

## **Item: 10**

**Development and Infrastructure Committee: 2 April 2019.**

**Proposed Scapa Flow Historic Marine Protected Area.**

**Report by Executive Director of Development and Infrastructure.**

### **1. Purpose of Report**

To consider the Council's response to the public consultation on proposals to designate Scapa Flow as a Historic Marine Protected Area.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

The proposal by Scottish Ministers, acting on advice from Historic Environment Scotland, to make designation orders for a Historic Marine Protected Area in Scapa Flow, as detailed on the maps attached as Appendix 1 to this report.

#### **2.2.**

That Historic Environment Scotland is undertaking a formal consultation on the proposals, referred to at paragraph 2.1 above, for which responses are required by 17 April 2019.

#### **2.3.**

The Council's draft response to the public consultation on the proposals to designate Scapa Flow as a Historic Marine Protected Area, attached as Appendix 2 to this report.

#### **2.4.**

That the Scapa Flow Historic Marine Protected Area proposals are considered to accord with the Council's adopted policy principles in respect of any new national or international environmental, natural heritage or marine related designations.

**It is recommended:**

#### **2.5.**

That the designation of the proposed Scapa Flow Historic Marine Protected Area be endorsed.

## **2.6.**

That the Council's response to the public consultation by Historic Environment Scotland on proposals to designate Scapa Flow as a Historic Marine Protected Area, attached as Appendix 2 to this report, be approved.

## **2.7.**

That the Executive Director of Development and Infrastructure should undertake to submit the Council's response to the public consultation by Historic Environment Scotland on proposals to designate Scapa Flow as a Historic Marine Protected Area by the deadline of 17 April 2019, with the proviso that any further comments, following ratification by Council on 2 May 2019, being submitted to and accepted by Historic Environment Scotland.

# **3. Introduction**

## **3.1.**

In March 2015, the Council agreed that:

The following policy principles in respect of any new national or international environmental, natural heritage or marine related designations be adopted:

- The Council would require formal engagement with the relevant designating bodies in advance of any formal public consultation on any potential new or amended designation in Orkney.
- All the management measures which affect a proposed designation should be tabled in advance of the designation in an open and transparent manner.
- The economic and social impact of any proposed designation on local communities must be fully taken into account as a matter of paramount importance.
- Where a proposed new designation would have significant adverse economic and/or social effects on local communities, its introduction will not be supported by the Council.

# **4. Background**

## **4.1.**

Historic Environment Scotland (HES) is the lead public body for Scotland's historic environment. Part of this role is to provide advice to the Scottish Government on the designation of Historic Marine Protected Areas (HMPAs) under the Marine (Scotland) Act 2010. HMPAs provide legal protection for 'marine historic assets' of national importance which survive in Scottish territorial waters (out to 12 miles). The term 'marine historic assets' can include remains of a wide variety of man-made structures, including wrecks of boats and aircraft. It can also include more scattered remains such as groups of artefacts on the seabed.

## **4.2.**

HES is undertaking a formal consultation from 20 February to 17 April 2019 on a proposal to designate a Historic Marine Protected Area in Scapa Flow. HES has advised Scottish Ministers that the German High Seas Fleet and a range of other marine historic assets of national importance, as detailed at Appendix 1 to this report, should form part of the proposed HMPA designation.

## **4.3.**

Scapa Flow is one of Scotland's most iconic marine historic sites, having played a very important role as a naval base during the two world wars of the 20th century. In 2001, Historic Scotland, acting on behalf of Scottish Ministers, recognised seven wrecks of the German High Seas Fleet, scuttled in Scapa Flow in June 1919, as nationally important scheduled monuments. This means that divers can visit these sites on a 'look but don't touch basis' and that works on the wrecks require scheduled monument consent from HES. Scheduling is normally only used for monuments on land and the foreshore but not underwater. In the marine environment, Historic Marine Protected Areas are generally used to protect historic assets. Since HMPAs were introduced in 2010, all scheduled historic wrecks underwater in Scotland have been transferred to the HMPA designation. The current use of scheduling in Scapa Flow is therefore an anomaly.

## **4.4.**

HMS Vanguard (1919) and HMS Royal Oak (1939) are designated as controlled sites under the Protection of Military Remains Act 1986 – permission is required from the Ministry of Defence (MOD) to access these sites. The MOD has indicated that they are considering extension of designation boundaries for the HMS Royal Oak and Vanguard to reflect discoveries through recent surveys. While these sites are clearly very important, the MOD considers that they are appropriately designated at present and they see no need to change their status to include the sites within a HMPA.

## **4.5.**

In 2012, Historic Scotland indicated its intention to review and replace the scheduled monument protection on the Scapa Flow wrecks with HMPA status and to consider protection for any other priority wartime underwater sites in Scapa Flow. HES carried out a public engagement project about protection for Scapa Flow's wartime marine heritage to help decide whether any changes are needed and to shape their advice to Scottish Government. The engagement project ran from 16 November to 15 December 2017 and involved drop-in events and stakeholder meetings in Orkney and an online survey. 17 people attended the drop-in sessions in Hoy, Kirkwall and Stromness representing visiting divers, local business, fishing, environmental consultancy and regulatory interests, as well as community groups and residents. 450 people participated in the online survey and HES held meetings with the Scapa Flow dive boat skippers, Orkney Islands Council, Orkney Fisheries Association, European Marine Energy Centre and University of Highlands and Islands. This significant pre-consultation engagement was very much welcomed by Council

officers and enabled the development of appropriate management options that would not adversely affect local stakeholders.

