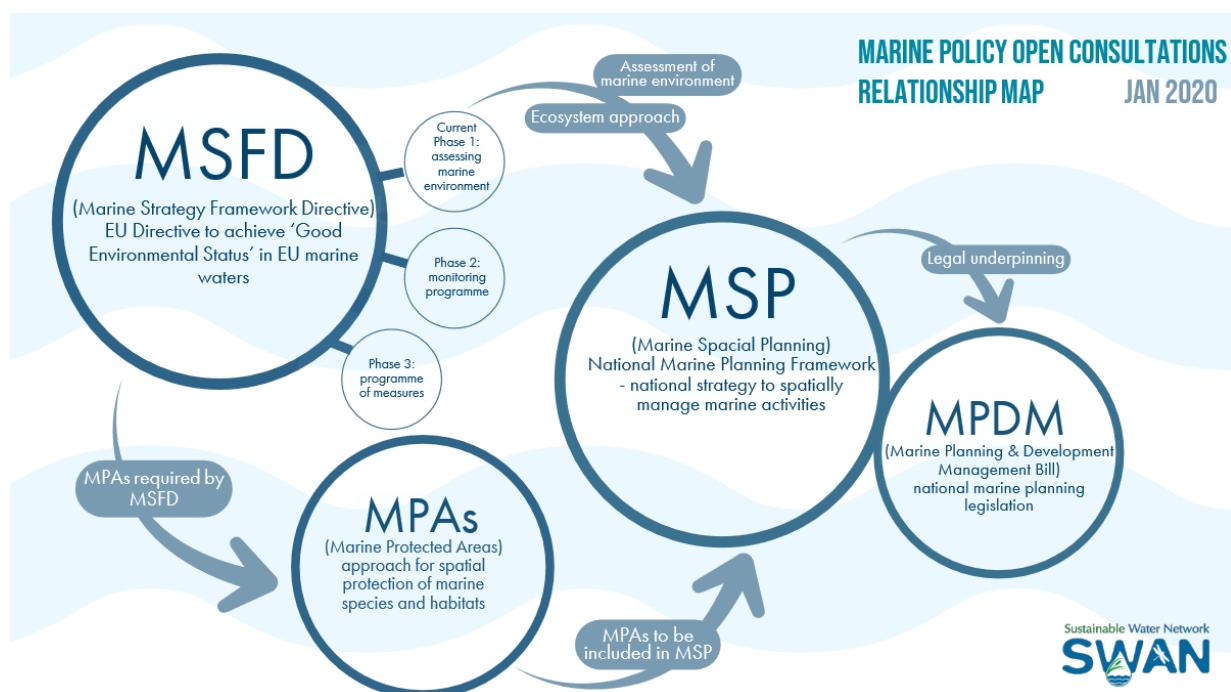


SWAN MARINE CONSULTATION GUIDE - JANUARY 2020

A number of public consultations on marine issues have been, or are soon to be announced by the Department of Housing, Planning and Local Government (DHPLG). They all interconnect and all are at critical junctures. They relate to the assessment of the current health of our marine waters, how we plan human activities in those waters, and the legislation behind the planning. We hope the following guide will help illustrate what is being consulted on and where best to direct particular comments or concerns.



Marine Strategy Framework Directive (MSFD)

The MSFD is the environmental pillar of the EU's marine policy. It aims to improve the marine environment by achieving "Good Environmental Status" (GES) in European marine waters by 2020 using an ecosystem based approach. Under the Directive each Member State must: assess the environmental state of their marine waters and analyse the pressures and human impacts on those waters; determine on the basis of 11 "descriptors", a set of characteristics that defines GES for those waters; and establish a set of environmental targets to guide progress towards GES. Based on this, a programme of measures must be established to achieve or maintain GES.

The 11 "descriptors" for this work are:

1. Biodiversity, 2. Non-indigenous species, 3. Commercial fish and shellfish, 4. Food webs, 5. Eutrophication, 6. Sea-floor integrity, 7. Hydrographical conditions, 8. Contaminants, 9. Contaminants in seafood, 10. Marine litter, 11. Underwater noise.

The MSFD is cyclical and Ireland is currently in the first phase of the second cycle which requires: re-assessing the state of Ireland's marine environment including the impacts of human activities, determining GES, and establishing environmental targets. Future phases will require Ireland to

further improve our monitoring programmes, and crucially, design and implement a programme of measures to effectively address the issues identified in the current assessment in order to achieve GES. Implementing a programme of measures is arguably the most important step but if we fail to correctly assess the situation at present, the measures may be misguided.

Public Consultation Documents: <https://www.housing.gov.ie/water/water-quality/marine-strategy/public-consultation-marine-strategy-framework-directive-200856ec>

Deadline: 28th of February 2020

Public Events: TBC

Marine Spatial Planning (MSP) / National Marine Planning Framework

There are a multitude of human activities occurring in our marine waters and they are continually expanding and diversifying. Competition for space and increased pressure on the environment are therefore growing concerns. Marine spatial planning is “a process that brings together multiple users of the ocean to make informed and coordinated decisions about how to use marine resources sustainably”. The benefits include reducing conflict, encouraging investment, improving cross-border cooperation, and most importantly, protecting the environment. Under the EU’s Marine Spatial Planning Directive, Ireland must implement its first MSP by 2021.

