
From: Minister
Sent: 12 April 2016 12:32
To: Minister of State
Subject: FW: Offshore Wind Farms and MSP for East coast.

Think this one is for your side.....

From: Doyle []
Sent: 08 April 2016 14:58
To: Minister
Subject: Offshore Wind Farms and MSP for East coast.

Dear Minister

With regard to the recently announced public consultation on MSP, foreshore leases have already been awarded in an inappropriate low key manner under outdated Foreshore Act 1933 to private developers for construction of large scale offshore wind farms on vulnerable shallow sand banks, 12km off S. Dublin and Wicklow . There was virtually no input from the public or public representatives on this, no statutory involvement of local authorities , no affordable right of appeal and indeed no public debate as to the best use of our East coast near shore zone .. The entire process was developer led , there was no public tender and no national plan for use of the energy generated.

Can I ask how will Ireland's forthcoming MSP deal with this situation ? . Do you intend to go back to the drawing board and plan the future of the East coast in an open , democratic manner or is your Department planning to allow a handful of developers operating on a "first come first served" basis to shape the future of the East coast.

Thank you
James Doyle

Dept. of Environment, Community
& Local Government

3 MAY 2016

Wexford

Wexford

3 MAY 2016

Dept. of Environment, Community
& Local Government

SANDYMOUNT & MERRION RESIDENTS ASSOCIATION

2

DoECLG.

Submission re. Draft Regulations for Marine Spatial Planning.

28/4/2016.

Dear Sir,

Both the Marine Strategy Framework Directive 2008/56/EU and the Maritime Spatial Planning Directive 2014/89/EU place the emphasis on the necessity to adopt an ecosystem based approach aiming to maintain biodiversity.

quote:-

The introduction to the Marine strategy framework Directive 2008/56/EC states " The marine environment is a precious heritage that must be protected, conserved and where practicable restored with the ultimate aim of maintaining biodiversity and providing diverse and dynamic oceans and seas which are clean, healthy and productive. Maintaining and achieving such conditions is essential to support sustainable use of the marine environment for this and future generations."

quote:-

Article 5 [1] of Directive 2014/89/EU says " When establishing and implementing Maritime Spatial Planning Member States shall consider economic, social and environmental aspects to support sustainable development and growth in the maritime sector, applying an ecosystem based approach, and to promote the co-existence of relevant activities and uses."

These Draft Regulations to transpose the Directives into Irish Law, whilst including the achievement of ecological objectives in the definition of Maritime Spatial Planning, then appear in following sections to allow competent authorities to create a hierarchy which would put e.g. economic objectives and comparatively short term political decisions above the essential aim of protecting marine ecosystems and coastal waters.

The possible adverse effects of land -sea development and lack of protection of the interaction between marine and land ecosystems and species does not seem to be given adequate consideration. The terms environmental and ecosystem based approach are not identical.

Dublin Bay Biosphere.

A large section of this Biosphere comprises the foreshore of south Dublin Bay and some SAC's and SPA's. The treatment of the Sandymount and Tolka estuary waters and foreshores over several decades should be proof of the inadequacy of existing ecological protection and poor government policies. Environmental and ecosystem based protection of all these areas would be essential in marine spatial mapping.

These Draft Regulations do nothing to improve the situation.

Part II of the Planning and Development Act allows certain bodies such as the NTA, Local authorities and other public bodies, to promote proposals for developments that are inimical to both terrestrial and marine biodiversity and ecosystems within the biosphere.

The Appropriate Assessment of the present Draft Dublin City Development Plan accepts that the proposals in that draft Development Plan would have serious adverse impacts on these important areas of the Biosphere.

Just because the EU Directive allows some inshore coastal waters and foreshores covered by other Planning Laws in Member States to be excluded from the Marine spatial Mapping does not mean that they must be. The effects of developments that degrade the waters and ecosystems within excluded areas have a knock-on adverse effect on the adjoining inter-related marine area ecosystems and could be said to contravene the ultimate aims of the Directive, resulting in the long term loss of valuable marine resources for possible, unproven, short term economic or political gain..

Public Participation.

a) A hard copy of marine spatial plans and strategy should also be made available for public viewing by each competent authority.

b) It is unclear to what extent and in what way interested groups and members of the public would be further involved in future marine spatial plans and in what manner economic proposals put forward for areas designated in such plans for various possible uses would be considered and open to public debate.

c) It is unclear whether PPP's would or could be regarded as competent authorities/public bodies

Yours sincerely,

Lorna Kelly.

Lorna Kelly, p.p. SAMRA

Maritime Spatial Planning

Maritime Spatial Planning (MSP) is a cross cutting policy tool enabling public bodies and stakeholders to apply an integrated, transparent, co-ordinated, trans boundary approach to planning of maritime activities and looking at how we use the marine area and how best to use it into the future in the most sustainable way possible.

The Department of Environment Community and Local Government has advised that it is intended to transpose EU Directive 2014/89/EU which establishes a framework for MSP into Irish Law. The Department has invited submissions/comments on MSP.

Submission on behalf of the County Wicklow Maritime Business Development Group

The County Wicklow Economic Think Tank (CWETT) is a collaboration between local business, Wicklow County Council and Wicklow Local Enterprise Office. The CWETT Action Plan (which was adopted by Wicklow County Council in January 2015), was developed in order to drive and maintain economic activity and increase employment in the county. The formation of the Maritime Business Development Group (MBDG) is an action under objective 5 of the CWETT Action Plan *Sustain and where possible grow traditional sectors in the county*. The aim of the MBDG is to capitalise on the maritime infrastructure in County Wicklow and to identify and assess opportunities to take full advantage of the marine resources available.

The MBDG has engaged a consultant to undertake a baseline study of Wicklow's harbours and to identify issues and opportunities. Opportunities include tourism, coastal walks, the development of a unique identity for our "harbour towns", opportunities in aquaculture, near porting, offshore energy, logistics, research and development, collaboration between Wicklow's commercial ports. Issues include infrastructural deficits, maintenance, silting of harbours, access to harbours, future availability of dedicated space.

We believe that a well crafted Marine Spatial Plan will assist in supporting the development of the maritime economy in County Wicklow:

Issues of concern to Wicklow's Maritime Business Development Group

Dredging: is required in Wicklow's harbours; the process for obtaining foreshore licences and permits for dumping at sea is very unwieldy and lacks clarity and timeliness which makes it very difficult to plan a dredging programme. Development of multi port dredging programmes provides opportunities for making savings in time and effort by allowing small ports to work together on preparing foreshore licence and dumping at sea applications, on the procurement side economies of scale can be achieved when ports come together to procure dredging services. Any MSP should make provision for streamlining the Foreshore/Dumping at Sea Process and should facilitate small ports and harbours to come together to achieve economies of scale. The application process should contain processing deadlines to at least give applicants some certainty. Consideration should be giving to

devolving responsibility for processing of foreshore licences to the local authorities as part of the planning applications system.

Erosion: An integrated management plan for dealing with erosion along Wicklow's coast particularly at the Murrough in Wicklow and at the base of Bray Head and on to Greystones is required. This erosion is putting the Dublin to Rosslare Railway line at risk and is threatening the area designated as the Special Area of Conservation.

Development: A Marine Spatial Plan should allow business strategies and activities that meet the current and future needs of Arklow and Wicklow Ports and their stakeholders, while protecting and sustaining human and natural resources. This will promote economic growth that will benefit the present and future generations without detrimentally affecting the resources or ecological systems of County Wicklow.

Maritime assets areas such as harbour infrastructure, access routes to harbours, quayside space and harbour area properties should be protected in such a way as not to limit future development options.

National Ports Policy. There appears to be little support for the development of the smaller ports. There are niche opportunities in areas such as near porting /short sea shipping and servicing offshore wind which can be carried out effectively from the smaller ports, these activities are in line with EU policy.

With the local authorities taking over the running of the smaller ports (the ports of regional significance), a situation pertains whereby the state makes policy for all ports while holding a specific interest in some ports (Tier 1 & 2 ports). Support is needed for the Ports of Regional Significance in order to serve their counties and regions in a competitive, effective and sustainable way to the benefit of the local port facilities and the hinterland served by them.

County Wicklow Economic Think Tank
Maritime Business Development Group

MEMBERS

Mr Tom Delahoyde, Wicklow Chamber of Commerce, Chairman

Mr Simon Greenwood, Island Maritime

Mr Roy Conway, RF Conway & Company Ltd

Mr Lorcan O'Toole, OTS Shipping Services

Mr Donal Murray, Arklow Business and Enterprise Centre

Mr Frank Jackson, Jackson Marine

Mr John Curley

Mr Billy Tyrrell, Arklow Marine Services

Cllr Pat Fitzgerald

Cllr Nicola Lawless

Cllr Derek Mitchell

Cllr Miriam Murphy

Cllr Irene Winters

Cllr Brendan Thornhill

Mr Des O'Brien, Director of Services, Planning and Development

Mr Marc Devereux, Senior Engineer, Wicklow County Council

Captain Paul Ivory, Marine Officer, Wicklow County Council

Ms Christine Flood, Senior Executive Officer, CWETT

Mr Martin Cook, CWETT Administrator

Contact Information:

Christine Flood,

County Wicklow Economic Think Tank,

Wicklow County Council,

County Buildings,

Wicklow Town

Dr Shona Turnbull

COMMENTS:

Just found out about this today but having a quick read through, I would suggest:

Section 7 1 (b) is too restrictive as it appears to compel all marine plans developed for your area to have spatial and temporal dimensions for all aspects being considered; perhaps a small word change such as "that identifies key spatial and temporal elements....".

Section 7 2 is too restrictive: it excludes other activities such as marine tourism and recreation.

Maritime Spatial Planning Consultation
Marine Planning and Foreshore Section
Department of the Environment, Community and Local Government
Newtown Road
Wexford
Y35 AP90

6th May 2016

Submission on behalf of the Irish Marine Federation in response to the public consultation on the Draft Regulations to transpose the Maritime Spatial Planning Directive

Dear Sir/Madam,

Please find enclosed a submission on behalf of the Irish Marine Federation in response to the public consultation on the Draft Regulations to transpose the Maritime Spatial Planning Directive into Irish law.

The IMF is an important stakeholder in the development of maritime spatial planning in Ireland as it the national representative organisation for the leisure marine industry. The IMF has carried out a number of investigations over the years into the development of a comprehensive maritime spatial policy in Ireland and it supports the development of a comprehensive national plan that encourages enhanced development of Ireland's coastline and coastal waters as a national resource.

The IMF looks forward to participating fully in the development of the national MSP and considers it essential that the development of the plan involves an extensive consultation with all the primary stakeholders. The integration of the needs of the various sectors will be essential to the success of the plan.



With regard to the draft regulations, the IMF is extremely concerned that the draft regulations make no mention of Ireland's coastal waters as a public good and a leisure resource. This is an oversight in the regulations that should be rectified in Section 7.

Yours sincerely

Damien Offer

Chairman, Irish Marine Federation

Irish Marine Federation

1. The Irish Marine Federation

The Irish Marine Federation (IMF) is the national organisation representing both commercial and leisure sectors of the marine industry in Ireland.

The primary aims of the Federation are:

- To promote the interests of all sectors of the marine industry in Ireland and to encourage its growth and development;
- To represent the interests of the industry to Government, State Agencies and European institutions, thereby influencing public policies;
- To promote the image of the industry through quality awareness, public statements and the organisation of Boat Shows;
- To provide advice, information and services to members in order to assist in achieving these objectives.

The Federation is governed by a Council elected by the corporate members.

2. Observations on the Draft Regulations

i. Development of a Maritime Spatial Plan for Ireland

The IMF supports the development of an integrated MSP for Ireland and the transposition of the EU Directive. In general, it supports the deployment of the requisite powers to develop the MSP as outlined in the Draft Regulations.

ii. Role of a Minister for the Marine

The IMF believes that there is a need for a dedicated Minister or Minister of State for the Marine within an existing government department or, preferably, a full cabinet Minister within a new Department of the Marine.

The Minister for Environment, under Section 4 of the regulations, should designate appropriate responsibilities to the Minister for the Marine. This is essential to ensure that the needs of the marine sector are not overwhelmed by other considerations in the development of the MSP. There is very real cause for concern in the marine sector that its needs are supplanted by the needs of other sectors such as resource exploitation, energy and aquaculture.

The IMF believes that there is an important role for the Marine Institute in coordinating the development of the MSP and authority should be delegated to that body as appropriate under Section 4 of the regulations.

The IMF reiterates calls it has made in the past for the development of a body dedicated to the development of Ireland's marine economy in addition to, or as part of, the Marine Institute.

iii. The marine as a public good and leisure resource

The IMF is extremely concerned by the omission from Section 7 (2) of reference to the marine as a highly valuable leisure resource and public good. The IMF proposes that an additional paragraph 7 (2) (a) (iv) be inserted, as follows:

7 (2) (a) (iv) the marine leisure sector

It is a significant omission in the draft regulations that nowhere are the marine, our coastline and coastal waters referred to as valuable public goods. This omission is at odds with contemporary approaches to policy development. The development of the national MSP cannot take place in the absence of a study on the value of the marine and coastal waters as a public good.

Ireland's coastal waters make an enormous contribution by delivering a wide range of non-market services. These services include recreation, health and fitness, biodiversity, etc. These non-market services are valuable in themselves and also make a huge contribution in terms of generating economic activity and creating jobs in tourism and the marine leisure industries.

The recognition of Irish coastal waters as a public good with enormous value in the provision of ecological services, leisure resources and other elements is an important first step in realising the full potential of our marine environment.

3. Comments on the need for enhanced marine development

The IMF would like to make a number of short contextual comments at this stage and looks forward to participating in the development of Ireland's maritime spatial strategy in due course.

i. Economic contribution

Ireland's coastline and coastal waters are an extremely valuable economic resource. We have over 9,000 kilometres of coastline and 1,000 kilometres of navigable inland waterways. The marine leisure industry alone supports over 5,000 jobs and the potential for development is huge given that we have one of the lowest boat ownership ratios in Europe.

There is vast potential for jobs and enterprise development in tourism, marine leisure, energy, and other areas. Growth would be economically and environmentally sustainable and would greatly improve Ireland's coastline and waterways as an amenity for all the people of Ireland.

There is extensive evidence that marine leisure makes a substantial and sustainable economic contribution to local communities and the country as a whole. The Marine Institute has undertaken a number of studies relating to the economic value of, for example, marinas to the surrounding economy. One such study notes *"Understanding the potential market and socio-economic impacts of a marina development on a coastal community is [therefore] essential if balanced development is to take place on a national scale."*

Harnessing Our Ocean Wealth (2012) notes the contribution made by marine and coastal tourism and leisure:

- *"Marine tourism and leisure is estimated to represent 7% of our overall tourism and leisure sector and contributed €453 million to the Irish economy in 2007."*



- *Over 200 cruise liners, carrying 205,000 passengers, visited Ireland in 2010, an increase of over 200% in the last decade.”*

A 2014 Failte Ireland report into the potential for sailing tourism in Ireland found that 900,000 people in the UK and one million people in France could be attracted to sailing in Ireland annually.

One-off events also make a very significant contribution. The KBC Laser Radial Worlds (Youth and Men's 2016 World Championships) in Dun Laoghaire, is expected to generate €2.5m for the local economy.

The IMF has advocated for a 'necklace' of facilities to be established around the coastline to enhance the infrastructure and thereby benefit local communities who are missing out on the "passing trade". Such a scheme has been set up by the Gulf of Finland Maritime Assembly entitled the 30 Miles Project (Small port every 30 miles apart – Development of services for lively water tourism in the Eastern Gulf of Finland). Such a project would be very welcome and a great success if established around the island of Ireland.

ii. Community and environmental contributions

Marine Leisure is an important sport and recreation activity in coastal communities as well as opening the opportunity for national and international tourism in rural and urban locations.


Maritime festivals, on-the-water events and marine leisure activities encourage interaction and education between the general public and maritime professionals. They also engender a high degree of safety awareness and environmental responsibility.

Responsibility for the marine environment is taken very seriously by IMF members and marinas in particular. Many marinas have achieved recognition and accreditation for their efforts including Blue Flag Marinas and ICOMIA Clean Marinas. Initiatives like the Clean Coast programme are also supported by IMF members.

4. Challenges, prerequisites and priorities

i. Challenges

There are a range of challenges facing the development of our marine economy. In the first instance, considerable political will is needed to surmount the legislative, structural, financial



and commercial challenges involved. Support at the highest level is needed to make the necessary regulatory changes and propose economic incentives to launch our marine economy.

ii. Prerequisites

There are a number of fundamental prerequisites to making progress:

- i. The 1933 Foreshore Act is outmoded and must be reformed.
- ii. Extensive changes are needed in the ethos and practice of planning for marine infrastructure developments.
- iii. An Taisce and Local Authorities must be supportive, not resistant, to change.
- iv. The private sector must be able to earn a reward for taking risks and financing projects.
- v. The public sector must come forward and deliver projects where only it can.
- vi. There is a need for co-ordinated thinking across government and around the country.
- vii. There must be a dedicated team within government tasked with delivering results.

iii. Priorities

Priority should be given to a number of initial pieces of work:

- i. There are some fundamental pieces of infrastructure that the State must put in place to facilitate investment by the private sector. (e.g. plans for The Port of Galway)
- ii. A responsible state body should be created (like Waterways Ireland).
- iii. Fáilte Ireland must have a dedicated team.
- iv. An Bord Pleanála, An Taisce and Local Authorities must be instructed to facilitate marine development.
- v. There is a specific role to play for The Marine Institute, Enterprise Ireland and Údarás na Gealtachta.

Maritime Spatial Planning Consultation,
Marine Planning and Foreshore Section,
Department of the Environment, Community and Local Government,
Newtown Road,
Wexford,
Y35 AP90.

Wednesday, 4th May 2016

Re: Draft European Union (Framework for Maritime Spatial Planning) Regulations 2016

A Chara,

The Local Government Act 1991 (Regional Assemblies) (Establishment) Order 2014 (S.I. 573 of 2014) came into effect on the 1st January 2015 establishing three new Regional Assemblies; the Northern and Western, the Eastern and Midland, and the Southern. The Regional Assemblies replaced the Regional Authority structures and are now operating an enhanced regional planning function, in addition to the EU Programmes functions that were retained.

The organisational and governance structure of the Southern Regional Assembly (SRA) consists of an Executive with specified powers and an Assembly of Elected Members drawn from the constituent Local Authorities with specific Reserve Functions.

The functional area of the SRA includes 10 Local Authorities, including the three no. Gateway Cities of Cork, Limerick and Waterford - each of which is an important driver of growth for the Region and State. The extensive coastline is recognised as an important natural feature and key asset in the SRA, with opportunities in tourism, aquaculture/fishing, energy production as well as the established Ports.



Clár Chlistí Eorpacha Struchtúrtha
agus Infheistíochta na hÉireann
2014-2020
Cómhaoinithe ag Rialtas na hÉireann
agus ag an Aontas Eorpach



An tAontas Eorpach
Ciste Forbartha
Réigiúnach na hEorpa



Southern Regional Assembly - Constituent Counties		
Carlow	Clare	Cork
Kerry	Kilkenny	Limerick
Tipperary	Waterford	Wexford

Greater integration between marine and spatial planning will assist the process of developing strategies to deliver integrated long-term, sustainable regional development. In this context the Southern Regional Assembly welcomes the adoption of EU Directive 2014/89/EU and the formal establishment of Marine Spatial Planning in Ireland by the transposition of this Directive into national law by the Irish Government.

The Southern Regional Assembly respectfully contends that the Regional Assemblies already perform a unique role in terms of:

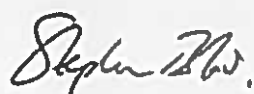
- Co-ordinating, promoting and supporting strategic planning and sustainable development
- Promoting effectiveness in local government and public services, across the State
- Making regional spatial and economic strategies which will support the implementation of the NPF and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the region for which they are prepared, which will seek to include for the integration of Marine Spatial Planning and terrestrial planning
- Supporting the economic performance of the region across all relevant economic sectors including the marine environment
- Promoting consistency with the programmes, plans, policies, proposals and objectives of the Government or Minister of the Government
- Ensuring coherent spatial planning and sustainable development within and between regions

The Regional Assemblies are, therefore, ideally placed to play a key role in the preparation of marine spatial plans having particular regard to the "land-sea interactions" which such plans are obliged to address and would welcome recognition of this key role in the draft regulations and in the governance structures established to move this process forward.

Importantly the Elected Members of the SRA help ensure there is a democratic basis to our work.

The Southern Regional Assembly is firmly committed to the process of integrated Marine Spatial Planning and would welcome an opportunity to meet with representatives of the Marine Planning and Foreshore Section to discuss structures for the active participation of the Assembly in the preparation of Marine Spatial Plan(s). Such arrangements will play an important role supporting the SRAs functions in the future promotion of consistency between the policies and objectives of MSPs and RSES, as well as Plans produced at the county level.

Is mise le meas,



Stephen Blair
Director, Southern Regional Assembly

The Commissioners of Irish Lights (Irish Lights) welcome the consultation on draft Regulations to transpose the Maritime Spatial Planning Directive into Irish law as a positive step towards bringing our legislation in line with modern and best practices in managing our maritime space. Our submission is in two parts; the first part provides some background to our activities and our position on Maritime Spatial Planning. The second part will contain some comments on the transposition crosscheck document for your consideration

Background to Irish Lights

Irish Lights is the General Lighthouse Authority for all of Ireland, its adjacent seas and islands. We carry out the obligations of the British and Irish Governments in relation to the provision of Marine Aids to Navigation (AtoN) around the coast of Ireland commensurate with the volume of traffic and degree of risk as specified under the Safety of Life at Sea Convention (SOLAS). Irish Lights is vested under the Merchant Shipping Acts in Ireland and the UK with responsibility for the management of general aids to navigation and the superintendence of all local and third party aids to navigation.

Irish Lights mission statement is to provide AtoNs and Allied Services for the Safety of Persons and Infrastructure at Sea, to protect the Marine Environment and to support the Maritime Industry and Coastal Communities. Primarily we are concerned with the safe movement of marine traffic however we see safe navigation and the development and protection of coastal assets as complementary activities. Irish Lights have extensive expertise and experience operating in the marine environment and have been involved as consultees in the growth of offshore activities over many years. Continued engagement with our stakeholders is an integral part of our operations and we believe regular and meaningful stakeholder engagement is a corner stone of the planning process.

Irish Lights View on Maritime Spatial Planning

Given its holistic and integrated approach Irish Lights recognise MSP as the most appropriate and effective form of planning for our marine environment. This environment has many resources some of which have not yet been discovered or developed. However for the foreseeable future we believe the most valuable aspect of the sea is its ability to allow large volumes of materials to be transported at a relatively low cost which is a crucial part of any island nation. This transport system is simply known as shipping and it is our view that its value and importance to the state and the European Community should not be underestimated or undermined during the MSP process.

The sea is a unique, challenging and complex environment in which to operate, vessels are large and difficult to manoeuvre. Navigation should not be confused with driving and high levels of competence are demanded to ensure vessels do not collide, run aground or founder in bad weather. Accidents are rare but the consequences can be significant to all stakeholders including the state. The reasons that accidents are rare is due to a mixture of professional competence, advances in technology and high standards of navigational tools available to the mariner from accurate navigation charts to reliable and conspicuous aids to navigation including visual and radio based services. Safe navigation encompasses not only safety of life and property, but it is also an effective way to protect Ireland's marine environment and the high levels of biodiversity in it.

Protection of life and the environment are not the only reasons to ensure vessels are navigated safely around our coasts. The negative economic effects of shipping accidents on local communities and the state can be immense as evidenced by the estimated damage and clean-up costs of dealing with disasters including the Costa Concordia, (€1 Billion) Reno (\$1 Billion) and Exxon Valdez (\$7 Billion). It is worth noting that similar type of vessels regularly visit Irish ports or transit Irish waters.

The principle of freedom of navigation guaranteed under the United Nations Convention on the Law of the Sea should not be compromised during any stage of the Maritime spatial planning process. Maritime plans should also comply with the International Regulations for Preventing Collisions at Sea (COLREGS) which ensure adequate sea room to avoid collisions and groundings.

Navigational Risk Assessments will play a key part of any plan and will not only determine the past volume and type of traffic but can to a large extent predict future trends. Irish Lights are experienced in this area as the service we provide depends on the volume and type of traffic in a given area and the degree of risk posed to ships and the environment. We monitor the requirements through formal reviews every five years and through assessments of navigational significance on our stations every two years.

As the General Lighthouse Authority for both the Republic of Ireland and Northern Ireland and having a close working relationship with our UK counterparts (Trinity House & the Northern Lighthouse Board), we apply a transboundary approach to our operations. Given the fluid and international nature of shipping we recognise the significance and importance of this approach and advocate that a similar method is applied during the Irish MSP process.

There are many aspects and variables to MSP and we would not presume to limit them to a list but we can say that overall we take the following broad considerations into account to ensure that navigational safety is adequately addressed:

- The effect on safe navigation from offshore developments.
- The economic impacts on the free movement of all types of vessels.
- Cumulative effects of adjacent and future developments
- The effect of restrictions on navigation in and around marine protected areas
- Singular, multi or co-use of areas
- Restrictions on type or size specific vessels
- Requirements for changes to existing AtoN or introduction of new AtoNs including virtual aids.

We understand that under certain circumstances the MSP process may determine that navigation or safe passage must be altered to facilitate a particular development. If this is the case the effects should be mitigated through good planning, international best practice and consultations with the competent authorities and relevant stakeholders at an early stage.

Provision of AtoN requirements must be assessed during all stages of new developments or the creation of 'zones'. New sites must be *navigationally* marked in consultation with Irish Lights through the statutory sanction process. The designation of new sites or zones must be fully communicated to all relevant bodies and mariners. Failure to adequately mark new developments or to prohibit establishing AtoN in certain areas such as Special Areas of

Protection (SPA's), Special Areas of Conservation (SAC's) or Marine Protected Areas (MPA's) would create a threat to both the safety of life at sea and the environment. Irish Lights AtoN strategy employs the use of strategic marking, extensive experience, expertise and risk assessments, the same principles should be applied during all stages of the MSP process.

In recognising that all offshore developments should comply with the principals of MSP we advocate the introduction of an overarching National Maritime Spatial plan which would provide a more holistic approach to management and planning. Separate Maritime plans for different regions are necessary but without predominant direction can lead to competition between sectors, ad hoc management and create confusion among the various users. In terms of safe and free navigation in all plans (whether a National level plan, or regional plans) Irish Lights will be available to the licencing authority to provide experienced and competent opinion and should be involved in the 10 year reviews of such plans. As the National Authority responsible for marine aids to navigation, Irish Lights can assist secondary planners and developers when assessing the suitable methods for marking offshore sites (AtoN for developments such as wind farms, aquaculture sites, tidal energy sites etc.) (Virtual AtoN for areas such as SPA's, SAC's MPA's, where a virtual mark may be more appropriate). We have a wealth of experience and competency operating in the maritime sector and as an organisation embrace the needs and requirements of all users to ensure the safety of navigation and protection of the environment.

The mix of AtoN of the future will support regulatory efforts to expand the use of the sea that was once the exclusive domain of the independent navigator but is now a source of aquaculture, mineral extraction, renewable energy, recreation, naval exercise or any other type of limited or exclusive use area'. 'The AtoN mix of the future will have to support and consider constantly changing trends in sea use'

Technological advances in recent years are paving the way for new forms of aids to navigation for example Virtual AtoN that transmit a symbol or message to the mariner without it actually physically existing. Already trials have commenced to determine the viability of semi or fully autonomous vessels and it is conceivable that all traffic and manmade operations throughout the entire coast of Ireland may be controlled through a single marine traffic management system.

Stakeholder Engagement

We recognise the need to embrace the requirements of all stakeholders including new industries and ones that may emerge in the future. As a long time stakeholder in the maritime sector, we will proactively continue to contribute to the development of our resources so that potential navigational conflicts between interested parties are resolved at the early stages of the planning process.

Mariners are knowledgeable about the environment they operate in because their livelihood and sometimes their lives depend on it. In recognising the validity and relative value of new sectors wishing to exploit Ireland's offshore assets it is important that the needs of existing users are taken into account within the MSP process, including during the early stages as Directive 2014/89/EU is transposed into Irish law. It is also important that information on such plans is clearly communicated throughout to the various stakeholders and easy to access.

Accepting that safe, efficient and free movement of marine traffic is a part of the culture and economy of any coastal state. It should also be noted that not only do vessels vary greatly in size and capability so does the competency of the mariners navigating them. Irish Lights recognises this feature and takes it into account during the navigational risk assessments that are regularly carried out as part of our statutory obligations to determine the mix of AtoNs required to meet demands.

Information for the Process

Information on existing activities plays an important part in the MSP process and advances in digital communications through the concept of eNavigation (AIS Analysis) and gathering real time and predicted environmental data will be a major factor in the decision making process. Not only at the start but during the MSP process including sites construction, operation monitoring and decommissioning.

Irish Lights are involved in eNavigation trials and are actively exploring ways of gathering and communicating environmental as well as positional information to the Mariner. A number of our stations including buoys have been fitted with sensors to record weather and sea state data and transmit it online to the Mariner and other interested parties including the scientific community. We recognise the importance of such data in everyday marine operations and for developing and monitoring future plans. This information can also assist in preserving, protecting and improving the environment, including resilience to climate change impacts. The provision of environmental data, information on marine activities and predictions of the future trends will play a large part in the MSP process. We recognise and promote the intention that data harmonisation across the maritime sectors in Ireland should be explored as a wider goal within Irelands MSP Process.

Comments on the Crosscheck for Directive 2014/89/EU

Article 2: Scope	Irish Lights Comments
2(1) It shall not apply to coastal waters or parts thereof falling under a Member States town and county planning provided that this is communicated in its maritime spatial plans.	This point is not altogether clear. Is it the intention for all council harbour authorities to have an MSP or at least comply with MSP principals.
2 (4) This directive shall not affect the sovereign rights and jurisdiction of Member States over marine waters which derive From relevant international law, particularly UNCLOS.	<i>While we do not see this as a problem the Maritime Spatial Planning Team should be aware that Irish Lights scope of operations and responsibilities relate to the Republic of Ireland and Northern Ireland.</i>
Article 3 Definitions	
3(1) 'Integrated Maritime Policy' means a Union Policy whose aim is to foster coordinated and coherent decision-making to maximise the sustainable development, economic growth and social cohesion of Member States.	It is noted by the MSP Team that this term is not reference in the regulations therefore the transposition of this definition is not required. <i>Comment: However it is mentioned in Article 5 under Objectives of Maritime Spatial Planning.</i>
Article 5 Objectives of Maritime Spatial Planning	

5 (2) ... contribute to the sustainable development of energy sectors at sea, of marine transport and of fisheries and aquaculture....

It is noted that this list is not exhaustive and the promotion of tourism is mentioned as a possible further objective. Comment: *We believe that Ireland, particularly the North, South and West Coasts has a great deal of untapped potential in marine tourism including marine archaeology and history. As such this sector should have strong representation in the MSP process.*

Maritime Spatial Planning

From: Liam Kenny <[redacted]>
Sent: 04 May 2016 21:09
To: Maritime Spatial Planning
Subject: from Association of Irish Local Government, Liam Kenny, Director, submission in relation to draft Maritime Spatial Planning Regulation

Association of Irish Local Government

To:

Maritime Spatial Planning Unit
Dept of the Environment

Dear Sir or Madam

The Association of Irish Local Government wishes to make the following input regarding your consultation process on the draft Maritime Spatial Planning Regulation.