## **5. Proposed Scapa Flow Historic Marine Protected Area**

### **5.1.**

The proposed HMPA comprises places within Scapa Flow where marine historic assets are located that originate from Scapa Flow's role as a Royal Navy base during the First (1914 to 1918) and Second World Wars (1939 to 1945). Maps detailing the proposed Scapa Flow Historic Marine Protected Area boundaries are attached as Appendix 1 to this report.

### **5.2.**

The wrecked vessels lying on the seabed within the proposed HMPA are the auxiliary vessels SS Prudentia and HMD Chance close to the north coast of the island of Flotta, the HMS Strathgarry in Hoxa Sound, the German submarine UB-116 close to the east coast of Flotta, merchant vessels purposefully sunk as blockships in Burra Sound, Kirk Sound, Skerry Sound, East Weddell Sound and Water Sound and wrecked vessels of the German High Seas Fleet, scuttled close to the islands of Cava and Rysa Little. The remains of the German High Seas Fleet comprise the wrecks of three battleships, four light-cruisers and three torpedo boats, as well as widespread debris remains of other vessels and objects left on the seabed in the course of the salvage activities.

### **5.3.**

The HMPA also includes the Clestrain Hurdles, an upstanding steel structure extending around 1km across Clestrain Sound where it acted as a fixed barrier to prevent access by enemy shipping into Scapa Flow from the west. An area of seabed adjacent to the north-eastern tip of the island of Flotta is included as the remains of anti-torpedo close protection pontoons and boom defences are preserved there which provide evidence for the design and operation of defences to protect the Royal Navy at Scapa Flow during wartime.

### **5.4.**

The proposed HMPA does not include the wrecks of HMS Vanguard and HMS Royal Oak, wrecks which are already protected as controlled sites under the Protection of Military Remains Act 1986. The Churchill Barriers are also not included in the proposed designation.

### **5.5.**

It is not proposed that existing activities including diving, harbour operations and shipping would be restricted or controlled under the proposed HMPA designation. The Harbour Authority are content that harbour operations and shipping activities would be able to continue in Scapa Flow unhindered with the proposed HMPA designation in place.

## **5.6.**

The HMPA proposal has followed discussions with the Orkney Fisheries Association. Creel fishermen would be able to continue to fish as they do at present. As there is little, if any, use of bottom trawling (nephrops) within the area proposed for designation, the designation is unlikely to impact on these fishermen. Any fishermen who do use this area for nephrops can continue to do so within the HMPA but should observe the operational advice to avoid charted wrecks and areas of foul ground in order to avoid damage to marine heritage. This is generally in the interest of fishermen due to the risk of damage to fishing gear. HES are keen to share survey data to help fishermen avoid the wrecks.

## **5.7.**

The HMPA would afford protection on a look but do not touch basis with the continuation of diving in Scapa Flow as currently permitted by the Orkney Harbour Authority. The Harbour Authority regulates diving in Scapa Flow through monthly permits issued to dive boats for any recreational diving anywhere in the harbour area, including the historic wrecks. The dive permits include conditions requiring compliance with regulations for protected heritage sites.

## **5.8.**

It is a criminal offence to remove, alter or disturb marine historic assets, or carry out activities which could damage or interfere with a marine historic asset or have a significant adverse effect on a HMPA. Currently, such activities remain unregulated for historic assets in Scapa Flow that have no statutory protection, with the sole requirement being to report recoveries of any artefacts to the UK Receiver of Wreck. Since 2001, surveys have revealed many sites which are of equivalent national importance to those sites already protected as scheduled monuments, but which are currently vulnerable, particularly to unregulated recovery of artefacts. If nothing is done, these sites remain vulnerable to damage and loss of features of historic importance. The proposed HMPA intends to remedy this situation.

## **5.9.**

HMPA status makes additional enforcement powers available through Marine Enforcement Officers (Marine Scotland) to enforce against the illegal removal of artefacts from protected sites. HMPA status provides enhanced enforcement mechanisms including powers for Marine Enforcement Officers to board vessels and search in the case of illegally removed artefacts. A combined enforcement approach involving HES, Police Scotland and Marine Enforcement Officers is envisaged.

## **5.10.**

A specific type of permission is not required to carry out development, works or activities inside a HMPA. However, planning permission, a works licence and/or a marine licence may be required to carry out development, works and/or activities that could affect the historic assets within the proposed HMPA. HES advise local planning authorities and the Marine Scotland Licensing and Operations Team on how a proposed development or activities may affect the preservation objectives of a

HMPA. Developments that require consent (eg a fish farm, harbour development etc) would need to demonstrate that the proposals would not hinder the achievement of the HMPA preservation objectives. The preservation objectives for the Scapa Flow HMPA have been designed to be realistic in the context of a historic resource that is deteriorating in condition.

### **5.11.**

Under the current situation, scheduled monument consent from HES is required to undertake any activity affecting the seven wrecks of the German High Seas Fleet. This current duplication of consenting requirement is proposed to be removed under the proposed HMPA arrangements.

### **5.12.**

Stakeholders have expressed that a greater onus needs to be placed on management of Scapa Flow's underwater heritage sites in the context of their inevitable deterioration. The option to prepare a non-statutory management plan to establish a framework for the long-term conservation and management of this underwater heritage has been proposed by HES and local stakeholders. This would provide a mechanism to bringing together all interests, balancing and integrating stakeholder views, to deliver many positive outcomes including recording, interpretation and education. Opportunities to promote information to those who cannot access this underwater heritage in person, for example, through museums and digital interpretation could be further explored.

## **6. Council Consultation Response**

### **6.1.**

It is proposed that the Council endorse the designation of the Scapa Flow Historic Marine Protected Area as an effective means to safeguard the nationally important historic environment assets in Scapa Flow. The proposed Council response to the Scapa Flow HMPA consultation is attached as Appendix 2 to this report.

