

The Northern Ireland Marine Task Force (NIMTF) is a coalition of non-government environmental organisations-it includes RSPB, Ulster Wildlife, Wildfowl and Wetlands Trust, WWF Northern Ireland, National Trust, Friends of the Earth, Irish Whale and Dolphin Group, and Northern Ireland Environment Link. The NIMTF has the support of approximately 100,000 local people. We are working towards healthy, productive and resilient seas for Northern Ireland.

NORTHERN IRELAND MARINE TASK FORCE RESPONSE TO: THE DRAFT NORTHERN IRELAND MARINE PLAN

General Comments:

The Northern Ireland Marine Task Force (NIMTF) welcomes the opportunity to comment on “The Draft Northern Ireland Marine Plan”. The NIMTF is working towards a ‘healthy, productive and resilient seas in Northern Ireland’ and view the process of supporting the development and implementation of an ecosystem-based Marine Spatial Plan as one of our core objectives.

We recognise that this is a “strategic plan” as it is at a regional level, however, there is a concerning lack of strategy detailed within the draft. The Plan is more a collation of current practice rather than a strategic way forward analysing trends towards potential future uses and shifts in current usage. The draft Plan does present policies that reflect, clarify and signpost existing policy measures and practices from the UK Marine Policy Statement (MPS) and across NI and UK Government Departments. The Plan may assist stakeholders in understanding their responsibilities in relation to the marine area and help them prepare proposals.

The Regional Development Strategy (RDS), which is also a statutory planning document sets out a plan for the long term development of NI until 2035 while the draft Marine Plan does not include any long term plans. Departments are required to have regard to the RDS in relation to developments which is the same as the Marine plan, however, Section 1.8 states:

“The RDS is relevant to marine planning and its strategic guidance will be taken into account in marine plans which are to be prepared by DOE.” (DAERA)

Furthermore the RDS in bold, states that it contains a Spatial Framework (emphasis on the word spatial) and Strategic Guidelines- it aims to provide long-term policy direction with a strategic spatial perspective - the Marine Plan should use similar language.

We appreciate that the Plan will continue to evolve as the effectiveness of its policies are monitored and reviewed as the evidence base develops. However, the plan needs to be fit for purpose from the outset to provide a good baseline and a long term policy direction as the Regional Development Strategy. Measuring progress will be difficult as the methods of monitoring and reviewing progress are not clear. For example, the Marine Plan Objectives (Pg 8) are not SMART (although the draft Plan states an indicator based approach will be developed, it is not presented here therefore it

cannot be commented upon). It will be difficult for the Northern Ireland Assembly and future users of the Marine Plan to assess progress and requirements if there are no deadlines, SMART Objectives¹, Milestone Indicators and specific responsibilities assigned for each objective as well as an indication of how it would fit into a future Programme for Government.

Significant Gaps

The Ecosystem Based Approach and Good Environmental Status (GES).

The current draft of the Marine Plan states that an ecosystem based approach has been applied. The NIMTF strongly supports the application of ecosystem based management however the plan does not currently fully implement the approach. The draft Marine Plan takes a mostly sectoral approach rather than an ecosystem based approach as it is driven by (sustainable) development without defining any limits and it is activity orientated with no spatial links, future trend or forecasting analysis and SMART objectives. However, the inclusion of the co-existence and cumulative impact core policies helps contribute to the development of an integrated approach. The differences between the ecosystem-based and sectoral approaches to MSP are outlined in Table 1².

Table 1 (Brooker & Collin (2016²)): Comparison of Ecosystem and Sectoral approaches to MSP

Ecosystem approach	Sectoral approach
Place orientated (multiple scales)	Activity orientated (scale limited to activity)
Incorporates multiple sectors/activities	Focuses on a single sector/activity
Considers direct impacts and impacts on the wider ecosystem functioning	Focuses on direct impact of development/activity on environment
Considers value of all ecosystem services	Considers specific resource of interest
Driven by environmental protection	Driven by development
Adaptable	Fixed
Long term focus	Short term focus

Ecosystem-based marine spatial planning in the UK is intrinsically linked with the attainment of GES. Specifically, marine spatial planning can and should contribute to place-specific GES descriptors achieving favourable condition (Gilbert *et al.* 2015³, Table 2).

¹ DIRECTIVE 2014/89/EU S4 requires SMART sustainable and inclusive growth as a key to the implementation of the Europe 2020 Strategy.

² <http://www.scotlink.org/public-documents/living-with-the-seas/>

Table 2 (Gilbert *et al.* (2015)): Spatial planning characteristics of MSFD descriptors.

Descriptor	Drivers subject to MSP	Drivers not subject to MSP
(D1) Biological diversity†	environmental protection‡, renewable energy generation (wind, wave, and tidal energy), cables and pipelines, oil and gas exploitation, sand and gravel extraction, benthic trawling, anchoring, other infrastructure	
(D2) Nonindigenous species	aquaculture, recreational boating, shipping, offshore wind farms, oil and gas exploitation, other infrastructure, and sources of new or altered habitat	aquaria (release of non-indigenous species)
(D3) Commercial fish and shellfish†	environmental protection‡, fisheries (especially gear types and discarding), offshore wind farms, oil and gas, aquaculture	other, more mobile fisheries and including illegal fishing
(D4) Marine food webs	viewed as being covered by the other descriptors	
(D5) Eutrophication	aquaculture, shipping (NOx production, wastewater release)	land-based sources of nutrients, such as agriculture and urban wastewater
(D6) Seafloor integrity†	benthic trawling, maintenance of shipping lanes, land reclamation, cables and pipelines, oil and gas exploitation, renewable energy generation, sand and gravel extraction, anchoring, other infrastructure	
(D7) Hydrographical condition†	maintenance of shipping lanes, land reclamation, renewable energy generation, other infrastructure	
(D8) Contaminants	legacy sites from past disposal of wastes and dredge spoil, shipping lanes and oil platforms	land-based sources of contaminants, such as industry, agriculture, and urban wastewater
(D9) Contaminants in seafood	fisheries and aquaculture	land-based sources of contaminants
(D10) Marine litter		large variety of drivers, both past and present, and including land based sources
(D11) Energy and underwater noise†	shipping and offshore wind farms, but potentially a large variety of sources	

†Fully or partially place-specific. ‡For example, Marine Protected Areas, fish-spawning areas, and nursery areas that receive periodic protection, Natura 2000 sites, etc.

The recently published Northern Ireland Environmental Statistics Report⁴ by the NIEA identifies multiple ways that Northern Ireland is not on track to deliver GES by 2020, including:

- Under Water Framework Directive (WFD) monitoring, **16 out of 25 water bodies were assessed to be at ‘moderate’, ‘poor’ or ‘bad’ status in transitional and coastal waters (2015)**. NIEA must protect the status of water bodies from deterioration and, where necessary and practicable, restore water bodies to at least ‘good ecological status’ or ‘good ecological potential’ (by 2015). This is a negative shift from 2012 when only 11% were at moderate status and none were assessed as poor or bad (p96 SA App3).
- **6 out of the 9 designated shellfish waters did not comply with the WFD guide *E. coli* standard in 2017**.
- Although marine litter items recorded along the coast have decreased in the last year there were **still 4370 items of litter per kilometer on average with about 81% made of plastic**. This remains too high for meeting the requirements of MSFD GES descriptors defined as “properties and quantities of marine litter that do not cause harm to the coastal and marine environment”.
- **Only 4.48% of our protected marine area is considered by Marine Division to be under favourable management and there has been a decreasing trend since 2009/10**. Whilst we recognize and welcome that the area designated in NI has increased since the last reporting period and that plans are in place to improve the status of these sites. Many can still be considered to be ‘paper parks, lacking good management and effective enforcement.

