

Draft Offshore Renewable Energy Future Framework Policy Statement (OREFFPS)

Submission by the Maritime Area Regulatory Authority (MARA) in response to consultation

1. Introduction

The establishment of MARA in July 2023, was a critical part of the biggest reform of marine governance in Ireland in almost a century. MARA now has a key role to play in the transformation of our marine planning system. MARA facilitates a streamlined consenting process for projects and a route for projects to the planning system by assessing applications for Maritime Area Consents (MACs) which are required before a planning application can be made. MARA is a key enabler in respect of Ireland's ambitions for the Offshore Renewable Energy (ORE) sector, providing certainty to project promoters and delivering a pathway to realising the necessary investment.

MARA strongly welcomes the policy statement and commits to working with all stakeholders to enable all actions in the document to be delivered. This submission firstly sets out general comments which MARA feel could enhance the clarity of the sequencing of the steps necessary to deliver on the ambitious ORE agenda, and secondly, sets out some comments specific to the actions, including those assigned to MARA.

2. General Comments

MARA is of the view that the policy statement is an opportunity to provide clarity on the sequencing of activities/steps that will be taken for all future phases of ORE development. The DMAP process provides the opportunity to re-order the various stages of ORE development post 2.1. Specifically, MARA suggests the following sequencing (which could be depicted as a schematic/infographic for ease of assimilation).

- (i) DMAP– this decides **where** the development takes place;
- (ii) MAC award – this decides **who** gets to develop;
- (iii) Route to Market - decisions on where the electricity goes or **what it is used for**;
- (iv) State Support - if there is a market failure Government may step in with a **support scheme**.

(i) DMAP

MARA fully supports the development of a DMAP roadmap which should see DMAPs being developed in parallel throughout the State's maritime area. This is a hugely positive step in a plan led framework for creating the appropriate marine planning architecture that is necessary to provide regulators and planning authorities with the statutory basis for making robust decisions. In addition, it provides certainty to all maritime stakeholders, and most importantly - the public. A robust marine planning system that recognises that the increasing demand for space by multiple sectors and balances the competing needs of sea users, rather than establish an agreed hierarchy of priorities is crucial.

It is vital that the DMAP process works quickly and comprehensively. The DMAP is the entry point into the development process and without more DMAPs, Ireland risks losing avenues to development. Given the long lead in time for ORE development and deployment clear signals in terms of future development opportunities are crucial. DMAPs are the first critical step in this process.

As the DMAP is the foundation upon which ORE deployment can take place, sound data and enhancement of the evidence base of DMAPs is critical. To underpin the integrity of the DMAP, MARA encourages the Department (and all other agencies as may be necessary) to work collaboratively to identify, source and refine all necessary data on both hard and soft constraints to improve the evidence base for identifying DMAPs and mitigate risk further in the process, so far as is possible.

In order to maximise the deployment in a DMAP area, MARA suggests the identification of multiple 'development zones' within an individual DMAP area which could be released on a phased basis. Again, data will be critical in this process.

MARA also suggest that consideration be given to developing innovation DMAPs for ORE testing/innovation purposes. These could be managed through an appropriate statutory agency. In the absence of such DMAPs, a clear policy direction from Government is required to ensure there is consistency in approach to requests for authorisations for ORE innovation development and deployment consents.

(ii) MAC Award

The establishment of Ireland's first ORE Designated Maritime Area Plan off the south coast of Ireland will set in motion the new plan-led approach to development in the maritime area and offers the opportunity to road test the sequencing suggested above.

Post DMAP, MARA suggest that specific the 'development zones' mentioned previously could be released in a phased manner, in line with Government policy, through a 'competitive MAC award' process (analogous to seabed leasing in other jurisdictions). Sections 93 and 103 of the Maritime Area Planning Act enables MARA to introduce a competitive process for the awarding of a MAC. There are options as to how best to do this – using financial criteria, non-financial criteria or a combination of both.

The MAC can then be used to place specific obligations on developers/MAC holders as part of that process. The MAC award process can be used to reward positive behavioural change taking into account lessons learned from similar initiatives in various European Union member states. This would include Non-Price Factors, such as a greater emphasis on supply chain development and/or biodiversity/sustainability criteria by way of example.

The experience from other jurisdictions of the significant lead in time from concept to design through to consent and financial close needs to be reflected in the sequencing. MARA view this approach of competitive MAC award in advance of either necessarily identifying a route to market or a support scheme allows multiple developers to start developing their projects at an earlier stage. This can provide a stronger context for supply chain development and investment. This approach of frequent and visible MAC awards will maintain an appropriate rhythm and pace to the projects pipeline, thereby giving investment confidence to project, ports and the supply chain generally.

It is acknowledged that projects would be bidding for a MAC before much of the detailed surveys would be undertaken. Projects, which succeed in obtaining a MAC, would carry out their own surveys pre planning application and/or pre deciding route to market. However, initiatives such a pre 'competitive-MAC award' surveys (State led) and other enabling actions for specific development zones could be explored with the aim of shortening and reducing the post MAC award development timelines.

