



Item: 7

Development and Infrastructure Committee: 12 November 2024.

Proposed Scapa Flow Historic Marine Protected Area.

Report by Corporate Director for Neighbourhood Services and Infrastructure.

1. Overview

- 1.1. 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. Historic Marine Protected Areas provide legal protection for 'marine historic assets' of national importance which survive in Scottish territorial waters (out to 12 miles).
- 1.2. The Marine Directorate of the Scottish Government, acting on advice from Historic Environment Scotland (HES), intend to seek a Ministerial decision in 2025 on the designation of the proposed Scapa Flow Historic Marine Protected Area (pSFHMPA).
- 1.3. In April 2019, the Council endorsed the designation of the proposed Scapa Flow Historic Marine Protected Area (pSFHMPA).
- 1.4. In March 2024, the Marine Directorate of the Scottish Government sought clarification on whether the Council decision to endorse the pSFHMPA in 2019 is still the Council's current position.
- 1.5. HES undertook a public consultation on the Scapa Flow Historic Marine Protected Area proposals from 20 February to 17 April 2019.
- 1.6. The Council's response to the consultation, referred to at paragraph 1.4 above, was recommended for approval by this Committee on 2 April 2019, and is attached as Appendix 1 to this report.
- 1.7. Following the consultations in 2019, a decision by Scottish Ministers on the designation of the pSFHMPA was delayed due to the COVID-19 pandemic and other competing government priorities.
- 1.8. In Summer 2019, Council officers undertook further engagement with HES and secured boundary changes to ensure that the Churchill Barriers were not included within the pSFHMPA boundaries.

- 1.9. In November 2019, HES undertook a public consultation on the proposed designation orders for the pSFHMPA which detailed the proposed designation boundaries. The Council response to this consultation in November 2019 is attached as Appendix 2 to this report.
- 1.10. The maps showing the final site boundaries for the pSFHMPA are attached at Appendix 3 to this report.
- 1.11. No significant adverse socio-economic impacts are anticipated as a result of designating the pSFHMPA, and potentially positive socio-economic impacts could be realised through the enhanced management of Scapa Flow's heritage and tourism assets.
- 1.12. The pSFHMPA is considered to comply with the Council's policy principles in respect of any new national or international environmental, natural heritage or marine related designations.
- 1.13. In 2024, the Marine Directorate of the Scottish Government, undertook further engagement with the Council, Scapa Flow dive boat skippers and the Orkney Fisheries Association regarding the pSFHMPA to clarify their current position and no significant adverse issues were identified.

2. Recommendations

- 2.1. It is recommended that members of the Committee:
 - i. Note that the Marine Directorate of the Scottish Government, acting on advice from Historic Environment Scotland (HES), intends to seek a Ministerial decision in 2025 on the designation of the proposed Scapa Flow Historic Marine Protected Area.
 - ii. Note that the Marine Directorate of the Scottish Government has sought clarification of the Council's current position regarding the proposed Scapa Flow Historic Marine Protected Area.
 - iii. Confirm the Council decision taken in April 2019 to endorse the proposed Scapa Flow Historic Marine Protected Area.
 - iv. Authorise the Corporate Director for Neighbourhood Services and Infrastructure to inform the Marine Directorate of Scottish Government of the Council's decision to endorse the proposed Scapa Flow Historic Marine Protected Area.

3. Background

- 3.1. 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 (Historic MPAs) are generally used to protect historic assets. Since Historic MPAs were introduced in 2010, scheduled historic wrecks underwater in Scotland have been transferred to the Historic MPA designation. The current use of scheduling in Scapa Flow is therefore an anomaly.
- 3.2. 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 HMS 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. Therefore, the HMS Vanguard and HMS Royal Oak do not form part of the pSFHMPA.
- 3.3. 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 MPAs under the Marine (Scotland) Act 2010. Historic MPAs 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.
- 3.4. In 2012, Historic Scotland indicated its intention to review and replace the scheduled monument protection on the Scapa Flow wrecks with Historic MPA 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 UHI. 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.

- 3.5. HES undertook a formal consultation from 20 February to 17 April 2019 on a proposal to designate a Historic MPA in Scapa Flow. The Council's response to this consultation is attached as Appendix 1 to this report. The Council approved the submission of this consultation response and endorsed the designation of the pSFHMPA in April 2019.
- 3.6. As part of the consultation process in 2019, the Council requested that within the vicinity of the Churchill Barriers only the blockship core record remains should form part of the pSFHMPA and no part of Churchill Barriers should be included within the designation boundary. The Council proposed that HES redefine the pSFHMPA boundaries in Kirk Sound, Skerry Sound, East Weddell Sound, Water Sound and Burra Sound. The Council requested that the boundaries in these locations should be drawn immediately around the identified blockship marine historic assets. Officers can confirm that the issues raised regarding the boundaries have now been addressed and the coordinates have been appropriately amended within a draft designation order.
- 3.7. In November 2019, HES undertook a public consultation on the proposed designation orders for the pSFHMPA which detailed the proposed final designation boundaries. The Council's response to the consultation is attached as Appendix 2 to this report.
- 3.8. The maps showing the final site boundaries for the pSFHMPA are attached at Appendix 3 to this report.
- 3.9. Given the period that had passed since the formal consultations in 2019, Scottish Government officials reengaged stakeholders, including Orkney Islands Council, dive boat operators and Orkney Fisheries Association, during 2024 to see if their views had changed. Additional stakeholders were also contacted who had not responded to the consultation but who may have an interest, primarily dive boat operators. No significant adverse issues were identified.

4. Proposed Scapa Flow Historic Marine Protected Area

- 4.1. The proposed Historic MPA 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). The wrecked vessels lying on the seabed within the proposed Historic MPA 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.
- 4.2. The Historic MPA 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. Implications of the Proposed Designation

- 5.1. It is not proposed that existing activities including diving, harbour operations, fishing and shipping would be restricted under the proposed Historic MPA designation. The Harbour Authority are content that harbour operations and shipping activities would be able to continue in Scapa Flow unhindered with the proposed Historic MPA designation in place.
- 5.2. The Historic MPA proposal has followed discussions with Orkney Fisheries Association and further engagement with Orkney Fisheries Association took place in 2024. Engagement with Orkney Fisheries Association indicates that Scapa Flow is used by around 10 to 12 commercial fishing vessels and is a particularly important fishery during winter or bad weather. Within the proposed Historic MPA, scallop diving and static gear (creels) are in use around the wrecks, particularly close inshore around Cava. There is little use of mobile gear around the German wrecks for fear of snagging and damage to fishing gear, with the exception of a localised

trawl fishery for queenie scallops on the north end of Cava, which works around four of the wrecks but avoids the wrecks themselves.

- 5.3. The pSFHMPA designation will not restrict fishing activities. No Marine Conservation Orders or Fisheries Orders are proposed. Designation would not result in a change to existing practices regarding scallop diving or static gear (creels) so there are no impacts expected in terms of loss of value of catches or displacement. Operational advice for the proposed Historic MPA is for mobile gear vessels to take steps to avoid damage to marine historic assets by avoiding wrecks, structures and areas of foul ground. However, as little of this activity takes place and fishers normally avoid such seabed hazards to avoid damage to or loss of gear, this is not expected to result in significant impacts. 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.
- 5.4. The Historic MPA would afford protection on a 'look but do not touch' basis with the continuation of diving in Scapa Flow as currently permitted by the 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.
- 5.5. 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 Historic MPA. 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 Historic MPA intends to remedy this situation.
- 5.6. Historic MPA status makes additional enforcement powers available through Marine Enforcement Officers (Marine Directorate of the Scottish Government) to enforce against the illegal removal of artefacts from protected sites. Historic MPA 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.