In comparison with the lack of positive impact expected from the draft Marine Plan, the Strategic Planning Policy Statement for Northern Ireland (SPPS)⁵ which is used for policy in relation to land planning was also subject to a Strategic Environmental Assessment and it was found there were no significant adverse environmental effects and overall that policy would have a positive effect on the environment through the assessment.

As a result of the business as normal approach, **the draft Marine Plan does not contribute directly towards Good Environmental Status as required by the EU Marine Strategy Framework Directive (MSFD) EU Integrated Maritime policy and the Marine Spatial Planning Directive⁶**. The MSFD requires that all EU member states attain Good Environmental Status (GES) in their waters by 2020 which the UK and Northern Ireland are still aiming to achieve. GES is achieved when all 11 environmental ‘Descriptors’ reach ‘favourable condition’. **We recommend that the draft Marine Plan for Northern Ireland specifically states how each of the 11 MSFD descriptors are**

⁴https://www.daera-ni.gov.uk/sites/default/files/publications/daera/ni-environmental-statistics-report-2018_0.pdf

⁵ https://www.planningni.gov.uk/index/policy/spps_28_september_2015-3.pdf p7para 1.7

⁶ DIRECTIVE 2014/89/EU S14

met by the policies outlined in each policy section, for example, the draft Welsh National Marine Plan⁷ specifically indicates how each of the policies support the achievement of Good Environmental Status (GES).

With departmental budgets shrinking and no sitting assembly there is no guarantee that the expertise capacity and funds will be in place to work towards reaching GES for our seas which is urgently required not only to finish management but to properly implement and act on the actions to ensure we have healthy seas for future generations.

Research commissioned by NIMTF carried out by Barnard *et al.* (2014)⁸ assessed the ecological coherence of the NI Marine Protected Area (MPA) network and identified multiple gaps for important habitats and species. We are currently awaiting a report from JNCC to provide a current assessment of any potential gaps in the Northern Irish waters and the surrounding seas. **An ecologically coherent network of MPA's in NI - which are managed to recover habitats and species - could be worth an estimated £66.9 million in ecosystem service provisions³.** Whilst the value of ecosystem service and the importance of an ecosystem approach are rightly flagged up in, they are seriously undermined by the lack of any proposals, theme or provision for undertaking recovery. By not addressing recovery, we feel that the Plan will not be able to meet the stated objective of ensuring that ecosystems can respond to human induced changes.

We recommend that the following additions to the draft Plan in order to maximise the benefits from an ecosystem based approach:

- **An objective to Map important species, habitats and geological features, across their range** including outside MPAs (for example, if maerl, seagrass and native oyster beds were mapped, this would enable potentially conflicting activities to avoid these ecologically important areas at the outset).
- **Clear protection for priority species and habitats including Northern Ireland priority species wherever they occur;** protection should be prioritised over development as in the Shetland Islands Marine Spatial Plan⁹ and General Policy 9

⁷<https://beta.gov.wales/sites/default/files/consultations/2018-02/draft-plan-en.pdf> Table 5, Pg 87

⁸ Barnard, S., Burdon, D., Strong, J., & Atkins, J. (2014). The Ecological Coherence and Economic & Social Benefits of the Northern Ireland MPA Network. Report to the Northern Ireland Marine Task Force (YBB238-F-2014). Hull, UK: Institute of Estuarine and Coastal Studies (IECS), University of Hull, Hull, UK

⁹<https://www.nafc.uhi.ac.uk/research/marine-spatial-planning/shetland-islands-marine-spatial-plan-simsp/>

Scotland Marine Plan (see Loch Carron example where a new damaged Flame Shell bed was found and then protected initially through the Marine Plan¹⁰).

- **Development of a compatibility matrix for human activities** (as presented in the Shetland Islands Marine Spatial Plan⁶), and **sensitivity matrix for important ecosystem components to various human activities/developments** similar to FEAST¹¹ (Feature, Activity, Sensitivity Tool) from Marine Scotland or the Matrix¹² from DEFRA.
- **Include a Restoration Activity Policy** which (Links into the Coexistence and Cumulative Impact policy) which will aim to identify and map ecosystem restoration opportunities, and act as a mechanism to enable proactive restoration of marine ecosystems (not just restoration as a mitigation technique: this results in no net gain in ecosystem extent or function)
- **Mapping of areas/habitats/activities/developments particularly vulnerable to climate change and ocean acidification**, and a mechanism to enhance the resilience of threatened species and habitats to these threats.
- **Fisheries decisions and activities must be brought within the scope of the Marine Plan (not just as a protected activity)** and decision making along with relevant legislation at a national level as recommended within the Irish Sea Pilot¹³. Inshore fisheries management stakeholders have agreed to take an ecosystem based approach in order to have sustainable fisheries as they are inextricably linked to the environment on which they depend.
- Detailed evidence of integration between policies and key activities must be included. To maximise integration, **there must be a ‘Golden Thread’ running through the Marine Plan that links all policies and key activities**. This could be achieved through criteria based policies and detailed cross referencing between related policies. This approach would also contribute to a better understanding of potential conflict areas.

¹⁰http://www.legislation.gov.uk/ssi/2018/100/pdfs/ssipn_20180100_en.pdf GEN 9 Natural heritage: Development and use of the marine environment must: (a) Comply with legal requirements for protected areas and protected species. (b) Not result in significant impact on the national status of Priority Marine Features. (c) Protect and, where appropriate, enhance the health of the marine area

¹¹<http://www.marine.scotland.gov.uk/FEAST/>

¹² Report No 22: Task 3. Development of a Sensitivity Matrix (pressures-MCZ/MPA features) <http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0&ProjectID=16368>

¹³<http://jncc.defra.gov.uk/page-2767> The Irish Sea Pilot Final Report (2004) Marine Nature Conservation and sustainable Development Report to Defra by The Joint Nature Conservation Committee (2004)

Transboundary Planning

There is a lack of transboundary planning or discussion in the current draft Marine Plan and the areas around Carlingford and Lough Foyle have been avoided. The NIMTF appreciate that issues remain regarding border/agreed legal ownership and therefore the Foreign Office should also be on the list of UK Public Authorities in relation to decision making in the Lough Foyle/Carlingford Lough Areas. There is evidence from TPEA project¹⁴ including a Good Practice Guide and Pilot Area report for Northern Ireland/Ireland the Irish Sea Pilot project¹⁵ that transboundary planning should be more than information sharing - even if that meets the minimum legal requirements Northern Ireland should be more ambitious.

