



ORKNEY
ISLANDS COUNCIL

Item: 9

Development and Infrastructure Committee: 4 February 2025. National Marine Plan 2: Planning Position Statement Consultation. Report by Corporate Director for Neighbourhood Services and Infrastructure.

1. Overview

- 1.1. The National Marine Plan 2 (NMP2) Planning Position Statement (PPS) documents the work to date by the Marine Directorate of the Scottish Government on the development of Scotland's National Marine Plan 2 (NMP2).
- 1.2. The PPS consolidates stakeholder feedback received through recent stakeholder engagement, sets out the latest development of high-level objectives and policy ideas for NMP2.
- 1.3. NMP2 will aim to provide a clear direction for the sustainable development and use of Scottish seas to benefit Scotland's economy, society and marine environment. It intends to set out an updated planning framework that supports future licensing and consenting decisions, sets the context for regional and sectoral planning and aligns with terrestrial planning.
- 1.4. The Marine Directorate of the Scottish Government deposited the PPS for public consultation on 5 November 2024, with responses required by 28 January 2025.
- 1.5. A draft Council response to the consultation is attached as Appendix 1 to this report, with a summary of the key issues identified in the draft response attached as Appendix 2.
- 1.6. The Scottish Government has agreed to extend the deadline for the submission of the Council response until 5 February 2025.
- 1.7. The stakeholder feedback received in response to the consultation, referred to paragraph 1.4, will inform the drafting of NMP2.
- 1.8. The Scottish Government intend to publish NMP2 for public consultation in 2025.

2. Recommendations

- 2.1. It is recommended that members of the Committee:
- i. Approve the draft Council response to the National Marine Plan 2 Planning Position Statement Consultation, attached as Appendix 1 to this report.
 - ii. Authorise the Corporate Director for Neighbourhood Services and Infrastructure to submit the response to the consultation on the National Marine Plan 2 Planning Position Statement to the Scottish Government, on behalf of the Council, by 5 February 2025.
 - iii. Note that, due to the timescale constraints involved, the Chief Executive would be requested to exercise emergency powers to authorise submission of the response, referred to above, prior to approval by the Council.

3. Background

- 3.1. Marine planning guides future development and activities in the waters surrounding Orkney and is particularly relevant to the development of Orkney's marine economy which is a key priority of the Council. Marine planning aims to promote sustainable development by balancing the aspirations of local communities, environmental protection and the needs of existing marine users to achieve sustainable economic growth.
- 3.2. Scottish Ministers are required to prepare and adopt a marine plan for the Scottish marine area. Scotland's first National Marine Plan (NMP) was adopted in 2015 and was reviewed in 2018 and 2021. Drawing on the recommendations and conclusions presented as part of the NMP reviews, Ministers announced in October 2022 the intention to update the NMP to better support statutory commitments to net zero and help tackle the twin crises of climate change and biodiversity loss through marine planning.
- 3.3. The updated National Marine Plan (NMP2) will provide clear direction for sustainable marine development and use to benefit Scotland's economy, society and marine environment. It will set out an updated planning framework that:
- Supports future licensing and consenting decisions.
 - Sets the context for regional and sectoral planning.
 - Aligns with terrestrial planning.
- 3.4. The National Marine Plan 2 Planning Position Statement (PPS) documents the work to date by the Marine Directorate of the Scottish Government on the development of Scotland's National Marine Plan 2 (NMP2). The PPS consolidates

stakeholder feedback received through recent engagement, sets out the latest development of high-level objectives and policy ideas for NMP2.

- 3.5. The Marine Directorate of the Scottish Government deposited the PPS for public consultation from 5 November 2024 to 28 January 2025. The stakeholder feedback received in response to this consultation will inform the drafting of NMP2.
- 3.6. A NMP2 Community Drop-in Session was delivered by the Scottish Government on 21 January 2025 to provide an opportunity for local communities to share their thoughts and views. Officers advised the Orkney Marine Planning Advisory Group and Marine Planning Stakeholder List about the consultation, and associated engagement opportunities, and encouraged these local stakeholders to respond.
- 3.7. The Scottish Government intend to publish NMP2 for public consultation in 2025.

4. Next Steps

- 4.1. The Marine Directorate of the Scottish Government will analyse the responses to the National Marine Plan 2 Planning Position Statement Consultation and will engage further with stakeholders on the development of NMP2. It is anticipated that a draft NMP2 will be deposited for consultation in 2025, and at that stage, a draft Council response will be considered by this Committee prior to submission to the Scottish Government.

For Further Information please contact:

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Implications of Report

1. **Financial:** There are no direct financial implications resulting from the recommendations in this report, with the preparation of the Council's response to the National Marine Plan 2 Planning Position Statement Consultation being resourced from within the existing Planning Service budget.
2. **Legal :** Marine Planning in Scotland's waters is governed by two Acts – the UK Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010 often referred to as the "Marine Acts". The Marine Acts set out the requirement for the development of the national marine plan for the Scottish marine area (0-200 nautical miles). Regional marine plans must be in conformity with the national marine plan unless relevant considerations state otherwise. NMP2 will have significant implications for regional marine plans in Scotland including the Orkney Islands Regional Marine Plan.

Public authorities must take any authorisation or enforcement decision in accordance with the national marine plan (unless relevant considerations indicate otherwise). NMP2 will have significant implications for the Council regarding authorisation and enforcement decisions for development and activities in the Orkney Islands marine region and wider Scottish marine area.

3. **Corporate Governance:** None directly related to the recommendations in this report.
4. **Human Resources:** None directly related to the recommendations in this report.
5. **Equalities:** None directly related to the recommendations in this report.
6. **Island Communities Impact:** Scottish Ministers will need to take account of their duties under the Islands (Scotland) Act 2018 when making their decision on the adoption of NMP2. An Island Communities Impact Assessment will be prepared by the Marine Directorate of the Scottish Government and deposited for consultation alongside NMP2.
7. **Links to Council Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:
 - Growing our economy.
 - Strengthening our Communities.
 - Developing our Infrastructure.
 - Transforming our Council.
8. **Links to Local Outcomes Improvement Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:
 - Cost of Living.
 - Sustainable Development.
 - Local Equality.
9. **Environmental and Climate Risk:** A Strategic Environmental Assessment (SEA) Environmental Report will be prepared by the Marine Directorate of the Scottish Government and deposited for consultation alongside NMP2. The SEA will assess any significant environmental effects associated with NMP2 including climate risks and impacts.
10. **Risk:** No significant risks have been identified.
11. **Procurement:** None directly related to the recommendations in this report.
12. **Health and Safety:** None directly related to the recommendations in this report.
13. **Property and Assets:** None directly related to the recommendations in this report.
14. **Information Technology:** None directly related to the recommendations in this report.
15. **Cost of Living:** None directly related to the recommendations in this report.

List of Background Papers

Publication – [Consultation Paper: National Marine Plan 2 – planning position statement: consultation](#)

Appendices

Appendix 1: Orkney Islands Council draft response to the National Marine Plan 2: Planning Position Statement Consultation.

