

Pilot Pentland Firth and Orkney Waters Marine Spatial Plan

Consultation Draft

Equality Impact Assessment Record

June 2015

EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy/ legislation etc.	Pilot Pentland Firth and Orkney Waters Marine Spatial Plan Consultation Draft	
Minister		
Lead official	Tracy McCollin	
Officials involved in the EQIA	Name	Team
	David Ely	Marine Licensing Operations
Directorate: Division: Team	Marine Scotland: Marine Planning and Policy: Marine Licensing Operations	
Is this new policy or revision to an existing policy?	New	

Screening

Policy Aim

1. The pilot Pentland Firth and Orkney Waters Marine Spatial Plan (PFOW MSP) aims to put in place a non-statutory planning and policy framework in advance of statutory regional marine planning. It is hoped that the development of this Plan will be useful in establishing the basis for two separate Regional Marine Plans for Orkney and the North Coast Scottish Marine Regions. The pilot marine spatial planning process will provide many lessons learnt that will be helpful in informing the preparation of future Regional Marine Plans and the governance arrangements that may underpin future Marine Planning Partnerships.
2. In meeting these aims the pilot Plan will be meeting the Scottish Government purpose as outlined in the Government Economic Strategy; to create a more successful country with opportunities for all of Scotland to flourish through increasing sustainable economic growth. It will also contribute to the following national outcomes:
 - We live in a well-designed, sustainable place where we are able to access the amenities and services we need
 - we value and enjoy our built and natural environment and protect it and enhance it for future generations

- we live in a Scotland that is the most attractive place for doing business in Europe
 - we reduce the local and global environmental impact of our consumption and production.
 - we realise our full economic potential with more and better employment opportunities for our people
3. In meeting its aims the pilot Pentland Firth and Orkney Waters Marine Spatial Plan will help meet the Scottish Government's aim to have clean, healthy, safe, productive and biologically diverse oceans and seas. The Plan will also help to meet the Scottish Government goal to have seas that are managed to meet the long term needs of nature and people.

Who will it affect?

4. The policy will affect a variety of people with an interest in carrying out both licensable and non-licensable activities in the Pentland Firth and Orkney Waters marine area. The pilot PFOW MSP sets out policies to guide and inform developers, users and regulators on how the resources in the marine environment should be used. The Plan also aims to pilot the regional marine planning process in order to guide the preparation of future Regional Marine Plans. The policies in the Plan will therefore have implications on:
- the preparation of future Regional Marine Plans by Marine Planning Partnerships
 - the preparation of applications by developers and the assessment of applications by marine licensing authorities, planning authorities and other decision makers
5. The adoption of the pilot Pentland Firth and Orkney Waters Marine Spatial Plan may affect a number of sectors/groups including:
- marine activities/businesses
 - developers of licensed activities in the Plan area
 - activities in the Plan area that do not require licences or do not require licences with a spatial component
 - marine nature conservation, coastal defence and marine heritage activities/conservation
 - coastal communities
 - the Scottish Government (through Marine Scotland's Planning and Licensing functions)
 - local planning authorities
 - regional Marine Planning Partnerships
6. Although the pilot Pentland Firth and Orkney Waters Marine Spatial Plan is a non-statutory precursor to the statutory regional marine planning process, the adoption of the Plan is likely to impact these groups in several ways.

7. Information provided by the Plan to future Regional Marine Plans is likely to make the statutory Plans more effective in their management of the marine environment. In turn this may lead to: improved conservation of the area's natural and heritage assets, social and economic benefits through the success of coastal and marine industries and improvements in both coastal recreation opportunities and environmental quality for local communities. As the pilot Plan is also to be used as a material consideration in the existing planning and consenting process it is possible that some of these benefits will be manifest before the statutory Regional Marine Plans are prepared and adopted.
8. These effects may impact equalities target groups within the sectors and communities identified. Such impacts may be either positive or potentially negative. However, at the scale of this Plan it is impossible to distinguish any difference in the potential effects between target and non-target groups.

What might prevent the desired outcomes being achieved?