There may be a need for specific local plans for the border Loughs which are developed in conjunction with the Loughs Agency and ROI authorities. Republic of Ireland is also starting their Marine Planning Process so we will be able to integrate better between countries and there is an appetite within DEFRA for Regional Planning potentially at an Irish Sea Level.

Flannery et al. (2015)¹⁶ recommends that integrated transboundary regimes use marine spatial planning to support a strategy for sustainable marine resource management. It would be useful to examine more closely the mechanisms in place for the Loughs Agency to be able to advance MSP in adjoining waters in a co-ordinated and cohesive manner. As the Loughs Agency are already engaged in cross border maritime affairs. Local Plans (or at least in the plan make provision that this could happen) for shared bays - led by Loughs Agency would fit with the ROI marine spatial planning process which is developing a nested approach similar to Scotland where there is more than one plan. The British Irish Council could also have a role to play as a body to facilitate trilateral cooperation.

It is also vital to cover transboundary issues in relation to other plans within UK and EU waters. For example, the draft Welsh National Marine Plan's HRA states that its tidal lagoon policy cannot rule out adverse effects on the integrity of the Copeland Islands SPA and the Outer Ards Ramsar Site in Northern Ireland. This is a gap in the Sustainability appraisal for Northern Ireland and there may be other transboundary issues including the potential for adverse effect on integrity of sites which should be included in both the HRA and SA of the NI Marine Plan. For example, the assessment of potential cross-border and trans-national impacts highlights the value of existing EU legislation and of continued co-operation between the countries of the UK and our European neighbours to protect nature, particularly post Brexit.

¹⁴ <http://www.tpeamaritime.eu/wp/>

¹⁵ <http://jncc.defra.gov.uk/page-2767>

¹⁶ http://uir.ulster.ac.uk/29983/1/Flannery_et_al_Marine_Policy_Paper.pdf

Marine Natural Capital

There is a deficit of economic and social data within the draft Marine Plan relating to ecosystem services, and no specific objectives to develop natural capital knowledge and understanding. **The inclusion and development of the valuation of ecosystem services both economic and non-monetary ‘values’ would be useful**, for example: the aesthetic value of specific seascapes, the historical or even sentimental value of knowing that a particular species, e.g. basking sharks are present off our shores (James, 2015)¹⁷.

Specific terminology for Natural Capital should be used, such as in the context setting and development of knowledge, and also potentially through a marine natural capital pilot scheme. This would fit under the final objective to develop a sound marine evidence base as part of the marine science strategy (See adjusted Objective example below in Marine Plan Objectives section).

Use of the Precautionary Approach

The plan specifically identifies conservation of archaeological heritage, natural heritage, minimisation of noise pollution and change to coastal processes as examples of where the precautionary principle may be applied. However, the Precautionary Principle is a fundamental tool for aiding the delivery of Good Environmental Status under the MSFD and therefore it must be applied and considered in each of the Key Activity Policies and Core Policies. It is an important tool both for decision makers and stakeholders when data is limited or where it is acknowledged to be insufficient and we note the lack of reference to the Precautionary Principle throughout the draft Marine Plan.

Public Participation and Accountability

We were pleased that the department attended a recent event organised by NIMTF (May 2018) which aimed to bring some of the NGO and academic sector stakeholders together to discuss the work done on developing the plan so far and for stakeholder discussions. Ideally, stakeholder engagement in MSP is accomplished early, often and in a sustained manner throughout the process however in this instance, stakeholder engagement could have been improved by bringing stakeholders together sooner to work through issues together, understand the varying perspectives and build buy in before this consultation stage.

It is unclear from the draft Marine Plan and the associated Statement of Public Participation which stakeholders were engaged with, and whether efforts were made to proactively engage harder to reach stakeholders within communities such as <10m fishers and recreational stakeholders, which is vital to avoid conflict - as was the case with the wild fowlers and the MCZ process off the Norfolk coast.

¹⁷ Cultural ecosystem services: a critical assessment. Ethics Policy Environ., 18 (2015), pp. 338-350

In the last Marine Plan newsletter (February 2017) It stated that:

“An Independent Investigation of the draft Northern Ireland Marine Plan will only take place if there are unresolved issues, following the public consultation process. The Investigation will only address the unresolved issues, not the entire Marine Plan. Since an investigation may not be required, you are encouraged to provide the Department with all the information you wish to be considered during the consultation period of the draft plan, as this may be your last opportunity to do so. “

And in the Statement of Participation it states:

STAGE 4 Publication of the Marine Plan for Northern Ireland - Stakeholders will be notified - which does not involve any participation once the plan is consulted upon.

This is a major concern as there is no indication how there will be public accountability on the Marine Plan post the consultation period which does not conform to the requirement under the MSP Directive for transparency and good stakeholder engagement. The Aarhus Convention¹⁸ (of which both the UK and the Republic of Ireland are signatories), grants the public rights regarding access to information, public participation and access to justice, in governmental decision-making processes on matters concerning the local, national and transboundary environment.

If there is no right to challenge decisions made in relation to the Northern Ireland Marine Plan either by a proposer, third party or Public Authority this would contravene the Aarhus Convention and a method should be developed to allow transparency of process and the right to challenge decisions at a reasonable cost. There are similar processes in places already for land planning through the Planning Appeals Commission and the Water Appeals Commission so there is potential to adopt similar principles as the SPSS. This is an example where an independent Marine Management body which could include an environmental watchdog would be useful as Northern Ireland is the only country in Europe apart from Greece which doesn't have an independent Environment Agency.

We strongly recommend that there should be a **Marine Spatial Plan Steering Group made up of representative stakeholders and relevant officials** to support the further development of the Plan. Steering Groups have formed a useful component of the monitoring and management process in other existing Marine Plans such as those in Scotland and New Zealand¹⁹ and also as a 'Critical friend' in the Welsh marine planning process so far. The role if any of the Council for Nature Conservation and the Countryside (CNCC) is not clear as they have a statutory role in relation to the designation of ASSI's, the establishment and management of Marine Reserves and the Council is also consulted on Planning Policy Statements, Development Plans and planning applications. They are not mentioned in the draft Marine Plan.