Points Nos 1 to 7 set out the context for the specific submission in Point No 8 but it is requested that they are also taken on board in regard to later phases of the MSP preparation process.

1. The Association of Irish Local Government represents the elected members who form the policy making boards of Ireland's 31 local authorities which are also planning authorities.
2. 19 of Ireland's local authorities - City and County Councils - have coastline and/or significant port facilities.
3. All seaward activities have the potential to impact positively and otherwise on land based locations. For instance, a drilling platform or offshore wind-farm some distance out to sea will require land based service installations or "run on" locations for pipelines and cables.
4. Equally land-based activities have the potential to interact positively and otherwise with sea going activity. The provision of sufficient land-banks for instance is relevant to the viability of commercial harbour enterprises.
5. While the draft regulations emphasise environmental and economic issues, their should be explicit recognition the cultural and heritage aspects of marine spatial planning. For example island communities comprise a distinctive strand of the Irish cultural inheritance and their sustainability should be central to any marine spatial planning.

6. In relation to the process of maritime spatial planning in its widest sense, and also in specific reference to the regulations under consideration, the terms of recommendation 37 of the Enablers Task Force on Marine Spatial Planning published 10 July 2015 (page 84) should inform both the wider process and the detailed drafting:

" Any proposed MSP body and coastal planning authorities should have reciprocal consultee status when preparing their spatial plans. The aim would be to ensure consistency between marine and land use spatial planning along their common boundary."

7. Every opportunity should be taken to work towards integration of the State's land-based and marine spatial planning. As a sub-set of this general objective every endeavour should be made to integrate the spatial planning functions of local authorities with the foreshore permitting regime currently exercised by the Dept of the Environment.

8. In the light of the foregoing the Association suggests an additional sub-clause be added to draft Regulation 7 (3) (e) to promote coherence with landward spatial planning.

The addition of a wording such as

"(iv) land-based spatial planning" is suggested as being sufficiently broad to cover the hierarchy of land-based spatial plans provided for under the Local Government Planning & Development code.

8. An acknowledgement of this submission would be appreciated.

Thank you

Liam Kenny
Director
on behalf of the Association of Irish Local Government

--
Liam Kenny, Director
Association of Irish Local Government

Maritime Spatial Planning

From: john.jordan@...
Sent: 05 May 2016 09:23
To: Maritime Spatial Planning
Subject: Marine Spatial planning

Dear Sirs,

You should examine and study other national and particularly island Spatial Planning studies and programmes. Falkland Islands have published one on it's website.

The key things to note is that Marine Spatial planning is NOT the same as structure planning in townlands. It then arises that the calibre of study/decision group need to be quite focussed with a keen maritime awareness.

Fisheries and offshore exploration, power generation, navigation marks, Electronic mastings for positional information for shipping, are all ongoing features of MSP impacts. The one of concern is the fallibility and safety of fish farming, and their location in fairways for traffic and recreation.

Port facilities in Ireland are sparse and often allied to single industries such as Moneypoint or Auginish. Outside of Dublin and Cork elsewhere is largely tide constrained and limited to tonnage. Shipping tends these days to approach tonnages of up to 100,000tonnes, leaving us with feeder services.

Drydocking in Ireland is now a waining feature, with one dock managed by a shipping agency. A financial imperative could close us down completely.

Growing Cruise ship trade requires us to look at remedial actions required in case of a Costa Concordia incident requiring a major rescue operation. We don't have an Emergency Towing Vessel(s) as required.

Regards

John Jordan

[Redacted Signature]

Submissions in respect of the draft regulations transposing Directive 2014/89/EU establishing the framework for maritime spatial planning into Irish law.

Introduction

The Eastern and Midland Regional Assembly (EMRA) is part of the regional tier of governance in Ireland, primarily focused on strategic planning, EU funding and coordination of certain local government activities. It is comprised of 36 elected members (councillors) who are principally elected by their peers in the 12 councils to represent them regionally. The EMRA has a function in the management of Regional Operational Programmes; strategic planning and sustainable development of the regions; and oversight of local authorities. We consist of a tight team with a number of specialist areas in planning, economics, EU affairs, corporate management and support staff. On the EU side the EMRA supports the National delegation to the Committee of the Regions and have a Brussels Office – the Irish Regions Office that supports local and regional government in its interactions with the EU. The EMRA target involvement and support of projects which have potential to improve the region and contribute to the economic, social or environmental well-being of its citizens.

A. General Comments in respect of the draft regulations transposing Directive 2014/89/EU establishing the framework for maritime spatial planning into Irish law:

1. Due to the wide reaching scope of the Directive and the importance of Maritime Spatial Planning (MSP), it was felt that to transpose this directive primary legislation may be more appropriate than a Regulation.
2. Greater consideration could be given as to how MSP will interact with strategic and operational plans for different sectors operating in the maritime area, in particular the fisheries, transportation, energy and tourism sectors.
3. There are few details on the interactions between land use plans and future MSP. The topic of land-sea interface could be defined further, in particular how terrestrial planning and maritime planning interact, and the overlaps between Water Framework Directive (WFD) and MSP.
4. There is considerable overlap and interaction between the Marine Strategy Framework Directive (MSFD) and MSP, the overlap and interactions could be emphasised further in the Regulations.
5. One or more public bodies are to be designated as the competent authority for the purposes of the Framework Directive for MSP, more details could be provided regarding the role and requirements of the competent authority. It may be useful to propose criteria as to how the Minister will determine a suitable competent authority, a list of potential competent bodies may be supplied.

B. Case study: Celtic Seas Partnership as a stakeholder engagement model

The Eastern and Midland Regional Assembly is developing a Strategic Management Framework (SMF) and stakeholder engagement model for Dublin Bay as part of a wider EU Life+ project titled

the Celtic Seas Partnership which addresses implementation of MSFD across the Celtic Seas. Up till now, the marine environment in Ireland has generally been managed on a sector by sector approach, there is a need for an integrated approach which takes into account the management of entire marine ecosystem. The Celtic Seas Partnership has relevance to various stakeholder groupings, including local and regional authorities nationally.

The Strategic Management Framework incorporates approaches to support the implementation of MSFD in the local context of Dublin Bay, it will concentrate on providing clear instructions to stakeholders. It will outline best practice and provide a toolkit which will inform future actions in terms of developing and implementing measures to improve and coordinate planning and development in Dublin Bay and identify new opportunities for enhancing Dublin Bay as a resource for its stakeholders.

This work affords stakeholders in Ireland the opportunity to liaise with and share best practice through the Celtic Seas Partnership which is a research groups consisting of maritime planning experts from across Ireland, the UK and France and organisations such as the WWF, University of Liverpool, National Environment Research Council (UK) Coastal and Marine Research Centre in UCC (IE), and SeaWeb (France & UK).

C. Specific Comments in respect of the draft regulations transposing Directive 2014/89/EU establishing the framework for maritime spatial planning into Irish law:

Section 2

(1) There is an overlap between MSP and WFD, both Directives overlap particularly in relation to 'transitional seas' this could be emphasised further in the Regulations.

Section 3

(2) The topic of land-sea interface could be defined further in Section 3, in particular how terrestrial planning and maritime planning interact, overlaps between WFD and MSP, and interactions between land use plans and future MSP.

Section 4

(4) More details could be provided on how a competent authority will be designated.

Section 6

(1) It is proposed that either a single maritime plan, or separate spatial plans in respect of different constituent parts of the maritime area are to be produced. It may be useful to have more detail regarding governance structures. If a hierarchy of plans is proposed, will plans be broken down according to maritime zones, regions, activity areas, etc.?

(2) It is proposed that the spatial and temporal distribution of activities are identified, additional actions could include producing a vision, objectives, actions and indicators for monitoring of progress.

(3) A frequency of 10 years to review the maritime spatial plan may not be frequent enough, a frequency of 6 years would align with Development Plans and River Basin Management Plans. There is no mention of indicators to monitor progress of the plan.

Section 7

(1)(a)(ii) The Marine Strategy Framework Directive (MSFD) aims to achieve 'Good Environmental Status' in marine waters by 2020 through implementing an ecosystems based approach. MSFD shares a close connection with the content, objectives and design of MSP, this close connection could be emphasised further in the Regulations.

(a)(iii) There is a need to balance competing coexisting activities and uses, guidance could be provided on dealing with potential conflicts. Understanding how pressures individually and cumulatively impact on the marine environment is another important issue which could be further emphasised.

(2)(a) The tourism / recreation sector has been omitted.

(2)(b) The Regulations aim to promote sectors such as maritime transport, and simultaneously protect the environment and increase resilience to climate change impacts, balancing these competing interests could be a potential issue in future.

(3)(e) In promoting coherence between public policy, specific mention could be given to highly relevant policies and plans such as: Harnessing Our Ocean Wealth, Offshore Renewable Energy Plan, Local and Economic Community Plans, River Basin Management Plans, etc.

Section 8

(1)(a)(i) The Regulations could go beyond informing and could provide guidance on consulting, involving, collaborating and empowering stakeholders.

(1)(a)(ii) There are a lack of mechanisms in place to facilitate discussion and exchange of information particularly at a transboundary scale, for example, in relation to Northern Ireland. This could be emphasised further.

(1)(c) A list of prescribed bodies could be provided.

Conclusion

In response to the invitation by The Department of the Environment, Community and Local Government for submissions in relation to draft regulations intended to transpose Directive 2014/89/EU into Irish law, the EMRA would like to promote ongoing engagement in MSP.

The strategic management of Dublin Bay which supports implementation of MSFD and can be transferred for use across other bays, estuaries or coastal units in Ireland and the EU. The Celtic Seas

Partnership affords stakeholders in Ireland the opportunity to liaise with and share best practice and address issues of relevance. For further information on the Celtic Seas Partnership please email Travis O'Doherty todohertry@emra.ie Research and Policy officer for Dublin Bay, or email csp@wwf.org.uk for information on the wider Celtic Seas Partnership.



An Roinn Iompair
Turasóireachta agus Spóirt

Department of Transport,
Tourism and Sport

Príomh Oifig
44 Sráid Chill Dara, Baile Átha Cliath 2, Éire.

Head Office
44 Kildare Street, Dublin 2, Ireland.

Lo-Call 0761-001 601 +353-1-670 7444

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5 May 2016

Maritime Spatial Planning Consultation
Marine Planning and Foreshore Section
Department of the Environment, Community
& Local Government
Newtown Road
Wexford
Y35 AP90

RE: Maritime Spatial Planning Consultation

The Department of Transport, Tourism and Sport submits the following comments:

The Department of Transport, Tourism and Sport is pleased to note that consultation with stakeholders and the public is to be undertaken throughout the Maritime Spatial Planning (MSP) life-cycle.

As this Department has such a significant role in relation to the regulation of maritime transport and ports, the Department would request that the Department of the Environment, Community and Local Government (DECLG) consider the insertion of a provision to ensure consultation with the Department of Transport, Tourism and Sport.

The Department considers it important that it be consulted with regard to the development of the maritime spatial plans and further with regard to any subsequent review of the maritime spatial plans or of the MSP Regulations as the Department will need to monitor developments which may impact on the safety and competitiveness of maritime transport, the protection of the marine environment and the provisions of an effective emergency response service.

The Department is responsible for the corporate governance of the state owned port companies established under the Harbours Act 1996. Similarly, the Department wishes to emphasise that, where a state owned port comes within the "catchment area" of MSP, consultation with the port concerned will be necessary.

The Department consulted with the port companies on this matter. From the ports perspective, obviously it would be important for the National Ports Policy 2013 document (and the hierarchy of ports contained therein) to feed into the spatial and temporal distribution of relevant existing and future activities to be outlined in a Marine Spatial Plan (Article 7(1)(b)).

The competent authority should also have regard to development plan / local area plan provisions of local authorities when taking into account relevant land/sea interactions (Article

7(3)(c)). For example, a port company and the objectives to develop it including the extent of zoned land should be taken into account and inform the spatial distribution of future development. From a ports planning perspective it may be argued that the maritime study area for MSP's should include the landward side for a certain distance to ensure coordination of activities that would have mutual interactions and dependencies

The preparation of Marine Spatial Plans and associated SEA and AA must have regard to existing and established EC Guidance Documents ensuring that a balanced approach is required and is achievable between conservation of biodiversity and economic port development and activity. In this regard reference is made to the European Commission Guidance Document 'Integrating Biodiversity and Nature Protections into Port Development 2011.

The Department has also requested that the ports submit their views directly to DECLG as part of the consultation process.



Maritime Transport Division
Department of Transport, Tourism and Sport



Bord Iascaigh Mhara
Irish Sea Fisheries Board

Marine Planning and Foreshore Section
Department of the Environment, Community and Local Government
Newtown Road
Wexford

5th May 2016

To whom it Concerns

Re: Maritime Spatial Planning Consultation

Bord Iascaigh Mhara, the Irish Seafood development agency, welcomes the opportunity to respond to the proposed national framework Regulations for Maritime Spatial Planning.

Given the fact that marine responsibilities are currently spread across a number of government departments we agree with the option to designate multiple competent authorities and see this as a necessary component of the draft regulations.

Regulation 10 places the Maritime Spatial Plan firmly at the forefront of all marine activities and therefore emphasises the importance of full engagement and participation in the preparation and implementation of the plan by relevant government departments and agencies. BIM is eager to fully participate in order to help deliver a Maritime Spatial Plan that facilitates the continued sustainable production of seafood in Ireland, working in harmony with other maritime activities while conserving the natural resources upon which the sector relies.

We look forward to further engaging in the Maritime Spatial Planning process in Ireland.

Yours Faithfully

Grainne O'Brien
Environmental Officer

Regional Offices:

Keep Ireland Open



Keep Ireland Open is dedicated to the preservation of access to our heritage of open mountains and countryside

Web site: www.keepirelandopen.org Email: info@keepirelandopen.org

Dept. of Environment, Community
& Local Government

6 MAY 2016

Wexford

5th May 2016

Maritime Spatial Planning Consultation,
Marine Planning and Foreshore Section,
Dept. of the Environment, Community and Local Government,
Newtown Road,
Wexford..

Submission in respect of the Draft Regulations transposing Directive 2014/89/EU establishing the framework for maritime spatial planning into Irish law.

Dear Sirs,

Our organisation, KEEP IRELAND OPEN, wishes to make the following submission which we hope will be incorporated into the draft regulations.

In summary, it is about the EU, through the Directive, becoming the final guarantor that existing regulations and mechanisms will be used to secure the continuity of public right to leisure and recreational use of coastal beaches; these beaches being within the scope of the maritime areas which are the focus of the Regulations. The beaches in point are as defined under the Foreshore Act 1933. These are the property of the State and therefore, by definition, public beaches.

We understand and accept that under Regulation 3(2) the Regulations will not supersede the existing responsibilities of local authorities under the Planning and Development Acts 2000 – 2012.

However, we do submit that the draft regulations should, in some way, express the importance of planning authorities paying particular attention to their obligations under Section 14, Part II of the Planning and Development Acts. This calls for the identification and listing of rights of way and sets out the process of



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their incorporation into County Development Plans. The rights of way of concern to us are, in the present context, those which in very many cases have provided traditional access to beaches and foreshores all around the coast of Ireland.

These need to be protected under the law from any possibility of arbitrary closure or interference. Unfortunately, there have been many cases of accesses to beaches, by which members of the public have been able to enjoy the sea's edge, being closed off or right of use otherwise contested. An outstanding example of this is the huge stretch of Uggoole Beach, at the SW tip of Co. Mayo and running north from Killary inlet. The traditional pedestrian access to this outstandingly beautiful beach was wired off in 1989 and to this day remains closed. The Ombudsman, as can be read in his 1999 Annual Report, instructed Mayo County Council to take steps to reopen access, but nothing was done.

We see it as very important to ensure there be no recurrences of such closures. In many ways these have the potential to hinder the realisation of the objectives set out in the draft regulations. Unless there is certainty and confidence in continuity of access, it is obvious that social (recreational and exercise opportunity) and economic (tourism) aspects of the objectives may be adversely affected.

A disappointingly small number of planning authorities have taken meaningful steps to meet their PDA Part II (14) obligations regarding listing of rights of way. We submit that it is reasonable that the regulations should require such authorities to commence or accelerate the work they have to do in this regard so as to facilitate the emergence of a MSP that recognises the stakeholding of the ordinary citizen in his or her enjoyment of the Irish littoral.

The draft regulations speak {7(3)(e)} of the desirability of coherence in the elements that will go into the Irish transposition of the Directive. Unless there is legal protection of all traditional accesses to public beaches and foreshore, there will, in practice, be faulty cohesion.

In conclusion, and put simply, we hope the regulations will expressly require the following of planning authorities: Get on with the business of identifying and securing traditional accesses to beaches so that, up ahead, there will be no problems in implementing MSP policy.



Michael Murphy,
Hon. Secretary, Western Branch, KEEP IRELAND OPEN.

(E-mailed today, 05/05/16. Paper original mailed today also).



Leading our tourist industry

Maritime Spatial Planning Consultation
Maritime Planning & Foreshore Section
Department of Environment, Community & Local Government
Newtown Road
Wexford

May 5th 2016

Re: Public Consultation - Maritime Spatial Planning (Directive 2014/89/EU)

To Whom it Concerns,

In relation to invitations for submissions regarding the Maritime Spatial Planning Consultation, the Irish Tourist Industry Confederation (ITIC) wishes to state that we are of the view that tourism interests should be specifically transposed from this important EU directive into Irish Law.

ITIC is the umbrella group representing the leading tourism interests throughout the country including airlines, ferry companies, hotels, boat rental interests, tour operators, and visitor attractions. Tourism is at record levels currently and contributes €7.3 billion to the economy employing 224,000 people throughout the country. The previous government, in March 2015, committed to a 10 year national policy for tourism with the aim of the industry's significant potential being realised in full.

Sustainable tourism, particularly within the maritime sector, has significant economic and social benefits and gives a much needed economic boost to coastal regions. ITIC is aware that a number of local authorities have developed, or are in the process of developing, marine tourism strategies. In that context it is of significant concern that efforts to advance this sector - including the provision of marinas, pontoons and harbour infrastructure - may be frustrated should sustainable tourism not be identified as a key sector within the Maritime Spatial Planning.

It is ITIC's understanding that the two national tourism agencies, Fáilte Ireland and Tourism Ireland, see the country's maritime heritage as real differentiator when promoting Ireland overseas. In that regard, and on behalf of the wider tourism industry, I would strongly urge you to include sustainable tourism as an identified key sector.

Should you have any questions or queries please don't hesitate to get in touch.

Yours sincerely,

Eoghan O'Mara Walsh

Eoghan O'Mara Walsh
Chief Executive



SUBMISSION

by

THE IRISH MARITIME FORUM

To the

Department of the Environment, Community and Local Government

MARINE SPATIAL PLANNING

Submitted on behalf of The Irish Maritime Forum by

Captain James Robinson DSM FNI
Irish Navy Retired

THE IRISH MARITIME FORUM

SUBMISSION

MARINE SPATIAL PLANNING

Introduction

The Irish Maritime Forum (TIMARFOR) is an independent and non-political collegiate group of over thirty maritime professionals who have a wide range of experience in the maritime domain. TIMARFOR members hold, or have held, positions at the highest level in national and international maritime organisations.

The vision of TIMARFOR is to increase awareness of the importance of Ireland's Maritime Dimension in the national interest. Recent press reports on our activities have referred to TIMARFOR as a "maritime think tank".

The Irish are an island nation and we claim the largest maritime domain to landmass of any Northwest European State. **92% of Ireland is under water.** This domain contains natural resources with a potential value of several Trillion Euro including mineral deposits, fossil fuels, marine life, fisheries and wind and wave energy.

We are a small trading nation living on an island and 99% by volume and 92% by value of everything we import or export is transported by sea. The curtailing of the freedom of navigation would have a severe detrimental effect on our economy.

The sea and air traffic between Northern Europe and the USA passes close to our shores and through or above waters over which we have jurisdiction and for which we have responsibility.

TIMARFOR is encouraged by the content of the joint statement of the Taoiseach and Minister for Agriculture, Food and the Marine included in the report entitled "Harnessing our Ocean Wealth", specifically:

"We are determined to put behind us the days of underachievement in the marine area. We want to make our ocean wealth a key component of our economic recovery and sustainable growth, generating social, cultural and economic benefits for all our citizens."

Historical Context

For an island nation Ireland has a remarkable lack of interest in or knowledge of the sea and matters maritime. For example in 2007, our ocean economy supported 1% of the total workforce. However, the equivalent figures in neighbouring countries are UK 2.2%, Netherlands 2.2%, Portugal 3.3% and Norway 6%. In spite of the Government's efforts we have a long way to go.

The hasty creation of a token naval force in 1939 to comply with the minimal requirements of a neutral coastal state in wartime under international law indicates this lack of maritime appreciation. Similarly the establishment, with great difficulty and considerable risk, of Irish Shipping in 1941, was symptomatic of national indifference to maritime affairs but its creation saved the state from being forced into abandoning neutrality. Had there been any realisation by those in power of the country's absolute dependence on shipping services, in the years before the war, such a critical situation might have been avoided.

The persistence of this indifference during the EEC joining negotiations which effectively surrendered 90% of our fisheries is further evidence of national "sea-blindness"

We are greatly encouraged that the Department of the Environment, Community and Local Government intends to transpose Directive 2014/89/EU into Irish law and that a framework for Marine Spatial Planning will be implemented in Ireland. We are also encouraged that this process will include public consultation which is an essential element of MSP. Coming in the wake of the publication of "Harnessing our Ocean Wealth" it is to be fervently hoped that Ireland is moving from being a land-centric nation living on an island to becoming a maritime nation.

Marine Spatial Planning

UNESCO defines Marine Spatial Planning (MSP) as a public process of analysing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic and social objectives that are typically specified through the political process. MSP is an element of sea use management.

Essential characteristics of MSP include that it is ecosystem-based, integrated, area based, adaptive, strategic, anticipatory and participatory. It should be based on sound science. MSP has the potential to address the impacts of all activities in the waters under Irish control (Inland Waters, Territorial Seas, EEZ and Continental Shelf) so that the marine ecosystems can be productive, resilient to change and accommodate responsible and appropriate economic activities. Ireland must avoid fragmented management schemes that do not adequately tackle the complex interactions of the myriad activities that occur simultaneously in, on and under our seas.

MSP is a process that brings together multiple users of marine areas including shipping, education, offshore energy, fishing, aqua culture, conservation, recreation, search and rescue and government (including defence and security) to make informed, coordinated decisions about how to use marine resources sustainably and, importantly reduce or remove reasons for conflict between users. More detail about this holistic approach to MSP can be found in the UNESCO document "Marine Spatial Planning - A Step by Step Approach" at

http://www.unesco-ioc-marinesp.be/marine_spatial_planning_msp

Examples of regional and national applications of MSP can be found in this document.

Challenges

Growth in the world economy is expected to result in an increase in ship traffic in decreasing sea

space. In addition there will be competition for space between activities such as oil and gas, offshore renewable energy, commercial fishing, aggregate dredging, mining, aqua culture, recreation and government imposed restricted zones such as Special areas of Conservation and Defence Exercise Areas.

MSP discussions are likely to be emotive and controversial. It is important to note that MSP is the “planning” stage and it will need to be integrated with the full management process including monitoring, enforcement and re-evaluation.

It is very easy for non-mariners to assume that shipping operations and shipping lanes can be altered without consequences to accommodate new demands such as offshore energy or environmental protection. In some cases the rerouting of a shipping lane may be justified to provide food or energy to a community. In other cases such a rerouting may increase the risk of collision or grounding to an unacceptable degree or change the commercial dynamics of a region so that ports or shipping services become uncompetitive.

Developing a common vision for the use of sea space is essential to the successful outcome of the MSP process and all decisions on use allocation must be based on this common goal. One approach when conducting training for those participating in MSP could be scenario development in which stakeholders could be challenged to provide their own vision and then invited, as a group, to find a common starting point for the MSP process.

Participation by Maritime Professionals

It is imperative that maritime professionals are participants in the discussion and determination of the common vision for MSP. Without such participation there is a significant risk that MSP will not include full consideration of the existing and potential economic activities in Irish controlled sea space.

We are fortunate in Ireland to have significant maritime expertise on which to call. The Navy is probably the largest repository of professional mariners in the country. This expertise is reinforced by the growing educational, scientific and research cluster that is the National Maritime College of Ireland, Irish Maritime and Energy Resource Cluster, the Beaufort Centre and the Marine Institute. The Commissioners of Irish Lights will have considerable expertise on Aids to Navigation and are backed up by the International Association of Marine Aids to Navigation and Lighthouse Authorities. In addition there is maritime expertise to be found in The Nautical Institute (Ireland Branch), the Irish Institute of Master Mariners and the Irish Chamber of Shipping. Marine Safety and Search and Rescue expertise can be found in the Department Agriculture, Food and the Marine.

Risks Associated with Restricting Sea Space for Shipping.

When considering the rerouting of shipping lanes or the placement of MSP limitations on sea space the manoeuvring characteristics of ships both in normal and abnormal conditions must be considered. Non-mariners often consider that offshore sea lanes do not need much more “Corridor Width” than in-port channels. What must be understood is that service and support levels in port differ from those offshore as do navigational accuracy and visual references. Also the impact of wind and weather on ships in the open ocean is very different from that in the sheltered waters of a port.

A good guide is published by the UK Maritime and Coastguard Agency entitled "Offshore Renewable Energy Installations, Guidance on UK Navigational Practice, Safety and Emergency Response Issues" MGN 543 at

<https://www.gov.uk/government/publications/mgn-543-mf-safety-of-navigation-offshore-renewable-energy-installations-oreis-uk-navigational-practice-safety-and-emergency-response>

Annex 3 of the above mentioned document gives a particularly good template when assessing boundaries between Offshore Renewable Energy Installation boundaries and shipping lanes

Legal Aspects

There is a substantial legal and policy framework relevant to the development of Ireland's MSP. The key international legal regime that needs to be taken into account is the United Nations Convention on the Law of the Sea (UNCLOS) which sets out a states rights and responsibilities in all the waters under its sovereignty, control or jurisdiction. Also to be considered is the Integrated Maritime Policy for the European Union.

It is also important to recognise that MSP is not a once off activity but must be flexible and proactive in order to take into account changes in the environment, commercial activity, social demands and government policy. Ireland's MSP should specify achievable goals that can be monitored, evaluated, enforced and, when necessary improved.

Recommendations

1. That the generation and implementation of a Marine Spatial Plan for Ireland must include the broadest range of stakeholders possible.
2. That Maritime Professionals be involved at every stage of the process.

Acknowledgement

The information contained in the paper above was largely drawn from the Nautical Institute's publication entitled "The Shipping Industry and Marine Spatial Planning" and is reproduced with the permission of the Nautical Institute.

**Fáilte Ireland**

National Tourism Development Authority

Maritime Spatial Planning Consultation

Marine Planning and Foreshore Section

Department of the Environment, Community and Local Government

Newtown Road

Wexford

Y35 AP90

Date: 6th May 2016

Re: Draft Regulations transposing Directive 2014/89/EU establishing the framework for maritime spatial planning into Irish law.

A Chara,

Fáilte Ireland welcomes the opportunity to comment on the Draft Regulations transposing Directive 2014/89/EU establishing the framework for maritime spatial planning into Irish law.

Fáilte Ireland is the National Tourism Development Authority, established by the Irish Government in May 2003 to guide and promote the development of tourism as a leading indigenous component of the Irish economy. Our mission is to support the growth of sustainable tourism enterprise and to guide and influence the development of Ireland as a world-class tourism destination for the benefit of the national economy and the regions of Ireland. To this end, Fáilte Ireland, working in partnership with the tourism industry, develops Ireland's tourism proposition and provides an extensive range of support services and business solutions designed specifically to develop and sustain Ireland as a high-quality and competitive tourism destination.

In trying to grow tourism for economic gain in a very competitive marketplace we are increasingly concerned with our comparative advantage. Alpine ski slopes and Mediterranean beaches drive much of tourism on the European Continent. Located in the North West corner of Europe we believe our advantage lies in our Natural Heritage (landscapes and seascapes), our built heritage and our cultural heritage. A major aspect of our heritage is the natural landscapes and seascapes. Ireland's position at the edge of the Atlantic ocean means that our landscape and wildlife differ from other countries- and therein lies part of our advantage, but how we utilise this advantage in a sustainable way that resonates with our overseas visitors is critical.

When we analyse where visitors to Ireland go and where our industry is located we find that over 70% of Ireland's tourism business is concentrated within less than 30% of our landmass, and that

area typically hugs our coastline from Malin to Mizen right round to Carlingford. Tourism in coastal and marine areas in Ireland is therefore significant.

The 'Wild Atlantic Way' is one of the biggest tourism initiatives ever undertaken in Ireland, and is a new and innovative project developed by Fáilte Ireland and designed to highlight Ireland's unique geographical positioning along the Atlantic Ocean. The intention is to use the theme to allow tourists understand how the sea shaped our coastal communities, our lifestyle and our traditions and, naturally, to entice even more visitors to Ireland's shores and importantly to give them a reason to stay longer and spend more.

This project has been in development since early 2012 and involves the creation of a themed and integrated touring route along the Atlantic coast of Ireland from Donegal to West Cork. The route is comprised of a central spine that will, in time, be accompanied by a series of loops off it, which encourages tourists to explore all that the west coast has to offer. It showcases the best scenery and attractions for visitors with improved on-road infrastructure such as viewing points or 'Discovery Points' with better interpretation, and end-to-end signage which provides easy navigation along the route in both directions.

In order to continue to grow the tourism sector in Ireland we must ensure that tourism in marine areas is enabled in a sustainable manner and that tourism is considered as a substantial economic sector, with the ability to reach some of the most isolated communities in Ireland, many of these along our coastline.

We note from the proposed draft Regulations that tourism is not currently included in the Regulations. Regulation 7 (2) (a) currently provides for the 'sustainable development of (i) energy at sea, (ii) maritime transport and (iii) fisheries and aquaculture' however tourism does not feature as an economic sector for the purpose of these Regulations.

We note that in Article 5(2) of the Directive, there is provision for one of the objectives to be 'the promotion of sustainable tourism'. Although not obligatory there is a provision for this which has not been included in the transposition. Instead it is stated in the 'Transposition crosscheck for Directive 2014/89/EU of 23 July 2014 establishing a framework for maritime spatial planning' document that *'The 4 economic sectors listed are areas of EU competence, hence their inclusion in the Directive with a corresponding requirement for transposition. Consideration in MSP is not limited to these sectors'*. However we consider the Regulations should go further to identify the importance of the Tourism sector as an economic driver in marine areas, and to ensure that the interactions between tourism and other sectors is considered in the preparation of Marine Spatial Plans.

We respectfully request therefore that the Department further consider the inclusion of the provision for the objective of 'the promotion of sustainable tourism' in the Regulations to ensure that future Marine Spatial Plans are required to take this important economic sector into consideration in the preparation of these plans.

If you have any queries or require further clarification of these or other aspects, please do not hesitate to contact the undersigned.

Yours Sincerely

Mary Stack.