9. The main aim of the pilot Pentland Firth and Orkney Waters Marine Spatial Plan is to pilot the process of preparing future statutory Regional Marine Plans and inform the Marine Planning Partnerships that will produce these.
10. The desired outcomes of the Plan will not be met if the lessons that have been learnt throughout the process are not adequately recorded and passed on. If this is not achieved the future Marine Planning Partnerships will lack the guidance that this Plan will be so useful in providing.
11. It is intended that the Plan will also be used as material consideration for consenting and planning bodies. As the Plan is non-statutory the desired outcomes of the policies contained within the Plan will only be met if the Plan is used to effectively guide existing planning and consenting bodies.

Stage 1: Framing

Results of framing exercise

12. The preparation of the pilot Pentland Firth and Orkney Waters Marine Spatial Plan is being accompanied by a Sustainability Appraisal (SA) which includes a Strategic Environmental Assessment (SEA), this report has been published for consultation alongside the pilot Pentland Firth and Orkney Waters Marine Spatial Plan.
13. A Planning Issues and Options Paper (PIOP) for the pilot Pentland Firth and Orkney Waters Marine Spatial Plan was published for consultation on the 17th June 2013 and was available for consultation until the 26th July 2013. This consultation received 30 responses from a range of marine sectors and stakeholders. During the consultation on the PIOP, workshops were held in Thurso and Kirkwall. 34 stakeholders attended the workshop in Kirkwall and 38 stakeholders attended the workshop in Thurso.

Table 1 summarises the various groups responding to this consultation.

Broad Stakeholder Group	Written Response	Kirkwall Workshop	Thurso Workshop
Commercial	6	8	9
Public Sector	6	12	11
Recreation	6	3	2
Fisheries and Aquaculture	5	5	1
Individuals	4	1	7
Non-Governmental Organisations	2	1	0
School or University	0	2	8
Voluntary Sector	0	2	0
Forum	1	0	0
TOTAL	30	34	38

14. The analysis of responses to the PIOP of the pilot Pentland Firth and Orkney Waters Marine Spatial Plan did not indicate that the pilot Pentland Firth and Orkney Waters Marine Spatial Plan will have a potential impact on groups of people who share the relevant protected characteristics.

Extent/Level of EQIA required

15. It was determined as part of the framing exercise that a light touch assessment will be taken with this EQIA as current evidence shows that the pilot Pentland Firth and Orkney Waters Marine Spatial Plan has insignificant potential impacts and minimal relevance to equality.
16. However, further evidence is required on the views of people potentially affected by the pilot Pentland Firth and Orkney Waters Marine Spatial Plan across all protected characteristics.
17. Further evidence gathering and engagement will take place as part of the consultation on the pilot Pentland Firth and Orkney Waters Marine Spatial Plan. The following question is contained in the Consultation Questionnaire that will be used to record responses to the consultation:

Consultation questions from the consultation questionnaire

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

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

Stage 2: Data and evidence gathering, involvement and consultation

Characteristic	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
AGE	<p>Conservation: The human impacts arising from enhanced environmental protection can be quantified in terms of personal interest, Non-Governmental Organisation activity and marine environmental/wildlife related businesses such as wildlife tour operators. No information is available regarding the social compositions of such groupings.</p> <p>Tourism/Recreation: There is no information available regarding social composition of persons involved in marine/coastal sports and recreational activity. There is no low level information available which identifies the social composition of marine related tourists.</p> <p>PIOP Consultation: Overall we received 30 formal written responses to the PIOP. Of those who responded, no comments suggesting the proposals for a pilot Pentland Firth and Orkney Waters Marine Spatial Plan would have a differential or discriminatory impact against any persons defined by age were received.</p>	PIOP responses and engagement.	<p>There are data gaps in the social composition of marine tourism and recreational activities, Separate research is being undertaken to collate such data.</p> <p>The consultation will be used to gather views on any potential impacts that the pilot Pentland Firth and Orkney Waters Marine Spatial Plan may have on this characteristic.</p>
DISABILITY	<p>PIOP Consultation: Overall we received 30 formal written responses to the PIOP. Of those who responded, no comments suggesting the proposals for a pilot Pentland Firth and Orkney Waters Marine Spatial Plan would have a differential or discriminatory impact against any persons defined by disability were received.</p>	PIOP responses and engagement.	<p>The consultation will be used to gather views on any potential impacts that the pilot Pentland Firth and Orkney Waters Marine Spatial Plan may have on this characteristic.</p>

