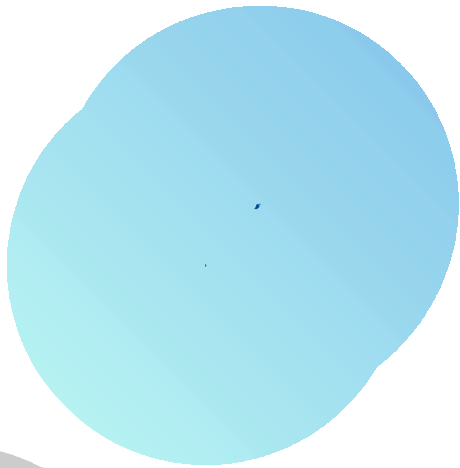


Orkney Islands Regional Marine Plan
**Partial Business and Regulatory
Impact Assessment**



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Title of Proposal:

Orkney Islands Regional Marine Plan:
Consultation Draft

Purpose and intended effect**Background**

Marine planning in Scotland's inshore waters is governed by the Marine (Scotland) Act 2010 and in offshore waters by the Marine and Coastal Access Act (2009). Following the creation of the National Marine Plan (NMP) in 2015, 11 Scottish Marine Regions were created in Scotland each extending to 12 nautical miles. Within these regions, regional marine plans may be developed by delegates, often referred to as Marine Planning Partnerships (MPPs). MPPs are made up of marine stakeholders who reflect marine interests in their region and are established to take account of local circumstances.

The Orkney Islands Regional Marine Plan (OIRMP) is being developed by Orkney Islands Council (OIC), as per the Delegation of Functions (Regional Marine Plan for the Scottish Marine Region for the Orkney Islands) Direction 2020. It is supported by a technical advisory group, the Orkney Marine Planning Advisory Group (OMPAG), which comprises a range of stakeholders representing environmental, social, economic and recreational interests. Collectively, OIC and the OMPAG form the Orkney Marine Planning Partnership. For clarity, the delegated regional marine plan making functions remain with OIC as the single delegate identified in the Direction.

The Plan conforms with both the National Marine Plan (NMP) and the Marine Policy Statement. It adds value to the existing policy frameworks outlined in the NMP by taking into account local circumstance and reflecting local priorities and opportunities. It seeks to achieve a balance between national and local interests, helping to address local challenges. The OIRMP sits alongside and integrates with land use planning policy, in particular the National Planning Framework 4 (NPF4), the indicative Orkney Regional Spatial Strategy and the Orkney Local Development Plan (OLDP).

The National Planning Framework (NPF) is a long-term plan for Scotland that sets out where development and infrastructure is needed. Scotland's fourth National Planning Framework (NPF4) looks forward to 2045 to guide spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. NPF4 forms part of the development plan, and so influences planning decisions across Scotland.

Local authorities, either individually or collectively, have a duty to prepare regional spatial strategies to coordinate development and infrastructure at a regional scale. Regional spatial strategies identify:

- The need for strategic development;
- The outcomes to which strategic development will contribute;

- Priorities for the delivery of strategic development; and
- Proposed locations for strategic development.

Regional spatial strategies do not form part of the statutory development plan; however, the National Planning Framework and local development plans need to have regard to adopted regional spatial strategies. The indicative Orkney Regional Spatial Strategy provides a common planning policy framework across Orkney's land and sea areas to help ensure that land use and marine planning contributes towards common priorities and the delivery of sustainable development.

OIRMP Objectives

The OIRMP has been developed to help ensure that development and activities in the Orkney Islands marine region are sustainable. Orkney's vision for the marine and coastal environment is:

Orkney Islands' regional marine waters are clean, healthy, safe and productive; the marine and coastal environment is rich in biodiversity and managed sustainably to support thriving and resilient local communities.

