



Our Ocean Wealth
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28th March 2012

RE: *Our Ocean Wealth: Towards an Integrated Marine Plan for Ireland - Seeking Your views on New Ways; New Approaches; New Thinking.*

Dear Sir/Madam

An Taisce has compiled the following observations in response to the Department of Agriculture, Food and Marine (DAFM) paper entitled ***Our Ocean Wealth: Towards an Integrated Marine Plan for Ireland - Seeking Your views on New Ways; New Approaches; New Thinking.***

Should you wish to discuss any of the comments made in this submission please email naturalenvironment@antaisce.org.

Yours Sincerely,

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MAKING IRELAND A GLOBAL LEADER

Ireland's marine sovereign rights gives it one of the largest sea to land ratios, at 10:1, of any EU state, and its major population centres are concentrated in coastal and estuary locations.

With the RIO plus 20 summit approaching in June it might be expected that Ireland is taking a global lead role at UN and EU level in addressing greenhouse gas emissions, ocean acidification, ocean dead zones and marine bio diversity depletion. The reality is the opposite, in that Ireland is a global leader in unsustainable resource consumption and emissions and not meeting the requirements of the UN Biodiversity Convention and a range of EU Directives.

There is converging scientific recognition of the boundaries of human impact on a finite planet, in relation to biodiversity, climate change, nitrogen, land use, fresh water use, toxics, aerosols, ocean acidification and ozone layer; these boundaries have been most effectively defined by the Stockholm Resilience Centre.¹ Adoption of financial growth or resource extraction targets which disregard these boundaries in favour of short term economic gain, is no longer tenable. Failure to control CO² emissions will result in irreversible tipping points accelerating global warming and ocean acidification. Failure to control nitrate use will increase ocean dead zones. Failure to achieve enforceable global agreements on protection of marine life will destroy the ocean eco system.

A range of global emission and resource use measurements now exist which all establish the unsustainability of continuing current consumption and emission levels. The 2006 National Footprint Network table is particularly striking in illustrating the disparity between the developed and the poorest countries. Global footprint calculation is based on a range of measurements including arable land use area, water use, fossil fuel and mineral resource use, calculating both the point of origin and all transboundary impacts. The October 2010 Living Planet report identified Ireland as having the tenth highest global footprint. The Living Planet report looks at the changing state of ecosystems, consumption of natural resources and the implications for the future of the world. Overall, the report concludes natural resources are being consumed faster than the Earth is replenishing them. On a global average people are now living lifestyles which would require one and a half planets to sustain, though there are significant differences between rich and poor nations.

The report, carried out by the World Wildlife Fund, examines the number of 'global hectares' — the amount of biologically productive land and water available per person on the planet — that countries need. Irish people on average use just over six global hectares per person, more than double the demand of some EU countries, such as Hungary and Romania. The worst offender is the United Arab Emirates. Irish per capita resource consumption levels and global foot impacts are at a comparable level to the US and Australia, which have an energy, resource consumption and development model that is way beyond sustainable levels since it would require over three planets if US, Australian or Irish per capita consumption were to be replicated globally.

¹ <http://www.stockholmresilience.org/planetary-boundaries>

EVALUATION OF CONTENT OF “OUR OCEAN WEALTH “

The launch of a document “*New Ways, New Approaches , New Thinking*” to advance a Marine Plan for Ireland by the Department of Agriculture, Food, and the Marine should be welcome. There are significant lessons to be learned from the 2010 publication by the Department of Agriculture, Fisheries and Food “***Food Harvest 2020***” report. The report set out a series of sectoral economic growth targets without any Strategic Environmental Assessment or quantification or costing of the range of impacts on land use, biodiversity, climate emissions, nitrate and other fertiliser use. This includes the target increasing milk yield by 50 % to serve as yet unsecured export markets. The “*Our Ocean Wealth*” document is driven by a parallel and limited conception of the “ocean economy”, as a short term economic driver and proportion of national GDP. It compares Ireland’s 1.2% of contribution of “ocean economy” in GDP, to Norway and Iceland deriving “***1.2% and 8% from their sea food sectors alone***”. Both Norway and Iceland continue commercial whaling and refuse to become members of *The International Convention for the Regulation of Whaling*. Currently both The Faroe Islands, over which Denmark has foreign affairs sovereignty and Iceland are refusing to cooperate with the EU in north Atlantic mackerel protection.

The opening of *Our Ocean Wealth*, in setting out “*our Vision for 2020*”, reveals an unbalanced economic growth agenda with an assumption that environmental as well as social benefits can be retrospectively achieved with “*sustainable economic growth*”.

In responding, the question “*Why an Integrated marine plan?*” the entire emphasis is on “*growth*” and with the prime objective of the plan stated to be “*prompt economic growth*” The only reference to climate in “*What will the plan cover*” is to “*business climate*” and not climate change. In outlining “*The Process*” for the plan on page 5 the only reference to environment is “*get the environment right for investment*”. This parallels the 2010 Department of the Marine port consultation document where the only reference to climate was “*financial climate*”.

Page 3 of the document in seeking public consultation refers to a 10 point questionnaire on pages 18 and 19. Question 1 encourages the adoption of a “*sufficiently ambitious yet realistic target for our ocean economy by 2020*”. Only on Question 5 is the reconciliation of growth targets with protection of the marine eco system / environment addressed.

The conceptual failure in the entire document is reflected on Page 11 “*A flavour of the Challenges We face*” is the only reference in the entire document to climate change “*adapting top climate change*” is put a No 8 as one of 12 “*challenges*” with no reference to ocean acidification or dead-zones at all.

The summation reflects the conceptual failure of the entire document is stating, “*An Integrated Marine Plan needs to strike a balance between protecting out marine environment and its species and habitats and maximising the use of its resources as a source of economic growth*”. This reflects the lack of understanding of the economy is a subset of human society which in turn is a subset of a climatically stable and bio diverse rich global environment. It

treats the ocean as a source of economic exploitation disregarding its overriding role in climate regulation and eco systems services

The “ *Our Ocean Wealth* “ consultation document follows that of Food Harvest 2020 and the 2010 Port Development consultation in revealing a combined political and senior public service failure, to address the limits of resource consumption and emissions on a finite planet.

