

BIM comments on the new SC DMAP and SEA

31st May 2024

This document provides preliminary observations on the new SC DMAP and SEA for DAFM. The observations and structure of this response will be further developed in advance of the 14th June public consultation deadline. Observations are divided into general comments on the New SC DMAP and SEA, answers to the questions provided in the consultation document, and some additional points.

General Comments on the New SC DMAP and SEA

The new draft South Coast DMAP has been issued in advance and does not account of the Celtic Sea Ecological Sensitivity analysis (ESA) which is due to be issued in June. The combined effects of ORE and MPAs on seafood and other sectors need to be considered but this is not possible when proposed ORE development/ Maritime areas do not take account of the ESA process and location of future MPAs. There is also a risk that the proposed ORE areas will fall within key areas of ecological sensitivity which raises uncertainty as to whether the ORE developments will be legally permitted to proceed.

The wording on policy objectives for seafood in the new draft South Coast DMAP leans heavily towards coexistence rather than considering avoidance in the first instance. This is contrary to the National Marine Planning Framework (NMPF) overarching policies which outlines how proposals must demonstrate avoidance of significant adverse impacts as the preferred option (Section 4 NMPF).

If the proposal demonstrates that significant adverse impacts cannot be avoided the proposal must then proceed to consider minimising significant adverse impacts. If the proposal demonstrates that significant adverse impacts cannot be avoided or minimised the proposal must then proceed to consider mitigating significant adverse impacts (Section 4 NMPF).

Under the NMPF Coexistence is considered a form of minimising or mitigating adverse impacts. There is a need to minimise the footprint of proposals and consider co-existence of activities where possible (Section 6.1, NMPF). The need to encourage co-existence is essential in minimising or mitigating the negative impacts of displacement (Section 7.6, NMPF). We suggest that SF policy 1 should be more explicit on the need to demonstrate how avoidance is clearly demonstrated as the preferred option. SF policy 1, page 55 of the new SC DMAP leads with recommendations for developers to engage with seafood sector and maximise opportunities for coexistence.

Next follows a recommendation that where feasible, a reduction of potential adverse impacts should be investigated through avoidance, minimising and/or mitigating impacts including through facilitating coexistence. The wording is confusing and does not follow the NMPF requirement for proposals to demonstrate how avoidance of significant adverse impacts is considered as the preferred option.

We suggest that the SEA of the new SC DMAP needs to align better with NMPF policies and objectives. The NMPF contains dedicated policies for seafood and aquaculture. The SEA excludes these dedicated policies but instead includes a policy on coexistence of seafood, aquaculture and fisheries. The SEA does not outline how avoidance of significant adverse impacts is considered as the preferred option.

For example, Figure 5.20 on page 83 contains maps of inshore fishing effort provided by the Marine Institute which shows extensive pot fishing activity in an area where it is proposed to locate Maritime area A. There is no discussion in the SEA document on how the proposed maritime area aims to avoid this activity. The document also acknowledges overlap with scallop fishing grounds. Again, no information is provided on how avoidance of significant adverse impacts is considered as the preferred option.

No information is provided on the methodology for weighting the contribution of different sectors to the constraints analysis, nor is any information provide on the weighting of different elements of seafood production such as inshore and offshore fisheries. This in contrast to the Celtic Sea ESA approach which includes detailed criteria and methods for weighting different sectors, with both fishing effort and monetary value considered in relation to fisheries.

Section 7.1, page 48 of the SC DMAP document highlights the issue of limited detailed data availability for small vessels. The document also outlines how significant engagement by a sea fisheries liaison officer (FLO) with individual fishers along the south coast informed the preparation of the SC-DMAP. No information is provided on the outcomes from this engagement nor on how this engagement informed preparation of the SC-DMAP.

A key object of the NMPF is to help realise the potential of marine resources in an integrated fashion and deal with interaction between different interests in a fair, balanced and transparent manner, including those who are employed in the marine sector (Section 6, NMPF).

Greater transparency is needed on how information on inshore fishing activity has been integrated with the new SC DMAP. How were the Marine Institute maps of inshore fishing activity integrated in the maritime area identification process? How did the engagement by the sea fisheries liaison officer (FLO) with individual fishers along the south coast inform the preparation of the SC-DMAP.

The Draft DMAP document does acknowledge the need for ongoing engagement with the seafood sector and other bodies on addressing data gaps for under 12 m vessels and coexistence.

BIM is currently conducting two projects in this regard. We have developed a community based, participatory mapping project which will enable under 12 m vessel owners to provide validated spatial information on their fishing activities. The mapping tool has been developed and data collection will commence on the south coast in June 2024. Outputs will feed into continuous engagement between the state and fishers on DMAP implementation, inform the planning process and assist developers in avoiding areas of high fishing activity.

