

Report into the economic implications of a Marine Management Organisation in Northern Ireland

Tony McCusker

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The opinions reflected in this report are those of the author and do not necessarily reflect the views of the Northern Ireland Marine Task Force or its member organisations.

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Executive Summary

Purpose and scope of report

- i. This report explores the cost and resource implications of a selection of marine management delivery options in Northern Ireland. It objectively compares the costs, benefits, practicalities and political implications of a selection of potential models for marine management in Northern Ireland against the model currently used.
- ii. Responsibility for marine policy and delivery in Northern Ireland at present is widely dispersed across government departments and agencies, resulting in potential overlap of delivery functions. Government has indicated its intention to deliver a Northern Ireland Marine Bill, but the timetable for doing so has slipped by several months and it is now unlikely to be enacted before 2012. This will leave Northern Ireland at least three years behind the other regions of the UK and the report suggests that regardless of the marine management model chosen for Northern Ireland, pilot projects and preparation for equivalent legislation coming under the powers of the Bill should begin now.

Methods & Approach

- iii. The report commences by analysing the original (2007) proposals for strategic marine management across the UK contained in the Marine Bill White Paper* including the implications for Northern Ireland, which at the time was under direct rule. It then documents developments in each region of the UK since the White Paper leading to the Draft UK Marine and Coastal Access and Marine (Scotland) Bills. Structures for marine management have now been agreed in England, Scotland and Wales and are considered in the report along with those currently in place in the Republic of Ireland. The approach to marine management that will be adopted in Northern Ireland has yet to be decided, but government has stated that it will not, unlike Wales, be part of the UK Marine Management Organisation (MMO).

* The Marine Bill White Paper 'A Sea Change' was issued for consultation in March 2007 by Defra, and its proposals covered the full extent of UK waters and devolved administrations.

iv. The report presents four potential models for marine management in Northern Ireland:

1. Status Quo	Maintaining the status quo (and adding marine planning functions)
2. Virtual Integration	A virtual integration of functions across existing departments
3. Marine Directorate	A Marine Directorate within an existing department
4. Separate Marine Management Organisation (MMO)	<ul style="list-style-type: none">a. <i>Basic MMO</i> - operational and delivery functionsb. <i>Enhanced MMO</i> - all water related functions including science

v. Costs for the various marine functions are identified so that each model can be assessed for value for money. The additional costs of setting up an MMO and the new marine planning function were established through communication with DOE. Analysis of the options was enhanced with information obtained by discussion with a range of departments, agencies and organisations (Annex 2).

vi. Each MMO model option is analysed financially and set against the following criteria that enables a realistic judgement to be made about the most appropriate model for Northern Ireland:

Criteria 1. How well the model integrates marine functions

Criteria 2. The financial costs of the model and the value for money it provides

Criteria 3. Potential savings

Criteria 4. Particular risks associated with the model

Criteria 5. A regulatory impact

Criteria 6. Coherence and consistency

Main findings & Recommendations

- vii. The report presents a compelling case for changing from the current fragmented marine management structures and arrangements in Northern Ireland and highlights the potential advantages and costs of consolidating powers and responsibilities into a new marine management body.
- viii. **Maintaining the status quo.** Based on the analysis criteria, the report concludes that the status quo is clearly unsustainable, with minimal integration of marine functions and potential long-term damage to the marine environment. It would also leave Northern Ireland isolated, in not of having a clear and integrated marine delivery service. In terms of costs, the report concludes that even maintaining the status quo has an increased cost, estimated in the region of £250k per year, on top of current spending.
- ix. **Virtual organisation of functions.** A virtual organisation of services across departments is also concluded to be unfeasible. The strain of delivering a complex range of functions and meeting the policy and delivery expectations of four departments and Ministers is likely to lead to confusion and poor decision making. Here again there will be an increased cost in the region of £350k per year over current costs, without any mitigating savings.
- x. **Single marine directorate.** A single directorate similar to the Scottish model could work but only if Northern Ireland fully integrated all policy and delivery functions in a single department or agency. If policy remained the responsibility of a number of departments, with delivery in a single department, then the policy department has the power to direct the delivery department about the implementation of that policy. In a Northern Ireland context, this seems unworkable. It can work in Scotland or Wales for the very simple reason that there is a single structure of government administration. In other words, there are no individual departments with legal powers vested in ministers like Northern Ireland. Initial set up costs are estimated in the region of £250k, but annual savings may be in the region of £100k per year from current costs.

- xi. ***Separate Marine Management Organisation (MMO)***. A separate MMO as a Non-Departmental Public Body (NDPB) seems to meet the core administrative and political issues, and avoid the problems associated with the previous models. An NDPB would be more clearly accountable to Ministers and Assembly as a whole, and could presumably be accountable to more than one policy department thereby minimising the issues of policy loss to existing departments. In addition, any outcome of the Efficiency Review* in terms of amalgamating the functions of two or more departments could be easily accommodated by an NDPB.
- xii. The key issue is one of scale. As a minimum, a MMO should have fisheries enforcement functions as envisaged in the 2007 UK Marine Bill White Paper. An MMO without these functions will offer little by way of either integration or potential efficiencies. However much greater potential is achievable if the key science functions of AFBI and NIEA were also integrated into the new MMO. This need not necessarily mean relocation. More a change of management but with enormous potential for efficiencies internally and in co-operation with Scotland, Wales and the Republic of Ireland. The initial set up costs may be up to £650k but there are potential savings of up to £250k per annum depending on the model chosen.
- xiii. In a larger scale organisation, there is also a strong case for a number of other functions to be integrated such as all aquaculture support services and any remaining executive functions in DARD.
- xiv. The main conclusion of the report is that for an MMO to be provided for in the forthcoming Northern Ireland Marine Bill and given as many marine functions as possible. It should certainly include all fisheries and science responsibilities to ensure maximum integration and opportunities for efficiencies.

* On 9 April 2009 the First Minister and the deputy First Minister announced their intention to bring to the Assembly proposals for the creation of the Efficiency Review Panel for approval. The first task of the Efficiency Review Panel would be to examine the number and organisation of Departments in light of the present financial pressures and the implications of the Review of Public Administration and to ensure that the departmental structure is best organised to deliver public services in an efficient manner. The review has not yet begun and there are no indications as to when it will commence.

Table 1 – Summary of cost implications for marine management delivery options

Marine management Model	Projected set up cost	Annual projected change from current marine management costs
Maintaining the status quo	N/a	£250k increase
Virtual integration of functions	N/a	£350k increase
Single marine directorate	£250k	£100k saving
Separate Marine Management Organisation (MMO)	£650k*	£250k saving

*MMO set up costs and annual savings are dependent on the particular MMO model chosen (see Ch.8)

Chapter 1

Introduction

Terms of Reference

1. In this report I have been asked to examine the delivery structures for marine functions in Northern Ireland within the context of the forthcoming Northern Ireland Marine Bill using the following terms of reference:
 - To objectively compare the relative costs and benefits of a key selection of potential models for MMO arrangements in Northern Ireland against the model currently used for marine management. (The models would have to be consistent with the devolution settlement for Northern Ireland).
 - To investigate the need to make a change from the current marine management structures and arrangements in Northern Ireland and to determine the potential advantages and costs (including economic) of consolidating powers and responsibilities into a new body.
 - To provide strong and clear recommendations to government on the most appropriate model for an MMO in all terms based on objective criteria.

Background

2. Existing UK marine legislation has been built up over centuries; it is confusing, overlapping and operates disparately. Over the last decade it has become widely recognised by government and stakeholders alike that current marine laws will not provide the effective and efficient management of UK seas required by national, European or international standards in the 21st Century. In March 2007, Defra issued a Marine Bill White Paper¹ that presented consultation proposals for a legal and management framework for UK marine waters. The White Paper had been developed through a series of consultations and reports dating back to 2001.

UK Marine Bill White Paper

3. The UK Marine Bill White Paper gave detailed policy proposals to introduce a strategic system of marine management. It focused on five key areas that were designed to help deliver the shared vision of UK government and devolved administrations for '*clean, healthy, safe, productive and biologically diverse oceans and seas*'³, as follows:

- **A new marine management organisation (MMO)** – to deliver many marine policies and deal with a range of marine functions including marine planning, licensing and enforcement.
- **Marine planning** – a new strategic approach to the use of marine space and the interactions between its uses.
- **Licensing marine activities** – a more efficient and transparent system of licensing that is better integrated, less risky, faster and cheaper.
- **Marine nature conservation** – new mechanisms to supplement existing tools for the conservation of marine ecosystems and biodiversity including protected areas for important species and habitats.
- **Managing marine fisheries** – enabling a more active approach to manage recreational sea angling and strengthening fisheries enforcement powers.

4. The UK Marine Bill White Paper noted that activities in the marine area contribute in the order of £67 billion to the UK economy annually². Contributors include oil and gas (£22.3 billion), tourism and recreation (£16 billion), naval defence (£6.5 billion), ship and boat building and repairs (£3 billion), ports (£1.6 billion), fisheries (£0.5 billion) and a range of other activities.

5. However, many marine areas are becoming increasingly crowded with demands on space for development, to exploit resources, for recreational use and nature conservation. The complex and disparate system of legislation and regulation that has evolved over the years for managing marine activities around the UK simply cannot deliver the holistic approach required to manage this effectively in a way that will reach the UK vision³.

