

Sustainable Water Network (SWAN)

Response to the MPA Expert Advisory Group Report “*Expanding Ireland’s Marine Protected Area Network*” Public Consultation

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The Sustainable Water Network (SWAN) is an umbrella network of 25 of Ireland's leading environmental NGOs, national and regional, working together to protect and enhance Ireland's aquatic resources through coordinated participation in the implementation of the Water Framework Directive (WFD), the Floods Directive, the Marine Strategy Framework Directive (MSFD) and other water-related policy.

Introduction

The 2019 UN Biodiversity Assessment¹ stated that approximately 66% of the marine environment has been significantly altered by human actions. Our seas are under increasing pressure from a wide range of stressors including climate change, invasive species, pollution and overfishing.

Marine Protected Areas (MPAs) are widely recognised and advocated as the primary mechanism to protect and enhance marine biodiversity. To date in Ireland, progress on marine protection has been poor with only ~2.5% of our marine territory designated as a protected area (the level of meaningful protection is even less than the reported 2.5% due to the lack of site management plans). We continually fail to meet targets for healthy seas such as achieving Good Environmental Status (GES) by 2020 under the Marine Strategy Framework Directive (MSFD); protection of 10% of our marine environment by 2020 under the UN Convention on Biological Diversity and ending overfishing by 2020 under the UN Sustainable Development Goal (SDG) 14.

We welcome the publication of the Expert Advisory Group Report (herein: the Report) detailing how we can expand Ireland's MPA network; however, urgent action is now required. **The estimated 2 years for enshrining MPAs in law is unacceptable. We are urging the Government to fast track this vital legislation and the entire MPA process from designation to management.** Furthermore, opportunities for integrating marine protection into other marine management frameworks namely, the National Marine Planning Framework (NMPF) have not been pursued. Gaps in integrating marine protection into all policy frameworks such as that noted above must be addressed. This is pursuant with our EU and International obligations.

We look forward to engaging with the department and other stakeholders as this process advances in order to establish an effective and well managed ecologically coherent network of MPAs.

¹ <https://ipbes.net/global-assessment>

The definition of a Marine Protected Area

Proposed definition as per the Report:

“A geographically defined area of marine character or influence which is protected through legal means for the purpose of conservation of specified species, habitats or ecosystems and their associated ecosystem services and cultural values, and managed with the intention of achieving stated objectives over the long term”.

We recommend that the ‘long term’ timeframe be removed from the definition. Objectives of a site should be achieved over both the short term and long term. The use of ‘long term’ becomes problematic especially when it comes to the implementation of management measures. For example, by stating to achieve objectives over the long term this provides a mechanism whereby authorities could depart from policy statements or management plans on the basis of socio-economic considerations. **In addition we also recommend that the objectives are specifically defined as ‘conservation’ objectives as this must be the primary goal of the protected sites network.** Within the subsequent management plans, more detailed site specific objectives should be applied to determine whether the site is to be ‘conserved’ at its current status or ‘restored’ to its natural condition. We therefore **recommend the following definition:**

*“A geographically defined area of marine character or influence which is protected through legal means for the purpose of conservation of specified species, habitats or ecosystems and their associated ecosystem services and cultural values, and managed with the intention of achieving stated **conservation** objectives. ~~over the long term~~”.*

Examples of alternative definitions from across the world which do not make reference to timeframes are as follows:

“An area of the marine environment especially dedicated to, or achieving, through adequate protection, the maintenance and/or recovery of biological diversity at the habitat and ecosystem level in a healthy functioning state” – New Zealand Department of Conservation (MPA Policy).

“A marine protected area is an area of the sea that forms part of the internal waters of Canada, the territorial sea of Canada or the exclusive economic zone of Canada and has been designated under this section or section 35.1 for special protection for one or more of the following reasons:

- (a) the conservation and protection of commercial and non-commercial fishery resources, including marine mammals, and their habitats;*
- (b) the conservation and protection of endangered or threatened marine species, and their habitats;*
- (c) the conservation and protection of unique habitats;*

- (d) the conservation and protection of marine areas of high biodiversity or biological productivity;*
- (e) the conservation and protection of any other marine resource or habitat as is necessary to fulfil the mandate of the Minister; and*
- (f) the conservation and protection of marine areas for the purpose of maintaining ecological integrity”.*

Canada – Oceans Act 1996

The UK Marine and Coastal Access Act (2009) and NI Marine Act (2013) also do not make reference to long term objectives for their MPA equivalents (MCZs – Marine Conservation Zones).

