



Item: 13

Development and Infrastructure Committee – 10 September 2024

**Orkney Islands Local Marine Asset Management and Local Governance
Pilot Scheme.**

**Report by Corporate Director for Enterprise and Sustainable
Regeneration.**

1. Overview

- 1.1. In 2018, Crown Estate Scotland (CES) launched the Pilot Scheme application process, designed to encourage greater involvement of Scotland's communities in managing land and property near them on behalf of the Scottish Crown Estate.
- 1.2. The Transfer or Delegation aspect of the Crown Estate Scotland Act 2019 did not come into force until 2021 and the original ambitions as expressed in the Smith Commission for the Orkney Pilot were not legally viable.
- 1.3. A Marine Asset Management Pilot Officer was recruited in August 2021 to explore existing and potential processes for local involvement in future seabed and foreshore property rights applications to achieve Crown Estate Scotland and Council objectives for delegated sectors in the Orkney Islands Scottish Marine Region.
- 1.4. An operational and demonstration phase of an Orkney Pilot project was approved by the Council in November 2022 and was fully funded by Crown Estate Scotland.
- 1.5. At the Annual review with Crown Estate Scotland in March 2024 it was confirmed that the project had delivered its original obligations and Key Performance Indicators as outlined in Appendix 1.
- 1.6. The Pilot project end date was 31 August 2024.
- 1.7. The review also identified the potential for an onwards collaborative role between Crown Estate Scotland and the Council based on lessons learned and to inform and enable sustainable development in the Marine economy.

2. Recommendations

- 2.1. It is recommended that members of the Committee:
- i. Note the conclusion of the Orkney Islands Local Marine Asset Management and Local Governance Pilot project and annual report, attached as Appendix 1 to this report.
 - ii. Approve a further collaborative project between the Council and Crown Estate Scotland, as proposed in Appendix 2 to this report, subject to approval of the project by Crown Estate Scotland, together with confirmation of full funding.
 - iii. Delegate authority to the Corporate Director for Enterprise and Sustainable Regeneration, in consultation with the Head of Finance, the Head of Legal and Governance and the Head of Human Resources and Organisational Development, to determine final funding agreements and employment contracting associated with the collaborative project referred to above.

3. Background

- 3.1. Current guidance about the process of Transfer or Delegation of marine assets is available in Appendix 3. This remains the province of the Scottish Ministers and is presently uncertain.
- 3.2. Upon conception, Orkney Islands Council aimed to gain managerial and financial control of its marine assets. This was not viable because:
- i. The Transfer or Delegation aspect of the Crown Estate Scotland Act 2019 did not enter into force until September 2021;
 - ii. Orkney Islands Council's related departments (including Estates and Finance) advised against assuming financial management and liabilities of marine property assets within the Orkney Islands Marine Region.
- 3.3. The Council approved a subsequent agreement with Crown Estate Scotland in September 2022 to extend the Memorandum of Agreement into a participatory two-year operational period to demonstrate increased local involvement in development decisions.
- 3.4. The revised Pilot project aimed to:
- i. Review and consider local insights about marine development;

- ii. Incorporate national statutory plans, policies and strategic drivers for the blue economy into new scenarios and options for localised sustainable management of coastal territory;
 - iii. Facilitate transparency about how seabed leasing and licensing decisions are made;
 - iv. Inform Orkney Islands Council, CES and development interests about opportunities, barriers and potential synergies for a sustainable marine economy within the delegated marine sectors of the Pilot.
- 3.5. The delegated sectors of seabed and foreshore for leasing and licensing within Orkney Islands Scottish Marine Region (0-12nm) pertinent to the Pilot project are:
- i. Aquaculture;
 - ii. Small-scale, near-shore marine renewable energy (wave & tidal Marine Renewable Energy);
 - iii. Local distribution-scale electricity cables;
 - iv. Domestic and inter-island water pipelines;
 - v. Ports, harbours, jetties, marinas, pontoons and moorings;
 - vi. Seaweed harvesting or cultivation;
 - vii. Outfalls; Dredging and other marine works licences;
 - viii. Mineral or aggregates extraction (excluding Mines Royal).

4. Pilot Project Review

- 4.1. Overview information and insights from the Pilot can be seen in
- i. The OIC service page Seabed and Foreshore Management (orkney.gov.uk).
 - ii. Appendix 1: 2024 Annual Report.
- 4.2. Throughout the Operational Period the Pilot has supported and sustained opportunities to:
- i. Practice early engagement with marine developers;
 - ii. Knowledge-share between agencies, internal and external stakeholders;
 - iii. Develop transparency about seabed leasing practices, particularly concerning data sharing and its stewardship;
 - iv. Examine opportunities or gaps between national and local authorities' decision making;
 - v. Assess the full range of expertise available within the Orkney Marine Region (OMR), including research and innovation, engineering, marine supply chain and community development organisations;

- vi. Understand how marine assets are managed locally and nationally;
 - vii. Confirm the legal basis around historic agreements;
 - viii. Consider a holistic approach to development;
 - ix. Enhance transparency between agencies.
- 4.3. At its Annual review with Crown Estate Scotland in March 2024 it was confirmed that the project had delivered its original obligations against agreed KPIs as outlined in Appendix 1.
- 4.4. During the operational period of the Pilot, however, there has not been an appreciable volume of new marine lease activity in the Orkney Marine Region as can be seen in the Annual report.
- 4.5. As the planning authority and a statutory consultee for marine licensing within the Orkney Marine Region, the Council's Planning Team and Harbour Authority already issue permission for certain marine developments and comment on marine activities to the Scottish Government.
- 4.6. The Pilot programme as agreed with CES was due to terminate in August 2024, however, CES has agreed to extend funding to progress the Pilot's success and foster new mandates that address climate change, blue economy and other national objectives for sustainable management of our regional seas.
- 4.7. Based on achievements and lessons learned through the Pilot and recommendations from the Council Officers, Crown Estate Scotland has agreed to consider future funding, subject to Council agreement, for a role relevant to new and emerging legislation, and guidance that will support marine sustainable development and enhanced partnership working in relation to the blue economy.

5. Collaborative Project Proposal

- 5.1. After a comprehensive review of current marine asset management practices within various Council services, along with national marine licencing and leasing bodies' practices, conclusions of the Pilot recommend specific, future-proofing directions to incorporate:
- i. Improving the coordination of leasing activities within the Orkney Marine Region among relevant Council services, including Marine Services, Estates and Enterprise and Sustainable Regeneration;
 - ii. Biodiversity and environmental enhancement in concert with national objectives stated in National Planning Framework 4, Blue Economy Vision for Scotland and the emerging Orkney Islands Regional Marine Plan;

- iii. Orkney's targets and emerging priorities for a just transition to net-zero emissions;
- iv. Coastal adaptation and resilience initiatives including nature-based solutions ;
- v. Integration and coordination of policy and projects at the land and sea interface;
- vi. Collaboration with both land and marine planning authorities, academia and other experts (e.g. on innovation and research, marine environmental enhancement and archaeology, for example).

5.2. A fuller project proposal is attached at Appendix 2.

6. Conclusions

- 6.1. In its third and final year, the Pilot has had limited participation in early discussions with development interests (simply due to lack of volume of enquiries or applications) and has focused on knowledge-sharing within and outwith the Council through dialogue and participation in marine-related stakeholder engagement and workshops. The opportunity to liaise with Crown Estate Scotland when necessary to facilitate the Council's internal understanding of its total marine asset portfolio has facilitated new and important links between services.
- 6.2. It is not prudent to recommend that the Council pursues transfer or delegation to manage the leasing and licensing of seabed assets as it would incur considerable cost in specialist services for the relatively low number of development projects. In addition, even with an approved delegation of asset management role all monies for rentals would still be returned to the Scottish Government for onwards disbursement via the agreed CoSLA formula that returns revenue to the Council at approximately £800,000 per annum currently. This would therefore likely result in a net reduction of revenue to the Council.
- 6.3. Learning outcomes from various delegated sectors highlights the need for enabling actions, facilitation and partnership working to support socio-economic benefits of the blue economy and meet climate and biodiversity targets. This is a next stage development building on the successes and lessons learnt from that pilot that CES are keen to fund as a new collaboration project.

