An Taisce
The National Trust for Ireland

MPA Public Consultation 2021
c/o Marine Environment
Department of Housing, Local Government & Heritage
Newtown
Wexford

Sent by email to: marine.env@housing.gov.ie

29th July 2021

An Taisce Response to the MPA Expert Advisory Group Report "Expanding Ireland's Marine Protected Area Network"

A Chara,

An Taisce welcomes the opportunity to comment on the consultation on Expanding Ireland's Marine Protected Area (MPA) Network.

In light of the worsening biodiversity loss emergency and the ongoing overexploitation of our seas, the need to develop a robust MPA network is increasingly acute. The Expert Advisory Group Report is a key step towards this. However, we cannot overemphasise the urgency with which the legislative process for MPA designation must proceed, particularly given the imminent commencement of the new marine planning regime.

Our submission below aims to support the recommendations put forward by the marine experts in other environmental NGOs while drawing on An Taisce's extensive experience in environmental policy and development consent processes. We also draw the Department's attention to the joint eNGO submission to this consultation, which summarises recommendations both for the MPA network and a suite of interim protection measures.

1. The Ideal MPA: Definitions and Principles

1.1 Definition

An Taisce note the proposed definition for Marine Protected Areas (MPAs) as:

> *"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 support the recommendations put forward for the consultation by SWAN (the Sustainable Water Action Network) in relation to the definition of MPAs.

We consider that the stipulation for objectives to be achieved "over the long term" should be removed from the definition, recognising that objectives and management measures for

the establishment and protection of MPAs should be achieved both in the short and longer term, to reflect the urgency of the issue.

We consider that 'conservation' should be included as a stated objective in the definition of MPAs, solidifying conservation as the central aim of MPA designation.

An Taisce proposes the following definition for MPAs:

> *"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".*

1.2 Principles

An Taisce emphasises the need for the establishment of MPAs as highly protected areas, where commercial and other environmentally damaging activities are restricted or prohibited.

We reiterate the recommendations put forward by SWAN, namely that: "*MPAs should be established to conserve nationally important species and habitats (including geological features and processes) and the integrity of the entire marine ecosystem*".

We also recommend that: "*A national list of features be compiled and the criteria for designations should be set based on achieving an ecologically coherent network (ECN) of MPAs*".

An Taisce endorses the views and recommendations of the Irish Wildlife Trust that MPA management should take a 'whole site approach', which would offer protection to all features within the site in order to conserve and promote the integrity of the overall site, as opposed to a 'feature-based' approach, which would offer protection only to individual site features. Where an MPA is designated due to the presence of a sensitive species or feature of concern, the protections afforded should be extended to the whole site, facilitating an ecosystems approach to marine conservation and management.

An Taisce supports the establishment of management plans during the designation phase, noting the integral role they can play in enhancing MPA performance[1]. Management plans should follow best available scientific evidence and enforce the precautionary principle.[2] We

[1] Di Franco, A., Thiriet, P., Di Carlo, G., Dimitriadis, C., Francour, P., Gutiérrez, N., Jeudy de Grissac, A., Koutsoubas, D., Milazzo, M., Otero, M., Piante, C., Plass-Johnson, J., Sainz-Trapaga, S., Santarossa, L., Tudela, S. and Guidetti, P., 2016. Five key attributes can increase marine protected areas performance for small-scale fisheries management. *Scientific Reports*, [online] 6(1). Available at: https://doi.org/10.1038/srep38135

[2] The **precautionary principle** is an approach to risk management, where, if it is possible that a given policy or action might cause harm to the public or the environment and if there is still no scientific agreement on the issue, the policy or action in question should not be carried out. However, the policy or action may be reviewed

emphasise the need for extensive stakeholder involvement during the development of management plans, to facilitate stakeholder engagement and a just transition (see Sections 4 and 5.2 of this submission).

