

## Foreword

Marine Planning Policy Statement (MPPS) is a non-statutory document, setting out the overarching policies and principles of Ireland's Marine Planning System, comprised mainly of 3 elements; pre-application, strong enforcement and development management. The MPPS describes this as an 'holistic marine planning system' which would imply that the policies and principles outlined in this document are applicable to all sectors in the maritime space.

In broad terms the policies and principles of Ireland's Marine Planning System, address a number of recommendations outlined in the recent Aquaculture licensing review, where the report concluded that the aquaculture licensing system was in 'urgent need of reform'.

The 'Review of the Aquaculture Licensing Process' recommended measures to allow for a timely, more streamlined aquaculture licensing system, a number of which are in line with the policies and principles of the proposed Marine Planning System, namely:

- A formalised pre-application process;
- Reasonable timescale for each step of the process and streamlining of the aquaculture licensing system;
- Improved public notification and consultation with the public and statutory bodies;
- Transparency of Application process;
- Consider separation of aquaculture licensing function from monitoring and enforcement of aquaculture licenses;
- Integrated policy Framework – developing Marine Spatial Planning framework is essential for future development of sustainable aquaculture sector.

Development of an integrated marine planning system would address a number of these recommendations along with priorities for development of sustainable aquaculture outlined in other government policy documents; 'National Strategic Plan for Sustainable Aquaculture' and the current 'Programme for Partnership Government'.

**The following is IFA Aquaculture formal submission on the Marine Planning Policy Statement (MPPS), addressing each section of the statement as appropriate:**

***Section 3. What does marine planning in Ireland currently look like:***

**Forward planning:** Harnessing Our Ocean Wealth document recommended that an overarching national marine spatial plan was required which would be underpinned by an ‘efficient and robust planning and licensing framework’. This would be welcomed by the aquaculture industry as the current aquaculture licensing system is inefficient, and despite numerous government policies highlighting the need for improved efficiencies and reform of the current aquaculture licensing system, progress has been far too slow.

IFA Aquaculture recognises an opportunity for the national marine spatial plan to help address the inefficiencies of the current aquaculture licensing system.

**Development Management & Enforcement:** As described in Appendix 1, the Department of Agricultural, Fisheries & Marine (DAFM) are currently responsible for administration of aquaculture licensing and are also responsible for enforcement of aquaculture licences, with support from the Marine Institute. As part of the aquaculture licensing review consideration was given to the separation of aquaculture licensing function from monitoring and enforcement of aquaculture licenses into two separate bodies.

IFA Aquaculture recognises that the overarching principles of the MPPS could allow for separation of aquaculture licensing function from monitoring and enforcement of licenses into two separate bodies i.e. DAFM/Marine Institute and Department of Housing, Planning and Local Government (DHPLG).

***Section 4. What is the vision for Ireland’s Marine Planning System:***

**Forward Planning/Marine Spatial Planning:** It is envisaged that the development of Ireland’s first Marine Spatial Plan (MSP) would be a whole of government approach, which will be an overarching framework for marine decision making that is consistent, evidence-based and secures sustainable future for Ireland’s marine area – it is integral that DAFM must be part of this whole of government approach in the forward planning process.

The National Marine Planning Framework (NMPF) includes specific objectives and marine planning policies for all activities taking place in Ireland’s seas, including aquaculture, however, as the NMPF has no legal basis, how will all activities adhere to these principles?

Forward planning should ensure that policies are clear and unambiguous, in order to provide clarity for policy and law makers, the community and users of the marine environment. Policy should make clear where certain activities will be allowed, encouraged or prohibited (subject to lack of conflict with other policies or Regulations). This is essential in order to provide clarity for the community, all water users including those engaged in aquaculture and fishing.

The ‘Review of the Aquaculture Licensing Process’ recommended pre-application screening process for aquaculture licensing; the proposed forward planning element of the MPPS could facilitate the implementation of this recommendation under the marine planning system.

Reform of aquaculture licensing is necessary alongside the Marine Planning Policy Framework (MPPF). Policies in the MPPF should be aligned with the licencing system so that it is clear to decision makers what is acceptable. Policy should require all agencies involved in consent and licencing processes to engage in pre-application discussions and encourage pre-application community engagement. Pre-

application engagement should be encouraged and facilitated by MPPF to provide greater clarity on the aquaculture licensing process.

**Marine Planning and Development Management Bill:** The government proposes to ‘modernise elements of the marine development management and enforcement systems’ – a development that would be welcomed by IFA Aquaculture.

