

Submission on the National Marine Planning Framework Consultation Draft from the National Inshore Fisheries Forum

The National Inshore Fisheries Forum (NIFF) welcomes the opportunity to make this submission on the National Marine Planning Framework Consultation Draft. The NIFF wishes to acknowledge the engagement that they had with the MSP team early in the process and the attempts made to meet up again with the MSP team in January 2020 where unfortunately both parties were unable to find a suitable date. However the NIFF and the Regional Inshore Fisheries Forums were disappointed to see the last two workshops on the NMPF in Wexford on Fisheries and Kinsale on Ports and Harbours both with obvious interest for our members were not just postponed but cancelled due to COVID-19 with no extension to the date for receipt of submissions. In light of this we wrote to the MSP team requesting an extension for the closing date for submissions due to COVID-19 which although not granted initially was further considered and an extension until the 30th April was granted.

The NIFF has approached their submission in the context of both their previous submission on the Marine Planning Framework Baseline report and where the groups expertise and areas of concern arise in the National Marine Planning Framework document. Both the NIFF and the RIFFs feel it is critical that both the dependence of inshore fisheries and their communities on the marine resource as well as their contribution socially and economically to the country is recognised. While inshore fisheries are dependent on the valuable stock and habitats inside the 6nm limit their activities can range outside of this for some parts of the year depending on stock and season. In the submission the NIFF takes account of comments and opinions of the report from the Regional Inshore Fisheries Forums (RIFFS).

Marine Planning in the Broader Context

While although the NIFF welcome the National Marine Planning Framework and Marine Spatial Planning as positive and essential planning tool for Ireland's marine resources and wish to continue to be supportive of the process there are two issues that are very important to note: Firstly the disparity in resources between the various sectors involved in the marine sphere should not adversely affect the ability of the inshore sector to be represented. It must be acknowledged that the representatives on the NIFF and RIFFs are volunteers and participate on the Forums in their own time on top of their usual work. Secondly both the NIFF and RIFFs operate with many who are not as digitally literate as those in more high-tech sectors. While initiatives are being explored that address this through the Inshore Fisheries Strategy, frameworks that are not simple, fair and transparent will jeopardise the ability of the inshore sector to represent itself properly. These factors put the inshore sector at a considerable disadvantage when it comes to consultations on the many developments in the marine area affecting them. The ability of resources to address the demands of constant consultation by very well-resourced promoters needs to be considered in the design and implementation of the appropriate planning framework.

This has become critically evident with the demands placed on the inshore sector regarding the number of applications and consultations by energy companies in particular windfarms for site investigation works over the past year. The number of consultations to comment on has become overwhelming for the NIFF/RIFFs and the inshore fishermen they are representing. This is an on-going concern for the inshore sector as much of the proposed site investigations are in areas where

they fish. Our concern on this issue is so great that the NIFF have been trying to arrange a meeting with Minister Eoghan Murphy in the Department of Housing Planning and Local Government since July 2019 when they wrote to him expressing their concerns regarding the number of recent planning applications for site investigation works to access the suitability of areas for offshore windfarms and cable laying. At the time the letter was written there had been very little engagement by the energy companies applying for these foreshore consents with the inshore fishing sector. The NIFF was very disappointed to receive no response to their July letter and subsequently sent a second letter to Minister Murphy in October 2019, finally receiving an acknowledgement of that letter on the 31st of October 2020. Since then the NIFF have continued to try and secure a meeting with Minister Murphy and the issue of windfarms and most recently raised the issue at a NIFF meeting in November 2019 with Minister Michael Creed, T.D. where they asked Minister Creed if he could help secure a meeting, he indicated he would, however no meeting has taken place to date. The NIFF is very dissatisfied with their attempts to engage with the DHPLG on the issue of applications/consents for windfarm/energy companies and this concerns them greatly going forward. They feel if this is a sign of how the consultation process in the National Marine Planning Framework will work then what hope do they have for the future of their livelihoods and the coastal communities they support.

The NIFF realise that offshore renewable energy is the fastest growing sector of the blue economy in Europe (European MSP Platform), and this growth has been and will likely continue to be fuelled by both strong policy drivers, alongside continued development of the industry, but this must not be at the cost of our livelihoods, our way of life or our coastal communities. Currently developing offshore windfarms close to shore remains more cost effective on account of the high cost of laying foundations etc. However, the immediate upshot of this is that these developments will target the inshore areas where the inshore sector fish. Thus, it follows that inshore fishers are currently the stakeholders most likely to be impacted. Safety issues and displacement have both been highlighted as issues for coastal and small-scale fishers, who do not always have the capacity to move to other fishing grounds, or switch to a different type of fishing.