- 5.7. A specific type of permission is not required to carry out development, works or activities inside a Historic MPA. 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 Historic MPA. HES advise local planning authorities and the Marine Directorate Licensing and Operations Team on how proposed development or activities may affect the preservation objectives of a Historic MPA. Developments that require consent (e.g. a fish farm, harbour development etc) would need to demonstrate that the proposals would not hinder the achievement of the Historic MPA preservation objectives. The preservation objectives for the Scapa Flow Historic MPA have been designed to be realistic in the context of a historic resource that is deteriorating in condition.
- 5.8. 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.
- 5.9. 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 bring together all interests, balancing and integrating stakeholder views, to deliver many positive outcomes including recording, interpretation and education. Opportunities to provide information to those who cannot access this underwater heritage in person, for example, through museums and digital interpretation could be further explored.

6. Council Policy Position on Designations

- 6.1. In March 2015, Council agreed policy principles in relation to the consideration of any new national or international environmental, natural heritage or marine related designations. The Council updated these policy principles in April 2023. The current adopted policy position is:

“The Council recognises the significant contribution environmental, natural heritage and marine designations make to the protection and enhancement of biological diversity of Scotland. In relation to the consideration of any new national or international environmental, natural heritage or marine related designations:

- 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 adverse economic and/or social effects on local communities, its introduction will be strongly opposed by the Council, if necessary by judicial means.
- 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.”

6.2. The Scapa Flow Historic MPA 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 for the following reasons:

- HES undertook significant engagement with the Council and affected stakeholders in advance of the formal public consultation for the proposed Historic MPA and this engagement informed the design of the proposals.
- The proposed management measures for the proposed designation have been tabled in advance of the designation in an open and transparent manner.
- It is not proposed that existing activities including diving, harbour operations, fishing and shipping would be restricted or controlled under the proposed Historic MPA designation. Furthermore, as there are existing designations, protections and assessment process in place, it is not anticipated that the proposed designation would curtail development via the planning and consenting process. The proposed designation would introduce enhanced provisions to prohibit and enforce any unregulated recovery of artefacts. Therefore, no significant adverse socio-economic impacts are anticipated, and potentially positive socio-economic impacts could be realised through the enhanced management of Scapa Flow’s heritage and tourism assets.

6.3. It should be noted that Scotland’s National Marine Plan establishes a presumption of sustainable use within MPAs.

For Further Information please contact:

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Implications of Report

1. **Financial:** There are no significant financial implications resulting from the recommendations in this report.
2. **Legal:**

The Marine (Scotland) Act 2010 establishes powers for Scottish Ministers to designate Historic MPAs in Scottish territorial waters. Historic MPAs provide legal protection for ‘marine historic assets’ of national importance which survive in Scottish territorial waters. By adopting the recommendations in this report, the Council will endorse the Scottish Ministers’ decision.

Historic Environment Scotland (HES) is the lead public body for Scotland’s historic environment which provides advice to the Scottish Government on the designation of Historic MPAs. As part of this process, HES has undertaken a formal consultation process on the designation of Scapa Flow as a Historic MPA to which the Council responded in 2019.

The Marine (Scotland) Act 2010 establishes a duty on public authorities to exercise its functions in the manner which it considers best furthers the preservation objectives of any Historic MPA. This duty will apply to the Council’s consenting function including planning permissions and works licences.
3. **Corporate Governance:** None directly related to the recommendations in this report.
4. **Human Resources:** None directly related to the recommendations in this report.
5. **Equalities:** None directly related to the recommendations in this report.
6. **Island Communities Impact:** Scottish Ministers will need to take account of their duties under the Islands (Scotland) Act 2018 when making their decision on the Scapa Flow Historic MPA proposals. The Scottish Government has undertaken a Partial Island Communities Impact Assessment (PICIA), attached as Appendix 4 to this report. This assessment concludes that there will be no significant adverse socio-economic impacts from the proposed designation and that there is no evidence to suggest that the proposed designations will have effects on island communities which are significantly different from its effect on other communities. The assessment therefore concludes that a full ICIA is not required.
7. **Links to Council Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:
 - Growing our economy.
 - Strengthening our Communities.
 - Developing our Infrastructure.
 - Transforming our Council.

8. **Links to Local Outcomes Improvement Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:
- Cost of Living.
 - Sustainable Development.
 - Local Equality.
9. **Environmental and Climate Risk:** A Strategic Environmental Assessment (SEA) screening report has been prepared by HES and submitted to the SEA Gateway for consideration by the consultation authorities. The preservation objectives for the proposed Scapa Flow Historic MPA 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 HES that, under Section 7 of the Environmental Assessment (Scotland) Act 2005, a strategic environmental assessment is not required.
10. **Risk:** No significant risks have been identified.
11. **Procurement:** None directly related to the recommendations in this report.
12. **Health and Safety:** None directly related to the recommendations in this report.
13. **Property and Assets:** None directly related to the recommendations in this report.
14. **Information Technology:** None directly related to the recommendations in this report.
15. **Cost of Living:** None directly related to the recommendations in this report.

List of Background Papers

[Proposal to designate two historic marine protected areas: consultation](#)

Appendices

Appendix 1: Orkney Islands Council Response to the Proposed Scapa Flow Historic Marine Protected Area Consultation, April 2019.

Appendix 2: Orkney Islands Council Response to the Proposed Scapa Flow Historic Marine Protected Area Consultation, November 2019.

Appendix 3: Proposed Scapa Flow Historic Marine Protected Area Maps.

Appendix 4: Partial Island Communities Impact Assessment.

Orkney Islands Council Response to the Proposed Scapa Flow Historic Protected Areas Consultation April 2019

Do you have any comments on the proposal?

Orkney Islands Council (OIC) 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.

Subject to the resolution of the boundary and management issues raised in this consultation response, 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 has sought clarification from HES on the proposed HMPA boundaries in relation to the Churchill Barriers and Burra Sound during the formal consultation process.

The 'Proposal to designate an area of Scottish territorial waters as the Scapa Flow Historic Marine Protected Area' document deposited as part of the public consultation states:

'Although located or partially located within the area, the built structures known as the Churchill Barriers are also not included in the designation as they are not specified as 'marine historic assets' in the designation order'.

The proposed Scapa Flow HMPA preservation objectives state that the 'Preservation objectives for the proposed Scapa Flow HMPA and the marine historic assets are:'. For the avoidance of ambiguity, it is proposed that the preservation objectives state that 'The preservation objectives for the marine historic assets within the Scapa Flow Historic MPA are:'

OIC requests that only the blockship core record remains should form part of the HMPA and no part of Churchill Barriers should be included within the HMPA boundary. The proposed HMPA boundary at Kirk Sound, Skerry Sound, East Weddell Sound and Water Sound includes the marine area within a circular radius of a central co-ordinate point excluding areas above mean high water springs (MHWS). OIC does not support this approach as the boundary incorporates the Churchill Barriers below MHWS and wider marine areas that do not contain identified marine historic assets of national importance. OIC proposes that HES should redefine the proposed HMPA boundaries in Kirk Sound, Skerry Sound, East Weddell Sound, Water Sound and Burra Sound. The boundaries in these locations should be drawn immediately around the identified blockship marine historic assets.

Liaison between OIC and HES during the consultation has established agreement on redefined boundaries drawn tightly around the blockships at Kirk Sound, Skerry Sound, East Weddell Sound, Water Sound and Burra Sound which HES will subsequently update within the designation order coordinates.

During the consultation HES informed OIC that comments have been received that the sites of the Clio II and Aorangi should be included within the HMPA designation. OIC raises no issues with the inclusion of these outlier wrecks provided that tight circular boundaries be established immediately around the wrecks.

OIC seeks confirmation that the proposed HMPA designation will not adversely affect shipping and navigation within Burra Sound. Some of the blockships and associated historic remains within Burra Sound are known to be mobile within this tidal channel. Should these marine historic assets move and thereby pose a subsequent risk to the safety of navigation, the HMPA provisions need to ensure that safety will be the paramount consideration in reaching an appropriate solution, that would not hinder the safe and efficient movement of shipping including ferries. This issue should be addressed in the proposed management plan.

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.
- Guidance to help steer operational advice to the Orkney Harbour Authority under section 82 of the Marine (Scotland) Act 2010 regarding the potential impact of mobile marine historic assets on the safety of navigation (e.g. in Burra Sound).
- Guidance supporting the implementation of solutions to over topping of Barriers (e.g. beach re-charge and dredging at Barrier no.2) ensuring that these activities can be carried out in the interests of public safety.

