



Department of the
Environment

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Consultation on draft Northern Ireland Marine Position Paper



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Consultation Document

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	Artist impression of the Marine Park development for DONG Energy at Belfast Harbour	courtesy of Belfast Harbour Commissioners
	“Common dragonet <i>Callionymus lyra</i> ”	courtesy of NIEA

Draft Marine Position Paper

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Engagement Arrangements

1. The Department of the Environment wishes to engage with individuals and organisations that have an interest in the sustainable development of the Northern Ireland marine area. The Department welcomes comments on the content of the draft Northern Ireland Marine Position Paper which is attached. Where you wish to comment on the information or how it is presented, please provide the paragraph reference. You may wish to suggest alternative wording and where you do so, please provide evidence in support of that alternative.

How do I obtain further copies of this consultation paper?

2. Copies of this consultation paper may be obtained by writing to:
 - Jim Ramsey
Marine Policy Team
Planning Policy Division
3rd Floor, Millennium House,
17 - 25 Great Victoria Street
Belfast
BT2 7BN
 - Via the Department's website at:
www.doeni.gov.uk
 - By telephoning: 028 9089 3902
 - By text phone: 028 9054 0642
 - By email: marineteam@doeni.gov.uk

This document may be made available in alternative formats, please contact us to discuss your requirements.

Introduction

3. Northern Ireland has always had a close connection with the sea; we have over 650 kilometres of coastline and our largest cities and towns are situated in coastal areas. The coast and marine area have an important connection with our social, cultural and economic development.
4. The marine environment is also a key asset in terms of biodiversity, recreation, tourism and the transporting of goods and services to and from our ports. It also supports industries such as aquaculture and fishing and there is potential for the growth of marine renewables in the future.
5. The Department of the Environment on behalf of the Northern Ireland Executive, and in conjunction with those other departments having marine responsibilities has prepared a Northern Ireland Marine Position Paper. The paper sets out existing departmental policies and strategies which will contribute to the sustainable development of the Northern Ireland marine area.
6. The Northern Ireland Marine Position Paper is intended to complement the UK wide Marine Policy Statement¹ which was adopted in March 2011 and identifies the policy context within which a Northern Ireland Marine Plan will be developed. It also seeks to enhance the public's understanding of the concept of marine planning.

¹ <http://www.defra.gov.uk/publications/files/pb3654-marine-policy-statement-110316.pdf>

Purpose of this Document

7. This document invites your views on the content of the draft Northern Ireland Marine Position Paper, on whether the paper achieves its objectives of complementing the UK Marine Policy Statement and informing the public on the development of marine planning.

Who will be affected by the Northern Ireland Marine Position Paper?

8. The document aims to engage with interested parties and does not have any effect on existing regulatory, planning or consenting regimes. It does not contain any new policies and presents existing measures, which have been the subject of previous consultation and impact assessments.
9. The Department will consult on proposals when the Northern Ireland Marine Plan is being developed and will consider the requirement to undertake relevant screening assessments at this stage.
10. This document may be of interest to organisations, groups and people who undertake activities in or have a general interest in the marine area.

Structure of the Northern Ireland Marine Position Paper

11. The paper is structured as follows:
 - chapter 1 introduces the paper and its objectives;
 - chapter 2 sets out the background and identifies the areas of responsibility within the marine area;
 - chapter 3 sets out the Northern Ireland Executive's objectives for the sustainable development of the marine area;
 - chapter 4 presents linkages with other Administrations;
 - chapter 5 concludes the paper;
 - annex 1 outlines departmental responsibilities for the Northern Ireland marine area;
 - annex 2 provides details of Marine Protected Areas in the Northern Ireland marine area and a summary of the Nagoya strategic aims; and
 - annex 3 provides a list of international agreements and European directives which are relevant to the marine area.

How to respond

12. The Department of the Environment is seeking your views on the content of the draft Northern Ireland Marine Position Paper. In particular we would like your comments on the following:

- Does the paper adequately deliver the objectives of:
 - (a) complementing the UK-wide Marine Policy Statement at a Northern Ireland level; and
 - (b) informing the public as to the proposed development of marine planning locally?
- Does the document contain a clear statement of policy objectives applicable at a Northern Ireland level for the sustainable use and management of the marine environment?
- Does the document contain an appropriate level of detail given the scope of issues?
- Are there any existing measures which you think are not outlined in the document and which should be included?

13. You are invited to respond not later than 23 April 2012

Responses can be sent either by e-mail or post.

Email: marineteam@doeni.gov.uk

Post: Department of the Environment
Marine Policy Team
3rd Floor Millennium House,
17-25 Great Victoria Street,
Belfast, BT2 7BN

Should you have any enquiries please send them to: marineteam@doeni.gov.uk or call on 028 9089 3902

It would be helpful if you could indicate clearly to which section(s) of the draft Marine Position paper (using paragraph numbers) you are commenting on.

Please also provide:

- your name;
- your contact details;
- the organisation you represent (where applicable); and
- the main area of interest with which you identify – for example, nature conservation, fisheries, industry, transport, aquaculture, recreation/tourism, academic and scientific, local government, voluntary/community group, public sector, local partnership, other.

This will assist with the analysis of the responses received.

What happens next?

14. Following the receipt and consideration of responses, we will make a decision on the content of the final version of the Northern Ireland Marine Position Paper. It is anticipated the paper will be published on the DOE website in summer 2012 and a limited number of hard copies will be available.

Freedom of Information Act 2000 – confidentiality of consultation responses

The Department may wish to publish responses to the consultation document. It will certainly publish a summary of responses following completion of the consultation exercise. In addition, your response may be disclosed on request.

The Department is only able to refuse disclosure in very particular circumstances. Therefore, you are advised to read the information below before sending a response to this consultation document.

The Freedom of Information Act gives the public the right of access to any information held by a public authority - in this case, DOE. This right of access to information includes information provided in response to a consultation. However, DOE does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- DOE should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of DOE's functions and it would not otherwise be provided;
- DOE should not agree to hold information received from third parties 'in confidence' which is not confidential in nature; and
- acceptance by DOE of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

Should you require further information about the confidentiality of responses, please contact:

Information Commissioner's Office – Northern Ireland
51 Adelaide Street
Belfast
BT2 8FE

Telephone number: 028 9026 9380

Alternatively, your request can be sent electronically to ni@ico.gsi.gov.uk

Information can also be accessed at:
www.ico.gov.uk/about_us/regional_offices/northern_ireland.aspx



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Environment

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Draft Northern Ireland Marine Position Paper





CHAPTER 1 — Introduction and Objectives

This chapter describes the rationale for development and publication of the paper. It provides background information on our relationship with the sea and the activities which take place there. It also defines the geographic area to which the paper applies.

- 1.1 Northern Ireland's seas are a major environmental and economic asset. They provide an important social and cultural function and sustain coastal communities and industries. A large number of activities take place in the marine and coastal area including: transportation, renewable energy generation, fishing, aquaculture and tourism.
- 1.2 The marine and coastal environment is also home to a number of productive and biologically diverse ecosystems. Northern Ireland's marine area is small; however its contribution to overall biodiversity inventories is relatively large,² with approximately 50% of Northern Ireland's biodiversity lying below the sea³.
- 1.3 Marine habitats deliver a wide range of ecosystem goods and services of value to society. However, the sea is not a limitless resource and we need to develop an approach to regulating these activities which will allow for their sustainable management and development⁴.
- 1.4 Marine planning is a tool which will facilitate the sustainable development of the marine area. It is based on a balanced consideration of economic, social and environmental factors while taking account of the costs and benefits of key marine activities.
- 1.5 This paper identifies the policy context within which a Northern Ireland Marine Plan will be developed and seeks to enhance the public's understanding of the concept of marine planning.
- 1.6 The paper has been prepared on behalf of the Northern Ireland Executive by the Department of the Environment (DOE), in conjunction with those other departments with responsibilities in the Northern Ireland marine area. These are: the Department of Agriculture and Rural Development; the Department of Enterprise Trade and Investment; the Department for Regional Development; the Department of Culture, Arts and Leisure; and the Department for Social Development. Departmental responsibilities for the Northern Ireland marine area are summarised at Annex 1.
- 1.7 The objective of this paper is to complement the UK Marine Policy Statement (MPS)⁵. The MPS was adopted on 18 March 2011 and sets out UK-wide policies for the various activities that take place in the UK marine area as well as the policy considerations to be taken into account when developing Marine Plans.
- 1.8 DOE will be responsible for developing the Marine Plan and this paper will help inform that process. However, it is important to note that policy control for existing and future strategic and sectoral objectives in the marine area will remain with the respective departments.

² UK National Ecosystem Assessment: Technical Report, chapter 18 <http://uknea.unep-wcmc.org/>

³ Northern Ireland State of the Seas Report 2011 http://www.doeni.gov.uk/niea/water-home/state_of_the_seas_ni_report.htm

⁴ UK National Ecosystem Assessment: Synthesis of key findings <http://uknea.unep-wcmc.org/>

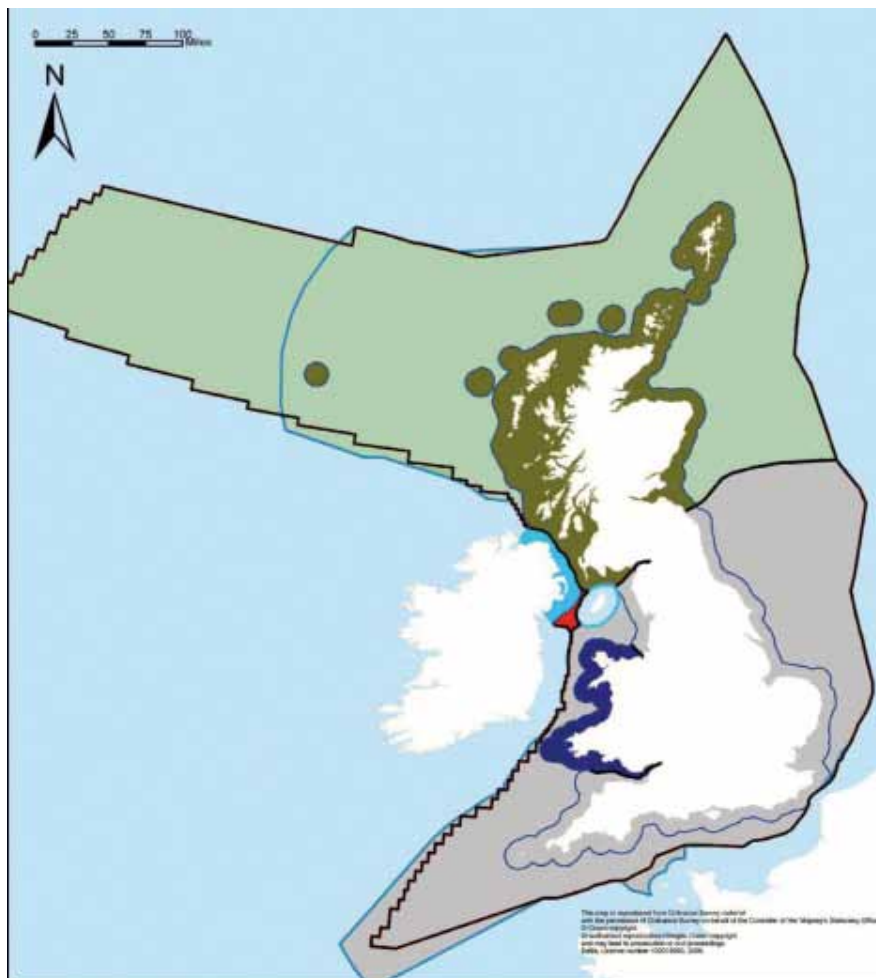
⁵ http://www.doeni.gov.uk/marine_planning

The Executive’s objectives for the ongoing sustainable development of marine related activities are outlined in Chapter 3.

