

Item: 13

Policy and Resources Committee: 18 June 2019.

National Islands Plan and Island Communities Impact Assessments.

Report by Chief Executive.

1. Purpose of Report

To consider the Council's response to the Scottish Government's public consultation on the National Islands Plan and Island Communities Impact Assessments.

2. Recommendations

The Committee is invited to note:

2.1.

That the Scottish Government has published a consultation on the National Islands Plan and Island Communities Impact Assessments seeking the views of interested stakeholders for which responses are required by 6 July 2019.

2.2.

The draft response, attached as Appendix 1 to this report, which will form the basis of the Council's response to the consultation on the National Islands Plan and Island Communities Impact Assessments.

It is recommended:

2.3.

That powers be delegated to the Chief Executive, in consultation with the Leader and Depute Leader, to finalise the response, referred to at paragraph 2.2 above, having regard to any comments raised by members, and thereafter to submit the response, on behalf of the Council, to the Scottish Government by the deadline of 6 July 2019.

3. Background

3.1.

The Islands (Scotland) Act 2018 stemmed from the Our Islands Our Future campaign, carried out ahead of the Scottish independence referendum. The Act places the following duties on the Scottish Government:

- To publish a National Islands Plan.
- To lay the Plan before the Scottish Parliament within 12 months from the date on which the Act comes into force.
- To review the Plan before the end of five years from the date the last Plan was published.
- In preparing the plan, to consult people and communities in the islands and those who will likely be affected by the proposals.

3.2.

The Scottish Government has stated that the National Islands Plan will set out how the Scottish Government, local authorities and other public agencies might work to improve outcomes for island communities. The consultation on a National Islands Plan and Island Communities Impact Assessment Guidance is open until 6 July 2019. The National Islands Plan must be delivered to the Scottish Parliament by 4 October 2019.

3.3.

Another key measure in the Islands (Scotland) Act 2018 is to require those who make or design new policies, strategies or services to consider how these will impact on islands. Island Communities Impact Assessments will be one way in which relevant authorities can consider the impact of these policies, strategies or services on islands.

3.4.

Guidance on how an Island Communities Impact Assessment should be carried out is not present in the Islands (Scotland) Act 2018. Rather, the Act enables Ministers to develop guidance about the duty to have regard to island communities, of which the Island Communities Impact Assessment forms part. The Scottish Ministers are also required to develop regulations about reviews of decisions of relevant authorities relating to island communities impact assessments.

3.5.

The consultation is therefore also seeking views on the development of these new assessments which will aim to ensure policies that are likely to have a significantly different effect on islanders compared to other communities are 'island proofed'.

4. Consultation

4.1.

The Scottish Government held consultation events in Westray, North Ronaldsay and Sanday in May 2019 and is planning to hold further events in July in Kirkwall and other isles areas.

4.2.

The Council has already responded extensively to the two key elements within the current consultation during the passage of the Islands Scotland Bill through the Scottish Parliament. This included giving evidence to the Rural Economy and Connectivity Committee when it convened in Orkney on 2 October 2017. In addition, Member input into the current consultation was received at a Leader session with members on 20 May 2019.

4.3.

In developing the Council's formal response, the consultation document has been forwarded to Community Councils for feedback and to the Corporate Management Team for comment.

4.4.

A draft response, attached as Appendix 1 to this report, has been developed to include all feedback to date and it is proposed that this should form the basis of the Council's response to the consultation on the National Islands Plan and Island Communities Impact Assessments.

5. Links to Council Plan

5.1.

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

5.2.

The proposals in this report relate directly to Priority 3.10 We will continue to make representation to influence the Islands Bill and National Islands Plan to achieve the best possible outcomes for our Communities.

6. Links to Local Outcomes Improvement Plan

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

7. Financial Implications

There are no financial implications directly arising from the recommendations in the report.

8. Legal Aspects

The legal aspects are contained within the body of the report.

9. Contact Officers

Alistair Buchan, Chief Executive, extension 2101, Email
chief.executive@orkney.gov.uk

Karen Greaves, Head of Executive Support, extension 2202, Email
karen.greaves@orkney.gov.uk

Paul Maxton, Programme Manager Our Islands Our Future, extension 2213, Email
Paul.Maxton@orkney.gov.uk

10. Appendix

Appendix 1: Draft consultation response.

