

Agenda Item	<b>20</b>
Report No	<b>EDI 55/19</b>

## HIGHLAND COUNCIL

**Committee** Environment Development and Infrastructure Committee

**Date:** 15 August 2019

**Report Title:** National Islands Plan and Island Communities Impact Assessments – Draft Consultation Response

**Report By:** The Chief Executive

### 1. Purpose/Executive Summary

- 1.1 The purpose of the National Islands Plan is “to set out the main objectives and strategy of the Scottish Ministers in relation to improving outcomes for island communities that result from, or are contributed to by, the carrying out of functions of a public nature.” Scottish Ministers will report on the Plan annually to monitor its progress and to consider where outcomes may or may not have improved. The draft response to the consultation, therefore focuses on the impact of Scottish Government policy and legislation on island communities.
- 1.2 The Act also requires the Scottish Government to implement a process for undertaking Island Communities Impact Assessments as a means for relevant authorities to consider the impact of new laws, policies, strategies or services on islands. These will apply to all public authorities, including Councils. The Scottish Government is also consulting on how this should be taken forward.
- 1.3 The attached **appendix 1** provides a draft response to the Government’s general public consultation. It has been compiled in consultation with the Members of Lochaber Area Committee and Skye and Raasay Area Committee to provide local insight and island-specific examples. The Act states that “in preparing the national islands plan, the Scottish Ministers must consult each local authority listed in the schedule...” The Council is able to influence the development of the Plan through its representation on the Islands Strategic Group, which is chaired by Islands Minister, Paul Wheelhouse, MSP – the next meeting of which is on 21 August - and also regular engagement at a senior officer level. Consequently, further opportunities exist to provide regular input and feedback to the Scottish Government as this area of work develops.

## **2. Recommendations**

- 2.1 Members are asked approve the draft response to the National Islands Plan and Island Communities Impact Assessments Consultation at Appendix 1, subject to any additions and amendments agreed in the course of Committee consideration.

## **3. Implications**

### **3.1 Resource:**

- 3.1.1 There are no resource implications arising from the Council's response. However, the requirement to undertake Island Impact Assessments (IIAs) will have some resourcing implications in terms of staff time. It is proposed that the same approach is taken to IIAs as is currently undertaken for Equalities Impacts Assessments as this process is already well embedded in the development of Council policies and procedures.

- 3.1.2 The Council's response also states that the Government will need to ensure sufficient funding is made available to support the delivery of the National Islands Plan – whether at Scottish Government or at local authority level.

### **3.2 Legal, Equality and Climate Change**

There are no legal, equality or climate change implications arising from this report.

### **3.3 Rural**

- 3.3.1 The rural implications of the Islands (Scotland) Act 2018, should be positive for island areas. Indeed, the Scottish Government has stated that the National Islands Plan will include means to measure whether the outcomes identified have improved for island communities. This will require the use of indicators, which will assess the degree of success in progress towards the objectives set out in the National Islands Plan. Progress against The Plan will be reported on an annual basis and there will be further opportunities to review and improve the measures and outcomes over time.

- 3.3.2 The point has been stressed frequently to the Scottish Government that many of the issues and challenges facing island communities are no less critical for mainland rural areas and in some cases, they are arguably greater. This point is made again in the response to the consultation and the Council will continue to press for recognition of this and for parity to be extended to all rural areas.

Designation: Chief Executive

Date: 5 August 2019

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## National Islands Plan and Impact Assessment questions

### National Islands Plan

The National Islands Plan is intended to be a document that builds on what works well on Scottish islands, and which addresses the challenges faced by islands and their communities. The Plan will set out how the Scottish Government, local authorities and other public agencies might work to improve outcomes for island communities. Scottish Ministers will be asked to report back to Scottish Parliament every year on progress towards the goals included in the National Islands Plan.

**1. If applicable, which island(s) do you live on or do you relate to?**

The Highland Council.

**2. If applicable, what is good about living on your island? Please state 3 things that you like about living on your island.**

N/A

**3. If you've moved away from your island, please tell us why you left (for example, was it for work opportunities or for education).**

N/A

**4. If you've moved away from your island, please tell us what, if anything you miss about island life.**

N/A

**5. If possible, please can you give us some examples of good local initiatives/projects/activities, etc.?**

Marine Aquaculture, as witnessed in Rum and Muck, has provided significant local benefits in terms of employment, housing and extra ferry opportunities.

