



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

Policy and Regulatory Context for Marine Spatial Planning in Ireland

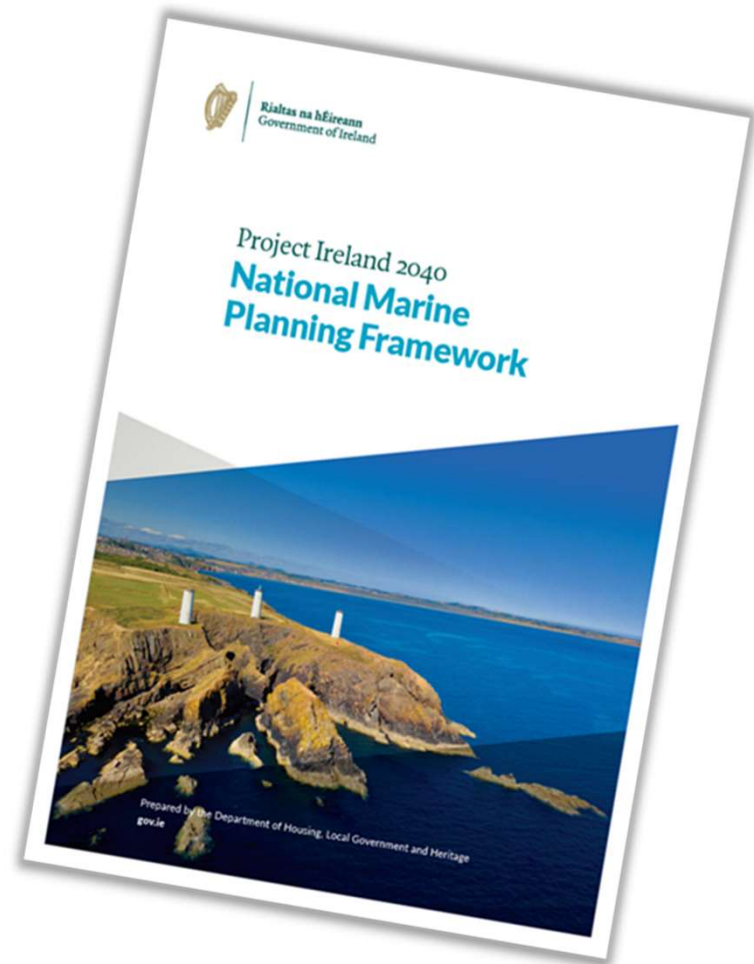
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Marine Planning Policy & Legislation



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



- MSP / Forward Planning – Competent Authorities for MSP & DMAPs
- State Consent –Maritime Area Consent (MAC)
- Development Management – LA and ABP
- Licensing of certain maritime 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) S. 12 commenced July 2023
Part 2 (Marine Spatial Planning & DMAPs)	15 th May 2023 (with the exception of Chapter 9)
Part 3 (MARA)	S. 72 commenced 10 March 2022 Remainder commenced 17 th July 2023
Part 4 (MAC)	10 March 2022 (excluding Chapter 12) Chapter 12 commenced 17 th July 2023
Part 5 (Licencing)	17 th July 2023
Part 6 (Enforcement)	10 March 2022
Part 7 (Miscellaneous)	17 th July 2023
Part 8 (Amendment of P&D Act)	1 st October 2022
Part 9 (Foreshore Act & Consequential Amendments)	17 th July 2023

