



DÁIL ÉIREANN

AN BILLE UM PLEANÁIL LIMISTÉIR MHIRÍ, 2021 MARITIME AREA PLANNING BILL 2021

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM PLEANÁIL LIMISTÉIR MHUIRÍ, 2021 —ROGHCHOISTE

MARITIME AREA PLANNING BILL 2021 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 16, line 1, after “(6)” to insert “and (7)”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

2. In page 16, between lines 5 and 6, to insert the following:

“(7) *Chapter 2 of Part 2* shall come into operation on enactment.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

3. In page 16, between lines 5 and 6, to insert the following:

“(7) (a) *Chapter 2 of Part 2* shall come into operation on enactment.

(b) *Chapter 3 and chapter 6 of Part 2, Part 4 and Part 8* shall not be commenced until after the review of the NMPF under *section 17(2)* has at least been completed, and in the event the Minister decides to commence any of these specified elements of the bill before the NMPF has been amended or replaced he or she shall—

(i) make a statement to both Houses of the Oireachtas setting out the implications and mitigation proposed in respect of the effect of the commencement of those provisions, and

(ii) facilitate a debate in both Houses of the Oireachtas on the matter.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 2

4. In page 16, to delete line 12.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

5. In page 16, between lines 14 and 15, to insert the following:

“ “Act of 2021” means the Maritime Jurisdiction Act 2021;”.

[SECTION 2]

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

6. In page 17, to delete lines 1 to 3 and substitute the following:

““continental shelf” shall be construed in accordance with the Act of 2021;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

7. In page 17, between lines 3 and 4, to insert the following:

““Convention” has the meaning assigned to it by the Act of 2021;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

8. In page 17, lines 9 and 10, to delete “the permission (including any alteration thereto) required under the Act of 2000” and substitute the following:

“any permission (including any alteration thereto), within the meaning of section 2 of the Act of 2000, required under that Act”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

9. In page 17, between lines 12 and 13, to insert the following:

““ecosystems based approach” shall be construed in accordance with the term as used in both the Marine Strategy Framework Directive and the Maritime Spatial Planning Directive;”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

10. In page 17, between lines 17 and 18, to insert the following:

““excluded consultation periods” means that the following days are not included in the counting of any public consultation provided for under this Act or required by any action or decision taken under this Act where they fall within the public consultation period proposed:

- (a) public holidays or bank holidays in the State;
- (b) the period between the 24 December in any year and the 2 January the following year inclusive;
- (c) the first two weeks of August;
- (d) such other additional dates which the Minister may prescribe in a public participation statement or in regulations made under this Act;”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

11. In page 18, lines 24 and 25, to delete “or works” and substitute “, works or development”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

12. In page 18, line 28, to delete “or works” and substitute “, works or development”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[SECTION 2]

13. In page 19, to delete lines 12 and 13 and substitute the following:

“ “nearshore area”, in relation to a CPA, shall be construed in accordance with *section 5*”;

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

14. In page 19, between lines 18 and 19, to insert the following:

“ “prescribed bodies” as referred to in this Act for the purposes of consultation, shall include at least the following:

- (a) Fáilte Ireland;
- (b) the Marine Institute;
- (c) the Environmental Protection Agency;
- (d) the National Parks and Wildlife Service;
- (e) the Heritage Council;
- (f) An Taisce, the National Trust for Ireland;
- (g) Inland Fisheries; and
- (h) such other bodies concerned with environmental protection as the Minister considers should be included”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

15. In page 20, line 7, after “record” to insert the following:

“, but a record shall not be confused with information held, particularly for the purposes of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC or the Freedom of Information Act 2014”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

16. In page 20, to delete lines 26 and 27.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 3

17. In page 21, lines 15 and 16, to delete “within the meaning of the Act of 2006” and substitute “as construed in accordance with the Act of 2021”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

18. In page 21, lines 17 and 18, to delete “within the meaning of section 82 of the Act of 2006” and substitute “as construed in accordance with the Act of 2021”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[SECTION 3]

19. In page 21, line 19, to delete “within the meaning of Part 3 of the Act of 2006” and substitute “as construed in accordance with the Act of 2021”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 5

20. In page 22, lines 14 and 15, to delete all words from and including “Subsection” in line 14 down to and including line 15 and substitute the following:

“Subject to *subsection (2)*, where a part of the maritime area (which part is in this Act referred to as the “nearshore area”) meets all of the following requirements, that part shall, for the purposes of this Act, in so far as this Act relates to nearshore areas and CPAs, be the nearshore area of the CPA referred to in paragraph (a)(i) as if the boundaries between the nearshore area of that CPA and the adjoining nearshore area of another CPA were equidistant between the two of them as taken from the high water mark:”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

21. In page 22, to delete lines 31 to 34 and substitute the following:

“(2) Subject to subsections (3) to (5), the Minister may, by order, vary the nearshore area of a CPA.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

22. In page 22, to delete lines 31 to 34 and substitute the following:

“(2) (a) Subject to *subsections (3) to (5)*, the Minister shall, by order, designate the nearshore area (or part thereof) as being, for the purposes of this Act, in so far as it relates to nearshore areas and CPAs, the nearshore area of the CPA referred to in *subsection (1) (a)(i)* not later than 6 months after the coming into operation of this section.

(b) Following the designation of the nearshore area of each CPA in accordance with *paragraph (a)*, the Minister may from time to time, by order, vary the nearshore area (or part thereof) designated as the nearshore area of a CPA subject to complying with the provisions of *subsections (3) to (5)*.”.

—Paul McAuliffe.

23. In page 22, lines 35 and 36, to delete “a designation under subsection (2) shall specify the boundaries of the nearshore area” and substitute “an order under subsection (2) shall specify the boundaries of the varied nearshore area”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

24. In page 23, line 3, after “the” where it secondly occurs to insert “varied”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[SECTION 5]

25. In page 23, between lines 8 and 9, to insert the following:

“(c) the representations of fishing representative bodies and coastal community groups given to the Minister pursuant to *subsection (5)(b)*.”

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

26. In page 23, line 14, after “the” to insert “varied”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

27. In page 23, to delete lines 15 to 17 and substitute the following:

“(f) the practicability of the CPA effectively performing its functions under this Act in respect of the nearshore area as proposed to be varied.”

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

28. In page 23, line 21, to delete “four weeks” and substitute “six weeks”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

29. In page 23, line 23, to delete “notice” and substitute “copy”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 6

30. In page 23, to delete lines 35 to 39 and substitute the following:

“(6) Subject to *subsection (2)*, the Minister shall from time to time prepare for approval by the Oireachtas, and publication, and in accordance with this section and *section 31*—

(a) a statement (in this Act referred to as the “marine planning policy statement”) containing information setting out the principles and priorities of the Government in relation to maritime planning by the State in the maritime area for the period to which the statement relates, or

(b) a proposed amendment or revocation of a previous marine planning policy statement.”

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

31. In page 23, line 35, to delete “to (5)” and substitute “to (8)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

32. In page 24, to delete lines 1 to 4 and substitute the following:

“(2) The Minister shall ensure that the first marine planning policy statement is prepared not later than six months after the coming into operation of this section for approval by the Oireachtas, and relates to a period of not less than three years commencing on the date of the first publication of that statement.”

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

[SECTION 6]

33. In page 24, to delete lines 5 to 14 and substitute the following:

“(3) The Minister shall, in preparing a marine policy statement, or an amendment of revocation of a marine policy statement—

(a) act consistently with—

- (i) Article 1 of the Maritime Spatial Planning Directive establishing marine spatial planning to promote within the State, the sustainable growth of maritime economies, the sustainable development of marine areas and sustainable use of marine resources, whilst achieving good environmental status, as set out in the Marine Strategy Framework Directive;
- (ii) the objective and requirements of Article 1 of the Marine Strategy Framework Directive, recognising that maritime spatial planning is to be delivered whilst achieving Good Environmental Status of marine waters, as specified in recital 2 to the Maritime Spatial Planning Directive;
- (iii) the objectives of the Birds Directive;
- (iv) the objectives of Article 2 of the Habitats Directive;
- (v) the methodologies and requirements of the Maritime Spatial Planning Directive;
- (vi) the Marine Strategy Framework Directive and any programme of measures for the State specified thereunder;

(b) have regard to—

- (i) the National Marine Planning Framework;
- (ii) the extent to which it has been developed consistently with the requirements of the Maritime Spatial Planning Directive and any gaps and issues arising consequently;
- (iii) subsequent Maritime Spatial Plans;
- (iv) the current and future pressures associated with fishing and aquaculture in the marine environment;
- (v) the national assessment reports prepared for the State pursuant to:
 - (I) Articles 16 and 17 of the Habitats Directive,
 - (II) Article 8 and 17 of the Marine Strategy Framework Directive, and
 - (III) Article 12 of the Birds Directive,

(c) consult with:

- (I) the Minister with any delegated responsibility for natural heritage
- (II) the Minister for Housing, Local Government and Heritage, if this is not the Minister;
- (III) the Minister for Environment, Climate and Communications,

[SECTION 6]

- (d) take account and give due consideration to the input from the consultations with the public and bodies consulted on the marine planning policy statement or on any proposed revocation or amendments proposed to a marine policy statement, and
- (e) set out in writing how the matters, consultations and considerations in *paragraphs (a) to (d)* have informed and been addressed in relation to the marine planning policy statement being proposed, amended or revoked.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

- 34.** In page 24, line 5, to delete “have regard to” and substitute “must comply with”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

- 35.** In page 24, line 9, to delete “UNCLOS and the Act of 2006” and substitute “the Convention and the Act of 2021”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

- 36.** In page 24, line 14, to delete “planning.” and substitute “planning;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

- 37.** In page 24, between lines 14 and 15, to insert the following:

“(g) representations (if any) referred to in *subsection (8)*.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

- 38.** In page 24, between lines 14 and 15, to insert the following:

“(g) any interim measures to protect areas of the marine environment as agreed by Government.”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

- 39.** In page 24, between lines 14 and 15, to insert the following:

“(g) the EU Birds and Habitats Directive, the OSPAR Convention and the International Union for Conservation of Nature Red Lists.

(h) the policy submissions from fishing representative groups relating to maritime planning and existing fishing grounds.”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

- 40.** In page 24, between lines 14 and 15, to insert the following:

“(3) The Minister shall publish as part of the public consultation on a proposed marine policy statement, details of any representations made to the Minister or his Department in respect of such a policy, including representations made in the 3 years leading up to the enactment.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

[SECTION 6]

41. In page 24, between lines 14 and 15, to insert the following:

- “(3) (a) Any proposed policy statement arising under this section, shall first be subject to a screening determination for both Strategic Environmental Assessment and Appropriate Assessment, and such assessments shall be conducted where the screening concludes they are required.
- (b) In the event of a negative screening determinations under *paragraph (a)* indicating either or both such assessments are not required, the screening determinations shall be published alongside the proposed policy statement as part of the consultation thereon with the public and prescribed bodies, where such consultations shall be required notwithstanding any such negative screening determinations.
- (c) Public consultation on the proposed policy statement will be for a period no less than 42 days, when excluded consultation periods are considered, and all materials for the consultation shall be available online at least, for the entire duration of the consultation period.
- (d) The consultation bodies for the purposes of consultation in this section on the proposed policy statement are as per those prescribed under Article 28 of the Planning and Development Regulations, 2001, and shall additionally include the Environment Protection Agency and the Marine Institute, and any additional bodies required under the SEA Directive and Habitats Directive.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

42. In page 24, to delete lines 15 to 17 and substitute the following:

- “(4) The Minister shall—
- (a) cause a copy of the proposed maritime planning policy statement, or any amendment or proposed revocation to a maritime planning policy statement to be laid before each House of the Oireachtas, together with any environmental assessment reports prepared thereon pursuant to obligations under the SEA Directive and the Habitats Directive, and associated consultation responses,
- (b) notify each Committee and Joint Committee of the Oireachtas that—
- (i) the proposed statement, amendment or revocation and associated assessments and documents have been laid,
- (ii) any committee of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the Minister’s proposal and the Oireachtas, which must be considered before any motion to approve the proposal is presented to either or both such Houses,
- (iii) any member of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the proposal to the Minister and the Oireachtas, which must be considered before any motion to approve the proposal is presented to either or both such Houses,

[SECTION 6]

- (iv) the proposed policy statement, or amendment or revocation will not be made and have effect until—
 - (I) a motion approving it, has been passed by each Houses of the Oireachtas, or
 - (II) a motion to amend it, has been passed by each House of the Oireachtas, with any associated revisiting of the environmental assessments necessary in the context, and
 - (III) it has been subsequently published on a website of the Government,and
- (c) cause to be published on an appropriate website of the Government, and in two national newspapers in two consecutive weeks, and as soon as practicable after the proposed statement, amendment or revocation has been laid before the Oireachtas, a notice to the public that—
 - (i) such a proposed marine policy statement, amendment or revocation and associated assessments and documents have been laid before the Oireachtas,
 - (ii) indicates the date on which it was laid,
 - (iii) any committee of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the proposal to the Minister and the Oireachtas,
 - (iv) any member of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the proposal to the Minister and the Oireachtas, which must be considered before any motion to approve the proposal is presented to either or both such Houses,
 - (v) any such proposal shall not have effect until—
 - (I) a motion is passed in favour of the statement by both Houses of the Oireachtas, or
 - (II) the proposed statement, amendment or revocation, is amended further to a motion passed by both Houses of the Oireachtas, with any associated revisiting of the environmental assessments necessary in the context, and
 - (III) the approved policy statement, amendment or revocation is published on a website of the Government.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

43. In page 24, between lines 17 and 18, to insert the following:

“(4) The Oireachtas when considering any proposed maritime planning policy statement, or an amendment or revocation of a maritime planning policy statement under this section, either within a committee of the Oireachtas, or when either House considers motions in relation to a proposed maritime policy statement shall act consistently with the matters listed under section 6(3)(a) to which the Minister is required to act

[SECTION 6]

consistently with, and have regard to the matters which the Minister is to have regard to under section 6(3)(b), and give due consideration to the matters as specified in section 6(3)(d).”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

44. In page 24, between lines 17 and 18, to insert the following:

“(5) The Minister shall ensure a full public consultation on the marine planning policy statement, in line with the State’s obligations under the Strategic Environmental Assessment Directive and the Aarhus Convention.”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

45. In page 24, lines 20 to 22, to delete all words from and including “prepared,” in line 20 down to and including line 22 and substitute the following:

“approved by both Houses of the Oireachtas.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

46. In page 24, between lines 22 and 23, to insert the following:

“(6) A public body shall have regard to the maritime planning policy statement when performing a function under this Act to which information, setting out the principles and priorities of the Government referred to in *subsection (1)*, contained in the statement is relevant.

(7) The Minister may amend or revoke the maritime planning policy statement prepared under this section.