Northern Ireland

6. The UK Marine Bill White Paper was issued for consultation in 2007 during a period of suspended devolution in Northern Ireland, but with its restoration imminent. Direct Rule Ministers supported the extension of the Marine Bill to Northern Ireland while respecting the forthcoming devolution settlement. This commitment was reflected by the inclusion in Strategic Objective 2 of the Northern Ireland Sustainable Development Strategy to '*Develop a policy and legislative framework for protecting the marine environment by 2008*⁴'.
7. In October 2007, Defra issued a summary of responses to the Marine Bill White Paper consultation⁵. It was clear from this that all respondents to the marine management aspect of the consultation expected that, if created, separate organisations to deliver devolved functions would liaise closely with an MMO delivering reserved functions to ensure coordination and consistency. However, many of the respondents expressed concerns as to how, in terms of joined-up working, consistency in marine management would be ensured between the MMO and any equivalents that may be formed by the devolved administrations. It was also noted that in parts of the UK without an MMO or equivalent body there would be less access to justice regarding objections to decisions and the decision making process, leading to potential inequality across the UK.
8. Many respondents to the consultation from Northern Ireland supported the establishment of a regional office of the MMO for Northern Ireland while many others wanted to see a separate MMO for Northern Ireland established. Some respondents supported a regional MMO office but would prefer a separate

- Northern Ireland MMO if it had the backing in terms of resources from the Northern Ireland Assembly.
9. More generally across the UK, respondents to the consultation supported the MMO as a champion of, and overarching body for, marine management and that it should have responsibility for marine planning. There was less uniformity among responses to the licensing functions of an MMO, with variation arising between sectors. Across the UK there was general support for the MMO to be responsible for the management, monitoring and enforcement of fisheries.
 10. In Northern Ireland, where inshore fisheries are currently the responsibility of DARD, there was support for the functions of the Northern Ireland Sea Fisheries Inspectorate to be delivered by an MMO in Northern Ireland.
 11. In addition in Northern Ireland, there was general support for an MMO:
 - Providing advice on site management plans – including the socio-economic context of Marine Conservation Zones
 - Undertaking monitoring responsibilities
 - Delivering enforcement in the marine area
 - Being able to obtain data to underpin the delivery of its functions
 12. The Northern Ireland Marine Task Force welcomed the proposals for an MMO as a centre of expertise that would provide a consistent and unified approach to marine management. It believed an MMO could deliver improved co-ordination of information and data, and so reduce the administrative burden. It particularly supported the role of an MMO in delivering marine planning and marine licensing as well as enforcement.
 13. The Northern Ireland Marine Task Force called for the establishment of an MMO in Northern Ireland that, whilst it should have strong links with a UK MMO, should be accountable to the Northern Ireland Assembly rather than

Defra. They also suggested it should apply an ecosystem approach⁶ to the management of Northern Ireland's seas.

Chapter 2

Review of Developments across the UK since the Marine Bill White Paper

14. The following section describes progress in each UK region to date.

England / UK

15. In April 2008, Defra issued a consultation on a draft UK Marine and Coastal Access Bill. The UK was keen to achieve a UK-wide marine regime and the draft Bill allowed for the UK Government to legislate for England, the territorial waters around England, various functions in the “offshore waters” around the UK, and for certain functions within the territorial waters of Scotland, Wales and Northern Ireland where it had been agreed with the devolved administrations to do so.
16. In effect therefore, not all proposals in the draft Bill would apply to the whole of the UK and could be summarised as follows:
- A **Marine Policy Statement** would cover the whole of UK waters although each country can choose not to adopt it if agreement cannot be reached. If no agreement can be reached, the Secretary of State will produce a Marine Policy Statement on behalf of the UK Government only, which would only apply to reserved functions in territorial waters.
 - A **Marine Management Organisation** would deliver planning, licensing, fisheries management and enforcement functions in the waters around England and in the offshore areas for reserved matters.
 - **Marine planning** would apply to all UK waters apart from the territorial waters of Scotland and Northern Ireland.

- Reformed **marine licensing** would apply across the UK apart from the territorial waters of Scotland but amendments to harbours legislation would not apply in Scotland or Northern Ireland.
 - New **marine nature conservation** arrangements would apply in all UK waters apart from the territorial waters of Scotland and Northern Ireland.
 - **Marine fisheries** provisions would apply in England and Wales and out to British Fishery Limits excluding the Scottish Zone and the Northern Ireland Zone with certain provisions applying on the high seas.
 - **Migratory and freshwater fisheries** provisions would apply in England and Wales exclusive of the English part of the River Tweed and inclusive of the Scottish part of the Border Esk.
 - Provisions to improve **access to coastal land** would apply in England only.
17. The Marine and Coastal Access Bill completed its progress through the House of Lords on 8 June 2009. It was introduced to the House of Commons on 9 June and had its second reading on 23 June. It received royal assent and was enacted on 12 November 2009.

Wales

18. When the UK Marine and Coastal Access Bill went out for consultation the Welsh Assembly Government was supportive of the need for a Marine Bill to better manage shared marine resources. It had worked with Defra throughout the development of the draft Bill to ensure that it was as suitable for the needs of Wales as it was for the needs of England and the UK as a whole. In general, at that stage it was assumed that where changes were being made or new powers were being created in England, similar changes or powers would also

be made for Wales. This meant that the majority of the proposals for England also applied for Wales. In areas where these changes were the responsibility of Welsh Ministers, it would be for them to decide how the legal powers would be used.

19. In a regulatory impact assessment of the Marine Bill⁷ the Welsh Government looked at the risks, costs and benefits associated with a new MMO undertaking the delivery of marine spatial planning, licensing, marine nature conservation and fisheries. It compared this with the current arrangement of these functions being carried out by separate organisations and alternatively with them being carried out by the Welsh Assembly Government. It concluded:

- There was a high risk of a lack of synergy in pursuing with the current arrangement of the functions being carried out by separate organisations. This included reduced efficiencies and less potential for data sharing but more critically, the risk of conflicting aims and policies leading to less coordinated decision making and even decisions that directly conflicted with the marine spatial plan when the organisation responsible for planning is separate from those responsible for consenting marine activities.
- A new UK MMO operating on behalf of Wales would remove the management of Welsh territorial waters outside of the country. The Marine Bill White Paper stressed the importance of maintaining a strong local base with the full involvement of stakeholders, and the regulatory impact assessment concluded it might be more difficult to achieve this if marine issues were managed outside Wales. The main impact of the proposed Marine Bill was seen to be the separation of policy development, which would remain within the Welsh government, and licensing administration, which would move to the MMO. There were also short-term risks associated with the transfer of functions, such as loss of staff and skills, identified.

- Combined delivery by the Welsh government would also constitute a centralisation process and hence carry the risk of losing local input and accountability. However, this was seen as much less than the overall risk of centralising management under the MMO and could be minimised by retaining local knowledge in satellite offices around the coast⁸.
- Costs were not deemed to be highly significant as there were no additional costs in retaining the current system and additional costs incurred in either of the other options might be high initially but could be offset in the long term by efficiency-savings.
- Most of the benefits of combining delivery could be achieved through either model; MMO or Welsh government, including more efficient and effective information exchange, economies of scale, reduced transaction costs and an organisational culture that could act holistically and be more flexible and responsive to change.
- However, the comparison concluded that most benefits to industry and stakeholders within Wales would be greater if combined delivery was undertaken by the Welsh government rather than the UK MMO because of the localised structures currently in place and the desire for greater local input in decision-making. It is important to stress here the difference between the systems of government in Northern Ireland and those in Wales and also Scotland. Northern Ireland has individual departments with legal powers resting with each Minister while there is a single structure in Scotland and Wales. Creating a unit within the Welsh or Scottish systems is much more easily accomplished than within the complexity of the devolution settlement in Northern Ireland.

20. The Welsh Assembly Government is currently working with Defra to develop a Marine Bill that will help achieve its aim for the Welsh marine environment, as set out in the Environment Strategy for Wales:

“it will be valued by all, understood and respected for what it contains and provides. Our seas will be clean support vibrant economies, and healthy and functioning ecosystems that are biologically diverse, productive and resilient, while being sensitively used and responsibly managed.”

Scotland

21. When the draft UK Marine Bill was issued for consultation the Scottish Executive agreed that new marine legislation in Scotland should be introduced to ensure the balance between the competing interests for use and protection of Scotland’s seas. To take forward this work the Scottish Executive established the Sustainable Seas Task Force which was to consider:
- Arrangements for licensing and enforcement
 - Conservation issues
 - Marine management arrangements
 - Planning and integrated coastal zone management
 - Data needs
 - Science needs
22. The Marine (Scotland) Bill was introduced into Parliament on April 29, 2009.
23. Scotland identified a range of options for managing the marine environment with the two extremes being:
- Option 1.** No substantive change to the current management arrangements
- Option 2.** Set up Marine Scotland as an integrated body with responsibility for policy, marine planning, science, regulation and licensing and

compliance monitoring and enforcement to the limits of the devolved responsibilities

24. The regulatory impact assessment of the Scottish Marine Bill recognised that there were a number of potential variations within and between the two options. For example, Marine Scotland could take on only some of the potential roles under Option 2 or it could act as a 'virtual' integrated body providing a single interface for stakeholders.⁹
25. It was acknowledged that the options for marine management arrangements would be intrinsically linked with the options on other policy areas of the Scottish Marine Bill, as it would be these that would determine the requirements to be managed. For example, a policy decision to establish a system of marine planning would carry with it a requirement to establish a mechanism of marine planning management. However, care must be taken to attribute any costs and benefits of a policy decision to the policy itself and not to the management system established to deliver that policy. Essentially, the costs associated with the introduction of a new policy were treated as neutral regardless of where it would be managed. This is how the matter is treated for Northern Ireland in Table 8.
26. The Scottish government considered the advantages and risks of the marine management delivery options available to them, including continuing with the current arrangement where existing activities would remain with the same organisation and new activities, such as marine planning, would be allocated to one of these existing organisations. It was agreed that under this '*status quo*' scenario the existing organisations could also be required to coordinate, integrate, and pursue agreed 'marine objectives' by working in a form of 'virtual integration'.
27. The key concern with this approach was the risk of failing to deliver effective marine planning and streamlined decision-making, although ways to mitigate these were suggested. Insufficient data collection and its use were considered more difficult to ameliorate.