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

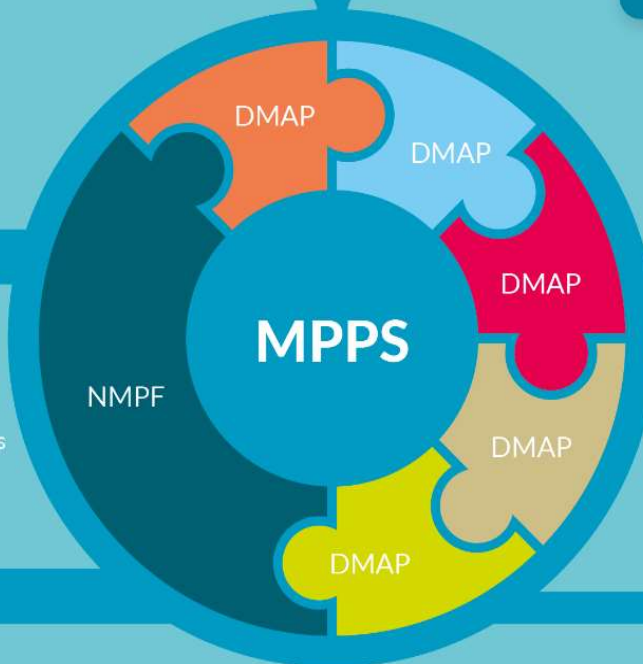
Assessment of Planning Applications in the nearshore

Planning permission

Enforcement

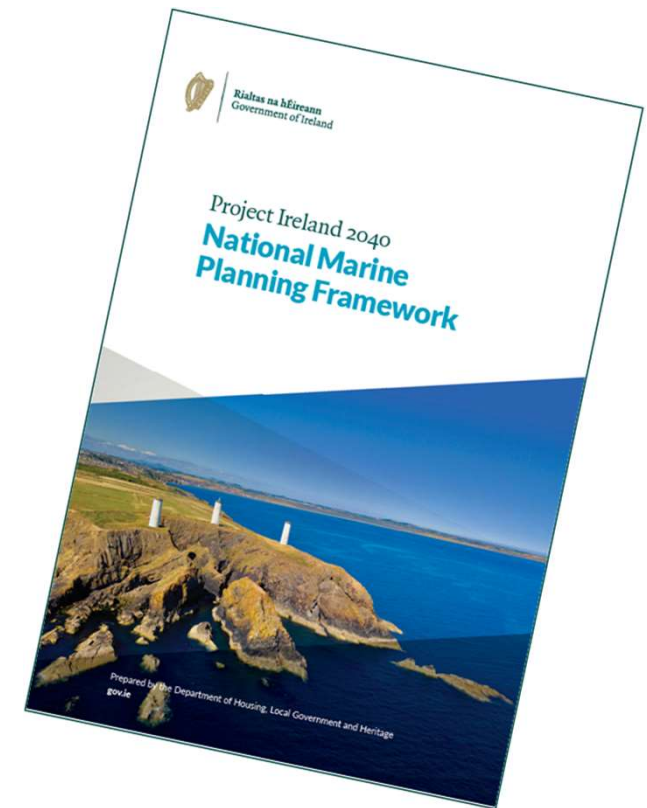
Designated Competent Authority

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



Marine Spatial Planning

- MSP Directive 2014
- Effective and strategic tool to coordinate different activities at sea and prevent conflict over the use of maritime space.
- In order to promote the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources, MSP should apply an **ecosystem-based approach** with the aim of **ensuring that the collective pressure of all activities is kept within levels compatible with the achievement of good environmental status** and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while contributing to the sustainable use of marine goods and services by present and future generations.