(8) Where the Minister proposes to prepare the marine planning policy statement or amend or revoke it, he or she shall publish, in not less than one national newspaper, a notice—

(a) stating that the Minister proposes to prepare, amend or revoke a marine planning policy statement,

(b) stating that a copy of the proposed statement, amendment or revocation may be inspected on a website of the Government, and

(c) inviting members of the public to make representations in writing thereon to the Minister, not later than four weeks after the date of publication of the notice in the newspaper (or, if the notice is published in more than one such newspaper, the last date of publication), at an address (which may be an electronic address) specified in the notice.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

47. In page 24, between lines 22 and 23, to insert the following:

“(6) Public bodies shall have regard to marine policy statements in the performance of their functions under this Act and related functions in the Planning and Development

[SECTION 6]

Act introduced under this Act, but shall not be bound by them where that would involve a breach of EU rules.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 7

48. In page 24, between lines 27 and 28, to insert the following:

“(2) The Minister shall ensure a full public consultation on any marine planning guidelines, in line with the State’s obligations under the Strategic Environmental Assessment Directive and the Aarhus Convention.”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

49. In page 24, to delete lines 28 to 35.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

50. In page 24, line 30, to delete “the Minister” and substitute “the maritime planning policy statement”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

51. In page 24, line 34, after “requirements” to insert “of the maritime planning policy statement”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

52. In page 24, between lines 36 and 37, to insert the following:

“(5) The Minister shall always conduct a public consultation on the making of guidelines, or any amendment to, or revocation of guidelines under this section.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

53. In page 24, between lines 36 and 37, to insert the following:

“(5) The Minister shall ensure any new guidelines, revocation or amendment of guidelines made under this section, shall first be subject to a screening determination for both Strategic Environmental Assessment and Appropriate Assessment, and such assessments shall be conducted where the screening concludes they are required.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

54. In page 24, to delete lines 37 and 38, and in page 25, to delete lines 1 and 2 and substitute the following:

“(5) The Minister shall—

(a) cause a copy of the proposed guidelines prepared under this section or any amendment or revocation of such guidelines, to be laid before each House of the

[SECTION 7]

Oireachtas, together with any environmental assessment reports prepared thereon pursuant to obligations under the SEA Directive and the Habitats Directive, and associated consultation responses,

- (b) notify each Committee and Joint Committee of the Oireachtas that—
 - (i) the proposed guidelines, amendment or revocation and associated assessment have been laid,
 - (ii) any committee of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the proposal to the Minister and the Oireachtas, which must be considered before any motion to approve the guidelines is presented to either or both such Houses,
 - (iii) any member of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the proposal to the Minister and the Oireachtas, which must be considered before any motion to approve the proposal is presented to either or both such Houses,
 - (iv) the proposed guidelines, amendment or revocation will not be made and have effect until—
 - (I) a motion approving it, has been passed by each Houses of the Oireachtas,
 - (II) a motion to amend it, has been passed by each House of the Oireachtas, with any associated revisiting of the environmental assessments necessary in the context, or
 - (III) the guidelines, amendment or revocation has been subsequently published on a website of the Government,

and

- (c) cause to be published on an appropriate website of the Government, and in two national newspapers in two consecutive weeks, and as soon as practicable after the guidelines, amendment or revocation of the guidelines, and associated documents and assessments have been laid before the Oireachtas, a notice to the public that—
 - (i) such proposed guidelines, amendment or revocations and associated assessments have been laid before the Oireachtas,
 - (ii) indicates the date on which they were laid,
 - (iii) any committee of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the proposal to the Minister and the Oireachtas,
 - (iv) any member of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the proposal to the Minister and the Oireachtas, which must be considered before any motion to approve the proposal is presented to either or both such Houses, and

[SECTION 7]

(v) any such proposed guidelines, amendment or revocation shall not have effect until—

(I) a motion is passed in favour of the proposal by both Houses of the Oireachtas, or

(II) the proposal is amended further to a motion passed by both Houses of the Oireachtas, with any associated revisiting of the environmental assessments necessary in the context, and

(III) the approved guidelines, amendment or revocation are published on a website of the Government.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

55. In page 25, line 3, after “shall” to insert “publish on its website and”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

56. In page 25, line 5, after “published” to insert “on a website of the Government and additionally”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

57. In page 25, line 6, to delete “section.” and substitute “section, where such additional publication will provide benefit and clarity for the public and/or promote environmental protection.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

58. In page 25, to delete lines 7 to 9 and substitute the following:

“(8) The Minister shall, in preparing, amending or revoking guidelines under this section —

(a) act consistently with—

(i) Article 1 of the Maritime Spatial Planning Directive establishing marine spatial planning to promote within the State, the sustainable growth of maritime economies, the sustainable development of marine areas and sustainable use of marine resources, whilst achieving good environmental status, as set out in the Marine Strategy Framework Directive;

(ii) the objective and requirements of Article 1 of the Marine Strategy Framework Directive, recognising that maritime spatial planning is to be delivered whilst achieving Good Environmental Status of marine waters, as specified in recital 2 to the Maritime Spatial Planning Directive;

(iii) the objectives of the Birds Directive;

(iv) the objectives of Article 2 of the Habitats Directive;

[SECTION 7]

- (v) the methodologies and requirements of the Maritime Spatial Planning Directive;
 - (vi) the Marine Strategy Framework Directive and any programme of measures for the State specified thereunder,
- (b) have regard to—
- (i) the National Marine Planning Framework;
 - (ii) the extent to which it has been developed consistently with the requirements of the Maritime Spatial Planning Directive and any gaps and issues arising consequently;
 - (iii) subsequent Maritime Spatial Plans;
 - (iv) the current and future pressures associated with fishing and aquaculture in the marine environment;
 - (v) the national assessment reports prepared for the State pursuant to—
 - (I) Articles 16 and 17 of the Habitats Directive,
 - (II) Article 8 and 17 of the Marine Strategy Framework Directive, and
 - (III) Article 12 of the Birds Directive,
- (c) consult with:
- (I) the Minister with any delegated responsibility for natural heritage;
 - (II) the Minister for Housing, Local Government and Heritage, if this is not the Minister;
 - (III) the Minister for Environment, Climate and Communications,
- (d) take account and give due consideration to the input from the consultations with the public and bodies consulted on the guidelines or on any proposed revocation or amendments proposed to guidelines, and
- (e) set out in writing how the matters, consultations and considerations in *paragraphs (a) to (d)* have informed and been addressed in relation to the guidelines being proposed, amended or revoked.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

59. In page 25, lines 8 and 9, to delete all words from and including “, have regard to the matters listed in *section 6(3)(a) to (f)*.” in line 8 down to and including line 9 and substitute the following:

- “(a) act consistently with the matters listed under *section 6(3)(a)* to which the Minister is to act consistently with, and have regard to the matters which the Minister is to have regard to under *section 6(3)(b)*, consult in accordance with *section 6(3)(c)*, and give due consideration to the matters as specified in *section 6(3)(d)*, and

[SECTION 7]

- (b) set out in writing how the matters, consultations and considerations in *section 6(3)(a)* to *(d)* have informed and been addressed in relation to the guidelines being proposed, amended or revoked.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

60. In page 25, between lines 9 and 10, to insert the following:

“(9) The Oireachtas when considering any proposed guidelines, or amendment or revocation of a guidelines under this section, either within a committee of the Oireachtas, or when either House considers motions in relation to a proposed maritime policy statement shall act consistently with the matters listed under *section 6(3)(a)* to which the Minister is required to act consistently with, and have regard to the matters which the Minister is to have regard to under *section 6(3)(b)*, and give due consideration to the matters as specified in *section 6(3)(d)*.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 8

61. In page 25, between lines 15 and 16, to insert the following:

“(3) The Minister shall always conduct a public consultation on the making of policy directive, or any amendment to or revocation of policy directives under this section.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

62. In page 25, between lines 15 and 16, to insert the following:

“(3) The Minister shall ensure any new policy directives, or revocation or amendment of policy directives made under this section, shall first be subject to a screening determination for both Strategic Environmental Assessment and Appropriate Assessment, and such assessments shall be conducted where the screening concludes they are required.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

63. In page 25, between lines 15 and 16, to insert the following:

“(3) The Minister shall ensure any new policy directives, or revocation or amendment of policy directives made under this section, shall be limited in accordance with the policies in the maritime planning policy statement.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

64. In page 25, to delete lines 16 and 17 and substitute the following:

“(3) The Minister shall—

- (a) cause a copy of the proposed policy directive or amendment or revocation of a policy directive prepared under this section, to be laid before each House of the

[SECTION 8]

Oireachtas, together with any environmental assessment reports prepared thereon pursuant to obligations under the SEA Directive and the Habitats Directive, and associated consultation responses,

- (b) notify each Committee and Joint Committee of the Oireachtas that—
 - (i) the proposed proposed policy directive or amendment or revocation of a policy directive and associated assessment have been laid,
 - (ii) any committee of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the proposal to the Minister and the Oireachtas, which must be considered before any motion to approve the guidelines is presented to either or both such Houses,
 - (iii) any member of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the proposal to the Minister and the Oireachtas, which must be considered before any motion to approve the proposal is presented to either or both such Houses, and
 - (iv) the proposed proposed policy directive or amendment or revocation of a policy directive will not be made and have effect until—
 - (I) a motion approving it, has been passed by each Houses of the Oireachtas,
 - (II) a motion to amend it, has been passed by each House of the Oireachtas, with any associated revisiting of the environmental assessments necessary in the context, and
 - (III) until the proposed policy directive or amendment or revocation of a policy directive has been subsequently published on a website of the Government,

and

- (c) cause to be published on an appropriate website of the Government, and in two national newspapers in two consecutive weeks, and as soon as practicable after the proposed policy directive or amendment or revocation of a policy directive, and associated documents and assessments have been laid before the Oireachtas, a notice to the public that—
 - (i) such proposed policy directive or amendment or revocation of a policy directive and associated assessments have been laid before the Oireachtas,
 - (ii) indicates the date on which they were laid,
 - (iii) any committee of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the proposal to the Minister and the Oireachtas,
 - (iv) any member of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the proposal to the Minister and the Oireachtas, which must be considered before any motion to approve the proposal is presented to either or both such Houses

[SECTION 8]

(v) any such proposed policy directive or amendment or revocation of a policy directive shall not have effect until—

(I) a motion is passed in favour of the proposal by both Houses of the Oireachtas,

(II) the proposal is amended further to a motion passed by both Houses of the Oireachtas, with any associated revisiting of the environmental assessments necessary in the context, and

(III) the approved policy directive or amendment or revocation of a policy directive are published on a website of the Government.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

65. In page 25, line 18, after “shall” to insert “publish on its website and”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

66. In page 25, line 20, after “published” to insert “on a website of the Government and additionally”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

67. In page 25, line 20, after “published” to insert the following:

“on a website of the Government and additionally, in such manner as he or she considers appropriate, policy directives issued under this section, where such additional publication will provide benefit and clarity for the public and/or promote environmental protection.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

68. In page 25, between lines 21 and 22, to insert the following:

“(6) The Minister, in making policy directives under this section, shall be limited to matters concerned with environmental conservation or environmental protection of marine biodiversity and avian species.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

69. In page 25, to delete lines 22 to 24 and substitute the following:

“(6) The Minister shall, in preparing, amending or revoking policy directives under this section—

(a) act consistently with—

(i) Article 1 of the Maritime Spatial Planning Directive establishing marine spatial planning to promote within the State, the sustainable growth of maritime economies, the sustainable development of marine areas and

[SECTION 8]

sustainable use of marine resources, whilst achieving good environmental status, as set out in the Marine Strategy Framework Directive;

- (ii) the objective and requirements of Article 1 of the Marine Strategy Framework Directive, recognising that maritime spatial planning is to be delivered whilst achieving Good Environmental Status of marine waters, as specified in recital 2 to the Maritime Spatial Planning Directive;
 - (iii) the objectives of the Birds Directive;
 - (iv) the objectives of Article 2 of the Habitats Directive;
 - (v) the methodologies and requirements of the Maritime Spatial Planning Directive;
 - (vi) the Marine Strategy Framework Directive and any programme of measures for the State specified thereunder,
- (b) have regard to—
- (i) the National Marine Planning Framework;
 - (ii) the extent to which it has been developed consistently with the requirements of the Maritime Spatial Planning Directive and any gaps and issues arising consequently;
 - (iii) subsequent Maritime Spatial Plans;
 - (iv) the current and future pressures associated with fishing and aquaculture in the marine environment;
 - (v) the national assessment reports prepared for the State pursuant to—
 - (I) Articles 16 and 17 of the Habitats Directive,
 - (II) Article 8 and 17 of the Marine Strategy Framework Directive, and
 - (III) Article 12 of the Birds Directive,
- (c) consult with:
- (i) the Minister with any delegated responsibility for natural heritage;
 - (ii) the Minister for Housing, Local Government and Heritage, if this is not the Minister;
 - (iii) the Minister for Environment, Climate and Communications,
- (d) take account and give due consideration to the input from the consultations with the public and bodies consulted on the guidelines or on any proposed revocation or amendments proposed to guidelines, and
- (e) set out in writing how the matters, consultations and considerations in *paragraphs (a) to (d)* have informed and been addressed in relation to the guidelines being proposed, amended or revoked.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,

[SECTION 8]

Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

70. In page 25, lines 23 and 24, to delete all words from and including “have” in line 23 down to and including line 24 and substitute the following:

- “(a) act consistently with the matters listed under *section 6(3)(a)* to which the Minister is to act consistently with, and have regard to the matters which the Minister is to have regard to under *section 6(3)(b)*, consult in accordance with *section 6(3)(c)*, and give due consideration to the matters as specified in *section 6(3)(d)*, and
- (b) set out in writing how the matters, consultations and considerations in *section 6(3)(a)* to *(d)* have informed and been addressed in relation to the guidelines being proposed, amended or revoked.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

71. In page 25, between lines 27 and 28, to insert the following:

- “(8) The Oireachtas, when considering any proposed policy directive, or amendment or revocation of a guidelines under this section, either within a committee of the Oireachtas, or when either House considers motions in relation to a proposed maritime policy statement shall act consistently with the matters listed under *section 6(3)(a)* to which the Minister is required to act consistently with, and have regard to the matters which the Minister is to have regard to under *section 6(3)(b)*, and give due consideration to the matters as specified in *section 6(3)(d)*.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 12

72. In page 26, between lines 26 and 27, to insert the following:

- “(6) (a) Notwithstanding *subsection (2)*, a permission granted under section 34 of the Act of 2000 in relation to an application made—
- (i) pursuant to a requirement under section 225 of that Act, and
- (ii) before the commencement of that subsection,
- shall continue to have effect, and Part XV of the Act of 2000 shall continue to apply in relation thereto, as if that subsection had not been commenced.
- (b) Notwithstanding *subsection (2)*, Part XV of the Act of 2000 shall continue to apply in relation to an application for permission made under section 34 of the Act of 2000—
- (i) pursuant to a requirement under section 225 of that Act, and
- (ii) before the commencement of that subsection,
- as if that subsection had not been commenced.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[SECTION 13]

SECTION 13

73. In page 27, between lines 1 and 2, to insert the following:

“ “maritime spatial planning” means—

(a) a process by which the relevant Member State’s authorities analyse and organise human activities in marine areas to achieve ecological, economic and social objectives, as defined in Article 3(2) of the MSP Directive, and in so doing the competent authority (M) or competent authority (D) shall—

