



Draft Marine Plan for Northern Ireland

Public Consultation

April 2018



Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk



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Front cover image - Tourism NI

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Consultation on the Marine Plan for Northern Ireland

This consultation is seeking your comments on the Marine Plan for Northern Ireland (Marine Plan).

Assessments

The Marine Plan has been subject to, and been informed by, a Sustainability Appraisal. The Marine Plan is also accompanied by a Habitats Regulations Assessment, an Equality and Human Rights Impact Screening exercise, a Partial Regulatory Impact Assessment and a Rural Needs Impact Assessment. The accompanying assessments are available to download from the Department's website.

Please ensure that your response reaches us before the closing date.

Responses

We will use the comments to help us revise the Marine Plan, where appropriate. We are unable to reply individually to the points you may raise as part of your reply.

What Happens Next?

Following the consultation the Department will analyse and consider the information received and will publish a synopsis of these responses on the Department's website.

Following completion of the consultation exercise, an Independent Investigation¹ may be carried out if there are any remaining unresolved matters.

How to respond

Please respond to this consultation using one of the following methods:

- Online at: www.daera-ni.gov.uk/consultations
- By e-mail at: marineplanteam@daera-ni.gov.uk
- By post to:

**Marine Plan Team
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¹ As detailed by Schedule 1 of the Marine Act (Northern Ireland) 2013 and Schedule 6 of the Marine and Coastal Access Act 2009.

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When responding please provide the following information:

- Your name;
- Contact details (preferably email);
- Organisation you represent (if applicable);
- Your district council area; and
- Your main area of interest (e.g. commercial fisheries, nature conservation, tourism etc.)

This information will assist in the analysis of responses.

Accessibility

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The Department of Agriculture, Environment and Rural Affairs has considered the needs of blind and partially sighted people in accessing this document.

The text will be made available in full on the Department's website:

www.daera-ni.gov.uk/consultations. The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats. If you have other needs in this regard please contact the Department.

Freedom of Information (FoI), Confidentiality of Responses and Sharing of Information.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations (Northern Ireland) 1993.

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and that deals, amongst other things, with obligations of confidence.

The Marine Plan relates to functions that are the remit of other Northern Ireland and UK Government Departments and Agencies. As such, it may be necessary to share personal data and responses with those Departments and Agencies. In addition this information may be sent to the Department's Sustainability Appraisal and Habitats Regulations Assessment consultants (AECOM). If an Independent Investigation is deemed necessary, this information will be shared with the appointed body. Any information shared with third parties will be shared for the purposes of this consultation only.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act (DPA) 1998.



Marine Plan for Northern Ireland

Public Consultation

Contents

Consulation on the Marine Plan for Northern Ireland	1
Contents	5
Vision and Objectives	7
Marine Plan Vision	8
Marine Plan Objectives	8
Introduction	9
Introduction to the Marine Plan	10
Why is there a Marine Plan?	10
What is the Marine Plan?	10
Where is the Marine Plan area?	11
Who has responsibility in the marine area?	16
How has the Marine Plan been prepared?	16
Marine Objectives	20
About this Marine Plan	22
What policies does the plan contain and what is their purpose?	22
Who are the policies for?	23
Why does the Marine Plan affect decision making?	23
Where does the Marine Plan apply?	25
When does the Marine Plan come into effect?	25
Policy Approach	26
Achieving Sustainable Development	26
Using this Marine Plan	27
Core Policies	28
Stakeholder Engagement	30
Air Quality	32
Climate Change	35
Coastal Processes	38
Co-Existence	42
Cumulative Impacts	45

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Heritage Assets	47
Invasive Alien Species	53
Land and Sea Interaction	55
Marine Litter	57
Marine Noise	60
Natural Heritage	63
Seascape	70
Use of Evidence	73
Water Quality	75
Key Activity Policies	79
Aquaculture	80
Carbon Capture and Storage	85
Commercial Fishing	87
Defence and National Security	98
Dredging	102
Energy	107
Marine Aggregates	114
Ports, Harbours and Shipping	117
Telecommunications Cabling	126
Tourism and Recreation	130
Monitoring and Review	135
Annex A: Marine Plan Assessments	140
Annex B: Responsibilities within the Northern Ireland Marine Area	142
Annex C: Marine Plan Objectives	149

Vision and Objectives

Marine Plan Vision

A healthy marine area which is managed sustainably for the economic, environmental and social prosperity of present and future generations².

Marine Plan Objectives

- To promote the sustainable development of productive activities, which support employment at all skill levels while fully considering the requirements of other marine interests.
- To help realise the potential of energy resources and energy storage within the marine area, while fully considering the requirements of other marine interests.
- To promote the development of vibrant, accessible and sustainable coastal communities.
- To promote the marine resource, its recreational value and its wider economic, environmental and social benefits to all.
- To promote the preservation and enjoyment of marine related heritage assets.
- To promote a healthy, resilient and adaptable marine ecosystem and an ecologically coherent network of Marine Protected Areas.
- To contribute towards climate change mitigation and adaptation measures.
- 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.

² This vision sits within the wider context of the UK Vision for the marine area which is set out in the UK Marine Policy Statement as “*clean, healthy, safe, productive and biologically diverse oceans and seas*”.

Introduction

Introduction to the Marine Plan

Why is there a Marine Plan?

1. Across the UK, new systems of marine planning have been introduced. The Marine and Coastal Access Act 2009³ (MCAA) and the Marine Act (Northern Ireland) 2013⁴ (The Marine Act), require the Department of Agriculture, Environment and Rural Affairs (DAERA), as the Marine Plan Authority (MPA), to prepare marine plans, for the better management of the Northern Ireland marine area. This will facilitate the sustainable development of the marine area.
2. Marine Plans contribute to the UK implementation of the Maritime Spatial Planning Directive 2014/89/EU⁵ (the MSP Directive), which establishes a framework for Maritime Spatial Planning across the EU. This Directive requires marine plans to be completed by 31 March 2021.

What is the Marine Plan?

3. The Marine Plan for Northern Ireland is made up of two plans, one for the inshore region⁶ under the Marine Act and one for the offshore region⁷ under the MCAA. The Marine Plan, therefore, combines the plans for both the inshore and offshore regions into one document and will be collectively known as the Marine Plan for Northern Ireland (hereafter referred to as the Marine Plan). It has been prepared and will be adopted for the purposes of section 51 and 4 of the MCAA and the Marine Act respectively. The Marine Plan contains provisions relating to retained functions⁸.
4. The Marine Plan and other marine policy documents⁹ will inform and guide the regulation, management, use and protection of the Northern Ireland marine area. It will support and complement other existing legislation, policies, plans and strategies.
5. The Marine Plan reflects the unique character of the Northern Ireland marine area and the needs of its users. The Marine Plan contributes to the delivery of national and regional policy objectives. It will continue to evolve as the effectiveness of its policies are monitored and reviewed and the evidence base develops, as set out in the Monitoring and Review section.

³ <http://www.legislation.gov.uk/ukpga/2009/23/contents>

⁴ <http://www.legislation.gov.uk/nia/2013/10/contents>

⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0089>

⁶ <http://www.legislation.gov.uk/nia/2013/10/section/2/enacted>

⁷ <http://www.legislation.gov.uk/ukpga/2009/23/section/322>

⁸ Retained functions are matters which are not fully devolved to Northern Ireland and these are defined in section 60 in the Marine and Coastal Access Act 2009 (also section 12(1) of the Marine Act (Northern Ireland) 2013) and described more fully in Schedule 3 to the Northern Ireland Act 1998.

⁹ Marine policy documents include the UK Marine Policy Statement and any Marine Plan produced by a Marine Plan Authority.

6. The best available evidence has been used to reflect existing zonings and boundaries for certain activities and uses.
7. The Marine Mapviewer supplements the Marine Plan and provides spatial information to proposers¹⁰ and stakeholders, and will assist public authorities¹¹ in their decision making processes. This online facility displays a comprehensive set of mapped data, including economic, environmental and social data, relating to the Northern Ireland marine area. It is updated as and when new evidence becomes available.
8. Together the Marine Plan and Marine Mapviewer will guide and inform proposers and public authorities about the most suitable locations for different uses and activities.
9. Nothing in the Marine Plan or Marine Mapviewer should be read as a commitment for public resources.

Where is the Marine Plan area?

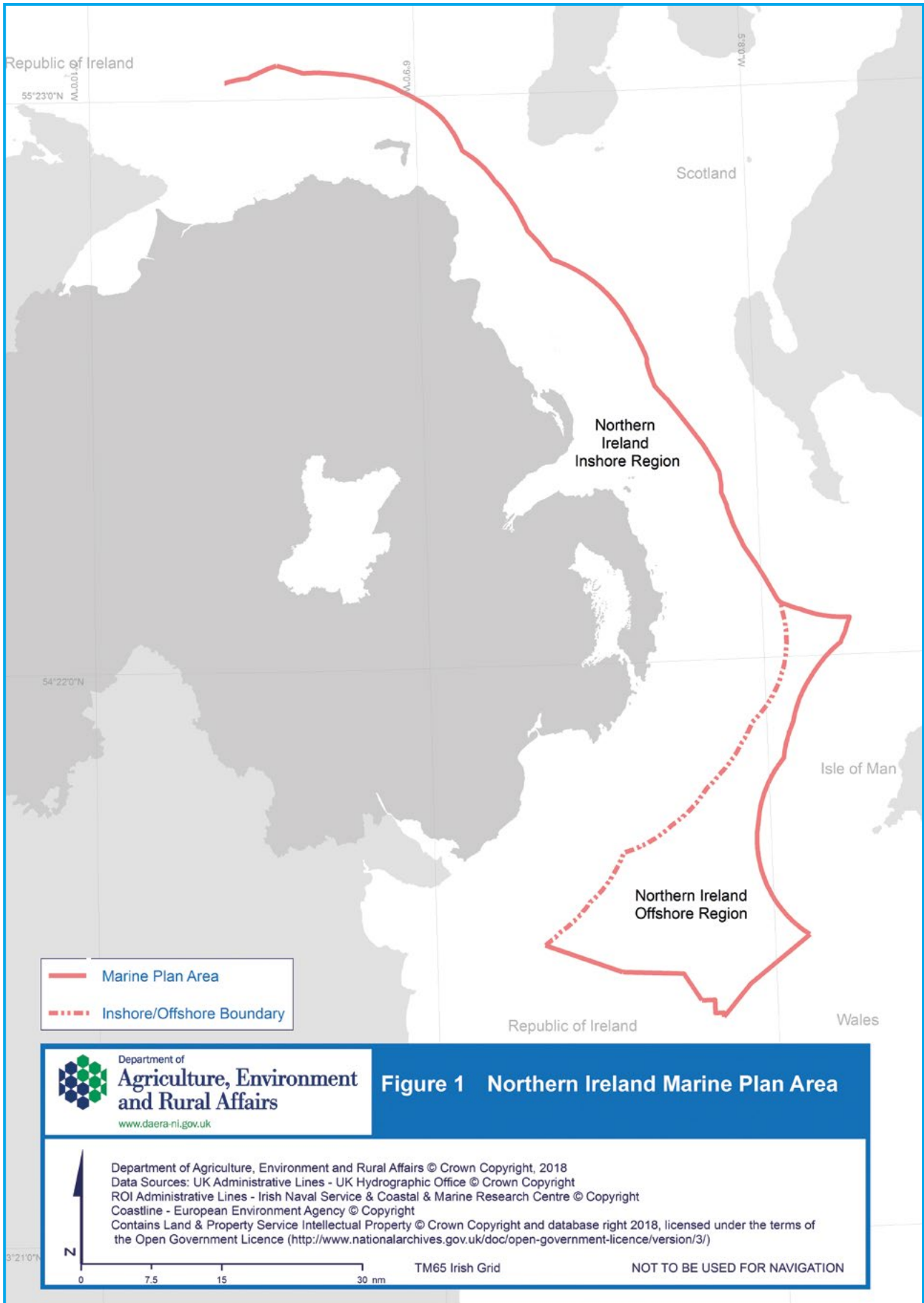
10. The Northern Ireland marine area is made up of an inshore and an offshore region¹². The marine area comprises all marine waters including sea bed, subsoil, sea loughs and tidal rivers, so far as the tide flows at Mean High Water Spring Tide.
11. The inshore region extends from the Mean High Water Spring Tide mark out to, at most, 12 nautical miles (nm) and includes tidal rivers and sea loughs. In places along the north coast, this is reduced due to the proximity of Scotland's marine area. The offshore region is the area that extends south-eastwardly from the 12nm territorial limit to the outer boundary of the Northern Ireland marine area (31nm from the inshore boundary, at its farthest extent). The administrative boundaries and the extent of the Northern Ireland Marine Plan area that abuts the marine areas of Scotland, Wales, the Isle of Man and the Republic of Ireland¹³ are shown in Figures 1 and 2.

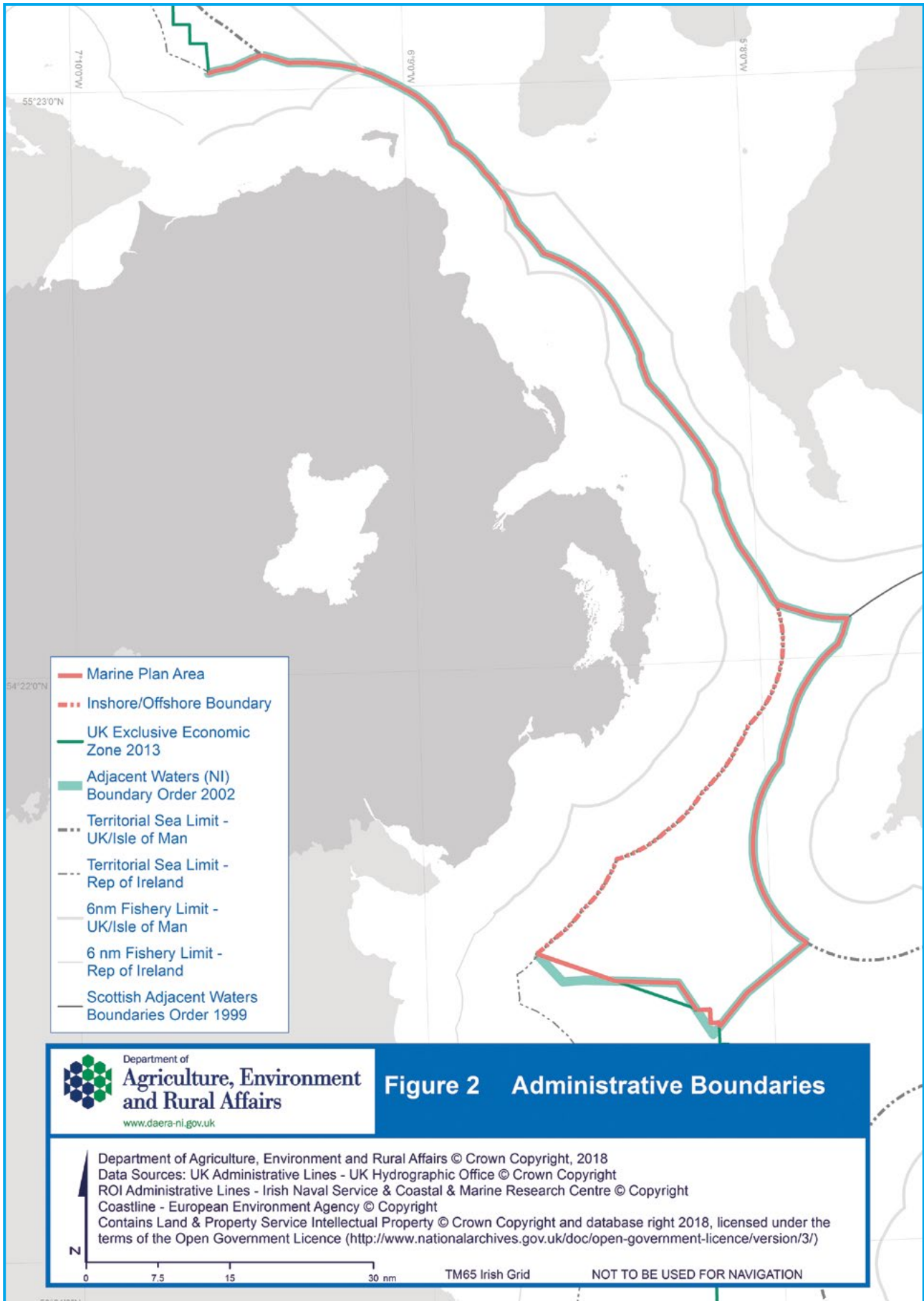
¹⁰ Anyone who is making a proposal such as an applicant, developer, agent, user or public authority.

¹¹ Is defined in section 48 of the Marine Act and section 322 of the MCAA and includes bodies responsible for making decisions capable of affecting the marine area, such as: Government Departments and Agencies (NI and UK), The Loughs Agency, District Councils, Harbour Authorities, Non-departmental Government Bodies and The Crown Estate.

¹² The outer limit of the Northern Ireland Marine Area is defined by the Adjacent Waters Boundary (Northern Ireland) 2002 Order and the Exclusive Economic Zone Order 2013.

¹³ There is no agreement on the delimitation of territorial sea between the United Kingdom and the Republic of Ireland.



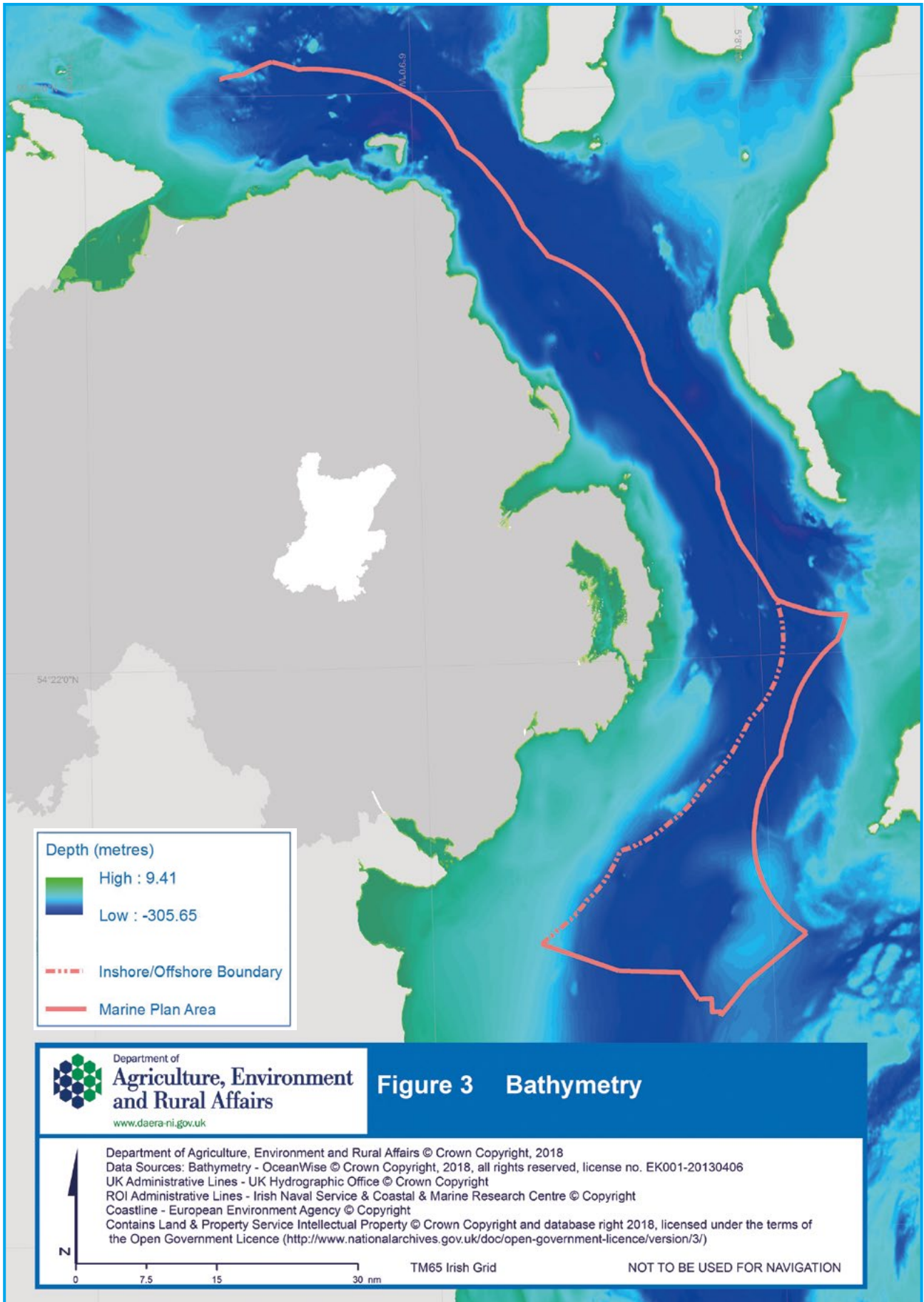


Characteristics of the Northern Ireland marine area

The Northern Ireland marine area has:

- an area of over 6,000 km²;
- a coastline of over 650 km, more than 75% of which falls within some form of conservation designation;
- a natural gyre circulatory system in the south east, which creates ideal spawning and breeding grounds for a wide range of commercial fish species;
- coastal waters that contain over 50% of the region's biodiversity;
- one inhabited island, Rathlin Island, off the north coast with a population of approximately 145 people;
- some of the deepest waters to be found anywhere in the British Isles situated north of Rathlin Island, which are in excess of 230m deep (see Figure 3);
- areas with the potential to generate renewable energy;
- areas with potential for oil and gas exploration and energy storage;
- a network of underwater telecommunications cables, electricity interconnection and a gas pipeline;
- a direct fibre optic cable link with the USA providing Northern Ireland with the fastest trans-Atlantic telecommunications in the UK;
- 44 ports and harbours including five commercial ports and three main fishing ports;
- a wealth of maritime heritage assets including the Spanish Armada shipwreck, La Girona;
- a strong maritime heritage and a coastline that includes some of our greatest environmental, tourist and recreational assets;
- a UNESCO World Heritage Site, the Giant's Causeway, a unique area of 40,000 interlocking basalt columns; and
- a number of beaches¹⁴ with blue flag status and a blue flag marina in Ballycastle.

¹⁴ <https://www.discovernorthernireland.com/explore/blue-flag-beaches/>



Who has responsibility in the marine area?

12. The responsibility for managing the Northern Ireland marine area is split between Northern Ireland and UK public authorities. These include:
 - Northern Ireland Government Departments and Agencies,
 - UK Government Departments and Agencies,
 - Northern Ireland District Councils, and
 - The Crown Estate.
13. A list of public authorities with responsibilities in the Northern Ireland marine area can be found in Annex B.

How has the Marine Plan been prepared?

14. The Marine Plan has been prepared in line with the MCAA, the Marine Act and the EU MSP Directive. The Marine Plan is in conformity with the UK Marine Policy Statement¹⁵(UK MPS).
15. The Marine Plan reflects all EU obligations as they presently apply. The Marine Plan will be reviewed, as necessary, following agreement on the UK's future relationship with the EU.
16. The MCAA enabled the production and adoption of the UK MPS. This policy statement sets the framework for the preparation of Marine Plans across the UK. It provides the high level policy context for the development, implementation, monitoring and review of all Marine Plans.
17. The Marine Plan complies with the procedural requirements that are set out in Schedule 6 to the MCAA and Schedule 1 to the Marine Act. As required by legislation, the Marine Plan Authority has:
 - notified the UK Government, the Administrations of Scotland, Wales, the Republic of Ireland and the Isle of Man of its intention to commence Marine Plans;
 - notified the District Councils whose district adjoins or is adjacent to the Northern Ireland marine area;
 - consulted with other Departments that have responsibility in the Northern Ireland marine area;
 - engaged with marine stakeholders during the preparation of the Marine Plan; and
 - taken all reasonable steps to ensure compatibility with other related marine plans and local development plans.

¹⁵ <https://www.gov.uk/government/publications/uk-marine-policy-statement>

18. The Marine Plan has been developed to support and complement other existing legislation, policies, plans and strategies. These include the Northern Ireland Executive's draft Programme for Government¹⁶, Regional Development Strategy¹⁷, Going for Growth¹⁸, the Strategic Energy Framework¹⁹, the Strategic Planning Policy Statement (SPPS)²⁰, other planning policies and the Common Fisheries Policy²¹. It takes account of Local Development Plans²², the Floods Directive, Flood Risk Management Plans, and River Basin Management Plans that implement the Water Framework Directive. The Marine Plan will complement the Marine Strategy Framework Directive (MSFD) Programme of Measures. Consequently, it will contribute to the achievement of Good Ecological Status and Good Environmental Status respectively. It will also contribute to the implementation of the Integrated Coastal Zone Management Strategy.
19. The Marine Plan has been prepared in accordance with the requirements of the MSP Directive (EU Maritime Spatial Planning Directive 2014/89/EU). The Directive aims to promote the sustainable development of marine areas and the sustainable use of marine resources. It sets out a number of minimum requirements all of which have been addressed in this plan.

Collaboration

20. The Marine Plan Authority has worked with other Northern Ireland Departments and Agencies that have responsibilities in the Northern Ireland marine area, in preparing this Marine Plan. This collaborative approach has been taken forward through the Inter-Departmental Marine Co-ordination Group (IMCG)²³. This Group meets regularly to address marine issues, policy development and information sharing.

¹⁶ <https://www.northernireland.gov.uk/programme-government>

¹⁷ The RDS provides an overarching spatial framework to influence the future distribution of activities throughout the Region to 2035. The document examines the factors which are impacting on us and are driving change. It sets out aims for the Region and provides guidance on how these aims can be achieved. <https://www.planningni.gov.uk/index/policy/rds2035.pdf>

¹⁸ Going for Growth is a strategic action plan in support of the Northern Ireland agri-food industry/

¹⁹ The Strategic Energy Framework details Northern Ireland's energy goals and objectives to 2020.

²⁰ <https://www.planningni.gov.uk/spps>

²¹ The Common Fisheries Policy provides the framework for the management of the EC fisheries and aquaculture sector, including all marine fisheries within 200 miles of Member States' baselines.

²² <http://www.planningni.gov.uk>

²³ The Department of Agriculture, Environment and Rural Affairs chairs the IMCG that includes representatives from Marine Plan Authority, Department for the Economy, Department for Infrastructure, Department for Communities, Loughs Agency and Agri-Food and Biosciences Institute.

21. In addition, the Marine Plan Authority has held regular meetings and liaised closely with other UK Marine Plan Authorities and UK Departments and Agencies, including:
- Department for Environment, Food and Rural Affairs (Defra),
 - Department for Business, Energy and Industrial Strategy (BEIS),
 - The Oil and Gas Authority (OGA),
 - Department for Transport (DfT),
 - Ministry of Defence (MOD),
 - Marine Scotland,
 - Welsh Government,
 - The Marine Management Organisation (MMO), and
 - The Crown Estate (TCE).
22. These meetings have provided the mechanism for ensuring consistency of approach across the UK.
23. Transboundary co-operation and co-ordination has also taken place with the Republic of Ireland²⁴ and the Isle of Man²⁵.

Public Participation

24. The involvement of those with an interest in and responsibility for²⁶ the marine area has been central to the development of the Marine Plan. The Marine Plan Authority published a Statement of Public Participation²⁷ (SPP), which sets out how and when to involve and engage ‘interested persons’ including:
- Statutory partners and other Government Departments and Agencies,
 - District Councils,
 - Devolved Administrations and neighbouring Governments,
 - Key sector and industry representative groups,
 - Non-government organisations, and
 - Other interested parties, such as communities, schools and special interest groups.
25. The Marine Plan Authority has facilitated stakeholder focussed meetings and workshops. In compliance with the MCAA and the Marine Act²⁸, all evidence provided by stakeholders has been taken into account during the development of the Marine Plan.

²⁴ Article 11 of the MSP Directive.

²⁵ Article 12 of the MSP Directive.

²⁶ Required by Article 9 of the MSP Directive, Schedule 6 of the MCAA and Schedule 1 of the Marine Act.

²⁷ <https://www.daera-ni.gov.uk/publications/marine-plan-statement-public-participation>

²⁸ Paragraph 9 (e) & (f) of Schedule 6 & 1 respectively.

Evidence

26. The Marine Plan has been prepared and informed using best available economic, environmental and social evidence²⁹. Given the spatial characteristics of the available data, the Marine Plan Authority has used Geographic Information Systems (GIS)³⁰ to manage the datasets. The data shows that marine activities and uses are highly dynamic in both time and place and often extend beyond administrative boundaries³¹.

Ecosystem based approach

27. The Marine Plan uses an ecosystem based approach that will assist public authorities in managing the competing demands on the marine area in a more sustainable manner.
28. For the purposes of this Marine Plan, the definition used for ‘ecosystem based approach’ is the same as that included in the UK MPS. This states that, “the collective pressure of human activities is kept within the levels compatible with the achievement of Good Environmental Status; that does not compromise the capacity of marine ecosystems to respond to human induced changes; and that enables the sustainable use of marine goods and services”.

Sustainable Development

29. Achieving sustainable development is at the core of this Marine Plan.
30. The Marine Plan builds upon the Sustainable Development Strategy (SDS)³², which recognises that economic development must be undertaken in a way that protects and enhances the built and natural environment.
31. The Strategy is underpinned by a statutory duty on all NI Departments and District Councils to “act in a way it considers best calculated to contribute to the achievement of sustainable development in Northern Ireland, except to the extent that it considers that any such action is not reasonably practicable in all the circumstances of the case.”

²⁹ Article 10 of the MSP Directive.

³⁰ A GIS is a specialised IT system with spatial capabilities and functionality for managing and interrogating geographic information.

³¹ Spatial datasets which extend beyond the Northern Ireland marine area, such as UK or All-island wide datasets are displayed in their entirety to preserve data integrity.

³² <https://www.daera-ni.gov.uk/articles/sustainable-development>

Marine Objectives

32. The UK Government and the Devolved Administrations agreed a set of High Level Marine Objectives³³ establishing the building blocks for the UK's approach to the sustainable development of the marine area. These are:
- Achieving a sustainable marine economy,
 - Ensuring a strong, healthy and just society,
 - Living within environmental limits,
 - Promoting good governance, and
 - Using sound science responsibly.
33. These objectives underpin the UK MPS, which in turn provides the framework for the development of marine plans. In addition, development of the Marine Plan is based on sustainable development principles, which will contribute to the objectives of the MSP Directive.
34. The Marine Plan Authority, in consultation, developed eight objectives for the Marine Plan, reflecting the full range of the High Level Marine Objectives. Working towards the Marine Plan objectives by all those with an interest in and/or responsibility for the marine area will lead to the achievement of the Marine Plan Vision and will contribute to achieving the UK Vision. The Marine Plan objectives are set out below.
- **Objective 1:** to promote the sustainable development of productive activities, which support employment at all skill levels while fully considering the requirements of other marine interests.
 - **Objective 2:** to help realise the potential of energy resources and energy storage within the marine area, while fully considering the requirements of other marine interests.
 - **Objective 3:** to promote the development of vibrant, accessible and sustainable coastal communities.
 - **Objective 4:** to promote the marine resource, its recreational value and its wider economic, environmental and social benefits to all.
 - **Objective 5:** to promote the preservation and enjoyment of marine related heritage assets.
 - **Objective 6:** to promote a healthy, resilient and adaptable marine ecosystem and an ecologically coherent network of Marine Protected Areas.

³³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/182486/ourseas-2009update.pdf

- **Objective 7:** to contribute towards climate change mitigation and adaptation measures.
- **Objective 8:** 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.

35. Further detail on the objectives is outlined in Annex C.

About this Marine Plan

36. The Marine Plan policies are structured in such a way as to provide clarity on:
- **WHAT** the policy subject is about;
 - **WHERE** the resource, use or activity is located within the marine area (where appropriate);
 - **WHO** the policy is of interest to and the principal decision making authorities, (where appropriate);
 - **WHY** the policy is needed; and
 - **HOW** the policy should be implemented.

What policies does the plan contain and what is their purpose?

