

# Marine Spatial Planning

## *Planning Functions in the Nearshore Area*

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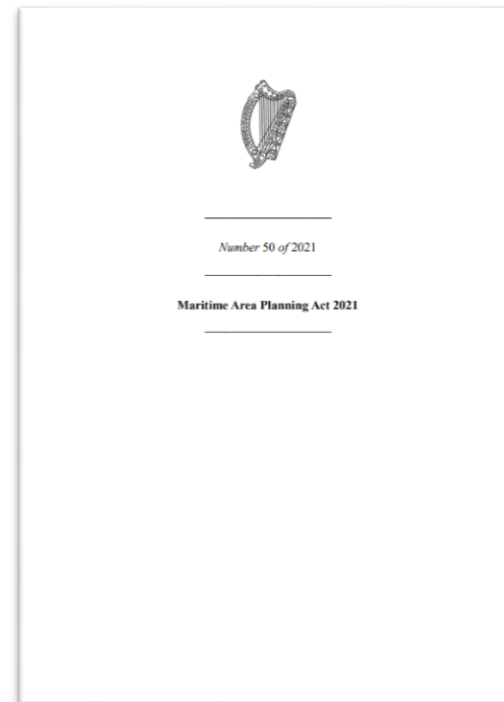
COMHAIRLE CONTAE AN CHLÁIR  
CLARE COUNTY COUNCIL



# Outline of Presentation

## Planning Functions in the Nearshore Area:

- Part 2 of the MAP Act – Development Plans/DMAPS
- Part 8 of the MAP Act – Development Management
- Part 6 of the MAP Act - Enforcement
- Skills needs and operational considerations
- Co. Clare Maritime Area



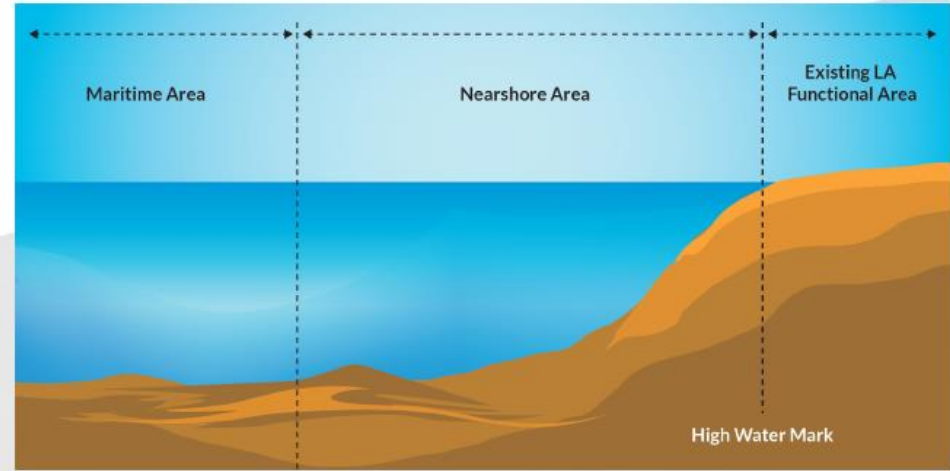
# Coastal Planning Authority Jurisdiction

Maritime Area is subdivided for the purpose of planning administration as:

- *Nearshore (HW mark to 3nm)*
- *Outer Maritime Area (Maritime area other than the nearshore)*

Nearshore areas of CPAs; Section 5 of MAP Act 2021

- *the functional area of a CPA*
- *reclaimed land adjoining such functional area that does not form part of the functional area of another local authority;*
- *the part is below the line of high water of ordinary or medium tides of the sea, every tidal river and tidal estuary and every channel, creek and bay of the sea and every tidal river and tidal estuary*



# Coastal Planning Authority Jurisdiction

CPAs as defined by the MAP Act – Part 1;