### **6.2.**

The Scapa Flow HMPA proposals are considered to comply with the Council's policy principles in respect of any new national or international environmental, natural heritage or marine related designations. HES undertook significant engagement with the Council in advance of the formal public consultation for the proposed HMPA. The proposed management measures for the proposed designation have been tabled in advance of the designation in an open and transparent manner. The economic and social impact of the proposed designation on local communities has been taken into account and is considered to be potentially positive with no significant adverse socio-economic impacts anticipated. It should be noted that Scotland's National Marine Plan establishes a presumption of sustainable use within MPAs.

## **7. Strategic Environmental Assessment**

The Strategic Environmental Assessment screening report has been prepared by Historic Environment Scotland and submitted to the SEA Gateway for consideration by the consultation authorities. The preservation objectives for the proposed Scapa Flow HMPA are focused around maintaining the extent of survival of marine historic assets in situ and maintaining site condition. Some additional objectives have been included in order to set out those instances where the recovery of marine historic assets (in whole or part) may be acceptable and to restrict commercial exploitation of marine historic assets for trade or speculation. No marine conservation orders are proposed. With regard to the criteria specified in Schedule 2 of the Environmental Assessment (Scotland) Act 2005 and in light of the nature of the preservation objectives and management advice for these Historic MPAs it is considered that the plan will have no or minimal environmental effects. Accordingly, it is the view of Historic Environment Scotland that, under Section 7 of the Environmental Assessment (Scotland) Act 2005, a strategic environmental assessment is not required.

## **8. Links to Council Plan**

### **8.1.**

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Council Plan strategic priority theme of Enterprising Communities.

### **8.2.**

The proposals in this report relate directly to Priority 4.4 - Develop Scapa Flow and other Orkney harbours for oil and gas activity and continue to diversify and grow all marine business activity – stimulate marine and non-marine employment of the Council Delivery Plan.

## **9. Links to Local Outcomes Improvement Plan**

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Local Outcomes Improvement Plan priorities of Strong Communities and A Vibrant Economy.

## **10. Financial Implications**

There are no significant financial implications resulting from the recommendations in this report.

## **11. Legal Aspects**

### **11.1.**

The Marine (Scotland) Act 2010 establishes powers for Scottish Ministers to designate Historic Marine Protected Areas (HMPAs) in Scottish territorial waters.

HMPAs provide legal protection for 'marine historic assets' of national importance which survive in Scottish territorial waters.

## **11.2.**

Historic Environment Scotland is the lead public body for Scotland's historic environment which provides advice to the Scottish Government on the designation of HMPAs. As part of this process, it is undertaking a formal consultation on the designation of Scapa Flow as a HMPA to which the Council will respond.

## **12. Contact Officers**

Gavin Barr, Executive Director of Development and Infrastructure, extension 2301, Email [gavin.barr@orkney.gov.uk](mailto:gavin.barr@orkney.gov.uk).

Brian Archibald, Head of Marine Services, Engineering and Transportation, extension 2703/3600, Email [brian.archibald@orkney.gov.uk](mailto:brian.archibald@orkney.gov.uk).

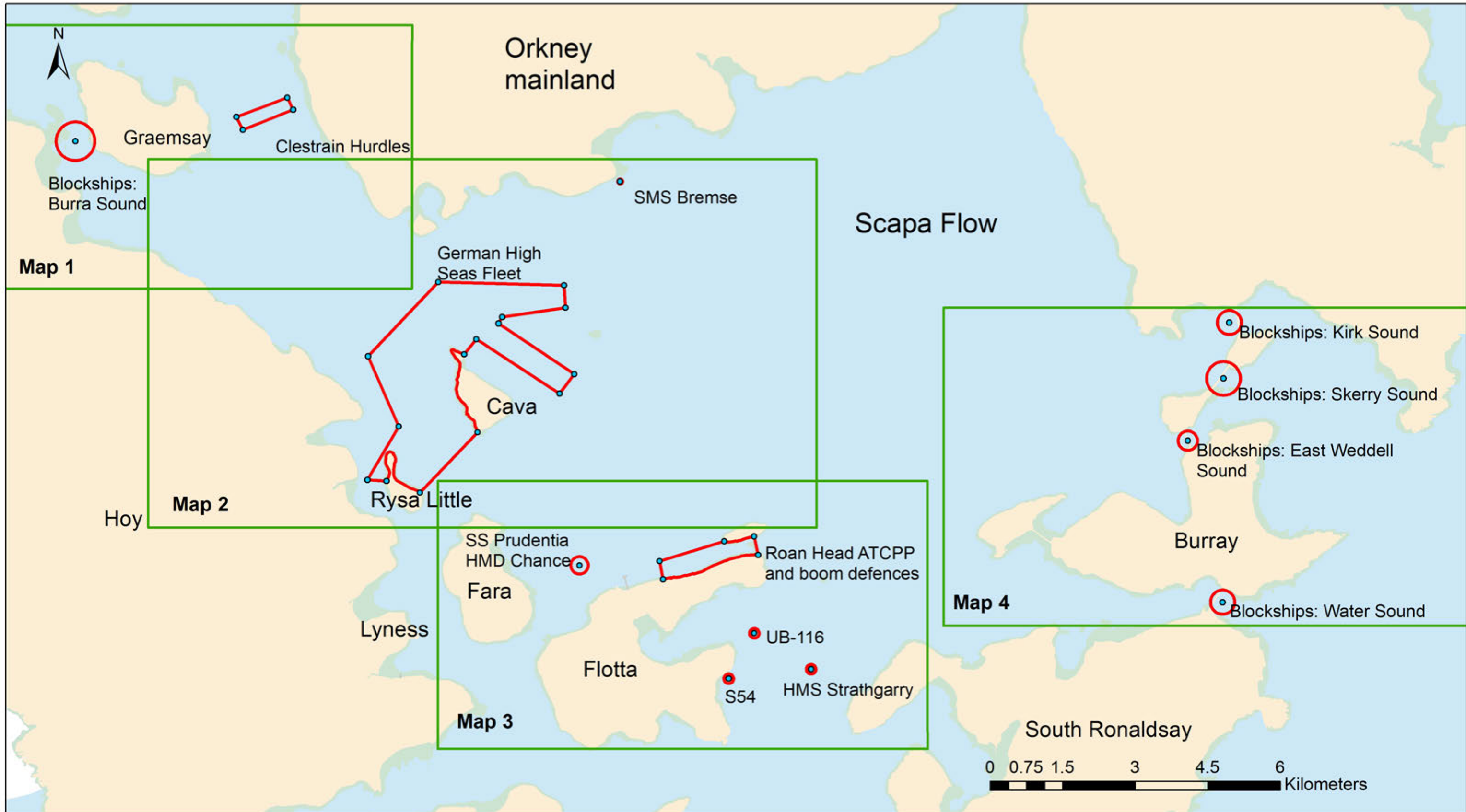
James Green, Senior Policy Planner (Development and Marine Planning), extension 2516, Email [james.green@orkney.gov.uk](mailto:james.green@orkney.gov.uk).

