

## **Item: 13**

**Development and Infrastructure Committee: 30 March 2021.**

**Orkney Islands Regional Marine Plan: Statement of Public Participation.**

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

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

To consider endorsement of the draft Statement of Public Participation for the Orkney Islands Regional Marine Plan prior to submission to Scottish Ministers.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

That, on 27 November 2020, the Council received delegated marine planning powers from Scottish Ministers under The Delegation of Functions (Regional Marine Plan for the Scottish Marine Region for the Orkney Islands) Direction 2020.

#### **2.2.**

That the Direction, referred to at paragraph 2.1 above, delegates functions to the Council to prepare an Orkney Islands Regional Marine Plan, which will establish a statutory plan for sustainable marine development, management and use in Orkney waters out to 12 nautical miles.

#### **2.3.**

That a requirement of the Direction is the submission of a draft Statement of Public Participation to Scottish Ministers for approval within six months of the date on which the Direction is given.

#### **2.4.**

That the draft Statement of Public Participation, attached as Appendix 1 to this report, sets out the outline methodology and indicative timetable for preparation of the statutory Orkney Islands Regional Marine Plan, in accordance with the Direction, and will require to be submitted to Scottish Ministers by 27 May 2021.

#### **2.5.**

That the draft Statement of Public Participation will be presented to the first meeting of the Orkney Marine Planning Advisory Group to be held in March 2021, to provide the opportunity to submit comments.

**It is recommended:**

**2.6.**

That the draft Statement of Public Participation, attached as Appendix 1 to this report, be endorsed for submission to Scottish Ministers.

**2.7.**

That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with Chair and Vice Chair of the Committee, to amend the draft Statement of Public Participation in response to any comments received from the Orkney Marine Planning Advisory Group, and thereafter submit the draft Statement of Public Participation to Scottish Ministers by 27 May 2021, for approval for publication.

### **3. Background**

**3.1.**

The Marine (Scotland) Act 2010 introduced a new era for the management of Scotland's seas, including provision for local stakeholders to prepare statutory regional marine plans at the local level. A regional marine plan contains statutory local policies and spatial information to guide marine consenting and management decisions. These plans are prepared by Marine Planning Partnerships (MPPs) representing the economic, community, environmental and recreational interests within a local marine region (to 12 nautical miles).

**3.2.**

MPPs can consist of delegate organisations, or persons, and advisory organisations, or persons. The Council is the delegate and is legally responsible for delivering regional marine planning functions. Advisors have a formal role within an advisory group to help steer and inform the preparation of the regional marine plan. The delegate and the advisory group will collectively be known as the Orkney Marine Planning Partnership (OMPP).

**3.3.**

The OMPP will develop a locally appropriate marine policy framework empowering the local community to deliver sustainable development, realise economic opportunities and protect the local marine environment.

**3.4.**

An Orkney Marine Planning Advisory Group (OMPAG) has been established and is due to hold its first meeting in March 2021. This Group will provide technical advice and guidance on the preparation of the OIRMP. A list of members is provided in Appendix 2 of the Statement of Public Participation. It is intended to provide an overview of the Statement of Public Participation at the Group's meeting, with the draft subsequently circulated for comment in late March/early April 2021. Any

amendments proposed by OMPAG will be notified to the Executive Director of Development and Infrastructure.

### **3.5.**

A Ministerial Direction delegating regional marine planning functions to the Council commenced on 27 November 2020. The Council will carry out the delegated functions by preparing a statutory Orkney Islands Regional Marine Plan (OIRMP) on behalf of Scottish Ministers.

## **4. Statement of Public Participation**

### **4.1.**

This report provides Elected Members the opportunity to endorse the Statement of Public Participation prior to submission to Scottish Ministers. Section 3 of the schedule of The Delegation of Functions (Regional Marine Plan for the Scottish Marine Region for the Orkney Islands) Direction 2020 requires the submission of a draft Statement of Public Participation to the Scottish Ministers for approval within six months of the date on which the Direction is given. The draft Statement of Public Participation must be submitted to Scottish Ministers by 27 May 2021, as the Direction came into force on 27 November 2020.

### **4.2.**

This report advises of the plan-making process and indicative community engagement timetable. The draft Statement of Public Participation indicative timeline in Appendix 1 shows that whilst the production of the draft regional marine plan will take approximately three and a half years, the various approval and consultation stages account for a substantial proportion of that time. As the first stage is gathering background information, scoping the draft marine plan policy requirements and associated documents, together with liaising with the Advisory Group and stakeholders, the next formal engagement with the Committee is likely to be in November/December 2022.

### **4.3.**

Outwith the formal Committee process, Elected Members will be able to engage with the plan-making processes through the Planning and Regulatory Services Consultative Group, stakeholder events and directly with officers. All Elected Members are also sent regular Orkney Marine Planning updates.

### **4.4.**

The seven stages of the plan-making process are outlined in the draft Statement of Public Participation, attached as Appendix 1 to this report. These include preparation of the Statement of Public Participation, the draft plan and supporting documents, submission Scottish Ministers for approval to publish a consultation draft, review of comments received, consideration of a final plan by Scottish Ministers, followed by adoption and publication of the plan and finally, ongoing review, monitoring and reporting on plan implementation.

## **5. Policy Alignment**

### **5.1.**

Under the reformed planning system in Scotland, National Planning Framework will, for the first time, incorporate Scottish Planning Policy and will take on enhanced status as part of the statutory development plan. Therefore, National Planning Framework 4 (NPF4) and the next Orkney Local Development Plan will form the statutory development plan for Orkney. NPF4 will contain national policies for a wide range of development and planning issues that will provide the planning policy framework at the local level. It is therefore critical that NPF4 is adopted prior to the preparation of a draft OIRMP in order that NPF4 policies can inform the OIRMP. For example, NPF4 sets the national planning framework for land based and marine development including for renewable energy, transportation, ports and harbours, electricity and communications infrastructure.

### **5.2.**

Following the publication of NPF4 in 2022, an Orkney Regional Spatial Strategy (ORSS) will be prepared in accordance with the requirements of the Planning (Scotland) Act 2019. This strategy will identify the priorities for, and location of, key strategic developments in Orkney. It is envisaged that the ORSS will set the strategic framework for development across the land and marine areas of Orkney. The strategy will inform the preparation of the future Orkney Local Development Plan and the OIRMP to help deliver the identified outcomes in a joined-up way.

### **5.3.**

Due to the statutory requirements for conformity between the various national plans and strategies, and the practical need for consistency and integration to support better decision making, the timing of the preparation of the various plans need to be appropriately aligned. Thus, the timing of the OIRMP stages must, as far as practicable, be in alignment with NPF4, the ORSS and any updated National Marine Plan. This may in turn require an updated Statement of Public Participation, which will again require ministerial approval prior to publication.

## **6. Links to Council Plan**

### **6.1.**

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Council Plan strategic priorities of Thriving Communities, Enterprising and Quality of Life.

### **6.2.**

The proposals in this report relate directly to Priority 4.5: Establish Crown Estates marine management pilot status and Marine Planning Authority functions, with focus on Island Authority governance and local expertise model of the Council Delivery Plan.