The NIFF acknowledges that over the past number of months engagement with the energy companies on proposed consents for site investigations has improved through engagement of various energy companies with the NIFF and more locally with the respective RIFF. At times this seems to be an afterthought with some of the wind energy companies hiring a Fisheries Liaison Officer late in the application process. As stated previously the number of recent applications for site investigations works by various energy companies particularly along the East Coast and more recently off the Southeast coast has proven to be an overwhelming task for the RIFFs (who are all volunteers) in organising meetings so that the energy companies can meet with the RIFFs in the first instance where RIFF members stressed the importance of the energy companies making contact with the fishermen and other stakeholders most impacted by the proposed development. This has been a particular problem in areas where more than one site investigation by various companies is proposed in the same area. This needs to be addressed as the RIFFs are becoming overwhelmed with these meeting by different companies in the same area to the detriment of the other issues, they are facing that need to be addressed. As a first step in addressing the issue of being able to assess where sites are overlapping the NIFF would strongly recommend the development of an accessible interactive viewer similar to that used by INFOMAR www.informar.ie. This would allow

individuals to easily see current developments alongside those being proposed and easily assess if there is a need to examine the proposals in more detail or not. This would show visually in real time existing sites that each promotor has approval for and is pending approval. This map could be accessible on the DHPLG foreshore consents page for example The NIFF in their previous submission recommended that in the event that a development is proposed in inshore waters that may impact on inshore fishing a consultation framework that has been agreed (and critically, that all stakeholders are familiar with and empowered to easily engage with) should be used before any permissions are given in the marine planning process. The NIFFs view on this has not changed and the recent consultation with energy companies has only highlighted the lack of a co-ordinated approach. Although the inshore sector wants and need this engagement a way needs to be found for it to be conducted in a more coordinated manner that will be of benefit to all in the future.

Over Arching Marine Planning Policies

Serious drivers such as e.g. climate change, invasive species, may exert an impact or pressure on inshore fishing which together with proposed new developments may cause unforeseen displacement or limit access thus having a detrimental effect. Therefore, planning should consider the cumulative effects of a new proposed development on existing activity.

Marine Protected Areas

In terms of access to fishing grounds the introduction of Protected areas, Conservation Areas and Marine Protected Areas has constricted the areas available for fishing. Future development of MPAs in Ireland required careful planning and high levels of collaboration with the current and potential coastal users. Future designation needs to be clear on the deliverable conservation impact and how best is can be arrived at without further eroding the economic and social benefit to dependent communities. This is important in terms of climate justice and greater understanding/ engagement with a marine planning framework. Marine Protected Areas have been a feature of fisheries management for many years.

A clear definition of the MPA and its conservation objectives should be established at the outset based upon the features and ecosystems it seeks to protect. Improved understanding will lead to better and more willing management of sites.

Water Quality

Good water quality is critical to our livelihoods in coastal communities where the effects of changes in water quality impact our bivalve fisheries. Areas designated as Shellfish waters need to be protected and further improved. The impact of good water quality on shellfish growing businesses and tourism in small rural communities is vital in terms of the economic and social viability.

Marine Litter

The issue of marine litter impacts weighs heavily on the inshore sector and this has caused major cultural shifts to take place in terms of dealing with the waste burden appropriately. Initiatives such as BIM's Fishing for Litter scheme for example which encourages fishermen to take ashore the litter they encounter at sea while fishing have been well supported by our industry. As we target

improvement in relation to marine litter levels it is important that harbour/port landings facilities also grow with the level of new marine development that are successful through the National Marine Planning Framework.

Climate Change

The issue of Climate change is becoming a pressing concern of the inshore sector as it effects fisheries both at sea and on land through increased storm frequency, effects on infrastructure and potential coastal squeeze. Increased storm frequency results in fewer days at sea and increased risk to gear which will affect fisheries economically. As well as the economic effects to fishers the social/community perspective of loss of land/homes will negatively affect them. As already stated, their ability to engage in exercises to arrive at solutions that enable co-existence will be overwhelmed if the NMPF and promoters of new developments fail to appreciate potential cumulative impacts on fisheries and their communities.

Economic Thriving Maritime Economy

Co-existence, Infrastructure

Inshore fishers have always co-existed with other marine sectors. For decades fishers have interacted with tourism and leisure activities not to mention aquaculture and other extractive industries. The knowledge and skills inshore fishers possess are shared and complement the other marine activities. While co-existence is well established it is understood that it is based on mutual respect.