National Islands Plan and Island Communities Impact Assessments

Orkney Islands Council – Draft consultation response

Questions

We want the National Islands Plan to be a document that builds on what works well on Scottish islands, and which addresses the challenges faced by islands and their communities. The Plan will set out how the Scottish Government, local authorities and other public agencies might work to improve outcomes for island communities. Scottish Ministers will be asked to report back to Scottish Parliament every year on progress towards the goals included in the National Islands Plan.

The Plan, therefore, is key to how we will all work together with island communities in the future. It is therefore vital that as many people as possible who live, work and interact with Scotland's islands and their communities take part in this consultation. We want to hear people's experiences and especially, their views about what we can build on and do differently in the future. The questions set out below aim to give people the chance to shape the National Islands Plan in a way that truly responds to their interests and aspirations. Please take part.

1. If applicable, which island(s) do you live on or do you relate to?

Orkney.

2. If applicable, what is good about living on your island? Please state 3 things that you like about living on your island.

Not applicable.

3. If you've moved away from your island, please tell us why you left (for example, was it for work opportunities or for education).

Not applicable.

4. If you've moved away from your island, please tell us what, if anything you miss about island life.

Not applicable.

5. If possible, please can you give us some examples of good local initiatives/projects/activities, etc.?

Orkney has benefitted from investment in Roads, Air and Ferry service infrastructure some 20 to 30 years ago. However, there has been limited investment in these services in the last 10 to 15 years – and therefore in turn a substantial risk to the survivability of these

services over the next 5 years and certainly the next 30 year period. These are for the most part lifeline services. They are also services where there is substantial room for blending innovation and adaptation to new low carbon technology solutions. Orkney is already leading the way globally in piloting delivery of projects in this area for example in its work on full end to end renewable energy systems (Hydrogen Surf and Turf, BIG HIT project and Smart Grid management through REFLEX) and has almost unmeasurable potential to contribute more in these areas. With the second largest natural harbour in the World at Scapa Flow, Orkney also has the genuine potential with further investment to form a base of international significance for new marine logistics and fuel (LNG) distribution.

Orkney has a very capable and willing community, and an ambitious Council. There is almost no limit to the opportunity to explore new approaches for technology and infrastructure provision.

6. The Islands (Scotland) Act lists a number of areas that are relevant for islands and island communities. Please rank these in order of priority for you, with 1 being the highest priority.

Depopulation – 1.

Economic development – 1.

Environmental protection – 1.

Health and wellbeing – 1.

Community empowerment – 1.

Transport – 1.

Digital connectivity – 1.

Fuel poverty – 1.

Land management – 1.

Biosecurity – 1.

Do you feel that this list covers all aspects of island life?

No.

Orkney Islands Council considers that all of the above areas are of equal importance and priority as they inherently overlap with one another.

7. If you answered no, is there anything else that you believe the National Islands Plan should address?

The National Islands Plan should address and align with the Council's key policy strategies referred to in response to question 13.

8. If applicable, are there any specific challenges about living on your island? Please state 3 challenges about living on your island.

In general terms, some of the barriers to our islands' growth are:

- Lack of access to markets due to distance and costs.
- The average broadband speeds in island areas are considerably lower than speeds in urban areas.
- Mobile phone services can be highly variable with frequent “not spots”.
- Lack of access to business skills development and training opportunities.
- Lack of access to hubs of relevant innovation due to distance and poor connectivity.
- Lack of access to finance compared to urban businesses.

9. If you've moved away, please tell us about any challenges that you experienced whilst you were living on your island.

In general terms, some of the challenges in our islands are:

- Public transport is more limited, with fewer regular bus services than in most island areas.
- Greater distances travelled to facilities such as GP surgery compared to urban households.
- There are proportionally more older people living in islands.
- Basic services, e.g. waste collection is more expensive to deliver.
- Construction costs are 40% higher in the islands.

10. If applicable, what could be done to make living on your island better?

Virtually all policies impact upon island communities. Island proofing will help achieve good economic, environmental and social solutions, to contribute to growth. In general terms, it can assist in mitigating:

- Efficiency and cost reduction measures like closing distant outstations which may disproportionately affect islands communities. Poorer islands citizens may not be able to access online alternatives, and outreach or other means of delivery may be needed.
- Policies for reducing household carbon emissions need to take account of off-gas grid households. Targeted support to mitigate islands impacts may be needed.
- The implementation of policies which encourage greater participation, for example in sport, where it is not financially or logistically possible to provide absolutely equal service provision in every community.

11. How do you feel the National Islands Plan should address and respond to the distinctive geographical, natural heritage and cultural characteristics (including the linguistic heritage) of local island

communities, including the needs of Gaelic speakers within those communities?

