marinescotland
Marine Laboratory,
375, Victoria Road,
Aberdeen, AB11 9DB.
T: +44 (0)131 244 2500

The Scottish Government
Riaghaltas na h-Alba

To all tenderers

Your ref:
Our ref:
8 May 2022

RE: Scottish Government Marine Planning and Licensing Framework Agreement (REF: 207967) – Call Off Number 4 – Sustainability Appraisal – For Highly Protected Marine Areas in Scottish waters.

Dear Sirs

1. You are hereby invited by **Scottish Ministers** to tender for a sustainability appraisal for a policy framework and site selection guidelines for Highly Protected Marine Areas (HPMAs) in Scottish waters as detailed in Schedule 1 of the enclosed document, to be called from the above Framework Contract.

2. Your tender must be in accordance with this Invitation to Tender letter, Schedule 1, Schedule 2, Schedule 3 and with the terms and conditions of the Scottish Government Marine Planning and Licensing Framework Agreement Ref: 207967.

   It is your responsibility to obtain at your own expense any additional information necessary for the preparation of your tender, and you will be responsible for any expenses incurred by you during the tendering process.

3. If your tender does not accord with all the requirements of this Invitation to Tender it may not be considered.

4. The evaluation criteria will include emphasis on quality as well as price. Each tender will be subject to a Technical/Quality and Commercial Analysis. The aim of the evaluation is to select the tender which is the most economically advantageous. The Technical/Quality analysis will ensure that the Tenderers have met the minimum criteria set down in the Specification and Tender Schedules. To achieve this, a Quality:Price ratio of **60:40** will be used.

5. The declaration included in this Invitation to Tender letter must be completed and submitted along with your tender by **1200 hrs on Friday 20 May 2022.**

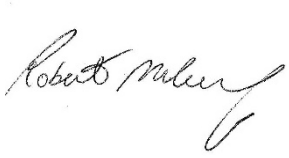
6. Enquiries regarding this Invitation to Tender should be addressed to **Bob McLeod** by e-mail to **bob.mcleod@gov.scot**.

7. Please note that the responses to any questions raised during the tendering period will be circulated to all tenderers in the form of a Circular Advice Note. The closing date for raising questions **1200 hrs on Monday 16 May 2022** and the Scottish Government will endeavour to circulate answers to tenderers not later than **17 May 2022.**

8. Please insert the following background information:

9.1	Name of Contact for this Tender			
9.2	Position			
9.3	Address			
9.4	Tel No:		Email address:	

Yours sincerely



Bob McLeod
Head of Procurement

DECLARATION

I confirm that the proposal submitted for this call off requirement will be governed by the terms and conditions of the Scottish Government Marine Planning and Licensing Framework Agreement Ref: 207967

Signature _____ Name _____

Position _____ Date _____

Invitation to Tender Contents:

Covering Letter, Instructions to Tenderers and Declaration

- Schedule 1 - Specification
- Schedule 2 - Technical Proposal
- Schedule 3 - Price Schedule

Schedule 1

Specification of Requirements

1. Introduction

1.0 The Scottish Government has committed to introducing Highly Protected Marine Areas (HPMAs) covering at least 10% of inshore and offshore waters by 2026. The first phase of a programme of work to deliver on this commitment involves setting a Policy Framework and development of Site Selection Guidelines. These documents will then be used to guide a subsequent process to select, assess and finally designate HPMA sites.

1.1 Marine Scotland invites a tender from a suitable contractor to carry out a Strategic Environmental Assessment (SEA) Report and Socio-Economic Impact Assessment (SEIA) Report, which will be combined into a Sustainability Appraisal, for both a proposed Policy Framework document and Site Selection Guidelines document.

1.2 This will be an initial appraisal covering the first phase of a programme of work to designate at least 10% of Scottish seas as HPMAs by 2026. In the next phase of the programme, a Sustainability Appraisal Update will be carried out covering the full programme of work. A separate invitation to tender to carry out a Sustainability Appraisal Update (including SEA and SEIA Reports of site proposals) will be issued following publication of the Policy Framework and Site Selection documents in 2023.

1.3 A timeline for delivery of the first phase of the HPMA programme of work is provided in Figure 1 below. The Sustainability Appraisal work will support Scottish Ministers in their decision to adopt the Policy Framework and Site Selection Guidelines, and their eventual decision to designate sites of HPMAs.

Full details of the specification for this work can be found in Annex A.

2. Contract Commencement and Duration

2.0 It is anticipated that the contract will commence in May 2022 and will take a maximum of 11 months to complete.

3. Contract Management & Meetings

3.0 The Contract Manager for this contract will be based within Marine Scotland.

3.1 The project will be managed through a project steering group consisting of Marine Scotland, the Scottish Government's Strategic Environmental Assessment team, NatureScot and the Joint Nature Conservation Committee (JNCC).

3.2 The tenderer will be expected to schedule at least four meetings with the Project Steering Group. Indicative timings for this are laid out in a table

under annex A but will be subject to agreement as part of an inception meeting. The tenderer will also provide scheduled progress updates by email to the Contract Manager throughout the duration of the project.

4. Contract Costs

4.0 Your tender price must cover liability for all costs including staff costs, attendance at meetings, access to data, travel and subsistence and overheads that is envisaged in the specification. Tenderers liable for VAT on government-funded research projects should indicate this in their proposal.

Expected Timelines

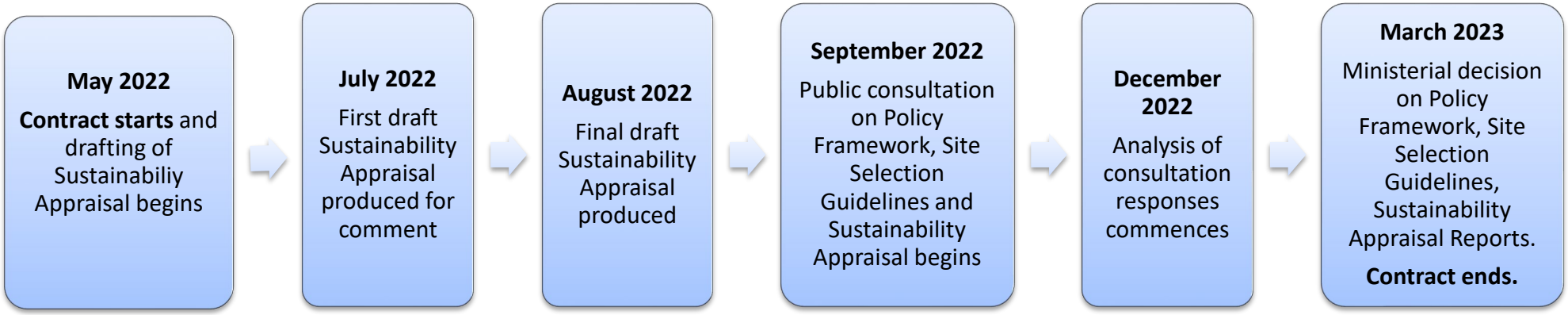


Figure 1: Outline of timeline

ANNEX A

Sustainability Appraisal Specification of Requirements – Highly Protected Marine Areas Policy Framework and Site Selection Guidelines

1. Introduction

1.0 Marine Scotland wish to commission an initial Sustainability Appraisal of a proposed Highly Protected Marine Areas (HPMAs) Policy Framework document and Site Selection Guidelines document. These documents form the first phase of the programme of work to designate at least 10% of Scotland's seas as HPMAs by 2026, which is subject to the requirements of the Environmental Assessment (Scotland) Act 2005, and Strategic Environmental Assessment (SEA) is required. In addition, an assessment of the socio-economic effects is also required.

1.1 The Strategic Environmental Assessment (SEA) and Socio-Economic Impact Assessment (SEIA) will be combined into a Sustainability Appraisal, which will support Scottish Ministers in their decision to adopt the Policy Framework and Site Selection Guidelines.

1.2 The documents, once adopted, will be used to frame and guide a site selection process to select, assess and designate proposed sites as HPMAs. This Sustainability Appraisal will therefore be regarded as an initial report that will inform the subsequent site selection process.

1.3 The subsequent site selection process will require an Updated Sustainability Appraisal, covering the entirety of the programme of work and to be carried out at that later stage. The Updated Sustainability Appraisal will be commissioned separately and at the beginning of that site selection process.

2. Background

2.0 The Scottish Government has committed to introducing HPMAs covering at least 10% of Scottish waters by March 2026. This commitment is reflected in the Bute House Agreement reached between the Scottish Government and the Scottish Green Party Parliamentary Group in August 2021.

2.1 HPMAs will help us achieve and maintain good environmental status for our waters as well as enhancing our natural capital, which is the bedrock of sustainable marine industries.

2.2 HPMAs in Scottish waters will allow for the protection and recovery of marine biodiversity, contributing to halting biodiversity loss and aiding our efforts to mitigate and adapt to the effects of climate change. They will build upon our existing network of Marine Protected Areas (MPAs) by significantly increasing the amount of protection afforded to Scotland's seas.

2.3 HPMAs will provide an additional level of marine protection by excluding all extractive, destructive or depositional activities while only allowing other activities at non-damaging levels. They will provide for ecosystem recovery and

biodiversity enhancement for example by protecting blue carbon and critical fish habitats.

2.4 HPMAs will help to ensure a resilient marine environment that can continue to provide for future generations.

2.5 HPMAs may lead to socio-economic effects, which may be positive or negative. Any socio-economic factors affecting the resilience and viability of marine industries and the coastal communities which depend on them will be taken into account.

2.6 The Policy Framework will be produced by Marine Scotland. NatureScot and Joint Nature Conservation Committee (JNCC) have been commissioned to jointly produce the Site Selection Guidelines.

3. Sustainability Appraisal

3.0 An understanding of the environmental effects of protecting ecosystems is required under the Strategic Environmental Assessment Directive and the Environmental Assessment (Scotland) Act 2005 ("the 2005 Act"). The proposals to designate HPMAs including the initial consultation and publication of a Policy Framework and Site Selection Guidelines fall within these categories for assessment under the SEA Directive and 2005 Act.

3.1 Strategic Environmental Assessment (SEA) helps to better protect the environment, aims to ensure that any development is sustainable, and increases opportunities for public participation in decision-making.

3.2 The SEA is used to inform the Sustainability Appraisal alongside the Socio-Economic Impact Assessment (SEIA), which seeks to understand any social or economic effects of the plans.

3.3 A Sustainability Appraisal is a systematic process that must be carried out during the preparation of local plans and spatial development strategies. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

3.4 This process is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. Sustainability appraisal should be applied as an iterative process informing the development of the plan.

3.5 The initial assessments will be based on the Policy Framework and Site Selection Guidelines described in the previous section. These will be formally consulted on from September to December 2022.

3.6 Following analysis of responses to the public consultation, the Policy Framework and Site Selection Guidelines will be adopted by Scottish Ministers.

The documents will then be used to guide the identification, selection and assessment of site designations for proposal.

3.7 The proposed site designations will then be subject to another formal public consultation. Following analysis of responses to that public consultation, final site designations are expected to be put in place by 2026. The Sustainability Appraisal of these proposals will form a separate invitation to tender that will complete the SEA and SEIA requirements for the programme of work to designate HPMAs.

4. Rationale

4.0 It is essential to understand the potential social, economic and environmental effects arising from adoption of the Policy Framework and Site Selection Guidelines which will provide the foundation for a larger programme of work to identify and assess sites to be proposed for designation as Highly Protected Marine Areas (HPMAs).

5. Aim

5.0 In line with the 2005 Act, the contract aims to identify the socio-economic and environmental effects arising from the adoption of the HPMA Policy Framework and Site Selection Guidelines. This will require the contractor to provide a clear account of the entire Sustainability Appraisal process including how SEA and SEIA assessments at this initial stage will inform the assessments that will be required once site proposals are identified. The contractor will need to explain how existing evidence and datasets will be used to undertake the assessments.

5.1 The SEA process followed must meet the statutory requirements of the 2005 Act. Specifically the following products will be required:

a) Screening/scoping report under 2005 Act,
b) A sustainability appraisal of the preferred policy option and the consideration of reasonable alternatives to this, which is compliant with the 2005 Act requirements,

5.2 The socio-economic assessment must be constructed in a way that the outputs can be used in a Scottish Government Business and Regulatory Impact Assessment.

5.3 Details of the proposed Policy Framework and Site Selection Guidelines will be provided to the successful contractor when drafted. There will be a period where the contractor will undertake initial steps before the fully drafted documents are available.

6. Project Scope

6.0 This contract is concerned with analysing the potential socio-economic and environmental effects of adopting the Policy Framework and Site Selection Guidelines.

6.1 Analysis within this contract will be based on existing evidence, and quantified as far as possible. New primary data collection is considered out of scope.

6.2 As the Policy Framework and Site Selection Guidelines will be used to identify and propose sites of HPMAs in the next phase of the process, the scope of this project will not include any spatial analysis of specific potential sites but may include spatial analysis in the assessment of impacts.

7. Uses of The Assessments

7.0 The evidence from this contract will be used to inform Scottish Government's understanding of the sustainability of delivering the HPMA programme of work as set out in the Policy Framework and Site Selection Guidelines.

7.1 This Assessments will form part of an iterative process which will be updated once spatial proposals for HPMAs are available.

8. Research Design / Methodology

8.0 This contract requires analysis to be undertaken based upon the Policy Framework and Site Selection Guidelines as well as an assessment of any cumulative impacts.

8.1 The contractor will undertake the Screening, Scoping and Initial Environmental Report stages of the Strategic Environmental Assessment (SEA).

8.2 In parallel the Contractor will undertake a Socio-Economic Assessment (SEIA), again recognising that this initial assessment will be updated once site boundary proposals are available.

8.3 Having completed the two initial assessments, the Contractor will produce the Sustainability Appraisal for the Policy Framework and Site Selection Guidelines bringing together the results into a coherent single report.

