



Northern Ireland  
Assembly

Committee for the Environment

# OFFICIAL REPORT (Hansard)

Marine Bill: University of Ulster

24 May 2012

# NORTHERN IRELAND ASSEMBLY

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**Members present for all or part of the proceedings:**

Ms Anna Lo (Chairperson)  
Mr Simon Hamilton (Deputy Chairperson)  
Mr Cathal Boylan  
Mr Gregory Campbell  
Mr John Dallat  
Mr Tom Elliott  
Mr Chris Hazzard  
Mrs Dolores Kelly  
Lord Morrow  
Mr Peter Weir

**Witnesses:**

Professor Greg Lloyd                      University of Ulster

**The Chairperson:** You are very welcome, Professor Lloyd. Committee members already have a copy of your written briefing paper. Please give us a five- to 10-minute presentation, after which members will ask questions.

**Professor Greg Lloyd (University of Ulster):** Thank you very much for the kind invitation to come along to the Committee to say a few words. First, I wish to apologise to you, because normally my responses to consultation papers tend to be slightly more full, but, sadly, time worked against me. Therefore, I have made one or two points that I will talk to, if I may.

The marine environment represents one of the big challenges for modern societies, because it is a resource that, in scientific terms, is highly vulnerable and highly sensitive to change. It is very much what academics might call a "contested space". In other words, it is not a clean slate. We are not coming to the marine environment and simply saying, "Let us plan for and manage it in the best interests of Northern Ireland", or wherever. The marine environment is already demarcated by clear property rights. We have oil rigs, dredging rights and marine passageways. It is a potential location for offshore energy in various forms, and its property rights are highly complex and contested. For example, we know from the North Sea Treaty and other international treaties that the marine environment is already delineated, and there are different responsibilities. We also know that there are different ownership regimes on the inner marine environment.

We have come to examine the marine environment in a very deliberate way. We increasingly recognise that it is so sensitive and something to which we need to pay particular attention. There has been a gradual move to try to manage the marine environment in many places. I always seem to reference Scotland as an exemplar of good planning practice, but, in the early 1970s — I refer to this

in my submission — it introduced its coastal planning guidelines as the first attempt to look at the interface between land and water. The guidelines dealt with the presumption in favour of development or the presumption in favour of conservation of the coastal environment. Today, planning policy statements (PPSs), for which the Department of the Environment (DOE) is responsible, are the direct consequence of that initiative. Along the way, Scotland has experimented with going further out from the coast. It experimented with coastal zone management (CZM) and integrated coastal zone management (ICZM). More recently, in the Planning etc. (Scotland) Act 2006, it extended land-use terrestrial controls to 12 miles offshore, which was largely an attempt to deal with fish farming. Although fish farming is an important part of stabilising many remote rural communities, it can, because of its aggregated effect, bring with it an impact on the environment, which can then adversely affect other activities, such as tourism.

We have been moving slowly towards the marine environment as the next great challenge. I have two caveats to apply. First, it concerns me slightly that the mentality that we bring to managing and planning for the marine environment is too dependent on our terrestrial experience and thinking. The scientific dynamics of the marine environment demand a much more sensitive and nuanced approach. Linked to that, we as a society have to be much more aware of the value of the marine to us.

Secondly, and forgive me for being so dismal, but the economic context is a major concern. That could be another conversation. I notice that the political debates around the need to achieve economic growth seem to be gathering momentum. The austerity regime is being questioned. What worries me is that, in moving towards an agenda that is based on economic growth, we have not stopped to think about what we mean by "economic growth". If it is simply growth and development at any cost, things such as the marine environment may be at risk. We need to be alert to that in our deliberations.

**The Chairperson:** Thank you very much. Economic growth is a constant balancing act between protecting the environment and developing the economy. How can we strike a balance? You rightly said that the marine environment is a contested space. We went to Scotland, and I know that you were involved in advising Marine Scotland on marine conservation zones (MCZs), and all that. How can we achieve that equilibrium? People need to be assured that we are protecting the environment, but fishing, sports and other industries are concerned about restrictions. How can we make everyone buy into this so that it becomes a win-win situation?

**Professor Lloyd:** That is the big question. It is about politicising it, with a little "p". This applies to a lot of activities in society, but we need to promote a much more engaged and active conversation around the marine environment. We as a society woefully neglect serious intellectual discussion and debate, tending simply to gloss over it. We use terms that might mean different things to different people at different times in different contexts. I am not banging a drum or being too pious, but society has become overly materialistic and consumerist. We neglect to see the effects of that on the wider environment and, indeed, on wider society. We have a divided society, and we need to be alert to that.