Appendix 2: Summary of the key issues identified in the draft Council response to the National Marine Plan 2: Planning Position Statement Consultation.

Orkney Islands Council Response to the National Marine Plan 2: Planning Position Statement Consultation (Draft)

High level objectives

Development of draft National Marine Plan 2 (NMP2) high-level objectives (HLOs) has been informed by the legal requirements set out in the Marine Acts and other existing legislation and strategies (detailed in Section 3 of the Planning Position Statement (PPS) [consultation paper](#)).

*Please read **Section 4 High Level Objectives** in the PPS [consultation paper](#) before answering the following question(s).*

1. Do you agree with the updated wording for the high-level objectives (HLOs) and the focus they set out for policies in the National Marine Plan 2 (NMP2)?

No.

Please state which high-level objectives (HLOs) you are referring to in your response.

Orkney Islands Council (OIC) supports the First Minister's Environment Council (FMEC) advice that a reduced number of national-level strategic objectives should be included in NMP2 as compared to the current National Marine Plan 2015 (NMP).

The PPS proposes that NMP2 should adopt an area-based structure aligning with the place-based approach taken in NPF4 to promote cohesion between the marine and terrestrial planning regimes. In principle this appears to be a sensible approach, though **it is of paramount importance that local authorities, Marine Planning Partnerships (MPPs) and wider stakeholders are closely engaged in the identification of regional areas, area-based priorities and related policies in NMP2. NMP2 should highlight/support the role and benefits of MPPs and regional marine plans (RMPs) taking forward locally appropriate policy and spatial planning within the proposed national area-based framework.**

Section 4.1 in the (PPS) states that a set of 12 draft high-level objectives and policy ideas have been subject to review and comment by representatives from across government, marine sectors and non-governmental organisations through an extensive engagement programme from April to August 2024. OIC contributed to this engagement process and emphasised the need for the high-level objectives to address the specific needs of island and coastal communities. This is reflected at PPS paragraph 4.1.1, bullet point 1.

It is therefore very concerning that the draft High-level Objective 4.1 (Annex A), *Enhance and safeguard opportunities for sustainable, resilient and diverse marine economies within Scotland's Island and coastal communities*, is no longer proposed to be included in NMP2.

As identified at PPS paragraph 4.1.2, the proposed high-level objectives fall under five thematic areas; Climate Change Mitigation and Adaptation, Nature, Sustainable Marine Economy, Accessibility and Wellbeing, and Implementation. There is a significant omission in these themes; which is thriving coastal and island communities. The connection between communities, the marine environment and marine resources is a fundamental element of marine planning and management. The omission of a high-level objective to deliver thriving coastal and island communities would fail to capture the importance of place, community and stewardship within the high-level objectives. **It is strongly recommended that a high-level**

objective to ‘Support and enable thriving and resilience island and coastal communities’ be included in NMP2.

The PPS states at paragraph 4.5.2 that the high-level objectives for island and coastal communities, culture heritage and wellbeing have been combined. The proposed objective is ‘Enable safe and fair access to Scotland’s coast and seas, whilst protecting and promoting valuable cultural assets’. This high-level objective does not address the needs of coastal and island communities and their priorities.

2. Please add any additional comments on the high-level objectives (HLOs) in the space provided below.

Clarity is required on the definition of ‘cultural heritage’. As detailed in response to Question 9, a clear distinction needs to be made between the ‘historic environment’ i.e. historic buildings, structures, vessels and other physical remains and ‘wider cultural heritage’ e.g. local customs, languages or livelihoods. Historic environment assets are managed under clear and specific statutory requirements, and wider cultural heritage is not. Therefore, NMP2 should clearly distinguish between these topics and have appropriate separate policy approaches.

Climate change mitigation and adaptation

National Marine NMP2 will include dedicated policies) on climate change mitigation and adaptation, setting out specific implementation criteria to guide decision-makers.

*Please read **Section 5.1 Climate Change Mitigation and Adaptation** in the Planning Position Statement (PPS) [consultation paper](#) before answering the following question(s).*

3. What are your views on the policy ideas proposed under the 'Climate Change Mitigation and Adaptation' section?

Please give us your views

NMP2 should include dedicated policy(ies) on climate change mitigation and adaptation, setting out specific implementation criteria to guide decision-makers and addressing climate related impacts on island communities.

The current NMP GEN5 adds nothing to the existing statutory provisions.

Orkney Islands Regional Marine Plan – Consultation Draft (OIRMP) supports the approach taken in National Planning Framework 4 Policy 1 and Policy 2. Refer to OIRMP General Policy 3 and General Policy 9 for suggested wording on how NPF4 policy can be translated into a marine plan/marine decision-making context with relevant criteria.

Through the OIRMP consultation, it has emerged that guidance to help implement General Policy 3 and General Policy 9 would be beneficial. Guidance would also be helpful at the national level on greenhouse gas emissions assessments and how climate policies should be applied proportionately depending on the scale and type of development, and each sector’s capacity for emissions reduction. It would also be beneficial to have national guidance on emissions that should be scoped in and out of an assessment.

NPF4 Policy 22 has limited relevance to marine planning and greater relevance to local development plans. NPF4 Policy 10 Coastal Development is of greater relevance to the climate change adaptation policy issues in NMP2. Refer to OIRMP Policy 7 which addresses coastal

development, coastal processes and coastal protection policy issues. Policies regarding the principle of coastal development in land use terms should sit under NPF4/local development plans as opposed to marine plans.

Giving significant weight in decision making to the climate crises is considered adequate. NMP2 should not go beyond this with stronger policy wording. Giving significant weight to particularly policy issues still retains the ability for other considerations to be appropriately balanced in decision-making with due consideration to the magnitude/significance of a range of impacts/effects/benefits. Going beyond giving significant weight will not enable decisions that support a just transition to net zero.

Nature

Policy ideas for ecosystem health, protection and restoration, and enhancement include suggestions to consider National Planning Framework 4 (NPF4) Policy 3 on:

- *nature positive developments and nature-inclusive design*
- *policy on enabling space for nature (including restoration, recovery and enhancement)*
- *priority habitats and priority marine features (PMFs)*

*Please read **Section 5.2 Nature** in the Planning Position Statement (PPS) [consultation paper](#) before answering the following question(s).*

4. What are your views on the policy ideas proposed under the 'Nature' section of the Planning Position Statement (PPS)?

OIC recognises that biodiversity loss, and the associated impacts on the services and benefits provided by ecosystems to communities, needs to be addressed and reversed in response to the global biodiversity crises. The Council also recognises that nature conservation and enhancement need to work hand in hand with sustainable island communities and economic growth. Therefore, **a balanced and proportionate approach to nature policy is required that does not disadvantage island communities and their right to freedom of economic development.**

The Council has a Policy Position on new national or international environmental, natural heritage or marine related designations. Though not directly relevant to this current consultation, this Policy should be considered by the Scottish Government when taking forward new designations or management measures associated with existing sites or features within or adjoining the Orkney Islands marine region.

