

Orkney Marine Planning Advisory Group (OMPAG): Terms of Reference

Name and Membership

1. The name of the advisory group is the Orkney Marine Planning Advisory Group (OMPAG).
2. The Delegate for the Orkney Islands Marine Region is Orkney Islands Council, as detailed in The Delegation of Functions (Regional Marine Plan for the Scottish Marine Region for the Orkney Islands) Direction 2020, in accordance with section 12 and 13 of the Marine (Scotland) Act 2010(a).
3. OMPAG members are listed in Annex 1 and comprise organisations who have expertise and experience in environmental, community, recreational or commercial interests relevant to the Orkney Islands Scottish Marine Region.
4. An advisory group member may resign from OMPAG, by advising the Chair in writing.
5. Any individual or organisation wishing to become a member of the OMPAG must submit a written application to the Delegate detailing their specific expertise and experience and how it would add value to the development of a Regional Marine Plan for the Orkney Islands. Applications will be considered at the first meeting of the OMPAG following receipt of any application with the applicant being notified of the Group's decision thereafter, with the reasons for an unsuccessful application should this be the case. Where consensus cannot be reached by the OMPAG members, a decision will be reached by majority voting in accordance with the voting provisions set out at point 28. The Decision of the OMPAG is final.
6. These terms of reference for the OMPAG will be subject to review on a regular basis by agreement of the members.

Advisory Group Functions

7. To provide advice and feedback on the development of a Regional Marine Plan which meets the legal requirements of the Marine (Scotland) Act 2010 for the Scottish Marine Region for the Orkney Islands as defined by the Scottish Marine Regions Order 2015, in compliance with the Delegation of Functions in relation to the Regional Marine Plan for the Scottish Marine Region for the Orkney Islands Direction 2020.
8. Help ensure effective stakeholder and public participation in developing a Regional Marine Plan for the Orkney Islands.

9. When required, provide information and feedback to support the Delegate to carry out any further functions as directed and delegated to the Delegate by the Scottish Ministers under the Marine (Scotland) Act 2010 (as amended by the Islands (Scotland) Act 2018 and associated legislation).

Objectives

The OMPAG objectives are:

10. To collaborate in and provide advice on projects, and activities related to developing integrated, sustainable and co-ordinated planning and management of the Orkney Islands' marine and coastal environmental, economic and community resources.
11. To provide guidance for projects, activities and further research which seek to inform the development of regional marine planning in the Orkney Islands.
12. To support the Delegate to deliver effective and integrated terrestrial and marine planning across the Orkney Islands.

Terms of Reference

Responsibilities

Delegate:

13. The Delegate will be responsible for developing a Regional Marine Plan for the Scottish marine region for the Orkney Islands as directed by Scottish Ministers and in accordance with the Marine (Scotland) Act 2010.
14. Act as the main point of contact in relation to regional marine planning functions in the Orkney Islands.
15. Provide the Scottish Government with regular updates on the progress and activity of regional marine planning in the marine region.
16. Respond to relevant consultations, where appropriate, in accordance with any adopted non-statutory marine plan or statutory Regional Marine Plan policies for the marine region.
17. Ensure that stakeholders and the general public have the opportunity to engage in the development of a Regional Marine Plan as detailed in a Statement of Public Participation.

18. Undertake formal consultation on a Regional Marine Plan in accordance with the requirements of the Marine (Scotland) Act 2010.
19. Where appropriate, provide advice or comment when consulted during preapplication consultation under the Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013.
20. Where appropriate, provide comment to the Marine Directorate of the Scottish Government when acting as a statutory consultee in the marine licensing processes under the Marine Licensing (Consultees) (Scotland) Order 2011.
21. The Delegate will request advice from the OMPAG on specified matters relating to the preparation of the Regional Marine Plan.
22. When the Delegate requests advice on specified matters relating to the preparation of the Regional Marine Plan, this request will be provided to the OMPAG members at least two weeks in advance of the relevant Advisory Group meeting.
23. OIC will provide the roles of Chair and Vice-Chair of the OMPAG; neither has any voting powers.
24. Either the Chair or Vice-Chair must be present at the meetings.
25. Where consensus cannot be reached by the OMPAG on matters where specific advice is sought by the Delegate, the OMPAG voting provisions set out at point 28 should be implemented.

