



IOOA SUBMISSION TO NATIONAL MARINE PLANNING FRAMEWORK (NMPF)



Summary

- a) The Irish Offshore Operators' Association (IOOA) represents the Irish offshore petroleum sector that has provided investment, employment, technological innovation, revenue to the State, and energy security through offshore exploration and gas production for more than four decades.
- b) IOOA welcomes the long-term planning approach in the draft NMPF. The framework must be clear, coherent, underpinned by appropriate legislation, and must facilitate and support activities and development of current and future marine sectors. It must ensure that interaction between different interests is addressed in a balanced and transparent manner.
- c) In adding a new tier to the current regulatory regimes through the NMPF, it is vital that this does not increase the regulatory burden and the time scale for decisions.
- d) IOOA has concerns around the risks that regional or sub-national plans could block important national activities, with the risks of potential conflict between regional boundaries and of divergence with the national marine plan. The template for regional plans should be documented clearly in the national plan to ensure overall planning cohesion. Engagement in the consultation phase of preparation of these plans should have representation from all sectors in order that specific sectors are not prohibited or overlooked.
- e) IOOA is supportive of the main elements in the key sectoral planning policies for Petroleum activities in the draft framework. These clearly recognise the need for energy security and development of indigenous supplies. IOOA recommends that the planning policy for Petroleum should articulate further the aspiration that Ireland should secure its strategic long-term supply of petroleum from indigenous sources. If there is a future prohibition in any future licences on exploration/production of oil, the NMPF must facilitate the implementation of both existing and future licence obligations.
- f) IOOA member companies play a leading role in developing and upscaling renewable energy technologies on a global scale. Partnering the oil and gas industry with the renewables industry through natural synergies that utilise the expertise, innovations, technologies and financial capabilities of the oil and gas sector is essential in order to make the transition to a better and sustainable energy future. This should be facilitated and encouraged in the NMPF.
- g) IOOA is supportive of examining the feasibility of the safe deployment of Carbon Capture and Storage (CCS) for Ireland. IOOA is also supportive of the NMPF vision to analyse the options for increased gas storage in order to ensure optimum energy security and, as required under EU regulations, to ensure adequate strategic supplies to cover the event of interconnector or other supply interruptions.
- h) The Marine Planning and Development Management Bill 2019 (MPDM) will be essential in providing the legislative underpinning of the NMPF. It is vital that it addresses comprehensively the critical elements of the NMPF and that it will not impede the operation of any of the marine sector activities that already operated in compliance with international best practice in environmental planning and operation.

1. Introduction

The Irish Offshore Operators' Association (IOOA) welcomes the opportunity to comment on the draft National Marine Planning Framework (NMPF). This submission provides background on IOOA and its role in the marine sector; discusses key elements in the draft NMPF that are relevant to the petroleum sector; identifies concerns around aspects of the draft plan; and makes suggestions aimed at improving the draft NMPF.

This submission focusses on the key areas of Energy, and particularly on Petroleum (Section 10.0), with some comments on Carbon Capture and Storage (Section 7.0) and Offshore Gas Storage (Section 8). In addition to their economic and environmental importance in the energy transition, each of these is a key sector with the potential for synergy with other sectors, such as Offshore Renewables (Section 11.0), in order to enhance and maximise the sustainable economic benefits from the marine region to Ireland.

2. Background

IOOA is the representative organisation for the offshore oil and gas exploration and production industry in Ireland. Our members are a mix of large, medium and small Irish and international companies with a 50 history of investment in Irish offshore oil and gas exploration and development. Our industry has invested over €3 billion in Irish offshore exploration operations, with no financial exposure to the Irish State. Importantly, our members have delivered four gas fields, the first of which came on stream in 1978 and the fourth landed first gas in late 2015.

The petroleum sector is a major economic contributor to Ireland through the provision of indigenous energy, scientific research and understanding, technological innovation and financial benefit through taxation, licence and other fees, and employment especially in rural and coastal regions of Ireland. Revenue accrues to the Irish exchequer during all phases of operations from initial licensing options through to production phases.

Investment in development and production infrastructure associated with these fields is of multi-billion scale. More than €1 billion was spent directly with more than 300 Irish companies during the Corrib gas project, which sustained more than 1000 full-time jobs throughout the construction phase. Local infrastructure has been upgraded, with over €21 million invested in roads in north Mayo. The Corrib project is estimated to contribute €6 billion to Ireland's GDP over its lifecycle.

A recent IOOA report¹ provides of the potential value of oil or gas finds to Ireland. A single oil find could create up to 1,200 jobs annually and provide revenue of up to €8.5bn in corporation tax, while a single gas find could create up to 380 jobs per annum and provide tax revenue of €2.4bn in corporation tax over a field life of two decades. This would also create significant opportunities for associated domestic enterprises.

The IOOA report estimates that an oil find of 550 - 600 million barrels could result in total Gross Value Added (GVA) of €1.6bn - €3.2bn over the full 32-year project life cycle, while a gas find yielding 800bn standard cubic feet of gas could generate total GVA of €0.85bn - €0.94bn over a similar period.

¹ Irish Offshore Operators' Association. 2018. *Value of the Indigenous Oil and Gas Industry to Ireland*. 64 pp. https://www.iooa.ie/wp-content/uploads/2019/01/IOOA_report_web.pdf

IOOA member companies, in carrying out licenced and regulated Exploration and Production operations, have also provided very significant environmental, seabed and subsea scientific data in the marine environment over several decades. These include the identification and mapping of cold water corals by seismic techniques, and the acoustic monitoring of cetaceans (whales and dolphins) in the deep-water Atlantic Margin basins². These have helped in improving the scientific understanding of Ireland's marine region.

IOOA member companies hold authorisations (licensing options, licences and leases) to carry out exploration and production in specified licenced blocks in the Irish offshore. These are mostly distant from the shore, with the majority of licenced blocks in the deep waters west of Ireland. These authorisations carry obligations to carry out a specified exploration, development or production work programme. It is essential that the NMPF facilitates the completion of these obligations.

3. The overall Draft NMPF

IOOA advocates strongly the vision documented in Harvesting Our Ocean Wealth (HOOW)³ whereby *“our ocean wealth will be 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”*. IOOA therefore supports the broad structure of the National Marine Planning Framework (NMPF) as an overarching framework for decision-making that is consistent, evidence-based and can help to secure a sustainable future for the maritime area. IOOA notes, with approval, the desire of the NMPF to encourage the effective use of space to support existing and future sustainable economic activity *“through co-existence, mitigation of conflicts and minimisation of the footprint of proposals”*.

IOOA endorses the long-term planning approach of the NMPF. With a 20-year horizon, it is vital that the framework can facilitate existing and developing sectors and other new opportunities that will arise in the marine area.

The framework must be clear and coherent, and structured to facilitate and support the activities and development of the key marine sectors, both current and future. Properly implemented and underpinned by appropriate legislation, it can serve as a framework to realise the potential of marine resources in an integrated fashion and deal with interaction between different interests in a fair, balanced and transparent manner.

It is noted (page 20) that the NMPF will not replace or remove existing regulatory regimes or legislative requirements governing the operation of the broad range of current and future marine sectoral activities. However, it is vital that adding a new tier to the current regulatory regimes and legislative requirements through the NMPF will not increase the regulatory burden and the time scale for decisions. IOOA notes the statement (page 11) that *“the system will reduce the regulatory burden”* by providing *“more certainty regarding what can happen and where, thereby speed up the licensing process”*.

Linking the planning regulatory regime between onshore and offshore is essential for the coherent development of the marine economy. The draft NMPF recognises this, and also that support of

² McCauley, R.D. 2015. Offshore Irish noise logger program (March to September 2014): analysis of cetacean presence, and ambient and anthropogenic noise sources. Project CMST 1296, Report R2015-01. https://cmst.curtin.edu.au/wp-content/uploads/sites/4/2015/06/CMST-2015-01-1296-Ireland-DRIMS_10574111.pdf

³ <https://www.ouroceanwealth.ie/publications>

infrastructure, both offshore and connecting with onshore, must be an essential component of the future development. It acknowledges, for example, that offshore petroleum elements must connect to onshore facilities for storage, processing, or supply into national networks and that adaptation of port facilities might also support repurposing of decommissioned offshore infrastructure.

IOOA has a concern around a zoning approach for structuring the plan (Appendix D, page 187). Certain critical regions could be zoned in such a manner as to prevent other activities from taking place. The optimum and desirable marine plan is one which facilitates the co-existence of a broad range of complex and sometimes competing sectors. It requires clarity and certainty to assure appropriate environmental protection but needs appropriate flexibility to ensure that economic development and growth of existing and new industries and sectors can continue to develop.

4. Sub-national Plans

It is noted (page 24) that the Government is committed to the preparation of regional or sub-national plans in future Marine Spatial Plan cycles. No details of the scope, geographical extent or other features are articulated, other than stating that such plans would have a more local character and could potentially provide for quite detailed plan-making at bay or harbour area.

IOOA is concerned that such plans in some regions could block important national activities, including access to specific areas for exploration activities, potential landfall locations or logistics and emergency response corridors.

IOOA is also concerned about the risk of potential conflict between regional boundaries and also the risk of lack of co-ordination and of divergence with the national marine plan. This has the potential to lead to uncertainty, delays and even the inability to carry out some important activities. It is essential that the template for such regional plans is documented clearly in the national plan to avoid uncertainty and to ensure overall national planning cohesion.

Detailed sub-national plans and strategic zoning need to strike a balance between a range of marine activities including shipping, fishing, aquaculture, renewable energy and petroleum exploration and production. Engagement in the consultation phase of preparation of these plans should be carried out in a timely fashion, with representation from all sectors and stakeholders, and with a national overview included, in order to ensure that specific sectors are not overlooked.

5. Petroleum

IOOA is supportive of the main elements contained in the key sectoral planning policies for Petroleum activities contained in the draft framework. Of particular importance are the three objectives (page 112) to:

- *Explore and develop Ireland's indigenous petroleum resources in order to deliver significant and sustained benefits, such as import substitution, fiscal return, national and local economic development and technology learning.*
- *Provide enhanced security of supply for Ireland in the short and medium term, in accordance with the Government White Paper on Energy, while Ireland transitions to more decarbonised sources of energy.*

- *Ensure good regulatory practices in exploration and production, including decommissioning of existing production facilities when resources are exhausted, according to international best practice.*

Petroleum policy 1 states that proposals that maximise the long-term supply of petroleum should be supported, provided they fully meet the environmental safeguards contained within licensing processes. As such it clearly recognises the need for energy security, diversity of supply and development of indigenous supplies.

However, in the light of uncertainty regarding the longer term future of oil and gas exploration following recent government announcements, the planning policy for Petroleum should articulate further the aspiration that Ireland should secure its strategic long-term supply of petroleum from indigenous sources.

Companies holding petroleum licenses are required to carry out specified exploration programmes: the framework needs to ensure that this is facilitated. However, if there is a future prohibition on exploration/production of specified petroleum types (oil) for any future licences, the NMPF needs to be able to facilitate the implementation of both the existing and the future licence obligations.

As outlined on page 114, the petroleum industry is tightly regulated, with licensing, safety and environmental aspects having close regulatory oversight in accordance with international best practice and recent EU and national directives and legislation, e.g., Irish Offshore Strategic Environmental Assessment 5 (IOSEA 5) of 2015, Petroleum Safety Directive, and Petroleum (Exploration and Extraction) Safety Act 2015 (PEES Act).

As stated in the draft framework (page 115), the key interactions of relevance for marine planning are (a) shipping, ports and harbours, (b) renewables and (c) fishing. Co-operation with (a) and (c) has been managed carefully and successfully in the past. As stated in the draft framework, there is little or no experience of the deployment of renewable and petroleum infrastructure in the same areas in Ireland. However, this has worked satisfactorily in other nearby jurisdictions and it is likely that similar synergies can be applied in the Irish offshore.

IOOA member companies play a leading role in developing and upscaling new renewable energy technologies on a global scale. Partnering the oil and gas industry with the developing renewables industry through natural synergies that utilise the expertise, innovations, new technologies and financial capabilities of the oil and gas sector is essential in order to make the transition to a better and sustainable energy future.

Regarding sustainability, the draft framework references (page 116) the acknowledgement in the Energy White Paper of 2015⁴ that *“petroleum will remain significant elements of Ireland’s energy supply in the evolution to a low carbon energy system. Natural gas would continue to play an important role in the energy transition; firstly, to ensure system flexibility and inertia with more renewables in the power sector and, secondly, to substitute for fuels with higher carbon emissions for heating purposes and in transport”*.

It would be helpful to see, in the Background and Context section of the draft framework document, inclusion of some of the financial and other benefits that have accrued, and those that are predicted, in the Petroleum sector activities (See Background section above). In addition, petroleum provides

⁴ Energy White Paper. 2015. Ireland’s Transition to a Low Carbon Energy Future, 2015-2030. Department of Communications, Energy and Natural Resources. <http://www.dcae.gov.ie/documents/Energy%20White%20Paper%20-%20Dec%202015.pdf>

essential ingredients for the petrochemical industry, for fertilisers, synthetic fabrics, safety equipment, mains gas and water pipes, and virtually all the protection clothing and equipment used in disease control and medicine.

6. CCS

IOOA is supportive of examining the feasibility of the safe deployment of Carbon Capture and Storage (CCS) for Ireland. In all robust scenarios for energy transition, CCS is acknowledged as a key enabler and as a technology with the potential to assist globally in the transition to a low carbon future^{5,6}. Proven by CO₂ injection and monitoring over more than two decades in the Sleipner CCS project in the North Sea⁷, offshore depleted reservoirs and saline reservoirs offer significant potential for safe long-term storage of CO₂. The technology has been developed by the petroleum industry. IOOA is fully supportive of the ongoing research into the use of CCS.

However, appropriate legislation needs to be in place for CCS deployment. As stated on page 101, *“7.2 Directive 2009/31/EC on the geological storage of CO₂ established a legal framework for CCS to contribute to the fight against climate change within the European Union. In Ireland, using geological formations for the capture and storage of carbon is currently prohibited under S.I. No. 575/2011”*. In order to stimulate and facilitate research and industrial-scale demonstration projects and deployment, the necessary legal framework is required for the utilisation of CCS in the Irish offshore.

7. Gas Storage

IOOA is supportive of the NMPF vision (page 104) to support the analysis of options for increased gas storage in order to ensure optimum energy security for both backup provision when renewables are unable to meet the energy demand and, as required under EU regulations, to ensure adequate strategic supplies to cover the event of interconnector or other supply interruptions. This is especially important in the light of the cessation of gas storage at the Kinsale Head gasfield.

IOOA is reassured (page 105) that the Department of Communications, Climate Action and Environment is in the process of developing legislation to provide the necessary regulatory framework to licence stand-alone natural gas storage facilities.

8. Marine Planning and Development Bill 2019

The Marine Planning and Development Management Bill 2019 (MPDM) will be essential to provide the legislative underpinning of the NMPF. However, it is critical that its contents are consistent with the NMPF. It is essential that the underpinning legislation of the MPDM Bill addresses comprehensively the critical elements of the NMPF, and that neither the Bill nor the NMPF will impede any of the marine sector activities that already operated in compliance with international best practice in environmental planning and operation.

It is essential, as envisaged in the outline draft Bill, that there is a single State consent system for the entire maritime area with (a) clear determination of responsibilities of government departments and

⁵ Metz, B., Davidson, O., de Coninck, H., Loos, M. and Meyer, L. (eds). 2005. *IPCC Special Report on Carbon Dioxide Capture and Storage*. Cambridge University Press. 431 pp. https://www.ipcc.ch/pdf/special-reports/srccs/srccs_wholereport.pdf

⁶ http://www.easac.eu/fileadmin/Reports/Easac_13_CCS_Web_Complete.pdf

⁷ <https://www.bgs.ac.uk/science/CO2/home.html>

relevant agencies, (b) a single development management process, (c) no unnecessary and time-consuming duplication of development management processes and (d) a single development management process for activities and development in the maritime area. However, until the detailed legislative wording is finalised and the Bill is passed by the Oireachtas, there will remain an uncertainty and the risk that some, most or all of the current duplication and regulatory issues will remain, thereby delaying and in some cases effectively causing the abandonment of development that is essential for Ireland's economic, societal and environmental wellbeing.

9. Overarching Marine Planning Policies

On page 57 the discussion on underwater noise states that *“At present, our knowledge of the current status of underwater noise and the data that underpins it remains poor. Ireland's POMs (Programme of Measures) target sets out the need to establish a noise register in support of a better understanding of the levels and risks associated with the underwater noise pressure. It is anticipated that threshold levels that distinguish between benign sound and harmful noise levels will eventually be determined as more information becomes available through the register”*. IOOA member companies, together with the global industry and supported by research, are building up a significant understanding of underwater noise propagation and its impact on the biological environment. This will be shared with regulatory bodies in order to help with the refinement of guidelines and appropriate regulations regarding underwater noise.

IOOA has concerns around the practicalities of the requirement (page 60) that proposals *“must demonstrate consideration of their contribution to greenhouse gas emissions for the lifetime of the proposal, both direct and indirect”*. By its very nature, the results of exploration (seismic surveys, exploration and appraisal drilling) are unknown and it is impossible to estimate or demonstrate the likely contribution to greenhouse gas emissions for the lifetime of a project with any confidence. This can only be done with some level of confidence following completion of appraisal drilling and associated research. Furthermore, the industry cannot take responsibility for how their products (oil/gas) are utilised by the end-users within the national or international community. In order to take account of this, it is suggested that wording should be added to the effect that *“where its deemed that proposals which cannot “avoid” greenhouse gas emissions, due to their inherent GHG lifecycle emission potential and undefined end use, in the overriding interest of energy security these projects should be supported”*.

10. Implementation Arrangements

IOOA is supportive of the proposal (page 181) that the high-level Interdepartmental Group and an external Stakeholder Advisory Group should be repurposed to become implementation bodies to ensure that the NMPF and its main proposals are given top-level commitment, including of a budgetary and investment nature. It is important that these groups are truly representative of all sectors.

In addition, a guiding panel of industry representatives (e.g., renewables, petroleum, aquaculture, fishing, biodiversity, etc.) should be set up to guide future developments of the framework and its implementation. Having an industry panel will help focus the development more effectively and identify areas of common concern regarding diverging interests.



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15th April 2020

Re: Public Consultation on Draft National Marine Planning Framework

Dear Sir/Madam,

EirGrid Group welcomes the opportunity to make a submission on the Draft National Marine Planning Framework and requests that this submission is taken into consideration in the finalisation of the framework.

EirGrid's Function

EirGrid is responsible for the safe, secure and reliable transmission of electricity – now and in the future. EirGrid develops, manages and operates the electricity transmission grid. This brings power from where it is generated to where it is needed throughout Ireland. The grid also supplies power to industry and businesses that use large amounts of electricity and powers the distribution network. The distribution network in turn supplies electricity to homes, businesses, schools, hospitals, and farms.

EirGrid's function as the national electricity Transmission System Operator (TSO) is set out in the European Communities (Internal Market in Energy) Regulations, 2000 - SI 445/2000. Article 8(1)(a) gives EirGrid as TSO, the exclusive statutory function:

"To operate and ensure the maintenance of and, if necessary, develop a safe, secure, reliable, economical, and efficient electricity transmission system, and to explore and develop opportunities for interconnection of its system with other systems, in all cases with a view to ensuring that all reasonable demands for electricity are met having due regard for the environment."

The transmission system on the island of Ireland refers to the higher capacity electricity network and primarily comprises substations and circuits at 400 kV (i.e. 400,000 Volts), 220 kV, and 110 kV (in Northern Ireland, transmission infrastructure also occurs at 275 kV). EirGrid's (2016) Transmission System Map (ENCL1) is enclosed.

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EirGrid develops, manages and operates significant electricity transmission grid infrastructure in the marine environment. Most notably the East-West Interconnector which goes offshore at Rush, Co. Dublin and lands near Prestatyn, Wales in the United Kingdom. The Celtic Interconnector is a proposed electrical link which will enable the movement of electricity between Ireland and France and will be the first direct energy link between the two countries, running from the south coast of Ireland (East Cork) to the north-west coast of France. The project promoters are EirGrid and Réseau de Transport d'Électricité (RTE), the Transmission System Operators (TSOs) in Ireland and France. There is also other infrastructure also operating in a marine environment in the Shannon Estuary and Cork Harbour among other locations.

Policy-Led Framework

The electricity transmission grid's importance in supporting our society and economy should not be understated. EirGrid notes and welcomes reference and emphasis placed on this in the draft framework in Section 9.0 which will support a safe, secure and reliable supply of electricity and assist EirGrid in the successful implementation of its Grid Development Strategy - Your Grid, Your Tomorrow (2017) (ENCL2). This is imperative to meeting national targets for electricity generation, climate change targets, and security of energy supplies.

EirGrid suggests the framework also be explicit as to how the various Government (and State Agency) policy documents have been considered in the preparation of the draft framework and how they have informed the principles and priorities as set out for energy transmission. A section should be included in the framework setting out how these policy documents have been considered in a holistic and integrated way. This gives a clear policy-led foundation to the framework, which will prove invaluable as it subsequently informs future strategies, policies and objectives.

In terms of electricity transmission there are a number of important Government and state agency policy documents, namely:

- Department of Communications, Energy and Natural Resources (2015) White Paper On Energy: Ireland's Transition to a Low Carbon Energy Future 2015-2030;
- Department of Communications, Energy and Natural Resources (2019) Climate Action Plan;
- Government of Ireland (2019) Project Ireland 2040 – National Planning Framework
- EirGrid (2019) *Strategy 2020-2025: Transforming the power system for future generations.*
- EirGrid's (2017) Grid Development Strategy - Your Grid, Your Tomorrow;
- EirGrid (2017) Tomorrow's Energy Scenarios 2017: Planning our Energy Future.

In this regard, the Department of Communications, Energy and Natural Resources (2015) White Paper on Energy titled Ireland's Transition to a Low Carbon Energy Future 2015-2030 reaffirms the Government's position on energy matters and should be relied upon as a source for policy formulation for energy in the draft. The White Paper acknowledges that developing, maintaining, and upgrading the grid is essential to meeting its short, medium and longer-term objectives. It also has considerable regard to wider emerging EU Policy which promotes smart low-carbon economies centred on energy efficiency. This policy in turn acknowledges the role of sustainable development of individual country's transmission grids to assist in their delivery.

The Climate Action Plan 2019, published on June 17th, 2019 by the Department of Communications, Climate Action and Environment, sets out a 'roadmap' to achieve a net zero carbon energy system by

2050. This Plan builds on the policy framework, measures and actions set out in the National Mitigation Plan, Project Ireland 2040 and the draft National Energy and Climate Plan in order to create a resilient, vibrant and sustainable country. The plan acknowledges that Ireland has to date been very successful in deploying renewable electricity with 30.1% of electricity produced from renewable sources in 2017. As of the 28th of March, 2019, the Irish government has confirmed that Ireland will now aim for at least 70% of Ireland's electricity supply to be generated from renewables by 2030. This aim is increased from the current target for 2030 which was 55% (RES-E) in Project Ireland 2040.

The plan notes that demand for electricity is forecasted to increase by 50% above existing capacity in the next decade. Therefore, in order to achieve the target of 70% in the context of rising energy demand, significant progress in renewable electricity deployment will need to continue, with an increased deployment rate of all renewable electricity technologies.

- At least 3.5 GW of offshore renewable energy;
- Up to 1.5 GW of grid-scale solar energy; and
- Up to 8.2 GW total of increased onshore wind capacity

The Climate Action Plan states that increased levels of renewable generation will require very substantial new infrastructure, including grid infrastructure.

The National Planning Framework placed particular emphasis on connectivity, particularly international connectivity, where certain key infrastructural projects are mentioned by name. Interconnection of the electricity network would assure Ireland's direct access to the EU Single Energy Market and strengthen competition and security of supply in Ireland and create opportunities to import and export electricity. An explicit objective championing the Integrated Single Electricity Market (I-SEM) as a key priority for Ireland would also be welcomed.

Interconnection is a very important part of modern power grids offering multiple benefits to the electricity consumers by:

- Facilitating increased electricity trading resulting in downward pressure on the cost of electricity;
- Enhancing security of supply by providing an additional supply of power and increased diversification; and
- Reducing emissions by facilitating the development of renewable energy sources, particularly variable sources such as wind.

The European Commission sees increased interconnection as a key step towards achieving a more integrated electricity system and considers the Celtic Interconnector to be an important move towards achieving such integration. The proposed Celtic Interconnector project consists of a High Voltage Direct Current (HVDC) link, rated at a capacity of 700 MW.

EirGrid (2019) *Strategy 2020-2025: and* EirGrid's (2017) *Grid Development Strategy - Your Grid, Your Tomorrow* is consistent with the Government White Paper on Energy and should also be incorporated/referenced in the draft framework. The Grid Development Strategy is also set in the context of Government Policy, in particular the Climate Action Plan, Department of Business, Enterprise and Innovations (2017) *Action Plan for Jobs 2017* and the Irish Development Authority's (IDA) (2015) *strategy, Winning: Foreign Direct Investment 2015-2019*.

The Grid Development Strategy acknowledges the need to achieve a balance between social, environmental and economic factors. On the basis of this need the Grid Development Strategy is underpinned by three Statements as follows:

Strategy Statements

Strategy Statement 1

Inclusive consultation with local communities and stakeholders will be central to our approach.

Strategy Statement 2

We will consider all practical technology options.

Strategy Statement 3

We will optimise the existing grid to minimise the need for new infrastructure.

It is important that the framework reflects EirGrid’s need for robust policies to develop the electricity grid in a safe and secure way. This is necessary to meet projected demand levels; to meet Government Policy; and to ensure a long-term, sustainable and competitive energy future for Ireland. The framework should facilitate the development of grid reinforcements including grid connections and a transboundary network into and through the marine and terrestrial environments and between all adjacent marine and terrestrial jurisdictions and to support the development of international connections.

An increased strategic spatial focus will be of the utmost benefit in facilitating EirGrid to successfully plan for the future transmission network and is of particular importance in EirGrid’s (2017), recently published, Tomorrow’s Energy Scenarios 2017: Planning our Energy Future (ENCL3) which brings together a wide range of factors which can influence the evolution of the electricity sector. One of EirGrid’s roles is to plan the development of the electricity transmission grid to meet the future needs of society. The key to this process is considering the range of possible ways that energy usage may change in the future through scenario planning.

The increased spatial focus in the framework and the identification of suitable locations for larger generation (i.e. renewable energy) centres is a key consideration and importance in formulating energy scenarios into the future and in identifying the optimum grid development solutions. It should be the intention of the framework to support this level of spatial focus and that an appropriate context is set in the future framework to ensure that such development is directed to spatially suitable locations to ensure efficient use of the existing transmission network.

Conclusion

The development of the transmission grid as summarised above and outlined in detail in EirGrid’s Grid Development Strategy - Your Grid, Your Tomorrow (2017) and associated Technical Report (2017), is of critical importance to support the economy and society, as well as to realise the transformation of Ireland’s energy system to meet climate change and energy obligations. Electricity infrastructure is critical for economic and spatial marine development.



To ensure Ireland's sustainable development and growth, EirGrid requires an appropriate and robust Framework for planning the national grid infrastructure and prioritising it appropriately in order to deliver national, regional and local benefit.

EirGrid is available to collaborate with the department and to provide expert and focused input into the finalisation the framework, particularly from a strategic energy policy perspective. Should you have any comments in regard of this submission please contact the undersigned. EirGrid once more welcomes the opportunity to participate in the making of the Framework and looks forward to further engagement.

Yours sincerely,

Tomás Bradley,
Senior Lead Planner,



Enclosures (links to website)

ENCL 1: [Transmission System Map](#);

ENCL 2: [Grid Development Strategy - Your Grid, Your Tomorrow](#)

ENCL 3: [Tomorrow's Energy Scenarios 2017: Planning our Energy Future](#)

ENCL 4: [Grid Development Strategy - Your Grid, Your Tomorrow – Technical Report](#)

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Association of Irish Local Government

**Minister for the Housing, Planning, & Local Government
(Marine Spatial Planning Section)**

Dear Minister

The Association of Irish Local Government (AILG) appreciates the opportunity to make a submission on the Draft National Marine Planning Framework (dNMPF).

Introduction

The Association is the networking body for the elected County and City Councillors who form the policy making boards of the statutory local authorities in the State. The Association invited input from Councillors nationwide to inform its response to consultations such as the response to the dNMPF. From their wealth of experience Councillors are in a position to accurately identify issues of concern to the communities which they serve. All such communities have needs and resources as varied as the diversity of coastlines on which they are located.

In terms of marine issues, 19 of the local authorities in the State have a coastline and/or a sea-water port. For example, a county as ostensibly inland as Kilkenny has a tidal port. And, of course, counties such as Cork, Kerry, Galway Mayo and Donegal, among others, have long complex coastlines with a number of islands, inhabited and uninhabited within their remit.

Local authorities have vast experience in managing coastline planning issues in a diversity of environments from high density city and port locations to remote rural coastal settings. A complex matrix of social, commercial, environmental and cultural influences is involved in the local authority approach to coastal issues. While much of this is managed through the well-established terrestrial planning process there is a clear and pressing need for coastal local authorities to be able to manage development seaward of the high water mark in a way that is integrated with the established on-land planning processes.

Core Issues

The elected members who form the policy marking boards of the local authorities have been making development plans to guide local planning since the first Local Government (Planning & Development) Act in 1963. There exists therefore a strong experience base in relation to planning and all the processes involved in generating a successful planning outcome. When it comes to the coastline local authorities currently have jurisdiction above the the high water mark and thus have a considerable role in on-shore developments up to this point.

However activities that happen beyond this mark have substantial implications for land-based planning and vice versa. Therefore it is essential that a planning system is developed which integrates local authority planning with marine planning.

As described in paragraph 3.179 (p.70), there are many situations where land-based installations facilitate seaborne activity. Aquaculture and fishing require harbour and port facilities for landing catches and product and for berthing. Ferry and shipping operators require harbour facilities to transport passengers, vehicles and cargo from origin to destination. Seaward renewable energy requires shore run-on cabling and transmission stations to supply into the national grid. Telecoms and energy interconnectors need to link-in with shore-based substations to feed into national networks. The foregoing is a just a sample of the many situations where full integration is needed between land-based and seaward developments.

Currently any project which crosses the high-water mark - for example a marina development or a pipeline - requires permission under both the local authority administered Planning Acts and under the centrally administered (and now dated) Foreshore Act of 1933. It is important that a local authority led single permitting process be put in place so that all interested parties can input into a single process which embraces the best of land and marine planning practice.

The AILG therefore endorses and urges the implementation the necessary legislation which, as stated at page 20, paragraph 2.43, *Bullet Point 6*, will:

**Introduce a single development management process for the maritime area for activities and developments to be administered by An Bord Pleanala/local authorities as appropriate to development type and location.*

To achieve the co-ordination of marine and terrestrial planning emphasised above it is necessary that this development management process be local authority led with, as required, an appellate route to An Bord Pleanala. At a minimum developments located near-shore and/or visible from the shore should be included in a local authority led planning process.

Social - Engagement with the Sea

The Association endorses the principles expressed in the text "Social -Engagement with the Sea" (page 70) and particularly the intention to promote integration, coordination and coherence between land and marine planning systems. This in

turn gives practical expression to the important objective of promoting vibrant, accessible and sustainable coastal and island communities.

Many coastal communities contend with the disadvantages of peripherality and remoteness and yet form a distinctive social and cultural presence in Irish society. This is particularly true of island communities who occupy a notable place in the tapestry of Irish culture. It is important that the NMPF helps maximise in an appropriate way the sustainability of coastal and island communities.

In this context the Association commends the objective stated in paragraph 3.205 (p.81), bullet point 4:

Subject to compliance with all applicable environmental assessments and regulatory controls, proposals that might be supported by this policy include, but are not limited to:

****proposals generally that would reduce deprivation, prevent depopulation and contribute to the sustainability of rural coastal and/or island communities.***

Access to coastline (p.71)

Proposals demonstrating appropriate enhanced and inclusive public access to and within the marine area should be encouraged so as to ensure that the common national heritage is open to all. Any proposals which would work to privatise stretches of shoreline should be resisted unless there is compelling reason to the contrary.

Heritage and Marine Planning (p.72)

As outlined in paragraph 3.190 (p.72), Ireland's coastal waters have been central to the development of life on this island since the first boats crossed the seaways from Britain and the European continent millennia ago. This has given rise to many related marine heritage resources including the sites of shipwrecks, harbours, jetties, landing places, estuarine fords and causeways, fish traps, kelp grids, navigation marks of many kinds, naval and military defence sites, which are to be found along the 7,000 km of the Irish coastline, at intertidal zones and beneath reclaimed areas of land which were formerly seabed.

Two further classes of marine heritage which should be acknowledged in the National Marine Planning Framework include:

* records and archives both in traditional and digital formats which record, document and illustrate any aspect of marine heritage and activity and which promote interpretation and understanding of the place of the sea in Irish life;

* the intangible heritage of such as placenames, tradition and folklore relating to the sea and marine and coastal features.

As well as being of intrinsic value the foregoing also assist in expanding the tourism and educational dimensions of a holistic marine policy.

Seascape and Landscape (p. 82)

The Association endorses the context established in paragraph 3.209 (p.82) which highlights that many areas of our coastline are distinctive for their natural beauty and their diverse range of activities. The NMPF should ensure that development proposals consider their potential impacts on the seascape including views from the shoreline. In simple terms, a phalanx of wind-farm installations may spoil an iconic sea view.

The effects of development such as wind and tidal energy projects, port development, erosion defences, cable landings and pipelines, on an area's seascape and landscape should be considered.

Offshore Renewable Energy, (Section 11, p.119)

A major national objective is to generate substantial power from offshore windfarms. ORE policy 9 (p.120) mentions the visualisation assessments and that there

must be consultation with communities which may be able to see the development with the aim of minimising the impact.

There should be a requirement for a presentation to the Council and the local Municipal District and for a formal view to be input to the decision making body - a procedure similar to that with Strategic Housing Developments.

Many seaside towns have seaside promenades and these can be the main feature on which the town's visitor attraction is grounded. A vista from such a promenade of a line of windmills from one side to the other of the ocean view would be too much though a smaller section might be acceptable.

In addition local areas should receive some benefit and community gain from offshore developments as well as jobs in port towns. There should also be displays explaining the project near the seafront with a meter showing how much is being generated at any one time. Such measures would generate local

interest
and support.

Ports, Harbours and Shipping (Section 14, p.141)

Many small and medium sized harbours are run by Councils. A number have been transferred from Central Government in recent years. Often these operate at a loss and it is difficult to fund maintenance and any upgrading. Dredging and getting permission to do it is usually expensive. Yet it is vital to keep adequate water depth to provide for ships and other vessels which provide trade and a sense of purpose and life to these ports

The Association recommends that the National Marine Planning Framework should include:

** a commitment that funding will be available to local authorities to help sustain small ports which add to the national and regional commercial and recreational infrastructure;*

** that a streamlined process is put in place for local authorities to secure dredging permits for navigation maintenance purposes.*

Seaweed harvesting (Section 16, p.155)

The harvesting of wild seaweed by hand is an activity important to specific coastal communities where it has been a source of animal feed, fertiliser, and, in some cases, a source of income. In more recent times commercial entities have shown interest in harvesting large quantities of sea-weed for use in nutritional and biochemical applications.

While such innovations can provide welcome employment in coastal locations where there is little else in the way of employment any commercial harvesting needs to be conditional on respecting existing hand-harvesting rights and on ensuring a sustainable approach that does not leave the seashore or seabed denuded of marine vegetation.

The Association therefore endorses the objective of paragraph 16.19: "**The Government is committed to ensuring the sustainability of seaweed natural resources underpins the licensing regime for seaweed harvesting.**"

Sport and Recreation (Chapter 17, p.158)

As an island nation Ireland needs to encourage seaside communities to use the sea for leisure and to enjoy and respect the sea. This connection is weak in some areas especially where the population has expanded rapidly. Often the marine facilities have not expanded with the population.

It is well established terrestrial town planning practice that certain amounts of active open space are provided to cater for expanded populations, usually in the form of playing pitches or possibly parks. This principle should be adopted for seaside areas such that County/City Development Plans, Local Area plans and the community gain aspect of specific planning applications should include provision for public slipways, marinas, secure boat storage areas as well as coastal walks and parks.

Community facilities such as rowing and sailing clubs, Sea Scouts etc. are useful to encourage a connection to the sea by adults and youth.

The Association therefore recommends the inclusion of a provision in the final National Marine Planning Framework:

** that the State encourages the provision of marine recreational facilities - including public slipways, public marinas, coastal parks and walks etc - as an integral part of developments taking place in coastal locations including town and suburban developments.*

These facilities are also of benefit to tourism. Marine leisure is a large, probably the largest, provider of jobs in the marine sector.

Local Authority Capacity for Coastal Development

The Draft NMPF does not mention the specific capacity of Local Authorities in existing development. S226 & S227 of the Planning and Development Act 2000 allow a planning authority solely or in partnership to apply to Bord Pleanála for planning permission on the foreshore (and land) and to Compulsory Purchase the foreshore (and land) in a single integrated procedure.

This procedure has consultation requirements and deadlines and is a good way of bringing the many and varied issues out in public for decision. It can involve Oral Hearings and requirements to change the design. An example of the use of this was the building of Greystones Harbour by Wicklow County Council and its partners.

A key part is the Local Development Plan and the support of a democratically elected body.

Local Authorities should retain these functions and the Greystones process might serve as a model for other types of development.

The Association recommends that the National Marine Planning Framework includes a provision that

*** that the capacity of coastal local authorities to undertake development through existing Planning legislation is acknowledged and supported as offering an effective pathway for developments which would increase public engagement with marine activities - the support of elected members being a key element of such process.**

Conclusion

The Association of Irish Local Government represents the elected members of the County and City Councils who are the planning authorities in the State. The local authorities have experience since the Local Government (Planning & Development) Act 1963 of managing landward development.

There is the strongest case for full integration between land and marine consenting processes so that the complementary nature of coastal developments whether on land or at sea are fully recognised.

The Association stands ready to contribute to further consultation and discussion in relation to the evolution of the National Marine Planning Framework.

The Association would appreciate an acknowledgement of this submission.

Yours faithfully

Liam Kenny
Director, AILG

* The helpful input of Cllr Derek Mitchell, Wicklow County Council, to this submission is acknowledged.



Conor McCabe
Principal Officer
Marine Planning Section,
Department of Housing, Planning and Local Government,
Newtown Road,
Wexford
Y35 AP90



20 April 2020

Dear Conor,

Re: draft National Marine Planning Framework

I write in reference to your consultation on the draft National Marine Planning Framework. I have provided some general, high-level observations and comments on the framework below.

We welcome the proposed introduction of the National Marine Planning Framework and its vision of *“a marine planning system with clear forward planning, development management and enforcement elements that promotes and sustains ocean health, and supports the sustainable (recreational) enjoyment, management and use of Ireland’s marine resource”*.

We note the inclusion within the framework of *“a commitment to prepare statutory marine planning guidelines on specific marine planning issues”*. The framework does not include a suggested timeframe for the production of any guidelines or the process by which they will be brought in, including whether it is your intention to consult on these at any point. We would welcome the opportunity to contribute, where appropriate, to any such guidance in the context of cross-border or transboundary considerations from a Welsh perspective.

Governance arrangements and implementation will be key considerations once the framework has been adopted and, indeed, will be ongoing considerations into the future. We would welcome ongoing discussions in these areas where we can each benefit from respective approaches and lessons learned. We would be keen to maintain and further develop the six marine planning administrations group for this purpose.

A small correction within the framework’s section on transboundary cooperation (paragraphs 2.50 and 2.51) in that the Welsh National Marine Plan has now been adopted as of November 2019. We also note that England currently have plans in place for four areas and are currently consulting on the remaining seven.

With regard to your transboundary policy, we welcome the requirement for proposals to consider potential impacts on neighbouring marine planning jurisdictions and to



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consult with the relevant neighbouring authority where necessary. We would suggest that the 'key references' section of this policy could also usefully signpost the marine plans of the neighbouring jurisdictions. Additionally, this policy section could also include reference to other marine evidence portals and/or databases maintained by neighbouring jurisdictions which may be useful to proposers in assessing likely impacts on neighbouring marine areas.

We also suggest it may be useful to include reference to cross-border and transboundary issues within some of the other policy sections as well as in the transboundary policy specifically. Policies where cross-border and transboundary considerations may be particularly relevant could include the climate change policies, telecommunications, shipping and safety at sea.

Please do contact me if you wish to discuss any of these comments further.

Yours sincerely,

John Hamer
Head Marine Policy Branch & Marine planning for Wales
Marine and Fisheries Division
Welsh Government



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Inland Fisheries Ireland**

Draft NMPF Submissions,
Marine Planning Section,
Department of Housing, Planning and Local Government,
Newtown Road,
Wexford
Y35 AP90

RE: **Public Consultation on the Draft National Marine Planning Framework**

April 20th, 2020.

Dear Sir or Madam,

Thank you for the opportunity to contribute to the public consultation on the Draft National Marine Planning Framework (NMPF).

These comments are made in addition to Inland Fisheries Ireland's (IFI) previous submission addressing the National Marine Planning Framework - Baseline Report (December 18th, 2018). These comments reflect the views of the organisation in relation to the public consultation process for the above framework.

1. Background

IFI understand that *the NMPF is a national plan for Ireland's maritime area, setting out, over a 20 year horizon, how we want to use, protect and enjoy our seas. The NMPF sits at the top of the hierarchy of plans and sectoral policies for the marine area. The plan has been informed by existing sectoral plans and will, in turn, be used to inform future cycles of those plans in an ongoing feedback loop. It provides a coherent framework in which those sectoral policies and objectives can be realised. It will become the key decision-making tool for regulatory authorities and policy makers into the future in a number of ways including decisions on individual consent applications which will have to secure the objectives of the plan, similar to the way that terrestrial plans form part of the decision-making tool-kit in the on-land planning process (NMPF 2020).*

Ireland's final NMPF, to be published in 2020, will be the key consideration for decision-makers on all marine consents. All applications for activity or development in Ireland's maritime area, including those made within the new development management system being provided for under the Marine Planning and Development Management Bill 2019, will be considered in terms of its consistency with the objectives of the plan. It will therefore create the overarching framework for decision-making that is consistent, evidence-based and secures a sustainable future for the maritime area.



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...the NMPF mutually recognises the importance of integration and co-ordination with the land planning regime at national, regional and local levels. In future it will be equally important in turn that national, regional and local terrestrial plans are consistent with the NMPF – as they will be required to do under the Planning and Development Act 2018. Many activities and uses that take place on land or in the sea can have impacts on both the land and the maritime area.

and...the NMPF will not replace or remove existing regulatory regimes or legislative requirements governing the operation of various marine sectoral activities. Rather, it will provide an overarching framework for their continued operation. As part of their decision-making processes public bodies involved in regulating marine development and activities will become obliged to take into account the objectives of plans, when adopted. However, decisions on applications for consent should not be delayed in anticipation of plans being adopted for the first time.

2. About Inland Fisheries Ireland's Role

Inland Fisheries Ireland (IFI) is the statutory authority tasked under section 7(1) of the Inland Fisheries Act 2010 (No. 10 of 2010) with responsibility for the protection, management, and conservation, of the inland fisheries resource and recreational sea angling. IFI is mandated to ensure that the fisheries of the State are protected. To protect means to keep safe, defend, to shield from danger, injury or change. "Fisheries" includes all inland fisheries recreational and commercial, sea angling and mollusc fisheries stipulated under the Fisheries Acts, the physical habitat upon which the fishery relies, the facilities and access, the quantity and quality of the water and the plant and animal life on which fish depend for shelter and food and the spawning areas where in fish deposit their eggs. The protective role of IFI relates to all aspects of the aquatic environment and all factors that influence the biotic communities within waters, which in any way relate to the propagation of fish stocks.

Under section 7(3) of the IFI Act it is stated that IFI shall in the performance of its functions have regard to (g) the requirements of the European Communities (Natural Habitats) Regulations 1997 (S.I. No. 94 of 1997) and the need for the sustainable development of the inland fisheries resource (including the conservation of fish and other species of fauna and flora habitats and the biodiversity of inland water ecosystems), (h) as far as possible, ensure that its activities are carried out so as to protect the national heritage (within the meaning of the Heritage Act 1995).



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The Irish implementing legislation for the Habitats Directive identifies the Minister for Communications, Energy and Natural Resources as having a role in carrying out monitoring of the status of the relevant fish species. The present IFI R&D programme fills this Ministerial obligation and complements it by including those fish species listed in the current Red Data Book and not covered by the Habitats Directive including the conservation of diadromous species including salmon, shad, smelt, and lamprey. IFI also has responsibility for pollan and the recreational angling aspect of marine fish species. IFI is the responsible agency in respect of the licensing and management of commercial and recreational fishing for salmon, with protection responsibilities at sea out to 12 miles from baselines.

IFI is also mandated to market and promote Irish recreational angling in both the domestic and foreign tourism markets. This brief acknowledges the importance of angling as a contributor to the Irish economy both in terms of revenue generated and the jobs it sustains.

3. The National Marine Fisheries Resource

The marine recreational angling sector is an important component of Ireland's recreational and tourism angling product. Sea angling (including bass) contributes an estimated €230 million to the Irish economy (source: IFI, 2015). To put this in context, the total economic contribution of pelagic landings by the Irish fleet is €113.4m. For demersal fishing, the economic contribution is €117.1m. From these data it is clear that sea angling is comparable in importance to commercial fishing. Furthermore, sea angling, a year round activity, is distributed widely thereby providing income and employment in dispersed rural areas.

While recreational angling has not been specifically addressed in the draft NMPF, it is important to highlight that (freshwater and marine recreational angling) directly supports over 11,000 existing Irish jobs, many of which are located in the most peripheral and rural parts of the Irish countryside and along our coastline (IFI, 2015). Within the sector participation rates totalled 446,000 people who were involved in recreational angling in Ireland in 2015, with over 170,000 of these travelling from Northern Ireland and overseas. Over a quarter of a million Irish adults (273,000) held a fishing rod in that period, with sea angling along with salmon and brown trout angling, observed as the most popular categories where domestic anglers are concerned. The quality of the Irish angling product, the friendliness and hospitality of the Irish people and the country's outstanding scenery were cited amongst the principal attractions of Ireland as an international destination for recreational angling.



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Multiple species are targeted by anglers (where shore and boat based angling are carried out) and each species has its unique habitat requirements which is life stage and activity (i.e. breeding, feeding or migrating) driven. In addition to teleost fish species many elasmobranch species (shark, rays and skates) occur in Irish waters and six of the 58 species evaluated (NPWS, 2016) were deemed critically endangered.

Ireland has in excess of 70,000 km of rivers and streams and 144,000 ha of lakes, all of which fall under IFI's fisheries management jurisdiction. Many of these watercourses discharge directly to the sea and support species which utilise the marine environment for parts of their life cycle (salmon, sea trout and eel). Salmon and eel populations are in decline across their distribution and their fisheries are heavily regulated to effect species conservation. Salmon is an Annex II listed species under the Habitats Directive, while eel is subject to a European-wide stock recovery plan (Council Regulation (EC) No 1100/2007). Nonetheless the heavily managed salmon (and sea trout) angling fishery in Ireland makes a contribution of €210m to the Irish economy.

The heavily indented Irish coastline provides extensive habitats for many different marine fish species. Functioning as nursery or adult holding water, estuaries are usually key feeding areas or refugias for different life stages of several species, often on a seasonal basis. Where estuaries are compromised fish populations may be impaired. For example, a small number of estuaries (4-6), mainly on the south coast, support juvenile bass populations and these estuaries are essential habitat for juvenile bass production. Bass, an iconic sea angling species, is a slow growing, late maturing species which is vulnerable to overexploitation. Prudent management of this angling-only species has resulted in the re-establishment of a bass fishery, where catch and release is widely practised. Maintaining these estuaries as bass nurseries is essential for the species and for the fishery.

Recreational angling fisheries operate from the shore and from boats. Shore fishing is carried out in estuaries, beaches, rocky outcrops, piers/harbours and in any marine site which is accessible and safe for anglers. Shore angling is a year round activity. The boat angling sector comprises professional deep-sea charter boats which concentrate primarily on offshore species or inshore guided angling service providers which operate small craft for angling groups, as well as many small private boats. IFI maintains a list of licensed recreational charter vessels which includes some 130 vessels nationally. Private self-drive small craft also operate in the boat fishing category. Boat angling, particularly in smaller craft, is generally confined to the April to September period when favourable weather conditions prevail. The marine angling sector is largely practiced on a catch and release basis as anglers are very conscious of the fish conservation imperative and relatively few species are retained for consumption.



