

Marine Scotland Directorate
Scottish Government
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To whom it may concern,

Consultation Response: Highly Protected Marine Areas: policy framework

Scottish Renewables is the voice of Scotland's renewable energy industry. Our vision is for Scotland to lead the world in renewable energy. We work to grow Scotland's renewable energy sector and sustain its position at the forefront of the global clean energy industry. We represent over 330 organisations that deliver investment, jobs, social benefits and reduce the carbon emissions which cause climate change.

Our members work across all renewable energy technologies, in Scotland, the UK, Europe and around the world. In representing them, we aim to lead and inform the debate on how the growth of renewable energy can help sustainably heat and power Scotland's homes and businesses.

Scottish Renewables believes that any HPMAs should be focused internally within their boundaries and the designation of discrete areas as HPMAs should not impose onerous off-site restrictions or impact assessment requirements on adjacent or functionally linked areas. The introduction of ecosystem-based HPMAs should not result in the creation of an additional complex layer of indirect in-combination effects (i.e. cumulative) assessment. All receptors out with designated HPMAs should continue to be assessed and protected in line with existing statutory and policy requirements.

In addition, to avoid restricting the ability of developers to comply with biodiversity compensation and enhancement requirements under the Habitats Regulations and Scotland's National Planning Framework 4 (NPF4), innovative mechanisms for developers to contribute to the effective management of HPMAs should be allowed within the HPMAs Policy Framework and opportunities to deploy a co-management approach should be taken account of within the site selection process.

Scottish Renewables welcomes the opportunity to provide our view on HMPAs in Scotland, and how they should be selected and implemented, as outlined in this consultation. In responding, we would like to highlight the following points:

- **Renewable Energy Developments**

There is no doubt that offshore renewables will play a vital role in Scotland's journey to net zero and The Scottish Government's clear ambition for both the offshore wind industry and the wave and tidal industry has been made clear through the recently published [Energy Strategy and Just Transition Plan](#) consultation. The Scottish Government have also made clear its ambitions around biodiversity protection and restoration through the [Scottish Biodiversity Strategy to 2045](#).

Scottish Renewables, therefore, support the acknowledgement that the introduction of any HPMAs will need to complement the deployment targets of renewables, and not hinder their achievement.

We, therefore, welcome the indication that existing renewable energy developments (e.g. wind, tidal and wave) as well as any areas with draft/adopted plans, option agreements, exclusivity agreements or consents already in place for future renewable developments (including through the clearing and INTOG process) will be excluded from the HPGA selection process. It has been noted in the HPGA Framework that minimum distances between HPMAs and offshore wind developments has not been divulged. Scottish Renewables would highly recommend the publication of minimum distances in order to plan for future offshore wind developments.

It is inevitable that renewable developments will change how some sea areas are used, changes included the reduction or halt of fishing pressures within installation areas have the potential to result in an increase in biodiversity, with more data needed to clarify. Potential effects should be sited in the sectors' credit account for use in future licensing questions.

Scottish Renewables fully supports embracing the importance of Scottish biodiversity in policy making and the role it plays in making Scottish seas more resilient to the impacts of climate change. We welcome the opportunity to continue to engage in the selection and assessment of HPMAs, especially in regard to the potential impact on offshore renewables.

- **Cables and Grid**

The expansion in offshore wind developments to meet the 50GW by 2030 target will see the number of subsea cables needed to bring the energy ashore increase dramatically. The Holistic Network Design (HND) aims to limit the volume of these cables, and streamline the interconnection process, but free passage from sea to land will still be required.

Scottish Renewables strongly support the intention that existing active cables and cable routes for cable routes for INTOG and ScotWind projects as well as for other planned renewable projects will be excluded from the HPMA selection process. Further clarity is however required regarding how and when these cable routes would be defined for the purposes of safeguarding them from HPMA restrictions.

Scottish Renewables support that 'lifeline services' to remote island communities and the laying of new cables permitted in accordance with international law (UNCLOS) are categorised as 'exceptions' to the construction of new subsea cables within HPMA. We acknowledge the importance of HPMA and where areas of interest overlap, that steps are taken to avoid or mitigate impacts.

Scottish Renewables welcome the suggestion for further engagement with electricity transmission operators to understand the cabling pipeline so that this can be considered during the HPMA selection and assessment phase.

- **Ports and Harbours**

Scottish ports and harbours provide essential facilities for offshore wind, including storage, assembly and maintenance and are crucial to ensure offshore wind is successfully deployed. In January 2023, the UK Government announced two Scottish Green Freeports – Forth Ports and Cromarty Firth – will ensure Scotland can compete on the international stage as offshore wind develops to become the mainstay of electricity generation in the UK. The marine environment surrounding ports and harbours will be fundamental in deploying offshore wind and allowing vehicle access to the site for maintenance and surveillance.

Scottish Renewables supports that HPMA will not be designated in areas that overlap with existing ports and harbours, including associated infrastructure, associated areas that are dredged for navigational purposes and associated dredge deposit sites. Scottish Renewables also support the position that HPMA would not restrict the provision of lifeline services and critical infrastructure.

The HPMA draft consultation notes that 'the development and construction of new ports, harbours, ferry piers and marinas will not be allowed within areas designated as HPMA' and 'the deposit of dredged material associated with ports and harbours will not be allowed within HPMA'. Scottish Renewables do not consider this as a significant issue as existing ports and harbours are expected to be enhanced to better support Scotland's growing renewable energy industry, rather than new ports/harbours being developed.

- **Hydrogen Production**

The Scottish government have set ambitions of 5GW of low-carbon hydrogen by 2030 and 25GW by 2045 as part of the transition to net-zero. Green hydrogen is set to play an important role in the decarbonisation of our electricity, heat and transport systems and provides vital long-term storage for securing flexible and deployable energy. Green hydrogen provides vast export opportunities for Scotland, further adding economic value to the expansion of offshore wind energy production.

While we acknowledge that hydrogen production will not be permitted within HPMA, Scottish Renewables welcome the exclusion of existing hydrogen infrastructure in the HPMA selection process but highlights that it may be necessary to lay pipeline routes for hydrogen and hydrogen derivatives through a HPMA.

- **Oil and Gas**

While Scottish Renewables accepts the complex mix of authorities that license offshore petroleum installations, pipelines for oil and gas exploration and exploitation of oil and gas, we are concerned that these developments have not been ruled out altogether from protected areas, unlike renewable developments and all other activities that add or take away from the environment. This has the potential to undermine the creation of HPMA and their ambition to create marine environments to support the protection and recovery of marine ecosystems.

The HPMA Framework also does not make comment on new oil and gas cables and whether these will be allowed to flow through HPMA, unlike new renewable developments. Scottish Renewables is concerned over potential preferential treatment for new fossil fuel exploration over renewable developments like offshore wind, tidal stream and wave technologies.

Scottish Renewables would be keen to engage further with this agenda and would be happy to discuss our response in more detail.

Yours sincerely,

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