- To consider ways to increase economic benefits from the historic environment assets in Scapa Flow including through marine tourism.
- Development 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.

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.

Orkney Islands Council Response to the Proposed Scapa Flow Historic Protected Areas Consultation (November 2019)

1. Do you support the designation of the Queen of Sweden as a Historic Marine Protected Area?

No comment.

2. Do you support the designation of Scapa Flow as a Historic Marine Protected Area?

Orkney Islands Council (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 looks forward to engaging with HES and local stakeholders on the development of the proposed management plan following site designation.

3. Do you have any comments on the draft Designation Orders?

As part of the OIC response to the previous formal consultation on the Scapa Flow pHMPA, OIC requested that within the vicinity of the Churchill Barriers only the blockship core record remains should form part of the HMPA and no part of Barriers should be included within the HMPA boundary. OIC proposed that HES redefine the proposed HMPA boundaries in Kirk Sound, Skerry Sound, East Weddell Sound, Water Sound and Burra Sound. OIC requested that the boundaries in these locations should be drawn immediately around the identified blockship marine historic assets.

Following the formal consultation OIC engaged with HES to amend the Scapa Flow pHMPA boundaries. OIC can confirm that the issues raised regarding the boundaries have now been addressed and the coordinates have been appropriately amended within draft Designation Order.


4. Do you have any comments on the advice and consultation reports from Historic

Environment Scotland?

Please refer to the OIC consultation response submitted on 17 April 2019 regarding the OIC comments on the advice.

No comment on the consultation reports.



 Boundary of Historic MPA

Scapa Flow Historic Marine Protected Area: overview map



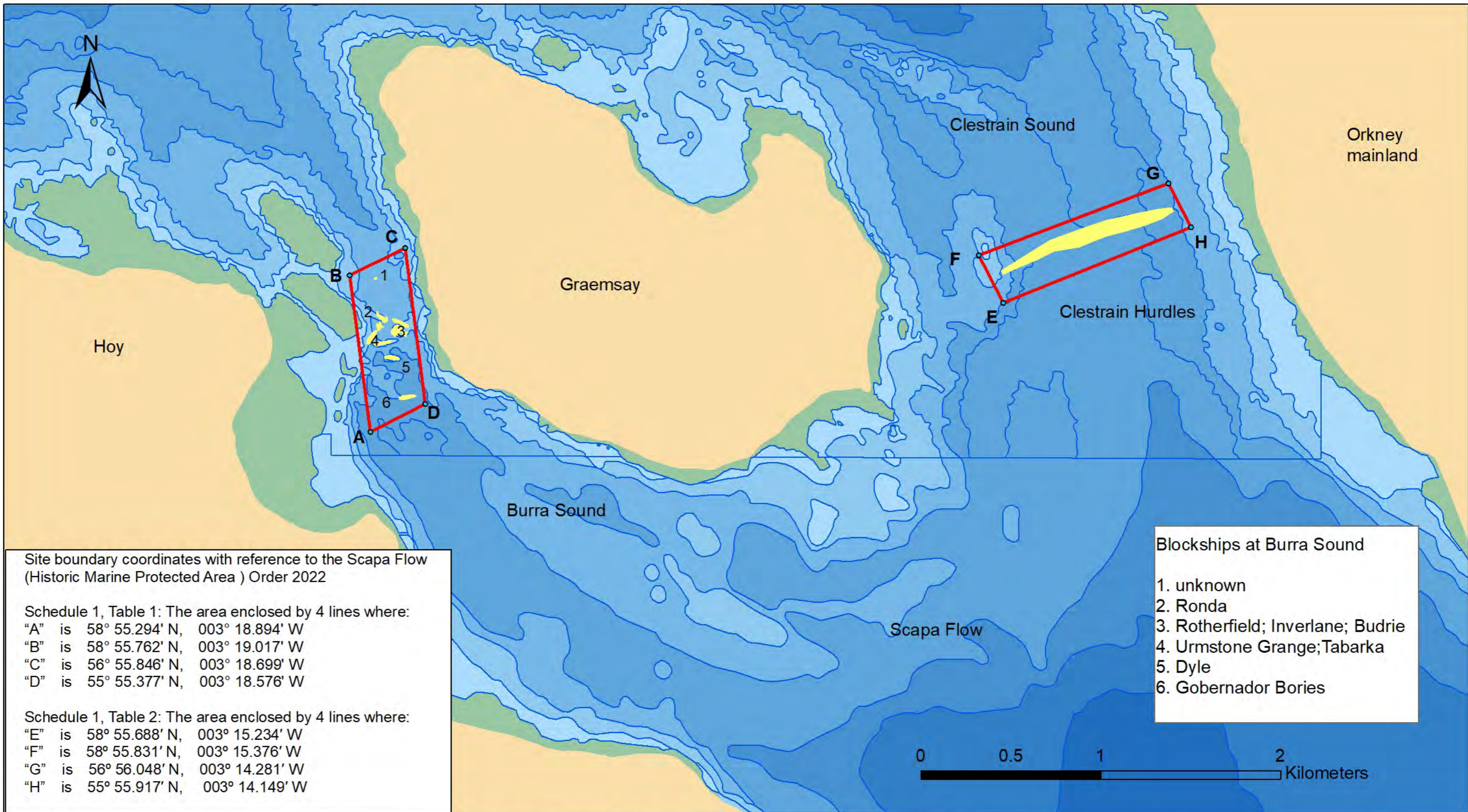
HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

Latitude: 58° 53.051' N
Longitude: 03° 10.780 W
Overall area of HMPA: 1070 hectares, 10.70 square km.
Scale: 1:75,000 at A3

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

Produced by Historic Environment Scotland. Basemap © British Crown and Oceanwise, 2022. All rights reserved. License No. EK001-20170401. "Not to be used for navigation".



Boundary of Historic MPA

Scapa Flow Historic Marine Protected Area: map 1



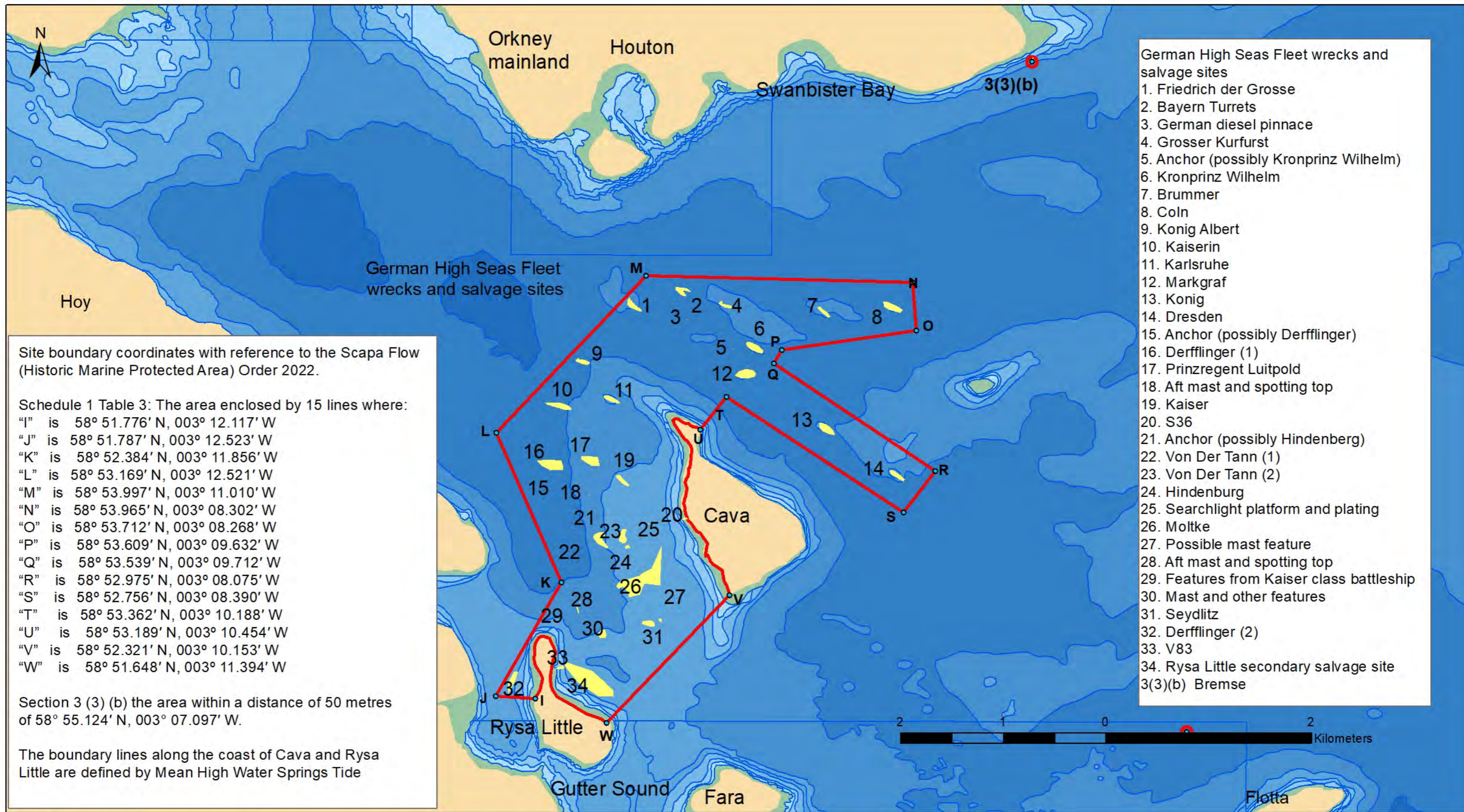
HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

