



Comhairle Contae Mhaigh Eo
Mayo County Council

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Ár dTag./ Our Ref.

Do Thag./ Your Ref.

30/04/2020

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

RE: Submission by Mayo County Council on the Draft National Marine Planning Framework.

A Chara,

Attached is the submission from Mayo County Council on the Draft Marine Planning Framework.

Mayo County Council welcomes the publication of the Draft National Marine Planning Framework (DNMPF) and the opportunity to make a submission on the same. The Draft NMPF provides a sustainable framework for managing Ireland's marine activity.

Mise, Le meas,

Alan Di Lucia.

A/Senior Planner.

Planning Department.

Mayo County Council

Submission on draft National Marine Planning Framework

Date:30/4/2020

Mayo County Council welcomes the publication of the Draft National Marine Planning Framework (DNMPF) and the opportunity to make a submission on the same. The Draft NMPF provides a sustainable framework for managing Irelands' marine activity.

Mayo's location along the West coast of Ireland, is strategically placed from an International, National and Regional perspective in terms of:

- Offshore renewable energy potential
- Ocean Biodiversity
- Hydro-Carbon Deposits
- Trans-Atlantic data connectivity
- European fish stocks
- Marine Traffic

Mayo County Council is ideally positioned to act as a Regional driver for the delivery and implementation of the National Marine Planning Framework and would provide the opportunity at a National level to be considered as a pilot/case study for both Regional and locally based Marine Spatial Plans

The draft NMPF outlines the key sectors involved in marine spatial planning with Mayo and Mayo County Council engaged with all relevant stakeholders. For example:

In relation to Aquaculture

Mayo is one of the main locations in Ireland that account for the different types of aquaculture licenses such as fin fish, seaweed and shellfish. Clew Bay is well positioned in the sector with many stakeholders that would form an ideal case study in terms of the implementation of aquaculture into any Marine Spatial Plan.

In relation to Carbon Capture and Storage

Currently, the use of CCS in Ireland is prohibited under S.I. No. 575/2011, there is a study relating to exporting CO₂ from two gas fired plants into to the soon to be depleted Kinsale Head gas field. Pending the results of this study, this could open future opportunities for Mayo. The Corrib Gas Field has a production period of 15 years (stated by DCCAIE) which has already commenced. When the gas field is depleted, it potentially could provide the State and Mayo to use the existing piping to export CO₂ to the gas field for storage.

In relation to Offshore Gas Storage

Mayo has the potential to be utilised for offshore gas storage with the potential reuse of the Corrib gas field once depleted and the infrastructure is in place to provide for such storage.

In relation to **Petroleum**

A map has been provided in this chapter which shows an area off the Mayo coast around the Corrib gas field which identifies exploration wells, exploration license, licensing options for exploration and a petroleum lease area (Corrib gas field). Based on the experienced learnt from the Corrib Gas Field, effective public engagement is required at the earliest stage, where commercially viable oil field is discovered, particularly in relation to the impacts from the associated petroleum infrastructure, including pipelines.

In relation to **Offshore Renewable Energy**

Mayo has significant potential for the development of offshore renewable energy projects. This is recognized in the Department of Communications, Energy and Natural Resources – Offshore Renewable Energy Development Plan in highlighting the total amount of development (MW) that could potentially occur off the coast of Mayo without likely significant adverse effects on the environment. The potential off the Mayo Coast is outlined as follows:

- Fixed Wind 500 (MW)
- Wave (10 to 100m water depth) 5000 (MW)
- Wave (100m to 200m water depth) 6000 – 7000 (MW)
- Floating Wind 7000 (MW)

Mayo also has a designated offshore renewable test site which would aid in the development of offshore renewable energy resources to harness the renewable energy potential off the Mayo Coastline. In relation to supporting infrastructure, the Ireland West Airport Strategic Development Zone and the recently approved planning scheme would provide an ideal support hub for both Internationally and Nationally companies in the development of offshore renewable energy projects in Mayo and the Region.

In relation to **Telecommunications**

Mayo is the landing point for two transatlantic data cables providing connection between the USA and Europe, resulting in Mayo as been to most digitally connected County in Ireland. Such connectivity will provide for connectivity to all aspects of the Marine sector and establishing Mayo as a driver for Regional development of the marine environment.

In relation to **Tourism**

Due to the strategic location of Mayo along the West coast of Ireland, the County is considered to be the heart of the Wild Atlantic Way. Westport is also considered one of the top tourism destinations in the Region. The integration of tourism into the marine environment is well advanced in Mayo and the experience Mayo County Council has in this environment would be ideal to act as a regional driver for the preparation of Regionally based Marine Spatial Plans

Conclusion

Whilst Mayo is active in many of the marine sectors outlined in the dNMPF, with Mayo County Council as a possible regional driver, the lack of detail in relation to implementation from both a marine spatial plan preparation and development management perspective requires a further consultation process. As stakeholders Mayo County Council would positively contribute as the dNMPF progresses to the implementation phase. It is not clear as to how the NMPF and the NPF will interact, particularly at lower tier implementation both at regional and local level, and further clarification would be necessary

Whilst, chapter 3 is a comprehensive assessment of the overarching Marine Planning Policies as they apply to proposals capable of having impacts on the maritime area. There is a considerable suite of legislation, assessments and studies under each category, it is not clear from the Framework document as to the what resources would be required to make such assessments. But Mayo County Council is strategically positioned regionally and locally to provide pilot / case studies as to how practically implement the overarching Marine Planning Policies as they will apply to the maritime area.

DESTINATION WESTPORT

April 29TH.2020.

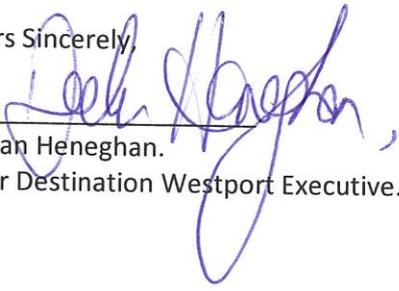
Re: Letter Of Support For the Submission Of Westport Chamber Of Commerce for the inclusion of a Marina At Westport Quay, as part of the National Marine Planning Framework.

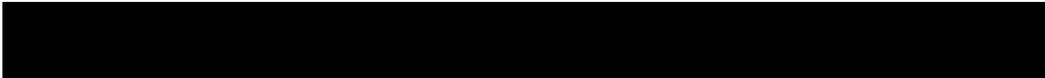
The Executive of Destination Westport which is made up of participating Hoteliers from the Town is happy to endorse the submission of Westport Chamber Of Commerce for the above application. Employment over 1000 people directly in the hospitality in the town, Destination Westport along with many other organisations locally work tirelessly to promote the town and areas for the betterment for all.

The development of a Marina would greatly enhance the appeal of Westport and the region and enhance the social and business fabric of the town and its environs.

The timing was never more apt for a major infrastructural investment in the West of Ireland, considering the challenges posed by Covid 19. Investment in Tourism related projects have a unique multiplier effect on the community and opportunity to provide employment and associated social development, the old adage of "the butcher, the baker, the candle stick maker has relevance here as we struggle to get communities into the great outdoors enjoying life again with hope for a future with employment and all that comes with that for a community.

Yours Sincerely,


Declan Heneghan.
Chair Destination Westport Executive.

Email: 

**Coastwatch Response
to the Draft National Marine Planning Framework Consultation Draft
Prepared by the Dept of Housing, Planning and Local Government**

Karin Dubsky
April 2020



This submission is guided and informed by input from Coastwatchers North and South but did not benefit from a final workshop event and signing off due to COVID Emergency.

Coastwatch, Civil, Structural, Environmental Eng , TCD, Dublin 2

www.coastwatch.org

For clarifications contact [REDACTED]

Introduction

The submission is based on discussions in Coastwatch, with fishermen and other shore users and in both a SWAN and an IEN workshop for which power point presentations are available.

It is divided into three sections and confined to 7 pages. There are however far more information and case studies to illustrate needs and way forward available.

A - Plan Drafting and Adoption

B – Legislation to underpin the plan and preparatory work to ensure full implementation

C – Core Issues to be addressed in the draft plan

A - Plan Drafting and Adoption

This is going to be our first MSP and as drafting of any policy goes, we appreciate the informed committed Ministerial lead and his ongoing involvement. We also thought that a real effort was made to ensure stakeholder participation through the Minister's Advisory group where points made were dealt with respectfully and largely acted upon. However:

- A significant volunteer effort was required by Advisory group members to then disseminate information and get sector buy-in and feedback. In the case of some like Coastwatch that is voluntary without budget, for the common good.
- The draft NMPF is a challenge to read and anyone not directly involved found this draft NMPF overwhelming. We understand that there were many authors and a tight time schedule, but between the difficult to follow plan and COVID 19 hitting and consequent cancellation of public information events we think that public involvement and input have suffered. A number of queries raised by Coastwatchers when preparing this submission still need to be clarified.

Recommendations

1 Keep the structure and direct ministerial involvement in a new government for final plan development and top tier implementation and ensure that there is enough manpower with sufficient range of expertise in the marine section to do this critical work within a very tight timeline.

2 Redesign the final plan document in structure and lay out with good graphics to ensure interested public understanding and ownership.

3 Review and amend some core issues in the draft plan as set out in **C** below

B – Legislation to underpin the plan and preparatory work to ensure full implementation

Our first comprehensive management framework with dual aim of achieving Ocean Health and fair wise use is emerging out of a long period of weak disjointed planning and marine law implementation and enforcement in Ireland. Therefore plan implementation and enforcement is going to be a huge challenge. To address that, everyone needs to know from the start that a new era is dawning and there has to be mass buy-in and understanding of the plan and law. It is essential that both are clear, fair and enforceable.

- **We welcome** the clarity in the 2018 legislation¹ which sets out that the objective of the Marine Spatial Plan ‘.. *to analyse and organise activities in the maritime area for the purpose of achieving ecological, economic and social priorities.*

and also sets out the relationship between NMPF and MSP

(6) *Marine spatial plans for the time being in force shall be known collectively as the National Marine Planning Framework*

Some other parts are not as clear – like the mechanism and powers of regional plan creation/implementation. Also in section 67 (2) of the act the exemption raises issues.

(2) *This Part shall not apply to those parts of the maritime area to which a development plan, a local area plan, the national planning framework, a regional spatial and economic strategy, a guideline or a directive under Part II of the Principal Act applies.*

At present a development contiguous to the shore needs planning permission. Does that mean that the MSP will not apply in relation to planning permission?

The second ‘legal leg’ for our NMPF published before the election as the **Marine Planning and Development Bill** is now defunct but caused a number of concerns which may be addressed in its new form. It failed to

- (i) include fisheries and aquaculture sectors in this planning framework,
- (ii) bring a legal setting of ‘features which may be required to set up the MPA network’
- (iii) enable designation and protection of Marine Protected Areas outside the present Natura network
- (iv) enable authorities to manage small scale ‘harvesting from the wild’ as other countries like France and Italy have successfully done.

We are aware that everything has to now be achieved with a much lower budget than planned when this draft plan was being written 6 months ago and that different methods may have to be adopted to bring plan and legal instruments forward.

Recommendations

4. – The final plan and new bill to implement the national marine planning framework needs to ensure that everyone comes under this marine planning framework, that means **all sectors**.

¹ (Planning and Development (amendment) Act 2018) Part 5, para 69
<http://www.irishstatutebook.ie/eli/2018/act/16/section/69/enacted/en/html#sec69>

5. - Aarhus Principles: We recommend a screening of the near final plan and early versions of the proposed legislation by Aarhus Convention legal experts to ensure that our new 2020 onward marine planning becomes a model of transparency and public participation with fair adequate access to justice.

6.- To address the need for more public involvement and understanding we recommend a strong Marine planning, protection and management information campaign and suggest the following elements to be included:

- 6.1 Once the new government is set up and it is known which bits of the marine environment are dealt with by who, set up a '**Marine Information and Advise Centre**' (MIA) initially as a manned phonenumber and website. The purpose is to guide members of the public on marine and coastal planning, nature and pollution concerns. As questions come in and are answered, a set of 'Frequently Asked Questions' is produced. Commission it now for pilot launch in autumn 2020 to be fully functioning by the time the plan is adopted to support the new marine planning system. (More detail on request)
- 6.2 Commissioning a **virtual exhibition** to highlight the key features of the National Marine Planning Framework and publish same with the final plan.
- 6.3 **Invite short videos and podcasts** from the public to highlight important coastal features and aspects of the marine environment which need protection, restoration, wise use and run those over coming months on the MIA Website and in social media.
- 6.4 To continue the **public information and awareness campaign in 2021** to commission a **small travelling exhibition** visualising the new marine planning system and how it will be applied in the coastal zone in a way that it can be shown in harbours and travel on by boat (like the Galway Hooker used for the Coastwatch – Tidy Britain Interreg Harbour Waste Management project).

The above should support (i) awareness and understanding of the final framework plan once adopted and (ii) support feature protection² as while the MPA network is stunted and develop an appetite for regional and local plans.

² Feature as in page 41 third line from bottom

C - CORE ISSUES TO BE AMENDED or EXPANDED IN THE DRAFT PLAN

This section follows questions which we posed after reading the plan.

1. Does the draft plan integrate environmental, especially marine biodiversity health considerations adequately?

We are pleased that the draft plan now integrates environmental concerns horizontally, while when the drafting process began it was set out like a sector, beside energy generation and other sectors.

However the horizontal integration is not quite complete. E.g. on page 67 under the heading of 'Coexistence' the **objective** is given as:

• To encourage 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.

If the use of space doesn't explicitly set out the support of marine biodiversity and the achievement of a healthy ocean (as by Marine and Nature law) then those using the plan will continue to read into the coexistence section the image of the sea and its resources as a pie to be divided between them.

Recommendation 7: Ensure that biodiversity and Ocean health are explicitly mentioned and fully integrated in all relevant sections of the plan

2. Are Key Sectors presented in a balanced fashion?

No not yet.

The heading of key sectoral Activity Policies and introduction statement (page 87) is still followed by a problematic imbalance, with 5 Energy chapters and one on Fisheries, one on Tourism, etc Clearly these sectors could be subdivided just like the Energy one.

Recommendation 7:

7.1 Condense 'Energy' into one sector (which still allows all 5 subsectors to be analysed.

7.2 Make biodiversity restoration, monitoring and management into another sector - as yet small but growing.

3. Are both future and current use management covered adequately in the plan?

We are unsure. The plan sets out the proposed policy on assessing new projects (see next question overleaf) but there is too little detail how present use is to be examined for compliance with the NMPF and there is no detail on present user management to achieve the ecological goals.

Regarding present users: We have a huge sea area – 10 times the size of land. This is also our greatest commonage which already has a wide range of users especially in the coastal rim. Our concern centres around the lack of detail on how these users will be managed. We believe that in some cases the audits will have to mean

curtailment of use or moving operations where they impact on Natura 2000 sites³ and/or in light of climate change.

In view of sea level rise, erosion threats and the rapid warming of our inshore waters with mass death of organisms in heat waves becoming more frequent, this review of uses and new management system is urgent and must take into account climate change and how to help our coastal ecosystems and coastal users adapt.

Recommendation 8 with focus on present users and need to restore and maintain ecosystem services:

8.1 Audit and management of present uses needs to be set out clearly in the plan, including who will be responsible and how this will be achieved by when.

8.2 Develop supports including budget for existing user management in the final plan and its the delivery via both regional/local plans and policies. This should include local authority support to hire trained coastal managers and support for regional and local plan development with full public participation.

8.3 Retain the climate change considerations which are in the draft plan and integrate these as mandatory elements in regional management plans with focus on working with nature and avoiding hard engineering solutions for flood relief and erosion control.

8.4 Flesh out the restoration goals e.g. in the WFD more.

4. Is the proposed assessment of projects and activities as set out in 'marine planning policies' adequate to ensure that the permit which is granted at the end of the process meets legal targets and requirements?

No not as proposed now. There appear to be two weaknesses in the current approach which must be addressed. Here is a brief explanation.

The proposed approach in the current Draft Plan applied by each sector follows this format first introduced page 25 section 3.4 and 3.5 as copied in box 1 below. The weakness is that it does not provide for the project or activity not to go ahead, not even in MPAs. EU law in contrast sets out at least for projects which can effect N 2000 sites or priority species the final step of not going head if there are significant adverse impacts (derogations which are rarely granted)

Box 1: Proposed policy for assessing projects in the dNMPF:

3.4 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.

3.5 To comply with this requirement proposals must demonstrate how avoidance of significant adverse impacts is considered as the preferred option. If the proposal demonstrates that significant adverse impacts cannot be avoided the proposal must then proceed to consider minimising significant adverse impacts. If the proposal demonstrates that significant adverse impacts cannot be avoided or minimised the proposal must then proceed to consider mitigating significant adverse impacts.

³ The requirement also applies to activities that existed already on the site before it was included in Natura 2000. This means that ongoing activities may need to be banned or modified if they adversely affect the site ([ECJ Ruling C-404/09](#)).

On P 40 of the draft plan the wording is at best ambiguous even for MPAs as it does not clearly state whether proposals can go ahead if they can't avoid, minimize or mitigate adverse impacts.

Finally regards adverse impact of features that may be required to complete the network – Page 41 – this is a very positive inclusion, but requires definition. See recommendation below.

Note – Throughout the plan we have the same 3 base steps coded a) to c) as in Box 2 below and then every so often and its not quite clear what triggers it, there is an extra point d) included as shown in box 3 below.

While the innocent might read the added d) as avenue for authorities to manage the coast and refuse permits for projects in a N 2000 site, the seasoned env. NGO campaigner knows that at present it is very likely that such refusal will be made especially in fisheries and aquaculture - just now with extra statement of why. In current practice this explanation is most frequently built around the project 'disturbing' less than 15% of a named important habitat for which a site has been chosen to be included in the N2000 network. So as it stands the process as outlined is not designed to adequately protect our 2.3% of marine area sites.

Box 2 Marine Policy approach as now proposed for MPAs: Page 40

Planning Policies

- 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.

Box 3 As for Box 2 but with added step d) in the assessment

Until the ecological coherence of the marine protected area network is confirmed, proposals should demonstrate that they will, in order of preference:

- avoid,
- minimise, or
- mitigate

adverse impacts on features that may be required to complete the network, or

- if it is not possible to mitigate adverse impacts, proposals should state the case for proceeding.

Recommendation 9: Tighten the assessment process and clarify that projects may not go ahead if adverse impact created alone or cumulative with other activities or expected climate change impacts cannot be avoided.

5. Are the Transboundary aspects of the plan adequately covered?

No they are not and there appears to have been no progress.

Ireland N and S are on the threshold of putting a first Marine Spatial Planning framework into place but we still have gaps on the map where L Foyle and Carlingford Lough are located.

Recommendation 10

10.1: Set out the goal to agree with NI to treat Lough Foyle and Carlingford Lough as transboundary water bodies with full protection, management and restoration of important habitats and species.

10.2 Give the Lough Agency as cross border body the added responsibilities, powers and support to deliver for biodiversity and SDG 14 LIFE BELOW WATER.

10.3 Draft a timeline and seek EU MSP support to assess present uses and produce a restoration and transboundary management plan structure in place which includes full public participation. Reports on progress to both sides of the island every British Irish Council meeting, the EU and public.



Westport Hotel Group

Westport Hotel Group

Castlebar Street

Westport Quay

Co Mayo

30th April 2020

MSP Submissions

Marine Spatial Planning Section

Department of Housing, Planning, Community and Local Government

Newtown Road Wexford Y35 AP90

Via email: mshp@housing.gov.ie

Dear Sir/Madam,

The Westport Hotel Group is comprised of 3 hotels & Apartments within the town of Westport employing 500 people. We would be delighted if the NMPF would include the construction of a Marina & Lido/Tidal Pool and develop the adjoining lands at the harbour for recreational use at the Westport area.

Westport is one of the most popular tourist destinations in Ireland attracting both the domestic & international guests. One of the major successes of Westport is the business communities willingness to work together to make Westport a popular destination. Over the years this has proven very successful and the majority of the towns resources are established and contributing to the success of the town.

For many years there has been several discussions about the construction of a Marina at the Quay in Westport. Historically the Quay was used for commercial shipping which contributed to the vibrancy of the area. We believe that the construction of a Marina & Lido/Tidal pool along with developing the adjoining lands at the harbour for recreational use at the Westport Harbour area would greatly contribute to the business growth & attractiveness of the Town of Westport and would be a major contributor to the Marine Tourism infrastructure in the west of Ireland.

The construction of a Marina with Lido/Tidal Pool in Westport would have a significant positive impact on the locality in several ways:

Economy

- Westport has a large volume of beds in hotels, apartments & rental properties and would welcome an increase of visitors that would then contribute to the retail and food & beverage business of the town.
- The Marina itself would attract a new type of visitor (Larger Boats) to Westport as the 250 berths would allow overnight/week night stays, providing additional revenue to the Marina.

Westport Hotel Group, Castlebar Street, Westport, County Mayo, Ireland
Tel: +353 (0)98 55088 Fax: +353 (0)98 28622 Email: info@westporthotelgroup.ie Web: www.westporthotelgroup.ie

- A Lido/Tidal Pool would allow for a safer environment for people to swim and would encourage more families to stay in the area and it will be a great facility for the wider west of Ireland community.
- New business opportunities would arise from the creation of a Marina and allow for more water-based companies to establish themselves. In the past businesses based on water recreation have not been able to sustain themselves as they did not have a base to work from, a Marina would alleviate this problem.

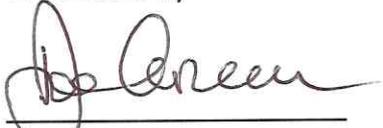
Environmental

- The development of the existing land around the marina will enable the development of biodiverse Landscapes and park areas. The point area would lend itself into an amenity & recreational park which is needed in the key central area. Biodiversity is gaining momentum and Westport has always tried to be a leader, this would be an area that could be expanded on and would contribute to the overall development of the town.

Westport as a community would welcome a Marina & Maritime Facilities at Westport Quay. The economic impact of such a development would be felt throughout the town and would create significant jobs within Marine Tourism. The Westport Hotel Group fully endorses the development and would be delighted to work with the relevant departments.

Thank you for taking the time to read this submission.

Yours sincerely



Joe Corcoran

Westport Hotel Group

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

23 April 2020

RE: DRAFT NATIONAL MARINE PLANNING FRAMEWORK.

Dear Mr. McCabe

Dublin City Council (DCC) welcomes the opportunity to comment on the Draft National Marine Planning Framework (NMPF) and wishes to acknowledge the work carried out so far in the process, including the completion of important baseline work and very informative maps. DCC supports the Draft NMPF long-term, ecosystem-based approach to the spatial planning of Ireland's territorial waters which is consistent with the requirement of the EU Marine Spatial Planning Directive. Furthermore the Draft NMPF contains overarching policies which create the spatial framework for much-improved cross sectoral policy integration with which to achieve the sustainable management of Ireland's marine interests.

DCC's primary focus is Dublin Bay and coastline together with the interrelationship between these marine assets and terrestrial uses. The Dublin City Development Plan 2016 – 2022 (the Development Plan) contains a range of policies and objectives which pertain to the sustainable management of Dublin Bay. A comprehensive review of these policies will be undertaken as part of the Development Plan which will commence later this year. Given the significance of Dublin Bay and its coastline, the 2022 – 2028 Development Plan will contain an appropriate policy position to manage these marine assets within the context of the emerging policy hierarchy which will be established by the NMPF.

In relation to specific content of the Draft NMPF, DCC wishes to make the following comments:

Hierarchy of plans and policies.

DCC welcomes the clear association between policy position articulated in the Draft NMPF and that of the National Planning Framework (NPF). Both documents recognise the key role that regional and local government has in interpreting, articulating and implementation these high level policy objectives. Within this governance structure, DCC will play a key role in delivering policy at a local level. It is therefore critical that the National Development Plan (NDP) funding is aligned with the NMPF, as it is with the NPF, to ensure that funding for critical infrastructural projects is supported across both policy platforms.

Marine planning in broader context.

Section 2 of the Draft NMPF sets out the broad policy environment and the work undertaken to date on the preparation of the framework. In the interest of clarity this section of the Draft NMPF would benefit from the inclusion of an infographic or flow chart which sets out the process completed date and identify future milestones in order to provide a holistic overview of the process. This infographic or flowchart should include references to relevant legislation and parallel environmental assessment processes (i.e. Strategic Environmental Assessment and Appropriate Assessment) which will inform the preparation of the NMPF.

Marine Designations

The Development Plan references the Dublin Biosphere designation and contains supporting policy. The Dublin Biosphere focuses on the interrelationship between humans/culture and ecology and covers much of the Bay and transcends the functional areas of DCC, Dun Laoghaire Rathdown and Fingal County Council. DCC recommends that NMPF provides a framework for the coordination of a cross sectoral policy approach at national level.

Section 3 of the Draft NMPF includes designations and maps which pertain to the marine environment. It is recommended that Section 3 is amended to include reference to the Dublin Bay Biosphere UNESCO (Dublin Biosphere) designation and its marine core, buffer and transition zones. Definition in the Draft NMPF should be in accordance with legal definitions.

Climate Action

DCC welcomes the clear link that the Draft NMPF makes between effects of climate change and the climate action policy response to this issue through mitigation and adaptation. Sea level rise represents a significant threat to Dublin Bay's protected habitats, species and coastal infrastructure. The evidence of the loss of these habitats and species should be coordinated, surveyed, mapped and assessed at a national and regional level; in order to inform marine spatial planning policy and future decision-making at a local level. There should be a reference in section 2.4.5 to the effect of sea level rises on protected habitats and species. The DCC also recommends that Draft NMPF should reference the Florence Declaration on Landscape.

It is noted that the Draft NMPF makes reference in its narrative to the Climate Action Regional Office (CARO). This is welcomed as CARO will play an important role in the development of trans boundary policy to mitigate and adapt the effects of climate change at a regional and local area within the Dublin metropolitan area. However in order to achieve cross sectoral policy compliance, it is recommended that NMPF contains a policy position which directly references and supports the work/role of CARO and its important function in this regard. DCC also supports the policies to promote offshore renewable energy (ORE).

Economic Development

The NMPF has an important role to play in promoting the sustainable economic and tourism potential of Dublin Bay and its coastal areas including policies on the optimal co-existence of a number of activities. The NMPF can usefully identify cross sectoral areas of policy interactions by articulating and resolving overlapping policy conflicts and managing impacts at project level. However NMPF policy must be robustly informed by the SEA/AA processes which contain an evidence base which identifies and mitigates environmental/ecological impacts.

Tourism Development

The Draft NMPF tourism policy is compatible with the policies and objectives for the Development Plan and the Dublin Bay UNESCO Biosphere. DCC recommends that the NMPF contains a specific objective which identifies and supports Dublin Bay as a model for sustainable tourism. To this end, DCC is planning to develop a Discovery Centre for Dublin Bay which will serve to provide enhanced interpretation, educational and visitor management facilities. DCC welcomes proposals for a Marine Waste Management Plan (Section 3.1.20) especially at urban interface. e.g. Dublin Bay.