It represents a continuing trend of Government departments in adopting economic development targets with the unwarranted assumption that downstream environmental impacts can be discounted or left to unquantified retrospective mitigation.

The Department of Environment, Community and Local Government and Arts, Heritage and the Gaeltacht are failing to assert the required lead role in interacting with other Government departments and informing Government policy on planetary boundaries and securing horizontal integration in decision making . This is confirmed by the current publication of a Draft “ *Towards a Framework for Sustainable Development* ” by DoECLG which coincides with Ireland’s preparation for the Rio plus 20, which is vague and ineffective in its recommendations, and which An Taisce has recommended requires total revision.

CLIMATE CHANGE AND OCEAN ACIDIFICATION

If we are to address climate change, we must not unearth new sources of fossil fuels in our oceans. Even if continuing levels of CO₂ were not an issue in generating climate change, the impact of CO₂ in ocean acidification would require the same level of international action to reduce and cap emissions to scientifically acceptable limits.

Excessive CO₂ in the atmosphere is leading to increased acidification in the oceans and in absorbing a critical threshold of additional CO₂. This will have major impacts on marine life and the integrity of the marine biosphere if it continues unabated. The entire marine ecosystem is at risk from acidification from the tropics to the poles. The extra carbonic acid depletes seawater of the dissolved carbonate minerals that many marine organisms or from corals, to plankton to sea urchins use to build their shells or skeletons. Bottom dwelling organisms like mussel and clams, which are the feeding sources for birds and marine mammals are exposed to risk of rising levels of acidity. Low oxygen “dead zones” already affecting coastal areas and coral reefs because of excess nitrogen and other waterborne pollutants are likely to increase with CO₂ emissions².

Ireland, through its own national policies, needs to set a lead example in reducing Irish per capita CO₂ levels and other pollutants contributing both to climate change and ocean

² .Reference: Mark Lynas. The God Species Fourth Estate 2010 Chapter 9 - The Ocean Acidification Boundary.

acidification, and through the UN, EU and other international forums take a lead role in promoting a global agreement on CO₂ reduction

OIL AND GAS EXPLORATION:

Ireland's burning of coal, oil and gas, creates high per capita greenhouse gas emissions as well as import dependence. There is no basis to the claim that extraction of the Corrib Gas field would reduce gas import cost for a period of time after the proposed commencement of extraction in 2014, as the Shell controlled field will be sold at the European market price, into the European gas market.

The mounting scientific consensus is that the burning of more than 60% of current fossil fuel reserves will generate more than 2°C of warming over pre industrial average global temperatures. As failure to take global action to curtail CO₂ emissions mounts, the level of reduction of CO₂ required to stabilise global temperature will become more onerous on a year by year basis.

The international Commentator George Monbiot put it simply in the Guardian September 27th 2010:

“Preventing runaway climate change means getting out of fossil fuels. It means renouncing two fifths of existing reserves. It also means a global moratorium on prospecting, not just in deep water, but everywhere. If we can't use it we should stop looking for it”.

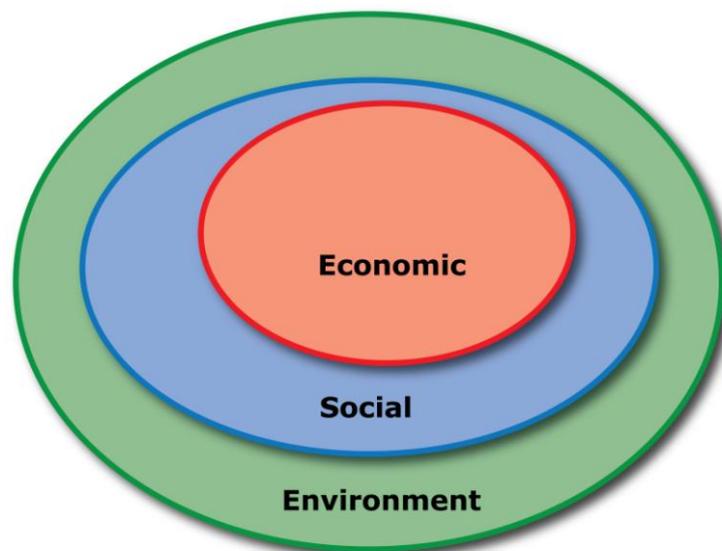
On top of this are the risks generated with deep-sea drilling, as highlighted by the environmental disaster in the BP Deepwater Horizon Rig in the Gulf of Mexico and the massive negative impact on biodiversity and coastal communities that occurred.

MARINE BIODIVERSITY

An Taisce, as part of the Marine Group formed under the IEN, support the designation of an ecologically coherent network of Marine Protected Areas. This network would significantly exceed the number of marine SAC's designated by the NPWS by combining NATURA 2000, Ramsar sites, Marine Conservation Zones and NHA's (after the UK model). MPA's would enjoy a similar level of protection from exploitation and development as SAC's and SPA's and could be promoted by the tourism sector as Marine parks or nature reserves. The designation of a network of Marine Protected Areas is would strengthen the view in the public mind that marine ecosystems can be as complex and valuable as any on dry land.

Fisheries

An Taisce welcomes an integrated Marine plan for Ireland that will facilitate both environmental protection and utilizing our natural resources by having an ecosystem approach to our marine environment. This ecosystem approach to stock management for marine planning must be sustainable for the foreseeable future to ensure that Ireland has a healthy marine ecosystem. However, An Taisce submits that the report focuses too much on the planning for economic growth, investment and job creation and not enough on environmental policy. Economic growth, investment and job creation must be sustainable and not at the cost of a degraded marine ecosystem. By tackling policy issues in order to protect the marine environment, not just for the lifetime of the government, but well into the future, the government can provide an industry where Ireland can become world leaders in both innovation and environmental protection. The only way to go about this is to invest in appropriate infrastructure and projects as well as enforce environmental legislation that will guarantee compliance by the relevant stakeholders (cutting funding to departments such as the NPWS does not show much foresight in this regard). We are entirely dependent on the natural environment for our survival:



The idea that the report looks at achieving ‘Good Environmental Status’ (GES), which is required under the Marine Strategy Framework Directive³ (MSFD), as a constraint on the impacts of fishing is perturbing. In order for Ireland to have a sustainable fisheries sector in the long term, the Government and Department of Agriculture, Food and the Marine must change their attitude that environmental legislation inhibits the fisheries industry, as responsible and sustainable fishing practices will provide long term sustainability in terms of jobs, biodiversity and reducing climate change. The EU's Marine Strategy Framework Directive (MSD) aims to achieve Good Environmental Status in Europe's seas by:

³ Marine Strategy Framework Directive (2008/56/EC) <http://www.ices.dk/projects/directive.pdf>

- ensuring populations of fish and shellfish are within safe biological limits;
- ensuring all elements of marine food webs ... occur at ... levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity.