Policy Framework & Site Selection Guidelines

8.4 When undertaking analysis for the Policy Framework and Site Selection Guidelines it is envisaged that the following general steps will be followed:

a) Develop a socio-economic and environmental baseline against which the policies that could affect the baseline are assessed

b) Develop an evidence-based assessment of the likely positive and negative environmental effects arising from the approach proposed by the Policy Framework. This should include an assessment of any reasonable alternatives such as activities allowed/not allowed within HPMAs (including for example scoping out of certain marine areas and the continuation of certain activities at non-damaging levels); and,

c) Describe and, where feasible, quantify any socio-economic effects associated with the Policy Framework and any reasonable alternatives, including a

quantitative assessment of the impact on ecosystem services. This should include, but not be limited to:

d) Which social groups, communities or industries might be impacted, either positively or negatively, by the restrictions or environmental changes
e) Where impacts may be felt
f) Any equalities issues that arise
g) And the timeframe over which impacts may be experience

8.5 In doing so the Contractor should also identify whether any island communities in Scotland could be affected in a significantly different way from mainland communities as required by the Islands Act 2018.

Data and Analysis

8.6 The Contractor will be required to:

a) Make use of NatureScot and JNCC documents providing information on site selection;
b) Analyse and use data obtained from existing data sources, such as the National Marine Plan[1], and other relevant studies commissioned by Marine Scotland, Defra, JNCC, and NatureScot;
c) Review, analyse and use the existing evidence base of academic and grey literature on the wider socio-economics and environmental effects of protected areas management.
d) Provide a description of likely assessment methods, including both cumulative assessment and displacement of activities that will be quantitatively assessed once site proposals are available.

Limitations and Issues

8.7 Tenderers are required to set out how they propose to analyse the socio-economic and environmental impacts without applying site-specific limits as no sites will be identified at this stage.

Iterative process

8.8 As part of the process of developing the appraisal and the underpinning assessments it is anticipated that there will be some iteration before the documents are ready for public consultation. The contractor should be prepared to present findings; when the first draft is prepared; and then a near final draft. It is expected that there will be two rounds of refinement between first draft and the consultation version that account for feedback from Marine Scotland, NatureScot and JNCC.

8.9 Expected deadlines for these are laid out below:

[1] Scottish Government (2015) Scotland's National Marine Plan: A Single Framework for Managing Our Seas [online] Available at: http://www.gov.scot/Resource/0047/00475466.pdf (accessed 12/09/2017)

Product	Deadline
First draft Sustainability Appraisal for feedback	18 July 2022
Final Sustainability Appraisal for consultation	30 August 2022

9. Methods

9.0 As outlined above, it is expected that this study will involve a combination of desk-based research, GIS analysis, and consultation with relevant stakeholders. Tenderers should advise if they consider that other stakeholders should be consulted.

9.1 A clear understanding of both evidence requirements and marine data will be required.

10. Key Tasks

10.0 The key tasks in this study have been defined as follows:

a) Identifying and reporting the relevant baseline information used to inform the assessment process.
b) Assessing the likely significant environmental and socio-economic effects.
c) Reporting to the project manager and steering group. Progress reporting to the Project Manager will be expected every two weeks and reporting to the steering group at least four times, according to the expected timetable below (format to be agreed at the Inception meeting).

Timing	Reason
Late May 2022	Inception meeting
Mid June 2022	Shaping up and progress update
Early August 2022	After pre-consultation views/comments
Late January 2023	After receipt of consultation responses

11. Outputs

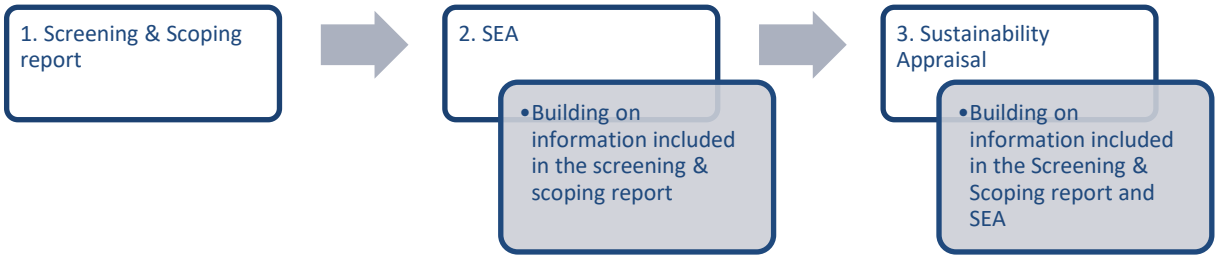
11.0 The contract outputs are:-

a) A Sustainability Appraisal;
b) A Strategic Environmental Assessment produced in compliance with the 2005 Act, including Screening, Scoping, and Environmental Report;
c) A Socio-economic Impact Assessment that meets Scottish Government policy requirements;
d) The primary information and references used to prepare the Sustainability Appraisal;
e) GIS layers used in the assessment, where these have not been provided by Marine Scotland, in the form of shape files to be used on NMPi (National Marine Plan interactive).

11.1 It is anticipated that the output of the research will be in the form of written reports, including non-technical summaries that meets the objectives of the research as outlined above, including compliance with the 2005 Act. The report should be structured in a narrative style. This narrative approach will provide explanatory text to support the findings of the assessment, and record the evidence used in reaching its conclusions and recommendations.

11.2 In completing the assessment process, the contractor will need to balance a crisp and focused style with a clear demonstration of thoroughness and, where appropriate, detail. The information will be accessible to non-experts, as well as satisfying those with technical expertise. At the same time it should be proportionate in its approach.

Figure 2: Process for completing SEA



12. Skill Requirements

12.0 Specialist skills in data gathering, data analysis and environmental analysis are necessary for this work, as well as skills in social and economic analysis. This includes use of spatial mapping software, such as ArcGIS. Successful contractor will also be expected to have knowledge of marine habitats and species, and how these interact with marine activities. Knowledge and experience of SEA, and knowledge and understanding of sustainability appraisal are required.

12.1 It is expected that the contractor's internal project team will incorporate an internal quality assurance function to ensure that evidence and analysis used and generated are of sufficient quality and analytical rigour. The expectation is that the reviewers have expert knowledge of social and economic analysis, impact assessment, marine ecosystem services, marine economics, marine social science and environmental economics. These individuals may be academic experts.

12.2 It is anticipated that the project will be largely desk-based, and will draw on existing data and evidence. However, a degree of direct consultation with national and regional stakeholder organisations is expected as outlined under iterative process above. The contractor needs to be adept at analysing stakeholder comments and appropriately and transparently accounting for them

Schedule 2

Technical Proposal

Tenders will be evaluated against these requirements and each section carries a weighting to reflect the percentage of the marks allocated.

Tenderers must provide the following information in their tender submission:-

Technical Criteria (60%)

1 **General understanding of the requirement, demonstrable capacity and availability to meet the Ordered Services outputs. (overall weighting 50%)**

- Sub-weighting (25%) Tenderers should confirm their understanding and interpretation of this project brief, including the overall aims and objectives of the contract and the key issues to be addressed.

- Sub-weighting (75%) Tenderers should detail in full their methodological approach to meeting the deliverables of this contract.

2. **Demonstrable capability and expertise of the proposed personnel to meet the Ordered Services outputs (overall weighting 30%)**

- Sub-weighting (100%) Tenderers should provide an organisational chart of the project team highlighting the responsibilities of the staff proposed to work on this contract and their respective volumes of input. You should also demonstrate the project team's capability, expertise and knowledge in:

  i) Data Gathering and analysis in particular, social, environmental and economic analysis using spatial data;
  ii) Representing spatial data through the use of ArcGIS software;

3. **Project Management and operational proposals including quality and performance measurements (overall weighting 20%)**

- Sub-weighting (30%) Tenderers must provide the name of the individual who will manage this contract, a description of the management tasks that he/she will perform, together details of his/her relevant competencies and experience of project management. This should include how the activities of different parts of the project team will be overseen by the project manager.

- Sub-weighting (25%) Tenderers must provide a project schedule in the form of a Gantt chart in line with the timescale set out within the Specification highlighting delivery of all key milestones and deliverables.

- Sub-weighting (15%) This will be a challenging project. Tenderers should highlight particular areas of difficulty in the project and how they propose to tackle these.

- Sub-weighting (15%) Risks specific to this project should be properly considered and highlighted alongside mitigation measures. Given that there is no scope for delay in project deliverables, key risks will inevitably include:

  i) Potential for slippage in the project timescale and ensuring the availability of key personnel.
  ii) Potential risks to the successful completion of the project within timescale and budget.
  iii) The potential for any conflict of interests and how this would be mitigated.
  iv) Unforeseen risks such as fire or flood.

  These risks may be organisational or specific to the project. A risk assessment matrix for the project must be presented, detailing - in addition to the Key Risks highlighted above - all potential risks, their likelihood, measures to reduce their likelihood and impacts/plans to deal with risks that do materialise (including associated management arrangements in this respect).

- Sub-weighting (15%) Measures for quality assurance must be set out, including an explanation of how adherence to timescales and the quality of key outputs will be delivered to the satisfaction of Marine Scotland. These should include clear explanations of the management activities that will be undertaken to ensure quality of service and rigour and robustness of contributions from all members of the project team, including subcontractors.

Financial Criteria (40%)

4. **Total tender cost ex VAT (i.e number of days x contracted day rate for all work less any applicable discounts). (overall weighting 100%)**

Tender Evaluation Procedures

Each evaluator will evaluate every tender submission in isolation of the other evaluators.

Each evaluator will award a mark for each of the Technical question between 0 and 4 for each of the criterion (including sub-weightings) above. The following scoring criteria will be used

Mark	Descriptor	
0	**Unacceptable**	Nil or inadequate response. Fails to demonstrate an ability to meet the requirement.
1	**Poor**	Response is partially relevant but generally poor. The response addresses some elements of the requirement but contains insufficient/limited detail or explanation to demonstrate how the requirement will be fulfilled..
2	**Acceptable**	Response is relevant and acceptable. The response addresses a broad understanding of the requirement but may lack details on how the requirement will be fulfilled in certain areas.
3	**Good**	Response is relevant and good. The response is sufficiently detailed to demonstrate a good understanding and provides details on how the requirements will be fulfilled.
4	**Excellent**	Response is completely relevant and excellent overall. The response is comprehensive, unambiguous and demonstrates a thorough understanding of the requirement and provides details of how the requirement will be met in full.

Once each evaluator has independently evaluated each of the tender submissions, a Moderation Meeting will be held between the evaluators. Where individual evaluator's scores for particular questions differ from one-another, the scores and the Tenderer's response to that question (and any other relevant information in the Tenderer's bid) will be discussed at the Moderation Meeting. In the event that an Evaluator realises that they have misread the Tenderer's response, they may amend their original score for that question. Should no Evaluator find fault with their original score, all original scores will stand.

The marks awarded for responses to the questions posed will be added together for Annex A and B with the average mark being taken.

The arithmetical mean average of all of the evaluators marks for each question will then be multiplied by the relevant question weighting, to give the question weighted score.

The question weighted score will then be multiplied by the relevant section weighting, to give the section weighted score for that question. The section weighted scores for each question will then be added together to give the Sum Total of the Section Weighted Scores.

The Sum Total of the Section Weighted Scores will then be multiplied by the Technical (Quality) Award Criteria Weighting to give the Overall Technical (Quality) Score.

The tenderer who achieves the highest Technical score will be awarded 100% of the marks available for the Technical Award Criteria. The Technical Score for the remaining Tenderers will be determined by allocating a mark for each Tenderers' Technical Score relative to the highest Technical Score using the formula : (Tenderer's Technical Score/ Highest Total Technical Score) x 100.

The lowest overall price will receive 100 marks and be multiplied by the Price Ratio. The remaining bids will be awarded a proportion of 100 marks based on the percentage difference of their bid and the lowest priced bid, then multiplied by the Price Ratio.

The weighted score from the price evaluation will be added to the weighted technical score to provide a total score for each bid. This Total Score will form the basis of the Ranking of suppliers.

The most economically advantageous tender will be selected.

Awarding a Call off contract

Following evaluation of all bids, the Authority will call off on the contract will be made by issue of an award letter and purchase order to the successful tenderer.

The outcome of the competition will be notified to all tenderers as soon as possible and generally within two weeks of the tender return date. Both successful and unsuccessful tenderers will be provided with a debrief, if requested.

There is no requirement for Contractors to tender for every package work. The decision as to whether or not to tender in individual cases will be one for each Contractor and a decision not to bid in relation to one project or piece of work will not disqualify the Contractor concerned from tendering for other projects or pieces of work.

SCHEDULE 3

PRICING SCHEDULE

1. Tenderers are requested to submit a **FIRM DAILY RATE** for the work required in Schedule 2 .

2. The grades used shall be one of the following six; Director/Partner, Managing Consultant, Principal Consultant, Senior Consultant, Consultant or Junior Consultant.

3. All prices quoted must not exceed the maximum agreed price for each grade from each tenderer prior to the commencement of the framework agreement.

4. All Prices must be quoted in Pounds Sterling (£) and should be exclusive of any VAT which may be chargeable.

Name & Grade	**Task**	**Daily Rate**	**Number of Days**	**Total (Ex VAT)**
Other Costs (Please Define)				
Total Price (Ex VAT)				**£**
Total amount of VAT payable on this Tender				
Tenderers VAT Registration Number				

SEA of Policy Framework and Site Selection Guidelines for Highly Protected Marine Areas

Strategic Environmental Assessment
Screening and Scoping Report

July 2022

Report prepared by:

ABP mer

For:

Scottish Government
Riaghaltas na h-Alba
gov.scot

marinescotland

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Appendices

Tables

Figures

1 Introduction

1.1 Background

1.1.1 The Scottish Government and the Scottish Green Party believe that the marine environment "*should be clean, healthy, safe, productive and diverse, and managed to meet the long term needs of nature and people*"[1]. The Bute House Agreement sets out several commitments to help achieve this vision, including the designation of at least 10% of Scotland's seas as Highly Protected Marine Areas (HPMAs) by 2026. HPMAs will build upon the existing network of Marine Protected Areas (MPAs)[2] representing a significant increase in the overall level of protection afforded to Scotland's seas.

