



Submission to the Department of Housing Planning and Local Government

Ireland 2040 – Our Plan: Draft National Planning Framework

Coastal Concern Alliance

9 November 2017

Introduction

Coastal Concern Alliance is an independent, voluntary citizens' group established in 2006 to campaign for reform of the Foreshore Act 1933 governing construction in Irish waters and the introduction of integrated coastal zone management and marine spatial planning to balance competing interests in Irish seas.

The National Planning Framework (NPF) seeks to introduce a strategic framework to guide national, regional and local planning into the future. Ireland is a small island nation and the health and beauty of our coastline is central to our quality of life, culture, economy and tourism. We still have one of the most beautiful and wildlife-rich coastlines in Europe. The NPF highlights its importance to our national identity. Given this acknowledged importance, it should be a key objective of the National Planning Framework to conserve and enhance our coastal zone for future generations.

To date, proposals for our coastal zone appear to have been largely developer-led, produced in a planning vacuum with scant involvement of the public or their representatives and directed by agencies with an overriding interest in development as opposed to conservation.

Coastal Concern Alliance's submission is based on ten years of observation of the undemocratic manner in which our coastal zone has been managed. It focuses on seven major issues which must be addressed in the NPF if planning for our coastal areas is to fulfil the following objective.

"Ensure that Ireland's coastal resource is managed to sustain its physical character and environmental quality". NPF Objective 43a

These issues are :-

1. Introduction of Integrated Coastal Zone Management.
2. Reform of The Foreshore Act 1933
3. Review of the Offshore Renewable Energy Development Plan
4. Responsible policy development
5. Undertake Seascape and Landscape Character Assessment
6. Prioritise Conservation of Ireland's Coastal Zone
7. Agree a Marine Policy Statement.

1. Integrated Coastal Zone Management

There is a major deficit in national, regional and local planning, referenced in Chapter 6 of the NPF document, *i.e.* **the absence of an integrated planning system for the coastal zone which brings together terrestrial and marine planning** to ensure that any development in the coastal zone is fully and democratically assessed from an environmental, economic and social perspective.

At the moment there is an artificial divide in Ireland's planning system. The jurisdiction of local county councils appears to end at the mean highwater mark and, under the Foreshore Act 1933, a single government Minister (Environment / Marine) has sole authority to award foreshore leases for construction from the highwater mark out to sea. This means that no statutory body has responsibility for the protection of our coastal zone in its entirety (land and sea) acknowledged in the NPF as one of Ireland's most important assets.

2. The Foreshore Act 1933

This gap in integrated planning has assumed critical importance in recent years with private developers seeking to obtain foreshore leases for construction of some of the biggest offshore wind farms in the world, close to the east coast, under the Foreshore Act 1933, enacted before large scale construction at sea was envisaged.

The Foreshore Act 1933 allows for the awarding of Foreshore Leases on the sole authority of the Minister for the Marine with no statutory involvement of local authorities and no public right of appeal. Leases were awarded with

- no pre-selection of sites by government
- no limit on size or scale of development or proximity to shore
- no public tender
- developer-led site selection on a 'first come first served basis'
- inadequate public consultation
- no independent professional assessment of cumulative landscape impact
- no plan for use of the energy generated

The awarding of leases on the Arklow Bank in 2002 (200 turbines) and Codling Bank in 2005, (220 turbines) under this outdated and undemocratic legislation, without any strategic planning, proper scrutiny or adequate environmental assessment by the competent authorities, represents a major failure of Government to protect our coastal environment in the public interest.

3. Offshore Renewable Energy Development Plan

This failure has been compounded by the incorporation of these offshore wind farms, together with others for which lease applications have been made, into an Offshore Renewable Energy Development Plan (OREDPA). This OREDPA, drafted in 2010, endorses large scale offshore wind development on shallow near-shore banks, important wildlife habitats, in full view of the coasts of Louth, Dublin, Wicklow and Wexford. This poses a significant threat to the east coast environment, which includes its landscapes and seascapes.

- The OREDPA, produced in draft form by Minister Eamon Ryan in 2010 and adopted by the government in 2014, concludes that up to 4800MW of offshore wind (300MW greater than the maximum development scenario tested and in the region of 1000 turbines) could be developed off the east coast '*without significant adverse effect on the environment*'. The methodology used to reach this conclusion is seriously flawed.

- When the final Plan was published in 2014, it contended that a total of up to 12,500MW of offshore wind, (8000MW greater than the 4500MW tested and in the region of 2500 turbines) could be accommodated, although neither the Strategic Environmental Assessment nor the Natura Impact Statement had considered the potential environmental impact of this hugely increased offshore wind penetration on the receiving environment. Nor had these massively inflated development scenarios been considered during the public consultation. This disregard for reliable methodology invalidates any conclusions drawn in the OREDP.
- Submissions made during the public consultation on the Strategic Environmental Assessment (SEA) of the OREDP were never published, another example of failure to follow best practice with open and transparent processes.
- The SEA Environmental Report acknowledges that *significant data, knowledge and information gaps* exist, notably in the area of seascape and landscape visual impact assessment, and recommends that these crucial gaps be filled. (The Heritage Council and Fáilte Ireland have drawn attention to the inadequacy of the Report's visual impact assessment.) Inadequate assessment clearly undermines the Report's conclusions.

