



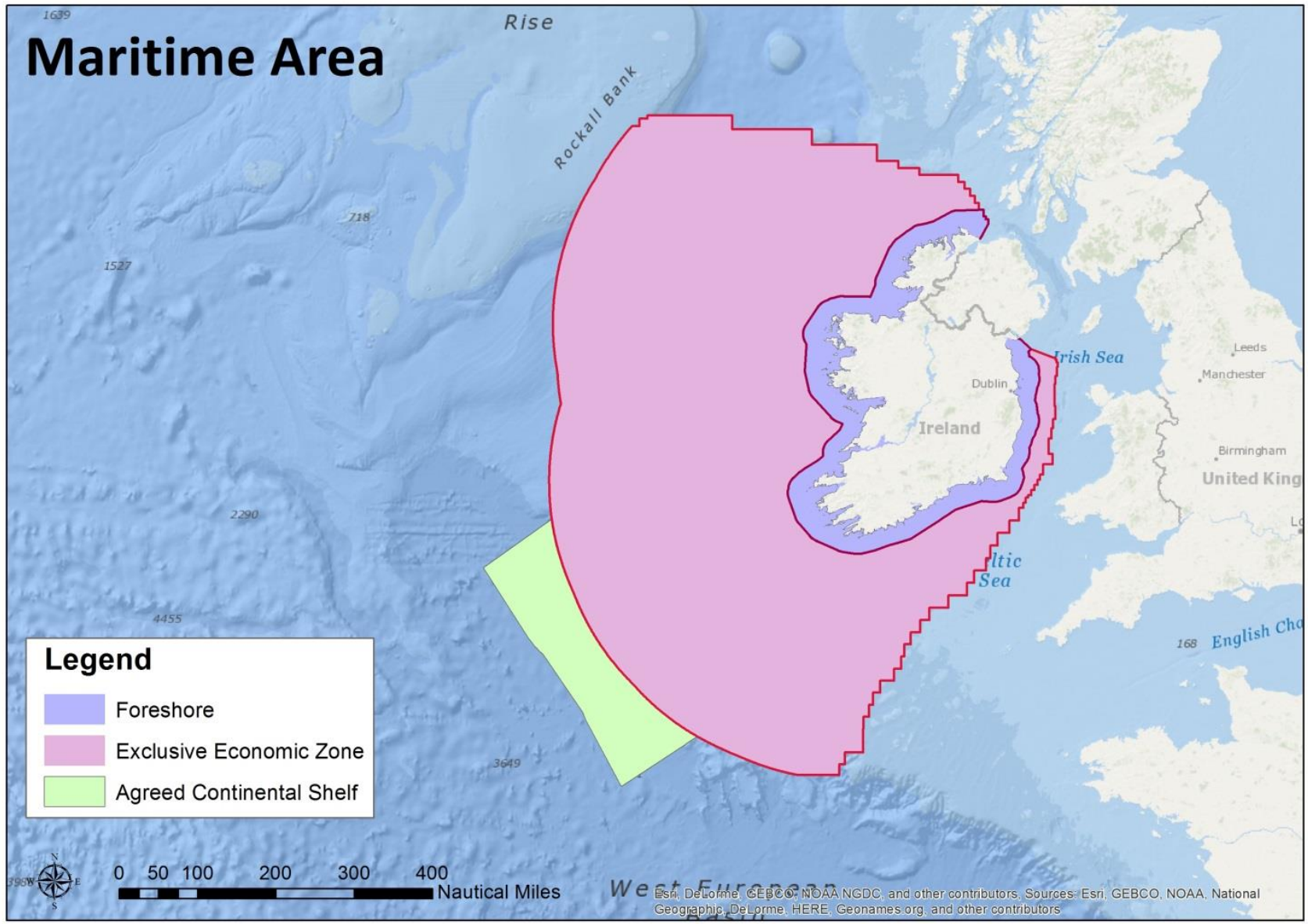
An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

