resources impacting their use by future generations. Responsible salmon farming falls within this category, operating in a regenerative and recoverable way, harnessing the marine environment to meet the demand for high quality and nutritious protein, reducing the significant pressure on land resources and promoting climate adaptation and resilience in food production across multiple generations.

### **Failure to recognise salmon farming as a sector of national significance and critical infrastructure**

The HPMA proposals fail to recognise salmon farming as a key sector of national significance in terms of food security, low carbon protein production and contribution to the wellbeing economy of Scotland.

The Scottish Government wants the food and drink sector to continue growing and bring benefits to Scotland including jobs, wealth and international renown<sup>12</sup>. The impact of Covid-19 has highlighted more than ever the importance of a resilient food system and the Scottish Government's 2020 Economic Recovery Implementation Plan<sup>13</sup> highlighted aquaculture as essential to the country's ability to recover from the economic impacts of the coronavirus

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8 [Home | High Level Panel for a Sustainable Ocean Economy \(oceanpanel.org\)](#)

9 [Good Food Nation \(Scotland\) Act 2022 \(legislation.gov.uk\)](#)

10 [Update to the Climate Change Plan 2018 - 2032: Securing a Green Recovery on a Path to Net Zero \(www.gov.scot\)](#)

11 [Climate Ready Scotland: climate change adaptation programme 2019-2024 - gov.scot \(www.gov.scot\)](#)

12 [Supporting the food and drink industry - Food and drink - gov.scot \(www.gov.scot\)](#)

13 [Economic Recovery Implementation Plan : The Scottish Government's response to the Advisory Group on Economic Recovery \(www.gov.scot\)](#)



pandemic. The Economic Recovery Implementation Plan lists the benefits of encouraging sustainable growth of Scottish aquaculture with due regard for the environment as a way of boosting economic prosperity, contributing to global challenges by delivering low carbon, nutritious animal protein and adding value to supply chains that support often highly skilled jobs and much needed investment in rural Scotland.

During the Covid 19 pandemic those involved in the production, processing, distribution, sale and delivery of food were designated as ‘key workers’. On the 8<sup>th</sup> April 2020, Marine Scotland issued a letter<sup>14</sup> detailing its support for the aquaculture sector. It stated: “everybody involved in Scottish aquaculture has shown how important they are, continuing to deliver more than one million healthy meals to people throughout Scotland and the UK, every single day. The Scottish Government’s view is clear: *food is part of our national critical infrastructure*” [emphasis added].

In 2020, the Scottish Government published the ‘Keeping Scotland Running’<sup>15</sup> suite of guidance documents, which seeks to support the delivery of Scotland’s Critical Infrastructure Resilience (CIR) Strategy. Food is defined as a Critical National Infrastructure sector and Significant Local Infrastructure is defined as ‘infrastructure which is regarded as important in a local geographic area and supports the delivery of essential services at a local level’. Examples of Critical Local Infrastructure include significant food production, processing and distribution assets.

### **Failure to recognise importance and impact on food security**

The Food Security and Supply Taskforce was set up in the wake of Russia’s invasion of Ukraine to respond to any potential threats to food security. Its report noted that “food security will become a growing global theme over the next decade” ... “In the context of global population growth and a climate emergency, strengthening overall food security and supply chain resilience should become a priority for nations.” The report and its recommendations have been accepted by the Scottish Government.

Aquaculture, like agriculture, primarily involves the husbandry of animals for food production. Other forms of farming are accepted as a necessity to ensure food security notwithstanding the potential associated environmental impacts and the same acceptance should be in place in respect to aquaculture. Everyone needs food to survive and access to healthy, nutritious food is a basic human right. The UK Health Departments recognise the nutritional and health benefits of salmon and recommend eating at least two portions of fish per week, one of which should be oily.

The area of land available for sustainable production of food is limited and based on 2019 figures, the population of the UK is projected to surpass 69.6 million by mid-2029 and reach 72 million by mid-2041 – increases of 4.2% and 7.8%, respectively. Farming in the sea therefore provides the greatest opportunity for growth in sustainable low-carbon food production.

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.”](#)

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<sup>14</sup> [Marine Scotland COVID 19 - Letter of Support for the Aquaculture Industry - Marine Scotland \(blogs.gov.scot\)](#)

<sup>15</sup> [KEEPING SCOTLAND RUNNING \(ready.scot\)](#)

We **strongly oppose** the proposed additional powers to allow for activities to be prohibited from the point of designation for the following reasons:

- We fundamentally disagree with HPMA as an appropriate management tool to deliver the Scottish Government's vision for the marine environment.
- We disagree that salmon farming and other aquaculture development should automatically be restricted within or close to HPMA.
- If HPMA are progressed, it is completely inappropriate to expect established active farms to cease farming immediately given that it is not possible to relocate elsewhere, it takes two years for fish to grow to harvest size, the next planned farming cycle population will be smolts already growing in hatcheries destined for active farms, and that farm employees will need to find alternative employment and most likely require to relocate to do so within rural and island communities where a housing shortfall is already critical and places additional pressures on business and communities.
- We challenge the legality of shutting down legitimate sustainable activity and complete absence of any mention of compensation in the consultation documents.

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."](#)

While we agree that scientific monitoring must be able to occur in any marine protected area, we **strongly oppose** the proposals to establish processes to permit certain limited activities within an HPMA on a case-by-case basis for the following reasons:

- We fundamentally disagree with HPMA as an appropriate management tool to deliver the Scottish Government's vision for the marine environment.
- We disagree that salmon farming and other aquaculture development should automatically be restricted within or close to HPMA in the first place so exemptions should not be necessary.
- We do not understand the rationale for permitting installation of recreational moorings but restricting aquaculture development because of its moorings, given that they have a similar interaction with the seabed and that, contrary to aquaculture moorings, a single point mooring can affect a larger area of seabed due to the circular movement and scour of chain at different stages of the tide.
- If provisions are being made for public authorities to allow certain otherwise prohibited activities within a HPMA on a case-by-case basis, we submit that aquaculture should fall into this category of case-by-case consideration should the Scottish Government continue to consider that the marine food production sectors are not of national importance. The draft policy framework states that exemptions could be made by public authorities where there are overriding reasons relating to 'lifeline' services of remote and island communities. Such is the socio-economic importance of aquaculture to coastal and island communities; we would encourage the Scottish Government to view it as a lifeline sector in addition to a nationally critical infrastructure sector.