Policy Position

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

- *The economic and social impact of any proposed designation on local communities must be fully taken into account as a matter of paramount importance.*

- *Where a proposed new designation would have adverse economic and/or social effects on local communities, its introduction will be strongly opposed by the Council, if necessary by judicial means.*
- *The Council would require formal engagement with the relevant designating bodies in advance of any formal public consultation on any potential new or amended designation in Orkney.*
- *All the management measures which affect a proposed designation should be tabled in advance of the designation in an open and transparent manner.*

The proposal to include policy in NMP2 on biodiversity/environmental enhancement, restoration and recovery is supported provided that any policy takes a proportionate approach depending on the scale and impact of a development or activity. It would not be proportionate to require enhancement from small scale developments/activities, particularly within the marine context where enhancement is relatively complex and more costly to deliver.

As marine enhancement is currently at a research and development stage in Scotland, any policy requirements on developers should be deliverable within the current delivery capacity limitations i.e. skills, expertise and commercial services to deliver enhancement projects.

As detailed in the PPS, the key terms will need to be clearly defined in NMP2 e.g. biodiversity enhancement, environmental enhancement, restoration, recovery, nature-inclusive design etc.

NMP2 should be more directional and specific than NMP 2015 Policy GEN9c) which states that enhancement should be delivered by development and use where appropriate. NMP2 should define when it is appropriate for development/activities to deliver enhancement and provide clear guidance on how enhancement, restoration and recovery can be delivered.

NPF4 Policy 3b is an example of a policy that requires enhancement for national or major development (as defined under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009). National developments are identified in NPF4 and major developments are identified/screened under the thresholds in the Major Developments Schedule in the 2009 regulations. These regulations have limited application in the marine environment as they don't apply to all marine developments/activities e.g. they apply to fish farming and Schedule 1 EIA harbour development, but not subsea cables. Apart from for fish farms, these regulations do not extend below MLWS. Therefore, these regulations do not provide a fair and consistent mechanism for the identification of enhancement policy requirements for developments in the marine context.

The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013, Prescribed classes or descriptions of licensable marine activity, may be a useful starting point for identifying development scale thresholds to which biodiversity/environmental enhancement policy requirements may apply.

It may be beneficial to identify development/activities scale thresholds that are specific to marine biodiversity/environmental enhancement policy requirements. For development/activities that do not exceed identified scale/impact thresholds, NMP2 policy could state that biodiversity/environmental enhancement should be delivered where appropriate and practicable.

It would be helpful if any biodiversity/environmental enhancement/restoration/recovery policy in NMP2 was supported by Scottish Government/NatureScot guidance detailing the various

mechanisms to deliver enhancement/restoration/recovery via a development/activity consent. The guidance could include:

- Clear guidance on which developments and activities are expected to deliver enhancement taking account of development scale and proportionality (see comments above).
- Definition of key terms (see comments above).
- Identify a catalogue of opportunities for enhancement, restoration, nature inclusive design, recovery etc that can be delivered via development and activities consents e.g. oyster restoration, seagrass restoration, adapted rock protection measures, fish hotels/cage-type structures, bird nesting structures, reef-type structures, broodstock structures, living seawalls, etc,
- Recovery could include addressing data gaps (e.g. mapping seabed Priority Marine Features) and assessing pressures on these features to inform management and potential future enhancement.
- When and how off-site enhancement, restoration and recovery etc can be delivered, identifying good practice examples by sector.
- Where off-site enhancement is appropriate, guidance should detail the mechanism to deliver and secure this via a development/activity consent e.g. clarify the use of section 75 agreements below MLWS to secure offsite enhancement for fish farms and harbours, for example. The use of conditions on marine licence, s36 and planning permissions.
- A mechanism for an applicant/developer to contribute towards larger scale and/or strategically identified enhancement projects/initiatives e.g. make appropriate connections to help deliver aspects of the Scottish Government Marine Restoration Plan. There could be a requirement for these strategic measures to be delivered as close to the development sites as possible.
- Prioritise on-site enhancement before off-site delivery; where off site or strategic enhancement is considered appropriate, include a mechanism to incentivise enhancement in a location as close as possible to the development site e.g. the deficit in on-site enhancement should be ‘over-compensated’ for by delivering a greater level of off-site enhancement, the scale of which should increase the further from the development site that off-site measures are delivered. This is an equitable approach, that would seek to ensure that areas of development do not become nature poor.
- Guidance on how restoration can be delivered within designated sites and help contribute towards achieving a site’s conservation objectives.

NMP2 should provide clear guidance on how regional marine plans are expected to help deliver biodiversity/environmental enhancement, restoration, recovery and nature positive design. This could include a role for MPPs/RMPs to identify locations for enhancement, provide region specific guidance, facilitate partnerships and projects.

For areas like Orkney, with relatively intact ecological seascapes/marine habitats, a broader definition to enhancement would be beneficial. For example, it would be helpful to be able to secure developer contributions to address data gaps (e.g. surveys and mapping of PMFs) to inform marine planning and improved management. Arguably, focusing resources to improve knowledge of the distribution, extent and condition of existing features, and the pressures affecting them, is more of a priority than enhancement or restoration in Orkney. Developer

contributions towards data, monitoring and research could be easier to deliver in the short to medium term, whilst methods and capacity for enhancement are developed further.

As detailed above, there should be a mechanism in policy to avoid significant proportions of enhancement associated with development in Orkney being delivered out with the region.

Undertaking opportunity mapping for restoration, enhancement, or nature-based solutions for climate mitigation and adaptation, to support NMP2 would be helpful. This mapping information could help to inform implementation at the local/regional level by MPPs.

NMP2 should include an updated policy on Priority Marine Features that provides greater clarity on how significant adverse impacts should be assessed, avoided, minimised and mitigated. This should include clarity on the assessment of impacts that do not constitute an impact on the national status of Priority Marine Features.

5. Considering the definition of ‘Nature Positive’ below, what are your views on how this could be implemented by different sectors, types of development and use?

Definition of ‘Nature Positive’ in the Scottish Biodiversity Strategy (SBS):

"Reversing the downward curve of biodiversity loss so that levels of biodiversity are once again increasing, bending the curve of biodiversity loss."

The term ‘Nature Positive’ will need to be clearly defined. As it is described in PPS, it appears that the term is an umbrella concept under which a number of policies could sit including enhancement, restoration, nature inclusive design and recovery. See response to Question 4.

Sustainable marine economy

Several policy ideas for National Marine Plan 2 (NMP2) were identified from available feedback and tested with sector representatives.

Please read sections:

- **5.3 Sustainable Marine Economy – Cross-sectoral Policies**
- **5.4 Sustainable Marine Economy – Sector Policies**
- **5.5 Sustainable Marine Economy – Management of Pressures**

in the Planning Position Statement (PPS) [consultation paper](#) before answering the following question(s).

6. What are your views on both the cross-sector, and sector-specific policy ideas proposed under the 'Sustainable Marine Economy' section?