Policy and Regulatory Context for Marine Spatial Planning in Ireland

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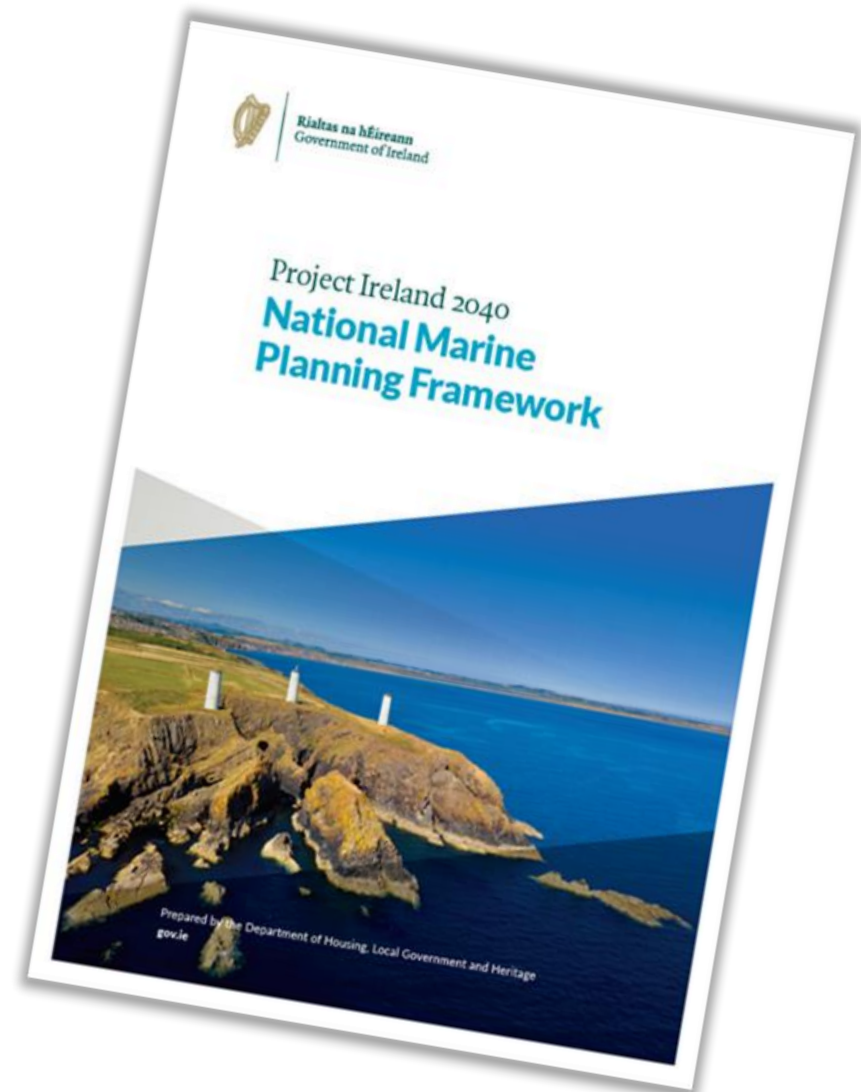




Reform of Marine Management in Ireland



- National Marine Planning Framework (NMPF) 2021
- Maritime Area Planning Act 2021 (as amended)



MAP Act – Creating a Coherent Planning System



- Forward Planning – Competent Authorities for MSP & DMAPs
- State Consent – Maritime Area Consent (MAC)
- Development Management – LA and ABP
- Licensing of Activities - MARA
- Enforcement – LA and MARA

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



MAP ACT 2021	Commencement Date
Part 1 (Preliminary & General)	31 st July (excluding S. 6 and S. 12)
Part 2 (Maritime Spatial Plans & DMAPs)	15 th May 2023
Part 3 (MARA)	S. 72 commenced 10 March 2022 Remainder not commenced
Part 4 (MAC)	10 March 2022 (excluding Chapter 12)
Part 5 (Licencing)	Not commenced
Part 6 (Enforcement)	10 March 2022
Part 7 (Miscellaneous)	Not commenced
Part 8 (Insertion of Part XXI into P&D Act)	1 st October 2022
Part 9 (Foreshore Act & Consequential Amendments)	Chapter 4 of Part 9, dealing with electricity regulation. Remainder is not commenced.

Marine Planning in Ireland

An Bord Pleanála

Ireland's national independent planning body

Planning permission

The Minister

The Minister can designate a Public Body as a Competent Authority, can approve DMAP proposals, review draft DMAPs and can also make a DMAP under S29 of the MAP Act.

MARA

The agency with responsibility for certain consenting and enforcement functions. MARA will be responsible for issuing Maritime Area Consents (MACs). A MAC provides a right to occupy the maritime area subject to planning permission. MARA will also have responsibility for licensing certain other maritime activities.