Furthermore within OSPAR, MPAs are understood as *areas for which protective, conservation, restorative or precautionary measures have been instituted for the purpose of protecting and conserving species, habitats, ecosystems or ecological processes of the marine environment.*

MPAs and MPA principles

Marine protected areas should be **geographically defined areas** where environmentally damaging activities are restricted or prohibited, in order to maintain or recover the area to the natural ecosystem structure and function. In Ireland, MPAs should be established to conserve nationally important species and habitats (including geological features and processes) and the integrity of the entire marine ecosystem.

There is increasing evidence in relation to the **whole site approach** of MPA management, whereby all features that occur within the site are protected in order to better preserve or restore the site's integrity. Traditional marine protection has been based on protecting individual features of a site rather than larger areas in which all features are protected in order to aid recovery. **We recommend that the whole site approach is enshrined in law in Ireland.** Additionally, MPAs should be defined in the context of recovery whereby we aim to restore a site to its natural state rather than 'holding the line' by protecting or conserving already depleted species numbers and damaged habitats.

MPAs should help to halt declines and aid the recovery of marine species and habitats. Achievement of “Good Environmental Status” (GES) under the Marine Strategy Framework Directive (MSFD) requires that marine systems are in “natural” condition, or at least that their current management is “sustainable” (Hopkins and Bailey 2016)². Therefore, **management options must aim to move beyond ‘protect’ and work to ‘recover’ the habitat.** Additionally

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https://www.researchgate.net/publication/303462034_Scotland's_Marine_Protected_Area_network_Reviewing_progress_towards_achieving_commitments_for_marine_conservation

they should be seen as key assets to address the climate crisis due to their ability to enhance climate mitigation and adaptation.

In relation to the expansion of Ireland's MPA network, **we recommend that a national list of features be compiled and that the criteria for designations be set based on achieving an ecologically coherent network (ECN) of MPAs using criteria similar to that of the OSPAR guidelines for the Identification and Selection of Marine Protected Areas in the OSPAR Maritime Area³ and JNCC ECN criteria⁴. We strongly recommend that achieving an effective and well-managed ecologically coherent network of MPAs is the main objective of the network.**

We support the establishment of management plans during the designation phase, this will help ensure that we establish more than just paper parks. Comprehensive and effective stakeholder engagement must be carried out during the development of management plans. **The plans should be based on the best scientific evidence and fully implement the precautionary principle. Sensitivity assessments must be used to help determine the most appropriate measures for the site (for example the MarESA approach⁵).** We acknowledge that establishing management plans during the designation process will take time and therefore we recommend that certain species and habitats (e.g. threatened or declining species and habitats) are prioritised for protection and management. Where certain features may be under consideration for designation or that there is an urgent need to protect the feature, interim bye-laws should be introduced to help protect that site. An example of where this approach has been applied can be found in Northern Ireland, under the NI Marine Act 2013, Part 3 Section 26⁶.

Sites must be routinely monitored and if the measures are failing to address the conservation objectives then changes to the management plan must be implemented. **Robust monitoring and enforcement of the management plans is critical to their level of success.** With regard to management plans, any changes to the plans or indeed site designations, must be based on a review of clear scientific evidence obtained through adequate monitoring of the site. **We fully support periodic reviews of the network but we disagree with the statement in the Report that periodic reviews would also allow restoration attempts to be discontinued if an ecological shift does not seem possible (pg. 127).** Ecological changes can occur across a short, medium or long timeframe, it is therefore not appropriate to discontinue restoration attempts based on periodic reviews. **Furthermore, a key principle of protected areas is that they should be in place in perpetuity.**

³ <https://www.ospar.org/work-areas/bdc/marine-protected-areas/guidance-for-the-development-and-management-of-the-ospar-network>

⁴ <https://data.jncc.gov.uk/data/8460e7fa-9f76-42d1-a23d-d1322de3c3e6/JNCC-NetworkProgressInSoSWaters2016-Methods-Final.pdf> (Annex 1)

⁵ https://www.marlin.ac.uk/sensitivity/sensitivity_rationale

⁶ https://www.legislation.gov.uk/nia/2013/10/pdfs/nia_20130010_en.pdf (Part 3 S26)

In terms of enforcement, we recommend that the future MPA Act provides for strict sanctions if marine users fail to adhere to the management measures. Sanctions must include fixed monetary penalties and be linked to the penalty point system. In addition, to assist with both monitoring and enforcement we recommend that Remote Electronic Monitoring (REM) is introduced as a legal requirement on all high risk vessels⁷.

