

Minute

Development and Infrastructure Committee

Tuesday, 9 September 2025, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Kristopher D Leask, Mellissa-Louise Thomson, Graham A Bevan, Alexander G Cowie, P Lindsay Hall, Rachael A King, W Leslie Manson, Raymond S Peace, Gillian Skuse, Owen Tierney and Duncan A Tullock.

Present via remote link (Microsoft Teams)

Councillor Heather N Woodbridge.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- Hayley Green, Director of Infrastructure and Organisational Development.
- Gareth Waterson, Director of Enterprise and Resources.
- Gavin Barr, Head of Planning and Regulatory Services (for Items 1 to 6).
- Sweyn Johnston, Head of Enterprise and Economic Growth (for Items 2, 3 and 9 to 12).
- Lorna Richardson, Head of Infrastructure Services (for Items 1 to 8).
- Stuart Allison, Service Manager (Enterprise) (for Items 1 to 12).
- Karen Bevilacqua, Service Manager (Legal Services).
- Laura Cromarty, Service Manager (Transportation) (for Items 1 to 9).
- Shonagh Merriman, Service Manager (Corporate Finance).
- Matthew Wylie, Team Manager (Roads Support) (for Items 1 and 5 to 8).
- Laura Hutton, Economic Development Manager (for Items 1 to 12).
- Ewan Kennedy, Digital and Connectivity Officer (for Items 1 to 3).

In Attendance via remote link (Microsoft Teams)

- James Green, Team Manager (Marine Planning) (for Items 1 and 2).

Observing

- James Buck, Head of Marine Services, Transportation and Harbour Master.
- Kenny MacPherson, Head of Property and Asset Management (for Items 1 to 5).
- Kenny Roy, Service Manager (Roads and Grounds) (for Item 1).
- Thomas Richards, Senior Human Resources Adviser.
- Susan Taylor, Committees Officer.

Declarations of Interest

- Councillor Graham A Bevan – Item 12.
- Councillor Rachael A King – Items 11 and 12.
- Councillor Gillian Skuse – Item 1.
- Councillor Mellissa-Louise Thomson – Item 10.
- Councillor Heather N Woodbridge – Items 10 and 11.

Chair

- Councillor Kristopher D Leask.

1. Prohibition on Driving – Albert Street and Bridge Street, Kirkwall

Councillor Gillian Skuse declared an interest in this item, her connection being that Age Scotland Orkney, of which she was the Chief Executive Officer, was a main venue for drop-in sessions and she had offered practical assistance to members of the community in respect of the proposals, and was not present during discussion of this item.

After consideration of a report by the Director of Infrastructure and Organisational Development, together with an Equality Impact Assessment and an Island Communities Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Infrastructure Services, the Committee:

Noted:

1.1. The outcome of the statutory consultation in respect of introducing a new Prohibition of Driving Order covering Bridge Street, Albert Street, Laing Street, St Olaf's Wynd and Bridge Street Wynd, Kirkwall, as detailed in section 4 of the report by the Director of Infrastructure and Organisational Development.

1.2. The proposed order, attached as Appendix 1 to the report by the Director of Infrastructure and Organisational Development.

1.3. The options available to the Committee as follows:

- Option 1 – do nothing
- Option 2 – to make The Orkney Islands Council (Various Streets in Kirkwall) (Prohibition of Driving) Order 2025.
- Option 3 – to make The Orkney Islands Council (Various Streets in Kirkwall) (Prohibition of Driving) Order 2025 with modifications.

On the motion of Councillor Kristopher D Leask, seconded by Councillor Mellissa-Louise Thomson, the Committee resolved, in terms of delegated powers:

1.4. That Option 1, namely do nothing, be approved.

2. Draft Updated Sectoral Marine Plan for Offshore Wind Energy: Consultation

After consideration of a report by the Director of Infrastructure and Organisational Development, copies of which had been circulated, and after hearing a report from the Team Manager (Marine Planning), the Committee:

Resolved to **recommend to the Council** that the response to the updated Sectoral Marine Plan for Offshore Wind Energy (SMP-OWE) consultation, attached as Appendix 1 to this Minute, submitted to Scottish Government by the deadline of 22 August 2025, be approved.

3. Strategic Priorities for Telecommunications, Spectrum and Postal Services – Consultation

After consideration of a report by the Director of Enterprise and Resources, copies of which had been circulated, and after hearing a report from the Digital and Connectivity Officer, the Committee:

Resolved to **recommend to the Council**:

3.1. That the draft response to consultation on Strategic Priorities for Telecommunications, Spectrum and Postal Services, attached as Appendix 2 to this Minute, be approved.

3.2. That the Director of Enterprise and Resources be authorised to submit the response in relation to the consultation on Strategic Priorities for Telecommunications, Spectrum and Postal Services to the Department of Science, Innovation and Technology at the UK Government by the deadline of 18 September 2025.

The Committee noted:

3.3. 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 at paragraph 3.2 above, prior to approval by the Council.

Councillor P Lindsay Hall left the meeting at this point.

4. Inter-Island Air Services – Proposed Summer 2026 Timetables

After consideration of a report by the Director of Enterprise and Resources, copies of which had been circulated, and after hearing a report from the Service Manager (Transportation), the Committee:

Noted:

4.1. That the inter-island air services timetable for summer 2026 was scheduled to operate from 16 February to 24 October 2026.

4.2. That an enhanced level of service was expected to commence in July 2026, following the acquisition of a third aircraft and the appointment of additional personnel by Loganair Ltd.

4.3. That, following further consultation with communities, the Director of Enterprise and Resources would submit a revised timetable for summer 2026 for consideration by the Development and Infrastructure Committee.

The Committee resolved, in terms of delegated powers:

4.4. That the timetable in respect of the inter-island air services to be operated during summer 2026, attached as Appendix 3 to this Minute, be approved, until such time as an enhanced service was operational, expected by July 2026.

Councillor P Lindsay Hall rejoined the meeting during discussion of this item.

5. Revenue Expenditure Outturn

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Committee:

Noted:

5.1. The revenue financial summary statement in respect of service areas for which the Development and Infrastructure Committee was responsible, for financial year 2024/25, attached as Annex 1 to the report by the Head of Finance, indicating a budget overspend position of £1,634,700.

5.2. The revenue financial detail by service area statement in respect of service areas for which the Development and Infrastructure Committee was responsible, for financial year 2024/25, attached as Annex 2 to the report by the Head of Finance.

5.3. The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the report by the Head of Finance.

6. Revenue Expenditure Monitoring

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Committee:

Noted:

6.1. The revenue financial summary statement in respect of service areas for which the Development and Infrastructure Committee was responsible, for the period 1 April to 30 June 2025, attached as Annex 1 to the report by the Head of Finance, indicating a budget underspend position of £8,024,300.

6.2. The revenue finance detail by service area statement in respect of services areas for which the Development and Infrastructure Committee was responsible, for the period 1 April to 30 June 2025, attached as Annex 2 to the report by the Head of Finance.

6.3. The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the report by the Head of Finance.

7. Road Asset Replacement Programme – Expenditure Outturn

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Committee:

Noted:

7.1. The summary outturn position of expenditure incurred for financial year 2024/25 in respect of the approved Road Asset Replacement Programme, as detailed in section 1.4 of the report by the Head of Finance.

7.2. The detailed analysis of expenditure figures and programme updates in respect of the approved Road Asset Replacement Programme for 2024/25, attached as Appendix 1 to the report by the Head of Finance.

8. Road Asset Replacement Programme – Expenditure Monitoring

After consideration of a report by the Head of Finance, copies of which had been circulated, and after a hearing a report from the Service Manager (Corporate Finance), the Committee:

Noted:

8.1. The summary position of expenditure incurred as at 30 June 2025, in respect of the approved Road Asset Replacement Programme for 2025/26, as detailed in section 1.4 of the report by the Head of Finance.

8.2. The detailed analysis of expenditure figures and programme updates in respect of the approved Road Asset Replacement Programme for 2025/26, attached as Appendix 1 to the report by the Head of Finance.

9. Public Bus Services – Contract Monitoring

After consideration of a report by the Director of Enterprise and Resources, copies of which had been circulated, and after hearing a report from the Service Manager (Transportation), the Committee:

Noted:

9.1. Passenger carryings for the period April 2024 to July 2025, together with the fare income for subsidised public bus services, excluding the X1 service, which was commercial, as outlined in Appendix 1 to the report by the Director of Enterprise and Resources.

9.2. That no formal complaints were received during 2024/25 in respect of public bus services in operation across Orkney.

10. Crown Estate Economic Development Fund and Crown Estate Community Led Development Fund

Budget Outturn

Councillor Mellissa-Louise Thomson declared an interest in this item, her connection being that she was a Director of the Eday Partnership, and was not present during discussion of this item.

Councillor Heather N Woodbridge declared an interest in this item, her connection being that she was a Trustee of the Orkney Sheep Foundation, and was not present during discussion of this item.

After consideration of a report by the Director of Enterprise and Resources, copies of which had been circulated, and after hearing a report from the Service Manager (Enterprise), the Committee:

Noted:

10.1. The fund balances of the Crown Estate Economic Development Fund and the Crown Estate Community Led Development Fund, as at 31 March 2025, as detailed in Annex A to the report by the Director of Enterprise and Resources.

10.2. The funding allocations made in the period 1 April 2024 to 31 March 2025 totalling £330,360, against the Crown Estate Economic Development Fund, as detailed in Annex B to the report by the Director of Enterprise and Resources.

10.3. The grant approvals made in the period 1 April 2024 to 31 March 2025 totalling £378,086, against the Crown Estate Community Led Development Fund, as detailed in Annex C to the report by the Director of Enterprise and Resources.

11. Economic Development Grants and Cost of Living Crisis Business Support Schemes

Budget Outturn Statement and Delegated Approvals

Councillor Rachael A King declared an interest in this item, her connection being that a close family member was involved in a project which had been a recipient of funding as detailed in Annex B to the report by the Director of Enterprise and Resources, and was not present during discussion of the matters contained in Annex B to the report.

Councillor Heather N Woodbridge declared an interest in this item, her connection being that she was a Director of North Ronaldsay Trust, which was a recipient of funding as detailed in Annex B to the report by the Director of Enterprise and Resources, and was not present during discussion of the matters contained in Annex B to the report.

After consideration of a report by the Director of Enterprise and Resources, copies of which had been circulated, and after hearing a report from the Service Manager (Enterprise), the Committee:

Resolved:

11.1. That the public be excluded from the meeting in respect of discussion of the matters contained in Annex B to the report by the Director of Enterprise and Resources, on the grounds that it involved the disclosure of exempt information as defined in paragraph 4 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

Officers responded to questions from elected members on the detail contained within Annex B to the report by the Director of Enterprise and Resources.

Upon conclusion of discussion of the matters contained in Annex B to the report by the Director of Enterprise and Resources and thereby the exclusion of the public, the Committee thereafter noted:

11.2. That, during financial year 2024/25, new spending commitments of £315,400 were approved which, relative to the revised Economic Development Grants budget of £315,400 including the capability to over-commit by 5%, resulted in full budget commitment, as detailed in Annex A to the report by the Director of Enterprise and Resources.

11.3. Grant approvals made in the period 1 April 2024 to 31 March 2025 totalling £315,400, including grants approved under delegated schemes for the same period, totalling £202,528, as detailed in Annex B to the report by the Director of Enterprise and Resources.

11.4. Approvals made in the period up to 28 February 2025, totalling £120,000, in respect of the Cost of Living Crisis Business Support Schemes, as summarised in Annex C to the report by the Director of Enterprise and Resource.

12. Economic Development Grants

Budget Monitoring Statement and Delegated Approvals

Councillor Graham A Bevan declared an interest in this item, in that a family member was involved with an organisation which had received Economic Development Grant funding, however as Annex B to the report by the Director of Enterprise and Resources was not discussed, he did not leave the meeting.

Councillor Rachael A King declared an interest in this item, in that a family member was employed by an organisation which had received Economic Development Grant funding, however, as Annex B to the report by the Director of Enterprise and Resources was not discussed, she did not leave the meeting.

After consideration of a report by the Director of Enterprise and Resources, copies of which had been circulated, and after hearing a report from the Economic Development Manager, the Committee:

Noted:

12.1. Spending to 30 June 2025 in relation to Economic Development Grants totalling £46,252, of which £42,252 related to grant commitments made in previous financial years and £4,000 to current year commitments.

12.2. Grant approvals made in the period 1 April to 30 June 2025 totalling £123,040, including grants approved under delegated schemes for the same period totalling £83,040, as detailed in Annex B to the report by the Director of Enterprise and Resources.

13. Harbour Authority Sub-committee

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 26 August 2025, copies of which had been circulated, the Committee:

Resolved:

13.1. On the motion of Councillor Kristopher D Leask, seconded by Councillor Mellissa-Louise Thomson, to approve the Minute of the Meeting of the Harbour Authority Sub-committee held on 26 August 2025 as a true record.

The Committee resolved to **recommend to the Council:**

13.2. That the recommendation at paragraph 1 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 26 August 2015, attached as Appendix 4 to this Minute, be approved.

14. Exclusion of Public

On the motion of Councillor Kristopher D Leask, seconded by Councillor Mellissa-Louise Thomson, the Committee resolved that the public be excluded from the remainder of the meeting, as the business to be discussed involved the disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

15. Orkney Ferries Limited – Financial Performance 2024/25

Under section 50A(4) of the Local Government (Scotland) Act 1973, the public had been excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A of the Act.

After consideration of a report by the Director of Enterprise and Resources, copies of which had been circulated, the Committee:

Noted the revenue expenditure and management information in respect of Orkney Ferries Limited for 2024/25, as presented in sections 3 and 4 of the report by the Director of Enterprise and Resources, together with the Report and Accounts for the year ended 31 March 2025, attached as Appendix 1 to the report by the Director of Enterprise and Resources.

16. Conclusion of Meeting

At 11:59 the Chair declared the meeting concluded.

Signed: Kristopher D Leask.

Consultation on the draft Updated Sectoral Marine Plan for Offshore Wind Energy



Respondent Information Form

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

What is your name?

Hayley Green

Are you responding as an individual or an organisation?

Only choose “organisation” if you are submitting a response on behalf of an organisation rather than your own individual views.

- ☐ Individual
- ☒ Organisation

What is your organisation?

Orkney Islands Council

If responding on behalf of an organisation, please enter the organisation’s name here. If you are responding as an individual, you can leave this blank.

Further information about your organisation’s response

Organisations may use this space to provide additional context for their response. This could be information about, for example:

- Any research your organisation undertook to inform the response
- Any engagement with your members or audience undertaken to inform the response

This is optional.

This is an OIC officer response to this consultation. This response is being submitted to Elected Members at a meeting to be held on 9 September 2025 – it is not expected that the consultation response will be amended, however we would wish to reserve the right to submit amendments, if required and appropriate.

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

Yes

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

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

- ☐ Publish response with name
- ☒ Publish response only (without name)
- ☐ Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy. (Required) To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

x

I consent

Questionnaire

Question 1

Do you agree that up to 1GW of Test and Demonstration projects should be included within the scope of the updated Plan? Please provide any comments you have on their inclusion or proposed parameters.

Yes.

OIC supports the inclusion of test and demonstration projects in the updated Sectoral Marine Plan for Offshore Wind Energy (SMP-OWE).

Our Council Plan recognises that much of Orkney's economic growth will come from our flourishing renewables sector, and many of tomorrow's jobs will be in the green economy and the blue economy.

Underpinning all of our plans is the Council's commitment to combat climate change, having joined councils around the world in declaring a climate emergency in 2019. The opportunity to grow our green and blue economies with land and sea-based renewable energy projects will give Orkney a head start in the race to net zero, reducing energy use whilst simultaneously boosting employment.

Our Council Delivery Plan highlights the need to maximise support for innovation, work with partners (e.g. EMEC, International Centre of Island Technology Heriot Watt University Orkney) in the renewable research and innovation community to enable Orkney to tap into the opportunity presented by renewable energy developments, particularly offshore wind, by supporting development of the local supply chain including research and development and innovation activity.

The successful delivery of the Scotwind floating offshore wind projects will depend on developers' ability to test and demonstrate the technology in metocean conditions that are representative of the locations into which they will be deployed. Floating platforms, turbines, cables, mooring systems and other components will all need to be proven before they can be deployed confidently at scale.