For Further Information please contact:

Stuart Allison, Service Manager (Enterprise), extension 2514, Email:
stuart.allison@orkney.gov.uk.

Implications of Report

1. **Financial:** If a new collaboration project is agreed all costs will be recovered from Crown Estate Scotland with a final project cost still to be determined. Discussion with CES indicated that a similar a similar level of funding as for the Pilot Project could be considered covering the costs of a full time equivalent over 2 years.
2. **Legal:**
 - i. The Transfer or Delegation (T&D) aspect of the Crown Estate Scotland Act 2019 describing seabed asset management responsibilities to Local Authorities by the Scottish Ministers came into force in September 2021.
 - ii. The legislative position therefore changed during the early stages of the Pilot project and the implications are summarised in Appendix 3.
 - iii. Should the Council and Crown Estate Scotland commit to funding a future role, a legally binding agreement setting out the funding conditions would require to be entered into.
3. **Corporate Governance:** None.
4. **Human Resources:** Any new or additional staffing requirements will require governance approval via the Change in Establishment process following creation of a job description and the relevant grading of this determined. Any new or additional staffing requirements will also be required to be recruited to in line with the Council Recruitment and Selection Policy.
5. **Equalities:** An Equality Impact Assessment has been undertaken and is attached as Appendix 4 to this report.
6. **Island Communities Impact:** As the project being developed and reviewed in terms of this report has been assessed as being unlikely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in Orkney, a full Island Communities Impact Assessment has not been undertaken (see Appendix 5).
7. **Links to Council Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:
 - Growing our economy.
 - Strengthening our Communities.
 - Developing our Infrastructure.
 - Transforming our Council.

8. **Links to Local Outcomes Improvement Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:
 - Cost of Living.
 - Sustainable Development.
 - Local Equality.
9. **Environmental and Climate Risk:** Exploring sustainable development of marine based economic opportunity is a focus of the proposed project.
10. **Risk:** Whilst not a statutory function the recommended project would seek to reduce perceived risks to development within the Orkney Marine Region, which may include berthage, housing and waste management among other Council responsibilities.
11. **Procurement:** None directly related to the recommendations in this report.
12. **Health and Safety:** None directly related to the recommendations in this report.
13. **Property and Assets:** None directly related to the recommendations in this report.
14. **Information Technology:** None directly related to the recommendations in this report.
15. **Cost of Living:** None directly related to the recommendations in this report.

List of Background Papers

Policy and Resources Committee: 20 September 2022.

Orkney Islands Local Marine Asset Management and Local Governance Pilot Scheme.

Appendices

Appendix 1: Annual report to Crown Estate Scotland-March 2024.

Appendix 2: CES and OIC collaboration project proposal.

Appendix 3: Transfer or Delegation of Marine Asset Management responsibilities summary.

Appendix 4: Equality Impact Assessment.

Appendix 5: Island Communities Impact Assessment.



ORKNEY ISLANDS LOCAL MARINE ASSET MANAGEMENT & GOVERNANCE PILOT PROGRAMME

SUMMARY to DATE – April 2024

AUTHOR(s)	Ann Getchell Orkney Island Council Pilot Officer
REVIEWED BY	Penny Coles Crown Estate Scotland, Head of Partnerships Stuart Allison Orkney Islands Council, Enterprise Manager,
DATE	April 2024
IN PARTNERSHIP WITH	Crown Estate Scotland

EXECUTIVE SUMMARY

This Annual Report offers an expanded update and discussion of topics covered in the October 2023 Quarterly Report.

Throughout Year Two of the Operational Phase the Pilot has supported opportunities to

- Practice early engagement with marine developers;
- Knowledge-share between agencies, internal and external stakeholders;
- Develop transparency in seabed leasing practices, particularly concerning data sharing and its stewardship;
- Examine opportunities or gaps between national and local authorities' decision-making;
- Review the range of expertise available within the Orkney Marine Region (OMR), including research and innovation, engineering, marine supply chain and community development organisations.

The report provides update on the four agreed Key Performance Indicators

- Development
- Governance
- Information
- Engagement

The waters around Orkney continue to see growth and potential development within and outwith the delegated sectors¹ of the Orkney Pilot programme. Significant focus at present is on marine renewable energy, transmission cables and requisite coastal infrastructure.

The Pilot programme was of course impacted

by COVID and recovery but also developed concurrently with unanticipated issues such as:

- Post-Brexit sectoral-specific regulatory requirements that created dynamic changes in funding mechanisms and local expertise;
- Escalating commodity and energy prices impacting on cost of living and doing business;
- Increased strategic weight given to planning for climate change, coastal defence and biodiversity enhancement.

All the above considerations were introduced as part of the requisite [OIC Seabed Leasing Enquiry Form](#) that prospective developers in the OMR must submit prior to a formal application with Crown Estate Scotland (during the Pilot's Operational period). This opportunity for early-stage comment reflects certain priorities for developments in Orkney and has been of interest to other Scottish coastal communities and networks that face the same socioeconomic, environmental and governmental trials around managing the resources that surround them for the lasting benefit of their particular region.

The Pilot supports:

- A greater understanding of how marine assets are managed locally and nationally;
- A confirmed legal basis around historic agreements;
- A holistic approach to development;
- Enhanced transparency between agencies.

¹ DELEGATED SECTORS of SEABED & FORESHORE for LEASING or LICENSING within Orkney Islands Scottish Marine Region (0-12nm): Aquaculture; Small-scale, near-shore marine renewable energy (wave & tidal Marine Renewable Energy); Local distribution-scale electricity

cables; Domestic and inter-island water pipelines; Ports, Harbours, Jetties, Marinas, Pontoons & Moorings; Seaweed harvesting or cultivation; Outfalls; Dredging & other marine works licences; Mineral or aggregates extraction (excluding Mines Royal).

LIFE OF THE MARINE ASSETS PILOT PROGRAMME 2016-2024	
2016	Crown Estate Scotland is formed to assume legal rights to manage property owned by the monarchy for the people of Scotland. OIC builds political commitment to explore local marine asset management opportunities based on discussions between <i>Our Islands Our Future</i> campaign, the Smith Commission Recommendations of 2014 and Marine Scotland.
2017	HM's Transfer scheme comes into force, bringing devolved powers over revenue management of Scottish assets held by the Crown.
2018	CES announces local management pilot scheme to encourage community involvement in managing property near them.
2019	Scottish Crown Estate Scotland Act 2019 identifies certain seabed management sectors eligible for management by local authorities. OIC Policy & Resources Committee resolves to implement its CES-approved Pilot scheme application.
2020	COVID pandemic impedes normal business operations.
2021	CES and OIC complete joint MoA. Pilot Officer recruited August 2021. Communications Plan and Joint Data Sharing Agreement developed. The Crown Estate Scotland Act 2019 enters into force.
2022	Pilot Officer identifies and interviews stakeholders. Operational Plan for cooperation between both organisations developed. OIC P&R Committee approve operational model and recommend continued funding by CES, and the MoA is extended to 2024.
2023	Pilot Scheme web presence introduced within OIC service directory. Tenant notifications and further stakeholder engagement. Regular meetings between Pilot Officer and CES Asset Managers begin. Notifications about new enquiries and applications in delegated sectors commence.
2024	Pilot Recommendations to be considered by partners including OIC Committee in June 2024. Pilot Programme closes August 2024.

