

Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy

Submission from MSP Section, Department of Housing, Planning and Local Government (DHPLG)

Introduction

DHPLG welcomes the prominence given to the marine sector in the draft RSES. It is appropriate to recognise the valuable contribution that sustainable utilisation of marine resources can make to balanced regional development and quality of life for citizens, while at the same time acknowledging that this goes hand-in-hand with the protection of the marine environment.

In this submission we provide information on:

- developments to date on preparing Ireland's first National Marine Planning Framework;
- measures taken to ensure that there is close integration between terrestrial and marine planning processes; and
- legal obligations to be fulfilled by Planning Authorities arising from marine planning legislation.

National Marine Planning Framework – Developments to Date

The process of developing Ireland's first National Marine Planning Framework (NMPF) commenced in December 2017 with the publication of a roadmap document, [*Towards a Marine Spatial Plan for Ireland*](#), setting out general arrangements and timelines for development of the plan by end-2020.

As anticipated in the roadmap a number of key milestones have already been achieved:

- An **Interdepartmental Group** has been established to lead and oversee the development of the plan. All Government Departments whose policies and functions are relevant to the plan are represented, as well as one representative from the local government sector and one from the Marine Institute.
- An **Advisory Group** chaired by Minister of State Damien English has been established to ensure the effective participation in the process of the economic, environmental and social pillars. It comprises members drawn from groups representing various marine sectoral activities, State agencies, environmental non-governmental organisations, professional bodies, technical experts and third level education. Membership of the Group is attached.
- In terms of **public participation**, the MSP Team has been involved in extensive public and stakeholder engagement to raise awareness of marine planning and how interested parties may engage with the plan-making process. A variety of methods have been used including: public events in almost all coastal counties, targeted sessions with marine sector stakeholders, speaking slots at conferences and seminars, social media/Twitter, press and broadcast media, website, and direct contacts with 600+ stakeholders on an email contact list. During 2018, the MSP Team has held in excess of 100 engagement meetings with the public and stakeholders. **We are very grateful for the assistance provided by Local Authorities for many of these events; some were held in Local Authority premises, while others were facilitated by Local Authority Planning Departments or Public Participation Networks.**
- In September 2018 Minister English published the [NMPF Baseline Report](#) for a consultation period of three months. This was the first opportunity for the public and stakeholders to formally participate in the planning process. The Baseline Report sets out the policy, legislative and regulatory context for marine planning in general and, more specifically, for the development of Ireland's first plan. It provides a description of the "as is" situation in terms of existing sectoral development and activities in Ireland's maritime area, including an identification of the future opportunities and constraints for each. Based on discussions at the Advisory Group an initial elaboration was made of potential high-level objectives for Ireland's first National Marine Planning

Framework. A number of consultation questions or issues were provided which were intended to prompt discussion and consideration amongst stakeholders.

- Consultation on the Baseline Report is now closed. Feedback in submissions received will inform the preparation of the **first draft NMPF**, which is intended to be published in mid-2019 for a further round of consultation. Ireland's final NMPF is scheduled for delivery in late 2020.

Marine Planning High Level Objectives

The Baseline Report suggests a number of strategic objectives for marine planning that are (a) high-level in nature; (b) aim to guide the MSP process towards achieving the vision, goals and targets envisaged by *Harnessing Our Ocean Wealth – Ireland's integrated marine plan*; and (c) will fulfil the requirements of the EU MSP Directive to pursue economic, social and environmental objectives in marine spatial planning processes and plans:

1. Promote the **sustainable development** of a thriving ocean economy.
2. Establish robust **governance**, policy and planning frameworks to enable growth of the ocean economy and the sustainable utilisation of our marine resources, with an emphasis on ensuring effective and meaningful public and stakeholder participation in planning processes.
3. Address **land and sea interactions** and promote integration, coordination and coherence between land and marine planning systems.
4. Promote the development of vibrant, accessible and sustainable **coastal and island communities**.
5. Adopt an **ecosystem-based approach** to marine planning and ensure that the pressure of human activities takes account of the precautionary principle and is kept within or moves towards the levels compatible with the achievement of Good Environmental Status.
6. Help **realise the potential of marine resources** in an integrated fashion and deal with interaction between different interests in a fair, balanced and transparent manner, including those who are employed in the marine sector.
7. Promote the preservation and enjoyment of marine-related **cultural and heritage assets**.

8. Strengthen our **maritime identity** and increase awareness of the value, opportunities and social benefits of engaging with the sea.
9. Continue to develop a sound **marine evidence** base to support the development, monitoring and review of marine plans.
10. Contribute towards **climate change mitigation and adaptation** measures.
11. Consult and coordinate with Member States and Third Country authorities on **transboundary issues** of shared concern, as necessary.