Since early 2020, European Marine Energy Centre (EMEC) has been investigating and examining options for a national floating wind test centre located to the west of Orkney. This proposal aims to create the capability to test floating platforms, turbines, cables, mooring systems and other components in metocean conditions that meet the needs of UK floating offshore wind projects anticipated for ScotWind, Innovation and Targeted Oil & Gas (INTOG) and the Celtic Sea leasing rounds.

Page 29 of the Updated Plan states:

No more than a total of 1 GW of installed capacity for T&D projects should be leased. This capacity should be equally available in each of the five regions outlined in this draft updated Plan (West, North, Shetland, North East, and East), with no more than 200 MW leased per region.

Any project will be subject to CES leasing processes. Sites are likely to be relatively smaller (no larger than 100 MW of generation capacity) and they should not be located in a site already covered by an existing CES Seabed Agreement or in a Marine Protected Area (MPA). The rationale (purpose, aims and objectives) with the purpose of any T&D project will need to be clear. Potential rationales could include research on components or whole turbine technology in an 'at sea' environment, testing of technology types, or certification of offshore wind infrastructure. However, this list is for guidance only and not intended to be exhaustive or restrictive. The site identified should be within a single contiguous boundary and be of a scale proportionate with the proposed activity.

Given Orkney's track record in test and demonstration for marine renewables, local expertise and supply chain, and representative metocean conditions for Scotwind and INTOG sites, Orkney is considered an ideal location for an offshore wind test and demonstration site. This will require further analysis of potential impact on existing environmental, social, economic and infrastructure constraints.

As a general comment, the term 'commercial' when referring to projects over 100MW we believe is misleading and assumes that smaller developments are considered 'non-commercial' e.g. Innovation projects under INTOG. We would prefer to see reference to large, medium or small (community) scale. The market will ultimately determine the viability of any project. Whilst economies of scale do play a part in determining that viability, so do grid connection charges, grid use of system charges, the market price of electricity, the availability of revenue support mechanisms, the price of carbon, developments in technology etc.

Question 2

Do you have any comments on how the benefits of offshore wind development could be maximised? If referring to development within a certain region, please specify.

A just transition to net zero requires that offshore wind developments should deliver transformative social and economic benefits for host island communities, delivering investment in the required island infrastructure and services, creating jobs, supporting local skills development and local supply chains. Orkney Islands Council (OIC) aims to work in partnership with the Scottish Government, developers and agencies to achieve our shared ambitions to maximise the benefits to Scotland from offshore wind and investment in the local infrastructure required to enable this. This will require significant upfront investment of Scotwind Crown Estate Scotland revenues in harbour infrastructure to enable project deployment and O&M to be delivered in Scotland.

To enable lasting benefits for Scotland's islands and coastal communities, workforces will need to be located within these communities, supported by the required infrastructure and services. Scotwind Crown Estate Scotland revenue should be passed to host island communities to enable them to prepare for and benefit from offshore wind activity.

OIC fully supports the introduction of mandatory community benefit payments for offshore wind developments and believes this could be instrumental in expediting the roll out of truly sustainable renewable energy across Scotland. Community benefit funds need to be proportionate to the scale of development/commercial revenues anticipated under

Scotwind and need to be sufficient to address the infrastructure and service requirements resulting for this scale of industrial change. Community benefit funds should be strategically targeted, alongside wider public and private sector investment, to avoid small scale and potentially tokenistic outcomes for affected communities.

As well as delivering major benefits, large scale offshore wind developments can have significant onshore impacts on adjacent island communities including on harbours, roads, housing markets, wider infrastructure, and community services and facilities. It is therefore important that these factors are assessed and appropriately mitigated, and that this mitigation is effectively secured via the consents for offshore wind farms and associated infrastructure. This should include the use of appropriate conditions, where appropriate, to ensure that developer proposed job creation, supply chain, skills development, housing provision and infrastructure investment strategies can be effectively secured, monitored and delivered. These mitigation measures need to be supported by developer investment. OIC supports the sustainable development of offshore wind in Orkney and Scottish waters provided that benefits to our local communities are maximised, and an appropriate balance is struck between economic, social and environmental needs of local communities.

Offshore wind technology should play a key role in meeting the Scottish commitment to reach net zero emissions by 2045. That said, policy and financial support to other technologies including wave and tidal sector should also be a priority to benefit from the significant innovation and development in Scotland, particularly Orkney, and the abundant energy resources. These technologies offer an opportunity to create more balance in electricity supply and demand from intermittent generation.

OIC and the communities we serve have a significant interest in offshore wind development across Scottish Waters, particularly the Options Areas (OAs) within the North and North East Regions identified in the updated Sectoral Plan. Commercial scale offshore wind developments within these areas could have significant impacts (both positive and negative) on Orkney communities, the Orkney Islands Scottish Marine Region and the associated social, economic and environmental receptors/resources. These impacts could be better addressed if the Plan was strengthened to present a stronger directive policy basis to manage the balance of these positive and negative impacts through the Island Communities Impact Assessment.

It is recommended that National Marine Plan 2 should take the lead from NPF4 on policies to maximise socio-economic benefits from marine developments and activities, and policies to deliver community wealth building for island and coastal communities, particularly NPF4 Policy 11c and Policy 25. The Scottish Renewables *Maximising Net Socio-Economic Benefit of Renewable Energy Guidance and Reporting Framework Guidance for developers to comply with NPF4 Policy 11c*, is a good practice industry-led example of how socio-economic benefits from renewable energy developments can be maximised.

The Orkney Islands Regional Marine Plan – Consultation Draft includes policy to support and maximise sustainable social and economic benefits from marine development for Orkney communities (General Policy 4). Once the plan has been adopted in winter 2025/26, this policy will be supported by guidance prepare by OIC. The Updated SMP-OWE should signpost to relevant regional marine plans to assist offshore wind developers.

The utilisation of harbour infrastructure, including sheltered anchorage for wet storage, in Orkney provides significant locational and operational benefits to offshore wind developers in the North of Scotland. Investment in Orkney's harbour infrastructure will be a critical component of a just transition to net zero for Orkney communities, ensuring that we can benefit from offshore wind development in Orkney and wider Scottish waters. Investment in Orkney's harbour infrastructure has a county wide positive effect as shown in the Orkney Harbours Masterplan Phase 1 document approved by the Council in April 2020. The projects listed in this document vary in size, but all will have a positive socio-economic effect on the County as a whole – at the same time as maintaining the environment of Orkney. This can be / is assisted by having a robust, effective SMP-OWE that allows practical but compliant port and harbour development.

OIC broadly supports the guidance principles set out in the Marine Directorate/Marine Scotland report Defining 'Local Area' for assessing impact of offshore renewables and other marine developments. Of particular relevance is Principle 3 (Epicentres) and the need for local areas in socio-economic impact assessments to include all the epicentres of impact e.g. construction and operation bases and ports. In practice, it is often the case that EIA Scoping Reports and applications for offshore wind farm consents do not include effective socio-economic impact assessments because the developer has not decided on a construction and operation base or port at the pre-consent stage. The magnitude of impact on a local community/economy will be greatly determined by the port choice for deployment, operations and maintenance, and decommissioning. If Orkney Harbours are selected for any of these development phases, the impacts on the Orkney's local economy could be significant both positive and adverse.

If the port locations are unknown at the consenting stage, then the EIA should still be required to undertake a proportionate level of appraisal of options based on reasonable scenarios. For example, if it is reasonably foreseeable that Orkney ports and supply chain companies etc could be used and/or have a material role during the construction, operation/maintenance and/or decommissioning phases of the proposed development, the assessment should include strategic consideration of potential effects on the Orkney economy, demographics, local housing market, labour market and local services and infrastructure e.g. changes in demand for housing and local services resulting from the proposed development.

It is impossible to appropriately mitigate adverse socio-economic impacts, and maximise benefits, without an accurate socio-economic assessment. It is therefore recommended that the Updated SMP-OWE should include plan level mitigation requiring that OA developers assess probable epicentres of impact even if the construction and operation port hasn't been chosen.

OIC envisages the following key mechanisms for island communities to benefit from offshore wind development:

- Developer commitments to contract operations and maintenance services from within adjacent island communities to ensure that those impacted by offshore wind development realise the associated short and longer term socio-economic benefits through jobs and support of the local supply chain.

- Seabed net revenues from offshore wind developments within 12 nautical miles distributed to local authorities for the benefit of coastal communities.
- Community benefit funds set up for the benefit of coastal communities which the EIA identifies as potentially significantly impacted by offshore wind developments, akin to onshore wind projects.

The Council would welcome further engagement with the Scottish Government and developers to consider the mechanisms to maximise benefits to our local communities from offshore wind energy projects. Specifically, to discuss whether there is scope to establish a stronger policy basis and direction through NMP2 and the SMP-OWE which could support regulatory requirements at the consenting stage.

Question 3

Do you have any comments on how social impacts could be mitigated?

Social impacts from offshore wind energy developments on Orkney communities include, but are not limited to, impacts on:

- housing markets, house prices, housing availability and temporary accommodation.
- local infrastructure including ports, ferries and roads.
- public and wider services including schools, training, transport, social housing and social care.
- leisure activities, wellbeing, amenity and quality of life.
- fishing communities.
- coastal tourism reduction caused by visual impacts of offshore wind turbines.

Firstly, there needs to be a requirement for social impacts to be effectively assessed as part of development specific social and economic impact assessments. For offshore developments, often the assessment and mitigation of social impacts is inadequate. This needs to be addressed in Updated SMP-OWE, consenting process and associated guidance.

A good practice example of how social impacts can be assessed and mitigated is the West of Orkney Wind Farm consent proposal which included a commitment to prepare a Local Accommodation Strategy as part of the proposed programme of embedded mitigation. This strategy will address the requirement for temporary construction workers in Orkney for the proposed offshore wind farm. As a statutory consultee on the consent application, OIC recommended that the developer liaise with OIC to develop a strategy that will minimise effects on the current already pressured housing system and include provisions for a long term housing legacy for Orkney's communities. It was recommended that a

Local Accommodation Strategy for Orkney be secured by MD-LOT via the appropriate consent.

Question 4

Do you have any comments on how economic impacts could be mitigated?

Orkney has considerable harbour infrastructure available for use by the offshore wind industry and is investing further in it on the expectation that offshore wind will utilise the significant local assets available to them. This has been set out in Orkney's Harbours Masterplan and Offshore Energy Development Strategy. The risk associated with these investments is considerably higher if no measures are put in place against developers building abroad and ultimately bypassing the local economies most affected by their developments.

In addition to local procurement of operations and maintenance activities, investment in the local skills development pipeline would support the assurance of longer term economic benefits in the region.

Question 5

Do you have any comments on how environmental impacts could be mitigated?

The Orkney Islands Regional Marine Plan – Consultation Draft (OIRMP) was deposited for consultation in 2024 and is scheduled to be adopted by Scottish Ministers in winter 2025/26. This Plan contains policies to guide public authorities, including but not limited to, decision makers, consenting authorities, regulators, and planners, to make decisions on sustainable development and activities within, or that affect, the Orkney Islands marine region. An overarching aim of the Plan's general and sector policies is to, in order of preference, avoid, minimise and/or appropriately mitigate any significant adverse impacts or effects that could be caused by proposed development and/or activities including offshore wind projects.

OIRMP Sector Policy 5: *Offshore wind, wave and tidal renewable energy generation* identifies that proposals for offshore wind energy development and/or activities should avoid, minimise or appropriately mitigate significant adverse impacts on:

- a. landscape and/or seascape character and visual amenity;
- b. nature conservation designations, protected species, and the wider biodiversity, including Priority Marine Features;
- c. seal haul-out sites;
- d. water quality and the benthic environment;
- e. historic environment assets;

- f. coastal processes including those caused by erosion, flooding and wider coastal change;
- g. other coastal and marine users including, but not limited to, commercial fishing, shipping and navigation, ports and harbour infrastructure/operations, marine cable routes and pipelines, active aquaculture sites, tourism, recreation, and sport and leisure activities;
- h. aviation and defence interests;
- i. telecommunications, radar and broadcasting installations; and
- j. amenity, including consideration of road traffic, noise, light, access, vibration, shadow flicker and litter impacts.

The OIRMP general policies provide detail on how impacts on these receptors should be considered and mitigated:

- General Policy 1: Sustainable development, activities and use
- General Policy 2: Safety
- General Policy 3: Climate change
- General Policy 4: Supporting sustainable social and economic benefits
- General Policy 5: Safeguarding natural capital and ecosystem services
- General Policy 6: Water environment
- General Policy 7: Coastal development and coastal change
- General Policy 8: Historic environment
- General Policy 9: Nature
- General Policy 10: Seascape and landscape
- General Policy 11: Surface and underwater noise, and vibration
- General Policy 12: Marine litter and waste
- General Policy 13: Non-native and invasive non-native species
- General Policy 14: Amenity, wellbeing and quality of life of local communities

Offshore wind developers should engage at an early stage in the planning and development process with consenting authorities, advisory bodies and local communities when assessing impacts on the above factors to identify opportunities for mitigation and enhancement measures.

It is also important that there is clear structure to the involvement of statutory consultees and expert agencies through the development process in order to maximise efficiency of consultation and engagement processes. In land-use planning the use of Planning Processing Agreements has been established as a mechanism to manage developer-consultee process stages. It would be worth considering whether a comparable process could be established to structure engagement processes, linked to future National Marine Plan 2 approval stages.

The potential impact on birds is highlighted as a significant risk and it would be helpful if this Plan could establish as much detail as possible and as early as possible to provide confidence and direction to the development process (recognising that some of this may be pending outcome of NMP2).

Question 6

Do you think the monitoring of environmental impacts of the draft Plan should be overseen by existing expert groups, or should a new expert advisory group be established for this purpose? Please explain your response.

No comment.

Question 7

Do you have any comments on the proposed changes to the SMP-OWE governance structure?

Associated British Ports should be included in the SMP OWE Steering group.

Question 8

Do you have any suggestions for how evidence should be shared and/or fed into strategic research programmes?

It is important that the evidence base is publicly available to inform developer decision making and marine policy development.

Question 9

Do you agree with the approach proposed to remove the iterative plan review process and replace it with the stated evidence and future planning proposals? Please explain your response.

Don't Know

No objection to the principle of removing the Iterative plan. However, it is important that there is a clear process and timeframe established for future stages of development which can provide certainty to developers and authorities moving forward. This could aim to establish a more comprehensive, ideally spatial, policy-based planning approach.

It is also critical to reflect on the process to date, and to establish a "lessons learnt" process to inform future work. This should involve the developers and public agencies that have been involved in the various processes to date.

The proposal to bring in a distinct sectoral marine planning process for future commercial-scale leasing rounds is supported. A future sectoral planning process would have to incorporate regional and island stakeholder views to inform the process of the environmental, economic and social impacts on these communities from offshore wind developments already present in the regions, and how new leasing rounds could potentially impact island and coastal communities.

Question 10

If you have any further comments or points that you think should be taken into account in the plan, please provide those below.

OIC has declared a climate emergency and recognises the critical role that further offshore wind development will have in tackling climate change and in helping us meet our decarbonisation targets.

Our Council Plan identifies renewable energy development as a top priority and sets out our ambitions to make the best use of our energy resources and opportunities.

Renewable energy resources from the wind and sea in and around Orkney constitute significant concentrations of potentially exploitable renewable energy resources in the UK. OIC welcomes this consultation and the opportunity for further engagement with the Marine Directorate and developers to ensure that Orkney's interests can be accommodated as the development of projects in Option Areas within and adjacent to Orkney waters progress. OIC strongly supports the need for continued communication with stakeholders, particularly Islands Councils, beyond the adoption of the Final Plan.

To provide important context, Orkney comprises around 70 islands, of which 19 are inhabited. Around 80 per cent of the population live on the Orkney mainland, particularly in the two biggest towns of Kirkwall and Stromness. We are an innovative and forward-thinking island community with abundant natural resources and rich cultural heritage. Our exceptional coastal and marine environment co-exists alongside a vibrant and diverse marine economy which is imbedded within the local community. A clustered approach to marine activities and management is the norm with local expertise and experience driving innovation in marine energy, fisheries, aquaculture, marine planning and resource management.

The Council has extensive experience in local governance having been a unitary Authority with responsibility for a wide range of public services for our community since 1974. Under the Orkney County Council Act 1974 we also have relatively unique experience of being the Statutory Harbour Authority for Scapa Flow, Kirkwall and other small ports and harbours, including all the duties that are associated with this – part of which is managing our Harbour activities in a manner which has ensured environmental and economic security of our community over many decades.