(I) act within the context of the EU’s Integrated Maritime Policy (IMP) which includes, as its environmental pillar, Directive 2008/56/EC of the European Parliament and of the Council,

(II) support the sustainable development of seas and oceans,

(III) develop coordinated, coherent and transparent decision-making in relation to the maritime sectors,

whilst achieving good environmental status, in accordance with Directive 2008/56/EC, and as set out in recital 2 of the MSP Directive, on the objective of the EU Integrated Maritime Policy, and

(b) that maritime spatial planning shall thus be informed by, and act within that constraint of achieving good environmental status, and shall—

(I) take into account land-sea interactions in accordance with Article 4(2) of the MSP Directive,

(II) contribute to the objectives listed in Article 5 of the MSP Directive, applying an ecosystem-based approach, and to promote the coexistence of relevant activities and uses,

(III) fulfil the requirements laid down in Article 6 of the MSP Directive in respect of how MSPs are developed, as required by Article 4(4) of the MSP Directive,

(IV) fulfil the requirements of Article 8 of the MSP Directive on what they shall identify and contain , as required by Article 4(4) of the MSP Directive,

(c) have due regard to the particularities of the marine regions, relevant existing and future activities and uses and their impacts on the environment, as well as to natural resources, and shall also take into account land-sea interactions, and

(d) may include or build on existing national policies, regulations or mechanisms, provided they are in conformity with, and consistent with, the requirements and objectives of the MSP Directive, and where such policies have been made and approved by the Oireachtas;”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

[SECTION 16]

SECTION 16

74. In page 27, to delete lines 34 to 36, and in page 28, to delete lines 1 to 6 and substitute the following:

“(2) The objectives of a Marine Spatial Plan shall be—

- (a) to promote the sustainable growth of the State’s maritime economy, the sustainable development of its marine areas and the sustainable use of its marine resources, whilst achieving good environmental status, as provided by Article 1 and recital 2 of the MSP Directive,
- (b) to consider economic, social and environmental priorities approved by the Oireachtas in a Maritime Planning Policy Statement which support sustainable development and growth in the maritime sector, by applying an ecosystem-based approach, and which promote the co-existence of relevant activities and uses, as required by Article 1 and Article 5(1) of the MSP Directive, and
- (c) to establish a plan for the Government consistent with the methodology, constraints and requirements of the MSP Directive in relation to the sustainable management and development of marine activities and development, whilst achieving good environmental status.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

75. In page 28, line 5, to delete “colocation” and substitute “coexistence”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

76. In page 28, between lines 6 and 7, to insert the following:

“(e) to promote sustainable opportunities for the local fishing industry.”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

77. In page 28, to delete lines 15 to 18 and substitute the following:

- “(a) consider economic, social and environmental aspects to support sustainable development and growth in the maritime sector, applying an ecosystem-based approach, and to promote the coexistence of relevant activities and uses,
- (b) contribute to the matters specified in paragraph 2 of Article 5 of the MSP Directive,
- (c) fulfil the requirements specified in Article 6(1) and 6(2) of the MSP Directive,
- (d) identify the spatial and temporal distribution of relevant existing and future activities and uses in the marine waters of the Marine Spatial Plan the competent authority is preparing, which contribute to the objectives set out in Article 5 of the MSP Directive,
- (e) take into consideration relevant interactions of activities and uses,
- (f) organise the use of the best available data, and engage to organise the sharing of

[SECTION 16]

information necessary for maritime spatial plans, including in respect of the data specified in Article 10(2) of the MSP Directive, and consistently with Article 10(3) of the MSP Directive,

- (g) support co-operation among Member States in accordance with Article 11 of the MSP Directive, and
- (h) support co-operation with third countries in accordance with Article 12 of the MSP Directive.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

78. In page 28, between lines 18 and 19, to insert the following:

“(5) The Minister shall ensure a full public consultation on the MSP, in line with the State’s obligations under the Strategic Environmental Assessment Directive and the Aarhus Convention.”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

79. In page 28, to delete lines 19 to 21 and substitute the following:

“(5) A MSP shall—

- (a) in accordance with Article 8 of the MSP Directive—
 - (i) identify the spatial and temporal distribution of relevant existing and future activities and uses in the marine waters of the Marine Spatial Plan the competent authority is preparing, which contribute to the objectives set out in Article 5 of the MSP Directive, and
 - (ii) take into consideration relevant interactions of activities and uses,
- and
- (b) make use of, and present the best available data in light of Article 10 of the MSP Directive.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 17

80. In page 28, line 26, after “Article” to insert “9.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

81. In page 28, between lines 26 and 27, to insert the following:

“(b) take account of the assessment reports for the state provided in accordance with the following:

- (i) Article 17 of the Maritime Strategy Framework Directive and consultation responses thereon;
- (ii) Article 16 and 17 of the Habitats Directive and consultation responses

[SECTION 17]

thereon;

- (iii) Article 11 of the Birds Directive and consultation responses thereon;
 - (iv) data gaps and deficiencies in respect of *subparagraphs (i) to (iii)*;
 - (v) the latest Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) report, and its relevance and conclusions for marine biodiversity and relevant avian species including native and migratory bird species relevant for the area of the MSP;
 - (vi) migratory and foraging pathways for marine biodiversity and relevant avian species including native and migratory bird species, to and from, and through the MSP,
- (c) take a precautionary approach to data gaps and deficiencies in respect of ecological surveys in respect of the MSP,
 - (d) take account of the effect of climate change on patterns of migration.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

- 82.** In page 28, line 30, to delete “UNCLOS and the Act of 2006” and substitute “the Convention and the Act of 2021”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

- 83.** In page 28, line 31, to delete “six years” and substitute “one year”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

- 84.** In page 28, line 32, after “thereof” to insert “in accordance with *subsection (3)*”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

- 85.** In page 28, after line 39, to insert the following:

“(3) The Minister, in conducting a review of the NMPF or an MSP, shall address the following requirements and considerations in respect of the NMPF for the existing NMPF and for a MSP in the case of a review of a MSP—

- (a) consult with—
 - (i) the Minister with responsibility for Natural Heritage,
 - (ii) the Minister for Environment, Climate and Communications,
 - (iii) prescribed bodies listed for the purposes of this Act and as specified in *section 2*, and
 - (iv) the public,
- (b) consider how the NMPF or MSP complies with the following requirements of the MSP Directive in both what it provides and how it was made:

[SECTION 17]

- (i) Article 1;
 - (ii) Article 5;
 - (iii) Article 6;
 - (iv) Article 7;
 - (v) Article 8(1);
 - (vi) Article 8(2);
 - (vii) Article 10;
 - (viii) Articles 11,
- (c) consider how the NMPF or MSP complied with Article 9 in how it was made,
- (d) consider the data gaps and deficiencies in respect of ecological aspects of the NMPF, and the requirements of the precautionary principle and the extent to which the plan reflects this adequately,
- (e) consider the gaps in the plan on migratory and foraging routes for marine and avian species and the requirements of the precautionary principle and the extent to which the NMPF or MSP reflects this adequately,
- (f) consider the assessment reports conducted for the state in accordance with:
- (i) Article 16 and 17 of the Habitats Directive;
 - (ii) Article 17 of the Maritime Spatial Planning Directive;
 - (iii) Article 12 of the Birds Directive,
- (g) consider the requirement to deliver maritime spatial planning whilst achieving good environmental status as set out in the Marine Strategy Framework Directive and how this is complied with and ensured by the NMPF or MSP,
- (h) consider the recommendations of the Joint Oireachtas Committee for Housing Local Government and Heritage in their pre-legislative scrutiny report on the Heads of the Marine Planning and Development Management Bill in respect of the need for interim protections for marine biodiversity pending the designation of marine protected areas,
- (i) consider the adequacy of contingency arrangements and provisions in the plan to ensure areas which should be designated as marine protected areas are not encroached upon, when considered together with the provisions of this Act,
- (j) consider the contribution of cetaceans and sea grass to carbon sequestration and how the plan protects and promotes such considerations given the State's obligations in respect of reduction in emissions of Green House Gases,
- (k) consider the impact of bottom trawling and mining on the sea floor on climate change and how the plan and this Act addresses such considerations given the State's obligations in respect of reduction in emissions of Green House Gas reductions,

[SECTION 17]

- (l) consider the outstanding designations of Natura 2000 sites by Ireland in its Marine environment, and
 - (m) consider the practicalities of how the over 58 policies specified in the NMPF can be effectively and practically and clearly considered together with their interactions with each other by decision makers, the public and developers.
- (4) In setting out any reasons for not deciding to prepare and publish a new MSP to replace the existing NMPF or an MSP as the case may be, the Minister shall set out his or her reasons as required by *section 17(2)* in respect of each of the consultations and considerations detailed in *section 17(3)*.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

86. In page 29, line 2, after “thereof” to insert “in accordance with *subsection (3)*”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 18

87. In page 29, between lines 10 and 11, to insert the following:

- “18.** (1) The arrangements for public participation on the review, preparation and amendment of a new MSP developed under this Act, and a review and amendment or replacement or revocation of the NMPF in place on enactment, and other relevant documents, shall be consistent with the requirements of Article 9 of the MSP Directive, relevant provisions in European Union legislation referred to therein, and the Aarhus Convention which is an integral part of the EU legal order, and in particular, Articles 3(2), 6 and 7 of the Aarhus Convention.
- (2) The Minister may by regulations specify requirements relating to any of the following:
- (a) appropriate time periods for public consultation, where—
 - (i) such time periods when calculated shall not include excluded time periods, and
 - (ii) shall be generously specified to provide adequate time for the public and relevant authorities and prescribed bodies to plan and prepare so they can participate effectively,
 - (b) arrangements for the publication of notices relating to relevant documents where such requirements include—
 - (i) online notification systems including Government websites, and
 - (ii) more traditional methods including newspaper notices in both national and regional newspapers, given the need to provide for equal access and opportunities to participate in areas and amongst demographics where digital access may present barriers, and to reach the public on matters of concern and interest to the public at large,

[SECTION 18]

- (c) the contents of notices, including the following:
 - (i) public consultation timeframes, including periods during which submissions may be made;
 - (ii) information on how submissions received will be acknowledged, considered and published;
 - (iii) information on the proposed methods of public participation;
 - (iv) the fact that there is no charge to make an observation or submission;
 - (v) where the relevant information can be found online, and where it can additionally be inspected, and that there is no charge for access to either,
 - (d) specific additional arrangements (including, if the Minister considers it appropriate to do so in the interests of clarity, separate sets of regulations made under this section) in relation to MSPs that fall within *section 16(3)(a), (b) or (c)*, and of consistent standard to *paragraphs (a) to (c) of subsection (3)*.
- (3) Where the Minister makes regulations under *subsection (4)*, in addition to having regard to the other provisions of this Act, he or she shall also—
- (a) act consistently with—
 - (i) the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters done at Aarhus, Denmark on 25 June 1993;
 - (ii) Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC;
 - (iii) 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;
 - (iv) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Recast);
 - (v) Article 9 of the MSP Directive;
 - (vi) Article 10 of the MSP Directive,and
 - (b) have regard to the following principles and policies:
 - (i) the opportunity to incorporate national and international good practices relating to public participation;
 - (ii) public participation in the process is inclusive;

[SECTION 18]

- (iii) the balancing of the administrative burden on the competent authority (M) and participants is considered, making use, where possible, of existing public participation processes and methods, while recognising any disproportionate burden on the public is neither desirable or permissible;
- (iv) that public participation must be initiated at an early stage and continued throughout the development of MSPs;
- (v) that appropriate use is made of a wide range of media to raise awareness to maritime spatial planning and public participation opportunities;
- (vi) that appropriate use is made of information technology and is also accompanied by more traditional non-digital methods to ensure fair access is provided for;
- (vii) particular additional requirements relating to MSPs that fall within section 16(3)(a), (b) or (c).

(4) In this section, “relevant document” means—

- (a) a review of the NMPF in place at the time of enactment,
- (b) an amendment or revocation of the NMPF in place at the time of enactment,
- (c) a draft of a MSP that falls within section 16(3)(a), (b) or (c), or
- (d) a draft of a DMAP or an amendment or revocation of a DMAP.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

88. In page 29, to delete lines 11 to 17 and substitute the following:

“18. (1) The competent authority (M) shall, as soon as is practicable after enactment and for the purposes of ensuring compliance with the public participation requirements of Article 9 of the MSP Directive, and the Aarhus Convention in particular Articles 6, 7 and 3(1), prepare and publish on a website of the Government a statement (in this section referred to as the “public participation statement (M)”) of the approach and processes to be followed by the competent authority (M) for public participation on a relevant document.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

89. In page 29, to delete lines 18 and 19.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

90. In page 29, line 18, to delete “reasonable steps” and substitute “legally required actions”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

[SECTION 18]

91. In page 29, line 21, to delete “or expedient”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

92. In page 29, to delete lines 24 to 38 and substitute the following:

“(4) The Minister may by regulations specify requirements relating to any of the following:

- (a) appropriate time periods for public consultation, where—
 - (i) such time periods when calculated shall not include excluded time periods, and
 - (ii) shall be generously specified to provide adequate time for the public and relevant authorities and prescribed bodies to plan and prepare so they can participate effectively;
- (b) arrangements for the publication of notices relating to relevant documents where such requirements include—
 - (i) online notification systems including Government websites, and
 - (ii) more traditional methods including newspaper notices in both national and regional newspapers, given the need to provide for equal access and opportunities to participate in areas and amongst demographics where digital access may present barriers, and to reach the public on matters of concern and interest to the public at large;
- (c) the contents of notices, including the following:
 - (i) public consultation timeframes, including periods during which submissions may be made;
 - (ii) information on how submissions received will be acknowledged, considered and published;
 - (iii) information on the proposed methods of public participation;
 - (iv) the fact that there is no charge to make an observation or submission;
 - (v) where the relevant information can be found online, and where it can additionally be inspected, and that there is no charge for access to either;
- (d) specific additional arrangements (including, if the Minister considers it appropriate to do so in the interests of clarity, separate sets of regulations made under this section) in relation to MSPs that fall within *section 16(3)(a), (b) or (c)*, and of consistent standard to *paragraphs (a) to (c) of subsection (3)*.”

