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## **Draft Northern Ireland Marine Bill – Consultation Response from Belfast Harbour Commissioners**

Belfast Harbour Commissioners (BHC) was first constituted by the Belfast Harbour Act 1847 with the underlying purpose of operating, maintaining and improving the Port of Belfast.

The powers and duties of the Board are limited to those conferred by the various Belfast Harbour Acts and Orders 1847 to 2002 and any relevant public general Acts such as the Harbour Acts (Northern Ireland) 1970. In common with other ports in Northern Ireland and Great Britain whose management is similarly constituted, the Port of Belfast is commonly referred to as a 'Trust Port'.

Belfast Harbour is Northern Ireland's principal maritime gateway and logistics hub, serving the Northern Ireland economy and increasingly that of the Republic of Ireland. Around 60% of Northern Ireland's seaborne trade and 20% of the entire island's is handled by Belfast Harbour. More than 17 million tonnes of cargo is handled per annum and the Harbour receives around 5,500 vessels each year.

Belfast Harbour;

- Is the principal gateway for Europe and beyond, for imports and exports for Northern Ireland's manufacturing and construction sectors
- Is the principal entry point for retail and consumer goods for the Northern Ireland market and beyond
- Handles over 80% of Northern Ireland's petroleum and oil imports

- Is Northern Ireland's principal passenger ferry port with 1.3 million ferry passengers, including tourists, using the port's ferry services each year
- Handles over 50% of Northern Ireland's ferry & container traffic
- Is Northern Ireland's leading dry bulk port, for imports of grain and animal feeds, coal, fertilisers and cement, and exports of scrap metal and aggregate material.
- Hosts approximately 40 cruise vessel visits to Northern Ireland each year.

Belfast Harbour generally welcomes the proposed Marine Bill and looks forward to a commonsense approach to marine planning, licensing and enforcement which will be characterized by transparency, open stakeholder dialogue and consistency in application with decision making based on sound science and socio-economic priorities.

Belfast Harbour Commissioners submit the following comments for consideration in response to the consultation questions.

### **General comments**

Belfast Harbour considers it necessary to highlight the following issues:

- Ports are absolutely critical to the well being of the NI population and the success of our economy. Belfast Harbour Commissioners therefore will pay close attention to the development and subsequent implementation of the intent and content of the Marine Bill.
- Safety of navigation is paramount. Nothing within the proposed Bill should be allowed to diminish existing or proposed measures to ensure safe navigation of vessels within Harbour limits or in the approaches to any commercial harbour.
- Belfast Harbour Commissioners must be consulted during the development of a Marine Plan and prior to any subsequent revisions.
- Belfast Harbour strongly supports the principle of marine plans that will result in an efficient and transparent planning regime that is consistent with the Marine Policy Statement and effectively dovetailed with terrestrial planning.
- Belfast Harbour recognises the necessity for Marine Conservation Zones (MCZ's), however these must not result in the impairment of existing activities such as shipping and port operations that are essential for the social and economic well being of Northern Ireland.
- MCZ's should not mitigate unfairly against necessary and appropriate port development activities.

- MCZ's must only be established on the basis of sound science and in accordance with the Marine Policy Statement and wider Government policy on sustainability. It is imperative that the requirements for sustainable development and growth are adequately protected.
- The Bill should explicitly recognise and take account of the UK Marine Policy Statement and the National Ports Policy Statement.
- The plan will need to be synchronized with other existing marine spatial plans in the Irish Sea including those outside UK Government jurisdiction.

Belfast Harbour supports the general principles of Marine Plans and MCZ's, although we do have reservations regarding the designation, management and potential impact of MCZ's. We note that the the Bill is concerned with establishing a process and does not include detail about what marine plans will contain. We strongly support the need for any Marine Plan to prioritise sustainable development in accordance with the UK Marine Policy Statement and draft Northern Ireland Marine Position Paper in order to protect and promote efficient marine commercial activity.

The plan must take into account the trade forecasts within the UK National Ports Policy Statement which indicate substantial growth over the next 25 years. Research commissioned by Belfast Harbour has underlined the potential local impact and necessity for Northern Ireland ports to increase capacity in order to meet expected demand.