37. The Marine Plan contains policies that reflect, clarify and signpost current legislation, policy measures and practices from the UK MPS and across NI and UK Government Departments and Agencies.
38. The Marine Plan contains two categories of policies:
- **Core policies** - that cover the general issues to be considered for all proposals; and
 - **Key Activity policies** - that support or safeguard a particular activity without undue impact on the marine area, its ecosystem services and the users that rely on them.
39. The policies provide an overall framework for the management of the marine area, contributing to its sustainable development and the integration of the marine and terrestrial management processes. They enable public authorities, when taking decisions, to guide activities to suitable locations and address any potential adverse impacts. The policies also provide the context for public authorities in any future management of unregulated activities in the marine area.
40. The Core and Key Activity policies will support and contribute to the achievement of the Vision and Objectives of the Marine Plan. Where applicable, an indication of how the policies meet a particular objective has been provided.
41. Where clear linkages, either direct or indirect are present between a policy and an objective, these are indicated in the margin of each policy section. Direct links are shown in solid (e.g. objective link: ① ② etc.) while indirect links are shown in outline (e.g. objective link: ① ② etc.).

Who are the policies for?

42. The Core and Key Activity policies are to be used by public authorities in taking decisions which affect or might affect the marine area, including:
 - Authorisation or enforcement decisions; and
 - Decisions that relate to the exercise of any function capable of affecting the marine area.
43. Proposers can also use the policies to assist in the planning, concept and design of proposals.
44. In addition, the policies will be relevant to anyone, whether as an individual or group, who has an interest in the marine area or who may be affected by any decision that affects or might affect the marine area.

Public Authorities: Public Authorities: Is defined in section 48 of the Marine Act³⁴ and section 322 of the MCAA³⁵ and includes bodies with responsibility for making decisions capable of affecting the marine area such as: Government Departments and Agencies (NI & UK); The Loughs Agency; District Councils; Harbour Authorities; Non-departmental Government Bodies and The Crown Estate.

Proposer: Anyone who is making a proposal: such as an applicant, developer, agent, user or public authority.

Proposals: Proposals include (but are not restricted to) any plan, project, activity, use or development that requires a decision by a public authority.

Why does the Marine Plan affect decision making?

45. The MCAA and the Marine Act require that all public authorities, taking authorisation or enforcement decisions, which affect or might affect the marine area, must do so in accordance with appropriate marine policy documents, such as, marine plans and the UK MPS, unless relevant considerations indicate otherwise. The legislation also states that where a decision is not taken in accordance with these marine policy documents, the public authority must state its reasons.

³⁴ In section 48 of the Marine Act a “public authority” means any of the following:
 a) a Minister of the Crown or a department of the government of the United Kingdom;
 b) a Northern Ireland department;
 c) a statutory undertaker within the meaning given by section 250 (1) of the Planning Act (Northern Ireland) 2011;
 d) a district council;
 e) any other body established under a statutory provision;
 f) the holder of any office under the Crown or any office established under a statutory provision;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland).

³⁵ <http://www.legislation.gov.uk/ukpga/2009/23/section/322/enacted>

46. Both Acts^{36/37} further require a public authority to have regard to the appropriate marine policy documents, including the Marine Plan, when taking any decision which relates to a function capable of affecting the marine area that is not an authorisation or enforcement decision. This could include but is not restricted to the development of sectoral policies, Local Development Plans or designation processes, such as those for protected areas and heritage assets.

Decisions affected by a marine plan

Wording of section 58 of the Marine and Coastal Access Act 2009 is shown in italics.

Section 8 of the Marine Act (Northern Ireland) 2013

- (1) A public authority must take any authorisation or enforcement decision in accordance with any appropriate marine plan [marine policy documents], unless relevant considerations indicate otherwise.
- (2) If a public authority takes an authorisation or enforcement decision otherwise than in accordance with any appropriate marine plan [marine policy documents], the public authority must state its reasons.
- (3) A public authority must have regard to any appropriate marine plan [*marine policy documents*] in taking any decision-
 - (a) which relates to the exercise of any function capable of affecting the whole or any part of the Northern Ireland inshore region [UK marine area], but
 - (b) which is not an authorisation or enforcement decision.
- (4) An “authorisation or enforcement decision” is any of the following -
 - (a) the determination of any application (whenever made) for authorisation of the doing of any act which affects or might affect the whole or any part of the Northern Ireland inshore region [*UK marine area*],
 - (b) any decision relating to any conditions of such an authorisation,
 - (c) any decision about extension, replacement, variation, revocation or withdrawal of any such authorisation or any such conditions (whenever granted or imposed),

³⁶ Under section 8 (3) of the Marine Act:

- (3) A public authority must have regard to any appropriate Marine Plan in taking any decision-
 - (a) which relates to the exercise of any function capable of affecting the whole or any part of the Northern Ireland inshore region, but
 - (b) which is not an authorisation or enforcement decision.

³⁷ As specified under section 58 (3) and section 59 (4) of the MCAA.

(d) any decision relating to the enforcement of any such authorisation or any such conditions.

(e) any decision relating to the enforcement of any prohibition or restriction (whenever imposed) on the doing of any act, or of any act of any description, falling within paragraph (a).

(5) In this section “authorisation” means any approval, confirmation, consent, licence, permission or other authorisation (however described), whether special or general.

Where does the Marine Plan apply?

47. The Marine Plan policies, the UK MPS and other appropriate marine policy documents apply to the Northern Ireland marine area. In addition, the Marine Plan policies apply to decisions made by public authorities on land and decisions in adjacent UK marine regions, which affect or might affect the whole or part of the Northern Ireland marine area³⁸.

When does the Marine Plan come into effect?

48. The Marine Plan will come into effect when it is published in final form, by the Marine Plan Authority. In the meantime, decisions by public authorities will be determined in accordance with the UK MPS. Following the publication of the Marine Plan, the UK MPS remains a material consideration.

³⁸ <http://www.legislation.gov.uk/ukpga/2009/23/section/59>

Achieving Sustainable Development

At a glance

There is a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of the Marine Plan.

49. The Sustainable Development Strategy³⁹ requires that the statutory functions of NI Departments and District Councils are exercised in support of the achievement of sustainable development and are in line with the principles and priorities of the Strategy.
50. Contributing to the achievement of sustainable development is at the core of the Marine Plan and it will deliver on the three pillars of sustainable development: economy, environment and society. The Marine Plan will, through the ecosystem-based approach, provide for economic growth and ensure that the provision of activities and uses are undertaken in a manner that respects and protects the marine area; while also bringing positive social benefits. This approach is in line with the presumption in favour of sustainable development in the marine planning system, outlined in the UK MPS.
51. The Marine Plan contributes to driving economic growth, protecting the environment and improving well-being by informing public authority decision making processes and the planning, concept and design of proposals. This supports more effective and efficient decision making, thus reducing the risk of uncertainty and increasing the potential for a positive outcome.

³⁹ <https://www.daera-ni.gov.uk/publications/sustainable-development-documentation>

Using this Marine Plan

52. This plan must be used in accordance with Part II of the Marine Act and Part III of the MCAA.
53. All text contained within this Marine Plan will be considered as policy whether it is contained within a box or not.
54. **Core** policies apply to **all** proposals and public authorities must consider them when taking decisions.
55. **Key Activity** policies will be considered by public authorities when there will be a direct or indirect relevance to, or impact on a specific key activity.
56. All policies will be considered by public authorities taking decisions which affect or might affect the marine area, through decision making processes.
57. Proposers need to take account of all Core Policies and appropriate Key Activity policies when preparing their proposals and have regard to applicable decision making processes and requirements, whether these are specified or not.
58. The policies should be applied proportionately, taking into account: the decision making role of the public authority; the scale of the proposal; and the potential economic, environmental and social impacts.
59. Policies should not be read in isolation, as more than one policy could apply to any proposal. Where possible, policies are supported by spatial information and signposted to further information.
60. The Marine Plan does not repeat all of the considerations that may be contained within existing plans, programmes, strategies or legal provisions for a sector. It is therefore necessary that public authorities and proposers also consider sector specific plans, programmes, strategies or legal provisions for their use or activity.
61. It will be for the public authority in the exercise of its functions, to determine all appropriate considerations to be taken into account in arriving at a decision. In many cases, it is likely that there will be considerations other than the Marine Plan. These may include legislation, marine policy documents, public health and safety, social impacts and other policies or existing measures. It may be that other considerations have a stronger influence on the decision than the Marine Plan policies. For example, the designation and management of Marine Protected Areas, must be undertaken in accordance with the appropriate legislation and policy underpinning them.
62. The public authority, as the decision maker, will decide the appropriate weight that is to be given to each consideration.

63. When a proposal is subject to more than one decision by a public authority(s), each public authority will decide on the appropriate considerations that need to be assessed for the purposes of each decision. Consequently, some matters relating to a proposal will receive further detailed consideration in another more appropriate decision making process and it is important that this is recorded
64. 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.
65. The evidence required to make decisions, including that to be submitted by the proposer, will remain a matter to be determined by the public authority in the exercise of its functions. In determining the evidence requirements, the public authority may consider: the nature, scale and potential impact of a proposal; proportionality; the existing evidence base; the feasibility of acquiring new evidence and other decision making processes.
66. The value of considering the policies, along with spatial information, at an early stage is strongly emphasised. Greatest benefit will be realised when policies are considered, for example, in the concept, planning and design stages of proposals, rather than at later formal stages. Engagement with the relevant public authorities is strongly encouraged, as early as possible in the preparation of proposals.
67. The map figures contained in the Marine Plan are correct at the time of publication and are for illustrative purposes only. The Marine Mapviewer is not intended to be the sole source of information for decision making.

Core Policies

These policies cover the general issues to be considered for all proposals.

Stakeholder Engagement

At a glance

Stakeholder Engagement

Proposers must demonstrate that proportionate stakeholder engagement has taken place.

Applies to the inshore and offshore regions

What is stakeholder engagement?

68. Stakeholder engagement is the process by which proposers involve people who may be affected by their proposal. Stakeholders include all individuals, groups and organisations (public and private) that are affected, involved or interested in the marine area.

Who is this of interest to?

69. This policy requires all proposers to conduct proportionate stakeholder engagement in the concept, planning and design of their proposals.
70. All those with an interest in the marine area including public authorities, individuals, users and community / voluntary groups, should also consider this policy, as a means of enabling proactive engagement.

Why is stakeholder engagement important?

71. Carrying out effective and inclusive stakeholder engagement prior to entering formal decision making processes, can have many benefits. Stakeholders may voice concerns, seek clarity, influence and improve proposals. Proposers may anticipate potential risks, address areas of concern, add to the knowledge base and enhance the quality of a proposal. Stakeholders may support or oppose proposals, but the earlier they become involved in the process, the higher the likelihood that a broad consensus can be reached, thereby increasing the potential for timely and positive decisions. Such proactive engagement will help deliver sustainable development, achieve better integration of proposals and safeguard other marine interests.
72. Working with public authorities prior to submitting proposals will promote co-ordination between consenting public authorities, reducing duplication of effort and processes, and will ensure that all requirements are met.

How is this to be achieved?

73. Proposers must demonstrate that meaningful stakeholder engagement has taken place. There are a wide variety of methods for conducting stakeholder engagement that will reflect the nature, scale and impact of the proposal. This Marine Plan does not specify the means of engagement to be undertaken; however any engagement should be proportionate and consider the following:
- the identification of all potential stakeholders;
 - an engagement timetable that involves stakeholders as early as possible;
 - a process that uses the means, times and places to reasonably accommodate stakeholders;
 - a process that is understandable, meaningful and appropriate for the audience;
 - the sharing of information on the potential impact of the proposal and measures to address potential adverse impacts; and
 - a process that gives stakeholders adequate time, means and encouragement to contribute.
74. Minor proposals may not require extensive stakeholder engagement and advice can be sought from the relevant public authority.
75. Public authorities need to be satisfied that engagement with stakeholders has been comprehensive and proportionate to the scale and impact of the proposal. This will allow them to make decisions with confidence.
76. Proposers, stakeholders and public authorities will need to work collaboratively to ensure that effective engagement in the marine area is realised.
77. Where a proposal is subject to a pre-application process, such as, for marine licensing⁴⁰ or land-based planning regimes⁴¹, stakeholder engagement may already be included within these processes. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

⁴⁰ DAERA Marine Licensing currently works closely with public authorities and applicants, when contacted prior to the submission of an application, through Pre-application Discussions, to ensure appropriate information and requirements form part of any application formally submitted at a later stage. Pre-application Discussions play a central part of a positive and proactive management system.

⁴¹ Within the land-based planning system early engagement is an essential part of the process, as stipulated in the Planning Act (Northern Ireland) 2011. Section 27 places a statutory duty on applicants applying for planning permission to consult the community in advance of submitting a major planning application. The Planning Authority can use Pre-application Discussions (PAD) on a wider range of applications to inform the process and scope of statutory consultation activity. Further information can be obtained from the relevant Planning Authority.

Air Quality

At a glance

Air Quality

Public authorities must consider the potential impact of proposals on air quality and where appropriate, seek to protect or improve air quality.

Where a proposal has the potential to adversely impact on air quality, a public authority may require the proposer to demonstrate:

- a) how the impact has been considered; and
- b) measures to address the adverse impact, where appropriate.

Applies to the inshore and offshore regions

What is air quality?

78. Air quality is a term that refers to the condition of the air. Good air quality is clean, clear, unpolluted air, which is essential for health and well-being and the functioning of marine ecosystems. Poor air quality occurs when levels of pollutants in the air reach high enough concentrations to endanger human health and/or the environment. Poor air quality results from a number of factors, including pollutants⁴² and emissions⁴³ from various sources, both natural and man-made.
79. In the marine area, key activities such as shipping and fishing, produce emissions including particulate matter and gases. Emissions of sulphur dioxide from the maritime sector in Europe, for example, are projected to surpass total emissions from all land-based sources by 2020, assuming no action is taken⁴⁴. Along the coast, vehicles, power stations, industrial processes, fires and construction activities are also key sources of air pollutants and emissions.

⁴² Pollutants are harmful chemicals or other substances found in the air, at high enough concentrations to endanger the environment and people's health.

⁴³ Air pollutant emissions are taken here to be discharges of a pollutant from a particular source (e.g., power station) or group of sources (e.g., ships) into the air.

⁴⁴ European Commission's Clean Air for Europe (CAFE) programme.

Who is this of interest to?

80. This policy requires public authorities and proposers to consider the impact of proposals on air quality which affects or might affect the marine area.
81. The Department of Agriculture, Environment and Rural Affairs, District Councils⁴⁵ and the Department for Transport (UK) have a statutory role and can provide advice on air quality. In addition, all Northern Ireland government departments are responsible for ensuring compliance with EU air quality limit values, where air pollutants result from activities within their remit.

Why is air quality important?

82. Air pollution can have serious impacts on people's health, biodiversity, the wider environment and can contribute to climate change.
83. The construction, operation and decommissioning phases of activities and uses, in the marine and coastal area can have detrimental impacts on air quality across Northern Ireland. Particulates, nitrogen dioxide and ozone are of particular concern in Northern Ireland.
84. The management of air quality in Northern Ireland is based on the requirements of international and European⁴⁶ obligations and the UK Air Quality Strategy⁴⁷. The UK MPS also requires that air quality impacts are taken into account.

How is this to be achieved?

85. Public authorities must consider the potential impact of proposals on air quality and where appropriate, seek to protect or improve air quality through decision making processes. The nature of air pollutants and their dispersal may require that attention is given to potential transboundary effects.
86. In assessing any likely impact on air quality from proposals, the public authority may require the proposer to provide evidence that identifies pollutants, their adverse impact and the measures to address the adverse impact, where appropriate.

⁴⁵ District Councils have a statutory duty under the Environment (NI) Order 2002, to periodically review and assess air quality within their districts. Where air quality is poor, councils must declare an Air Quality Management Area (AQMA) and, in conjunction with relevant authorities, draw up an Action Plan to address the air pollution issues in the AQMA. UK Emissions Interactive Map - <http://naei.defra.gov.uk/data/gis-mapping>

⁴⁶ Directive 2008/50/EC on Ambient Air Quality and Cleaner Air for Europe and directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air. Both are transposed under the Air Quality Standards Regulations (Northern Ireland) 2010.

⁴⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69336/pb12654-air-quality-strategy-vol1-070712.pdf

87. Proposers are strongly encouraged to consider impacts on air quality at the earliest stages of concept, planning and design of proposals and during their life-time. Where proposals are located adjacent to an Air Quality Management Area, proposals should seek to be consistent with the appropriate Air Quality Management Area Action Plan.
88. Any impact on air quality from proposals may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
89. Public authorities should only authorise a proposal, if they are satisfied that there is no unacceptable adverse impact on air quality and that the proposal will not inhibit the ability of the public authority to meet its legislative commitments, such as those under the Pollution Prevention and Control⁴⁸ regime, or those that are set out in the EU Air Quality Directives.
90. The UK Air Quality Strategy sets out and regulates UK wide objectives and policy options for improving air quality that will bring health and social benefits.
91. Compliance with limits is important to manage pressures and improve air quality. Liaison with the relevant District Council is essential to ensure statutory limits are not exceeded and that there is consistency with AQMA action plans. The importance of protecting AQMAs as a means of improving air quality, is also outlined in the Regional Development Strategy.

⁴⁸ Including: Pollution Prevention and Control Regulations (Northern Ireland) 2003; Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 and Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2001 (as amended).

Climate Change

At a glance

Climate Change

Public authorities, where appropriate, must consider the potential impact of proposals on greenhouse gas emissions and the proposals ability to adapt to a changing climate.

Climate Change Mitigation

A public authority may require a proposer to demonstrate:

- a) how they have considered the proposal's greenhouse gas emissions during its lifetime; and
- b) measures to minimise and/or mitigate these emissions, where appropriate.

Climate Change Adaptation

Where climate change has the potential to impact on a proposal during its lifetime, a public authority may require the proposer to demonstrate:

- a) how the impact has been considered; and
- b) measures to address the adverse impact, where appropriate.

Applies to the inshore and offshore regions

What is climate change?

92. Climate change is a large-scale shift in the planet's weather patterns or average temperatures and the consensus of scientific opinion is that it is driven by the emissions resulting from human activities. The global average temperature has increased by 0.85°C since 1880 and the first ten years of this century were the warmest in the 160 year global record⁴⁹. For the marine and coastal area, the impacts of climate change include:

- Risks to and opportunities for marine species, fisheries and marine heritage from ocean acidification and higher water temperatures;
- Risks to habitats and heritage in the coastal zone from sea-level rise and loss of natural flood protection;
- Risks to the natural environment and natural assets from salt water intrusion, flooding and coastal erosion;

⁴⁹ <http://webarchive.nationalarchives.gov.uk/20121206073610/bis.gov.uk/go-science/climatescience/world-is-warming>

- Risks and opportunities from changes in landscape character;
- Risks to the viability of coastal communities from sea level rise;
- Risks to people, communities and buildings from flooding;
- Risks to business sites, infrastructure from flooding and erosion;
- Risks to business from loss of coastal locations and infrastructure;
- Risks to offshore infrastructure from storms and high waves; and
- Risks to health from poor water quality.

Who is this of interest to?

93. This policy requires public authorities and proposers to consider the effects of a proposal on greenhouse gas emissions and consider whether any actions are necessary to adapt to a changing climate.
94. All Departments and district councils have a collective responsibility in working towards climate change targets and programmes in the exercise of their functions.

Why is climate change important?

95. There are a range of international agreements, national legislation and strategies that commit Northern Ireland to the reduction of greenhouse gas emissions and a low carbon economy. The UK Climate Change Act 2008⁵⁰ sets a target of 80 per cent reduction against 1990 levels, for achievement by the UK as a whole. Furthermore, the Act commits the UK, including Northern Ireland, to a rolling programme of climate change risk assessments and adaptation programmes⁵¹.
96. The UK MPS also requires that consideration is given as to how the marine area can adapt to the impacts of climate change. Through understanding the impacts and effects of climate change, proposers can improve the resilience of a proposal over its lifetime.

How is it to be achieved?

97. Public authorities must consider the effects of a proposal on greenhouse gas emissions and consider if any actions are necessary to adapt the proposal to a changing climate, through decision making processes.

⁵⁰ <http://www.legislation.gov.uk/ukpga/2008/27/contents>

⁵¹ The Northern Ireland Climate Change Adaptation Programme (2014) sets out a range of actions proposed by NI Government Departments, designed to address the risks to NI identified in the Climate Change Risk Assessment 2012 and builds climate change considerations into government policy decisions.

98. There are two ways in which climate change can be addressed:
- mitigation - that aims to slow the rate of future change and lessen its effects through the implementation of a variety of measures, mainly by reducing greenhouse gas emissions; and/or
 - adaptation - which is the process of adjusting to the changes in our climate and planning how to prepare for the future.
99. In reducing greenhouse gas emissions, proposers should take account of emissions directly and indirectly related to the proposal and the impact on measures already in place to reduce emissions. In developing proposals, the most efficient use of fossil fuels or low carbon alternatives should be incorporated. Some proposals, such as, renewable energy in the marine area, can play a role in directly reducing society's need for fossil fuels.
100. Increased temperatures, sea level rise and extreme weather events increase the risk of coastal erosion and flooding, and should be taken into account by proposers and public authorities. Proposals should be located and designed to cope with current and future conditions. Care needs to be taken to ensure proposals do not adversely impact on natural ecosystems, particularly where the management of these contributes to measures to reduce or limit greenhouse gas emissions.
101. Public authorities and proposers are directed to Climate Change Risk Assessments, including any summary documents for Northern Ireland⁵²; and the Marine Climate Change Impacts Partnership, which provide evidence of impacts and projections for Northern Ireland⁵³.
102. Climate change may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
103. To work towards a reduction in greenhouse gas emissions, public authorities, in applying this policy, should focus on major proposals or those that could produce significant emissions. Public authorities will generally support proposals that make a key contribution to the reduction of greenhouse gas emissions, such as renewable energy proposals, provided they are in accordance with the Marine Plan and other appropriate policy and legislation.

⁵² <https://www.theccc.org.uk/uk-climate-change-risk-assessment-2017/introduction-to-the-ccra/>

⁵³ UK Climate Change Projections 2009 - <http://ukclimateprojections.metoffice.gov.uk/>

Coastal Processes

At a glance

Coastal Processes

Public authorities must consider any potential impact from proposals on coastal processes.

Where a proposal has the potential to adversely impact on coastal processes, a public authority will require the proposer to demonstrate:

- a) that adverse impact is avoided; or
- b) where adverse impact is unavoidable, it is minimised, and where appropriate mitigated; or
- c) where adverse impact cannot be avoided or minimised, it is mitigated.

If it is not possible to avoid, minimise and/or mitigate any adverse impact, a proposal will only be allowed where the public benefit clearly outweighs the adverse impact.

Resilience to Coastal Processes

Where coastal processes have the potential to impact on a proposal during its lifetime, a public authority may require the proposer to demonstrate:

- a) how the impact has been considered; and
- b) measures to address the adverse impact, where appropriate.

Applies to the inshore region

What are coastal processes?

104. For the purposes of this policy, 'coastal processes' is a broad term incorporating a number of processes in the marine area and includes (but is not limited to) sediment transport, coastal change (erosion and accretion), wave dynamics, current flows and inundation of the land by the sea (coastal flooding).

Who is this of interest to?

105. This policy requires public authorities and proposers to consider and address any adverse impacts from proposals on coastal processes and conversely, how coastal processes may impact on proposals.

106. All coastal management is conducted within decision making processes, such as marine licensing, planning permissions and other consents. Government Departments with assets susceptible to damage from coastal processes are responsible for their own coastal management⁵⁴. Public authorities that can provide advice include:
- Department for Infrastructure, Rivers (coastal flooding);
 - Department of Agriculture, Environment and Rural Affairs; and
 - District Councils.
107. DfI Rivers currently maintains 26km of sea defences to protect low-lying coastal lands and infrastructure from flooding.

Why are coastal processes important?

108. Coastal processes are natural mechanisms that can sustain beaches and maintain healthy ecosystems. The processes are often cyclical, for example, sandy beaches can retreat in response to winter storms and recover in periods of calm. These oscillations can happen over a period of months to years. Coastal processes can help mitigate against the impacts of extreme weather and climate change.
109. The poor management of coastal processes can pose a risk to the environment, economy and communities. Good management of these risks can reduce danger to life; coastal squeeze; damage to property and infrastructure; and avoid costly expenditure of public and private resources on remedial works.
110. Natural features such as beaches, sand dunes and estuaries provide natural mitigation that can reduce the impacts of extreme weather events by providing space for floodwaters, absorbing storm energy and providing a natural response to coastal change. Failing to value the ecosystem services these features provide, can inadvertently adversely impact the environment, economy and communities by disrupting activities and uses or causing damage to habitats, infrastructure and property.
111. Poor management can also significantly adversely affect designated nature conservation sites and vulnerable habitats, such as, beaches, sand dunes and estuaries. Damage to these features may have consequences for other ecosystem services, such as cultural services, that support coastal tourism.
112. Climate change and in particular, sea level rise and increased storm frequency and severity, is likely to put some parts of the Northern Ireland coast at greater risk of coastal change and flooding⁵⁵.

⁵⁴ Under the Bateman Formula. This formula is a historic interdepartmental agreement detailing procedure for executing essential coastal protection works. Based on this formula the cost of beneficial works to protect essential infrastructure may be undertaken by the Department responsible for the asset at risk.

⁵⁵ Living with Rivers and the Sea: Government response to the Independent Flood Management Policy Review.

113. Consideration of coastal processes is an essential component of an integrated approach to the management of the land and sea interface.

How is this to be achieved?

114. Public authorities must consider the potential impact of proposals on coastal processes and conversely, how coastal processes may impact upon proposals over their lifetime, through decision making processes. The nature of coastal processes may require that attention is given to potential transboundary effects.
115. To assist in this assessment, a public authority will require the proposer to:
- submit an analysis of the processes currently at work;
 - demonstrate how coastal process may affect or be affected by a proposal;
 - demonstrate how adverse impact is, in order of preference, avoided, minimised and/or mitigated; and
 - demonstrate a proposal's resilience to future risk, where appropriate.
116. This may be shown in a coastal impact study. Any analysis carried out should be proportionate to the potential impact and the sensitivity of the area.
117. Proposers should ensure that proposals do not cause or exacerbate flood risk or coastal change elsewhere and allow the continued functioning of existing services and activities.
118. It is important to minimise and/or mitigate potential changes to coastal processes.
119. Public authorities will apply a precautionary approach in assessing proposals.
120. Public authorities must have regard to the multi-layered Strategic Flood Map and detailed Flood Risk and Hazard maps⁵⁶, which provide information on coastal flooding and coastal flood plains and any appropriate Flood Risk Management Plans.
121. Any impact on coastal processes from proposals may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
122. Proposals that require planning permission will also be assessed against prevailing regional planning policy including the Strategic Planning Policy Statement, local development plans⁵⁷ and all other material considerations, on a case-by-case basis.

⁵⁶ Strategic Flood Maps available on NI Direct website: <https://www.infrastructure-ni.gov.uk/topics/rivers-and-flooding/flood-maps-ni>

⁵⁷ The SPPS states that local development plans should identify areas of the coast known to be at risk from flooding, coastal erosion or land instability where new development should not be permitted.

123. Public authorities should only authorise a proposal if they are satisfied that there are no unacceptable adverse impacts on coastal processes and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Co-Existence

At a glance

Co-existence

Public authorities must consider the ability of a proposal to co-exist with other marine activities and uses.

Where a proposal has the potential to conflict with other marine activities and uses, a public authority will require the proposer to demonstrate:

- a) that conflict is avoided; or
- b) where conflict is unavoidable, it is minimised and where appropriate mitigated; or
- c) where conflict cannot be avoided or minimised, it is mitigated.

If it is not possible to avoid, minimise and/or mitigate any conflict, a proposal will only be allowed, where the public benefit clearly outweighs the conflict or where agreement has been reached between the relevant parties.

Applies to the inshore and offshore regions

What is co-existence?

124. Co-existence is the ability for marine activities and uses, to exist alongside or close to each other at the same time and/or in the same area, including at different depths in the water column.

Who is this of interest to?

125. This policy requires public authorities and proposers to consider the ability of proposals to co-exist with other marine activities and uses.

Why is co-existence important?

126. Northern Ireland's waters are already busy and are likely to become increasingly so. Co-existence provides the opportunity to develop synergies, promote compatibility and reduce conflict between activities and uses. The combined effect of co-existing activities and uses, could be more beneficial to those involved and to the marine area as a whole. Such an approach may help address potential stakeholder concerns and avoid the need for costly changes later in the decision making process.

127. The UK MPS states that the process of marine planning will, 'enable the co-existence of compatible activities wherever possible' and that this must be taken into account in the development of Marine Plans. The Maritime Spatial Planning Directive also promotes the co-existence of relevant activities and uses.

How is it to be achieved?

128. Public authorities must consider how a proposal will co-exist with other activities or uses during its lifetime and how this will be achieved, taking account of economic, environmental and social impacts, through decision making processes.
129. For the purposes of this policy, activities and uses, include features such as natural heritage and heritage assets.
129. Public authorities and proposers will need to work collaboratively, to ensure that effective co-existence in the marine area is realised and that potential conflict is avoided. Building on existing good practice and developing an understanding of the temporal and spatial characteristics of activities and uses, can ensure the varied and sustainable use of the marine area. The Marine Mapviewer provides a tool for accessing spatial information on activities and uses in the marine area.
130. Proposers engaging with stakeholders should consider the potential for maximising co-existence at the earliest stages of concept, planning and design processes. The potential for conflict with existing and future marine activities and uses must, in order of preference, be avoided, minimised and/or mitigated, as far as reasonably practicable by the proposer.
132. The potential for some new and emerging technologies to co-exist with other marine activities and uses may not be fully understood and will require testing. Public authorities should consider the contribution of these technologies to regional and national policy objectives against potential adverse impacts.
133. In assessing the potential for co-existence, the public authority may require the proposer to submit an analysis of potential co-existence opportunities and also any potential conflict with other activities and uses. The analysis should include details as to how any conflict is to be addressed. When a proposal is subject to an assessment such as a Sustainability Appraisal, Strategic Environmental Assessment, Environmental Impact Assessment and/or Habitats Regulations Assessment, the consideration of co-existence may already be included within these processes. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

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134. Public authorities should seek to facilitate co-existence when preparing plans which affect or may affect the marine area. This approach will maximise the efficient use of the marine space.
135. Where proposals are allowed, the identification and implementation of appropriate measures will be required to address conflict with other activities and uses, as far as reasonably practicable.

Cumulative Impacts

At a glance

Cumulative Impacts

Public authorities must consider the cumulative impact of proposals on other marine activities, uses and/or the marine area.

Where a proposal has a likely significant adverse cumulative impact, a public authority will require the proposer to demonstrate:

- a) that the likely significant adverse cumulative impact is avoided; or
- b) where the likely significant adverse cumulative impact is unavoidable, it is minimised and where appropriate mitigated; or
- c) where the likely significant adverse cumulative impact cannot be avoided or minimised, it is mitigated.

If it is not possible to avoid, minimise and/or mitigate any likely significant adverse cumulative impact, a proposal will only be allowed where the public benefit clearly outweighs the impact.

Applies to the inshore and offshore regions

What is cumulative impact?

136. 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. Cumulative impacts can result from individually minor, but collectively significant, actions taking place over a period of time.

Who is this of interest to?

137. This policy requires public authorities and proposers to consider and address any likely significant adverse cumulative impacts of proposals

Why are cumulative impacts important?

138. Marine activities and uses do not happen in isolation and whilst there is potential for strong benefits to be derived from the multiple use of the marine space, through co-existence, there is also the potential for likely significant adverse cumulative impacts to develop, both on land and at sea. The UK MPS requires any cumulative impacts of proposals to be taken into account.

How is this to be achieved?