Port Access

The Draft NMPF, under National Ports Policy (Section 14.14), identifies Dublin Port as a Tier 1 Port. Section 14.7 of the NMPF refers to the national policy priority, contained in the NPF, to strengthen access routes to Ireland's ports through investment to upgrade and enhance the road transport network. The Development Plan contains an indicative mapped alignment and an objective MTO32 which seeks to provide access to Dublin Port's operations on the north and south side of the bay through the provision of the South Port Access Route (SPAR). It is therefore important that the NMPF contains a robust policy position to support the investment required to deliver the SPAR, and maintains shipping lanes to Dublin Port.

Appendices

Appendix A should be amended to include the Heritage Council who, under the Heritage Act, have statutory responsibility for Seascapes.

Appendix D of the Draft NMPF references the Marine Planning and Development Management (MPD) Bill. When enacted, the MPD Act will create a single development management process for the management of works and uses which impact on the terrestrial and marine environments. It is hoped that this legislative reform will give improved legal clarity to this judicially contested area including the extent of the Local Authorities administrative responsibilities in the marine realm. The preparation of Ministerial Guidelines on the consent process for marine spatial management in accordance with Section 28 of the Planning and Development Act 2000 (as amended) would be most welcome in this regard.

The MPD Bill will also provide for the designation of Strategic Marine Activity Zones (SMAZ) which will result in a further spatial designation for Dublin Bay and Coastline. DCC looks forward to future consultation to assist in the development of this designation process.

I trust the above will be taken into consideration in finalising the NMPF. DCC looks forward to further collaboration with the Department in the delivering the wider Marine Spatial Planning agenda for Ireland.

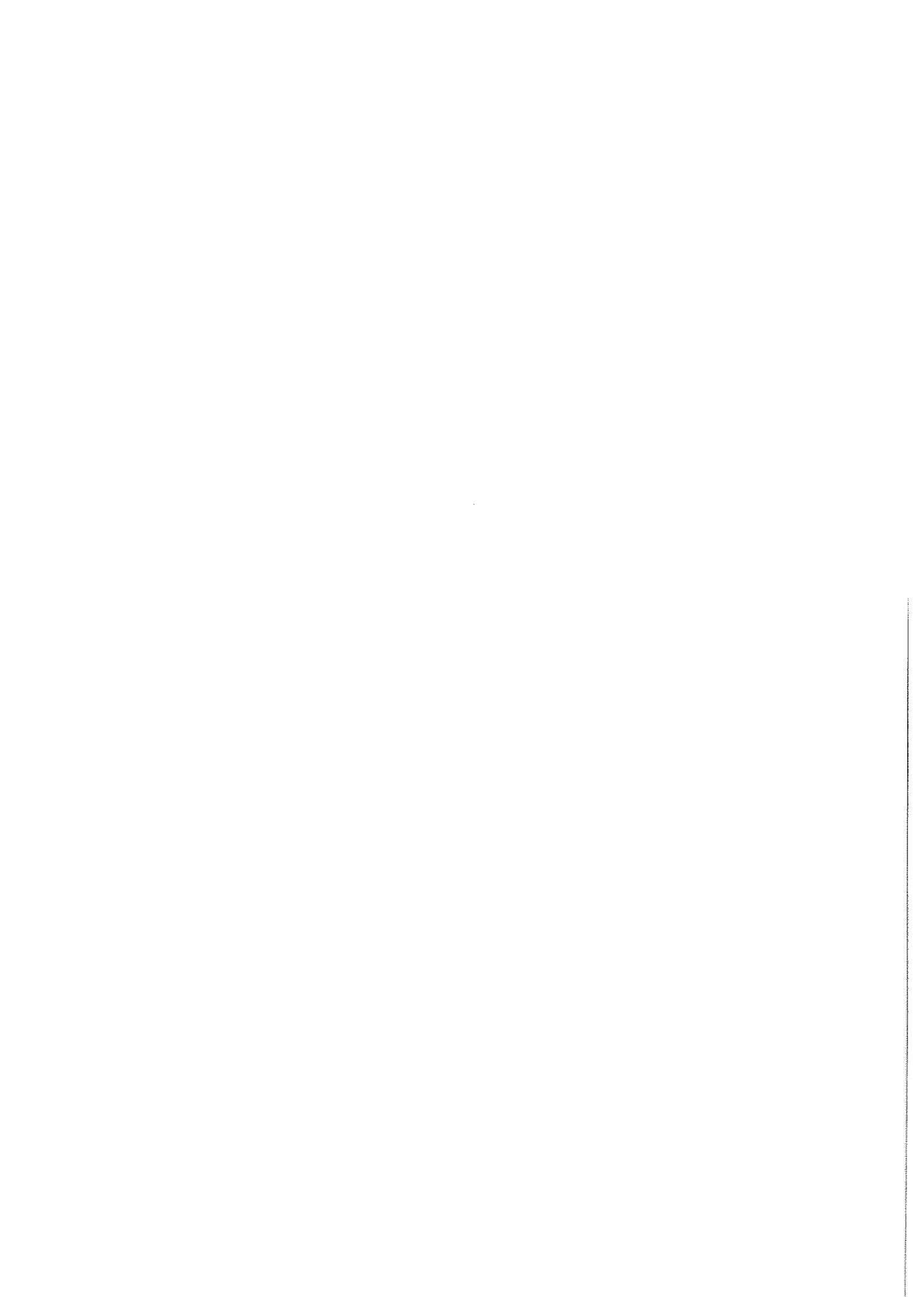
Please do not hesitate to contact me if I can be of further assistance.

Yours sincerely



John O'Hara

City Planning Officer



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

30th April 2020

RE: Public Consultation on the Draft National Marine Planning Framework

Dear Sir/Madam

Bord Gáis Energy (BGE) welcomes the opportunity to respond to this consultation on the National Marine Planning Framework (NMPF).

BGE as an energy service and supply company has a particular interest in the sections of the NMPF relating to energy - it is these sections our response focuses on. Ireland has ambitious plans to decarbonise its energy supply over the coming decades, with a shift away from fossil fuels across all sectors towards increased distributed and renewable energy production. It is important in this decarbonisation transformation that national planning across all sectors is interlinked and the NMPF is an important tool in facilitating this.

1. Energy – Carbon Capture & Storage (CCS)

BGE is supportive of the development of CCS in Ireland as we believe it will play an important role in our national decarbonisation efforts. Ireland's current target to produce 70% of electricity from renewable sources by 2030 is ambitious but also envisages a significant role for conventional generation. Reliable thermal assets will continue to play a central role in our electricity system supporting intermittent renewables and providing on demand energy. Decarbonisation of these generators will help in reaching our immediate 2030 targets while also setting out our pathway to net zero in the future. Given that there are less than 10 years remaining to achieve the 70% target, efforts should be made in the very near term to encourage more enabling technologies for decarbonisation and we believe that CCS is one such technology. BGE believes that local geological storage may be the more cost-effective model to follow compared to transport and storage, not least due to the absence of transport costs. As recently referenced at the European Gas regulatory forum¹ the Kinsale gas field is a potentially excellent site, due to its close proximity to two gas powered electricity stations and a number of large industrial sites in the area utilising large quantities of natural gas.

BGE agrees with the objectives outlined for CCS in the NMPF; cost effectiveness, environmental protection and safety are of paramount importance. In relation to costs we understand that in the first instance, CCS may seem like a relatively more expensive decarbonisation technology when compared to wind generation for instance. However, we would highlight that the marginal abatement costs of emissions reductions will increase significantly as we approach our net zero ambition and we cannot rely on intermittent renewables to deliver our targets completely. This is especially important given the growth of decarbonisation ambitions across Europe, and the likelihood that we will target carbon neutrality by 2050. Enabling the development of CCS will be critical if Ireland is to achieve its long-term targets while maintaining security of energy supplies. When undertaking the cost-benefit analysis around the use of Kinsale for CCS we need ensure that we take whole system costs and capabilities into account. Conventional thermal generators support our transition to a decarbonised electricity system and their total removal would be exceedingly costly, a fact that needs to be considered when judging the overall costs of enabling CCS.

¹ The potential for CCS and CCU in Europe – Report to the Thirty Second Meeting of the European Gas Regulatory Forum, 5-6 June 2019.

It is also worth highlighting the renewed interest in CCS at the European level and the recent announcements as part of the Green Deal². There is a recognition that achieving net zero carbon emissions will require CCS and there are proposals about funding research and innovation in CCS projects. Scope to reduce the financial costs of CCS will be available in the coming years and Ireland should be prepared to participate in these projects³. As such we believe it would be prudent to ensure any legislative or regulatory barriers to enacting CCS in Ireland are addressed promptly.

2. Energy – Offshore Gas Storage

It is expected that Ireland will remain reliant on natural gas for some of its electricity generation and heating for the next two decades. As such security of gas supplies will also remain of great importance. As high-lighted in the draft plan the use of the Kinsale field for gas storage has been attempted before and failed, thus the commercial case for the use of the Kinsale field for gas storage still appears quite weak. The focus for that site therefore we suggest better sits with its CCS potential as discussed above.

While the construction of a LNG terminal in Ireland may serve to increase security of supply, given the number of LNG degasification plants within the UK and our capacity for gas importation from the UK - questions over what true value it will add remain. BGE's primary concern is ensuring that customers do not bear undue costs and from our perspective a thorough cost-benefit analysis is required comparing a LNG terminal to alternative solutions, such as UK imports or indeed investment in indigenous renewable gas production, before any decision to proceed is made. While outside the scope of this consultation BGE believes that long term security of supply would be better achieved by focusing on the production of renewable gaseous fuels within Ireland. Biomethane currently, and in the future hydrogen production, could provide significant volumes of low-carbon energy that will complement our natural wind and agricultural resources in meeting our low carbon ambitions. This will require significant investment in the near term if we are to build an indigenous industry that can support a sustainable agricultural sector and a true low carbon energy future. In our view, this would be a better use of any investment⁴ to ensure security of supply and would also aid in our transition to a low carbon future.

3. Energy – Transmission

Electricity inter-connectors (**IC**) are an integral part of Ireland's developing energy system, providing security of supply and facilitating the growing proportion of intermittent renewables. They can provide significant benefits but realising these benefits requires close cooperation between marine and terrestrial policy development and planning. The electricity transmission network in Ireland already suffers from constraints in many areas and where an IC comes to shore it can have considerable impacts on the grid and other generators. In this context, BGE notes the reference in the NMPF to the prioritisation of land-based infrastructure to support transmission but we are concerned that this does not go far enough. The onshore and offshore planning frameworks must work together to ensure that social welfare is maximised. To facilitate this BGE suggests requiring a full onshore network impact assessment to be conducted and included in the analysis of any proposed IC so that a whole system analysis can be conducted between the relevant regulatory bodies. A new IC will have massive impacts on the transmission infrastructure where it comes to land directly impacting other market participants. This can be seen with the proposed Celtic and Greenlink ICs where various EirGrid documentation highlights the considerable on-land network reinforcement required to accommodate these new ICs. Given the difficulties that Ireland has had in progressing significant transmission network upgrades recently this is a serious concern and one which will be exceedingly difficult to remedy. As such it is of central importance that the capacity of the transmission network where any new IC comes to land is central to the planning process. Marine and terrestrial planning policies will need to work in conjunction with each other to facilitate this.

² The European Green Deal: Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions. 11.12.2019. pp 6-8.

³ Carbon Capture and Storage or Utilisation projects will be able to avail of funding from the European Investment Bank, Horizon Europe, Connecting Europe Facility and the EU ETS Innovation Fund – “The European Green Deal: New opportunities to scale up carbon capture and storage: 2020 Perspective” Global CCS Institute.

⁴ BGE's perspective is based on the satisfactory conclusion of Brexit negotiations and the potential to continue utilising U.K. gas entry points, while this is not guaranteed it is our understanding that this is achievable.

4. Energy – Offshore Renewable Energy

BGE is supportive of the government's ambitions to decarbonise our electricity supply and recognises the contribution that offshore renewable energy (**ORE**), particularly offshore wind, will make. However, we have one significant concern with the plans outlined for the development of ORE, related to potential impacts and interactions offshore development will have on the onshore electricity system. The development of the onshore electricity transmission and distribution system to adapt to our changing electricity system is an ongoing task and as mentioned above there are significant constraints and losses on the system presently. This situation is likely to worsen given the large increase in onshore renewable generation over the coming decade.

Alongside ongoing system operator work on network reinforcement, upgrades and optimisation there is currently significant work being undertaken by the Commission for the Regulation of Utilities (**CRU**) in developing the connection policy for onshore generation to maximise the effectiveness of the existing grid while facilitating the growth in renewable investments. Discussion of connection policy for ORE has so far been absent and BGE is concerned that the policy for onshore and offshore are not developing in sync. This has the potential to lead to offshore developments negatively impacting onshore and vice versa thereby undermining the benefits we get from developing ORE resources. While the need to invest in the electricity grid is recognised in the consultation document, doing so is not a straight forward process with onshore grid developments facing significant difficulties in progressing across Ireland. While connection policy for ORE is within the remit of the CRU, the interlinkages between the onshore and offshore connection policy and overall grid functioning need to be considered in designating zones for ORE.

BGE would also like to raise two points in relation to the policy actions identified in the ORE Development Plan regarding the proposed support tariff and infrastructure development. Firstly, while we have no over-arching objection to a market support tariff being introduced for ocean energy, we understand that the specifics of such will be consulted on carefully before its introduction. Electricity consumers already bear significant costs, via the PSO, to support the decarbonisation agenda including in heat and transport. In general, BGE believes that the source of funding for future renewable electricity support needs significant consideration to ensure that consumers are receiving value for money particularly where technologies may be in the very early stages of commercial viability.

Secondly, it is important that the development of ORE is as cost-efficient as possible. There are currently two ports, Belfast and Mostyn, with the required infrastructure to support ORE development in Ireland and this should be adequate to service Ireland's needs in terms of the levels of ORE it expects to connect in the coming decade at least. While bearing in mind there are numerous government policies and objectives relevant here, it is important we utilise existing infrastructure to minimise costs where appropriate and in line with wider government policy.

5. Conclusion

To conclude BGE is supportive of the over-arching objective of the NMPF as long-term planning and development of our marine resources will benefit all. This support is subject to the concerns outlined above. Ultimately, we urge the Department to work collaboratively with other relevant regulatory bodies, to ensure that the development of offshore policy complements and works in tandem with existing infrastructure and onshore policies (for renewable electricity and gas) to deliver a cost-effective low carbon transition. We thank the department for the opportunity to participate in this consultation process and please feel free to contact me if there is any clarification required or you wish to discuss any of our views expressed above.

Yours faithfully,

Eoin McGurk
Regulatory Affairs – Commercial
Bord Gáis Energy
(By email)

Draft National Marine Planning Framework

Comment and Recommendations

Coastal & Marine Environments Programme, NUI Galway

30 April 2020

As Programme Coordinator for the Coastal and Marine Environments Programme here at NUI Galway, I thank you for receiving my comments and review of the Draft National Marine Planning Framework (NMPF)¹. As an academic who both lectures and leads a small research group on Marine Spatial Planning (MSP), I know that stakeholder engagement and public participation in the development of planning policies is not just a legal requirement or box-checking exercise, but a hallmark of democratic, just societies. I do hope you take this and all other submissions you receive with the interest and due consideration they rightfully deserve.

Key Recommendations:

- **The NMPF must contain clear, tangible language that successfully translates Ireland's national plan to regional and local levels in real, meaningful ways.**
- **The NMPF must be participatory, adaptive, and ecosystem-based, in a manner that is consistent and supportive of Ireland's efforts to meet Sustainable Development Goals (SDGs), particularly SDGs 7 (Affordable and Clean Energy), 11 (Sustainable Cities and Communities), 12 (Responsible Consumption and Production), 13 (Climate Action), and 14 (Life Below Water).²**
- **The multi-sector, multi-interest nature of the NMPF and its necessary regional and local MSPs will require independent authority that is safeguarded from political winds or sector influence.**

The NMPF must be translatable to regional and local levels: The NMPF should represent the formative effort by Government to improve how we plan, use, and manage our coastal and marine spaces, not the sum total of that guidance. It is wholly insufficient to proceed with a final NMPF that states 'a single plan will be prepared for the entire area now **with the possibility of more detailed regional**

¹ Gol. 2019. National Marine Planning Framework Consultation Draft. Government of Ireland, 200 pp.

² United Nations. 2015. UN Sustainable Development Goals.

<https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

plans being made a later date' (NMPF 2019, 9). Planning at the appropriate spatial and temporal scale is essential.³ Some aspects, like preparing plans for the likely effects of climate change, should be led at a national level.⁴ But more frequently, local and regional uses require local and regional planning. In this regard, the NMPF is encouraged to closely align with and borrow suitable frameworks and mechanisms used by Government to guide land-use planning. While there will be a need to adapt land-use planning process to the unique challenges presented by our dynamic oceans, there is existing expertise that can inform and guide these adaptations.⁵ ***The final NMPF presented by March 2021 will be incomplete if it does not provide clear language and sufficient detail on how national-level plans get translated to regional and local efforts.*** MSP represents a new course of action, and its ultimate effectiveness will be determined largely on whether it can comprehensively coordinate planning responses in a timely and scale-relevant manner. As Gilliland and Laffoley (2008, 789) emphasise, 'just as ecosystems operate at different scales, so too should MSP... We favour a nested approach in which each [planning] level provides context for the level below.'

The NMPF must be participatory and adaptive: Ireland has a responsibility for establishing and maintaining public engagement and participation both in the establishment of the NMPF and continued engagement once implemented. Article 2 of the Public Participation Directive (2003/35/EC) requires Member States to 'ensure that the public is given early and effective opportunities to ***participate in the preparation and modification or review of the plans or programmes.*** While this consultation is evidence that Government has faithfully met Article 2 in the preparation and (subsequent to this consultation period) modification of the NMPF, continued opportunities for public input will necessary ahead of periodic reviews and further modifications.

The NMPF, in Section 21 (Implementation Arrangements) has provided positive language that suggests that, once implemented, the NMPF will remain committed to engagement (21.2 and 21.5). The final NMPF must enshrine that engagement once implemented. Stakeholder groups do not cease to exist or engage once a plan is produced. In fact, a plan with concrete aspects represents the very beginning of what needs to be a lasting, committing, and respectful dialogue.⁶ Flannery et al. (2018, 39) write that while the general approach is to conduct engagement early – as has been done here with the NMPF – stakeholders 'expressed a desire to ***engage in debate around specific projects...*** where gains and losses are fought over.'

³ Jones, PJS et al. 2016. *Mar Pol* 71: 256-264.

⁴ Carr, LM. 2019. *Irish Geog* 52: 1-20.

⁵ Gilliland, PM and Laffoley, D. 2008. *Mar Pol* 32: 787-796.

⁶ Flannery, W. et al. 2018. *Mar Pol* 88: 32-40.

The NMPF must be ecosystem-based: Article 5.1 of the MSP Directive (2014/89/EU) explicitly requires states to integrate ecosystem-based approaches in their MSPs. This language reinforces clear requirements under Article 1.1-1.3 of the Marine Strategy Framework Directive (2008/56/EC) that Ireland use ‘an ecosystem-based approach to the management of human activities’ to achieve Good Environmental Status, as well as similar language relating to the achievement and maintenance of Good Ecological Status of coastal waters under Article 1a-b of the Water Framework Directive (2000/60/EC).

Ireland’s marine space is inherently valuable. Colleagues here at NUI Galway have reported that our Ocean Economy employs 34,132 FTEs, with a direct contribution of €2.2bn (1.1% of GDP), and an economic turnover of €6.2bn.⁷ This production, estimated to be €4.2bn through direct and indirect gross value added (GVA) is only a portion of the true value. Ecosystem goods and services include far more than what economic benefits we gain through resource exploitation (e.g. fisheries, energy and mineral extraction). Marine recreation, for example, has an estimated value of €1.7bn at the national level.⁸ And at local scales, we have shown that an intact coastal dune system is worth in excess of €9m as a summer tourism draw.⁹ The NMPF must align with the MSFD and WFD, and safeguard the ecological functionality of our coastal and marine spaces through actions that **strengthen their resilience and ability to reliably deliver a suite of ecosystem services**, rather than those that a particular sector might find valuable.

Annex I of the Convention on Biological Diversity’s *Workshop on the Ecosystem Approach*, commonly referred to as the Malawi Principles,¹⁰ provides guidance on how ecosystems and users can be managed holistically rather than piecemeal or on a sectoral basis. Ecosystem-based approaches¹¹, and the wider conceptual theory of social-ecological systems,¹² are foundational to the long-term sustainability that MSP aspires to achieve. The NMPF needs to **balance economic growth against ecological maintenance**, two of the three equal goals of the *Harnessing Our Ocean Wealth* report. Government and Advisory Group expertise needs to be included so that plans result in the conservation of ecosystem structure and functioning (Malawi Principle 5). Positive, aspirational statements within the NMPF (Section 3 – Overarching Marine Planning Policies) regarding ecosystem-

⁷ SEMRU. 2019. Ireland’s Ocean Economy. NUI Galway Socio-Economic Marine Research Unit (SEMRU).

⁸ Norton, D. et al. 2018. EPA Research Report No. 239: Valuing Ireland’s Coastal, Marine and Estuarine Ecosystem Services.

⁹ Carr, L. and ÓFátharta, E. 2020. The economic value of coastal recreation on a coastal beach and dune system in Ireland’s Southwest. NUI Galway, Whitaker Institute, Policy Brief No. 59.

¹⁰ Convention on Biological Diversity. 1999. Workshop on the Ecosystem Approach. UNEP/CBD/COP/4/Inf.9.

¹¹ Qiu, W. and Jones, PSJ. 2013. *Mar Pol* 39: 182-190.

¹² Ostrom, E. 2009. *Science* 325: 419-422.

based planning will need to be realised by being physically implemented at relevant spatial and temporal scales (Malawi Principle 6).

The NMPF will require independent authority: It is heartening to see that the NMPF (Section 21.11) has ‘proposed that [a high-level Interdepartmental Group and an external Stakeholder Advisory Group] these groups will be repurposed – **before finalisation of the NMPF** – to become implementation bodies to ensure that the NMPF and its main proposals are given top-level commitment, including budgetary and investment nature, and are therefore appropriately driven, including constant monitoring to measure progress and focus accordingly.’ It is the recommendation of this consultation that this proposal be pursued and enacted, in a fair, inclusive, and just manner.

It is true that there will be sectoral aspects to any plan, and those authorities should use their particular expertise to implement those plans appropriately. **A single coordinating authority, suitably divested from sectoral interests or pressures**, will still be needed. If the DHPLG is deemed capable to handle this responsibility, they should be given the tools and infrastructural supports to succeed in their task as competent authority. If not DHPLG, then this consultation strongly recommends that an independent authority be created to fill this role, serving as an impartial expert in the planning process and acting as a liaison between national and regional/local levels.

Such an action reflects the scale, complexity, and most importantly, promise of Ireland’s ‘Blue Economy’. Ireland has the great fortune of extensive maritime claims, ten times the size of its land claims.¹³ It is incumbent upon Government to recognise its importance and contribution by empowering the competent authority beyond the intention of Section 2.21 ‘for the purposes of the [MSP] Directive and, by extension, for purposes of preparing Ireland’s first marine spatial plan’. Ireland’s MSP will require continued oversight and coordination beyond the preparation of a plan, resolving questions and supporting adaptation efforts by respective sectors and interests.

Closing: In closing, developing and implementing Ireland’s first NMPF is a complex task, but one that is greatly needed. It is essential that it is done right, focusing on where and how we physically interact with our coastal and marine spaces. The habitats, economic sectors, and communities which rely upon their ecosystem goods and services for life, livelihood, and identity, all require due respect and a voice in their planning, use, and management. It would be a detriment to Ireland’s MSP efforts to achieve GES, combat overfishing, strengthen cultural connections with the sea, reduce carbon emissions while pursuing offshore renewable energy, and generally reduce spatial conflict if authority and oversight is

¹³ MCG. 2012. Harnessing Our Ocean Wealth – An Integrated Marine Plan for Ireland Roadmap: New Ways, New Approaches, New Thinking. Government of Ireland Marine Coordination Group (MCG), Dublin.

seen to be influenced by any particular sector or interest. The NMPF is meant to be ‘a common framework for environmental, social and economic factors’ that will ‘**steer decision-making at all levels towards sustainable management**’ of Ireland’s marine resources.’¹⁴ By including tangible considerations for ecosystem-based, participatory, adaptive planning, the NMPF stands a strong chance to address ongoing concerns and issues related to our use and enjoyment of our coastal and marine spaces. Thank you for the opportunity to engage and looking forward to your response to the comments submitted by interested parties from around the country.

Mise le meas,



Liam M. Carr, PhD

MSc Coastal & Marine Environments Programme

National University of Ireland Galway



¹⁴ Gol. 2019. National Marine Planning Framework Consultation Draft. Government of Ireland (Gol), p.4.

Submission on the National Marine Planning Framework Consultation Draft

Holly Cairns TD (Cork South West) & Councillor Ross O'Connell (Cork County Council - Bantry LEA)

30th April 2020

Overview

This submission to the Department of Housing, Planning and Local Government, regarding the draft National Marine Planning Framework (NMPF) relates to the function and operation of the plan; sustainability; coastal and island communities; offshore renewable energy; fisheries; seaweed harvesting; and, a proposed coastal/marine national park. It is informed by our experiences as both local residents in coastal communities and public representatives for West Cork, our additional professional perspectives¹, engagements with research, and the priorities and concerns of our constituents.

West Cork is an area defined by its coastal location with fishing and marine tourism being major economic drivers, a rich maritime cultural heritage, and incredible scenery and local biodiversity. Our constituency and municipal district will be among the ones most affected by the new NMPF nationally. It is, therefore, important that as public representatives we ensure that the voice of West Cork coastal and island communities contribute to this draft. We are eager for the NMPF to be realised as soon as possible to assist in supporting local communities and fostering coastal living. Moreover, we are both available to be contacted and offer further input to the progression of the NMPF.

We welcome the opportunity to engage with the National Marine Planning Framework Consultation Draft (NMPFCD) and appreciate the flexibility of the Department in accommodating different perspectives during the Covid19 emergency, although it is regrettable that several of the planned in-person meetings did not occur. We are also encouraged to see the level of engagement from individuals, communities, representative bodies, and other bodies in the process which have helped inform and refine the NMPFCD.

Holly Cairns TD
33 North Street, Skibbereen, Cork.

Councillor Ross O'Connell
County Hall, Carrigrohane Road. Cork

¹ Holly Cairns is a farmer and holds an MSc in Organic Horticulture from UCC; and, Ross O'Connell is a Doctoral Researcher in MaREI Centre for Marine and Renewable Energy, UCC who holds an MSc in Geography and Geoinformatics from the University of Copenhagen.

1. Function and operation of the plan

We welcome the NMPF as a systematic and comprehensive approach to marine planning over a long-term period which will establish and ground developments in Ireland's maritime area. It will assist in providing the necessary guidance to achieve clear aims and objectives for our coastal communities and the maritime sectors. However, greater clarity is required on the role of the NMPF as a document that 'sits at the top of the hierarchy of plans and sectoral policies for the marine area' (pg9) and the authority through which it will be enforced.