In relation to the process for identifying, designating, implementing and managing MPAs in Ireland, we believe the following principles are important:

- **Identifying:** Use of best scientific evidence; Use of citizen science to support bottom up stakeholder processes; Early and effective stakeholder engagement; Nationally important species and habitats; Species and habitats that require recovery or restoration in their own right; Species and habitats that will aid our achievement of GES; Fish spawning and juvenile nursery grounds which will help to emphasise win-wins for conservation and ecosystem based fisheries management; Comprehensive (full range of ecosystem components); Representative (MPA network includes examples of all ecosystems and species); ECN criteria; Transparency; Use of best scientific evidence.
- **Designating:** Early and effective stakeholder engagement; Full implementation of the precautionary principle; Ecosystem based approach; Protection *and* restoration; Conflict resolution; Well-designed sites; Prioritise connectivity; Ensure that standalone MPAs are large enough to protect the range of habitats and ecological processes within them.
- **Implementing and managing:** Sustained stakeholder engagement; Well-resourced monitoring; Enforcement; Precautionary principle; Ecosystem based approach; Local coastal partnerships; Managed in perpetuity; Clear and fairly applied enforcement system.

What should be included in our future MPA network?

We agree with the report's recommendation that existing legally-protected marine sites (for example Reserves, Special Areas of Conservation, Special Protected Areas for birds) be included as part of the future network of MPAs in Ireland.

It is typical of MPA networks across Europe for other legally protected marine sites such as SACs and SPAs to form part of the MPA network. We do not see this as being an issue so long as the objective is to establish a well-managed ecologically coherent network of MPAs, and that it is recognised from the outset that currently designated sites are only one element of the wider ecologically coherent network.

⁷ REM systems have been in operation in fisheries around the world for over 15 years and have been found to be a robust and cost effective tool for supporting sustainable fisheries management and indeed wider marine management. In 2015, Australia introduced REM on their longline fleet and since then, reports of interactions with seabirds and marine mammals increased 7 fold.

However, we would recommend that the combination of SACs, SPAs, Reserves, Ramsar Sites and the new suite of designated sites be collectively termed the 'marine protected area network' (or similar), or that the new nationally designated sites are named an alternative to 'MPA' (e.g. Marine Conservation Area, Marine Conservation Zone etc.). It is important when reporting and communicating, to distinguish between the 'network as a whole' and the new nationally designated sites.

In addition to the Ecologically Coherent Network criteria (representativity, replication, viability, adequacy and connectivity)⁸. The following criteria for features to be afforded greater or improved protection should be included:

Sensitive benthic habitats with carbon rich habitats prioritised:

For example: Subtidal mud, deep-sea mud, littoral mud, deep water mud.

Blue carbon habitats:

For example: Saltmarsh, Seagrass, maerl beds, muddy sediments with seapens, kelp.

Coastal protection habitats: For example: Maerl beds, high moderate and low energy infralittoral and littoral rock, littoral sand and muddy sand, sublittoral biogenic reefs.

Highly mobile species:

For example: All elasmobranchs, cetaceans, non-annex seabirds such as black guillemots.

Vulnerable marine ecosystems:

For example: Coral and sponge reefs, seapen communities, seamounts, hydrothermal vents, Cold Seeps,

Forage fish species:

For example: Sprat, herring, sandeel

Provision of ecosystem services:

For example: Oyster reefs (filter water, coastal defence, nursery habitat for commercial fish sp., food production), saltmarsh (coastal defence), seagrass (carbon storage, water filter, nursery habitat), Kelp forests,

Contribution to GES:

For example: Fish spawning grounds, juvenile fish nursery grounds,

Threatened or declining species and habitats that are currently not afforded protection:

For example: Elasmobranchs (especially Portuguese dogfish; common (blue) skate; flapper skate; porbeagle shark; white skate, angel shark, basking shark, leafscale gulper shark, common stingray, undulate skate, spurdog)

⁸ JNCC design principles in support of an ecologically coherent network

It is important to note that as we move to establish a network of national sites and feature lists, gaps in our existing network of protected sites remain. For example, **there is currently insufficient protection for seabird foraging areas, insufficient spatial coverage of deep-water coral reef habitat, insufficient spatial coverage of designated sandbanks slightly covered by sea water at all times etc. Gaps also exist in well represented groups such as seabirds not included as an annex species under the Birds Directive. These gaps must be prioritised and addressed in the establishment of the MPA network.**