We are also conducting a spatial assessment of coexistence between fisheries and ORE. Using global fishing watch and 4c-offshore data, we are assessing fishing effort pre and post construction on European offshore wind farms. We will examine effects in relation to technical and policy characteristics of wind farms. Project results will feed into the development of policy around coexistence and ultimately assist developers in optimising infrastructure design and layout to help minimise and mitigate negative effects of displacement.

Answers to Public consultation

Do you agree with the four maritime areas identified for future offshore wind development in the draft SC-DMAP? If not, why?

BIM acknowledges the consideration of our earlier submission in relation to the designation of maritime areas for future offshore wind development. It is noted / acknowledged, from an aquaculture perspective, that there is no overlap with licensed areas. It is also noted that areas where there were concerns about potential contaminated sediment resuspension have also been avoided. The cable routes, land access points for power delivery and construction of these may still impact upon aquaculture sector activities and we wish to reiterate the need for continued consultation and engagement in relation to associated planning at project level, however we do consider that it has been appropriately addressed within the SC-DMAP and acknowledge that the principles of avoid, minimise and mitigate have been acquitted while acknowledging that most Aquaculture activity takes place in areas that are not attractive for other considerations.

The transmission element of this project will also require the careful application of these criteria.

Do you agree that the draft SC-DMAP policy objectives and governance approach, including for environmental protection, will support and guide its sustainable and coherent implementation?

Given that the SC-DMAP in conjunction with the NMPF provides a framework under which competent authorities will make decisions regarding consents and development permissions it is critical that the policies unambiguously acknowledge and provide for Seafood (fishing and aquaculture) in the context of food security and Food safety.

Given that these SF policies set the basis for engagement for this and future DMAPS it is worth considering being explicit as to what is included in the policy. While we note that aquaculture does not fall within the boundaries of the maritime areas of the SC DMAP that does not mean that it will not become pertinent during the transmission phase or in future DMAPs. Therefore, it is worth referring to Seafood which includes both fisheries and aquaculture (or if preferable to refer to fisheries and aquaculture respectively).

The onus on the developer is very clearly stated in terms of documenting engagements and consultation with the seafood industry. The same level of clarity around recording actions taken specifically around avoidance, minimising and mitigating adverse impacts would lend transparency and confidence in SF policies as outlined.

The SC D MAP maritime area identification (BVG and GDG) balances technical constraints with LCOE and high environmental constraints including fisheries and aquaculture. However, it may be worth noting that while it gives the broader limits of the maritime areas it does not prejudice SF and CO policies being adhered to by the developer in arriving at the final footprint for the OW within the MA via the prescribed guidance and policies.

Food Safety is an important issue for the seafood sector. This has been considered in the SEA under Population & Human Health (PHH). Shellfish Waters designations are considered within Water Quality Policy Objectives and the dedicated SEA Environmental Objective for the consideration of cumulative effects under PHH is welcomed. However, Food Safety and Shellfish Waters are not contained within the policy objectives of the DMAP. We wish to reiterate the protection status of designated shellfish waters under Food Safety and Water Framework Directive legislation and request that this is included within the SC-DMAP. We wish to further reiterate the point raised in our submission in 2023 that it would be considered prudent to consult directly with the Molluscan Shellfish Safety Committee (MSSC) to address any specific issues that arise in relation to the protection of Shellfish Waters. The committee is comprised of experts from the SFPA, MI, FSAI, BIM, IFA Aquaculture and industry. [https://www.fsai.ie/about/who-we-are/our-people/industry-fora/molluscan-shellfish-safety-committee-\(mssc\)-forum](https://www.fsai.ie/about/who-we-are/our-people/industry-fora/molluscan-shellfish-safety-committee-(mssc)-forum).

Do you agree that the draft SC-DMAP includes sufficient provisions for co-existence between offshore renewable energy and other maritime activities?

REVIEW SF POLICY OBJECTIVES PG 50 OF REPORT
PG 163 of ER

SF1 – Engagement with the seafood sector should be multi-faceted and dynamic in its approach. Where there is trust and good working relationships an opportunity emerges to share and develop collaborative ideas / solutions. Engagement should not be limited to a record of correspondence but should be an iterative process....

SF4 - The Aquaculture Management and Mitigation Strategy is welcomed. It should be adaptive and responsive to change as the plans are developed.

The provision to appoint a Fisheries Liaison officer welcomed. It is suggested that a more suitable name for the Fisheries Liaison Officer would be a Seafood Liaison Officer as this would encompass the wider sector including aquaculture.

SF6 – The cable management plan should extend to consideration of aquaculture activities in relation land access routes and timing of construction / maintenance activities.

Do you agree that the plan-led framework set out in the draft SC-DMAP will effectively support and drive economic and employment opportunities, including opportunities along the south coast?