1.9 The Northern Ireland marine area comprises the “inshore” and “offshore” regions⁶. The inshore region is the area of sea within the seaward limits of the territorial sea adjacent to Northern Ireland, i.e. out to 12 nautical miles. This area includes parts of the Irish

Sea and Atlantic Ocean and areas within the intertidal zone - that is, the area which is above water at low tide and below water at high tide. The offshore region is the area from the 12 nautical mile mark to the boundary of the Northern Ireland zone⁷. Northern Ireland’s waters, therefore, abut those of Scotland, Wales, the Isle of Man and the Republic of Ireland.

UK Marine Plan Area – Inshore And Offshore Regions



Key to Northern Ireland Marine Area	
	Northern Ireland inshore region
	Northern Ireland offshore region

⁶ as defined at section 322 of the Marine and Coastal Access Act 2009 (c.23)

⁷ The Northern Ireland zone has the same meaning as in Section 98(1) and (8) of the Northern Ireland Act 1998 (c.47)



CHAPTER 2 — Background

Chapter 2 provides a summary of recent and forthcoming policy and legislation which will promote the sustainable development of the marine area. The chapter concludes by introducing marine planning and a description of European and international commitments.

Northern Ireland Marine Programme

- 2.1 Sustainable development is at the heart of Northern Ireland's Marine Programme which is designed to achieve the shared UK vision of clean, healthy, safe, productive and biologically diverse oceans and seas. The Northern Ireland Marine Programme is being driven by the Executive's sustainable economic growth priority and the need to modernise marine legislation to deliver on international, European and UK-wide policy commitments.
- 2.2 The Northern Ireland Marine Programme which is led by DOE is putting in place mechanisms to enhance the long-term viability and potential growth of marine industries and to improve the stewardship of the marine area. It is part of a suite of interlocking legislation which is being introduced by the UK administrations.

Marine and Coastal Access Act 2009

- 2.3 The Marine and Coastal Access Act 2009 (the MCA Act) is an important element of this interlocking legislation as it introduced a new system of marine management for the UK.

The MCA Act established DOE as the authority responsible for the development of Marine Plans in the offshore region – that is, from the 12 nautical mile mark to the boundary of the Northern Ireland zone.

Marine Licensing Reforms

- 2.4 The MCA Act made provision for certain marine licensing reforms, primarily replacement of Part II the Food and Environment Protection Act 1985 (Deposits in the Sea) with a more streamlined system for managing the marine area. The new system which is more efficient, fair and transparent includes a wider and more proportionate range of new enforcement powers and an independent appeals process.
- 2.5 DOE, as the marine licensing authority for the inshore region, introduced a suite of subordinate legislation⁸ which became effective on 6 April 2011 to implement the new marine licensing system.

Marine Policy Statement

- 2.6 The MCA Act made provision for the introduction of the Marine Policy Statement (MPS). The UK MPS provides the high-level

⁸ The legislation includes:

1. The Marine Licensing (Application Fees) Regulations (Northern Ireland) 2011;
2. The Marine Licensing (Exempted Activities) Order (Northern Ireland) 2011;
3. The Marine Licensing (Register of Licensing Information) Regulations (Northern Ireland) 2011;
4. The Marine Licensing (Appeals) Regulations (Northern Ireland) 2011; and
5. The Marine Licensing (Civil Sanctions) Order (Northern Ireland) 2011

http://www.doeni.gov.uk/marine_licensing

policy context within which the Northern Ireland Marine Plan will be developed, implemented, monitored, amended and/or withdrawn. The MPS also ensures that there is appropriate consistency in marine planning across the UK marine area.

- 2.7 The MPS is the first step in marine planning at a UK level. The MPS outlines the national policies for various activities and issues which need to be considered in developing a marine plan. It provides transparency to users, guides the development of marine plans, sets out the importance of encouraging co-existence of uses and how impacts should be considered.
- 2.8 The MPS does not provide specific guidance on every activity which will take place in, or otherwise affect, Northern Ireland waters. This will be achieved through the development of marine plans which will set the direction for marine licensing and other relevant authorisation and enforcement decisions in Northern Ireland. However, until the marine plan is in place all activities that affect or might affect the marine area are subject to the requirements of the MPS unless relevant considerations indicate otherwise.
- 2.9 DOE's policy intention, given that the extent of Northern Ireland's marine waters is comparatively small, is to have a single regional Marine Plan document covering both the Northern Ireland inshore and offshore regions, supplemented with local Marine Plans, if considered appropriate.

Marine Strategy Regulations 2010

- 2.10 The Marine Strategy Framework Directive⁹ requires Member States to determine Good Environmental Status (GES) for their marine waters, and to design and implement programmes of measures aimed at achieving GES by 2020, using an ecosystem approach

to marine management. It takes account both of socio-economic factors and the cost of taking action in relation to the scale of the risk to the marine environment.

- 2.11 The Directive was transposed by the UK-wide Marine Strategy Regulations 2010 which enable Northern Ireland to contribute to the delivery of European obligations. DOE is responsible for leading the implementation of the Directive in the inshore region. However, the legislation recognises that other public bodies in Northern Ireland have an important role to play in realising the objectives of the Directive and a general duty is placed on DARD, DCAL, DETI, DRD and the Loughs Agency to exercise their relevant functions so as to secure compliance with the requirements of the Directive.

Marine (Northern Ireland) Bill

- 2.12 The draft Marine (Northern Ireland) Bill will include a provision to establish DOE as the Marine Plan authority for the inshore region. This, together with the MCA Act will give DOE the power to prepare and adopt a Marine Plan document for Northern Ireland as outlined in the previous paragraph, thereby enhancing the long-term viability of the marine area. The legislation will require DOE to work in conjunction with other relevant Northern Ireland Departments (DARD, DETI, DRD and DCAL).
- 2.13 As the Marine Plan authority, DOE will be required to notify related planning authorities of its intention to prepare a Marine Plan; and to take all reasonable steps to ensure that the plan is compatible with other related Marine Plans in other jurisdictions.
- 2.14 The Bill will also contain provisions for marine nature conservation and while the sea bed is a reserved matter under the Northern Ireland Act 1998, the Northern Ireland Office has

⁹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:164:0019:0040:EN:PDF>

confirmed that it is content to continue the policy whereby DOE, in practice, undertakes marine nature conservation in Northern Ireland's inshore region.

2.15 This new legislation will enable DOE to designate Marine Conservation Zones (MCZs) in Northern Ireland's inshore region following approval from the Secretary of State thereby helping to deliver the UK's aim of establishing an "ecologically coherent network of Marine Protected Areas". The network will ensure that biodiversity is protected and international and European commitments are met.

The Northern Ireland Marine Plan

2.16 The MPS and the Northern Ireland Marine Plan document when adopted will form a new planned system for marine activities. Together, they will provide for greater coherence in policy and a forward-looking, proactive and spatial planning approach to the management of the marine area, its resources, and the activities and interactions that take place within it.

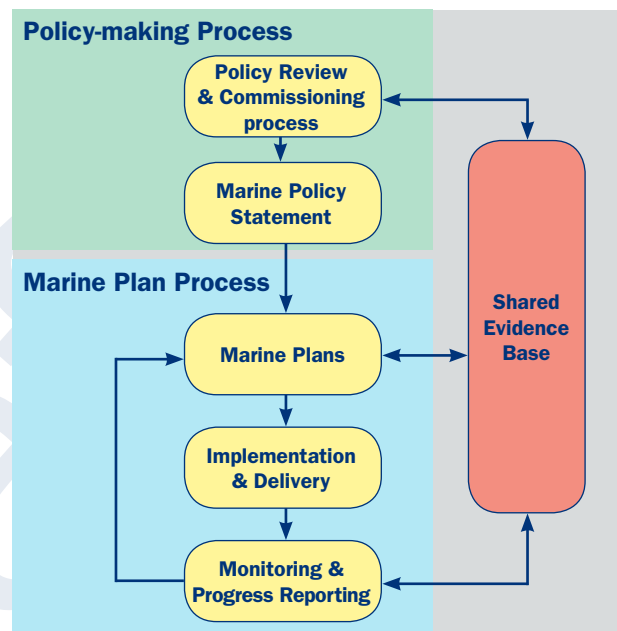
2.17 The document will set out how the MPS will be implemented in specific areas. It will provide detailed policy and spatial guidance for an area and help ensure that decisions within a plan area contribute to the delivery of UK, national and any area specific policy objectives. However, until marine plans are adopted the MPS sets the direction for marine licensing and other relevant authorisation systems.

2.18 Any Marine Plan must be in conformity with the MPS unless relevant considerations indicate otherwise, thereby ensuring a strong link between national policy and local/regional application. The likely general structure of the marine planning system is set out in Figure 1.

2.19 DOE has been working closely with staff in the relevant Northern Ireland departments

via the auspices of the Inter-departmental Marine Co-ordination Group (IMCG) to deliver this vision and is committed to continuing this collaborative approach in developing Marine Plans.

Figure 1: Proposed structure for marine planning system



Integrated Approach

2.20 The five main Departments¹⁰ which have responsibilities in the marine are working together in a collaborative way to deliver a co-ordinated and integrated approach to the sustainable management of Northern Ireland's marine area. DOE hosts the IMCG which meets quarterly as a forum for addressing marine issues, policy development and information sharing.

2.21 The IMCG has worked collaboratively to develop Northern Ireland's input to the Marine Strategy Regulations 2010, the UK Marine Policy Statement and the subordinate legislation necessary for the new marine

¹⁰ DSD has limited responsibilities in the marine area and has therefore not been directly involved in the Inter-departmental Marine Co-ordination Group.

licensing system for the Northern Ireland inshore region in 2011.

- 2.22 Co-operation among the science community is achieved through the auspices of the Interagency Marine Science Working Group which is made up of representatives from NIEA, AFBI, and the Loughs Agency. The Group published the Northern Ireland State of the Seas Report in January 2011, which is a comprehensive report on the state of the seas around Northern Ireland.
- 2.23 Inter-departmental working groups are also in place to drive other relevant programmes, including implementation of the Water Framework Directive; and the DETI-led Offshore Renewable Energy Forum which includes non-government stakeholders.

European Context

- 2.24 The European Union's Integrated Maritime Policy recognises that the seas are Europe's lifeblood and are central to its well being and prosperity. The Integrated Maritime Policy, launched in October 2007, covers marine transport, the competitiveness of marine businesses, marine employment, scientific research and protection of the marine environment. The objectives of the policy include enhancing Europe's capacity to face the challenges of globalisation and competitiveness, degradation of the marine environment, maritime safety and security and energy security and sustainability.
- 2.25 The European Commission recognises that maritime spatial planning is a tool which will contribute to the sustainable development of marine and coastal areas and adopted the "Road Map for Maritime Spatial Planning: Achieving Common Principles in the EU"¹¹ in 2008. The document outlines key principles

to be applied to the development of Marine Plans by Member States. These include developing marine planning in a transparent way, stakeholder participation, ensuring the legal effects of national marine planning, and the use of a strong data and knowledge base. These principles will inform the process of development of the Northern Ireland Marine Plan.

International Context

- 2.26 There are a number of international commitments which are relevant to the marine environment, including the International Convention for the Prevention of Pollution from Ships (MARPOL Convention) and the Aichi targets which were agreed at the Nagoya conference of the Parties to the Convention on Biological Diversity (CBD COP10). Implementing the outcomes of Nagoya is discussed in more detail at Annex 2.

¹¹ Available at http://ec.europa.eu/maritimeaffairs/spatial_planning_en.html



CHAPTER 3 — Objectives for the Sustainable Development of the Marine Area

Chapter 3 sets out the Executive’s objectives for the sustainable development of the marine area and provides an overview of the measures being undertaken to realise these.

