



Draft Marine Plan for Northern Ireland

Public Consultation Report
- Summary of Responses

April 2021

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

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Marine Plan Team
Marine and Fisheries Division
Department of Agriculture, Environment & Rural Affairs
Klondyke Building
Cromac Avenue
Malone Lower
BELFAST
BT7 2JA

Tel: 028 9056 9262

Email: marineplanteam@daera-ni.gov.uk

www.daera-ni.gov.uk

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Introduction

The Northern Ireland marine area supports a diversity of marine wildlife and their habitats. It also supports society, particularly our coastal communities through activities such as shipping and ports, fishing, aquaculture, tourism and recreation that comprise our marine economy, our blue economy.

The Marine Plan for Northern Ireland (MPNI) represents a key step in managing the Northern Ireland marine area and the interface between land and sea, in supporting economic, environmental and social objectives.

Competing demands for space and use of the marine resource, has resulted in increased pressure on the marine area and this will continue.

Managing our marine area in an integrated way through a framework of marine policy for public authority decision making will help towards furthering the sustainable development of the marine resource.

The Marine and Coastal Access Act (2009) and the Marine Act (Northern Ireland) 2013 set out the statutory basis for the preparation of marine plans and the framework for marine planning systems.

The Department of Agriculture, Environment and Rural Affairs (DAERA) is the Marine Planning Authority for Northern Ireland.

The implementation of a framework of marine policy through existing regulatory mechanisms and decision making processes, by public authorities, will facilitate better management and more efficient use of the marine resource.

The context for integrated sustainable marine management has never been more important as blue growth shall take place in a new policy environment relating to climate change resilience and following a worldwide pandemic.

Consultation

The consultation on the draft Marine Plan for Northern Ireland (MPNI) was launched on 18 April 2018 and closed on 15 June 2018. The consultation was issued electronically to a wide range of stakeholders and was made available on the DAERA website.

The MPNI was accompanied by several supporting documents, including:

- A Sustainability Appraisal
 - Scoping Report
 - Scoping Report - Summary of responses
 - Sustainability Appraisal Report
- A Habitats Regulations Assessment
 - Pre-screening Report
 - Screening Report
- Equality Impact and Human Rights Screening
- Rural Needs Impact Assessment
- Partial Regulatory Impact Assessment

The consultation invited views on the MPNI's inshore and offshore regions, developed under the Marine and Coastal Access Act (2009) (MCAA) and the Marine Act (Northern Ireland) 2013 (MANI). 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).

Consultation Responses

The Department of Agriculture, Environment and Rural Affairs (DAERA) welcomes the responses to our consultation on the Marine Plan for Northern Ireland. During the consultation period, over 70 organisations and individuals completed submissions either online, by email or submitted in writing.

Submissions were received from a broad range of stakeholders, including members of the public, coastal community groups, environmental NGOs, sports bodies, stakeholder representative bodies, fisheries organisations, energy providers, Local Authorities, and public sector bodies. Annex 1 provides a list of the organisations that responded to the consultation.

The consultation survey asked 42 questions relating to the MPNI and the supporting assessments.

We have taken time to collate, cross reference, summarise and analyse these comments, and can now provide our response below to the general and more specific issues raised.

All the responses relating to this consultation represent a valuable source of information and will be used to inform further work in developing marine planning in Northern Ireland.

Analysis of Responses

The following chapter presents an analysis of the responses. The consultation gave rise to a range of issues from which several overarching themes can be identified. Details on these themes and the various sections of the Marine Plan are provided in this chapter.

In considering the analysis of responses, it is important to refer to the Introduction section of the MPNI ([Marine Plan for NI \(www.daera-ni.gov.uk\)](http://www.daera-ni.gov.uk)). This effectively sets the terms of reference for the plan.

We will strengthen the Policy Approach and Using this Marine Plan sections to add further policy context for the approaches described for each core and key activity policy section. This will also more accurately capture the principles that inform the vision and objectives.

We hope the revised Introduction section will better describe how the plan as a whole provides an overall framework for the management of the marine area. We have highlighted that the plan seeks to enable public authorities, when taking decisions, to guide activities and address adverse impacts. We have also highlighted who the public authorities are as distinct from the Marine Plan Authority itself.

The plan is a management framework and should not be a checklist for all decisions. Implementation will be for each public authority taking decisions in line with their statutory powers and responsibilities. It follows that where those powers need to evolve to be consistent with the plan and ultimately with UK Marine Policy, then this should follow, through our legislative Assembly as appropriate. Marine Management (incorporating integrated coastal zone management) is, as such, a journey. The Marine Plan provides for a process and a practical way to deliver marine planning.

The decision not to zone areas for activities is a conscious one supported by stakeholder engagement. This decision has been taken in the context of the current mix of economic and social activities within the marine environment. Traditional sectors such as fishing, shipping and marine recreation are mobile over large sections of the NI marine area. The scope for emerging sectors such as offshore wind energy and biotechnology in NI waters requires more research and development before zoning would be appropriate. Ongoing zoning of a network of marine protected areas is established and continues through the existing designation process.

Overarching Themes

The following comments and examples reflect the views provided by respondents in respect of the overarching themes identified, including the EU Exit; definition of terms and language; ecosystem based approach; Marine Mapviewer and evidence; transboundary matters; precautionary principle; public accountability, governance and public participation; policy gaps; structure and sustainable development.

“A structured approach to the management of the Northern Ireland’s coastal waters and shores has long been needed.”

“It has avoided, or postponed, debates about how specific areas and resources will be used.”

“... sees the Marine Plan as having the potential to make a significant contribution to ICZM in Northern Ireland. The plan must provide the framework for joined up thinking between Area Plans, the Marine Plan, Shoreline Management Plans, and the associated organisations in a plan led system.”

“Many of the policies make reference to ‘decision is consistent with requirements under ... EU legislation ...’, DAERA may consider it appropriate to ‘future proof’ the Marine Plan post Brexit.”

“The parallel development of the Marine Map Viewer is comprehensive and will be especially useful for developers and stakeholders alike.”

“Fisheries decisions and activities must be brought within the scope of the Marine Plan.”

“... welcomes the conservative, precautionary, evidence-based approach to marine planning and management of a broad range of issues which must be considered by all proposers of activities in the marine environment.”

“The plan is clearly set out and easy to read. It is not too long and the format is very reader friendly.”

“... welcomes the draft Marine Plan as a generally positive and proactive approach to the sustainable development and management of the marine resource, including socio-economic and environmental benefits.”

In summary:

- Respondents broadly welcomed the approach taken and the development of links and consistency across existing plans, policies, strategies and legal commitments within a single document.
- Whilst, some respondents remarked the plan was weak in terms of the extent it can be used for decision making, others commented it offers greater flexibility.

- It was acknowledged the plan did not contain new policy. However, respondents remarked there was a need to provide an incentive and framework for future and emerging development, including the use of specific areas and resources. Zoning of specific areas was seen by some as a way of resolving existing resource conflicts.
- Some respondents indicated that the status of the plan and its relationship with terrestrial planning documents needs to be made clearer. They remarked the plan must provide the framework for joined up thinking with Area Plans, Shoreline Management Plans, and the associated organisations in a plan led system. The plan's contribution to the implementation of Integrated Coastal Zone Management was also commented upon.
- Respondents remarked on the need for direction regarding competing activities/uses, priorities, policy interaction and integration between policies and key activities. It was also suggested that links between the marine environment, well-being and economic prosperity could be strengthened. Some respondents remarked the plan must be more forthcoming in protecting the marine environment.
- A respondent suggested the inclusion of narrative on compliance and sanctions.
- In addition, there was a call for further guidance to be drafted by public authorities on how they will interpret the plan, the weighting of considerations and expectations from applicants. A programme for capacity building for key decision makers and/or stakeholders was also suggested to secure well informed and balanced decision making.
- One respondent considered it necessary to include reference to and consideration of the Rathlin Island Policy and Action Plan.

EU Exit

- Several respondents drew attention to the UK's Exit from the EU (in particular the transboundary elements within the shared loughs) and highlighted the need to reflect the future political situation with one respondent remarking that this made it more pertinent to have one accountable body.

Definition of Terms and Language

- Several comments relate to the definition of specific terms, including 'ecosystem services', 'coast', 'coastal area', 'unacceptable adverse impact', 'public benefit' and 'interpretation of these terms remains with the public authority in the exercise of its functions'. A number of respondents highlight the need for a glossary.
- Some respondents have suggested the objective and policy language could be more concise, clearer and stronger to minimise misinterpretation. Others remarked the language used is too permissive, favouring economic development at the expense of environmental objectives.

Ecosystem Based Approach (including Good Environmental Status and Ecosystem Services)

- There were mixed responses in relation to whether or not the plan contributes to ‘Good Environmental Status’ (GES). Some respondents commented the plan must demonstrate how it contributes to the achievement of GES and how its standards are met.
- Whilst some respondents welcomed the ecosystem based approach, others have commented the importance of the approach has been undermined and not been fully implemented. A number of respondents made recommendations on how to move from a sectoral approach towards a more ecosystem based approach. Recommendations included better integration between policies and other adjacent marine plans, and linking the approach to the presumption in favour of sustainability where there are competing activities.
- Respondents have indicated that more emphasis should be made on ecosystems, including the ecosystem linkages with key activities, the ecosystem services provided and the impacts from activities and uses. Without this wider context and the provision for recovery, respondents have commented that the objective of ensuring that ecosystems can respond to human induced changes is undermined.
- The need to further develop the valuation of ecosystems was remarked upon.
- It was also commented there should be specific reference to and development of knowledge in relation to natural capital.

Marine Mapviewer/Evidence

- The Marine Mapviewer was seen as an excellent resource and an important decision-support tool, adding significant value. One respondent commented it was “more a way to make a map rather than support an applicant in making an informed planning application.”
- Respondents made a number of suggestions to improve the usability of the Mapviewer and understanding of the linkages between the data, its layers and the plan’s policies.
- Respondents recognised its need for constant review and update.
- Concern was expressed about the deficiency of economic and social data, including the lack of data on the valuation of ecosystem services, biodiversity and geodiversity most at risk from climate change and the location of Waste Water Treatment Work outfalls and their end/initial dilute areas.
- Respondents remarked on the need for a gap analysis of marine data and monitoring requirements, suggesting there should be clear signposting to existing monitoring and marine data schemes.
- Respondents remarked that the joining up of GIS mapping systems from neighbouring jurisdictions would ensure consistency and accuracy of information across marine borders, which was important for the integration of policies. It was commented the

plan could emphasise the need for effective co-ordination and exchange of data and information.

- It was further commented local record centres (such as CEDaR) should be included as a repository for marine datasets; the printed figures within the plan were unclear; and a Communication and Education Strategy was needed to upskill decisions makers on using the Mapviewer and the plan. One respondent queried how an effective delivery system to deal with evidence of need would be provided and offered suggestions.

Transboundary Matters

- Respondents highlighted the lack of a defined boundary in Lough Foyle and Carlingford Lough could have implications for compliance, governance, management and achievement of ecological integrity. A clear statement on the position, the application of policy, transboundary co-operation and shared issues was suggested. Some respondents commented on the need for specific local plans for the shared loughs.
- The role of the Loughs Agency was remarked upon, and it was put forward the Foreign and Commonwealth Office should be directly involved in decision making concerning the shared loughs.
- Whilst, some respondents suggested a greater emphasis on the consistency, continuity and co-ordination of spatial evidence and data/information sharing, others remarked that more evidence, engagement, co-operation and discussion in relation to shared loughs was needed as well to support joined-up decision making. Engagement with the Loughs Agency Stakeholder Advisory Forum was suggested.
- Reference to marine planning in other jurisdictions and the need for policies to effectively consider and address transboundary issues and reflect synergies was commented upon. Further collaboration with Clyde Marine Planning Partnership was recommended.
- The merit of developing and sharing of an Implementation Plan that identified policies with transboundary effects was raised.

Precautionary Principle

- Respondents generally supported the inclusion of the precautionary principle, although some responses from the key activity sectors considered its broad application unacceptable. They remarked it should only be applied where there is no evidence to support the impacts of development.
- Some respondents commented references were limited and rather buried. They suggested a clear statement on the precautionary principle should be made in the earlier sections of the plan. Consideration to its inclusion in each of the policies, as a strong indicator to decision makers, particularly given statements about 'presumptions in favour', 'public benefit' and its role in delivering GES, was also recommended.

- Respondents considered the implementation of the precautionary principle could be improved through evidence building and acknowledgement of known data gaps.

Public Accountability, Governance and Public Participation

- Respondents remarked on the lack of expressed public accountability and governance arrangements, particularly in relation to the plan's implementation and monitoring. Comparison was made to the terrestrial planning system and some respondents called for an independent steering group to oversee the plan's implementation, monitoring and management.
- The merit of preparing an Implementation Plan was suggested.
- The desire for more clarity on how stakeholders have been and will be engaged; and for the continued public participation in the plan's development was highlighted, particularly in relation to the Aarhus Convention. Some respondents remarked they welcomed the opportunity to contribute to governance and implementation arrangements, and to their participation in finalising the plan.
- It was remarked the plan does not provide provision for challenging decisions made by public authorities. It was suggested a methodology to increase public participation in public authority decision making should be published to increase transparency.
- One respondent asked if there was a role for an independent marine management body/organisation. Another respondent called for an organisation to be set up to oversee implementation and integration.

Policy Gaps

- Respondents highlighted a number of policy gaps, including recovery and restoration; fisheries decisions and their impacts; research and innovation, intertidal harvesting, and infrastructure and coastal development.
- The use of and need for compatibility and sensitivity matrices were also highlighted, as respondents remarked this could better inform the Co-Existence policy.

Structure

- Most respondents broadly welcomed the structure of the document, commenting it was clearly set out, well written, easy to read with good use of layouts and terminology, making the plan understandable to a broad range of audiences.
- Whilst, the consistent layout used within each section and the use of sub-section headings was well received, one respondent suggested the exclusion of the 'at a glance' boxes, and the setting out of strategic aims of the policy and how these could be achieved.
- A number of respondents remarked the plan would benefit from a section on the current state of the marine environment and more information to help navigate the fragmented nature of responsibilities.

Sustainable Development

- The approach to sustainable development and management of the marine resource was well recognised and generally viewed positively, with some respondents recognising the consistency with terrestrial planning.
- Others expressed concern commenting more was needed to ensure its achievement, including the sustainable management of natural resources.
- Some respondents remarked the wording used will cause problems in enabling the plan to act as a catalyst for sustainable development and suggested an overall strengthening to ensure a vital balance of the three pillars and policy consistency with other High Level Marine Objectives and the UK SDS 2018.

Departmental Response

In view of these responses, we will support the implementation of the MPNI as an important aspect of work for DAERA (as the Marine Plan Authority) in advance of, and after, it has been adopted. We will continue discussions with public authorities in Northern Ireland and across the UK to learn from their experience in plan implementation and work with stakeholders regarding how it will be monitored. The development of the MPNI will continue to be overseen and steered by the Inter-Departmental Marine Co-ordination Group (IMCG) and DAERA's statutory advisory council, the Council for Nature Conservation and the Countryside.

The Statement of Public Participation (SPP) sets out how and when we intend to involve and engage with wider stakeholders, and this will be reviewed as necessary. We will explore the use of other forums to further stakeholder engagement in the next stages of the development process.

We will strengthen linkages and explore how best to reflect the relationship with terrestrial plans in the plan led system to ensure alignment as we work towards finalising the MPNI. Consideration will also be given to including information on enforcement, the Rathlin Island Policy and Action Plan, and the current state of the marine environment.

We will continue to work with other marine plan authorities to ensure compatibility across marine plans and give consideration to the UK Government's 25 Year Environment Plan.

Early stakeholder engagement informed the decision not to include specific resource and activity zoning within the MPNI being developed.

The MPNI represents a significant step towards an Integrated Coastal Zone Management Strategy and recognises national and local developments. It provides the basis for integrated decision making that affect the marine area.

The MPNI describes the current policies and public authority responsibilities. As such, some of the issues raised are outside its scope. For example, the call for one accountable body or a marine management organisation, the development of local authority area marine plans and the provision for challenging public authority decisions.

The MPNI indicates that restoration measures be agreed, where necessary, with respect to Energy, Aggregates and Telecommunications Cabling, particularly at decommissioning stage. Consideration will be given to indicating the need for restoration and/or decommission measures in relation to other key activities to ensure the integrity of marine ecosystems after operations have ceased. The plan will also reflect developments in policy regarding protecting and restoring marine species and habitats that store carbon.

We will continue to work with public authorities (including land use planning authorities and the Loughs Agency) and assist them in developing material that can be made available to upskill public authority officials and support implementation through existing decision making processes.

We will reflect the UK position taking account of the UK's exit from the EU. We will improve clarity to ensure the application of the policies to transboundary loughs is clear and the continued need for transboundary co-operation and consultation in the MPNI's development and implementation. Engagement and collaboration will continue through various projects (such as SimAtlantic¹) to further discussion on policy development and decision making in the transboundary loughs.

We will work to improve clarity of language and ensure consistency in terminology to ensure a balanced approach to decision making in the interests of sustainable marine development.

We intend to provide more detail on the ecosystem based approach taken in the MPNI's preparation. We will also demonstrate how this approach links to the objectives and show the relationship between the policies and the UK Marine Strategy descriptors for 'Good Environmental Status' that support the ecosystem based approach.