1.1.2 The first phase of a programme of work to deliver on this commitment involves setting a Policy Framework and the development of Site Selection Guidelines. These documents will provide a guide to the subsequent process of selecting, assessing and finally designating HPMAs. The Policy Framework is being produced by Marine Scotland. NatureScot and the Joint Nature Conservation Committee (JNCC) are jointly producing the Site Selection Guidelines.

Key Facts

Plan: Proposed Policy Framework and Site Selection Guidelines for HPMAs

Responsible Authority: Marine Scotland as a directorate of the Scottish Government

Topic area: Marine conservation

Legislative/policy drivers: Bute House Agreement, UK Marine Strategy Regulations 2010, OSPAR North Atlantic Strategy 2030, European Union (EU) Biodiversity Strategy for 2030, United Nations (UN)Convention on Biological Diversity Post-2020 Global Biodiversity Framework and UN Sustainable Development Goal 14

Area covered: Scottish inshore and offshore waters below Mean Low Water Springs (MLWS)

Relevant SEA topics: Biodiversity, Flora and Fauna; Soil; Water; Climatic Factors

Links to previous/ongoing SEAs: MPA designations (2013), inshore MPA management measures phase one (2014), inshore MPA management measures phase two (ongoing), Priority Marine Features management measures (ongoing), marine SPA designations (2018), designation of four additional MPAs (2019), designation of a deep sea marine reserve as an offshore MPA (2019), offshore MPA management measures

[1] Scottish Government (2021) Scottish Government and Scottish Green Party Shared Policy Programme: Working together to build a greener, fairer, independent Scotland [online] Available at: https://www.gov.scot/publications/scottish-government-scottish-green-party-shared-policy-programme/documents/ (accessed 04/07/2022)

[2] NatureScot (2021) The MPA Network [online] Available at: https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/marine-protected-areas/scotlands-marine-protected-area-network (accessed 04/07/2022)

1.1.3 The proposed Policy Framework and Site Selection Guidelines for HPMAs are the subject of this joint Screening and Scoping Report produced as part of a Strategic Environmental Assessment (SEA).

1.1.4 As the location of HPMAs have not yet been identified, it is only possible to undertake an initial SEA at this stage involving a preliminary consideration of the type of impacts that could arise from the future designation of HPMAs and restriction/limitation placed on activities within HPMAs. Once sites have been selected and proposed for designation, it will be possible to undertake an updated SEA involving spatial analysis of specific potential sites and a more detailed assessment of the scale of potential environmental effects.

1.2 Purpose of this report

Strategic Environmental Assessment

1.2.1 The Environmental Assessment (Scotland) Act 2005 ('the 2005 Act') requires that qualifying public plans, programmes and strategies undergo SEA in order to identify potentially significant environmental effects at an early stage[3]. The Policy Framework and Site Selection Guidelines for HPMAs are considered to fall under Section 5(4) of the 2005 Act and are, therefore, subject to SEA.

1.2.2 There is potential for the Policy Framework and Site Selection Guidelines to give rise to transboundary impacts. As such, this SEA has been undertaken in accordance with both the requirements of the 2005 Act and the Environmental Assessment of Plans and Programmes Regulations 2004 (the '2004 Regulations')[4].

1.2.3 This SEA will comprise one part of a wider Sustainability Appraisal (SA) that will determine the environmental, economic and social implications of the Policy Framework and Site Selection Guidelines for HPMAs.

Screening and Scoping

1.2.4 In accordance with the requirements of the 2005 Act, a joint screening and scoping exercise has been undertaken. The results of this exercise are presented in this report and comprise the following information:

- the proposed scope and level of detail of the assessment;
- the proposed assessment methodology;
- the types and sources of evidence that will inform the environmental baseline; and

[3] Environmental Assessment (Scotland) Act 2005, asp 15 [online] Available at: https://www.legislation.gov.uk/asp/2005/15/introduction (accessed 04/07/2022)

[4] The Environmental Assessment of Plans and Programmes Regulations 2004, SI 2004/1663 [online] Available at: https://www.legislation.gov.uk/uksi/2004/1633/introduction (accessed 04/07/2022)

- the prospective period of consultation on the draft proposals and the draft Environmental Report.

1.2.5 Information to support the screening exercise is provided in Appendix A.

1.2.6 This Screening and Scoping Report builds on the approach and lessons learnt from previous and ongoing SEAs that have been undertaken on proposed fisheries management measures in inshore and offshore waters and marine conservation work.

1.2.7 The views of the Consultation Authorities on this combined report, namely Historic Environment Scotland (HES), Scottish Environment Protection Agency (SEPA), and NatureScot (formerly Scottish Natural Heritage (SNH)) are now being sought.

1.3 Report structure

1.3.1 This Screening and Scoping Report is structured as follows:

- Section 1 introduces the proposals and the SEA process;
- Section 2 provides background information on the Policy Framework and Site Selection Guidelines for HPMAs;
- Section 3 sets out the proposed approach to the assessment, including the proposed scope, potential methodology, and how mitigation, monitoring, reasonable alternatives, and cumulative effects are likely to be addressed;
- Section 4 presents the legislative and policy context for the HPMAs;
- Section 5 presents an outline of the proposed environmental baseline that will inform the subsequent assessment;
- Section 6 provides details of the next steps in the development of the Policy Framework and Site Selection Guidelines for HPMAs and the SEA process, including proposed consultation timescales;
- Appendix A includes the SEA Screening Report and
- Appendix B provides a list of abbreviations that have been used.

2 Proposals for Highly Protected Marine Areas

2.1 Background to Highly Protected Marine Areas

2.1.1 The Scottish Government and the Scottish Green Party have a shared vision that the marine environment "*should be clean, healthy, safe, productive and diverse, and managed to meet the long term needs of nature and people*"[5].

2.1.2 The Bute House Agreement sets out several commitments to help achieve this vision for the Scottish marine environment and its protection. This includes adding "*to the existing MPA network by* ***designating a world-leading suite of HPMAs covering at least 10% of our seas*** *that:*

- Includes designations in both offshore and inshore waters;
- Exceeds the commitment to 'strict protection' by 2030 made in the EU Biodiversity Strategy by achieving this by 2026 for inshore waters (in respect of which Scottish Ministers have devolved powers) and, subject to the cooperation of the UK Government, by the same year for offshore waters (where the Scottish Parliament does not have legislative competence);
- Will provide additional environmental protection over and above the existing MPA network (including when all management measures are applied in MPAs as outlined above), by establishing sites which will provide protection from all extractive, destructive or depositional activities including all fisheries, aquaculture and other infrastructure developments, while allowing other activities, such as tourism or recreational water activities, at non-damaging levels (making them equivalent to 'marine parks'); and
- In cases where these sites overlap with current MPAs, provide extra environmental protection additional to that afforded by existing MPAs. Our clear common purpose is to deliver a significant total increase in the level of environmental protection applicable to Scotland's seas, in support of achieving and maintaining good environmental status for our waters."[6]

2.1.3 The Bute House Agreement further states that the suite of HPMAs will be delivered "*though a policy and selection framework that provides for:*

- **Balanced representation of the ecology of Scotland's seas** and their geographical spread from the coast to the deep sea, encompassing both inshore and offshore environments;

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[5] Scottish Government (2021) Scottish Government and Scottish Green Party Shared Policy Programme: Working together to build a greener, fairer, independent Scotland [online] Available at: https://www.gov.scot/publications/scottish-government-scottish-green-party-shared-policy-programme/documents/ (accessed 04/07/2022)

[6] ibid

- **The recovery of priority marine features**, which mostly lie within inshore waters, as a core purpose of the designation criteria;
- **Ecosystem recovery and biodiversity enhancement**, including protection of blue carbon and critical fish habitats;
- **Account to be taken of socio-economic factors** affecting the resilience and viability of marine industries and the coastal communities which depend on them; and
- **Public engagement and consultation** at all key stages of policy development, site selection and assessment, and designation."

2.1.4 To ensure the high levels of protection required for HPMAs, the Scottish Government will seek new powers to designate HPMAs in Scottish inshore or territorial waters (within 12 nautical miles of the coast). The Scottish Government will seek agreement from the UK Government to add equivalent powers to the Marine and Coastal Access Act 2009 for Scottish offshore waters (beyond 12 nautical miles from the coast.

2.1.5 Where HPMA designations require the relocation of existing human activity, the Bute House Agreement recognises that there may in some instances be a need for a transitional 'phasing out' period following the point of designation, to ensure a fair and just transition to a state of high protection. Any such period would be time-limited with a clear end point.

Definition of HPMAs

2.1.6 HPMAs are proposed to be defined as designated areas of the sea that are strictly protected to allow the marine ecosystems within to recover and thrive. These areas safeguard all of their marine life for the benefit of the planet and current and future generations; providing opportunities for carefully managed enjoyment and appreciation.

Aims of HPMAs

2.1.7 HPMAs are one of the measures available to protect Scotland's seas and to help deliver the Scottish Government's vision for the marine environment. The commitment to introduce HPMAs will also make a significant contribution to the achievement of broader UK, regional and global conservation ambitions (Section 4). In particular, it aligns with the EU Biodiversity Strategy for 2030, which proposes that 10% of EU's seas should be under strict protection by 2030[7]. Within the International Union for Conservation of Nature (IUCN) Guidelines for Applying Protected Area Management Categories to MPAs, such 'strict' or 'highly protected' areas are often associated with the definitions of

[7] European Commission (2020) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. EU Biodiversity Strategy for 2030 [online] Available at: https://environment.ec.europa.eu/strategy/biodiversity-strategy-2030_en (accessed 06/07/2022)

categories Ia, Ib and II that seek to 'leave natural processes essentially undisturbed to respect an area's ecological requirements'[8].

2.1.8 As part of the existing 'three-pillar' approach to marine nature conservation in Scotland (species conservation, site protection, and wider seas policies and measures)[9], HPMAs aim to:

- Facilitate ecosystem recovery and enhancement via the removal of pressures and/or active restoration;
- Enhance the benefits that coastal communities and others derive from our seas;
- Contribute to the mitigation of climate change impacts; and
- Support ecosystem adaptation and improve resilience, including to climate change.

2.1.9 The designation and management of HPMAs will take an ecosystems-based approach to afford high levels of protection to all marine biodiversity and associated ecosystem services within the boundaries of an HPMA from damaging levels of human activities.

2.2 Relationship with the existing MPA network

2.2.1 The Scottish MPA network consists of 247 sites, 233 of these are for nature conservation purposes and are designated under various legislative frameworks and include:

- Nature Conservation MPAs (NCMPAs);
- Special Areas of Conservation (SACs);
- Special Protection Areas (SPAs);
- Sites of Special Scientific Interest (SSSI); and
- Ramsar sites.

2.2.2 In addition, there is one demonstration and research MPA, eight historic MPAs (HMPAs), and five Other Area Based Measures (OABMs) recognised as part of the Scottish MPA network[10]. OABMs contribute to the protection of biodiversity but were not set up specifically for this purpose (e.g. fisheries restrictions).

2.2.3 Scotland's existing MPA network has been developed to afford protection to specific features (marine habitats, species, features of geological /

[8] IUCN (2008) Guidelines for Applying the IUCN Protected Area Management Categories to Marine Protected Areas [online] Available at: https://portals.iucn.org/library/node/10201 (accessed 06/07/2022)

[9] Scottish Government (2012) A Strategy for Marine Nature Conservation in Scotland's Seas [online] Available at: https://www.gov.scot/policies/marine-environment/conservation/ (accessed 06/07/2022)

[10] NatureScot (2021) The MPA Network [online] Available at: https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/marine-protected-areas/scotlands-marine-protected-area-network (accessed 05/07/2022)

geomorphological importance and some larger-scale ecological processes, such as fronts). Conservation objectives are set for each MPA in order to conserve or recover listed features. There is a presumption for sustainable use of MPAs, meaning that activities can continue, providing they do not adversely affect protected features or hinder achievement of the conservation objectives for a site.

2.2.4 NatureScot is responsible for providing advice on MPAs in Scottish inshore waters[11], while the JNCC advise on possible designations in offshore waters[12].

2.2.5 Given the twin biodiversity and climate crises, implementing HPMAs as an added component within the Scottish MPA network will help to support the recovery and resilience of Scotland's seas.

2.2.6 HPMAs will be selected in a way that complements and adds value to the existing MPA network and is mindful of decisions that have already been made and/or are underway regarding wider marine management regimes in Scottish waters.

2.2.7 HPMAs may overlap either fully or partially with some existing MPAs in order to maximise the conservation benefits associated with stricter management approaches in a particular geographic location. HPMAs may also occur fully outwith existing MPAs.

2.3 Development of Policy Framework and Site Selection Guidelines

2.3.1 Marine Scotland is developing a Policy Framework to guide the selection, assessment and designation of HPMAs. This will set out the aim of HPMAs and how sites are selected, how socio-economic impacts will be considered and mitigated, and how stakeholders will be involved.

2.3.2 NatureScot and the JNCC are jointly developing the Site Selection Guidelines for HPMAs. The application of the Site Selection Guidelines will aim to explore the potential contribution an area could make towards achieving the aims of HPMAs. The process is likely to be driven by the presence of specific functions and resources of significance to Scotland's seas and will look to optimise ecological, social and cultural benefits whilst minimising significant impacts where possible.

2.3.3 HPMAs will have strict limits on human activities in place to allow the protection and recovery of marine ecosystems. There will be activities which will not be allowed within HPMAs and activities which will be allowed within HPMAs at non-damaging levels.