The approved Orkney Harbour Masterplan Phase 1 (April 2020) includes development of a pier in Scapa Flow (Scapa Deep Water Quay, a NPF4 project), Hatston Pier Extension (a NPF4 project,) Stromness pontoons and Kirkwall Pier extension / redevelopment.

Orkney Islands Regional Marine Plan is currently being prepared by OIC as a single delegate, in accordance with the Delegation of Functions (Regional Marine Plan for the Scottish Marine Region for the Orkney Islands) Direction 2020. The Orkney Islands Regional Marine Plan – Consultation Draft (OIRMP) was deposited for consultation in 2024 and is scheduled to be adopted by Scottish Ministers in winter 2025/26. This Plan contains policies to guide public authorities, including but not limited to, decision makers, consenting authorities, regulators, and planners, to make decisions on sustainable development and activities within, or that affect, the Orkney Islands marine region. This

Plan contains general and sector policies of relevance to proposed development and/or activities including offshore wind projects. The Updated SMP-OWE should signpost to relevant regional marine plans to assist offshore wind developers.

Green hydrogen and the production other zero or low fossil carbon fuels should be considered as part of the potential solution to current grid constraints for offshore wind and other renewables. Such projects could enhance the commercial viability of offshore wind developments and assist the future decarbonisation of other sectors including marine transportation, agriculture, aquaculture etc. Repurposing oil and gas infrastructure in Orkney for the production/handling of zero or low fossil carbon fuels should be supported in national policy including the updated Sectoral Plan.

As a general comment, the term 'commercial' when referring to projects over 100MW we believe is misleading and assumes that smaller developments are considered 'non-commercial' e.g. Innovation projects under INTOG. We would prefer to see reference to large, medium or small (community) scale. The market will ultimately determine the viability of any project. Whilst economies of scale do play a part in determining that viability, so do grid connection charges, grid use of system charges, the market price of electricity, the availability of revenue support mechanisms, the price of carbon, developments in technology etc.

Annex A. SMP-OWE and Associated Assessments Policy Context, Planning, page 66, should refer to NPF4 National Development 1 – Energy Innovation Development on the Islands.

Annex A – Page 71 is unclear why the EU Directive 2014/89/EU (the Maritime Spatial Planning Directive) is discussed under the Soil (Marine Geology and Physical Processes) section. This directive should be referenced under Planning in Annex A. It would be more relevant to refer to Dynamic Coast and Coastal Change Adaptation Plans under Soil (Marine Geology and Physical Processes).

Annex A refers to NPF4. The status of NPF4 in decision making for offshore wind should be clarified in the updated SMP-OWE.

Annex B, Regulating Offshore Wind Farm Development in Scottish Waters, page 85, should refer to regional marine plans in addition to the national marine plan.

Question 11

A policy review has identified that no aspects of the draft plan will impact on children's rights, as outlined briefly in Annex C. Do you agree with these findings? If you have identified any impacts on children's rights and/or wellbeing, please explain.

Yes

Question 12

Do you have any comments on the partial Business and Regulatory Impact Assessment?

In its current draft it is difficult to comment upon the value of the template prior to its application, therefore we would reserve position on this document at this stage and look forward to opportunity to comment further on this once the full BRIA is available.

Question 13

Do you have any comments on the partial Island Communities Impact Assessment?

OIC welcomes that the Scottish Government is committed to conduct a full ICIA as part of the plan making process and agrees that the updated Sectoral Plan is likely to have significant differential impacts on island communities when compared to mainland locations. That said, the partial ICIA deposited for consultation does not adequately identify or address impacts on island communities, particularly Orkney, and will need to be substantially updated. The ICIA should lead to the identification of mitigations/actions in the Updated Sectoral Plan to address impacts on island communities.

OAs located in close proximity to island communities are likely to have greater impacts on those communities including:

- impacts on local infrastructure including ferries and roads, including direct, indirect and displacement effects.
- impacts on current and future operational profile of Orkney's existing (and future national developments established in NPF4) ports and harbours which are critical lifeline and commercial infrastructure for Island communities including import and export routes supporting all social and economic activity.
- impacts on local housing markets, house prices, housing availability and temporary accommodation due to construction and operational workers.
- public and wider services including schools, training, transport, social housing and social care, including direct, indirect and displacement effects.
- impacts on wellbeing, amenity and quality of life.
- impacts on island fishing communities, where employment in fishing accounts for a higher percentage of employment in island communities when compared to mainland locations. There needs to be a requirement within the Sectoral Plan for developers to maintain access to static gear fishing during wind farm operation and to appropriately compensate affected fishers excluded during the construction phase.
- impacts on the local economies (either positive or negative). These projects have the potential to bring much-needed investment and job opportunities to island communities however, there is a risk that island communities may be disadvantaged unless policymakers, developers and decision makers embed local economic participation into

the planning and delivery of these developments, including investment in island infrastructure.

To illustrate the impacts from offshore wind development on island communities, the West of Orkney Wind Farm (N1) provides a useful case study. Due to the significant numbers of construction workers required in Orkney for the West of Orkney Wind Farm construction phase, and their associated temporary housing requirements, there are likely to be significant impacts on the Orkney housing market for existing residents and the provision of tourist accommodation. The socio-economic impact assessment for West of Orkney Wind Farm proposal identified a low case scenario annual need for a local workforce in Orkney of 123 workers during construction. The potential direct effects, and cumulative effects associated with other planned infrastructure construction projects, would be significantly adverse for housing and accommodation availability in Orkney. These effects need to be understood in the context of the current significant shortage of housing in Orkney and high demand for housing for key workers. 123 construction workers will have more significant impacts on the infrastructure and services of an island community when compared to large mainland areas.

The partial ICIA states *‘as the updated SMP-OWE is a national-level strategic plan the identification of quantified impacts for the majority of receptors for specific island communities is not possible’*. Given the significant island specific socio-economic impact information that is available to support the current Scotwind consent applications, it is considered possible to identify specific impacts on islands and address these in the ICIA.

The partial ICIA states that many islands *‘express a desire for additional policies to cover issues such as placing a requirement on developers to make use of local supply chains, creating standards for community engagement practices and to set parameters for community benefits. It is recognised that these issues are out with the scope of the updated SMP-OWE to address, as it is a spatial plan and not a statutory policy document’*. OIC does not agree that these factors are not out with the scope of the updated SMP-OWE. The updated SMP-OWE includes environmental mitigation measures, it is therefore possible and reasonable to expect the plan to include socio-economic mitigation measures, or effects on human health with the context of the SEA, to address impacts on island communities identified within a full ICIA.

Delivering a just transition to net zero will require offshore wind developments to deliver equitable and sustained benefits to adjacent/host island communities. We request that the updated Sectoral Plan includes specific mitigation to address social and economic impacts on island communities.

Question 14

Do you have any comments on the Strategic Environmental Assessment Environmental Report?

The SEA provides a reasonable high-level assessment of the likely effects of implementing the Plan but acknowledges that significant data gaps remain in the understanding of both the current and future marine environment around Scotland. As new data and knowledge

becomes available, these factors should be kept under review to enable sustainable offshore wind development in Scottish waters to be maximised.

Further national policy and guidance on biodiversity enhancement and nature positive provisions for offshore wind energy developments are required.

At 6.3.2, SEA ER identifies plan level mitigation measures to 'ensure avoidance of significant environmental effects' from Test & Demonstration projects. These include the following mitigations that are considered to be overly precautionary and require further clarity on how they are proposed to be implemented in decision making:

- 'T&D projects will be located >5 km from designated seal haul outs'. Why 5km? NatureScot advise a buffer zone of 500 metres to avoid disturbance to seal haul out sites.
- 'T&D projects will be located beyond 15 km from the coastline to avoid significant seascape and visual effects, and impacts on coastal receptors (e.g. watersports, recreational angling, coast protection and inshore fisheries)'. Why 15km? To identify appropriate T&D sites from a landscape/seascape perspective, the distance from shore should be informed by project level Seascape and Landscape Visual Impact Assessment in an EIA. The existing Plan Option Areas N4 and W1 are within 15km from the coastline and will be larger 'commercial' scale projects. It is therefore requested that the appropriateness of this plan level mitigation measure be reconsidered.
- 'T&D projects will avoid higher density fishing areas'. How will higher density fishing areas be defined in practice? This could be overly constraining on development potential for T&D sites which are likely to be a relatively small spatial footprint with impacts on fishing that could potentially be mitigated at the project level.

Question 15

Do you have any comments on the Habitat Regulations Appraisal Appropriate Assessment Information Report?

It is noted that modelling outputs in relation to birds (collision and displacement) and marine mammals (disturbance from underwater noise) were unavailable to inform the HRA AAIR. This has prevented a full Appropriate Assessment from being completed and the identification of compensatory measures. Further clarity is required on strategic compensation policy and measures. It is disappointing that the Updated Sectoral Plan is not supported by the identification of specific strategic compensation proposals.

Further national policy and guidance on biodiversity enhancement and nature positive provisions for offshore wind energy developments are required.

The principle of a Marine Recovery Fund in Scotland is supported by OIC as a mechanism to facilitate the delivery of strategic compensation measures. Strategic compensation policy should ensure that there is an equitable distribution of compensation measures across Scottish waters which include the islands.

The plan level measures identified at 12.3.8 in the HRA AAIR aim to restrict the size and scale of the T&D projects, avoid overlap with Protected sites and reduce potential conflict with features. It states at 12.3.8 that *'T&D projects would not be located outside the boundaries of Protected sites'*. Presumably this should state *'T&D projects would be located outside the boundaries of Protected sites'*.

Question 16

Do you have any comments on the Social and Economic Impact Assessment?

It is welcomed that the updated SMP-OWE is supported by a Social and Economic Impact Assessment (SEIA) to consider impacts on other marine sectors and the lives and circumstances of people, their families and their communities. It is particularly welcome that knock-on social impacts are assessed in addition economic factors.

It is disappointing that the updated Sectoral Plan regional boundaries split Orkney's marine waters into two different regions. This is not very helpful when assessing the Plan and its effects on Orkney communities. These regional boundaries have not been identified with due consideration to how the Option Area developments relate to host island communities like Orkney. OIC raised this as an issue in response to the SMP-OWE consultation in 2019-20.

Splitting of Orkney across 2 areas is unhelpful and risks the impact/opportunity which is attached to Orkney not being given sufficient focus for development in either area. This is not the case for any other Authority area in Scotland. If it is not possible to establish Orkney as a specific area (as has been done for Shetland) then as a minimum the Plan should reference specific "key considerations" for Orkney as an area which straddles 2 areas skewed by the size of the Highlands and Aberdeenshire regions respectively. The risk is that assessments for the separate areas will not be able to present a comprehensive appraisal of impact for Orkney.

An example would be the observations made with regards to educational deprivation and lifestyle being considered broadly across the vast area of the 'North Region' – where Orkney has dedicated services on the isles. While this section appears to capture Orkney's economic activity, by contrast, Orkney's portrayal in the 'North-East' appears to focus on its health and crime statistics, which we understand are typically gathered for Orkney as a whole. We therefore question the value of consideration by region where the data is segmented in this way, and the validity of the conclusions it draws for our region.

In practical terms splitting Orkney into two does not have any benefits when marine, harbour or transport concerns are considered. The whole of the Orkney Isles is one area with internal and external ferries supporting the economy, with the ports and harbours being an important element of this. This is clearly shown with the approach to Harbour Master planning where Phase 1 was completed and approved in 2020 – considering the more major ports and harbours in Orkney as a whole, and Phase 2 just commencing with considering other ports and harbours in the whole of Orkney. This is not a geographical split but due to physical size and implications to the whole of Orkney. Splitting Orkney into two for SMP does not make any practical or commercial sense.

Table E1 identifies ports used as indicative of the range of locations that could support offshore wind development. This includes Scapa Flow but should also include Hatston, Kirkwall.

Question 17

Do you have any comments on the NCMPA Assessment Report?

No.

Question 18

Do you have any comments on the Sustainability Appraisal report?

No. As the Sustainability Appraisal summarises the findings of the SEA etc, refer to OIC comments on the other supporting assessments.

Question 19

Do you have any comments on the Regional Locational Guidance?

Overall, the majority of spatial data appears accurate. Similarly to the comments raised elsewhere, it is disappointing that the updated Sectoral Plan regional boundaries split Orkney's marine waters into two different regions. This is not very helpful when assessing the Plan and its effects on Orkney communities. These regional boundaries have not been identified with due consideration to how the Option Area developments relate to host island communities like Orkney. In the Locational Guidance context, it leads to some important industries in Orkney being split up and appearing to be smaller operations than they are in a local context.

Paragraph 4.5.6 refers to the "Orkney Water Marine Spatial Plan". It is unclear whether this is referring to the Draft Orkney Islands Regional Marine Plan (expected final publication Winter 2025/26) or the non-statutory 'Pilot Pentland Firth and Orkney Waters Marine Spatial Plan'. It may be appropriate to reference the Orkney Islands Regional Marine Plan here.

The Shellfish Aquaculture dataset appears to be out of date/incorrect in the Orkney area, with sites marked on the map that do not exist.

Paragraph 6.3.23 states: "There are no projects involving hydrogen production in the North East region." Orkney produces and has been a demonstration region for numerous green hydrogen demonstration projects. These projects, including Surf 'n' Turf and Building Innovative Green Hydrogen in Isolated Territories, have produced hydrogen from renewable sources, including community-owned wind energy and tidal energy installations. The Orkney Hydrogen Strategy¹ aims to develop a sustainable hydrogen economy in Orkney to help meet net-zero targets, create local jobs, and develop a local supply chain and a more resilient local energy system. The strategy seeks to establish Orkney as the

¹ Orkney Hydrogen Strategy – The Hydrogen Islands 2019-2025. Orkney Islands Council.
<https://www.orkney.gov.uk/media/wvfuup1/hydrogen-strategy.pdf>

global exemplar in green hydrogen integration, supporting a robust rural net-zero economy.

The Flotta Hydrogen Hub (which would fall within the North region) is a proposed green hydrogen production and export project on the island of Flotta that is investigating the opportunity for offshore wind energy to power the production of green hydrogen on an industrial scale. This project aims to investigate options for hydrogen production and distribution from Flotta, utilising a repurposed area of the existing Flotta Oil Terminal².

² Flotta Hydrogen Hub. <https://www.flottahydrogenhub.com/>

Proposed Statement of Strategic Priorities for telecommunications, the management of radio spectrum, and postal services consultation – closes 18 September 2025.

This appendix sets out the questions asked through the consultation and draft responses to each. Responses to the questions must be submitted via an online portal.

1. *Do you agree with the Government's strategic priorities and desired policy outcomes for fixed digital infrastructure? Are there alternative or additional strategic priorities and desired outcomes you believe are required?*

Telecommunications infrastructure in Orkney is not just a matter of convenience — it is a matter of survival and opportunity. For our island communities, reliable digital connectivity underpins access to emergency services, telecare, energy systems, and crisis communications. When these systems fail, the consequences can be life-threatening. At the same time, Orkney is expected to be at the forefront of the UK's renewable energy transition. From pioneering marine energy to supporting smart grid innovation, our islands are a testbed for technologies that will shape the future of net zero. But without robust, resilient, and affordable connectivity, residents and businesses cannot fully participate in — or benefit from — this transformation.

Broadband connectivity in Orkney is increasingly a matter of life and limb. As the national migration away from the Public Switched Telephone Network (PSTN) progresses toward its completion in January 2027, reliable broadband will become essential for accessing emergency services, telecare, and other critical systems. In island communities, where alternative communications are limited, any disruption to digital infrastructure can have serious, even life-threatening consequences. Ensuring robust, resilient, and affordable broadband is therefore not only a technical priority — it is a public safety imperative.

Orkney Islands Council broadly supports the Government's strategic priorities for fixed digital infrastructure, including the ambition to extend gigabit-capable connectivity to 99% of UK premises by 2032 and the emphasis on investment, competition, and infrastructure sharing. These priorities are essential to supporting economic growth, public service transformation, and digital inclusion.

However, the Council believes that additional strategic focus is required to ensure equitable outcomes for rural and island communities, where commercial rollout is often unviable and infrastructure costs are disproportionately high. In Orkney, full-fibre availability remains significantly below the national average, and many premises still fall below the Universal Service Obligation threshold.