The Policy Approach and Using this Marine Plan sections will be revised and expanded to provide additional information on proportionality, ecosystem services and the precautionary principle. We will seek to ensure the precautionary principle is applied in line with best practice and explore its inclusion within individual policy areas. Parallel to this, DAERA will continue to work towards addressing evidence gaps to better inform understanding; decision making in favour of sustainable development; future reviews of the MPNI and wider marine policy.

We do not propose to add additional policy areas. However, we will reflect the need to ensure potential policy conflicts or overlaps are considered in decision making.

We will continue to add spatial data (including socio-economic data) as it becomes available and make improvements to the usability and availability of data through the Marine Mapviewer. Habitat and species data is currently drawn from CEDaR's Marine Recorder. We will emphasise the Mapviewer as the key spatial data source and give consideration as to how to link the Mapviewer with the policies. In addition, any figures or maps included will be made as clear as possible.

¹ <https://www.mare.i.e/simatlantic/>

Vision and Objectives

Vision

The following comments and examples reflect the views provided by respondents in respect of the Vision.

“The Marine Plan vision and objectives provide a positive and future orientated holistic planning and management approach for the marine area of Northern Ireland.”

“... welcomes the sustainable approach set out in the draft Marine Plan’s vision...”

“... welcomes and supports the Vision of the plan, appropriately aligning to the wider UK Vision for the marine areas.”

“We welcome the vision and objectives in their current form in principle but they need strengthened to ensure the plan can act as the vehicle for ensuring that Northern Ireland delivers sustainable management of our natural resources by the plan end date as well as providing concise clarity to the multi-faceted activities and users of Northern Irish waters as to the objectives and expected outcomes of the plan implementation.”

In summary:

- Many respondents welcomed the Vision, with some commenting on its alignment with the general approach in terrestrial planning. While it was recognised the Vision had been drawn from the UK Vision, its need to be more ambitious and reflective of the UK Shared Vision was remarked upon.
- Some respondents commented the Vision provides the correct balance across the three pillars of sustainable development. Others commented the wording needs to be strengthened to align with the High Level Marine Objectives, the UK Sustainable Development Strategy and the UK Marine Policy Statement.
- Respondents remarked further integration was needed with local development plans and Integrated Coastal Zone Management, particularly in relation to coastal development.
- Specifically, it was commented the Vision should refer to the coast zone and/or seascape; emphasise the need to maintain and protect areas of natural habitat and component species; address the natural environment above water as well as the subsea environment and take public participation into consideration.

Departmental Response

Following analysis of the representations received, we intend to largely retain the Vision as set out in the consultation draft. We will consider strengthening the linkages with the vision outlined in the UK MPS through supportive narrative and presentation.

Objectives

The following comments and examples reflect the views provided by respondents in respect of the Objectives.

"... the objectives of the marine plan are clear."

"... objectives listed are all good and are very relevant. However, emphasis should be given to two key areas that are not given appropriate prominence - Tourism/Leisure ... - Health and Well being ..."

"We support the objectives set out in the proposed Marine Plan for Northern Ireland."

"Overall in the most part there is a good balanced consideration of the roles that economic, social and environmental issues can play in the Marine/Coastal environment."

"... the objectives do broadly support the vision but appear to favour some activities over others."

"We have no objections to the plans visions and objectives. However, for several objectives it is unclear what 'promote' will mean in reality in this context."

In summary:

- Most respondents broadly supported the Objectives, the emphasis on sustainable development, the 'balanced' approach and alignment with adjoining marine and terrestrial planning. Others commented there could be greater emphasis on sustainable development and enhanced links with terrestrial planning, the policies, use of the plan, monitoring and the Programme for Government.
- The numbering, order and prioritisation of objectives, particularly those, which contribute to economic growth was remarked upon.
- One respondent commented on the use of the word 'promote'. Others remarked there should be a focus on expected outcomes, objectives should be SMART and the wording lacked clarity.
- Respondents mentioned the need to give prominence to tourism and leisure, and health and well-being. A reference to sea angling and natural capital was also suggested. There were calls to have specific objectives on travel, education and communication, industry development plans and the precautionary principle.
- A number of respondents provided detailed suggestions with most comments related to Objectives 1, 2, 3, 5, 6 and 8. These include:
 - the splitting of Objective 1 into two, to separate out 'employment at all skill levels' and include reference to blue growth;

- the inclusion of renewable energy in Objective 2;
- the protection of coastal communities in Objective 3;
- the use of marine historic environment terminology and emphasis on seascape in Objective 5;
- the inclusion of statements on the state of the marine area and ecosystem based approach in Objective 6, along with links to good environmental status targets and the repairing of damage through recovery; and
- the provision of guidelines, need to address gaps and inclusion of a climate change reference and its effects on the coast in Objective 8.

Departmental Response

Following analysis of the representations received, we intend to largely retain the objectives as set out in the consultation draft. We will strengthen the linkages with the High Level Marine Objectives, take the opportunity to work on refining some of the detail of the objectives and consolidate the supporting narrative (within Annex C of the MPNI) to improve clarity. The Policy Approach and Using this Marine Plan sections will be revised and expanded to provide information on general marine planning principles and other overarching themes to provide context.

Introduction

The following comments and examples reflect the views provided by respondents in respect of the Introduction chapter.

“While the general principles set out in the section on using the Marine Plan are welcome, there are a number of areas where without further explanation or qualification, the principles will remain aspirational.”

“These terms must be defined within the plan, and I suggest using the terms applied in the EU Directives.”

“The plan should be ‘more forthcoming in terms of protecting the marine and coastal environment and thwarting inappropriate and potentially damaging developments.”

“Additional information is required to help navigate the fragmented nature of responsibilities in the marine and coastal area.”

In summary:

- Many respondents welcomed or were supportive of the general principles and advice provided. Respondents commented on its usefulness in guiding users unfamiliar with the marine planning system and in preparing proposals.
- Several respondents commented strongly that terms and phrases, such as ‘unacceptable adverse impact’, ‘public benefit’ and ‘interpretation of these terms remains with the public authority’ needed to be clearly defined. Some of these terms were considered unacceptable or unhelpful in decision making. Other respondents suggested opportunities to improve clarity, including the provision of a glossary of terms.
- The need for further explanation and information on the principles of proportionality and the precautionary principle was highlighted.
- It was commented what constitutes policy within the plan was unclear.
- Respondents expressed concern on the use of weak, inconsistent and permissive language with regard to developer activities, suggesting the plan should protect the environment from inappropriate development.
- Some respondents strongly viewed the ‘presumption in favour’ to be unbalanced and asked for its removal. It was suggested that linking it with a clear statement on the precautionary principle and emphasising the need to respect environmental limits would ensure sustainability.
- There was a strong view that capacity building and further guidance (including evidence and assessment requirements and the application of weight); for decision makers, applicants and stakeholders would be needed to support implementation. One respondent commented there was a governance gap in relation to appeal decisions.

- Some respondents considered there should be more information on the relationship and interactions between marine and terrestrial planning, particularly along the coast and in the coastal zone. One respondent suggested adding specific advice on the need for planning permission within the intertidal zone. They also commented that public authorities should work in parallel to reach a decision where more than one authorisation was required. The relationship with terrestrial planning policy was also queried and it was suggested this should be more closely reflected.
- Several respondents remarked transboundary elements could be strengthened, including the work of cross border bodies, such as the Loughs Agency; and the collaboration and co-operation with the Republic of Ireland, Isle of Man and Scotland. In addition, it was suggested it could be made clearer that the plan also applies to Carlingford Lough and Lough Foyle.
- Discrepancies with the EU Maritime Spatial Planning Directive were highlighted.
- Respondents suggested additions to the list of characteristics of the marine area.
- The lack of strategy, the plan's structure and proposed alternatives were questioned.

Departmental Response

Reflecting the comments and suggestions, we will take the opportunity to improve clarity in terminology to ensure a balanced approach to decision making. The Policy Approach and Using this Marine Plan sections will be revised and expanded to provide information on marine planning principles and other overarching themes.

Further information in relation to collaboration with the Republic of Ireland and other marine plan authorities will be provided. Application of the plan in Carlingford Lough and Lough Foyle will be clarified.

We will reflect the UK position taking account of the UK's exit from the EU.

Some of the issues raised are outside the scope of this plan. For example, the right of appeal on decisions using the plan, as the plan is implemented using existing decision making processes by public authorities.

We will however, continue to work with public authorities (including land use planning authorities) and assist them in developing material that can be made available to support the implementation of the plan, through existing decision making processes. We will also explore how best to further the integration of and relationship with terrestrial planning.

Core Policies

Generic Comments on Core Policies

The following comments and examples reflect the views provided by respondents in respect of generic comments on the Core Policies.

“There is inconsistency in policy language throughout the plan... Policies should be as clear as possible to provide certainty to applicants, consultees and decision makers.”

“The Plan establishes a number of core or overarching policies and we welcome this, particularly in relation to areas of strategic and transboundary significance such as air quality, coastal processes, climate change, cumulative impacts, natural heritage (designated sites and protected species), marine litter, non-native species and water quality.”

In summary:

- Respondents generally welcomed the Core Policies and the approach taken, commenting on their alignment with existing and emerging terrestrial policy.
- Respondents supported the application of the Core Policies to all proposals and sectors; and the flexibility provided to decision makers. The ordering, priority and interaction of the Core Policies was remarked upon. One respondent remarked it would be helpful to provide clearer direction with regards to the presumption of sustainability where competing activities/sectors are concerned, with linkages to environmental issues such as ecological recovery and resilience and the ecosystem based approach.
- It was suggested the policies should include narrative to ensure the scope of the policy is within the public authority remit in the exercise of their functions. Respondents also commented the ‘who this is of interest to’ sections should be made more clear by indicating the relevant authorities or omitted altogether. One respondent suggested a strengthening of links between the marine environment to human health and well-being benefits and more generally with economic prosperity, specifically in relation to the importance of a healthy marine ecosystem to human health and well-being.
- Some respondents remarked the policies appear to be guidance and duplicate regulations.
- It was been commented that clarity needs to be provided on the information and evidence requirements of the policies. Concern was raised about the potential increase in or unnecessary information needed for decision making. It was suggested a proportionate approach should be taken and guidance provided by public authorities.
- The cascading approach (avoid, minimise and mitigate) adopted in many of the policies was remarked upon. Some respondents suggested it should be adopted within all relevant Core Policies, whilst others raised concern, that as presented, there was

potential for fundamentally unacceptable proposals to be allowed. It was suggested that the public benefit test should be applied and weighted at an earlier stage. It was also remarked that the Core Policies should not restrict specific development.

- Respondents have commented the language used in the policies can be non-committal, lacks clarity and that there is no explanation for the varying use of language within the policies. A review of language has been suggested to ensure it is helpful to decision makers and facilitates sustainable development. One respondent recommends that the language used should be defined within legal terms.
- The need for appropriate references to the Aarhus Convention, the precautionary principle and transboundary co-operation was raised.
- Respondents also commented the policies should be compulsory within decision making processes.
- Some respondents commented on the application of the Habitat Regulations Assessment and Environmental Impact Assessment to proposals and that these should be clearly explained.
- It has also been remarked that where proposals require both a terrestrial and marine decision, that these should be made by one body.

Departmental Response

We will improve clarity of language to seek to ensure a balanced approach to decision making in the interests of sustainable development.

We will also refer to the precautionary principle and emphasise the need for transboundary co-operation and consultation as part of the decision making process.

The ‘Who are the policies for’ section, in the Introduction, will be expanded to provide further information on the application of the policies. Consideration will also be given to making the ‘who is this of interest to’ sections of the Core Policies more specific and in strengthening linkages between the marine environment and health and well-being benefits. We will consider providing information on the cascading approach adopted for many of the policies, as part of the framework for public authorities in making decisions within their own existing processes.

Some of the issues raised are outside the scope of the MPNI. For example, changes to existing public authority responsibilities and the application of environmental and habitat assessment. In addition, compliance with the Aarhus Convention has much broader scope than the MPNI in its application to public authority decision making.

In working with policy leads, we will give consideration as to what information and evidence requirements are needed to support decision making.

We will work with public authorities and assist them in developing guidance to support the implementation of the MPNI, including the application of proportionality and the cascading approach, where requested.

Stakeholder Engagement

The following comments and examples reflect the views provided by respondents in respect of Stakeholder Engagement.

“... agrees that proposers should undertake appropriate and proportionate prior consultation on proposals - this is similar to normal procedures for major planning applications.”

“It would be useful to know what the term ‘proportionate’ refers to in this context.”

“Whilst welcoming the opportunity for developers to liaise directly with the local community and relevant stakeholders, there is no legislative basis for this within the Plan.”

“I would suggest the inclusion of guidance on transboundary consultation for activities likely to impact interests in the Republic of Ireland.”

In summary:

- Respondents generally welcomed this policy, its elevation within the plan and its intention to avoid duplication. They highlighted the benefits of engagement, drawing attention to the terrestrial planning system. It was remarked the policy should be linked to all of the plan’s objectives.
- Others questioned the need for the policy, commenting that it could result in consultation fatigue and highlighted the need for streamlined consultation practices.
- Respondents also remarked on the wording stating it is ambiguous, subjective and erroneous, particularly with the reference to pre-application discussions. The strength of the policy given the lack of a legal basis for engagement by proposers was raised. Guidance on transboundary consultation and the content, means, level, form of evidence and timescales to demonstrate proportionate stakeholder engagement was called for.
- Statements were made by some respondents on current stakeholder engagement with regard to specific activities. Others suggested full engagement with neighbouring sectors/activities should take place and it was remarked that confusion exists over who should be consulted.
- The use of internet based communication was highlighted as a means to enhance stakeholder engagement. Others remarked on the need for a commitment that engagement, including consultation, should be advertised across various media.
- Respondents referred to consultation requirements under environmental legislation and suggested it would be useful to explain how these sit with the draft policy requirements.

- A methodology detailing the transparency in public authority decision making, was also called for. A respondent also suggested drawing attention to the Aarhus Convention.
- One respondent suggested the creation/utilisation of an independent marine institute to provide a stakeholder support mechanism.

Departmental Response

Following analysis of the comments made, we will link the policy to all of the MPNI's objectives and provide narrative on transboundary engagement and consultation.

The Policy will be reviewed to improve clarity, taking account of legal frameworks. Consideration will be given to explain how existing stakeholder engagement processes within decision making processes sit alongside the policy requirements. Consideration will also be given to providing further information on proportionality, if this is not specifically addressed within the revised Using this Marine Plan section.

Some of the issues raised are outside the scope of this MPNI. For example, the utilisation of an independent marine institute, making changes to existing decision making and stakeholder engagement processes that will be used to implement the MPNI, including their compliance with the Aarhus Convention and use of various media by public authorities.

We will work with public authorities and assist them, where requested, in developing guidance on stakeholder engagement.

Air Quality

The following comments and examples reflect the views provided by respondents in respect of Air Quality.

"This is in line with current planning/environmental protection policy and our emerging LDP policy approach, including our Air Quality Management Plan."

"We agree with this approach, although it would be useful for the plan to provide a better understanding of how Air Quality is measured in the Northern Ireland marine context."

"In order to understand the baseline, there is a need to measure current air quality in the marine environment, for example an array of sensors that record the change in air quality."

In summary:

- Respondents welcomed the policy approach.
- It was recommended by respondents that more information should be included on measuring air quality and on activities which make a significant contribution to poor air quality. Recommendations from DEFRA on Shipping and Air Quality were also highlighted.

- It was remarked the policy should be strengthened. One approach suggested was to amend the policy in line with the cascading approach (avoid, minimise and mitigate) adopted by marine plans in England, and include relevant reference to UK legislation, policy and statements.
- Whilst some respondents suggested that proportionality with regards to the consideration of impacts, including cumulative impacts from existing and land based impacts, should be referred to; others have commented references to terrestrial activities and developments is inappropriate.
- One respondent commented demonstrating the effect of proposals on air quality should be the responsibility of relevant authorities and not proposers.
- Some responses were related to specific activities. For example, one respondent highlighted the need for the plan to allow for aquaculture handling facilities close to culture areas to reduce air quality impacts as a result of vehicle movements. Others drew attention to shipping, commenting international agreements would be needed.
- The need to develop a framework for the assessment and monitoring of marine air quality was raised.
- One respondent remarked proposals that result in pollution, particularly those along the coast, should be subject to the HRA process, due to their likely impact on the marine environment.

Departmental Response

In working with policy leads, we will give consideration as to what further information and evidence requirements for air quality are needed.

We will work with public authorities and assist them in developing guidance to support the implementation of the MPNI, including the application of proportionality, the cascading approach and cumulative effects. We will also capture the most relevant legislation and policy.

DAERA will continue to work towards addressing evidence gaps to better inform understanding and decision making. Advice from statutory consultees and representations from interested parties will continue to inform decisions made by public authorities on proposals.

Some of the issues raised by respondents are outside the scope of this MPNI. For example, international shipping agreements, taxation, terrestrial planning policy and changes to existing public authority decision making processes.

Climate Change

The following comments and examples reflect the views provided by respondents in respect of Climate Change Mitigation and Adaptation.

“We welcome the Climate Change policy, which states that public authorities must consider the effect of proposals on greenhouse gas emissions and the ability to adapt to a changing climate. We agree that proposals should take account of the risks to viability of coastal communities from sea level rise and that proposals should be located and designed to cope with current and future conditions.”

“The use of language in the Climate Change policy is good and clearly distinguishes between the two sides of this policy that should be considered.”

“The Plan should be providing a firmer and more proactive approach to the issue of climate change.”

“It is unclear what form of evidence or information would be required for a proposer to meet the requirements of this policy. It is possible that this policy will unnecessarily increase the level of information required in marine licence applications ...”

