

**Department of Housing, Local Government and Heritage,
Opening Statement to the Joint Committee
Marine Planning and Development Management Bill
24 November 2020**

Good morning everyone. Thank you for inviting the Department to meet with the Committee to discuss the Marine Planning and Development Management Bill. My name is Conor McCabe and I am the Principal Officer in the Department's Marine Planning Policy and Legislation Unit. I am accompanied today by Bernard Nolan, Assistant Principal and, by video link, Tom Woolley, Marine Planning Advisor, both of whom are also members of the Unit.

Overview

In order to support a marine that Ireland can use, enjoy and benefit from socially, environmentally and economically, the Government is putting in place a comprehensive new approach which will result in the biggest reform of marine governance in a century.

Two key work programmes my Unit has responsibility for are the National Marine Planning Framework which sets out both overarching and sectoral planning policies to shape marine development and activities to 2040 as well as the MPDM Bill which underpins the new planning system.

The MPDM is a key enabler of Ireland's decarbonisation goals and as such, the Programme for Government has committed to prioritising the passage of a balanced and Aarhus-compliant MPDM Bill through the Oireachtas by April.

Maritime Area

The Maritime Area comprises approx. 490,000 km² and extends eastward in excess of 200 nautical miles in parts. This area is seven times the landmass of our land area. Ireland is 85% water. The current marine consent system only covers the Foreshore Area.

Marine Planning Challenge

A planning system generally comprises three main elements:

- Forward planning
- Development Management
- Enforcement

The existing system lacks coherence and consistency: no forward planning framework; multiple development management systems operating independently; and fragmented enforcement.

The MPDM is the State's vanguard response to the pressing need for reform of marine governance. The draft Bill gives legal underpinning to an entirely new marine planning system for a coherent, end-to-end forward planning, development management, and enforcement regime.

Forward planning

Our marine planning system will move towards being plan-led through the National Marine Planning Framework. The NMPF is a parallel document to the National Planning Framework (NPF). Both of these spatial plans are concerned with the long-term future of our land and sea area, identifying opportunities for protection, growth and development so that our land and marine areas can be managed in the best interests of the Public.

The NPF recognises the importance of integration and co-ordination with the land planning regime at national, regional and local levels. In future it will be equally important in turn that national, regional and local terrestrial plans are consistent with the NMPF – and they will be required to do so under the MPDM. Many activities and uses that take place on land or in the sea can have impacts on both the land and the maritime area. The MPDM will require that these interactions are considered.

The MPDM provides for Strategic Marine Activity Zones. Any Minister can bring forward zone designation proposals subject to public participation and collective government decision. Once approved, the zone becomes part of the NMPF. This ensures a joined-up approach to marine forward planning with binding considerations for decision makers.

Development Management

The MPDM will replace the antiquated Foreshore Act with a new Maritime Area Consent (MAC) to manage the occupation of the maritime area. This means that a Maritime Area Consent will be issued by the relevant Minister. A developer on receipt of this can then, and only then, proceed to An Bord Pleanála or a local authority for planning permission as appropriate. This streamlines the application process to a two-stage procedure.

This sequential regime, with clearly delineated roles for Ministers and planning authorities, streamlines the existing disjointed system and ensures a single environmental assessment.

Enforcement

Following a recent decision by Government, an independent enforcement body will be established to assume the marine planning enforcement role. The Department is currently reviewing advice from the Attorney General's Office with regard to the establishment of this Agency and will update the Bill accordingly.

MPDM and the Aarhus Convention

The pillars of the Aarhus convention are the foundation on which the MDPM regime stands. Effective and meaningful public participation is a fundamental feature of the new regime at a policy and project levels. Participation at a policy level maximises the opportunities for the public to influence how decisions are made. Pre-application requirements ensure visibility of projects and early consideration of issues by developers. Established planning procedures provide the formal engagement opportunity in the context of comprehensive project information.

Conclusion

The MPDM will deliver a better planned and better managed maritime area, with a coordinated, inclusive and coherent approach to decision-making and governance, including the long-term vision for proper management, enforcement and environmental protection of our seas.

That concludes my statement on the Marine Planning and Development Management Bill. I thank the Committee Members for their interest and we are happy to answer your questions.