Table 1 The Pilot's path demonstrates more than a decade of vision, policy, organisation and actions taken to foster potential for local management of marine assets.

INTRODUCTION

Orkney’s renowned community expertise includes harbour management; curation of the historic environment of land and sea; tourism; research organisations that focus on ecology, natural history and environmental education; marine renewable energy development; vanguard marine planners and more. Its many forums, advisory panels and community organisations are highly engaged and representative, offering continued opportunities to share information and capture island values to create a digest of what islanders care about.

The Orkney Marine Assets Pilot Programme, a non-statutory function, taps into these many networks to support and enable transparency between local and national authorities in partnership with its funding body, Crown Estate Scotland ((CES) the public corporation responsible for management of Scotland’s seabed and foreshore assets). The proceeds from commercial leases are redistributed annually to provide opportunities to develop, maintain, protect and enhance the marine environment for sustainable environmental and socioeconomic gain—in Orkney, 50 percent of that allocation is now specifically ring-fenced for community-led development and Economic Development programmes following a decision by the Council in 2022.

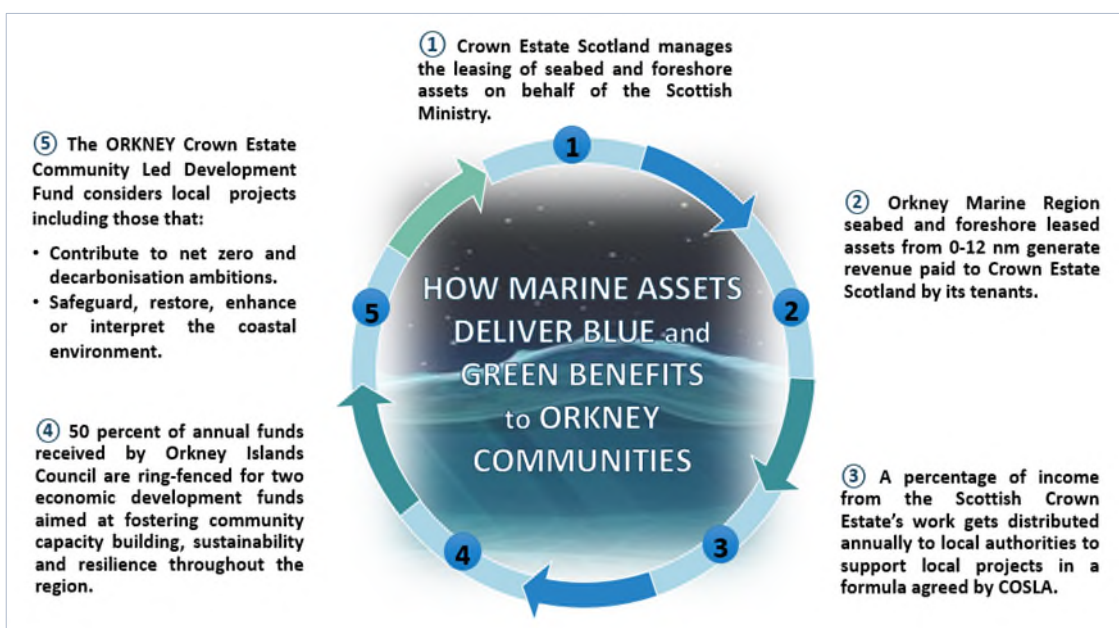


Figure 1 The Crown Estate Scotland-funded Marine Assets Pilot Programme affords the Orkney Marine Region with an opportunity to gauge readiness, capacity and public interest in taking on increased responsibility for management of its seabed, foreshore and other marine assets within 0-12 nautical miles that deliver revenue to the Scottish Crown Estate and are recirculated to support community development programmes.

1.KEY PERFORMANCE INDICATORS FOR THE PILOT PROGRAMME

The agreed KPI's are summarised below

STATUS OF KEY PERFORMANCE INDICATORS	
Objective	Status
<p>1-DEVELOP STAKEHOLDER CONSULTATION PROCESS</p> <p>Method: Stakeholders are categorised by confidentiality and organisational status</p> <p>Metric: Table of consultations maintained throughout pilot; Stakeholder Register updated</p>	Achieved & Ongoing
<p>2-GOVERNANCE</p> <p>Thresholds and Triggers Identified for Committee Structure and delegation of powers to officers to produce recommendations on lease options.</p> <p>Method: Transparent set of criteria developed through stakeholder input and published via OIC website.</p> <p>Metric: Criteria based on published plans and policies and links on website are regularly updated; Current lease and licence activity in Orkney waters reported from CES/Bidwells to OIC</p>	Process revised and agreed in year 1 between partners. Achieved
<p>3-INFORMATION</p> <p>Produce Consistent Information Packs for Applicants</p> <p>Method: Dedicated service site within OIC and email monitoring; Links within CES maintained; tenant notifications</p> <p>Metric: Content review by Asset managers, tenants and public; site hits & information requests</p>	Achieved
<p>4-ENGAGEMENT</p> <p>Overarching Objective of Local Engagement about Marine Asset Management</p> <p>Method: Stakeholders and communities made aware / informed about coastal & marine development through regular outreach & attendance at public forums</p> <p>Metric: Pilot Communication Log</p>	Achieved & Ongoing

Table 2 Overview of Key Performance Indicators as laid out in the Memorandum of Understanding between Orkney Island Council and Crown Estate Scotland. An expanded discussion follows.

1.1 DEVELOPMENT: Stakeholder Consultation Process

Stakeholder activity at the local level has been achieved by the Pilot's representation at community events and dialogue with related projects; most interest has been from external groups as can be seen in the examples below:



- [SCOTTISH WILDLIVE TRUST Natural Capital Assessment Project](#) aimed at assessing local values around the blue economy. The Pilot has consulted regularly with SWT and Heriot Watt University ICIT and participated in a focus group that included fisheries and natural history representative views regarding final edit and potential of the Community Voice Method film release. Attended public viewing and a follow-on facilitated discussion where citizens came together to share views.
- [ALL ENERGY SCOTLAND](#) annual conference where OIC exhibited its Scapa Flow future harbour ambitions as well hosting strong representation for marine renewable energy from EMEC and Community Energy Scotland. Exploring finance to enable MRE projects and investor confidence to deliver innovation; supply chain confidence; business support and big-picture realities of harbour development featured strongly.
- [SEA SCOTLAND](#) conference to discuss governance around blue and circular economic potential for Scotland; sea-space equity and other cross-sectoral challenges, opportunities and enablers (such as natural capital evaluation data and policies) and generally concluding support for nature-based solutions and regulatory policies to deliver them. Also, land-based pollution effects remain high on the list of concerns for planners.
- [PROJECT SEAGRASS](#) series of presentations and workshops to highlight the value of healthy benthic habitat to deliver biodiversity net gain and promote community awareness and stewardship around maintaining healthy habitat, as well as the potential for seed harvesting that may benefit other marine regions within Scotland. Education delivery in partnership with NILP and the Westray community.
- [COAST](#) reached out after learning of the Pilot to explore how marine asset management may be conducted at the local level and compare the governance around the process.
- [SSEN](#), an inclusive and seemingly transparent regulator and developer, to discuss plans and progress around cable assessment; repair and inter-island connectivity; strategic national transmission as relates to the OMR.
- [COOKE AQUACULTURE](#) to learn of present activity, partnership ambitions and concerns about doing business in the OMR and overarching regulatory atmosphere that affect its operations.
- [COASTAL COMMUNITIES NETWORK](#) whose members include various NGOs within the OMR to describe leasing and licensing as well as how Orkney Islands Council has decided how to use its annual distribution from lease income to support community development.
- [ORKNEY TROUT FISHING ASSOCIATION](#) discuss its research, data-sharing aims and partnership with aquaculture interests.
- [ORKNEY FISHERIES ASSOCIATION](#) highlighted concerns and state of play within the OMR.
- [NORTHERN ISLES LANDSCAPE PARTNERSHIP](#) to share how marine development works in general, discuss partnerships; gauge community development interest from the outer isles and introduce the Pilot service within OIC's website.
- [ORKNEY MARINAS](#) to understand its relationship with OIC Marine Services and the Tourism sector; practicalities and future ambitions for expansion for existing infrastructure; potential developments in the outer isles such as a new marina proposed in Rousay.
- [ROUSAY, EGILSAY and WYRE DEVELOPMENT TRUST](#) to facilitate connections around its marine tourism ambitions within OIC and CES.
- [OREF](#) on behalf of [MOCEAN ENERGY](#)'s Wave Conversion Testing programme in the OMR in collaboration with EMEC.



