



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:

[Proposed amendments to the Marine Licensing \(Exempted Activities\) Order \(NI\) 2011](#)

Submitted on 30/07/2021

Article 12 Fishing operations (Amendment of an existing Article)

Do you agree with the proposed amendment to this exemption? Yes

Do you have any further comments you wish to make on this amendment? No

Article 13 Shellfish propagation and cultivation (Amendment of an existing Article)

Do you agree with the proposed amendment to this exemption? No

Do you have any further comments you wish to make on this amendment? Yes

The clear demarcation of aquaculture sites is important for safe navigation. However, the Department must (I) clearly define what a ‘marker’ is and whether temporary or permanent placements are allowed, and (II) ensure the placement of markers and any associated anchors, weights, ropes or lines, do not impact negatively on the condition of the features or integrity of the site. This is most relevant in instances where the seafloor on which anchors or weights would be placed is the protected feature.

Additionally, the need to appropriately mark aquaculture areas with ‘markers’ using associated ropes and lines must also be balanced with the increased potential and risk of entangling wildlife. Since 2000 there have been 8 recorded strandings associated with entanglement in fishing gear in Northern Ireland¹. This number is likely to represent just a proportion of the true number of entanglement incidents due to under reporting.

¹ Inshore Fisheries Partnership Group (IFPG) communication from DAERA



Article 15 Deposits of marine chemical and marine oil treatment substances etc. (Amendment of an existing Article)

Do you agree with the proposed amendment to this exemption? Yes

Do you have any further comments you wish to make on this amendment? No

Article 17 Scientific instruments etc (Amendment of an existing Article)

Do you agree with the proposed amendment to this exemption? Yes

Do you have any further comments you wish to make on this amendment? No

Article 17A samples for testing and analysis (Proposed new Article)

Do you agree with the proposal to add this new Article? Yes

Do you have any further comments you wish to make on this amendment? Yes

Mention of the Marine Noise Registry (MNR) is welcome. The noise registry is useful as a collation tool for noisy activities which have taken place. However, improvements are required to ensure it is fit for purpose in managing future noisy activities, such as noise which is predicted and planned to occur in the future. The risks from cumulative noise impacts are significant if not adequately managed and currently there is no mechanism in place for collating future noise impacts for management. Furthermore, there are currently no mechanisms available to understand ambient levels of noise in Northern Ireland. It is worth highlighting that background anthropogenic impulsive or continuous low-frequency noise can both adversely affect populations of marine animals.

Recognition of the impact of underwater noise on the marine environment and wildlife is also welcome. The consultation rightly points to the UK Marine Strategy Regulations 2010 which require UK seas to be in Good Environmental Status with regard to the input of anthropogenic sound. Unfortunately, the latest assessment (2019)² determined that the extent to which UK seas are achieving GES for this indicator is uncertain. Therefore, it is critically important that consideration of how activities have the potential to negatively impact marine wildlife is a feature of all anthropogenic sound producing licensing applications, no matter what the purpose. NIMTF suggest that the amendment to the order is made clearer to reflect that: failure to consider, and where necessary mitigate, the impact of underwater noise in the marine environment is grounds to deny a marine license.

² [Marine Strategy Part One: UK updated assessment and Good Environmental Status October 2019](#)



Article 17B Accidental deposits – removal activity (Proposed new Article)

Do you agree with the proposal to add this new Article? Yes

Do you have any further comments you wish to make on this amendment? No

Article 19 Maintenance of coast protection, drainage and flood defence works (Amendment of an existing Article)

Do you agree with the proposed amendment to this exemption? Yes

Do you have any further comments you wish to make on this amendment? No

Article 20 Emergency works in response to flood or flood risk (Amendment of an existing Article)

Do you agree with the proposed amendment to this exemption? Yes

Do you have any further comments you wish to make on this amendment? Yes

NIMTF realise the importance and need for such emergency works to take place in response to flood or flood risk. However, we would also recommend that a review process should be put in place so that once the emergency works have concluded, lessons can be learnt and DAERA can ensure that the response was proportional, appropriate and attempted to minimise impacts where practical.

Article 21 Use of vehicles to remove litter or seaweed from beaches (Amendment of an existing Article)

Do you agree with the proposed amendment to this exemption? No

Do you have any further comments you wish to make on this amendment? Yes

NIMTF suggest that the removal of litter, dead animals and seaweed from beaches using vehicles are separate activities which justify separate amendments and consideration in the Marine Licensing (Exempted Activities) Order (NI) 2011.

NIMTF also suggest that this amendment is clearer regarding the specific circumstance type and accepted purposes in which seaweed is permitted to be removed from beaches with prior



department notification. Applications for commercial live seaweed harvesting for example, should not fall under this Article which groups the removal of litter and seaweed as one. Applications involving the removal of living seaweed should undergo a complete and separate licensing application and consenting process through which the full environmental impact of such activities could be assessed on a case by case, application specific basis.

Regarding the removal of dead seaweed on beaches, it is important to note that ‘drift’ or ‘cast’ seaweed provides an important habitat and food source for invertebrates and higher organisms and removal has been shown to reduce the species richness of this community^{3,4}. In England, Natural England advises against complete clearance of drift seaweed from strandlines and would recommend leaving larger proportions in place during winter months, when overwintering birds may depend on it as a food source⁵.

When occurring in a Marine Protected Area, whether and how such drift seaweed removal could impact on the conservation objectives and condition of the site and features should be considered.

