

**Report on Public Consultation Process – How the NMPF Baseline  
Report Submissions have shaped the draft NMPF**



***November 2019***

## **Background**

The Department of Housing, Planning and Local Government launched the NMPF Baseline Report for a three-month consultation period in September 2018. The purpose of the Baseline Report was to set out:

- The policy, legislative and regulatory context for marine spatial planning in general and, more specifically, for the development of the National Marine Planning Framework;
- A description of the “as-is” situation in terms of existing sectoral development and activities in Ireland’s maritime area, including an identification of the future opportunities and constraints for each;
- An initial elaboration of the potential high-level objectives for Ireland’s first National Marine Planning Framework;
- A number of consultation questions or issues intended to prompt discussion and consideration amongst stakeholders.

The Department received 173 responses to the consultation from a broad range of stakeholders, including members of the public, coastal community groups, environmental NGOs, sports bodies, stakeholder representative bodies, fisheries organisations, energy providers, Local Authorities, public sector bodies, political representatives and parties, and higher education bodies. As indicated in the Baseline Report, all responses to the public consultation have been carefully considered and the draft National Marine Planning Framework has been significantly shaped by the submissions received (as well as by the direct feedback provided by participants at the many stakeholder events throughout Ireland since March 2018).

This paper summarises the consultation process, addressing some of the key issues raised and the way in which the draft NMPF responds to those issues. The MSP team will be happy to discuss the content of the draft NMPF in further detail at public events that will support consultation of the Draft National Marine Planning Statement (NMPS). More information about these events and the consultation will be made available on the MSP website (<https://www.housing.gov.ie/planning/maritime-spatial-planning/maritime-spatial-planning-directive/maritime-spatial-planning>).

## **Summary overview**

A broad range of issues were addressed in submissions on the Baseline Report. The topics most frequently mentioned were the marine environment (53% of respondents), ports/harbours/shipping (44%), and nature conservation (41%). Other issues raised in many submissions include consents and licensing (34%), renewable energy (34%), aquaculture (31%), fisheries (28%), seaweed harvesting (23%), cultural heritage and assets (23%).

Climate change and how the NMPF could contribute to Ireland’s climate change mitigation and adaptation measures was also one of the most frequently raised issues (42%).

On the issue of zoning (i.e. whether a zoning approach should be part of marine planning in Ireland), respondents were asked to indicate if they preferred a zoning approach, policy-based approach or a hybrid of both. Of the 57 respondents who expressed a preference for one approach over another, 44% favoured a policy-led plan, 40% elected for a hybrid model, and 16% indicated a preference for zoning.

### **Full breakdown of most frequently mentioned topics in responses listed by Baseline Report section**

Our Ocean Wealth	13.9%	Marine Environment	52.6%
Linkage with Land Planning	31.8%	Nature Conservation	40.5%
Environmental Assessments	28.9%	Ports, Harbours, Shipping	43.9%
Regulatory Context	34.1%	Seaweed Harvesting	23.1%
Consents and Licensing	33.5%	Telecommunications Cables	4.0%
Climate Change	41.6%	Tourism	33.5%
Brexit	12.1%	Sport and Recreation	26.0%
Transboundary Co-operation	19.7%	Waste Water Treatment and Disposal	9.2%
Aquaculture	30.6%	Implementation/Enforcement/Review	35.3%
Cultural Heritage and Assets	23.1%	Consultation Issues	8.1%
Defence and National Security	7.5%	Zoning	5.2%
Petroleum	16.2%	Policy	14.5%
Renewables	33.5%	Hybrid	13.3%
Transmission Systems	8.7%	Marine Plan Objectives	13.3%
Carbon Capture and Storage	8.7%	Coastal and Island Communities	20.8%
Offshore Gas Storage	8.7%	Seascapes	12.1%
Fisheries	27.7%	Coastal Erosion/Protection	8.7%
Marine Aggregates	6.9%	Safety	1.7%