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.”

We are of the view that the imposition of HPMA by the Scottish Government cannot be allowed to impinge on the safety of our farming operations, employees, vessels and their crews. As such it is vital that vessel anchoring, search and rescue operations, firefighting and other such activities be allowed to continue in HPMA. This is surely the bare minimum of common sense and reasonableness to be expected from any Scottish Government policy.

Any oil spills or other environmental incidents would pose a serious risk to the health of farmed fish, and we consider it imperative that HPMA designation did not ever interfere with a rapid and wholesale response to such incidents and the mitigation of any environmental effects.

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.”

We **strongly oppose** the proposed measures for activities allowed and carefully managed within HPMA. The consultation documents have provided no rational argument or evidence for treating recreational activities differently to other marine activities. If sustainable activities such as aquaculture and fishing are prohibited from HPMA on the basis that they interact with ecosystem processes and wildlife, then all recreational activities should also be prohibited. All recreational activities interact with wildlife and ecosystem processes, and many have the potential to disturb marine wildlife such as seabirds, otters, seals and cetaceans with evidence available that some activities can result in greater levels of disturbance than established regular commercial boat traffic.

If recreational activities can be allowed and managed through guidance, monitoring and enforcement, then there is no reason why other activities like aquaculture cannot be permitted within HPMA, especially as the consenting processes, monitoring and enforcement measures are already in place.

7. Do you have any further comments on the draft Policy Framework, which have not been covered by your answers to the previous questions?

We fundamentally disagree with HPMA as an appropriate management tool to deliver the Scottish Government's vision for the marine environment. The proposals outlined in the consultation documents are ill conceived and poorly defined, inconsistent in their approach, not evidence based and contrary to Government policy.

The introduction states that the Policy Framework will describe how socio-economic factors will be accounted for alongside ecological considerations and policy objectives for sustainable sectors and existing conservation measures. The Framework however completely prohibits sustainable sectors such as aquaculture and fishing from HPMA and prevents the HPMA search from excluding areas where these sustainable sectors operate, without any evidence being presented that they need to be prohibited and does not identify or assess the ability of existing conservation measures to meet nature conservation aims & objectives.

It is deeply concerning that the Scottish Government is progressing with a proposal where there has been no evidenced need for it and no certainty that it will deliver its stated aims and objectives. The data presented in the Scottish Marine Assessment 2020 does not suggest that a proposal of this scale and nature is required and there is no evidence to suggest that the existing Marine Protected Area (MPA) network (as well as the other existing regulation and policies) are not adequately protecting the sea from human activities.

The overly precautionary proposal also conflicts with the Scottish Government's purpose and sustainable growth aspirations for the food and drink sector, including fish farming. The proposals will have adverse socio-economic consequences as the benefits of fish farming discussed in this response will be negatively impacted – the opposite effect of what the Scottish Government is attempting to achieve; 'our seas must remain a source of economic prosperity, especially in remote coastal and island communities'.

Also missing is any proposed programme of research to measure or monitor the effects of HPMA, to evaluate them, and to judge whether they deliver any of the objectives claimed for them in the draft policy framework. It is proposed that HPMA be subject to the same 6-year reporting cycle as existing MPAs. This is not good enough as this only requires reporting, not to monitor every 6 years. If economic activity is being significantly restricted, then regular monitoring must be a requirement at least every 6 years to ensure the HPMA designation is resulting in benefits that offset the impacts on the sector. It would not be acceptable to wait 12 years to find out whether an HPMA has delivered any tangible benefits.

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?](#)

We are **opposed** to the proposed approach to site selection described in Annex B of the draft Site Selection Guidelines.

Annex B identifies a range of 'functions and resources' considered to be of significance to Scotland's Seas but fails to identify what activities or pressures are considered likely to damage these and therefore justify complete exclusion from within HPMA. All of these 'functions and resources' could be adequately safeguarded and managed through improved management of the existing MPA network, and without the need for HPMA. It is also only possible to base HPMA site selection on these 'functions and resources' if there is good information available on their distribution, extent and condition. Information on blue carbon habitats and Essential Fish Habitats (EFH) is limited and given clear statements that no additional data is going to be collated then it is questioned whether this approach to site selection is even possible.

EFH are identified as a key 'function and resource' but it is not clear whether this is focused only on fish or whether shellfish are also included. The definition of an EFH is so broad and encompassing it would cover anywhere in the marine environment which is accessible to any life stage of any fish. It is essential that marine conservation measures are focussed on more specific habitats that support fish or shellfish species which are in decline, making conservation measures more likely to promote recovery. Protecting EFH to address seafood security concerns is only relevant if there are still opportunities for the fishing sector to catch seafood rather than be excluded from significant areas of productive fishing ground.

Protection from storms and sea level rise is likely to be increasingly important with climate change and natural systems and habitats can help to mitigate impacts, however the exclusion of marine activities such as fishing and aquaculture which pose no significant threat to these features will do nothing to increase or enhance protection from storms and sea level rise. The implementation of HPMA's is therefore not going to deliver the proposed objectives.

Research and education should automatically be built into the identification, implementation, monitoring and review of any protected area but should not be a locational driver for where HPMA's should be designated. There are many established long-term research sites in Scottish Seas despite HPMA's not being in existence.

Finally, the suggestion that studies have highlighted that areas with protected status are associated with higher levels of calmness, relaxation and revitalisation, compared to locations without this status is absolute nonsense. There are many marine areas where no protected areas exist where human activities are well managed, and the environment is in good condition. These areas have the same value for well-being and mental health as those that are designated. Those living in coastal communities and working every day in the marine environment understand and value the marine environment and HPMA designation that unnecessarily restricts their ability to continue a sustainable living in their community will have significant adverse impact on their wellbeing and mental health.