28. Alternatively, the Scottish government considered the establishment of a new marine organisation (Marine Scotland) that would integrate new and expanded roles and responsibilities from currently separate organisations. It would include responsibility for:
- Marine planning and for underpinning science and data
 - Fisheries research service, marine and freshwater fisheries and aquaculture management
 - Marine nature conservation
 - Administration of marine consents, and better integration of consenting procedures. This would mean acting as the conduit for access to all consents, whether or not it was actually the licensing authority in all areas)
 - Consistent, efficient and effective monitoring of compliance
 - Ensuring sustainable management of marine and coastal areas
29. It was proposed that Marine Scotland would be funded partly through the transfer of existing funding provisions alongside the responsibilities assumed from other organisations and partly from new funding and savings from efficiencies derived from combining services and integrating and streamlining currently separate processes. According to the Head of Marine Scotland, they anticipate total efficiency savings of £1.5m over the first 3/4 years.
30. The key concerns associated with this option were that the changes required might be complex, disruptive, costly and detrimental to industry. However, the regulatory impact assessment deemed these risks to be mainly short term and could be mitigated for by managing the timing and instituting a phased set up and transfer of responsibilities. It suggested that new responsibilities such as planning could be taken up immediately, whilst transfer of licensing could be phased in, possibly in conjunction with changes to the licensing regime.
31. An alternative proposal was to use Marine Scotland as a single access point to the licensing framework while allowing the Scottish Environmental

- Protection Agency (SEPA) to continue to regulate impacts, rather than carrying out all the licensing itself.
32. The regulatory impact assessment concluded that the 'Marine Scotland' option could generate significant benefits in co-ordinating the actions needed to meet the Scottish government's objectives and to achieve its overarching aim of sustainable economic growth. In addition, if marine planning and integrated licences were also introduced it would increase this certainty and generate efficiency savings.
33. Potential efficiency savings could be found in the following ways:
- **Enforcement** – SEPA vessels could assist with monitoring and enforcement of nature conservation policies and a wider range of marine licensing and consent conditions.
 - **Data** – bringing together data that is currently held in separate organisations, to provide a basis for more comprehensive and better co-ordinated research.
 - **Planning** – providing better delivery of planning functions, by setting out national-level issues and perspectives on which regional/local plans could build, and ensuring links to terrestrial planning and integrated coastal zone management.
 - **Combined / shared corporate and support services** – efficiency savings would be achieved through integration of the currently separate corporate and support service activities and assets.
34. Environmental benefits from an integrated approach were also recognised, but were difficult to quantify.
35. The regulatory impact assessment considered the benefits of the status of Marine Scotland and concluded that its establishment as a part of the Scottish Government, as opposed to an NDPB or an Agency, offered the most benefits in terms of the potential to integrate policy and delivery functions. This also offered the greatest scope for efficiencies, although it noted some 'attendant

sensitivities' about bringing together policy, science and enforcement functions, which would need to be managed.

36. This integration of policy and delivery functions differs somewhat from current thinking in UK public service policy. Defra, for example, continued the separation model with its own MMO, so that delivery in the MMO is kept apart from policy-making in the Department. However, the prevailing Scottish view was that given the scale of Scottish marine management matters it made more sense to integrate all functions within the Scottish Executive. The advantages and risks of combining policy, delivery and science are important issues for the Northern Ireland government to factor into the consideration of its options for marine management. However, as indicated earlier the system of government in Scotland makes it much easier administratively and politically to locate all functions within central government.
37. On costs, the regulatory impact assessment concluded that if Scotland persisted with its current approach there would be no set up or running costs. However, it noted that costs arising from current inefficiencies in marine management would continue and would probably escalate as pressure on marine space and resources increased. There would also be costs associated with the new requirements of marine planning and some changes for the requirements of marine nature conservation. By comparison Marine Scotland would require significant set up costs, but offered potential longer-term benefits from increased efficiency.
38. On 1 April 2009, Scotland established Marine Scotland as a Directorate of the Scottish Government to integrate core marine functions involving scientific research, compliance monitoring, policy and management of Scotland's seas.
39. The following timetable sets out the broad milestones for transition work ahead of the new functions which will flow from the Scottish Marine Bill:

April 2009	Establishment of Marine Scotland
April 2009	Establishment of Marine Scotland Management Board

May 2009	Marine Bill to be introduced to Scottish Parliament
July 2009	Establishment of the Marine Strategy Forum
December 2009	Marine renewables – manage production of the initial marine spatial plan for the Pentland Firth and Orkney waters
Ongoing	New arrangements for marine-related consents
ASAP	Appointments relating to the establishment of the Marine Science Advisory Board
April 2010	Publication of Marine Scotland’s first annual report and strategic plan
Ongoing	Development of marine planning, functions and processes
April 2010	Publication of the research strategy

Northern Ireland

40. When the UK Marine and Coastal Access Bill was drafted Northern Ireland declared its full commitment to the over-arching policy aims underpinning the draft UK Bill to introduce a new framework for the management of the marine environment based on sustainable development principles, and working towards delivering ‘*clean, healthy, safe, productive and biologically diverse oceans and seas*’.
41. However, it was acknowledged that management of activities in the marine area of Northern Ireland fell across a complex mix of devolved and reserved responsibilities. At that stage devolution had only been recently restored and Northern Ireland was still considering the best way to balance the options for:
 - retaining the UK Bill for some reserved matters
 - producing new Northern Ireland legislation for devolved matters

- with the consent of the Secretary of State, producing new Northern Ireland legislation for reserved matters where it would be more appropriate to legislate in Northern Ireland
42. In Northern Ireland, marine responsibilities are spread across a number of Government Departments (see Chapter 4). The Minister of the Environment has responsibility for the majority of the work streams in the UK Marine & Coastal Access Bill. However, the Minister of Agriculture and Rural Development has significant responsibilities for the critical area of marine fisheries.
 43. On this basis, the Northern Ireland Executive agreed a twin-track approach to the introduction of new marine legislation. Northern Ireland was included in the draft UK Marine Bill for the UK-wide Marine Policy Statement, planning offshore and for aspects such as marine licensing relating to the Food and Environment Protection Act 1985 and marine aggregate extraction. This required and received the agreement of the Northern Ireland Assembly to a Legislative Consent Motion when the UK Marine Bill was introduced into Westminster. Like Scotland and Wales, Northern Ireland is required by the UK Marine Bill to work jointly with the UK Government to agree a UK-wide Marine Policy Statement (MPS). However, here it will be DOE that adopts the MPS, having first agreed it with the other relevant departments and the Executive, and also having laid it before the Assembly.
 44. The remaining proposals, which rest with the Minister of the Environment, will be developed in Northern Ireland by means of an Assembly Marine Bill. DOE has recently indicated it will be 2012 before this is in place because there is insufficient time to ensure its passage through the Northern Ireland Assembly before the next Assembly elections in 2011.
 45. As a first step DOE, in liaison with relevant Government Departments and stakeholders, will develop marine policy proposals on which to consult, including marine planning, possible further streamlining of licensing, marine nature conservation and options for delivery. The need for provisions covering

freshwater and migratory fisheries will also be considered. There are currently no proposals to reform commercial sea fisheries or aquaculture management as part of the Northern Ireland Marine Bill.

46. The decision to proceed in this way has been influenced largely by the need to respect the devolution settlement, to provide local stakeholders with the opportunity to become fully engaged in the policy development process and to allow some flexibility to tailor legislative provisions to Northern Ireland requirements whilst maintaining overall consistency of approach within the UK. The exercise of the new functions proposed for introduction in Northern Ireland by the UK Marine Bill will rest with DOE, pending the outcome of the policy development process.
47. The coastal access provisions in the draft UK Marine Bill apply only to England with provision for extending access to the coast having previously been made in the Countryside and Rights of Way Act 2000 in accordance with the Labour Government's manifesto commitments. No similar act exists in Northern Ireland and coastal access is not being considered for inclusion in the Northern Ireland Marine Bill at this time.
48. Marine fisheries management in Northern Ireland currently remains a matter for the Minister of Agriculture and Rural Development.
49. When Defra was consulting on its Marine Bill White Paper, a Review of Environmental Governance was taking place in Northern Ireland. A recommendation emanating from this review was that Northern Ireland should establish a MMO that should be independent of Defra. It also suggested that consideration should be given to the creation of an all-island or 'Celtic Seas' MMO (aligned with Scotland and Ireland)¹⁰. In response to this review in May 2007, the then Minister of the Environment rejected the latter recommendation but agreed to consider the possibility of Northern Ireland being covered by the UK MMO.

50. In a briefing to the Northern Ireland Assembly Environment Committee in December 2007, the Minister made it clear that Northern Ireland would not be participating in a UK MMO as it would involve the transfer of devolved powers to a UK body and therefore be inconsistent with the current devolution settlement.
51. However, the Minister did not rule out the possibility of establishing a separate MMO for Northern Ireland and invited the views of stakeholders on the best delivery mechanism for Northern Ireland, and the functions that any new body might undertake.
52. No further consultation on delivery of marine functions in Northern Ireland has taken place but DOE has since stated that a suitable delivery mechanism for marine management will be considered in the context of local policy development and consultation, in time for inclusion in the Northern Ireland Marine Bill. However it is worth noting that by this stage any opportunity to become part of a 'Celtic seas' MMO arrangement has probably been lost as other regions of the UK have made their decisions on their MMO options and the Republic of Ireland has no proposal for an MMO at this stage.

Chapter 3

Current marine management across GB and in the Republic of Ireland

England

53. In England, the UK Marine and Coastal Access Bill will introduce a new marine management structure which will have responsibility for a range of marine functions as follows:

Marine Management

54. A new independent MMO, which will regulate and manage the sea around England, will be located in Tyneside. It will be established under the UK Marine and Coastal Access Bill and will be a Non-Departmental Public Body.

Marine Planning

55. Government will agree a marine policy statement. The MMO will prepare a series of marine plans to articulate what this policy statement means for different areas of the sea and coast. The MMO will work closely with a wide range of existing bodies and engage with interested communities in the development of marine plans.