An Taisce supports the views and recommendations put forward by SWAN with regard to monitoring and enforcement:

> "*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, which must be delivered through a robust and comprehensive monitoring framework. We fully support periodic reviews of the network but we disagree with the statement that periodic reviews would also allow restoration attempts to be discontinued if an ecological shift does not seem possible"*.

Furthermore, we would reinforce the following point:

> *"A key principle of protected areas is that they should be in place in perpetuity. Ecological shifts can occur across a short - long time period. Some level of flexibility in designations and management will be important especially for highly mobile species but all decisions must be based on sound scientific evidence*."

2. Delving Deeper

2.1. Proposed MPA Network

An Taisce welcomes the recommendation for the inclusion of existing marine protected sites (SACs, SPAs, Ramsar sites, Reserves) as part of an ecologically coherent MPA network. However, we consider it imperative that this should not compromise the status of existing SAC and SPA transitional and coastal protected sites as part of the Natura 2000 network.

We consider that the inclusion of existing protected sites (SACs, SPAs) as part of the MPA network should not be counted towards the 30% target for designation of protected marine regions by 2030, to prevent 'double counting' of protected areas, and to ensure maximal protection for the marine environment is achieved.

The 30% target for designation of protected marine regions should include a range of species and features, thus ensuring that the MPA network is representative of the entire marine ecosystem and the positive effects for biodiversity maximised.

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when more scientific information becomes available. The principle is set out in Article 191 of the Treaty on the Functioning of the European Union (TFEU).

We would highlight the need to distinguish between the MPA network and individual new MPA sites for clarity of communication and reporting. We therefore support SWAN's recommendation that: *"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 that the new nationally designated sites are named an alternative to 'MPA' (e.g. Marine Conservation Area, Marine Conservation Zone etc.)."*

2.2. OECMs - Other Effective Area-Based Conservation Measures

The Convention on Biological Diversity defines Other Effective Area-Based Conservation Measures (OECMs) as:

> *"Geographically defined area(s) other than a Protected Area(s), which (are) 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".*

In an Irish context, such areas may include zones of reduced marine activity such as those associated with offshore renewable energy infrastructure. While An Taisce acknowledge that such OECMs may play a valuable role in enhancing the connectivity of MPAs, acting as stepping-stone habitat and transport corridors, we contend that such areas should be considered only as supplementary to the MPA network, and should not be counted towards the 30% target for designation of protected marine regions by 2030. Sites included in the MPA network should have a primary purpose of conservation and be managed using a whole-site approach.

2.3. HPMAs - Highly Protected Marine Areas

Numerous classification frameworks for MPAs are in operation, which include the specification of activities that are either permitted or prohibited in a given category of MPA. Most prominent among these frameworks is the International Union for Conservation of Nature (IUCN) framework with seven categories of protection, followed by a more recently simplified framework proposed in the MPA Network Draft.

An Taisce supports the recommendation put forward by SWAN on the creation of Highly Protected Marine Areas (HPMAs). The creation of HPMAs would be welcome as they can amplify the benefits of conservation and restoration through minimal activity, as evidenced by examples from areas such as Spain, New Zealand, the UK, etc.

We emphasise the need to ensure that, following any designation of HPMAs, the degree of protection given to MPAs not classified as HPMAs is not lessened as a result. For instance, designating no-activity zones should not then become a reason to allow or encourage increased activity in other MPAs.

2.4. Mobile MPAs

An Taisce also endorses the recommendation of SWAN on the creation of mobile MPAs which better tailors the designation of these sites to a marine context given the wide-ranging transboundary movement of most aquatic species. These mobile MPA boundaries would vary over spatial and temporal ranges in order to help protect mobile species and aid in adaptive MPA management.

One example of mobile species protection can be seen in Australia, where the Australian Fisheries Management Authority (AFMA) have created models that predict the presence of southern blue fin tuna. Using these models, AFMA requests longlining fishing vessels to bypass these areas, utilising GPS tracking of fishing vessels to monitor ship location and improve enforcement of the measures. The creation of mobile MPAs as part of the MPA network could follow a similar approach, whereby models and scientific data inform vessels of protected marine species movements and Vehicle Monitoring Systems such as GPS can be utilised to improve compliance and enforcement.