	<p>We currently have no information to suggest that the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan will have any significant impact on people who have this protected characteristic.</p>		
SEX	<p>PIOP Consultation: Overall we received 30 formal written responses to the PIOP. Of those who responded, no comments suggesting the proposals for a pilot Pentland Firth and Orkney Waters Marine Spatial Plan would have a differential or discriminatory impact against any persons defined by sex were received.</p> <p>We currently have no information to suggest that the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan will have any significant impact on people who have this protected characteristic.</p>	PIOP responses and engagement.	The consultation will be used to gather views on any potential impacts that the pilot Pentland Firth and Orkney Waters Marine Spatial Plan may have on this characteristic.
PREGNANCY AND MATERNITY	<p>PIOP Consultation: Overall we received 30 formal written responses to the PIOP. Of those who responded, no comments suggesting the proposals for a pilot Pentland Firth and Orkney Waters Marine Spatial Plan would have a differential or discriminatory impact against any persons defined by pregnancy and maternity were received.</p> <p>We currently have no information to suggest that the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan will have any significant impact on people who have this protected characteristic.</p>	PIOP responses and engagement.	The consultation will be used to gather views on any potential impacts that the pilot Pentland Firth and Orkney Waters Marine Spatial Plan may have on this characteristic.

<p>GENDER REASSIGNMENT</p>	<p>PIOP Consultation: Overall we received 30 formal written responses to the PIOP. Of those who responded, no comments suggesting the proposals for a pilot Pentland Firth and Orkney Waters Marine Spatial Plan would have a differential or discriminatory impact against any persons defined by gender reassignment were received.</p> <p>We currently have no information to suggest that the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan will have any significant impact on people who have this protected characteristic.</p>	<p>PIOP responses and engagement.</p>	<p>The consultation will be used to gather views on any potential impacts that the pilot Pentland Firth and Orkney Waters Marine Spatial Plan may have on this characteristic.</p>
<p>SEXUAL ORIENTATION</p>	<p>PIOP Consultation: Overall we received 30 formal written responses to the PIOP. Of those who responded, no comments suggesting the proposals for a pilot Pentland Firth and Orkney Waters Marine Spatial Plan would have a differential or discriminatory impact against any persons defined by sexual orientation were received.</p> <p>We currently have no information to suggest that the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan will have any significant impact on people who have this protected characteristic.</p>	<p>PIOP responses and engagement.</p>	<p>The consultation will be used to gather views on any potential impacts that the pilot Pentland Firth and Orkney Waters Marine Spatial Plan may have on this characteristic.</p>
<p>RACE</p>	<p>PIOP Consultation: Overall we received 30 formal written responses to the PIOP. Of those who responded, no comments suggesting the proposals for a pilot Pentland Firth and Orkney Waters Marine Spatial Plan would have a differential or discriminatory impact against any</p>	<p>PIOP responses and engagement.</p>	<p>The consultation will be used to gather views on any potential impacts that the pilot Pentland Firth and Orkney Waters Marine Spatial Plan may have on this characteristic.</p>

	<p>persons defined by race were received.</p> <p>We currently have no information to suggest that the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan will have any significant impact on people who have this protected characteristic.</p>		
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Stage 3: Assessing the impacts and identifying opportunities to promote equality

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.
Advancing equality of opportunity			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.
Promoting good relations among and between different age groups			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is

victimisation				considered that there are no potential impacts.
Advancing equality of opportunity			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.
Promoting good relations among and between disabled and non-disabled people			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.

Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.
Advancing equality of opportunity			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.
Promoting good relations between men and women			✓	Based on absence of concerns raised in the Planning Issues and Options

				Consultation, it is considered that there are no potential impacts.
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Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.
Advancing equality of opportunity			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.
Promoting good relations			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.

Do you think your policy impacts on transsexual people?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is

				considered that there are no potential impacts.
Advancing equality of opportunity			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.
Promoting good relations			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.
Advancing equality of opportunity			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.
Promoting good relations			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is

				considered that there are no potential impacts.
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Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.
Advancing equality of opportunity			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.
Promoting good race relations			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.

Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that

				there are no potential impacts.
Advancing equality of opportunity			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.
Promoting good relations			✓	Based on absence of concerns raised in the Planning Issues and Options Consultation, it is considered that there are no potential impacts.



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