### ***Marine Environment and Nature Conservation***

Over 50% of the submissions received referred to marine environment and / or nature conservation. Many responses emphasised the importance of protecting Ireland's unique marine environment and natural heritage from the potential adverse impacts of human activities, including the impacts of marine litter. Section 3.0 of the draft NMPF sets out the Overarching Marine Planning Policies (OMPP's) that apply to all proposals capable of having an impact in the maritime area. The first set of OMPP's are environment-focused under the Ocean Health heading. These policies are aligned to the MSFD Good Environmental Status descriptors and cover such issues as biodiversity, Marine Protected Areas, sea-floor integrity, marine litter, and underwater noise. As well as policies related to the MSFD, the Ocean Health section includes policies on air quality and climate change.

These Ocean Health OMPP's are considered to provide a strong framework for the incorporation of marine environment considerations into all marine decision-making processes, underpinned by the relevant strategic principles for marine planning as set out in the *Marine Planning Policy Statement (MPPS)*. More information on the MPPS can be found here:

<https://www.housing.gov.ie/planning/marine-spatial-planning/public-consultation-marine-planning-policy-statement>).

A number of respondents also queried the inclusion of marine environment in section 4.0 of the Baseline Report, suggesting that its appearance alongside key sectoral activities such as aquaculture, energy-related activities, tourism etc. implied that marine environment was an activity to be planned

for rather than one of the three pillars of the plan, on equal footing with the social and economic pillars of the plan.

While marine environment considerations were referred to in terms of being one of three pillars of the plan in parts of the Baseline Report, it was recognised that this point was not made clearly enough concerns raised in this regard have been addressed in the structure and content of the draft NMPF.

### ***Marine Protected Areas***

A number of submissions called for the inclusion of Marine Protected Areas (MPAs) in the NMPF. A commitment has been made under the Biodiversity Plan for Ireland to expand our network of MPAs to meet the internationally agreed target of having a minimum of 10% of our marine area protected. In order to achieve this, the Minister for Housing, Planning and Local Government will need to bring forward enabling legislation to provide for the formal designation process of MPAs including identification of conservation objectives and criteria, consultation processes, monitoring, review and management. It is intended to commence work on this legislation once the Microbeads (Prohibition) Bill 2019 has been enacted with the target of enacting MPA legislation in 2020.

### ***Climate Action***

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.

As set out in the plan, climate action is a central consideration throughout the draft NMPF and should be considered alongside the Government's *Action Plan to Tackle Climate Breakdown* (July 2019). The Climate Action Plan highlights the critical role of marine planning in our national climate action efforts in terms, for example, of realising our renewable energy targets through planning for the delivery of offshore renewable energy (ORE), carbon capture and sequestration. The draft NMPF sets out the forward planning framework within which Ireland's ORE targets will be realised, in conjunction with the new development management process for individual ORE projects.

Climate action is also embedded as a key theme throughout the plan through the application of a number of OMPP's specifically aimed at ensuring that marine regulators and decision-makers must take account of climate action when considering any proposal for marine use or activity (including, for example, ports development, aquaculture, shipping etc.).

### ***Offshore Renewable Energy***

Just over 33% of responses received referred to offshore renewable energy (ORE). Many of these referred to the need to provide an appropriately supportive marine planning policy framework to support the realisation of Ireland's renewable energy targets, the decarbonisation process and support our efforts to tackle climate change.

Other responses spoke about the potential visual impact arising from ORE, particularly offshore wind, and the need to ensure proper public engagement and consultation around the siting of future projects. A possible buffer zone was proposed as a way of ensuring that renewable energy

requirements could be balanced against visual amenity concerns. However, this approach has not been adopted in the draft plan on the grounds that it does not provide the necessary flexibility to take account of the varying circumstances along Ireland's long coastline. Instead, it is considered that the appropriate balance can be achieved through, inter alia:

- the new, modern development management process being provided for under the Marine Planning and Development Management Bill – including clear statutory obligations regarding public consultation and participation;
- the development of new statutory marine planning guidelines in relation to ORE and which will include guidance on a new visualisation assessment to inform design and layout. These visualisation assessments will have to include a demonstration of consultation with communities that may be able to view future ORE development with the aim of minimising impact;
- the range of specific marine planning policies on ORE contained in the draft plan.