4. Review of the Draft NMPF in the context of IFI responsibilities

As outlined in the previous baseline report, the NMPF covers all of the broad subject areas relevant to the sector and the process. IFI welcomes the production of this overarching framework for decision making that is framed as consistent, evidence-based and aimed at securing a sustainable future for the marine area. IFI promotes and manages its functions to deliver a goal of environmental sustainability which aligns well with the ambition of the NMPF and, critically, a core objective of MSP Directive 2014/89/EU, the key EU Directive in this process .

4.1 Overarching Marine Planning Policies

IFI welcomes the Overarching Marine Planning Policies (OMPPs grouped according to environmental, social and economic objectives and policies) presented which will apply to all proposals capable of having impacts in the maritime area. IFI also supports the principle that they apply equally to proposals that would be located in the maritime area, and to proposals that would be located outside of the maritime area but capable of having an impact in the maritime area. It is noted that OMPPs are supplemented by, and should be read in conjunction with, the Sectoral Marine Planning Policies (SMPPs) in the sector-specific chapters.

It is also noted that many of the planning policies specify a requirement that proposals must demonstrate that they will, in order of preference:

- a) avoid,
- b) minimise or
- c) mitigate

significant adverse impacts on the subject matter of the policy.

While the principle of incremental environmental protection via impact avoidance, minimisation and mitigation is established, the definition of 'significant adverse impacts' will be a critical component of this framework as it evolves and requires further definition for all stakeholders, planners and decision makers. In that regard, application of the stringent planning policy which applies only to 'Heritage Assets', (Page 73) where 'the public benefits for proceeding with the proposal must outweigh the harm to the significance of the heritage asset', need to be extended to protect unique 'biodiversity assets'.



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4.2 High Level Objective: Environmental – Ocean Health

IFI welcomes the core consideration of ‘Environmental – Ocean Health’ as one of 3 High Level Objectives in the NMPF. The first environmental policy area broadly addresses ‘Biodiversity’ which incorporates species and habitat conservation. In respect of NMPF Section 3.11, it is highlighted that IFI also has responsibilities for the conservation and protection of natural habitats and species and the protection of biological diversity in Ireland and is also responsible for providing nature conservation observations to Licensing Authorities in this regard. Inland Fisheries Ireland is the competent authority for fish and has significant responsibilities and powers under S.I. 477 of 2011 whereby Ireland transposed into Irish law its responsibilities under the European Communities (Birds and Natural Habitats) regulations – the Habitats Directive. Furthermore the European Eel is now endangered and additional protection measures have also been introduced in that regard and it is incumbent on Ireland to ensure that the eel and its range and habitat are properly protected. IFI works extensively for example on salmon and eel conservation (among other species).

IFI also welcomes the commitment in NMPF Section 3.41 stating that priority species should be taken to include those from Annex II of the Habitats Directive, those protected under the Wildlife Acts and those with Red List status (among others). Salmon for example is an Annex II listed species under the Habitats Directive, while eel is subject to a European-wide stock recovery plan (Council Regulation (EC) No 1100/2007). Eel are also subject to EU Regulation due to poor stock status. Similarly, several elasmobranch species are subject to extreme conservation measures, through European Council Regulations, due to their critically endangered or endangered status (Common skate, angel shark, and undulate ray) and again IFI welcomes the specific mention of several species of cartilaginous fishes in the NMPF.

Section 3.34 states that fish populations are generally improving. However, the draft Marine Strategy Framework Directive (2008/56/EC) - Article 8 Assessment, Article 9 Determination of Good Environmental Status and Article 10 Environmental Targets reported that “on balance, the status of commercial fish and shellfish stocks is not fully compatible with GES.” The lack of data for 56% of stocks points to a need for additional assessment before firm conclusions can be drawn. In the context of the NMPF, planning should include some provision for research and assessments to ensure the data are available to protect fish species.



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4.3 Ecosystem-driven planning approach

IFI strongly endorses the primary objective of the Environmental HLO in the NMPF which is 'ecosystems-driven' and reinforces the OSPAR approach as follows: *Comprehensive, integrated management of human activities-based on the best available scientific knowledge about the ecosystem and its dynamics, in order to identify and take action on influences which are critical to the health of marine ecosystems, thereby achieving sustainable use of ecosystem goods and services and maintenance of ecosystem integrity.*

4.4 Ireland's National Biodiversity Action Plan 2017-2021

IFI strongly supports all policies and principles in the NMPF underpinned by Ireland's National Biodiversity Action Plan 2017-2021 (in which the concept of Natural Capital is embedded) and equally endorses planning measures to ensure that natural capital is being valued and cost benefit analyses are undertaken to promote Ecosystem-Based Adaptation options where appropriate.

4.5 Marine Strategy Framework Directive

IFI supports all environmental policies outlined that are directly aligned to Ireland seeking to achieve Good Environmental Status (GES) in its waters, directed by the descriptors set out in the Marine Strategy Framework Directive (MSFD). Many specific planning policies are categorised as 'MSFD-led' in the NMPF. IFI have recently submitted a range of relevant comments in respect of parallel regulatory provisions in the Public Consultation on Marine Strategy Framework Directive (2008/56/EC) - Article 17, which can be made available in the current process if helpful.

Marine recreational angling is again addressed fleetingly in the NMPF (19.16) despite the value of the sector, both economically and culturally, to many regions. Salmon and sea trout angling is not addressed at all, despite the partly marine nature of these species life cycle and the large potential impacts on them in the marine environment.

5. Update on comments made at baseline report stage on recommendations for inclusions in NMPF

5.1 Marine Spatial Planning

IFI welcomes the approach taken in the NMPF where Spatial Planning is a fundamental process underpinning best practise in marine sustainability. To ensure sustainable planning and subsequent development, in the context of fish species, their habitat and critical life stages, and recreational fisheries, the NMPF should recommend inclusion of a review for every development to include: understanding effects on the whole ecosystem, impacts



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on fish and their breeding/spawning, feeding and migration (positive and negative), and how recreational fisheries may be impacted (positive and negative).

As outlined in the NMPF, all existing (and potentially cross-cutting) legal instruments for habitat protection should be applied in full to protect, conserve and manage marine habitats in terms of planning. Adherence to fundamental conservation management and strategic planning requirements as enshrined in existing legislation through, for example, the EU Habitats Directive (Special Areas of Conservation) and SEA, must be the first point of reference in relation to marine spatial planning for fish species and habitat conservation. For some species and habitats, site specific conservation objectives have been developed and are enshrined in law.

5.2 The importance of preventing or minimising 'Disturbance' and the functional role of different marine habitat types in fish life cycles

The recognition of the functional and important role of different marine habitat types in various life cycles is welcome as is the recognition that these habitats support life stages of diadromous (migratory) fish species, as well as populations of fish species exploited for recreational sea angling. For different species the marine environment can provide one or all of the following: breeding habitat (often highly specific areas with particular habitat features), feeding or foraging habitat (often specialised habitat supporting particular types for prey species), and migration routes (typically well-established routes following certain environmental or physical gradients). Potential threats to fish species and their habitats can be termed 'disturbance' or environmental degradation (e.g. water quality, physical structures, sea floor disturbance, aggregate or hydrocarbon extraction, noise pollution, overexploitation (fisheries – commercial species and fodder species aquaculture – disease, parasite infestation and genetic pollution etc)). IFI understands from the Draft NMPF that all developments must operate in an environmentally sustainable manner with the aim of ensuring no or minimal (in line with impact avoidance, reduction or mitigation) 'disturbance' impact on species or habitats.

However, where impacts on fish species are unknown or poorly understood (e.g. noise pollution (Section 3.130 etc.)), the application of the precautionary principle must be considered particularly during sensitive life history stages. Other threats to fish and their habitats, where data are limited, may require to be considered within a precautionary principle framework also.

It is acknowledged in the NMPF that aquaculture has the potential to interact with a number of other sectors and specifically highlights potential interactions with wild salmon and migratory fish, inshore fisheries, eutrophication, tourism and recreation. IFI welcomes



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the commitment in the NMPF that it, together with the National Strategic Plan for Sustainable Aquaculture Development and existing licensing and regulatory controls, aim to achieve the sustainable growth of the industry while minimising and mitigating environmental impacts through a range of measures. Robust and verifiable sustainability of the natural ecosystem and wild habitat and communities must be at the core of any possible expansion of aquaculture activities in the Irish marine environment.

Whilst the interactions between aquaculture and wild salmon and sea trout is the subject of ongoing research, there is now compelling published scientific evidence that sea lice levels in marine salmon aquaculture farms in Spring have caused significant mortality in outward migration of wild salmon smolts. It is imperative that existing farms minimise lice levels on caged salmon during the spring salmon migration period and where possible grower fish are retained remote from wild salmonid fisheries particularly as they approach harvest. Wild sea trout stocks are also impacted by sea lice and consequently husbandry practices should target the minimisation of lice levels in salmonid farms throughout the year. The benefit of tourism related opportunities associated with aquaculture operations appears far outweighed by the loss of angling tourism associated with stock collapses in sea trout in Ireland since the advent of caged marine salmon aquaculture.

Environmental sustainability is a fundamental of the NMPF and should particularly apply to the aquaculture industry in the context of interactions with salmonids and other biota. Where sustainable co-existence (Section 3.167) is shown to be incompatible the protected species or habitat (e.g. Habitats Directive species or of national biodiversity importance) must be given preferential consideration. For example, such a provision would protect salmonid populations with high biodiversity value where new marine salmon aquaculture facilities are proposed in valuable 'salmonid' bays. Development of offshore aquaculture technology will provide opportunities for the sector to expand away from vulnerable inshore sites. In that regard application of the stringent Planning Policies which apply to 'Heritage Assets', (Page 73) where 'the public benefits for proceeding with the proposal must outweigh the harm to the significance of the heritage asset', should apply to any proposal which has been identified as likely to impact on natural 'heritage' or unique biodiversity assets. Across its distribution Atlantic salmon populations in individual catchments are genetically discrete and have a unique catchment-specific genetic profile. This example of a 'Biodiversity Asset' should equate with a 'Heritage Asset' and should be afforded the same preferential level of protection as if it is lost it cannot be recovered.



In relation to shellfish aquaculture, several significant issues have arisen in recent years in Ireland. *Gigas* species used in aquaculture has become 'feral' and is now establishing significant populations in several sheltered bays in Ireland, in particular in Lough Swilly. Future aquaculture of 'non-native' species must require sterile stock if the risk of the shellfish becoming feral exists. In addition, trestle growing of oysters by companies and operators on a 'business case basis' on pristine beaches must be balanced against the common good and appropriate weight given to its existence for bathing or just as an area of outstanding beauty.

5.3 Inshore habitats

Inshore habitats are particularly important to many species of fish, which spawn near to the coast, and spend much of their early life in shallow inshore waters before recruiting to offshore populations as they grow. IFI welcomes the recognition in the NMPF of the importance of inshore habitats to marine ecology. Damage to these habitats may have disproportionate effects on certain fish populations by impacting on spawning and juvenile fish, not only damaging inshore stocks but also affecting recruitment to offshore populations. Protection of these species and particularly the habitats (breeding, feeding or migration routes), which sustain their existence, must be a fundamental objective of the marine spatial planning process. For example, unregulated fishing of potential fodder species can have unforeseen consequences in the ecosystem and must be considered in marine spatial planning. Commercial fishing practices which demonstrate improved sustainability should be prioritised over those which may damage habitats, particularly in inshore areas.

5.4 Monitoring / Resource Mapping

To maximise protection of habitats/species and the recreational angling resources research and monitoring needs to be delivered to establish baselines and develop detailed area plans. Previous planning was limited by available data and in many cases no funding was available to collect the relevant data. Short-term investigations may not provide sufficient detail to address impacts on vulnerable species and habitats. The marine spatial planning process presents an opportunity to recommend pre-planning research into identification of key habitats for protected and valuable species. In addition advanced planning for large scale projects should allow for a reasonable lead time to allow for the required level of investigation to facilitate proper characterisation of the value of a given marine site. Where previous developments (commercial fishing, aquaculture) etc. have been shown to impact on recreational fisheries/habitats/ species the precautionary principle must apply in respect of similar developments in sensitive areas.



**Iascach Intíre Éireann
Inland Fisheries Ireland**

An essential aspect of planning is resource mapping – a prerequisite to planning should be information on breeding, feeding and migration pathways (Appendix F Action 3 in the NMPF is welcome in this regard) of vulnerable/ and valuable recreational angling species. A full consultative process is required to compile data and identify gaps. This will lead to the development of a range of priorities for research and mapping of marine fisheries resource in relation to key habitats or critical sites in terms of life stage (spawning, feeding or migration). Protected species and or conserved species should be prioritised but other species (e.g. of angling importance) should be fully protected also. Where areas of importance to these species such as breeding or specific feeding or foraging grounds are identified, these should be afforded additional protection such as Marine Protected Area designation. As rightly identified in the NMP, Article 13.4 of the MSFD requires that a coherent and representative network of spatial protection measures, including marine protected areas (MPAs), be put in place where appropriate in order to achieve or maintain the good environmental status of our national and shared maritime area.

5.5 Definition of marine areas

The definition of marine areas or zones is important and has not been concluded in the NMPF. Zonation into estuary, inshore and offshore coastal waters (or others) and recognising that different planning requirements may apply to each zone will support better planning for projects in terms of their potential impact/benefit depending on their location, scale and overall influence on the zonal area.

5.6 The Marine Recreational Fishery

Section 17 should recognise angling as a key sport/leisure activity in addition to its status as a key tourism activity (Section 19). There are numerous angling clubs & federations that have a large membership and are key stakeholders in the marine sector but do not seem to have been included in this consultation. There is a strong requirement to protect the marine recreational fishery – these fisheries operate from known angling ‘marks’ or hotspots along the shoreline and from a broad national network of regional ports (boat angling). In addition to protecting key habitats the process must also map angling hotspots – disruption to habitats/hotspots arising from uninformed planning could lead to irreparable habitat or hot spot loss.

With a broad and valuable income base and a relatively high participation rate, in comparison to other water sports, the angling sector must be consulted in considerations around marine spatial planning. The angling resource is lightly exploited by anglers and many operate on a catch and release basis – long-term planning to sustain the economic value of the fishery and to support the well-being derived from participation in the sport is an important consideration for the spatial plan.



5.7 Water Quality

Adequate water quality is critical for fish survival and the recognition in the NMPF that spatial planning must include delivering on requirements to maintain or improve water quality up to the required EU or local standards is welcome (WFD, MSFD, etc). Water quality also affects the quality of the recreational fishery and the enjoyment of the fishery.

5.8 Unhindered and Safe Access

IFI recommends that the NMPF further recognises (19.13) the value of unhindered safe access to the coastline for all users, and that the process would promote general policies which support access. To that end the MSP should discourage privatisation of the foreshore and closing of access. For angling public access to fisheries (i.e. use of public piers for private boats, public access to the foreshore etc) should be a consideration for all foreshore spatial planning.

5.9 Environmental / fisheries baseline data

Inland Fisheries Ireland is a repository for relevant environmental/fisheries baseline data to inform long-term planning. IFI has medium and long-term datasets for marine species and examples include:

- Marine sports fish data (distribution, sizes & current angling status)
- Marine sport fisheries (charter locations/key angling marks)
- WFD/Habitats Directive monitoring datasets (estuaries and coastal waters)
- Migration data (sharks/rays, salmonids based on tagging/telemetry etc)
- IFI has taken a lead role in addressing the threat of invasive species in freshwater/estuaries.

These datasets can assist in informing the NMPF as it evolves further on areas requiring protection/conservation in a sustainable planning framework.

6. Marine Planning and Climate Action / Sustainable Development Goals

Climate change is resulting in an increasing number of warm water species being recorded in Irish waters. While some are an interesting addition for sea angling others may represent a threat to Irish species and habitats. While natural colonisation is impossible to address, introductions of non-native invasive species through human activity must be addressed. Shipping, aquaculture and other related marine activities have the potential to introduce invasive species and/or disease to Irish species. Legislation on biosecurity in Ireland is weak.



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Inland Fisheries Ireland**

IFI acknowledges the recognition in the NMPF of these issues. The relevant parties are again encouraged to develop comprehensive biosecurity legislation and measures to safeguard the marine environment from harmful anthropogenic introductions.

With ambition to deliver in the context of the Strategic Framework for Public Sector Energy Efficiency, the National Mitigation and Adaptation Plans and most recently Ireland's Climate Action Plan, IFI has identified a number of actions and outputs under the strategic heading of 'IFI's Climate Action Framework' which will be further developed along with measures to address the Sustainable Development Goals in IFI's 'Climate Action Mandate' in 2020. The NMPF highlights the critical role of marine planning in our national climate action efforts in terms, for example, of realising our renewable energy targets through planning for the delivery of offshore renewable energy (ORE), carbon capture and sequestration. This draft NMPF sets out the forward planning framework within which Ireland's ORE targets will be realised, in conjunction with the new development management process for individual ORE projects. Climate action is also embedded as a key theme throughout the NMPF through the application of a number of Overarching Marine Planning Policies (OMPP's) specifically aimed at ensuring that marine regulators and decision-makers must take account of climate action when considering any proposal for marine use or activity. IFI will seek to support these measures while ensuring that any input via formal or informal planning measures (national or regional) is grounded in and focused on IFI's legislative remit. As a public body IFI will endeavour to support proposals where appropriate that incorporate measures that result in a reduction or buffering of carbon dioxide concentrations (which comply with relevant legislation and other marine plan policies).

Offshore Renewables and biodiversity reserves

Section 11.17 - potential protections for biodiversity through offshore wind developments serving as de-facto no-take zones are significant. The value of these 'biodiversity reserve' areas could be significant to local and migratory fish population status and should be explored in the context of recreational angling activities as developments arise.

7. Interaction with other relevant plans and programmes

The following are examples of the broad range of plans/documents of relevance which can augment the NMPF listing of relevant documentation:

7.1 International Legislations, Plans, Policies and Programmes

- NASCO: Council CNL (06)48. Resolution by the Parties to the Convention for the Conservation of Salmon in the North Atlantic Ocean to Minimise Impacts from Aquaculture, Introductions and Transfers, and Transgenics on the Wild Salmon Stocks. The Williamsburg Resolution.



- NASCO: SLG(09)5. Guidance on best management practices to address impacts of sea lice and escaped farm salmon on wild salmon stocks. This document was developed by the International Salmon Farmers Association (ISFA)/NASCO Liaison Group.
- Convention on the Conservation of Migratory Species of Wild Animals
- Convention on the Conservation of Migratory Species of Wild Animals (also known as CMS) aims to conserve terrestrial, aquatic and avian migratory species throughout their range. It is an intergovernmental treaty, concluded under the aegis of the United Nations Environment Programme, concerned with the conservation of wildlife and habitats on a global scale. Several elasmobranch species are included in the CMS listings.
- European Commission fisheries TAC advice (annual) for 'vulnerable' or threatened fish species particularly some of the elasmobranch species. The EC meets annually to decide on Total Allowable Catches for all species. Where stocks are low or species are threatened or vulnerable a zero TAC may be advised. This advice is derived from scientific assessments and should be considered where proposed developments (aggregate extractions, infrastructural placement, aquaculture etc) may impact on important adult habitat for these species. Sea angling should also be represented when TACs are being set to provide an holistic and comprehensive approach to fish exploitation.
- EC protected fish species regulations. Several species of vulnerable elasmobranchs (e.g. Common skate, undulate ray) are protected in certain ICES boxes and cannot be retained by commercial vessels if captured. It will be necessary to consider preventing any potentially damaging activities at the planning stage in important juvenile or adult habitat for these species.

7.2 Under National Legislations, Plans, Policies and Programmes

- INLAND FISHERIES ACT 2010
- DAFF National Implementation Group Report on a Strategy for Improved Pest Control on Irish salmon farms (November 2010).

8. Concluding comments

8.1. The long-term environmental sustainability of any enterprise that may impact on the status of fish species, their habitats, fisheries and/or the recreational angling or related commercial activities that may utilise these resources is of primary concern to IFI. IFI is among the public bodies that have a role in making policies, plans or programmes relevant to the maritime area, or have a role in regulating activity or development in the maritime area and are statutorily obliged to support and implement the objectives and policies of the NMPF when adopted.



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Inland Fisheries Ireland**

8.2. Any plan for the future development in Irish marine waters should review the importance of the recreational angling sector in view of its economic value to local rural economies and its widespread role as a sport & leisure activity.

8.3. Critical habitat must be protected. In addition consideration should be given to designating special sanctuary areas and times in inshore waters to properly protect spawning species/activity and the taking of fish prior to spawning should be prevented.

8.4. The angling sector is responsible and will play its part in protecting/planning for well planned development.

8.5. This document focuses primarily on species protected under European Directives. From an IFI perspective all fish species within its remit require protection and management for conservation. IFI would advocate that for important species (or locally valuable species (e.g European bass)) that the precautionary principle would apply to allow a reasonable period to accumulate any important datasets that may not be currently available. This approach would afford a minimal level of protection until such time as the data are collected and analysed and an informed, evidence based decision can be made.

IFI are grateful for the opportunity to have these views considered and incorporated as a component of this consultation. Should you require clarification on any of the above or require a further consultation meeting please contact Inland Fisheries Ireland.

Inland Fisheries Ireland
3044 Lake Drive,
Citywest Business Campus,
D24 Y265



Draft National Marine Planning Framework Public Consultation.

Please find attached our recommendations regarding the above.

Recommendations: Re aquaculture and fisheries

If and when the MPDM Bill is taken back up by the new government, the inclusion of aquaculture and fisheries in the new regime must be of highest priority. The NMPF must clearly state this need and highlight the risks of not including an activity in an MSP.

Recommendations: Re Future MPAs

Conduct and present sensitivity mapping as a matter of urgency to identify areas of probable future MPAs. Use this knowledge to preserve key areas from further degradation until adequate MPA legislation is enacted. Remove clause (d) from the MPA ecological coherence OMPP. [As a wider issue, legislation to designate MPAs other than Natura 2000 sites in Irish waters needs to be expedited.]

Recommendations: Protection of MPAs.

The NMPF must be amended to reflect the fact that there are many different types of MPAs that vary in the level of protection they provide. The Natura 2000 network allows for certain activities to take place within sites provided they do not adversely impact the identified feature and in some cases even allows – through appropriate assessment – a certain amount of damage to the feature. While almost all of Ireland's MPAs are Natura 2000 sites at the moment, this will not be the case forever and the NMPF must take account of that fact.

As the majority priority marine habitats in Ireland are not of favorable conservation status. The notion of allowing damaging impacts to these priority habitat and species, while merely minimising and mitigating the ecological losses, must be removed from the final NMPF because the current situation is clearly not working.

Recommendation: Invasive species.

The final NMPF needs to explicitly state whether it relates to invasive species only or all introduced species.

Recommendation: Seafloor

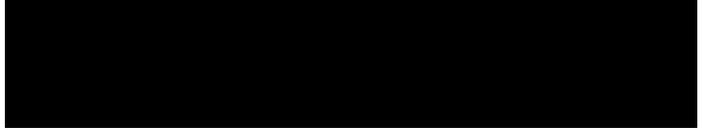
The wording of the seafloor integrity planning policy must be changed to include the entire seafloor of the MSP area, not only to bring it in line with the MFSD but to fulfil the obligations of the MSP Directive.

Char

CHAR



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Company N°560881 / RCN. 20103200 CHY 21602
www.corknaturenetwork.ie



By email

9th April 2020

Dear Sir / Madam,

Consultation on the Republic of Ireland's draft National Marine Planning Framework

The statutory purpose of Natural Resources Wales (NRW) is set out under the Environment (Wales) Act 2016. The Environment (Wales) Act requires NRW to pursue sustainable management of natural resources in relation to all of its work in Wales, and apply the principles of sustainable management of natural resources in so far as that is consistent with the proper exercise of its functions. NRW's duty, in common with the other public bodies covered by the Well-Being of Future Generation (Wales) Act 2015, is to carry out sustainable development as defined.

NRW are also advisors to the Welsh Government on the natural heritage and resources of Wales and its marine inshore waters. Our comments are therefore provided in the context of NRW's statutory purpose, functions, powers and duties.

We welcome the opportunity to comment on the draft National Marine Planning Framework and the establishment of a more integrated, plan led approach to the management of Republic of Ireland's waters as part of a suite of measures identified in Ireland's Marine Planning Policy Statement.

We welcome recognition of the need for transboundary cooperation (paras 2.50 & 2.51) and we acknowledge the dialogue that has already taken place between the marine planning authorities across the Irish Sea. We would like to emphasise the need for this dialogue to continue and develop over future iterations of marine plans, to ensure the sustainable management of the Irish Sea through a coherent and consistent set of plans. This dialogue should include the development of clear guidance for Public Authorities that will be taking decisions under these plans.

The development of marine plans across the Irish Sea offers a significant opportunity to support the integrated management of these waters. We welcome reference to the progress by other marine planning administrations bordering the Irish Sea and highlight that the first Welsh National Marine Plan was adopted by Welsh Government in November 2019.

We particularly welcome the transboundary planning policy (page 85) and supporting text requiring proposals that have transboundary impacts beyond the maritime area

(either on the terrestrial environment or neighbouring international jurisdictions) to show evidence of consultation with the relevant public authorities, given the potential for transboundary impacts in Welsh waters. We think it would be helpful to signpost to the Welsh National Marine Plan and other neighbouring plans in the key references list or within the supporting text for this policy. We also encourage reference to cross-border / transboundary considerations for other relevant policies (e.g. telecommunications), to encourage developers to consider opportunities to contribute to the sustainable development and objectives of neighbouring marine plan areas through cross-border working.

We note that arrangements are being made to include provisions in the Marine Planning and Development Management Bill to provide for a system of designation of Strategic Marine Activity Zones (Appendix D). NRW would welcome the opportunity to be consulted on any proposed zoning, and their associated environmental assessments (SEA and AA) as they are developed. We would also welcome the opportunity to provide comments on any further activities that may have implications for Wales, for example the development of the guidelines outlined in the supporting actions in Appendix F.

We have no further substantive comments on the draft National Marine Planning Framework. We have also submitted responses on the associated draft Strategic Environmental Assessment and draft Natura Impact Statement documents.

If you would like to discuss any aspect of these comments, please contact Helen Bloomfield our Lead Advisor: Marine Planning and Natural Resource Management at [REDACTED] the first instance.

Yours sincerely,



Mary Lewis

Marine and Coastal Policy and Planning Team Leader
Sustainable Places – Land and Sea



By email

9th April 2020

Dear Sir / Madam,

Consultation on the draft Natura Impact Statement for the Republic of Ireland's draft National Marine Planning Framework

Thank you for consulting Natural Resources Wales on the draft Natura Impact Statement for the Republic of Ireland's draft National Marine Planning Framework (NMPF). Our comments are made in the context of our role as the Appropriate Nature Conservation Body (ANCB) under the Conservation of Habitats and Species Regulations 2017.

We welcome the draft NMPF as a strategic document to establish a more integrated, plan led approach to the management of Republic of Ireland's waters as part of a suite of measures identified in Ireland's Marine Planning Policy Statement. We note that the draft policies therein do not include geographic specificity and the objectives and policies therein could inform future plans, programmes or projects anywhere within the maritime area relevant to the Republic of Ireland.

We welcome the approach detailed in the draft Natura Impact Statement to delivering the Appropriate Assessment (AA). Our advice for screening sites (Special Areas of Conservation) designated for marine mammals during a UK Habitats Regulation Assessment (HRA), which includes an AA, is to screen in or consider all sites within the relevant Marine Mammal Management Unit (MMMU: for example, see IAMMWG 2015¹) that intersects the boundaries of a plan or project, rather than limiting sites to only those that intersect the adopted buffer (in this case 50km). This is because there is known connectivity between sites over a large area (MMMU).

We note the assertion that prediction of effects at individual European sites is not practical as the framework lacks the necessary spatial detail to give context to the extent or significance of any potential effects. We note, therefore, that the potential for effects is undertaken with a view to appropriately informing lower levels of planning, where the necessary spatial detail is available, and identifying the mitigation measures that must be in place for lower tier plans and projects to protect

¹ IAMMWG (2015). Management Units for cetaceans in UK waters (January 2015). JNCC Report No. 547, JNCC Peterborough. Available at: <https://hub.jncc.gov.uk/assets/f07fe770-e9a3-418d-af2c-44002a3f2872>

the integrity of European sites in the Republic of Ireland's waters and neighbouring jurisdictions, including Wales. We welcome the mitigation measures outlined in Table 7.1 for inclusion in the final NMPF.

We note that arrangements are being made to include provisions in the Marine Planning and Development Management Bill to provide for a system of designation of Strategic Marine Activity Zones (Appendix D). NRW would welcome the opportunity to be consulted on any proposed zoning, and their associated environmental assessments (SEA and AA) as they are developed given the potential transboundary impacts in Welsh waters. We would also welcome the opportunity to provide comments on any further activities that may have implications for Wales, for example the development of the guidelines outlined in the supporting actions in Appendix F.

We have no further substantive comments on the draft Natura Impact Statement. We have also submitted responses on the associated draft Strategic Environmental Assessment and draft National Marine Planning Framework documents.

If you would like to discuss any aspect of these comments, please contact Helen Bloomfield [REDACTED] in the first instance.

Yours sincerely,



Mary Lewis

Marine and Coastal Policy and Planning Team Leader
Sustainable Places – Land and Sea



By email

9th April 2020

Dear Sir / Madam,

Consultation on the Republic of Ireland's draft Strategic Environmental Assessment.

Thank you for consulting Natural Resources Wales (NRW) on the draft Strategic Environmental Assessment. Our comments are provided in the context of our statutory role as a consultation body under the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004, our purpose to ensure that the environment and natural resources of Wales are sustainably maintained, enhanced and used now and in the future, and as advisers to Welsh Government on the natural heritage and resources of Wales and its coastal waters.

We welcome the opportunity to comment on the draft Strategic Environmental Assessment (SEA) for the draft National Marine Planning Framework (NMPF). The development of marine plans across the Irish Sea offers a significant opportunity to support the integrated management of these waters and we therefore welcome the recognition of the Welsh National Marine Plan.

We note that the policies within the draft NMPF do not include geographic specificity but suggest that the SEA could more explicitly acknowledge the potential for transboundary effects as a result of activities in Irish waters.

We note that arrangements are being made to include provisions in the Marine Planning and Development Management Bill to provide for a system of designation of Strategic Marine Activity Zones (Appendix D of the draft NMPF). NRW would welcome the opportunity to be consulted on any proposed zoning, and their associated environmental assessments (SEA and AA) as they are developed, including assessment of potential transboundary effects, and of potential cumulative impacts on habitats and species from various sectors and activities. We would also welcome the opportunity to provide comments on any further activities that may have implications for Wales, for example the development of the guidelines outlined in the supporting actions in Appendix F (of the draft NMPF).

We have no further substantive comments on the draft Strategic Environmental Assessment report. We have also submitted responses on the associated draft National Marine Planning Framework and draft Natura Impact Statement documents.

If you would like to discuss any aspect of these comments, please contact Helen Bloomfield, our Lead Advisor: Marine Planning and Natural Resource Management, at [REDACTED] in the first instance.

Yours sincerely,

A handwritten signature in cursive script that reads "Mary Lewis".

Mary Lewis

Marine and Coastal Policy and Planning Team Leader
Sustainable Places – Land and Sea



Conor McCabe
Principal
Marine Planning Policy and Development Section
Department of Housing Planning and Local Government
Newtown Road
Wexford
Y35 AP90

22 April 2020

**RE: Draft English Marine Plans – South West and North West
Consultation Strategic Environmental Assessment – Environmental Report**

Your Ref: n/a

Our Ref: 20/82

Geological Survey Ireland (GSI) is the national earth science agency and has datasets on Bedrock Geology, Quaternary Geology, Geological Heritage Sites, Mineral deposits, Groundwater Resources and the Irish Seabed. These comprise maps, reports and extensive databases that include mineral occurrences, bedrock/mineral exploration groundwater/site investigation boreholes, karst features, wells and springs. Please see our [website](#) for data availability and we recommend using these various data sets, when undergoing the EIAR, planning and scoping processes. Geological Survey Ireland should be referenced to as such and should any data or geological maps be used, they should be attributed correctly to Geological Survey Ireland.

Dear Conor,

Thank you for your correspondence which was received by Geological Survey Ireland on 17 April 2020.

In response to a request for the submission of comments provided for under the EU Strategic Environmental Assessment (SEA) Directive (Article 7) regarding the draft North West Marine and Draft South West Marine Plan, Geological Survey Ireland (GSI) welcomes the opportunity to engage with the consultation process. As a line division of Department of Communications Climate Action and Environment (DCCAE), GSI hold many relevant datasets and have in house access to expert knowledge that may prove useful for future SEA work.

Marine and Coastal Unit

Geological Survey Ireland's Marine and Coastal Unit manages programmes, projects and partnerships aimed at increasing our knowledge of the marine and coastal realm, developing new methods and tools for understanding coastal processes and taking action on climate change.

Geological Survey Ireland's Marine and Coastal Unit in partnership with the Marine Institute, jointly manages INFOMAR, Ireland's national programme focused on seabed mapping; providing key baseline data for Ireland's marine sector. The Marine and Coastal Unit also manage coastal monitoring programmes providing data on coastal erosion and sea level rise including the Climate, Heritage and Environments of Reefs, Islands and Headlands (CHERISH) and the Coastal Vulnerability Index (CVI) mapping projects. We would therefore recommend use of our Marine and Coastal Unit datasets available on our [website](#) and [Map Viewer](#).



Infomar

INFOMAR (Integrated Mapping for the Sustainable Development of Ireland's Marine Resource) is the national seabed mapping programme which commenced in 2006 and is scheduled to run to end 2026. It is tasked with fully mapping Ireland's marine and coastal territory. The programme is funded by DCCAE and is jointly managed by GSI and the Marine Institute.

INFOMAR produces and distributes marine open-data products which underpin a large range of marine applications. The marine datasets arising from the INFOMAR seabed mapping programme are likely to represent key knowledge and information to support the Consultation's Strategic Environmental Assessment and it should be noted that INFOMAR holds the full resolution data as distinct from Ireland's marine atlas and other online web portals.

Key INFOMAR datasets we have identified as potentially useful in the SEA process are; high resolution bathymetry and backscatter, seabed geology and substrate maps, seabed samples and oceanographic data. Data products are accessible via the GSI mapviewer [Link](#), also via the INFOMAR online web-portals (www.infomar.ie) or upon request should higher resolution data be required.

I hope that these comments are of assistance and if we can be of any further help, please do not hesitate to contact me Emily Murray-Farrugia (EmilyMurray.Farrugia@dccae.gov.ie) or my colleague, IGH Programme Lead, Dr. Clare Glanville (clare.glanville@dccae.gov.ie)

Yours sincerely

Emily Murray Farrugia
Planning and Geoheritage Programmes



8 Dundela Avenue,
Sandycove,
Co Dublin, A96D6V3.

Marine Planning Policy and Development Section,
Dept of Housing, Planning and Local Government,
Newtown Road, Wexford, Y35 AP90.

April 22, 2020.

Re: Submission on Draft National Marine Planning Framework (NMPF)

Dear Mr O'Meara,

The ICSF will welcome a balanced NMPF that will guarantee clean blue seas around Ireland, providing essential energy, fishing, tourism and leisure amenities. However, the ICSF is dismayed at the climate alarmism expressed in **Sections 2.45 to 2.48 and in 2.55**, which is scientifically inaccurate and inappropriate to an objective NMPF.

In summary, the ICSF position on climate science is that, while there is some GHG-influence, the observed rate of warming does not present any immediate threat. Forty years of global satellite temperature data confirms that the Earth is warming by around 0.1°C per decade, indicating less than 1°C further increase by 2100. Global sea level continues since 1870 to rise at about 2-3mm/year, pointing to less than 25cm further rise by 2100. These hard facts (and many others) do not point to any climate “breakdown”.

Commenting more specifically on other sections of the draft NMPF:

Section 8, Offshore Gas Storage:

Ireland's energy security is rapidly becoming critical as the Corrib Field expires, making its gas supply totally dependent on imports from a post-Brexit non-EU country. Import of LNG is absolutely crucial to Ireland's ongoing energy security, so must be expedited.

Section 10, Energy – Petroleum:

This Section, which correctly supports offshore exploration, is quite at odds with Section 2.55 describing the Government's inexcusable decision to ban oil exploration on misinformed climate considerations. Offshore exploration can play a key role in Ireland's much-needed economic recovery and energy independence, and so must be continued

Section 11, Energy – Offshore Renewable Energy:

The NMPF rightly states that Ireland's energy supply must be “secure, sustainable and affordable”. Offshore wind fails on all three counts. In the post-COVID-19 economic recession, massive investment in offshore wind, based on misinformed climate policy, is unjustifiable. Furthermore, existing applications to locate wind-farms only 10-12km from the coastline, versus ~35km in the rest of Europe, would be unacceptable; besides, wind turbines are proven to significantly harm biodiversity both in the air and under water.

We would be pleased to provide any further clarification or to meet with your advisors.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jim O'Brien', is written over a white background.

Jim O'Brien, Chair ICSF (www.ICSF.ie);





Marine Renewables Industry Association Submission

**NATIONAL MARINE PLANNING FRAMEWORK
CONSULTATION DRAFT**

April 24th, 2020

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1. Introduction

The Marine Renewables Industry Association (MRIA) represents the Marine Renewables Emerging Technologies (MRETs) of wave, tidal and floating wind on the island of Ireland. More details may be found at www.mria.ie.

The Association supports the effort being mounted by the Department of Housing, Planning and Local Government (DHPLG) to advance a National Marine Planning Framework (NMPF). It is a vital element in developing our vast marine energy resource which could have transformational economic effects over the coming decades. There is scope, for example, for at least 22GW of offshore (mostly floating) wind energy by 2050 in Irish waters¹, not to speak of the enormous potential impact of our huge west coast wave resource.

We have welcomed the opportunity to participate in the marine spatial planning consultative process, of which the current *National Marine Planning Framework Consultation Draft*² (referred to hereinafter as the **Consultation Draft**) is the latest manifestation. MRIA's earlier views on marine spatial planning are contained in our submission to an earlier consultation³ on the NMPF and in a major research paper⁴; both of which are available at www.mria.ie.

Overall, the Consultation Draft represents a positive start to marine spatial planning in Ireland and generally is in keeping with the '...overarching principles and high-level priorities...' for Ireland's marine planning system set out in the *Marine Planning Policy Statement*⁵. Strikingly, the Consultation Draft involves the marine related policies of a disparate group of Government Departments and agencies expressed against a common template. Not surprisingly at this stage, it reveals inconsistencies of tone and emphasis among the various bodies in areas of overlap. Revealing this in itself should drive better co-ordination over time between the 'silos of State'. One clear omission is the failure to give explicit recognition to the huge challenge posed across the marine board (including the NMPF) by the need to build up the skills and education levels required to support and prosper from the coming offshore revolution.

The State is working on a complete overhaul of the policy and legislative framework which applies in the maritime domain. The National Marine Planning Framework is linked to the emerging consenting legislation (*Marine Planning and Development Management - MPDM* -

¹ www.windeurope.org/about-wind/reports/our-energy-our-future/#explore, figure 18

² *National Marine Planning Framework Consultation Draft*, Department of Housing Planning and Local Government, 2019. www.housing.gov.ie/sites/default/files/public-consultation/files/draft_national_marine_planning_framework_final.pdf HEREINAFTER REFERRED TO AS 'CONSULTATION DRAFT'

³ *Submission to Public Consultation on the National Marine Planning Framework Baseline Report*, 2018 www.mria.ie/site/assets/files/1016/mria_submission_to_national_marine_planning_framework_consultation.pdf

⁴ *Marine Spatial Planning Needs of Marine Renewables Emerging Technologies Discussion Paper*, 2018 MRIA www.mria.ie/site/assets/files/1016/marine_spatial_planning_needs_of_marine_renewables_emerging_technologies.pdf HEREINAFTER REFERRED TO AS 'MRIA DISCUSSION PAPER'.

⁵ https://www.housing.gov.ie/sites/default/files/publications/files/marine_planning_policy_statement.pdf

p8. The MPPS was published in 2019 as a draft and reportedly may have to be updated and reissued prior to the new consenting legislation coming in to force.

Bill), the redefinition of maritime boundaries (*Maritime Jurisdiction Bill*) and other instruments such as the *Marine Planning Policy Statement*.

The comments, suggestions and observations made in this Submission are focused on the NMPF but inevitably, in places, they spill over onto other elements of the Irish maritime tapestry now being woven.

2. Progress on previous issues

MRIA expressed concern previously about three issues arising from the then indicated approach⁶ to the NMPF. The progress since on each of these (as reflected in the Consultation Draft) is noted below. An important point is that these views were originally expressed by MRJA when, at most, a target of 55% RES-E by 2030 was contemplated. It has, of course, since been set by the *Climate Action Plan*⁷ at a much higher level, 70%.

- *Zoning*: The Consultation Draft notes a new approach to Zoning proposed by the latest 'General Scheme' of the MPDM and MRJA will comment in detail on this further when the final version of the MPDM is put out to consultation⁸. Suffice it to say at this stage that the approach planned is broadly welcome: the MPDM will enable Ministers to seek Government approval for the designation of Strategic Marine Activity Zones (SMAZs) within which specified activities (such as offshore renewable energy projects) may then take place.

There is still work to be done to clarify and to tease out the two proposed approaches to offshore renewable energy SMAZs - the 'developer led' and the 'centrally planned' approaches. We welcome the acknowledgement in the General Scheme of the MPDM Bill that a centralised approach may not be feasible or appropriate in the initial stage of offshore renewable energy development. We believe that a decentralised approach to development is crucial to allow for an offshore renewables industry, at first involving just wind energy, to become established quickly in Ireland.

- *Partnership*: The Association is firmly of the view that the development of marine renewables in Irish waters will turn to a significant degree on successful partnership with the interest groups and communities affected by offshore energy developments. We are concerned - see later - about an aspect of policy development in this regard.
- *Data and Ports*: Progress is reportedly being made on the need to co-ordinate and improve data sets relating to marine matters. Port requirements have recently⁹ been

⁶ See *Submission on Baseline Report* and *MRJA Discussion Paper* referenced earlier

⁷ *Climate Action Plan to tackle climate breakdown*, 2019 Department of Communications, Climate Action and Environment (DCCA)

⁸ The draft MPDM Bill is reportedly near to completion but will require approval by the incoming Government and will then be published for consultation. Given that Government formation was still in train, at the time of publication, it is possible that this consultative process will extend until year end.

⁹ *Irish Maritime Development Office IPORES 2018A Review of Irish Ports Offshore Renewable Energy Services, 2018* IMDO [www.imdo.ie/Home/sites/default/files/IMDOFiles/13390 IMDO IPORES Report 2018 FA.PDF](http://www.imdo.ie/Home/sites/default/files/IMDOFiles/13390%20IMDO%20IPORES%20Report%202018%20FA.PDF)

reviewed *again* but without addressing the long-held MRIA view¹⁰ that early planning should commence on providing extra port facilities, perhaps even a new port, on the west coast to cater for the highly-likely development of significant wind and wave resources there from the late 'twenties onwards. Half of the 'Port, Harbours and Shipping' objectives in the Consultation Draft refer to dredging and waste disposal¹¹! There was a report at a recent webinar, hosted by the Department of Housing, Planning and Local Government on the Consultation Draft, that a new ports policy is envisaged and this is to be saluted.

Overall, it must be borne in mind that marine spatial planning - in Ireland, the NMPF - is relatively new with international examples still evolving. There is no proven and 'right' approach to it, at least not yet. Even the well-regarded Dutch marine spatial planning system, which seems to have influenced the Irish approach, has its critics¹². Consequently, the intention to review the Irish National Marine Planning Framework just six years (c2026+) after its planned initial adoption should facilitate the incorporation of practical 'lessons learned' and is to be welcomed.

3. Offshore renewable energy and the NMPF

Ireland's *National Policy Position*¹³ on climate change set the objective of achieving a transition '.... to a low carbon, climate-resilient and environmentally sustainable economy by 2050'. This goal inter alia involves '... an aggregate reduction in carbon dioxide (CO₂) emissions of at least 80% (compared to 1990 levels) by 2050 across the electricity generation, built environment and transport sectors.' This position was captured in law by the *Climate Action and Low Carbon Development Act, 2015*.

In keeping with the *National Policy Position*, the NMPF outlines OVERARCHING MARINE PLANNING POLICIES (OMPPs) which apply to all proposals for development and SECTORAL MARINE PLANNING POLICIES (SMPPs) which apply to specific strands of activity¹⁴.

Offshore renewable energy developments are consistent with the HIGH LEVEL OBJECTIVES¹⁵ set by the NMPF:

- ENVIRONMENT- OCEAN HEALTH: offshore renewables particularly link to the 'policy groupings' concerning air quality and climate change;
- SOCIAL- ENGAGEMENT WITH THE SEA: the range of policy groupings (n.b. Air Quality and Climate Change) is consistent with offshore renewables

¹⁰ <http://www.mria.ie/documents/c4a46712f4cf756fb277c60bc.pdf>

Maritime Infrastructure Development Priorities to Support Ireland's Future Ocean Energy Industry Discussion Paper, 2014 MRIA

¹¹ *Consultation Draft*, p141-3

¹² *MRIA Discussion Paper* section 4.4

¹³ *Climate Action and Low-Carbon Development National Policy Position Ireland*, DCCAE 2014

[www.dccae.gov.ie/en-ie/climate-action/publications/Documents/5/National Climate Policy Position.pdf](http://www.dccae.gov.ie/en-ie/climate-action/publications/Documents/5/National%20Climate%20Policy%20Position.pdf)

¹⁴ Although, as referred to elsewhere in this Submission, a more integrated approach would be desirable in future NMPF cycles

¹⁵ *Consultation Draft*, p26

- ECONOMIC- THRIVING MARITIME ECONOMY: offshore renewables are appropriate to both policy groupings, Co-existence and Infrastructure

The SMPP relating to renewables, ENERGY-OFFSHORE RENEWABLE ENERGY¹⁶, is supportive of the sector and it has set objectives which seek to:

- ‘...support the establishment of Ireland as a world leader in offshore renewables deployment’
- ‘... support Ireland’s decarbonisation journey’
- ‘... provide enhanced security of supply for Ireland...’
- ‘...ensure good regulatory practices in offshore renewables development’. Ensuring good regulatory practice in line with international best practice is essential if Ireland is to establish itself as an attractive and competitive offshore market.

We particularly welcome the OFFSHORE-RENEWABLE ENERGY (ORE) PLANNING POLICIES¹⁷ in the Consultation Draft which aim to support proposals that can meet Ireland’s *Climate Action Plan* target of at least 3.5GW of offshore wind (thus getting offshore renewables up and running off Ireland which is in the direct interest of the emerging technologies such as wave and tidal) by 2030; give preference to ORE projects in designated zones and ensure alignment between land and marine planning.

4. Emerging marine renewable energy technologies

The Draft Consultation recognises the emerging technologies (wave, tidal and floating wind). In particular, we welcome ORE Policy 5 and ORE Policy 11:

ORE Policy 5: Proposals for activity that may adversely impact ORE test projects by virtue of being within or adjacent to ORE test sites, or between site and landfall of ORE test projects that may adversely impact ORE test site projects, should demonstrate that they will in order of preference: a) avoid, b) minimise, c) mitigate adverse impacts.

ORE Policy 11: Where appropriate, proposals that enable the provision of emerging renewable energy technologies and associated supply chains, will be supported.

Ensuring that ORE test facilities can continue to operate effectively is of critical importance. We welcome the protection that this policy seeks to give them. Supporting emerging renewable energy technologies and associated supply chains is essential if Ireland is to be a world leader in offshore renewable energy, achieve 2030 targets and ensure Ireland is on a pathway to deeper emissions reductions out to 2050.

Ireland has developed experience and expertise in the marine renewables emerging technologies of wave, tidal and floating wind, reflected in the ongoing investment in test facilities and sites at the LiR National Ocean Test Facility in Cork, SmartBay in Galway and AMETS in Mayo. Our national interest in test facilities stems, first, from an industrial point of

¹⁶ Ibid, p119-125

¹⁷ Ibid, p119-120

view - Ireland is one of the ‘early movers’ in a new industry and has ambitions to become a global supply chain base for the new technologies. It also reflects the fact that Ireland has a vested local interest in seeing the early development of floating wind technology and of wave technology. As is well documented, Ireland has a huge wind and wave¹⁸ resource and the technology to harness them is important to meet both domestic renewable energy targets and also to address substantial electricity export opportunities with associated job and income creation. Moreover, Ireland is home to several leading tidal energy device developers e.g. Tidal Flyer.