The Bill aims to *'Introduce a single State consent system for the maritime area whereby the Ministers for Housing, Planning and Local Government and Communications, Climate Action and Environment will assume responsibility for the State consents for the control of the foreshore, territorial sea, exclusive economic zone and continental shelf elements of the maritime area as appropriate and the granting of leave to apply for development consent/planning permission to An Bord Pleanála/local authorities for projects under their jurisdiction'*

However, IFA Aquaculture notes that as DAFM is not referenced in this statement it would appear that this proposed ‘single State consent system’ currently does not apply to the aquaculture sector.

This is wholly unacceptable that the aquaculture sector would be excluded from a single State consent system for the maritime area, thereby posing the risk that aquaculture will be omitted from any future marine planning systems and would not be fairly considered under a single State consent system for marine spatial planning.

Likewise, the Bill also aims to *'Introduce a single development management process for the Maritime Area for activities or developments that come within the remits of the Ministers for Housing, Planning and Local Government & Communications, Climate Action and Environment (including, oil and gas production, minerals extraction and offshore renewable energy). These transitional arrangements will, inter alia, provide a future development management pathway for legacy offshore renewable energy projects.'*

However, IFA Aquaculture notes that DAFM is also not referenced in regard to single development management process, and it would appear that this proposed process currently does not apply to the aquaculture sector. If the application process for all other sectors in the maritime area is streamlined, excluding the aquaculture sector, then it creates a situation whereby, aquaculture, with an already lengthy application process, will be unfairly ruled out of increased transparency and competition for space than that of other activities in the marine space.

While all other sectors in the maritime area will benefit from these proposed elements of forward planning and streamlined development management and enforcement, it appears the aquaculture sector will continue with the current aquaculture licensing system administered by DAFM. The Bill is described as a *'cornerstone of the future marine planning system in Ireland'* – the future of marine planning in Ireland must include the aquaculture sector.

**Maritime Jurisdiction Bill:** The MPPS states that the Maritime Jurisdiction Bill is intended to complement the Marine Planning and Development Bill – how will the Maritime Jurisdiction Bill apply to the aquaculture sector if this Bill is in complement to the Marine Planning and Development Bill?

**Government Climate Plan to Tackle Climate Breakdown:** Aquaculture provides for one of the most carbon efficient sources of protein, when there is an increasing demand globally for sustainable sources of protein. The MPPS states that the *Government Climate Plan to Tackle Climate Breakdown* will highlight the role of marine planning in national climate action efforts, on this note, consideration must be given to the role aquaculture has to play in this regard.

**Marine Environment:** As outlined in Appendix 1 – Aquaculture sector already complies with obligations outlined in a number of environmental laws i.e. Habitats Directive, Birds Directive, Consolidated Environmental Impact Assessment Directive. Under the current aquaculture licensing system, the aquaculture sector is required to comply with more environmental legislation than any other sector in the marine space, thereby ensuring the healthy and sustainable use of Ireland’s seas.

A marine planning system that aims to streamline sustainable use of the environment and adopt an ecosystem management approach for all sectors in the marine space would be beneficial, where all sectors in the marine space must comply with environmental legislation equally.

***Section 5. What are the Overarching Principles and High-level priorities for Ireland’s Marine Planning system:***

**Strategic Principles (each addressed as appropriate):**

*2. Marine planning enables compliance with obligations under EU and International Law – this must apply equally to all sectors in the maritime space.*

*3. Transition to a low carbon and climate resilient economy - consideration must be given to the role of the aquaculture industry as a carbon efficient source of sustainable protein. Aquaculture also contributes to the control of nitrogen/phosphorous removal shellfish are filter feeders which aids to reduce eutrophication of waters.*

*4. Land-Sea Interactions (LSI’s) – There is an opportunity for better co-ordination and management of sewer systems and wastewater treatment systems that discharge to sea through alignment of marine and land planning systems, particularly in the area of water quality in shellfish producing waters. The shellfish industry depends on an effective wastewater treatment system to prevent loading of wastewater into shellfish production areas.*

*7. Marine planning system supports maintenance and restoration of biodiversity and the sustainable development of maritime and coastal areas – Aquaculture contributes to sustainable development of local coastal communities by providing employment, contributing to the local economy and vitality of social engagement in rural coastal areas.*

*9. Marine planning system supports the maintenance and sustainable development of our seafood industry – this must include reference to aquaculture and seafood processing, as well as fisheries, as the contribution of aquaculture to vibrant, accessible coastal and island communities is also vital. Aquaculture, fisheries and seafood processing are of equal importance in comprising the seafood industry.*

*10. Marine planning system will treat all marine interests in a fair and transparent manner – early and effective public engagement with the public and all marine stakeholders, would be welcomed by IFA Aquaculture meets recommendations outlined by the ‘Review of the Aquaculture Licensing Process’, where a need for a pre-screening process for aquaculture licence applications and improved public engagement was identified. IFA Aquaculture would welcome the opportunity for early and effective public engagement in the application process as it would aid clarity and provide better understanding of the process.*

**Section 6. What are the key priorities for Ireland's Marine Planning System:**

**Priorities:**

**A. Up-to-date, robust legislative framework:**

This must include the Aquaculture sector – in order to succeed in enabling a better integrated marine management, Ireland's marine planning system and any legislative framework must apply to all sectors, including aquaculture. A streamlined consenting process subject to decision making by Local Authorities and An Bord Pleanála, delivered in a timely manner meets a number of the recommendations outlined in the 'Review of the Aquaculture Licensing Process'.