The environmental, social and economic objectives of the OIRMP are:

- 1 A clear strategic direction is provided for development, activities and use in the Orkney Islands marine region and there is greater certainty for prospective developers, investors and local communities.
- 2 Development, activities and use are managed within an ecosystem approach, to protect and, where appropriate, enhance the biological, chemical and physical functioning of the marine and coastal environment, including the management of cumulative impacts.
- 3 A rapid and just transition to a low-carbon economy is supported to achieve net-zero commitments.
- 4 Mitigation of, and adaptation to, climate change is supported.
- 5 Socio-economic benefits and prosperity are delivered for local communities and the wider economy.
- 6 The well-being of local communities and the amenity of marine and coastal places are protected and enhanced.
- 7 Reliable information is provided on existing and proposed coastal and marine development, activities, use and assets.
- 8 Spatial planning and data are provided, enabling sustainable coexistence and synergies between existing and new marine development, activities and use, and the environment.
- 9 Plan users are assisted in navigating the relevant legislative and policy frameworks more easily and effectively.

The Plan objectives align with the shared vision of the UK and Scottish Governments as set out in the UK Marine Policy Statement and National Marine Plan respectively, for the marine environment: clean, healthy, safe, productive and biologically diverse oceans and seas, managed to meet the long-term needs of nature and people.

The main purpose of the OIRMP is to provide policies and supporting guidance to assist current and future planning, regulation and management of marine and coastal development and activities.

Rationale for Government intervention

The marine environment around Scotland contains a wide variety of important and rare natural features and species, which support a range of valuable goods and services. The National Marine Plan provides a high-level strategic direction to decision-makers in Scottish Waters. Regional marine plans aim to provide a similar strategic direction to decisions within their regions. The OIRMP aims to provide a strategic framework for the management of development and activities in the Orkney Islands marine region, as the Scottish Marine Regions Order 2015, and associated decision-making. By providing this framework, a high level of detail will be available to decisions makers and developers to assist in the planning process, thus improving clarity, reducing costs and providing more certainty to the consent application processes. It will ensure that decisions within the Orkney Islands marine region will not be made in isolation and will consider both the complex nature and the different uses and users of the marine environment.

The OIRMP vision is that the marine and coastal environment is one that is clean, healthy, safe and productive; the marine and coastal environment is rich in biodiversity and managed sustainably to support thriving and resilient local communities. The Plan will therefore contribute to National Outcomes in the National Performance Framework including for the environment, economy and communities.

Stakeholder Engagement and Consultation

Advisory Group

Regular meetings with the OMPAG have been held to guide the development of the Plan. In addition, general and sectoral specific policy sub-group meetings have been held with environmental, community and industry interests to inform the preparation of all the OIRMP policies, the results of which were reported back to the main advisory group and subject to further discussion and refinement.

The Orkney Marine Planning Advisory Group comprises:

Organisation	Category
NatureScot	Environment
Scottish Environment Protection Agency	Environment
International Centre for Island Technology	Academic

Orkney Regional Inshore Fisheries Group	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

Within Government

Consultation with officials within the Marine Directorate and the wider Scottish Government has been conducted from the outset of the plan-making process. In addition, the following statutory bodies have been consulted throughout the plan-making process and have representation on the OMPAG:

- NatureScot
- Scottish Environment Protection Agency (SEPA)
- Historic Environment Scotland (HES)

Six-monthly reports are provided to Marine Directorate outlining the progress made in the plan-making process. Orkney Islands Council meet regularly with the Marine Directorate to discuss regional marine plan making matters.

Stakeholder / Community Engagement

Early stakeholder engagement has been undertaken in the form of stakeholder workshops to inform the preparation of the Orkney Islands Marine Region: State of the Environment Assessment (SoEA). This included meetings with island development trusts e.g. Westray and public presentations on North Ronaldsay. As part of these engagement events, participants were able to raise issues and were introduced to the principles of marine planning and the proposed outline for the Orkney marine plan-making process.