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?](#)

We fundamentally disagree with HPMA's as an appropriate management tool to deliver the Scottish Government's vision for the marine environment and therefore **strongly oppose** the approach to site selection. The development of any new Government policy should be transparent, accountable, proportionate and targeted only where action is required. These are core principles of any regulatory change and the HPMA proposals have failed to meet these principles, including the general principles of using a 'robust evidence base' and 'ensuring added value'.

**Failure to use a robust evidence base**

This is an obvious essential requirement for any government proposal, especially one of such a large scale and which has potential to impose devastating socio-economic impacts on existing marine activities. There is a significant lack of baseline information, including on the existing condition of marine environment, extent of commercial activity, what effects activities might have on ecosystem processes and location of blue carbon and fish habitats. This is recognised in the HPMA consultation documents, and even more worrying are the statements that highlight that there is no intention, or indeed time (given the very short timescale for delivering HPMA's) to gather new data and evidence. It will therefore not be possible to implement a proper site selection process monitoring and evaluation of whether HPMA designation and management restrictions have delivered any benefits. Stating that any assessment for site selection will need to be qualitative rather than quantitative is completely unacceptable and a failure of Government to meet the core principles of regulatory change.

## **Contradictions of HPMA scale and use of functional ecosystem units**

A minimum of 10% of Scottish seas is to be designated as HPMA regardless of whether they meet site selection criteria contrary to the general principles. Distribution and location of commercial activities/use, in addition to ecosystem processes should all form part of any such considerations.

### **Failure to demonstrate added value**

There is no element of 'added value' to the proposed HPMA approach. If added value for the wider sustainable use of Scotland's seas had been adopted as a general principle for site selection, then there would have been no place for the unevidenced blunt approach of automatically banning most human activities.

### **Failure to demonstrate how delivery of ecosystem recovery will occur**

We have no issue with 'ecosystem recovery' being identified as an objective of new marine protected areas where there is clear scientific evidence of specific areas which are damaged or degraded and it is clear what pressures and therefore activities might need to be managed to promote recovery. Scottish Government do not have an environmental baseline that allows them to strategically identify areas where recovery is needed and indeed no specific evidence or examples of areas significant damaged or degraded by human activities.

The proposed alignment of HPMA protection levels with the most strictly protected categories set out in IUCN is confusing as the strictest IUCN categories (categories Ia, Ib and II) provide for the protection of areas that are natural, undisturbed, unmodified (free of modern infrastructure) or slightly modified and have outstanding characteristics of conservation value that require a high level of protection as they will be degraded or destroyed when subjected to all but very light human impact. HPMA site selection as proposed will not align with these definitions as the selection guidelines are not focussed on natural and undisturbed areas. To align HPMA with these categories is inappropriate and unnecessarily restrictive and will lead to significant negative consequences on island and coastal communities and the blue economy.

There is also no clear rationale behind the 10% target. Blanket spatial restrictions are not consistent with an evidence-based approach and the science proposed to identify HPMA sites is not sufficiently robust. Deciding to apply protection, before identifying areas to protect, without evidence that protection is required (or what form of protection might be most appropriate based on evidence of actual impacts and an understanding of the mechanism of what is causing any impact) shows that the HPMA proposal is a superficial opinion-led process that has prioritised the act of designating HPMA as an end in itself rather than addressing a need to further protect specific marine areas. The Scottish proposal for blanket designation of 10% of our seas contrasts strikingly with the much more measured approaches taken by our neighbours in England and Wales, both of which are subject to the same international obligations as Scotland. These approaches may be summarised as follows:

- The UK Government consulted on a total of five sites they were proposing to designate as pilot HPMA in English waters (narrowed down on socio-economic grounds from an original list of 30). Two of these pilots have since been withdrawn due to concerns over lost economic activity. The remaining three HPMA sites to be trialled as pilot projects cover just 0.53% of English waters and the outcomes of the pilots will be used to inform the future of HPMA policy.

- The Welsh Government consulted on ten potential Highly Protected Marine Conservation Zones (defined in the same way as HPMAAs), with a view to designating three or four. Following review of the consultation responses, they formally withdrew the proposals and ordered a full review into the effectiveness of the existing MPA network in Welsh seas. This review found the existing network to be largely successful in its aims, but with some gaps identified for specific feature/habitats. These gaps are to be addressed through enhancement of the existing MPA network, to be consulted on imminently, with no plans to reconsult on ‘highly protected’ designations.

We also note that both the English and Welsh consultations provided from the outset detailed information on proposed sites, which is wholly absent from the Scottish documents. Respondents therefore had a much fuller understanding of how they specifically were likely to be impacted. Furthermore, the Welsh government consulted only on HPMCZ designation in their inshore waters, in recognition of the fact that they do not have the powers to make designations in offshore waters (beyond 12 nautical miles). The Scottish consultation is proceeding on the assumption that they will be able to negotiate with the UK government to get these powers, but this is by no means certain.

We consider the Welsh approach to be the model to follow, as it is demonstrably proportionate, targeted and based on a robust scientific assessment of the existing protections already in place. In the absence of an equivalent assessment of Scotland’s MPA network, it is impossible to make any credible case for HPMA designation.

#### 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?

We fundamentally disagree with HPMAAs as an appropriate management tool to deliver the Scottish Government’s vision for the marine environment and therefore **strongly oppose** the proposed five-stage site selection process for the following reasons:

- The site selection process is completely incompatible with the proposed timeframe of having HPMAAs designated by 2026. As highlighted in our response to previous questions the unachievable timescales mean that new evidence and data cannot be gathered and that meaningful engagement and consultation with stakeholders will not be possible.
- As highlighted in our response to question 9 the baseline information needed to inform Stage 1 of the site selection process is not available so we do not understand how the process can be delivered.
- The draft guidelines state that the network level assessment will be underpinned by information that seeks to optimise ecological, social and cultural benefits while minimising impacts, but astoundingly does not include the consideration of economic impacts. This must be a consideration at this and all stages of the site selection guidelines.
- HPMA search locations should exclude areas where aquaculture and fishing activity occur, as has been done for other marine activities and was the approach taken in England when identifying HPMAAs. This would allow protection of important ecosystems and at the same time allow important economic activity.
- Enjoyment and appreciation should not be a stage 1 factor for identifying HPMA search locations, especially when socio-economic impacts are not included. It is clear from this

inclusion that it is Scottish Government's intention to shut down marine sectors and replace with marine tourism and recreation.