## **13. Appendices**

Appendix 1: Scapa Flow Proposed Historic Marine Protected Area Maps.

Appendix 2: Orkney Islands Council Response to the Scapa Flow Proposed Historic Marine Protected Area Consultation.





### Proposed Scapa Flow Historic Marine Protected Area: overview map

Proposed boundary of Historic MPA

Latitude: 58° 53.051' N

Longitude: 03° 10.780 W

Overall area of HMPA: 1178 hectares, 11.78 square km.

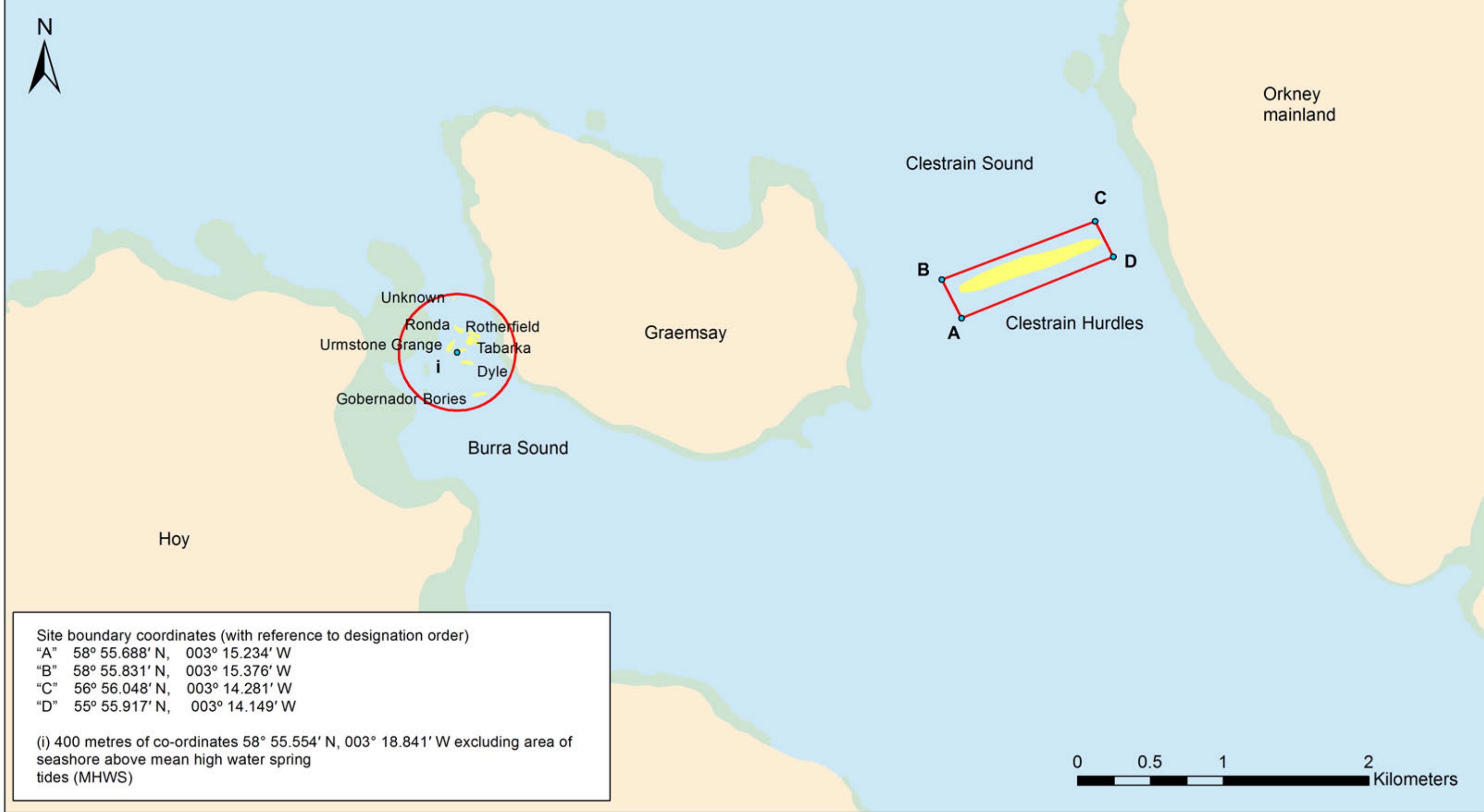
Scale: 1:75,000 at A3

Projection: UTM zone 30N; coordinates calculated using WGS84.