The Regional Marine Plan for the Orkney Islands: Statement of Public Participation provides information on the plan making timeline and opportunities for stakeholder engagement.

During April – June 2022, further public engagement events were held in Stronsay, Hoy, Sanday and Westray to engage with island communities on the development of the marine plan. OIC Development and Marine Planning delivered a range of activities in the Stronsay, Sanday and Westray schools to support learning on marine planning, the environment and the purpose of OIRMP. Community engagement workshops were held for mainland communities in Kirkwall, Stromness and St Margaret's Hope.

Through these early engagement methods opinions and comments were sought on a variety of issues including opportunities and challenges for business growth and locations where economic growth is considered less suitable.

Formal public consultation

A public consultation on the Orkney Islands Regional Marine Plan: Consultation Draft is being held from 1 August to 25 October 2024. This consultation includes a Strategic Environmental Assessment (SEA), Habitats Regulations Appraisal (HRA), partial Business and Regulatory Impact Assessment (pBRIA), Equalities Impact Assessment (EqIA), Child Rights and Wellbeing Impact Assessment (CWRIA) and Island Communities Impact Assessment (ICIA). Stakeholder workshops, public drop-in sessions and individual meetings with stakeholders have and will continue take place to discuss the Plan and supporting assessments.

Business

Representatives from relevant sectors have frequently been involved in the development of the plan's aims, objectives and policies throughout the development of the Plan. Representatives from many business sectors are represented on the OMPAG, as outlined above e.g. aquaculture, oil and gas, harbours, commercial fishing, tourism and recreation and the local marine supply chain.

In February 2022, sector policy sub groups were set up to support the preparation of all the Plan's sector policies i.e. for fishing, aquaculture, harbours and shipping, cables, renewable energy, zero carbon fuels/oil and gas and tourism and recreation.

In addition, several informal meetings have been conducted with businesses and industry organisations. These include the Orkney Shellfish Hatchery, European Marine Energy Centre, Scottish and Southern Energy Networks, Orkney Sustainable Fisheries, Orkney Regional Inshore Fisheries Group, Salmon Scotland, Orkney Islands Council Marine Services, Orkney Marinas and Visit Orkney.

Initial discussions with the businesses and industry organisations indicate that the predominant concerns are:

- the need to strike an appropriate balance between sustainable economic growth and the conservation of the natural and historic environment e.g. the impact of European sites, and associated regulation, on their ability to develop business opportunities. European sites (Special Protection Areas and Special Areas of Conservation) are afforded protection by Scottish Law under Conservation (Natural habitats, & c.) Regulations 1994.

- the need for infrastructure to support sustainable economic growth e.g. piers and harbours.
- the ability for businesses to coexist in an increasingly busy marine space.
- the need for greater clarity and certainty when seeking consent for marine development and activities.
- the need to access new markets.

As part of the initial Orkney Islands Marine Region: State of the Environment Assessment, business-specific questionnaires were publicised and circulated to gather baseline information on business and economic activities. The information received informed the data in Section 6: Productive seas and coasts in the assessment.

As part of the formal consultation on the Orkney Islands Regional Marine Plan: Consultation Draft it is intended that meetings will be held with 6-12 businesses from across Orkney's marine economy. Businesses involved in these discussions will include those potentially affected by the OIRMP from a broad range of sectors:

- Fishing
- Harbours
- Aquaculture
- Ferry Operators
- Tourism
- Renewable energy
- Oil and Gas

We will further engage with fishing, aquaculture, ports and harbours, and recreation businesses by utilising industry organisation networks via the OMPAG and regular stakeholder updates to c. 360+ stakeholders to disseminate information about the OIRMP and collect and collate any responses. The results of the informal and formal consultation with business, including any results obtained during the public consultation, will form the main part of the Scottish Firms Impact Assessment.