Mary Stack

Environment and Planning, Fáilte Ireland



**Queen's University
Belfast**

**School of Planning, Architecture and Civil
Engineering**

Marine Planning and Foreshore Section
Department of the Environment, Community and Local Government
Newtown Road
Wexford

06 May 2016

Re: Maritime Spatial Planning Consultation

Dear Sir/ Madam,

We welcome the adoption of the Framework Directive for Maritime Spatial Planning. It is, however, disappointing that the Directive will be transposed by means of regulations rather than through primary legislation. Transposing the Directive through regulations rather than through primary legislation will result in an instrumental, narrow approach to MSP. Given the importance of our ocean as a national asset, supporting a diverse economy, it would have been more appropriate to subject the adoption of MSP to a full Oireachtas debate. Instead, implementing MSP through secondary legislation, such as the draft regulations, misses the opportunity for a full consultation and a critical examination of its legislative content. Rather than creating an MSP system appropriate to the Irish situation through primary marine legislation, these regulations focus solely on fulfilling the requirements of the Directive and fail to address the overly complex and fragmented nature of marine governance in Ireland.

Due to issues of competencies, the Directive's requirements are very narrow, concentrating on a limited number of marine sectors (maritime transport, energy and fishing) and fails to appropriately address land-sea interactions. It is therefore incumbent on Member States to address these issues when developing their MSP systems. Unfortunately, the MSP regulations do not pay sufficient attention to these issues with no reference to the integration of terrestrial and marine planning or other marine sectors. Given that there is currently no physical overlap between terrestrial and marine planning areas, competent authorities may not be required to work effectively together to ensure consistency between marine and terrestrial planning policies. As a consequence, coastal areas, and the activities taking place within them, may not be managed in an integrated and holistic way.

Furthermore, the successful adoption of MSP requires more than the production of a plan or plans; it requires a fundamental shift towards integrated and participatory marine governance. In our opinion, the new MSP system for Ireland should also:

1. Provide for a new consenting process to simplify licensing and permitting procedures;
2. Provide a statutory mechanism for the integration of terrestrial and marine planning (e.g. the development of an integrated coastal zone management process);
3. Provide clarity on the planning of Irish transitional waters - if the new MSP system extends landward to the outer limits of transitional waters and the terrestrial planning system extends to the MHW, how is planning conducted in transitional waters?
4. Clearly set out provisions for climate change mitigation and adaptation;
5. Provide for marine protection and enhancement through, for example, the designation of a network of marine protected areas;
6. Clearly enshrine in legislation a regular review, monitoring and reporting system on the implementation of marine plans to be carried out by the marine plan authority in consultation with the planning and regulatory organisations with direct and indirect involvement in MSP;
7. Require local authorities to establish statutory coastal partnerships that would allow for ongoing and meaningful stakeholder participation;
8. Be comprehensive and include the full range of marine uses and activities including biodiversity, geodiversity, landscape and seascape, historic environment, culture, tourism, leisure, recreation etc.; and
9. Safeguard the contribution of the marine environment to coastal communities through the inclusion of statutory objectives ensuring resources are exploited in an equitable, inclusive and sustainable manner.

If implemented correctly in Ireland, MSP will provide greater policy coherence and a forward-looking, proactive spatial planning approach to the management of the marine environment. The introduction of MSP through these regulations will, however, miss the opportunity to develop a plan-led approach to marine and coastal development that is underpinned by appropriate marine legislation. The Irish government needs to go above and beyond the Directive's obligations if it is to sustainably realise the vast opportunities provided by its coast and seas.

We look forward to participating in further consultations as part of the transposition of the Directive and the adoption and implementation of MSP in Ireland.

Yours sincerely,

Christina Kelly, Wesley Flannery and Geraint Ellis



Piers and Harbours

Wexford Co Co Piers and Harbours

06th May 2016

To whom it may concern,

In reference to invitations for submissions regarding the Maritime Spatial Planning consultation process, it is disappointing to note that "sustainable tourism" as referred to in section 5(2) has been omitted.

5(2) Through their maritime spatial plans, Member States shall aim to contribute to the sustainable development of energy sectors at sea, of maritime transport, and of the fisheries and aquaculture sectors, and to the preservation, protection and improvement of the environment, including resilience to climate change impacts. In addition, Member States may pursue other objectives such as the promotion of sustainable tourism and the sustainable extraction of raw materials.

Although reference is made in the cross check document to the fact that the MSP is not limited to these sectors as outlined below,

7. The 4 economic sectors listed are areas of EU competence, hence their inclusion in the Directive with a corresponding requirement for transposition. Consideration in MSP is not limited to these sectors.

However sustainable tourism, particularly in the Maritime Sector has significant economic and social benefits. Marine leisure tourism gives a much needed economic boost, to coastal regions. Wexford County Council operates 2 blue flag marinas and 11 piers and harbours, and is constantly striving to promote marine leisure activities, to maximise the potential value of these amenities. It is of grave concern that future efforts to advance this sector, including the provision of additional marinas, pontoons, moorings, pier and harbour infrastructure, may be stymied somewhat should sustainable tourism not be identified as a key sector within the MSP, currently being transposed.

It is for these reasons that I would urge your department to revisit the proposal and include sustainable tourism as an identified key sector.

Yours sincerely,

Capt Phil Murphy
Marine Officer
Wexford County Council



Maritime Spatial Planning

From: Adrian Martin
Sent: 06 May 2016 14:30
To: Maritime Spatial Planning
Subject: public consultation directive 2014/89/EU
Attachments: Marine Document.pdf

Dear Sir

My name is Adrian Martin I would like to make a submission to the Maritime Spatial Planning Public Consultation directive 2014/89/EU.

To develop and achieve the Economic, Environmental and Social goals set out in Harnessing our Ocean Wealth we first must be able to protect our maritime and coastline from catastrophic marine pollution. Ireland is the only country in the EU without Multi-Purpose Emergency Towing Vessels capable of preventing or responding to a marine disaster.

Attached is a full submission on how the provision of a Multi-Purpose Emergency Vessel can be achieved, if you have any questions please contact me

Adrian Martin

Menapia Shipping

Working With the

Marine Coordination Group

To achieve

Our Ocean Wealth



December 2012

Contact; Adrian Martin
0879544309 e-mail agemartin@gmail.com

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2. Department of Agriculture, Food and Marine
3. Department of Transport, Tourism and Sport
4. Department of Communications, Energy & Natural Resources
5. Department of Environment, Community and Local Government
6. Department of Public Expenditure & Reform
7. Department of Taoiseach
8. Department of Jobs, Enterprise and Innovation
9. Department of Arts, Heritage and Gaeltacht
10. Attorney General's Office
11. Enablers identified in Harnessing Our Ocean Wealth

In many respects, as a maritime nation, Ireland is uniquely positioned well ahead of its European partners. Its prominent and unrivalled position out on the western sea approaches of Europe presents an unquestionable advantage of access to an untapped wealth of food, natural and mineral resources of the North Atlantic continental shelf. Its stunningly beautiful shoreline and natural amenities, in unity with the long tradition of warm "cead mile failte" within its coastal communities, all remain as a greatly untapped potential.

In a world where political, social and economic landscapes are moving fast, and where even the future competitive position of Europe itself remains uncertain against the impending development of the mass economies of the East, a young and technologically competent small nation like Ireland might be well advised to focus on obvious areas of unique competitive advantage – our marine heritage. It is not at all inconceivable that revenue from properly managed off-shore maritime resource development could play a significant role in Ireland's economic recovery, as well as providing opportunity for the development of global leadership in emerging offshore technologies.

Menapia Shipping warmly welcomes the recent Government initiatives to take a more wholistic approach towards the development of Ireland's overall maritime assets and positively supports the work of the Marine Institute in coordinating this national initiative "Our Ocean Wealth and Harnessing Our Ocean Wealth". There is little doubt that worthwhile and profitable development of our true maritime potential can only be achieved through commitment, effort and investment. To stake a credible claim and to exercise this potential, Ireland would need to take a more proactive initiative towards developing its unique maritime heritage and to put in place proper provisions for its protection.

At a time when national budgets are primarily focused on deficit reduction, the opportunities to secure the necessary developmental funding solely from Government coffers will be rare. Menapia Shipping believes that, in the current financial climate these essential development initiatives can best be realised through creative and pro-active national Private Public Partnership initiatives. This document is presented by Menapia Shipping in an effort to open creative dialogue on how Ireland's current maritime development and protection needs can be met.

Since 1999 every Government commissioned report on Ireland's pollution/salvage, preparedness and response capabilities have all stated the urgent need for an Emergency Towing Vessel (E.T.V.). Menapia Shipping through research believe we have the solution by providing a Multi-purpose Emergency towing and Pollution Response Vessel capable of fulfilling multiple roles for various Government Departments while maintaining its primary role as an Emergency Towing Vessel. We believe this can be achieved at little or no cost to the Irish Government.

Our Ocean Wealth has identified the biggest stumbling block we have encountered since we started our research and lobbying of the Government in 2003 and that is the essential need for an integrated approach across Government, this has been addressed by the formation of the Marine Coordination Group (MCG) and two Operational Task Forces.

Fishers Report 2012,

1. "The Irish Coast Guard is woefully unprepared to deal with a major shipping accident or Tanker oil spill and resources are urgently needed to prevent an environmental and marine disaster".
2. "The state would require significant external resources at very high costs"
3. "Significant risks to the environment of the state as a result of this inability to effectively respond particularly in coastal areas, and this may also have significant social impacts as it may effect the livelihoods of residents of coastal areas affected"
4. "Ireland has an agreement with two U.K. based companies (Oil Spill Response and London Offshore Consultants) for assistance in the event of major marine incidents. When this agreement was activated during a recent incident the resources were not available for at least 24 hours"

The Fisher report was about value for money. Menapia Shipping believes we can provide Emergency Towing Vessels at the best value for money. It is not If but When Ireland has a major environmental and marine disaster we must have the immediate capability to prevent or respond to such an incident.

Ireland's Pollution, Prevention, Preparedness & Response 2008 stated the provision of an E.T.V. was a priority for the Irish Government it was a very good and detailed report and went as far as doing a scenario of a 44,000 ton Tanker adrift off Kerry Head for 12 hours and because there was no E.T.V. available the Tanker grounded on Kerry Head and the total cost of the clean-up, socioeconomic and environmental damage was 6.7 Billion Euro's.

One of the key factors of making "OUR OCEAN WEALTH" successful is a Clean-Green-Marine that is why an Emergency Towing Vessel is a priority. Spain for example puts Tourism of such importance it has 16 E.T.V's to protect its coastline, Germany has 7 and France has 5 to protect their marine environment. While the primary role of the E.T.V. is to prevent a ship in distress from grounding on the coastline and causing an environmental catastrophe, we have also identified many secondary roles for the vessels all a benefit to different Government Departments.

We can:-

Create up to 44 highly skilled jobs

Protect Thousands of more jobs around our coast

Fulfil Ireland's legal obligations

Show how it can be provided at little or no cost to the Irish Government



Department of Agriculture, Food and Marine

Cost Benefits Financial;

1. Primary role as Emergency Towing Vessel
2. 46 highly skilled jobs
3. Oil pollution containment and clean-up by trained personnel
4. Fishery protection, extra vessels working with the Navy to give greater coverage and more inspections. Scotland and Norway both use civilian personnel for fishery protection
5. Pollution surveillance and monitoring. In the event of illegal discharge of pollutants ie. Tank cleaning, oily or dirty ballast water, samples can be collected, vessel identified and can be used in a prosecution. France is very active in this area and fine vessels many millions of Euro's every year for illegal discharges of oil
6. Inland waterways and coastal pollution clean-up
7. Protect fishing and aquaculture from marine pollution
8. Marine survey ie work with the Marine institute doing marine surveys

Cost Benefits Social;

1. As mentioned above
2. Off-shore pollution counter measures and clean-up. (Be on scene of an incident with-in 12-24 hours Assess, Contain, Clean-up. ACC)
3. Training exercises with shore based Irish Coastguard, Local Authorities and Irish Navy
4. Training, our own personnel also in conjunction with Cork Maritime College up to 24 people per year. Without training and jobs in the maritime sector who will become our future Master Mariners, Harbour Masters, Chief Engineers, Marine Surveyors, AB's etc.

5. Fire Fighting, The vessels will be equipped with fire fighting cannon for fighting fires at sea and in harbour and crews trained in marine fire fighting.
6. Evacuation Platform, In the event of too many crew or passengers for the helicopter to evacuate to shore ie A Ferry or Cruise ship, the E.T.V. to be used as an evacuation platform with the helicopter ferrying the crew/passengers from the ship in distress to the E.T.V. so evacuation can be achieved much faster.
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9. Guard-ship, when navigation buoy is out of position or a vessel sinks and causes a new navigation hazard the E.T.V. to stay in the area to warn other vessels. An example of this is when the vessel TRICOLOUR sank in the English Channel after a collision with another vessel, two ships hit the wreck of the TRICOLOUR while it was submerged under water despite warnings being broadcast by the Coastguard.
10. Tourism, Protect beaches from marine pollution
11. Fish-farming and Aquaculture, Placing booms to protect areas where Aquaculture is carried out ie Wexford Harbour mussel fishing is worth 12.5 million Euro per year and provides 50 jobs directly on mussel dredgers. If contaminated by oil pollution the area would be closed for up to 5 years
12. M.E.H.R.A (Marine Environmental High Risk Area), Ireland's coastline is designated M.E.H.R.A. by the E.U. and under E.U. law has to be protected
13. Public Relations, Port visits around Ireland highlighting the Government's pollution prevention and response to marine pollution



MV RENA grounded on a reef near Tauranga New Zealand 5th Oct 2011 a year later the salvage is still ongoing

Department of Transport, Tourism and Sport

Cost Benefits Financial;

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A car carrier run aground and spilled its bunkers on a near by beach.

Department of Communications, Energy & Natural Resources

Cost Benefits Financial;

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MSC Flamina 14th July 2012 fire on board after explosion in number 4 hold ship was abandoned by crew 1,000 nautical miles off south west coast of Ireland. The vessel did not get a port of refuge till 11th Sept 2012 two months later because of fears of pollution. During this two months this vessel spent some time in Ireland's Economic and Pollution Zone



Fire at sea is most mariners greatest fear above a bulk carrier on fire below an oil rig in the Gulf of Mexico ablaze resulting in the worst oil pollution in the Gulf of Mexico and costing billions of dollars

Department of Environment, Community and Local Government

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Amoco Cadiz Liberian flagged Very Large Crude Carrier (VLCC) ran aground off coast of Brittany, France 16th march 1978 and spilled 219,797 tons of oil on coastline

Department of Public Expenditure & Reform

Cost Benefits Financial;

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MV Prestige Sank off the north coast of Spain in November 2002 carrying 77,000 tons of oil. The oil spill polluted thousands of kilometres of coastline and more than one thousand beaches on the Spanish, French and Portuguese coast, as well as causing great harm to the local fishing industry, aquaculture took many years to recover. The oil spill is the largest environmental disaster in both Spain and Portugal's history.

Department of the Taoiseach

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3. Oil pollution containment and clean-up by trained personnel
4. Fishery protection, extra vessels working with the Navy to give greater coverage and more inspections. Scotland and Norway both use civilian personnel for fishery protection
5. Pollution surveillance and monitoring. In the event of illegal discharge of pollutants ie. Tank cleaning, oily or dirty ballast water, samples can be collected, vessel identified and can be used in a prosecution. France is very active in this area and fine vessels many millions of Euro's every year for illegal discharges of oil
6. Inland waterways and coastal pollution clean-up
7. Protect fishing and aquaculture from marine pollution
8. Marine survey ie work with the Marine institute doing marine surveys

Cost Benefits Social;

9. As mentioned above
10. Off-shore pollution counter measures and clean-up. (Be on scene of an incident with-in 12-24 hours Asses, Contain, Clean-up. ACC)
11. Training exercises with shore based Irish Coastguard, Local Authorities and Irish Navy
12. Training, our own personnel also in conjunction with Cork Maritime College up to 24 people per year. Without training and jobs in the maritime sector who will become our future Master Mariners, Harbour Masters, Chief Engineers, Marine Surveyors, AB's etc.
13. Fire Fighting, The vessels will be equipped with fire fighting cannon for fighting fires at sea and in harbour and crews trained in marine fire fighting.
14. Evacuation Platform, In the event of too many crew or passengers for the helicopter to evacuate to shore ie A Ferry or Cruise ship, the E.T.V. to be used as an evacuation platform with the helicopter ferrying the crew/passengers from the ship in distress to the E.T.V. so evacuation can be achieved much faster.
15. Offshore S.A.R and O.S.C , In the event of a vessel sinking or aircraft crashing at sea the E.T.V. to be used in search and rescue for survivors and the vessel could also be used as On-Scene Commander
16. Salvage and Dive support vessel, in the event of divers being used in a salvage or search operation the E.T.V. is an ideal vessel for this purpose
17. Guard-ship, when navigation buoy is out of position or a vessel sinks and causes a new navigation hazard the E.T.V. to stay in the area to warn other vessels. An example of this is when the vessel TRICOLOUR sank in the English Channel after a collision with another vessel, two ships hit the wreck of the TRICOLOUR while it was submerged under water despite warnings being broadcast by the Coastguard.
18. Tourism, Protect beaches from marine pollution
19. Fish-farming and Aquaculture, Placing booms to protect areas where Aquaculture is carried out ie Wexford Harbour mussel fishing is worth 12.5 million Euro per year and provides 50 jobs directly on mussel dredgers. If contaminated by oil pollution the area would be closed for up to 5 years
20. M.E.H.R.A (Marine Environmental High Risk Area), Ireland's coastline is designated M.E.H.R.A. by the E.U. and under E.U. law has to be protected
21. Public Relations, Port visits around Ireland highlighting the Government's pollution prevention and response to marine pollution



Effects of oil spill on sea birds

Department of Jobs Enterprise and Innovation

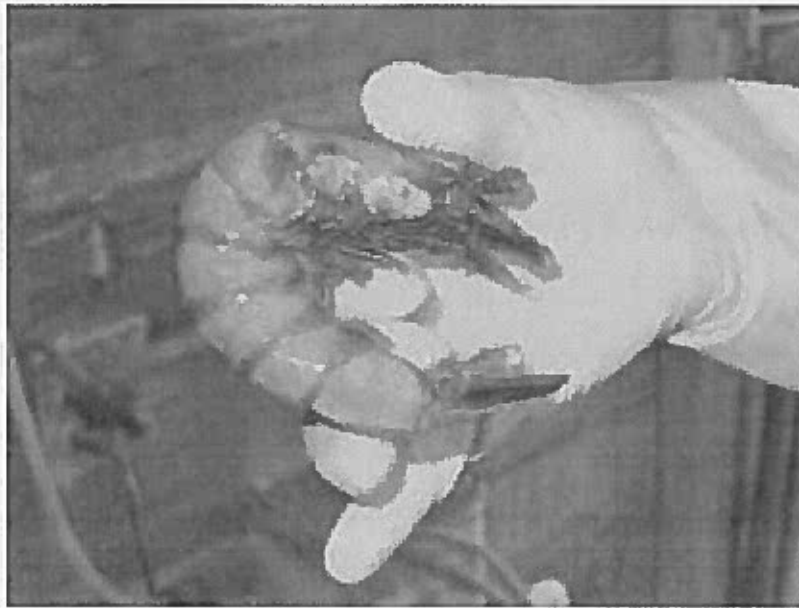
1. Create 46 highly skilled jobs
2. Provide training in conjunction with Cork Maritime College for 24 people per year. Without training and jobs in the Maritime sector who will become our future Master Mariners, Harbour Masters, Chief Engineers, Marine Surveyors, AB,s etc
3. Safeguarding Thousands of jobs around our coast by avoiding catastrophic Marine Pollution.
4. Innovation in Marine Pollution clean-up methods
5. Public Relations. Showing the General Public what we do, how we do it and that the Irish Government cares about their Marine Environment



Oil residue on the sea-bed no marine life can exist

Department of Arts, Heritage and Gaeltacht

1. M.E.H.R.A. (Marine Environmental High Risk Area) Ireland's coastline is designated M.E.H.R.A. by the E.U. and under E.U. law has to be protected.
2. The Bird Directive
3. Habitat Directive
4. Public Relations. Showing the General Public what we do, how we do it and that the Irish Government cares about their Marine Environment



Effects of oil on aquaculture can close the industry for many years



What was once a beautiful sandy beach



Coast-line clean up after the Exxon Valdez oil spill

Attorney General's Office

1. M.E.H.R.A. (Marine Environmental High Risk Area) Ireland's coastline is designated M.E.H.R.A. by the E.U. and under E.U. law has to be protected.
2. Bird Directive
3. Habitat Directive
4. Bonn Agreement
5. Sea Pollution Act 1991, amendment Act 1999, 2000 protocol.
6. M.S (salvage and wreck) Act 1993
7. I.M.O. DPRC convention
8. E.U. and E.M.S requirements



Exxon Valdez legal battles still continue over twenty years after the incident

Enablers identified in Harnessing Our Ocean Wealth that Menapia Shipping can help to achieve

MARITIME SAFETY, SECURITY & SURVEILLANCE

1. Develop and implement systems to provide real-time operating, surveillance and monitoring information within Ireland's maritime domain
2. Develop the Irish Maritime Administration to provide effective and efficient services to people, ships and ports
 - Enhance the maritime regulatory and marine emergency response.

CLEAN-GREEN-MARINE

1. Implement the E.U. Marine Strategy Framework Directive
 - carry out initial assessment and related works required under the MSFD in order to provide an accurate picture of the Environmental status of our marine waters.
2. Deliver all measures relevant to Ireland as directed under the Common Fisheries Policy.
3. Continue to implement EU NATURA 2000 legislation (Birds and Habitat Directives)
4. Implement Ireland's National Biodiversity Plan "Actions for Biodiversity, 2011-2016" to conserve and restore biodiversity and ecosystem services in the marine environment.
5. Strengthen and develop a common message and theme that promotes Irish marine products and services using high standards of environmental compliance (the 'Clean Green' brand)
6. Give a clear message to investors that Ireland is 'open for and a good place to do marine businesses domestically and internationally
7. Encourage and facilitate coastal communities to avail of existing and future marine opportunities through 'Training Programmes.
8. Progress a number of targeted emerging business development opportunities

RESEARCH, KNOWLEDGE, TECHNOLOGY & INNOVATION

1. Continue to fund strategic marine RTDI through cross- government/agency
2. Collaboration across a range of national and international funding mechanisms
3. Continue to implement Sea Change
4. Continue to implement research supporting increased hydrocarbon prospectively
5. Maximum participation in EU funding programmes
6. Address barriers to marine innovation

7. Provide direction and focus for expenditure of marine funding where appropriate through relevant action plans
8. Complete the INFOMAR seabed mapping programme
9. Support existing and new test-beds/facilities for demonstration and commercialisation purposes that promote Ireland as a test-bed for renewable energy technologies and ICT (Smart Ocean) focusing on the development of innovative technologies that support real-time information gathering (Security, Surveillance, Environmental monitoring)

CAPACITY, EDUCATION, TRAINING & AWARENESS

1. Plan for the appropriate human resources to be in place to efficiently and effectively meet the current demands and capture the future opportunities in relation to Our Ocean Wealth
2. Maintain and build capacity (people) to meet the needs of the maritime sector through tailored education and training programmes
3. Establish Ireland as an international marine training destination
4. Embed knowledge of Our ocean Wealth into primary and secondary curricula
5. Develop outreach programmes that create an awareness of Our Ocean Wealth

INFRASTRUCTURE

1. Put in place clear integrated policies and strategies for the development of new key strategic infrastructures to support job creation and economic growth.
2. Carry out national, regional and local initiatives aimed at tapping into the potential of new and existing coastal infrastructure to develop sustainable products, services and jobs.

INTERNATIONAL AND NORTH/SOUTH COOPERATION

The Multi-purpose Emergency Towing and Pollution Response Vessel would be able to provide assistance in the event of a major marine or environmental disaster happening in another countries coastal area.

NOTES

NOTES



Maritime Spatial Planning Consultation
Marine Planning and Foreshore Section
Department of the Environment, Community and Local Government
Newtown Road
Wexford
Y35 AP90

Uisce Éireann

Irish Water

www.water.ie

6th May 2016

RE: Consultation on draft Regulations to transpose the Maritime Spatial Planning Directive into Irish law

To whom it may concern,

Irish Water welcomes the opportunity to submit views on the draft Regulations to transpose the Maritime Spatial Planning Directive (2014/89/EU) into Irish law. Irish Water is responsible for the provision of public water services and as such any legislation that has the potential to impact on the provision of water services is of interest to Irish Water.

As many of the country's major settlements are located along the coastline and at the mouth of estuaries, many of Irish Water's wastewater treatment plants discharge to estuarine and coastal environments. There are currently a number of pieces of legislation that regulate the development and operation of our wastewater treatment and discharge facilities including those that are provided to meet objectives set under the Planning and Development Act. In addition, the abstraction of sea water for water supply (following desalination treatment) as an alternative to surface freshwater or groundwater abstraction and as a climate adaptation strategy is being considered by Irish Water.

Irish Water notes that the primary objective of Maritime Spatial Planning is to balance the different demands being placed on our coastal environment in a sustainable and efficient manner. We also note that consultation with stakeholders will be undertaken throughout the MSP lifecycle and we look forward to future engagement on the development and implementation of maritime spatial plans.

Furthermore, Irish Water would welcome improved clarity on how the enactment of the proposed new regulations and the making of Marine Spatial Plans would impact on the provision of public water services identified as objectives in Development Plans prepared under Part II of the Planning and Development Act 2000 (No. 30 of 2000). Objectives for the provision of adequate water services infrastructure to facilitate sustainable development identified in Development Plans are required under the Planning and Development Act to be identified by planning authorities and included in these Plans.

Article 3 (2) of the draft Regulations states *Nothing in these Regulations applies to or affects so much of the coastal waters that are subject to and within the scope of the planning provisions of Part II of the Planning and Development Act 2000 (No. 30 of 2000).*

Irish Water notes a lack of clarity regarding the extent of coastal waters that are subject to and within the scope of the Part II of the Planning and Development Act and therefore excluded from the Draft Regulations. There is no definition of coastal or coastal waters/areas in the Planning and Development Act though the definition of land includes "any land covered with water (whether inland or coastal)". The common interpretation is that the planning /local authority is the primary regulatory body on the landward side but its remit extends only as far as the high water mark with the DECLG responsible for a range of foreshore (high water mark to a point 23km seaward of the low water mark) functions under the Foreshore Act, including the granting of development consent.

Irish Water is committed to working with the Department and relevant bodies to develop appropriate approaches to implement the requirements of these regulations.

Yours sincerely,

pp Megan McMahon-Kerr

Gerry Galvin

Chief Technical Advisor



Every drop counts, save water.



Website: www.nautinst.org

☞, Chairman Ireland Branch)

The Nautical Institute is an international representative body for maritime professionals involved in the control of sea-going ships. We provide a wide range of services to enhance the professional standing and knowledge of members who are drawn from all sectors of the maritime world.

The Nautical Institute's aim is to improve the safety and efficiency of shipping operations worldwide through the promotion of best practice. The Institute facilitates the exchange and publication of information and ideas on nautical science and seeks to establish and maintain professional standards.

The Nautical Institute is a Non-Governmental Organisation (NGO) with consultative status at the International Maritime Organisation (IMO). Our aim is to represent seafarers' and practical maritime professionals' views at the highest level.

As a representative body, the Institute fulfils its role in many different ways. Membership by proven qualifications and experience helps to set standards. The technical committee ensure that professional opinion and advice is fed back to the industry's decision making bodies. Publications written by practitioners for practitioners provide the best operational guidance available and the branches encourage professional development in local areas.

The principal aim of our international branches is to promote the activities and increase the membership of The Nautical Institute in their area. The Ireland branch has over 230 members, amongst other things the Ireland Branch of the Nautical Institute provides a local professional focus, networking opportunities, technical and social meetings, seminars and professional development assistance.

We thank you for the opportunity to comment on the Draft Regulations to transpose the Maritime Spatial Planning Directive into Irish law, and are available for further consultation as the plan continues to develop.



Marine Spatial Planning (MSP) is set to become an increasingly important issue for the shipping sector over the next number of years. Maritime professionals need to engage with other users of ocean space from both a sea and shore perspective, and to take part in international, regional and local MSP debate to ensure that the needs of the sector are taken into full consideration.

The oceans are a resource that society has learned to depend upon and is increasingly being exploited. It is essential however, for the sake of the planet and the human race that ocean exploitation be sustainable. The Nautical Institute sees MSP as a tool that brings together multiple users of the ocean - including shipping, energy, industry, government, conservation and recreation - to make informed and co-ordinated decisions about how to use marine areas and resources sustainably.

Balancing multiple objectives for the ocean requires accounting for the cumulative impact of a diverse range of activities. The marine environment provides some benefits to specific sectors that can be easily valued (e.g., shipping, oil and gas, fisheries, recreation, etc.). In contrast, other benefits from oceans reach a broader group of people, often through indirect pathways not as easily valued (e.g., provision of life support systems, climate regulation, protection of coastal communities from storms & sea level rise, biodiversity and cultural & aesthetic values). Understanding the cumulative pressures resulting from the various uses and how these will evolve in the future is critical, as these pressures will have specific spatial demands, create conflicts among users and affect the suite of benefits humans can expect from the ocean.

From a navigational perspective, effective MSP should take into account safe distance from Offshore Energy Installations, Shipping Routes, Traffic Separation Schemes (TSS), Marine Protected Areas, proximity to Aids to Navigation, vessel types, access to safe anchorages & harbours and environmental and security requirements. It may be worth including a more extensive list of activities along with those already listed in Section 7 (2) so that stakeholders may be made aware of the entire scope of MSP.

Section 6(3) of the Directive states that MSP's shall be reviewed by Member States as decided by them but at least every ten years. While the words "at least" indicate ten years is the minimum period of review, much can change in a ten-year period. A five-year review interval would be more appropriate in order to allow for the constant changes in sea use, activity, advances in technology and shipping.

The Nautical Institute and the World Ocean Council have published an operational guide to the risks and rewards connected with the shipping industry that should be considered during the MSP process. We have included this guide along with this submission so that MSP can be seen from the viewpoint of the mariner.

Early and effective engagement with stakeholders can address challenges such as information gaps and conflict. The branch is more than happy to assist with further consultation during the substantive steps of the MSP process and can be contacted using the details in the attached cover sheet.



THE SHIPPING INDUSTRY AND MARINE SPATIAL PLANNING

A professional approach – November 2013

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Version 1

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produced in
association with

THE SHIPPING INDUSTRY AND MARINE SPATIAL PLANNING

A professional approach

The Nautical Institute (NI) is an international representative body for maritime professionals involved in the control of sea-going ships. It provides a wide range of services to enhance the professional standing and knowledge of its members, who are drawn from all sectors of the maritime world.
www.nautinst.org

The World Ocean Council (WOC) is a cross-sector industry leadership alliance on Corporate Ocean Responsibility. The WOC is working with a wide range of ocean stakeholders, including commercial shipping, to create an intelligent and professional debate on how to best manage ocean resources and space to serve society in a sustainable manner and maintain a healthy ocean ecosystem.
www.oceancouncil.org

David Patraiko, MBA, FNI – Director of Projects, The Nautical Institute
Paul Holthus – Founding CEO and President, World Ocean Council

Marine Spatial Planning (MSP) will become an increasingly important issue for the shipping sector over the next few years. Maritime professionals need to engage with other users of waterways space, from both a sea and shore perspective, and to take part in international, regional, national and local MSP debates, to ensure that the needs of the shipping sector are taken into full consideration and that the sector understands the needs of other marine users and resources.