We recommend that the expansion of the MPA network include Mobile MPAs, which will aid in protecting marine species and in facilitating MPA adaptive management.

2.5. Deep Sea MPAs

An Taisce recommends that deep-sea MPAs are also included in the MPA Network. The deep-sea marine environment has severely deteriorated in recent years due to overfishing accompanied by the ever-growing number of deep-sea trawlers. One of the most serious impacts of commercial fisheries is the impact on the seafloor, through dredging and trawling.

We highlight that the EU Marine Strategy Framework Directive (MSFD) requires Member States to achieve or maintain Good Environmental Status (GES) of the marine environment under each of the 11 qualitative descriptors. In particular we note under Descriptor 6 - Seafloor Integrity - that seafloor integrity must ensure the functioning of the ecosystem. The June MSFD Article 17 assessment of Ireland's marine environment[3] concluded that: *"Ireland has achieved GES for some elements of sea-floor integrity within its maritime area (e.g. under criteria for physical loss of the seabed). For other elements (i.e. criteria for physical disturbance to the seabed), the environmental status is currently unknown."*

To fully evaluate the impact of deep-sea activities, it is essential that benthic disturbance maps and results from the latest Descriptor 6 assessment are included when creating deep-sea MPAs. The provision for deep-sea MPAs would assist Ireland in achieving GES under Descriptor 6 of the MSFD.

[3] Marine Strategy Framework Directive 2008/56/EC Article 17 update to Ireland's Marine Strategy Part 1:http://www.housing.old.gov.ie/sites/default/files/publications/files/2020_june_article_17_update_to_irelands_marine_strategy_part_1_articles_8_9_10_final.pdf

An Taisce therefore recommends that deep-sea environments be incorporated into the MPA Network to conserve and restore both deep-sea habitats and species that are particularly vulnerable to larger trawlers which operate within those waters.

2.6. Climate Smart MPAs

We support the recommendation put forward by SWAN about the creation of 'climate smart' MPAs. Climate Smart MPAs can serve to protect and restore the ecosystems of marine species which deliver climate mitigation through carbon sequestration e.g. kelp forests. These would also extend to ecosystems that are vital for adapting to the effects of climate change and coastal erosion.

Climate Smart MPAs must be defined prior to their designation. The biodiversity crisis is the primary impetus for the forthcoming designation of the MPA network. In this context, the pursuit of Climate Smart MPAs should avoid creating trade-offs for local ecology for which the process is designed. The parameters of what makes an MPA 'climate smart' should not be technocratic and should be rooted in naturally occurring processes and nature-based solutions. For instance, the existence of climate smart technology (e.g., an off-shore wind farm) should not be used in and of itself to determine whether a potential MPA is classified as 'climate smart'. Any category of MPA must first and foremost fall under the refined definition as put forward in Section 1 of this submission.

We recommend that the proposed network should include a number of Climate Smart MPAs, subject to the adoption of a clear definition per the recommendations above, which will ensure the future provision of ecosystem services such as carbon sequestration and coastal protection - valuable for both climate change mitigation and adaptation.

3. Perspectives from Terrestrial Planning and Other Consent Regimes

Through An Taisce's position as a prescribed body under Irish planning law, we have significant experience in the terrestrial planning system and various other consent and licencing regimes. Given the fact that the forthcoming marine planning regime draws largely on its terrestrial counterpart, we can offer several insights on potential improvements to the MPA system as it relates to planning and development.

3.1. MPA Boundaries and Buffer Zones

The boundaries delineating specially designated areas - be it on-land Natura 2000 sites or MPAs at sea - can often be arbitrary in terms of where and how they are drawn. It is clear that terrestrial and marine species alike do not recognise or abide by administrative boundaries that distinguish areas that are specially protected from those that are not.

