

Date: 25 April 2012

Our Ref: MMcC

Your Ref:



The lead agency for developing sport in Northern Ireland

Mr Sean McCann
Assistant Clerk
Committee for the Environment
Parliament Buildings
Ballymiscaw
Stormont, Belfast
BT4 3XX

Dear Mr McCann

RE: Marine Bill – call for written evidence

Thank you for your letter dated 12th March 2012, requesting a written response on the Marine Bill for the Committee for the Environment.

Please find enclosed a copy of the said written response.

The response highlights a number of areas within the Marine Bill that Sport Northern Ireland feels could be improved and notes that much of the impact on recreation would relate to the implementation of the Bill rather than the Bill itself.

Notably, you will see from the response, Sport Northern Ireland believes that the Bill should include a commitment to the development of Coastal Access in line with the UK Marine and Coastal Access Act. This would mean that Northern Ireland would maintain parity with other parts of the United Kingdom in terms of access to the coast for sport and physical recreation.

Yours sincerely

A handwritten signature in black ink that reads "Eamonn McCartan".

Eamonn McCartan

Chief Executive

Sport Northern Ireland is the trading name of the Sports Council for Northern Ireland
House of Sport, 2a Upper Malone Road, Belfast BT9 5LA. Telephone (028) 9038 1222
Facsimile (028) 9068 2757 Minicom (028) 9068 2593 Website www.sportni.net

Chair: Mr Dominic Walsh BSc MBA CEng

Vice Chair: Mr Alan L Money Penny Cert Law (QUB) Dip Law (QUB)

Chief Executive: Professor Eamonn G McCartan MBA DMS B Ed DASE MCIM MCIPD

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SPORT NORTHERN IRELAND

RESPONSE FROM SPORT NORTHERN IRELAND TO
THE REQUEST FOR WRITTEN INFORMATION BY
THE COMMITTEE FOR THE ENVIRONMENT, ON THE
NORTHERN IRELAND MARINE BILL

ISSUE DATE: 25th April 2012

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CONTENTS PAGE

	<u>PAGE</u>
1 INTRODUCTION	3
2 BACKGROUND TO SPORT NORTHERN IRELAND	3
3. GENERAL COMMENTS	4
4. SNI RESPONSE TO THE PROPOSED NORTHERN IRELAND MARINE BILL	7
5. CONTACT DETAILS	11

1. INTRODUCTION

- 1.1 This paper provides Sport Northern Ireland's (SNI) response to the request for written responses to the Committee for the Environment.
- 1.2 SNI welcomes the opportunity to comment on this consultation as "Sport Matters" - the Northern Ireland Strategy for Sport and Physical Recreation 2009-19 has outlined the importance of outdoor recreation for increasing participation in sport and physical recreation. Sport Matters has outlined the need for public policy frameworks that increase and improve access to the natural environment for sustainable and responsible recreation and SNI would note that recreational users' value clean and pristine environments for their activities.
- 1.3 The coastline and marine environment in Northern Ireland are extensively used for a range of sport and physical recreation activities. The proposed Marine Bill highlights the importance of the marine environment in Northern Ireland to the population of Northern Ireland.

2. BACKGROUND TO SPORT NORTHERN IRELAND

- 2.1 Sport Northern Ireland is a Non-Departmental Public Body (NDPB) of the Department for Culture, Arts and Leisure (DCAL) and is charged with the development of sport in Northern Ireland. DCAL's vision is of: *"a confident, creative, informed and vibrant community"*.
- 2.2 DCAL intend to realise this vision through the development of policies and resources to: *"Protect, nurture and grow our Cultural Capital for today and tomorrow"* (DCAL Mission).

For DCAL, Cultural Capital is manifested in three ways:

- **People** – the creators and consumers of Cultural Capital, including sportswomen and sportsmen;
- **Infrastructure** – the physical spaces within which culture is created and enjoyed, including sports grounds; and
- **Products and Services** – our cultural output, including sporting success.

2.3 Sport Northern Ireland's vision is embedded in DCAL's vision: "*A culture of lifelong enjoyment and success in sport which contributes to a healthy, fair and prosperous society*".