The Nautical Institute, together with the World Ocean Council, has put together this operational guide to the risks and benefits connected with the shipping industry that should be considered during the MSP process. This guidance seeks to outline just some of the many opportunities for engagement and issues to consider. It should be noted that this guidance only summarises some of the main issues, but does however provide reference to other industry documents for further technical and procedural details.

This guide has been specifically produced to aid maritime professionals to participate in MSP developments. For the purpose of brevity the guide assumes a certain level of maritime expertise and has not sought to clarify a number of maritime terms and definitions. Should this guide be used by non mariners (and we hope it is) it may be useful to seek further explanation of some issues by those familiar with maritime operations.

What is Marine Spatial Planning (MSP)?

MSP is defined by UNESCO as a public process of analysing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic and social objectives that are typically specified through the political process. MSP is an element of sea use management.

Essential characteristics of MSP include that it is ecosystem-based, integrated, place-based or area-based, adaptive, strategic, anticipatory and participatory. It should be based on sound science and be an iterative process.

MSP has the potential to address the impacts of all activities in a specific place, so that marine ecosystems can be productive, resilient to change, and accommodate appropriate, responsible economic activities. Several countries are developing MSP approaches to address fragmented management schemes that do not adequately tackle the complex interactions of the myriad activities that occur simultaneously on and in waterways.

It needs to be recognised that there is a temporal aspect to MSP, such that the same water can be used for different purposes at different times / seasons. It also needs to be recognised that **each instance of MSP will be on a case by case basis**

The MSP process

Marine Spatial Planning is a process that brings together multiple users of marine areas, including shipping, offshore energy, aquaculture, fishing, government, conservation and recreation, to make informed, co-ordinated decisions about how to use marine resources sustainably and

reduce conflict between users.

More detail about this generic approach to MSP, its planning steps and management processes can be found in the UNESCO document *Marine Spatial Planning - a step-by-step approach* at http://www.unesco-ioc-marinesp.be/msp_guide. Examples of regional and national application of MSP are contained in the document. Although this approach may not be used by all authorities, the essence should be adhered to.

The table on page 5 outlines some of the major steps in MSP and indicates how the shipping community might participate to support the planning process.

The changing oceans

Growth in the world economy is expected to result in an increase in ship traffic in certain areas, all in decreasingly available sea space. In addition, there will be challenges for such waters from industries such as oil and gas, offshore renewable energy, commercial fishing, recreational craft, aggregate dredging, mining, fish farms and government imposed restricted areas.

MSP discussions are taking place at international, regional and national levels. However the finer details of where to place such activities as a fish farm, offshore wind farm, environmental protection zone or shipping lane will ultimately depend on local debate. This debate is likely to be both emotive and controversial. It is also important to note that MSP is the 'planning' stage and, although hugely important, will need to be integrated with the full management process including monitoring, enforcement and re-evaluation.

It is all too easy for non-mariners to assume that shipping operations and shipping lanes can be altered without consequence to accommodate new

demands such as offshore energy or environmental protection. It is up to maritime professionals to engage in these debates at all levels to ensure that these changes and their consequences are fully understood and are taken into account when finding a solution, as unanticipated consequences may lead to accidents, environmental damage or commercial losses. In some cases the rerouting of a shipping lane may be justified in order to provide energy and food to a local community. In other cases, a proposal for altering shipping operations may increase the risk of collision or grounding to an unacceptable level, increase shipping costs or change the commercial dynamics of a regional area so that ports or shipping services become uncompetitive.

Developing a common vision for the use of sea space in a particular location is essential to the successful outcome of the MSP process and any and all debates and decisions about use allocation should be based on this common goal. An approach, when conducting training for those participating in MSP, could be scenario development, in which stakeholders are challenged to provide their own vision and then invited, as a group, to find a common starting point for the MSP process.

Maritime professionals, including Nautical Institute members, will need to participate in the discussion and determination of this common vision and the subsequent debates on allocation of uses at international, national and local levels. The aim is to explain the current situation and to ensure that the marine space and resources are used to best support society, they are used sustainably and marine risks are understood and addressed.

While there are many industries competing for the use of waterways and resources, some of them have issues in

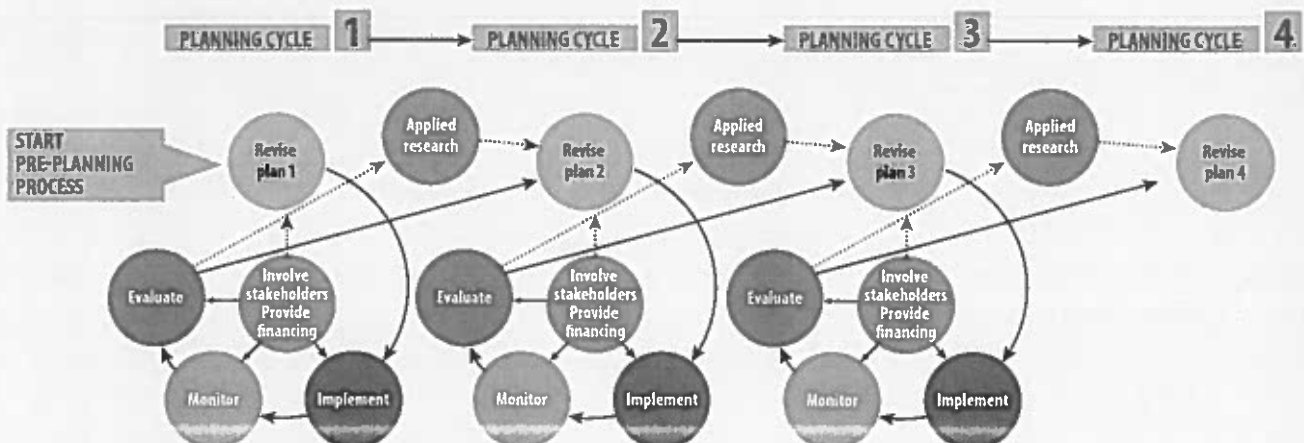


Figure 1 – The UNESCO continuing MSP planning cycle

HOW SHIPPING CAN CONTRIBUTE TO THE MSP PROCESS

STEP	MANAGEMENT PROCESS AND OUTCOME (UNESCO)	SHIPPING CONTRIBUTION
1	Identifying need and establishing authority	These planning steps are unlikely to involve stakeholders from the shipping industry
2	Obtaining financial support	
3	Organising the process through pre-planning	
4	Organising stakeholder participation The output is expected to be a plan indicating who, when and how to involve stakeholders throughout the marine spatial planning process	There are a number of maritime shipping stakeholders who might be consulted within this process. These include but are not limited to port authorities, Vessel Traffic Services (VTS), lighthouse authorities, pilots, local/national maritime administrations, shipowners/managers, local mariners, local shipping organisations, maritime academies and NI Branches
5	Defining and analysing existing conditions Outputs are expected to include: <ul style="list-style-type: none"> ● inventory and maps of important biological and ecological areas in the marine management area ● inventory and maps of current human activities (and pressures) in the marine management area ● assessment of possible conflicts and compatibilities among existing human uses ● assessment of possible conflicts and compatibilities between existing human uses and the environment 	In addition to the local stakeholders, data to define and analyse the existing conditions should include Automatic Identification and Tracking (AIS) data, Radar, visual surveys, and may also include data from ship reporting schemes, satellite tracking, meteorological offices and data held by such bodies as local ports, VTS and pilots
6	Defining and analysing future condition Outputs are expected to include: <ul style="list-style-type: none"> ● a trend scenario illustrating how the MSP area will look if present conditions continue without new management interventions; ● alternative spatial sea use scenarios illustrating how the management area might look when human activities are redistributed based on new goals and objectives ● a preferred scenario that provides the basis for identifying and selecting management measures in the spatial management plan (Step 7) 	In order to define future conditions, in particular, port authorities, ship operators and mariners should be consulted. Potential changes to shipping without any MSP changes or with the variety of MSP options available should be taken into consideration, together with control measures to mitigate changing risk.
7	Preparing and approving the MSP Outputs are expected to include: <ul style="list-style-type: none"> ● an identification and evaluation of alternative management measures for the spatial management plan ● identification of criteria for selecting alternative management measures ● a comprehensive management plan, including if needed, a zoning plan 	The plan should identify desired outcomes or observable behavioural changes that represent the achievement of a goal. In terms of shipping, these should be Specific, Measurable, Achievable, Relevant and Time Bound
8	Implementing and enforcing the MSP The output is expected to be a clear identification of actions required to implement, ensure compliance with, and enforce the spatial management plan	Outcome of the MSP should be clearly communicated to all maritime transport both locally and internationally as appropriate, and comply with relevant IMO, IALA and IHO recommendations for harmonisation. Such communication should also identify any new responsibilities for ships or shore-based operators
9	Monitoring and Evaluating performance Outputs are expected to include: <ul style="list-style-type: none"> ● a monitoring system designed to measure indicators of the performance of marine spatial management measures ● information on the performance of marine spatial management measures that will be used for evaluation ● periodic reports to decision makers, stakeholders, and the public about the performance of the marine spatial management plan 	The effects of MSP implementation on shipping should be monitored in terms of ship tracking (AIS, Radar, visual surveys), safety issues (accidents / near misses), and any impact on local or regional commercial shipping concerns
10	Adapting the spatial management process Outputs are expected to include: <ul style="list-style-type: none"> ● proposals for adapting management goals, objectives, outcomes and strategies for the next round of planning ● identification of applied research needs 	Once a plan has been implemented, maritime shipping interests should use the monitoring process to identify the need for future change or refinement. Consideration may be given to proposals for adapting management goals, objectives, outcomes and strategies for the next round of planning

common that provide the basis for engaging and addressing them in a co-ordinated, cost effective manner, such as ship strikes on marine mammals or ocean noise. Within companies, there is a need to co-ordinate across business unit 'silos' relevant to operations or policy roles for waterways, in order to improve the efficiency of marine operations and increase co-ordination of waterway related work.

It is also important to recognise that MSP is not just a one-off activity, and that it must be adoptive, flexible and iterative, to take into account changes in the environment, commercial activities, social demands and even changes in government policies. The marine spatial plan should specify achievable goals that can be monitored, evaluated, enforced and, when necessary, improved.

Why shipping must get involved

Without shipping industry involvement there is a significant risk that MSP will not include full consideration of the existing and potential economic activities in the area under consideration, bearing in mind that the shipping footprint in the waters under consideration may not be as large as other maritime interests. In addition, the maritime industry often has scientific information and data on resources and ecological processes that may not otherwise be available to planners. Constructive maritime industry involvement in the MSP process requires sustained, systematic efforts to build relationships with the relevant stakeholders. This could take place at the local, national or regional level, e.g. within the Baltic Sea. In addition, MSP is now being adapted for consideration in international waters, with significant implications for international shipping.

As a major user of waterways and resources, the shipping industry must constructively engage with MSP discussions and stakeholders to ensure that the process is well informed and balanced. Unfortunately, those currently involved in MSP are often not involved in key shipping sector planning developments and so are not engaged in a constructive, co-ordinated manner that brings together the full range of industries operating in the marine environment. Maritime professionals, including Nautical Institute members, will need to participate in these debates at international, national and local levels. The aim is not to defend the status quo, but to ensure that the seas are used to best support society, that they are used sustainably, and that risks are understood and addressed.

Shipping industry involvement in MSP could be constrained by a number of factors, including

1. Lack of understanding of the MSP process and momentum behind the

input to MSP from others.

2. Limited engagement in the governmental and multi-stakeholder processes where MSP is being developed.
3. Lack of means for engaging the broader maritime business community on marine management and sustainability issues.

It is vital that any form of MSP requiring change to regulations affecting shipping is made in full collaboration with the shipping industry. Speaking at *The Economist World Ocean Summit* in 2012, Spyros Polemis, Chairman of the International Chamber of Shipping (ICS) emphasised that "Politicians should always consult with the industry when considering new regulation for shipping in order to avoid inefficient outcome." It should be emphasised that the International Maritime Organization (IMO) is recognised as the only international body for developing guidelines, criteria and regulations on an international level for ships' routing systems.

THE MARINE SPATIAL PLAN SHOULD SPECIFY ACHIEVABLE GOALS THAT CAN BE MONITORED, EVALUATED, ENFORCED AND, WHEN NECESSARY, IMPROVED

Legal framework

There is a substantial legal and policy framework relevant to the development of MSP for the global ocean 'commons'. The key international legal regime that needs to be taken into account is the United Nations Convention on the Law of the Sea (UNCLOS), which sets out a State's rights and responsibilities, both in zones subject to coastal State sovereignty (internal waters; archipelagic waters and territorial seas up to 12 miles offshore) and jurisdiction (the Exclusive Economic Zone up to 200 miles offshore and the continental shelf) and in Areas Beyond National Jurisdiction (ABNJ) - the high seas and the seabed beyond the continental shelf).

UNCLOS is a treaty among countries that have become party to this international legal instrument. The UN Division of Ocean Affairs

and the Law of the Sea (DOALOS) administers the UNCLOS processes, which includes regular meetings of the parties to the convention. The International Maritime Organization (IMO), and other UN agencies addressing issues related to the ocean, all operate within the legal context that UNCLOS has created.

UNCLOS provides that all States are free to use the high seas with due regard for other States' interests. These freedoms include navigation, fishing, marine scientific research, the laying of undersea cables and pipelines, and the construction of artificial islands. High seas freedoms must be exercised under conditions laid down by UNCLOS, including general obligations to protect and preserve the marine environment and to conserve and manage high seas living resources.

UNCLOS also contains a general obligation for States to protect and preserve the marine environment, which applies both within and beyond national jurisdiction. States must take, individually or jointly, all necessary measures to prevent, reduce and control pollution from any source, including land-based sources, pollution of the atmosphere, pollution from vessels, pollution by dumping, pollution from installations and devices used in exploration or exploitation of the natural resources of the seabed, and the intentional or accidental introduction of alien species.

While UNCLOS does not explicitly provide for MSP, States are required to take measures necessary to protect and preserve rare or fragile ecosystems, as well as the habitat of depleted, threatened, or endangered species. It also covers responsibility and liability for damage caused by pollution of the marine environment, including in the ABNJ (areas beyond national jurisdiction). In addition, UNCLOS provides for monitoring and environmental assessment, especially regarding the risks or effects of marine pollution and to assess the potential effects of planned activities under their jurisdiction or control that may cause substantial pollution or significant and harmful changes to the marine environment.

Governments are currently negotiating the possibility of an 'implementing agreement' on UNCLOS that is likely to include the means for MSP to be developed for international waters. The World Ocean Council has been the only presence of maritime industry in these UN discussions.

The regional, national and local basis for MSP, or other forms of sea space allocation, is being developed at these various geographic scales in many parts of the world.

ANNEX A contains further detailed references to legal frameworks developed by the Shipping Advisory Board North Sea and the Netherlands Ministry of Transport.

ISSUES TO CONSIDER

After making the decision to participate in the MSP process, maritime industries should bring forward the items that are most vital to their continued operation, business success and efficiency while also being prepared to better understand the points of views and needs of other industries, the environment community, the natural resources and government. The result of a good MSP process is the better understanding and accommodation for the needs of others for sea space.

Below are some suggestions for the shipping industry when engaging in MSP, including suggested input for the planning process.

Manoeuvring characteristics

When considering the rerouting of shipping lanes or the placement of MSP limitations on sea space i.e. aquaculture, off shore energy installations, the manoeuvring characteristics of vessels must be considered both for normal and abnormal conditions. The following issues should be considered, for the most difficult to manoeuvre ships anticipated in the area:

- Adequate sea room to avoid collision and comply with COLREGS. Route planners should take into consideration anticipated traffic densities, reduced visibility and the presence of leisure craft and increased traffic from craft supporting the offshore installations;
- Ship characteristics such as transfer and squat will also need to be taken into

account when addressing sea room and under keel clearances (UKC).

- Adequate sea room for large vessels to make a round turn or hove to;
- Heavy weather: ships may need to find shelter from a lee shore or need access to a safe anchorage;
- Heavy weather also reduces visibility making navigation and the ability to spot other vessels or navigation aids either visually or with radar more difficult.
- Interference on radar displays created by wind farms;
- Deviation from course: ships can also be expected to make unplanned deviations from course or track due to unforeseen circumstances, in addition to weather, these might include malfunctions, emergencies, search and rescue operations or evacuations;
- Allowance must be made for vessels constrained by their draft, vessels limited in their ability to manoeuvre, manoeuvring to pick up or drop off a pilot, or vessels involved in ship to ship (STS) transfer.

Non mariners often consider that offshore sea lanes do not need much more 'corridor width' than in-port channels, which may be measured in hundreds of metres. They fail to take into account that service and support levels in port differ to those offshore, as do navigational accuracy and visual references.

A very good guide is published by the UK's Maritime and Coastguard Agency, titled *Offshore Renewable Energy Installations Guidance on UK Navigational Practice, Safety and Emergency Response Issues (MGN 371)*, which is available from <http://www.dft.gov.uk/mca/mgn371-2.pdf>. Further technical guidance can be found from other organisations.

Additional guidance can be found in the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) *Recommendation O-139 on the Marking of Offshore Structures*, which is available from www.IALA-AISM.org.

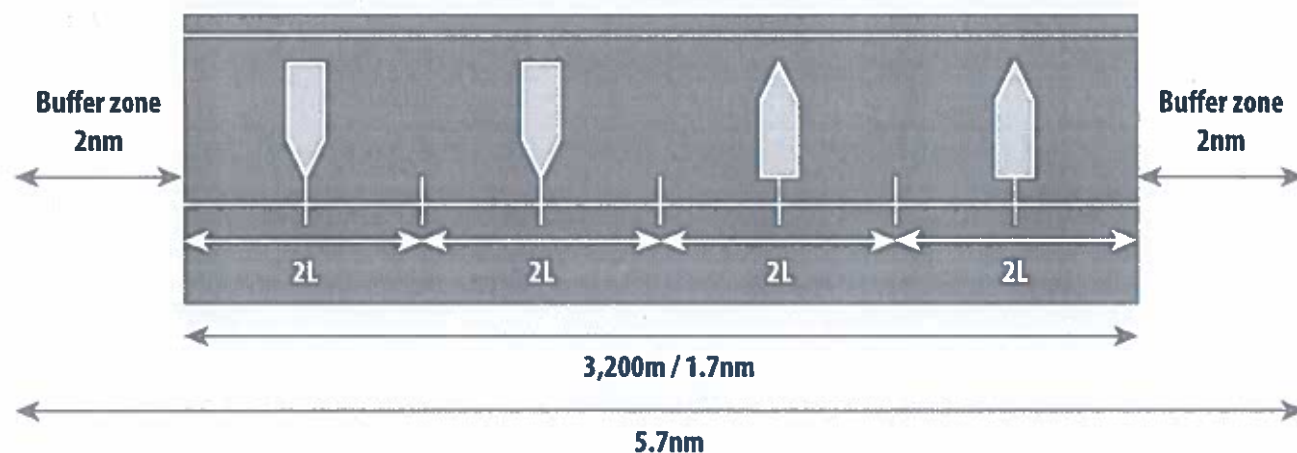
Width of shipping lanes

Standard turning circles for vessels are six times the ship's length. This is a particularly good assumption for vessels on ocean or deep sea passage, which will not have the same manoeuvrability as when engines and systems are prepared for port approach.

Requirements for stopping in an emergency must be considered, for example in case of a steering gear failure. The crash stop distance for a large tanker may be up to 3km.

One study has made an assessment of sea room required, using data supported by the PIANC assessment for channel design. In general it strives for an obstacle free, or buffer zone of 2nm between hazards and shipping lanes (see diagram below).

The possibility of ships overtaking cannot be excluded and should be taken into



An example of recommended minimum shipping lane width between two adjacent windfarms considering vessels of 400m in length (UK NOREL Committee). In every instance a case by case assessment must determine actual requirements

consideration. Consequently the assumption should be that four ships should safely be able to pass each other in a shipping lane.

A distance between overtaking and meeting vessels of two ship's lengths is normally maintained as a minimum passing distance; this is based on experience gained from ships' masters and deep sea pilots operating in the North Sea and has been verified by simulation trials carried out in the Netherlands (see annex A, p11).

Navigation issues

Any information from other marine users that could impact on the navigation of vessels must be produced on nautical charts and publications with the full participation of the hydrographic community, using international standards and symbology that will be recognised by mariners. It is vital that this information is provided in a timely and safe manner.

Further, in assessing the impact on shipping by other marine users under an MSP plan, anything that might interfere with visibility or radar conspicuity must be taken into account. Such interference might include a physical object, electronic interference or even light pollution, either at sea or on the shoreline.

In the future, greater demands for ships to navigate closer to navigational hazards while ensuring high levels of safety may require new services and technology, in which case serious consideration will need to be given to issues of authority and liability. Evolving navigation technology may provide greater reliability and accuracy of automated electronic position fixing systems. Cheaper communication with greater bandwidth may lead to better provision of critical information and decision support tools for the navigator. Increased traffic density in increasingly constricted water space may require isolation zones for different ocean users such as commercial shipping, fishing and leisure craft. For many years, improved technology has led to the development of Vessel Traffic Service (VTS) in port areas. However, as technology facilitates the global tracking of ships by using the Automatic Identification System (AIS) and satellite observations; the provision of coastal traffic management may provide for improved safety and commercial efficiencies, for instance by such means as slot management and monitoring distance separation.

Environmental and commercial impact

In the MSP process, solutions for the management of sea space may entail proposals for the rerouting of commercial

USE OF IWRAP MK2 IN MARINE SPATIAL PLANNING

IWRAP Mk2 is a risk-modelling tool developed by IALA in close cooperation with a number of universities and maritime administrations around the world. The tool has been endorsed by the IMO as a useful tool for assessing risk of collisions and groundings in waterways. IWRAP Mk2 is capable of extracting the characteristics of vessel traffic in a given waterway from an AIS dataset. Based on this information a mathematical model of traffic density and geographic distribution is derived, and the probabilities of collisions and groundings can be calculated. Once a model has been calibrated against historical incident data, the analyst can perform what-if analysis. Such analysis could include changing the geometry of a waterway, introduction of a number of fixed objects such as a windmill farm and other similar initiatives. The IWRAP Mk2 model would be modified to reflect any such changes, and the probabilities of collisions and groundings recalculated. The two results can now be compared in order to assess the change in the probabilities. This is a method to compare two or more possible Maritime Spatial Planning scenarios in terms of collision and grounding frequencies.

More information on IWRAP can be found at http://www.iala-aism.org/wiki/iwrap/index.php/Main_Page

THE RESULT OF A GOOD MSP PROCESS IS A BETTER UNDERSTANDING OF THE NEEDS OF OTHERS FOR SEA SPACE

traffic to achieve other benefits for society. In addition to navigational safety risks, it is also essential to understand the impact rerouting may have on the environment and commercial operations.

Some sort of risk assessment, combining both qualitative and quantitative measures,

will need to be carried out during any MSP developments. There are many formal tools to choose from including the IALA Waterways Risk Assessment Program (IWRAP Mk2), which is used in conjunction with the Ports and Waterways Safety Assessment (PAWSA) and simulation (see box). Risk assessment should also take into account the increased workboat traffic during construction and maintenance of coastal and offshore projects, and risks posed by broken parts in energy generation, such as underwater turbine blades or wave generator floats coming adrift.

Although ships remain the most environmentally efficient form of commercial transportation, ships are large and do consume a significant amount of fuel. They also, as with any carbon fuel user, emit certain toxins such as sulphur oxides (SOx) and nitrogen oxides (NOx); and although the shipping industry is currently reducing these emissions (in compliance with MARPOL Annex VI), any increase in miles will have a resultant increase on fuel consumption, and therefore the related environmental impact. Other environmental impacts include marine sound, the scouring effect on the seabed in shallow areas and the potential environmental impact from an accident or grounding. Changes to shipping patterns have also had a knock-on effect for other transport chains such as an increase of road traffic and associated environmental impact associated with less efficient modes of transport.

Increased route distances will increase the costs of shipping and goods due not only to the extra cost of fuel, but also due to the significant ship operation costs such as wages, insurance, maintenance and consumables. It may also be that the balance of risk of a major pollution incident and consequential damage to the environment can outweigh the value of a renewable energy installation.

Consideration also needs to be given to any change to the competitive advantage of local ports. Should shipping routes need to be changed, commercial competition between local ports can be fierce and emotive. Shipping is a critical link in most logistics (supply) chains that are based on Just In Time (JIT) delivery, therefore changing shipping routes may have an impact on either the JIT logistics chain or the intermodal transport links it is tied into such as road, rail or feeder vessels.

The need for cooperation

As the world presses for greater use of the world's waterways, within a framework of

sustainability and economic growth, it is inevitable that established commercial shipping operations will be challenged. Society will need to manage the demands of the multitude of stakeholders all wishing/demanding to use inland waters, coastal and ocean space. Within the embryonic process of MSP, the many stakeholders involved won't always understand the needs and operational requirements of other stakeholders and the impact changes will have upon them and the society that they support.

IT IS ESSENTIAL TO UNDERSTAND THE IMPACT OF REROUTING ON THE ENVIRONMENT AND COMMERCE

It is essential however that each and every MSP development be taken on its own merits and care is needed that high profile issues are not allowed to obscure potential dangers to shipping. The Case Studies and Annexes included in this guidance document are for example only. Each new development will be unique both in terms of physical properties and political emphasis.

The Nautical Institute firmly believes that our members must engage in MSP debates on an international, regional and national and, most importantly, local basis. Maritime professionals from all disciplines need to be involved, not to be negative with regards to change but explain and support the reasons for the existing situation. It is vital to ensure that all other MSP stakeholders understand the issues critical to shipping and that the full impact of shipping operations are assessed prior to the management of change in the use of our coastal and ocean spaces to best effect. Care must be taken however that disproportionate emphasis of high profile current issues does not cloud real dangers posed to shipping and the marine transport community which could have a long term negative impact on the environment and trade.

The Nautical Institute will maintain a MSP forum on its website, www.nautinst.org to track any further resources that it identifies as being useful.

RESOURCES

IALA

The International Association of Marine Aids to Navigation and Lighthouse Authorities (harmonize aids to navigation worldwide and to ensure that the movements of vessels are safe, expeditious, cost effective and harmless to the environment):

IALA Waterways Risk Assessment Program Mk2 (IWRAP);

Ports and Waterways Safety Assessment (PAWSA);

IALA Recommendation for The Marking of Man-Made Offshore Structures (O-139)

IMO

The International Maritime Organization – the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships;

General Provisions on Ships' Routeing (GPSR)

The International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREGS)

Standards for Ship Manoeuvrability (Res. MSC.137(76))

UN Convention for Safety of Life at Sea, 1974, as amended (SOLAS)

PIANC

The World Association for Waterborne Transport Infrastructure (expert advice on cost-effective, reliable and sustainable infrastructures to facilitate the growth of waterborne transport):

Joint PIANC – IAPH report on approach channels – a guide for design (volume 2);

'Sustainable Maritime Navigation'

UK Department of Transport

<http://www.dft.gov.uk/mca/mcga07-home/shipsandcargoes/mcga-shipsregsandguidance/mcga-windfarms.htm>.

UN

The United Nations is an intergovernmental organization whose stated aims include promoting and facilitating cooperation in international law, international security, economic development, social progress, human rights, civil rights, civil liberties, political freedoms, democracy, and the achievement of lasting world peace:

United Nations Convention on the Law of the Sea (UNCLOS)

http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

UNESCO

United Nations Educational, Scientific and Cultural Organization – known as the 'intellectual' agency of the United Nations:

'Step-by-Step Approach for Marine Spatial Planning toward Ecosystem-based Management'

A Flood of Space: Towards a Spatial Structure Plan for Management of the North Sea. Belgian Science Policy, Belgium. <http://www.unesco-ioc-marinesp.be/uploads/documentenbank/b29ecdecdd3c1025c24b1f6473656633.pdf>

WOC

The World Ocean Council is an unprecedented international, cross-sectoral industry leadership alliance on 'Corporate Ocean Responsibility'.

www.oceancouncil.org

The Nautical Institute

The Nautical Institute's website includes information on Marine Spatial Planning and links to a Marine Spatial Planning forum.

<http://www.nautinst.org/en/forums/msp/index.cfm>

CASE STUDY 1

Adjusting the Boston Shipping Lane to protect endangered whales and improve shipping safety

<http://stellwagen.noaa.gov/science/tss.html>

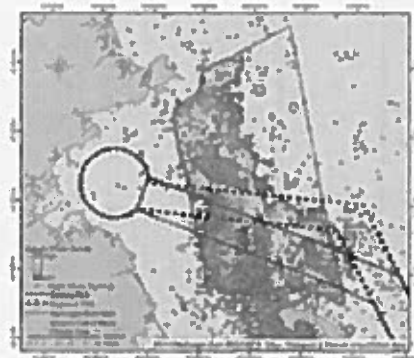
The adjustment of Boston shipping traffic lanes illustrates how MSP can be used to bring industry, government, the environmental community and science together to address specific needs. A small change to the Boston shipping lanes has helped mariners avoid dangerous collisions with whales, one species of which is critically endangered.

The shipping lanes in and out of Boston harbour take vessels through waters where high concentrations of humpback, right, and other whales are found, especially in the Stellwagen Bank National Marine Sanctuary, putting both the whales and ships at risk of collisions.

Using data on whale sightings collected over a 25-year period, researchers noticed

that the shipping lanes were right next to an area where relatively few whales had been spotted. Scientists confirmed these findings, studying whale feeding behaviour and developing maps of the seafloor to get a more complete picture of where the whales spend their time.

Based on this data, it was proposed to move the direction of the approach shipping lanes 12 degrees to the north, to an area with fewer whales. The IMO shifted the shipping lanes in 2007 based on the recommendations of a multi-stakeholder process. The resulting route increases travel time for ships by 10-22 minutes, but cuts down the risk of collisions with critically endangered right whales by an estimated 58% and with all other baleen whales by 81%.



Whale distribution and the proposed shipping lane shift in the Gulf of Maine.
Source: NOAA

CASE STUDY 2

Shipping fairways off the north-west coast of Australia

Marine Notice 15/2012 Shipping fairways off the north-west coast of Australia

In 2012, AMSA established a network of shipping fairways off the north-west coast of Australia. The shipping fairways aim to reduce the risk of collision between transiting vessels and offshore infrastructure. The fairways are intended to direct large vessels such as bulk carriers and LNG ships trading to the major ports into pre-defined routes to keep them clear of existing and planned offshore infrastructure. A collision in this area could potentially result in significant loss of life and environmental harm.

The shipping fairways were developed after widespread consultation with the maritime industry and government agencies.

The new shipping fairways are similar to the existing Dampier Shipping Fairway, which was charted in 2007. It has proven to be successful in keeping shipping traffic away from off-shore infrastructure. Such separation is effective in other parts of the world, particularly in the Gulf of Mexico.



Shipping fairways off the north-west coast of Australia

Use of the new fairways is strongly recommended but not mandatory. The International Regulations for Preventing Collisions at Sea 1972 apply to all vessels navigating within or outside the Shipping Fairways. The use of these fairways does not give vessels any special right of way.

The Australian Hydrographic Service (AHS) has incorporated the new fairways in the relevant Electronic Navigational Charts (ENC) and new editions of paper charts. These have been made available progressively from August 2012 onwards.