This will ensure a long term healthy marine environment from which people will be able to make a living for longer.

Overfishing is the biggest threat to both Irish and global fish stocks. The EPA Ireland's Environment report from 2008 noted that 75% of fish species in Irish waters were being harvested beyond safe biological limits. Therefore, a sustainable fisheries plan must heed the best scientific advice and apply the precautionary principle to ensure fish stocks are only exploited within a biologically safe limit. Healthy fish stocks are a pre-requisite for a profitable fisheries sector, yet fishing limits are continually set to exceed scientific advice. Rainer Froese, who is a senior scientist at the Leibniz Institute of Marine Sciences (IFM-GEOMAR) in Kiel and a Pew Fellow in Marine Conservation stated:

“The sad state of European fish stocks is not a natural or societal failure that good management simply could not overcome. The European public has been led to believe that fisheries management is decided by bureaucrats in Brussels. In fact, member states have the most influence; they make and implement the decisions made in Brussels and control compliance by fishermen”⁴.

A recent report ⁵ by the New Economics Foundation found that currently fish stocks are not being managed in a sustainable way. The report states that restoring fish stocks to health would create jobs and increase the income of Europe's fishing fleets by €3.25 billion euro per year. Overfishing is having not only a negative effect on fish stocks and the ecology of the marine environment, but the net effect of that is fishing revenues are falling in some countries and thereby the numbers of jobs in the sector are falling as a consequence. The report's author, Rupert Crilly, stated:

“A third of the UK population's annual fish consumption could be provided by just the UK's share of restoring these fish stocks. The industry could employ an extra 46 per cent more people. Over £400 million (€480 million) could be invested in coastal communities every year, 24 times the annual subsidy the UK receives precisely to mitigate the costs of overfishing”.

The same principals can be applied to Ireland, and requires the Irish government to ensure appropriate and safe fishing levels, appropriate and non-damaging fishing equipment, an appropriate fleet size, as well as influencing the Common Fisheries Policy reform. Ireland needs to push for a CFP that:

- “recovers the well-being of our seas and dependent fishing communities;
- ends overfishing and makes the shift towards environmentally sustainable fishing practices, regardless of whether vessels fish within or outside the EU;

⁴ <http://www.nature.com/news/2011/110706/full/475007a.html>

⁵ Crilly., R. *Jobs lost at sea. Overfishing and the jobs that never were.* New Economics Foundation. http://www.neweconomics.org/sites/neweconomics.org/files/Jobs_Lost_at_Sea.pdf

- respects scientific advice and the limits of the ecosystem;
- applies precautionary and ecosystem-based fisheries management;
- delivers fair and equitable use of marine resources;
- can supply Europe's consumers with a rich variety of locally-caught fish now and into the future; and
- uses public funds as part of the solution and not as a driver of overfishing”⁶.

An Taisce submits that the government base their strategy for economic recovery in the Marine sector on sustainable ecological objectives. In order to fulfil this, a precautionary approach and an ecosystem approach to fisheries management must be put in place. European fishers have profit margins of about 3–6%; in New Zealand, which has successfully reformed its fisheries, the margins are closer to 40%⁷. Article 5 and 6 of the UN Fish Stocks Agreement⁸(Appendix I) should form the foundation of this fisheries management. It states that without fish, there are no fisheries so we must keep stocks sustainable. This strategy will not bring about immediate benefits, but it will provide the fisheries sector with medium to long term sustainability that will not be found in the practise of over fishing our European stocks in three out of four stocks⁹. This sustainable approach to fisheries will provide long term security for the fisheries sector and ensure that the environment is respected too.

Another concern for An Taisce is the common practice of discarding fish which are too small or fall outside European quotas. Minister Simon Coveney was recently quoted as saying “*Somewhere between 40 to 50 per cent of all the fish caught at the moment are thrown over the side, dead. We cannot continue to allow this practice*¹⁰”. An Taisce welcomes this attitude from Minister Coveney, but implores the Minister to

- “Ensure priority is given to applying selective fishing practices in order to avoid unwanted catches in the first place,
- Extend the scope of existing provisions on eliminating of unwanted catches to cover both fish (commercial and non-commercial) and non-fish species,
- Shift from species-by species implementation of a discard ban to a fishery by fishery level. Phased in on a regional level,
- Strengthen the provisions on multiannual plans to include measures and timelines along with effective monitoring and enforcement for the proposed discard strategies to minimise unwanted catch,
- Set strict conditions for placing unwanted catches on the market, ensuring that they cannot be commercialised, and cannot yield financial gain to individual operators”¹¹.

⁶ <http://ocean2012.eu/pages/4-opportunity-for-change>

⁷ <http://www.nature.com/news/2011/110706/full/475007a.html>

⁸ http://www.un.org/depts/los/convention_agreements/convention_overview_fish_stocks.htm

⁹ <http://ec.europa.eu/fisheries/reform/>

¹⁰ <http://www.irishtimes.com/newspaper/world/2012/0320/1224313579407.html> - 20th March 2012.

¹¹ http://assets.ocean2012.eu/publication_documents/documents/202/original/discards-joint-ngo-briefing.pdf

Aquaculture

The document very clearly looks at compliance with the Birds and Habitats Directives as a constraint on the ability to distribute licences and funding for the aquaculture industry¹². This mind-set that environmental protection is a hindrance on the economic possibilities of the fisheries industry is one of the reasons why fish stocks have been depleted so much that massive subsidies are required for fishermen to survive. Sustainable protection of the fish stocks enable long term fishing to take place, keeps employment steady in the community, which has far reaching positive implications for the whole community, but the stocks require time to build themselves back up. The Birds and Habitats Directives were put in place to protect Europe's most rare and sensitive habitats. The protection put in place should not be looked at as a constraint to the aquaculture sector as it is precisely this kind of environmental protection that will facilitate the long term goals of aquaculture companies who wish to keep producing their product long into the future. Compliance with environmental legislation should be at the forefront of any business strategy that is serious about a sustainable aquaculture industry. If the government document refers to compliance as a "constraint" it does not show leadership but short-sighted thinking. In addition, the report even appears to imply that the limits of the marine environment to absorb aquaculture operations before it becomes damaging for the surrounding area, is as a "constraint". Such views are damaging to the long term viability of the industry and protection of the environment, upon which industry is dependent.