Rationale:

As the document that outlines the 'high-level priorities for the enhancement of the marine planning system in Ireland' (pg 15), what are the formal mechanisms and operational protocols by which it will relate to existing and future components of Ireland's marine planning system? For example, under the 'Marine Consents and Licensing' (pg 20) sub-section states that 'The NMPF will 'provide an overarching framework' for the operation of 'existing regulatory regimes or legislative requirements governing the operation of various marine sectoral activities' and that '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.' In practice, how is it envisaged that decision-making in the marine sector and the application of regulations and legislation will be shaped by the NMPF? Phrases such as 'overarching framework' and 'take into account' are, in essence, insubstantial and open to broad interpretations and (dis)regard.

The NMPF needs to have a legislative basis and the authority to ensure that it will successfully shape developments in coastal communities and the marine sector in an ordered, prioritised, and transparent manner over the next twenty-years. For this plan to be fully realised it needs to be overseen by a semi-independent body, comparable to the EPA, which can enforce and direct the plan. Regrettably, this state has a poor track record in the implementation of national planning frameworks, such as the abandoned National Spatial Strategy 2002-2020 which was not properly supported, co-ordinated, or adhered to (Kitchin 2014; Ó'Riordáin & van Egeraat 2016). To learn from the mistakes of previous national plans, the NMPF requires proportionate authority to enable its implementation, with due consideration of principles of subsidiarity and changing circumstances, and oversee decision-making in this area.

The NMPFCD makes extensive references to forms of public engagement or consultation within the planning process. A clear definition of what is meant by this - such as the form it would take, the mechanisms involved, the responsibilities of different stakeholders - is essential for the proper function of a plan aimed at local ecological, economic, and environmental

development. Coastal and island communities should be at the heart of the NMPF. Planning should harness and actively employ the capacities of communities to shape and direct projects and developments. Under current and planned policies and structures, the public and local stakeholders are too often unable to meaningfully participate (CoCoNet 2004). In addition, recent campaigns in West Cork, including the Save Our Skibbereen Project (SOS 2019) and Bantry Bay - Protect Our Native Kelp Forest (bantrybaykelpforest.com 2020) illustrate the lengths local communities have to go to challenge planning decisions, which are conducted at great financial and temporal expense. Instead, a participative framework should facilitate the incorporation of public concerns through accessible, proactive, and progressive approaches. The NMPF presents an ideal opportunity to re-imagine a more participative and civic form of planning in Ireland.

Action

1. We recommend that the NMPF requires a semi-independent body to implement the plan and a clear framework for how the national plan will guide or direct regional or local plans, and the capacities for other actors, including, but not limited to, local authorities, regional offices, and semi-state bodies, to engage more fully in planning and its operation.
2. We also recommend the substantial development of the public engagement / stakeholder consultation aspects of the NMPF to enable coastal and island communities to have a greater and meaningful input into the planning process.

2. Sustainability

We welcome the prominence given to issues of environmental sustainability, climate change, and biodiversity in the NMPFCD. It is essential that environmental best-practice and awareness of Ireland's commitments under international agreements on emissions, habitats, and biodiversity underpin the NMPF and its implementation.

Rationale

The importance of the natural environment needs to direct the NMPF to protect coastal communities from the negative impacts of current trajectories in climate change (EPA, 2020). Planning in the marine sector needs to be made through a green lens that prioritises sustainability by ensuring that all activities under the plan proactively help fulfil our commitments to the Paris Climate Agreement and EU emissions targets (DCCAE, 2020), as well as the 2030 Agenda for Sustainable Development. In addition, the NMPF should be based on the European Commission's Marine Strategy Framework Directive which protects the marine environment across Europe (Directive 2008/56/EC).

It is encouraging that the NMPFCD states specifically that 'Climate change is a central consideration throughout this draft NMPF' (pg 21) and that 'The NMPF is part of the Government's efforts to squarely incorporate relevant SDG's (set out below) into marine planning and policy' (pg 22). Similarly, the prominence given to environmental issues in the *Report on Public Consultation Process* (DHPLG, 2019A) with, for example, 'Over 50% of the submissions received referred to marine environment and / or nature conservation' (pg 3) and 'Climate change was raised in 42% of the submissions received. Almost all of the respondents recommended that Ireland's NMPF should form an important part of our national response to climate change, with many also highlighting the impacts of climate change on, for example, water quality, marine biodiversity and our coastline' (pg 4).

However, we are disappointed to note that these commitments and sentiments are not fully adhered to within the NMPFCD. For example, the first objective under section 10 Energy - Petroleum is 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' (pg 112). This intent, and comparable features of the NMPFCD, are not only environmentally regressive approaches, but are incompatible with the climate change and sustainability commitments outlined earlier. We cannot understand how such internal contradictions were allowed to be included in NMPFCD.

Action

3. We recommend the strengthening of the environmental commitments in the NMPFCD to ensure that real and impactful climate action and sustainable development is foundational to marine planning and its operation. The NMPF needs robust and enforceable principles, and where appropriate targets, to ensure Ireland reaches its international environmental commitments, including the Paris Climate Agreement and the Marine Strategy Framework Directive. As part of this process, we seek the phasing out of offshore drilling for oil and gas to protect our marine health, tourism, and seafood industries.

3. Rural Coastal and Island Communities

As currently structured the NMPFCD, establishes the role of marine planning to help 'achieve ecological, economic and social objectives', but the social dimension is under-developed. While the environmental and economic features of the NMPFCD are directly and indirectly connected to the social elements, a stronger articulation of the role and impacts of coastal and island communities needs to be included. The driving force of the NMPF needs to support these groups.

Rationale

While the overall intention of the NMPF is a comprehensive approach to marine planning for national benefit, the immediate and applied focus should be on the coastal communities themselves whose livelihoods, wellbeing, and viability is dependent on maritime activities. The 'Rural Coastal and Island Communities' sub-section specifically mentions planning 'contributing to access, communications, energy self-sufficiency or sustainability of rural coastal and/or island communities should be supported' (pg 80). These features are vital for coastal and island communities, however, a greater focus on the social dimension should be present.

It would be more reassuring for the communities involved if the NMPF incorporated priorities from the Government's *Islands Policy Consultation Paper*, such as equality of opportunity and enabling a vibrant, harmonious society (DCHG 2019). Although the NMPF performs a different function to a Government Policy, the NMPFCD acknowledges its role in fostering local communities. It is important it therefore lives up to this commitment through a clearer and more substantial explanation of the forms of social and cultural life the plan will encourage. There is also scope for a fuller realisation of public consultation in the planning process in this area.

Action

4. We recommend that greater priority be given to the social aspects within the NMPFCD and that the rights and potential of coastal and island communities be more firmly recognised and supported.

4. Energy – Offshore Renewable Energy

This section relates to the Marine Spatial Plan's mechanism for spatial designation of our marine areas, i.e. zoning. In terms of Offshore Renewable Energy (ORE), wave energy will require special consideration in said mechanism due to its enormous potential but relatively nascent stage of technology readiness in comparison to offshore wind.

Rationale

With the most abundant wave energy resource in Europe, Ireland is uniquely placed geographically to harness this clean renewable energy. In comparison to offshore wind technologies, wave energy is behind in terms of technology readiness but will have hugely significant environmental, economic and societal benefits over offshore wind once deployment readiness has been achieved, these are listed below respectively;

- Environmental – on top of the obvious carbon emitting benefits, with a lower surface area of moving parts to cause bird strikes and a reduced environmentally intensive installation procedure, initial studies have shown that wave energy harnessing will have

a far less overall environmental impact than other ORE types (Jeffrey and Sedgwick, 2011),

- Economic – similar to the success story of Denmark’s pioneering development of an offshore wind energy industry, if Ireland can lead the way to the development of a wave energy industry, such ‘blue growth’ could be worth billions to the Irish economy through the creation of jobs outside of our urban centres, in remote coastal communities at an economic disadvantage in comparison to our large towns and cities (Meally, 2017; Murphy, 2017),
- Societal – considering the well written ORE Policy 9 (p.20) in the Draft National Marine Planning Framework Directive (Dept. of Housing, Planning and Local Government, 2019), where it is stated therein that visualisation assessments will be centrally important to the granting of permission to ORE developers to deploy devices at sea, it should be acknowledged that wave energy converters will protrude above the sea surface to a far lesser extent, and will thus have a much reduced visual impact on the seascape, in comparison to offshore wind developments, perhaps a particularly important factor for western coasts given the outstanding success of the Wild Atlantic Way tourism initiative and natural beauty of the region in general.

The Marine Spatial Plan (MSP) will be Ireland’s implementation of the EU MSP Directive, a directive which clearly encourages action on developing the emerging ORE sector to help us not only achieve our renewable energy and greenhouse gas reduction targets, but also fuel innovative economic growth through the creation of new, high-quality jobs in the ‘blue economy’. In this context, effective and considerate planning for wave energy harnessing, can help make way for a uniquely Irish answer to an EU wide ambition and has the opportunity to breathe life back into communities on the remote, and more economically disadvantaged, west coast, without causing damage to the thriving tourism sector in this area, i.e. along the Wild Atlantic Way.

Action

5. We propose that the mechanism for spatial designation of marine areas be carefully considerate of the aforementioned factors in this submission relating to the enormous environmental, economic and societal benefit that wave energy specifically has to offer as a use of our marine space and that a proportion of ORE designated zones be reserved for wave energy alone, particularly along Wild Atlantic Way coasts, i.e. where the resource is plentiful and coastal tourism is vital. Facilitating the effective coexistence of ORE and coastal tourism in this way, with minimum impact to local environments, should be in the interests of all.

5. Fisheries

The Fisheries section of the NMPFCD presents encouraging and supportive approaches that recognise the role of fishing and related activities for coastal communities and sets out participative models for development. We seek that these intentions are fully realised in the NMPF, with suitable oversight and mechanisms to ensure local communities have a direct and real say in local planning.

Rationale

Fishing has been a way of life for coastal communities in West Cork and across Ireland for generations with a deeply ingrained respect for the seas and responsible use of natural marine resources (Deep Maps, 2020). Fishing and aquaculture activities will continue to be a vital economic and social driver in these areas, demanding appropriate state support and ambitious planning (HO-JSF, 2014). It is essential that the NMPF prioritises the wellbeing and viability of these communities through sustainability, diversification, and shared decision-making. The fisheries planning policies in the NMPFCD indicate a coherent move to provide these areas with the support required that can be implemented in a participative manner.

Policy 2 'Proposals supporting a sustainable fishing industry, including the industry's diversification and or enhanced resilience to the effects of climate change, should be supported' (pg 126) is especially welcome; however, as with other elements discussed, clarity is required on how this will be achieved within the NMPF. Likewise, Policy 6 that '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' needs to be enabled through transparent mechanisms and flexible tools to facilitate community participation. This type of process needs to be carried out by trained facilitators who can engage with all stakeholders in a meaningful way throughout development and infrastructural projects, from conception through to completion and maintenance.

We are eager for the plan to actively support fishing and coastal communities. The principle of subsidiarity and appropriate scale should inform the NMPF and its deployment. We welcome the named inclusion of the larger fishing towns in West Cork - Castletownbere and Union Hall - and hope this indicates the significance assigned to these areas as vital economic drivers in the region. In addition, the NMPF has to incorporate structures to incorporate smaller fishing communities, such as Schull, Dunmanus, Durrus, or Turk Head, and island communities to ensure that the Fisher Policies are successfully achieved.

Action

6. We recommend that Fisheries section of the NMPFCD being implemented in a sustainable and participative manner for the good of the coastal and island communities involved. The policies in the Draft are welcomed, but need to be implemented and resourced properly.

6. Seaweed Harvesting (Bantry Bay):

This section relates to the issue of a licence to BioAtlantis (Tralee, Co. Kerry) to industrially extract 1860 acres of native Kelp in Bantry Bay, Co. Cork. We propose that said licence be revoked in order that a more sustainable alternative to exploiting this resource be investigated, with sufficient public engagement, appropriate advertising and Environmental Impact Assessment (EIA) and that no further such licences be issued in the meantime.

Rationale

This is the largest industrial scale native Kelp extraction licence to be issued in Irish or British waters to date, so naturally there are a lot of uncertainties. Despite this, no public consultation, adequate advertisement or EIA has taken place (bantrybaykelpforest.com, 2020). It is my understanding that this is almost certainly a breach of the Aarhus Convention (1998) and could ultimately lead to Ireland being brought before the European Courts of Justice. Seaweed, through a process known as 'blue carbon', plays a vital role in the battle against anthropogenic induced climate change, as kelp and other seaweeds have the ability to draw carbon out of the atmosphere, thus helping to regulate our climate. Furthermore, with the increasing frequency of storms and severe sea states brought on by such recent changes in our climate, seaweed also forms a coastal protection mechanism against coastal flooding and severe wave impacts which cause widespread destruction to coastal infrastructure all along the Irish coast during storm season (Duarte et al, 2017). Through industrial scale mechanical harvesting with complete lack of foresight at Bantry Bay, the seaweed will be cut to the root, leaving the plant incapable of re-blooming for future seasons. The licence that has been granted here allows for the cutting of the kelp plants at 25cm, a length at which the plant is unable to re-grow (Robinson, 2017). The implications of such mismanagement of this precious resource for Ireland's environment and culture could be catastrophic and the creation of barren ground on the seafloor will allow for the introduction of unknown invasive species, the environmental impact of which is shrouded with uncertainty.

Action

7. In accordance with part 5 of the Planning and Development Act (2018), where it is stated that it is the objectives of the Marine Spatial Plan "to analyse and organise activities in the maritime area for the purpose of achieving *ecological*, economic and

social priorities”, we propose that the licence to mechanically harvest at this industrial scale be revoked and that no further such licences be granted, particularly without conduction of public consultation, adequate advertising of intentions and a rigorous EIA (carried out by an external and appropriate body).

8. We recommend that future harnessing of this marine resource be planned in a far more sustainable manner with due consideration of the aforementioned factors in this submission.

7. Coastal National Park

The absence of a process to establish coastal/marine national parks within the NMPFCD should be addressed in the final plan. A coastal/marine national park provides a structure to realise many of the social, economic, and environmental dimensions of the NMPF.

Rationale

Coastal based national parks, such as Pembrokeshire Coast National Park (pembrokeshirecoast, 2020) or Dry Tortugas National Park (NPS, 2020), recognise the spectacular natural and cultural heritage of marine areas and the importance of their preservation and role as sustainable tourist locations. A marine-based national park aligns with the NMPFCD’s biodiversity and tourism policies which can be leveraged to support engagement with the sea and a long-term facility to support coastal and island communities.

West Cork has long been recognised as one of Ireland’s most distinct coastal areas. A recent Irish Research Council funded project by UCC researchers, Deep Maps: West Cork Coastal Cultures (Deep Maps 2020), illustrated the rich maritime environment of the region. It is marked out by its place on the Wild Atlantic Way, its diversity of seascapes and habitats, and its rich history and creative industries.

Action

9. We recommend that West Cork be piloted as Ireland’s first coastal national park. As a thoroughly coastal area with numerous bays and peninsulas, maritime and fishing infrastructures, and seven inhabited islands, it is the ideal combination of active landscape and seascape to trial the development of a living marine-based national park.

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Submission from Oliver Hart Oysterhaven Marine Ltd.

The Oysterhaven Centre is a holiday and activity centre in Oysterhaven between Kinsale and Cork. Established 40 years ago, we specialise in tourism and education related watersports activities and training for both children and adults.

This submission identifies the specific threats to our marine environment which is essential for our provision of tourism based watersports:

- **Threats from the land:** Increased run off from agricultural land, slurry, pesticides and fertilisers.(See example 1).
- **Threats from the sea:** Increased plastic waste from fisheries in Oysterhaven Bay (See example 2).

We feel that agricultural and fishing activities that are ecologically ***non-sustainable***, and ***economically subsidised*** must be better controlled to encourage and accommodate water based tourism activities which are both ecologically ***sustainable*** and ***economically profitable***.

Our Marine environment is threatened from both sea and land. In order to protect marine environments for tourism and educational activities there is a clear need for :

- a) Guidance and Legislation**
- b) Monitoring and Enforcement**

It would appear from the range of submissions and scientific studies that the issues that pose a threat to the sustainable use of our maritime resources are well known and well documented. I do not intend to add to these. However I would like to submit my observations of the use of the Bay in Oysterhaven together with anecdotal evidence to illustrate the yawning gap between the aspirations of policy makers and the apparent official indifference to either implementation or enforcement.

Oliver Hart has a lifetime of experience in the marine sector having been a trawler skipper, oyster farmer, commercial yachtmaster, windsurf and powerboat trainer, and activity centre operator. Over the course of the past 50 years he has held the following positions:
Cobh Fisherman's Association, Chairman
Irish Aquaculture Association, Chairman
Irish Association of Activity Centres, Chairman
Irish Windsurfing Association, Chairman
Irish Sailing (NGB), Director / Board Member
Sail Training Ireland (NGB), Vice Chairman

Example 1: Threat from the land - Farm Effluent

2016 was a wet summer. During the second week of August torrential rain affected much of the country over the course of a week-end. Farmers, restricted in their ability to spread slurry on their lands, due to the continuous rain over the preceding weeks, were faced with the dilemma of what to do with their overflowing slurry pits.

During the course of the days immediately following the torrential rainfall the water in the bay turned a dirty brown and the smell which emanated from it clearly indicated its origin. We were forced to conduct our waterspouts “on” the water rather than “in” the water.

By the end of that week two events coincided. The first was that with the change in weather the bay flushed itself out and the water returned to its usual pristine cloud. The second was a notice posted up on the community notice board (not notified to us) prohibiting swimming in the bay due to the contamination. The swimming ban last for the whole of the following week, when the water was sparkling clean, until the results of the tests, taken 5 days before, were published and the swimming ban was removed.

As a tourism based water sports activity provider we were adversely affected for two weeks during our high season by:

1. The illegal discharge of farm effluent into the bay.
2. The delayed analysis of the water quality tests by Cork County Council.
3. Water users being exposed to infection from a whole range of dangerous microbial sources for an entire week before results were published.

I refer to this as an isolated example, but it is of course symptomatic of a wider problem which takes place on a regular basis around the country.

Example 2: Threat from the sea - Plastic in the Ocean

Oysterhaven Centre Plastic Free Policy

At Oysterhaven we are attempting to eliminate the unnecessary and wasteful use of “single use” plastics. In doing so we hope to raise awareness among our clients - particularly the many school children who attend the Centre, with the aim of encouraging them to create a sustainable environment. We have a specific focus on educating young people and for the past few years we have led a campaign, together with Change by Degrees (Dr Tara Shine and Madeleine Murray) to highlight the menace of plastic in the ocean among primary school children.

Mission statement: ‘We are committed to reducing our plastic footprint and to raising awareness about plastic pollution and plastic solutions with our clients’

Vision: Oysterhaven Bay provides a pristine natural environment for clients of the centre and the cottages to enjoy, learn from and be inspired by during their stay and beyond. Our leadership and care for the natural environment empowers our clients to take positive steps to reduce plastic pollution during their stay and in their own lives.

At the Centre

Plastic in the ocean is now a well known phenomenon which is well documented and it is not necessary for me to highlight its existence. However it is equally well documented that certain species of fish and sea birds mistake small floating items of plastic for food with devastating consequences for them. It is thus perplexing to see members of the fishing industry perpetuating this practice and in so doing contributing to its own decline.

I recently collected from along the high tide mark what were clearly cuttings from the trimming of fishing net repairs. These extended over a considerable area and as there is no fishing industry in Oysterhaven that engages in net repair, it is safe to assume that they originated from a fishing harbour where where nets are fixed. I have actually witnessed such cuttings being left on the quay, only to be blown off or washed into the tide by rain.

It is also common practice to use polypropylene rope when attaching pots and tangle nets. Anyone familiar with this rope will know that it degrades quite rapidly especially when exposed to sunlight. As it degrades the outer fibres of the strands begin to break down and fray with the result that the rope is constantly shedding small particles of micro plastic into the ocean.

There are many other sources of plastic in the ocean, and the high tide mark of every beach in the country shows evidence of this. If we are serious about preserving our coastal environment, which is a vital element in our tourism offering, then it is time to provide:

- **Guidance and Education**
- **Legislation to Protect the Environment**
- **Monitoring to Understand Behaviour**
- **Enforcement to ensure compliance**

Unless those who will benefit most from a plastic free ocean and plentiful fish stocks act to prevent such pollution we cannot hold out much hope for their future.

Oliver Hart
30.04.2020



Comhairle Contae **Lú**
Louth County Council

Louth County Council submission on the
Draft National Marine Planning
Framework



Introduction

Louth County Council welcomes the opportunity to provide input into the preparation of the Draft National Marine Planning Framework (NMPF). The publication of the Draft Plan is timely as the Louth County Development Plan is also currently under review with the Draft Plan due to be placed on public display in Q3 of 2020.

This submission identifies the key issues in the Draft NMPF from the perspective of Louth County Council.

Integration of the Draft NMPF with National and Regional Policy

The publication of the Draft NMPF will assist in the integration of land use and marine planning and will provide Local Authorities with an important policy framework for the marine environment that will guide policy formulation in the preparation of Development Plans and Local Area Plans and the assessment of applications in the Development Management process.

The Council welcomes the co-ordination and alignment between the Draft NMPF and statutory national and regional Plans including the NPF, RSES, and River Basin Management Plan as it demonstrates a joined up approach at a national level to the future growth and management of our towns, and villages, particularly those located along the coast, and our rivers, lakes, and marine environment.

Future areas of growth in County Louth

Future population and economic growth in Louth will be concentrated in the Regional Growth Centres of Dundalk and Drogheda. Both these settlements have strong links with marine based activities due to their riverside location and proximity to the coast. This presents both challenges and opportunities in relation to economic development, tourism, climate change, and protection of the natural environment. It is recognised that the coastal and riverside environment where these settlements are situated are an important social and economic asset to residents and communities as it creates an important sense of place in addition to providing employment opportunities. The Draft Louth County Development Plan will recognise the importance of the marine environment in these locations and will require a balanced approach to be taken to future development in accordance with the requirements of the Draft NMPF.



Marine Planning and Development Management Bill

Louth County Council welcomes the Marine Planning and Development Management Bill, which is to be enacted following the adoption of the Draft NMPF. This legislative provision will provide clarity and efficiencies with regard to the development consent process in maritime areas whilst also providing a clear pathway and streamlined consent process for dealing with future offshore renewable energy projects.

Offshore Renewable Energy

The Draft NMPF has identified offshore wind as a major source of renewable energy, with policy ORE 1 supporting the generation of at least 3.5GW of electricity from offshore wind by 2030. The 'Marine Renewable Energy and Infrastructure Map' on page 125 of the Draft NMPF identifies offshore projects that are at various stages of the development process. This includes a number of potential developments off the coastline of County Louth.

With national policy supporting the development of offshore wind projects it is important that the necessary tools and guidance documents are in place to facilitate the delivery of these projects and to ensure they are developed in the appropriate locations. In this regard the Council welcomes the proposal to provide a system for designating Strategic Marine Activity Zones in Appendix D of the Draft NMPF. These zones will identify potential areas that are suitable for various uses including offshore wind and will provide clarity for all interested parties as to the preferred location for such developments. This plan led approach will assist in the progression of key infrastructure projects and in meeting renewable energy targets.

Visual impact will be one of the key considerations in the assessment of offshore wind developments. The requirement under ORE Policy 9 for the preparation for visual assessments as part of the application for an offshore wind farm is welcomed as it will assist key stakeholders and local communities in evaluating the potential visual impact of the development. This will provide a more transparent and informed decision-making process for all parties involved.

Ports

The Draft NMPF recognises the importance of Ports as enablers of economic growth and prosperity. There are 3 commercial Ports in County Louth at Drogheda, Dundalk, and Greenore. Drogheda is the largest of these Ports and is identified as a Regional Port of Significance in the National Ports policy. These Ports are the entry/exit point



for the import and export of goods and raw materials and are crucial in providing connectivity and supporting the development of the regional economy. The Council welcomes the objectives and policies in the Draft NMPF to safeguard Ports and support their sustainable expansion to meet future demands and adapt to the potential impacts of climate change.

Training

In order to support the successful implementation of the NMPF and to increase awareness and highlight the importance and inter-relationship between land use and marine based planning, it is considered that there is an opportunity to provide training and workshops with Local Authority staff and other stakeholders. This could be carried out in tandem with the publication of the section 28 guidelines on Marine Planning, which are referred to in the Draft NMPF.

Conclusion

Louth County Council requests that this submission is fully considered in the finalization of the Draft NMPF.



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Cuirfear fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome



Federation of Irish Salmon & Sea Trout Anglers

Conaidhm na Slat Iascairí Bradáin agus Breac Geal

F.I.S.S.T.A.

www.fissta.com

**Chairman: PAUL LAWTON,
CARR,**

**Runal: NOEL
ll.com**

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

Dear Minister,

We welcome the opportunity to make this submission as in broad terms the Draft NMPF is based around:

1. Marine planning objectives
2. Marine planning policies, and
3. Supporting actions required to achieve (1) and (2) above.

The plan does not set out a hierarchy of activities, but it should as is done in Norway where they have worked with the salmon farm industry to end sealice and disease by 2022. While the plan will, however, set out supporting policies in respect of fin fish cage aquaculture, other aquaculture, defence, energy, fisheries, mining and aggregates, ports harbours & shipping, telecommunications cables, tourism, safety at sea, sport & recreation, and waste-water treatment and disposal, we have serious concerns that our lobby will once again become swamped by big money from the fish farming industry as it is supported by our most powerful agricultural farmers the IFA - Irish Farmers Association who continue to lobby hard for the unsustainable salmon farm industry whose principles are alien to the genuine agriculture farm family that are the backbone of the state as once again they are proving to be in lockdown as in financial crises of the past.

FISSTA, the Federation of Irish Salmon and Sea Trout Anglers are Ireland's all island salmon and seatrout angling body representing the majority of the 20,000 club anglers and the sport on the many salmon and seatrout rivers north and south. We have campaigned against the marine destruction of our coastline and set up and

organise local groups to oppose any applications for inshore siting of sea cages for farmed salmon and other adverse aquaculture planning. We have succeeded in the withdrawal of a BIM license application to Minister Coveney in 2015 and we acknowledge the organisation we founded in 2011 called Galway Bay Against Salmon Cages, as they continue to campaign to oppose all local and other threats to Galway Bay and our wild Atlantic waters.

Along with GBASC, FISSTA want to protest in the strongest terms the way the Public Consultation process on the National Marine Planning Framework Baseline Report was originally formatted but the recent consultation process (albeit cancelled due to Covid – 19) had addressed to a degree our concerns. FISSTA in cooperation with GBASC have over the years since we were formed participated in a number of public consultations in relation to the marine, including the NSPAD, DSDP, MSFD, Independent Aquaculture Licensing Review and a number of others. Ours and other NGOs recommendations and suggestions in these submissions seem to have been ignored in favour of the salmon farming industry. We believe this submission under any new government will also be ignored, but we live and hope. If any new Minister gets his way over his department for a new approach of looking at the marine and how to protect it environmentally it must mean bringing the salmon farming industry under control and listening to the other sustainable stakeholders over the unsustainable.