A small scale diagram of the fairways, indicating their extent, is shown, left.

Australian Maritime Safety Authority.
The above text is largely from AMSA Marine Notice 15/2012 (Shipping fairways off the north-west coast of Australia) which can be found at <http://www.amsa.gov.au/vessels/standards-regulations/marine-notice/index.asp>

ANNEX A

Netherlands summary of the international regulations and guidelines for maritime spatial planning related to safe distances to multiple offshore structures (e.g. wind farms)

This Annex was compiled by the Shipping Advisory Board North Sea and Ministry of Transport for the Netherlands, including representatives of the:
 Royal Association of Netherlands Shipowners
 Netherlands Shipmasters' Association
 Deep Sea Pilots Association
 Netherlands Pilot Corporation
 Netherlands Coastguard
 Netherlands Fishing Association
 Port of Amsterdam
 Port of Rotterdam

Overview

This is a summary of the most important international regulations determining the manoeuvring space that vessels need in order to keep a safe distance from multiple structures such as wind farms.

Points to note:

1. 80% of all disasters at sea are caused by human error. It is therefore realistic to maintain certain margins when considering a safe distance.

2. When these provisions and regulations were designed, multiple structures, such as wind farms, did not exist. However, they provide sufficient guidance to help determine a safe distance to such objects.

The following Regulations and Guidelines have been established internationally:

1. General Provisions on Ships' Routing of the International Maritime Organization (GPSR), 1974, as amended.
2. United Nations Convention on the Law of the Sea (UNCLOS).
3. International Regulations for Preventing Collisions at Sea (COLREGS), 1972, as amended.

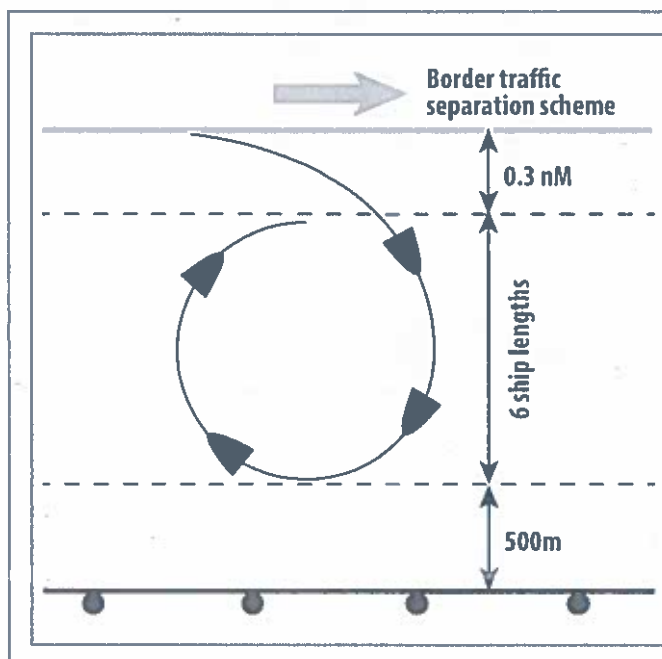
GPSR 1.1

The purpose of ships' routing is to improve the safety of navigation in converging areas and in areas where the density of traffic is great or where freedom of movement of shipping is inhibited by restricted sea room, the existence of obstructions to navigation, limited depths or unfavourable meteorological conditions.

To demonstrate that the routing measure improves safety, a Formal Safety Assessment (FSA) is recommended. This FSA can provide arguments for selecting a certain route and is based on a probabilistic risk assessment.

When taking the vessel along this route, the master will make his own risk assessment when passing structures, and will keep a certain distance from them, depending on the size of the vessel, status of the main engine, weather conditions, traffic, so the master can act according to the COLREGS. This risk assessment is deterministic; 0 incidents are required. If masters feel that the routing measure takes the vessel too close to multiple structures, they will all shift to the same side of the routing measure, causing the density of shipping to increase to one side, which is not in line with the starting point for GPSR to improve safety of navigation.

While demonstrating that a new routing measure improves safety of navigation can be done by means of a FSA, the safe distance to structures along that route should be set using a deterministic approach, using the rules and regulations that masters follow.



CALCULATION FOR A ROUND TURN TO STARBOARD IN A SHIPPING LANE (SEE COLREGS 8, P13)

The required room is:

- 1 Start of the round turn. A round turn is not started right away. Normally one first deviates from the course, while observing the other vessel. This requires time. In the meantime one deviates from the original track. The minimum distance required for this manoeuvre is 0.3 nautical miles.

GPSR 6.4

Course alterations along a route should be as few as possible and should be avoided in the approaches to convergence areas and route junctions or where crossing traffic may be expected to be heavy.

Bear in mind that a master must keep a safe distance from certain structures. The structures should not be positioned in such a way that vessels will need to change course in order to maintain this safe distance.

GPSR 6.8

Traffic separation schemes shall be designed so as to enable ships using them to **fully comply at all times** with the International Regulations for Preventing Collisions at Sea (COLREGS), 1972, as amended.

The safe distances to structures should be determined in such a way that a vessel can act according to the COLREGS at all times – including when sailing on the edge of a routing measure.

GPSR 6.10

Traffic lanes should be designed to make optimum use of available depths of water and the safe navigable areas, taking into account the maximum depth of water attainable along the length of the route. The width of lanes should take account of the traffic density, the general usage of the area and the sea room available.

It is not easy to determine the safe width of a routing measure. One guideline that has proved to be accurate is based on an AIS study

by Maritime Institute Netherlands (MARIN):

1. Number of vessels: based on AIS study, keeping in mind the future development during the lifespan of the structures;
2. Maximum size of vessels: same;
3. Number of vessels overtaking:
 - a < 4400 vessels per year: 2 vessels side to side
 - b > 4400 vessels and < 18000 vessels: 3 vessels side to side
 - c > 18000 vessels: 4 vessels side to side
4. Room per vessel: 2 ship lengths

For example: a traffic lane that accommodates 18,000 vessels per year with a maximum size of 400 metres should be at least 3,200 metres wide. This matches most of the present traffic lanes (e.g. Rotterdam approach and TSS Maas West).

Extract from UNCLOS Article 60

- 1 In the exclusive economic zone, the coastal State shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:
 - a Artificial islands;
 - b Installations and structures for the purposes provided for in article 56 and other economic purposes;
 - c Installations and structures which may interfere with the exercise of the rights of the coastal State in the zone.
- 4 The coastal State may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of

navigation and of the artificial islands, installations and structures.

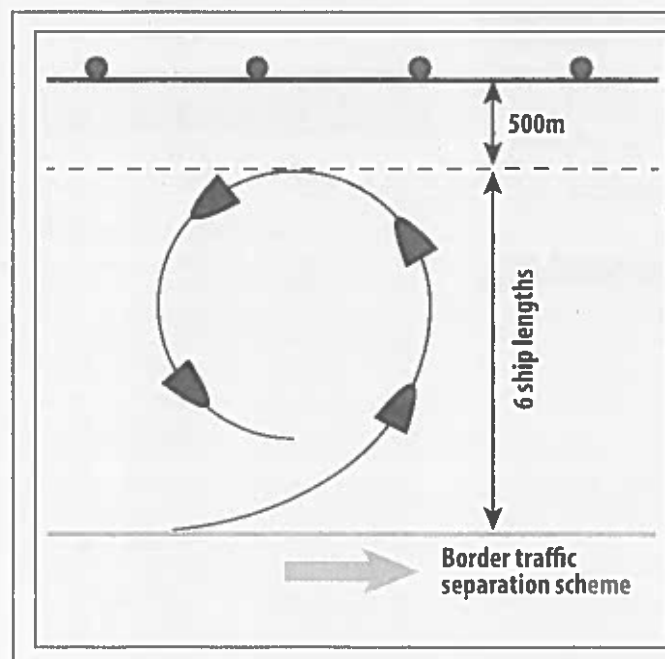
- 5 The breadth of the safety zones shall be determined by the coastal State, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations or structures, and shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization. Due notice shall be given of the extent of safety zones.

- 6 All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.

- 7 Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation

The 500 metre safety zone described in paragraph 6 is for protection of the structure and is not meant to indicate a safe distance for manoeuvring according to the COLREGS.

Interference (paragraph 7, above) means, for example, limited ability to comply with the COLREGS. The COLREGS do not define how much space is required for this. However, with the knowledge of guidance provided to shipbuilders regarding maximum room for full round turns (Standards for Ship Manoeuvrability (Res. MSC.137(76)) and Explanatory notes to the

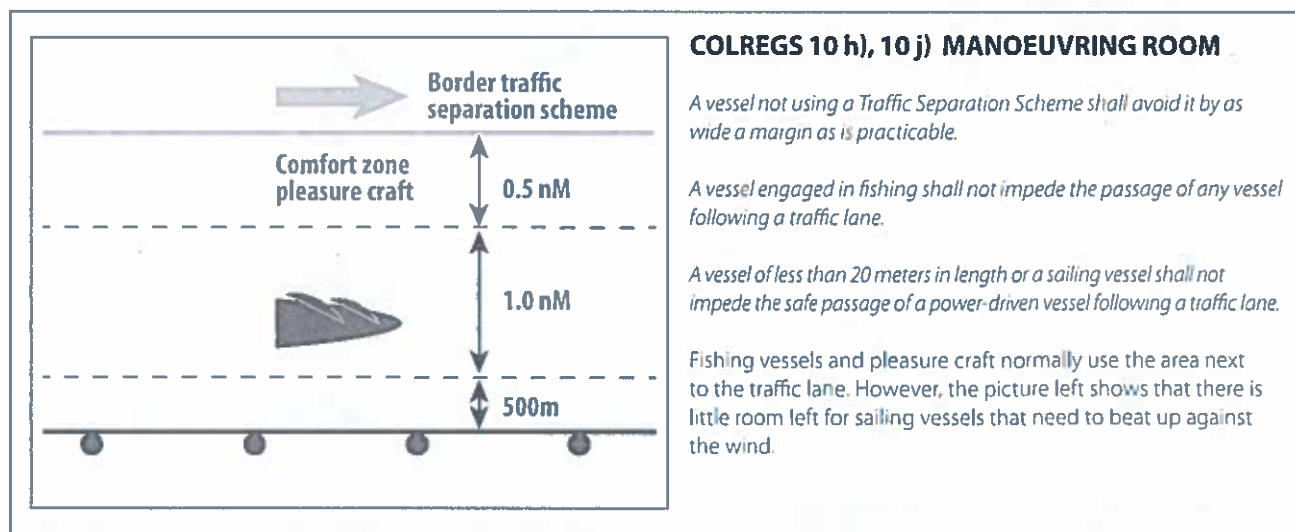


CALCULATION FOR A ROUND TURN TO PORT IN A SHIPPING LANE (SEE COLREGS 8, P13)

A round turn may also be made to port if, for instance, the starboard aft quarter is blocked due to an overtaking vessel. In this case, the vessel will not first deviate to port, but start a round turn right away.

Points to note for round turns to both port and starboard (see p11):

1. Quite often it happens that after making a round turn a Not Under Command situation occurs, due to mechanical problems (e.g. low oil level alarm).
2. On many vessels the officer on watch will hesitate to use hard rudder – that is, to make a full round turn – at once. Passenger ships and container vessels in particular will be very cautious about starting such a turn as it can result in a lot of damage to passengers, crew and cargo.
3. Round turns are also made in case of a Man Over Board.



standard for ship manoeuvrability (MSC/Circ. 1053)), there is an argument for the definition of a minimum distance.

COLREGS 2a and 2b

Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with these Rules or the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case

In construing and complying with these Rules due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from the Rules necessary to avoid immediate danger.

The master is held responsible for having mitigating measures in place for unforeseen conditions such as a Not Under Command situation. Sailing very close to islands or multiple structures is not according to the ordinary practice of seamen.

A study regarding Not Under Command situations shows that 90% of vessels drift for one hour (AIS tracks in combination with Dutch Coast Guard reports) – resulting in a drifting distance of 1.7 nautical miles. This distance is a result of local conditions, and should be evaluated per area accordingly.

COLREGS 7c

Assumptions shall not be made on the basis of scanty information, especially scanty radar information.

In an area with multiple structures, radar targets tend to swap to the structures, making it hard to determine the closest point of approach (CPA) of any other vessel in the

area. Only when the vessel departs this area can the CPA be determined. The time needed to identify and plot the vessel has been determined to be 6 minutes. If a service vessel exits a wind farm with, for instance, a speed of 10 knots, crossing the course line of a passing vessel, the minimum distance needed to get a reliable CPA is 1.0 nautical miles.

AIS information is available, but a CPA based on AIS information should not be used to avoid collision as the speed input is based on GPS and not on water track.

In addition to the effect of swapping targets, wind farms cause radar interference. The safe distance to avoid interference has been determined by deep sea pilots to be 0.8 nautical miles.

COLREGS 15

When two power driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

COLREGS 8

Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear

If the stand on vessel does not act according to the COLREGS, the give way vessel's last resort is a full round turn to starboard.

The required room for turns to starboard and port is shown in the diagrams on pages 11 and 12 respectively. The space for the round turn itself is determined as follows:

- Para. 5.3.1: Turning ability: The advance should not exceed 4.5 ship lengths (L) and the tactical diameter should not exceed 5 ship lengths in the turning circle manoeuvre.
- Para. 1.2.3.5: Turning ability: Turning ability is the measure of the ability to turn the ship using hard-over rudder.' (IMO Resolution MSC.137 (76) and MSC/Circ.1053).

These requirements apply under controlled conditions during sea trials. It is reasonable to take an extra ship's length to compensate for the fact that the officer on duty is not fully prepared for this manoeuvre. Therefore the diameter of the round turn has been determined to be 6 ship's lengths.

The round turn should not bring the vessel closer than the 500 metre distance safety zone.

Anchor areas

There are no regulations that relate to anchorages.

However, safe anchorages should provide sufficient room to manoeuvre:

- when the anchor is dragging;
- in the approach to an anchorage.

A safety study for an off shore platform shows that the space needed for a vessel to start her engines and manoeuvre when an anchor is dragging is 1.7 nautical miles from the safety zone around a multiple structure.

The same distance has been found to be sufficient to approach that anchorage for all vessels making use of that particular area. Again, this study is related to a specific area – different areas might to require a separate study, but it does provide some indication of the required distances.

ANNEX B

Extract from UK MCA MGN 371 (M&F) on Offshore Renewable Energy Installations (OREI) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues

Reference: <http://www.dft.gov.uk/mca/mgn371-2.pdf>

This guidance note highlights issues that need to be taken into consideration when assessing the impact on navigational safety and emergency response (search and rescue and counter pollution) caused by offshore renewable energy installation developments, proposed for United Kingdom internal waters, territorial sea or in a Renewable Energy Zone beyond the territorial sea.

Key Points

- The recommendations in this guidance note should be used, primarily, by offshore renewable energy installation developers, seeking consent to undertake marine works.
- Specific annexes address particular issues as follows:
 - Annex 1:** Site position, structures and safety zones.
 - Annex 2:** Developments, navigation, collision avoidance and communications.
 - Annex 3:** MCA's wind farm shipping template for assessing wind farm boundary distances from shipping routes.
 - Annex 4:** Safety and mitigation measures recommended for OREI during construction, operation and decommissioning.
 - Annex 5:** Search and Rescue (SAR) matters.
- These recommendations should be read in conjunction with the *Methodology for Assessing the Marine Navigational Safety Risks of Offshore Wind Farms* published by the Department for Business Enterprise and Regulatory Reform (BERR).

The following text, figure and table are reproduced from Annex 3 of the MGN.

It is important to recognise that the template is not a prescriptive tool but needs intelligent application. For example, there may be opportunities for the interactive boundaries to be flexible where, again, for example, vessels may be able to distance themselves from turbines to provide more comfort without significant penalty, conversely turbines could be distanced from shipping nodal points. Domains have been derived from a statistical study of ship domains based on radar simulator performance, and traffic surveys in the North Sea, but it is recognised that larger, high speed, hazmat and passenger carrying vessels may have larger domains.

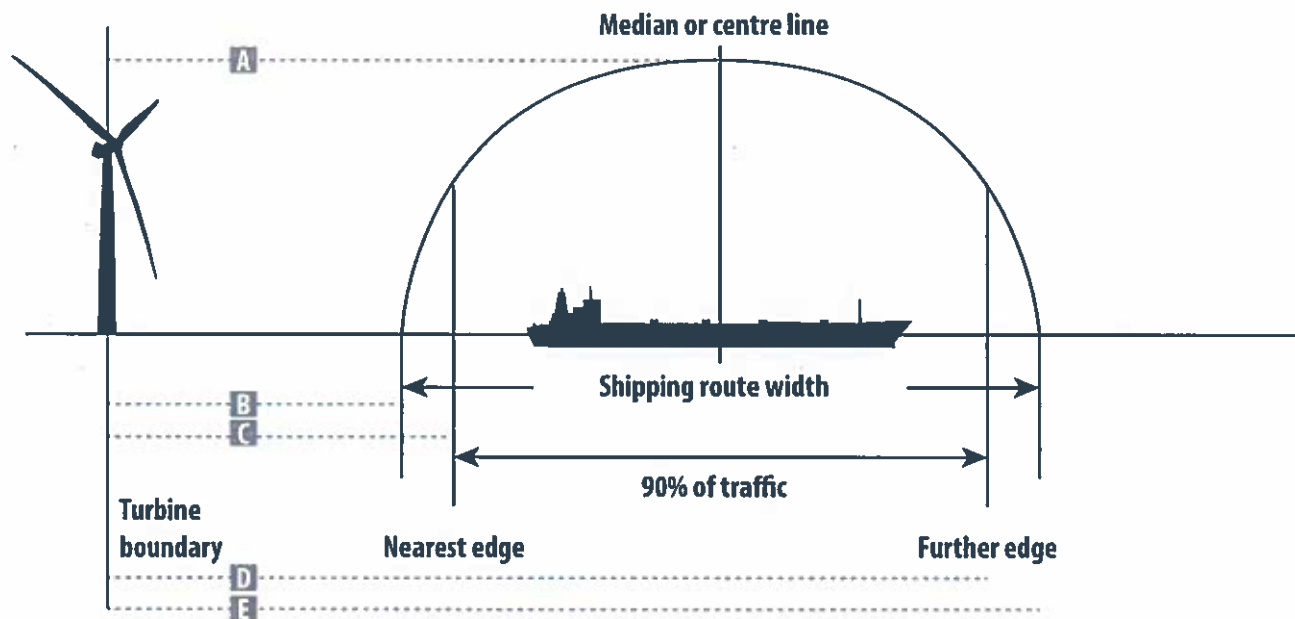
Such traffic surveys would also establish any route traffic bias where mariners may naturally offset themselves to starboard to facilitate passing encounters in accordance with the International Regulations for Preventing Collisions at Sea (COLREGS). Additionally, marine traffic surveys would identify vessel type or category, which may consequently require larger domains. In the approaches to ports this is particularly relevant. This additional information would influence where boundaries need to be established. Mitigation measures are not specifically identified by the template, which necessarily takes a generic approach rather than site specific view. Separate papers may address potential measures, but those envisaged by this template include, but are not necessarily limited to:

- a. IMO Routeing measures.
- b. Vessel Traffic Services.
- c. Aids to navigation.
- d. Safety zones.

The mention of the IMO/UNCLOS safety zone at 500 metres does not imply a direct parallel to be applied to wind farms. It is only used to illustrate an existing limitation.

For further guidance, see the Department for Business, Enterprise and Regulatory Reform (BERR) document *'Applying for Safety Zones Around Offshore Energy Installations'*.

Distance in nautical miles (nm) and metres (m) of Turbine Boundary from Shipping Route	Factors	Risk	Tolerability
< 0.25nm (500m)	500m inter-turbine spacing = small craft only recommended	VERY HIGH	INTOLERABLE
0.25nm (500m)	X band radar interference	VERY HIGH	
0.45nm (800m)	Vessels may generate multiple echoes on shore based radars	VERY HIGH	
0.5nm (926m)	Mariners' high traffic density domain	HIGH	TOLERABLE IF ALARP (As Low As Reasonably Practicable)* * Descriptions of ALARP can be found in: a) Great Britain Health and Safety Executive (2001) Reducing risks protecting people b) IMO (2002) MSC Circ. 1023 dated 5th April 2002 Formal Safety Assessment c) IMO (2007) MSC 83-21- INF2 Consolidated guidelines for Formal Safety Assessment
0.8nm (1481m)	Mariners' ship domain	HIGH	
1 nm (1852m)	Minimum distance to parallel boundary of TSS	MEDIUM	
1.5nm (2778m)	S band radar interference ARPA affected	MEDIUM	
2 nm (3704m)	Compliance with COLREGS becomes less challenging	MEDIUM	
>2nm > (3704m)	But not near TSS	LOW	
3.5nm (6482m)	Minimum separation distance between turbines opposite sides of a route	LOW	BROADLY ACCEPTABLE
5nm (9260m)	Adjacent wind farm introduces cumulative effect Distance from TSS entry/exit	VERY LOW	
10nm (18520m)	No other wind farms	VERY LOW	



The position of, or where an interactive boundary lies, either needs definition or agreement – which will require interpretative flexibility. Clearly, marine traffic survey information is required to inform such boundaries.

A = Turbine boundary to the shipping route median or centre line.
C = Turbine boundary to nearest shipping 90% traffic level.*
E = Turbine boundary to further shipping route edge.

B = Turbine boundary to nearest shipping route edge.
D = Turbine boundary to further shipping 90% traffic level.*
(* = or another % to be determined.)



Irish Islands Marine Resource Organisation (IIMRO).

[REDACTED]

Background:

Irish Islands Marine Resource Organisation (IIMRO) is a member based organisation representing islanders across all of the offshore islands of Ireland, in counties Donegal, Mayo, Galway and Cork. IIMRO is a member of the Low Impact Fishers of Europe (LIFE). <http://lifeplatform.eu>

Common Fisheries Policy

The updated Common Fisheries Policy recognises the special challenges faced by offshore islands in relation to fisheries and indicates that supports should be put in place in order that they are able to survive and prosper:

***"Small offshore islands which are dependent on fishing should, where appropriate, be especially recognised and supported in order to enable them to survive and prosper."*¹**

Oireachtas Joint Sub-Committee on Fisheries

IIMRO calls on the implementation of the recommendations of the Oireachtas Joint Sub-Committee on Fisheries report: Promoting Sustainable Rural Coastal and Island Communities, No. JsCF 001 in January 2014. The report lists 29 recommendations across a range of sectors which will assist in the continued survival of coastal communities, which depend on our marine resources, and their stewardship of the marine environment.

¹ REGULATION (EU) No 1380/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2013 on the Common Fisheries Policy.

Marine Protected Areas

The creation of new community managed Marine Protected Area Networks to new areas around the offshore islands to be created in conjunction with island communities and relevant agencies as per recommendations 10 and 14 of the Joint Oireachtas Sub-Committee on Fisheries report:

Recommendation 10 (p.93): The sub-Committee recommends that the Government examines the feasibility of the issuance of heritage licences' to rural coastal and island communities. Such licences would, optimally facilitate traditional fishing practices in conjunction with the establishment of a producer organisation representing vessels under a certain LOA (Length Over All) in designated areas.

Recommendation 14 (p.111): In light of the recent revisions to the regulations of the Common Fisheries Policy (CFP), the sub-Committee recommends that consideration should be given to exclusive access to vessels under 10 metres LOA within the national 12 mile limit, with the expectation that such a LOA restriction would then apply to all EU vessels.

Agencies

Streamlining of the processes required to achieve an effective Maritime Spatial Planning system will require the amalgamation of responsible agencies as per recommendation 2 of the Oireachtas Joint Sub-Committee on Fisheries:

Recommendation 2 (p.37): Notwithstanding the statement in *Harnessing Our Ocean Wealth*, the sub-Committee considers that the current governance arrangements are not the “best working model” and that one Government Department or Agency should have more marine-related activities brought under its aegis perhaps based on the Scottish model.

IIMRO call on the Maritime Spatial Planning Directive to take the following recommendations recently adopted by the European Parliament into consideration during its implementation:

Small-scale coastal fishing in regions dependent on fishing. European Parliament resolution of 12 April 2016 on innovation and diversification of small-scale coastal fishing in fisheries-dependent regions (2015/2090(INI))²

In particular, the following relating to islands should be incorporated into any measures.

Preamble

N. whereas non-industrial fishing contributes to the viability of coastal and island communities in terms of controlling increasing depopulation, the fight against ageing in the fisheries sector and unemployment; whereas development and innovation may play a fundamental role in job creation in these communities; whereas, in addition, non-industrial fishing makes use, in certain zones, of ancient fishing gears and techniques which are more environmentally friendly and which have less of an impact on the status of endangered stocks;

O. whereas non-industrial, coastal and traditional fishing is environmentally friendly and forms the basic economic building block for maintenance, development and employment in coastal and island communities;

² <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0109+0+DOC+XML+V0//EN>

R. whereas the new CFP acknowledges the importance of fishing-dependent coastal and island regions, and whereas the role to be played by Member States in ensuring an adequate standard of living for those who depend on fishing activities, contributing to the attainment of such a standard in the context of coastal fishing, and promoting sustainable coastal fishing and the diversification of activities in fisheries and income for those living in these coastal areas, while taking into account its cultural socio-economic reality and environmental factors, should also emphasise the importance of training and health and safety at sea for fishermen; in line with the special protection conferred by Article 174 TFEU;

X. whereas the majority of coastal regions, especially those in southern European countries and island regions, are facing a significant economic decline, which is resulting in depopulation and the exodus of their inhabitants, who seek opportunities in areas offering better prospects for employment and education;

Calls:

2. Calls on the Commission to consider the possibility of small-scale coastal fishing in island communities which traditionally depend on fishing for their own livelihood, and are engaged in fishing activities throughout the year;

4. Calls on the Commission to support innovative projects and legal provisions that facilitate the development of the coastal, island and outermost regions, taking account of the diversity of socio-economic activities, as a means to drive the positive externalities of non-industrial fishing, in terms of both social and economic cohesion and environmental protection by means of new types of support within the context of existing European funding; emphasises that priority should be given to projects that focus on sustainable job creation and retention, the increasing involvement of the extractive sector in processing and sales, the promotion of entrepreneurship formulas linked to social economy, the promotion of short market chains, the introduction of new technologies in the promotion and sale of fishing goods and services, innovation in the development of new goods and services, and maintaining and protecting traditional roles;

45. Calls on the Commission to use a selective approach when developing legislative proposals on the use of fishing gears and techniques so as to take into account the actual impact that these gears and techniques have on non-industrial fishing resources in each of the relevant areas; calls on the Commission to ensure that any legislative initiatives are subject to a thorough prior impact assessment taking account of the specific factors that apply in each fishing area; feels that a non-selective approach to the use of fishing gears and techniques is having a serious impact on the viability of already marginalised coastal and island communities, causing further depopulation and hindering development and innovation; feels that positive discrimination should be applied to artisanal coastal fishing;

believes that this approach, as with the case of the proposal to ban driftnets, suggests that the Commission is still adjusting to the decentralised reformed CFP which the co-legislators chose to adopt; reminds the Commission of its duty to operate within the framework of regionalisation as set out in the new CFP Regulation;

56. Calls on the Commission to promote projects, in the context of cohesion policy, that will make a contribution to protecting coastal and island areas as traditional, cultural and historical fishing and maritime heritage areas;

The following documents were included in the IIMRO submission. These documents, too large to include in this amalgamated submissions document are available from the internet links below.

The Maritime Spatial Planning Team.

European Parliament resolution of 12 April 2016 on innovation and diversification of small-scale coastal fishing in fisheries-dependent regions (P8_TA-PROV(2016)0109)

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0109+0+DOC+XML+V0//EN&language=EN>

JOINT SUB-COMMITTEE ON FISHERIES

Report on Promoting Sustainable Rural Coastal and Island Communities

<http://www.oireachtas.ie/parliament/media/Draft-3-Final-Report-on-Promoting-Sustainable-Rural-Coastal-and-Island-Communities.pdf>



Submission by Irish Water Safety

**To the Department of the Environment, Community and Local Government on
MARINE SPATIAL PLANNING**

Submitted on behalf of Irish Water Safety (IWS) by

Lt Cdr John F M Leech AFNI, MIIMS, AIIMM.
CEO, Irish Water Safety

Introduction

We are an island nation and we claim the largest maritime domain to landmass of any Northwest European State. 92% of Ireland is under water. This domain contains natural resources with a potential value of several trillion Euro including mineral deposits, fossil fuels, marine life, fisheries and wind and wave energy. We are a small trading nation living on an island and 99% by volume and 92% by value of everything we import or export is transported by sea.

Our beaches and coastal bathing waters are amongst the best in Europe, members of Irish Water Safety have observed in recent years a curtailment in the use of various harbours, slipways and piers to teach members of the public, swimming and lifesaving by the implementation of bye laws by Local Authorities without consultation with IWS.

Marine spatial planning (MSP) is a public process of analysing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that usually have been specified through a political process. Characteristics of marine spatial planning include ecosystem-based, area-based, integrated, adaptive, strategic and participatory.
(UNESCO, 2015)

We believe that IWS's historic role in teaching water safety in open water is key to drowning prevention and that we need to be consulted to ensure our waters are not overly restricted by blanket and ill considered legislation and bye-laws.

IWS has been on the juries for the Blue Flag and Green Coast awards since their inception. We are aware of the value of beach coastal management.

Background

As an island nation Ireland has a lack of awareness, interest and knowledge of the sea and maritime matters.

We have Failed as a nation, for generations to educate our children of our maritime heritage, culture, art and history in all schools and universities. There has been virtually no education in maritime, marine and water safety affairs throughout our 100 year history.

Not having our own Naval Service, Merchant Navy, Hydrographic Service and fisheries fleet until comparatively recent times meant there was little or no interest in matters maritime, as that was the Empires business and not ours. Whilst we have had many famous Irish mariners and explorers, they completed their work for what was seen as not our navy or country, as it was for the Kings or Queens Navy or indeed foreign Navy's e.g. Commodore John Barry, Admiral William Brown, Ambrosio O' Higgins, Captain Robert Halpin, Captain Richard Roberts, Admiral Sir Francis Beaufort, Admiral Browne Cunningham, Anne Bonny, Edward Jordan, Edward England, Sir Ernest Henry Shackleton, Tom Crean and Captain Francis Crozier.

There has been an unwillingness to fund the teaching of maritime affairs, history and water safety due to the lack of knowledge and awareness by our policy makers, teachers and lecturers in our Schools and universities. There has been a dearth of education in our maritime affairs and water safety which is an essential component to give people confidence to engage with the sea.

There has been a failure of our politicians to give leadership in, understand, prioritise and develop, our maritime and ocean resources. We have had very few politicians in our 100 year history with any interest, understanding, knowledge or inclination towards our maritime affairs and the sea.

There has been an historic conflict between agriculture and fisheries as a maritime nation. From the famine times we sought our salvation from the soil, which failed us to our detriment. The sea could have saved us. When we joined the European Community our farmers were prioritized at the expense of our fisheries, which if managed properly was far more valuable, however our Politicians at the time saw the majority of votes in agriculture with very few in fisheries. We effectively surrendered 90% of our fisheries to the EEC. Politicians operate to survive and that is where the votes were, inland with their backs to the sea. Historically we have looked inward as a nation and this remains today, albeit to a lesser extent.