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

93. In page 30, to delete lines 1 to 25 and substitute the following:

“(5) Where the Minister makes regulations under *subsection (4)*, in addition to having

[SECTION 18]

regard to the other provisions of this Act, he or she shall also—

- (a) act consistently with:
- (i) the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters done at Aarhus, Denmark on 25 June 1993;
 - (ii) Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC;
 - (iii) 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;
 - (iv) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Recast);
 - (v) Article 9 of the MSP Directive;
 - (vi) Article 10 of the MSP Directive,
- and
- (b) have regard to the following principles and policies:
- (i) the opportunity to incorporate national and international good practices relating to public participation;
 - (ii) public participation in the process is inclusive;
 - (iii) the balancing of the administrative burden on the competent authority (M) and participants is considered, making use, where possible, of existing public participation processes and methods, while recognising any disproportionate burden on the public is neither desirable or permissible;
 - (iv) that public participation must be initiated at an early stage and continued throughout the development of MSPs;
 - (v) that appropriate use is made of a wide range of media to raise awareness to maritime spatial planning and public participation opportunities;
 - (vi) that appropriate use is made of information technology and is also accompanied by more traditional non-digital methods to ensure fair access is provided for;
 - (vii) particular additional requirements relating to MSPs that fall within *section 16(3)(a), (b) or (c)*.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

[SECTION 18]

94. In page 30, line 2, to delete “have regard to” and substitute “shall comply with”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

95. In page 30, to delete lines 30 to 35 and substitute the following:

“(6) In this section, “relevant document” means—

- (a) a review of the NMPF in place at the time of enactment,
- (b) an amendment or revocation of the NMPF in place at the time of enactment,
- (c) a draft of a MSP that falls within *section 16(3)(a), (b) or (c)*,
- (d) a draft of a DMAP, or an amendment to or revocation of a DMAP.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 19

96. In page 30, to delete line 37.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

97. In page 31, to delete lines 1 to 12 and substitute the following:

“(2) Where the competent authority (M) proposes to make a MSP, he or she shall—

- (a) cause a copy of the proposed MSP prepared under this section, to be laid before each House of the Oireachtas, together with any environmental assessment reports prepared thereon pursuant to obligations under the SEA Directive and the Habitats Directive, and associated consultation responses,
- (b) notify each Committee and Joint Committee of the Oireachtas that—
 - (i) the proposed MSP have been laid,
 - (ii) any committee of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the proposed MSP to the Minister and the Oireachtas, which must be considered before any motion to approve the proposed MSP is presented to either or both such Houses,
 - (iii) any member of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the proposed MSP to the Minister and the Oireachtas, which must be considered before any motion to approve the proposed MSP is presented to either or both such Houses, and
 - (iv) the proposed MSP will not be made and have effect until—
 - (I) a motion approving it, has been passed by each Houses of the Oireachtas,
 - (II) a motion to amend it, has been passed by each House of the Oireachtas, with any associated revisiting of the environmental assessments necessary in the context, and

[SECTION 19]

(III) until the proposed MSP has been subsequently published on a website of the Government,

and

(c) cause to be published on an appropriate website of the Government, and in two national newspapers in two consecutive weeks, and as soon as practicable after the proposed MSP, and assessments have been laid before the Oireachtas, a notice to the public that—

(i) such proposed MSP and associated assessments have been laid before the Oireachtas,

(ii) indicates the date on which they were laid,

(iii) any committee of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the proposed MSP to the Minister and the Oireachtas,

(iv) any member of the Oireachtas may submit a recommendation, report or proposed resolution in respect of the proposed MSP to the Minister and the Oireachtas, which must be considered before any motion to approve the proposed MSP is presented to either or both such Houses, and

(v) any such proposed proposed MSP shall not have effect until—

(I) a motion is passed in favour of the proposal by both Houses of the Oireachtas, or

(II) the proposed MSP is amended further to a motion passed by both Houses of the Oireachtas, with any associated revisiting of the environmental assessments necessary in the context, and

(III) the approved proposed MSP are published on a website of the Government.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 20

98. In page 31, line 16, after “(5)” to insert “ and (7)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

99. In page 31, line 17, to delete “public body” and substitute “Minister of the Government with the consent of that Minister and the Government”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

100. In page 31, to delete lines 31 to 37.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

[SECTION 20]

101. In page 31, to delete lines 38 to 40.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

102. In page 32, line 5, to delete “public body” and substitute “Minister of the Government”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

103. In page 32, line 8, to delete “public body” and substitute “Minister of the Government”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

104. In page 32, between lines 9 and 10, to insert the following:

“(7) Where the competent authority (M) has prepared and published on a website of the Government a DMAP in accordance with *Chapter 6**, the Minister may designate under this section, and with all necessary modifications to this section, a public body to perform any functions under this Act in relation to that DMAP that would, in the absence of such designation, otherwise have to be performed by the competent authority (M).”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

*[*This is a reference to a Chapter proposed to be inserted by Amendment No. 112.]*

SECTION 21

105. In page 32, to delete lines 28 and 29 and substitute the following:

- “(h) the existing DMAPs, the existing maritime usages and activities,
 - (i) the existing DMAPs and the existing maritime usages and activities proposed to be taken into consideration during the preparation of the DMAP, and to highlight any changes in relation to the existing situation,
 - (j) the basis for the identification of the existing uses and activities,
 - (k) the nature and extent of ecological surveys conducted for the area of the DMAP, including in the skies above the area of the proposed DMAP, as well as in the sea and on the seafloor, and when the surveys were conducted and over what period,
 - (l) details on what major ecological data deficiencies and gaps have been identified and how these are proposed to be filled and by when and by who and how including in respect of the associated costs,
 - (m) details of inadequacies in the NMPF in respect of the DMAP area, and implications of issues arising given how the NMPF was developed what it does and does not specify relative to the requirements of the MSP Directive,
 - (n) the purpose and objective behind the creation of the DMAP,
 - (o) the proximity of the DMAP to other DMAPs or proposed DMAPs and the nature and objectives of those DMAPs or proposed DMAPs,
 - (p) details of any known environmental sensitivities, including if the area is

[SECTION 21]

significant for characteristics such as being quiet area or a dark area or other characteristics which might make it suitable as for consideration as a Marine Protected Area,

- (q) details of any representations made to the competent authority (D) in respect of the pursuit of a proposed DMAP, including in the 3 years prior to enactment,”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

106.In page 32, after line 38, to insert the following:

- “(a) consult with prescribed bodies on the relevant proposal,
(b) consult with the Minister with responsibility for natural heritage,
(c) consult with the public on the relevant proposal,
(d) give due consideration to the consultation responses prior to making any decision on the proposal,”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

107.In page 33, between lines 3 and 4, to insert the following:

- “(b) give notice in writing to the competent authority (D) of the reasons for approving the competent authority to prepare a draft DMAP, based on such proposal, and cause such decision and relevant proposal to be published on a website of the Government, or”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 22

108.In page 33, line 38, to delete “colocation” and substitute “coexistence”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 24

109.In page 36, line 34, to delete “amended” and substitute “amendment to the”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 28

110.In page 39, line 1, to delete “significant”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

111. In page 39, between lines 26 and 27, to insert the following:

“CHAPTER 6

Competent authority (M) and DMAPs

Competent authority (M) may make DMAPs

29. (1) Subject to *subsection (3)*, the competent authority (M) may prepare and publish on a website of the Government a DMAP in accordance with *Chapter 3* and the MSP Directive in respect of one or more than one of the following:
- (a) all or specified activities of a competent authority for the purposes of the MSP Directive;
 - (b) acting as a coordinating body for some or all of the competent authorities for some of their activities;
 - (c) one or more than one designated geographical or sectoral area, or both, of the maritime area.
- (2) The competent authority (M) shall be deemed to have all the functions necessary to perform functions for the purposes of exercising his or her power under *subsection (1)*.
- (3) Subject to *subsection (4)*, the provisions of *Chapters 3 to 5* shall, for the purposes of *subsection (1)*, apply to the competent authority (M) as if references in those provisions to the competent authority (D) were references to the competent authority (M).
- (4) The following modifications shall apply, for the purposes of *subsection (1)*, to the provisions of *Chapters 3 to 5*:
- (a) *section 20* shall be treated as being deleted (but without prejudice to the generality of *section 20(7)** once the competent authority (M) has prepared and published on a website of the Government a DMAP in accordance with *Chapter 6***);
 - (b) *section 21(1)* shall be treated as if the words “he or she decides to exercise the power under *section 29(1)****” were substituted for the words “its designation under *section 20* as such”;
 - (c) *section 21(3)* and *(4)* shall be treated as being deleted;
 - (d) *section 21(5)* shall be treated as if the words “he or she has prepared the relevant proposal, publish, or cause to be published, such proposal on a website of the Government” were substituted for the words “it has been approved under *subsection (4)(a)* to prepare a draft DMAP based on the relevant proposal, publish, or cause to be published, such proposal on its website”;
 - (e) *section 21(6)* shall be treated as being deleted;
 - (f) *section 22(1)* shall be treated as if the words “relevant proposal concerned has been published in accordance with *section 21(5)*” were substituted for the words

[SECTION 28]

“competent authority (D) has been approved under *section 21(4)(a)* to prepare a draft DMAP based on the relevant proposal concerned”.

- (g) *section 22(4)* shall be treated as being deleted;
- (h) *section 23(1)* and (3) shall be treated as if the words “a website of the Government” were substituted for the words “its website”;
- (i) *section 24* shall be treated as being deleted;
- (j) *section 25(2)* shall be treated as if the words “after *section 24* has been complied with” were deleted;
- (k) *section 26(2)* shall be treated as being deleted;
- (l) *section 28(4)* shall be treated as being deleted;
- (m) *section 28(5)* shall be treated, in the definition of “relevant provisions”, in *paragraph (b)*, as if the words “and subject to *Chapter 6*** if applicable” were inserted after “is a DMAP”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

*[*This is a reference to a subsection proposed to be inserted by Amendment No. 105.]*

*[**This is a reference to a Chapter proposed to be inserted by this amendment.]*

*[***This is a reference to subsection proposed to be inserted by this amendment.]*

SECTION 30

112. In page 40, line 3, to delete “The Minister” and substitute “Subject to *section 31**, the Minister”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

*[*This is a reference to a section proposed to be inserted by Amendment No. 115.]*

113. In page 40, to delete lines 8 and 9 and substitute the following:

- “(2) (a) A direction under this section shall be in writing and may apply to one or more than one public body.
- (b) The Minister shall cause a direction under this section to be published on a website of the Government at the same time as it is given to the public body concerned or as soon as is practicable thereafter.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 31

114. In page 40, between lines 12 and 13, to insert the following:

“Steps preliminary to deciding whether or not to issue direction under *section 30*

- 31.** (1) This section applies where the Minister is minded to give a direction under *section 30* (in this section referred to as the “direction concerned”) to a public body (in this section referred to as the “public body concerned”).
- (2) The Minister shall, in the interests of procedural fairness, give a notice in writing to

[SECTION 31]

the public body concerned to which is attached a draft of the direction concerned stating that—

- (a) the Minister is minded to give that direction to that body, and
 - (b) the body may, if it wishes to do so, within the period specified in the notice (being a period of not less than four weeks from the giving of the notice) make submissions in writing to the Minister on the direction.
- (3) Where the Minister receives submissions referred to in *subsection (2)* before the expiration of the period referred to in that subsection, he or she may, after having regard to those submissions—
- (a) give the direction concerned to the public body concerned with such revisions to the direction as the Minister considers are warranted in view of those submissions,
 - (b) give the direction concerned to the public body concerned without any revisions to the direction if the Minister considers that no such revisions are warranted in view of those submissions, or
 - (c) decline to give the direction concerned to the public body concerned if the Minister considers that—
 - (i) in view of those submissions, the direction is not warranted, or
 - (ii) for any other reason, the direction is no longer warranted.
- (4) Where the Minister receives no submissions referred to in *subsection (2)* before the expiration of the period referred to in that subsection, he or she may—
- (a) give the direction concerned to the public body concerned, or
 - (b) decline to give the direction concerned to the public body concerned if the Minister considers that, for any reason, the direction is no longer warranted.
- (5) Where *subsection (3)(c)* or *(4)(b)* applies, the Minister shall, as soon as is practicable after making the decision referred to in that subsection, give notice in writing of that decision to the public body concerned.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

115. In page 40, lines 16 to 25, to delete all words from and including “(1) For” in line 16 down to and including line 25 and substitute the following:

- “(1) For the avoidance of doubt, the relevant competent authority shall, in the preparation of anything to which this subsection applies, ensure that—
- (a) the thing is both consistent and compatible with the objectives, of following acts of the institutions of the European Union, or any provision of an Act of the Oireachtas enacted or made for the purposes of giving effect to any such Act, and that the thing does not contravene:
 - (i) the Habitats Directive;
 - (ii) Directive 2001/42/EC of the European Parliament and of the Council of 27

[SECTION 31]

June 20011 on the assessment of the effects of certain plans and programmes on the environment, the SEA Directive;

- (iii) the Birds Directive,
- (b) that screening determinations in respect of requirements for strategic environmental assessment are undertaken and strategic environmental assessment is undertaken where such screening determines it is required, in accordance with Directive 2001/42/EC of the European Parliament and of the Council of 27 June 20011 on the assessment of the effects of certain plans and programmes on the environment and national legislation for the time being in force to give effect to the Directive, before any approval of the thing is sought from the Oireachtas, or the thing is given effect, and
- (c) that screening determinations in respect of requirements for appropriate assessment are undertaken and appropriate assessment is undertaken where such screening determines it is required, in accordance with the Habitats Directive and national legislation for the time being in force to give effect to the Directive, before any approval of the thing is sought from the Oireachtas, or the thing is given effect.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

116. In page 40, between lines 26 and 27, to insert the following:

“(a) a maritime planning policy statement;”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

117. In page 40, to delete lines 27 to 31 and substitute the following:

- “(a) the marine planning policy statement;
- (b) guidelines issued under *section 7*;
- (c) policy directives issued under *section 8*;
- (d) each draft MSP;
- (e) each draft DMAP;
- (f) a proposed material amendment under *section 28*.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 34

118. In page 41, line 31, to delete all words from and including “The” down to and including “satisfied” and substitute the following:

“The Minister may by regulations specify the data to which the Database applies, being data that the Minister is satisfied—”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[SECTION 34]

119. In page 42, to delete lines 3 and 4 and substitute the following:

“(2) Without prejudice to the generality of *subsection (1)*, regulations made under that subsection may specify the particulars of the relevant data to which the Database applies that are to be entered in the Database.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

120. In page 42, line 5, to delete “regulations under *subsection (2)*” and substitute “regulations under *subsection (1)* to which *subsection (2)* applies”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 36

121. In page 43, between lines 6 and 7, to insert the following:

“CHAPTER 9

Delegations”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 37

122. In page 43, line 10, to delete “Minster” and substitute “Minister”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 38

123. In page 43, between lines 14 and 15, to insert the following:

“Delegation by Minister for Public Expenditure and Reform

38. (1) The Minister for Public Expenditure and Reform may, with the consent of the Minister and the MARA, delegate to the MARA, subject to the conditions (if any) specified in the delegation, any function of the Minister for Public Expenditure and Reform under the State Property Act 1954 to sell or otherwise dispose of any part of the maritime area that is State-owned.

(2) Where a function of the Minister for Public Expenditure and Reform is delegated to the MARA under *subsection (1)*, the delegation shall remain in force until that Minister revokes it.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 41

124. In page 44, between lines 33 and 34, to insert the following:

“(e) promoting marine biodiversity and an ecosystems approach to ensure full compliance and compatibility with the Marine Strategy Framework Directive, Environmental Impact Assessment Directive, Habitats Directive, Birds Directive, Water Framework Directive, Shellfish Waters Directive, Bathing Waters Directive, Waste Framework Directive, Maritime Spatial Planning Directive, measures implementing those Directives, and the Dumping at Sea Act 1966 and the Sea Pollution Act 1991,”.