Scotland — if I may reference it again — has extended into the marine environment in its planning reforms, and it now has its own marine legislation. Indeed, it has introduced a land-use strategy, which is very important for guiding strategic priorities. Scotland celebrates planning and leadership in managing the environment. It has turned the debate around. Instead of always being negative about and critical of planning and often making it a scapegoat, Scotland uses it in a very positive, promotional way. Indeed, the new Government in 2007 — the Scottish National Party-led Government — moved planning out of the Department in which it was sitting, which was the communities portfolio, and gave the remit for it to the Finance Minister, because they wanted to use it as a deliberate delivery mechanism. Obviously, there are issues and problems with that. However, I think that that was a vote of confidence in using the planning system. Elsewhere, I think that the way in which England — as I am a Welshman, you probably want me to point the finger at England — is being critical of planning at the moment and not using it in a positive way is lamentable. We need to engender a culture change around using planning positively to manage key assets such as our marine environment.

**The Chairperson:** Instead of putting the brakes on.

**Professor Lloyd:** Yes.

**Mr Hamilton:** On marine planning, your submission states:

*"a culture change needs to be encouraged to promote greater understanding of the marine."*

That is very important. There may be a wealth of understanding of the marine environment in Northern Ireland, but that is slightly different from understanding marine planning. As you identify in your paper, marine planning and the development of marine plans is a key component of the Bill. Does expertise in and knowledge of marine planning exist in Northern Ireland, over and above an understanding of the marine environment?

**Professor Lloyd:** I agree with you. We are at the beginning of a journey. I became involved in looking at the potential of regulating the marine environment a long time ago, when the first offshore fish farms were being introduced in Scotland. At that time, regulation of the farms was the responsibility of the Crown Estate. When we think about it now in retrospect, we realise that the Crown Estate was in a very invidious position. It wanted to maximise the number of fish farms, because of the rental income from them, but it was the only judge and jury on whether one was appropriate. It took a long time, probably 25 years, before government realised that there are serious issues around managing the marine environment. For example, conflicts between yachting and boating interests and potential future interests, such as cruise liners going back and forth, underwater energy pipelines, and so on, need to be resolved. We need to tread very carefully. What I am really trying to say is that we need a deeper, scientific understanding of the capacity of the marine environment. We cannot simply use it and abuse it. We need to have greater understanding of how we should use it.

**The Chairperson:** Sorry, Cathal, you should have called before Simon. I saw only Simon when I looked around.

**Mr Boylan:** It is not a problem.

Thank you very much, Greg. You are welcome back. I have just a couple of key points to make. One of the important points that you highlighted is that this is not about what we know about terrestrial planning and expertise; rather, it is a different model altogether. Scotland appears to have engaged stakeholders. We had a very good presentation and meeting over there. From your experience of how Scotland has gone about things, what we can learn from it? What do you think are the main differences between its approach and ours? No matter what broad principles we set down, it is about the outworkings of all that. I believe that one of the key elements is how we manage it. Based on your experience, can you give us a wee bit of insight into how we should proceed?

**Professor Lloyd:** The important thing is to have that scientific basis and understanding from all the interest groups. People will come at the marine environment in different ways, wearing different hats and with different priorities. In Scotland, for example, the proposal to have a new coastal national park on the west coast of the north of Scotland was effectively stopped by fishing interests, which had very legitimate concerns about it, and they brought the proposal to a halt. Managing that is very important, and, as yet, we do not have a mechanism by which we can reconcile all the different viewpoints in a respectful conversation. If the planning experience over the past 40 years is anything to go by, people will end up shouting loudly at each other. People become very polarised and then become very angry with the system. The terrestrial experience is that people then disengage, and there is a politics of resistance to positive planning, which is problematic. It would be a tragedy if we were to get that wrong with the marine environment.

If I may, I will make one little comparison. One of the issues around the marine environment is that it is effectively characterised by large perceived common property rights, and common property can lead to potential tragedy. We can over-exploit it, overuse it for polluting or sewerage or overfish it. Therefore, we need rigorous understandings about the limits of what we can use the marine environment for. Then we need to think very carefully about how we regulate and enforce that.