The requisites respect and skills for co-existence at sea are the same as co-existence in using the public marine infrastructure. The scope of existing infrastructure to cope with additional new developments should be assessed when new consents are being evaluated. From the prospective of our island and coastal communities the maintenance and improvement of safe havens and landing access in harbours for vessels is critical to their lives on the islands.

The NIFF are particularly concerned how fisheries interests which fall outside the proposed MPDM bill which states the following:

*“The Minister for Agriculture, Food and the Marine is the appropriate Minister for foreshore functions relating to **aquaculture, sea-fisheries related development and fishery harbour centres** under Section 1B of the Foreshore Act. Those activities and **any other development within the functional remit of the Minister for Agriculture, Food and the Marine (MAFM) are excluded from the scope of the Bill.**”*

will feed into the other sectoral plans and into the Ministers Decisions on marine planning applications. As already stated, a high number of wind farm and site investigation applications on the east coast and elsewhere has recently required the input of many fishermen and fisheries groups as previously discussed. This has led to concerns that the potential impacts of other sectors on fishery interests is not been addressed at a high level but rather a tag on requirement when projects are already well advanced.

The NIFF would hope that the proposed framework will address this issue, but we do not see any assurances or methods of ensuring this in the proposed current framework.

Social – Engagement with the Sea

The fact that inshore fisheries are embedded in marine communities makes the marine identity and links to culture and heritage a living thing. They are a living part of the marine community. Having a high functioning respectful National Marine Planning Framework is important for allowing the sense of marine identity and culture to flourish and bolster the resilience of coastal communities. The diversity of skills and mindset is something that should be valued in terms of resilience within communities and society at large. This needs to be reflected in the National Marine Planning Framework.

Access

Inshore fisheries understand the right to access at a very essential level and appreciate the need to maintain access. However, the concept of having access to state foreshore and seabed resources needs to be a fundamental concept that underpins and granting of consents for new developments.

Employment

The existing employment provided by inshore fishing and the ancillary activity should be assessed in relation to the primary and secondary benefits it bestows on the community. Some inshore fishing households are not solely reliant on inshore fishing therefore the necessity to have complementary employment opportunities is seen as welcome and essential to the success of rural coastal and island communities. Employment opportunities should not be solely weighed on their earning opportunities. The existing employment must be considered not only in terms of direct economic benefit to coastal communities but its contribution to the skills and infrastructure required to maintain food security from indigenous primary food production. Maintaining this diversity of skills has become more important in recent times when self-reliance will be required as part of a resilient society. Employment and financial aid for small scale coastal fishing is important to keep it alive on the coast and islands so that new generations can continue to fish and live in these coastal communities.

Where fishermen are being directly impeded by the work a company are carrying out i.e. moving any type of static gear out of the way to allow company works to continue in these cases, fishermen should be compensated for their cooperation and time spent moving the gear. In other cases where site sizes might change over a period of time and again start to impede on static fishing gear fishing in that area and again have to be moved, there should be a financial agreement in place for this type of activity.

Heritage

Heritage according to the Heritage Council comprises three parts: the tangible such as piers, boats, objects in maritime museums: the natural such as bays, harbours reefs, marine flora and fauna; the intangible such as our customs and traditions, music, sports crafts skills and knowledge. Using this

definition of heritage, it would be hard to find a more fitting expression of all three, than a living fishing community. If heritage has a value, the value of inshore fishers needs to be recognised at every appropriate policy point in the National Planning Framework.

Social Benefits

The NIFF welcomes the detailed attention given to this area. To enhance or promote social benefits you must know what is of value to the community. As outlined in Section 3.213 in the NMPF a new development could be socially beneficial on many levels (more wealth, more facilities etc.) but not if it causes displacement, loss of livelihood, loss of way of life or loss of cultural identity at a community level. New developments which prioritise the fishing community as part of the future picture are really important so as not to destroy culturally complex coastal communities.

Key Sectoral Marine Planning Policies

5.0 Aquaculture

Aquaculture plays an important role in some marine dependent coastal communities and can be complementary to other activities including inshore fishing. However, while most established aquaculture activities have managed to minimise the impact on inshore fishing the pressure on suitable inshore grounds is notable in bays and harbours around the coast. The available sites are limited due to various pressures e.g. site suitability for species, water quality, Natura 2000 designations or visual impacts. The value of existing employment through inshore fishing must be taken into account when granting new consent for new developments. The scale of operation should also be considered carefully to maximise the co-existence potential.

12.0 Fisheries

Objectives

The NIFF would like to see the following Objective included: “Sustaining primary food producers of indigenous resources contributing to food security at a national and largely European level”. We would like to see this reflected in the Fisheries Policy also.