MACs

Licensing

Enforcement

Coastal Planning Authority

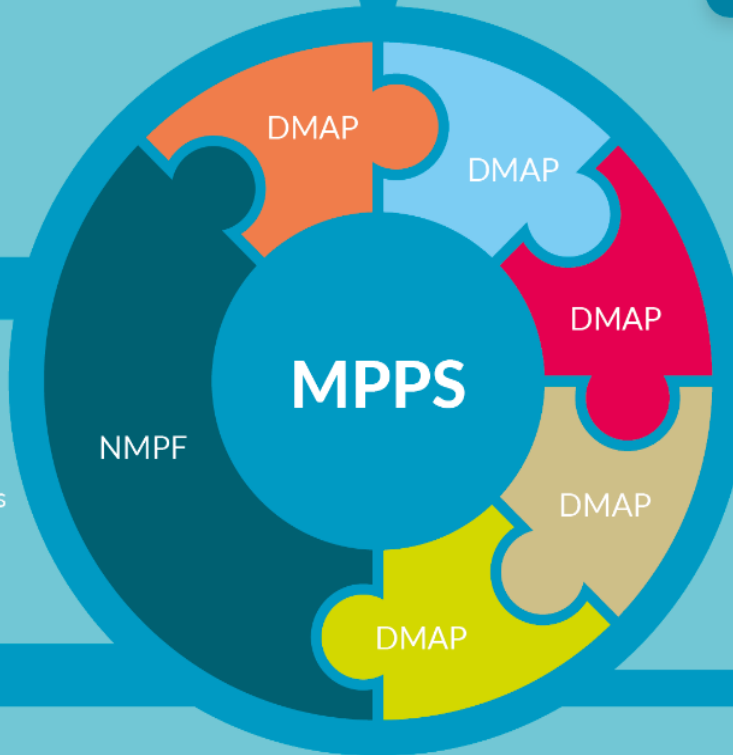
Assessment of Planning Applications in the nearshore

Planning permission

Enforcement

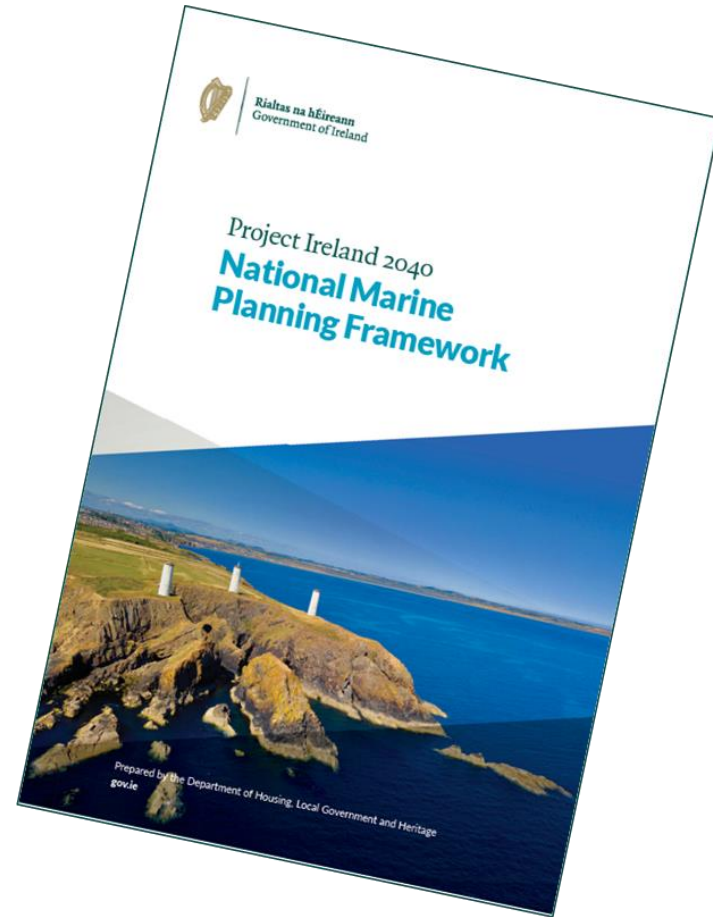
Designated Competent Authority

Once a Public body has been designated by the Minister they can commence working making a DMAP proposal