Options

The options to be considered are:

Option 1. Do nothing: continue under the current approach to marine planning and management including using the Pentland Firth and Orkney Waters Marine and Spatial Plan (PFOW MSP) that was adopted as non-statutory planning guidance in 2016, the National Marine Plan and National Planning Framework.

Option 2. Use the policies within the PFOW MSP to form a regional marine plan without updates or additions.

Option 3. Adoption of the OIRMP after stakeholder engagement on the preparation of the policies guided by the public consultation and further engagement with stakeholders.

Option 1 Do nothing Appraisal: Continue under the current approach to marine planning and management including using the PFOW MSP as non-statutory planning guidance, National Marine Plan and National Planning Framework.

Under this option a regional marine plan would not be developed/adopted and there would be no change to current arrangements. As the PFOW MSP is non-statutory it does not carry the same weight in decision making as a statutory regional marine plan and would therefore provide less certainty in decision making.

The PFOW MSP has been adopted by the Scottish Government, Highland Council and Orkney Islands Council as non-statutory planning guidance. The Plan has not been adopted by other decision makers. This option therefore potentially creates inconsistency and uncertainty in decision making.

Option 1 does not bring marine planning in line with:

- the provision for Regional Marine Planning set out in the Marine (Scotland) Act 2010,

Option 1 is not perceived as a viable option

Option 2: Use the policies within the PFOW MSP to form a regional marine plan without updates or additions.

Under this option the PFOW MSP would be put forward unamended, to be adopted as a regional marine plan. This option would place the existing local marine planning framework on a statutory footing. However, this would not allow for the review and refinement of the objectives, policies and supporting data in light of changing legislation, priorities, opportunities, challenges and new data. This option would not align with current national policy or deliver local community objectives and priorities.

Option 2 does not bring marine planning in line with:

- the provision for Regional Marine Planning set out in the Marine (Scotland) Act 2010.

Option 2 is not perceived as a viable option

Option 3: Adoption of the Orkney Islands Regional Marine Plan after stakeholder engagement on the preparation of the policies guided by the public consultation and further engagement with stakeholders.

Under this option an OIRMP will be prepared giving all stakeholders the opportunity to contribute towards setting objectives and policies to achieve sustainable development in the Orkney Islands marine region. This option will ensure that

regional marine planning policy in Orkney contributes towards national priorities and outcomes e.g. climate change mitigation and adaptation, reversing biodiversity loss and sustainable economic growth. It would also ensure that the impacts of the Plan would be fully assessed via SEA, HRA, ICIA, BRIA, CRWIA and EqIA.

Option 3 is a viable option

Sectors and groups affected

A range of sectors will be affected by the adoption of the OIRMP:

- Developers including renewable energy, ports & harbours, oil & gas, aquaculture and all other development and activities requiring authorisation from a public authority. These developments and activities could be Scottish-owned, rest of UK-owned or foreign-owned;
- Marine users exercising use under a public right or use that does not require authorisation from a public authority e.g. shipping/navigation or recreational activities and;
- Local communities.

Benefits

Option 1. Do nothing: No additional benefits are expected to arise from this option.

Option 2: Use the policies within the PFOW MSP No (minimal) additional benefits are expected to arise from this option.

Option 3: Adoption of the Orkney Islands Regional Marine Plan

Adopting and implementing the OIRMP will provide an up-to-date statutory policy framework for decision making and help to deliver the following benefits:

- A reduction in authorisation uncertainty and the associated risk to investment in development and activities.
- The provision of statutory policies and supporting spatial guidance to inform site selection process for development and activities.
- Efficient use of Orkney's marine space and resources.
- Reduced conflict between existing marine users and future/existing development and activities.
- Increased stakeholder engagement and involvement of local communities in setting objectives and policy.
- Greater clarity and consistent implementation of protection of internationally, nationally and locally important nature conservation and biodiversity sites and interests.

- Incorporation of environmental, economic and community objectives into the planning process and decision making.