Latitude: 58° 53.051' N
 Longitude: 03° 10.780 W
 Overall area of HMPA: 1070 hectares, 10.70 square km.
 Scale: 1:20,000 at A3

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

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Boundary of Historic MPA

Scapa Flow Historic Marine Protected Area: map 2



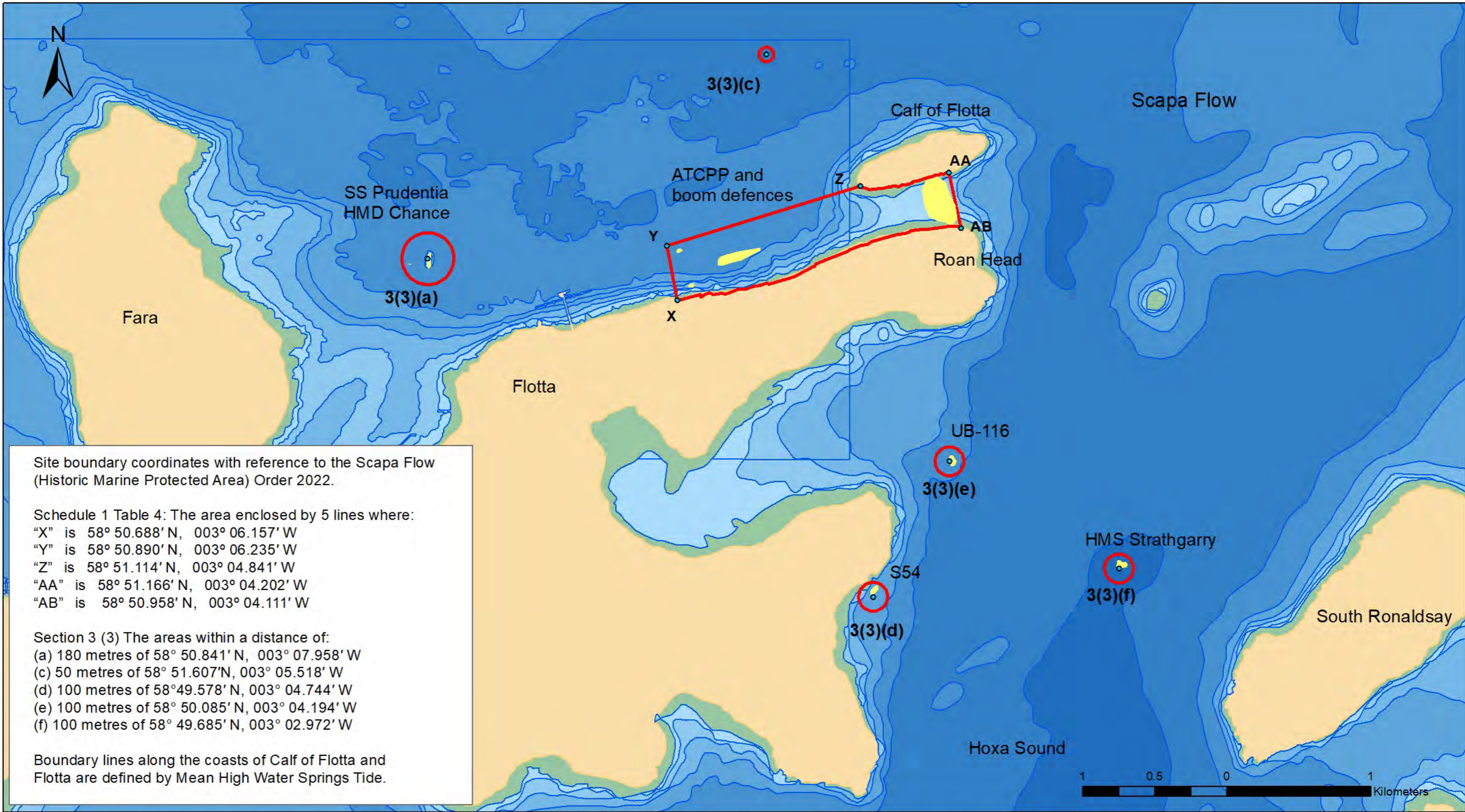
HISTORIC ENVIRONMENT SCOTLAND

ÀRAINNEACHD EACHDRAIDHEIL ALBA

Latitude: 58° 53.051' N
 Longitude: 03° 10.780 W
 Overall area of HMPA: 1070 hectares, 10.70 square km.
 Scale: 1:35,000 at A3

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

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Site boundary coordinates with reference to the Scapa Flow (Historic Marine Protected Area) Order 2022.

Schedule 1 Table 4: The area enclosed by 5 lines where:
 "X" is 58° 50.688' N, 003° 06.157' W
 "Y" is 58° 50.890' N, 003° 06.235' W
 "Z" is 58° 51.114' N, 003° 04.841' W
 "AA" is 58° 51.166' N, 003° 04.202' W
 "AB" is 58° 50.958' N, 003° 04.111' W

Section 3 (3) The areas within a distance of:
 (a) 180 metres of 58° 50.841' N, 003° 07.958' W
 (c) 50 metres of 58° 51.607' N, 003° 05.518' W
 (d) 100 metres of 58° 49.578' N, 003° 04.744' W
 (e) 100 metres of 58° 50.085' N, 003° 04.194' W
 (f) 100 metres of 58° 49.685' N, 003° 02.972' W

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

 Boundary of Historic MPA

Scapa Flow Historic Marine Protected Area: map 3



HISTORIC ENVIRONMENT SCOTLAND

ÀRAINNEACHD EACHDRAIDHEIL ALBA

Latitude: 58° 53.051' N
 Longitude: 03° 10.780 W
 Overall area of HMPA: 1070 hectares, 10.70 square km.
 Scale: 1:25,000 at A3

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

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Site boundary coordinates with reference to the Scapa Flow (Historic Marine Protected Area) Order 2022.

Schedule 1 Table 5: The area enclosed by 4 lines where:

- "AC" is 58° 53.417' N 002° 54.093' W
- "AD" is 58° 53.653' N 002° 54.162' W
- "AE" is 58° 53.679' N 002° 53.833' W
- "AF" is 58° 53.442' N 002° 53.764' W

Section 3(3) (j) the area within a distance of 70 metres of 58° 53.389' N, 002° 51.778' W.