Marine Licensing

56. The MMO will be the Government's regulator of most activities in the marine environment. It will make decisions on applications, issue licences, and set and monitor conditions on marine development such as wind farms, tidal and wave power, projects, jetties, moorings, aggregate extraction and dredging. It will also administer Harbour Orders and license exemptions from nature conservation legislation. It will draw on advice and information from experts such as CEFAS, Natural England, JNCC, Maritime & Coastguard Agency as well as consulting those likely to be affected and the public.

Nature Conservation

57. Delivering its functions will give the MMO knowledge and understanding of the range of uses of the marine area. It will use this information to contribute to the selection of sites for designation as Marine Conservation Zones (MCZs).
58. In common with other public bodies, the MMO will be under a general duty to exercise its functions in a manner which it considers will further conservation objectives for MCZs, and also under a duty not to authorise anything where there is a significant risk of hindering the conservation objectives for a site. It will mainly do this through considering MCZs and conservation objectives in the planning process and through exercising its licensing and fisheries management functions.
59. The MMO will also have a new power to make conservation orders to regulate otherwise unregulated activities when this is necessary to further the conservation objectives for an MCZ. Defra intend that the MMO will undertake a similar role in respect of European Natura 2000 marine sites.

Enforcement

60. The MMO will appoint marine enforcement officers, with the streamlined enforcement powers set out in the draft Bill to enforce sea fisheries, nature conservation and licensing legislation in the marine area. It will work closely with others to co-ordinate enforcement activities.

Marine Fisheries Management

61. The MMO will deliver Defra's marine fisheries management functions which include managing UK fishing fleet capacity, implementing the EU marketing regime, managing UK fisheries quotas, biological sampling of fish and shellfish, fishing industry grants and UK state aids and managing, recording and providing data on fishing activity and catches.

Other functions

62. As the Government's principal marine delivery body, Defra expects the MMO to provide advice to Government and others including the public on the

sustainable development of the marine area. The MMO will appoint members of local Inshore Fisheries and Conservation Authorities.

63. It is likely that the MMO will fulfil a competent authority role under the European Environmental Liability (2004/35/EC) and Marine Strategy Framework (2008/56/EC) Directives. The detail of these roles is currently being worked out.
64. The MMO will need large amounts of data to discharge its functions and will require an effective system for managing data, information and knowledge across its functions, and also for sharing it with other bodies and the public.
65. The MMO itself will comprise up to eight board members and a Chair. Board members will be sought with experience and expertise across all three 'pillars' of sustainable development:
 - **Economic** e.g. aggregate extraction, renewable energy, fishing, ports & harbours, and shipping;
 - **Environmental** e.g. habitats, fish stocks and water quality;
 - **Social** e.g. heritage, recreation and defence.
66. There will be no specific sectoral representation or nomination rights to the Board but the MMO will be able to set up committees and subcommittees and it will be expected to establish a Stakeholder Advisory Committee so the Board can benefit from the advice and experience of representatives of the range of marine industries, sectors and interests.
67. It is anticipated that 40 new posts will be created in the MMO to deliver new functions including marine planning and to support the smooth running of the organisation.
68. The MMO will be UK Government's strategic delivery body in the marine area. It will be an NDPB of Defra so Defra's Secretary of State will be formally accountable to Parliament for its activities and performance. To reinforce the policy interest of a range of Departments in the work of the MMO, Defra's

Secretary of State will be formally advised on discharge of his responsibilities in respect of the MMO by a cross-Government MMO Sponsorship Group made up of senior civil servants from relevant Departments.

69. It is anticipated that the detail of relationships with other marine delivery bodies will be set out in memoranda of understanding drawn up with the skeleton MMO.
70. Incidental powers of the MMO included in the draft Bill are intended to ensure the MMO as an organisation has all the powers it will need in order to carry out its functions and meet its purpose. The MMO will be able to charge for any services it provides and it is expected that these charges will be reasonable and based on cost recovery.
71. The MMO will need to secure access to a broad range of data types collected by industry, regulators and other organisations and contribute to establishing mechanisms to facilitate the release of data and interaction between producers, suppliers and users of data to maximise its value to the community at large. It will need to resolve many of the issues surrounding the sporadic way in which data have been collected and managed to date, and it is likely that the breadth of the data handled will increase as the MMO is developed and the type of data required will change according to the needs of the MMO.
72. *In brief, in England responsibility for marine and fisheries policy will remain with Defra while marine planning, nature conservation, fisheries management and regulation and enforcement will be the responsibility of a new non-departmental public body – the MMO.*

Wales

73. Wales has decided to join up the management and delivery of functions in the sea within the Welsh Assembly Government. The UK MMO will operate mainly in the English inshore region and the offshore area, but will have some

responsibilities in Wales for non-devolved activities such as regulating non-fisheries harbours and renewable energy.

74. Welsh Ministers will work jointly with UK Government and Northern Ireland to agree a Marine Policy Statement as required by the UK Marine and Coastal Access Bill.
75. The Welsh Assembly Government will be the new planning authority but will explore ways in which to take forward marine planning that addresses the complex mix of devolved and non-devolved responsibilities. Current thinking based on advice from the Wales Coastal & Maritime Partnership is that there will be a single plan for Welsh waters.
76. Welsh Ministers are also currently responsible for licensing some activities in Welsh waters including those covered by the Food and Environment Protection Act, marine aggregate dredging, and marine species protection legislation. The Welsh Assembly Government has established a Marine Consents Unit (MCU) to take over the administration of these licences, providing a single point of contact for licence applications relating to the marine area for which the Welsh Ministers are responsible. The hand over of responsibility from different Departments in the Assembly Government and from the Marine and Fisheries Agency (MFA) is being done gradually.
77. The MCU is working with the MFA to ensure that it will be able to access the same information to which the MFA (and later the MMO) will have access, and will work closely with the MFA and MMO to ensure consistency of approach to licensing now, and through the regime proposed in the draft Bill, wherever possible. Welsh Ministers will be the licensing authority under the draft bill for the new licensing regime in relation to Wales. The draft Bill also creates improved enforcement tools in Wales to ensure that Welsh Ministers and the Welsh Assembly Government have all the powers needed to enforce the regimes for which they are responsible.

78. Welsh Ministers will be able to appoint Welsh Enforcement Officers as well as retaining the power to appoint British Sea Fishery Officers.
79. Nature conservation proposals in the draft Bill will apply in Wales, with Welsh Ministers carrying out those functions that the MMO or Secretary of State will exercise for England. Fisheries proposals to provide powers to modernise inshore fisheries and environmental management arrangements apply in Wales as well as in England.
80. *In brief, in Wales marine and fisheries policy and the majority of delivery and regulation will remain with the Welsh Assembly Government with the UK MMO having some responsibilities for non-devolved activities such as regulating non-fisheries harbours and renewable energy. The Welsh Assembly Government will also be the new marine planning authority.*

Scotland

81. Marine Scotland will combine the functions and resources of the former Scottish Government Directorate, Fisheries Research Services and the Scottish Fisheries Protection Agency.
82. Marine Scotland's ability to meet its purpose will be enhanced by the powers proposed for a Scottish Marine Bill. Marine Scotland will also play a key role in ensuring that these proposals are delivered in co-ordination with powers proposed in the UK Marine and Coastal Access Bill. However, as with Wales, the Bill requires Scotland to work jointly with the UK Government to agree the details of a Marine Policy Statement.
83. The Scottish Executive has devolved powers in relation to the seas adjacent to Scotland from 0-12 nautical miles and also certain matters within the Scottish offshore zone. Scotland's coastal and marine environment provides an important natural resource upon which so many Scottish communities depend.

84. The Scottish Executive and UK Government will work constructively to discuss the proposals and devolution implications contained within the UK Marine Bill, particularly in the offshore zone where Scotland has devolved responsibility for certain matters. Current indications are that in the offshore zone the Scottish Government through Marine Scotland will undertake marine planning and the establishment of Marine Conservation Zones but with the agreement of the Secretary of State. However, the Scottish Government will be fully responsible for renewable energy installations, marine licensing and enforcement, dredging and sea fisheries. Scottish officers will enforce marine protected areas but the UK MMO will retain responsibility for enforcing other nature conservation legislation and any other non-devolved matters¹¹.
85. British Sea Fisheries Officers' powers will continue to apply in Scottish (and Northern Irish) inshore and offshore areas. For any vessel in Scottish (and Northern Irish) waters, all enforcement officers will use British Sea Fisheries Officers' powers.
86. There are also potentially a number of issues within 0–12nm which need to be considered. The Scottish Executive is committed to working towards coherent marine policies across the EU and beyond.
87. Scotland is committed to playing a full part in meeting global marine challenges such as those posed by climate change-induced ocean acidification. However, Scottish government believes that many of the challenges in relation to managing its seas can be best addressed by the development of local solutions, such as the need to address conflicts arising between competing users of the coastal zones and to develop management solutions in relation to distinctively Scottish marine issues.
88. Unlike the rest of the UK, Marine Scotland, as a directorate of the Scottish Government, will have responsibility for both policy and delivery. Scottish ministers decided that the integration of policy and delivery was the best

model for Scotland, and because policy decisions must remain under Ministerial direction, an independent MMO was not an option.

89. *In brief, in Scotland responsibility for inshore marine and fisheries policy along with science, delivery and regulation will be the responsibility of its marine management organisation, Marine Scotland, a Directorate of the Scottish Government. Offshore responsibilities will also largely fall to Marine Scotland except for a few key non-devolved functions.*

Republic of Ireland

90. Marine management in the Republic of Ireland is currently the responsibility of the Department of Agriculture, Fisheries and Food (DAFF), although there is likely to be a shift of some responsibilities to the Department of the Environment, Heritage and Local Government (who via the National Parks & Wildlife Service are also responsible for the management and monitoring of Natura 2000 sites). The Environmental Protection Agency is responsible for dealing with water pollution in incidents where activities licensable by the Agency may be involved.
91. DAFF divides its marine management responsibilities into three distinct management units; Sea Fisheries, Coastal Zone Management and Seafood Policy and Development whose functions can be summarised as follows:
- The Sea Fisheries unit is responsible for EU, National and International policy as well as National Development Plan Investment Schemes for the Seafood Industry. It is responsible for the Department's 6 Fishery Harbour Centres and the Department's capital investment programmes under the National Development Plan for fishery harbours and coast protection. It administers sea fishing boat licenses and maintains the Irish sea fishing fleet register.