- 3.1 There are a number of strategic drivers which underpin the sustainable development of Northern Ireland’s marine area at local, national, European and international levels.
- 3.2 Economic development to provide “the wealth and resources required to build the peaceful, prosperous, fair and healthy society”¹² is a top priority of the Executive. It is recognised that this must be undertaken in a way which protects and enhances the physical and natural environment.
- 3.3 The Executive’s priorities for the period 2011-2015 are set out in the draft Programme for Government (PfG) 2011-2015 which is the subject of consultation. The preparation of the Northern Ireland Marine Plan will be influenced by the priorities set in the 2011-2015 PfG.
- 3.4 The Executive’s objectives are currently being delivered through a number of strategies such as the Regional Development Strategy (RDS)¹³ and the Strategic Energy Framework (SEF)¹⁴ and via the policy priorities of the Northern Ireland departments. These are long-term-strategies to achieve sustainable development.
- 3.5 The new Sustainable Development Strategy “Everyone’s Involved”¹⁵ explains that “Sustainable development aims to bring vitality, stability and opportunity to all of our social, economic and environmental activities and programmes. It does not aim to stop us from growing our economy. It does not seek to obstruct our attempts to improve our society and communities. Rather its goal is to put in place economic, social and environmental measures to ensure that we can continue to do all of these things effectively in the years to come”.
- 3.6 Strategic Objective 4.3 in the Sustainable Development Strategy is to, “Promote Sustainable Marine Management”. The Implementation Plan for the Sustainable Development Strategy¹⁶ sets out the action being taken by Departments, District Councils and others in support of the achievement of this strategic objective.
- 3.7 The Sustainable Development Strategy is underpinned by a statutory duty on all Departments and District Councils to, “act in the exercise of their functions, in the manner they consider best calculated to promote the

¹² <http://www.northernireland.gov.uk/pfgfinal.pdf>

¹³ The RDS provides an overarching spatial framework to influence the future distribution of activities throughout the Region to 2035. The document examines the factors which are impacting on us and are driving change. It sets out aims for the Region and provides guidance on how these aims can be achieved. <http://www.drndi.gov.uk/shapingourfuture/>

¹⁴ The SEF details Northern Ireland’s energy future, goals and targets to 2020 and beyond. http://www.detini.gov.uk/strategic_energy_framework__sef_2010_-3.pdf

¹⁵ http://www.ofmdfmi.gov.uk/sustainable-development-strategy-lowres__2_.pdf

¹⁶ http://www.ofmdfmi.gov.uk/focus_on_the_future.pdf

achievement of sustainable development”.¹⁷ This requires that all the statutory functions of Departments in relation to the marine environment are exercised in support of the achievement of sustainable development, and in line with the principles and priorities expressed in the Executive’s Sustainable Development Strategy.

3.8 The Executive’s objectives for the sustainable development of the marine area are presented in this chapter. These are summarised in the key messages table below.



Key message table

Sector	Message	Department Responsible
Energy production and infrastructure development	<p>The Marine Area has the potential to make an increasing contribution to a more secure, diverse and sustainable energy system through the development of offshore renewable energy and energy storage.</p> <p>DETI will continue to lead work to enable the emerging offshore renewable energy sector contribute to the Executive’s 40% renewable electricity target by 2020, deliver employment and economic benefits for local businesses and identify potential opportunities for sustainable sub-sea energy storage facilities and oil and gas resources.</p>	DETI
Undersea Telecommunications Cabling	<p>Submarine cables are a vital link for Northern Ireland citizens and businesses, allowing them to access international telecommunications services.</p> <p>DETI will continue to work with the telecommunications industry to ensure that Northern Ireland remains globally competitive and that superfast broadband services are available as widely as possible across the region.</p>	DETI
Sea Fisheries	<p>Sea fishing is a major activity in the marine area that makes a significant contribution to the economy of our coastal communities. DARD is committed to the development of a sustainable and competitive sea fishing sector through the growth of long-term fishing opportunities that are fished in a manner consistent with a healthy and sustainable marine environment.</p>	DARD

¹⁷ Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33) <http://www.legislation.gov.uk/ukpga/2006/33/contents>

Sector	Message	Department Responsible
Wild Salmon Fisheries	DCAL is committed to encouraging the restoration of marine ecosystems and addressing the impacts upon marine food webs so that marine survival of salmon and eel improves from current levels to a point where salmon fisheries are again sustainable in the sea and recruitment of glass eels to important inland eel fisheries rebuilds.	DCAL
Aquaculture	Farmed fish and shellfish provide a major contribution to food security and the growing world demand for fish and seafood. Aquaculture offers real opportunities for economic growth and jobs in coastal and rural areas. DARD will support sustainable development of the sector; aim to encourage improved competitiveness and innovation; and will seek a level playing field for operators in terms of access to marine waters and space.	DARD
Tourism and Recreation	<p>Tourism is a key driver of the Northern Ireland economy and our coastal waters, inland loughs and scenic shorelines are an important element of the tourism sector.</p> <p>DETI will maximise Northern Ireland's tourism potential in partnership with key stakeholders; in particular, the enhancement of key visitor attractions and the development of signature destinations, including those associated with the marine environment.</p>	DETI
Protection of the Marine Environment	DOE is committed to a clean, healthy, safe, productive and biologically diverse marine and coastal environment that meets the long-term needs of people and nature. Marine nature conservation is a key element in our strategy to deliver this objective. DOE manages the marine area sustainably and protects the rich biological diversity to ensure that marine ecosystems continue to provide economic, social and wider benefits for people, industry and society.	DOE
Port Development	Modern commerce and industry increasingly depend on logistical chains which deliver goods and services just at the moment they are needed. The quick, economic and reliable movement of goods to the marketplace is therefore vital for our economic development, as is the safe and efficient navigation of vessels into our ports. DRD is committed to the development of an efficient, competitive ports sector that serves the economy, community and safeguards the environment.	DRD

Sector	Message	Department Responsible
Sewerage Services	Planning for the provision of affordable, sustainable, high-quality, waste water services is essential for economic development and protection of the marine environment.	DRD
Surface Water Management	Surface water management is recognised as a contributor to reducing the risk of flooding and protecting the marine environment from terrestrial sources of pollution. Marine planning should contribute to the development of a coordinated strategic approach to managing surface water.	DARD, DOE, DSD, DRD
Flood Risk Management and Drainage	Some of Northern Ireland's inhabited coastal areas are at risk of flooding directly from the sea or from tidal waters. DARD through Rivers Agency, is committed to managing this risk by maintaining designated sea and tidal river defences in these areas. The management of coastal flood risk will be further developed through flood risk management plans in accordance with the EU Floods Directive.	DARD
Integrated Coastal Zone Management	To develop and promote sustainable levels of economic and social activity while protecting the coastal environment.	DOE
Climate change	Climate change is one of Northern Ireland's foremost environmental, social and economic challenges and is potentially a major threat to the coastal and marine environments. DOE will work with relevant Northern Ireland departments to take forward cross-cutting climate change issues and to develop a Northern Ireland adaptation programme.	DOE
Coastal Change	While coastal change is perceived to be a minor issue in Northern Ireland, climate change, and in particular sea-level rise and increased storminess, is likely to make this more significant. As such, this will require a more strategic approach to the management of this issue going forward.	DOE
Protection of the historic environment	Over 9,000 years of human activity in Northern Ireland has inevitably left archaeological remains along the coastline and on the seabed. The study of these remains through maritime archaeology offers great potential to increase our understanding of the past. DOE is responsible for protecting and promoting Northern Ireland's maritime archaeological sites and monuments.	DOE

Energy production and infrastructure development

Key Message

The Marine Area has the potential to make an increasing contribution to a more secure, diverse and sustainable energy system through the development of offshore renewable energy and energy storage.

DETI will continue to lead work to enable the emerging offshore renewable energy sector contribute to the Executive's 40% renewable electricity target by 2020, deliver employment and economic benefits for local businesses and identify potential opportunities for sustainable sub-sea energy storage facilities and oil and gas resources.

- 3.9 Without reliable and affordable energy, economies and communities will cease to function. Northern Ireland is currently too heavily dependent on imported fossil fuels. Higher levels of renewable and low carbon energy need to be part of the overall energy mix. This will increase energy diversity and security, reduce carbon emissions, address climate change issues, contribute to EU Renewable Energy Directive¹⁸ targets and provide employment, business supply chain and economic benefits to local companies.
- 3.10 DETI is responsible for the development of energy policy in Northern Ireland and the Strategic Energy Framework (SEF) 2010¹⁹ sets out the key energy goals of building competitive markets, ensuring security of energy supply, enhancing sustainability and developing energy infrastructure to 2020 and beyond. It also set new and ambitious renewable energy targets, agreed by the Northern Ireland Executive, including 40% of electricity consumption to come from renewable resources by 2020. This cross-

cutting challenge impacts on a number of departments to ensure that the right conditions exist to achieve it.

Offshore Renewable Energy

- 3.11 While onshore wind currently offers the most cost-effective means of renewable electricity generation, a diverse mix of renewable generation is required, and Northern Ireland waters offer strong potential for offshore wind and tidal stream developments²⁰. In order to consider the potential implications on the environment and other marine users by developing offshore renewable energy in Northern Ireland waters, DETI undertook a comprehensive Strategic Environmental Assessment (SEA) and Habitats Regulations Appraisal (HRA) of the draft Offshore Renewable Energy Strategic Action Plan (ORESAP) 2009-2020²¹. This plan will be finalised in the near future.
- 3.12 The SEA, HRA and draft ORESAP identified that up to 900MW of offshore wind (off the north and east coasts) and 300MW of tidal (off the north coast and north east coasts) could be developed by 2020 without significant adverse impact on the environment or other marine users.
- 3.13 The Crown Estate, as owners of the seabed, announced in March 2011 the timetable for the Northern Ireland Offshore Renewable Energy Leasing Round. A call for Expressions of Interest in an Offshore Wind Area off the east coast to deliver up to 600MW of generating capacity and a Tidal stream area off the north east coast around Rathlin of up to 200MW was published on 15th December 2011. It is anticipated that development rights will be granted to successful developers by Autumn 2012. Those developers would then need to secure the necessary marine licences, onshore planning approvals (as necessary) and electricity consents. An

¹⁸ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:140:0016:0062:en:PDF>

¹⁹ http://www.detini.gov.uk/strategic_energy_framework_sef_2010_-3.pdf

²⁰ Please note that the use of the term "offshore" in paragraphs 3.7 to 3.21 refers to developments which take place off the shore (ie within 12 nautical miles) and not to developments taking place in the Northern Ireland offshore region.

²¹ www.offshoreenergy.co.uk

Environmental Impact Assessment which would be subject to full public consultation would also be required. It is expected that the initiation stages of offshore projects could be from 2015-2016 onwards.

- 3.14 In preparation for the Northern Ireland Leasing Round and following wide consultation with relevant and key stakeholders, DETI published the Regional Location Guidance²² (RLG) in September 2011. This provides advice and guidance to developers, regulatory authorities and marine users on the key environmental and other marine factors which will need to be taken into account with respect to planning, development and operation of offshore renewable energy projects. The RLG is not a sectoral Marine Plan for Northern Ireland, but the issues identified within it will be of assistance in the development of the Northern Ireland Marine Plan.

Interconnectors, Pipelines and Offshore Grid Networks

- 3.15 There are two major subsea electricity interconnectors in Northern Ireland waters. The Rathlin Interconnector connects Rathlin Island to the main Northern Ireland electricity grid and the Moyle Interconnector links the Britain and Northern Ireland grids across the North Channel.
- 3.16 The Scotland to Northern Ireland natural gas transmission Pipeline (SNIP) runs from Twynholm in Scotland to Ballylumford in Northern Ireland across the North Channel.
- 3.17 There is a need to strengthen the onshore electricity grid in Northern Ireland to ensure the infrastructure can deliver a reliable and resilient network and to manage increased levels of onshore and offshore renewable electricity generation. However, increased integration into wider regional networks is also important and DETI, working with Scotland and the Republic of Ireland using INTERREG IV funding, is undertaking a feasibility study into

a possible offshore electricity transmission network linking potential offshore resources in these three jurisdictions which would contribute to the wider UK and European considerations of increased interconnections and offshore super grid development. The initial results of the feasibility study were announced in November 2011 and are being considered by the three governments.