In the above, Churchill Barrier 1 lies outside the designation boundary.

Blockships

- 1. Numidian
- 2. Thames
- 3. Minieh
- 3(3)(j) Aorangi



Boundary of Historic MPA

Scapa Flow Historic Marine Protected Area: map 4

Latitude: 58° 53.051' N
 Longitude: 03° 10.780 W
 Overall area of HMPA: 1070 hectares, 10.70 square km.
 Scale: 1:7500 at A3
 Projection: UTM zone 30N; coordinates calculated using WGS84.

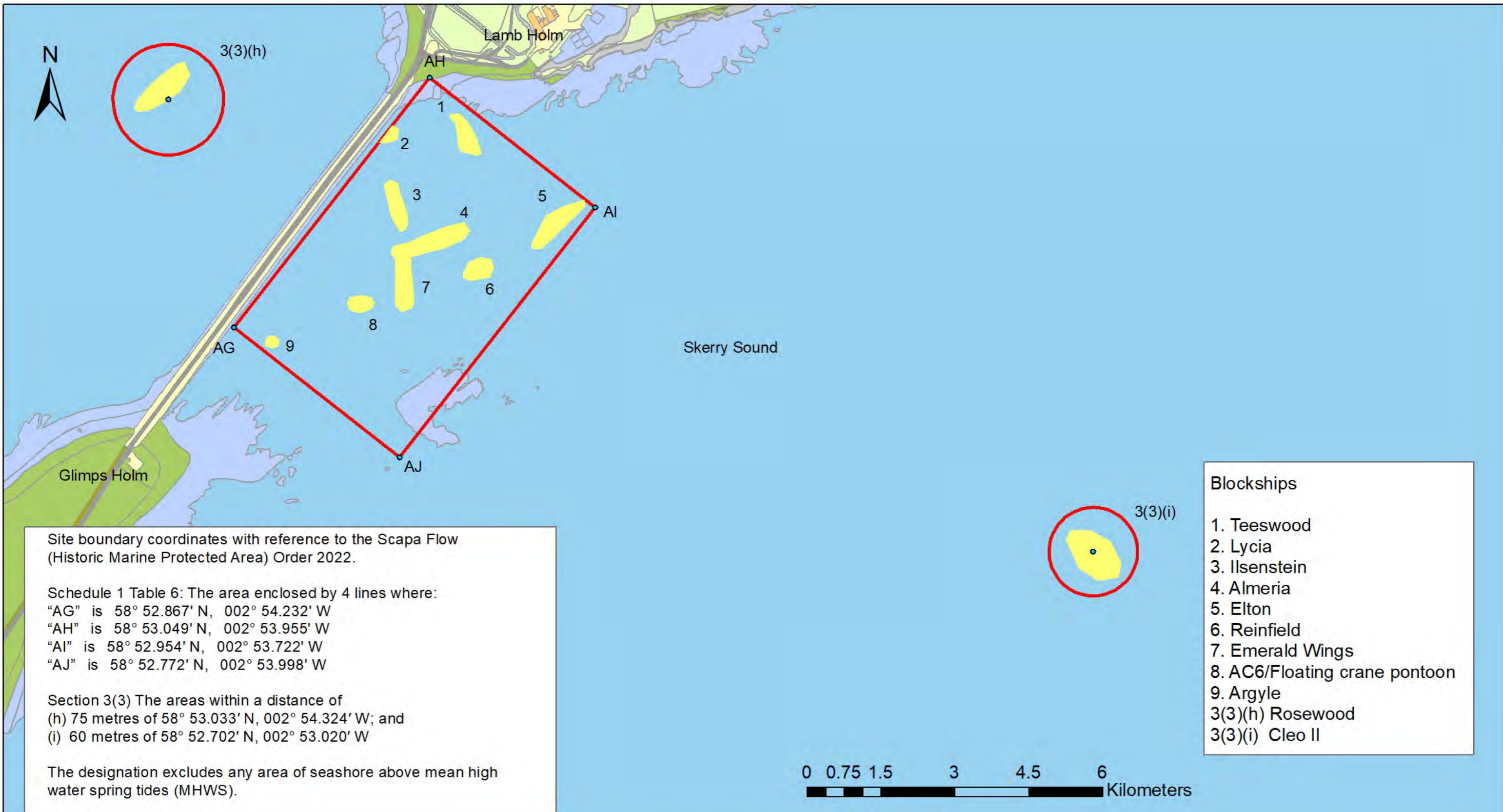


HISTORIC ENVIRONMENT SCOTLAND

ÀRAINNEACHD EACHDRAIDHEIL ALBA

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Site boundary coordinates with reference to the Scapa Flow (Historic Marine Protected Area) Order 2022.

Schedule 1 Table 6: The area enclosed by 4 lines where:

- "AG" is 58° 52.867' N, 002° 54.232' W
- "AH" is 58° 53.049' N, 002° 53.955' W
- "AI" is 58° 52.954' N, 002° 53.722' W
- "AJ" is 58° 52.772' N, 002° 53.998' W

Section 3(3) The areas within a distance of
 (h) 75 metres of 58° 53.033' N, 002° 54.324' W; and
 (i) 60 metres of 58° 52.702' N, 002° 53.020' W

The designation excludes any area of seashore above mean high water spring tides (MHWS).

Blockships

- 1. Teeswood
- 2. Lycia
- 3. Ilstein
- 4. Almeria
- 5. Elton
- 6. Reinfield
- 7. Emerald Wings
- 8. AC6/Floating crane pontoon
- 9. Argyle
- 3(3)(h) Rosewood
- 3(3)(i) Cleo II



