

SWAN submission to the Draft ORE Future Framework Public Consultation

The Sustainable Water Network (SWAN) is an umbrella network of 25 of Ireland’s leading environmental NGOs, national and regional, working together to protect and enhance Ireland’s water environment. Through coordinating the work of the SWAN office with that of our members, SWAN seeks to influence water and water-related policy so as to secure maximum protection for Ireland’s aquatic resources. We are a founding partner of FairSeas and a member of Seas at Risk.

While supporting the broader goal of tackling the climate crisis and using renewable energy sources to reach net-zero greenhouse gas emissions by 2050, SWAN does not wish to see offshore renewable energy (ORE) progress at the expense of important habitats and wildlife. We are focused on the ecological and environmental impacts of ORE in the marine environment.

We are encouraged by Minister Ryan’s words that environmental considerations and protections will be “of the utmost priority during the development of ORE in Ireland’s maritime area.” However, the plan overall appears to be market-led and lacks detail on how the parallel processes of Marine Protected Area (MPA) designation and ORE development (both of which have ambitious targets to meet by 2030) will prioritise marine recovery.

Please find attached our response to the Future Framework Public Consultation.

Question 1

1(a).Has this section adequately identified the general key priorities for ORE delivery in Ireland? Are there additional priorities that should be integrated into the holistic, plan-led approach?

SWAN members welcome the plan’s assurance that ORE development will be aligned with the protection of marine biodiversity through MPAs, Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), with environmental concerns prioritised from planning stage through decommissioning. SWAN’s observations to date do not reflect this being the case thus far. The plan-led approach must reflect a significant improvement in practice, prioritising nature restoration and following scientific advice to avoid detrimental effects on ecologically important areas in the marine area.

The prioritisation of an ecosystems-based approach, per the Maritime Area Planning Act, is a must, with environmental factors at the centre of decision-making. In addition to compliance with existing environmental legislation, projects should seek not just to avoid detrimental effects, but to take a marine net gain approach, seeking to improve the marine area through plans.

Robust environmental data must form the basis of MPA designation, with sites prioritised for their qualifying interests, rather than simply the absence of ORE.

Co-location must not be seen as a default option. Particularly in such instances, when the impact of ORE in a possible MPA is unknown, the precautionary principle must be applied.

1(f).What additional capacities and responsibilities should be held by industry in the context of the plan-led approach?

Industries must prioritise environmental and ecological considerations, per the assurances of the plan. With MPA designation likely to be occurring in parallel with ORE development, sites must firstly be prioritised for their qualifying interests to support nature restoration and increase biodiversity in the marine area, with co-location to be avoided. Robust environmental assessment must guide selection of all development sites. Additionally, where data is lacking, the precautionary principle must be applied.

Pressures on the marine environment relating to ORE throughout the process, including planning, development, site investigation, construction, operation, maintenance and decommissioning, must be recognised and addressed, such as noise generating activities (i.e., those generated in site investigation, bore hole drilling and pile driving), especially when these activities are proposed in close proximity to sites where the Qualifying Interests include marine mammals. In addition, installation of cabling, port development, dredging and the introduction of electromagnetic fields must be carefully addressed. Cabling must also be prohibited within Natura 2000 sites. The anticipated significant increase in ORE-related dredging means that the EPA's Dumping at Sea enforcement body must be adequately resourced.

There must be a commitment to integrate Water Framework Directive (WFD) and Marine Strategy Framework Directive (MSFD) compliance into ORE management, ensuring that ORE development does not impact Ireland achieving Good Environmental Status (GES) across all 11 descriptors of the MSFD. Given Ireland failed to achieve GES for six descriptors in the 2020 assessment, measures must be put in place to ensure descriptors such as 'Seafloor integrity', 'Marine litter' and 'Energy including underwater noise' are at the forefront of ORE management.

1(g).How can Government facilitate a more comprehensive and streamlined engagement process with developers to ensure national ORE targets are delivered?

We are calling for a closely integrated, joined-up approach from the DECC and DHLGH as MPA designation and ORE development progress, ensuring that GES targets are not missed as Ireland moves towards net-zero.

It is regrettable that the first Designated Maritime Area Plan (DMAP) Proposal has been determined when less than 10% of Irish waters are designated MPAs, effectively prioritising ORE above the protection and restoration of nature, before MPA legislation has been published. Cross-departmental collaboration will be vital to ensure ORE does not compromise nature restoration and that valuable ecosystems in the marine area are protected and that species listed in the EU Habitats and Birds Directives are not adversely impacted. Engagement with environmental NGOs must be prioritised through ORE

development. Evidence such as the MPA Advisory Group's ecological sensitivity analyses must be taken into account.