



## **Response to the consultation on Orkney Islands Regional Marine Plan** October 2024

### **Introduction to Scottish Environment LINK**

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organisations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment. Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits. This consultation response was written by LINK's Marine Group.

#### **1. Response**

##### **Section 1: Introduction**

##### **Q1 Do you have any comments on the purpose of the Orkney Islands Regional Marine Plan (1.1 - 1.4)?**

LINK members welcome the emphasis at the outset on decision making that contributes to achieving sustainable development of the Orkney Islands marine region.

We would question how the plan will manage the pressure of projects from outside the remit of the plan, such as the Nationally Significant Infrastructure Projects (NSIP)? Consideration of these projects should be given, particularly in relation to offshore wind, to ensure the area is appropriately managed and avoid degradation of the marine environment. It is not currently clear how the plan will manage and consider the effects of these projects.

##### **Q2 Do you have any comments on how to use the Plan policy framework (1.5 to 1.14)?**

We welcome the inclusion of definitions for key terms within the policy framework to ensure policy terms are interpreted in as standard a way as possible across all stakeholders and management approaches. The policy framework has been split into general and sector specific policies. In keeping with Scottish Government guidance on policies, we would highlight the need for it to be clear to developers that all general policies must to be followed, as well as their individual sectoral policies.

##### **Q3 Do you have any comments on vision, guiding principles, aim and objectives (1.15, 1.16 and Table 2)?**

We welcome the vision of clean, healthy, safe and productive seas as well as the specific mention of the importance of leaving the marine environment in this state for future generations.

We agree that it is important to recognise that protecting, and where possible enhancing, the marine environment is fundamental to protecting the resources on which local communities depend. Marine planning must put nature at the heart of decision making. Orkneys rich biodiversity is intrinsically linked to local communities wellbeing, resilience and to sustainable development.



We welcome the inclusion of the ecosystem based approach as a guiding principle to manage human activities as well as the effects of climate change. An ecosystem approach will help ensure that marine public goods and services are sustainably and equitably benefited from in a way that meets these principles by respecting environmental limits. The ecosystem approach should supersede sectoral approaches, and should be implemented as robustly as possible through development decisions, particularly where ecosystem service approaches can be incorporated. Sectoral approaches are generally driven by development and focus on assessing and mitigating impacts on the marine environment and other marine users. Although this approach can be valuable for identifying direct impacts and potential conflicts of sector-specific practices, it risks neglecting the cumulative and in combination impacts of all maritime activities on ecosystem health. By focusing on specific sectors/projects and performing environmental assessments in isolation, management quickly becomes fragmented and overly cumbersome, often with conflicting management approaches and marine uses.

We support the recognition that following an ecosystem-based approach requires understanding and management of cumulative impacts across all marine users and that the approach should not stop at protection of the environment but where appropriate work towards environmental enhancement. The use of the term “where appropriate” leaves a lot of room for interpretation and would benefit from more clear guidance as to when environmental enhancement should be expected from a proposed development, especially as this has not been addressed by the current National Marine Plan.

Partnership working and inclusive engagement is essential to any management plan, especially with regard to working with local communities. It will be vitally important to continue engaging at an early stage to ensure local buy in and use innovative ways rather than traditional consultation methods which can often contribute to consultation fatigue. It will also be important to have a comprehensive understanding and agreement amongst stakeholders, planning practitioners and relevant groups as to the objectives of the plan. We also welcome the inclusion of a just transition and the wellbeing of local communities being included in the objectives of the plan.

Given the recognition by the Scottish Government of the Climate Emergency in 2019 we also welcome the inclusion of objectives relating to a Just transition towards net-zero commitments and both the mitigation of and adaption to climate change through sustainable development. We believe this could go further by committing to supporting suitable nature-based solutions.

We are pleased by the recognition of the need for reliable information and data being used in planning decisions and in particular encourage the understanding of cumulative impacts by planning teams and the need for a spatial component to be included. The Orkney Islands Marine Region: State of the Environment Assessment identified numerous data gaps and we would encourage these gaps are addressed as a priority in order for development plans and their potential impacts to be considered fully.

## **Section 2: General Policies**

### **Q4 Do you have any comments on the introductory information to the General Policies (2.1 – 2.16)?**

We are supportive of the inclusion of the mitigation hierarchy in the plans overarching aim across all general and sector policies. We also support the need for proposed developments to identify measures which would avoid harmful impacts as a priority over other mitigation measures.

### **Q5 Do you have any comments on General Policy 1: Sustainable development, activities, and use?**



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We strongly support the inclusion of the Precautionary Principle. The Orkney State of the Marine Environment Assessment found multiple pressures for cetaceans in Orkney waters, with unknown trends and low confidence. Where evidence and data is lacking, or confidence is low/risk is high - which is the case for all species of cetacean in Orkney - all proposed developments must consider a precautionary approach and implement appropriate measures. This should also be the case for all marine species and habitats. Would like to see recognition of the increasing presence of anthropogenic activities and a clear requirement to mitigate the impacts of these activities.