- Stage 2 is described as defining search locations based on their potential contribution to HPMA aims. There is no description as to how locations will be considered against each aim and given that aquaculture and fishing are going to be automatically excluded, we would like to know how restrictions to existing marine sectors are going to be considered in terms of 'enhancing the benefits that coastal communities & others derive from our seas'. In addition, we would like to know how removal of potential pressures associated within exclusion of activities are going to be assessed in terms of ecosystem recovery and enhancement.
- The site selection process presented in Figure 2 is deeply flawed and does not place enough emphasis on protecting important jobs in fragile coastal communities, which are in themselves a key element of health and wellbeing.
  - Stage 3 should include consideration of marine economic activity when considering size and shape of an HPMA.
  - It is essential that that Stage 4 clearly identifies the scale of socio-economic impacts alongside likely management implications. It is not acceptable for the impact on existing activities to be considered qualitatively and proposals should not pass this stage if significant socio-economic impacts are identified.
  - Stage 5 should identify predicted benefits but also predicted impacts on existing marine activities and their associated socio-economic impacts on coastal communities.

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?

Both the draft Policy Framework and Site Selection Guidelines state that 'There will be some areas where HPMA's will not be selected because it will not be feasible to remove or relocate existing activities or infrastructure which are not compatible with HPMA status. These include areas earmarked for renewable developments (such as ScotWind option agreement areas and Offshore Wind for Innovation and Targeted Oil and Gas (INTOG) areas), associated cable routes where they are known, existing active renewables and oil and gas infrastructure, existing ports and harbours, and some areas where defence activities are carried out.' It is abundantly clear that the site selection process is not providing a level playing field with a bias against certain activities, and in favour of others. The Scottish Government seems to accept that the 'damage' or impact caused by some activities is acceptable, whilst that done by others is not. If areas designated for windfarm development (for example) can be excluded from the HPMA site selection process, then so to can salmon farming, especially as it is not feasible to relocate farms.

In a similar way areas for offshore energy developments were identified to support green innovation, areas for future offshore farming should be identified for food production given innovation advancements in this space which will be important in combating climate change and meeting increased demand due to population growth.

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?

We **strongly oppose** the draft SEA report and Sustainability Appraisal as we do not feel it is an accurate representation of the potential impacts and issues. The SEA appraisal is leading with a disproportionate focus on theoretical benefits compared to the definite significant adverse socio-economic impacts of sterilising productive marine areas to accommodate unproven HPMA's. The appraisal is largely based on unsubstantiated assumptions that some activities are inherently damaging, and that prohibiting them will automatically result in ecological benefits. It is unclear how the SEA objectives were identified and what the justification for them is. It is important to note that HPMA's will fail to achieve the SEA objective to prevent pollution to marine water environment as the impact from land activities and discharges and run-off into the marine environment will not be considered.

Strategic Environmental Assessment (SEA) requires the consideration of alternatives. We strongly challenge the alternatives identified in the SEA report as it is completely inappropriate to consider different locations for HPMA's as alternatives to the HPMA designation proposal. Alternatives should be other policies which could deliver the vision and objectives for the marine environment, such as reviewing and strengthening the existing MPA network.

Section 3.2.7 sets out that "in advance of identifying any potential HPMA's, reasonable alternatives considered to be high-level considerations of alternative management options that meet the aims of HPMA's, for example options for different activities that are not considered compatible with HPMA's and activities that are allowed at non-damaging levels". We feel that such questions and scrutiny should have formed an integral part of the pre-engagement process to inform this stage of the consultation process. For example, prior consultation and the consultation itself should have included specific questions and examples on this matter to ascertain views on whether reasonable alternatives would be supported, such as the Welsh approach of reviewing in the existing MPA network to identify any gaps needing to be addressed in the form of specific habitats/features that are deemed to not be adequately protected by the existing MPA network. This approach led to the Welsh Government deciding not to implement HPMA's and instead focus on conservation zones specifically to address gaps in their current MPA network. The SEA appraisal highlights the lack of a sufficient evidence base to justify or inform the large-scale imposition of HPMA's in Scotland's seas. This reinforces the case for a more measured approach to HPMA's.

It is completely inappropriate for the consultation document to state that a fish farm within any new HPMA can be relocated and that the economic impact is simply the cost of gaining consents for a new location. The Scottish Government has implemented the precautionary principle at a national scale through the presumption against finfish farming on the north and east coasts to protect >80% of the Scottish salmon population (including the areas with the highest conservation value) against any potential impact from salmon farming<sup>16</sup>. This decision by the Scottish government effectively only leaves the West Coast, Western Isles and Northern Isles available for fish farming. Farms can only be in areas with favourable environmental conditions. Therefore, most sites with suitable farming conditions, free of limitations in terms of space constraints, conflicts with other marine users or environmental constraints impacting the feasibility of the site within the allowed farming area in Scotland, are already being farmed. As

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16 Marine Scotland (2016) Response to petition 1598 : Salmon and Trout Conservation Scotland [online]:

[PE159820160801MarineScotlandResponse.pdf \(parliament.scot\)](#)

there is no process to guarantee an equally productive farm elsewhere, the economic impact is the removal of the farm and the associated lost revenue, direct jobs and downstream supply chain benefits for at least a 25-year period. This will run into hundreds of millions of pounds for each affected farm (see our response to question 13). Is it also not appropriate to limit costs to the sector being quantified over 20 years compared to impacts of designation at 60 years, considering that some fish farms have been farmed for over 30 years with the ability to continue farming for multiple generations.

There is significant uncertainty over the likely impact on existing fish farming activities given that the extent and location of HPMA have not yet been identified. The same uncertainty exists in relation to potential new farms and farm expansion within HPMA, but with even greater uncertainty over the extent that new development locations might be restricted out-with HPMA. Should the UK Government not grant permission for HPMA in offshore waters and all designations identified in inshore waters, then the area restricted to fish farming would be significantly greater. Given the lack of information and uncertainty of where HPMA sites may be located, what they will consist of, how they will be enforced and regulated the proposal will cause a halt in innovation and investment in the sector.