**Mr Boylan:** The Scottish model has been based on scientific information, which is grand. I think that that is the way to go, because the fear out there is that certain areas will be designated with a lack of knowledge and understanding applied, and then we will have the rebound from that, and stakeholders will ask why that is being done. Do we need to look at having some pilot programmes? I do not know what the Department's thinking is on the issue, but, before we do any of that, we will need to look at how we approach the designations.

**Professor Lloyd:** That would be an appropriate way forward, because we are dealing with such a sensitive resource. Again, I will draw quickly on the Scottish experience. In those days, national planning guidelines were introduced for the coast for retailing, or whatever, and, over time, they morphed into planning policy statements, which are the modern equivalent. However, in the early days, when a national planning guideline was published, it was accompanied by two other documents. One was a planning advice note, which set out best practice for people who might be involved in the issue. The other document was a planning information note, which presented the scientific evidence and basis for the policy. Therefore, developers, interest groups or environmental bodies would look at the evidence that had been presented in the planning information note, and they could then understand why the priorities had been set. If they decided to challenge the evidence, that was the basis of an open discussion. These days, we tend to produce a policy and then everyone has a pop at it because there is no understanding of the intellectual background to it. Therefore, in piloting different marine environments, it would be very appropriate to use those different instruments.

**Lord Morrow:** I, too, welcome you, Professor Lloyd. Your paper is very interesting. The Chairperson touched on the issue that I wanted to raise. In your paper, you state:

*"Marine spatial planning is a relatively new concept",*

which it is. The Chairperson asked you about other users, particularly the British Association for Shooting and Conservation (BASC) and groups of that nature, and I am not sure that your paper addresses that. I may have missed you commenting on that, and, if I have, no doubt you will tell me. However, I am interested to hear your comments on accommodating all users, particularly those who come from the sporting fraternity and have had an association with the marine environment for a long time.

**Professor Lloyd:** First, we cannot ignore the interests, so we have to find an appropriate democratic, open and transparent mechanism. There is no doubt about that. Again, I will refer to the Scottish experience. When it reformed its terrestrial planning, which included part of the marine environment, it engaged in a very deliberate programme of what it called "culture change". That mimicked First Minister Alex Salmond's use of the term "national conversation". The planning community held national summits, where it brought together all the interests, many of which may have been instinctively antagonistic to one another, and many of which were very protectionist of the use of the marine environment. It was a way of bringing them all together to talk. It was a long process — there is no doubt about that — but it is a question of promoting a better understanding of the fact that there are different interests.

For example, when I was a young man, I surfed, and I hated anything that stopped me from surfing. As I got a little bit older, and hopefully a little wiser, I realised that there are lots of other competing interests, and I am a bit more mature enough to be able to accommodate them. However, we do not seem to have the media to be able to promote that sort of general understanding, but we do need a culture change. We need a new, fresh appreciation of all those interest groups.

**Lord Morrow:** You have flagged the need for a deeper capacity and understanding of the marine environment. I think that those were the words that you used. We are lacking, and it is therefore important that we get the legislation right from day one, which will not be simple. To do that, we need to have everybody on board, or at least for all the stakeholders to be consulted in a way that makes them feel part of the whole process.

**Professor Lloyd:** If I may say so, I do not think that it is a question of simply going out and consulting. It is actually about engaging, and that must be ongoing. I am not suggesting that this is the case, but if, for example, oil and gas were found off Rathlin Island, that would raise a huge agenda of issues around the management of that coastline and the sea. Think of all the different interests involved there. It would be huge. Therefore, we need to be very engaged with the issue.

**The Chairperson:** We know that Scotland did very well on engaging with the various sectors. I thought so anyway. How can the legislation require, for example, the Department to be sensitive and nuanced in developing its marine plan?

**Professor Lloyd:** It needs to be brave and outspoken. I really think that as a society — not Northern Ireland as a society specifically but Europe — we shy away from the difficult issues. You mentioned a win-win situation. I do not think there can ever be a win-win situation, frankly. There will always be losers of some sort, and we need to have cognisance of that. I lament the fact that, as a society, we

do not discuss issues fully enough, extensively enough or for long enough. My heart sinks when I open the newspapers and see the shallow, selfish little stories that are peddled in the media. Sorry, I will not get on a soapbox.

**Mr Hamilton:** Keep going. *[Laughter.]*

**Professor Lloyd:** We do not see very deep, considered discussions, and that is to our detriment.

**Mr Elliott:** Thank you very much for the presentation. You said that the marine plan needs to be brave and outspoken. How would you have felt, when you were surfing, if it had been banned?