[SECTION 41]

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

125.In page 44, between lines 33 and 34, to insert the following:

- “(e) to support the development of independent studies and assessments associated with marine biodiversity and to this end provide grants and scholarships to promote academic excellence in marine bio-diversity,
- (f) ensure the maximum social, economic and environmental dividend for coastal communities impacted by any category of maritime use,
- (g) publish an annual report on all enforcement activity including the costs of remediating or addressing environmental damage in the marine environment arising from activities or consents granted and including recommendations to Government on proposed measures to strengthen enforcement and compliance as considered appropriate by the authority.”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

126.In page 45, line 1, to delete “this Act” and substitute “*Part 3, 4, 5 or 6*”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

127.In page 45, to delete lines 10 to 15 and substitute the following:

- “(i) the undertaking of all administrative responsibility for foreshore authorisations, including—
 - (i) performing functions under or in relation to such authorisations as if—
 - (I) the authorisations had been granted (or otherwise given) by the MARA, and
 - (II) references in the authorisations (howsoever expressed) to the Minister of the Government who falls within paragraph (c) of section 1B of the Act of 1933 were references to the MARA,
 - (ii) investigating instances of suspected offences under the Act of 1933, and
 - (iii) investigating instances otherwise of suspected non-compliance with the Act of 1933 or with obligations to which holders and former holders of the authorisations are subject.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 42

128.In page 45, line 30, to delete “UNCLOS and the Act of 2006” and substitute “the Convention and the Act of 2021”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 43

129.In page 46, to delete lines 12 to 15 and substitute the following:

- “(iv) a representative of the County and City Management Association;
- (v) up to six other persons (if any).”.

[SECTION 43]

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

130.In page 46, to delete line 15 and substitute the following:

“(vii) six other persons from environmental non-governmental organisations and university departments who have an expertise in marine biodiversity, environmental protection and European environmental law.”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

131.In page 46, between lines 15 and 16, to insert the following:

“(viii) a representative of the fishing industry.”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

132.In page 46, to delete lines 23 to 37, and in page 47, to delete lines 1 to 8 and substitute the following:

“(b) The Minister shall—

(i) for the purposes of appointing a member who falls within *subsection (1)(b)(i), (ii) or (iii)*, so appoint a nominee put forward by the Minister of the Government for the Department concerned where the Minister first-mentioned in this paragraph is of the opinion referred to in *paragraph (a)* as regards that nominee, and

(ii) for the purposes of appointing a member who falls within *subsection (1)(b)(iv)*, so appoint a nominee put forward by the County and City Management Association where the Minister first-mentioned in this paragraph is of the opinion referred to in *paragraph (a)* as regards that nominee.

(c) The Minister shall, for the purposes of appointing members who fall within *subsection (1)(b)(v)*, ensure that any such appointment does not result in there being more than—

(i) two members who are officers of the same Department referred to in *subsection (1)(b)(i), (ii) or (iii)*, or

(ii) two members who are representatives of the County and City Management Association.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 45

133.In page 48, lines 9 and 10, to delete all words from and including “(1) The” in line 9 down to and including line 10.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

134.In page 48, lines 25 and 26, to delete “the day-to-day running of the MARA and”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 47

[SECTION 47]

135. In page 49, between lines 25 and 26, to insert the following:

“(3) The Minister shall remove from office a member of the Board (M) if such removal is necessary in order to ensure that *section 43(2)(c)** continues to be complied with.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[*This is a reference to a paragraph proposed to be inserted by Amendment No. 133.]

SECTION 51

136. In page 52, line 12, after “functions” to insert “, or the functions of the MARA,”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 52

137. In page 52, lines 31 and 32, to delete “A person shall not be eligible for appointment as a member of the Board (M) or of a committee of the Board (M)” and substitute the following:

“Subject to *subsection (2)**, a person shall not be eligible for appointment as a member of the Board (M)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[*This is a reference to a subsection proposed to be inserted by Amendment No. 139.]

138. In page 52, between lines 36 and 37, to insert the following:

“(2) *Subsection (1)* shall not apply to a person proposed to be appointed as a member of the Board (M) in his or her capacity as a representative of the County and City Management Association.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 63

139. In page 58, line 36, to delete “either—” and substitute “any of the following:”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

140. In page 58, to delete line 39 and substitute “maritime area;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

141. In page 59, to delete line 3 and substitute “functions;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

142. In page 59, between lines 3 and 4, to insert the following:

“(iii) the MARA rendering assistance to the body in the body’s performance of its functions where such assistance is not inconsistent with the MARA’s functions,”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[SECTION 63]

143. In page 59, line 15, to delete “shall include provisions—” and substitute “may include any or all of the following provisions:”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

144. In page 59, line 18, to delete “functions,” and substitute “functions;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

145. In page 59, line 21, to delete “matter, and” and substitute “matter;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 66

146. In page 61, line 28, to delete “no later” and substitute “not later”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 73

147. In page 64, between lines 25 and 26, to insert the following:

“(iii) the maritime usage is authorised in accordance with time limited development milestones as set out by the Minister requiring operations to begin within a defined period post consent.”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

SECTION 75

148. In page 65, between lines 22 and 23, to insert the following:

“Application for declaration as to whether or not MAC is required, etc.

75. (1) A person may make an application in the specified form, accompanied by the prescribed fee, to the MARA for a declaration in writing by the MARA as to whether or not the occupation of the part of the maritime area the subject of the application for the purposes of the undertaking of the proposed maritime usage the subject of the application requires a MAC and, if so, whether *section 73* or *74* applies.

(2) Where an application under *subsection (1)* is made to the MARA, it may, by notice in writing given to the applicant, require the applicant to provide, whether in the specified form, by affidavit or otherwise, such additional information in relation to any matter to which the application relates as the MARA reasonably considers necessary to make the declaration sought by the application.

(3) The MARA shall, to the extent that it is practicable to do so, make the declaration sought by an application under *subsection (1)*, and give a copy of the declaration to the applicant, not later than 30 days after the day on which the MARA is satisfied that the applicant has complied with all the requirements of or under this section.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

149. In page 65, to delete line 40, and in page 66, to delete line 1 and substitute the following:

“(a) applications under *section 75**,

[SECTION 75]

- (b) MAC applications, or
- (c) applications under *section 84*.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[*This is a reference to a section proposed to be inserted by Amendment No. 149.]

SECTION 76

150.In page 66, line 6, after “the” where it fourthly occurs to insert the following:

“occupation of the part of the maritime area the subject of the application for the purposes of the undertaking of the”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

151.In page 66, line 12, to delete “or by affidavit” and substitute “by affidavit or otherwise”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

152.In page 66, to delete lines 16 and 17 and substitute the following:

- “(a) a company,
- (b) an EEA company within the meaning of Part 21 of the Act of 2014,
- (c) a public body, or
- (d) engaged principally in non-commercial activities or works.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

153.In page 66, to delete lines 18 to 23 and substitute the following:

“(5) The MARA is required to carry out, for the purposes of determining a MAC application under *section 78*—

- (a) a screening for appropriate assessment or appropriate assessment,
- (b) a screening for environmental impact assessment (within the meaning of section 176A of the Act of 2000) or environmental impact assessment, or
- (c) a screening determination for strategic environmental assessment, and a strategic environmental assessment where a screening determination so requires the assessment to be done.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 77

154.In page 66, lines 26 to 28, to delete all words from and including “to” in line 26 down to and including line 28 and substitute the following:

“to the—

- (a) criteria specified in *Schedule 5* in so far as such criteria are relevant to the proposed maritime usage the subject of the application,
- (b) outcome of consultations on the MAC with:

[SECTION 77]

- (i) the Minister with responsibility for Natural Heritage;
- (ii) the Minister for Environment, Climate and Communications;
- (iii) prescribed bodies listed for the purposes of this Act and as specified in *section 2*;
- (iv) the public,
- (v) consideration of how the NMPF or MSP complies with the following requirements of the MSP Directive in both what it provides and how it was made:
 - (I) Article 1;
 - (II) Article 5;
 - (III) Article 6;
 - (IV) Article 7;
 - (V) Article 8(1);
 - (VI) Article 8(2);
 - (VII) Article 10;
 - (VIII) Articles 11,
- (c) consideration of how the NMPF or MSP complied with Article 9 in how it was made,
- (d) consideration of the data gaps and deficiencies in respect of ecological aspects of the NMPF, and the requirements of the precautionary principle and the extent to which the plan reflects this adequately,
- (e) consideration of the gaps in the plan on migratory and foraging routes for marine and avian species and the requirements of the precautionary principle and the extent to which the NMPF or MSP reflects this adequately,
- (f) consideration of the assessment reports conducted for the state in accordance with:
 - (i) Article 16 and 17 of the Habitats Directive;
 - (ii) Article 17 of the Maritime Spatial Planning Directive;
 - (iii) Article 12 of the Birds Directive,
- (g) consideration of the requirement to deliver maritime spatial planning whilst achieving good environmental status as set out in the Marine Strategy Framework Directive and how this is complied with and ensured by the NMPF or MSP,
- (h) consideration of the recommendations of the Joint Oireachtas Committee for Housing, Local Government and Heritage in their pre-legislative scrutiny report on the Heads of the Marine Planning and Development Management Bill in respect of the need for interim protections for marine biodiversity pending the

[SECTION 77]

designation of marine protected areas;

- (i) consideration of the adequacy of contingency arrangements and provisions in the plan to ensure areas which should be designated as marine protected areas are not encroached upon, when considered together with the provisions of this Act;
- (j) contribution of cetaceans and sea grass to carbon sequestration and how the plan protects and promotes such considerations given the State's obligations in respect of reduction in emissions of Green House Gases,
- (k) impact of bottom trawling and mining on the sea floor on climate change and how the plan and this Act addresses such considerations given the State's obligations in respect of reduction in emissions of Green House Gas reductions;
- (l) outstanding designations of Natura 2000 sites by Ireland in its Marine environment, and
- (m) consideration of the practicalities of how the over 58 policies specified in the NMPF can be effectively and practically and clearly considered together with their interactions with each other by decision makers, the public and developers.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

155.In page 66, line 27, after “the” to insert the following:

“occupation of the part of the maritime area the subject of the application for the purposes of the undertaking of the”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

156.In page 66, between lines 28 and 29, to insert the following:

- “(2) The MARA shall also provide for public consultation and consultation with prescribed bodies on the granting of a MAC and shall give due consideration to the consultation responses in determining a MAC application.
- (3) The Minister shall by regulations specify—
 - (a) the nature of and how effective notifications for the consultations shall be made,
 - (b) the adequate and generous timeframes for the consultations in order to ensure the public and prescribed bodies can participate effectively,
 - (c) the arrangements for the provision of the information online on the application and other relevant details which are to be made available free of charge and where the information will be available to be inspected free of charge,
 - (d) how submissions or observations can be made on the application free of charge,in order to ensure the public and prescribed bodies can participate effectively.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

[SECTION 77]

157. In page 67, line 1, after “whether” to insert “, in the opinion of the Minister,”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

158. In page 67, line 3, after “whether” to insert “, in the opinion of the Minister,”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

159. In page 67, lines 4 and 5, to delete “UNCLOS and the Act of 2006” and substitute “the Convention and the Act of 2021”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

160. In page 67, line 6, after “whether” to insert “, in the opinion of the Minister,”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 78

161. In page 67, line 18, after “practicable” to insert “to do so”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

162. In page 68, line 18, after “MAC” to insert “on grounds including an inadequate level of public participation and consultation”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

SECTION 79

163. In page 69, lines 7 and 8, to delete “UNCLOS and the Act of 2006” and substitute “the Convention and the Act of 2021”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 80

164. In page 69, to delete lines 25 and 26.

—Paul McAuliffe.

165. In page 69, between lines 28 and 29, to insert the following:

“(4) In granting the exclusive use of the maritime usage in accordance with *subsection 80(1)(b)*, the MARA shall grant a leasehold interest for such term, not exceeding ninety-nine years, commencing at or before the date of such lease as the MARA shall think fit.”.

—Paul McAuliffe.

SECTION 81

166. In page 69, to delete line 36 and substitute the following:

“(e) the purposes for which the MAC has been granted,”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

167. In page 70, between lines 15 and 16, to insert the following:

“(4) The MARA shall, as soon as is practicable after it refuses to grant a MAC, publish on its website a copy of the notice concerned referred to in *section 78(3)*.”.

[SECTION 81]

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 82

168.In page 70, to delete lines 22 to 26 and substitute the following:

“(2) The proposed assignor and the proposed assignee shall make a joint application to the MARA for the MARA’s consent in writing to the assignment subject to such terms and conditions as may be prescribed in regulations. Without prejudice to the generality of the foregoing, such assignment shall be conditional upon the proposed assignee evidencing to MARA that it meets the criteria specified in *Schedule 2* and *Schedule 5* in so far as such criteria are relevant to the holder of a MAC.”.

—Paul McAuliffe.

SECTION 83

169.In page 71, to delete lines 8 and 9.

—Steven Matthews, Francis Noel Duffy.

170.In page 71, to delete lines 15 to 19 and substitute the following:

- “(5) (a) The holder of a MAC who wishes to make an amendment to the MAC which it considers to be a non-material amendment may make an application in the specified form, accompanied by the prescribed fee, to the MARA for the MARA to make such amendment to the MAC.
- (b) Where the MARA is satisfied that the amendment sought is a non-material amendment (including in any case where it is so satisfied by virtue of submissions referred to in *paragraph (c)* made to it), it shall make the amendment to the MAC and issue the MAC as so amended to the holder and the MAC as so amended shall, on and after the date of such issue and for all purposes, replace the MAC as in force immediately before it was so amended.
- (c) Where the MARA is not satisfied that the amendment sought is a non-material amendment, it shall, in the interests of procedural fairness, give a notice in writing to the holder stating—
- (i) the MARA’s reasons why it is not so satisfied, and
 - (ii) that the holder may, if the holder wishes to do so, within the period specified in the notice (being a period of not less than four weeks from the date that the holder receives the notice), make, in view of those reasons only, submissions in writing on those reasons for the MARA’s further consideration before the MARA decides whether or not it is satisfied that the amendment is a non-material amendment.
- (d) Where submissions referred to in *paragraph (c)* made before the expiration of the period concerned referred to in that paragraph do not satisfy the MARA that the amendment sought is a non-material amendment, or no such submissions are made before the expiration of that period, the MARA shall, as soon as is practicable after that expiration, give the holder notice in writing that the MARA is not satisfied that the amendment sought is a non-material amendment and

[SECTION 83]

setting out the reasons why the MARA is not so satisfied.

