

# **COUNTRYSIDE ALLIANCE IRELAND**

Love the countryside

## **Marine Bill**

A response by:

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## Introduction

Countryside Alliance Ireland is an expert and informed organisation, campaigning for the countryside, country sports and the rural way of life. We represent over 10,000 people throughout Ireland; many of those whose livelihoods and recreation are centred on rural activities.

Our vision of a vibrant and diverse countryside is based on the principle of responsible and sustainable use of our natural resources, coupled with local community support through meaningful consultation and proper stakeholder participation. We believe the proposed Marine Bill directly affects our members, the majority of whom participate in at least one form of responsible country sports.

Countryside Alliance Ireland believes the Marine Bill is *theoretically* a positive movement for NI marine life and biodiversity.

However, due to the ambiguity of the Bill, it has been left open to misinterpretation and potential abuse and therefore, we believe the Bill needs to be reviewed and significantly revised to ensure that the legislation is both transparent and fair.

Our prime concern is that the Bill provides an opportunity for unsympathetic parties to unnecessarily prohibit legitimate rural pursuits, resulting in adverse economic and social consequences for Northern Ireland.

Countryside Alliance Ireland is also deeply disappointed with the lack of representation from a diverse range of organisations on the Northern Ireland Marine Task Force and indeed, the complete disregard of those concerned with country sports.

The Marine Bill has a direct impact on many of those engaged in legitimate country sports activities and the lack of stakeholder inclusion at present means they have no representation within the current Task Force group.

Countryside Alliance Ireland welcomes any measures aimed at benefiting marine life and biodiversity, however, the Marine Bill as it currently stands will do nothing to improve the level of protection afforded to marine life in Northern Ireland.

## Concerns and Suggested Amendments

### Clause 2, subsection 9

*A marine plan comes into effect when it has been published by the Department in accordance with Schedule 1.*

Proposed change - *A marine plan comes into effect **21 days** after it has been published by the Department in accordance with Schedule 1.*

Explanation - A marine plan should be implemented a suitable period of time after it has been published, and not at the same time as notification, as is currently proposed. This would allow adequate time for objections to be lodged, and further consultation to be undertaken if needed.

It is less disruptive to amend a plan before it has been implemented, and these proposed changes to clause 2 would assist that.

In addition, if any challenges are received, the implementation of the plan should be postponed.

#### **Clause 8, subsections 4 and 5**

*A person aggrieved by a relevant document may make an application to the High Court.....*

Proposed change - An alternative means of challenging a marine plan is needed, e.g. a path of communication with the Department should be the first step in any challenge.

Explanation - It is not acceptable for anyone challenging a plan to be forced to prove the plan's faults to the High Court in the first instance.

#### **Clauses 11 & 12**

The Bill allows the Department to designate any area of sea, or **any island in the sea** (11), as a marine conservation zone (MCZ), with the agreement of the Secretary of State, and if it *"thinks that it is desirable to do so"* (12).

Proposed change – reword clause 12 to remove the ambiguity.

Explanation - This is too vague and all encompassing and could potentially restrict legitimate activities, e.g. angling and shooting at Strangford Lough, Foyle area and Carlingford Lough.

#### **Clause 12, subsection 5**

A statement in subsection 5 reads, ".....include references to conserving the diversity of such flora, fauna or habitat, **whether or not any or all of them are rare or threatened.**"

Proposed change – remove the statement "whether or not any or all of them are rare or threatened" from paragraph (5).

Explanation - This leaves the interpretation open for the possibility of an MCZ being designated on 'a whim'. Irrefutable evidence must be provided to prove the necessity of an MCZ before one is created.

#### **Clause 12, subsection 7**

*'The Department may have regard to any economic or social consequences of doing so.'*

Proposed change - clause 12, subsection 7 – should be re-worded as follows – ....'The Department **must** (as opposed to 'may') have regard to any economic or social consequences of doing so.'

Explanation – rural activities, for example, angling, wildfowling and shooting, provide many economic and social benefits to the surrounding area. To curtail these activities would be to unnecessarily penalise many people within the MCZ, and beyond.