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[11] NatureScot (2022) Marine Protected Areas (MPAs) [online] Available at: www.nature.scot/mpas (accessed 05/07/2022)

[12] JNCC (2022) Marine Protected Area Advice [online] Available at: https://jncc.gov.uk/advice/marine-protected-areas/ (accessed 05/07/2022)

2.3.4 There are some damaging activities associated with essential/lifeline services which will need to go ahead within HPMAs, and the legal powers that are being sought to designate and protect HPMAs will need to provide for these activities to go ahead where absolutely necessary. There will be a need to be able to distinguish between unplanned activities (such as anchoring in an emergency or oil spill response) and planned activities (such as construction of critical infrastructure). Consideration of what the designation of HPMAs will mean for different activities and sectors will be set out in the Policy Framework document that is currently being developed.

2.3.5 There will be some areas where HPMAs 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 areas and Offshore Wind for Innovation and Targeted Oil and Gas Decarbonisation (INTOG) areas) and 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.

2.3.6 HPMAs will be developed through a scientific process, using best available evidence and involving stakeholders. Socio-economic factors alongside ecological data will also be considered as part of the site selection process.

2.4 Finalisation and adoption of Policy Framework and Site Selection Guidelines

2.4.1 The draft Policy Framework and Site Selection Guidelines will be developed with input from stakeholders and will be subject to a formal consultation period. Following this, the documents will be finalised and published.

2.4.2 NatureScot, JNCC and Marine Scotland will then work with stakeholders to apply the Policy Framework and Site Selection Guidelines to identify a suite of HPMA proposals for consideration by Scottish Ministers. Stakeholders will also be given the opportunity to propose areas for consideration as HPMAs through third party site proposals.

3 The Approach to the Assessment

3.1 Purpose and scope of the assessment

3.1.1 The purpose of the SEA is to assess the potential for likely significant environmental effects associated with the adoption of the Policy Framework and Site Selection Guidelines for HPMAs.

3.1.2 The Policy Framework and Site Selection Guidelines will lead to the identification and designation of HPMAs which will remove/avoid certain activities and reduce/limit other activities to non-damaging levels (Section 2.3). There may be some damaging activities which will still need to take place within HPMAs (e.g. activities relating to defence, national security and lifeline services). Based on the previous and ongoing SEA work that has been undertaken (Section 3.2), it is considered that the scope of potentially significant environment effects resulting from the implementation of HPMAs is largely limited to beneficial effects to the marine environment within the HPMAs, spill over benefits beyond the boundaries of HPMAs and potential adverse effects as a result of the displacement of any activities that are excluded or restricted, as well as from the extension of any new cable routes that need to avoid transecting HPMAs. Displacement is likely to be assessed in terms of activities moving to new areas or the intensification of activities in areas where they already occur. Should there be a situation in future where a new cable installation need to be re-routed to avoid a HPMA, the extension of the route will have potential adverse effects associated with installation, operation and maintenance of a greater length of cable.

3.1.3 The location of HPMAs have not yet been identified and, therefore, it is only possible to undertake an initial SEA at this stage involving a preliminary consideration of the type of impacts that could arise from the future designation of HPMAs and restriction/limitation placed on activities within HPMAs. Once sites have been selected and are proposed to be taken forward for designation, it will be possible to undertake an updated SEA involving a more detailed site specific assessment of the potential environmental effects.

3.1.4 It is not considered within the scope of this SEA to evaluate the effectiveness of the Policy Framework and Site Selection Guidelines in identifying HPMAs that meet the commitments made in the Bute House Agreement. The HPMAs will have their own reporting and monitoring requirements, in line with the legislation from which they arise. Additionally, a Socio-Economic Impact Assessment (SEIA) will be undertaken in order to identify the socio-economic impacts that may result from the implementation of the Policy Framework and Site Selection Guidelines.

3.1.5 An initial review of the environmental topics set out in Schedule 3 of the 2005 Act[13] suggests that potentially significant environmental effects would be focused on the SEA topics of Biodiversity, Flora and Fauna; Water; Soil; and Climatic Factors. At this stage, it is proposed that the SEA consider all these topics under the topic of 'Biodiversity, Flora and Fauna' given their strong linkages. The rationale for scoping in and out each of the SEA topics is provided in Table 1.

3.1.6 This approach builds on the process followed in previous and ongoing SEAs when establishing the scope of the assessment (Section 3.2).

[13] Environmental Assessment (Scotland) Act 2005. Schedule 3 Information for Environmental Reports [online] Available at: https://www.legislation.gov.uk/asp/2005/15/schedule/3 (accessed 06/07/2022)

Table 1. Proposed scoping in/out of SEA topics

SEA topic	In/out	Reasons for inclusion / exclusion
Biodiversity, Flora and Fauna	In	The Policy Framework and Site Selection Guidelines for HPMAs will enable the identification and designation of HPMAs which are considered to be inherently beneficial to marine biodiversity through their strict protection and exclusion/restriction of activities. There may also be spillover benefits to marine species and habitats outwith the boundaries of the HPMAs. It is not, however, within the scope of this SEA to assess the potential effectiveness of the HPMAs at conserving or recovering the marine ecosystem. It is recognised that the displacement of activities from areas that are selected as HPMAs as a result of the implementation of the Policy Framework and Site Selection Guidelines could adversely affect marine biodiversity. This could be as a result of activities moving to new areas or due to the intensification of activities in areas where they already occur. Overall, the potential impacts on the SEA topic of 'Biodiversity, Flora and Fauna' have the potential to be significant and, therefore, this topic has been scoped into the assessment. Geodiversity is proposed to be scoped into the assessment under the SEA topic of 'Biodiversity, Flora and Fauna' as the viability and health of both flora and fauna populations are highly dependent upon the availability of good habitats, which in turn is influenced by the condition of underlying geodiversity features. The potential impacts on the SEA topic of 'Soil' are intrinsically linked to the SEA topic of 'Biodiversity, Flora and Fauna' as any improvements to or decline in the condition of the seafloor will inevitably alter its suitability as a habitat. In recognition of these cross-cutting impacts, it is proposed that the 'Soil' topic be scoped in under the 'Biodiversity, Flora and Fauna' topic (see below). Biodiversity is a key consideration underlying the environmental quality objectives of the Water Framework Directive (WFD) and the UK Marine Strategy Regulations. As such, it is proposed that impacts on the SEA topics of 'Soil' and 'Water' as they relate to meeting these objectives are also scoped in under the 'Biodiversity, Flora and Fauna' topic (see below). In addition, it is proposed that the potential impacts of the Policy Framework and Site Selection Guidelines on the capacity of the marine environment to mitigate and adapt to climate change under the SEA topic of 'Climatic Factors' also receive consideration under the 'Biodiversity, Flora and Fauna' topic, as such impacts are likely to focus on marine flora and fauna to serve as long term carbon stores (see below).
Population and Human Health	Out	The SEA topic of 'Population and Human Health' is proposed to be scoped out of the assessment as the adoption of the Policy Framework and Site Selection Guidelines for HPMAs is unlikely to lead to any significant environmental impacts on this topic. The SEIA and overarching SA of which this SEA is a part of will address any potential socio-economic impacts.
Soil	In	The Policy Framework and Site Selection Guidelines for HPMAs will allow for the identification and designation of HPMAs which could contribute towards Scotland's marine waters achieving and maintaining Good Status under

SEA topic	In/out	Reasons for inclusion / exclusion
		the WFD in inshore waters (in terms of hydromorphological elements) and Good Environmental Status (GES) under the UK Marine Strategy Regulations in offshore waters (in terms of the indicator relating to protecting and improving the condition of the seafloor in order to support the health of the wider marine environment). Given the close links between geodiversity features and the condition of the overall ecosystem, we propose to cover issues such as seafloor condition under the 'Biodiversity, Flora and Fauna' topic.
Water	In	The Policy Framework and Site Selection Guidelines for HPMAs could benefit WFD objectives, particularly in terms of improving the ecological status of River Basin Management Plan (RBMP) water bodies. Given this link, the potential impacts on ecological status are proposed to be addressed under 'Biodiversity, Flora, and Fauna'. Scotland has a commitment under the UK Marine Strategy Regulations to achieves GES within its marine environment. This involves satisfying several qualitative descriptors relating to biodiversity. Given this link, it is proposed that role that the Policy Framework and Site Selection Guidelines for HPMAs have in working towards GES be covered under the topic of 'Biodiversity, Flora and Fauna'. Effects on water quality and/or quantity are not anticipated and it is, therefore, proposed that these effects are scoped out.
Air	Out	Displacement of some activities (e.g. fisheries) as a result of the eventual designation of HPMAs that result from the adoption of the Policy Framework and Site Selection Guidelines may result in longer journey times/lengths and thus lead to increased greenhouse gas (GHG) emissions. However, relative to current marine vessel emissions within Scottish waters, these increases are not considered to be significant. The SEA topic 'Air' is, therefore, proposed to be scoped out.
Climatic Factors	In	Marine habitats may play a role in climate change regulation by acting as long-term carbon stores[14]. The Policy Framework and Site Selection Guidelines for HPMAs could result in a potential change in marine carbon sequestration/blue carbon processes and in turn climate change mitigation and adaptation. The SEA topic 'Climatic Factors' has, therefore, been scoped into the assessment. Given the close link between marine carbon sequestration/blue carbon and marine habitats, the potential impact of the proposals on 'Climatic Factors' will be addressed within the topic of 'Biodiversity, Flora and Fauna'. This will include, as far as possible, a consideration of generic impacts on carbon stocks outwith the boundaries of the HPMAs due to the displacement of certain activities that result in the potential re-suspension of stored carbon in the water where it can more easily break down.

[14] Thompson, K., Miler, K., Johnston, P., and Santillo D. (2017). Storage of carbon by marine ecosystems and their contribution to climate change mitigation. Greenpeace Research Laboratories Technical Report (Review) 03-2017. Available at: http://www.greenpeace.to/greenpeace/wp-content/uploads/2017/05/Carbon-in-Marine-Ecosystems-Technical-Report-March-2017-GRL-TRR-03-2017.pdf (accessed 20/1/2022).

SEA topic	In/out	Reasons for inclusion / exclusion
Material Assets	Out	No environmental impacts on the 'Material Assets' SEA topic are likely to result from the Policy Framework and Site Selection Guidelines for HPMAs. This topic has, therefore, been scoped out of the assessment. The socio-economic effects of the proposals on other users of the marine environment, both adverse and beneficial, will be assessed by the SEIA and overarching SA of which this SEA is a component.
Cultural Heritage	Out	The regulation of certain marine activities and forms of development as a result of the designation of HPMAs could mean that environmentally damaging activities move out of the HPMAs or else are never introduced, thereby indirectly benefiting any submerged cultural heritage. However, this benefit is contingent upon the HPMA overlapping cultural heritage resources, the true extent of which can be difficult to determine as some of these features remain undiscovered, particularly in the offshore marine area. Further, conservation and cultural heritage objectives would need to be compatible (e.g. some historic features may require excavation in order to ensure their preservation, which may be at odds with conservation interests). At this time, the impacts of the adoption of the Policy Framework and Site Selection Guidelines and eventual designation of HPMAs are not predicted to be significant and so it is proposed that Cultural Heritage be scoped out of the assessment.
Landscape/ Seascape	Out	It is possible that the seascape may benefit from the Policy Framework and Site Selection Guidelines and resultant designation of HPMAs as they will result in the removal/restriction of certain activities (e.g. aquaculture sites). However, at this time, such impacts are not predicted to be significant and so it is proposed that the 'Landscape/Seascape' SEA topic be scoped out of the assessment.

3.2 Relationship to previous SEA work

3.2.1 This Screening and Scoping Report builds on previous and ongoing SEAs that have been undertaken on proposed fisheries management measures in inshore waters and marine conservation work undertaken by the Scottish Government. This includes the following:

- The designation of Nature Conservation MPAs (assessed in 2013)[15];
- Phase one (assessed in 2014)[16,17] and proposals for phase two (currently under assessment) of the implementation of management measures for inshore MPAs;
- The designation of an additional suite of marine SPAs (assessed in 2018) [18];
- The designation of four additional MPAs (assessed in 2019)[19];
- The designation of a deep sea marine reserve as an offshore MPA (assessed in 2019)[20];
- Proposals for management measures applying to Priority Marine Features (PMFs) (currently under assessment)[21]; and
- Proposals for management measures in offshore MPAs (currently under assessment).

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[15] Scottish Government (2013) Planning Scotland's Seas: 2013 – Possible Nature Conservation Marine Protected Areas Consultation Overview – Strategic Environmental Assessment Report [online] Available at: https://www.gov.scot/publications/planning-scotlands-seas-2013-possible-nature-conservation-marine-protected-areas/documents/ (accessed 20/01/2022)

[16] Scottish Government (2014) 2014 Consultation on the Management of Inshore Special Areas of Conservation and Marine Protected Areas Overview [online] Available at: https://www.gov.scot/publications/2014-consultation-management-inshore-special-areas-conservation-marine-protected-areas/pages/2/ (accessed 20/01/2022)

[17] Scottish Government (2014) MPA/SAC Consultation Environmental Assessment [online] Available at: https://www.webarchive.org.uk/wayback/archive/3000/https://www.gov.scot/Topics/marine/marine-environment/mpanetwork/MPAMGT/consultation2014/ManagementSEA (accessed 20/01/2022)

[18] Scottish Government (2018) SEA of Marine Proposed Special Protection Areas Strategic Environmental Assessment Environmental Report. Available at: https://consult.gov.scot/marine-scotland/sea-for-15-proposed-special-protection-areas/supporting_documents/Marine%20SPA%20SEA%20%20Consultation%20document%20%20September%202018.pdf (accessed 20/01/2022)

[19] Marine Scotland (2019) Sustainability Appraisal of proposed Marine Protected Areas Sustainability Appraisal [online] Available at: https://consult.gov.scot/marine-scotland/four-new-marine-protected-areas/supporting_documents/MPA%20Sustainability%20Appraisal%20Project%20%20Final%20with%20covers%20%20SA%20Report%20%2006%20June%202019.pdf (accessed 20/01/2022)

[20] Marine Scotland (2019) Proposed Deep Sea Marine Reserve Strategic Environmental Assessment Environmental Report [online] Available at: https://consult.gov.scot/marine-scotland/deep-sea-marine-reserve/supporting_documents/Development%20of%20deep%20sea%20reserve%20%20West%20of%20Scotland%20%20SEA%20%20Final.pdf (accessed 20/01/2022)

[21] Marine Scotland (2018) SEA of Proposed Inshore PMF Management Measures Strategic Environmental Assessment Screening and Scoping Report [online] Available at: https://consult.gov.scot/marine-scotland/priority-marine-features/supporting_documents/R2977%20Draft_ScreeningScoping_03July2018.pdf (accessed 20/01/2022)

3.2.2 As some of this SEA work is ongoing, it is likely these concurrent assessments will be used to inform the current assessment as far as possible, providing a more complete understanding of cumulative effects in particular.

