



Northern Ireland
Assembly

Committee for the Environment

**OFFICIAL REPORT
(Hansard)**

**Marine Bill: Northern Ireland Marine Task
Force**

3 May 2012

NORTHERN IRELAND ASSEMBLY

Committee for the Environment

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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 Tom Elliott
Mrs Dolores Kelly
Lord Morrow

Witnesses:

Mr Colum Delaney	Northern Ireland Marine Task Force
Mr Richard Devlin	Northern Ireland Marine Task Force
Mr Andrew Ryan	Northern Ireland Marine Task Force
Ms Marguerite Tarzia	Northern Ireland Marine Task Force

The Chairperson: You are all welcome. With us we have Colin Delaney, Ricky Devlin, Marguerite Tarzia and Andrew Ryan. As I read the briefing paper last night, I realised that we had left out a few pages, so we may need you to give us an overview. We left out the bits with your recommended amendments, but we now have the full paper, so we can all read it later. Given the time limit, will you give us a brief five to 10-minute presentation? Members will ask questions after that.

Mr Richard Devlin (Northern Ireland Marine Task Force): With pleasure. Thank you very much. We will certainly try to keep to the time. I thank the Committee for the opportunity to present the position of the Northern Ireland Marine Task Force (NIMTF) on the Marine Bill. You already made the introductions, but I am Ricky Devlin, the marine co-ordinator, and we also have with us Marguerite Tarzia, Colin Delaney and Andrew Ryan. We will each take a short section and make our presentation as pointed and as brief as we can.

Through the eight organisations that are partnered with the NIMTF, we represent 100,000 people in Northern Ireland. We have come together to campaign for the Marine Bill, which we welcome and consider to be long overdue. To put it in context, the Bill has largely been driven by external forces, with the goal, as set out in the marine strategy framework directive (MSFD), of reaching the state of good environmental status by 2020. So, the clock is ticking on that. We welcomed the Bill when it was introduced in February. Obviously, it contains clauses with which we are happy and others that we suggest need strengthening. We will deal with those in due course. Our submission identifies four

primary areas of concern. I will touch on each of them briefly, and we can maybe explore them in more detail as the presentation wears on and as your questions come out.

First, we wish to see the Bill being given more of the overarching purpose that it requires but currently lacks. We feel that it would be greatly strengthened by the inclusion of a commitment to the principle of sustainable development and protection for the Northern Ireland marine area. We feel that such a commitment would inform and strengthen the Bill and its implementation as an Act.

Our second area of concern is the designation of a marine conservation zone (MCZ) and the ecological network of sites. My colleague Marguerite will go into that in more detail. However, it is a primary area that we want to raise a point of order about.

Thirdly, we looked at the need to integrate and synchronise the marine conservation zone process with the marine spatial plan (MSP), which is the marine plan for Northern Ireland. Marguerite may also touch on the issues that we have on that.

We are looking at the practical implementation of the Bill, specifically the current management structure. Marine governance has not been properly addressed in the Bill, and people other than just us recognise that it needs to be. The Bill looks at how the various Departments will manage the functions together. The existing governance model is much too scattered. We can point to Strangford lough as an indication of where a failed system has led us. The NIMTF's position is that a single unitary authority, such as a Northern Ireland marine management organisation (NIMMO), would be the most environmentally efficient, economically coherent and sensible direction to go. I certainly stress that.

Where governance is concerned, we have heard from departmental officials that there is much talk of the suggested interdepartmental marine working group. That would appear to be their preferred option as the forum for marine governance and cross-departmental co-ordination. In the absence of anything else, and, as I said, we are very much in favour of a NIMMO, which would be a single unitary authority. The Marine Task Force would like much greater detail on the composition of that working group, its terms of reference, its authority and the legal status that it may or may not have.

We also believe that the departmental group, such as it is, needs to be more transparent in its meeting, its working and its product, and there needs to be much greater accountability, a published membership, terms of reference, published minutes of meetings, etc. However, the Marine Task Force's preferred option is such a single unitary authority and, at best, a non-departmental public body (NDPB). Those points cover the initial four areas that we would like to address.

Related to all those is the fact that we need to take socio-economic factors into consideration. The NIMTF is very supportive of marine legislation, and it wants to ensure that the balance is right between environmental concerns and the proper socio-economic activity that takes place in our waters. That might partly relate back to marine planning and getting the co-ordination correct between those elements. We would certainly support as much stakeholder involvement in the process as possible. We support key interests, such as fishing, angling, and other recreational pursuits.

