

Pilot Pentland Firth and Orkney Waters Marine Spatial Plan

Equality Impact Assessment

March 2016

EQUALITY IMPACT ASSESSMENT – RESULTS

Title of Policy	Pilot Pentland Firth and Orkney Waters Marine Spatial Plan
Summary of aims and desired outcomes of Policy	<p>The pilot Pentland Firth and Orkney Waters Marine Spatial Plan (PFOW MSP) aims to put in place a non-statutory planning and policy framework in advance of statutory regional marine planning. It is hoped that the development of this Plan will be useful in establishing the basis for two separate Regional Marine Plans for Orkney and the North Coast Scottish Marine Regions. The pilot marine spatial planning process will provide many lessons learnt that will be helpful in informing the preparation of future regional marine plans and the governance arrangements that may underpin future Marine Planning Partnerships. The pilot Plan will help meet the Scottish Government’s aim to have clean, healthy, safe, productive and biologically diverse oceans and seas.</p>
Directorate: Division: team	Marine Scotland: Marine Planning & Policy

Executive summary

The pilot PFOW MSP sets out policies to guide and inform developers, users and regulators on how the resources in the marine environment should be used. The Plan also aims to

pilot the regional marine planning process in order to guide the preparation of future Regional Marine Plans. The policies in the Plan will therefore have implications on:

- the preparation of future Regional Marine Plans by Marine Planning Partnerships.
- the preparation of applications by developers and the assessment of applications by marine licensing authorities, planning authorities and other decision makers.

The Plan will affect a variety of people with an interest in carrying out both licensable and non-licensable activities in the Pentland Firth and Orkney Waters marine area , however we currently have no information to suggest that the Plan will have any significant detrimental effect on the basis of characteristics protected in equalities legislation (so-called ‘protected characteristics’). This includes age, disability, sexual orientation, gender, race or religion and belief.

Background

The Pentland Firth and Orkney Waters are used by a wide range of marine users and for a variety of activities. A vast majority of the Plan area is used for multiple activities and so there is potential for competition and conflict. Poor management of the area could result in costs and uncertainty for developers and marine users which could have a negative impact on progress towards fulfilling Scottish Government national outcomes in the area. The National Marine Plan (and the policy framework it sits within) has provided for a system of statutory Regional Marine Plans to aid in the management of the marine environment. This non-statutory pilot Plan precedes the statutory Regional Marine Plans.

The pilot Plan has been developed to trial the process of creating the statutory Plans and to inform the Marine Planning Partnerships which will be formed to produce them. In this way the production of this document will contribute to the effective preparation of the Regional Marine Plans. In addition to this, the pilot Plan will be used as a material consideration in the existing planning and consenting process, directly improving the clarity and guidance given to developers and regulators in the Pentland Firth and Orkney Waters.

A number of sectors may be affected by the adoption of the pilot PFOW MSP:

- developers of licensed activities in the Pentland Firth and Orkney Waters area
- activities in the Pentland Firth and Orkney Waters marine area that do not require a licence or that require licences without a spatial component to them (i.e. those not linked to specific geographical location, e.g. fishing, shipping, tourism, leisure and recreational activities). Those affected may be Scottish, Rest of UK, or foreign
- coastal communities
- the Scottish Government (through Marine Scotland's Planning and Licensing Operations)
- the Orkney Islands Council and the Highland Council
- regional Marine Planning Partnerships (including local authorities)

However, at the scale of this Plan it is impossible to distinguish any difference in the potential effects on the basis of protected characteristics.

The Scope of the EQIA

It was determined as part of the framing exercise that the pilot Plan would have minimal relevance to equality and therefore a light touch assessment could be taken with this EQIA .

A consultation was held for the pilot PFOW MSP from the 17 June 2013 until the 26 July 2013. This consultation received 30 responses from a range of marine sectors and stakeholders. A further consultation was held from 15 June 2015 until the 6 September 2015. This consultation received 31 responses from a range of marine sectors and stakeholders. The latter exercise contained a question on equality:

“Do you believe that the creation of, or any policy contained within, the pilot Pentland Firth and Orkney Waters Marine Spatial Plan discriminates disproportionately between persons defined by age, disability, sexual orientation, gender, race or religion and belief?”

“If yes, in what way do you believe that the creation of a pilot Pentland Firth and Orkney Waters Marine Spatial Plan is discriminatory?”

Key Findings

No comments were received in either consultation which suggested that proposals for a pilot PFOW MSP would have a differential or discriminatory impact on the basis of protected characteristics.

Recommendations and Conclusion

We currently have no information to suggest that the pilot PFOW MSP will have any significant detrimental effect on the basis of protected characteristics. No changes are therefore required to the Plan as a result of this EQIA.