Ministers and government departments can put as many regulations as they like on paper, but we know from past experience that they will never be implemented, as salmon farmers will do what they like, when they like and where they like, without any fear of sanctions. There are at present approximately 19 salmon farms operating under Section 19 (A) 4 of the 1997 Fisheries Amendment Act without having their licences renewed as the Appropriate Assessments that have been carried out, have not yet been published, also a number of farms have been found to be overstocked and breaking the conditions of their original licences. Cage structure regulations have been broken, safety regulations have been broken, environmental regulations have been broken, fresh water has been taken illegally without planning permission or Foreshore licences. Minister Creed and the authors of the NSPAD were naive if they thought that by putting 24 recommendations/regulations on paper that they could make open sea cage salmon farming sustainable and environmentally friendly and that salmon farmers will abide by these rules.

Open sea cage salmon farming can never be sustainable when it takes 3 to 5 tonnes of wild fish to produce 1 ton of fish feed, when its use of toxic pesticides kills Shrimp, Prawn, Lobster and Crab, when its sea lice infestations, escapes of non-native fish, disease/virus transmission wipe out wild salmon / sea trout and other species, when it causes pollution from large and concentrated volumes of manure into the marine environment, when it displaces inshore fishing and tourist angling jobs.

We have said it before and we say it again, there are 32,000 + tonnes capacity salmon farm licences in Ireland and the salmon farmers have, over the last number of years, as a result of disease, sea lice infestations and jellyfish attacks only been able to produce approximately 10,000 to 15,000 tonnes, so why do we need any more licences.

FISSTA and our supporting organisations say the only alternative is to build land-based, closed-containment fish farms, a cleaner and more socially acceptable way to

undertake aquaculture in Ireland, which will help restore our wild salmon and sea trout stocks to abundance and create many more sustainable jobs. The amount of money that was allocated in the NSPSAD to Closed Containment Systems was a joke, and was designed to stifle development in this area in favour of the cheaper and environmentally damaging open sea cages which allows concentrated volumes of untreated waste into the Marine environment. On land cattle, sheep, pig or chicken farmers, County Councils and industries are prosecuted if they allow untreated waste/chemicals into streams and rivers which would subsequently end up in the sea. Why are fish farmers exempt from prosecution?

Salmon farming will never feed the world because it kills more fish biomass (to make fish meal for feed) than it produces. Aquaculture is the biggest consumer of fish meal worldwide. The industry has to grow continuously to satisfy shareholders, and so pressure on wild forage fish continues to grow.

As I said earlier, if Minister English and his department are serious about listening to all marine stakeholders and to make matters relating to the marine more transparent in relation to Environmental issues, we recommend the following suggestions should be taken on board.

(1) Marine Environmental Protection Agency. An independent Marine Environmental Protection Agency (MEPA) should be set up to monitor all emissions into the marine environment by aquaculture and other marine industry operators.

The majority of MEPA

board members should have no connection to the aquaculture industry. The setting up of a totally independent MEPA would go a long way in making sure that the salmon farming industry is obeying all environmental laws, it would also allay the perception out there, that the Government monitoring agencies and Departments are turning a blind eye to breaches of these laws.

(2) Sea lice monitoring. All sea lice monitoring should be carried out by the new MEPA. All monitoring visits to fish farms should be unannounced. Monitoring inspectors should have their own transport out to fish farm cages and should not have to rely on transport from the farm operators. Nor should fish farm staff be engaged in "helping" monitoring staff. Severe financial penalties must be imposed for breaches of sea lice regulations.

(3) Escapes from fish farms. All farmed fish should be micro tagged before being transferred to open sea or fresh water cages. In the event of escapes, if all farmed fish were micro tagged, the relevant authorities would be able, in a short time to locate the offending farm and take legal action. At times over the last number of years in Galway City, Galway County and Mayo rivers, we have had escaped farmed salmon and rainbow trout that nobody knows where they escaped from, as the fish farmers had not reported any escapes from their farms. This happens on a regular basis. As the industry is profitable, it should be a minor cost to carry out micro tagging in the hatcheries.

(4) Toxic Pesticides. All toxic pesticides/ treatments used to kill sea lice on farmed salmon, that are proven to kill non target species such as Shrimp, Prawn, Lobster, Crab and other marine organisms should be banned in Irish waters. A list of all pesticides/ chemicals, what quantities and on what fish farms they are used on, should be made public on an ongoing basis and at least monthly. Signs should be erected on beaches (to alert swimmers) around bays that contain salmon farms when they are using toxic pesticides/ chemicals to treat sea lice infestations. It is

impossible to acquire any information in regard to the use of toxic pesticides/chemicals on salmon farms, as the farm operators and the Marine Institute (MI) hide behind the commercial confidentiality clause when refusing to disclose the information. It should be mandatory for the fish farms to record and report their usage

(5) Fish Diseases. All farmed fish that contact contagious fish viruses/diseases should be culled immediately whether they have listed or non listed diseases under the Fish Health Directive. This would cut down the possibility of disease transfer to wild marine stocks, which include wild salmon and sea trout. Competent Marine Scientists will say that it is near impossible to detect viruses in wild salmon and sea trout smolts that have become infected, as they become weak and are quickly eaten by predators. There is at present, no obligation on fish farmers to report non listed viruses/diseases to the relevant competent authority. This situation has to change if we are serious about protecting our wild salmon, sea trout and other wild fish species. The location of outbreaks of fish diseases/viruses should also be made public, right away, as the consumer should have a right to know if the farmed fish they are eating, has had, or has been in contact with a deadly and contagious fish virus. The fish farmers and the Marine Institute are also hiding behind the commercial confidentiality clause in regard to this issue. In 2015 I applied to the Marine Institute (MI) for information on the location of outbreaks of Pancreas Disease (PD) at a number of salmon farms in 2014 and in the refusal letter dated 29th April 2015. (AEI- Ref: A0051) I was told by the MI and I quote. " that communication of this information to a third party would be detrimental to has advised us (MI) that site specific health and mortality information is commercially sensitive in situations where they share a water body with other competitors." This statement shows the contempt some fish farmers have for other users of the bays in which they operate. This shows up the fact that the Co-ordinated Local Aquaculture Management System (CLAMS) is a total farce and is a cosmetic exercise to make salmon farming look like it is open, transparent and environmentally friendly, which it never will be, as it is totally unregulated and poses a major threat to wild salmon, sea trout and other marine species. We believe that it is false and misleading to describe farmed salmon which have been fed/dosed with toxic pesticides as organic. Farmed salmon should not be classed as organic when the aquaculture industry consumes between 3 and 5 tonnes of wild fish to make 1 ton of fish feed. More than half of this raw material used in salmon feed is nutritious and fully suitable for human consumption. Industrial aquaculture of fish-eating fish is incredibly resource-demanding and empties the sea of wild fish. Wild fish which could have been eaten by humans or other animals forming part of the ecosystem. The harvesting of wild fish for use as fish feed also poses a threat to large populations of seabirds and wild fish. Organic certification is being used by salmon farmers to be able to charge the consumer 3 or 4 times the price of conventional farmed salmon so that when they get hit by disease and lose a large amount of stock they can still make a profit.

We consider ourselves important stakeholders in the marine resource and on too many occasions the fin fish aquaculture industry and its government agencies supporters have refused to recognize us as such and neglected to consult with fishery owners and angling clubs in areas affected by fin fish aquaculture. This serious omission does not lend itself to open discussion and acceptance of our points of view on serious impacts of aquaculture on our important inland fishery

resource. There is wide spread perception in angling circles that the proposed increase in farmed salmon production in Ireland is being influenced by the salmon farm multinational companies who have huge influence in the EU and that the EU is putting pressure on our Government to increase output. Anglers and some Inshore fishermen that we have spoken to over the last few weeks are questioning whether we, as a country, should now join our near neighbour Britain and leave the EU to save what is left of our wild fish stocks which include wild salmon and sea trout.

According to a 2015 survey carried out for Inland Fisheries Ireland (IFI) there are over 273,000 domestic anglers of all disciplines fishing in Ireland and a further 144,000 overseas anglers visit Ireland to fish, resulting in angling being worth 836 million euro to the Irish economy and 11,600 jobs. These figures are extraordinary giving the fact that the majority of our country's salmon rivers are closed to taking a salmon (104 out of 147), as they are below their conservation limits, in other words, not enough fish spawn to keep a system viable. Also the majority of rivers in Connemara and along the west coast have lost their sea trout stocks due to infestations of sea lice and disease emanating from salmon farms. Just think of the angling potential we could generate if our wild salmon and sea trout stocks could be brought back to how they were in the 1960s and 70s before salmon farms were introduced in the mid 1980s. We are not naive enough to think that salmon farms are the WHOLE cause of the decline of our wild salmon and sea trout stocks. There are a number of other problems on our rivers that need to be rectified, such as farm pollution, domestic pollution, forestry pollution, man made blockages resulting in low river bed flow causing rivers to silt silt up and overgrow with vegetation. Fish cannot spawn in these conditions. Poaching and predation are also major problems on our rivers. All these man made problems could easily be rectified if the angling sector was properly funded and local authorities and Government bodies took more of an interest in an industry that is truly sustainable, is environmentally friendly, is good for your health and has the potential to create many more thousands of tourism jobs. Anglers and angling interests are dismayed when we see our Government pumping millions of euro into the salmon farming industry which employs directly, only over 150 people (BIM aquaculture survey) and a couple of hundred part time workers in processing plants, this is in stark contrast to the 11,600 employed in the angling industry which receives very little funding from Government.

I will conclude with an assessment of angling taken from IFIs National Strategy for Angling Development Programme 2015.

" Angling tourism is a source of significant expenditure and development support in many rural, urban and peripheral areas across the country. The expenditure relates to accommodation, food and drink, fishing tackle, angling fees, car hire and a host of other trip expenses. In summary, recreational angling in Ireland provides significant benefits to rural and peripheral regions whose natural angling resources attract both domestic and overseas angling participants. In many cases these rural areas may be lacking in alternative tourist attractions and, in their absence, angling provides the focus for an important and sustainable source of income to both catering and accommodation service providers in these communities.

Recreational angling also attracts at times outside of the main tourist seasons; the 'shoulder periods' of March through to May and again from mid- August through to October provide some of the best angling opportunities in Ireland and, as a consequence of this, they are the most popular months. These shoulder months periods extend the traditional tourist season for both accommodation and service providers with the potential to also provide increased employment and entrepreneurial opportunities for these communities."

The angling industry and its value to the Irish economy has been undervalued for years. Let us not repeat the mistakes of the past by ignoring the opinions of anglers. I have attached in the past a report by the Rural Economy and Connectivity Committee of the Scottish Parliament on salmon farming in Scotland to show that if our government continues to propose an expansion of salmon farming in Irish waters, we will end up like Norway and Scotland with polluted bays, shellfish, wild wrasse, wild salmon and sea trout and other marine species being wiped out.

We appeal to the new minister to look intensely at what his state colleagues in Norway decided on their coastal development plans and to particularly examine how they convinced the salmon farmed industry to change their damaging methods so that nature once again thrives. I attach the enclosed Norske Industri roadmap which MOWI signed up to there but not here in Ireland as they are being allowed to continue their marine exploitation at the expense of our tourism. ENDS.



Federation of Irish Salmon & Sea Trout Anglers

Conaidhm na Slat Iascairí Bradáin agus Breac Geal

F.I.S.S.T.A.

www.fissta.com

**Chairman: PAUL LAWTON,
CARR,**

. Runal: NOEL

. Email: fissta2017@gmail.com

FISSTA - WHO WE ARE.

FISSTA, the Federation of Irish Salmon and Sea Trout Anglers are Ireland's all island salmon and seatrout angling body representing the majority of the 20,000 club anglers and the sport on the many salmon and seatrout rivers north and south.

The affiliated club structures supports an industry of sport and tourism that employs over 12,000 jobs and is valued at over €750 million to the Irish economy.* They play a vital role in the conservation of our wild salmon and sea trout habitat and lobby government for to improve the lot of the fish and angling conditions. Their campaigns against the commercial netting, salmon farming, sealice and other threats to the life cycle of the salmon challenges all anglers to play their part and use their voluntary effort to ensure future generations continue to enjoy the king of fish.

FISSTA receive no state income so they can speak with an independent voice for the angler. Inspired and supported by the voluntary efforts of its members, FISSTA was established in 1986 and succeeded the STCI - Salmon & Trout Council of Ireland to become a more effective lobby group to improve and assist the lot of the Irish angler. During the past years the Federation has assisted many angling members to protect their salmonid angling waters by organising them into formally registered clubs on the best salmon rivers of Ireland.

A key aspiration for all voluntary clubs is to provide all members with the most competitively priced local angling and to be able to share with visiting anglers. On every fishery we encourage and welcome visitors to fish with us - but not instead of us, the local angler. This requires a club to have in place the FISSTA insurance (public liability) scheme that protects both visitors and the personal assets of our registered club officers and membership.

FISSTA clubs are located all over Ireland and engage with the three state authorities of Inland Fisheries Ireland, the Loughs Agency in Foyle catchment and Carlingford and DAERA in the north eastern part of the island. As the premier provider of Irish salmon and sea trout angling FISSTA welcomes and develops angling tourism as a means to improve the facilities for all who engage in this age old traditional sport. Frequently, the lobbying often leads to organised campaigns such as the one to end driftnetting which lasted for over twenty years of hard political campaigning which ended successfully on November 2006. Since this time, the stocks of wild Atlantic salmon returning to our rivers has improved significantly in many places but not everywhere as much more has to be done in our quest for abundance. The angling community can be found everywhere there is a river or lake in this country and while there are many non-club affiliated salmon anglers, like some who fish on private waters, but most form into clubs to develop their sport, protect fish stocks and insure their members. There are over 450 locally formed clubs involved in Irish game angling, and many are engaged in wild brown trout along with salmon and sea trout. However, Irish salmon and sea trout angling have a wide appeal with many visiting anglers registering on our waters on an annual basis. There is an average of 17,000 licensed Irish salmon anglers who pay up to €100 annually for a state license to fish on the major rivers such as the Moy, Blackwater and Feale, many of which are managed by the local salmon and sea trout club that are affiliated to FISSTA.

The general ethos of a local FISSTA club is to make angling available to both local and visiting anglers who are insured in line with international outdoor tourism regulations. While over half of these anglers register through the FISSTA network of clubs (average 85 associations) as season members, over an average of 14,000 of these anglers are provided with season or day angling tickets annually. It is through this club membership system that FISSTA represent their interests by lobbying Government, fostering a love for the sport in youth programmes and raising an environmental awareness for the conservation of our wild Atlantic Salmon at home and abroad where we have represented Ireland as an accredited NGO - non government organisation at international conferences for over 25 years.

FISSTA campaign for the rights of anglers and conservation of wild salmonid stocks and will support a club in need to rectify any particular issue on their waters. FISSTA seek fair access to angling waters for the local club angler at a reasonable cost and continue to seek the right for a 7 year secure tenure for all Irish angling clubs leasing state waters. As an effective umbrella body for salmon and seatrout anglers it is a strong voice for the conservation of salmon both nationally and internationally since 1991 when we were founding members of NASF - North Atlantic Salmon Fund. Since 1991, we have supported and assisted the NASF brokered buyout agreements negotiated by Chairman Orri Vigfusson R.I.P. in the Faeroes and Greenland to protect our migrating salmon in these feeding grounds. Orri's legacy continues with protection agreements with the commercial netting sector being renewed annually to protect our dwindling stocks. We are campaigning since 2017 to have our government contribute their share to the new 12 year NASF and ASF buyout negotiated and agreed in May 2018 for which our wild salmon will receive continued protection in the North Atlantic feeding grounds.

The FISSTA campaign against sealice and salmon farming has been supported by NASF who negotiated a new Norske Industri roadmap for the wild Atlantic salmon in May 2017 which promises to have salmon farmers such as MOWI sea lice free by 2022.

Our motto is "Committed to Conservation" and we continue to work to achieve the abundant return of the wild Atlantic salmon to our waters. FISSTA are affiliated to the 75,000 strong membership of the Irish Sports Coalition who support our campaigns. FISSTA are accredited NGO at North Atlantic Salmon Conservation Organisation - NASCO where the 19 wild Atlantic salmon countries including Ireland meet at conference annually. FISSTA fight for angler's rights and waters and are founders and supporters of successful campaigns such as Stop Salmon Driftnets Now and Galway Bay Against Salmon Cages who continue to lobby against farmed salmon cages plans being revived.

*Tourism Development Ireland Report 2014 commissioned by Inland Fisheries Ireland

FISSTA are affiliated to the Irish Sports Coalition



Social
Democrats

Jennifer
WHITMORE TD

Wicklow's voice in the Dáil



30/4/20

RE: Submission re Draft National Marine Planning Framework

I am writing in my capacity as the Social Democrats TD for Wicklow and as party Spokesperson for Climate and Biodiversity Action. My professional and educational background in marine science affords me some additional experience and insight on issues relating to our marine waters. These and other experiences have informed my points outlined in this submission to the Draft National Marine Planning Framework (NMPF).

Before I move onto the body of my submission, I want to acknowledge the efforts made to date by all Departments and stakeholders involved in the drafting of the NMPF. It is commendable that we are all working towards a new way of managing our marine. It is hoped that the legacy of the new NMPF will be the sustainable management of our waters, which better balances the environmental, social and economic needs of our coastal communities.

Various organisations and community groups have commended the extensive nature of the consultative process in the lead up to the drafting of this document and this is welcome. However, in relation to the submission process, I do want to raise the issue of the lack of hard copies being made available to interested parties especially under the context of COVID19 restrictions. While I welcome the extension of the deadline for receipt of submissions by an additional month, input by interest groups and citizens has been restricted due to the overreliance of online platforms in the submission process. An unnecessary barrier has been created for people without adequate access to technology, Wifi or mobile coverage. For those people, hard copies on request would have allowed them the opportunity to input into the submission process on an equal footing as everyone else.

The aim of this Framework as set out in its introduction states the ambition to move Ireland away from the developer-led approach and towards strategic, plan-led management of marine activities with the ecosystem as an overarching consideration. With this in mind, I wish to outline three main overarching considerations I urge stakeholders to consider when drafting the final version of the NMPF, without which the Framework will lack the integrity and the effectiveness required for proper marine planning in Ireland. Some of these overarching principles are discussed in more detail in the body of the submission but are worth noting here in preface to the main text. Those principles to be considered in tandem with my submission:

→ *Maintain a scientific and eco-centric approach to marine planning* by prioritising ecological needs over economic and social needs. Move away from a human-centric approach to managing our marine waters and instead, frame the NMPF document from an ecological and preservation standpoint as is required for Ireland to meet its national and international climate action obligations. It is only through a strong ecological foundation will future economic or social objectives be met.

→ *Ensure the Framework is future-proofed against geopolitical shifts and national political cycles* which may unsustainably tip the balance of policies in favour of increased economic activity and the potential increase in the exploitation of our marine waters. In the context of Brexit and other possible geopolitical changes, we must ensure we do not compromise our efforts to sustainably manage our marine waters as negotiations continue.

→ *Provide a strong basis underpinning current and new legislation* - Related to the above point, as political priorities change over time the need for a strong Framework is even more vital. Much existing legislation underpinning the Framework is weak or non-existent. In the absence of underpinning legislation, it's imperative that this Framework is clear and robust in its objectives to mitigate against a business as usual approach to marine planning.

With regards to my specific points, I have set out below my main priority areas which are elaborated in further detail in this submission. Each section will contain a recommendation for that issue providing a solutions-based approach throughout this submission.

Main submission points:

1. Wicklow's potential as a regional leader in marine planning
2. Applying an eco-centric and scientific-based approach to managing our seas
3. Diversifying types of MPAs to meet the ecology needs of our marine waters
4. Implementing and enforcing the NMPF

Thank you for taking the time to consider the points raised in my submission. I encourage all Departments and stakeholders involved in drafting the final version of the National Marine Planning Framework to strongly consider all aspects raised within the text of this document.

Regards,



1. Wicklow's potential as a regional leader in marine planning

Wicklow County has an intimate history with the Irish Sea and the wildlife that live in and among our marine waters. It has a rich and wide-ranging maritime past facilitated by a number of long standing historical harbours and ports. Once havens to pirates, these ports facilitated century-old traditions of boat building, lifeboat and fishing practices carried out by seafaring communities dotted along the coast. Our maritime heritage has been carefully documented by Arklow's Maritime Museum enjoyed by many visitors in the area.

Irish Sea Regional Plan:

I welcome the NMPF's recommendation to manage marine planning by establishing regional plans according to distinct areas across the country.

The NMPF references that at least 3 regional plans be prepared with local authority groups forming through one or a number of models (e.g. shared service, lead authority). Regional plans must be prioritised over national or sub-regional plans as this format will maximise the participation of local communities in forming a regional plan. Local communities are best placed to ensure the implementation of the Framework is adhered to with principles of environmental sustainability front and centre of any marine plan. This will be vital in ensuring that we meet our national and international climate action and biodiversity targets in years to come.

A model based on a shared service or a lead authority will provide direct avenues of communication with local stakeholders thus empowering local communities further as they are consulted at each stage of drafting a regional plan, the implementation of the NMPF and its enforcement.

The NMPF further states that regional plans will be drafted with stakeholders grouped together on the basis of, "shared coastline/geography, similar maritime challenges and opportunities and existing partnership arrangements".

Counties along the east coast not only share a coastline, but also share similar maritime challenges and opportunities, including a number of underutilised ports and harbours. A regional plan that incorporated counties closely linked and geographically defined by the Irish Sea would hugely benefit not only the local coastal communities, but also the quality of the waters and marine life in the Irish Sea. Such a regional plan would address the unique ecological characteristics which distinguishes the Irish Sea from other bodies of water. It would also counteract the propensity in Ireland to divide areas according to bureaucratic lines and not along shared characteristics.

County Wicklow, with its rich maritime heritage and established fishing community, would be best placed to coordinate coastal counties within the Irish Sea regional plan. Although currently under-utilised, the two main ports in the county, Wicklow Town and Arklow, would make an ideal base for much of the regional planning, implementation and enforcement as set out in this Framework. Wicklow County has also, in recent years, established a Marine Business Development Group to develop a Maritime Strategy for County Wicklow and to progress proposals for the major development of port facilities in the County.

RECOMMENDATIONS:

Establish a regional plan for coastal counties bordering the Irish Sea in consultation with local coastal communities and stakeholders, acknowledging the geographically distinct and unique characteristics of the Irish Sea and Wicklow's potential as a regional leader in marine planning.

Ensure that all regional plans correspond to areas based on ecological distinctions and not along bureaucratic boundaries.

2. Applying an eco-centric and scientific-based approach to managing our seas

As Spokesperson for Climate Change and Biodiversity, climate adaptation, mitigation and biodiversity enhancement are key policy interests and are afforded considerable focus throughout my submission.

I want to acknowledge the inclusion within the NMPF references to existing climate action policies including the National Biodiversity Action Plan 2017-2021, the National Adaptation Framework and the Climate Action Plan.

Eco-centric marine planning:

However, despite references to existing climate action policies, many policies such as the Climate Action Plan contain inherent weaknesses (including a lack of climate action targets) which must be counteracted with strong, eco-centric intentions in the final version of the Framework.

It is certainly the case that the protection of our marine environment is necessary if we are to even consider other activities of economic value; where an ocean is not healthy, almost all imaginable human activities could not be sustained. It is important that this message remains, or better yet is strengthened, in the final version as well.

Unfortunately, the broader policy context for marine planning has a predominantly human-centric focus. Often cited as 'blue growth' or 'ocean wealth' our oceans are predominantly viewed through the lens of economic growth, and perpetual growth, for that matter.

For example, in 'Harnessing our Ocean's Wealth' published by the current administration, two overarching economic targets were established: one, to double the value of our ocean wealth to 2.4% of GDP by 2030, and two, to increase the turnover from our ocean economy to exceed €6.4bn by 2020.

This economic message remains the dominant focus under the current Government and is a perspective that is upheld, albeit in more subtle language, within the NMPF. The predominant focus on gas exploration and other economic activity, is evidence of an inherent policy bias towards corporate-led endeavours and ambitions. Throughout the Framework, those proposals which support economic activities take precedence over the consideration of the impact proposals will have on the marine

environment and biodiversity of marine life. This approach does not reflect the environmental realities of our marine resource, in that a strong ecological foundation is fundamental to the realisation of economic or social benefits. Whilst social and economic benefits are an important consideration in our marine planning, if we don't get the basic ecological underpinning correct, all else will fail.

Therefore, the current vision upheld by various Departments is unsustainable and is contrary to our national and international environmental obligations. We simply cannot continue to manage our oceans in the way that we have to date. Whilst economic recovery will surely be a priority for the next government post-COVID19, we must make sure that any efforts at recovery do not undermine the sustainable long-term management of our oceans for short-term economic gain.

RECOMMENDATIONS:

Amend the NMPF to put ecological considerations at the forefront of economic and social considerations. Currently, they are on equal footing. Instead, the ecological pillar should be prioritised above all other considerations throughout the Framework.

Scientific-based approach to marine planning:

To reference one of my overarching principles, it is essential that the NMPF upholds a strong eco-centric perspective in terms of marine planning, where decisions are made based on scientific considerations and not political ones. Our marine environments are ecologically dynamic and temporal changes must be both monitored and incorporated into our planning framework where possible. In order to achieve this, the NMPF must essentially be a living document that can reference the latest scientific data as it becomes available.

This is particularly important when addressing biodiversity loss. The urgent state of our biodiversity crisis in our oceans cannot be any more aptly described than in the Government's own 2019 Report on the Status of EU Protected Habitats and Species in Ireland. Despite major improvements in marine monitoring, the 2019 report highlighted that various habitats continuing to remain under threat. Many marine habitats in Ireland are still in 'unfavourable status' with nearly half demonstrating ongoing declines. The NMPF does reference the Biodiversity Action Plan which is welcome. However, it is important that proposals under the NMPF take biodiversity loss into account and reject proposals that cannot ensure there will be no significant negative impact on marine life.

RECOMMENDATIONS:

Ensure that any aspect of the marine planning process and proposals for marine use and activity are cross-checked with the latest scientific knowledge and understanding of our seas.

Incorporate a 'review clause' in the Framework whereby the defined Regional Planning bodies must carry out a scientific review of the latest research and developments in climate and marine science, on an annual basis.

An increased focus on the need to tackle biodiversity loss in marine life.

Ensure proposals take biodiversity loss into account and reject proposals that cannot ensure there will be no significant negative impact on marine life.

Wind energy:

The existing target of Ireland meeting its 70% renewable energy target is ambitious but necessary to achieve our carbon emission targets. While I support the development of wind energy in Ireland, proposals for offshore wind must have a strong focus on the benefit of local communities. Offshore wind policy must not be corporate led and instead must be viewed in the Framework as a sustainability issue. In some instances, it may be feasible to utilise wind infrastructure to provide improved environmental and ecological protections, and these should be considered as part of any developments.

RECOMMENDATIONS:

Include a clause where proposals for offshore wind farms must be checked for the potential benefit to local communities as well as its impact on the marine environment including sea birds and marine wildlife.

