

The following is a formal submission on behalf of IFA Aquaculture regarding Offshore Renewable Energy: Maritime Area Consent (MAC) Assessment for Relevant Projects:

The Maritime Area Planning (MAP) Bill, which underpins Ireland's new marine planning system, recently passed by the Oireachtas without the inclusion in the Bill of two of the main industries in the Marine space - fisheries and aquaculture. The MAP Bill also aims to establish a new regulatory body in the Maritime Area Regulatory Authority (MARA) which also will not include fisheries and aquaculture – it is imperative that aquaculture is included as part of the establishment of MARA as it is essential for the fair and correct development management of the Marine space.

IFA Aquaculture has the following comments in relation to this public consultation document on Maritime Area Consent Assessment for Relevant Projects:

2.3.2 – Maritime Area Planning Bill and legislative basis for MAC – the MAP Bill has been introduced as legislation underpinning new marine planning system. The MAP Bill is described as a 'key enabler' in Ireland's decarbonisation goals; 'an entirely new regime for the entire maritime area' underpinned by National Marine Planning Framework; that foreshore authorisation will be 'replaced by streamlined' MAC; that the planning permission system extended into 'entire maritime area' with single Environmental Assessment; and that 'compliance and enforcement supported by robust provisions'.

Notably the Bill is described as that 'State's leading response to the much-needed reform of marine governance'. In broad terms the objectives of the National Marine Planning Framework, address a number of recommendations outlined in the recent 'Review of the Aquaculture Licensing Process', where the report concluded that the aquaculture licensing system was in 'urgent need of reform'. The introduction of the MAP Act which is purporting to be a response to 'much-needed reform of marine governance' is to be welcomed particularly by a sector such as Aquaculture where the licensing system is in desperate need of reform and a sufficient enforcement system.

However, IFA Aquaculture notes that aquaculture is not legislated for in regard to the MAP Bill and it would appear that proposed legislative framework currently does not apply to the aquaculture sector - making it the only sector in marine space not accounted for as part of the legislative framework

underpinning this new marine planning system. In other words, the policies, principles and objectives of the National Marine Planning Framework means little in regard to the aquaculture sector if they are not underpinned by appropriate legislation. Therefore, the MAP Bill does not legislate for ‘an entirely new regime for the entire maritime area’.

The marine planning system in the maritime area is being streamlined, while excluding the aquaculture sector, creating a situation whereby, aquaculture, with an already lengthy application process, will be unfairly ruled out of increased transparency and competition for space than that of other activities/sectors in the marine space – this is unacceptable for the aquaculture industry.

Any legislative framework related to the marine planning system must include the Aquaculture sector – in order to succeed in enabling a better integrated marine management, Ireland’s marine planning system and any legislative framework must apply to all sectors, including Aquaculture. The Irish Aquaculture sector needs the support of policy to allow for sustainable development of the industry.

IFA Aquaculture has continuously highlighted this point throughout the Marine Spatial Planning (MSP) process, through participation in the MSP Advisory group, public consultation opportunities and contact with relevant Government officials and Ministers responsible for the development of marine planning policy. The *‘Report on Pre-Legislative Scrutiny of the General Scheme of the Marine Planning and Development Management Bill’* by the Joint Committee on Housing, Local Government and Heritage published in February 2021 also noted as part of their recommendations that *‘regulation and management of aquaculture be provided for in the bill’ or ‘alternatively, that the spatial planning for aquaculture be provided for in the bill, in order to meet the requirements of the Maritime Spatial Planning Directive’*.

IFA Aquaculture hopes that future revisions of the MAP Bill will seek to legislate for Aquaculture as part of the marine planning process and be included in the establishment of MARA, as no provision is given through the MAC assessment as to how aquaculture and offshore wind projects could co-exist.

2.3.4 Maritime Area Regulatory Authority – MAP Bill will establish new agency to regulate Maritime Area development (MARA) and will be operational from 2023 with 4 key roles; Granting of all MAC’s in maritime area; Granting Maritime licenses for specific scheduled activities including environmental surveys; Robust compliance and enforcement measures; Managing existing State Foreshore leases and licenses.

As previously outlined, aquaculture is not legislated for as part of the MAP Bill and also is not included as part of the proposed establishment of MARA. IFA Aquaculture hopes that future revisions of the MAP Bill will seek to legislate for Aquaculture as part of the marine planning process and be included in the establishment of MARA, so that the 4 key MARA roles outlined will apply to the aquaculture sector.

3.2 Areas where information will be sought from Relevant Projects, but will not be assessed

IFA Aquaculture notes that statements in regards to 3.2.1 – Stakeholder engagement and 3.2.3 – Public Interest will only be retained for information purposes only, will not be used as part of pass/fail MAC assessment. As a stakeholder in the maritime space, if an issue or public interest conflict arises provision should be made to take this into account. Public interest considerations such as whether the proposed MAC application could include other maritime activities such as aquaculture should be given due consideration.

3.3.2 Application fees

Collection of application fees should apply in respect of MAC application fees, similar to other foreshore/maritime application fees. In this regard Option 2: Charge a handling fee based on the likely calculated workload in processing and assessing MAC applications, would be appropriate.

Integrated Marine Planning System

IFA Aquaculture supports the development of an integrated marine planning system which is aligned with the land-planning system, with clearly set out timeframe for every step of the decision-making process from the outset, through screening, consultation, decision making and appeals. Such measures would meet the implementation requirement of a number of recommendations outlined in government policy documents namely; 'Review of the Aquaculture Licensing Process', 'National Strategic Plan for Sustainable Aquaculture', Current 'Programme for Partnership Government'.

IFA Aquaculture would welcome the rationalisation of enforcement of the marine planning system under the MAP Bill. However, the aquaculture sector must be included as part of any legislative framework for the marine planning system, in order in to ensure the consistent application of the NMPF policies by all marine planning bodies in their decision-making roles.

As Aquaculture provides an important social dividend providing employment in rural coastal & island communities through the sustainable production of high-quality food with low-carbon footprint, the sector's contribution in sustaining vitality and viability in coastal areas cannot continue to be ignored.