The protection of important fish spawning and juvenile nursery grounds should be prioritised. Doing so early on in the MPA process can help to demonstrate a win-win situation, whereby improved habitat quality leads to an increase in fish stocks. A 2017 paper by Elliot et al.,⁹ highlighted the links between high quality seabed habitat and increased commercial fish abundance. The study area was the Firth of Clyde and therefore has relevance across the Irish Sea. The research concluded that the abundance of commercial species (cod, haddock and whiting) was found to be higher in areas of high quality seabed habitat. Furthermore, an increase in cod growth rates was correlated with increased seabed and seabed associated biodiversity i.e. in higher quality habitats. **Engaging with fisheries management, the fishing sector and highlighting potential win-win situations such as that above is an important part of the MPA process which can bring multiple benefits including helping to secure buy-in from multiple stakeholders.**

Mobile MPAs should also be considered in the future MPA network. These mobile MPA boundaries would vary over spatial and temporal ranges in order to help protect mobile species and aid in adaptive MPA management. For example - mobile MPAs during peak whale migrations in order to protect their feeding grounds and the impacts of anthropogenic pressures such as noise.

In addition to protecting features such as those listed above, **areas of important national and/or international geodiversity should also be included in the future MPA network.** In addition to protecting these features in themselves, it is highly likely that such sites would be multi feature, occurring alongside some of the habitats and species mentioned above.

Geological/geomorphological features:

For example: Geological process features, mass movement features, glacial process features, features indicating past change in relative sea level.

Historical marine assets have significance in relation to social and cultural values. In addition to these values, the area around them such as the seabed (if undisturbed) can also be of value to nature conservation. **We recommend that historical features be included in the official MPA network if they add biodiversity or geodiversity value and if their primary aim is**

⁹ <https://www.arrancoast.com/wp-content/uploads/2018/10/2018-Elliott-et-al-Survival-of-the-fittest-Explanation-for-gadoid-imbalance-in-heavily-fished-seas-1.pdf>

conservation (this is in line with our principle that the official MPA network should be designated primarily on the basis of conservation).

Historical features:

For example: Wreck sites, salmon pools, sand-quays, previously known haul out sites.

In addition to protecting geological/geomorphological features and historical features, we would support the inclusion of oceanographic features such as those mentioned in the Report (e.g. density fronts and near-seabed locations with strong diurnal tides).

Other Effective Area-based Conservation Measures (OECMs)

We recognise that OECMs¹⁰ may play a part in the future management of our marine environment. However, our concern is that marine activity zones such as those for offshore-renewable energy would be deemed as de facto ‘no take zones’, reported as OECMs, and attribute a spatial % of protection to the MPA network, when in reality they may have a negative effect on the surrounding environment (e.g. noise impacts on cetaceans and fish species, disturbance to benthic habitats etc.).

We believe that OECMs may have a role to play in enhancing the connectivity of the MPA network for example by creating habitat stepping stones or corridors linking MPAs. However, in line with our approach that MPAs should be established primarily for conservation and restoration and managed using the whole site approach **we believe that the MPA network should include only those sites that have a primary aim of ‘conservation’ and therefore do not support OECMs being included in the official protected area network.** The concept of OECMs has not yet been actively engaged and there is a need for more research on their opportunities and limitations. There is also a need for more research in an EU policy context.

Key principles in order to chart a way forward that is rational, well informed, evidence-based and balanced

With regard to principle 3 (***MPA site objectives may also focus on the prevention of impacts from specified pressures such as artificial light or noise or buffering against the***

¹⁰ ‘Other effective area-based conservation measures’ (OECMs) is a conservation designation for areas that are achieving the effective *in-situ* conservation of biodiversity outside of protected areas. An ‘other effective area-based conservation measure’ is defined by the CBD as: “A geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the *in situ* conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values” (CBD, 2018).

effects of climate change), this appears to have been developed based on recommendations 3.2 and 3.3 however it is not necessarily the same. **While we agree that site objectives may focus on the prevention of impacts from specified pressures, the designations should be prioritised based on provision of important ecosystem services, their contribution to ecological coherence of the overall network and achievement of GES under the MSFD rather than pressure based criteria.** MPAs must protect the integrity of the entire ecosystem and be pursuant with Article 13(4) of Directive 2008/56/EC (Marine Strategy Framework Directive). In some cases it may be necessary to take account of pressures (seabird feeding grounds with high levels of bycatch) at the designation stage. With regard to designations based on the provision of ecosystem services, we strongly recommend that 'climate smart' MPAs are included within our future network. These MPAs would be established explicitly for their potential climate mitigation or adaptation benefits.