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

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

## **8. Financial Implications**

All resources associated with the preparation of the Statement of Public Participation, mainly in the form of staff time, has been contained within existing Planning Service revenue budgets and the Marine Scotland annual grant funding for marine planning staff costs. In financial year 2020/21, Marine Scotland provided an annual grant of £68,000 to the Council to support development of the OIMPP, including staff costs. Budgets for development of functions and Regional Marine Planning Partnerships are confirmed by Marine Scotland on an annual basis following the allocation of the overall Scottish Budget.

## **9. Legal Aspects**

### **9.1.**

The Marine (Scotland) Act 2010 (“the 2010 Act”) and the UK Marine and Coastal Access Act 2009 (“the 2009 Act”) provide the statutory framework for marine management. The 2010 Act legislates for marine planning, licensing and conservation activities in Scottish inshore waters (0-12 nautical miles) whilst the 2009 Act provides executive devolution to Scottish Ministers for marine planning, licensing and conservation powers in the offshore region (12-200 nautical miles).

### **9.2.**

The 2010 Act established responsibility for Scottish Ministers to prepare a national marine plan for Scotland and regional marine plans for the eleven adopted Scottish Marine Regions. The 2010 Act requires that the national marine plan must be in conformity with the current UK Marine Policy Statement and regional marine plans must be in conformity with the adopted national marine plan unless relevant considerations indicate otherwise. The 2010 Act makes provision for Scottish Ministers to delegate functions in relation to regional marine plans to a nominated person(s) and public authorities with an interest in the region.

### **9.3.**

Both Acts require that public authorities must take authorisation or enforcement decisions in accordance with the adopted national marine plan and the appropriate regional marine plan, unless relevant considerations indicate otherwise. Public authorities must also have regard to these marine plans in taking other decisions if they impact on the marine environment.

### **9.4.**

Section 27 of The Islands (Scotland) Act enables the Council to deliver regional marine planning as a single public authority. The Delegation of Functions (Regional Marine Plan for the Scottish Marine Region for the Orkney Islands) Direction 2020

came into force on 27 November 2020. It designated the Council as the Delegate for the purposes of the Direction.

## **10. Contact Officers**

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Shona Turnbull, Marine Planner (Development and Marine Planning), Email [shona.turnbull@orkney.gov.uk](mailto:shona.turnbull@orkney.gov.uk)

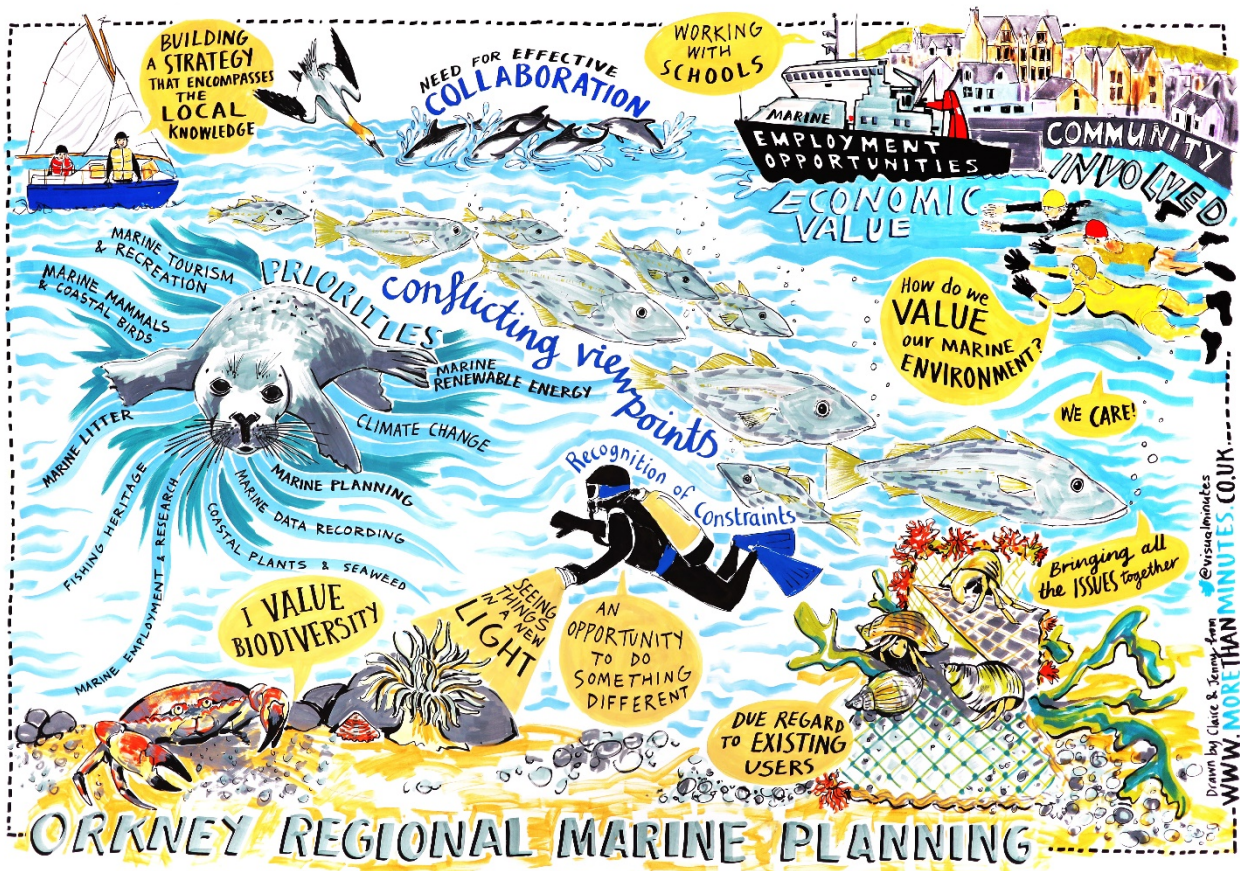
## **11. Appendix**

Appendix 1: Draft Statement of Public Participation.

DRAFT

# REGIONAL MARINE PLAN FOR THE ORKNEY ISLANDS: STATEMENT OF PUBLIC PARTICIPATION

Version 1: May 2021



**ORKNEY**  
ISLANDS COUNCIL

### **Feedback and Contact details**

Comments, questions and queries relating to this Statement of Public Participation on the development of the Orkney Islands Regional Marine Plan can be directed to the marine spatial planning team at Orkney Islands Council, by email: [marineplanning@orkney.gov.uk](mailto:marineplanning@orkney.gov.uk) or in writing: Marine Planning, OIC, School Place, Kirkwall KW15 1NY.

Cover picture: Visual Minute captured during public engagement workshop in Kirkwall Sept 2019 © MoreThanMinutes



## Executive Summary: May 2021:

### Development and Indicative Participation Timetable

This document is called the Statement of Public Participation. It outlines the key stages involved in producing a statutory Orkney Islands Regional Marine Plan and how stakeholders and the wider public can engage with the process. It will be updated and revised as the plan-making process evolves or as required; this is the first edition. This document and its revisions will be available through the Orkney Islands Council web site; any comments are welcome; the contact details are above.