Maritime Spatial Planning

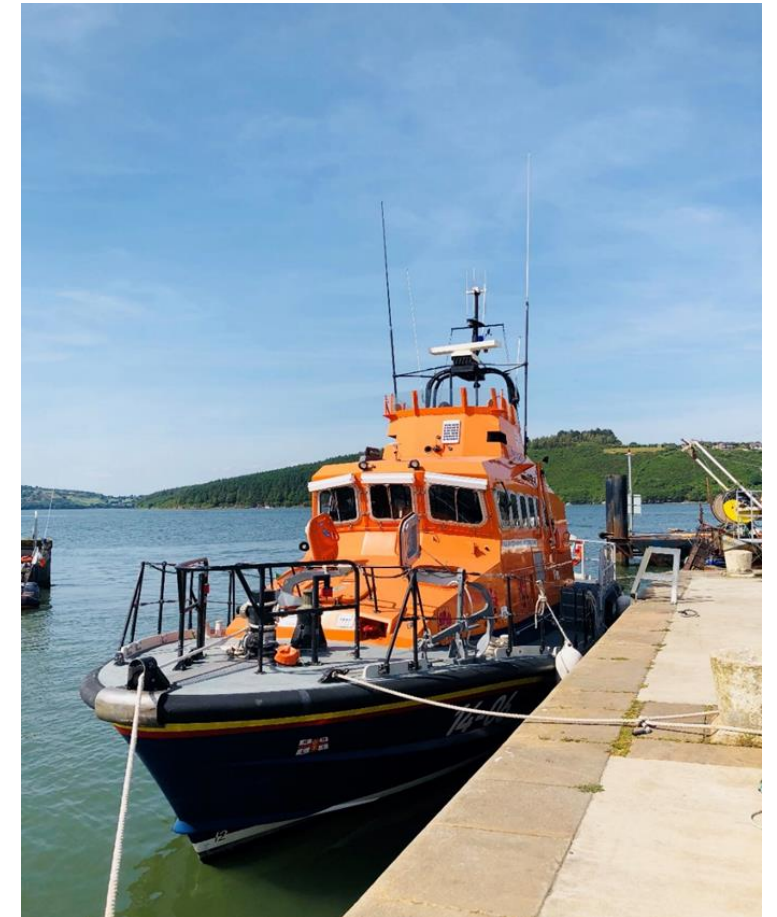
- Effective and strategic tool to coordinate different activities at sea and prevent conflicts over the use of maritime space.
- MSP Directive 2014
- Marine Planning Policy Statement – to be published in 2023
- National Marine Planning Framework – Ireland’s Marine Spatial Plan
- DMAPs – Sub-national marine spatial plans



National Marine Planning Framework



- Long term planning framework for how we use, protect, enjoy seas – out to 2040
- Parallel to National Planning Framework
- Sector by sector elaboration of guiding objectives and planning policies (aquaculture through to waste water)
- Critical basis for future decision making by marine decision makers - who are obliged to implement NMPF



Structure – NMPF Chapters



- **Overarching Marine Planning Policies** – Apply to all proposals

Grouped according to the three Sustainable Development Pillars – **social, environmental and economic.**

- **Sectoral Marine Planning Policies**

Aquaculture, Defence, Energy, Fisheries, Mineral Exploration, Ports/Harbours, Safety at Sea, Seaweed harvesting, Sport & Recreation, Telecommunications, Tourism, Wastewater Treatment & Disposal