The plan should be risk management based and not prescriptive in nature. It should not, for example, set out a detailed development strategy for ports which have to operate within a very dynamic business environment. Such matters should be addressed within the National Ports Policy Statement and individual Port Master Plans.

The Marine Plan should focus on, for example, a description of current activity, location and nature of protected sites, societal needs and existing development plans in a manner that endeavours to resolve potential conflicts, provides greater certainty to developers and ensures that the planning and consents regimes are transparent and efficient. Developer certainty is an important requirement that is lacking in the current planning regime, the creation of a new Marine Plan provides a unique opportunity to address this weakness.

### **Specific comments**

#### **Part 2 – Marine Planning**

Clause 2 (1) - Propose that the wording is changed to: "Department shall prepare a marine plan..." rather than "may". Belfast Harbour believes that a single plan is more likely to result in a consistent and holistic approach to stakeholders needs.

Clause 2 (10) (d) and (e) - This clause requiring DETI and DRD to be statutory consultees is essential. Additionally, Belfast Harbour consider it essential that all

Statutory Harbour Authorities and Competent Harbour Authorities within the Marine Plan area must be statutory consultees within this process.

Clause 7 (2) - Consideration should be given to an independent review conducted independently of the Department to ensure objectivity.

### **Part 3 – Marine Protection**

Clause 11 (1) - This statement is very wide ranging and requires qualification following further stakeholder dialogue.

Clauses 12 and 13 - MCZ's should be designated only in accordance with prevailing Marine Policy Statements that have been adopted by the Northern Ireland Executive.

Clause 12 (7) - Belfast Harbour are concerned about the introduction of an additional type of protected area taking into account the existing network of Ramsar Convention, Natura 2000 sites, Areas of Special Scientific Interest (ASSI's) and Marine Nature Reserves. Although the Bill is concerned with process rather than detail it is essential that economic and social consequences are clearly identified and fully taken account of during decision making on MCZ location, extent and restrictions. It is strongly recommended that the wording is changed from "may have regard to any economic or social consequences..." to "shall have regard..." Practical experience in England and Wales supports this recommendation, as ultimately socio-economic factors have had to be taken into account when selecting MCZ's especially when alternative options have the same ecological worth.

To avoid problems that have occurred in other parts of the UK, no sites should be designated prior to finalisation of a marine plan as it is the plan that should inform MCZ designations.

Data submitted in support of an MCZ designation must be presented in a manner that is accessible and understandable to non technical interested parties, it must demonstrate the possible consequences for activities and developments already identified within the Marine Plan in order to allow informed decision making.

### **MCZ Designation Procedure**

There is a duty to consult on the selection of MCZs with the opportunity for stakeholders to provide written and oral evidence. This requirement should be extended to the subsequent management measures which need to be proposed concurrently. It will be impossible to respond meaningfully on designation if the impact of the measures cannot be assessed until after the designation is in place. This activity will be less adversarial if commercial operators have input to this stage of the process and can reach consensus on the resulting management measures.

Clause 14 (6) appears to be very draconian and will allow the Department to circumvent the previously stated controls including provision of advance notice and consultation prior to designation. This clause should be removed or very specific rules for application incorporated into the Bill.

## **Duties of Public Authorities**

Clause 20 (4) - The word “insignificantly” needs to be clearly defined as this term is open to different interpretations.

Clause 21 (10) - The definition of “damage” is imprecise and not consistent with the normally accepted definition.


## **Byelaws**

Clause 26 - The use of emergency byelaws is contentious as this does not require the Secretary of State's confirmation and may allow byelaws that conflict with other policy statements to be introduced. The wording should be amended to take account of this anomaly.

## **Conclusion**

Belfast Harbour Commissioners welcome the introduction of this Bill and subject to the concerns that we have raised in this response support the general objective to introduce an improved marine spatial planning system.

We look forward to further engagement with the Department and remain available to discuss the concerns that we have identified above.

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**David Knott**  
**Safety & Environmental Manager**