The Bill will also provide a mechanism for making spatial designations, this must include aquaculture, as the sector could be out competed for maritime space if it is excluded.

The MPPS states that *'The Government will work across departments to ensure integrated consideration of the NMPF in these and any future new marine-focused decision-making processes to ensure they are fit for purpose upon adoption'* – this across departmental approach must include DAFM.

**B. Integrated Marine forward plan as parallel to National Planning Framework:**

NMPF will be Ireland's first marine plan, will be key consideration for decision-makers.

Full draft of NMPF is due to be published in Q3 2019 – IFA Aquaculture would welcome the opportunity to prepare a submission as part of the public consultation process as, unfortunately, missed the opportunity for public consultation on the NMPF Baseline report last year.

**C. Greater awareness and understanding of marine planning system/processes:**

Fewer people have experience or knowledge of marine planning process – Aquaculture, as a sector with an existing marine planning process, is an example of how a sector could benefit from increased awareness and understanding of marine planning system. Too often public notice of aquaculture licence applications has not been communicated correctly to the public, wider community in a local area and stakeholders affected by a proposed aquaculture development. This results in an increased level of submissions for such a proposed development, which could have been better managed from the outset had there been better understanding and awareness on such an application.

**D. Transparent and fair decision making:**

This would address a recommendation outlined by 'Review of the Aquaculture Licensing Process' for increased openness and transparency in the decision-making process for aquaculture licensing.

As stated in previous point, IFA Aquaculture believes increased public participation would further aid clarity, understanding and awareness of aquaculture, and all marine based developments.

**E. Robust Governance and enforcement systems to support quality marine planning outcomes:**

IFA Aquaculture would welcome the Government's commitment to strengthen and rationalise the enforcement framework. As outlined in the 'Review of the Aquaculture Licensing Process' consideration must be given to the separation of aquaculture licensing function from

monitoring and enforcement of aquaculture licenses into two separate bodies – an effective Marine Spatial Planning system can aid to implement that recommendation through the separation of monitoring and enforcement function from DAFM.

MSSP outlines that although there are a number of marine planning enforcement processes that *‘operate under different legislative codes, these are all joint custodians of the marine planning system’*. It also states that the *‘introduction of a single development consent process under the Marine Planning and Development Management Bill will have some rationalising effect on enforcement mechanisms’* - IFA Aquaculture would welcome the rationalisation of enforcement of the marine planning system under the Marine Planning and Development Management Bill. However, the aquaculture sector must be included as part of any legislative framework for the marine planning system, in order in to ensure the consistent application of the NMPF by all marine planning bodies in their decision-making roles.

### **Concluding Comments:**

Marine planning integrated system with identifiable forward planning, development management and enforcement elements, would be viewed as an improvement by the aquaculture sector to the current aquaculture licensing system.

However, IFA Aquaculture notes that DAFM is also not referenced in regard the ‘Marine Planning and Development Management Bill’ and it would appear that proposed legislative framework currently does not apply to aquaculture. If the marine planning system in the maritime area is streamlined, excluding the aquaculture sector, then it creates a situation whereby, aquaculture, with an already lengthy application process, will be unfairly ruled out of increased transparency and competition for space than that of other activities/sectors in the marine space – this is unacceptable for the aquaculture industry.

Any legislative framework related to the marine planning system must include the aquaculture sector – in order to succeed in enabling a better integrated marine management, Ireland’s marine planning system and any legislative framework must apply to all sectors, including aquaculture.

An integrated marine planning system which is aligned with the land-planning system, with clearly set out timeframe for every step of the decision-making process from the outset, through screening, consultation, decision making and appeals. Thus, providing clarity; clarity for local communities as to what could happen in their areas; clarity for decision makers (e.g. those issuing licences), and clarity for those local businesses wanting to invest in new or existing ventures. Lack of clarity causes delays which costs jobs, reduce the viability of coastal communities and impact adversely on the environment.

Policies should be clear and unambiguous and related to specific areas by a map where appropriate.

Development of an integrated marine planning system would address a number of recommendations and priorities for development of sustainable aquaculture outlined in government policy documents; ‘Review of the Aquaculture Licensing Process’; ‘National Strategic Plan for Sustainable Aquaculture’ and the current ‘Programme for Partnership Government’.