139. Public authorities must consider all cumulative impacts of a proposal and ensure that proposals address likely significant adverse cumulative impacts, through decision making processes.
140. In assessing any likely significant adverse cumulative impact, the public authority will require the proposer to submit an analysis, which identifies such impacts and to demonstrate how these are, in order of preference, to be avoided, minimised and/or mitigated.
141. Proposers should be aware of the pathways through which cumulative impacts (both positive and negative) can develop. There are a range of techniques available, although there are certain steps that should be included in every analysis. These include the identification of activities, uses, pressures and receptors and their interactions (sources, pathways and other activities/uses) within a defined area (spatial and temporal). Short, medium and long-term direct impacts need to be highlighted, indicating whether they are likely to be permanent or temporary. Depending on the nature of the proposal, indirect impacts may also need to be considered. In addition, naturally occurring changes must also be taken into account when considering the impacts of human activity.
142. Public authorities may require proposers to show that the potential for likely significant adverse cumulative impacts has been fully considered, using best available evidence. Evidence can be gathered from relevant public authorities and other organisations and stakeholders.
143. Cumulative impacts on environmental receptors may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
144. The identification of appropriate measures will be required to address any likely significant adverse impacts, as far as reasonably practicable before a proposal is allowed.
145. Public authorities should only authorise a proposal, if they are satisfied that any cumulative impacts will not have any likely significant adverse impacts on the marine area, its ecosystem services and the marine users that rely on them; and, that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Heritage Assets

At a glance

Heritage Assets

Public authorities must consider any potential impact of proposals on heritage assets.

Designated Heritage Assets

A proposal that will adversely impact on a designated heritage asset or the integrity of its setting, will only be allowed in exceptional circumstances, and where it is demonstrated that the adverse impacts are necessary to deliver public benefit that clearly outweighs the impact. In such cases, minimisation and mitigation measures will be required, where appropriate.

This policy will also apply to assets which, whilst not designated presently, would otherwise merit statutory protection.

Undesignated Heritage Assets

Where a proposal would adversely impact on a newly discovered or undesignated heritage asset or the integrity of its setting, a public authority will require the proposer to demonstrate:

- a) that adverse impact is avoided; or
- b) where adverse impact is unavoidable, it is both minimised and mitigated.

If it is not possible to avoid or minimise and mitigate any adverse impact, a proposal will only be allowed where the public benefit clearly outweighs the value of the asset or its setting, taking advice from the relevant regulator and advisors.

Where new heritage assets are uncovered or encountered, these must be reported promptly to the Receiver of Wreck (of the Maritime and Coastguard Agency) and the responsible curatorial body.

Applies to the inshore and offshore regions

What are heritage assets?

146. Heritage assets, in the marine area⁵⁸, are sites of heritage interest or value. Heritage assets include:

- sites, monuments and landscape of historic, archaeological, architectural or artistic interest, inclusive of wrecks⁵⁹;

⁵⁸ As defined in paragraphs 10 and 11.

⁵⁹ Wrecks of ships, boats, and aircraft, together with surrounding deposits.

- coastal and intertidal archaeology⁶⁰; and
 - drowned terrestrial archaeological sites and landscapes.
147. Some heritage assets have a level of interest that merits statutory protection, through designation⁶¹. There are many heritage assets that do not benefit from statutory protection but this does not necessarily indicate a lower heritage value.

Where are heritage assets located?

148. There are a variety of heritage assets located throughout the marine area. Protected wrecks, wrecks, listed buildings, monuments (state care and scheduled) and the UNESCO World Heritage site are shown in Figure 4. Other heritage assets are not shown on the map and must still be considered.
149. Research and surveys of Northern Ireland's maritime past have been ongoing; however, there are areas that have yet to be archaeologically surveyed.

Who is this of interest to?

150. This policy requires public authorities and proposers to consider and address any impact of proposals on heritage assets. The policy also requires the potential for new discoveries of historic or archaeological interest that may arise as a result of proposals, to be considered.
151. The following public authorities can provide advice:
- The Department for Communities;
 - The Department of Agriculture, Environment and Rural Affairs;
 - The Department for Environment, Food and Rural Affairs (UK) (for the offshore region);
 - The Department for Digital, Culture, Media and Sport (UK);
 - Ministry of Defence (UK);
 - Maritime and Coastguard Agency (Receiver of Wreck); and
 - District Councils.

⁶⁰ A wide range of artefacts, structures and deposits that originated from inhabitation or use of the coastal area.

⁶¹ Significant marine historic sites may be protected by Listing (under the Planning (Northern Ireland) Order 2011); Scheduling (under the Historic Monuments and Archaeological Objects (NI) Order 1995) and Designation under the Protection of Wrecks Act 1973. There are potentially other means of recognising and protecting marine heritage assets, such as the National Register of Historic Vessels; the National Historic Fleet and as controlled sites or protected areas under the protection of Military Remains Act 1986.

Why are heritage assets important?

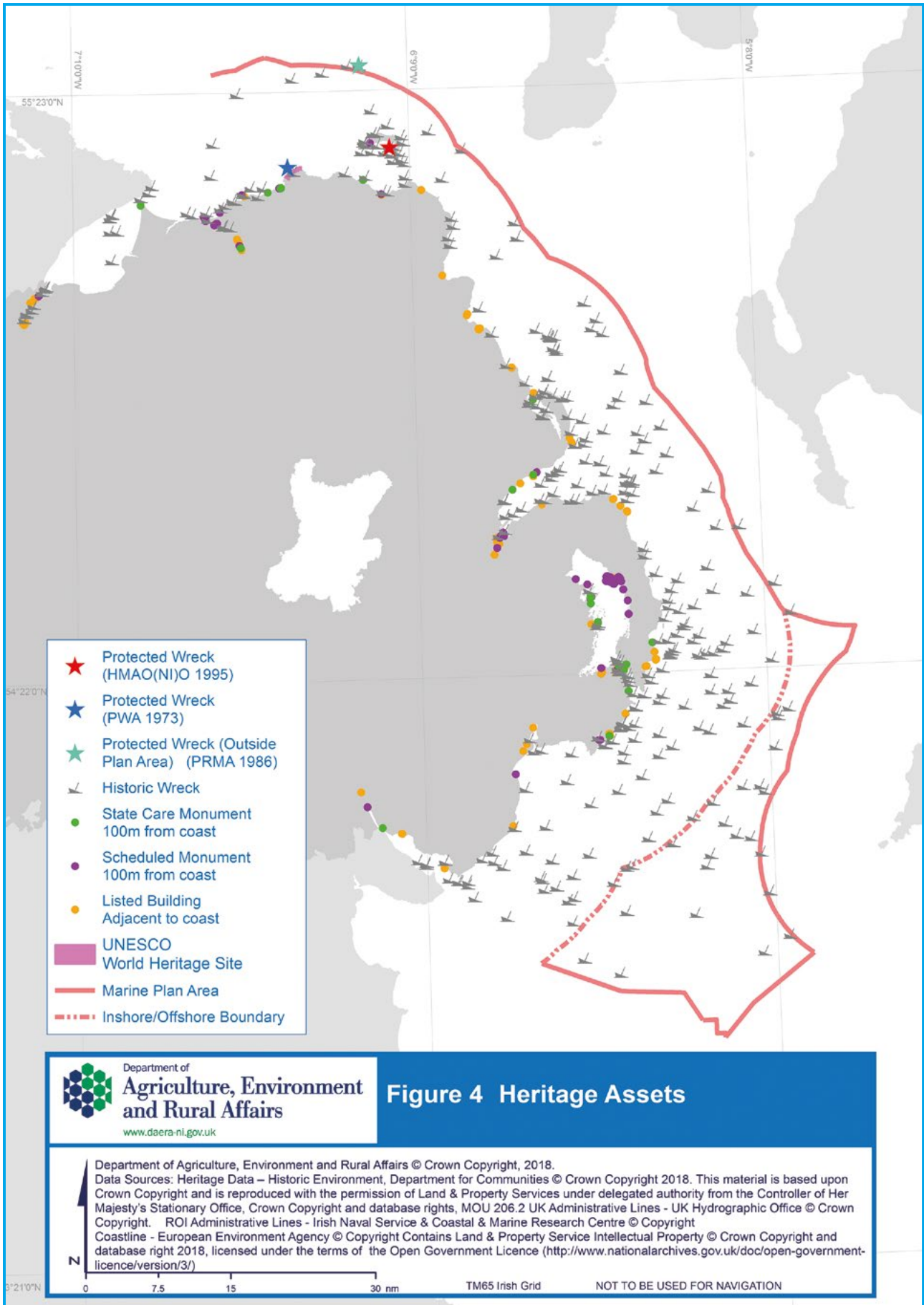
152. Heritage assets are irreplaceable and can be damaged, disturbed or destroyed by natural processes⁶² and human activities⁶³.
153. Heritage assets contribute to the culture, identity and economy of Northern Ireland. They have the potential to bring additional benefits to local economies through recreation and tourism, particularly where these activities are compatible with the conservation objectives of the heritage asset.
154. The UK MPS states that heritage assets should be enjoyed for the quality of life they bring to this and future generations, and should be conserved through marine planning in a manner appropriate and proportionate to their significance. The UK is also required to meet its international responsibilities with respect to heritage assets.

How is this to be achieved?

155. Public authorities must consider any potential adverse impacts on heritage assets or the integrity of their setting, through decision making processes.
156. In accordance with the UK MPS, public authorities should adopt a general presumption in favour of the conservation of designated heritage assets within an appropriate setting. The more significant the asset, the greater should be the presumption in favour of its conservation. Adverse impact to designated assets should be exceptional and should not be permitted unless it can be demonstrated that the impact is necessary, in order to deliver economic, environmental or social public benefits that outweigh the impact.
157. Public authorities must take account of the best available evidence, including information and advice from statutory bodies and advisors, in relation to the significance of any identified heritage asset and its setting, and consider how it is to be managed and enhanced, where appropriate. Public authorities will support preservation in situ, wherever feasible.
158. In considering the significance of a heritage asset and its setting, public authorities will take into account the nature of the interest in the asset and the value it holds for present and future generations. The safeguarding of critical views to and from the asset, the access and public approaches and the understanding and enjoyment of the asset by visitors will also be taken into account, particularly in relation to the Giants Causeway and Causeway Coast World Heritage Site.

⁶² Natural processes include seabed change and coastal processes driven by waves, tides and storms. Rising sea levels and increased storm activity due to climate change may exacerbate these processes.

⁶³ This tends to be driven by use and activity within the marine area, which impact on the seabed or coastal area.



159. Where a proposal has the potential to adversely impact on a heritage asset or its setting, the public authority will require the proposer to identify the affected heritage asset and, where appropriate, demonstrate how they propose, in order of preference, to avoid or minimise and mitigate any adverse impact.
160. To ensure heritage assets are considered at the earliest stages of concept, planning and design, proposers should refer to the Monuments and Buildings Record⁶⁴ (MBR) and contact relevant curators for advice. The MBR is continually updated and contains a record of presently known, protected and non-protected sites, monuments and landscapes within the marine and intertidal areas.
161. A public authority will seek further information from proposers to assist in the assessment of the impacts on heritage assets, where appropriate. If there is insufficient evidence, public authorities will apply a precautionary approach in their decision making. Public authorities and proposers must have regard to the standards for archaeological protection, conservation and recording, both on land and underwater, as set out in the European Convention on the Protection of Archaeological Heritage (Valletta)⁶⁵.
162. When a proposal has the potential to impact on heritage assets, proposers should follow Government endorsed sectoral guidance or that provided by the relevant regulator and advisors. For proposals that are directed specifically at underwater cultural heritage, proposers should adhere to the Annex to the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage⁶⁶.
163. Where a proposal is allowed that will adversely impact on a site known to contain a heritage asset, the public authority should require the proposer to identify suitable mitigation measures. Measures should be undertaken to record and advance the understanding of the significance of the heritage asset before it is lost, in a manner appropriate and proportionate to that significance. In line with the Valletta Convention, the resulting records should be archived and made publicly accessible.
164. Any likely impact on heritage assets may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment or Strategic Environmental Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

⁶⁴ <https://www.communities-ni.gov.uk/articles/monuments-and-buildings-record> Please note not all marine heritage assets are recorded on the online digital record. Proposers are advised to contact DfC for additional information.

⁶⁵ Revised Valletta 1992. The UK ratified the Valletta Convention in 2000. By signing the Convention a State undertakes to provide a legal system to protect its archaeological heritage, including maintenance of an up-to-date inventory of heritage assets.

⁶⁶ <http://www.unesco.org/new/en/culture/themes/underwater-cultural-heritage/2001-convention/>

165. Proposals that require planning permission will also be assessed against prevailing regional planning policy, including the Strategic Planning Policy Statement, local development plans and all other material considerations on a case-by-case basis⁶⁷.

⁶⁷ The aim of the policy in the SPPS in relation to archaeology and built heritage is to manage change in positive ways so as to facilitate development that will contribute to the ongoing preservation, conservation and enhancement of archaeological and built heritage assets. The SPPS states that local development plans should identify the main built and archaeological heritage features of the plan area and bring forward appropriate policies or proposals for their protection, conservation and enhancement.

Invasive Alien Species

At a glance

Invasive Alien Species

Public authorities must consider the potential risk from the introduction and/or spread of invasive alien species in the marine area, as a result of proposals.

Where a proposal has the potential to introduce and/or spread invasive alien species, a public authority will require the proposer to demonstrate:

- a) how the risk has been considered; and
- b) appropriate measures to address the risk.

Applies to the inshore and offshore region

What are invasive alien species?

166. Invasive alien species are plants and animals that are introduced accidentally or deliberately into the marine area, outside their normal range, where they cause an adverse impact on ecosystems. These species are a threat to marine ecology and biodiversity, particularly in a changing climate, which is already exerting pressures on natural environments.

Who is this of interest to?

167. This policy requires public authorities and proposers to consider the risks associated with invasive alien species.
168. All public authorities have a role in managing invasive alien species and can provide advice in relation to their statutory functions.

Why are invasive alien species important?

169. The introduction and spread of invasive alien species can have serious adverse consequences on the marine area, the economy and human health. These species can, for example, be introduced and spread through ballast water and hull fouling in shipping and through the introduction of commercial species into the wild in aquaculture. Once established, invasive species are extremely difficult and costly to control and eradicate. Ecological effects are often irreversible and impacts can be far reaching; disrupting ecosystems, threatening economic interests, such as fisheries and impacting on quality of life.

170. The need to address the issue of invasive alien species has been recognised at international and European level^{68/69}.
171. The Invasive Alien Species Strategy for Northern Ireland⁷⁰ provides an overarching framework to minimise the risk and negative impacts posed by these species. The Strategy is listed in the Marine Strategy Framework Directive (MSFD) Programme of Measures.

How is this to be achieved?

172. Public authorities must, through decision making processes, consider any potential risk of introducing and/or spreading invasive alien species. Public authorities must not authorise proposals that may introduce and/or spread invasive alien species, unless it has been demonstrated by the proposer, that the risk has been considered and appropriately addressed. Due regard should be given to the Invasive Alien Species Strategy for Northern Ireland, the target for Good Environmental Status under the MSFD descriptors, the EU Invasive Species Regulation and other appropriate legislation and guidance.
173. In assessing any likely impact from invasive alien species, a public authority will require the proposer to provide evidence that identifies the potential risk and the means by which it will be addressed.
174. Increasing awareness and understanding of invasive alien species is central to tackling their introduction and spread. Further guidance on invasive alien species may be obtained from DAERA⁷¹.
175. The potential risk of introducing and/or spreading invasive alien species may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

⁶⁸ Convention on Biological Diversity (<http://jncc.defra.gov.uk/page-1365>) the UK Government is a signatory.

⁶⁹ Northern Ireland tackles the threat of invasive alien species in partnership with colleagues in the rest of Ireland through joint projects and sharing of data. The EU Regulation 1143/2014 on the prevention and management of the introduction and spread of invasive alien species came into force on 1 January 2015. It aims to establish a more consistent approach to tackling Invasive Alien Species <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1417443504720&uri=CELEX:32014R1143>

⁷⁰ <https://www.daera-ni.gov.uk/articles/invasive-alien-species>

⁷¹ Invasive Species Ireland can also provide advice.

Land and Sea Interaction

At a glance

Land and Sea Interaction

Public authorities must consider the land and sea interactions of proposals.

Where a proposal has land and sea interactions, a public authority may require the proposer to demonstrate that these interactions have been considered.

Applies to the inshore and offshore region

What is land and sea interaction?

176. The land and sea are connected through complex physical, economic and social interactions. There are few activities in the sea that do not have some level of reliance or impact on land. Similarly, activities on land have some level of reliance or impact on the marine area. Consequently, proposals can be subject to both marine and land-based licensing/planning regimes. Proposals for ports and harbours, renewable energy and coastal infrastructure, including sewerage services, are some examples where more than one authorisation is required.

Who is this of interest to?

177. This policy requires public authorities and proposers to consider the land and sea interactions.
178. Proposers should consider whether their proposal, or any part of their proposal, may require a separate decision(s) by other public authorities. Ideally, these decision making processes should run in parallel.

Why is land and sea interaction important?

179. Many activities and uses that take place on land or in the sea can have impacts on both the land and the marine area. The EU Maritime Spatial Planning Directive requires that these interactions are considered. In addition, the UK MPS highlights that the marine planning system will sit alongside existing planning regimes on land. The geographical overlap between the marine and land-based planning systems in the intertidal area, allows the relevant public authorities to work effectively together in assessing proposals in an integrated and holistic manner. This approach will support the implementation of the Integrated Coastal Zone Management Strategy⁷².

⁷² <https://www.daera-ni.gov.uk/publications/towards-integrated-coastal-zone-management-strategy-northern-ireland-2006-2026>

How is this to be achieved?

180. Public authorities must consider the land and sea interactions of proposals, through decision making processes.
181. In assessing the land and sea interactions, a public authority may require the proposer to submit evidence to demonstrate that these interactions have been appropriately considered.
182. Public authorities, in taking decisions on land, which affect or might affect the marine area, must do so in accordance with the UK MPS, the policies within this Marine Plan and any other appropriate marine policy documents.
183. Successful management of the marine area requires the consideration of land and sea interactions at the earliest stages of a proposal's concept, planning and design.
184. Care should also be taken to ensure that proposals do not restrict legitimate access to the shore or sea, which is important for many marine activities and uses, such as tourism and recreation.
185. Public authorities and proposers should also consider compatibility with other appropriate plans and policy such as: River Basin Management Plans, the Regional Development Strategy; prevailing regional planning policy including the Strategic Planning Policy Statement and the appropriate local development plan. This is particularly important for proposals in the intertidal area, which are subject to both marine and terrestrial licensing/planning regimes. The Planning in the Coastal Area⁷³ guidance document explains how onshore development may impact on the marine area, how it can be managed in an integrated manner and how potential impacts can be avoided or mitigated, through early engagement and collaborative working.
186. When a proposal is subject to an assessment such as a Sustainability Appraisal, Strategic Environmental Assessment, Environmental Impact Assessment or Habitats Regulations Assessment, the consideration of land and sea interactions may already be included within these processes. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

⁷³ https://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/planning_in_the_coastal_area-3.pdf

Marine Litter

At a glance

Marine Litter

Public authorities must consider the potential risk of litter entering the marine area as a result of proposals.

Where a proposal creates the potential for litter to enter the marine area, a public authority may require the proposer to demonstrate:

- a) how the risk has been considered; and
- b) appropriate measures to minimise the risk.

Applies to the inshore and offshore region

What is marine litter?

187. Marine litter is defined as items arising from human activity, deliberately discarded or unintentionally lost, that end up in the sea and on beaches and coastlines⁷⁴. Marine litter is any persistent, manufactured or processed solid material discarded, disposed of or abandoned in the marine and coastal environment. Typical examples are plastics, wood, metals, glass, rubber, fishing gear, clothing and paper⁷⁵.

Who is this of interest to?

188. This policy requires public authorities and proposers to consider marine litter. As most marine litter originates from land-based sources, this policy also applies to land-based proposals and decision making, where litter has the potential to affect the marine area.
189. The Department of Agriculture, Environment and Rural Affairs and District Councils can provide advice on marine litter and its disposal.

Why is marine litter important?

190. Marine litter is a global environmental problem that poses a threat to ecosystems, in terms of direct damage to wildlife through entanglement, entrapment and ingestion and can also destroy coastal habitats, interfere with biological production and destroy or smother the seabed.

⁷⁴ As defined in the Northern Ireland Marine Litter Strategy.

⁷⁵ Additional information on marine litter and its sources is available at <https://www.daera-ni.gov.uk/articles/marine-litter>

191. The socio-economic impacts of marine litter include financial burdens on local communities, in terms of costly clean-up operations. In addition, the presence of medical waste, sanitary waste and broken glass constitutes a potential risk to human health and safety. The impacts of marine litter can be particularly challenging for some sectors; such as tourism, recreation and fishing. Removing litter at water treatment facilities, before it enters the marine area, can also entail significant cost to the public purse.
192. This policy complements a number of international, European and national measures aimed at reducing the levels of marine litter across a range of sectors, including the OSPAR Regional Action Plan for Marine Litter⁷⁶.
193. The Northern Ireland Marine Litter Strategy seeks to reduce the levels of litter entering the sea and remove litter that is already there. The Strategy is listed within the MSFD Programme of Measures, which aims to achieve a reduction in the number of visible litter items on coastlines.

How is this to be achieved?

194. Public authorities must consider the potential risks of litter entering the marine area as a result of a proposal, during its lifetime, through decision making processes.
195. The challenge of reducing levels of marine litter requires public authorities and proposers to work collaboratively, to share good practice and ensure every opportunity to reduce the risk of litter entering the marine area.
196. In assessing the risks, the public authority may require the proposer to submit a Litter Analysis. This should identify potential sources of litter and demonstrate proportionate measures to minimise the risk of it entering the marine area. This analysis may include methods to influence human behaviour, such as signage, the use of infrastructure (bins/litter traps etc.) or any other appropriate measures. A combination of measures is encouraged as the most effective way to reduce the risk. When a proposal has the potential to generate a substantial amount of litter (e.g. areas/events attracting significant numbers of people) or when proposals have the potential to impact on a sensitive or important area, such as recreational beaches, the public authority may require a Litter Management Plan, to address the risks over the lifetime of the proposal.
197. Proposers are strongly encouraged to consider the life time risks of litter entering the marine area, at the earliest stages of concept, planning and design of proposals and to take measures to minimise the risk.

⁷⁶ <https://www.ospar.org/work-areas/eiha/marine-litter/regional-action-plan>

198. The risks of litter entering the marine area may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
199. Public authorities should only authorise a proposal, if they are satisfied that the risks of litter entering the marine area are minimised and that the proposal will not have any unacceptable adverse impact on the marine area, its ecosystem services and the marine users that rely on them and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Marine Noise

At a glance

Marine Noise

Public authorities must consider the potential impact of man-made noise on marine activities, uses and/or the marine area as a result of a proposal.

Where a proposal has the potential for adverse impact on marine uses and/or the marine area from man-made noise, a public authority may require the proposer to demonstrate:

- a) how the impact has been considered; and
- b) measures to address the adverse impact.

Applies to the inshore and offshore regions

What is marine noise?

200. Our seas are full of noise, most of which is naturally occurring, generated from sources such as waves, rain, wind and seismic events, or from living organisms, such as from certain species of whale, seal and fish. These natural sounds contribute to ambient⁷⁷ or background noise in the marine environment (mostly underwater).
201. Other noise is generated through human activity in the marine environment. Such man-made noise generates impulsive noise⁷⁸ and non-impulsive noise⁷⁹ as well as contributing to ambient noise levels.

Who is this of interest to?

202. This policy requires public authorities and proposers to consider the impact of man-made noise, in or adjacent to, the marine area, including man-made noise from land-based proposals.

Why is marine noise important?

203. Man-made noise has the potential to affect coastal communities, marine and coastal ecosystems and the users that rely on them. Noise generated on land can also affect the marine area.

⁷⁷ Ambient noise is defined as background noise without distinguishable sound sources. It includes both natural (biological and physical processes) and man-made sounds.*

⁷⁸ Impulsive sound sources are typically brief and can occur as a single event or be repetitive and are emitted from sources such as explosions, airguns, or impact pile driving.*

⁷⁹ Non-impulsive signals can be brief or prolonged, continuous or intermittent and are emitted from sources such as ships, construction (e.g., drilling and dredging), or wind farm operation.*

*Based on the Marine Strategy Framework Directive, Task Group 11 Report, Underwater noise and other forms of energy, April 2010

204. Noise may mask biologically relevant signals; it can lead to a variety of behavioural reactions, affect hearing organs and injure or even kill marine life. For people, excessive noise can impact on quality of life, health and use or enjoyment of marine and coastal areas.
205. MSFD has a descriptor that requires the introduction of energy, including underwater noise, to be at levels that do not adversely affect the marine environment.

How is this to be achieved?

206. Public authorities must consider how the introduction of any man-made noise from a proposal impacts on wildlife and people in the marine area, through decision making processes. The UK has established a Noise Register⁸⁰ as a first step to allow public authorities to determine licensed noise events, in the first instance.
207. There are considerable uncertainties with respect to the current levels and impacts of noise levels, across the whole spectrum of potential noise generation. Public authorities will apply a precautionary approach in the decision making process. This approach ensures that where there is a significant risk to the marine environment, its protection will be paramount, unless there are reasons of overriding public interest.
208. In assessing any likely impact of man-made noise from proposals, the public authority may require the proposer to provide evidence that identifies the potential sources, their impact and how this will be addressed. This may apply to any level of noise, no matter how low, intermittent or temporal.
209. Proposers are strongly encouraged to consider the life time noise impacts of proposals, such as during exploration, pre-construction, construction, operation and decommissioning; and take measures to minimise any adverse impact. In addressing any potentially adverse impacts of noise, the proposer should consider mitigation measures⁸¹ and the use of alternative technologies⁸² which can reduce the impacts of noise. For example, in planning the construction phase of a proposal, sensitive periods of the year can be avoided to protect migratory fish and marine mammals.
210. Public authorities must satisfy themselves that proposers have considered the noise impact of their proposal and can, where necessary, minimise and/or mitigate adverse impacts, including any potential cumulative impacts, where appropriate.

⁸⁰ The UK Marine Noise register, collated for Defra by CEFAS, is listed within the MSFD Programme of Measures.

⁸¹ Including air bubble curtains, hydro sound dampers, noise mitigation screens and selecting periods with low biological sensitivity.

⁸² Concrete gravity foundations, as opposed to pile driven structures, and Low Level Acoustic Combustion Source (LACS) for seismic surveys.

211. In cases where proposers fail to demonstrate consideration of potential noise impacts and incorporation of appropriate reduction or mitigation measures⁸³, public authorities will use a precautionary approach in determining a consent or licence in the marine area.
212. The likely impacts of noise from proposals may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
213. It should be noted that it is a criminal offence to harm or deliberately disturb a statutorily protected species, without the appropriate licence⁸⁴.
214. Public authorities should only authorise proposals if they are satisfied that man-made noise will not have any unacceptable adverse impact on the marine area, its ecosystem services and the marine users that rely on them, and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law. Legislation and policy governing land-based sources of noise, such as The Environmental Noise Directive⁸⁵ which affects or may affect the marine area, should also be considered.

⁸³ For example, for geological surveys Marine Mammal Observers or Passive Acoustic Monitoring.

⁸⁴ DAERA may issue a wildlife licence to authorise what would otherwise be an offence under nature conservation legislation. A wildlife licence should be considered as a last resort to enable the activity to take place.

⁸⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32002L0049>

Natural Heritage

At a glance

International and National Designated Sites and Protected Species

Public authorities must comply with the legal requirements for designated areas and protected species.

Other Habitats, Species or Features of Importance.

Public authorities must consider any potential impact from proposals on other habitats, species or features of importance.

Where a proposal has the potential for a likely unacceptable adverse impact, a public authority will require the proposer to demonstrate:

- a) that adverse impact is avoided; or
- b) where adverse impact is unavoidable, it is minimised, and where appropriate, mitigated; or
- c) where adverse impact cannot be avoided or minimised, it is mitigated.

If it is not possible to avoid, minimise and/or mitigate any adverse impact, a public authority must ensure that the resulting public benefit clearly outweighs the value of the habitats, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

Applies to the inshore and offshore regions

What is Natural Heritage?

215. The Northern Ireland marine area is important for biodiversity, ecology and geological conservation interests. There are a number of international (including European) and nationally designated protected areas within the marine area. Together these form a network of Marine Protected Areas (MPAs) and include:

- Ramsar sites;
- Natura 2000 sites (Special Areas of Conservation; Special Protection Areas (including proposed sites) and Sites of Community Importance);
- Areas of Special Scientific Interest (ASSI);
- Nature Reserves and
- Marine Conservation Zones (MCZ).

216. A protected species is a plant or animal that is protected from harm or killing by law⁸⁶ or is subject to recommended conservation actions by an appropriate international organisation⁸⁷.
217. Habitats, species and features of importance can include areas of ecological importance to highly mobile species (such as essential foraging grounds or migratory routes for fish, seabirds and marine mammals); priority species and priority habitats⁸⁸; rare or threatened native species; and features of earth science importance⁸⁹.

Where is natural heritage located?

218. The entire marine area supports biodiversity and features of interest. Specific designated areas are shown in Figures 5a and 5b. It is important to note that many protected species are highly mobile throughout the Northern Ireland marine area and beyond.

Who is this of interest to?

219. Public authorities and proposers must comply with the legal requirements for designated areas and protected species.
220. The policy requires public authorities and proposers to consider any potential adverse impacts on biodiversity and features of interest.
221. Public authorities that can provide advice include:
- Department of Agriculture, Environment and Rural Affairs; including the Northern Ireland Environment Agency;
 - Department for Infrastructure;
 - The Loughs Agency;
 - The Department for Environment, Food and Rural Affairs (UK) (for the offshore region); and
 - District Councils.

Why is natural heritage important?

222. The marine environment directly sustains life, is essential for well-being and supports economic growth and should be respected in its own right.

⁸⁶ European marine protected species are listed under Annex IV of the Habitats Directive, birds are protected under the Birds Directive and other protected species are listed in the Wildlife (Northern Ireland) Order 1985 (as amended).

⁸⁷ A list of threatened and declining species has been identified for the North East Atlantic under the Ospar Commission - www.ospar.org.

⁸⁸ Identified under the Wildlife and Natural Environment Act (NI) 2011 as of principle importance for the purposes of conservation biodiversity.

⁸⁹ These are listed in a variety of legislation including Directives, National Legislation and Biodiversity Action Plans.