It is premature to refer to potential spill-over benefits (Section 4.1.3) when the potential direct benefits cannot be robustly evidenced. As mentioned in the Appraisal, there is insufficient evidence to determine whether there could be any spill-over benefits as it requires the baseline to be characterised and interactions with human activities to be understood to be able to undertake a detailed assessment of the potential for spill-over benefits.

Table 1 does not capture the relevant impact pathways for fish farming and should include the following:

- Cumulative impact of the loss of further areas available for growth of the sector considering the presumption against finfish farming on the north and east coasts.
- Removal of the farm and the associated lost revenue, direct jobs and downstream supply chain benefits as it is highly unlikely that an equally productive farm elsewhere will be found.
- Loss of food production and economic benefits due to removal of farms, further restrictions on areas for development and a halt in innovation and investment in the sector due to regulatory constraints.

Any improvement in the quantity and quality of ecosystem services (Section 4.3.3) cannot be evidenced as they have not been characterised, as highlighted with the potential spill-over benefits.

**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?**

We **strongly oppose** the socio-economic impact assessment presented (including the socio-economic impact assessment methodology report) as it is not an accurate representation of the potential impacts and issues, is based on completely inappropriate assumptions and does not consider cumulative impacts. It is also misleading and inappropriate to ask for views on the Socio-Economic Impact Assessment since no such assessment has yet been carried out. All that

has been published is a vague outline of the methodology that is suggested will be used to assess the socio-economic impacts of individual proposed HPMA's. To date there has been very limited engagement from Marine Scotland with affected marine sectors and an obvious lack of understanding of the scale of potential economic impacts.

The Scottish Government aims for Scotland to transition to a wellbeing economy which is described as an economic system operating within safe environmental limits, that serves the collective wellbeing of current and future generations. It is a system that empowers communities to take a greater stake in the economy, with more wealth generated, circulated and retained within local communities, while protecting and investing in the natural environment for generations to come. It provides opportunities for everyone to access fair, meaningful work, and values and supports responsible, purposeful businesses to thrive and innovate<sup>17</sup>.

The importance of a wellbeing economy was demonstrated during the Covid 19 pandemic as it became apparent which workers and sectors keep the economy moving and those that provide support to society. In response to the pandemic, many governments around the world temporarily suspended parts of their economies to slow the spread of the disease. As part of this process, many governments had to identify which types of economic activities were deemed most 'essential' for collective wellbeing and would continue to operate during 'lockdown'. 'Essential' or 'key' sectors and workers included healthcare, energy, water, education and food production encompassing aquaculture.

SSF recognise that nature is an important strand of a wellbeing economy. Population growth and economic development are leading to degradation in global ecosystems. These are the planet's life support systems for humans and all other forms life. Human biology has a fundamental need for food, water clean air, shelter and relative climatic constancy. Nature is a key component of the wellbeing economy and SSF strives to preserve biodiversity and the ecosystem goods and services that natural resources provide us with (i.e., natural capital) and operate within planetary boundaries. We need healthy seas, not only to drive sustainable salmon farming, but also to combat climate change, preserve and enhance the seas' capacity to provide healthy Blue Foods, support flourishing societies and buoyant national economies.

The importance of the food and drink sector to Scotland is widely recognised. 'Recipe for Success', Scotland's first national food and drink policy was published in 2009 and updated in 2014, with a focus on sustainable growth of the sector and for Scotland to 'become a good food nation where people from every walk of life take pride and pleasure in, and benefit from, the food they produce, buy, cook, serve, and eat each day. The Good Food Nation (Scotland) Act 2022 underpins in law the work that is already being done across the Scottish Government to make Scotland a Good Food Nation. The Act places duties on Scottish Ministers and certain public authorities to produce plans of their policies in relation to food setting out the main outcomes which support social and economic wellbeing, the environment, people's health and physical and mental wellbeing, economic development, animal welfare, education and child poverty.

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17 [Wellbeing Economy Toolkit Supporting place-based economic strategy and policy development \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/04/Wellbeing-Economy-Toolkit-Supporting-place-based-economic-strategy-and-policy-development.pdf)

Scottish Sea Farms (SSF) and the wider salmon farming sector are an integral component of the wellbeing economy and of the communities in which we operate. The list below is a small snapshot of some of the key ways our food production business supports local communities and wellbeing:

- SSF average salaries are higher than that for Scotland and salaries are above the Real Living Wage.
- To support employees through the cost-of-living crisis, additional payments were made to employees between October 2022 and January 2023.
- Money received by SSF through the Coronavirus Job Retention Scheme was paid back in full so that it could be reinvested in the country's essential services and recovery.
- At the 2022 Aquaculture Awards, SSF was presented with the Economic Sustainability Award which recognised the significant advances made with regard to recruitment and retention such as offering enhanced maternity and paternity packages for all employees and paying 25% of childcare costs.
- SSF was involved in a community effort to successfully rescue a stranded sperm whale in Shetland<sup>18</sup>.
- SSF employees used company workboats to prevent a yacht from being washed onto rocks in Loch Eriboll after identifying that the vessel was in distress during poor weather conditions<sup>19</sup>.
- SSF were involved in the creation of an employee housing project on Eday, Orkney, designed to benefit the long-term sustainability of the farm and the wider island community.
- Salmon farming sector contributes to local communities in the form of community benefit schemes<sup>20</sup>, and net revenue from Crown Estate Scotland seabed lease fees which are redistributed to local authorities and can be spent on projects delivering community benefit related to the environment, the local economy and place.

### **Socio-economic benefits of fish farming**

The Marine Scotland commissioned report – Estimation of the Wider Economic Impacts of the Aquaculture Sector in Scotland<sup>21</sup>, (published 2020 using 2018 figures) – estimates the economic impact of aquaculture is widely felt beyond the sector. It is an important provider of employment in rural Scotland and wages are often higher than other sectors. The study considered the wider value of the sector to the Scottish economy and the source of these impacts. Key findings include:

- Aquaculture contributed £94.1 million in taxes paid to local, Scottish and UK Governments in 2018.
- The aquaculture sector spent £1.4 billion on supplies and capital investments in 2018, with the majority (76%) of these goods and services purchased from within Scotland.