In Orkney, geographical remoteness is a significant barrier to accessing goods and services, and a vital factor to consider in maintaining the sustainability of our island communities. We would therefore like to be sure that all the ideas put forward in this consultation will be “island-proofed” before proceeding further.

The National Islands Plan should have an overarching commitment to the principle of subsidiarity, giving the Council the opportunity and responsibility to provide the services and carry out its functions appropriate to its communities.

It is considered that the National Islands Plan should recognise Articles 174 and 170 of the Lisbon Treaty referred to in our answer at question 22.

The Council considers that the structure of the Gaelic Language Plan would be a good model to follow when developing the National Islands Plan, thus ensuring that policy aspirations are achieved in a proportionate manner and that communities are truly empowered.

The Council considers the Scottish Government’s Empowering Island Communities Prospectus to be pertinent, particularly the Culture and Creative industries section at Page 73.

The Council considers that the National Islands Plan should have individual sections for each relevant local authority area in order to fully recognise the distinctiveness of each.

General Questions Section

So as many people and agencies as possible have an opportunity to help us shape the National Islands Plan, we would like to capture the views of relevant authorities, national, local and community groups, development trusts and other such partners with an interest in islands.

12. What should be the main objectives for the National Islands Plan?

We believe that the National Islands Plan will provide continuity to the work of the Island Areas Ministerial Working Group and provide a process to monitor the commitments made by the Scottish Government.

It is important that the National Islands Plan aligns with our Council’s key policy strategies including:

- The Council Plan 2018-2023 and the Council Delivery Plan – Orkney Islands Council’s key priorities and targets, along with details of the individual projects and activities that we plan to complete within budget over the planning period, www.orkney.gov.uk/Service-Directory/Performance/council-plan.htm
- Orkney Community Plan 2017-2022, incorporating the Local Outcomes Improvement Plan – Orkney Partnership’s long-term vision and medium-term plan for a better Orkney,

<http://www.orkney.gov.uk/Service-Directory/Performance/orkney-community-plan-and-single-outcome-agreement.htm>

To be meaningful, the National Islands Plan must:

- Provide clear commitments.
- Funding for such commitments.

Such commitments (and the concomitant funding) must be new. For example, any funding in respect of the Islands Deal should remain distinct and separate.

Scottish Government must be held to account through a focussed approach in the Plan. For example, commitments made by the Islands Areas Ministerial Working Group were captured in a Prospectus Monitoring document which was an agenda item on a rolling basis to identify and give an update on progress in respect of key commitments made at meetings.

Whatever structure is adopted, it must be user friendly so that progress on key commitments can be readily monitored.

Orkney Islands Council considers:

- That there is an annex to the National Islands Plan whereby key commitments can be clearly found with a clear description of action taken. This will make it easier to update the document in terms of the annual progress reports and hold government to account.
- The annex could have various sections to identify the origin of specific commitments. For example, there should be separate sections for government policy, manifesto commitments and commitments arising directly from the Islands Strategic Group.
- The plan should clearly identify who has ownership of any specific action, together with any deadline for implementation.
- To be meaningful, progress reports should acknowledge dissatisfaction at lack of progress where this is considered to occur.
- While acknowledging the need to consult, there should be a specific role for the Islands Strategic Group in any consultation (and the analysis of responses) to provide focus.
- The Islands Strategic Group should have Island Proofing as a rolling item.

The Plan must be realistic and deliverable, with appropriate mechanisms whereby the Scottish Government will be held to account.

The Plan should also detail all measures taken and proposals made as a consequence of island proofing by Scottish Government and other public bodies. It should also record all legislation and policy development where island proofing was not considered necessary and the responses for this conclusion.

It is suggested that the Plan detail proposals for island communities to ensure that island proofing is effectively implemented by challenging lack of progress.

It is considered that the Plan should be able to report on 'community benefit'. The Plan should also recognise EU issues, not just issues controlled by Scottish or UK Government.

The Plan would need to have inbuilt flexibility, articulate a recognition of the individual identities of islands, respect diversity, address building resilience and the sustainability of communities.

The Plan should be high level and specifically recognise issues such as culture, quality of life, population growth and fragility of certain communities and industries.

The Plan should also address key areas such as transport connectivity, fairer fares, educational attainment, connectivity in all senses (digital, power/grid, transport etc), building standards, freight and haulage.