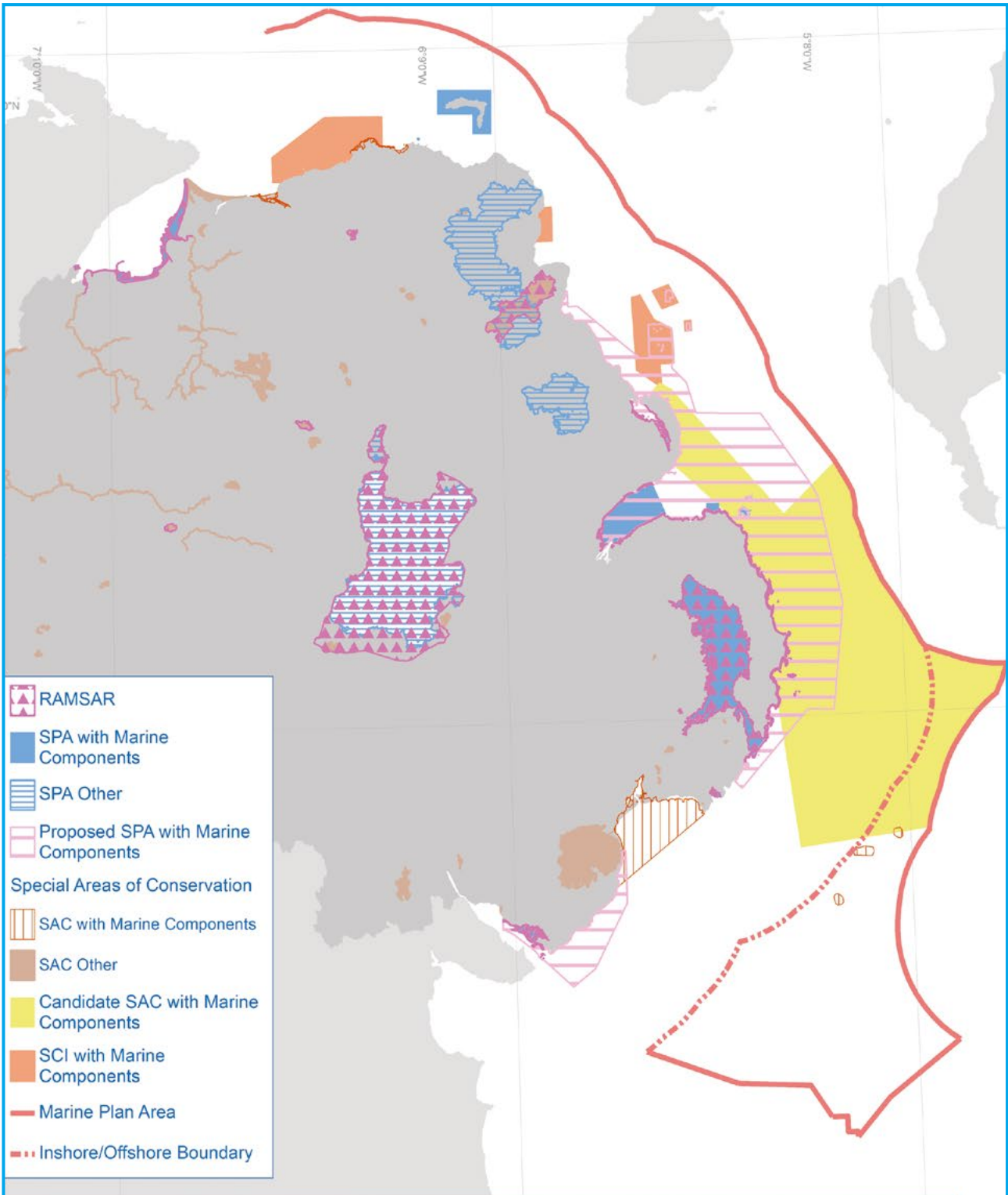
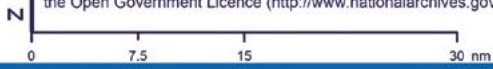
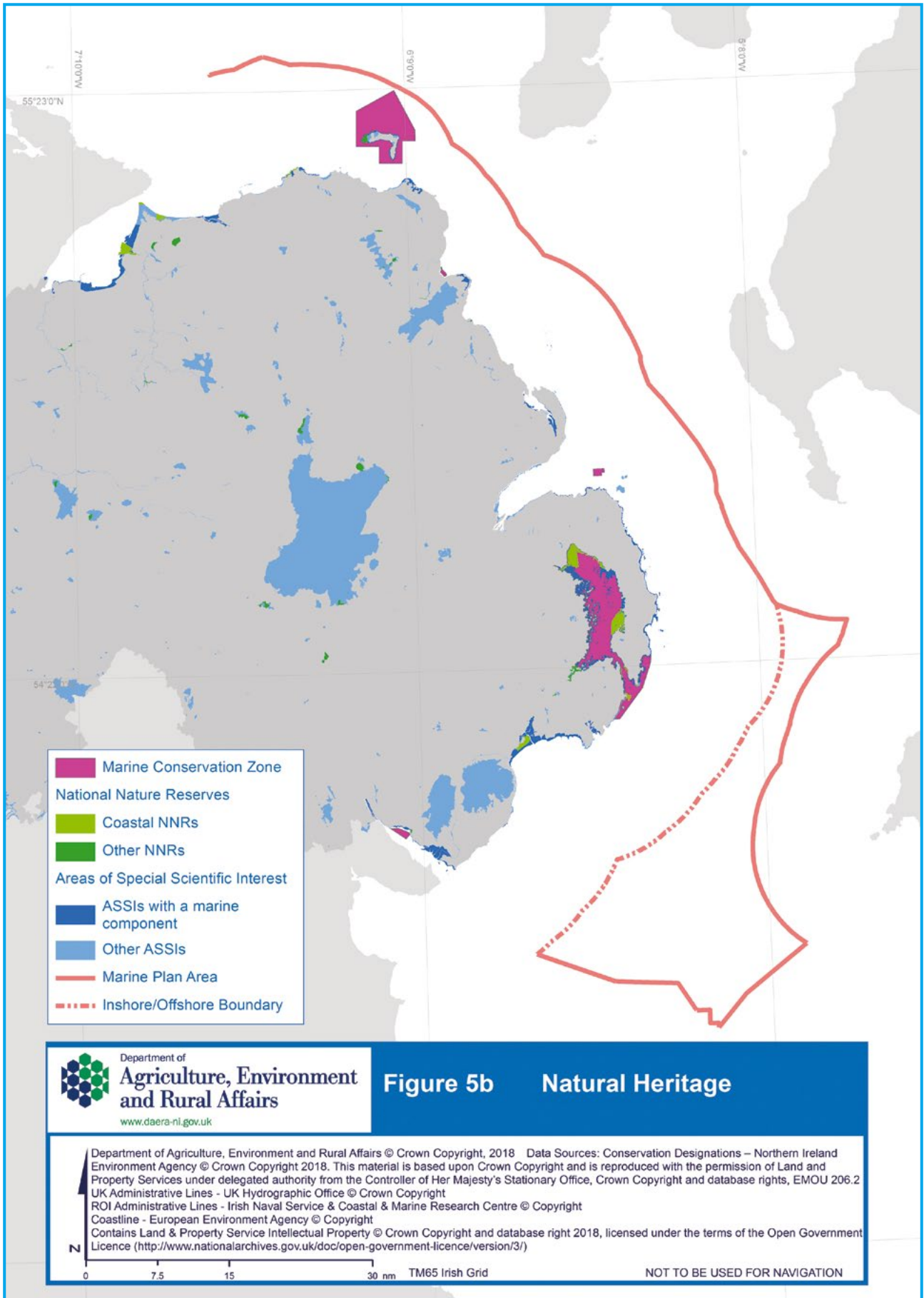


Figure 5a Natural Heritage

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223. There are a number of international, European, national and regional legal requirements and commitments that afford protection to designated areas and species, for the management and conservation of biodiversity in the marine area. These contribute to the achievement of Good Ecological Status and Good Environmental Status under the WFD and the MSFD, respectively. MSFD has a number of specific descriptors for habitats, species, biological diversity and sea floor integrity. The preservation, protection and improvement of the environment are also an objective of the MSP Directive and the UK MPS.
224. A Strategy for Marine Protected Areas (MPAs) in the Northern Ireland inshore region^{90/91} sets out, the approach to protect and improve ecosystems in the marine inshore region and how this contributes to national priorities.
225. It is a criminal offence to harm or kill a statutorily protected species, their habitats, breeding site or resting place. In addition:
- the Wildlife and Natural Environment (Act) 2011⁹² places a statutory duty on public bodies to further the conservation of biodiversity;
 - the Environment (Northern Ireland) Order 2002⁹³ puts in place a general duty on public bodies to further the conservation and enhancement of ASSI features in their existing functions; and
 - the Marine Act (Northern Ireland) 2013, places a general duty on public authorities to exercise their function in a way which the authority considers best furthers the conservation objectives for a Marine Conservation Zone.

How is this to be achieved?

226. Public authorities must consider any potential adverse impacts on natural heritage, through decision making processes. In doing so, public authorities should recognise nature conservation, biodiversity and geodiversity as assets to society, the economy and in promoting sustainable development. The public authority will need to make an assessment of the impacts on these assets and take account of the appropriate statutory provisions for their protection.
227. A public authority will require the proposer to submit evidence to allow a full assessment, in line with legal requirements, of any potential adverse impact including where appropriate, measures to address such impacts.
228. Public authorities should apply the precautionary principle when considering the impacts of proposals on national or international natural heritage resources.

⁹⁰ A Strategy for Marine Protected Areas in the Northern Ireland Inshore Region (<https://www.daera-ni.gov.uk/publications/strategy-marine-protected-areas-northern-ireland-inshore-region>)

⁹¹ Defra has responsibility for offshore marine conservation.

⁹² <http://www.legislation.gov.uk/ni/2011/15/contents>

⁹³ <http://www.legislation.gov.uk/nisi/2002/3153/contents/made>

229. Public authorities will also consider their duty to further the conservation and where appropriate, enhancement, of biodiversity of the marine area.
230. In assessing any likely impact on natural heritage, the public authority may require the proposer to provide evidence, which identifies the impacts and demonstrate how these are, in order of preference, avoided, minimised and/or mitigated.
231. Proposers, through careful planning and design, can avoid or minimise adverse impacts, by considering the services that the natural environment provides and maximising the potential for enhancement. This may avoid the need for costly changes and delays during the decision making process. This is particularly relevant for seasonally dependent surveys and assessments. Guidance may be obtained from the relevant public authority.
232. The likely impacts of proposals on biodiversity and features of interest, may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

Designated Areas

International Designated Areas (Ramsar and European)

233. International designated areas (Ramsar and European) are afforded the highest form of statutory protection. Where a proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the public authority must carry out an Appropriate Assessment of the implications for the designated area, in view of the area's conservation objectives. Only after having ascertained that the proposal will not adversely affect the integrity of the area, can the public authority agree to the proposal and where relevant, impose appropriate mitigation measures. A proposal that could adversely affect the integrity of such areas may only be allowed by a public authority in exceptional circumstances, as laid down in the appropriate legislation.

Marine Conservation Zones, Areas of Special Scientific Interest and Nature Reserves

234. Public authorities must only authorise proposals where they are not likely to have an adverse effect on the integrity of these areas, including the value of the area to the habitat network, or feature of interest. However, where the benefits of a proposal clearly outweigh the conservation value of the area, public authorities may allow the proposal. In such cases, appropriate mitigation and/or compensatory measures will be required.

Protected Species

235. If there is evidence to suggest that a protected species is present or may be affected by a proposal, the proposer must take steps to establish whether the species is present, fully consider any impact and factor in the requirements of the species into the proposal. Seasonal factors will also need to be taken into account. Failure to consider protected species at the earliest stages of concept, planning and design, can result in significant delays to the decision making process and any likely impacts on the species must be fully considered prior to any decision.
236. Public authorities must only authorise proposals, that are not likely to harm a protected species and which include adequate mitigation and/or compensatory measures.
237. A proposal that could harm a European Protected Species must only be allowed by public authorities in exceptional circumstances, as laid down in the appropriate legislation⁹⁴.

Other Habitats, Species or Features of Importance

238. Public authorities will only authorise proposals, which are not likely to result in an unacceptable adverse impact on or damage to, biodiversity and features of interest. These can include: habitats and areas of ecological importance to highly mobile species; priority species and priority habitats⁹⁵; rare or threatened native species; and, features of earth science importance.
239. Where a proposal is likely to result in an unacceptable adverse impact, the public authority may authorise the proposal, where the public benefit of a proposal clearly outweighs the value of the habitats, species or features. In such cases, appropriate mitigation and/or compensatory measures will be required.

In all instances

240. Public authorities should only authorise a proposal if they are satisfied that it will not have any unacceptable adverse impact on natural heritage and will not inhibit the UK's ability to meet its obligations under the Habitats Directive, Wild Birds Directive, MSFD or other legislative requirements.
241. In addition, proposals that require planning permission will be assessed against prevailing regional planning policy including the Strategic Planning Policy Statement, local development plans and all other material considerations, on a case-by-case basis.

⁹⁴ In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where; there are no alternative solutions; and it is required for imperative reasons of overriding public interest; and there is no detriment to the maintenance of the population of the species at a favourable conservation status; and compensatory measures are agreed and fully secured.

⁹⁵ Identified under the Wildlife and Natural Environment Act (Northern Ireland) 2011.

Seascape

At a glance

Seascape

Public authorities must consider the potential impact from proposals on seascape, taking account of the existing character and quality of an area, how highly it is valued, and its capacity to accommodate change.

Where a proposal has the potential to adversely impact on seascape, a public authority may require the proposer to demonstrate:

- a) how the impact has been considered; and
- b) measures to address the adverse impact, where appropriate.

Applies to the inshore region

What is seascape?

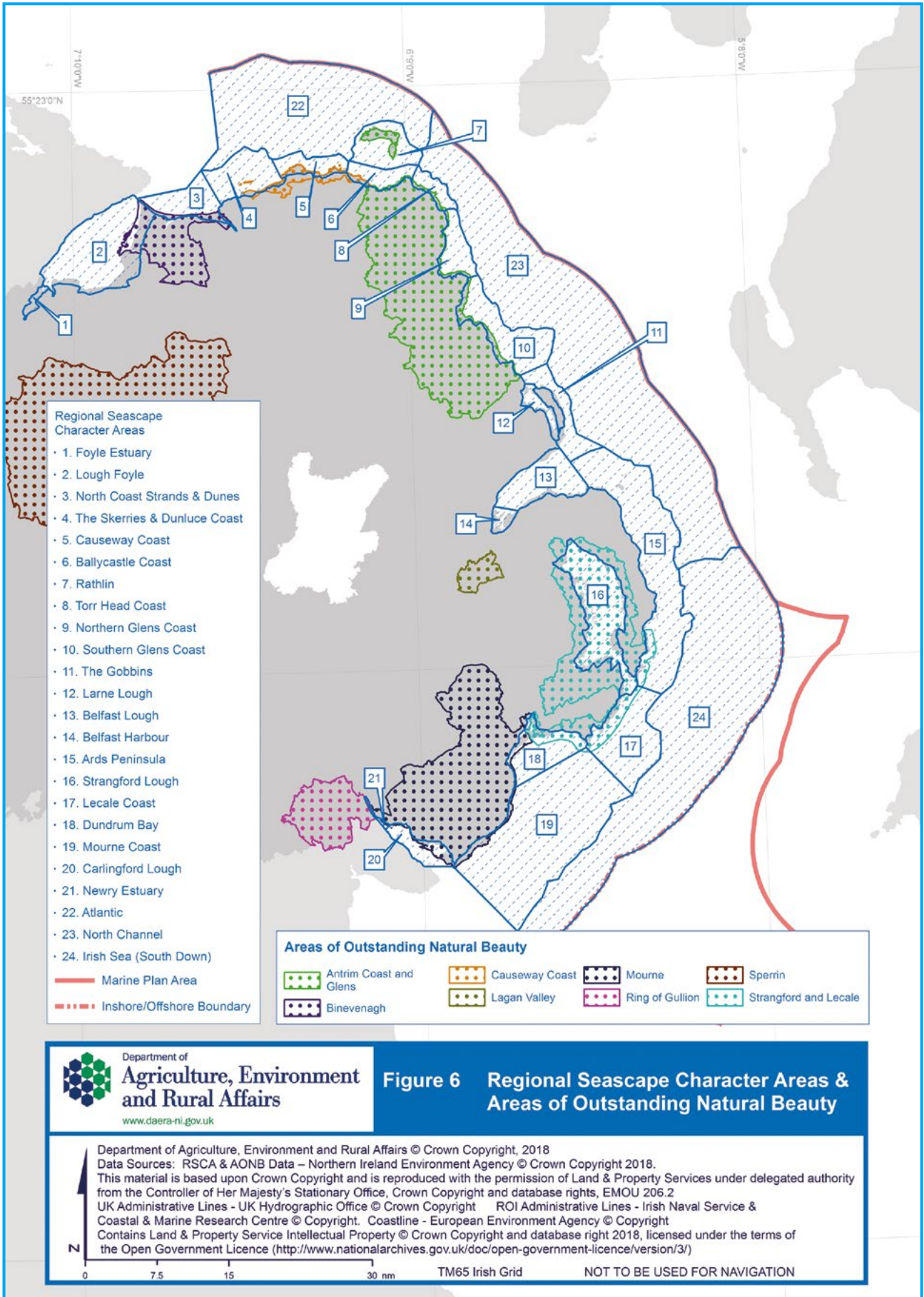
242. Seascape is defined in the UK MPS as “landscapes with views of the coast or seas, and coasts and the adjacent marine environment with cultural, historical and archaeological links with each other”. Seascape cannot be detached from its terrestrial component and mainland features. Islands (regardless of their distance from the coast) and peninsulas, can all form an important element of seascape.

Who is this of interest to?

243. The policy requires public authorities and proposers to consider seascape. As land-based proposals can impact on seascape, this policy may also apply to land-based proposals and decision making, such as planning permission.
244. The Department of Agriculture, Environment and Rural Affairs (DAERA) has a responsibility to conserve or enhance Areas of Outstanding Natural Beauty (AONB) and promote their enjoyment by the public.

Why is seascape important?

245. Seascape is an extremely important element of people’s enjoyment of the marine area and contributes to a sense of place, livelihoods and quality of life. The quality of Northern Ireland’s coastal landscapes is reflected in the designation of AONBs, as shown in Figure 6 and in the UNESCO designation of the Giant’s Causeway and Causeway Coast World Heritage Site.



246. Seascape quality has a fundamental role in the tourism industry, with many of the region's most important attractions directly linked to their seascape setting. Seascapes play an important role in Northern Ireland's creative industries, providing a backdrop for film and television productions that reach large international audiences. Such productions also promote and grow tourism.

How is this to be achieved?

247. Public authorities, when making decisions, must assess the impact on seascape, taking account of the existing character and quality of an area, how highly it is valued, and its capacity to accommodate change, through decision making processes. Landscape Character Assessment methodology may be an aid in this process. The Northern Ireland Regional Seascape Character Assessment 2014⁹⁶ defines 24 distinct Seascape Character Areas around our coastline and provides information on their principle features of importance and supportive landscape character areas. This information is shown in Figure 6.
248. When a proposal has the potential to impact on a designated area⁹⁷, the public authority must have regard to the purpose of the designation and any appropriate guidance such as, AONB Management Plans and local design guides.
249. To assist in the assessment of seascape, a public authority may require the proposer to demonstrate any potential impacts on seascape and measures to address the adverse impact, where appropriate. This may be shown in a seascape impact analysis. Any analysis carried out, should be proportionate to the potential impact of the proposal, taking account of the existing character and quality of an area, how highly it is valued and its capacity to accommodate change. This would include taking into account; critical views to and from the site, the access and public approaches to the site and the understanding and enjoyment of the site by visitors.
250. Proposers are strongly encouraged to consider seascape at the earliest stages of concept, planning and design. This can help allay stakeholder concerns and avoid the need for costly changes later in the decision making process. As seascape relates to people's perception of their area, it may be appropriate to include seascape within any pre-application stakeholder engagement.
251. The impacts on seascape may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment and Strategic Environmental Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

⁹⁶ <https://www.daera-ni.gov.uk/articles/landscape-character-northern-ireland>

⁹⁷ Includes such as: Areas of Significant Archaeological Interest; Areas of Outstanding Natural Beauty and those designated under town planning such as: Conservation Areas, Areas of Townscape/Village Character and Local Landscape Policy Areas.

Use of Evidence

At a glance

Use of Evidence

Proposals must be based on and accompanied by best available evidence.

Applies to the inshore and offshore regions

What is evidence?

- 252. Evidence is data, surveys, maps, representations and any other piece of information, including policy, which may inform the decision making process.
- 253. Evidence may include economic, environmental and social information, both quantitative and qualitative, that relates to the marine environment and the ecosystem services it provides.
- 254. Best available evidence, should be as recent as possible, accurate, relevant and reliable.

Who is this of interest to?

- 255. This policy requires proposers to use best available evidence in the concept, planning and design of their proposals. The policy also requires proposers to provide relevant evidence with any proposal.
- 256. The evidence provided will be used by public authorities to inform the decision making process.

Why is evidence important?

- 257. Well informed decisions need good quality evidence, which will underpin sustainable development in the marine area.
- 258. Using best available evidence at an early stage, will help identify issues and avoid costly changes at later stages.
- 259. Proposals that are accompanied by best available evidence will help reduce the time taken to make decisions.

How is this to be achieved?

- 260. Proposals must be based on and accompanied by, best available evidence.
- 261. Proposers should engage with public authorities and other stakeholders early in the concept, planning and design phases of a proposal. This will enable the

identification of evidence that already exists and any additional evidence that may be required. Where information is not available, there may be a need to research or commission such evidence. This may be at the proposer's expense.

262. The evidence base that underpins proposals can come from a wide range of sources, such as, existing plans, science advisors, statutory and other advisors, industry, marine users, local communities and other stakeholders. The Marine Mapviewer displays a range of spatial datasets, in relation to the marine area. The Mapviewer may be used as an initial tool to identify areas that may be suitable for proposals. It is not intended to be the sole source of evidence for proposals.
263. The evidence required for a proposal should be proportionate to its scale and to the potential impact on the marine area, its ecosystem services and the users that rely on them.
264. In some instances, it may be disproportionately expensive or technically infeasible to fill evidence gaps. Where evidence is inconclusive, reasonable efforts must be made to fill evidence gaps. Public authorities will need to apply precaution within an overall risk-based approach⁹⁸ that allows for uncertainty, recognising the need to use sound science responsibly, as set out in the UK MPS.
265. When a proposal is subject to an assessment, such as, a Sustainability Appraisal, Strategic Environmental Assessment, Environmental Impact Assessment and/ or Habitats Regulations Assessment, best available evidence must inform the accompanying assessment.
266. Requests for additional evidence to further inform the decision making process, will be a matter of judgement for the relevant public authority, on a case-by-case basis.
267. Public authorities will continue to collaborate with each other and with other stakeholders, in developing the marine evidence base, to enable informed decision making and support the concept, planning and design of proposals. Public authorities should use the MEDIN (Marine Environmental Data and Information Network) standard to enable easy discovery and re-use of data.

⁹⁸ This means that if the risks from an activity are uncertain preventative measures may be required if there is concern that human activities may harm human health, living resources and marine ecosystems or interfere with other legitimate uses of the sea or have other social and economic impacts. This would need to be considered based on risk.

Water Quality

At a glance

Water Quality

Public authorities must consider any potential impact from proposals on water quality.

Where a proposal has the potential to adversely impact on water quality, a public authority will require the proposer to demonstrate:

- a) that adverse impact is avoided; or
- b) where adverse impact is unavoidable, it is minimised and where appropriate, mitigated; or
- c) where adverse impact cannot be avoided or minimised, it is mitigated.

If it is not possible to avoid, minimise and/or mitigate any adverse impact, a proposal will only be allowed, where the public benefit clearly outweighs the adverse impact.

Applies to the inshore and offshore regions

What is water quality?

268. Water quality or the condition of water relates to its chemical, physical and biological characteristics. Poor water quality can pose a health risk for people and for ecosystems, largely due to the presence of bacteria, nutrients and contaminant levels. Water quality is central to the integrity of a healthy marine area, its ecosystems and the services it provides for society and the economy.

Who is this of interest to?

269. This policy requires public authorities and proposers to consider and address any impacts of proposals, on water quality.

270. The following public authorities that can provide advice include:

- The Department of Agriculture, Environment and Rural Affairs⁹⁹;
- The Department for Infrastructure¹⁰⁰; and
- The Department for Environment, Food and Rural Affairs (UK)¹⁰¹.

⁹⁹ Responsibilities include the monitoring and reporting of UWWTD, WFD, MSFD (inshore), Nitrates Directive and Bathing Waters Directive. Northern Ireland Environmental Agency is an Executive Agency within DAERA. Also responsibility for certain water abstraction and discharge licences in the marine area.

¹⁰⁰ Is the sponsoring Department for Northern Ireland Water and has responsibility for water and drainage policy.

¹⁰¹ Responsibilities include the monitoring and reporting of MSFD (offshore).

271. Other public authorities may have responsibility for regulating discharges into the marine area, relating to specific activities, such as the Department for Business, Energy and Industrial Strategy (BEIS) and the Department for Transport (DfT)¹⁰².
272. Northern Ireland Water Limited (NI Water) is a government owned company, responsible for the delivery of water and sewerage services in Northern Ireland. This involves the collection, treatment and disposal of wastewater from homes and businesses.

Why is water quality important?

273. Proposals, especially along the coast and in the marine area can have an adverse effect on coastal and marine waters. Discharging pollutants, from diffuse or point sources or the physical modification of water bodies, can all have impacts on the use of the marine area for activities and uses such as recreation, tourism, aquaculture and fishing.
274. Much of the protection that can be given to marine waters, starts with the protection of waters on land, as rivers flow into the sea. Sewerage infrastructure¹⁰³ on land is necessary for existing and future development.
275. European policy initiatives that drive the protection and improvement in the quality of marine waters include the:
- Water Framework Directive¹⁰⁴, which aims to achieve ‘good status’¹⁰⁵ for all surface waters including all sea loughs, estuaries (transitional waters) and out to 1 nautical mile from the coast. The Directive specifies that marine water dependent sites, requiring protection under other EC Directives, are identified as Protected Areas¹⁰⁶.
 - Urban Waste Water Treatment Directive, which sets minimum standards for sewerage treatment and sewerage infrastructure to protect the water environment.
 - Nitrates Directive, which ensures that waters are protected from excessive nutrient inputs from agricultural sources.
 - Marine Strategy Framework Directive, which requires Member States to maintain or achieve ‘Good Environmental Status’¹⁰⁷ in the marine environment by 2020; and to protect the resource base upon which marine-related economic and social activities depend¹⁰⁸.

¹⁰² Responsibilities include the policy and regulation of ballast water.

¹⁰³ Coastal Waste Water Treatment Works (WWTW), Emergency Overflows from WWTW and pumping stations, and intermittent discharges from Combined Sewer Overflows.

¹⁰⁴ Surface waters (rivers, lakes, estuaries, coastal water and groundwater) out to 1 nautical mile from the baseline: The UK baseline is delineated in the Territorial Waters Order in Council 1964 (as amended by the Territorial Sea (Amendment) Order 1998).

¹⁰⁵ ‘Good status’ means both ‘good ecological status’ and ‘good chemical status’.

¹⁰⁶ Protected Areas include: Shellfish Water Protected Areas; Bathing Waters; Nitrate Vulnerable Zones, areas designated as sensitive under Urban Waste Water Treatment Directive; and Natura 2000 sites.

¹⁰⁷ Good Environmental Status is defined in the MSFD as: the environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive.

¹⁰⁸ MSFD also introduces requirements for targets on contamination and eutrophication for marine waters out to 200 nautical miles.

- Bathing Waters Directive, which requires the monitoring and assessment of bathing water for faecal bacteria.

How is this to be achieved?

276. Public authorities must consider the potential impact of proposals on water quality, through decision making processes. The nature of water pollutants and their dispersal may require that consideration is given to potential transboundary effects.
277. When a proposal has the potential to have an adverse impact on water quality, the public authority will require the proposer to provide evidence that identifies pollutants and to demonstrate how any adverse impacts will, in order of preference, be avoided, minimised and/or mitigated.
278. If it is not possible to avoid, minimise and/or mitigate the adverse impacts, public authorities must ensure that the public benefit of the proposal clearly outweighs such impacts and that the proposal will not inhibit the UK's ability to meet its statutory obligations.
279. Some marine activities and designations can affect the cost and sustainability of wastewater treatment solutions, for example, shellfish aquaculture sites in new areas and in shellfish water protected areas, or identified bathing waters. Consequently, to fully consider the lifetime costs of a proposal, a public authority may require evidence of any potential economic impacts.
280. Proposers must have regard to River Basin Management Plans, in developing their proposals. These plans are the key mechanism by which WFD is implemented. Proposers must also have regard to the MSFD Programme of Measures, which sets out the actions that the UK will take to achieve or maintain GES.
281. Drainage Area Plans will be used to inform sewerage infrastructure decisions across Northern Ireland. Proposers bringing forward sewerage infrastructure proposals should align with the appropriate Drainage Area Plan.
282. Proposers are encouraged to incorporate sustainable solutions to surface water management, such as sustainable drainage systems and stormwater separation.
283. Public authorities must also take account of any other appropriate legislation, strategies or guidance, such as the Regional Development Strategy, Social and Environmental Guidance for Water and Sewerage Services¹⁰⁹, the Water and Sewerage Services Act (Northern Ireland) 2016, and the Sustainable Water - Long Term Water Strategy.

¹⁰⁹ <https://www.infrastructure-ni.gov.uk/publications/social-and-environmental-guidance-water-and-sewerage-services-2015-2021>

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284. Any likely impact on water quality from proposals may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
285. Public authorities should only authorise a proposal if they are satisfied that it will not have an unacceptable impact on water quality and will secure compliance with the requirements of the Bathing Water, WFD and MSFD and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Key Activity Policies

These policies support or safeguard a particular activity without undue impact on the marine area, its ecosystem services and the users that rely on them.

Aquaculture

At a glance

Aquaculture

There is a presumption in favour of aquaculture proposals where it can be demonstrated:

- a) there will be no unacceptable adverse impact on marine activities, uses and/or the marine area and any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated.

Applies to the inshore and offshore regions

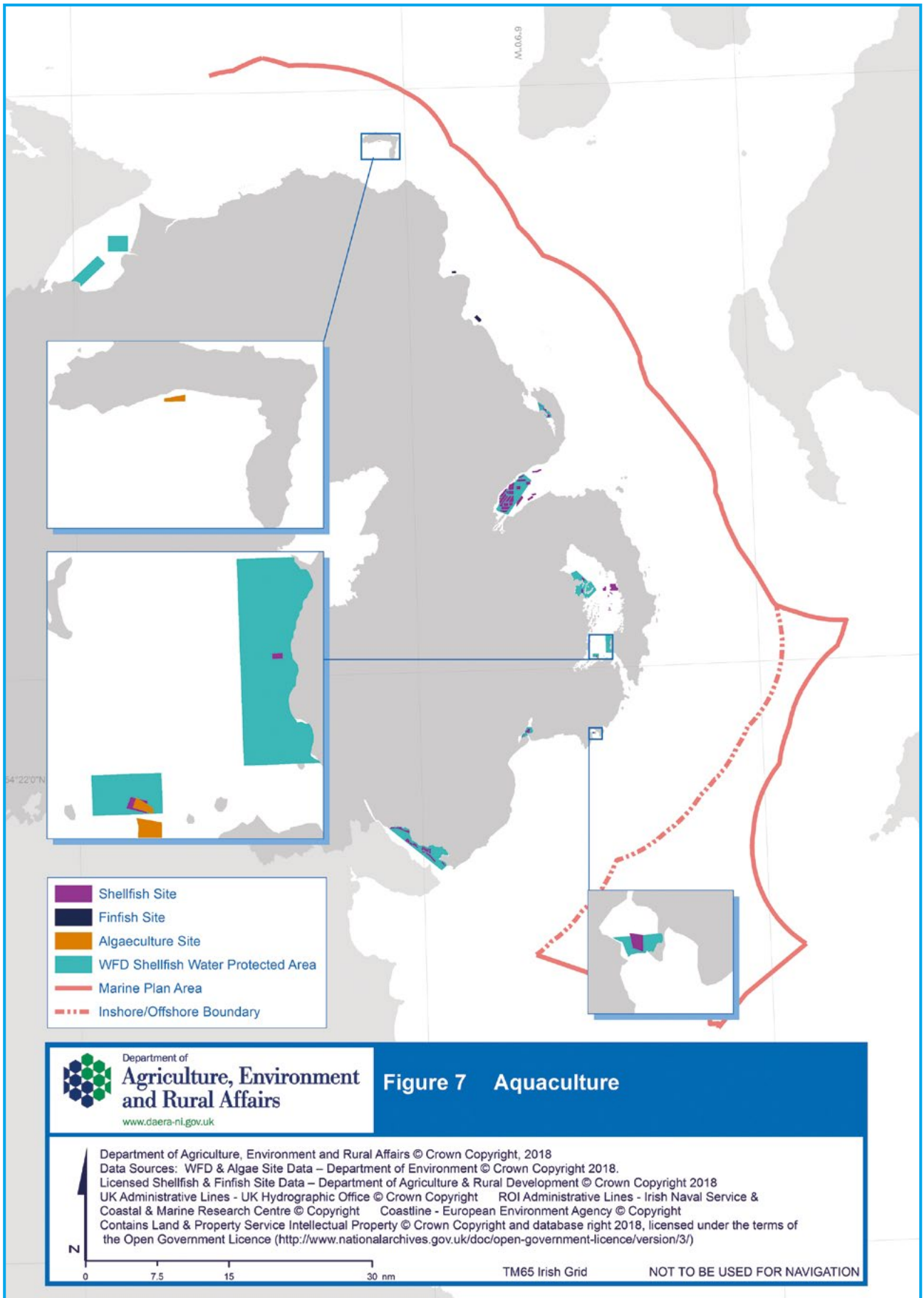
What is aquaculture?

286. Aquaculture is the rearing or cultivation of aquatic organisms, using techniques designed to increase production beyond the natural capacity of the environment.
287. In Northern Ireland, the main marine species cultivated are mussels, Pacific oysters, Native oysters and Atlantic salmon.

Where are aquaculture resources, activities and uses located?