Whilst An Taisce supports the sustainable development of aquaculture, the granting of licenses must be in keeping with other objectives for the area, and developed in a balanced manner which is not damaging to the conservation interests of any site. The Marine environment is a very fragile ecosystem where irreversible changes can occur if practices employed are not environmentally sensitive. Aquaculture has been shown to have some negative impacts on the marine environment including the accumulation of waste (waste feed and faecal pellets) under fish farm cages, changes in macrofauna benthic communities, alteration of the nutrient balance within the system, reduction in gene pool strength due to escaping aquaculture stock mating with the wild population¹³. An Taisce submits that whole bay management plans need to be developed for bays supporting aquaculture, to ensure the level of aquaculture does not exceed the carrying capacity of the bay.

The report states that there is a "comprehensive system of environmental (and food safety) monitoring for the aquaculture industry which meets EU and market demands". An Taisce would like to know where this information is stored and why it is not available to the public. An Taisce submits that this information becomes readily available and updated in real time as it is stored.

¹² Page 4, Part II Sectoral Briefs

¹³ **M. L. Heffernan (1999)** A review of the ecological implications of mariculture and intertidal harvesting in Ireland. *Irish Wildlife Manuals*, No. 7

The report states that “*environmental management systems are not integrated into the core business functions*” for the aquaculture industry. The document provides no roadmap for how environmental management systems can become integrated. An Taisce welcomes the recognition that for example, aquaculture and the seafood processing sector are not integrating environmental management into their core business functions. It needs to become government policy to implement this change.

Those profiting from the marine environment should be required to contribute to a dedicated environmental fund that can be used for a number of environmental schemes such as observer and license enforcement schemes, construction of coastal erosion mitigation measures, development of better selective fishing gear etc. This contribution would be used exclusively for the protection of our coastlands and marine environments. This fund could also be used to remove abandoned and defunct infrastructure such as old aquaculture trestles and cages.

RENEWABLE ENERGY

An Taisce supports renewable energy development, subject to obviation of adverse biodiversity or other environmental impact. An Strategic Environmental Assessment (SEA) is required for Marine Wind energy development and any other energy plans or programmes located in marine areas. An Taisce supports the exploration of off-shore wind farms subject to location suitability.

There is inadequate information on the impact of the large scale germination, harvesting and refining of algae or seaweed as a bio fuel or fossil fuel substitute.

The impacts of wave and tidal renewable energies on marine mammals are not understood. Research has begun on in Kilrush on the impacts of noise from wave energy machines on the Bottle Nose Dolphin (*Tursiops truncatus*), but this research is in its infancy. Similar impacts of noise on the moulting/breeding sites for Irelands Common Seal (*Phoca vitulina*) and Grey Seal (*Halichoerus grypus*) species are not understood. An Taisce submits that caution is taken by the government and no licences for renewable energies sites including test sites, are granted unless they have had a full and thorough Environmental Impact Assessment carried out, having regard to ECJ Judgement 66-06 on a trial aquaculture licence in the Kenmare River.

TOURISM

In considering tourism and leisure, a distinction is required between the levels of environmental impact and emissions of different types of activity. Sustainable marine tourism is an emergent industry which can benefit both the environment and local communities. Tourist numbers could be increased significantly if Ireland invested in its promotion for marine eco-tourism such as diving, sightseeing, marine mammals watching etc. This can only

work if our coastline is protected from unnecessary operations that cause more damage than good, and improving our coastal accessibility for coastal walking, for which there is no current strategy. Creating exclusive **Marine Protected Areas** free from all fishing and commercial activities except for snorkelling, kayaking, diving and bird watching has the potential to be key part of our tourism sector while improving the health of the marine environment.

The sustainability of increased tourism promotion must address the emissions generated by aviation. This requires the development of a low carbon passenger ferry and more time and emission efficient rail link between Ireland and main population centres in Britain, and Channel Tunnel link to France.

Cruise ship tourism needs to be carefully considered in the light of recent incidents involving large vessels and loss of life. The carbon footprint of these a week long cruise must be accounted for and costed, including use of low-grade diesel.

SHIPPING AND PORT DEVELOPMENT

Page 8 of the “*Our Ocean Wealth*” consultation document under “*Shipping Ports and Services*” makes uncritical references to financial and tonnage growth. An Taisce submits that the overriding challenge must be to address the role of shipping in accommodating unsustainable consumption, greenhouse gas emissions and the future unpredictability in energy cost. This requires addressing trans-boundary shipping emissions and the sustainability of the trade and goods passing through ports in the first instance.

An Taisce made a submission on the Department of Transport in 2010 regarding the “*Ports Policy Review Consultation Document*”, which set out a range of recommendations on sustainable shipping, trade and port development. An updated version had been attached as Appendix II.

The overall recommendation was to redefine national policy:

“to secure sustainable resource consumption and greenhouse gas reduction in port management and development

And

“ to ensure incentives and governance frameworks exist so that port management, design, development and operation be predicated on the need to limit and avoid impacts on Natura 2000 sites, and observance with the European Birds and Habitats Directives in particular.”

Recommendations were made on shipping fuel; emissions, carbon pricing in global trade, port development , the creation of decarbonised marine/ enhanced rail links between Ireland and main British population centres.

GOVERNANCE

The quality of marine governance in Ireland has been highlighted by the current controversy over oil and gas test drilling off Dalkey Island and aquaculture in Bantry Bay. No reference is made to compliance with the EU Marine Strategy Directive 2008/56/EC and the achievement of required transposition measures.

The aim of the European Union's ambitious Marine Strategy Framework Directive (adopted in June 2008) is to protect more effectively the marine environment across Europe. It aims to achieve good environmental status of the EU's marine waters by 2020 and to protect the resource base upon which marine-related economic and social activities depend. The Marine Strategy Framework Directive constitutes the vital environmental component of the Union's future maritime policy, designed to achieve the full economic potential of oceans and seas in harmony with the marine environment.