The Reaching 100% (R100) programme, led by the Scottish Government, has made important progress in delivering full fibre to over 2,900 premises across Orkney, including both mainland and ferry-linked isles. However, delivery has not reached all residents, and those missed by R100 remain dependent on the UK Government's Project Gigabit, which is still in procurement. The Council urges Ofcom and the Government to:

- Prioritise rural-first investment models, including targeted funding and delivery mechanisms for non-commercial areas.
- Maintain regulatory safeguards to protect emerging competition and prevent anti-competitive practices, especially in areas served by a single provider.
- Ensure transparency and fairness in infrastructure sharing, including access to Openreach's ducts and poles, and clarity in pricing models so they do not impact on potential solutions for Very Hard to Reach Premises (VHTR).
- Review and modernise the Broadband Universal Service Obligation to reflect current technological standards and geographic realities.
- Support business connectivity in rural areas, recognising its role in sustaining local economies and enabling innovation.
- Coordinate infrastructure upgrades with energy sector transitions (e.g. RTS meter replacement) to ensure no household is left behind due to lack of connectivity.

The Council is also concerned about the implications of the Public Switched Telephone Network (PSTN) switch-off, scheduled for completion by the beginning of 2027. This transition affects thousands of residents and businesses in Orkney, many of whom rely on copper-based services for telephony, alarms, and telecare. The Council urges Ofcom to work closely with providers to ensure that vulnerable consumers are protected, that alternative services are available and reliable, and that the transition does not exacerbate digital exclusion in rural areas.

Finally, Orkney Islands Council supports measures to improve gigabit uptake, including better switching processes, consistent terminology across providers, and proactive engagement with communities. These steps are vital to ensuring that infrastructure investment translates into meaningful improvements in service quality and digital participation.

2. *Do you agree with the Government's strategic priorities and desired policy outcomes for wireless (mobile) digital infrastructure? Are there alternative or additional strategic priorities and desired outcomes you believe are required?*

Orkney Islands Council broadly agrees with the Government's strategic priorities for wireless digital infrastructure, particularly the ambition to deliver high-quality standalone 5G in all populated areas by 2030 and the emphasis on investment, competition, and regulatory stability. These priorities are essential to enabling innovation, improving public services, and supporting economic growth across the UK.

The Council believes that additional strategic focus is required to ensure that rural and island communities are not left behind in the transition to advanced mobile networks. In Orkney, Ofcom data shows that while 4G coverage (from at least one operator) is strong at 99%, 5G coverage remains minimal, with only 13% of rural areas having geographic 5G and just 8% of premises receiving indoor 5G.

Despite intervention programmes such as the Shared Rural Network (SRN) and the Scottish Government S4GI programme, coverage issues and gaps remain. This is evidenced by a [mobile coverage mapping exercise commissioned by Orkney Islands Council in 2024](#) and conducted by Farrpoint. Commercial investment alone will not deliver equitable outcomes in areas with low population density and challenging geography. The lack of robust and resilient mobile phone coverage in Orkney is creating significant barriers to essential energy infrastructure upgrades.

As the Radio Teleswitch Service (RTS) is phased out, many residents are being told they cannot receive a signal strong enough to support smart meter functionality — a prerequisite for accessing modern tariffs and automated energy management. This issue is particularly acute in areas with poor mobile signal, where suppliers have refused installations or where fitted meters remain non-operational. Without smart meters, households risk losing access to cheaper off-peak tariffs and face limitations in managing energy use, including charging electric vehicles, which increasingly rely on mobile connectivity for activation and payment.

The situation underscores the urgent need for improved mobile coverage to support Orkney's transition to smarter, more sustainable energy systems.

We urge the Government to accelerate rural mobile coverage improvements, support small cell and alternative technologies, and ensure mobile infrastructure planning aligns with cross-sector digital transitions, including energy and public service delivery.

To address this, Orkney Islands Council recommends the following additional priorities:

- Rural-first deployment incentives: Ofcom should work with government to develop targeted incentives for mobile network operators to deploy standalone 5G in remote and island communities, including through neutral host models and infrastructure sharing.
- Improved coverage reporting: Ofcom's mobile coverage data should include ward-level granularity, drive-test results, and real-world performance metrics, particularly for transport corridors and ferry-linked isles.
- Local authority collaboration: Ofcom should actively engage with local authorities to gather accurate data and support planning for mobile infrastructure, including identifying priority areas for investment.

- Spectrum access for community networks: Ofcom should explore flexible licensing models that enable community-led wireless solutions in areas underserved by commercial operators.
 - Monitoring affordability and competition: In areas with limited provider choice, Ofcom should monitor pricing and service quality to ensure consumers are not disadvantaged by lack of competition.
 - The Council also supports continued work on net neutrality, ensuring that innovation is not stifled while maintaining consumer protections. Orkney Islands Council welcomes Ofcom's efforts to support widespread 5G adoption and encourages regular reporting on investment levels, regulatory impacts, and progress toward national coverage goals.
3. *Do you agree with the Government's strategic priorities and desired policy outcomes for the management of radio spectrum? Are there alternative or additional strategic priorities and desired outcomes you believe are required?*

Orkney Islands Council broadly agrees with the Government's strategic priorities and desired policy outcomes for the management of radio spectrum, particularly the emphasis on innovation, efficiency, and resilience. However, the Council believes that additional focus is needed on place-based spectrum access to support rural and island innovation. In areas like Orkney, geographic isolation and limited commercial incentives mean that traditional spectrum allocation models often fall short. The Council supports further development of shared access licensing, including full automation to reduce barriers for community networks and local service providers. It also encourages Ofcom to explore pilot zones for rural spectrum innovation, aligned with Scotland's Digital Strategy.

Fuel poverty in Orkney remains significantly higher than both the Scottish and UK averages, with around 31% of households affected and a further 22% considered to be in extreme fuel poverty. This is driven by a combination of factors including older, energy-inefficient housing stock, reliance on expensive heating fuels due to limited access to the gas grid, and a harsher climate that increases energy demand. Lower average incomes and higher living costs—estimated to be 20–30% above mainland levels—further exacerbate the issue.

The RTS switch-off, which involves retiring longwave radio signals used for energy meter control, demonstrates the need for strategic oversight of legacy spectrum-dependent services. In rural and island areas, RTS has provided a resilient, low-bandwidth solution that worked independently of mobile or broadband infrastructure. Its withdrawal without adequate replacement planning risks service disruption and consumer exclusion. We recommend that spectrum policy include impact assessments for legacy service retirements, support for transitional technologies, and coordination with infrastructure and consumer protection bodies to ensure spectrum decisions do not inadvertently disadvantage remote communities.

The Council urges Ofcom to ensure that emergency services, transport, and utility sectors in island communities are fully considered in spectrum planning, and that public sector users—particularly in health and local government—have reliable access to spectrum for critical services. Finally, Orkney supports stronger UK representation in international spectrum negotiations to ensure rural and island needs are reflected in global frameworks.

The same mobile networks that support telehealth and emergency alerts are also essential for smart meter data transmission, remote monitoring of renewable assets, and digital participation in energy markets. Gaps in coverage and affordability risk excluding our communities from both basic services and future opportunities. Strategic priorities must reflect this dual reality: that in places like Orkney, telecommunications are both a lifeline and a launchpad. Investment, regulation, and resilience planning must be tailored to the unique risks and opportunities faced by rural and island communities.

4. *Do you agree with the Government’s strategic priorities and desired policy outcomes for consumers? Are there alternative or additional strategic priorities and desired outcomes you believe are required?*

Orkney Islands Council welcomes the Government’s strategic priorities for Ofcom and broadly supports the direction outlined. The focus on consumer protection, digital inclusion, affordability, and support for vulnerable groups is commendable. However, we believe that additional strategic priorities and refinements are necessary to ensure these policies are effective and equitable for remote and island communities such as ours.

Orkney Islands Council supports the Government’s strategic priorities but urges Ofcom to place greater emphasis on the distinct challenges faced by rural and island communities. Persistent mobile coverage gaps, limited provider choice, and excess construction charges—often exceeding £3,000—create affordability barriers and digital exclusion. We recommend capping these charges, mandating minimum service standards for rural areas, and funding targeted digital inclusion programmes, including device access and digital skills. Ofcom should also adopt a more granular approach to affordability monitoring, ensuring automatic compensation schemes are accessible to island residents during outages and evaluating the impact of market consolidation on rural pricing.

We further encourage Ofcom to support local innovation through regulation that enables trials of emerging technologies such as AI, robotics, and LoRaWAN. Consumer engagement must be strengthened by involving rural councils and communities in shaping feedback mechanisms. Vulnerable consumers in Orkney—particularly older residents affected by PSTN migration and those facing digital poverty—require consistent support across the sector. Ofcom should collaborate with local authorities to share data and best practices, ensuring these groups are

accurately identified and supported. A place-based approach is essential to ensure equitable outcomes across the UK's diverse geographies.

Consumers in Orkney are increasingly caught in a stark dichotomy between systemic barriers and strategic opportunity. On one hand, residents face excessive construction charges for broadband installation, inflated delivery costs, and persistent market failure in telecommunications — all of which limit access to essential digital services. On the other hand, Orkney is positioned as a key site for major national investment, including the renewable energy transition and the development of Scapa Deep Water Quay. These initiatives demand a robust and resilient digital connectivity backbone to support innovation, logistics, and community participation. Without urgent action to address infrastructure gaps, Orkney risks being excluded from the very benefits it is expected to help deliver.

5. *Do you agree with the Government's strategic priorities and desired policy outcomes for telecoms security and resilience? Are there alternative or additional strategic priorities and desired outcomes you believe are required?*

The Strategic Priorities rightly prioritise network resilience and security, including cyber threats, physical infrastructure risks, and emergency preparedness.

For rural and island areas such as Orkney, these issues are amplified by geographic isolation and exposure to extreme weather.

Risks to telecoms security and resilience in Orkney:

- Single points of failure in backhaul infrastructure - this was seen in July 2025 after the Shefa-2 fibre optic submarine cable that links the Faroe Islands, Shetland and Orkney to Scotland (operated by Faroese Telecom) was damaged by a fishing vessel. There is also a risk posed to subsea telecoms infrastructure from sabotage or disruption from hostile actors, cyberattacks, and natural disasters. The UK's reliance on these cables, with 99% of digital communications passing through them, makes such infrastructure particularly vulnerable.
- Limited emergency coverage and roaming options.
- Vulnerability to power outages and weather-related disruptions.
- During recent damage to the Shefa-2 subsea cable, residents and businesses in Orkney lost telephone services as a result of switching to digital services. For example, BT's Digital Voice.

Impact of Shefa-2 Subsea Cable Damage – Case Studies from Orkney Islands Council Survey

To strengthen the evidence base for our recommendations on telecoms resilience, Orkney Islands Council is collecting anonymised case studies from residents and businesses affected by the July 2025 Shefa-2 subsea cable damage. Below are extracts from some of the responses left by residents and businesses.

These case studies will illustrate the real-world consequences of prolonged digital outages, including:

- Disruption to business operations and financial losses.
- Inability to access emergency services or health care.
- Isolation of vulnerable individuals reliant on digital telephony.
- Increased costs due to lack of alternative connectivity options.
- Lack of easily accessible contingency plans and communications from telecoms providers.

Household Case Studies (Anonymised):

- “In an area with no mobile signal coverage at all and a member of the family recently out of Aberdeen Royal infirmary after major surgery. The last 12 days with no landline or Internet have been stressful. We have been totally reliant on neighbours to use the phone and Stromness library for access to the Internet”.
- “Our mobile signal (with another provider) is poor in our house so if we needed to contact emergency services we would not have been able to during the outage as we are with Vodafone, this is not good enough as it is unsafe , relying on Internet home phone with no landline option available”.
- “My elderly mother has been without any form of contact - we live out in the country and this has been very isolating for her. When we contacted Vodafone about the outage they didn't seem to have a clue and gave no indication of when it would be fixed. We still have no service.”

Business Case Studies (Anonymised):

- "Communication on timing for the fix (from the provider) was very limited. As an online business this meant that we had to relocate the office for a number of days in order to get a internet connection. This was entirely unsatisfactory and a massive impact on normal operations for the business.”

- “We operate from four locations and none have a mobile signal that can be relied upon as a back up for internet access. Many Govt bodies insist on online access with no alternative. Clearly never thought that internet would be so extended in time. Need to rethink what contingency plans are. There should be a legal requirement on the statutory bodies eg HMRC pensions etc to provide alternative access in cases of extended outage”.
- “Our business has been seriously impacted, made worse by the fact that 4G is extremely poor on our farm”.

As a local authority we would urge the Government to take the following steps to improve our telecoms security and resilience;

- Invest in backup infrastructure, including satellite and mobile redundancy.
- Enable emergency roaming protocols for isolated communities.
- Explore new technologies to monitor subsea infrastructure to enhance resilience, speed of response to damage and detection of vessels etc. that damage infrastructure.
- Stronger enforcement and warning regime to encourage fishing vessels to avoid operating directly over known cable routes and to keep their Automatic Identification System (AIS) transponders active at all times. This would allow for better tracking of vessels and warnings if they get too close to critical infrastructure like subsea cables.
- In July 2025, the Shefa 2 subsea cable providing internet services to Orkney and Shetland was damaged by fishing vessel activity. This resulted in households and businesses being disconnected for 14 days. Some ISPs were able to use an alternative infrastructure to ensure their users remained connected, one ISP in particular was unable to use this option. We call for Ofcom and the Government to ensure that ISPs have clear contingency plans in place and easily available for island residents to access.
- We also urge Ofcom to ensure that ISPs take up resilience options for their supplies where they are available and there should be a mechanism where available resilience options can be utilised without owners of said resilience options charging prohibitively high costs to access them during outages by other ISPs.

6. *Do you agree with the Government’s strategic priorities and desired policy outcomes for postal services? Are there alternative or additional strategic priorities and desired outcomes you believe are required?*

Orkney Islands Council broadly supports the Government’s strategic priorities for postal services, particularly the commitment to maintaining a universal postal service that is affordable, efficient, and sustainable. We welcome the recognition of the importance of postal services to vulnerable users and remote communities, and the emphasis on reliability, quality of service, and resilience. These priorities are especially relevant to Orkney, where postal services

remain a lifeline for residents and businesses due to geographic isolation and limited alternatives.

The postal service in Orkney is facing growing vulnerabilities, as recent resourcing issues have disrupted both letter and parcel deliveries earlier in 2025 in the Harray, Evie and Finstown areas. Royal Mail has acknowledged these staffing shortages and even arranged a collection point, Harray Community Centre, to help residents access their parcels while recruitment efforts for both permanent and temporary staff continue.

Service disruption earlier in 2025 highlighted the urgent need for additional safeguards and targeted regulatory attention. Residents in areas such as Harray went without deliveries over an extended period, and had to pick up deliveries themselves, in bulk, from the local community hall.

This strain adds to broader concerns in the region: rerouting mail through Glasgow has exposed systemic weaknesses, while poor communication has left many residents anxious about missed medical and hospital appointments. Staffing shortages remain a core issue, compounded by slow recruitment and inadequate contingency measures—leaving the service unable to maintain a reliable and equitable delivery standard across the islands.

We urge Ofcom and the Government to adopt a place-based approach that includes:

- Monitoring and enforcing service reliability standards in rural and island areas.
- Addressing affordability, including surcharges and access to fair parcel delivery.
- Ensuring contingency planning and resilience, especially in light of recent cyber threats and adverse weather events such as Storm Floris in August 2025.
- Including bulk and access mail delivery standards within regulatory oversight, given the reliance on such services for critical communications from the NHS, banks, and government.

We also support enhanced collaboration between Ofcom, Royal Mail, and local authorities to ensure that postal services remain equitable and effective for all UK citizens, including those in the most remote parts of the country.

The postal service remains a vital lifeline for communities across Orkney. In remote and island areas, it plays a crucial role in ensuring access to essential services, including banking, government correspondence, prescription delivery, and parcel logistics. For residents without reliable digital connectivity or transport, the local post office often serves as a primary point of contact with wider public and commercial services. Its continued presence and accessibility are therefore fundamental to social inclusion, economic participation, and community resilience.