Carbon Capture:

The NMFP cites the use of Carbon capture as having the potential to aid Ireland in meeting CO2 reduction targets. If used significantly, according to the Framework, it will reduce CO2 emissions from power generation, ensuring that the State maintains the level of energy security needed to provide for economic growth.

Carbon capture is often used as a 'get out clause' for national governments intent on the status quo in the production of energy. It should not be used as a free ticket for governments to maintain the status quo in energy production. There is a risk that carbon capture will be considered a mechanism to allow for continued industrial expansion despite the need to radically shift away from traditional sources of energy.

Technological advances for significant carbon capture by our oceans have not been sufficiently developed and the necessary technological advances are still not in existence to capture a significant amount of CO2. Furthermore, it is highly unlikely that any will be developed in time for us to maintain GHG levels below 1.5C before the decade is out.

It's also a concern that funding for major capital investment will disproportionately focus on technologies not yet advanced, instead of it being spent on proven technologies such as renewables, energy efficiency and marine management. This will be even more relevant as we emerge from the COVID19 crisis and economic recovery is a priority for the next government. We simply cannot afford to put money in technologies where the return is still uncertain.

Future development of a regulatory framework is still currently underway making this Framework a go-to document for energy companies trying to establish the potential parameters in place for renewable energy sector. If firm parameters are put in place

within the final version of the NMPF there is an opportunity to ensure future investment in renewable energy is environmental sustainability and benefits local communities (social pillar).

RECOMMENDATIONS:

Remove carbon capture from the final version of the NMPF. Enhance scrutiny of renewable energy proposals ensuring they are environmentally sustainable and benefit the local community (social pillar).

3. MPAs and Mapping

Marine Protection Areas (MPAs):

Ireland is currently lagging behind EU States in its allocation of Marine Protection Areas (MPAs). It currently stands at 2.3% and has remained at this low level for quite some time. We should be at 10% by 2020 and heading towards a further target of 30% by 2030 as mandated under a plethora of Directives.

Governments past and present have signed up to many marine protection agreements without any overarching plan in place for managing them. We now need a coherent network of MPAs and a clear plan on how to manage them effectively if we have any hope of reaching our future target of 30% by 2030. According to a number of marine scientists, climate change is increasingly impacting marine protected areas (MPAs) and MPA networks, yet adaptation strategies are rarely incorporated.

An effectively managed network of ecologically coherent MPAs for the protection of marine biodiversity in Ireland has the potential to reverse the long-term decline in quality of the marine environment. It can also provide sustainable incomes for coastal communities, assist in the implementation of our international obligations and help Ireland adapt to future challenges such as climate change.

However, there currently lacks a clear definition of what MPAs and no legislation underpinning the protections afforded to them (discussed in more detail below under 'Legislation'). Also, Ireland will require different types of marine protected areas to adequately protect marine waters, including the implementation of Marine Reserves, where no fishing takes place, and other categories of MPAs where extractive/destructive activities are controlled or regulated. This will be required if we are to achieve our aims in any reasonable time period. There are other types of MPAs that can be implemented. Some countries incorporate 'Marine Parks' or a UN 'biosphere' approach with several buffer zones surrounding a protected area and with graduated protections for each layer.

Not only is Ireland's lagging a concern for the ongoing conservation of our marine waters, it's an issue while marine spatial planning remains further developed than marine protection areas, particularly in the area of legislation. Zoning for human activities has already commenced and sectoral plans will almost certainly be drafted prior to MPAs coming into effect.

Legislation:

Currently no legislation exists to define, expand or manage MPAs. The 1992 EC Habitats Directive (92/43/EC), as transposed by the EC (Natural Habitats) Regulations (S.I. 94 of 1997), is currently the only legislative instrument providing protection to habitats in the marine environment. OSPAR designation is another conservation mechanism which come under the OSPAR Convention to Protect the Marine Environment of the North East Atlantic under which Ireland has committed to establishing MPAs to protect biodiversity. But listing under OSPAR does not confer any protection in terms of restriction of activities within these areas.

There is currently a legislative gap with regards to marine protected areas. Legislation for MSP is underway however, once enacted we will still have to wait for MPA legislation to be drafted before marine areas can be designated with specific, legally mandated protections in place. By that time, the only areas available will be whatever is left behind by commercial activities.

I am aware that an advisory group for MPAs was established with 20 marine experts tasked with defining what an MPA is and current gaps in legislation. It is also tasked with looking at ways to expand the MPA network in order to meet out targets and what stakeholder involvement will be required. It is due to finish during the summer but will likely be delayed due to COVID19 restrictions currently in place.

It has been described as a 'cart before the horse' situation. A conservation layer is therefore required before human activity designation and before we establish our priorities in this context.

Mapping and Research:

Ireland has one of the best mapped seabeds in the world yet it barely features in the Framework. Information is vital to protecting our seas yet this remains largely absent in the Framework. Sensitivity mapping is required to identify areas in the Irish water, pristine or vulnerable areas, that will be in our marine protected network. Overarching planning policies can then be applied to proposals for marine use, but not until adequate protections are in place.

Mapping must coincide with reference to up to date research. This will help marine planning to focus on where fully protected Marine Reserves should be located, their size and the benefits that can be accrued from MPAs to all people in Ireland and in particular local communities.

Local communities should be empowered to initiate the designation of Marine Reserves and MPAs as evidence shows that this approach is more likely to work than top-down designation from national authorities.

There are many detailed studies and modelling going on in the background not mentioned in this framework. For example, sensitivity mapping is already being undertaken by the Marine Institute and provides a wealth of scientific information on our ocean beds which would be a useful addition to the final version.

RECOMMENDATIONS:

Call for different types of MPAs, which include no-take zones. Address the disproportionate focus on SACs and SPAs in the draft NMPF.

Clarify the process of designating SMAs, including the proposed governance structures to manage them.

The ecological coherence of sites needs to be a consideration of MPA design.

Governance of SMAs is only referenced in the appendix and should instead be located in the main body of the Framework.

4. Implementation and enforcement

There exists an overburdening number of Government departments involved in the managing our water resource. These include the Department of Housing, Planning and Local Government assigned with the lead role in Ireland for the implementation of MSFD and the OSPAR Convention.

A number of other Departments and agencies are also involved in the process, including DAFM, DTTAS, DCHG, the DCCA, the Marine Institute and the Environmental Protection Agency (EPA) as well as a wide variety of other agencies and stakeholders. The National Parks and Wildlife Service (NPWS) of the Department of Culture, Heritage and the Gaeltacht is responsible for the conservation and protection of natural habitats and species and the protection of biological diversity in Ireland; it is also responsible for providing nature conservation observations to Licensing Authorities.

I acknowledge the draft NMPF's commitment setting out a range of policies that seek to complement rather than duplicate existing structures and further acknowledge its statement that 'those seeking to propose activity in Ireland's maritime area should ensure they are compliant with prevailing regulations, consulting the public body responsible for the activity being proposed or the National Parks and Wildlife Service (NPWS) as necessary'.

However, despite marine planning straddling several government departments, there has been a deficit of implementation and enforcement plans in Ireland to date. We have a long list of failed implementation projects due to a lack of sufficient resources and enforcement measures including a failure to reform procedures based on mistakes of the past.

We are still waiting on the important Marine Planning and Development Management Bill to go through the Dáil. This Bill is important in this context as it attempts to modernise planning and consenting systems. It also seeks to reform marine consenting and licencing rules.

However, a key issue in all this is that fisheries and aquaculture are not included in the current Heads of Bill despite urgent reform needed particularly in managing aquaculture activities. The industry is open to reform, already having to deal with seven different Departments and a two-year average wait for licencing approval.

RECOMMENDATIONS:

The provision of sufficient resources to enable the proper implementation, management and enforcement of the NMPF.

Include fisheries and aquaculture in the new Marine Planning and Development Management Bill.

Comments on National Marine Planning Framework:

Dear All,

Thank you for the opportunity to respond to the draft National Marine Planning Framework (dNMPF). The design of a co-ordinated comprehensive approach to Marine Planning is to be welcomed. The extended time for submitting to the public consultation process is also appreciated. I would like to raise some general concerns before making specific comments to particular points of the document. I include some additional points raised by local group, and active participant in citizen science monitoring, the Wicklow Aquanauts.

1. I have reservations as to the placement of environmental, social and economic pillars on an equal footing. The document refers to environmental protection and sustainability regularly, but without any specific measures to safeguard the environment or inshore biodiversity. The overall emphasis of the document appears to be skewed towards economic gains with little detail to the environment. It is important that the dNMPF reflects the importance of a healthy marine environment as without this the other two pillars cease to exist.
2. Consideration of local interests is of particular importance for coastal communities. There is a delicate balance to be achieved in bringing economic gain to an area and the disadvantages (to the environmental, economic and social pillars) this gain may lead to. A set of guidelines are needed when assessing planning and licensing applications that weigh this up. It is noted that none of the policy statements discuss social dividend for the area. I would like to see local stakeholders, especially residents, be involved in the start of the planning process, having a say in where developments such as mussel farms should be located, Again, it is the interest of all stakeholders that coastal communities thrive and can provide sustainable, long term employment opportunities in the area.
3. MPAs; Mapping and development of marine protected areas is a matter of urgency. This process is an effective way to improve biodiversity and allowing fish stocks to recover. We are obliged to meet Sustainable Development Goals target of 10% of waters designated as MPA by 2030. Currently we are only at 2% and I believe that we should be aiming to target a far higher percentage of our waters as marine protected. The selection and management of the areas should be informed and combined with a major scientific survey, assisted by all relevant State agencies, of the changes that are

taking place in the North West Atlantic due to climate change. However it is noted and is of concern that the necessary legislative piece is not yet in place even though the planning piece is well advanced. It is noted and welcomed (pg 41) that interim protection until areas are mapped is included .

4. Many of the planning policies specify that proposals must a) avoid b) minimise or c) mitigate significant adverse impacts on the area of policy being addressed. It is only in some sections like MPAs that a further option d) is addressed ie if it's not possible to mitigate, the case for proceeding should be addressed. I would welcome the addition of option d) more widely in the document across all policies.
5. Reformation of the foreshore licencing system. Our foreshore licensing laws date back to 1933 and are not fit for purpose. The laws need to be reformed to recognise areas for recreation and amenity so that areas that are used by locals and visitors are protected, while a sustainable level of aquaculture is encouraged.
6. There is little reference in the document to “social dividend” for local areas and as mentioned previously, in this context it is of concern that the economic benefits outweigh the social (and environmental) throughout the document.

Specific Comments:

Comment to Section 3:

Marine Litter: - Marine litter as a result of the Aquaculture industry is poorly referenced even though it is a major source of plastic litter washed up on our shores. Specific measure outlined by the planning framework to help address this problem prior to approving new licences or renewing existing licences would be welcomed e.g.

- statutory requirement to use bio-degradable materials where practically possible
- legal obligations on the licence holder to remove all trace of facilities at end of life
- legal obligations on the licence holder to properly maintain facilities to prevent accidental loss of plastic to the environment
- Assistance from the aquaculture industry in subsequent clean ups, which is currently mainly carried out by local volunteers.

Comment to Section 11 Energy – Offshore Renewable Energy

Ore Policy 6: I welcome and strongly support the proposal that infrastructure enabling local use of excess electricity generated from emerging marine technologies (wave, tidal, floating wind) should be supported. Small scale community and domestic electricity generation schemes are important in reducing the overall carbon footprint of Ireland energy usage.

To section 11, the Wicklow Aquanauts comment: “Any decisions regarding any coastal constructions or offshore wind farms etc. would not commence before assessing what environmental issues were involved and that they find out which marine species are present at the site and how they would be impacted by such developments and plan how disruption to the marine environments could be kept to a minimum.”

Comment to Section 12, Fisheries

The first objective under the section entitled Fisheries is to ‘deliver a sustainable, growth driven seafood sector’. This seems to be a contradiction of terms as a growth driven fisheries sector often leads to unsustainable stock levels. Any increase in real fishing outputs must correspond to commitments to sustainable strategies for the sector. This needs to be clarified and expanded in the dNMPF

To this section, the Wicklow Aquanauts comment: “The other issue is that of fishing boats coming in too close to the shore off Greystones and dredging up and destroying the sea bed and habitats of marine creatures. We are aware that fishermen have to make a living but destroying mussel beds and taking all the scallops is not sustainable.”

Comment to Section 21: Implementation:

I welcome the statement that “The success of the NMPF will be dependent on its effective implementation”. Clearly the success of the document relies on a robust system of implementation and enforcement. However it is unclear how applications are to be managed and whether it will be through a central or local body. The involvement of the community in decision making and input will be critical here also, as will the ability for citizens to challenge decisions, in particular environmental decisions and being able to fulfil the principles of the Aarhus Convention. A shared model between the Local Authorities and a

Central Marine Planning Body may be advisable. This area requires informed and robust debate.

Kind Regards,

Cllr Lourda Scott,
Green Party,



w Co Co

From: Paul Nash [REDACTED]
Sent: 30 April 2020 18:06
To: MSP - Marine Spatial Planning <msp@housing.gov.ie>
Subject: Maritime Training and renewable energy. (Framework document)

Dear Sir/Madam,

I am a lecturer in marine engineering at the national maritime college of Ireland and would like to see a couple of additional points added to the national framework document if possible.

The maritime seafarers have historically had difficulty obtaining sea time on vessels, particularly while training for their first professional certificate.

We have a small number of Irish registered vessels and in addition to supporting the increase of foreign vessels registering under the Irish flag, I would like to see all vessels trading regularly in Irish waters to have a minimum number of Irish national as officers and crew on board. Incentives may be required, (eg. tonnage or port fee reductions) but it is essential for the development of the Irish seafarers.

The document has spoken about renewable energies and I welcome this, I would also like to see tidal and stream energy turbines invested in, as they produce 800 times more energy than wind turbines.

Finally, thanks for giving us the opportunity to have an input into such an important part of the development of the maritime industry.

Kind regards
Paul Nash

From: Councillor Jody Power

Sent: 01 May 2020 01:20

To: MSP - Marine Spatial Planning <msp@housing.gov.ie>

Subject: Submission: Marine Strategy Framework Apr 2020

Dear Sir/Madam,

The following submissions are made in the genuine hope that someone somewhere in our national Leadership shows a modicum of leadership in the stewardship of our most precious and valuable resource - our Maritime and River Basin Zones.

1:

Ireland, as an Island nation, has heretofore delegated management of our ocean wealth and estuarial waters for unsustainable commercial exploitation and waste dumping. An ad hoc laissez faire attitude to our oceans and rivers required foreign EU intervention to force a vital and necessary wake-up call to appreciate and try to save what's left and where possible, restore the natural magnificence of this most precious resource. For a sustainable future and the proper management of the myriad of commercial, recreational, scientific and environmental attributes of our oceans and rivers a dedicated, cabinet level Minister of Marine Affairs is required.

2: Vision and Courage of Ard an Crusha proportions: If we wish to sustainably exploit the Irish capability of becoming one of the world's top producers of carbon neutral energy, H2, and become a new "Norway", resources And leadership are required at the top government table. We have the technology to exploit the free resources we have in abundance: all we need is the engineering cryogenic expertise, the leadership and the commitment to advance.

3: The time wasted giving lip-service to global warming, climate change, biodiversity loss, habitat destruction and species extinction is over. We need to act now. And no where is it more needed than in the management of our river basins and estuaries. This can best be achieved by creating a River Basin Management Structure to actively integrate all the myriad of operations duplicated many times by the various county councils that straddle our river basins and estuaries, all responsible but all action stops at the county line of responsibility. Our fish management strategies, Fish restocking strategies, fishing prohibitions, fishing grants, fish conservation levels have all utterly failed to establish what used to be just a generation ago. Our river habitats are now havens of extinction with no overarching, effective and sustainable policies to reverse this trend.

Full independent River Basin Management is required before its too late.

4: Shipping: Ireland is a laggard in marine legislation that protects our marine environment and our people. The burning of ship's Heavy Fuel Oil [HFO] in Irish territorial waters and estuarial waters in the full knowledge that the use of such cheap and toxic fuel is the cause of much the the worlds polluting emissions and millions of human deaths annually, as described in the literature and many references available, continues to be permitted, nay encouraged. More progressive nations with ship's Sulphur [SOx] and Nitrous Oxide [NOx]emission controls, [to name but 2 of the more popular toxic emissions] require ships to change over the type of fuel used on board to a more pure, but more expensive, Marine distillate fuel prior to entry into territorial waters. To give perspective on the threat imposed by such HFO : - the 15 largest ships in the world produce more NOx than all the cars on the globe combined!! We know only too well the diseases and human suffering caused by such emissions.

Ban outright the use of HFO in Irish territorial waters with immediate effect.

5: To meet new Sox and NOx controls, open loop Exhaust gas scrubbing of ship's emissions is now in vogue. In an effort to regulate shipping and bring it up to what is now considered a very low standard of emissions control but continue to burn HFO, open loop scrubbing utilises pumped sea water to cool and spray the exhaust gases thereby scrubbing them of their SOx and NOx constituents, preventing them from becoming airborne by washing them directly into our oceans and harbours. This is a petty loop hole flouting the spirit and the intention of pollution abatement strategies for international shipping, just like the tobacco industry, always advertising the modern advances in marine technology, but in reality, its business as usual.

Ban Open Loop Emissions scrubbing in Irish Territorial waters immediately.

6: Shipping, fishing boats and recreational boats have for decades used Tributyltin [TBT] for hull anti-fouling paints. This is a very very toxic biocide that was ultimately banned by the UN's International Maritime Organisation in 2001, effective since 2005. But unfortunately, modern leaching, anti-fouling hull paints, more toxic than TBT, are currently used, again, flouting the intention and spirit of the toxic anti-fouling paint regulations. These paints kill marine and estuarial habitats and ecosystems by slowly leaching from the binding paint body, sinking, to remain for decades in the sediments of river and sea basins, the cradle of spawning, regenerating fishing stocks, now dying.

Compel the exclusive use of anti-fouling paints recently developed that do not contain biocides but again, just a little more expensive.

7: Secure uninhabited islands off our coast for future sustainable development of Irish Hydrogen generation.

8: To afford a modicum of protection and enforcement of national and international environmental law in our littoral zone, with immediate effect, grant onto our naval forces [INS] the limited power to enforce these laws in this zone without the presence of a Garda on board. Unscrupulous ship captains discharge whatever wastes they can with impunity as our Garda have no shipping resources to police this zone. Maritime sources report regularly incidences of eco terrorism in our waters by international shipping. An example of this is the washing out of bauxite holds of bulk carriers, having previously unloaded their cargos at Ahannish, Co. Limerick and Occasionally spotted in the shadows of Mount Brandon and just off the bay washing out their vast holds. Bauxite chokes the fertile spawning grounds off our South West Coast, environmental damage that lingers for decades. The applicable law, Marpoll 73/78 of the IMO, mandates such discharges be dumped whilst the vessel is underway, navigating above 6 knots and outside territorial waters. How practical is it to locate a spare Garda in such a situation and deploy him to the scene in the narrow window available. No Sanction with no enforcement, no respect, no protection, in reality, no Law, just paper and ink.

Allow our INS to uphold the law in such circumstances to protect our most vulnerable resources - our spawning grounds in the nation's littoral zones.

9: With immediate effect, discontinue the dumping of untreated human waste into our waterways. Of particular concern is the concentration of Norovirus in such discharges. With such a virus entering the food chain through shell fish, if not checked and destroyed at discharge, a future mutation and we could easily have our own bred viral pandemic to scourge our world.

10: No standards for Norovirus and other waste water dangers exist for harbour or shell fish designated waters in National or European legislation. This needs to be rectified without delay.

11: Dredging of our harbours require a national standard and national oversight to ensure the dredging operation is conducted in a sustainable way and at times that do not interfere with migrating fish stocks. This standard must dictate levels of water column turbidity acceptable for habitat preservation and ecosystem preservation. This standard must also include plough dredging and bed-flattening operations and a dumping at sea standard applicable throughout the state. The dumping of 7,250,000 liquid tons of dredge waste at the entrance to Waterford Harbour begs many questions, especially as a flood tide will carry the dredger bottom open door discharging mud load straight back up the estuary. The extra costs required for the extra dredging needed not only disturbs the natural habitat of the harbour ecosystem for far longer than necessary but also, incurs significant extra dredging costs.

12: Resource the Sea Fisheries Protection agency properly.

13: Ban all large unsustainable factory ships and super trawlers in our EEZ.

14: Offshore wind farms to be made Special Areas of Conservation [SACs].

15: Ensure the offshore wind industry, where practicable, be populated by Irish workers.

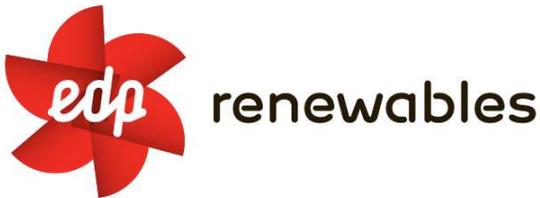
16: Promote maritime education by increasing scholarships for maritime education and research in engineering, horticulture, marine biology, environmental protection, and energy harnessing.

17: Develop cryogenic maritime engineering capability by installing non-fracked LNG terminals as strategically required, thereby giving us a head start in transitioning to hydrogen. With public and private transport energy provided by LNG and the growth of Electric vehicles, we can now shut down Whitegate and render diesel and petroleum engines obsolete.

Thank you for the opportunity to contribute to our future, hopefully before its too late.

With kind regards,

Cllr. Jody Power. C/Eng C/MarEng MMA MBA FIMarEST FIEI
Sent from my iPad



Submitted by email to mshp@housing.gov.ie

EDPR Offshore España SL

Date: 29th April 2020

Contact: james.grant@edpr.com

National Marine Planning Framework Consultation Draft – EDPR Response

Dear Sir/Madam,

EDPR welcomes the opportunity to respond to the public consultation on the National Marine Planning Framework (NMPF) Consultation Draft. Indeed, EDPR have been pleased to have employees attend several of the public consultation events during February 2020 and found them very informative in outlining the ambitions for a draft marine spatial plan for Ireland.

EDPR is a global leader in the renewable energy sector and the world's fourth-largest wind energy producer. With a sound development pipeline, first class assets and market-leading operating capacity, EDPR has undergone exceptional development in recent years and is currently present in 14 markets.

EDPR supports the establishment of Offshore Renewable Energy (ORE) deployment in Ireland and the significant contribution this will make to decarbonising the nation's economy and therefore commends the objectives that introduce section 11.

EDPR have watched the emerging legislative backdrop for Ireland's offshore renewable energy market with considerable interest and note that the NMPF will be significant in ensuring the country maximises its opportunity. EDPR were involved in the Scottish market from a similar stage of policy development and are therefore aware of the initial challenges an emerging market face. We would welcome the opportunity to remain engaged in discussions on policy and share the lessons learnt from that geography and other markets.

Whilst this consultation obviously is specific to the NMPF, EDPR would strongly encourage the prompt enactment of the Marine Planning and Development Management (MPDM) Bill, continued awareness of the broader challenges of climate change and the need for prompt and meaningful action that ensures delivery against the Climate Action Plan. The NMPF will not facilitate development of Ireland's marine ambition alone, and it is critical that the broader legislative framework is moved forward together to enable new offshore wind project applications to be determined and to facilitate the delivery of the target of at least 3.5 GW of Offshore Renewable Energy.

In general, our consideration of the NMPF Consultation Draft is that it is a robust document backed up by the previously published NMPF Baseline Report, NMPF Roadmap, MPDM Bill – General Scheme and to a lesser extent the Offshore Renewable Energy Development Plan (ORED), ORED Interim Review and Marine Strategy Framework Directive (MSFD) reporting. The document contends with outlining how key sectors/activities are prioritised (as many marine plans do) and in events of

conflicting interests how coexistence (or prioritisation) would be achieved. This is simply an observation and recognition of the difficulty encountered in the implementation of marine plans, but it is important an awareness of this tension remains and that these issues continue to be confronted as the document is finalised.

Some specific comments that we have on the NMPF Consultation Draft are:

- EDPR notes the inclusion of a Spatial Designation Process for Strategic Marine Activity Zones (SMAZ) (ORE Policy 2 and Appendix D) and that this approach may be developed further within the Marine Planning and Development Management (MPDM) Bill. This seems misplaced, given the NMPF is the spatial planning policy document and it would therefore appear the logical place to define these zones. Uncertainty on how SMAZs may arise will not bring confidence to developers entering the sector. One could assume that if the MPDM endorses SMAZs these would not arise to the second iteration of the NMPF, which should not be expected for 6 years, by which point their value will be significantly diminished. If SMAZ are key to defining marine development these should be endorsed and affirmed at the earliest possible opportunity. However, realism is needed on the pressing timescales facing Ireland and the need to deliver ORE in the short term.
- EDPR recommend that the definition for 'other activities of national importance described in the NMPF as mentioned in Transmission Policy 3 and ORE Policy 4 is clarified and that if required a hierarchy is brought to bear on such areas of potential conflict. EDPR also disagree with the limited scope of section 9, Transmission, with its focus on interconnectors. This section should also offer clear commentary on the transmission assets that will be required to facilitate the delivery of ORE.
- We note the specific requirement for a visualisation assessment outlined in ORE Policy 9. A visualisation assessment would be anticipated to form a fundamental element of any Environmental Impact Assessment supporting an offshore wind project's application for consent. The guidance mentioned within ORE Policy 9 will be welcomed and given due consideration once published. EDPR would welcome further understanding on the timeline for this documentation and the plans for consultation on this.
- EDPR note that the lack of national landscape guidance is an unnecessary uncertainty in considering how development will be determined. EDPR also note that this issue is now well resolved in other markets and that looking to geographies such as Scotland could provide meaningful understanding as to how this issue can be considered. It is however important that any guidance and policy on determining applications in this regard is specifically targeted to the Irish environment where, for example, fixed bottom development will need to be closer to shore due to water depths.
- The development of a National Landscape Character Map outlined in 11.12 is currently a key data gap. The work on and publication of this map (and associated report) will be vital to under

pin the visualisation assessments of proposed offshore wind projects and should be progressed without delay.