The Marine Strategy Framework Directive establishes European Marine Regions on the basis of geographical and environmental criteria. Each Member State - cooperating with other Member States and non-EU countries within a marine region - are required to develop strategies for their marine waters.

The marine strategies to be developed by each Member State must contain a detailed assessment of the state of the environment, a definition of "good environmental status" at regional level and the establishment of clear environmental targets and monitoring programmes.

Each Member State must draw up a programme of cost-effective measures. Prior to any new measure an impact assessment which contains a detailed cost-benefit analysis of the proposed measures is required.

Where Member States cannot reach the environmental targets specific measures tailored to the particular context of the area and situation will be drawn up.

The goal of the Marine Strategy Framework Directive is in line with the objectives of the 2000 Water Framework Directive 2000 which requires surface freshwater and ground water bodies - such as lakes, streams, rivers, estuaries, and coastal waters - to be ecologically sound by 2015 and that the first review of the River Basin Management Plans should take place in 2020.

The document is deficient in even referring to Integrated Coastal Zone Management (ICZM). No progress has been made on ICZM the subject of the 2004 Heritage Council report "Review of Integrated Coastal Zone management and principles of best practice". ICZM is an important measure in many European strategies and legislation. It provides a significant management measure for coastal risk and cumulative coastal risk assessment integrating the

existing mechanisms to provide effective management. However there is no legislative driver or framework for ICZM in Ireland¹⁴

An informal stakeholder consultation by DoEHLG in 2009 revealed a range of concerns:

- Legacy legislation not suited to 21st century needs,
- The lack of a “plan led “ policy framework,
- Issues relating to timeframes and objectives of regulatory regime,
- The absence of mandatory pre application consultations,
- The lack of openness, transparency and public participation in the consent process,
- The lack of available on line baseline data to inform the application process.

In addressing these issues excessive weight or must not be given to the lobbying of any individual industrial interest group, which has bedevilled planning and strategic decision making , or the lack of it for so many sectors in Ireland.

¹⁴ Atlantic Network for Coastal Risks Management (ANCORIM). Decision Making and Coastal Risks: A Good Practice Guide pp 34-35 ref

APPENDIX I

UN Fish Stocks Agreement

PART II CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

Article 5

General principles

In order to conserve and manage straddling fish stocks and highly migratory fish stocks, coastal States and States fishing on the high seas shall, in giving effect to their duty to cooperate in accordance with the Convention:

(a) adopt measures to ensure long-term sustainability of straddling fish stocks and highly migratory fish stocks and promote the objective of their optimum utilization;

(b) ensure that such measures are based on the best scientific evidence available and are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global;

(c) apply the precautionary approach in accordance with article 6;

(d) assess the impacts of fishing, other human activities and environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent upon the target stocks;

(e) adopt, where necessary, conservation and management measures for species belonging to the same ecosystem or associated with or dependent upon the target stocks, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;

(f) minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, (hereinafter referred to as non-target species) and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques;

(g) protect biodiversity in the marine environment;

(h) take measures to prevent or eliminate overfishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources;

(i) take into account the interests of artisanal and subsistence fishers;/

(j) collect and share, in a timely manner, complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target and non-target species and fishing effort, as set out in Annex I, as well as information from national and international research programmes;

(k) promote and conduct scientific research and develop appropriate technologies in support of fishery conservation and management; and

(l) implement and enforce conservation and management measures through effective monitoring, control and surveillance.

Article 6

Application of the precautionary approach

1. States shall apply the precautionary approach widely to conservation, management and exploitation of straddling fish stocks and highly migratory fish stocks in order to protect the living marine resources and preserve the marine environment

2. States shall be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures

3. In implementing the precautionary approach, States shall:

(a) improve decision-making for fishery resource conservation and management by obtaining and sharing the best scientific information available and implementing improved techniques for dealing with risk and uncertainty;

(b) apply the guidelines set out in Annex II and determine, on the basis of the best scientific information available, stock-specific reference points and the action to be taken if they are exceeded;

(c) take into account, inter alia, uncertainties relating to the size and productivity of the stocks, reference points, stock condition in relation to such reference points, levels and distribution of fishing mortality and the impact of fishing activities on non-target and associated or dependent species, as well as existing and predicted oceanic, environmental and socio-economic conditions; and

(d) develop data collection and research programmes to assess the impact of fishing on non-target and associated or dependent species and their environment, and adopt plans which are necessary to ensure the conservation of such species and to protect habitats of special concern.

4. States shall take measures to ensure that, when reference points are approached, they will not be exceeded. In the event that they are exceeded, States shall, without delay, take the action determined under paragraph 3 (b) to restore the stocks.

5. Where the status of target stocks or non-target or associated or dependent species is of concern, States shall subject such stocks and species to enhanced monitoring in order to review their status and the efficacy of conservation and management measures. They shall revise those measures regularly in the light of new information.

6. For new or exploratory fisheries, States shall adopt as soon as possible cautious conservation and management measures, including, inter alia, catch limits and effort limits. Such measures shall remain in force until there are sufficient data to allow assessment of the impact of the fisheries on the long-term sustainability of the stocks, whereupon conservation and management measures based on that assessment shall be implemented. The latter measures shall, if appropriate, allow for the gradual development of the fisheries.

7. If a natural phenomenon has a significant adverse impact on the status of straddling fish stocks or highly migratory fish stocks, States shall adopt conservation and management measures on an emergency basis to ensure that fishing activity does not exacerbate such adverse impact. States shall also adopt such measures on an emergency basis where fishing activity presents a serious threat to the sustainability of such stocks. Measures taken on an emergency basis shall be temporary and shall be based on the best scientific evidence available.

Appendix II

UPDATED SUBMISSION ON SUSTAINABLE DEVELOPMENT OF TRADE PORTS AND SHIPPING MARCH 2010

CORE POLICY RECOMMENDATION

Successive policy documents published by the Department of Transport to date including the 2005 *Ports Policy Statement* and 2010 'Ports Policy Review Consultation Document' are based on flawed economic growth models which do not factor the mathematical limits of global resource extraction or the science of anthropogenic climate change.