¹⁸ <http://ec.europa.eu/environment/aarhus/legislation.htm>

¹⁹Firth of Clyde Plan : Hauraki Gulf Marine Plan (NZ), Shetland Marine Plan,

The minutes and terms of reference for any Steering Group developed and the Inter-Departmental Marine Co-ordination Group must be published online for transparency and accountability in decision-making processes. The Helcom Portal²⁰ provides an excellent example for transparency in Marine Spatial Planning Stakeholder Engagement in the Helcom-Vasabregion. The Republic of Ireland has also already set up their ROI Marine Plan Steering Group as part of the process to bring stakeholders together and work together towards a common goal. **The NI Marine Plan should set out a mechanism to interact with the ROI steering group and other representatives of the Isle of Man and the rest of the UK.**

Comments relating to the Northern Ireland Marine Map Viewer

We welcome the development of the marine map viewer and recognise that it will need to constantly reviewed and updated as more data are uploaded and users provide suggestions to improve usability. Our main suggestions are:

- It is difficult to find the Marine Map Viewer on the DAERA website it needs better linkages from other web pages and needs to be an option if people put other key words into the search box like “marine map” “marine data map” “marine plan data” etc.
- There needs to be more information in the attributes tables, for example: WFD Shellfish waters the spatial data is present however the attributes table should link to the latest water quality data (current status) for these areas - even through a link if that helps keep it updated more easily. (Similar to the hyperlinks in the designated features SAC section). Another example would be the Moyle Interconnector and in the attributes should be current information in relation to the need to replace/repair any open planning applications/ request for marine license.
- We assume that the grayed out layers are data which are still to be uploaded such as in the Monitoring section?
- The marine biodiversity data from Cedar for species needs to be included especially for priority species.
- The links need checking - for example Monitoring—> Monitoring Locations—> Benthic Invertebrates doesn’t bring up any sites although the attribute table does list sites. There is no information on the frequency of sampling, or the species/samples collected or text to explain what that might mean for a developer there are likely to be other linkages which we are happy to feed back on to help the department improve their plan post consultation period.
- There needs to be guidance for how the data layers relate to the policies in the Marine Plan as it’s currently not clear and acronyms are not explained. The User Guide button needs to be more obvious and currently it is more a way to

²⁰ <http://www.helcom.fi/helcom-at-work/groups/helcom-vasab-maritime-spatial-planning-working-group>

make a map rather than support an applicant in making an informed planning application.

Detailed Comments on the Text:

Pg. 8: Marine Plan Objectives

The NIMTF strongly suggests that the Marine Plan Objectives or at least sublevel objectives are made SMART and the high level objectives from the marine Policy Strategy should also be included.

- To promote a healthy, resilient and adaptable marine ecosystem and an ecologically coherent network of Marine Protected Areas.

Could be converted or have a sub category of:

- By 2020 Northern Ireland's Seas will be in Good Ecological Status in relation to the eleven descriptors of MSFD and the UK Marine Strategy Regulations 2010, including a healthy, resilient and adaptable marine ecosystem and an ecologically coherent network of well managed Marine Protected Areas.

And

- To continue to develop a sound marine evidence base in a co-ordinated manner, to increase understanding and to support the development, monitoring and review of marine plans

Could be converted to:

- The Marine Plan Authority will carry out a gap analysis of the current marine evidence base in a co-ordinated manner within one year of the Plan being enacted and a develop a Marine Science Strategy to target the gaps to support the development, monitoring and review of marine plans within three years of the implementation of the Plan.'

For the Marine Plan to be resilient for the future and to deliver on the restoration of a depleted marine ecosystem in Northern Ireland, 'recovery', 'climate change' and 'associated changes in our coast' should be integrated within the Marine Plan Objectives.

There needs to be a Communication and Education Objective for a Strategy in order to support upskilling for example of the planners in councils so they know how to use the plan and the map viewer and how it integrates with terrestrial planning and also make effective planning decisions at the coast. There is a communication requirement to make sure that stakeholders are aware of their existing responsibilities - such as the concept of Extended Producer Responsibility in relation to marine litter prevention and potential opportunities for coexistence by introducing proposers of projects together when they might work well in a co-placement situation. One possibility is through third

level short courses/qualifications at local institutions that have RTPI professionally accredited degree offerings in marine spatial planning.

An example objective would be: There will be a Communication and Education Strategy that will be developed as part of the (updated!) Statement of Public Participation. In the next three years at least two planners in each council will be up-skilled in marine spatial planning and coastal planning in relation to the Northern Ireland Marine Plan to a level where they can provide training and answer questions of others within the council.

Minor Point: The Marine Plan Objectives are not numbered in the current draft yet numbers are referred to by number in other areas of the Plan.

Pg.16 (12): Who has responsibility in the marine area?

There is a need here for more clarity of roles so a potential applicant knows who they have to approach due to the fragmented nature of responsibilities around marine and coastal functions. In particular, there may be potential for a wider role for the Loughs Agency in the management of functions in the transboundary areas of Lough Foyle and Carlingford Lough catchments.

Also there needs to be more transboundary initiatives including in relation to water quality, invasive species, shipping and management of designated sites.

Pg. 16: How has the Marine Plan been prepared?

In order for there to be better integration between the terrestrial and marine planning systems it would be useful to have a diagram of how the plan has been prepared using similar language to the Strategic Planning Policy Statement for Northern Ireland (SPPS)²¹. For the core policies in the plan it would be helpful to restructure them to reflect a similar approach to the sectoral policies of the SPPS - so a general introduction at the beginning explaining the context, then the actual regional strategic objective and then the regional strategic policy and then details on implementation - this would allow for a much clearer alignment with existing policy and easier to follow. Currently there is no consistency in the language used and content within and between the policies which will lead to legal loop holes and inconsistencies.

There should also be more emphasis on 'Front Loading' - as noted in SPPS 5.48 "Pre-application discussions (PADs) are considered to be fundamental to 'front loading' the new development management system. This front loading will help all parties, both to prepare an application to a high standard and to establish an agreed course and timetable for determining a development proposal." Therefore, there should be clear

²¹https://www.planningni.gov.uk/index/policy/spps_28_september_2015-3.pdf P30 Diagram 2 The Local Development Plan System

planning principles included within the Plan to make more compatible with the Regional Development Strategy and the SPSS.

p19 - Evidence

As mentioned previously, the NIMTF is particularly concerned of the lack of application of the Precautionary Approach throughout the current Marine Plan. If this approach were a key principle of the document we would like to see it reflected and specifically detailed in the wording of Pg. 19 (26) but also in other areas including Pg. 73 (252 - 267), and in particular Pg. 74 (264).

There also needs to be a **gap analysis of marine data and monitoring requirements** including **clear signposting of existing monitoring and marine data schemes**, who collects/owns data, where is it stored, what is the quality of the data and accessibility. This would then **build into the departmental marine science strategy** to fill gaps where required. There is no evidence of trend analysis which normally included in development and strategic plans and the majority of data a potential developer/ applicant would use is in Appendix 3 of the Sustainability appraisal (SA) not within the actual Marine Plan or the Marine Map Viewer. For example, land use plans would have Housing Growth Indicators, and Population Growth Data which would indicate the need for extra schools and roads.

Pg. 22: About this Marine Plan

Pg. 23. There needs to be a section here relating to the consideration of who will deal with refusals for licensing. Will responsibility rest with Planning Appeals Commission (PAC), Water Appeals Commission (WAC) or a Judicial Review or a new body such as an Independent Watchdog? There is governance gap here, both for the proposer, the department defending their decision making justly if their reasons are challenged and is there a right to third party appeal? If so is there a requirement to extend their remit to marine issues? For examples, Northern Ireland and Greece are the only two EU countries currently without an independent environment agency.