Marineplan.ie



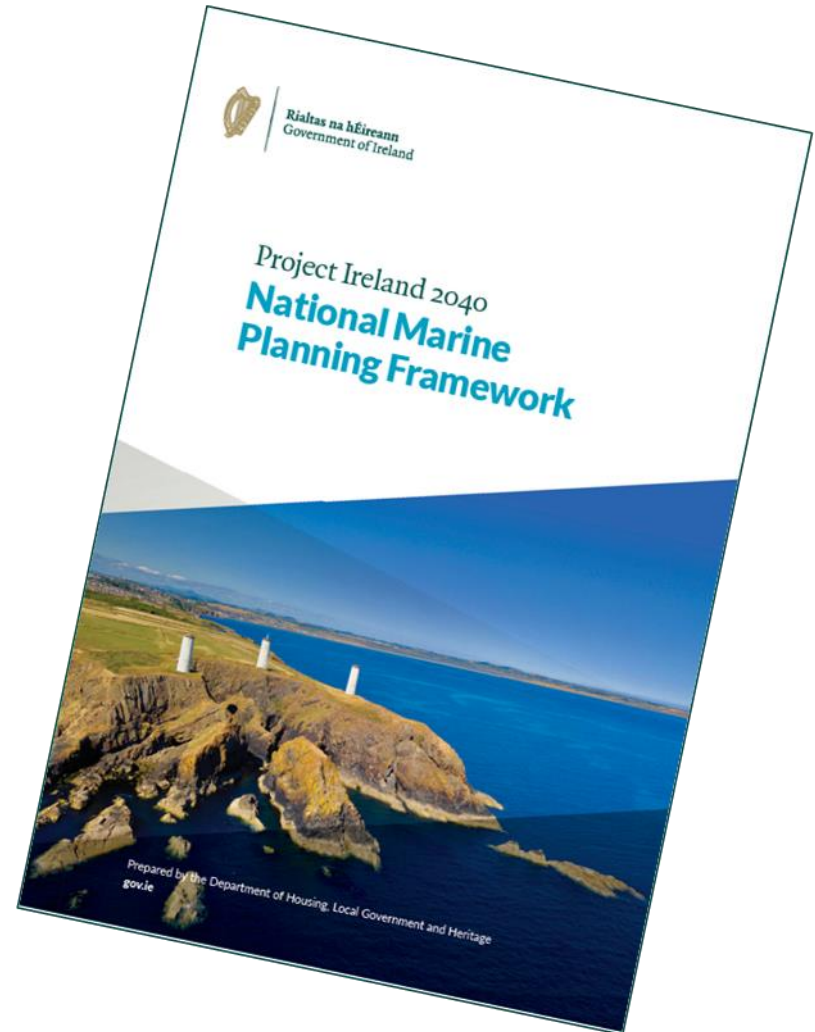
The screenshot displays the Marineplan.ie web application interface. On the left, a map shows the Irish marine planning framework area outlined in red, covering the waters around Ireland and parts of the North Sea. Major cities like Edinburgh, Belfast, Dublin, Manchester, Birmingham, Cardiff, Amsterdam, and Paris are labeled. The map includes a search bar, zoom controls, and a home button. On the right, a 'Layers' panel is visible, listing various marine planning themes:

- Energy - Petroleum
- Fisheries - Effort
- Fisheries - Species
- Fisheries - Ports, harvesting, distribution
- Heritage Assets
- Protected Marine Sites
- Ports, Harbours and Shipping
- Sport and Recreation
- Sea-floor and Water Column Integrity
- Seascape and Landscape
- Tourism
- Water Quality, Wastewater Treatment and Disposal
- Boundary
- National Marine Planning Framework Area
- World Ocean Basemap