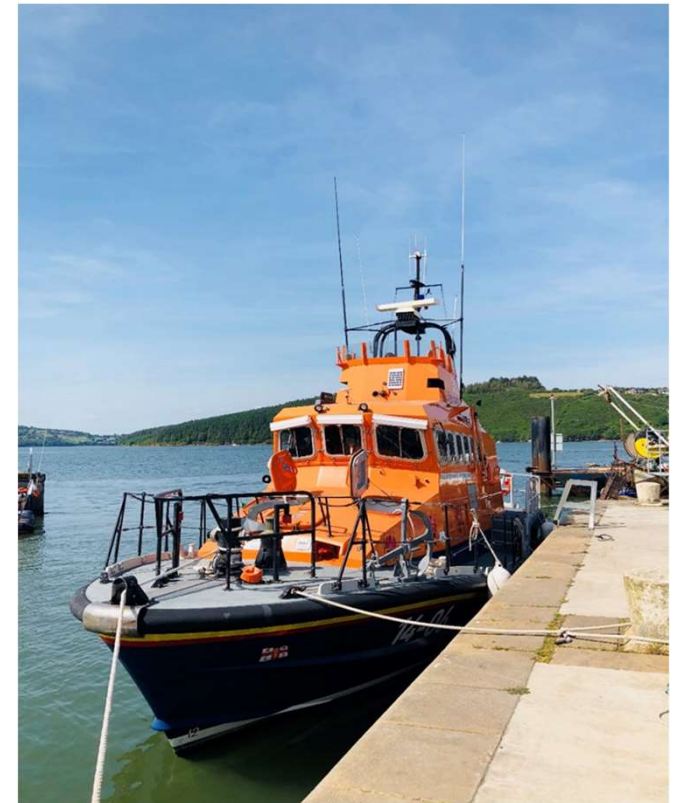
Hierarchy of Marine Planning Policy

- Marine Planning Policy Statement
- National Marine Planning Framework – Ireland's Marine Spatial Plan
- DMAPs – Sub-national marine spatial plans

National Marine Planning Framework

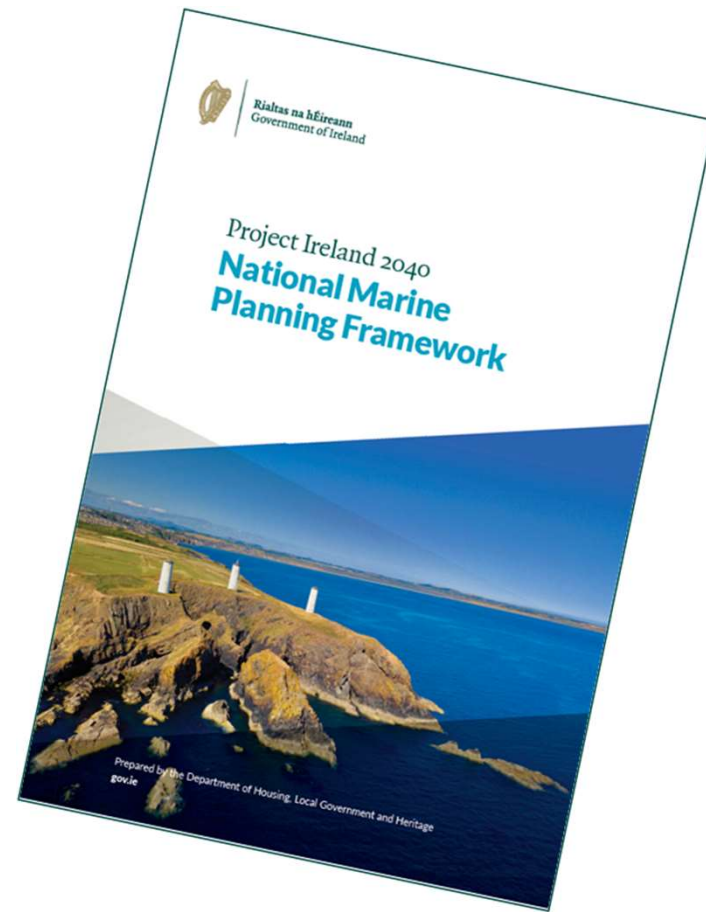


- Long term planning framework for how we use, protect, enjoy seas – out to 2040
- Critical basis for future decision making by marine decision makers - who are obliged to implement NMPF
- Overarching Marine Planning Policies – Apply to all proposals
- Sectoral Marine Planning Policies

