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Marine Scotland

Proposal to designate two Historic Marine Protected Areas

Scapa Flow

BUSINESS REGULATORY IMPACT ASSESSMENT



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Proposed Scapa Flow Historic Marine Protected Area - Business Regulatory Impact Assessment (BRIA)

Title of Proposal

Designating an area of the Scottish territorial seas as the Scapa Flow Historic Marine Protected Area under the Marine (Scotland) Act 2010.

Purpose and intended effect

Background

Part 5 of the Marine (Scotland) Act 2010 ('The 2010 Act') includes powers to conserve Scotland's outstanding marine natural and cultural heritage through a single system of Marine Protected Areas, with Historic MPAs used to protect 'marine historic assets' of national importance.

Objective

Historic Scotland's *strategy for the protection, management and promotion of marine heritage 2012-15* ('the *Marine Strategy*') established an objective of delivering a well-managed group of Historic Marine Protected Areas, designated under the Marine (Scotland) Act 2010. As part of work to deliver this objective, Historic Scotland committed to considering a small number of currently undesignated marine historic assets for protection on the basis of 'national importance'. This work is being continued by Historic Environment Scotland (HES), since its establishment on 1 October 2015 as the new lead public body for the historic environment, and advisor to Scottish Government on Historic Marine Protected Areas. This BRIA assesses the impact of the proposed designation of the Scapa Flow Historic Marine Protected Area, Orkney.

Rationale for Government intervention

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. Scapa Flow was the scene of many important events in the naval history of the Atlantic, including the internment and scuttling of the German High Seas Fleet at the end of the First World War. The wrecks of the High Seas Fleet were the subject of a major programme of industrial-scale salvage between the First and Second World Wars, and which continued until around 1979. During the 1980s, these wrecks became increasingly popular dive tourism attractions. There was also growing recognition of the importance the UK's underwater heritage. Following concern during the 1990s regarding recovery of artefacts from the wrecks of Scapa Flow without recording or conservation, Historic Scotland began to investigate options for statutory protection of the wrecks. In May 2001, acting directly on behalf of 'the Scottish Ministers', Historic Scotland took the decision to designate seven wrecks of the German High Seas Fleet, scuttled in Scapa Flow in June 1919, as nationally important scheduled monuments under the Ancient Monuments and Archaeological Areas Act 1979 ('the 1979 Act').¹ This process is called 'scheduling'.

In 2012, Historic Scotland indicated its intention to review and replace protection for these wrecks with Historic MPA status (as had already happened with other historic wrecks in Scotland, previously designated under the Protection of Wrecks Act 1973) and

¹ <http://portal.historicenvironment.scot/designation/SM9308>; <http://portal.historicenvironment.scot/designation/SM9298>

to consider protection for any other marine historic assets connected with the wartime history of Scapa Flow². This work by Historic Scotland, and now HES forms part of a programme of work to help protect and, where appropriate, enhance our most important marine heritage assets in such a way that they can be valued, understood, and enjoyed. By delivering its objective and aligning marine heritage protection within the Scottish Government's overall approach to the management of the marine environment, HES will be helping to support the Scottish Government's vision for a 'clean, healthy, safe, productive and biologically diverse marine and coastal environment that meets the long term needs of people and nature', including the development of a network of Marine Protected Areas in the seas around Scotland. In so doing, HES is also contributing to the Scottish Government's National Performance Framework's Strategic Objectives:

- We value and enjoy our built and natural environment and protect it and enhance it for future generations.
- Our public services are high quality, continually improving, efficient and responsive to local people's needs.

The step proposed is in line with the UK Marine Policy Statement³ and the Historic Environment Policy for Scotland⁴. It also helps to deliver international obligations under the European Convention on the Protection of the Archaeological Heritage – more commonly known as the 'Valetta Convention' – which requires that the historic environment, on land and under water, is protected.

Consultation

In preparing the priorities for action set out in its *Marine Strategy*, Historic Scotland carried out a detailed programme of stakeholder engagement involving preparation of a discussion paper *Towards a strategy* (Historic Scotland 2009), public consultation on the strategy, the final version of which was published in 2012. Additional engagement on matters in relation to Historic MPAs took place through the Scottish Government's Marine Strategy Forum, and, since the creation of HES through bi-lateral meetings with industry and other interested parties, including representatives of the fisheries, ports and heritage sectors.

Consideration of this case first began in 2012 and exploratory meetings were held in Orkney with a wide range of stakeholders during 2013 before the case was put on hold 2014-2016. Following the creation of HES, HES decided to undertake a public engagement programme about Scapa Flow before progressing the case further. This followed the organisation's 'What's Your Heritage' project in 2016-17 which indicated that communities want to be more involved in designation decisions.

The engagement programme in December 2017 aimed to explore what the marine heritage of Scapa Flow means to the Orkney community and visitors from far afield. 450 people responded to an online survey, 17 people attended our drop-in events on Orkney, and HES held meetings with five organisations.

The following key issues emerged in relation to the management of Scapa Flow's marine heritage:

² Historic Scotland's marine heritage strategy 2012-15

³ <http://www.scotland.gov.uk/Resource/Doc/295194/0115242.pdf>

⁴ <http://www.historicenvironment.scot/heps>

- Balancing effective protection for Scapa Flow's wartime underwater heritage with the sustainable economic growth of Orkney;
- How to approach the beneficial management of historic wrecks that are deteriorating in condition;
- Investigating, protecting and promoting Scapa Flow's wartime underwater heritage needs to be taken forward in collaboration with Orkney Islands Council, and involving community interests on Orkney, and other key stakeholders.

The findings of the engagement programme have informed HES's consideration of this case and its advice to the Scottish Government. Following the engagement work, HES undertook an appraisal of the available options for managing Scapa Flow's wartime underwater heritage. This appraisal was undertaken with input from Orkney Islands Council (including Orkney Marine Services) through bilateral meetings. A meeting was also held with the Orkney Fisheries Association and Orkney Sustainable Fisheries Ltd on 20 September 2018, and a follow up drop-in session was arranged in Stromness on 31 October 2018 to enable key stakeholders to understand what the various options would involve, and to provide their views. Comments from these discussions have been incorporated into the options appraisal, leading to the identification of a preferred option – this proposal – based on what is considered most desirable and practicable in the case of Scapa Flow.

Historic Environment Scotland undertook a public consultation on behalf of the Scottish Ministers. The consultation took place 20 February – 17 April 2019 and all parties with an interest in the proposal to designate the historic marine protected area, including owners of the wrecks, the local authority, businesses, community groups and others, were invited to comment. A copy of the consultation report is available at https://www.historicenvironment.scot/about-us/what-we-do/consultations/recently-closed-consultations/#scapa-flow-historic-marine-protected-area_tab.