**Professor Lloyd:** I would have been very angry as a young man, but, having said that, life changes. Surfers today are among the most effective challengers of marine pollution. For example, there is an organisation called Surfers Against Sewage, which is a very good lobby point. All that its members are doing is articulating their viewpoint, and I think that, as Lord Morrow, there are a lot of interests that we need to capture and reflect. It is incumbent on us to find the means of doing that, and I happen to think that that means is through a prolonged conversation about how important it is, what the trade-offs are, and the fact that there may be winners and losers. We have to talk about that rather than pretend that it is not happening.

**Mr Elliott:** I am afraid that, to me, what you say sounds conflicting. You say that you want protracted discussions and debate, but also there are going to be winners and losers. If people are definitively going to lose out, what is the point in some of the discussions? You have your mind set in the first place that people are going to lose out.

**Professor Lloyd:** I do not think that I am saying that people will definitely lost out, but, inevitably —

**Mr Elliott:** I think that you are.

**Professor Lloyd:** OK, I will retract that. When any development takes place or any natural resource is exploited, or whatever, there will be beneficiaries and benefits, but there will also be some costs. Too often, the political system and the planning system get bogged down in trying to manage the expectations that have been raised unnecessarily or the costs that follow. People react against that. If we have conversations up front so that we can talk, and explain and understand that there might be trade-offs, we may get to a better position. That is what I am trying to say.

**Mr Elliott:** I have one final point to make. You said that a greater understanding of the marine is needed, but environmentalists, fishermen and even Departments hold very differing views on that. Even scientists differ in their views of the marine environment. Who has the authoritative opinion?

**Professor Lloyd:** There has to be leadership from government. It should hold what evidence there is about those understandings.

**Mr Elliott:** Yes, but you must accept that there is very conflicting evidence.

**Professor Lloyd:** Absolutely, but that is politics. You have to manage the conflicts and mediate to achieve an understanding to which everyone agrees. If I can be rude, that is political leadership; that is what is required by a Department. It could establish a specialist unit, for example, that concentrates on the marine and begins to learn about it.

**Mr Elliott:** That is fine, but Cathal could take one view of a scientist's opinion and I could take a totally different one.

**Professor Lloyd:** In England, the Foresight Group looked at land use and the different values that we should set for land. That managed to reconcile fairly quickly the different scientific viewpoints of land values, such as whether it is for agrarian use, development, water, or whatever. Achieving a greater understanding is doable, but it needs attention and serious engagement. I would not put it up as a hurdle.

**Mr Dallat:** Professor, I found your presentation riveting. The only thing that caused me a little palpitation was the suggestion that planning should become the responsibility of the Department of

Finance and Personnel (DFP). You will understand that our Minister of Finance and Personnel has very strong views on the subject, particularly when it comes to the bovine species. Perhaps you will explain that a bit more.

On a more serious note, I am looking forward to your students coming later. I wonder whether they are the key to helping us reduce "contested space". Perhaps there is hope in the future that, rather than just getting involved in gymnastics, the whole community can have a more mature understanding of the need for this generation to protect the environment for the next generation.

**Professor Lloyd:** I sincerely hope that. It is our responsibility to encourage that conversation and allow young people in the generations coming through to engage with it, because, as you say, they will be the future stewards of that environment.

It is a huge issue and a huge problem. The challenges are absolutely massive because we have already done terrible damage to the natural environment. I have been having conversations recently with colleagues from the Netherlands. They are beginning to think about how to plan for or anticipate a future in which there is no growth but in which there are very serious environmental parameters and limitations. There may be very serious social and other characteristics, so how do we plan? We have never really done that. The environment worries me, because political thinking in the UK for the past 50 years has been based on pursuing economic growth, with a very low ecological consciousness. We do not have debates about the ecosystem of the marine environment. The ecosystem is multilayered and very complex, and it links together in all sorts of ways. If you tamper with one little bit of it, that affects other bits. I agree with you that we need the younger generation to drive it.

**Mr Dallat:** Will you promise not to pursue the notion of planning moving to DFP?

**Professor Lloyd:** I happen to think that it is a very good idea. The Scottish experience was that planning was suddenly transformed, even in government, from a problem to a positive delivery mechanism. It works. I believe that Mr Swinney is very pleased with it.