Costs

Option 1: Do nothing

This option would not create direct additional costs to the sectors and groups identified in this BRIA as none of the existing policies or associated costs would change.

However, developers could experience a lack clarity and uncertainty with licence applications/decisions, due to differences in local and national policy, which could result in inefficiencies in project development and assessment, and higher costs.

Option 2: Use the policies within the PFOW MSP to form a regional marine plan without updates or additions.

Under this option the PFOW MSP would be put forward unamended, to be adopted as a regional marine plan. This would not allow for the review and refinement of the objectives, policies and supporting data in light of changing legislation, priorities, opportunities, challenges and new data. There is potential for this option to mislead developers on the legislative requirements and create unforeseen costs and delays in the licensing and consenting processes.

Option 3: Adoption of the OIRMP after stakeholder engagement on the preparation of the policies guided by the public consultation and further engagement with key stakeholders.

The OIRMP updates many existing policies in the PFOW MSP and creates new policies where appropriate. All policies have been either updated, replaced or amended to meet the OIRMP objectives, align with national/local policy and the current legal framework providing greater clarity and further guidance.

The OIRMP will be a statutory document once adopted by Scottish Ministers after a statutory public consultation. The policies within the Plan may influence:

- The preparation of consent/licence applications by developers.
- The assessment of consent/licence applications by public authorities.
- The choice of location of marine developments and activities.
- Specific requirements for the construction, operation, expansion and decommissioning of marine developments and activities.

The potential impact and costs specifically generated by the creation of the OIRMP has been assessed and recorded, based on each policy, as shown in Table 1 below.

Following any relevant responses received during the formal consultation process, the policies will be re-assessed and updated, as appropriate.

Table 1: Potential impacts, on business, of policies contained within the Orkney Islands Regional Marine Plan: Consultation Draft

Policy	Costs
<p>General Policy 1: Sustainable Development, Activities and Use</p>	<p>Limited/No Additional Costs to Business</p> <p>The requirement to deliver sustainable development has been embedded within Scottish and UK planning policy since the early 1990s. General Policy 1 provides clarity on how social, economic and environmental factors will be considered within public authority decision making. Additional costs are not anticipated for businesses as a result of implementing this policy.</p> <p>General Policy 1c supports the implementation of the precautionary principle which supports the policy provision in NPF4 (Policy 4e) General Policy 1c states that:</p> <p><i>1c The precautionary principle</i></p> <p><i>The precautionary principle should be applied in decision making in accordance with relevant legislation and Scottish Government guidance.</i></p> <p>The application of this approach could result in costs to developers by implementing modifications to development and/or research, surveys or assessment to remove or minimise any uncertainty regarding impacts. As the application of the precautionary principle is embedded within existing national policy and guidance, no additional costs are anticipated as a result of adopting General Policy 1c in the OIRMP.</p>
<p>General Policy 2: Safety</p>	<p>Limited/No Additional Costs to Business</p> <p>The requirement to consider safety in the authorisation of coastal and marine development and activities is established in the existing statutory provisions.</p> <p>No additional costs are anticipated as a result of adopting General Policy 2 as the requirements to adhere to the stated safety provisions are existing statutory requirements.</p>
<p>General Policy 3: Climate Change</p>	<p>Limited/No Additional Costs to Business</p> <p>General Policy 3a includes provisions for significant weight in decision making to be given to the global climate crisis. Relevant proposals for development and/or activities should also demonstrate that measures have been taken to minimise life cycle greenhouse gas emissions over the proposal's life cycle as far as possible.</p>

