



Marine Renewables Industry Association

Submission to Oireachtas Joint Committee on Housing, Local Government and Heritage

Marine Planning and Development Management Bill

1. Marine Renewables Industry Association

The Marine Renewables Industry Association (MRIA) represents the main interests on the island of Ireland engaged in offshore renewable energy, notably in the latest technologies such as floating wind, wave and tidal energy¹. The Association includes utilities and site developers, professional firms and consultants, R & D businesses, supply chain activities and academic researchers. The Association is an all-island body.

2. Background to *Marine Planning and Development Management Bill*

Ireland's maritime area belongs to the public and is managed by the State. Deployment at sea of offshore renewable energy devices requires permission from the State in the form of *licences* for temporary uses (typically for short-term data collection or experimental purposes) and *leases* for more permanent but timebound use (e.g. whereby a developer leases an area of the seabed and, for example, seeks to generate electricity from a wind, wave or tidal energy convertor device). This 'system' is popularly known as *consenting*. It falls under the aegis of the Foreshore Act, 1933, as amended.

The Foreshore Act, 1933 was drawn up originally to regulate property rights in the State-owned foreshore; to protect the public rights of navigation and fishing and to provide for the granting of foreshore licences and leases. In 1933, when the Act was enacted, the pride of Irish electricity was the ESB's Ardnacrusha hydro power station which had a capacity of 86MW - today, Ardnacrusha could meet the power needs of County Louth alone. Ireland's interest in marine matters at the time was low and the Act's geographic scope was limited to the foreshore i.e. the areas seaward of the mean high-water mark. The outer limit was confirmed as being 12 nautical miles in the Maritime Safety Act, 2005, the limit of the territorial sea. Consequently, it is not possible under the current regime to consent renewable energy projects beyond 12nm from the shore despite the enormous maritime area of the State (see figure 1 below). In short, the Foreshore Act, despite amendments, is

¹ Wave + tidal energy = ocean energy (+ offshore wind) = marine renewables or marine energy

dated and ill-suited to the development of offshore renewable energy which features strongly in the Programme for Government and in EU policy. The *Marine Planning and Development Management (MPDM) Bill* is essential to replace it and is, thus, vital to our future.