While we welcome the approach of the Draft Consultation to test sites, we believe that more prominence should be given to emerging technologies in the final NMPF. This would be in line with the *Climate Action Plan* which highlights that Ireland has a ‘...long-term potential of 70GW of ocean energy opportunity (wind, wave and tidal) within 100km of the Irish coastline’¹⁹. It is recommended too that the final NMPF expand on the importance of test sites and how they link in to marine spatial planning and to our national offshore renewable energy ambitions. It is important also to recognise that the current sites may need to evolve as technologies mature and that there is a distinct likelihood that further sites (temporary and/or permanent) may be required to test novel airborne and low current flow devices.

5. Social - landscape and seascape

MRIA is concerned about the Draft Consultation’s approach in regard to two aspects relating to ‘Seascapes’: the apparent lack of sufficient priority being given to the task of developing impact guidelines and, second, the apparent conflict in some parts of the Draft Consultation between 1. an ostensible aim to preserve de facto the *existing* position for coastal communities and 2. the State policy-aim reflected elsewhere in the Draft Consultation - to develop offshore renewable energy.

➤ 5.1 SEASCAPES GUIDELINES

MRIA’s past work²⁰ in the area of marine spatial planning expressed the Association’s concern about the possible public reaction to the presumed impact of offshore renewables. In doing so, we are cognisant of the excellent community relations being generated by early developers such as SSE Airtricity and Parkwind in respect of their planned projects.

Our intention is not to influence policy makers in favour of any technology category - MRIA supports all of them and believes that the fortunes of wind, wave and tidal energy are linked - but rather to ensure that the common challenge is identified and dealt with as a priority from the outset.

¹⁸ Our tidal resource is largely confined to the north east of the island, around the Antrim coast.

¹⁹ *Climate Action Plan* op cit, p58

²⁰ E.g. *MRIA Discussion Paper*

The Draft Consultation deals positively with impact issues at two points. First, a statement of policy is made:

ORE Policy 9²¹: A permission for ORE must be informed by inclusion of a visualisation assessment that supports conditions on any development in relation to design and layout. Where a development consent is applied for in an area already subject to permission, proposals must include a visualisation assessment to inform design and layout. Visualisation assessments must demonstrate consultation with communities that may be able to view any future ORE development at a given site with the aim of minimising impact. Visualisation assessments will be informed by specific emerging guidance but in absence of this should include elements identified in related policy and good practice

But, second, there is a commitment without a timeframe to the development of statutory guidelines for visualisation assessment:

.....the Department of Housing, Planning and Local Government, working with the Department of Communications, Climate Action and Environment and other stakeholders, will develop statutory marine planning guidelines to support best practice throughout the planning process for ORE, including the development of a specific visualisation assessment in relation to design and layout of proposed developments. These guidelines will, inter alia, provide that where a development consent is applied for in an area already subject to permission, proposals must include a visualisation assessment to inform design and layout. Visualisation assessments must demonstrate consultation with communities that may be able to view any future ORE development at a given site with the aim of minimising impact. In absence of statutory marine planning guidelines to inform visualisation assessments, related policy and good practice include local landscape character assessments in coastal areas (for example Cork and Galway). The National Planning Framework (National Policy Objective 61) sets out an ambition to develop a National Landscape Character Map and this should be referred to when available²².

In contrast to the Department of Housing, Planning and Local Government's planned initiative to develop a dialogue between the offshore renewable energy and the fishing industries (see later), there is no indication at present of top priority also being given to the issue of preparing guidelines for visualisation assessment²³.

We recommend that DHPLG resource and convene urgently, even in a virtual form in these Covid19 times, an expert group to design the guidance on visual assessment which is referenced in Appendix F of the NMPF. This should be a priority task for 2020 and it should

²¹ Consultation Draft, P120

²² Consultation Draft, P123

²³ Although work, led by the Marine Institute, is in train about seascape characterisation

not preclude facilitating those projects where...’ *a development consent is applied for in an area already subject to permission...*’. Such cases can be dealt with as proposed in ORE Policy 9: ‘... proposals must include a visualisation assessment to inform design and layout’²⁴.

➤ 5.2 SEASCAPES: CONSISTENCY OF POLICY APPROACH

Overall, the NMPF, as currently drafted, is supportive of offshore renewables and the maritime economy in general. The sector by sector layout of the document may encourage a restricted and conventional reading which is what marine spatial planning ultimately seeks to overcome but, perhaps, the layout is inevitable in the initial Framework. Hopefully, a more integrated approach will be a feature of future iterations of the NMPF.

The section on ‘Social Benefits’²⁵ eloquently advocates the social benefits associated with coastal living which arise from factors such as ‘... *residing near the coast, with views of it, experiencing it in all weathers and seasons...*’ and so on while those who do not live nearby ‘...*may also gain social benefits through virtual experiences or just having confidence in its sustainable management*’. The section continues in the same vein and could be interpreted as a policy statement in favour of the status quo with, e.g. social benefits being ‘... *derived indirectly*²⁶ *from people gaining marine area-related employment and skills.*’ It does not even mention offshore renewables as a sector that could contribute to the realisation of social benefits.

Given good planning (now underway through the NMPF and other instruments), offshore renewables could be the source of many thousands of new jobs, notably in coastal communities, by the early 2030s. This requires a corresponding uplift in those national entities and companies involved with maritime training and education such as *Bord Iascaigh Mhara* (BIM) and private firms but, above all, by the *National Maritime College of Ireland*, one of Europe’s leading maritime institutions.

The NMPF is, by its nature, a very complex Framework which must take account, where possible, of different sectoral interests and points of view. It will, when finalised by Government, become a policy of overarching importance in the maritime world, particularly in the regulatory sphere.

It is important that the NMPF reflects a fair balance throughout between the maintenance of the environment, the welfare of coastal communities and interests and, on the other hand, the national imperative to develop offshore renewables, albeit in a manner that goes as far as possible to accommodate the needs and sensitivities of other sectors and communities.

As currently drafted, the section on ‘Social Benefits’ might be interpreted as being in conflict with the section on ‘Energy - Offshore Renewable Energy’ with unintended consequences.

²⁴ Consultation Draft p120

²⁵ Consultation Draft, p82

²⁶ Underlining by MRIA for emphasis

MRIA urges that it be reviewed and be redrafted to reflect a more balanced approach, in the light of the above comments, before a final NMPF is placed before Government.

MRIA believes that guidance needs to be provided as a matter of urgency on how consenting authorities will weigh-up public benefits and impacts on seascape and landscape. Guidance may help overcome potential issues which may arise in this area and would provide clarity to developers seeking to bring forward projects.

6. Partnership

The Association has, from the outset of the national marine planning exercise, placed an emphasis on the need to develop a successful relationship-based engagement with the interest groups and communities on whom the industry may impact²⁷. Marine renewables need a *Social Licence to Operate*²⁸ (SLO), as do other industries and interests. The key point to bear in mind is this: a Social Licence to Operate is an outcome and not a process and many different ways may be used to achieve an SLO.

In Ireland, some form(s) of partnership between the marine renewables industry and relevant interest groups is vital. As the Consultation Draft points out²⁹ *'...a key objective will be to ensure an inclusive process of engagement and consensus building across society and with local communities, learning from the experiences of the consenting processes for existing ORE developments.'*

At a national level, this should take the form of liaison and dialogue between relevant interests. Accordingly, MRIA welcomes the reported initiative by the Department of Housing, Planning and Local Government to lead a dialogue between offshore renewables and the fishing industry which hopefully will lead to a common protocol between the two parties. MRIA looks forward to contributing to this work. More challenging is local engagement: how can a Social Licence to Operate be achieved for a specific region or bay or project? At which level should it be pitched or focused - region or bay or both, for example?

It is intended³⁰ to develop, but apparently only in the *next cycle of marine spatial planning*, at least three REGIONAL MARINE PLANS in a co-ordinated effort between DHPLG and groups of local authorities which, on the face of it, seems too limited a range of involved stakeholders. We note too that DHPLG intend to experiment with partnerships at a LOCAL LEVEL, perhaps based on one county or part of it (e.g. a bay). In the first instance, this experiment seems likely to be tried out in Wexford and reportedly will particularly involve the local authorities and be confined to the Nearshore³¹.

²⁷ See section 10 of *MRIA Discussion Paper* where a comprehensive review of international practice and MRIA's recommendations in this vital area are set out.

²⁸ SLO has been variously defined as 'free prior and informed consent of local communities and stakeholders' (World Bank, 2003), 'the acquisition and ongoing maintenance of the consent of local stakeholders' (Pike, 2012) and 'a set of concepts, values or practices that represent a way of viewing reality for industry and stakeholdersto create a forum for negotiating whereby the parties involved are heard, understood and respected' (Nelsen, 2009).

²⁹ *Consultation Draft*, P123

³⁰ *Consultation Draft*, P24

³¹ 'Nearshore' is a new concept which is subject to final negotiation between the Department of Housing, Planning and Local Government and the maritime coastal authorities on boundaries - the boundaries will be negotiated with each affected local authority.

MRIA welcome the strategy outlined - to develop a common protocol between marine renewables and fishers and to devise regional plans (in the next cycle), although an earlier start on the latter might be useful. However, the Association is concerned about the limited local pilot initiative.

MRIA recommends that the pilot project in local partnership should be extended to one or two other counties contemporaneously (Donegal, for example, may be willing to become involved) so that other approaches can be tested. We are uneasy with the focus at this stage on a model which is so confined in sea space coverage as seems likely in the muted Wexford exercise. Other models, which extend further out to sea where offshore renewables development is likely, should be tried too. The NMPF will link in de facto to both the *Regional Assemblies' Spatial and Economic Strategies* and, also, to *County Development Plans*, which are further drivers behind the need to get the partnership model 'right'.

Overall, a bigger and earlier ambition in partnership is required to make a success of the NMPF.

7. Other concerns with current *Consultation Draft*

MRIA has concerns about a number of other issues dealt with in the Consultation Draft: the availability of an adequate number of policy-makers etc to develop and implement the NMPF and, indeed, related policies; education and training for the offshore; the need for tight marine-terrestrial planning links; the treatment of grid development for offshore renewables; and the implementation of the NMPF.

➤ 7.1 PUBLIC SERVICE RESOURCES

Ireland has embarked on a total 'remake' of its marine governance regime. There are many factors at play but undoubtedly the *Climate Action Plan*³² target for offshore renewable energy is a principal one. The new maritime 'tapestry', extending from policy formulation to consenting to the arrangement of *Renewable Energy Support Scheme* auctions, is wide-ranging and complex. It is also skilled-public-service-people intensive and its success will pivot on the availability of top class policy makers and experts in the public service in bodies stretching from the Departments of Housing, Planning and Local Government and Communications, Climate Action and Environment to An Bord Pleanála to the Sustainable Energy Authority of Ireland to local authorities to the Marine Institutethe list goes on. Ensuring that the correct resourcing is in place will allow for timely decisions to be made and may reduce the likelihood of successful judicial review proceedings against planning decisions.

The maritime 'remake' to date has been carried on the shoulders of a handful of outstanding public servants. But this is not sustainable and the new NMPF 'tapestry' will prove thin, fragile and unworkable unless action is taken. The incoming Government must address the peril of trying to develop our immense offshore renewable energy resource

³² *Climate Action Plan*, op cit

without staffing properly the policy formulation and execution machinery of Government in this area. Exploiting the resource holds the promise over the next two decades of substantial new jobs and income creation as well as national energy security in an increasingly divided world. It will be impossible to direct and fulfil this most complex work, which will run for generations to come, with only a handful of assigned public servants scattered among the various State bodies

The solution lies in one of two directions. The first would be to create an all-encompassing offshore development body - an 'IDA or Enterprise Ireland of the ocean' - and staff it accordingly. However desirable this might be, a new all-embracing development agency would take years to establish and the effort to set it up could in itself distract from, and hinder, the early development of our offshore resource.

MRIA suggests that an alternative, and more realistic avenue, would be a special, ring-fenced allocation of extra staff to deal with offshore renewables. This would be an all-of-Government, once-off exercise to identify and to fulfil the relevant staffing needs of all of the State institutions with a part to play in the offshore renewables field. This staffing project might have to be led by the Department of the Taoiseach³³ who have played an important coordinating role in recent years in the remake of maritime policy.

Moreover, a successful public sector oriented marine education and training programme needs to be devised and led by appropriate institutions (notably the *National Maritime College of Ireland* and the *MaREI* programme led by *University College Cork*). Officials at all levels need the opportunity to acquire the knowledge and skills required to lead and drive the great national challenge ahead, one which should have an important part to play in the history of Ireland in the 21st century...see also 7.2 which focuses on private sector needs.

➤ 7.2 EDUCATION AND TRAINING

Offshore renewable energy development will, over time, require a large number of people in the private sector who are educated and trained in marine skills and sciences, ranging from basic seamanship to marine planners to high level specialist scientists in areas such as mathematical modelling. Given our historic 'sea blindness', it is unsurprising that such people are generally in limited supply. The training and educational institutions are generally in place (e.g. there has been significant investment at the *LiR National Ocean Test Facility* at University College Cork and at the *National Maritime College of Ireland*, part of Cork Institute of Technology), although there is a need to involve more directly the important marine cluster in Donegal via *Letterkenny Institute of Technology*.

However, the maritime educational and training sector lacks a voice at the national policy level. It is, for example, surprising that the Department of Education and Skills apparently are not involved in the *Interdepartmental Marine Coordination Group*. This is important for the NMPF whose success will in part depend on the availability in Ireland of suitable skilled people. The alternative would be to sub-contract out our marine development to other

³³ The Secretary General of this Department is also Head of the Civil Service. The Department chairs the *Marine Legislation Steering Group*.

countries with only low value-added activity located here. This would undoubtedly undermine public support over time for the sector.

It is recommended that the NMPF gives recognition to the skills and education issues outlined above and that early consideration be given by the *Interdepartmental Marine Coordination Group* to ways and means of engaging the *Department of Education and Skills* and, particularly, the *National Maritime College of Ireland* in the NMPF policy process and in the general task of developing policy to exploit our remarkable offshore energy resource.

➤ 7.3 MARINE-TERRESTRIAL PLANNING LINKS

The stated intention of Government (e.g. in the MPDM General Scheme) is that offshore renewable energy projects will seek consenting, ‘planning permission’, from An Bord Pleanála and will be treated by ABP under the ‘Strategic Infrastructure Development’ regime. Renewable energy projects will usually³⁴ make landfall and will need to connect up with electricity infrastructure located ashore. This means that their cabling will move through the Nearshore and then over the shore area and on inland where local authorities again reign.

It is, however, intended that An Bord Pleanála will deal exclusively with renewable energy in all three domains - offshore, Nearshore and over-shore/inland.

Notwithstanding the importance expressed throughout the Draft Consultation about the need for a strong link between terrestrial and marine planning systems, there is considerable scope for confusion and legal challenges unless there is inter alia tight co-ordination between those charged with the NMPF and those responsible for drafting and later operating the new consenting legislation, the MPDM, as well as with the local authorities and An Bord Pleanála. It would be beneficial too if the Regional Assemblies’ *Regional Economic and Spatial Strategies*³⁵ and, also, the relevant *County Development Plans* were to give explicit recognition at the earliest opportunity to the strategic, national importance of developing our offshore renewables resources.

➤ 7.4 ENERGY - TRANSMISSION

The Consultation Draft is ‘grid light’ with the section on ‘Energy-Transmission’³⁶ largely confined to the undeniably important topic of interconnectors which permit the export and import of electricity to and from other jurisdictions. However, the development of offshore renewables to meet the *Climate Action Plan* targets is inextricably linked to the availability of grid and the provision of extra grid capacity³⁷. The final NMPF should recognise this issue

³⁴ Over time, projects may emerge which do not wish to make landfall in Ireland e.g. projects which employ offshore wind or wave farms to convert seawater to hydrogen and then ship it directly away to use elsewhere as a power source.

³⁵ An example of such a Strategy is contained at www.southernassembly.ie/regional-planning/regional-spatial-and-economic-strategy

³⁶ *Consultation Draft*, section 9.0

³⁷ The *Climate Action Plan* puts explicit emphasis on Grid at p58

explicitly and provide an up to date state of play regarding EirGrid's development plans for offshore renewables.

Moreover, the *Irish-Scottish Links on Energy Study (ISLES)* study³⁸, funded by the EU's INTERREG IVA Programme, has found that development of an interconnected transmission network would help drive further growth in the renewables sector, create jobs, generate revenues and ensure future sustainable energy supplies by better connecting and exporting electricity. Recognition too should be given to the EU's *North Seas Energy Cooperation*³⁹(NSEC), of which Ireland is a member. The NSEC '...supports and facilitates the development of the offshore grid development and the large renewable energy potential in the region'.

Overall, the Consultation Draft needs, in its final manifestation, to expand on 'grid' and to highlight the key role it will play in offshore renewable energy development with significant implications for marine spatial planning.

➤ 7.5 IMPLEMENTATION ARRANGEMENTS

The Implementation Arrangements⁴⁰ for the NMPF are vital. These, probably, will be spelt out in secondary legislation which will follow the adoption by Government of the final NMPF. We note the proposal to repurpose the extant high-level Interdepartmental Group and the Stakeholder Advisory Group as '.... implementation bodies to ensure that the NMPF and its main proposals are given top-level commitment, including of a budgetary and investment nature...'⁴¹.

The NMPF will stand or fall on the depth and strength of the implementation arrangements. They must take account both of the complex governance regime emerging for Irish waters - including Strategic Marine Activity Zones, new roles for An Bord Pleanála and local authorities, the muted Offshore Renewable Energy Development Body, local partnerships etc - and allow for a transparent, efficient and effective course for offshore renewable energy developers to steer. One of the next tasks of DHPLG in regard to the NMPF, therefore, should be to set out the planned arrangements in detail and to consult on them. This should not await the finalisation of NMPF and the introduction of secondary legislation.

³⁸ www.merriestreet.ie/en/Category-Index/Economy/Energy/irish-scottish-offshore-renewable-energy-grid-2.html

³⁹ www.ec.europa.eu/energy/topics/infrastructure/high-level-groups/north-seas-energy-cooperation_en?redir=1

⁴⁰ *Consultation Draft*, section 21.0

⁴¹ *ibid*



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24th April 2020

**Re: Draft National Marine Planning Framework
SRA File Ref: 19/GD003**

A Chara,

The Southern Regional Assembly (SRA) welcome the publication of the Draft National Marine Planning Framework (Draft NMPF) and the opportunity to make a submission. We also welcome the proactive consultation measures taken particularly through the current Covid 19 crises and commend the Department on the Webinar organised on the 21 April 2020 which was very useful.

The Regional Spatial and Economic Strategy (RSES) for the Southern Region came into effect on the 31st January 2020 which sets out a 12-year statutory strategic planning and economic development framework for the Southern Region. The primary objective of the RSES is to implement Project Ireland 2040, the National Planning Framework (NPF) and the National Development Plan (NDP- 2018-2027) at the regional level.

Supporting the Region as a first mover in the marine economy under the NMPF is key to the successful delivery of the RSES vision, strategy and objectives. The RSES supports a leading role for the Southern Region in the marine economy, supporting the role of our Tier 1 and Tier 2 ports, regional ports and fishing harbours as drivers of economic growth.

The RSES supports research and innovation in the marine sectors and the development of marine clusters in ICT, biotechnology and marine renewable energy. It supports vibrant coastal towns, economic resilience and innovation for rural and island communities, enabled by investment in connectivity infrastructure (transport and digital).

The sustainable development of a diverse and active tourism offer, including the Wild Atlantic Way, blue-ways and marine leisure sectors is also supported in the RSES. It seeks sustainable development in the marine area to protect our unique marine natural heritage and our coastal cultural heritage.

It seeks good practice implementation in green and blue infrastructure, ecosystems services and infrastructure-led growth to protect our water resources to improve our water quality. Building

resilience to climate change, transitioning to a low carbon society and economy and investing in infrastructure to mitigate against coastal flooding and erosion (Integrated Coastal Zone Management) are supported.

The RSES was prepared in close consultation with key stakeholders. Submissions from the Marine Spatial Planning Section of the Department of Housing, Planning and Local Government assisted in alignment between the RSES and the emerging NMPF. Section 4.9.1 of the RSES, The Maritime Spatial Planning Directive, states the Region will play an active part in assisting the preparation of the Draft NMPF and adopt measures necessary to secure the objectives of NMPF. In addition, Regional Planning Objective (RPO) 77 titled Maritime and Spatial Planning Alignment specifically supports the NMPF.

It is important that the NMPF is informed by the RSES and Metropolitan Strategic Area Plans (MASPs) for Cork, Limerick-Shannon and Waterford and the Regional Policy Objectives relating to the marine contained therein.

The RSES can be viewed at the following link:

<http://www.southernassembly.ie/regional-planning/regional-spatial-and-economic-strategy>.

The sections below set out constructive input and recommendations from the Regional perspective.

In addition, the elected members of the Southern Regional Assembly have considered the Draft NMPF and have raised a number of additional points for your consideration which I have attached in Appendix 1.

The issues raised by the members in summary address (i) greater emphasis on upgrading and maintaining local road networks to improve access between fishing villages and markets, (ii) policies to protect vulnerable Gaeltacht communities, (iii) financial support for projects to dredge smaller fishing ports where there is silting, threatening fishing, rescue services and marine leisure sectors, (iv) policies to prevent potentially duplicative and invasive exploratory activities related to offshore renewable energy projects, (v) seek policies and guidelines that apply best international practice in relation to distances from the shore for offshore renewable energy infrastructure, particularly where the shore is of importance for tourism, where fishing activity could be negatively impacted, or where the coastline has internationally recognised importance (vi) NMPF should stipulate that there should be genuine and meaningful engagement with local communities at the earliest opportunity ahead of the development of offshore renewable energy projects, and there should be a community dividend.

1.0 The Significance of the NMPF to the Southern Region

The marine and coastal environment is a significant feature of the Southern Region's society and economy. The 2016 CSO Census recorded that almost one third (30.5%) of the State's total population living within 1-5 km of the coastline are in the Southern Region (over 383,000 people).

Over a third (37.6%) of the State's total population living within 500 meters to 1 km of the coastline are in the Region (over 123,000 people). Over half (54.5%) of the State's population living within 100 meters of the coastline are in the Region (22,064 people).

Each of the Region's three city and metropolitan areas of Cork, Limerick-Shannon and Waterford have close integration with ports, estuaries and harbours. They are the principal drivers of the Region's economy with a combined 2016 population of over 496,000 people. Each is targeted for significant population and employment growth to 2040 under the National Planning Framework (NPF), with 50-60% growth in each of the city and suburbs¹ alone. This will create significant critical mass and combined potential of almost 159,000 additional people living in cities and metropolitan areas, with direct and indirect interactions to rivers, estuaries, ports, harbours and the marine.

¹ As defined by the CSO

The Strategic Integrated Framework Plan for the Shannon Estuary (SIFP) is a good practice precedent in our Region for a land and marine framework to guide the future sustainable development of diverse marine related economic uses and management of an estuary. There are opportunities for Cork and Waterford to replicate similar initiatives as the SIFP. RPO 79: *Shannon Estuary and Other Harbour Plans* of the RSES refers.

Other examples of the importance of the marine to the Southern Region include:

- The Region is home to the State's Naval Service and fleet, headquartered at Haulbowline in Cork Harbour.
- All the Tier 1 and Tier 2 Ports in the State outside of Dublin are located in the Region (Port of Cork Company, Shannon Foynes Port Company, Port of Waterford Company and Rosslare Europort).
- Of the fourteen Ports of Regional Significance under National Ports Policy, six are located in the Region (Bantry Bay, Castletownbere, Kinsale, New Ross, Tralee Fenit, Youghal). Of the six national Fishing Harbour Centres, three are located in the Region (Castletownbere, Dunmore East and Dingle (An Daingean).
- Of approximately 60 coastal marinas, pontoons and jetties on the island of Ireland, over 50% (33) are located along the coast of the Region.
- Of the seven Fishery Local Action Groups (FLAG) Regions, three include the Southern Region. FLAG South East includes Waterford and Wexford, FLAG South includes Cork and FLAG South West includes Kerry and Limerick.
- Renowned research and innovation assets include the Beaufort Research Laboratory and Marine and Renewable Energy Ireland (MaREI) in Ringaskiddy and the development of a Maritime Centre of excellence at Cahercon, Co Clare.
- Strategic power generating facilities are located along the Region's coastline including Whitegate Energy Park and Moneypoint. There is considerable potential for the Region's power generating infrastructure to integrate renewable energy. The former Kinsale Gas Fields have potential for Carbon Capture Storage. The ESB West Wave Project is putting Ireland at the forefront of ocean energy globally. The Tarbert/Ballylongford strategic energy and marine project includes the Shannon Gas LNG project.
- International energy transmission and digital transmission facilities with marine infrastructure and cross sea connections to Europe and the United States include the Hibernia Express Link (undersea fibre optic cable) and the proposed Eirgrid Celtic Interconnector to France, a strategic project for exporting our renewable energy resource and security of supply.
- Coastal tourism is a significant attraction to our Region with the Wild Atlantic Way (WAW) corridor and approximately 90 discovery points located along coastal routes in the WAW Regions of the Haven Coast, Southern Peninsulas and the Cliff Coast.

The above are only some of the examples to highlight the potential of the NMPF to be transformative in driving sustainable growth and economic prosperity of our Region through our marine and coastal assets.

2.0 The Preparation of Regional Marine Planning Frameworks

The SRA welcome the NMPF as a parallel framework to the NPF, delivering on the six National Policy Objectives (NPOs) that relate to the marine sector. The NMPF will provide a long-term, over-arching policy framework at the top hierarchy of plans and sectoral policies for the marine, setting a framework for lower tiered sectoral policies and objectives.

Importantly from the perspective of the Regions, the Draft NMPF states there is a possibility for more detailed regional plans at a later date (page 9) It is noted that the intention expressed in Section 2.54 is that these plans will be developed through a partnership approach between the National Marine Spatial Plan team and groups of local authorities working on a regional basis.

The SRA understand, through the Webex public consultation event hosted by the Department on the 21st April 2020, that the processes for the Regional Marine Plans have been developed with engagement with the County and City Managers Association (CCMA) and the Land Use and Transport Committee (LUTS).

Through the implementation of the RSES, the SRA can offer important regional level support and partnership to the role of Local Authorities, the CMMA and LUTS committees in the future development of Regional Marine Plans and their processes, especially in the alignment of complimentary regional level land use and marine policy priorities.

Co-ordination between terrestrial and marine planning processes will ensure investment, through the National Development Plan and subsequent investment plans, have aligned priority areas in land use and marine plans at national, regional and local level. Connectivity to our ports and offshore energy production are examples of strategic infrastructure dependent on alignment and cross boundary policy coherence to fulfil their potential.

It is recommended that a) Regional Marine Planning Frameworks should follow, and b) that these should be based on the established statutory regional structures of the Regional Assemblies.

The three Regional Assemblies are tasked with a leadership role to co-ordinate, promote and support the strategic planning and sustainable development of the regions. They are an established, coherent and democratically mandated organisations with a track record of delivery. They provide a fit for purpose mechanism for delivery of Regional Marine Plans in concord with the land-based planning system. The development of alternative structures would not have the benefit of that coherence and could indeed undermine the existing Regional Planning structures in Ireland. We would therefore be strongly concerned at the development of alternative regional structures.

The significant opportunities for marine sectors in our Region are highlighted above. On the basis of these opportunities, Regional Marine Planning Frameworks are recommended as priority actions arising from the NMPF. The NMPF is also a high level and over-arching framework that is too broad to identify all the regional level enablers and priorities to protect our marine resources and drive marine sectors in the Region.

The link between national and local level plans is facilitated through the regional tier. In this regard, the RSES process has proven successful in transposing national policy to the regions and setting a framework with more regional level priorities identified for Development Plans and other plans in the hierarchy to implement. The process also engaged key cross sectoral stakeholders, citizens of our Region and the elected members to contribute to regional policy formation, aligning the national priorities with regional priorities that will achieve implementation of the NPF.

The RSES is a co-production prepared through extensive collaboration and partnerships. Through effective implementation, RSES and MASP monitoring structures will continue to harness these platforms and establish cross-sectoral and cross regional sectoral representation to implement RSES objectives which align with both the NPF and NMPF priorities.

These same collaborative platforms will assist funding and pilot project initiatives. Through the assembly structures, forums for co-ordinated approaches in land use and marine priorities will be established, which is a benefit to regional marine plans.

Furthermore, through effective monitoring, shared baseline data and establishment of regional working groups to improve the coherence of European Site protection and management, the facilitation of data sharing and exchange on transboundary sites will be supported. This has potential alignment with regional marine plans and their implementation.

The SRA is therefore positively positioned to assist the Department in the future regional-plan making process as expressed in Section 2.54 of the Draft NMPF.

In addition to complimentary marine objectives under the RSES, the SRA are also experienced in the EU Operational Programme 2014-2020. Priority Axis 1 (strengthened research and innovation) includes initiatives under the Marine Research Programme. In addition, the SRA is experienced in EU Territorial Programmes including the Atlantic Area Programme, Priority 2 of which seeks to protect, secure and enhance the marine and coastal environment sustainably.

The SRA is a Programme partner for the current Ireland Wales Programme 2014-20 and was managing authority for the Ireland Programme 2007-2013. These programmes are maritime cross-border programmes which connect organisations, businesses and communities on the west coast of Wales with the south and east coasts of Ireland to seek solutions to shared challenges on both sides of the Irish Sea, to improve the economic and sustainable development priorities of Ireland and Wales. It should be noted that one of the three priorities of the Programme is the adaptation of the Irish Sea and Coastal Communities to Climate Change and to increase capacity and knowledge of Climate Change Adaptation for the Irish Sea and coastal communities.

Regional level marine plans should follow the Regional Assembly coastal geographic structure and align with the RSES for each Regional Assembly, for effective land use and marine planning integration. This compliments the parallel position of the NPF and NMPF at the top of the hierarchy as a framework to guide lower tiered plans, including the regional tier.

To assist such alignment, the SRA fully support the initiatives and actions of the Department and coastal Local Authorities in MSP. The inclusion of Regional Assemblies on repurposed high-level Interdepartmental Groups and Stakeholder Advisory Groups to assist the Department and coastal Local Authorities and prepare towards implementation of the NMPF and future Regional Marine Plans is sought.

- A priority action of the NMPF should be the preparation of regional level plans for the marine, such as Regional Marine Planning Frameworks. Regional marine plans should align with the established statutory regional structures and the coastal boundary of each RSES, for effective land use and marine planning integration at the regional tier and to build on the established successful RSES processes.
- The SRA recommends co-ordination with the Regional Assemblies as a key stakeholder for the preparation of regional marine plans and that this is the mechanism through which the Department can engage with Local authorities on a regional basis.
- In addition to the need for waste water infrastructure, the NMPF could also reference the interaction between waterfront cities and metropolitan areas and the marine environment and sectors adjacent to cities, as a link between marine and land use planning frameworks.
- The potential role of Strategic Integrated Framework Plans (SIFPs) for estuaries, references to good practice example of Shannon Estuary SIFP and opportunities for similar initiatives in other harbours such as Cork and Waterford (supported by the RSES) would provide a link between marine and land use planning frameworks.
- Support resources and upskilling for planners and other professions in the area of marine spatial planning.

- Recommend the inclusion of Regional Assemblies on repurposed high-level Interdepartmental Groups and Stakeholder Advisory Groups to assist the Department and coastal Local Authorities and prepare towards implementation of the NMPF and future Regional Marine Plans.

3.0 Overarching Marine Planning Policies (OMPPs)

3.1 OMPPs for Environmental-Ocean Health

Draft NMPF policies under the policy grouping of biodiversity, disturbance, Marine Protected Areas, Non-Indigenous Species and Sea Floor Integrity are supported by the SRA. These policies are supported by the following RSES Regional Planning Objectives (RPOs):

- RPO 1: Environmental Assessment
- RPO 110: Ecosystem Services
- RPO 126: Biodiversity
- RPO 127: Invasive Species
- RPO 202: Natural Heritage, Biodiversity and Built Heritage Assets

RPO 1 Environmental Assessment clarifies that any reference to support for all plans, projects, activities and development in the RSES should be considered to refer to ‘environmentally sustainable development’ that has no adverse effects on the integrity of European sites. Further, where infrastructure development is supported with an interaction in the marine area, such as supporting the economic opportunities of ports (RPO 147) for example, mitigation is integrated within the objective as follows:

- Undertake feasibility studies to determine the carrying capacity of ports in relation to potential for likely significant effects on associated European sites including SPA and SAC;
- Port development in the Region must adhere to the European Commission guidelines on the Implementation of the Birds and Habitats Directives in Estuaries and Coastal Zones in order to protect European Sites;
- Any economic activity which utilises the marine resource shall also have regard to Ireland’s obligations under the Marine Strategy Framework Directive (MSFD) which requires achieving and maintaining Good Environmental Status (GES) of coastal and marine waters (comprising both the water column and the seabed beneath it).

Policies under Marine Litter are supported by RSES RPOs for the circular economy and regional waste management (RPOs 107 and 108). Protecting our water resources and improving the quality of our water (achieving at least good status) are strongly supported by the RSES. RPO 111 Water Resources and RPO 112 in particular seeks commitments to achieve and maintain “At Least Good” status, except where more stringent obligations are required for high ecological status, and no deterioration of status for all water bodies under the Marine Strategy Framework Directive and its programme of measures, the Water Framework Directive and the River Basin Management Plan.

The RSES is committed to implement regional policy consistent with the Climate Action Plan 2019. Important RPO’s to address climate action and transition to a low carbon society and economy are provided. These objectives support Draft NMPF policies Climate Action 1-5 and include:

- RPO 87 Low Carbon Energy Future
- RPO 88 National Mitigation Plan and National Adaptation Framework
- RPO 89 Building Resilience to Climate Change
- RPO 90 Regional Decarbonisation.

The Climate Action Regional Offices while noted as a ‘key reference’ should be recognised in the NMPF as playing a key role.

The SRA recommend strengthened reference and policy support to the initiatives of the Climate Action Regional Offices (CAROs) in assisting and supporting the respective local authorities in the regions in implementing their climate action strategies, which will have interaction with priorities for the marine and coastal areas.

3.2 OMPPs for Social- Engagement with the Sea

The SRA support Draft NMPF objectives to promote the development of vibrant, accessible and sustainable coastal and island communities. Alignment between the RSES and regional marine plans will be important to address land and sea interactions and assist continuity in stakeholder co-ordination for implementation.

Access

Policies for improved public access to the marine are welcomed. Access must be sustainable, planned and designed to avoid adverse effects on natural heritage. The focus for access policies in the Draft NMPF is on tourism and recreation mostly. Strategic access between ports on the TEN-T Network and completion of access infrastructure to ports as part of the core and comprehensive routes are critical for the State's economy. Improved access to ports, harbours and marinas is also important to support marine economic activity and improved access to our coastal settlements and island communities. These themes are supported in the RSES by:

- RPO 142 Ports
- RPO 143 Ports and Airports
- RPO 144 Port Infrastructure
- RPO 146 High Quality International Connectivity – Ports
- RPO 147 Economic Opportunities of Ports

Refer to recommendations below under Rural Coastal and Island Communities for further strengthened supports for transport and digital infrastructure investment to improve connectivity with coastal areas.

- The SRA recommend strengthening overarching marine planning policies for access to include sustainable delivery of projects to complete the TEN-T Networks and deliver improved access infrastructure to ports, harbours and marinas as an enabler for economic activity in our rural coastal and island communities.
- Support should be expressed in policies for water-based transport services, in particular in harbour areas associated with cities and metropolitan areas and as a potential transport mode under metropolitan area transport strategies.

Employment

There is one over-arching policy in support of a net increase to marine related employment. Strengthened support for innovation in the marine economy sectors is needed to reflect the opportunities for Ireland and the regions to be global leaders in marine research and development. This includes traditional sectors including fishing and port activities where technology will bring innovation and value-added processes.

Growth in new sectors including marine renewables, marine ICT and marine biotechnology are future growth sectors, with our coastal assets already playing leadership roles (examples cited above).

While sectoral policy under Offshore Renewable Energy (in Section 11.0 of the Draft NMPF) supports the establishment of Ireland as a world leader in offshore renewable energy deployment, it is important that overarching marine policies provide support for innovation across renewable energy and other diverse marine economy sectors. These themes are supported in the RSES by:

- RPO 76 Marine Economy
- RPO 78 First Mover under the National Marine Planning Framework

- RPO 79 Shannon Estuary and Other Harbour Plans
- RPO 80 Marine Resource and Blue Economy
- RPO 81 Fishery Harbour Centres and Local Authority Harbours
- RPO 82 Seafood Sector
- RPO 85 Renewable Offshore Energy
- RPO 86 Marine Cluster.

Our two national economic corridors recognised in the NPF (the Eastern Corridor and Atlantic Economic Corridor) integrate coastal settlements, ports & harbours, centres of education, research and innovation in marine sectors as drivers for these economic corridors. RSES supports these corridors under:

- RPO 41 Atlantic Economic Corridor (AEC)
- RPO 42 Eastern Corridor (Dublin Belfast Economic Corridor extending to Rosslare Europort).

The RSES also supports cross boundary project partnerships between settlements and economic drivers at a sub-regional level. County Development Plans will expand on the sub regional economic role of collaboration networks. At a regional level, important support is included under RPO 30 Inter-Urban Networks as Regional Drivers of Collaboration and Growth. Marine assets will play a strategic economic role in developing these networks.

The RSES sets out some examples including a North Kerry-West Limerick-Shannon Estuary-Clare coastal network (integrating the economic role of towns such as Listowel, Newcastle West , Kilrush with the SIFP for the Shannon Estuary and Tier 1 Port of Shannon Foynes) and a West Cork Marine network (integrating West Cork settlements such as Clonakilty, Skibbereen and Bantry with coastal tourism, marinas, research and development centres, fishery centre at Castletownbere, Port of Cork (Bantry) etc). A potential network along the N24 road and rail corridor connects both our economic corridors driven by strengthened connectivity between the Ports at Shannon Foynes, Waterford and Rosslare Europort.

Such regional level support in land use plans for the marine economy, marine networks and strategic road and rail corridors to the major ports will support employment growth related to the ports and for our rural coastal areas.

The SRA recommend strengthened policy support under employment to reflect innovation, research and development in marine sectors. Strengthened support is recommended for the leading role our coastal assets are playing on a global stage in marine sectors, inclusive of innovation for our fishing and port activities , growth in marine ICT, marine renewables and marine biotechnology sectors. In line with regional objectives under the RSES, the NMPF should recognize and support clusters of marine economic activity, strategic transport corridors which connect inland areas to Ports and development of marine networks along or coastal areas.

Rural and Coastal Communities

This theme is a good example of the importance of complementarity between land use and marine plans and priorities.

Policies in support of rural and coastal communities are welcomed and supported in the RSES under:

- RPO 2 Planning for Diverse Areas
- RPO 26 Towns and Villages
- RPO 27 Rural
- RPO 43 Rural Economy and EU Good Practices
- RPO 45 Action Plan for Rural Development and Rural Development Programme 2014-2020
- RPO 46 Digital and Physical Infrastructure in Rural Areas
- RPO 47 Rural Partnership Models

- RPO 48 Innovation Hubs and Centres of Excellence
- RPO 49 Innovation in Rural areas
- RPO 83 Island and Coastal Communities
- RPO 84 Fishing Local Area Group (FLAG)
- RPO 196 Gaeltacht.

Digital connectivity is critical for the revitalisation of rural areas. The relational proximity of all locations will improve with advances in technology. Access to high-speed, high capacity digital and communications infrastructure is required across the region.

Strengthened support in the Draft NMPF for the delivery of improved digital infrastructure to coastal and island communities is recommended as a key enabler for economic and social development. This is a good example of land use and marine planning integration to deliver a shared infrastructure priority to all locations. In addition to Chapter 4 Strong Economy outlined above, digital connectivity is also supported by RSES RPOs 134 Smart Cities and Smart Region, RPO 135 High quality high capacity international digital transmission, RPO 136 National Broadband Plan (NBP) and RPO 138 Digital strategies.

Investment in national and regional road corridors are important for connectivity with coastal and island communities. This is a further good example of land use and marine planning integration to deliver a shared infrastructure priority to all locations. Road based transport is often the only viable and sustainable mode for rural and peripheral locations such as coastal areas. It is essential for “life lines” whereby smaller urban settlements and rural areas can access essential services, including health, education, retail, employment etc. and interchange with other public transport modes in key settlements through a safe and well-maintained road network. This is particularly important for strengthened connectivity to rural coastal areas. A high-quality road network is needed for successful rural public transport services (such as Local Link), the movement of freight and emergency services.

RSES RPOs 167 National Road Projects and 168 Investment in Regional and Local Roads support investment in strategic road corridors to ports and along coastal routes, which will strength accessibility to ports, harbours and settlements in coastal areas. Further, RPOs 158 Intra-regional Rural Connectivity, RPOs 172 Rural Transport and 173 Tourism Corridors provide additional support for rural connectivity infrastructure.

Investment in port and harbor infrastructure including piers, water-based transport services and passenger facilities are also important for good quality access and services to island communities for residents, workers and visitors.

- The SRA recommend strengthened policy support for digital and road transport connectivity (including rural public transport) to ports and harbours, coastal areas and islands, as key enablers for economic and social revitalisation of our rural coastal and island communities.
- The SRA recommend strengthened policy support for port and harbour infrastructure including piers, water-based transport services and passenger facilities for quality access infrastructure and services from the coast to island communities.

Coastal Communities and Renewable Energy

The Draft NMPF would benefit from reference to the DCCAE Code of Practice for Wind Energy Development in Ireland Guidelines for Community Engagement which contains principles for effective community engagement for wind energy projects that can be applied to both onshore and offshore projects.

Culture and Heritage

Policies for marine cultural heritage are welcomed and supported by RSES RPOs 194 Arts, Heritage and Culture and RPO 202 Natural Heritage, Biodiversity and Built Heritage Assets.

Seascape and Landscape

Policies for landscape and seascape are welcomed and are relevant for RSES RPO 129 Landscape and the development of a Regional Landscape Strategy.

Transboundary

The policy for transboundary impacts recognises shared issues with terrestrial planning and seeks consultation with terrestrial planning authorities for a marine proposal where relevant. This policy highlights the importance of aligned regional level land use and marine based plans and is welcomed.

3.3 OMPPs for Economic-Thriving Maritime Economy

The SRA support overall objectives for the sustainable development of a thriving ocean economy and the development of vibrant, accessible and sustainable rural coastal and island communities. The policies that follow address co-existence between different marine uses and sectors and alignment of infrastructure between land based and marine based needs. Policies in support of the marine economy warrant strengthening to give national policy support to key enablers that will help drive the marine economy. Policies supporting continual education, skills development and training in marine sectors should also be promoted for economically resilient coastal communities and future job opportunities. Examples of strengthening for this theme are addressed above and applicable for a thriving marine economy.

In addition to above recommendations for employment and enabling infrastructure, specific policies supporting lifelong learning, education, skills development and training in marine sectors should also be promoted for economically resilient coastal communities.

4.0 Key Sectoral Policies and Objectives

Policies provided across marine related sectors and activities in Sections 4.0 to 20.0 of the Draft NMPF are welcomed and reflect the diversity and importance of the marine to our society and economy. In a similar manner to the link between overarching marine policies and sector policies in the Draft NMPF, observations in the above sections also apply to policies for marine sectors.

4.1 Sectoral Policies and Objectives Supported by the RSES

The RSES aligns positively with the following priority sectors

Seafood Sectors

Draft NMPF objectives to produce high quality food, protect and enhance the social and economic fabric of rural coastal and island communities through the seafood sector are supported by the RSES under:

- RPO 76 Marine Economy
- RPO 80 Marine Resource and Blue Economy
- RPO 81 Fishery Harbour Centres & Local Authority Harbours
- RPO 82 Seafood Sector.

Defence and Security

Support for investment in maritime services programmes to support aids to navigation and Coast Guards activities is included under RPO 146 High Quality International Connectivity -Ports. Further, under the Cork MASP, support for the role of the Irish Naval Service at Haulbowline is provided through Section 2.3 and Cork MASP Policy Objective 3, Cork Harbour.

Energy – Transmission

Objectives and policies under Section 9.0 for transmission networks, including interconnectors, for diversity of renewable sources and security of supply are welcomed. Support for the Celtic Interconnector between Ireland and France from a location in the Southern Region is specifically supported by the RSES. Alignment is achieved under:

- RPO 103 Interconnection Infrastructure
- RPO 221 Renewable Energy Generation and Transmission Network
- RPO 222 Electricity Infrastructure
- RPO 223 International Energy Interconnection Infrastructure
- RPO 224 Delivery of Energy Networks

Energy- Offshore Renewable Energy

Objectives and policies under Section 11.0 for offshore renewable electricity supply and the transition from use of fossil fuels are supported by the RSES. Draft NMPF support for offshore wind farms, wave, tidal, floating wind, enabling projects and infrastructure and provision of emerging technologies and supply chains are welcomed. Positioning Ireland as a world leader in off shore renewable energy deployment is an opportunity that can be driven through our marine resources, research and development assets and is fully supported by the RSES which seeks to position the region as a leader in these sectors. RSES RPOs in support of off shore renewables include:

- RPO 85 Renewable offshore energy
- RPO 86 Marine Cluster
- RPO 87 Low Carbon Energy Future 2015-2030
- RPO 90 Regional De-carbonisation
- RPO 95 Sustainable Renewable Energy Generation
- RPO 96 Integrating Renewable Energy Sources
- RPO 98 Regional Renewable Energy Strategy
- RPO 99 Renewable Wind Energy
- RPO 100 Indigenous Renewable Energy
- RPO 134 Smart Cities and Smart Region
- RPO 147 Economic Opportunity of Ports
- RPO 219 New Energy Infrastructure
- RPO 221 Renewable Energy Generation and Transmission Network
- RPO 222 Electricity Infrastructure

It is noted in comments below that sectoral policies under Section 10 Petroleum, somewhat contradict the positive policy support for marine renewable energy sectors. Long term growth in the marine renewable energy sectors in the NMPF needs to be a priority over long term growth in carbon energy sources.

Fisheries

Objectives and policies in support of our fisheries, the need for infrastructure investment to support the role of our fishery harbor centres and improved access infrastructure is welcomed. The role of fisheries is support by RSES RPO 82 Seafood Sector and RPO 81 Fishery Harbour Centre and Local Authority Harbours.

Ports , Harbours and Shipping

Objectives and policies in support of the strategic economic role of our ports, harbours and shipping activities are welcomed and strongly supported across a number of RSES and MASP objectives. The diverse range of activities facilitated by ports, including the movement of goods, movement of people, fisheries, renewable energy, cruise tourism, defence and emergency services etc. are supported.

Investment in improved multi-modal transport access to the Southern Region's ports, support for infrastructure to deliver the TEN-T Network combined with a Regional Freight Strategy are sought to

improve the efficient movement of people and goods between ports and to/from ports, centres of economic production and markets.

The Southern Regions' ports have capacity to cater for additional freight and passenger movement and can play a strategic national role in the state's port activity which can at the same time alleviate pressure on Dublin Port and congestion on port access routes in the GDA. The adoption of an approach which prioritises use of the Tier 1 and Tier 2 ports in the Region would be consistent with the NPF policy for balanced regional development.

The use of smart technologies in port activities and freight management is supported as part of a smart region. Investment under port masterplans are supported. In addition, each MASP contains a specific objective in support of ports as a driver for growth in each city and metropolitan area. Examples include:

- RPO 140 International Connectivity
- RPO 141 Regional Freight Strategy
- RPO 142 Ports
- RPO 144 Port Infrastructure
- RPO 145 Regional Ports and Harbour Strategy
- RPO 146 High Quality International Connectivity – Ports
- RPO 147 Economic opportunities of ports
- Cork MASP Policy Objective 13 Port of Cork
- Limerick Shannon MASP Policy Objective 16 Shannon Foynes Port
- Waterford MASP Policy Objective 15 Port of Waterford

Importantly for the landuse and marine planning alignment, RPO 142 Ports specifically seeks:

- To strengthen and develop the strategic international, national and regional economic roles of our Tier 1 Ports (Port of Cork and Shannon-Foynes Port) and Tier 2 Ports (Port of Waterford and Rosslare Europort) and support the strategic role of our region's port and harbour assets under the National Marine Planning Framework;
- Support the achievement of Ports of National Significance Tier 1 status for the Ports of Waterford and Rosslare Europort
- Strengthen and develop the strategic regional economic role of other regional fishery harbours, ports and harbours;
- Support the export, fisheries, marine tourism and marine economy potential of port and harbour assets in the Southern Region as listed in Table 6.2 and support investment in the transition to smart technologies of port and harbour assets.
- Support the sustainable development of the 9 no. strategic development locations adjoining sheltered deep-water in line with the recommendations of the SIFP for the Shannon Estuary

RPO 147 Economic Opportunities of Ports specifically seeks:

- Protect the marine related functions of ports in the Region including landside accessibility to ensure the future role of ports as strategic marine related assets is protected from inappropriate uses. Harness sustainable economic opportunities from the ocean economy and the role of Ports in the Region in realising the full potential of the ocean economy.
- Particular regard should be had to Ireland's forthcoming National Marine Planning Framework subject to the implementation of mitigation measures outlined in the SEA and AA undertaken where necessary
- Support the role of ports, where appropriate, in facilitating the sustainable development and operation of off-shore renewable energy development
- Support sustainable and appropriate enabling infrastructure development to harness our ocean wealth at regional and local levels including grid, pier and port facilities to support renewable energy and export potential.