Cross-sector:

Orkney’s geographic location, rich natural resources, and established infrastructure offer a unique position to lead in offshore energy development and the wider Blue Growth. As North Sea oil production declines and alternative energy sources grow in importance, Orkney faces both challenges and new opportunities. Marine development, including but not limited to offshore wind, harbour infrastructure and zero carbon fuels, could have transformative economic benefits for Orkney. They can also have significant effects on local infrastructure, housing markets and services. OIC envisages a future where host communities like Orkney

share in the social and economic benefits of these developments, sustaining island communities, building prosperity and supporting community wellbeing. Our approach emphasises harnessing our local strengths and growing a sustainable workforce to support a resilient Orkney economy. To help realise this vision, and tackle the associated challenges, the **NMP2 should include a high-level objective and supporting policies that seek to maximise socio-economic, infrastructure investment and environmental benefits for host island and coastal communities.** Without this approach, NMP2 will fail to help implement a just transition to a future net zero economy. See response to Question 1.

Policy GEN1 in the existing NMP, which establishes a presumption in favour of sustainable development and use, should be retained within NMP2. This will avoid the need to repeatedly state in each sector policy that each sector's developments and activities are supported; as all sustainable development is supported in principle subject to them being consistent with the plan policies, when read as whole.

Policies GEN2 *Economic benefit* and GEN3 *Social benefit* should be replaced in NMP2 with policies that enable a just transition for island communities and deliver community wealth building outcomes, with a particular focus on investment in infrastructure, prioritising local economic benefits and retaining wealth within local/host communities.

NPF4 Policy 25 Community Wealth Building sets out outcomes that should be supported within NMP2:

- *local economic development that focuses on community and place benefits as a central and primary consideration – to support local employment and supply chains.*
- *support community ownership and management.*

The socio-economic policies in NMP2 should align with NPF4 Policy 25 a):

Development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.

OIRMP General Policy 4: *Supporting sustainable social and economic benefits* provides policy wording that could help to inform the approach in NMP2 to help:

- *maximise sustainable employment benefits and create skilled employment in local communities.*
- *support local businesses, supply chains and research and development.*
- *enable invest in and manage impacts on local infrastructure, services and existing marine/coastal users.*

NMP2 should include policy on the implementation the Energy Act 2023 including strategic compensation and the Marine Recovery Fund.

Sector specific:

It would be beneficial for NMP2 to include sector specific policies. It is agreed that sector specific objectives are not required over and above the HLOs.

Aggregates

Para. 5.4.2 (Aggregates) states that *NMP2 could introduce a new policy to encourage or require re-use of uncontaminated dredged material from marine dredging activities. This could be captured under the potential nature restoration or nature positive policy (section 5.2.2) or as a standalone policy in NMP2.* This policy idea is supported by OIC. Refer to OIRMP Sector Policy 3dii for relevant policy wording.

Aquaculture

NMP 2015 Aquaculture 4 should be updated to recognise sustainable opportunities for shellfish farming development out with designated Shellfish Water Protected Areas.

NMP 2015 Aquaculture 1 should retain the requirement for planning authorities, and where they exist, MPPs/RMPs, to identify opportunities for sustainable aquaculture development.

Refer to [Orkney Islands Marine Region: Finfish Farming Spatial Guidance - Consultation Draft](#) to see an example of this in practice.

Energy

Para 5.4.2 (Energy) states that *consideration of principles for co-location and future co-location opportunities for different types of compatible development, such as between Carbon Capture and Storage, hydrogen and offshore wind. This would require identification of co-location opportunities.*

NMP2 should provide clarity on the identification of co-location opportunities and the potential role of regional marine plans to support the identification of co-location opportunities.

Ports and Harbours

Para. 5.4.2 states that *NMP2 will align with NPF4 and the national developments set out in NPF4 including ports and harbours and support access for the safe operation of ports and harbours.*

This approach is supported. **NMP2 should highlight the opportunity for regional marine plans to prepare regional policy, working with harbour authorities and other stakeholders, to identify opportunities for harbour development and areas to safeguard harbour operations.** Refer to OIRMP Sector Policy 3 and supporting spatial data in Map 14 and 15.

Reuse of Infrastructure and / or Sharing of Infrastructure

The reuse of existing infrastructure should be supported in NMP2 policy e.g. infrastructure connected to the Flotta Oil Terminal. It would be beneficial for the NMP2 to provide policy support to the reuse of existing infrastructure for sectors including low carbon fuels. Refer to OIRMP General Policy 1biv.

Shipping and Transport

PPS Para 5.4.2 (Shipping and Navigation) states that “the current Transport 3 policy in the NMP will be transferred into NMP2. This states ‘Ferry routes and maritime transport to island and remote mainland areas provide essential connections and should be safeguarded from inappropriate marine development and use that would significantly interfere with their operation. Developments will not be consented where they will

unacceptably interfere with lifeline ferry services.” This approach is strongly supported. It would be significantly detrimental to islands communities if the current Transport policy 3 was not retained in NMP2.

7. What are your views on the definitions being proposed for ‘co-existence’ and ‘co-location’ as set out below?

Co-existence: “co-existence is where multiple developments, activities or uses can exist alongside or close to each other in the same place and/or at the same time.

Co-location: “Co-location is a subset of co-existence and is where multiple developments, activities or uses coexist in the same place by sharing the same footprint or area or infrastructure.”

Please provide any alternative suggestions.

The definitions have been adapted from the Marine Management Organisation definitions in the 2013 report (Evaluation of the potential for co-location of activities in marine plan areas). It is suggested that they are modified to include further detail.

OIC supports the proposed definition of co-existence.

For co-location, we recommend that the definition be updated with additional wording to include a level of integration between developments, activities or uses ([European MSP Platform](#)) that would directly interact with one another. This includes communication between, and consideration for each industry. This need for additional detail in the definition arises from the advancement of co-location practices since 2013.

It is recommended that the definition for co-location is updated to “Co-location is a subset of co-existence that details where multiple developments, activities or uses coexist in the same place by sharing the same footprint or area or infrastructure. This encompasses a higher level of consideration for, and communication between, relevant developers and/or industries.

8. Do you think the policies relating to the 'Management of Pressures' should be updated, retained or accompanied by clearer implementation guidance?

Please include any suggestions and/or changes, stating which policy you are referring to.

Multiple choice selection: **Updated**

It is unclear how the list of policies relating to the management of pressures included in the PPS, section 5.5, have been selected. There are many more policies within the NMP (2015) that aim to manage pressures that have not been identified.

The policy topics listed should be included in NMP2, however they need to be significantly updated to assist decision makers in applying them to development and activities in decision making. The General Policies need to go further than ‘sweeping high level statements’ and include specific, criteria-based policies with sufficient detail to allow effective application/implementation of the policy.

To provide context and potentially useful policy wording, text from the relevant policies in the OIRMP are set out below.