Pg. 27: Using this Marine Plan

The language within the plan needs to be defined within a legal context as many commonly used terms may be open to interpretation such as: “Overriding public interest”, “unacceptable adverse impact”, “public benefit”, “applying proportionately”, “applying appropriate weight” etc.).The NIMTF is particularly concerned at the wording within Pg. 28 (64) and in other areas throughout the Plan which states that:

‘Where the Marine Plan uses terms such as, ‘unacceptable adverse impact’ or ‘public benefit’ the interpretation of these terms remains with the public authority in the exercise of its functions’

Such wording is extremely unhelpful in guiding decision makers towards sustainable development and the NIMTF considers this to be completely unacceptable. Such terms must be defined within the plan and we suggest the addition of a glossary of terms such as that provided in the Strategic Planning Policy Statement for Northern Ireland, (SPPS)²². This is particularly important as terrestrial planning decisions will be taken mostly by councils led by their own local development plans.

There is a need for a glossary of terms - similar to SPSS to provide clarity and guidance on the policy content.

Also we recommend that 'presumption in favour' is removed from all the policies as it is not balanced in how it is applied and there is not clear reason why it is included in some policies and not others.

P28 Decision making and evidence levels required are still not streamlined and clear as many different public authorities are still involved in the decision making process and requiring differing levels of evidence.

Pg. 30: Stakeholder Engagement

We welcome the inclusion of Stakeholder Engagement as a Core Policy and also recognise the significance of the policy being listed first within the Marine Plan. Stakeholder engagement is a vital element of sustainable maritime planning and for it to be of maximum benefit for developers it must encourage active participation at the earliest possible stage.

We request clarity on the definition of 'proportionate' when referring to the level of stakeholder engagement that should be undertaken. Furthermore, Section 73 (Stakeholder Engagement) makes several suggestions that developers should undertake when engaging with stakeholders. However, the suggestions are non-committal as it states that 'this Marine Plan does not specify the means of engagement to be undertaken'. We feel that the Marine must do precisely this and suggest that such guidelines are included either within the Plan or included in supplementary documentation to this effect.

Pg. 32: Air Quality

Local Air Quality Management Policy Guidance²³ does not include the marine area or marine activities or the potential to set up marine monitoring sites and only includes guidance specifically for land planning. Air Quality Management Areas (AQMAs) are a tool to monitor and reduce the result of degradations in air quality standards against European quality standards. Newry, Mourne and Down DC, Belfast City Council, Antrim and Newtownabbey DC, Derry City and Strabane DC, Causeway Coast and Glens DC,

²²https://www.planningni.gov.uk/index/policy/spps_28_september_2015-3.pdf

²³ http://www.airqualityni.co.uk/assets/documents/3091125_3060220_PolicyGuid12.pdf

and Mid and East Antrim DC all have a number of AQMAs which pollutants including Nitrogen Dioxide, Sulphur Dioxide, and Particulate matter (DAERA, 2016).

There is no such designation framework for marine air quality so there is currently policy evidence and monitoring gap in order to be able to assess against. Although there is some legislation on maximum sulphur content in shipping fuel, no equivalent legislative measures have yet been enacted to reduce emissions of NOx and PM from shipping.

In order to understand the baseline, there is a need to measure current air quality in the marine environment, for example an array of sensors (at sea?) or sensors on boats that record the change in air quality. A priority area for these sensors would be in areas of high marine traffic such as Belfast Harbour, especially if large cruise ships or ferries are in with engines running. There are recommendations from DEFRA for Shipping and air quality²⁴ produced in 2017 on p1-3 around better emission inventorying, monitoring, compliance modeling and linkages to climate change.

Pg. 35: Climate Change

There is currently no specific climate change legislation in place for Northern Ireland. However the Northern Ireland Executive has approved the Strategic Energy Framework (DETI, 2010) which sets a target of 40% of Northern Ireland’s electricity consumption to come from renewable resources and 12% with regard to renewable heat by 2020. Higher levels of renewable energy within the overall energy mix will increase the diversity and security of Northern Ireland’s energy supply and reduce carbon emissions (DETI, 2010).

The [Climate Change Act](#) commits the UK government to:

- Reduce emissions by at least 80% of 1990 levels by 2050 (See Table 3.)
- contribute to global emission reductions, to limit global temperature rise to as little as possible above 2 °C which means a carbon budget for the UK

Table 3. The UK government has set five-yearly carbon budgets which currently run until 2032. They restrict the amount of greenhouse gas the UK can legally emit in a five year period. The UK is currently in the third carbon budget period (2018 to 2022).

Budget	Carbon budget level	Reduction below 1990 levels
1st carbon budget (2008 to 2012)	3,018 MtCO ₂ e	25%
2nd carbon budget (2013 to 2017)	2,782 MtCO ₂ e	31%
3rd carbon budget (2018 to 2022)	2,544 MtCO ₂ e	37% by 2020
4th carbon budget (2023 to 2027)	1,950 MtCO ₂ e	51% by 2025
5th carbon budget (2028 to 2032)	1,725 MtCO ₂ e	57% by 2030

²⁴ https://uk-air.defra.gov.uk/assets/documents/reports/cat11/1708081025_170807_Shipping_Report.pdf

UK emissions were 42% below 1990 levels in 2016. The first carbon budget (2008 to 2012) was met and the UK is currently on track to outperform on the second (2013 to 2017) and third (2018 to 2022). However, it is not on track to meet the fourth (2023 to 2027)²⁵. To meet future carbon budgets and the 80% target for 2050, the UK will need to reduce emissions by at least 3% a year, from now on. This will require the government to apply more challenging measures.

The Marine Plan is therefore an opportunity to embed Climate Change policy more extensively within the future regulation and management of marine activities and the marine environment. We believe that Climate Change is at the heart of many of the Core Policies (all with the exception of Stakeholder Engagement and Use of Evidence) and all of the Key Activity Policies. As such, we feel that Climate Change should be better integrated into the considerations of each either by elevating this specific policy within the document or including a specific reference to climate change in each relevant Core Policy and Key Activity Policy.

Additionally, by acknowledging that invasive species impacts may be greater under climate change, there is some acknowledgement of the need for ecosystem resilience. However, the plan does not currently include provisions to address climate change adaptation for existing developments and activities and it should include a mechanism for this.

Pg. 38: Coastal Processes

Coastal Processes, Seascape and Land sea interactions are an integral part of Integrated Coastal Zone Management so these policies could be combined or at least grouped together.

There is no indication of the potential to make provisions for Shore Line Management Plans and the use of set-back zones?? (See Climate change pg 35 and coastal processes pg 38).

P39 would Loughs Agency also be a source of advice for the catchments they manage? Define unacceptable adverse impacts on coastal processes.

P107 App 3 Coastal erosion occurs along 20% of Northern Ireland’s coastline (Masselink and Russell, 2013²⁶). Government administrative arrangements for Flood and Coastal Erosion Risk Management (FCERM) in Northern Ireland operate in the absence of any statutory provision for coastal erosion, as well as without formal or strategic shoreline

²⁵<https://www.theccc.org.uk/tackling-climate-change/reducing-carbon-emissions/carbon-budgets-and-targets/>

²⁶ Masselink, G. and Russell, P. (2013) Impacts of climate change on coastal erosion, MCCIP Science Review 2013, 71-86, doi:10.14465/2013.arc09.071-086

management planning and any integrated flood and coastal erosion risk management policy (Dodds et al., 2010)²⁷.