Following the consultation, HES continued discussions on the proposal with Orkney Islands Council, the Orkney Fisheries Association and the agent of the owner of four scheduled wrecks of the German High Seas Fleet (*Markgraf*; *Kronprinz Wilhelm*; *König*; *Karlsruhe*). The proposal documentation, including this BRIA, has been updated to reflect comments received through these processes.

Options

The appraisal by HES considered the following options. Brief consideration was also given to World Heritage Site status, although, no-one has ever proposed this and the processes involved and large costs even to get to the nomination stage, rule it out as a realistic option at the current time:

Option 1 – the 'do nothing' option. This is the baseline scenario. The existing status of the seven wrecks of the German High Seas Fleet as scheduled monuments under the 1979 Act would remain. The two scheduling monuments comprise respectively, the remains of seven vessels – four light cruisers (SM9308), and three battleships (SM9298) of the German High Seas Fleet, scuttled in Scapa Flow on 21 June 1919 – together with an area of sea bed around each wreck in which associated debris is scattered. The sum total extent of the scheduled areas around the seven wrecks amounts to 1.37 km².

Under this option, statutory designation would not be extended for other marine historic assets of national importance identified in the area. The Orkney and Pentland Firth Waters Marine Plan may afford some level of consideration for assets in relation to development management, however this leaves some activities largely unregulated (e.g. recovery of artefacts from the wrecks unless removal falls within the regulatory scope of marine licensing and works licensing).

Scheduling of the German High Seas Fleet wrecks in 2001 was widely welcomed at the time, and generally appears to be supported by stakeholders (86% of 450 respondents to online survey were supportive of the 'look but don't touch approach' of scheduling). However, at consultation on the MPA proposal, a response was received from the agent of the owner of four scheduled wrecks (*König, Kronprinz Wilhelm, Markgraf, Karlsruhe*) who advised that, in 1981, with the permission of the Ministry of Defence, the owner acquired these wrecks for the purposes of salvage from the Receivers of Scapa Flow Salvage Ltd. This owner also claims ownership of the site of the *Bayern* turrets. We are advised that no salvage activities were undertaken on the wrecks before Historic Scotland's scheduling decision in May 2001. The owner's agent expressed concern that the scheduling decision had not taken due account of this owner's interests and had adversely impacted the value of these wrecks by restricting opportunities for salvage, and the generation of a return through the sale of the wrecks for this purpose. He also expressed the view that the scheduled status of the wrecks might have implications as regards the potential liabilities of an owner in respect of injury or damage to persons on or in the vicinity of the wrecks or in the event of damage to other craft or to the environment.

Since 2001, surveys have revealed much wider surviving evidence, including many assets which are probably of equivalent importance to what is already protected, but which are currently vulnerable, particularly to unregulated recovery of artefacts. The 'do nothing option' means that these assets will lack appropriate recognition, and remain vulnerable to damage and loss for example through vulnerability to unregulated salvage activities or recovery of artefacts without recording, conservation or reporting.

Scheduling recognises nationally important monuments, usually on land, within terrestrial bodies of water and the foreshore but not under water in marine contexts. In the marine environment, 'Historic Marine Protected Areas' are normally the preferred designation for assets offshore, in order to align with wider approaches to marine management including the marine planning system (HES designation policy and selection guidance⁵). Since Historic MPAs were introduced all historic wrecks under water in Scotland have been transferred to the Historic MPA designation. The use of scheduling in Scapa Flow is therefore an anomaly.

Option 2 – Rely on locally available mechanisms. This option was considered because a small number of respondents to the online survey indicated that statutory protection was not working and that it might be preferable to rely on local management approaches. Under this option, the two scheduled monument designations for wrecks of the German High Seas Fleet (SM9298; SM9308) would be removed. This would have the effect of de-regulating recovery of artefacts from the German High Seas Fleet wrecks, and removing offences of unauthorised works/damage. It would be likely to make it easier to

⁵ <http://www.historicenvironment.scot/designation-policy>.

salvage the remaining wrecks although there would continue to be an obligation to report recovered artefacts to the UK Receiver of Wreck and some consideration of marine heritage through existing marine spatial planning arrangements, harbour authority permits, and marine licensing.

Local management certainly has a key role to play, in particular through the role of Orkney Islands Council, including planning and development, Orkney Museums, and Orkney Marine Services as Statutory Harbour Authority, and through its ownership of three of the wrecks of the German High Seas Fleet. However, discussions with the Local Authority during the options appraisal process indicated that the locally available mechanisms (such as the existing dive permit) are likely to be most effective when used in tandem with national level heritage designations. Removal of the existing statutory protection and reliance on these mechanisms alone would be seen as a retrograde step, placing an excessively heavy responsibility on the local authority, and would reduce the level of protection available to nationally important assets, therefore placing them at risk.

Option 3 – Extend scheduling to other nationally important assets in Scapa Flow. This option would see an increase in the number of scheduled monuments protecting the wrecks, from two (at present), to up to eight. The increase would extend statutory protection on the same basis as applies for the seven scheduled German wrecks, to nationally important assets that currently lack statutory protection. Respondents to our online survey indicated that stakeholders wanted to see a greater focus on beneficial management of the wrecks. Under this option, a (non-statutory) management plan could be prepared with stakeholders, backed up with a Section 17/management agreement. This could be a useful mechanism to articulate beneficial management of the wrecks of the German High Seas Fleet, with the section 17 agreement providing consent for agreed routine ongoing works.

Although use of scheduling is reasonably well understood locally and proven in Scapa Flow, it isn't designed with the marine environment in mind and its use in Scapa Flow is already an anomaly compared with management of historic wrecks elsewhere in Scotland. Extending use of scheduling more widely would go against current policy and practice.

Option 4 - designate the site as a Historic MPA. This is the preferred option as described in this document. It involves designation under sections 67 and 73 of the 2010 Act, of an area of seabed amounting to 10.69 km². Located within the area are the remains of around 80 recorded sites of wrecked vessels, salvage sites, blockships, boom defence structures and debris. By comparison with the existing scheduling designation, this represents an increase in designated area of 9.32km².