Policy	Costs
	<p>Design changes may be required to comply with this policy that incur additional development costs. Demonstrating that measures have been taken to minimise life cycle greenhouse gas emissions over the proposal's life cycle may also incur additional costs for developers. These requirements are set out in NPF4 so no significant additional costs are anticipated as a result of adopting General Policy 3.</p> <p>The climate change adaption requirements are likely to incur costs for developers though these are existing policy requirements in NMP and the non-statutory PFOW MSP, so no additional costs are anticipated as a result of adopting this policy. The risk of incurring significant additional costs would be high, if adequate climate change adaption measures were not adopted in the design of development and activities, and further adaptations were required as a result over the projects lifetime. Therefore, costs saving may be secured through policy implementation.</p>
<p>General Policy 4: Supporting Sustainable Social and Economic Benefits</p>	<p>Limited/No Additional Costs to Business</p> <p>General Policy 4 seeks to secure employment benefits and support local economic impact. This policy will require no significant costs in addition to costs associated with existing policy set out in NPF4, non-statutory PFOW MSP and the OIC Aquaculture Supplementary Guidance.</p> <p>The policy will require developers to demonstrate that net social and economic benefits outweigh any significant adverse impacts on existing social and/or economic activities. EIA developments, and where appropriate other types of development, are already required to carry out socio-economic assessment of this kind. Therefore limited/no additional costs to business are anticipated. The policy provides greater clarity on the scope of socio-economic impact assessments.</p> <p>The implementation of the policy could result in cost savings for businesses by supporting opportunities for synergistic benefits between new development and existing activities e.g. sharing infrastructure.</p>
<p>General Policy 5: Safeguarding the Marine Ecosystem</p>	<p>Limited/No Additional Costs to Business</p> <p>General Policy 5 aims to safeguard the marine ecosystem and maintain, and where appropriate, enhance ecosystem services.</p> <p>NMP requires that reducing human pressure and safeguarding ecosystem services such as natural coastal protection and natural carbon sinks (e.g. seagrass beds, kelp and saltmarsh) should be considered. NPF4 also includes policies to safeguard and enhance biodiversity and ecosystems.</p>

Policy	Costs
	<p>General Policy 5 does not introduce a new policy requirement. The policy adds clarity to how national policies should be implemented at the local level.</p> <p>Safeguarding ecosystem services will have significant social and economic benefits for businesses and local communities.</p>
General Policy 6: Water Environment	<p>Limited/No Additional Costs to Business</p> <p>The requirements in General Policy 6 are already contained within the non-statutory PFWO MSP and in the requirements of the Water Environment and Water Services (Scotland) Act 2003. The policy provides clarity for decision makers.</p>
General Policy 7: Coastal Development and Coastal Change	<p>Limited/No Additional Costs to Business</p> <p>The requirements in General Policy 7 will require no significant costs in addition to costs associated with existing policy set out in NPF4 and the OLDP.</p>
General Policy 8: Historic Environment	<p>Limited/No Additional Costs to Business</p> <p>The requirements in General Policy 8 will require no significant costs in addition to costs associated with existing policy set out in NPF4, NMP, OLDP and the non-statutory PFWO MSP.</p>
General Policy 9: Nature	<p>Limited/No Additional Costs to Business</p> <p>The requirements in General Policy 9a will require no significant costs in addition to costs associated with existing policy set out in NPF4.</p> <p>The requirements in General Policy 9c are required by existing statutory provisions for European and nationally designated sites, the Marine (Scotland) Act 2010 in relation to Marine Protected Areas and seal haul-out sites and the OLDP for Local Nature Conservation Sites.</p> <p>General Policy 9d: Priority Marine Features will require no significant costs in addition to costs associated with existing policy set out in the OLDP, and the NMP in relation to Priority Marine Features. These policy provisions provide greater clarity on assessment requirements.</p>
General Policy 10: Seascape and Landscape	<p>Limited/No Additional Costs to Business</p> <p>The requirements in General Policy 10 will require no significant costs in addition to costs associated with existing landscape/seascape policy set out in NPF4, NMP, OLDP and the non-statutory PFWO MSP.</p>
General Policy 11: Surface and	<p>Limited/No Additional Costs to Business</p>