- EDPR supports the proposals as outlined in section 11.0 Energy – Offshore Renewable Energy regarding ambitions to achieve at least 3.5 GW of offshore renewable energy (Climate Action Plan 2019). Given the maturity of the technology and cost effectiveness, we would envisage the vast majority of this capacity being delivered by fixed bottom offshore wind energy projects and agree with the statement that currently floating wind is “pre-commercial”. However given the challenges that exist in achieving the total renewable energy generation capacity needed to deliver against Ireland’s climate change targets, it is important that this target remains flexible and, if needed, extra capacity is extracted from offshore opportunities. We would also anticipate that there will be a need to bring forward consents for floating technology before 2030, given the lengthy development period these projects require.
- 11.10 sets out the ten policy actions and enablers of the Offshore Renewable Energy Development Plan (OREDP). We would reiterate that for projects to progress and to communicate that Ireland is open for business, action must be taken in the very short term to introduce the new planning and consent architecture for development in the marine area (namely the MPDM Bill).
- EDPR would welcome that the work planned/ongoing to develop statutory marine planning guidelines (as mentioned in section 11.12) be described in more detail and that this is supported with a timeline for publication.
- 11.15 states that *‘Investment in the electricity grid will be required to reinforce the onshore grid, ensuring that the overall power system is capable of handling potentially large volumes of variable renewable offshore generation.’* EDPR endorse this statement and confirm improvements to grid infrastructure are critical to delivering Ireland’s ambitions. Whilst not an issue for the NMPF per se, clarity on the type of consenting regime that will determine the offshore grid needs to be provided, and in creating this and defining who is responsible for securing these consents it is important to remain mindful of the issues of whole project assessment.
- Further consideration should be given to alternative methods of renewable energy storage/generation e.g. hydrogen produced from renewable electricity. Specific reference to such technologies should be incorporated into the NMPF with adequate framework commentary to facilitate their potential development in Irish waters. These associated technologies may be appropriate for developments further from shore (e.g. floating offshore wind) or those that may struggle to secure a connection to existing grid infrastructure. In Ireland’s case the lack of an oil and gas consenting legacy means it would be wise to create a precautionary framework within the new consenting regime that would facilitate the provision of clean gas energy technology in due course, as this may well become critical to the



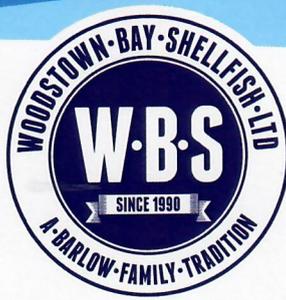
delivery of climate change targets. This technology could be captured in section 8, Offshore Gas Storage.

- With reference to section 11.21, construction noise is not thought to cause significant adverse effects on fish.
- In relation to the guidance mentioned in 11.23, this should be critically reviewed and updated periodically according to best available science, techniques and experiences from more experienced jurisdictions.

Your Faithfully

James Grant

Development Manager



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

30th April 2020

RE: Submissions on the Draft NMPF.

Dear Sirs,

We note that Bord Bia is part of the Advisory Group of Stakeholders. Given that this is a marine plan and seafood production a listed activity in the plan we as shellfish producers would request that the Department invite BIM (The Seafood Development Agency) to join the NMPF Stakeholder advisory Group.

It is clear from the draft NMPF that the word 'aquaculture' is used in to refer to all forms of aquaculture (salmon farming , shellfish farming and seaweed farming) however there are fundamental differences within this grouping in terms of structures used, species used, location within the marine environment, access, culture practice eg is food used to feed the cultured species and whether nutrients are removed/added to the water column or benthic sediments. We would ask for the document to separate out the forms of aquaculture and make the distinction when it comes to talking about negative and positive impacts accordingly.

Aquaculture in the southeast of Ireland is composed of bottom mussel farming (Wexford Harbour ,Waterford estuary and Youghal Harbour) and oyster farming (Bannow Bay, Waterford Estuary, Dungarvan Harbour and Ballymacoda Bay in East Cork. Mussel farming is subtidal and oyster farming in the intertidal zone. Both types of aquaculture do not add feed or pharmaceutical products to the water column and both remove nutrients (Nitrogen, Phosphorus and Carbon) from the ecosystem by way of feeding on phytoplankton, harvesting of stock and increased nitrogen removal through benthic-pelagic coupling (enhanced bacterial denitrification) in sediments below shellfish. It provides valuable jobs to coastal communities and has the potential to support regional and local maritime festivals and food trails.

Thus shellfish aquaculture is a marine activity that fits very comfortably into the three Harnessing Our Ocean Wealth (HOOW) Goals perfectly:

- Goal 1 a Thriving Marine Economy,
- Goal 2 Healthy Ecosystems and
- Goal 3 Strengthening engagement with the sea.

Not all marine activities envisaged under the National Marine Planning Framework do this and it could be argued that shellfish farming (which is a long standing industry in the southeast) is unique in that it is the only marine/land-based activity that actively supports the ecosystem by driving the ecosystem away from eutrophication thus supporting biodiversity and sustainability and keeping the ecosystem functioning and providing the benefits and services that it provides. Shellfish farmers do not get paid for this valuable ecosystem service eg nutrient removal which is valued at 30.93 Euro/kg for Nitrogen and 93.63 euro/kg for phosphorus Hernandez-Sancho et al. (2010) as stated in Valuing Ireland Blue Ecosystem Services published by SEMRU author Norton, D et al 2018. The biological and economic cost of avoiding ecosystem collapse by way of eutrophication induced anoxia is an immensely high value. Think of the loss of biodiversity, tourist activity, recreational value and ecosystem services that a widespread anoxic event caused by eutrophication could cause in a bay.

Like the NMPF Shellfish Aquaculture also desires to be consistent with Goal 14.1 and 14.2 of the 2030 Agenda for Sustainable Development Goals

- Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development.
- 14.1 By 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution.
- 14.2 By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans.

Having said all of the above it is clear from the Draft NMPF and its associated SEA and NIS that a different view of aquaculture has been taken. One that requires increased regulation and enforcement and further stringent assessments and indeed one that is regarded as a threat to the ecosystem even causing eutrophication. This is quite remarkable given the large amount of scientific literature that supports shellfish aquaculture as supportive to the ecosystem. Clearly the Draft NMPF, SEA and NIS was not reviewed by a wider body of scientific expertise.

As it stands the draft NMPF has the following Objectives for Aquaculture:

- To support a diverse, compliant, growing aquaculture sector that operates in a modern licensing and enforcement system to produce high quality food, protects and enhances the social and economic fabric of rural coastal and island communities, and conserves biodiversity around our coasts.

- To maintain a best practice aquaculture licensing system that promotes the efficient use of space, protects water quality and supports the future potential of 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.
- To develop enforcement strategies that deliver the best possible outcomes by achieving full compliance while keeping costs and administrative burdens to a minimum.
- To develop responsive regulation principles designed to enable a differential response to diverse operator behaviours in a proportionate manner.
- 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

Shellfish aquaculture is in agreement to objective 1 but would like to emphasise that protecting the existing shellfish aquaculture activities is a prerequisite to allowing for sustainable growth of the sector and that this should be reflected in the wording of the objective.

In relation to protecting water quality in objective 2 it should be recognised that shellfish aquaculture enhances water quality through nutrient removal, filtration of particulates from the water column, removal of bacteria and viruses through filter feeding. As it is written it reads as if shellfish aquaculture is causing water quality problems and should be licenced accordingly. This phrase should be reserved for marine activities/landbased activities on the coastal zone that actually do cause water quality issues such as waste water treatment plants, stormwater overflows, agriculture and industries that discharge chemicals into transitional and coastal waterbodies eg powerstations, food processing businesses etc.

Objectives 3 to 6 seems to be worded towards increased enforcement as if increased regulation and enforcement are required to contain this threat of uncontrolled aquaculture. Aquaculture is a highly regulated and enforced sector which in the southeast of Ireland has already gone through stringent Appropriate Assessments under the Habitats Directives. It is worth noting that bottom mussel culture in Wexford Harbour in its present form has been in existence since 1970. Before that mussels were harvested in the harbour since at least the late 1900's for export to England and abroad using many small punts with rakes and dredges. So when it comes to sustainable and ecosystem friendly activities mussel farming in Wexford Harbour has passed the test many years ago. Oyster farming in its current format has been in existence in the southeast of Ireland since the 1980s to the present day and has produced no negative ecosystem impacts. Indeed both forms of shellfish culture are recognised in peer reviewed scientific literature as assisting with compliance with the Water Framework Directive by removing Nitrogen and phosphorus from the ecosystem by way of filter feeding on algae and controlling algal populations in a top down manner thus driving the ecosystems away from eutrophication. Thus indirectly they support biodiversity as eutrophication reduces biodiversity in particular through its extreme form which is anoxia in the water column and or benthic sediments. Also shellfish production generates protein in an extremely carbon efficient manner as carbon is sequestered in shell. Shellfish farmers would welcome the recommendations outlined in the Review

of Aquaculture Licencing Report which call for a more efficient and transparent licencing and enforcement system.

The Aquaculture Marine Planning policies as laid out in the Draft NMPF are as follows:

Aquaculture Policy 1

Proposals for aquaculture development that demonstrate use of innovative approaches and/or contribute to diversification of species being grown in a given locality, particularly proposals applying a multi-trophic approach, should be supported.

What is concerning about this policy is that it ignores the current state of shellfish aquaculture production which currently produces world class shellfish and which has already passed the sustainability test over many decades and which has already passed stringent Appropriate Assessments. The wording of this policy suggests that support will be given to aquaculture that demonstrates new approaches and/or that different species need to be grown.

We would recommend that that Policy No1 should be to protect the current world class shellfish industry in its current format as a foundation for any new aquaculture developments.

Aquaculture Policy 2

Non-aquaculture proposals in aquaculture production areas must demonstrate consideration of and compatibility with aquaculture production. Where compatibility is not possible, proposals must demonstrate that they will, in order of preference:

- a) avoid;
- b) minimise;
- c) mitigate significant adverse impacts on aquaculture.

If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.

This policy is to be welcomed but concern would exist that some non-aquaculture proposals are so damaging to shellfish aquaculture that the MSP might still permit them over aquaculture eg the negative impacts from stormwater overflows on sewage networks can potentially lead to reduction of shellfish microbial classification of production areas that results in companies not being able to export in their current format leaving shellfish business non-viable eg a reduction of a mussel production area from B to C or an increase Norovirus levels in oysters that prevent sales to Asian Markets. In such situations an assurance that long standing shellfish aquaculture businesses must have priority over new/existing and potentially very damaging land-based activities and this should be written into some policy on aquaculture bearing in mind that land based activities negatively impacting shellfish businesses via deterioration of a water quality parameter(s) also impacts negatively on the ecosystem which as the NMPF states is central to the MSP. Thus the interests of shellfish aquaculture are at one with the ecosystem approach especially in terms of the water body. In a way shellfish aquaculture is a sentinel industry or the canary in the mine on behalf of the ecosystem. What is bad for shellfish farmers is bad for the ecosystem.

It is stated within the SEA and NIS that “

Notwithstanding these protection policies, further mitigation would be required to ensure significant adverse effects as a result of the draft Aquaculture Policies on the integrity of European site(s) can be avoided”.

Shellfish farms in the southeast have already been subjected to appropriate assessments against either SPA and or SAC's. No mention is made of increased habitats provided by aquaculture structures in otherwise bare and relatively barren sand/mudflats, the positive impact of oyster farms on Brent Geese who feed upon algae covered oyster bags when they arrive every year from far afield, the shelter provided in amongst mussel beds on the seabed for small marine life which in turn are preyed upon by resident and migratory fish, direct consumption of shellfish by birds and fish and mammals. Aquaculture is framed in a negative light in the draft NMPF, the SEA and the NIS. This is neither a fair nor scientific assessment of a long standing already sustainable industry. It would be pointless to list the numerous references between aquaculture and negative impacts on these documents. Some negative statements occur much less frequently but are even more outrageous eg overlap between aquaculture and wetlands. Where would that be? In the context of the huge tonnages of nitrogen and phosphorus that enter into a waterbody from agriculture, human sewage (from untreated sources and also from the many stormwater overflows that overflow all too easily thus by passing treatment) and from industrial discharges how on earth could shellfish aquaculture be a threatening source of nutrient input? Even salmon farming which does add feed is but a miniscule amount in comparison to the big sources of nutrient inputs which threaten ecosystem health.

Aquaculture is undoubtedly viewed differently in the plans that the EU has for its growth. The authors of the draft NMPF and in particular the authors of the SEA and the NIS need to take note of EU plans for the sector and more importantly need to do a scientific literature review and read the many papers that show aquaculture in a much more positive light. It is clear that this negative mindset to aquaculture is not applied to all marine activities. Enormous foreshore licences approved and in the pipeline for offshore renewable energy companies now cover the east and south coasts of the nearshore Irish Marine area after a surge in recent years. Will they be subject to the same rigorous appropriate assessments and calls for increased regulation and enforcement as what aquaculture has had to go through and which is envisaged for aquaculture in the draft NMPF and its associated SEA and NIS?

We run a multigeneration oyster farming business in the Waterford Estuary, the entirety of our family and much of our community rely on the jobs we create with our community. We export our award winning certified sustainable oysters all over the world to eaten fresh. Our business relies very heavily on the quality of our waters and thus water quality protection and the use of chemicals is also of great importance and must be considered when drafting this framework.

We trust that because this document is a draft that there is time for the extremely important and very necessary changes required to be made, as suggested in this response.

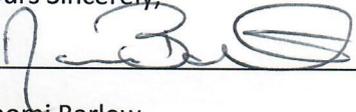
Shellfish farming activities such as Oyster Farming must be separated out in the different forms of “Aquaculture” mentioned in the NMPF . its imperative that a distinction be made when it comes to talking about negative and positive impacts of each type of aquaculture activity accordingly (seaweed production, salmon farming , shellfish production etc) .

Its of the utmost importance that local multigeneration shellfish growing businesses be protected by this framework. These mostly local family businesses provide vital employment in local coastal communities and their activities have existing rights and entitlements that have been passed on from generation to generation, in some cases by way of foreshore and aquaculture licences and in other cases by mean of private rights, these long standing rights and entitlements cannot be infringed upon by the implementation of this NMPF.

I trust the above submission will be given the serious consideration it deserves.

Should you have any queries in relation to our submission, please do not hesitate to contact me.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Naomi Barlow', written over a horizontal line.

Naomi Barlow

FITZPATRICK OYSTERS LIMITED

Tallaught, Saltmills, New Ross, Co.
Wexford

Marine Planning Section

Department of Housing, Planning and Local Government,

Newtown Rd.,

Wexford

30/04/2020

Dear Sir/Madam,

We note that Bord Bia is part of the Advisory Group of Stakeholders. Given that this is a marine plan and seafood production a listed activity in the plan we as shellfish producers would request that the Department invite BIM (The Seafood Development Agency) to join the NMPF Stakeholder advisory Group.

It is clear from the draft NMPF that the word 'aquaculture' is used in to refer to all forms of aquaculture (salmon farming, shellfish farming and seaweed farming) however there are fundamental differences within this grouping in terms of structures used, species used, location within the marine environment, access, culture practice eg is food used to feed the cultured species and whether nutrients are removed/added to the water column or benthic sediments. We would ask for the document to separate out the forms of aquaculture and make the distinction when it comes to talking about negative and positive impacts accordingly.

Aquaculture in the southeast of Ireland is composed of bottom mussel farming (Wexford Harbour, Waterford estuary and Youghal Harbour) and oyster farming (Bannow Bay, Waterford Estuary, Dungarvan Harbour and Ballymacoda Bay in East Cork. Mussel

farming is subtidal and oyster farming in the intertidal zone. Both types of aquaculture do not add feed or pharmaceutical products to the water column and both remove nutrients (Nitrogen, Phosphorus and Carbon) from the ecosystem by way of feeding on phytoplankton, harvesting of stock and increased nitrogen removal through benthic-pelagic coupling (enhanced bacterial denitrification) in sediments below shellfish. It provides valuable jobs to coastal communities and has the potential to support regional and local maritime festivals and food trails.

Thus shellfish aquaculture is a marine activity that fits very comfortably into the three Harnessing Our Ocean Wealth (HOOW) Goals perfectly:

- Goal 1 a Thriving Marine Economy,
- Goal 2 Healthy Ecosystems and
- Goal 3 Strengthening engagement with the sea.

Not all marine activities envisaged under the National Marine Planning Framework do this and it could be argued that shellfish farming (which is a long standing industry in the southeast) is unique in that it is the only marine/land-based activity that actively supports the ecosystem by driving the ecosystem away from eutrophication thus supporting biodiversity and sustainability and keeping the ecosystem functioning and providing the benefits and services that it provides. Shellfish farmers do not get paid for this valuable ecosystem service eg nutrient removal which is valued at 30.93 Euro/kg for Nitrogen and 93.63 euro/kg for phosphorus Hernandez-Sancho et al. (2010) as stated in Valuing Ireland Blue Ecosystem Services published by SEMRU author Norton, D et al 2018. The biological and economic cost of avoiding ecosystem collapse by way of eutrophication induced anoxia is an immensely high value. Think of the loss of biodiversity, tourist activity, recreational value and ecosystem services that a widespread anoxic event caused by eutrophication could cause in a bay.

Like the NMPF Shellfish Aquaculture also desires to be consistent with Goal 14.1 and 14.2 of the 2030 Agenda for Sustainable Development Goals

Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development

14.1 By 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution

14.2 By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans.

Having said all of the above it is clear from the Draft NMPF and its associated SEA and NIS that a different view of aquaculture has been taken. One that requires increased

regulation and enforcement and further stringent assessments and indeed one that is regarded as a threat to the ecosystem even causing eutrophication. This is quite remarkable given the large amount of scientific literature that supports shellfish aquaculture as supportive to the ecosystem. Clearly the Draft NMPF, SEA and NIS was not reviewed by a wider body of scientific expertise.

As it stands the draft NMPF has the following Objectives for Aquaculture:

1. To support a diverse, compliant, growing aquaculture sector that operates in a modern licensing and enforcement system to produce high quality food, protects and enhances the social and economic fabric of rural coastal and island communities, and conserves biodiversity around our coasts.
2. To maintain a best practice aquaculture licensing system that promotes the efficient use of space, protects water quality and supports the future potential of aquaculture.
3. 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.
4. To develop enforcement strategies that deliver the best possible outcomes by achieving full compliance while keeping costs and administrative burdens to a minimum.
5. To develop responsive regulation principles designed to enable a differential response to diverse operator behaviours in a proportionate manner.
6. 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.

Shellfish aquaculture is in agreement to **objective 1** but would like to emphasise that **protecting the existing shellfish aquaculture activities is a prerequisite to allowing for sustainable growth** of the sector and that this should be reflected in the wording of the objective.

In relation to protecting water quality in **objective 2** it should be recognised that shellfish aquaculture enhances water quality through nutrient removal, filtration of particulates from the water column, removal of bacteria and viruses through filter feeding. As it is written it reads as if shellfish aquaculture is **causing** water quality problems and should be licenced accordingly. This phrase should be reserved for marine activities/landbased activities on the coastal zone that actually do cause water quality issues such as waste water treatment plants, stormwater overflows, agriculture and industries that discharge chemicals into transitional and coastal waterbodies eg powerstations, food processing businesses etc.

Objectives 3 to 6 seems to be worded towards increased enforcement as if increased

regulation and enforcement are required to contain this threat of uncontrolled aquaculture. Aquaculture is a highly regulated and enforced sector which in the southeast of Ireland has already gone through stringent Appropriate Assessments under the Habitats Directives. It is worth noting that bottom mussel culture in Wexford Harbour in its present form has been in existence since 1970. Before that mussels were harvested in the harbour since at least the late 1900's for export to England and abroad using many small punts with rakes and dredges. So when it comes to sustainable and ecosystem friendly activities mussel farming in Wexford Harbour has passed the test many years ago. Oyster farming in its current format has been in existence in the southeast of Ireland since the 1980s to the present day and has produced no negative ecosystem impacts. Indeed both forms of shellfish culture are recognised in peer reviewed scientific literature as assisting with compliance with the Water Framework Directive by removing Nitrogen and phosphorus from the ecosystem by way of filter feeding on algae and controlling algal populations in a top down manner thus driving the ecosystems away from eutrophication. Thus indirectly they support biodiversity as eutrophication reduces biodiversity in particular through its extreme form which is anoxia in the water column and or benthic sediments. Also shellfish production generates protein in an extremely carbon efficient manner as carbon is sequestered in shell. Shellfish farmers would welcome the recommendations outlined in the Review of Aquaculture Licencing Report which call for a more efficient and transparent licencing and enforcement system.

The Aquaculture Marine Planning policies as laid out in the Draft NMPF are as follows:

Aquaculture Policy 1

Proposals for aquaculture development that demonstrate use of innovative approaches and/or contribute to diversification of species being grown in a given locality, particularly proposals applying a multi-trophic approach, should be supported.

What is concerning about this policy is that it ignores the current state of shellfish aquaculture production which currently produces world class shellfish and which has already passed the sustainability test over many decades and which has already passed stringent Appropriate Assessments. The wording of this policy suggests that support will be given to aquaculture that demonstrates new approaches and/or that different species need to be grown. We would recommend that that Policy No1 should be to protect the current world class shellfish industry in its current format as a foundation for any new aquaculture developments.

Thus Policy No2 could read as should be as:

Proposals for aquaculture development that demonstrate use of innovative approaches and/or contribute to diversification of species being grown in a given locality, particularly proposals applying a multi-trophic approach, should be supported.

Aquaculture Policy 2

Non-aquaculture proposals in aquaculture production areas must demonstrate consideration of and compatibility with aquaculture production. Where compatibility is not possible, proposals must demonstrate that they will, in order of preference:

- a) avoid;
- b) minimise;
- c) mitigate significant adverse impacts on aquaculture.

If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.

This should now be Policy No3. This policy is to be welcomed but concern would exist that some non-aquaculture proposals are so damaging to shellfish aquaculture that the MSP might still permit them over aquaculture eg the negative impacts from stormwater overflows on sewage networks can potentially lead to reduction of shellfish microbial classification of production areas that results in companies not being able to export in their current format leaving shellfish business non-viable eg a reduction of a mussel production area from B to C or an increase norovirus levels in oysters that prevent sales to Asian Markets. In such situations an assurance that long standing shellfish aquaculture businesses should have priority over new/existing and potentially very damaging land-based activities and this should be written into some policy on aquaculture bearing in mind that land based activities negatively impacting shellfish businesses via deterioration of a water quality parameter(s) also impacts negatively on the ecosystem which as the NMPF states is central to the MSP. Thus the interests of shellfish aquaculture are at one with the ecosystem approach especially in terms of the water body. In a way shellfish aquaculture is a sentinel industry or the canary in the mine on behalf of the ecosystem. What is bad for shellfish farmers is bad for the ecosystem.

It is stated within the SEA and NIS that "

Notwithstanding these protection policies, further mitigation would be required to ensure significant adverse effects as a result of the draft Aquaculture Policies on the integrity of European site(s) can be avoided".

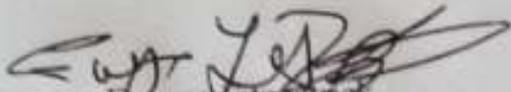
Shellfish farms in the southeast have already been subjected to appropriate assessments against either SPA and or SAC's. Is this not good enough? No mention is made of increased habitats provided by aquaculture structures in otherwise bare and relatively barren sand/mudflats, the positive impact of oyster farms on Brent Geese who feed upon algae covered oyster bags when they arrive every year from far afield, the shelter provided in amongst mussel beds on the seabed for small marine life which in turn are preyed upon by resident and migratory fish, direct consumption of shellfish by birds and fish and mammals. Aquaculture is framed in a negative light in the draft NMPF, the SEA and the NIS. This is neither a fair nor scientific assessment of a long standing already sustainable industry. It would be pointless to list the numerous references between aquaculture and negative impacts on these documents. Some negative statements occur much less frequently but are even more outrageous eg overlap between aquaculture and wetlands. Where would that be? In the context of the huge tonnages of nitrogen and phosphorus that enter into a

waterbody from agriculture, human sewage (from untreated sources and also from the many stormwater overflows that overflow all too easily thus by passing treatment) and from industrial discharges how on earth could shellfish aquaculture be a threatening source of nutrient input? Even salmon farming which does add feed is but a miniscule amount in comparison to the big sources of nutrient inputs which threaten ecosystem health.

Aquaculture is undoubtedly viewed differently in the plans that the EU has for its growth. The authors of the draft NMPF and in particular the authors of the SEA and the NIS need to take note of EU plans for the sector and more importantly need to do a scientific literature review and read the many papers that show aquaculture in a much more positive light. It is clear that this negative mindset to aquaculture is not applied to all marine activities. Enormous foreshore licences approved and in the pipeline for offshore renewable energy companies now cover the east and south coasts of the nearshore Irish Marine area after a surge in recent years. Will they be subject to the same rigorous appropriate assessments and calls for increased regulation and enforcement as what aquaculture has had to go through and which is envisaged for aquaculture in the draft NMPF and its associated SEA and NIS?

We trust that because this document is a draft that there is time for the necessary changes as suggested in this response.

Yours faithfully,


Eugene Fitzpatrick



National Marine Planning Framework Consultation Draft: Submission by Waterford City & County Council

Waterford City & County Council acknowledges the detail and content of the National Marine Planning Framework Consultation Draft (NMPF CD) and welcomes the opportunity to make this submission. Included on page 4 of this submission is a synopsis of issues raised by the Elected Members of Waterford City & County Council at Plenary Council workshop held on the 13th February 2020 regarding general wind energy developments but which are relevant to the NMPF CD. The main issues regarding the NMPF CD are as follows:

1. Functional Autonomy and Decision Making

The NMPF CD identifies a number of sectoral areas and circumstances where the decision making process on land may be wholly independent to that relating to the sea. While this is inevitable in some circumstances it is vital that national policy and its implementation decision making process is not unduly open to judicial or other legal review, in particular for reasons of project splitting. Therefore the NMPF CD and associated Marine Planning and Development Management Bill (MPDM) must provide for the making of robust planning decisions for both marine and terrestrial developments which are proposed in tandem and which are symbiotic, irrespective of the scale of individual marine or terrestrial elements of the project which may not individually on their own be subject to EIAR. It is vital that the decision making in such situations lies with a single authority. Avoiding undue risk, delay and uncertainty for investors is critical in order to deliver timely development and in particular to meet national targets relating to the transition to low carbon/climate resilient economy i.e. 3.5 GW Offshore Renewable Energy Target by 2030.

A related risk may be attributed to the high level decision and plan making functions of the DCCAE (responsible for ORE) and the DHP&LG (responsible for all other use proposals). Functionality across both departments needs to be streamlined and aligned to ensure ORE in particular can be dealt with holistically by one entity. Furthermore, reading the NMPF CD, the relevant information available regarding the MPDM and the role of RESS consent processes, it is unclear as to the sequencing of how a development will be fully planned, developed and how breaches in planning will be enforced in line with national EU and international obligations.

While the NMPF CD identifies the objective to meet our obligations under such EU and international law such as Habitats/Birds Directives, OSPAR, Aarhus, UN Convention on the Law of the Sea, etc, Common Fisheries Policy, WFD etc, Waterford City & County Council would request that these matters be given further consideration in the making of the final NMPF.

2. Defining the spatial context of decision making responsibility.

The NMPF CD will set the policy framework for the planning and management of development through the MPDM. It is suggested that there will be separate functions for the local authority and An Bord Pleanála, based on the nature, scale and location of a development proposal either in the nearshore or foreshore. It is noted that the local authority will have a decision making function for minor development in the nearshore such as small marinas, pontoons, piers/harbours, while An Bord Pleanála will have jurisdiction for large scale development beyond nearshore, similar to SID/EIAR including offshore renewables, interconnectors, major marinas, piers etc.

It is noted however that there is no definitive spatial definition for the nearshore which is generally understood to be the area of coastal waters defined in consideration of local geographic features and practical matters. Defining the interface between the nearshore and foreshore will be important in terms of decision making so as to avoid confusion, delays and unnecessary risk to projects due to uncertainty regarding the legislative functions of different decision making authorities. Similarly it is vital that the interface of such functions

is well defined for the purposes of developing planning policy for particular nearshore areas, estuaries and intertidal areas.