1.2 GOVERNANCE: Define Committee Structure and Scheme of Delegation

Due to new restrictions in the powers delegated to Crown Estate Scotland from the Scottish Government, it was not possible for Crown Estate Scotland to delegate full decision-making responsibility to the Council for lease arrangements, as originally envisaged. Partners therefore agreed in Year One that involvement of Council Committee was not appropriate for direction of the Pilot due to the timelines and added bureaucracy.

It was agreed by partners to enter the Operational phase with a 'light touch' and endeavour to inform and support queries or activities without encumbering present statutory processes or politicise the overall objective of local representation around marine development.

Importantly, CES endeavours to ensure proprietary information about marine development is protected and declares its role clearly to applicants. As all Council Officers adhere to data protection legislation, the data sharing obligations established between the two partners is upheld with relevant agreements in place.

Learning outcomes

- The Crown Estate Scotland Act 2019 was not in force until 2021 and ambitions for the Orkney Pilot were not viable and required reconsideration.
- In practice, notifications between agencies and departments about existing and new seabed leases or licenses could be improved, as discussed in Section 2.

1.3 INFORMATION: Produce Consistent Information Packs for Applicants

With an approved Operational model, the Pilot worked with the Council and CES communications officers to create a [dedicated service section](#) on the OIC website and identified appropriate links within the CES website. This material has been reviewed and revised with assistance from CES Asset Managers. The OIC site offers downloadable enquiry forms and other information about marine assets in Orkney.

The Pilot Scheme email (seabed.assets@orkney.gov.uk) has received several public enquiries about foreshore ownership clarifications by Orkney residents, discussed further in Section 2.3.

The Pilot Officer offers colleagues, applicants, external organisations and the public with bespoke, current information about marine governance, best practice, links and trends across the many different marine sectors.

Learning outcomes

- Since launch of the web information in March 2023 (and dedicated email) there have been about one hundred site visits.

1.4 ENGAGEMENT: Overarching Objective of Local Engagement about Marine Asset Management

With a low volume of enquiries directed to the Pilot, every opportunity has been pursued for outreach with the stakeholder base through interviews, focus groups and public events to expand and contribute to collective knowledge about how seabed leasing and licensing works in present practice;



clarify governance questions through email follow-up and hear concerns about marine management decision making.

As with KPI 3 (Governance, discussed above), preliminary-stage *citizen* input around prospective seabed lease applicants (which may or may not progress to a successful application or agreement) is not advised. However, the Pilot emphasises to development interests (in the Enquiry Feedback) the expectation for local public notification and involvement during subsequent Application phases. The Pilot can offer assistance with engagement plans at appropriate times (as guided by CES Asset Managers) with information about relevant community interests and concerns among the islands. This is in line with the Operational plan.

During the pilot programme's stakeholder engagement, a wide range of discussions took place that illustrated the local and national significance of issues related to Marine Asset management. These include community funding and sectoral developments but also areas of interest around wider exploitation of the Blue Economy and particularly burgeoning focus on biodiversity enhancement as proscribed in the new National Planning Framework 4 (NPF4).

Learning Outcomes

- Community participation is an expectation and resident expertise made evident.
- Most projects are concerned about lack of (or where to source) biodiversity data to support mapping, new codes and governance.
- Project Seagrass and similar habitat enhancement projects are of increasing interest and potential value to the OMR.
- Orkney Island Council's [Development Management Guidance for Biodiversity](#), while comprehensive, mirrors the information provided to prospective developers by the Pilot, but does not have a marine component. This is expected to be delivered within the new Orkney Regional Marine Plan, which will be published in 2024.

2. APPLICATIONS & ENQUIRIES

2.1 New Applications

There is no one way that new enquiries for leasing marine space are received within Crown Estate Scotland or local authorities. Existing tenants with previously established relationships within their sectors and generally contact a CES Asset Manager for their sector or consults with statutory (e.g. Nature Scot, Historic Environment Scotland, Scottish Environmental Protection Agency) or local authorities (Planning or Harbours) directly about their interest. Some queries come through the Marine Directorate's Licensing and Operations Team (MD-LOT) although this is ad-hoc and considered inconsistent; all are often affected by personnel changes. Asset Managers and Planners alike learn more about the state of play by regularly trolling the Marine Directorate's live register (see Section 2.2).

For parties interested in doing business in Orkney waters, the comprehensive Crown Estate Scotland website refers new enquiries to the OIC Pilot website in the first case according to Pilot Programme's MoA. Ideally this would be replicated across all Scottish Marine Regions.



2.2. Ongoing Leasing and Licencing Activity and Notification Pathways

There are of course seabed agreements and lease options that predate the Operational period and indeed the inception of Crown Estate Scotland itself (refer to Table 2). Existing tenants are aware of the Orkney Pilot Programme and CES Asset Managers from aquaculture and energy sectors have supported this journey to inform development interests and the Pilot Officer. Bidwells, which manages the Scottish Crown Estate's Coastal Portfolio, has been very cooperative about sharing data about present enquiries and licencing applications within the Orkney Marine Region. [Licensable activities](#) and ancillary consenting requirements (such as environmental impact statements, Habitat Regulations Assessment or upgrades to existing consents) are also publicly available via the [Marine Directorate website](#) (formerly MS-LOT) or through notifications that may be provided from developers who engage with relevant Council Officers on a regular basis, though not necessarily with the Pilot.

It has been a forensic exploration for the Pilot Officer to identify routes as to how, when and to whom such notifications are made and where the levers are within the Council. For instance, even within Planning there are possible links through the Marine Planning Team and the policy arm (Development & Marine Planning), a source for guidance or practice at a planning policy level. Development Management is where policy meets reality in terms of formal planning applications and decisions—achieved through both informal and official consultation responses from above-mentioned colleagues as well as Harbours, and publicises a [weekly and extant list of planning decisions](#). Applications under live consideration are publicly accessible online 24/7.