**6. The Islands (Scotland) Act lists a number of areas that are relevant for islands and island communities. Please rank these in order of priority for you:**

- Depopulation 1
- economic development 1
- environmental protection 1
- health and wellbeing 1
- community empowerment 1
- transport 1
- digital connectivity 1
- fuel poverty 1
- land management 1
- biosecurity 2

**7. Is there anything else that you believe the National Islands Plan should address?**

The National Plan should be used to monitor the implementation and impact of the following pieces of legislation: Community Empowerment Act 2015, Islands Scotland Act 2018, the Scottish Crown Estate Act 2019 and whatever legislation results from the Local Governance Review.

The Plan should review the distribution and impact of the Coastal Communities Fund, Tourism Infrastructure Fund as they apply to island communities and also the effectiveness of the Shared Prosperity Fund and how well it replaces EU funding streams.

The National Islands Plan should likewise see Climate Change as a major issue. The Highland Council has declared a Climate Emergency and is developing a refreshed strategy looking both at mitigation and at addressing the impacts of Climate Change in partnership with the Highland Community Planning Partnership. National policies and legislation need to likewise be mindful of the impacts and requirement of Climate Change as it affects island communities. For example, Coastal Protection will become an increasing pressure in addressing the impacts of Climate Change and significant additional sources of investment will be required to protect coastal communities as well as the natural, historic and built heritage that will be at risk. Renewable forms of energy, especially for islands without a mainland connection, are also very important.

Linked to this however, are the challenges of meeting the Government's Landfill Ban given the additional costs, infrastructure inadequacies and carbon impact of transporting waste from the islands to the mainland. Consideration under the Plan should be given to the option of derogations for island communities that have extremely limited transportation options. Likewise, policies for reducing household carbon emissions need to take account of off-grid households. Targeted support to mitigate islands impacts should be considered.

#### **8. Are there any specific challenges about living on your island.**

- Poor connectivity in relation to broadband, mobile and transport
- High levels of fuel poverty and interruptions to energy supply
- Weak island infrastructure due to the following interlinked issues and constraints:
  - The lack of availability of suitable rental and owner-occupied housing
  - Significantly increased construction costs both for private developments but also council housing and local authority capital investment in schools and transport & visitor infrastructure;
  - limited capacity of utility infrastructure e.g. water and drainage assets to support development needs;
  - high levels of second and holiday home ownership exacerbated by the sharp increase in short term lets in recent years
- Higher costs of living on islands, aggravated by high comparative cash and time costs to travel off the islands
- Recruitment of staff for all sectors
- Access to key services - In the smaller inhabited islands in particular, the near impossibility of managing meaningful days out – shopping, dental, GP and hospital appointments, accessing finance/banking services etc require at least one overnight stay on the mainland because transport links don't facilitate day trips.
- Ferries - for the Small isles in the summer this often means residents are unable to travel off the island, or guarantee a return, because it's not possible to pre-book foot passenger tickets with Calmac.
- Non-landing cruises – coach parties take up space on the ferries, limiting what's available for foot passengers (see above) and because they do not leave the boat they bring no economic value to any of the islands.
- Access to education is a particular difficulty for the smaller inhabited islands as it is not possible to deliver island-based secondary education which means children have to be sent away to board at hostels in order to attend high school, returning home once a fortnight (or less). Even primary and nursery education is very difficult to sustain due to

the very small numbers of children involved and the fact that this is declining in number. These factors are outwith the control of the local authority and effect educational attainment as well as having wider social and economic impacts.

- Access to pharmacy supplies – in Highland a very recent decision has stopped the delivery of prescription supplies via ferry which means that islanders now need to collect prescriptions in person or pay for them to be posted – for the limited number of medicines that are accepted by the Royal Mail. This is compounded by the fact that Royal Mail does not accept all prescription drugs for postage and the future of Mallaig post office is also likely to close early in 2020.
- Underinvestment in Skye’s infrastructure, needs to be addressed if the tourist industry is to be sustainable whilst at the same time ensuring that local people are able to go about their daily business. This has impact on a national and international level in terms of Scotland’s reputation as a place to visit.
- Lack of access to markets due to distance and costs

### **9. What could be done to make living on your island better?**

- Addressing and digital, mobile connectivity
- Assisting with cost of living barriers
- Improvements in transport infrastructure, particularly for transport to the mainland
- Providing outreach services for remote communities and requiring service level obligations on the providers of key private-sector delivered services

### **10. How do you feel the National Islands Plan should address and respond to the distinctive geographical, natural heritage and cultural characteristics (including the linguistic heritage) of local island communities, including the needs of Gaelic speakers within those communities?**

The National Islands Plan should have separate sections for each local authority area which in turn should break down to individual island groupings, where that is appropriate, to reflect the points made in the answer below about the need to recognise distinct island exigencies.

