

Appendix I - Rural Needs Impact Assessment (RNIA) Template

SECTION 1 - Defining the activity subject to Section 1(1) of the Rural Needs Act (NI) 2016

1A. Name of Public Authority.

The Department of Agriculture, Environment and Rural Affairs (DAERA)

1B. Please provide a short title which describes the activity being undertaken by the Public Authority that is subject to Section 1(1) of the Rural Needs Act (NI) 2016.

Amendment of the policy and associated legislation relating to the situations under which exemptions may be given to the need to obtain a marine licence for activities taking place in Northern Ireland's inshore region where DAERA is the licensing authority.

1C. Please indicate which category the activity specified in Section 1B above relates to.

Developing a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Adopting a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Implementing a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Revising a	Policy <input checked="" type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Designing a Public Service	<input type="checkbox"/>		
Delivering a Public Service	<input type="checkbox"/>		

1D. Please provide the official title (if any) of the Policy, Strategy, Plan or Public Service document or initiative relating to the category indicated in Section 1C above.

The Marine Licensing (Exempted Activities) (Amendment) Order (Northern Ireland) 2021

1E. Please provide details of the aims and/or objectives of the Policy, Strategy, Plan or Public Service.

The proposed changes to the Marine licensing (Exempted Activities) Order (Northern Ireland) 2011 are intended to ensure that licensing remains proportionate to the risk to the environment, human health and other users of the sea and that its operation is efficient and coherent.

1F. What definition of 'rural' is the Public Authority using in respect of the Policy, Strategy, Plan or Public Service?

Population Settlements of less than 5,000 (Default definition).

Other Definition (Provide details and the rationale below).

A definition of 'rural' is not applicable.

Details of alternative definition of 'rural' used.

Rationale for using alternative definition of 'rural'.

Reasons why a definition of 'rural' is not applicable.

SECTION 2 - Understanding the impact of the Policy, Strategy, Plan or Public Service

2A. Is the Policy, Strategy, Plan or Public Service likely to impact on people in rural areas?

Yes No If the response is **NO** GO TO Section **2E**.

2B. Please explain how the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas.

The proposed policy changes and subsequent amendments to the Marine Licensing (Exempted Activities) Order (Northern Ireland) 2011 are intended to ensure that the list of situations under which a requirement for a marine licence may be exempted is proportionate to the risk to the environment, human health and other users of the sea. It is considered that users of the marine environment (business, social/pleasure and academia) will benefit from the application of the updated legislation through improvements in its flexibility, efficiency and relevance to their needs. The default situation is that a marine licence needs to be obtained if an activity is to take place in the marine environment. By amending the 2011 Order, DAERA will be extending the number of situations where this is no-longer required. This will reduce costs to both rural and urban communities through a reduction in the regulatory burden for those wishing to use and develop the marine environment.

2C. If the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas differently from people in urban areas, please explain how it is likely to impact on people in rural areas differently.

Since the effect of the proposed policy changes and subsequent legislative amendments will mainly impact on coastal communities, the Department is of the opinion that there may be a small positive difference on how the rural community is effected to that of the urban community. DAERA will be extending the number of situations where a marine licence this is no-longer required. This may reduce costs to the rural community through a reduction in the regulatory burden for those wishing to use and develop the marine environment.

2D. Please indicate which of the following rural policy areas the Policy, Strategy, Plan or Public Service is likely to primarily impact on.

Rural Businesses	<input checked="" type="checkbox"/>
Rural Tourism	<input checked="" type="checkbox"/>
Rural Housing	<input type="checkbox"/>
Jobs or Employment in Rural Areas	<input type="checkbox"/>
Education or Training in Rural Areas	<input type="checkbox"/>
Broadband or Mobile Communications in Rural Areas	<input type="checkbox"/>
Transport Services or Infrastructure in Rural Areas	<input type="checkbox"/>
Health or Social Care Services in Rural Areas	<input type="checkbox"/>
Poverty in Rural Areas	<input type="checkbox"/>
Deprivation in Rural Areas	<input type="checkbox"/>
Rural Crime or Community Safety	<input type="checkbox"/>
Rural Development	<input checked="" type="checkbox"/>
Agri-Environment	<input checked="" type="checkbox"/>
Other (Please state) <input type="text"/>	

If the response to Section 2A was YES GO TO Section 3A.

2E. Please explain why the Policy, Strategy, Plan or Public Service is NOT likely to impact on people in rural areas.

SECTION 3 - Identifying the Social and Economic Needs of Persons in Rural Areas

3A. Has the Public Authority taken steps to identify the social and economic needs of people in rural areas that are relevant to the Policy, Strategy, Plan or Public Service?

Yes No If the response is **NO** GO TO Section **3E**.

3B. Please indicate which of the following methods or information sources were used by the Public Authority to identify the social and economic needs of people in rural areas.

Consultation with Rural Stakeholders	<input type="checkbox"/>	Published Statistics	<input type="checkbox"/>
Consultation with Other Organisations	<input checked="" type="checkbox"/>	Research Papers	<input type="checkbox"/>
Surveys or Questionnaires	<input type="checkbox"/>	Other Publications	<input type="checkbox"/>
Other Methods or Information Sources (include details in Question 3C below).			<input checked="" type="checkbox"/>

3C. Please provide details of the methods and information sources used to identify the social and economic needs of people in rural areas including relevant dates, names of organisations, titles of publications, website references, details of surveys or consultations undertaken etc.

In proposing the amendment of its policy and legislation relating to this matter DAERA has considered the data available to it within its own records of licensing applications and requested exemptions. It has also discussed this issue with the equivalent bodies of the other devolved administrations and Defra, seeking their experience of similar amendments previously made. The Department reviewed documentation linked to responses from the rural communities of other administrations seeking any possible unintended consequences and tone of the response from the respective rural community.

