

# **Proposal to designate two Historic Marine Protected Areas**

**Consultation report**

**August 2025**

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## Background

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.

In 2019, the Scottish Government sought views on proposals to create two Historic Marine Protected Areas as part of the Scottish Marine Protected Area (MPA) network: the Queen of Sweden wreck near Lerwick and at Scapa Flow in the Orkney Islands. The consultation ran from 30 October to 27 November 2019 and followed an earlier consultation on the proposals by Historic Environment Scotland (HES) which had informed their advice and recommendation to the Scottish Government to designate both sites.

Due to the consequential impacts of COVID-19, work to progress the proposals was not further advanced at the time.

The consultation asked the following questions:

1. Do you support the designation of the Queen of Sweden as a Historic Marine Protected Area?
2. Do you support the designation of Scapa Flow as a Historic Marine Protected Area?
3. Do you have any comments on the draft Designation Orders?
4. Do you have any comments on the advice and consultation report from Historic Environment Scotland?

The consultation was undertaken at Citizen Space - [Proposal to designate two Historic Marine Protected Areas](#).

This page on Citizen Space hosted the consultation document and other supporting information relevant to the questions posed. These included draft designation orders and supporting evidence provided by Historic Environment Scotland.

This document provides a summary of responses, addresses issues related to each question, and a conclusion. There are two appendices which provide a summary description of the sites:

- Appendix A – Queen of Sweden
- Appendix B – Scapa Flow

## Stakeholder Engagement Summary: 2024

In 2024, the Scottish Government recommenced work on the proposals and engaged with all previous respondents to the 2019 consultation as well as 11 additional individuals and organisations who had not previously responded but may wish to do so. All were provided with links to the previous consultation documents

and invited to provide views and comments, and advise of any changes to previous responses.

## Summary of responses

The 2019 consultation received a total of 16 responses. Five came from individual respondents and 11 from organisations, listed below.

The 2024 engagement activity provided assurance that respondents' previous views had not changed. Engagement with the 11 individuals/organisations who had not previously responded to the consultation elicited supportive views and comments from those who responded.

### List of organisations who responded to the consultation:

- Law Society of Scotland
- Ministry of Defence
- Northern Lighthouse Board
- Orkney Fisheries Association
- Orkney Islands Council
- Shetland Amenity Trust
- Shetland Fishermen's Association
- Shetland Islands Marine Planning Partnership
- Shetland Shellfish Management Organisation
- St Andrews & Deerness Community Council
- The Royal Yachting Association Scotland

## Question 1

### We asked,

“Do you support the designation of the Queen of Sweden as a Historic Marine Protected Area?”

### You said:

Fourteen responses specifically answered the question, with two not answering. Table 1 provides a summary of responses to the question.

**Table 1: Summary of responses to question one**

Response	Number
Yes	9
No objection	1
No view expressed	4
No response	2
No	0

No significant issues were raised in comments made in the consultation responses.

## Question 2

### We asked:

“Do you support the designation of Scapa Flow as a Historic Marine Protected Area?”

### You said:

Fourteen responses specifically answered the question, with two not answering. Table 2 provides a summary of responses to the question.

**Table 2: Summary of responses to question two**

Response	Number
Yes	9
No objection	1
No view expressed	3
No response	2
No	1

Issues raised relating to question two are summarised below along with responses:

### Issue

Designation would have a negative impact on potential for future renewable energy development, in particular adjacent to Churchill Barriers 1&2, and the laying of cables across Scapa Flow.

### Response

Historic MPA status does not preclude future development. It is very unlikely that any one developer would wish to place any infrastructure at the wrecks anyway. There is ample space for appropriate siting of development and cable-routing adjacent to the proposed mosaic site, to avoid the wrecks. These matters can be adequately considered through environmental assessment and licensing procedures.

### Issue

The wrecks may not have any artefacts of value and therefore did not merit Marine Protected Area status

### Response

The proposal by Historic Environment Scotland is based on an assessment using published selection guidance<sup>1</sup>. This has concluded that the marine historic assets within the proposed boundary meet the criterion of national importance required for designation of an historic MPA.

### Issue

Support for designation was conditional on the site only being protected for its historic environment.

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<sup>1</sup> [Designation Policy and Selection Guidance | Hist Env Scotland](#)

**Response**

The consultation proposed that the site was to be an historic MPA and that has never changed. At the time of the 2019 consultation, Scapa Flow was also under separate consideration for the protection of birds. The respondent engaged in a separate consultation process prior to the designation of the Scapa Flow Special Protection Area for a number of bird species.