Policy	Costs
Underwater Noise, and Vibration	The requirements in General Policy 11 will require no significant costs in addition to costs associated with existing noise and amenity policy set out in NPF4, NMP, OLDP and the non-statutory PFOW MSP.
General Policy 12: Marine Litter and Waste	Limited/No Additional Costs to Business The requirements in General Policy 12 will require no significant costs in addition to costs associated with existing marine litter policy set out in NMP and the PFOW MSP.
General Policy 13: Invasive Non-Native Species & Non-Native Species	Limited/No Additional Costs to Business The requirements in General Policy 13 will require no significant costs in addition to costs associated with existing invasive non-native species and non-native species policy set out in NMP and the PFOW MSP.
General Policy 14: Amenity, Well-being and Quality of Life of Local Communities	Limited/No Additional Costs to Business The requirements in General Policy 14 will require no significant costs in addition to costs associated with existing amenity and well-being policy set out in the NPF4, NMP, OLDP and the non-statutory PFOW MSP.
Sector Policy 1: Commercial Fishing	Limited/No Additional Costs to Business The requirements in Sector Policy 1 will require no significant costs in addition to costs associated with existing Commercial Fisheries policy set out in the NMP, OIC Aquaculture Supplementary Guidance and the non-statutory PFOW MSP.
Sector Policy 2: Aquaculture	Limited/No Additional Costs to Business The requirements in Sector Policy 2 will require no significant costs in addition to costs associated with existing aquaculture policy set out in NPF4, NMP, OLDP, OIC Aquaculture Supplementary Guidance, Marine Scotland Seaweed Policy Statement, the non-statutory PFOW MSP and licensing requirements (Marine Directorate and SEPA).
Sector Policy 3: Shipping, Ports, Harbours and Ferries	Limited/No Additional Costs to Business The requirements in Sector Policy 3 will require no significant costs in addition to costs associated with existing shipping, ports, harbours, ferries, dredging and climate change policy set out in NPF4, NMP, Orkney Harbours Masterplan (Phase 1) – Planning Policy Advice, OIC Aquaculture Supplementary Guidance and the non-statutory PFOW MSP.
Sector Policy 4: Pipelines, electricity and telecommunications infrastructure	Limited/No Additional Costs to Business The requirements in Sector Policy 4 will require no significant costs in addition to costs associated with existing pipelines, electricity and telecommunications infrastructure policy set out

Policy	Costs
	in NPF4NMP, OIC Aquaculture Supplementary Guidance and the non-statutory PFOW MSP.
Sectoral Policy 5: Offshore wind and marine renewable energy	Limited/No Additional Costs to Business The requirements in Sector Policy 5 will require no significant costs in addition to costs associated with existing renewable energy policy set out in NPF4, NMP and the non-statutory PFOW MSP.
Sectoral Policy 6: Zero Carbon Fuels, Oil and Gas Transition	Limited/No Additional Costs to Business The requirements in Sector Policy 6 will require no significant costs in addition to costs associated with existing renewable energy, oil and gas and zero carbon fuels policy set out in NPF4, NMP and the non-statutory PFOW MSP.
Sectoral Policy 7: Tourism, recreation, sport and leisure	Limited/No Additional Costs to Business The requirements in Sector Policy 7 will require no significant costs in addition to costs associated with existing tourism, recreation, sport and leisure policy set out in NPF4, NMP, OLDP, OIC Aquaculture Supplementary Guidance and the non-statutory PFOW MSP.

Scottish Firms Impact Test

This section will be informed by the evidence gathered during the formal consultation phase held from 1 August to 25 October 2024 and completed in the final BRIA. The consultation process will involve consultation and meetings with 6-12 businesses of varying sizes and sectors as appropriate likely to be affected by the policy proposals being developed in order to quality assure any separate assessment of what the likely cost or benefit to business will be.

Sectors affected by the Plan will include small/micro businesses. The full and formal consultation will further inform the final BRIA and the impact of Plan policies on small/micro businesses and self-employed.