In summary:

- Respondents welcomed the inclusion of this policy and its approach.
- The limited evidence base was recognised and respondents stated evidence gaps need to be identified and addressed.
- Respondents suggested guidance on the baseline and standards to be applied, are included.
- Respondents highlighted the need for the precautionary principle within this policy.

Climate Change Mitigation

- Respondents called for a much more strategic vision and proactive approach to ensure an effective response, especially along the coast. It was suggested the policy should be embedded more extensively within the other policies or even elevated within the plan. Others have suggested the plan should take the opportunity to improve the understanding of causes, vulnerable areas and response, including exemplars of climate mitigation action.
- Respondents suggested information and maps on sea level rise scenarios are included.
- Respondents commented recognition should be given to proposals that either deliver on or are associated with climate change mitigation (such as offshore renewable energy and activities that play a role in carbon sequestration). It was suggested these should be encouraged and their impacts offset against the wider contribution they make to reducing greenhouse gas emissions.
- Some responses made remarks on specific activities. For example, it was suggested the plan should allow for aquaculture handling facilities close to culture areas to minimise greenhouse gas emissions and that shipping should be included within the scope of this policy.

- Respondents commented some of the terminology requires clarification. They also highlighted potential conflict with the precautionary principle and suggested these references need strengthened.

Climate Change Adaptation

- One respondent suggested including information within the Marine Climate Change Impact Partnership (MCCIP) reports.
- Respondents remarked provision should be made to address adaptation for existing developments and activities.
- It was commented that adaptation requires a 20 year plan, with monitoring in a 10 yearly cycle.

Departmental Response

We intend to retain this policy in its current position within the Core Policies.

In working with policy leads, we will give consideration as to what further clarification on climate change adaptation and the precautionary principle are needed.

Consideration will be given to improving linkages with the decision making principles contained in the UK Marine Policy Statement.

DAERA will continue to work towards addressing evidence gaps to better inform understanding and decision making, including the provision of information on the Marine Mapviewer and continue to signpost to evidence, as appropriate. In addition, the Ministerial Coastal Forum provides the mechanism through which coastal management issues, as a result of climate change, are being considered. We will reflect the progress being made by this forum. Consideration will also be given to linkages to wider DAERA policy, such as the Green Growth Strategy.

Some of the issues raised by respondents are outside the scope of the MPNI. For example, terrestrial planning policy matters, the production of a 20 year adaptation plan and the application of the policy to existing developments and activities.

Coastal Processes

The following comments and examples reflect the views provided by respondents in respect of Coastal Processes and Resilience to Coastal Processes.

“It is great to see sections on climate change, coastal processes and co-existence respectively as these areas are often ignored in marine planning.”

“There is a need to acknowledge the limits of the outdated Bateman formula and recognise the need for coastal zone integration as the two planning systems could work

together in response to the predicted impact of climate change on sea level rise, extreme weather events and the implication of both flood risk and coastal change.”

“There is concern that in Northern Ireland there is no body with has statutory responsibility for Coastal Erosion Risk Management and consequently there is no complete database of its impact, the Marine Plan offers an opportunity to address this”.

“The text in the box should refer to the potential for more than one impact or adverse impact.”

In summary:

- Respondents welcomed the policy and broadly agreed with the approach taken.

Coastal Processes

- Some respondents remarked that a more strategic approach to coastal erosion was needed.
- It was suggested there should be a stronger message on the importance of land and sea interaction, sediment pathways and coastal processes, and the policy position on hard defences clarified. Respondents remarked the risks and impacts from coastal change, on existing activities and uses should also be recognised and considered in decision making. One respondent suggested the policies on Coastal Processes, Seascape and Land Sea Interactions should be grouped together as they form an integral part of Integrated Coastal Zone Management.
- It was suggested the effectiveness of the plan would be improved by including reference to the longshore continuity of coasts and by addressing Shoreline Management Plans, set-back zones and/or managed realignment, within the context of natural processes. Respondents also suggested it should be made clear that development should not take place on or near a high-flood risk area and/or prone to erosion, and align with terrestrial planning policy. One respondent suggested the cumulative effect of coastal processes should be taken into consideration and cross reference should be made to the Cumulative Impact policy.
- A number of respondents commented on the lack of available evidence or data, in relation to coastal processes and the impact this would have on the ability to make decisions. Some remarked the Marine Plan provides an opportunity to address the current information gap.
- Respondents indicated a more explicit and elevated reference to the precautionary approach is required. One respondent commented more consideration of the application of the precautionary principle and evidence requirements in the context of the ‘cascading’ approach of the policy would be needed. Others commented that further information on appropriate minimisation and mitigation measures; and what a coastal impact study would involve, would be beneficial.

- The need for integration between terrestrial and marine planning systems in the coastal zone was emphasised, in response to the predicted impact of climate change. Others remarked the policy should acknowledge the limits of the Bateman formula.

Resilience to Coastal Processes

- Some respondents suggested there was potential for the policy to consider more than one impact or adverse impact. It was suggested the cost of addressing resilience of a proposal over its lifetime and recognising that resilience is an extension of a combination of systems, over a period of time, should be further developed.
- A respondent remarked that in applying the precautionary principle, assessments would be undertaken even where there is no possible impact on coastal processes.
- Another respondent commented if a proposal results in any impact, then the impact should be avoided or that the development should not take place where an impact has been determined.

Departmental Response

We will reflect the progress being made by the Ministerial Coastal Forum on coastal management issues. Progress made in working towards addressing evidence gaps to better inform understanding and decision making will also be reflected, including the provision of information on the Marine Mapviewer.

In working with policy leads and DAERA's statutory advisory body we will give consideration as to what further information is needed to explain coastal processes in order to support decision making. Consideration will also be given to providing further information on the precautionary principle and its application, along with the cascading approach; and evidence to inform potential minimisation or mitigation measures to address adverse impact.

We will ensure the policy is consistent with terrestrial planning policy and the UK Marine Policy Statement.

Co-Existence

The following comments and examples reflect the views provided by respondents in respect of Co-Existence.

"We strongly support the inclusion of this policy. By including requirements on proposers to demonstrate how conflicts may be avoided, minimised or mitigated, we think it provides the best approach to this issue that we have seen to date among marine plans in the UK."

"The Chamber agrees with the approach on Co-Existence, but would stress the need to mention and call for communication and constant dialogue between all affected parties."

“There is concern that this approach is not future proofed and rather than reducing future conflict, it is in danger of favouring the status quo.”

“The plan does not give any guidance on how co-existence should be managed in practice by the relevant authorities.”

In summary:

- Respondents agreed with the inclusion of the policy and were generally supportive of the approach taken. One respondent stated that conflict resolution should be sought through zoning whilst others commented the policy should extend to resolving existing conflicts.
- It was remarked a better explanation of what co-existence means, along with some examples, could be provided. Respondents called for clarification on some of the terminology, such as ‘potential conflict with future marine activities’.
- The need for compatibility and sensitivity matrices were highlighted, as respondents remarked this could better inform the policy and decision making.
- Respondents commented the policy could be improved by referring to the various sectoral policies and informing the prioritisation of co-existence within decision making. It was remarked by respondents the approach favoured the status quo towards commercial activity over the needs of marginalised activities and uses. The need for public authority guidance on how co-existence should be managed and need for constant dialogue between affect parties was suggested.
- The independent assessment of co-existence to ensure a balanced assessment without a conflict of interest and full stakeholder participation was recommended. It was also suggested the Marine Mapviewer should include relevant datasets, map and highlight areas of conflict to aid the assessment of proposals in decision making.
- Concern was raised that, as presented, there is a risk the approach allows for a ‘get out clause’. In addition, it was remarked the wording in the final paragraph of the main policy box, appears to read that if both parties agree it does not matter if there is an adverse impact that cannot be mitigated.

Departmental Response

Early stakeholder engagement informed the decision not to include specific resource and activity zoning within this MPNI. Decisions on the co-existence of proposals with compatible activities and uses will be taken by public authorities, taking account of environmental limits and informed by advice from statutory consultees. The need for continual dialogue and open communication between interested parties will also be emphasised.

We will take the opportunity to improve clarity of language and terminology to ensure a balanced approach to decision making. We will also work with public authorities to assist them in developing guidance to support the implementation of the plan.

DAERA will continue to update the Marine Mapviewer and give consideration to the inclusion of new information, such as licenses, designations and sewer outfalls, to assist in the identification of potential conflicts and/or constraints on proposals.

Where specific conflicts exist, a review of authorisations by public authorities may be required. Whilst the MPNI provides a context for any such reviews, it is outside the scope of this MPNI to require such reviews.

Cumulative Impacts

The following comments and examples reflect the views provided by respondents in respect of Cumulative Impacts.

“The policy with the Draft Plan is welcome however, it could be enhanced with the provision of guidance to how to identify and consider potential cumulative impacts.”

“It should be made clear that minimisation and mitigation may not always be acceptable solutions.”

“... are very considered that the threshold for proposer action in relation to Cumulative Impact has been set at ‘Significant Adverse’.”

“Rather than simply placing onus on proposers - DAERA must take responsibility to prepare supportive material and guidance for decision makers.”

In summary:

- There was a mixed response from respondents. It was stated there is no clearly understood and agreed approach to cumulative impact assessment.
- Respondents remarked on the need for more clarification on ‘cumulative impact’ and ‘reasonably foreseeable’. Some respondents commented the approach misplaces the burden to avoid cumulative impacts on the proposer of the last proposal, rather than the public authority. Others were concerned that the threshold has been set at ‘significant adverse impact’, and it is only when impacts lead to this that mitigation would be required. One respondent remarked it should be stated that minimisation and mitigation may not always be acceptable, particularly where ‘tipping points’ have been reached.
- It was recommended assessment must be appropriate and proportionate to the size and significance of the proposal. One respondent also recommended it would be useful to include a reference to cross boundary working.
- Respondents highlighted the need for sensitivity, compatibility and capacity studies and/or matrices to provide clear boundaries, guidance and support for both decision makers and proposers. Others suggested guidance was needed on how to identify (direct and indirect impacts) and consider cumulative impact, whilst others recommended a collaborative spatial approach to resolve interactions in locations where there are multiple pressures on existing uses or features.

- The need for clarity and strengthening of measuring, monitoring and assessing was called for. One respondent remarked a marine institute could provide an independent recommendation.

Departmental Response

Following analysis of the responses, we will improve clarity of language and terminology to ensure a balanced approach to decision making.

We will also work with public authorities to assist them in developing guidance to support the implementation of the plan. The Using this Marine Plan section of the document will also be revised and expanded to provide additional information on proportionality. We will give further consideration to the threshold of 'significance' given within the policy.

The need for transboundary working in managing cumulative impacts will also be recognised. Work will continue to develop our thinking in terms of monitoring.

The issue of a marine institute providing an independent recommendation is outside the scope of the MPNI.

Heritage Assets

The following comments and examples reflect the views provided by respondents in respect of Heritage Assets.

"I think the assessment of impact on heritage assets is competently dealt with within the plan."

"... welcomes the proposed policies for heritage assets in Northern Ireland's marine zone and congratulates the authorities on a most comprehensive Marine Plan. The Plan has clearly considered all aspects concerning underwater cultural heritage in both the inshore and offshore regions and this recognizes the importance of these heritage assets."

"In many instances the impact of a proposal on marine archaeological assets will be unclear or the relative importance of such remains may be uncertain. It is recommended the policy addresses such circumstances."

"It is unclear how this policy will apply if a developer does not know that an asset is present."

"Clarity is needed about assessments of the significance of assets likely to be impacted by a proposal, and either the plan should provide this, or provide reference to relevant policies or legislation."

In summary:

- The majority of respondents agreed with the policy approach.

- Clarification was sought on specific terms, such as, 'integrity of an assets setting' and 'heritage', with some respondents suggesting the term 'cultural heritage' should be used.
- Clarification was also sought on assessments of the significance of assets likely to be impacted by a proposal.
- It was also remarked the policy should apply to all assets and their settings, including the land.
- Some concern was expressed regarding the application of the policy to assets 'not designated presently'. Concern was also raised on the implications of placing the onus on local planning authorities to check for the existence of heritage assets, regardless of the information submitted by the developer.
- It was suggested that relevant legislation should be referenced.

Designated Heritage Assets

- Clarification was sought on which department/agency would take the lead in providing advice.
- There were questions on 'where' the policy should be applied. One respondent suggested the 'terrestrial coastline' should be included within the geographical scope and the impacts on terrestrial heritage assets should also be addressed.
- Attention was drawn to the likelihood that impacts on marine archaeological assets will be unclear and the relative importance of these assets may be uncertain. Before any potentially damaging activity could take place, it was suggested the plan should state surveys would be required. One respondent suggested an archaeological assessment should be carried out, as a high proportion of the coastline holds historical assets.
- It was suggested reference to minimisation and mitigation weakens the policy intent. It was also suggested the wording could be strengthened, particularly in relation to the setting of heritage assets and to the protection of critical views to and from the World Heritage Site. Reference to relevant policies and legislation was also recommended.
- Respondents remarked on the need for guidance on acceptable buffer zones around assets for other marine users and the Giant's Causeway and Causeway Coast World Heritage Site.
- Attention was drawn to data gaps in the records of heritage assets, areas yet to be surveyed and also coastal and tidal areas vulnerable to climate change, which could impact on decision making. Some new data sources were put forward and it was remarked the plan should signpost where information can be found.

Undesignated Heritage Assets

- There was concern around the application of the policy when developers may not be aware assets are present.

- Whilst it was acknowledged undesignated heritage assets need to be reported, one respondent was concerned about how details will be shared with stakeholders.

Departmental Response

Given the comments made we will work with policy leads to improve clarity, update references, ensure accurate use of terminology and strengthen language to facilitate a balanced and proportionate approach to decision making.

We will ensure policy is consistent with terrestrial planning policy and the UK Marine Policy Statement. In addition, consideration will be given to how integration can be improved between the marine and terrestrial historic environment. This could include the strengthening of read across/links with other important policies within this MPNI, such as Seascape given its key role in the consideration of heritage assets and their setting.

We will take the opportunity to signpost relevant guidance and information, such as that on ‘setting’ and ‘assessment of significance’, whilst also making appropriate reference to relevant strategies and legislation.

DAERA will continue to work towards addressing evidence gaps to increase knowledge and to better inform understanding and decision making. Existing legislative provision can help in securing surveys and assessments of heritage assets which will add to the evidence base. We will continue to update the Marine Mapviewer and give consideration to the inclusion of new information.

Advice from statutory consultees and representations from interested parties will continue to inform decisions made by public authorities on proposals. The lead department in providing advice to decision makers will be highlighted.

Invasive Alien Species

The following comments and examples reflect the views provided by respondents in respect of Invasive Alien Species.

“We have no objection to the approach taken in the ‘at a glance’ section, as this ensures that appropriate measures are taken where possible.”

“This is in line with current planning/environmental policies and emerging council LDP policy approaches. It is also in line with the Invasive Alien Species Strategy and EU Maritime Spatial Planning Directive.”

“This core policy should be stronger by the inclusion of a statement to the effect that if a project proposal cannot guarantee that invasive alien species will not be introduced, the project should not proceed.”

In summary:

- Respondents broadly agreed with the approach taken, with some respondents commenting on its alignment with existing maritime policy.
- Others commented the policy should follow the EU Invasive Species Directive and include the measures listed within the Directive. Others suggested referencing should be made to the Water Framework Directive and the EU 2020 Biodiversity Strategy. It was also suggested it should be acknowledged that invasive alien species could also have an adverse impact on the coastal environment.
- There were a number of comments on the difference in strength of the wording, between the policy sections. Some respondents commented that the wording was too strong, whilst others commented that it was not strong enough.
- A number of respondents commented the policy should include a clear statement that a proposal should not proceed, if it cannot be guaranteed that invasive alien species will not be introduced. One respondent suggested it would be worthwhile to highlight the need for cross-border and transboundary cooperation.
- Some respondents queried whether ‘Pacific oysters’ would be considered as invasive alien species, under the policy.
- One respondent suggested a marine institute should work with the proposer to ensure scientific assessment and the treatment of the mitigation plan.

Departmental Response

Given the comments made we will work with policy leads to improve clarity and make appropriate references to relevant strategies and legislation. Consideration will also be given to the application of the policy to ‘Pacific oysters’ and highlighting the importance of transboundary consultation.

The suggestion in relation to a marine institute working with proposers is outside the scope of this MPNI.

Land and Sea Interaction

The following comments and examples reflect the views provided by respondents in respect of Land and Sea Interaction.

“There is need for better reference to closer integration of planning effort and understanding between marine planning and land planning; DAERA and DfI joint perspective on coastal planning.”

“The general principles in this section are welcomed.”

“Fails to state that local development plan which have a coastal element must ensure compatibility with the provisions of the Marine Plan in the adjacent coastal areas.”

“... supports the assessing of proposals in an integrated and holistic manner which will support the implementation of the Integrated Coastal Zone Management Strategy.”

“... there needs to be guidance around coastal development urgently especially as the Local Development Plans are currently being developed by councils.”