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA



Site boundary coordinates (with reference to designation order)

"A" 58° 55.688' N, 003° 15.234' W  
 "B" 58° 55.831' N, 003° 15.376' W  
 "C" 56° 56.048' N, 003° 14.281' W  
 "D" 55° 55.917' N, 003° 14.149' W

(i) 400 metres of co-ordinates 58° 55.554' N, 003° 18.841' W excluding area of seashore above mean high water spring tides (MHWS)



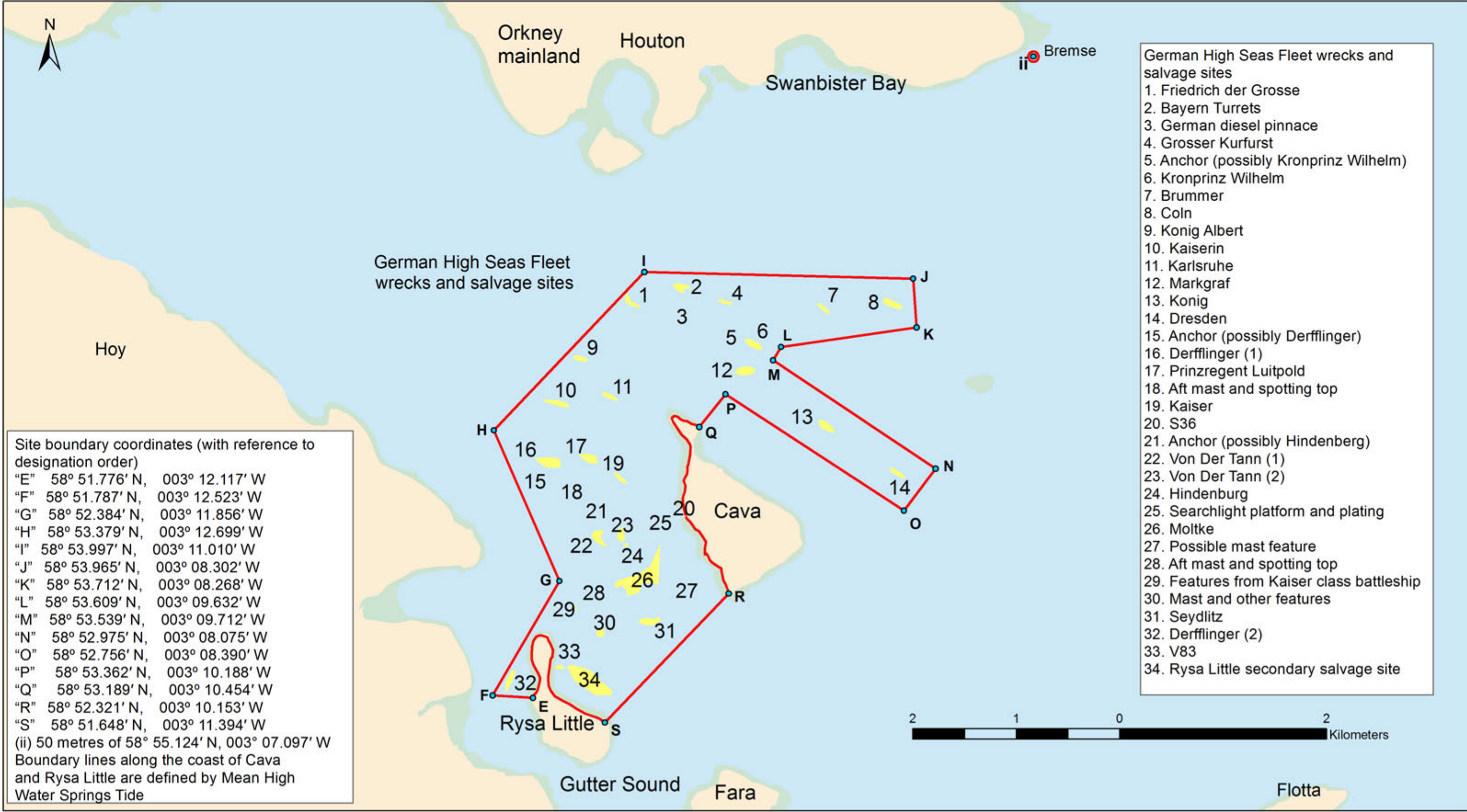
- Proposed boundary of Historic MPA
- Core of recorded remains

### Proposed Scapa Flow Historic Marine Protected Area: map 1



Latitude: 58° 53.051' N  
 Longitude: 03° 10.780 W  
 Overall area of HMPA: 1178 hectares, 11.78 square km.  
 Scale: 1:25,000 at A3

Projection: UTM zone 30N; coordinates calculated using WGS84.