**Mrs D Kelly:** Thank you for your presentation. I agree that you will not be able to please all of the people all of the time, so you have to do the right thing.

You said that some areas should be zoned for conservation and some for development. What primacy is given to the scientific evidence? How much scientific evidence exists? How much of it is conflicting? Has there been any analysis performed?

**Professor Lloyd:** There is an awful lot of scientific evidence. The Crown Estate recently undertook some research — it is logged on the website of the Planning Exchange Foundation (PEF) — that looked at a way in which all the information could be assembled so that all the scientific evidence from all across the world, most of which is in the form of reports or evidence on the internet, and so on, can be brought together. The thinking of the Crown Estate is that if that is brought together in a systematic way, everybody who wishes to engage in debates around the marine environment at least has access to a level playing field. One of the things that happens with terrestrial land-use planning, and the reason that we have conflicts, is that, quite often, information is dysfunctional: one person has some information and others have other information. They may interpret it in different ways as well. If you create a common database, we may be able to promote a better understanding, or at least a more considered basis for discussion and debate.

**Mrs D Kelly:** You also mentioned the importance of the economy. The marine environment has a lot of attractive renewables opportunities. I think that many people acknowledge the fact that the technology is fast changing. Therefore, any marine planning would have to be much more flexible than is currently the experience with terrestrial planning.

**Professor Lloyd:** I could not agree more. Equally, however, we as a society need to invest in terrestrial planning. It is an important part of how we make the best use of limited and scarce resources. We have a public interest to meet. It is incumbent on Governments to meet that, but, sadly, it is not always the case that sufficient attention is paid to the resourcing of the planning system. That will be an absolute requirement for the marine environment, given the very complex scientific evidence that will be involved, or else we will simply be back into polarised debate, shouting loudly and perhaps reaching second-order decisions. I argue very strongly that, as a society, we should invest heavily in the skills base for the specific skills that we need and also in engineering the debate and understanding.

**Mrs D Kelly:** And it cannot just be an add-on to existing —

**Professor Lloyd:** No.

**The Chairperson:** I have a follow-up question. One of the stakeholders talked about the lack of capacity in Northern Ireland to deal with the marine environment. You talked about data and how everything needs to be based on scientific evidence. Do we have the capacity to do the planning and designation, and do we have enough information?

**Professor Lloyd:** Probably not at this point. There is probably a lot of invisible capacity that we have not teased out. Perhaps, as part of this conversation, people, groups and communities may come forward and tell what they know. There is no doubt that capacity can be nurtured. However, it will need a mindset change. We need to have a new attitude to the way in which we look after our environment. We have to put in place the planning and management arrangements to look after it.

**The Chairperson:** Marine Scotland has a lot of staff in different areas doing research and development and touching on other areas.

**Professor Lloyd:** I think that that is a deliberate political priority, which is important.

**Mr Boylan:** That is a valid point. With anything new that you introduce, there is a level of capacity-building. It should be about what the Bill sets out to do and what we can achieve, as opposed to setting our target too high. Do you believe that, in terms of what we put on paper, we can achieve what we set out to do?

**Professor Lloyd:** I think so, and I think there are some lovely ideas in the proposed arrangements. I was very pleased to see the attention given to marine conservation, because, again, the marine environment is such a complex thing. It is unlike me to say this, but we should be very conservative in the way in which we use it.

**Mr Hazzard:** Thank you very much for your presentation. You said — I agree with you — that societal norms and behavioural balance are tipped towards consumerism and materialism, and you spoke of the dangers of that. You also mentioned the need for a nuanced, extended debate. In what forums or arena do you think could most productively take place, considering that our media have gone the way they have gone lately?

**Professor Lloyd:** The political forums would be important, but it is also about encouragement, and perhaps the media need to be encouraged to take on those debates. It is risible that, all through August, the media admit that it is silly season, and they run stories that are appalling in that they are so trivial. There is an opportunity for some very deep, considered thinking. It is not new, in a way. People are beginning to write about those things and challenge them. I was reading a report recently that suggested that we may be just at the point of having a completely different approach to our values in society, and that will be very interesting. Will Hutton, the columnist, once said that we have got to get to a position in which anything to do with the public sector is not immediately seen as something that is bad. Let us get to a position in which there is a true partnership and greater respect for the environment.

**The Chairperson:** There are no further questions. Thank you very much for coming.

**Professor Lloyd:** Thank you very much indeed.