

*These notes refer to the Marine Act (Northern Ireland) 2013
(c.10) which received Royal Assent on 17 September 2013*

Marine Act (Northern Ireland) 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Marine Protection

Section 14: Grounds for designation of MCZ

This section sets out the circumstances in which the Department may designate an MCZ. This would be for the purpose of conserving species of marine flora or fauna, particularly if they are rare or threatened, or for conserving the diversity of marine flora or fauna, habitat, or features of geological or geomorphological interest whether or not they are considered rare or threatened (subsections (1), (4) and (5)). Identification of potential MCZs will be based upon the use of best available evidence.

Subsection (2) provides that the order designating the MCZ must state both the protected feature(s) and the conservation objectives for the MCZ. The level of protection for an MCZ will depend on the site's conservation objectives, which must have regard to relevant social, cultural and economic considerations. The conservation objectives will be clear to ensure that all public authorities understand the implications of the duties placed on them by sections 22 and 23.

Under subsection (7) the Department must have regard to any economic, cultural or social consequences of designation. This ensures MCZs will be designated in such a way as to conserve biodiversity and ecosystems whilst minimising any economic, cultural and social impacts. Where an area contains features which are rare, threatened or declining, or informs a biodiversity hotspot, greater weight is likely to be attached to ecological considerations. Where there is a choice of alternative areas which are equally suitable on ecological grounds, economic, cultural and social factors could be more significant in deciding which areas may be designated as an MCZ.

The Department must have regard, so far as possible, to the extent to which any licensable marine activity or fishing for or taking animals or plants from the sea is likely to be prohibited or significantly restricted within any proposed MCZ; and consideration should be given to the likely environmental impact within that area were it not to be designated (and consequently no such restrictions would apply), or elsewhere in the Northern Ireland marine area as a result of such an activity being displaced.

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Subsection (8) clarifies that the reference to social consequences of designating an MCZ includes any consequences of doing so for sites of historic or archaeological interest.