DRAFT Summer 2026 - Inter-Island Air Services Timetable. Monday 16 February - Saturday 24 October 2026* inclusive

		Monday							Tuesday							Wednesday								
																C				A			A	B
	LM	700	702	703	704	705	706	707	701	708	709	719	710	711	707	700	713	714	715	716	710	711	707	707
Kirkwall	dep	07:35	08:40	09:40	10:50	15:30	16:30	17:30	07:35	08:30	09:30	10:30	15:30	16:30	17:30	07:35	08:40	09:40	13:35	14:45	15:30	16:30	17:30	17:30
Eday	arr																		14:55					17:40
Eday	dep																		15:02					17:47
Stronsay	arr			09:49						08:39							08:49							
Stronsay	dep			09:56						08:46							08:56							
Sanday	arr			10:01			16:43			08:51			15:43				09:01				15:43			
Sanday	dep			10:08			16:50			08:58			15:50				09:08				15:50			
Westray	arr		08:55								09:45							09:55						
Westray	dep		09:02								09:52							10:02						
Papa Westray	arr		09:04			15:45					09:54	10:45		16:45				10:04				16:45		
Papa Westray	dep		09:11			15:52					10:01	10:52		16:52				10:11				16:52		
Westray	arr					15:54								16:54								16:54		
Westray	dep					16:01								17:01								17:01		
North Ronaldsay	arr	07:52			11:07			17:47	07:52			11:02			17:47	07:52			13:52				17:47	17:57
North Ronaldsay	dep	07:59			11:14			17:54	07:59			11:09			17:54	07:59			13:59				17:54	18:04
Papa Westray	arr				11:24														14:09					
Papa Westray	dep				11:31														14:16					
Eday	arr	08:09														08:09								
Eday	dep	08:16														08:16								
Stronsay	arr						16:55						15:55								15:55			
Stronsay	dep						17:02						16:02								16:02			
Kirkwall	arr	08:26	09:26	10:21	11:46	16:16	17:11	18:11	08:16	09:11	10:16	11:26	16:11	17:16	18:11	08:26	09:21	10:26	14:31	15:12	16:11	17:16	18:11	18:21

	Thursday								Friday							Saturday					Saturday Refit 2026 (dates TBC Jan-March2026)							Sunday		
	LM	701	708	709	717	710	711	707	701	713	714	719	710	711	707	720	721	722	723	724	722	723	724	725	726	727	725	726	727	
Kirkwall	dep	07:35	08:30	09:30	14:20	15:30	16:30	17:30	07:35	08:40	09:40	14:20	15:30	16:30	17:30	08:30	09:30	10:30	15:00	16:00	08:00	09:10	10:20	14:00	15:00	16:10	10:30	16:00	17:30	
Stronsay	arr		08:39							08:49							09:39								15:09					
Stronsay	dep		08:46							08:56							09:46								15:16					
Sanday	arr		08:51			15:43				09:01			15:43				09:51								15:21					
Sanday	dep		08:58			15:50				09:08			15:50				09:58								15:28					
Papa Westray	arr											14:35														10:45				
Papa Westray	dep											14:42														10:52				
North Ronaldsay	arr	07:52			14:37			17:47	07:52			14:52			17:47			10:47	15:17	16:17	08:17					11:02		17:47		
North Ronaldsay	dep	07:59			14:44			17:54	07:59			14:59			17:54			10:54	15:24	16:24	08:24					11:09		17:54		
Eday	arr								08:09												08:34					16:20				
Eday	dep								08:16												08:41					16:27				
North Ronaldsay	arr																									16:37				
North Ronaldsay	dep																									16:44				
Sanday	arr																						10:33					18:00		
Sanday	dep																						10:40					18:07		
Westray	arr			09:45							09:55					08:45					09:25									
Westray	dep			09:52							10:02					08:52					09:32									
Papa Westray	arr			09:54	14:54		16:45				10:04			16:45		08:54			16:34		09:34			14:15			16:15			
Papa Westray	dep			10:01	15:01		16:52				10:11			16:52		09:01			16:41		09:41			14:22			16:22			
Westray	arr						16:54							16:54										14:24			16:24			
Westray	dep						17:01							17:01										14:31			16:31			
Stronsay	arr					15:55							15:55										10:45						X	
Stronsay	dep					16:02							16:02										10:52						X	
Kirkwall	arr	08:16	09:11	10:16	15:16	16:11	17:16	18:11	08:26	09:21	10:26	15:16	16:11	17:16	18:11	09:16	10:11	11:11	15:41	16:56	08:51	09:56	11:01	14:46	15:41	17:01	11:26	16:46	18:28	

Eday: Monday AM drop during school term only. Bookings on the Eday drop will be subject to availability from 12:00 the Friday before departure until 18:00 on Sunday.

A: Operates school term only. Term dates TBC.

B: Operates during school holidays. Wednesdays Term dates TBC. The first four seats are prioritised for Eday passengers up to 24 hours before flight.

C: The first four seats are prioritised for Eday passengers up to 24 hours before flight.

Eday: Friday AM - does NOT operate during June, July & August. The first four seats are prioritised for North Ronaldsay passengers up to 24 hours before flight.

Saturday Refit: Additional frequency by air provided while the Orkney Ferries ONI vessels are on winter refit.

Sunday: Flight drop off/pick up on request. Bookings can be made on the Sanday flight, shared with North Ronaldsay, from 12:00 on Friday until 12:00 on Sunday.

PLEASE NOTE - The operation of the Stronsay Sunday service is subject to availability of ground crew on the island. Currently (Aug 2025) there are NO crew available.

*Or until introduction of an enhanced service following acquisition of additional aircraft/crew

Minute

Harbour Authority Sub-committee

Tuesday, 26 August 2025, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Kristopher D Leask, Mellissa-Louise Thomson, Graham A Bevan, P Lindsay Hall, Ivan A Taylor, Duncan A Tullock and Heather N Woodbridge.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- Gareth Waterson, Director of Enterprise and Resources.
- James Buck, Head of Marine Services, Transportation and Harbour Master.
- Karen Bevilacqua, Service Manager (Legal Services).
- Shonagh Merriman, Service Manager (Corporate Finance).
- Bradley Drummond, Deputy Harbour Master – Mainland and Scapa Flow.

Observing

- Susan Taylor, Committees Officer.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Kristopher D Leask.

1. Orkney Harbour Authority General Directions

After consideration of a report by the Director of Enterprise and Resources, copies of which had been circulated, and after hearing a report from the Deputy Harbour Master – Mainland and Scapa Flow, the Sub-committee:

Resolved to **recommend to the Council** that the General Directions, attached as Appendix 1 to this Minute, be approved.

2. Revenue Expenditure Outturn

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

2.1. The revenue financial summary statement in respect of the Scapa Flow Oil Port and Miscellaneous Piers and Harbours for the period 1 April 2024 to 31 March 2025, attached as Annex 1 to the report by the Head of Finance, indicating a budget deficit position of £213,500.

2.2. The revenue financial detail by service area statement in respect of the Scapa Flow Oil Port and Miscellaneous Piers and Harbours for the period 1 April 2024 to 31 March 2025, attached as Annex 2 to the report by the Head of Finance.

2.3. The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the report by the Head of Finance.

3. Revenue Expenditure Monitoring

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

3.1. The revenue financial statement in respect of the Scapa Flow Oil Port and Miscellaneous Piers and Harbours for the period 1 April to 30 June 2025, attached as Annex 1 to the report by the Head of Finance, indicating a budget surplus position of £2,115,700.

3.2. The revenue financial detail by service area statements in respect of the Scapa Flow Oil Port and Miscellaneous Piers and Harbours for the period 1 April to 30 June 2025, attached as Annex 2 to the report by the Head of Finance.

3.3. The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Actions Plan, attached as Annex 3 to the report by the Head of Finance.

4. Miscellaneous Piers and Harbours

Revenue Maintenance Programme – Expenditure Outturn

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

4.1. The summary position of expenditure incurred for financial year 2024/25 in respect of the Miscellaneous Piers and Harbours revenue maintenance programme, as detailed in section 1.4 of the report by the Head of Finance.

4.2. The detailed analysis of expenditure figures and programme updates, attached as Appendix 1 to the report by the Head of Finance.

5. Miscellaneous Piers and Harbours

Revenue Maintenance Programme – Expenditure Monitoring

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

5.1. The summary position of expenditure incurred as at 30 June 2025, against the approved Miscellaneous Piers and Harbours revenue maintenance programme for 2025/26, as detailed in section 1.4 of the report by Head of Finance.

5.2. The detailed analysis of expenditure figures and programme updates, attached as Appendix 1 to the report by the Head of Finance.

6. Miscellaneous Piers and Harbours and Scapa Flow Oil Port

Minor Capital Improvement Programmes – Expenditure Outturn

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

6.1. The summary position of expenditure incurred for financial year 2024/25 in respect of the Miscellaneous Piers and Harbours and Scapa Flow Oil Port minor capital improvement programmes, as detailed in section 1.4 of the report by the Head of Finance.

6.2. The detailed analysis of expenditure figures and programme updates, attached as Appendix 1 to the report by the Head of Finance.

7. Miscellaneous Piers and Harbours and Scapa Flow Oil Port

Minor Capital Improvement Programmes – Expenditure Monitoring

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

7.1. The summary position of expenditure incurred as at 30 June 2025, against the approved Miscellaneous Piers and Harbours and Scapa Flow Oil Port minor capital improvement programmes for 2025/26, as detailed in section 1.4 of the report by the Head of Finance.

7.2. The detailed analysis of expenditure figures and programme updates, attached as Appendix 1 to the report by the Head of Finance.

8. Conclusion of Meeting

At 09:59 the Chair declared the meeting concluded.

Signed: Kristopher D Leask.



**Orkney Islands Council
Harbour Authority
General Directions
TBC 2025**



Contents

Part I – Preliminary	1
Part II – Definitions	3
Part III – Vessels	10
Part IV – Navigation	12
Part V – Vessel Traffic Service.....	18
Part VI – Berthing and Mooring	20
Part VII – Diving and Recreational Activities	23
Part VIII – Dangerous Goods, Ballast Water & Pollution.....	25
Part IX – General	27
Part X – Penalties	28
Part XI – Fishing Vessel Code of Practice.....	29
Part XII - Vessel reporting	30
Annex I - Illustration of Statutory Harbour Area.....	31

Orkney Islands Council Harbour Authority General Directions

Orkney Islands Council (**the Council**), as Statutory Harbour Authority, in exercise of the powers contained in sections 40 of the Orkney County Council Act 1974 (hereinafter referred to as “the Act”), and having consulted as required in the Act, do hereby give the following directions:

Part I – Preliminary

1. Introduction

1.1. Orkney Islands Council Statutory Harbour Authority (known as **OICHA**) and Orkney Islands Council Competent Harbour Authority (**OICCHA**) is a Local Authority Statutory Harbour Authority under the Act and a Competent Harbour Authority (as defined in the Pilotage Act 1987) and has made the Orkney Islands Council Pilotage Directions 2023 (**the Pilotage Directions**). The Authority is responsible for the navigational safety and traffic regulation of all vessels bound to and from the Ports and Harbours of Orkney.

1.2. These General Directions are to be read in conjunction with the Orkney Islands Council Orkney Harbour Areas General Byelaws 1977, the Pilotage Directions and OICHA Local Notices to Mariners.

1.3. OICHA Harbour Master has powers under the Act and general public legislation and may give and enforce directions to vessels within the Authority's Area under section 41 of the Act.

1.4. The OICCHA provides a Pilotage Service for all vessels to which the Pilotage Directions apply. .

1.5. Orkney VTS is operated from Orkney Marine Service Headquarters on a continuous 24-hour basis to provide a safe and efficient regime for vessel traffic, and protection for the environment. All vessels over 12 metres arriving at or sailing from or on passage through the Harbour Authority Areas, must report to Orkney Harbour Vessel Traffic Service (VTS). The Reporting Procedures are set out in ALRS Volume 6.

1.6 In the event of any uncertainty regarding the application or interpretation of these General Directions, mariners are advised to seek clarification by contacting Orkney Harbours via telephone or email.

2. Duties of a Master

2.1. It is the duty of the Master of a vessel to which a General or Special Direction applies to comply with that Direction. The giving of a General or Special Direction shall not diminish, or in any other way affect, the responsibility of the Master of the vessel to which the direction is given in relation to their vessel, persons on board, its cargo, or any other person or property. (Sections 43 and 45 of the Act).

2.2. The Master of a vessel who fails to comply with a General or Special Direction shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 4. It

shall be a defence to the Master of a vessel charged with such an offence to prove that they had reasonable ground for supposing that compliance with the Direction in question would be likely to imperil their vessel, or that in the circumstances compliance was impracticable. (Section 43 of the Act).

2.3. Nothing contained in these General Directions shall relieve the Master of any vessel of the obligation to comply with either the Collision Convention on the International Regulations for Preventing Collisions at Sea 1972, (as amended) as given effect by The UK Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations, 1996, or any Special Direction given by the Harbour Master under Section 41 of the Act.

2.4. In order to maintain and enhance safety of navigation in the Authority's Areas it is important that Masters, Watchkeepers and Pilotage Exemption Certificate holders are aware of current Byelaws, Directions, and Notices to Mariners. It is therefore vital that owners/agents ensure that all such relevant information and publications are promptly distributed to vessels as appropriate. Current Notices can be obtained directly from the Authority's internet website at www.orkneyharbours.com

3. Title and Commencement

3.1. The Orkney Islands Council Harbour Authority (OICHA), in exercise of its powers under Section 40 of the Orkney County Council Act 1974 ("the Act"), and having carried out the consultation required by the Act hereby gives the following General Directions to vessels to be known as the "Orkney Islands Council Harbours Authority General Directions 2025".

3.2 OICHA may, after consultation, revoke or amend these General Directions.

3.3. These General Directions shall come into operation on the ? day of ??? 2025.

GIVEN at Scapa this ?? day of ??? 2025.

Part II – Definitions

4. Definition and interpretation

In these General Directions, unless the context otherwise requires:

4.1. **The Authority** means the Orkney Islands Council Statutory Harbour Authority.

4.2. **The Authority's Areas** means the areas within which the Authority exercises jurisdiction as harbour authority, comprising:

4.2.1. **Scapa Flow**: The area bounded as follows:

- Commencing at the Out Taings point on Hoy.
- Thence in a straight line to Breckness on Mainland.
- Thence in a generally eastern direction following the line of low water on the southern boundaries of Mainland to the northern end of the northernmost Churchill Barrier.
- Thence in a generally southerly direction following the western sides of the four Churchill Barriers and the lines of low water on the western boundaries of the islands of South Ronaldsay (other than Swona) to Brough Ness.
- Thence in a generally westerly direction by a straight line to the southernmost part of Swona and a straight line from that point to Brims Ness on South Walls on the island of Hoy;
- Thence following the line of low water on the western and northern sides of Aith Hope and the seaward boundaries of South Walls and of Hoy to the point of commencement.
- Except for the area within the St Margaret's Hope Pier Trustees jurisdiction as statutory harbour authority.

4.2.2. **Wide Firth/Shapinsay Sound**: The area bounded as follows:

- Commencing at Harpy Taing on Mainland;
- Thence in a straight line to Strombery on Shapinsay;
- Thence following the line of low water on the southern boundary of Shapinsay to Hacksness;
- Thence in a straight line to Rerwick Point on Mainland;

- Thence in a generally westerly and north-easterly direction following the line of low water on part of the northern boundary of Mainland to the point of commencement.

4.2.3. **Other Areas Out with the Areas Defined Above:** The areas bounded as follows:

4.2.3.1 Whitehall – That part of Papa Sound within a distance of 1 kilometre in any direction from the landward end of Whitehall Pier (Latitude 59° 08' 32" North, Longitude 02° 35' 44" West.

4.2.3.2 Outer Harbours – In relation to each of the harbours designated in the first column of the following table, the area of tidal waters within 1 kilometre in any direction the landward end of the pier or jetty specified in relation to that harbour in the second and third columns of the table.

<i>Harbour</i>	<i>Pier or Jetty</i>	<i>Latitude and Longitude of landward end</i>
North Ronaldsay	North Ronaldsay Pier	59°21'18" N. 02°26'20" W.
Papa Westray	Papa Westray Pier	59°19'37" N. 02°53'13" W.
Pierowall	Gill Pier	59°19'27" N. 02°58'19" W.
Kettletoft	Kettletoft Pier	59°13'56" N. 02°35'54" W.
Backaland	Backaland Pier, Eday	59°09'21" N. 02°44'39" W.
Trumland	Trumland Pier, Rousay	59°07'50" N. 02°59'10" W.
Egilsay	Egilsay Pier	59°09'22" N. 02°56'26" W.
Wyre	Wyre Pier	59°07'30" N. 02°58'14" W.
Tingwall	Tingwall Jetty	59°05'22" N. 03°02'29" W.