- The Coastal Zone Division ensures that Ireland's coastal zone is used in a sustainable way to the best advantage of the Irish People from an economic, aquacultural, leisure, social and environmental perspective. It provides for the efficient and effective control of commercial operations, including the construction of public infrastructure, and leisure operations on the foreshore. It is responsible for licensing dumping at sea, aquaculture and foreshore activities.
 - The Seafood Policy & Development section is responsible for the strategic, economic and sustainable development of the aquaculture sector, as well as the broad regulation of it, within the framework of the Common Fisheries Policy and the Fisheries (Amendment) Act, 1997.
92. The Marine Institute, based in Galway, carries out marine research in Ireland. The Institute was established in 1991 under the Marine Institute Act to undertake, co-ordinate, promote and assist in marine research and development, and to provide such services related to research and development that, in the opinion of the Institute, will promote economic development, create employment and protect the marine environment.
93. Bord Iascaig Mhara (BIM), the Irish Sea Fisheries Board, is the Irish State agency with responsibility for developing the Irish Sea Fishing and Aquaculture industries. BIM was established under the Sea Fisheries Act 1952. A primary objective of BIM policy is to expand the volume, quality and value of output from the sea-fish and aquaculture sectors. BIM's approach is to focus on the opportunities for growth in these sectors while seeking to alleviate constraints that impede development.
94. BIM provides a range of services including advisory, financial, technical, marketing and training supports to all sectors of the Irish seafood industry. The four development divisions of BIM deliver these services through a number of integrated programmes. The programmes are funded from the Exchequer, the European Commission and charges for services.

95. The Marine Leisure function has been transferred to the Department of Community Rural and Gaeltacht Affairs.

96. As can be seen, marine functions and responsibilities are spread across a range of departments and agencies. In recognition of the need to speed up procedures for offshore renewable energy projects, the Joint Committee of the Oireachtas for Climate Change and Energy Security is sponsoring an Offshore Renewable Energy Development Bill that will provide a much more simplified, transparent and fast tracked planning and development framework for the development of offshore energy. The proposals include the provision for new roles and responsibilities, such as Strategic Environmental Assessments (SEAs), to be allocated to the Marine Institute. However, the full integration of marine functions into one body or even the introduction of a Marine Act in the Republic of Ireland remains some way off.

Chapter 4

Distribution of marine functions across Northern Ireland Departments and Agencies

95. Responsibility for marine policy and delivery is widely dispersed across Northern Ireland Government Departments and agencies resulting in potential overlap of delivery functions. Below is a summary of the responsibilities of each of Northern Ireland's 10 departments, the Office of the First Minister and deputy First Minister and their relevant agencies. This is followed by a tabled summary of function delivery (Table 4).

Department of the Environment (DOE)

96. Planning and Natural Resources Division of the Planning and Environmental Policy Group (PEPG) has responsibility to protect, conserve and enhance the natural environment and promote the adoption of the principles of sustainable development and to plan and manage development in a sustainable way which will contribute to a better environment and which is modern and responsive to the community.
97. PEPG established the Coastal and Marine Forum (CMF) in 2006 to take forward and monitor implementation of the Integrated Coastal Zone Management Strategy (ICZM). CMF is provided with secretariat support from government and comprises cross-sectoral interest groups including business, agriculture, fishing and environmental groups. It advises government through PEPG. ICZM promotes integration of future marine-associated government policy, legislation and action.
98. PEPG is also responsible for the development of Planning Policy Statements (PPS). A planning policy statement to manage coastal development in a manner likely to achieve the long-term objectives contained in the Regional Development Strategy, Strategic Planning Guidelines and to protect the Northern Ireland Coastline, PPS 20, is in the process of being developed.

Agencies

99. **The Northern Ireland Environment Agency (NIEA)** has marine responsibilities in both its Natural Heritage Division and Environmental Protection division. This includes responsibility for marine nature reserves, European marine sites designated under the EC Habitats and Birds Directives, FEPA licensing and regulation of marine activities other than fisheries, such as marine minerals dredging.
100. **Planning Service** has responsibility to observe PPS in planning decisions. PPS 2 on Planning and Nature Conservation and Development Control includes responsibility for the protection of 'marine nature reserves' (Strangford Lough is the only one), which are intertidal / sub littoral areas established for conservation and study of marine flora, fauna and geophysical features. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), part of the European-wide Natura 2000 network must also be considered during planning decisions.

Office of the First Minister and deputy First Minister (OFMdfM)

101. Has responsibility for delivery of the Programme for Government and the Sustainable Development Strategy.
102. The Programme for Government has a priority for action to protect Northern Ireland's marine environment as part of its wider statement about the need to conserve Northern Ireland's biodiversity, which is incorporated into PSA 22. DOE has responsibility for monitoring PSA 22 in terms of gathering data but the information is passed to OFMdfM for assessment of successfulness of the delivery.
103. Objective 2 of the Sustainable Development Strategy is to protect and enhance the marine environment and key actions include implementation of the integrated coastal zone management strategy, the development of a new planning policy to help protect and manage the Northern Ireland coastline, the development of a policy framework for coastal flood risk management and the identification and designation of a network of marine protected areas by 2012.

Department of Agriculture & Rural Development (DARD)

104. One of DARD's responsibilities is to assist the economic development of Northern Ireland fisheries. Its roles include sea fisheries, aquaculture and fish health policy, the enforcement of fisheries legislation, the licensing of aquaculture, fishing vessel licensing and the administration of the fisheries grant scheme. It also has a policy and sponsorship function for the Northern Ireland Fishery Harbour Authority and a co-sponsorship function for the two North South bodies – the Foyle, Carlingford and Irish Lights Commission and the Loughs Agency.
105. The Aquaculture section within Fisheries Division of DARD is responsible for the licensing of marine fish and shellfish farms within Northern Ireland.

Agencies

106. *Loughs Agency*: The Loughs Agency is a cross-border body, exercising a statutory remit for conservation, protection and development across the Foyle and Carlingford catchments. Its objectives for these river systems and sea areas include development of fisheries and aquaculture, conservation and protection of inland fisheries and sustainable development of marine tourism.
107. *Rivers Agency*: The Rivers Agency has responsibility to design and construct new sea defences where flooding risks have been identified.
108. *The Agri-food & Biosciences Institute (AFBI)*: AFBI is a Non-Departmental Public Body that was created on 1 April 2006 as an amalgamation of DARD Science Service and the Agricultural Research Institute of Northern Ireland. It provides significant fisheries research and monitoring services for DARD.

Department of Finance of Personnel (DFP)

109. In addition to its general responsibility to fund government policies according to priority, DFP has responsibility for the delivery of Interreg IV funding which includes the development of marine based tourism in Northern Ireland.

Department for Regional Development (DRD)

110. Has responsibility for regional and strategic planning, which will have general implications for coastal areas. However, it has specific responsibility for some policy and support for seaports and roads through its Road Service agency, and being the Department responsible for Northern Ireland Water; policy on wastewater services.

Department of Enterprise, Trade & Investment (DETI)

111. DETI is responsible for economic policy development, energy, tourism and mineral development and has been working on the potential of introducing marine tidal and wave power to the Northern Ireland energy mix.

Department of Culture, Arts & Leisure (DCAL)

112. DCAL has responsibility for management of issues relating to migratory and freshwater fish in Northern Ireland, outside of the Foyle and Carlingford areas. Until recently this was delivered through the Fisheries Conservancy Board (FCB) for Northern Ireland, an NDPB established under the Fisheries Act and the Fisheries (Amendment) (NI) Order. Following the Review of Public Administration in Northern Ireland the bailiffing services of the FCB have now been taken back into DCAL while its river monitoring and pollution investigation services have been subsumed into NIEA.

Department of Health, Social Services & Public Safety (DHSSPS)

113. Has a co-role in overseeing marine and rescue services but no other marine responsibilities.

Department for Social Development (DSD)

114. No marine responsibilities.

Department for Employment & Learning (DEL)

115. No marine responsibilities.

Department of Education (DE)

116. No marine responsibilities.

117. The key marine functions of Departments are summarised in Table 4.

Table 4 Delivery of Marine Functions in Northern Ireland

Department / Agency	Functions
DOE	Marine Policy
DOE/NIEA	Marine Licensing (FEPA)
	Marine Water Pollution - Enforcement and Monitoring
	Marine Conservation
	Marine Science and Research
DARD	Fisheries Policy
	Fisheries Licensing
	Sea Fisheries Protection – Enforcement and Monitoring
	Fishing Harbours
	European Fisheries Fund
DARD/AFBI	Fisheries Science and Research
DARD/Loughs Agency	Cross-border loughs and fisheries (Foyle and Carlingford)
DARD/Rivers Agency	Coastal flooding
DCAL	Migratory Fish Grants
	Migratory and Freshwater Fish
DRD	Non-fishing harbours
DETI	Energy policy. Consents for electricity generation

Chapter 5

Current roadmap and timeline for Northern Ireland

118. In April 2008, DOE outlined a timetable for delivery of a Northern Ireland Marine Bill (Table 5 3rd column). A revised version was later submitted in 2009 (Table 5 4th column).
119. Between submissions, a nine-month slippage would appear to have arisen in the timetable extending Item 4 (Headline Policy Papers) from September 2008 to June 2009. However, a seminar on Marine Policy held by the DOE on 16 June 2009 suggested the more recent timetable is on track. If the DOE manages to adhere to the plan hereafter, it will recoup 2 months at the end of the planning period, the point at which a public consultation on a Northern Ireland Marine Bill is issued.
120. However, this seven-month delay could be critical in allowing sufficient time for a draft bill to go through the legislative procedure. Bills that have been introduced to the Assembly but have not completed their passage within the current mandate will fall and will have to begin a new passage when a newly elected Executive is in place, assuming the political will to do so remains. Northern Ireland Assembly elections are due in 2011 and government departments have been advised that to be certain of a bill being completed before then, it should have been introduced to the House by June 2010 (Northern Ireland Assembly, Pers. Comm.).
121. Therefore, DOE's proposed consultation date of April 2010, which according to good practice should last at least 12 weeks, leaves too short an interval for completion of the Bill before an election.
122. With England and Scotland due to have their Marine Bills in place in 2009, Northern Ireland will be left at least three years behind with its predicted implementation of 2012. However, it is worth noting that while the English MMO will be established under the powers of the UK Marine and Coastal

Access Bill, the Scottish marine management option, Marine Scotland, has already been established before the Scottish Marine Bill has become an Act. This is possible because the legal authority for the work will be the Scottish government before and after the passage of the Bill.