Telecommunications

Policies in support of international telecommunications transmission are welcomed and supported by RSES RPO 135 High quality high capacity international digital transmission which supports projects including the Hibernia Express subsea cable line located at Cork Internet Exchange and the Ireland-France subsea cable.

Sports, Recreation and Tourism

Policies in support of sports, recreation and tourism, in particular support for improved access, initiatives such as the Wild Atlantic Way, coastal greenways and blueways etc. are welcomed and align with similar RSES support. Examples of alignment include:

- RPO 53 Tourism
- RPO 54 Tourism and the Environment
- RPO 125 Green Infrastructure Corridors
- RPO 173 Tourism Corridors
- RPO 174 Walking and Cycling
-
- RPO 200 Green Infrastructure and Recreation
- RPO 201 National Trails, Walking Routes, Greenway and Blueway Corridors
- Cork MASP Policy Objective 15 Cork Tourism
- Cork MASP Policy Objective 17 Metropolitan Open Space, Recreation & Greenbelt Strategy
- Limerick Shannon MASP Policy Objective 19 Tourism
- Limerick Shannon MASP Policy Objective 20 Metropolitan Open Space, Recreation & Greenbelt Strategy
- Waterford MASP Policy Objective 18 (former Objective 15) Tourism
- Waterford MASP Policy Objective 21 Metropolitan Open Space, Recreation and Greenbelt Strategy

Promoting healthy communities and high quality of life, enabled by interacting with our coast and high environmental quality in our marine environment, is supported through the RSES , specifically under Chapter 7 Quality of Life and other sections as outlined above.

The SRA recommend strengthened policy support for quality place making , health and well-being and high quality of life for coastal and island communities, enabled through holistic physical, social and environmental infrastructures.

Waste Water Treatment and Disposal

Through the NPF and RSES, Irish Water has identified the need to review projects under it's investment plans and take account of increased rates of growth. Necessary upgrades will be identified in Irish Water's 2020-2024 Investment Plan and subsequent plans. RSES RPOs 208 Irish Water and Water Supply, RPO 209 Strategic Water Supply Projects, RPO 211 Irish Water and Waste Water and RPO 212 Strategic Wastewater Treatment Facilities support Draft NMPF sectoral policies under this theme.

RPOs in support of improved water quality are also relevant and align with the Draft NMPF including RPO 112 Water Quality, RPO 121 Effective Collaboration to Implement River Basin Management Plans and Water Framework Directive and RPO 123 River Basin Management Plan and Spatial Planning.

4.2 Sectoral Policies and Objectives Recommended for Strengthening

The SRA recommend strengthened content for the following sectors and priority areas.

Energy – Carbon Capture and Storage

Support of feasibility studies to use the Kinsale Head gas field for Carbon Capture and Storage (CCS) in the Draft NMPF is welcomed. Objectives under Section 7.0 , to develop CCS as a safe, viable technology to support the decarbonisation of electricity generation and CO² producing industrial

processes are also positive. RSES RPO 104 Energy Storage and Carbon Capture seeks collaboration between stakeholders and investment to develop innovation, advances in technology and pilot projects for the sustainable development of energy storage and carbon capture within the Region. To strengthen our Region's innovation in carbon reduction, policies, similar to support for other sectors in the draft, should also be set in compliment to CCS objectives.

The SRA recommend the inclusion of policies for Carbon Capture and Storage, in compliment to objectives for this sector under Draft NMPF Section 7.0, to encourage stakeholder and pilot projects to assist our transition to a low carbon economy.

Energy – Offshore Gas Storage

Support for offshore storage of gas as a source of energy should be evolved to greater reflect the potential of renewable gas, including the potential for indigenous renewable gas production and the bio-economy, leading to carbon reductions. Support for gas storage should also be evolved to support the transition of the gas network to a carbon neutral gas network by 2050 (as supported by Gas Networks Ireland). Such themes are supported by RSES RPOs as outlined above for renewable energy and RPO 225 Gas Networks.

Draft NMPF objectives under Section 8.0 support off shore gas storage. The SRA recommend that objectives should support indigenous renewable gas production and transition of the gas network to a carbon neutral network by 2050.

Energy-Petroleum

Regarding the specific themed sector, with objectives and policies, supporting petroleum exploration for security of supply, the SRA question the priority given to long term use of carbon fuel at this level. In the context of the Climate Action Plan 2019, National Mitigation Plan and National Adaptation Framework, published since the Government's White Paper for Energy, the objectives and policies for Petroleum stand out as being contrary to the urgency of climate change actions. Objectives and policies under Section 10.0 to explore and develop Ireland's indigenous petroleum resources in order to deliver significant and sustained benefits, such as import substitution, fiscal return and to maximise the long-term supply of petroleum contradicts the priority that should be given to renewable energy (with significant benefits to the marine renewable energy sectors) and the need to transition away from carbon fuels (Section 11.0).

The SRA recommend a re-balancing of the approach in the policies for Petroleum under Section 10.0 to reconcile security of supply and a just transition away from our reliance on carbon energy sources with the urgent need for climate action under the Governments Climate Action Plan 2019 and priorities for research, innovation and integration of marine renewable resources to energy grids. As worded, support for the long-term supply and role of petroleum as a priority sector contradicts Draft NMPF Section 11.0 which supports the establishment of Ireland as a world leader in offshore renewable energy deployment.

Green and Blue Infrastructure

Green and blue infrastructure is of particular relevance to water quality and interactions between land use and the marine. As stated in the introduction to this submission, our Region's three metropolitan engines for growth at Cork, Limerick-Shannon and Waterford are closely interconnected with rivers, estuaries, ports, the coast and protected habitats in the marine. Developing innovative approaches

to sustainable infrastructure as these cities and metropolitan areas grow is critically important for sustainable interactions with marine resources.

Valuing our natural capital through an ecosystems approach and fostering good practices upstream to protect water quality can have positive economic benefits in addition to improving the quality of the environment. The Draft NMPF should reflect the importance of sustainable infrastructure in our land use planning to protect and benefit our water and marine environment and the sectors that depend on it.

The RSES states that green and blue infrastructure should be a key concept of a local authority's Development Plan, informing actions and strategy around economic development, placemaking. Additionally, local authorities should work with their neighbouring authorities to coordinate the production of green infrastructure strategies across their boundaries.

Spatial planning can play a significant role in ensuring that the design of developments prevent and reduce diffuse pollution, including the use of Sustainable Drainage Systems (SuDS). The RSES promotes the guidance document, *Planning for Watercourses in the Urban Environment* published by Inland Fisheries Ireland which provides an integrated watercourse protection strategy. RSES RPOs that support this theme include:

- RPO 110 Ecosystem Services
- RPO 117 Flood Risk Management and Biodiversity
- RPO 122 Sustainable Drainage Systems (SuDS)
- RPO 124 Green Infrastructure.

To enhance knowledge and expertise in this area, the SRA has partnered with other Regional Authorities and agencies across Europe on a new EU project called Blue Green City which is funded through INTERREG Europe.

The SRA recommend strengthened land use and marine planning alignment through sectoral support for blue and green infrastructure and ecosystems services approaches through lower tiered plans and projects in spatial planning to protect and improve the quality of our water resources and downstream marine resources.

Flooding, Coastal Erosion and Integrated Coastal Zone Management

Despite the threat of sea level rise and need for climate change adaptation, specific policy support for actions relating to coastal flooding and coastal erosion are absent. RPO 120 of the RSES specifically addresses this theme and states it is an objective to support measures (including Integrated Coastal Zone Management) for the management and protection of coastal resources and communities against coastal erosion, flooding and other threats. Statutory land use plans shall take account of the risk of coastal erosion.

The SRA recommend specific policies to support measures (including Integrated Coastal Zone Management) for the management and protection of coastal resources and communities against coastal erosion, flooding and other threats.

5.0 Other Observations

In addition to the above recommendations, the SRA have the following observations:

- There are multi-sector/agency committees in place for the preparation of the Draft NMPF which will be repurposed to oversee implementation. The SRA would welcome roles in implementation committees and structures for the preparation of regional marine plans.
- In many policies, a marine activity or project must try to (a) avoid, (b) minimise and (c) mitigate effects in order of preference. It is important to ensure the SEA/AA process for the Draft NMPF

integrates robust environmental mitigation to sectoral policies for consistency of interpretation at implementation stage.

- The provisions under the Marine Planning and Development Management Bill 2019 are welcomed to streamline processes and reduce unnecessary duplication of processes for marine related projects.
- The Maritime Development Office the Department of Transport, Tourism and Sport has commissioned a Ports Capacity Study which commenced in 2018 and is due for completion in 2019. The purpose of the study is to assess capacity within the Irish port system to meet present and future demand. The SRA would welcome access to this study, which will assist implementation of RSES RPO 145 Regional Ports and Harbour Strategy.

Conclusion

The SRA supports the role of the NMPF and the analysis undertaken to inform Draft NMPF policies and objectives. Recommendations are provided for constructive input to the process and to strengthen implementation of the NMPF through to the RSES and MASPs. The RSES has framed specific objectives for consistency and alignment and in support of the Southern Region as a first mover under the NMPF. The Region will play an active part under national and regional marine planning and will adopt measures necessary to secure the objectives of the NMPF.

RSES objectives compliment Draft NMPF policies and will be effective in aligning land use priorities to enable the sustainable development of marine resources. Likewise, policies implemented through the NMPF will assist implementation of marine activities to drive our Region's economic progress.

Importantly, following the higher-level framework of the NMPF, regional marine planning frameworks need to follow to fully support the potential and address the issues for marine sectors at the regional level. Such plans need to align with the established RSES and Regional Assembly structures, for effective alignment and implementation of land use and marine planning objectives.

The inclusion of Regional Assemblies on repurposed high-level Interdepartmental Groups and Stakeholder Advisory Groups to assist the Department and coastal Local Authorities and prepare towards implementation of the NMPF and future Regional Marine Plans is sought.

The SRA would welcome continued engagement with the Department in the development of marine planning policies and specifically regional marine plans. The RSES team are available for future consultation and clarities required regarding this submission.

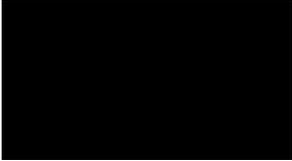
Mise le meas



David Kelly
Director Southern Regional Assembly

Appendix 1
Points Raised by the Members of the Southern Regional Assembly

- Greater emphasis is needed in the NMPF on the importance of upgrading and maintaining local road networks to improve access between smaller fishing villages and markets. An example is the An Rinn Gaeltacht in Co. Waterford, where good road access is needed to get fish and shellfish to market.
- Greater reference and policies to protect vulnerable Gaeltacht communities, many of which are on the coast and which are also small fishing or aquaculture settlements (an example is Heilbhic, An Rinn, Co. Waterford). Support ring-fenced funding to ensure the sustainability and viability of rural Gaeltacht communities involved in indigenous industries, such as schemes to cover costs of dredging of fishing ports that are silting up. Silting threatens the livelihoods of fishermen, the life-saving activities provided by the RNLI, commercial and leisure boating communities.
- Policies are needed to prevent potentially duplicative and invasive exploratory activities related to offshore renewable energy projects. The NMPF should prevent multiple companies from carrying out the same or similar exploratory activity. Applications for foreshore licences should not be approved where the same shoreline and seabed is likely to be disturbed by more than one company.
- Policies should seek best international practice in relation to distances from the shore for offshore renewable energy infrastructure, particularly where the shore is of importance for tourism, where fishing activity could be negatively impacted, or where the coastline has internationally recognised importance (e.g. Copper Coast Geopark in Waterford). Prospective offshore renewable energy projects, while welcome from the point of view of reducing carbon footprint, should not be too close to shore and should not disrupt views over significant lengths of a coastline. Such guidance should also be sought through relevant offshore renewable energy guidelines.
- The NMPF should stipulate that there should be genuine and meaningful engagement with local communities at the earliest opportunity ahead of the development of offshore renewable energy projects, and there should be a community dividend.



Draft NMPF Submissions,
Marine Planning Section,
Department of Housing, Planning and Local Government,
Newtown Road,
Wexford
Y35 AP90

24/4/2020

RE: Submission as regards Draft Marine Planning Framework

A chara,

Seaweed harvesting has the potential to play an important economic role in rural, coastal communities, primarily along the Western seaboard. For too long now the State has left the seaweed harvesting industry to its own devices, as with any natural resource it is vital that it is managed correctly. Rural communities along the Western seaboard are struggling to survive, the time has come for the State to empower these communities to take advantage of the potential of the seaweed industry.

I welcome the steps being taken towards proper marine planning but I believe that a proper seaweed harvesting strategy is also required.

I believe that the State should appoint a relevant, marine based, semi-state agency to manage the seaweed harvesting industry in order to:

- Ensure that the seaweed harvesting industry directly benefits local communities.
- Ensure that the seaweed harvesting is done in a sustainable way.
- Ensure that the individual seaweed harvesters are empowered to sustainably manage their harvesting area and to sell to whichever processing company they choose.

In order to truly benefit local communities, individual harvesters must be invested in and responsible for their own particular area. This is a contentious issue and must balance traditional folio and profit a prendre rights along with enabling new individuals to enter the industry. It is crucial that harvesters are invested in the long-term sustainability of their harvesting methods in their own area, in order to “avoid slash and burn” harvesting techniques.

I consider it very important that harvesters are not linked or indebted to any of the processing companies. Any interference or market manipulation by the processing companies risks shifting the power base from local harvesters in favour of multinational

processors. To this end financial and soft supports for harvesters should be provided by the relevant semi-state agency not by the processing companies.

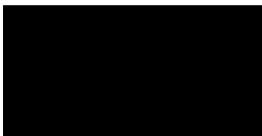
Traditionally seaweed harvesting has been done by hand, with a sickle, this enables the harvester to judge the length of the frond that is being left, in order to maximise the regeneration of the seaweed. Relatively recently harvesting with a rake from a boat has been introduced and mechanical harvesting is also mooted. I strongly support skilled hand harvesting as the preferred method for sustainable harvesting by harvesters who are invested in their own area. Harvesting blindly from a boat makes it very hard to judge what you are leaving behind and I believe that detailed environmental studies are required to assess the impact of these new methods. It must be remembered that over time these harvesting methods will be used by different individuals over a significant portion of the coastline, it is therefore vitally important that any new methods are properly assessed for sustainability.

The time has come for the State to ensure that the harvesting of seaweed is not privatised to be managed or controlled by multinational companies. Proper support and management by the State will ensure that new individuals will see seaweed harvesting as a way of living that can sustain them in their local community. This in turn supports the viability of coastal communities and will ensure a supply of sustainably harvested seaweed for drying and further value processing.

In summary I believe that seaweed harvesting has enormous potential for coastal communities, however the State must decide to empower and support these communities in order to realise this. Those harvesting seaweed today, have the responsibility to do so sustainably, developing and preserving this important, renewable, natural resource for their community and for future generations.

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Kevin O Hara



**Ervia's response to DHPLG's
public consultation on the
draft National Marine Planning
Framework.**

01/04/2020

Introduction

Ervia welcomes the opportunity to make a submission to the Department of Housing, Planning and Local Government's public consultation on Ireland's National Marine Planning Framework (NMPF).

Ervia

Ervia is a commercial semi-state company with responsibility for the delivery of gas and water infrastructure and services in Ireland, through Gas Networks Ireland (GNI) and Irish Water. It also provides dark fibre broadband infrastructure through its business Aurora Telecom.

Gas Networks Ireland (GNI) develops, operates and maintains the natural gas transmission and distribution networks in Ireland, consisting of 14,172km of gas pipelines. Gas Networks Ireland provides gas transportation services to all gas suppliers and shippers.

Irish Water is the national water utility responsible for providing safe, clean and affordable water and wastewater services to 1.7 million customers in the Republic of Ireland. Irish Water is responsible for the operation of all public water and wastewater services.

These national gas and water utilities underpin the social and economic development of Ireland and will play strategic roles in the transition of Ireland to a low carbon, climate resilient and sustainable economy by 2050.

Background

Ervia is currently undertaking a series of studies on a range of technologies, such as carbon capture and storage (CCS) and the production, transport and storage of hydrogen in Ireland, in order to reduce Ireland's carbon emissions. It is expected that both of these technologies will be needed to get Ireland to net-zero emissions and both will interact with the marine environment and therefore it is critical that the final NMPF reflects their importance and supports their development.

In 2019, Ervia and GNI published 'Vision 2050' (A net zero carbon network for Ireland). Vision 2050 outlines a pathway to achieve a net zero carbon gas network by 2050 via the introduction of biomethane and hydrogen into the gas network and by abating natural gas CO₂ emissions using CCS. Whilst the existing gas network is responsible for circa one sixth of Ireland's overall CO₂ emissions, our net zero carbon gas network will deliver at least 18.7Mt/annum of CO₂ emissions savings by 2050, equating to savings of circa one third of all of Ireland's emissions today.

The European Commission's recently announced 'European Green Deal' identifies clean hydrogen and CCS as priority technologies to deploy commercially by 2030 and also calls for a regulatory framework to be established fostering the deployment of

hydrogen networks and carbon capture and storage. Ervia is currently investigating the feasibility of CCS for Ireland and is developing a roadmap for CCS and hydrogen, which will identify the financial, regulatory and policy supports required to develop a hydrogen industry in Ireland. As the industry develops, it will be comprised of a combination of green hydrogen (produced using renewable electricity) and blue hydrogen (produced using natural gas abated with CCS) working together, with blue hydrogen providing the larger quantities initially before transitioning over to a fully green hydrogen network.

Ervia believes therefore it is critical that the final National Marine Planning Framework reflects the importance of these technologies and supports their development.

In responding to this consultation, Ervia will:

1. Address specific sections of the draft NMPF most relevant to our business, including proposing new and updated objectives and planning policies as well as some recommendations, in line with the structure of the draft NMPF;
2. Include a number of observations on the draft NMPF which are included to support DHPLG in the development of the final NMPF;
3. Provide some commentary on policies contained within the draft NMPF that could possibly act as constraints to Ervia's future development. Again, this part of the submission is intended to support DHPLG in the development of the final NMPF.

1. Recommendations (objectives and planning policies) relevant to specific sections of the draft NMPF

1.1 Carbon Capture and Storage (Section 7 of the draft NMPF)

While there are five objectives listed, there are no planning policies for CCS in the draft NMPF. Given the six-year life of the NMPF, the feasibility and safety of CCS could be fully demonstrated, and the development of a CCS project could commence before the NMPF is reviewed again. Consequently, it would be important that this NMPF gives specific support to CCS. Planning policies similar to those for energy transmission would be appropriate.

Suggested Objectives for CCS:

CCS Policy 1

CCS proposals that assist Ireland meeting its CO₂ emission reduction targets should be supported.

CCS Policy 2

Proposals for activities that could affect a CCS proposal in a site held under a permission or that is subject to an ongoing permitting or consenting process for a gas storage proposal should demonstrate that they will in order of preference:

- a) avoid,*
- b) minimise,*
- c) mitigate adverse impacts,*
- d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding*

CCS Policy 3

Decisions on CCS developments should be informed by consideration of space required for other activities of national importance described in the NMPF.

CCS Policy 4

Where possible, opportunities for land-based, coastal infrastructure that is critical to and supports CCS, including import, export or indigenous storage proposals, should be prioritised in plans and policies.

Background and Context:

This section mentions capturing CO₂ from electricity generation and industrial activity. CCS from hydrogen production is not mentioned. There will be critical dependencies between hydrogen production in Ireland at scale and CCS. In paragraph 7.1, first bullet point could be revised to:

The capture of CO₂ at source from electricity generation, industrial activity or hydrogen production.

Blue hydrogen is a term used to describe hydrogen produced by reforming natural gas using technologies such as steam methane reforming (SMR) or auto thermal reforming (ATR) when combined with carbon capture and storage (CCS).

Access to carbon storage locally or internationally and blue hydrogen production can facilitate the early adoption of hydrogen at scale and the decarbonisation of difficult to address sectors.

This approach to hydrogen production is proposed in order to facilitate the early large scale, low cost production of hydrogen with a low carbon footprint. This may be necessary to seed the widespread adoption of hydrogen applications ahead of the production of green hydrogen by utilising renewable electricity which can scale up and benefit from cost reductions in both electricity production and production equipment.

Key Issues for Marine Planning:

This section also mentions capturing CO₂ from electricity generation and industrial activity. CCS from hydrogen production is not mentioned. To support the development of blue hydrogen, in paragraph 7.5 of the draft NMPF, a sentence could be added.

CCS would support the sustainable production of hydrogen to be used in transport, electricity generation and industrial activities as a replacement for fossil fuels.

Interaction with Other Activities:

This section does not mention links between CCS, hydrogen production and use of hydrogen in fuel cells to reduce carbon emissions from transport.

Given the dependency between blue hydrogen production and CCS, a reference to blue hydrogen production would be appropriate here.

Issues of Sustainability:

We feel that the key role CCS can play in decarbonising electricity production, industry and within the production of blue hydrogen, reference should be made in this section to the positive impact CCS can have on sustainability and in getting Ireland to net-zero greenhouse gas emissions and potentially to large-scale negative emissions when CCS is combined with bioenergy (BECCS).

1.2 Offshore Gas Storage (Section 8 of the draft NMPF)

“Offshore” in this context might be understood to mean at a distance from the coast. The sector could be renamed “marine natural gas storage”, or a sentence added to clarify that the sector includes natural gas storage in the entire marine area and under the seabed. The sector title should also include LNG, to make it clear that the NMPF addresses LNG.

There is a single objective and no policies in the draft NMPF for offshore natural gas storage and LNG. The objective promotes the analysis of options for increased natural gas storage, however the NMPF is silent on what should happen, if the result of the analysis is that increased gas storage is technically feasible and meets environmental and sustainability criteria.

Given the six-year life of the NMPF, the analysis of options could be completed, and the development of a gas storage project or LNG project could reach the consent application stage before the NMPF is reviewed. Consequently, it is important that this NMPF addresses offshore gas storage and LNG.

Objectives and policies are required which would support gas storage and LNG in the marine area, subject to feasibility, and environmental and sustainability constraints.

Suggested objectives for Offshore Gas Storage:

- *To develop a regulatory framework to license stand-alone natural gas storage and LNG facilities.*
- *To examine the options for the safe and cost-effective storage of gas in the marine area in Ireland, either in suitable geological formations or using other technology including LNG, to assist Ireland to enhance security of energy supply and power generation flexibility.*
- *If considered feasible, to develop gas storage and LNG to enhance security of energy supply and power generation flexibility.*
- *Where appropriate, to facilitate the use of existing infrastructure in the development of cost-effective storage of gas in the marine area in Ireland.*
- *To ensure consideration of all safety, health and environmental issues relating to the storage of gas in the marine area.*

Suggested planning policies for Offshore Gas Storage:

Offshore Gas Storage Policy 1

Gas storage proposals that maintain or improve the security of Ireland's energy supply, should be supported.

Offshore Gas Storage Policy 2

Proposals for activities that could affect a gas storage proposal in a site held under a permission or that is subject to an ongoing permitting or consenting process for a gas storage proposal should demonstrate that they will in order of preference:

- a) avoid,*
- b) minimise,*
- c) mitigate adverse impacts,*

- d) *if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding*

Offshore Gas Storage Policy 3

Decisions on gas storage developments should be informed by consideration of space required for other activities of national importance described in the NMPF.

Offshore Gas Storage Policy 4

Where possible, opportunities for land-based, coastal infrastructure that is critical to and supports gas storage should be prioritised in plans and policies.

Interaction with Other Activities

This section does not mention links between Offshore Gas Storage and hydrogen gas Storage. The following sentence could be included:

Suitable offshore geological formations, such as offshore depleted gas fields, may be used for safe and cost effective long term storage of hydrogen, as an alternative to offshore natural gas storage, to assist Ireland in meeting its CO₂ emissions reduction targets.

1.3 Energy Transmission (Section 9 of the draft NMPF)

The Energy Transmission section currently includes reference to electricity and natural gas proposals. Ervia recommends that hydrogen is added and that the sector includes objectives and policies supporting the transmission of hydrogen as an energy vector.

Suggested Objectives for Energy Transmission:

The first objective in the draft NMPF should be modified to clarify energy types considered.

Support Ireland's decarbonisation journey through increased diversification of supply options, including natural gas, electricity and hydrogen transmission.

Suggested Planning Policies for Energy Transmission:

The first planning policy in the draft NMPF should be modified to include hydrogen.

Gas, electricity or hydrogen transmission proposals that maintain or improve the security and diversity of Ireland's energy supply, including interconnectors, should be supported.

1.4 Offshore Renewable Energy (Section 11 of the draft NMPF)

In the draft NMPF, ORE policy 9 requires a visualisation assessment to be included in all project applications. The policy includes community consultation as follows:

“Visualisation assessments must demonstrate consultation with communities that may be able to view any future ORE development at a given site with the aim of minimising impact.”

In our view, this text is not clear, could cause confusion and should be clarified. “Any future ORE” may refer to the specific project, which is the subject of the application. Alternatively, it may mean future projects, other than the specific project. In the latter case, it may not be possible to comply with the community consultation requirement in relation to such an assessment. The communities which may be able to view any future ORE at a given site cannot be defined. An ORE development could be on a site, which would be tens of square kilometres in area. The proposal developer would have to try to predict the types of ORE which could possibly be developed into the future and possibly be viewed from a substantial length of the coastline and immediate hinterland.

The policy should be reworded, in a manner similar to the EIA Directive requirement for cumulative impact assessment.

Suggested possible wording:

Visualisation assessments must demonstrate consultation with communities that may be able to view the proposal and any other ORE development, which had received consent to proceed, at a given site at the time the consent application is made, with the aim of minimising impact.

In addition, text could be added to the sections on Background and Context, Interaction with Other Sectors and Issues for Sustainability explaining how production of hydrogen would avoid dispatching down ORE generation at times of surplus generation.

1.5 Hydrogen Production, Transport and Storage (Proposed new Section for the NMPF)

Hydrogen has not been addressed in the NMPF. Hydrogen has a role to play in supporting renewable energy generation and as a low carbon fuel. Hydrogen is an energy carrier with applications in power generation, heating, transport and industry. Hydrogen can replace the existing uses of natural gas.

Given the six-year life of the NMPF, the development of a hydrogen project with a marine component could reach the consent application stage before the NMPF is reviewed again. Consequently, it is important that this NMPF addresses hydrogen.

Ervia is proposing that Hydrogen is included as a stand-alone sector within the NMPF. Objectives and policies are required which would support a hydrogen project with a marine component, subject to feasibility, and environmental and sustainability constraints.

Suggested Objectives for Hydrogen:

- *A regulatory framework to license hydrogen* production, storage and transport facilities is required.*
- *To examine the options for the safe and cost-effective production, storage and transport of hydrogen in the marine area in Ireland, to support renewable energy generation and assist Ireland to achieve a sustainable transport sector.*
- *To examine the options of the safe and cost effective utilisation of suitable geological formations, such as offshore depleted gas fields, for the long term storage of hydrogen to assist Ireland in meeting its CO₂ emissions reduction targets.*
- *If considered feasible, to develop a hydrogen production and/or storage and/or transport facility, including import or export, to support renewable generation and a sustainable transport sector.*
- *Where appropriate, to facilitate the use of existing infrastructure in the development of cost-effective production, storage and transport of hydrogen in the marine area in Ireland.*
- *To ensure consideration of all safety, health and environmental issues relating to the production, storage and transport of hydrogen in the marine area.*

**Production of hydrogen in an installation is an activity licensable under Class 4.2(a) of Annex I of the Industrial Emissions Directive 2010/75/EU and as class 5.13(a) of the First Schedule of the EPA Act 1992, as amended. Storage of hydrogen is regulated under the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations SI 209 of 2015. The thresholds for the quantities stored are specified in Schedule 1, Part 2 Named Dangerous Substances.*

Suggested Planning Policies for Hydrogen:

Hydrogen Policy 1

Hydrogen proposals that support carbon free electricity generation and a sustainable transport sector should be supported.

Hydrogen Policy 2

Proposals for activities that could affect a hydrogen proposal in a site held under a permission or that is subject to an ongoing permitting or consenting process for a hydrogen proposal should demonstrate that they will in order of preference:

- a) avoid,*
- b) minimise,*
- c) mitigate adverse impacts,*
- d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding*

Hydrogen Policy 3

Decisions on hydrogen developments should be informed by consideration of space required for other activities of national importance described in the NMPPF.

Hydrogen Policy 4

Where possible, opportunities for land-based, coastal infrastructure that is critical to and supports hydrogen production, storage and/or transport should be prioritised in plans and policies.

Suggested Key References

- *Marine Planning Policy Statement*
- *Ireland's Transition to a Low Carbon Energy Future 2015-2030 (Government White Paper on Energy)*
- *Climate Action Plan 2019 to Tackle Climate Breakdown (p72 Investigate hydrogen as an emerging transport technology)*
- *HyUnder <http://hyunder.eu/>*
- *The EU Green Deal*
- *The UK's National Infrastructure Commission – Net Zero: Opportunities for the power sector <https://www.nic.org.uk/wp-content/uploads/Net-Zero-6-March-2020.pdf>*

Suggested Background and Context

- *Hydrogen is a carbon free flammable gas with the potential to decarbonise sectors that are otherwise difficult to decarbonise such as high heat applications in industry, dispatchable power generation, heavy use transport and heating.*
- *The supply of hydrogen through Ireland's existing gas network is understood to be feasible with many studies underway internationally to ensure hydrogen can be transported safely. These will inform local activities evaluating the gas network in Ireland which is one of the most modern in Europe.*
- *The utilisation of hydrogen is a return to the local production of gas and therefore the need to store gas for both inter-day demand fluctuations and inter-seasonal security of supply.*
- *The availability of long-term storage allows for a more efficient sizing of production facilities. Production facilities can be sized for average demand rather than peak demand. When demand is low in the summer, hydrogen can continue to be produced and stored for use in the winter when demand will be higher.*
- *Hydrogen has a high energy content by weight but a relatively low energy content by volume, it is one third the calorific value of natural gas and one eighth the density. Therefore, at a large scale, geological formations are preferred for storage.*

The use of depleted gas fields ranked highly as a potential large scale hydrogen storage technology given existing natural gas storage experience.

- *Clean hydrogen may be produced in many ways. The main production methods are described as green hydrogen and blue hydrogen. Green hydrogen is using renewable electricity to split water (H₂O) into hydrogen (H₂) and oxygen (O₂) in a carbon free process. Blue hydrogen is splitting natural gas (methane CH₄) into hydrogen (H₂) and carbon dioxide (CO₂). In both cases inter seasonal hydrogen storage is required. There is some debate over how hydrogen production will develop and in particular whether there is a need for a period of blue hydrogen production due to its lower cost and near term scalability. However, it is envisioned that green hydrogen will ultimately dominate and locally use Ireland's abundant wind resources as the energy source for production.*
- *The European Union's recently announced 'Green Deal' sets out an ambition for Europe to be climate neutral and to achieve net-zero greenhouse gas emissions by 2050. The plan outlines how smart-sector integration, including bringing the electricity and gas networks closer together will be required. Hydrogen along with Carbon Capture and Storage are identified as priority areas for development under the new plan.*
- *The EU's new Industrial Strategy identifies Hydrogen as a key vector for a greener, competitive and digital future for Europe.*
https://ec.europa.eu/commission/presscorner/detail/en/fs_20_425

Suggested Key issues for Marine Planning

- *The Kinsale Head gas field may be able to act as a national hydrogen storage facility providing large scale security of supply for Ireland.*
- *The suitability of the Kinsale Head gas field may be examined to determine if the storage of hydrogen at this location is feasible. The existing research for CCS at this location will be relevant and inform an initial view on the reuse of existing infrastructure and the attributes of the gas field.*
- *Port facilities around the country will need appropriate infrastructure to enable the importation, temporary storage and export of hydrogen.*

Suggested Interaction with Other Activities:

Hydrogen production, storage and transport activities in the marine area may potentially interact with a range of other marine activities. There are obvious benefits to existing interactions such as those with shipping, and ports and harbours. There can be synergies between hydrogen activities and the offshore renewables sector. There is also potential for other activities to be negatively impacted by the infrastructure requirements of the sector, both during construction and ongoing operation.

Key interactions of relevance for marine planning include:

Shipping, Ports and Harbours: *Hydrogen activities may be based in existing ports and /or may use shipping, ports and harbours in supply and transfer operations, supply chain services and provision of engineering and specialist expertise. This will have beneficial impacts for this sector. Potential adverse impacts on shipping and navigation need to be considered during construction of hydrogen infrastructure.*

Renewables: *The hydrogen sector can support offshore renewable projects by providing a consistent demand for electricity and avoidance of dispatch down.*

Fishing: *Offshore hydrogen activities may have to be located within an exclusion buffer zone, with the result that fishing activity may be displaced. Pipelines could interfere with certain fishing practices. Construction of offshore hydrogen infrastructure may also temporarily disrupt fishing activity. However, with effective cooperation between the sectors adverse impacts can be mitigated by, for example, the appointment of Fisheries Liaison Officers.*

CCS: *A CCS project would enhance the sustainability of hydrogen produced from natural gas, producing 'blue' hydrogen.*

Offshore Gas Storage: *Suitable offshore geological formations, such as offshore depleted gas fields, may be used for safe and cost effective long term storage of hydrogen, as an alternative to offshore natural gas storage, to assist Ireland in meeting its CO₂ emissions reduction targets.*

Energy Transmission: *There is a potential for hydrogen transportation in an interconnector outside the Irish jurisdiction, similar to electricity or gas energy transmission.*

Suggested Issues for Sustainability

- *As a carbon free gas that can be stored at a large scale for long periods, hydrogen has the potential to be key to Ireland achieving its carbon reduction targets. Hydrogen may be produced using renewable electricity and in the long run this is likely to be through the use of offshore windfarms.*

2. Other Observations on the draft NMPF

2.1 General Comment

The objectives and planning policies of the NMPF will be referenced in consent applications and consent decisions into the future. While there is a pattern to the way most policies are stated and grouped in the draft document, there are some inconsistencies, particularly in the overarching policies. It would be helpful if the pattern was followed for as many policies as possible.

There are a few inconsistencies in the way the overarching policies are numbered, and between Table 1 and the actual statement of the policies. It would help if each objective and each overarching policy is given a unique reference number, as has been done for the sector specific policies. This would make reference to a particular policy much easier.

2.2 Definition of the Terms

General

The draft NMPF uses terms like ‘significant’, ‘adverse’, ‘impact’ and ‘mitigation’, which are not defined in the Glossary.

In the case of common terms such as these, reference could be made to the definitions and description of effects from the EPA’s (draft) Guidelines on the Information to be contained in Environmental Impact Assessment Reports, current at the time the NMPF is finalised.

Natural Capital Assets

Environmental – Ocean Health: Biodiversity policy 5 refers to impacts on marine or coastal ‘natural capital assets’. The term ‘natural capital assets’ is not defined in the Glossary and is not in normal use. It should be defined in the Glossary.

2.3 Environmental – Ocean Health: Marine Protected Areas Policy 4

“Until the ecological coherence of the marine protected area network is confirmed, proposals should demonstrate that they will, in order of preference: (a) avoid, (b) minimise, or (c) mitigate adverse impacts on features that may be required to complete the network, or (d) if it is not possible to mitigate adverse impacts, proposals should state the case for proceeding.”

This policy has an unlimited scope and we believe it would be impossible to demonstrate compliance.

Until the number and boundaries of marine protected areas are finalised, a proposal must demonstrate that it will not have an effect on a feature, which could be any habitat or any species at any location in the 490,000 km² Irish marine area, and which could possibly be required to complete the network.

Even if a number of marine protected areas were defined at a given time, there would always be the possibility that there could be some future marine protected area possibly requiring features to complete a network.

The policy could be reworded with possible wording for consideration:

“Until the ecological coherence of the marine protected area network is confirmed, proposals should identify, by consultation with the competent authority with responsibility for designating such areas, the features, under consideration at the time the application is made, that may be required to complete the network. The proposals should demonstrate that they will, in order of preference: (a) avoid, (b) minimise, or (c) mitigate adverse impacts on such features, or (d) if it is not possible to mitigate adverse impacts, proposals should state the case for proceeding.”

2.4 Environmental – Ocean Health: Underwater Noise, Social – Engagement with the Sea: Cultural and Heritage Assets, and Social – Engagement with the Sea: Seascape and Landscape Policy 2

Where there are significant adverse impacts, which cannot be mitigated, the policies in relation to Environmental – Ocean Health: Underwater Noise, Social – Engagement with the Sea: Cultural and Heritage Assets, and the second policy in relation to Social – Engagement with the Sea: Seascape and Landscape require the proposal to demonstrate that the public benefits of the project outweigh the significant impacts.

Demonstrating that the public benefits of the proposal outweigh the significant adverse impacts could be difficult as it would require a comparison of aspects which are very different, e.g. impacts on a cetacean compared with economic and social benefits to a coastal community. It would be difficult for the consent authority to assess whether such a demonstration was successful, as it could mean comparing the impacts on a marine species with the economic benefits to a coastal community.

In the case of other policies, such as Economic – Thriving Maritime Economy: Co-existence, where a significant adverse impact cannot be mitigated, the policy requires that proposals should state the case for proceeding. Stating the case for proceeding would be an easier task to demonstrate and to assess, as all beneficial aspects of the proposal could be addressed.

This approach would make the task more straight forward for both developer and competent authority.

2.5 Climate Change Policy 1

“Proposals should demonstrate for the lifetime of the proposal that they: (1) have considered the impacts of climate change and coastal change, and (2) have incorporated appropriate adaptation measures where necessary, and (3) will not have a significant adverse impact upon climate change adaptation measures elsewhere, or significantly increase the risks of adverse impacts of climate change elsewhere.”

In respect of (3) proposals should demonstrate that they will, in order of preference: (a) avoid, (b) minimise, or (c) mitigate the adverse impacts upon these climate change adaptation measures or the risks of adverse impacts of climate change.”

The requirement in subheading 3 that, for the life time of the proposed development, it will not have a significant adverse impact on climate change adaption measures or significantly increase the risks of adverse climate impacts elsewhere, is extremely wide-ranging geographically and temporally. This policy could be reworded. Possible wording would be:

“Proposals should demonstrate that they: (1) have considered the impacts of climate change and coastal change on the proposed development for its lifetime, and (2) have incorporated appropriate adaptation measures where necessary, (3) have considered the impact of the proposed development upon climate change adaptation measures in the adjacent coastal area, and (4) have considered if the proposed development will significantly increase the risks of adverse impacts of climate change in the adjacent coastal area.

In respect of (3) and (4) proposals should demonstrate that they will, in order of preference: (a) avoid, (b) minimise, or (c) mitigate the adverse impacts upon these climate change adaptation measures or the risks of adverse impacts of climate change.”

3. Possible constraints to future Ervia developments arising from NMPF policies

Ervia has identified certain objectives and planning policies which have the potential to constrain future marine based developments by Ervia. Specifically, this section identifies the objectives and policies where demonstrating how an Ervia project could (a) avoid, (b) minimise, or (c) mitigate significant adverse impacts in relation the policy could present a challenge.

3.1 General Comment

Most marine projects, likely to be developed by Ervia, would be of a scale or project type, which would require both an Environmental Impact Assessment Report and an Appropriate Assessment Screening report and, probably, a Natura Impact Statement. For the Environmental Impact Assessment Report and Natura Impact Statement, it would be necessary to demonstrate that significant adverse impacts would be (a) avoided, (b) minimised, or (c) mitigated, where possible. Most of the overarching, and sector specific, planning policies represent good environmental and sustainability practice. Most reputable developers would comply with them as matter of course. Consequently, compliance should not be an issue.

3.2 Overarching Policies

Biodiversity Policy 5

- *“Proposals must demonstrate that they will in order of preference: (a) avoid, (b) minimise, or (c) mitigate significant adverse impacts on marine or coastal natural capital assets, or, or (d) if it is not possible to mitigate significant adverse impacts on marine or coastal natural capital assets proposals should state the case for proceeding.*

Proposals should seek to enhance marine or coastal natural capital assets where possible.”

Biodiversity policy 5 refers to impacts on marine or coastal natural capital assets. The term ‘natural capital assets’ is not defined in the draft NMPF.

Reference is made in the draft NMPF to the National Biodiversity Action Plan 2017 – 2022, which uses the concept. However, the term is not defined in that document.

Reference is also made in the draft NMPF to DAFM’s Biodiversity Sector Climate Action Plan. To our knowledge, DAFM has not produced such a plan or draft plan. However, the National Parks and Wildlife Service, in the Department of Culture, Heritage and the Gaeltacht has produced a draft for consultation of Ireland’s Biodiversity Sectoral

Climate Change Adaption Plan, 2019. The term ‘natural capital assets’ is not defined in this draft plan.

‘Natural capital assets’ is not defined in the EPA’s draft Guidelines on the Information to be contained in Environmental Impact Assessment Reports, May 2017, and is not a term in common usage in, for example, the preparation of Environmental Impact Assessment Reports and Natura Impact Statements. Since there is no recognised definition for the term, it could be difficult to demonstrate that adverse effects on it were avoided, minimised or mitigated.

Marine Protected Areas Policy 4

- *“Until the ecological coherence of the marine protected area network is confirmed, proposals should demonstrate that they will, in order of preference: (a) avoid, (b) minimise, or (c) mitigate adverse impacts on features that may be required to complete the network, or (d) if it is not possible to mitigate adverse impacts, proposals should state the case for proceeding.”*

This policy has an unlimited scope and it would be impossible to demonstrate compliance.

Until the number and boundaries of marine protected areas are finalised, a proposal must demonstrate that it will not have an effect on a feature, which could be any habitat or any species at any location in the Irish marine area, and which could possibly be required to complete the network. Even if a number of marine protected areas were defined at a given time, there would always be the possibility that there could be some future marine protected area requiring features to complete a network.

Underwater Noise Policy

“Where significant impact on highly mobile species is identified and cannot be mitigated, a Noise Assessment Statement should be prepared by the proposer of development. The findings of the Noise Assessment Statement should demonstrably inform determination(s) related to the activity proposed and the carrying out of the activity itself.

The content of the Noise Assessment Statement should be relevant to the particular circumstances and could include:

- *An assessment of the potential impact of the development or use on the affected species in terms of environmental sustainability;*
- *A recognition that the impacts on highly mobile species should be minimised as far as possible;*
- *Demonstration of the public benefit(s) that outweigh the significant impacts identified;*

Demonstrating that the public benefits of the proposal outweigh the significant impacts could be difficult as it would be a comparison of aspects which are very different. It would be necessary to demonstrate very significant public benefits.

Climate Change

The climate change policy 1 is as follows:

- *“Proposals that support a reduction in greenhouse gas emissions will be supported. Proposals must demonstrate consideration of their contribution to greenhouse gas emissions for the lifetime of the proposal, both direct and indirect”.*

Proposals should demonstrate for the lifetime of the proposal that they: (1) have considered the impacts of climate change and coastal change, and (2) have incorporated appropriate adaptation measures where necessary, and (3) will not have a significant adverse impact upon climate change adaptation measures elsewhere, or significantly increase the risks of adverse impacts of climate change elsewhere.

In respect of (3) proposals should demonstrate that they will, in order of preference: (a) avoid, (b) minimise, or (c) mitigate the adverse impacts upon these climate change adaptation measures or the risks of adverse impacts of climate change.

In our view, the requirement that, for the life time of the proposed development, it will not have a significant adverse impact on climate change adaptation measures or significantly increase the risks of adverse climate impacts elsewhere, is extremely wide-ranging geographically and temporally. It would be difficult to limit the scope the assessment required, and would require the prediction of effects 20 or 30 years in the future.

Cultural and Heritage Assets, Seascape and Landscape and Co-existence

Where there are significant adverse impacts, which cannot be mitigated, the policy in relation to Cultural and Heritage Assets and the second policy in relation to Seascape and Landscape require the proposal to demonstrate that the public benefits of the project outweigh the significant impacts.

In the case of Co-existence, where a significant adverse impact cannot be mitigated, the policy requires that proposals should state the case for proceeding.

Demonstrating that the public benefits of the project outweigh the significant adverse impacts could be difficult as it would be a comparison of aspects which are very different. It would be necessary to demonstrate very significant public benefits. Stating the case for the proposal to proceed is a lower threshold and is a preferable requirement.

3.3 ORE Sector Specific Policies

The objectives and policies for ORE projects are generally very supportive.

ORE 1 sets a target of ‘at least 3.5GW of offshore wind by 2030’. This target does not limit future ORE projects.

ORE 2 gives preference to offshore wind projects located in zones designated for offshore wind. It will be much easier to secure permission for a project in a zoned area.

The wording of ORE 9, which seems to be targeted at offshore wind, could be clarified. A visualisation assessment must be included in all project applications. The policy includes community consultation as follows:

“Visualisation assessments must demonstrate consultation with communities that may be able to view any future ORE development at a given site with the aim of minimising impact.”

Our view is that this text is vague and open-ended and should be clarified. “Any future ORE” may be intended to refer to the specific project, which is the subject of the application. Alternatively, it may mean the specific project plus any possible future project. In the latter case, it may not be possible to comply with the requirement in relation to such an assessment. The communities which may be able to view any future ORE at a given site cannot be defined. The developer would have to predict the types of ORE which could possibly be developed in the future.

We believe that the role of hydrogen production, in supporting ORE should be included in this chapter.

3.4 Other Key Sectoral Policies

The policies for a number of other sectors require that proposals not specific to that sector, for which it is not possible to mitigate significant adverse impacts, should state the case for proceeding. This is not an unreasonably high threshold to meet. Unless circumstances are exceptional, it should not present a challenge, assuming that Government policies support Ervia’s potential project.

Fisheries

Fisheries Policy 4 is silent on how proposals, which cannot demonstrate that significant adverse impacts on essential fish habitat will be mitigated, are to be treated. Fisheries policy 5 requires, for a project where significant impact upon fishing activity is identified, a Fisheries Management and Mitigation Strategy to be prepared by the proposer of a development or use. The requirements for the strategy are summarised and appear reasonable.

Ports, Harbours and Shipping Policy

Ports, Harbours and Shipping Policy 10 requires consultation with the port authority and various bodies and the preparation of a navigation risk assessment, in the case of proposals which have the potential to have a significant impact on a port or shipping routes. The requirements appear reasonable.

Safety at Sea

The five planning policies for Safety at Sea impose various requirements, which appear reasonable.

Tourism

Tourism Policy 2 requires an assessment of how the benefits of what is proposed are not outweighed by potential negative impacts on tourism. This would be a comparison of the mainly socio-economic impacts and benefits of an Ervia project and general tourism in the area, a comparison of like with like. Unless circumstances are exceptional, it should not present a challenge, assuming that Government policies support Ervia's potential project.

Waste Water Treatment and Disposal Policy

Waste Water Treatment and Disposal Policy 2 requires exceptional circumstances to be demonstrated, if significant adverse effects on waste water treatment or disposal infrastructure cannot be mitigated. This would present a significant issue for a project, which potentially would have a significant adverse effect on such infrastructure.

Waste water treatment or disposal infrastructure is likely to be located relatively close inshore. There is probably a low risk that an Ervia project would have a significant effect on such infrastructure.

A site for waste water treatment or disposal infrastructure must meet numerous engineering and other requirements, and usually it is difficult to achieve public acceptance of the site. In this context, the requirement for exceptional circumstances is not unreasonable.

3.5 Sectors Not Addressed

Hydrogen projects (production, transport and storage) are not addressed in the draft NMPF. In our submission, Ervia is proposing that hydrogen is included as a key sector on its own. In the absence of this, the text on hydrogen provided in this submission should be added, where appropriate, to the chapters on CCS and ORE sectors.