**Issue**

Support for designation was conditional on the owner of some of the wrecks being able to receive relevant salvage permits and consents, and on transfer of ownership to an appropriate body to relieve the owner of any potential liability for the wrecks on the seabed.

**Response**

Noted. Opportunities to salvage items from the wrecks would need to be considered through the relevant licensing procedures.

**Issue**

Designation as an Historic MPA was an effective means to safeguard the nationally important historic environment assets in Scapa Flow.

**Response**

This was the basis for Historic Environment Scotland making the proposal.

### Question 3

**We asked:**

“Do you have any comments on the draft Designation Orders?”

**You said:**

Six responses provided comments in response to this question, one of which was moved to Question 4 as it related to management advice. Nine responses provided no comments.

Issues raised relating to question three are summarised below along with responses:

**Issue**

Acknowledgement that Historic Environment Scotland had taken account of comments made in the original consultation.

**Response**

Noted

**Issue**

Concern that value of things from the past are potentially outweighing potential future uses of Scapa flow, and that if you leave anything long enough it will take on similar value in future.

**Response**

The wrecks of Scapa Flow that would be encompassed by this proposal form a significant part of the history of the First World War. It would be wrong to conflate this significant historic event with just leaving anything on the seabed for a long time. There are many other wrecks which would not meet the criterion of national

importance and do not form part of the proposal. We do not think future development and continued use of Scapa Flow will be affected in a detrimental way.

**Issue**

Local fishermen stay away from the wrecks as they are a hazard for fishing gear.

**Response**

Noted.

**Issue**

Concern that the protection given to Scapa Flow MPA through the preservation objectives would exceed that provided by the current scheduled monument status.

**Response**

The extent of statutory protection afforded to wrecks through the Historic MPA, and therefore the implications for owners, should not be significantly different in practice, compared with the present status of some of the wrecks as scheduled monuments. The proposed preservation objectives set out situations where recovery of artefacts may be acceptable – this is where recovery might actually help to protect the artefacts or add to our knowledge. Such activities would primarily be regulated through marine licensing. With the current status of the wrecks as scheduled monuments, salvage of items by the owner would require scheduled monument consent (SMC) in addition to a marine license. HES considers each application on its own merits using the Scheduled Monument Consents Policy<sup>2</sup>. The overall policy aim for SMC is that ‘works on scheduled monuments should normally be the minimum level of intervention that is consistent with conserving what is culturally significant in a monument’.

**Issue**

Concern that MPA status for Scapa Flow would prevent owner of some of the wrecks from undertaking salvage operations.

**Response**

The documentation makes it clear that commercial salvage would hinder the preservation objectives. Future proposals should be considered on a case-by-case basis through the relevant consenting procedures e.g. by applying for a marine license, and, for the wrecks that are currently designated as scheduled monuments, also scheduled monument consent from Historic Environment Scotland.

**Issue**

Noted that surface navigation would not be affected.

**Response**

Agreed.

**Issue**

Need for clear maps to accompany the designation order.

**Response**

Clear maps will be published alongside the designation orders.

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<sup>2</sup> [Scheduled Monument Consents Policy](#)

## Question 4

### **We asked:**

“Do you have any comments on the advice and consultation report from Historic Environment Scotland?”

### **You said:**

Six responses provided comments in response to this question, two of which simply confirmed that Historic Environment Scotland had addressed previous concerns. Ten responses provided no comments.

Issues raised relating to question four are summarised below along with responses:

### **Issue**

Concern that nothing more than scrap and litter is being protected.

### **Response**

These wrecks form a significant part of our maritime history and should therefore not be confused with litter or scrap.

### **Issue**

Fishermen avoid areas with significant snagging hazards such as wrecks.

### **Response**

Noted. As set out in the proposal documentation, Historic Environment Scotland intend to share data with, and provide advice to the fishing community to assist avoidance protocols.

### **Issue**

Concern that designation of Scapa Flow would prevent or hinder future operations that may be required to deal with pollution or contaminants that could leak from the wrecks.

### **Response**

The responsibilities of the MoD for dealing with pollution threats from legacy wrecks can be dealt with by discussion between the MoD and Historic Environment Scotland as advisors, with a view to putting in place procedures that ensure that such operations, if required, can take place in a way that best supports/least hinders the preservation objectives.

### **Issue**

Concern that this designation further increases protection over the current scheduled monument status, to include the contents of the wrecks.

### **Response**

The protection afforded to the seven wrecks that are currently scheduled monuments, should be broadly the same under the historic MPA designation. Both regimes encompass the wreck structures, machinery, equipment and contents in their entirety.