288. Shellfish aquaculture is principally concentrated in the five sea loughs (Carlingford, Strangford, Belfast, Larne and Foyle) with some operations at Dundrum Bay and Killough Harbour. There is also a marine salmon farm, with sites in Glenarm Bay and Red Bay.
289. Finfish and shellfish cultivation depends on the farms being located in areas of good water quality and where the current flow allows the growth of healthy fish and shellfish. Some areas around our coastline have been designated as Shellfish Water Protected Areas¹¹⁰ to protect and improve the quality of shellfish waters, support shellfish production and contribute to high quality products for human consumption.
290. Algae farms are located at Rathlin Island and Strangford Lough.
291. There is no aquaculture activity in the Northern Ireland offshore region, nor is any expected in the short to medium term.
292. Aquaculture sites and Shellfish Water Protected Areas are shown in Figure 7.

¹¹⁰ DAERA is responsible for the designation of Protected Areas under the Water Framework Directive (2000/60/EC).



Who is this of interest to?

293. This policy is of primary interest to the aquaculture sector and public authorities that have a decision making role. The policy also has a wider relevance for marine users and public authorities that potentially interact with the aquaculture sector.
294. The principal public authorities for this key activity include:
- Department of Agriculture, Environment and Rural Affairs for aquaculture licensing and the authorisation of Aquaculture Production Businesses and for the designation of Shellfish Water Protected Areas under the Water Framework Directive. The Department is also the marine licensing authority for the Northern Ireland inshore region and the discharge consenting authority.
 - District Councils as the planning authority above the low water mark.
 - Department for Infrastructure, as the planning authority above the low water mark for regionally significant and called-in applications.
 - Food Standards Agency, which is responsible for carrying out monitoring of classified bivalve production areas for the microbiological status, the presence of phytoplankton in samples of water, marine biotoxins and chemical contamination in samples of shellfish.
 - The Loughs Agency, which is responsible for the management, conservation, protection, improvement and development of inland fisheries of the Foyle and Carlingford Areas; and the development and licensing of aquaculture and shellfisheries.
295. The Crown Estate has an interest as the seabed manager and leasing authority (other private landowners may have an interest).
296. Department for Infrastructure and NI Water have an interest in proposals that have the potential to impact on water and sewerage services.
297. The Department of Agriculture, Environment and Rural Affairs, its counterparts in the Republic of Ireland and the Loughs Agency will continue to promote and develop the aquaculture sector on an all Island basis, including within the shared waters of Lough Foyle and Carlingford Lough.

Why is aquaculture important?

298. Aquaculture makes an important contribution to the Northern Ireland agri-food sector. In 2016, the aquaculture sector produced 3,438 tonnes of shellfish, valued at £4.3 million and 1,069 tonnes of finfish, valued at £4.16 million.

299. For coastal communities, aquaculture can play a role in promoting economic productivity and social well-being by providing jobs within the local area and diversifying the employment base.
300. Beyond the primary production, aquaculture can contribute economically through associated activities including processing facilities and retail outlets, feed suppliers, the provision of plant and equipment etc. Aquaculture can enhance local tourism by providing quality locally sourced seafood to retailers, including restaurants. The quality of seafood is an important asset, which helps drive demand in local and international markets.
301. Aquaculture production contributes to UK food security and relieves pressure on wild stocks.
302. At a European level, the Reformed Common Fisheries Policy, the European Maritime and Fisheries Fund, the Blue Growth Initiative and the Strategic Guidelines for the sustainable development of EU aquaculture, promote the sustainable growth of this sector.
303. The Northern Ireland Executive, in response to The Agri-Food Strategy Board's document 'Going for Growth' has set out actions to be taken across Government to support the aquaculture industry¹¹¹.

How is this to be achieved?

304. Public authorities, through decision making processes, will operate a presumption in favour of aquaculture proposals, in line with this and other Marine Plan policies.
305. Proposers should submit evidence to accompany their proposals for new aquaculture activity, to enable public authorities to consider the potential impacts on the marine area, ecosystem services and the users that rely on them. This should demonstrate how any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated. The evidence should be proportionate to the scale of the proposal and any potential impact on other marine uses and the marine area.
306. Potential adverse impacts from new aquaculture activities will need to be considered by public authorities. The precise nature of impacts will vary, depending on the nature of the activity, local conditions, ecosystems and other factors.
307. Proposers of new aquaculture activities should, where appropriate, also demonstrate how they have considered the land and sea interactions, such as, site access, storage and processing facilities.

¹¹¹ <https://www.daera-ni.gov.uk/publications/going-growth-strategic-action-plan-support-ni-agri-food-industry>

308. Proposers for new aquaculture activities will be required to submit a bio-security plan that includes an assessment of disease risks, details of risk mitigation measures, training and development of personnel in disease awareness and controls on access to the site.
309. Public authorities may require proposers to submit details of predator control measures.
310. When considering the potential environmental impacts of proposed shellfish aquaculture developments, public authorities shall use, the Sustainable Mariculture in Northern Irish Lough Ecosystems¹¹² (SMILE) models, to investigate potential impacts on ecological carrying capacity.
311. Aquaculture sites are particularly vulnerable to pollution, especially bacterial or chemical contamination. The control of pollution within Shellfish Water Protected Areas under WFD is important for the continued existence and future growth of aquaculture. Consequently, public authorities will take account of River Basin Management Plans. They will also encourage new proposals to be located within areas that are already designated as Shellfish Water Protected Areas WFD; and for which the water quality consistently achieves 'good status' and 'good environmental status'¹¹³.
312. Proposed new shellfish aquaculture proposals and the subsequent requirement to designate a Protected Area under WFD, may have cost implications for water and sewerage services. Consequently, to fully consider the lifetime costs of a proposal, a public authority may require evidence of any potential economic impacts.
313. Potential impact from aquaculture proposals may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
314. Public authorities should only authorise a proposal for new aquaculture proposals if they are satisfied that the proposal will not have any unacceptable adverse impacts on the marine area, its ecosystem services and other marine users; and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

¹¹² <https://www.afbini.gov.uk/articles/sustainable-mariculture-smile>

¹¹³ As required under WFD and MSFD.

Carbon Capture and Storage

At a glance

The potential for Carbon Capture and Storage (CCS) in the Northern Ireland Marine Area in the medium term, is very limited. It is not the intention of the Marine Plan to bring forward any policy provisions. The UK MPS will continue to provide the context for CCS in the Northern Ireland marine area.

This position may be reviewed in light of any advances in the potential for such technology to be implemented in the future.

What is Carbon capture and storage?

315. Carbon capture and storage (CCS) technology is designed to capture carbon dioxide from power stations or industrial sites. It is then liquefied and transported by pipeline or ship for permanent storage in underground geological formations (such as deep underground saline aquifers or depleted oil fields). This technology reduces the level of carbon dioxide entering the atmosphere.

Where are carbon capture and storage resources, uses and activities located?

316. There are currently no operational commercial-scale CCS projects in the UK. The potential for CCS in the Northern Ireland marine area is limited, at this time.

317. The UK marine area is thought to be a promising hub location for permanent storage of carbon dioxide¹¹⁴. Most interest has been focussed on the North Sea, where the first demonstration plants are likely to be located. The Peel Basin, lying between the Isle of Man and the County Down coast, has been identified as a saline aquifer with potential as a carbon dioxide storage reservoir¹¹⁵. However, there is limited information from available well and seismic data, in this sedimentary basin. The potential for CCS opportunities in the Northern Ireland marine area will likely depend on the successful deployment of this technology elsewhere in the UK.

¹¹⁴ The Crown Estate and British Geological Survey provide a database containing an overview of storage potential on the UK Continental Shelf <http://www.co2stored.co.uk/>.

¹¹⁵ Assessment of the Potential for Geological Storage of Carbon Dioxide for the island of Ireland, 2008, a report prepared by CSA Group, in association with Byrne Ó Cléirigh, the British Geological Survey and CO2CRC, for Sustainable Energy Ireland.

Who is this of interest to?

318. This section will be of primary interest to the relevant public authorities, the energy sector and large industrial operators.
319. The principal public authorities for this key activity include:
- Department of Agriculture, Environment and Rural Affairs as the marine licensing authority for the Northern Ireland inshore region and as the discharge consenting authority.
 - Department for the Economy as the licensing authority for inshore region waters.
 - Department for Business, Energy and Industrial Strategy as the marine licensing authority for the offshore region.
 - District Councils as the planning authority above the low water mark; and
 - Department for Infrastructure as the planning authority above the low water mark for regionally significant and called-in applications.
320. The Crown Estate has an interest, with rights to lease for CCS activity vested under the Energy Act 2008.

Why is carbon capture and storage important?

321. The UK Government aims to deliver a secure, affordable, low carbon energy system. The use of CCS will allow fossil fuels to contribute to a low carbon future by removal and permanent storage of the carbon dioxide from power stations or industrial processes. CCS can also act as a climate change mitigation technique.

Commercial Fishing

At a glance

Proposals with the potential to impact on Commercial Fishing

Public authorities must consider any potential impact from proposals on commercial fishing activities and the ecosystem services that support commercial fishing.

Where a proposal has the potential to adversely impact on (1) areas of commercial fishing activity and access to fishing grounds; and/or (2) spawning and nursery grounds and associated habitats and migratory routes, a public authority will require the proposer to demonstrate:

- a) that adverse impact is avoided; or
- b) where adverse impact is unavoidable, it is minimised and where appropriate, mitigated; or
- c) where adverse impact cannot be avoided or minimised, it is mitigated.

If it is not possible to avoid, minimise and/or mitigate any adverse impact, a proposal will only be allowed where the public benefit clearly outweighs the adverse impact.

Applies to the inshore and offshore regions

What is commercial fishing?

- 322. Commercial fishing is the activity of catching fish, including shellfish, for profit. Techniques include use of mobile gear to carry out activities such as benthic and pelagic trawling, dredging and seine netting. Static gear, such as fixed nets and potting, tends to be used by smaller vessels closer to the shore.
- 323. There were 314 Northern Ireland licensed vessels in 2017, equipped with a variety of gear, depending on the target catch. Approximately, 60 per cent of vessels are 10 metres or under in length.
- 324. Important commercial species in the Irish Sea include *Nephrops* (such as prawn), cod, haddock, hake and monkfish. Dredging for king scallops and dredging or trawling for queen scallops also make an important contribution. Irish Sea herring and herring and mackerel from more distant sea areas, are also important.

Where are commercial fishing resources, activities and uses located?

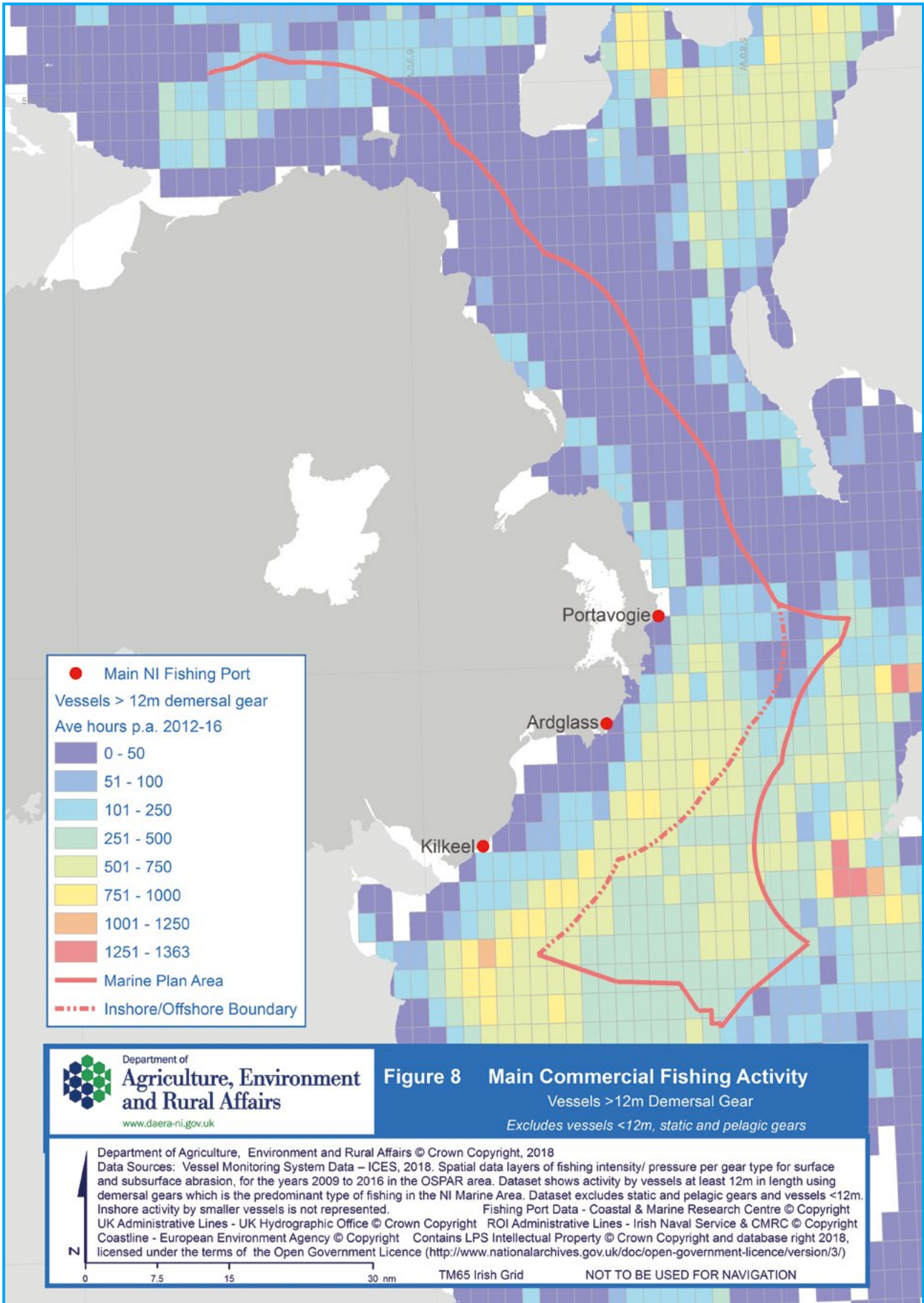
- 325. The Northern Ireland fishing fleet is concentrated at the County Down ports of Kilkeel, Portavogie and Ardglass, with many small vessels operating out of other ports and harbours along the whole coastline.

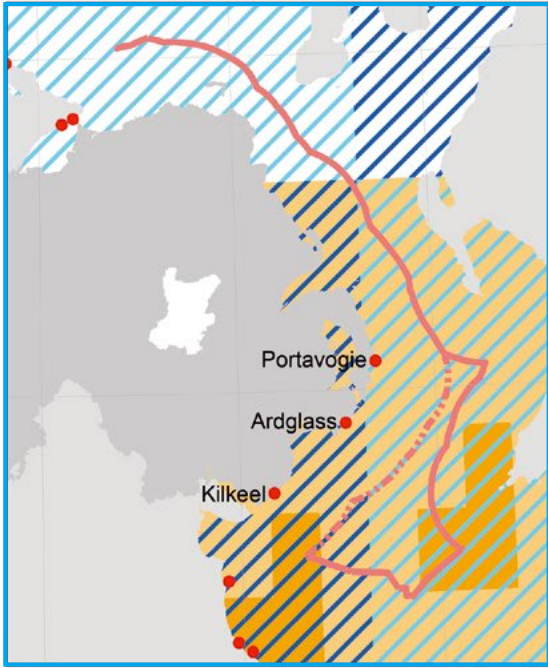
326. The Northern Ireland fleet is highly dependent on fishing opportunities in the western Irish Sea mud habitat, where Nephrops are concentrated. There is also frequent activity by local trawlers in the North Channel, Clyde, eastern Irish Sea, and North Sea, while pelagic activity occurs in the Irish Sea, west of Scotland, and off the Northern Isles and west of Ireland. Potting is popular closer to shore and in all of the sea loughs. Figure 8 gives an indication of commercial fishing activity by vessels over 12 metres in length using demersal gear. Whilst, this accounts for a significant amount of the commercial fishing activity in the Northern Ireland marine area, it does not show fishing activity by smaller inshore vessels targeting mainly shellfish, within 6nm of the coast.
327. The coast from Rathlin to Larne is the main area for the taking of lobster, whilst brown crab tends to be mainly taken off the County Down coast.
328. Some collection of wild cockles, mussels and winkles takes place, particularly in Strangford and Carlingford Loughs and Dundrum Inner Bay. Small scale bait-digging takes place around the coast in muddy areas. Native oysters are caught within Lough Foyle.
329. Fishing activity can be influenced by many factors, such as, stock size, availability of fishing opportunities (quotas and days at sea), fisheries regulations, weather conditions, fuel costs, market demand, price of fish and natural events, such as, fish movements and spawning.
330. Information on important nursery and spawning grounds is included within, The Centre for Environment, Fisheries and Aquaculture Science (CEFAS) report on spawning and nursery grounds of selected fish species in UK waters¹¹⁶. This information is illustrated in Figures 9a-9e.

Who is this of interest to?

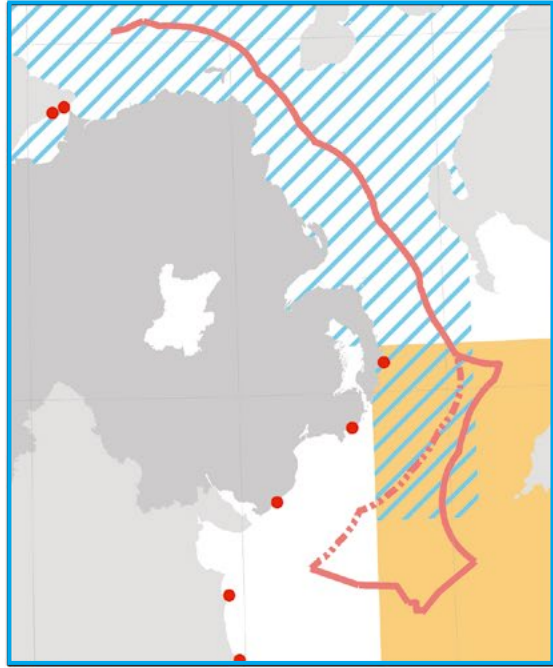
331. This policy requires public authorities and proposers to consider any impacts on the commercial fishing sector and the ecosystem services that support it.
332. The principal public authorities for this key activity include:
- Department of Agriculture, Environment and Rural Affairs as the responsible authority for sea fisheries, including the licensing of commercial fishing vessels and as the responsible authority for salmon, eels and inland fisheries.
 - Loughs Agency as the responsible inland fisheries authority (including for salmon) within the Foyle and Carlingford catchments.

¹¹⁶ <https://www.cefasc.co.uk/publications/techrep/TechRep147.pdf>

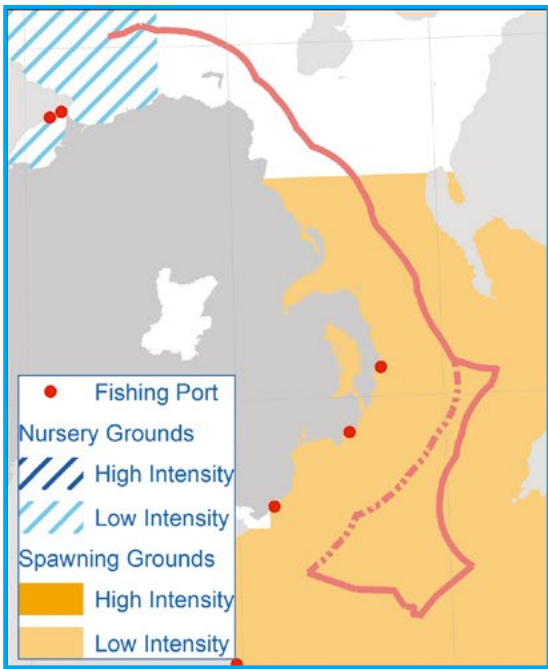




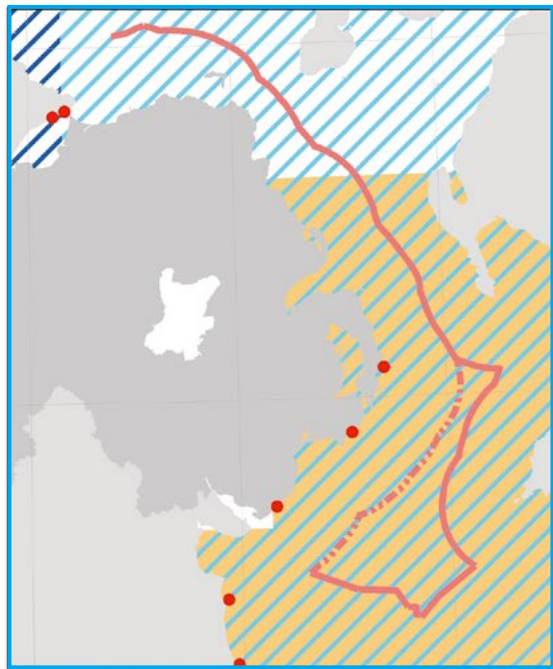
Cod



Hake



Ling



Mackerel



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Figure 9a Nursery & Spawning Grounds

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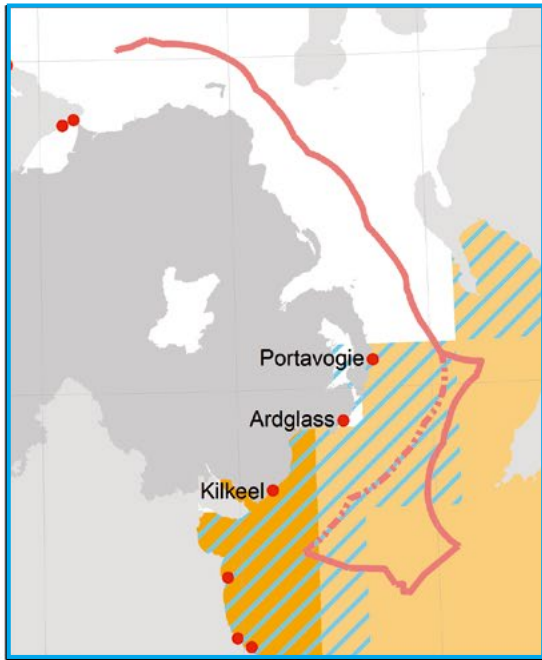
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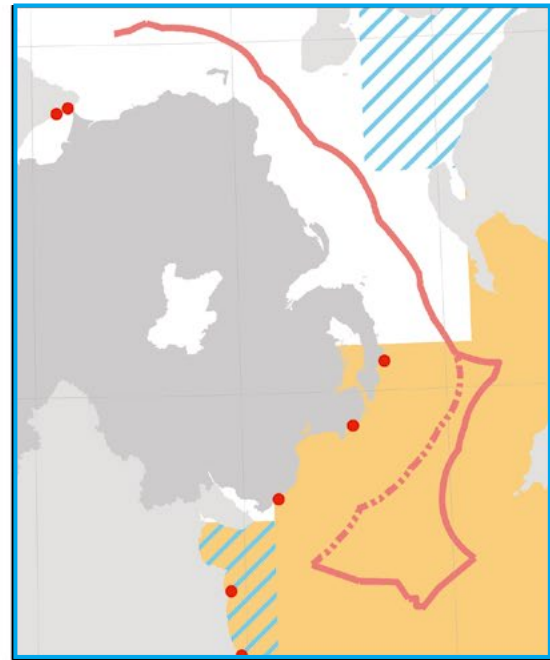
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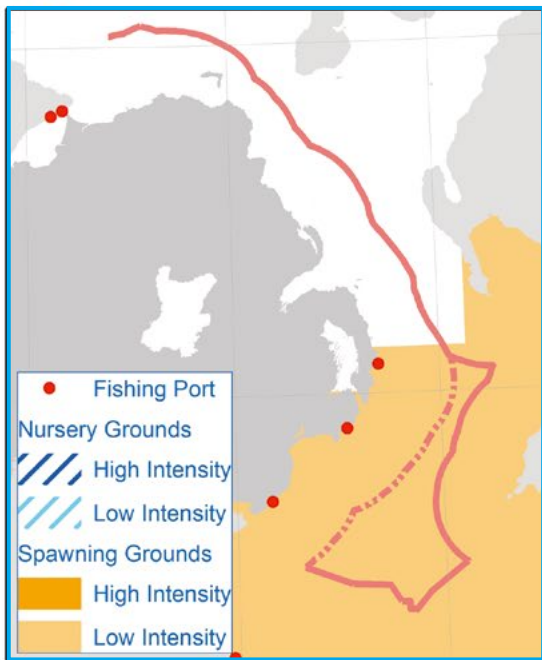
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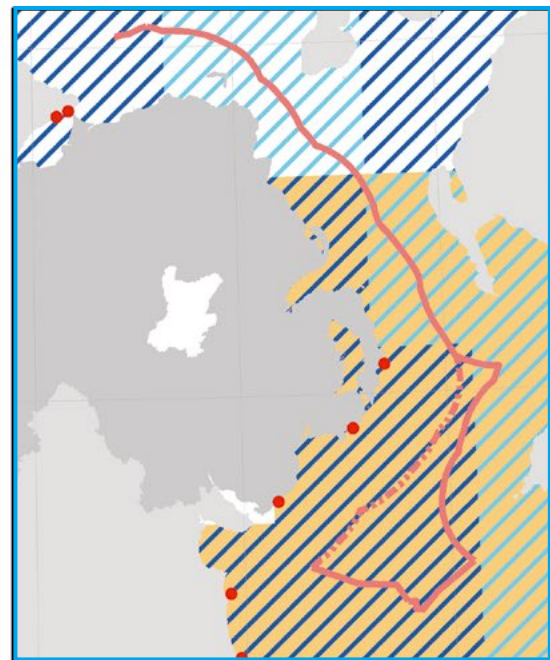
Plaice



Sandeel



Sole



Whiting



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Figure 9b Nursery & Spawning Grounds

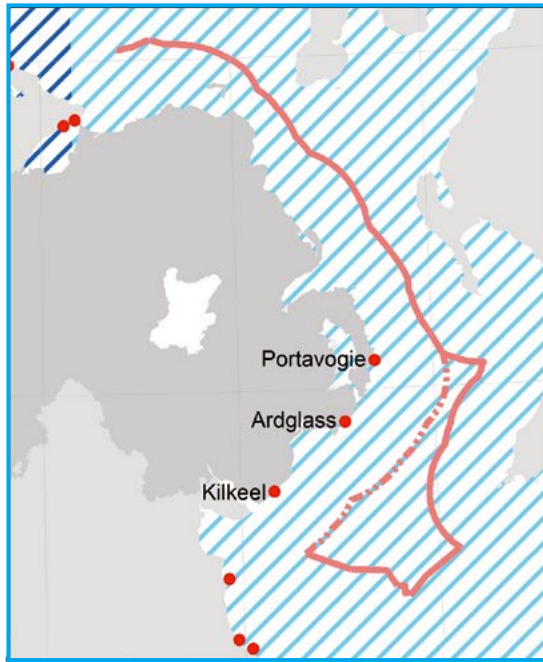
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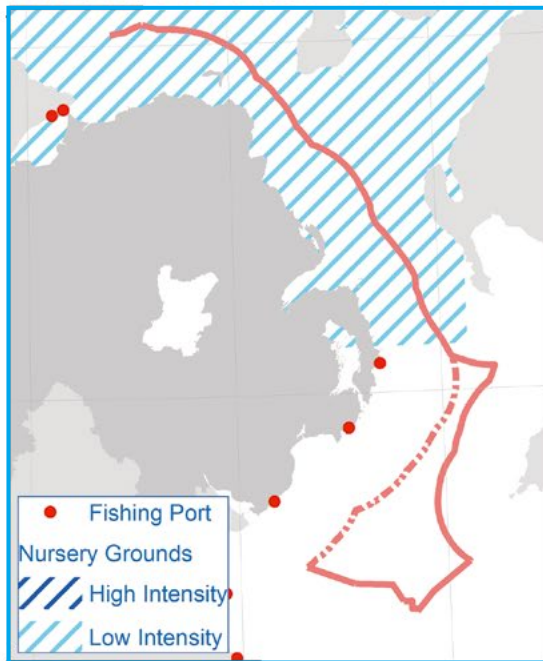
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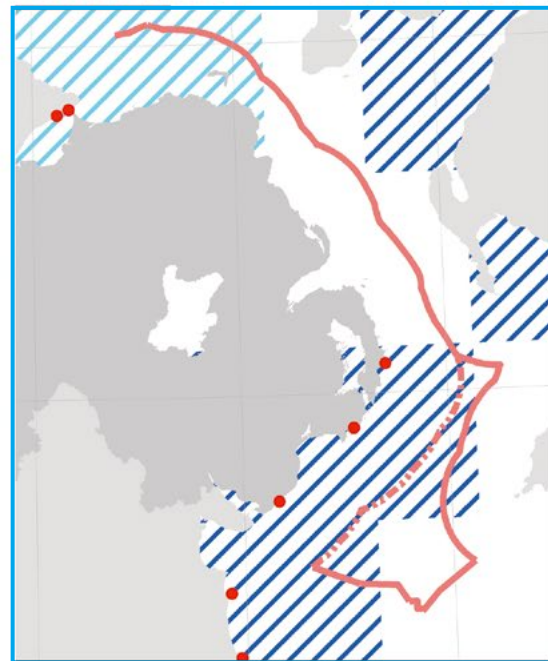
Anglerfish



Blue Whiting



Common Skate



Herring



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Figure 9c Nursery Grounds

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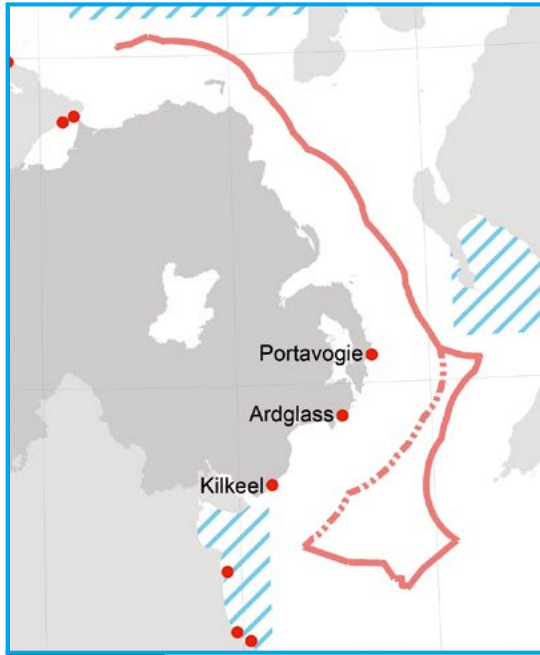


0 7.5 15 30 nm

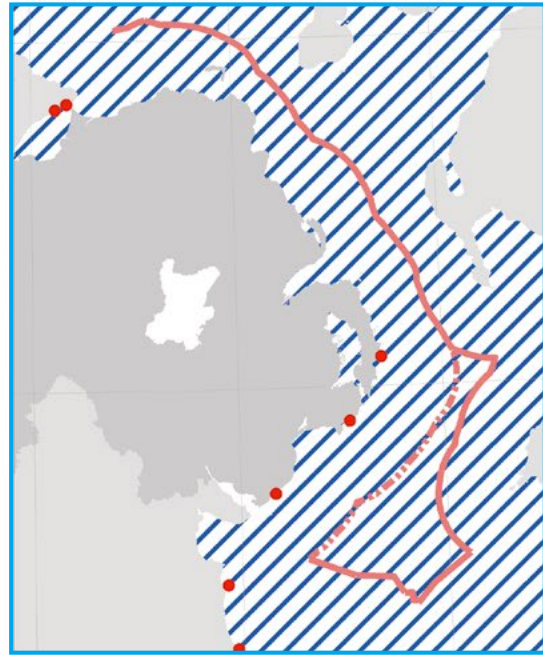
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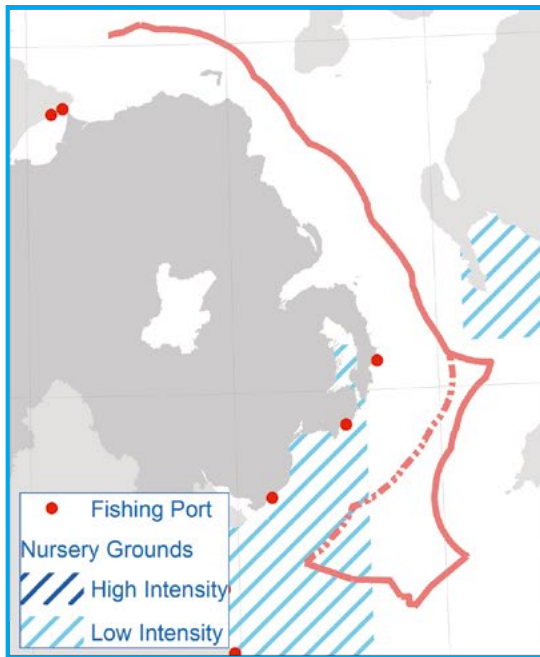
CS19 4 1079A



Spotted Ray



Spurdog



Thornback Ray



Tope Shark



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Figure 9d Nursery Grounds

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5219 41934



Horse Mackerel



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Figure 9e Spawning Grounds

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Why is commercial fishing important?