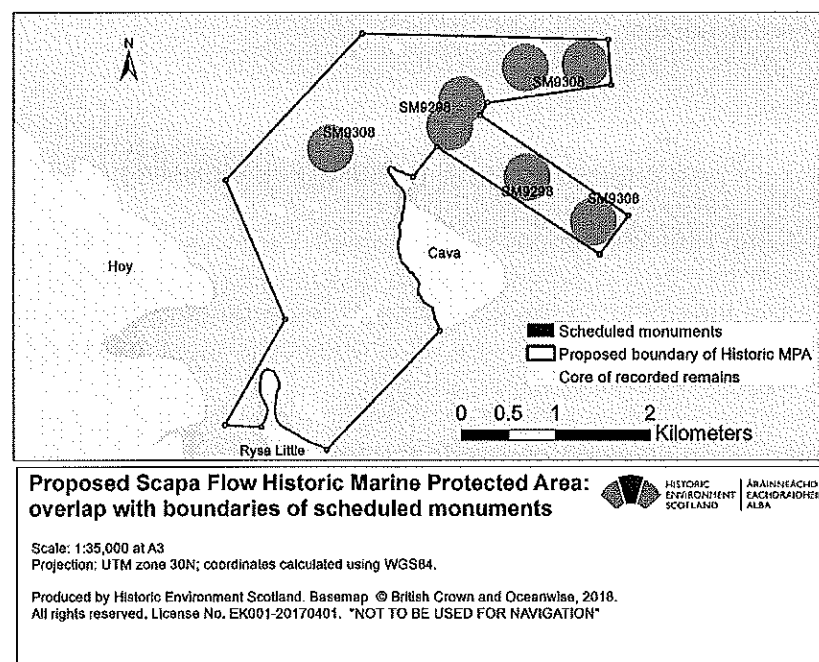
HES's review of the information has concluded that the marine historic assets located in this area meet the criterion of national importance required to merit designation. The options appraisal has considered that this option is the most desirable and practicable in the case of Scapa Flow.

Designation would take forward the policy decisions approved by the Scottish Parliament under the Marine (Scotland) Act 2010 and contribute to the objective of establishing a network of MPAs in the seas around Scotland to protect Scotland's outstanding marine

natural and cultural heritage. This form of designation is aligned with the marine planning/licensing system.

Under this option, the designation would be supported by duties on public authorities to take account of preservation objectives and by general offences under section 96 of the Marine (Scotland) Act 2010. A non-statutory management plan and/or supplementary guidance could be developed to support management of the area and we would welcome comments during the consultation on aspects this should cover. Although not considered necessary at the current time, Marine Conservations Orders provide an available tool that could be used to restrict/regulate particular activities that hinder preservation objectives. Additional enforcement powers are available through Marine Enforcement Officers (Marine Scotland).

The Historic MPA is intended to replace use of scheduling for statutory protection of the seven wrecks of the German High Seas Fleet. HES considers that the level of protection afforded to these wrecks through scheduling and designation as Historic MPA is effectively the same, extending to the remains of the vessels, the contents, and the debris surrounding the wrecks. At consultation, we invited views on two options: a) removal of scheduled monument status once the Historic MPA comes into force; or b) retaining scheduled monument status for these wrecks for a period of 1 year after the Historic MPA comes into force. The map below illustrates how the scheduling boundaries would be overlapped by the Historic MPA boundary.



Through the consultation procedure, discussions with stakeholders on Orkney indicated that there was some support for scheduled monument status for these wrecks to remain in place in addition to the Historic MPA for the transition period.

Impacts

Evidence base for the impact of the preferred option

HES has considered the impact of the proposal to designate the Scapa Flow Historic Marine Protected Area against the baseline scenario (Option 1). This assessment has used socio-economic data published in National Marine Planning interactive (NMPi - <http://marinescotland.atkinsgeospatial.com/nmpi/>), information compiled through the engagement programme with Orkney stakeholders and through the public consultation, and socio-economic figures prepared for the purposes of MPA impact assessment by Marine Scotland and ABPMER (2013)⁶.

Sectors and groups affected

The following sectors have been identified 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
- Coastal defence and flood protection
- Mineral extraction
- Commercial fisheries
- Energy generation and energy/communications transmission
- Oil and Gas
- Marine traffic
- Recreational boating
- The diving industry
- Salvage industry
- Public sector.

Benefits

Option 1 – There are no additional benefits as the existing position remains the same.

Option 4 (the preferred option) – This option recognises the importance of the surviving underwater heritage in Scapa Flow as revealed through surveys over the last 20 years, which are a testament to the key strategic importance of the naval harbour during both the First and Second World Wars. It is one of the most important wartime marine historic sites in the UK if not in Northern Europe.

The designation also contributes to the Scottish Government's work to create a network of marine protected areas in the seas around Scotland and aligns the protection of Scapa Flow's marine heritage with the system used to protect Scotland's other nationally important marine historic assets. An options appraisal concluded that designation of the Scapa Flow Historic MPA represents the most desirable and viable/feasible option for managing Scapa Flow's wartime underwater heritage within the scope of the laws and policies available, with the potential to balance effective protection for Scapa Flow's wartime underwater heritage with the sustainable economic growth of Orkney; and to provide opportunities for beneficial management of the heritage in the context of the wrecks' deteriorating condition.

⁶ Marine Scotland and ABPMER, 2013, The Scottish Marine Protected Area Project – developing the evidence base for impact assessments and the sustainability appraisal. Final report. Copy available at <https://www.gov.scot/publications/planning-scotlands-seas-2013-scottish-marine-protected-area-project-developing-9781782567578/pages/22/>

Although the Historic MPA is intended to replace the existing scheduling of seven wrecks of the German High Seas Fleet, and should provide an equivalent degree of protection, we consulted on two options a) the scheduling would be removed when the Historic MPA comes into force thereby minimising duplication of consenting; or b) the schedulings would remain in place for a transition period of 1 year. Some respondents to the consultation observed that retaining scheduled monument status for the seven wrecks for a transitional period would be helpful to give stakeholders time to get used to how the new designation works.

Scapa Flow's marine heritage was viewed as very important/important by >90% of the c.450 respondents to HES's online survey. The number of responses from the recreational diving sector highlighted the high level of use values that the wrecks of Scapa Flow to this sector. Forbes (2007:5) estimated that some 3,000 divers visit Scapa Flow, conducting almost 30,000 dives a year, about 60% of which are on what's left of the German High Seas Fleet. However, a recent study (Staiano and Matthew 2017:157) indicates that the sector is not currently experiencing growth (by comparison with tourism generally on Orkney).

