



93 George's Street Lower  
Dun Laoghaire  
Co Dublin

Minister Simon Coveney  
Department of Housing, Planning and Local Government  
Kildare Street  
Dublin 2

18<sup>th</sup> October 2016

Dear Minister Coveney

**Re: Maritime Spatial Plan - Democratic Deficit must be addressed**

Coastal Concern Alliance is an independent voluntary citizens' group set up in 2006 to campaign for reform of the Foreshore Act 1933 and the introduction of a democratic system of planning for our marine and coastal areas.

We have been lobbying government on these matters over the past ten years, and have sent detailed letters to all government ministers, including to yourself as Chair of the Inter-departmental Marine Co-ordination Group (enclosed). In addition, we have made comprehensive submissions to over a dozen pertinent public consultations, available on our website. Since our foundation, we have seen the concerns we have raised about (1) the need for public participation and integrated planning in coastal governance and (2) the adverse impact on landscape and marine wildlife of inappropriately sited offshore windfarms, become mainstream throughout the EU.

**Offshore Renewable Energy Development Plan**

**Democratic deficit in Ireland's coastal governance remains our central concern.** Various national initiatives, notably the **Offshore Renewable Energy Development Plan 2014**, have been advanced based on developer-led proposals for huge offshore windfarms permitted and progressed during the Celtic Tiger era under the Foreshore Act 1933, with no national plan, no SEA, inadequate public consultation and in breach of EU and Irish legislation. No cost-benefit analysis of the impact of the OREDP was carried out.

**North Seas Countries Offshore Grid Initiative**

At European level, collaborative projects such as the **Irish Scottish Links on Energy Study (ISLES)** and the **North Seas Countries Offshore Grid Initiative (NSCOGI)** have proceeded with blatant disregard for the democratic deficit, questionable legality and inadequate assessment of Irish developments such as the 220 turbine Codling Wind Park off Bray Head. This Treasure Holdings' project, which was awarded a Foreshore Lease in 2005 without a single submission from the public, is mystifyingly described as "*the anchor project*" for the final ISLES Business Plan 2015.

Ireland's unique democratic deficit is illustrated in the report from **Working Group 2 of the NSCOGI (2012)**. Table 1 (attached) sets out clearly the manner in which offshore sites were identified and auctioned or tendered. Of the nine EU countries surveyed (Belgium, Denmark, France, Germany, Ireland, Netherlands, Norway, Sweden and the UK) Ireland and Sweden were the only countries where

- i. the identification of sites for offshore wind development was carried out by developers and
- ii. leases were awarded without any government ministry auction or tender.

**In summary, in contrast to other EU countries, offshore wind development in Ireland has been entirely led by developers. By 2008, applications had been lodged for construction of more than 800 massive turbines in the sensitive near-shore zones of Louth, Dublin and Wicklow. Unlike in other EU countries, in Ireland, under The Foreshore Act 1933, leases, once awarded, could be sold on before construction, netting massive profits for original applicants.**

A further concern is that, under this outdated legislation, leases were awarded on the sole authority of the Minister and the Minister continues to use his absolute power to vary the terms and condition of leases, with no democratic oversight.

#### **Opportunity to address mistakes of past Foreshore Governance**

- Your department is now taking action to introduce modern fit-for-purpose legislation and regulation to replace the lax system of governance which was exploited by developers during the Celtic Tiger Era and resulted in this huge “land grab” off the east coast.
- Ireland has recently transposed The EU (Framework for Maritime Spatial Planning) Regulations 2016, and must prepare a Maritime Spatial Plan by 2021.

Ireland's Maritime Spatial Plan will determine the long-term future of Ireland's coastal waters. It must be drafted in the public interest. Ireland's unspoilt landscapes, seascapes and marine wildlife are unique and irreplaceable resources. Conservation and protection of these resources, a major part of our heritage, must be a central objective in Ireland's Maritime Spatial Planning Framework. As a first step, we should follow the example of other EU countries such as Belgium, Netherlands and Germany, who have introduced a 22 km buffer zone around their coasts to protect landscape and wildlife. (In 2015, the average distance from shore of offshore wind farms under construction in Europe was 43.5 km. The average distance from shore of permitted and proposed offshore wind farms in Ireland is in the region of 10 km).

We have now reached a critical crossroad. The mistakes of past foreshore governance, which are well known at all levels of government, must now be openly acknowledged and addressed. As the Minister in charge, we urge you to avail of this one-off opportunity to adopt international best practice in coastal governance, abandon the legacy of developer-led planning and institute a brave new direction towards conservation of Ireland's world famous coastal zone for future generations. We would welcome an opportunity to meet with you to discuss these concerns.

Yours sincerely

**CCA Policy Team**

[info@coastalconcern.ie](mailto:info@coastalconcern.ie)

[www.coastalconcern.ie](http://www.coastalconcern.ie)

cc: Minister Denis Naughten; Inter-departmental Marine Co-ordination Group;  
Enablers Task Force on Marine Spatial Planning.

## Offshore Wind: Ireland’s regulatory regime out of line with other NSCOGI countries

The North Seas Countries Offshore Grid Initiative (NSCOGI) was set up with EU support in 2009 “to establish a strategic and co-operative approach to current and future energy infrastructure in the North and Irish Seas”. Analysis of national regulatory regimes conducted by NSCOGI’s Market and Regulatory Working Group shows that Ireland was out of line with good international practice by

- Allowing developers to pick out sites for offshore wind development, rather than having a government ministry select sites following analysis of national need and
- Allocating sites in publicly owned waters without any tender or public auction.

The Table below, taken from the **NSCOGI Market and Regulation Working Group’s Final Report**, sets out clearly the manner in which offshore sites were identified and auctioned or tendered. Of the nine EU countries surveyed, (Belgium, France, Germany, Ireland, Netherlands, Norway, Sweden and UK) Ireland and Sweden were the only countries where the identification of sites for offshore wind development was carried out by developers and sites were awarded without any government ministry auction or tender process.

**In summary, in contrast to other EU countries, offshore wind development in Ireland has been entirely developer led.**

**Table 1: Offshore development - summary of responsibilities**

Country	Identifying development sites	Auctioning and tendering sites	Regulation
Belgium	Government ministry	Government Ministry	Government Ministry
Denmark	Government Ministry	Government Ministry	Government Ministry
France	The concerned Government Ministries	The concerned Government Ministries	The national regulator, on high-level guidelines from the Government Ministry
Germany	Government Ministry 1	Government Ministry 2	NA
Ireland	The developers after applying to a Government Ministry	Developer applies for developing and leasing consent for selected sites to Government Ministry 1 who refers to other ministries	Government Ministry
Luxembourg	-	-	-
Netherlands	Initial identification is made by project developers and utilities. Government Ministry 1 permitting procedure takes care of final project selection	Government Ministry 2	General Supervision on the electricity market by the national regulator
Norway	A group of relevant directorates led by the national regulator suggests areas for sites, but the final decision rests with the Norwegian Government	Opening areas requires a strategic environmental assessment made by a Government Ministry	Government Ministry
Sweden	The developer	No tendering procedure	N/A
UK	Government Ministry identifies the sites for development	Government Ministry auctions and tenders the sites to developers	General Supervision on the electricity market by the national regulator