Article 21A Recovery of marine litter etc. (Proposed new Article)

Do you agree with the proposal to add this new Article? Yes

Do you have any further comments you wish to make on these amendments? Yes

NIMTF support fully the proposed new exemption which will permit divers to remove marine litter and abandoned, discarded or lost fishing gear from the marine environment during the course of diving activities and to do so without a disproportionate regulatory burden. This is an important regulatory change considering that lost and unmanaged fishing gear, which can be pots, nets or lines, continue to catch and therefore kill marine life well after they are intended to do so by fishers. Species such as crabs, rays, fish, mammals and even birds get caught up in the lost ghost gear and die. These in turn act as bait for larger animals and can attract large marine mammals such as seals, dolphins, porpoises and whales which have also been found tangled in and killed by ghost gear⁶.

NIMTF strongly agree that the proposed exemption should be worded to ensure the protection of protected species and habitats and items of archaeological or historical interest and require prior notification be given to the licensing Authority.

³ Dugan, J.E., Hubbard, D.M., McCrary, M.D., & Pierson, M.O. (2003). The response of macrofauna communities and shorebirds to macrophyte wrack subsidies on exposed sandy beaches of southern California. *Estuarine, Coastal and Shelf Science* 58:25–40

⁴ Gilburn, A.S. (2012). Mechanical grooming and beach award status are associated with low strandline biodiversity in Scotland. *Estuarine, Coastal and Shelf Science* 107:81–88

⁵ [Seaweed Harvesting: Natural England Advice \(July 2014\)](#)

⁶ [Ghost fishing UK](#)



Article 24A Use of a device, vehicles or vessels to remove marine litter and debris (Proposed new Article)

Do you agree with the proposal to add this new Article? Yes

Do you have any further comments you wish to make on this amendment? Yes

When occurring in a Marine Protected Area, whether and how the use of such vehicles or vessels to remove marine litter and debris could impact on the conservation objectives and condition of the site and features should be considered.

Article 25A Markers for European marine sites and marine conservation zones (Proposed new Article)

Do you agree with the proposal to add this new Article? Yes

Do you have any further comments you wish to make on this amendment? Yes

The clear demarcation of MPAs in NI seas is important and helps with MPA management, compliance and enforcement. However, the Department must (I) clearly define what a ‘marker’ is and whether temporary or permanent placements are allowed, and (II) ensure the placement of markers and any associated anchors, weights, ropes or lines, do not impact negatively on the condition of the features or integrity of the site. This is most relevant in instances where the seafloor on which anchors or weights would be placed is the protected feature.

Additionally, the need to appropriately demarcate MPAS using ‘markers’ using associated ropes and lines must also be balanced with the increased potential and risk of wildlife entangling. Since 2000 there have been 8 recorded strandings associated with entanglement in fishing gear in Northern Ireland¹. This number is likely to represent just a proportion of the true number of entanglement incidents due to under reporting.

Article 25B Temporary markers (Proposed new Article)

Do you agree with the proposal to add this new Article? Yes

Do you have any further comments you wish to make on this amendment?

The clear demarcation of some recreational activities in NI seas is important. However, the Department must (I) clearly define what a ‘marker’ is, and (II) ensure the placement of markers and any associated anchors, weights, ropes or lines, do not impact negatively on the condition of the



features or integrity of the site. This is most relevant in instances where the seafloor on which anchors or weights would be placed is the protected feature.

Additionally, the need to use temporary ‘markers’ with associated ropes and lines must also be balanced with the increased potential and risk of wildlife entangling. Since 2000 there have been 8 recorded strandings associated with entanglement in fishing gear in Northern Ireland¹. This number is likely to represent just a proportion of the true number of entanglement incidents due to under reporting.

Article 27A Deposit of a substance arising from the cleaning of vessels Proposed new Article

Do you agree with the proposal to add this new Article? Yes

Do you have any further comments you wish to make on this amendment? No

Article 29 Diver trails within restricted areas (Existing Article to be amended)

Do you agree with the proposed amendment to this exemption? Yes

Do you have any further comments you wish to make on this amendment? No

Article 32 Cables and pipelines – authorised emergency inspection and repair (Existing Article to be amended)

Do you agree with the proposed amendment to this exemption? Yes

Do you have any further comments you wish to make on this amendment? Yes

NIMTF realise the importance of such emergency inspection and repair work. However, we would also recommend that a review process should be put in place so that once the emergency works have concluded, lessons can be learnt and DAERA can ensure that the response was proportional, appropriate and attempted to minimise impacts where practical.

Duration between Licensing Decision and Commencement of Licence

Do you have any comments you wish to make on this policy change?

NIMTF welcome an introduction of a maximum duration between when a licensing decision is taken (the issue of the draft license) and commencement of works. However, the term of five years may still be too long to ensure that the assessments that underpin the licensing decision are current and



reflect all the current nature conservation assessments that underpin the decision. We appreciate the five-year term is *'a maximum timeframe which could in reality be shorter'*, but considering the extended timeframes involved in some past licensing decisions, a significant reduction to timeframe allowed from when a licensing decision is taken and commencement of works, should be considered.

NIMTF suggest an additional short timeframe limit is put in place so that environmental assessments used to inform licensing decisions are current and up to date. This would avoid the undesirable situation wherein, due to delays and appeals in the licensing process, by the time the licensed activity is given the go-ahead, the environmental situation in the area has changed and deteriorated to a point that the environmental assessments are no longer accurate and therefore a different licensing decision may well be warranted.

NIMTF also suggest that a licence cannot be maintained indefinitely once the development has commenced. A time limit applied between commencement and completion is needed and informed by the age and on-going relevance of the environmental information first provided with the application.

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