- German High Seas Fleet wrecks and salvage sites
1. Friedrich der Grosse
  2. Bayern Turrets
  3. German diesel pinnacle
  4. Grosser Kurfurst
  5. Anchor (possibly Kronprinz Wilhelm)
  6. Kronprinz Wilhelm
  7. Brummer
  8. Coln
  9. Konig Albert
  10. Kaiserin
  11. Karlsruhe
  12. Markgraf
  13. Konig
  14. Dresden
  15. Anchor (possibly Derfflinger)
  16. Derfflinger (1)
  17. Prinzregent Luitpold
  18. Aft mast and spotting top
  19. Kaiser
  20. S36
  21. Anchor (possibly Hindenburg)
  22. Von Der Tann (1)
  23. Von Der Tann (2)
  24. Hindenburg
  25. Searchlight platform and plating
  26. Moltke
  27. Possible mast feature
  28. Aft mast and spotting top
  29. Features from Kaiser class battleship
  30. Mast and other features
  31. Seydlitz
  32. Derfflinger (2)
  33. V83
  34. Rysa Little secondary salvage site

Site boundary coordinates (with reference to designation order)

"E"	58° 51.776' N,	003° 12.117' W
"F"	58° 51.787' N,	003° 12.523' W
"G"	58° 52.384' N,	003° 11.856' W
"H"	58° 53.379' N,	003° 12.699' W
"I"	58° 53.997' N,	003° 11.010' W
"J"	58° 53.965' N,	003° 08.302' W
"K"	58° 53.712' N,	003° 08.268' W
"L"	58° 53.609' N,	003° 09.632' W
"M"	58° 53.539' N,	003° 09.712' W
"N"	58° 52.975' N,	003° 08.075' W
"O"	58° 52.756' N,	003° 08.390' W
"P"	58° 53.362' N,	003° 10.188' W
"Q"	58° 53.189' N,	003° 10.454' W
"R"	58° 52.321' N,	003° 10.153' W
"S"	58° 51.648' N,	003° 11.394' W

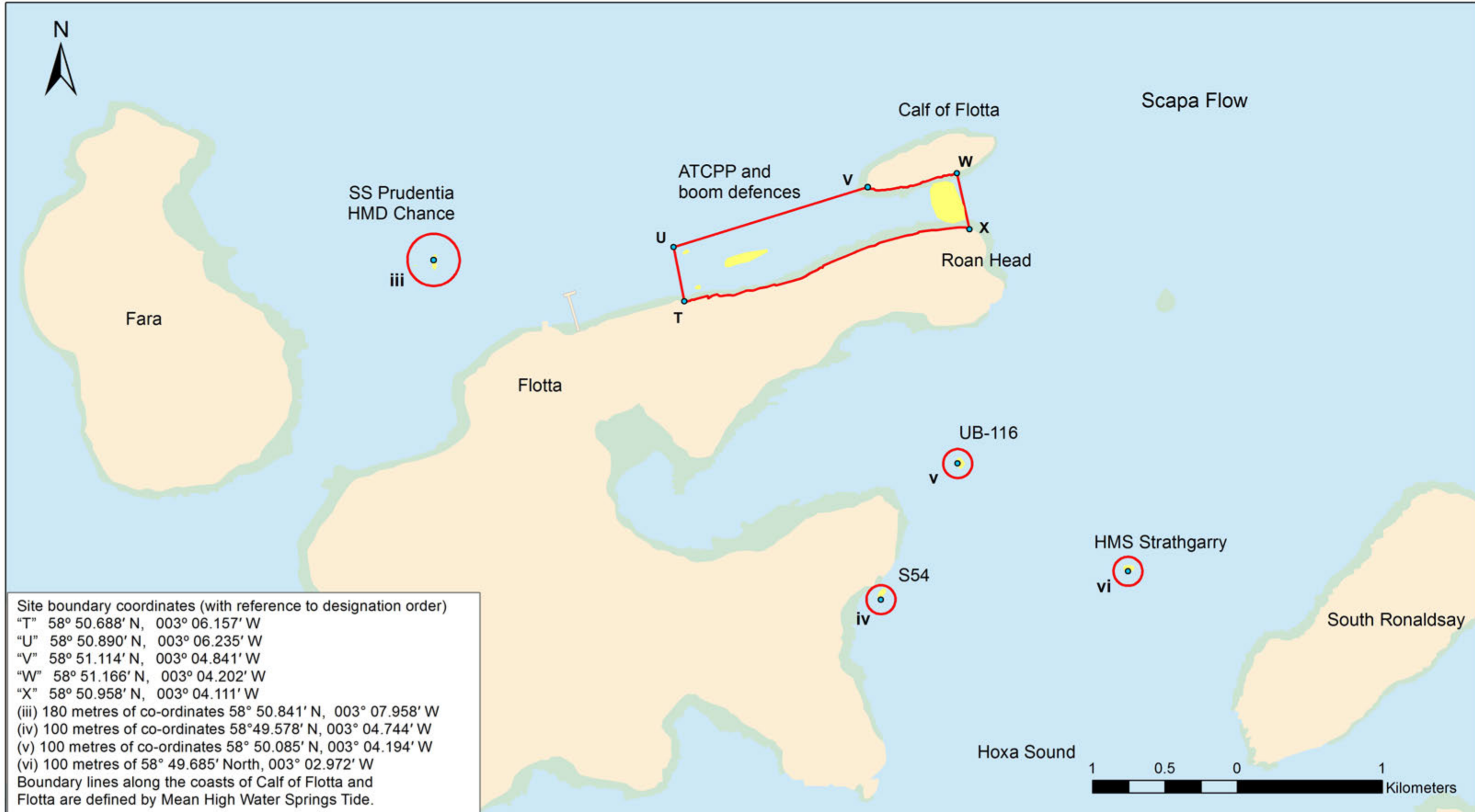
(ii) 50 metres of 58° 55.124' N, 003° 07.097' W  
Boundary lines along the coast of Cava and Rysa Little are defined by Mean High Water Springs Tide

Proposed boundary of Historic MPA  
 Core of recorded remains

### Proposed Scapa Flow Historic Marine Protected Area: map 2



Latitude: 58° 53.051' N  
 Longitude: 03° 10.780 W  
 Overall area of HMPA: 1178 hectares, 11.78 square km.  
 Scale: 1:35,000 at A3  
 Projection: UTM zone 30N; coordinates calculated using WGS84.