- Counties Louth, Meath, Fingal, Dun Laoghaire-Rathdown, Wicklow, Wexford, Carlow, Kilkenny, Tipperary, Cork, Kerry, Clare, Galway, Mayo, Sligo, Leitrim and Donegal;
- The City of Dublin, Cork and Galway;
- Waterford City and County and Limerick City and Council



# Structure of the Maritime Area Planning Act

Part 1: Preliminary  
and General

Part 2:  
Marine Spatial  
Planning

Part 3:  
Maritime Area  
Regulatory Authority

Part 4:  
Maritime Area  
Consent

Part 5:  
Marine Licencing

Part 6:  
Enforcement

Part 7:  
Miscellaneous

Part 8:  
Planning Act  
Amendments

Part 9:  
Foreshore Act &  
consequential  
amendments

# Part 2 of MAP Act (Forward Planning)

- Marine Planning Policy Statement - defines the Marine Planning Vision

*a marine planning system with clear forward planning, development management and enforcement elements that promotes and sustains ocean health, and supports the sustainable (recreational) enjoyment, management and use of Ireland's marine resource.*

- Move to a “Plan-Led” approach through the National Marine Planning Framework (NMPF) – Ireland’s Marine Spatial Plan
- Designated Maritime Area Plans (DMAPS) – Sub-National Marine Spatial Plans



# Designated Maritime Area Plans

- MAP Act specifies that DMAPs form part of the National Marine Planning Framework
- They are flexible forward planning tools that can be used for geographic based plans or sectoral based plans.
- They should focus on the sustainable development of marine activities and provide innovative solutions for managing the maritime area.
- DMAPs will be similar to County Development Plans or LAP's currently used by local authorities albeit that they are for a larger Maritime area.
- Part 2 of the MAP Act 2021 commenced in May 2023 (with the exception of Chp 9) - provides for the designation of public bodies who may make DMAP's and for the preparation and publication of the actual DMAP. This part also provides for the judicial review of Maritime Spatial Plans and the DMAPs and sets out the requirements for compliance by public bodies with the National Marine Planning Framework.
- Competent authorities under Chapter 6 may prepare and publish a DMAP however they must first be designated as a competent authority in accordance with S.20 of the MAP Act 2021.
- Section 21 of the Act requires that the Competent Authority shall only submit a proposal for a DMAP after it has been designated a competent authority.



# Marine Planning

Marine Planning  
Policy Statement

Marine  
Planning  
Framework

DMAPS

Local Marine  
Planning  
Policy

Development Management  
Consent/Enforcement  
processes





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# Part 8 of MAP Act (Development Management)

- Inserts Part XXI into the Planning and Development Act 2000 (as amended)
- Enables planning authorities (CPAs and ABP) to consider applications for development in the maritime area (nearshore and outer maritime area).
- Part 8 commenced on the 1<sup>st</sup> of October 2022



# Potential Types of Development Seeking Coastal Planning Authority Consent

- Minor developments along the coast, estuaries and along tidal waters within the nearshore
- Works to piers and harbors
- Jetties and pontoons
- Landing infrastructure for pipes and cables
- Works associated with assembly yards and support infrastructure for servicing the off-shore wind industry
- Local Authority own development not requiring EIA or AA
- Any coastal development for which they are already responsible

**It is anticipated that there will be relatively few planning consent applications sought annually from local authorities in their capacity as Coastal Planning Authorities.**



# Part 8 of MAP Act (Development Management)

- CPAs will be responsible for processing and assessing planning applications in the nearshore.
- Applications that are located in the outer maritime area, partly on land and partly in the outer maritime area or that are in more than one coastal planning authority functional area should be submitted to An Bord Pleanála for assessment.
- To make an application, the applicant must be the holder of a Maritime Area Consent (MAC – issued by MARA) or will be the owner of land in the nearshore, has a foreshore lease or licence.

