

## **Marine Bill**

### **Introduction**

I note that the purpose of the marine Bill is to provide for marine plans in relation to the Northern Ireland inshore area; to provide for marine conservation zones; and to make provision for marine licensing for electricity works. A general observation is that this Bill has to be transformative as the marine environment is highly complex and vulnerable to external impacts. Unlike planning for terrestrial environments the marine is very much more layered and dynamic. It requires very sensitive stewardship arrangements to reflect the value and potential of its resources and services. These will inevitably increase over time and it is imperative that the planning and governance of the marine environment is an appropriate one.

As a general caveat it is important that whilst Northern Ireland brings its established experience and expertise with respect to land based planning (in both strategic and local dimensions) a linear transfer of thinking and practice needs to be resisted. Marine and terrestrial environments are very different and design of a marine planning and governance framework requires careful cognisance of the embedded ownership rights, customs and traditions around access to the marine environment, and the complex under-currents which exist. Whereas the land use planning debate often turns on a fixed concept of 'location, location, location' the marine environment is much more mobile and dynamic. The Marine Bill needs to be alert to that characteristic.

## **Part 1: The Northern Ireland Inshore Region**

This is a clear explanation of the area under consideration.

## **Part 2: Marine Planning**

Marine spatial planning is a relatively new concept.<sup>1</sup> It draws its provenance from terrestrial spatial planning ideas in European practice (the European Spatial Development Perspective) and the perceived need to have appropriate institutional and organisation arrangements in place to provide for the management and stewardship of the land resource. It was also about promoting greater connectivity between different policies (of direct relevance to the marine environment given the spectrum of interests involved) and an emphasis on strategic agendas. Research has revealed the importance of securing an appropriate match between context and method.<sup>2</sup> This suggested the case for strategic planning in those circumstances where decisions, measures and interventions were experienced across a number of different policy areas. Further, research suggested the importance of the necessary elements of a strategic planning architecture involving multi-objective and inter-related organisational activity.<sup>3</sup> It was argued there is a need for a cascade in institutional

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<sup>1</sup> Peel D & Lloyd MG (2004) 'The Social Re-construction of the Marine Environment: Towards Marine Spatial Planning', *Town Planning Review* 75(3) pp. 359-378.

<sup>2</sup> Diamond D (1979) 'The Uses of Strategic Planning: The Example of the National Planning Guidelines in Scotland', *Town Planning Review*, 50(1), pp. 18-25

<sup>3</sup> Bruton M & Nicholson D (1985) 'Strategic land use planning and the British Development plan System', *Town Planning Review*, 56(1), pp. 21-41.

relationships necessary to secure policy implementation, and included provision for contingency and risk management in planning practice.

The idea of a marine plan should be based on such strategic dimensions – so as to reconcile the various interests involved in the marine environment. Perhaps the idea of a Marine Planning Framework could inform the approach as described in the Bill. Here the experience in Scotland (in a terrestrial context) of a National Planning Framework may be instructive. The National Planning Framework has transformed the approach to conventional land use planning in Scotland – it provides a strategic framework within which public and private sector decisions could be orchestrated.<sup>4</sup> Importantly, the National Planning Framework identifies key infrastructure investments for Scotland’s national public interest and identifies priorities for the improvement of strategic infrastructure to support the Scottish Government's central purpose of securing sustainable economic growth. It articulates the spatial consequences of established policies for transport, energy, climate change, waste management, water and drainage, and flooding. This would be an appropriate approach for Northern Ireland’s marine planning context.

It is important to note that the Scottish programme of land use planning modernisation rests very firmly on a case for culture change – and this is of tremendous significance for the Northern Ireland marine plan (and marine spatial

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<sup>4</sup> Peel D & Lloyd MG (2007) Neo-traditional Planning. Towards a New Ethos for Land Use Planning? *Land Use Policy* 24(2), pp. 396 - 403.

planning processes). In Scotland, attention was paid to ensuring positive engagement by key stakeholders in understanding the need and nature of the reforms. This set out a series of joint actions by the Scottish Government, local and national park authorities, agencies and the private sector to work more effectively together to deliver an improved planning system. The commitments included a more streamlined approach to consultation processes with the appropriate government agencies so as to focus on matters of genuine national importance, encourage more proportionate demands made of developers by the public sector, and promote greater cooperation across the public and private sector.<sup>5</sup> Given the novelty of marine planning in Northern Ireland – and its importance to the management and stewardship of the marine resource – then a culture change needs to be encouraged to promote greater understanding of the marine.

### **Part 3: Marine Protection**

The concept of marine conservation zones is very appropriate – and the details are very clear about the designation, operation and enforcement of the zones. Care needs to be paid to the dynamic nature of the marine environment and the difficulties that may be encountered in determining the boundaries of the zones. In marine spatial planning terms, the deployment of the marine conservation zone approach may be strengthened by the use of supporting evidential material. Reference may be made here to the innovative step taken in Scotland in 1974 with its publication of Coastal Planning Guidelines. This was prompted by the

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<sup>5</sup> Peel D & Lloyd MG (2007) 'Civic Formation and a New Vocabulary for National Planning' *International Planning Studies*, 12(4), pp. 391-411

onshore development impacts associated by offshore oil and gas exploration and production in the North Sea.<sup>6</sup> Two points are important.

First, the Coastal Planning Guidelines (which morphed into National Planning Guidelines – the first statement of strategic land use planning policy which today are widely used as with the Planning Policy Statements in Northern Ireland) – were supported by appropriate evidence. Planning Advice Notes set out the underpinning policy and practice advice for implementation; and Planning Information Notes set out the statistical evidence base for all interested parties. This created a robust evidence base against which all subsequent debates around the policy and planning framework could be contextualised. Second, the Coastal Planning Guidelines contained two categories of zone – preferred conservation zones and preferred development zones. That approach may also be appropriate to the Northern Ireland marine plan – setting out areas where development may be appropriate (subject to conditions as defined). This would reflect the emerging approaches to valuing natural environments – such as the Foresight Project on Land Use Futures, for example, which asserted the need to take the broadest possible perspective in developing future land policies and terrestrial strategies.<sup>7</sup> The report explicitly references the ‘multifunctionality’ of land whilst acknowledging the potential conflicts over its use and development. This is

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<sup>6</sup> Elliot RG, Lloyd MG & Rowan-Robinson J (1987) National Planning Guidelines and Strategic Planning: Matching Context and Method? *Town Planning Review* 58(4), pp. 369-381.

<sup>7</sup> Foresight Land Use Futures Project (2010) *Final Project Report*. The Government Office for Science, London.

applicable to the complex marine environment. Similarly the UK National Ecosystem Assessment provides a comprehensive overview of the state of the natural environment in the UK. It asserts the importance of the natural environment to societal well-being and argues that it is consistently undervalued in conventional decision making and policy making.<sup>8</sup> It points out that sustainable development will require a judicious mix of regulations, technologies, financial investment and education, together with behavioural changes across society. Specifically, it advocates an integrated approach to ecosystem management. The reasoning of these methodologies and advocacy documents would be appropriate for adoption in the context of the Northern Ireland marine environment.

#### **Parts 4 & 5**

No comments.

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<sup>8</sup> UK National Ecosystem Assessment (2011) *The UK National Ecosystem Assessment: Synthesis of the Key Findings*. Cambridge : UNEP-WCMC.