In practice, this means SNI designing and implementing programmes and partnerships that will contribute to the following strategic objectives:

- increased participation in sport and physical recreation;
- improved sporting performances; and
- improved efficiency and effectiveness in the administration of sport.

2.4 Sport Northern Ireland's business and the development of sport and physical recreation in Northern Ireland is dependent on an infrastructure of people, organisations and facilities, all of which need to be grown and sustained in the longer term.

3. GENERAL COMMENTS

3.1 The Programme for Government 2011-15 "Building a Better Future" in Northern Ireland has highlighted five key strategic and interdependent priorities as follows:

- PRIORITY 1: Growing a Sustainable Economy and Investing in the Future
- PRIORITY 2: Creating Opportunities, Tackling Disadvantage and Improving Health and Well-Being
- PRIORITY 3: Protecting Our People, the Environment and Creating Safer Communities
- PRIORITY 4: Building a Strong and Shared Community
- PRIORITY 5: Delivering High Quality and Efficient Public Services

3.2 The Northern Ireland Marine Bill mainly focuses on priority 3.

3.3 While SNI welcomes the Marine Bill and its potential to protect the marine environment, it is concerned that Part 9 of the UK Marine and Coastal Access Act 2009 has been disregarded for Northern Ireland. There are approximately 400 miles of coastline in Northern Ireland and a report for the Council for Nature Conservation and the Countryside

(CNCC) by David Boyd in 2007 highlights that:

- 70 miles are already in Public Ownership – the majority of which is accessible;
- 100 miles are roads and railways; and
- 230 miles are in private ownership and the report highlights the difficulties that there are in negotiating access due to land ownership patterns and Occupiers' Liability concerns.

3.4 The UK Government has highlighted a commitment to creating Coastal Access in England and Wales. While England is currently developing a number of sections of accessible coastline, the Welsh Assembly Government has already developed the whole coastal path and will be launching it on the 5th May 2012. The Welsh Government's commitment to delivering the Wales Coast Path had the following key objectives:

1. To encourage and enable the public, both locals and visitors, to enjoy the coastline of Wales.
2. To encourage and enable more people to enjoy physical recreation at the coast, thus helping in efforts to become a fitter, healthier nation.
3. To make coastal access a 'flagship' tourism product, thus bringing economic benefit to coastal communities.

3.5 The project was co-ordinated by the Countryside Council for Wales and delivered on the ground by those Welsh local authorities through which the coastal route passes. Funding was secured from the European Union, the Welsh Assembly and Welsh local authorities.

3.6 Scotland already has a fully accessible coastline through the Land Reform Act (Scotland) 2000.

3.7 Northern Ireland lags behind other European Countries in terms of access to the natural environment for recreation as there is limiting legislation on access and extremely low mileage of public rights of way despite having some of the most fantastic scenery and landscapes in the British Isles. In other parts of the UK access legislation has been updated through the Countryside and Rights of Way Act (2000) and the Land Reform (Scotland) Act (2003). The 1983 NI Access Order does not provide the same level of right of access nor the responsibilities on

users as these other pieces of legislation.

- 3.8 SNI, in partnership with the Northern Ireland Environment Agency (NIEA) has been leading a series of public consultations on the development of a new Outdoor Recreation Action Plan for Northern Ireland to update, refresh and replace the 1998 Countryside Recreation Strategy in line with the aspirations, vision and targets of 'Sport Matters'. 91 different organisations have provided responses to this consultation and the recurrent issues emerging are lack of access, limited numbers of walking and cycling routes and the perceived weaknesses within the NI Access Order and the Occupiers' Liability legislation.
- 3.9 SNI believes that the Marine Bill presents an opportunity to help redress this situation and to show a commitment by the NI Assembly to improve access especially to a Northern Ireland showcase feature – the shared coast.
- 3.10 SNI believes that the Marine Bill, as currently drafted, may be a missed opportunity to address a number of 'Programme for Government' priorities such as:
- PRIORITY 1: Growing a Sustainable Economy and Investing in the Future
 - PRIORITY 2: Creating Opportunities, Tackling Disadvantage and Improving Health and Well-Being
- SNI believes that the development of improved and extended coastal access could help to improve opportunities for tourism and to improve the health and well-being of the people of Northern Ireland.
- 3.11 Finally it has been clearly shown through research such as the Natural England Monitoring and Engagement with the Natural Environment Survey (MENE) that the involvement and engagement of people with the natural environment engenders a strong sense of ownership and protection for that environment. Therefore providing improved coastal access should engage more people with the fantastic coastline of Northern Ireland and create a stronger voice for its protection and conservation.