With regard to principle 9 (**Management measures should be established as appropriate for each MPA to achieve its stated conservation objectives and taking account of socio-economic and cultural considerations**): Socio-economic considerations are important in order to chart a sustainable future for stakeholders. **This analysis must however take into account the primacy of the legal and societal obligation to conservation marine biodiversity.** The analysis should also consider the need for deep reform within Irish and EU fisheries management which has failed to ensure marine conservation or sustainable fishing opportunities. The costs of unsustainable management as well as the benefits of unsustainable management should also be taken into account in this regard.

We welcome principle 11 (**Management measures should be established as part of the designation process**). Management of MPAs should be based on best scientific evidence and the precautionary principle but it is crucial that we prioritise this process and ensure that establishing management measures does not slow down the creation of the MPA network.

We strongly welcome principle 13 (**It is recommended that a national coordinating body should be established with the authority to coordinate planning and implementation, to foster good governance and ensure close collaboration among relevant departments and agencies and synergy with related undertakings such as the National Marine Planning Framework**).

We support principle 14 (**New legislation is needed to establish the necessary framework for governance and management and appropriate resources and funding must be allocated to plan, implement, manage, monitor, and review the MPA network**). However, **this legislation is extremely urgent and the process must be fast tracked.** To date, this sense of urgency has been lacking. Additionally, the supporting processes (monitoring and enforcement) and adequate resources to support the process must be put in place.

Implementation: steps and challenges

The first step in implementation should be to develop the list of features we wish to protect. This should be based on the criteria for meeting ECN and then amalgamating existing conservation lists to identify features of nature conservation importance in Irish waters. At this stage we would recommend further engagement with stakeholders in order to facilitate the earliest possible public involvement and also as there is significant value in including citizen science in the compilation of this list. This list should contain habitats, low mobility species, highly mobile species and geological features (for example). A list of designation criteria should also be developed.

Following the compilation of the list of potential features, and application of designation criteria, areas of search (potential sites) should be identified. Once suitable areas for protection have been identified, these should be formally designated under the future MPA Act. At this stage of site identification and designation, Effective engagement with stakeholders will be required. Management options for the site should also be developed and a management plan implemented at the time of its designation.

Some of the most significant challenges in relation to the implementation of an expanded network are as follows:

- **Conflict between various sectors and stakeholders** are likely to arise throughout this process. If the stakeholder engagement is inadequate, this conflict is likely to result in a significant challenge for expanding the network and at all stages of the process. Effective engagement from the outset is vital. Local or international case studies where stakeholder involvement was central and effective MPAs have resulted in wins for nature, fishing communities and local communities (e.g. Lyme Bay Reserve) should be showcased.
- **Data gaps** (such as coastal observations and incomplete fisheries information) will present a significant challenge and resources must be allocated to filling these gaps. It is vital that the precautionary principle is applied throughout the process. And while data gaps present a challenge, it must not be used as an excuse for a do nothing approach.
- **Climate change** is a huge challenge facing the marine environment in itself and the effectiveness of MPA networks across the globe. To help combat this, we recommend that robust monitoring is established as part of the designation and implementation process so that the MPAs can be monitored for climatic impacts and adapted accordingly. The sensitivity assessments carried out for each site should also include a climate change pressure and sensitivity score under various emission scenarios (high, medium, low) in order to understand their resilience to climate change and assist with the development of adaptive ‘future proof’ management plans. MPAs will also play a role

in combating the effects of climate change on our ocean ecosystems and so we also recommend that climate smart MPAs¹¹ be established within the network.

- In general, **resources** are likely to be an issue throughout the process; from establishing the framework for expanding the network to enforcement. We support the Report's warning that '*One of the challenges facing MPAs globally, and their effective management, is access to sufficient financial resources*'.
- We recognise that expanding the MPA network will take time and that it will be a number of years before the network is completed, however, we cannot allow our marine environment to further degrade. Additionally, if this process is delayed and areas of our marine do degrade further, this will likely result in the need for stricter protection management measures to support their recovery. This will present a challenge. **We would urge the Government to urgently direct resources to this process in order to accelerate the expansion of the MPA network.**
- At present, there is a lack of coherency between the National Marine Planning Framework (NMPF) and MPA designations. While the 2014 EU Maritime Spatial Planning Directive 2014/89/EU requires an ecosystem based approach to be applied and sets out objectives for MSP (Article 5(2)) including that the plans *...contribute to the preservation, protection and improvement of the environment, including resilience to climate change impacts*. The exclusion of MPAs from the final plan is not pursuant with the objectives of the MSP Directive. At a minimum, sensitivity mapping should be carried out and fully resourced in order to avoid sensitive sea areas being used for other activities. Furthermore, this recommendation has been made in the Report.