Pg. 42 : Coexistence

The NIMTF appreciates that the plan includes a Core Policy for Co-Existence, which includes provisions to reduce future conflicts between sea users. However, the provisions do not extend to resolving existing conflict, and hence favours the status quo over the needs of marginalized interests and activities. We suggest, in line with our suggested theme of integration, that conflict between Key Activity Policies and Core Policies be mapped using the map viewer to allow decision makers to specify as early as possible, potential conflict areas.

Pg. 43 (129): Minor point - numbering (129) has been repeated twice.

As through all of the policies the wording allows get out clauses through the order of preference statements of “avoided, minimized and/or mitigated, as far as reasonably practical by the proposer” These statements need to be the same throughout the document and there needs to be a clear guidance document otherwise they become a get out clause for all the core policies.

Pg. 45: Cumulative Impacts

The NIMTF suggest that the definition of cumulative impacts given: ‘Cumulative impact is the impact on economic, environmental and social receptors in the marine area, which results from the incremental impact of a proposal when added to other existing activities and uses, and reasonably foreseeable future proposals.’ should be changed to encompass cumulative impacts arising from climate change and ocean acidification, for example: ‘**Cumulative impact is the impact on economic, environmental and social receptors in the marine area, which results from the incremental impact of a proposal when added to other existing activities and uses, and reasonably foreseeable future proposals and environmental changes.**’

Indirect and cumulative impacts are defined but not systematically identified. Indirect and cumulative impacts are considered with respect to noise; fishery displacement and harbour development, whilst those associated arising from global change are not considered. Mechanisms to limit indirect and cumulative impacts should be applied through the planning process and licensing conditions.

Pg. 47: Heritage Assets

In Northern Ireland, the mapping and recording of foreshore and coastal sites has largely been limited to Rathlin Island and Strangford Lough; the record therefore

²⁷ Dodds, W., Cooper, J.A.G. and McKenna, J., 2010. Flood & Coastal Erosion Risk Management Policy Evolution in Northern Ireland: “Incremental or Leapfrogging?” Ocean and Coastal Management, 53, 779-786.

remains incomplete. This is a problem for marine planners who need accurate mapping and characterisation of these areas to assist decision-making in relation to development management and sustainable management of the resource. Coastal and intertidal sites are particularly vulnerable to future climate change in the form of flooding and erosion. They may also be at risk from human action to mitigate these problems, such as construction of fluvial and coastal defences. Given predictions of increased flooding, erosion and storm surges and resultant human mitigation measures, the likelihood is that these sites will be under increasing pressure in the near future (McNeary & Westley 2013²⁸).

Invasive Alien Species

The NIMTF believe that in relation to the ‘At a glance’ box, this Core Policy should be stronger by the inclusion of a statement to the effect that if a project proposal cannot guarantee that invasive alien species will not be introduced, the project should not proceed. The wording, particularly in paragraph 172, does not provide this clarity.

There is currently a legislative gap in that there is no power to compel ‘landowners’ to carry out restoration or preservation work on their land.

EU Regulation 1143/2014 on Invasive Alien Species (the IAS Regulation) entered into force on 1 January 2015, fulfilling Action 16 of Target 5 of the EU 2020 Biodiversity Strategy. It provides for a set of measures to be taken across the EU in relation to invasive alien species included on a list of Invasive Alien Species of Union concern. The measures listed as part of the directive should be included in this policy as they are internationally agreed:

- **Prevention:** a number of robust measures aimed at preventing IAS of Union concern from entering the EU, either intentionally or unintentionally.
- **Early detection and rapid eradication:** Member States must put in place a surveillance system to detect the presence of IAS of Union concern as early as possible and take rapid eradication measures to prevent them from establishing.
- **Management:** Some IAS of Union concerns are already well-established in certain Member States and concerted management action is needed so that they do not spread any further and to minimise the harm they cause.

Northern Ireland should also include invasive species which are not on the WU list but are of relevance to us such as the Pacific Oyster.

Land and Sea Interaction

This section could encompass seascape and coastal processes as they interact, however it does need considerably more detail as this is a section that the council planners are going to need the most guidance on as many future developments will interact with the coast in some form.

²⁸ Westley, Kieran and McNeary, Rory (2014) *Assessing the impact of coastal erosion on archaeological sites: a case study from Northern Ireland*. Conservation and Management of Archaeological Sites, 16 (3). pp. 185-211.

The Regional Development Strategy States on P49 that:

“The Marine Policy Statement (March 2011) and subsequent Marine Plan(s) will provide spatial guidance and detailed policy where appropriate for the terrestrial/marine interface and the marine environment. This will be complemented by work to advance integrated coastal zone management.”

The Integrated Coastal Zone Management Strategy (ICZMS) is not a statutory document and does not impose any new duties on Government Departments, public bodies, organisations or individuals. Instead it prompts all relevant bodies to take steps to implement those actions which they have committed to in the Strategy. As it is not statutory the majority of the steps have not been taken even though there is a clear table of targets and responsibilities against a timeline.

This could be an opportunity to integrate ICZM into the Marine Plan to deliver a number of key mechanisms including Shoreline Management Plans and set back zones.

p56 - Planning in the Coastal Area Guidance does not exist - either through the link or when you search for it on the Planning Portal. There are guides as part of the regional strategy for rural coastal areas however these have actually been superseded by PPS16 which is Tourism related and does not cover the coast except in relation to tourism directly²⁹. This is a clear policy gap and there needs to be guidance around coastal development urgently especially as the Local Development Plans are currently being developed by councils.

Are there coastal considerations in the plan (like England) how is the land/sea intertidal area being defined? (an inclusion of the diagram used from the DAERA presentations would be useful to show where Marine Planning consideration begins and where land use planning finishes (pg. 11 plan area- Taking decisions in the inter-tidal or close to the coast + Extent of planning legislation in the Marine Area).

Pg 39 Coastal processes and Pg 55 - identifies many activities - coastal processes not addressed as part of the land sea interactions. Also p55 does not have any objective links.

Currently there is no activity policy for Coastal Developments and Infrastructure which overlaps with terrestrial planning however it would help the Marine Plan to integrate better with the planning system. There is the potential for future infrastructure in our seas for example

Microsoft has recently sunk an underwater data centre off the coast of Orkney to investigate the benefits of deploying sub-sea data centers around the world.

²⁹ https://www.planningni.gov.uk/index/policy/rural_strategy/psrni_regional_policies/psrni_coast.htm

Pg. 57: Marine Litter

The title of this policy should change to: “Marine Litter and Waste” As there is a need to deal with waste before it becomes litter in the sea. There is a need for the inclusion of micro plastics and micro plastic monitoring. There is no explicit mention of plans to engage with the fishing industry to combat the very real issue of ghost gear and industrial pollution on beaches near harbours. For example, Keep Northern Ireland Beautiful recently surveyed Kilkeel beach (June 2018) and found over 100 heavy duty plastic gloves washed up on the beach from fishing boats operating nearby. What is proposed to tackle this in conjunction with the fishing and other industries?