Advisory Group Members:

26. Use expertise and experience to provide advice to the Delegate to inform the preparation of a Regional Marine Plan for the Orkney Islands.
27. Advise the Delegate in the development of a Regional Marine Plan through feedback and input into the preparation of policy, spatial planning, supporting text and documents.
28. Where consensus cannot be reached by the OMPAG members regarding matters on which specific advice is sought by the Delegate, OMPAG members will have the right to vote, with one vote per organisation listed in Annex 1.

Advisory Group Meeting Procedures

29. Where possible, advice of the OMPAG shall be reached by consensus. If consensus cannot be achieved, voting by OMPAG members may be used either

by a show of hands or a secret ballot. Where appropriate, the Delegate may provide a response to matters that are voted on and the course of action taken.

30. At least one OMPAG member representative of each interest (environment, commercial and recreation as identified in Annex 1) must be present to conduct the business and for any advice to be agreed. The meeting will be considered quorate with eight or more members in attendance.
31. Although each organisation listed in Annex1 is permitted to have more than one representative in attendance, up to a maximum of two, each organisation shall have only one vote. If an OMPAG member cannot attend an advisory group meeting, they can delegate their vote to another person within their organisation with prior notice to the Chair.
32. OMPAG members should make all reasonable efforts to attend meetings. Should attendance not be possible, OMPAG members can nominate another person to speak or vote on their behalf or provide a written representation to the Chair and/or the Delegate administrator.
33. Organisations represented on the OMPAG should ensure continuity of representation at the meeting either through attendance or through thorough briefs to representatives attending in their place to enable them to provide advice.
34. OMPAG meetings can be attended by invited non-OMPAG members, where such attendance would add value to the consideration of specific agenda items. Where appropriate, the Delegate may invite non-OMPAG members to attend OMPAG meetings to support the consideration of specific agenda items. OMPAG members can make written request to the Delegate for non-OMPAG members to attend OMPAG meetings to support the consideration of specific agenda items. Invited speakers will not have voting rights.
35. OMPAG meetings may need to consider matters on a commercial and confidential basis and OMPAG members will be required to retain such information on that basis.
36. An advisory group member may resign from OMPAG, by advising the Chair in writing.
37. Any freedom of information requests to the Delegate will be treated in accordance with The Freedom of Information Act (Scotland) 2002 or any subsequent amendments.
38. For the purposes of Member's considerations of making a Declaration of Interest, the Advisory Group has adopted the Principals of the Model Code of Conduct for

Members of Devolved Public Bodies (revised edition February 2014), Section 5¹.
Members of the Advisory Group shall be bound by the terms of the Code.

List of members

39. An up to date list of OMPAG members will be publicly available via the Orkney Islands Council website.

Secretariat

40. The OMPAG secretariat will be provided by the Delegate and will be responsible for:

- a. Organising and arranging OMPAG meetings, including liaison with the Chair and/or Vice Chair.
- b. At least two weeks prior to the meeting the secretariat will circulate an agenda and any relevant papers for the meeting to all OMPAG members.
- c. Within two weeks from the date of the meeting draft minutes of meetings will be prepared by the secretariat and circulated to members of the OMPAG, with a timeline for their review and finalisation.
- d. Final versions of the minutes will be made available for publishing on the Orkney Islands Council website.

¹ <https://www.gov.scot/publications/model-code-conduct-members-devolved-public-bodies/>

Annex 1 Advisory Group membership

Interest Type	Organisation
Environment	Scottish Environment Protection Agency
	NatureScot (Scottish Natural Heritage)
	Historic Environment Scotland
	Royal Society for the Protection of Birds Scotland
Recreation/Community	Orkney Marinas
	Orkney Sub Aqua Club
Commercial	Orkney Regional Inshore Fisheries Group
	Scottish and Southern Electricity Networks
	Salmon Scotland
	Orkney Harbour Authority
	Orkney Marine Services Association
	Flotta Oil Terminal Operator
	Visit Scotland
	Crown Estate Scotland
	Orkney Renewable Energy Forum
Academia	International Centre for Island Technology, Heriot Watt University