### **11. What should be the main objectives for the National Islands Plan?**

The National Islands Plan should start from the principle that intervention is sometimes required in order to deliver parity for all islands with the rest of Scotland. In some cases the intervention will be to vary policy, legislation or regulation. In others it will require additional sources of funding in recognition of the significant additional costs involved in delivering services, investing in infrastructure and developing sustainable opportunities for island communities. Many interventions can and should be considered an investment in the long term economic viability of islands communities because of the potential it has to assist them to become self-sustaining and even in some cases, net contributors to the wider Scottish economy.

The primary purpose of the Plan should be to address the inherent disadvantages of living on an island with a focus on inclusive economic growth; socio-economic duty; reducing inequalities; and capacity building to strengthen communities in fragile areas. Examples of island disadvantages that are frequently cited include the enormous increase in cost of living, particularly regarding housing, heating, fuel and transport. Likewise freight delivery and freight storage is also a particular challenge for all Islands and the challenges are at their most extreme for the Small Isles – Rum, Eigg Muck and Canna, given their total reliance on ferries for transport and challenges regarding electricity supply.

The National Islands Plan should also have a focus on the impact of Brexit including the removal of EU funding and EU immigration implications.

It is essential for The National Islands Plan to recognise that opportunities, threats and risks vary widely not just from one authority to the next but also between islands within the same authority. All our islands have issues in terms of depopulation and cost of living for example, however, the extremes of these are greater in the Small Isles than on Skye. At the same time, the extreme seasonal pressures experienced in Skye in terms of tourism and the need for investment in key services way in excess of what the permanent population of the island requires, are not replicated anywhere else to the same extent. Consequently, the National Islands Plan and island impact assessments cannot assume homogeneity when it comes to the effects of policies and legislation in different island areas and what is beneficial in one area may be detrimental to another. The main objective of the Plan should therefore be to work with these wide variations to capitalise on shared opportunities and minimise negative differential impacts by understanding that one size will not fit all. Consequently, a place-based approach needs to be taken in the design and delivery of all new Scottish Government policy and legislation with an acknowledgement that local variation may often be required to remain within the spirit and letter of the Act.

## **12. What should be the key priorities for the Scottish Government in relation to the National Islands Plan?**

- Economic growth, investment and sustainability;
- Connectivity/digital;
- Energy and energy costs;
- Address the reliance on seasonal tourism and the need for diversification;
- Address infrastructure challenges posed by national and international tourism;
- Education and skills and retention of young people;
- Recruitment and retention of employees, including the decentralisation of public sector jobs;
- Population and depopulation;
- Housing;
- Transport including ferries;
- Health and social care;
- Community capacity and empowerment;
- Meeting the needs of older people;
- “Island premium” costs;
- Resilience;
- Planning policy;
- Protection of natural environment.

It would be helpful if the Islands Plan could make clear linkages to the current planning framework, for example the Highland Outcome Agreement and Local Outcome Improvement Plans, particularly in the focus on tackling inequalities and in particular with regard to access to services. It should also be possible to link the Plan to each local

authority's Programme and Corporate Plan all of which will set out a range of improvement activities as well as areas where we need to work with others in the public sector to bring about enhanced in quality of life and wellbeing, increased economic growth and improved infrastructure.

### **13. What should be taken into account in terms of the functions of relevant authorities within the National Islands Plan?**

The implications of the current Local Governance Review should be considered in relation to the Islands Plan and Impact Assessments, and vice versa. All public sector bodies need to have equal regard to the impact of their policies and approaches on island communities.

The National Islands Plan and island proofing needs to have regard to, and be part of a much wider integrated public sector policy focused on empowered communities through increasing subsidiarity, working with the public and third sector on shared priorities including tackling poverty and inequality and driving inclusive growth.

Sufficient additional funding needs to be provided in support of this as there is no spare capacity in local government budgets to provide additional resources in support of new duties and responsibilities under the Act.

### **14. How can we measure outcomes in relation to the National Islands Plan?**

The outcomes identified in the National Islands Plan should not result in proliferation of priorities and outcome measures. Instead, they should clearly set out the net impacts that the Plan has delivered – whether negative, positive, or neutral on all island communities. This should be done by introducing Key Performance Indicators, milestones; and clear timescales for delivering against commitments. Measurement should at least reflect what the Act set out to be the primary areas for improved outcomes:

- a) Increasing population levels;
- b) Improving and promoting:
  - (i) sustainable economic development;
  - (ii) Environmental wellbeing;
  - (iii) health and wellbeing, and
  - (iv) community empowerment
- c) Improving transport services;
- d) Improving digital connectivity;
- e) Reducing fuel poverty;
- f) Ensuring effective management of the Scottish Crown Estate; and
- g) Enhancing biosecurity.