**Issue**

Concern that the BRIA implies that the wreck owner will receive compensation when this is unlikely.

**Response**

Page 18 of the BRIA explains that the circumstances by which compensation may be payable are limited by sections 7-9 of the Ancient Monuments and Archaeological Areas Act 1979.

**Conclusion**

The support of stakeholders throughout the preparatory engagement and consultation processes is very much welcomed. The responses to the consultation generally recognised the efforts made by Historic Environment Scotland to address concerns, leaving relatively few new issues to be addressed at this stage. HES would be willing to work with any stakeholders who are interested in developing a management plan for Scapa Flow Historic MPA.

**We did:**

Having considered the responses to both the 2019 consultation and additional stakeholder input in 2024, Scottish Ministers have determined that the following two sites should be designated as Historic MPAs:

- Queen of Sweden Historic MPA
- Scapa Flow Historic MPA

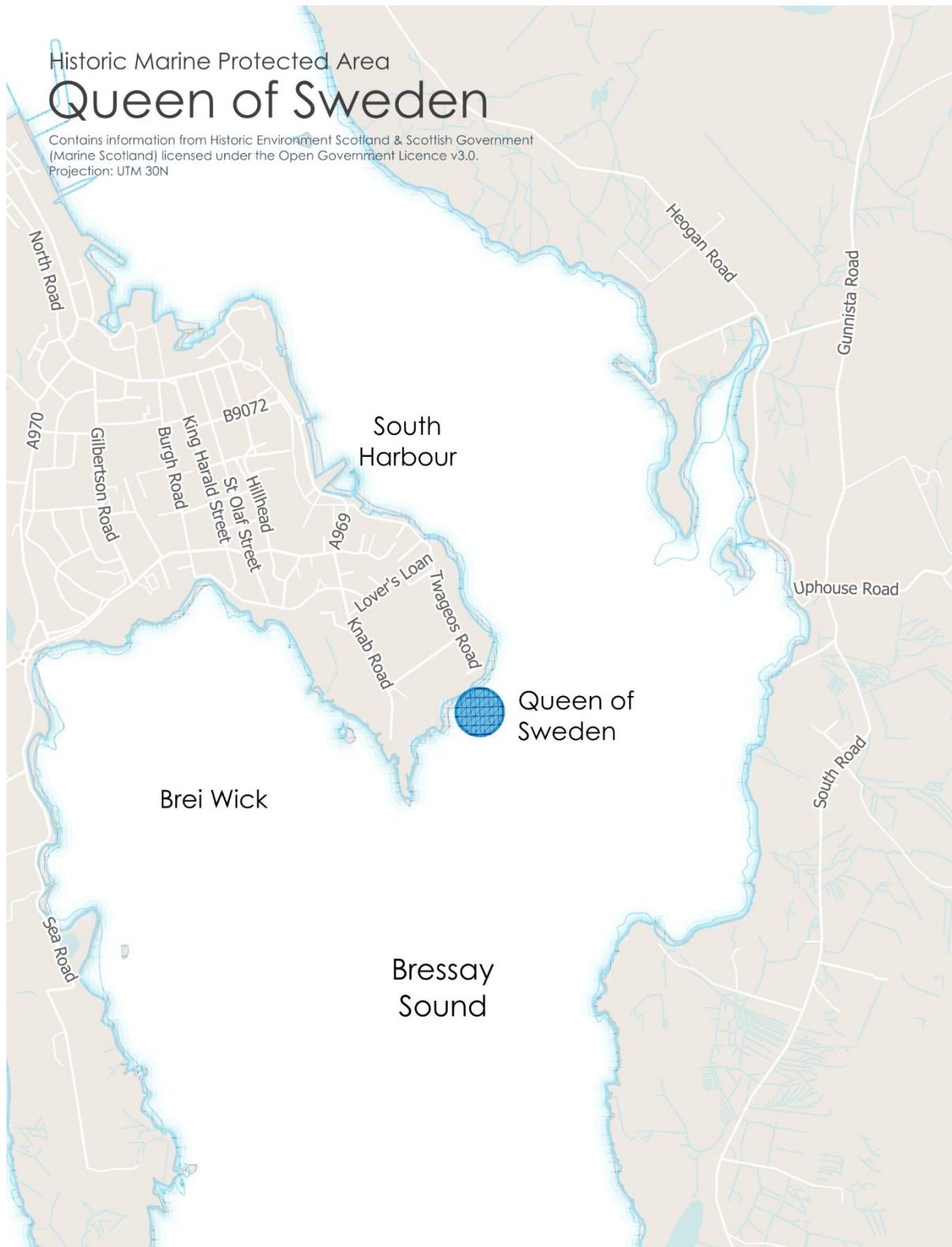
## **Appendix A - Queen of Sweden**

The proposal concerns a wrecked vessel, believed to be the Drottningen af Swerige, or 'Queen of Sweden', a Swedish East Indiaman (an armed merchant sailing vessel of the Swedish East India Company) which hit a rock off the rocky headland of the Knab, while seeking shelter in Bressay Sound, Shetland on 12 January 1745. The remains lie at a depth of approximately 14-25m close to Twageos Point, at the southern entrance to Lerwick Harbour.

Historic Environment Scotland advise that the wreck of Queen of Sweden meets the criterion of national importance for designation as a Historic MPA. The wreck is arguably the best preserved remains of a Swedish East Indiaman located in waters around Scotland. Although the wreck has been subject to historic salvage activity, key features are visible on the seabed and there is significant potential for further remains to be buried within the seabed sediments.

Combined with study of documentation in company archives, records of the ship's loss and salvage, and an extensive collection of artefacts held by Shetland Museums, the remains of the wreck can significantly enhance our knowledge and understanding of vessels of the Swedish East India Company and its trading activity around Scotland's coasts during the 18th century. Around this time, the Swedish East India Company played an important role in growing northern European trade with China in tea and silk.

The vessel's loss in Bressay Sound bears testament to Shetland's strategically significant location on sea-routes linking northern Europe with the rest of the world. The loss of the Queen of Sweden was a significant event to local communities on Shetland at the time. Designation as a Historic MPA would recognise the wreck's national importance and promote responsible actions by sea-users. In particular the site has been targeted recently by divers to recover lead ingots (carried as cargo), and it may continue to be vulnerable to unrecorded recovery of artefacts, without statutory protection. Designation will ensure that divers can continue to visit the site but, on a look, but don't touch basis.