As designation of a Historic MPA would not alter existing access arrangements to the wrecks of Scapa Flow, and should help to conserve the underwater heritage, designation should help to support the existing dive tourism industry and its efforts to promote Scapa Flow as a dive tourism destination in the longer term (86% of 450 respondents to a survey by HES were supportive of the principle of 'look but don't touch' access to the Scapa wrecks). To a significant extent, this relies on the survival of interesting marine historic assets to dive with the draw of the underwater cultural heritage of Scapa Flow the principal attraction. While effective stewardship of this resource may actively enhance the tourism offer, potentially attracting additional diving visitors, if we do not look after these marine historic assets, the tourism offer will be diminished as a result. This will affect jobs directly associated with the industry (e.g dive charter operators), but also those benefiting indirectly (e.g accommodation and food/drink providers).

Non-use values of the marine cultural heritage is the benefit people get simply from being aware of the richness of this heritage even if they do not themselves use it. The story of Scapa Flow is told through museums in Stromness and Lyness, and is visible in its landscape and seascape. It is commemorated in literature, poetry, film, and in events that remember the loss of service personnel who served at Scapa Flow. It is expected that some degree of non-use value will be derived from designating the Scapa Flow Historic MPA but it is difficult to put a figure on this. The designation and opportunities for stewardship that it brings (including opportunities for education, interpretation, and research) could be seen as one of a number of initiatives focussed around the centenary to commemorate the end of the First World War, marking Scapa Flow's contribution to the war. It may therefore contribute to community and council-led initiatives such as the Scapa 100 initiative, the redevelopment of the Lyness Visitor Centre on Hoy, and improvements in digital presentation of Scapa Flow to broaden access to the public around the world.

7 Staiano, S and Matthew, T (2017), Orkney volume tourism management study report by Ekosgen for Orkney Islands Council and Highlands and Islands Enterprise. Copy available at http://www.orkney.gov.uk/Files/Committees-and-Agendas/Development%20and%20Infrastructure/DI2017/12-09-2017/112_App1_Volume_Tourism_Management_Study.pdf

Costs

Option 1 – there are no additional costs associated with this option. The key stakeholders with direct socio-economic interests are the dive charter operators and the owners of the wrecks.

As far as the dive charter operators and others who wish to dive on the wrecks are concerned, scheduling does not affect existing rights of access or navigation in Scapa Flow, as managed by Orkney Marine Services. Scheduled monument consent (SMC) from HES is required for works to scheduled monuments. SMC has previously been required for activities such as scientific sampling of the wrecks, recovery of artefacts, and buoyage. This would continue. However, as HES does not charge for administration of SMC, it imposes few if any costs on this industry.

At consultation, the agent of the owner of four German wrecks claimed that the status of these wrecks as scheduled monuments is preventing the owner from realising the scrap value of these wrecks or generating a return by sale of the wrecks for this purpose.⁸ The effect of scheduling is to require that salvage on these wrecks, which falls within the definition of 'works' to a scheduled monument, cannot proceed without SMC from HES. Each application for SMC is considered by HES on its own merits against the HES Policy for Scheduled Monument Consent. The overall policy aim of which is that 'works on scheduled monuments should normally constitute the minimum level of intervention that is consistent with conserving what is culturally significant in a monument.' If an application for SMC is refused, the applicant can appeal under section 4B of the 1979 Act. Sections 7-9 of the 1979 Act provide compensation powers where a person who has an interest in a monument incurs expenditure or otherwise sustains any loss or damage in consequence of the refusal of their SMC application. The circumstances under which compensation is payable are limited. No application for SMC in respect of salvage has been received by Historic Scotland or HES, since the decision to schedule the wrecks in 2001. The owner's agent also expressed concern regarding potential implications of scheduled monument status regarding the liabilities of an owner. This is a matter for the owner to take his own legal advice. However, HES considers that scheduling under the 1979 Act neither imposes additional requirements on the owner or other parties to ensure a safe environment and protection of persons' accessing the wrecks, nor does it have additional implications for the owner's liabilities.

The requirement to obtain both scheduled monument consent and a marine license for certain activities involves some duplication of consenting regimes, involving some additional administrative costs for businesses and the public sector. This is one of the main reasons for moving towards the marine protected area regime.

⁸ Based on figures provided by the agent of the owner in June 2019, the current scrap value of the four wrecks is estimated at circa £10 million. This is on the basis that what remains of the four wrecks contains approximately 60,000 tonnes of scrap metal at £150 per tonne, with an additional allowance for non-ferrous metals including gun steel and armour plate. It does not include the cost of breaking-up and recovery of the wrecks. The agent also claims that there may also be an estimated £500k of collectible goods within the four wrecks. This is based on an understanding that the wrecks contain collectable items such as diving equipment, valued at approximately £20k per set with circa 10 sets on each of the battleships, along with crockery, cutlery and other tools and loose equipment of a collectable nature. The figure of £500k includes provision for costs to recover these materials from the wrecks.

Continued costs to the public sector should be anticipated. Since 2001, Historic Scotland (now HES) worked with a wide range of partners, investing £208k on the investigation, management, promotion and enforcement of wartime underwater heritage in Scapa Flow, with a particular focus on the wrecks of the German High Seas Fleet. This includes site monitoring costs, estimated at £30k every 5 years.

As designation of historic marine protected areas is a discretionary power, there is no risk of penalties being imposed on the Scottish Government if it decides not to designate the Scapa Flow Historic MPA. There may however be some economic and societal costs in terms of the continued degradation of the underwater heritage resource. Any such costs are however, very difficult to quantify.

Option 4 (the preferred option) – Costs have been evaluated based on the predicted management measures. Where feasible, costs have been quantified; where this has not been possible costs are stated qualitatively.

If the schedulings remain in place for a 1 year transitional period, there will be some potential duplication of consenting (as is the case now – whereby works within the scheduled areas may require both scheduled monument consent and marine licenses). Experience to date indicates that this burden is likely to fall primarily on the diving sector/academic community in relation to activities targeted at the wrecks (e.g sampling or recovery of artefacts). The costs would also apply in respect of works involving salvage. The costs of these options have therefore been considered under these headings.

Aquaculture (finfish and shellfish)

There are no current finfish or shellfish aquaculture salmon farms within the boundaries of the proposed Historic MPA. Operational installations within 500m of the boundary are finfish aquaculture installations at Toyness, Orphir, close to the wreck of the *Bremse*, at Pegal (close to the west coast of Rysa Little), and South Cava. It is understood that a seabed lease from the Crown Estate was held to harvest mussels from the Clestrain Hurdles but discussions with the Orkney Fishermens Association indicate that no harvesting has taken place in recent years and the lease may have lapsed.