However, what sets apart MPAs from protected terrestrial sites is the nature of the environment in which they are designated. Obvious as it may be, superficial lines that are drawn by policymakers to delineate the boundaries of an MPA are comparably more arbitrary due to the dynamic nature of the marine environment and the high transference of impact through the aquatic medium. Extractive activities such as commercial fishing and oil and gas exploration (to name two prominent examples) that take place in close proximity to an MPA would be permissible on the basis that the activity does not trespass the MPA boundary. Such a technicality will likely jeopardise the integrity of MPAs as adverse effects from nearby anthropogenic activities permeate invisible boundaries.

In light of this and the precautionary principle, An Taisce proposes the establishment of 'buffer zones' to mitigate this scenario. Buffer zones (BZs) are areas created to enhance the protection of a specific conservation area**,** usually peripheral to it. Within BZs, resource use may be restricted, often to a lesser degree than in the adjacent protected area so as to form a transition zone.

BZs are not recent inventions and are commonplace in many protected marine waters across the globe. In the Mediterranean Sea, some 92% of 'no-take zone' MPAs contain BZs.[4] In cases where local, low impact fishing is permitted in BZs, socio-economic benefits have been realised through positive spill-over effects which enhance the level of fisheries catches in areas surrounding the MPA.[5] This, in turn, will provide tangible benefits to local fishermen and serve as a positive feedback loop, which could encourage higher levels of stakeholder buy-in and compliance.

We recommend that the expansion of the MPA network is paired with a concurrent inclusion of buffer zones within which economic activity is restricted to low-impact fishing or similarly small-scale activities.

3.2. Passive Surveillance

An Taisce highlights the need for a reporting mechanism to make possible at sea the informal system of passive surveillance which contributes to the oversight of potentially harmful developments on land.

It is often local people who bring unauthorised terrestrial developments to the attention of local authorities (and indeed An Taisce). In many of these cases, protected sites (SACs and SPAs) are threatened by habitat disturbance, water pollution, etc. The vast majority of Ireland's marine waters are less visible to the public eye.

Passive surveillance is a widely adopted concept whose guiding objective is to facilitate visibility and subsequently contribute to community-fostered compliance. It enables

[4] Gabrié, C., Lagabrielle, E., Bissery, C., Crochelet, E., Meola, B., Webster, C., Claudet, J., Chassanite, A., Marinesque, S., Robert, P. and Goutx, M. (2012) 'The status of marine protected areas in the mediterranean sea', MedPAN & CAR/ASP. *Ed: MedPAN Collection*. Pp 260.
[5] Di Lorenzo, M., Claudet, J. and Guidetti, P. (2016) 'Spillover from marine protected areas to adjacent fisheries has an ecological and a fishery component', *Journal for Nature Conservation*, *32*, pp.62-66.

proactive monitoring of spaces in a way that benefits the common good. We consider that there is much to be gained from applying this principle to the governance of Ireland's expanded MPA network.

As a collective natural resource, the successful self-governance and passive surveillance of Ireland's marine waters and fisheries will be determined by the extent to which stakeholders feel collective responsibility in protecting them. Elinor Ostrom's research on the collective management of commons (such as fisheries) earned her global recognition and a Nobel Prize.[6] It is clear that there are viable alternatives and additions to top-down, regulatory approaches to marine governance and which would give a more central role to the public and stakeholders.

For these reasons, An Taisce submits that the conditions necessary for the bottom-up monitoring system of passive surveillance be established so that stakeholders are motivated to contribute to the proper governance of MPAs. That is, a reporting facility should be made accessible to local boatmen, fishermen and community members whereby the relevant authority may be informed about potential noncompliance in or around an MPA. Passive surveillance in this way can contribute to bridging the resource deficit surrounding the management and monitoring of protected sites.

We further reinforce the recommendation put forward by the Irish Wildlife Trust which supports this approach: "*All MPAs to be actively managed with public participation".*[7]

3.3. Regulation of Activities in MPAs

3.3.1 Appropriate Assessment

We consider that the assessment of impacts from proposed developments and activities in and around MPA sites, and the protections to be afforded to MPAs accordingly, should follow and be aligned with the approaches currently applied for the assessment and protection of terrestrial Natura 2000 sites - i.e. Appropriate Assessment. MPAs should be subject to site- and project-specific assessment to determine the impacts project activities may have on the integrity or ecological function of the site in line with the precautionary principle.