Competition Assessment

Policies within the OIRMP may affect a variety of marine developments and activities, specifically those which require consent and/or a licence to carry out new activities or for amended operations such as renewable energy developments, aquaculture sites, ports and harbours.

Will the measure directly or indirectly limit the number or range of suppliers?

No/Limited. It is not likely that the number or range of suppliers will be directly limited by the adoption of the OIRMP. All policies will apply to new and existing developers in equal measure. The policies will not be applied retrospectively.

Will the measure limit the ability of suppliers to compete?

No/Limited. The policies within the OIRMP will not directly limit suppliers' ability to compete. The policies will not affect businesses' route to market or the geographical markets they can sell to.

Will the measure limit suppliers' incentives to compete vigorously?

No/Limited. The policies within the OIRMP will not directly limit the suppliers' incentives to compete.

Will the measure limit the choices and information available to consumers?

No/Limited. The policies within the OIRMP will not directly limit *the choices and information available to consumers*.

We do not believe that the OIRMP will distort or restrict competition between firms or suppliers selling the same or similar products or services as it does not:

- directly limit the number or range of suppliers;
- indirectly limit the number or range of suppliers;
- limit the ability of suppliers to compete; or
- reduce suppliers' incentives to compete vigorously.

Consumer assessment

The OIRMP will not affect the consumer as the quality, availability or price of goods or services in a market are not likely to be affected.

Digital impact assessment

The OIRMP has been designed for use in both a digital and non-digital format and can be applied effectively in both a digital and non-digital format. Therefore, no effects are anticipated.

Test run of business forms

No new forms will be introduced.

Legal Aid Impact Test

It is not envisaged that the OIRMP will have any impact on the current levels of justice through availability of legal aid or on the possible expenditure from the legal aid fund.

Enforcement, sanctions and monitoring

Monitoring the effectiveness of the OIRMP will be undertaken as part of the 5-year review process.

Enforcement advice from the Delegate will be provided through responses to marine licence and planning consultations from the relevant regulatory authorities.

Implementation and delivery plan

The Plan will be kept under review to consider the effectiveness of the policies in securing that the Plan objectives, and other relevant matters, in accordance with the Marine (Scotland) Act 2010.

Summary and recommendation

Option 3: **Adoption of the OIRMP** following public consultation and in accordance with statutory requirements. The final Plan will be informed by the public consultation and further engagement with key stakeholders.

Adopting and implementing the OIRMP will build on the work of the PFOW MSP and help deliver the benefits of a marine planning system as set out in the Final Regulatory Impact Assessment for the Marine (Scotland) Act 2010.

Under this option, the OIRMP would be reviewed in accordance with the Marine (Scotland) Act 2010 requirements, providing the opportunity to consider whether the Plan is fit for purpose. This option will create consistency between national and local policy and decision making, and the impacts of the Plan would be fully assessed via SEA, HRA, ICIA, BRIA, CRWIA and EqIA.

Further analysis will be completed as part of the final BRIA once the formal consultation has been undertaken and all responses analysed.

Appendix 1: Acronyms			
BRIA	Business and Regulatory Impact Assessment	OIRMP	Orkney Islands Regional Marine Plan
CRWIA	Child Rights and Wellbeing Impact Assessment	OLDP	Orkney Local Development Plan
EqIA	Equalities Impact Assessment	pBRIA	Partial Business and Regulatory Impact Assessment
HRA	Habitat Regulations Appraisal	PFOW MSP	Pentland Firth and Orkney Waters Marine Spatial Plan
ICIA	Island Communities Impact Assessment	SEA	Strategic Environmental Assessment
NMP	National Marine Plan	SoEA	State of the Environment Assessment
NPF4	National Planning Framework 4	SPP	Statement of Public Participation
OIC	Orkney Islands Council		

This publication is available at www.orkney.gov.uk
Published by Orkney Islands Council