Economic costs of designating the Scapa Flow Historic MPA	
Assumption for cost impacts	<ul style="list-style-type: none"> No other known aquaculture developments are being planned within the areas proposed for designation. Proposed boundary areas are mostly small and should be avoidable through development planning. Any proposals to develop new aquaculture installations or to extend existing facilities within the proposed boundary (for example, around the German High Seas Fleet anchorage) would be expected to undertake seabed surveys to map marine historic assets and to demonstrate that impacts can be avoided.
Description of one-off costs	<ul style="list-style-type: none"> Cost of seabed surveys for applications for new installations within the proposed boundaries/to extend existing facilities into the proposed protected area (an estimate of £5.2k per application).
Description of recurring costs	N/A
Non-quantified costs	<ul style="list-style-type: none"> Cost of uncertainty and delays in planning applications.
Total quantified costs (2019-34)	Not possible as the number or likelihood of such applications is not clear at the current time so it is not possible to quantify costs over a 20 year time horizon.

Coastal defence and flood protection

The blockships at Churchill Barrier 2 are located within an area where coast protection works were undertaken in 2015-17 to install a caisson (marine license 05667/15/0) in order to address 'over-topping' of the barrier by seas during easterly storms that have prevented safe vehicle transport on the road over the barrier.

Economic costs of designating the Scapa Flow Historic MPA	
Assumption for cost impacts	<ul style="list-style-type: none"> Existing permissions at Barrier 2 would remain unaffected by the designation. HES understands that it is likely that the existing caisson will need to be removed/replaced as it is temporary. No other coast protection/flood defence works are being planned within the areas proposed for designation but given the location of the boundaries, the Churchill Barriers are the most likely location where such works may be required in the future. As the Churchill Barriers themselves are not included within the designation, no changes should be required in terms of the Local Authorities ongoing maintenance of the roads that cross the barriers. Proposals for coast protection works within the proposed boundaries would be expected to undertake seabed surveys to map marine historic assets and to demonstrate that impacts can be avoided/minimised by careful design/location of defences.
Description of one-off costs	<ul style="list-style-type: none"> Cost of seabed surveys for coast defence works within the proposed boundaries/to extend existing infrastructure into the proposed protected area (an estimate of £5.2k per application).
Description of recurring costs	N/A
Non-quantified costs	<ul style="list-style-type: none"> Cost of uncertainty and delays in licensing/planning applications.
Total quantified costs (2019-34)	Not possible as the number or likelihood of such applications is not clear at the current time so it is not possible to quantify costs over a 20 year time horizon.

Mineral extraction

Sand that is accreting on the east side of Churchill Barrier 4 (across Water Sound) – the Ayre of Cayra - is the subject of extraction works granted by the local authority (see 18/289/PP issued 4/10/2018) with a condition that no excavation or any other operations should take place within 25 metres of blockships buried in the dune system.

Economic costs of designating the Scapa Flow Historic MPA	
Assumption for cost impacts	<ul style="list-style-type: none"> Existing permissions at Barrier 4 would remain unaffected by the designation as the operational advice reflects existing planning conditions. The areas proposed for designation are otherwise not currently subject to any maintenance dredging, and there are no known live development proposals for capital dredging. Proposed boundary areas are mostly small and should be avoidable through development planning. Any proposals to develop new areas for mineral extraction/dredging within the proposed boundary would be expected to undertake seabed surveys to map marine historic assets and to demonstrate that impacts can be avoided.
Description of one-off costs	<ul style="list-style-type: none"> Cost of seabed surveys for applications for new areas of mineral extraction/dredging within the proposed boundaries/to extend existing works into the proposed protected area (an estimate of £5.2k per application).

Description of recurring costs	N/A
Non-quantified costs	<ul style="list-style-type: none"> Cost of uncertainty and delays in licensing/planning applications.
Total quantified costs (2019-34)	Not possible as the number or likelihood of such applications is not clear at the current time so it is not possible to quantify costs over a 20 year time horizon.

Commercial fisheries

Discussions with Orkney Fisheries Association indicate that Scapa Flow is used by around 10-12 commercial vessels, and is particularly important as a fishery during winter or bad weather. Within the proposed area, scallop diving and static gear (e.g creels and buckie pots) 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. The exception is a localised trawl fishery for queenie scallops by around four vessels, working between the German wrecks at the north end of the island of Cava but avoiding the wrecks themselves. Outside the proposed area, there is further trawling for nephrops in the deeper anchorage to the east of the High Seas Fleet, and there is also some close to the *Strathgarry*, though avoiding the wreck. There is a brown crab fishery on the south side of Scapa Flow.

Economic costs of designating the Scapa Flow Historic MPA	
Assumption for cost impacts	<ul style="list-style-type: none"> No change to existing practices as regards scallop diving and use of static gear – hence no cost impacts on Gross Value Added (GVA) are envisaged either in terms of loss of value of catches, or displacement impacts. Operational advice is for mobile gear vessel owners to take steps to avoid damage to marine historic assets (and risk of damage to gear) by avoiding wrecks, structures, and areas of foul ground within the MPA. As little activity of this sort takes place and fishermen normally try to avoid such seabed hazards (for risk of losing gear), this operational advice is thought unlikely to result in cost impacts. HES is in discussion with the Orkney Fisheries Association and Orkney Sustainable Fisheries Ltd with a view to sharing survey data and vessel tracks so that the queenie fishery around the wrecks at the north end of Cava can continue without risk of any damage or disturbance to marine historic assets, thereby also avoiding loss of income.
Description of one-off costs	N/A
Description of recurring costs	N/A
Non-quantified costs	N/A
Total quantified costs (2019-34)	N/A

Energy generation and energy/communications transmission

There is no current generation activity in the areas proposed for designation. However, Scapa Flow is generally seen as being a place of high potential for marine renewables (both storage of infrastructure and generation). The only places within the boundary of the proposed Historic MPA where energy generation/storage is understood to have been considered are where there are blockship remains adjacent to Churchill Barriers 1 & 2. Consultants have previously estimated that with tidal energy turbines installed at Barrier

No.1 it would be possible to generate an estimated 16.7MW when the tide is running at full flow, whilst 8.6MW could be generated at Barrier No.2⁹. At the time of this assessment, there are no live development proposals.

The only charted cabling that runs through the area (either power or communications) may be up to 5 cables which run into the sea from the north east coast of Flotta (see Oceanwise charting data). These appear to terminate offshore and are likely to be redundant wartime cables.