4.2.3.3 Rapness Pier and Loth Pier:

- The area of tidal waters in that part of Eday Sound adjacent to Loth on the island of Sanday comprising an area within 500 metres in any direction from the level of high water at a point, at latitude 59°11'30" North, longitude 24°1'36" West.
- The area of tidal waters in that part of Rapness Sound adjacent to Rapness on the island of Westray comprising an area within 500

metres in any direction from the level of high water at a point at latitude 59°14'57" North, longitude 25°1'38" West.

4.3. **ALRS** means Admiralty List of Radio Signals, a series of internationally recognized publications produced by the United Kingdom Hydrographic Office (UKHO), which provide essential maritime radio communications information. The ALRS is designed to support the safe navigation of vessels. It includes details such as radio aids to navigation, services provided by coastal and port radio stations, weather and storm warning broadcasts, vessel traffic services (VTS), and procedures for emergency communication.

4.4. **At Anchor** in relation to any vessel, means anchored either ahead or astern or any other position by anchors, but not moored.

4.5. **Autonomous Vehicle** mean any vehicle, vessel, aircraft or sub-surface vessel or equipment, whether it be on land, in the air, on the sea or in the water column, that is able to propel itself and perform its function without any human intervention, through its own ability to determine, sense, perceive and interpret its surroundings. This definition applies whether or not a human being is in or on such vehicle.

4.6. **Berthed** in relation to any vessel, means secured to a quay, pier or linkspan, or secured alongside a vessel so secured.

4.7. **Collision Regulations** means Convention on the International Regulations for Preventing Collisions at Sea 1972, (as amended) as given effect by the Merchant Shipping, (Distress Signals and Prevention of Collisions) Regulations 1996 as amended.

4.8. **Commercial Diving** means any diving undertaken for reward by a commercial or private entity for the purpose of engineering, survey, inspection, maintenance, fishing or any other such activity in support of any commercial operation.

4.9. **Commercial Recreational Diving Vessel** means any vessels operated for reward on a commercial, hire or lease basis to provide a base of operations for recreational, leisure, sport, training or tourism diving activities.

4.10. **Designated Anchorages** means the anchorages designated by the Harbour Master for use as anchorages and published on local charts and other official sources of navigational information, and as further set out in section 25.7.

4.11. **Dive Contractor** means the employer of the diver or divers engaged in the diving project.

4.12. **Dive Supervisor** means an individual nominated as the sole controller and responsible person for the safety and conduct of a dive either of a group or and individual for any form of diving activity.

4.13. **Fairway** means a channel, which is a regular course or track of shipping.

4.14. **Goods** means all cargoes, articles and merchandise of every description and includes fish, livestock and animals.

4.15. **Harbour Master** means a person appointed by the Council to be Harbour Master and includes the deputies and assistants of a person so appointed, including Orkney VTS Officers.

4.16. **Large Vessel** means any vessel, the overall length of which exceeds 260 metres.

4.17. **Major Incident** means an incident involving any or all of the following:

4.17.1. serious structural damage to, or any other damage affecting a vessel's seaworthiness.

4.17.2. death of, or serious injury to a person;

4.17.3. pollution, or the potential for pollution, in which containment or cleanup is beyond the scope of local resources and requires external assistance;

4.17.4. channel or berth obstruction by any vessel, object, or structure:

4.17.5. or any other equivalent circumstance as declared by the Harbour Master.

4.18. **Master**, in relation to any Vessel, means any person, other than a Pilot, having or taking the command, charge, management or conduct of the vessel for the time being.

4.19. **Moored**, in relation to any vessel, means:

4.19.1. made fast to a mooring chain or mooring buoy either ahead or astern or both, or

4.19.2. secured alongside any vessel so secured, or

4.19.3. Secured both ahead and astern by anchors, or

4.19.4. secured ahead by anchor and astern by mooring ropes to a quay or dolphin, or

4.19.5. secured to a single point mooring.

and in relation to a platform or barge, may additionally mean jacked up on legs.

4.20. **Navigable Channels** means all buoyed and marked fairways within the limits of the Authority Areas.

4.21. **Navigation Exclusion Zone** means an area which vessels are not permitted to enter as designated by the Harbour Master including:

4.21.1 The areas within 450 meters of the Single Point Mooring Towers and the Liquefied Petroleum Gas Jetty are reserved for vessels berthing there. Unauthorised navigation in these areas is prohibited.

4.22. **Nominated Hazardous Vessel** means every vessel which is:

4.22.1. a vessel carrying liquid bulk dangerous cargoes with flammable or toxic properties, or which has non-gas free cargo spaces resulting from carriage of such cargoes.

4.22.2. a vessel carrying liquefied gas in bulk or which has non-gas free cargo spaces resulting from carriage of such cargoes;

4.22.3. a vessel carrying explosive substances classified as Class 1.1, 1.2 or 1.3 in the International Maritime Dangerous Goods Code (IMDG) Code, of which the cumulative net explosive quantity exceeds 50 tonnes and or Dangerous Goods in Harbour Areas Regulations 2016; or

4.22.4 any other vessel which the Harbour Master considers should be classed as a nominated hazardous vessel due to the nature of her cargo.

4.23. **Notice to Mariners** means a navigational procedure or navigational safety notice issued by the Authority to vessels intending to navigate in or through the Authority's area. Notices are consecutively numbered, starting with No.1 on the 1st. January of each year, and are distributed and displayed on the OICHA website – www.orkneyharbours.com

4.24. **Operational Quay** means any quay, as defined as such at www.orkneyharbours.com, where the majority of work undertaken is of a commercial nature. Quays so defined will be listed annually and are subject to change at the Harbour Authorities discretion.

4.25. **Orkney Marine Services Headquarters** means the Harbour Authority Building located at Scapa, Orkney, KW15 1SD, which operates Orkney VTS on a continuous 24-hour basis by the Orkney Islands Council Statutory Harbour Authority.

4.26. **Orkney VTS** means a designated vessel traffic service operated and authorised by the Authority offering a vessel traffic service to vessels within the Authority Areas.

4.27. **Orkney VTS Area** is that as defined in section 4.2.1 and 4.2.2.

4.28. **Owner**, when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods and includes any other person in charge of the goods and their agent in relation thereto; when used in relation to a vessel, includes any owner, part owner, broker, charterer, agent or mortgagee in possession of the vessel or other person or persons entitled for the time being to possession of the vessel; and when used in relation to a vehicle includes any owner, part owner or agent or person having charge of the vehicle for the time being.

4.29. **Passenger Vessel** means a vessel equipped and certificated for the carriage of more than 12 passengers, irrespective of size.

4.30. **Personal Watercraft** means any type of craft which is capable of moving under its own mechanical power, is used, navigated or situated wholly or partly in or on water, and is capable of being used to carry one or more persons and includes, but is not limited to jet skis, jet bikes and all similar designs of personal transportation on water.

4.31. **Pilot** means any person authorised by Authority under section 3 of the Pilotage Act 1987 to act as a pilot within the areas defined in section 4.2.1 and 4.2.2.

4.32. **Pilotage Exemption Certificate (PEC)** means a licence issued by the Authority, (in accordance with The Orkney Pilotage Directions 2023), to the Master or certified Deck Officer of a vessel subject to compulsory pilotage, permitting that person to pilot the named vessel through the areas defined in section 4.2.1 and 4.2.2.

4.33. **Port Passage Plan** means a systematic and documented navigational plan with information in accordance with the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), including details of the proposed pilotage, navigational routing, minimum under keel clearance, towage, berth position, and navigation aid status, for all stages of the voyage of the vessel safely from sea to berth, or vice versa.

4.34. **Protected Wrecks** means as marked on UKHO Charts.

4.35. **Quay** means any quay, wharf, jetty, pier, dolphin, landing stage, mooring pile, pontoon, or other structure used for berthing or mooring vessels and includes any roll-on-roll-off bridge or linkspan.

4.36. **Recreational Dive Areas** means the areas approved by the Authority for recreational, leisure, sport, training, or tourism diving activities, which areas follows:

4.36.1 **Scapa Flow**: Within the area defined as follows:

- Commencing at Midland Ness on Mainland;
- Thence along the coast to the east until Ve Ness;
- Thence in a straight line to the western tip of the Calf of Flotta;
- Thence in a straight line to Witing Point on Flotta;
- Thence in a straight line to the Point of Ward on Cava;
- Thence in a straight line to Scald Head on Hoy;
- Thence in a straight line to Midland Ness on Mainland.

And additionally:

- Along the shorelines from the line of low water to a distance seaward of not more than 30 metres from any shoreline, but not within 50m of any buoy or mooring.

4.36.2. **Wide Firth/Shapinsay Sound**: Within the area defined as follows:

- Along the shorelines from the line of low water to a distance seaward of not more than 30 meters from any shoreline, but not within 50m of any quay, buoy or mooring.

4.36.3. **Other Authority Areas**: Within the area defined as follows:

From the line of low water to a distance seaward of not more than 30 meters from any shoreline, but not within 50m of any pier, buoy or structure.

4.37. **Recreational Diving Vessel** means any vessel being used as a base of operations for recreational, leisure, sport, training or tourism diving activities.

4.38. **Recreational Activities** - Swimming, paddle boarding, wind surfing, and any non-powered sport that does not involve a vessel as defined below.

4.39. **Recreational Activity Areas** means the areas approved by the Authority for Recreational Activities These areas for all Authority Areas are defined as follows:

- From the line of low water to a distance seaward of not more than 30 meters from any shoreline, but not within 50m of any pier, buoy, mooring or structure.

4.40. **Reporting Points** means positions within the Authority Areas at which every Vessels over 12m must report to Orkney VTS. These positions are marked on United Kingdom Hydrographic Office (UKHO) navigational charts, and any changes to these Reporting Points or procedures are advised by Notices to Mariners.

4.41. **Restricted Visibility** means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorm, sandstorm or any other similar cause, and visibility of less than 5 cables (0.5 nautical miles) is reported in any part of the Authority's Area.

4.42. **Sailing Vessel** means any vessel under sail providing that propulsion machinery, if fitted, is not being used.

4.43. **Scheduled Wrecks and Proposed Historic Marine Protected Areas** - as defined separately in the above definitions 4.19 and 4.38.

4.44. **Small Vessel** means any vessel the overall length of which does not exceed 8 metres.

4.45. **Unmanned Vehicle** means any vehicle, vessel, aircraft, drone or sub-surface vessel or equipment, whether it be on land, in the air, on the sea or in the water column, that is guided autonomously, by remote control or by elements of both systems regardless of the presence of a human being in or on the vehicle.

4.46. **Underway** means that a vessel is not at anchor, berthed, moored, made fast to the shore, or aground.

4.47. **Vessel** includes every description of vessel, however propelled or moved and includes anything constructed or used to carry persons or goods by water, personal watercraft, non-displacement craft, seaplanes on or in the water, hovercraft, hydrofoil vessels.

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Part III – Vessels

5. Conduct of Masters and Vessels.

Vessel

5.1. Unseaworthy Vessel

A person must not navigate a Vessel in an unsafe or unseaworthy condition within the Authority Areas except as necessary for that Vessel's safety and that of its crew. If a Vessel has a defect that threatens the safety of its crew or other harbour users or inhibits its ability to navigate safely the Master must notify the Harbour Master immediately.

Manning

5.2. Bridge manning The Master of every Vessel underway shall ensure that in addition to the authorised Pilot or PEC holder (when required) there are sufficient qualified persons on the bridge or at the control position capable of:

- 5.2.1. taking charge of the Vessel,
- 5.2.2. maintaining a proper look-out at all times by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.
- 5.2.3. when a Pilot is on board, taking and acting upon the Pilot's directions.

5.3. Competent helmsman

- 5.3.1. The Master of every Vessel shall ensure that it is steered at all times by a person competent to do so and no automatic devices or equipment shall be used for steering purposes unless attended by a competent helmsman.
- 5.3.2. The Master of every Vessel shall be capable of demonstrating knowledge of legislation and guidelines in force from time to time regarding the use of automatic steering equipment.

5.4. Vessel manning Except with the permission of the Harbour Master, the Master of every Vessel which is within the Authority Areas shall ensure that the Vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available:

- 5.4.1. to attend to their Vessel's moorings;
- 5.4.2. to comply with any directions given by the Harbour Master for the un-mooring, mooring and moving of their Vessel; and
- 5.4.3. to deal, so far as reasonably practicable, with any emergency that may arise.

5.5. Carriage and use of VHF radio equipment The Master of every Vessel over 12m shall ensure that when within the Authority Areas the Vessel is equipped with a fixed or portable VHF radio capable of communicating with Orkney VTS.

5.6. Vessels under 12 metres

5.6.1. Vessels of 4m or over shall be equipped with a VHF radio and monitor the Orkney VTS channel (VHF Channels 11 & 14), when underway in the Authority Areas.

5.6.2. Vessels of 4m or under are recommended to be equipped with a VHF radio and monitor the Orkney VTS channel (VHF Channels 11 & 14), when underway in the Authority Areas.

5.6.3. Vessels of 4m or where no VHF equipment is carried, shall contact Orkney VTS by telephone immediately prior to sailing, on berthing.

5.7. **Vessels 12 metres and above** The Master of every Vessel shall:

5.7.1. maintain a continuous listening watch on VHF Channel 11 when underway or anchored in the Authority Areas.

5.7.2. maintain the capability of reporting by VHF while berthed and manned.

5.8. **Continuous listening watch** The Master of every Vessel fitted with or carrying a VHF and Vessel over 12 m, shall maintain a continuous listening watch on the bridge or control position. The listening watch required by this Direction shall be maintained on the VHF Channel 11 or on such other channels as may have been agreed with Orkney VTS.

5.9. **Communications** The Master of every Vessel shall ensure all VHF radio communications within the Authority Areas are factual, as brief as possible and given in accordance with standard radio communication procedures and the IMO Standard Marine Vocabulary.

5.10 **Seaworthiness of vessels and navigational equipment standards.** The Master of every Vessel shall ensure that before arrival within the Authority Areas, and while within the Authority Areas, the Vessel is in all respects seaworthy for the intended voyage, and navigational equipment is properly maintained and operational to the standards required by the Vessel's Flag State Authority, the UK Port State Control and for the purposes of this Direction.

5.11. **Unsafe or unseaworthy** A Vessel is unsafe or unseaworthy in the Authority Areas if declared so by the Harbour Master.

Part IV – Navigation

6. Navigation

6.1. Navigation under the influence of drink or drugs

6.1.1. A person shall not navigate or attempt to navigate a Vessel when impaired by reason of drink or drugs.

6.2. Vessels to be kept in a moveable condition.

6.2.1. If at any time a Vessel is incapable of being safely moved by means of its own propulsive machinery, the Master or owner shall inform the Harbour Master immediately.

6.3. Vessel leaving dock, marina, quay, or anchorage A Vessel leaving a quay or anchorage shall do so in a manner that does not hazard any berthed or moored Vessel or impede the movement of any Vessel underway.

6.4. Abandonment of Vessels

6.4.1. A Vessel shall not be abandoned in the waters or on the shore of the Authority Areas unless this is necessary for the safety of the crew.

7. Aids to Navigation

7.1 No Vessel shall obstruct, be made fast to, or otherwise interfere with any light, buoy, beacon or any other aid to navigation in the Authority Areas.

7.2 The Master of every Vessel running into, fouling or damaging any such aid to navigation shall notify the Harbour Master as soon as reasonably practicable.

8. Duty to Report

8.1 Duty to report The Master of any Vessel which is berthed, anchored, moored, or underway within the Authority Areas shall report to and keep Orkney VTS fully informed of any matter or incident relevant to safety of people and navigation, environmental protection, and the operation of the harbours.

8.2. Vessels in distress The Master of any Vessel which is abandoned, derelict, missing, sunk, in danger of sinking, stranded or drifting without power, or otherwise in distress shall immediate report that fact to the Harbour Master stating the position of the Vessel and such other particulars as may be required for the safety of navigation.

8.3. Notification of incident

8.3.1. The Master of any Vessel which in any part of the Authority Areas:

8.3.1.1. has been involved in a collision or allision with any Vessel, navigational mark, quay, or other property; or

8.3.1.2. by reason of fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger or damage to other Vessels or property; or

8.3.1.3. is on fire;

8.3.1.4. has been involved in any incident or occurrence which causes or threatens contamination or pollution of the environment by any means;

8.3.1.5. has grounded or sunk

shall as soon as possible and in any event within 24 hours report the occurrence to the Harbour Master and as soon as reasonably practicable thereafter provide the Harbour Master with full details in writing.