The draft plan also outlines the role of spatial designation in the future and provides a summary of the proposed new power for the Government to make Strategic Marine Activity Zones for specific activities such as ORE (see below section on Zoning). Any proposed designation would also be subject to extensive public consultation and all necessary environmental assessments.

### **Zoning**

As set out above, a majority of respondents favoured either a hybrid approach (i.e. mix of policy and zoning) or zoning. This preference was reflected at discussions of the MSP Advisory Group. Accordingly, while the draft NMPF does not set out spatial designations or marine zonings for specific activities. Arrangements are being made at present to include provisions in the Marine Planning and Development Management Bill to provide for a system of designation of Strategic Marine Activity Zones. While it is intended to be open to any Minister to bring forward for proposals for designation of one or more such zones, the Bill will provide that the final adoption of a zone will be a matter for Government collectively under the NMPF. This is to ensure that all parts of the Government have full visibility around uses of our seas and a joined up approach to marine forward planning.

The proposed designation process will include multiple opportunities for public engagement and consultation and all proposed zonings will be subject to full environmental assessment (SEA and AA).

The Bill will also provide that when a formal designation is made by Order of the Government (following public consultations and environmental assessments), the zoning is automatically deemed to become part of the National Marine Planning Framework, thereby becoming a binding consideration for marine decision makers.

### **High Level Objectives**

The Baseline Report contained 11 proposed High Level Objectives (HLO's) at section 24, and drawing from the vision, goals and targets set out in *Harnessing Our Ocean Wealth* (HOOW – 2012). Respondents were asked whether these HLO's broadly captured the things they wanted to see in the plan. These were broadly welcomed as an initial elaboration of issues considered to be of strategic importance. Some respondents suggested however that HOOW was not intended as a planning policy

document in the sense normally understood and that a more appropriate planning policy basis would be preferable.

Responding to this, the Government published the draft Marine Planning Policy Statement for public consultation in June 2019 and the final MPPS is now published alongside the Draft NMPF. 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.

This Marine Planning Policy Statement serves as a parallel to the 2015 Planning Policy Statement which underpins the operation of the entire land-planning system in Ireland. 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.

### ***Modernised development management regime***

Over 33% of respondents raised the existing consent regime for marine development and activities. The main issue raised here related to a need to update existing Foreshore legislation and to accelerate the introduction of a new development management system.

The MPPS sets out a vision for an integrated marine planning system with distinct forward planning, development management and enforcement components. The Government is developing new legislation to modernise elements of the marine development management and enforcement systems.

The Marine Planning and Development Management Bill 2019 (formerly the Maritime Area and Foreshore (Amendment) Bill) will, inter alia:

- Establish a statutory basis for the preparation of a Marine Planning Policy Statement;
- Introduce powers for the Minister for Housing, Planning and Local Government to put in place statutory marine planning guidelines (parallel to statutory planning guidelines under Section 28 of the Planning and Development Act 2000);
- Provide an enhanced statutory basis for marine forward planning;
- Introduce a single State consent system for the entire maritime area (replacing foreshore leases and licences which are limited to the territorial sea) with the Ministers for Housing, Planning and Local Government and Communications, Climate Action and Environment assuming responsibility for the State consents enabling occupation of the maritime area for development and activities within their respective remits;
- Eliminate the unnecessary duplication of development management processes (including environmental assessments) for activities or developments that are currently assessed under both the foreshore and planning regimes;

- 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;
  - Provide for strengthened enforcement and compliance of State consents and development management;
  - Provide for transitional arrangements including, inter alia, a future development management pathway for legacy offshore renewable energy projects.
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