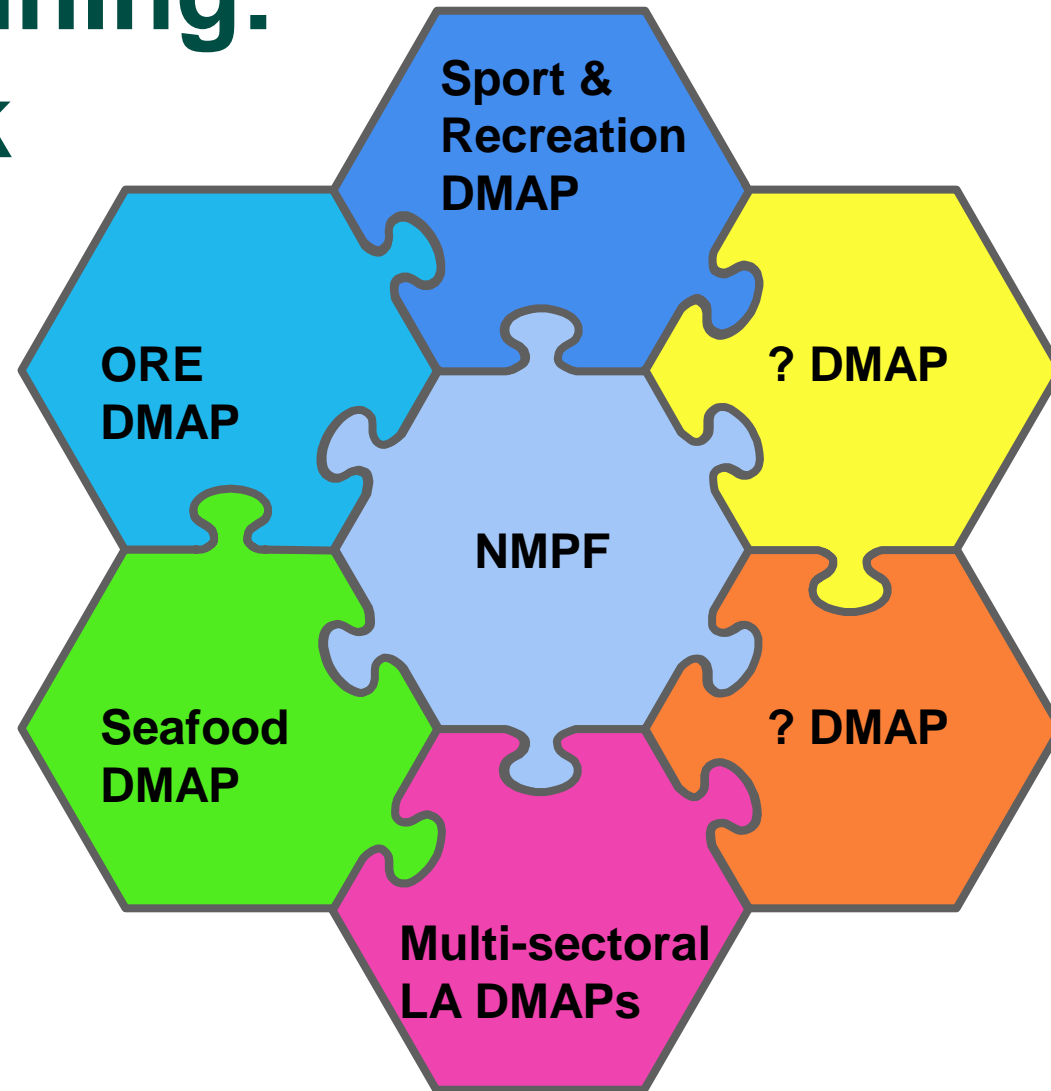
At the bottom of the map, there is a scale bar (300 km / 300 mi) and a footer with the text: 'Esri, HERE, Garmin, USGS | Department of Housing, Local Government and ... Powered by Esri'.

Designated Maritime Area Plans (DMAPs)

- DMAPs – Sub-national marine spatial plans
- Coordination of different activities at sea and prevent conflicts over the use of maritime space.
- Add value to NMMPF.
- When adopted they form part of the NMMPF.



Forward Planning: A Framework Approach



DMAP Process - Summary of the Key Steps



1. Public Body designated as a Competent Authority
2. Prepare DMAP proposal and submit to Minister for approval
3. Publish DMAP proposal on website
4. Publish Public Participation Statement
5. Prepare Draft DMAP (including SEA and AA)

Summary of the Key Steps (contd)



6. Public Consultation
7. Revise Draft DMAP, if necessary, after consultation
8. Submit Draft DMAP to Minister for review
9. Lay Draft DMAP before
 - *Houses of the Oireachtas, or*
 - *Coastal Planning Authority (whichever is relevant).*
10. DMAP shall not be made until resolution approving the draft has been passed by
 - *each such House, or*
 - *the Coastal Planning Authority.*

Public Participation Statements



- How and when stakeholders will be consulted.
- Engage with stakeholders at the appropriate time using effective engagement methods.
- Allow sufficient time for meaningful consultation.
- Be adaptable – a ‘one size fits all’ approach will not work.
- Be clear in how stakeholders can get involved.
- Outline how submissions will be taken into account and responded to within agreed timeframes.
- Identify where documents will be available for consultation.