- (e) Where *paragraph (b)* applies, the MARA shall, as soon as is practicable after issuing the MAC, as amended as referred to in that paragraph, to the holder, publish on its website, at a minimum, sufficient particulars of the amendment made to the MAC to enable members of the public to understand the nature of the amendment and sufficient particulars of the MAC to readily identify it.
- (f) Where *paragraph (d)* applies, the MARA shall, as soon as is practicable after it gives the notice referred to in that paragraph to the holder, publish on its website, at a minimum, a copy of the notice.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 84

171. In page 72, between lines 10 and 11, to insert the following:

“Provisions to ensure consistency between MAC and planning permission

84. (1) This section applies where a maritime usage the subject of a MAC has planning permission (including any case where such usage has any further planning permission subsequent to the initial planning permission).
- (2) Where the MARA receives the planning permission, it shall, as soon as is practicable thereafter, review the MAC and the permission (including any conditions attached thereto) to ascertain whether or not any amendments are required to be made to the MAC to ensure consistency between the MAC and the permission.
 - (3) Where, following a review under *subsection (2)*, the MARA is satisfied that no amendments referred to in that subsection are required, it shall, as soon as is practicable—
 - (a) give notice in writing to that effect to the holder of the MAC, and
 - (b) publish that notice on its website together with sufficient particulars of the MAC to readily identify it.
 - (4) Where, following a review under *subsection (2)*, the MARA is satisfied that amendments referred to in that subsection are required, it shall, as soon as is practicable—
 - (a) make the amendments to the MAC and issue the MAC as so amended to the holder, and
 - (b) publish a notice on its website stating that the MAC has been amended pursuant to this section together with sufficient particulars of the amendments to enable members of the public to understand the nature of the amendments and sufficient particulars of the MAC to readily identify it.
 - (5) The MARA shall, to the extent that it is practicable to do so, perform its functions under this section in relation to the MAC and the planning permission within 30 days after the date on which it receives the permission.
 - (6) The MAC as amended and issued under *subsection (4)* shall, on and after the date of

[SECTION 84]

such issue and for all purposes, replace the MAC as in force immediately before it was so amended.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

172. In page 72, line 18, to delete “or by affidavit” and substitute “by affidavit or otherwise”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 85

173. In page 72, line 32, to delete “interest” and substitute “interests”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

174. In page 73, between lines 18 and 19, to insert the following:

“(6) The MARA shall, as soon as is practicable after it refuses to consent to the surrender of a MAC, publish on its website a copy of the notice concerned referred to in *subsection (1)(b)*.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 88

175. In page 74, to delete lines 21 to 23 and substitute the following:

“for the occupation of the part of the maritime area the subject of the MAC for the purposes of the undertaking of the maritime usage the subject of the MAC (including any potential such usage where, for whatever reason, the usage is yet to be undertaken).”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

176. In page 75, line 28, to delete “the property of the State that is”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 89

177. In page 76, lines 9 and 10, to delete “relating to the same part of the maritime area” and substitute “(whether or not relating to the same part of the maritime area)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 92

178. In page 78, to delete lines 5 to 25 and substitute the following:

“(6) The holder of a MAC to which *section 73(1)* applies shall submit the proposed programme of rehabilitation as approved by the Board no later than three months before undertaking any development the subject of such permission and which is for the purposes of the maritime usage the subject of the MAC.”.

—Steven Matthews, Francis Noel Duffy.

SECTION 96

179. In page 82, between lines 8 and 9, to insert the following:

“(d) any other maritime usage as may be prescribed by order by the relevant Minister pursuant to *section 97(5)*.”.

[SECTION 96]

—Paul McAuliffe.

SECTION 97

180.In page 82, lines 16 and 17, to delete “or has received MAC applications, or both,”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

181.In page 82, line 25, after “in” to insert “*section 70* and”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

182.In page 82, between lines 33 and 34, to insert the following:

“(5) The relevant Minister may, by order, prescribe additional categories of usage to be considered “relevant maritime usages” for the purposes of this section.”.

—Paul McAuliffe.

SECTION 98

183.In page 83, between lines 15 and 16, to insert the following:

“(5) The Minister shall provide for a public consultation on any of the MAC applications he or she has received under this section, and shall give due consideration to the submissions and observations received before making any decisions to grant or refuse the MAC application.

(6) In making a decision on a MAC application under this section the Minister shall consider the following:

- (a) the basis for the identification of the existing uses and activities in the proposed MAC;
- (b) the adequacy of the specification of the existing and future uses and activities in the NMPF or MSP for the area which is the subject of the MAP;
- (c) the nature and extent of ecological surveys conducted for the area of the MAC, including in the skies above the area of the proposed DMAP, as well as in the sea and on the seafloor, and when the surveys were conducted and over what period;
- (d) details on what major ecological data deficiencies and gaps have been identified for the area of the MAC and how these are proposed to be filled and by when and by who and how including in respect of the associated costs;
- (e) details of inadequacies in the NMPF in respect of the DMAP area, and implications of issues arising given how the NMPF was developed what it does and does not specify relative to the requirements of the MSP Directive;
- (f) the purpose and objective of the MAC and activities proposed;
- (g) the proximity of the MAC application to other MACs or MACs under consideration and the nature and objectives of those MACs or proposed MACs and the cumulative and indirect and direct impacts;
- (h) details of any known environmental sensitivities, including if the area is significant for characteristics such as being a quiet area or a dark area or other characteristics which might make the area of the proposed MAC suitable as for

[SECTION 98]

consideration as a Marine Protected Area instead;

- (i) the requirements of the Maritime Spatial Planning Directive and the Marine Strategy Framework Directive in respect of making of MSPs as set out in this Act;
 - (j) the requirement to achieve good environmental status;
 - (k) the assessment reports done for the State under Article 17 of the Habitats and MSP Directive and Article 11 of the Birds Directive;
 - (l) the need to provide for interim protections.
- (7) The Minister shall not grant a MAC unless he can justify it will not compromise the attainment of the objectives of the Marine Strategy Framework Directive and sustainable maritime spatial planning and shall set out his reasons in full.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

SECTION 103

184.In page 89, to delete lines 1 to 8.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

185.In page 89, line 11, to delete “eight weeks” and substitute “twelve weeks”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 104

186.In page 91, between lines 9 and 10, to insert the following:

“(13) For the avoidance of doubt where the applicant for judicial review under this section is—

- (a) a body or organisation (other than a State authority, a public authority or governmental body or agency) the aims or objectives of which relate to the promotion of environmental protection, and
- (b) has, during the period of 2 months preceding the date of the application, pursued those aims or objectives,

it shall have *locus standi* to pursue the judicial review and be deemed to have sufficient interest.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

187.In page 91, between lines 9 and 10, to insert the following:

“(13) (a) For the avoidance of doubt notwithstanding anything contained in Order 99 of the Rules of the Superior Courts (S.I. No. 15 of 1986) and subject to *subsections (2), (3) and (4)*, in proceedings to which this section applies, each party to the proceedings (including any notice party) shall bear its own costs.

[SECTION 104]

- (b) The costs of proceedings, or a portion of such costs, as are appropriate, may be awarded to the applicant to the extent that the applicant succeeds in obtaining relief, and to ensure the proceedings are not prohibitively expensive for the applicant and are fair and equitable for them, and any of those costs shall be borne by the respondent or notice party, or both of them, to the extent that the actions or omissions of the respondent or notice party, or both of them, contributed to the applicant obtaining relief.
- (c) The Court may award costs against a party in proceedings to which this section applies if the Court considers it appropriate to do so—
 - (i) because the Court considers that a claim or counterclaim by the party is frivolous or vexatious,
 - (ii) because of the manner in which the party has conducted the proceedings, or
 - (iii) where the party is in contempt of the Court,but such an award may not make the proceedings prohibitively expensive for the applicant.
- (d) *Paragraph (b)* does not affect the Court’s entitlement to award costs in favour of a party in a matter of exceptional public importance and where in the special circumstances of the case it is in the interests of justice to do so.
- (e) In this section a reference to ‘the Court’ shall be construed as, in relation to particular proceedings to which this section applies, a reference to the High Court or the Supreme Court, as may be appropriate.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 105

188. In page 91, to delete lines 21 to 28.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 108

189. In page 92, between lines 9 and 10, to insert the following:

“Application

108. (1) A licence shall not be granted for a *Schedule 7* usage that requires an environmental impact statement.
- (2) Neither a prohibitory order made under section 6 of the Act of 1933 nor a prohibitory notice made under section 7 of that Act (whether made before or after the coming into operation of this section) shall operate to prevent a licence being granted for a *Schedule 7* usage which falls within *paragraph 12** of *Schedule 7* and is to be undertaken in a part of the maritime area the subject of such order or notice.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[*This is a reference to a paragraph proposed to be inserted by Amendment No. 284.]

[SECTION 108]

[Acceptance of this amendment involves the deletion of section 108 of the Bill.]

SECTION 109

190. In page 92, between lines 12 and 13, to insert the following:

“109. A licence shall not be granted for any *Schedule 7* usage within 22kms of the coastline.”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

191. In page 92, between lines 12 and 13, to insert the following:

“109. A licence shall not be granted for any *Schedule 7* usage without a heritage Survey.”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 112

192. In page 93, after line 39, to insert the following:

“Application for declaration as to whether or not licence is required, etc.

112. (1) A person may make an application in the specified form, accompanied by the prescribed fee, to the MARA for a declaration in writing by the MARA as to whether or not the maritime usage the subject of the application is a *Schedule 7* usage and, if so, whether or not the undertaking of the *Schedule 7* usage requires a licence.

(2) Where an application under *subsection (1)* is made to the MARA, it may, by notice in writing given to the applicant, require the applicant to provide, whether in the specified form, by affidavit or otherwise, such additional information in relation to any matters to which the application relates as the MARA reasonably considers necessary to make the declaration sought by the application.

(3) The MARA shall, to the extent that it is practicable to do so, make the declaration sought by an application under *subsection (1)*, and give a copy of the declaration to the applicant, not later than 30 days after the day on which the MARA is satisfied that the applicant has complied with all of the requirements of or under this section.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

193. In page 94, to delete lines 34 and 35 and substitute the following:

“(a) applications under *section 112**,

(b) licence applications, or

(c) applications under *section 121*.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

*[*This is a reference to a section proposed to be inserted by Amendment No. 193.]*

SECTION 113

194. In page 94, line 37, to delete “A person” and substitute “Subject to regulations made under *section 114**, a person”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[SECTION 113]

[*This is a reference to a section proposed to be inserted by Amendment No. 198.]

195. In page 95, line 6, to delete “or by affidavit” and substitute “by affidavit or otherwise”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

196. In page 95, line 18, after “application” to insert the following:

“if it considers that it is necessary to do so after having regard to Schedules 5 and 7 to the Planning and Development Regulations 2001 (S.I. No. 600 of 2001)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 114

197. In page 96, between lines 32 and 33, to insert the following:

“Provisions supplementary to section 113

114. (1) Without prejudice to the generality of *sections 70 and 113(2), (3) and (6)* and subject to *subsections (2) and (3)*, the Minister may by regulations specify the nature and extent of the consultation that the applicants which fall within different classes of licence applications specified in the regulations need to carry out before making such applications.

(2) In making regulations under *subsection (1)*, the Minister shall, in addition to having regard to the other provisions of this Act, also have regard to the principle that the nature and extent of the consultation referred to in *subsection (1)* needs to be proportionate to the nature and extent of the *Schedule 7* usage the subject of the licence application concerned.

(3) On and after the establishment day, the Minister shall not make regulations under *subsection (1)* except after consultation with the MARA.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

198. In page 97, line 1, after “practicable” to insert “to do so”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 115

199. In page 99, line 7, before “It” to insert “Unless otherwise stated”.

—Steven Matthews, Francis Noel Duffy.

200. In page 99, line 9, after “licence” to insert “except where the licence expressly states that such part is for the exclusive use of such usage”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 116

201. In page 99, between lines 21 and 22, to insert the following:

“(a) the National Marine Planning Framework,”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[SECTION 116]

202. In page 100, to delete lines 4 and 5.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

203. In page 100, between lines 5 and 6, to insert the following:

“(4) The holder of a licence under this *Part 5* shall have a cause of action against any third party who unlawfully prevents, restricts or otherwise interferes with its use and enjoyment of such licence or the exercise of any rights pursuant to such licence.”.

—Steven Matthews, Francis Noel Duffy.

SECTION 117

204. In page 100, after line 38 to insert the following:

“(6) The MARA shall, as soon as is practicable after it refuses to grant a licence, publish on its website a copy of the notice concerned referred to in *section 114(3)*.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 118

205. In page 102, line 6, to delete “*subsection*.” and substitute “*subsection (5)*.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 119

206. In page 102, to delete lines 21 to 25 and substitute the following:

“(2) The proposed assignor and the proposed assignee shall make a joint application to the MARA for the MARA’s consent in writing to the assignment subject to such terms and conditions as may be prescribed in regulations.”.

—Steven Matthews, Francis Noel Duffy.

SECTION 121

207. In page 103, line 29, to delete “or by affidavit” and substitute “by affidavit or otherwise”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 126

208. In page 109, to delete lines 32 to 40 and in page 110 to delete lines 1 to 17.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 127

Section opposed.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 128

Section opposed.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn,
Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

[SECTION 133]

SECTION 133

209. In page 117, line 18, after “Act” to insert “or Part VIII of the Act of 2000”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 139

210. In page 123, line 30, to delete “(ii) a receiver or examiner is appointed to the holder.”.

—Steven Matthews, Francis Noel Duffy.

211. In page 124, to delete lines 1 to 6 and substitute the following:

“(c) development permission is required for the maritime usage the subject of the application and the application for such permission has been refused in circumstances where no further step can be taken by the holder, or a court, in respect of that application.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

212. In page 124, to delete lines 1 to 6.

—Emer Higgins.

213. In page 124, to delete lines 16 to 19.

—Steven Matthews, Francis Noel Duffy.

214. In page 124, line 20, to delete “*subsection (1)(c)(ii)*” and substitute “*subsection (1)(c)*”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

215. In page 124, between lines 22 and 23, to insert the following:

“(5) Where *subsection (1)(c)(ii)* applies to a relevant authorisation the MARA may suspend the automatic termination pending a decision on a revised application for permission or the expiration of the original term of the authorisation, whichever occurs first.”.

—Emer Higgins.

SECTION 140

216. In page 124, between lines 29 and 30, to insert the following:

“Termination in the event of receivership or examinership

140. A relevant authorisation shall contain a power to the MARA to terminate such relevant authorisation where a receiver or examiner is appointed to the holder subject to such terms and conditions as may be prescribed in regulations.”.

—Steven Matthews, Francis Noel Duffy.