This flawed OREDP, which is demonstrably developer-led, is referenced in the draft **National Planning Framework** as providing the context for the progressive development of Ireland's offshore renewable energy potential.

National Policy Objective 44

Support within the context of the Offshore Renewable Energy Plan (ORED) and its successors. The progressive development of Ireland's offshore renewable energy potential, including domestic and international grid connectivity enhancements.

4. Policy development on shaky foundations

We have now reached the unacceptable situation where the seriously flawed *Offshore Renewable Energy Development Plan 2014* is referenced in this **National Planning Framework**, as if it provided a reliable framework for future marine planning and development in the coastal zone. It is similarly referenced in **Harnessing our Ocean Wealth - An Integrated Marine Plan for Ireland**, which was not subject to public consultation.

This unacceptable progression of policy for our coastal area without a sound evidence base must be acknowledged and addressed in the introduction of the **National Planning Framework**. There is little point in adopting marine spatial planning when, unbeknownst to the vast majority of people and their public representatives, the construction of massive near shore wind farms, which will adversely impact Ireland's coastal zone, has already been endorsed in key policy documents.

5. Seascape and landscape character assessment

While the Framework is largely terrestrial focused, the provisions of the European Landscape Convention require Ireland to protect both landscape and seascape.

Many of Ireland's unspoilt coastlines, frequently designated as Areas of Outstanding Natural Beauty, are given the highest protection possible in county development plans. In addition, these plans include protection for certain '*views and prospects*' because of their value to the county. However, due to lack of protection for seascape, coastal landscapes in their entirety are unprotected.

Protection for Ireland's seascapes must be enshrined in the NPF. Such protection should also be embedded in all relevant national policies, plans and legislation. In order to facilitate this, comprehensive landscape character assessment and seascape character assessment must be undertaken.

It is worth noting that with regard to the EU's Maritime Spatial Planning Directive one of the minimum requirements of MSP is that 'land /sea interactions' should be taken into account. This requirement, will necessitate proper landscape and seascape character assessment.

6. Conservation of Coastal Zone

As an island nation, it makes sense for Ireland to use our marine resource to generate renewable energy to help meet our climate and energy targets. Availing of this resource need not involve the degradation of our beautiful, un-spoilt coastal zone.

Offshore wind developments are highly contentious when proposed in the near-shore zone. Other EU countries are choosing to build large scale developments far from shore to conserve the wildlife, habitats and landscape of their coasts. The average distance from shore of offshore wind farms under construction in the EU in 2016 was 45km according to the European Wind Energy Association. This compares to an average distance of 10km from shore for offshore wind permitted and proposed off the Irish coast. It is recognised that the future of offshore wind farms lies in large installations far from shore. Ireland is far behind the curve in even considering such near shore construction. Floating wind, a fast-developing technology, could soon unlock the prospects of large windfarms out in the Atlantic, where the strongest winds blow. There is no justification for degrading our coastal landscapes and seascapes – a valuable and non-renewable resource.

Coastal Concern Alliance suggests that in order to maintain '*unique physical character and environmental quality of our coastal zone*', Ireland should follow the example of Germany, Netherlands and Belgium and introduce a buffer zone (minimum 22km) around our coast. The Netherlands have adopted a policy of keeping a free horizon out to 22km. Ireland, with one of the most beautiful coastlines in Europe, should consider adopting a similar 'free horizon to 22Km' policy to ensure that this key coastal resource is conserved.

In adopting such a policy, Ireland would be to the forefront of coastal zone protection, signaling the importance we attach to conserving and enhancing this unique resource, central to our economy, tourism and quality of life.

We are now at a crossroads. The Irish coastline remains un-spoilt. We can choose to degrade it with developer-led projects arising from the speculation and inadequate regulation of the Celtic Tiger era, or we can protect this resource for the long-term advantage of our people and of future generations.

7. Marine Policy Statement

Unlike other countries such as the UK, Ireland has no democratically agreed Marine Policy Statement which sets out a vision for our coast. The absence of such a Statement means that the Irish people have had no say in the future of their coast, and the developer-led agenda, endorsed in the OREDP and in Harnessing Our Ocean Wealth is shaping the future of our coastal zone. Addressing this democratic deficit must be a key national priority.

Conclusion

Ireland in 2017 has beautiful coastal scenery and seascapes which are still largely unspoilt. This beauty contributes to our quality of life, our economy and our identity. Development pressures are growing. We must act now to conserve and enhance this unique and precious resource and ensure that our marine planning is not developer-led. Ireland has the opportunity to become a world leader in protecting our coastal scenery and seascape. This opportunity must be grasped for ourselves and for future generations.

“Our success will also be measured by the legacy we bestow onto future generations of Irish citizens, who will inherit the outcomes of the choices we make now.” (NPF p22)

Helen Gillethie

Coastal Concern Alliance

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www.coastalconcern.ie

info@coastalconcern.ie