As indicated in Action 6, MARA will develop a competitive MAC award framework, will consult widely as part of this process and will draw on best practice internationally. MARA's aim is to provide transparent and equitable access to the seabed.

(iii) Route to Market

To date, there has only been one route to market for offshore wind – ORESS. In the future, there will be multiple routes to market potentially available to project developers, supported by different policies – for example, consideration of private wires, hydrogen as an offtake option, export opportunities. MARA suggest that decisions on where the electricity goes and/or what it is used for should follow the MAC award process. This would enable a parallel track for developers to proceed with detailed project development (design, necessary surveys, financial investment etc.) at the same time as route to market policy options are further developed. Again, the significant lead in time for ORE develops should be reflected in the sequencing.

(iv) State Support

The final step in the process centres on support schemes. Where market failures are identified it is a matter for Government to determine if there is a need to step in to correct the imbalance, and provide supports to achieve particular policy objectives. This could take the form of a support to the developer (such as ORESS) or off-taker – for example support for hydrogen producers, rather than ORE developers. Some projects may not require state support, particularly if they are funded via a CPPA or are developed in response to export opportunities.

3. Comments on specific actions

Actions 2 & 3

Investigate the feasibility of a floating offshore wind demonstrator site

Maintain State support for our existing or planned test sites and explore the feasibility of supporting additional test sites.

MARA suggest that consideration be given to developing innovation DMAPs for testing/ innovation purposes. These could be managed through an appropriate statutory agency. In the absence of such DMAPs, where there are innovation projects ready to be progressed, a clear policy direction from Government would be desirable to ensure there is consistency in approach to requests for innovation development and deployment consents.

Action 5

Provide the structures and supports necessary to establish a future DMAP roadmap including timeline for deployment including DMAPs catered towards various technologies such as fixed, floating, wave and tidal. This roadmap should be produced in accordance with all relevant legislative and regulatory processes and in alignment with technology maturity and offtake availability.

While supportive of the Action to develop a DMAP roadmap, MARA suggest that an ORE DMAP should be technology agnostic and not limited to one type of technology. The characteristics of the location will likely determine the best technology to be developed based on the cost of the technology, capacity factors that can be achieved and other supply chain considerations. With the speed of technology changes, and timelines to develop an ORE project, trying to predict the best technology in advance may be counterproductive.

Action 6

Continue to support streamlining of the consenting process for ORE projects including support of necessary environmental procedures and a competitive MAC process with indicative timelines for implementation.

The OREFFPS acknowledges the importance of access to high-quality information and data on our seas and on the maritime environment. Of critical importance to MARA is the availability of such data to determine the area of offer for a competitive MAC process. Therefore, MARA will be very supportive of any measures or actions for the acquisition of necessary data.

As mentioned above MARA would encourage the Department (and other agencies as may be necessary) to enhance the approach to the refinement of data (environmental, navigation, fisheries etc.) in identifying suitable development areas within DMAPS. This will help to mitigate risk further in the process, so far as is possible and underpin the integrity of the DMAP.

MARA suggests that Action 6 be amended as follows, to specify two distinct actions:

“Continue to support streamlining of the consenting process for ORE projects including support of necessary environmental procedures”

And

“Design a competitive framework for the award of all future ORE MACs consistent with DMAPs”

Action 8

“Design a competitive process to procure 2GW of non-grid limited capacity in 2025, to be in development by 2030”

MARA suggest that, in line with the sequencing outlined above, this Action should be rephrased to make it clear how the process to procure is intended to work. MARA is committed to the competitive MAC award process (as set out in Action 6), which will ultimately play a part in delivering 2GW of non-grid capacity.

On this basis, MARA suggests that Action 8 be broken down into two separate actions as follows –

“MARA awards MACs via a competitive process for 2GW of ORE development.”

and

“DECC design a route to market, and any necessary support scheme, as required for the 2GW of additional generation capacity.”

Action 21

Include Community Benefit Fund provisions in MACs, applicable regardless of route to market.

MARA agrees that the decoupling of the Community Benefit Fund obligation from ORESS (as is currently the case) is desirable. As we move forward, future ORE development may not benefit from a support scheme. Therefore, it is more equitable to attach the CBF obligation to the seabed rights via the MAC.

In this regard, MARA will include Community Benefit Fund obligations as a condition of an ORE MAC. It should be noted that the Maritime Area Planning Act 2021 enables the Minister to add to the list of conditions that MARA may attach to a MAC in accordance with *Schedule 6* of the Act. MARA is taking advice to determine if this is the most appropriate route to effect that change. If not, a primary legislative amendment will be required to the Act to underpin the policy objective.

4. Conclusion

MARA would welcome the opportunity to engage or elaborate further on any of the points raised in this submission and remains committed to working with all its partners across Government in delivering on the ambition set out in the policy document.

Strategy, Governance & Communications Unit

Maritime Area Regulatory Authority

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