Sector/Activity <sup>1</sup>	MAC	Maritime Licence	ABP Planning Permission	CPA Planning Permission
Aquaculture	X	X	O	X
Defence & and Security	O	O	O	X
Energy	✓	✓	✓	O
Fisheries	X	X	X	X
Mineral Exploration/Mining <sup>2</sup>	O	✓	O	O
Ports, Harbours & and Shipping	✓	O	✓	✓
Safety at Sea	X	✓	O	O
Seaweed Harvesting	X	✓	X	X
Sport & and Recreation	O	O	O	O
Telecommunications	X	✓	O	O
Tourism	O	O	O	O
Waste, Wastewater Treatment/Disposal	✓	O	✓	O

✓	Required
O	Potentially required
X	Not required

Table 2 : Marine Activity and Consents under the MAP Act

Notes:

1. Some activities may require other consents which are in addition to, or instead of the those, covered by the d by MAP legislation (e.g. aquaculture licences).
2. Excludes petroleum exploration and extraction.



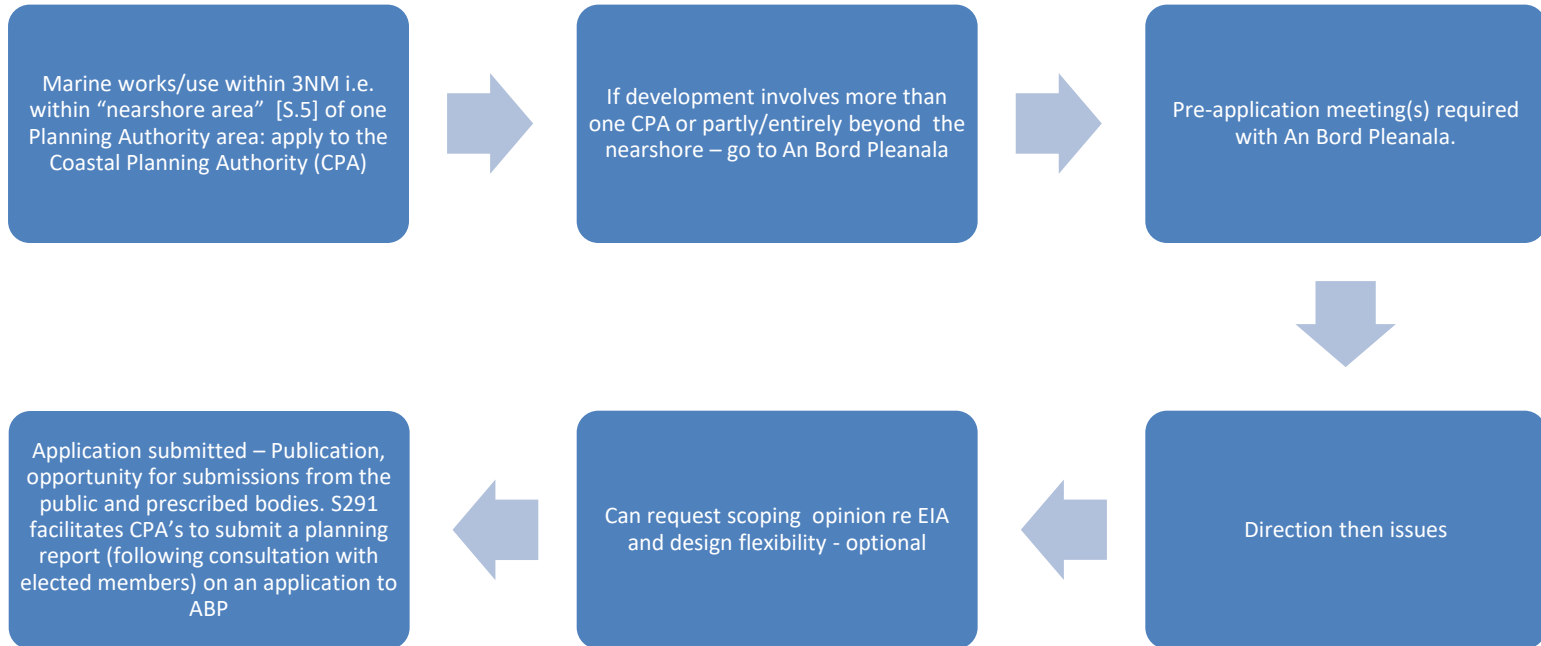
# Part 8 of MAP Act (Development Management)