Marine governance in Ireland operates in a fragmented way with responsibilities dispersed between a number of government departments and arm's length bodies. The lack of an integrated approach to marine management has been one of many barriers to effective marine protection. Other governance barriers that have hampered action to date include **a lack of capacity both within departments and the NPWS, poor political leadership and a lack of monetary resources or poor budget allocation** (e.g. the European Maritime, Fisheries and Aquaculture Fund (EMFAF) operational programme). These governance issues must be urgently addressed in order to secure an effective and well managed network of MPAs. An effective network of MPAs will not be established if it is developed in silos. A cross departmental approach is required.

¹¹ Climate smart MPAs are established due to their features providing climate related ecosystem services related to carbon sequestration and/or coastal protection

Systematic Conservation Planning Approach

We agree with the Reports recommendation that a Systematic Conservation Planning approach be adopted for planning, implementation and management of the expanded network. However, we recommend some changes to the structured approach below.

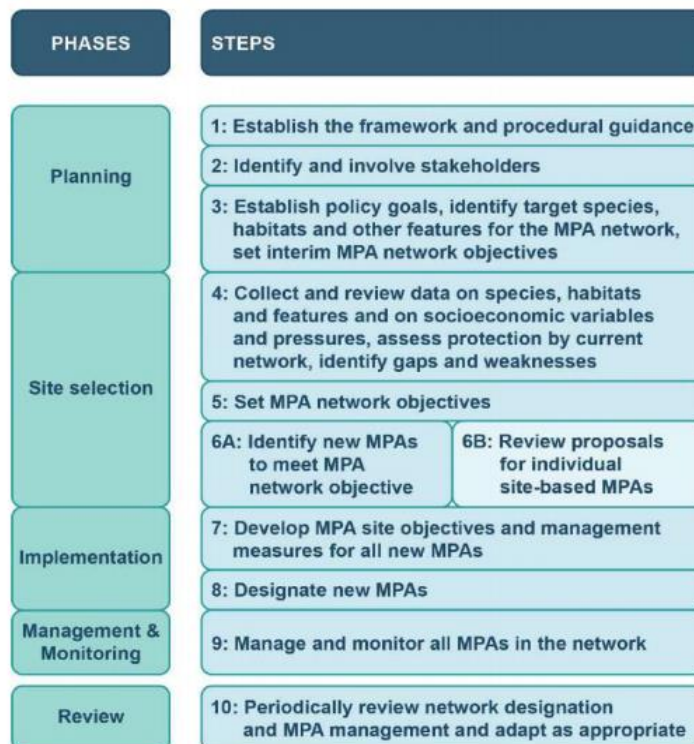


Figure 3.3 (page 151 of the MPA report): Proposed steps in a Systematic Conservation Planning process for Ireland adapted from steps proposed by McIntosh et al. (2017).

With regards to figure 3.3 above, we make the following recommendations:

Step one of the planning phase should be to identify and involve stakeholders. Through this involvement, stakeholders are bought into the process from the start and can engage with the establishment of the framework and procedural guidance.

With regard to the site selection phase, we recommend that the MPA network objectives are set first (step 4), the objectives of the site should not be dictated by the available data as this in turn can help identify data gaps.

We recommend that the site selection phase be set as follows:

Step 4 – Set MPA network objectives (recommended to meet ECN)

Step 5 – Assess protection by current network, identify gaps and weaknesses

Step 6 – Collect and review data on species, habitats and features and on socio-economic variables and pressures

Step 7a – Identify new MPAs to meet MPA network objectives

Step 7b – Review proposals for individual site based MPAs

There are examples of this proposed order of steps from other sea basin regions such as the Mediterranean¹².