13. What should be the key priorities for the Scottish Government in relation to the National Islands Plan?

The Islands Councils are ambitious as demonstrated through the Our Islands Our Future Campaign. The Council considers the Act as evolutionary, paving the way for future Islands Acts. The provisions in respect of “island proofing” are particularly welcome.

The National Islands Plan has the potential to make a substantive impact, provided the Islands Councils and Authorities with islands have a direct role in writing the Plan. The Council considers that the National Islands Plan should include key priorities for the islands such as connectivity and fuel poverty. The provision of long term, sustainable and affordable solutions to inter-island and Orkney-Scottish Mainland connections for business, freight, health, commuting, social and education trips is one of the highest priorities for the Council.

Transport

Orkney is connected both internally and externally by ferry and air links, some of which are operated by the Council, some of which are operated externally. Transport infrastructure is absolutely critical to all business and social wellbeing, and to life in Orkney. For Islands, Transport is a lifeline service enabling the carriage of all goods and services both into Orkney and around and between our 17 inhabited Islands. Orkney is also leading the world in new low carbon (hydrogen and Electric Vehicle) solutions based on an Energy Systems approach and also the beginning of trialling new Internet of Things/Mobility as a service based smart solution. However, alongside this opportunity there is a serious backlog in investment in critical air, ferry and local road infrastructure (which asset planning indicates will begin to critically fail within the next 5 years across our network) which must be resolved and in turn presents a significant opportunity to build in new low carbon solutions to transportation over the next 30 year period. The issue of internal ferry services, for example, as the core lifeline linkages between some of our most fragile communities and key local services on Mainland Orkney, and onwards to the Scottish Mainland is particularly acute. There is a well developed dialogue with Transport Scotland and the Scottish Government on these matters.

Housing

Orkney has the highest level of fuel poverty in Scotland, a key component of which is the low energy efficiency of much of our existing housing stock. In addition, there is significant demand for new housing to accommodate projected population increases and changes. Improving the energy efficiency of existing housing stock is essential and will assist with

reducing Scotland's carbon emissions. National standards for new housing will ensure commonality and consistency of housing provision across Scotland. It is important that, in considering National Housing matters, the Commission is considerate of the different pressures faced in delivering new housing, and retrofitting housing in Island Communities. This includes the added cost of transport and construction (which can add anything up to 30% premium on cost) and the lack of ability to accommodate economies of scale in securing housing for all communities (including very small, isolated communities).

Circular Economy / Resource Management

For Scotland to fully exploit the opportunities associated with a circular economy, it is necessary to implement a coherent and consistent approach to the collection of materials across the country, supported by a national approach to the associated reprocessing and recycling infrastructure. The Household Recycling Charter sets out a consistent approach to the collection of recyclates which could then underpin a national approach to the necessary infrastructure around reprocessing and recycling, with subsequent creation of jobs and economic development opportunities throughout the country. Orkney Islands Council has signed the Household Recycling Charter and is in the process of reviewing its current waste strategy and associated facilities. It is likely that significant investment will be required to develop systems and facilities that are supportive of the national infrastructure, and that will ensure that we are able to fully exploit the opportunities associated with the circular economy and the implementation of the Charter.

Digital infrastructure

To enable local businesses to fully engage with all available markets, common standards of digital connectivity across Scotland are required, necessitating the development of associated infrastructure. Orkney has the poorest standards of Digital Connectivity in the UK. There is some hope in the political commitments through BDUK and R100 of improvements in time. However, the timeframes for delivery remain distant and it seems certain that not all of our community will benefit from these investments in the immediate term. We believe this is a very significant detriment to the sustainability of these communities. We require ways to introduce further priority for delivering digital services "from the outside in" and potentially through interim wireless solutions which could be delivered very quickly and affordably to give 100% basic broadband coverage well within the first 5 years (indeed deliverable within 12 months once funding secured). The ultimate provision of full fibre to all households must remain an essential commitment and will, we expect, require further investment beyond that already committed by Government.

Energy infrastructure

For the last decade it has been well understood that Orkney has sat at the centre of global innovation in renewable energy. The early public investment in the European Marine Energy Centre in 2003 was a critical step in this journey and evidence beyond doubt that strategic investment in islands based infrastructure works locally and nationally. We are now developing the energy cluster opportunities further through the first phase of development of a Renewable Energy Campus incorporating academic and industry investment and expertise. We are also leading the way in several innovation streams including end to end energy systems (BIG HIT and Surf and Turf) and flexible energy management through REFLEX. More is possible and deliverable with further investment

and it is important that the base infrastructure for Energy Systems technology is developed further in Orkney.