Site boundary coordinates (with reference to designation order)

"T" 58° 50.688' N, 003° 06.157' W  
 "U" 58° 50.890' N, 003° 06.235' W  
 "V" 58° 51.114' N, 003° 04.841' W  
 "W" 58° 51.166' N, 003° 04.202' W  
 "X" 58° 50.958' N, 003° 04.111' W

(iii) 180 metres of co-ordinates 58° 50.841' N, 003° 07.958' W  
 (iv) 100 metres of co-ordinates 58° 49.578' N, 003° 04.744' W  
 (v) 100 metres of co-ordinates 58° 50.085' N, 003° 04.194' W  
 (vi) 100 metres of 58° 49.685' North, 003° 02.972' W

Boundary lines along the coasts of Calf of Flotta and Flotta are defined by Mean High Water Springs Tide.

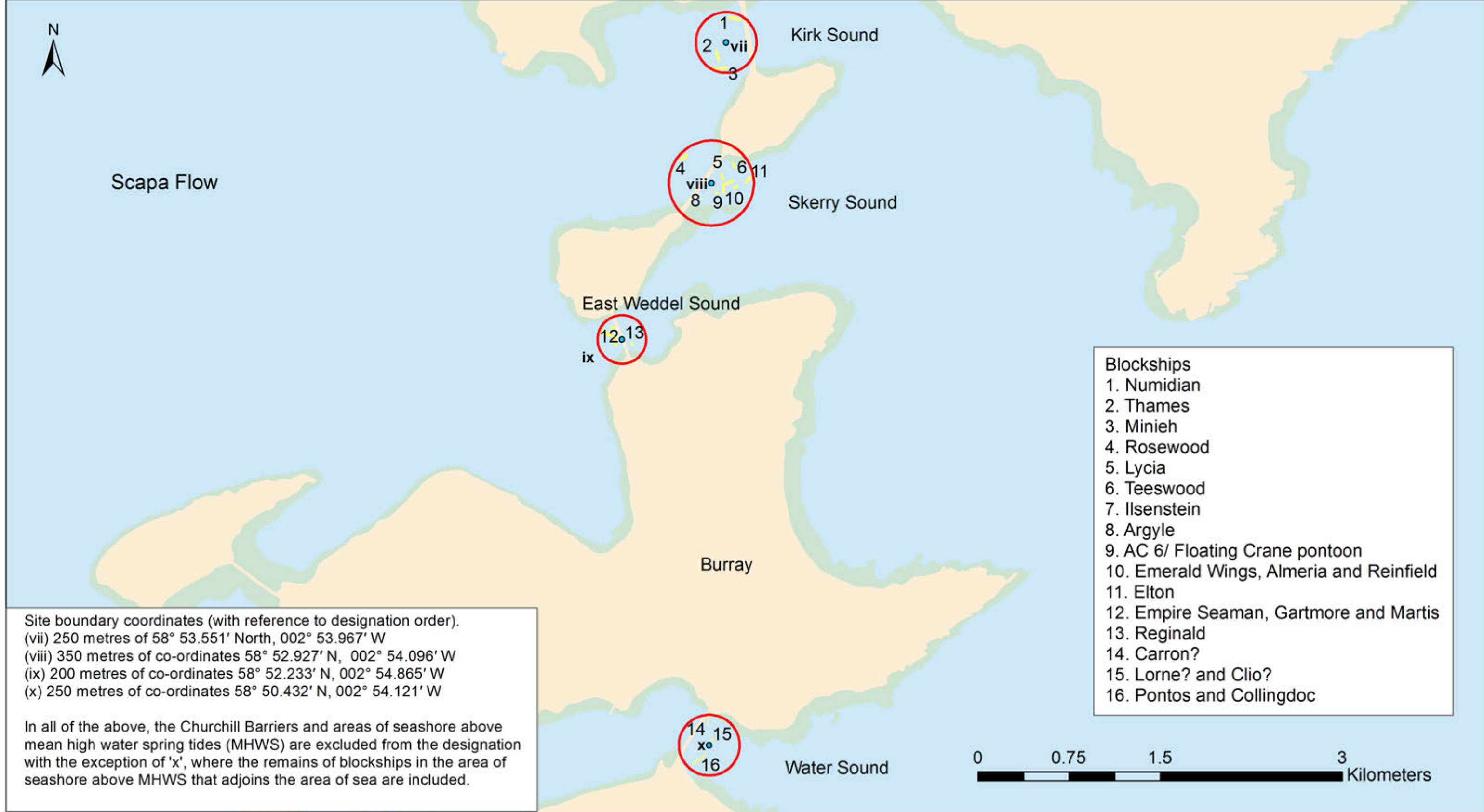
Proposed boundary of Historic MPA  
 Core of recorded remains

Latitude: 58° 53.051' N  
 Longitude: 03° 10.780 W  
 Overall area of HMPA: 1178 hectares, 11.78 square km.  
 Scale: 1:25,000 at A3

### Proposed Scapa Flow Historic Marine Protected Area: map 3



Projection: UTM zone 30N; coordinates calculated using WGS84.