- A MAC is a right to occupy the maritime.
- It is issued by MARA
- Conditions will typically be attached to a MAC such as a requirement to obtain planning permission within a specified timeframe.
- Planning Applications are made, validated, referred (MARA, Commissioner of Irish Lights etc) , entered on the planning register, authorised officers appointed under the legislation, applications considered, screened for EIA and AA decisions made under delegated functions.
- Planning permissions by the CPA are issued under Section 34 of the Planning and Development Act.
- Contributions Schemes should consider how they intend to capture maritime area activity development.
- All applications for development which require an EIAR or an AA go directly to ABP.

**MARA, the Maritime Area Regulatory Authority to be established on 17th July 2023, marks a new maritime consenting regime. The new agency will have responsibility for assessing applications for Maritime Area Consents (MACs) which will be required before developers of offshore wind and other projects in the maritime area can make a planning application.**



# Development Consent Process



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# Part 6 of MAP Act 2021 (Enforcement)

- Enforcement responsibility lies with CPAs & MARA
- Enforcement – Sections 134-166
- CPA's have remit in the nearshore area and on the landfall
- MARA have remit in the outer maritime area - MARA have significant powers regarding enforcement
- Suggest that an agreed referral system for complaints to MARA should be explored by CPA's and a procedure put in place.
- Part 6 commenced on the 10<sup>th</sup> March 2022





# Marine Planning Skillsets –Operational considerations

- Administration challenges around another new planning function
- Technical resource challenges
- Specialist resources, planning, ecological, enforcement,
- Training will be required to upskill current staff – knowledge gap in the maritime planning area
- Demands associated with Judicial Review/challenges etc
- Budget Implications



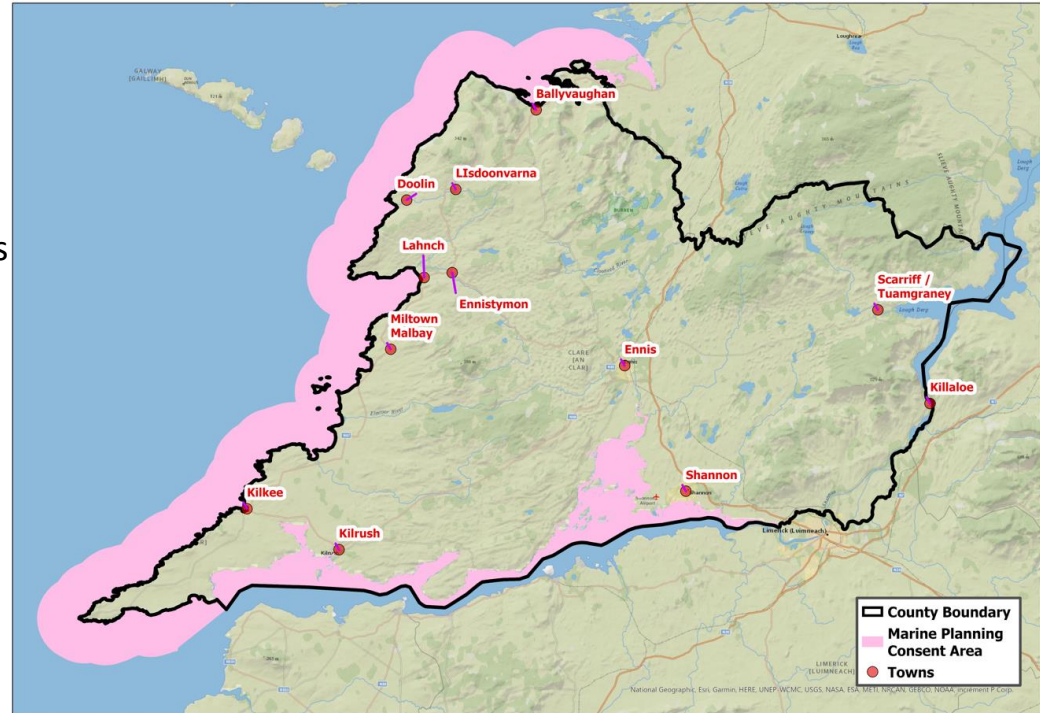
# Co. Clare Coastal Planning Authority Jurisdiction