Ervia is willing to meet with the Department of Housing, Planning and Local Government to discuss this submission in more detail and Ervia could provide additional material supporting the technologies and solutions set out in Vision 2050 if required.

ervia



Gas
Networks
Ireland



Draft NMPF Submissions
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Department of Housing, Planning and Local Government
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27/04/2020

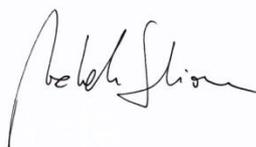
EDF Renewables response to the Public Consultation on the Draft National Marine Planning Framework

EDF Renewables is part of one of the world's largest electricity companies and our investment and innovation is bringing down costs for consumers and bringing significant benefits for communities. We operate in more than 20 countries around the world. We develop, construct and operate wind farms (onshore and offshore), solar and battery storage projects, and have more than 25 years' experience in delivering renewable energy generation. We have recently opened an office in Dublin and are already in advanced discussions for an onshore wind development pipeline of around 500MW, with aspirations for far greater growth in Ireland across all technologies, as can be seen by our recent acquisition of 50% of the Codling Offshore Windfarm Development, off the East Coast of Ireland.

EDF Renewables welcomes the Public Consultation on the Draft National Marine Planning Framework (henceforth referred to as the NMPF) but we would like to highlight some recommendations to further strengthen the NMPF, which can be found in the attachment to this letter. In addition, we fully support the Irish Wind Energy Association's (IWEA) response to this Public Consultation, which highlights important points to enable offshore wind energy to significantly contribute to Ireland's climate action targets.

Should you wish to discuss any of the issues raised in our response or have any queries, please contact Matt Streeter or me. I confirm that this letter may be published on the Department of Housing, Planning and Local Government website.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michele Schiavone".

Michele Schiavone
Director for Offshore Wind and Ireland

Attachment

Public Consultation on the Draft National Marine Planning Framework
EDF R's recommendations

Timely implementation of the NMPF and supporting legislation

We are very hopeful that the timing of both the NMPF and the Marine Planning and Development Management (MPDM) Bill will complement other key legislative measures affecting the renewable energy sector. It is imperative that offshore wind is able to capitalise on the Renewable Electricity Support Scheme (RESS) to contribute to Ireland's 2030 renewable energy targets. Having the MPDM Bill enacted and the NMPF adopted well in advance of RESS 2 will be a key step in this process.

The timing and delivery of a range of policy areas such as, consenting, grid, route to market and supply chain are integral to climate action success. It is important to appreciate that every policy area is interlinked so delays and difficulties in one will ripple through the timeline. The absence of progress in any one area will prevent work commencing in others.

Preventing potential delay in policy delivery

The MPDM Bill will introduce two new forms of State consent; Planning Interest and Maritime Area Consent (MAC). Planning Interest analyses the financial capability of a developer to actually deliver on a project and aims at reducing the hoarding of sites.

In short, there is likely to be approximately a four-year period from applying for Planning Interest to securing a Marine Area Consent (MAC). Any delays in the delivery of a policy will impact upon the indicative project timeline and in particular the ability of the "enduring projects" to contribute to the 2030 targets.

We recommend that the Department of Housing, Planning and Local Government (DHPLG), including Marine Spatial Planning (MSP), Foreshore and the Department of Communications, Climate Action and Environment (DCCAE), interact regularly with industry. This is to allow the opportunity to flag any issues or bottlenecks that arise with the delivery of a new policy framework for offshore wind and address these issues to ensure projects can deliver on the target.

Offshore Renewable Energy (ORE) Planning Policy Visualisation Assessment

We welcome the ORE planning policies outlined in the draft NMFP which seek to:

- Support the establishment of Ireland as a world leader in ORE deployment.
- Support Ireland's decarbonisation journey through increased use of ORE while delivering significant and sustained benefits, import substitution, fiscal return, national and local economic development and technology learning.
- Provide enhanced security of supply for Ireland in the short and medium term, in accordance with the Government White Paper on Energy.
- Ensure good regulatory practices in ORE installation and generation, including decommissioning of existing facilities, at end of life, according to international best practice.

ORE 9 requires a visualisation assessment to be included in all project applications. The policy includes community consultation as follows: *"Visualisation assessments must demonstrate consultation with communities that may be able to view any future ORE development at a given site with the aim of minimising impact."* This text is not clear and should be clarified. "Any future ORE" may refer to the specific project, which is the subject of the application. Alternatively, it may mean future projects, other than the specific project. In the latter case, it may not be possible to comply with the community consultation requirement in relation to such an assessment. The communities which may be able to view any future ORE at a given site cannot be defined. An ORE development could be on a site, which would be tens of square kilometres in area.

Therefore, we recommend the policy be reworded, in a manner similar to the Environmental Impact Assessment (EIA) Directive requirement for cumulative impact assessment.

"Visualisation assessments must demonstrate consultation with communities that may be able to view the proposal and any other ORE development, which has received development consents to proceed, at a given site at the time the consent application is made, with the aim of minimising impact."

Strategic Environmental Assessment (SEA) Directive requirements

EDF R recommend that the NMPF and the MDPM Bill provide clear guidelines for the avoidance, resolution and mitigation of issues that may arise between the provision of offshore wind energy and the protection of the Irish seascape/landscape. Referring to the statement; 'this will involve clear policy guidelines balancing the national importance of delivering commercial scale offshore wind technology and protecting particularly sensitive views and landscape whilst recognising that these are not mutually exclusive. The significance of the visual effect will always be subjective and needs to be assessed on a project by project basis', through the NMPF and the MPDM Bill we have

an important the unmistakable opportunity to provide clear, concise and comprehensive legislation and guidelines that support the realisation and delivery of offshore wind projects.

We appreciate that the SEA report outlines certain monitoring requirements and remedial actions; however, we ask that the DHPLG take into consideration the potential issues highlighted within this letter and ask that the recommendations presented here are reflected within the NMPF and in its timely implementation.

Natura Impact Statement (NIS) and Appropriate Assessment (AA) Screening Report

The development of offshore wind has the potential to create positive and negative impacts on the conservation of designated sites around Ireland. While it is noted in the NIS that each individual offshore wind project will be subject to a case-by-case site specific AA, we believe that further emphasis and investigation should be put into identifying the potential positive effects offshore projects that have been seen in other jurisdictions on designated sites.

We believe that there should be further investigation of the potential conservation benefits offshore wind developments may have on designated EU sites. There is also significant potential for co-existence between offshore activities, in particular with fisheries.

Stakeholder Engagement

We believe that responsible development and genuine community engagement are pre-requisites if the offshore wind energy industry will be successful and if Ireland is going to achieve its transition to a low-carbon society.

There is currently no agreed definition of the 'community' as it applies to the development of offshore wind energy; therefore, EDF R believes that the DCCAE and DHPLG should work with industry to come up with a working definition of 'community'. This definition should be flexible as the concept of a project's 'community' can vary depending on the individual circumstances of each project but some form of common principle, guidelines or terminology should be developed.

EDF R will work closely with State bodies by taking public interest in EU and international obligations regarding the protection of the marine environment. As offshore wind will be a key low carbon technology to mitigate climate change, it is imperative that the wind industry, including ourselves, work closely with the members of the public, State bodies, environmental networks, NGOs and Fisheries on innovative and transparent approaches to development that prioritise the need to protect the environment.

NMPF linkage to Terrestrial Planning ensuring alignment and consistency between land and marine policies

EDF R welcomes the proposal for a single development consent application for both the land and marine based elements of an offshore wind farm project. We believe that this approach will ensure that any projects that undertake an EIA will be more resilient and robust. However, further innovation in thinking must be brought to the development consenting process, due to the rapid changes in turbine technology which are bringing down the costs of renewable energy across Europe.

Fixed numbers, locations and heights of turbines within a development site limit the ability of a developer to use the latest technology which may be available to the market at the construction stage. This is a result of the duration of the development consent application preparation and decision-making processes, which has proven to take an extended period of time in numerous cases historically.

The 'Rochdale Envelope' approach can be employed where the nature of the Proposed Development means that some details of the whole project have not been confirmed (for instance the precise dimensions of structures) when the application is submitted, and flexibility is sought to address uncertainty. Such an approach has been used under other consenting regimes, for example, Development Consent Order applications for offshore wind project (such as the Town and Country Planning Act 1990 and the Electricity Act 1989 in the United Kingdom) where an application has been made at a time when the details of a project have not been resolved. This approach can be applied whilst still achieving assessment obligations under the EIA and Birds and Habitats Directives.

Therefore, EDF R recommends the application of a 'Rochdale Envelope' approach model of consenting envelope for projects and a policy objective.

Regulatory Resources and Expertise

It is essential that regulatory resourcing is ensured to deliver investment and Ireland's climate action commitments. As consenting is the first step in the offshore wind project lifecycle, it is imperative that support is established if current and future offshore renewable energy projects are to be successful.

10 GW of Irish offshore wind project capacity is at risk without the provision of increased and revised regulatory resources. To deliver future ambition for Irish offshore wind, increased regulatory resource is required to:

- Ensure sustainable and timely project delivery;
- Find solutions for strategic deployment challenges;
- Ensure deployment is supported by an effective and efficient regulatory process.

EDF R would like to work with the Government to understand ideal resourcing levels in each statutory body for the predicted volume of projects and ensure that these are put in place before the end of Q2 2020. Resource provision within these timeframes is also required to support deployment post-2030 (some of the projects in the pipeline may not be operational by 2030 but these still require resource support e.g. future projects) and this is crucial if ambitions are extended beyond 3.5 GW by 2030. Loss of strategic oversight hinders the ability to work through complex issues before they become specific project problems and restrict linking overall Government aims for offshore wind and conservation ambitions. Therefore, we would like to see the addition of senior strategic resources considered.

Marine Protected Areas Policy 4

This policy can be interpreted as having a very broad scope which we believe requires clarification and refining to allow offshore wind farm development to proceed under the policy. As it currently reads, this policy could be interpreted as meaning that until the number and boundaries of marine protected areas are finalised, a proposal would have to demonstrate that it will not have an effect on any feature, habitat or species which could possibly be required to complete the network. These features could include any habitat or any species at any location in the Irish marine area.

Therefore, we propose to amend the policy text to:

“Until the ecological coherence of the marine protected area network is confirmed, proposals should identify, by consultation with the competent authority with responsibility for designating such areas, the features, under consideration at the time the application is made, that may be required to complete the network. The proposals should demonstrate that they will, in order of preference: (a) avoid, (b) minimise, or (c) mitigate adverse impacts on such features, or (d) if it is not possible to mitigate adverse impacts, proposals should state the case for proceeding.”

Zoning / Spatial Designation

The NMPF reiterates that the process of zoning will be carried out through the Marine Planning and Development Management Bill. EDF R welcomes the opportunity for offshore wind to be awarded a specific designation or zone under the proposed zonal designation process under the MPDM Bill (high-level detail of which is set out in Appendix D of the NMPF). However, we have concerns that a rigid approach to zoning without adequate consultation could result in sub-optimal zones. The

consequences would be a failure to identify appropriate sites, increased costs for developers and that development would be stifled.

Therefore, we recommend the hybrid approach involving zoning for specific activities to be more sensible. The General Scheme of the MPDM Bill provides the Minister with powers to establish Strategic Marine Activity Zones. In order to establish a zone, the Minister will need to prepare a draft marine planning scheme which would be subject to public consultation. It is essential that the Government's approach be developed carefully; drawing on the best scientific data, evidence base and extensive consultation with, and participation by, all relevant stakeholders.

An inadvertently rigid approach to zoning could stifle the ability of Ireland's offshore renewables industry to develop. Spatial designations should also take account of areas already identified in the Offshore Renewable Energy Development Plan (OREDPA) as being suitable for offshore wind development such as the East Coast (North), East Coast (South) and South Coast. Developers have already identified sites on the basis of the signal provided in the OREDPA. These designations as outlined in the OREDPA support the decentralised approach as outlined in the MPDM, with future zoning identifying locations for the centralised approach.

A robust socio-economic assessment of the proposed zones is required to ensure the most optimal areas are identified. It is also important that offshore wind is prioritised when carrying out the zonal designation process under the MPDM Bill.

In addition, EDF R recommends that specific activities are clearly defined in the zoning approach employed within the NMPF and the MPDM. There are a number of areas in the MPDM Bill that require consideration in order to ensure the process for designating zones works effectively including the planning interest application process and how this will be managed, the rights associated with a planning interest and its duration.



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27.04.20

Re: Public Consultation on the Draft National Marine Planning Framework

Irish Water welcomes the opportunity to comment on the Department of Housing, Planning and Local Governments Draft National Marine Planning Framework. In the coming years Irish Water will invest nearly €5billion in the continued improvement of our water and wastewater services. This investment will ensure secure and sustainable water and wastewater services, essential for health, our communities, the economy and the environment.

Irish Water welcomes the intention in the proposed Marine Planning and Development Management Bill to eliminate the unnecessary duplication of development management processes (including environmental assessments) for activities or developments that are currently assessed under both the foreshore and planning regimes and the introduction of a single development management process for the maritime area for activities and developments to be administered by An Bord Pleanála/local authorities as appropriate to development type and location; Irish Water notes and welcomes the commitment to achieving a positive resolution as soon as possible on the jurisdictional issues in Lough Foyle and Carlingford Lough.

Irish Water would consider it beneficial that in addition to considering the marine strategy framework, the NMPF should have closer alignment with National Planning Framework (NPF) and the Water Framework Directive River Basin Management Plans (RBMP). The NPF and the RBMP can have significant implications for the marine environment and marine activities.

SECTION 1 INTRODUCTION

The NMPF states that the system of spatial designation to be introduced under the Marine Planning and Development Management Bill to allow for the zoning of specific areas of Ireland's seas for

Stiúrthóirí / Directors: Cathal Marley (Chairman), Niall Gleeson, Eamon Gallen, Yvonne Harris, Brendan Murphy, Maria O'Dwyer

Oifig Chláraithe / Registered Office: Teach Colvill, 24-26 Sráid Thalbóid, Baile Átha Cliath 1, D01 NP86 / Colvill House, 24-26 Talbot Street, Dublin 1, D01 NP86
Is cuideachta ghníomhaíochta ainmnithe atá faoi theorainn scaireanna é Uisce Éireann / Irish Water is a designated activity company, limited by shares.

Uimhir Chláraithe in Éirinn / Registered in Ireland No.: 530363

specified purposes. Irish Water seeks further clarity on the nature and possible implications of such designations.

SECTION 3 OVERARCHING MARINE POLICIES

As per the National Planning Framework, we would suggest that the Marine Framework document include a summary of policies and objectives at the end of the document, the policies/objectives are somewhat difficult to follow, particularly the ‘overarching policies’, and should be coded in some way to make reference to them easier.

Sections 3.12 to 3.24

Irish Water notes that the exceptions provided for in Article 14 of the MSFD are not referenced in the strategy. In particular, Irish Water would request that reference be made to the exception for actions taken for reasons of overriding public interest which outweigh the negative impact on the environment, including any transboundary impact. We would also request that reference be made of the disproportionate costs exception where specific steps are not required where costs would be disproportionate taking account of the risks to the marine environment, and provided that there is no further deterioration.

We note that the NMPF doesn’t currently address retention and maintenance of existing infrastructure. At present, the foreshore unit can make a derogation for works to maintain existing infrastructure - it would be desirable that that provision were not lost. We also note that some foreshore is owned by third parties and this should be considered.

Irish Water requests that there should be exemptions for foreshore licenses for non-invasive scientific instrumentation. The current requirement on IW is to seek a Foreshore Licence for short term non-invasive marine surveys. These licences can take 6-8 months before getting approval. These type of works (i.e. Acoustic Doppler Current Profiling on seabed to support water quality modelling studies) should be exempt from requiring a foreshore licence, similar to Northern Ireland. IW note that the use of ‘Notice to Mariners’ would suffice in mitigating any navigational hazard that the use of scientific instruments may present, and also note that moorings/buoys are not necessarily required to deploy/retrieve instruments.

Section 3.61

The document states that “*Legislation is being prepared to provide the Minister for Housing, Planning and Local Government with the powers to designate different types of MPA in identified locations and to put measures in place to protect MPAs, including offences and penalties*”. Irish Water would request further clarity on the scope of MPA’s, the document mentions economic activities such as aquaculture, would this mean that shellfish areas are included? Who is the

competent authority, what additional requirements, if any, over and above EIA/AA will be necessary? Irish Water would also request clarity as to how these would be implemented for existing infrastructure.

Sections 3.107 to 3.118

Irish Water is fully supportive of the Bill to address microbeads at source and believe that source control is the best approach to address the generation of microplastics generally. A recent EUREAU study reported that while waste water is not a source of microplastics, the waste water collection and treatment infrastructure is a pathway for microplastics to the aquatic environment. However, only up to 15% of total microplastics released into the environment enter waste water infrastructure and conventional WWTPs can efficiently remove up to 80-95% of microplastics. See <http://www.eureau.org/resources/briefing-notes/3940-briefing-note-on-microplastics-and-the-water-sector/file>

Section 3.205

Irish Water considers that the provision or upgrading of water and wastewater infrastructure would also come within “proposals generally that would reduce deprivation, prevent depopulation and contribute to the sustainability of rural coastal and/or island communities” and would welcome clarification in this regard.

SECTION 5 AQUACULTURE

Irish Water would suggest the amendment of aquaculture objectives to the below text, changes are highlighted in bold

*“To maintain a best practice aquaculture licensing system that promotes the efficient use of space **and resources**, protects water quality and supports the future potential of aquaculture.”*

*“To ensure that the aquaculture licensing system has regard not only for the commercial value of the food provided under licence but, crucially, the social dividend for coastal communities arising from aquaculture activity, **as well as social cost in relation to limiting other current or potential uses of the coastal environment.** “*

Sections 5.1 to 5.15

Irish Water notes that no reference is made to shellfish waters designated under the Shellfish Waters Directive by the Department by Regulations made between 2006 and 2009. Irish Water has concerns that aquaculture licences for shellfish production have been, and are being, issued for

areas outside of designated shellfish waters thus impacting on other uses of these areas such as receiving discharges of treated municipal waste water.

Irish Water notes that it is important to weigh up the costs and benefits to the environment, society and exchequer in providing appropriate wastewater treatment where licensing aquaculture production is in the vicinity of a municipal discharge. For example the potential energy/climate change implications and the financial cost of higher standards of treatment which may need to be met in order to allow for aquaculture production need to be considered in the decision making process.

Irish Water is currently consulted during the aquaculture licensing process and provides the location of discharges from municipal wastewater collection systems within 10km of a proposed aquaculture license in order to inform licensing decisions. We suggest that this consultation is continued and formalised.

Section 5.12

There is mention in this section that “wastewater treatment” is a potential source of eutrophication, this should be changed to wastewater treatment discharges or agglomerations. This comment also applies to section 12.19. The NMPF refers to wastewater treatment as a potential negative effect however treatment aims to lessen the impact of discharges on the aquatic environment.

SECTION 20 WASTEWATER TREATMENT & DISPOSAL

Currently the only objective for wastewater in the NMPF is

“To bring and maintain public water and wastewater services to acceptable international benchmarks, verified by independent monitoring and reporting, through increased wastewater treatment with a focus on, inter alia, ensuring full compliance with the Urban Waste Water Treatment Directive and wastewater licensing requirements.”

Irish Water would request the inclusion of the following additional objective for wastewater under the NMPF

“To support communities and sustainable development in coastal areas through the provision of resilient water services now and into the future”

Wastewater Policy 1

Wastewater Policy 1 of the NMPF states that

“Proposals by Irish Water related to the treatment and disposal of waste water that contribute to the realisation of the objectives of:

Ireland’s River Basin Management Plan 2018–2021;

The Water Services Policy Statement 2018–2025;

Marine Strategy Framework Directive 2012–2020;

should be supported, provided they fully meet the environmental safeguards contained within relevant consenting processes.”

We would request that Wastewater policy 1 should also reference the National Planning Framework, specifically that Irish Water infrastructure proposals service the social and economic development of the country under this framework.

Wastewater Policy 2

Wastewater Policy 2 states that *“Proposals that have the potential to significantly adversely affect existing and planned wastewater management and treatment infrastructure where a consent (see Glossary) or authorisation or lease has been granted or formally applied for by Irish Water should not be authorised unless compatibility with the existing, authorised or proposed activity can be satisfactorily demonstrated or there are exceptional circumstances.*

Compatibility should be achieved, in order of preference, through:

(a) avoiding adverse impacts on those activities; and/or

(b) minimising impacts where they cannot be avoided; and/or

(c) mitigating impacts where they cannot be minimised.”

Irish Water would like it noted that proposals can also include recreation & tourism activities. Clarity is also sought regarding Policy 2 as to whether the proposals considered here would include aquaculture proposals, and whether this policy could bring into effect exclusion zones around wastewater discharges. It would seem this policy, if read to include aquaculture proposals, could be allowing for exclusion areas. Irish Water would be supportive of exclusion zones around wastewater discharges to ensure both the protection of the aquaculture industry and ensure adequate wastewater services can be provided for coastal communities and industries without disproportionate treatment costs.

We also note this policy only refers to proposals that may impact on planned infrastructure in cases where Irish Water hold or have formally applied for a consent or authorisation. Irish Water would therefore request that the text be changed to

*“Proposals that have the potential to significantly adversely affect existing and planned wastewater management and treatment infrastructure where a consent (see Glossary) or authorisation or lease has been granted or formally applied for by Irish Water should not be authorised unless compatibility with the existing, authorised, proposed or **reasonably foreseeable** Irish Water activity can be satisfactorily demonstrated or there are exceptional circumstances.....”*

Section 20.1 to 20.17

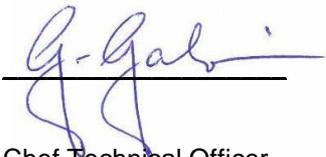
Irish Water notes that this section is entirely focussed on public wastewater services and on the upgrades required to be undertaken by Irish Water on urban waste water treatment facilities. No reference is made, or consideration given, to other licensed discharges such as water treatment by - products or private waste water discharges, which can be from industries including fish processing, from hotels, from holiday village developments and from single house treatment systems, which may be discharging directly to coastal waters and not via a public waste water treatment plant. In the case of some of the 64 designated shellfish waters referenced in section 20.14, these type of discharges were identified as significant pressures in the Pollution Reduction Plans prepared by the Department following designation. Irish Water does not have responsibility, nor has any powers, to assess or address these discharges.

For smaller public waste water discharges, the issues of overriding public interest which outweigh the negative impact on the environment and disproportionate costs taking account of the risks to the marine environment are recognised in the Marine Strategy Framework Directive (Article 14 Exceptions) and in the Water Framework Directive, and should be referenced in this Framework.

Furthermore the framework needs to align fully with the RBMP and consider all pressures to coastal water quality. While reference is made to WFD and the RBMP in the framework document, Urban Wastewater is the only water quality pressure considered in any detail here, yet the RBMP identifies multiple water quality pressures and actions for many sectors for most waterbodies. Irish Water notes that significantly more assessment is required in the next cycle of the RBMP to understand the pressures and measures needed in the marine environment. Sharing of data, water quality models and assessments between relevant stakeholders needs to be promoted and facilitated.

Irish Water would welcome inclusion/consideration of the key areas identified above in the new National Marine Planning Framework and would welcome a meeting with the Department to discuss our submission on the draft Marine Planning Framework in more detail. We look forward to continued collaboration with the department to ensure safe and secure water services can be delivered and ensure the sustainable development of marine environment.

Yours Sincerely



A handwritten signature in blue ink, appearing to read 'G. Galvin', is written over a solid black horizontal line.

Chef Technical Officer

Draft NMPF Submissions,
Marine Planning Section,
Department of Housing, Planning and Local Government,
Newtown Road,
Wexford.
Y35 AP90



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27 April 2020

Re: Draft National Marine Planning Framework

A Chara,

The Irish Planning Institute (IPI) welcomes the publication of the Draft National Marine Planning Framework (Draft NMPF) and the opportunity to make a submission on the same. The IPI made a formal submission at the consultation stage in July 2019 and continues to actively engage in the process.

Marine Spatial Planning (MSP) is a priority for the Institute with a specific cross sectoral Marine Planning Committee established with the goals:

- To promote awareness of MSP amongst planners, stakeholders and the general public.
- To contribute to and advance the development of MSP policy.
- To promote and advance training and education of planners in MSP.
- To develop and maintain networks between the IPI and key stakeholders in MSP domestically, cross-border and internationally.

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 governance structures already in place to manage land use planning activities, at central, regional and local levels, can be supplemented and utilised in order to provide a comprehensive planning and development management regime for the marine.

A cohesive and integrated 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 Draft NMPF represents the first step in this process and is broadly welcomed by the IPI.

The IPI makes the following recommendations towards strengthening the final NMPF and support its successful implementation.

Ensuring that the Plan is Usable

Whilst the Draft NMPF is a comprehensive document covering a significant breadth of activities, in practical terms the IPI envisages that there may be issues at implementing the plan, either at the plan-making stage at sub-national level, or in decision making during the development consent process. Section 3 of the Draft NMPF sets out a significant range of overarching policies containing an array of key reference documents and hyperlinks to other strategies, plans, Directives and guidance documents that are all, through inclusion in the Draft NMPF, relevant to policy makers and decision makers. It is not indicated, however, how these are to be prioritised or what the interrelationships exist between these various documents and the key sectoral policies. While the Draft NMPF generally promotes the approach of avoiding, minimising or mitigating various environmental effects, it does not set out what sectoral policies are of strategic national importance and, therefore, of overriding public importance (having regard to the principle of IROPI).

The IPI recommends that this section is simplified and more clearly integrated with sectoral policies in order to provide clarity for plan and decision-makers.

Clear Vertical and Horizontal Integration with Terrestrial Planning

Priorities for terrestrial and marine planning are inter-related. For effective integration between both, a suite of marine plans under the national, regional and local tier, matching terrestrial planning, is needed, in addition to those integrated plans required for effective trans-boundary co-operation. The integration between Regional Spatial and Economic Strategies and new Regional Marine Planning Frameworks, aligned with both the NPF and NMPF, is an opportunity to integrate regional maritime with terrestrial planning, with key roles for existing Local Authorities and Regional Assemblies.

An example of shared priorities at the national, regional and local level is the provision of critical transportation infrastructure to strengthen connectivity to, from and between ports which are of strategic importance to our State's economy (Tier 1 and Tier 2 Ports of National Significance, Regional Ports, Fishery Harbour Centres). Section 3 - Infrastructure and Access, addresses the theme broadly. The background and context in Section 14.0 - Ports, Harbours and Shipping raise the important issue of access infrastructure and delivery of the TEN-T Network to support the economic role of our ports for the State's economy. A key issue for Marine Spatial Planning is the co-ordination between terrestrial plans for improved landside access to ports and harbours (especially strategic road and rail networks on the TEN-T) and the seaward access through marine plans (as addressed by the sectoral policies in Section 14). Co-ordination between both will ensure investment through the National Development Plan and subsequent investment plans for improved access (land and sea) for ports, harbours and shipping are aligned priorities in land use and marine plans at national, regional and local level. Strengthened policies in Section 3.0 under Infrastructure and Access and in Section 14.0 would support such alignment and assist implementation of key infrastructure.

It is the IPI's position that an alignment across terrestrial and marine plans should be achieved and mirrored across existing statutory national, regional and local level under Government policy – and such integration should be time bound. While Sections 2.31-35 addresses this to a degree, a clear indication is needed as to how this is achieved in the existing Draft NMPF or how it might be achieved at the sub-national level.

New approaches, including coastal county plans, transboundary coastal partnerships, strategic integrated framework plans for river basins, estuaries and harbours and integrated coastal management zones are opportunities that can assist implementation of the NMPF. Section 3.0 could be strengthened to support such innovative approaches.

The IPI would welcome further clarity in this regard.

Climate Action

Climate action is a significant issue for the NMPF in protecting and planning for the sustainable future of our marine resources, coastal and island communities and the Draft NMPF contains significant references to climate change in Section 3.0. Planners are at the forefront of implementing proactive policies to address the emergency of climate action, climate resilience and the implementation of the Government's Climate Action Plan 2019 and the IPI has, therefore, some additional suggestions for the Draft NMPF.

Section 3.0 of the Draft NMPF should be strengthened with stronger reference and direct policy support for the initiatives of the Climate Action Regional Offices (CAROs) in assisting and supporting the respective Local Authorities in the regions in implementing their climate action strategies, which will interact with priorities for the marine and coastal areas.

The IPI welcomes the integration of offshore renewables to transition to decarbonisation of our energy supply and bring new economic opportunities for rural communities. It is important that local communities are consulted and central to the decision-making process as they are the traditional users of the sea in a variety of forms, either through employment, recreation or cultural identity. Due regard should also be had to existing uses such as aggregates, aquaculture or others with a view to exploit the potential for multi-uses. As the marine environment is four dimensional (seabed, water column, surface and air), the possibility for co-existent activities should always be considered.

The IPI recommends a re-balancing of the approach in the policies for Petroleum under Section 10.0 to reconcile security of supply and a just transition away from our reliance on carbon energy sources with the urgent need for climate action under the Governments Climate Action Plan 2019 and priorities for research, innovation and integration of marine renewable resources to energy grids.

Specific policies should also be included for Integrated Coastal Zone Management for the protection of coastal resources and communities against coastal erosion, flooding and other threats.

Promotion of the Marine Economy

The opportunities for Ireland to be a global leader in the dynamic marine economy, and for locations along our coastline to be first movers under MSP, are significant. The IPI supports the overarching policies in Section 3.0 Economic- Thriving Marine Economy for employment in the marine sectors. The sustainable delivery of infrastructure (including digital and transport connectivity), access to education, innovation, and research and development, will act as enablers for the economic vitality and resilience of our marine sectors and coastal communities. Strengthened policy support in Section 3.0 and specific sectoral support in Section 4.0 for innovation in all marine sectors, centres of excellence for marine research and development and support for marine clusters of economic activity

are recommended. These sectors will present multi-faceted roles for the planning profession in marine and terrestrial planning to assist the implementation of the NMPF and Local Authority planning networks will be key to achieving this.

Effective Implementation, Education and Training

The IPI supports the development of marine plans that are clear, concise and fully implementable across all tiers, to ensure that decision-makers are fully empowered and can effectively realise the objectives contained in the plans. Section 21 of the Draft NMPF sets out the implementation arrangements for the plan, but below the national level, the objectives are not as clear as they might be. There are opportunities for Regional Assemblies and Local Authorities to assist in the implementation of MSP, both through existing terrestrial planning and any new sub-national MSP tier. Indeed, much of the detail will be contained in sub-national plans prepared by Regional Assemblies or Local Authorities. It is noted, however, that timelines for implementing the sub-national marine planning framework have not been committed to in the Draft NMPF, as per the IPI's original consultation submission. The IPI strongly recommends adopting clear and defined timelines around this tier of plan making.

The IPI supports the preparation of detailed guidelines to assist the profession in areas such as preparation of plans for the marine at different levels of the hierarchy and processes under changing legislation such as the Marine Planning and Development Management Bill 2019. This is seen a crucial next step in the successful implementation of the NMPF given the level of integration and overlap with the array of policies and guidelines set out in Section 3. The preparation of such guidance should be time bound and a key objective for the NMPF.

At national level, supporting investment in education and training is important for upskilling professions to work efficiently under MSP. This is key to successful implementation so that the human capital and skills are in place across the public and private sectors in driving progress under MSP and implementing the NMPF.

The IPI strongly supports education, training for planning students and upskilling of the existing profession to ensure a skilled workforce is readily available to deliver on the needs of the NMPF and new consent regime. It is essential that appropriate training and education be made available for An Bord Pleanála, Regional Assemblies and Local Authorities, and supported by central funding, owing to the role they will be playing in the upcoming development management processes (the IPI will be rolling out relevant CPD in this area). It should also be noted that there are third level institutions capable of providing MSP courses and CPD. Such support should be specifically addressed and supported under Section 21 - Implementation.

Public Participation

It is critical that any plans, at any level, involve cross-community consultation and consensus in order to provide the policies and objectives contained therein with the optimal chance of success. This includes not only the infrastructure, energy and economic actors and providers, but also other

stakeholders that are affected by development, either directly or indirectly. The IPI commends the Department's MSP team in its significant efforts to engage the wider public and stakeholders in the making of this Draft NMPF, including extensive use of social media. The IPI would, however, strongly recommend that the final NMPF sets out clear and unambiguous guidelines and targets for plan consultation at the sub-national level.

Conclusion

The planning profession (represented by the IPI) has extensive experience in preparing plans and strategies at all levels of governance (national, regional and local) and assessing applications for development and other activities. Professional planners are, therefore, in the opinion of the IPI, uniquely placed to provide advice on the design and development of the new marine planning system and can play a key role in the preparation and implementation of a full suite of marine plans in the years ahead.

The IPI welcomes the opportunity to give its views on the Draft NMPF and strongly encourages direct consultation with us, through our Council and our dedicated Marine Spatial Planning Committee. This will be of particular importance for upcoming stages, including the licencing system. Such engagement will ensure that the planning profession, networked with other key stakeholders in MSP, is enabled to contribute positively and to assist the Department in its implementation of the NMPF, and the completion of other marine spatial planning processes, which are critical to the successful delivery of the NMPF at regional, sub-regional and local level.



Dr Conor Norton MIPI

President 2020 - 2021

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Draft NMPF Consultation
Marine Spatial Planning Section,
Department of Housing, Planning and Local Government,
Newtown Road,
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Sent by email to: [mmp@housing.gov.ie](mailto:mpp@housing.gov.ie)

28th April 2020

RE: Consultation on the Draft National Marine Planning Framework

To Whom It May Concern,

An Taisce welcomes the opportunity comment on the Draft National Marine Planning Framework. We wish to make the following submission on the Draft as well as the accompanying Strategic Environmental Assessment and Appropriate Assessment.

Please acknowledge our submission and advise us of any further consultation periods.

Yours sincerely,

Ian Lumley
Head of Advocacy
An Taisce – The National Trust for Ireland

Dr. Elaine McGoff, PhD
Natural Environment Officer
An Taisce – The National Trust for Ireland

Phoebe Duvall, MSc
Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland

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1. Addressing global risk and an opportunity for Ireland

The Covid-19 global pandemic is a manifestation of human health vulnerability, but equally has demonstrated our resilience in taking collective global action. Just as the 20th Century had to face the impact of totalitarian regimes, unprecedented war, genocide and nuclear threat, the century ahead will be defined by how human society maintains a stable climate, a living planet and healthy societies.

Climate change and biodiversity loss have now been defined as planetary emergencies. The United Nations' Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) released a report in May 2019 on global biodiversity, which found that 75% of terrestrial environments and 66% of marine environments have been "severely altered" by human activities¹. For instance, in addition to their climate impact, anthropogenic greenhouse house gases are causing ocean acidification through the diminution of the oceans' ability to absorb carbon, a process with multiple adverse impacts on the global marine ecosystem.

Even if effective action is taken to limit anthropogenic greenhouse gas emissions to meet the Paris Agreement target of stabilising global heating at not more than 1.5 degrees above pre-industrial levels, some degree of sea level rise will continue, as will increased extreme weather events such as Ireland faced with Storm Ophelia. These have major implications for cities, towns, ports and other coastal infrastructure.

The World Economic Forum's 2019 Global Risk Report² for the first time identified environmental impacts as the first five of the top ten risks for the decade ahead in terms of their likelihood:

1. Extreme weather
2. Climate action failure
3. Natural disasters
4. Biodiversity loss
5. Human made environmental disasters

Climate action failure, biodiversity loss and extreme weather also occupy three of the top five places with regard to impact. Water crises, although classed as a social risk in the report, is also included in the top five impact risks. While the Covid-19 situation is necessarily taking priority in current global action, these other risks are accelerating.

Individual risks and impacts cannot be separated – there are interactive and cumulative impacts, such as those on health as well as food production and supply. Future Earth³, an

¹ IPBES (2019) Global Assessment Report on Biodiversity and Ecosystem Services: <https://ipbes.net/global-assessment>

² Global Risk Report for the World Economic Forum, 2019: https://www.oliverwyman.com/our-expertise/insights/2020/jan/globalrisks2020.html?utm_source=exacttarget&utm_medium=email&utm_campaign=risk-report

³ Future Earth (2020) Our Future On Earth: <https://futureearth.org/publications/our-future-on-earth/>

international sustainability network, published a report in February 2020 analysing survey data from 222 scientists from 52 countries. The study found that a “perfect storm” of climate breakdown, extreme weather, species loss and a food production crisis is imminent, whereby the combination of the above threats amplifies the risk posed by each individually. Moreover, Future Earth concluded that governments, business, civil society, etc. do not adequately recognise the inextricably linked nature of these threats.

The implementation of the UN Sustainable Development Goals (SDGs) should form the basis of the collective action required. Ireland, as a country with over 90% of its territory in the marine area, now has the opportunity to take global leadership on SDG 14 to “Conserve and sustainably use the oceans, seas and marine resources for sustainable development”. Achieving this goal will require rebuilding the marine life-support systems that deliver the many benefits that society receives from a healthy ocean.

“Rebuilding marine life,” a study published in *Nature* in April 2020⁴, gives cause for hope. It documents the recovery of marine populations, habitats and ecosystems following past conservation interventions, stating that:

“Recovery rates across studies suggest that substantial recovery of the abundance, structure and function of marine life could be achieved by 2050, if major pressures—including climate change—are mitigated. Rebuilding marine life represents a doable Grand Challenge for humanity, an ethical obligation and a smart economic objective to achieve a sustainable future.”

Ireland’s marine and coastal zone environment is experiencing increasing development pressures and conflicts from fishing; aquaculture; oil and gas extraction; shipping activities and port development; and increasing maritime recreational and tourism activity. These must be reconciled with meeting international and national commitments in respect of climate emissions, biodiversity and water quality. At the same time, the development of alternative energy, whether offshore wind, wave or tidal; or the exploitation or cultivation of biomass bring new challenges to the marine environment.

The National Marine Planning Framework should be the means for Ireland, as an island nation with circa 7,000km of coastline and some of the best marine ecosystems in Europe, to take an international lead in climate mitigation, as well as in reversing ocean acidification and biodiversity loss. As we face the sixth, and for the first time human caused, great extinction in global species, there is an imperative for developed countries to protect the natural world, including the marine ecosystem, both at national level, and in international action.

⁴ Duarte, C. M., et. al. (2020) “Rebuilding marine life,” *Nature*, 580: <https://www.nature.com/articles/s41586-020-2146-7>

2. Overarching points

2.1. Sustainability

The vision for marine planning in the Draft National Marine Planning Framework (hereafter the Draft NMPF or the Draft) is: *"a marine planning system with clear forward planning, development management and enforcement elements that promotes and sustains ocean health, and supports the sustainable (recreational) enjoyment, management and use of Ireland's marine resource."*

Article 5(1) of the EU Marine Spatial Planning (MSP) Directive holds:

"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 coexistence of relevant activities and uses."

While the Draft NMPF highlights Goal 14 of the SDGs (Conserve and sustainably use the oceans, seas and marine resources for sustainable development), it does not indicate how marine spatial planning will contribute to achieving this, beyond saying:

"The NMPF is part of the Government's efforts to squarely incorporate relevant SDG's (set out below) into marine planning and policy."

However, the targets under Goal 14 call for 10% of the marine and coastal areas to be conserved by 2020; and to sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and taking action for their restoration in order to achieve healthy and productive oceans. It is now 2020, and An Taisce would highlight that we are far from achieving this 10% area conserved and that all the indicators for Irish biodiversity and water quality are going in the wrong direction. Ireland is failing in its commitments under the SDGs, and it is disingenuous to propose that this Draft NMPF would address those given that we are poised to fail to deliver on two of the main 2020 targets.

An Taisce would suggest that instead of the environment being simply another pillar of a sustainable approach, in addition to social and economic concerns, it must be recognised that a healthy ocean ecosystem is absolutely fundamental for any economic or social benefits. Without a healthy ecosystem we cannot have a thriving economy or tangible social benefits. This approach is based on a flawed conceptual bias in treating sustainability, or the overarching environment, as a consideration to think about only after quantitative economic targets are adopted.

2.2. Harmonised regulation and the Marine Planning & Development Bill

The marine area is a commons where the overarching achievement of Good Environmental Status (GES) as provided in Marine Strategy Framework Directive (MSFD) should prevail

over individual sectoral interests. As such, an effective National Marine Planning Framework requires integrating the regulation of marine-based activities and the areas in which they may take place.

A harmonised regulatory regime is required, whereby all activity in the marine area is subject to integrated governance, consent application and public participation processes. This should include the proper application of Strategic Environmental Assessment (SEA) for individual sectors with clearly defined and targeted sustainability actions and as well as provisions for ongoing monitoring. All areas of marine activity must be guaranteed public participation under Aarhus Convention principles, and the ability of the public and environmental non-governmental organisations to obtain procedural and substantive reviews must be ensured. All marine activities must also be subject to the Environmental Impact Assessment and Habitats Directive assessment processes. The provisions of the Marine Planning and Development Bill (MPDB) do not achieve these things.

This lack of a harmonised regulatory regime is exemplified by current fishery and aquaculture policy. The MPDB does not cover fisheries and aquaculture, all categories of which affect the marine ecosystem and which remain under the current operating regime of the Department of Agriculture, Food and the Marine. The determination of fish quotas under the EU Common Fisheries Policy needs to be subject to public consultation as well as to environmental and ecological assessment processes as much as any other activity. The December ritual by which Ireland's quota is determined in the Common Fisheries Policy negotiations lacks transparency and is no longer fit for purpose. Bottom trawling and clam and mussel seed dredging need to be subject to assessment, public participation and regulation as much as seaweed and kelp extraction, port navigation channel dredging and offshore energy proposals.

2.3. Marine Strategy Framework Directive and the need for a research-led approach

The Marine Strategy Framework Directive (MSFD) is a critical part of the NMPF, as outlined in the consultation document: *"environment policies in the NMPF have been split into ten categories largely aligned to the MSFD GES descriptors"*. However, in An Taisce's recent submission on the MSFD Article 17 report highlights a range of issues with the assessment of GES, and we would raise serious concerns if the MSFD Article 17 report is the basis for assessing the environmental impacts within the NMPF. There was a notable paucity in the data utilised to report on GES under the Article 17 report, and An Taisce is aware that a number of bodies raised this concern. Further to that, the structure of the MSFD Article 17 report is not sufficient to capture the details necessary for use in the NMPF. Specifically, we raised the following concern:

"in order for this document to feed in to the NMPF, an additional document should be prepared. This additional document should be framed in terms of the pressure, looking at the impacts on all facets of the marine environment as driven by pressure itself. For example, in this document the impact of aquaculture is spread across

several descriptors, such as sea floor integrity, eutrophication and introduction of alien species. As such the full impacts of this activity are unclear and are not fully enumerated. The document is not framed in a way which makes the necessary information accessible to allow for reasoned planning or policy decisions, not least under the NMPF. It is vitally important to have as accurate a picture as possible of all of the ongoing pressures, activities and impacts, as this process is 'setting the scene' for the programme of measures and informing decision-making in a whole host of other policy areas."

What is required is the production of an additional document for the purposes of feeding environmental information in to the NMPF, with the pressures enumerated for each activity. This will enable better policy coherence. To utilise the current GES assessment as it stands will lead to flawed decision making within the marine planning system. It is essential that this is addressed if the NMPF is serious about establishing an *"overarching framework for decision-making that is consistent, evidence-based and secures a sustainable future for the maritime area."*

Yet on a broader level, data on the Irish marine ecosystem remains inadequate. Ongoing research is needed in a wide range of areas, including seabed ecology (for instance, the extent of cold water coral reefs) and marine mammal feeding and breeding patterns. Crucially, the range of impacts in the North Atlantic region arising from ocean warming and acidification, which affect all areas of marine life, needs to be better understood. For example, a study on North Atlantic phytoplankton published in 2020⁵ concluded:

"The North Atlantic phytoplankton spring bloom is the pinnacle in an annual cycle that is driven by physical, chemical, and biological seasonality. Despite its important contributions to the global carbon cycle, transitions in plankton community composition between the winter and spring have been scarcely examined in the North Atlantic."

An Taisce therefore submits that in addition to the aforementioned supplementary document, the NMPF should provide for ongoing marine research as well as mechanisms to apply that research to the NMPF and other marine spatial planning policy.

2.4. Policy failures of the Draft NMPF

Chapter 3 of the Draft NMPF *"Overarching Marine Planning Policies"* is simply an outline of existing policies, many of which are out-dated and even contradictory in their aims. For example, the adoption of the SDGs in 2015 has rendered the 2012 plan, *Harnessing our Ocean Wealth (HOOW)*, redundant and no longer fit for purpose.

⁵ Bolaños, et. al, (2020) "Small plankton dominate western North Atlantic biomass," *The ISME Journal, Multidisciplinary Journal of Microbial Ecology*: <https://www.nature.com/articles/s41396-020-0636-0>

HOOW is based on an out-of-date exploitative and extractive view of the marine environment, which is incompatible with the overarching objective of the MSFD to achieve Good Environmental Status. If the NMPF is to meet national and EU requirements to advance the SDGs and address the converging climate and biodiversity loss emergencies, it needs to review and supersede existing policies, in particular HOOW.

It is a systemic failure of the Draft NMPF that no new overarching policies are in fact defined. Specific policies are set out only in the 16 individual sectoral areas considered in the Draft. Of particular concern is a policy statement applied to a number of sectors including aquaculture, energy transmission, marine aggregates and mining, safety at sea, telecommunications, etc.:

"Proposals must (or should) demonstrate that they will in order of preference

- a) avoid*
- a) minimise*
- b) mitigate adverse effects.*

If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding."

This provision highlights the conflicting nature of many of the marine-related policies. Crucially, it disregards the provisions of Article 6 of the Habitats Directive, which require an assessment process identifying, assessing and mitigating impacts on sites and species protected under the Habitats and Birds Directives. When a significant adverse impact is identified and assessed as not able to be mitigated, the IROPI provision arises. This requires it to be demonstrated that the project or activity is of overriding public importance and that no viable alternatives exist. Aquaculture licenses, for instance, are already subject to the appropriate assessment process under Habitats Directive Article 6; the same should clearly apply to all marine activities, as much as terrestrial ones.

Taken as a whole, the Draft NMPF does not meet the requirements of the Marine Strategy Framework Directive or national legislation. It also does not constitute what can be meaningfully described as a plan as it fails to set out overarching strategic policies. Furthermore, without meaningful review, it references and endorses a range of existing sectoral policies, which are incompatible with climate action, the reversal of biodiversity loss, and the specific marine objectives and targets in the UN SDGs.

As a framework plan falling under the Strategic Environmental Assessment Directive, the NMPF requires the following:

- Clear statement of overarching policy objectives;
- Quantitative and measurable targets both on an overarching basis and for individual sectors;
- Ongoing monitoring and provision for intervention if significant adverse impacts arise in the lifetime of the plan.

The Draft NMPF entirely fails to provide these.

2.5. Summary of recommendations

The following are a summary of An Taisce's sector-specific recommendations as well our recommendations in relation to the SEA and AA.

Aquaculture:

1. The policies should reflect the objectives, with a specific policy drafted to address each individual objective. The two proposed policies are entirely insufficient to achieve the outlined objectives.
2. There should be a specific policy for effective public participation, with a review of the current practices and requirements, and appeal procedures.
3. The establishment of an ecological carrying capacity should be a strict policy measure, despite its delayed effectiveness on foot of recent aquaculture decisions. This assessment cannot be based on the MSFD GES assessment, as it does not provide the necessary information to determine ecological impact.
4. There should be an explicit policy for compliance with the relevant EU Directives, with a review of the current legal compliance within the system, in particular with the Habitats and EIA Directives.

Defence and security:

1. The Draft NMPF should set out timetabled targets for the sustainability policy with the objective of aligning all marine defence and security services to EU and national level climate policy and the SDGs.

Carbon capture and storage:

1. The NMPF should focus on emissions reductions by proposing policies for transitioning away from fossil fuel use rather than relying on an uncertain technology such as CCS. No CSS proposals or objectives should be included without the caveat that any CSS development must be predicated on the determination of its overall feasibility and efficacy.

Energy – offshore gas storage:

1. Include in the primary objective a commitment to consider sustainability issues surrounding gas and its storage offshore.
2. All consideration of gas storage needs to take into account the issue of gas infrastructure becoming a stranded asset as Ireland transitions away from fossil fuel use as required by national and EU law. This should be included as an Issue for Sustainability.
3. References to the potential Shannon LNG project should be removed from this section as it would constitute transmission infrastructure rather than storage.