The production of a regional marine plan for the Orkney Islands marine region will go through various stages prior to publication; an indicative timetable is set out below.

Stage 1: Preparation, approval and publication of the initial Statement of Public Participation (this document); establishing governance arrangements for the Advisory Group, which will support Orkney Islands Council as the Delegate in preparation of the Plan; initial meeting of the Advisory Group: Nov 2019 – May 2021.

Stage 2: Preparation of draft Plan and supporting documents (e.g. Strategic Environmental Assessment (SEA), Habitats Regulation Assessment: Feb 2021 – Oct 2022. All drafts to OIC committees for endorsement Nov 2022 – Dec 2022.

Stage 3: Submission to Scottish Ministers for approval to publish consultation draft: Feb 2023 – Apr 2023.

Stage 4: Publication of the draft Orkney Islands Regional Marine Plan and 12 week consultation on the Plan and supporting documents including: Strategic Environmental Assessment, partial Business and Regulatory Impact Assessment, Equality Impact Assessment, Child Rights and Wellbeing Impact Assessment and Island Communities Impact Assessment: May 2023 – Aug 2023.

Stage 5: Review of the draft Orkney Islands Regional Marine Plan and supporting information in response to comments made during consultation (Sept 2023 – Oct 2023); all drafts to OIC committees for endorsement Nov 2023 – Dec 2023; submission to Scottish Ministers for approval Jan 2024.

Stage 6: Consideration by Scottish Ministers followed by adoption and publication of the Orkney Islands Regional Marine Plan with supporting information: Jan 2024 – Mar 2024. Final plan published Apr 2024, along with a statement of modifications. Post adoption SEA statement May 2024.

Stage 7: If an independent investigation required, evidence gathering and report May 2024 - July 2024; settling of text Aug 2024 - Sept 2024; submission to Scottish Ministers for approval and publishing Oct 2024 - Jan 2025. Ongoing review, monitoring and reporting on plan implementation and amendment of the Orkney Islands Regional Marine Plan as required.

Jan 21-Oct 22 preparation	Nov 22- Apr 23 Approval	May 23 Draft Docs	Jun 23-Aug 23 Consultation
Sept 23-Oct 23 Amendments	Nov 23-Mar 24 Approval	Apr 24 Final Docs	*Independent Investigation

\*Approximately additional year if independent investigation required: see details in Table 2.

Area of Orkney Marine Region

**9,258km<sup>2</sup>**

Number of islands

**68+**

Number of inhabited islands

**19**

Population of Orkney

**22,190**

Number of ports and harbours

**30**

Total length of coastline  
at Mean High Water Springs (MHWS)

**>1,024km**

Area of marine waters within 3 nm

**3,030km<sup>2</sup>**

Area of marine waters within 6 nm

**4,925km<sup>2</sup>**

Area of marine waters within 12 nm

**9,258km<sup>2</sup>**

Area of Orkney Islands (land)

**990km<sup>2</sup>**

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## Introduction

This document is called the Statement of Public Participation. It outlines the key stages involved in producing a statutory Orkney Islands Regional Marine Plan (OIRMP), an indicative timetable and how stakeholders and the wider public can engage with the process.

This Statement of Public Participation will be updated and revised as the plan-making process evolves or as required; this is the first edition. This document and any revisions will be available through the Orkney Islands Council (OIC) web site. Any comments on the proposed Statement of Public Participation are welcome; the contact details are included at the beginning of this document.

## Background

The Marine (Scotland) Act 2010 provides for the preparation and adoption of both a national marine plan and regional marine plans. Together these plans introduce a statutory marine planning system that will enable a more strategic approach to managing the Scottish marine resource. The policy framework within the plans seeks to balance environmental quality upon which socio-economic needs and demands rely, inform the decision-making process, manage potential conflict scenarios and support sustainable development in the seas around Scotland.

Scottish Ministers adopted and published the National Marine Plan (NMP) in March 2015. Marine Scotland are due to undertake a review of the NMP in the first part of 2021 and will consider whether changes might be necessary to the plan to deliver the Blue Economy approach, among other things.

Preparation for Regional Marine Planning began in late 2010 with a consultation on how to define the boundaries for marine regions and how many there should be across Scotland. Eleven regions were identified based on physical characteristics and these were provided for in the Scottish Marine Regions Order 2015, with Orkney Islands being one of the eleven Scottish Marine Regions.

Through its involvement with the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan<sup>1</sup> (PFOW MSP), Orkney has been involved in innovating ways forward in the evolving marine spatial planning processes. The PFOW project was initiated by Marine Scotland in c. 2008; in 2012, OIC, along with the Highland Council, got involved with helping to prepare the pilot plan. Thus, a core team of three people from these three organisations identified the key process required to prepare a regional marine plan, with the added flexibility of being a pilot project i.e. a non-statutory plan. It covered two Scottish marine regions: Orkney Islands and the North Coast (Mainland Scotland).

The pilot plan-making process also identified many key stakeholders who were subsequently contacted to check if they wanted to be involved in this current statutory phase of marine planning for Orkney. This ensures a wide range of stakeholders are involved from the very earliest stages of the plan-making process, through the provision of updates on progress, prior, during and post delegation of the

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<sup>1</sup> [Pilot Pentland Firth and Orkney Waters Marine Spatial Plan - gov.scot \(www.gov.scot\)](http://www.gov.scot)

marine planning functions to OIC (see below). Further details on background work are provided in Appendix 1.

#### [Orkney Marine Planning Partnership / Orkney Islands Regional Marine Plan](#)

The Marine (Scotland) Act 2010 introduced provisions for stakeholders to prepare statutory regional marine plans at the local level. A regional marine plan contains statutory local policies and spatial information to guide marine consenting and management decisions. These plans are prepared by Marine Planning Partnerships (MPPs) representing the economic, community, environmental and recreational interests within a local marine region (to 12 nautical miles).

MPPs are established to enable local ownership of marine planning policy development taking account of local circumstances. The Orkney Marine Planning Partnership will develop a locally appropriate marine policy framework empowering the local community to deliver sustainable development, realise economic opportunities and protect the local marine environment.

A Ministerial Direction delegating regional marine planning functions to OIC commenced on 27 November 2020. The Council will carry out the delegated functions preparing the statutory OIRMP on behalf of Scottish Ministers.

MPPs consist of delegate organisations, or persons, and advisory organisations, or persons. OIC is the delegate and is legally responsible for delivering regional marine planning functions. Advisors have a formal role within an Advisory Group to help steer and inform the preparation of the regional marine plan. The delegate and the Advisory Group will collectively be known as the Orkney Marine Planning Partnership (OMPP).

#### [Preparation of the Orkney Islands Marine Region: State of the Environment Assessment](#)

The Marine (Scotland) Act 2010 requires that an assessment be made of the condition of the environment within any Scottish marine region where a regional marine plan is being prepared. As well as describing the condition of the environment, the State of the Environment Assessment also has to summarise the significant pressures and impact of human activity on the area.