Conclusion

We are very pleased that the Department of the Environment, Community and Local Government intends to transpose Directive 2014/89/EU into Irish law and that a framework for Marine Spatial Planning will be implemented in Ireland. We are also encouraged that this process will include public consultation which is an essential element of MSP. Coming in the wake of the publication of "Harnessing our Ocean Wealth" it is hoped that Ireland is moving from being a land-centric nation living on an island to becoming a true maritime nation.

Whilst we understand that our coastal environment and beaches are no longer the domain of swimmers alone. The increase in other aquatic users, requiring various needs that often conflict with each other, needs to be carefully managed and we need to embrace the requirements of all these aquatic users. This is where open and regular consultation with local communities, local authorities and aquatic users is essential for sustainable use of our coastal waters.

Recommendations

1. That the development and implementation of a Marine Spatial Plan for Ireland includes all stakeholders who have an interest in the sea.
2. That the use of our seas around our coast are not overly restricted and that teaching of water safety around our coastline continues.
3. Water safety messages must become part of all the various Government Departments, agencies and stake holders communications policies, so as to bring around a further improvement of attitude, behaviour and culture in water safety.
4. That our beaches, harbours, piers and slipways be developed for tourism in a sustainable manner.
5. That community based projects are supported as good practice and a valuable source of expertise.
6. Integrated Coastal Management should address all activities and resources within a defined area. Thus the need for and requirements of such economic and social activities including fishing, non-renewable resource extraction, waste disposal, agriculture and aquaculture, tourism, swimming, diving, sailing and other aquatic recreation, transportation and development should be considered.
7. The Implementation and standardisation of a national beach management plan, which could stimulate and guide coastal areas sustainable development.
8. Standardisation in the implementation of Bye- Laws for Beaches.
9. Standardisation of Beach Management Committees



NOW Ireland

National Offshore Wind
Association of Ireland

Making renewables Ireland's primary power source

May 6, 2016

Submission to DECLG in response to consultation on Maritime Spatial Planning – Draft Regulations

1. Introduction

- 1.1. In July 2014, the European Parliament and the Council of the European Union adopted a new Directive (2014/89) establishing a framework for Marine Spatial Planning (MSP). The MSP Directive requires Member States, through their maritime spatial plans, to contribute to the sustainable development of a non-exhaustive list of sectors, including the environment and climate change, fisheries, maritime transport, and energy.
- 1.2. MSP is a cross-sectoral tool that takes into account all maritime uses and the environment, while aiming to ensure sustainable development and growth in the marine sector, applying an ecosystems approach. MSP is not a map, but a dynamic process of analysing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic and social objectives. It is intended to be a transparent and comprehensive process, founded on stakeholder involvement, to ensure all marine activities are provided for on an equal basis.

Consequently, all relevant stakeholders should be given the opportunity to be involved.¹

- 1.3. NOW Ireland therefore welcomes this current opportunity to contribute to the DECLG public consultation process for the draft MSP Regulations². Our submission includes the following:

- A. MSP Directive - Policy and Legislative Context
- B. Offshore Renewable Energy – Policy and Legislative Context
- C. Specific objectives of NOW Ireland
- D. Recommendations in relation to the draft Marine Spatial Planning Regulations

A. The MSP Directive – Policy and Legislative Context

2. Objectives of the MSP Directive

- 2.1. MSP is commonly defined as a process of public authorities of analysing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic and social objectives. It is a process-based eco-systems approach that works to integrate the adaptive capacities of local, national and regional MSPs. Objectives of the MSP Directive include:

- (a) Addressing the risk posed by climate and energy security crises
- (b) Reducing risk of conflict
- (c) Addressing fragmentations in marine management
- (d) Protecting, preserving and improving the marine environment
- (e) Transboundary cooperation

(a) Addressing the climate and energy security crises (Article 5)

- 2.2. Article 5 of the MSP Directive establishes as a core objective of MSPs created under the Directive the building of resilience to climate change impacts. The EU 2030 Framework for Climate and Energy has reaffirmed its support for the development of renewable energy, including marine renewable energy. A new target regarding the share of renewable energy in the total EU energy consumption has been set at 27% for 2030. The 2030 Strategy also introduced an increased 40% cut in greenhouse gas emissions compared to 1990 levels, requiring a 6.5% reduction in Ireland's yearly emissions. The Commission Communication on A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy of February 2015 confirmed the political commitment for the European Union to become the world leader in renewable energy. The recent Paris COP21 agreement requires a further intensification of this process of decarbonisation. The Low Carbon Development and Climate Action Act 2016 commits Ireland to a low carbon future. Currently Ireland is increasing emissions by 5.5% a year,

¹ EU Commission, 2015, Energy sectors and the implementation of the Maritime Spatial Planning Directive

² <http://www.environ.ie/planning/maritime-spatial-planning/consultation-draft-regulations-tranpose-msp-directive-irish-law#sthash.pcrnl6gG.dpuf>

which will result in fines of up to €6bn as calculated by the Department of Finance and Professor John Fitzgerald, chairperson of the Climate Change Advisory Council³.

- 2.3. The EU's current priority commitment is to establish an Energy Union as it faces growing challenges in energy security and climate change. The European Commission will develop new indicators for the competitiveness and security of the energy system, such as diversification of supply and interconnection capacity between EU countries. To that end, the EU Commission is committed to working with Member States and industry on delivering cost-reduction to offshore energy systems.⁴ MSP is expected to play an important role in supporting the attainment of these objectives.

(b) Reducing risk of conflict

- 2.4. The current growth of traditional maritime sectors, such as shipping, and the development of new maritime industries, such as offshore energy projects, may not always be spatially compatible. Increased competition for maritime areas has the potential to lead to conflict between sectors and stakeholders. Any intensification or change in the use of the maritime area has the further risk of accelerating environmental and ecological degradation, or escalating climate risks
- 2.5. MSP is a process which helps bring stakeholders together to formulate sustainable planning, management and use of the maritime resources and areas. To achieve spatial synergies in the marine environment, with the potential to support a growing offshore wind energy sector, it is considered vital that all long-term options for the maritime area are brought forward for discussion and consideration by relevant stakeholders early in the MSP process. Late-stage additions to plans and proposals and other changes which increase uncertainty have the potential to increase the risk of conflict. MSP implementation should be focused on reducing conflicts by:
- Creating synergies between different activities.
 - Encourage investment by instilling predictability, transparency and clearer rules
 - Increase coordination between administrations in each country
 - Increase cross-border cooperation through data-sharing and grid connectivity
 - Protecting the environment through early stage planning and strategic assessment
 - Engaging early with key stakeholders, especially those with local knowledge and connection to the marine environment

(c) Addressing fragmentations in marine management

- 2.6. The MSP Directive explicitly requires a coordinated, coherent approach to planning and development of the marine area (Article 6). This includes requirements to ensure transboundary and third country cooperation as well as the taking into account of land-sea interactions (Article 6). This is of particular importance to the offshore energy sector.
- 2.7. A core aim of the MSP directive is harmonisation and overcoming fragmentation. Decisions on who will be the competent authority for the purposes of the Directive

³ Interview, Drivetime, Radio 1, 22 April 2016

⁴ EU Commission Communication 2014/015 on a policy framework for climate and energy in the period from 2020 to 2030.

require careful consideration as the relevant body must have the capacity to develop an integrated assessment of environmental, energy, climate and social impacts on the marine environment. Key contextual policy objectives to be kept during the selection process include:

- Policy convergence;
- common conceptualisation of planning issues;
- joint vision and strategic objectives;
- shared experience; and
- Existing transboundary institutions.

- 2.8. The marine area is multinational, contains mobile species and transport, and regulations in the area have a wider social impact. Fragmentation of work in this area will lead to a negative impact on industry, environment and transboundary relations. For this reason it is essential to ensure a core MSP body is selected to have competence and oversight in this area.
- 2.9. The existing legal framework that governs Ireland's territorial waters was not envisaged as guiding marine energy exploitation. In developing MSPs authorities must be aware that there is currently no dedicated legal instrument for the development and/or management of ocean energy. Developers and regulators alike are tasked with "retro-fitting" existing foreshore, planning and environmental legislation to a new and developing sector of industry.

(d) Protecting, preserving and improving the marine environment

- 2.10. The MSP Directive is led by the principles of sustainable development and an ecosystems approach to marine management (Articles 1 and 5). Article 5 states through their MSPs Member States must ensure the preservation, protection and improvement of the environment.
- 2.11. The environmental pillar of the MSP Directive is the 2008 Marine Strategy Framework Directive. The objective of this is to support the sustainable development of seas and oceans and to develop coordinated, coherent and transparent decision-making in relation to the Union's sectoral policies affecting the oceans, seas, islands, coastal and outermost regions and maritime sectors, including through sea-basin strategies or macro-regional strategies, whilst achieving good environmental status.

(e) Transboundary Cooperation

- 2.12. Article 6 outlines transboundary cooperation as a minimum requirement for MSPs, in accordance with Article 11 which requires Member State cooperation across marine regions. This mirrors, to some extent, the approach to River Basin District Management Plans under the Water Framework Directive, save to the extent that the marine environment necessarily involves a much larger and wider range of stakeholders and decision-makers.

B. Offshore Renewable Energy – Policy and Legislative Context

3. Blue Growth

3.1. The EU DG MARE commissioned report *Blue Growth: Scenarios and Drivers for Sustainable Growth from the Oceans, Seas and Coasts* identified offshore wind as a primary 'blue growth area' with the highest potential for immediate job creation⁵. This is an indigenous, plentiful resource that "exceeds our present and projected future energy needs", particularly for island nations⁶. Ireland is widely acknowledged as one of the best places in the world to develop offshore wind energy and other renewables⁷, with the highest potential for the development of offshore wind energy in the EU on the Atlantic seaboard. Ireland's sea area is 10 times its size at 900,000 square kilometres. With one of the best offshore renewable energy (wind, wave and tidal) resources in the world, there is very significant potential in utilising these resources to generate carbon free renewable electricity. This offers significant potential for offshore wind energy which can yield a higher relative energy output than onshore wind.

3.2. The policy and legislative context includes:

- The Potential for Sustainable 'Blue Growth' in the Offshore Wind Sector
- Recognising the long-term nature of energy planning and ensuring certainty for investors
- Addressing fragmentations in marine management
- The specific characteristics of offshore wind
- Protecting, preserving and improving the marine environment
- Transboundary cooperation and data-sharing

4. Sustainable 'Blue Growth' in the Offshore Wind Sector: Tackling Climate Change, Ensuring Energy Security and Driving Economic Development

4.1. Despite the need to decarbonise at a rate of 6.5% each year, Ireland increased its emissions by 5.5% in 2015. This has serious economic as well as environmental consequences. Professor John Fitzgerald, chairperson of the Climate Change Advisory Council, and the Department of Finance, have both warned that Ireland faces up to €6bn in fines due to inaction on climate agreements at international and EU level. Avoiding these fines will require a large scale decarbonisation of our energy sector, as outlined in the 2016 SEAI Report, *Ireland's Energy Targets – Progress, Ambition and Impacts*. However, such ambitions exist within a context of the saturation of onshore

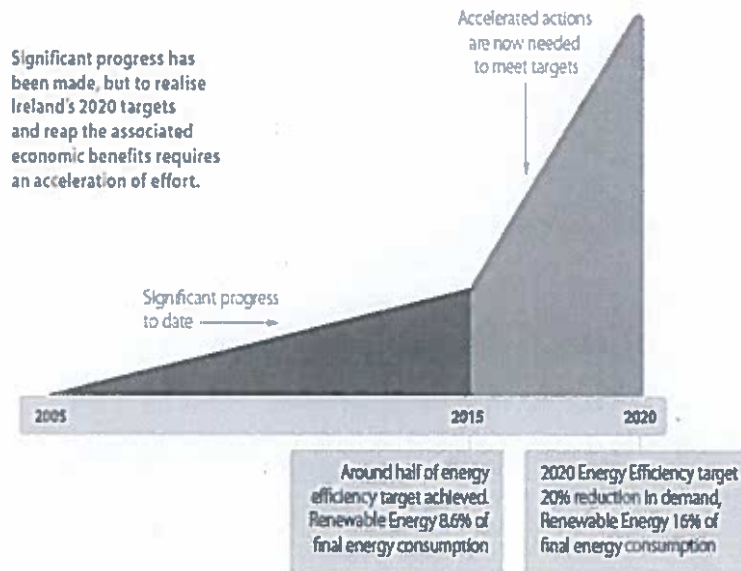
⁵ DAFM, *Harnessing Our Ocean Wealth: An Integrated Marine Plan for Ireland*, 2012, p.9
<http://www.ouroceanwealth.ie/sites/default/files/sites/default/files/Harnessing%20Our%20Ocean%20Wealth%20Report.pdf>

⁶ EU Commission Communication 2014/8 on Blue Energy Action needed to deliver on the potential of ocean energy in European seas and oceans by 2020 and beyond, p.2. Accessible at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0008&from=EN>

⁷
http://www.ouroceanwealth.ie/sites/default/files/sites/default/files/otherimages/Publications/A_Study_of_the_Current_and_Future_Skills_Requirements_of_the_Marine_Maritime_EconomyPublication.pdf

wind energy, the delayed adoption of solar and biomass given lack of competitive supports, and the still immature development of tidal and wave energy. The graph below from SEAI 2016 Report shows the significant acceleration in action required to meet Ireland's 2020 targets. In reality, SEAI is indicating that the target is unattainable and will be missed.

TRAJECTORY TO 2020 TARGETS – SEAI APRIL 2016



- 4.2. Offshore wind energy is an essential part of the solution to Ireland's decarbonisation impasse. The 2011 SEAI Wind Energy Roadmap states that Ireland has the potential to create 30,000 MW of offshore wind energy by 2050. The National Renewable Energy Action Plan (NREAP) indicates a potential for 6,000MW of offshore wind, with 2,680MW in planning and a further 4,000MW feasible in Irish waters. NOW Ireland and IWEA estimate another 5,000MW is possible, plus unlimited potential in the Atlantic as deeper water technology is developed.
- 4.3. The emergence and rapid growth in the Marine Renewable Energy sector has been driven by European targets for generating renewable energy. In outlining its Renewable Energy Package, DG Energy has criticised Member States that have not taken advantage of falling technology cost developments in renewable sectors such as offshore wind energy. Recent growth in the offshore wind sector over from 2008 - 2012 has been 21.7% with a €2.4billion contribution to the EU economy⁸. Offshore wind capacity grew by 33% in 2012, a faster rate of growth than the onshore wind sector. By 2020 total installed capacity is projected to reach approximately 3% of the EU's total electricity generation capacity⁹.

⁸ EU Commission, Blue Growth – Third Interim Report, 2012 p.19

⁹ EU Commission Communication 2014/8 on *Blue Energy Action needed to deliver on the potential of ocean energy in European seas and oceans by 2020 and beyond*. Accessible at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0008&from=EN>

- 4.4. According to the 2016 SEAI Report "Energy Security in Ireland: A Statistical Overview", in 2014 Ireland imported 85% of its energy. 97% of these imports were fossil fuels. The remainder of imports were electricity (2%) and biofuels (1%). The Commission has continuously recognised the potential of ocean energy to mitigate EU dependence on fossil fuels for electricity generation and enhance energy security¹⁰. Efforts to increase indigenous energy production and increasingly stringent legally binding climate change commitments and the accompanying threat of heavy fines will push growth in the renewables sector. Ireland has already recognised the potential of the offshore wind energy sector in a wide number of key government policy documents. These include:
- The 2011 SEAI Wind Energy Roadmap
 - Harnessing Our Ocean Wealth
- 4.5. Offshore Energy Development Plan (OREDPA) In keeping with the key objectives of the MSP Directive, the Irish Government is bound to continue to develop marine energy potential.
- 4.6. Ireland's integrated marine plan and enterprise strategy, *Harnessing our Ocean Wealth*, recognises the fast-paced growth of the offshore wind sector. Ireland's ocean wealth is recognised as 'a key element of our economic recovery and sustainable growth, generating benefits for all our citizens, supported by coherent policy, planning and regulation, and managed in an integrated manner'. In 2007, 7,000 jobs across the EU were related to offshore wind activities¹¹. The offshore wind sector is expected to grow in the coming decades, at rates which are higher than onshore, exceeding employment in onshore wind by 2025¹².
- 4.7. The Offshore Energy Development Plan (OREDPA) published in 2014 by the DCENR also provides a necessary framework for developments in this area. The OREDPA identifies the opportunity for the sustainable development of Ireland's abundant offshore renewable energy resources for increasing indigenous production of renewable electricity, thereby contributing to reductions in our greenhouse gas emissions, improving the security of our energy supply and creating jobs in the green economy. Through the OREDPA, an SEA and AA were carried out to examine the best areas for offshore wind development that would not conflict with other activities in the marine area.

5. Energy planning and investor certainty

- 5.1. Energy planning is an inherently long-term, transboundary and integrated process. Sectoral management structures are not fit for purpose. A long-term, formal vision for Ireland's energy law and policy has been developed in the Energy White paper which explicitly states the need to move to a 90-95% reduction in fossil fuels. Renewable energy sources and grids are long-term investments that require significant capital

¹⁰ EU Commission Communication 2014/8 on Blue Energy Action needed to deliver on the potential of ocean energy in European seas and oceans by 2020 and beyond. Accessible at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0008&from=EN>

¹¹ EU Commission, Blue Growth – Third Interim Report, 2012 p.40

¹² EU Commission, Blue Growth – Third Interim Report, 2012, p. 42

investment, certainty and planning certainty. The Irish state has followed a model where international private capital will provide the generation capacity required. MSP encourages this investment by instilling predictability, transparency and clearer rules with regards to use of the marine environment. MSP involving all stakeholders and closely linked to licensing mechanisms brings a long-term legal certainty that gives investors the clarity they need to secure investment. By encouraging closer coordination between authorities and establishing clear priorities for the management of sea areas, MSP clarifies the overall policy and business climate.

5.2. As the economy stabilises, the prospects for sustainable 'Blue Growth' are strong, particularly in the Atlantic¹³. Europe is in a leading position when it comes to technology and innovation, generating more than half of the reviewed patents in offshore wind¹⁴ and 1/4 of the reviewed patents in ocean renewable energy sources. This innovation is driven by the EU's recognition of the current energy insecurity and climate crises. It is clear that the long-term orientation of actors in the area contributes to a stable investment climate that ensures a thriving offshore wind sector in Ireland¹⁵. Economic improvement in Ireland, with a shift from 1.7% to over 7% growth per annum, also increases the argument for long-term planning towards higher renewables production. To complement this favourable outlook there is a need for:

- A stable, clear and supportive regulatory and policy framework, providing investors with certainty beyond 2020.
- Creation of transparent and simplified permitting procedures
- The development of educational programmes at third and apprenticeship levels.
- Government support to instigate and drive further investment

6. Addressing fragmentations in offshore energy regulation / governance

6.1. The key legislative elements applicable to ocean energy development in Ireland derive from the Foreshore Acts, 1933 as amended, the Electricity Regulation Act, 1999 as amended, the Maritime Jurisdiction Act 2006, as amended, the Planning and Development Act 2000, as amended, and European instruments such as the Renewable Energy Directives, EIA Directive, SEA Directive and Birds and Habitats Directives.

6.2. Currently ocean energy development in Ireland is dependent on a piecemeal consent and planning regime. The current consent/permission process is complex, expensive and time consuming for prospective developers, leading to the conclusion that regulatory uncertainty appears to be the most significant non-technical barrier to the offshore energy sector¹⁶. As competition for marine space builds, there is a need for timely reservation of suitable areas, built upon a sound legal and policy framework. Complex licensing and consenting procedures can delay projects and raise costs.

¹³ P65

¹⁴ P55

¹⁵ EU Commission, Blue Growth – Third Interim Report, 2012, p.53

¹⁶ Leary D, Esteban M. Climate change and renewable energy from the ocean and tides: calming the sea of regulatory uncertainty. *The International Journal of Marine and Coastal Law* 2009;24:617–51

Uncertainty about the correct application of environmental legislation may further prolong consenting processes.

- 6.3. The use of the single instrument of MSP across the EU leads to increased coordination and data-sharing between administrations locally and regionally. This simplifies the process and leads to reduced administrative, searching, planning and legal costs for offshore wind.
- 6.4. In Germany and the Netherlands, search costs for offshore wind energy activities have been reduced significantly through MSP and the corresponding data-sharing activity that results¹⁷. Although there is no single permitting administration in place, licensing procedures are now quicker, as thorough discussion has already taken place between the different responsible authorities on why certain zones are suitable for offshore wind farms and why certain areas are not. Licensing processes have been shortened from a three to four waiting period to just approximately one year.
- 6.5. As outlined in *Harnessing Our Ocean Wealth* it is recommended that authorities introduce a new planning and consent architecture for development in the marine area. The MSP directive mandates departments and agencies involved in the planning, licensing and regulation of marine-based developments and activities to engage in governance actions which will:
 - develop an integrated approach to marine and coastal planning and licensing in order to maximise the sustainable development of Ireland's offshore wind sector
 - assist with managing offshore wind resources effectively and sustainably
 - manage potential conflicts; and
 - ensure harmonisation with coastal/terrestrial planning to improve sea-land interface planning and management.

7. The specific characteristics of offshore wind

- 7.1. Competition between the offshore energy, maritime transport and fishing sectors is mostly linked to spatial restrictions and displacement effects on fishing vessels and fish populations. Different management measures already exist and have been implemented successfully across the EU, as outlined in the EU Commission guidance document '*Energy Sectors and the implementation of the MSP Directive*' published in 2015. This guidance document outlines how mainstreaming an ecosystems approach to MSP and the development of offshore wind energy will require implementation of the following recommendations:
 - All vessels, including fishing vessels must adhere to restricted navigation requirements in the 500m security area around offshore infrastructures (this does not include cables and pipelines)
 - During the operational phase, partial or complete fishing restrictions may apply to specific activities or zones depending on national regulations;
 - Restrictions regarding gear types may also apply in order to protect submarine cables or pipelines transmitting the energy produced to the onshore consumption centres

¹⁷ EU Commission, Study on the economic effects of Maritime Spatial Planning, 2011, p.15

- Navigation can be a big problem but solvable by creating safety zones of at least 500m between wind farms and shipping lanes.
- Issues of maritime safety such as demarcation of responsibilities for search and rescue between shipping and wind parks have to be arranged.
- Maritime activities such as offshore wind farms, wave & tidal energy installations and sand & gravel extraction may compete for the same shallow areas.
- The growth in offshore wind installations means that the number of cables crossing the seabed and nearshore will be growing. This will require finely tuned characterisations of sea-bed and nearshore as even small mischaracterizations can cause significant downtime in energy use or internet provision. Reducing uncertainty through MSP about marine activities such as sediments, currents or human activity such as fishing can reduce losses¹⁸.
- There are also numerous side-benefits that can result from mainstreaming the offshore wind energy sector into MSP including:
 - As well as out-pacing onshore wind in terms of growth, public acceptance is higher the further away from residential areas windfarms are placed. Modern offshore wind turbines at a distance of 10 km from shore subtend a vertical angle of approximately 1 degree at the viewer on the shore (this is roughly equivalent to the height of a thumbnail held at arm's length). Modern onshore turbines at a distance of 500 m subtend an angle of approximately 15 degrees. Current conflicts between the need to meet Energy White Paper renewable energy objectives and the current 500m limit between residential homes and turbines are easily overcome by offshore wind.
 - Multi use of energy production at sea such as wind-tidal-wave can also be integrated in Ireland and developed collaboratively with other member states
 - Substructure of wind farms can be used for aquaculture
 - Shore defence to protect aquaculture or reduce climate change impacts
 - Protected areas due to the building of windfarms can ensure the regeneration of fish stocks. (This particular issue will be discussed further below.)

8. Protecting, preserving and improving the marine environment

- 8.1. In general offshore wind energy presents no serious threat to marine ecosystems¹⁹. Currently 20% of the spending on data for offshore wind farm design, construction and operation is concentrating on examining and monitoring environmental impacts²⁰. Through early identification of impacts and opportunities for multiple use of space

¹⁸ COMMISSION STAFF WORKING DOCUMENT, Marine Knowledge 2020: Roadmap Accompanying the document Commission Communication 2014/149 on *Innovation in the Blue Economy realising the potential of our seas and oceans for jobs and growth*, P.26 Accessible at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014SC0149&from=EN>

¹⁹ EU Commission, *Blue Growth – Third Interim Report*, 2012, p 42

²⁰ COMMISSION STAFF WORKING DOCUMENT, Marine Knowledge 2020: Roadmap Accompanying the document Commission Communication 2014/149 on *Innovation in the Blue Economy realising the potential of our seas and oceans for jobs and growth*, P.30

damage to the environment can not only be reduced, but beneficial impacts can be maximised.

- 8.2. The risk of significant environmental effects from offshore renewable energy would generally be considered highest during construction and decommissioning stages. Offshore windfarms will typically last 25 years. Human activities may cause local destruction of habitats, increased turbidity, noise and vibrations. The impact of human activities can be reduced through mitigation measures such as: the reduction of noise levels, the gradual increase of sound levels (soft starts), the establishment of safety zones and the establishment of temporal and spatial restrictions in certain areas. There will be a need to examine and integrate bird migration patterns in particular.
- 8.3. Wind farms also have positive impacts, for example when they offer chances for overexploited areas by creating fishing and shipping exclusion zones, or by creating new habitats. Offshore windfarms create zones of refuge for bottom dwelling species that could be disturbed by trawling. In Sweden for example, fish populations increased due to the sanctuary effect of wind farms. In Germany, less resource-intensive smaller fishing vessels have been able to fish in and amongst windfarms and avail of these new fishing sites.

9. Transboundary Cooperation and Data-sharing

- 9.1. Ireland has significant potential, in the long term, to develop and export its offshore wind resource. However, at least 3000 MW of offshore wind capacity will be required before the trajectory to the EU 2030 target can be met and export potential realised. Nevertheless, the long term export potential is real and will require investment from a variety of sources. The EU's current priority commitment to the establishment of an Energy Union mandates cooperation between EU countries on cables, pipelines, shipping lands, wind installations and so on. There is a need to build critical mass within and across maritime economic activities for attracting investors, services, infrastructure, skilled workers and visibility. MSP can facilitate this by encouraging transboundary support.
- 9.2. Data-sharing is also a key element of the MSP Directive, outline in Article 10. The development of offshore wind parks will also spur demand for new developments in environmental monitoring, such as new measuring set-ups, new constructions, new traffic to database, extra database services and data validation needs²¹. The EERA joint programme, ocean energy ERA-Net and Horizon 2020 will be instrumental in reaping the benefits of pan-European cooperation in research and development, helping in particular to tackle the remaining technical issues
- 9.3. Transboundary regional investment plans are a foundation for the 2016 10 Year Network Development Plan outlined by the European Network of Transmission System Operators for Electricity (TYNDP 2016), as well as offshore renewables. The TYNDP for Electricity is the most comprehensive and up-to-date planning reference for the pan-European transmission electricity network. It presents and assesses all relevant pan-European projects at a specific time horizon as defined by a set of scenarios. The TYNDP is a biennial report published every even year by ENTSO-E and acts as an essential basis

²¹ EU Commission, Blue Growth – Third Interim Report, 2012, p 43

to derive the next Projects of Common Interest (PCI) list, in line with the Regulation (EU) No. 347/2013 ("the Energy Infrastructure Regulation").

- 9.4. Other key projects operating in this area include the Northern Seas Countries Offshore Grid Initiative (NSCOGI), an integrated network planning approach to connecting offshore wind energy from the Northern Seas, which explicitly includes the Irish Sea. The Netherlands, in their current hosting of the EU Presidency, and Vice President of the Commission's Energy Union Maroš Šefčovič, have outlined NSCOGI as the flagship vehicle for Energy Union in Northern Europe. The offshore grid of the NSCOGI will require an Irish Sea hub, creating far-reaching implications for MSPs off the Irish coast. Other developments include ISLES II, which works towards implementation of a cross jurisdictional Spatial Plan providing locational marine guidance to potential developers; a recommended regulatory model that outlines principles for arrangements to facilitate efficient coordination of development; and development of an overarching governance framework, through which future development might be supported cross Scotland, UK and Ireland. The France Irish Sea Green Array (FISGA) also seeks coordinated development of a link between offshore wind in the Irish Sea and the mainland EU power network in France utilising the Celtic Interconnector.
- 9.5. TYNDP 2016, FISGA, ISLES II and NSCOGI all aim to maximise Europe's ability to exploit its vast offshore wind resources thereby contributing to the European Energy Security Strategy. Through effective transboundary cooperation and data-sharing MSPs can be developed in this area to remove barriers to transmission and stimulate further investment to unleash opportunity in the Irish offshore wind sector.

C. The Specific Objectives of NOW Ireland

10. Objectives to support Offshore Wind in Ireland

- 10.1. NOW Ireland want to ensure that the implementation of the MSP Directive in Ireland supports the development and fulfilment of Ireland's offshore wind potential, in the following ways:

- **MSP must ensure a stable, clear and supportive regulatory and policy framework, providing investors with certainty beyond 2020, including transparent and simplified permitting procedures:** *Harnessing our Ocean Wealth* outlines the need to deliver a clear message to investors that Ireland is 'open for, and a good place to do, marine business'. The MSP can contribute to investor confidence and stability by addressing ad-hoc piecemeal offshore consent regimes. With efficient and effective implementation, MSP will contribute to the positive investment climate surrounding renewables. The expected future value added for offshore wind energy is €15,334 million for 2020 and €39,495 million for 2030; MSP is expected to accelerate investments in offshore wind by 4%, resulting in an added value of €614 over 3 years by 2020 and €1,570 by 2030²² To this end MSP must streamline and integrate the current ad-hoc and piecemeal offshore energy framework into a

²² EU Commission, Study on the economic effects of Maritime Spatial Planning, 2011, 41
http://ec.europa.eu/maritimeaffairs/documentation/studies/documents/economic_effects_maritime_spatial_planning_en.pdf

single consent process, this fragmentation reduction can be done through building upon pre-existing spatial planning such as the OREDP, SEA and AA for the Irish marine sector. However, the already extensive work done by developers to expand and invest in the offshore wind sector should be recognised when developing any new consent process. Developers already operating within the existing consenting process should be allowed to continue within that process, and they have a legitimate expectation that their applications will be processed in accordance with the regime in place at the date on which their applications were made. Retrospective application of any new regulatory or policy framework would create uncertainty and delay, and would undermine the policy objectives identified in the previous sections of this submission.

- **MSP must recognise the paramount importance of the transition to a low carbon economy and the instability of fossil fuels.** In light of a potential €6bn fine for non-compliance with EU and international climate agreements and the 1600MW of anticipated demand from renewable-hungry FDI technology companies, Government should reevaluate the Cabinet Decision on 18 January 2012 to restrain offshore wind energy to export alone. This approach fails to recognise the significant and essential role that offshore wind must have in ensuring Ireland meets its 2030 national targets, before export of excess generation may be allowed under the Renewable Energy Directive. A reliance on wind energy to meet 2030 targets, as for the 2020 target, will require 60-70% of electricity demand to be met through wind. Onshore wind is meeting with increasing difficulties and even optimistic projections of onshore wind installation predict that approximately 3000MW of offshore wind capacity will be required. MSP can kick-start Ireland on the path to being fossil fuel free by 2050 and a net exporter of clean, renewable energy by recognising the core objectives of climate resilience, mitigation and energy security within the MSP Directive and facilitating the development of offshore wind to those ends. Government, to this end, should commission a study on how Ireland will meet its 2030 targets, utilising the 2008 Indecon Cost Benefit Analysis Report.
- **MSP must acknowledge the long-term approach needed for energy infrastructure and establish consistent, stable cross-political policies that will deliver on the creation of a new indigenous sector to rival agri-food and tourism.** This can be done through activating a Government Committee on Economic Infrastructure and Climate Change, involving six Government Departments and recognising already existing overarching policy objectives and legally binding commitments on renewable energy at national, regional and international level. Ireland's internationally renowned green, unspoilt image will be negatively affected by continuing failure to meet internationally agreed-upon climate commitments. Without comparable investment in natural, renewable resources such as offshore wind, this negative reaction will have significant adverse effects on the agri-food and tourism sectors.