**Figure 1: The Queen of Sweden site**

## **Appendix B - Scapa Flow**

The proposal concerns places within Scapa Flow where the remains of historic shipwrecks and other structures of national importance are located that originate from Scapa Flow's role as a Royal Navy base during the First (1914-18) and Second World Wars (1939-1945), as the anchorage where the German Imperial Navy's High Seas Fleet was interned in 1918 and scuttled on 21 June 1919. Seven wrecks of the German High Seas Fleet, are currently recognised as nationally important scheduled monuments.

Historic Environment Scotland advise that many of the sites recorded through surveys undertaken since 2001 meet the criterion of national importance for designation as a Historic MPA. The range and quality of marine historic assets surviving on the seabed of Scapa Flow is outstanding and represents the largest relatively accessible concentration of warship wrecks and associated features in the UK, and possibly in European waters. These sites have a high potential to enhance our understanding about the key role Scapa Flow played as a naval base of outstanding strategic significance to the United Kingdom during both the First and Second World Wars of the 20th Century, and significant events in the wartime naval history of the North Atlantic that took place there.

The entire 20th-century naval history of Scapa Flow is illustrated at landscape scale through the survival of wrecks of naval ships, auxiliary vessels, a German submarine, the surviving remains of the German Imperial Navy's High Seas Fleet interned at the end of the First World War, and remains of the marine defensive network. Taken together with information in archives, and museums, these sites have a high potential to enhance our understanding about 20th-century naval architecture, the operation of the naval harbour of Scapa Flow during wartime, German attempts to attack it, and the Admiralty's ingenious and evolving strategies to defend Scapa Flow. This is perhaps most visible at the Churchill Barriers where the surviving blockships have become a fundamental part of the coastal landscape, a reminder of Orkney's major contribution to the war effort.

The salvage sites of the German High Seas Fleet also have a high potential to help us understand the major programme of marine salvage that took place in Scapa Flow during the interwar years and continued after the Second World War. The marine historic assets within the area are directly connected with events which resonate with the public and are part of the national consciousness, such as the scuttling of the German High Seas Fleet. The loss of the sites within the area would significantly hinder our ability to understand these events and the key role played by Scapa Flow during two world wars.

The marine historic assets are located within an area that is an important economic marine resource and many of the wrecks are very popular for recreational diving. It is expected that designation will help to promote the heritage value of the sites, ensure that their national importance is considered in the management of change through planning and other regulatory processes, while fostering understanding and enjoyment amongst sea users.



**Figure 2: The Scapa Flow site**



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