ONGOING APPLICATIONS IN THE ORKNEY MARINE REGION FOR 2023					
TYPE	APPLICANT	STATUS	LOCATION	WORKS	NOTES
Cable	SHEPD	Initial survey work completed March 2021. Cable installed Jan 2023.	Mainland to Hoy	Distribution Cable between Mainland Orkney and Hoy	Cable installed. Formal wayleave granted following discussion with OIC Pilot Officer.
Coastal	OIC	Brought to OIC attention Feb 2023.	Kettletoft, Sanday	Encroaching slipway	Proposed lease for adjacent structures be varied to incorporate encroaching works . Waiting to hear back from OIC.
Coastal	OIC	-	Ashby, Water Sound	Encroaching coast protection works	On hold pending resolution of title issue.
Harbours/ Mooring	OIC	2021	Hatston Pier	Rock anchors for mooring large cruise ships	Abandoned - works not going ahead

Coastal	OIC	Aug-22	Scammalin Bay, South-east coast of the Island of Faray	New slipway and a landing jetty	Further information requested form OIC.
Coastal	TBC	N/A	Lambholm	Slipway	Encroachment, trying to identify occupier / owner
Coastal	OIC	Oct-22	Pierowall Harbour	Extension to existing pier	HoTs issued Feb 2023.
Cable	SHET	May-23	Stromness to Finstown	Encroaching transmission cable	Further enquiries to be made with SHET
Coastal	OIC	Apr-23	Bay of Deepdale	GI Works	Consent issued to OIC for signing 16th May 2023.
Harbours/ Mooring/ Marina	Rousay Sailing Club	18/05/2023	Rousay	Safe harbour / marina development	CES application form sent to sailing club 18/5/2023. Pilot Officer in contact with applicant.
Cable	SHEPD	04/05/2023	Orkney-Shapinsay	Survey corridor for new subsea distribution cable	
Cable	SHEPD	23/05/2023	Pentland East (3)	New distribution cable	Awaiting shapefiles from SHEPD to plot cable route (to follow existing cable). Sheena Gallie has engaged with OIC Pilot Officer. Formal response from OIC Pilot Officer to be provided (if required).
Pipeline	Repsol Sinopec	07/08/2023	Flotta	36 inch intake pipe	Lease renewal. Tenant to confirm use of pipe.
Coastal	OIC	Pre Nov 2022	Various	Various structures	Leases to be renewed under terms of CES/OIC Master Agreement. With Solicitors.
Coastal	OIC	2023-24		Consent	Boreholes carried out relating to pier extension. Works complete.
Coastal	OIC	Nov 2022		Addition of encroaching pier	Minute of variations to add Pier to lease - with solicitors

Table 3 Bidwells manages the Coastal portfolio for Crown Estate Scotland and makes notifications to the Pilot about activities in the OMR, a result of the Data Sharing Agreement between Crown Estate Scotland and the Council, and has been supportive of the Pilot Programme. Updated 05/2024.



Learning Outcomes

- How and when and to which department the Local Authority is notified about new development interests is an area noted for improvement to achieve the goal of early exchange around marine activities in all delegated sectors. Licensing (a prerequisite of a successful lease) is the province of the Marine Directorate and statutory regulators: within Orkney these include the Harbour Authority and Planning departments for scoping and comment but are not necessarily conveyed through a regular channel to Economic Development, nor are Estates always made aware of latest information. While avoiding duplication of purpose remains a shared concern for Pilot partners, regulators, asset managers and developers, a central “clearinghouse” approach within the Council could be of benefit.
- Early consultation rights expressed in the MoA are core to enhancing local marine governance ambitions for the Council. Though a small part of what the Pilot Officer does, maintaining this general conduit with Crown Estate Scotland should be maintained past August 2024.
- Finding the right person to ask within various branches of Council activities has proven challenging and inefficient. The Pilot Officer holds the unique position of relative neutrality and can feed information across sectors that might otherwise be missed. Inclusion in periodic Team meetings held between Economic Development Officers, Planning, Aquaculture or Harbours would have been of significant help.

3. MARINE ACTIVITY OVERVIEW

This section provides insight and key findings relating to specific sectors during the pilot programme.

3.1 AQUACULTURE

It is reported by CES Aquaculture Asset Managers that there has not been appreciable new activity within the OMR, or across the board. New [best practice advisements](#); sustainability reporting requirements as part of lease agreements; uncertainty around proposed HPMA's (see Fisheries, below) and the upcoming [Sea Lice Risk Framework](#) (slated for implementation by SEPA in 2024) along with commodity costs contribute to this dip.

Both operators in Orkney are active with community groups and deliver open days, support events and express interest in creative partnerships to deliver new enhancement obligations. One collaborative project involving industry, government and academia was spearheaded by the nonprofit volunteer group, Orkney Trout Fishing Association. In cooperation with Sula Diving, Heriot Watt University, Nature Scot and Orkney Harbour Authority, a [sea trout sampling survey](#) was part-funded by both Cooke Aquaculture and Scottish Sea Farms who agreed to share data publicly.

The draft of the keystone Orkney Regional Marine Plan (consultation in Summer 2024) provides finfish farming spatial guidance that supports implementation of its aquaculture policy and will include a publicly available support tool (e.g., GIS search within 1km) to identify areas of greater and lesser constraint for development and raises the bar for long-term environmental health of the region.

Tenant	Location	Status (as of July 2023)
SSF	West Sanday	LO expired – not progressed
Cooke	East of Papa Westray	Converted to Lease (Moclett East)
Cooke	North Rousay	LO renounced
Cooke	West Sanday	LO renounced
Cooke	Tankerness	LO expired – not progressed
Cooke	Rethie Taing	LO renounced
SSF	Copinsay	LO live (extended to 2026)

Table 4 The Aquaculture Asset Manager at Crown Estate Scotland provides updates on lease status for sites in the OMR. Planning and Marine Planning share early, informal scoping advisement upon request from the Pilot Officer.

Learning Outcomes:

- Changes in regulatory/ reporting front may have dampened investor confidence.
- One company stated that delays with Planning have been a stopgap to expansion plans.
- Public consultation on future sites, particularly in the outer isles, can and does influence developers’ local engagement practices.
- As with Notifications from without, the Pilot does not receive notification of marine activity that come through different channels internally.

3.2 CABLES

Scottish & Southern Electricity Networks (SSEN) connects Orkney via the Scottish Hydro Electric Power Distribution (SHEPD) network with subsea cable links. The group practices a bimonthly programme to engage with various (affected) OIC departments including Planning, Harbours, the Pilot and others to communicate plans and activities for surveys, upgrades and new or re-routing of inter-island cables essential to the region. Dates and status are regularly updated and disseminated.

The organisation also consults with fisheries, research and innovation centres, offers periodic on-site public information events and supports community education programmes such as a STEM workshop to be held in Spring 2024 in collaboration with Orkney Research and Innovation Centre and the local school system.

SSEN has supported the work of the [Orkney State Trust](#) and recently entered into a partnership with the [Scottish Marine Environmental Enhancement Fund](#) (SMEEF) to contribute the [largest ever commercial donation](#) to address biodiversity and climate change—particularly relevant to both Orkney waters and Scotland as a whole.

Learning Outcomes:

- Regular inclusion and updates within this (or any) delegated sector of the Pilot are helpful to support links between groups that may not be aware of activities planned in other sectors, though as a statutory consultee for marine licensing SSEN is made aware of developers’ applications through the Marine Directorate.



- Coordinating around constraints in the marine environment must be planned several years in advance according to species protections and seasonality. Administrative, equipment snafos or weather interruptions can significantly delay works by as much as a year, impacting Planning and other consents.
- Though offshore energy remains outwith the remit of the Pilot, it is critical to consider landfall locations and potential accumulated impacts of all cables within 0-12 nm, including disturbance or displacement of species and the effects of electromagnetic fields.

3.3 MARINE RENEWABLE ENERGY

Ambitions for wave and tidal energy expansion in Orkney waters continue, and increasing competition for nationally identified sites is anticipated. Proposed developments focused within Westray's Fall of Warness site are expected to exceed the maximum number of turbines (35) presently permitted, and a future new 50 MW Section 36 consent, EIA and HRA will be closely scrutinised by statutory consultees to ensure monitoring of noise and other impacts on protected species are suitably managed and documented.