Offshore Gas Storage

- 3.18 The SEF recognises that gas storage would provide extra security of supply for electrical generation and domestic and commercial gas consumption in Northern Ireland. It would help mitigate winter price spikes and has the potential to benefit both parts of the island of Ireland and even the wider UK, should a suitably large storage facility be constructed. There is commercial interest in developing a facility in the Larne/Islandmagee area of County Antrim with one company interested in developing gas storage in caverns created by solution mining below Larne Lough and another investigating the area to the southwest of Larne. Additionally, DETI, in co-operation with The Geological Survey of Northern Ireland and the British Geological Survey, has carried out a study to determine the feasibility of underground energy storage in East Antrim with a particular focus on the area under Larne Lough. The study findings will provide additional geological information which should be of interest to potential developers of gas or compressed air energy storage and could indicate the potential for carbon storage in the onshore and marine areas.

Carbon Dioxide Capture and Storage

- 3.19 To comply with the UK's legally binding carbon reduction commitments, fossil fuel plants will need to be fitted with technology to capture carbon dioxide and store it permanently

²² Draft Regional Locational Guidance http://www.deti.gov.uk/regional_locational_guidance__rlg_for_offshore_renewable_energy_developments_in_ni_waters

underground. The UK marine area is thought to be one of the most promising hub locations in Europe for permanent storage of carbon dioxide. Most interest has been focussed on the North Sea, where the first demonstration plants are planned, but the potential of an Irish Sea carbon capture and storage (CCS) hub, taking emissions from western Britain, Northern Ireland and the Republic of Ireland, has also been recognised. The East Irish Sea, Portpatrick and Peel (within territorial waters adjacent to Northern Ireland) sedimentary basins, as well as a number of basins in Northern Ireland, may be suitable for carbon dioxide storage.

- 3.20 Directive 2009/31/EC²³ on the geological storage of carbon dioxide, commonly known as the Carbon Capture and Storage (CCS) Directive entered into force on 5 June 2009. DETI continues to work with the UK Department for Energy and Climate Change to ensure the implementation of the CCS Directive in Northern Ireland through domestic legislation.

Oil and Gas Exploration

- 3.21 There is some potential for the discovery and development of oil and gas resources within the Marine Area to increase energy supply diversity and security. The Department for Energy and Climate Change (DECC) is responsible for the licensing of oil and gas exploration in all UK waters, with the exception of the internal waters of Northern Ireland (e.g. Belfast and Larne Loughs). Offshore licensing for oil and gas exploration and production in the UK commenced in 1964 and has progressed through a series of Seaward Licensing Rounds.
- 3.22 As part of its 26th Seaward Licensing Round, DECC announced in December 2011 the offer of a frontier exploration licence in the North Channel and Rathlin Basins. It has not been proven that the offshore Rathlin Basin

contains commercial accumulations of oil or gas but, through this licence, the Licensee will undertake a number of technical studies over the next few years to try and locate any specific exploration targets within the licence area. DETI will work with DECC to ensure that any potential offshore petroleum exploration and development within the Marine Area is carried out to the highest technical and environmental standards and in an efficient and environmentally responsible manner.

Undersea Telecommunications Cabling

Key Message

Submarine cables are a vital link for Northern Ireland citizens and businesses, allowing them to access international telecommunications services.

DETI will continue to work with the telecommunications industry to ensure that Northern Ireland remains globally competitive and that superfast broadband services are available as widely as possible across the region.

- 3.23 Telecommunications and power cabling are essential infrastructure for Northern Ireland in both social and economic terms. DETI has supported the development of a very extensive and modern telecommunications infrastructure in Northern Ireland, which includes both fixed line and radio networks. There are also extensive mobile phone networks with four major operators delivering services. Northern Ireland has secure, resilient and high-capacity international links provided by both underground and undersea cables as well as radio and microwave technologies.
- 3.24 Project Kelvin, co-financed under the INTERREG IVA programme 2007-2013, has

²³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:140:0114:0135:EN:PDF>

provided Northern Ireland with its first direct international submarine telecommunications link to North America and improved connectivity to continental Europe. The six indirect international submarine links via Britain remain integral to the Northern Ireland telecommunications infrastructure.

3.25 Project Kelvin involved connecting a new submarine cable from Portrush to the Hibernia North Transatlantic cable located 22 miles off the North coast. This interconnects with Northern Ireland's existing telecommunications infrastructure at a number of different locations throughout Northern Ireland. The ongoing operation, maintenance and future development of international submarine telecommunications links is vital to the Northern Ireland economy.

Sea Fisheries

Key message

Sea fishing is a major activity in the Marine Area that makes a significant contribution to the economy of our coastal communities. DARD is committed to the development of a sustainable and competitive sea fishing sector through the growth of long-term fishing opportunities that are fished in a manner consistent with a healthy and sustainable marine environment.

3.26 At the end of 2009 the Northern Ireland fishing fleet comprised 370 fishing vessels of which 149 were over 10 metres in length and 221 under 10 metres in length. This supported 541 full time and 113 part time fishermen. The fleet depends mainly on fishing opportunities in the Irish Sea and North Channel where it is the main UK fishery interest.

3.27 The total value of fish landed by Northern Ireland vessels in 2009 was over £26 million with aquaculture production adding an additional £9 million. This supports a fish-processing sector, mainly based around the East Down fishing ports which had a gross turnover in 2009 of £68.8m and employed 563 full time equivalents.

3.28 Sea fishing is governed largely by the Common Fisheries Policy (CFP)²⁴, which is due to be reviewed and replaced by 1 January 2013²⁵. The reformed CFP will determine EU and national fisheries policy from 2013 onwards. It is likely that the reformed CFP will continue to promote fishing that is environmentally, economically and socially sustainable in the long term, with a particular emphasis on maintaining fish populations at levels that will produce maximum sustainable yield and ending discards of unwanted fish.

3.29 Whilst the CFP provides the overarching policy for sea fisheries, Member States can take measures that do not discriminate against another Member State's vessels, for the development and conservation of fisheries within their territorial sea. Such measures must be at least as stringent as any measures imposed by the CFP. Any measures that are likely to affect other Member States require consultation with those Member States and the Commission.

3.30 DARD recognises the potential for further development of fishing opportunities in the inshore region and has commissioned work on a draft inshore fisheries strategy with the aim of consulting on this during 2012. Over the next two years, in parallel with the work on inshore fisheries, DARD will continue to review fishing activities in relation to its national, European and international obligations. Where necessary, DARD will introduce measures to ensure the protection of the environment from adverse impacts.

²⁴ Existing CFP is – Council Regulation EU 2371/2002

²⁵ CFP Reformed proposal is – http://ec.europa.eu/fisheries/reform/index_en.htm



Wild Salmon Fisheries

Key Message

DCAL is committed to encouraging the restoration of marine ecosystems and addressing the impacts upon marine food webs so that marine survival of salmon and eel improves from current levels to a point where salmon fisheries are again sustainable in the sea and recruitment of glass eels to important inland eel fisheries rebuilds

- 3.31 DCAL is responsible, under the provisions of the Fisheries Act (NI) 1966, for the salmon and inland fisheries of Northern Ireland. DCAL also provides advice and guidance on matters relating to the conservation, protection, development and improvement of salmon and inland fisheries to angling clubs, fishery owners, and a range of other water users and interested parties.
- 3.32 In 2009, DCAL issued 6 commercial fishing licences for salmon fishing. Salmon catches have declined from 22.5 tonnes in 2004 to 16.7 tonnes in 2009. This trend is mirrored around all North Atlantic countries and the North Atlantic Salmon Conservation Organisation (NASCO)²⁶, an intergovernmental

body, has encouraged its members to adopt a precautionary approach to salmon management. Officials from DCAL, together with fisheries scientists from the AFBI²⁷, form part of the EU delegation to NASCO. DCAL has a responsibility to conserve salmon by managing impacts, including angling and commercial fisheries. Work to manage these impacts is given high priority and is ongoing.

- 3.33 The Loughs Agency fulfils a similar role within the cross-border Foyle and Carlingford catchments with regard to the management of salmon. Due to declining returning salmon numbers no commercial fishing licences have been issued in 2010 or 2011 while some areas have been made catch and release only for recreational angling.

Aquaculture

Key Message

Farmed fish and shellfish provide a major contribution to food security and the growing world demand for fish and seafood. Aquaculture offers real opportunities for economic growth and jobs in coastal and rural areas. DARD will support sustainable development of the sector; aim to encourage improved competitiveness and innovation; and will seek a level playing field for operators in terms of access to marine waters and space.

- 3.34 The EU has defined aquaculture as “the rearing or cultivation of aquatic organisms using techniques designed to increase the production of the organism in question beyond the natural capacity of the environment”²⁸.
- 3.35 There are currently 48 marine fish farms in Northern Ireland licensed by DARD for the cultivation of shellfish. There is also one salmon farm with licensed sites in Glenarm

²⁶ <http://www.nasco.int/>

²⁷ <http://www.afbini.gov.uk/>

²⁸ Article 3 paragraph (d) of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R1198:en:NOT>)

Bay and Red Bay. In Northern Ireland in 2010, the production of marine aquaculture species (salmon, blue mussels, native and Pacific oysters and scallops) was 11,543 tonnes with a first-hand sales value of £8.7m. The marine aquaculture sector employs 68 full-time and 45 part-time staff.

3.36 Under the provisions of the Fisheries Act (Northern Ireland) 1966, DARD is responsible for the licensing of fish and shellfish farms in Northern Ireland. Responsibility for the licensing of aquaculture in the Foyle and Carlingford Areas will, on commencement of the necessary provisions of the Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (and parallel legislation in the Republic of Ireland), transfer to the Loughs Agency of the Foyle, Carlingford and Irish Lights Commission.

3.37 In the context of an increased focus on aquaculture development within a reformed CFP, DARD's objective is to promote the development of an efficient, competitive and sustainable aquaculture sector and to this end will:

- license marine aquaculture activity in accordance with the provisions of domestic legislation²⁹ while meeting its obligations under a wide range of related EU regulations and directives and adopting an ecosystems based approach;
- oversee the transfer of aquaculture licensing (and other functions) in the Foyle and Carlingford Areas to the Loughs Agency of the Foyle, Carlingford and Irish Lights Commission;
- continue to develop appropriate policies to effectively manage, regulate and underpin the sustainable development of the sector; working with other

statutory agencies with the aim of streamlining the regulatory process;

- continue to co-manage the bottom-grown mussels sector on an all-island basis through close co-operation with colleagues in the Republic of Ireland;
- help the aquaculture sector prepare for future market opportunities and economic, environmental and social challenges through the provision of aid under the European Fisheries Fund; and
- seek to ensure that existing aquaculture activities, with their social and economic benefits, are acknowledged and provided for in the development of a Marine Plan, and that the potential for further sustainable development of the sector is also recognised.

Tourism and Recreation

Key Message

Tourism is a key driver of the Northern Ireland economy and our coastal waters, inland loughs and scenic shorelines are an important element of the tourism sector.

DETI will maximise Northern Ireland's tourism potential in partnership with key stakeholders; in particular, the enhancement of key visitor attractions and the development of signature destinations, including those associated with the marine environment.

3.38 Tourism is a key driver of the Northern Ireland economy. It supports over 40,000 jobs, brings new facilities to towns and cities and creates opportunities in rural areas. Northern Ireland's coastal waters, inland loughs and scenic shorelines are an important element of the overall tourism sector.