Stakeholder participation

A well-designed and successful model for stakeholder engagement is crucial. The model must include national, regional and local elements. A 2019 research guidebook 'Stakeholder Engagement - Participatory Approaches for the Planning and Development of Marine Protected Areas' by Walton et al¹³., stated that participatory engagement of stakeholders is perhaps the most important component of the planning and development of a MPA. **Effective stakeholder engagement must also be equitable and allow the public to participate in and influence decision-making at all stages, including in designation and management.**

We recommend that a mix of professionally designed stakeholder engagement techniques be delivered by suitably qualified experts during all phases of the establishment of an effective MPA network (e.g. designation of sites and development of management options). Examples of techniques include: public meetings, focus groups, facilitated workshops and support for the establishment of longer-term stakeholder organisations at an appropriate geographical scale, for example the Lyme Bay Fisheries and Conservation Reserve Working Group¹⁴. For these techniques to be successful is important the administrative and governance system is configured so that it is receptive to and incorporates the outputs of public engagement processes, while not compromising the evidence-based underpinning.

It must be recognised that stakeholders do not all have the same capacity to engage and provide support to enable everyone to contribute. **All stakeholder groups must be respected and measures put in place to enable them to contribute and have their voices heard.**

Under guideline 1 of the general guidelines for stakeholder participation, we would recommend that a characterisation of identified stakeholders also be carried out at this stage. The aim of this is to understand the interests and affiliations of stakeholders. It is important to be aware of the varying degrees of power and influence of stakeholders in relation to the designation and management of MPAs.

¹² <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0059038>

¹³ <https://www.openchannels.org/literature/18042>

¹⁴ <https://www.lymebayreserve.co.uk/about/>

Under guideline 5 we recommend that the word ‘readily’ be removed, this implies a sense that information that is quick to access will be provided, when in reality it is crucial that stakeholders have access to only the best information even if the process of collecting that information takes time.

Protected areas should be governed effectively and equitably. Equitability in the governance of MPAs is crucial as it will ensure the inclusion of stakeholders and a fair process. A 2021 study by Schere et al.¹⁵, looked at equity in MPAs and utilised 3 case study sites from GB, NI and ROI (Carlingford Lough). Across all sites, the main issues for equity in the process were awareness, confusion over designations and objectives, complex governance structures for the MPAs and lack of coordination and collaboration. The top down UK and Ireland process resulted in greater disparity between management and local stakeholders and lower perceived levels of equity. To combat a solely top-down process we recommend that a formal process be established whereby regional stakeholders including local community representatives can help to establish and manage regional sites. **We believe that the inclusion of bottom up structures in expanding our MPA network would bring significant benefits and help to counter those barriers to equitable governance noted above.** A good example of a bottom up regional group is the Fiordland Marine Guardians, NZ¹⁶.

In addition, we propose that the department establishes a multi-stakeholder ministerial advisory committee to help advise on the process from the establishment of the framework right through to reviewing the network of sites. Initially this committee could be set up on an informal basis but the detailed arrangements would be given statutory footing in the forthcoming MPA legislation (e.g. mechanisms for fair, clear and transparent engagement etc.). The group must have equal representation with an independent chair. The committee would provide expert advice and be solutions focused, assisting in the full MPA process. Similar groups are established and utilised across the globe (for example as part of the MPA and MSP process in the Hauraki Gulf, NZ).

¹⁵ <https://www.frontiersin.org/articles/10.3389/fmars.2021.668919/full>

¹⁶ <https://www.fmg.org.nz/guardians> The Fiordland Marine Guardians are community representatives who are passionate about working together to safeguard the Fiordland (Te Moana o Atawhenua) Marine Area. Their role is to advise management agencies on all aspects of the marine environment. The Guardians are responsible for obtaining and sharing information which will benefit the management of the area.

Further comments

While we welcome many of the recommendations within the Report, **there is a need to set out a timeframe for this process to establish an effective and well managed network of MPAs.** To date, progress on establishing the Irish MPA network has been poor and as a result it is now a matter of urgency to progress this process.

The current Programme for Government aims to achieve 30% marine protected areas by 2030. We welcome this target. However, similar to our point raised above, it is crucial that time bound interim targets for achieving this goal be set out in the forthcoming MPA legislation. **The legislation must also include interim targets for meeting specified ECN criteria. Furthermore, the 30% target must be defined, i.e. a spatial target of 30% will have no positive effect on biodiversity if it is not representative of the entire ecosystem.**

There is no recommendation in the Report regarding the establishment of Highly Protected Marine Protected Areas (HPMAs). MPAs must restrict all damaging activities in order to protect site features, furthermore where recovery is necessary all extraction and depositional activities should be excluded. HPMAs are also crucial for research purposes to demonstrate the benefits of effective MPA management and indeed HPMAs can provide a spill over-effect bringing socio-economic benefits such as enhanced fisheries. There is clear evidence of the ecological (e.g. fish stock abundance and density) and socio-economic (e.g. spill-over effects from HPMAs into adjacent areas that allow commercial and recreational fishing) benefits from introducing HPMAs. The table below highlights the ecological effects seen in a number of HPMAs. **We recommend that a target for HPMAs be set and that pilot HPMAs are established at the outset of this process.**