Invasive non-native species (INNS): NMP GEN 10 – Potential wording to allow effective implementation:

i. *Proposals for development and/or activities should demonstrate that the potential risks of introducing or spreading non-native species (NNS)/invasive non-native species (INNS) have been adequately considered, having regard to the Scottish Government Non-native Species: Code of Practice*. A site-specific biosecurity plan may be required.*

ii. *Appropriate prevention measures should be put in place when:*

a. *moving, maintaining and cleaning equipment or boats.*

b. *moving and/or introducing fish and shellfish and other farmed species such as seaweed.*

c. *introducing structures suitable for settlement of aquatic NNS/INNS or which facilitate the movement of terrestrial NNS/INNS, including to islands.*

d. *undertaking habitat enhancement or restoration activities.*

iii. *Proposals for development and/or activities in areas where NNS/INNS are known to exist should include necessary measures or a biosecurity plan approved by the consenting authority or regulator that seeks to minimise the risk of spreading the NNS/INNS or identifies ways to eradicate the organisms and prevent their reintroduction. Where appropriate, measures within a biosecurity plan should include surveying and ongoing monitoring in areas where NNS/INNS are known to exist, and any subsequent spread of NNS/INNS should be notified to the Marine Directorate.*

Marine litter: NMP GEN 11- Potential wording to allow effective implementation:

- i. *Proposals for development and/or activities that are likely to create a significant risk of contributing to marine litter should include measures to avoid, minimise and/or appropriately mitigate these risks.*
- ii. *Where appropriate, proposals for development and/or activities should include a waste minimisation and management plan that sets out appropriate waste management measures for construction, operation and decommissioning phases, in accordance with the principles of the waste reduction hierarchy.*
- iii. *Where appropriate, waste generated by development and/or activities should be disposed of through licensed facilities.*

Noise: NMP GEN 13. There are two elements to impacts of noise – impacts upon local communities and the quality of life in an area as well as on noise sensitive species.

Example policy on local communities:

- i. *Proposals for development and/or activities should include sufficient measures to avoid, minimise and/or appropriately mitigate significant adverse noise and/or vibration impacts on the local communities.*
- ii. *A Noise Impact Assessment* may be required where the nature of the proposal or its location suggests that significant effects are likely.*

*Assessment of noise: technical advice note: Scottish Government

Example policy on noise sensitive species:

- i. *Proposals for development and/or activities that could cause noise, vibration and/or pressure wave impacts should include an assessment of the likely noise, vibration and/or pressure wave effects at an early stage of a proposal, to determine whether a noise, vibration and/or pressure wave management plan is required.*
- ii. *Development and/or activities should avoid, minimise and/or appropriately mitigate significant adverse noise, vibration and/or pressure wave impacts on Priority Marine Features.*

Water quality and resource: NMP GEN 12 – An example of criteria-based policy that would allow more effective implementation.

Proposals for development and/or activities should:

- i. *be accompanied by sufficient information to enable an assessment of the likely effects, including cumulative effects, on water quality and the benthic environment.*
- ii. *take existing activities in the proposed location into account and demonstrate early engagement with relevant stakeholders to ensure that suitable mitigation is provided for potentially incompatible activities, and where that is not possible, that they are not co-located.*
- iii. *not cause any waterbody to deteriorate in status nor prevent the achievement of objectives in the River Basin Management Plan for the Scotland river-basin district.*
- iv. *contribute, where possible, towards objectives to improve the ecological status* of coastal waterbodies and the environmental standard** of marine waters.*

Wild salmon and diadromous fish: NMP Policy Wild Fish 1. This policy is supported. Emphasis should be placed on the collection of data and research on diadromous fish, particularly sea trout, to address data gaps and the lack of evidence regarding pressures e.g. fish farming interactions/impacts.

Air quality: NMP GEN 14 – Further detail required to apply this policy, however it is noted that much of this is regulated via other means e.g. thresholds within Air Quality Standards Regulations. Unclear why this is considered a management of pressure, but others such as Historic Environment, Climate Change etc are not within section 5.5 of the PPS.

In conclusion, all of the NMP (2015) general policy topics are still relevant and should be retained in NMP2 but with more specific criteria-based policy wording to aid decision making.

Accessibility and Wellbeing

From the available feedback we identified potential policy ideas for exploring with sector representatives, including:

- *preserving cultural heritage*
- *supporting coastal communities*
- *facilitating appropriate access to the sea (e.g. responsible access codes)*
- *minimising impacts on seascape character*
- *visual amenity*

Please read **Section 5.6 Accessibility and Wellbeing** in the Planning Position Statement (PPS) [consultation paper](#) before answering the following question(s).

9. What are your views on the policy ideas proposed under the 'Accessibility and Wellbeing' section?

The proposal to include policies in NMP2 on preserving cultural heritage, supporting coastal communities and facilitating appropriate access to the sea is supported by OIC.

Landscape, seascape and visual amenity should be addressed in NMP2 as a standalone policy.

As identified at 5.5.2, *communities play an important role in informing decision-making and provide a valuable source of local data.* **NMP2 should include policy that requires developers to engage effectively with local communities.** Refer to OIRMP GP14a.

NMP2 should recognise the role of MPPs/RMPs to identify areas of importance for recreation and tourism and opportunities for coastal access.

NMP2 should include policies to safeguard and enhance island and coastal communities incorporating community wealth building and wellbeing economy principles, as NPF4 has done in Policy 25.

It is important to assess and mitigate impacts on local infrastructure or services associated with marine development and activities e.g. offshore wind development impacts on local housing provision or fish farming development impacts on piers in small islands. NMP2 should identify the need for socio-economic impacts and impacts on local infrastructure to be assessed and appropriately mitigated via the consenting process. This should include provision for this mitigation to be secured via consents for marine developments/activities.

Para 5.6.2 states *NMP2 could include an updated version of the existing cultural heritage policy from the existing NMP. Updates would seek to incorporate suggested wider intangible heritage and would be supported by guidance on what is considered under this policy.* NMP 2015 does not have a cultural heritage policy. It does include GEN 6 Historic Environment which should be retained and updated to include more specific policy requirements for historic environment assets. It would be confusing to introduce wider intangible cultural heritage considerations, e.g. local customs, languages or livelihoods, alongside the historic environment. The MS Act defines historic environment assets s73(5). It may be appropriate to include separate 'Historic Environment' and 'Wider Cultural Heritage' policies in NMP2. See response to Question 2.

The following intention detailed at para. 5.6.2 in the PPS is strongly supported:

- **NMP2 will consider how best to support the outcomes of the updated National Islands Plan, recognising the need to consider local priorities in decision-making and integrating Just Transition approaches.**

In addition to socio-economic and wellbeing impacts that should be assessed and mitigated, and maximising benefits, NMP2 should signpost to appropriate guidance on community benefit. NMP2 should clarify that community benefit is negotiated out with the consenting process between a developer and communities.

NMP2 should recognise the important role of MPPs/RMPs to prepare amenity, wellbeing and quality of life policies. Refer to OIRMP General Policy 14: *Amenity, wellbeing and quality of local communities*.

It would be helpful if the Scottish Government developed national wellbeing indicators, and for the Marine Directorate to identify indicators that are relevant to the coastal and marine context.

NMP2 should include a landscape, seascape and visual amenity policy. NMP 2015 GEN7 is not very useful in a decision-making context and should be updated to provide further detail on how landscape, seascape and visual amenity should be considered in decision-making.

NMP2 needs to support the outcomes of the National Islands Plan and include a specific policy to assist developers and decision makers to assess impacts on and maximise benefits for island communities.

