



Sean McCann
Assistant Clerk
Environment Committee
Room 247
Parliament Buildings
Stormont Estate
Belfast
BT4 3XX

26th April 2012

Dear Sean,

RE: MARINE BILL

Thank-you for your letter dated 12th March 2012 seeking NILGA's views on the proposed Marine Bill. NILGA is pleased to be able to have an opportunity to comment on this consultation and we trust that our comments will be taken into account when developing the final legislative proposals.

Please be aware that this response is offered in draft form, as final endorsement by NILGA members will not take place until considered by the NILGA Executive on Friday 11th May 2012.

General Overview

NILGA welcomes the introduction of the Bill and the strategic approach to marine activity particularly given competing demands between industry and the environment in our seas. NILGA fully supports the need for practicable environmental protection and encourages the sustainable development (in terms of environmental, economic and social) approach that has been proposed. A joined up approach across a broad cross section of Government Departments and Agencies can only be of benefit to the long-term management of our marine waters.

It is noted that the fishing industry has some reservations regarding the Bill and would recommend that a balanced approach is taken to marine development. It is recommended that the views of the fishing industry relating to fishing activity patterns, flexibility in the fleet structure and long-term importance of food security are all key areas that the industry has raised and it is important that these views are taken onboard as part of the consultation process.

Furthermore, an over-arching purpose should be included, against which decisions and actions may be addressed and monitored. The Marine (Scotland) Act 2010, for example, requires sustainable development of the marine area and also to mitigate against climate change.

The draft Bill currently refers to creating a network of marine protected areas to improve the UK Marine Area. However, there should be a requirement on the Department to declare Marine Conservation Zones for the Northern inshore region. In addition, the NI Bill should include the provision for highly protected MCZs.

Connectivity

NILGA would encourage full connectivity between Marine Plans and Local Areas plans within to maximise the effectiveness of strategic planning within local communities.

Resourcing

NILGA is keen to ensure that marine legislation is effectively enforced in Northern Ireland, by the relevant regulators working together to ensure that any 'gaps' are addressed and that government resources are used in the most efficient way possible. There is a critical need to ensure the adequate resourcing of regulation, and full support for enforcement, that no change to structures will address. It is the experience of NILGA that enforcement of environmental legislation in general is woefully underfunded, to the extent that regulation of certain issues does not occur to a satisfactory level.

Impact on Councils

District Council have a number of queries around implementation of the Bill. There is ambiguity around compliance for public authorities and enforcement for MCZs. For example, section 6 (1) states, "*A public authority must take any authorisation or enforcement decision in accordance with any appropriate marine plan, unless relevant considerations indicate otherwise*". Guidance on what is meant by 'relevant considerations' is sought in this regard.

Furthermore, section 6 outlines that, "*A public authority must have regard to any appropriate marine plan in taking any decision – which may affect part of the Northern Ireland inshore region, but is not an authorisation or enforcement decision*". There is a need for clarity on 'must have regard' and the implications of this.

Additionally, it is not clear what the impact for post-reform councils will be as a result of the Marine Bill and changing council functions. NILGA would welcome clarity from either the Department or the Committee on this matter. It will be vital to initiate early discussions with local government regarding any potential functions transferring post 2015. NILGA would reiterate the point that any transfer of functions to councils must be properly managed, adequately resourced, and strategically planned, in full consultation with local government.

Timeframes

There are concerns around the timeframes for the designation of MCZs and the Marine Spatial Planning process. The Bill should contain specific timeframes to ensure these are aligned and also contain provisions to ensure the integration between MCZs and Marine Spatial Planning.

Marine Management Organisation

NILGA is aware of the ongoing debate regarding the need for a Marine Management Organisation to oversee all marine policy. NILGA does not have a position on this issue, but will be raised as an item of business at the NILGA Executive on 11th May 2012. Should NILGA have any further comments to make on this matter, they will be forwarded to the Committee immediately thereafter.

Local authorities, particularly those with coastal boundaries are keen to ensure that their views can help in shaping a Marine Position Paper and look forward to receiving further information on this issue as it progresses.

If the Committee wishes to engage further with Councils on specific issues within the Marine Bill, NILGA is content to participate and assist the Committee in this call for evidence.

Should you wish to discuss any of the issues highlighted above further, please contact my colleague, Claire Bradley (c.bradley@nilga.org) in the NILGA offices.

Yours sincerely,



Derek McCallan
Chief Executive

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