3. Collaboration

It is noted that the general content and focus of policies are supportive of development where underlying principles of the various EU Directive(s) are upheld, where adverse impacts must be avoided, minimised or mitigated and where development are consistent with Strategic Marine Activity Zones. In this regard it is vitally important that the policies are applied where a particular Strategic Marine Activity Zone has been devised on foot of full engagement with principle stakeholders throughout local communities in order to define and quantify the scale, extent and acceptable use within the relevant zone.

4. Regional Scale Planning

While WCCC notes that the current NMPF CD is the first such plan to be developed for Irish territorial waters and as such does not have a significant regional element, it is important that the next cycle of the NMPF has a significant regional dimension as it may prove difficult to apply sectoral policies consistently across regions or Strategic Marine Activity Zones given the complexity and diversity of marine environments and the terrestrial coastlines which support them. Furthermore it is essential that there is a regional approach to both seascape and landscape characterisation to assist in the delivery of essential infrastructure, in particular ORE and associate O&M ports. This would be consistent with RPO 129 of the RSES for the Southern Region.

5. Zoning Based Approach and Strategic Marine Activity Zones (SMAZ)

In the initial submission by WCCC on the Marine Planning Policy Statement, the local authority supported the policy based approach to the NMPF CD while also identifying that a zoned approach to particular activities in particular areas held merit. In this regard WCCC would suggest that where SMAZ are being identified, their use should be considered for both the nearshore and foreshore with a particular focus on estuary areas, similar to the Shannon Estuary Strategic Integrated Framework Plan. As per point no. 4 above, this introduces an important regional dimension to any plan led approach to managing

development within our marine territory while also identifying strategic terrestrial sites required to service the broader marine area.

6. Synopsis of relevant issues raised by the Elected Members of Waterford City & County Council at a Plenary Council workshop on 13th February 2020.

Community Dividend: Many queries raised regarding the effectiveness of a community dividend given its low level and the divisive nature of wind energy proposals on communities. The availability of a reduction in electricity/energy bills for relevant communities was identified as a possible approach. A proper level of dividend should be applicable nationally.

ORE: The majority of those present across all political parties had a preference to locate future renewable wind energy proposals offshore as opposed to continued onshore developments, particularly in light of changes in technology which make such a transition more viable. This is a form of development implemented in Nordic countries with developments between 50 -100km offshore. Policy and guidance should identify a minimum acceptable distance from shore for new developments. It was also recognised that there needs to be a balanced approach to facilitating offshore wind energy while ensuring existing fishing rights and other maritime activities are accommodated.

Climate Change: The majority of those present recognised the need for action on climate change and that the push towards employing renewable energy technology was a significant part of that. Some present recognised the urgency in relation to achieving renewable energy targets. Some level of disturbance from wind energy development is unavoidable but it is difficult to determine a threshold in terms of visual impact (ORE), (shadow flicker, noise for onshore development), etc. Further development of wave energy should also be pursued in tandem with ORE to achieve a reduction in Co2 and reliance on fossil fuel imports. Economic benefits through direct investment and provision of jobs locally cannot be ignored and would generally be supported.

Ireland's Draft National Marine Planning Framework

Consultation

Submission from Killybegs Fishermen's Organisation Ltd.

30th April 2020

Killybegs Fishermen's Organisation Ltd (KFO) welcomes the development of a National Marine Planning Framework (NMPF) as the need for clarity and prompt processing of proposed marine-based projects is long overdue. The NMPF is underpinned by the Marine Planning Policy Statement (MPPS) to which KFO also contributed and made the following point which needs to be re-emphasised:

- Seafood is an important national resource largely dependent on the fishing industry. ***KFO suggests the terms "fishing" and "seafood" feature more prominently in the NMPF.***

And, dealing more specifically with the draft NMPF,

- The NMPF reflects the emphasis given to Energy (5 sections), understandable given current global focus on climate issues and the required actions, but there must be some levelling of the playing field if the fishing/seafood industries are expected to support policies which will, inevitably, have some negative impact on their traditional activities. ***Fishing and seafood expansion plans must be given equal footing with other sectors.***
- ***"(2.43 Pt 6) Introduce 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." Such interactions are more than the responsibility of local authorities and should include some input from the Department of Agriculture, Food and the Marine which has considerable expertise in this regard.***

12.0 Fisheries

Additional Objectives

- ***Promote the fishing industry as a prime producer of sustainable nutritionally high value food.***

- ***Enhance the supply chain for the delivery of fishery sourced food and develop a contingency plan to utilise this resource as required in times of emergency. (such as the recent COVID-19 pandemic)***

Planning Policies

- **Fisheries Policy 2:** Proposals promoting a sustainable fishing industry, including the industry's diversification and/or enhanced resilience to the effects of climate change, ***and emergency food supply situations***, should be supported.
- **Fisheries Policy 5:** Where significant impact upon fishing activity is identified, a Fisheries ***Damage Limitation*** and Mitigation Strategy should be ***commissioned (i.e. engage and fund a recognised and independent expert person or agency in the field)*** by the proposer of development or use, in consultation with local fishing interests (and other interests as appropriate) in the development of the Strategy.

Submission by The Quays Bar, The Quay, Westport

Kevin Joyce 

29/04/2020

Background:

My name is Kevin Joyce and I am the proprietor of The Quays Bar and Bed and Breakfast located at the Quay Westport. I'm making a submission for the development of a marina at Westport Harbour and for a masterplan for Clew Bay. I feel it is appropriate I contribute a submission to this proposal as my property and business is located at the heart of Westport Quay on the banks of Clew Bay. In fact my outside seating area is reclaimed land from the Bay to emphasise my proximity to the said proposal. I have owned the building for two years now but have been in business at Westport Harbour since 2009. Previous to running my own business I was employed at the Quay from the age of 15, all of 22 years in total in employment in this area. I have a deep connection with the Quay and the local people in the area and so have the best interests of this area at heart.

Brief History, Development and Progress:

Due to the extensive years I have been employed at Westport Harbour, I've witnessed a substantial amount of progress over the years. From the early 90's where most buildings were derelict warehouses and an old mill to the present day beautiful tourist area filled with state of the art accommodation including apartments and a hotel, a number of modern and traditional pubs and restaurants, café's, retail businesses with shops, hairdresser, book shop, galleries among others. The vast majority of these businesses have been established by the will and hard work of local people who have invested and worked together to create a thriving area of the town. During the early 90's there was just 4 pubs located at Westport Harbour and very little other business, it was by no means a busy or attractive part of the town. Now due to a lot of hard work Westport Harbour is like a town of its own. A prime example of local participation and working together would be the construction and development of the pond, which sits in the heart of the harbour area, very fittingly its heart shaped and is a beautiful attraction at the Quay. The original pond development was taken on by a group of local people who joined together and created a Quay Community group chaired by the late Michael Collins who was a popular local figure. A monument to acknowledge his and the group's efforts is appropriately placed alongside the pond. By highlighting this I'm just trying emphasise the collective efforts and hard work that has taken place over the years to enhance Westport Harbour. Also substantial contribution has come from Westport Town Council and Mayo County Council over the years.

Benefits Of A Marina:

The benefits of the development of a marina at Westport Harbour on the banks of Clew Bay are many. They cover a number of aspects of Irish Life and sectors of Irish society.

i) Tourism

The benefits a marina would have on tourism in Westport are astronomical. Westport has progressed over the last 3 decades to become one of the main tourist locations in Ireland. On a par, as a destination, with the likes of Galway, Killarney, Cork City to name a few. The town was voted the best place in Ireland to live by the Irish Times in 2012. We have a number of beautiful attractions on our doorstep such as Westport House, Croagh Patrick and the beautiful Clew Bay. Sporting Amenities like the top class Westport Golf Club, Tennis Club, Squash Club and numerous Horse Riding Stables. The missing link is a Marina at Westport Quay. Tourists flock to our town during the peak season from all over the world, primarily United States and Europe. As they arrive at the picturesque Westport Harbour, they view the many beautiful Sail Boats and many fishing boats stacked up on the Shore and in the local car park. If a marina was in place I've no doubt it would be extremely popular with boat owners and tourists alike and the Harbour would be a hub of activity. It would be a massive addition to boosting Westport Sea Activities. Westport Sailing Club is a popular amenity for locals but possibly not for tourists as they are located a number of miles outside the town at Rosmoney. As Westport Harbour is located literally on the Sea Shore and is the centre of Westport's Tourist vicinity it is vital we get a marina in place in the future. It is ideally located with all appropriate infrastructure in place from accommodation availability to other hospitality amenities like restaurants, pubs and shops. I've no doubt Tourism would absolutely flourish in Westport if we had a marina in place.

ii) Economic

A marina at Westport Quay would be a massive boost economically to the town of Westport. It is the one missing link to our tourism industry. Indeed our counties tourism industry. I have had conversations with thousands of tourists over the years through my business and a common feature I find is that Westport can be seen as stepping-stone to other locations on the West coast. We may get American tourists for example for a night or two before they move on to Galway or up the coast to Sligo. I genuinely believe if we had a marina in place, Westport would become much more than a stepping stone and more of a destination to arrive at for a longer stay. We have so much infrastructure in place to cater for a major increase in tourists. A huge amount of the population of Westport is employed in the hospitality sector and this would secure those jobs and create more. In these uncertain times the future would look very bright economically for Westport if we could secure a marina for the future. We have the most welcoming people in the world working in the hospitality sector and our pub and restaurant experience is second to none. A Westport Marina would seriously enhance this sector. It would create many more jobs in this area and lead to many more businesses opening up.

iii) Damage Prevention

Another benefit to a marina at Westport Quay would be the safety element. Personally my business has flooded twice in the last 10 years due to very high tides matched with sea surges or extremely strong tides. If a marina was in place the severity and danger of high tides would be lessened dramatically.

iv) Community

The effect of a marina in Westport would have a massive impact locally in the community. The Quay is already seen as a recreational area in the town where people go for their daily walks or runs. A marina would be a serious boost to the spirits of the people of Westport. It would be something to be proud of and again employ a huge amount of local people supporting many families. Community spirit has always been a trait Westport people hold dear and I've no doubt a project of this nature would receive massive local support in many ways. As I explained earlier the local community and business people of Westport have really transformed Westport Quay throughout the last 30 years, for a marina to be put in place would be only fitting and deserved.

Personal Impact:

Personally in my own business I know the prospect of having a marina on my doorstep would transform the property. I currently run a traditional Irish pub enjoyed by both locals all year round and tourists during the peak season. Westport is very seasonal, during the peak season from June – September we are very busy but during the off peak season Westport can become extremely quiet apart from certain holiday periods and some weekends. I've no doubt the development of a marina would extend that peak season and attract a lot more Irish tourists all year round. Also it would seriously increase foreign tourism with longer stays.

Another aspect of a marina on my business would be the increased productivity. Currently we just sell drink. The possibility of doing food is very attractive as we have a kitchen in place behind the bar. At the moment it just wouldn't be economically viable for me to do food but if a marina was in place it would be an absolute requirement given our proximity to the proposed development. I have drawn up a business plan and cash flow projections with my accountant should this occur and we have calculated I would have to hire an extra 10-12 staff. Currently I employ 5 staff so if the proposed development went ahead I would increase my workforce to approximately 17 people.

I also envisage making significant improvements to my property should this development go ahead. Currently I can accommodate 12 people above the pub in our bed and breakfast accommodation with the potential to construct 2 more rooms and increase occupancy to 18 people if this project got the go ahead. I also have an outdoor seating area at the back of my premises looking out over the bay. It would be located overlooking the marina should it be developed. Again I would envisage making significant improvements to this area also.

Summary:

In summary I can't emphasise enough how much of a benefit this proposal would be to our town and also our County. We currently don't have a proper functioning marina with all the amenities in this part of the West of Ireland. Westport Harbour is the ideal location for this. It is a tourist town with many excellent hotels, restaurants and bars. The infrastructure is already in place in the town. Economically it would create many new jobs and attract substantially more tourists to Westport. It would be extremely beneficial to the community of Westport and lift the spirits of all its residents. It would be an absolute massive investment in so many ways for Westport and the West of Ireland

National Marine Planning Framework

Public Submission

06/04/2020

Dear Sir/Madam,

I have attached below some comments concerning section 17.0 regarding Sport and Recreation and section 19.0 regarding Tourism as published in the National Marine Planning Framework Draft.

I myself live in Dunfanaghy, Co Donegal which is a small seaside town in North Donegal and one that relies heavily on the tourism trade. I also work in a surf school as a surf instructor and shop assistant in this town, so as you can imagine I am severely influenced by the decisions and policies made in regard to these industries.

A massive issue that has occurred recently in this small town of 298 people is the rapidly increasing number of holiday homes dotted unintelligently around the local area of Dunfanaghy. The main bulk of these holiday homes are owned by well-off families living in Belfast and other locations in Northern Ireland. The majority of these houses are left unattended and empty for the whole year until July and August when the population then grows ten-fold. Although this is a generalisation, it is a pretty accurate one at that. As mentioned in section 19.12 of your NMPF draft, *“93% of overseas holidaymakers rated “beautiful scenery” as important in considering Ireland” ... “88% rated our “good range of natural attractions” as important with 86% rating our “natural unspoilt environment” as important”*. However, the planning and development of these holiday homes and the rate at which they are being built says something different. I understand that this framework isn't involved with the planning of housing and development and that the National Spatial Strategy is where I should go to voice my concerns however I believe both frameworks are linked. The extra pressure on the resident waste-water treatment plant can't cope with the sudden influx of people and from local accounts an uncovered pipe leaks human waste into the nearby harbour of Portnablagh. Your first objective in section 17.0 Sport and Recreation is

“Increased participation in a range of water-based sports and recreation activities for the benefit of public health and wellbeing” and I, as an avid outdoors man and strong believer in the benefits of nature, whole heartedly agree with this objective and applaud you for your consideration of public health. However, your nice intentions of encouraging the public to get out and enjoy what the amazing Irish coast has to offer clashes with whatever planning system there is in place in this case. Last summer (2019) there was three instances of young boys getting sick from pier jumping in this port as a result from this water discharge and as Minister for Housing, Planning and Local Government you have the ability to solve this issue.

Carefully consideration has to be put in place with regard to the development of all seaside towns from Malin Head to Mizen. Downings , Rossnowlagh and Bundoran all have the same situation occurring, of recreational activities and the natural phenomenon that is our coastline, clashing with the very industry that creates these towns, tourism. That fine balance of creating a sustainable tourism trade that keeps these seaside towns alive and maintaining the natural beauty of the Irish coast must be established as difficult as that may be. Fortunately, with the NMPF and the National Spatial Strategy there is the possibility of putting in place the correct policies and procedures that are needed to solve the dilemma at hand.

Apart from the issues mentioned above, I agree with most of the policies and structures that will be put in place as consequence of this document and I’m hopeful that you will do your best in making the correct decisions for society and the environment. I appreciate the opportunity to voice my concerns and also to provide you with praise for doing the work that you are doing.

Thank you for your time,

Adam Boal Quinn

04/05/2020

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

Dear Sir/Madam,

My name is Patrick Mc Conigley and I live on the Fanad Peninsula in North Donegal. I am studying Outdoor Education at GMIT Mayo and employed in the outdoor sector in Donegal. I am writing to express my input into the National Marine Planning Framework. Emphasis throughout will be placed on sport and recreation, tourism, the relationship between aquaculture, sport and recreation and tourism, all while highlighting my concerns for wastewater treatment and disposal in the townlands of Kerrykeel and Rathmullan in Co. Donegal.

To start I want to bring attention to a fact and figure that has been highlighted on a brochure I received at your public consultation in Westport on the 26th of November 2019. The statement - "Wastewater released into some coastal areas has the potential to contaminate filter feeding shellfish such as oysters, mussels, cockles and clams. Consumption of contaminated shellfish is a health risk, and can lead to vomiting, nausea and diarrhoea". This statement for me is worrying and something that needs to be addressed urgently. Yes, wastewater treatment plants are being implemented throughout the country, but these treatment plants need to be questioned

on their carrying load. The carrying load may carry the population of an area but in the busy tourist season, is the wastewater treatment plants able to carry the volume produced by tourists? Failte Ireland released on the same date as the Westport consultation, 26th November 2019, that the number of tourists coming to Ireland on walking and cycling holidays has increased from 37,000 in 2012 to 1.8 million in 2017. With this figure comes demands on our wastewater treatment facilities in areas of rural coastal locations. To mention, some of these locations not having adequate wastewater treatment plants in place for the population of the area.

Again in referring to the brochure I received at the consultation, another statement - “ in 2017, the EPA identified two urban areas where upgrade works are needed to provide waste water disinfection systems in order to avoid contamination of shellfish in designated waters (Rathmullan, Co. Donegal and Killala, Co. Mayo).”. Regarding this statement, one townland missing is Kerrykeel in North Donegal. An area where sewage runs into Mulroy Bay with a local mussel farm operating on the that body of water. Also, in the same area the business I work takes tourists and locals kayaking in with other recreation businesses also in operation.

 exports their product around the country and out of the country and with the increasing numbers of tourists visiting these coastal locations, they want to experience and taste local produce, which are ultimately contaminated in local water. Also, these greater number of tourists results in increased volumes of waste, yet we are expected to show case the beautiful landscape of Ireland and blue space that in contaminated with raw sewage in the year 2020. I believe that this 20-year marine spatial plan needs to take into consideration the rising levels of tourism with the carrying load of our wastewater treatment plants that are in place and are being designed to be put in place.

As well as protecting humans from wastewater it is important to protect the environment. In 2017 as noted, The Eu Commission took Ireland to court due to the failure to comply fully with the requirements of the Urban Wastewater Treatment Directive. Since that it can be noted

greater action has been taken, but in order to protect protected areas, further action is needed. This National Marine plan should be implemented already, and I feel it has taken too long to implement. The regional plans could be the change that is needed to greater action. Within the regional plans more authority could be given to local community action groups within areas, as well as state bodies such as the EPA, Inland Fisheries of Ireland and Bord Bia. This could sustain greater actions for the future. Greater education from the state bodies to the community could positively affect their actions and ultimately improve the quality of the marine environments as protected areas and for tourists coming in to visit.

Finally, regarding sport and recreation, zoning needs to be critically looked at for the future. As stated in the draft plan “a healthy marine environment is one of the major draws for people participating in marine sport and leisure activities. There are generally, therefore, strong synergies between marine leisure activities and marine biodiversity and wider marine life and considerable overlap between those who enjoy marine leisure activities such as diving and those who are passionate about protecting marine ecology”. This is something that I do feel needs to be addressed going into the future and could again be policed by local action groups, beach lifeguard’s and clean coast officers. Jet skis and heavy motorised boats need to be restricted from certain areas for two reasons. One to protect habitats and secondly to protect other marine users such as swimmers, kayakers, snorkellers or divers. Throughout this draft marine spatial planning, leisure activities such as surfing, with pristine blue beaches and clean blue marine environments have been portrayed in the photos, yet on the ground jet ski users and other motorised boats are ripping up these environments. Clear and decisive zoning and policies need to urgently be put in place to cut out tensions between motorised boating users such as fishermen or jet ski owners and the likes of myself who are more on the slower side of leisure craft wanting to protect our environment. This again can be done through regional plans

with county councils working in certain areas between aquaculture users, motorised boating and other recreational users.

To finish, a 20-year plan to the year 2040 needs to be reconsidered. It needs to be reviewed in a shorter time frame in my opinion. I say this due to rising sea levels with areas of the marine environment being ignored if they do flood, with wastewater treatment plants at current sea levels for example Westport in Co. Mayo and all this while losing natural habitats such as machair to coastal erosion. The question is what are we really protecting or what should we be defending? Is this plan really about the natural environments and their protection or increasing Irelands GDP from coastal areas? Or does it really serve the purpose of sustaining a future for people living in rural communities around the coast of Ireland. Rural areas have been forgot about for long enough with no policies and government interventions – this is the chance to implement change over a shorter time period than 20 years.

Yours Faithfully,

Patrick Mc Conigley

Offshore Renewable Energy

Wind Turbines

Ireland has massive potential for the harvesting of wind energy. Due to this fact it would be wise to install floating offshore wind turbines of the west coast and more fixed turbines of the east coast of Ireland. When installing these migratory routes of fish and mammals should be considered to try and preserve numbers. By increasing the number of offshore facilities it will limit the amount of visual and audible pollution that onshore wind turbines can cause. It would also be worth considering placing the turbines as far out as feasible to prevent interfering with recreational sea users. The majority of recreational sea users stay within a few miles of the shore. By the year 2025 I would expect to see at least seven more fixed offshore wind turbines in Irish waters. This is to keep us in line with plans to combat the climate crisis. To fund this I strongly suggest increasing Irelands corporate tax to at least 16 percent.

Tidal Turbines

I would like to see more tidal turbines in use in Ireland. The Shannon estuary has a tidal range of 5.44 metres and is tidal up to the Ardnacrusha dam. This means a massive amount of water is moving. It would be worth investigating this area as a potential site for tidal turbines. There will doubtless be ecological impacts on wildlife in the area perhaps including the dolphin population but if we do not do something to combat the climate crisis these species will doubtless suffer anyway. Lough Swilley in County Donegal also has tidal potential as would Carlingford fjord in Louth. Lough Swilley and Carlingford specifically could potentially provide power to both sides of the border and strengthen relations.

Water Treatment

Sewage Treatment

As mentioned in the National Marine Framework manifesto two percent of Irelands waste water is untreated. This is unacceptable. The implementation of percolation zones in towns and villages will take some of the pressure of water treatment plants and provide a natural alternative. Another point I wish to make is that it would be possible to move the point of entry of waste water further of shore to take advantage of the faster rate of dispersal due to deeper water. This would also take the contaminated water further away from coastal bathing spots.

This is not a substitute for treating waste water but will help to mitigate its effects on coastal recreation. When choosing where to put these drainage pipes consideration should also be given to the aesthetic of the area. For example the drainage pipe located in the blowhole at Downpatrick head is obtrusive and unappealing.

Recycling Water

Something I would like to see in the future is more recycling of waste water. This water can be used for agricultural irrigation and put back into the home to be used for flushing the toilet. The EU guide lines on recycled waste water are vague but if we were to link in with countries that have already implemented schemes such as France and Spain we could agree on a standard. This would prevent problems with exporting produce made using this water. The problem of exporting fruit and vegetables grown with recycled water is something that needs to be addressed by the EU to create a standard that can be met by all countries. With the likely hood of drier summers in some parts of the country draught is likely going to become a problem. Recycling water would go a long way to combating this.

Defence and Security

My main concern for the naval service is what powers they have to prevent foreign vessels from fishing in our territorial waters. I would like to see the naval forces powers to remove foreign vessels strengthened. I also feel it is justifiable to seek compensation from the offending country. To make a suggestion I feel it would be prudent to invest in more smaller vessels capable of handling a fishing craft and increase the number of patrols around our waters. These suggestions all have the idea of protecting our native fish stocks in mind.

Sport and Recreation

The main thing that I would like to see in regards to sport and recreation is better access to the water's edge for the likes of sea kayakers. Perhaps by putting sign posts up to make clear that piers are for public use and not just commercial. This is a simple thing to correct and should not prove difficult.



Submission to the public consultation

on:

Draft National Marine Planning

Framework, DNMPF

April 2020

Version T: Finalised 1.0 Date: 30 April 2020

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1.Introduction

1.1. Submission focus given overall legal context.

The consultation on the Draft National Marine Planning Framework is most welcome. This is particularly given: the importance of our Marine Environment; Ireland's many legal obligations in respect of the protection of marine habitats and species; the requirement to conduct effective stewardship of the many demands upon it, currently and into the future; and the potential for the marine environment to assist us address many opportunities and other obligations and challenges into the future – particularly in respect of the move to more renewable energy.

The requirements of DIRECTIVE 2014/89/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 July 2014 establishing a framework for maritime spatial planning, "The Directive" or "the MSPD" – are key to providing a framework for Ireland to deliver on all of these considerations, and more, in a truly sustainable way, and to observe obligations arising from a range of other European Union obligations.

The focus of this submission is largely concerned with the technical legal requirements of "The Directive" or "the MSPD" and a number of other EU Directives. The comments are offered constructively with a view to assisting Ireland and all concerned meet its obligations, and to provide for a sound, robust and legally compliant:

- Maritime Spatial Plan,"the plan", and
- Planning & governance system and regime for the Marine environment, Maritime Spatial Planning.

While other comments are made as part of this consultation – the most fundamental contention is that the Draft National Maritime Planning Framework, does not conform to the requirements of the Directive, most particularly in terms of content, but also in terms of how it has been developed, and what it has considered as required by the Directive.

In that regard, the extent to which serious issues of legal certainty may arise for consents in the marine environment, pending the delivery of a legally compliant Maritime Spatial Plan is raised front and centre in this submission. This is consequent on the approach Ireland is taking to address the legal obligations arising from the Directive, and the timeframes envisaged for that. That is quite apart from the broader issue of compliance with the deadlines and implementation requirements which will be the focus of the European Commission and interested parties, and where compliance with such requirements is fundamental to the homogeneity of Market Conditions across the Union. In the context of Brexit and Ireland's extreme sensitivity viz-a-viz our maritime border – we also highlight the importance of Ireland's maritime house being in order so to speak – in order that our European Colleagues can advocate and negotiate accordingly in the context of Brexit.

Following a presentation from the Department of Housing Planning and Local Government with IEN, SWAN and some other eNGOs, the Environmental Law Officer, "ELO", of the IEN

raised these issues with a number of members of the Advisory Committee seeking clarification of Ireland's approach and how it is intended to comply with in particular Article 8(1) of the MSPD. Clarification is now sought as a matter of urgency through this consultation in light of the concerns raised herein, and throughout the wider consultation. Clearly members of the IEN and SWAN may rely on the arguments and issues raised here. It is noted the focus of this public consultation from the Department is on the draft NMPF. However given the approach Ireland is taking to address the Directive's requirements in respect of the establishment of a Maritime Spatial Plan, – it is also necessary to address here certain considerations in relation to the requirements of the Directive in respect of a system of Marine Spatial Planning. That is at least to the extent the requirements of the Plan need to be considered together with the requirements of the Directive in respect of a system of Marine Spatial Planning.

We would welcome any clarification and/or response from the Department in respect of the issues and concerns raised here, and are of course happy to engage further to clarify and elaborate as necessary – as we wish to engage constructively to ensure these EU law obligations are met, and indeed the international law obligations which arise for Ireland under both the Aarhus and Espoo conventions consequent on this activity.

2. The requirements of EU Directives

2.1 The requirements of the Maritime Spatial Planning Directive.

The Maritime Spatial Planning Directive is a framework directive and admittedly provides for considerable flexibility and discretion for the Member States to deliver on the specific obligations arising. Notwithstanding this, there are certain very specific mandatory (non-discretionary), requirements which are summarised somewhat informally further below in respect of the obligation to establish and implement:

- I. Maritime Spatial Planning, and
- II. a Maritime Spatial Plan, “The Plan”

The concern we wish to raise is whether the Draft National Maritime Planning Framework is a plan for the purposes of the Directive and conforms to the Directive’s requirements of how it has been developed and what it delivers, and in brief the contention is that it does neither, nor does it satisfy the obligations on such a plan under both the SEA and Habitats Directives.