**Q6 Do you have any comments on General Policy 2: Safety?**

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**Q7 Do you have any comments on General Policy 3: Climate change?**

We are supportive of the decision in general Policy 3a to align with the stronger stance on climate change in NPF4, rather than the wording currently available in the 2015 version of the National Marine Plan, which emphasizes the effects of the global climate crisis.

**Q8 Do you have any comments on General Policy 4: Supporting sustainable social and economic benefits?**

It is important to consider the benefits that a healthy, clean productive marine environment can have to the economy including marine tourism, improved fish stocks and other ecosystem services such as mitigation of climate change effects.

**Q9 Do you have any comments on General Policy 5: Safeguarding natural capital and ecosystem services?**

**Q10 Do you have any comments on General Policy 6: Water environment?**

**Q11 Do you have any comments on General Policy 7: Coastal development and coastal change?**

**Q12 Do you have any comments on General Policy 8: Historic environment?**

**Q13 Do you have any comments on General Policy 9: Nature?**

We support the alignment with the more recent NPF4 and the Scottish Biodiversity Strategy in giving significant weight to the global nature crisis in the decision-making process.

Policy 9b states that proposals should “have regard to the biodiversity enhancement and positive effects for biodiversity policy provisions in the National Planning Framework”. We believe that there are gaps in the policy of NPF4 such as the exemptions for aquaculture that are assumed to be addressed through NMP2. Given the Regional Plan is being developed before NMP2 is published we would support the regional marine plan addressing these gaps directly.

**Priority Marine Features**

*Priority Marine Features (PMFs) are species and habitats which have been identified as being of conservation importance to Scotland. PMFs range from flame shell beds in coastal waters to the cold- water coral reefs in*



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*deeper seas and mobile species such as minke whale and basking shark. Appendix 5 of the Orkney Islands Regional Marine Plan identifies the PMFs recorded within the Orkney Islands marine region. General Policy 9d aims to provide greater clarity on how impacts on PMFs should be assessed and considered in decision making. This includes policy provisions on how impacts on the national status of Priority Marine Features should be considered. The policy does not include specific policy provisions on how lower magnitude impacts on Priority Marine Features, that do not constitute an impact on the national status, should be considered in decision making.*

**Q13a Do you think General Policy 9d should include specific policy provisions on how lower magnitude impacts on Priority Marine Features (i.e. those impacts that do not constitute an impact on the national status) should be considered in decision making?**

**Yes**    No    Not sure

**Please provide any further information to support your response to Q13a:**

We strongly believe that General Policy 9d should include specific provisions on how lower magnitude impacts on Priority Marine Features should be considered in the decision making process. Focusing solely on the national status of PMFs may overlook significant lower magnitude impacts that, while not immediately affecting national populations, could still have considerable consequences at the regional level.

There is a real concern that without suitable guidance and support being given to decision makers such impacts would not be suitably considered and addressed through the mitigation hierarchy. Consequently the understanding of cumulative impacts and the ecosystem approach would be undermined.

**Q14 Do you have any comments on General Policy 10: Seascape and landscape?**

**Q15 Do you have any comments on General Policy 11: Surface and underwater noise, and vibration?**

The general policy mentions the existence of a joint UK Protocol for In-Situ Underwater Measurement of Explosive Ordnance Disposal for UXO, however it does not state that this protocol must be used. We would also question what is meant by “sufficient measures” as mentioned in 11ai, and ask for more detail on this. We would recommend that there is a requirement for activities that create noise pollution to use proven mitigation measures such as bubble curtains for offshore wind farms.

**Q16 Do you have any comments on General Policy 12: Marine litter and waste?**

**Q17 Do you have any comments on General Policy 13: Non-native and invasive non-native species?**

**Q18 Do you have any comments on General Policy 14: Amenity, wellbeing and quality of life of local communities?**

We strongly agree that the amenity, wellbeing and quality of life of local communities should be protected and enhanced. Strong and inclusive community and stakeholder engagement is essential for the successful implementation of any management plan, particularly in this case as the local community will be directly impacted by the plan itself. Ongoing community engagement is vital and innovative methods should be



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implemented to ensure wider and inclusive participation. Examples of innovative methods include the Community Voice Method which was used in Orkney by the Scottish Wildlife Trust in the Oceans of Value project.

### **Section 3: Sector Policies**

**Q19 Do you have any comments on the introductory information to the Sector Policies (3.1 – 3.16)?**

**Q20 Do you have any comments on Sector Policy 1: Commercial fishing?**

**Q21 Do you have any comments on Sector Policy 2: Aquaculture?**

We support the overall aim of the Aquaculture sector policy in supporting a thriving aquaculture sector where it is operating within environmental limits. The Orkney Islands Marine Region: State of the Environment Assessment referenced is a useful inclusion of the identified pressures associated with the industry.