Integration between Terrestrial and Marine Planning Processes

With a view to ensuring the closest possible integration and coordination between the terrestrial and marine planning processes a range of measures/actions have taken place or are ongoing as part of the marine planning process:

- A representative from the Land Use and Transport Committee of the County and City Management Association (CCMA LUTS) has been appointed a member of the **MSP Interdepartmental Group** to represent the interests of and liaise with the Local Government planning system on the group. The current appointee to this role is Michael Lynch, Director of Service for Planning, Cork County Council.
- Minister English has appointed two representatives from the Local Government system as members of the **MSP Advisory Group**:
 - Chairman of the Land Use and Transport Committee of the County and City Management Association (CCMA LUTS) – the current appointee to this role is Tom Enright, Chief Executive, Wexford County Council;
 - Chairman of the Association of Irish Local Government (the representative group for elected members of Local Authorities) – the current appointee to this role is Councillor Luie McEntire, Longford County Council.
- A number of updates (attached) have been provided to Planning Authorities on developments to date:

- 11/04/2018: Letter to all relevant consenting bodies (including all Coastal Local Authorities) on the position concerning marine consenting in the interim period until the marine plan is adopted.
 - 07/06/2018: Update Note to Local Authorities.
 - 24/09/2018: Update Note to Local Authorities notifying publication of the Baseline Report and providing details of regional events being held to launch the report.
- Marine planning is now included as part the standing agenda item during which DHPLG provides an update on developments in planning policy and legislation at the Annual Conference of the Irish Planning Institute (held in Tralee in April 2018 and to be held in Carrick-on-Shannon in April 2019).

Marine Planning Legislation

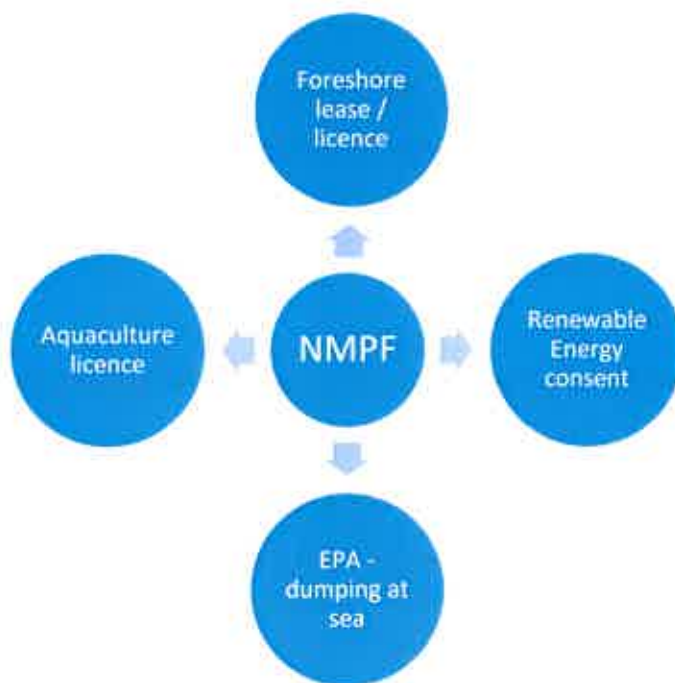
The MSP Directive was originally transposed into national legislation by way of regulations made in 2016 (SI 352 of 2016). Since the regulations were made under the European Communities Act 1972, they were strictly limited to measures required to transpose the directive. At the time, the Minister committed to replacing the regulations at a later date with primary legislation which would:

- underpin the NMPF in primary legislation on a similar basis to the National Planning Framework (NPF) on land;
- allow for debate of marine spatial planning in the Oireachtas; and
- make provision in national legislation for matters going beyond those required by the directive.

Earlier this year the regulations were repealed and replaced by [Part 5 of the Planning and Development \(Amendment\) Act 2018](#). Part 5 re-transposes the Directive in primary legislation and contains a number of measures that are additional to those required by the Directive. In these additional measures, Ireland has chosen to go further than the requirements of the Directive in order to provide a robust and comprehensive basis for marine forward planning.

The provisions for the NMPF also consciously mirror those for the National Planning Framework and therefore ensure that the legal basis and procedures for the preparation of Ireland’s two long-term forward spatial plans, marine and terrestrial, are consistent and fully aligned.

Of particular relevance for Planning Authorities is Section 74 which provides that relevant public bodies (i.e. those that have a decision-making or regulatory function within the maritime area – including Coastal Local Authorities, Regional Assemblies, An Bord Pleanala, EPA, DAFM, DCCAIE etc.) shall adopt the measures necessary to secure the objectives of the National Marine Planning Framework. This includes the formulation of policies/plans as well as individual decisions on consents, licences or approvals, to ensure that the National Marine Planning Framework is a key support and input for sectoral planning and decision-making.



As set out in the illustration above (consent systems for example only – all marine regulatory bodies and processes are covered), the new provisions mean that on adoption of the NMPF by the Government and passage through the Oireachtas, the plan will be embedded as a key

input to the work of all marine regulatory bodies as, inter alia, a determining factor in individual consent decisions as well as the development of sectoral plans or policies.

Section 75 provides an enforcement power to support the positive obligation contained in Section 74. It provides that the Minister for Housing, Planning and Local Government can – where s/he is of the view that a public body is, in the discharge of its marine functions, not complying with the NMPF – issue a direction to that body relating to the implementation of marine spatial planning, compliance with a marine spatial plan, or compliance with the State’s obligation under the Directive.

It also provides that a public body to whom a direction under this section is given shall comply with the direction.

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Planning Division
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