SECTION 166

217. In page 140, to delete lines 12 to 19 and substitute the following:

“**280.** (1) Subject to subsection (2), this Chapter applies to development situated—

[SECTION 166]

- (a) wholly in the nearshore area of a coastal planning authority, or
 - (b) partly in the nearshore area of a coastal planning authority and partly on land.
- (2) This Chapter does not apply to development—
- (a) of a class specified in the Eighth Schedule (inserted by *section 167* of the *Maritime Area Planning Act 2021*),
 - (b) in accordance with a permission (whether or not granted before the repeal of Part XV) that, immediately before the repeal of Part XV, was required in accordance with section 225, or
 - (c) consisting of—
 - (i) the erection of a building, pier, wall or other structure in accordance with a map, plan or specification approved in accordance with section 10 of the Act of 1933, or
 - (ii) the deposit of any material in accordance with a consent referred to in section 13 of the Act of 1933.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

218.In page 140, to delete lines 38 and 39, and in page 141, to delete lines 1 and 2 and substitute the following:

- “(c) is the lessee under a lease—
- (i) made under section 2 of the Act of 1933, of a part of the foreshore that consists of, or includes, the maritime site on which it is proposed to carry out the development concerned, and
 - (ii) that contains a covenant, condition or agreement, to which subsection (4) of the said section 2 applies, requiring the lessee to carry out, on that maritime site, the proposed development concerned, or”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

219.In page 141, to delete lines 11 to 13.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

220.In page 141, to delete lines 30 to 33 and substitute the following:

- “(c) is the lessee under a lease—
- (i) made under section 2 of the Act of 1933, of a part of the foreshore that consists of, or includes, the maritime site on which it is proposed to carry out the development concerned, and
 - (ii) that contains a covenant, condition or agreement, to which

subsection (4) of the said section 2 applies, requiring the lessee to carry out, on that maritime site, the proposed development concerned, or”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

221.In page 142, line 35, after “subsection (4)” to insert “or (5)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

222.In page 144, between lines 13 and 14, to insert the following:

“(4) Paragraph (a) of subsection (2) of section 34 shall not apply in relation to a maritime application.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

223.In page 144, line 14, to delete “(4)” and substitute “(5)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

224.In page 144, between lines 22 and 23, to insert the following:

“(5) The conditions which may be attached to a permission under section 34(1), 34(4) or subsection (3) may provide that points of detail relating to a grant of permission may be agreed between the coastal planning authority and the person carrying out the development; if the coastal planning authority and that person cannot agree on the matter the matter may be referred to the Board for determination.”.

—Emer Higgins.

225.In page 145, to delete lines 37 and 38 and substitute the following:

“**285.** (1) Subject to subsection (2), this Chapter applies to—

(a) development situated—

(i) wholly in the outer maritime area,

(ii) partly in the outer maritime area and partly in—

(I) the nearshore area of a coastal planning authority, or

(II) the nearshore areas of more than one coastal planning authority,

(iii) partly in the outer maritime area, partly in—

(I) the nearshore area of a coastal planning authority, or

(II) the nearshore areas of more than one coastal planning authority,

and partly on land, or

(iv) partly in the outer maritime area and partly on land.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[SECTION 166]

226. In page 146, line 13, to delete “land,” and substitute “land”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

227. In page 146, between lines 16 and 17, to insert the following:

“(2) This Chapter does not apply to development—

- (a) in accordance with a permission (whether or not granted before the repeal of Part XV) that, immediately before the repeal of Part XV, was required in accordance with section 225, or
- (b) consisting of—
 - (i) the erection of a building, pier, wall or other structure in accordance with a map, plan or specification approved in accordance with section 10 of the Act of 1933, or
 - (ii) the deposit of any material in accordance with a consent referred to in section 13 of the Act of 1933.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

228. In page 146, to delete lines 37 and 38, and in page 147, to delete lines 1 and 2 and substitute the following:

“(c) is the lessee under a lease—

- (i) made under section 2 of the Act of 1933, of a part of the foreshore that consists of, or includes, the maritime site on which it is proposed to carry out the development concerned, and
- (ii) that contains a covenant, condition or agreement, to which subsection (4) of the said section 2 applies, requiring the lessee to carry out, on that maritime site, the proposed development concerned, or”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

229. In page 147, line 32, to delete “and” and substitute the following:

“or is proposing to carry out development associated with a relevant maritime usage as defined in section 96 of the *Maritime Area Planning Act 2021* and has made an application to the Minister in accordance with section 97 of the said Act, and”.

—Steven Matthews, Francis Noel Duffy.

230. In page 147, line 33, to delete “such” and substitute “development”.

—Steven Matthews, Francis Noel Duffy.

[SECTION 166]

231.In page 148, line 4, after “application,” to insert “including the level of detail required in the particulars, plans, drawings or information to be submitted with the application, appropriate for development of the type proposed.”

—Emer Higgins.

232.In page 148, to delete line 13 and substitute the following:

“(f) some or all of the matters that the Board is likely to take into consideration relating to—”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

233.In page 149, to delete lines 39 to 42 and substitute the following:

“(c) is the lessee under a lease—

(i) made under section 2 of the Act of 1933, of a part of the foreshore that consists of, or includes, the maritime site on which it is proposed to carry out the development concerned, and

(ii) that contains a covenant, condition or agreement, to which subsection (4) of the said section 2 applies, requiring the lessee to carry out, on that maritime site, the proposed development concerned, or”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

234.In page 151, to delete line 22 and substitute the following:

“(ii) such information, plans and drawings as may be prescribed,”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

235.In page 151, line 22, to delete “and drawings” and substitute “, drawings or information”.

—Emer Higgins.

236.In page 151, between lines 31 and 32, to insert the following:

“(1A) The Board shall—

(a) make the application available on the website of the Board within 2 working days of it being received, and

(b) make any related documents to the application, correspondence and submissions available online as soon as is practical and no later than 3 days after they are received or sent by the Board.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

237.In page 156, between lines 12 and 13, to insert the following:

“(e) at its absolute discretion and at any time hold meetings with the applicant for permission or any other person—

[SECTION 166]

- (i) where it appears to the Board to be expedient for the purpose of determining the application, or
- (ii) where it appears to the Board to be necessary or expedient for the purpose of resolving any issue with the applicant for permission or any disagreement between the applicant and any other party, including resolving any issue or disagreement in advance of an oral hearing.”.

—Steven Matthews, Francis Noel Duffy.

238.In page 157, line 37, after “plan” to insert “, City or County Development Plan”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

239.In page 162, between lines 12 and 13, to insert the following:

“(p) conditions on construction and operation requiring local employment benefits and positive impact on the local economy, and”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

240.In page 162, between lines 20 and 21, to insert the following:

- “(9) (a) Without prejudice to the generality of subsection (4), the Board may, in addition to any condition attached (in accordance with subsection (7)) to a permission for development proposed to be situated in the nearshore area of a coastal planning authority, attach to that permission a condition that the person who carries out the development agree matters of detail with the coastal planning authority and the Board relating to compliance with the permission, and if agreement cannot be reached in relation to any such matter by that person with the coastal planning authority and the Board within such period as may be specified in the condition, the Board shall determine the matter.
- (b) Without prejudice to the generality of subsection (4), the Board may, in addition to any condition attached (in accordance with subsection (7)) to a permission for development proposed to be situated in the outer maritime area, attach to that permission a condition that the person who carries out the development agree matters of detail with the Board relating to compliance with the permission, and if agreement cannot be reached in relation to any such matter by that person with the Board within such period as may be specified in the condition, the Board shall determine the matter.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

241.In page 162, between lines 20 and 21, to insert the following:

“(9) The conditions attached under this section to a permission may

provide that points of detail relating to the grant of the permission may be agreed between the MARA and the person carrying out the development; in reaching such agreement the MARA shall consult with any coastal planning authority or authorities in whose functional area or areas the development will be situate; if MARA and that person cannot agree on the matter the matter may be referred to the Board for determination.”.

—Emer Higgins.

242.In page 166, to delete lines 37 to 39, and in page 167, to delete lines 1 to 6 and substitute the following:

- “(2) (a) A request under subsection (1) shall—
- (i) be accompanied by—
 - (I) a document in writing specifying the particulars of the requested alteration,
 - (II) such plans or drawings relating to the requested alteration as the Board may specify,
 - (III) such other information (if any) as the Board may specify in the course of any consultation under section 296 relating to the requested alteration, and
 - (IV) such fee as may be prescribed,
 - (ii) if required by the Board, be accompanied by the information specified in Schedule 7A to the Regulations of 2001 in relation to the requested alteration,
 - (iii) if required by the Board, be accompanied by an environmental impact assessment report prepared in respect of the requested alteration, and
 - (iv) if required by the Board, be accompanied by a Natura impact statement prepared in respect of the requested alteration.
- (b) A requesting person may submit any one or more of the following documents with a request under subsection (1):
- (i) the information specified in Schedule 7A to the Regulations of 2001 in relation to the requested alteration even if not the subject of a requirement to which subparagraph (ii) of paragraph (a) applies;
 - (ii) such information as the requesting person considers the Board might require to enable it to carry out a screening for appropriate assessment in respect of the requested alteration in accordance with section 177U,
 - (iii) an environmental impact assessment report prepared in respect

[SECTION 166]

of the requested alteration even if not the subject of a requirement to which subparagraph (iii) of paragraph (a) applies;

- (iv) a Natura impact statement prepared in respect of the requested alteration even if not the subject of a requirement to which subparagraph (iv) of paragraph (a) applies.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

243.In page 167, to delete lines 37 to 40, and in page 168, to delete lines 1 to 5 and substitute the following:

“(d) In this subsection ‘relevant materials’ means—

- (i) the requested alteration,
- (ii) the document referred to in clause (I) of subparagraph (i) of paragraph (a) of subsection (2),
- (iii) plans or drawings referred to in clause (II) of that subparagraph,
- (iv) any information referred to in clause (III) of that subparagraph,
- (v) any information, report or statement that was the subject of a requirement referred to in subparagraph (ii), (iii) or (iv) of the said paragraph (a),
- (vi) any document submitted in accordance with paragraph (b) of subsection (2), and
- (vii) in relation to the performance by the Board of its functions under, or referred to in, paragraph (a) or (b) of this subsection, any submissions or observations made pursuant to an invitation under subsection (4).”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

244.In page 168, between lines 40 and 41, to insert the following:

- “(9) The Minister may by regulations specify classes of alterations that are, for the purposes of this section, non material.
- (10) In making a determination in accordance with subsection (5)(b) the Board shall have regard to guidelines issued under section 7 of the *Maritime Area Planning Act 2021*, and guidelines issued under section 28.”.

—Steven Matthews, Francis Noel Duffy.

245.In page 170, line 31, to delete “and”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

246.In page 170, to delete lines 32 to 34 and substitute the following:

- “(n) the extent to which the development has already been advanced (if

at all) in accordance with the permission granted in respect thereof under section 293, and

- (o) relevant materials within the meaning of subsection (5) of section 297.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

247.In page 173, lines 35 and 36, to delete “30 days” and substitute “56 days”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

248.In page 174, between lines 2 and 3, to insert the following:

- “(iia) that a copy of the application, and any further or additional information submitted on the application subsequently will be available on the application website and on the website of the Board.”.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn, Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

249.In page 179, line 6, to delete “Chapter,” and substitute “Chapter”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

250.In page 179, to delete lines 12 to 23 and substitute the following:

“**308.** (1) The following provisions shall not apply in relation to the maritime area, and accordingly references in those provisions to functional area, administrative area or area of a planning authority or local authority shall not include references to the nearshore area of a coastal planning authority:

- (a) Parts II (other than sections 28, 29 and 30), IIA, IV, V, IX, XIII and XVI; and
- (b) sections 37A, 37B, 37C, 37D, 37E, 37F, 37G, 37H, 37I, 37J, 37K, 37L, 37M, 37N, 37O, 37P, 37Q, 37R, 37S, 261, 261A and 266.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

251.In page 179, to delete lines 35 to 37, and in page 180, to delete lines 1 to 3 and substitute the following:

“**309.** (1) The relevant provisions shall apply to—

- (a) maritime development,
- (b) proposed maritime development, and
- (c) the maritime area,

as if references to land or the land were references to a maritime site.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[SECTION 166]

252. In page 180, line 12, to delete “State Property Act 1954” and substitute “Act of 1954”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

253. In page 180, between lines 18 and 19, to insert the following:

“(6) A power conferred on a local authority by a relevant provision (by virtue of the operation of this section) to compulsorily acquire a maritime site shall not apply to a maritime site that vests in a Minister of the Government by virtue of section 5 of the Act of 1954.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

254. In page 180, to delete lines 19 to 21 and substitute the following:

“(7) In this section—

‘Act of 1954’ means the State Property Act 1954; and

‘relevant provision’ means a provision of this Act specified in Part 1 of the Ninth Schedule (inserted by *section 168* of the *Maritime Area Planning Act 2021*).”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

255. In page 180, to delete lines 23 to 38 and substitute the following:

“310. (1) Subject to section 308, this Act (other than this Part and paragraph (b) of subsection (1) of section 31Q) shall apply to—

- (a) maritime development,
- (b) proposed maritime development, and
- (c) the maritime area,

as if references to proper planning and sustainable development were references to maritime spatial planning.

(2) Subject to section 308, this Act (other than this Part) and paragraph (c) of subsection (3) of section 179) shall apply to—

- (a) maritime development,
- (b) proposed maritime development, and
- (c) the maritime area,

as if references to principles of proper planning and sustainable development were references to objectives of maritime spatial planning.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

256. In page 180, to delete line 40, and in page 181, to delete lines 1 to 6 and substitute the following:

“311. (1) Subject to section 308, this Act (other than this Part, section 178A,

[SECTION 166]

subsection (18) of section 12, subsection (14) of section 13 and paragraph (c) of subsection (3) of section 179) shall apply to—

- (a) maritime development,
- (b) proposed maritime development, and
- (c) the maritime area,

as if references to the National Planning Framework were references to the National Marine Planning Framework.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

257.In page 181, to delete lines 8 to 14 and substitute the following:

“**312.** (1) The relevant provisions shall apply to—

- (a) maritime development,
- (b) proposed maritime development, and
- (c) the maritime area,

as if references to a development plan or the development plan were references to the National Marine Planning Framework.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

258.In page 181, line 32, to delete “development in the outer maritime area” and substitute “development situated wholly or partly in the outer maritime area”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

259.In page 182, line 12, to delete “Part X” and substitute “Subject to section 289, Part X”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

260.In page 182, line 24, to delete “a planning authority” and substitute “planning authority”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

261.In page 182, to delete lines 32 to 36 and substitute the following:

“(2) In this section ‘excluded provision’ means—

- (a) section 175,
- (b) subsections (1) and (2) of section 173,
- (c) subsection (9) of section 173C,
- (d) subsections (1) and (2) of section 174, and
- (e) paragraphs (a), (b) and (c) of subsection (3), and subsection (4), of section 172.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[SECTION 166]

262. In page 183, between lines 29 and 30, to insert the following:

“Consultation by coastal planning authority with Maritime Area Regulatory Authority

320. (1) A coastal planning authority may consult with the Maritime Area Regulatory Authority for the purposes of this Part.
- (2) A coastal planning authority may, for the purpose of the performance of its functions under Part III and this Part, request the Maritime Area Regulatory Authority to provide the coastal planning authority with such information (including information in relation to an applicant for permission for development referred to in subsection (3) of section 281) as is in the possession, or procurement, of the Maritime Area Regulatory Authority.
- (3) The Maritime Area Regulatory Authority shall accede to a request under subsection (2).