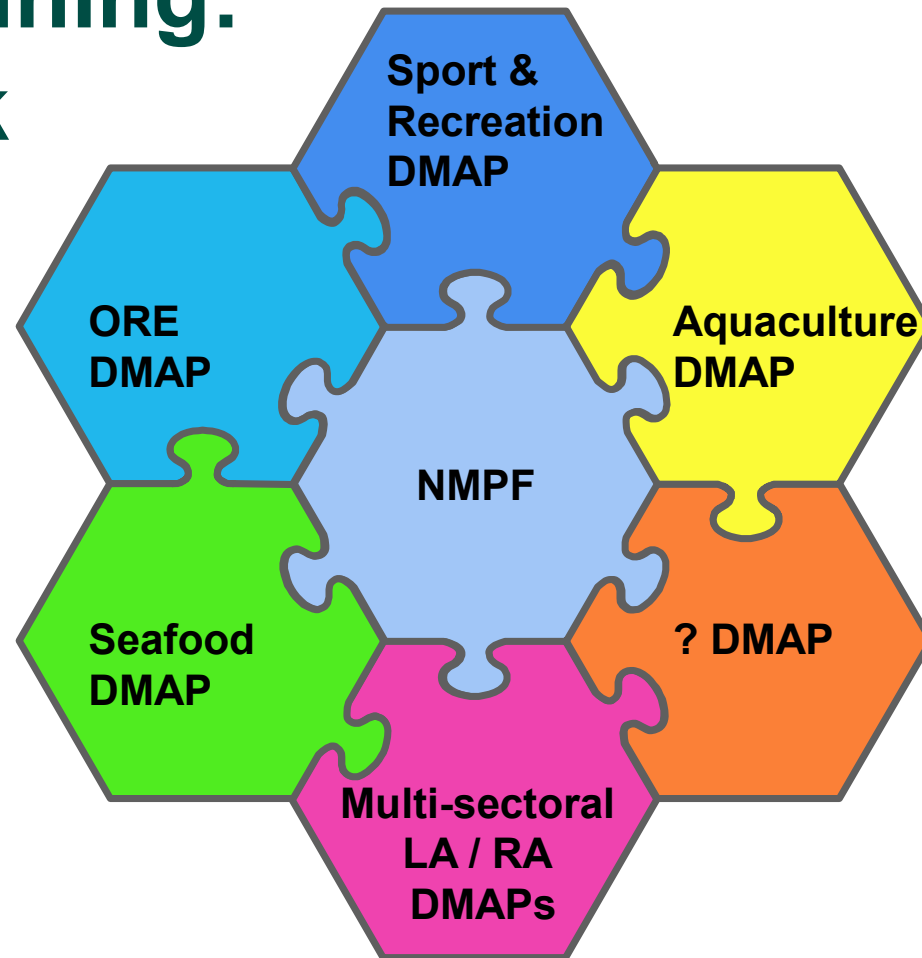


Designated Maritime Area Plans (DMAPs)

- DMAPs – Sub-national marine spatial plans
- Sectoral or multi-sectoral policy focus.
- May apply to the entire maritime area or to a delineated geographic boundary.
- Must add value to NMPPF.
- When adopted they form part of the NMPPF.



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 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.*