Other issues that we feel should be brought to the fore at this stage include resources. There is a lack of clarity about the Bill and how the activities and programme of work that will come from it will be funded. We need to ensure that we produce more than paper parks and that there is proper support for the staff and the other stakeholders who carry out the work.

Before I hand over to my colleague Marguerite, I acknowledge that we have been fortunate to have been called in front of the Committee. However, we are aware that other submissions have been supportive of the NIMTF's position. So, I am delighted to say that the likes of Northern Ireland Environment Link (NIEL), the National Trust, the Northern Ireland schools advisory group and the Northern Ireland Council for Voluntary Action (NICVA), to name but a few, have also largely endorsed the NIMTF's position on the Marine Bill.

That concludes my part of the presentation. I will now hand over to my colleague Marguerite Tarzia, who will take you through some of the other issues in a bit more detail.

Ms Marguerite Tarzia (Northern Ireland Marine Task Force): I will give you some background context. Northern Ireland's seas are really rich in marine life. There are iconic species, such as the basking shark and the harbour porpoise, sponge gardens, mill beds, valuable fish and shellfish species and spectacular habitats, such as sea caves. However, the seas are becoming increasingly busy with human activities, and threats, such as climate change and overexploitation of resources, have damaged our seas globally. Locally, however, 121 species, which can be classified as coastal or marine, are listed on Northern Ireland's priority species list. The Oslo and Paris Convention for the Protection of the Marine Environment of the North-East Atlantic lists 18 threatened marine species that occur in the waters around Northern Ireland.

Through binding international agreements and UK-wide policy, Northern Ireland is required to set up an ecologically coherent network of marine protected areas. We are also required to achieve good environmental status by 2020 through measures that include the establishment of a marine protected area network. A key timeline of the dates can be found on page 4 of our submission. That network will include EU sites, such as the habitats and birds directive sites, ASSIs and the new marine conservation zones. MCZs can be designated for nationally important species and habitats and can include a variety of protection levels, from lower levels of protection and management of human activities to highly protected areas, which restrict potentially harmful human activities.

Each of the other UK Administrations is designating MCZs to make up a local network in their seas. That will contribute to the wider UK network of sites. In the Northern Ireland Marine Bill there is a requirement for the network to improve only the UK marine area, which is in clause 18 and also in our submission. Although that clause is not different to the UK Marine and Coastal Access Act 2009 or the Marine (Scotland) Act 2010, there is the possibility that Northern Ireland might overlook the need to focus on the network in the Northern Ireland inshore region without an explicit requirement in the Bill to improve our local seas. That is particularly concerning, as we are years behind the other Administrations in designating MCZs and in achieving our network. The NIMTF believes that it is necessary to have a clause explicitly stating that the network needs to improve both the local Northern Ireland inshore region and the wider UK marine area. Furthermore, each of the Administrations is seriously considering including some high protected MCZs, or no-take zones, as part of their networks. Although the concept of no-take zones can sometimes produce concern among certain community groups, the NIMTF emphasises the potential positive impacts that those types of marine protected areas can have on the long-term sustainability of fishing and the restoration of previously depleted species.

No-take zones can also lead to some economic opportunities through improved fishing catch at the boundaries of the protected areas and through ecotourism. The NIMTF believes that highly protected areas should be included in the Northern Ireland network and that a specific clause in the Bill would facilitate their designation. Our suggested wording can be found on page 16 of our submission.

The next related issue that the NIMTF is concerned about is the apparent lack of integration between the future MCZ designation process and the marine spatial planning process. Other countries that have successfully carried out marine spatial planning have not had separate teams working on marine protected areas and marine spatial planning. In Australia, the Great Barrier Reef's zoning scheme is an excellent example of integrated marine spatial planning. The zoning and designation of conservation areas occurred alongside the designation of areas for fishing, resource extraction or tourism.

Based upon statements that Department of the Environment (DOE) officials made regarding the commitment to have a marine spatial plan in place by 2014 and to have the MCZ process synchronised with the rest of the UK only by 2018, it appears that those two processes will not occur in synchrony and will not be integrated under the marine spatial plan. How can decisions for the future use of our seas be taken when information on areas for conservation is not completed by the time that the plan is published? The NIMTF therefore believes that there should be an explicit requirement in the Bill for the integration of the two processes and for synchronisation and joined-up time frames.

