


The Consenting Process Required for the 21st Century

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Overview of Presentation

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Opportunities

- ◆ Ireland has a very large area of sea and marine territory under its control (over 200 million acres). This constitutes a natural resource of major potential for Ireland.
- ◆ It presents major opportunities in green energy [wind, wave and tidal].
- ◆ It presents considerable opportunities in sea fisheries and aquaculture. There is substantial scope to increase primary production and harvesting of aquaculture products.
- ◆ It also presents considerable opportunities in oil and natural gas exploration.
- ◆ It also presents considerable opportunities in marine biotechnology – discovery of and bringing to the market marine bioactive products with industrial, food, pharma and medical applications.
- ◆ It also presents opportunities in shipping and related support areas.

Challenges

- ◆ The requirements in relation to international obligations – which arise both within and outside the EU – are considerable.
 - ◆ Necessary tools required to manage competing and often conflicting demands.
 - ◆ Development of offshore energy presents challenges with regard to planning, scale of the national grid and ability of the national grid to cope with variable supply.
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Relevant EU Policy and Directives

- ◆ Within the last few years, there have been significant EU policy developments regarding both offshore wind energy and marine planning, together with a new Directive concerning the environmental quality of marine waters.
 - ◆ The EU Green Paper “Towards a future maritime policy for the Union” recognised that policies on maritime transport, industry, coastal regions, offshore energy, fisheries and the marine environment have been developed separately.
 - ◆ This fragmentation of decision making makes it difficult to comprehend the potential impact of one set of activities on another.
 - ◆ The Green Paper advocated a more holistic approach and called for spatial planning for a growing maritime economy..
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Existing foreshore consent regime

In anticipation of the transfer of the foreshore functions into the D/EHLG , officials informally met with key stakeholders during 2009 to hear first-hand their views. Some common issues emerging included:

- ◆ Legacy legislation not suited to the needs of the 21st century.
- ◆ The lack of a “plan-led” policy framework for the marine environment.
- ◆ A reactive regulatory regime with no statutory objectives/timeframes.
- ◆ The absence of mandatory pre-application consultations.
- ◆ The lack of openness, transparency and public participation in the consent process.
- ◆ The lack of available on-line baseline data etc to inform the application process.

Scope for Marine Spatial Planning in Ireland

- ◆ Offshore renewable energy development has the potential to make a major contribution to the generation of renewable energy by 2020, and in doing so to also improve the security of energy supply and to reduce green house gases.
- ◆ However, the development consent process needs to be underpinned by a robust planning framework which would not only ensure compliance with relevant EU Directives but also promote sustainable development by taking account of the full range of policy issues involved, including the needs of other existing and prospective users of the marine space around Ireland.
- ◆ EU policy supports a holistic, strategic approach towards marine policy, whereby sectoral policies – such as offshore energy – can be integrated with other relevant policies, particularly with a view to resolving conflicts between competing interests and uses.
- ◆ Marine spatial planning is emerging as a tool for achieving such integration.

Scope for Marine Spatial Planning in Ireland Cont/d

- ◆ Marine spatial planning can be linked with various licensing and consent processes in the marine environment.
- ◆ Marine spatial planning could provide greater certainty to developers concerning potentially acceptable locations for different types of development.
- ◆ A marine spatial planning system allows a more strategic approach to management in that it would improve our understanding and consideration of the cumulative and combined effects between different activities and the marine environment itself.
- ◆ This understanding allows for planning proactively, rather than just reacting to applications, changes and situations.

So what do we need to do?

- ◆ MEHLG has publicly stated that it is his objective to provide a quality service for all stakeholders – Government, infrastructure providers, State bodies and the general public through a model for the foreshores that:
- ◆ Operates with a “plan-led” policy framework for the approval of activities and developments in the marine environment.
- ◆ Fully integrates and streamlines the foreshore consenting regime within the wider planning system.
- ◆ Provides where possible for a single stage consent process for project approval and gives greater certainty of timeframes, including mandatory pre-application consultations, a rigorous assessment of environmental impacts, and full public participation.

Where are we now in the process?

Following the enactment of the Foreshore and Dumping at Sea (Amendment) legislation responsibility for certain foreshore functions transferred into the Department on 15 January 2010. These include:

- ◆ Harbour or harbour related development
- ◆ All offshore energy related developments, including oil, gas, wind, wave and tidal.
- ◆ Aggregate & mineral extraction
- ◆ Coastal Zone Management

Foreshore Priorities to end 2010

- ◆ Implement business process improvements to deal with existing caseload and expedite the processing of new cases.
- ◆ Work is also well underway in the Department on preparing a General Scheme of the necessary legislation, and scoping the requirements for the development of a Marine Spatial Plan .
- ◆ Other short-term administrative and regulatory measures to improve throughput of foreshore applications are being introduced in the Department.

Offshore Renewable Energy Plan

- ◆ A draft Offshore Renewable Energy Development Plan and accompanying Strategic Environmental Assessment report will be published shortly by SEAI for public consultation.
- ◆ Essentially, this will provide the first building block in the development of the type of plan-led framework that I have already referred to.
- ◆ The SEA environmental report documents:
 - Baseline environmental conditions in the areas encompassed by the plan.
 - How these conditions might be affected as a result of implementation of the plan.
 - Alternative plan scenarios, with a view to identifying the most sustainable strategy.
 - Recommended measures to eliminate or mitigate any anticipated significant effects on the environment in implementing the preferred plan strategy.
- ◆ The foreshore consenting process going forward will take into account the broad findings and assessment of the OREDP, accompanying SEA and AA in terms of location and constraints.

Concluding comments

- ◆ The key strategies underpinning the D/EHLG approach will be to:
- ◆ Develop a Marine Spatial Plan to strategically plan offshore development and to manage the various sectoral demands.
- ◆ Establish a robust and effective foreshore consent system that provides rigorous environmental controls and that is integrated with existing consent systems relating to development on land.
- ◆ Fully implement the Water Framework Directive, the Marine Strategy Framework Directive, the Bathing Water Directive, the Shellfish Waters Directive, and other legislative measures to protect and improve the quality of inland, coastal and marine waters.
- ◆ Promote co-operation on North-South and East-West marine management issues, including in relation to the implementation of the Water Framework Directive and the Marine Strategy Framework Directive.

The key indicators by which we will judge our performance

- ◆ Foreshore consent system integrated within the wider planning system and the extent to which it contributes to the development of our marine resources.
- ◆ Marine Spatial Planning framework developed and in place.
- ◆ Implementation of the Marine Strategy Framework Directive – initial assessment of Ireland's marine waters, determination of Good Environmental status, and establishment of environmental targets and associated indicators.
- ◆ Extent to which coastal waters meet compliance with EU legislation, notably in relation to bathing and shellfish waters standards.