3.2.3 Other relevant sources of information may include the SEAs undertaken on the Sectoral Marine Plans for Offshore Renewable Energy in Scottish Waters[22], the more recent Sectoral Marine Plan for Offshore Wind Energy[23], Management Proposals of Inshore Fisheries Groups[24], and the Seaweed Policy Statement[25]. In addition, the ongoing SEA that is being undertaken for the Sectoral Marine Plan for INTOG will also be considered.

3.3 Proposed assessment methodology

3.3.1 Based on the available data and strategic nature of SEAs, a generic high-level and qualitative assessment of these potential effects is proposed to be undertaken.

3.3.2 The Policy Framework and Site Selection Guidelines will be used to identify and propose HPMAs in the next phase of the process. It will, therefore, not be possible for this initial SEA to undertake a spatial analysis of specific potential sites or quantify the likely scale/magnitude of effects. This preliminary assessment will be updated once site boundary proposals are available. This will form part of a separate future updated SEA on the proposed designation of HPMAs.

3.3.3 The key potential environmental effects that are likely to arise from the implementation of the Policy Framework and Site Selection Guidelines for HPMAs are as follows:

- Potential benefits to marine biodiversity and marine ecosystem;
- Potential spillover benefits beyond site boundaries; and
- Potential adverse effects resulting from the displacement of activities from site boundaries into new areas and the intensification of activities in areas where these activities already occur.

3.3.4 The assessment of potential benefits to offshore MPAs will consider in generic terms how the pressures on the marine environment might reduce as a result of

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[22] Scottish Government (2013) Planning Scotland's Seas: Draft Sectoral Marine Plans for Offshore Renewable Energy in Scottish Waters – Strategic Environmental Assessment: Environmental Report and Appendix A [online] Available at: http://www.gov.scot/Publications/2013/07/2403/0 (accessed 20/01/2022)

[23] Scottish Government (2019) SEA of Sectoral Marine Plan for Offshore Wind Energy Strategic Environmental Assessment Environmental Report [online] Available at: https://mst.dk/media/188824/sea-sectoral-marine-plan-offshore-wind-energy-strategic-environmental-assessment-environmental-report.pdf (accessed 20/01/2022)

[24] Scottish Government (2014) Management Proposals of Inshore Fisheries Groups: Strategic Environmental Assessment Post Adoption Statement [online] Available at: https://www.gov.scot/publications/management-proposals-inshore-fisheries-groups-strategic-environmental-assessment-post-adoption/documents/ (accessed 20/01/2022)

[25] Scottish Government (2016) Wild seaweed harvesting: strategic environmental assessment - environmental report [online] Available at: https://www.gov.scot/publications/wild-seaweed-harvesting-strategic-environmental-assessment-environmental-report/ (accessed 20/01/2022)

the adoption of the Policy Framework and Site Selection Guidelines and designation of HPMAs.

3.3.5 The assessment of potential for spillover benefits beyond site boundaries will consider how the change in pressures within HPMAs might result in spillover benefits taking account of the latest available evidence.

3.3.6 For the assessment of adverse environmental effects, a high level qualitative review of activities that might be displaced and future cable routes that might be extended due to the Policy Framework and Site Selection Guidelines for HPMAs and the potential implications of that displacement on the marine environment will be undertaken.

3.3.7 The assessment will include consideration of the potential for transboundary effects on EU Member States as a result of the displacement of activities outwith Scottish jurisdiction.

3.3.8 The SEA objectives proposed for this assessment have built on those used to inform recent related marine assessments. Those objectives reflected the scope of their respective assessments as well as environmental protection objectives found across relevant legislation (discussed further in Section 4). These SEA objectives are considered to remain applicable to the present assessment.

3.3.9 Table 2 sets out these proposed objectives which will be revisited as the assessment progresses to ensure they remain appropriate.

Table 2. Proposed SEA Objectives

SEA Topics	Proposed SEA Objective
Biodiversity, Flora and Fauna	• To protect and recover marine ecosystems, including species, habitats, and their interactions[26]; • To maintain and protect the character and integrity of the seabed; • To avoid the pollution of seabed strata and/or bottom sediments; • To avoid pollution of the marine water environment; • To maintain or work towards achieving 'Good Status' and 'Good Environmental Status' of the marine environment; and • To preserve and enhance existing marine carbon stocks and carbon sequestration potential.
Soil	See Biodiversity, Flora and Fauna.
Water	See Biodiversity, Flora and Fauna.

[26] The SEA objective used in previous and ongoing SEAs that have been undertaken by the Scottish Government (Section 3.2) "*To safeguard and enhance marine ecosystems*…" is proposed to be amended to reflect more closely the terminology that is likely to be used in the Policy Framework.

SEA Topics	Proposed SEA Objective
Climatic Factors	See Biodiversity, Flora and Fauna.

3.3.10 The assessment of the Policy Framework and Site Selection Guidelines for HPMAs against the key potential environmental effects and the SEA objectives presented are anticipated to be primarily set out in tabular form.

3.4 Identifying mitigation and monitoring proposals

3.4.1 A key aim in introducing HPMAs will be to reduce and, where possible, mitigate potential adverse impacts of designating sites. Mitigation is, therefore, an integral part of the development of the Policy Framework and Site Selection Guidelines for HPMAs. Any requirement for additional mitigation will be identified through the assessment process.

3.4.2 Monitoring proposals are likely to focus on any significant environmental effects that are identified during the course of the SEA and on the implementation of any additional mitigation measures, where appropriate. Where possible, monitoring proposals will be linked with relevant existing indicators and data sources in order to minimise resourcing requirements for additional data collection.

3.5 Consideration of reasonable alternatives

3.5.1 In accordance with the 2005 Act, there is a requirement to consider reasonable alternatives that fulfil the objective of the plan as part of the SEA. The reasonable alternatives that are identified as part of the development of the Policy Framework and Site Selection Guidelines for HPMAs will be assessed.

3.5.2 In advance of identifying any potential HPMAs, reasonable alternatives could be high level considerations of alternative management scenarios that meet the aims of HPMAs, for example options for different activities that are not considered compatible with HPMAs and activities that are allowed at non-damaging levels. As part of the process for selecting HPMAs, the options considered for where sites are located could be considered reasonable alternatives. It is expected that the suitability of alternative management scenarios and alternative decisions on where sites are located will be explored and informed by the SEA as the assessment progresses.

3.6 Cumulative effects

3.6.1 The assessment will examine the potential for cumulative effects to arise from the implementation of the Policy Framework and Site Selection Guidelines for HPMAs as a whole and also alongside other plans and programmes. This includes other management measures from previous plans and also the wider MPA network (Section 3.2), as well as wider marine spatial planning including

the Crown Estate Scotland's first round of Offshore Wind Leasing in Scottish Waters (ScotWind), the Scottish Government's Sectoral Marine Plan for INTOG, National Grid Electricity System Operator's (ESO) Holistic Network Design (HND) under the Offshore Transmission Network Review (OTNR) and development and deployment of Carbon Capture, Utilisation and Storage (CCUS) in Scotland. The assessment will, where possible, also consider any potential synergies and conflicts between the proposals and other forms of marine activity.

4 Policy Context of the Proposals for HPMAs

4.1 Purpose of this section

4.1.1 The 2005 Act requires Responsible Authorities to identify the plan's broader policy context, particularly any relevant environmental protection objectives that will influence the plan's development and implementation. The immediate policy context for the development of the Policy Framework and Site Selection Guidelines for HPMAs is described in Section 2. The following paragraphs set out the wider policy environment in terms of potential interactions between the proposals and other plans, programmes, or strategies (PPS). The key policy context in which the proposals for HPMAs sit is illustrated in Figure 1.

4.2 Policy context of the Policy Framework and Site Selection Guidelines

4.2.1 This section begins with a summary of relevant marine policies followed by an overview of policies relating to the SEA topics that have been scoped into the assessment: Biodiversity, Flora and Fauna; Soil (assessed under Biodiversity, Flora and Fauna); Water (assessed under Biodiversity, Flora and Fauna); and Climatic Factors (assessed under Biodiversity, Flora and Fauna)[27].

4.2.2 It should be noted that as the UK is no longer a member of the EU, EU legislation, as it applied to the UK on 31 December 2020, is now a part of UK domestic legislation as set out in the EU (Withdrawal) Act 2018[28].

Overarching marine policy

4.2.3 Species and habitat conservation is one of several key areas of interest underlying greater marine policy in Scotland[29]. Additional policy areas relate to topics such as aquaculture, marine renewable energy, and the management of commercial and recreational fisheries[30]. Scotland also has a programme of national marine planning in accordance with national legislation and a growing international recognition of the need to balance competing interests and aims in the marine environment, including conservation. Examples of this wider marine policy are presented below, beginning with international policies and moving on to UK and domestic policies.

4.2.4 At an international level, the **United Nations Convention on the Law of the Sea (UNCLOS)** is an international agreement adopted in 1982 that establishes

[27] Although it is proposed that Soil, Water and Climatic Factors be scoped in under 'Biodiversity, Flora and Fauna', relevant policies relating to each are presented under their own headings for clarity.

[28] European Union (Withdrawal) Act 2018 [online] Available at: https://www.legislation.gov.uk/ukpga/2018/16/contents/enacted (accessed 05/07/2022)

[29] Scottish Government (undated). Marine environment: Conservation (MPAs) [online] Available at: https://www.gov.scot/policies/marine-environment/conservation/ (accessed 05/07/2022)

[30] Scottish Government (undated) Marine and Fisheries [online] Available at: https://www.gov.scot/marine-and-fisheries/ (accessed 05/07/2022)

a legal framework for all marine and maritime activities. It lays down a comprehensive regime of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources[31]. It embodies in one instrument traditional rules for the uses of the oceans and at the same time introduces new legal concepts and regimes and addresses new concerns. The Convention also provides the framework for further development of specific areas of the law of the sea. The convention introduced a number of provisions. The most significant issues covered were setting limits, navigation, archipelagic status and transit regimes, Exclusive Economic Zones (EEZs), continental shelf jurisdiction, deep seabed mining, the exploitation regime, protection of the marine environment, scientific research, and settlement of disputes[32].

4.2.5 **UN Sustainable Development Goal 14: Life Below Water** was adopted in 2015 as an integral aspect of the 2030 Agenda for Sustainable Development and its set of 17 transformative goals[33]. Goal 14 stresses the need to conserve and sustainably use the world's oceans, seas and marine resources[34]. Advancement of Goal 14 is guided by specific targets that focus on an array of ocean issues, including reducing marine pollution, protecting marine and coastal ecosystems, minimising acidification, ending illegal and over-fishing, increasing investment in scientific knowledge and marine technology, and respecting international law that calls for the safe and sustainable use of the ocean and its resources. The 2022 UN Ocean Conference, co-hosted by the Governments of Kenya and Portugal, comes at a critical time as the world is seeking to address many of the deep-rooted problems of our societies laid bare by the COVID-19 pandemic and which will require major structural transformations and common shared solutions that are anchored in the Sustainable Development Goals[35]. To mobilise action, the Conference will seek to propel much needed science-based innovative solutions aimed at starting a new chapter of global ocean action. Solutions for a sustainably managed ocean involve green technology and innovative uses of marine resources. They also include addressing the threats to health, ecology, economy and governance of the ocean - acidification, marine litter and pollution, illegal, unreported and unregulated fishing, and the loss of habitats and biodiversity.

4.2.6 The **Convention for the Protection of the Marine Environment of the North-East Atlantic (the 'OSPAR Convention')** integrated and updated the 1972 Oslo and 1974 Paris Conventions on land-generated sources of marine

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[31] International Maritime Organization (IMO) United Nations Convention on the Law of the Sea [online] Available at: https://www.imo.org/en/OurWork/Legal/Pages/UnitedNationsConventionOnTheLawOfTheSea.aspx (accessed 11/07/2022)

[32] UNCLOS (2022) United Nations Convention on the Law of the Sea of 10 December 1982 Overview and full text [online] Available at: https://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm (accessed 11/07/2022)

[33] UN (2022) Do you know all 17 SDGs? [online] Available at: https://sdgs.un.org/goals (accessed 08/07/2022)

[34] UN (2022) About the 2022 UN Ocean Conference [online] Available at: https://www.un.org/en/conferences/ocean2022/about (accessed 11/07/2022)

[35] ibid

pollution[36]. The first Ministerial Meeting of the OSPAR Commission in 1998 adopted Annex V 'On the protection and conservation of the ecosystems and biodiversity diversity of the maritime area' to the Convention, to extend the cooperation of the Contracting Parties to cover all human activities that might adversely affect the marine environment of the North-East Atlantic. In 2003, Recommendation 2003/3 was adopted (amended in 2010 by Recommendation 2010/2), relating to the establishment of an ecologically coherent network of MPAs in the North East Atlantic[37] and in 2010, Recommendation 2010/5[38] on the assessment of environmental impacts on threatened and/or declining species was adopted.