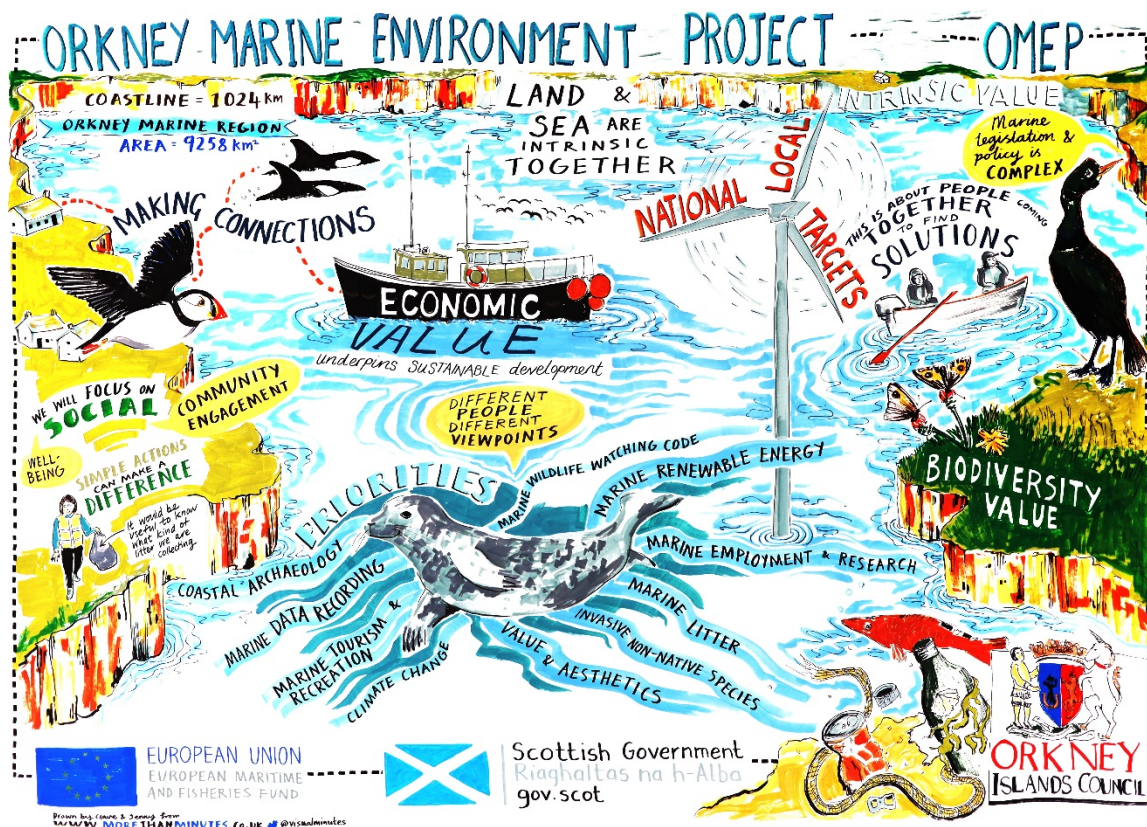
OIC prepared the Orkney Islands Marine Region: State of the Environment Assessment (SoEA) during 2018-2020, as the main output of the Orkney Marine Environment Project. Key stakeholders were contacted and asked to provide any data they could share to inform this baseline assessment process. Prior to the coronavirus pandemic, this was done via face to face meetings, email and during public workshops, as outlined below. Most of these stakeholders had been consulted during the earliest stages of trying to secure delegate partners and were involved in the PFOW process discussed above, therefore had a reasonable understanding of marine planning process and data requirements.

Although there was no obligation to do so, the draft SoEA for Orkney was subject to various public consultation events to allow the wider island communities to be included from the outset. This included workshops with Visual Minutes (see Figure



1) and presentations, as well as questionnaires, followed by a consultation on the draft SoEA.

The SoEA was subject to an independent review by International Centre for Island Technology, Heriot Watt University, based in Stromness. Key research staff provided feedback throughout the process and assessed the methodology used. The SoEA was finalised and published in Jan 2021 and can be viewed on the OIC website<sup>2</sup>.



**Figure 1: Visual Minute captured during public engagement workshop in Stromness Sept 2019 © MoreThanMinutes**

### Delegated marine planning functions

As the first step in the process of statutory regional marine planning, Orkney Islands Council received a Direction from Scottish Ministers on 27<sup>th</sup> November 2020, delegating the functions in relation to producing a Regional Marine Plan for the Orkney Islands ([SI/SR Template \(www.gov.scot\)](https://www.gov.scot)). The Direction identifies the Delegate legally responsible for developing the Regional Marine Plan and outlines the matters to be considered relevant to the Plan. The Direction also considers the timescales within which certain actions have to be completed, including submission

<sup>2</sup> <https://www.orkney.gov.uk/Service-Directory/D/orkney-islands-marine-region-state-of-the-environment-assessment.htm>

to Scottish Ministers for their approval, a Regional Marine Plan, together with various supporting information. The Orkney Islands Delegate is Orkney Islands Council.

As the adjacent planning authorities, notification of the intention to prepare a regional marine plan for Orkney was sent to Shetland Islands Council, Comhairle nan Eilean Siar and The Highland Council, in February 2021.

### The need for policy alignment and integration with wider plans and strategies

Most development and use which takes place in the marine environment has an onshore component or implication. This could be, for example, a harbour development with an access road, laydown area and facilities on the coast, a pier across the intertidal zone and navigational approaches within adjacent marine waters. For developments such as these, a consistent policy for port and harbour development needs to be adopted in the relevant regional marine plan and land-based development plan.

There are planning policies that aim to protect environmental assets that have marine, intertidal and land-based components such as designated nature conservation sites, protected species, historic environment assets and landscape/seascape features or characteristics. Marine and land use planning policies that aim to protect and manage these assets need to be consistent in their requirements and effectively integrated to ensure that the desired outcomes are achieved. This consistency and integration will help to protect the environment and streamline the assessment of development and decision-making processes.