Energy – transmission:

1. Draw the distinction between electricity interconnection and gas pipelines in the objectives, policies and Issues for Sustainability.

2. Include a more complete perspective on the emissions impact of natural gas in the Issues for Sustainability (as discussed above), particularly the issue of lifecycle emissions.
3. We acknowledge that section 9.11 states: "*it is not envisaged that any further international interconnector [gas] pipelines will be constructed.*" However, all consideration of gas transmission and the associated infrastructure needs to take into account the issue of gas infrastructure becoming a stranded asset as Ireland transitions away from fossil fuel use as required by national and EU law. This should be included as an Issue for Sustainability.

Energy - petroleum:

1. The considerations laid out in the appended submission from DCU researchers to the DCCAE review of Ireland's energy should inform the policies, objectives and sustainability considerations in the NMPF with regard to petroleum exploration.
2. The Issues for Sustainability should consider the problem of petroleum exploration and processing infrastructure becoming stranded assets as Ireland transitions away from fossil fuel use as required by national and EU law.

Energy – offshore renewable energy:

1. Include a policy requiring the use of a seabird sensitivity map in the early stages of planning, to assess the risk posed by marine renewable energy developments, and to fully comply with our legal obligations to protect birds and their habitats.
2. Include a policy requiring that research and testing activities for offshore renewables, particularly ones such as wave and tidal that are early in their development, are fully subject to the planning regime and Appropriate Assessment.

Aggregates and mining:

1. Provide data and evidence justifying the need for sand and gravel extraction or mineral mining in Irish waters.

Ports, harbours and shipping:

1. The Draft NMPF should highlight that the expansion and growth of Ireland's ports must be predicated on an assessment of the various sustainability constraints (both at sea and on land), particularly those related to greenhouse gas emissions.
2. A targeted and timetabled policy is needed for assessing and reducing shipping emissions (both in the marine area and related to terrestrial haulage).
3. A policy requiring the development of sustainable transportation to and from ports should be included. This should align with Article 41(2) of the TEN-T Regulations and include the expansion of the rail freight network.
4. A review of the current policies, particularly the National Ports Policy and the TEN-T designations, is required.

Seaweed harvesting:

1. The ecosystem benefit of seaweed must be recognised in any future policy objectives for seaweed harvesting in Ireland, and the objectives should be framed by that.

2. A rigorous and well-researched seaweed harvesting management plan is required, which implements strict controls on harvesting methods for particular species, and quantities which can be removed. This will require substantial public consultation and participation, in compliance with Article 7 of the Aarhus Convention.
3. The first step in achieving this is to regularise the licensing and rights system, and to make that information publicly available. Any licence application must be processed in compliance with the public participation rights under Article 6 of the Aarhus convention.
4. Different policy objectives should be set for the harvesting of wild seaweed, and the harvesting of cultivated seaweed, and the licensing system should clearly distinguish between these two very different approaches, with different harvesting methods licensed in different situations. There are some best practice examples which could inform this, such as those implemented in France.
5. Ecological assessment should be a key part of the licensing regime, with a holistic ecosystem approach implemented, based on discrete ecosystem areas.

Sport and recreation:

1. A policy should be included to require appropriate ecological assessments for water-based recreation proposals.
2. Diesel engine-based proposals should not be supported in the NMPF.
3. Any water sports should be licenced with the requirement for adherence to best practice to minimise transmission of invasive species.

Tourism:

1. Assess the impact of overseas-generated, aviation or cruise ship-based tourism to Ireland's coastal areas as an Issue for Sustainability.
2. Include objectives and policies to refocus the Wild Atlantic Way to a long-stay area with an emphasis on walking, cycling, and sustainable activities for all ages and abilities that allow for a deep appreciation of the coastal and marine environments. Targeted, timetabled objectives and policies to lessen car-dependence on the route should also be included.
3. Include a targeted, timetabled policy for the completion of a full Irish coastal walking route.

Wastewater treatment and disposal:

1. A detailed, budgeted and timetabled plan should be provided by Irish Water demonstrating the roadmap to achieving Urban Waste Water Treatment Directive compliance. This should be included as an appendix to the NMPF final document, and they should be held to account for any deviations from that timetable.

Fisheries:

1. It is essential that the NMPF include strong policies requiring that fishing activity be carried out in a way that is truly compatible with ecosystem health, including marine species, seabirds and seafloor integrity and health. To properly consider the impact of mobile bottom-contacting gears on different benthic habitats, the recent assessment of the MSFD D6 – Seafloor Integrity – must be included in the fisheries

chapter of the final NMPF. In particular, the relevant text and maps in the physical disturbance section of the D6 chapter in the final MSFD Article 17 report should be added.

2. The designation and careful management of no-take Marine Protected Areas will further facilitate sustainable fishing.

Marine Protected Areas:

1. Rewording of Option D to only allow adverse development where there is overriding public interest and no alternatives, with compensation applied.
2. In the absence of a coherent MPA network, GIS layers should be made available to planners which identify the location of ecologically sensitive and important habitats and species. This data should be used to preserve key areas from further degradation until adequate MPA legislation is enacted.
3. Expedite the legislation required for the designation of MPAs as a matter of urgency

Strategic Environmental Assessment:

1. The SEA Objectives, monitoring measures and remedial actions are systemically deficient in scope, particularly in relation to biodiversity, water and the impacts of human activities. Where objectives are proposed, there is a need for quantifiable and timetabled targets that can be externally referenced.
2. The monitoring actions proposed are inadequate and the remedial actions ineffective; many of the remedial actions proposed are simply stated as "tailored responses". Quantifiable, assessable and measurable actions are required.
3. The SEA report must comply with the requirements Articles 5, 9 and 10 of the SEA Directive, which, for the above reasons, the SEA as it currently stands does not.

Appropriate Assessment:

1. Provide substantive and effective mitigation measures to offset the risks that were outlined in the NIS for the sectoral and in-combination pressures.
2. Draft a policy position requiring use of the best data and tools, like bird sensitivity mapping, in order to avoid adverse impacts to Natura sites.
3. Preclude development in offshore areas lacking data, as identified in the NIS for off-shore bird data
4. Requirement for ecological expertise for the relevant authorities to critique the environmental assessments (NIS, EIA etc) submitted against the policy objectives.

3. Sector specific issues

3.1. Aquaculture

3.1.1. Lack of policies

An Taisce would very much welcome the broad objective under aquaculture:

"To further enhance the aquaculture licensing system so that it is characterised by the highest levels of legislative, administrative and scientific expertise and promotes

the fullest possible trust in the regulatory system by aquaculture operators, environmental Non-Government Organisations (NGOs) and the general public."

However, we would highlight that despite this being an objective, neither of the two policies refer to the environmental impact or sustainability of aquaculture activity, and as such there is no proposed policy to realise the above objective in a substantive way. The two proposed policies relate only to the requirement for innovation and that any other non-aquaculture proposals do not impact on aquaculture. The policies have no bearing on the majority of the objectives laid out for aquaculture, and unless there are tailored policies to implement these specific objectives, they are unlikely to be realised. Objectives without corresponding policies are meaningless.

Further, through our experience as a statutory consultee for aquaculture licencing, the current situation is a long way from fulfilling the objective outlined above, and eNGOs and the public frequently criticise the regulatory system for its multiple failings. Strong policies will be essential to address these issues.

3.1.2. Carrying capacity

The Draft NMPF outlines that it intends to provide for sustainable growth of the aquaculture sector by means of:

"Adopting an ecosystem-based approach to the assessment of proposals and taking into account carrying capacity of bays to ensure that appropriate siting, scaling, phasing and design of farms minimises impacts on ecosystems, protected sites, and protected species;"

Of the hundreds of aquaculture licence applications we have received, to our knowledge the carrying capacity assessment has only been included for Carlingford Lough. While we would welcome an ecological carrying capacity approach, it is pertinent to highlight that the Minister has made in the region of 600 licensing decisions in the last two years. To our knowledge, aquaculture licences are generally valid for the period of 10 years. This means that the numerous bays and estuaries which have had aquaculture licences granted for them will not be subject to a carrying capacity assessment until towards the end of this decade. An Taisce believes that many of the licenced bays and estuaries are now supporting aquaculture activities far beyond their ecological carrying capacity, and the result of the recent multitude of decisions is that for almost half the lifetime of this plan, these licences will continue to operate contrary to the NMPF objective. Given this reality, we would question how this will contribute to reducing the impacts on ecosystems and protected species.

Further to that, the description of carrying capacity in the Draft NMPF refers only to impacts on the ability to farm fish, as opposed to true ecological carrying capacity. This distinction is an important one, and it is ecological carrying capacity which is required, assessing the impact of increasing aquaculture on an ecosystem in a holistic way, and not just not in the

narrow way outlined in the consultation document: *“whether existing and proposed aquaculture activity is likely to have a detrimental effect on overall farmed fish growth”*.

3.1.3. Linkage with MSFD

The document also outlines that it will take account of potential impacts for the Good Environmental Status descriptors of the Marine Strategy Framework Directive. However, as outlined in our submission on the MSFD Article 17 report, the impact of aquaculture is spread across several descriptors, such as sea floor integrity, eutrophication and introduction of alien species. As such the full impacts of this activity are unclear and are not fully enumerated by the MSFD Article 17 report. Therefore, the impact of aquaculture on GES will be unclear, and a bridging document is required to make this linkage between the MSFD and the NMPF, as outlined above.

3.1.4. Public participation

An Taisce would observe that there are failings in the public participatory requirement of the aquaculture licensing process. The Draft NMPF outlines that:

“The licensing process therefore involves consultation with a wide range of scientific and technical advisers as well as various Statutory Consultees. The legislation also provides for a period of public consultation.”

We have received reports from several of our members in regard to the advertisement of aquaculture licence applications occurring in the local newspaper with the lowest circulation, resulting in many communities being unaware of these applications. Should the licence or licences then be granted, the costs involved in taking an appeal to ALAB would quickly become prohibitive if it is necessary to appeal 20-30 licences in a single bay, which, in our experience, can frequently be the case. An Taisce submits that this is in contravention of the requirements of the Aarhus Convention. Articles 9(3) and (4) of the Aarhus Convention entitle individuals or organisations to access to both judicial and administrative review procedures on a basis that is fair and equitable and not prohibitively expensive. *Case C-203/15 Lesoochranarske* and the cases that follow on from it, including in an Irish context *Case C-476/16 NEPPC*, all emphasise that Aarhus is a fundamental part of European law and that national procedural rules must be interpreted in accordance with it. It is our opinion that the current system is not sufficiently allowing for effective public participation.

We would highlight that, given that 600 licensing decisions have been fast tracked through the system in the last two years, it is a full time job for a prescribed body, such as An Taisce, to review the licence applications, and assess the ramifications of licensing decisions on foot of those. While this fast tracking was seen to be of benefit to aquaculture operators who have applied for new licences, it was very much to the detriment of public participation, by means of overloading the system making it very challenging for both statutory consultees and the public to review the applications and decisions and as such to participate in a meaningful way.

3.1.5. Appropriate Assessment and EIA

An Taisce has highlighted failures in the Appropriate Assessment (AA) procedure in a multitude of submissions on aquaculture referrals. The main issue is that the DAFM are utilising a 15% disturbance threshold, which they attribute to advice from the NPWS. There is no apparent legal basis for allowing for a threshold of disturbance in a Natura site, and despite An Taisce highlighting this numerous times, the DAFM continues to licence applications based on this rationale. In accordance with Article 6(3) of the Habitats Directive, a licence must be refused unless an adverse effect on the integrity of the site can be ruled out beyond reasonable scientific doubt. In Case C258/11 Sweetman, the loss of approximately 1% of the protected habitat was considered to be an adverse effect on the integrity of the site. As a result of the assumption in almost all of the AAs for aquaculture licences that An Taisce has reviewed, whereby a disturbance of up to 15% of the site is permissible, there is a lack of sufficient evidence to satisfy the test on absence of adverse effect. This is a major flaw in the aquaculture licensing process, and one that, in our opinion, is in contravention of the Habitats Directive. The consultation document outlines that:

"Aquaculture projects in Natura 2000 sites are, if approved, licensed along with specific management actions and mitigation measures as appropriate so that the integrity of the relevant SACs and SPAs is maintained."

Given the dependence on this flawed 15% disturbance threshold, this is clearly impossible to achieve. Indeed, we have seen multiple examples where the AA has highlighted a lack of necessary data, generally speaking it is data on birds, but the aquaculture licences are granted regardless. We would consider this lack of compliance with the Habitats Directive to be a very serious legal issue, and one that undermines the sustainability of the whole aquaculture sector.

In addition to that, in regard to Environmental Impact Assessment (EIA) there is a general lack of EIA screening for shellfish aquaculture based on the rationale that it is extensive, as opposed to intensive. An Taisce believes that under Article 2 of the EIA Directive, and Annex II Class 1 which refers to intensive fish farming, this distinction is not valid, and these licences should indeed be screened for EIA, particularly in light of their cumulative impact.

Recommendations:

1. The policies should reflect the objectives, with a specific policy drafted to address each individual objective. The two proposed policies are entirely insufficient to achieve the outlined objectives.
2. There should be a specific policy for effective public participation, with a review of the current practices and requirements, and appeal procedures.
3. The establishment of an ecological carrying capacity should be a strict policy measure, despite its delayed effectiveness on foot of recent aquaculture decisions. This assessment cannot be based on the MSFD GES assessment, as it does not provide the necessary information to determine ecological impact.

4. There should be an explicit policy for compliance with the relevant EU Directives, with a review of the current legal compliance within the system, in particular with the Habitats and EIA Directives.

3.2 Defence and security

The role of the Defence Services in relation to the protection of marine fisheries arises from the service agreement with the Sea Fisheries Protection Authority (SFPA) established under the Sea Fisheries Maritime Jurisdiction Act 2006. An *Annual Control Plan* is agreed between SFPA and the Department of Defence. There needs to be transparency and confidence that the Irish fisheries protection regime is operating to effective targets and is using the best internationally available satellite drone surveillance. A strategic review of the effectiveness of the current regime is required.

The only explicit reference to sustainability in marine defence in Chapter 6 of the Draft NMPF states: "*The naval service should also strive to develop a sustainability policy in line with the Lower Cork Harbour.*"

We consider this to be entirely inadequate. The Department of Defence and the Defence Services need to be part of the required all of Government action on climate and the implementation of the SDGs, including use of energy.

Recommendation:

1. The Draft NMPF should set out timetabled targets for the sustainability policy with the objective of aligning all marine defence and security services to EU and national level climate policy and the SDGs.

3.3. Carbon capture and storage

The Draft NMPF provides as an objective: "*To further examine the feasibility of the safe and cost effective utilisation of Carbon Capture and Storage (CCS) in Ireland either in suitable geological formations such as depleted gas fields or for export to assist Ireland in meeting its CO₂ emission reduction targets*". This is subject to further consideration of CCS being "*ultimately considered feasible*".

Section 7.6 notes that Ervia, through Gas Networks Ireland, is "*examining the feasibility of using the Kinsale Head gas field*" for CCS. Section 7.9 of the Draft NMPF proposes that: "*Energy intensive industry can be maintained or further developed, where clustered with CCS or transport facilities*".

An Taisce would highlight, however, that the future technological development of CCS of any significant scale and in any immediate time frame is very uncertain. Moreover, the United Nations Environment Programme is clear in saying that meeting Paris Agreement

targets means a global emissions reduction of almost 8% annually⁶. Irish planning and energy policy should not promote continued fossil fuel exploration and combustion. As such, continuing or developing energy intensive industries based on the hope that future CCS deployment will be feasible would be premature.

We consider that Irish energy policy is being disproportionately influenced by the international fossil gas lobby, through the Irish state company Gas Networks Ireland (GNI). In its current ten year plan, GNI is aiming to expand the fossil gas pipeline network; increase its domestic, commercial and industrial customer base; and promote new heavy energy users, including data centres. To justify this, GNI claims that the emissions impact can be mitigated by the progressive injection of agriculturally-sourced biomethane into the fossil gas pipeline network and the eventual application of CCS. An Taisce has made a submission to the Commission for Regulation of Utilities on GNI's current strategic plan on the flawed assumptions on which this strategy is predicated.

Section 7.11 of the Draft NMPF states that "*CCS has the potential to aid Ireland in meeting CO2 reduction targets*" and "*ensure that the State maintains its level of energy security needed to provide for economic growth.*" However, we submit that energy security and economic policy should not be predicated on the uncertain application of a future technology. CCS in some form will need to be part of the global energy future, but the uncertainty about its application on any scale within any immediate time frame, should not deflect from the immediate, deep and sustained emission cuts needed now.

Recommendation:

1. The NMPF should focus on emissions reductions by proposing policies for transitioning away from fossil fuel use rather than relying on an uncertain technology such as CCS. No CSS proposals or objectives should be included without the caveat that any CSS development must be predicated on the determination of its overall feasibility and efficacy.

3.4. Energy - Offshore gas storage

The Draft NMPF states as an objective the "*analysis of options for increased gas storage*". It is noted in Section 8.3 that the 230 million cubic metres of storage capacity at Southwest Kinsale ceased use in 2017. An Taisce submits that the Draft NMPF must consider the potential for all new and existing gas infrastructure to become stranded assets as Ireland transitions from fossil fuels to renewable energy as required by national and EU law. The long-term viability of offshore gas infrastructure, including storage facilities must be evaluated in this context.

The referencing in Section 8.4 to the proposed Shannon LNG import facility in relation to gas storage is unclear. The proposed facility is not being developed as a storage facility to be managed like the National Oil Reserves Agency (NORA) strategic oil reserve. Rather, it is a

⁶ United Nations Environment Programme (2019) Emissions Gap Report 2019:
<https://wedocs.unep.org/bitstream/handle/20.500.11822/30797/EGR2019.pdf?sequence=1&isAllowed=y>

transmission facility to import globally supplied LNG, including fracked gas from the United States, to process and feed into the European gas pipeline transmission system.

Recommendations:

1. Include in the primary objective a commitment to consider sustainability issues surrounding gas and its storage offshore.
2. All consideration of gas storage needs to take into account the issue of gas infrastructure becoming a stranded asset as Ireland transitions away from fossil fuel use as required by national and EU law. This should be included as an Issue for Sustainability.
3. References to the potential Shannon LNG project should be removed from this section as it would constitute transmission infrastructure rather than storage.

3.5. Energy - Transmission

Transmission Policy 1 states that: "*Gas or electricity transmission proposals that maintain or improve the security and diversity of Ireland's energy supply, including interconnections should be supported.*" This does not properly distinguish the different strategic arguments for electricity and gas interconnection. Electricity interconnection enhances renewable energy capacity by allowing better management of peaks and troughs. Gas pipelines, on the other hand, lock in dependence to fossil gas and will become stranded assets as Ireland transitions away from fossil fuels.

An Taisce notes that section 9.16 states: "*Natural gas has a much lower CO₂ content per unit of energy than coal or oil.*" We submit that this claim is somewhat misleading. Though often touted as a "clean" or "low-carbon" fossil fuel, natural gas is only the lowest CO₂-emitting fuel at the point of combustion. When its full lifecycle is accounted for, there are significant additional emissions of both CO₂ and CH₄ (methane). (See Appendix A).

Recommendations:

1. Draw the distinction between electricity interconnection and gas pipelines in the objectives, policies and Issues for Sustainability.
2. Include a more complete perspective on the emissions impact of natural gas in the Issues for Sustainability (as discussed above), particularly the issue of lifecycle emissions.
3. We acknowledge that section 9.11 states: "*it is not envisaged that any further international interconnector [gas] pipelines will be constructed.*" However, all consideration of gas transmission and the associated infrastructure needs to take into account the issue of gas infrastructure becoming a stranded asset as Ireland transitions away from fossil fuel use as required by national and EU law. This should be included as an Issue for Sustainability.

3.6. Energy - Petroleum

This states as a first objective: *“Explore and develop Ireland’s indigenous petroleum resources in order to deliver significant and sustained benefits, such as import substitution, fiscal return, national and local economic development and technology learning.”*

This provision is based on longstanding policies that predate the Paris Agreement 2015 and the declaration of a climate emergency. The 2019 decision that new oil exportation licences would not be granted does not resolve the issue of continued oil exploration in existing licenced areas as it was determined that existing licences would not be affected. At the same time, Ireland is still actively promoting exploration for gas and is open to issuing new exploration licences and allowing Gas Networks Ireland to have a disproportionately large voice in determining public policy on energy.

The Minister for Communication, Climate Action and the Environment (DCCAE) announced a major review into the security and sustainability of Ireland's energy (primarily electricity) supply in November 2019. The submission by three Dublin City University independent energy researchers (see Appendix A) provides an overview to inform this process. We submit that the considerations detailed in this document should inform the NMPF sectoral policy on petroleum exploration.

Recommendations:

1. The considerations laid out in the appended submission from DCU researchers to the DCCAE review of Ireland’s energy should inform the policies, objectives and sustainability considerations in the NMPF with regard to petroleum exploration.
2. The Issues for Sustainability should consider the problem of petroleum exploration and processing infrastructure becoming stranded assets as Ireland transitions away from fossil fuel use as required by national and EU law.

3.7. Energy - Offshore renewable energy

The development of a sustainable and effective offshore energy regime for Ireland is a major strategic priority for the decade ahead. Wind energy installation has been decreasing in costs, and the technology for the deployment of floating turbines is now in place, radically increasing the marine area open to consideration for use.

It is essential to ensure that the advancement of wind turbine deployment to address the climate emergency is reconciled with the biodiversity loss emergency. Yet this is not addressed in the 11 specific policies set out in the Draft NMPF, notwithstanding the reference under “Issues for Sustainability” to potential impacts on marine mammals and birds.

The spatial designation of marine planning zones for offshore wind is an urgent priority. The Marine Planning and Development Management Bill provides for designation of Marine Activity Zones, which would be subject to both SEA and Appropriate Assessment. This

should identify and exclude areas ecologically unsuitable for development as well as other constrained areas such as shipping lanes.

Information is emerging on the importance of the Kish Bank and other shallow sea sand and gravel banks on the east coast to marine bird life and the potential adverse impact of wind turbine development in these areas. Birdwatch Ireland has been trialling a bird sensitivity mapping tool⁷ which could be used to identify potential constraints early in the planning process. It would allow developers to further investigate the potential risk of impacts and include suitable mitigation measures where necessary. An example of this trial sensitivity mapping is given in Figure 1 below, adapted from Figure 4 in the original publication.

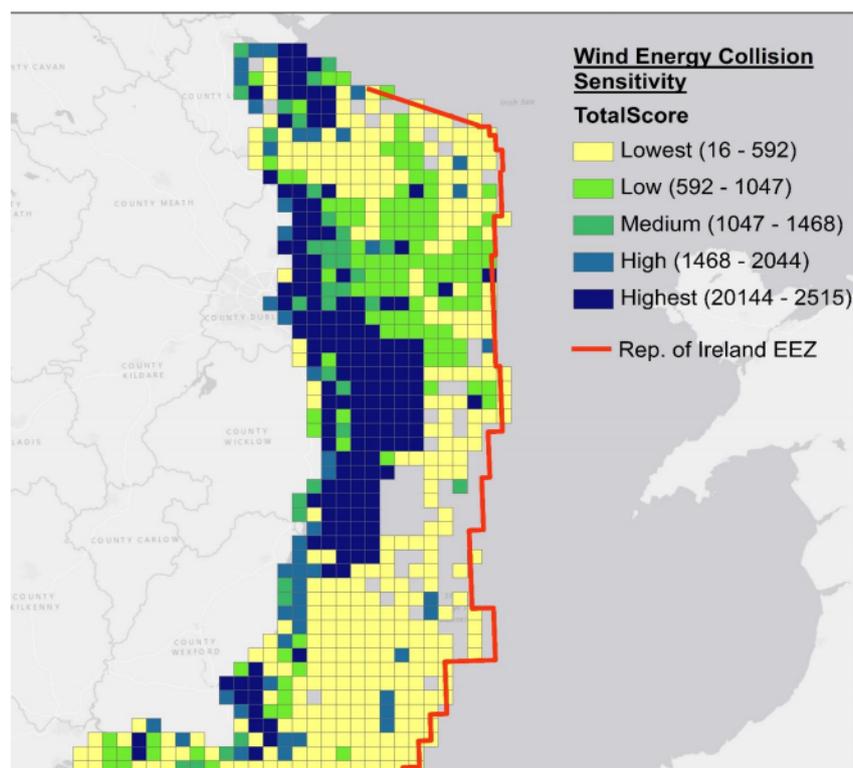


Figure 1: Trial bird sensitivity mapping by Birdwatch Ireland⁸

Wave, tidal and other offshore renewable technologies remain at an early stage of development with research and prototype testing. The Draft NMPF section 11.22 accepts that “*the level of risk and ecological significance is largely unknown.*” A policy is required to ensure that research test activity and installation are fully subject to the planning regime and Appropriate Assessment.

⁷ Burke, B. (2018) Trialling a Seabird Sensitivity Mapping Tool for Marine Renewable Energy Developments in Ireland. BirdWatch Ireland, Kilcoole, Co. Wicklow.

⁸ Ibid

Recommendations:

1. Include a policy requiring the use of a seabird sensitivity map in the early stages of planning, to assess the risk posed by marine renewable energy developments, and to fully comply with our legal obligations to protect birds and their habitats.
2. Include a policy requiring that research and testing activities for offshore renewables, particularly ones such as wave and tidal that are early in their development, are fully subject to the planning regime and Appropriate Assessment.

3.8. Aggregates and Mining

The Draft NMPF sets out objectives to:

- Support sustainable mineral exploration;
- Maximise the contribution of the mining sector to the economy;
- Promote Ireland's marine mineral potential; and
- Support Ireland's decarbonisation journey for the sustainable extraction and processing of minerals and metals to secure supply for clean energy technologies.

While marine sand and gravel extraction is increasing internationally, it has major ecological impacts. The Draft NMPF has not demonstrated the need for seeking to exploit Irish waters for sand and gravel extraction or mineral mining.

Recommendation:

1. Provide data and evidence justifying the need for sand and gravel extraction or mineral mining in Irish waters.

3.9. Ports, harbours and shipping

We welcome the Draft NMPF's recognition of the inextricably linked nature of shipping and associated land-based transport, particularly the need for sustainable land transport links, as outlined in section 14.34:

"Integration and alignment is needed between terrestrial and marine planning processes to ensure that ports link with public transport to encourage sustainable travel. Terrestrial planning should coordinate with and support ports with the necessary transport links and suitable road networks."

However, this need for sustainable land transport to and from ports is not reflected in any of the objectives or policies. Moreover, it does not include any mention of restarting and expanding the freight rail network.

We note that Article 41(2) of the Trans-European Transport Network (TEN-T) Regulations⁹, which the Draft NMPF cites heavily, with regard to transport infrastructure requirements states that Member States shall ensure that: *"Maritime ports of the core network [...] shall be connected with the railway and road and, where possible, inland waterway transport infrastructure of the trans-European transport network by 31 December 2030, except where physical constraints prevent such connection."* A policy is needed to require the development of sustainable terrestrial transport to and from ports and to ensure compliance with the TEN-T regulations.

Furthermore, the Draft wholly fails to consider the climate implications of ports and shipping. From 2007-2012, shipping accounted for approximately 3.1% of annual global CO₂ emissions¹⁰. The Brussels-based NGO, Transport and Environment, predicts that this could increase to 10% of global emissions by 2050 if current growth rates continue. As such, the ongoing increase in the level of goods transported internationally is no longer sustainable due to the transboundary levels of extraction, land use change, emissions and resource consumption created. The National Climate Action Plan fails entirely to address and mitigate the impact of freight shipping and the associated land transport of goods, particularly heavy goods road transport. Therefore, as one of the key policies that will shape marine activities, the NMPF has a vital role to play in reducing the climate impact of shipping.

The only objective that addresses climate change merely mentions adapting to its consequences, not mitigating it by curbing the sector's emissions: *"Sustainable development of the ports sector and full realisation of the National Ports Policy with a view to providing adequate capacity to meet present and future demand, and to adapt to the consequences of climate change."*

Similarly, the Issues for Sustainability include only a token mention of ship carbon footprints and power use in section 14.39:

"Irish Lights Risk Assessment processes can identify any increase in navigational risk and potential mitigation measures. Issues include:

- The protection of the use of the shortest routes to ports thus the most economic route with the least carbon footprint.*
- Development of facilities to allow ships to connect to the national grid when in port would reduce the need for ships to produce their own power in port and would result in cleaner air in port areas.*
- Supporting the tourist sector, promoting safety at sea, and encouraging safe development of coastal infrastructure and commercial activity, such as offshore exploration and renewable energy."*

⁹ REGULATION (EU) No 1315/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU: <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32013R1315>

¹⁰ Transport and Environment, "Shipping and climate change": <https://www.transportenvironment.org/what-we-do/shipping-and-environment/shipping-and-climate-change>

Sustainability constraints also apply to the goods being shipped. In order to address the challenges posed by climate change, a significant number of existing import and export cargo tonnages will need to be reduced. For example:

- Imports of coal, oil, biomass, and animal feed need to be reduced in order to meet climate targets;
- Grain, vegetable and fruit imports need to give way to more domestically produced plant-based foods;
- Bovine animal exports need to be reduced; and
- Peat compost exports need to be eliminated.

The Draft NMPF does not address this.

The Draft's consideration of ports and shipping appears to be largely grounded in the National Ports Policy as well as in TEN-T goals, policies and designations. Like these policies, the Draft NMPF focuses almost exclusively on the expansion of Ireland's port network and shipping industry for the purpose of economic growth, however, there is no assessment of the sustainability of such proposals. Current models of the continued increases in tonnages passing through Irish ports and the resultant demand for land transport need to be revised to address sustainability and climate constraints. The continued accommodation of increased berthages and the building of motorways and dual carriageways for land haulage is being justified on the basis of rising demand on the TEN-T ports and connection routes in Ireland. At the same time, the share of freight transported more sustainably by rail is declining to only timber transported for processing to the two Suir Valley plywood plants and to lead and zinc ore mined in Navan for export.

As discussed earlier in this submission, the viability of the policies upon which the Draft NMPF is predicated needs to be reviewed in order to create a harmonised regulatory regime and ensure alignment with the SDGs as well as national and EU policies to address climate change and biodiversity loss. In this context, we consider that the current National Ports Policy and the TEN-T designations in Ireland are based on an excessive level of Tier 1 and Tier 2 ports where the associated growth projections do not meet future sustainable transport needs.

3.9.1. Example of Shannon-Foynes Port

The current designation on the status of the Shannon-Foynes Port as part of the European TEN-T ports network and the current proposal before An Bord Pleanála for a dual carriageway link from the port to Limerick provides a highly illustrative example of the unsustainability of the current shipping and haulage models in Ireland.

The Environmental Impact Assessment Report for the dual carriageway (lodged with An Bord Pleanála in 2019) states that:

"Shannon-Foynes Port is the largest bulk port in the country, handling approx., 20% of all seaborne trade in the State. The port's dominance in the dry-bulk sector is

particularly pronounced, with a market share of around 63% in this sector. The National Ports Policy has, as a key strategic objective, the continued commercial development of Shannon-Foynes Port Company, and clearly identifies as a matter of reasonable priority, the improvement of the road and rail freight connections.”

The figure of 63% is misleading as the bulk of freight traffic in the Shannon Estuary is generated by separate jetty terminals for other locations in the estuary, namely the bauxite and aluminium hydrate shipped into and out of Aughinish Island, coal shipped into Moneypoint and aviation fuel shipped into Shannon. None of this comprises cargo being transported to or from Foynes port by road or rail. Out of a total of 11 million tonnes, only 1.7 million tonnes is actually handled by the port company through Foynes and Limerick. Moreover, the high value economic goods originating from the main centres in the west, Limerick and Galway, are technology and medical devices, which do not require proximity to a bulk goods export port.

The majority of the bulk coming in through Foynes will be rendered obsolete when sustainable energy and resource use provisions are properly applied to address the climate and biodiversity emergency and Ireland’s insecure food economy. This will mean the rapid ending of the current importation of oil, coal, biomass, animal feed, and fertiliser and the export of waste. Accomplishing the above would either eliminate or reduce current cargos coming through Foynes, thereby removing the justification its TEN-T Tier 1 status and the need for the current Foynes-Limerick road scheme. Not only is there no justifiable need to increase port capacity at Foynes, but the majority of existing port traffic has no sustainable future.

Even if a sustainable model can be advanced for continued and increased bulk traffic through Foynes, the current dual carriageway proposal is a road investment measure only – there is no proposal for restoration of the currently unused Limerick to Foynes freight rail line. If there is a case for expanding throughput of freight at Foynes this should be based on rail transport and not road use. The Limerick-Foynes rail line is existent; it is a regional and national asset, and there is a clear capacity to restore the rail freight line within an immediate time frame. Lower emission and lower environmental impact transport for freight as well as other transport demand should be maximised.

Recommendations:

1. The Draft NMPF should highlight that the expansion and growth of Ireland’s ports must be predicated on an assessment of the various sustainability constraints (both at sea and on land), particularly those related to greenhouse gas emissions.
2. A targeted and timetabled policy is needed for assessing and reducing shipping emissions (both in the marine area and related to terrestrial haulage).
3. A policy requiring the development of sustainable transportation to and from ports should be included. This should align with Article 41(2) of the TEN-T Regulations and include the expansion of the rail freight network.
4. A review of the current policies, particularly the National Ports Policy and the TEN-T designations, is required.

3.10. Safety at sea

Section 15.13 of the Draft NMPF states that “*the greater frequency and severity of extreme weather events caused by climate change is likely to make the challenge of making safety at sea and navigational safety more difficult.*”

The role and function of the Irish Coast Guard requires proper resourcing to ensure the optimum marine search and rescue service under Ireland’s role as party to the UN International Maritime Organization Search and Rescue Convention.

3.11. Seaweed harvesting

Seaweed provides multiple ecosystem services, such as carbon sequestration, biogeochemical cycling, primary production, food web dynamics, biodiversity, habitat, and resilience¹¹. As with many other marine species, many key seaweed species are in decline across Europe, largely due to climate change. Ocean warming threatens seaweeds as the functioning of populations and individuals are affected both directly and indirectly by ocean warming¹².

Despite the importance of these species, the objectives for seaweed harvesting in the consultation document do not mention the ecological importance of seaweed, framing it as purely an economic and social benefit. Any mention of sustainability in regard to seaweed harvesting is solely with a view to protecting the supply, to ensure the industry can continue, as opposed to the potential ecological damage that this harvesting could cause. While An Taisce recognises that there is a research programme underway which will set specific objectives for this sector, we would strongly highlight that none of the objectives of the programme, as outlined in the Draft NMPF, make reference to the ecological importance of seaweed, with the aims of the project being to:

- *Conduct a biomass assessment for certain types of seaweed;*
- *Improve the knowledge on the current and future spatial distribution and intensity of harvesting activity and resource usage;*
- *Improve the knowledge on the value of seaweed harvesting activity;*
- *Provide a better understanding of the true potential value of seaweed harvesting;*
- *Address gaps in governance knowledge.*

¹¹ Linus Hasselström, Wouter Visch, Fredrik Gröndahl, Göran M. Nylund, Henrik Pavia, The impact of seaweed cultivation on ecosystem services - a case study from the west coast of Sweden, Marine Pollution Bulletin, Volume 133, 2018, Pages 53-64.

¹² Straub Sandra C., Wernberg Thomas, Thomsen Mads S., Moore Pippa J., Burrows Michael T., Harvey Ben P., Smale Dan A. Resistance, Extinction, and Everything in Between – The Diverse Responses of Seaweeds to Marine Heatwaves. Frontiers in Marine Science, Volume 6, 2019

Given the ecological importance of seaweed for the ocean ecosystem, it is vital that there is a policy in place to carry out an ecological assessment of the impact of seaweed harvesting in all areas proposed for licensing, in addition to a mandatory AA where they are within the zone of influence of a Natura site. In any areas where seaweed harvesting is allowed, there should be a stringent management plan to protect it and regulate the harvesting, with strict enforcement. There is significant scope for algae/seaweed farming in Ireland, both on the land and in the sea, but it should be developed and managed very carefully, using local natives species in non-contained areas.

In addition, the licensing and rights system needs to be regularised. Traditional seaweed harvest rights must be recognised and legally secured for both those registered on folios and those with traditional use rights but no matching folio. For those who are recognised as having harvesting rights, their obligations should be clearly elucidated in a seaweed management policy, and should include reporting on specific details such as harvest quantity and quality, in order to prevent over-harvesting. This is particularly relevant in commonage areas.

The licensing system should also differentiate between those harvesting for personal use, as opposed to commercial harvesting. Further, any management plan should set limits for different types of harvesting, for example different collection methods (seaweed washed up on the shore versus harvested live). The main issue with the sustainability of seaweed harvesting, other than the volume harvested, is how the seaweed is to be harvested. Seaweed aquaculture will often be more suited to mechanical harvesting, whereas wild seaweed should be harvested by more low impact, traditional methods. We would call for a clear differentiation between licences for harvesting of wild seaweed by hand, and those for seaweed aquaculture, with mechanical harvesting. Mechanical harvesting machines remove too much of the stalk of the seaweed and therefore render regrowth impossible, whereas hand cutting is far more sustainable. The traditional harvesting of wild seaweed would have the additional benefit of providing a high quality product, with a lower ecological footprint and would support more local jobs.

Recommendations:

1. The ecosystem benefit of seaweed must be recognised in any future policy objectives for seaweed harvesting in Ireland, and the objectives should be framed by that.
2. A rigorous and well-researched seaweed harvesting management plan is required, which implements strict controls on harvesting methods for particular species, and quantities which can be removed. This will require substantial public consultation and participation, in compliance with Article 7 of the Aarhus Convention.
3. The first step in achieving this is to regularise the licensing and rights system, and to make that information publicly available. Any licence application must be processed in compliance with the public participation rights under Article 6 of the Aarhus convention.
4. Different policy objectives should be set for the harvesting of wild seaweed, and the harvesting of cultivated seaweed, and the licensing system should clearly distinguish between these two very different approaches, with different harvesting methods

licensed in different situations. There are some best practice examples which could inform this, such as those implemented in France.

5. Ecological assessment should be a key part of the licensing regime, with a holistic ecosystem approach implemented, based on discrete ecosystem areas.

3.12. Sport and recreation

Policy 1 in the Draft NMPF states that *"proposals that promote sustainable development of water based sports and marine recreation should be supported."* However, of the 17 marine sport, leisure and adventure activities referenced jet skiing, power boating, wakeboarding and water skiing are problematic in their use of polluting diesel engines which has not been resolved by EU Directive 2013/53.

Moreover, these activities are disturbances to the marine environment both ecologically and by creating a conflict with other marine recreational users. No policy has been proposed in relation to assessing or mitigating the ecological impacts. Water sports activities can be a vector for non-indigenous species, with equipment being moved between areas. A policy addressing this risk should be included.

Recommendations:

1. A policy should be included to require appropriate ecological assessments for water-based recreation proposals.
2. Diesel engine-based proposals should not be supported in the NMPF.
3. Any water sports should be licenced with the requirement for adherence to best practice to minimise transmission of invasive species.

3.13. Telecommunications

The Covid-19 pandemic has shown the importance of telecommunications in maintaining social interaction and economic activity. It has also shown how so many international meetings having a high carbon footprint in aviation emissions can be substituted with teleconferencing. Ireland relies on international data connection in all aspects of daily life. Ireland has pursued a policy of securing the location of major international companies as a European base reliant on high capacity digital connectivity.

3.14. Tourism

3.14.1. Impacts of traveling to a destination

The economic benefits of tourism to coastal communities is well outlined in the Draft NMPF. Irish tourism policy, "People, Place and Policy: Growing Tourism to 2025," is referenced as *"a whole of Government policy which places a focus on maximising the export contribution of tourism, while protecting the invaluable assets which are our natural built and cultural heritage."*

This must be reconciled with the sustainability constraints that confront tourism both globally and nationally. In this regard, Section 19.17 of the Draft states: “*Tourism policy recognises the importance of growing the sector in a sustainable manner which does not have negative environmental social or economic consequences.*” However, the Draft plan does not sufficiently acknowledge that the impacts of travel to a destination must be addressed in addition to impacts at the destination itself. This has particular relevance for tourism in Ireland’s coastal areas, which draw substantial numbers of visitors from around the world.

The global aviation industry, which relies on a range of direct and indirect subsidies, is pursuing the continued increase in global aviation and lobbied to be excluded from the Paris Agreement¹³. The International Civil Aviation Organisation (ICAO) is advancing a dubious carbon offsetting scheme (CORSIA) which is seeking only to cover increases in emissions after 2020, will be voluntary until at least 2027, and only cover 21.6% of international aviation emissions at best¹⁴. A misleading expectation is being created on new lower carbon technologies, which would take decades to supplant the operating lifespan of the current generation of planes in service and continued production. Similar sustainability impacts arise from the global growth in high fossil energy and emissions-producing cruise ships.

3.14.2. The Wild Atlantic Way and car dependence

The impact of tourism in adding to car use and traffic generation is also problematic with peak congestion points emerging on the Wild Atlantic Way. Increasing car use also conflicts with the experience and attractiveness of the route for cycling. The promotion of the Wild Atlantic Way should be redirected from being a tour bus and car route to visit “Discovery” points, to a longer stay area focused on walking, cycling, appreciating the marine environments and engaging in activities to suit all ages and abilities. Ultimately, this would bring better benefit to rural economies.

Wales has completed a full coastal walking route, which Ireland should now emulate with a defined target date set in the NMPF.

Recommendations:

1. Assess the impact of overseas-generated, aviation or cruise ship-based tourism to Ireland’s coastal areas as an Issue for Sustainability.
2. Include objectives and policies to refocus the Wild Atlantic Way to a long-stay area with an emphasis on walking, cycling, and sustainable activities for all ages and abilities that allow for a deep appreciation of the coastal and marine environments. Targeted, timetabled objectives and policies to lessen car-dependence on the route should also be included.
3. Include a targeted, timetabled policy for the completion of a full Irish coastal walking route.

¹³ Transport and Environment, “Flying and Climate Change”: <https://www.transportenvironment.org/what-we-do/flying-and-climate-change>

¹⁴ Ibid

3.15. Wastewater treatment and disposal

Public attention was very much focused on wastewater treatment in 2019, with several major sewage incidents. Dublin Bay was closed for swimming on multiple occasions due to malfunctions in the Ringsend water treatment plant, and lengthy boil water notices were in place due to contaminated drinking water from the Leixlip water treatment plant. This was in addition to other frequent boil water notices around the country.

In the second River Basin Management Plan (RBMP), Irish Water committed to spending €1.7 billion on wastewater projects, programmes and maintenance. However, the second RBMP only takes us up to 2021, and many of the principal actions for UWWT remain to be delivered. The second RBMP committed to completing 255 large-scale wastewater treatment projects, but of that 255, 146 remain outstanding.

The EPA have been critical of the speed of action by Irish Water on this, and in their 2018 Urban Wastewater Treatment report¹⁵ said:

"Irish Water is repeatedly extending the dates it expects to complete the important works needed at areas that are still releasing untreated wastewater,"

and they highlighted that in 2016 Irish Water reported that it would stop discharging untreated wastewater from 30 of the 36 areas by the end of 2020. It is now only on target to provide treatment for two of these areas by the end of 2020. They highlighted the risks of this approach:

"Extending the time to eliminate discharges of untreated wastewater prolongs the risks to the environment and public health. It is important to provide the outstanding infrastructure to end discharges of untreated waste water without any further delays."

The two policies put forward in the Draft NMPF do not indicate how this issue will be substantively dealt with. The first outlines that proposals by Irish Water in regard to wastewater that contribute to goals of the RBMP, the Water Services Policy Statement 2018–2025 and MSFD should be supported. The second policy relates to proposals that have the potential to significantly adversely affect existing and planned wastewater management and treatment infrastructure. There is no policy to realise the single objective they outlined:

"To bring and maintain public water and wastewater services to acceptable international benchmarks, verified by independent monitoring and reporting, through increased wastewater treatment with a focus on, inter alia, ensuring full compliance with the Urban Waste Water Treatment Directive and wastewater licensing requirements."

¹⁵https://www.epa.ie/pubs/reports/water/wastewater/Urban%20Waste%20Water%20Treatment%20in%202018_Web.pdf

Further, An Taisce could not locate a detailed timetable or pathway for achieving the upgrades which Irish Water committed to under the 2nd cycle RBMP¹⁶, and the roadmap for compliance with the UWWTD does not appear to be collated in any one standalone document, with just rough indications outlined in Appendix 1 of the RBMP. While Irish Water have admirable ambition¹⁷, the EPA report has clearly demonstrated that the reality is falling short, and given the serious impact resulting from failures in wastewater treatment facilities on marine habitats it is vital that there is absolute clarity in regard to the plan for achieving 100% compliance with the UWWTD.

Recommendation:

1. A detailed, budgeted and timetabled plan should be provided by Irish Water demonstrating the roadmap to achieving UWWTD compliance. This should be included as an appendix to the NMPF final document, and they should be held to account for any deviations from that timetable.

3.16. Fisheries

Ireland has a strong track record of undermining fisheries conservation at EU level. In a 2018 report by the New Economics Foundation, Ireland was placed as one of the worst EU member states for overfishing in the Atlantic, undermining international efforts to restore fish stocks to sustainable levels¹⁸. It cited Ireland's decision in late 2017 *"to once again push for fishing quotas which ignore scientific advice is undermining efforts to end overfishing by 2020"* and that *"In the negotiations last December for 2018, Ireland, represented by Minister for the Marine Michael Creed, "topped the league table of setting quota at 18 per cent [of their total TAC] above scientific advice"* (this was based on 124 TAC decisions). The continued practice of setting fishing quota above scientific advice:

"harms the environment, is short-sighted politics, and goes against the objectives of the CFP", "Ireland celebrated its achievement at 'winning' quota for its fishing fleet above scientific advice . . . Topping the overfishing league table should be criticised – not celebrated – as it comes at the cost of delaying the recovery of European fish stocks and more sustainable jobs".

The Draft NMPF is a good example of the celebration of winning a large quota:

"The 2019 fishing opportunities or TACs (Total Allowable Catches) secured for Ireland at the December Agriculture and Fisheries Council amounts to 193,619 tonnes of quotas worth €260 million."

An Taisce would highlight that this is not an achievement to be lauded. The overall number and percentage of EU North East Atlantic stocks that had their Total Allowable Catch (TAC)

¹⁶https://www.housing.gov.ie/sites/default/files/publications/files/rbmp_report_english_web_version_final_0.pdf

¹⁷<https://www.water.ie/docs/Irish-Water-Business-Plan.pdf>

¹⁸https://neweconomics.org/uploads/files/NEF_LTB_ATLANTIC_2017.pdf

for 2020 set above scientific advice increased in 2020, with 47% (61/129) of TACs exceeding the scientific advice. According to Ireland's Marine Institute (MI)¹⁹ the number of sustainably fished stocks in 2019 was just 47% (35 out of 74).

One of the most serious impacts of commercial fisheries is the impact on the seafloor, by dredging and trawling. This pressure is clearly recognised in section 12.24 of the Draft NMPF, which outlines that:

"Some types of fishing activity can negatively affect both pelagic and seabed communities, particularly those that support species with slow growth rates, soft substrates or cold water coral reefs, and some areas have been heavily impacted by fishing activity. There are also concerns about the level of by-catch of birds, sharks and marine mammals in certain fisheries."

The document then outlines the benefits of the CFP, apparently to counteract these negative impacts:

"Fish populations are generally improving since reform of the Common Fisheries Policy and more sustainable management of fish populations with the setting of Maximum Sustainable Yield (MSY) for commercial species"

and in section 12.28 it outlines:

"The Marine Strategy Framework Directive requires European Member States, including Ireland, to reach good environmental status (GES) in the marine environment by 2020. For commercial fish stocks this requires that populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock."

However, we would highlight that Descriptor 3 (D3) in the MSFD does not assess sea floor integrity, and that Descriptor 6 - Seafloor Integrity - shows the actual spatial impact of bottom trawling on Ireland's seafloor habitats. To fully enumerate the impact of fishing, it is therefore essential that benthic disturbance maps, and results from the latest D6 assessment are included.

Sustainability is mentioned in each of the three objectives in the Fisheries section, but it must be recognised within the NMPF that the current unsustainable approach cannot be addressed by managing commercial fish populations with CFP/MSY alone. Single fish stock management and protection of the marine environment are not the same thing. A single stock could be harvested completely under MSY but the fishery could still cause significant damage to the seafloor.