Implementation

The Marine Acts require that public authorities must take authorisation or enforcement decisions in accordance with the appropriate marine plans unless relevant considerations indicate otherwise.

National Marine Plan 2 (NMP2) will support decision-makers to take decisions in accordance with the plan. In line with feedback, and the outcomes of the statutory reviews, the implementation of NMP2 is being considered alongside the policy development. This includes considering and identifying the relationships and interdependencies across each of the policies in the plan.

*Please read **5.7 Implementation** in the Planning Position Statement (PPS) [consultation paper](#) before answering the following question(s).*

10. What are your views on the proposed policy ideas under the 'Implementation' section?

Please consider the role of the decision-maker and the potential introduction of prioritisation when responding.

OIC suggests that implementation guidance for NMP2 would be helpful to support decision makers and plan users to implement the plan in a proportionate and consistent manner. Policies should only be applied when their implementation can make a meaningful contribution towards the plan objectives. Plan policy may not need to be applied to developments or activities that are very small scale or have limited impacts i.e. they are de minimis. The Welsh National Marine Plan provides useful context particularly around the proportionate application of the marine plan and its policies, refer to paragraph 30 to 39 in that plan.

The mitigation hierarchy, to avoid, minimise and mitigate impacts on the marine environment or other uses or communities, should be applied consistently in NMP2 policy.

NMP2 should be supported by a monitoring and evaluation framework that includes indicators to help monitor the implementation and achievement of the HLOs.

Adaptive management cannot be achieved without a robust monitoring and evaluation framework. If the plan objectives are not being met, this should instigate an adaptive approach e.g. update to the marine plan/policy.

See response to Question 11, Priority Outcome, for further feedback on NMP2 implementation in decision-making.

11. If you agree that National Marine Plan 2 (NMP2) should include prioritisation: which outcome do you prefer i.e. space for a specific use given priority, space for nature given priority?

Option (Priority Outcome):

The NMP2 should align with National Planning Framework 4 (NPF4) Policy 1 by giving 'significant weight' to the global climate and nature crises in marine decision making.

This will enable a consistent approach with land use and marine planning decision making and respond to the climate crisis and biodiversity loss.

It is important that decision makers are able to assess applications objectively, in light of their merits and impacts, and be able to exercise judgment. Marine plans are there to support decision makers, not dictate outcomes. Therefore, the approach of giving significant weight to identified policy issues is helpful, as it indicates priority, but retains the flexibility to balance these issues against other material/relevant considerations.

The PPS states at 5.7.4.1 that *the relative weighting could be as a matter of judgment for individual decision-makers AND the NMP2 could set out the need to consider applications against the climate and nature policies first and then progress to consideration against the sustainable marine economies and wellbeing policies in NMP2*. The order in which the NMP2 policies are applied should make no difference in practice, as all material/relevant factors should be weighed up and considered together. Planning case law establishes that development plans should be read as a whole. So, when determining whether a proposal is in accordance with the development plan as a whole is “classically a matter of planning judgment for the council as planning decision-maker” (Court of Appeal judgment in *Cornwall Council v Corbett*). This requires the assessment of residual impacts (positive and adverse), following the application of appropriate mitigation, and balancing the material/relevant considerations to come to a decision on a case-by-case basis. This ability to balance all the considerations together is important, as all development, locations and associated impacts are different and should be treated as such in decision making.

It can be helpful if a plan guides a decision maker to give significant or greater weight to a specific policy/material matter that is considered a priority (e.g. a developments contribution to emissions reduction targets). That said, the decision maker still needs to be able to determine which policies should be applied, the magnitude/significance of any relevant impacts (positive and adverse) and come to a balanced decision. If for example, the adverse socio-economic impacts of a development are major/very significant and the development makes a very minor contribution to emissions reduction targets, even when giving significant weight to the climate crisis, the magnitude/significance of the adverse socio-economic impacts could outweigh the climate benefits. This approach allows priority to be indicated by policy but retains the ability to make reasoned and well-balanced decisions.

Plan policies should include provisions to guide public authority decision makers to contribute towards the delivery of the Plan objectives. It is for the relevant public authority decision maker to determine which policy, policies, or component of a policy, are relevant to a specific decision and what weight to attach to policies on a case-by-case basis.

Plan policies should be applied proportionately by public authority decision makers. Decision makers need to consider whether the type, location and/or scale of a development or activity, and its associated impacts or effects, justify the application of a specific policy or a provision within a policy.

Option (Prioritisation of Space):

The Welsh National Marine Plan Resource Areas (RAs) provide a useful comparator. The Welsh RAs are broad areas that describe the distribution of a particular resource that is or has the potential to be used by specific sectors (in terms of technical feasibility). As technical feasibility is rapidly changing, e.g. in the aquaculture sector, RAs will need to be flexible and regularly updated to keep pace with innovation. The Welsh approach makes provision for more detailed sector specific spatial planning within these RAs via a mechanism to identify Strategic Resource Areas, which are taken forward as supporting guidance, adopted via the Marine Planning Notice mechanism. There is no equivalent mechanism in Scotland, but guidance can be adopted to support marine plan policies and adopted as a material/relevant consideration in decision making. Supporting guidance should be suggest to their own public consultation.

It is of limited value to identify areas of resource without identifying areas of development opportunity through a process of considering environmental constraints/sensitivities, use by other marine users and interactions with existing infrastructure etc. **It is important that spatial planning for each sector is taken forward at the appropriate national, regional or local level, and by the appropriate body.** The following spatial planning approaches are considered appropriate:

- Offshore wind, wave and tidal energy: Continue to be taken forward by the Marine Directorate (MD) through relevant sectoral planning processes with a requirement in NMP2 for MD to closely engage with local authorities, MPPs, local communities, relevant sectoral interests, interest groups and statutory bodies. It may be appropriate for MPPs to take forward more detailed approaches to spatial planning for the wave and tidal energy developments at the local level e.g. to optimise energy utilisation at specific tidal sites.
- Fish farming: As fish farming development is consented by planning authorities and impacts coastal communities, spatial planning for this sector should be taken forward at the local/regional level by aquaculture planning authorities and/or MPPs. Refer to Sector Policy 2A: Finfish and shellfish farming in the Orkney Islands Regional Marine Plan - Consultation Draft; Orkney Islands Council has prepared the [Orkney Islands Marine Region: Finfish Farming Spatial Guidance - Consultation Draft](#). This has been taken forward through close engagement with the fish farm farming sector in Orkney and wider stakeholders.
- Ports and harbours: NPF4 identifies spatial priorities and national developments for harbours. Within this national planning framework, harbour authorities should retain the function for master planning future market, infrastructure and development opportunities. See: [Orkney Harbours Master Plan – Phase 1 \(2020\)](#)

- Coastal and marine recreation and tourism: The identification of areas for coastal and marine recreational use, and associated development opportunities, should be taken forward at the local level by planning authorities and/or MPPs via local development plans and regional marine plans. [The Orkney Islands Marine and Coastal Recreation Survey](#), carried out in 2022, is an example of this approach, which utilised innovative digital mapping techniques for island residents to record important areas for recreation.
- Seaweed cultivation: Where they exist, MPPs/ RMPs should be able to take forward spatial planning for seaweed cultivation.