### Planning policy hierarchy

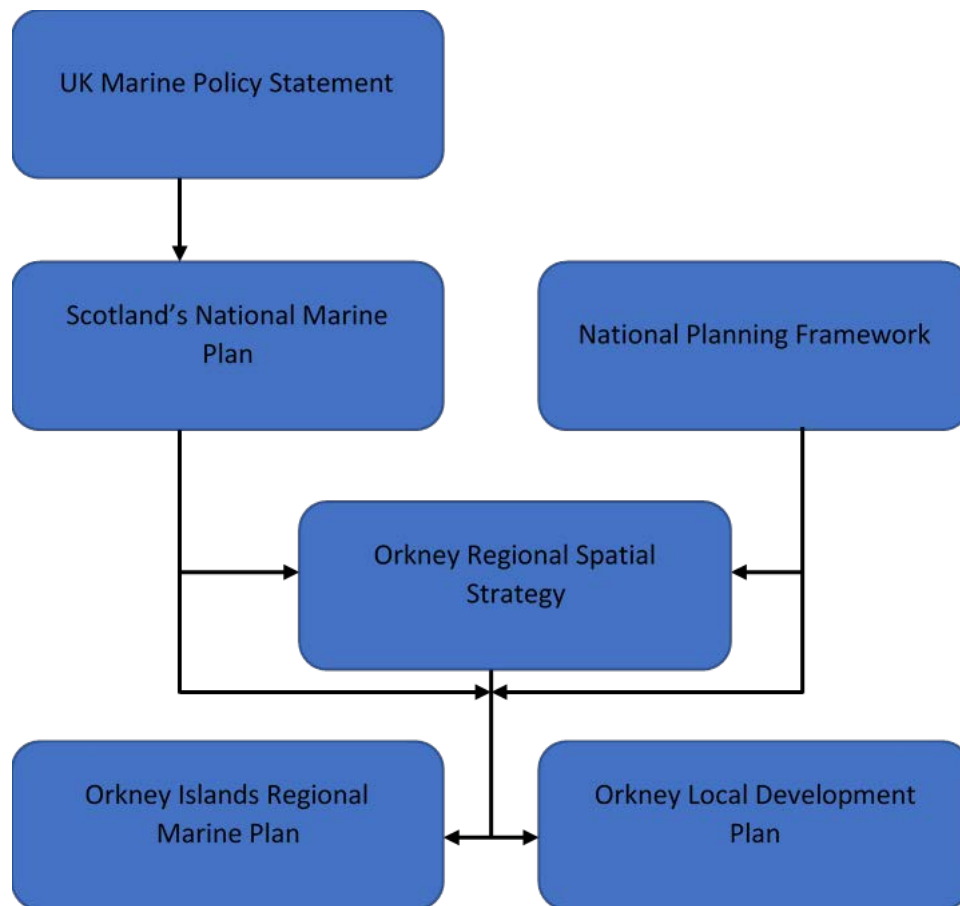
Marine and land use planning policy in Scotland is delivered through a hierarchy of national, regional and local plans and strategies. Plans and strategies developed at the local level are required to conform with or have regard to plans at the national and regional level, as outlined below. Thus, the OIRMP is required to conform with the UK Marine Policy Statement and Scotland's National Marine Plan (see Figure 2).

Under the reformed planning system in Scotland, National Planning Framework will, for the first time, incorporate Scottish Planning Policy and will take on enhanced status as part of the statutory development plan. Therefore, National Planning Framework 4 (NPF4) and the next Orkney Local Development Plan will form the statutory development plan for Orkney. NPF4 will contain national policies for a wide range of development and planning issues that will provide the planning policy framework at the local level. It is therefore critical that NPF4 is adopted prior to the preparation of the draft OIRMP in order that NPF4 policies can inform the OIRMP.

Following the publication of NPF4 due in 2022, an Orkney Regional Spatial Strategy (ORSS) will be prepared in accordance with the requirements of the Planning (Scotland) Act 2019. This strategy will identify the priorities for, and location of, key strategic developments in Orkney. It is envisaged that the ORSS will set the strategic framework for development across the land and marine areas of Orkney. The

strategy will inform the preparation of the future Orkney Local Development Plan and OIRMP to help deliver the identified outcomes in a joined-up way.

Due to the statutory requirements for conformity between the various plans and strategies, and the practical need for consistency and integration to support better decision making, the timing of the preparation of the various plans need to be appropriately aligned.



**Figure 2: Diagram showing the relationship between the various plans and strategies.**

#### UK Marine Policy Statement and Scotland's National Marine Plan

The UK Marine Policy Statement was adopted in 2011 and sets the framework for preparing Marine Plans and taking decisions affecting the marine environment. Following on from that, Scotland's National Marine Plan (NMP) was adopted in 2015 and provides a comprehensive overarching framework for all marine activity in both Scottish inshore waters (out to 12 nautical miles) and offshore waters (12 to 200 nautical miles). The NMP sets out guidance specifically for regional planners to inform the development of regional marine plans.



## National Planning Framework 4

National Planning Framework 4 (NPF4) will provide a long-term spatial plan for Scotland that sets out where development and infrastructure is needed to support sustainable and inclusive growth. It will guide spatial development, set out national policies, designate national developments and reflect regional spatial priorities. Currently under preparation, a draft NPF4 will be deposited for public consultation in Autumn 2021. It is anticipated that NPF4 will be adopted in 2022.

## Orkney's Regional Spatial Strategy

Following the publication of NPF4 in 2022 and the adoption of statutory guidance by the Scottish Government, an Orkney's Regional Spatial Strategy (ORSS) will be prepared. The ORSS will identify the strategic priorities for development planning in Orkney over the next 25 years and beyond to 2050. The key strategic developments necessary to deliver these priorities will be identified alongside the outcomes to which they will contribute. The Regional Spatial Strategy will not be part of the "development plan" however the preparation of the National Planning Framework and Local Development Plans is to "have regard to" an adopted Regional Spatial Strategy.

## Statement of Public Participation: Participation Commitment

This Statement of Public Participation outlines the transparent and inclusive process that will be used to develop the OIRMP, making best use of local knowledge and expertise, along with national data sources and professional input.

In developing the OIRMP for the Orkney Islands, the Delegate is committed to:

- involving all relevant stakeholders and members of the public throughout the process;
- ensuring arrangements for participation are inclusive, clear and transparent;
- providing clear communication through a range of formats;
- giving full consideration to all representations.