The National Marine Planning Framework is clearly intended to be Ireland’s Maritime Spatial Plan as is evident numerous from statements in and around the document and the forewords in particular. We also note in this regard: Section 69 of the of the Planning and Development (Amendment) Act, 2018 “The Act” which is the current legislation in place transposing the Directive stipulates the framework is the plan required under the Directive as follows:

Section 69 of the Act provides that:

“(6) Marine spatial plans for the time being in force shall be known collectively as the National Marine Planning Framework.”

Importantly section 69 of the Act also provides that the Marine Spatial Plan, namely the NMPF, conforms to the same requirements set out in the Directive for a Maritime Spatial Plan under Article 8(1) of the Directive, where section 69 provides:

“(5) A marine spatial plan shall identify the matters specified in paragraph 1 of Article 8 of the Directive and the Minister shall, when making a marine spatial plan, ensure compliance with paragraph 2 of that Article.”

Turning back to the requirements of the Directive in respect of both core elements – the system of Maritime Spatial Planning and the Plan, the Directive requires as mandatory obligations the following:

- 1) A system of Maritime Spatial Planning, “MSPI”:
 - as required by Article 4(1);
 - conforming to the definition of MSPI of Article 3; and which is

- produced in accordance with Article 4(2) in respect of land-sea interactions;
- meeting the further requirements of Article 4, which provide also for a margin of discretion while stipulating further mandatory requirements in respect of how the system is developed and what it has to consider, “have due regard to”;
- which pursuant to Article 4(6) **provides for a limited ability to build on national policies, regulations or mechanisms previously established – “provided they are in conformity with the requirements of this Directive”**
- which pursuant to Art 4(4):
 - I. aims to contribute to the objectives listed in Article 5, and which
 - II. must fulfil the requirements laid down in
 - i. Article 6 which sets out “Minimum requirements for maritime spatial planning” and
 - ii. Article 8 which provides very explicit requirements for Maritime Spatial Plans;
- Article 7 provides for some discretion but also essential deliverables, in respect of how land-sea interactions are integrated;
- Article 9 provides for mandatory requirements in respect of public participation and consultation;
- Article 10 provides for some particularly important mandatory obligations in respect of the data to be used;
- Articles 11 and 12 provides for certain mandatory trans-national boundary considerations; and
- Articles 13-16 relate *inter alia* to implementation, transposition and reporting and entry into force considerations and we will return to these later.

2) A Maritime Spatial Plan.

- Maritime Spatial Planning as provided by the Directive needs to give rise to a Maritime Spatial Plan, “the Plan” pursuant to Article 4(4) with reference to the mandatory obligations specified therein to fulfil Article 8, where in respect of the plan – what the plan needs to deliver is specified in unequivocal terms in Article 8(1).
- Article 8(2) provides for discretion on the activities and uses which may be included – but this again is limited consequent on the relevance of the interactions – and of course other driving considerations such as an ecosystems approach and in particular given the implications for objectives stated by the Member State under Article 5.
- The system of Maritime Spatial Planning implemented by the Member State then needs to give effect to the Plan of the Member State.

2.2 Ireland’s approach to establishing and implementing a Maritime Spatial Plan

We understand particularly arising from the DNMPF document itself, and more particularly from the presentation of the Department to SWAN, IEN and other eNGOs on Friday 24th April

2020, Ireland has decided to pursue a policy based approach, and not a map based spatial plan, but intends to develop a system consistent with the terrestrial “Myplan” system. The Department in fairness frankly indicated that it expects that even an initial basic inception of that will be at least 3 years away, quite apart from a complete version. Additionally, it is clear that it is proposed by Ireland that certain elements of Maritime use and activity will be handled separately – such as Aquaculture and Fisheries – which fall within the jurisdiction of the Department of Agriculture, Food and the Marine, “DAFM”. In that regard it is noted that whatever administrative structures Ireland operates, the ultimate and full set of obligations need to be satisfied by Ireland, and internal administrative difficulties are no basis for either delay or failure as the Court of Justice clarified in the Waste Case against Ireland, case c-494/01¹.

2.3 Issues in addressing the requirements of the Directive

Firstly, at the most basic level – the MANDATORY requirements of Article 8(1) are not met by the Draft National Marine Planning Framework. It is not a plan which identifies: *“the spatial and temporal distribution of relevant existing and future activities and uses”* in our marine waters, necessary *“in order to contribute to the objectives set out in Article 5”* as required by Article 8(1). The DNMPF simply does not provide for such spatial and temporal articulation of existing and future activities and uses, either on its own or in combination with other extant plans. Under Article 15(3) – the plan *“shall be established as soon as possible and at the latest by 31 March 2021”*. Thus while the system of Maritime Spatial Planning is transposed from September 2016, the Plan which then the system going forward then needs to give effect to has to be in place at the very latest by 31 March 2021.

Furthermore we note that the Natura Impact Statement produced for the draft Plan states: in section *“8 PRELIMINARY CONCLUSIONS ON DRAFT NMPF”*

“The NMPF does not determine the precise location of any development project or designate or allocate specific land uses, nor does it preclude the consideration of alternatives. At the time the policies of these lower tier plans are being adopted, more detail will be known as to the proposed locations proposed, for example, maritime zonings or infrastructural projects. These lower tier plans and their detailed objectives and policies will themselves be subject to appropriate assessment and will therefore be fully considered as part of that appropriate assessment at that time. As such, the NMPF itself will not adversely affect the integrity of any European Site.”

¹ Judgment of the Court (Grand Chamber) of 26 April 2005, case c-494/01. In paragraph 126 of the Judgment, the Court emphasised the point raised in paragraph 75 of the Opinion, *“that a Member State may not invoke difficulties of an administrative or technical nature to justify its failure to comply with its Community law obligations”* which was footnoted with a reference to — Case C-52/91 Commission v Netherlands [1993] ECR I-3069 at paragraph 36

Clarification therefore on how this obligation in respect of the delivery of a plan to meet the deadline and for how a compliant marine planning system, both now and post March 2021 will be addressed would therefore be most welcome.

In the absence of such a legally compliant plan – it is difficult to see how the gravest difficulties will arise for the granting of consents in the marine environment, and that serious issues of legal certainty will arise.

Secondly, the plan or plans if Ireland wishes to argue same, have not been separately and/or collectively subject to the development process stipulated under the Directive or one sufficiently consistent with same, and thus cannot be deemed to comply with it. This is all despite the Spatial Planning Directive coming into effect in 2014 20 days after its publication in the Official Journal – which is now in April 2020 nearly some 6 years ago, and the transposition of the Directive was required to be complete by 18 September 2016, meaning the relevant processes stipulated should have been in place since 18 September 2016. Therefore issues of legal certainty arise for consents issued subsequent to 18 September 2016 in the absence of a system of Maritime Spatial Planning consistent with the Directive and a compliant response to the implementation of such a system from Ireland, that is regardless of the Maritime Spatial Plan – which is an additional dimension for the system. Clarification and response in respect of this concern would be most welcome.

Some further specific issues are set out below including in respect of the objectives and policies set out, the data provided and used and transboundary consultations and SEA. However in the context of the overall deficiency on the plan – these have not been exhaustively set out.

Objectives:

The Directive requires that the system of Maritime Spatial Planning “aim to contribute to the objectives listed in Article 5.”

The lack of specificity of the objectives stated in the DNMP are also problematic given how difficult it will be to credibly demonstrate contribution to the objectives. It is submitted that such credible contribution needs to be both demonstrable and demonstrated.

Section 1.9 of the draft plan states:

“ ...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.”

This is of particular concern in the context of the Environmental objective for all stakeholders – given it is the fundamental “plank” in an overall sustainable approach to the Marine environment. For the environmental perspective the following is provided in the draft as the objective in respect of “Environmental: Ocean Health:”

“3.12.

Objective

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.”

The obligation to aim to contribute – needs to be facilitated through a credible and demonstrable contribution, which is arguably very difficult in the context of the above framing and lack of measurement or targets. The deficit in information and accurate and complete information in respect of the health of the Marine environment is a fundamental issue and arises consequent on Ireland’s failures to adequately implement the Marine Strategy Framework Directive, (see ELO and SWAN submission on the MSFD earlier this year), and also is consequent on long standing failures in respect of complete monitoring and reporting obligations under the Habitats Directive. (For example significant deficits arise in respect of cetaceans, despite them being subject to the second pillar of the Habitats Directive which affords the strictest level of protection possible under the Habitats Directive, higher than for the Natura 2000 network.)

This lack of clarity in certain key objectives is ironically also further complicated by Ireland’s policy approach to the plan which will invariably need to a reconciliation of potentially conflicting or contrary policy requirements set out in the draft plan. This is all the more of an issue given the policy requirements have a legal underpinning in the Planning and Development (Amendment) Act, 2018. Section 74 provides for binding obligations on Public Authorities to give effect to the plan through their functions, s.74(1) refers, and in their decision making, s.74(2) refers.

The extent of potential cross consideration and conflict is set out in Section 4 of the Draft Plan in a two page table after the following

“4.3 The interdependent nature of activities in the maritime area mean that consideration of a policy relating to a particular sector in a decision may mean other policies are relevant to that process. The following table provides an indication of policy relationships, with a dot (●) indicating where consideration of a particular policy may mean other policies should be considered. This table is not definitive or exhaustive. The policies relevant to a given decision will be defined by the type and scale of proposal being put forward, the timing of phases of the proposal (including

construction, operation, decommissioning), and the location. It will be for decision-makers and those making proposals to ensure proportionate, proposal-specific application of relevant plan policies to ensure compliance.”

How compliance can be demonstrated with the national legislative requirements in terms of policy level adherence and the EU level requirements in terms of objectives – is thus a concern in the context of such a complicated framework of 60 sectoral by 60 sectoral interactions, and as acknowledged in the above extract that indication of policy relationships is: “not definitive or exhaustive”.

Additionally the Draft plan highlights in section 2.31 that the National Planning Framework, NPF for the terrestrial environment is set out as a planning framework for 20 years, and describes the relationship between the two plans as “parallel” documents. However the Planning and Development (Amendment) Act, 2018 provides for the revisiting of the Marine Spatial plan every 6 years, (s.70 refers) with the requirement for the Minister to determine the need to update the plan or not and act accordingly providing justification as needed for not updating the plan. It will be important that the development of the sophistication of the MNPF is not compromised by any desire to coalesce the timelines, given the quantum difference in detail available to support the NPF by comparison with the NMPF. This is particularly so given how contentious and incomplete many component elements are in respect of the assessments under the Marine Strategy Framework Directive, “MSFD” and the need in particular to address deficiencies in Irelands implementation of the MSFD, which is so significant in respect of the environmental objectives required under the Maritime Spatial Planning Directive and for Ireland’s draft Maritime Spatial Plan, and Maritime Spatial Planning System.

There appears to have been significant movement in where the objectives are to be placed and the approach to same. The original baseline report² circulated for consultation – relied to a large extent and entirely inappropriately on Harvesting Our Ocean Wealth for “*An initial elaboration of the potential high-level objectives for Ireland’s first National Marine Planning Framework*”.

The consultation response document on the Baseline Report which has been published alongside the Draft NMPF³ indicates the objectives would be in the Marine Spatial Planning Policy Statement, MSPPS, and not in the NMPF. Stating: (emphasis added)

“As **the MPPS sets out** high level principles, **objectives** and priorities for marine planning in Ireland, **the draft NMPF does not contain HLO’s**. It does however contain sector or activity specific objectives to guide the application of marine planning policies.”⁴

² “National Marine Planning Framework Baseline Report”

³ “Report on Public Consultation Process – How the NMPF Baseline Report Submissions have shaped the draft NMPF, November 2019”

⁴ Page 6 of the “Report on Public Consultation Process – How the NMPF Baseline Report Submissions have shaped the draft NMPF, November 2019”

But in fact the objectives, Highlevel or otherwise are **not** in the MSPPS, which describes its content as follows:

“The Marine Planning Policy Statement is intended to do the following:

- Describe the existing components of Ireland's marine planning system;
- Outline a vision for the future development of our marine planning system;
- Set out the overarching policies and principles the Government expects marine planning bodies and other public bodies that engage with the marine planning system to observe (in terms, for example, of public engagement, transparency, governance, environmental assessment, climate action, social and economic benefit);
- Set out high-level priorities for the enhancement of the marine planning system in Ireland.”

It goes on to state at various junctures further in the document that the objectives will be in the NMPF, for example:

“The Department of Housing, Planning and Local Government is leading a whole-of-government approach to the development of Ireland's first marine spatial plan. The plan, which will be known as the National Marine Planning Framework (NMPF) and will serve as a parallel to the National Planning Framework, will set out the Government's long-term planning objectives and priorities for the management of our seas over a 20-year time frame. It will create an overarching framework for marine decision-making that is consistent, evidence-based and secures a sustainable future for Ireland's marine area. A draft NMPF will be published in Q3 2019 for a period of public engagement and consultation (this follows an earlier engagement phase on the development of the NMPF Baseline Report), with the final plan due before end 2020. **Both the draft and final plan will set out specific objectives and marine planning policies for all of the activities taking place in Ireland's seas, from aquaculture through to waste water treatment.** All of these activities will be contextualised within the pillars of their economic, environmental and social considerations. The plan will also set out the proposed future approach to the adoption of spatial designations for marine activities or designated marine protected areas, and taking account of the existing network of designated European sites under the Habitats or Birds Directives by the Minister for Culture, Heritage and the Gaeltacht.”

And also:

“As part of realising the vision for an integrated marine planning system, the Government is committed to strengthening and rationalising the enforcement framework. As set out above, there are a number of marine planning enforcement

processes and competent authorities. While they may operate under different legislative codes, these are all joint custodians of the marine planning system. The introduction of a single development consent process under the Marine Planning and Development Management Bill will have some rationalising effect on enforcement mechanisms but the Government will examine options for marine planning enforcement that will place a strong emphasis on:

- Clear compliance obligations flowing from a clearly articulated decision framework, ultimately based upon the marine planning policies and objectives set out in the NMPF;”

So following this fluctuating approach and uncertainty as to the overall purpose of the documentation set in respect of setting out the objectives which are the most fundamental element to both the planning system and the spatial plan, a few high-level objectives are included into the draft NMPF. Of further issue then, is the lack of clarity on how they have been arrived at, and how they reflect an ecosystems approach etc. consistent with the requirements of the Directive, and how contribution towards them is to be achieved and demonstrated is not at all clear. There is a general absence of measurements and targets which would assist in that regard.

Furthermore there is little transparency in how many of the policies detailed in the Draft plan relate to the objectives, or indeed on how they are consistent with them, this is particularly so in respect of impact on policies from other sectors with both the policies and objectives in the environmental sphere or in the overarching policies.

For example, There is no transparency on how the underlying basis and rational for a policy to have many different types of aquaculture in a specific locality under the Economic sphere “Economic – Thriving Maritime Economy” - for example:

“Aquaculture Policy 1

Proposals for aquaculture development that demonstrate use of innovative approaches and/or contribute to diversification of species being grown in a given locality, particularly proposals applying a multi-trophic approach, should be supported.”

Neither is there any transparency around how such a policy is consistent with an objective for the environmental sphere of: Environmental - Ocean Health:

“3.12.

Objective

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.”

And this is but one example.

It is also difficult to see how there can be any credibility to the implementation of a compliant Maritime Spatial Planning System and a Maritime Spatial Plan in the absence of designation of Ireland adequately designating its conservation areas. Other submissions and SWAN's in particular will have highlighted the deficit in Ireland's approach to Marine Protected Areas so that is not rehearsed here. It is however noted that on page 41 of the Draft Plan – there is some level concession proposed in the following policy in the draft plan in respect of the ongoing failure to have the network of protected areas in place – by the following:

“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 of course would require areas which might be needed for the network to be at least identified, and there is no clarity on when or how that is proposed to be addressed.

At this juncture it is important to highlight the significant level of legal protection which is afforded to proposed SPA's under the Birds Directive. This has been clarified on a number of occasions by the EU Court of Justice and which we can expand upon as required if it would assist the Department and how the Court has also clarified that failure to fulfil obligations also cannot result in a Member State benefiting from such failures.

In that regard again the failures to advance and complete the designation of protected areas is essential if the system is not to be beset with issues of legal certainty. It is very pertinent that on this the final day of the consultation an opinion in case c-254/19 from an Advocate General of the EU Court of Justice is addressing the standard of scientific certainty and obligations arising in respect of assessment for designated sites under the Habitats Directive, and we submit this has relevance also for consents in the context of late designations. That opinion, if followed by the Court, and taken collectively with the obligations to remedy breaches of EU law as set out in the judgment of the Court in case

c-261/18⁵ – have potentially breath-taking ramifications for consents issued in breach of EU law.

Clarifications and further detail on all of these matters therefore would not only be most welcome, but would seem to be essential on multiple levels.

Data:

Despite the requirements stipulated in Article 10 of the Directive in terms of usage of tools and instruments under the Inspire Directive⁶ that Directive is nowhere mentioned in the draft Plan, that we have been able to ascertain. Clarification on how this obligation has been addressed would therefore be most welcome.

Much of the information drawn on for the purposes of the draft plan is very out of date, and or incomplete, despite the high standard of data requirements specified by the Directive. Sources of much of the data are not generally indicated in the draft plan, and it is submitted that it is not sufficient to merely site long lists of references where the source of the data may or may not be provided, and this is particularly so when certain of the documents referenced are very old some nearing two decades.*

Ireland should have in large part been able to rely on its implementation of the Marine Strategy Framework Directive, but where that implementation is both incomplete and inadequate.

It is accepted that a policy based approach to planning and the development of a plan, could potentially be a useful approach to the development of the plan, but a spatial and temporal plan still needs to be produced, and such policies would of course also need to be consistent with the approach and requirements of Directive, as has been made clear in Article 4(6).

Transboundary consultation issues:

It is clear that consultation has to some extent been undertaken with relevant bodies in the UK – and of course this is welcome. However it is not clear that the legal obligations for **consultation which arise with the public** in other jurisdictions, including the UK has been facilitated on the draft and the associated environmental reports with which it must comply under for example the SEA Directive⁷.

⁵ Judgment of the Court 12 November 2019, case c-261/18, EU:C:2019:955

⁶ Directive 2007/2/EC

⁷ DIRECTIVE 2001/42/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

In this regard we refer in particular to the obligations in respect of wider consultation with the public Article 7(2) of the SEA Directive, and also the obligations under the Aarhus Convention in respect of non-discrimination in consultation, and public participatory obligations arising under Article 6 in respect of plans and policies consequent on Article 7 of the Convention.

Aquaculture:

Much emphasis has been placed on the existing legislative system in place for aquaculture licencing in the context of the obligations for the plan and the system of Marine Spatial Planning. However there is an absolute failure to assess the extent to which

- That legislative system is in fact compliant with EU law and the requirements of the Spatial Planning Directive,
- Whether the Minister adheres to his own legislation in granting consents.

In summary we submit that the system has not been developed in a way consistent with Article 5 of the Directive in particular in respect of an ecosystems based approach.

Additionally we submit we have serious concerns with the compliance of that system with EU law, most particularly the Habitats Directive Article 6 obligations in respect of appropriate assessment of sites, and DAFM's approach to impacts on sites below an arbitrary 15% threshold. We also submit we have serious other concerns in respect of its compliance with the Aarhus Convention and the EIA Directive. We will be happy to expand on these should the Department wish further information to assist it.

We also submit that the Minister's compliance with his own legislative regime is an issue, and therefore the Drafts rehearsal of those provisions is irrelevant in the absence of any assessment of conformance, and can't therefore be relied upon in justifying Ireland's approach to meeting the obligations of the Directive.

Specifically in relation to the non-conformance with DAFM's own legislative regime we highlight consents granted as recently as the last quarter in 2019 in Wexford harbour as an example. Here the Minister granted a significant volume of consents in the absence of compliance with the requirements of SI 346 of 2009, the European Communities (Habitats and Birds) (Sea Fisheries) Regulations 2009 in respect of a Fisheries Natura Plan. Ireland's approach to aquaculture in the context of potential impacts Natura 2000 sites has been an issue for a considerable period of time, and regrettably they still are at issue. Again further information on this can be provided if the Department requests it. But we are conscious of the extent to which it appears to be compartmentalising the approach to matters like Aquaculture, but we consider it integral, but at the same time do not wish to overwhelm this consultation response submission with detailed assessment of the failures and issues in the Aquaculture system.

However, clearly - ultimately Ireland needs to put in place a regime which is compliant and a plan which addresses the whole set of activities and uses, both currently and into the future as required by the Directive.

We make one final point in respect of the fragmented approach – if plans are produced sectorally and out of synch in terms of both spatial and temporal dimensions, the complexity and burden on assessment both under the SEA Directive and the Habitats Directive increases manifold for all involved.

3. Consideration of SEA and Appropriate Assessment & Other Habitats Directive obligations

3.1 Reservation in respect of policies where Natura 2000 adverse impacts are addressed.

We note that the policy requirement is that where adverse impacts can't be avoided the case should be stated. Clearly under Article 6(4) of the Habitats Directive – it is insufficient merely to state the case for proceeding where adverse impacts can't be ruled out. There is a process which must be addressed, including the exhaustion of alternatives and provision of compensatory habitats. The adequacy of those compensatory habitats must be considered, and other more onerous obligations arise in respect of justification for proceeding in cases which involve priority habitats and species. We submit the wording of the policies in the draft plan serves to potentially create a misapprehension about the ability to proceed in such circumstances, and the policy should reflect strict compliance with Articles 6(3) and 6(4) of the Habitats Directive.

3.2. Assessments of the Plan itself under SEA and Habitats

Given the overall deficit in the construct of the plan which has been highlighted particularly, but not limited to the failure to comply with Article 8(1) of the Directive – the draft plan cannot and does not serve as an appropriate basis or input into the strategic environmental assessment or appropriate assessment for such a Maritime Spatial Plan and Irelands Draft National maritime Framework.

We additionally note however that the conclusion quoted below in the Natura Impact Statement entirely fail to address the policy framework which potentially allows for adverse impacts on Natura 2000 sites , and the legislative underpinning in the Planning and Development (Amendment) Act, 2018 which obliges Public Authorities to comply with the National Marine Planning Framework.

The relevant conclusion at issue is:

“The NMPF does not determine the precise location of any development project or designate or allocate specific land uses, nor does it preclude the consideration of alternatives. At the time the policies of these lower tier plans are being adopted, more detail will be known as to the proposed locations proposed, for example, maritime zonings or infrastructural projects. These lower tier plans and their detailed objectives and policies will themselves be subject to appropriate assessment and will therefore be fully considered as part of that appropriate assessment at that time. As such, the NMPF itself will not adversely affect the integrity of any European Site.”

The Draft NMPF in section 3 of Overarching Marine Planning Policies – very problematically articulates the following:

“3.5 To comply with this requirement proposals must demonstrate how avoidance of significant adverse impacts is considered as the preferred option. If the proposal demonstrates that significant adverse impacts cannot be avoided the proposal must then proceed to consider minimising significant adverse impacts. If the proposal demonstrates that significant adverse impacts cannot be avoided or minimised the proposal must then proceed to consider mitigating significant adverse impacts.”

Under Biodiversity the draft then specifies:

“Proposals that may have significant adverse impacts on species adaptation or migration, or on natural native habitat connectivity must demonstrate that they will, in order of preference:

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

significant adverse impacts on species adaptation or migration, or on natural native habitat connectivity.”

And also:

“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

- 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.”

Then under Disturbance Planning Policies there is:

“Proposals, including those that increase access to the marine plan area, must demonstrate that they will, in order of preference:

- a) avoid,
- b) minimise, or
- c) mitigate adverse impacts on priority habitats.”

For Marine Protected areas, which include Natura 2000 sites – there is:

“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.”

And also:

“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.”

Under “Non-indigenous species” there is again the following.

“Proposals that reduce the risk of introduction and/or spread of invasive non-indigenous species should be supported. 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,
- b) introducing structures suitable for settlement of non-indigenous invasive species, or the spread of non-indigenous invasive species known to exist in the area of the proposal.”

This is very problematical given: the level of scientific certainty required in respect of potential impacts to Natura 2000 sites; and the requirements of Articles 6(3) and 6(4) which

limit the discretion on consent – while the following policy which under the 2018 Act – decision makers are obliged to comply with – states proposals which meet the criteria above “should be supported”.

Again the following is not consistent with the standard of certainty required under Article 6(3) and 6(4) of the Habitats Directive – which is significantly omitted from the legal obligations referenced:

“3.76 Public bodies must assess new proposals for measures to avoid or minimise significant adverse impacts on the maritime area from the introduction and transport of non-native species, or the spread of non-native invasive species known to exist in the area. Best available evidence and application of the precautionary principle should be used as a way of approaching decision-making in the absence of full scientific certainty in line with the [Convention on Biological Diversity Guiding Principles for the Prevention, Introduction and Mitigation of Impacts of Alien Species that threaten Ecosystems, Habitats or Species.](#)”

We could continue with further examples. Clearly this approach is not compliant with the Habitats Directive, Article 6(4) in particular, and comment has been made earlier in respect of this. It is non-credible to conclude no adverse impacts arise from the DNMPF in the context of such a problematic overarching planning framework, and the requirements of the 2018 Act. At the very least confusion will reign.

3.3 Article 12-16 Habitats Directive requirements:

The following extract from the draft plan in respect of “Underwater Noise” is not consistent with Articles 12-16 of the Habitats Directive, which pertains to the strict protection of species.

“Proposals that generate impulsive or continuous noise must take account of any currently agreed targets under Marine Strategy Framework Directive descriptor 11 and demonstrate that they will, in order of preference:

- a) avoid,
- b) minimise, or
- c) mitigate significant adverse impacts on highly mobile species.

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;

Reasonable measures to mitigate any impacts which the proposed development or use may place on highly mobile species.

While it is acknowledged the above is an indication of what a noise assessment statement “could include” – there is an absolute failure within to address the high standard of protection afforded species listed under Annex IV of the Directive in our waters, and the balance of emphasis on the considerations listed and which are directed at public authorities when making their decisions, are all in favour of justifying the proposal.

The issue on anthropogenic noise in marine waters is of particular concern in respect of cetaceans and other Annex IV species inhabiting and frequenting our waters, and the cumulative implications of the level of expansion of development in the marine environment envisaged has to be of serious concern in the context.

It is therefore unacceptable that the framework in the draft NMPF is so deficient in addressing the legal requirements. In this regard we also highlight that the guidelines produced by the NPWS on the management of anthropogenic sound in the marine environment⁸ are the subject of a major complaint to the EU Commission in respect of their non-compliance with the Habitats Directive.

4 Conclusion

We would welcome an opportunity where the Department responds to the issues raised herein and by our colleagues in eNGOs across the country and within the IEN and by SWAN and its members, and would see that as a first necessary and meaningful response to this consultation.

⁸ NPWS, Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters, January 2014