Boundary of Historic MPA

Scapa Flow Historic Marine Protected Area: map 5

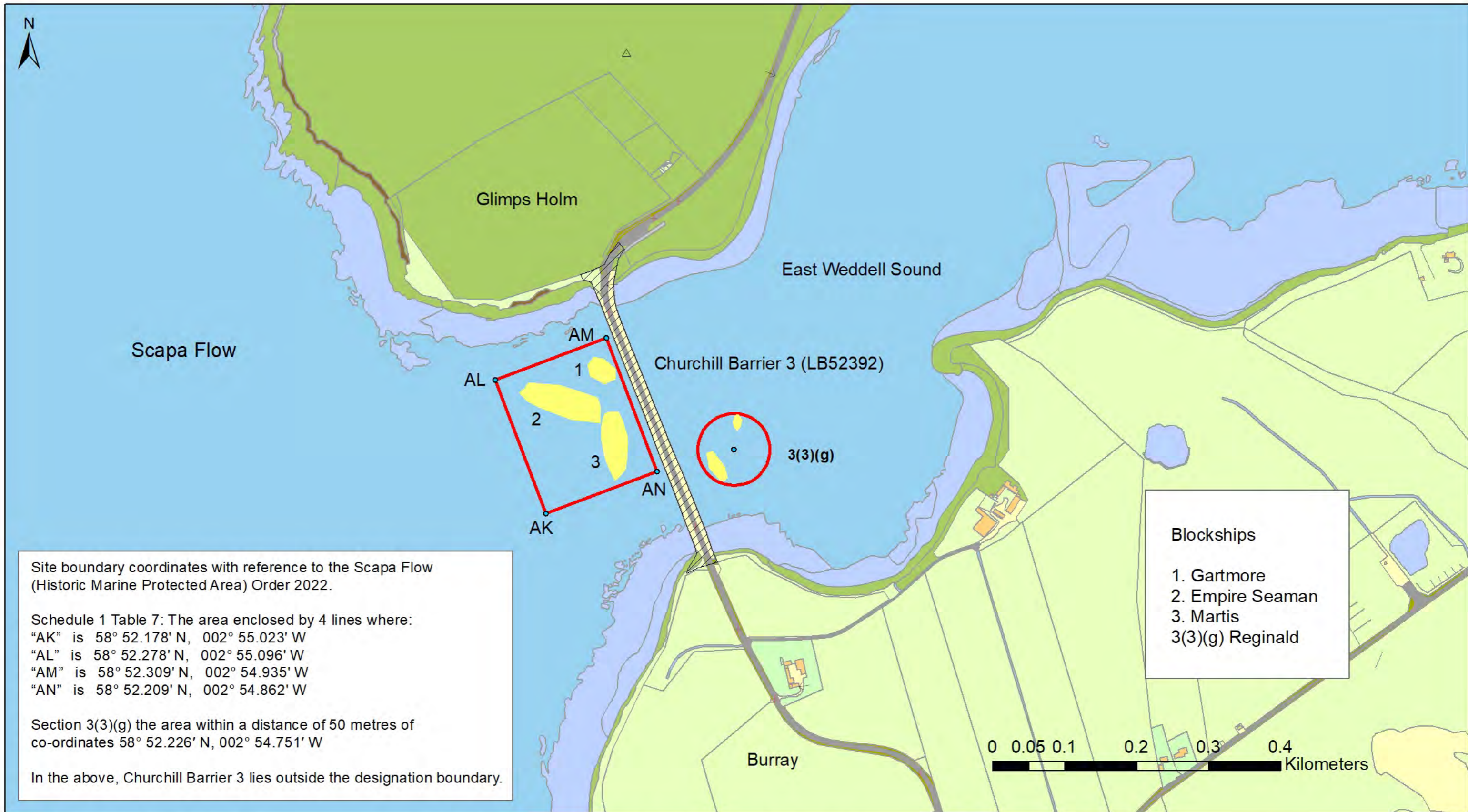


HISTORIC ENVIRONMENT SCOTLAND

ÀRAINNEACHD EACHDRAIDHEIL ALBA

Latitude: 58° 53.051' N
 Longitude: 03° 10.780' W
 Overall area of HMPA: 1070 hectares, 10.70 square km.
 Scale: 1:5000 at A3
 Projection: UTM zone 30N; coordinates calculated using WGS84.

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Site boundary coordinates with reference to the Scapa Flow (Historic Marine Protected Area) Order 2022.

Schedule 1 Table 7: The area enclosed by 4 lines where:
 "AK" is 58° 52.178' N, 002° 55.023' W
 "AL" is 58° 52.278' N, 002° 55.096' W
 "AM" is 58° 52.309' N, 002° 54.935' W
 "AN" is 58° 52.209' N, 002° 54.862' W

Section 3(3)(g) the area within a distance of 50 metres of co-ordinates 58° 52.226' N, 002° 54.751' W

In the above, Churchill Barrier 3 lies outside the designation boundary.

Blockships

- 1. Gartmore
- 2. Empire Seaman
- 3. Martis
- 3(3)(g) Reginald

Boundary of Historic MPA

Scapa Flow Historic Marine Protected Area: map 6

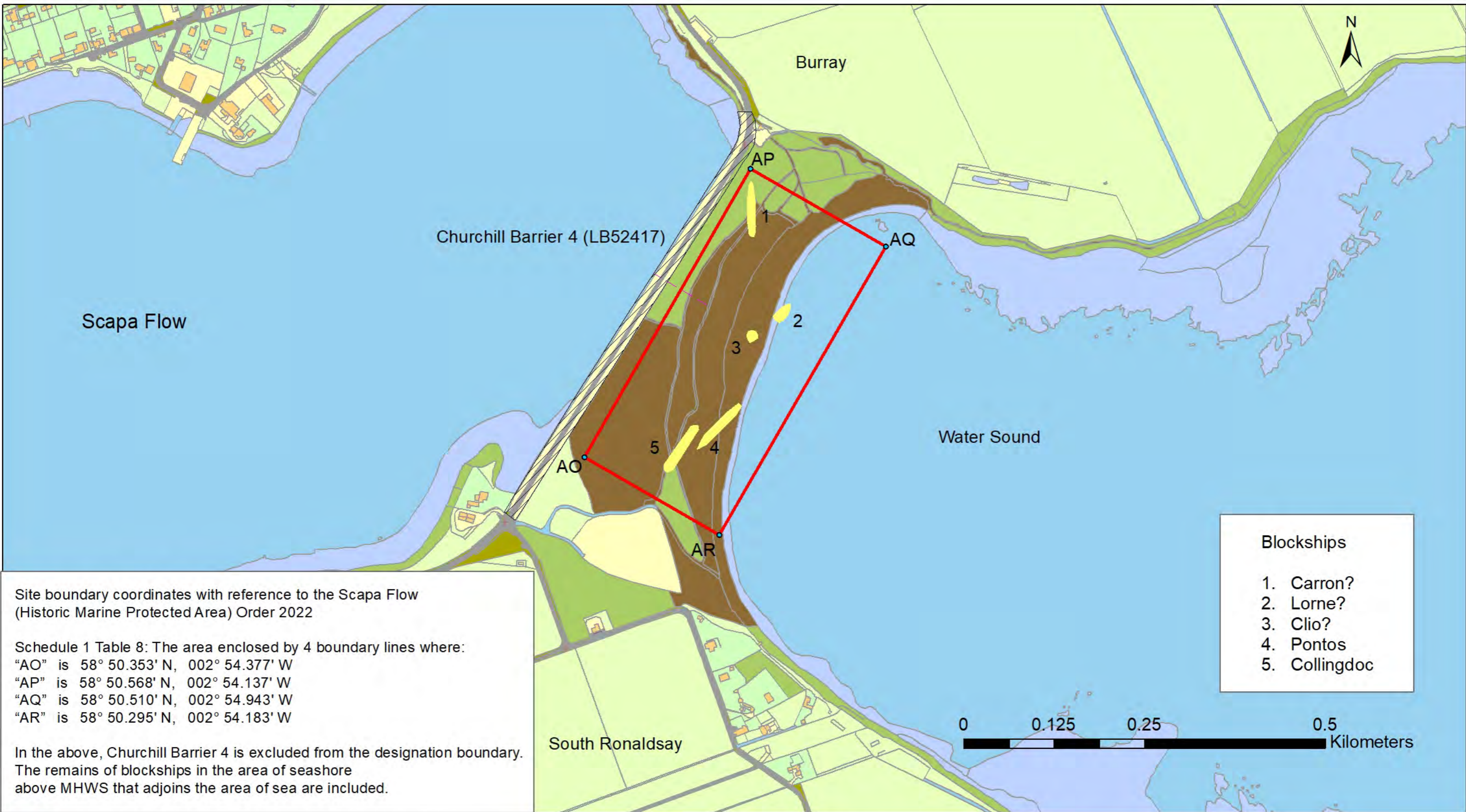


HISTORIC ENVIRONMENT SCOTLAND

ÀRAINNEACHD EACHDRAIDHEIL ALBA

Latitude: 58° 53.051' N
 Longitude: 03° 10.780 W
 Overall area of HMPA: 1070 hectares, 10.70 square km.
 Scale: 1:5000 at A3
 Projection: UTM zone 30N; coordinates calculated using WGS84.

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Site boundary coordinates with reference to the Scapa Flow (Historic Marine Protected Area) Order 2022

Schedule 1 Table 8: The area enclosed by 4 boundary lines where:
 "AO" is 58° 50.353' N, 002° 54.377' W
 "AP" is 58° 50.568' N, 002° 54.137' W
 "AQ" is 58° 50.510' N, 002° 54.943' W
 "AR" is 58° 50.295' N, 002° 54.183' W

In the above, Churchill Barrier 4 is excluded from the designation boundary. The remains of blockships in the area of seashore above MHWS that adjoins the area of sea are included.

- Blockships**
1. Carron?
 2. Lorne?
 3. Clio?
 4. Pontos
 5. Collingdoc

 **Boundary of Historic MPA**

Scapa Flow Historic Marine Protected Area: map 7

Latitude: 58° 53.051' N
 Longitude: 03° 10.780' W
 Overall area of HMPA: 1070 hectares, 10.70 square km.
 Scale: 1:5000 at A3
 Projection: UTM zone 30N; coordinates calculated using WGS84.

 HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

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Scapa Flow Proposed Historic Marine Protected Area (MPA)

Partial Island Communities Impact Assessment (ICIA)

October 2024

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1. Step One - Develop a clear understanding of your objectives:

1.1 What are the objectives of the policy, strategy or service?

The Scottish Government is committed to clean, healthy, safe, productive, biologically diverse marine and coastal environments, managed to meet the long-term needs of people and nature. This includes protecting and, where appropriate, enhancing our most important historic wrecks and other marine heritage sites in such a way that they can be valued and understood. Under Section 67 of the Marine (Scotland) Act 2010 Scottish Ministers have powers to designate sites as Historic MPAs in order to protect marine assets (for example, historic shipwrecks) of national importance within Scottish territorial waters.

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

1.2 Do you need to consult?

The Marine (Scotland) Act 2010 requires Scottish Ministers to consult anyone who is likely to be interested in or affected by the proposed designation of an Historic MPA. A formal consultation was held on the proposal in 2019 and significant stakeholder engagement has taken place both before and after this.

See section 3 for more information on consultation and engagement.

1.3 How are islands identified for the purpose of the policy, strategy or service?

Islands have been identified according to the definition set out in the Islands (Scotland) Act 2018. That Act defines an island community as a community which consists of two or more individuals, all of whom permanently inhabit (whether or not the same island), and is based on common interests, identity or geography (including in relation to any uninhabited islands whose natural environment and terrestrial, marine and associated ecosystems contribute to the natural or cultural heritage of and inhabited island).

1.4 What are the intended impacts/outcomes and how do these potentially differ in the islands?

Historic Environment Scotland (HES) advise that many of the sites recorded through surveys undertaken since 2001 meet the criterion of national importance for designation as a Historic MPA. The range and quality of marine historic assets

surviving on the seabed of Scapa Flow is outstanding and represents the largest relatively accessible concentration of warship wrecks and associated features in the UK, and possibly in European waters. These sites have a high potential to enhance our understanding about the key role Scapa Flow played as a naval base of outstanding strategic significance to the United Kingdom during both the First and Second World Wars of the 20th Century, and significant events in the wartime naval history of the North Atlantic that took place there.

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

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

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

Given the location of the proposed Historic MPA any potential impacts would be most likely to be felt in the Orkney Islands.

1.5 Is the policy, strategy or service new?

The overall policy of Historic MPAs is not new. Scottish Ministers were granted powers through the Marine (Scotland) Act 2010 to designate sites as Historic MPAs and the first such sites were designated in 2013. There are currently 8 sites across Scottish waters which have been designated as Historic MPAs. These are:

- Campania (Firth of Forth)
- Dartmouth (Sound of Mull)
- Drumbeg (Sutherland)
- Duart Point (Sound of Mull)

- Iona I (Firth of Clyde)
- Kinlochbervie (Sutherland)
- Mingary (Sound of Mull)
- Out Skerries (Shetland)

Additionally, three battleships and four cruisers of the German High Seas Fleet, which are included in the boundaries of the proposed Scapa Flow Historic MPA, are already afforded protection as scheduled monuments under the Ancient Monuments and Archaeological Areas Act 1979. HES considers that the level of protection afforded to these wrecks through scheduling and designation as an Historic MPA is effectively the same.

2. Step Two – Gather your data and identify your stakeholders:

2.1 What data is available about the current situation in the islands?

This partial ICIA has been completed with reference to the BRIA for these proposals which was consulted on in 2019. The assessments in the BRIA used socio-economic data published through National Marine Planning interactive (NMPi), information compiled through the engagement programme with Orkney stakeholders and through the initial HES led public consultation.

Additional data for this partial ICIA has been gathered from the Scottish Government led consultation in 2019 and from further engagement with stakeholders over the course of 2024.

2.2 Do you need to consult?

See section 3 for more information on consultation and engagement.

2.3 How does any existing data differ between islands?

The data used does not differ between islands.

2.4 Are there any existing design features or mitigations in place?

In their response to the initial HES led consultation Orkney Islands Council noted that the proposed boundaries of the Scapa Flow Historic MPA overlapped slightly with the Churchill Barriers. To mitigate any potential issues and alleviate the Council's concerns the boundaries of the proposed Historic MPA were amended to be much more tightly drawn around the blockship historic assets and exclude any part of the barriers.

3. Step Three – Consultation

3.1 Who do you need to consult with?

Extensive engagement with a full range of stakeholders has been undertaken throughout the development of these proposals. Stakeholders engaged include Orkney Islands Council, Orkney Fisheries Association, Orkney Sustainable Fisheries Ltd, the agent of the owner of four scheduled wrecks of the German High Seas Fleet, dive boat operators, and local residents.

3.2 How will you carry out your consultation and in what timescales?

Pre-consultation engagement

HES began considering the proposal for an Historic MPA at Scapa Flow in 2012 and exploratory meetings were held in Orkney with a wide range of stakeholders during 2013. Following their 'What's Your Heritage' project, which showed that communities wanted to be more involved in designation decisions, HES decided to undertake a programme of public engagement about Scapa Flow before progressing the proposal any further. This began in December 2017 and aimed to explore what the marine heritage of Scapa Flow meant to the Orkney community and visitors from further afield. An online survey received 450 responses, with 17 people attending in person drop-in events on Orkney and HES holding meetings with five organisations.

HES consultation

HES undertook a public consultation on behalf of Scottish Ministers between 20 February and 17 April 2019. All parties with a potential interest in the proposal to designate Scapa Flow as an Historic MPA, including the owner of the wrecks, the local authority, business, community groups and others, were invited to comment. Following the consultation, HES continued discussing the proposals with Orkney Islands Council, the Orkney Fisheries Association, and the agent of the owner of the scheduled wrecks. This led to updates being made to the designation proposals.

Scottish Government consultation

The Scottish Government held a 4-week consultation on these updated proposals between 30 October and 17 November 2019. Work on further progressing these proposals was paused due to resource reprioritisation brought about by Covid-19.

Post-consultation engagement

Work resumed on the proposals in late 2023. Given the period of time that had passed since the formal consultation Scottish Government officials reached out to those who had previously provided responses to see if their views had changed. Additional stakeholders were contacted who had not responded to the consultation but who it was felt may have an interest, primarily dive boat operators.

Online meetings have been held with officials from Orkney Islands Council and the agent of the owner of the scheduled wrecks. Additionally, Scottish Government and HES officials gave an in-person presentation at a seminar for Elected Members of the Orkney Islands Council on 5 September 2024.

Scottish Government officials have also engaged with Orkney Fisheries Association and re-emphasised the advice from HES that no specific additional fisheries management measures would be required if the site was designated as an Historic MPA. (See section 4.1 for more detail on commercial fisheries.)

Engagement has shown that there is a high degree of support for the proposed Scapa Flow Historic MPA.

3.3 What questions will you ask when considering how to address island realities?

The formal Scottish Government consultation from 2019 asked respondents whether they supported the designation of Scapa Flow as an Historic MPA; whether they had any comments on the draft Designation Order; and whether they had any comments on the advice and consultation reports from HES. A BRIA was included as part of the consultation package which outlined potential socio-economic impacts. It should be noted that the formal consultation was carried out before the requirement to conduct an ICIA came into force in December 2020. This means that it did not include a draft ICIA or ask any questions specifically relating to particular impacts on island communities.

3.4 What information has already been gathered through consultations and what concerns have been raised previously by island communities?

The engagement and consultation conducted so far has demonstrated a significant degree of support in Orkney for the Scapa Flow proposals. The HES consultation in early 2019 showed that 78% of respondents said they either 'highly agree' or 'agree' with the proposals. Of the 14 respondents to the Scottish Government consultation who specifically answered the question "Do you support the designation of Scapa Flow as a Historic MPA?", nine were in support and only one was opposed.

As mentioned in section 2.4, during the initial HES consultation Orkney Islands Council expressed concerns about the boundaries of the proposed Historic MPA overlapping with the Churchill Barriers but these have since been addressed by redrawing the proposed boundaries.