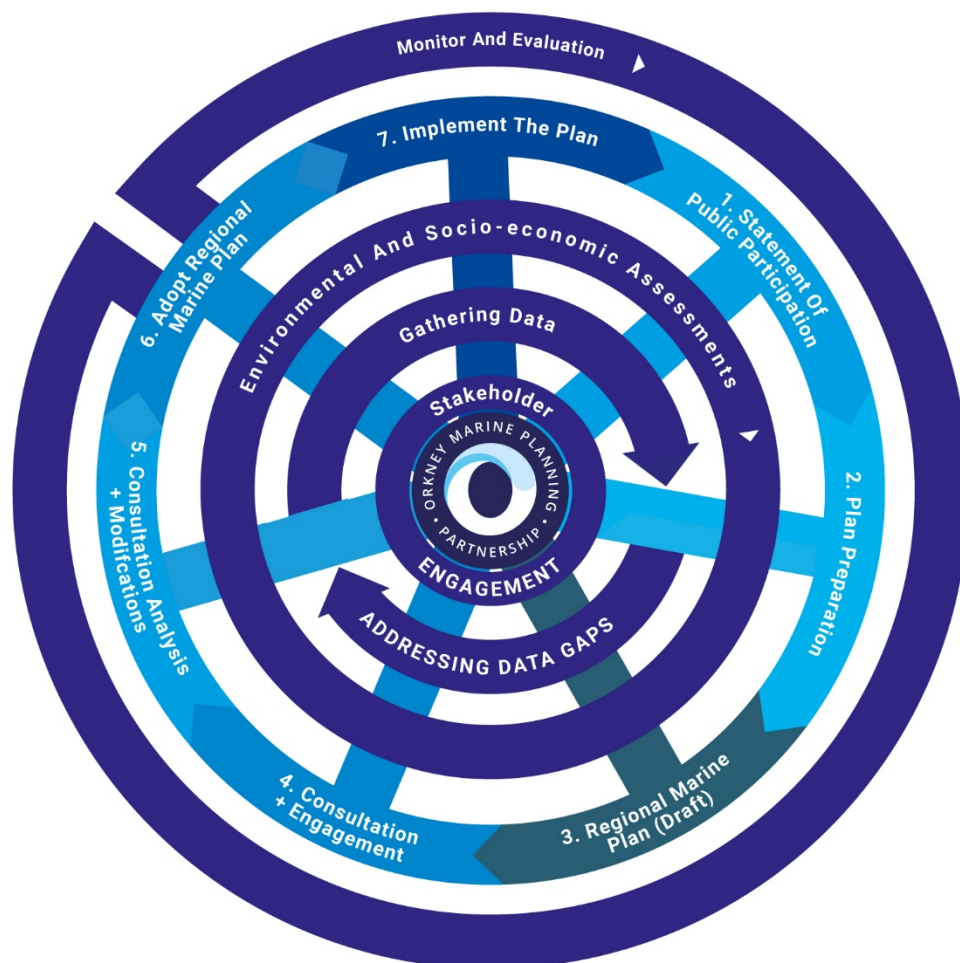
Effective engagement in the development of the OIRMP at each stage is essential. This will ensure the OIRMP benefits not only those with a sectoral interest in Orkney's marine resources, but also those who live in or visit the region. As such, the process will involve a wide range of stakeholders including, but not limited to, members of the public, key agencies, conservation bodies, fishing and aquaculture representatives, shipping, ports and harbours, energy interests, recreation and tourism interests and the voluntary sector.

Stakeholder involvement and feedback as the OIRMP progresses is paramount to its success. All comments, views and representations made at the various stages will be taken on board, although the outcome might not result in all alterations suggested. Given that the marine planning system must integrate future needs and different views, as well as operate with legal constraints and national policy, some compromise will be required.

To help ensure effective consultation, a separate ‘Principles of Engagement’ document is also being prepared. Whilst principally an operational document for the Delegate, it will also provide guidance for stakeholders to ensure best practice techniques are used. These principles include the need for adaptability and flexibility. Due to the unprecedented impacts of the Covid19 pandemic, this is particularly relevant, given the evolving guidance on where and how many people from different households can meet, thereby affecting how stakeholder events can be organised.

### Development and Participation Indicative Timetable

The process to produce a regional marine plan for the Orkney Islands marine region will go through a number of stages prior to publication (see Figure 3). An indicative timetable is set out below and this Statement of Public Participation will be updated and revised as the OIRMP progresses. It will give details on future events and this Statement of Public Participation and its revisions will be available through the OIC web site. Any comments on the proposed Statement of Public Participation are welcome; contact details are included at the beginning of this document.



**Figure 3: The Orkney Islands Regional Marine Planning Process Diagram**

The summary of the seven stages that will be undertaken to prepare the marine plan provided below is followed by further detail on each stage. All timescales are indicative and subject to revision as required. Any subsequent updates will be approved by Scottish Ministers prior to publication.

Stage 1: Preparation, approval and publication of the initial Statement of Public Participation (this document); establishing governance arrangements for the Advisory Group, which will support Orkney Islands Council as the Delegate in preparation of the Plan; initial meeting of the Advisory Group: Nov 2019 – May 2021.

Stage 2: Preparation of draft Plan and supporting documents (e.g. Strategic Environmental Assessment (SEA), Habitats Regulation Assessment): Feb 2021 – Oct 2022. All drafts to OIC committees for endorsement Nov 2022 – Dec 2022.

Stage 3: Submission to Scottish Ministers for approval to publish consultation draft: Feb 2023 – Apr 2023.

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Stage 5: Review of the draft Orkney Islands Regional Marine Plan and supporting information in response to comments made during consultation (Sept 2023 – Oct 2023); all drafts to OIC committees for endorsement Nov 2023 – Dec 2023; submission to Scottish Ministers for approval Jan 2024.

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Stage 7: If an independent investigation required, evidence gathering and report May 2024 - July 2024; settling of text Aug 2024 - Sept 2024; submission to Scottish Ministers for approval and publishing Oct 2024 - Jan 2025. Ongoing review, monitoring and reporting on plan implementation and amendment of the Orkney Islands Regional Marine Plan as required.

Jan 21-Oct 22 preparation	Nov 22- Apr 23 Approval	May 23 Draft Docs	Jun 23-Aug 23 Consultation
Sept 23-Oct 23 Amendments	Nov 23-Mar 24 Approval	Apr 24 Final Docs	*Independent Investigation

\*Approximately additional year if independent investigation required: see details in Table 2.

**Stage 1: Preparation, approval and publication of the initial Statement of Public Participation (this document); establishing governance arrangements for the Advisory Group, which will support Orkney Islands Council as the Delegate in preparation of the Plan; initial meeting of the Advisory Group: Nov 2019 – May 2021.**

#### Statement of Public Participation

Endorsement of the draft Statement of Public Participation will be requested from the OIC Development and Infrastructure Committee in March 2021 and ratification at the General Meeting of the Council in May 2021. The draft Statement of Public Participation will then be submitted to Marine Scotland in May 2021 for approval by Scottish Ministers. If further revisions are necessary, these will be considered following comment from Marine Scotland and the final Statement of Public Participation will be published as soon as practicable after that.

#### Advisory Group

The Orkney Marine Planning Advisory Group will provide technical advice and guidance on physical, environmental, social, cultural and economic issues to inform the preparation of a regional marine plan for Orkney. The Advisory Group will play an important role to ensure that marine planning is informed by a broad range of expertise and interests; see Appendix 2 for the list of member organisations.

Between 2016 – 2020, OIC carried out significant engagement with the economic, community, environmental and recreational interests in Orkney regarding participation in regional marine planning. This included investigation potential Delegate and Advisory Group roles. Following receipt of the Direction from Scottish Ministers on 27 November 2020, OIC re-contacted key stakeholders previously involved with engagement activities. In addition, anyone who had subsequently shown an interest in the development of marine planning in Orkney during the Orkney Marine Environment Project were also contacted. Following due process, the Advisory Group was set up.

At the initial meetings of the Advisory Group, papers will be discussed regarding:

- outline of the roles and responsibilities of the Delegate and the Advisory Group.
- draft formal Terms of Reference to establish and define a clear relationship between the Delegate and the Advisory Group.
- this draft Statement of Public Participation.

**Stage 2: Preparation of draft Plan and supporting documents (e.g. Strategic Environmental Assessment (SEA), Habitats Regulation Assessment): Feb 2021 – Oct 2022. All drafts to OIC committees for endorsement Nov 2022 – Dec 2022.**

The Plan will be scoped to determine the key aspects it should contain, using input from the Advisory Group and wider stakeholders, along with the statutory consultees. The outline draft Plan will be prepared. It will be revised in light of comments received and a draft Plan will be developed. Further dialogue will then be undertaken with the Advisory Group and other stakeholders and policy options will be refined in line with the Strategic Environmental Assessment and other assessments, as outlined below. Once endorsed by the OIC committee process (Development and Infrastructure committee then Full Council meeting), the draft Plan will then be submitted to Scottish Ministers for their agreement to its publication for consultation.