NMP2 should establish the overarching framework under which these various sector specific spatial planning process sit. NMP2 could establish spatial planning principles to inform these processes and ensure best practice.

The proposal to establish a presumption in favour of sectoral development identified via Sectoral Marine Plans/Plan Option Areas, is considered a sensible approach e.g. for offshore wind, wave and tidal energy. The wording of such a policy should not exclude opportunities for co-existence or co-location. Policy NW-REN-2 in the North West Inshore and North West Offshore Marine Plan is helpful in this regard. Any approach should be supported by NMP2 policy that ensures early engagement with affected marine users is required, opportunities for co-existence with other users are maximised and effective mitigation to minimise adverse impacts on other users and maximise benefits for coastal/island communities is delivered.

The identification of areas of resource out with the sectoral planning processes could be beneficial to safeguard the fishing sector from the effects of special squeeze. This would need to be done using live data sets, that take account of the changing distribution of fisheries under a changing climate, as opposed to fixed areas mapped within the NMP2. These identified areas would need to be supported by policies that detail how fishery resource areas (including nursery and spawning grounds) would be safeguarded, and how impacts on these areas would be assessed/considered in decision making on development/activities consents.

5.7.5 Linkages to Regional Marine Planning

As identified in the Environment, Climate Change and Land Reform Committee inquiry, [Development and implementation of Regional Marine Plans in Scotland: final report \(December 2020\)](#), ‘Scotland is in a strong position to be at the forefront of developments in marine planning’. In the international context, **Scottish regional marine planning is a best practice example of how coastal and island communities can be empowered to engage in marine planning, policy and management, at a scale that is meaningful to those communities.** The ECCLRC inquiry report identified that national leadership was important in places such as Norway and New Zealand in delivering successful outcomes from marine planning, particularly as the regional level.

The Committee:

- *was concerned that leadership and guidance from central government and Marine Scotland was lacking, leading to the perception among stakeholders that regional marine planning is losing momentum.*
- *was not clear on the priorities of the Scottish Government and its desired outcomes for future implementation of regional marine planning.*

- *considered that political leadership is key to delivering effective outcomes from marine planning.*

The Committee also recommends that the Scottish Government should do more to communicate the benefits of regional marine planning to coastal communities and other stakeholders across the nation.

OIC recognises that **NMP2 provides an important opportunity for the Scottish Government to take stock of the inquiry report and set out a renewed commitment to regional marine planning, working with the regions to establish a clear vision, priorities and resources to support delivery at the local level.** This vision and priorities should identify the major contribution that regional planning can make to key government priorities including:

- sustainable development;
- blue growth;
- climate change mitigation and adaptation;
- Island sustainability;
- a just transition;
- community wealth building;
- bottom-up environmental stewardship;
- wellbeing and quality of life;
- ocean literacy;
- community empowerment; and
- land use and marine planning integration.

The NMP2 should identify and promote the key benefits of regional marine planning including:

- MMPs/RMPs help to harness local knowledge in the development of policy and spatial planning, and this local stakeholder engagement can greatly improve the quality of these outcomes.
- RMPs improve certainty at the consenting stage by establishing a clear locally developed strategy and plan, and by improving the quality and availability of data on marine use and sensitivities.
- RMPs help to empower coastal communities, enhance environmental stewardship and enable local responsiveness to socio-economic change, including a just transition to net-zero.
- MPPs can help to improve ocean literacy, upskill local communities and build a better understanding of the issues affecting the marine environment, development and activities.

Regional marine plans need to be in conformity with the National Marine Plan. Therefore, **NMP2 needs to provide a clear vision and guidance for regional marine planning.** The PPS provides no detail on how NMP2 will set the appropriate strategic context for MPPs/RMPs. To demonstrate its continued commitment to regional marine planning, the ECCLR Committee recommended that the Scottish Government publishes a renewed vision statement.

NMP2 should communicate that regional marine plans:

- are location specific plans prepared by organisations within local communities;
- include policies tailored to local priorities and needs;

- provide an opportunity for spatial planning for identified priority sectors and the protection/enhancement of the environment; and
- are prepared through a process of engagement at a spatial scale that is relevant, effective and meaningful to coastal and island communities.

It is disappointing that the PPS provides no clarity on how NMP2 will support and provide context for regional marine plans. **It is important that:**

- **NMP2 sets out a clear vision for regional marine planning and identifies the significant benefits that can be delivered by island and coastal communities via MPPs.**
- **NMP2 does not replace the function of regional marine plans and the opportunity for MPPs to take forward regional marine planning in areas where they do not currently exist.**
- **NMP2 does not constrain the ability for MPPs and regional marine plans to establish locally appropriate objectives, policies and guidance.**
- **The ‘regional policy’ within NMP 2015 is reviewed to ensure that it is appropriate and deliverable within available resources.**

The regional marine planning content within the NMP needs to be prepared through a process of close engagement with the MPPs/Local Coastal Partnerships.

Should additional outcomes also be considered?

The PPS does not have specific objective/policy ideas in relation to prioritising and enabling beneficial outcomes for coastal and islands communities. Refer to OIC response to Question 1, 6 and 9.

Please include any supporting information in your response.

Links provided in text above. Include [Orkney Harbours Master Plan – Phase 1 \(2020\)](#), [The Orkney Islands Marine and Coastal Recreation Survey](#), [Orkney Islands Marine Region: Finfish Farming Spatial Guidance - Consultation Draft](#).

[Orkney Islands Regional Marine Plan – Consultation](#).

12. What are your views on policy ideas suggested in relation to 'Community Informed Decision-Making'?

Section 5.7.2 states:

- *We have begun exploring policy ideas around community involvement in decision-making once NMP2 is adopted;*
- *Not all communities speak as one, so acknowledging the different groups within communities is vital and there are different interpretations of the term “community”. Proposals for community engagement should set reasonable expectations with and provide clarity on what is proportionate and reasonable. Engagement needs to be participatory and accessible and should cover the implementation of the plan as well;*
- *Consideration of socio-economic impacts on existing users and island communities in marine decisions is welcome;*
- *There is a need for meaningful pre-application engagement with communities and marine users;*

- *Communities should be involved in identification of opportunity areas and there needs to be flexibility for regional marine plans to undertake spatial mapping.*

OIC supports all of the bullet point statements above.

Section 5.7.4 states:

- *Community informed decision-making at plan level – decision-makers are to consult with communities at an early stage on plans which support application decisions, community knowledge and experience to be used to support plan development. Approaches to engagement to be participatory and inclusive.*
- *Community supported implementation – marine planning is used to improve ocean literacy and understanding of marine planning processes to empower communities to take part in engagement and have a say in the decisions relating to their local area.*

OIC supports all of the bullet point statements above.