4.2.7 The OSPAR Convention is implemented through OSPAR's **North-East Atlantic Environmental Strategy 2030** which was adopted in October 2021 in Portugal[39]. This Strategy sets out collective objectives to tackle the triple challenge facing the ocean; biodiversity loss, pollution and climate change[40]. Its implementation is part of OSPAR's contribution to the achievement of the United Nations (UN) 2030 Agenda for Sustainable Development and its Sustainable Development Goals[41]. The Strategy sets out OSPAR's vision, strategic and operational objectives. Surrounding four themes (clean seas, biologically diverse seas, productive and sustainably used seas and seas resilient to climate change and ocean acidification), the operational objectives of the Strategy set out qualitative and quantitative targets to support achievement of the strategic objectives[42]. The introduction of HPMAs will support and contribute to the strategic objectives set out in the Strategy.

4.2.8 The UK reports progress towards GES through the **UK Marine Strategy**[43]. This Strategy contributes to delivering the vision of the UK Marine Policy Statement (see below). It consists of a simple 3-stage framework for achieving GES in order to protect the marine environment, prevent its deterioration and restore it where practical, while allowing sustainable use of marine resources[44]. The strategy covers 11 elements (known as descriptors) including: biodiversity; non-indigenous species; commercial fish; food webs; eutrophication; sea-floor

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[36] OSPAR Commission (undated) OSPAR Convention [online] Available at: https://www.ospar.org/convention (accessed 05/07/2022)

[37] OSPAR Commission (undated) Marine Protected Areas [online] Available at: https://www.ospar.org/work-areas/bdc/marine-protected-areas (accessed 05/07/2022)

[38] OSPAR Commission (undated) The OSPAR Acquis: Decisions, Recommendations & Agreements [online] Available at: https://www.ospar.org/convention/agreements (accessed 05/07/2022)

[39] OSPAR (2021) North-East Atlantic Environment Strategy [online] Available at: https://www.ospar.org/convention/strategy (accessed 07/07/2022)

[40] OSPAR (2021) North-East Atlantic Environment Strategy 2030 – Tackling Biodiversity Loss, Pollution, And Climate Change [online] Available at: https://www.ospar.org/site/assets/files/1200/briefing_note_neaes2030.pdf (accessed 07/07/2022)

[41] UN (2022) Do you know all 17 SDGs? [online] Available at: https://sdgs.un.org/goals (accessed 08/07/2022)

[42] OSPAR (2021) North-East Atlantic Environment Strategy 2030 – Tackling Biodiversity Loss, Pollution, And Climate Change [online] Available at: (accessed 07/07/2022)

[43] UKMMAS (2021). Introduction to UK Marine Strategy [online] Available at: https://moat.cefas.co.uk/introduction-to-uk-marine-strategy/ (accessed 06/07/2022)

[44] ibid

integrity; hydrographical conditions; contaminants; contaminants in seafood; marine litter and underwater noise. Wherever possible, indicators and monitoring programmes have been carried out together with OSPAR countries using agreed methods and assessment criteria to provide a coordinated approach across the North East Atlantic[45]. The introduction of HPMAs should help to contribute to achieving GES.

4.2.9 The **Marine (Scotland) Act 2010** acts as a framework to help balance competing demands on Scotland's inshore seas[46]. It introduced a duty to protect and enhance the marine natural and historic environment while at the same time streamlining the marine planning and licensing system[47].

4.2.10 The **Marine and Coastal Access Act 2009** devolved marine planning and conservation powers to Scottish Ministers in the offshore region (12-200nm) and also provides a framework for the cooperative management of the marine environment between Scottish Ministers and UK Government[48].

4.2.11 The **UK Marine Policy Statement** provides a vision of 'clean, healthy, safe, productive and biologically diverse oceans and seas' that is shared by all UK countries and used to guide their respective marine management strategies[49].

4.2.12 Scotland's **National Marine Plan** fulfils joint requirements under the Marine (Scotland) Act 2010 and Marine and Coastal Access Act 2009 to prepare marine plans, providing a cohesive approach to the management of both inshore and offshore waters[50]. It enacts the principles of EU Directive 2014/89/EU[51] on maritime spatial planning, which recognise that a comprehensive and consistent approach to maritime planning can prevent conflicts between sectors, increase cross-border cooperation, and protect the environment by identifying potential impacts early and pursuing opportunities for multiple uses of space[52]. The National Marine Plan also seeks to promote development in a way that is compatible with the protection and enhancement of the marine environment[53].

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[45] ibid

[46] Scottish Government (2017) Marine (Scotland) Act [online] Available at: http://www.gov.scot/Topics/marine/seamanagement/marineact (accessed 08/07/2022)

[47] ibid

[48] Marine and Coastal Access Act 2009 [online] Available at: https://www.legislation.gov.uk/ukpga/2009/23/contents (accessed 06/07/2022)

[49] HM Government (2011) UK Marine Policy Statement [online] Available at: https://www.gov.scot/publications/uk-marine-policy-statement-march-2011/ (accessed 06/07/2022)

[50] Scottish Government (2015) Scotland's National Marine Plan – A Single Framework for Managing Our Seas [online] Available at: https://www.gov.scot/publications/scotlands-national-marine-plan/ (accessed 06/07/2022)

[51] Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning [online] Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.257.01.0135.01.ENG%20 (accessed 06/07/2022)

[52] European Commission (2017). Maritime spatial planning [online] Available at: https://ec.europa.eu/maritimeaffairs/policy/maritime_spatial_planning_en (accessed 06/07/2022)

[53] Scottish Government (2015) Scotland's National Marine Plan – A Single Framework for Managing Our Seas [online] Available at: https://www.gov.scot/publications/scotlands-national-marine-plan/ (accessed 06/07/2022)

4.2.13 More recently, in 2021, the Scottish Government and the Scottish Green party Parliamentary Group have agreed to work together over the next five years to build a green economic recovery from COVID-19, respond to the climate emergency and create a fairer country[54]. A Shared Policy Programme, known as the **Bute House Agreement** was agreed which focuses on areas of mutual interest to improve the way Scotland is governed and create a stable platform to meet the challenges Scotland faces[55]. It details collaboration on the climate emergency, economic recovery, child poverty, the natural environment, energy and constitution. It includes commitments to a strengthened framework of support for the marine renewables and offshore wind sectors and enhance marine environmental protection. In addition, the Bute House Agreement promises a "*step change in support for […] new protections for our marine areas*" and changes that would make "*Scotland an international leader in this field*". It identifies a number of much-needed actions to recover the health of Scotland's seas, namely delivering fisheries management measures for all of Scotland's MPAs; designating a suite of HPMAs covering 10% of Scotland's seas (as further detailed in Section 2); increasing protection for the inshore seafloor that falls outwith protected areas; and recovering PMFs[56].

[54] Scottish Government (2021). News: Agreement with Scottish Green Party [online] Available at: https://www.gov.scot/news/agreement-with-scottish-green-party/ (accessed 08/07/2022)

[55] Scottish Government (2021) Scottish Government and Scottish Green Party Shared Policy Programme: Working together to build a greener, fairer, independent Scotland [online] Available at: https://www.gov.scot/publications/scottish-government-scottish-green-party-shared-policy-programme/documents/ (accessed 08/07/2022)

[56] Scottish Wildlife Trust (2022) How Scotland's seas will be affected by the Programme for Government [online] Available at: https://scottishwildlifetrust.org.uk/2021/10/how-scotlands-seas-will-be-affected-by-the-programme-for-government/ (accessed 22/02/2022)

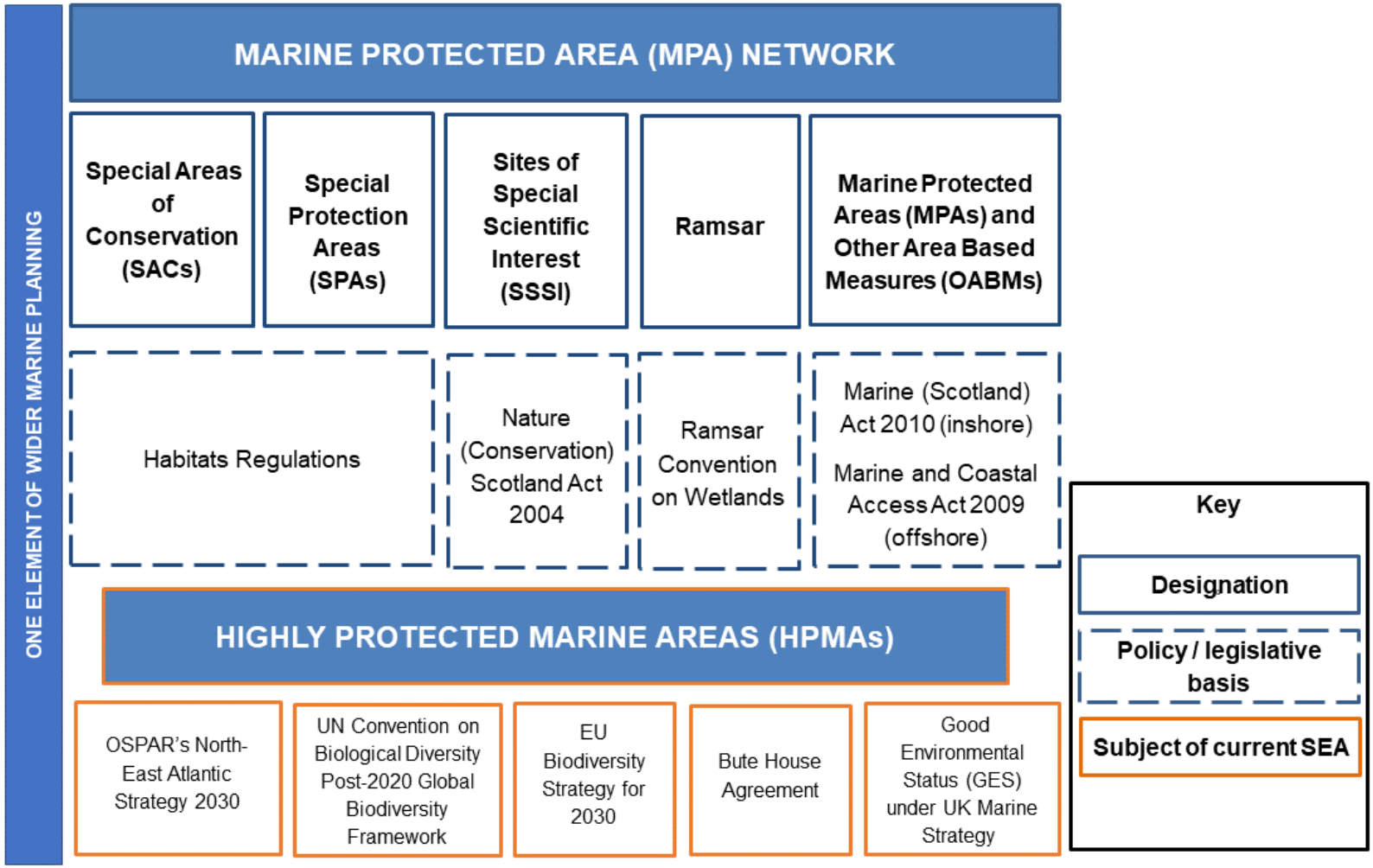

Figure 1. Key policy context of proposals for HPMAs

Biodiversity, Flora and Fauna policy

4.2.14 International policies provide a framework for the conservation, protection and sustainable use of biodiversity, flora and fauna. In relation to the marine environment, this includes planning for sustainable fisheries and mariculture, the protection of migratory species, including birds and fish stocks, the protection of marine habitats, and the management of non-native invasive species. These are often set out in the context of taking an ecosystem approach to the management and restoration of marine environments. Scottish policy reflect the objectives of an ecosystem approach and emphasise action for priority species and habitats, with particular reference to the protection of seals and the sustainable management of fish stocks. Building resilience to climate change is also a cross-cutting theme.

4.2.15 The UN **Convention on Biological Diversity (CBD)**, signed by 150 government leaders at the 1992 Rio Earth Summit, is dedicated to promoting sustainable development[57]. The Conference of the Parties is the governing body of the Convention, and advances implementation of the Convention through the decisions it takes at its periodic meetings[58]. The 15th meeting of the Conference of the Parties (COP 15) to the CBD is being held in Kunming, China in two parts. Part one took place virtually between 11 and 15 October 2021[59]. Part two will be an in-person meeting in Canada in December 2022. The first part of COP15 addressed agenda items considered essential for the continuation of the operations of the Convention and the Protocols[60]. It included meetings about administrative matters and technical issues related to the CBD programmes, as well as the development of the **Post-2020 Global Biodiversity Framework** which aims to put nature on a path to recover by 2030. The Framework comprises 21 targets and 10 'milestones' proposed for 2030, en route to 'living in harmony with nature' by 2050[61]. The second part of COP15 is expected to address the remaining agenda items, including the completion and adoption of the Post-2020 Global Biodiversity Framework. Designating HPMAs in Scottish Waters will make a significant contribution to achieving this aim in Scotland.

4.2.16 At an international level, the **OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic** is an important driver in the

[57] Convention on Biological Diversity (2022) The Convention on Biological Diversity [online] Available at: https://www.cbd.int/convention/ (accessed 11/07/2022)

[58] Convention on Biological Diversity (undated). Conference of the Parties (COP) [online] Available at: https://www.cbd.int/cop/ (accessed 06/07/2022)

[59] ibid

[60] NatureScot (2021) Countdown to COP15 [online] Available at: (https://www.nature.scot/scotlands-biodiversity/scottish-biodiversity-strategy-and-cop15/countdown-cop15 (accessed 06/07/2022)

[61] Convention on Biological Diversity (2022) A new global framework for managing nature through 2020; First detailed draft agreement debuts [online] Available at: https://www.cbd.int/article/draft-1-global-biodiversity-framework (accessed 22/07/2022)

protection and conservation of marine ecosystems and biodiversity[62], including the establishment of an ecologically coherent network of MPAs in the North East Atlantic[63]. The OSPAR List of Threatened and/or Declining Species and Habitats[64] identifies species and habitats that are considered to be priorities for protection.