The development of the Plan is subject to a Strategic Environmental Assessment (SEA). In Scotland, public bodies are required to assess, consult on and monitor the likely impacts their plans, programmes and strategies will have on the environment. This process is known as SEA. An SEA scoping report will be published by OIC after the scope of the draft OIRMP has been defined and discussed with the Advisory Group. The SEA scoping report will be subject to a five-week consultation period with the statutory consultees via the SEA gateway. Following the scoping phase, an SEA environmental report will be prepared alongside the draft Plan.

A draft Habitat Regulations Appraisal (HRA) report will also be published for consultation alongside the SEA report. Under the Habitats Regulations, all competent authorities must consider whether any plan or project will have a 'likely significant effect' on a European site. If so, they must carry out an 'appropriate assessment' (AA). This is known as Habitats Regulations Appraisal (HRA). Natura 2000 is the Europe-wide network of protected sites developed under the European Commission's Habitats Directive (Directive 92/43/EEC) and Birds Directive (79/409/EEC).

During the development of the draft Plan, the process of developing a partial Business and Regulatory Impact Assessment (BRIA) will be initiated to inform and assess the impact of the regional marine plan policies. A BRIA is used to analyse the cost and benefits to businesses and the third sector of any proposed legislation or regulation, with the goal of using evidence to identify the proposal that best achieves policy objectives, while minimising costs and burdens as much as possible. The partial BRIA will be published for consultation at the same time as the SEA.

The purpose of an Equality Impact Assessment (EqIA) is to ensure the law is complied with, taking account of equality, human rights and socioeconomic disadvantage (poverty) implications when making decisions. It also ensures decision makers are fully informed at a formative stage in the decision-making process.

A draft Child Rights and Wellbeing Impact Assessment (CRWIA) will also be prepared. This is a process through which the identification, research, analysis and

record of the anticipated impact of any proposed law, policy or measure on children's human rights and wellbeing is made.

In accordance with section 8 of the Islands Scotland Act 2018, an Island Communities Impact Assessment (ICIA) will be prepared. It will describe the likely significantly different effect of the draft Plan and assess the extent to which OIC considers that the Plan can be developed or delivered in such a manner as to improve or mitigate, for island communities, the outcomes resulting from it.

**Stage 3: Submission to Scottish Ministers for approval to publish consultation draft: Feb 2023 – Apr 2023.**

Scottish Ministers will consider the draft plan along with the associated documents and provide feedback. Once permission is granted, the draft Plan will be published on the OIC website and brought to the attention of interested parties via the methods outlined in Table 1 below.

**Stage 4: Publication of the draft Orkney Islands Regional Marine Plan and 12 week consultation on the Plan and associated supporting documents including: Strategic Environmental Assessment, partial Business and Regulatory Impact Assessment, Equality Impact Assessment, Child Rights and Wellbeing Impact Assessment and Island Communities Impact Assessment: May 2023 – Aug 2023.**

The draft Orkney Islands Regional Marine Plan will be published in May 2023 and there will be a public consultation on the draft Plan in Jun 2023 – Aug 2023. Consultation events will be held in multiple geographical locations and on a number of dates, in order to maximise participation opportunity, where Covid19 restrictions allow. These events will be advertised online, via email and in the printed press. Consultation information will be available from the website and will be sent out in email alerts to our stakeholder database; where face to face events are not possible, on-line resources will be used.

In accordance with the Environmental Assessment (Scotland) Act 2005, the consultation period for the draft Plan and SEA will be advertised in the relevant newspapers. OIC will take such further steps as it considers appropriate to secure that the proposals contained in the draft Plan are brought to the attention of interested persons.

**Table 1: Summary of consultation events proposed and indicative timescales**

(Note: event type will depend on best available guidance at the time of the event in response to any coronavirus restrictions.)

Event: Web Publication	Audience: All	Date: May 2023 – Aug 2023
Details:	The draft Orkney Plan and associated SEA and BRIA and other supporting draft documents will be published on the OIC website; the consultation will run for 12 weeks	
Publicity method:	Newspaper advertisement, social media, e-alerts, press release	
Event: Public meetings (Covid19 restrictions permitting)	Audience: All	Date: Jun 2023 - Aug 2023
Details: in person meetings	During the 12-week consultation period, OIC will hold a series of public meetings/workshops to raise awareness and discuss the draft Plan and associated SEA, HRA, BRIA, EqIA, CRWIA and ICIA*. Drop-in sessions will be held from at least three venues on three separate dates, when permitted.	
Publicity method:	Social media, e-alerts, direct invite, press release	
Details: Virtual meetings	Virtual presentations and discussions, as requested	
Publicity method	Social media, e-alerts, printed press, direct invite	
Event: Online meetings	Audience: All	Date: Jun 2023 - Aug 2303
Details:	Online meetings can be held to allow participation from communities from the non-connected isles. They may be e.g. webinars or 'Teams' meetings.	
Publicity method:	Social media, e-alerts, direct invite	
Event: One to one meetings	The marine planning team will be happy to discuss any stage of the Plan at any time with any stakeholder; this may be via email, virtual meeting or face to face, restrictions permitting.	

\*SEA = Strategic Environmental Assessment; HRA = Habitats Regulations Appraisal; BRIA = Business and Regulatory Impact Assessment; EqIA = Equalities Impact Assessment; CRWIA = Child Rights and Wellbeing Impact Assessment; ICIA = Island Communities Impact Assessment

**Stage 5: Review of the draft Orkney Islands Regional Marine Plan and supporting information in response to comments made during consultation (Sept 2023 – Oct 2023); all drafts to OIC committees for endorsement Nov 2023 – Dec 2023; submission to Scottish Ministers for approval Jan 2024.**

The draft Plan and relevant supporting documents will be revised in response to comments made during consultation prior to submission to Scottish Ministers.

**Stage 6: Consideration by Scottish Ministers followed by adoption and publication of the Orkney Islands Regional Marine Plan with supporting information: Jan 2024 – Mar 2024. Final plan published Apr 2024, along with a statement of modifications. Post adoption SEA statement May 2024.**

The Scottish Ministers and the Delegate must, acting jointly, consider and make a decision as to whether to appoint an independent person to investigate and report upon the proposals contained within the draft Plan.

OIC must publish the Regional Marine Plan as soon as reasonably practicable after its adoption has been agreed by the Scottish Ministers, together with the following:

- any supporting assessments, documents and information agreed by Scottish Ministers;
- statement on any modifications that have been made to the proposals published in the consultation draft for the plan, and the reasons for those modifications;
- statement on recommendations from appointed independent person (if applicable);
- statement on recommendations from independent person that have not been implemented (if applicable).