The Westray North proposed development, close by in Westray Firth, aims to deploy up to 70 devices around the same time (anticipated 2030). Large-scale tidal arrays, particularly in previously undeveloped locations among smaller islands—will carry larger-scale impacts and cumulative effects. It is straightforward to track the status of such projects within the MD-LOT website, which the Pilot regularly peruses. Early stakeholder engagement is essential in this regard.

Islanders are used to being comprehensively informed, and earliest-stage OIC consultation facilitated through the Pilot supports Crown Estate Scotland's recommendation that local values and concerns be considered at the outset of the process to identify potential issues that may arise during consenting processes required for a successful lease or lease option award.

Learning Outcomes

- Wave and Tidal energy technology readiness levels and licensing applications are indicative of future commercial lease agreements within the OMR.
- Social impacts from increased activity in remote regions should be factored into engagement planning by developers.
- Supply chain: While Harbours/ Marine Services hosts a directory of local providers to support engineering and provisioning, a generic OIC supply chain statement that incorporates Orkney's ethos such as that required in a CES MRE lease applications is advised.



Figure 2 What islanders have come to expect from new development: For example, the Environmental Impact Statement from the proposed West of Orkney Windfarm shows the vast amount of data collected and made available for public viewing (here in the Stromness Library) and comment as a requirement of marine licencing and successful lease agreement.

3.4 REGIONAL FISHERIES

Orkney fisheries are well-represented locally within the Marine Planning's 16-member OMPAG panel which includes Historic Environment Scotland, NatureScot and of course the Harbour Authority as statutory consultees. As a mobile industry, fishers are not seabed tenants but increasingly affected by cumulative environmental pressures and marine development. Fishing, particularly inshore, is integral to Orkney's community identity and heritage; it is recommended that new or proposed development should consult with this group in the first instance. The Pilot regularly touches base with relevant representative organisations.

Both [Orkney Fisheries Association](#) (OFA) the regional trade body, and [Orkney Fishermen's Society](#) (recently bought by an investor) have been economically hit post-COVID by both energy costs and impacts of Brexit resulting in reduction to the overall fleet. Similarly, Orkney Sustainable Fisheries, noteworthy scientific research arm of Orkney Fishermen's Society has recently closed largely due to project funding. These local findings are echoed and corroborated by the Marine Directorate's [recently published social research](#) on the topic.

Biodiversity and inshore fisheries conservation are priorities for both the [Regional Inshore Fisheries Group](#) and the OFA, who represent Orkney fishers in local and national decisions that may affect access to fishing grounds. OFA presently holds most of the regional fisheries data that may support other groups such as the [Local Area Biodiversity Action Plan](#) or EIA processes for other industries.

Learning Outcomes

Of particular concern to fishers:

- Transparency in top-down decisions around marine development;
- New exclusion areas from development and proposed protection areas may limit areas or certain fishing practices;



- Increased cable routes from large-scale development and their cumulative electromagnetic effects upon crab migration and other species;
- Impacts from the building of new coastal infrastructure and increased pressure on berthage due both to marine tourism and commercial small craft.

3.5 HARBOURS

The Orkney Harbour Authority (OIC Marine Services) has a historical relationship with Crown Estate and now Crown Estate Scotland as well as Marine Scotland regarding coastal works agreements within the region (as seen in Table 3, above). Its status as a statutory consultee for all development makes this department a kingpin operation. There has not been much need to interact with the Pilot.

Despite a successful CES marine tourism grant award for expansion of Orkney Marinas to improve berthage capacity, soaring commodity costs have slowed this project.

An OIC Marine Services facility space that is open to the public at Kiln Corner in Kirkwall, regularly hosts events to exhibit plans for Scapa Flow Infrastructure developments, future harbour works and is made available to other developments for public consultations and engagement, e.g., the West of Orkney Windfarm or the Orkney Renewable Energy Forum’s open meetings.

Harbour expansion plans and those for the Council’s Orkney community windfarm on Farray (approved in 2023) and its requisite pier infrastructure are of particular interest to marine enhancement and biodiversity net-gain for the region, to overseen by Marine Services’ resident environmental scientist in collaboration with the Marine Planning Team and NatureScot.

Learning Outcomes

- It would be beneficial for the Pilot Officer to be included in team meetings between Economic Development, Harbours or Planning departments.
- Biodiversity offsetting proposals such as re-establishing native oysters are under consideration with relation to the Scapa Flow plans.
- Necessary dredging such as that required for the Farray pier offers an opportunity for collaboration with Project Seagrass or other such organisations to deliver mitigation and enhancement.

3.6 BIODIVERSITY & NATURAL CAPITAL

Islanders are increasingly aware of the fragility of the environment and concerned about cumulative environmental consequences of shipping and transport; energy extraction; aquaculture, and how cables or pipelines intersect with other operations. While various commercial enterprises are highly scrutinised by statutory regulators and require comprehensive environmental monitoring plans for licensing or leases, survey data and results may be proprietary and not generally shared.

Identifying data gaps, setting goals for marine conservation and archiving collective knowledge has been conducted in the past through the [Local Biodiversity Action Plan](#) (LBAP) forum for sharing baseline data and sustainability ambitions. OIC has provided leadership for this initiative in the past but can no longer resource personnel—demonstrating need for the networking and facilitation that a ‘Future Pilot’ could provide.



The [North Isles Landscape Partnership](#) (NILP), which has contributed significantly to Orkney's natural history education and marine environmental awareness since 2018 will come to closure in December 2024. Three islanders have been employed through this creative collaboration.

[Natural capital assessments](#) (like that funded by the Scottish Wildlife Trust) are a precursor for sustainable enterprise within the blue economy. Energetic exploration and engagement by [Project Seagrass](#), in cooperation with OIC, [Heriot-Watt University International Centre for Island Technology](#) (ICIT), the local diving community, NILP and the people of Westray have delivered critical evidence over the past year to support this commitment.

The **Orkney Islands Regional Marine Plan** (to be published in 2024) includes guidance on climate change, safeguarding natural capital and ecosystem services; nature conservation policies and provisions for biodiversity enhancement (as proscribed by the new NPF4). It is intended that the plan will offer supporting information to identify opportunities for enhancement of natural capital that can help direct developers' duties to demonstrate that they avoid, minimise, compensate or offset impacts. However, developing such partnerships lies within the sphere of Economic Development.

Learning Outcomes:

- The Nature Network approach to development and enhancement and creation of linked corridors is still uncertain in the complex marine context.
- Harvesting seed for use in other Scotland locations does not presently require a lease, and there is a need to develop appropriate codes around this.
- There is need for blue economy project coordination/ facilitation to link partners and funding; consider natural capital markets and how to leverage biodiversity to increase resilience to pressures of deprivation, climate change and other conditions for environmental and socioeconomic benefits.

4. CONCLUSION

In its third and final year, the Pilot has had limited participation in early discussions with development interests (simply due to lack of volume) and has focused on knowledge-sharing within and outwith the Council through dialogue and participation in marine-related workshops. Having the opportunity to liaise with Crown Estate Scotland when necessary to facilitate the Council's internal understanding of its total marine asset portfolio offers important links between services. The Pilot has highlighted informational gaps in various processes and how partnership is essential to support socioeconomic developments and benefits of the blue economy.

Should Orkney Islands Council choose to take on further delegation as a manager for its considerable marine assets and their vitality, retaining a central post (or partial post) to traffic this information flow appropriately and facilitate biodiversity and enhancement requirements appears warranted.