Furthermore, where the level of protection to be afforded to MPAs exceeds that currently in place for existing transitional and coastal SPA and SAC sites forecasted for inclusion in the MPA network, the highest level of protection must be applied to those sites.

An Taisce welcome the comments of the Expert Advisory Group Report regarding the need for new MPA legislation to enshrine the status and protection for these sites in Irish law:

> "*New MPA legislation should be put in context with other applicable conservation and sustainable use policy and legal frameworks and it should be clear how the MPA law*

[6] Ostrom, E., 2000. Reformulating the commons. *Swiss Political Science Review*, *6*(1), pp.29-52.

will relate to these frameworks. This is particularly relevant in relation to legislation transposing the Birds and Habitats Directives where coastal and marine habitats are involved".

And:

> "*MPA legislation should indicate that any activities permitted in a specific site, whether by general rules or by licence, should be consistent with, and advance, the objectives of the site. In the absence of conclusive evidence in relation to the impacts of an activity and the possibility of substantial risk to the objectives of the site, the precautionary principle should apply*".

The report notes current challenges surrounding the regulation of activities in currently protected marine sites:

> "*With respect to the current network of Natura 2000 sites, fisheries, aquaculture and other activities in the sites predated the designation of these sites as SACs and SPAs. The process of managing these activities so that conservation objectives are achieved is ongoing*".

> "*Within the State's Natura 2000 sites, conservation of natural habitats and species is prioritised to the extent that any human activity in or potentially impinging on such areas has to show absence of negative impacts on the ecological feature (habitat or species) identified in the designation of the site. Since 2008 a programme has been in place to identify how or if fisheries and aquaculture could continue to operate in these sites. As a result, a number of fisheries operating in SACs have adopted new procedures*".

An Taisce also highlights a number of current challenges and failures in the protection of transitional and coastal protected sites, associated with failures to adequately assess and regulate the licencing of activities in existing SACs and SPAs.

In particular, we would highlight failures to adhere to Habitats Directive requirements in the Appropriate Assessment (AA) procedure for a multitude of aquaculture licence applications. The primary issue is that the Department of Agriculture, Food and the Marine (DAFM) are utilising a 15% disturbance threshold, which they attribute to advice from the NPWS. There is no apparent legal basis for allowing for a threshold of disturbance in a Natura site, and despite An Taisce highlighting this numerous times, DAFM continues to licence applications based on this rationale.

In accordance with Article 6(3) of the Habitats Directive, a licence must be refused unless an adverse effect on the integrity of the site can be ruled out beyond reasonable scientific doubt. In Case C258/11 Sweetman, the loss of approximately 1% of the protected habitat was considered to be an adverse effect on the integrity of the site. As a result of the assumption in almost all of the AAs for aquaculture licences that An Taisce has reviewed, whereby a disturbance of up to 15% of the site is permissible, there is a lack of sufficient

evidence to satisfy the test on the absence of adverse effects. This is a major flaw in the aquaculture licensing process, and is a potential contravention of the Habitats Directive.

An Taisce would strongly recommend against the use of such 'thresholds for disturbance' in the assessment or licencing of activities in future MPA sites.

3.3.2 Cumulative Impacts

We further highlight the need to fully assess the potential for cumulative impacts from activities and developments within or around MPAs, during the evaluation of development proposals in the marine area. This is especially important because, as stated in the MPA Expert Advisory Group Report: "*It is likely that areas which are proposed as MPAs in the future will have a number of activities already occurring within them*."

The need for adequate assessment of cumulative impacts should be a legal requirement, and Environmental Impact Assessment Directive and Habitats Directive obligations with regard to cumulative impacts must also be adhered to in full.