**Stage 7: If an independent investigation required, evidence gathering and report May 2024 - July 2024; settling of text Aug 2024 - Sept 2024; submission to Scottish Ministers for approval and publishing Oct 2024 - Jan 2025. Ongoing review, monitoring and reporting on plan implementation and amendment of the Orkney Islands Regional Marine Plan as required.**

Following the publication of a consultation draft of the Plan the Scottish Ministers and OIC must, acting jointly, consider and make a decision as to whether to appoint an independent person to investigate and report upon the proposals contained within the draft. In the event of a disagreement between the Scottish Ministers and OIC as to whether to appoint an independent person, the final decision rests with the Scottish Ministers. If the independent review is required, this would add approximately up to a year to publish the final Plan.

Review, monitoring and reporting on plan implementation, and amendment of the Plan will be carried out as required. As the marine environment is constantly developing and evolving, it is important that OIC continue to review the Plan.



OIC must keep the following under review:

- the effects of the policies in the Plan;
- the effectiveness of the policies in securing that the objectives for which the Plan was prepared and adopted are met;
- the progress being made towards securing the objectives;
- the progress being made towards securing that the objectives in the regional marine plan secure the objectives in the national marine plan.

OIC will also prepare a report on the matters kept under review and submit this to the Scottish Ministers. The first report must be published within five years from the date of adoption of the Orkney Islands Regional Marine Plan. OIC must then consider and decide if the Regional Marine Plan needs to be amended or replaced.

## Appendix 1: Summary of Orkney's key marine spatial planning activities 2008 - date

Date	Work undertaken
2008 - 2012	Marine Scotland set up framework and started research studies on the Pilot Pentland Firth & Orkney Waters Marine Spatial Plan (PFOW MSP). This non-statutory plan aids the new process of marine planning.
<b>Mar 2010</b>	<b>Publication of the Marine (Scotland) Act</b> gives the legal foundation for the requirement to prepare the National Marine Plan and potential for statutory regional marine plans.
Apr 2012	OIC and the Highland Council join Marine Scotland in a working group to prepare pilot PFOW MSP.
Nov 2012	PFOW Statement of Public Participation published.
2012 - 2013	Planning Issues and Options Consultation Paper stage: document provided an outline of potential topics to cover in a draft plan; consultation process refined and added new topics.
Jun 2013	Consultation on draft Planning Issues and Options Consultation Paper.
2013 - 2015	Draft plan and supporting documents prepared.
<b>Mar 2015</b>	<b>National Marine Plan published</b> ; covers all Scottish waters, including Orkney.
Jul 2015	Consultation on draft PFOW plan and supporting documents.
<b>Mar 2016</b>	<b>PFOW MSP published</b> ; accompanied by 'Lessons Learned' report.
Nov 2016	PFOW MSP wins 'Partnership' category at the Scottish Awards for Quality in Planning.
2016 - 2019	OIC work towards getting statutory regional marine planning underway for Orkney. Potential Delegate or Advisory Group members contacted.
Jun 2017	PFOW MSP wins 'Excellence in Plan Making Practice' category at the Royal Town Planning Institute Award for Planning Excellence.
2018	PFOW stakeholders contacted to check if they wished to be updated and involved in the Orkney-specific marine planning process. Update provided to them in October.
Jul 2018	Islands (Scotland) Act allows OIC to be the legal delegate for marine planning.
Mar 2019	OMEP project started: key output would be a State of the Environment Assessment (SoEA).
Jun 2019	Stakeholder update.
Sept 2019	Stakeholder workshops on SoEA in Kirkwall and Stromness.
Sept 2020	Stakeholder update.
Nov 2020	Delegation of Functions conferred on OIC by Scottish Ministers.
<b>Jan 2021</b>	<b>State of the Environment Assessment published.</b>
Feb 2021	Advisory Group set up.

## Appendix 2: Orkney Marine Planning Advisory Group members

Organisation	Category
NatureScot	Environment
Scottish Environment Protection Agency*	Environment
International Centre for Island Technology	Academic
Orkney Sustainable Fisheries	Commercial
Historic Environment Scotland	Environment
Orkney Harbour Authority	Commercial
Visit Scotland	Commercial
Crown Estate Scotland	Commercial
Scottish Salmon Producers Organisation	Commercial
Repsol Sinopec	Commercial
Royal Society for the Protection of Birds Scotland	Environment
Orkney Renewable Energy Forum	Commercial
Orkney Marinas	Recreational
Scottish and Southern Electricity Networks	Commercial
Orkney Marine Services Association	Commercial
Orkney Sub-aqua Club	Recreational

\*SEPA unable to formally confirm membership until cyber-attack issues resolved but has previously clearly indicated intention to participate.

### Appendix 3: Acronym and Abbreviations list

BRIA	Business and Regulatory Impact Assessment	OIC	Orkney Islands Council
CRWIA	Child Rights and Wellbeing Impact Assessment	OIRMP	Orkney Islands Regional Marine Plan
EqIA	Equalities Impact Assessment	OMEPA	Orkney Marine Environment Project
HRA	Habitat Regulations Appraisal	ORSS	Orkney Regional Spatial Strategy
ICIA	Island Communities Impact Assessment	PFOW MSP	Pentland Firth and Orkney Waters Marine Spatial Plan
MPPs	Marine Planning Partnerships	SEA	Strategic Environmental Assessment
NMP	National Marine Plan	SoEA	State of the Environment Assessment
NPF4	National Planning Framework 4	SPP	Statement of Public Participation

**Table 2: Simplified schematic of indicative timeline for preparation stages for the Orkney Islands Regional Marine Plan**

Document	J	F	M	A	M	J	J	A	S	O	N	D
SPP*	Stage 1			Stage 1	Stage 1	Update as required						
Draft Plan	Stage 2											
SEA/HRA* etc	Stage 2											
<b>2022</b>												
Document	J	F	M	A	M	J	J	A	S	O	N	D
SPP	Update as required											
Draft Plan	Stage 2										Stage 2 OIC 1	Stage 2 OIC 2
SEA/HRA* etc	Stage 2										Stage 2 OIC 1	Stage 2 OIC 2
<b>2023</b>												
Document	J	F	M	A	M	J	J	A	S	O	N	D
SPP	Update as required											
Draft Plan	Stage 2	Stage 3 Minsiterial Approval			Stage 4	Stage 4			Stage 5		Stage 5 OIC 1	Stage 5 OIC 2
SEA/HRA* etc	Stage 2	Stage 3 Minsiterial Approval			Stage 4	Stage 4			Stage 5		Stage 5 OIC 1	Stage 5 OIC 2
<b>2024</b>												
Document	J	F	M	A	M	J	J	A	S	O	N	D
SPP	Update as required											
Draft Plan	Stage 6 Minsiterial Approval			Stage 6	Stage 7 + Independent investigation**, if required							
SEA/HRA* etc	Stage 6 Minsiterial Approval			Stage 6	Post adopt' SEA							

*	See acronym list	OIC 1	Development and Infrastructure Committee
	If independent investigation required, this will take approximately another year.		
**		OIC 2	Full Council meeting

	Preparation
	Endorsement / Approval
	Consultation
	Published