I will now pass on to Andrew Ryan, who will outline the main legal issues of concern.

Mr Andrew Ryan (Northern Ireland Marine Task Force): As you will see, there is quite a detailed and extensive critique of the Bill in our submission. I do not think that anyone will thank us for going into that in any detail, but I would like to highlight a few key points. The first relates to the general duties of the Bill, which have already been mentioned. Section 3 of the Marine (Scotland) Act 2010 states:

*"In exercising any function ...
(a) the Scottish Ministers
(b) public authorities
must act in the way best calculated to further the achievement of sustainable development".*

They must also:

"act in the way best calculated to mitigate, and adapt to, climate change".

The task force believes that that would be an important addition to the Bill, because it would really set the whole scene for the purposes of the Bill. From a legal perspective, it would allow the Bill to be interpreted and implemented with those two issues — sustainable development and climate change — in mind. At present, climate change is not referred to in the Bill, and sustainable development is referred to only in passing. Therefore, we think that that change would be key.

A second issue relates to the formulation of marine plans, which are key to informing the use of the seas and the designation of marine conservation zones. Clauses 8 and 9 provide for how such a plan may be challenged in the courts. I am sure that some of you are very aware of the judicial review procedure. Essentially, the process of challenging a decision by a public authority must be started within three months. Judicial review applications can be brought on various grounds, such as that the decision is unreasonable or illogical, has procedural errors or failed to take material considerations into account. That is a standard procedure in public decision-making. However, clauses 8 and 9 seek to restrict that challenge procedure in such a way that an application can be made only where the marine plan is outside the appropriate powers of the body or, more importantly, where a procedural requirement is not complied with. That procedure is very clearly set out in the Bill. Further, the application for a challenge must be made within six weeks, rather than three months, of the relevant document's publication. We see that as significantly restricting the grounds on which to challenge the plan. Frankly, that should be of concern not just to the task force but to anybody who may be affected by such a plan.

Also, one of the criteria for mounting a legal challenge is:

"that the interests of the applicant have been substantially prejudiced"

by the procedural flaw. We see that as a limitation on the range of people who may be able to challenge a plan. If you cannot demonstrate that you have been "substantially prejudiced", you would not be able to mount a challenge. That is very different to the judicial review procedure, which allows anyone with a "sufficient interest" in the issue to mount a challenge. So, unless you have an economic interest in the effect of the plan, it may be difficult to mount a challenge.

The final issue that we want to raise concerns the granting of authorisations by public authorities for activities that may impact on marine conservation zones. When granting authorisation for things directly linked to the sea, such as dredging, offshore renewables, fishing and other marine licensing, or even onshore activities that may impact on the sea, such as discharge consent, the public authority has to look at whether that consent is:

"capable of affecting (other than insignificantly)"

the marine conservation zone. The public authority cannot grant the authorisation unless it can demonstrate that there is no:

"significant risk of the act hindering the achievement of the conservation"

features of the MCZ.

We think that the wording is important here, because:

"capable of affecting (other than insignificantly)",

and that there should be no:

"significant risk of the act hindering the achievement of the conservation".

is, essentially, new. It exists in the UK Marine and Coastal Access Act 2009, but there is very little guidance on what that wording means and how the impacts are going to be measured. We think that concern over what that wording means will inevitably lead to delays, difficulties and possibly legal challenges to the granting of authorisations. It just seems to us that it introduces a level of uncertainty that is not necessary, because the wording in other environmental legislation that deals with "significant" impacts on protected areas could be utilised.

However, if a public authority's granting of an authorisation causes significant impacts, the body can still grant that authorisation, provided that it can show:

"there is no other means of proceeding";

that "the benefit to the public" outweighs the damage that would be caused; and if:

"the person seeking the authorisation will undertake ... measures of equivalent environmental benefit".

The concern here is that there is no mechanism to secure how those compensatory measures of equivalent environmental benefit might be implemented or where they might be implemented. Also, if the authority grants an authorisation and then damage subsequently occurs, there is no mechanism for sanction against the public authority for getting it wrong other than a requirement to provide a written explanation to the Department. We see that as a significant weakness in the Bill that could allow activities to occur where damage will take place in the protected areas without any form of compensation.