Proactive consultation and ongoing engagement with communities and sectoral stakeholders is of vital importance in supporting and driving the potential economic and employment opportunities

Additional Points

Additional Data to inform the plan.

In relation to Alien Species with Environmental Characteristics – BFF (pg 56 SEA ER) , where is it noted that there is a lack of information on marine alien species, please refer to: <https://bim.ie/aquaculture/sustainability-and-certification/marine-invasive-species/> for a

summary of work carried out by BIM to support the aquaculture sector in understanding, preventing and managing IAS risks. This includes data collated as part of the BIM survey programme and was published in early 2024. This data has also been submitted to and is available on the NBDC website.

SEA Consultation Response

NOTE FOR COLLEAGUES: This consultation is for both the SC-DMAP and the SEA Environmental Report for the draft plan. Therefore it is worthwhile to submit comments on the SEA Environmental report within a separate section of the submission. The SEA ER assesses the environmental impact of the SC-DMAP policies.

The policy areas addressed in draft SC-DMAP include the following broad headings:

- *Draft DMAP Geographical Area for Offshore Wind Developments;*
 - *Plan-Led ORE Development and the South Coast DMAP,*
 - *Fixed Offshore Wind in the Irish Celtic Sea,*
 - *Fixed Offshore Wind Technology,*
 - *Draft DMAP Maritime Areas for Fixed Offshore Wind Deployment.*
- *Plan Level Measures;*
- *Implementation, Governance and Monitoring;*
- *Marine Environment and Biodiversity;*
- *Coexistence;*
 - *Co-existence with Aquaculture, Seafood and Fisheries,*
 - *Co-existence with Tourism and Recreation,*
 - *Co-existence with Telecommunications,*
 - *Co-existence with Marine Archaeological and Cultural Heritage.*
- *Land and Sea Interaction;*
- *Ports and Harbours;*
- *Shipping;*
- *Transmission System Infrastructure;*
- *Economic and Employment Growth Potential; and*
- *Commitment to On-going Local and Regional Community Engagement*

The SEA process requires that the Environmental Report of the draft plan is consulted upon and that submissions are considered in order to further minimise the potential significant effects. The final stage in the SEA process is the publication of an Environmental Statement alongside the final plan. **The SEA statement must show how environmental considerations and consultations have been integrated into the final plan.** As this is part of the legal process it does have an impact. It therefore provides an opportunity to drive changes in the plan, or at the very least obtain feedback, where there are specific concerns in relation to the seafood sector. The environmental report itself is based on an assessment of the draft plan policies and alternatives against a set of SEA Environmental Objectives.