3.3.3 Ecological Carrying Capacity

An Taisce would welcome an Ecological Carrying Capacity approach to the assessment of the impact from multiple activities and developments at and in proximity to MPAs. We would highlight the adverse impacts of failure to properly apply this approach to date in the context of aquaculture licencing at existing SPA and SAC sites. It is imperative that any such approach to the assessment of multiple and cumulative impacts comprehensively consider all activities and developments with the potential to adversely affect species, features or the ecological integrity of the site, thus reflecting the true ecological carrying capacity of the site and supporting a whole-site approach (as opposed to the consideration of individual species or features in isolation).

3.3.4 Other Recommendations for Effective Regulation

- Ireland will need to be prepared negotiate fishing access with potential impacts on MPAs with other EU Member States if adequate protection and regulation of activities is to be achieved.

- We support the recommendation of the Expert Group, 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*".

4. Just Transition

As we expand Ireland's MPA network, restricting economic activity will materially impact many people who rely on marine industries for their livelihoods. Due diligence surrounding the economic and social compensation of those whose livelihoods are affected should be a central tenet of marine conservation policy.

An Taisce welcomes Recommendation 3.11 of the Expert Advisory Report which acknowledges the need for action to substitute displaced economic activity: "*While planning MPAs, careful plans should also be made for the possible redistribution of displaced activities, such as fishing".*

However, we are concerned that ensuring a Just Transition is not given the focus it deserves in the document. In the same way a Just Transition should underpin climate policy in the midlands as industrial turf cutting is phased out, fishermen and other affected economic parties must be placed centre stage in the MPA expansion process if it is to be fair, equitable and legitimate.

The Think Tank for Action on Social Change (TASC) has provided a helpful definition for the concept of Just Transition: *"a vision-led, unifying and place-based set of principles, processes and practices that build economic and political power to shift from an extractive economy to a regenerative economy".*[8]

In light of this, An Taisce recommends that an increased focus is placed on ensuring a Just Transition for fishermen and other marine-based livelihoods. Resources should be allocated towards a dedicated Just Transition Strategy for affected communities and stakeholders. Where the redistribution of displaced activities is not possible, we urge that financial compensation be provided to those impacted by MPA restrictions.

5. Key Challenges and Solutions

5.1. Filling Data Gaps

One of the key challenges facing the expansion of Ireland's MPA network is the data gaps that hinder attempts at gaining a comprehensive insight on the current state of our marine waters. An Taisce welcomes the array of scientific papers drawn from the international academic community in the Expert Advisory Report which form much of the evidence base for its recommendations.

Yet on a broader level, data on the Irish marine ecosystem remains inadequate. Ongoing research is needed in a wide range of areas, including seabed ecology (for instance, the extent of cold water coral reefs) and marine mammal feeding and breeding patterns. Crucially, the range of impacts in the North Atlantic region arising from ocean warming and

[8] https://www.tasc.ie/assets/files/pdf/feps-tasc_the_peoples_transition_-_2020f.pdf

acidification, which affect all areas of marine life, needs to be better understood. For example, a study on North Atlantic phytoplankton published in 2020[9] concluded:

> *"The North Atlantic phytoplankton spring bloom is the pinnacle in an annual cycle that is driven by physical, chemical, and biological seasonality. Despite its important contributions to the global carbon cycle, transitions in plankton community composition between the winter and spring have been scarcely examined in the North Atlantic."*

The successful identification of marine areas and species under threat and therefore in need of prioritised protection is predicated on this type of robust and up to date data. In addition to ecological data on marine habitats, data is lacking in relation to anthropogenic and climate change-induced pressures in the marine environment, which may be used to identify areas of particular concern.

A lack of relevant data is often cited as a barrier which stands in the way of ambitious conservation measures. For instance, we draw attention to how Section 3.1.1.4.2 of the Expert Advisory Report is written: "***Where data are sufficient**, temporal changes in stressors such as temperature, pH and deoxygenation may be assessed to locate such potential refugial sites."* (An Taisce emphasis).