4. SNI SPECIFIC RESPONSES TO CONSULTATION

4.1 Part 2 – Marine Plans

4.1.1 SNI supports the Department’s powers to create marine plans for inshore regions and notes that the plan should state the policies of the relevant Northern Ireland departments. SNI would point out that “Sport Matters,” while developed by Sport NI and the Department of Culture Arts and Leisure, is a cross cutting government strategy. The strategy highlights the importance of access to the natural environment for sport and recreation and SNI would point out that the marine environment and the coastal fringe is extensively used by a great range of sports and activities including but not limited to the following:

- Angling;
- Canoeing and kayaking;
- Coasteering;
- Cruising;
- Diving;
- Horse riding;
- Power boating;
- Rock climbing;
- Swimming;
- Sailing;
- Sand yachting;
- Surfing;
- Walking.

4.1.2 Research undertaken on behalf of Sport Northern Ireland by the Countryside Access and Activities Network into the Trends in Adventure Sports 1995 – 2008 has highlighted significant growth in a range of sports including the following sports that make use of the marine environment:

Sport	Participant Numbers	
	1995 data	2008 data
Sailing	9,900	12,000
Canoeing	772	2,600
Surfing	Not provided	7,580

SNI would point out that while some vessels will create a significant wake or produce a lot of noise when moving at speed this is not the case for all watercraft – particularly those under human or wind power. The impact of such activities can be considerably less than motorised craft. Therefore it may be useful in an appendix to consider a definition of a vessel (which is normally considered as motorised).

- 4.4.5 Section 24 (3) (e) prohibits or restricts the killing, taking, destruction, molestation or disturbance of any animals or plants of any description in the MCZ.

SNI would have concerns that this could have a very negative impact on sea angling – which is a very sustainable method of fishing but which supports some rural economies. Further under the legislation for the Natura 2000 sites there has been considerable debate across Europe about what constitute significant disturbance – as insignificant disturbance does not require any restrictions. SNI would therefore suggest the wording of section (e) be changed to include the word significant and that further work is done to help provide information on what may constitute significant disturbance. SNI has commissioned work on this with respect to the impact of events in the Mourne Special Area of Conservation (SAC) and the Countryside Access and Activity Network (CAAN) is currently developing a website that provides further information on this. (www.outdooreventsni.com)

- 4.4.6 SNI has some concerns about Section (10) whereby the remainder of the section can be ignored if the Department thinks it necessary to urgently protect an MCZ as the lack of consultation and a considered approach may result in poorer protective measures and significant impacts on activities that may take place in that MCZ.

4.5 Schedule 1 – Marine Plans: preparation and adoption

- 4.5.1 SNI would note that the schedule places a duty on the Department in Section 4 to consult with other departments during the preparation of the consultation draft and the settling of the text of the plan for adoption and publication of the plan and SNI welcomes this duty.

- 4.5.2 SNI also welcomes the requirement to prepare and publish a statement of public participation.
- 4.5.3 SNI would note that in section 8 the Department may seek advice and assistance from any body or person with a particular expertise. SNI would propose that this is changed to be a requirement rather than an optional addition.
- 4.5.4 SNI would request to be named as a statutory consultee in relation to how the exercising of the Department's powers could impact on sport and recreation opportunities.

6. CONTACT DETAILS

6.1 For further information contact:
Mike McClure
Outdoor Recreation Development Officer
c/o Tollymore National Outdoor Centre
Hilltown Road
Bryansford
CO. Down
BT33 0PZ

Tel: 028 90383855
mikemcclure@sportni.net