Networks are considering upgrading of the electricity transmission connections between Caithness and the Orkney Island, and the grid connection infrastructure on Orkney. Pre-application discussions with HES indicate a preferred route for the interconnector from Dounreay to Billia Croo, Warbeath (this would avoid any of the proposed areas for designation). There is potential for the route options for the terrestrial infrastructure upgrade to pass through the proposed areas for designation, or close to them around Churchill Barrier 4, and across Hoy Sound (where the wrecks of S54, UB121 and HMS Strathgarry are located; an alternative proposal crosses between Clestrain and Quoyness on Hoy, close to the site of the Clestrain Hurdles. At consultation, a respondent indicated that there are local discussions regarding a route option across Scapa Flow from Orphir to Flotta.

Economic costs of designating the Scapa Flow Historic MPA	
Assumption for cost impacts	<ul style="list-style-type: none"> The areas proposed for designation are not currently subject to any live development proposals for energy generation/transmission. Proposed boundary areas are mostly small and should be largely avoidable through development planning. Energy generation/transmission proposals within the proposed protected areas would be expected to undertake seabed surveys to map marine historic assets and to demonstrate that impacts can be avoided/minimised. The Churchill Barriers themselves are not included in the MPA. If energy generation proposals are taken forward at these locations, developers would be required to undertake seabed surveys to record marine historic assets, and to consider, through the EIA process, impacts to the blockships, with a view to demonstrating how these impacts could be avoided/minimised. At consultation, a respondent suggested that renewable energy installation at these locations would be likely to involve removal of the blockships. If this is the case, cost impacts associated with mitigation should be anticipated.
Description of one-off costs	<ul style="list-style-type: none"> Cost of seabed surveys for applications for new developments within the proposed boundaries/to extend existing infrastructure into the proposed protected area (an estimate of £5.2k per application).
Description of recurring costs	N/A
Non-quantified costs	<ul style="list-style-type: none"> Cost of uncertainty and delays in the necessary licensing/EIA consideration processes; Potential costs of a detailed archaeological investigation as required under section 83 (7) of the 2010 Act in circumstances where an applicant satisfies the licensing authority that the benefits of the proposed development outweigh the risk of damage to the marine historic asset that will be created by proceeding with it,
Total quantified costs (2019-34)	Not possible as the number or likelihood of such applications is not clear at the current time so it is not possible to quantify costs over a 20 year time horizon.

⁹ <https://www.maritimejournal.com/news101/marine-renewable-energy/churchill-barriers-tidal-project>

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 (the closest marine historic assets proposed for designation are around 300m away). Crude oil is imported to the Flotta Oil Terminal from several offshore installations in the North Sea through a subsea pipeline which passes through Water Sound – c700-1km south west and southeast of the proposed designation of blockships at Churchill Barrier 4. The pipeline crosses Hoxa Sound and passes c.200m to the north of *UB-116* before making landfall at Flotta.

Assumption for cost impacts	<ul style="list-style-type: none">• The areas proposed for designation do not currently overlap with any oil and gas interests.• Proposed boundary areas are mostly small and should be avoidable through development planning.• There are no currently known proposals for new developments that might interact with the area. Cost estimates are provided for one-off costs should such applications be required in the future.
Description of one-off costs	<ul style="list-style-type: none">• Cost of seabed surveys for applications for new development within the proposed boundaries/to extend existing infrastructure into the proposed protected areas (an estimate of £5.2k per application).
Description of recurring costs	N/A
Non-quantified costs	<ul style="list-style-type: none">• Cost of uncertainty and delays in planning applications.
Total quantified costs (2019-34)	Not possible as the number or likelihood of such applications is not clear at the current time so it is not possible to quantify costs over a 20 year time horizon.

Marine traffic

The boundary of the proposed MPA lies within the area of responsibility of Orkney Marine Services as statutory harbour authority. Scapa Flow is northern Europe's preferred location for Ship to Ship transfer operations of crude oil, gas and other products, long term storage and lay up of tankers and accommodation rigs. Orkney Marine Services considers it imperative to maintain unrestricted access to Scapa Flow for future operations. Ballast-water controls aim to minimize risk of pollution and introduction of alien/non-native species.

None of the areas proposed for designation lie within ship anchorage priority zones. However, some of the proposed areas for designation lie within shipping channels: the wreck of HMS *Strathgarry* lies in the centre of Hoxa Sound, within the main shipping channel into Scapa Flow from the south, while the anchorage area for the German High Seas Fleet lies on the ferry route from Lyness to Houton.

Cava sector light is operated by Northern Lighthouse Board on the north coast of Cava.

Assumption for cost impacts	<p>No cost impacts are envisaged on this sector:</p> <ul style="list-style-type: none">• Although some marine historic assets (e.g wreck of <i>Strathgarry</i>) are located within shipping channels, designation does not affect surface navigation• Priority areas for shipping anchorage/ship-to-shore are not located with the area proposed for designation.• The designation should not affect routine maintenance of the lighthouse on Cava providing that vessels do not intend to anchor into the wrecks.
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Description of one-off costs	<ul style="list-style-type: none"> N/A.
Description of recurring costs	<ul style="list-style-type: none"> N/A
Non-quantified costs	<ul style="list-style-type: none"> N/A
Total quantified costs (2019-34)	<ul style="list-style-type: none"> N/A

Recreational boating

Yachting is also popular in Orkney waters. The only areas proposed for designation that are advertised as providing anchorage opportunities for yachts in *Cruising the Islands of Orkney* (2016) are Kirk Sound, East Weddell Sound at the east of Scapa Flow, although it seems likely that any yachts anchoring in these bays would be likely to want to avoid the blockships <https://www.orkneymarinas.co.uk/plan-your-trip/on-board-orkney-guide-2016>. Sea angling is understood to take place in the vicinity of the wrecks.

Assumption for cost impacts	No cost impacts are envisaged on this sector: <ul style="list-style-type: none"> The areas proposed for designation lie generally outside charted anchorage areas. No changes required to surface navigation or sea angling practices.
Description of one-off costs	N/A
Description of recurring costs	N/A
Non-quantified costs	N/A
Total quantified costs (2019-34)	N/A

Dive industry

Around 6 dive charter vessels operate from Stromness, taking recreational diving trips to visit the wrecks of Scapa Flow (around 3000 visiting divers every year). A recreational diving school regularly uses the wrecks at the Churchill Barriers for shore diving (particularly barriers 2&3). A small number of other diving vessels visit Scapa Flow on occasion. The only site proposed for inclusion in the Historic MPA where access is currently restricted by Orkney Marine Services is the site of *SS Prudentia*, as a consequence of the proximity of the wreck to the Flotta Oil terminal.