In summary:

- Respondents generally welcomed this policy and the approach taken. Respondents agreed decision making should run concurrently and it was recommended this could be strengthened in the ‘at a glance’ box.
- Some respondents suggested the policy needs to consider seascape, Areas of Outstanding Natural Beauty, the coast and coastal access. Others commented many of the activities identified in the Coastal Processes policy were not considered part of the Land and Sea Interaction. It was suggested coastal change, including that as a result of climate change, should be set out and impacts evaluated.
- Respondents recommended there should be an increased emphasis on the role of the Strategic Planning Policy Statement and Local Development Plans (LDP) including closer integration between the planning systems with the inclusion of a policy for Coastal Development and Infrastructure. One respondent considered it remiss not to state that LDPs which have a coastal element must ensure compatibility with the provisions of the Marine Plan. Another suggested there is a need to raise awareness about the impact of development close to intertidal areas. It was remarked there should be a presumption against development on the shoreline and responsibility should fall on the proposer to prove their development has no adverse impact. It was suggested the language in the ‘At a Glance’ section should be strengthened by changing from “may require the proposer to demonstrate” to “the proposer must demonstrate”.
- Attention was drawn on the need to complement Integrated Coastal Zone Management (ICZM) and the opportunity to deliver on shoreline management and set back plans. The development and implementation of ICZM was also questioned. It was suggested a diagram explaining the relationship between terrestrial and marine planning and ICZM, including policy and legislation, would be helpful. It was also noted no LDPs currently specify setback distances. It was recommended the plan should outline the role and function of tools to ensure the achievement of a more strategic approach to the protection of the coastline. Respondents in reference to the Regional Development Strategy called for guidance for planners on coastal development.
- Respondents remarked the policy bears a marked similarity to the Co-Existence policy and there should be a section evaluating the impact of changes on ecosystem services and infrastructure.

- It was also suggested community partnerships or forums should be established to develop coastal management planning at a local level. One respondent proposed evidence by a proposer should be verified and validated by an independent marine institute and land based authorities.
- Respondents highlighted some of the links to other documents were not active and the links to the Objectives on the sidebar were missing.

Departmental Response

Following analysis of the responses, we will improve clarity, strengthen language where necessary and reflect the work of the Ministerial Coastal Forum.

The MPNI represents a significant step towards an Integrated Coastal Zone Management Strategy. It provides the basis for integrated decision making between the marine and terrestrial planning systems, particularly where proposals are subject to both marine and land based decision making processes. It is not our intention to repeat the policy provisions provided for in other Core Policies.

We will work with public authorities to assist them in developing guidance to support the implementation of the MPNI in relation to land and sea interaction. Further information on the interaction between the terrestrial and marine planning systems, public authority responsibilities and relationships in relation to land and sea interaction will also be provided.

We will ensure web links are refreshed and links to objectives are made.

The establishment of coastal forums/partnerships; the provision of a role for a marine institute; and changes to the terrestrial planning system, including policy development and local development plans, are outside the scope of this MPNI.

Marine Litter

The following comments and examples reflect the views provided by respondents in respect of Marine Litter.

“More clarity is required on who is responsible for the issue of marine litter and that there is a gap in the policy on addressing existing problems.”

“The issue of plastic in our seas also needs immediate attention.”

“Pressure should be applied to all those who produce potential marine litter to address the issues in their supply chain and minimise the risk posed by their product at all stages including a shift to using less, shifting to biodegradable materials or fully recyclable.”

In summary:

- Respondents generally agreed marine litter was sufficiently considered.

- Some respondents remarked that the policy did not go far enough. It was suggested existing problems with litter should be addressed and the policy title should include 'waste' as there is a need to address waste before it becomes marine litter. One respondent called for the disposal of marine waste/litter at sea to be prohibited whilst another remarked there was no explicit mention of engaging with the fishing industry to combat the ghost gear and industrial pollution on beaches near harbours.
- Respondents suggested the policy should include specific threats to marine wildlife from marine litter, the concept of Extended Producer Responsibility, and be broadened to include more global issues, such as plastics, micro plastics, and industrial pollution from fishing and other industries. Some amendments on the use of technical language was also sought.
- Others suggested more clarity was needed with regard to who had responsibility for marine litter and whether a Litter Analysis would be required for all proposals, or if a proportionate approach would be taken. One respondent sought clarity on the type of proposals that would meet the policy test of not having an unacceptable adverse impact, commenting this may be unachievable. It was suggested consideration should be given to taking overriding public interest into account and one respondent suggested it would be worthwhile to highlight the need for cross-border and transboundary cooperation.
- It was proposed all applicants should submit a waste/litter minimisation and management plan to ensure the safe disposal of waste material and debris associated with construction.
- Concerns were raised in relation to the increasing issue of sanitary debris from Water Treatment Plants and untreated sewage overflows from CSO's. The role of NI Water and their obligations in controlling sanitary waste was queried. It was also suggested no additional connections should be permitted, where existing sewage infrastructure is not adequate, until adequate control measures are put in place.
- It was remarked the plan should specifically set out how each of the 11 MSFD descriptors (including the Marine Litter descriptor) are being met by the policies.

Departmental Response

In view of the responses, we will improve clarity of language to ensure a balanced and proportionate approach to decision making.

We will take the opportunity to build upon increased public awareness of marine litter by refreshing the narrative on what marine litter is, why it is important to address this issue, and to emphasise that everyone has a role to play, including local councils and NI Water.

We will also take the opportunity to consider highlighting DAERA's work with the fishing industry on this matter and ensure support is given to proposals that reduce marine litter. Consideration will also be given to highlighting the importance of transboundary consultation.

We will show the relationship between the marine litter policy and the MSFD descriptor for GES.

Marine Noise

The following comments and examples reflect the views provided by respondents in respect of Marine Noise.

“The approach taken currently contradicts the UK Marine Strategy (Part 3), which has not put in place restrictions in noise generations due to the lack of monitoring and therefore understanding of the issue.”

“The approach taken is not proportionate, as it states it will apply to any level of noise.”

“There has been considerable discussion with regulatory bodies about noise and noise management, but as yet there has been no agreement on how issues of noise should be addressed.”

In summary:

- Some respondents were supportive of the policy.
- Others remarked the approach contradicts the UK Marine Strategy, commenting it is not proportionate and that a blanket approach was not appropriate. Respondents did welcome the precautionary approach, though they commented it was weakened by the use of non-committal language, rather than stating ‘must’.
- Respondents remarked on the need to distinguish between existing ambient marine noise levels from shipping and commercial fishing, and proposed noise levels from renewable energy developments.
- It was remarked there is no agreement on how issues of noise should be addressed and with the application of the precautionary principle it is impossible to see how development could be pursued if the policy is correctly applied.
- Respondents noted whilst the noise registry is mentioned in the plan, there is no suggestion data should be submitted to it.
- It has been suggested references to the UK Marine Noise Register should be updated and adding ‘marine and coastal ecosystems’ to the ‘at a glance’ section will strengthen the policy. One respondent suggested it would be worthwhile to highlight the need for cross-border and transboundary cooperation.
- One respondent indicated that an independent marine institute was an appropriate approach to the provision of expert advice.

Departmental Response

In view of the responses, we will improve clarity of language to ensure a balanced and proportionate approach to decision making.

We will also update the reference to the UK Marine Noise Register and provide further information as to its purpose. Consideration will also be given to drawing out the distinction between ambient noise and new noise levels in considerations at proposal level. Consideration will also be given to highlighting the importance of transboundary consultation.

Natural Heritage

The following comments and examples reflect the views provided by respondents in respect of Natural Heritage:

“This is a competent approach.”

“We are concerned that this section focuses on maintaining the status quo, or mitigating impact on the current state of the coastal and marine environment. We would like to suggest that the Marine Plan should be ambitious about pro-actively working to restore/enhance/return to favourable status the habitats which are highlighted.”

“Natural Heritage is more than just designated sites and protected species. We would welcome a statement about the importance of wider ecosystems, for example, the protection of priority marine species where they occur.”

“Transboundary impacts on such species should also be considered as part of future developments.”

“A restoration policy is added with specific aims to identify and map ecosystem restoration opportunities.”

In summary:

- Respondents generally agreed with the approach, however some respondents commented the policy was unbalanced and maintained a ‘business as usual’, and therefore it would not directly contribute to Good Environmental Status.
- Respondents remarked on the need to acknowledge Northern Ireland has depleted marine biodiversity and ecosystems. They also commented on the lack of provision for proactively undertaking recovery.
- It was commented there should be a ‘presumption in favour of no damage’, consistent with the approach taken for the Heritage Assets.
- A restoration policy aimed at identifying and mapping ecosystem restoration opportunities and providing a process through which restoration can be achieved and observed was suggested.

- Comments were made on the application of the precautionary principle, with respondents stating it was impractical, inappropriate and unacceptable when a proposer has gone through a comprehensive environmental assessment.
- Respondents noted a deficit of economic and social data relating to ecosystem services and also a lack of specific objectives to develop natural capital knowledge and understanding. Respondents commented the plan should use specific terminology for Natural Capital, and remarked the inclusion and development of the valuation of ecosystem services (both economic and non-monetary) would be useful.

International and National Designated Sites and Protected Species

- One respondent has suggested the policy approach used in Planning Policy Statement (PPS) 2 Natural Heritage is more appropriate, whilst another remarked the policy should apply 'onshore'.
- The use of more familiar terminology, as in neighbouring marine plans, to help understand the policy's purpose and prevent confusion with the Heritage Assets policy, was suggested. Other suggestions included the use of more regulatory wording, references to legislation and changes to figure titles.
- Some respondents suggested the introductory box should set the context by providing a statement on the importance of wider marine ecosystems and the value of ecosystem services.
- Some expressed concern the plan failed to adequately express the wider context relating to Marine Protected Areas (MPAs). One respondent commented the role MPAs play in achieving the vision and delivery of legal obligations, such as securing and maintaining an ecologically coherent network, should be highlighted. It was also suggested to include the need for public authorities to have regard to conservation objectives and advice provided in relation to these areas, in assessing impacts of proposals. Respondents also recommended giving consideration to tranche 3 Marine Conservation Zones within the plan. One respondent commented the designation and regulation of MPAs must take account of socio-economic factors to ensure a balance is achieved between different interests.
- Respondents remarked on the failure to meet Good Ecological and Good Environmental Status.
- It was remarked that protecting the good areas is not the way to achieve comprehensive recovery of much wider damaged areas and this greatly undermines the plan's stated objective of ensuring that ecosystems can respond to human induced changes.
- Respondents suggested the plan should proactively provide for restoring, enhancing and returning sites to favourable status.
- It was stated proposals will inevitably result in likely effects on designated sites. One respondent proposed alternative projects or sites should be provided for priority

developments and where they cannot be, imperative reasons of overriding public interest (IROPI) must be triggered.

- Respondents sought assurances the precautionary principle will be applied in a proportionate manner.
- It was also highlighted further evidence collation was needed to support decision making.
- One respondent suggested there should be a requirement for proposers to demonstrate that an appropriate level of effort has been undertaken to assess available data, and/or where data gaps exist, to collect data, in order to establish whether a protected species/habitat is or is not present. If there is no 'available evidence to suggest a protected species is present or may be affected by a proposal', it was suggested this in itself should not be considered as proof a species is not present or will not be affected.
- Some respondents commented the role and responsibility of the Nature Conservation Councils are not referenced.

Other Habitats, Species and Features of Importance

- Respondents suggested protective policies need to be applied throughout the marine area with unambiguous protection for the most sensitive species and habitats wherever they occur, only permitting damage under 'wholly exceptional circumstances'. This approach would grant irreplaceable marine habitats and species status on a par with ancient woodland on land. It was also suggested clear protection for priority species and habitats wherever they occur, should be prioritised over development.
- Respondents commented on the need to consider the potential transboundary impact of proposals on habitats and species (particularly migratory marine species and birds) in adjoining marine plan areas.
- Concern was expressed regarding the long-term environmental sustainability of any enterprise that may impact on the status of fish species, their habitats, fisheries and/or the recreational angling or commercial fisheries that may utilise these resources.
- One respondent asked about the provision of guidance for public authorities on the assessment they were expected to make, and if this would align with Environmental Impact Assessments. Clarification was sought on how to assess the sustainable management of natural resources and resilient ecosystems, along with the mechanism to deal with cumulative impact. In addition, clarification was sought on which policies to take into account; to what extent public authorities consider the benefits/value of our natural resources and ecosystems; and the measures to deal with preventing irreparable environmental damage.
- Respondents suggested the need for a gap analysis to feed into the science strategy and monitoring programmes. Specific attention was drawn to the need to improve data on the location and scale of benthic habitats.

- One respondent commented legislation and/or policies should be in place before the Marine Plan is adopted and the plan should refer to relevant and appropriate papers and align with the Habitats Directive.

Departmental Response

Following analysis of the responses, we will work with policy leads to improve clarity; update references including those to relevant legislation; ensure correct use of terminology; and strengthen language - all of which will facilitate a balanced and proportionate approach to decision making. We will also elaborate on the value of marine ecosystems and the services they provide and accurately reflect public authority roles.

We will ensure the policy is consistent with terrestrial planning policy and the UK Marine Policy Statement, including its application, where appropriate, to proposed designations. Linkages to the revised Policy Approach and Using this Marine Plan sections will be strengthened especially in relation to the ecosystem based approach, the precautionary principle and proportionality.

We will consider the inclusion of a presumption in favour of ‘no damage’ and to meeting conservation objectives as part of the decision making process on proposals, on advice from policy leads.

Emphasis will be given to the importance of transboundary consultation as part of the decision making process, given the transboundary nature of species and habitats. Language used around the application of the precautionary principle will also be strengthened.

The identification of specific protected areas and areas for restoration or recovery is outside the scope of this plan. Whilst the policy provides for recovery and/or restoration through designated sites, we will make it clear proposals for recovery and/or restoration are also welcome. Linkages to the Marine Plan Objective 6 will be strengthened.

The titles of the accompanying figures will be revisited to ensure they clearly reflect their content and we will continue to develop our thinking in terms of monitoring for this policy.

To support the implementation of the plan, we will work with public authorities and assist them in developing guidance.

Seascape

The following comments and examples reflect the views provided by respondents in respect of Seascape.

“There should be a strong presumption against development immediate to the coast. This would particularly apply along the seaward side of the Causeway Coastal Route.”

“It is encouraging that the links between seascape, public enjoyment, sense of place, cultural value, and also tourism and creative industries are noted.”

“... consider it to be subjective, and wary of introducing a ‘right to a view’ that would be contrary to planning law.”

In summary:

- The majority of respondents agreed with a policy approach, whilst one respondent commented that the policy was subjective.
- Respondents remarked there should be a more detailed definition of ‘seascape’, that views of landscape from the sea should be given greater importance and ‘terrestrial landscape’ should be added to the ‘at a glance’ box.
- It was queried whether or not the policy introduces a ‘right to a view’, remarking this would be contrary to terrestrial planning law. Whilst another indicated this policy should come under the ‘Land and Sea Interaction’ policy.
- Respondents suggested there is a gap in policy, knowledge and law in relation to historic landscape/seascape characterisation.
- Whilst recognising the value of considering seascapes, some respondents commented references should be expanded beyond the tourism aspect. Some commented the policy should detail how seascape will be assessed, whilst others remarked how the policy makes it clear how land-based decision making may affect seascape.
- Clarification and strengthening of language was suggested, as it may imply that seascape does not necessarily need to be considered.
- Some respondents commented there should be a strong presumption against development immediate to the coast, in particular the Causeway Coastal Route. Others commented they regarded the inclusion and extension of Areas of Outstanding Natural Beauty as new policy.
- Respondents remarked seascape considerations must be proportionate. It was also suggested guidance on how to consider permanent and intermittent views, and views from different receptors should be provided. One respondent highlighted the need for sensitivity and capacity studies.

Departmental Response

Given the representations received, we will strengthen the linkages with relevant plan objectives and other policies within the MPNI.

We do not consider the policy introduces a right to a view or new policy with respect to Areas of Outstanding Natural Beauty. We also intend to retain this policy, rather than including it under the Land and Sea Interaction policy.

We will work to improve clarity and terminology, drawing attention to important aspects for public authority consideration to facilitate a balanced and proportionate approach to decision making. For example, the consideration of ‘views to and from proposals and/or the sea’ and the need to consider the sensitivity and capacity of the seascape to absorb proposals.

The role of seascapes in recreation and well-being, and the importance of their sensitive and sustainable management will be acknowledged.

We will also give consideration to improving reference to integration between seascape and terrestrial landscapes. The policy will also be reviewed to ensure consistency with the European Landscape Convention and terrestrial strategic planning policy.

We will work with public authorities to assist them in developing guidance to support the implementation of the MPNI.

Use of Evidence

The following comments and examples reflect the views provided by respondents in respect of Use of Evidence.

“We note the inclusion of a Use of Evidence policy. While this may be reiterating information that is provided by other legislation, we do feel highlighting the importance of this is beneficial, both to Public Authorities, statutory consultees and proposers and can save all parties time and money.”

“There should be facilities in place for evidence based data submitted to the relevant public authorities to be collated and shared.”

“We support the development of Marine Mapviewer, it is unclear how often this data will be updated.”

In summary:

- There was general agreement with the approach taken and it was acknowledged evidence can come from a wide range of sources. Some respondents suggested additional datasets.
- Respondents commented there should be an emphasis on the co-ordination and exchange of data/information together with sign-posting to existing monitoring and marine data schemes. A marine data portal was also suggested, to ensure data could be submitted in an accessible way, which can be collated and shared appropriately.
- Respondents remarked on the need for more transparency and openness with data, assisted by increasing metadata standards and advancing the ability to share data between British, Irish and EU systems. Concerns were also raised about the ownership, quality and maintenance of data.