²⁹ The Fisheries Act (NI) 1966

3.39 The importance of tourism is reflected in DETI's Tourism Strategy for Northern Ireland (TSNI) 2020,³⁰ which provides a strategic framework to maximise Northern Ireland's tourism potential. It sets an ambitious target to increase tourism's contribution to the Northern Ireland economy to £1 billion by 2020 – i.e. double the current contribution. The sustainable development of tourism can deliver social, economic and environmental benefits to Northern Ireland through increased revenue from Britain, the Republic of Ireland and overseas visitors.

3.40 Improving the tourism product in Northern Ireland is critical if the sector's potential is to be fully realised. The development of tourism infrastructure is a key component of this. DETI is committed to investment in this area and, in particular, the enhancement of key visitor attractions and the development of signature destinations, including those associated with the marine environment.

3.41 Marine Tourism is the sector of the tourism industry based on tourists and visitors taking part in active and passive leisure and holidays pursuits or journeys on (or in) coastal waters, their shorelines and their immediate hinterlands. Marine Leisure is a collective name for a wide range of activities or pursuits that are undertaken by local people, tourists, and day visitors in these marine related localities.

3.42 The TSNI identifies 9 key tourism areas including marine and coastal locations such as the Mourne, Titanic and the Giant's Causeway and Antrim Causeway Coast Area.

3.43 Two of Northern Ireland's main sea loughs share a border with the Republic of Ireland and consequently marine tourism and other activities in these areas are managed by the Loughs Agency. The Loughs Agency exercises a statutory remit for conservation, protection and development across the Foyle and Carlingford catchments. Its objectives for these river systems and sea areas include

development of fisheries and aquaculture, conservation and protection of inland fisheries and sustainable development of marine tourism. In order to deliver these, the Loughs Agency has developed a marine tourism development strategy and a 5-year plan for angling development which are currently being implemented through INTERREG IVA³¹.

Protection of the Marine Environment

Key Message

DOE is committed to a clean, healthy, safe, productive and biologically diverse marine and coastal environment that meets the long-term needs of people and nature. Marine nature conservation is a key element in our strategy to deliver this objective. DOE manages the marine area sustainably and protects the rich biological diversity to ensure that marine ecosystems continue to provide economic, social and wider benefits for people, industry and society.

3.44 The marine environment of Northern Ireland is important for a number of reasons. Marine life in the seas surrounding Northern Ireland is rich and varied. Coastal waters also include productive and biologically diverse ecosystems; indeed more than half of Northern Ireland's biodiversity is in the sea.

River Basin Management

3.45 Our rivers flow into the sea and therefore protection of our marine waters starts on land. This is mainly through the river basin management plans which have been developed for the Water Framework Directive³² (WFD). WFD provides a comprehensive framework for managing all aspects of the water environment including bathing waters, shellfish waters and conservation areas on a catchment basis. It applies to all waters out

³⁰ Tourism Strategy for Northern Ireland 2020 (www.detini.gov.uk/northern-ireland-tourism-strategy-2)

³¹ <http://www.loughs-agency.org/tourism/content.asp?catid=377>

³² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0060:EN:NOT>

to 1 nautical mile from the baseline³³ and incorporates the waters within our sea loughs. Under WFD, DOE (through NIEA) and the other departments responsible for implementing the Directive (DARD, DCAL and DRD) are required to manage waters with the aim of meeting good status by 2015. In addition, aquatic areas vulnerable to nutrient enrichment from agricultural or urban waste water sources are managed under the Nitrates³⁴ and Urban Waste Water Treatment³⁵ Directives and as protected areas under WFD.

3.46 Discharges to the aquatic environment are managed by DOE, through NIEA, under the Water (Northern Ireland) Order 1999. The requirements of relevant directives and international agreements are also taken into account in setting discharge consent standards, through the river basin management planning process. Morphological changes like dredging or construction are controlled through the marine licensing process.

Marine Nature Conservation



3.47 DOE, through NIEA, has established or designated a number of areas under international, European and national

legislation with a marine component. These will contribute to the development of an ecologically coherent network of Marine Protected Areas (MPAs) which will provide added protection to areas of high diversity as required under the OSPAR convention³⁶. Protected areas include:

- Special Areas of Conservation designated under the Habitats Directive³⁷;
- Special Protection Areas (SPAs) classified under the Birds Directive³⁸;
- Ramsar sites (wetlands of international importance) designated under the Ramsar Convention on Wetlands 1971,³⁹ and
- Areas of Special Scientific Interest (ASSIs) designated under the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985.⁴⁰

3.48 The network of MPAs will be a key tool in contributing to achieving Good Environmental Status as required by the Marine Strategy Framework Directive. The network will also help ensure that biodiversity is protected, conserved and where appropriate recovered, and the loss of biodiversity halted as called for at the Conference of the Parties to the Convention on Biological Diversity (COP 10 CBD), which took place in Nagoya, Japan in October 2010. Further information on marine nature conservation can be found at Annex 2, which also contains details of the sites designated under the above commitments.

³³ The UK baseline is delineated in the Territorial Waters Order in Council 1964 (as amended by the Territorial Sea (Amendment) Order 1998).

³⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31991L0676:EN:NOT>

³⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31991L0271:EN:NOT>

³⁶ The Convention contains a number of annexes which deal with specific areas including the protection and conservation of marine ecosystems and biological diversity (Annex V). A list was prepared of threatened and declining species and a network of MPAs which are both ecologically coherent and well-managed was proposed to contribute to the protection of threatened species and habitats.

³⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0043:EN:NOT>

³⁸ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:020:0007:0025:EN:PDF>

³⁹ http://www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0__

⁴⁰ <http://www.legislation.gov.uk/nisi/1985/170/contents>

Port Development

Key message

Modern commerce and industry increasingly depend on logistical chains which deliver goods and services just at the moment they are needed. The quick, economic and reliable movement of goods to the marketplace is therefore vital for our economic development, as is the safe and efficient navigation of vessels into our ports. DRD is committed to the development of an efficient, competitive ports sector that serves the economy, community and safeguards the environment.



3.49 As an island, and an open, trading economy, Northern Ireland has always been dependent on the sea for trade and the seaports as gateways to that trade, handling some 95% of external trade for Northern Ireland. There are four main commercial ports in Northern Ireland – the three trust ports of Belfast, Londonderry and Warrenpoint, and one in private ownership at Larne.

3.50 Northern Ireland ports are key elements of the trans-European transport network. They act as key nodes on the roads infrastructure on the island of Ireland and as links provided to the transport corridor through Britain to mainland Europe. Ports are vital gateways for cargo, fuel and tourism, and are essential to our economic development.

3.51 Ports have been capitalising on their potential to act as key economic drivers through the development of logistics/distribution facilities, and diversification into other value-added activities including the offshore renewables market. The development of a 50 acre Marine Energy Park and Logistics Terminal at the Port of Belfast for Dong Energy's operational base will create up to 300 full-time jobs and 150 construction posts and will place Northern Ireland in a strong position to benefit from this growing national

and international market. In addition, both Londonderry Port and Warrenpoint Harbour could see opportunities to develop similar marine services to provide maintenance support for the offshore renewable industry.

3.52 Ports will play a key role in delivering on the Executive's strategy to grow the economy through re-balancing into export-led activities. DRD's policy is to foster competition between the ports, in particular to enhance the commercial potential of the trust port sector through the development of a revised legislative and governance framework.

3.53 Capacity needs will create opportunities for developments of various kinds across a range of ports. In almost all cases, port developments that affect the marine environment will need to obtain a marine licence. Port developments will need to be considered in developing a Marine Plan. Where a port has worked with stakeholders to produce a Master Plan, (setting out aspirations for port development over a 25-year horizon) this could provide a strategic view of the potential direction of future port development.

Marine Dredging and Disposal

3.54 Marine dredging and disposal is necessary for the purposes of navigation and existing and future port development and also to facilitate certain construction works. Under the provisions of the MCA Act 2009 both maintenance and capital dredging will be a licensable activity, in certain circumstances⁴¹ from April 2012.

⁴¹ Section 75 of the MCA Act exempts dredging undertaken on behalf of a harbour authority which is carried out in accordance with an order under either section 1 or section 10(3) of the Harbours Act (Northern Ireland) 1970 (c.1(N.I.)).

- 3.55 DOE, through NIEA, is responsible for licensing dredging activities in the Northern Ireland inshore region. All dredging applications having a significant effect on the environment must be accompanied by an Environmental Statement and dredging applications having a significant effect on a European site of nature conservation importance must provide sufficient environmental information to enable NIEA to carry out an Appropriate Assessment, under the Habitats Regulations, of the implications for that site.
- 3.56 DRD through the Harbour Works (Environmental Impact Assessment) Regulations (Northern Ireland) 2003 as amended by The Harbour Works (Environmental Impact Assessment) (Amendment) Regulations 2007 can require Harbour Authorities to conduct an environmental impact assessment for certain types of harbour works. These include harbour works undertaken below the low water mark of medium tides which are not otherwise covered by either planning control or the requirement for a fish culture licence. If harbour works are carried out without consent, or in contravention of conditions in a consent, DRD or, for Fishery Harbours, DARD can issue a notice for the works to be removed.
- 3.57 During 2010 77,548 metric tonnes of maintenance dredging material was disposed of at licensed sea disposal sites around the coast of Northern Ireland. This material came from Kilkeel Harbour, Port of Londonderry, Donaghadee Harbour, Warrenpoint Harbour and River Lagan. There was no capital dredging material disposed of in 2010.
- 3.58 DRD, in close co-operation with DOE and NIEA, is developing a protocol for harbour authorities setting best practice in maintenance dredging activities to comply with the highest environmental standards.

Marine Aggregates Extraction

- 3.59 There is currently no marine aggregates extraction for construction in Northern Ireland although a regulatory framework has been established through the Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011.

Sewerage Services

Key Message

Planning for the provision of affordable, sustainable, high-quality, waste water services is essential for economic development and protection of the marine environment.

- 3.60 Northern Ireland Water (NI Water) is responsible for the delivery of water and sewerage services in Northern Ireland. This involves the collection, treatment and disposal of waste water from homes, industry and agriculture. Each year NI Water collects, treats and safely disposes of around 134 million cubic metres of waste water. It maintains approximately 14,465km of sewers and 1100 waste water treatment works (WWTW).
- 3.61 Treated waste water and storm water are disposed of safely through consented discharges from waste water treatment works and the sewer network. NI Water manages more than 250 outfalls which discharge into the marine environment. These consist of continuous effluent discharges from coastal WWTW, Emergency Overflows (EO) from WWTW and pumping stations, and intermittent discharges from Combined Sewer Overflows (CSO). This coastal infrastructure is essential to the safe disposal of waste water, the prevention of sewer flooding to properties and the protection of the marine environment from terrestrial pollution.

Legislation

3.62 Waste water collection, treatment and discharge are governed by requirements in European legislation⁴². These requirements aim to protect and where necessary improve the quality of water in the aquatic environment. Proposals for new or extended waste water facilities are bound by these requirements ensuring minimal impact and a sustainable co-existence with other existing marine activities such as aquaculture, fishing and bathing.

Planning of Sewerage Services

3.63 Sewerage services represent a key link between terrestrial and marine planning. Activities such as bathing and aquaculture can impact upon the affordability and sustainability of waste water treatment solutions which discharge to the marine environment. Marine activities and the development of a Northern Ireland Marine Plan should take account of the need to provide waste water treatment to terrestrial development and to facilitate new social and economic development. Planning for the provision of sewerage infrastructure and waste water treatment facilities is both a practical and environmental necessity for future development.

Investment

3.64 Positive results from NI Water's investment can be seen through improvements to coastal WWTW, the removal of unsatisfactory intermittent discharges and improved compliance with environmental standards.

3.65 Future investment in sewerage infrastructure and WWTW will be determined in conjunction with key stakeholders through the water and sewerage price control process.