123. Under the UK Marine and Coastal Access Bill, Northern Ireland will be responsible for a) marine planning in the offshore part of the Northern Ireland zone, b) replacing the Food and Environmental Protection Act (FEPA) licensing system with a new marine licensing regime, and c) for the preparation of a Marine Policy Statement (as part of the integrated UK Marine Policy Statement). DOE has indicated it will be developing these areas through a twin track approach along with the preparation of the Northern Ireland Marine Bill.

124. However, as detailed in Chapter 4, there are several other Northern Ireland departments involved in marine management. DARD, in particular, has significant marine management responsibilities relating to fisheries policy, licensing and fisheries science. DARD is currently considering its obligations under the UK Marine Bill and is said to be reviewing the need for more legislative powers and whether these will require additional primary legislation.

125. Northern Ireland marine policy will need to take account of a wide range of policy drivers at an international, European and national level, including the following:

126. International:

- International Convention for the Prevention of Pollution from Ships, 1973/78 (MARPOL)
- United Nations Convention on the Law of the Seas, 1982 (UNCLOS)
- Bonn Convention on Migratory Species, 1979 (CMS)
- Convention on Biological Diversity, 1992 (CBD)
- The Ramsar Convention on Wetlands, 1971 (Ramsar)

- The Convention for the Protection of the Marine Environment of the North-East Atlantic, 1992 (OSPAR Convention)
- The Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972 (World Heritage Convention)

127. European:

- Marine Strategy Framework Directive (Directive 2008/56/EC)
- Common Fisheries Policy (Council Regulation (EC) No 2371/2002)
- Water Framework Directive (Directive 2000/60/EC)
- Urban Waste Water Treatment Directive (Directive 91/271/EEC)
- Nitrates Directive (Directive 91/676/EEC)
- Shellfish Waters Directive (Directive 79/923/EEC)
- Habitats Directive (Directive 92/43/EEC)
- Birds Directive (Directive 79/409/EEC)

128. National:

- UK Marine and Coastal Access Bill / Act

129. The UK Marine Bill in particular, but also the Marine Strategy Framework Directive, requires integrated action on policy development in Northern Ireland before a Marine Act is in place. It could be argued that this provides an incentive to select a model for marine management that can be implemented quickly without the need for primary legislation. This concept is explored further in the analysis of the model options in Chapter 8.

130. An observation in preparing this report is that regardless of the marine management structure chosen, there is already a clear and urgent need for the integration of marine functions. Therefore the delay to the Northern Ireland Bill, if found to be insurmountable, should be minimised by:

- Parallel preparation of secondary legislation coming under the powers of the Bill so that Statutory Rules are ready to be introduced immediately the Bill becomes law. It is understood that the DOE is currently acting with DEFRA on subordinate legislation for marine licensing under the UK Bill

(DOE, pers. comm.). This is to be welcomed along with a recommendation for this approach to be maximised.

- Ongoing assessment of function delivery through a series of pilot projects.

Table 5 Timetable for delivery of a Northern Ireland Marine Bill

ITEM	DESCRIPTION	ESTIMATED COMPLETION DATE 2008	ESTIMATED COMPLETION DATE 2009
1. Project Initiation Document (PID)	PID to be drafted for approval by the Steering Group.	31 March 2008	31 March 2008
2. Public announcement	Minister to announce details of broad policy proposals.	9 April 2008	9 April 2008
3. Key (external) stakeholders	Invitation to brief key (external) stakeholders on the broad policy proposals and estimated timeline for the project.	30 April 2008	30 April 2008
4. Headline policy papers – key (external) stakeholders and Environment Committee	Invitation to brief key (external) stakeholders (first) and the Environment Committee (second) on the headline policy papers - marine regional planning, marine licensing, marine nature conservation and the delivery mechanism - and seek agreement.	30 September 2008	30 June 2009
5. Detailed policy papers – interdepartmental steering group	Project team to prepare detailed policy papers – marine regional planning, marine licensing, marine nature conservation and the delivery mechanism – for discussion and agreement.	30 January 2009	31 October 2009
6. Regulatory Impact Assessment (RIA) (in tandem with development of detailed policy papers and options paper for the delivery mechanism)	Economist/consultant to prepare RIA for delivery of each of the identified policies.	30 January 2009	31 October 2009

7. Options paper (in tandem with development of detailed policy papers and RIA)	Project team to identify options for the delivery mechanism. Economist/consultant to estimate costs for each of the options.	30 January 2009	31 October 2009
8. Policy submission and RIA	Project manager to make submission to the Minister on policy proposals and RIA.	27 February 2009	30 November 2009
9. Stakeholder event	Project team to organise stakeholder event to discuss the policy proposals and RIA.	30 April 2009	31 January 2010
10. Environment Committee	Views sought on the policy proposals and RIA. Synopsis provided of stakeholder reaction following (stakeholder) event.	30 April 2009	31 January 2010
11. DOE Minister and Executive colleagues' papers	Approval sought from DOE Minister; and DRD, DETI, DARD and DCAL Ministers on relevant policy proposals.	29 May 2009	28 February 2010
12. Executive Committee	Approval sought on policy proposals and RIA.	30 June 2009	31 March 2010
13. Public Consultation	Prepare (and issue) a consultation paper on policy proposals and RIA.	30 September 2009	30 April 2010

Chapter 6

Alternative models for delivery of marine functions in Northern Ireland

131. In March 2008 the then Minister of the Environment, Arlene Foster, concluded that in a devolved scenario it would not be appropriate for Northern Ireland to be part of the UK MMO, though the Executive of 2000 did decide to agree a UK Food Standards Agency. She also made no reference to the possibility of Northern Ireland waters coming under a Scottish marine organisation given the closeness of our waters. In the event that Scotland has opted to locate marine functions within the Government, that option seems politically off the radar though cooperation between Scotland and Northern Ireland seems sensible and might realise some efficiencies in operational matters for both jurisdictions.
132. The Minister did not however rule out a separate MMO for Northern Ireland and the remainder of this Chapter outlines possible models for marine management in Northern Ireland. Associated costs are considered in Chapter 7 and the options are analysed for suitability in Chapter 8.

Delivery Options

133. There are essentially three core possible ways of delivering marine functions:
- The status quo whereby all existing functions remain where they are in Departments and Agencies and any new functions derived from legislation would in all probability be within DOE. Integration may be achieved either through formal coordination structures like steering groups or policy coordinating committees, or through formal memoranda of understanding between DOE as the lead policy department and the other departments and agencies.

- The integration of functions within a single Department or an Agency of a particular Department. In all probability, under the current structure that would be within DOE or an agency of the DOE.
- The establishment of a separate body as an NDPB with policy oversight from one or more Departments.

134. One issue that will have a major bearing on the eventual outcome will be the recommendations of the Efficiency Review announced by the First Minister and the deputy First Minister on 9 April 2009 About the number and functions of departments. This review has yet to commence and terms of reference have not yet been agreed but it is likely to report before a Northern Ireland Marine Bill begins its progress through the Assembly. The integration of functions along the lines of, say, the current Defra model combining environment, food and fisheries could alter the dynamics of particular models quite significantly.

135. The following analysis is also based on the assumption that the key policy and operational areas are those in Table 4.

136. The main models and their derivatives are:

Model 1 – Status quo + Marine Planning

137. The Status Quo Model would retain Northern Ireland's marine functions within existing Departments and Agencies and the new role of marine planning would be allocated probably to DOE's Planning and Environmental Policy Group.

138. A variation on this model could see the allocation of the marine planning function to the DOE Planning Service.

Model 2 – Virtual integration

139. The Virtual Integration Model goes a step further than Model 1 in that having allocated the new marine planning function, presumably to DOE, a series of Memoranda of Understanding would be established between the Departments and Agencies with marine responsibilities requiring them to work cooperatively.

Model 3 – Marine Directorate

140. The Marine Directorate Model takes a significant step further than Models 1 and 2 as it requires the transfer of functions from existing Departments and Agencies to a single Department or Agency. In this model, the marine functions within DOE, NIEA, DARD, DCAL, DETI and DRD could be brought into a single Directorate that could be within an existing body, most likely the DOE or an Agency of DOE. The development of the new marine planning function in the Directorate would be a straightforward addition.
141. This model assumes both policy and delivery would be carried out within the Directorate or Agency, though a variation is possible whereby Fisheries policy could remain with DARD. However, in my view that would be cumbersome and I would argue that in such circumstances all policy and operational matters should be within the Directorate, as in the Scottish model.

Model 4 – MMO options:

142. There are three MMO model options all of which separate policy and function but within which the range of functions can vary. I understand from recent discussions with DOE that the Department's preference is to include only three functions as part of a proposed MMO. This is summarised in Table 7.2. It should be noted, however, that this is a more restricted range of functions than envisaged in the 2007 Marine Bill White Paper. A Northern Ireland MMO based on the proposals in the White Paper would include the wider range of functions as summarised in Table 7.3. This is based on the following proposal from the White Paper:

“In relation to Northern Ireland, it is proposed (subject to the views of the Northern Ireland Assembly on restoration of devolution) that a regional office of the MMO will deliver devolved functions similar to those delivered by the MMO on behalf of the UK Government”.