The aquaculture sector in the Orkney Isles is dominated by salmon farming and the policy context recognizes that the sector can have significant impacts on the environment and has also been allowed to expand significantly over the last few decades through both new sites and increasing biomass at existing sites. Both have contributed to increased cumulative impacts on both the environment and other marine users. We support the recognition that appropriate management is needed for both current activities, and any further development, which includes but is not limited to -ensuring suitable location, scale, siting and design of farms.

The sector policy has recognized that the dynamics of salmon farming and available technologies are shifting at a rapid rate. Whilst we support the horizon scanning approach taken in this policy as potential solutions to some of the industry's problems it is important that these technologies are only implemented at scale where they have demonstrated they adhere to all relevant policies. It is also important that where they allow for higher biomass to be produced through their current limiting factor e.g. their allowable zone of effect they do not add to the overall cumulative pressures on the environment.

We welcome the addition of the Orkney Islands Marine Region: Finfish Farming Spatial Guidance document as a tool to aid planning decision makers. We strongly recommend that the potential for Shellfish and Seaweed spatial guidance documents mentioned in the regional plan are implemented as soon as possible to aid Orkney in diversifying its aquaculture industry.

We seek clarity on the inclusion of Map 13 and the identified Category 3 areas for carrying capacity and how these relate to spatial guidance provided for finfish farming. Given these areas are small and with most of the Orkney Isles waters not assigned a category we have concern for how the spatial elements of this policy can be carried out effectively.

The limited information on shellfish is understandable given its lack of significance to the current Orkney Isles aquaculture industry but we would strongly support an increased focus on shellfish and seaweed aquaculture as they have been recognized as having significant potential for growth through the Vision for Sustainable Aquaculture with diversification to lower trophic species recognized as one way to reduce the impact of the industry. The Regional Marine Plan has a clear opportunity to encourage this diversification through its



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aquaculture policies and create options for the future such as designating further Shellfish Water Protected Areas.

We are supportive of the inclusion of a policy section on climate change mitigation and adaption but feel there is also room for specific aquaculture-related concerns to be addressed in this section given the number of sector-specific challenges they are facing from climate change such as the proliferation of algal blooms and micro-jellyfish, increased disease and parasite risk and changing species ranges that will need adapted to.

**Q22 Do you have any comments on Sector Policy 3: Shipping, ports, harbours and ferries?**

**Q23 Do you have any comments on Sector Policy 4: Pipeline, electricity and telecommunications infrastructure?**

**Q24 Do you have any comments on Sector Policy 5: Offshore wind, wave and tidal renewable energy generation?**

We welcome the acknowledgment of the significant impact these developments can have on the marine environment. It is also worth noting that in 2023 the UK put forward a strategy for Marine Net Gain (MNG) which would require coastal and offshore developments to leave marine environments in a “measurably better state than before a development has started”. This should be considered when measuring the potential cumulative and long term impacts of developments.

**Q25 Do you have any comments on Sector Policy 6: Zero carbon fuels, and oil and gas transition?**

**Q26 Do you have any comments on Sector Policy 7: Tourism, recreation, leisure and sport?**

**Section 4: Monitoring, Evaluation and Review of the Plan**

**Q27 Do you have any comments on Section 4: Monitoring, Evaluation and Review of the Plan?**

We agree with a schedule of five years between reviews provided that this is adhered to and can be amended if any unforeseen significant changes occur within the marine environment in the interim.  
Appendices

**Q28 Do you have any comments on Appendix 1: Licensing and Consenting Decisions?**

**Q29 Do you have any comments on Appendix 2: Relevant Legislation, Plans, Strategies and Policies?**

**Q30: Do you have any comments on Appendix 3: National Marine Plan interactive?**

**Q31: Do you have any comments on Appendix 4: Natural Capital and Marine Ecosystem Services?**

**Q32 Do you have any comments on Appendix 5: Priority Marine Features?**

**Q33 Do you have any comments on Appendix 6: Seaweed Harvesting?**



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**Q34 Do you have any comments on Appendix 7: Definition of Key Concepts, Acronyms and Glossary?**

**Supporting Documents**

**Q35 Do you have any comments on the Strategic Environment Assessment?**

**Q36 Do you have any comments on the Children's Rights and Wellbeing Screening Sheet and Impact Assessment (CRWIA)?**

**Q37 Do you have any comments on the Island Communities Impact Assessment (ICIA)?**

**Q38 Do you have any comments on the Equality Impact Assessment (EqIA)?**

**Q39 Do you have any comments on the Habitat Regulations Appraisal (HRA)?**

**Q40 Do you have any comments on the Business and Regulatory Impact Assessment (BRIA)?**

**Other Comments**

**Q41 Do you have any other comments or feedback you would like to provide?**

This response was compiled on behalf of LINK Marine Group and is supported by:  
Scottish Wildlife Trust, Marine Conservation Society, Whale and Dolphin Conservation

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