Planning Policies

The order of the Fisheries Policies 1-6 is difficult to follow and the NIFF have the following comments:

Fisheries Policy 5 creates confusion and seems to counteract or neutralise Fisheries Policy 1. It is unclear under what circumstances Fisheries Policy 5 would be invoked. What is the purpose of Fisheries Policy 1 and should policy 5 run straight from it? Under Fisheries Policy 5 “Fisheries Management and Mitigation strategy would be prepared by the proposer as part of a discharge of conditions of permissions granted”, however does this mean that the fishers are subjected to an exercise which holds no guarantee of protecting their livelihood? Is this only undertaken in the case of over-riding public benefits? What are the criteria for a proposal where public benefit for proceeding outweigh the significant adverse impacts in existing activities and how must they be demonstrated? There seems to be a presumption in Fisheries Policy 5 that if a Fisheries

Management and Mitigation Strategy is prepared that any project can go ahead no matter what the objections may be and whose livelihoods are affected. This is not an acceptable approach.

Fisheries Policy 6 is welcomed as new regulations will mean that ports and harbours will need to consider future proofing the infrastructure to enable compliance that will extend to potential new developments without jeopardising the facilities available to fishing vessels.

Background and Context:

In general terms for this section it is important to acknowledge that food security aspect of fishing both nationally and on a European level. While our food supply has become increasingly globalised our attention has more recently become acutely refocused on the resilience that primary food producers lend to our food security.

Section 12.2 In addition to the figures for value and volume of landings in Irish ports (Table 4) a number of species such as lobster, periwinkle, native oyster and shrimps are targeted by vessels under 10 m in length. As these vessels do not report landings capturing these data is difficult due to the large number of vessels and small daily consignments involved. Some data is available through the Marine Institutes Shellfish Stock and Fisheries reviews and the SPPA (sales notes). The omission of this data in the NMPF understates the contributions that inshore fisheries make to the coastal economy.

Section 12.6 We highlighted in our last submission to the baseline report that while the six Fishery Harbour Centres of the Department of Agriculture Food and the Marine are described other landing sites, piers and harbours not owned by the DAFM including those under Public/Local authority and private ownership are not. The inshore sector is particularly dependent on non-DAFM landing infrastructure and one of the key issues in the Inshore Fisheries Strategy is poor quality infrastructure at smaller inshore ports and harbours. The lack of investment and management of poor-quality infrastructure has implications for the profitability, efficiency, safety and attractiveness of not only the inshore sector but as other marine users as well. The whole array of other infrastructure aside from the six National Fisheries Harbours need to be considered as well as the economic and social value it contributes to the marine sector. This has still not been considered or included in the NMPF document.

Inshore Fisheries

Section 12.10 It must be acknowledged that while inshore vessels are highly dependent on the area inside the 6 nm this varies seasonally depending on the fishing opportunities. Although mapping fishing opportunities is very important, they must be used in the context of stock, fleet, weather and market drivers.

Section 12.13 The NIFF welcome the inclusion the importance of the Inshore Fisheries Sector, the National and Regional Inshore Fisheries Forums in this section. The Regional Inshore Fisheries

Forums members include inshore fishers, environmental interests and other marine stakeholders is a more accurate reflection.

Section 12.14 The NIFF welcome the addition of this section on the Strategy for the Inshore Fisheries Sector however feel that the following sentence would more accurately described the Key issues.

“Key issues to be addressed through the Strategy include sustainable management and planning, profitability and increasing capacity, all with a view to maximising the potential and resilience of the inshore sector to support Ireland’s coastal communities”. The Strategy was launched in the first quarter of 2019, the implementation group which members of NIFF sit on is now formed and has started to implement the strategy. It is hoped that the on-going implementation of the strategy will be able to feed into further consultation stages in the Marine Planning Framework.

Key Issues for Marine Planning

Section 12.16 While the NIFF welcomes the statement in this section that the potential for spatial conflicts can be mitigated through early, persistent and meaningful engagement. This has been sorely lacking up to now with the inshore sector in many cases finding out about proposed developments/activities when it is too late to comment/consult. In particular how will fisheries interests which fall outside the proposed Marine Planning and Development Bill feed into the other sectoral plans and into the Ministers Decisions on marine planning applications which we have previously addressed under co-existence/infrastructure section.