Parallel to this is the non-consideration of impending peak oil production and the unpredictable impact on energy cost on industrial processing, transport and refrigeration.

The core objective of national ports policy as outlined in Department of Transport Statement of Strategy 2008 – 2010 is:

“to ensure investment in ports meets port capacity requirements and to facilitate the availability of commercial port services which are effective, competitive and cost efficient”.

This objective requires amendment to provide as a preliminary principle the requirement:

“to secure sustainable resource consumption and greenhouse gas reduction in port management and development”

Given the inevitable estuarine nature of port activity – a further amendment to preliminary core principles should be:

“to ensure incentives and governance frameworks exist so that port management, design, development and operation be predicated on the need to limit and avoid impacts on Natura 2000 sites, and observance with the European Birds and Habitats Directives in particular.”

Such a requirement would engender a culture and practice whereby the approach taken for example by the Dublin Port Company to maximise profits by selling backlots in the port, and then subsequently advance a case to infill some 58 ha. of Dublin Bay based on the need for further space – would be discouraged. An Bord Pleanála refused the latest Dublin Gateway application from the Dublin Port Company on the basis of impacts to the Natura 2000 sites and protected habitats and species in the bay. The failure to incentivise and govern state agencies and major operators result in consistent and frequent attempts to advance proposals which fly in the face of European legislation and result in delays in delivering infrastructure with the associated costs of same. Underlying core principles need to be addressed to resolve this conflict at source.

The protection of Natura 2000 sites requires that port operators be incentivised and managed by governance frameworks which mean that they are first obligated to fully exhaust alternatives as is required by the Habitats and Birds Regulations prior to advancing proposals which have negative environmental impacts, and that profitability performance is moderated with well structured environmental performance indicators. The latest Dublin Gateway proposal from the Dublin Port Company to infill some 58 ha. of Dublin Bay following the sell-off of land – was prompted by a dysfunctional focus on profit generation advanced at the

expense of Dublin bay's Natura 2000 sites, and indeed its tourism and recreational amenity, with the application being refused by An Bord Pleanala

SHIPPING FUEL EMISSIONS.

Greenhouse gas emissions from international shipping activity currently account for at least 3% of total global emissions, and are comparable to aviation. The global shipping and aviation sectors were not included in the failed Kyoto protocol as a result of sectoral and vested interest lobbying.

An Taisce submits any future effective climate treaty requires all sectors including shipping to meet the target of reduction which climate science requires. The efficiency gain made by increased tonnage ships for long distance routes, is more that negated by the global growth in volume.

An international deal to control shipping emissions is currently under discussion at the International Maritime Organisation (IMO) but has not made any effective progress.

A 2009 report, prepared by researchers at the Tyndall Centre for Climate Change Research and the Sustainable Consumption Institute, while focusing on the UK, is also entirely applicable to Ireland. The range of global measure to reduce emissions will be undermined unless shipping is fully included. The report recommends that the UK should, in advance of EU or global action, consider a unilateral adjustment to its carbon budgets to reflect its share of international shipping emissions.

PRICING CARBON IN GLOBAL GOODS TRADE.

The 2007 Stern Report identifies the climate change as the greatest ever market failure.

Global trade is operating to a short term economic model which disregards the immediate and longer term impact of climate emissions and other adverse downstream impacts. The World's poorest in Sub Saharan Africa are already victims.

Rich high resource consuming countries have externalised their real emissions on other countries. One of the favourite arguments used both by vested interests and climate science sceptics in Ireland to justify inaction, is the China cop out. This is the argument that any action that Ireland takes is insignificant compared to continued Chinese coal burning power plant development. This disregards the fact that one third of total Chinese emissions or half the increase over the last decade is for the manufacture of goods for the developed world, in factory conditions that would not be remotely tolerated in the West. With China becoming a progressively larger extractor of global resources the additional impact of mineral smelting and extraction affects to emissions of African and other countries (2009 Carnegie Mellon University).

The up-scaling of shipping to develop container vessels the size of oil tankers has made long distance transport a small element in the cost of global consumer goods and enabled this mass production of goods from the energy of coal burning power stations of China. Port expansion and the accommodation of larger tonnages of container ships and throughputs directly

increases global Greenhouse gas generation in shipping and the manufacture of consumer goods, many of them throw away with a short performance life, leading to unsustainable waste streams.

Future global and national trade models require the full internalisation of the cost of carbon emission generation. This requires that cost must be borne by the end use consumer, and be at a level that a per capita emission level which climate science requires cannot be exceeded.

The imperative of containing nuclear radiation levels within scientifically accepted safe levels, must be applied equally to climate emissions.

PLANNING CAPACITY TO 2030

Planning capacity is addressed below in relation to 'Tonnage', 'Future Capacity Needs' and 'Berthage requirements' and in line with the consultation document's headings.

Tonnage:

Irish port tonnage throughput increased by 49 % between 1997 and 2007. Tonnages of goods passing through Irish ports, particularly for imports, significantly declined in 2008 / 2009.

Between now and 2025 there are no capacity issues affecting Irish ports, even under current economic growth models. The consultation document refers to the Dublin Port National Development Plan study 2009 which states the while Dublin port currently carries 44% of Irish trade tonnage that there is no capacity constraint until 2025.

An Taisce additionally submits that the nature and profile of our imports and exports also warrants greater consideration in relation to port policy and strategy considerations. In this context we refer to a number of relevant strategic considerations relating to the profile of our planned economic exports:

- ***BUILDING IRELANDS SMART ECONOMY 2008***

The 2008 developing Ireland's Smart economy does not identify high tonnage or bulky exports as a part of the future smart economy.

- ***INDUSTRIAL DEVELOPMENT AUTHORITY INWARD INVESTMENT STRATEGY***

The main industries targeted by the IDA for future development are not dependent on high tonnage capacity. The high exports values generated by Ireland's inward investment boom by multi nationals is in pharmaceuticals with a high value to tonnage ratio.

- ***DEPARTMENT OF AGRICULTURE, FISHERIES AND FOOD POLICY 2020 FOOD HARVEST***

The 2010 Department of Agriculture, Fisheries and Food 2020 Food Harvest policy was published without a Strategic Environmental Assessment (SEA). The application

of SEA and other sustainability considerations means that significant additional export tonnage capacity will not be achievable. Future food security planning will require reduction in current Irish import levels and dependence on fertiliser, grain, animal feed, fruit vegetables and processed foods.