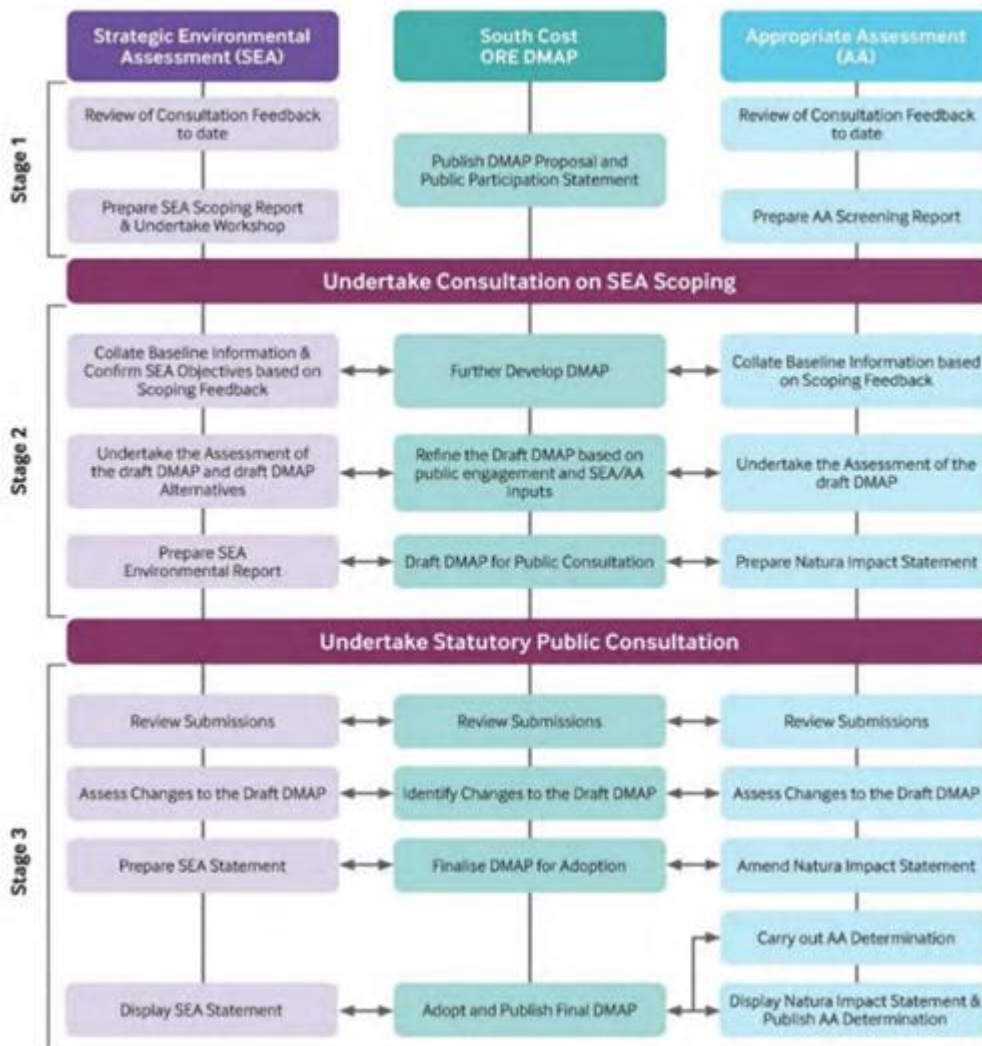


Figure 2 Links Between SEA, AA and Plan Processes

The review of relevant plans and programmes (Section 4) makes only one reference to the National Strategic Plan for Sustainable Aquaculture Development, 2030 (NSPSA) which contains policy actions in relation to co-existence, environmental monitoring and other marine planning aspects. There is no reference at all to the Irish Inshore Fisheries Sector Strategy.

Within the general state of the environment overview (Section 5) the aquaculture description is poorly covered. Detailed information on aquaculture activities in the region were provided by BIM in the previous consultation response and could have been used to more effectively inform this section of the Environmental Report.

The section continues to examine existing environmental problems: Is it correct to say that the aquaculture industry is growing? Existing environmental problems! Need to call out what has happened with AQ in the SE in recent years! Please also note fisheries comment in same section Pg 104-105

Comment on SEA Environmental Objectives - Seafood issues are well covered across the SEA Environmental Objectives and form a good basis for the assessment.

Table 6.2 – NMPF Aquaculture policies should also be included in the Material Assets section.

Policy assessment (Section 8)

WQ1 Acknowledge that aquaculture is recognized as a sensitive environmental receptor and that shellfish waters are noted with respect to potential mobilization of contaminants from installation techniques and routes chosen. (ER pg 157)

Acknowledge inclusion of designated shellfish waters in the cumulative effects assessment.

SEA-ER: Mitigation and Monitoring (Section 9)

Mitigation

BIM welcomes the recommendation in the SEA Environmental Report for a pre-consent survey for the following:

- Fish and shellfish species populations within the offshore wind farm and export cable route;
- Commercial Fisheries survey to determine fishing activity within the offshore wind farm.

BIM welcomes the recommendation in the SEA Environmental Report for post consent plans as project level mitigation covering:

- Fisheries Management and Mitigation Strategy– This sets out the approach to fisheries liaison and mitigation for the offshore infrastructure;
- Aquaculture Management and Mitigation Strategy (where relevant). This sets out the approach to aquaculture liaison and mitigation for the offshore infrastructure.
- Construction Environmental Management Plan – This relates to the construction of the onshore infrastructure;
- Environmental Management Plan – This relates to the management of the construction, operation and maintenance and decommissioning of the offshore infrastructure;
- Marine Invasive Non-native Species Management Plan – This relates to the management of marine invasive non-native species during construction of the offshore infrastructure.

Environmental Monitoring Programme

BIM requests that Food Safety impacts are integrated as appropriate under PHH and that aligned with bathing water quality, a target of “No deterioration in Shellfish waters quality as a result of ORE activities related to the SC-DMAP” is included.

We would request that MSFD D9 monitoring is also included within PHH, BFF & W
The proposal for monitoring to assess impacts on fishers using the SC-DMAP area is welcomed.

In relation to data gaps highlighted in the difficulties encountered in compiling the SEA Environmental Report, it is suggested that Fishers are actively consulted and engaged in helping to addressing the knowledge gaps.

Additional notes

Core question: Does the application of the SF policies in the SC DMAP document apply to the plan that will ultimately be seeking consent and development permissions within the Maritime Area (A in the first instance) so that the developer will need to show how within the maritime area it will avoid, minimise or mitigate the impact of OW on fishing or aquaculture activities? The implication of this is that the Development will not if it is strictly applying the SF policies, be able to occupy the whole maritime area but will end up choosing an area within MA A to build the OW and transmission

While the difficulties with data gaps for some seafood activities are acknowledged the extant data does need to be presented in terms of transparency. Separately the SC DMAP Maritime Area Identification exercise alludes to fisheries constraints generally reducing close to the coastline Figure B4.