South Coast ORE DMAP

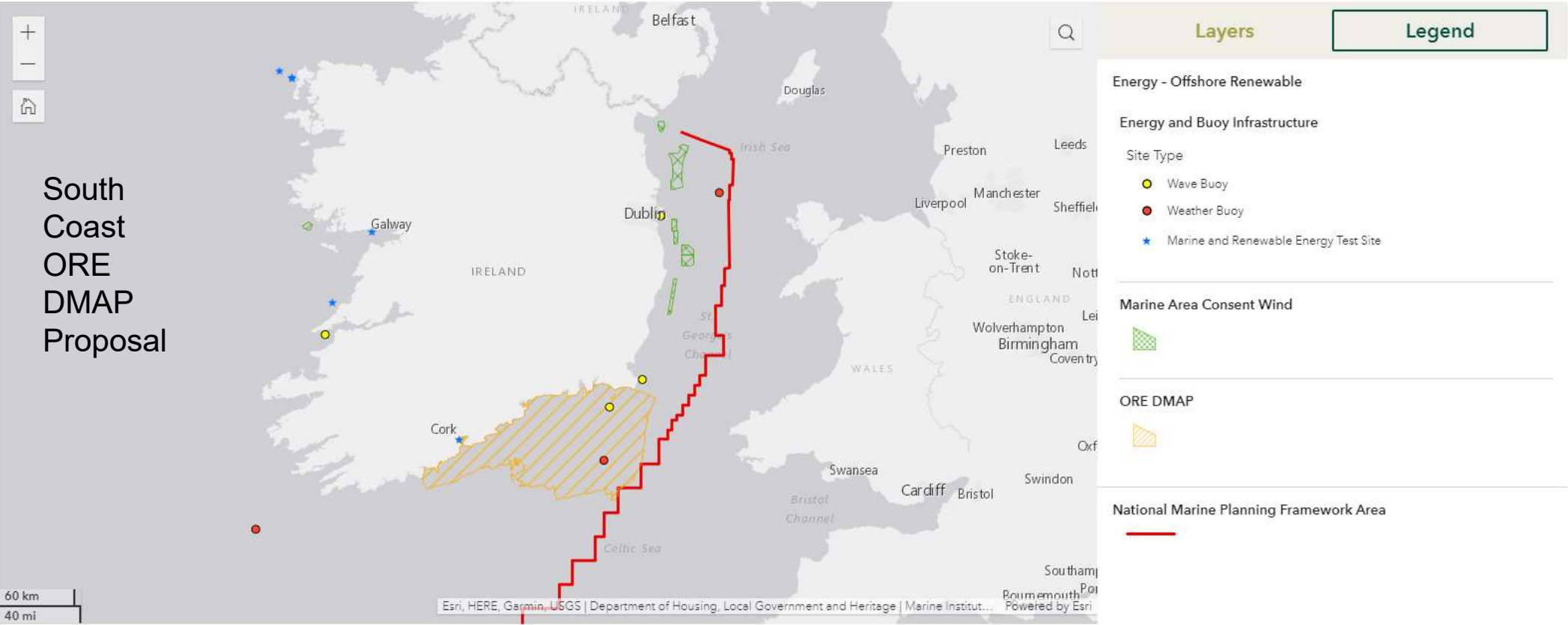


- July 2023 – Minister for ECC designated as a competent authority for the purpose of preparing and publishing DMAPs for offshore renewable energy (ORE) for the Irish maritime area in accordance with S. 20 of the MAP Act.
- South Coast ORE DMAP proposal approved by Minister for HLGH.
- Go ahead to proceed with preparing a Draft DMAP.

Activities Map (BETA)

The map here will display marine activities. All activities are off by default and you can turn on each activity layer by clicking the eye icon. The legend for each layer is available once the layer is turned on. You can choose to turn on and off as many layers as you need but there will be slower response times when everything is turned on or very busy layers are resolving.

Please Note: The Layers and Legend lists may take a few moments to load. Some layers will not display until zoomed in (these layers appear listed in grey text until available).



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 on 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.

Development Management



- 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.
- S. 279A MARA is a Prescribed Body.