Obtaining strategic direction from Council Leadership about future goals for local management of marine assets and how to incorporate Pilot lessons into future practice after August 2024 will be decided by the Council Committee in September.

The Learning Outcomes from various categories above will support a set of options for carrying on communication links such as the website and dedicated email and retaining a working relationship with CES.

Appendix 2: Collaboration Project Proposal and Role definition

Project Title:	Marine Assets & Blue Economy Officer
OIC Business Area:	Enterprise & Economic Growth.
Reports To:	Enterprise Manager

CES and OIC COLLABORATION PROJECT.

Following the conclusion and review of the Orkney Islands Local Marine Asset Management and Local Government Pilot Scheme, funded by Crown Estate Scotland (CES), a proposal has been drafted to seek future CES funding to build the partnership and key areas of collaboration including ambitions to develop the Blue Economy to support sustainable development within the Orkney Marine Region.

PURPOSE

- To enable the growth of a sustainable blue economy, a just transition to net zero and the enhancement of community wellbeing in Orkney.
- Manage strategic relationships and facilitate business between stakeholders, clients and communities that help Crown Estate Scotland & Orkney Islands Council achieve a shared purpose to develop, enhance and invest in capital assets, natural resources and people to generate lasting value for Scotland.
- Represent Crown Estate Scotland and Orkney Islands Council at a regional level, supporting the Council Service to deliver material outcomes directly related to current or future plans and priorities in a manner that builds trust and credibility for both organisations.
- Provide stakeholders and potential tenants with relevant information regarding the seabed agreement processes within Crown Estate Scotland across various sectors and assist them in navigating the Orkney Islands Council pre-application enquiry process.
- Deliver a key liaison function between Crown Estate Scotland and the Council to enable and enhance effective collaboration.
- Co-ordinate biodiversity and environmental enhancement in concert with national objectives stated in National Planning Framework 4, Blue Economy Vision for Scotland and the emerging Orkney Islands Regional Marine Plan.

MAIN TASKS

- Support the Enterprise and Economic Growth service to identify, establish, build and maintain positive, trusting business relationships with tenants, communities and wider stakeholders that reflect Orkney values.

- Support businesses, local communities, academia, community and third sector organisations to develop projects to deliver social, economic, environmental and climate change mitigation/adaptation benefits within the Orkney marine environment and blue economy. Co-ordinate, and where appropriate, lead engagement with regional organisations and interest groups including enterprise agencies, community bodies and business clusters.
- Liaise on regional and local development strategies; identify and communicate opportunities for Orkney to add value as an enabler or coordinator of specific projects to satisfy Blue Economy ambitions. Support Council services to deliver local management projects and partnerships related to the Blue Economy in Orkney waters and where relevant, for example in relation to biodiversity, coordinate with land-based initiatives and provide clarity on roles, expectations and responsibilities.
- Enable local consultation and engagement for specific development projects related to the Blue Economy in Orkney waters.
- Assist the Council to explore and develop early-stage project concepts to sufficient maturity for clear internal decision-making and feedback according to metrics mutually agreed with Crown Estate Scotland.
- Work within the Enterprise and Sustainable Regeneration Directorate, and in collaboration with wider Council and advisory teams to share information, contacts and ensure a joined-up approach is delivered.
- Take opportunities to build Orkney Islands Council and Crown Estate Scotland's shared reputation for delivery through positive relationship building and take a customer-facing role with stakeholders.
- Provide regular feedback and management information on regional Blue Economy engagement and activity.

KEY RESPONSIBILITIES

- Assist potential seabed tenants and stakeholders with information regarding Crown Estate Scotland, Marine Directorate of the Scottish Government licensing and Council processes.
- Engage with potential seabed tenants and stakeholders with the Orkney Seabed Enquiry Form; review submissions against local priorities and provide feedback to relevant agencies and the applicant.
- Identify and support Blue Economy development opportunities that meet aims such as the Crown Estate Scotland Act, the emerging Orkney Islands Regional Marine Plan, Orkney Local Development Plan, statutory agencies' obligations and local priorities for sustainable development within the Orkney Marine Region.
- Support marine sustainability and innovation projects within the Region and communicate findings from individual project monitoring programmes.
- Where applicable assist in conflict resolution between stakeholders.
- Assist with client/stakeholder satisfaction surveys and reviews according to agreed metrics.
- Maintain a log of stakeholder engagement.

Partnership Culture

The Postholder will lead on fostering positive relationships with project partners; work closely across a wider reach of Council services and Crown Estate Scotland's managing agents as required. Collaborative working will promote a 'one team' approach that highlights shared values and obligations for sustainable management of Scotland's marine environment.

Relationship Management

Build on previous Pilot work to foster and sustain constructive relationships with individual stakeholders such as commercial partners, colleagues in Scottish Government, development trusts, academia, local government and other public bodies to build a positive reputation around the collaborative partnership. This will include attendance at:

- local and regional meetings relevant to the role, building profile and trust in the partner organisations.
- Other representational meetings and events as required, making contributions and presentations.

Deliverables and KPIs

(Specific KPIs and a revised MoA will be agreed between the Council and CES subject to successful funding allocation).

APPENDIX 3

TRANSFER or DELEGATION of MARINE ASSET MANAGEMENT RESPONSIBILITIES

The Marine Asset Management Pilot is largely a result of recommendations made to the Smith Commission by the three Island Councils in the 'Our Islands Our Future' Consultation (2014): that Island Authorities should become responsible for managing their regions' seabed assets on behalf of the Crown Estate, and subsequently, Crown Estate Scotland.

Transfer or Delegation (T&D) of seabed asset management responsibilities to Local Authorities by the Scottish Ministers is described in the [Crown Estate Scotland Act 2019](#), with the T&D aspects of the Act entering into in September 2021. This allows eligible bodies such as Councils, community groups or harbour authorities to apply for transfer or delegation of management functions for Scottish Crown Estate assets. Responsibilities of asset managers is described in Part 7 of the Act: 'The duty to Maintain and Enhance Value.'

The process for either management path can take several years; includes a two-stage application process; negotiations on delegated management duties; public consultation and, for transfers, parliamentary scrutiny. Transfer of the function of managing an asset is enabled through a set of regulations made by Scottish Ministers, subject to parliamentary debate/scrutiny depending on the nature of the asset.

The difference between transfer and delegation:

A **transfer** is not a transfer of the asset itself, but the transfer of the function of managing an asset, resulting in cessation of Crown Estate Scotland's involvement in direct management of that asset. The transfer process would mean that all current, future and past liabilities are taken on by the new manager, including meeting any financial liabilities and collecting any income from the asset.

A **delegation** is when the function of managing an asset is delegated to a new manager who then takes on agreed aspects of management. Crown Estate Scotland will provide support and advice to the new manager; the extent of their continued involvement in the management of the asset will be as set out in the terms and conditions of the delegation agreement.

The first round for Expressions of Interest for transfer or delegation closed in May 2022. Expressions of interest are not presently invited by the Marine Directorate and it is not known when a subsequent period will be announced.

More information can be found about associated rights and responsibilities of the process can be found in the [Guide to Community Management through Transfer or Delegation](#).

Key considerations from the Pilot

- While the Pilot was originally conceived to help to explore options for enhanced local management of marine assets, it is not recommended that the Council assume legal or financial obligations of managing Scottish Crown Estate assets in the region.
- Should the Council wish to pursue a transfer or delegation, either ambition would require substantial financing.

