



Draft South Coast Designated Maritime Area Plan (DMAP) for Offshore Renewable Energy (ORE)

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

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 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, while also ensuring protection of the maritime area through its statutory compliance and enforcement mandate.

MARA strongly welcomes the publication of the draft South Coast DMAP as it gives clarity to all stakeholders on the future for ORE development in Ireland. We look forward to working constructively and collaboratively with all stakeholders in the delivery of this ambitious plan.

This is the first DMAP established in accordance with the Maritime Area Planning Act 2021 (MAPA) and, as such, could be viewed as a blue print for future DMAPs. MARA is, therefore, of the opinion that it is important to ensure that it is an adaptable and fit for purpose plan. MARA is open to working with the Minister and the Department to achieve this. It is important that learnings from this process are incorporated and integrated into the development of the DMAP roadmap, which is committed to in the Future Framework for Offshore Renewable Energy Policy Statement 2024. This roadmap is a key 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 will provide certainty to all maritime stakeholders, including MARA as the maritime area regulator.

MARA compliments the Department on the choice of the names for the individual areas within the South Coast DMAP. Tonn Nua is a fitting name for the area to be developed as part of Ireland's first Designated Maritime Area Plan. The nod to our Celtic heritage for three other areas in the Celtic sea is particularly apt.

To aid the reader in understanding the policy environment in which this DMAP will operate, MARA suggests the document would benefit from the inclusion of a schematic on the hierarchy of all existing marine plans (including the NMPF, Ministerial Policy Statement, etc.).

In its consultation, the Department asks respondents to share their views on how best Ireland can harness our offshore wind opportunity to maximise benefits for our climate, environment and

communities. MARA is providing its observations in that context and looks forward to engaging further if necessary on same.

Reply to Public Consultation Questions

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

It appears to MARA that a comprehensive amount of environmental and technical analysis underpins the identification of the four areas chosen for development. However, the DMAP also acknowledges that a significant amount of regional and site specific data is required for developers to make final investment decisions. In this regard, the development of a Data Repository is very much welcomed by MARA and it notes that DECC will co-ordinate this.

MARA is of the view that this is a significant body of work and if it is to reach maximum potential it is necessary to have one body responsible for maintaining and developing it. Ideally that body would have the authority to place obligations on all stakeholders to provide information. MARA also suggests that the Department should ensure that the collection and storage of this data is compatible with other data sources already collected or being collected by other stakeholders in the maritime area.

MARA notes that the awards of MACs within Lí Ban, Manannán and Danu should be granted according to timing, methodology and processes to be determined by MARA. In line with the draft plan and ORE Future Framework Policy Statement, MARA will develop a competitive MAC process early in 2025 to determine who will hold a MAC and develop the areas. Further comments/questions in relation to this are provided in the next question.

The designation of these areas clearly defines where ORE development can take place and the draft DMAP is definitive on land and sea Interactions. As the draft DMAP acknowledges, delivering on ORE targets requires investment not only in turbines located in the identified development areas, but also laying of transmission cables to deliver the power to demand centres and development of ports to facilitate both the construction and operation and maintenance of the arrays. MARA considers that this draft DMAP, or other appropriate policy documents, should provide clarity on the policy context in which these necessary developments will take place. MARA suggests that providing this clarity will strengthen the decision making process of regulatory and planning authorities.

In addition, MARA would like clarity on the status of the draft DMAP Boundary (see map, page 17) and whether the delineation is suggesting that some further development zones may be identified (e.g. by way of amendment to the DMAP).

2. 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?

MARA's reply to this section is set out in two parts as follows:

1. Governance
2. DMAP policy objectives.

1. Governance

MARA acknowledges the need for an appropriate governance structure and agrees that the Minister, as the policy lead for this sectoral DMAP, is the appropriate competent authority for its implementation. It is noted that DECC will lead on the implementation of the SC-DMAP and the SC-DMAP Implementation Programme Board and this appears to be consistent with SEA obligations, given that Department/Minister's role as the owner of the Plan. MARA looks forward to supporting the Department in this work.

It is MARA's understanding that a primary function of this Board is to monitor and facilitate, in addition to implementing, the progress of the Plan. One of the primary functions of the Board is to determine the scope of the Regional Level Surveys and co-ordinate their implementation. The data will then be available for the development consent authorities and will inform any future amendments necessary to the DMAP.

MARA is of the view that the Implementation Board, in their management of this function, needs to consider the following:

- It should be made clear exactly what data the regional level surveys are to gather e.g. birds and mammals or does it include seabed etc.
- If project promoters have to carry out surveys then MAC awards for the Lí Ban, Manannán and Danu areas will have to be at the same time (as explained in response to policy objective MI3 below), particularly if the completion of the surveys is a pre-requisite for a project promoter applying for development consent.
- The implications of the prospect of multiple project developers being responsible for survey data collection.