Consultation by Board with Maritime Area Regulatory Authority

321. (1) The Board may consult with the Maritime Area Regulatory Authority for the purposes of this Part.
- (2) The Board may, for the purpose of the performance of its functions under this Part, request the Maritime Area Regulatory Authority to provide the Board with such information (including information in relation to an applicant under section 291 or requesting person within the meaning of Chapter III) as is in the possession, or procurement, of the Maritime Area Regulatory Authority.
- (3) The Maritime Area Regulatory Authority shall accede to a request under subsection (2).”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

263. In page 183, to delete lines 30 to 42, and in page 184, to delete lines 1 to 22.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 170

264. In page 186, between lines 13 and 14, to insert the following:

“(c) in the case of any other foreshore authorisation under *section 3*, the coming into operation of *Part 5* of the Act of 2021;”.

—Paul McAuliffe.

SECTION 171

265. In page 186, between lines 14 and 15, to insert the following:

“Amendment of section 1A of Act of 1933

171. Section 1A of the Act of 1933 is amended by the addition of the following subsection after subsection (2)—

[SECTION 171]

(3) Notwithstanding subsection (1), for the purpose of a licence pursuant to section 3 of this Act in respect of:

- (i) Marine surveys for the purposes of scientific research; and
- (ii) Marine surveys for the purposes of site investigations or in support of an application under Part XXI of the Planning and Development Act 2000, the outer limit of the foreshore shall be deemed to extend to the outer limit of the continental shelf.”.

—Paul McAuliffe.

SECTION 175

266. In page 187, between lines 7 and 8, to insert the following:

“Environmental impact assessments – special cases

175. The Act of 1933 is amended by the insertion of the following section after section 13B:

“13C. (1) Subsection (2) applies where a local authority that is a planning authority (within the meaning of the Act of 2000)—

(a) applies for approval for a proposed development under—

- (i) section 226 of the Act of 2000, or
- (ii) on and after the coming into operation of *section 12(2) of the Maritime Area Planning Act 2021*, section 175 of the Act of 2000,

or

(b) has an approval referred to in paragraph (a).

(2) Notwithstanding the provisions of any other enactment, it shall not be necessary for—

- (a) the local authority to submit an Environmental Impact Assessment Report in connection with its application under this Act for a lease or licence for the proposed development, or
- (b) the appropriate Minister to undertake an environmental impact assessment in determining an application referred to in paragraph (a).”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 181

267. In page 188, to delete lines 26 to 36, and in page 189, to delete lines 1 to 9.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

268. In page 189, after line 9, to insert the following:

“(d) For the avoidance of doubt, with regard to paragraph (c), the scope of the relevant licence does not include facilities which comprise

[SECTION 181]

generator network located on the generator side of the point of connection to the transmission system.”.”.

—Emer Higgins, Paul McAuliffe.

SCHEDULE 3

269.In page 204, to delete lines 14 to 17.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

270.In page 204, to delete lines 22 to 24.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

271.In page 204, between lines 24 and 25, to insert the following:

“9. Subject to *sections 108* and *114*, any *Schedule 7* usage (within the meaning of *section 107*) undertaken, or proposed to be undertaken, in the maritime area.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SCHEDULE 4

272.In page 205, line 8, to delete “*section 108*” and substitute “*sections 108* and *114*”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

273.In page 205, to delete lines 18 to 21.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

274.In page 205, to delete lines 26 to 28.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SCHEDULE 5

275.In page 206, line 18, to delete “and offshore transmission system operator”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

276.In page 206, line 18, after “operator” to insert “and to optimise the use of the existing transmission network”.

—Emer Higgins, Paul McAuliffe.

277.In page 206, between lines 25 and 26, to insert the following:

“11. Where a competitive process referred to in *section 89* or *99* is used, the outcome of such process.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SCHEDULE 6

278.In page 207, to delete lines 22 to 24 and substitute the following:

“5. A condition specifying the date on or before which the application for the planning permission concerned shall be made.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[SCHEDULE 6]

279.In page 207, to delete lines 22 to 24 and substitute the following:

- “5. A condition providing for the MAC to expire if the holder of the MAC has not applied for development permission for the maritime usage the subject of the MAC within a specified period commencing from the date of the grant of the MAC.”.

—Emer Higgins.

280.In page 208, line 38, to delete “give a notice” and substitute “give notice”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

281.In page 209, between lines 16 and 17, to insert the following:

- “21. A condition requiring the holder of a MAC to prepare, publish, maintain, update and adhere to a plan relating to public engagement on all or any matters relating to the maritime usage the subject of the MAC.
22. A condition requiring the holder of a MAC which is not an individual to follow steps specified by the MARA relating to any prospective change of control in the ownership of the holder.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SCHEDULE 7

282.In page 210, to delete line 34 and substitute the following:

- “10. The harvesting, disturbance or removal of seaweed, whether growing or rooted on the seabed, or deposited in or washed up thereon by the action of any one or more than one of the following:
- (a) tides;
 - (b) winds;
 - (c) waves.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

283.In page 210, to delete lines 37 to 40 and substitute the following:

- “12. (a) The removal of beach material from, or the disturbance of beach material in, the maritime area otherwise than in the course of the ordinary or reasonable recreational enjoyment of the maritime area.
- (b) In this paragraph, “beach material” means sand, clay, gravel, shingle, stones, rocks, mineral substances, seashells, coral and maerl and any flora, in or on the surface of the seabed or suspended in the water of the maritime area, and includes outcrops of rock or any other mineral substance above the surface of the seabed.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

284.In page 210, after line 40, to insert the following:

- “13. The laying or installation of telecommunications cables or ducting by or between coastal States where such cables or ducting pass through the exclusive economic zone

[SCHEDULE 7]

(as construed in accordance with the Act of 2021) or the continental shelf but do not land in the State.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SCHEDULE 8

285.In page 214, after line 14, to insert the following:

“19. A condition that would ensure continued benefits to the local community, area, environment or economy.”.

—Eoin Ó Broin, Thomas Gould, Pádraig Mac Lochlainn.

SCHEDULE 10

286.In page 217, line 20, to delete “telecommunications cable” and substitute “telecommunications cable or pipeline”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

287.In page 218, line 10, to delete “soil” and substitute “soil, seabed or substrata beneath the soil or seabed”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

288.In page 218, to delete lines 11 and 12 and substitute the following:

“(a) geothermal purposes, or”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

289.In page 218, line 13, to delete “(c)” and substitute “(b)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

290.In page 219, line 31, to delete “tonnes.” and substitute “tonnes.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

291.In page 219, after line 31, to insert the following:

“22. Development consisting of—

(a) prospecting for—

(i) minerals (within the meaning of the Minerals Development Act 1940) in accordance with a licence under section 9 or 22 of that Act, or

(ii) minerals (within the meaning of the Minerals Development Act 2017) in accordance with a licence under section 65 or 102 of that Act,

(b) working (within the meaning of the Minerals Development Act 1940) of such minerals in accordance with a licence under section 9 or 22 of that Act,

(c) working (within the Minerals Development Act 2017) of such minerals in accordance with a licence under section 65 or 102 of that Act, or

[SCHEDULE 10]

- (d) the restoration of the area in which such prospecting for, or working of, such minerals has taken place.”.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SCHEDULE 11

292.In page 220, to delete lines 27 and 28 and substitute the following:

- “2. Subsection (6) of section 34.
3. Subsection (2) of section 177K.
4. Subsection (2) of section 247.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SCHEDULE 12

293.In page 224, to delete lines 17 to 25 and substitute the following:

“

	(ab) development by a coastal planning authority that— (i) owns the maritime site on which the development is proposed to be situated, or (ii) is the holder of a maritime area consent granted for the occupation of a maritime site for the purposes of the proposed development, in its nearshore area;”.
--	---

”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

294.In page 225, to delete lines 4 to 28.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

295.In page 225, to delete lines 29 to 34 and substitute the following:

“

	(c) development consisting, or for the purposes, of the construction or operation, in accordance with a consent under subsection (1) of section 40 of the Gas Act 1976, of an upstream pipeline,
--	--

”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[SCHEDULE 12]

296. In page 225, to delete lines 35 to 38 and substitute the following:

“

		(d) development for the purposes, or consisting, of dumping within the meaning of the Dumping at Sea Act 1996;
--	--	--

”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

297. In page 225, to delete lines 39 to 47 and substitute the following:

“

		(e) development authorised under section 638 of the Merchant Shipping Act 1894 or section 3 of the Merchant Shipping (Commissioners of Irish Lights) Act 1997 by the Commissioners of Irish Lights for the purposes, or consisting, of the placement of aids to navigation;
--	--	---

”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

298. In page 226, to delete lines 1 to 4 and substitute the following:

“

		(f) activities that are the subject of, or require, a licence under <i>Part</i> of the <i>Maritime Area Planning Act 2021</i> ;
--	--	---

”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

299. In page 226, to delete lines 5 to 7 and substitute the following:

“

		(g) development consisting of the use of any land or maritime site for the purposes of—
--	--	---

”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[SCHEDULE 12]

300. In page 226, to delete lines 11 to 17 and substitute the following:

“

		(1B) Development referred to in paragraph (a), (d), (e), (f) or (g) of subsection (1A) shall not be exempted development if an environmental impact assessment of the development is required.
--	--	--

”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

301. In page 226, to delete lines 18 to 24 and substitute the following:

“

		(1C) Development referred to in paragraph (a), (d), (e) or (g) of subsection (1A) shall not be exempted development if an appropriate assessment of the development is required.”.
--	--	--

”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

302. In page 226, between lines 26 and 27, to insert the following:

“

4.	Section 12	<p>The following subsection is substituted for subsection (18):</p> <p>“(18) In this section ‘statutory obligations’ includes—</p> <p>(a) in relation to a local authority, the obligation to ensure that the development plan is consistent with—</p> <p>(i) the national and regional development objectives specified in—</p> <p>(I) the National Planning Framework, and</p> <p>(II) the regional spatial and economic strategy, and</p> <p>(ii) specific planning policy requirements specified in guidelines under subsection (1) of section 28, and</p>
----	------------	--

[SCHEDULE 12]

		<p>(b) in relation to a local authority that is a coastal planning authority, the obligation to ensure that the development plan is, in addition to being consistent with the obligation referred to in paragraph (a), consistent with the National Marine Planning Framework.”.</p>
5.	Section 13	<p>The following subsection is substituted for subsection (14):</p> <p>“(14) In this section ‘statutory obligations’ includes—</p> <p>(a) in relation to a local authority, the obligation to ensure that the development plan is consistent with—</p> <p>(i) the national and regional development objectives specified in—</p> <p>(I) the National Planning Framework, and</p> <p>(II) the regional spatial and economic strategy, and</p> <p>(ii) specific planning policy requirements specified in guidelines under subsection (1) of section 28, and</p> <p>(b) in relation to a local authority that is a coastal planning authority, the obligation to ensure that the development plan is, in addition to being consistent with the obligation referred to in paragraph (a), consistent with the National Marine Planning Framework.”.</p>
6.	Section 23	<p>Subsection (3) is amended, in paragraph (a), by the insertion of the following subparagraph:</p> <p>“(iiia) the National Marine Planning Framework, in circumstances where the strategy is likely to affect the maritime area.”.</p>
7.	Section 31	<p>Subsection (1) is amended, in paragraph (ba), by—</p> <p>(a) the deletion, in subparagraph (i), of “or”, and</p> <p>(b) the insertion of the following subparagraph:</p>

[SCHEDULE 12]

		“(ia) the National Marine Planning Framework, or”.
8.	Section 31Q	<p>Subsection (1) is amended—</p> <p>(a) in paragraph (a), by the insertion of the following subparagraph:</p> <p style="padding-left: 40px;">“(ia) the role of such members, authorities and assemblies in relation to guidelines under <i>section 7</i> of the <i>Maritime Area Planning Act 2021</i> and directives under <i>section 8</i> of that Act,” and</p> <p>(b) in paragraph (b), by the substitution of the following subparagraph for subparagraph (i):</p> <p style="padding-left: 40px;">“(i) such matters as the Minister may specify relating to—</p> <p style="padding-left: 80px;">(I) proper planning and sustainable development, and</p> <p style="padding-left: 80px;">(II) maritime spatial planning, and”.</p>
9.	Section 31S	<p>Subsection (1) is amended—</p> <p>(a) in paragraph (a), by—</p> <p style="padding-left: 40px;">(i) the insertion, after “Chapter IV of Part II”, of “or <i>section 7</i> or <i>8</i> of the <i>Maritime Area Planning Act 2021</i>,” and</p> <p style="padding-left: 40px;">(ii) the insertion, after “rural,” of “or maritime spatial planning,” and</p> <p>(b) in paragraph (c), by the insertion, after “Strategy”, of “, the National Marine Planning Framework”.</p>
10.	Section 31AM	Subsection (2) is amended, in paragraph (b), by the insertion of “and the National Marine Planning Framework” after “National Spatial Strategy”.
11.	Section 31AQ	Subsection (2) is amended, in paragraph (b), by the insertion of “and the National Marine Planning Framework” after “National Spatial Strategy”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

303. In page 226, to delete lines 42 to 45 and substitute the following:

“

9.	Section 125	The following subsection is inserted:
----	-------------	---------------------------------------

[SCHEDULE 12]

		“(2) This Chapter (other than sections 126, 127, 128, 129, 130, 131, 132, 133 and 134) shall apply to— (a) applications under section 291, and (b) requests under section 297.”, and section 125 as it stood immediately before the insertion of the foregoing shall be referred to as subsection (1) of section 125.
--	--	--

”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

304. In page 227, to delete lines 37 to 42 and substitute the following:

“

		“(1A) Summary proceedings for an offence under this Part may be brought and prosecuted by the Maritime Area Regulatory Authority whether or not the offence is committed in the maritime area.”.
--	--	--

”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

305. In page 229, between lines 7 and 8, to insert the following:

“

20.	Section 173	Subsection (1) is amended by the insertion, after “section 34(3)”, of “or Chapter III of Part XXI”.
-----	-------------	---

”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

306. In page 237, to delete lines 1 to 5 and substitute the following:

“

		“Development in maritime area by local authority or State authority 178A. (1) A local authority shall not carry out, or make an agreement with another person for the carrying out, of development in the maritime area, unless—
--	--	---

”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

[SCHEDULE 12]

307. In page 237, to delete lines 19 to 21 and substitute the following:

“

		(2) A State authority shall not carry out, or make an agreement with another person for the carrying out, of development in the maritime area, unless—

”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

308. In page 243, between lines 11 and 12, to insert the following:

“

37.	Section 182	<p>The following subsection is inserted:</p> <p>“(1A) A local authority shall not be eligible to apply for approval referred to in subsection (1) for development on a maritime site, and no such approval shall be given to a local authority, unless the local authority—</p> <ul style="list-style-type: none"> (a) is the holder of a maritime area consent granted for the occupation of the maritime site for the purposes of the proposed development, (b) is the owner of land on which it is proposed to carry out the development concerned, or (c) makes the application with the consent, or on behalf, of the owner of land on which it is proposed to carry out the development concerned.”.
-----	-------------	---

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.