So, really, that covers three issues in one, because this is untested wording in assessing environmental impacts. There is a lack of real accountability for the public authorities in granting authorisations, and there is the issue of enforceability once those authorisations have been granted to consider. Thank you.

The Chairperson: Thank you very much indeed. I read your submission with great interest last night. You have certainly given us food for thought. We will look carefully at your suggested amendments, and we will raise other issues with the Department.

Your first point was that the Bill lacks an overarching purpose to further sustainable development. The Department has been talking to us about that. It said that sustainable development is covered by other legislation in different Departments. How do you think that adding such a provision to the Marine Bill will help sustainable development?

Mr Devlin: I am sure that my colleagues will have opinions on this as well, but adding such a provision will strengthen and focus the Marine Bill, and people will know, in essence, what the Bill is there to do. You need, as we put it, that overarching goal or aim to know the purpose of the Bill and what it is meant to deliver. The Bill has been driven largely by two external forces — the overall United Kingdom aim and the overall European aim — to achieve good environmental status by 2020. Without that clear statement of intent, we feel that the Bill is weakened, so it should be strengthened and delivered on. We have suggested a form of wording that we feel would improve and focus it. For example, the Marine (Scotland) Act 2010 clearly states such an intent, and it has an overarching purpose. It is something that we recommend that the Committee and the Department carry forward. I wonder whether anyone else has any comments to make on that.

The Chairperson: Marguerite, can I ask you a question about the MCZs? You talked about the marine spatial plan. Are you saying that we need to do them together?

Ms Tarzia: Yes.

The Chairperson: Does that mean with the same team, not different teams? Normally, we do the planning policy statement (PPS) first, and other things come after that. Would it not make sense to have the marine spatial plan first and then to designate the zones?

Ms Tarzia: I gave an example from Australia, which is one that I obviously know quite well. Having the one team that designates the marine protected areas means that there can be liaison in the one team. It can make decisions about whether an area should be used for conservation and whether it could be compatible with other uses of the sea. So, it is a multiple-use zoning scheme, which, I think, is the essence of marine spatial planning. The NIMTF's position is that it would make a lot of sense to have the process integrated into the one large team. Even if there are two separate subgroups in the spatial team that works with the MCZ designation process, I think that it makes a lot of sense to have it joined up in that way.

Mr Delaney: I want to jump in on that very quickly. Marguerite is correct. Our concern is that, if they are not integrated and if there is not synchronisation, the marine conservation zone process will become a secondary consideration while other areas will be able to forge ahead. That is our concern.

Mr Delaney: I just want to add to my colleagues' comments. It is a point that we like to make quite clearly. All sea users need to know where the conservation zones will be placed. If you are planning activity, be it for the fishing industry, offshore renewables or whatever, people need to know where those areas are likely to be and what features they are likely to attend to. In the interest of everybody, those processes should be brought together.

The Chairperson: I invite members to come in with questions.

Mr Boylan: Thank you for your presentation. You will agree that the Bill is a good start?

Mr Devlin: It is very welcome.

Mr Boylan: We visited Scotland, and it seems to me that they have done it the right way. They had proper stakeholder engagement across the board from the beginning. They have created an atlas or a database of information, and, obviously, they are going on scientific evidence. Where are we with regard to our database? Have you any information on that? Surely there have been good practices and good management practices carried out up until now in relation to the marine issue?

Ms Tarzia: I believe that the Scottish atlas is a comprehensive look at their ecosystem and what they have around their seas. There has been a lot of good research done around Northern Ireland. You ask where we are with our atlas. That would be an excellent question to ask departmental officials. To have such an atlas for Northern Ireland would certainly be a very welcome addition.

Mr Boylan: I ask the question, because we are talking about putting in place a mechanism here for MCZs. They are called marine protected areas (MPAs) in Scotland. Key to having such a mechanism is the data. Maybe in the future, if we have the tool, we will need to do that. I know that you mentioned judicial reviews, but we are only at the start of the process. Let us not go down the line of judicial reviews; let us try to get this developed properly. A key element of designating any MCZ is a proper and informed database.

Mr Devlin: That is a fundamental point; we agree with you entirely.

Mr Boylan: You are a representative of a large body, but there are other groups. You mentioned fishing. I have received e-mails from across the board, from groups interested in wildfowl and the

Countryside Alliance, among others. I would like to see more engagement with the likes of you. When we go to look at the process of designating, all of those bodies should be incorporated into that.