NMP2 needs to include clear expectations for coastal and marine developers to undertake best practice engagement with local communities. Regional Marine Planning is a key mechanism to engage with communities to prepare policy and spatial planning at the local level. **NMP2 should identify and support the MPPs role in policy preparation and marine spatial planning implementation.**

Impacts of proposed policies

13. Do you think the policy ideas in the National Marine Plan 2 (NMP2) will impact, either positively or negatively on any of the following: Marine sectors/businesses, consenting authorities, local authorities or any other planning decision makers?

In responding to the questions below it may be helpful to consider the potential implications on international or national competitiveness and Scotland as a destination for global investment.

Please provide details.

Due to lack of detail policy at this stage, its challenging to provide an analysis of positive or negative impacts related to the policy ideas.

It is not absolutely clear, but it seems that this question relates to a Business Regulatory Impact Assessment (BRIA). When a BRIA is published, OIC will provide a response to the assessment of costs and opportunities for local authorities, and where appropriate local businesses, related to the draft National Marine Plan 2.

About you

Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will still take account of your views in our analysis, but we will not publish your response, quote anything that you have said or list your name. We will regard your response as confidential, and we will treat it accordingly.

To find out how we handle your personal data, please see our [privacy policy](#). By clicking submit you agree to our privacy policy.

What is your name?

James Green

Are you responding as an individual or an organisation?

Organisation

What organisation are you from?

Orkney Islands Council

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name.

Do you consent to Scottish Government contacting you again in relation to this consultation exercise?

Yes

What is your email address?

If you would like to be contacted again in future about this consultation, please enter your email address here. You will also need to give permission to be contacted in the question above.

Your email address will never be published.

James.green@orkney.gov.uk

Orkney Islands Council Response to National Marine Plan 2 Planning Position Statement: Summary of key issues

Thriving and resilience island and coastal communities

- It is very concerning that the draft High-level Objective 4.1 (Planning Position Statement, Annex A), *Enhance and safeguard opportunities for sustainable, resilient and diverse marine economies within Scotland's island and coastal communities*, is no longer proposed to be included in National Marine Plan 2 (NMP2).
- NMP2 should include a high-level objective and supporting policies that seek to maximise socio-economic benefits, infrastructure investment and environmental/wellbeing benefits for host island and coastal communities.
- It is strongly recommended that a high-level objective to 'Support and enable thriving and resilience island and coastal communities' be included in NMP2.
- It is of paramount importance that local authorities, Marine Planning Partnerships (MPPs) and wider stakeholders are closely engaged in the identification of regional areas, area-based priorities and related policies in NMP2.

Planning Position Statement - Policy ideas

- NMP2 needs to support the outcomes of the National Islands Plan and include a specific policy to assist developers and decision makers to assess impacts on and maximise benefits for island communities.
- NMP2 should include policies to safeguard and enhance island and coastal communities incorporating community wealth building and wellbeing economy principles, as National Planning Framework 4 (NPF4) has done in Policy 25.
- NMP2 needs to include clear expectations for coastal and marine developers to undertake best practice engagement with local communities.
- A balanced and proportionate approach to nature policy is required that does not disadvantage island communities and their right to freedom of economic development.
- NMP2 should include dedicated policy(ies) on climate change mitigation and adaptation, setting out specific implementation criteria to guide decision-makers and addressing climate related impacts on island communities.
- The proposal to include policy in NMP2 on biodiversity/environmental enhancement, restoration and recovery is supported provided that any policy takes a proportionate.
- NMP2 should include an updated policy on Priority Marine Features that provides greater clarity on how significant adverse impacts should be assessed, avoided, minimised and mitigated.

- NMP 2015 policy GEN1, which establishes a presumption in favour of sustainable development and use, should be retained within NMP2.
- NMP 2015 policies GEN2 *Economic benefit* and GEN3 *Social benefit* should be replaced in NMP2 with policies that enable a just transition for island communities and deliver community wealth building outcomes, with a particular focus on investment in infrastructure, prioritising local economic benefits and retaining wealth within local/host communities.
- NMP 2015 policy Aquaculture 4 should be updated to recognise sustainable opportunities for shellfish farming development out with designated Shellfish Water Protected Areas.
- NMP 2015 policy Aquaculture 1 should retain the requirement for planning authorities, and where they exist, MPPs/Regional Marine Plans, to identify opportunities for sustainable aquaculture development.
- PPS Para 5.4.2 (Shipping and Navigation) states that “the current Transport 3 policy in the NMP will be transferred into NMP2. This states ‘Ferry routes and maritime transport to island and remote mainland areas provide essential connections and should be safeguarded from inappropriate marine development and use that would significantly interfere with their operation. Developments will not be consented where they will unacceptably interfere with lifeline ferry services.’ This approach is strongly supported. It would be significantly detrimental to islands communities if the current Transport 3 policy was not retained in NMP2.
- The NMP2 should align with NPF4 Policy 1 by giving ‘significant weight’ to the global climate and nature crises in marine decision making.
- It is important that spatial planning for each economic sector is taken forward at the appropriate national, regional or local level, and by the appropriate body.
- The proposal to establish a presumption in favour of sectoral development identified via Sectoral Marine Plans/Plan Option Areas is considered a sensible approach e.g. for offshore wind, wave and tidal energy. The wording of such a policy should not exclude opportunities for co-existence or co-location.
- The identification of areas of resource out with the sectoral planning processes could be beneficial to safeguard the fishing sector from the effects of special squeeze.
- NMP2 should highlight the opportunity for Regional Marine Plans to prepare regional policy, working with harbour authorities and other stakeholders, to identify opportunities for harbour development and areas to safeguard harbour operations.
- It is important to assess and mitigate impacts on local infrastructure or services associated with marine development and activities e.g. offshore wind development impacts on local housing provision or fish farming development impacts on piers in

small islands. NMP2 should identify the need for socio-economic impacts and impacts on local infrastructure to be assessed, and appropriately mitigated, via the consenting process.

Regional marine planning and Marine Planning Partnerships

- Scottish regional marine planning is a best practice example of how coastal and island communities can be empowered to engage in marine planning, policy and management, at a scale that is meaningful to those communities.
- NMP2 provides an important opportunity for the Scottish Government to take stock of the Environment, Climate Change and Land Reform Committee inquiry report and set out a renewed commitment to regional marine planning, working with the regions to establish a clear vision, priorities and resources to support delivery at the local level.
- NMP2 should identify the significant benefits that can be delivered by island and coastal communities via Marine Planning Partnerships.
- NMP2 should highlight/support the role and benefits of Marine Planning Partnerships and regional marine plans taking forward locally appropriate policy and spatial planning within the proposed national area-based framework.
- NMP2 should not replace the function of regional marine plans and the opportunity for Marine Planning Partnerships to take forward regional marine planning in areas where they do not currently exist.
- NMP2 should provide clear guidance on how regional marine plans are expected to help deliver biodiversity/environmental enhancement, restoration, recovery and nature positive design.
- NMP2 should not constrain the ability for Marine Planning Partnerships and regional marine plans to establish locally appropriate objectives, policies and guidance.
- The 'regional policy' within NMP 2015 should be reviewed to ensure that it is appropriate and deliverable within available resources.