- Blockships**
1. Numidian
  2. Thames
  3. Minieh
  4. Rosewood
  5. Lycia
  6. Teeswood
  7. Ilsestein
  8. Argyle
  9. AC 6/ Floating Crane pontoon
  10. Emerald Wings, Almeria and Reinfield
  11. Elton
  12. Empire Seaman, Gartmore and Martis
  13. Reginald
  14. Carron?
  15. Lorne? and Clio?
  16. Pontos and Collingdoc

Site boundary coordinates (with reference to designation order).  
 (vii) 250 metres of 58° 53.551' North, 002° 53.967' W  
 (viii) 350 metres of co-ordinates 58° 52.927' N, 002° 54.096' W  
 (ix) 200 metres of co-ordinates 58° 52.233' N, 002° 54.865' W  
 (x) 250 metres of co-ordinates 58° 50.432' N, 002° 54.121' W

In all of the above, the Churchill Barriers and areas of seashore above mean high water spring tides (MHWS) are excluded from the designation with the exception of 'x', where the remains of blockships in the area of seashore above MHWS that adjoins the area of sea are included.

Proposed boundary of Historic MPA  
 Core of recorded remains

### Proposed Scapa Flow Historic Marine Protected Area: map 4



Latitude: 58° 53.051' N  
 Longitude: 03° 10.780 W  
 Overall area of HMPA: 1178 hectares, 11.78 square km.  
 Scale: 1:30,000 at A3

Projection: UTM zone 30N; coordinates calculated using WGS84.

## **Appendix 2.**

### **Orkney Islands Council Response to the Proposed Scapa Flow Historic Protected Areas Consultation**

#### **Do you have any comments on the proposal?**

Orkney Islands Council welcomes the significant effort that Historic Environment Scotland (HES) has committed to engage local stakeholders prior to preparing the Scapa Flow HMPA proposals for consultation. This has enabled the implications of the proposed HMPA to be considered, alongside other potential management options, in advance of the formal consultation, and has allow Orkney Islands Council and the Orkney Harbour Authority to help shape the proposals for improved management.

OIC supports the designation of the Scapa Flow Historic Marine Protected Area as an effective means to safeguard the nationally important historic environment assets in Scapa Flow. It is envisaged that the HMPA will provide appropriate powers to deter unauthorised removal of artefacts from protected sites and undertake appropriate enforcement and more proactive site management.

OIC agrees that statutory designation, on its own, will not be optimal and is likely to be unsatisfactory without a greater focus on beneficial management. This should include interpretation, research, education, and promotion and will require further ongoing investment by HES. For the designation to work, it will also need to be taken forward in partnership with OIC and the other key interested parties in Orkney including the local dive and fishing interests. With this in mind, there would be benefit in involving these parties positively in the early phase of establishing and implementing the designation, through the setting up of a steering group, and the preparation of a non-statutory management plan. This should articulate the significance of the site and actions that may assist in delivering the many positive outcomes favoured by stakeholders. A plan would also help to set out a framework for long-term conservation and management, and to provide a mechanism for bringing together all stakeholders, balancing and integrating local priorities.

In terms of management measures, OIC supports the proposal to prepare a non-statutory management plan with stakeholders to articulate beneficial management of the sites within the HMPA. The management plan should include (but should be not limited to):

- A protocol for archaeological discoveries/recoveries.
- To develop educational and interpretative outputs to promote the significance of the heritage, particularly to those who cannot access this underwater heritage in person, for example, through museums and digital interpretation.
- To consider ways to increase economic benefits from the historic environment assets in Scapa Flow including through marine tourism.

The HES state that marine conservation orders could be used to target additional regulation/restriction of activities which hinder the achievement of the site preservation objectives, and that an order is not considered necessary at this stage. The Council agrees that a marine conservation order is not necessary in Scapa Flow and would not support any future marine conservation order that would restrict free passage across the protected areas remains, anchoring in emergencies, small vessel anchoring away from specified artefacts, diving access and static gear fishing, for example. Though it is noted and understood that HES has clearly stated that there is no requirement to do so.

**Do you have any comments on how the Historic MPA should interact with the scheduling of the German High Seas Fleet wrecks?**

OIC supports the initial retention of the scheduled monument status for the German High Seas Fleet wrecks should the HMPA be designated. The existing scheduling should stay in place and work alongside the Historic MPA for an appropriate transition period. It is proposed by OIC that the scheduling should remain in place until a management plan has been developed and adopted with the support of all the key local stakeholders. At that stage, the scheduling would be removed.

In relation to long term management, HMPA status is preferred over scheduled monument status for the following reasons. HMPA status:

- delivers protection through local consenting mechanisms, including planning consent and the works licence within Harbour Areas, as opposed to national consent required for works to scheduled monuments.
- provides enhanced enforcement mechanisms including powers for Marine Enforcement Officers to board vessels and search in the case of illegally removed artefacts.
- is a marine specific designation with mechanisms for better and more active site management.

**Orkney Harbour Authority Comments:**

**Do you have any comments on the proposal?**

The HMPA proposal would provide significant clarity and added emphasis to the importance of the sites and remove the lack of clarity over the status of the wrecks as opposed to other artefacts in the area. This will cover all of them and hence better enable protection. The HMPA status will also give the added benefit of Marine Scotland enforcement powers and hence support the Harbour Authority in its endeavours to protect the sites.

**Do you have any comments on how the Historic MPA should interact with the scheduling of the German High Seas Fleet wrecks?**

A cliff edge change would be difficult to manage and potentially confusing. A phased approach would also give the opportunity for a change of approach if, after 1 year, it is realised that both protections are indeed required after all – to remove scheduling at this stage would make any revised advice difficult.

**Do you have any comments on the BRIA?**

The Harbour Authority has been fully involved in the development of this work and the BRIA is considered to be a sound document. As proposed, the business impact is not significant in any way so as long as free passage across the areas remains (and the Harbour Authority remains responsible for this), anchoring in emergencies is understood, small vessel anchoring away from specified artefacts is allowed, diving is permitted and creel fishing is allowed. Dredging and bottom trawling off course would not be allowed.