Mr Devlin: Even this week, we met with representatives from the British Association for Shooting and Conservation (BASC) and the Countryside Alliance. We acknowledge that they, alongside the other stakeholders you mentioned, should be brought into the whole process regarding the designation of MCZs. You made the fundamental point that it should be based on scientific data. We agree with that. You should not base it on anecdotal evidence, for instance; you base it on the data. Then you determine what the objectives of the conservation zone will be, but they have to be based on as much data and fact as one can get.

Mr Boylan: I bring it up because, as you know, Chair, my view on this is that there should be an inclusive approach from the start. We have an opportunity to do that. We have learned from other legislation in the previous mandate, when people came to us afterwards. I do not want to see that happen with this legislation. I think it is good legislation.

Mr Devlin: We think so as well. Such groups as angling groups should be involved. We followed with interest the way in which the Scottish model was brought forward. There are other examples of good stakeholder engagement from the Isle of Man, for example.

Mr Boylan: I would welcome that approach. Another issue that came up in Scotland was the Crown Estate. You have not mentioned that. Some of my party colleagues brought that issue up. Scotland has a coastal fund, which may be a suggestion for here. The local authorities, for instance, felt that they were not getting enough of a return. Have you thought of anything in relation to that? They felt that not enough resources were going back from the likes of the Crown Estate, and you mentioned resources earlier. They have mentioned the coastal fund.

Mr Devlin: We would need to investigate that further, but the principle sounds fine. We would need to ensure that the resources are there and establish how much we need. We need to determine exactly what is ahead of us. Securing resources from whatever proper means is available should be looked into.

As part of our stakeholder involvement, we would like to see local coastal communities drawn into this. These things affect local people, so we very much want that sort of approach.

Mr Boylan: It is grand looking at the Bill, but the devil is in the detail. Part of it is how it is then driven out on the ground. I was talking to people yesterday about Warrenpoint harbour and how it would like to develop further. You mentioned dredging and licensing and regulation with regard to leisure activity. That is welcome, but it needs to be inclusive from the start, and we need to understand exactly what that is.

Mr Delaney: I could not agree more.

Mr Boylan: I have one final question. In the absence of an MMO, obviously, you do not feel that there is anything there that can properly manage it. How will it be managed? I am putting it to you straight, because you have been lobbying for an MMO. Are we saying that the practice is there or not?

Mr Devlin: We are saying that the current practice — the current model — has failed and, therefore, it needs to be changed. Our much preferred option is to have an independent Northern Ireland MMO. If that is not to be the case, we would certainly like it to be a single unitary authority. However, we would much prefer an MMO. We have laid out the two, three or four options that we see in front of us, and each needs further investigation.

As we said earlier, when the issue of governance was brought up, the Department suggested that there should be a departmental working group. However, if that is to be suggested as the way forward by the Department, then we need an awful lot more detail around it. Transparency is paramount. The NIMTF position would be to push for the NIMMO.

Mr Boylan: In the absence of that, would you be looking at an amalgamation of local authority, someone with the knowledge base and departmental officials? Is that an alternative?

Mr Devlin: The devil is in the detail. However, a single unitary authority, which brings together the principle responsibilities under one heading is the preferred option. How and who that might be has yet to be determined. However, we cannot continue in the way that we have been, because it has not worked.

The Chairperson: You mentioned in your paper that a cross-departmental group has no legal status, and that is an important point.

Mr Devlin: What is its status? If it is being proffered as some sort of resolution to the issue of governance, it is beholden on everybody to find out and get a lot more concrete detail about the group. However, it is not the NIMTF position. We are not suggesting that that is the way to go. We very much support the MMO position of a single unitary authority.

The Chairperson: Marine Scotland is more or less like an MMO, and it is really quite independent, although it is still within government. However, it seems to have a lot more resources and authority attached to it. We went to Scotland last week, and I was quite impressed by what it has done. It has certainly invested a lot of time in implementing the Bill and in engaging with stakeholders. It was very interesting.

Mr Devlin: Stakeholder involvement is becoming loud and clear.

The Chairperson: The statement of public participation was mentioned in your submission. I presume that you support it.

Mr Devlin: Yes.

The Chairperson: Do you think that there is any need to strengthen even further the statement of public participation that the Department needs to produce and to act on it?