## Length of coastline in the County

- The county's coastline is c.240km in length excluding the Shannon Estuary and islands.
- The Shannon Estuary is c.179km in length.
- The coastline on the islands within the County is c.27km.

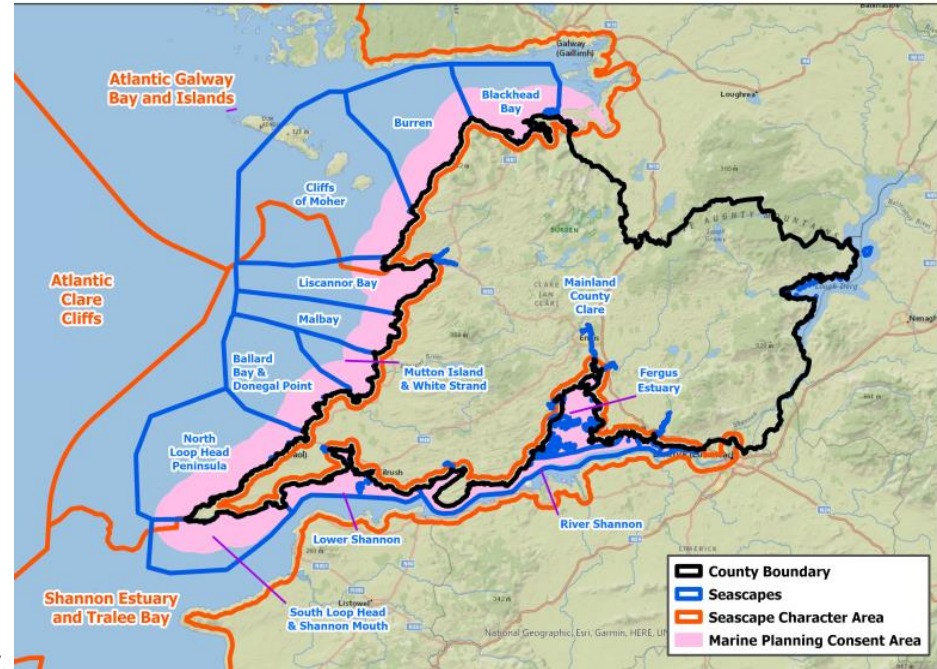
## No. of Islands

There are approximately 98 islands located along the Atlantic coast of County Clare and in the Shannon and Fergus Estuaries.