- any new manager of the Scottish Crown Estate would have to adhere to the same legislation noted above; strategic management plan and manage the asset accordingly, **i.e., returning all net revenues back to Scottish Government for their reallocation across Local Authorities.**
- Because Crown Estate Scotland operates according to the duties set out in the 2019 Act among others, working to maintain and enhance asset values in all Scottish Marine Regions, it can deliver an economy of scale as well as specialised resident expertise to address the complexities and liabilities of seabed leasing including:
 - Sectoral and regulatory knowledge across all marine development activities.
 - Lengthy application procedures.
 - Spatial and ownership conflict checking.
 - Financial due diligence and competition law.
 - Technology readiness/ viability.
 - Setting of lease terms and conditions for very long-term projects with decommissioning commitments.
 - Income collection.
 - Strategic planning and reporting to the Ministry.
 - Public information and marketing.



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

1. Identification of Function, Policy or Plan	
Name of function / policy / plan to be assessed.	Orkney Islands Local Marine Asset Management collaboration project with Crown Estate Scotland
Service / service area responsible.	Enterprise and Economic Growth
Name of person carrying out the assessment and contact details.	Stuart Allison
Date of assessment.	27/08/2024
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	New- The proposed function is essentially new but based on the work of the Pilot Project that was previously assessed

2. Initial Screening	
What are the intended outcomes of the function / policy / plan?	The proposed role would enable and optimise effective partnership and working towards development of the Blue Economy
Is the function / policy / plan strategically important?	The function will support strategic and marine development
State who is, or may be affected by this function / policy / plan, and how.	A variety of stakeholders including Developers, and community organisations will potentially benefit from closer working relations and support for development projects

How have stakeholders been involved in the development of this function / policy / plan?	The Pilot demonstrated a comprehensive engagement process
Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).	There is no data or research relating to equalities issues for this specific post.
Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Guidance for Public Bodies for further information.	(The importance of Social equity, diversity and inclusion in the Blue Economy has however been identified in general terms (Issifu et al.; 2023, Diversity, equity, and inclusion in the Blue Economy: Why they matter and how do we achieve them? Frontiers in Political Science, vol4)
Could the function / policy have a differential impact on any of the following equality areas?	(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).
1. Race: this includes ethnic or national groups, colour and nationality.	No
2. Sex: a man or a woman.	No
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	No
4. Gender Reassignment: the process of transitioning from one gender to another.	No
5. Pregnancy and maternity.	No
6. Age: people of different ages.	No
7. Religion or beliefs or none (atheists).	No

8. Caring responsibilities.	No
9. Care experienced.	No
10. Marriage and Civil Partnerships.	No
11. Disability: people with disabilities (whether registered or not).	No
12. Socio-economic disadvantage.	Supporting Economic Development in the blue economy should lead to improved standards of living and wellbeing in the local economy


3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	No
How could you minimise or remove any potential negative impacts?	No
Do you have enough information to make a judgement? If no, what information do you require?	Yes

4. Conclusions and Planned Action

Is further work required?	No.
What action is to be taken?	N/A
Who will undertake it?	N/A
When will it be done?	N/A
How will it be monitored? (e.g. through service plans).	N/A

Signature:



Date: 27.08.2024

Name: STUART ALLISON

(BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrsupport@orkney.gov.uk

Island Communities Impact Assessment
Marine Asset Management Collaboration Project

Preliminary Considerations	Response
Please provide a brief description or summary of the policy, strategy or service under review for the purposes of this assessment.	The Orkney Islands Local Marine Asset Management Collaboration project is a proposal for a post that would be funded by Crown Estate Scotland to enhance partnership working and enable effective development within the blue economy of Orkney's waters
Step 1 – Develop a clear understanding of your objectives	Response
What are the objectives of the policy, strategy or service?	To enable the growth of a sustainable blue economy, a just transition to net zero and the enhancement of community wellbeing in Orkney
Do you need to consult?	Comprehensive consultation with stakeholders and community was conducted during the pilot phase, and will continue if funded.
How are islands identified for the purpose of the policy, strategy or service?	The Islands within the Orkney Islands Scottish Marine Region
What are the intended impacts/outcomes and how do these potentially differ in the islands?	Enhanced partnership working and stakeholder engagement, open to all islands based on demand.
Is the policy, strategy or service new?	The proposal was developed from Orkney Islands Local Marine Asset Management and Local Government Pilot that concluded on 31 August 2024
Step 2 – Gather your data and identify your stakeholders	Response
What data is available about the current situation in the islands?	Marine Assets are mapped and sea bed leases managed by Crown Estate Scotland.
Do you need to consult?	Comprehensive consultation and engagement was conducted during the pilot phase
How does any existing data differ between islands?	Differences based on geographical and economic data.

APPENDIX 5

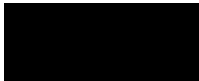
Are there any existing design features or mitigations in place?	Not applicable to the proposed project
Step 3 – Consultation	Response
Who do you need to consult with?	Ongoing from Pilot: Communities, businesses, third sector organisations
How will you carry out your consultation and in what timescales?	Ongoing and subject to topic
What questions will you ask when considering how to address island realities?	Development impacts will be considered by planning processes and not the remit of this role that will stay abreast of consultation initiatives such as Orkney Matters and place-based development
What information has already been gathered through consultations and what concerns have been raised previously by island communities?	As above Orkney Matters is a key consultation on community development in the Isles.
Is your consultation robust and meaningful and sufficient to comply with the Section 7 duty?	Yes
Step 4 – Assessment	Response
Does your assessment identify any unique impacts on island communities?	No
Does your assessment identify any potential barriers or wider impacts?	No
How will you address these?	N/A
<p>You must now determine whether in your opinion your policy, strategy or service is likely to have an effect on an island community, which is significantly different from its effect on other communities (including other island communities).</p> <p>If your answer is No to the above question, a full ICIA will NOT be required and you can process to Step 6.</p> <p>If the answer is Yes, an ICIA must be prepared and you should proceed to Step 5.</p> <p>To form your opinion, the following questions should be considered:</p>	

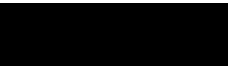
APPENDIX 5

<ul style="list-style-type: none"> • Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes (such as different levels of satisfaction, or different rates of participation)? • Are these different effects likely? • Are these effects significantly different? • Could the effect amount to a disadvantage for an island community compared to the Scottish mainland or between island groups? 	
Step 5 – Preparing your ICIA	Response
In Step 5, you should describe the likely significantly different effect of the policy, strategy or service:	
Assess the extent to which you consider that the policy, strategy or service can be developed or delivered in such a manner as to improve or mitigate, for island communities, the outcomes resulting from it.	
Consider alternative delivery mechanisms and whether further consultation is required.	
Describe how these alternative delivery mechanisms will improve or mitigate outcomes for island communities.	
Identify resources required to improve or mitigate outcomes for island communities.	
Stage 6 – Making adjustments to your work	Response
Should delivery mechanisms/mitigations vary in different communities?	
Do you need to consult with island communities in respect of mechanisms or mitigations?	
Have island circumstances been factored into the evaluation process?	

APPENDIX 5

Have any island-specific indicators/targets been identified that require monitoring?	
How will outcomes be measured on the islands?	
How has the policy, strategy or service affected island communities?	
How will lessons learned in this ICIA inform future policy making and service delivery?	
Step 7 – Publishing your ICIA	Response
Have you presented your ICIA in an Easy Read format?	
Does it need to be presented in Gaelic or any other language?	
Where will you publish your ICIA and will relevant stakeholders be able to easily access it?	
Who will signoff your final ICIA and why?	

ICIA completed by:	Stuart Allison
Position:	Enterprise Manager
Signature:	
Date complete:	27.08.2024

ICIA approved by:	Sweyn Johnston
Position:	Head of Enterprise and Economic Growth
Signature:	

APPENDIX 5

Date complete:	2/9/24