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<sup>18</sup> [Incredible community effort guides 'trapped' sperm whale from Shetland voe | Shetland.org](#)

<sup>19</sup> [Fish farmers praised for saving yacht from grounding \(fishfarmingexpert.com\)](#)

<sup>20</sup> [In the heart of the community | Scottish Sea Farms](#)

<sup>21</sup> [Estimation of the Wider Economic Impacts of the Aquaculture Sector in Scotland \(www.gov.scot\)](#)

- Most of this impact came from salmon farming and the processing of aquaculture products.
- In 2018 the majority of the Gross Value Added of aquaculture was from the salmon production subsector, followed by aquaculture processing. Combined, these accounted for 96% of the Gross Value Added impact of the aquaculture sector.
- Staffing costs accounted for 12% of the turnover of the aquaculture sector - £185 million in 2018.
- Staffing costs have risen in recent years following an increase in the number of jobs supported by the sector and the higher workforce skills.
- Along with its wider supply chain, aquaculture contributes £620 million Gross Value Added (600M from salmon farming) to the Scottish economy, supporting over 12,000 jobs.

A Scottish Government Report<sup>22</sup> estimated that it costs 10 to 30 percent more to live in rural Scotland compared with more urban areas and that households in remote rural Scotland require a higher income to attain the same minimum living standard as those living elsewhere in the UK. To sustain rural and islands life for the long-term it is essential that present and younger generations choose to stay. This relies on them having the same opportunities, early years, education, work and play as those living in more central parts of Scotland. There is also a strong evidence base showing that employment and job security is generally good for physical and mental health and well-being<sup>23</sup>, particularly in rural areas where rates of depression and suicide can be higher than average according to the national mental health charity SAMH.

A Highlands and Islands Enterprise (HIE) report<sup>24</sup> notes that fish farming provides a range of social and community impacts in remote and rural areas where farms and related activities are located:

- A mixture of employment provided for existing residents (generally relatively young) and new residents where new farms have been established, with work available across a range of roles with local career advancement potential.
- Long employment duration – reflecting the lack of alternative or more attractive employment, relatively high pay in the local context, and on and off the job training provided by employers to develop employees’ skills.
- Company and employee expenditure that has helped to sustain local businesses and avert closures due to otherwise insufficient annual demand from residents and visitors. Businesses supported include hotels and other accommodation and catering establishments (which also provide for farm visitors), fuel supply, hardware supply, divers, house building and maintenance, leisure boat moorings, and those providing repair and maintenance services to company operations, access roads and sites, etc.
- Local primary schools whose roles have been increased through attendance by the children of aquaculture employees, which can be important in keeping schools open where roles are small and reducing.

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<sup>22</sup> [The cost of remoteness - reflecting higher living costs in remote rural Scotland when measuring fuel poverty: research report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/cost-of-remoteness-reflecting-higher-living-costs-in-remote-rural-scotland-when-measuring-fuel-poverty/research-report/pages/11.aspx)

<sup>23</sup> [IS WORK GOOD FOR YOUR HEALTH AND WELL-BEING? \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/644288/is-work-good-for-your-health-and-well-being.pdf)

<sup>24</sup> [Microsoft Word - The Value of Aquaculture To Scotland 20170622 \(hie.co.uk\)](https://www.hie.co.uk/publications/microsoft-word-the-value-of-aquaculture-to-scotland-20170622)

- The important work that can be carried out in local areas by the partners of aquaculture employees, e.g. school teaching, nursing, etc.
- The roles that aquaculture employees play in local voluntary coastguard, fire, etc. services – with their marine experience relevant.
- Use of company berthing facilities by other commercial and leisure boats, with company boats potentially available in emergencies.
- Sponsorships and other support that companies have provided to local groups – enabling events and activities to take place and for people to travel to participate in events elsewhere.

### **Failure to adequately represent socio-economic impacts on aquaculture**

The draft assessment completely fails to identify appropriate scenarios for potential socio-economic impacts arising from the proposed restriction on aquaculture. The negative economic impact of the proposals on aquaculture and fishing sectors and their supply chain will be significant. The draft assessment massively underestimates the scale of potential impacts on aquaculture and the resulting knock-on impacts on coastal communities on the west coast, western isles and northern isles.

We strongly challenge the inappropriate assumption that aquaculture can relocate and demand that any reference to relocation is removed from the HPMA process as there is and will never be a robust regulatory process which will guarantee an aquaculture company an alternative site of equal value elsewhere. The HPMA proposals are therefore a requirement to remove existing farms which results in the permanent cessation of farming in an area and the significant socio-economic impacts of that, including lost revenue and investment, lost jobs, and supply chain impacts. It is therefore not unreasonable to assume the following worst-case scenario of restrictions on salmon farming activities and development, should HPMA be implemented as proposed:

- Removal and complete cessation of existing salmon farms in HPMA. If Scottish Government do not get permission from the UK government to move forward with HPMA beyond 12 nautical miles the targeted 10% of Scottish seas would equate to a massive 74% of inshore waters. If this scale of inshore waters was designated as HPMA this could result in removal of all Scottish salmon farms. When considering aquaculture activities, fallow sites should be considered in the same way as active sites as companies may reinstate them at any time. We also challenge the proposed 20-year period for considering impacts. This timescale does not allow for different technologies or activities to be employed as there will be no room for amended activity given that it is automatically prohibited and innovation to reduce environmental risk will not be allowed.

We estimate that the economic impact of the loss of an average current salmon farm equates to the following:

- Lost revenue from the value of production (circa £5.7 million from Marine Scotland report) which equates to £142.5 million over 25 years and £342 million over a 60-year period.
- Lost direct employment of 8 full-time, well-paid jobs in local communities.
- Lost investment in replacement of farm equipment.
- Lost spend with local and regional supply chain businesses, including processing and retail.
- Lost commercial value of a significant business asset.

NB: the above values are an underestimate of a salmon farm as they are based on a farm scale and value arising from a pre-2019 regulatory regime based on an outdated modelling tool which artificially limited farm size to less than 2,500 tonnes.

