



2013 CHAPTER 10

Part 2

Marine Planning

Marine plans

Marine plans for Northern Ireland inshore region

4.—(1) The Department may prepare a marine plan for an area (a “marine plan area”) consisting of the whole or any part of the Northern Ireland inshore region.

(2) Where a marine policy statement governs marine planning for the Northern Ireland inshore region, the Department must seek to ensure that every part of that region is within an area for which a marine plan is in effect.

(3) A “marine plan” is a document which—

- (a) has been prepared and adopted for a marine plan area by the Department in accordance with Schedule 1,
- (b) states the policies of the relevant Northern Ireland departments (however expressed) for and in connection with the sustainable development of the area, and
- (c) states that it is a marine plan prepared and adopted for the purposes of this section.

(4) A marine plan must identify (by means of a map or otherwise) the marine plan area for which it is a marine plan.

(5) Unless relevant considerations indicate otherwise, a marine plan must be in conformity—

- (a) with any marine policy statement which governs marine planning for the marine plan area; and
 - (b) in the case of a plan for part of the Northern Ireland inshore region, with any marine plan in effect for the whole of that region.
- (6) A marine plan must state whether it includes provision relating to retained functions.
- (7) A marine plan may also include statements or information relating to policies contained in the plan.
- (8) If to any extent a policy stated in a marine plan conflicts with any other statement or information in the plan, that conflict must be resolved in favour of the policy.
- (9) A marine plan comes into effect when it has been published by the Department in accordance with Schedule 1.
- (10) For the purposes of this Part a marine policy statement “governs marine planning” for an area if—
- (a) it has been adopted by the Department under Schedule 5 to the 2009 Act,
 - (b) it has been published in accordance with paragraph 12 of that Schedule,
 - (c) it has not been replaced or withdrawn, and
 - (d) the Department has not withdrawn from it.
- (11) For the purposes of this Part “the relevant Northern Ireland departments” are—
- (a) the Department;
 - (b) the Department of Agriculture and Rural Development;
 - (c) the Department of Culture, Arts and Leisure;
 - (d) the Department of Enterprise, Trade and Investment; and
 - (e) the Department for Regional Development.

Amendment of marine plan

- 5.—(1) The Department may amend a marine plan.
- (2) The provisions of this Part that relate to the preparation, adoption, publication and coming into effect of a marine plan also apply in relation to amendments of a marine plan.
- (3) Any reference in this Act to a marine plan includes a reference to a marine plan as amended.

Withdrawal of marine plan

- 6.—(1) A marine plan may be withdrawn at any time, but only in accordance with the following provisions of this section.

Status: This is the original version (as it was originally enacted).

- (2) If, after consultation with the other relevant Northern Ireland departments, the Department decides to withdraw a marine plan—
- (a) it is to publish notice of the withdrawal of the plan in the Belfast Gazette, and
 - (b) the marine plan is withdrawn as from the date on which the notice is so published.
- (3) If at any time the Secretary of State decides to withdraw agreement previously given under paragraph 15(2) of Schedule 1 to a marine plan—
- (a) the Secretary of State is to give notice of that decision to the Department,
 - (b) within 7 days of receiving that notice, the Department must publish notice of the withdrawal of the marine plan in the Belfast Gazette, and
 - (c) the marine plan is withdrawn as from the date on which the notice is so published.
- (4) Where a marine plan is withdrawn under this section, the Department must—
- (a) publish notice of the withdrawal of the marine plan on the Department's website; and
 - (b) take such further steps as it considers appropriate to secure that the withdrawal of the marine plan is brought to the attention of interested persons.
- (5) In this section “interested persons” means—
- (a) any persons appearing to the Department to be likely to be interested in, or affected by, the withdrawal of the marine plan, and
 - (b) members of the general public.

Duty to keep relevant matters under review

7.—(1) The Department must keep under review the matters which may be expected to affect the exercise of its functions relating to—

- (a) the identification of areas which are to be marine plan areas, and
- (b) the preparation, adoption, review, amendment or withdrawal of marine plans for those areas.

The reference in paragraph (b) to review is a reference to the functions of the Department under section 9.

(2) The matters include—

- (a) the physical, environmental, social, cultural and economic characteristics of the Northern Ireland inshore region and of the living resources which the region supports;
- (b) the purposes for which any part of the region is used;

- (c) the communications, energy and transport systems of the region;
 - (d) any other considerations which may be expected to affect those matters.
- (3) The matters also include—
- (a) any changes which could reasonably be expected to occur in relation to any such matter;
 - (b) the effect that any such changes may have in relation to the sustainable development of the region, its natural resources, or the living resources dependent on the region.
- (4) The reference in subsection (2)(a) to the cultural characteristics of the Northern Ireland inshore region includes a reference to characteristics of that region which are of a historic or archaeological nature.