

SEANAD ÉIREANN

AN BILLE UM PLEANÁIL AGUS FORBAIRT, NITHE MUIRÍ AGUS LUACHÁIL (LEASÚ), 2022

[Meastar a tionscnaíodh i nDáil Éireann]

PLANNING AND DEVELOPMENT, MARITIME AND VALUATION (AMENDMENT) BILL 2022

[Considered as initiated in Dáil Éireann]

athraithe ó

changed from

AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ) (UIMH. 2), 2022 PLANNING AND DEVELOPMENT (AMENDMENT) (NO. 2) BILL 2022

Leasuithe Tuarascála Report Amendments

*[The page and line references in this list of amendments
are to the text of the Bill as passed by Dáil Éireann.]*

**Government amendments are denoted by an asterisk*

1. In page 11, to delete lines 31 to 37.

—Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins.

2. In page 11, to delete lines 38 to 40, to delete pages 12 to 14, and in page 15 to delete lines 1 to 23.

—Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins.

3. In page 16, to delete lines 31 to 38, to delete pages 17 and 18, and in page 19 to delete lines 1 to 7.

—Senator Alice-Mary Higgins.

4. In page 19, to delete lines 8 to 23.

—Senator Alice-Mary Higgins.

5. In page 19, to delete lines 24 to 27.

—Senator Alice-Mary Higgins.

6. In page 22, to delete lines 33 to 38 and in page 23, to delete lines 1 to 14.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins.*

7. In page 23, to delete lines 21 to 26 and substitute the following:

“(a) in paragraph (f), by the deletion of “an application for leave to apply for substitute consent or”.”.

—*Senator Alice-Mary Higgins.*

8. In page 23, to delete lines 27 to 29.

—*Senator Alice-Mary Higgins.*

9. In page 29, to delete lines 27 to 36 and in page 30, to delete lines 1 to 11.

—*Senator Alice-Mary Higgins.*

10. In page 30, to delete lines 12 to 31.

—*Senator Alice-Mary Higgins.*

11. In page 30, to delete lines 32 to 39, to delete pages 31 and 32, and in page 33 to delete lines 1 to 5.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins.*

12. In page 33, to delete lines 6 to 10.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins.*

13. In page 33, to delete lines 11 to 25.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins.*

14. In page 35, to delete lines 20 to 39 and substitute the following:

“(2) Where, but for this subsection, a public body would not be able to perform, in relation to any matter whatsoever, one or more than one of its public functions by virtue of the matter relating, whether in whole or in part, to the continental shelf or any part thereof, then, by virtue of this subsection, the public body may perform the public function concerned in relation to that matter as if the continental shelf or the part thereof concerned were a part of the State where the public body may perform such function, and the other provisions of this Act or of any other enactment shall, with all necessary modifications, be construed accordingly. This subsection extends the provisions of the Maritime Jurisdiction Act 2021 and shall be construed as one with that Act and may be cited together as the Maritime Jurisdiction Acts 2021 to 2022.

- (3) The Government, a public body, including the MARA, the Minister before and after establishment day, and any chief executive of the MARA including any chief executive designate of the MARA appointed prior to establishment day under subsection (9) of section 56 (inserted by *section 28 of the Planning and Development, Maritime and Valuation (Amendment) Act 2022*), shall, in the performance, in relation to any matter whatsoever, of its functions under this Act or any enactment amended by this Act shall—
- (a) comply with—
- (i) the obligations placed on the State by the Convention,
- (ii) the obligations in respect of the rights of the public or any class of the public over the foreshore in relation to navigation and fishing,
- (b) have regard to and promote the conservation of seagrass and seagrass meadows for the sequestration of carbon and its ability to halt the spread of marine plastic and, where such conservation is not practically compatible with the marine usage concerned, the provision of compensatory measures promoting the growth of seagrass and seagrass meadows elsewhere.
- (4) The holder of a MAC in carrying out maritime usage authorised under this Act, shall act in accordance with the matters set out in subsection (3)(a), and shall act in accordance with requirements indicated by any body in accordance with subsection (3)(b).
- (5) The holder of a MAC shall not accrue any financial or other benefit or interest from the development of seagrass or seagrass meadows in respect of any area they hold for which a MAC has been authorised under this Act, and notwithstanding anything elsewhere in this Act, such benefits and interests remain the exclusive interest of the State.
- (6) For the purposes of this section, ‘foreshore’ means the bed and shore, below the line of high water of ordinary or medium tides, of the sea and of every tidal river and tidal estuary and of every channel, creek, and bay of the sea or of any such river or estuary, and shall extend seaward to the ‘outer limit of the continental shelf’ as defined in Part 4 of the Maritime Jurisdiction Act 2021. This meaning is without prejudice to the general definition of ‘foreshore’ in section 2 of this Act.
- (7) For the purposes of this section, ‘public authority’ shall not include Coillte or Bord na Móna.”.

—*Senator Alice-Mary Higgins.*

15. In page 36, line 30 to delete “eight weeks” and substitute “three months”.

—*Senator Alice-Mary Higgins.*

16. In page 38, to delete lines 8 to 18 and substitute the following:

“(ii) where the decision or act concerned relates to a development which may have significant effects on the environment, the applicant is 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.”.

—*Senator Alice-Mary Higgins.*

17. In page 40, to delete lines 16 to 41 and in page 41, to delete lines 1 to 17.

—*Senator Alice-Mary Higgins.*

18. In page 46, between lines 8 and 9 to insert the following:

“(8A) In circumstances where the MARA has determined that swifter action is needed to either avoid or limit environmental damage related to the matter the subject of the enforcement notice—

- (a) the requirement of subsection (4) shall not apply, and
- (b) the timeframes specified in subsection (8)(a) may be reduced and determined by the MARA.”.

—*Senator Alice-Mary Higgins.*

19. In page 50, to delete lines 14 to 19:

- “(a) the MARA,
- (b) a member of staff of the MARA (including a person referred to in section 64(5)),
- (c) an authorised officer,
- (d) a member of the Garda Síochána,
- (e) an authorized officer of the National Parks and Wildlife in performing its functions including relation to the conservation of seagrass or seagrass meadows or in respect of habitats or species or habitats for species protected under any national enactment or any obligation consequent on the State’s membership of the European Union, or any International Treaty to which the State is party to,
- (f) any officer authorised under any enactment of the State where the officer is pursuing the conservation or protection of the environment or any element thereof,
- (g) the coastguard,
- (h) the defence forces, or
- (i) a member of a public body in the performance of that body’s public functions, including public functions on the continental shelf

referred to in section 3 of this Act (as amended by the *Planning and Development, Maritime and Valuation (Amendment) Act 2022*), or a person or body authorized to act on their behalf.”.

—*Senator Alice-Mary Higgins.*

20. In page 51, to delete lines 4 to 40 and to delete pages 52 to 53.

—Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.

21. In page 51, to delete lines 14 to 40, to delete page 52 and in page 53 to delete lines 1 to 26.

—*Senator Alice-Mary Higgins.*