The Department will complete a full public consultation on the proposed amendments to the Marine Licensing (Exempted Activities) Order (Northern Ireland) 2011 which will seek views on the specific proposals to amend the list of activities for which a marine licence is required. DAERA considers that the overall impact for those rural communities living close to and using the marine environment is likely to be positive as the amended legislation will provide greater clarity to the public while reducing the regulatory burden.

Should any evidence be provided as a result of the consultation which indicates that the proposed policy changes and subsequent amendments to the Marine Licensing (Exempted Activities) Order (Northern Ireland) 2011 will impact on the social or economic needs of people in rural areas this will be considered when the legislation is being drafted and this form will be amended.

3D. Please provide details of the social and economic needs of people in rural areas which have been identified by the Public Authority?

DAERA has considered the possible consequences of its proposed policy changes and the effects they could have on the rural policy areas listed in the rural proofing guidance. While the effects of the proposed policy changes fall mainly on the rural community, the department considers that the proposed changes would be positive in nature through a reduction of the regulatory burden. DAERA has in each instance considered if the specific changes would cause a detrimental or positive impact. Could the proposals cause damage to policy areas such as business, fisheries, tourism, social amenity and natural environment?

In each case the DAERA has attempted to make the associated legislation more flexible and relevant to the needs of the rural community through the provision of new instances for an exemption where previously a marine licence would have been required.

If the response to Section 3A was YES GO TO Section 4A.

3E. Please explain why no steps were taken by the Public Authority to identify the social and economic needs of people in rural areas?

SECTION 4 - Considering the Social and Economic Needs of Persons in Rural Areas

4A. Please provide details of the issues considered in relation to the social and economic needs of people in rural areas.

In proposing these policy changes and resulting amendments to legislation DAERA has attempted to make the Order more flexible and relevant to the needs of the marine/rural community. Our proposed amendment of the Marine Licensing (Exempted Activities) Order (Northern Ireland) 2011 includes proposals for 7 new Articles which define additional circumstances under which the need to obtain a marine licence is removed. In addition 9 of the existing Articles are to be amended to more clearly define and guide those proposing to engage in an activity that would otherwise require a marine licence in the absence of these additional amendments.

Proposed New Articles:

- an exemption for sampling and testing thus reducing the regulatory burden on industry and academia;
- a more flexible approach is added through the inclusion of the exemption 'Accidental deposits- removal activity' Article which allows for the recovery of items accidentally lost overboard to be recovered.
- a common sense approach to the removal marine litter by divers. Currently a marine licence is required for the removal of any item from the seabed. This exemption allows divers to deliver a clear public benefit and help protect the marine environment and encourage eco-tourism;
- it is also proposed to allow harbor authorities an exemption to use devices, vehicles and vessels to clean the areas under their jurisdiction rather than just remove dangers to navigation;
- the Department is also proposing to allow an exemption for the erection of markers to designate protected areas by its officers. This will enable the Department's capability to protect the natural environment;
- the erection of temporary markers for events by the general public. These proposals will assist with the improvement of the social and natural amenity; and
- finally it is proposed to exempt the need for a marine licence when cleaning lightly fouled vessels.

Proposed Amendments to Existing Articles

The Department also proposes to amend 9 existing Articles using the same ethos as that discussed for the proposed new Articles. These would include additional clarification linked to possible impact on protected areas, and historic & archaeological sites. More flexibility in terms of prior notification of an activity before it can begin, especially the removal of the prior notification requirement in an emergency situation. The expansion of the scope of exemptions to allow for improved protection against marine pollution and the removal a legislative loophole linked to fisheries and the control of waste.

SECTION 5 - Influencing the Policy, Strategy, Plan or Public Service

5A. Has the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, been influenced by the rural needs identified?

Yes No If the response is **NO GO TO Section 5C.**

5B. Please explain how the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, has been influenced by the rural needs identified.

No detrimental social or economic impacts have been identified in relation to the implementation of the proposed amendments to the Marine Licensing (Exempted Activities) Order (Northern Ireland) 2011

In developing the proposed amendments DAERA has attempted to make the Order more flexible and relevant to the needs of the marine/rural community. Our proposed amendment to the Marine Licensing (Exempted Activities) Order (Northern Ireland) 2011 includes proposals for 7 new Articles which allow for exemption from the need to obtain a marine licence in those particular circumstances. In addition 9 of the existing Articles are to be amended to more clearly define and guide those proposing to engage in an activity that would otherwise require a marine licence in the absence of these additional amendments.

The Department is cognisant of the aim of The Marine and Coastal Access Act 2009 (MCAA) which is to help achieve a clean, healthy, safe, productive and biologically diverse marine environment when reviewing its policy and the 2011 Order.


If the response to Section 5A was **YES GO TO Section 6A.**

5C. Please explain why the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or the delivery of the Public Service, has NOT been influenced by the rural needs identified.

SECTION 6 - Documenting and Recording

6A. Please tick below to confirm that the RNIA Template will be retained by the Public Authority and relevant information on the Section 1 activity compiled in accordance with paragraph 6.7 of the guidance.

I confirm that the RNIA Template will be retained and relevant information compiled.

Rural Needs Impact Assessment undertaken by:	Jim Ramsey
Position/Grade:	SO
Division/Branch	Marine & Fisheries Division
Signature:	
Date:	10 March 2021
Rural Needs Impact Assessment approved by:	David Small
Position/Grade:	Grade 3
Division/Branch:	EMFG
Signature:	
Date:	15 March 2021