With the establishment of an Implementation Programme Board, MARA believes it is important that the principles of the streamlined development process as envisaged in the MAPA should not be compromised and unnecessary duplication should be avoided. MARA suggests that consideration should be given to renaming this to 'SC-DMAP Implementation Body' to avoid any perception that it is a governance Board or has a role in authorising activity in the maritime area.

As the collection of data builds and greater clarity is received in relation to the viability and potential capacity of each of the four areas, the recognition of the possibility of amendments being required to the DMAP is also welcomed. In this regard, MARA agrees with the current approach to fixed bottom ORE technology at this moment in time. However, should the situation arise that one of the four areas is not suitable for this technology, the DMAP should be amended to enable other viable possibilities, such as floating technology, to be deployed. In addition consideration should be given to including multi-use technologies (see for example <https://euscotes.eu/#solar-wind>).

2. Policy Objectives

Policy Objective MA4

As mentioned above, MARA will develop a process for the award of MACs in the Lí Ban, Manannán and Danu areas early in 2025. It is MARA's understanding that the MAC will be the entry point for all future ORE development in the DMAP area post ORESS 2.1. However, it is not apparent to MARA that this is explicit in the draft DMAP. MARA recommends that this should be made clearer in the DMAP.

MARA is tasked with releasing the areas according to a process and timing to be determined by the Authority. It is MARA's understanding that it can run a competitive process for all three areas simultaneously and MARA will evaluate whether it is best for this process to be simultaneous or sequential.

It is welcomed that MARA may award a MAC before regional level data is available. Project promoters, however, cannot apply for development consent until this data is available. The timing for application for development consent is a condition laid down in all MACs and therefore, there will need to be clarity on the scope, timing and requirements of the regional level surveys at the MAC award stage to ensure the MAC conditions are appropriate and fit for purpose in this respect.

MARA would recommend that the timing (a decision of the Implementation Board) would follow this sequence:

1. Scope of regional level and individual surveys determined by DMAP implementation body.
2. Publication of notice by MARA of a competitive MAC process in line with a framework to be published by MARA in early 2025.
3. MAC award.
4. Collection and sharing of data.
5. Application for development consent.

Additionally, consideration could be given to including social sustainability assessments in the Regional Level Surveys. The European Court of Auditors' special report on ORE in the EU from October 2023 calls for both environmental and social sustainability to be studied in more depth. (<https://www.eca.europa.eu/en/publications/sr-2023-22#:~:text=We%20found%20that%20while%20their,conflicts%20relating%20to%20its%20use.>

Also consideration should be given to aligning the Regional Level Surveys with the processes for developing for the expansion of the MPA network and to identify where there may be synergies and overlaps.

Policy Objective MI 3

It is noted that site investigations in the DMAP areas by the State or MAC holders are to be prioritised by MARA. In accordance with Section 44 of the MAPA, MARA is obliged to have regard to the policies of the Government or any Minister of the Government to the extent that those policies may affect or relate to its functions. It should be noted that if future DMAPs or Government policy requires MARA to prioritise applications in respect of other sectors, then this will become unworkable from an operational perspective.

MARA is obliged to be responsive to Government policy in relation to prioritisation. Therefore, MARA suggests this obligation to prioritise Marine Usage Licences should be omitted from the DMAP as it sets an unworkable precedent for future DMAPs.

In addition, MARA understands that site investigations at the project level in the draft DMAP may only be carried out by MAC holders. However, MARA is concerned that this is not made explicitly clear in the draft DMAP and suggest it would benefit from greater clarity.

Implementation, Governance and Monitoring

IGM 5

MARA notes the obligation for MACs and development permissions to include conditions requiring holders/applicants to gather data and to submit same to MARA within three months of being collected. This is acceptable to MARA but cautions that this is a significant body of work and may require additional resources to enable it to be undertaken properly.

Co-Existence

CO 1

In the interest of clarity, MARA would like to record that safety issues do not fall within the criteria (Schedule 5 of MAPA) which MARA shall have regard to when assessing a MAC application. However, MARA can determine whether a MAC is for exclusive occupation or non-exclusive occupation, subject to what has been applied for by the applicant.

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

The DMAP covers all the sectoral/activity policies contained in the National Marine Planning Framework and MARA welcomes this.

The basic principle that MACs should, where possible, be granted to prospective ORE and transmission system developers on a non-exclusive basis but that this is, ultimately, a matter for MARA to determine on a case-by-case basis, is noted.

Experience from the roll out of this DMAP will inform how successful/realistic all the policy objectives for co-existence are.

As mentioned above, in addition to co-existence, MARA believes that DMAPs should explore multi-use of ORE areas. The EU Scores Programme, for example, is currently exploring the possibility for solar and/or wave being on the same sites as OWE. MARA appreciates that it may not be possible at this point in time for the SC-DMAP (unless an amendment is required at a future date) to explore this, however, a general principle into the future, in particular for sectoral DMAPs, should be that multi-use is considered.

4. 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?

The plan led framework brings certainty to industry and MARA will develop the regulatory framework to deliver on this certainty.