Mr Devlin: Yes. It certainly should. We are very much engaged with the idea of having as broad a church as possible and getting people from all walks of life and from all areas of interest to take part in the process and to be included. I think that the Department would certainly wish for that to be the case, but how will it be managed and overseen? Nevertheless, it is something that we support.

Lord Morrow: Thank you for your presentation. I note in your paper that you consistently had concerns about the degree of flexibility that is integrated in the Bill. Bearing in mind that we have never been here before and that this is new territory, do you not think that that is a good thing? Furthermore, you also state that there are too many get-out clauses or qualifications and lack of words. You highlighted one:

"However, the language 'seek to ensure' is still not an absolute requirement."

You also talk about a review every five years — maybe you do not say every five years, but you say in five years. Area plans, which many of us work with, seldom have reviews in 15 years. Indeed, in one case, I recall that it was 20 years. Taking that on board for a Bill of this size with its magnitude, its implications and its ramifications, do you not think that that five-year term is much too short a period to try to draw on it and ascertain just where all its deficiencies might be? Would you not accept that there should be those flexibilities to allow the Bill to get grounded? People could come to the conclusion that the Bill is ineffective, it should not exist and, therefore, in five years we will dump it out. Is that what you are saying here?

Mr Devlin: Andrew would need to comment on some of the specifics. However, this is a general point: we want the Bill to succeed. A Bill would only be thrown out or be subject to significant change if it is seen to have failed. Obviously, we do not want that to be the case.

Some of the language that is used in the 48 clauses is ambiguous and, as someone said earlier, the devil is often in the detail. To decide what a word means — for example, "to seek to do" something — you need to look at each, as we have done. Without going through it line by line, we have picked up on a number of issues. As a general point, we would like the language to be tighter so that there is more clarity. Again, with clarity, you get certain details; you are certainly more likely to get a much more sensible feel for direction.

Mr Ryan: I am looking at this through the lens of a lawyer and my experience of the way in which other environmental legislation has been implemented, which has, subsequently, led to numerous challenges. You only have to look at the environmental impact assessment directive and the number of challenges and major projects that have been hindered; for example, the North/South interconnector to a certain extent, because of the vagaries and flexibilities in the legislation. Precisely because this is new legislation, it is a whole new area. It is not so much the fact of it being inflexible but of it being clear, appropriately worded and having appropriate guidance, so that people know how it is intended to be implemented which, on the one hand, will allow people with issues to deal with them in a straightforward manner and, at the same time, it will give everybody more certainty about how the legislation will be implemented.

With regard to the review period, it will be important to set the nature and scope of those five-yearly reviews. Again, because it is new legislation, there is something to be said for having a shorter review period. If significant difficulties are found in that shorter period, they can be dealt with quickly, rather than waiting for 10 or 15 years until they can be revised. It is not necessarily a wholesale review of the legislation; it is how it is implemented. Perhaps focused reviews on particular areas would be valuable.

Lord Morrow: If you were coming from a lawyer's point of view, I could understand that you would want the word "shall" instead of "maybe" or "might" or something like that. Furthermore, in referring to the duties of public authorities for MCZs, you say that there is:

"no substantive sanction in such circumstances".

Is that not a bit tough?

Mr Ryan: It could be. However, you may be looking at areas that are specifically designated as marine conservation zones and as specific habitats of species that require protection, and if there were no form of definite sanction other than to have to write a letter to the Department explaining where things went wrong, that would seem to allow public authorities to make errors that could lead eventually to significant damage of protected habitats.

Mrs D Kelly: Thank you for your presentation. I have just a couple of observations to make and one or two questions to ask. When you mentioned the Great Barrier Reef and marine protection zones, the majority of people would understand why and where they would be designated. Unfortunately, I do not think that the same level of public knowledge exists about what is native to the coastline of Northern Ireland and why it needs protecting. That may then be part of the reason that there is less public participation in the Bill. It is a challenge to you, as well as to the Committee, to develop some interest in that and to educate us and the public.

Your presentation centres quite a bit on governance. It states:

"The DoE has suggested the Inter-Departmental Working Marine Group (IWMG) as an alternative forum for marine governance".

You then go on to suggest that very few people have any knowledge either of that group's membership or terms of reference. I think that that is something that we could pick up on, Chair. Perhaps you could give us some indication of your experience to date of your relationship with that group.

