



## 2013 CHAPTER 10

### Part 2

#### Marine Planning

##### *Decisions affected by a marine plan*

#### **Decisions affected by a marine plan**

**8.—(1)** A public authority must take any authorisation or enforcement decision in accordance with any appropriate marine plan, unless relevant considerations indicate otherwise.

(2) If a public authority takes an authorisation or enforcement decision otherwise than in accordance with any appropriate marine plan, the public authority must state its reasons.

(3) A public authority must have regard to any appropriate marine plan in taking any decision—

- (a) which relates to the exercise of any function capable of affecting the whole or any part of the Northern Ireland inshore region, but
- (b) which is not an authorisation or enforcement decision.

(4) An “authorisation or enforcement decision” is any of the following—

- (a) the determination of any application (whenever made) for authorisation of the doing of any act which affects or might affect the whole or any part of the Northern Ireland inshore region,
- (b) any decision relating to any conditions of such an authorisation,

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**Changes to legislation:** *There are currently no known outstanding effects for the Marine Act (Northern Ireland) 2013, Cross Heading: Decisions affected by a marine plan. (See end of Document for details)*

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- (c) any decision about extension, replacement, variation, revocation or withdrawal of any such authorisation or any such conditions (whenever granted or imposed),
- (d) any decision relating to the enforcement of any such authorisation or any such conditions,
- (e) any decision relating to the enforcement of any prohibition or restriction (whenever imposed) on the doing of any act, or of any act of any description, falling within paragraph (a).

(5) In this section “authorisation” means any approval, confirmation, consent, licence, permission or other authorisation (however described), whether special or general.

(6) Subject to subsection (7), to the extent that the decision relates to a marine plan area, any marine plan which is in effect for that area is an appropriate marine plan.

(7) But in relation to the exercise of retained functions by a public authority a marine plan is only an appropriate marine plan if—

- (a) it contains a statement under section 4(6) that it includes provision relating to retained functions,
- (b) it was adopted with the agreement of the Secretary of State under paragraph 15(2) of Schedule 1, and
- (c) it was prepared and adopted at a time when a marine policy statement was in effect which governed marine planning for the Northern Ireland inshore region.

**Changes to legislation:**

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