4.2.17 The **EU's Biodiversity Strategy for 2030** is a comprehensive, ambitious and long-term plan to protect nature and reverse the degradation of ecosystems[65]. The strategy aims to put Europe's biodiversity on a path to recovery by 2030, and contains specific actions and commitments including a target of 'strict protection' of 10% of the EU's seas by 2030. The commitment to introduce comparable high protection to 10% of Scotland's seas by 2026 through the designation of HPMAs exceeds this EU target.

4.2.18 The requirements of the Habitats Regulations[66] as amended by the **Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019**[67,68] focus on the maintenance and enhancement of biodiversity, with an emphasis on protecting rare and endangered wild species and natural habitats of European significance. This UK site network[69] comprises terrestrial and marine SPAs and SACs. Scottish Government is committed to ensuring there will be no loss of protection for these protected sites and species in Scotland[70].

4.2.19 The 2020 Challenge for Scotland's Biodiversity[71] is Scotland's response to the international UN Aichi Targets for 2020[72] and the EU Biodiversity Strategy to 2020[73].

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[62] Scottish Government (2014) Scotland's National Marine Plan – A Single Framework for Managing Our Seas [online] Available at: https://www.gov.scot/publications/scotlands-national-marine-plan/ (accessed 06/07/2022)

[63] OSPAR Commission (undated) Marine Protected Areas [online] Available at: https://www.ospar.org/work-areas/bdc/marine-protected-areas (accessed 06/07/2022)

[64] OSPAR Commission (undated) List of Threatened and/or Declining Species & Habitats. Available at: https://www.ospar.org/work-areas/bdc/species-habitats/list-of-threatened-declining-species-habitats (accessed 06/07/2022)

[65] European Commission (2022) Biodiversity Strategy for 2030 [online] Available at: https://environment.ec.europa.eu/strategy/biodiversity-strategy-2030_en#documents (accessed 08/07/2022)

[66] The Conservation of Habitats and Species Regulations 2017, the Conservation of Offshore Marine Habitats and Species Regulations 2017, and the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 are collectively known as the Habitats Regulations

[67] The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 [online] Available at: hhttps://www.legislation.gov.uk/uksi/2019/579/contents/made (accessed 06/07/2022)

[68] Scottish Government (2020). EU Exit: habitats regulations in Scotland [online] Available at: https://www.gov.scot/publications/eu-exit-habitats-regulations-scotland-2/pages/2/ (accessed 06/07/2022)

[69] ibid

[70] Scottish Government (2020). EU Exit: habitats regulations in Scotland [online] Available at: https://www.gov.scot/publications/eu-exit-habitats-regulations-scotland-2/pages/2/ (accessed 0624/071/2022)

[71] Scottish Government (2013) 2020 Challenge for Scotland's Biodiversity: A Strategy for the conservation and enhancement of biodiversity in Scotland [online] Available at: https://www.gov.scot/publications/2020-challenge-scotlands-biodiversity-strategy-conservation-enhancement-biodiversity-scotland/ (accessed 06/07/2022)

[72] Convention on Biological Diversity (2010) Aichi Biodiversity Targets [online] Available at: https://www.cbd.int/sp/targets/ (accessed 06/07/2022)

[73] European Commission (2011) The European Biodiversity Strategy to 2020 [online] Available at: https://ec.europa.eu/environment/nature/info/pubs/docs/brochures/2020%20Biod%20brochure%20final%20lowres.pdf (accessed 06/07/2022)

4.2.20 **The Strategy for Marine Nature Conservation in Scotland's Seas** is currently the main tool for enacting the principles of the 2020 Challenge within the marine environment[74]. It supports the development of an ecologically coherent network of MPAs in support of strategic aims such as meeting GES under the UK Marine Strategy and satisfying the requirements of the Birds and Habitats Directives[75]. It also proposed the PMF system to guide the identification of MPAs and provide focus for marine planning and other activities.

4.2.21 In 2020, Scottish Government published a **Scottish Biodiversity Strategy Post-2020: Statement of Intent** which sets the direction for a new biodiversity strategy which will respond to the increased urgency for action to tackle the twin challenges of biodiversity loss and climate change[76]. A consultation on the new **Scottish Biodiversity Strategy** consultation opened on 20 June 2022 and will close on 12 September 2022[77]. This Strategy aims to end biodiversity loss by 2030 and restore / regenerate biodiversity by 2045[78]. It will ensure that conditions are in place to drive the transformation needed to manage and restore terrestrial, freshwater and marine biodiversity resources in Scotland, as well as providing a framework for prioritising and coordinating actions and investments[79].

Soil policy

4.2.22 At present, there is no legislative or policy tool developed specifically for the protection of soil[80]. However, designations and their associated management agreements and operations often extend protection to soil as a means of enhancing the biodiversity, geodiversity, landform value and cultural resources of the site[81]. For example, marine geology forms part of the basis for the designation of MPAs within Scottish waters[82]. Specifically, MPAs strive to

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[74] Scottish Government (2011) A Strategy for Marine Nature Conservation in Scotland's Seas [online] Available at: https://www.webarchive.org.uk/wayback/archive/20160107013417mp_/http://www.gov.scot/Resource/Doc/295194/0115590.pdf (accessed 06/07/2022)

[75] ibid

[76] Scottish Government (2020). Scottish biodiversity strategy post-2020: statement of intent [online] Available at: https://www.gov.scot/publications/scottish-biodiversity-strategy-post-2020-statement-intent/pages/2/ (accessed 06/07/2022)

[77] Scottish Government (2022). Scottish Biodiversity Strategy 2022 [online] Available at: https://consult.gov.scot/environment-forestry/scottish-biodiversity-strategy-2022/ (accessed 08/07/2022)

[78] Scottish Government (2022). Biodiversity strategy: consultation. Available at: https://www.gov.scot/publications/scotlands-biodiversity-strategy-consultation/#:~:text=The%20new%20Scottish%20Biodiversity%20strategy,restore%20%2F%20regenerate%20biodiversity%20by%202045 (accessed 06/07/2022)

[79] Nature Scot (undated). Scotland's Biodiversity Strategy Consultation. Available at: https://www.nature.scot/scotlands-biodiversity/scottish-biodiversity-strategy-and-cop15/scotlands-biodiversity-strategy-2022-2045 (accessed 06/07/2022)

[80] Scottish Government (2009) The Scottish Soil Framework [online] Available at: https://www.gov.scot/publications/scottish-soil-framework/pages/0/ (accessed 06/07/2022)

[81] ibid

[82] SNH (2013) The selection of Nature Conservation Marine Protected Areas (MPAs) in Scotland - assessment of geodiversity interests. Commissioned Report No. 633 [online] Available at: https://www.nature.scot/sites/default/files/2018-08/Publication%202013%20-

protect rare and representative marine species, habitats and geodiversity, the latter defined as the variety of landforms and natural processes that underpin the marine landscape. Similarly, **SSSI**[83] are those areas of land and water that best represent Scotland's natural heritage in terms of its flora, fauna, geology, geomorphology, and/or a mixture of these natural features, as designated by SNH under the **Nature Conservation (Scotland) Act 2004**[84].

4.2.23 The **UK Marine Strategy** covers 11 elements or descriptors, including sea-floor integrity (Descriptor 6 (D6)) comprising pelagic habitats and benthic habitats[85]. In terms of benthic habitats, the high level objective for GES is to ensure the health of seabed habitats is not significantly adversely affected by human activities[86]. In order to achieve this objective, there is an operational target to complete a well-managed ecologically coherent MPA network[87].

Water policy

4.2.24 The EU's **Water Framework Directive (2000/60/EC) (WFD)** was introduced as a more comprehensive approach to managing and protecting Europe's water bodies. It sets out a goal of bringing all European waters to 'good' chemical and ecological status. Scotland fulfils its water protection obligations under the WFD primarily through the **Water Environment and Water Services (Scotland) Act 2003**, which defines the establishment of **River Basin Management Plans**, and the **Water Environment (Controlled Activities) (Scotland) Regulations 2011**[88]. Other relevant legislation includes the **Pollution Prevention and Control (Scotland) Regulations 2012**, which applies specifically to pollution originating from industry discharges[89].

4.2.25 The **UK Marine Strategy**[90] extends the requirements of the WFD into seas beyond 1nm. The **UK Marine Strategy** covers 11 elements or descriptors, including eutrophication (D5), hydrographical conditions (D7) and contaminants

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%20SNH%20Commissioned%20Report%20633%20-%20The%20Selection%20of%20Nature%20Conservation%20MPAs%20in%20Scotland%20-%20assessment%20of%20geodiversity%20interests.pdf (accessed 06/07/2022)

[83] SNH (2017) Sites of Special Scientific Interest [online] Available at: https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-areas/national-designations/sites-special-scientific-interest (accessed 04/06/2018)

[84] ibid

[85] UKMMAS (undated) Introduction to UK Marine Strategy [online] Available at: https://moat.cefas.co.uk/introduction-to-uk-marine-strategy/ (accessed 06/07/2022)

[86] Defra (2019) Marine Strategy Part One: UK updated assessment and Good Environmental Status October 2019 [online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921262/marine-strategy-part1-october19.pdf (accessed 08/07/2022)

[87] ibid

[88] SEPA (undated) Water [online] Available at: https://www.sepa.org.uk/regulations/water/ (accessed 08/07/2022)

[89] The Pollution Prevention and Control (Scotland) Regulations 2012, SSI No. 360 [online] Available at: http://www.legislation.gov.uk/ssi/2012/360/introduction/made (accessed 08/07/2022)

[90] UKMMAS (2021). Introduction to UK Marine Strategy [online] Available at: https://moat.cefas.co.uk/introduction-to-uk-marine-strategy/ (accessed 06/07/2022)

(D8)[91]. In relation to eutrophication (D5), the high level objective for GES is to minimise human-induced eutrophication in UK marine waters[92]. For hydrographic changes (D7), the GES objective is to ensure that the nature and scale of any permanent changes to hydrographical conditions resulting from anthropogenic activities do not have significant long-term impacts on UK habitats and species. For contaminants (D8), the GES objective is that concentrations of specified contaminants in water, sediment or marine biota, and their effects, are lower than thresholds that cause harm to sea life, and are not increasing.

Climatic Factors policy

4.2.26 In November 2016, the United Nations Framework Convention on Climate Change (UNFCCC) **Paris Agreement** came into force[93]. The Paris Agreement is the first legally binding global climate deal and sets out aims to limit global warming to well below 2˚C as well as pursue further efforts to limit it to 1.5˚C [94]. A further long-term goal is to achieve net-zero levels of global GHG emissions by the second half of this century. The Agreement also covers a range of other issues such as mitigation through reducing emissions, adaptation, and loss and damage[95].

4.2.27 The **British Energy Security Strategy** sets out how Great Britain will accelerate homegrown power for greater energy independence[96]. The Strategy recognises the importance of accelerating the transition away from oil and gas which depends critically on the development and deployment of offshore wind farms[97]. It seeks to cut the processing time for offshore renewable development by over half through a number of initiatives, including reducing consent time from up to four years down to one year, making environmental considerations at a more strategic level allowing us to speed up the process while improving the marine environment, introducing strategic compensation environmental measures including for projects already in the system to offset environmental effects and reduce delays to projects, and implementing a new Offshore Wind Environmental Improvement Package including an industry-funded Marine

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[91] UKMMAS (undated) Introduction to UK Marine Strategy [online] Available at: https://moat.cefas.co.uk/introduction-to-uk-marine-strategy/ (accessed 06/07/2022)

[92] Defra (2019) Marine Strategy Part One: UK updated assessment and Good Environmental Status October 2019 [online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921262/marine-strategy-part1-october19.pdf (accessed 06/07/2022)

[93] UNFCCC (2016) The Paris Agreement [online] Available at: https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement (accessed 06/07/2022)

[94] European Commission (2016) Paris Agreement [online] Available at: https://ec.europa.eu/clima/eu-action/international-action-climate-change/climate-negotiations/paris-agreement_en (accessed 06/07/2022)

[95] ibid

[96] UK Government (2022) Policy paper: British energy security strategy [online] Available at: https://www.gov.uk/government/publications/british-energy-security-strategy (accessed 11/07/2022)

[97] ibid

Recovery Fund and nature-based design standards to accelerate deployment whilst enhancing the marine environment.

4.2.28 The **Climate Change (Emissions Reduction Targets) (Scotland) Act 2019**[98] received Royal Assent on 31 October 2019. The Act amends the Climate Change (Scotland) Act 2009 setting targets to reduce Scotland's emissions of all to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040[99]. An update to **Scotland's 2018-2032 Climate Change Plan** has recently been published[100], which reflects the increased ambition of the new targets for Scotland. Achievement of these targets will require the expansion of renewable energy in Scotland, of which offshore wind is likely to form a significant contribution.

4.2.29 The **Marine (Scotland) Act 2010** specifies a duty for Ministers and the public sector to manage and progress actions within the marine environment in a way "*best calculated to mitigate and adapt to climate change so far as is consistent with the proper exercise of that function*"[101]. Scotland's **National Marine Plan**[102] considers climate change in terms of how actions undertaken within the Plan can help to mitigate GHG emissions, in addition to how these actions need to be adapted to take into account the effects of climate change. The Plan also stipulates that the development and use of the marine environment should not have a significant impact on the national status of PMFs. Many of these are known for their role in carbon sequestration, including within MPAs.

4.2.30 **Climate Ready Scotland: climate change adaptation programme 2019-2024**[103], is a five year programme to prepare Scotland for the challenges it will face as the climate continues to change. One of the outcomes of the programme is that the coastal and marine environment is valued, enjoyed, protected, and enhanced, and has increased resilience to climate change.