143. A further variation of this model would be to create an enhanced Marine Management Organisation that encompassed all, or almost all, marine water-related functions including science. This would bring into the NDPB a greater range of functions than envisaged when the white paper was discussed in 2007. The additional functions could include fisheries science from both AFBI and NIEA and all marine and water functions of NIEA, DARD and DCAL, as indicated in Table 7.4. This would also bring Northern Ireland more into line with the rest of the UK.
144. As with Model 3, the placement of the new marine planning function would be straightforward regardless of the MMO model adopted.

Chapter 7

Economic assessment

145. This Chapter presents recently obtained information on the costs of marine management in Northern Ireland.
146. There is a certain amount of speculation involved as Northern Ireland has yet to undertake any regulatory or economic assessment of possible options. I understand however that DOE is about to commission economists to undertake a study and the results of that more forensic examination of the financial and regulatory impacts will be available in the forthcoming policy discussions at the end of the year.
147. Table 7.1 shows the annual costs of marine-related functions within Northern Ireland departments and agencies as provided in written answers to Assembly Questions¹². It should be noted that:
- The figures for the DOE were provided by direct communication with the Department. They did not appear to correspond with the responses to the written Assembly Question by Mark Durkan (annex 3).
 - The separation of costs for DARD was provided by direct communication with the Department.
 - Within DCAL, the figure provided relates to the running costs of their boat for detecting illegal salmon fishing.
 - Within DRD, marine related costs included for the purposes of this report are legislation and staff. Harbour grants and ferry running costs have been excluded.
 - Within DETI, costs relating to marine energy have been included. Health and Safety marine costs have been excluded.

Table 7.1 – Current costs for Marine Functions in Northern Ireland

Department / Agency	Functions	Costs £/yr
DOE	Marine Policy	281,000
DOE/NIEA	Marine Licensing (FEPA)	152,000
	Marine Water Pollution - Enforcement and Monitoring	1,289,000
	Marine Science and Research	
	Marine Conservation Science and Protection of historic monuments	523,000
DARD	Fisheries Policy	387,526
	Fisheries Licensing	387,526
	European Fisheries Fund	
	Fishing Ports	
	Sea Fisheries Protection – Enforcement and Monitoring	990,214
DARD/AFBI	Fisheries Science and Research	2,451,637
DARD/Loughs Agency	Cross-border loughs fisheries (Foyle and Carlingford)	6,110,000* (09)
DARD/Rivers Agency	Coastal flooding	*
DCAL	Migratory Fish Grants	3,454
	Migratory and Freshwater Fish	
DRD	Ports	503,000
DETI	Consents for electricity generation	43,568
Total		£7,011,925 (*excluding Loughs Agency Funding)

*not possible to extract costs from accounts

Northern Ireland MMO Potential Costs

149. A Northern Ireland MMO would be responsible only for delivery of executive and regulatory functions with policy responsibilities remaining with departments and Ministers.
150. Tables 7.2, 7.3 and 7.4 set out the estimated running costs of the 3 potential Northern Ireland MMO models on this basis.
151. The tables include an estimated running cost of £0.4m for marine planning based on DOE's estimate of £0.3-0.5m for this function and an estimate of 6 staff. It should be noted that the cost figures for the NIEA differ from those provided to the Assembly in response to a series of questions in July.

Table 7.2 – Running Costs of DOE preferred MMO functions

Functions	Costs £/yr	Staff numbers
Marine Planning	400,000	Estimated up to 6
Marine Licensing (FEPA)	250,000	4
Sea Fisheries Protection – Enforcement and Monitoring	990,214	26
Total	£1,640,214	36

Table 7.3 – Running Costs of Marine Bill White Paper MMO functions

Functions	Costs £/yr	Staff numbers
Marine Planning	400,000	6
Marine Licensing (FEPA)	152,000	4
Marine Water Pollution - Enforcement and Monitoring	383,000	n/k
Marine Conservation Science and Protection of historic monuments	523,000	11

Sea Fisheries Protection – Enforcement and Monitoring	990,214	26
Total	£2,448,214	47+

Table 7.4 – Costs of enhanced MMO functions

Functions	Costs £/yr	Staff numbers
Marine Planning	400,000	6
Marine Licensing (FEPA)	152,000	4
Marine Water Pollution - Enforcement and Monitoring	1,289,000	29
Marine Science and Research		
Marine Conservation Science and Protection of historic monuments	523,000	11
Fisheries Licensing	387,526	35
European Fisheries Fund		
Fishing Harbours		
Sea Fisheries Protection – Enforcement and Monitoring	990,214	26
Fisheries Science and Research	2,451,637	20
Migratory Fish Grants	3,454	3
Migratory and Freshwater Fish		
Total	£6,196,831	134

152. In summary therefore, the limited-function model of MMO would have a running cost of £1,640,214 based on existing costs. There would be approximately 36 staff involved.

153. Similarly, the extended model based on the white paper assumed functions would have a running cost of £2,448,214 and 47+ staff and the enhanced model's running cost would be £6,196,831 and have 134 staff.

154. The DOE estimates £0.5m set-up costs for their preferred minimalist MMO option. It is unlikely that set-up costs between MMO models will vary that greatly and I have assumed set-up costs will be in the range £0.5-0.775m.

Chapter 8

Analysis of options

155. In this Chapter, the advantages and disadvantages of the models outlined in Chapter 6 are compared incorporating the economic analysis from Chapter 7. The objective is to identify the model that will deliver the most effective marine management system in Northern Ireland while delivering value for money.

156. At a workshop with stakeholders in April 2009, DOE indicated that they had under consideration three models;

- Virtual integration based on a number of memoranda of understanding between Departments and Agencies and the DOE
- A single Directorate
- A Marine Management Organisation for Northern Ireland

157. Reviewing Chapter 6, it seems that for completeness three additional options should be added for analysis to the three core options suggested by DOE. These are;

- Status quo, with a simple addition of marine planning to the functions of DOE
- Two expanded MMO options capable of carrying out a wider range of Marine functions than the minimalist range of functions anticipated by DOE

158. A financial analysis on its own is not in my view sufficient in order to make a realistic judgement about the most appropriate model for Northern Ireland. In reviewing the different options available, I have therefore made judgements in relation to a wider number of criteria. The full range includes:

- How well the model integrates marine functions

- The financial costs of the model and the value for money it provides
- Particular risks associated with the model
- A regulatory impact
- Coherence and consistency provided by the model

159. Table 8.1 sets out the estimated additional financial costs of different model options and offers some analysis on the extent to which the above criteria are met by each of them.

Table 8.1 Analysis of MMO options based on a range of select criteria

Options	Integration	Estimated additional costs	Estimated efficiency gains	Risks	Regulatory impact	Coherence and consistency
Status quo	Replicates existing lack of integration and would not meet expectations of EU Directive or a UK policy to achieve real and sustained marine integration	As marine legislation develops and greater planning requirements emerge there will almost certainly be additional costs as the fragmented system struggles to cope. Estimated additional costs rising to £250k per annum	None	As marine law and directives increase, there is a real risk of a dysfunctional marine service. Leaves functions widespread and confusing to stakeholders	Danger of over regulation through overlapping monitoring arrangements between different departments and agencies. Fragmented responses to planning will potentially add costs to industry	Probability of decisions by different public service organisations being at odds with each other
Virtual integration	May meet requirements but the political structure of government in Northern Ireland mitigates against cooperation	All Departments likely to require additional coordinating support, approx. £100k per annum plus additional costs estimated for status quo. Estimated total £350k	None	As above though individual roles may be clearer internally	May promote cooperation at an organisational level initially but over time may become victim of silo mentality. Risk of fragmented responses to planning and consequential potential costs to industry still remain	May be more coherent and consistent than the status quo but there is a long term danger of departmental silo approaches undermining cohesion

<p>Directorate with core functions</p>	<p>Should meet expectations, but requires political good will to transfer significant departmental functions to a single department under the control of one Minister</p>	<p>Reconfiguring as a single entity will have set up costs, estimated in the region of £250k</p>	<p>Possibly c£100k</p>	<p>May lead to Executive disagreements on delivery of policy outcomes</p>	<p>Efficiency of regulatory services should have a positive impact on stakeholders with more coordinated service to industry with impact on their costs. Fragmented responses to planning still has potential costs to industry</p>	<p>May give greater coherence but policy from different departmental Ministers a problem</p>
<p>MMO with core functions as set out in 7.2</p>	<p>Very limited model which offers little by way of the level of integration envisaged elsewhere with structural change</p>	<p>C£500k</p>	<p>None</p>	<p>A body dominated by sea fisheries protection. Risks delivering no significant change in marine management</p>	<p>No gain to stakeholders. Possibly costs them more. Politically difficult to sell</p>	<p>Will lack coherence and be viewed by serious players as not a serious option</p>

MMO with core functions as outlined in Table 7.3	Should meet some expectations. Limited integration with significant functions still dispersed throughout the public service will mean Assembly and Executive will continue to have a complicated range of accountable bodies for marine services	Additional set up costs in region of £0.65m	Estimated saving of at least c£100 for 2 posts on basis of efficiency in monitoring	Limited level of integration and minimal potential for efficiency gains. Retention of a complicated delivery system compromising links to the rest of UK and Ireland	Should help because of potential rationalisation of monitoring arrangements. Still planning fragmentation with potential additional costs	Achieves a level of coherence and consistency, but with delivery functions still fragmented it does not maximise NI's position similar to England, Scotland and Wales
MMO with expanded range of functions as suggested in Table 7.4	Meets expectations of integration in a significant way and would make the totality of marine services more accountable to government and the Assembly	Set up costs should not increase proportionally as the key science functions can remain <i>in situ</i> with a contractual basis with AFBI or NIEA. Estimated set up costs around £650k.	Potential savings through more efficient use of services may be substantial, possibly up to £250k per annum on basis of potential staff saving of 5 posts	Minimal risks and meets EU expectations of integration	More efficient marine services delivery will minimise the regulatory impact, particularly in relation to efficiency of planning, monitoring, licensing and science. Should have a very positive impact on industry costs	Most beneficial in terms of coherence and consistency because a single organisation will be more capable of delivering policy outcomes through a unified structure.