Ireland’s draft “National Marine Planning Framework” (i.e. our first MSP) was launched for public consultation in November 2019. This is a comprehensive new approach to marine planning, which will apply to a broad range of marine activities including aquaculture, offshore renewable energy, sea fisheries, and tourism. The aim is to move us from the developer-led approach of old, to a strategic, **plan-led** management of marine activities with the ecosystem as an overarching consideration. Protection of the marine environment and the concept that without a healthy ocean most activities could not be sustained, does feature in the draft document. It is important that this message remains, or better yet is strengthened, in the final version. Submissions can be made via the link below.

Public Consultation Documents: <https://www.housing.gov.ie/planning/marine-planning/public-consultation-draft-national-marine-planning-framework>

Deadline: 9th of April 2020

Public Events:

Theme	Date & Time	Location	Venue
Offshore Renewable Energy	12 th Feb 2020 6-8pm	Arklow, Co Wicklow	Arklow Bay Hotel, Y14 DX02
Marine Environment	17 th Feb 2020 11-1pm	Dublin 7	St Laurences, TU Dublin, D07 E244
Fisheries	2 nd March 2020 6-8PM	Killybegs, Co Donegal	School of Tourism, LYIT Campus, Shore Road, Killybegs F94 DV52
Fisheries	23 rd March 2020 6-8PM	Kinsale, Co Cork	Kinsale Hotel & Spa, P17 F542
Ports & Harbours	31 st March 2020 6-8PM	Wexford Town	Wexford Town Library, Y35 AY20

Marine Planning and Development Management Bill (MPDM)

Underpinning the National Marine Planning Framework (Ireland's MSP), new marine consenting and licencing legislation called the Marine Planning and Development Management Bill (MPDM) has been developed. The draft Bill was approved by Government in December 2020 and was expected to go to public consultation early 2020. It will be a decision for the next Government as to how/whether the Bill is progressed, but due to the amount of work that has already been invested in it we expect it will. The public consultation is still important as it will inform the decisions of the new Minister.

The MPDM Bill seeks to modernise marine development management and enforcement in Ireland by bringing all of the marine planning system, from the high tide line all the way to the outer limit of State's continental shelf, under the administration of An Bord Pleanala and coastal local authorities. The new regime will streamline marine consenting by introducing a single system for the entire maritime area - replacing foreshore leases and licenses, and including a single stage environmental assessment.

This MPDM Bill is where most of the intentions of the Marine Spatial Plan would become reality on the ground so it is vitally important that the text of the legislation be as robust as possible. Crucially, concerns have been raised that functions under the remit of the Department of Agriculture, Food and the Marine (i.e. aquaculture) will **not** be included in the Bill. Furthermore, we know that the Bill will **not** cover marine protected areas (see below). It is therefore essential that the Bill facilitates, not hampers, future MPA legislation. This is a key piece of marine legislation and these concerns need to be raised. The Bill will also be pivotal for the future of Offshore Renewable Energy development in Ireland.

More information including General Scheme: <https://www.housing.gov.ie/planning/marine-spatial-planning/foreshore/marine-planning-and-development-management-bill>

Public Consultation: TBC

Marine Protected Areas (MPAs)

Well-managed MPAs are a proven tool for the protection and restoration of the marine environment. MPAs increase biodiversity and resilience, can enhance commercial fish and shellfish stocks inside and outside their boundaries, and even have a role to play in carbon sequestration. A "coherent network of representative MPAs" is a requirement of the MSFD (see above). Ireland has also committed to protecting 10% of its marine waters by 2020 under the Convention on Biological Diversity and a further target of 30% by 2030 is on the table. The Government previously announced their intention to "significantly expand our network of marine protected areas" and to bring forward primary legislation to designate MPAs in 2020. An expert group has been formed to advise the Government on this expansion of Ireland's network of MPAs. SWAN is part of this expert group, which will report to the Minister in May 2020. A public consultation process may be conducted prior to the finalisation of the report to the Minister.

Public Consultation: TBC

Water Framework Directive - Significant Water Management Issues (SWMI)

In addition to the above dedicated marine legislation, the Water Framework Directive (WFD) also covers estuaries and coastal waters out to one nautical mile (as well as rivers, lakes and groundwater). The third management cycle of the WFD has now begun with the identification of 'Significant Water Management Issues' (SWMI) for Ireland's water bodies. These issues, once agreed, must then be addressed with a dedicated programme of measures in the next River Basin Management Plan 2022 – 2027.

A draft SWMI report is now open for consultation, the purpose of which is to gather views on what are considered to be the significant water management issues for Ireland.

Many of the SWMIs that affect inland waters also impact estuarine and coastal waters e.g. eutrophication caused by agricultural run-off and sewage discharges, and physical changes to waterbodies from building development and flood protection works. However, there are also some that manifest only in coastal waters (e.g. marine aquaculture). But the ecology and the policies around it, are all interconnected. There is a clear overlap between the coastal SWMIs and the MSFD, MSP, and MPDM outlined above. Have your say about the issues and integrated policy at the link below.

Public consultation documents: <https://www.housing.gov.ie/water/water-quality/water-framework-directive/public-consultation-significant-water-management>

Deadline: 26th June 2020

Other Consultations: Offshore Wind

The Department of Housing, Planning and Local Government have also published the revised Wind Energy Development Guidelines (WEDG), which are open for public consultation at the moment.

Public Consultation: <https://www.housing.gov.ie/guidelines/wind-energy/public-consultation-revised-wind-energy-development-guidelines>