From these figures the scale of impact from proposed restrictions on salmon farms, would result in very significant negative impacts on businesses and communities and the wellbeing economy. In addition to potential loss of farms the significant uncertainty in scale of restrictions and ability to sustainably grow production will lead to halt on investment across farming businesses and their wider supply chain. Combined with similar scale impacts on other seafood sectors including commercial fishing and shellfish farming, the effects on coastal and island communities would be devastating and add to rather than improve significant issues with depopulation.

Scottish salmon farms operate under the control of five existing consents and permissions, assessed and issued by four regulators and Crown Estate Scotland. Scottish Government has failed to articulate the potential legal routes by which it will revoke farming consents if a farm is within a newly designated HPMA.

Consents overseen by Local Authorities (planning permission) and SEPA (CAR licences) are normally issued in perpetuity. The revocation of these licences will require clear, and likely new, legislative processes to be put in place. There is no mention of potential compensation for restricted activities where existing licences will need to be revoked. These licences also hold a significant tangible value which must be considered before any revocation is initiated alongside potential requirements for full compensation for loss of an asset and lost revenue. It is our expectation that full financial compensation should be provided for any requirement to remove and relinquish an active or inactive farm.

### **Failure to adequately represent wider socio-economic impacts and benefits**

The draft assessment does not correctly identify the potential negative impacts on seafood sectors (fishing, aquaculture, seaweed and processing) or the knock-on effects on the vast local and regional supply chain and the coastal communities dependent on these sectors. HPMA proposals will result in significant uncertainty for businesses and result in massive reduction or complete halt in investment.

The draft assessment has not made any attempt to consider or quantify the potential significant effects of restrictions on multiple marine activities in the same area which will have an even greater cumulative impact on associated supply chain businesses. The likely significant impacts identified for the salmon farming sector combined with a similar scale of impacts on other seafood sectors including commercial fishing and shellfish farming, will be even more significant and likely devastating for coastal and island communities, adding to rather than improving significant issues affecting rural and island regions such as depopulation.

According to the Scottish Fiscal Commission, between 2022 and 2072, Scotland's population is projected to fall by around 400,000 to 5.1 million. National Records of Scotland break down the projections by local authority. It shows population figures declining in the most coastal, rural areas of Scotland. HPMA's will exacerbate the negative impacts of a declining population at a time when the population of the UK is increasing, necessitating increased sustainable food production.

## Socio-Economic Impact Assessment Methodology Report

- Section 3.4.7 identifies key data sources that will be utilised in the assessment. These data sources will not provide appropriate data to assess implications for salmon farming and other direct engagement to collate detailed economic data on employment, investment and supply chain spend.
- Section 5.3.5 identifies employment as a key generator of social benefit and that unemployment is seen as detrimental to physical and mental health. We expect that any wellbeing assessment to support the HPMA process fully considers any likely loss in employment to communities because of restrictions on salmon farming and other marine sectors.
- Section 5.5 identifies the criteria for assessment of potential benefits in relation to ecosystem services. Almost all marine areas already provide a wide range of ecosystem services without HPMA designation so it is unclear how the potential additional benefits of new restrictions on activities will be measured if there isn't a clear baseline to start with.
- Table A1 does not adequately cover the likely impact pathways for the aquaculture sector. 'Costs associated with relocation' should be replaced with costs associated with the permanent loss of salmon farm (lost revenue, investment, jobs, and supply chain impacts over a 60 year period). It also doesn't include the additional costs of planning permission and a SEPA CAR licence and costs associated with additional survey, monitoring and environmental assessment work.

### Predicted socio-economic benefits

We feel that the Scottish Government has outrageously overestimated the potential for any HPMA's to help develop community understanding and foster stewardship of Scotland's seas. Again, the vast majority of any proposed HPMA network would be designated in areas of sea which the public cannot hope to have any chance of accessing in a safe or practical manner due to the depths, distances, weather and sea conditions involved.

We strongly disagree with the naïve statement that leisure, recreation and tourism activities will offer significant economic opportunities in HPMA's. The suggestion that marine tourism could replace the lost benefits of fishing and aquaculture in HPMA's is ludicrous and insulting to those marine sectors and coastal communities that will be negatively impacted. These activities already occur in locations where there is good access to sheltered and safe coastal waters, normally close to shore. It is therefore misleading and irresponsible to suggest that leisure, recreation and tourism will be possible in much of Scotland's Seas where exposure, tides and isolation make these activities inaccessible and unsafe. Surely Scottish Government are not suggesting that swimming, kayaking and snorkelling will be occurring in HPMA's outwith three nautical miles. In addition, most recreational activities are undertaken privately with limited or no local economic spend and many coastal locations have limited capacity for increased tourism and recreation.

### 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

We **strongly oppose** the partial ICIA screening report as it is not an accurate representation of potential impacts. The ICIA guidance document requires a clear understanding of the objectives



and intended outcomes of the policy and as mentioned throughout our response we do not think that these have been appropriately determined or that they could be achieved while also being contrary to other Scottish Government policies and strategies as referenced throughout this response.

Section 9 'Impacts and Outcomes' sets out the following areas that may warrant further investigation, depending on the location of proposed HPMA's and how these locations would interact with island communities.

- The vulnerability of island communities where employment is dominated by both fisheries and aquaculture, and the island economy is highly dependent on these activities, is likely to be a key consideration.
- Spatial location of commercial fisheries activity may restrict the output capacity of this sector. Where an island community supports a specialist fishery that will be disproportionately impacted, this is more likely to require full assessment.
- Presence of aquaculture production businesses on island communities that could be in direct proximity of proposed HPMA's.
- Carefully managed eco-tourism that provides employment to an island community without causing damage to an HPMA could potentially have positive impacts. Positive economic opportunities created by HPMA's may not offset negative impacts if the types of employment are not directly comparable.

There is a gross underrepresentation throughout the consultation about the potential negative consequences on communities. Although the potential importance of aquaculture and fishing is recognised here the significance of these sectors to local communities, the cohesion they create and all the socio-economic benefits they bring is not captured at all (see our response to Question 2 & 13). The ICIA screening report should have identified the significance, value and worth of these sectors to islands and not just in financial terms. These key food sectors are nationally significant and make a substantial positive contribution to the wellbeing economy. There are therefore significant evidence gaps which need to be considered at this stage, and not left until the consultation moves on to the next stage. There will also be potential negative impacts in terms of pier and infrastructure, transport and cultural activities. The impact on many island communities and economies are likely to be devastating because most families depend in some way on the economic viability of our seafood sectors. Due to the nature of fishing and aquaculture activity, any policies which undermine their economic viability will have a disproportionate impact on island communities.