4.2.31 The UK hosted the 26th UN Climate Change Conference of the Parties (COP26) in Glasgow between 31 October and 12 November 2021[104]. The COP26 summit brought parties together to accelerate action towards the goals of the

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[98] Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 [online] Available at: https://www.legislation.gov.uk/asp/2019/15/contents/enacted (accessed 06/07/2022)

[99] Scottish Government (2021). Climate Change: Reducing greenhouse gas emissions [online] Available at: https://www.gov.scot/policies/climate-change/reducing-emissions/ (accessed 24/01/2022)

[100] Scottish Government (2020). Securing a green recovery on a path to net zero: climate change plan 2018–2032 – update [online] Available at: https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/ (accessed 06/07/2022)

[101] Marine (Scotland) Act 2010, asp 5 [online] Available at: http://www.legislation.gov.uk/asp/2010/5/pdfs/asp_20100005_en.pdf (accessed 06/07/2022)

[102] Scottish Government (2015) Scotland's National Marine Plan [online] Available at: http://www.gov.scot/Publications/2015/03/6517 (accessed 06/07/2022)

[103] Scottish Government (2019). Climate Ready Scotland: climate change adaptation programme 2019-2024 [online] Available at: https://www.gov.scot/publications/climate-ready-scotland-second-scottish-climate-change-adaptation-programme-2019-2024/ (accessed 06/07/2022)

[104] UN Climate Change Conference UK 2021 (undated) COP26 [online] Available at: https://ukcop26.org/ (accessed 06/07/2022)

Paris Agreement and the UN Framework Convention on Climate Change. The outcomes achieved are outlined in the COP26 Glasgow Climate Pact[105].

[105] UN Climate Change Conference UK 2021 (undated) COP26: The Glasgow Climate Pact [online] Available at: https://ukcop26.org/wp-content/uploads/2021/11/COP26-Presidency-Outcomes-The-Climate-Pact.pdf (accessed 06/07/2022)

5 Environmental Baseline

5.1.1 The 2005 Act requires that the assessment provide details of the character of the environment which may be affected by the PPS, including any existing environmental pressures and the likely evolution of the environment in the absence of the Policy Framework and Site Selection Guidelines for HPMAs. This baseline information is intended to help to demonstrate how the receiving environment may be impacted by the implementation of the Policy Framework and Site Selection Guidelines.

5.1.2 The following paragraphs set out an indication of the content and level of detail likely to be reflected in the environmental baseline that will inform the assessment. The baseline information will reflect the proposed scope of the assessment, as previously discussed in Section 3.1.

5.1.3 Under each SEA topic, current conditions, trends and pressures will be explored, with baseline information drawn from a range of sources such as the following:

- Previous and ongoing marine SEAs undertaken by the Scottish Government (e.g. those listed in Section 3.2);
- Marine Scotland's Open Data Network suite of data platforms (e.g. Marine Scotland NMPi (National Marine Plan interactive));
- Research studies undertaken on the marine environment by NatureScot and JNCC;
- Scotland's Environment Web and other Scottish Government environmental sources; and
- Other sources as appropriate (e.g. British Geological Society (BGS) information on subsea geology and sediments etc.).

5.2 Biodiversity, Flora and Fauna

5.2.1 As previously discussed in Section 3.1, it is considered appropriate to categorise potential impacts on Soil, Water and Climatic Factors under the topic of Biodiversity, Flora and Fauna. As such, the baseline information that will be compiled for the Biodiversity, Flora and Fauna topic is likely to be more comprehensive in reflection of this broader range of receptors it will encompass. Baseline information may, therefore, include an overview of the following:

- The existing MPA network (Nature Conservation, Historic and Demonstration and Research MPAs; SACs; SPAs; SSSIs);
- The occurrence and condition of protected habitats and species in the inshore and offshore waters of Scotland;
- PMFs, where this information is available;

- The distribution of broad marine habitats in Scotland (e.g. intertidal rock, subtidal rock, deep-sea habitats etc.);
- Broad seabed classifications and characteristics of the offshore area, including sediments, geology and geomorphology;
- The status of water bodies as determined under the WFD and status of marine regions/subregions as determined by the UK Marine Strategy Regulations;
- The carbon sequestration and storage potential of Scotland's marine environment;
- Existing pressures on Scotland's marine environment (e.g. commercial fishing, non-native invasive species, marine litter, pollution etc.);
- Future pressures on Scotland's marine environment (e.g. offshore wind development, subsea cables, deep sea mining); and
- The predicted impacts of climate change on Scotland's marine environment (e.g. warmer water temperatures, acidification, etc.).

5.2.2 The Environmental Report will also include information on how the above baseline is likely to evolve in the future, in the absence of the plan.

5.2.3 If applicable, baseline maps will be included alongside narrative summaries of the environmental baseline.

6 Consultation and Next Steps

6.1.1 This joint Screening and Scoping Report has been made available to the statutory Consultation Authorities for comment.

6.1.2 Following the close of this consultation period, the responses will be analysed and used to inform the development of the Policy Framework, the Site Selection Guidelines and the Environmental Report that will be made available for public consultation.

6.1.3 It is anticipated that the Policy Framework and Site Selection Guidelines for HPMAs will be finalised and adopted by March 2023. The documents, once adopted, will be used to frame and guide a site selection process to identify, assess and designate proposed sites as HPMAs. This SEA is, therefore, regarded as an initial assessment that will inform the subsequent site selection process and detailed assessment which be undertaken as part of an updated SEA. Table 3 sets out this indicative timeline.

Table 3. Indicative timeline for the development and designation of HPMAs and SEA

Indicative timeline	Development of Policy Framework and Site Selection Guidelines	Stage of the SEA
July 2022	Preparation of draft Policy Framework and Site Selection Guidelines	Submission of initial joint Screening and Scoping Report
Autumn 2022	12 week consultation on draft Policy Framework and Site Selection Guidelines	Consultation on initial SEA Environmental Report (as part of an initial Sustainability Appraisal)
Early 2023	Analysis and consideration of consultation responses received	
March 2023	Finalisation and adoption of Policy Framework and Site Selection Guidelines	
April 2023 to December 2024	Identification of HPMA search locations	Submission of updated joint Screening and Scoping Report
2025	Consultation on possible HPMAs	Consultation on updated SEA Environmental Report (as part of an updated Sustainability Appraisal)
Early 2026	Analysis and consideration of consultation responses received	SEA Post Adoption Statement
March 2026	Designation of HPMAs	

Appendix A SEA Screening Report

1.0 Introduction

1.1 The Policy Framework and Site Selection Guidelines for HPMAs are considered to fall under Section 5(4) of the Environmental Assessment (Scotland) Act 2005 ('the 2005 Act').

2.0 Screening

2.1 This Screening Report summarises the environmental effects that are likely to result from the implementation of the Policy Framework and Site Selection Guidelines for HPMAs.

Table A1 Likely significance of identified environmental effects on environment

Criteria for determining the likely significance of the effects on the environment	**Likely to have significant environmental effects?**	**Summary of significant environmental effects (negative and positive)**
1(a) the degree to which the plans, programmes, or strategies (PPS) set a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	Yes	The Policy Framework and Site Selection Guidelines will lead to the identification and designation of HPMAs which will remove/avoid certain activities and reduce/limit other activities to non-damaging levels. This will result in potential beneficial effects to the marine environment within the HPMAs, spillover benefits beyond the boundaries of HPMAs and potential adverse effects as a result of the displacement of any activities that are excluded or restricted, as well as from the extension of any new cable routes that need to avoid transecting HPMAs. The displacement could be to new areas not previously affected by these activities or it could lead to the intensification of activities in areas where they already occur. The extension of any new cable routes will have potential adverse effects associated with installation, operation and maintenance of a greater length of cable.

Criteria for determining the likely significance of the effects on the environment	Likely to have significant environmental effects?	Summary of significant environmental effects (negative and positive)
1(b) the degree to which the PPS influences other PPS including those in a hierarchy	Yes	The Policy Framework and Site Selection Guidelines and eventual designation of HPMAs will be an additional component of the existing Scottish MPA network and any associated management measures which could give rise to cumulative effects. The introduction of HPMAs will also take place within the context of other marine spatial plans, including The Crown Estate Scotland's first round of Offshore Wind Leasing in Scottish Waters (ScotWind) and the Scottish Government's Sectoral Marine Plan for Offshore Wind for Innovation and Targeted Oil and Gas Decarbonisation (INTOG), National Grid Electricity System Operator's (ESO) Holistic Network Design (HND) under the Offshore Transmission Network Review (OTNR) and development and deployment of Carbon Capture, Utilisation and Storage (CCUS) in Scotland.
1(c) the relevance of the PPS for the integration of environmental considerations in particular with a view to promoting sustainable development.	Yes	The site selection process will take an ecosystems-based approach and is likely to be driven by the presence of specific functions and resources of significance to Scotland's seas. It will look to optimise ecological, social and cultural benefits whilst minimising significant impacts where possible. Socio-economic factors alongside ecological data will also be considered as part of the process.
1(d) environmental problems relevant to the PPS	Yes	The adoption of the Policy Framework and Site Selection Guidelines will result in the selection and designation of HPMAs which will have strict limits on human activities in place to allow the protection and recovery of marine biodiversity and associated ecosystem services.

Criteria for determining the likely significance of the effects on the environment	Likely to have significant environmental effects?	Summary of significant environmental effects (negative and positive)
1(e) the relevance of the PPS for the implementation of legislation on the environment (for example, PPS linked to waste management or water protection)	Yes	The Policy Framework and Site Selection Guidelines will help meet Scottish, UK and international commitments, including the Shared Policy Programme referred to as the Bute House Agreement, the UK Marine Strategy Regulations, the OSPAR North-East Atlantic Strategy 2030, the UN Convention on Biological Diversity post-2020 global biodiversity framework and the EU Biodiversity Strategy for 2030.
2 (a) the probability, duration, frequency and reversibility of the effects	Yes	The HPMA proposals are likely to result in significant beneficial effects to the marine environment within the HPMAs, spillover benefits beyond the boundaries of HPMAs and potential adverse effects as a result of the displacement of any activities that are excluded or restricted resulting in new pressures in such locations or the intensification of existing pressures.
2 (b) the cumulative nature of the effects	Yes	There is potential for the environmental effects identified to be cumulative in nature, for example, displacement of commercial fishing activity as a result of other MPA management measures and offshore renewable energy development. This possibility will be explored and addressed by the assessment.
2 (c) transboundary nature of the effects (i.e. environmental effects on other EU Member States)	Yes	The Policy Framework and Site Selection Guidelines for HPMAs apply to Scottish inshore and offshore waters and, therefore, there is potential for transboundary effects. This will be explored further by the assessment.
2 (d) the risks to human health or the environment (for example, due to accidents)	No	No impacts are considered likely to arise from the implementation of the Policy Framework and Site Selection Guidelines that will impact on this SEA Topic. Social and economic effects will be considered by the Socio-Economic

Criteria for determining the likely significance of the effects on the environment	Likely to have significant environmental effects?	Summary of significant environmental effects (negative and positive)
		Impact Assessment (SEIA) which will be undertaken in parallel to the SEA.
2 (e) the magnitude and spatial extent of the effects	No	The Policy Framework and Site Selection Guidelines will be used to identify and propose HPMAs in the next phase of the process. It will, therefore, not be possible at this initial stage to undertake a spatial analysis of specific potential sites or quantify the likely scale/magnitude of effects. This preliminary assessment will be updated once site boundary proposals are available. This will form part of a separate future updated SEA on the proposed designation of HPMAs.
2 (f) the value and vulnerability of the area likely to be affected due to- (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use.	Yes	The HPMAs aim to facilitate ecosystem recovery and enhancement via the removal of pressures and/or active restoration. The regulation of certain marine activities and forms of development as a result of the designation of HPMAs could mean that environmentally damaging activities move out of the HPMAs or else are never introduced, thereby benefiting the marine environment. This may potentially benefit other features, including cultural heritage indirectly but are not the focus of the assessment.
2 (g) the effects on areas or landscapes which have a recognised national, community or international protection status	Yes	The purpose of the HMPAs is to protect and restore the marine ecosystem. HPMAs will have a recognised national protection status. Any impacts are, therefore, likely to be positive in this regard.

3.0 Conclusion

3.1 Is has been concluded that the Policy Framework and Site Selection Guidelines for HPMAs are likely to give rise to significant environmental effects and as such, a full

SEA is required. The views of the Consultation Authorities are now sought as required under the 2005 Act.

Appendix B Abbreviations

BGS	British Geological Society
CBD	Convention on Biological Diversity
CCUS	Carbon Capture, Utilisation and Storage
COP	Conference of Parties
COVID	Coronavirus
EC	European Commission
EEC	European Economic Community
EEZ	Exclusive Economic Zone
ESO	Electricity System Operator
EU	European Union
GES	Good Environmental Status (under the Marine Strategy Framework Directive)
GHG	Greenhouse Gas
HES	Historic Environment Scotland
HND	Holistic Network Design
HPMA	Highly Protected Marine Area
INTOG	Innovation and Targeted Oil and Gas Decarbonisation
IUCN	International Union for Conservation of Nature
JNCC	Joint Nature Conservation Committee
MPA	Marine Protected Area
MSFD	Marine Strategy Framework Directive
nm	Nautical miles
NMPi	National Marine Plan interactive
OSPAR	Oslo/Paris Convention
OTNR	Offshore Transmission Network Review
PMF	Priority Marine Feature
PPS	Plans, Programmes and Strategies
RBMP	River Basin Management Plan
SA	Sustainability Appraisal
ScotWind	Scotland's first round of Offshore Wind Leasing in Scottish Waters
SEA	Strategic Environmental Assessment
SEIA	Socio-Economic Impact Assessment

SEPA	Scottish Environment Protection Agency
SNH	Scottish Natural Heritage
SSSI	Site of Special Scientific Interest
the 2005 Act	Environmental Assessment (Scotland) Act 2005
UK	United Kingdom
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNFCCC	United Nations Framework Convention on Climate Change
WFD	Water Framework Directive