- The need for a gap analysis of marine data and monitoring requirements was raised, along with a prioritisation programme for marine evidence collection. It was indicated this would support a marine database and the plan's implementation. One respondent remarked there was no evidence of trend analysis, whilst another commented on the limited evidence in the inter-tidal and shoreline area.
- Questions were raised on who decides what 'best available' evidence is and who assesses the submitted information. Whilst some respondents remarked the onus should be on proposers to demonstrate that proposals will not cause adverse effects, one respondent commented public authorities should instigate the evidence needed, to allow proposers to provide a plan to address the negative aspects of a proposal.
- Respondents commented there was ambiguity around the amount (and type) of evidence required to inform decision making. While it was recognised many public authorities are involved in decision making processes, requiring different levels of evidence, several respondents commented that the policy will unnecessarily increase the level of information required in marine licence applications. One respondent indicated that guidance on, for example, recording and accuracy of evidence would be useful. Concern was also raised with regard to dealing with evidence of 'need'.
- The use of the precautionary principle in decision making was highlighted, with concern raised on its limited and inconsistent application.
- There was general support for the Marine Mapviewer however, some remarked that the functions and capabilities could go further. Respondents commented on significant gaps in the data available, especially economic and social data relating to ecosystem services and of marine monitoring data. Some suggested a review of current recording practices, citing difficulties accessing data on the current portal and digitally unavailable data.

Departmental Response

In view of the responses, we will improve clarity and strengthen language to facilitate a balanced and proportionate approach to evidence requirements for decision making. Clarification on the application of the precautionary principle will also be provided.

Consideration will be given to acknowledging the range of evidence programmes and we will emphasise the need for the continued co-ordination and exchange of data with relevant public authorities, including other marine planning authorities.

DAERA will continue to work towards updating and improving the Marine Mapviewer as an evidence base, by including new information from other data sources. We will continue to operate under the principle of open data and work towards ensuring interoperability and integration with other systems.

We will take the opportunity to signpost relevant sources of data and information (through the Marine Mapviewer) and work towards addressing evidence gaps to increase knowledge to better inform understanding and decision making. The Marine Science

Strategy will continue to be the main vehicle for the identification of priority areas and to deliver natural, social and economic research.

Public authorities and statutory consultees will continue to provide advice on the evidence needed to inform decision making.

Water Quality

The following comments and examples reflect the views provided by respondents in respect of Water Quality.

“This is in line with current planning/environmental policies, the River Basin Management Plan and emerging council LDP policy approaches, including water quality and environmental protection policy.”

“Concerned that, as currently drafted, this could stop some importance interim schemes from progressing.”

“It is not acceptable that existing aquaculture activities in shellfish designation areas may be subject to a cost analysis in the future.”

In summary:

- There were some positive responses to this policy with respondents remarking on the appropriate methodology and alignment with current planning/environmental policies and River Basin Management Plans. By contrast, others questioned whether it adds to marine planning.
- It was remarked the policy adopted a reactive approach to proposals and it was suggested the policy should identify the causes of poor water quality and proactively address water quality issues through detailed actions.
- Concerns were raised around delivery of MSFD targets and it was commented proposals must not make waters worse. One respondent suggested the plan should indicate how each of the MSFD descriptors have been met by the policies.
- Respondents remarked the policy could be strengthened and the correct terminology should be used when referring to the sewerage system. Some textual amendments were suggested to better integrate with terrestrial planning policy, emerging LDP and marine licencing legislation.
- Some respondents objected to proposals being subject to cost analysis, commenting it goes against the presumption in favour. Others sought clarification on whether or not existing aquaculture sites in shellfish designated areas would be subject to cost analysis.
- In addition, respondents raised concerns about insufficient sewage infrastructure and the impact on water quality in designated shellfish areas, remarking that additional connections should not be permitted until control measures are in place.

- Some respondents commented evidence requirements were unclear and beyond existing regulations and compliance with legislation. Clarification was sought on the evidence required in relation to 'potential economic impacts' and it was stated that DAERA should assess this as part of the decision making process. Suggested text and assessment methodology were provided.
- Clarification was sought on responsibility for ensuring compliance with legislation and River Basin Management Plans. Concern was also raised that interim water/sewerage infrastructure schemes may not be able to secure full compliance. Amendments to text were suggested.
- Respondents raised a number of other issues for consideration and inclusion, such as, viral elements, the impact of derogation and rainwater harvesting. The need for a reference to recovery and 'onshore' was also suggested.
- Some respondents provided suggestions on monitoring in order to meet objectives, whilst others raised questions on how existing monitoring fits in with the objectives of the plan, such as, System for Bathing Water Quality Management (SWIM).

Departmental Response

Following analysis of the responses, we will work with policy leads to improve clarity, update references, reflect current practices, and ensure accurate use of sewerage terminology to facilitate a balanced and proportionate approach to decision making.

Public authorities and statutory consultees will continue to provide advice on the evidence needed to inform decision making.

We will show the relationship between water quality and the descriptors of Good Environmental Status under the UK Marine Strategy. We will also improve integration with terrestrial planning policy and consider how best to take forward monitoring to meet the objectives of the MPNI.

We shall clarify the MPNI application to new/amended proposals, which require a decision by a public authority to ensure environmental, economic and social aspects of proposals, including costs and co-existence with other uses and activities, are considered.

The suggestion in relation to a marine institute 'policing' mitigation policy and mitigation plans is outside the scope of this MPNI.

Key Activity Policies

Generic comments on Key Activity Policies

The following comments and examples reflect the views provided by respondents in respect of generic comments on the Key Activity Policies.

“Unlike other marine plans within the UK, the approach taken here seems to be that for each sector, policies aim to protect that sector, but also indicate what considerations that sector should have for other issues when developing their proposal. If this is to be drawn out more in the plan, this could prevent the potential issue of a sector only reading its own chapter.”

“There appears to be some inconsistencies around how some sectors are represented.”

“We would suggest a number of improvements as follows: clear guidance on how policy interacts and the priority of policy especially in the sectoral policies; more concise policy language in order to minimise potential misinterpretation.”

In summary:

- It was remarked more could be done to make an economic success of our seas. Respondents commented it would be useful to provide the incentive and frameworks for future development of the marine environment, balanced in a sustainable manner with consideration of other sectors and activities. Others remarked the effectiveness of the plan depended upon a robust, efficient and proportionate regime which provided a framework to deliver a ‘licence to operate’ for all activities and operations to support the sustainable management of our waters.
- Given the range of activities, the importance of ensuring information and evidence requirements, regulatory processes and expectations were consistent as possible, was raised.
- Respondents suggested the need for guidance on the priority and interaction of the Key Activity Policies, public interest and adverse impacts on commercial interests. The potential risk of sectors only reading their own relevant policy and not others was also highlighted. It was suggested narrative around how the plan will or should be used by sectoral authorities would be helpful.
- One respondent queried how the plan could accommodate a sector that decided zoning was necessary for expansion and growth.
- The need for clarity on the application of the ‘presumption in favour’ was raised. Whilst there was support from some respondents on the ‘presumption in favour’, others remarked this presumption should be omitted, as it results in a lack of balance and objectivity. It was suggested the term should be qualified and explained to highlight the presumption does not imply consent will be granted.

- It was highlighted that the inclusion of adverse impacts of activities is not consistent across all sectors. One respondent remarked the consideration of potential significant impacts across a range of areas is critical as the process develops. It was suggested policies should be linked to the ecosystem services they depend on and can impact on, as well as providing links to the descriptors for good environmental status under the marine strategy regulations.
- Respondents indicated key activity policies should not discourage development to improve facilities of existing activities and uses or aim to restrict existing activity.
- The need for key activity proposals to consider co-existence with and the implications on other activities and/or uses, such as aquaculture, cables and the ability to maintain access to infrastructure, was raised. The need to protect existing activities from new proposals and the consideration of impacts on landscape and seascape was also suggested.
- The cascading approach (avoid, minimise and mitigate) and its weighting against public benefit was remarked upon. Concern was raised this approach could potentially allow for fundamentally unacceptable proposals. It was suggested the ‘public benefit’ test should be applied and weighted at an earlier stage and attention was drawn to terrestrial planning policy.
- Respondents commented on some inconsistency and ambiguity of policy language, remarking more concise language is required to minimise misinterpretation. One respondent recommended defining language within legal terms. It was suggested the purpose of the Key Activity Policies could be better defined and the need to use similar language to the Strategic Planning Policy Statement was recommended.
- Respondents commented further clarification of public authority roles and responsibilities was needed, including additional reference to the Loughs Agency.
- One respondent remarked the plan fails to include any actual science, recommending scientific research should be included, whilst another suggested these policies should be renamed as ‘Sectoral Policies’.

Departmental Response

Following analysis of the responses, we will seek to ensure a balanced approach to decision making, giving further consideration to the ‘presumption in favour’ in the interests of sustainable development, drawing out appropriate caveats and policy provisions within the MPNI.

The Introduction to the MPNI will be expanded to provide further information on the application of the policies and their purpose. It is not intended to prioritise one activity over another nor is it within the MPNI scope to change public authority decision making.

We will ensure the policy is consistent with terrestrial planning policy and the UK Marine Policy Statement, and consider providing information on the cascading approach adopted for many of the policies.

The relationship between the policies and the UK Marine Strategy descriptors for ‘Good Environmental Status’ that support the ecosystem based approach will be shown. Consideration will also be given to linking key activities to the ecosystem services they depend on and can impact, in so far as this is clear and meaningful to plan users.

To ensure consistency across the Key Activity Policies, we will include reference to potentially adverse impacts arising from commercial fishing and aquaculture.

In working with policy leads, we will improve clarity of language, accurately reflect public authority roles and give consideration to signposting what information and evidence requirements are needed to support decision making. The Policy Approach and Using this Marine Plan sections will be revised and expanded to provide information on principles, including proportionality with regard to evidence and information requirements.

We will explore the inclusion of references to unregulated activities, such as algae (seaweed) harvesting.

Early stakeholder engagement informed the decision not to include specific resource and activity zoning within the MPNI.

We do not propose to add additional policy areas. However, we will reflect the use of science, research and evidence within the monitoring section, relevant objectives to the MPNI and in the Use of Evidence Core Policy.

The consideration of existing activities and uses, and the impacts of proposals on them is provided through the Core Policy on Co-Existence. The application of all the Core Policies to all proposals that require decisions by public authorities will be expanded upon, within the Using this Marine Plan section. We will also give consideration to including further narrative to emphasis this within the Key Activity policies, to facilitate the continued operation and maintenance of existing activities and/or uses.

We will work with public authorities and assist them in developing guidance to support the implementation of the MPNI.

Aquaculture

The following comments and examples reflect the views provided by respondents in respect of Aquaculture.

“While much is made of the potential importance of aquaculture the risk to designated sites, land/seascape, and issues of invasive alien species etc. are completely omitted. This needs to be included in the final draft.”

“Aquaculture can have significant impacts on recreational boating activity if early liaison with local users does not take place prior to design of a scheme.”

“Under WFD coastal aquaculture proposals have the potential to require higher levels of water treatment by sewage services to the wider marine environment. However, this water treatment cost burden is being seen as a presumptive barrier to the future development of aquaculture on the majority of coastal areas of Northern Ireland.”

In summary:

- Respondents generally supported the inclusion of the ecosystem based approach, though there was a mixed response to the aquaculture policy.
- It was remarked that whilst the importance of aquaculture was highlighted, the impacts, risks and conflict associated with the activity have been omitted and need consideration. A respondent remarked the unacceptable adverse impact should also apply to adjacent terrestrial areas.
- The lack of consideration given to finfish aquaculture; dredging in relation to mussel farms (and its associated water pollution); the unsustainability of caged farmed salmon and pollution, sourcing of food fish and need to ensure the long-term protection of the integrity of native stocks was raised. Shellfish harvesting and its impacts in the inter-tidal area of Strangford Lough, was also commented upon and it was suggested inter-tidal activities required their own treatment.
- The potential need for planning permission for facilities or infrastructure in the inter-tidal zone or on land, and their assessment against prevailing planning policy was noted.
- Respondents commented the policy should include reference to designated sites; have a section on ecosystem services and benefits to water quality; and indicate proposals be accompanied by disease/pest control and management plans.
- It was remarked by one respondent the improvement of water quality should be a priority to support existing users before potential new proposals.
- The limiting effect of the policy in relation to the location of new shellfish proposals to existing designated areas and with good water quality status was not welcomed by some. Others commented it would be better to reflect that shellfish aquaculture is not precluded outside designated areas and questioned this approach, which has not been adopted for other sectors.
- Whilst it was acknowledged there is potential for disproportionate costs, one respondent indicated it would be useful to discuss and incorporate alternative considerations into the plan. One respondent remarked the water treatment cost burden is a barrier to future aquaculture development. Another suggested the use of ‘economic’ impact rather than ‘financial’ or ‘cost’ impact.
- Respondents requested clarification regarding the plan’s intentions in relation to pollution reduction plans, the term ‘marine activities’, and who will progress and fund economic appraisals necessary to assess potential financial impacts.

- Clarification was also sought on how DAERA, 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.
- A respondent raised concerns about the application of the policies on a cross-border basis and whether or not there was a joint north/south position on aquaculture and wild shellfish.
- One respondent sought an amendment to their role.
- A respondent commented the plan should provide a catalyst for all existing aquaculture farms to adhere to policies and ensure consistency.
- It was remarked that a marine institute could provide research, restocking programmes, and an independent scientific assessment and make recommendations to improve processes.

Departmental Response

We will include the potential impacts from aquaculture as outlined in the UK MPS, make appropriate amendments to the narrative as suggested by respondents, and seek to accurately reflect public authority roles and relevant bodies.

In working with policy leads, we will consider what information to include on waste water treatment costs, including potential alternatives and the assessment process. We will also reflect on including specific considerations for finfish; providing additional information on bio-security plans; how inter-tidal aquaculture is presented; and referencing the current moratorium on the bottom mussel. Narrative on the ecosystem services will also be considered for inclusion.

We will take the opportunity to make it clearer that the policy does not preclude aquaculture activity outside existing designated shellfish areas or waterbodies of good status.

The Marine Mapviewer will be the main tool in drawing out spatial overlap between activities and uses within the marine area.

A number of issues raised are addressed in the response to the Overarching themes and generic key activity policy comments sections above. The wider legislative issues raised by some respondents, the creation of a marine institute, and decision making outside the marine area governed by other policy frameworks are matters outside the scope of this MPNI.

Carbon Capture and Storage

The following comments and examples reflect the views provided by respondents in respect of Carbon Capture and Storage.

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

“Carbon capture is like carbon trading: a dirty deception by the fossil fuel industry and is largely beyond contempt.”

“This is a way of promoting the use of fossil fuels by mitigating against them and at the same time polluting more water in our ecosystem.”

In summary:

- Response levels were low in relation to this activity.
- It was commented that a fresh approach to deal with carbon dioxide should be taken and a respondent provided examples of some approaches whereby carbon dioxide was processed and used for other purposes and processes.
- One respondent mentioned the plan should state there will be no carbon capture, and storage developments should be investigated for the long term future of Northern Ireland. Another remarked it is important that the potential for carbon capture and storage to grow be recognised as an important mitigation for climate change.
- The need for clarification on whether the policy covers inshore and/or offshore waters was raised. It was remarked that an ecosystem services approach was required; highlighting the positive and negative impacts.
- One respondent recommended an amendment to their responsibility, whilst another remarked on the need to ensure widespread public consultation on any proposal.

Departmental Response

The Introduction, including the Policy Approach section will be expanded to provide additional information on ecosystem services and the ecosystem based approach. Narrative on related ecosystem services will also be considered for inclusion within this key activity.

The application of the policy to both the inshore and offshore region of the marine area and the role of relevant public authorities will be clarified.

It is not the intention of this MPNI to bring forward any specific policy provisions for this key activity. In addition, the MPNI does not change any arrangements for public consultation within existing decision making processes.

Commercial Fishing

The following comments and examples reflect the views provided by respondents in respect of Commercial Fishing.

“While it is important that the impact of developments on fishing must be considered as part of project development, it is equally important that the effects of fishing on other activities must also be assessed.”

“The inter-tidal activities are occurring in such a difference contact that ... considers they require their own treatment in the final version of the Marine Plan.”

“... supports a policy which seeks to safeguard fishing opportunities and the socio-economic benefits that fishing brings to the economy.”

“The draft plan does not state what approach should be taken where a proposal is in the ‘public interest’ but also has an adverse impact on one or more commercial fishery interests.”

In summary:

- Whilst the policy was generally supported due to the socio-economic benefits, there was strong support for fishing activities and decisions to be brought within its scope.
- Several respondents remarked the policy does not describe or consider the impact from commercial fishing on sustainable and ecosystem services; protected areas, habitat quality (including nursery grounds) and other activities and uses. They considered this a key reason for likely failure to achieve Good Environmental Status. There was also concern about the long-term sustainability of activities and/or uses (including recreational angling or commercial fisheries) that utilise and potentially impact on the status of fish species, habitats and fisheries.
- There was support for a precautionary approach to commercial fishing in sensitive areas, and the links and references to ecosystem services. Others remarked that additional policies to emphasise the ecosystem based approach to manage fishing, ensure resilient fish stocks and avoid damage to vulnerable or important habitats and species were needed, as it was considered these were not covered by the Core Policies. Attention was drawn to the National Marine Plan for Scotland.
- One respondent commented activities should not cause harm to important anadromus and catadromus species, drawing attention to Measure 4 of the Inland Fisheries Ireland National Strategy for Angling Development (2013).
- Respondents commented the issue of displacement was not just about displacement to other fishing grounds. It was recommended proposals that lead to a loss of fishing opportunities or access to fishing grounds should be identified alongside the extent of the loss, before considering the wider impacts of proposals.