Further to that, this consultation document does not address the wider ecological impacts of overfishing on birds and marine mammals. Seabird population collapse is becoming

¹⁹ Marine Institute (2019) The Stock Book 2018: Annual Review of Fish Stocks in 2019 with Management Advice for 2020 <https://bit.ly/35m83x3>

increasingly common in the North Atlantic, due to the bird's inability to find enough fish to feed their young. A 2018 report from the RSPB²⁰ on the Shetland Islands revealed catastrophic seabird population collapse, attributable to declining marine feed sources. Overfishing also severely impacts on marine animals, for example the NPWS highlighted in 2016 that six species of cartilaginous fish are Critically Endangered and a further five species are Endangered²¹. The reasons outlined are "*over-exploitation by commercial fisheries and habitat destruction and disturbance*". It further outlines that while these species are no longer targeted for commercial fisheries, instead they are taken as by-catch in several fisheries, involving both Irish and non-Irish vessels.

As such, the assessment of fisheries in this document entirely fails to enumerate the true cost of environmental degradation of the fishing industry, and this must be addressed if the 'sustainability' objective is to be realised. Overall the document seriously underrepresents the actual and potential impact of commercial fishing (particularly mobile bottom contacting gears) on the benthic habitats, marine species and seabirds of Ireland's MSP area.

Policies 2 and 4 in the Draft NMPF reference sustainable fishing, and how measures which promote sustainability and climate resilience should be supported. While this recognition of the need for sustainability is welcome, this language is in no way strong enough, and takes far too narrow a view of what sustainability actually is. There should be unequivocal policy language requiring that all fishing be carried out in a truly sustainable way, that is taking a holistic ecosystem approach, and moving beyond the scope of D3 of the MSFD and the ability of the CFP to provide this protection. These policies have repeatedly been found to be failing, and further reliance on them will undermine the future of the fisheries sector, leading to further fisheries and ecosystem collapse. Ultimately this approach will undermine and decimate the resource upon which the industry is predicated, with serious environmental, social and economic ramifications.

Recommendations:

1. It is essential that the NMPF include strong policies requiring that fishing activity be carried out in a way that is truly compatible with ecosystem health, including marine species, seabirds and seafloor integrity and health. To properly consider the impact of mobile bottom-contacting gears on different benthic habitats, the recent assessment of the MSFD D6 – Seafloor Integrity – must be included in the fisheries chapter of the final NMPF. In particular, the relevant text and maps in the physical disturbance section of the D6 chapter in the final MSFD Article 17 report should be added.
2. The designation and careful management of no-take Marine Protected Areas will further facilitate sustainable fishing.

²⁰<https://www.theguardian.com/environment/2018/jun/03/shetland-seabirds-climate-change-catastrophe-terns-kittiwakes-puffins>

²¹<https://www.npws.ie/sites/default/files/publications/pdf/Red%20List%2011%20Sharks%20et%20al.pdf>

3.17. Marine Protected Areas

While it is a requirement under Article 13.4 of the MSFD that a coherent and representative network of MPAs be designated, the Draft NMPF refers only to legislation 'being prepared'. No time commitment is given for legislation or designation of MPAs, and it is not clear when this coherent network of sites is likely to be in place. Ireland's MPA network is many years away from being considered ecologically coherent.

The likelihood is that the designation of Marine Protected Areas (MPAs) will not be complete prior to the finalisation of the NMPF. As such, there is a very real risk that planning applications may be granted in some of the most diverse and ecologically important areas in Ireland's marine waters, which would likely be designated as MPAs in the future. This would put these areas at immediate exposure to development that may reduce their ecological value. It could also lead to the designation of MPAs occurring in the remnant areas after all of the other marine sectors have been allocated their geographical area. This runs completely counter to the ecosystems based approach required by the MSP Directive and MSFD. There are numerous ecologically sensitive areas which have already been identified, and these should be mapped and made available to planners as a GIS layer, in addition to any further sensitivity mapping which is readily available. These layers could be used to identify important ecological areas, so that environmental concerns could be factored in to any planning decision. Sensitivity mapping of ecosystems and future maritime activities is important in determining the scale of future pressures on the marine environment. In carrying out this exercise, planners should seek to direct activities away from highly sensitive/protected areas by identifying areas of least and highest environmental constraint. Sensitivity mapping could also be carried out to identify areas suitable for habitat and species recovery and enhancement.

While the consultation document makes reference to implementing protection in lieu of a coherent MPA network:

*"Until the ecological coherence of the MPA network is confirmed proposals should demonstrate that they will, in order of preference a) avoid, b) minimise, or c) mitigate adverse impacts on features that may be required to complete the network or d) if it is not possible to mitigate adverse impacts, **proposals should state the case for proceeding.**" [An Taisce emphasis]*

Yet the statement indicates that under the NMPF projects would be allowed which may have 'adverse impacts' on habitats and species which are later deemed critical for our MPA network. The policy does not indicate what grounds would be deemed acceptable for proceeding with adverse impacts, and this requirement to simply "*state the case for proceeding*" leaves the process open to misinterpretation and mismanagement. While any development in a potential MPA that is also designated as a Natura site will have to prove beyond reasonable doubt that the proposal will not harm the integrity of the site, the same strict protection will not apply to those outside that network. As such, there must be strong policy protection in place for these potential MPA sites.

To achieve this, An Taisce would suggest that option D be entirely removed from the NMPF, and that if a proposal will damage the integrity of the site, and the impact cannot be mitigated for, then it should not be allowed to proceed. However, we recognise that allowance should be made for situations where there is overriding public interest, similar to the imperative reasons of overriding public interest (IROPI) clause under the Habitats Directive. As such option D could be reworded to reflect that. The application of this option should only happen once strict tests have been applied to ascertain the necessity of the development, and that no alternatives are available. Further to that, similar to the application of IROPI, the area of potential MPA impacted by the development should be compensated for to ensure the future coherence of the MPA network is not compromised.

Recommendations:

1. Rewording of Option D to only allow adverse development where there is overriding public interest and no alternatives, with compensation applied.
2. In the absence of a coherent MPA network, GIS layers should be made available to planners which identify the location of ecologically sensitive and important habitats and species. This data should be used to preserve key areas from further degradation until adequate MPA legislation is enacted.
3. Expedite the legislation required for the designation of MPAs as a matter of urgency

4. Strategic Environmental Assessment

4.1 Overview of legal requirements

An Taisce would like to highlight several key legal objectives of the Strategic Environmental Assessment Directive that must be considered in the relation to the SEA report prepared for the Draft NMPF. Ireland needs to demonstrate exemplary engagement and compliance with the provisions of the SEA Directive and address the 2001 Guidance²² provided by the Commission: "Implementation of Directive 2001/42 on the Assessment of the Effects of Certain Plans and Programmes on the Environment".

The preamble to the Directive states that it arises from a range of Treaty obligations and other considerations including under (1):

"Article 174 of the Treaty provides that Community policy on the environment is to contribute to, inter alia, the preservation, protection and improvement of the quality of the environment, the protection of human health and the prudent and rational utilization of natural resources and that it is to be based on the precautionary principle. Article 6 of the Treaty provides that environmental protection requirements are to be integrated into the definition of Community policies and activities, in particular with a view to promoting sustainable development."

²² EU Commission (2001) Implementation of Directive 2001/42 on the Assessment of the Effects of Certain Plans and Programmes on the Environment:
http://ec.europa.eu/environment/archives/eia/pdf/030923_sea_guidance.pdf

And under (4) with regard to biodiversity:

"The Convention on Biological Diversity requires Parties to integrate as far as possible and as appropriate the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans and programmes."

Article 5(1) of the Directive requires that:

"Where an environmental assessment is required under Article 3(1), an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated. The information to be given for this purpose is referred to in Annex I."

The provisions of Annex I are significant and detailed:

"The information to be provided under Article 5(1), subject to Article 5(2) and (3), is the following:

- a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;*
- b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;*
- c) the environmental characteristics of areas likely to be significantly affected;*
- d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;*
- e) the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;*
- f) the likely significant effects (1) on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;*
- g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;*
- h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;*

- i) *a description of the measures envisaged concerning monitoring in accordance with Article 10;*
- j) *a non-technical summary of the information provided under the above headings.*

(1) These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects."

There is a clear provision in Article 5(1) for the consideration of "reasonable alternatives". Section 5.14 of the Commission guidance in referring to plans or programmes covering long time frames states: "*The alternatives chosen should be realistic. Part of the reason for studying alternatives is to find ways or reducing or avoiding the significant adverse effects of the plan or programme.*"

Articles 5(2) and 5(3) set out information requirements:

"2. The environmental report prepared pursuant to paragraph 1 shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.

3. Relevant information available on environmental effects of the plans and programmes and obtained at other levels of decision-making or through other Community legislation may be used for providing the information referred to in Annex I."

Section 5 of the 2001 Commission guidance sets out extensive considerations for the "*scope and level of detail in the environmental report*" as defined in Article 5(4) of the Directive. Section 5.26 specifically refers to the explicit provision for consideration of human health, biodiversity and cultural heritage in the Directive, which represented additional considerations to the annexes in the EIA Directive in place at that time.

Article 12(2) of the Directive is a provision on the quality of SEA Environmental Reports. The 2001 Commission Guidance sets out a key concern on the quality of the Environmental report on which the SEA is based that the information should be "*complete and reliable*" and be "*adequate for the purposes of the Directive*".

Article 6 sets out the consultation provisions for the Directive with 6(2) requiring that the public be given "*an early and effective opportunity within the appropriate time frames to express their opinion on the draft plan programme and the accompanying environmental report before the adoption of the plan or programme or its submission to the legislative procedure.*"

Article 8 requires consideration of *"the opinions expressed pursuant to Article 6."* The Commission Guidance also notes that the parallel provisions of Articles 6(8) and 7 of the Aarhus Convention require public participation.

Article 7 relates to transboundary impacts, which are not just relevant to Northern Ireland, but also applicable to Ireland's wider environmental footprint including per capita climate emissions.

Article 10 sets out the provisions for monitoring:

"1. Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.

2. In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring."

The provisions of Article 10 relate not only to monitoring but to the remediation of unforeseen adverse effects. Section 8.12 of the Commission guidance states that: *"Unforeseen adverse effects is better interpreted as referring to shortcomings of the prognostic statements in the environmental report (e.g regarding the predicted intensity of the environmental effect) or unforeseen effects resulting from change of circumstances."* Section 8.13 of the Guidance states that *"One purpose of monitoring is to take appropriate remedial action if monitoring reveals adverse effects on the environment that had not been considered in the environmental assessment."*

Article 11 sets out the provision for relation to other EU legislation:

"1. An environmental assessment carried out under this Directive shall be without prejudice to any requirements under Directive 85/337/EEC and to any other Community law requirements.

2. For plans and programmes for which the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and other Community legislation, Member States may provide for coordinated or joint procedures fulfilling the requirements of the relevant Community legislation in order, inter alia, to avoid duplication of assessment.

3. For plans and programmes co-financed by the European Community, the environmental assessment in accordance with this Directive shall be carried out in conformity with the specific provisions in relevant Community legislation."

4.2 Minimum requirements for Draft NMPF SEA Report

The preliminary requirement of the SEA Environmental Report should be to assess the extent to which the policies set out in the Draft NMPF address the range of sustainability objectives required to tackle the climate and biodiversity loss emergency, meet the SDGs and comply with the achievement of the Good Environmental Status objective as required by the MSFD. This requires quantitative and timetabled targets and policies for mitigation which are then subject to an effective monitoring and implementation regime.

4.3 SEA assessment of overarching policies

An Taisce would highlight the following deficiencies in the SEA's evaluation of various components of the Draft NMPF.

While the SDGs are referenced in the SEA report, the delivery of the SGD-specific objectives and targets, including the designation of Marine Protected Areas, is not addressed. The SEA report gives no critique of the failure of the Draft NMPF to provide for the implementation objectives of the SDGs.

While it is stated that the GES objective of the MSFD is being met, the justification for this conclusion has not been made.

Table 7, "Assessment of Preferred Scenario General Marine Policies," states that the "*suite of general marine policies*" are "*broadly positive for all environmental receptors*." In relation to fishing, it is stated that existing policies are "*generally neutral to positive for environmental receptors*". No overview of fish population conservation is provided. Similarly, no attempt is made to reconcile Ireland's continuing Common Fisheries Policy quota negotiation position, which is in conflict with scientific advice.

In relation to Marine Aggregates and Mining, it is stated that: "*there may be reduced emissions from marine aggregate extraction over comparable terrestrial activities*." Data is required to substantiate this claim.

With regard to Seaweed Harvesting, simply concluding "*No specific policies presented*" does not address the current situation by which licences continue to be granted with inadequate public consultation and environmental assessment regimes.

No analysis is provided on reconciliation of the measures and targets set out in Harnessing Our Ocean Wealth 2012 and how the economic exploitation and extraction objectives it contains are reconcilable with the overarching objectives of the SDGs and MSFD.

It is correctly stated that the Draft NMPF lacks "*a spatial dimension to the plan*" and that this "*at this stage limits the potential for integrated planning. It is particularly challenging to consider cumulative effects where no spatial dimension exists*". This concern can be

addressed if effective overarching policies are set out to govern spatial planning for marine, fish species conservation and other sectors.

It is not sufficient to say as in conclusion of policy assessment of the Draft NMMP in SEA report section 9.5 Summary of Assessment that *"The draft NMPF promotes a broad sustainability agenda."* This is contradicted by the admission that existing sectoral policies are taken as a given namely *"a policy base which is driven by the existing sectoral plans and targets already in place."*

While the lack of *"integration of policies to address competing interests"* is accepted and concern is raised that a situation of *"first come first served may therefore develop,"* the whole point of having an effective Marine Plan accompanied by a robust SEA is to prevent this.

4.3 Mitigation

Table 10-3 of the SEA report sets out revised and additional mitigation measures. It references Appropriate Assessment for all sectors as well as SEA and EIA where appropriate.

The SEA report correctly highlights and proposes amendment of the policies for a number of sectors including Aquaculture, Energy Transmission, Marine Aggregates and Mining, Safety at Sea, Telecommunications where the Draft NMPF contained measures breaching the provisions of the Habitats Directive and EIA Directive in stating that:

"Proposals must (or should) demonstrate that they will in order of preference
a) avoid
b) minimise
c) mitigate adverse effects

if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding."

While all of the revised mitigation measures set out in the SEA Report are welcome and desirable, what is proposed in the Draft NMPF remains inadequate because it does not meet the requirements of the MSFD or the national legislation. It fails to set out overarching mitigation measures. It also references and endorses a range of existing sectoral policies which are incompatible with climate action, reversal of biodiversity loss, and the specific marine objectives and targets in the SDGs.

4.4 Monitoring

Section 10.2 of the SEA Environmental Report sets out the monitoring measures proposed to meet the requirements of Article 10 of the SEA Directive. The SEA report delineates the SEA objectives, monitoring requirements and remedial actions in a tabulated format. Table

10-4 details the proposed environmental monitoring programme, which will be the responsibility of the Department of Housing, Planning and Local Government.

In general, the objectives stated lack specific targets and timetables.

4.4.1. Population and human health

The only monitoring proposed relates to the delivery of Irish water infrastructure and the reporting of seafood quality incidents. The remedial action proposed in addressing polluting urban wastewater discharge is merely "*continuous review by Irish water of the remedial action list*". No target is set.

No objective monitoring and remedial actions are set for the following:

- Marine waste, including from the fishing industry;
- Tourism impacts as well as sport and recreational activities;
- Oil and gas exploration and extraction;
- Mineral exploration and extraction.

4.4.2. Biodiversity, flora and fauna

The measures proposed with regard to biodiversity, flora and fauna are entirely inadequate and will not support the achievement of GES under the MSFD or the designation of Marine Protected Areas as required by the SDGs.

The Habitats Directive requires European Sites to be maintained in favourable conservation status. Yet the SEA report only proposes intervention in Natura sites when a site's condition is found to be deteriorating. Even in these cases, all that is proposed is a "*tailored response... in consultation with stakeholders*".

No objective monitoring or remedial actions are set for the following:

- Monitoring and maintaining fish, marine bird, and marine mammal population health;
- Protecting the seabed from damaging activities, in particular bottom trawling.

4.4.3. Water

The remedial action proposed is that "*where water bodies are failing to meet at least good status this will be investigated with reference to the DHPLG water section, the EPA Catchment Unit, the relevant local authorities*" and "*a tailored response will be developed*". This is also applied to "*water bodies failing to meet good ecological status.*" This is not a meaningful remedial action. All that is proposed is coordinating a response with no target.

The same applies to planning applications in major growth towns with insufficient wastewater capacity. For example, development is continuing to be permitted in the Dublin

area without wastewater capacity problems being resolved. The real issue is that development consents are not being refused.

4.4.4. Air quality

No air quality target is set for shipping pollution in ports and navigation channels. All that is proposed is a “tailored response”.

4.4.5. Climatic factors

Climate action requires reducing existing emissions as much as developing new renewable energy. The issue of existing direct and indirect emissions from shipping is not addressed, and neither is the conflict between emissions reduction and the accommodation of offshore oil and gas explorations. Reference is made only to development consents for offshore renewable energy.

4.4.6. Cultural heritage

Protection of historic marine wrecks is not addressed.

4.4.7. Seascapes and landscapes

The European Landscape Convention requires an effective regime of landscape assessment and protection. Despite that, cumulative impact on seascapes is not part of current Irish planning policy in coastal areas. The mitigation measures in effect propose that a further lack of consideration of marine seascape impact needs to be revealed and demonstrated before unspecified “marine planning guidelines” are proposed in mitigation.

4.5 SEA conclusion

The SEA Objectives, monitoring measures and remedial actions are systemically deficient in scope, particularly in relation to biodiversity, water and the impacts of human activities. Where objectives are proposed, there is lack of quantifiable and timetabled targets that can be externally referenced. Hence, the monitoring actions proposed are inadequate and the remedial actions ineffective. Many of the remedial actions proposed are stated as “tailored responses” which is not an action that can be quantified assessed or measured. Accordingly, the obligation of Articles 5, 9 and 10 of the SEA Directive have not been met.

5. Appropriate Assessment

5.1. Benefits of spatial planning for biodiversity and Natura sites

Spatial planning should be used to regulate and strategically manage a land area, and to identify the mutual benefits that can be achieved for different sectors, and for the environment and to identify the tradeoffs needed.

The NIS references a European Commission document²³ on spatial planning for Natura 2000 sites, which clearly articulates the benefits for biodiversity from a well-conceived spatial plan:

"planning which considers the needs of nature from the early stages of the spatial planning process (i.e. from initiation of a spatial plan) is highly beneficial for different sectors and nature conservation, and at the same time it offers more cost-effective solutions to land-use developments. This way of working can also ensure win-win opportunities for potentially competing sectors, as well as nature, and has great potential for the practical delivery of water, air, flood control, health care and tourism policy (among others)."

and:

"The preparation of spatial plans and projects for specific sectoral developments needs to be based on ecological principles and knowledge. These plans should therefore ideally be developed by interdisciplinary teams of experts;"

This was similarly echoed by the Department of Culture, Heritage and the Gaeltacht (DCHG) in their submission on the baseline report, which outlined:

"The NMPF should include explicit ecological objectives and recognise the need for maintenance and restoration of biodiversity – this should be a strategic aim"

and:

"Biodiversity and ecological considerations should be integrated in aims, objectives and policies in a positive, proactive and precautionary way."

However, it would appear from the first chapter of the Draft NMPF that it was an interdepartmental team who drafted the plan, with a focus on effective governance and implementation, as opposed to an interdisciplinary team of experts who would be fully cognisant of the ecological principles which best practice would indicate should be the basis for the plan.

Further to that, the Draft NMPF document does not define any new overarching policies, nor does it provide an overarching spatial plan with broad objectives or targets on a national spatial scale. Many of the relevant sectoral plans will compete with each other, and will have cumulative impacts. This draft NMPF does not address the necessary tradeoffs between the different sectors that will be required to protect our Natura sites, the majority of which are failing to achieve the Habitats Directives targets.

²³https://ec.europa.eu/environment/nature/knowledge/pdf/Natura_2000_and_spatial_planning_final_for_publication.pdf

5.2. Biodiversity Objectives

There are five biodiversity objectives outlined in the draft NMPF. We would note that all of the biodiversity policies would require ecological expertise to assess how particular projects or proposals are supporting, protecting and restoring biodiversity or ecosystem function. For example, Biodiversity 3 outlines that:

"Proposals that protect, maintain, restore and enhance coastal habitats where important in their own right and/or for ecosystem functioning and provision of ecosystem services will be supported. Proposals must take account of the space required for coastal habitats where important in their own right and/or for ecosystem functioning and provision of ecosystem services."

An Taisce would query who within the planning system will provide the ecological expertise to assess this?

While Table 6.2 in the NIS in its assessment of the impact of these objectives concludes that:

"these policies seek to protect, maintain and enhance biodiversity which will have direct positive impacts on European sites ...and indirect positive impacts for supporting features such as breeding/nesting habitats, prey items, spawning grounds etc. Ecosystem services approach is noted."

However, we submit that without significant ecological expertise and input to assess any development against the overarching policy objectives for biodiversity these objectives are meaningless, and should be considered as providing only limited biodiversity benefits. In essence, the policies will provide unsubstantiated confidence that biodiversity concerns are being integrated into the marine planning system.

As the DCHG outlined in their consultation submission *"Biodiversity and ecological considerations should be integrated in aims, objectives and policies in a positive, proactive and precautionary way."* The five overarching biodiversity objectives listed in the draft NMPF could not be described as being proactive, or precautionary. They are reactionary, requiring that any development consent be supportive of the biodiversity objectives. What's more, the DCHG outlined that: *"The NMPF should set out a framework to ensure an environmental assessment of associated plans/ projects happens early."* What we are presented with is five overarching biodiversity objectives, which will be applied in a piecemeal fashion, if and when development proposals arise. What is needed is a far more strategic approach, to provide the necessary framework within which well informed decision-making can happen.

The NIS document itself highlights the paucity of data: *"Ireland has yet to conclude an assessment of bird data from offshore waters to determine if SPAs are required there."* It would be far more proactive to include policies requiring that development can only proceed with robust biodiversity information. If there is a lack of information, such as that for bird

data in offshore waters, then development in those areas should be precluded. In addition, information such as bird sensitivity mapping, as outlined in Section 3.7 above, should be utilised for any offshore renewable energy development. Ireland is clearly failing to fulfil its Habitats Directive objectives, as highlighted in the most recent Article 17 report, and to address that we need a new approach, with a more holistic, proactive and truly integrated view of Ireland's biodiversity.

5.3. Impact of sector specific policy areas

Further mitigation measures were recommended for the majority of the sectors in the NIS, namely: aquaculture; defence; transmission policy; petroleum; ORE; fisheries, marine aggregates, ports, harbours and shipping; sport and recreation; telecommunications; tourism; and waste water treatment and disposal. Despite this, only three sectors are singled out for specific mitigation measures in Chapter 7 (ORE, aquaculture and tourism, sport and recreation). It is unclear why this is the case, given the clear indication that there is a potential risk for nine other sectors. The language used in most of the sectoral assessments is: *"Notwithstanding these protection policies, further mitigation would be required to ensure significant adverse effects as a result of the [specific sector] Policies on the integrity of European site(s) can be avoided."*

An Taisce submits that potential impacts for specific sectors have been highlighted, but the sector specific mitigation measures are absent for the majority of the sectors identified as being a potential risk. As such the conclusion *"Having regard to the reasons outlined above and subject to the inclusion of the mitigation measures presented in Section 7 in the final NMPF, it could be concluded that the draft NMPF would not adversely affect the integrity of a European site (whether individually or in combination with other plans or projects)."* is invalidated by the lack of specific mitigation measures. The general mitigation measures are insufficient to mitigate for the risks outlined. Even the sector specific mitigation measures which are not targeted or specific enough to provide substantive mitigation for the 'significant adverse effects' of the particular sector. For example, for aquaculture the mitigation measure is:

"Site selection which considers avoidance of adverse effects on European sites should be undertaken to inform designation of areas for aquaculture. Cumulative impact assessment of multiple aquaculture licenses must be taken into account."

Firstly, the avoidance of adverse effects on a European site should not simply be considered, it is a legal obligation. Secondly, cumulative impact is already a requirement under the Habitats Directive, under the in-combination assessment. This mitigation measure is essentially calling for the measures that are currently already implemented in the aquaculture licensing process, and as such it is proposing business as usual with no mitigation for the potential adverse impact identified in the NIS.

As such, we submit that without the inclusion of specific, clear and targeted sectoral mitigation measures in the final NMPF, the plan will not be in compliance with Article 6(3) the Habitats Directive, and could be subject to a legal challenge on those grounds.

5.4. Impact of in-combination plans

The NIS identifies potential in-combination effects between several sectoral policies and the NMPF, such as Foodwise 2025 and HOOW, but these do not appear to be addressed within the mitigation measures.

In regard to HOOW, the AA screening document outlines that: *“where HOOW provides the strategic national policy context for Ireland’s maritime area, the NMPF will be the spatial articulation of that overarching policy vision.”* We would highlight that HOOW was adopted without AA, SEA or integration with the MSFD, and is based on an exploitative rather than ecosystems-based vision. The document has a narrow focus on GDP and economic growth. It adopts the objective of creating a ‘thriving maritime economy’ and supports ‘sustainable economic growth’, which does not address ecological boundaries. HOOW is not compatible with achieving GES under the MSFD, or Goal 14 of the Sustainable Development Goals, and as such is no longer a valid or appropriate policy position.

In addition to HOOW itself lacking the necessary environmental assessment and focus, the assessment exercise in the NIS found further potential negative in-combination impacts with HOOW and the NMPF:

“This increased productivity and activity proposed in Harnessing our Ocean Wealth is likely to have implications for coastal areas e.g. impacts to coastal and marine European Sites as a result of a greater intensity of development and activity. The NMPF includes a number of marine policies which also see greater productivity in the maritime space and as such there is potential for in-combination effects.”

It would appear that one of the general mitigation measures proposed in Chapter 7 of the NIS aims to address these in-combination impacts between the NMPF and other sectoral policies, requiring that mitigation measures from sectoral AAs are implemented to protect the Natura network. It is our considered opinion that this will not mitigate the in-combination impacts of HOOW and NMPF, given that an AA was never carried out for HOOW, and as such no mitigation was put in place.

Further, an overarching spatial plan such as the NMPF must assess the synergistic impacts and take a holistic view of the whole landscape, not just adopt a sector specific focus, as would be the case in the individual sectoral policy documents. The synergistic impacts on Natura sites may be far greater than those identified for individual sectoral policy AAs, and as such the general mitigation measures proposed in Chapter 7 of the NIS will not mitigate the in-combination risk identified earlier in the NIS. As such, the in-combination risks outlined in the NIS cannot be considered to have been mitigated for, and if this is not

remedied in the final NMPF the plan will be in contravention of Article 6(3) of the Habitats Directive.

In summary, we submit that the NIS has highlighted several instances where adverse impacts on Natura sites are likely, and have failed to provide sufficient, or indeed in some cases any, mitigation measures. If the NMPF is finalised without including additional and sufficient mitigation measures, it will be in breach of the Habitats Directive and open to legal challenge.

Recommendations:

5. Provide substantive and effective mitigation measures to offset the risks that were outlined in the NIS for the sectoral and in-combination pressures.
6. Draft a policy position requiring use of the best data and tools, like bird sensitivity mapping, in order to avoid adverse impacts to Natura sites.
7. Preclude development in offshore areas lacking data, as identified in the NIS for off-shore bird data
8. Requirement for ecological expertise for the relevant authorities to critique the environmental assessments (NIS, EIA etc) submitted against the policy objectives.

6. Implementation Arrangements

Section 21 of the Draft NMPF correctly states that the success of the final plan “*will be dependent upon its effective implementation.*” The plan has a legislative basis under the 2018 amended Planning Act. It is correctly stated that: “*Learning from experience with the National Planning Framework, legislative support, backed up by wider political and institutional commitments, is central to ensuring that the NMPF will influence public policy across government.*” However regrettably, the lesson to learn from the National Planning Framework is to avoid planning for failure. The National Planning Framework is supporting unsustainable road investment projects, one-off housing sprawl, the expansion of fossil gas use, and beef and dairy intensification (which conflicts with climate action, ammonia air pollution reduction, and meeting water quality targets). The SEA and Appropriate Assessment process for the National Planning Framework was systemically flawed with results that are now obvious.

The NMPF risks going down a similar path. The Draft has not achieved key quantitative objectives, particularly with regard to climate action, reversal of biodiversity loss, water and air quality improvement, and sustainable travel. If an effective NMPF is to be achieved and implemented it must contain measurable timetabled and quantifiable sustainability targets and ensure that the plans and policies for all sectors are revised and updated accordingly, particularly those such as Harnessing Our Ocean Wealth, which are based on an exploitative and extractive view of the marine area.

There will be major sectoral issues to address including: ensuring that aquaculture and fishing is reconciled with the overarching MSFD Good Environmental Status obligation, accommodating marine renewable energy in a manner that does not conflict with habitat

and species protection, and addressing the incompatibility between climate action and continued hydrocarbon exploration in Irish territorial waters.

Surprisingly, the Draft NMPF does not address the integral role of the SEA and Appropriate Assessment process in informing both the content and implementation of the plan, in particular Article 10a of the SEA Directive on monitoring and intervention if unanticipated adverse impacts arise. The NPPD Stakeholder Advisory Group established for the consultation process for the formulation of the plan, should be maintained to have an ongoing role in its monitoring and implementation.

Appendix A
Submission to the Review of Irish Energy Security and Sustainability
by Dublin City University energy researchers



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Contact email: [REDACTED]

13th January 2020

Mr. Richard Bruton TD,
Minister for Communications, Climate Action and Environment
29-31 Adelaide Road
Dublin D02 X285

Re: Forthcoming Review of Irish Energy Security and Sustainability

Dear Minister Bruton,

As researchers active in developing effective pathways for rapid energy system decarbonisation, aligned with the temperature and equity goals of the Paris Climate Agreement, we take this opportunity to write to you in connection with the major review into the security and sustainability of Ireland's energy (primarily electricity) supply which you announced in November 2019¹.

There is no doubt that Ireland faces significant challenges to both security and sustainability of energy supply in the decades immediately ahead. The critical dependence on natural gas for both electricity generation and heating in residential and large scale/industrial applications is already especially concerning, given the lack of significant domestic methane storage facilities, likely depletion of supply from the Corrib field within the next ten years, and new uncertainties associated with the exit of the UK from the European Union. In any case, natural gas is, of course, a fossil fuel and the current practice of unabated natural gas combustion is fundamentally unsustainable due to the direct ongoing (and accumulating) territorial release of CO₂ to atmosphere, and the upstream releases of both CO₂ and CH₄ arising in extraction, processing and transport.² Accordingly, we strongly welcome this important and timely review process.

The effectiveness of the review will, of course, depend critically on the terms of reference and methodology adopted. In that regard, we would like to advocate for incorporation of the following specific points:

1. We note, in the announcement of the review, the characterisation of natural gas as “the lowest CO₂ emitting fossil fuel”. We would emphasise that this is, at best, a highly simplified perspective. It is correct only at the point of combustion, and only for CO₂, and even then tacitly assumes the highest efficiency conversion plant (CCGT in the case of electricity generation); that is, it neglects the risk of migration toward lower efficiency (higher GHG intensity) plant (OCGT), and the significant role of upstream emissions of both CO₂ and CH₄. We suggest that it is essential that

¹ *Minister Bruton Initiates Major Review into Ireland's Energy Supply*. Media Release, DCCAE, 15 Nov 2019. <https://tinyurl.com/wt3molb>

² McMullin et al, 2018. *Is Natural Gas “Essential for Ireland's Future Energy Security”?* Independent academic review commissioned on behalf of Stop Climate Ireland. <https://tinyurl.com/sjutvfm>

the latter issues be properly and adequately addressed in the course of the review. This is particularly crucial for any assessment of the sustainability and security of unconventional (“fracked”) natural gas (potential for significantly *increased* upstream CH₄ release) *or* the use of CCS with natural gas (having zero mitigation potential for upstream emissions, by definition).

2. We welcome the recognition that there are already identified technical alternatives to fossil fuels for firm electricity generating capacity. In particular, chemical electrofuels (H₂, NH₃) clearly offer technical routes toward very large scale (TWh+) energy storage which, in tandem with other measures (migration away from current liquid fossil fuels in transport and heat to the use of zero-carbon energy carriers, specifically electricity and hydrogen) *could* allow a significant majority of Irish energy needs (not just electricity) to be met from indigenous very low-GHG sources. This would consist primarily of wind, onshore and offshore, but also with some significant solar PV. This presents the possibility of a “triple-win” on energy security, sustainability and economic development, by allowing Ireland to achieve global leadership in the commercialisation and large-scale deployment of these technologies. Of course, this can plausibly happen only with strong political vision leading to decisive and sustained state intervention, at scale, to support it; but given the synergy with wider EU objectives, it is reasonable to expect that significant EU-level supports could also be effectively leveraged for this strategy.
3. We recommend that the key governing sustainability parameters of the review should be expressed, not in terms of a particular “renewable penetration” in one energy sector (such as electricity generation), but in terms of *rapid absolute GHG emissions reduction across the energy system as a whole*. This is critically important because it is absolute emissions (or more precisely, cumulative GHG forcing) that determines whether or not climate disruption will be effectively constrained within prudent and equitable limits. That is, the *sustainability*, in climate terms, of any given energy supply scenario, can *only* be properly determined by reference to absolute GHG emissions. While renewable energy penetration metrics do bear some relationship to absolute emissions, this relationship is a tenuous and potentially misleading one. This is both because penetration obscures the potential effects of underlying growth in energy consumption, and because the definitions of “renewable” in current use are a poor proxy for GHG profile (some “non-renewable” supply options *may* have relatively low GHG intensity, and, conversely, some “renewable” options may have relatively high GHG intensity).
4. **Current collective GHG emission reduction ambition is known to fall far short of the scale and urgency required to align with the Paris temperature goals.**³ This remains the case *even* under the anticipated marginal increase of ambition at EU level to target so-called “nett zero” emissions by 2050. Independent assessments suggest that prudent, equitable, ambition, consistent with the Paris goals, will require the EU as a whole to reach nett zero *well before* 2050. In the case of the relatively wealthy EU member states with high per capita emissions – such as Ireland – nett zero would likely have to be achieved c. 2035; and even then would rely on achieving significantly nett *negative* emissions over an indefinitely extended period thereafter. Nett negative emissions currently have only very poorly characterised technical feasibility and cost⁴. *This ongoing disconnect between mitigation ambition and what is prudentially, equitably, physically, required is central to the unfolding climate crisis.*

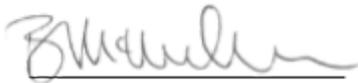
³ See for example, the Climate Interactive assessment: <https://tinyurl.com/gw9xa6e>

⁴ McGeever et al 2019, *Assessing the terrestrial capacity for Negative Emission Technologies in Ireland*. <https://tinyurl.com/tu8dslid>

5. Accordingly, a meaningful review of future energy supply security and sustainability must not be limited to considering only *existing, inadequate*, emissions reduction targets. As a minimum, it should consider multiple mitigation scenarios, specifically including scenarios that are actually consistent with a fair, prudent and equitable national contribution to the scale of mitigation now required physically to limit global temperature increase within the Paris agreement goals⁵.
6. Conversely, in assessing *risks* to energy security, the review should be required to present and assess worst case scenarios for climate impacts (including cascading effects such as climate-induced conflict) with possible disruption of existing international supply chains, including potential for early, severe and prolonged disruption of supply of fossil fuels.
7. Given the cumulative nature of CO₂ climate effects, and the unavoidable time lags in replacing large scale energy supply infrastructure, *early* action to limit emissions *in advance of supply decarbonisation*, must now be considered as a key element of energy system sustainability. That is, while the review is focussed on security and sustainability of energy *supply* this cannot be assessed in isolation from consideration of energy *demand*. Again, as a minimum, the review should consider the implications of *multiple* energy demand scenarios, specifically including scenarios of significant near-term demand *constraint*.⁶
8. Given the pervasive importance of energy security and sustainability to wider societal functioning, resilience and well-being, we strongly urge that the review actively incorporate large scale and substantive public engagement, offering all citizens (but especially those from younger demographics), meaningful opportunities to be informed of the parameters and considerations underlying the review, *and to influence its outcomes*. Such engagement is likely to be an essential prerequisite for wide public acceptance of the need for decisive, prioritised, action.⁷

We would appreciate a response acknowledging these inputs to the review. We would welcome an opportunity to meet with you and relevant staff in your Department to elaborate any of the points made, and address any queries that may arise in advance of the review proper commencing; but more importantly, we would specifically request an opportunity to formally engage with the review team when it is appointed. Please advise as soon as possible if this can be facilitated.

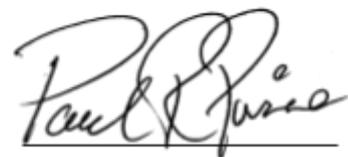
Yours sincerely,



Prof. Barry McMullin



Dr. James Carton



Paul Price

⁵ McMullin et al, 2019. *Assessing Negative Carbon Dioxide Emissions from the Perspective of a National 'Fair Share' of the Remaining Global Carbon Budget*. <https://tinyurl.com/y6tkw383>

⁶ McMullin, 2017. *TEQs: Empowering Citizens for Radical Climate Action*. A submission to the Citizens' Assembly. <https://tinyurl.com/y5oaq8uz>

⁷ *A Citizens' Convention for a PostCarbon Ireland*. An open letter addressed to all parties and candidates in General Election 2016. <https://tinyurl.com/suvw7rj>

Consultation response from SW RIFF on the DRAFT National Marine Planning Framework

16 April 2020

Introduction

SW RIFF was formed under the TOR of the Inshore Forums <http://inshoreforums.ie/> . The SW RIFF previously made a submission on the National Marine Planning Framework Baseline Report and welcomes the opportunity to make a submission on the Draft National Marine Planning Framework.

From the perspective of the SW RIFF it is critical that both the dependence of inshore fishers and their communities on the marine resource as well as their contribution socially and economically to the country is recognised. While inshore fishers are dependent on the valuable stocks and habitat inside the 6nm limit their activities can range outside of this for some parts of year depending on the stock and season. These issues will be addressed section by section.

Marine Planning in the broader context

While we welcome the intention to introduce a fair transparent system with public engagement, environmental assessment, climate action, economic and social benefit being observed, there are however two initial comments that are very important. The disparity in resources should not adversely affect the ability of a sector to be represented. The SW RIFF operates with many who are not as digitally literate as those in more high-tech sectors. While initiatives are being explored to address this, frameworks that are not simple, fair and transparent will jeopardise the ability of the inshore sector to represent itself properly. The availability of resources to address the demands of constant consultation by very well-resourced promoters needs to be considered in the design and implementation of an appropriate planning framework.

Inshore fishing in contributing to the economic, social and cultural identity of coastal communities is pivotal to Irelands maritime identity. In developing new marine opportunities, the extant activities of inshore fishing and their role should be acknowledged clearly in each decision-making point for consent for new activities.

Over Arching Marine Planning Policies.

Serious drivers such as e.g. climate change, invasive species, may exert an impact or pressure on inshore fishing which together with proposed new developments may cause unforeseen displacement or limit access thus having a detrimental effect. Therefore, planning should consider the cumulative effects of a new proposed development an existing activity.

In terms of access to fishing grounds the introduction of Protected areas, Conservation Areas and Marine Protected Areas has constricted the areas available for fishing. Future designation needs to be clear on the deliverable conservation impact and how best is can be arrived at without further

eroding the economic and social benefit to dependent communities. This is important in terms of climate justice and greater understanding /engagement with a marine planning framework.

Water quality is critical to our livelihoods in marine dependent coastal communities where the effects of changes in water quality impact our bivalve fisheries. Areas designated as Shellfish Waters need to be protected and improved. Also at a community level the impact on shellfish growing businesses and tourism is vital in terms of the economic and social threads that make life viable.

Given that the planning process for Water treatment Plants has the capacity to have significant effects on the livelihood of bivalve producers the main agencies tasked with developing, managing, enforcing and protecting the shellfish industry should be included as statutory consultees on any Wastewater Treatment applications that could impact on Designated Shellfish Waters.

The issue of **Marine Litter** impacts weighs heavily on the inshore and major cultural shifts have taken place in terms of dealing with the waste burden appropriately. As we all target improvement in relation to marine litter it is important that harbour/ port landing facilities also grow with the level of new marine development that are successful through the National Marine Planning Framework.

Climate change will impact fishers both at sea and on land through effects on infrastructure and potential coastal squeeze. Fewer days at sea due to increased storm frequency and increased risk to gear will affect fishers economically. Being impacted both from the perspective of making a living and also from the social / community perspective of loss of land/homes will negatively affect them. Their ability engage in exercises to arrive at solutions that enable co-existence will be overwhelmed if the National Marine Planning framework and promoters of new developments fail to appreciate potential cumulative impacts on fishers and their communities.

Economic Thriving Maritime Economy

Co-existence is a way of life for inshore fishers. For decades fishers have interacted with tourism and leisure activities not to mention aquaculture and other extractive marine activities. Seafaring skills and knowledge are shared and complement the other activities. While co-existence is well established it is understood that it is based on mutual respect.

The requisites respect and skills for co-existence at sea are the same for co -existence in using the public marine **Infrastructure**. The scope of existing infrastructure to cope with additional new developments should be assessed when new consents are being evaluated. From the perspective of our island communities the maintenance and improvement of safe havens and landing access in harbours for vessels is critical to their lives on the islands.

Social – Engagement with the Sea

The fact that inshore fishers are embedded in marine communities makes the marine identity and links to culture and heritage a living thing. “We are not talking about it -we are living it.” Having a high functioning respectful National Marine Planning Framework is important for allowing that sense of maritime identity and culture to flourish and bolster the resilience of coastal communities. The diversity of skills and mindset is something that should be valued in terms of resilience within

communities and society at large. This needs to be reflected in the National Marine Planning Framework.

Inshore fishers understand the right to **access** at a very essential level and appreciate the need to maintain access. However, the concept of having access to state foreshore and seabed resources needs to be a fundamental concept that underpins any granting of consent for new developments.

Employment

The existing employment provided by inshore fishing and the ancillary activity should be assessed in relation to the primary and secondary benefits it bestows on a community. Some Inshore fishing households are not solely reliant on inshore fishing the necessity to have complementary employment opportunities, is seen as welcome and essential to the success of **rural coastal and Island communities**. This does not mean that employment opportunities can be weighted solely on their earning opportunities. The extant employment must to be considered not only in terms of direct economic benefit to the coastal community but its contribution to the skills and infrastructure required to maintain **food security** from indigenous primary food production. Maintaining this diversity of skills has become more important in recent times when self-reliance will be required as part of a resilient society. Employment and financial aid for the small scale fishing is important to keep it alive on the coast and its islands so new generations can continue doing it.

Heritage according to the Heritage Council comprises three parts: the tangible such as piers slips harbours, boats; the natural such as bays harbours reefs and the intangible - the music, folklore, skills crafts and knowledge. If this is the definition of heritage it would be hard to find a more fitting culmination of the three, than a fishing community that is still living. If heritage has a value, the value of fishers needs be recognised at every appropriate policy point in the National Marine Planning framework.

Social Benefits

It is encouraging to see detailed attention given to this area. To understand what the social benefits that accrue to a community are, the scale at which this evaluation is made is very important. To enhance or promote social benefits you must know what is of value to a community. A new development could be socially beneficial on many levels (more wealth, more facilities etc) but not if it causes displacement, the loss of livelihood, the loss of way of life or loss cultural identity at a community level. Therefore, new developments which prioritise the fishing community as part of future picture are really important so as not to destroy culturally complex coastal communities

Aquaculture plays an important role in some marine dependent coastal communities and can be complementary to other marine activities including inshore fishing. While most established aquaculture activities have managed to minimise the impact on inshore fishing the pressure on suitable inshore ground is notable in bays and harbours around the coast. The available sites are limited due various pressures e.g. site suitability for species, water quality, Natura 2000 designations or visual impacts. However the value of extant employment through inshore fishing must be taken into account when granting new consent for new development. The scale of operation should also be considered carefully to maximise the co-existence potential.

Fisheries

“Sustaining primary food producers of indigenous resources contributing to food security at a national and largely European level” needs to be included as an objective and reflected in the Fisheries Policy also.

The order of the Fisheries Policies 1-6 is not easy to follow however some comments are:

Fisheries Policy 5 creates confusion and seems to counteract or neutralise Fisheries Policy no 1? It is not clear under what circumstances Fisheries Policy 5 would be invoked? What is the purpose of Fisheries Policy 1 and should policy 5 run straight on from it? “Fisheries Management and Mitigation strategy would be prepared by the proposer as part of a discharge of conditions of permissions granted” however does this effectively mean that the fishers are then the subject of an exercise which holds no guarantee of protecting their livelihood? Does this only apply in the case of over-riding public benefits? What are the criteria for public benefit for proceeding with the proposal outweighing the significant adverse impacts in existing activities and how must they be demonstrated?

Fisheries Policy 6 New regulations will mean that ports and harbours will need to consider future proofing the infrastructure to enable compliance that will extend to potential new developments without jeopardising the facilities available to fishing vessels.

In terms of the **background and context for the seafood sector** in Section 12.1-12.9; it is important to acknowledge the food security aspect of fishing both nationally and on a European level. While our food supply has become increasingly globalised our attention has recently become acutely refocused on the resilience that primary food producers lend to our food security.

Inshore Fisheries specifically paragraph 12.10 while inshore vessels are highly dependent on the area inside 6 nm this varies seasonally depending on the fishing opportunities. Though mapping fishing opportunities is very important, they must be used/read in the context of stock, fleet, weather and market drivers.

12.13 “The Regional Inshore Fisheries Forums include fishers, environmental interests and other marine stakeholders” is a more accurate reflection

12.14 This covers what the intention is: “Key issues to be addressed through the Strategy include sustainable management and planning, profitability and increasing capacity, all with a view to maximising the potential and resilience of the inshore sector to support Irelands coastal communities.

12.21 Interaction with other activities

The issue that is not acknowledged here is the huge capacity that inshore fleet has demonstrated for co-existence with various activities over decades.

12.22 Displacement of fishing activity by new developments has the potential to impact negatively on optimum conditions for sustaining healthy fish stocks.

3.3 Safety at Sea (15.0)

Safety at sea Policy 1

Where “fishing corridors” are proposed as part of a new development the conditions for fishing should be clearly specified so that any adverse Impact can be assessed in consideration of consent. The distinction should be clearly made between “fishing corridors” if there is such a thing and “Vessel transit corridors” which are widely recognised.

From: John Francis O'Farrell [REDACTED]

Sent: 28 April 2020 00:31

To: MSP - Marine Spatial Planning <msp@housing.gov.ie>

Subject: Marine Planning Public Consultation

Hi,

Thanks for the opportunity to make a submission to the Draft National Marine Planning Framework. My comments are very brief. I wish to make a few introductory remarks. I am an organic farmer in county Tipperary, quite a distance from the coast. Having said that, I'm sure most of the plastic bottles along the roadside will get washed all the way to the sea, via the river Shannon. Recently in Tipperary we have had some visitors from far away across the globe, firstly the CoronaVirus all the way from China. Then in mid April the visitors were far more pleasant, the Willow warbler, the chiff-chaff, the cuckoo and finally the swallow, all from Southern Africa.

The point I wish to make and I hope that it gets due consideration in relation to 'Ecological Priorities' is that the global ecosystem functions through the dynamic linkages between a vast number of species across tiny to vast spatial zones. Considering 'Ecological Priorities' as part of the Marine Planning Framework should involve cross Departmental initiatives to seriously implement actions to enhance biodiversity through better care of the key natural resources of Soil, Water, Air and Biodiversity. Local Area Plans and Catchment Management Collaborations could learn a lot from the BRIDE Project in Cork (Biodiversity Regeneration in a Dairy Environment). The 44 farmers signed up to this EIP Project get paid based on Results Based Actions for Nature which will have a very positive outcome for freshwater and marine habitats (including global benefits). This is a major good news story in a time when the intensity of dairy farming has the potential to create dead zones in certain coastal areas.

I recommend that there should be greater engagement with the Department of Agriculture, Food and the Marine to develop key actions in land management that will benefit the marine environment. I propose the following actions to make agriculture more sustainable:

- (1) Build soil organic matter through recycling bio waste from the food sector, growing green manures, crop rotation, - (all enhance soil infiltration)
- (2) Reduce chemical fertilisers which negatively impact soil biology and above ground biodiversity (and seriously impact the air we breath - also linked to how we can be resilient to the coronavirus).
- (3) Replicate the BRIDE project across a multitude of catchments around the country.
- (4) Reopen the Organic farming Scheme to new entrants, for better soil management and increased biodiversity.
- (5) Incentivize farmers to plant native trees and to also create buffer strips alongside watercourses.
- (6) Make rainwater harvesting obligatory.