Alongside this is the long standing deficit in Grid connectivity. Looking backwards there has been delayed investment in the baseline systems with present day Orkney exposed by two cable failures in the Pentland Firth this year meaning that Orkney has remained reliant on diesel generators for power for a good part of 2019. This in a community which for nearly 10 years has generated more than 100% renewable energy demand (and net export) of renewable power. In these times of Climate Change Emergency, Orkney is a community in Scotland which is already a step ahead of others in terms of carbon neutral electricity systems, and with appropriate investment in further infrastructure and technology development, the goal of a carbon neutral or negative Island Community is imminently achievable for Orkney.

Investment in suitable grid upgrade, which will immediately enable the development of over 100 MW of green wind, but critically step towards securing the future of our world leading Marine energy sector is essential. To fully explore and exploit the potential renewable energy generation capacity in Orkney it is necessary for an integrated approach to grid development together with storage capacity, smart systems etc. Development of energy infrastructure across Scotland needs to be designed with the overall energy strategy in mind, ensuring that the benefits of generation are retained within local communities whilst also allowing the country as a whole to realise the opportunities associated with low carbon energy. Components of energy infrastructure that should be considered are:

- Generation.
- Transmission.
- Distribution.
- Low Carbon infrastructure – hydrogen cells, charging points, smart meters, batteries.
- Use – transport (marine, road and air), heating and lighting, agriculture, aquaculture, fishing etc.

Marine Infrastructure

Orkney is a community of islands and as such marine activity is core to daily life. The Council has a relatively unique position in Scotland in acting as Duty Holder for the Harbour Authority, covering 17 inhabited islands and a commercial turnover of circa £20million. Within this portfolio the majority of infrastructure serves island communities and is non-profit making. It is essential to ensure the continued investment in commercially viable activity in order to secure lifeline services. Orkney also has the second largest Harbour in the World in Scapa Flow and with over 9,000 largely international vessel movements around Orkney. This asset is not only essential to sustaining the non-commercial elements of our Harbours, but also an asset of national and international importance. With new international trade routes possible across the North West passages there is a key asset of international significance in Scapa Flow which must be recognised in future Strategies, in particular fuel distribution and there are already well advanced plans for a LNG Distribution Hub in Orkney and a growing market in Ship to Ship operations. The Council is in the process of developing a Port Masterplan, reflective of previous focus within the National Planning Framework and Energy Strategy which will

identify a number of key investment priorities – likely to be well in excess of £150million in value, which are considered central investments for Orkney, for Scotland and the UK more generally over the next 5 to 30 year period. These opportunities are as yet unfunded.

Climate change and adaptation issues

As noted above, we believe that with appropriate focus and new investment Orkney can play a leading role for Scotland and the UK in responding to the Climate Change Emergency. One practical consideration in terms of infrastructure arising from this will be the fact that over the next 30 years it is anticipated that Coastal Protection will become a bigger problem for many of our low-lying areas and protection schemes will need significant investment. Work has begun internationally on World Heritage Site exposure. However, this only amplifies the overall exposure of coastal communities to climatic change risk and it is essential that a long-term plan is established to progressively safeguard or adapt our communities and lifeline infrastructure to these threats.

Islands Deal

Orkney has been working with Western Isles and Shetland for a number of years now on a number of strategic priorities, now coalescing in an Islands Deal. We are hopeful to secure political commitment during 2019 and thereafter Heads of Terms on key projects. For Orkney, this includes potential investment in Tourism, Energy Systems and Harbour/LNG Infrastructure as well as a number of related innovation thematic investment proposals.

The themes of the proposed deal are:

- Theme 1: Leading the Way to Low Carbon Future.
- Theme 2: World Class Tourist Destinations.
- Theme 3: Digital Islands.
- Theme 4: Creative Islands.
- Theme 5: Future Fit Housing.
- Theme 6: Healthy ageing and affordable remote health and care delivery.
- Theme 7: Strengthening Primary Production and Increasing Local Value Added.

14. What should be taken into account in terms of the functions of relevant authorities within the National Islands Plan?

It is recognised that both the Islands Strategic Group and the National Islands Plan can have an important role to play to address the significant past deficits in policy and legislation affecting the islands.

Proper funding is essential for the delivery of functions. For example, in regard to inter-island ferry services, the Council believes there should be formal recognition that the revenue and ferry replacement costs of internal ferry services in Orkney should not place a disproportionate financial burden on the Council.