The consultation states that information on current aquaculture development is available from Scotland's Aquaculture portal however this is not the only source of information. Full consideration of demographic, economic and social impacts need to take place as part of the ICIA. The following should have and must be considered:

- [The Value of Aquaculture To Scotland 20170622 \(hie.co.uk\)](http://hie.co.uk)
- [Estimation of the Wider Economic Impacts of the Aquaculture Sector in Scotland \(www.gov.scot\)](http://www.gov.scot)
- [An assessment of the benefits to Scotland of aquaculture. — University of the Highlands and Islands \(uhi.ac.uk\)](http://uhi.ac.uk)

The consultation states: 'It is our intention to engage with those with direct experience of island life (including island authorities, relevant businesses and island community members) during

the site selection period to ensure that any additional island-specific impacts are identified within specific HPMA proposals. The findings of this engagement will be fed into a full ICIA screening assessment.' We consider that this could have been done at a much earlier stage as if it is left to the site selection process there will be limited opportunity to influence or amend these HPMA and only mitigation can be considered to try and offset the likely significant socio-economic impacts.

Aquaculture and other key seafood sectors make a significant contribution to the wellbeing economy of Scotland, particularly to coastal and islands communities. All human activities will have some level of environmental impact and salmon farming is well regulated and managed within environmental limits. This sector, and other sustainable seafood sectors must be seen in the overall context of the overwhelming benefits to the wellbeing economy of rural Scotland. The significant negative impacts to the wellbeing economy caused by the forced removal of seafood production will far outweigh any benefits from theoretical improvements to marine ecosystems.

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. There will be significant negative differential impacts on island communities due to the proposed blanket restrictions on aquaculture and fishing sector and associated supply chain businesses. In many places this is likely to be devastating because most families depend in some way on the economic viability of seafood sectors. Due to the nature of fishing and aquaculture activity, any policies which undermine their economic viability will have a disproportionate impact on island communities.

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?

We **strongly oppose** the partial BRIA as it is not an accurate representation of potential impacts and fails to identify the most significant costs to the salmon farming sector from the HPMA proposals. Our response to questions 2, 13, 14 and 15 are relevant to the partial BRIA. Key concerns include:

- As identified in our response we do not agree that HPMA will deliver significant economic benefits from recreation and tourism.
- The cost impacts in the BRIA must include loss of revenue, jobs and downstream supply chain spend from the permanent loss of existing aquaculture sites within HPMA and loss of potential future sites within and outwith HPMA.
- Requires full consideration of consenting costs including pre-application work such as surveys and assessments as well as consenting fees.
- Given that existing aquaculture sites will have to be permanently removed from HPMA the draft BRIA needs to consider compensation and associated costs to Government or public bodies.

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?

Yes.

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.

There will be significant negative financial implications on Scottish Sea Farms as a business, on our employees and the coastal communities they live in and on the large number of supply chain businesses that rely on and support our farming operations. It is extremely difficult to identify accurately the scale of financial impact given the significant lack of clarity in restrictions on aquaculture and the scale of any future HPMA network.

Our answers to question 13 identify worst-case scenarios for economic impact resulting from loss of existing farms, reduction in ability to develop new farms and uncertainty over future sustainable growth and resulting investment. Overall, we consider that the impacts could be so severe that they could affect the long-term viability of our business and the wide range of supply chain businesses that support our operations.

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 Scottish Government’s vision for the marine environment is for clean, healthy, safe, productive and diverse seas, managed to meet the long-term needs of nature and people. While we strongly support this vision and the objectives identified in both the Strategy for Marine Nature Scotland in Scotland’s Seas and Scotland’s Marine National Plan, we **strongly disagree** that HPMA’s are the correct mechanism or necessary to deliver the vision and objectives outlined in the Policy Framework. The proposals outlined in the consultation documents are ill conceived and poorly defined, inconsistent in their approach, not evidence based and contrary to Government policy. Given the lack of a robust environmental baseline and no intent to adequately monitor HPMA’s it will be impossible to demonstrate that they have delivered any environmental benefits, whilst imposing significant adverse socio-economic and wellbeing impacts on sustainable seafood sectors and coastal and island communities.

There is no clear rationale behind the 10% target. Blanket spatial restrictions are not consistent with an evidence-based approach and the science proposed to identify HPMA sites is not sufficiently robust. Deciding to apply protection, before identifying areas to protect, without evidence that protection is required (or what form of protection might be most appropriate based on evidence of actual impacts and an understanding the mechanism of what is causing any impact) shows that the HPMA proposal is a superficial process that has prioritised the act of designating HPMA’s as an end in itself rather than addressing a need to further protect specific marine areas.

The lack of ecological justification for highly restrictive measures indicates that HPMA’s are being introduced for purely political reasons with potential devastating unintended consequences on the national and local economy, the viability of vulnerable rural communities and wellbeing of individuals whose livelihoods will be stripped away. Sectors such as fish farming are already

highly regulated and have successfully operated in marine protected areas for years. We adamantly oppose the introduction of further protected areas that could displace existing operations with no tangible benefit to the environment. Policies driven by good but incoherent intentions, and which fail to foresee and address implementation issues will have serious adverse consequences.

The Scottish Government must take a pragmatic approach and consider an alternative proposal through following a science and evidence led approach such as that undertaken by the Welsh government. As a minimum reviewing the existing MPA network to identify any gaps needing to be addressed in the form of specific habitats/features that are deemed not to be adequately protected by the existing MPA network. Should the review indicate gaps, these could likely be addressed through some minor amendments/additions to the existing network – this being the approach adopted by the Welsh government. Pushing ahead prematurely with the establishment of HPMAs, in the absence of coherent policies to understand and address the wider ecological and socio-economic displacement issues would be reckless and irresponsible.