Site / MPA Type	Improvements seen
Lundy Island, 3.3km2 NTZ	After 18 months the size and number of the commercially important European lobster, <i>Homarus Gammarus</i> , increased. Legal lobsters were 5 times more abundant and 9% larger in the reserve
Lamlash Bay, 2.67km2 NTZ	King scallop densities within the NTZ are now 3.7 times higher than in 2013. Body size of lobsters is also greater within the NTZ and, because egg production increases with body size, and mature lobsters were so much more abundant in the NTZ, this difference translated to over 5.7 times more eggs.

<p>Lyme Bay Reserve, 206km² ban on bottom-towed gear fishing.</p>	<p>Studies showed higher levels of biodiversity than areas outside the reserve, 22% increase of pink sea fans in the reserve, 52% increase in the number of species, 4.5x more lobsters in the reserve. Abundance of great scallop, <i>Pecten maximus</i>, significantly greater in reserve.</p>
<p>Columbretes Reserve, Spain, 55km² MPA prohibiting all commercial and lobster fishing.</p>	<p>At the end of a ten-year study, mature female lobsters were 20x more abundant, and egg production was 30x greater in the MPA than in nearby fished areas.</p>

Examples of the ecological benefits seen in MPAs with higher levels of protection¹⁷

At present, we understand that the enactment of MPA legislation will take at least one if not two years. Until then, without action, our marine environment will continue to feel the full impact of the pressures acting upon it. Further degradation of our marine environment must not happen. **It is vital that interim protections for sensitive species and habitats are established. The IUCN Guidelines for MPAs recommend the use of existing legal instruments to begin the protection process in the short term (even if these instruments are not suitable in the long term), given the long timeframes for the enactment of comprehensive marine protection legislation.** *“Simultaneously work can begin both on-the-ground to safeguard the conservation integrity of important sites and with the drafting process for a new law... The law is an important means of promoting national policy, but the lack of a new comprehensive law should never be allowed to delay action where irreversible damage to a critical MPA proposed site is at stake”¹⁸.*

Transboundary cooperation is a crucial component of marine protection and management. Previous inaction in the cross border Loughs (Carlingford Lough and Lough Foyle) has led to an increase in environmental vulnerabilities in these areas. **The jurisdictional issues in the cross border Lough must be resolved in order to establish effective cross border MPAs.**

We strongly welcome the recommendation to establish a national coordinating body to coordinate the planning and implementation of MPAs. It is vital that this body has cross departmental representation given that the management measures required will be cross cutting in nature.

¹⁷

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/890484/hpma-review-final-report.pdf

¹⁸ <https://www.iucn.org/sites/dev/files/import/downloads/mpaguid.pdf>

Appendix 1: SWAN Member Organisations & Board of Directors

SWAN National Groups		SWAN Regional & Local Groups	
1.	An Taisce	14.	Carra Mask Corrib Water Protection Group
2.	Bat Conservation Ireland	15.	Cavan Leitrim Environmental Awareness Network
3.	Birdwatch Ireland	16.	Celebrate Water
4.	Coastwatch Europe Network	17.	Coastal Concern Alliance (Associate)
5.	Coomhola Salmon Trust Ltd.	18.	Cork Environmental Forum
6.	Eco-UNESCO	19.	Cork Nature Network
7.	Friends of the Earth	20.	Dodder Action
8.	Friends of the Irish Environment	21.	Longford Environmental Alliance
9.	Irish Peatland Conservation Council	22.	Macroom District Environmental Group
10.	Irish Seal Sanctuary	23.	River Shannon Protection Alliance
11.	Irish Whale and Dolphin Group	24.	Save the Swilly
12.	Irish Wildlife Trust	25.	Slaney River Trust
13.	Voice of Irish Concerns for the Environment		

SWAN Board of Directors	
Mark Boyden, Chair	Coomhola Salmon Trust
Mindy O'Brien, Vice Chair & Company Secretary	Voice of Irish concern for the Environment (VOICE)
Karin Dubsy, Director	Coastwatch
David Lee, Director	Cork Environmental Forum
Elaine McGoff, Director	An Taisce
Ignatius Egan, Director	Carra Mask Corrib Water Protection Group
John Armstrong, Director	Cork Nature Network
Gerry Siney, Director	River Shannon Protection Alliance