- **MSP relies on further developments in capacity-building, including the development of educational programmes at third and apprenticeship levels:** there are concerns over whether the required capacity to fulfil the objectives of the MSP Directive is available at national and local levels. Effective, efficient management of the marine environment is dependent on technically skilled staff for servicing. In the offshore energy sector shortages are already acute for engineers and Q&M and site management activities. Dedicated educational and training programmes at third and apprenticeship levels are required to meet demand as shown by the Expert Group on Future Skills Needs in their April 2015 Report *Study of the Current and Future Skills Requirements of the Marine/ Maritime Economy to 2020*²³. Capacity-building also requires the establishment of a coordinated responsible authority for the purposes of the MSP Directive
- **MSP must address transmission issues and facilitate the development of meshed grids in the EU and particularly in the NSCOGI area:** Grid development and grid interconnection especially is lagging behind targets. Offshore wind energy needs to operate in a well-planned maritime setting where grid investments are facilitated and link effectively to land. MSPs must facilitate the development of an electricity grid that delivers the power produced at sea to the main demand centres on land. Long-term and strategic planning can help grids being developed in clusters that connect offshore wind energy together instead of in radial connections. Government must confirm support for NSCOGI and ISLES II and continue its commitment to regional cooperation initiatives in the Irish Sea with the UK, Netherlands and France in their current preparation of a joint 2030 Action Plan. The EU'S primary aim of Energy Union, with NSCOGI as its stated flagship, and the MSP Directive's focus on transboundary cooperation to that end, must be reflected in any transposition. Transmission issues will also have to be discussed in light of a potential 'Brexit'. EU regulations provide for disaster relief across Europe and the sharing of resources between Member States in an energy crisis. On Brexit the UK would no longer be bound by such agreements and Ireland is likely to find itself 'closed off' from UK oil and gas in an emergency situation if the potential of the EU Energy Union for offshore wind is not developed.
- **MSP must acknowledge and mainstream the specific requirements of offshore wind:** MSP must include an examination of the location of wind farms, port facilities, underwater cables, operation and maintenance, decommissioning
- **MSP must facilitate government support to instigate and drive further investment:** Exchequer support must be increased for ocean research, development and demonstration. Currently the Irish offshore wind sector receives

²³ A Study of the Current and Future Skills Requirements of the Marine/Maritime Economy to 2020 April 2015, p.19. Available at: http://www.oceanwealth.ie/sites/default/files/sites/default/files/otherimages/Publications/A_Study_of_the_Current_and_Future_Skills_Requirements_of_the_Marine_Maritime_EconomyPublication.pdf

no public subsidies despite being the only indigenous renewable resource with sufficient scale and potential to meet EU and international targets and despite significant improvement in the economy. Irish windfarm developers have invested significant monies to research and develop strategies to harness the clean renewable resource of off-shore wind. R&D from developers has assisted, for example, in finding solutions for difficulties in storing surplus electricity when generating conditions do not match up with consumption requirements. Recognition for the work of developers in this area of R&D should be acknowledged and further supports given. Over €600 million have been invested by the private sector over the last seven years and this is set to increase further, provided that there are favourable conditions for the development of these devices²⁴. To ensure this potential comes to fruition it is recommended that Government introduce an initial market support tariff for ocean energy. In addition to capital grants, an initial market support scheme is necessary to unlock the economic growth and job creation opportunities offered by ocean energy development. These supports will be met with significant cost reductions to under 10c per kWh ex grid cost by 2020 through improvements in technology.

D. Recommendations in relation to the draft Marine Spatial Planning Regulations

11. Regulation 7 –MSP Objectives

- 11.1. The MSP Directive explicitly places building resilience to climate change impacts (Article 5) as a core objective of the Directive. Articles 5(2) and 8(2), as well as the majority of the Recitals introducing the MSP Directive, also outline the development of renewable energy, including offshore wind, as a key objective of the Directive. This core objective is not adequately reflected in the Draft Regulations. To reflect the MSP Directive's prioritisation of climate change and renewable energy, there is no obvious reason why similar provisions are not include in the draft Regulations, as a priority issue to be taken into account in any MSP in Regulation 7(3). It is unclear how the DECLG would propose to address in legislation those objectives (which are further articulated in the policies described above, including the OREDP, Harnessing our Ocean Wealth, NREAP, 2020 and 2030 EU renewable energy targets and the Paris COP21 Agreement).

12. Regulations 4, 5 and 8 – Competent Authorities and Public Participation

- 12.1. The MSP Directive mandates the involvement of a multiplicity of decision-makers and stakeholders in the MSP process. It is unclear from the Draft Regulations how this will be facilitated and managed so as to avoid excessive overlap and complex consenting processes. If it has not already done so, the DECLG should consider how to ensure that MSP does not become an unwieldy and ineffective process, the cause of delay and legal uncertainty. There needs to be clear policy context forming the basis of the MSP framework, to ensure a clear contextual map in which decision-makers and stakeholders can make participatory decisions on MSPs.

²⁴ EU Commission Communication 2014/8 on Blue Energy Action needed to deliver on the potential of ocean energy in European seas and oceans by 2020 and beyond, p.4. Accessible at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0008&from=EN>

12.2. It is submitted that this context should be built on the extensive work already done by the Irish Government in exploring the potential of offshore energy. These policy objectives include the OREDP and its accompanying SEA which mapped Ireland's offshore areas in terms of their suitability for development, *Harnessing Our Ocean Wealth*, EU Guidance Document on wind energy developments and Natura 2000, the Energy White Paper and Ireland's NEARP and Climate Change National Mitigation Plans. Capacity building in this area, as outlined above, will also have to be addressed in policy. It is recommended that Regulations 4, 5 and 8 provide some outline of the policy context in which competent authorities will make their decisions, or at the very least a mechanism for doing so.

13. Regulation 3 – Extent of MSP

13.1. Regulation 2 of the draft MSP Regulations apply to both the definition of "marine waters" under the Marine Strategy Framework Directive which refers to waters the State has jurisdiction over and the coastal waters of the state. However, Regulation 3 states that nothing in the Regulations affects the waters that are subject to and within the scope of the planning provisions of Part II of the Planning and Development Act 2000 (No.30 of 2000). Currently the licensing process for offshore wind is based around the Foreshore Acts. This situation will be significantly changed with the passing of the Maritime Area and Foreshore (Amendment) Bill which aims to streamline consenting processes and developments. The Bill will potentially see some developments, such as offshore wind, being determined almost entirely by the Planning Board. There are many issues with lack of certainty in offshore licencing and the extent of local authorities' powers over foreshore or 'nearshore'. It is unclear how cooperation across the Planning Board, local authorities and member states (Regulation 11) or the taking into account of land-sea interactions (Regulation 7) will be ensured if planning is to be kept separate from MSPs.

13.2. The General Scheme of the Maritime Area and Foreshore (Amendment) Bill stated that the objectives specifically related to 'development in the nearshore area' might include: (a) support the objectives of government strategies, policies and plans such as *Harnessing Our Ocean Wealth*, the Offshore Renewable Energy Development Plan, the National Ports Policy, the Action Plan for Jobs, the National Biodiversity Plan, and *Our Sustainable Future*. The Regulations should aim to anticipate the changes to the marine planning process envisaged under the draft Maritime Area and Foreshore Bill.

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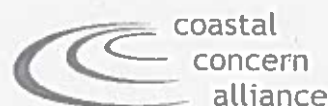
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Coastal Concern Alliance



Submission in response to Consultation on draft Regulations to transpose the Maritime Spatial Planning Directive into Irish law

Comment - Regulation 7.2.

Given the importance of tourism and particularly coastal tourism to the Irish economy, the **promotion of sustainable tourism** should be specifically mentioned in the regulation text as it is in the Directive 5(2).

Comment - Regulation 7.3.

"A competent authority shall have due regard to relevant existing and future activities and use and their impacts on the environment as well as to natural resources and shall also take into account the following: Land / Sea interaction"

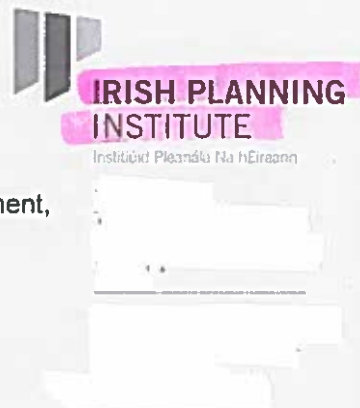
Regarding "existing and future activities" and "Land / Sea Interaction"

With regard to the East coast of Ireland, large tracts of environmentally sensitive coastal waters in the near shore areas of Louth, Dublin, Wicklow and Wexford have already been picked out by developers for large scale offshore wind farms on "a first come first served" basis with no spatial planning and indeed no plan for use of the energy generated.. Foreshore leases for construction and foreshore licences for initial investigation were awarded to private developers during the Celtic Tiger era under the Foreshore Act 1933 on the sole authority of the Minister for the Marine with no public right of appeal, no statutory involvement of local authorities, no public tender and no independent professional assessment of land / sea interaction. Public consultation has been totally inadequate. For example with regard to the 1100MW Codling Wind Park (200 turbines) permitted in 2005 in full view of Bray Head, Killiney Bay, Greystones and Wicklow, not a single submission was received from the public who, throughout Europe, have shown themselves to be deeply concerned about the visual impact of offshore development on adjoining coasts. All these permitted and proposed developments were rubberstamped in the OREDP, drafted in 2010 and adopted in 2014. The draft regulations provide no mechanism for dealing with this key issue of existing activities about which there has been inadequate consultation. In fact, very few citizens or public representatives are aware of the scale of development permitted and proposed.

If the MSP for the East coast is based on "existing and future activities", then private offshore windfarm developers availing of outdated legislation and inadequate regulation, will have determined the future of the nearshore area of Ireland's East coast before any MSP has taken place. This is totally at variance with the purpose of the MSP Directive and out of line with good international practice.

Coastal Concern Alliance is an independent voluntary group, set up in 2006 to campaign for reform of the outdated and undemocratic Foreshore Act 1993 governing construction in Irish waters and the introduction of coastal and marine planning to protect the marine environment and balance competing interests in our seas.

Maritime Spatial Planning Consultation,
Marine Planning and Foreshore Section,
Department of the Environment, Community and Local Government,
Newtown Road,
Wexford



[By email to msp@environ.ie]

Date: 6th May 2016

Re: Consultation on draft regulations to transpose the Maritime Spatial Planning Directive into Irish law

Dear Sir or Madam,

I am writing in response to the recent publication by the Department of the Environment, Community and Local Government of the draft *European Union (Framework for Maritime Spatial Planning) Regulations 2016*.

The Irish Planning Institute (IPI) was formed in 1975 and has over 700 members in the Republic of Ireland and Northern Ireland. The IPI is the professional body representing qualified planners in Ireland, north and south. The objectives of the All-Ireland Institute include, the advancement of the art and science of urban, rural and regional planning in Ireland for the benefit of society and the public; and to raise the standard of planning practice, implementation and evaluation in Ireland at all levels of government.

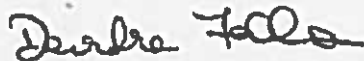
The Irish Planning Institute wholeheartedly supports the principle of maritime spatial planning. The uncoordinated use of coastal and maritime areas is currently resulting in competition for maritime and coastal space and inefficient use of marine and coastal resources. With rapidly increasing demand for maritime space for new activities, such as renewable energy and aquaculture installations, the State must ensure coherent planning of maritime activities at sea. Cross-border co-operation on maritime spatial planning (MSP) and integrated coastal management (ICM) in EU marine regions and sub-regions will be essential in the planning of major investments and applicable policy processes in sea basins. As many areas of economic activity have implications for the conflicting claims on the maritime area, spatial planning is the appropriate mechanism to deal with such conflicts.

While it is acknowledged that the purpose of the draft *European Union (Framework for Maritime Spatial Planning) Regulations 2016* is to provide a framework for the transposition of Directive 2014/89/EU into Irish law and the development of a Maritime Spatial Planning system for Ireland will require further legislation, the Institute sets out some general comments below:

- A cohesive marine and terrestrial spatial planning system is imperative for an island such as Ireland and the sustainable development of competing uses in the maritime environment will require balanced consideration in terms of the associated economic, environmental and social consequences. The Institute considers that, in order to ensure that sustainable development in the marine environment can be supported by terrestrial infrastructure, environments and communities, the interface between the marine spatial planning and terrestrial spatial planning systems will be of critical importance. The employment of sectoral approaches to the regulation and development of the State's marine environment may degrade the potential for an integrated and coherent approach to the management of this resource. The formulation and implementation of a cohesive and integrated policy structure to minimise the acceleration of coastal risks is crucial. Any policy structure should recognise the importance of our coastlines and our marine area whether it be for heritage, cultural, social or economic reasons. It is, therefore, submitted that the objectives to be "*reflected and weighted in each maritime spatial plan*" under Article 7 of the draft Regulations should be expanded.
- It is vital that the marine spatial plans are consistent with the policies of the upcoming National Planning Framework and that consistency is carried through in the hierarchy of plans, from national to local level to ensure integration between seabased activities and the planning system. This should be a requirement of any legislation establishing a marine spatial planning system (i.e. similarly to the way in which the requirement for a core strategy is set out in the *Planning and Development Act 2000*, as amended by the *Planning and Development (Amendment) Act 2010*).
- Marine spatial plans need to be meaningful and identify measures to ensure that communities can engage with marine spatial plan making and also in the development consent process.
- It is the Institute's view that strong provisions for enforcement are also required and may need to be added to any draft Regulations. The provision of a robust plan governing the development of this territory will be mutually supportive of any enforcement mechanism. Ensuring that the processes regulating and guiding the implementation of maritime spatial plans are sufficiently robust will be a core requirement should legal disputes arise.

The Irish Planning Institute welcomes the opportunity to give its views on the *European Union (Framework for Maritime Spatial Planning) Regulations 2016* and would be delighted to meet and discuss the issues outlined above, should the Department consider it necessary to do so.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Deirdre Fallon', written in a cursive style.

Deirdre Fallon MIP
President
Irish Planning Institute

Maritime Spatial Planning Consultation
Marine Planning and Foreshore Section
Department of the Environment, Community and Local Government
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Submissions in respect of the draft regulations transposing Directive 2014/89/EU establishing the framework for maritime spatial planning into Irish law.

Contact Details Cover sheet

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Date Submitted:	6 May 2016

WE WISH TO RAISE THREE SIGNIFICANT ISSUES RELATING TO THE SCOPE OF THE DRAFT REGULATIONS

1. NEED FOR INTEGRATION WITH “ Climate Action and Low Carbon Development Act 2015”

Ireland’s national policy in response to climate change is determined, in part, by legislation. In particular, Ireland’s first-ever dedicated climate change law, the Climate Action and Low Carbon Development Act 2015, provides for the making of:

- Five-yearly National Mitigation Plans to specify the policy measures to reduce greenhouse gas emissions
- A National Adaptation Framework to specify the national strategy for the application of adaptation measures in different sectors and by local authorities to reduce the vulnerability of the State to the negative effects of climate change.

The only explicit reference to climate in the Draft regulations is in Draft Article 7(2)(b) which includes as a consideration marine spatial planning should “*have regard*” to:

“preserving, protecting and improving the environment, including resilience to climate change impacts.”

This is an inadequate consideration of climate mitigation which is an overriding legislative obligation on all agencies of the State under Section 15(d) Climate Action and Low Carbon Development Act 2015, namely “*the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State*”

Article 7(2)(b) should be amended to synergise with Section 15(d) of the Climate Action and Low Carbon Development Act 2015 to read :

the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State”

2. NEED FOR INTEGRATION OF OIL AND GAS SPATIAL PLANNING EXPLORATION AND LICENSING WITH MSFD OBJECTIVES

Article 4 designates the Minister DoECLG as Competent Authority, but leaves opening for other authorities to be designated or delegated with competent authority function :

“ (2) Without prejudice to paragraph (1) but subject to paragraphs (4) to (6), the Minister may designate one or more than one public body to be a competent authority for the purposes of the Framework Directive for Maritime Spatial Planning and any such designation may be in respect of one or more of the following: (a) all or specified activities of a competent authority for the purposes

of that Directive; (b) acting as a coordinating body for some or all of the competent authorities or for some of their activities; "

All of the provisions of the Directive are based on strategic integration of "*all marine waters*" under Article 2.1, in relation to a Marine Strategy under Article 5 and Competent Authorities under Article 7.

The fragmentation of competent authorities to be avoided.

Equally important is the need to avoid a situation by which a Competent Authority may have a conflict in the performance of this function and the obligation on Ireland under the MSFD

The continued role of the Department of Energy Communications and Natural Resources in being both a promoter of Oil and Gas exploration, the competent body for Strategic Environmental Assessment (SEA) and spatial planning for oil and gas exploration as well as the consent body for individual licences is not tenable.

The regulations should provide for the elimination of this continuing conflict and limit the Competent Authority function to the Minister DoECLG explicitly excluding current conflicted role of DECNR.

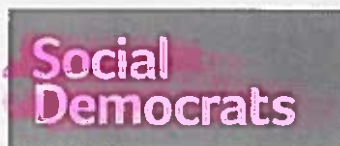
3. NEED FOR PROVISION, DESIGNATION AND REGULATION OF MARINE PROTECTED AREAS

Specific additional provisions are required to allow one of the key provisions of the Directive to be put in place namely Marine Protected Areas

Article 13.4 of the Directive provides for designation of "Marine Protected Areas" in addition to SAC and SPA designations under the Habitats Directive.

This is to allow for consideration and criteria not currently considered under the Habitats Directive including the designation of protection areas to stimulate fish breeding and stock recovery

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 www.socialdemocrats.ie



06/05/2016

Maritime Spatial Planning Consultation,
 Marine Planning and Foreshore Section,
 Department of the Environment, Community and Local Government,
 Newtown Road,
 Wexford,
 Y35 AP90

A Chara,

The Social Democrats welcome the publication of the draft Regulations to transpose the Maritime Spatial Planning Directive into Irish law. Ireland's marine environment is a vast and rich territory whose resources, both economic and environmental, should be safeguarded and nurtured for the benefit of this generation and successive ones, in line with the commonly understood definition of "sustainable development".

The purpose of this submission is to highlight a number of elements which require consideration in order to ensure the *effective* transposition of the Maritime Spatial Planning Directive into practice in Ireland.

1. Role of the Minister

The role of the Minister in this draft piece of legislation is worrying as it confers an undue degree of power and influence in terms of the formulation and implementation of marine spatial plans. Without the oversight of an effective, and adequately resourced and effectively empowered Office of the Planning Regulator, as call for under the recommendations of the *"Tribunal of Inquiry into Certain Planning Matters & Payments"* there is a danger that such powers as conferred on the Minister by these regulations could be misused. There is also no reference to the manner in which such powers exercised by the Minister may be accountable to the Houses of the Oireachtas. Checks and balances are required to the manner in which the Minister may exercise his or her powers, especially where ministerial direction conflicts with best practice advise.

2. Need for the designation of a single, adequately resourced and competent marine spatial planning body

The history of Irish public administration is littered with examples of multiple, under resourced entities attempting to tackle complex legal, environmental and economic matters. In relation to marine spatial planning and its practice in Ireland, there is a need for a single marine spatial planning body to undertake the management of Ireland's abundant yet finite and environmentally sensitive marine areas. Assigning responsibility to a single authority ensures accountability and economies of scale in relation to the administration of Ireland's marine environments. Such a contact point would also effectively engage with regional and local authorities as well as prescribed bodies with knowledge and expertise necessary for the sustainable development of the State's marine resources.

3. Great emphasis on the connection between Terrestrial and Marine Spatial Planning

The statutory link between the marine and terrestrial planning systems is effectively absent from the draft regulations. This linkage will be important especially in terms of the link between the marine spatial planning system and the Strategic Infrastructure Development Act 2006 (as amended) and the Planning and Development Act 2000 (as amended) as both of these sets of legislation govern the development of proposed schemes of scale and in coastal environments. Situating the draft regulations with other planning legislation will be key in order to ensure that the resulting intersections between planning systems contribute toward certainty, which in turn contributes toward investment and development.

4. Need for the training and education of marine spatial planners

At present, there are a limited number of individuals qualified in the art and science of marine spatial planning. This dearth of qualified personnel is an issue as the practice of effectively marine spatial planning in this jurisdiction will be greatly impeded. The definition of a marine spatial planner should be defined in these regulations. The definition of a qualified planner in the terrestrial planning system should also be effected through separate regulations to the Planning and Development Regulations 2001 (as amended). The period of time for which a marine spatial is in force (10 years proposed) should be attenuated to the change of development plans in the adjoining terrestrial planning areas (i.e. county development plans which have a

duration of 6 years). This could be achieved by an update to the marine spatial plan where necessary in order to take account of any substantive proposals which may have an impact on development in the marine environment.

5. Public Consultation Processes

Development plans and proposals in the marine environment have the capacity to impact on the livelihoods of those who make their living at sea as well as the citizens who reside, work and recreate in our coastal areas. The mechanics of any public consultation mechanism therefore will be vitally important in establishing the legitimacy of the marine spatial planning system in the eyes of citizens and will need to serve as an effective conduit for the relation of citizen's legitimate concerns and perspectives to be used to guide development in this field. In addition, the public consultation system underpinning the formulation and drafting of marine spatial plans and development policy will need to be sufficiently robust so as to accord to the principles of the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, usually known as the Aarhus Convention. At present the nature of the public consultation system is loosely and ill-defined in the draft regulations.

6. Development Contributions

The manner in which the benefit from the exploitation of the State's marine resources by private interests is recouped is not explored in these draft regulations. Planning legislation and regulation have instances of where social dividends are returned to the State (such as Section 48 and 49 Development Contribution and Part of the Planning and Development Acts 2000 as amended). Due to the admittedly weak nature of existing taxation rates for the exploitation of hydrocarbons in Ireland's marine environment, an opportunity exists to recoup some benefit to the exchequer from the exploitation of the State's resources in a manner which is fair and equitable, for citizens and for those engaging in development in the State's marine areas. The nature of such rates may vary in line with the sector and development type to which they are applied in the marine environment.

Summary

The Social Democrats welcome the publication of the draft regulations and this opportunity to comment on them. It is clear that a degree of further consideration is required in order to ensure that the transposition of the marine spatial planning directive into Irish law takes place in an effective and considered manner. Should the Department of the Environment, Community and Local Government wish to discuss the above in more detail then we would be delighted to discuss this matter further.

Yours Sincerely,

Catherine
Murphy

Sustainable Water Network (SWAN)

- Response to Consultation -

Draft Regulations to Transpose the Marine Spatial Planning into Irish Law



May 2016

Sustainable Water Network (SWAN)

1 Introduction to SWAN

The Sustainable Water Network (SWAN) is an umbrella network of 26 of Ireland's leading environmental NGOs, national and regional, working together to protect and enhance Ireland's aquatic resources through coordinated participation in the implementation of the Water Framework Directive (WFD), the Marine Strategy Framework Directive (MSFD) and other water-related policy and legislation. SWAN member groups are listed in Appendix 1. SWAN has been actively engaged in Marine Strategy Framework (MSFD) and other water policy implementation at both national and River Basin District (RBD) level since 2004, representing the environmental sector on WFD River Basin District (RBD) Advisory Councils, the South Eastern RBD Management Group, The Irish Water Stakeholder Forum and other water policy-related fora. In 2013 SWAN published the report *The Marine Strategy Framework Directive in Ireland: Requirements, Implications & Opportunities for Environmentally Sustainable Management of Our Marine Waters* and has also submitted responses to the DECLGs four public consultations on the MSFD all of which are available from the SWAN website www.swanireland.ie.

2 Comment on the draft Regulations

SWAN welcomes the opportunity to comment on the draft European Union (Framework for Maritime Spatial Planning) Regulations.

2.1 Definitions

The definition of 'marine waters' in the Marine Spatial Planning Directive (MSPD) is given in Article 3 (4) as follows:

*'marine waters' means the waters, the seabed and subsoil as defined in point (1)(a) of Article 3 of Directive 2008/56/EC and coastal waters as defined in point 7 of Article 2 of Directive 2000/60/EC **and their seabed and their subsoil*** – Bold and underlining is SWAN's emphasis.

This is transposed in the draft Regulations in Section 2 (Interpretation) (2) as:

'For the purposes of these Regulations, and having regard to the definition of "marine waters" in Article 3(4) of the Framework Directive for Maritime Spatial Planning, the marine waters to which these Regulations apply are—

(a) the waters referred to in subparagraph (a) of the definition of "marine waters" in Article 3(1) of the Marine Strategy Framework Directive in respect of which the State has jurisdiction, and

(b) the coastal waters of the State.

The coastal waters of the State is defined as required by the MSPD in the draft Regulations in Section 2. (1) as the Water Framework Directive definition, however the MSPD also requires '*the seabed and subsoil*' of coastal waters to be included in the definition of 'marine waters'. Can you provide clarification for this omission?

2.2 Comment on Public Participation

SWAN welcomes that in accordance of Article 9 of the MSPD Section 8 (1) of the draft Regulations states that the Minister shall:

'(a) establish or cause to be established means of public participation for the purposes of—

- (i) informing all interested parties, and*
- (ii) making provision for consultation with the relevant stakeholders and authorities, and the public concerned,*

at an early stage in the development of maritime spatial plans, and shall do so in accordance with relevant provisions established in European Union legislation,

(b) cause such procedures to be made publically available, and

(c) ensure that the relevant stakeholders and authorities, and the public concerned, have access to the maritime spatial plans as and when each such plan is finalised.'

Section 8 (2) then goes on to state that

'Without prejudice to any other means of making publically available the procedures referred to in subparagraph (b) of paragraph (1) and the maritime spatial plans referred to in subparagraph (c) of that paragraph, the requirement to make those procedures and plans publically available are complied with if they are published and maintained on either—

- (a) the website of the Department for the Environment, Community and local Government, or*
- (b) in so far as relates to functions under these Regulations of a competent authority other than the Minister, on the website of the competent authority.'*

Although the MSPD does not specify how to make the procedures and plans publically available and accessible SWAN would strongly recommend that that this should not be limited to being on the websites.

Public participation is vital as it facilitates the process of active learning amongst decision-makers and stakeholders through the development of MSP and contributes to more successful, enduring and sustainable solutions and outcomes through early identification of public concerns; improved accountability and transparency in decision-making; a wider acknowledgement of the legitimacy of decisions taken and increased public support for, and engagement in, the outcomes and management decisions made. Consequently, the quality of such participation will be very important in ensuring the effectiveness of the Directive in achieving its objectives. Effective public participation processes must be built on the essential building blocks of public awareness and access to information. In addition, whilst not adequate on their own, rudimentary public consultation exercises also form a useful initiation point for the full stakeholder engagement.

Access to information is a necessary prerequisite for effective participation in the implementation of the Directive. There needs to be a proactive, timely dissemination of the necessary relevant information to interested parties. The information must include access to all information pertinent to each stage of the implementation of the Directive. All consultation documents and background resources must be actively disseminated and should be made readily available in an accessible format, with adequate time provided for stakeholders to respond meaningfully.

Experts in the provision of public participation processes should be employed to design an appropriate framework for such public participation to ensure that the process is effective and enjoys widespread public confidence. In due course, consideration should be given to amalgamating the public participation process required under the MSFD with the public participation processes which is required under the MSPD. This could help to maximise synergies and efficiencies throughout these processes. Stakeholder participation is vital for successful management of marine ecosystems and must be included in all stages of the process, particularly in Maritime Spatial Planning, both pre and post implementation.

Appendix:

SWAN Member Organisations & Board of Directors

SWAN National Groups		2.2 1.1 SWAN Regional & Local Groups	
1.	An Taisce	16.	Carra Mask Corrib Water Protection Group
2.	Bat Conservation Ireland		
3.	Birdwatch Ireland	17.	Cavan Leitrim Environmental Awareness Network
4.	Coastwatch Europe Network		
5.	Coomhola Salmon Trust Ltd.	18.	Celebrate Water
6.	Eco-UNESCO	19.	Cork Environmental Forum
7.	Friends of the Earth	20.	Longford Environmental Alliance
8.	Friends of the Irish Environment		
9.	Irish Doctor's Environmental Association	21.	Macroom District Environmental Group
10.	Irish Peatland Conservation Council	22.	Save Our Lough Derg
11.	Irish Seal Sanctuary	23.	Save Our Lough Ree
12.	Irish Water and Fish Preservation Society	24.	Save The Swilly
13.	Irish Whale and Dolphin Group		
14.	Irish Wildlife Trust	25.	Shannon Whale & Dolphin Foundation
15.	Voice Of Irish Concern for the Environment (VOICE)	26.	Slaney River Trust

SWAN Board of Directors:	
Mark Boyden, Chair	Coomhola Salmon Trust
Mindy O'Brien, Vice-Chair	Voice of Irish Concern for the Environment (VOICE)
Geoff Cooper, Director	Irish Water and Fish Preservation Society
Karin Dubsky, Director	Coastwatch Europe
David Healy, Director	Friends of the Irish Environment
David Lee, Director	Cork Environmental Forum
Elaine Nevin, Director	EcoUNESCO
Joachim Schaefer, Director	Cavan Leitrim Environmental Awareness Network

**DIRECTIVE 2014/89/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL 23 July 2014
Establishing a framework for maritime spatial planning**

Public Consultation: Draft regulations intended to transpose Directive 2014/89/EU into Irish law

Observations from Department of Agriculture, Food and the Marine

1. Sea-fisheries Policy & Management Division SFPD

- This Directive establishes a framework for maritime spatial planning aimed at promoting the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources. Fishing activity in the Irish EFZ comes under the Common Fisheries Policy and it is noted that this Directive is without prejudice to that Policy and should not impose any new obligations with regard to fishing activity (Recital 9).
- That said, other actions arising from other EU directives/regulations or national measures may be included in a future maritime spatial plan or plans and those may be relevant to fishing activity. In general, any such proposed actions or measures that might impact on fishing activity in any way would first need to be carefully assessed and considered by DAFM in conjunction with relevant stakeholders.
- With regard to measures under environmental directives which may at some point be included in maritime spatial plans, Ireland may adopt measures that would impact only on the activities of Irish vessels without reference to other Member States. However, any measures that would impact on the activity of vessel from other Member States must follow the procedures for consultation and agreement with Member States with a direct management interest as laid down in Articles 11 and 18 of Regulation 1380 of 2013 (the CFP).
- All Member States have access to the waters around Ireland, provided they have quota, outside the 12 mile limit. A number of Member States also have access in the 6-12 mile zone and there is also a neighbourhood arrangement whereby vessels from Ireland and the North have reciprocal access to waters inside the 6 mile zone. All such access issues would need to be taken into account with regard to the inclusion of any new actions in a maritime spatial plan.
- Accordingly any proposals, outside the 6 mile zone, under consideration that may impact fishing vessels will require to be dealt with under the provisions of the CFP as set out above.