333. Commercial fishing is a major employer in coastal communities and this policy seeks to safeguard fishing opportunities and the socio-economic benefits that fishing brings to the economy.
334. In 2016, there were 875 fishermen in Northern Ireland (700 regular and 175 part-time). Fish landings into Northern Ireland in 2016, were 19,509 tonnes, with a value of approximately £28.7 million. Fish landings in 2016 by Northern Ireland registered vessels into all ports, including those outside Northern Ireland, were 29,400 tonnes, with a value of approximately £41.6 million. Indirectly, commercial fishing supports a variety of other jobs, such as ancillary engineering and service industries. The fish and shellfish processing sector employed 550 full time equivalents in 2015 and had a value¹¹⁷ of approximately £77 million.
335. Sustainable fish stocks are essential to the future success of the fishing industry. Fishing delivers a variety of seafood and contributes to UK food security.
336. Damage to fishing grounds and stocks can have significant economic, environmental and social consequences, such as job losses, displacement of fishing activity, and damage to wider ecosystems.
337. The UK MPS highlights the value of commercial fishing to local communities and recognises that this activity can be affected by other marine activities. There are concerns within the fishing sector that new and emerging marine activities may have adverse effects on ecosystems services, such as stock recruitment and result in displacement from fishing grounds. Effective stakeholder engagement, in combination with good planning and management, can help address these concerns, allowing many activities to amicably co-exist with the commercial fishing sector.
338. At a European level, the Common Fisheries Policy¹¹⁸ currently provides the management framework for commercial fishing. It promotes fishing that is economically, environmentally and socially sustainable, with an emphasis on maintaining fish populations that will produce a maximum sustainable yield. Under the Marine Strategy Framework Directive, Good Environmental Status requires populations of fish stocks to be exploited within safe biological limits.

How is this to be achieved?

339. Public authorities must consider the potential impact of proposals on commercial fishing activity and access to fishing grounds, through decision making processes. In addition, impacts on nursery and spawning grounds and associated habitat and migratory routes, need to be considered as part of a consideration of wider ecosystem services.

¹¹⁷ Gross Value Added.

¹¹⁸ http://ec.europa.eu/fisheries/cfp/index_en.htm

340. Amongst other considerations, public authorities should have regard to:
- whether potential impacts are permanent or temporary;
 - the potential impact of increased fuel costs or time at sea;
 - the potential impact of displacement and whether it is possible for vessels to relocate to other fishing grounds. It will also be necessary to consider the potential impact of this displacement on the viability of fish stocks, the impacts on marine ecosystems and the users that rely on the services provided, at both the alternative and the original fishing grounds;
 - any impacts on land-based elements relating to commercial fishing activities, such as harbours, markets and processing plants;
 - the impact on local communities, including the reduction of fishing activity, redistribution of fishing effort or associated impact on related businesses; and
 - the Northern Ireland Inshore Fisheries Strategy: Delivering a Sustainable Future¹¹⁹.
341. The public authority may need to engage with other regions, in relation to displacement of fishing effort, to ensure that a comprehensive picture of impacts is developed and any unintended consequences are avoided.
342. When a proposal has the potential to adversely impact on commercial sea fishing activities, the public authority will require the proposer to demonstrate that any potential impacts have been considered and measures are included to, in order of preference, avoid, minimise and/or mitigate adverse impacts. If it is not possible to avoid, minimise and/or mitigate the adverse impacts, the proposer should clearly demonstrate that the public benefit of the proposal clearly outweighs the adverse impacts.
343. When a proposal has the potential to impact on commercial fishing, the proposer is strongly encouraged to engage with fisheries' stakeholders at the earliest stages of concept, planning and design. Stakeholders may include local fishermen, the relevant public authorities and fish producer organisations.
344. The impact of proposals on commercial sea fishing may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment and Strategic Environmental Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.

¹¹⁹ <https://www.daera-ni.gov.uk/articles/inshore-fisheries-policy>

345. Public authorities should only authorise a proposal if they are satisfied that the proposal will not have an unacceptable impact on commercial fishing activities, the ecosystems services they provide and other marine users; and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Defence and National Security

At a glance

Defence and National Security

Public authorities must consider any potential interference from proposals on defence and national security requirements, and must not authorise proposals that would result in unacceptable interference.

Where a proposal has the potential to interfere with defence and national security requirements, a public authority will require the proposer to demonstrate:

- a) that interference is avoided; or
- b) where interference is unavoidable, it is minimised and where appropriate, mitigated; or
- c) where interference cannot be avoided or minimised, it is mitigated.

Any proposal that has the potential to interfere with defence and national security requirements must be discussed with the Ministry of Defence at the earliest opportunity, and agreement reached.

Applies to the inshore and offshore regions

What is defence and national security?

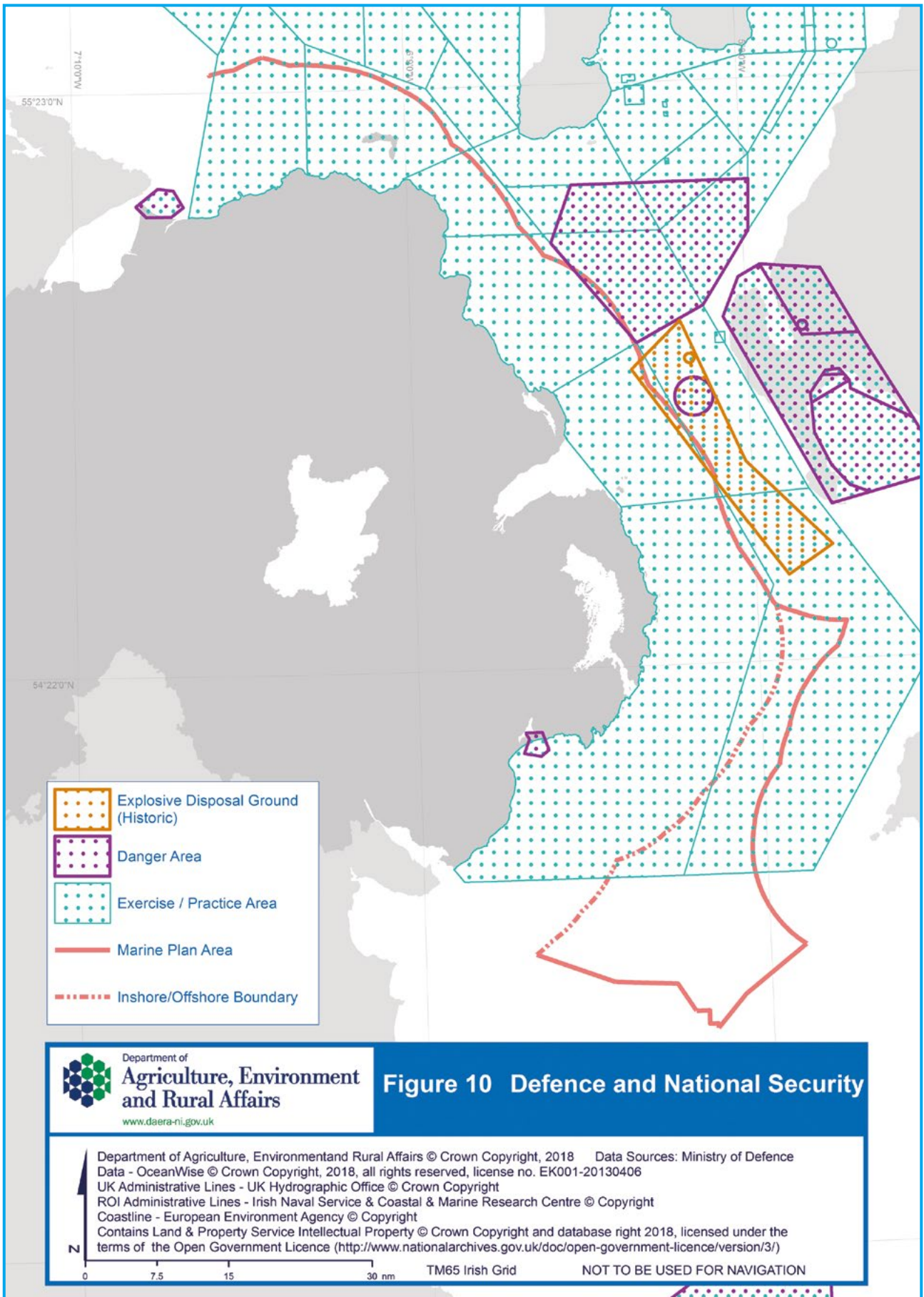
346. For the purposes of the Marine Plan, defence and national security requirements are to provide defence and where appropriate, security, for the people of the UK and Overseas Territories, its interests and to strengthen international peace and stability.

Where are Defence and National Security activities and uses located?

347. In Northern Ireland, there is a naval presence based at Thiepval Barracks in Lisburn. The majority of the Northern Ireland marine area is identified as either a Ministry of Defence (MOD) Danger Area (live firing) and/or a Naval Exercise/ Practice Area (no live firing). Actual exercises are restricted to a limited number of weeks per year and cover only a proportion of these areas, at any one time. Two coastal Danger Areas, at Magilligan and Ballykinler, are regulated by byelaws and can be used 365 days a year, including night shooting and weekend firing on the land ranges but using the sea danger area.

348. Beaufort's Dyke, just beyond the Northern Ireland marine area, within the Scottish region of the North Channel, has historically been used for munitions dumping.

349. Defence and National Security Areas are shown in Figure 10.



Who is this of interest to?

350. This policy requires public authorities and proposers to consider defence and national security interests in the marine area.
351. The MOD provides advice and guidance on defence and national security issues, as a retained function. Other authorities that can provide advice and guidance include:
- Maritime and Coastguard Agency;
 - HM Revenue and Customs;
 - UK Border Force;
 - National Crime Agency;
 - Police Service of Northern Ireland; and
 - Belfast Harbour Police.

Why is defence and national security important?

352. Any part of the UK marine area can be used for defence and national security activities. The UK MPS recognises the need for the MOD to maintain and deploy the operational capacity to provide defence and national security to the UK.

How is this to be achieved?

353. Public authorities must consider any potential interference with defence and national security interests, through decision making processes, and must not authorise proposals that would result in unacceptable interference, without MOD agreement.
354. Amongst other considerations, public authorities should note:
- Permanent infrastructure is unlikely to be acceptable within MOD Danger Areas and Naval Exercise/Practice Areas. Permitted activities may have temporal restrictions imposed.
 - Proposals that, either individually or cumulatively, obstruct or otherwise prevent defence activities within MOD Danger Areas and/or Naval Exercise/Practice Areas, are unlikely to be acceptable. Permitted activities may have temporal restrictions imposed.
 - Proposals that cause unacceptable interference to communication, navigation and surveillance, including RADAR or other systems necessary for defence and national security, will be prohibited if mitigation cannot be demonstrated.

355. In assessing a proposal that has the potential to interfere with defence and national security interests, the public authority must consult with the MOD or other relevant authorities. Proposals in or affecting MOD Danger Areas and/or Naval Exercise/ Practice Areas should not be authorised without agreement from the MOD.
356. When a proposal has the potential to interfere with defence and national security interests, the public authority will require the proposer to demonstrate that any potential interference has been considered and that measures are included to, in order of preference, avoid, minimise or mitigate such interference.
357. Where there is potential to interfere with defence and that national security interests, the proposer must engage with the MOD at the earliest stages of concept, planning and design of the proposal.

Dredging

At a glance

Defence and National Security

There is a presumption in favour of dredging proposals, where it can be demonstrated:

- a) there will be no unacceptable adverse impact from either dredging or dredged material disposal on marine activities, uses and/or the marine area and any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated;
- b) dredged waste is managed in accordance with internationally agreed hierarchy of waste management options for sea disposal; and
- c) if disposing of dredged material at sea, existing registered disposal sites are used, in preference to new disposal sites.

Applies to the inshore and offshore regions

What is dredging?

358. Dredging involves the removal of sediment and debris from the seabed, estuaries and river channels, for a variety of purposes. There are two types of dredging activity:

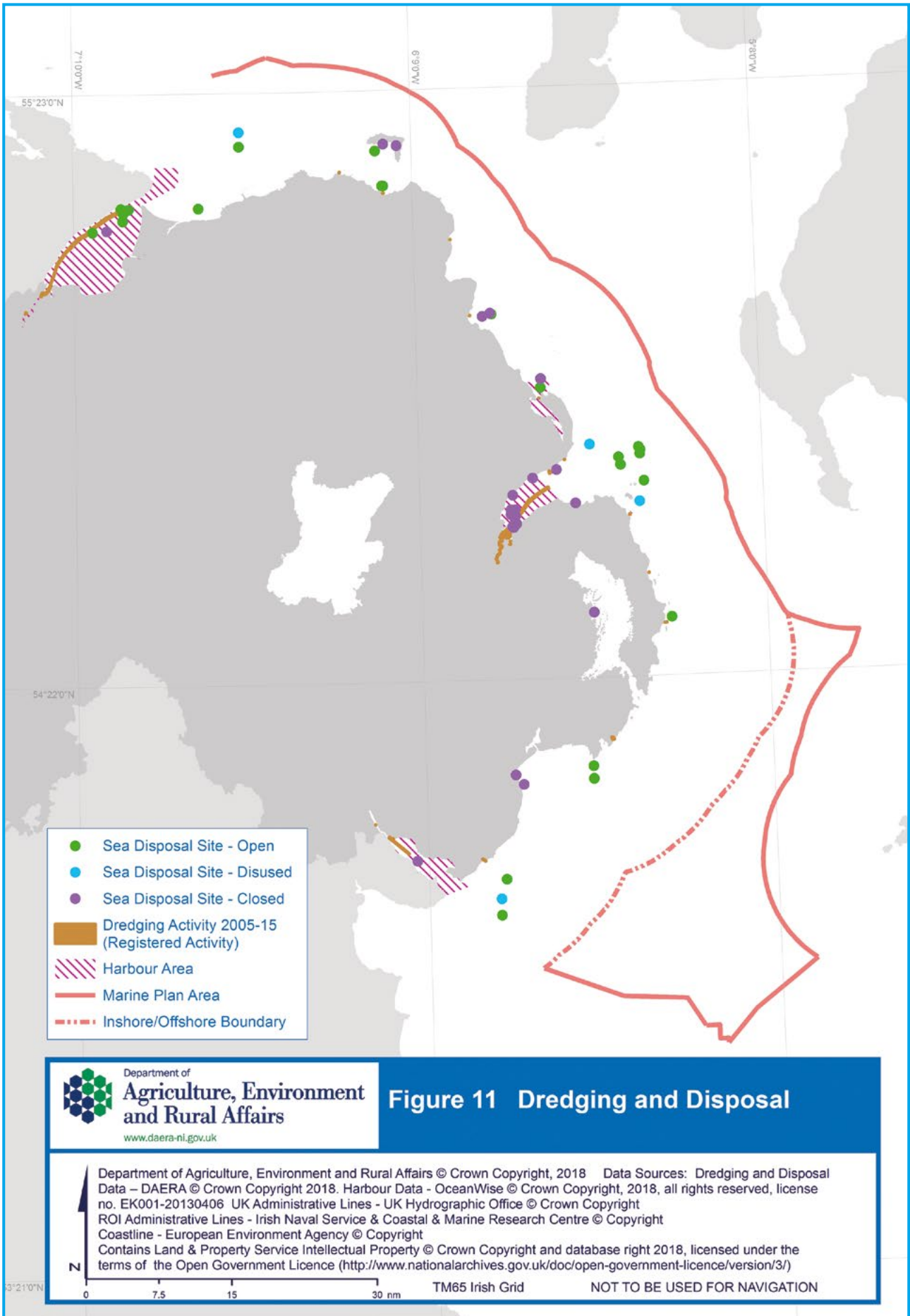
- **Maintenance dredging**, which involves the periodic¹²⁰ removal of material that has accumulated over time (e.g. through sedimentation) and is principally conducted within ports and navigable channels, to allow safe and continued operation for shipping.
- **Capital dredging**, which involves creating a greater depth or channel width than had previously existed, such as, for new port developments or creating a new seabed profile, or to provide foundations for infrastructure.

359. Dredging can facilitate future port development, the construction of pipelines and outfalls, and the preparation of sites for proposals, such as renewable energy projects, in the marine area.

Where are dredging (and associated disposal) activities and uses located?

360. Dredging activities are concentrated around ports, harbours and marinas, both large and small, and any associated navigable channels such as the Bann River, Belfast Lough, Carlingford Lough and Lough Foyle. Figure 11 shows both dredging activity and disposal sites.

¹²⁰ To be considered as maintenance the dredge frequency must be at least once every 10 years.



Who is this of interest to?

361. This policy is of primary interest to dredging and disposal operators, sectors that rely on or benefit from dredging and disposal activities and public authorities that have a decision making role. The policy also has a wider relevance for marine users and public authorities that could potentially interact with dredging activities.
362. The principal public authorities for this key activity include:
- Department of Agriculture, Environment and Rural Affairs as the marine licensing authority for the Northern Ireland inshore region.
 - The Department for Infrastructure as the planning authority above the low water mark for regionally significant and called-in applications and as the responsible authority for harbour orders and tidal works consents.
 - Marine Management Organisation as the marine licensing authority for the Northern Ireland offshore region.
 - District Councils as the planning authority above the low water mark; and
 - Northern Ireland Fishery Harbour Authority, which manages the fishing ports of Ardglass, Kilkeel and Portavogie, on behalf of the Department of Agriculture, Environment and Rural Affairs.
363. A licence/agreement may also be required from the Crown Estate as the seabed and subsurface manager within 12 nautical miles.

Why is dredging important?

364. The policy reflects the role of dredging as an enabling activity, essential for the safe navigation and functioning of ports, harbours and marinas and is of critical importance to the economy and society. Dredging often unlocks socio-economic benefits from other marine activities that are facilitated through capital dredging. Dredging activities are also closely linked to the evolving needs of other marine activities, for example, the trend for shipping to use larger vessels.

How is this to be achieved?

365. Public authorities, through decision making processes, will apply a presumption in favour of dredging proposals, in line with this and other Marine Plan policies.
366. Proposers are required to submit evidence to accompany their proposal, to enable public authorities to consider the potential impacts on the marine area, its ecosystems services and the users that rely on them. This should include how any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated. The evidence required should be proportionate to the scale of the proposal and any potential impact on other marine uses and the marine area.

367. Potential adverse impacts that may need to be considered by public authorities and proposers, will vary depending on the local conditions, ecosystems and other factors. Dredging activities can involve significant physical disturbance of the marine area. Impacts may include: potential risk to fish and other marine life from the release of sediments; chemical pollution; morphological changes including burial of seabed flora and fauna; hydrological effects; interference with other marine activities and uses; increases in turbidity; increases in marine noise; possible adverse effects for designated nature conservation areas and potential destruction or destabilisation of heritage assets and risks associated with overflows from dredging vessels. Removal of dredged material can also cause adverse impacts to the natural sedimentary systems and coastal processes.
368. Where dredging has the potential to disturb contaminated sediments, any environmental and health effects must be considered. Public authorities must ensure that levels of contamination do not exceed permissible levels. In addition, regard must be given to sensitive areas, such as, Protected Areas for shellfish production or bathing waters. DAERA's Environmental Guidance for Ports and Harbours¹²¹, provides advice on how to minimise impacts on the environment.
369. Proposals that include the disposal of dredging waste, must demonstrate that appropriate consideration has been given to the internationally agreed hierarchy of waste management options for sea disposal¹²². To demonstrate this, the public authority may request the proposer, to provide an assessment of best practical environmental options, for the disposal of dredged sediments. Wastes should not be accepted for disposal where appropriate opportunities exist to re-use, recycle or treat the waste, without undue risks to either human health or the environment or result in disproportionate costs. The public authority should give appropriate consideration to alternative uses for the sediment.
370. Public authorities, in assessing proposals, must take account of the 1992 OSPAR Convention¹²³ - Annex II - on the prevention and elimination of pollution by dumping or incineration, and the London Protocol 1996¹²⁴.
371. Proposers should use existing registered disposal sites at sea, to limit any potential environmental harm or disruption in previously undisturbed areas. Public authorities should only consider registering a new disposal site, if an existing disposal site is at capacity or compelling reasons indicate that a new site is justified.

¹²¹ <https://www.daera-ni.gov.uk/publications/environmental-guidance-ports-and-harbours>

¹²² OSPAR Convention 1992 <https://www.ospar.org/convention>; and London Protocol 1996 <http://www.imo.org/en/OurWork/Environment/LCLP/Pages/default.aspx>

¹²³ <https://www.ospar.org/convention>

¹²⁴ <http://www.imo.org/en/OurWork/Environment/SpecialProgrammesAndInitiatives/Pages/London-Convention-and-Protocol.aspx>

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372. As dredging activities may be reliant on land-based elements, such as ports and processing facilities, proposers should demonstrate how they have considered the land and sea interactions.
373. Any potential impact from dredging activities and associated disposal of sediments, may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
374. Public authorities should only authorise a proposal if they are satisfied that; waste is appropriately managed; the proposal will not have any unacceptable adverse impacts on the marine area, its ecosystem services and other marine users; and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Energy

At a glance

Energy

There is a presumption in favour of energy proposals that improve the security and diversity of energy supply, where it can be demonstrated:

- a) there will be no unacceptable adverse impact throughout the lifetime of the proposal on marine activities, uses and/or the marine area and any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated; and
- b) restoration/decommissioning measures have been agreed, where necessary.

Applies to the inshore and offshore regions

What is energy?

375. Energy, for the purposes of this Marine Plan, includes the generation and transmission of electricity (through a variety of means, including from renewable technologies, storage and interconnectors) and the exploitation and transmission of energy resources, such as oil and gas.

376. The primary energy activities that take place or have potential to take place in the marine area include:

- **Compressed Air Energy Storage (CAES)**, which is the storage of energy in the form of compressed air, in a deep underground cavern or reservoir. This compressed air can be used to balance energy supply and demand, by storing surplus energy generated from renewable technology, that can then be made available to generate electricity, at times of higher demand.
- **Renewable energy**, which is electricity generation using wind, wave and tidal resources. Wind farms in the marine area, involve the installation of turbines, inter-array cables and export cables to a substation on land. There are several different tidal turbine device designs available, depending on local tidal regimes, but most are mounted on the seabed and some are surface piercing. Similar to wind farms, they would have export cables connecting them to a substation on land.
- **Oil and gas energy**, which is the exploration and potential production of oil and gas resources. Exploration is the search for oil and gas resources, using a variety of technologies, including seismic surveying and the drilling of wells, to identify and prove commercially viable resources. Production is the extraction

of these resources using fixed production platforms, floating production and storage vessels or subsea infrastructure. The oil or gas is then exported through pipelines, to facilities on land or directly to vessels.

- **Underground gas storage**, which provides the capacity to store gas in depleted UK oil and gas fields and/or underground salt caverns. For security of supply, the stored gas can also be used to supplement supplies, if there are interruptions to imports.

377. **Energy Transmission** in the Northern Ireland marine area includes the subsea transport of electricity and gas through cables and pipelines.

Where are energy resources, activities and uses located?

378. Energy resources and infrastructure are located throughout the marine area. Specific spatial locations for different energy activities are detailed below and shown in Figure 12.

379. A proposal by Gaelectric to develop a CAES facility to the south west of Larne is currently under consideration for both planning permission (DfI) and a marine license (DAERA). The facility would be located within caverns to be constructed in underground salt beds, using solution mining.

380. Wind, wave and tidal resource zones in the marine area, have been identified in the Offshore Renewable Energy Strategic Action Plan 2012-2020¹²⁵ (ORESAP). This includes zones for potential tidal test and demonstration activity.

381. The UK and Republic of Ireland governments have agreed a Memorandum of Understanding¹²⁶ (MOU) in relation to renewable energy. The MOU sets out that each government may arrange for the lease of the seabed to facilitate the development of renewable energy installations, and for the licensing of construction and operation of such installations, up to the respective sides of the two lines defined in the MOU¹²⁷.

382. There are two pilot tidal stream demonstration projects in Strangford Lough; a quarter scale kite design prototype, operated by Minesto and a 1.2MW SeaGen tidal turbine device. The SeaGen device is currently in the process of being decommissioned.

383. The Crown Estate has awarded Agreements for Lease (AfL) to two separate consortia, to investigate tidal energy schemes, off the North Antrim coast at Torr Head and Fair Head. The Torr Head Tidal proposal has received a Marine Licence and the Fair Head Tidal proposal is under consideration for a marine licence.

¹²⁵ <https://www.economy-ni.gov.uk/articles/sustainable-energy-action-plan-2012-15>

¹²⁶ <https://www.economy-ni.gov.uk/publications/memorandum-understanding-publications>

¹²⁷ The MOU relates only to renewable energy projects and is without prejudice to the negotiation of territorial sea boundaries.

384. Wave energy technology is at a relatively early stage of development and there are no current plans to bring this forward in Northern Ireland.
385. There are currently no areas licensed for oil and gas exploration or production, at present, within the marine area.
386. An underground gas storage proposal by, Islandmagee Gas Storage, is progressing through the marine licence system. This proposal will be capable of storing up to 60 days of gas supply for Northern Ireland, in salt caverns located almost a mile beneath Larne Lough.
387. Gas is supplied, to two of the three coastal power stations, through the Scotland to Northern Ireland pipeline, which runs from the Mull of Galloway to Ballylumford. This pipeline also services Northern Ireland's natural gas network. There are two major subsea electricity interconnectors in the Northern Ireland marine area. The Moyle Interconnector runs between Islandmagee and Scotland. The Rathlin Interconnector connects Rathlin Island to the Northern Ireland electricity grid, at Ballycastle. The Western Link High Voltage Direct Current cable traverses north-south through Northern Ireland's marine area, connecting Ardneil Bay in Ayrshire, Scotland to a landfall point at Leasowe, near Liverpool in England.
388. Energy resources, such as oil and coal, are shipped into ports and harbours and specific energy facilities.

Who is this of interest to?

389. This policy is of primary interest to the energy sector and public authorities that have a decision making role. The policy also has a wider relevance for marine users and public authorities that potentially interact with the energy sector.
390. The principal public authorities for this key activity include:
- Department of Agriculture, Environment and Rural Development as the marine licensing authority for the Northern Ireland inshore region.
 - Marine Management Organisation as the marine licensing authority for the Northern Ireland offshore region.
 - District Councils as the planning authority above the low water mark.
 - The Department for Infrastructure as the planning authority above the low water mark for regionally significant and called-in applications.
 - Department for the Economy as the body responsible for developing and implementing Northern Ireland's Energy policy and, through Invest Northern Ireland, supporting economic growth in the energy sector. Also as the petroleum licensing authority in the internal waters; and, consenting authority for the construction and operation of electricity generating installations.

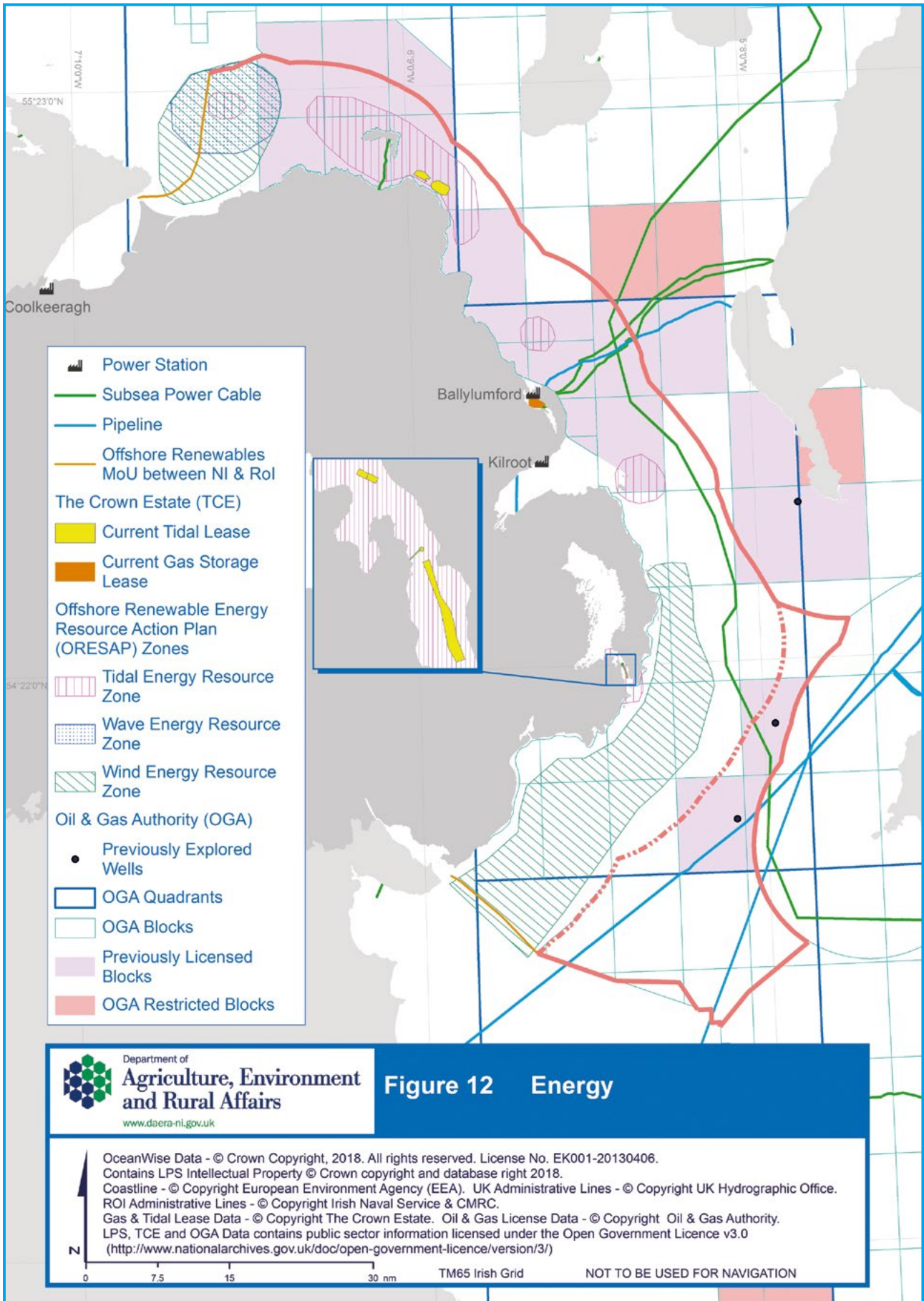
- The Northern Ireland Authority for Utility Regulation (the Utility Regulator) as the licensing authority for electricity and natural gas activities.
- Department for Business, Energy and Industrial Strategy (UK) (BEIS) which administers marine environmental regulations associated with oil and gas exploration and production and the decommissioning of marine installations, wells, pipelines and associated infrastructure, in the UK marine area (excluding internal waters).
- The Oil and Gas Authority (OGA), a government company, as the UK licensing authority for oil and gas exploration, development and production.

391. The Crown Estate has an interest as leasing authority for renewable energy and gas storage.

Why is energy important?

392. Secure, sustainable and affordable energy is of central importance to the economic and social well-being of Northern Ireland. Our dependency on external sources of energy could create uncertainty in terms of security of supply and exposes Northern Ireland to the volatility of world energy prices. While, fossil fuels will continue to be an important part of the overall energy mix, energy storage and increasing use of renewable energy technology will enhance the diversity of supply.
393. Exploring the potential of all locally produced energy sources will contribute towards energy diversity and security of supply. Renewable energy, as a low carbon energy source, can reduce carbon emissions and help achieve renewable energy targets. Energy projects can potentially stimulate business supply chains, providing opportunities for employment and skills enhancement and acting as an important economic driver. There may also be opportunities for the enhancement and growth of ports and harbours to meet the needs of a diversifying offshore energy sector.
394. The 2010, Strategic Energy Framework¹²⁸, sets out the key energy goals needed to build competitive markets, ensure security of energy supply, enhance sustainability and develop energy infrastructure to 2020.