In regard to community benefit, the Council also considers that islands should be empowered to generate community benefit from major projects occurring in or around the islands.

In its response to the Local Government and Regeneration Committee Inquiry into the Flexibility and Autonomy of Local Government, the Council stated:

“Applying the principle of subsidiarity will give the three islands group the opportunity and responsibility to provide the services and carry out the functions appropriate to their communities. In addition, application of the principles contained in the European Charter of Local Self Government will give the three islands groups the power to develop initiatives and introduce strategies to meet the special needs of their areas and ensure sustainable economic growth”.

In its response to the Commission on Strengthening Local Democracy, the Council stated:

“We believe that the autonomy of our local communities is being seriously eroded. This has impacted on our freedom to make policy-choices and of having an input into the running of our own affairs. We believe that the true import and meaning of the principle of subsidiarity is often conveniently disregarded for political expediency”.

The Council’s response to the consultation for provisions for a future Islands Bill in 2015 stated, in respect of the proposition for a Single Public Authority:

“The SPA is considered a compelling proposition in the context of the current economic downturn linked to public sector cuts. We can demonstrate a higher vulnerability to the cuts owing to a heavy dependence on public sector jobs.

The pooling of resources or sharing of services is the natural direction of travel to optimise efficiency. However, this is not possible for us to the same extent as with mainland councils. We do not have co-terminous neighbouring councils. In remote island regions, it makes much better sense to look to co-terminous local partners for synergy and efficiency gains as the optimum approach to public sector reform”.

The Government’s Programme for Scotland 2017-18, A Nation With Ambition, has an encouraging message at P109 in respect of a single authority model. It states:

“Now, working closely with councils, community councils, community planning partnerships, regional partnerships, businesses, the third sector and others, we will continue to reform the way Scotland is governed, focusing on delivering local decision making, not on behalf of a community, but by a community itself. Specifically, we will:

- decentralise power to a more local level in Scotland and launch a comprehensive review of local governance ahead of a Local Democracy Bill later in this Parliament;
- support those island authorities who want to establish a single authority model of delivering local services – including health and social care. We will support proposals that are developed with stakeholders, including trade unions, and which clearly improve people’s lives, create efficiencies and protect local democracy and our NHS”.

Orkney Islands Council, in conjunction with its stakeholders, looks forward to exploring the single authority model and of exploring a pilot scheme in advance of any legislation.

The Council responded to the Scottish Government’s consultation on the Local Governance Review. The Scottish Government recently published its report summarising

the main themes emerging from the consultation. The report acknowledges many of the priorities put forward by Orkney Islands Council: Single Authority Model; empowerment of community councils; fiscal autonomy/greater flexibility; the principles of the European Charter of Local Self Governance is enacted; and a Power of General Competence is also enacted.

The Islands (Scotland) Act contains provisions whereby the Council may make application for functions and/or powers. The Council considers that the National Islands Plan would be the ideal vehicle for monitoring the progress and outcomes of any such applications.

15. How can we measure outcomes in relation to the National Islands Plan?

The Plan needs to have an identified budget with key deliverables attached.

As part of the review and evaluation process, there should be:

- Key performance indicators.
- Milestones.
- Timescales for achieving milestones.

16. If you have any further comments or points that you think should be taken into account in the development of The National Islands Plan, please state these below.

As indicated, the National Islands Plan should monitor the progress of the Local Governance Review and any legislation arising therefrom.

Island Communities Impact Assessment

Island Communities Impact Assessments will be one way in which relevant authorities can consider the impact of new laws, policies, strategies or services on islands. Guidance will be developed on how these impact assessments will operate and we believe that your input to this consultation can help us with this.

17. Can you name any policies, strategies or services that don't work very well for your island? Why do you feel they don't work well?

The concept of island proofing is having a broad-based islands' awareness built into the policy thinking of all arms of Government. In effect, it means that rather than us having to react to policy primarily through consultative responses to proposed legislation, Government is pro-active in embedding islands issues.

The Council has already responded extensively giving numerous examples of where policies, strategies or services do not work for Orkney. The terms of the Council's submissions below are referred to and adopted for the purposes of this response:

- Orkney Islands Council submission to the Islands Scotland Bill consultation.
- Orkney Islands Council submission to the Rural Economy and Connectivity Committee.

18. On the other hand, can you name any policies, strategies or services that DO work well for your island? Please tell us what it is about these that works so well.

To be completed.