The concept of Extended Producer Responsibility should be included in this section. Pressure should be applied to all those who produce potential marine litter to address the issues in their supply chain and minimise the risk posed by their product at all stages including a shift to using less, shifting to biodegradable materials or fully recyclable. **What are the plans to lobby for further improvements on supply chain materials to ensure full recyclability and better recovery rates, as per the Extended Producer Responsibility?**

All applications for developments which could impact on the marine area through waste or litter should, where directed by the local authority, submit a waste/litter minimisation and management plan to ensure the safe disposal of waste material and debris associated with the construction, operation and decommissioning stages of the development in a format to the satisfaction of the consenting authority or regulator. Disposal of marine waste/ litter at sea is and should be prohibited.

We would welcome recognition of some of the specific risks posed to our wildlife from marine litter in the plan. We already know that public opinion has largely swung against the use of single use plastics as a result of the recent Blue Planet II series. Why not make use of this momentum and have some details included in the forthcoming NI Marine Plan? i.e. **What are the specific threats posed to our marine wildlife by litter and what are we doing to reduce them?**

Pg. 60 : Marine Noise

The NIMTF welcomes the use of the Precautionary Approach in the decision making process in determining uncertainties in determining noise levels and the impacts of noise (207). Such an approach is in line with the requirements of the Marine Strategy Framework Directive however the implementation is weakened further on in the document through particular wording which is open to interpretation. Specifically we refer to ‘the public authority *may* require the proposer to provide evidence that identifies the potential sources...’(208) and ‘Proposers are *strongly encouraged* to

consider' (209). We feel such wording is non-committal and open to interpretation and as such should be replaced with 'must'.

Pg. 63: Natural Heritage

Natural Heritage is more than just designated sites and protected species. We would welcome a statement about the importance of wider marine ecosystems, for example, the protection of priority marine species where they occur. This approach aligns with our suggestion of greater inclusion of the theme of recovery, i.e. not just the protection of the remaining relatively undamaged areas. Furthermore, if there is going to be a presumption in favour of statements as in paragraph 156, in Heritage Assets there should be a presumption for Natural Heritage (however it would be better to take all the presumptions out of all policies).

Natural heritage is covered in our opening significant gaps in relation to the ecosystem approach. In addition on p64 paragraph 216 all the priority marine features included in the MCZ justification report³⁰ should be included as the reason that they may not have a specific designated MCZ was they were already protected - which is not the case if there are no management plans in place to protect those features wither through holistic management or specific management objectives.

Although specific benthic habitats are well studied, understanding of the location and scale of benthic habitats across the entire Marine Plan area could be improved and there needs to be a gap analysis which will feed into the science strategy and monitoring programmes carried out by Government, Citizen Science schemes and also the research sector.

Pg. 70: Seascape

This should come under land sea interaction as a sub policy. This introduces the right to a view which is contrary to existing planning law (nobody has an automatic right to a view over someone else's land). Also, although the landscape and seascapes of Northern Ireland have been described and characterisations exist, only 16 about AONBs and it is only these areas that would be considered protected areas (and even these have no statutory protection). There is therefore a gap in the policy and law in relation to seascapes and there is a gap in knowledge as there has not been any systematic work done on programmes of Historic Landscape Characterisation (HLC) or Historic Seascape Characterisation (HSC) in Northern Ireland. Historic characterisation aims to manage change and may prove useful to sustainable historic environment management in the context of spatial planning. There is also a gap in relation of the view from the sea to land not just the land out to sea.

³⁰ <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/marine-report-mcz-justification-report-for-selection-of-pmczs-features-2014.PDF>

Pg. 73: Use of Evidence

We refer to comment made above in relation to the inclusion of the Precautionary Principle as a key tool for achieving Good Environmental Status and informing decision makers in the absence of good or reliable data which is better than just stating a risk based approach in paragraph 264.

The data and evidence used in the Sustainability Appraisal is dated, for example: Appendix 3 SA 2.3 p40-41 Benthic and Intertidal Ecology

From the list of data sources the most recently collected data set was 2008 (although the report was published in 2011) which means that the data used for this section is at least ten years out of date. There is also a predictive habitat mapping reference from JNCC SEA MAP³¹ in 2011, however The use of predictive habitat maps in marine spatial planning is most appropriate at the regional level (Irish Sea for example), whilst the provision of seabed habitat maps, produced through surveys, will be more appropriate at local level. There is a need for recent sources to be included such as research and monitoring through JNCC, AFBI, QUB, Ulster University and CeDAR as well as DAERA work and that submitted by developers?

The Marine map viewer has been covered in the significant gap section and there should be a section on the requirement for proposers to submit their new data in an accessible way into the Marine Data Portal (with relevant scales taking into consideration if it is sensitive data).

A gap analysis which would the Sustainability Appraisal would identify where there are significant gaps for example Appendix 3 SA 2.4.1 Plankton - P52 Continuous Plankton Recording coverage is limited in the northern Irish Sea so this may be monitoring which needs to be expanded.

Pg. 75: Water Quality

The Sustainability Appraisal is significantly out of date with the data used for Water quality with many areas having declined since this report was written Northern Ireland Environmental Statistics Report³². Northern Ireland and therefore the UK is already contravening the Water Framework Directive in some of our coastal and transitional waters. Therefore proposals in those areas must not make those waters worse and remedial actions could be taken such as such as those listed here³³ in order to improve the water quality as part of the developmental process (hence the need for a restoration core policy).

³¹ http://jncc.defra.gov.uk/PDF/jncc446_web.pdf

³² https://www.daera-ni.gov.uk/sites/default/files/publications/daera/ni-environmental-statistics-report-2018_0.pdf

³³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/500275/Evidence_Supporting_the_Use_of_Environmental_Remediation_to_Improve_Water_Quality_in_the_South_Marine_Plan_Areas_report__1105_.pdf

Key Activity Policies

The NIMTF feel that the Marine Plan has attempted to identify key activities currently affecting the marine area in Northern Ireland however there is a need to include a science and innovation policy which would include not only any science that might affect the marine area but also could also include trials of new technology and innovations. Science is mentioned as a key activity which may be included in the MSP Directive Article 8³⁴.

As previously mentioned there are a number of examples of undefined language being used at crucial points across the policies which may be open to interpretation and therefore may not stand up to a legal challenge. For example, in the opening subheading to the Key Activity Policies (pg 79) it states, 'These policies support or safeguard a particular activity without *undue* impact on the marine area...' We feel the marine plan should better define the use of statements which include non-committal language such as 'undue', 'may' and 'strongly encouraged' (343) and reference the previous suggestion of including a glossary of terms.

The NIMTF would make the general comment that a number of Key Activities have been singled out for 'presumption in favour' and not others, i.e. aquaculture, energy, marine aggregates, cabling and tourism but not commercial fishing. This term is important and must be consistent across all the policies or removed (our preferred option). In the meantime, the NIMTF suggest that this term is not used until it is properly defined within the Plan and standardised in a clear manner across all key activity policies.