¹²⁸ <https://www.economy-ni.gov.uk/articles/strategic-energy-framework-2010>



How is this to be achieved?

395. Public authorities, through decision making processes, will operate a presumption in favour of energy proposals, in line with this and other Marine Plan policies.
396. Proposers should submit evidence to accompany their proposal, to enable public authorities to consider the potential impacts on the marine area, its ecosystem services and the activities and users that rely on them. This should demonstrate how any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated. The evidence should be proportionate to the scale of the proposal and any potential impact on other marine uses and the marine area.
397. Potential adverse impacts, which may need to be considered by public authorities and proposers, will vary depending on the energy proposal, technology type, local conditions, ecosystems and other factors.
398. The following energy proposals may have specific impacts:
 - a. **Oil and gas:** There are a number of environmental risks and potential impacts associated with oil and gas proposals, the most notable being the risk of oil spill; noise from exploration (e.g. seismic survey); and the input of chemicals during exploration, production and decommissioning operations.
 - b. **Renewable energy:** This can potentially have adverse impacts on marine fish and mammals, primarily through construction noise, displacement of fishing activity and direct or indirect impacts on other uses of the sea, including navigation. Certain bird species may be displaced by wind turbines. Turbines also have the potential to form barriers to migration or present a collision risk for birds and bats. Foundation designs are likely to have an effect on hydrodynamics and consequent sediment movement. This includes potential scouring of sediments around the base of turbines.
 - c. **Gas and compressed air storage:** This can potentially have adverse impacts on local marine ecosystems from super saline discharges associated with the creation of underground storage caverns.
399. Ancillary elements of all energy proposals must be considered. This may include supply pipes, cables and land-based elements, such as reception and storage facilities.
400. Public authorities may require the proposer to submit a decommissioning programme or management plan for the decommissioning of the proposal and the restoration of the marine area.

401. Energy proposals can generate stakeholder concerns and proposers are strongly encouraged to engage with stakeholders at the earliest stages of concept, planning and design.
402. Any potential impact from energy proposals is likely to be assessed through other processes, such as Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
403. When assessing energy proposals, public authorities must consider the contribution that the proposal would make to the security and diversity of energy supply in Northern Ireland and the wider economy and society.
404. Public authorities should only authorise a proposal if they are satisfied that it will not have any unacceptable adverse impacts on the marine area, its ecosystem services and other marine users; and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Marine Aggregates

At a glance

Marine Aggregates

There is a presumption in favour of marine aggregate extraction proposals, where it can be demonstrated that:

- a) there will be no unacceptable adverse impact on marine activities, uses and/or the marine area and any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated; and
- b) restoration measures have been agreed, where necessary.

Applies to the inshore and offshore regions

What are marine aggregates?

405. Marine aggregates are sand and gravel deposits on the sea bed and marine aggregate extraction is the removal of these from the seabed. The extracted material can be used in the construction industry and for coastal infrastructure works.

Where are marine aggregate resources, activities and uses located?

406. There is limited data on the marine aggregate resource potential in the Northern Ireland marine area, in terms of distribution, quality and quantity. Currently, there are no areas of seabed in the Northern Ireland marine area leased or licensed for marine aggregate extraction.

Who is this of interest to?

407. This policy is of primary interest to the marine aggregates sector and public authorities that have a decision making role. The policy also has a wider relevance for marine users and public authorities that potentially interact with the aggregates sector.
408. The principal public authorities for this key activity include:
- Department of Agriculture, Environment and Rural Affairs as the marine licensing authority in the Northern Ireland inshore region.
 - District councils as the planning authority above the low water mark.
 - Department for Infrastructure as the planning authority above the low water mark for regionally significant and called in applications; and

- Marine Management Organisation as the marine licensing authority for the Northern Ireland offshore region.

409. The Crown Estate has an interest as the seabed and subsurface manager and leasing authority.

Why are marine aggregates important?

410. The policy reflects the strategically important role of marine aggregates at the UK level, as outlined in the UK MPS. Marine aggregates are currently not extracted from the Northern Ireland marine area. However, this does not discount the potential for future extraction.

How is this to be achieved?

411. Public authorities, through decision making processes, will operate a presumption in favour of marine aggregate extraction, in line with this and other Marine Plan policies.

412. Proposers are required to submit evidence to accompany their proposal, to enable public authorities to consider the potential impacts on the marine area, its ecosystem services and the users that rely on them. This should include, how any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated and where appropriate, the restoration measures for the extraction site. The evidence required, should be proportionate to the scale of the proposal and any potential impact on other marine uses and the marine area.

413. Potential adverse impacts that may need to be considered by public authorities and proposers will vary depending on the local conditions, ecosystems and other factors but may include: changes to the hydrodynamic regime that may alter coastal processes¹²⁹; interference with other marine activities and uses; impacts on designated sites or proposed sites for designation; loss of seabed habitat and heritage assets; impacts on fisheries and secondary impacts on marine life and habitat associated with sediment plumes; disturbance of fish spawning, migration routes, nursery and overwintering areas; risks associated with overspills from dredging vessels; impacts on geodiversity and increases in marine noise.

414. As marine aggregate activity is reliant on land-based elements, such as ports, storage areas and processing facilities, proposers should demonstrate how they have considered the land and sea interactions.

¹²⁹ Best practice guidance for assessment, evaluation and monitoring of the possible effects of marine aggregate extraction on coastal processes is available from: http://www.bmapa.org/documents/BMAPA_TCE_Good_Practice_Guidance_04.2017.pdf

415. Any potential impact from marine aggregate activity may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
416. Public authorities should only authorise a proposal if they are satisfied that the proposal will not have any unacceptable adverse impacts on the marine area, its ecosystem services and other marine users; and, that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Ports, Harbours and Shipping

At a glance

Proposals with the potential to impact on navigational safety.

Public authorities must not authorise proposals that would interfere with navigational safety.

Proposals with the potential to impact on shipping

Public authorities must consider any potential impact from proposals on shipping activity and freedom of navigation.

Where a proposal has the potential to adversely impact on shipping activity and/or freedom of navigation, a public authority will require the proposer to demonstrate:

- a) that adverse impact is avoided; or
- b) where adverse impact is unavoidable, it is minimised and where appropriate, mitigated; or
- c) where adverse impact cannot be avoided or minimised, it is mitigated.

If it is not possible to avoid, minimise and/or mitigate any adverse impact, a proposal will only be allowed where the public benefit clearly outweighs the adverse impact.

Ports and Harbours

There is a presumption in favour of port and harbour proposals, where it can be demonstrated that there will be no unacceptable adverse impact on marine activities, uses and/or the marine area; and any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated.

Applies to the inshore and offshore regions but does not apply to tidal rivers beyond the upstream limits of a harbour authority.

What are ports, harbours and shipping?

- 417. Ports and harbours are regionally important infrastructure serving as gateways for the movement of goods and people by sea.
- 418. The Northern Ireland marine area is intensively used by shipping to access ports and harbours in Northern Ireland and by global maritime traffic traversing the marine area.

Where are ports, harbours and shipping activities and uses located?

Shipping:

419. There is an International Maritime Organization (IMO) Traffic Separation Scheme located at the western approaches to the North Channel, as shown in Figure 13.
420. Areas of intensive shipping activity primarily occur on the approaches to ports and harbours, along ferry routes to Great Britain, within the North Channel and off the County Down coast. Areas of intensive shipping activity are shown in Figure 13 and by vessel type in Figures 14a and 14b.
421. Defined approaches and maintained channels (see dredging section) are established within harbour areas, to allow for safe navigation.
422. Throughout the marine area, there are aids to navigation (AtoN), such as lighthouses, buoys and telecommunications equipment. These aids, together with areas such as anchorages and pilot boarding places, play an essential role in maintaining the safety of maritime traffic.

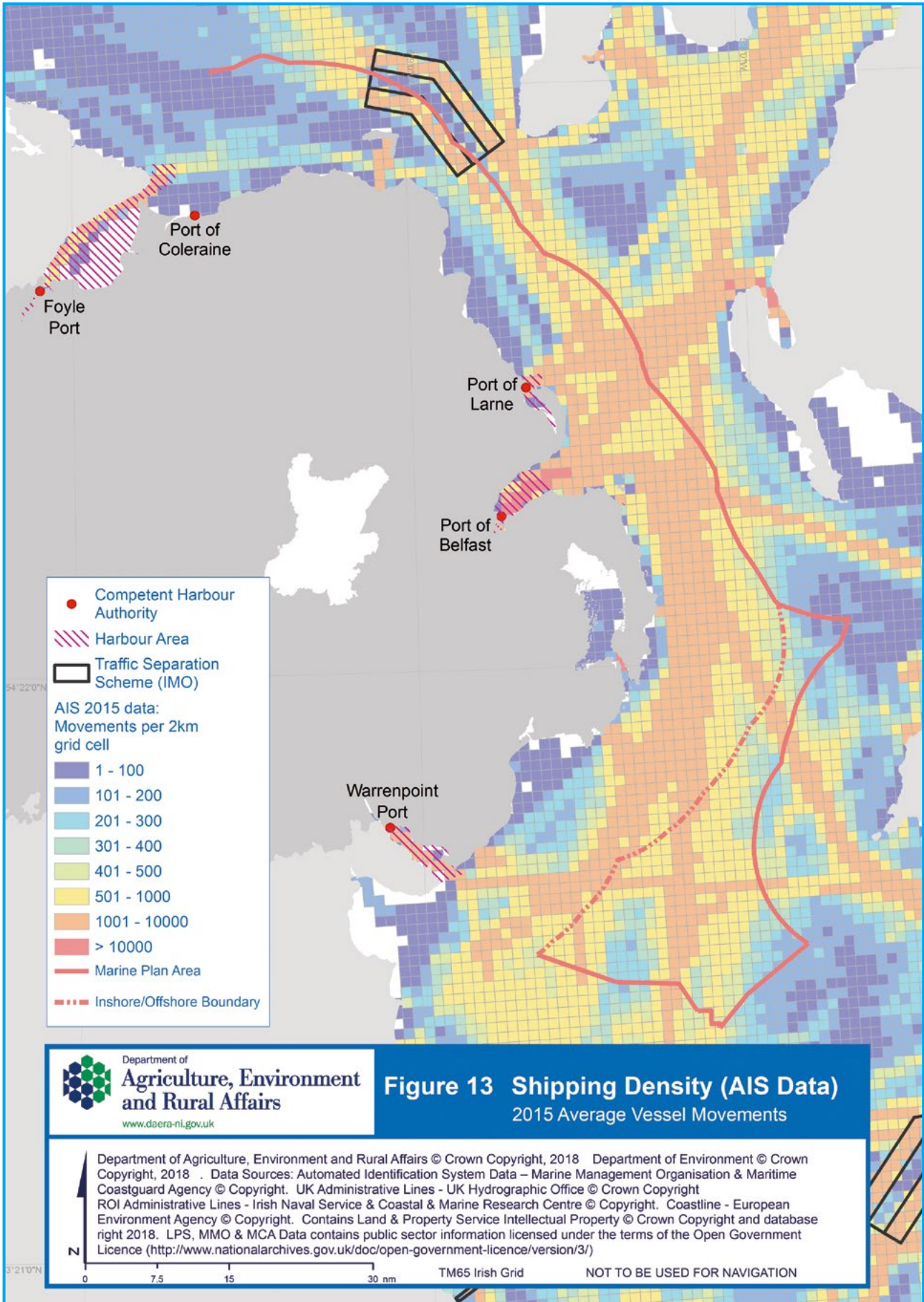
Ports and Harbours:

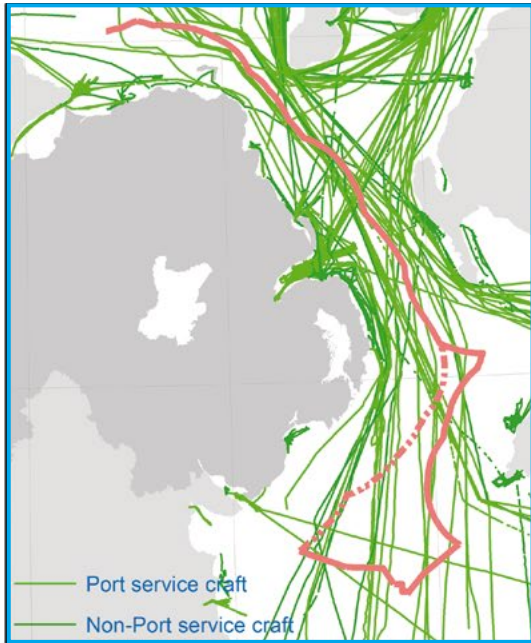
423. There are 44 ports and harbours in Northern Ireland, 28 of which are designated as Statutory Harbour Authorities and five are Competent Harbour Authorities (i.e. they provide pilotage). Commercial port activity takes place at the five competent harbour authorities; the four trust ports of Belfast, Foyle, Coleraine and Warrenpoint, and one in private ownership at Larne.
424. In addition to our commercial ports, there are three main fishing ports at Kilkeel, Portavogie and Ardglass, which are managed by the Northern Ireland Fishery Harbour Authority (see Fisheries section for further information).

Who is this of interest to?

Shipping:

425. The policy requires public authorities and proposers to consider the impact of proposals on shipping.
426. The principal public authorities with a responsibility for safe navigation include:
 - Harbour Authorities;
 - Commissioners of Irish Lights; and,
 - Maritime and Coastguard Agency/Department for Transport as responsible authority for the Port Marine Safety Code.





Service Craft



High Speed Craft



Passenger Vessels



Recreational Vessels

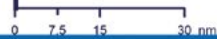


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Figure 14a Shipping Activity by Vessel Type

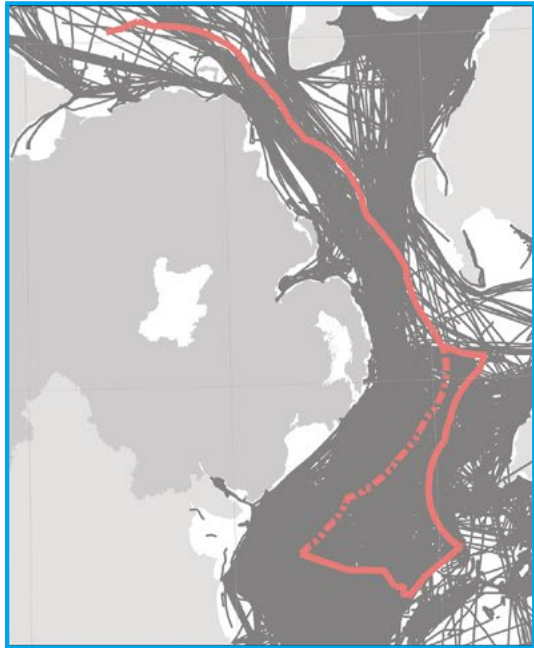


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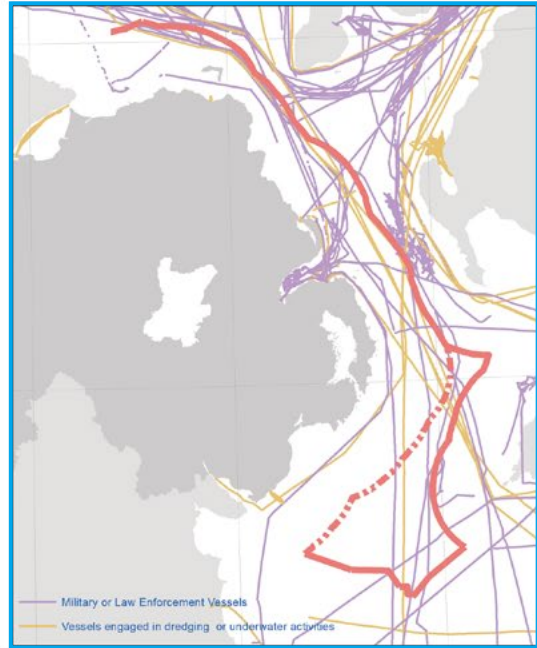


TM65 Irish Grid

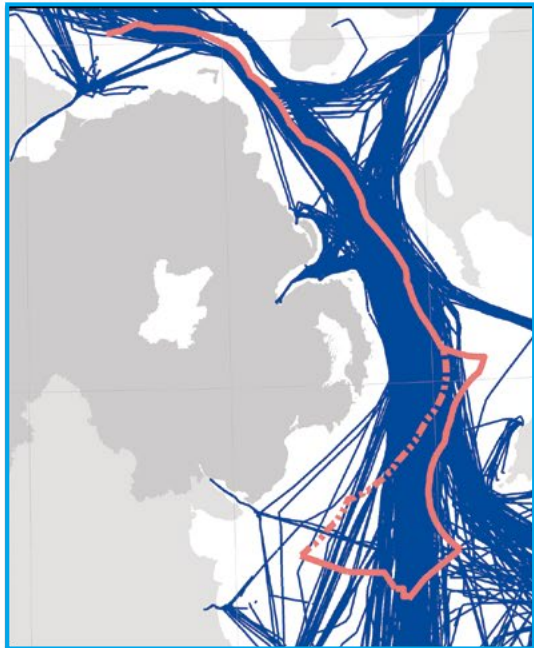
NOT TO BE USED FOR NAVIGATION



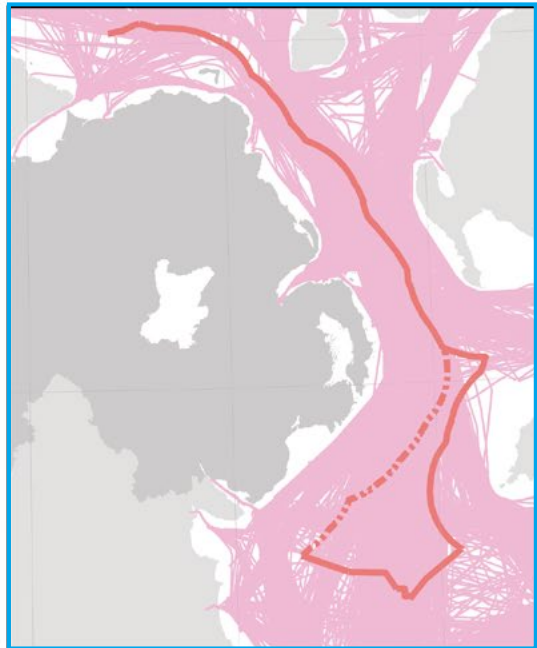
Fishing Vessels



Military/Law Enforcement & Dredging/Underwater Activities



Tankers



Cargo Vessels



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Figure 14b Shipping Activity by Vessel Type



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Data Sources: AIS Data – Composite plot of AIS-A and AIS-B data in 2015, reproduced with permission of the Maritime Coastguard Agency and Marine Management Organisation © Crown Copyright. UK Administrative Lines - UK Hydrographic Office © Crown Copyright ROI Administrative Lines - Irish Naval Service & Coastal & Marine Research Centre © Copyright Coastline - European Environment Agency © Copyright
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TM65 Irish Grid

NOT TO BE USED FOR NAVIGATION

Ports and Harbours:

427. This policy is of primary interest to the ports and shipping sector and public authorities that have a decision making role. The policy also has a wider relevance for marine users and public authorities that potentially interact with the ports and harbour sector.
428. The principal public authorities for this key activity include:
- Department for Infrastructure as responsible authority for the ports and harbour sector and as the planning authority above the low water mark for regionally significant proposals and called-in proposals.
 - Northern Ireland Fisheries Harbour Authority, which manages the fishing ports of Ardglass, Kilkeel and Portavogie on behalf of the Department of Agriculture, Environment and Rural Affairs.
 - Department of Agriculture, Environment and Rural Affairs as the marine licensing authority in the Northern Ireland inshore region.
 - Marine Management Organisation as marine licensing authority for the Northern Ireland offshore region.
 - District Councils as the planning authority above the low water mark; and
 - Maritime and Coastguard Agency (Department for Transport (UK)) as the responsible authority for the Port Marine Safety Code.

Why are ports, harbours and shipping important?

429. Northern Ireland is dependent on the sea for trade and its ports and harbours serve as international gateways. Overall, the maritime sector accounts for approximately 2.7 per cent of the local economy and 2.2 per cent of employment. The total tonnage through Northern Ireland ports in 2016 was 26.6 million tonnes. Ports and harbours also serve as gateways for oil, gas and coal imports, to meet Northern Ireland's energy needs.
430. Ports and harbours are important for the movement of people, with approximately two million domestic sea passengers passing through ports and harbours each year, mainly on car ferries to and from Scotland, England and the Isle of Man.
431. Local ferry services, such as those provided between Rathlin-Ballycastle, and Strangford-Portaferry can help reduce social isolation, provide access to services and employment and provide connectivity for tourism, with associated economic benefits.

How is this to be achieved?

Shipping and Navigation:

432. Navigational safety is of paramount importance. Public authorities must consider shipping activity¹³⁰ and freedom of navigation¹³¹, through decision making processes, and must not authorise proposals that would interfere or impede with navigational safety.
433. Amongst other considerations, public authorities should note that:
- Interference with the functioning of the IMO Traffic Separation Scheme is unlikely to be acceptable¹³²;
 - Interference with the functioning of maintained navigation channels and approaches to ports and harbours is unlikely to be acceptable,
 - Interference with safe navigation, in areas of intensive shipping activity, will normally be unacceptable and,
 - Interference with the operation of aids to navigation will normally be unacceptable (this may include land-based proposals).
434. Other considerations can include: the intensity of shipping activity; the type of vessel; a vessel's ability to manoeuvre; the risks associated with cargo types; the disruption to shipping activity¹³³; and, whether impacts are permanent or temporary.
435. When a proposal has the potential to impact on navigational safety, the public authority will require the proposer to submit a Navigation Risk Assessment, in line with best practice.
436. In assessing proposals that have the potential to impact on navigational safety, public authorities will consult with the relevant authorities, such as the Maritime and Coastguard Agency, Harbour Authorities and the Commissioners of Irish Lights.
437. When a proposal has the potential to adversely impact on shipping activity and freedom of navigation, the public authority will require the proposer to demonstrate that any potential adverse impacts have been considered and measures included to, in order of preference, avoid, minimise and/or mitigate such impacts. If it is not possible to avoid, minimise and/or mitigate the adverse impacts, the proposer

¹³⁰ For the purpose of this policy shipping is taken to mean vessels of all sizes and includes all commercial, civic, military, fishing and private vessels including recreational vessels.

¹³¹ Freedom of navigation (FON) is a principle of international law that, apart from the exceptions provided for in international law, ships flying the flag of any sovereign state shall not suffer interference from other states. This right is codified as article 87(1) a of the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

¹³² This would include proposals such as development incorporating static sea surface infrastructure or which would significantly reduce under-keel clearance.

¹³³ Such as increased travelling time, fuel consumption and associated greenhouse gas emissions.

should clearly demonstrate that the public benefit of the proposal clearly outweighs the adverse impacts.

438. The impacts on shipping activity may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment and/or Strategic Environmental Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
439. A public authority should only issue consent if they are satisfied that the proposal will not adversely impact on navigational safety or have an unacceptable impact on shipping activities and freedom of navigation; and the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Ports and Harbours:

440. Public authorities, through decision making processes, will operate a presumption in favour of ports and harbour proposals, in line with this and other Marine Plan policies.
441. Proposers should submit evidence to accompany their proposal, to enable public authorities to consider the potential impacts on the marine area, its ecosystem services and the users that rely on them. This evidence should demonstrate how any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated. The evidence should be proportionate to the scale of the proposal and any potential impact on other marine uses and the marine area.
442. Potential adverse impacts that may need to be addressed within any assessment include those associated with the construction phase and from the operational phase and will vary depending on the local conditions, ecosystems and other factors. These may include: impacts to coastal processes (including local hydrodynamic and sedimentary regimes); loss of intertidal habitats; disturbance of historical contamination during capital works; impacts on migratory and juvenile fish; impacts on important bird populations and impacts on heritage assets.
443. Particular regard must be given to sensitive areas, such as, Protected Areas for shellfish production, Marine Protected Areas and statutorily protected harbours¹³⁴. DAERA's Environmental Guidance for Ports and Harbours¹³⁵ provides advice on how to minimise the impacts on the environment.

¹³⁴ Protected under the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 or listed under the Planning (Northern Ireland) Act 2011.

¹³⁵ <https://www.daera-ni.gov.uk/publications/environmental-guidance-ports-and-harbours>

444. Where a port has worked with stakeholders to produce a Master Plan¹³⁶, public authorities will take this into account.
445. Any potential impact from port and harbour proposals, may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
446. When assessing port and harbour proposals, public authorities must consider the contribution that the proposal would make to the national, regional or local need for the infrastructure, against expected adverse effects including cumulative impacts.
447. Public authorities should only authorise a proposal, if they are satisfied that it will not have any unacceptable adverse impacts on the marine area, its ecosystem services and other marine users; and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

¹³⁶ Port master planning is designed to provide an objective basis for ports to engage with local stakeholders, including public authorities to help co-ordinate medium-term planning of the port. Further information at: <https://www.infrastructure-ni.gov.uk/publications/guidance-preparation-port-master-plans>

Telecommunications Cabling

At a glance

Telecommunications Cabling

There is a presumption in favour of subsea telecommunication proposals where it can be demonstrated:

- a) there will be no unacceptable adverse impact on marine activities, uses and/or the marine area and any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated;
- b) consideration has been given to burial of cables as a preferred option; and
- c) restoration measures have been agreed, where necessary.

Applies to the inshore and offshore regions

What is telecommunication cabling?

448. Subsea telecommunication cables are a means to transmit telephone, internet and data traffic to, from and via Northern Ireland. This section does not include cabling for electrical transmission, which is detailed in the Energy section of the Marine Plan.

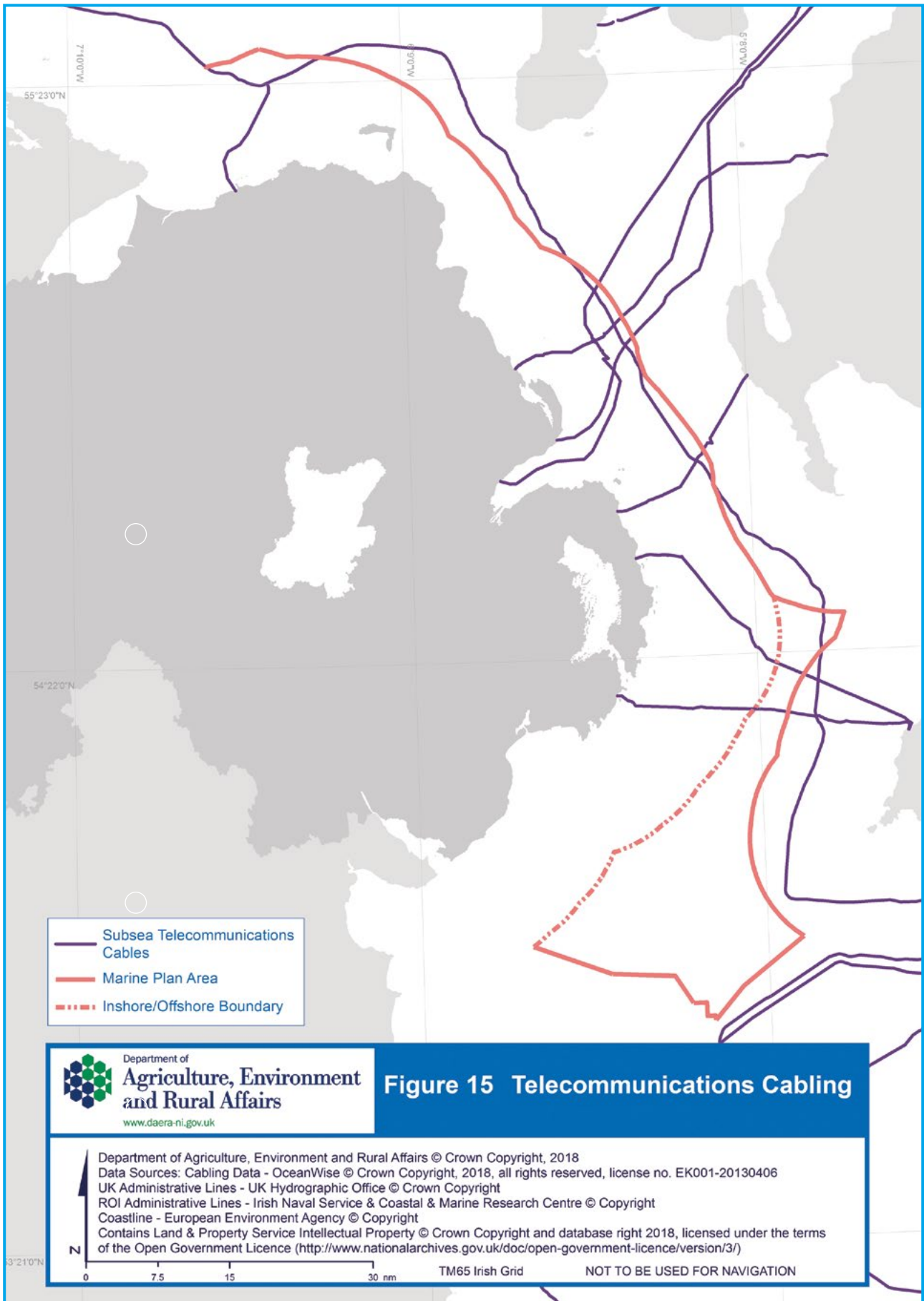
Where are telecommunication cables activities and uses located?

449. There are a total of seven subsea telecommunication cables in the Northern Ireland marine area. The majority of the cables make landfall on the East Coast. Five connect Northern Ireland to Great Britain and two connect to the Isle of Man. At Portrush on the North Coast, the Northern Ireland branch of the, Hibernia fibre optic cable, enters the marine area, as it continues out to join the main Hibernia cable, which runs between England and the United States of America.

450. Subsea telecommunication cables are shown in Figure 15.

Who is this of interest to?

451. This policy is of primary interest to the subsea telecommunication cable sector and public authorities that have a decision making role. The policy also has a wider relevance for marine users and public authorities that potentially interact with the subsea telecommunication cable sector.



452. The principal public authorities for this key activity include:
- Department of Agriculture, Environment and Rural Affairs as the marine licensing authority for the Northern Ireland inshore region and as the discharge consenting authority.
 - District Councils as the planning authority above the low water mark; and
 - The Department for Infrastructure as the planning authority above the low water mark for regionally significant and called-in applications.
453. The Crown Estate has an interest as the seabed owner and leasing authority for cables within 12nm.
454. Responsibility for subsea telecommunications is a retained function. The Department for the Economy is committed to working with the UK authorities and telecommunications sector to ensure that Northern Ireland remains globally competitive.

Why is telecommunication cables important?

455. In Northern Ireland, subsea telecommunication cables are critical infrastructure, providing vital links for society and businesses to access international telecommunications services. This sector is important for the development of a knowledge-based economy and essential for the continued economic and social well-being of Northern Ireland.

How is this to be achieved?

456. Public authorities, through decision making processes, will operate a presumption in favour of subsea telecommunication cable proposals, in line with this and other Marine Plan policies.
457. Proposers should submit evidence to accompany their proposal to enable public authorities to consider the potential impacts on the marine area, its ecosystem services and the users that rely on them. This should demonstrate how any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated, including burial of cables as a preferred option. The evidence should be proportionate to the scale of the proposal and any potential impact on other marine uses and the marine area.
458. Potential adverse impacts, that may need to be considered by public authorities and proposers, will vary depending on the local conditions, ecosystems and other factors. Impacts from cable installations on the seabed are generally low and spatially limited and tend to occur due to the physical disturbance involved during placement. The main impact will be: where cable protection, for example, rock armour or concrete mattresses, is required; where cable burial is not feasible;

and potentially, in the intertidal area, where the cable lands. Impacts may also occur if the cable runs through any site designated for nature or cultural heritage conservation importance or other sensitive areas, such as, designated shell fisheries, spawning or nursery grounds for economically important fish species. Other potential impacts could include disturbance to known or undiscovered archaeological sites. Conversely, consideration should also be given to potential damage to cables from other marine activities and uses.