Surface Water Management

Key Message

Surface water management is recognised as a contributor to reducing the risk of flooding and protecting the marine environment from terrestrial sources of pollution. Marine planning should contribute to the development of a coordinated strategic approach to managing surface water.

3.66 Surface water is precipitation that does not infiltrate into the ground or return to the atmosphere. In Northern Ireland responsibility for surface water management is shared among a number of Departments. DARD through its Rivers Agency, DOE (Planning Policy Division and NIEA), DSD through the Northern Ireland Housing Executive, DRD through both Roads Service and NI Water all discharge functions in relation to the management of surface water.

3.67 Sustainable Drainage Systems (SuDS) is a generic name for a range of techniques which can help facilitate the sustainable management of surface water. These techniques address surface water close to its source, reduce the velocity of run-off, cleanse it naturally; and release good quality water into water courses or ground water and finally to the sea.

3.68 Work on making SuDS the system of choice for storm water management is being progressed by a cross-departmental group, chaired by NIEA, known as the Storm Water Management Group (SWMG).

3.69 The progression of this strategy will see a general move away from traditional underground pipe drainage systems to solutions which replicate the natural drainage process where it is possible and feasible to do so.

⁴² These include the Urban Waste Water Treatment Directive, Shellfish Waters Directive (to be subsumed within the Water Framework Directive from 2012), Bathing Water Directive, Water Framework Directive and Marine Strategy Framework Directive

3.70 Surface water flooding occurs as a result of high intensity rainfall which overwhelms natural or engineered drainage systems resulting in water flowing overland and ponding in depressions in the ground. Rivers Agency will take account of the Storm Water Management Group's requirements in the development of Flood Risk Management Plans under the Floods Directive. The Flood Risk Management Plans will set objectives and measures for dealing with flooding from significant sources in the River Basin Districts of Northern Ireland.

Flood Risk Management and Drainage

Key message

Some of Northern Ireland's inhabited coastal areas are at risk of flooding directly from the sea or from tidal waters. DARD through Rivers Agency, is committed to managing this risk by maintaining designated sea and tidal river defences in these areas. The management of coastal flood risk will be further developed through flood risk management plans in accordance with the EU Floods Directive.

3.71 Rivers Agency is responsible for the delivery of drainage functions and the EU Floods Directive in Northern Ireland on behalf of DARD. The Agency monitors and maintains 6800km of watercourses, 385km of culvert, 26km of coastal flood defence and 300 km of river flood defence; all of which have been 'designated' by the Drainage Council.

3.72 The work of the Agency is governed by the Drainage (NI) Order 1973 as amended, the Drainage (Environmental Impact Assessment) Regulations (NI) 2001 and the Water Environment (Floods Directive) Regulations (NI) 2009. The Agency's strategic policy objectives are set out in the document "Living with Rivers and the Sea".



3.73 Maintenance of the designated drainage network across Northern Ireland is an integral part of the delivery of flood risk management. Rivers Agency monitors and maintains the free flow of water in designated watercourses through a cyclical maintenance regime. The Agency may where necessary, take enforcement action under the Drainage (NI) Order 1973 to protect the drainage function of all watercourses across Northern Ireland.

3.74 The Agency has developed a Strategic Flood Map which provides a general indication of the areas throughout Northern Ireland that are considered to be at risk of flooding from rivers and the sea both now and in the future. It also provides additional information on the location of existing flood defences and highlights the areas that benefit from these defences. Rivers Agency launched a surface water map on 13 December 2011 which indicates areas that may be at risk of flooding from surface water run-off.

3.75 Rivers Agency has completed the Preliminary Flood Risk Assessment (PFRA), which is required by the Floods Directive⁴³. The PFRA

⁴³ <http://floods.jrc.ec.europa.eu/eu-floods-directive>

takes into account flooding from all major sources e.g. rivers, the sea and surface water run-off. It considers the adverse consequences of future floods on human health, economic activity, cultural heritage and the environment. The development of PFRA enabled significant flood risk areas to be identified by Rivers Agency using methodology which received cross-departmental agreement through the Floods Directive Steering Group. The Agency has commenced the development of detailed flood risk and flood hazard maps and flood risk management plans for these areas. It is anticipated that these will be published, in accordance with the Directive by December 2013 and December 2015 respectively. Marine planning will have to take account of flood risk management plans and the implementation of any flood risk mitigation measures identified within them.

- 3.76 Rivers Agency works with other departments, agencies and stakeholders (with DOE in the lead), in the delivery of the Water Framework Directive. Rivers Agency, in conjunction with other stakeholders, may where it is economically feasible to do so, restore water courses that have been altered in the past.

Management of the River Lagan Impoundment

- 3.77 DSD has responsibility for the impounded stretch of the River Lagan between Stranmillis Weir and the Harbour Commissioner's Limit downstream of the M3 road-bridge. DSD owns the bed and soil of the River Lagan Impoundment and has operational and navigational responsibilities within this area.
- 3.78 DSD is responsible for the safe operation of the Lagan Weir which impounds the river upstream of Donegal Quay to Stranmillis Weir, a distance of 4.8km. The weir is a dynamic five-gated structure which is used to control water levels in order to manage flows within the Lagan and to cover mud flats at all states

of the tide thereby making the river frontage aesthetically pleasing and fulfilling DSD's objectives of regenerating the riverside and encouraging water-based recreation in this important area of Belfast.

- 3.79 In order to enhance water quality, DSD operates and maintains a unique and large-scale riverbed aeration system within the impoundment which is used to mix and oxygenate the saline and freshwater within the impoundment.
- 3.80 In the event of dangerously high tides threatening to flood the city under very particular circumstances, and through close co-operation with other departments the Lagan Weir can, and has been successfully used as a barrage to protect Belfast from flooding

Integrated Coastal Zone Management (ICZM)

Key message

To develop and promote sustainable levels of economic and social activity while protecting the coastal environment.

- 3.81 ICZM is a mechanism which requires a joined-up approach to the management of different interests in coastal areas – both on land and at sea. It seeks to reconcile the different policies that have an effect on the coast and to establish a framework that facilitates the integration of the interests and responsibilities of those involved in the development, management and use of the coast.
- 3.82 DOE leads on ICZM in Northern Ireland and in conjunction with the other departments with responsibilities in the coastal area launched the ICZM strategy for Northern Ireland in 2006. The strategy reflects a commitment to ensuring that coastal areas and the activities taking place within them are managed in an

integrated and holistic way; integration is the key aim of the strategy.

- 3.83 An independent non-statutory body representing a cross-section of interests was established to advance and promote the management and awareness of the coastal area. This Northern Ireland Coastal and Marine Forum (NICMF), facilitated by DOE, provides a mechanism for integration of management activities relevant to the coast and acts as an aid to the implementation of ICZM. A progress report on implementing the ICZM strategy in Northern Ireland during the first three years has been carried out by the NICMF and will be available soon.
- 3.84 The development of the Northern Ireland Marine Plan will aim to incorporate effectively the principles of ICZM, thereby contributing to the achievement of the strategy.

Climate change

Key message

Climate change is one of Northern Ireland's foremost environmental, social and economic challenges and is potentially a major threat to the coastal and marine environments. DOE will work with relevant Northern Ireland departments to take forward cross-cutting climate change issues and to develop a Northern Ireland adaptation programme

- 3.85 There is now a compelling and growing body of scientific evidence that climate change is happening and will continue to have far-reaching consequences for human and natural systems. Climate change is generally regarded as being one of the greatest challenges facing the world today - and one that has important consequences for the marine environment.
- 3.86 The Climate Change Act 2008 sets out UK Government commitments to addressing both the causes and consequences of

climate change. Part 4 of the Act sets out the responsibilities in relation to the impact of and adaptation to, climate change. This includes 'the duty of the Secretary of State to lay reports before Parliament containing an assessment of the risks for the United Kingdom of the current and predicted impact of climate change'; this is referred to as the UK Climate Change Risk Assessment (CCRA). It is expected that the first CCRA will be laid before Parliament in January 2012. As part of the CCRA, a separate Climate Change Risk Assessment is being produced for Northern Ireland.

- 3.87 Climate change is a cross cutting issue which all government departments need to consider in regards to their specific functions and responsibilities. The Environmental Policy Division of DOE is responsible for leading on climate change in Northern Ireland. Following the publication of the CCRA there is a requirement under the Act for relevant Northern Ireland departments to lay programmes before the Northern Ireland Assembly setting out:

- the objectives of the department in relation to adaptation to climate change;
- the department's proposals and policies for meeting those objectives; and
- the timescales for introducing those proposals and policies.



3.88 This work is being taken forward by the Cross-Departmental Working Group on Climate Change, which was established by the Executive in February 2011, under the chairmanship of the Environment Minister. The main aims of the group are to review cross-departmental action on climate change on an annual basis, ensure delivery of the greenhouse gas (GHG) emissions reduction target set out in the Programme for Government and prepare and deliver a cross-departmental adaptation programme on climate change.

3.89 In 2009 Defra launched the UK Climate Projections (UKCP09). These are based on anticipated changes to climate variables such as precipitation, temperature, wind speed and sea-level rise. These projections will need to be given consideration when planning for the marine area.

(MCCIP Annual Report Card 2010-2011)⁴⁴ suggests that 20%⁴⁵ of Northern Ireland's coastline experiences erosion. Climate change, and in particular a sea-level rise and increased storminess, could make this a more significant issue in the future.

3.91 There is evidence that climate change is already affecting the marine area. The MCCIP Annual Report Card 2010-2011 projects a 7-55cm sea-level rise in Belfast between 1990 and 2095 under a medium greenhouse gas emission scenario.⁴⁶

3.92 Organisations with assets that are susceptible to damage from coastal processes including DARD Rivers Agency and DRD Road Service are responsible for monitoring and maintaining their own sea defences under the 'Bateman Formula'.⁴⁷

Coastal Change

Key message

While coastal change is perceived to be a minor issue in Northern Ireland, climate change, and in particular sea-level rise and increased storminess, is likely to make this more significant. As such, this will require a more strategic approach to the management of this issue going forward.

Key message

Over 9,000 years of human activity in Northern Ireland has inevitably left archaeological remains along the coastline and on the seabed. The study of these remains through maritime archaeology offers great potential to increase our understanding of the past. DOE is responsible for protecting and promoting Northern Ireland's maritime archaeological sites and monuments.

3.90 Coastal change in this context means physical changes to the shoreline, for example - erosion, coastal landslip, permanent inundation and shoreline accretion. Coastal erosion is perceived to be a minor issue in Northern Ireland although data included in the Marine Climate Change Impacts Partnership

3.93 Hard, rocky shores, sandy beaches and intertidal mudflats have all been used by humans over generations. Fluctuating sea levels over millennia have also resulted in previously exposed and occupied land surfaces now being submerged. There are also many shipwrecks lying off the coast of

⁴⁴ The MCCIP Annual Report Card is a partnership between marine scientists and sponsors from the UK government and Devolved Administrations. It provides advice and updates on how climate change is affecting the UK's seas.

⁴⁵ Only a small amount of the 20% affects the population in any material way.

⁴⁶ <http://www.mccip.org.uk/annual-report-card/2010-2011.aspx>

⁴⁷ The Bateman formula is an historic interdepartmental agreement detailing the procedure for executing essential coastal protection works. Within this formula the cost of beneficial works to protect essential infrastructure may be undertaken by the Department or authority responsible for the asset at risk. For example, Roads Service is responsible for the structural integrity of adopted coastal roads, footways and promenades.

Northern Ireland, and the study of all these remains offers great potential to increase our understanding of the past.

