

NORTHERN IRELAND ASSEMBLY CONSULTATION ON MARINE BILL

SUBMISSION BY BPA

Summary of main points:

- Ports are essential to the NI economy and have a strong interest in the Bill's proposals.
- The BPA supports the principle of marine plans in as much as they can create a more efficient and transparent planning regime.
- Marine Conservation Zones should not inhibit sustainable development and growth.
- The Bill should recognise and reflect the UK Marine Policy Statement and the National Ports Policy Statement

This response is made on behalf of the members of the British Ports Association (BPA) in Northern Ireland, namely the ports of Londonderry, Larne, Warrenpoint and Coleraine. Between them these ports represent not only vital gateways into NI but also important centres for growth and regeneration; they will also be crucial in providing bases for the development of marine renewable energy. Their contribution is recognised in the DoE's draft Marine Position Paper which describes them as 'vital gateways for cargo, fuel and tourism.....essential to our economic development'.

Ports therefore have a strong and self evident interest in this Bill and coastal policy, especially as they affect the planning regime and port development. The new Bill marks a highly significant stage and we will be carefully monitoring its implementation which will be a long term process. It is the implementation process and practical effect of the Bill which concerns us more than the current drafting and we hope that during the debates on the Bill, Assembly members will have the opportunity to highlight the links between the Bill and the efficient working of the marine and terrestrial planning regimes.

Taking the Bill as a whole, we support the principles of its main recommendations concerning marine plans and Marine Conservation Zones (MCZs), although we set out some concerns below about the possible impact of MCZs. The Bill is concerned with establishing a process and does not, for example, include detail about what marine plans will contain. Although we do not propose changes to the Bill's wording in Part 2 on this point, we do nevertheless wish to put on record that a marine plan should adequately prioritise, entirely in line with the UK Marine Policy Statement, sustainable development and the need to protect and promote successful coastal commercial activity.

The plan should also take into account the trade forecasts within the UK National Ports Policy Statement which indicate substantial growth over the next 25 years in both ro ro and container traffic. This provides another example of the interweaving of planning regimes and national policy statements that marine planning will require. Marine planning cannot be an isolated exercise, but has to be placed in the context of broader policies and objectives.

The plan should be flexible and not overly prescriptive. It should not, for example, set out a detailed development strategy for ports which have to respond to market pressures and changes, many of which are unpredictable. The renewable energy market is an example of a new industry with new requirements requiring a planning regime which can respond quickly so that investment opportunities are not lost.

The plan should focus on, for example, a description of current activity, location of protected sites, existing development plans and so forth, and in ways that seek to resolve potential conflicts, providing more certainty to developers and generally making the planning and consents regimes more transparent and efficient.

Developer certainty is an important potential gain and the plan should prioritise this aim.

We note in **para 2 - (1)** the possibility of more than one plan; our strong preference is for a single plan bearing in mind the relatively small area concerned and the need for a coherent, holistic approach.

We note in **Schedule 1** the need, as is the case in other parts of the UK, for a Statement of Public Participation. We support wide consultation whilst at the same time recognise that dealing with conflicting views creates its own problems. This is where the Marine and Ports policy statements already referred to will need to apply consistency; the consultation process has to respect the framework already agreed.

As regards MCZs, we are concerned about the introduction of another type of protected zone bearing in mind the existing network of Natura 2000 sites and Marine Nature Reserves. Again the Bill is concerned with process rather than detail but it is absolutely vital that economic and social consequences **[para 12 (7)]** are clearly and demonstrably factored into decisions on site locations. To avoid some of the problems that have been evident in other parts of the UK, no sites should be identified in advance of finalisation of a marine plan as it is the plan which will produce new data to inform MCZ designations. Also, data in support of an MCZ should be provided in a way which is accessible to non technical consultees and clearly sets out the possible consequences for activities and developments already identified within the plan. The plan and MCZs are also closely related and cannot operate in isolation.

The use of emergency byelaws (**para 26**) is also a potentially difficult area, not requiring the Secretary of State's confirmation and potentially conflicting with sustainable development policies; this is another area we shall carefully monitor.

In conclusion we can support this Bill with the reservations expressed above. If successful, the Bill will be an integral part of both the marine and terrestrial planning systems, creating a better informed process which can deliver decisions more quickly and flexibly.

David Whitehead OBE
Director

25 April 2012