- It was suggested there was a case for elevating areas of fisheries importance or dependence, such as the Western Irish Sea nephrops fishing grounds, which would be subject to additional safeguards by applying spatially defined policies. The consideration of bottom mussel culture and seed mussel fishing areas in line with commercial fishing location was also proposed.
- Respondents commented reference to the impacts of climate change, including the possibility of new commercially important species, should be made. One respondent stated the plan could impact on many species that may be of commercial interest at some point or could be prey for current commercial fish species.
- Whilst respondents welcomed the reference to inter-tidal harvesting, they highlighted a gap in the regulation of commercial hand harvesting and other inter-tidal fisheries. It was suggested inter-tidal activities should have their own policy. The need to include impacts on terrestrial and adjacent marine areas was also raised.
- One respondent remarked there should be a no fishing zone around the coast and stated super trawlers were a huge problem.
- A respondent suggested the need to state or give guidance on how to balance a proposal that is in the 'public interest' and has adverse impacts on one or more commercial fishery interest.
- Data and evidence gaps and improvement to the resolution of the accompanying figures were highlighted by respondents. It was also suggested, reference to species such as common skate should be removed. Attention was drawn to the Cefas 2012 report as an important evidence source, and cross-referencing to the Use of Evidence policy was advised. One respondent commented fishing should be led by science and conservationists.
- One respondent stated there is scope to develop fishing activities outside the County Down ports and consideration should be given to extend FLAG and other fisheries support.
- Respondents commented on the importance of the plan for adjacent marine water bodies and the need for more collaborative working to ensure transboundary aspects and impacts, such as the protection of sensitive and important habitats, were considered.

Departmental Response

We will include consideration of impacts from Commercial Fishing activity on other activities, uses and the marine area within the scope of this policy.

In working with policy leads, we will reflect on how best to present commercial fishing activities within the inter-tidal area; ensure impacts on commercial fishing are not just about displacement; incorporate transboundary aspects, including reference to salmon

and eels; consider safeguards and make reference to the impacts of climate change. Consideration will also be given to referring to an ecosystem based approach to manage fishing, resilient fish stocks, and the avoidance of damage to vulnerable or important habitats and species.

References to fisheries management measures within Marine Protected Areas will also be considered for inclusion, and the reference to the Common Skate removed.

We will include narrative on ecosystem services in relation to commercial fishing and highlight use of best evidence. Consideration will also be given to the precautionary principle, as proposed, with respect to sensitive habitats and limiting impacts on habitats and species.

We will also work with public authorities and assist them in developing guidance to support the implementation of the plan.

We will endeavour to keep available data on the Marine Mapviewer updated and ensure any figures that accompany the final Marine Plan are clear and key areas identifiable.

A number of issues raised, such as EU Exit and an ecosystem based approach, are addressed in the response to the Overarching themes consultation comments. Sea angling and wild seed mussel harvesting are within the scope of the Tourism and Recreation policy and Aquaculture policy respectively.

The MPNI does not preclude the development of fishing ports outside County Down. Designation of no fishing zones is not policy at this time but is also not precluded.

Defence and National Security

The following comments and examples reflect the views provided by respondents in respect of Defence and National Security.

“Appropriate methodology.”

“Competent approach but the existence of the munitions dumping site in the Beaufort Dyke must be addressed.”

“... the shared waters (with Ireland) make it impossible to distinguish between the two jurisdictions, by not excluding these two areas would pose a threat to our ally and neighbour.”

In summary:

- There was limited response to this policy.
- Concern was also raised regarding a perceived presumption against development of permanent infrastructure in Ministry of Defence (MoD) Danger Areas and Naval

Exercise/Practice Areas. A respondent proposed an approach of encouraging engagement with the MoD may be more appropriate for infrastructure in Exercise/Practice Areas.

- It was commented the existence of the munitions dumping site in the Beaufort Dyke must be addressed, in line with environmental law, and a UK body set up to produce a plan of action.
- A respondent remarked Carlingford Lough and Lough Foyle should be excluded from the policy, as the Irish Government have historically taken a neutral stance and should not be obligated to support the defence of the UK.
- Clarification on “unacceptable interference” in relation to “navigation, and surveillance, including RADAR or other systems” was requested.

Departmental Response

We will place more emphasis on the need for engagement and consultation with MoD to give direction as to whether defence interests will be affected by proposals.

In working with the MoD, we will provide clarification on terminology and reflect advice with respect to the acceptability of proposals.

Carlingford Lough and Lough Foyle are excluded from the policy. The Marine Mapviewer will be updated to include spatial data on other activities and uses, including the location of cables, within MoD areas.

It is not within the scope of the MPNI to bring forward proposals or plans for Beaufort’s Dyke.

Dredging

The following comments and examples reflect the views provided by respondents in respect of Dredging.

“Consideration should be given to developing new dredging sites in 5/6 new locations to facilitate the development and maintenance of ports and marinas in NI.”

“... generally supports the presumption in favour of dredging, subject to consideration of potential adverse impact on the marine environment, as this is crucial to maintaining vital port operations.”

“A proposed disposal of spoil from harbour dredging to a new dumping site within Carlingford Lough rather than the established site in the Irish Sea has been a recent issue of concern to the Aquaculture sector.”

In summary:

- Respondents were generally supportive of the policy and its approach, subject to the consideration of potential adverse impacts.
- Some respondents supported the recommendation of disposal at sea or at existing registered dumping sites to be used in preference to new disposal sites, particularly in the sea loughs, which support other activities. Others suggested developing a policy for new dredging sites in new locations.
- The need to clarify the application of the policy to dredging for aquaculture and commercial fishing was highlighted.
- One respondent remarked dredging proposals should only be authorised if public authorities are satisfied there is rational and long-term sustainable justification and purpose, accompanied by an environmental impact assessment. They also suggested capital dredging is only approved once, with waste appropriately managed based on least dredged footprint and turbidity.
- It was suggested the considerable knowledge, experience and good practice of the impacts of dredging on the marine environment should be recognised and applied. Although a gap around sediment budgets was highlighted, it was suggested by respondents how these may be impacted upon by dredging should be set out earlier in the policy.
- As dredging activity occurs in both the border loughs, respondents suggested including a reference to the Loughs Agency and relevant Republic of Ireland (RoI) public authorities. One respondent suggested an amendment to their role.
- A respondent suggested providing clarification on the licensing/permissions required.

Departmental Response

The plan does not preclude disposal at new sites.

We will amend typographical errors, accurately reflect and clarify public authority roles, and make it clear what type of dredging the policy does or does not apply to.

We recognise the knowledge gaps, and will signpost relevant guidance and approved good practice for dredging activity.

Energy

The following comments and examples reflect the views provided by respondents in respect of Energy.

“We also welcome the direction the plan will give to public authorities to operate a presumption in favour of energy proposals.”

“... notes the representation of Resource Zones within Figure 12, Energy. We also note a number of these areas overlap with Marine Protected Areas... We question how there is a ‘presumption in favour’ of energy where these areas overlap with protected sites as this is not clear for proposers of developments and is an example of where we need better joined up Marine Spatial Planning and there should be no presumption in favour of development in SACs or other protected areas.”

“Robust wording in the plan is essential to ensure an appropriate balance can be achieved between meeting our energy needs in sustainable ways and protecting highly sensitive marine environments and potential landfall areas of nature conservation and visual amenity value.”

In summary:

- Respondents generally welcomed the inclusion of this policy and were supportive.
- Respondents commented more detail and robust wording to ensure the appropriate balance between meeting energy needs and protecting the environment was necessary.
- The presumption in favour of non-renewable energy was considered by some respondents to be at odds with the plan’s overall approach to sustainability. Concern was also raised on the application of the presumption in favour of energy proposals where potential energy resource/licensing areas overlapped with Marine Protected Areas.
- The sub-division of the policy into renewable and non-renewable was suggested, given their different needs and impacts. Others suggested it would be more helpful to talk about ‘offshore renewable energy’ as specified in the Memorandum of Understanding.
- Amendments and clarification on the roles and responsibilities of The Crown Estate, Marine Management Organisation and the Oil and Gas Authority were suggested and remarked upon.
- Respondents remarked that the potential for oil and gas; carbon capture and storage; gas unloading and storage; interconnectors; a range of floating technologies for tidal and offshore wind; options for offshore substations and grid connections should be recognised and included to ensure a flexible policy.
- It was recommended the plan’s intent with regards to working towards the key energy goals within the Strategic Energy Framework (2012) should be stated. It was also suggested the Rathlin Interconnector may be better characterised as a transmission cable; the policy commitments given for telecommunications cabling should be reiterated in relation to power cables and pipeline sharing should be encouraged, where possible.
- Attention was drawn to available guidance documents that could assist developers in their consideration of issues and impacts at an early stage in the process, such as navigational safety with one respondent commenting on the need for a Navigational Risk Assessment.

- Respondents remarked references to several current developments will date the plan, and commented the potential for proposals also needing planning permission should be acknowledged. The need for early engagement with developers, the importance of extensive consultation and independent Environmental Impact Assessments, was also raised.
- Concern the plan could be overruled in consideration of national economic benefits from oil and gas exploration was raised. One respondent commented the policy should align with legislation, be legally binding and proposals should only be authorised where there are no adverse impacts.
- A number of respondents referred to datasets and updates in relation to recreational boating activity and the Oil and Gas Authority's 31st Licensing Round which should be shown in the accompanying figures. It was also suggested it would be useful to set out the context of the offshore areas, outlined in the accompanying figure, and to acknowledge if proposals in these areas would be encouraged.
- One respondent called for a Commercial Marine Policy Paper to be brought forward for legislation and adoption. Some detail on what it would include and how it would operate was provided.

Departmental Response

We will seek to ensure a balanced approach to decision making, giving further consideration to the wording of a 'presumption in favour', in the interests of sustainable development, drawing out appropriate caveats including other policy provisions within the MPNI.

The Policy Approach and Using this Marine Plan sections of the document will also be revised and expanded to provide information on the principles applicable to all policies, including sustainable development.

We will amend typographical errors, accurately reflect and clarify public authority roles, clarify the characterisation of the Rathlin Interconnector and reflect the updated position on Oil and Gas Authority licensing rounds. The Using this Marine Plan section and the Land and Sea Interaction policy will also be expanded to encourage, where more than one decision is needed by a number of public authorities, that these processes should run in parallel.

In working with policy leads, we will improve clarity of language and take the opportunity to signpost relevant guidance and approved good practice. We will reflect developments in relation to a new NI Executive Energy Strategy. Consideration will also be given to recognising floating technologies for tidal and offshore wind and offshore substations, the need for grid connections for energy proposals, along with the potential for oil and gas, and gas unloading and storage.

The importance of gas and electricity interconnectors, pipelines and cables will be highlighted and we will make it clear these are included within the scope of the policy.

It is our intention to keep the policy provisions for telecommunication and energy cables separate and in working with policy leads consideration will be given to including the policy provisions and commitments for telecommunications cabling within that policy, such as that in relation to burial of cables and the acknowledgement of risks to other marine users. Consideration will also be given to including a cross reference to water quality due to the potential risk of pollution from cable maintenance.

We will endeavour to keep available data on the Marine Mapviewer updated and ensure any figures that accompany the final Marine Plan are clear and key areas identifiable.

The bringing forward of a commercial marine policy paper is outside the scope of the plan. In addition, the MPNI does not change any arrangements for public consultation within existing decision making processes.

Marine Aggregates

The following comments and examples reflect the views provided by respondents in respect of Marine Aggregates.

“... the Marine Aggregates chapter appears supportive and is consistent with the policy position established under the UK marine policy statement.”

“Similar to the safeguarding provisions in place on land, the marine plans should introduce marine mineral safeguarding policies which require other developments to consider the potential interaction with marine sand and gravel resources which may be spatially limited in their distribution.”

“It is surprising that there is no presumption against marine aggregate extraction proposals in areas of acknowledged importance and sensitivity.”

“We also welcome the presumption in favour of the future extraction of marine aggregates.”

In summary:

- Respondents largely welcomed the policy and were generally supportive, considering the approach to be appropriate and consistent with the UK MPS. Support was given to the position that any potential impacts from proposals will be determined through assessment. One respondent was strongly against the extraction of marine aggregates, whilst others remarked the policy should not be restricted to sand and gravel.
- Concern was raised there was no presumption against marine aggregate extraction proposals in areas of acknowledged importance and sensitivity. Others suggested the inclusion of mineral safeguarding policies to ensure the consideration of potential interaction with marine sand and gravel resources, and to provide certainty and confidence to marine users.

- One respondent remarked public authorities should only authorise a proposal if they are satisfied that it will not have any adverse impacts. They further commented the policy should be aligned with legislation and should be legally binding.
- Respondents remarked reference should be made to the mineral resource assessment of the UK Continental Shelf Limit, (which provides an indication on the location and varying grades of marine aggregates).
- One respondent suggested an amendment to their role and responsibility, whilst another noted a typographical error.

Departmental Response

We will seek to ensure a balanced approach to decision making, giving further consideration to the wording of a ‘presumption in favour’, in the interests of sustainable development, drawing out appropriate caveats including other policy provisions within the plan.

In working with policy leads, we will consider including a reference to the mineral resource assessment of the UK Continental Shelf Limit and ensure this information is included in the Marine Mapviewer. Consideration will also be given to widening the definition of marine aggregates, beyond sand and gravel.

We will amend typographical errors, and accurately reflect and clarify public authority roles.

We will work with public authorities and assist them in developing consistent guidance, on information requirements and processes, to support the implementation of the MPNI.

Marine aggregate extraction is not an established activity in the Northern Ireland marine area, and it is considered too early to provide a safeguarding policy for marine aggregates at this time, as further evidence is needed.

Ports, Harbours and Shipping (including Navigational Safety)

The following comments and examples reflect the views provided by respondents in respect of Ports, Harbours and Shipping (including Navigational Safety).

Ports and Harbours

“The ... finds the chapter on Ports and Harbours generally supportive”

“The potential impact of proposals on seascape and landscape should be included, particularly where proposals involve an extension beyond the exiting footprint of the port/harbour.”

“The Marine Plan should be able to draw a line where a port or harbour has exhausted all development opportunities without potentially making a significant adverse impact on the environment.”

“As with commercial fishing, a statement about the impacts of port and harbour activity upon other issues is needed.”

Shipping

“... generally supports the presumption in favour of shipping and port operations as this is crucial to maintaining the vital role that the marine area plays for Northern Ireland’s economy, people, culture and reputation.”

“Competent policy and approach.”

Navigational Safety

“The Chamber finds the chapter on Navigational Safety as generally supportive and in particular supports the use of the phrase” Navigational safety is of paramount importance.”

“There is a need for other projects and activities in the marine environment to consider co-existence ...”

“We are disappointed that it appears that recreation has not been included as a consideration for navigational safety within this chapter. ... It is also unclear if the policies apply to marinas.”

In summary:

- Respondents were generally supportive of the policy and the presumption in favour of port and shipping operations.
- Respondents commented the environmental impacts of ports and harbours and their associated activities, such as that from more and larger vessels, dredging and disposal, should be highlighted and considered, particularly where a proposal extends beyond the existing port or harbour footprint.
- It was suggested recreational boating and marinas should be included within its scope and title.
- The decision not to apply the policy in tidal waters beyond harbour waters was queried by one respondent.
- It was remarked the accompanying map was confusing and was not representative of inshore smaller vessel traffic. A respondent further commented the AIS categories used should be clearly defined and an acknowledgement made that not all recreational vessels carry AIS transponders.

- A respondent commented the policy should be aligned with legislation and should be legally binding.

Ports and Harbours

- Respondents raised concerns about the continuous development and expansion of ports, which encourages more and larger vessels.
- An amendment to the role and responsibility of The Crown Estate was suggested.
- Respondents remarked on the need to make reference to the Loughs Agency and the UK Hydrographic Office, particularly their role as a principal public authority. The need to address passenger vessels within the loughs, in order to promote tourism and the local economy, was also raised.
- One respondent remarked on their expectation the plan should set a limit to port and harbour development without making a significant adverse impact. They further remarked there comes a point where a change of activities or existing resources should be undertaken rather than further development.

Shipping

- Respondents suggested the impacts of shipping activity on other issues should be outlined. One respondent suggested the inclusion of the 'motorways of the sea' concept.
- Public authority regulation over the introduction of large vessels was also queried and it was remarked the plan provides an opportunity to consider this. One respondent remarked the plan should ensure aquaculture protected sites are maintained without impacts from shipping traffic.
- It was also suggested that Environmental Impact Assessments and Habitat Regulations Assessments should be applied to vessels entering or leaving Carlingford Lough; and that cargo and vessels should be inspected to ensure alignment with relevant legislation.

Navigational Safety

- Respondents remarked on the need to acknowledge the importance of shipping navigation routes and established infrastructure within the Irish Sea Zone. The need to consider the safety of navigation outside of channels was also raised, as well as reference to the International regulations for prevention of Collisions at Sea (COLREGS).
- It was commented the policy was unclear and infers navigational safety is only of importance in navigational channels and approaches to ports. A respondent highlighted the language does not convey the severity of what could occur if interference with safe navigation and the operation of aids to navigation occurred.
- Clarification was sought on the role of the Maritime and Coastguard Agency, whilst the role of the Royal Yachting Association was outlined.

- It was suggested consideration should be given to the impact of proposals on ability or training of younger sailors and whether a vessel is in ballast or is laden, as this could impact on a vessel's ability to manoeuvre. The routine nature of considering navigational safety by marine activities involving shipping was also highlighted.
- One respondent remarked public authorities should only authorise a proposal if they are satisfied that it will not have any adverse impacts.
- Another respondent remarked it would be helpful to outline the planning decision making process for Trust Ports and suggested the inclusion of a policy for Trust Ports to adhere to the plan, to ensure an ecosystem based approach.