All sectors of Irish trade need to be subject to sustainability evaluation. In stark contrast to this is the continued government promotion of peat compost export to UK, Europe and Africa, and failure to screen sources of tropical hardwood import and wood products. There is a potential role for the Department of Transport to play a key and critical contributory role in incentivising and delivering on such sustainability controls – as an effective gatekeeper and we would welcome an opportunity to explore this further with the Department.

An Taisce submits there is no requirement for additional oil or coal import capacity, since current levels need to be substantially reduced to meet climate emission reduction levels required and reduce unsustainable energy import dependency. The requirement to explore the percentage contribution of other alternative energy sources including truly renewable gas as an important element of our energy solution also needs to be addressed.

The London-based New Economic Foundation (NEF) has carried out considerable work in this area on the UK and accordingly, there is useful guidance in carrying out similar analysis in Ireland. This includes perverse trade for example in foodstuffs where goods of virtually identical type or quality e.g. are exported and imported in similar quantities. The Department can play a critical role in conjunction with other Departments in addressing such inefficient use of resources. An Taisce would welcome the opportunity to explore this further with the Department.

In 2007 the NEF published Chinadependence, which remains equally applicable to the sustainability of Ireland's trade relationship with the world at large.

Fully transparent information is needed on the nature origin and destination of all goods passing through Irish ports. The suggestion on pages 13 and 14 of the Departments consultation document that “commercial confidentiality” applies is not tenable. The provision of the EU Access to Information on the Environment Directive 2003/4/EC and Aarhus Convention for which Irish ratification is overdue, override this.

FUTURE CAPACITY NEED

It is noted that the most recent study into medium to long-term traffic volumes at Irish ports is provided in the Dublin Port National Development Plan Study, published in 2009. This study took account of the economic downturn and the uncertainty over when the economy would return to growth. The Study concluded that the sector would only face renewed capacity constraints from approximately 2025 onwards.

However this study did not factor the emission and resource consumption reductions that will be required by 2020 or the impact of oil production peak.

Separate to increase tonnage capacity is the issue of berthage to accommodate larger ships.

The European Commission Communication on European ports policy COM 2007/616 sets out important principles when port capacity issues arise and before expansion proposals are considered: In summary, the first options to cope with increased demand for port capacity should be:

“To increase port efficiency and productivity rates, in terms of output or movements per ha of existing terminals space and throughout the access routes. New port equipment and timed appointments at terminals for trucks, trains, and barges, together with an integrated management of the transport chain at least through the port from sea to inland carriers, would certainly solve a number of problems. Operations and cargo management systems and software will certainly contribute to smoothing the interfaces between modes and operators, and contribute to increasing output.

To explore alternative transport routes as a means to achieve a more intensive use of all existing ports - some of which are operating under capacity levels - and to have them nearer to users. Market proves that daily and quick intra-EU connections, by either short sea shipping or feeder services are a sustainable option for many ports.”

“Those perspectives to port expansion should be properly assessed before new infrastructural developments are envisaged.”

An Taisce submits that projections for growth are unfounded given the level of downturn sustained associated with the global recession; together with the necessary changes which will emerge consequent on consumption patterns, and costs associated with addressing carbon pricing associated with climatic impacts of shipping, manufacture and transportation. Therefore any development plans consequent on such questionable and unsubstantiated projections are at best premature, and a responsible approach would be to establish a checkpoint in the future to re-evaluate capacity requirements with a view to meeting 2025/2030 requirements. In the interim the focus of policy should be on:

- Efficiency of ports and the associated transport networks.
- Managing environmental impacts and the costs of same.
- Providing a fully transparent mechanism for collating information on the nature origin and destination of all goods passing through Irish ports to at the very least.
- Facilitate optimisation of the network, and
- Feed into overall economic planning and competitive advantage considerations, and
- Limit unnecessary climatic impacts and carbon costs to our economy.
- Establishing an accurate baseline for current capacity and also for an optimised capacity baseline based on efficiency improvements.
- Preparing a comprehensive, informed and considered model on which to base future requirements modelling and projections.
- Consideration for the planning of a national integrated port and transport network.
 - and that such are the appropriate 'development' considerations and focus points for port policy at this juncture in time.

FUNDING

Sale of State owned ports as part of any short term based asset realisation is undesirable. There are a range of established models in leasing land or using joint venture vehicles in provision of port services.

The debt burden created by the National Roads Authority and Dublin Airport Authority in developing infrastructure beyond sustainable demand levels, should be carefully regarded by all port companies.

MARINE PASSENGER TRANSPORT

The spring 2010 Icelandic volcanic eruption highlighted the level of Irish aviation dependence and the strategic importance of maintaining foot passenger services to Britain, and the Channel Tunnel connection to France.

Based on the nearly 1,000 year historic data on Icelandic volcanic eruptions and older ice core data, there are future unpredictable risks, in duration and time interval for much larger scale eruptions such as occurred in the 1780s, which would be capable of curtailing jet aviation in Europe and the North Atlantic for unquantifiable time periods. It is unclear what future risk factor should be calculated for such an event, whether 1 in 100 years, 1 in 200 years or a larger margin.

There are other factors apart from volcano ash risk, requiring that low carbon sea passenger connectivity should be the single most important marine transport priority for Ireland in order to:

1. Ensure that aviation greenhouse gas emissions are reduced in tandem with all other categories of national and transnational emissions
2. Avoid future exposure of aviation fuel to unpredicted price rise, which would create an unplanned flip to sea passenger demand.

Existing passenger ferry services to Britain and France, are primarily car and roll on and roll off freight services. The existing ferries are not "*low carbon alternatives to air travel*" as they use high polluting bunker fuel and when foot and car passengers are aggregated are not low carbon.

An Taisce submits that there is a need for a new generation of low carbon efficient specifically passenger ferries, with the most efficient achievable land connection to London and other centres. This provides a major co-operation opportunity to use the Cross Border and Ireland UK institutions under the Belfast agreement, to a real practical benefit.

Additionally An Taisce submits that rail connectivity to Irish passenger ports from across the country is part of this strategic planning requirement. This requires maintenance of the Waterford to Rosslare line.