19. How can Scottish Ministers and other relevant authorities involve island communities in assessments?

Other.

If you answered other, please specify:

All of the above means of communication (Online surveys; Focus groups; Public meetings; Paper documents) will be relevant depending on the specific policy, strategy or service involved.

20. Is there anything else you would like to tell us?

Whilst the Our Islands Our Future campaign has been pursued from the perspective of our distinct isolated archipelagos, we have always made clear that we are generally standing up for local government and local democracy. In particular, we have expressed our hope and expectation that responses that pertain to us will often beneficially apply to all other councils who wish them.

The Our Islands Our Future campaign has been complementary to the work of COSLA's Commission on Strengthening Local Democracy, particularly with regard to the principles of subsidiarity and that local government can usefully be asymmetric, with no one size fits all model universally applied.

Island Communities Impact Assessments: General Questions Section

Guidance on how an Island Communities Impact Assessment should be carried out is not present in the Islands (Scotland) Act. Rather, the Act enables Ministers to develop guidance about the duty to have regard to island communities, of which the Island Communities Impact Assessment forms part. The Scottish Ministers are also required to develop regulations "about reviews of decisions of relevant authorities relating to island communities impact assessments".

So as many people and agencies as possible have an opportunity to help us shape guidance and templates for Island Communities Impact Assessments, we would like to capture the views of relevant authorities, national, local and community groups, development trusts and other such partners with an interest in islands.

21. What should be the main objectives for Island Communities Impact Assessments?

There requires to be:

- Accountability.

- Transparency.
- Fairness.

22. What do you think needs to be considered in the guidance and templates which will be developed to support the carrying out of Island Communities Impact Assessments by relevant authorities?

The Council considers that the guidance is key to the effective delivery and functioning of the Island communities Impact assessment. The Council believes that the relevant local authorities should have a key role alongside the Islands Strategic Group in the production of the guidance.

Orkney Islands Council believes that the Guidance must have regard to Articles 174 and 170 of the Lisbon Treaty.

Article 174 of the Lisbon Treaty states:

“In order to promote its overall harmonious development, the Union shall develop and pursue its actions leading to the strengthening of its economic, social and territorial cohesion.

In particular, the Union shall aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions.

Among the regions concerned, particular attention shall be paid to rural areas, areas affected by industrial transition, and regions which suffer from severe and permanent natural or demographic handicaps such as the northernmost regions with very low population density and island, cross-border and mountain regions.”

While this is stated in the Treaty, our islands status has not been formally recognised in legislation. The same is true of Article 170(ex 154) on Trans-European networks: “(the community) shall take account in particular of the need to link island, landlocked and peripheral regions with the central regions of the community”.

We believe that future Cohesion Policy, in line with the objectives of Articles 174 and 170 of the Treaty of Lisbon, should recognise the geographical realities of islands, and assist them in addressing their unique and specific challenges in compliance with the principles of proportionality and fairness, and that increased co-operation between them and Scottish Government would render significant benefits to both. This could be achieved through joint working between islands authorities and Scottish Government by island proofing European policy and legislation in terms of Article 174 and 170.

Animal transport legislation is an example of inequality from the European perspective. The introduction of the 8 hour and 24 hour limitations has adversely affected the island areas and added significant costs to island-reared produce. The legislation is in force throughout the EU and was introduced due to genuine concerns over long-haul animal transportation across continental Europe. However, we believe that there should have been a derogation for the islands where this has never been an issue.

The Council considers that Insularity and Remoteness as an Equality Issue must be incorporated into the guidance.

The Council considers insularity to be an equality issue and as such island proofing is important in ensuring that our island areas are treated fairly and consideration is given at all levels to the impact of decisions on our communities. We believe that statutory guidance should have regard to the principle of insularity and remoteness being an equality issue.

Inequality may refer to inequality of outcomes or of opportunity. They are numerous in our islands' context.

Economic development and growth are difficult in an environment where, for example, broadband, mobile and parcel service costs are significantly higher or the service is non-existent. Our islands are effectively suffering discrimination. There is an obvious inequality occasioned in the roll-out of national infrastructure; examples being Fibre Broadband and Grid Infrastructure. Responsibilities under environmental legislation can be disproportionate and unreasonable when applied to our islands.

The Air Discount Scheme (ADS) and Fuel Duty Levy Discount are instances where the UK Government (as member state of the EU) has argued the case for what amounts to regional aid for the islands based on the recognition that there is need to prevent social exclusion.

