

## **Orkney Marine Planning Advisory Group – Meeting 6**

**OMPAG: AG6 Minutes: 24<sup>th</sup> July 2024: 11.00 – 12.00**

**Present:** Kristopher Leask (Chair) (KL); James Green (JG); Daniel Morris (DM); Jenni Kakkonen (JK); Dan Brazier (DB); Gill Carnegie (GC); Nigel Wellford (NW); Peter Hearn (PH); David Sawkins (DS); Victoria Clements (VC); Caitlin Paul (CP); Phil Bennett (PB); Brian Kynoch (BK); Mellissa Thomson (MT); Sandy Kerr (SK); Peter Watson (PW)

**Apologies:** Cheryl Chapman (CC); Penny Coles (PC); Craig Smith (CS); Jo Porter (JP); Janet Davies (JD); Sarah Sankey (SS); David Thomson (DT); Owen Tierney (OT); Penny Martin (PM); David Dawson (DS)

### **Item 1: Welcome**

KL (new Chair) welcomed everybody to the meeting. Introductions were made by attendees. Terms of Reference (TOR) recirculated for new members.

### **Item 2: Update on Progress**

JG gave thanks for all the input by Advisory Group members so far and for their patience over the last year whilst OIC Marine Planning worked with the Scottish Government's Marine Directorate (formerly Marine Scotland) to amend the plan for consultation.

#### **Update A: Engagement with the Scottish Government, draft plan amendments and approval**

JG outlined the timeline, noting that the Orkney Islands Regional Marine Plan (henceforth called 'The Plan') was initially submitted to the Marine Directorate (MD) in December 2022. The delays to the approval of the plan were caused by a range of issues outside of OIC's control. This included a lack of clarity on marine planning policy at the national level due to the current review of the National Marine Plan and planned development of National Marine Plan 2, combined with the implications of a recent judicial review brought against the Scottish Government by Open Seas in relation to the appropriate use of the National Marine Plan in decision making and its legal duties to protect seabed habitats. The delays were further accentuated by prolonged staff resource issues at the Marine Directorate.

JG notes that after multiple rounds of reviewing the Plan, several changes were made as a result of MD feedback. The main areas to note include:

- Information on how to use the plan policy framework has been updated to clarify how the plan policies should be implemented by decision-makers.
- Edits were made to plan policy wording to enable the plan to be implemented appropriately by decision makers by exercising judgement and applying policies in a proportionate manner e.g. with regard to the type, location and/or scale of a development or activity.
- Additional supporting text was added to provide justification for giving significant weight in decision making to the climate crisis in General Policy 3 and nature crisis in General Policy 9, in alignment with the National Planning Framework 4.

- The purpose of each policy was clarified by adding a ‘Policy Intent’ statement at the beginning of each policy section.
- The plan was reviewed and amended, where appropriate, to remove restatement or duplication of existing legal requirements.
- General Policy 2: *Safety* was simplified in response to Scottish Government Legal Directorate feedback that existing health and safety legal requirements can be relied upon to implement the Plan’s safety objectives.
- General Policy 9: *Nature* was amended regarding the assessment of impacts on Priority Marine Features that do not constitute an impact on the national status.

SK asked whether OIC Marine Planning would consider the outcome of giving significant weight to Climate Change and the Biodiversity Crisis successful (i.e. by keeping this approach and justifying where it is appropriate to deviate from the National Marine Plan). JG provided further explanation on this and believes that this approach is indeed appropriate. The current National Marine Plan also states that marine planners must act in the way best calculated to mitigate, and adapt to, climate change, which is relevant here given the current legal and policy context.

PH commented that he is pleased that the Plan has maintained its stance on giving significant weight to twin crises of climate change and Biodiversity loss. Noted that this is in line with the National Planning Framework 4 and RSPB are campaigning for NMP2 to take the same approach. PH asked what the steps will be after the consultation has closed regarding assessing the feedback received. JG outlined the process for addressing submitted comments, which will include responding to all comments and making amendments where appropriate. The Plan will then go to OIC Committee for endorsement by Elected Members and then on to the Marine Directorate to review and ultimately submit for Scottish Minister approval in line with the timescales outlined in the Statement of Public Participation (SPP), which was updated with the latest expected timelines in June this year. The SPP can be found on the council’s website.

KL thanked the Marine Planners for the determination through the process so far.

#### **Update B: Supporting assessments/documents**

JG summarised the six supporting assessments that have been deposited for consultation alongside the Plan. These assessments are:

- The Children’s Rights and Wellbeing Impact Assessment (CRWIA)
- Equality Impact Assessment (EqIA)
- Habitats Regulation Appraisal (HRA)
- Island Communities Impact Assessment (ICIA)
- Strategic Environmental Assessment: Environmental Report (SEA)
- Partial Business and Regulatory Impact Assessment (BRIA)

JG encouraged feedback on these assessments and highlighted that the BRIA process will involve interviews with businesses. If any OMPAG member would like to take part in an interview they are encouraged to contact OIC Marine Planning.

### **Update C: Orkney Islands Marine Region: Finfish Farming Spatial Guidance**

JG thanked all those who have been involved with this project previously, it involved a large collaborative effort. JG recapped the purpose of the Finfish Farming (FF) Spatial Guidance, which is a decision support tool that should inform decision making by public authorities and developers on finfish farm development and/or activities proposals in the Orkney Islands marine region.

The FF Spatial Guidance document and online interactive tool will be deposited for consultation at the same time as the Regional Marine Plan.

JG highlighted that the FF Spatial Guidance will support the implementation of the Orkney Islands Regional Marine Plan - Sector Policy 2a: *Finfish and Shellfish Farming* and provide greater clarity for stakeholders on the significance, and potential sensitivity of identified environmental, historic, social, economic and infrastructure features, or receptors, to finfish farming development and/or activities. The FF Spatial Guidance will be accompanied by an online interactive tool which will be accessible through the spatial guidance's consultation page on the council's website.

PB asked whether it is possible for the FF Spatial Guidance maps to include fishing data, should this data become available in the future. DM explained that yes, this is possible. The GIS model that this is built on can be updated with new data where appropriate. Fishing data is a known data gap so this would be a welcome addition.

DB offered to collaborate on updating future NatureScot data, including PMF data. DM welcomed this and would contact DB separately to discuss.

SK asked whether the Marine Planning Team are aware of whether this approach is being done anywhere else, or whether there are intentions to. JG highlighted that the National Marine Plan does encourage marine planners to take a spatial approach to finfish farming, and taking it forward through the Local Development Plan was the OIC's previous approach via the Aquaculture Supplementary Guidance. This is now being done by OIC's marine planners through the Regional Marine Plan, and we aren't aware of other Regional Marine Plans doing anything to this level of detail, or whether they intend to or not. There's nothing currently adopted that we are aware of, although there are similar models emerging elsewhere for aquaculture such as SEPA's sea lice spatial framework.

### **Update D: Arrangements for the public consultation**

DM noted that the consultation will take place for just over 12 weeks, **commencing on August 1<sup>st</sup> and concluding on Friday 25<sup>th</sup> October**. DM outlined the planned events, which includes 10 in-person drop in events across the North and South Isles, barrier linked isles and mainland Orkney, as well as 2 online sessions for those unable to attend a drop-in session. Also planned are youth engagement events including with various clubs and schools.

### **Item 3: AOCB, questions and close**

No further questions. DM reminded OMPAG members to share the consultation details within their networks and with anyone who may be interested. KL thanked all for attending and closed the meeting.

Meeting close: 11:47am.