### **15. Please provide any further comments or points that you think should be taken into account in the development of the National Islands Plan.**

To be effective, the Islands Plan needs to set out specific commitments, be clear about how progress is to be monitored and measured, and, crucially, provide sufficient funding to support their delivery. Annual review needs to include an expectation that commitments will continue to grow and develop in response to the changing economic, political and social context and be ambitious in their scope. Just as importantly, any slippage in delivery needs to have mitigation agreed and implemented.

Monitoring of the Plan could be remitted to the Strategic Islands Group and this would include reviewing the activities of all relevant authorities under the Act. Progress against the Plan and associated actions/amendments should be published annually.

Many of the issues and challenges facing island communities are no less critical for mainland rural areas and in some cases, they are arguably greater. For example, Knoydart

is a peninsular, but should be treated as an island since there is no road in, there is no CalMac service and no RET – so it faces all the disadvantages of the Small Isles with even more expensive transport. North West and Central Sutherland have significant issues around depopulation, cost of living and access to services – indeed almost all the points made in the answers above. Consequently, the Highland Council would like to see a similar approach adopted to addressing mainland rural challenges as there has been to island specific issues and considers the Island Act to be a good start in what is hoped to be a direction of travel rather than the conclusion of a journey.

**Continued over...**



## **Island Communities Impact Assessment**

Island Communities Impact Assessments will be one way in which relevant authorities can consider the impact of new laws, policies, strategies or services on islands. Guidance will be developed on how these impact assessments will operate and we believe that your input to this consultation can help us with this:

### **1. Can you name any policies, strategies or services that don't work very well for your island? Why do you feel they don't work well?**

- Access to health care, home care, pharmaceutical and dental services
- Access to banking and financial services
- National Transport Strategy
- Lack of community consultation and engagement with key Government services and agencies like NHS, SAS
- Waste Strategy and Landfill ban
- Delivery charges
- National Skills Strategy

### **2. On the other hand, can you name any policies, strategies or services that DO work well for your island? Please tell us what it is about these that works so well.**

### **3. How can Scottish Ministers and other relevant authorities involve island communities in assessments?**

- online surveys
- focus groups
- public meetings
- paper documents
- other (please comment)

All of these methods are helpful, however, it is also important that Scottish Government and public authority engagement at a local and island level also involves the relevant local authority and the locally elected representatives for the area.

### **4. Is there anything else you would like to tell us?**

N/A

## **Island Communities Impact Assessments – General Questions Section:**

Guidance on how an Island Communities Impact Assessment should be carried out is not present in the Islands (Scotland) Act. Rather, the Act enables Ministers to develop guidance about the duty to have regard to island communities, of which the Island Communities Impact Assessment forms part. The Scottish Ministers are also required to develop regulations “about reviews of decisions of relevant authorities relating to island communities impact assessments”.

### **1. What should be the main objectives for Island Communities Impact Assessments?**

In order to ensure proper consideration of the potential impact on island residents of the adoption of policy changes, there should be a statutory requirement to prepare island impact assessments on all legislation and all major policy changes to take cognisance of the potential impacts on island communities.

As in our previous response to the Scottish Government consultation on the Islands Bill, it is suggested that the Equalities model is followed as far as possible as the process is now well known and understood.

Whilst the Act does not provide for retrospective assessments to be carried out, it should be possible for island communities and public authorities to request this is done where it is believed there is a significant detrimental impact on island communities arising from existing policy or legislation that is demonstrably contrary the spirit of the Act.

**2. What do you think needs to be considered in the guidance and templates which will be developed to support the carrying out of Island Communities Impact Assessments by relevant authorities?**

Proportionality is important, and the approach should largely reflect current process for undertaking equality impact assessments, which are based on screening processes which then inform full impact assessments where it is identified that there is a requirement.

In addition to this, however, if initial screening suggests a differential impact is possible, there should be a presumption in favour of consulting locally as part of the full impact assessment rather than undertaking it as a desktop exercise. The impact assessment needs to identify all relevant stakeholders that need to be consulted and the local authority should be automatically included.

The screening should include a wide range of factors that are relevant in an island context – the issues set out in response to Questions 6, 7 and 12 in the consultation document would be a good starting point.

**3. What should be taken into account in relation to the reviews of decisions of relevant authorities relating to Island Communities Impact Assessments?**

Reviews should look at the process that has been followed to determine whether the correct steps have been taken to properly screen and assess for detrimental impacts. Over and above this however, Reviews need to undertake their own assessment of likely or actual impacts and measure this against the spirit and purpose of the Act to determine whether or not to uphold a request to revisit decisions.

Reviews also need to take into account the points already made in this consultation response about the likelihood that impacts will vary from one island to another and so this also needs to be factored into any review.

**4. If you have any further comments or points that you think should be taken into account in the development of Island Communities Impact Assessments, please state these below.**

N/A