

IMMEDIATE RELEASE

Bill for marine planning is set to be a lose-lose situation for all stakeholders

17 December 2021: The Maritime Area Planning (MAP) Bill before the Seanad today is set to be a lose-lose situation for both the climate and biodiversity crises if passed in its current form.

The Bill is to undergo the Report and Final Stages today in the Seanad, and while there have been some amendments made to improve it, a myriad of problems remain with the Bill which will soon be sent back to the Dáil.

Given fundamental issues within the Bill and Ireland's marine spatial plan, the National Marine Planning Framework, the resulting decision-making system will be deeply problematic for all stakeholders, including those hoping for massive expansion of offshore renewable energy and coastal communities. [1]

This is the warning from two of Ireland's leading environmental coalitions, the Sustainable Water Network (SWAN) and the Environmental Pillar. Both networks have repeatedly highlighted the need and legal requirement to confront both aforementioned crises and to address fundamental issues in how the Government approaches our marine environment.

If passed as is, allocation for offshore renewables will supersede the much-needed and long overdue designation of Marine Protected Areas (MPAs) and there will be no adequate interim measures to protect areas of the marine in the meantime.

The Department informed a Joint Oireachtas Committee that sensitivity mapping (a key element of spatial planning) won't even be completed until the end of next year. [2]

This means that sites, including our most ecologically sensitive, may not be adequately designated and we could see offshore wind farms developed in completely unsuitable areas. Ultimately this puts vital future energy infrastructure and the health of our seas and their ability to absorb greenhouse gas emissions at risk, which we simply cannot permit.

We are legally obligated to implement a network of MPAs. To date, Ireland has only protected a mere roughly 2.3 percent of our maritime area through EU Natura 2000 sites and this issue of insufficient protections will be further compounded by the inadequacies of our current marine framework. [3]

By prioritising offshore renewable energy, which the Government has shown every indication of doing, Ireland could face infringement actions for non-compliance with our EU obligations and wider issues in respect of obligations under the Aarhus Convention, as well as actions in the national courts. This will complicate effective rollout of offshore energy needed to decarbonise our energy sector.

We are calling on the Government, including Ministers Darragh O'Brien, Eamon Ryan and Malcolm Noonan to amend the Bill in order to:

1. Provide interim protections for vulnerable marine areas until a fast-tracked sensitivity mapping process is completed.

2. Initiate an early and expedited review of the National Marine Planning Framework in advance of granting consents, in order to identify gaps and issues, so they can be addressed as a matter of urgency.
3. Address serious deficiencies in the Bill on the rules for Judicial Review to ensure cases are not made more complex by the additional need to argue on non-compliant rules on access to justice.

Ireland declared both a climate and biodiversity emergency just three years ago - one crisis cannot take precedence over the other. Government must take decisive action to protect our marine environment for our climate ambition, biodiversity and coastal communities. It is in everyone's interest to get this planning framework right. [4]

Dr Simon Berrow, CEO of the Irish Whale and Dolphin Group, said:

"We are fortunate to share our marine space with a huge diversity of marine species. Planning must avoid those areas which are most important for marine biodiversity, as it cannot move for us.

Identifying these areas, and understanding how they are used, is essential before these huge decisions on the future use of our marine space are made. Good planning requires good knowledge and we need to start obtaining this knowledge immediately."

Ellen MacMahon, Policy Officer at SWAN, said:

"The Dáil recognised both a climate and biodiversity emergency in 2019 - that means both warrant the same degree of action and that neither is pursued at the expense of the other. The least the Government can do now is to introduce interim measures to protect sensitive areas before MPAs have been designated."

Attracta Uí Bhroin, Environmental Law Officer at the Irish Environmental Network, said:

"We are calling on the Government and all stakeholders to ensure consents aren't granted until the National Marine Planning Framework is reviewed and before issues in it are addressed - this is to avoid negative impacts on nature and compromised consents in the marine environment.

We are also calling for an immediate process to establish interim protection to mitigate against the significant risks for all stakeholders because of the delay until we have clarity on Marine Protected Areas.

These fixes are not just essential for marine life, but they are in the interests of all stakeholders if consents and development aren't to become tangled up with a multiplicity of legal arguments and issues. Those arguments will be made even more complex by the serious issues on access to justice and Aarhus rights in the Bill, which also need to be addressed in the Seanad.

The Maritime Area Planning Bill and the National Marine Planning Framework - are a complete let down for all stakeholders - be that coastal communities all around Ireland, those concerned with the expansion of offshore renewables, and those concerned with the climate and biodiversity crisis - which is ultimately one crisis.

The resulting decision making framework contains serious flaws in our view, and will set stakeholders against each other and create major difficulties for decision makers. The issues and conflicts which will result, have been compounded by serious issues in the bill in respect of access to justice, which will add complexity and length to the judicial review challenges which are now regrettably inevitable."

Regina Classen, Project Officer at the Irish Wildlife Trust, said:

“Ireland’s seas are in a dire state. Populations of seabirds, sharks and commercial fish are but a shell of what they once were. Our current marine protected areas in the form of Special Areas of Conservation and Special Protection Areas are showing signs of deterioration due to a multitude of human impacts that are not managed appropriately.

The Government’s priority now must be sensitivity mapping of the most vulnerable areas to ensure interim protections can be put in place before additional pressures from large-scale developments are introduced.”

ENDS

Notes:

[1] The full National Marine Planning Framework is available at: <https://bit.ly/2XtocCD>

[2] The full session of the Committee on Housing, Local Government and Heritage from 30 November is available at: <https://bit.ly/3dUmjn9>

[3] Under the EU Marine Strategy Framework Directive Article 13(4), we are legally obligated to implement a network of MPAs. More information on the Directive can be found at:

<https://bit.ly/3ITNHq9>

[4] Ireland declared a climate and biodiversity emergency in May 2019:

<https://bit.ly/3imu7Rq>