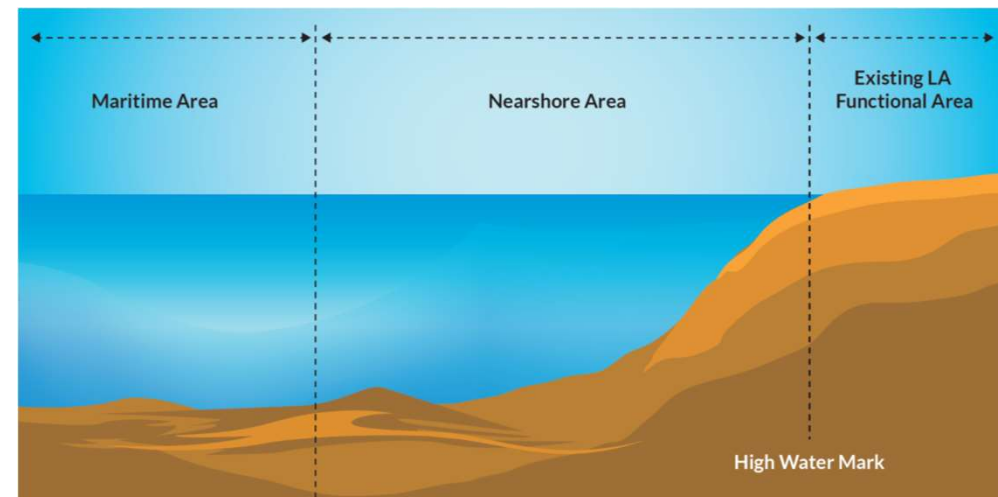
Maritime Area Planning Act 2021

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)





Development Management



- 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 (S. 285)?

- 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 class within the Eighth Schedule in the maritime area.

S. 308 Disapplication of certain provisions of the Act in relation to the maritime area



- The following provisions shall not apply in relation to the maritime area:
 - *Parts II Plans & Guidelines (other than sections 28, 29 and 30) IIA(DTA), IV(Architectural Heritage), V(Housing Supply), IX(SDZ), XIII(Amenities) and XVI(Events & Fairs);*
 - *Sections 37A - 37S inclusive (SID provisions) , 261, 261A (Quarries) and 266 (Transitional provisions for development plans).*

S. 310 Construction of References to Proper Planning & Sustainable Development



The Act shall apply to —

(a) maritime development, (b) proposed maritime development, and (c) the maritime area, as if references to proper planning and sustainable development were references to maritime spatial planning.

The Act shall apply to—

(a) maritime development, (b) proposed maritime development, and (c) the maritime area, as if references to principles of proper planning and sustainable development were references to objectives of maritime spatial planning.

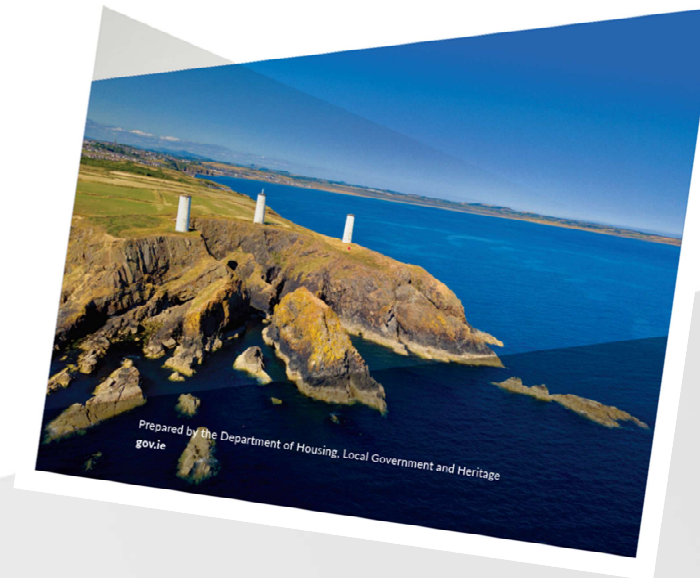
Objectives of MSP – Article 5 of MSP Directive



1. When establishing and implementing maritime spatial planning, Member States shall consider **economic, social and environmental aspects to support sustainable development and growth in the maritime sector, applying an ecosystem- based approach**, and to promote the coexistence of relevant activities and uses.
2. Through their maritime spatial plans, Member States shall aim to contribute to the sustainable development of energy sectors at sea, of maritime transport, and of the fisheries and aquaculture sectors, and to the preservation, protection and improvement of the environment, including resilience to climate change impacts. In addition, Member States may pursue other objectives such as the promotion of sustainable tourism and the sustainable extraction of raw materials.



Project Ireland 2040
**National Marine
Planning Framework**



Thank You

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