Finally, you also mentioned Foyle and Carlingford, which have a cross-border dimension. I know that, under the EU directives for marine protection, the South of Ireland will also have to have a marine task

force. Have you made an assessment of how the two sets of proposals are going to work collaboratively for the protection of those two loughs in particular?

Mr Devlin: There are cross-border issues with Carlingford and Foyle, but both Administrations have been working well together, and there is a memorandum of understanding between the two. Rather than being trite, it is true to say that nature does not recognise political boundaries, so the island of Ireland and the waters around it are ecologically coherent. Therefore, yes, the NIMTF certainly supports any steps that would allow the two Administrations to work more closely together. There is clear evidence that that has been happening, so we will be fairly sanguine as that process moves forward. However, that is an important issue to raise.

As to our knowledge and work with the interdepartmental working group, we have never had any direct interaction with it per se. We have worked with individuals from each of the Departments that are represented on it, and we have very good relationships with them. They have been working towards trying to deal with some of these issues, but our concern with the interdepartmental working group is exactly as you say: its terms of reference and what it is. We know that it is there, we know that it has met, and we know that the individuals on it are working hard, but there are further questions to be asked in moving forward this marine legislation and the issues that are causing concern. If it is going to be suggested as some sort of management authority, we believe that that is not sufficient. As I said, there is such a lack of detail on it that it is very hard to put your finger on any particular issue, because I cannot find it to put my finger on, if you know what I mean. So, there is that point to consider.

Mrs D Kelly: Chair, perhaps we could ask the Department to clarify some of those points for us. That would be useful.

The Chairperson: Perhaps we could have the membership details of the group.

Mrs D Kelly: It is just so that we can get clarification of the points that are raised in the final paragraph of the page I am referring to and answers to some of those questions.

Mr Devlin: For us, it is of importance, because it is a governance issue and it is about delivery. All sea users or any stakeholder should have questions on those issues. I do not think that we will be alone in that.

The Chairperson: It looks as though that is all that we have at the moment as a memo. Are there any more questions?

Mr Elliott: Can I just ask one question? Thank you very much for your presentation. You refer to:

"the degradation and mismanagement of our seas is ultimately leading to a reduction in the benefits".

You highlight the loss of revenue for the fisheries. Is there any other loss of benefits that the Marine Bill would change?

Mr Devlin: We are hoping that the Marine Bill and the clauses that it will bring in will add to all the flora and fauna issues around our seas and all other interests. Maybe we will come back to the marine conservation zones. For example, we support the fishing industry, which is a sustainable fishing industry, so we want to ensure that the conservation zones are selected and that the features etc to be protected take all those things into consideration. We are trying to be as inclusive as possible in what you are looking to conserve for local waters.

Mr Elliott: As a matter of interest, there are no representatives of the fishing industry on your body, the Marine Task Force.

Mr Devlin: No. Having said that, I met with representatives from Seafish last week to discuss some of the issues. So, the door is always open. We would welcome conversations with —

Mr Elliott: But not being part of it.

Mr Devlin: We have never been approached by them formally to be part of the NIMTF.

Mr Elliott: Have you ever asked?

Mr Devlin: If fishing industry representatives wish to become involved with the NIMTF, we would be more than happy to talk to them.

Mr Delaney: To add to that, the Marine Task Force was set up after collaboration with the environmental NGO sector. More recently, we held a workshop event at Castle Espie and invited stakeholders from all the areas that have an interest in marine issues. Indeed, some Committee members were at that event. Certainly, we want to work as closely as possible with as many people as possible to get the Bill right.

Mr Elliott: Do you think that it would be helpful if somebody from the fishing industry were part of the group?

Mr Devlin: We welcome continuing dialogue with the fishing industry —

Mr Elliott: I asked whether you thought that it would be helpful if there were a representative from the fishing industry on the task force.

Mr Devlin: If the fishing representatives were to agree with the NIMTF position, I am certain that they would be very welcome.

Mr Elliott: You are saying that they must come on board on your conditions and not on their own.

Mr Devlin: There is always the opportunity for ongoing dialogue between the two. It is often presented as though there were two different schools of thought on these sorts of issues. Quite often, it is found that there is an awful lot of common ground between not just the fishing industry but other interested stakeholders whose position we might not necessarily agree with 100%. However, as I said, we have already reached out to as broad a range of interests as possible, and that very much includes the fishing industry. If it wants to come and talk to us on that, we would be more than happy to do so.

The Chairperson: Thank you very much for your presentation and for coming along.