GOVERNANCE OF STATE PORT COMPANIES.

The State Port companies do not emerge with a credible competence record over the last decade.

- Both Dublin Port in 2010 and the Port of Cork in 2008 had major port expansion proposals refused by An Bord Pleanála.
- Waterford Port Company has a long history of mismanaged legal disputes with trade unions, other port area landowners and fishing trawler operators. After moving down river to a new port the Company failed to take the required lead role in securing the development of the old port area across from the city centre leaving a legacy of dereliction.
- Shannon Foynes Port Co is the subject of ongoing fraud investigation on a controversial 16.5 ha land transaction.
- Dun Laoghaire Harbour Board carried out the illegal demolition of the 19thC. railway station on Carlisle Pier in 2009, and have failed to resolve liability between board members, management and professional consultants.
- Galway Port Co is promoting schemes for major cruise lines berthage with inadequate sustainability evaluation.
- Drogheda Port Company carried out ecologically damaging filling on the Boyne estuary polder, and is currently pursuing an unsustainable transit port scheme at Bremore requiring extension of its statutory remit area, in order to facilitate a Chinese controlled transit port facility.

This taken collectively amounts to a systemic competence failure in State appointed Board Port or Harbour Company members and senior management.

A particular concern must also be raised at the ability of port companies to regulate the operational safety of other berthages within their jurisdictional area, eg. Aughinish Alumina near Foynes, or respond to oil spillage and other emergency situations.

Better scrutiny of Dublin Port Company's partnership with One51 Group in Greenore, and involvement in Asia is required

The Harbours Amendment Act 2009 provides for reducing board members to State ports. The March 2010 Mahon Tribunal report recommended a new independent appointment structure for the National Transport Authority, which should be applied to Harbour Boards

ISSUES RELATING TO INDIVIDUAL PORTS

Dublin Port Company

Dublin port has no interest in relocating out of Dublin Bay. Its objective is to progressively infill the SAC area of the Bay to accommodate larger ships while selling off the older port area on a piecemeal basis on the west for property development. Following an Oral Hearing with An Bord Pleanála for the infill of a further 53 ha of Dublin Bay which took place in 2009 the proposal was refused earlier this year on grounds of impact on the Dublin Bay SPA.

A major issue raised at the Oral Hearing was the efficiency of management of existing berthage capacity and infilled area, coupled with fundamental issues with the engineering and design specifications of the proposals and the impact assessment on the Natura 2000 sites and species of the bay area. The efficiency of the operation, in addition to the fundamental errors and omissions in the application presented were highlighted as concerns, and reflected on the Dublin Port Company.

Port of Cork

An Bord Pleanála refused a new roll on, roll off and crane load container port at Ringsaskiddy because of deficient road and rail access in 2008. The Company is actively working on a revised scheme.

Shannon Foynes Port

Lobby interests in the mid west are promoting the potential of the Shannon estuary as a location for a new international transit port. There is little strategic benefit to Ireland for this and a range of problematic environmental impacts. Construction of the approved Liquid Natural Gas (LNG) terminal at Tarbert, is dependant on the international LNS market.

Port of Galway

The concept of promoting Galway as a major international location for cruise liners is based on exaggerated arguments for local benefit. Long distance cruisers which generally extend for a one to two week period are significantly more damaging on a per passenger emission basis than a long haul aviation trip and represent one of the single most unsustainable areas of global tourism growth.

Smaller non fishing Ports

Appendix 1 of the consultation document on port tonnages reveals a number of non fishing ports which are carrying very low commercial cargo tonnages. Significant management cost reduction of a number of these port is appropriate combined with accommodation of marine leisure use.

Iarnród Éireann owned Rosslare Port

Rosslare Port has maintained a steady to slightly declining level of boat and passenger traffic during the economic boom years. Freight levels whilst showing increase during the boom are now in sharp decline and the port is losing market share to Dublin during the recession.

Road traffic levels are low and even with present probably over generous growth estimates will not meet maximum capacity of the present supply road network for 30 years.

The port is somewhat constrained by depth considerations.

The recent closure of the Rosslare Waterford rail link compounds the failure of CIE to maintain and promote the port as a passenger rail link.

Dublin Port Company/ One 51 Group joint owned Greenore, Co Louth

This was developed circa 1860 as a rail and ferry port. It lost its rail link in the early 1960s and has poor road access. The port company is currently preparing a large-scale expansion in partnership with the former Irish Agricultural Wholesale Society, a multi-national conglomerate now called 151 which is already involved in port development in Asia.

There are serious capacity increase issues posed by poor road access and location on SPA designated area.

The company has obtained permission for a bio diesel facility in the port to allow Bio fuel to be imported into Ireland without any vetting of its source.

THE BREMORE PORT DEVELOPMENT PROPOSAL

Bremore, Dublin Fingal:

The Bremore headland contains the earliest passage tomb complex in the country and is of significant ecological and landscape value and incorporates a large SPA-Special Protection Area for birds at Gormanstan Beach. The existing Drogheda port in the Boyne estuary is constricted in the accommodation of large container ships and its tonnage has declined by 50% over the last 2 years. The Minister for Transport has given Drogheda Port consent to seek the extension of its statutory boundary to Balbriggan in order to allow the development of a large-scale international container port at Bremore. This would give the Drogheda Port Company the right to CPO land and enter into partnership with existing landowner, Treasury Holdings, in a joint venture. Indeed, in the financial press, the whole scheme, which is currently subject to public consultation on the extension of the port area and is yet to be lodged with An Bord Pleanala, is treated as a reality with a Hong Kong-based multi-national port management and shipping company, Hutchinson Wampura, being contracted as operators.

Preliminary information on design indicates a major roll on roll off and load on load off capacity combined with provision for transit port for the transmission of containers from larger ships to smaller vessels for distribution around the British or European coast, similar to facilities already in place in the southeast of England and Rotterdam/Zeebrugge.

This proposal is based on an expansion of unsustainable trade, especially to the far-east and does not stand up to sustainability analysis.

Part III: “Environmental compliance and associated marine regulatory system is often perceived by industry as a barrier to development. While it is accepted that protecting the marine environment is critical, it is sometimes forgotten that regulation and compliance also plays a very important role as an enabler – supporting and creating economic development.”