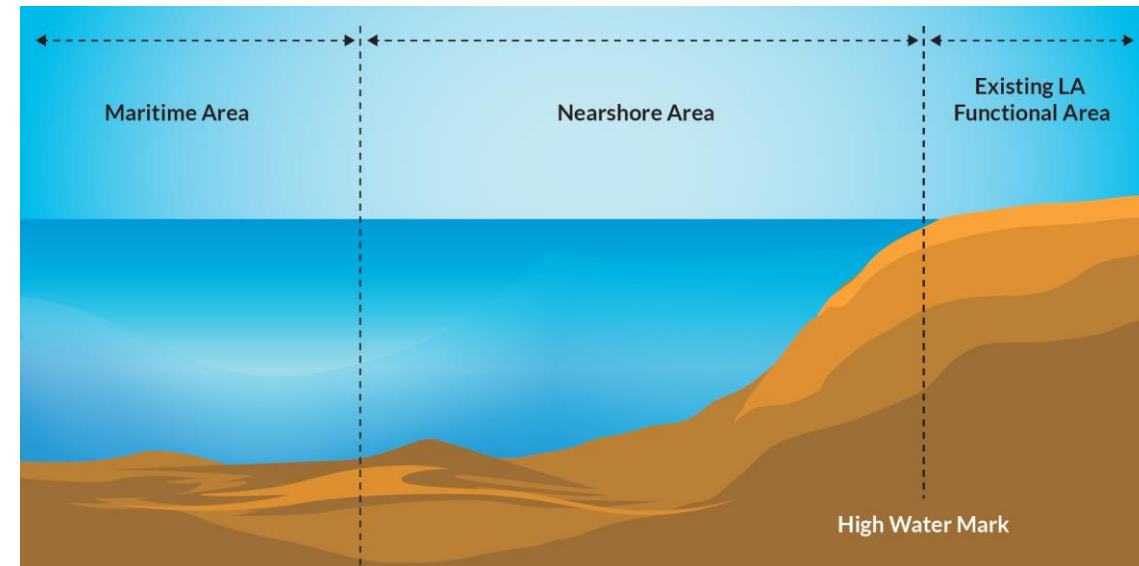
Maritime Area Planning Act 2021*

Where does the Act apply?

- S.3 of MAP Act - Maritime Area 'extending from the high water of ordinary or medium tides of the sea to the outer limits of the continental shelf'.

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

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



* as amended

- 3NM Limit of Nearshore (Draft)
- 12NM Limit of Territorial Seas



Development Management CPA



- Part 8 of the MAP Act 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).
- S. 279 of the P&D Act extends the functional area of the planning authority to include the nearshore.

Development Management CPA



- S. 280 of the P&D Act – Applications for development shall be submitted to the relevant coastal planning authority that are located:
 - *Wholly in the nearshore area of that local authority;*
 - *Partly in the nearshore area of that local authority and partly on land.*
- All development in the maritime area (with the exception of development on privately owned nearshore) must have a MAC prior to entering the planning system.

An Bord Pleanála



Part XXI, Chapter III of the P&D Act

What development is submitted to ABP?

- Development located wholly in the outer maritime area;
- Development located partly in the outer maritime area, partly in the nearshore of one or more CPAs and partly on land;
- Development located wholly in the nearshore of more than one CPA;
- Development of a class within the Eighth Schedule in the maritime area.

Development Management in the Nearshore



1. What to expect and what not to expect
2. What's the same
3. What's different
4. Areas for further reflection
5. Examples of envisaged types of applications



What to expect?

1. Applications for development in the nearshore that are not;
Licensed activities - Dredging, site investigations
Strategic infrastructure – ORE, major port upgrades
2. The types of applications to expect are;
Joint land/ marine developments - tourism facilities improvements
Permanent mooring points
Small piers and slipways - new or improved!
Coastal defence works
3. Total estimated number of applications 100 approx. nationally

Development Management in the nearshore – what stays the same!



1. Preparation of report that:
 - ❖ *Sets out the proposed application;*
 - ❖ *Assesses any third party submissions;*
 - ❖ *Assesses prescribed bodies submissions;*
 - ❖ *Sets out the relevant policy;*
 - ❖ *Screens for AA; and*
 - ❖ *Sets out a balanced rationale for recommendation.*
2. Similar internal administrative process
3. Assessed in accordance with S.34 – same DM timelines

Development management in the nearshore – what is different



1. The Development Plan does not apply below the High Water Mark
NMPF and DMAP applies
2. Some new Prescribed bodies and existing ones have different focus -
Marine Survey Office, Irish lights, Inland fisheries, Dept. of Agriculture
Their recommended conditions should be included as a matter of course.
3. Environmental considerations can be different particularly for screening
Need to take marine protected species into account
4. Public interest test has a different focus- right to navigate and fish
5. All applications need a Marine Area Consent before lodgement

Areas for further reflection



1. Local Authority own development - Part 8
2. Exemptions – Bye-laws
3. Validation
4. Fees

Development Examples



1. Development straddling terrestrial and marine - e.g. marina, land reclamation

One application- balanced assessment

Development Plan applies in principle – terrestrial. NMPF-marine

Mix of prescribed bodies.

2. Development in the nearshore- relatively small scale

Is there a MAC?

NMPF applies, marine prescribed bodies apply

Enforcement



Nearshore – CPA

Outer Maritime Area - MARA



Thank You

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