



RTPI

mediation of space · making of place

Introduction

*This document forms the Royal Town Planning Institute's Northern Ireland Branch (RTPI NI) response to the Department of the Environment, Northern Ireland **Marine Strategy Framework Directive (MSFD): Putting in place the legal framework for implementation dated 8th January 2010.***

The Institute is the largest professional body representing spatial planning and represents over 20,000 professional planners in the public and private sectors. The Institute has over 500 members in Northern Ireland and we would like the views of these members taken into account in respect of the consultation on the MSDF.

The MSDF consultation document was the subject of discussion at the RTPI NI Branch Executive meeting, held on the 14th January 2010. This report has been compiled in the light of the comments made by the membership in Northern Ireland.

In addition to this report a comprehensive national response to MSDF is being sent by the RTPI in London to DEFRA

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RTPI Northern Ireland Response to the Consultation on the Marine Strategy Framework Directive: Putting in place the legal framework for implementation. - 8th January 2010

RTPI Northern Ireland welcomes both the Marine Strategy Framework Directive and the moves being made towards its transposition in the UK and Northern Ireland. This policy development could provide a real opportunity to move towards a more holistic approach to management of the UK sea area. However, RTPI NI has concerns with the interpretation of the Directive, some of which are specific to Northern Ireland.

The Issues are as follows:-

(1) RTPI NI is concerned that the consultation document and supporting information focuses on the potential costs and economic impacts of the Regulations. There is little explanation about the benefits that the Directive is intended to deliver for the marine environment. There should be greater emphasis on the statement made in the MSFD around the promotion and integration of environmental considerations into all relevant policy areas and “deliver the environmental pillar of the future maritime policy for the European Union”.

(2) While it is acknowledge that in practice the delivery of GES should not be prohibitively expensive, it is believe that the focus by the Devolved Administrations is on minimizing the costs of GES. An incomplete reference in Regulation 16 to the full set of caveats is misleading and implies an approach which will not deliver real change in the marine environment. The tone is in conflict with the intentions of the proposed Northern Ireland Marine Bill.

(3) RTPI NI suggests that the document and its final version should contain ‘aims and objectives’ at the outset, and that these aims and objectives are referred to throughout the text. This would give clarity to the discussion and interpretation of the regulation and guidance. It would also frame the development of measures and targets

(2) Northern Ireland is not currently on target to deliver on either a national network of Marine Protected Areas or a Marine Planning System on the same timetable as England, Scotland and Wales, therefore, the region is unlikely to meet the obligations and duties under the MSFD Article 13(4) for ‘spatial measures’ and marine protected areas.

(3) Northern Ireland does not have a Marine Bill or a public framework towards implementation of a Marine Conservation Zone network, therefore, it is unlikely to deliver on Article 13 (6). This Article affirms that member states must publish information on both Marine Protected Area designation and on established Programmes of Measures to achieve GES. Also Article 21 requires that member states need to report on progress made towards the designation of Marine Protected Areas by 2014. England, Scotland and Wales will most likely meet this target, due to their individual progress towards the designation of MPA networks under their respective Marine Bills, but there is concern that Northern Ireland is unlikely to meet this requirement.

(4) In paragraph 1.20, it is RTPI NI view that a single UK Marine Strategy is an acceptable option. However, monitoring and reporting should take place at a marine sub-region scale (ie, the Celtic Seas and the Greater Northern Sea respectively), in order to acknowledge the differing management issues which apply to both. For example a single UK Marine Strategy will need to differentiate between each Marine Sub-region in terms of the information used, the initial and subsequent assessments of the status of the marine environment, the determination of GES targets, and the indicators and POMs required to achieve GES.

(4) In paragraph 1.24 RTPI NI welcomes the special reference in the Directive to spatial protection measures. However, we believe that sites designated under the EU Birds and Habitats Directives will also make a contribution towards achieving GES under this measure, particularly as an ecologically coherent network will be compromised if sites designated under both European and national legislation. In this paragraph the Directive not only includes “spatial protection measures”, but also requirements for marine protected areas. Clarification should be given as to how Northern Ireland intends to reach these goals under the timescales specified in the Directive.

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(5) Under regulation 15(4), there is a duty on each UK competent authority to publish information on marine protected areas in their relevant part of the marine strategy area by the end of 2013. By the definition in the Directive, this does not solely relate to designation under the EC Birds and Habitats Directives, but extends to a coherent network of nationally representative sites under the forthcoming Northern Ireland Marine Bill. This should be clarified in either the regulation or the associated guidance, stating how Northern Ireland is going to achieve this.

(6) Under paragraph 2.1 it is acknowledged that there are institutional reasons for Northern Ireland Ministers not being specified as the competent authority in Northern Ireland (unlike Scotland and Wales, whose Ministers are their respective competent authorities). In this instance, the competent authority in Northern Ireland is the Department of the Environment, but as the Descriptors for GES relate to management areas that are outside the DOEs control (for example fisheries management), all departments in Northern Ireland that have a marine remit should be competent authorities in the transposition regulation (and not just placed with general duties under

regulation 4). The regulation will be difficult to implement in Northern Ireland unless the Northern Ireland Departments are individually named.

(7) RTPI NI has concerns in paragraph 2.2 that, unlike in Scotland, England and Wales, there is no power granted to Northern Ireland administrations to direct its public bodies and issue guidance to them. There is a concern that this approach has the potential to confuse progress towards satisfying the requirements of this multi-sector Directive in Northern Ireland. DoE NI only has the power to ask for assistance from other departments on this issue. It is potentially very weak and will result in slow progress.

(8) The current NI Marine Bill timetable does not currently coincide with fulfillment of targets under the Marine Strategy Framework Directive (particularly with regard to spatial protection measures and marine protected area designation in Northern Ireland's waters). RTPI NI needs assurances that Northern Ireland will be able to fulfill its requirements, alongside the rest of the UK, under this Directive and how the Department, as competent authority, intends to make this happen.

Despite the specific concerns outlined above, RTPI NI feels that the Marine Strategy Framework Directive gives a very real steer to Northern Ireland to catch up with the UK with regard to marine policy reform. However, measures required by the Directive and its UK transposition can only be realistically be delivered by a Northern Ireland Marine Bill.

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