Assumption for cost impacts	<ul style="list-style-type: none"> Designation would not alter existing ability to dive on the wrecks and doesn't change existing permit requirements (through Orkney Marine Services) – hence no additional costs are envisaged for this sector for diving on the wrecks. The only potential costs fall in relation to activities targeted at the wrecks (for example where permission is required to carry out sampling or to recover artefacts). If the scheduling designation of the seven wrecks of the German High Seas Fleet is removed when the MPA comes into force, scheduled monument consent would no longer be required for works on these wrecks. Permissions would be dealt with primarily through marine licensing, and direct authorisation from HES (for example, recovery of artefacts where these activities fall below the threshold for marine licensing). If the scheduling designation remains, SMC would be required for works to the seven wrecks, but not elsewhere within the MPA. Although scheduled
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	monument consent for works on these wrecks would satisfy authorisation requirements under the Historic MPA regime, other types of license (e.g marine license) may also be required – hence there is some duplication of consenting, and additional burden involved.
Description of one-off costs	<ul style="list-style-type: none"> HES does not charge for SMC applications, if the scheduling designation stays in place. The administrative costs to applicants are likely to be small.
Description of recurring costs	<ul style="list-style-type: none"> N/A
Non-quantified costs	<ul style="list-style-type: none"> Uncertainty in delay during applications, whether for scheduled monument consent, or other types of application (e.g marine licenses).
Total quantified costs (2019-34)	<ul style="list-style-type: none"> Not possible as the number or likelihood of such applications is not clear at the current time so it is not possible to quantify costs over this time horizon.

Salvage

The last commercial-scale salvage of wrecks is understood to have taken place in Scapa Flow around 1979 and HES is not aware of any current proposals to carry out salvage work. However, at consultation, the agent of the owner of four German wrecks claimed that their existing status as scheduled monuments is impacting on the owner's salvage interests by restricting opportunities for salvage or sale of the wrecks for this purpose, interests that the agent claims would be further affected by designating a Historic MPA in Scapa Flow. The following section therefore considers potential economic consequences in relation to salvage.

<u>Assumption for cost impacts</u>	<ul style="list-style-type: none"> The owner's agent claims that adverse economic consequences would arise from the designation of the Historic MPA as it means that the owner would be unable to generate an economic return through a) salvage of his assets if this were prevented or significantly curtailed through consent procedures, and/or b) through sale of the wrecks for the purpose of salvage, which in turn might impact on asset values. The owner's agent has termed this as 'loss of opportunity'. The agent has also indicated that the owner is concerned that designation might potentially introduce additional responsibilities on the owner for public safety. As far as any salvage implications for the owner are concerned, these should be considered on two categories of asset in his ownership: <ul style="list-style-type: none"> the wrecks <i>König, Karlsruhe, Markgraf, Kronprinz Wilhelm</i> – which are already scheduled monuments. The view of HES is that the Historic MPA would be delivering effectively the same level of protection on these sites as is currently the case given their status since 2001 as scheduled monuments. It follows that there would not be an additional impact to that already perceived by the owner's agent to be the case through scheduling; and the currently undesignated site of <i>Bayern</i> turrets - including this site in a Historic MPA extends statutory protection for the first time. Potential costs on the owner to comply with regulatory requirements. Before undertaking salvage within a Historic MPA, an owner would be required to obtain a marine license under Part 4 of the 2010 Act (NB - this would be required whether or not the Historic MPA is designated), permits from the statutory Harbour Authority, and for salvage on wrecks that are scheduled monuments, Scheduled Monument Consent. Section 83 of the 2010 Act introduces certain requirements for public authorities responsible for authorising activities that are capable of affecting marine historic assets within a Historic MPA, as would be the case with salvage of the wrecks. This includes under Section 83(7), a power to require an archaeological investigation. Potential costs on the public sector through administration of licensing, any appeal processes in the event of a refusal to issue consents/licenses, and if/while the scheduling remains in place, the possibility of a successful claim for compensation made under sections 7-9 of the 1979 Act.
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Description of one-off costs	<ul style="list-style-type: none"> The cost of applying for a marine license is set out in https://www2.gov.scot/Topics/marine/Licensing/marine/feestructure and varies depending on the scale of work. As an example, the fee in 2019-20 for a project of £50k-£2 million in value is £2325. Such costs would fall for salvage works, regardless of whether a designation is taken forward. HES does not charge for Scheduled Monument Consent applications.
Description of recurring costs	<ul style="list-style-type: none"> N/A
Non-quantified costs	<ul style="list-style-type: none"> The owner has never submitted any applications to Historic Scotland/HES for salvage since the wrecks became scheduled monuments in 2001. It is not possible to estimate the number or likelihood of SMC/marine license applications for salvage in the future. Uncertain outcome and potential delays for the owner in the event that an application is submitted, whether for SMC or other types of application (e.g. marine licenses), and uncertain costs of appeal procedures in the event that an application for SMC/marine license is refused. For as long as the scheduling remains in place, uncertain costs falling on the public sector in the event of a successful claim for compensation under section 7-9 of the 1979 Act. Uncertain costs of an archaeological investigation under section 83 (7) of the 2010 Act.
Total quantified costs (2019-2034)	<ul style="list-style-type: none"> The agent of the owner has claimed the following costs relating to 'loss of opportunity: a) continuing impacts by preventing the owner from realising the scrap value of what remains of the four scheduled wrecks estimated at £10 million in 2019 prices, and through recovery and sale of circa £500k of collectable items within the wrecks (see earlier explanation of these costs in footnote on p.9), or through sale of the wrecks for these purposes;¹⁰ b) additional 'loss of opportunity' of the <i>Bayern</i> turrets amounting to circa £180k. This figure is based on a scrap value of approx. £765k less an estimate of costs for breaking-up and recovery.

Public sector

The decision to designate the Scapa Flow Historic MPA would result in costs being incurred by the public sector in the following areas:

- Preparation of management plan and/or supplementary guidance
- Preparation of designation orders and any subsequent management orders
- Site monitoring
- Compliance and enforcement
- Promotion of public understanding
- Regulatory and advisory costs associated with authorisations and permits

Some of these costs will fall at the national level (for example to HES/Marine Scotland); some (e.g. issuing dive permits) are existing costs at the local level which will need to take account of the Scapa Flow Historic MPA.

Site specific costs to the public sector of designating the Scapa Flow Historic MPA	
	Cost estimate £million
Preparation of management plan	0.025
Site monitoring	0.040 (every 5 years)
Compliance and enforcement	0.012 (occasional)

¹⁰ As of 2 July 2019, the three battleship wrecks are being auctioned for sale on Ebay each at a valuation of £250k, and the wreck of the light cruiser Karlsruhe, for £60k.