3.94 DOE, through NIEA, is responsible for protecting Northern Ireland's maritime heritage in the inshore region by:

- conducting major coastal and seabed surveys aimed at the identification and recording of hitherto unknown archaeological sites;
- protecting sites through responding to consultation exercises, such as advising on marine licence applications and on planning applications and offering advice on appropriate development in relation to Northern Ireland's maritime heritage;
- protecting sites by implementing statutory protection. This includes scheduling sites and monuments for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995 and listing structures and buildings under the Planning (NI) Order 1991;
- protecting wrecks by administering the Protection of Wrecks Act 1973;
- policy development by contributing to policy formulation affecting maritime archaeology in Northern Ireland and the UK;
- protection through collaboration with relevant bodies - for example cross-border and UK government agencies, museums, the National Trust and university departments; and
- supporting and sponsoring innovative research and the dissemination of results.



CHAPTER 4 — Linkages

This chapter examines how the development of Marine Plans in Northern Ireland will be co-ordinated with other UK Administrations (Northern Ireland waters about those of Scotland, Wales and the Isle of Man). Co-ordination with the Republic of Ireland and the relationship between terrestrial and marine planning is also explored.

Co-operation with other UK Administrations

- 4.1 Collaborative relationships are already well established between Northern Ireland and the Department for the Environment, Food and Rural Affairs (Defra), which leads on marine policy at a UK level and the Scottish and Welsh Administrations, with staff collaborating successfully on projects like the development of the MPS and the Marine Strategy Regulations. Northern Ireland also contributes to the UK Marine Monitoring and Assessment Strategy and publications like Charting Progress 2, published in 2010, which is a comprehensive report into the state of the UK's seas.⁴⁸ These Administrations will be developing Marine Plans over similar timescales to Northern Ireland.
- 4.2 The relationships will be formalised and arrangements set out in cross-Administration concordats. The concordats will be publicly available, and will set out principles such as joint consultation arrangements (so that plan preparation is co-ordinated across administrative borders), and the use of cross-border bodies where appropriate. A concordat setting out practical working arrangements between the UK Government and the Executive has been agreed.
- 4.3 The Isle of Man legislates for its territorial waters and as the Marine Plan is being developed, DOE will keep the Isle of Man advised of any matters which may either impact on or be of interest to it. Collaboration with the Isle of Man has been ongoing through the British Irish Council (BIC).
- 4.4 BIC was established under the terms of the British-Irish Agreement 1998. The Council's objectives are to:
- further promote positive, practical relationships among the people of the islands ; and
 - provide a forum for consultation and co-operation.
- 4.5 The Council is made up of representatives of the British and Irish Governments and of the devolved Administrations in Northern Ireland, Scotland and Wales, together with representatives of the Isle of Man, Guernsey and Jersey.

Co-operation with the Republic of Ireland

- 4.6 Northern Ireland's waters border those of the Republic of Ireland. The 'Road Map for Marine Spatial Planning: Achieving common principles in the EU'⁴⁹, recommends that where Plans in a marine area adjoin the geographic area of one or more sovereign states or affect in any way the functions for which another state is

⁴⁸ <http://chartingprogress.defra.gov.uk/>

⁴⁹ Available at http://ec.europa.eu/maritimeaffairs/spatial_planning_en.html and based on the Marine Strategy Framework Directive (2008).

responsible. Governments either side of the border should seek to co-operate and consult with each other.

- 4.7 Co-operation at official level between Northern Ireland and the Republic of Ireland is well established through BIC. Working groups have also been established to develop a shared approach to implementation of the Water Framework Directive and include the North South Water Framework Co-ordination Group. This delivered the publication of River Basin Management Plans in both jurisdictions in respect of shared river basins.
- 4.8 Co-operation at an operational level between Northern Ireland and the Republic of Ireland in the marine area is further supported by the work of the Loughs Agency of the North South implementation body, the Foyle, Carlingford and Irish Lights Commission.

Overlap between marine and terrestrial planning areas

- 4.9 The scope of marine and terrestrial plans will physically overlap in the zone between high and low water marks. This overlap will ensure that the two separate but interrelated systems will provide for the marine and terrestrial environments. In order to ensure that Marine Plans can be fully integrated with terrestrial planning, the Marine Plan Authority will take all reasonable steps to secure compatibility with any related plan including terrestrial development plans. All terrestrial planning decisions which affect the marine

area will be made in accordance with the Marine Policy Statement, and the Marine Plan when adopted, unless relevant considerations indicate otherwise.

Terrestrial Planning

- 4.10 The Regional Development Strategy (RDS) sets out a strategy for the development of Northern Ireland up to 2025 based on sustainable economic, social and environmental principles. It provides the strategic framework for the terrestrial planning system operated by DOE and all planning policy and development plans are required to be in general conformity with its provisions. Individual planning decisions are made by DOE having regard to the provisions of local development plans and Planning Policy Statements (PPSs) which contain regional policies on planning matters such as telecommunications or the built heritage.

- 4.11 A similar approach is envisaged for the marine environment, which will rely on the MPS and Marine Plans as the key documents to guide marine development and direct decisions on marine licensing and enforcement. Both systems are, therefore, complementary and consistency of approach will help ensure that marine resources are developed sustainably, with development taking account of environmental effects, the capacity of marine and coastal areas, and minimising (or mitigating for) adverse effects.



CHAPTER 5 — Conclusion

This chapter concludes the paper by providing a short summary of the benefits of marine planning and DOE's approach.

- 5.1 Northern Ireland's Marine Plan Area will cover approximately 12,350 km², and include 650km of coastline. This area is becoming increasingly crowded with demands on space for marine activities, designations and waste water infrastructure. Space is particularly in demand near the coast, in sea loughs, in shallow waters and in estuaries.
- 5.2 A key objective of the Northern Ireland Marine Plan will be to allow for, and facilitate the sustainable development of both existing and emerging marine activities within a more coherent and integrated planning framework.

Benefits of a Northern Ireland Marine Plan

- 5.3 The Marine Plan will support economic development by reducing uncertainty and enabling users of the sea to make better informed management and investment decisions. The Marine Plan will deliver a framework within which the likely outcomes of investment decisions and licence applications can be better predicted and this should lead to efficiency gains in terms of money, time and resources for all users of the sea.
- 5.4 The Marine Plan process will take account of the views of all those with an interest in the sustainable development of Northern Ireland's waters and give those who will

be affected by the plan an opportunity to influence its development.

- 5.5 The development of a Marine Plan will provide a more holistic and forward-looking approach to managing marine ecosystems which will help Northern Ireland meet the requirements of international conventions such as Nagoya and EU Directives, like the Marine Strategy Framework Directive and the Water Framework Directive.
- 5.6 A strategic and integrated spatial approach to marine planning will produce a system that allows for the co-existence of social, economic and environmental activities within the Northern Ireland marine area.

Next Steps in Marine Planning

- 5.7 DOE will engage with Defra and the other devolved Administrations to ensure that a consistent approach is achieved across the UK. It will also work with the Republic of Ireland and the Isle of Man so that any possible implications of the marine plan process can be considered at an early stage including any transboundary issues arising.
- 5.8 In advance of the introduction of the Marine (Northern Ireland) Bill, DOE has undertaken some initial information gathering and has held a series of informal meetings with other Government departments that share a common interest in the marine environment.

DoE shortly intends to extend its preparatory work on the marine plan by progressing its evidence gathering through a further series of informal meetings and discussions with key external stakeholders. This approach will help to build knowledge and understanding of the uses of the sea and further strengthen existing good working relationships.

- 5.9 The Marine (NI) Bill, as drafted, provides for the publication of a Statement of Public Participation and a Sustainability Appraisal (incorporating Strategic Environmental Assessment) of the marine plan. These steps mark the formal commencement of the marine plan preparation process and DOE anticipates that these first formal steps will commence by June 2012.

Draft

ANNEX 1 — Responsibility for the Northern Ireland Marine Area

Six Northern Ireland departments exercise responsibilities in the marine area (DOE, DARD, DETI, DRD, DCAL and DSD). The Northern Ireland marine area comprises the inshore and off shore regions, please see paragraph 1.9 for a fuller definition. Both DOE and DARD have responsibilities in the offshore region, DOE is responsible for developing a marine plan and DARD exercises fisheries functions; the functions of the remaining 4 Departments (DETI, DRD, DCAL and DSD) apply only to the inshore region.

The **Department of the Environment (DOE)** is responsible for exercising the majority of functions in the marine area, primarily through the activities of the Northern Ireland Environment Agency (NIEA). NIEA is responsible for licensing a range of activities which take place in the Northern Ireland inshore region including dredging, construction and any deposits in the sea⁵⁰.

The Department is responsible for helping the UK meet its obligations under a number of international agreements including the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic (historically the Oslo and Paris Conventions)⁵¹. Details of a number of relevant agreements are contained at Annex 3, although this list is not exhaustive.

The Department is also responsible for meeting its statutory obligations under EU Directives which have set targets for the quality of the marine, aquatic and natural environments. These include the Water Framework Directive, the Marine Strategy Framework Directive and the Habitats and Birds Directives. The Bathing Waters, Shellfish Waters, Urban Waste Water Treatment and Nitrates Directives also involve objective setting for the aquatic environment. In addition, DOE, through NIEA, is responsible for protecting the historic marine environment and has specific nature

conservation responsibilities in the marine area. These responsibilities are described in more detail in chapter 3. DOE meets many of its water quality objectives by regulating discharges to the aquatic environment under the Water (NI) Order, 1999.

DOE is leading a programme of marine legislation to facilitate sustainable development which is described in more detail in chapter 2. This programme includes bringing forward the Marine (Northern Ireland) Bill, which will make provision for the preparation of a marine plan for the inshore region and for marine nature conservation measures. These will make a key contribution to helping Northern Ireland meet the UK's obligations under EU Directives and wider international commitments. The Department's marine programme will be discussed in greater detail later in this chapter.

Five other departments exercise functions within the Northern Ireland marine area and a short summary of their strategic priorities is provided here by way of background information. Their strategic priorities are explored in more depth in chapter 3.

The **Department of Agriculture and Rural Development (DARD)** has responsibility for the sustainable development of sea fisheries and aquaculture in both the inshore and offshore regions and, in particular the implementation and enforcement of the European Common Fisheries Policy (CFP). DARD Rivers Agency is responsible for the implementation of the Floods Directive and the construction and maintenance of designated sea defences. DARD also sponsors the Northern Ireland Fishery Harbour Authority (NIFHA),⁵² co-sponsors the Loughs Agency⁵³ and is an important contributor to marine research through the Agri-Food and Biosciences Institute (AFBI).⁵⁴

⁵⁰ A marine licence is required for all activities which are undertaken in the marine area with the exception of those detailed at chapter 2 of part 4 of the Marine and Coastal Access Act 2009 and those exempted by the provisions of the Marine Licensing (Exemptions) Order 2011.

⁵¹ http://www.ospar.org/content/content.asp?menu=00010100000000_000000_000000

⁵² The NIFHA is an executive Non Departmental Public Body (NDPB) that is responsible for the development, maintenance and management of the three County Down fishing harbours of Ardglass, Kilkeel and Portavogie.

⁵³ DARD co-sponsors with the Department of Communications, Energy and Natural Resources (DCENR) in the Republic of Ireland, the North South implementation body, the Foyle, Carlingford and Irish Lights Commission, whose functions are exercised by the Loughs Agency. These functions include promoting the development of Lough Foyle and Carlingford Lough for commercial and recreational purposes, the development and licensing of aquaculture in the Foyle and Carlingford Areas and the development of marine tourism in Lough Foyle and Carlingford Lough.

⁵⁴ The Agri-Food and Biosciences Institute (AFBI) is a DARD sponsored NDPB.

The **Department of Enterprise, Trade and Investment (DETI)** is responsible for energy policy including marine developments such as offshore renewable energy, offshore gas storage and mineral developments. It is also responsible for ensuring the development of modern telecommunications infrastructure with associated underground and also undersea cables. In addition, DETI has policy responsibility for the development of tourism.