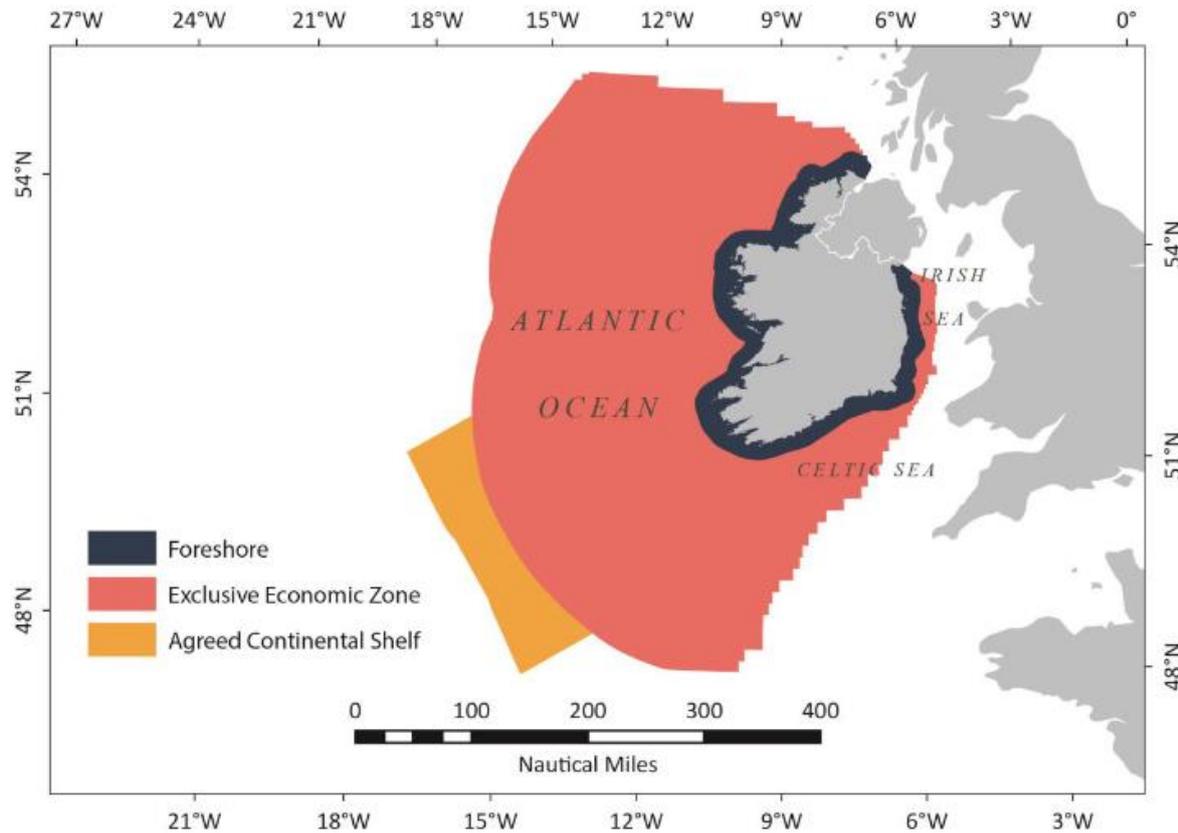


Figure 1: The area to be covered by the MPDM²

3. Offshore renewable energy - a remarkable opportunity for new jobs

Ireland faces an extraordinary opportunity with its offshore renewable energy resource and the huge EU ambition in this sector, confirmed in the recent *Offshore Renewable Energy Strategy* published by the European Commission on 19th November 2020.

Ireland's wind and wave resources have the potential for 30-35GW of offshore wind generation capacity and 31GW of wave energy generation capacity. Moreover, our wind speeds are among the highest in the world and our waves are among the most energy intensive³ globally. The Programme for Government provides for 5GW - 58 times the

² *EirWind Blueprint for Offshore Wind in Ireland 2020-2050 Research Analysis Figure 1.5* www.mareil.ie/wp-content/uploads/2020/07/EirWind-Blueprint-July-2020.pdf

³ *Offshore Renewable Energy Development Plan* February 2014

capacity of Ardnacrusha! - of offshore renewable energy by 2030 plus a plan is sought for 30GW of floating wind (and, hopefully, wave) in the Atlantic in the 2030s. The EU's *Offshore Renewable Energy Strategy* was published last week and sets targets for the Union of 60GW of offshore wind and at least 1GW of ocean energy (wave and tidal energy) by 2030 and 300GW of offshore wind and 40GW of ocean energy by 2050. A notable portion of the EU target could be met by exporting Irish offshore renewable electricity.

The combination of the Programme for Government's offshore renewable energy targets, EU commitments in the field, our enormous resource, our cutting edge offshore renewable energy research and development base⁴ and our prototype testing facilities, such as at SmartBay in Galway, present a historic opportunity for Ireland to become largely self sufficient in energy within the next 20 years and to create substantial new employment in support of the new industry, particularly in coastal communities.

Initially, new jobs will arise in the final assembly and installation of *bottom fixed offshore wind* farms (see figure 2), principally in the Irish Sea followed by permanent employment in towns around the coast, perhaps for as many as 100 persons per wind farm developer to deal with day to day operations and maintenance. As the industry scales up and new developments take root off the south and west coasts, the scale of employment will increase and its nature could change. The south, west coast and north west coasts are particularly suited to *floating offshore wind energy* and to *wave energy* (see figures 2 and 3). With support, the Irish supply chain can grow to serve areas beyond where Ireland is traditionally strong. Enterprise Ireland should be supported in continuing its effective work in developing offshore wind supply chain clusters for Irish companies. Ireland may have the opportunity to win major investment in new floating offshore wind and wave device manufacturing plants in the future, sectors where the technologies, being newer, are not yet dealt with by a fully mature base of suppliers. It is noteworthy that floating offshore wind will be deployed at scale during the 2020s and all of the indications are that it will be cost competitive with bottom fixed offshore wind. The scale of the Irish offshore opportunity is reflected in the enormous investment risks being taken by developers: e.g. a typical offshore wind farm takes nine years from conception to switch on and they can cost as much as €1bn each.