160. On the basis of this analysis I have drawn a number of conclusions.
161. The status quo seems clearly unsustainable. There will be minimal integration of marine functions, with potential long-term damage to the marine environment. It would also leave Northern Ireland isolated in the UK, and probably in Europe in terms of not having clear and integrated marine delivery services.
162. A virtual organisation of services seems to be little better. Even in an administrative structure with single party government or voluntary coalition, it would strain credulity to imagine that such a complicated range of functions could be delivered this way and meet the expectations of the Marine Strategy Framework Directive. In the case of Northern Ireland, with an involuntary coalition, the strains on the system will be enormous and meeting the policy and delivery expectations of four political parties would in my view prove to be too much, resulting in confusion and poor decision making.
163. A single directorate similar to the Scottish model could work but only if Northern Ireland went the whole hog and fully integrated all policy and delivery functions in a single department or agency. If policy remained the responsibility of a number of departments then they will have the power to direct the delivery department about the implementation of particular policies. In a Northern Ireland context that seems untenable. It can work in Scotland or Wales for the very simple reason that there is a single structure of government. The legal entity is the Scottish Executive or the Welsh Assembly Government. There are no departments as such and Marine Scotland does not exist in law. All references in the Scottish Bill are to the Scottish Executive and there is no mention of Marine Scotland. In Northern Ireland, each department is a legal entity with power vested in the individual Ministers. The Executive and OFMdFM have very limited powers of direction.

164. **A separate MMO as an NDPB seems to meet the core administrative and political issues and problems associated with the previous models.** An NDPB would be more clearly accountable to the Executive and the Assembly as a whole and could presumably be accountable to more than one policy department thereby limiting the issue of policy loss to existing departments. In addition, any outcome of the Efficiency Review in terms of amalgamating the functions of two or more departments could be easily accommodated by an NDPB.
165. The key issue is one of scale. As a minimum, an MMO should have fisheries enforcement functions as envisaged in the 2007 White Paper. Less than that offers little by way of either integration or potential efficiencies. However, the minimalist model, which seems to be in the mind of DOE with fisheries protection as the dominant function, seems strange and probably not deliverable in political terms. As it would appear to bring fisheries protection within DOE without there being any significant gain in terms of management of our marine resources, I find nothing to commend it at all. Much greater potential is obvious if key marine water functions from NIEA are included and even more is apparent if the science functions of AFBI and NIEA were also integrated into the new MMO. This need not necessarily mean relocation, more a change of management, but with enormous potential for efficiencies internally and in co-operation with Scotland, Wales and Ireland. As a Scottish Minister put it in response to a question in the Scottish Assembly:

“Science is central to our aspirations for marine management in Scotland, and to the role and responsibilities of Marine Scotland. We believe there are benefits for marine management in integrating science with policy development, delivery and other functions so that informed, holistic advice can be provided and appropriate, informed decisions can be made. There are also efficiency and value for money benefits for Scotland”¹³

166. With this scale of organisation envisaged there is also a strong case for a number of other marine water functions to be integrated such as all aquaculture support services, and remaining executive functions in DARD.

Chapter 9

Recommendations

167. **Status Quo** - The option of the Status Quo even with some element of coordination, is considered the poorest in terms of the non-monetary criteria but would almost certainly have long term financial costs associated with poor integration, inefficiency of delivery functions and additional costs to industry through fragmented approaches to marine planning. **This is rejected.**
168. **Virtual Organisation** - A virtual organisation seems to offer little more and depends on a very high level of cooperation and trust between departments and organisations. In the context of the Northern Ireland political structure of government, there are many reservations about this option. **This is also rejected.**
169. **Directorate** - A directorate along the lines of the Scottish model could offer significant benefits of integration and efficiency. However, separation of policy and executive functions would be troublesome in the context of the political model in Northern Ireland and the current departmental make-up. This could be addressed in terms of the ongoing Efficiency Review but would need an outcome whereby the key marine policy responsibilities would be located within a single department. This is a possibility. However, I have major reservations in relation to the juxtaposition of policy determination, programme delivery, licensing and monitoring within a single department. In effect, it polices itself. **On balance, this is also rejected.**
170. **MMO** - The creation of a dedicated MMO seems to be by far the best in terms of meeting the financial and non-financial criteria outlined earlier. It clearly provides for greater integration of delivery functions and separates policy and delivery responsibilities. It is capable of responding to current and future tensions surrounding the legal responsibilities of departments and Ministers and overall could deliver a coherent framework for delivering marine functions

for what is a relatively restricted length of coastline. It also has the greatest potential to promote cooperative working with other administrative arrangements established in these islands and in Europe. It also seems, from previous consultations that for stakeholders, **this is by far the preferred option.**

171. While recommending a separate MMO as the most effective model for Northern Ireland, there remains the question of scale. To me, a new NDPB with as many marine functions as possible to ensure maximum impact in terms of integration and potential efficiency seems the most obvious solution. The minimalist model envisaged by DOE and NIEA is not credible from any perspective and I reject it. In considering the options outlined in Tables 7.2, 7.3 and 7.4 it has to be borne in mind that Northern Ireland has a short coastline comparatively speaking, and with the rest of the UK delivering comprehensive marine functions as an integrated package, it is difficult to argue that Northern Ireland should continue to separate these functions.
172. **My strong recommendation of this report is therefore that a new MMO should be established for Northern Ireland with a comprehensive range of delivery functions encompassing monitoring, planning, science and licensing and other related functions, for example grant-making, harbours and all aquaculture management.**
173. Given that it will be 2012 before legislation is enacted, and probably 2013 before any new body would be up and running, it does not make much sense to plan for a minimalist approach at this stage. This is more the case given that discussion about a delivery mechanism will be conducted possibly in the context of a debate about future departmental structures. If the minimalist MMO model in Table 7.2 is rejected, it is possible that the model at table 7.3 could be proposed as a short term arrangement with functions to be added later as it gets up and running. However there is little to recommend this in light of the timescale now envisaged for the Northern Ireland Marine Bill. There is sufficient time now available to plan and deliver a comprehensive

model to support marine planning for one of Northern Ireland's major natural assets.

174. My overall recommendation is therefore that a Marine Management Organisation should be provided for in the forthcoming Draft Northern Ireland Marine Bill legislation for Northern Ireland and that it should be given as many marine functions as possible. It should certainly include all fisheries, science, licensing and monitoring responsibilities to ensure maximum integration and opportunities for efficiencies.

Annex 1

Abbreviations used in the Document

AFBI	Agri-Food and Biosciences Institute
Defra	Department for Environment, Food and Rural Affairs
MMO	Marine Management Organisation
DARD	Department of Agriculture and Rural Development
DOE	Department of the Environment
DETI	Department of Energy, Trade and Investment
DCAL	Department of Culture, Arts and Leisure
DEL	Department of Employment and Learning
DE	Department of Education
DHSSPS	Department of Health, Social Services and Public Services
DSD	Department of Social Development
DRD	Department of Regional Development
DFP	Department of Finance and Personnel
FCB	Fisheries Conservancy Board
OFMdFM	Office of the First Minister and deputy First Minister
CEFAS	Centre for Environmental Fisheries and Aquaculture Science
JNCC	Joint Nature Conservation Committee
MCZ	Marine Conservation Zones
MCU	Marine Consent Unit
MFA	Marine and Fisheries Agency
NDPB	Non-Departmental Public Body
NIAUR	Northern Ireland Authority for Utilities Regulation
SEA	Strategic Environmental Assessment
SNP	Scottish National Party

Annex 2

List of Departments, Agencies and Organisations Consulted

Agri-Food and Biosciences Institute

Department of Agriculture and Rural Development

Department of the Environment

National Federation of Fisherman's Organisations

Northern Ireland Environment Agency

Marine Scotland

Annex 3

Assembly question

“To ask the Minister if he/she will provide details of (i) the number of staff, and their relevant grade, in his/her Department who have responsibility for marine issues, and (ii) the annual total cost of marine-specific work to the Department”.

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- ¹ A Sea Change – A Marine Bill White Paper, Defra, March 2007
 - ² Pugh, D. & Skinner, L. (2002) A new analysis of marine-related activities in the UK economy with supporting science and technology. IACMSDT Information Document number 10 www.marine.gov.uk/publications/newmarsurvacro.pdf
 - ³ Defra (2002) Safeguarding Our Seas: A strategy for the Conservation and Sustainable Development of our Marine Environment
 - ⁴ OFMdfM (2006) Northern Ireland Sustainable Development Strategy, <http://www.ofmdfmi.gov.uk/sustain-develop.pdf>
 - ⁵ Defra (October 2007) Summary of responses to the consultation on A Sea Change - A Marine Bill White Paper
 - ⁶ Northern Ireland Marine Task Force (June 2007) A Sea Change - A Marine Bill White Paper, A Northern Ireland Perspective
 - ⁷ ABP MER (May 2007) Regulatory Impact Assessment of the Marine Bill in Wales – Final Options Assessment
 - ⁸ ABP MER (2009) Scottish Marine Bill Regulatory Impact Assessment - Independent Report
 - ⁹ Foundations for the Future, The Review of Environmental Governance, Final Report, May 2007
 - ¹⁰ Defra (2009) Marine and Coastal Access Bill – indicative maps,
 - ¹¹ Assembly Questions for written answer (AQW 8460/09)¹² Scottish Parliamentary Written Answers, S3W-22585, Elaine Murray, 3 April 2009