The **Department for Regional Development (DRD)** is responsible for the legislative framework of the commercial ports and of harbours generally. The commercial trust ports at Belfast, Londonderry and Warrenpoint handle 83% of Northern Ireland's trade; with the remaining 17% through the privately-owned Port of Larne. All ports act as harbour authorities with statutory responsibility for navigation within their harbour limits. Likewise district councils also act as harbour authorities for the local harbours, mainly focusing on leisure and recreation activities that are vested in them. DRD also develops and maintains a policy and regulatory environment which supports the provision of sustainable, modern, high-quality water and sewerage services. DRD is the owner and regulator of Northern Ireland Water. Northern Ireland Water's infrastructure interfaces with the marine area via the discharge of effluents.

The **Department of Culture, Arts and Leisure (DCAL)** has responsibility for salmon (including sea trout) and eel conservation and includes both recreational and commercial fisheries of these species. Since sea fishing for salmon, sea trout or eels is no longer widely practiced on a commercial or recreational basis and eel fisheries in marine waters are illegal, DCAL's functions in relation to the marine environment are not substantial. DCAL through Sport NI⁵⁵ is also responsible for developing sport and physical recreation. A number of recreational activities such as boating and canoeing take place in the marine area.

The **Department for Social Development (DSD)** has responsibility for the impounded stretch of the River Lagan between Stranmillis Weir and the Harbour Commissioner's Limit downstream of the M3 road bridge. DSD owns the bed and soil of the River Lagan Impoundment and has operational and navigational responsibilities within this area.

⁵⁵ Sport NI is a DCAL sponsored Non Departmental Public Body (NDPB)

ANNEX 2 — Marine Protected Areas in Northern Ireland

The UK is a signatory to a number of international agreements including the Convention on Biological Diversity⁵⁶ and the OSPAR convention⁵⁷ which aim to establish an “ecologically coherent network of Marine Protected Areas (MPAs)” by 2012. Existing protected areas will form the basis of the future network of MPAs. The sites in the network will work together to provide more benefits than an individual conservation area could on its own.

The Northern Ireland Environment Agency is responsible for marine nature conservation. All areas established or designated under international, European and national legislation with a marine component will contribute to the MPA network. These are:

- Special Areas of Conservation designated under the Habitats Directive⁵⁸;
- Special Protection Areas (SPAs) classified under the Birds Directive⁵⁹;
- Ramsar sites (wetlands of international importance) designated under the Ramsar Convention on Wetlands 1971;⁶⁰ and
- Areas of Special Scientific Interest (ASSIs) designated under the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985.⁶¹

Special Areas of Conservation (SACs) with a marine component

Northern Ireland has 54 SACs designated under the Habitats Directive, six of which have been designated for marine components and two more are proposed. These are:

NAME	INTEREST FEATURES
Bann Estuary	Atlantic salt meadows.
Murlough	Common seal, Atlantic salt meadows, Mudflats and sandflats, Sandbanks.
North Antrim Coast	Annual vegetation of drift lines, Atlantic salt meadows.
Rathlin Island	Sea caves, Annual vegetation of drift lines, Reef, Sandbanks
Strangford Lough	Common seal, Salicornia and other annuals colonising mud and sand, Annual vegetation of drift lines, Atlantic salt meadows, Coastal lagoons, Large shallow inlets and bays, Mudflats and sandflats.
Red Bay	Sandbanks
Skerries and Causeway Coast (proposed)	Sea caves, Sandbanks, Reefs, Harbour porpoise.
Maidens (proposed)	Sandbanks, Reef, Grey seal

The sites have been designated/proposed because of a possible threat to the special habitats or species which they contain and to provide increased protection to a variety of animal, plants and habitats of importance to biodiversity both on a national and international scale. A number of them have been damaged and require restoration to favourable conservation status as required under the Habitats Directive.

⁵⁶ <http://www.cbd.int/>

⁵⁷ http://www.ospar.org/html_documents/ospar/html/OSPAR_Convention_e_updated_text_2007.pdf

⁵⁸ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0043:EN:NOT>

⁵⁹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:020:0007:0025:EN:PDF>

⁶⁰ http://www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0__

⁶¹ <http://www.legislation.gov.uk/nisi/1985/170/contents>

Special Protection Areas (SPAs)

There are 15 SPA sites designated in Northern Ireland, nine of which have a marine component. The sites are designated to protect seabirds and waterbirds and cover areas of their migration routes, breeding and aggregation. These are:

NAME	INTEREST FEATURES
Belfast Lough	Redshank (winter)
Belfast Lough Open Water	Great Crested Grebe (winter)
Carlingford Lough	Arctic Tern (breeding) Common Tern (breeding) Sandwich Tern (breeding) Light-bellied Brent Goose (winter)
Killough Bay	Light-bellied Brent Goose (winter)
Larne Lough	Common Tern (breeding) Roseate Tern (breeding) Sandwich Tern (breeding) Light-bellied Brent Goose (winter)
Lough Foyle	Whooper Swan (winter) Bewick's Swan (winter) Golden Plover (winter) Light-bellied Brent Goose (winter) Bar-tailed Godwit (winter) Waterbird assemblage (winter)
Outer Ards	Arctic Tern (breeding) Golden Plover (winter) Light-bellied Brent Goose (winter) Ringed Plover (winter) Turnstone (winter)
Rathlin Island	Kittiwake (breeding) Guillemot (breeding) Razorbill (breeding) Seabird assemblage (breeding),Peregrine Falcon (breeding)
Strangford Lough	Arctic Tern (breeding) Common Tern (breeding) Sandwich Tern (breeding) Light-bellied Brent Goose (winter) Bar-tailed Godwit (winter) Golden Plover (winter) Knot (winter),Redshank (winter) Shelduck (winter) Waterbird assemblage (winter)

Although the legislation does not provide statutory protection for potential Special Protection Areas (pSPAs) before they have been classified it has been established by case law that protective measures can be taken into consideration as regards development, plans and projects before statutory designation takes place.

Ramsar Sites

There are 21 Ramsar sites⁶² designated in Northern Ireland, of these five have a marine component. These are:

Marine RAMSAR Sites
Lough Foyle
Larne Lough
Belfast Lough
Strangford Lough
Carlingford Lough

These sites are areas of wetland recognised as ecosystems that are extremely important for biodiversity conservation in general and for the well-being of human communities.

National Sites

NI has one Marine Nature Reserve, Strangford Lough. The purpose of a Marine Nature Reserve is to conserve marine flora and fauna and geological features of special interest, while providing opportunities for the study of marine systems. The current designation of Marine Nature Reserve will be replaced by Marine Conservation Zone (MCZ) which will be introduced in the NI Marine Bill.

OSPAR Convention

The Convention for the Protection of the Marine Environment of the North East Atlantic (the OSPAR Convention) to which the UK is a signatory acts as an intergovernmental platform for co-operation to protect the marine environment of the North East Atlantic. There are currently three OSPAR sites. In Northern Ireland. These are:

OSPAR Sites
Murlough
Rathlin Island
Strangford Lough

⁶² The Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention or Wetlands Convention) was adopted in Ramsar, Iran in February 1971 and came into force in December 1975.

Nagoya

The Tenth Conference of the Parties to the Convention on Biological Diversity (COP 10 CBD) took place in Nagoya, Japan in October 2010.

To provide more common purpose across Member States, the strategic framework of 2020 biodiversity targets (Aichi Targets) was agreed at Nagoya. These targets are designed to provide a focus for the next decade and a step towards the CBD's 2050 vision for "living in harmony with nature where biodiversity is valued and conserved, restored and widely used, sustaining a healthy planet and delivering benefits essential for all people".

The 20 Aichi Targets come with an obligation on Parties to integrate these into their biodiversity strategies and plans and to report on this activity to COP 11 in October 2012.

NAGOYA STRATEGIC GOALS

There are five strategic goals under which the Aichi targets relevant to the marine environment are grouped.

Strategic Goal B. Reduce the direct pressures on biodiversity and promote sustainable use. This states that by 2020:

- Rate of loss and degradation of natural habitats at least halved
- Fish stocks managed and harvested sustainably
- Agriculture, aquaculture and forestry managed sustainably
- Pollution not detrimental to biodiversity
- Invasive alien species and pathways controlled

Strategic Goal C. To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity by 2020:

- at least 17% of terrestrial and inland water and 10% of coastal and marine areas, are conserved through protected areas and other effective area-based conservation measures.

Strategic Goal B includes targets on pollution (Aichi target 8) invasive alien species (Aichi target 9) and climate change impacts (Aichi target 10) which are of relevance to the marine area.

Strategic Goal C is to improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity includes Aichi target 10, which is to have 10% of marine areas managed effectively and conserved through ecologically representative and well connected systems of protected areas and other effective area-based conservation measures.

ANNEX 3 — International Conventions & Protocols and European Directives & Regulations

- The International Maritime Organisation's regulatory framework including the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78/97).
- The United Nations Economic Commission for Europe (UNECE) Convention on Long-Range Transboundary Air Pollution was adopted in November 1979 and ratified by the UK in November 1981.
- The United Nations Convention on the Law of the Sea (UNCLOS) was convened in 1973 and adopted in 1982.
- The UNECE Convention on Environmental Impact Assessments in a trans-boundary context (Espoo Convention) and the Protocol on Strategic Environmental Assessment which entered into force in 1991.
- The Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS) was adopted under the auspices of the Convention for Migratory Species (CMS or Bonn Convention) in 1991 and came into force in 1994.
- The OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic was adopted in Paris in September 1992 and came into force in March 1998. http://www.ospar.org/content/content.asp?menu=00010100000000_000000_000000
- The Valletta Convention on the Protection of Archaeological Heritage (Revised) was adopted in 1992 and was ratified by the UK in September 2000.
- The European Landscape Convention (the Florence Convention), which includes marine areas was adopted in October 2000 and came into force in March 2004.
- The International Convention for the Control and Management of Ships Ballast Water Sediments was adopted in February 2004 and came into force in February 2005.
- The UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters was adopted in 1998 (Aarhus Convention) and ratified by the UK in February 2005.
- The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter was adopted in 1972 (London Protocol). A further protocol was adopted in 1996 and entered into force in 2006.
- The Nagoya Protocol on Biological Diversity was adopted in Nagoya, Japan in Oct 2010 and ratified by the UK government in June 2011 (See Annex 2 for detail).
- The United Nations Educational, Scientific and Cultural Organisation (UNESCO) Convention on the Protection of the Underwater Cultural Heritage was adopted in 2001 but has not been ratified by the UK government.

European Directives

- Directives 75/440/EEC, 79/869/EEC and 91/692/EEC concerning the quality required of surface water intended for the abstraction of drinking water in the member states.
- Directives 76/160/EEC and 2006/7/EC on Bathing Waters.
- Directives 79/409/EC and 2009/147/EC on the conservation of wild birds (Wild Birds Directive).
- Directive 91/271/EEC concerning the collection, treatment and discharge of urban waste water and the treatment and discharge of waste water from industrial sectors.
- Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (Habitats Directive).
- Directive 1999/32/EC and amending Directive 2005/33/EC as regards the sulphur content of marine fuels.
- Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo.
- Directive 2000/60/EC establishing a framework for Community action in the field of water policy (Water Framework Directive).
- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive).
- Directive 2001/81/EC on national emission ceilings for certain atmospheric pollutants.
- Directive 2003/4/EC on public access to environmental information;
- Directive 2006/113/EC on Shellfish Waters.
- Directive 2007/60/EC on the assessment and management of flood risks (the Floods Directive).
- Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive).
- Directive 2009/28/EC on the promotion of the use of energy from renewable sources.

European Regulations

- EU Council Regulation 2371/2002 (Common fisheries policy).
- EU Council Regulation 854/2004 (Food Hygiene Regulations).
- EU Council Regulation 1100/2007 (Management plans for European eel populations).
- EC Council Regulation 1342/2008 (Cod recovery plan).