#### **Clause 13**

Subsection 3 allows an MCZ to include an area of the seashore if necessary.

Proposed change – we recommend this clause be amended. It is presently unclear as to whether the seashore can be included in an MCZ and therefore, how influential this clause could potentially be.

Explanation - this subsection could widen the potential of aforementioned problems to include the seashore and coastal areas.

### **Clause 14, subsection 6**

*(6) In a case where the Department thinks that there is an urgent need to protect the area proposed to be designated as an MCZ, the Department need not comply with subsections (2), (3) and (4)(b).*

Proposed change – this subsection needs to be removed from the clause.

Explanation - CAI believes consultation is necessary with all key stakeholders prior to designation.

### **Clause 15**

*'be published in such manner as the Department thinks is most likely to bring the order to the attention of any persons who are likely to be affected by the making of it.'*

Proposed change - publication of orders – more clarification is required to ensure that all relevant personnel are informed i.e. publication in the national press.

### **Clauses 24 – 31 inclusive – byelaws**

Proposed change - **these clauses need extensive revision, rewording and indeed the removal of some proposals altogether.**

Explanation - in particular, clause 24 *Byelaws for protection of MCZs*, gives severe cause for concern.

If this clause is left as it is, any area in the NI inshore region or **any other part of NI** would be applicable to byelaws. In addition, the provisions within these byelaws could prohibit people and vehicles from entering an MCZ, and the killing or taking of any animal in an MCZ and of doing anything in an MCZ which would interfere with or disturb any object in the MCZ.

This clause (as currently worded) has the potential to unnecessarily curtail legitimate rural activities.

(Using the example of Amendment 23 within the Wildlife and Natural Environment Bill, it may not have been tabled to curtail countrysports but, if moved, could have resulted in the restriction or prohibition of shooting and angling across Northern Ireland.)

Clauses 24, 25, 26 & 27:

**Clause 24, subsection 8** – this subsection allows the making of different provisions for different cases.

Proposed change – remove this paragraph from the Bill.

Explanation - we understand from perusing legislation already in place in England, with the Marine and Coastal Access Act, that some areas within MCZs may be considered to be deemed '*higher protection*' areas (*referred to as 'reference areas' in England*).

The inclusion of paragraph 8 within the Marine Bill could allow for the implementation of 'reference areas' and therefore has the potential to curb wildfowling, angling and other related, legitimate activities.

### **Clause 25 – Byelaws for protection of MCZs**

Clause 25 requires the Department to carry out public consultation before making any byelaws. However, immediately after this, the Bill allows the Department to make byelaws urgently, without

having to comply with normal consultation and publication requirements, and without confirmation by the Secretary of State.

Proposed change – to remove subsection 10; “*nothing in this section applies where the Department thinks that there is an urgent need to protect an MCZ*”, from the Bill.

Explanation - this provision is open to ambiguity and may be subject to abuse and to the detriment of legitimate activities.

**Clause 26** – this clause reinforces the need for key stakeholder consultation prior to designation.

Proposed change – subsection 1 should be amended to include the term ‘after consultation’.

Explanation – this would ensure consultation with key stakeholders is undertaken prior to the byelaws being implemented.

**Clause 27** – (1) Clarification required as to ‘*any feature in an area in Northern Ireland if the Department thinks’...*

Proposed change – reword this statement.

Explanation – a severe lack of clarification could lead to the Marine Bill having power to designate any part of Northern Ireland, regardless of whether it is part of the inshore region or not, an MCZ.

## **Conclusion**

CAI welcomes the opportunity to outline our concerns within this response. As is evident from our submission, we have several misgivings regarding the wording of the Marine Bill and specifically the ambiguity of the draft Bill.

We sincerely hope the Committee takes our concerns into consideration, and we will be happy to work further with the Committee to ensure that our members’ legitimate activities are not unduly curtailed.

If the Committee requires further information, please do not hesitate to contact us on 028 9263 9911 or by email on [info@caireland.org](mailto:info@caireland.org)