



Presentation to the Joint Oireachtas Committee on Housing, Local Government and Heritage on the Marine Planning and Development Management Bill

December 3rd 2020

We'd very much like to thank the committee for the invitation to engage with you during this pre-legislative scrutiny of the Marine Planning and Development Management Bill 2020, and we wish to acknowledge the assistance of the secretariat. Insert for delivery: I am joined here this morning by my colleague Attracta Uí Bhroin, Environmental Law Officer of the Irish Environmental Network, the coalition of National eNGOs of which the Irish Wildlife Trust is a member. There is no need to emphasise the importance of this legislation, something which has been underlined at this committee by the witnesses from both departments and industry and the committee's appreciation has been evident in its questioning. The Irish Wildlife Trust and our colleagues across the Irish Environmental Network want to emphasise that we are fully supportive of sustainable development and wise use of the marine environment.

We are deeply conscious not only of our legally binding targets on greenhouse gas emissions reductions but even more importantly the reality of climate change and the inter-twinned biodiversity crisis.¹ We are also sensitive to the need for a 'just transition', the exciting new appetite to 'build back better' and of the great opportunities for Ireland in moving to a truly 'green' economy.

Therefore in principle, we welcome the potential to address both climate action and potentially significant economic and social outcomes from the development of offshore renewable energy. We are conscious of how this has been presented as being a core imperative of this bill, and something which is driving the need to advance it quickly to facilitate investment and the delivery of infrastructure.

¹ *In listening to science, and observing the natural world, our sector has for long been to fore on the call for action and in highlighting climate change, and the catastrophic impacts this will have for societies, economies, and the environment both here in Ireland, and particularly and most unjustly for those under-developed nations who have contributed least to the causes of climate change.*

However in our haste we need to be sure we do not overlook matters which will cause problems down the line and potentially damage our international reputation as a place to do business. We have specific concerns that the legislation in its current form fails to adequately address the wider policy context upon which true sustainable development ultimately depends. We have specific concerns and recommendations in that regard.

In the first instance, significant focus has been understandably brought to bear on the development elements of the bill. But we mustn't lose sight of the fact that the purpose of this bill is to provide a framework for sustainable planning in the marine environment and so should not be fashioned to facilitate the development of one sector only.

In our view, the General Scheme does not adequately address the requirements of the Maritime Spatial Planning Directive. The Marine Spatial Plan required by the Directive must be established by end of March 2021. The draft spatial plan (The Draft National Marine Planning Framework, DNMPF) published for consultation earlier in 2020 is not, we believe, adequate in terms of the directive. These are potential issues for the bill and strategy.

The Maritime Spatial Planning Directive is central to outlining what this bill needs to do and how as well as the planning context to be created. This in turn will inform how we as an EU Member State are legally obliged to address our stewardship of the marine environment and our approach to management of development within it. Without this framework, future development in the marine environment will be beset by issues of legal uncertainty, something that is not good for business, the environment or our citizens.

We would welcome the opportunity to share and discuss further this morning our legal concerns and recommendations particularly in respect of the requirements of the Marine Spatial Planning Directive and Ireland's inadequate response to it, and to flag other matters in the Heads including on policy, public participation, and to touch on the importance of cetaceans in this context. We should also learn the hard lessons from other expedited legislation such as that for strategic housing developments, which has not delivered what is needed or promised.

Secondly, as we turn to expand focus on infrastructure development in the marine environment, we need to recognise the significant damage which has already been inflicted on our ocean ecosystem. The impacts of over-fishing, destruction of marine habitats, pollution – including from raw sewage discharges and plastic waste – has led to a loss of economic and amenity value as well as a catastrophic collapse in marine life. These effects are both exacerbated by, and contribute to, global heating – leading to sea level rise, extreme weather events and ocean acidification which will devastate coastal and low lying areas of Ireland.

A vital response to this is the creation of Marine Protected Areas. While Ireland has committed to the expansion of Marine Protected Areas to cover 10% of our seas by 2020, and 30% by 2030, to date only around 2.5% enjoys nominal protection and even in these small areas a lack of management is leading to the deterioration of habitats and loss of biodiversity.

Our approach to planning and development cannot be considered sustainable in the absence of a far more proactive approach to restoration, protection and conservation. Yet we see that the process for creating Marine Protected Areas has been omitted from the bill and is being left as something we can squeeze in later, when every other interest is provided for. This would be another fatal flaw in the overall approach being pursued here. We recommend the Marine Planning and Development Bill, therefore, must include provisions for the designation and management of Marine Protection Areas, and the process of delivering on this must be prioritised for the overall marine strategy to be successful

Finally, we hope to raise our concerns in relation to the approach to aquaculture and fisheries and their relevance here. Aquaculture and marine fishing can be low impact activities that actively benefit local economies and coastal communities however poor regulation and management has resulted in negative impacts to important areas for biodiversity, the loss of economic opportunity, the introduction of alien invasive species and the destruction of habitats even within existing Marine Protected Areas. It is important that these activities are not siloed from the marine planning process.

We now have a valuable opportunity to develop a new approach to economic activity in the marine environment. One that benefits long term sustainability of diverse local economies and coastal communities and the wider public interest. But this is placed at risk if we pursue a short sighted and excessively limited view of the opportunities here, precipitated by an intense drive by private interests.

This is something we wish to highlight to you as legislators and public representatives. We recommend that a focus on Marine Protected Areas has to be prioritised and as a matter of law and public interest can't be left as an after-thought.

We really welcome this as a constructive opportunity to make sure we engage together to get this right. Thank-you for your attention, and we look forward to responding to your questions as best we can, and to follow-up additionally where necessary, given the scale and complexity of the General Scheme and the extent to which exactly what is proposed and how issues will be resolved is regrettably still unclear.



Unprotected Area

Marine Protected Area

Ocean
Conservancy
Start a Sea Change