3.5 Is your consultation robust and meaningful and sufficient to comply with the Section 7 duty?

There has been extensive engagement with stakeholders throughout the development of these proposals, which have been amended to take into account feedback received. We are confident that consultation in relation to these proposals

has been both robust and meaningful, particularly given that no significant adverse impacts have been identified.

4. Step Four – Assessment:

4.1 Does your assessment identify any unique impacts on island communities?

No data has been collected from stakeholders or revealed within the BRIA which would indicate that there are any unique or significant impacts on island communities that are required to be considered.

The following sectors have been identified in the BRIA as present (or possibly present in the future) within the proposed Scapa Flow Historic MPA, and/or potentially interacting with the marine historic assets in some way:

- Aquaculture (finfish and shellfish)
- Coastal defence and flood protection
- Mineral extraction
- Commercial fisheries
- Energy generation and energy/communications transmission
- Oil and gas
- marine traffic
- recreational boating
- diving industry
- salvage industry
- public sector

Summaries of the potential impacts that the proposed Historic MPA might have on each of these sectors in Orkney has been provided below:

Aquaculture

There are no current finfish or shellfish aquaculture sites within the boundaries of the proposed Scapa Flow Historic MPA and no known developments are being planned. Any proposals to develop new aquaculture installations within the proposed boundaries or extend existing sites into the proposed boundaries would be expected to undertake seabed surveys (incurring a small one-off cost) to map marine historic assets and to demonstrate that impacts can be avoided. However, the proposed boundary areas of the Historic MPA are mostly small and should be avoidable through development planning.

Coastal defence and flood protection

The most likely location within Scapa Flow where coastal defence or flood protection works might potentially be required are the Churchill Barriers. However, as these are not part of the proposed designation, no impacts are expected on the Local Authorities ongoing maintenance of these. Any proposals for coastal defences within the proposed boundaries would be expected to undertake seabed surveys (incurring a small one-off cost) to map marine historic assets and to demonstrate that impacts can be avoided/minimised.

Mineral Extraction

The areas proposed for designation are not currently subject to any maintenance dredging, and there are no known live development proposals for capital dredging. Any proposals to develop new areas for mineral extraction/dredging within the proposed boundaries would be expected to undertake seabed surveys (incurring a small one-off cost) to map marine historic assets and to demonstrate that impacts can be avoided. However, the proposed boundary areas of the Historic MPA are mostly small and should be avoidable through development planning.

Commercial Fisheries

Engagement with Orkney Fisheries Association indicates that Scapa Flow is used by around 10 to 12 commercial fishing vessels and is a particularly important fishery during winter or bad weather. Within the proposed area, scallop diving and static gear is in use around the wrecks, particularly close inshore around Cava. There is little use of mobile gear around the German wrecks for fear of snagging and damage to fishing gear (with the exception of a localised trawl fishery for queenie scallops on the north end of Cava, which works around four of the wrecks but avoids the wrecks themselves).

Designation would not result in a change to existing practices regarding scallop diving or static gear so there are no impacts expected on these either in terms of loss of value of catches or displacement impacts. Operational advice for the proposed Historic MPA is for mobile gear vessels to take steps to avoid damage to marine historic assets by avoiding wrecks, structures and areas of foul ground. However, as little of this activity takes place anyway and fishers normally avoid such seabed hazards for fear of damaging or losing gear, this is not expected to result in any significant impacts either.

Energy generation and energy/communications transmission

There is no current energy generation activity in the areas proposed for designation. The only charted cabling which runs through the proposed area appear to terminate offshore and are likely to be redundant wartime cables. Any proposals to develop new areas for energy generation within the proposed boundaries would be expected to undertake seabed surveys (incurring a small one-off cost) to map marine historic assets and to demonstrate that impacts can be avoided/minimised. However, the proposed boundary areas of the Historic MPA are mostly small and should be avoidable through development planning.

Oil and gas

The oil and gas installation of Flotta Oil Terminal is located on the island of Flotta in Scapa Flow. None of the proposed designated areas are located within the charted prohibited entry area around Flotta terminal and do not overlap with any other oil and gas interests. Any proposals to develop new oil and gas installations within the proposed boundaries or extend existing sites into the proposed boundaries would be expected to undertake seabed surveys (incurring a small one-off cost) to map marine historic assets and to demonstrate that impacts can be avoided. However, the

proposed boundary areas of the Historic MPA are mostly small and should be avoidable through development planning.

Marine traffic

The boundaries of the proposed Scapa Flow Historic MPA lie within the area of responsibility of Orkney Marine Services, as statutory harbour authority. None of the areas proposed for designation lie within ship anchorage priority zones. Although some marine historic assets are located within shipping channels, designation would not affect surface navigation.

Recreational boating

Yachting is a popular activity in Orkney and it is not anticipated that the designation of the proposed Historic MPA will impact this. The areas proposed for designation generally lie outside of charted anchorage areas and no changes would be required to surface navigation or sea angling practices.

Dive industry

Designation would not alter the existing ability of dive boat operators to dive on the wrecks and would not change existing permit requirements (which are delivered through Orkney Marine Services).

Salvage industry

Commercial-scale salvage operations are understood to have last been carried out at Scapa Flow in 1979 and there are no known current proposals to carry out any salvage work. However, through consultation the agent of the owner of four of the wrecks claimed that their existing status as scheduled monuments is impacting the owner's interests by restricting opportunities for salvage or sale of the wrecks for this purpose. HES's view is that the proposed Historic MPA would effectively be delivering the same level of protection to the four wrecks as the existing scheduling status, meaning that there would not be an additional impact to that already perceived by the owner's agent to be the case. However, additional protections would be added to the, currently undesignated, site of the *Bayern* turrets which are also owned by the same person.

Public sector

The proposal to designate the Scapa Flow Historic MPA would result in costs being incurred by the public sector, for example through site monitoring and enforcement, regulatory and advisory costs (such as granting permits) or the preparation of management plans. Some of these impacts would fall at the national level (for example to Scottish Government and HES) but some are existing costs at the local level (such as issuing dive permits) which would need to take account on the Historic MPA, should it be designated.

4.2 Does your assessment identify any potential barriers or wider impacts?

No additional barriers or wider impacts have been identified through engagement with stakeholders, responses to the consultation or revealed through the BRIA.

4.3 How will you address these?

No significantly different impacts for island communities are expected therefore no specific mitigations have been put in place to address these.

4.4 Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes (such as different levels of satisfaction, or different rates of participation)?

Following feedback from Orkney Islands Council, HES have proposed that the designation could be accompanied by a non-statutory management plan and/or supplementary guidance developed to support management of the proposed Historic MPA. Any plan or guidance could focus on the management of dive tourism in the area.

4.5 Are these different effects likely?

Any management plan would be developed by stakeholders following designation and would have the aim of maximising the potential positive effects of designation.

4.6 Are these effects significantly different?

No, given the limited level of impacts anticipated from designation of the Scapa Flow Historic MPA it is not felt that these impacts would be significantly different for island communities.

4.7 Could the effect amount to a disadvantage for an island community compared to the mainland or between island groups?

No, given the limited level of impacts anticipated from designation of the Scapa Flow Historic MPA it is not felt that these impacts would amount to a disadvantage for an island community compared to the mainland or between island groups.

4.8 Do you consider a full Islands Community Impact Assessment (ICIA) to be required?

In preparing this partial ICIA, I have formed the opinion that our policy, strategy or service is NOT likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). The reason for this is detailed below in Section 4.9.

4.9 What are the reasons for or not completing a full ICIA?

Having considered the results of the Business and Regulatory Impact Assessment, engagement with stakeholders likely to be affected by these proposed designations, and responses to the formal consultation, there is no evidence currently to suggest that the proposed designations will have an effect on island community which is significantly different from its effect on other communities. Therefore, we do not consider that a full ICIA is required.

Screening ICIA completed by: Gordon Forbes
Position: Marine Protected Areas Policy Officer
Signature:



Date completed: 15 October 2024

ICIA approved by: Caro Cowan
Position: Deputy Director Marine Environment
Signature:



Date approved: 17 October 2024