Seeing the big picture, I look forward to welcoming other migrating birds such as the Redwing and Fieldfare from Scandinavia in October to feed on the bounty in properly managed hedgerows in Tipperary.

Keep well,

Best wishes,

Sean O' Farrell.

Draft NMPL Submissions
Marine Planning Section
Department of Housing, Planning & Local Government
Newton Road
Wexford
Y35 AP90
Email: msp@housing.gov.ie

JNCC Reference: 7265
Date: 30 April 2020

Republic of Ireland Draft National Marine Planning Framework

To whom it may concern,

JNCC has responsibility for nature conservation in the UK offshore marine environment, which begins at the edge of UK territorial waters and extends to the UK Continental Shelf (UKCS). We play a key role in supporting the UK government and devolved administrations' sustainable use of the offshore environment, by advising them and industry on the impacts of offshore activities and through identifying, monitoring and advising on protected areas.

Considering these responsibilities, we have reviewed the Republic of Ireland's draft National Marine Planning Framework (NMPF) and provide the following comments. We have focussed our review on the appropriate assessment and considered the plan in the context of potential impacts to UK Marine Protected Areas (MPAs).

We commend those concerned on the quality of plan produced. We found the plan document easy to read with good use of layouts and terminology that should be understandable by a broad range of audiences including non-specialists. We liked the use of sub-section headings resulting in a consistent layout between sections. In particular, the Background and Context sections were well written, providing an appropriate level of context for the corresponding policies. We also appreciate the emphasis placed on the environment, through the number of policies relating to this and the fact they are discussed first in the plan.

We acknowledged that the draft NMPF is a high-level framework document and as such prediction of effects to individual European sites is not practical as the framework lacks the necessary spatial detail to give context to the extent or significance of any potential effects. We agree that the transboundary issues of environmental impact assessments, including Habitats Regulations Assessment (HRA), are best considered in more detail at lower

management tiers. However, it may be worth highlighting in the plan that the 50km buffer placed around the plan area when screening protected sites for HRA would not necessarily be an appropriate buffer for subsequent assessments. Buffers should be considered on a case-by-case and receptor-specific basis, taking account of the most up-to-date scientific knowledge for the receptors concerned.

One of the mitigation measures recommended in the Appropriate Assessment is: *“A clear protocol is required to facilitate transboundary consultation on matters related to European sites and associated QI and SCI to ensure that indirect impacts on sites and species outside of the NMPF jurisdiction are robustly addressed”*. We would like to reinforce this recommendation as there are several UK offshore MPAs in the Irish Sea. It should be clear in the plan that potential impacts to these sites should also be considered by the lower tiers of planning management.

Please contact me with any questions regarding the above comments.

Yours sincerely,

Dr Sarah Canning

Marine Management Team

Email: OIA@jncc.gov.uk

From: Ray Cunningham [REDACTED]
Sent: 28 April 2020 14:11
To: MSP - Marine Spatial Planning <msp@housing.gov.ie>
Subject: National Marine Planning Framework

A chara,

A key issue for the planning framework has to be the protection of our marine environment.

To that end, a large proportion of Irish waters need to be designated as "no fishing zones". No Irish trawlers, no European trawlers, no international trawlers. No commercial fishing whatsoever.

Although this would mean a short-term reduction in fishing income, over the longer term it will ensure the continuance of the fishing industry. Fish stocks need to recover. They will recover in no fishing zones, and expand outwards.

The alternative is fishing our waters to extinction.

Is mise le meas,

Ray Cunningham



The Irish Wildlife Trust,
Sigmund Business Centre,
93A Lagan Road,
Dublin Industrial Estate,
Glasnevin, D11 EP9P

28/04/2020

Re: Public consultation on the draft National Marine Planning Framework

General points

The draft National Marine Planning Framework (NMPF) is Ireland's first marine spatial plan (MSP). The creation of a maritime spatial plan which contributes to the effective management of marine activities and the sustainable use of marine and coastal resources, by creating a framework for consistent, transparent, sustainable and evidence-based decision-making, is a requirement under the EU's maritime spatial planning Directive (DIRECTIVE 2014/89/EU). Preamble 15 of the MSP Directive states that '*MSP has to contribute to achieving the objectives of, inter alia, the Marine Strategy Framework Directive (MSFD), the Habitats and Birds Directives, the Water Framework Directive as well as the Common Fisheries Policy (CFP).*'

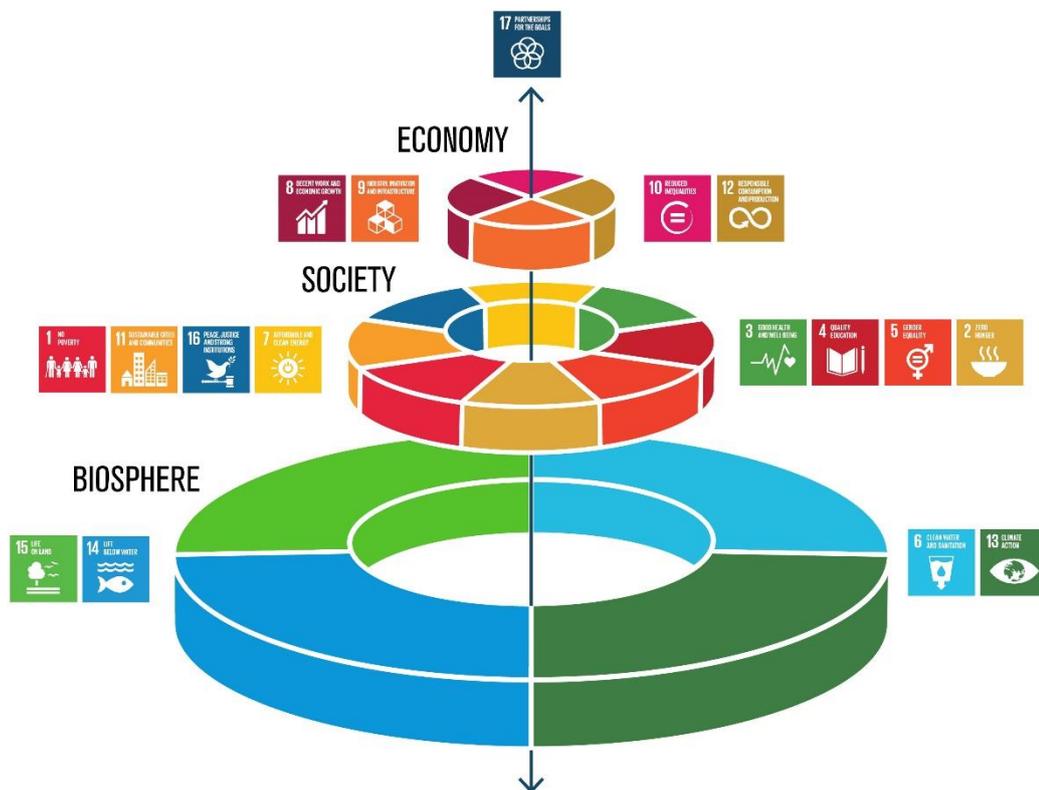
This means that the MSP must apply an ecosystem-based approach, the precautionary principle and all decisions must be in line with achieving Good Environmental Status (GES) under the MSFD and Favourable Conservation Status under the Habitats Directive as well as achieving the objectives of the CFP.

According to the previous MSP Baseline Report, the National Marine Planning Framework will be the spatial articulation of the overarching policy vision of the 'Harnessing Our Ocean Wealth' (HOOW) plan. In the HOOW plan, the overarching environmental, social and economic goals are all of equal importance. We do not agree with this vision. The obligations of the NMPF to contribute towards the objectives of EU environmental legislation should be cause enough to acknowledge the primacy of the first overarching objective on 'environment – ocean health'.

Furthermore, the MSFD is the environmental pillar of the MSP Directive and, as such, also of the NMPF. One of the main tools to achieve GES is to establish a network of MPAs under the MSFD. The primary legislation for the designation of these sites in Ireland is not yet written, while the target to double the value of Our Ocean Wealth to 2.4% of GDP by 2030 is constantly being pursued. If the NMPF was to truly apply the precautionary approach, pursue the achievement of GES by establishing a network of MPAs and achieve the objectives of the Habitats Directive and of the CFP, any pursuits of blue economic growth should be halted until a network of MPAs has been established and the afore mentioned objectives have been reached. As the NMPF rightly recognises, the health of Ireland's marine and coastal habitats are currently in decline. This is due to several factors including impacts of the fisheries and aquaculture sectors, agriculture and sewage pollution, spread of invasive

alien species and climate change. Until the underlying reasons for the decline in ocean health are addressed and marine ecosystems are recovered and/or restored to former conditions, any growth of the sectors causative to the decline will be in opposition to the objectives under ‘environment – ocean health’ set out in this plan.

Healthy marine ecosystems are of fundamental importance to all other maritime activities. The first overarching objective ‘environment – ocean health’ is the main tool to achieve good environmental status under the Marine Strategy Framework Directive, favourable conservation status under the Habitats Directive and the conservation of marine biological resources under the Common Fisheries Policy. It should therefore be prioritised over the social and economic objectives in order to truly contribute to achieving these objectives. **Therefore it is essential that the final NMPF explicitly sets out the primacy of the marine environment, like the SDG approach depicted in figure 1.**



Graphics by Jerker Lohrman/Azote

Figure 1: [Sustainable Development Goals](#) are all linked to healthy and stable environment allowing food production; Azote Images for Stockholm Resilience Centre, Stockholm University.

The spatial plan states that not all descriptors of GES are suitable to be addressed by a spatial plan and picks out descriptors 3, 4, 7 and 9. A coherent network of marine protected areas (MPAs) that is managed effectively under the NMPF can actively contribute towards most MSFD descriptors, including descriptors 3 (healthy commercial fish and shellfish stocks) and 4 (healthy marine foodwebs). MPAs contribute to overall environmental health and can have strong positive effects on fish stocks and foodwebs¹. **We therefore recommend taking descriptors 3 and 4 out of this list and instead acknowledge the need to spatially manage**



fisheries and other harmful human activities through a well-managed and coherent network of MPAs.

General policies

Besides the above mentioned issues with the weighting of the overarching policies, we agree with the first high level objective on 'environment – ocean health' and support its policies, especially those regarding MPAs. The spatial plan explains very well and in detail the environmental impacts of marine industries on the marine environment and the importance of healthy marine ecosystems for each sector, while making the point that marine life has intrinsic value beyond any value realised by humans. This section forms an important part of the spatial plan and offers a good source of information for marine users and decision-makers. Fostering a general understanding of ecological processes underlying ocean health will benefit all stakeholders and reduce the likelihood of misconceptions in the future.

Marine Protected Areas

We appreciate the thorough consideration of MPAs in the NMPF and in particular the mention of the incomplete MPA network which, in order to be completed, requires that priority features that fall outside of the current network are considered in proposals and any adverse effects on these features are mitigated.

The first MPA planning policy is as follows:

“Proposals that support the objectives of marine protected areas and the ecological coherence of the marine protected area network will be supported.

Proposals that may have adverse impacts on the objectives of marine protected areas must demonstrate that they will, in order of preference:

- a) avoid,*
 - b) minimise, or*
 - c) mitigate*
- adverse impacts.”*

This policy wording does not reflect the large hurdles in place for a plan or project to proceed inside or near a N2000 site. It should have a clear reference to the Habitats Directive's requirement for an Appropriate Assessment (AA), even if this was mentioned in previous sections. An AA *“cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned”* (Sweetman v. An Bord Pleanála, Case C-258/11). **The requirement for an AA with reference to the site's conservation objectives should be mentioned here and repeated again in the sectoral policies.**

The second MPA planning policy is as follows:



“Proposals that enhance a marine protected area’s ability to adapt to climate change, enhancing the resilience of the marine protected area network will be supported.

Proposals that may have adverse impacts on an individual marine protected area’s ability to adapt to the effects of climate change and so reduce the resilience of the marine protected area network, must demonstrate that they will, in order of preference:

- a) avoid,*
 - b) minimise, or*
 - c) mitigate*
- adverse impacts.”*

We agree with this policy and would like to see an additional planning policy focused on climate change **mitigation** here. Habitat types that contribute to carbon sequestration and water filtration include plants such as maërl, seagrass, saltmarsh and kelp, as well as filter feeding bivalves like mussels and oysters. Fishing with bottom towed gear disturbs these habitats as well as seemingly ‘barren’ sedimentary habitats, emitting the carbon stored within them through remineralisation of resuspended sedimentary organic carbon². In line with the plan’s mention of the importance of ecosystem services, we suggest the addition of the following policy:

Proposals that have adverse impacts on an individual marine protected area’s ability to **mitigate** the effects of climate change must demonstrate that they will, in order of preference: a) avoid, b) minimise, or c) mitigate adverse impacts.

The third MPA planning policy is as follows: *“where statutory advice states that a marine protected area site condition is deteriorating or that features are moving or changing due to climate change, a suitable boundary change to ensure continued protection of the site and coherence of the overall network should be considered”* applies to climate change stressors only. We would like to see specific policies for other stressors as well. **An additional planning policy could therefore be:**

If a marine protected area site is deteriorating (as many sites currently are), additional management measures should be established and enforced to eliminate the likely stressors causing the deterioration, as per Habitats Directive Article 6 (1).

The fourth MPA planning policy is as follows:

“Until the ecological coherence of the marine protected area network is confirmed, proposals should demonstrate that they will, in order of preference:

- a) avoid,*
- b) minimise, or*
- c) mitigate*



adverse impacts on features that may be required to complete the network, or

d) if it is not possible to mitigate adverse impacts, proposals should state the case for proceeding.”

This ensures that habitats and species outside of MPAs are protected to a certain extent by directing activities away from these areas so that they may be designated in the future. This approach will require robust mapping of seabed habitats at a fine scale which is currently not available for the entire Irish marine region. Some seagrass and maërl habitat locations are known, but these are all inside existing N2000 sites. **Future research is urgently needed to map fine scale habitats outside of the current MPA network in order to achieve this objective.**

It is important to note that any new MPAs must be identified on the basis of scientific criteria (described in the Habitats and Birds Directives or in OSPAR guidance to spatial plans). It is likely that sectoral plans will already be well advanced by the time the legislation for the designation of new MPAs is through, running the risk that MPAs will be designated on the ‘leftovers’ after all the space has been taken up by other sectors. It is not clear from the current plan what mechanisms are in place to avoid this from happening, especially since most sensitive habitats are not mapped yet. **Further clarification is needed on this point.**

In the section “key issues for marine planning”, one important key issue is missing: N2000 sites (which includes cSACs older than six years as well as statutory SACs and SPAs) need to have management measures in place that correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present in the sites (Habitats Directive Article 6 (1)). These management measures are currently missing for most sites in Ireland and once they are established they will have consequences for the activities taking place inside the N2000 sites, unless it can be shown that the activities are not adversely affecting the integrity of the site. **Consideration of conservation measures (these could be spatial closures for fisheries, aquaculture, mining, etc.) specifically designed to achieve the conservation objectives of the site should form a key part of any marine spatial plan.**

Furthermore, in the list of examples of what constitutes a plan or project, the spatial plan fails to list fisheries. All types of fisheries are considered plans or projects under the Habitats Directive and represent the sector with the highest impact on the marine environment compared to all other sectors and occupies the most space.

The spatial plan points out that *“some activities operate in the same space, such as recreational activities in a protected site”*. In fact, many activities take place inside Ireland’s protected sites, most of them non-recreational, including commercial fishing and aquaculture. The spatial plan needs to recognise the large spatial overlap between protected areas and harmful activities and include objectives and policies aimed at reducing the amount of commercial activity inside MPAs. **One sensible approach would be to introduce a policy on buffer zones around sensitive habitats and species or entire MPAs** where harmful activities be banned to ensure that sights can reach favourable conservation status under the Habitats Directive and/or good environmental status under the Marine Strategy



Framework Directive. Some reports by the Department of Culture, Heritage and the Gaeltacht already mention these buffer zones around seagrass and maerl habitat (e.g. [the 6th National Report on the Convention of Biological Diversity](#) and the [Interim Review of the Implementation of the National Biodiversity Action Plan 2017-2021](#)).

Sectoral policies

In addition to the high-level objectives that apply to all forms of marine development, each sector has several objectives and policies of their own. Recurring themes in these objectives and policies are the generic mention of economic growth and sustainability. Beyond this, the policies only refer to the potential interaction of one sector with another.

Simply stating these interactions is not enough. The marine environment is a shared space. Which sector takes priority over the other when conflict arises? Who makes the decisions when multiple government departments are involved?

Furthermore, sectoral policies should identify ways in which the overarching environmental objectives and Good Environmental Status will be reached. Currently it is not clear how the policies and actions will ensure that the key overarching objectives are fulfilled, and that the long-term vision is achieved. **The plan would benefit from sector-specific environmental objectives and it should be made clear that the creation of a coherent network of MPAs along with appropriate conservation measures is a priority under the Habitats Directive and the MSFD and this may affect the sector's ability to operate in certain areas.**

The only way to ensure coherence amongst decision-makers who give out licenses to marine users is to have a detailed, unambiguous planning framework with clear sector-by-sector objectives and policies, on how to proceed with an application for a plan or project in the marine environment. The more detailed the sectoral policies are, the better. Please see annex 1 for an example of the sectoral objectives and policies for fisheries in Scotland's National Marine Plan. There are nine objectives vs. the three in the Irish spatial plan, including environmental objectives such as objective 6 "fisheries managed in line with international and national environmental priorities". It is not enough to assume that the overarching objectives apply to each sector and are therefore only mentioned at the start of the spatial plan. **If the spatial plan is to be a decision-making tool for regulatory authorities, each sector needs to be specifically reminded of their duties to nature conservation and climate change mitigation in their particular sections as well as taking into consideration the overarching objectives on environmental health.**

Public engagement

Public engagement throughout the MSP process leaves some room for improvement. Public meetings were held throughout the country, but they were segmented into themes. The whole idea of spatial planning is that it applies to all marine users and should aim to bring stakeholders together. The separation into themes with only one 'marine environment' session hosted in Dublin begs the question what was discussed at the other meetings if not



the marine environment? This is an overarching objective and therefore should have been the main theme of all the meetings. The meetings were also too short and very one-sided with much of the time spent on presentations. Participants did not feel as though they were feeding into the NMPF, but rather they were told about its existence.

Since this is a very important undertaking with much stakeholder participation required, we urge the Department to document and publish how our written submission and verbal comments have been integrated in the NMPF and how the spatial plan has been adapted accordingly.



References:

- ¹ Di Lorenzo, M., Claudet, J., & Guidetti, P. (2016). Spillover from marine protected areas to adjacent fisheries has an ecological and a fishery component. *Journal for Nature Conservation*, 32, 62–66. <https://doi.org/10.1016/j.jnc.2016.04.004>
- ² Luisetti, T., Turner, R. K., Andrews, J. E., Jickells, T. D., Kröger, S., Diesing, M., Weston, K. (2019). Quantifying and valuing carbon flows and stores in coastal and shelf ecosystems in the UK. *Ecosystem Services*, 35, 67–76. <https://doi.org/10.1016/j.ecoser.2018.10.013>

Annex 1 – Scotland’s National Marine Plan excerpt p. 37 - 39, sectoral objectives and policies for fisheries

Objectives

1. Fish stocks are harvested sustainably (both environmentally and economically) leading to exploitation of Scotland’s commercial fish stocks at Maximum Sustainable Yield and with increased long-term stability.
2. A fishing fleet which is seen as an exemplar in global sustainable fishing practices, is confident in securing a long-term income from the available sustainable fishing opportunities across all sectors, and accounts for changes in species distribution and abundance due to climate change.
3. The sea fisheries industry can:
 - Optimise annual quota opportunities across Scotland’s fish stocks
 - Optimise the sustainable harvesting of wild fish
 - Optimise the value of its product, both on first landing and through the supply chain
 - Optimise the use of fuel by using fuel-efficient gear and vessels
 - Continue to contribute to food security and provision of a healthy food Source
4. Communities where fishing is a viable career option and value is added throughout the supply chain maximising the contribution fisheries makes to Scotland.
5. Management of fisheries on a regional sea-basin ecosystem basis with appropriate stakeholders empowered in the decision making process and, where appropriate, ecosystem-based management of inshore fisheries at local level, on the basis of participative management with interested stakeholders and involving both Marine Planning Partnerships and Inshore Fisheries Groups.
6. Fisheries managed in line with international and national environmental priorities.



7. An evidence-based approach to fisheries management which is underpinned by a responsible use of sound science and is supported by the whole sector.
8. Tackle discarding through the avoidance of unwanted catches and the implementation of the EU's obligation to land all catches of quota stocks in a way which is workable and sensitive to the impacts on fishing practices both offshore and onshore.
9. Management of removals rather than landings, where necessary, through fully spatial planned fisheries.

Marine planning policies

FISHERIES 1: Taking account of the EU's Common Fisheries Policy, Habitats Directive, Birds Directive and Marine Strategy Framework Directive, marine planners and decision makers should aim to ensure:

- Existing fishing opportunities and activities are safeguarded wherever possible.
- An ecosystem-based approach to the management of fishing which ensures sustainable and resilient fish stocks and avoids damage to fragile habitats.
- Protection for vulnerable stocks (in particular for juvenile and spawning stocks through continuation of sea area closures where appropriate).
- Improved protection of the seabed and historical and archaeological remains requiring protection through effective identification of high-risk areas and management measures to mitigate the impacts of fishing, where appropriate.
- That other sectors take into account the need to protect fish stocks and sustain healthy fisheries for both economic and conservation reasons.
- Delivery of Scotland's international commitments in fisheries, including the ban on discards.
- Mechanisms for managing conflicts between fishermen and/or between the fishing sector and other users of the marine environment.

FISHERIES 2: The following key factors should be taken into account when deciding on uses of the marine environment and the potential impact on fishing:

- The cultural and economic importance of fishing, in particular to vulnerable coastal communities.
- The potential impact (positive and negative) of marine developments on the sustainability of fish and shellfish stocks and resultant fishing opportunities in any given area.
- The environmental impact on fishing grounds (such as nursery, spawning areas), commercially fished species, habitats and species more generally.



- The potential effect of displacement on: fish stocks; the wider environment; use of fuel; socio-economic costs to fishers and their communities and other marine users.

FISHERIES 3: Where existing fishing opportunities or activity cannot be safeguarded, a Fisheries Management and Mitigation Strategy should be prepared by the proposer of development or use, involving full engagement with local fishing interests (and other interests as appropriate) in the development of the Strategy. All efforts should be made to agree the Strategy with those interests. Those interests should also undertake to engage with the proposer and provide transparent and accurate information and data to help complete the Strategy. The Strategy should be drawn up as part of the discharge of conditions of permissions granted.

The content of the Strategy should be relevant to the particular circumstances and could include:

- An assessment of the potential impact of the development or use on the affected fishery or fisheries, both in socio-economic terms and in terms of environmental sustainability.
- A recognition that the disruption to existing fishing opportunities/activity should be minimised as far as possible.
- Reasonable measures to mitigate any constraints which the proposed development or use may place on existing or proposed fishing activity.
- Reasonable measures to mitigate any potential impacts on sustainability of fish stocks (e.g. impacts on spawning grounds or areas of fish or shellfish abundance) and any socioeconomic impacts.

Where it does not prove possible to agree the Strategy with all interests, the reasons for any divergence of views between the parties should be fully explained in the Strategy and dissenting views should be given a platform within the Strategy to make their case.

FISHERIES 4: Ports and harbours should seek to engage with fishing and other relevant stakeholders at an early stage to discuss any changes in infrastructure that may affect them. Any port or harbour developments should take account of the needs of the dependent fishing fleets with a view to avoiding commercial harm where possible. Where a port or harbour has reached a minimum level of infrastructure required to support a viable fishing fleet, there should be a presumption in favour of maintaining this infrastructure, provided there is an ongoing requirement for it to remain in place and that it continues to be fit for purpose.

FISHERIES 5: Inshore Fisheries Groups (IFGs) should work with all local stakeholders with an interest to agree joint fisheries management measures. These measures should inform and reflect the objectives of regional marine plans. <applies to inshore waters>



Regional Policy: Regional marine plans should consider:

- Whether they require to undertake further work on any data gaps in relation to fishing activity within their region.
- The potential socio-economic impacts for the local fishing industry (and parts of the industry using their area) of any proposed activity or conservation measure.
- How to include local Inshore Fisheries Groups as a key part of their planning process.
- The potential consequences and impacts for other marine regions; and for offshore regions of their approach to planning for fisheries.
- Taking account of ongoing local initiatives, such as Clyde 2020, which may be relevant to their work. <applies to inshore waters>

The following is IFA Aquaculture formal submission on the draft National Marine Planning Framework (NMPF), addressing each section of the document as appropriate:

Foreword

In broad terms the objectives of the draft National Marine Planning Framework, address a number of recommendations outlined in the recent 'Review of the Aquaculture Licensing Process', where the report concluded that the aquaculture licensing system was in 'urgent need of reform'.

The 'Review of the Aquaculture Licensing Process' recommended measures to allow for a timely, more streamlined aquaculture licensing system, a number of which are in line with the policies and principles of the proposed draft National Marine Planning Framework, namely:

- A formalised pre-application process;
- Reasonable timescale for each step of the process and streamlining of the aquaculture licensing system;
- Improved public notification and consultation with the public and statutory bodies;
- Transparency of Application process;
- Consider separation of aquaculture licensing function from monitoring and enforcement of aquaculture licenses;
- Integrated policy Framework – developing Marine Spatial Planning framework is essential for future development of sustainable aquaculture sector.

Development of an integrated marine planning system would address a number of these recommendations along with priorities for development of sustainable aquaculture outlined in other government policy documents; 'National Strategic Plan for Sustainable Aquaculture' and the current 'Programme for Partnership Government'.

However, IFA Aquaculture however notes that the functions of Department of Agriculture, Food and the Marine, are excluded from the scope of Marine Planning and Development Bill. It would appear that as a function of this department, aquaculture therefore is not included in the very legislative framework that underpins the marine planning system.

Any legislative framework related to the National Marine Planning Framework must include the Aquaculture sector – in order to succeed in enabling a better integrated marine management, Ireland's marine planning system and any legislative framework must apply to all sectors, including Aquaculture. The Irish Aquaculture sector needs the support of policy to allow for sustainable development of the industry.

2.0 Marine Planning in Broader Context

2.1-2.3. Marine Planning Policy Statement:

It is envisaged that the development of Ireland's first Marine Spatial Plan (MSP) would be a whole of government approach, which will be an overarching framework for marine decision making that is consistent, evidence-based and secures sustainable future for Ireland's marine area – it is integral that the Department of Agriculture, Food & Marine (DAFM) must be part of this whole of government approach in the forward planning process.

IFA Aquaculture recognises that the overarching principles of the Marine Planning Policy Statement (MPPS) could allow for separation of aquaculture licensing function from monitoring and enforcement of licenses into two separate bodies i.e. DAFM/Marine Institute and Department of Housing, Planning and Local Government (DHPLG).

Forward planning should ensure that policies are clear and unambiguous, in order to provide clarity for policy and law makers, the community and users of the marine environment. Policy should make clear where certain activities will be allowed, encouraged or prohibited (subject to lack of conflict with other policies or Regulations). This is essential in order to provide clarity for the community, all water users including those engaged in aquaculture and fishing.

IFA Aquaculture would welcome the opportunity for early and effective public engagement in the application process as it would aid clarity and provide better understanding of the process.

The 'Review of the Aquaculture Licensing Process' recommended pre-application screening process for aquaculture licensing; the proposed forward planning element of the MPPS could facilitate the implementation of this recommendation under the marine planning system. Aquaculture, as a sector with an existing marine planning process, is an example of how a sector could benefit from increased awareness and understanding of marine planning system. Too often public notice of aquaculture licence applications has not been communicated correctly to the public, wider community in a local area and stakeholders affected by a proposed aquaculture development. This results in an increased level of submissions for such a proposed development, which could have been better managed from the outset had there been better understanding and awareness on such an application.

Reform of aquaculture licensing is necessary alongside the Marine Planning Policy Framework (MPPF). policies should be aligned with the licencing system so that it is clear to decision makers what is acceptable. Policy should require all agencies involved in consent and licencing processes to engage in pre-application discussions and encourage pre-application community engagement. Pre-application engagement should be encouraged and facilitated by MPPF to provide greater clarity on the aquaculture licensing process.

2.4 Harnessing Our Ocean Wealth document recommended that an overarching national marine spatial plan was required which would be underpinned by an 'efficient and robust planning and licensing framework'. This would be welcomed by the aquaculture industry as the current aquaculture licensing system is inefficient, and despite numerous government policies highlighting the need for improved efficiencies and reform of the current aquaculture licensing system, progress has been far too slow.

IFA Aquaculture recognises an opportunity for the national marine spatial plan to help address the inefficiencies of the current aquaculture licensing system.

2.39 – 2.41 Marine Consents and Licensing

The NMPF will not replace or remove existing regulatory regimes or legislative requirements governing the operation of various marine sectoral activities. Rather, it will provide an overarching framework for their continued operation.

2.42-2.44 Marine Planning and Development Management Bill: The government proposes to '*modernise elements of the marine development management and enforcement systems*' – a development that would be welcomed by IFA Aquaculture.

The Bill aims to '*Introduce a single State consent system for the maritime area whereby the Ministers for Housing, Planning and Local Government and Communications, Climate Action and Environment will assume responsibility for the State consents for the control of the foreshore, territorial sea, exclusive economic zone and continental shelf elements of the maritime area as appropriate and the granting of leave to apply for development consent/planning permission to An Bord Pleanála/local authorities for projects under their jurisdiction*'

However, IFA Aquaculture however notes that the functions of Department of Agriculture, Food and the Marine, are excluded from the scope of Marine Planning and Development Bill. It would appear that as a function of this department, aquaculture therefore is not included in the very legislative framework that underpins the marine planning system.

This is wholly unacceptable that the aquaculture sector would be excluded from a single State consent system for the maritime area, thereby posing the risk that aquaculture will be omitted from any future marine planning systems and would not be fairly considered under a single State consent system for marine spatial planning.

The Bill also aims to '*Introduce a single development management process for the Maritime Area for activities or developments*'

However, IFA Aquaculture notes that DAFM is also not included in regard to single development management process, and it would appear that this proposed legislative process currently does not apply to the aquaculture sector. If the application process for all other sectors in the maritime area is streamlined, excluding the aquaculture sector, then it creates a situation whereby, aquaculture, with an already lengthy application process, will be unfairly ruled out of increased transparency and competition for space than that of other activities in the marine space.

While all other sectors in the maritime area will benefit from these proposed legislative elements of forward planning and streamlined development management and enforcement, it appears the aquaculture sector will continue with the current aquaculture licensing system administered by DAFM. The Bill is described as a '*cornerstone of the future marine planning system in Ireland*' – the future of marine planning in Ireland must include the aquaculture sector.

2.45 NMPF and Climate Change: Aquaculture provides for one of the most carbon efficient sources of protein, when there is an increasing demand globally for sustainable sources of protein. The draft NMPF states that the *Government Climate Plan to Tackle Climate Breakdown* will highlight the role of marine planning in national climate action efforts, on this note, consideration must be given to the role aquaculture has to play in this regard, through the National Mitigation Plan, the National Adaptation Framework, and the National Development Plan.

3.0 Overarching Marine Planning Policies

Environment – Ocean Health (Existing environmental measures):

3.9 Aquaculture sector complies with obligations outlined in a number of environmental laws such as; Habitats Directive 92/43/EEC, Birds Directive 2009/147/EC, Water Framework Directive 2000/60/EC, Consolidated Environmental Impact Assessment Directive 2014/52/EU; and under the current aquaculture licensing system, the aquaculture sector is required to comply with more environmental legislation than any other sector in the marine space, thereby ensuring the healthy and sustainable use of Ireland’s seas.

A marine planning system that aims to streamline sustainable use of the environment and adopt an ecosystem management approach for all sectors in the marine space would be beneficial, where all sectors in the marine space must comply with environmental legislation equally.

3.12 Under this section it is stated that ‘*The NMPF sets out a range of policies that seek to complement rather than duplicate. Importantly, compliance or alignment with any of the policies in this section should be seen as additional to the important environmental regulations already in place for example the need to undertake an Appropriate Assessment.*’ IFA Aquaculture would like to note the aquaculture already adhering to this process.

Planning Policies - MSFD Led Approach:

3.15 – 3.24

The Marine Strategy Framework Directive (MSFD) requires European Union member states, including Ireland, to achieve or maintain good environmental status (GES) in the marine environment by the year 2020 at the latest. The assessment of the status of the marine environment, the determination of the characteristics of GES including threshold values and environmental targets inform decisions about how to use marine resources sustainably.

The aquaculture sector acknowledges its role in the sustainable use of marine resources in order to achieve GES. The aquaculture sector will continue to comply with monitoring and assessment programmes that support descriptors in working to achieve GES.

Descriptors cover a range of pressures on and the state of the marine environment. The descriptors and associated criteria play an important role in the development of environmental targets, monitoring programmes and the programme of measures. The aquaculture sector continues to participate in a number of these monitoring programmes and contributes in this way to achieving GES and development of environmental targets. However, it must be acknowledged there is a balance in achieving these targets and what is practical for the aquaculture sector.

IFA Aquaculture would like to acknowledge that a number of descriptors are noted as being ‘Compatible with GES’, in particular, Descriptor 9 - Contaminants in Seafood showing very high-level of compliance (99.7%) in recently published ‘*Public Consultation on the Marine Strategy Framework Directive 2008/56/EC*’. This is welcome observation for the aquaculture sector.

Biodiversity:

3.25 The aquaculture sector acknowledges its role in protecting marine biodiversity and would welcome further assessment that increase scientific knowledge base, data quality and understanding of their ecology and role in our marine ecosystems improves - as we need a better understanding of the role of how appropriate aquaculture management practices are contributing to protecting marine biodiversity and how this might better inform decision makers in relation to planning policy.

Natural Capital Ecosystem services & DAFM Climate Action Plan:

3.44 & 3.46

Appropriate recognition must be given to the aquaculture and its contribution to marine ecosystem services which make a substantial contribution to welfare, health and economic activities every year. IFA Aquaculture welcomes the draft 'Economic and Social Assessment of the Irish MSFD area' which is included in the '*Public Consultation on the Marine Strategy Framework Directive 2008/56/EC*'. Fisheries & aquaculture worth an estimated €664 million in terms of output value from Irish waters, with carbon absorption services of 42,647,000 tonnes valued at €818.7 million - IFA Aquaculture welcomes this and seeks appropriate recognition for the aquaculture sector in its carbon sequestration services.

Marine Protected Areas:

3.59-3.61

IFA Aquaculture is involved in the Marine Protected Areas (MPA) process required by MSFD, which may result in new protected areas – IFA Aquaculture is a member of an expert group that has been established in help advise the Department on a process for expanding Ireland's network of Marine Protected Areas into the future. The intention is that Ireland puts in place a network of MPAs that is coherent, representative, connected and resilient, and that meets its commitments under the Marine Strategy Framework Directive. The remit of the group includes the consideration of existing area-based protection measures in the marine environment, and provision of advice and recommendations to the Department of Housing, Planning and Local Government on the future steps for the expansion of such a network.

Non-Indigenous Species

Under this section it is outlined that '*Proposals must demonstrate a risk management approach to prevent the introduction of and/or spread of invasive non-indigenous species, particularly when: a) moving equipment, boats or livestock (for example fish or shellfish) from one water body to another*'. Also it is stated in **3.75 & 3.76** '*Proposals that reduce the risk of spread and/or introduction of non-native species should include information demonstrating how this will be achieved such as: biosecurity action planning, implementation and monitoring during the operational stages of a proposal.*'

IFA Aquaculture would like to note that under the Fish Health Directive (2006/88/EC) all aquaculture production businesses, must obtain fish health authorisation (FHA) from the Marine Institute. Part of the requirements for FHA include a Biosecurity plan outlining biosecurity measures and disinfection protocols mitigates risk off disease/invasives introduction.

Water Quality

3.81 IFA Aquaculture have noted concerns regarding aquaculture as being listed as a source of 'Excessive nutrients, including nitrogen and phosphorous'.

IFA Aquaculture would like to clarify that in the context of the Irish Aquaculture sector and would like the following to be noted:

- Aquaculture also contributes to the control of nitrogen/phosphorous removal as shellfish are filter feeders which aids to reduce and mitigate eutrophication effects of Irish coastal waters.
- Shellfish, as filter feeders, actually increase water quality and habitat quality in Irish coastal waters. Shellfish provide a nutrient removal service through feeding which enhances bacterial denitrification, sedimentation rates, reduces turbidity as well as contributing to nutrient sequestration.
- In relation to finfish aquaculture, current WFD classification of coastal waters classifies all coastal water bodies as being of 'High' status for water quality parameters - this includes water bodies which contain salmon farms and indeed all marine aquaculture activities.

- As part of finfish farming, excess nutrients are artificially introduced into the water column through salmon excretion, in the form of carbon, nitrogen and phosphorus. It is acknowledged that additional nutrients can disturb the natural ratios of nutrient elements in seawater and can increase the availability of nutrients for macro-algal and phytoplankton uptake, which, in turn, can lead to eutrophication. However, the loading rate of dissolved inorganic nitrogen (DIN) from salmon farms generally is relatively low when compared to the natural loading rate.

- Almost all salmon farms in Ireland are of organic status and the location of farms, which are located in exposed, well flushed offshore environments – fish farming sites located in these environments are considered to have reduced nutrient enrichment when compared to natural levels and thus mitigates the risk of eutrophication.

3.89 & 3.90 IFA Aquaculture welcomes the inclusion of aquaculture and its ecosystem services through *‘filter feeding shellfish, such as blue mussels, filter water and absorb nutrients (particularly nitrogen) from the water column thereby improving water quality’* which provides some of the *‘ecosystem services essential to achieving and maintaining a long-term improvement in water quality’*.

3.94 There are 64 designated shellfish areas in Ireland as part of the EU Water Framework Directive requires all Member States to designate waters that need protection in order to support shellfish life and growth. There are physical, chemical and microbiological requirements that designated shellfish waters must either comply with or try to improve, as well as the establishment of pollution reduction programmes where required. In recent years, mis-management of discharge into designated shellfish areas has compromised the water quality in shellfish producing bays across the country.

IFA Aquaculture notes that adequate funding in and resources be made available to ensure tertiary treatment must continue to be rolled out for all coastal Wastewater Treatment plants (WWTP) - specifically WWTP's adjacent to bays and harbours where shellfish production is carried out to sustain food safety, rural jobs and enterprise and compliance with the EU Water Framework Directive (formerly EU Shellfish Waters Directive).

Climate Change:

3.149 IFA Aquaculture welcomes the recognition of *‘The Irish shellfish aquaculture industry plays an important role in the Irish coastal economy. Commercially important farmed shellfish such as mussels and oysters may be at risk from OA and increased ocean temperatures.’*

Economic – Thriving Maritime Economy

The objectives of a thriving maritime economy, including the aquaculture sector, such as; *‘Promote the sustainable development of a thriving ocean economy. Promote the development of vibrant, accessible and sustainable rural coastal and island communities.’* have never been more important and should be given prominent consideration in the Ireland's recovery plan post-Covid-19 crisis.

Infrastructure

3.178-3.182 The shellfish industry depends on an effective wastewater treatment system to prevent loading of wastewater into shellfish production areas, subsequently contaminating their shellfish produce making unfit for market and unsafe for human consumption. There is an opportunity for better co-ordination and management of sewer systems and wastewater treatment systems that discharge to sea through alignment of marine and land planning systems, particularly in the area of water quality in shellfish producing waters. The shellfish industry depends on an effective wastewater treatment system to prevent loading of wastewater into shellfish production areas.

Employment

IFA Aquaculture draft National Marine Planning Framework Submission – April 2020

3.188 Under this section it is stated that *‘Marine planning has a role to play in facilitating growth in new and existing industries which bring associated socio-economic benefits including employment.’* This has never been more important and should be given prominent consideration in the Ireland’s recovery plan post-Covid-19 crisis, to stimulate employment in rural coastal and island communities.

3.189 The current Covid-19 crisis highlights the need for *‘appropriately planned supply chains can help encourage investment and stimulate demand for marine products and services.’*

5.0 Aquaculture

The Aquaculture objectives outlined in the draft National Marine Planning Framework address a number of key aspects that could aid reform of the current aquaculture licensing system, including:

- Support for a diverse, compliant growing aquaculture sector through a modern licensing & enforcement system
- Maintain a best practice aquaculture licensing system which supports future potential of aquaculture
- Further enhance the aquaculture licensing system with the aid of legislative, administrative & scientific expertise, which promotes trust in the regulatory system
- Further develop enforcement strategies which supports a compliant aquaculture industry

The realisation of such objectives would provide to clarity for decision makers (e.g. those issuing licences), clarity for those local businesses wanting to invest in new or existing ventures, and probably most importantly clarity for local communities as to what developments are planned in their areas.

As Aquaculture provides an important social dividend providing employment in rural coastal & island communities through the sustainable production of high-quality food, the sectors contribution in sustaining vitality and viability in coastal areas cannot be ignored.

Legislative Framework

However, IFA Aquaculture however notes that the functions of Department of Agriculture, Food and the Marine, are excluded from the scope of Marine Planning and Development Bill. It would appear that as a function of this department, aquaculture therefore is not included in the very legislative framework that underpins the marine planning system.

In other words, the policies, principles and objectives of the National Marine Planning Framework means little in regard to the aquaculture sector if they are not underpinned by appropriate legislation.

Any legislative framework related to the marine planning system must include the Aquaculture sector – in order to succeed in enabling a better integrated marine management, Ireland’s marine planning system and any legislative framework must apply to all sectors, including Aquaculture. The Irish Aquaculture sector needs the support of policy to allow for sustainable development of the industry.

Integrated Marine Planning System

IFA Aquaculture supports the development of an integrated marine planning system which is aligned with the land-planning system, with clearly set out timeframe for every step of the decision-making process from the outset, through screening, consultation, decision making and appeals. Such measures would meet the implementation requirement of a number of recommendations outlined in government policy documents namely; ‘Review of the Aquaculture Licensing Process’, ‘National Strategic Plan for Sustainable Aquaculture’, Current ‘Programme for Partnership Government’.

6.0 Energy – Carbon capture and Storage

Appropriate recognition must be given to the aquaculture and its contribution to marine ecosystem services which make a substantial contribution to welfare, health and economic activities every year. IFA Aquaculture welcomes the draft 'Economic and Social Assessment of the Irish MSFD area' which is included in the '*Public Consultation on the Marine Strategy Framework Directive 2008/56/EC*'. Fisheries & aquaculture worth an estimated €664 million in terms of output value from Irish waters, with carbon absorption services of 42,647,000 tonnes valued at €818.7 million - IFA Aquaculture welcomes this and seeks appropriate recognition for the aquaculture sector in its carbon sequestration services.

16.0 Seaweed Harvesting

IFA Aquaculture supports growth of viable seaweed industry through sustainable harvesting of seaweed while recognising the economic and social contribution it makes to coastal communities.

As outlined in the NMPF objectives '*a fit for purpose regulatory framework that supports sustainable harvesting and respects existing formal and informal rights to harvest*' is required.

IFA Aquaculture has the ability through the broader organisation of the IFA to create links between seaweed industry and land-based activities, such as agriculture, as well as being suitably placed with regard to monitoring policy relating to seaweed harvesting/aquaculture, particularly in regard to land/sea interactions.

Significant issues regarding existing seaweed harvesting rights need to be addressed as part of the implementation of the NMPF.

19.0 Tourism

19.16-Aquaculture – IFA Aquaculture agrees that a balance needs to be struck between the benefits of aquaculture and tourism, the Failte Ireland/BIM initiative 'Taste the Atlantic: A Seafood Journey' along the Wild Atlantic Way is an example of how aquaculture and tourism can effectively have symbiotic benefits. (<https://www.wildatlanticway.com/highlights/taste-the-wild-atlantic-way>)

20.0 Waste Water Treatment and Disposal

The shellfish industry depends on an effective wastewater treatment system to prevent loading of wastewater into shellfish production areas, subsequently contaminating their shellfish produce making unfit for market and unsafe for human consumption. There is an opportunity for better co-ordination and management of sewer systems and wastewater treatment systems that discharge to sea through alignment of marine and land planning systems, particularly in the area of water quality in shellfish producing waters. The shellfish industry depends on an effective wastewater treatment system to prevent loading of wastewater into shellfish production areas.

There are 64 designated shellfish areas in Ireland as part of the EU Water Framework Directive requires all Member States to designate waters that need protection in order to support shellfish life and growth. There are physical, chemical and microbiological requirements that designated shellfish waters must either comply with or try to improve, as well as the establishment of pollution reduction programmes where required. In recent years, mis-management of discharge into designated shellfish areas has compromised the water quality in shellfish producing bays across the country.

IFA Aquaculture notes that adequate funding in and resources be made available to ensure tertiary treatment must continue to be rolled out for all coastal Wastewater Treatment plants (WWTP) -

specifically WWTP's adjacent to bays and harbours where shellfish production is carried out to sustain food safety, rural jobs and enterprise and compliance with the EU Water Framework Directive (formerly EU Shellfish Waters Directive).

21.0 Implementation Arrangements

IFA Aquaculture agrees that *'the success of the NMPP will be dependent upon its effective implementation.'* IFA Aquaculture however notes that the functions of Department of Agriculture, Food and the Marine, are excluded from the scope of Marine Planning and Development Bill. It would appear that as a function of this department, aquaculture therefore is not included in the very legislative framework that underpins the marine planning system.

In other words, the policies, principles and objectives of the National Marine Planning Framework would be difficult to implement in regard to the aquaculture sector if they are not underpinned by appropriate legislation. A streamlined consenting process subject to decision making by Local Authorities and An Bord Pleanála, delivered in a timely manner meets a number of the recommendations outlined in the 'Review of the Aquaculture Licensing Process'.

Any legislative framework related to the marine planning system must include the Aquaculture sector – in order to succeed in enabling a better integrated marine management, Ireland's marine planning system and any legislative framework must apply to all sectors, including Aquaculture. The Irish Aquaculture sector needs the support of policy to allow for sustainable development of the industry.

Concluding Comments:

Marine planning integrated system with identifiable forward planning, development management and enforcement elements, would be viewed as an improvement by the aquaculture sector to the current aquaculture licensing system.

However, IFA Aquaculture however notes that the functions of Department of Agriculture, Food and the Marine, are excluded from the scope of Marine Planning and Development Bill. It would appear that as a function of this department, aquaculture therefore is not included in the very legislative framework that underpins the marine planning system.

If the marine planning system in the maritime area is streamlined, excluding the aquaculture sector, then it creates a situation whereby, aquaculture, with an already lengthy application process, will be unfairly ruled out of increased transparency and competition for space than that of other activities/sectors in the marine space – this is unacceptable for the aquaculture industry.

Any legislative framework related to the marine planning system must include the aquaculture sector – in order to succeed in enabling a better integrated marine management, Ireland’s marine planning system and any legislative framework must apply to all sectors, including aquaculture.

An integrated marine planning system which is aligned with the land-planning system, with clearly set out timeframe for every step of the decision-making process from the outset, through screening, consultation, decision making and appeals. Thus, providing clarity; clarity for local communities as to what could happen in their areas; clarity for decision makers (e.g. those issuing licences), and clarity for those local businesses wanting to invest in new or existing ventures. Lack of clarity causes delays which costs jobs, reduce the viability of coastal communities and impact adversely on the environment. IFA Aquaculture believes increased public participation would further aid clarity, understanding and awareness of aquaculture, and all marine based developments.

Policies should be clear and unambiguous and related to specific areas by a map where appropriate.

Development of an integrated marine planning system would address a number of recommendations and priorities for development of sustainable aquaculture outlined in government policy documents; ‘Review of the Aquaculture Licensing Process’; ‘National Strategic Plan for Sustainable Aquaculture’ and the current ‘Programme for Partnership Government’.

As outlined in the ‘Review of the Aquaculture Licensing Process’ consideration must be given to the separation of aquaculture licensing function from monitoring and enforcement of aquaculture licenses into two separate bodies – an effective Marine Spatial Planning system can aid to implement that recommendation through the separation of monitoring and enforcement function of aquaculture licensing from DAFM.

IFA Aquaculture would welcome the rationalisation of enforcement of the marine planning system under the Marine Planning and Development Management Bill. However, the aquaculture sector must be included as part of any legislative framework for the marine planning system, in order in to ensure the consistent application of the NMPF by all marine planning bodies in their decision-making roles.