8.4. Lost anchor The Master of any Vessel which has slipped or parted from, or lost, any anchor, chain, cable, or propeller shall:

8.4.1. as soon as possible report it and the position to the Harbour Master and, if the Harbour Master so directs, shall cause it to be recovered as soon as reasonably practicable;

8.4.2. leave a buoy to mark the position thereof if known.

8.5. Ability to manoeuvre The Master of any Vessel which has its ability to manoeuvre impaired shall, before entering the Authority Areas, inform Orkney VTS of the vessel's condition, and shall not enter without the consent of the Harbour Master and subject to any movement restrictions which they may impose.

9. Reporting of Vessel Movements

9.1 Vessel movement reporting and clearance This General Direction applies at all times to every Vessel, which is proposing to navigate, or underway within the Authority Areas.

9.1.1. Every Vessel must report on:

- Arriving at or departing from a harbour area.
- Arriving or departing a berth.

9.2. Movement of Vessels over 12m in length. The Master of every Vessel shall not leave its berth, anchorage or mooring or navigate through the Authority Areas at any time without informing the Harbour Master and must:

9.2.1. Inform Orkney VTS immediately prior to the commencement of navigation.

9.2.2. Inform Orkney VTS on completion of the movement or when passing the seaward limit of the Authority Areas.

9.3. Reporting points The Master of every Vessel over 12m shall ensure that a report is made to Orkney VTS when the Vessel passes each designated Reporting Point, as marked on current United Kingdom Hydrographic Office (UKHO) charts and ALRS – Volume 6 Part 1.

10 General Navigation Instructions

10.1. A small Vessel or sailing Vessel shall not impede the passage of a Vessel, which can safely navigate only within the deep-water passage.

10.2. A Vessel engaged in fishing shall not impede the passage of a Vessel, which can safely navigate only within the deep-water passage.

10.3. Every Master who lays any static fishing gear including Fishermen's keep boxes within the Authority Areas shall ensure that throughout the time it is in place it is clearly marked by floats or flags so as to be visible at all states of the tide and shall ensure any such devices are not in any Fairway or Designated Anchorage or the exclusion zones specified in Section 17 of these General Directions.

10.4. A Vessel shall not, except in an emergency, anchor within the recommended routes as per the UKHO charts BA35 and BA2584 except for Designated Anchorages.

10.5. A Vessel shall keep as near to the outer limit of the channel which lies on its starboard side as is safe and practicable.

10.6. Vessel must be navigated at all times with due care and attention and in such a manner so as not to endanger the safety of, or cause nuisance to, any other Vessel, person or property.

10.7. A power-driven Vessel navigating against a tidal stream shall if necessary, slacken speed or stop their Vessel so as to allow any Vessel navigating with the tidal stream to pass clear of their Vessel.

10.8. A small Vessel shall not navigate or make use of the anchorages, or approaches to wharves, piers and jetties in such a way as to cause obstruction or impede Vessels.

10.9. A small Vessel shall maintain a minimum distance of 100 metres (subject to navigational draught/sea bed restrictions) from any Vessel berthed alongside or at anchor which is engaged in loading or discharging dangerous substances as indicated by that Vessel displaying an all-round red light by night or a red flag by day in accordance with the Dangerous Goods in Harbour Areas Regulations 2016, and any subsequent amendments.

10.10. A Vessel shall not enter or cross a channel within the Authority Areas in such a manner as to impede or endanger the movement of any Vessel already underway in that channel.

10.11. A Vessel in transit through the Authority Areas shall not impede Vessels confined to using the recommended routes as marked on UKHO Charts numbers BA35 and BA2584

11. Use of deep-draught recommended tracks

11.1. Vessels Constrained by their Draught shall have priority of movement within the Deep-Draught recommended tracks as detailed on UKHO charts numbers BA35 & BA2584.

11.2. A Vessel shall not undertake pilotage transfer operations in any part of the recommended tracks without permission of the Harbour Master.

12. Vessel speed limits in Authority Areas

12.1. The Master of every Vessel shall at all times proceed at a safe speed so that the Vessel can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

12.2. Except with the permission of the Harbour Master, the Master of every Vessel navigating in the Authority Areas shall comply with the following Vessel maximum speed limits, "over the ground"

- Within 500m of any Quay or pier – 8 Kts
- Within 500m of any beach or breakwater – 8 Kts
- Within 500m of any anchored vessel or object – 8 Kts

13. Port Passage Plans

13.1. **Port passage plans** - Prior to navigating in the Authority Areas, the Master of every Vessel must have prepared an appropriate Port Passage Plan which must be part of or provide a seamless overlap with the Vessel's Voyage Plan and be clear to the Master, Pilot and Orkney VTS.

13.2. **Piloted Vessels** The Master of every regulated Vessel using the services of an authorised Pilot shall record agreement between the Master and Pilot of the Port Passage Plan using the SF/06/001 Port Pilotage Briefing Document to confirm the Master/Pilot exchange.

13.3. **Prior logging of passage plans** The Master of every Vessel holding a Pilot Exemption Certificate and whose vessel visits on a regular schedule shall submit a set of standard arrival and departure port passage plans to the Harbour Authority.

14. Navigational risk assessment

14.1. **Application** Any Vessel or Vessel operation in the Authority's Marine Safety Management System and intending to navigate or operate within the Authority Areas shall if required by the Harbour Master be subject to a formal marine (navigational) risk assessment prior to entering in or operating within the Authority Areas.

14.2. **Provision of information** When a Vessel is required to submit to a formal marine (navigational) risk assessment the Harbour Master shall be provided with any information required to undertake the risk assessment of the Vessel's navigation or operation.

15. Restricted Visibility

15.1. **Restricted visibility** This General Direction applies to all Vessels underway when there is restricted visibility.

15.2. **Vessel speed** The Master of every Vessel shall proceed at a safe speed and have her engines ready for immediate manoeuvre so that the Vessel can take proper and effective action in the prevailing circumstances and conditions.

15.3. **Vessel separation** The Masters of every Vessel underway in a navigable channel shall not overtake or close within 5 cables of another Vessel underway in the same direction.

15.4. Non-operational radar Except as expressly permitted by the Harbour Master, no Vessel without radar equipment in satisfactory working order will be permitted to navigate through the Authority Areas in conditions of restricted visibility.

16. Movement of Nominated Hazardous Vessels

16.1. Navigation of nominated hazardous vessels The Master of every Nominated Hazardous Vessel when underway in a navigable channel shall:

16.1.1. not close within 5 cables (0.5 n. miles) of a passenger Vessel underway in that area.

16.1.2. not navigate while there is another Nominated Hazardous Vessel underway in that area without permission of the Harbour Master.

16.2. When there is restricted visibility, or if unusual traffic or weather conditions warrant, the Harbour Master may restrict or not authorise the movement of Nominated Hazardous Vessels.

17. Navigation exclusion zones

17.1. In the event of a major marine, environmental or security incident, the Harbour Master may, if necessary, designate any area as a Navigation Exclusion Zone within the Authority Areas.

17.2. No Vessel shall remain in, enter, or pass through a Navigation Exclusion Zone without the express permission of the Harbour Master, with the exception of Vessels subject to the direction of the Maritime and Coastguard Agency or any other statutory body or SOSREP for lifesaving, salvage or other purposes associated with the incident.

17.3. Every Vessel already within the Navigation Exclusion Zone which is not required for lifesaving, salvage, or other purposes must clear the area immediately when instructed to do so.

17.4. The designation of a Navigational Exclusion Zone shall be promulgated on behalf of the Harbour Master by Orkney VTS.

17.5 A standing navigation exclusion zone around Flotta Terminal is in force and is shown on UKHO Chart 35. Namely – 450m of the loading Jetty and SPMs. As detailed in 4.21.1

18. Declaration of Particulars of vessel

18.1. Declaration of particulars of Vessel

18.1.1 The Master of any Vessel arriving at the Harbours shall, if required by the Harbour Master, furnish to him a declaration on a Consolidated European Reporting System (CERS) form containing a correct statement of the gross tonnage and draught of the Vessel, its last port of call, ownership, destination and particulars of its cargo.

18.1.2 The Master of any Vessel who intends to land or trans-ship cargo within the Authority Areas, including fishing Vessels and fish farm Vessels, shall, before doing so, notify the Harbour Master of this intention and shall furnish him with particulars of the carrying Vessel and the cargo.

19. Towage

19.1. No Vessel shall tow or navigate a float, pontoon, raft of timbers, floating pipeline or flotilla of boats which exceeds 65 metres in length overall without the permission of the Harbour Master, and in accordance with their directions.

19.2. The Master of every Vessel must ensure that on all occasions adequate towage resources are available for the safe control of the Vessel during manoeuvring, berthing or unberthing in the prevailing circumstances and conditions with regard to the handling characteristics of the Vessel, windage allowance and any other specific requirements.

19.3. Where agreement between the Pilot and the Master of a Vessel over the appropriate number or type of tugs cannot be reached, the Pilot is to inform Orkney VTS of this failure to agree. The Harbour Master will then withhold permission for that Vessel to proceed until such agreement has been reached.

20. Unmanned Vehicles and Autonomous Vehicles including Drones

20.1. No unmanned vehicle or autonomous vehicle is to enter or operate within the Authority Areas without the permission of the Harbour Master.

20.1.1. Permission to operate will only be granted after the submission of the following:

- A detailed operations plan.
- Provision of proof of full liability and indemnity insurance.
- A case specific risk assessment.
- Agreement to clear and detailed approach constraints to other users on the surface, subsurface and in the air.
- Confirmation of compliance by the operator with these General Directions.

20.2. No private or personal drone is to be operated within the Authority Areas without permission of the Harbour Master.

20.2.1. Private or personal drones are not to approach a Vessel or craft within:

- 500m horizontal separation.
- 500ft vertical separation.

Part V – Vessel Traffic Service

21. **Orkney Vessel Traffic Service** the Authority operates a 24-hour Vessel Traffic Service from Orkney Marine Services Headquarters for all Vessels navigating in:

21.1 **Scapa Flow and Wide Firth/Shapinsay Sound.**

22. **Application** Orkney VTS rules and regulations as defined in ALRS Volume 6 are to be complied with by:

22.1. All Vessels with a length overall of 12m or greater.

22.2. All Vessels certified to carry 12 persons or more, including vessel crew.

23. **Service Provision** Orkney VTS will provide the following services:

23.1. **Navigational Information** – The provision of timely and relevant information on factors that may influence a Vessel's movement and assist with on board decision making. Such information may be part of routine broadcasts or may be requested by the Master of a Vessel. The information provided may include:

23.1.1 Weather Forecasts.

23.1.2. Current Weather Conditions.

23.1.3. Tidal Information.

23.1.4. Traffic Information Broadcasts – Covering large Vessels, restricted Vessels, limitations on Vessel movements, cruise ships or similar Vessels of note.

23.1.5. Notices to Mariners.

23.1.6. Reporting formalities.

23.1.7. Any in force temporary amendments to published procedures.

23.1.8. Navigational warnings regarding activities and hazards, such as uncharted obstacles, recent wrecks, marine activity or any other such hazard to navigation.

23.1.9. Diving activity in the immediate vicinity of quays or navigation routes outside of approved recreational dive areas.

23.1.10. Any limitation to VTS equipment likely to affect the delivery of the published services.

23.1.11. Any other navigational equipment failure within the area.

23.1.12. Information on tugs or pilotage services and operations.

23.2. **Monitoring and Management of Traffic** – Within the limits of the manning and equipment of Orkney VTS, monitor and manage Vessel traffic to ensure the safety and efficiency of Vessel movement within the defined areas. This may include:

23.2.1. Organising the allocation of anchorages, or berths.

23.2.2. Planning and prioritisation of ship movements.

23.2.3. Deconfliction of nautical activities.

23.2.4. Maintenance of mandatory reporting by vessels.

23.2.5. Establishing and monitoring safety and exclusion zones.

24. Instructions and Directions

24.1. The Master of a Vessel shall make every effort to comply with an instruction issued by Orkney VTS and shall comply with a direction issued by the Harbour Master.

24.2. Where such instruction or direction cannot be complied with due to the limitations of the Vessel or equipment involved, this, and the reasons, should be communicated to Orkney VTS immediately.

Part VI – Berthing and Mooring

25. Mooring, berthing or anchoring

25.1. When mooring, berthing or anchoring within the Authority Areas the Master of every Vessel must comply with the following Directions:

25.2 **Permission to berth** A Vessel shall not berth without the permission of the Harbour Master. Once berthed, the Vessel shall not change berth or wind ship without permission of the Harbour Master.

25.3 **Vacating the Berth.** A Vessel shall move away from the berth or mooring when required to do so by the Harbour Master.

25.4. **Permission to anchor** A Vessel shall not anchor without the permission of the Harbour Master except in case of an emergency to avoid collision, drifting, running aground or damaging any other Vessel or property.

25.5. **Anchoring position** The Master of every Vessel which is given permission to anchor shall ensure the Vessel is anchored within the limits of Designated Anchorages.

25.6. Notification to anchor

25.6.1. The Master of every Vessel to which this General Direction applies is required to notify Orkney VTS of the proposed position in which it is requested to anchor the Vessel. This notice must be given in sufficient time to enable Orkney VTS to direct the Master to place the Vessel in an alternative anchorage if required.

25.6.2. A Vessel shall not be anchored for a period greater than 14 days without the permission of the Harbour Master.

25.7. **Designated anchorages** The Master of every Vessel shall anchor within the limits of the following designated anchorages:

25.7.1. Scapa Flow Anchorage – as marked on UKHO chart number BA35.

25.7.2. Kirkwall Anchorage – as marked on UKHO chart number BA2584.

25.8. **Emergency anchorage** If, in an emergency, a Vessel is obliged to anchor otherwise than in accordance with this General Direction, the Master of such a Vessel shall, as soon as possible thereafter, inform Orkney VTS.

25.9. **Vessels not to be made fast to buoys etc.** A Vessel shall not be made fast to or lay against another buoy or mooring without the permission of the owner.

25.10. **Vessels not to be made fast to unauthorised objects** A Vessel shall not be made fast to any post, quay, ring, fender or any other thing or place not assigned for that purpose.

25.11. **Vessels not to lie or be moored so as to prevent free transit** A Vessel shall not be anchored or moored:

25.11.1. so as to obstruct any deep-water channel in the Authority Areas, or

25.11.2. so as to impede the movement of any other Vessel, or

25.11.3. within 60 metres of a deep-water channel, except within a designated anchorage.

25.12. Vessels to be properly berthed.

25.12.1. A Vessel which is berthed or lying at a quay shall always keep the Vessel close alongside, securely made fast, and properly and effectively moored and shall comply with such directions concerning the number, size and position of moorings as the Harbour Master may give.

25.12.2. A Vessel shall not remain at a berth except with the permission of the Harbour Master or the owner of the berth.

25.13. Access to berthed Vessels

25.13.1 Access to berthed Vessels shall be safe, secure and free of all obstructions and hazards.

25.14. Vessel abreast

25.14.1. Except with the permission of the Harbour Master, a Vessel shall not be moored or anchored abreast of another Vessel where the number of Vessels abreast exceeds two.

25.14.2. Where Vessels are lying abreast alongside a quay:

25.14.2.1. the outboard Vessel shall keep their Vessel sufficiently lit at night and in conditions of reduced visibility to alert other Vessels to its position; and

25.14.2.2. each Vessel shall allow facilities for the free and safe passage across or over the deck of their Vessel to or from any other Vessel lying further from the quay.

25.14.2.3. If required to do so by the Harbour Master, a Vessel on mooring alongside a quay or pier or alongside any Vessel(s) already berthed within the Harbour, shall give free access across the deck of his/her Vessel(s) for persons and goods to and from Vessel(s) berthed alongside his/her Vessel.

25.14.2.4. Safe access between Vessel(s) shall be provided by the respective Vessel(s) with the highest freeboard. Each and every Vessel moored alongside another Vessel shall as far as is reasonably practicable have a minimum of one mooring line (for and aft) to the shoreline.

25.15. Use of engines while Vessel is moored or berthed A Vessel which is berthed at a quay or attached to any mooring shall not permit the engines of their Vessel to be worked in such a manner as to cause, or be likely to cause, injury or damage to the bed or banks of the Harbour or to any other Vessel or property.