⁴ Exemplified by the work of the LiR National Ocean Test Facility in Cork and the MaREI Centre as well as the pioneering pilot project work undertaken at the SmartBay facility in Galway and, for later stage projects, at the currently developing Atlantic Marine Energy Test Site (AMETS) in Belmullet, Co Mayo

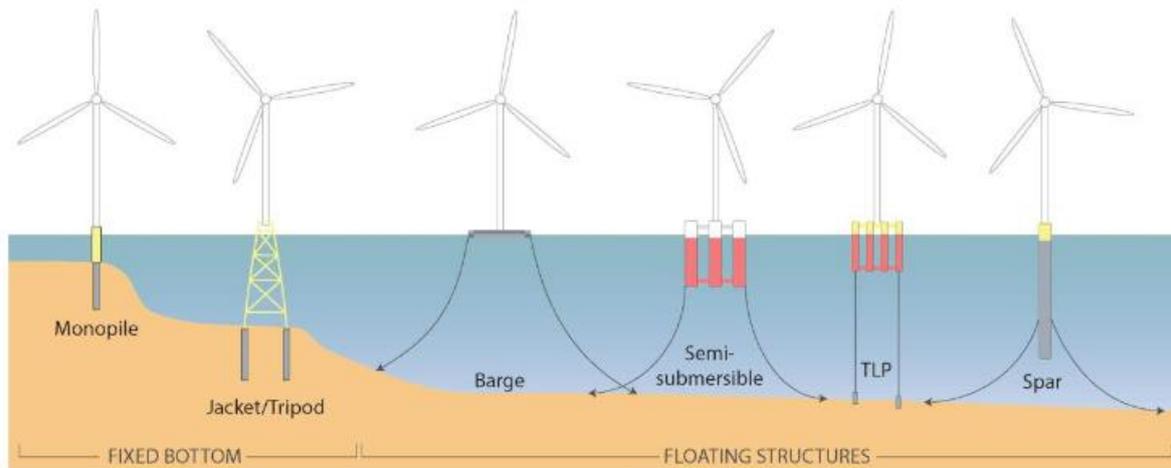


Figure 2: Various forms of offshore wind energy technology. Bottom fixed devices are the most common at present. Source: *EirWind Blueprint for Offshore Wind in Ireland 2020-2050*



Figure 3: *Ocean Energy*, Cobh, Co Cork will deploy this pioneering test wave device off Hawaii soon

However, this national opportunity to decarbonise (in part) Ireland by utilising our marine resources, to generate substantial new exports, to become energy self-sufficient and to create new jobs, particularly in coastal communities, will largely come to nought unless the MPDM is enacted urgently. While Arklow Bank Wind Park has consent and is in development, until the MPDM is enacted no other commercial scale offshore renewables projects can be progressed. Given the length of time such projects take from conception to 'switch on', Ireland is in grave danger of missing its national and EU targets for 2030 without the legislation being enacted by spring 2021 at latest.

4. Concerns about the *Maritime Planning and Development Management Bill*

The *Marine Planning and Development Management Bill* has been in gestation for at least ten years and is part of a formidable jigsaw of policy and legislation now being assembled on a ‘whole of Government’ basis. Figure 4 below illustrates the work underway.

The work has been led by the Departments of Housing, Local Government and Heritage/ Environment, Climate and Communications. The Association wishes to place on record its appreciation of the dedicated team of officials who have developed the MPDM into a comprehensive legal code to govern most activities in our enormous maritime area and, also, to recognise the cross-party support for the legislation evidenced in party manifestos at the recent General Election. It should be noted that there has been extensive discussion between the Departments and industry, as well as other stakeholders, about the MPDM in recent years and we look forward to seeing the final Bill enacted.