Departmental Response

Following analysis of the responses, we will work with policy leads to strengthen language to facilitate a balanced approach to decision making and give consideration to including a reference to the 'motorways of the sea' concept.

We will accurately reflect and clarify public authority roles. We will also make the potential impacts from these activities more clear, including those that arise from their operation. The presence of passenger vessels in shared loughs will be acknowledged and narrative to ensure the application of the policy to maintenance and harbour improvements, which require a public authority decision, will also be provided. The policy applies to proposals by Trust Ports that require decisions by public authorities.

Recreational boating will continue to be captured under the Recreation policy, though its linkages with this policy will be considered for strengthening, in particular the application of navigational safety to all boating and shipping. Other key activities and environmental impacts will continue to be captured and considered under the relevant policy provisions.

Consideration will also be given to providing more prominence to navigational safety and its application to tidal waters beyond harbour authority limits. We will take the opportunity to signpost relevant and appropriate guidance.

In working with GIS leads, consideration will be given to acknowledging data limitations, existing shipping routes and established infrastructure with adjoining marine areas, within the accompanying figures and Marine Mapviewer.

Matters in relation to service improvements of vessels, inspections of cargo and training are outside the scope of this MPNI. In addition, the Loughs Agency has no decision making role in relation to this activity. The MPNI does not change existing decision making processes, which will implement the policies.

Telecommunications Cabling

The following comments and examples reflect the views provided by respondents in respect of Telecommunications Cabling.

“... finds the chapter on Telecommunications generally supportive.”

“... support the policy of presumption in favour of telecommunications cable proposals however it may be more appropriate to cover all cables in a cables policy section.”

“The policy and approach to telecommunications cabling, if deemed appropriate for the intertidal area and landing area will be carried forward into Plan Strategy within the new Local Development Plan.”

“... has concerns regarding the implication that environmental impact assessment is required for telecommunications cables in this policy Cable projects are non-EIA development and this must be clarified in the policy.”

In summary:

- Respondents were in general agreement with and supportive of the policy.
- Some respondents commented on the need to emphasise the importance of cables in socio-economic terms and to modern communications. Others recommended acknowledging a license for an international cable cannot be refused under UK law, telecommunications cabling is not subject to Environmental Impact Assessments and it is illegal to cause damage to a cable. A reference to the possible issues of electromagnetic fields upon elasmobranchs and cetaceans, was also raised.
- One respondent suggested the inclusion of all cables within this policy and that sharing of cables should be encouraged, where possible, to minimise the environmental impact and need for land-based infrastructure.
- The safeguarding and security of existing and planned cable landfalls and routes; and relevant and proportionate stakeholder engagement were also raised as matters for consideration.
- It was highlighted the practice of rock protection is rarely used for telecommunications cables. Other respondents remarked on the potential interaction of cables with shipping and anchorage (entanglement and anchor drag), highlighting the importance of cable burial or protection, and the need to consider under keel clearance and associated navigational safety for cable installations and protection.
- It was highlighted that telecommunications cabling installation rarely results in a measurable effect on the seabed.
- Respondents suggested the inclusion of the Marine Management Organisation as a Principle Public Authority and an amendment to the role and responsibility of The Crown Estate.

- One respondent remarked that public authorities should only authorise a proposal if they are satisfied that it will not have any adverse impacts. They further commented that the policy be in place, aligned with legislation and legally binding.

Departmental Response

The importance of cables as critical infrastructure will be acknowledged. In working with policy leads, we will ensure relevant aspects within this policy are included in other relevant policy areas. We will ascertain the position with regard to cable sharing and rock protection. We are minded not to combine all cables into one policy.

We will amend typographical errors; accurately reflect and clarify public authority roles, the application of Environmental Impact Assessment for telecommunication cabling proposals and the legal position with regard to causing damage to cables. The position with regard to licensing requirements for international cables will be clarified.

The policy includes narrative on the potential impacts from cable installation and maintenance proposals. The potential impact to biodiversity from electromagnetic fields will be acknowledged.

In working towards finalising the plan, we will give consideration to the policy implications of any planned new cable routes within the Northern Ireland marine area. The safeguarding of any planned cable landfall areas will be considered within Local Development Plans being brought forward by local councils, where necessary/appropriate.

The plan does not have the remit to make changes to existing public authority decision making processes nor to the legislative requirements set out for decisions within marine legislation.

Tourism and Recreation

The following comments and examples reflect the views provided by respondents in respect of Tourism and Recreation.

“... generally supports the presumption in favour of tourism and leisure developments as this is important for Belfast’s economy, people and international reputation.”

“It is a concern that the plan does not give greater weight to sustainable tourism given the emphasis placed upon the concept in the equivalent SPPS policies. Sustainable tourism and recreation should be at the core of the policy.”

“By combining the tourism and recreation sectors into one chapter, the value of sport and recreation has been somewhat lost within the emphasis on tourism and its value. Little reference is made in this chapter to the value of sport and recreation to well-being, health and community cohesion.”

“The Northern Irish marine plan will be of benefit to recreational boating in principle, where it provides clarity on decision making in the coastal zone and reduces uncertainty.”

In summary:

- Respondents generally agreed adequate consideration has been given to Tourism and Recreation. One respondent drew attention to the advantages of tourism infrastructure, such as the road/rail bridge between Fair Head and the Mull of Kintyre.
- It was suggested the presumption in favour should be expanded to include maintenance, safeguarding, care, protection and conservation of existing assets; such as golf courses; to ensure no detriment of these assets and the wider tourism and recreational economy. It was also remarked there should be no increased regulatory burden on the maintenance and improvement of recreational boating facilities.
- One respondent commented that tourism and recreation, including (competitive) sport, should be considered separately. It was also remarked wildfowling should be included and recreational sea angling should be given fair consideration. It was further suggested access should be protected and improved, alongside potential access, such as a Coastal Path; and that recreational boating facilities should be enhanced and protected from proposals. One respondent suggested the potential for floating residential and tourist accommodation and commercial premises should be investigated.
- The need to acknowledge the significance of tourism, recent growth and the ecosystem services that are intrinsically linked to the enjoyment of the sea and coast was raised. It was also remarked the economic contribution of recreational activity should be acknowledged. Concern was raised on the lack of linkage to shipping and navigation. There were requests to extend the list of world renowned features to include Royal County Down and Royal Portrush Golf Club, along with the Mourne Coastal Route.
- The relationship between recreational anglers and commercial fishing was highlighted, with a respondent remarking that no 'big fish areas' are set aside to cater to anglers needs. Another respondent suggested the plan should enable proposers to assess impacts at an early stage to ensure compatibility with existing activities and uses.
- The need for greater linkage with terrestrial planning policy and Local Development Plans was highlighted. There was concern that sustainable tourism was not given greater weight given its emphasis in the Strategic Planning Policy Statement (SPPS).
- Respondents suggested there should be a role for National Sports Governing Bodies, Sport NI and UK Sport. An amendment to the role and responsibilities of The Crown Estate was provided.
- A respondent highlighted the accompanying figure did not fully show recreational boating activity and raised the subject of using Royal Yachting Club data. The need to monitor and manage tourism in the coastal and marine environment for long term sustainability was remarked upon. One respondent expressed they would vigorously oppose the designation of marine protected areas, if they prohibit or restrict wildfowling, or access to wildfowling.

- It was recommended narrative acknowledging proposals would be determined on their own merits, and that impacts would be balanced against effects on the marine area as a whole and not on an isolated location, would be helpful. One respondent remarked public authorities should only authorise a proposal if they are satisfied that it will not have any adverse impacts. They further commented that the policy be in place, aligned with legislation and legally binding.

Departmental Response

We will seek to ensure a balanced approach to decision making, giving further consideration to the ‘presumption in favour’, in the interests of sustainable development, drawing out appropriate caveats and policy provisions, within the MPNI.

The Using this Marine Plan section will be revised to include further information on the precautionary principle. The application of this policy to all proposals that require decisions by public authorities will be expanded upon.

The policy does not preclude the consideration of floating accommodation.

We will ensure the policy is consistent with terrestrial planning policy and reflect the principles of sustainable tourism, management and growth. We will also work to improve integration with terrestrial planning policy within this policy, and explore how best to further integration with terrestrial planning.

In working with policy leads, we will include relevant available data on the economic contribution of both tourism and recreation; draw out the value of sport and recreation; review the impacts associated with the tourist and recreational proposals and the ecosystem services linked to these. Consideration will also be given to drawing out more references to specific sport and recreational activities. Appropriate linkages with shipping and navigational safety will be strengthened and improvement to public access will be considered for inclusion. We are minded not to provide separate policies on tourism and recreation.

We will take the opportunity to signpost relevant and appropriate guidance, amend typographical errors, and accurately reflect public authority roles and relevant sports bodies.

A number of issues raised are addressed in the response to the Overarching themes. Political or financial decisions on tourism infrastructure; changes to existing designation processes; and the legislative requirements set out for decisions affected are outside the scope of this MPNI. In addition, early public stakeholder engagement informed the decision not to develop a zoning plan at this stage.

Some tourist locations will be afforded a level of protection should they benefit from a historic and/or natural environment designation. In these cases, proposals will also be assessed against these policies, as appropriate, to ensure heritage assets and natural heritage designations are appropriately safeguarded.

We will keep available data on the Marine Mapviewer updated. The Mapviewer will be the main tool in drawing out spatial overlap between activities and uses within the marine area. Monitoring will be dealt with in the monitoring section.

Monitoring and Review

The following comments and examples reflect the views provided by respondents in respect of Monitoring and Review.

“It is a clear monitoring process and I particularly appreciate the inclusion of an iterative approach as the plan will change as opportunities and challenges present themselves over the years.”

“... the process of monitoring and review does not seem to have been fully considered in the plan.”

“The failure to offer any proposals for future accountability and stakeholder engagement in the implementation and monitoring of the Marie Plan is very worrying, particularly given the contrast with public accountability in terrestrial areas.”

“I recommend the establishment of some type of independent steering group to oversee and monitor the implementation of the Marine Plan.”

In summary:

- Respondents were generally supportive of the processes outlined, though it was remarked that the methods for monitoring, review and assessing progress were unclear. Whilst, it was acknowledged an indicator based approach would be developed, it was noted this was not detailed.
- It was observed the objectives presented are not SMART, there are no specific responsibilities assigned to each objective, nor is there an indication of how they would fit with or be measured against the Programme for Government outcomes.
- The identifying of evidence gaps was also raised by respondents and it was suggested gaps could be addressed in a science or communication and education strategy. One respondent sought clarification on whether there was going to be a mechanism to assess findings, and how cumulative impact especially in relation to transformational (emerging marine use) activities was going to be dealt with and by whom.
- A number of respondents provided suggestions in relation to monitoring. The need for a publicly accessible monitoring and review process; resources to adequately monitor outcomes; clarification on roles of stakeholders and the public was raised. Respondents recommended developing guidance on the level of monitoring required, methods used, when and by whom.
- Whilst some respondents suggested or agreed with the need to draw on existing monitoring programmes, others questioned if this would be sufficient. Another commented on monitoring the plan's implementation in a proportionate manner, and monitoring the applicant and public authority experience alongside those affected by activities.

- One respondent asked how, what and when evidence was going to be requested and obtained from district councils.
- The issuing of a short proforma to stakeholders on an annual basis to collect information and the use of social media were suggested. One respondent provided a more detailed methodology.
- Regular public participation and stakeholder involvement, annual updates and progress, was advocated. Clarification was sought on whether or not a monitoring plan would be published. A respondent commented on the usefulness of stating if data from monitoring and review will be made public along with the plan's achievements.
- Several respondents commented this section relates to governance, public accountability, transparency and participation in decision making on the implementation and further development of the plan. They further remarked on the inclusion of proposals for future accountability and stakeholder engagement, suggesting the establishment of an independent steering group to oversee and monitor the plan's implementation.
- The need to monitor for unintended consequences and to ensure consistency across the UK was also raised. One respondent remarked on mechanisms needed for review and development of future iterations to reflect the changing political and legislative developments.
- Some respondents indicated the timeframes for review and reporting should be reduced.


Departmental Response

We will adhere to the monitoring requirements and reporting timeframes set out in the Marine and Coastal Access Act 2008 and Marine Act (Northern Ireland) 2013.

We will work with statisticians, policy leads, data managers and the Inter-departmental Marine Co-ordination Group (IMCG) in developing an indicator based approach, taking advice from DAERA's statutory advisory council, Council for Nature Conservation and the Countryside (CNCC). We will also draw upon the experience from other marine planning authorities and terrestrial planning to meet the monitoring requirements set out in marine legislation, and in securing progress towards sustainable development and blue growth within an ecosystem based approach. Suggestions from respondents and the monitoring approach developed will be considered within this context, and the responsibilities of public authorities in using the MPNI as a framework for integrated decision making in implementing the MPNI, alongside their own strategies and goals. It should be noted that outcomes might be more qualitative than quantitative.

Whilst existing data and monitoring programmes will be drawn upon, consideration will be given to what additional data and information will be needed.

We will strengthen narrative on governance, accountability and transparency with regard to monitoring and implementation, which will continue to be overseen and steered by IMCG and in taking advice from CNCC.



We will also consider how we increase accessibility and further involve stakeholders, and amend the Statement of Public Participation as necessary.

Further details on monitoring will be published as part of the post adoption process, taking account of political and legislative developments.

Marine Plan Assessments

Sustainability Appraisal

The following comments and examples reflect the views provided by respondents in respect of the Sustainability Appraisal.

“We consider that the assessment of in-combination effects should recognise the potential that, collectively, a number of negligible effects could combine to make a significant effect. Nevertheless, we acknowledge there are safeguards within the draft plan and associated regulatory processes that should enable any such effects to be avoided.”

“We do not consider the consideration of transboundary effects in the Sustainability Appraisal to be particularly comprehensive.”

“We note that transboundary effects have been ruled out on the basis that effects within the plan area are negligible. However, decision-making will still need to consider transboundary effects and therefore engage with relevant authorities and stakeholders.”

“Agree with the conclusions of the sustainability appraisal and the definitions of impact significance therein.”

“The Trust is particularly concerned with the definition of negligible effects throughout the Plan and its Sustainability Appraisal. It is highly unlikely that a plan or policy would have no effect either positive or negative on some other aspect of the environment and so the precautionary principle should be used.”

In summary:

Statutory Consultee responses

- Most of the statutory responses observed and/or agreed with the findings and were satisfied that the plan is unlikely to have significant effects on the criteria, within either adjoining jurisdictions or Northern Ireland.
- Though they agreed with the assessment, one respondent commented that the assessment of in-combination could recognise the potential that collectively a number of negligible effects could combine to make a significant impact. They also acknowledged the safeguards included within the plan and the regulatory processes would enable such effects to be avoided.
- One respondent remarked consideration of transboundary effects was not particularly comprehensive. They suggested there would be benefit in acknowledging the potential for activities in Northern Ireland to impact on adjacent waters and the role for marine planning authorities in managing these impacts.
- The adequacy of air quality and historic environment baseline data, and the conclusions reached was raised. Information in relation to updating these baselines and informing

the assessment were suggested. Amendments to reflect accurate and up to date terminology and legislation with respect to the historic environment was also provided.

- The need to consider the relationship of the historic environment across the SA topics and ecosystem services, particularly its intertwined nature of the natural environment and landscape/seascape was highlighted. It was commented that a broader discussion on these relationships would make for a more robust assessment.
- One respondent was surprised that the introduction of the plan was not considered to have some positive impacts for the historic environment.
- A respondent remarked there was no difference between ‘negligible effects’ and ‘no effect’ or ‘no change’ and that the rationale should be made clear. They further commented it is unlikely the plan or policy would have no effect on some aspect of the environment and suggested the use of the precautionary principle.
- Respondents were keen to highlight that decision making would still need to consider transboundary effects and engagement with relevant authorities and stakeholders was needed. It was suggested that some policy areas could benefit from explicit reference to the need for transboundary cooperation. Collaboration with the Clyde Marine Planning Partnership was recommended.
- Support was given to the balanced approach for considering economic, environmental and social aspects within decision making processes as a method for contributing to sustainable development.

Non Statutory Consultee responses

- There was general support for the appraisal, its conclusions and definitions of impact significance. Others were concerned the conclusion of ‘negligible’ and ‘no effect’ will result in a status quo within the marine area. The lack of positive effect in the management of the marine area and its contribution to Good Environmental Status was also remarked upon, with comparison drawn against the assessment of the Strategic Planning Policy Statement.
- One respondent remarked the intentions of the plan were not fully reflected in the findings set out in the appraisal, commenting the findings should be reconsidered to result in a more balanced and sustainable plan. It was further remarked the term ‘negligible’ is hard to distinguish from ‘no effect’ and ‘no change’ and it was commented it was unlikely the plan would have no effect. The respondent asked for a rationale of the approach used.
- Another respondent remarked the majority of marine uses and/or activities would have a local impact and as a consequence deserve a more focused, detailed, place-specific approach to their sustainable management. They further commented the policies do not achieve this as evidenced by the findings of the appraisal. A stronger and more

ambitious approach to the planning and management of marine resources through the development of more refined and specific policies, which are subject to a sustainability appraisal, was encouraged.