There is also a need for policy on the right for existing public use. This could be to protect the right to gather seaweed or cockles or pot for Crabs, hand dive for scallops on a non commercial basis outside of protected areas, the right to access the sea and coastal areas where existing rights of way exist. There may be existing protections such as the Rathlin Island Policy³⁵ which recognises that "the challenges faced by such an island community are different from those on the mainland, and therefore recognises that they need to be addressed in a different way." This policy would be appropriate for many of the objectives.

Also all the Activity policies should be clearly linked to the ecosystem services they both depend on and can impact, both positively and negatively. Also there should be links to the GES Descriptors from the MSFD for each policy.

³⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0089>

³⁵ <https://www.infrastructure-ni.gov.uk/sites/default/files/publications/drd/rathlin-island-policy.pdf>

Pg. 80: Aquaculture

We recognise the importance of aquaculture which is well represented in this Key Policy however we note potential areas of conflict with designated sites which has not been explicitly mentioned within the Policy. There needs to be a section on ecosystem services such as including the potential benefits to water quality of using mussels as a bioremediation tool or the support of native oyster reef formation by the culturing of native oysters instead of Pacific Oysters. The potential risks such as the potential introduction and spreading of invasive species or impacts on native biodiversity or coastal processes should also be included in a paragraph. Also as currently the some of the Shellfish waters are not in a suitable condition for existing or new aquaculture sites water quality improvements should be a priority to support existing users before there are any potential new developments. There needs to be more detail as aquaculture is likely to be an emerging sector and there is a wide variety of potential species which could also be onshore as well as offshore.

P85: Carbon Capture and Storage

We appreciate that this policy is in place for any potential future developments and will be developed further as relevant. The ecosystem services both required and positive and negative impacts should be included here.

Pg. 87: Commercial Fishing

The NIMTF note the change of tone within the Commercial Fishing Key Activity Policy and it should be written in the same style as the other policies with the same language for consistency.

We are pleased that this section does link in the ecosystem services which are intrinsically linked to sustainable fisheries and the need for nursery grounds to be protected. We note that at the resolution of the data in the maps on pages 92-93 the entirety of the Northern Irish waters should be protected as nursery grounds so there may be a need for better resolution of hotspots unless they are all protected throughout their range similar to the Scotland Plan. Some of the species included in the nursery grounds such as Common Skate are not commercially fished and are actually protected so should probably be in the Natural Heritage section rather than commercial fisheries.

There is also a data gap in terms of mapping of the commercial fleet <12m. This has been carried out by Katherine Yates³⁶ for the Department so either this data set or more recent data should be included, if not in the Plan at least in the Marine Data Viewer.

Unlike other Key Activity Policies, the chapter describes the impact of various other polices on fishing and not the impact of commercial fishing reciprocally on other

³⁶ https://www.researchgate.net/publication/248394585_Yates_K_2012_Mapping_the_spatial_access_priorities_of_the_Northern_Irish_fishing_fleet_The_Divers_e_Seas_Project_University_of_Ulster

policies. The NIMTF recognises the value of commercial fishing but note the prominence given within paragraph 333 which states that:

‘This policy seeks to safeguard fishing opportunities and the socio-economic benefits that fishing brings to the economy’.

The NIMTF feel that this specific statement must be in line with sustainable practices but must also consider the impact of damaging commercial practices such as mobile fishing gear (trawling and dredging) on other policies contained within the plan.

The Marine Plan should adequately set out guidance in situations where Key Activity Policies conflict. Paragraph 345, for example does not adequately define ‘unacceptable impact’ and therefore is open to unacceptable interpretation. It is imperative for situations where conflict might arise that clear and quantifiable guidance is provided.

Commercial Fishing is also a broad field and we are pleased that intertidal harvesting is mentioned in this policy but there is a gap in regulation around commercial level hand harvesting and other intertidal fisheries. The Scottish Marine Plan had five policies on Commercial fishing and it may be better to divide up the policy or at least have more subsections to cover the various types of fishing due to the range in impacts and benefits of the sector. An additional policy may be useful as included in the Scottish Marine Plan in relation to Wild Salmon and Diadromous Fish including eels. We also note the link to the inshore fisheries policy has this been implemented?

P102 Dredging

There is a gap in knowledge around sediment budgets and how they can be impacted by dredging in relation to coastal erosion, habitats ecosystem impacts and shore side recreation. As there is dredging activity in both the border Loughs there is a need to include the Loughs Agency and the ROI public Authorities in relation to this policy.

Pg. 107: Energy

The NIMTF notes the representation of Resource Zones within Figure: 12, Energy. We also note a number of these areas overlap with Marine Protected Areas, for example, Rathlin Island SPA, SAC and MCZ. We question how there is a ‘presumption in favour’ of energy where these areas overlap with protected sites as this is not clear for proposers of developments and is an example of where we need better joined up Marine Spatial Planning and there should be no presumption in favour of development in SACs or other protected areas. Having a high level Energy Policy is a little too high as there are different needs for oil and gas compared with a wind farm and the processes have very different impacts on ecosystem services and climate change actions.

P114 Marine Aggregates

This currently states sand and gravel but as a high level policy future trends may lead to the potential inclusion of seabed mining for other minerals. Presumption in favour again needs to be removed here.

Pg. 122: Ports, Harbours and Shipping

There is a need to include the “Motorways of the Sea”³⁷ concept which aims to introduce new intermodal maritime-based logistics chains in Europe, which should improve our transport organisation within the years to come. These chains will be more sustainable, and should be commercially more efficient than road-only transport. Motorways of the Sea will thus improve access to markets throughout Europe, and bring relief to our over-stretched European road system. For this purpose, fuller use will have to be made not only of our maritime transport resources, but also of our potential in rail and inland waterways, as part of an integrated transport chain.

The concept was introduced with the 2001 Transport White Paper- European transport policy for 2010: time to decide. The European Commission proposed the development of “Motorways of the Sea” as a “real competitive alternative to land transport The White Paper also defined that the Motorways of the Sea should be part of the trans-European network (TEN-T) and funds should be made available for its development.

Minor point: in paragraph 428 there should be an inclusion of the Loughs Agency in relation to both Lough Foyle and Carlingford Lough

P126 Telecommunications cabling

There needs to be a reference in this section to the potential impacts of electromagnetic fields - in particular to elasmobranchs and cetaceans.

P130 Tourism and Recreation

We recognize the importance of tourism and recreation and there should be a paragraph covering some of the ecosystem services which are intrinsically linked to enjoying the coast and sea. There is also a need to include potential access and or protecting existing access such as including a Coastal Path as included in the MCAA legislation.

P136 Monitoring and Review

Many of the points raised in the initial general comments on gaps are relevant to this section including the need for proper governance, transparency and participation on decision making on the implementation and further development of the plan.

Ultimately the strength of a plan depends on the extent to which it can be used as a basis for decision making, and in that respect this plan is weak and currently not fit for purpose. However we hope that our suggestions will be taken on board by the marine plan team and we look forward to further dialogue to help develop the marine plan so it is a useful document which assists planning decisions and contributes to GES.

³⁷ <https://eur-lex.europa.eu/search.html?type=expert&qid=1528982972369>



If you have any queries on the comments made on behalf of the NIMTF, please do not hesitate to get in touch:

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