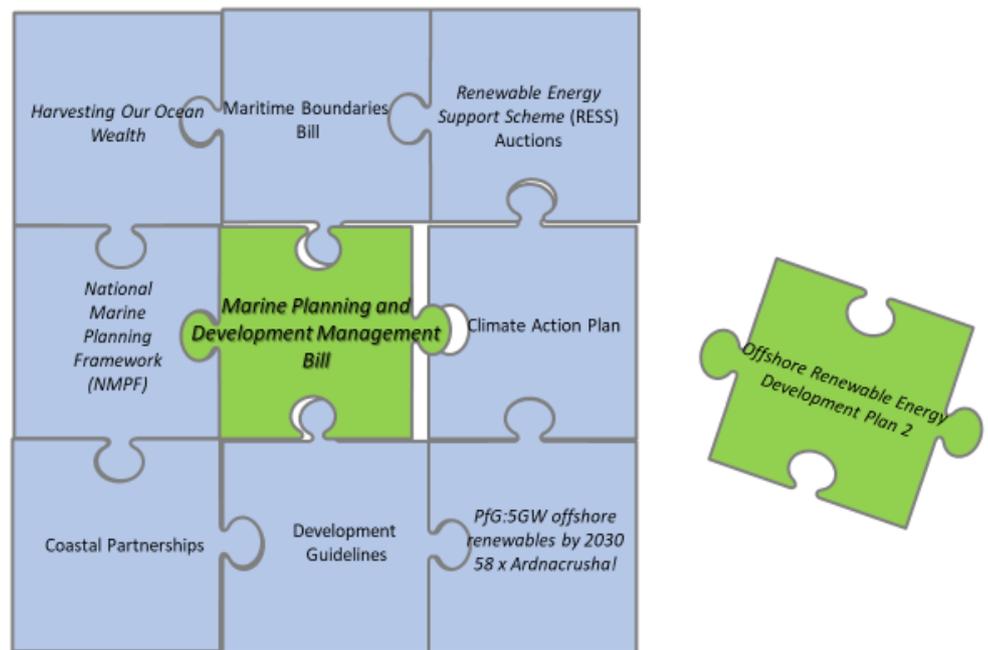


Figure 4: The key policies and legislation in train at present

All of the policy and other initiatives underway are important e.g. the *National Marine Planning Framework* (NMPF) should help the offshore renewable energy sector to co-exist with other more established sectors as well as wider environmental and social sustainability.

The key concerns of MRIA arising from the General Scheme of the Bill (the only version of the Bill available at the time of writing) are, as follows:

Urgency

The average time taken to execute an offshore renewable energy development project, based on international experience, is about nine years. Given that national targets (which in turn are linked to EU requirements) for offshore renewable energy are set at 5GW (5000MW compared to our only operational wind farm - off Arklow - at present of just 25MW!) by 2030, there is no time to be lost and the MPDM must be given priority throughout its parliamentary passage if projects are to be delivered on time.

Resources

An Bord Pleanála and a multitude of other State bodies will require additional resources to put the consenting regime in place that Ireland needs. The recent EirWind study shows that an at least an additional 25-30 personnel will be needed across Departments and agencies.

Welcome for new Maritime Area Consent approach

An earlier provision in the General Scheme dealt with two core issues separately. The Bill originally proposed that a developer was required to have a 'Planning Interest' before proceeding to the next stage of the consenting process. The Planning Interest was essentially a fitness check on the whether the developer has the requisite capacity (financial and technical) to undertake successfully the project planned. On securing the Planning Interest, the developer could proceed to the Planning Application and Decision (akin to planning permission) stage and then, finally, to the Maritime Area Consent stage. The sequencing of this has been changed and approved by the Government recently: the Planning Interest and the Maritime Area Consent have been amalgamated and will occur prior to the planning application stage. We believe that this is to be welcomed as a developer will now be able to address the 'fitness' issue as well as get a project approval in principle for a project subject to planning permission from An Bord Pleanála (ABP). This should make projects more 'bankable' and investor ready than the previously proposed arrangement.

Important role for An Bord Pleanála

MRIA welcomes the central role that An Bord Pleanála will play in the new consenting regime. The Association believes that the only practical and appropriate way forward is to treat all marine renewables projects as *strategic*, as is proposed in the General Scheme, and that An Bord Pleanála is the only body which has the authority and ability to develop and to secure appropriate resources to act as consenting authority:

- ABP is an experienced statutory body already dealing with (land-based) strategic infrastructure developments;
- Arguably, it already has local knowledge through its inspectorate;
- ABP can hire in expertise in relation to the technical and environmental aspects of marine renewables although it would be best if the organisation could develop its own in-house expertise in these matters. This is a key issue as, to take just two examples, ABP will be required to make technical judgements about technology (e.g. about still evolving wave technology) that is not yet fully mature and individual applications may involve technology being demonstrated and tested for the first time; it will also have to make scientific judgements about environmental matters.
- In any event, the current *Marine Licensing Vetting Committee* system is part of the solution and should be formalised into a major and low-cost source of significant expertise and placed on a statutory basis;
- Local authorities are already involved, as a statutory consultee, in the ABP process for strategic infrastructure;
- Local authorities also have an important role to play as local infrastructure upgrades may be necessary to realise offshore opportunities;
- Most important of all, concentrating the consenting process in one agency with the strategic infrastructure powers and capabilities of ABP should reduce fragmentation, unpredictability and cost in the consenting system and generate scale in expertise;
- The focus of consenting in a 'one stop shop' for consenting (e.g. *Marine Scotland* sets the minimum bar) is the emerging norm and is expected by international industry.

Security

Offshore renewable energy in Ireland will transform our marine economy (and expand its importance to the wider economy) and create, for the first time, a large permanent and unmanned energy infrastructure⁵ presence in our maritime area. This poses significant security challenges and adds to the demands that will be made in future on the Naval Service which in turn strengthens the case to expand and modernise the Service further⁶.

⁵ The infrastructure associated with the Corrib and Kinsale gas fields was modest in cumulative scale compared to the likely impact of offshore renewables over the next 20 years.

⁶ For more on this, see MRIA's *Submission to the Public Consultation on a National Security Strategy* http://www.mria.ie/site/assets/files/1016/national_security_strategy-1.pdf

Clarity and timelines

The overarching need of offshore renewable energy project developers is for a clear pathway, all the way from application for a modest permit to the granting of a lease for a major development, with predictable costs and timescales. An effective system of consenting and, separately, property management is vital. Marine Scotland, for example, has time-targets set in policy (not law) to deliver decisions and the future Irish consenting regime should be benchmarked against these. The indications are that the MPDM is moving in the right direction but a huge concern is the capacity of the offshore consenting regime that will arise from the Bill to provide decisions against reasonable timelines - a key feature here will be the provision of adequate human resources to the Departments and agencies involved.

Outstanding issues

There are a number of issues, either mentioned within the General Scheme or associated with MPDM which are still outstanding, including:

- MRIA are aware that the Government has approved a *Maritime Enforcement Body* for the MPDM but no details of this important development are yet available.
- The General Scheme makes provision for an *Oversight Body* which may fulfil a co-ordination function but, again no detail is available. The Association would reiterate its call for a 'one-stop-shop' similar to that established by Marine Scotland.
- The Maritime Jurisdiction Bill (Department of Foreign Affairs is the sponsor Department) has been presented to MRIA as vital to the MPDM - what is the status of this proposed legislation?
- The General Scheme refers to 'Developer led' and 'Centrally led' offshore renewables developments with the State bodies clearly seeking to evolve towards the latter. It is acknowledged that a developer-led approach will be required in this decade to connect projects e.g. on the east and south coast and ensure we can reach 5GW. A different, more centrally managed approach may be required thereafter. The nature, implications etc of a 'Centrally led' approach to offshore development needs to be spelt out and discussed with industry and other stakeholders.

If the Government creates the right environment for marine renewable energy and actively supports its development, Ireland can transform its economic position in three key areas. First, Ireland could become an *energy secure* and *exporting* country, replacing almost €6bn in imports with substantial exports and reducing to an insignificant amount our current energy imports dependency of 67%⁷. Second, marine energy has the potential to make a

⁷ www.seai.ie/publications/Energy-in-Ireland-2019-.pdf

major contribution to our ambition for *carbon neutrality* by 2050. Finally, we could develop a supply chain or *enterprise* dimension - R and D, finance, legal services, education and training, operations and maintenance, high value-added component design and manufacture, device assembly, environmental monitoring and management... the list goes on - to support world markets in offshore renewable energy. There are already Irish firms starting to make their mark in the offshore renewables markets e.g. Vilicom has signed several contracts recently to provide advanced telecommunications services to wind farm developers in the UK. The natural consequence of this development will be substantial job creation and an environmentally and socially sustainable indigenous industrial sector.

The Maritime Planning and Development Management Bill is a key to the future of our society.