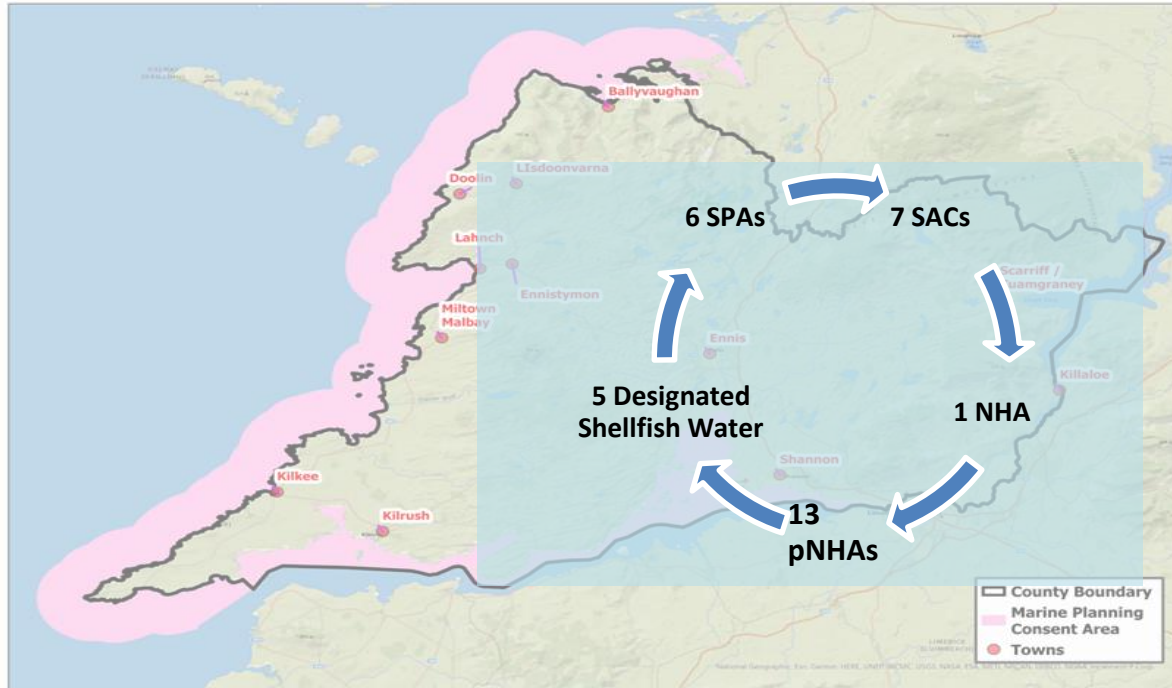


# Seascapes of Co. Clare

- The Regional Seascape Character Assessment for Ireland 2020 has been prepared as part of the National Marine Planning Framework. This identifies the following 3 Regional Seascape Character Areas in County Clare:
  - Atlantic Galway Bay and Islands;
  - Atlantic Clare Cliffs; and
  - Shannon Estuary and Tralee Bay.
- Separately, a Seascape Character Assessment of County Clare was carried out by the Heritage Council in 2002 as part of the County Landscape Character Assessment.
- It identified 12 individual Character Areas in County Clare and each of these areas has unique scenic, geology, history and sensitivities.



# Designations within Clare CPA remit



# Potential Offshore developments within the Shannon Estuary

## Major Infrastructure Developments





# KILRUSH MARITIME TRAINING CENTRE





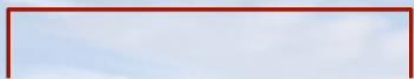
**Creek Lodge**



**Fireground**



**Training Building**





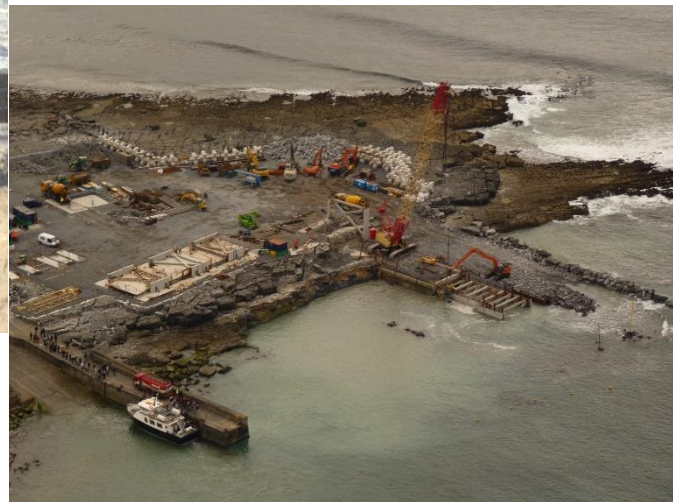
# Moneypoint Future Development





# Doolin Pier









# Maritime Area Opportunities

Economic Development

Fast Track for delivery

Address delays previously experienced

More control over what will directly affect our counties





**Go raibh míle maith agaibh**  
**Thank You**