Through supporting the case that our islands require regional aid to ensure equality and social inclusion, both the UK and Scottish Governments have by implication acknowledged that insularity and remoteness is an equality issue.

The UK Government (and Scottish Government) made the case for the Fuel Duty Levy Discount due to geographic location and the higher costs arising as a result of insularity and remoteness.

In both cases (ADS and Fuel Duty Levy Discount) there is therefore precedent that insularity and social inclusion issues (and therefore social exclusion) have been specifically addressed for island areas at both UK and Scottish Government level. The same principles, however, should apply across all policy areas. It should be further noted that Fuel Duty Levy Discount was argued on the basis of Article 174 of the Lisbon Treaty.

The Council considers that the local limitations of the Scottish Index for Multiple Deprivation (SIMD) requires to be addressed in the guidance.

The Islands Councils have made representations in the past to the Scottish Government about the inadequacy of the SIMD as a measure of deprivation in rural, remote and island communities, where the demographic profile may be very different from the urban communities which the SIMD is designed to identify. Deprivation in urban communities tends to collect in pockets, whereas in rural areas it is disseminated. Individual families may be struggling but will be hidden in the statistics which show that an area is generally well off. Some of the proxy measures used in the SIMD – for example, benefit claims as a proxy for low income – do not work well in rural areas where many people are self-employed and some may be on very low incomes, but would not consider claiming

benefits. In urban areas where claiming benefits might be the norm, it would not be perceived as such a stigma.

It should be remembered that in some cases Orkney's data will be skewed by its distinctive demographic profile and the small numbers involved. For example, the relatively highly deprived crime decile for data zone SO1004948 of 3 is a result of the total number of crimes recorded in the area going up by 20%, but in terms of actual numbers the figure went up from 26 in 2007-08 to 31 in 2010-11.

Figures for the Access domain (geographical access to services) are similarly skewed in places. This is the one domain in which most Orkney data zones register as highly deprived. A number of changes have been made to this domain since the 2009 SIMD, including:

Observed (using GPS) rather than estimated road speeds are now used for the drive time calculation

Passenger ferry routes are excluded from drive time calculations when private vehicles cannot make use of the ferry service. Drive times are imputed for a small number of areas where the software could not find a route to the relevant service.

The last of these is unlikely to be accurate for the islands, where there may not be a route at all, and the drive times should generally be viewed with caution. Waiting time of half an hour, plus the ferry travel time, is allowed for journeys involving a ferry service. It is also worth noting that the Access domain is measuring one-way journeys, whereas return journeys can involve a lot more wasted time.

The Council considers that the Minimum Income standard requires to be addressed within the Guidance.

The Minimum Income Standard for Remote and Rural Scotland Report found some remote rural households needed between 10% and 40% more income to achieve the same standard of living as those in English urban areas. Factors included higher fuel bills, travel to work costs and the prices of food and other essential goods.

People living in rural Scotland need a bigger budget than those elsewhere in the UK to achieve a minimum standard of living.

The research was carried out with pensioners and working age groups from across the Highlands and Islands and rural southern Scotland, including island communities. Minimum Income Standard (MIS) is a nationally recognised programme of research carried out by the Centre for Research in Social Policy (CRSP) at Loughborough University.

The report revealed that minimum household budgets, including rent, ranged from £320 per week for a single adult in a remote mainland town to £672 for a couple with a family in an island settlement.

23. What should be taken into account in relation to the reviews of decisions of relevant authorities relating to Island Communities Impact Assessments?

All relevant facts require to be taken into consideration. This would include all relevant policies and strategic documents at the relevant level.

It is essential for the process to work well that confidence is instilled at an early stage.

Transparency and accountability are essential to promote confidence in the process.

The guidance will be key.

It is essential that a level playing field is created to enable island communities to enjoy the same access to opportunities and services as communities on the Scottish mainland, at similar cost.

The Council supports the proposal that the duty apply to the development, delivery and redevelopment of policy, strategy and service. While there is a separate provision covering Scottish Government's duties in relation to primary and secondary legislation it is noted that Scottish Government Guidance is not referred to and the Council would seek clarification of how it is intended that such Guidance be "island proofed" given the important role of such Guidance.

It will be essential that review provisions have clear time limits for response. As indicated, the National Islands Plan should play a key role in the reporting and monitoring of the effectiveness of Island Communities Impact Assessments?

24. If you have any further comments or points that you think should be taken into account in the development of Island Communities Impact Assessments, please state these below.

None.