25.16. Vessels moored to exhibit lights etc. A Vessel moored in any part of the Harbour, other than an area designated as a small Vessel mooring area by the Harbour Master, shall cause to be exhibited the lights or shapes required by the Collision Regulations.

25.16.1. **Small Vessels.** The Master of every small Vessel which is moored in an area designated as a small Vessel mooring area as defined in the Orkney Islands Marina Publication is not required to exhibit the lights or shapes as prescribed in the Collision Regulations.

25.17. Provision of proper fenders The Master of a Vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of their Vessel and,

when berthing and leaving or lying at a quay against other Vessels, the Master shall cause the Vessel to be fended off from that quay, or those other Vessels so as to prevent damage to that quay, those other Vessels or other property. Fenders shall be of such material as to ensure that they do not sink if lost overboard.

25.18. **Moorings** The Master of a Vessel which is moved from its moorings (in a tier of vessels) must ensure that the moorings of any other Vessel disturbed in the process are made safe.

25.19. **Laying of Moorings, Buoys or Other Equipment.** No person shall lay down a mooring, buoy or other equipment attached to the seabed without the permission of the Harbour Master. Any such mooring so placed will be removed, with costs allocated to the owner thereof.

25.20. **Private Chains, Ropes or Wires.** No private chain, rope, or wire is to be permanently affixed to any mooring, pier or quay without the permission of the Harbour Master.

25.21. **Hours of Darkness** Unless a Vessel is being loaded or unloaded, or there is a person onboard a person responsible for the guarding of open hatches. the hatches shall always during the hours of darkness be kept closed.

25.22. **Projecting Goods or Equipment.** Save as far as is necessary for the purpose of embarking or disembarking or the loading or unloading of goods and cargo the Master of a Vessel lying or moored at any quay shall ensure that no small boats, anchors or other gear shall project beyond the hull of the said Vessel.

25.23. **Loading and Ballasting.** All Vessels shall be always kept so loaded or ballasted as to be safely navigated or moored. The Master shall regulate such loading or ballasting in accordance with any directions which may be given by the Harbour Master.

25.24. **Houseboats.** No houseboat or pleasure craft used for residential purposes, or as the sole accommodation or registered domicile for an individual or individuals, shall be moored in the Authority Areas.

Part VII – Diving and Recreational Activities

26. Diving

26.1. **Commercial Diving** Commercial diving for fishing, engineering, and maintenance on Vessel, structures, or sea bed, may be authorised by the Harbour Master.

26.2. **Recreation, Sport, Training, Tourism and Leisure Diving.** – Is restricted to the Recreational Diving Areas. Prior permission is required from the Harbour Master and the relevant land or Wreck owner prior to the undertaking any diving activity in these areas.

26.3. **Wreck of MV PRUDENTIA** – Diving on or in the vicinity of this wreck is not permitted.

26.4. **Recreational Dive Vessel Operations** – Recreational Diving Vessels whether operated commercially, as part of club or organisation, or as a private vessel must obtain from the Authority an Operations Permit to operate in the Recreational Dive Areas as a dive tender. All such Vessels require to provide proof of dive management systems being operated, a working ship safety management system, and sufficient Third-Party Liability insurance to the Harbour Authority. Forms are available from the Harbour Authority or the website www.orkneyharbours.com

- **Commercial Operators (dive tender)** – May request an annual permit to operate as a dive tender within Authority Areas.
- **Club and Private Vessels** – Must request a vessel permit for each period of dive operation, with the exception of the Orkney Dive Club, who will be treated as a Commercial Operator regarding these directions.

26.5. **Recreational Dive Declarations.** Recreational Dive Declarations for each diver are required to be submitted to the Harbour Authority a minimum of 72 hours prior to each planned recreational Dive, these can be found on the Harbour Authority website www.orkneyharbours.com

- in respect of **Groups, Clubs and Associations** –by a named and nominated Dive Supervisor in respect of each diver, or otherwise by the individual undertaking the diving.

26.5.1 **Recreational Dive Declarations Duration** are for a minimum 24 hour period and may be used to cover consecutive 24 hour periods, provided no break in proposed diving exceeds 18 hours.

26.6. **Recreational Dive Declarations - Commercial Operators (dive tender)** may act in the capacity of a Dive Supervisor for individuals using their services.

26.7. **Scheduled and Protected Wrecks.** By submitting Recreational Dive Declaration individuals confirm they have read and understood the requirements surrounding the Scheduled and Protected Wrecks in the Authority Areas. Proof of prior permission from the owner to dive Scheduled Wrecks should be submitted with the Recreational Dive Declaration.

26.8. **Diving Operations Safe Distance** – All vessels are to maintain a distance of 100 meters or more from Vessels, or shore teams conducting diving operations.

26.9. Dive Time Allocations – The location of Dive Boats within the Recreational Dive Area will be allocated on a first arrival basis. Vessels should co-ordinate between themselves on VHF Ch8 to deconflict dive locations and timings. The first Vessel in the area is to act as the areas dive co-ordinator.

26.10. Recreational Diving Co-ordination – Within the Recreational Dive Area Recreational Dive Vessels are to co-ordinate their locations and separations between themselves on VHF Ch8. The first to arrive is to act as area co-ordinator.

26.11. Recreational Diving Allocations – In periods of high Recreational Diving activity Orkney VTS will instigate time slots for differing types of craft. Implementation will be broadcast on VHF Ch8. The following time slots will apply:

0001 – 0800	Soft boats/Rhibs
0800 – 1100	Hard Boats/local dive boats
1100 – 1400	Soft boats/Rhibs
1400 – 1700	Hard Boats/local dive boats
1700 – 2000	Soft boats/Rhibs
2000 – 2359	Hard Boats/local dive boats

27. Recreational Activities

27.1. Recreational Activities are restricted to Recreational Activity Areas.

27.2 Those Engaged in Recreational Activity shall:

- Avoid entering all navigational channels and fairways;
- Not approach within 10m of any vessel, irrespective of size;
- Shall not impede the movement of any Vessel, irrespective of size

27.3. Swimmers - Swimmers shall make every effort to make themselves visible to all other harbour users.

27.4 Personal Water Craft - The following specific rules apply to Personal Water Craft:

27.4.1. Speed – Personal Watercraft are to obey all speed limits as defined in these directions.

27.4.2. Areas of Operation - Except when approaching or leaving a quay, berth or slipway, Personal Watercraft are not permitted to operate within the Recreational Activities Areas.

27.4.3. Consideration for other Users – Personal Watercraft are to be operated with due consideration and care for all other harbour users.

27.5 Notice of Recreational Event – The Organiser of any yacht, boat or leisure event that is proposed to take part within the harbour must give not less than 4 weeks' notice in writing to the Harbour Master and must also submit a risk assessment of the event in accordance with the Port & Marine Facilities Safety Code. The Harbour master's in special circumstances may agree to a shorter period of notice.

Part VIII – Dangerous Goods, Ballast Water & Pollution.

28. Notification of Dangerous Goods

28.1. General

28.1.1. All Vessels carrying dangerous or polluting goods as classified or defined in the International Maritime Dangerous Goods Code (IMDG), Chapter 17 of the International Bulk Carriers Code (IBC), Chapter 19 of the International Gas Carriers Code (IGC) and MARPOL (Annex I, II) must comply with this Direction in accordance with the Dangerous Goods in Harbour Areas Regulations 2016 and the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004.

28.1.2. Any Vessel carrying liquid dangerous substances in bulk within the Authority's area shall hold a valid certificate for the carriage of that substance in bulk issued under the authority of the government of the vessel's country of registration. The existence and validity of such a certificate must be confirmed at the time by notification and the Harbour Master may examine such certificate.

28.1.3. Any Vessel carrying dangerous goods in excess of 50 kg is to display at all times with Harbour Limits, whilst underway, moored or at anchor a Flag 'B' of the International Code of Signals. At night they are also to display an all-round red light at the foremast with a visible range of 2Nm between the hours of sunset and sunrise.

28.2. **Inward vessels** A Vessel carrying dangerous or polluting goods as detailed in 4.22 entering or passing through the Authority Areas must notify the Harbour Master 24 hours in advance, or on departure from the previous port if less than 24 hours, of such goods prior to such entry.

28.3. **Outward vessels** Carrying dangerous goods or polluting substances departing a berth or an anchorage must notify the Harbour Master of such goods prior to departure from the berth or anchorage.

28.4. Notification

28.4.1. Notification of dangerous or polluting goods for inward and outward Vessels of goods to be unloaded or loaded must be in the CERS format.

As a minimum this must contain the following particulars:

- The correct technical names of the dangerous or polluting goods.
- The United Nations (UN) numbers where they exist;
- The IMO hazardous classes in accordance with the IMDG, IBC and IGC codes;
- Where appropriate the class of ship as defined by the INF Code;
- The quantities of such goods and their location on board and if they are being carried in cargo transport units other than tanks, the identification number of the unit.

29. Ballast Water

29.1. **Discharge** A Vessel shall not discharge water ballast into the Authority Areas without the permission of the Harbour Master except in the case of emergency in order to ensure the safety of the Vessel. The Master shall inform the Harbour Master immediately.

29.2. **Exchange of Tanks** A vessel shall not enter the Authority Areas unless the ballast tanks of the Vessel have been exchanged before entry in such a way as to ensure so far as reasonably practicable that non-native marine organisms are not introduced into the Authority Areas.

30. Polluting Substances

30.1. **Carriage of dangerous goods or polluting substances** This Direction applies to all Vessels within the Authority Areas.

30.2. **Bunkering** The Master of every Vessel intending to undertake any operation involving the fuelling of a Vessel, the transfer or removal of waste oil, or the transfer of oil carried as a cargo to or from any other Vessel, port terminal or plant shall obtain the permission of the Harbour Master. Permission shall not be refused except: -

30.2.1. for the purpose of safeguarding the Authority Areas from pollution.

30.3. **Escape of polluting substances** The Master of every Vessel carrying oil, chemical cargo, dangerous substance as defined in the Dangerous Goods in Harbour Areas Regulations 2016 which is escaping or likely to escape from their Vessel shall immediately on becoming aware of the escape or likely escape: -

30.3.1. notify the Harbour Master;

30.3.2. take all practicable steps to prevent further escape;

30.3.3. not use or permit the use of any chemical dispersant without the permission of the Harbour Master.

Where this General Direction applies a Vessel shall not enter the Harbour except in accordance with the Harbour Master's directions.

Part IX – General

31. General

31.1. Granting of permission Any permission required by these Directions may be granted subject to such conditions as the Harbour Master may think fit and what is permitted shall only be carried out in accordance with such conditions.

31.2. Inspection facilities, etc., to be made available to Harbour Master The Master of a Vessel shall so far as may be required by the Harbour Master in the exercise of his/her duties, afford the Harbour Master access to any part of the Vessel and provide all reasonable facilities for its inspection and examination.

31.3. Vessels not to be fumigated without permission The Master or owner of a Vessel shall not cause or permit it to be fumigated without the prior permission of the Harbour Master.

31.4. Vessels requiring to vent tanks without permission The Master or owner of a Vessel shall not permit cargo tanks to be vented without prior permission of the Harbour Master.

31.5. Assistance to fire and other services The Master of a Vessel shall give every reasonable facility and assistance to the fire, police, ambulance and other emergency services for dealing with, alleviating or preventing any emergency.

31.6. Fire Precautions The Master of a Vessel shall take all reasonable precautions for the prevention of accidents by fire.

31.7. Trespass. No person shall enter or remain on harbour premises, piers or quays or any part thereof unless he has lawful business or has permission from the Harbour Master.

31.8 Disorderly Behaviour No person shall use threatening, abusive, indecent, obscene or offensive language or behave in such manner as is calculated to cause offence, disturbance or breach of the peace, nor molest or wilfully interfere with the comfort or convenience of other persons.

31.9 Intoxication. No person shall be permitted within the Authority Areas whilst under the influence of drugs, alcohol, or any other such substance.

31.10 Defacing Premises, Property or Equipment. No person shall write upon, soil, deface, mark, injure, disable or interfere with any of the quays, property, building, equipment or infrastructure or any other part of the premises.

31.11 Obstructing Officers No person shall resist, obstruct or impede any of the Harbour Authority's officers or servants in the execution of their duty, or disobey their lawful order. Any such order should be complied with immediately.

31.12 Rubbish and Littering No person shall throw, cast, or cause or procure to be thrown or cast, any dirt, rubbish, soil, ashes, plastic, food waste, or any other matter or any other injurious or polluting substance, whether solid or liquid, into the Authority Areas or any associated land, pier, quay or jetty.

Part X – Penalties

32. Penalties

32.1 Contravention of Directions Any person who contravenes or otherwise fails to comply with any of these directions or any condition, requirement or prohibition imposed by the Harbour Master in terms of these directions shall be guilty of an offence and be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level four of the standard scale of fines referred to in section 225 of the Criminal Procedure (Scotland) Act 1995 as amended.

32.2 Defence In any proceedings for an offence under these directions, it shall be a defence for the person charged to prove:

32.2.1. that they took all reasonable precautions and exercised all diligence to avoid the commission of such an offence; or

32.2.2. that they had reasonable excuse for their act or failure to act.

Part XI – Fishing Vessel Code of Practice

33. Fishing Vessel Code of Practice for the Safety of Fishing and Fishing vessels (code of practice) 2017 to be followed by all Vessels engaged in fishing within Authority Areas.

33.1. Any fishing Vessel underway, whether engaged in fishing or not, will maintain a continuous listening watch on VHF Channel 11.

33.2. All fishing Vessels, prior to commencement of fishing, shall report to Orkney VTS (when in Scapa Flow or Kirkwall):

33.2.1. Name and registration of Vessel

33.2.2. Approximate area of operation

33.2.3. Approximate direction of operation

33.2.4. Any change of operation

33.3. Orkney VTS, on receipt of a fishing Vessel's report, shall report to the fishing Vessel:

33.3.1. Vessel traffic within the planned operational area

33.3.2. Expected Vessel traffic within the planned operation area

33.3.3. Any other information relevant

33.3.4. Maintain a record of the fishing Vessel's report

33.4. All fishing Vessels, on completion of fishing, shall report to Orkney VTS:

33.4.1. Fishing operations completed

33.4.2. When clear of the area

Part XII - Vessel reporting

34.1. Inward reporting procedure

34.1.1. Initial Report All Vessels must submit, via either direct access by an approved login to Port Management Information System or email: marine.ops@orkney.gov.uk not less than 24 hours before ETA (or as soon as departure from previous Port), a report containing the following:

- 34.1.1.1. Vessel name
- 34.1.1.2. IMO number
- 34.1.1.3. Last port
- 34.1.1.4. Destination
- 34.1.1.5. Draught
- 34.1.1.6. Number of persons on board
- 34.1.1.7. ISPS level
- 34.1.1.8. Pilot required or PEC number
- 34.1.1.9. ETA at Pilot Station

34.1.2. Vessels Requiring a Pilot. All Vessels requiring a Pilot must report to Orkney VTS on VHF Channel 11 confirming two hours, or when within VHF range, to arrival at the Pilot Station.

34.1.3. Transit Report All Vessels must report at the designated reporting points as defined in ALRS Volume 6 & marked on the UK Hydrographic Office charts and maintain a listening watch on VHF Channel 11.

34.1.4. Berthing All Vessels over 12 metres must report when the Vessel is secured alongside the berth to Orkney VTS.

34.2. Outward reporting procedure

34.2.1. Confirmation Report All Vessels over 12 metres must report 30 minutes prior confirmation of departure to Orkney VTS on VHF Channel 11.

34.2.2. Departure Report All Vessels over 12 metres must obtain clearance to depart and navigate from Orkney VTS on VHF Channel 11 before letting go from the berth.

34.2.3. Transit Report All Vessels must report to Orkney VTS at the designated report points as marked on UK Hydrographic Office charts and maintain a listening watch on VHF Channel 11 until clear of the Authority Areas.

34.3. Anchorage reporting procedure

34.3.1. Permission to Anchor All Vessels must obtain clearance to anchor (except in case of emergency) from Orkney VTS on VHF Channel 11 for anchorages within the Orkney VTS Area.

34.3.2. Anchored All Vessels must report to Orkney VTS on VHF Channel 11 when the Vessel is anchored within the Authority Areas and maintain a listening watch on that channel.

34.3.3. Departure Report All Vessels must report to Orkney VTS on VHF Channel 11 when the Vessel is underway from anchor within the Orkney VTS Area

Annex I - Illustration of Statutory Harbour Area



**Enquiries to:**

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