The NIFF also has concerns about Head 52 - Marine Stakeholders of the Marine Planning and Development Bill which states that “Where a planning authority is considering an application for permission under the Planning and Development Act, that the authority shall seek the observations of the bodies or Ministers set out in subhead 3 should the authority consider that the application relates to a function of that Local Authority”. Although the Department of Agriculture, Food and the Marine and its agencies Marine Institute and the Sea Fisheries Protection Authority are listed as bodies to seek observations BIM who work closely with both the fisheries and aquaculture sector are not on that list. The NIFF feel that whatever way this list is maintained through the bill or through regulation that both BIM and Inshore Fisheries Forums (NIFF & RIFFs) should be included on that list or that they should at least be a mechanism in the Bill that would allow additional stakeholders to be added (through a regulation) without having to go back and add the stakeholder through primary legislation (amendment to the bill) which would take a considerable amount of time.

Interactions with Other Activities

Section 12.20 It is noted in this section that the fisheries sector is very diverse and has a wide spatial reach and therefore has multiple interactions with many other marine activities. Continued spatial access is critical for the sector as displacement is not an option given the nature and size of vessels in the fleet that cannot migrate large distance to other areas to fish. As we have highlighted in our submission to the baseline report competition for space as one of the key issues in the development of the strategy and note that competition for space for inshore fisheries is greater than ever.

Section 12.21 Access to fishing areas – As we have previously stated in our submission on the baseline report that although smaller inshore vessels are highly reliant on the zone within 6 nautical miles of the coast, they frequently operate further offshore. Small gillnetters on the south coast and

brown crab fishers in the N, NW, SW, SE and S can operate up to 30nm offshore. Although inshore fishers are predominately active within 6nm of the shore the other inshore vessels just mentioned do fish further out and will and can experience spatial conflicts out pass the 6nm zone as well. In addition, the issue that has not been acknowledged in this section is the huge capacity that the inshore fleet has demonstrated for co-existence with various activities over decades.

Section 12.22 Displacement of fishing activity by new developments has the potential to impact negatively on optimum conditions for sustain healthy fish stocks.

Issues for Sustainability

Section 12.23 While potential adverse impacts of fishing activities are noted it should be recognised that the inshore sector has participated in stock enhancement schemes such as the lobster v-notching programme over the last two decades. Through the NIFF and the RIFF process proposals have been brought forward to the Minister on conservation measures for velvet crab, brown crab, lobster for example. The sector is also active in mitigation actions such as the BIM Fishing for Litter programme. In January 2019, Minister Creed announced the Clean Oceans Initiative to be managed by BIM with the aim of securing participation from the entire trawler fleet by the end of year.

Section 12.24 Inshore fisheries in co-operation with the state have mitigated interactions with vulnerable habitats and species and have modified fishing behaviour accordingly as threats or impacts are identified. This would include the introduction of Fisheries Natura Plans regulating fishing activity in Natura 2000 sites as well as agreed statutory interventions and local agreements where such issues arise outside Natura 2000 areas.

11.0 Energy – Offshore Renewable Energy

ORE Policy 2

The NIFF is concerned about this policy where preference will be given to proposals for offshore windfarms, including relevant enabling projects and infrastructure in areas identified as designated zones for offshore windfarms, under the zoning process as set out in the Marine Planning and Development Act. As the NIFF previous stated in their submission to the baseline report the NIFF cannot support the prescriptive zoning approach as the inshore sector is highly dependent on access to all inshore waters and fish within them using an extensive spatial footprint dictated by stock availability as well as temporal and spatial drivers.

15.0 Safety at Sea

One of the RIFFs noted that at one of their recent consultation meetings with a FLO for an energy company that “fishing corridors” were mentioned. Where “fishing corridors” (don’t have a definition) are proposed as part of a new development the conditions for fishing should be clearly specified so that any adverse impact can be assessed in consideration of consent. The distinction should clearly be made between “fishing corridors” if there is such a thing and vessel transit corridors” which are widely recognised.

In conclusion the NIFF recognises that there is a lack of baseline data on activity of the inshore fishing sector and a lack of accurate data to show the socio-economic value of the sector to the coastal communities they support. Therefore, it is impossible to do a cost benefit analysis of the

Inshore sector against another sector competing for space in the marine area. However, we hope that our submission has shown the importance of the inshore fishing sector in continuing to contribute and maintain our coastal communities now and into the future and the need for real and constructive consultation with the sector on future developments in the marine space. The implementation of the Inshore Fisheries Strategy will further contribute to our knowledge of the sector and provide real data which we hope will be taken on board during future reviews of the NMPF.

The key indicator for measuring the success of the implementation of the NMPF for the National Inshore Fisheries Forum would be a prosperous and stable future for the inshore sector without constraining the social and economic wellbeing of coastal communities.