Promotion of public understanding and other support (e.g research and conservation)	0.015 (ongoing)
Regulatory and advisory costs	0.015 (ongoing)
Total	0.107

Economic Impact Assessment

On balance, Option 1 results in no change. Option 4 is likely to result in a modest increase in administrative costs to the public sector and to business.

Option	Benefits	Cost
<i>1 – Do nothing (existing German High Seas Fleet wrecks remain as scheduled monuments)</i>	No additional benefits. The option balances sustainable economic growth with effective protection for some assets but would leave a significant number of nationally important marine historic assets vulnerable to damage and loss.	<p>No additional costs – continued site monitoring costs of c£30k every 5 years envisaged as likely in addition to consenting/support costs (not estimated).</p> <p>An owner claims that the existing status of four wrecks as scheduled monuments is restricting the owner's ability to salvage wrecks to generate an estimated c £10.5 million at 2019 prices.</p>
<i>2 – designate as an Historic MPA</i>	<p>Likely to provide a flexible and proportionate form of protection for use in Scapa Flow, while supporting key economic interests in the wrecks (e.g the dive tourism businesses).</p> <p>An appropriate tool for recognising the national importance of marine historic assets that exist at landscape scale, arising from Scapa Flow's key role as a naval base of outstanding importance to the UK during two world wars.</p> <p>Aligns with the favoured approach to marine heritage protection across Scotland and minimises any duplication of consenting, envisaging many decisions being taken locally with advice from HES.</p> <p>Offers a range of opportunities for beneficial management and for collaboration with key stakeholders – preparation of a management plan would be desirable.</p>	<p>Costs to public sector estimated at £107k (including some one off and ongoing costs).</p> <p>Some costs to individuals/industry should be envisaged where archaeological considerations need to be made prior to consenting of activities in the area and immediate vicinity. An owner has claimed a potential cost of £180k in connection with 'loss of opportunity' to salvage the site of the <i>Bayern</i> turrets. This is in addition to potential costs related to 'loss of opportunity' for the four scheduled wrecks, which it is claimed would continue in the event of the designation of a Historic MPA (see costs above).</p> <p>If the scheduling remains in force for 7 wrecks of the German High Seas Fleet during a transitional period, small additional administrative costs should be anticipated for the scheduled monument consent process. It should however be noted that scheduled monument consent for works on these wrecks satisfies authorisation requirements under the Historic MPA regime.</p>

Scottish Firms Impact Test

Scottish Firms Impact Assessment

At consultation, we sought views from any businesses potentially affected, including some small and micro-size firms, and larger companies. No respondents indicated that they anticipated impacts on their interests.

Competition Assessment

Designation of the proposed Scapa Flow Historic MPA may affect marine activities carried out by businesses operating within a given spatial area.

Competition filter questions

Will the proposal directly limit the number or range of suppliers?

None anticipated. It is unlikely that designation will directly limit the number or range of suppliers.

Will the proposal indirectly limit the number or range of suppliers? E.g will it raise costs to smaller entrants relative to larger existing suppliers?

None anticipated. Designation could affect the preparation of applications, location of marine developments and activities, or requirements for marine developments but this would apply to any developer of an affected activity, both new entrants to the market and existing suppliers.

Will the proposal limit the ability of suppliers to compete? E.g will it reduce the channels suppliers can use or geographic area they can operate in?

None anticipated. For example, the designation does not place restrictions on access to charter boat diving operators and makes use of existing permit requirements (through Orkney Marine Services).

Will the proposal reduce suppliers' incentives to compete vigorously?

None anticipated. Designation of the proposed site is not expected to reduce suppliers' incentives to compete vigorously.

Test run of business forms

Designation of the proposed site does not result in the creation of new forms for business to deal with. Amendments to the existing dive permit obtained from Orkney Marine Services are being drafted to incorporate the new requirements, following discussion between Orkney Marine Services and HES.

Enforcement, sanctions and monitoring

Option 1 – Under the existing scheduling designation, HES leads on enforcement, working closely with Police Scotland and other partners as required.

Option 2 – General offences apply under section 96 of the Marine (Scotland) Act 2010. Monitoring would be carried out primarily by periodic site visits on behalf of HES from a marine archaeology services contractor. Citizen science also has the potential to make a significant contribution through involvement of community interests. HES will continue to work with local communities, the police and other justice partners on enforcement. However, the 2010 Act also provides enforcement powers to Marine Enforcement

Officers (MEOs), include boarding vessels and marine installations, entering and inspecting premises and vehicles, powers of search and seizure, forcing vessels to port, and requiring production of certain information. It envisaged that Marine Scotland will take the lead role on this area, working closely with HES and other justice partners as required.

Implementation and delivery plan

Depending on the outcomes of the consultation, the proposed designation of the Scapa Flow Historic MPA is expected to take effect shortly after the consultation closes. Publication and notification procedures set out in section 75 and 76 of the 2010 Act will ensure that persons likely to be affected by the designation will be made aware of the resulting course of action.

Following designation, public authorities are required to adhere to the duties set out in the 2010 Act in relation to Historic MPAs (see sections 82-84).

Post-implementation review

Anyone can ask HES to undertake a review of an existing historic Marine Protected Area by completing our online application form. Information is available at <https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/marine-heritage/propose-a-site-as-a-marine-protected-area/>. HES will review the existing scheduled status of the seven wrecks at the first anniversary of the MPA designation, with a view to removal of scheduled status at that stage.

Summary and recommendation

The recommended option is to designate an area of seabed amounting to 10.69 km² within Scotland's territorial waters as the Scapa Flow Historic MPA for the purpose of preserving nationally important marine historic assets located within the area in connection with Scapa Flow's role as a naval harbour of outstanding strategic importance to the UK during two world wars.

This option takes forward the policy decisions approved by the Scottish Parliament in enacting the Marine (Scotland) Act 2010, and ensures a common approach to the protection of Scotland's outstanding marine natural and cultural heritage, affording additional protection for this nationally important site to that currently available through local mechanisms (e.g marine planning). Alignment with the new marine planning/licensing system will, in time, help to minimise duplication of effort on consenting regimes and therefore costs to both industry and government.

The proposed designation includes an area of seabed where seven wrecks of the German High Seas Fleet are located that are currently designated as scheduled monuments. At consultation, there was no strong view either way as to whether the scheduling designation of these wrecks should be removed when the MPA comes into force, or if it should remain in place for a transition period of 1 year. On balance however, a 1 year period of transition is considered desirable to ensure that stakeholders have time to adapt to the new designation and to understand what it means.

Declaration and publication

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.

Signed:A handwritten signature in black ink, appearing to read "Fidan Aydin".**Date:**A handwritten date in black ink, reading "30th October 2019".