459. As subsea telecommunication cables are reliant on land-based elements, such as landing stations, proposals should demonstrate how these have been considered.
460. Any potential impact from telecommunication proposals may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
461. Public authorities should only authorise a proposal if they are satisfied that the proposal will not have any unacceptable adverse impacts on the marine area, its ecosystem services and other marine users; and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Tourism and Recreation

At a glance

Tourism and Recreation

There is a presumption in favour of tourism and recreation proposals, where it can be demonstrated:

- a) there will be no unacceptable adverse impact on marine activities, uses and/or the marine area and any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated; and
- b) legitimate public access to the marine and coastal area is retained.

Applies to the inshore and offshore regions

What is tourism and recreation?

462. Tourism, in the context of the Marine Plan, includes tourists and visitors taking part in active and passive leisure and holiday pursuits or journeys in the marine area and adjacent coastline. Recreation is a collective name for a wide range of activities or pursuits that are undertaken by local people, tourists and day visitors.
463. Tourism and recreational activities and pursuits can include cruising, pleasure boating, sailing, recreational diving, sea angling, kayaking, sea bathing, surfing, wildlife watching, walking, geotourism and exercising and the general enjoyment of beaches, the seashore, and heritage assets. Northern Ireland's coastal areas boast world-famous golf courses that regularly feature in the Top 20 World Rankings and are hosts to major global events. Coastal areas may also host a number of maritime themed events, artistic and cultural activities and food-based tourism.

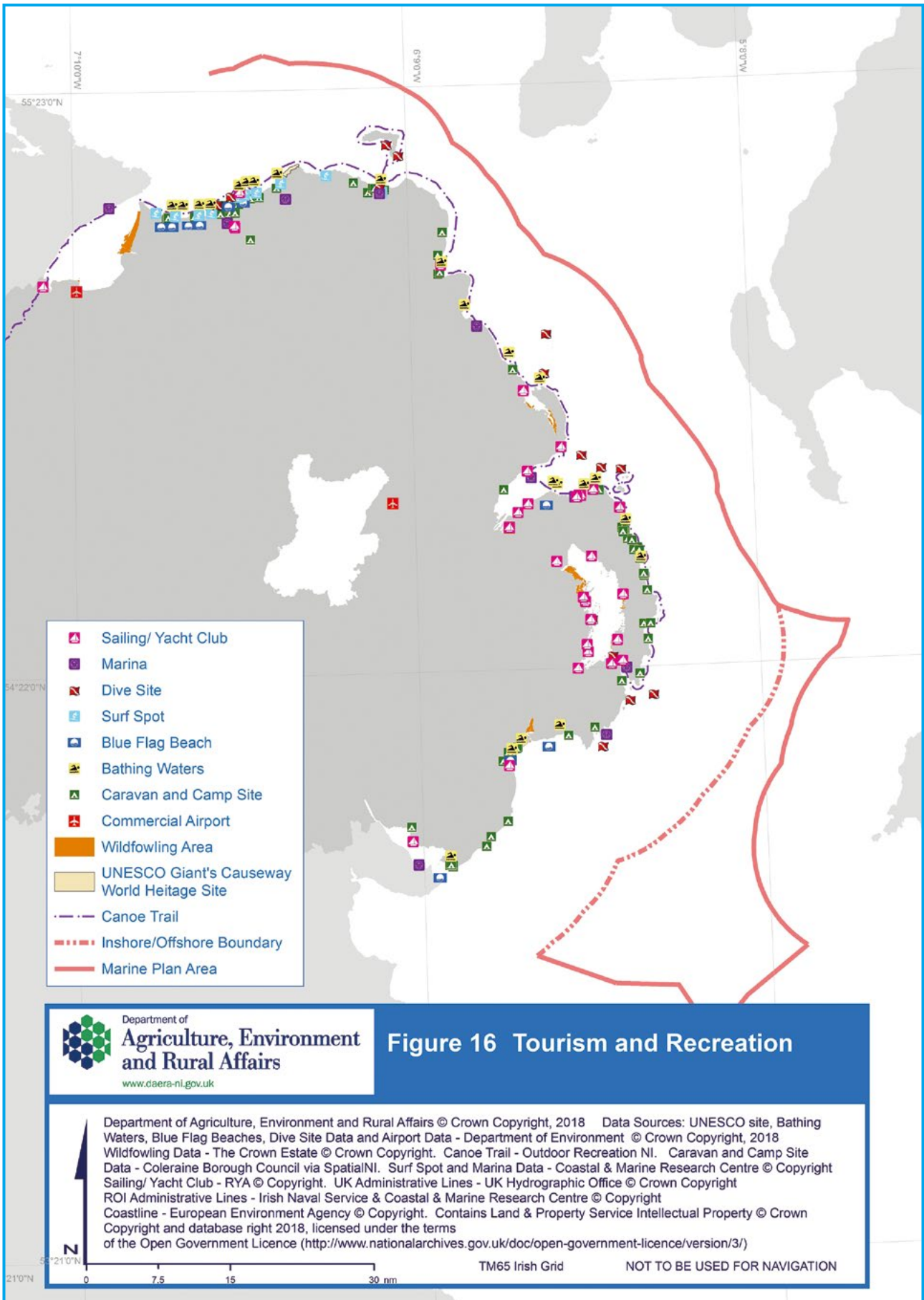
Where are tourism and recreation resources, activities and uses located?

464. The coastal area is a key element of Northern Ireland's appeal as a tourism destination and an integral part of the visitor experience and is promoted through activity tourism, golf tourism, world renowned attractions and coastal routes. This includes the Causeway Coastal Route; and three of the top four visitor attractions in 2016; namely the Carrick-a-Rede Rope Bridge, the Giant's Causeway, which is a UNESCO World Heritage site and the iconic Titanic Belfast, which traces the maritime heritage of the city. Water sports and sea angling (both boat and shore) are popular activities along the entire coastline and in the marine area. Boating is well established, with a network of sailing clubs and marinas. Throughout the marine area, there are a number of heritage and natural features that support sub-aqua diving.

465. Surfing principally occurs on the North Coast, which hosts national and international surfing competitions. Wind surfing and kite surfing are popular along the County Down coast and within Strangford Lough.
466. The majority of cruise ships visiting Northern Ireland, berth at Belfast Port with small cruise vessels using Foyle Port and harbours, such as, Portrush and Warrenpoint.
467. Recreational beaches are located around the entire coast. There are 23 beaches identified as, bathing waters, under the EU Water Framework Directive, however all beaches can have a tourism and recreational value.
468. Some marine related tourism and recreational interests are shown in Figure 16.

Who is this of interest to?

469. This policy is of primary interest to the tourism and recreation sector and public authorities that have a decision making role. The policy also has a wider relevance for marine users and public authorities, who potentially interact with the tourism and recreation sector.
470. The principal public authorities for this key activity include:
- Department of Agriculture, Environment and Rural Affairs as the marine licensing authority in the Northern Ireland inshore region. The Department monitors and manages bathing water quality, liaising with Keep Northern Ireland Beautiful and beach operators. The Department also has responsibility for inland fisheries.
 - Department for Infrastructure as the planning authority above the low water mark for regionally significant and called-in proposals. It also has responsibility for inland waterways.
 - Marine Management Organisation as the marine licensing authority for the Northern Ireland offshore region.
 - District Councils as the planning authority above the low water mark and in their capacity for local tourism. District Councils are large coastal land owners, which includes many recreational beaches.
471. The Crown Estate may have an interest as the seabed and subsurface manager and leasing authority.



472. The Department for the Economy is responsible for tourism policy and is the sponsoring Department for Tourism Northern Ireland (TNI)¹³⁷. TNI is responsible for the development of tourism and the marketing of Northern Ireland within both Northern Ireland and the Republic of Ireland. Tourism Ireland markets Northern Ireland in Great Britain and the rest of the world.
473. The Loughs Agency plays a key role in the marketing and promotion of the Foyle and Carlingford Areas through the development of marine tourism, angling, education and outreach programmes.
474. The Department for Communities has a responsibility for arts, culture and sport. It is also the sponsoring body of Sport NI, which is the leading public body for the development of sport in Northern Ireland.
475. Waterways Ireland manages, maintains, develops and promotes the Lower Bann, upstream from the Millennium Bridge in Coleraine, as a navigable waterway principally for recreational purposes.

Why is tourism and recreation important?

476. Northern Ireland's marine area, its coastal waters, sea loughs and scenic shorelines are important components of the overall tourism and recreation sector. Tourism is a key driver of the Northern Ireland economy. In 2016, there were an estimated 4.6 million overnight trips taken, with an estimated associated expenditure of £851 million. The most recent, NI Census of Employment, figures (2015) estimate that there are 61,300 employee jobs in tourism related industries. Recreational activities and their associated facilities, generate income in coastal areas, support local businesses and improve the health and well-being of coastal communities.
477. A healthy, attractive and well maintained marine and coastal area, that showcases Northern Ireland's iconic landscapes and features, is essential to recreational and tourism related activities and their future growth.
478. Europe's Blue Growth Initiative, reflects the desire to promote the sustainable growth of the coastal tourism sector, including the recreational opportunities. The importance of tourism is also reflected in the draft Programme for Government 2016 - 21. This is supported by the Regional Development Strategy 2035, that promotes a sustainable approach to the provision of tourism infrastructure

How is this to be achieved?

479. Public authorities, through decision making processes, will operate a presumption in favour of tourism and recreation proposals, in line with this and other Marine Plan policies.

¹³⁷ <http://nitb.com>

480. Proposers should submit evidence to accompany their proposal, to enable public authorities to consider the potential impacts on the marine area, its ecosystem services and the users that rely on them. This should demonstrate how any potential adverse impact is, in order of preference, avoided, minimised and/or mitigated. The evidence should be proportionate to the scale of the proposal and any potential impact on other marine uses and the marine area.
481. Potential adverse impacts that may need to be considered by public authorities and proposers will vary depending on the local conditions, ecosystems and other factors. This may include: any adverse impact on heritage assets; the removal of species and plants; the physical and visual disturbance of wildlife; pollution to water from sources, such as, surface runoff or recreational boating; litter; pressure from increased visitor numbers, particularly in sensitive areas and the introduction and spread of invasive alien species.
482. Where a proposal has the potential to have a significant impact, due to the nature of the proposal or the sensitivity of the area, the public authority may require the proposer to submit a management plan, addressing specific impacts.
483. Proposals, such as a marina or extensive hard surfacing, may directly or indirectly increase the potential for water pollution; therefore public authorities and proposers must take account of River Basin Management Plans.
484. As tourism or recreation in the marine area and along the coast is reliant on land-based elements, proposers must demonstrate how they have considered the land and sea interactions.
485. Public authorities and proposers must consider how legitimate public access to the marine and coastal area is retained.
486. Any potential impact from tourism and recreational proposals may be assessed through other processes, such as a Sustainability Appraisal, Environmental Impact Assessment, Strategic Environmental Assessment and/or Habitats Regulations Assessment. In such instances, these may satisfy the evidence requirements of this policy and duplication is not necessary.
487. Public authorities should only authorise a proposal if they are satisfied that it will not have any unacceptable adverse impacts on the marine area, its ecosystem services and other marine users; and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

Monitoring and Review

Monitoring and Review

488. The MCAA and the Marine Act require the Marine Plan to be reviewed at 3-yearly intervals, at which time the Marine Plan Authority will decide whether or not to amend or replace the Marine Plan.
489. In addition, the MCAA and the Marine Act require the Marine Plan Authority to lay 6-yearly reports in the Assembly, the first of these, 6 years after their dates of passing. The reports will describe any intention to amend any of the existing Marine Plans or any intention to prepare and adopt any further Marine Plans. These reports have been consolidated, and a single report was laid in the Assembly in November 2015. This will have the additional advantage of consolidating the otherwise two 6-yearly dates for subsequent reports up to January 2030.
490. Whilst the legislation prescribes review dates, the Marine Plan is intended to be an iterative process, with matters continually being kept under review.
491. Whilst the Marine Plan Authority is responsible for preparing the Marine Plan, the public authorities with responsibilities in the marine area are involved in implementing the policies and helping to achieve the objectives contained within it, through a wide range of decision making processes.
492. During the lifetime of the Marine Plan, the Marine Plan Authority is required to keep under review, matters, which may affect the Marine Plan's content or effectiveness.
493. Monitoring of the Marine Plan will provide valuable information for the required reporting and review, and consists of two elements:
- monitoring how well the content of the Marine Plan has been taken forward through decision making processes; and
 - Monitoring the effects and effectiveness of the policies within the Marine Plan, in securing objectives.
494. Monitoring the decision making process, will provide the Marine Plan Authority with information on general awareness of the Marine Plan; whether the Marine Plan is being implemented as intended; and whether policies need to be refined or new policies developed. In monitoring the effect and effectiveness of the Marine Plan, an indicator based approach will be developed to measure wider economic, environmental and social outcomes and define the relationships between objectives, policies and these outcomes. In order to assess, the effects and effectiveness of the Marine Plan, all public authorities will have a responsibility to provide evidence to the Marine Plan Authority. To minimise duplication, monitoring will draw upon existing monitoring programmes or data.

495. Monitoring of the Marine Plan will also be informed by information contained within the Sustainability Appraisal Report and the HRA Screening report. Monitoring of the Marine Plan will be overseen by the Inter-Departmental Marine Co-ordination Group and will involve consultation with public authorities and others with an interest in the marine area. The Marine Plan Authority will assess all feedback, and this will inform recommendations to amend or replace the Marine Plan.



Annexes

Annex A - C

Annex A: Marine Plan Assessments

Sustainability Appraisal

- Ax 1. The MCAA and the Marine Act require that a Sustainability Appraisal (SA) of the proposals for inclusion in the Marine Plan, is carried out. In undertaking an SA, the requirements of Directive 2001/42/EC on the assessment of certain plans and programmes on the environment, more commonly known as, the Strategic Environmental Assessment (SEA) Directive, are also addressed.
- Ax 2. The SA promotes sustainable development through the integration of economic, environmental and social considerations in the preparation of the Marine Plan.
- Ax 3. The SA process has been undertaken by consultants (AECOM) acting on behalf of DAERA, the Marine Plan Authority, and the report of the results of the appraisal is published along with this Marine Plan. The SA Report indicates that it is appropriate to proceed with the publication of the Marine Plan for public consultation.

Habitats Regulations Assessment

- Ax 4. The Marine Plan has been screened as part of the Habitats Regulations Assessment process, in accordance with the requirements of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 and amending regulations (which transpose the EU Habitats Directive 92/43/EEC).
- Ax 5. The HRA process has been undertaken by consultants (ABP Mer commissioned by AECOM) acting on behalf of DAERA, the Marine Plan Authority. The associated reports are published along with this Marine Plan. The results of the screening exercise have shown that an Appropriate Assessment of the Marine Plan is not required.

Equality and Human Rights Screening Exercise

- Ax 6. The Marine Plan has been subject to an equality and human rights screening exercise in line with statutory obligations, contained in Section 75 of the Northern Ireland Act 1998 and the Human Rights Act 1998. The outcome of this exercise indicates that a full Equality Impact Assessment is not required and that there is no potential adverse impact, in relation to human rights issues.

Partial Regulatory Impact Assessment

Ax 7. A partial Regulatory Impact Assessment (RIA) has been carried out for the Marine Plan by assessing any potential positive or negative economic impacts on business sectors, including charitable, voluntary and social enterprise sectors.

Rural Needs Impact Assessment

Ax 8. The Marine Plan has also been subject to a Rural Needs Impact Assessment in line with the Rural Needs Act (Northern Ireland) 2016.

Annex B: Responsibilities within the Northern Ireland Marine Area

Northern Ireland Public Authorities

Ax 9. The Department of Agriculture, Environment and Rural Affairs - Marine and Fisheries Division, the Loughs Agency and the Agri-Food and Biosciences Institute (AFBI) have primary responsibility for the monitoring and assessment of our marine area

Ax 10. **The Department of Agriculture, Environment and Rural Affairs¹³⁸ (DAERA)** has a wide range of responsibilities in the marine area. This includes:

- a. As the marine plan authority for the Northern Ireland inshore and offshore regions;
- b. As the marine licensing authority for the Northern Ireland inshore region;
- c. As a statutory nature conservation body for the inshore region and terrestrial environment, through the Marine & Fisheries Division and The Northern Ireland Environment Agency (NIEA);
- d. As the lead authority in managing fisheries and aquaculture in both the inshore and offshore regions;
- e. Sponsoring Department of the NI Fishery Harbour Authority¹³⁹, a Non-Departmental Public Body, which manages the fishing ports of Ardglass, Kilkeel and Portavogie;
- f. Co-Sponsor Department of the Foyle, Carlingford and Irish Lights Commission, which contains the Loughs Agency;
- g. The conservation and protection of salmon and inland fisheries, with scientific support provided by Agri-Food and Biosciences Institute (AFBI);
- h. Implementing international, EU and national legislation along with promoting, protecting and sustaining Northern Ireland's coastal waters against pollutants, including from radioactive sources; and
- i. The Department works with the Department for Communities, the statutory authority on conservation and protection of cultural heritage.

¹³⁸ <http://www.daera-ni.gov.uk>

¹³⁹ <http://www.nifha.co.uk>

Ax 11. **The Department for the Economy**¹⁴⁰ (**DfE**) is responsible for energy policy in Northern Ireland, with the exception of nuclear energy. The Department has licensing powers for oil and gas exploration, both onshore and in internal waters e.g. the area of water landward of the bay closing lines, such as, Belfast Lough and Larne Lough. The Department for the Economy is also responsible for ensuring the development of modern telecommunications infrastructure, with associated underground and undersea cables. Telecommunications is a retained function and the Department has no legislative role, however, it works with the telecommunications sector to ensure that Northern Ireland remains globally competitive. It also has responsibility for the development of tourism.

Ax 12. **The Department for Infrastructure**¹⁴¹ (**DfI**) is responsible for:

- a. The production of the Regional Development Strategy and regional planning policy. It is also the terrestrial planning authority for regionally significant and called-in planning applications.
- b. Policy on water and sewerage services, ports policy, and the legislative framework within which ports operate in Northern Ireland (excluding the fishing ports for which DAERA is the responsible authority).
- c. The management of the Department's shareholder interest in Northern Ireland Water Ltd¹⁴²; and
- d. the implementation of the Floods Directive, and the construction and maintenance of designated sea flood defences.

Ax 13. **The Department for Communities**¹⁴³ (**DfC**) is the statutory body responsible for the conservation and protection of the historic environment, and is the consenting authority for works on monuments and listed structures. DAERA responds to consultations and provides advice and guidance on the marine historic environment, on behalf of the Department for Communities. The Department for Communities also has responsibility for the impounded stretch of the River Lagan between Stranmillis Weir and the M3 road-bridge. The Department owns the bed and soil of the River Lagan Impoundment and has operational and navigational responsibilities within this area.

Ax 14. **District Councils**¹⁴⁴ have a wide and varied responsibility in the marine area. Functions include (but are not limited to) food safety, planning, tourism, recreation and waste management. Many district councils are significant land owners and land managers, and also own and manage marina and harbour facilities.

¹⁴⁰ <https://www.economy-ni.gov.uk/>

¹⁴¹ <https://www.infrastructure-ni.gov.uk/>

¹⁴² <https://www.niwater.com>

¹⁴³ <https://www.communities-ni.gov.uk/>

¹⁴⁴ <http://www.nidirect.gov.uk/local-government>

Ax 15. **The Utility Regulator**¹⁴⁵ is the independent Non-Ministerial Government Department responsible for regulating Northern Ireland's electricity, gas, water and sewerage industries, to promote the short and long-term interests of consumers.

UK Public Authorities

Ax 16. UK Government Departments also exercise responsibilities in Northern Ireland's marine area including defence, oil and gas exploration and production, shipping, licensing and permitting regimes and European and international relations. In addition, the Crown Estate has a role as the seabed and subsurface manager and leasing authority in UK Territorial Waters, off the Northern Ireland coast and over half of the intertidal area.

Ax 17. **Ministry of Defence**¹⁴⁶ (**MoD**) provides military defence and, where appropriate, security for the people of the UK and Overseas Territories. UK waters are a crucial environment in which MoD must maintain and deploy operational capability. The MoD has the power to regulate sea areas and restrict use, either temporarily or permanently, by making byelaws under the provisions of the Military Lands Acts 1892 and 1900 and the Land Powers Defence Act 1958. MOD also has powers under the Protection of Military Remains Act 1986 for the protection of downed military aircraft and designated vessels.

Ax 18. **The United Kingdom Hydrographic Office**¹⁴⁷ (**UKHO**) is an executive agency sponsored by the MoD to collect and supply hydrographic and geospatial data for the Royal Navy and merchant shipping, to protect lives at sea. UKHO works with other national hydrographic offices, to set and raise global standards of hydrography, cartography and navigation.

Ax 19. **Department for Environment, Food and Rural Affairs**¹⁴⁸ (**Defra**) is responsible for ensuring a consistent approach in marine planning across the UK, within the policy framework set out by the UK MPS. Defra leads on compliance with appropriate European Directives, including the Maritime Spatial Planning Directive and the Marine Strategy Framework Directive. It also administers the designation of Marine Conservation Zones in the Northern Ireland offshore region on behalf of the Secretary of State. The approval of a Secretary of State (normally for Environment, Food and Rural Affairs) will be required prior to consulting on the Marine Plan for Northern Ireland, as the Marine Plan contains provisions relating to retained functions.

¹⁴⁵ <http://www.uregni.gov.uk/>

¹⁴⁶ <https://www.gov.uk/government/organisations/ministry-of-defence>

¹⁴⁷ <https://www.gov.uk/government/organisations/uk-hydrographic-office>

¹⁴⁸ <https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs>

- Ax 20. The **Marine Management Organisation**¹⁴⁹ (**MMO**) is an executive non-departmental public body, sponsored by Defra. The MMO carries out most licensing functions for the Northern Ireland offshore region on behalf of the Secretary of State (as the appropriate licensing authority). It creates and enforces marine conservation byelaws and enforces conservation legislation, and issues wildlife licences for the Northern Ireland offshore region.
- Ax 21. **The Department for Transport**¹⁵⁰ (**DfT**) is responsible for shipping policies within the UK marine area. It administers the UK Government's interests in the wrecks of vessels subject to war risk insurance, in both World Wars.
- Ax 22. **The Maritime and Coastguard Agency**¹⁵¹ (**MCA**) an executive agency sponsored by the Department for Transport, works to prevent the loss of life on the coast and at sea. It produces legislation and guidance on maritime matters, and provides certification to seafarers. It enforces standards for ship safety, pollution prevention and health, safety and welfare for seafarers, through survey and inspection regimes. The MCA provides a 24-hour maritime search and rescue service around the UK coast, and international search and rescue, through HM Coastguard. The Receiver of Wreck sits within the MCA and administers the parts of the, Merchant Shipping Act 1995, relating to wreck and salvage across the UK, as well as, section 2 of the Protection of Wrecks 1973, that provides protection for wrecks that are designated as dangerous, because of their content.
- Ax 23. **Department for Business, Energy and Industrial Strategy**¹⁵² (**BEIS**) is responsible for UK energy policy and engages directly with the EU on energy issues. BEIS is also responsible for marine environmental regulations associated with oil and gas exploration and production, and the decommissioning of marine installations, wells, pipelines and associated infrastructure.
- Ax 24. **The Offshore Petroleum Regulator for Environment and Decommissioning (OPRED)** of BEIS is responsible for developing and implementing the environmental regulatory framework for offshore oil and gas, offshore gas unloading and storage (GUS) and offshore carbon dioxide storage (CCS) on the UK Continental Shelf and, for administering and ensuring compliance with the regulatory regime. This is achieved by:
- Liaising with international bodies (such as the EU and OSPAR), other Government Departments and the Devolved Administrations, and stakeholders on the development of policy and regulation.

¹⁴⁹ <https://www.gov.uk/government/organisations/marine-management-organisation>

¹⁵⁰ <https://www.gov.uk/government/organisations/department-for-transport>

¹⁵¹ <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>

¹⁵² <https://www.gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy>

- Implementing domestic legislation, international agreements and agreed codes of practice to make sure that offshore oil and gas exploration and production, GUS and CCS activities, do not have a significant adverse impact on the environment or other users of the sea.
- Inspecting offshore installations to ensure regulatory compliance.
- Providing a response to marine environmental incidents; and
- investigating and enforcing, where there is evidence of regulatory non-compliance.

Ax 25. **Department for Digital, Culture, Media and Sport**¹⁵³ (**DDCMS**) is responsible for the designation and licensing of protected wrecks, which are of historic, archaeological or artistic importance, under section 1 of the Protection of Wrecks Act 1973. This is currently administered, on its behalf, by the Department for Communities (DfC), with support and professional advice provided by DAERA.

Ax 26. **The Oil and Gas Authority (OGA)**,¹⁵⁴ a government company, works to ensure that the UK gets the maximum benefit from its oil and gas reserves. The Authority administers the UK's licensing system for onshore and offshore exploitation of the nation's oil and gas reserves, including Northern Ireland's marine area. It issues Seaward Exploration Licences that grant rights to explore only, not to produce; and is non-exclusive, covering all acreage outside those areas already covered by any of the corresponding Production Licences, in force at the time. Exploration Licences are useful for seismic contractors who wish to gather data to sell, rather than to exploit geological resources themselves, and to the holders of Production Licences who wish to undertake exploration outside the areas where they hold exclusive rights. However, when a Seaward Production Licence is awarded to a company (or group of companies), it gives the licensee exclusive rights to explore for, drill for, and produce native oil and gas within a specified area.

Licensees seek to be assured of this exclusive right, before they make the necessary investments to search for and potentially develop oil and gas fields. Exclusivity also prevents competing wells exploiting the same resource. Production licences include terms and conditions on:

- drilling;
- field development and production;
- licence transfers and operatorship; and
- storage and confidentiality of data.

¹⁵³ <https://www.gov.uk/government/organisations/department-for-culture-media-sport>

¹⁵⁴ <https://www.ogauthority.co.uk/>

Others Public Authorities¹⁵⁵

- Ax 27. **The Agri-Food and Biosciences Institute¹⁵⁶ (AFBI)**, a DAERA sponsored Non-Departmental Public Body, provides scientific research and services to Government, Non-Government and commercial organisations, in the areas of agriculture, fisheries, animal health, food, environment, biosciences and economics.
- Ax 28. **The Commissioners of Irish Lights¹⁵⁷** is a maritime organisation responsible for providing marine aids to navigation (AtoN) under the Safety of Life at Sea (SOLAS) convention. It operates, together with, General Lighthouse Authority partners - Trinity House (England and Wales) and Northern Lighthouse Board (Scotland) - an essential safety service around Northern Ireland.
- Ax 29. **The Crown Estate¹⁵⁸ (TCE)** manages the majority of the seabed within the 12 nautical mile limit and around 55 per cent of the foreshore around the UK. TCE is also vested with rights for renewable energy and gas storage within the Exclusive Economic Zone. It administers the Northern Ireland Offshore Leasing Rounds for marine activities, with the exception of hydrocarbons (coal, oil and gas), which is managed by BEIS. The Leasing Round process enables TCE to award options for seabed rights, after which developers are required to undertake all necessary steps, as part of the regulatory consenting process, before a full lease can be offered. The Crown Estate will therefore only award a lease or license (which provides the rights for construction and operation of an infrastructure asset or the carrying out of an operational activity), once all the necessary planning and regulatory consents have been issued by the relevant statutory body or bodies.
- Ax 30. **The Loughs Agency¹⁵⁹** is an agency of the Foyle, Carlingford and Irish Lights Commission (FCILC). The FCILC was established as one of the cross-border bodies under the 1998 Good Friday Agreement. The Agency aims to provide sustainable economic, environmental and social benefits, through the effective conservation, management, promotion and development of the fisheries and marine resources of the Foyle and Carlingford Areas. It is a statutory nature conservation body for salmonid species, within the Foyle and Carlingford Catchments. The Agency is co-sponsored by DAERA and the Department of Communications, Climate Action and Environment in the Republic of Ireland.

¹⁵⁵ This list is incomplete and there may be other public authorities with responsibilities.

¹⁵⁶ <http://www.afbini.gov.uk>

¹⁵⁷ <http://www.cil.ie/>

¹⁵⁸ <http://www.thecrownestate.co.uk/>

¹⁵⁹ <http://www.loughs-agency.org/>

Ax 31. **Waterways Ireland**¹⁶⁰ is a cross-border implementation body. Waterways Ireland manages, maintains, develops and promotes over 1000km of inland navigable waterways, principally for recreational purposes. The section of the Lower Bann from the Millennium footbridge in Coleraine to the Cutts in Coleraine, is the only part of the marine area managed by Waterways Ireland.

¹⁶⁰ <http://www.waterwaysireland.org/>

Annex C: Marine Plan Objectives

Objective ①: To promote the sustainable development of productive activities, which support employment at all skill levels, while fully considering the requirements of other marine interests.

Ax 32. This objective relates to the need to strengthen the local and NI economy, at all skill levels, through marine activities that lead to the production of goods and services, including fishing, marine transport, tourism, recreation, aquaculture, telecommunications and energy. This objective reflects the full range of existing and potential activities in the Marine Plan area, that create and support employment and their spatial/seasonal requirements. The objective also reflects the need for cumulative and in-combination effects to be considered, when undertaking a full consideration of the requirements of other marine interests.

Objective ②: To help realise the potential of energy resources and energy storage, within the marine area, while fully considering the requirements of other marine interests.

Ax 33. This objective relates to the range of existing energy infrastructure and resources, as well as potential contributions from renewable energy, the exploration and development of oil and gas resources and energy storage facilities. These have the potential to contribute to future marine-based growth, increase Northern Ireland's energy security and diversity, as well as assisting towards achievement of the NI Executive's target of 40 per cent of electricity consumption, to come from renewable resources by 2020.

Objective ③: To promote the development of vibrant, accessible and sustainable coastal communities.

Ax 34. This objective aims to support the resilience, social cohesion and well-being of coastal communities by promoting the economic, environmental and social benefits of their setting.

Objective ④: To promote the marine resource, its recreational value and its wider economic, environmental and social benefits to all.

Ax 35. This objective aims to promote the wide range of ecosystem services that the marine area can provide, including its contribution to well-being. This includes the promotion of the diverse range of marine leisure, recreational and cultural activities to all the people of Northern Ireland and its visitors.

Objective 5: To promote the preservation and enjoyment of marine related heritage assets.

Ax 36 This objective relates to our natural and man-made environment and includes coastal and marine landscape; seascape; coastal and marine built heritage and archaeology. It recognises the need to ensure that the enjoyment of these assets is promoted and enjoyed by locals and visitors. The objective recognises the need for marine development to be appropriate and sensitive, to its character and setting.

Objective 6: To promote a healthy, resilient and adaptable marine ecosystem and an ecologically coherent network of Marine Protected Areas.

Ax 37. This objective recognises the importance of healthy functioning ecosystems in their own right, where biodiversity is protected, conserved and where appropriate, recovered and loss has been halted. This reflects both the Water Framework Directive (2000/60/EC) goal to have good ecological status by 2015 and the Marine Strategy Framework Directive's (2008/56/EC) goal of having measures in place to achieve good environmental status by 2020. This objective relates to the need to ensure that activities in the marine area avoid damaging the functioning of marine ecosystems. Healthy ecosystems support sustainable fisheries and other marine activities. They should also be able to tolerate disturbance without collapsing, be able to rebuild when necessary and be able to sustain the benefits provided to people. This objective also reflects the need for cumulative and in-combination effects on such sites to be considered, when undertaking a full consideration of the requirements of other marine interests.

Objective 7: To contribute towards climate change mitigation and adaptation measures.

Ax 38. This objective relates to the need to contribute to meeting the UK Climate Change Act 2008 target of reducing greenhouse gas emissions. It also relates to reducing the vulnerability of the coastal and marine area to the impacts of climate change; including coastal change and sea level rise, acidification and rising sea temperature, including its effect on species and habitat range shifts. Vulnerability is reduced by building resilience and preparing for and accommodating change, in the marine area.

Objective 8: 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.

Ax 39. This objective aims to ensure a continued drive to develop the best available evidence base in the marine area, to inform marine management and to monitor the effectiveness of the Marine Plan. Every effort should be made to facilitate data sharing, where possible.

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