2. Aquaculture & Foreshore Management Division (AFMD)

- Having considered the document it appears that there are little if any immediate issues in respect of aquaculture licensing. It is clear that in the medium to long term however there may well be significant implications for the regulation of aquaculture in the context of comparative benefits to the exchequer from State foreshore.
- It seems to us that arguments in favour of aquaculture as part of MSP will need to be adduced by the Department in due course (licensing will be a key contributor at that time).

3. Sea Fishery Harbours Division (SFHD)

- Our initial view is to emphasise that nothing proposed under the new legislation should undermine or dissipate the Minister for Agriculture Food and the Marine's existing powers

regarding management, development of the six Fishery Harbour Centres under the 1968 Act and subsequent SIs etc.

- While responsibility for foreshore within the FHCs does not come under the remit of SFAD, it appears there may also be implications here.
- Where legislation is being drafted that directly impacts on the existing powers we (the Department/SFAD) should be notified and consulted in advance before such drafts are publicised.

Marine Agencies & Programmes Division (MAPD)

- In terms of **policy directions**, there should be a requirement to consult with affected parties in advance of any policy direction being introduced.
- The Regulations should make direct reference to observance of other relevant legislation and plans in the preparation of and implementation of marine spatial plans including relevant provisions of the Common Fisheries Policy (e.g. that each Member State must prepare a National Strategic Plan for Aquaculture; regionalisation of management of fisheries, etc), **environmental legislation** in so far as it relates to the maritime area, etc.
- The provisions allow either the preparation of a single marine spatial plan or separate plans for separate constituent parts of the maritime area; however there does not appear to be provisions to allow for plans for **specific activities** or purposes for the maritime area or its constituent parts. If separate competent authorities were identified to plan for separate activities consistent with the current regulatory arrangements for marine activities, it would be pragmatic to provide that their plans could relate to the scope of their existing remits. There does not appear to be any impediment to doing so in the Directive.
- The provisions on **public consultation** are unusual, would it be preferable to set out that competent authorities must comply with Public Participation Directive during the preparation of plans. Also it should be a requirement to consult with any public body whose functions are relevant to the area or application of the plan.
- The envisaged requirement that the Minister may **direct public authorities to comply** with a marine spatial plan is quite a strong one, it would be more appropriate to require *have regard to or take account of* since plans are unlikely to be completely explicit on many issues.

Marine Engineering Division (MED)

- The most recent documentation indicates that DECLG are in the process of drawing up regulations for the purpose of giving effect to Directive No 2014/89/EU of 23 July 2014 for the purpose of establishing a framework for Marine Spatial Planning. These are to be known as the (Framework for Maritime Spatial Planning) Regulations 2016.
- The directive states that Member states (MS) shall bring into force the Laws, regulations and administrative provisions necessary to comply with this Directive by 18 September 2016 as per Art 15(1).Article 15(2) stated that MSP's shall be established asap and at the latest by 31 March 2021, 5 years after introduction of the legislation.
- The specifics point to the fact that MSP shall contribute to the sustainable development of
 - **Energy sectors at Sea,**
 - **Maritime transport, and**
 - **The fisheries and aquaculture sector**
- and preserve, protect and improve the environment, including resilience to climate change impacts.

- MSP's are to apply to the maritime area, which is defined to include the foreshore, the EEZ of the state and any areas designated under the Continental Shelf Act 1968.

An Chomhairle Oidhreachta
The Heritage Council



Maritime Spatial Planning Regulations (Draft) 2016

Submission from the An Chomhairle Oidhreachta, the Heritage Council

May 2016

1 Introduction

1.1 The Heritage Council welcomes the transposition of the Maritime Spatial Planning Directive 2014/89/EU into Irish law. Ireland's maritime space should benefit from the application of maritime planning.

1.2 The Council has the following points to make in relation to the current draft of the regulations. These fall into two categories:

- i. General comments on the principles of the draft Regulations, and
- ii. Specific comments on the sections of the draft regulations.

2 General comments

2.1 Means of transposition While the Heritage Council appreciates the urgency to transpose this directive by September 2016 and hence the use of a Statutory Instrument, it recommends that primary legislation be considered in the future to align Maritime Spatial Planning with relevant acts and regulations such as the Planning Acts, Foreshore Bill, SEA, EIA, AA as well as climate change legislation. The land-sea interface is a crucial one – guidance will be needed on how MSP will interact with land based planning - be it at the Mean High Water Line or Mean Low Water Line.

2.2 Competent bodies – We understand that the Department within which the foreshore section is located is currently the competent body. The Heritage Council recommends a role be given to Marine Institute of Ireland for maritime spatial planning, given their expertise in particular in relation to the Marine Atlas. Additionally, with the fluid and spatial nature of the marine environment, the Heritage Council recommends that the Regional Assemblies are conferred with administrative functions, given their geographic range. This also applied to Section 4.

2.3 Local authorities will need additional resources to implement the forthcoming maritime spatial plans, including recruitment and up skilling to ensure appropriate experience and skills in-house.

2.3 The Regulations should support other relevant EU Directives including SEA, EIA, AA/Habitats Directive and Flood Risk Assessment (FRA). This also applies to Section 5.

2.5 Maritime spatial plans should be based around coherent coastal units rather than on administrative boundaries.

2.6 A clear mechanism to ensure integration between adjoining maritime spatial plans is vital for the long term success of MSP in Ireland.

2.7 The Regulations should include provision for a mechanism of ongoing monitoring of all aspects of Marine Spatial Planning in order to improve efficacy. This is also related to section 6 (2) and section 9.

2.8 We would also recommend that a Statement of Public Participation be prepared as soon as possible to assist in the overall communications of the project management of the Regulations and any future MSP reports and plans. This is also related to section 8.

2.9 Use should be made of new and existing networks such as the local authority public participation networks, the Local authority Heritage Officer Network, as well as the three regional assemblies. The recently-published Programme for Government should also be considered particularly in relation to new participative structures – e.g. establishment of a National Dialogue on Climate Change.

3 Specific points on the draft Regulations

Section 2 (i) The Heritage Council recommends that the definition of Maritime Spatial Planning be amended to include the word 'public' prior to 'process', in order to underpin the public participatory process involved. (This would also align with the UNESCO definition of Marine Spatial Planning.)

Section 6 Preparation of maritime spatial plans

The Regulations should allow maritime spatial plans to be based on coherent coast units or cells, rather than land-based administrative boundaries.

3.3 Section 7 Objectives of maritime spatial planning and procedures

7 (2)a Insert a reference to "sustainable tourism" and "scientific research" as per Article 5 of the MSP Directive.

7(2) b Insert a reference to "cultural heritage" alongside "the environment" – cultural heritage is now seen as the 4th Pillar of sustainable development. A definition of maritime cultural heritage is included below in Appendix 1

7 (3) This subsection should also include the following headings

- Adjoining maritime spatial plans
- Cultural heritage (This is broader than solely underwater cultural heritage.)
- Nature and species conservation and protected areas
- Sustainable Tourism,
- Scientific research

3.3 Section 8 – Public participation

This section should take into account the requirements of the UNECE Aarhus Convention, and we suggest the language of the Regulations be adjusted to reflect this e.g. to replace “informing,” with terms such as “public engagement and involvement and/or “engaging/involving.” (See HC and Partners’ CLVDS Toolkit and ‘Ladder of Participation’ – to follow separately).

3.4 Section 9 - Data sharing

This section will need to take into account the Data Sharing and Open Data initiatives, promoted by DPER (data.gov.ie) and the National Geospatial Strategy currently being developed by OSi, which is leading the development of the strategy in co-operation with the Property Registration Authority and the Valuation Office, assisted by DPER.

The Regulations should include a mechanism for ongoing monitoring of all aspects of Marine Spatial Planning, in order to improve efficacy.

Appendix 1

Cultural heritage in the maritime zone includes, *inter alia*:

Seascapes

Maritime archaeology, on sea shore, intertidal and underwater – from earliest times up till the present.

Built and vernacular maritime heritage for example smaller harbours, piers and slips, lighthouses, coastguard buildings, military buildings, , kelp kilns, kelp drying walls, currach pens, fishing weirs

Traditional and other boats of heritage value, and boat building skills and knowledge, and associated equipment.

Intangible heritage relating to beliefs, places, and activities e.g., patrons and pilgrimage, fishing, boat building, shore foraging, stories and place lore, music.

END

Aighneacht ó Údarás na Gaeltachta maidir le Phleanáil Spásúil Mara.

Fáiltíonn Údarás na Gaeltachta roimh an deis a bheith páirteach sa phróiseas comhairliúcháin seo ar thrasuí an Treoir ó Phairlimint na hEorpa agus ón gComhairle de 23 Iúil 2014 ag bunú Creat don Phleanáil Spásúil Mara.

Údarás na Gaeltachta

Is é Údarás na Gaeltachta, a bunaíodh i 1980, an t-údarás forbartha réigiúnach atá maoinithe ag an Rialtas chun forbairt eacnamaíochta, shóisialta agus chultúrtha na Gaeltachta a chur chun cinn. Tá ceanncheathrú Údarás na Gaeltachta lonnaithe sna Forbacha, Co. na Gaillimhe agus tá fo-oifigí ag an eagraíochta i nGaoth Dobhair, Co. Dhún nan Gall, i mBéal an Mhuirthead, Co. Mhaigh Eo agus i nDaingean Uí Chúis, Co. Chiarraí. Tá sé aitheanta ag rialtais ó na 50aidí i leith go bhfuil gá le háisíneacht forbartha eacnamaíochta don Ghaeilge chun cobhsú a dhéanamh ar an bonn fostaíochta le go mairfidh an pobal agus an Ghaeilge mar phríomh-theanga labhartha an phobail sin.

I meas na gcuspóirí reachtúla atá ar an Údarás tá forbairt na fiontraíochta dúchasach agus mealladh infheistíochta, infheistíocht sheachtrach san áireamh, chomh maith le cur i bhfeidhm clár leathan teanga agus cultúrtha.

Tá tábhacht earnáil na mara i gcruthú na fostaíochta aitheanta ag an Údarás ó bunaíodh é agus tá tacaíocht tugtha againn thar na blianta don dobhharshaothrú, d'fhiontair bia agus d'fhiontair turasóireachta sna ceantracha cois cósta.. Tá tacaíocht á chur ar fáil ag Údarás na Gaeltachta faoi láthair do phobail cois cósta trí dhreasachtaí atá dírithe ar earnálacha ar nós próiseáil bia mara agus dobhharshaothrú go príomha chomh maith le próiseáil feamainne.

Cósta na Gaeltachta

Síneann cósta na Gaeltachta thar 2,500 km ó Dhún nan Gall ó thuaidh go dtí an Rinn i gCo. Phort Láirge. I dtéarmaí spásúla is ionann seo agus 25% de chósta iomlán na hÉireann, na 6 oileán Gaeltachta san áireamh. Tá 71,367 duine ina gcónaí laistigh de 10 km ón gcósta. Tá os cionn 6,500 post i gcuideachtaí a fhaigheann tacaíocht ó Údarás na Gaeltachta sna limistéir seo.

Is timpeallacht dúshlánach í seo le deiseanna nua forbartha agus fostaíochta a chruthú inti de bharr na ceantracha cois cósta a bheith scoite amach óna chéile agus na laigeachtaí móra sa bhonneagar fisiciúil agus teileachumarsáide. Ar an láimh eile tá sé cruthaithe ag na ceantracha seo go bhfuil buntáiste iomaíoch acu mar láithreacha tarraingteacha le fiontair rathúla a fhorbairt agus a choinneáil iontu.

Pleanáil Spásúil

Tá sé aitheanta le fada ag Údarás na Gaeltachta go bhfuil gá le pleanáil spásúil mara chun cuidiú le forbairt na fiontraíochta gceantracha cois cósta chomh maith lena chinntiú go bhfanfaidh an cósta mar acmhainn don turasóireacht agus don phobal. Fáiltíonn muid mar sin roimh thrasuí an Treoir ó Phairlimint na hEorpa agus ón gComhairle de 23 Iúil 2014 ag bunú Creat don Phleanáil Spásúil Mara.

Tá sé den riachtanas go nglacann áisíneacht Stáit amháin freagracht as bainistiú agus maoirsiú ar an acmhainn mara agus an limistéar cósta le gur féidir smacht a choinneáil ar a fhorbairt ar bhealach inmharthana.

Tá sé riachtanacht go gcruthófar deiseanna fostaíochta sna pobail cois cósta agus go ndéanfar aon fhorbairtí ar bhealach a chinntíonn inmharthanacht ní hamháin an acmhainn mara ach na pobail cois cósta chomh maith. Is féidir leis an pleanáil spásúil mara comhtháite cinntiú go dtarlaíonn sé seo.

English translation of Údarás na Gaeltachta submission

An Overview of Údarás na Gaeltachta

Údarás na Gaeltachta's Headquarters are located in Na Forbacha, Co. Galway and the agency maintains a network of sub-offices in Gaoth Dobhair, Co. Donegal, in Béal an Mhuirthead, Co. Mayo, in An Daingean, Co. Kerry and in Baile Mhic Íre, Co. Cork. Since the 1950's, successive governments have recognised the requirement for a dedicated economic development agency for the Gaeltacht to sustain the local employment base thus helping to maintain the viability of the community and of the language it spoke.

Our statutory objectives include the development of indigenous enterprises and the attraction of investment, including FDI, and the implementation of a language and cultural development programme. An tÚdarás has always recognised the importance of the marine resource to the creation of employment opportunities and has always supported aquaculture and seafood development. Údarás na Gaeltachta currently supports coastal communities through a range of incentives which are primarily directed at sectors such as seafood processing and aquaculture as well as seaweed processing.

Developments in the Irish Coastal Area

The Gaeltacht coastline extends over some 2,500km from Donegal in the north to Ring in Co. Waterford. In spatial terms it constitutes some 25% of the overall Irish coastline and includes the 6 offshore Gaeltacht Islands. The coastal zone has a population of some 71,367 people

which reside within a 10km radius from the coast. Within this zone, over 6,500 full-time jobs are sustained by Údarás client companies.

The geographically dispersed nature of these coastal districts, along with the significant deficits in the physical and telecommunications infrastructure create a very challenging environment for the creation of new development opportunities and employment. On the other hand, these districts have demonstrated real competitive advantage as attractive locations for developing and maintaining successful enterprises.

Spatial Planning

Údarás na Gaeltachta has long recognised the need for marine spatial planning in order to assist enterprise development in coastal areas as well as ensuring that the coast remains an asset for tourism and community uses. We therefore welcome the proposal to transpose the directive into Irish law.

It is essential that one State agency assumes overall management and oversight responsibility for the maritime and coastal zone resource so as to control and enhance its development in a sustainable manner.

It is imperative that employment opportunities can be created in coastal communities and that any developments are carried out in a manner that ensures the sustainability of marine resources and of coastal communities. Integrated marine spatial planning can ensure this happens.

From: Catherine McDonald [redacted]
Sent: 16 May 2016 15:45
To: Bernard Nolan - (DECLG)
Cc: Bernie Comey; Pamela Dunne; Orla Ryan; Keith Flanagan; Karen Egan; Mary Breslin; Denis Maher
Subject: Draft MSP Regulations
Importance: High

Bernard,

Thanks for taking my call on the above recently.

As discussed, the Decarbonisation Policy Division of DCENR has some comments on the draft Regs and I apologise for the delay in getting back to you.

As I had mentioned, I thought other Divisions in DCENR might also have comments and had hoped to be able to coordinate these and send them to you as a comprehensive set of obs from DCENR. However, due to other competing priorities, this has not been possible, and as I will be out of the office for the next few days with work, I thought it would be useful to forward the obs I have on hand to you now.

Obs from Decarbonisation Policy Division:

This Division's main observations relate to the need for clarity re how the different objectives of the States will be determined and the need for consultation with relevant Ministers on this.

- Regulation 7: Clarity is needed on how the different objectives of the State will be determined. Clarity is also needed on how MECLG will consult with relevant Ministers in in this regard.
- The term "objective" is used twice in Reg7(1)(a) and should be differentiated
- The term "energy sectors at sea" used in Reg 7(2) would benefit from being defined. It is not a term familiar to us or used in the context of offshore renewable energy.
- Regulation 9 regarding data use and sharing would also benefit from including a requirement for consultation

Obs from colleagues in the Petroleum Affairs Division are as follows:

In addition to the comments by Decarbonisation Policy Division, we would like to add the following:

- With regard to Regulations 4(2) and 4(6), we consider that consultation with Ministers of the Government and at a minimum the bodies listed in 8 (1) (b) should be undertaken before the designation of any competent authority.
- With regard to Regulations 6 & 7, we consider that consultation with relevant bodies, including the above should be undertaken with regard to the establishment and implementation of marine spatial planning.
- With regard to Regulation 8 (1)(b), apart from defining the energy sector at sea, natural resources should also be included and defined.

Other colleagues in DCENR (Inland Fish) may also comments and I have copied them on this email.

I hope these comments are useful and we can make ourselves available to discuss if necessary.

I would be grateful if you would keep DCENR apprised of next steps.

Kind regards,

Catherine



Catherine McDonald | Decarbonisation Policy Division

Department of Communications, Energy & Natural Resources

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Tá eolas sa teachtaireacht leictreonach seo (agus b'fhéidir sa chomhaid ceangailte leis) a d'fhéadfadh bheith priobháideach nó faoi rún. Is le h-aghaidh an duine/na ndaoine nó le h-aghaidh an aonáin atá ainmnithe thuas agus le haghaidh an duine/na ndaoine sin amháin atá an t-eolas. Murab ionann tusa agus an té a bhfuil an teachtaireacht ceaptha dó bíodh a fhios agat nach gceadaítear nochtadh, cóipeáil, scaipeadh nó úsáid an eolais agus/nó an chomhaid seo. Más trí earráid a fuair tú an teachtaireacht leictreonach seo cuir, más é do thoil é, an té ar sheol an teachtaireacht ar an eolas láithreach. Deimhnítear leis seo freisin nár aims odh víreas sa phost seo tar éis a scanadh.

Bernard Nolan - (DECLG)

From: Mary Breslin
Sent: 01 June 2016 10:56
To: Bernard Nolan - (DECLG)
Cc: Catherine McDonald; Bernie Comey; Pamela Dunne; Keith Flanagan; Karen Egan; Denis Maher
Subject: Draft MSP Regulations
Attachments: IFI Obs re Maritime Spatial Planning Framework.doc
Importance: High

Bernard,

In addition to the comments from my colleagues below, the main observations from Inland Fisheries division of DCENR relate to our Minister's/Inland Fisheries Ireland's (IFI) jurisdiction over angling (including sea angling), patrol and enforcement activities within the 12-mile limit, as provided for in the Inland Fisheries Act 2010.

- Section 6(3)(a) of the Inland Fisheries Act 2010 states the following:
 "IFI shall perform the functions conferred on it by this Act within and having regard to all waters within the State comprising of a fishery district and any other waters which are –
 - (i) In any area of the sea to which the internal or inland waters of the State extend under Section 86 of the Sea-Fisheries and Maritime Jurisdiction Act 2006, and
 - (ii) In the portion of the sea which lies between the base-line for the purposes of this Act and the line every point of which is on the seaward side and at a distance of 12 nautical miles from the nearest point of that baseline.
- We note the definition of "competent authority" in the draft Regulations.
- In relation to Regulation 8 (Public Participation) we note the requirement to establish means of public participation, including consulting with relevant stakeholders and authorities. In this context please note that IFI is already a notifiable body under the Planning and Development Acts 2000 to 2011. We would prefer that IFI be notified of any proposed new plans directly.
- Given the requirement under Regulation 10 of the draft Regs for public bodies to comply with any relevant maritime spatial plan, it is important to note that IFI is the statutory authority for the conservation, protection, and management of certain migratory fish species within the 12 mile limit. Therefore adequate consultation with IFI at an early stage will be required to ensure that IFI can adequately exercise its statutory powers within the terms of any maritime spatial plan.

We requested observations from IFI on the draft Regulations from an operational and technical perspective. IFI has provided an Observation/Advice Note which I have attached for your information.

Please note that in order for this Department to formulate observations on new proposals such as these, we consult with IFI. Therefore it would be better for IFI to be included on the circulation list in future.

Regards,

 Mary Breslin, Higher Executive Officer, Inland Fisheries Division

From: Catherine McDonald
Sent: 16 May 2016 15:45
To: 'Bernard Nolan ('
Cc: Bernie Comey; Pamela Dunne; Orla Ryan; Keith Flanagan; Karen Egan; Mary Breslin; Denis Maher
Subject: Draft MSP Regulations
Importance: High

Bernard,

Thanks for taking my call on the above recently.

As discussed, the Decarbonisation Policy Division of DCENR has some comments on the draft Regs and I apologise for the delay in getting back to you.

As I had mentioned, I thought other Divisions in DCENR might also have comments and had hoped to be able to coordinate these and send them to you as a comprehensive set of obs from DCENR. However, due to other competing priorities, this has not been possible, and as I will be out of the office for the next few days with work, I thought it would be useful to forward the obs I have on hand to you now.

Obs from Decarbonisation Policy Division:

This Division's main observations relate to the need for clarity re how the different objectives of the States will be determined and the need for consultation with relevant Ministers on this.

- Regulation 7: Clarity is needed on how the different objectives of the State will be determined. Clarity is also needed on how MECLG will consult with relevant Ministers in in this regard.
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I would be grateful if you would keep DCENR apprised of next steps.

Kind regards,



Iascach Intíre Éireann
Inland Fisheries Ireland

OBSERVATION/ADVICE NOTE

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FROM: Mary Breslin, DCENR
DATE IN: 10.05.2016
SUBJECT: Consultation on draft Regulations to transpose the Maritime Spatial Planning Directive into Irish law
DATE OUT: 12/05/2016
ANSWERED BY: Dr. Greg Forde, Mr. Brian Beckett, Dr. Cathal Gallagher, Dr. James King

Dear Mary,

Further to your email of 10.01.2016, attached please find comment from IFI in regard to the consultation process. Thank you for the opportunity to comment.

Yours sincerely,

Dr. Greg Forde.

EU Directive 2014/89/EU establishing a framework for maritime spatial planning was adopted in July 2014. The Directive obliges all coastal Member States to establish maritime spatial plans by 2021. Member States must transpose the Directive into national law by 18th September 2016.

The Department of the Environment, Community and Local Government has drafted regulations intended to transpose the Directive into Irish law. The following observations address these draft regulations from IFI's perspective.

1. Inland Fisheries Ireland and its interest in the marine area

Inland Fisheries Ireland (IFI) welcomes the opportunity to comment on the draft regulations issued by the Dept. of Environment, Community and Local Government (DECLG). IFI is statutory agency charged with the protection, conservation, management and promotion of the state's inland fisheries and with the sea angling resource.

Maritime Patrol and Law Enforcement

IFI's legal remit extends to the conservation, protection, and management of migratory species such as Atlantic salmon, Sea trout and European eel. IFI's remit extends some 12 miles out to sea from defined baselines. IFI enforces the protection of Atlantic Bass in the sea out to the 12 mile limit on behalf of the Sea Fisheries Protection Agency (SFPA) and all IFI operational staff carry warrants to that effect. Despite a range of conservation measures introduced in recent years including the cessation of mixed stock fishing for salmon, reduction in draft net fishing and application of a range on angling conservation measures, stocks of salmon and sea trout have continued to suffer decline. Poor marine survival is cited as a key factor in stock declines internationally heightening the importance of vigilant and effective inshore and off shore protection measures to prevent illegal exploitation. Critical to this is the application and enforcement of current regulations and local bye laws relating to the prohibition of draft netting, trawling and other commercial netting in inshore areas close to the mouth of salmon and sea trout bearing rivers, and in particular during peak times of migration. The establishment of maritime spatial planning frameworks will have the potential to facilitate the establishment and protection of marine sanctuary areas at critical coastal locations for the purpose of protection of juvenile marine fish species. As part of Integrated Coastal Zone Management these areas would provide designated locations for marine fisheries conservation and stock rebuilding, in addition to providing protected areas for pursuit of marine leisure and sports activities, including recreational sea angling.

Sea Angling

While much of IFI's brief relates to the freshwater environment, there are specific areas where its brief extends to the transitional (i.e. estuarine) and coastal waters. A recent socio-economic study commissioned by IFI (2013) confirmed that angling and angling related tourism in Ireland generates a dividend in excess of €0.8 billion within the Irish economy annually. Direct spending (e.g. bait, tackle, licences, boat hire) on angling amounted to €555 million in 2012, with indirect spending estimated at €200 million. Sea angling, along with salmon and trout angling, is most popular amongst domestic anglers. For overseas anglers salmon, followed by bass and sea angling were the most popular angling activities. Total tourist angling expenditure was estimated at €280 million per annum.

A key area of growth in recreational angling in recent years relates to shore and chartered boat angling for sea bass. Bass are still the most sought after shore caught

sea angling species attracting many overseas tourist anglers in addition to domestic anglers. The resource brings in additional sustainable revenue to many coastal and disadvantaged rural areas.

Regrettably the high value of sea bass has resulted in increased levels of illegal netting activity in recent years, which has necessitated allocation of increased IFI protection resources to protect stocks. The Agriculture and Fisheries Council, one of the configurations of the Council of the European Union, recently agreed the proposed Council Regulation 559 (with some amendments). The regulation sets out fishing opportunities and fish quotas for EU fishing fleets, and also sets out new rules for recreational bass fishing throughout northern Europe, including Ireland. Implementation of this regulation will require new legislation in Ireland.

The new EU regulation on bass fishing was introduced as an emergency measure to address declining bass stocks, as scientific advice indicates that stocks in northern Europe are in a perilous state. The decline has been attributed to the result of intensive overfishing, increasing fishing effort targeting the bass spawning aggregations and successive years of recruitment failure.

Ecological Monitoring / Research

IFI is charged by the EPA (Environmental Protection Agency), on behalf of the state, with undertaking a monitoring programme for fish, under the EU Water Framework Directive (WFD), in rivers, lakes and transitional waters. As part of its role as the competent authority for the fish species listed in the EU Habitats Directive that occur in Ireland - the Atlantic salmon, shads, lamprey and pollan, IFI monitors the status of these species. In addition, IFI undertakes a national monitoring programme for the European eel, in the context of the EU Eels Regulations.

IFI also operates a long-term marine Sport Fish Tagging Programme, working with charter boat skippers. A further interest for IFI in the marine environment relates to the life cycle of some of our key indicator species, with marine responsibilities for salmon out to the current extent of foreshore i.e. 12 miles. The Atlantic salmon, European eel, Allis and Twaite shad and the sea- and river lamprey are all diadromous species i.e. they spend part of their life cycle in freshwater and part at sea. Apart from the eel, all those species mentioned grow to maturity at sea and return as adults into freshwater to spawn. The eel, on the other hand, grows to maturity in freshwater and adult fish migrate downriver and traverse the Atlantic Ocean to spawn in the Sargasso Sea. For these fish species to complete their life cycles, they must be able to migrate through coastal and estuarine waters without being impeded by physical or chemical barriers.

As well as the absence of barriers to passage in estuarine or transitional waters, IFI is concerned with the physical habitat condition - the hydromorphology - in transitional waters. Many estuaries have undergone substantial man-made alteration over centuries, with dredging and training walls, piers and land reclamation for shipping and port development. Estuaries are highly productive, in ecological terms, supporting a wide range of niche habitats which, in turn, provide feeding and nursery areas for bird and fish species.

2. IFI and Foreshore development

Planning and developments in the foreshore are of interest to IFI insofar as they may impact on migratory or resident fish or on the feeding, spawning, nursery and resting areas used by a range of fish species. Actions that are licenced or leased under the Foreshore Acts may impact at construction stage or during the operational phase of the project.

IFI is a notifiable authority in regard to foreshore development being notified of foreshore applications with invitation to comment. This procedure is a welcome one as there may be issues that require comment, both at construction and operational stages of a project. Knowledge of applications also permits IFI to identify mitigation measures for fish and for fisheries habitat that may be relevant at construction stage as well as measures that may compensate for adverse impact or habitat loss. Method statements and timing of works in relation to environmental windows are other areas where IFI finds this consultation process to be valuable.

IFI is represented on the Marine Licence Vetting Committee (MLVC), a non-statutory group. As already stated, IFI welcomes the opportunity to contribute constructively to foreshore/planning processes insofar as the projects under scrutiny may impact on the fisheries resource or fisheries habitat and IFI will adjudicate if a project is likely to have an adverse impact on some resource that IFI is charged to protect.

3. Maritime Spatial Planning in Ireland

In establishing and implementing maritime spatial planning, the responsibilities of the competent authority as listed under Section 7 (1), (2) and (3) of the draft regulations are noted. The provision for statutory objectives focused on environmental sustainability and ecosystem-based approaches is welcome. Compliance requirements of public bodies as outlined in Section 10 are noted. The specific requirements and / or responsibilities of the competent authority in relation to consultation with public bodies in the making or amending of any maritime spatial plan are currently unclear.

Given the experience of IFI as a notifiable body and in its role as member of the MLVC it is clear that substantial streamlining might be appropriate in order to facilitate reasonable and / or sustainable development / use of the Marine Area. In the context of the Government's "Harvesting Our Ocean Wealth" document, it becomes imperative to scrutinise the current consent system in regard to foreshore and to rationalise the processes leading to decision-making. This is clearly identified in Action 2 - Governance, contained within the Government's report as follows:

Governance – Action 2

Develop an integrated approach to marine and coastal planning and licensing in order to maximise the potential for Ireland's ocean economy; assist with managing our resources effectively and sustainably; manage potential conflicts; and ensure harmonisation with coastal/terrestrial planning.

- Address the deficiencies in the current planning and licensing system by continuing to make business process improvements; e.g. administrative efficiencies and licensing decisions to address the current caseload.

DECLG, DAFM and DCENR will continue to action and provide updates to MCG.

- Develop an appropriate Maritime Spatial Planning Framework for Ireland within which the scope and objectives of an overarching national Marine Spatial Plan will be defined.

It is clear that the establishment of maritime spatial planning systems has the potential to facilitate or drive significant streamlining processes to national advantage. It is likely that many parties would be providing adjudication on the relevant area, even as subsumed into the system envisaged in the draft regulations. In such circumstances, it is evident that all 'transactions' pertaining to the maritime area be tracked and that protection of the state's property or resource must be secured. In this case, protection is considered to clearly relate to legal ownership and management of this land bank but also to assurance as to conservation and protection of the biological and geological habitats of the maritime area.

IFI is of the view that any legislation should be clear in regard to

- management of the states property portfolio
- assurance of technical advice to decision-makers where such advice may not be available
- transparent digital management / handling of resource transactions in a context of multiple decision makers in regard to state property

IFI is also concerned that the management of the 'inshore area' is significantly affected by activities further offshore and that any planning system adequately takes the integration of all such activities into consideration when identifying a pathway for development. The interaction of high seas fisheries with migrating stocks or the harvesting of prey stocks remote from Ireland which are the target species for migrating fish stocks also needs consideration. A further aspect of this relates to the inter-relationships of inshore developments such as aquaculture licensing for intensive or extensive fish and shellfish production with wild fish stocks such as wild oysters in SAC's and lice production from aquaculture facilities and their interaction with wild salmonids.