- A respondent queried the integration of the three pillars to sustainable development, commenting sustainable development is the achievement of maintaining and/or enhancing each independently, as outlined in the UK Marine Policy Statement. They further commented the plan should assess the impacts of policies proposed by each individual element of sustainability and not against each other.
- The need for a realistic assessment incorporating the precautionary principle particularly in relation to commercial fishing and its sustainability was commented upon. The respondent called for a realistic approach to sustainable quotas and quota allocation across all stakeholders.
- The importance of covering transboundary issues in relation to other plans within UK and EU waters was raised, highlighting the value of existing EU legislation and continued cooperation. Attention was drawn to the conclusions of the Welsh National Marine Plan's HRA on the potential impact of its tidal lagoon policy, which highlights a gap in this appraisal.
- Clarity on how the appraisal's methodology assessed the relevance of environmental limits to the plan area, the value of biodiversity, particularly when dealing with protected sites and species was requested. Concern was also raised about the combining of topics for assessment and the need for clarity on sectoral relationships.
- The adequacy of some ecological and water quality data and evidence was raised, and information on updated data was provided. Suggestions on sources was provided and it was remarked that a gap analysis within the appraisal would have identified significant gaps.
- A respondent remarked the definitions of impact significance could act as a guide to public authorities in assessing the level of risk associated with development proposals affecting the marine area.
- Some respondents have provided amended wording to provide greater clarity and consistency with terminology used in the plan.
- It was suggested it would be helpful to expand the narrative within the plan to aid reader understanding of the appraisal's conclusions.

Departmental Response

The Sustainability Appraisal and the accompanying Ecosystem Services Assessment have been completed using standard practice, taking account of the general marine policy approach in the Northern Ireland marine area.

In finalising the policies of the MPNI, consideration will be given to the comments made. A modification/post adoption statement will provide detail on how the opinions expressed have or have not been incorporated into the MPNI.

Decision making at project/proposal level will still need to consider transboundary effects and public authorities will need to consult with relevant authorities and stakeholders, as necessary.

The use of the precautionary principle in decision making is included within the MPNI.

We will consider expanding on the conclusions of the Sustainability Appraisal within the final MPNI document.

Habitat Regulations Assessment

The following comments and examples reflect the views provided by respondents in respect of the Habitat Regulations Assessment.

“We welcome the approach taken in this report, which follows relevant David Tyldesley Associates guidance on Habitats Regulations Assessment.”

“The East Coast (NI) Marine pSPA, Carlingford Lough proposed marine extension SPA & North Channel cSAC are shown on Figure 5a, page 65, of the Draft Marine Plan for Northern Ireland, however were never picked up in the original Habitats Regulations Pre-screening Report, March 2016. In terms of completeness, transparency and accountability, it may be best to include site descriptions, conservation objections, etc., within the HRA process, regardless of the outcome of the screening.”

“The policy should recommend a clear commitment to a HRA at project level where there is a possibility of LSEs.”

“Other Marine plans have also recognised the challenges around appraising high level and overarching policies that don’t have location specific implications, however they have acknowledged their post-screening implications and deferred down projects to the Appropriate Assessment. This seems sensible given the support that policies can give to future marine plans and projects that have likely significant effects. We therefore believe it would be worth DAERA considering the HRA post-screening approaches adopted for other Marine Plans.”

In summary:

Statutory Consultee responses

- Most of the statutory respondents were satisfied the plan’s policies had been appropriately screened out from further assessment, or agreed the plan will not have any likely significant effects on any European Sites, within either Northern Ireland or adjoining jurisdictions.

- The approach taken, which follows the David Tyldesley Associates guidance was welcomed. Attention was drawn to recent judgments regarding the Habitats Directive and in particular the Sweetman case.
- It was remarked that any newly designated or proposed European and Ramsar sites would need to be taken into account within the completed HRA Screening prior to publication of the final plan.
- Respondents were keen to highlight that effects, including transboundary effects, are possible as a consequence of future decision making and engagement with relevant authorities and stakeholders was recommended.
- One respondent highlighted the different approach being taken in comparison to marine plans in England and Wales and terrestrial strategic plans, particularly when considering in-combination effects. They suggested consideration should be given to HRA post-screening approaches adopted for other marine plans. A clear commitment to HRA at project level was suggested.
- It was advised it would be helpful to expand the narrative within the plan to aid reader understanding on why the policies had been screened out.

Non-Statutory Consultee responses

- The screening out of all the plan policies as having no likely significant effects on European and Ramsar sites was acknowledged.
- One respondent commented likely effects were inevitable where the majority of the coastline has protected status. They requested the next iteration of the plan carries out the HRA in line with the UK MPS high level principles and Article 6.3 of the Directive.
- It was remarked it is vital to cover transboundary issues in relation to other plans within UK and EU waters, and the potential for adverse effect on the integrity of sites.
- A stronger and more ambitious approach to the planning and management of marine resources through the development of more refined and specific policies, which are subject to a HRA, was encouraged.

Departmental Response

The HRA Screening was completed following the appropriate methodology, guidance and case law. It includes full details as to the reasons for not requiring an Appropriate Assessment, at draft plan stage.

In finalising the policies of the MPNI, the HRA Screening document will be reviewed, taking account of any amendments to European and Ramsar designations. We will also make a clear commitment within the revised HRA Screening document to follow the HRA processes, as necessary, at project/proposal level. This process is well established and recognised in the MPNI.

Decision making at project/proposal level will still need to consider transboundary effects, and public authorities will need to consult with relevant authorities and stakeholders.

We will consider expanding on the conclusions of the HRA within the final MPNI document.

Equality Impact and Human Rights Screening

The following comments and examples reflect the views provided by respondents in respect of the Equality Impact and Human Rights Screening.

“Appropriate methodology.”

“We implore the department to ensure that they gather all the relevant information and data, including both Quantitative and Qualitative data with regards to equality assessment for this policy area on a ‘continuing’ basis which will enable the identification of any differential impacts and to determine whether those impacts are adverse.”

“P7 on whom will it impact? - this does not include urban communities - therefore should not specify “rural”. Also need to add Local and International Tourists, Organisations directly and indirectly impacted by marine plans, Archaeologists, Ecologists, Engineers etc.”

In summary:

- There were a limited number of comments from respondents.
- One respondent indicated the methodology was appropriate, whilst another remarked there was no justification provided in determining a negative screening exercise.
- The need to include urban communities; local and international tourists; organisations and a range of professions, including archaeologists, ecologist and engineers (and not just rural) was raised within the ‘whom it will impact’ section.
- A respondent remarked the plan could ensure facilities associated with developments (including tourism development) are inclusive and make provision for wheelchair users.
- With respect to Human Rights, a respondent remarked that as the plan does not have jurisdiction in Carlingford Lough, it does not protect their Right to Life, as it cannot ensure developments do not have a detrimental impact on them both socially and environmentally. They called for an independent body to have responsibility to monitor, assess and manage the lough.
- A respondent commented on the need for the continual gathering of relevant information and data to enable the identification of any differential impacts and the determination of whether those impacts are adverse. However, no specific data or information was suggested.
- One respondent asked where the document could be accessed.

Departmental Response

The screening was completed using the DAERA screening template, which specified the categories that would be impacted upon, including rural. Any other individuals and organisations are included within those categories with an interest in or affected by the MPNI. A Rural Impact Assessment was also undertaken.

DAERA has neither found or been given any evidence that the plan, operating at a national level, will differentially affect any S75 group, disability rights or human rights. DAERA will review information to inform the outcome of the EQIA and Human Rights screening at final MPNI stage. We will also ensure accessibility to the document.

The MPNI does not directly impact on Article 2 Right to Life. The MPNI will continue to be developed within the framework of UK legislation and the UK Marine Policy Statement. It draws together existing policy, advice and guidance across a wide range of issues within a single document and includes appropriate measures to avoid, minimise and mitigate against adverse impact. DAERA is content that adequate justification was provided in the determination of the Human Rights screening at draft plan stage.

Access for wheelchair users within specific developments (including tourist developments) is outside the scope of this screening exercise and is considered at project level for development proposals.

An updated screening will be published with the final MPNI, in line with available guidance.

Partial Regulatory Impact Assessment

The following comments and examples reflect the views provided by respondents in respect of the partial Regulatory Impact Assessment.

“Appropriate methodology.”

“We support the assurance in the RIA that aquaculture proposals will be considered outside Shellfish Designated areas but have concerns this is not reflected in the Marine Plan.”

“Stakeholder Engagement: This section discusses costs associated with access to information. There would be no costs involved where a portal to upload information is established. This facility has not been included in the Marine Plan but it should be to provide a fair and transparent way of engaging with all stakeholders.”

“There should be no increased regulatory burden on (RYA - maintenance or improvement of recreational boating facilities).”

In summary:

- There were a limited number of comments from respondents and one respondent indicated the methodology was appropriate.

- A respondent commented the plan misinterprets the definition of sustainability as outlined in the UK MPS under the Policy Approach section. The respondent remarked all three elements of sustainability should be maintained and/or enhanced and not determined through proportionality.
- Under the stakeholder engagement section, a respondent commented there would be no costs involved in uploading information to an established portal. The respondent further remarked this facility was not included in the plan.
- One respondent considered the proposals relating to AONB's and seascape to be a departure from existing policy, and requested the maps and the pRIA to be amended accordingly.
- Whilst there was support for the assurances that aquaculture proposals will be considered outside Shellfish Designated Areas, it was remarked that the policy direction given still limits where new shellfish proposals could be located.
- One respondent stated there should be no increased regulatory burden on the maintenance and improvement of recreational boating facilities.
- It was remarked that a link to the assessment should have been provided in the document rather than a statement declaring it has been carried out.

Departmental Response

DAERA appreciates the views of respondents. It has noted that some are not relevant to this partial Regulatory Impact Assessment, but to other documentation that accompanied the publication of the MPNI.

DAERA will review the partial Regulatory Impact Assessment taking account of the views by respondents in line with available guidance and in consultation with DAERA's economist.

An updated pRIA will be published with the final MPNI and made accessible.

An electronic link to the partial Regulatory Impact Assessment within the MPNI document will be considered.

Rural Needs Impact Assessment

The following comments and examples reflect the views provided by respondents in respect of the Rural Needs Impact Assessment.

"We also reiterate the importance of the social and economic needs of people living in rural areas with regards to this consultation. We also remind the department of the Rural Needs Act that came into operation June 2017 for government departments."

“Coastal resource particularly important in rural communities.”

“A link would have been good.”

“Potential impacts in rural areas are where developments take place that affect the coastal integrity on a high risk flood plain.”

In summary:

- There were a limited number of comments from respondents.
- One respondent drew attention to the Rural Needs Act, which incorporates the Brown Principles.
- A respondent remarked that ‘environmental needs’ were omitted from the assessment. Another commented the coastal resource was particularly important in rural communities.
- In the developing and appraising options section, a respondent identified that impacts in rural areas arise from those (infrastructure) developments that affect the coastal integrity of a high risk flood plain.
- It was remarked that a link to the assessment should have been provided in the document rather than a statement declaring it has been carried out.

Departmental Response

DAERA appreciates the views of respondents with regard to the importance of the coastal resource, the environmental needs of rural areas, and the potential impact from development on coastal integrity. However, this Assessment considers the social and economic needs of the rural community.

An updated Rural Needs Impact Assessment will be published with the final MPNI, in line with available guidance, and made accessible.

An electronic link to the assessment within the MPNI document will be considered.

Responsibilities within the Northern Ireland Marine Area

The following comments and examples reflect the views provided by respondents in respect of responsibilities within the Northern Ireland Marine Area.

“Consider amalgamating the sections of BEIS & OPRED.”

“We would ask that the references to The Crown Estate, as outlined in each of the relevant key activity policies sections and annexes (below), are updated to ensure consistency and transparency as to our role in the marine environment in Northern Ireland.”

In summary:

- A small number of public authorities requested amendments to their responsibilities.
- One respondent commented on their absence from the list and requested an explanation.

Departmental Response

DAERA will amend the responsibilities as requested by the responsible public authority and provide an explanation to relevant parties on any omissions.

Next Steps

This Summary of Responses provides an overview of the responses received and our initial views on the responses.

The Marine Plan Team will work with policy officials in considering the responses and discuss options to address any of the concerns raised.

A statement will be published, in 2021, detailing how DAERA intends to proceed with the MPNI.

The MPNI will be adopted when the Northern Ireland Executive (with agreement of the Secretary of State with regard to retained functions) decide to publish the plan.

The plan will be published as soon as reasonably practicable after its adoption along with statements of each of the following:

- Any modifications that have been made to the proposals published in the consultation draft;
- The reasons for those modifications;
- If any recommendations made by any independent person appointed under paragraph 13 (MANI) have not been implemented in the Marine Plan, the reasons why those recommendations have not been implemented.

Annexes

Annex 1: List of Respondents

7 Individuals and the following 64 organisations:

5 organisations provided 2 responses

Antrim and Newtownabbey Borough Council
Aquaculture Representative Group *
Ards and North Down Borough Council
Belfast City Council
British Association for Shooting and Conservation
Centre for Environmental Data and Recording
Clyde Marine Planning Partnership
Council for Nature Conservation and the Countryside *
DAERA, Environment, Marine and Fisheries Group and NIEA
Department for Business, Energy & Industrial Strategy, Offshore Petroleum Regulator for Environment and Decommissioning
Department for Communities, Historic Environment Division
Department for Infrastructure
Department of Housing, Planning and Local Government
Derry City & Strabane District Council
East Belfast Yacht Club
European Subsea Cables Association
Fermanagh and Omagh District Council
Greencastle Keep it Green
Historic England
Historic Environment Scotland
Housing Executive, Land and Regeneration Services
Inland Fisheries Ireland
International Ocean Governance Consultant
Joint Nature Conservation Committee
Joint Nautical Archaeology Policy Committee
Landscape Institute Northern Ireland
Loughs Agency
Louth County Council
Marine Conservation Northern Ireland

Marine Management Organisation
Maritime and Coastguard Agency
Mid and East Antrim Borough Council Harbours and Marinas
Mid and East Antrim Borough Council Planning Department
National Federation of Fishermen's Organisations
National Trust
Natural England
Natural Resources Wales
Newry, Mourne and Down District Council
North Antrim Marine Energy Group
Northern Ireland Environment Link
Northern Ireland Local Government Association
Northern Ireland Marine Task Force
Northern Ireland Renewables Industry Group
Northern Ireland Water *
Quarry Products Association Northern Ireland
Queen's University Belfast *
Rathlin Development & Community Association
Royal County Down Golf Club
Royal Town Planning Institute
Royal Yachting Association & Royal Yachting Association NI
Scottish and Southern Energy
Scottish Environment Protection Agency, Planning Service
Scottish Natural Heritage *
Seabed User and Developer Group
Sinn Fein
Territorial Seas Committee, Isle of Man
The Crown Estate
UK Chamber of Shipping
UK Hydrographic Office
Ulster University
University College Cork
Welsh Government

* organisations that provided 2 responses

Annex 2: Consultation questionnaire

Introduction section of the Marine Plan

Are you content with the Marine Plan vision and objectives?

Does the section on 'Using this Marine Plan' explain how the Marine Plan should be used in decision making?

Core Policies

Do you agree with the approach that is taken on Stakeholder Engagement?

Do you agree with the approach that is taken on Air Quality?

Do you agree with the approach that is taken on Climate Change Mitigation?

Do you agree with the approach that is taken on Climate Change Adaptation?

Do you agree with the approach that is taken on Coastal Processes?

Do you agree with the approach that is taken on Resilience to Coastal Processes?

Do you agree with the approach that is taken on Co-Existence?

Do you agree with the approach that is taken on Cumulative Impacts?

Do you agree with the approach that is taken on Designated Heritage Assets?

Do you agree with the approach that is taken on Undesignated Heritage Assets?

Do you agree with the approach that is taken on Invasive Alien Species?

Do you agree with the approach that is taken on Land and Sea Interaction?

Do you agree with the approach that is taken on Marine Litter?

Do you agree with the approach that is taken on Marine Noise?

Do you agree with the approach that is taken on International and National Designated Sites and Protected Species?

Do you agree with the approach that is taken on Other Habitats, Species or Features of Importance?

Do you agree with the approach that is taken on Seascape?

Do you agree with the approach that is taken on Use of Evidence?

Do you agree with the approach that is taken on Water Quality?

Do you have any general comments on the Core Policies?

Key Activity Policies

Do you agree with the approach that is taken on Aquaculture?
Do you agree with the approach that is taken on Carbon Capture and Storage?
Do you agree with the approach that is taken on Commercial Fishing?
Do you agree with the approach that is taken on Defence and National Security?
Do you agree with the approach that is taken on Dredging?
Do you agree with the approach that is taken on Energy?
Do you agree with the approach that is taken on Marine Aggregates?
Do you agree with the approach that is taken on Navigational Safety?
Do you agree with the approach that is taken on Shipping?
Do you agree with the approach that is taken on Ports and Harbours?
Do you agree with the approach that is taken on Telecommunications Cabling?
Do you agree with the approach that is taken on Tourism and Recreation?
Do you have any general comments on the Key Activity Policies?

Delivery and monitoring of the Marine Plan

Is the section on 'Monitoring and Review' easily understood?
Have you any suggestions on how the Marine Plan should be monitored?

Respondents were asked to provide their reasons for each answer to the questions listed above.

Annexes of the Marine Plan

Please provide your comments on the Sustainability Appraisal.
Please provide your comments on the Equality Impact and Human Rights Screening Exercise.
Please provide your comments on the Partial Regulatory Impact Assessment.
Please provide your comments on the Rural Needs Impact Assessment.

Additional comments

Please provide your comments.



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