Given the urgency of the biodiversity crisis and the growth trajectory of development in Irish waters, An Taisce considers that the designation of MPAs should not be restricted to instances where data are sufficient. Instead, An Taisce recommends that the precautionary principle should be applied in line with international best practice (see Footnote 2 for a detailed definition).

5.2. Cultivating a Culture of Compliance

Ensuring proper enforcement of and compliance with the rules governing MPAs is and will continue to be a key challenge facing Ireland's marine conservation efforts. The success of MPAs will depend largely on the extent to which the various state and non-state actors observe MPA boundaries, comply with restrictions, and become familiar with all types of protected areas.[10]

Integrating robust stakeholder engagement into each stage of the MPA designation process will make this task less cumbersome and ultimately secure better community buy-in for the

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[9] Bolaños, et. al, (2020) "Small plankton dominate western North Atlantic biomass," *The ISME Journal, Multidisciplinary Journal of Microbial Ecology*: https://www.nature.com/articles/s41396-020-0636-0

[10] In conjunction with bottom-up approaches of participatory governance, the adoption of new technologies can be invaluable at facilitating accountability in the marine sphere. Passive acoustic monitoring of vessel patterns in Australian Marine Parks has provided valuable insight to redirect compliance decisions on how to focus surveillance efforts. See: Kline, L.R., DeAngelis, A.I., McBride, C., Rodgers, G.G., Rowell, T.J., Smith, J., Stanley, J.A., Read, A.D. and Van Parijs, S.M. (2020) 'Sleuthing with sound: understanding vessel activity in marine protected areas using passive acoustic monitoring', *Marine Policy*, *120*, p.104138.

marine conservation and restoration objectives that underpin it. The following recommendations are put forward by the Expert Advisory Group Report in Section 3.3.5.5:

> [Recommendation 3.41] *"Where appropriate, co-management approaches should be adopted, particularly for near-shore MPAs".*
>
> [Recommendation 3.42] *"Effective communication must be established to underpin effective co-management".*
>
> [Recommendation 3.43] "*Diverse community perspectives and needs should be identified at the outset with provision for open discussion of controversial issues".*

An Taisce welcomes the emphasis placed on effective stakeholder involvement and co-management. We recommend that the Expert Advisory Group draw on the Preston Model of Community Wealth Building to strengthen its stakeholder engagement policy and encourage community compliance for the long-term.

The Preston Model of Community Wealth Building is a set of eight principles that aim to deliver financial and resource circularity for local communities.[11] Rooted in the importance of local regeneration to bridge the growing wealth gap between communities and corporations, the model proposes localised spending and investment in place-based 'anchor institutions' as solutions. The Preston Model is a people-centred approach to local economic development, which redirects wealth back into the local economy, and places control and benefits into the hands of local people.

We highlight the applicability of the Preston Model for cultivating a culture of compliance amongst stakeholders and coastal communities with regard to the expanded MPA network. The role of anchor institutions such as local councils in managing and monitoring MPAs should be explored in detail.

Furthermore, in order to achieve buy-in from the public and key stakeholders, we urge that the aforementioned actions outlined in Section 4 Just Transition are implemented due to the synergies between fair compensation and effective stakeholder engagement.

5.3. CCTV Usage on Vessels Operating Near MPA Network

Enforcement is critical to the success of the MPA Network, and there is the potential for technology to facilitate better enforcement and compliance regarding designated site integrity. One potential measure is the provision for CCTV systems on board vessels operating in close proximity to MPA sites. Measures such as onboard monitoring systems can provide real time data on fishing activities by vessels and better ensure compliance with best practice near MPA sites.

[11] https://www.preston.gov.uk/article/1335/What-is-Community-Wealth-Building-

The Australian Fisheries Management Authority (AFMA) has already implemented a similar technology using electronic monitoring systems on certain fishing vessels. These systems have sensors linked to cameras that record fishing activity such as the impacts of some fishing methods on protected species, with recordings then collected and monitored by AFMA.

Furthermore, the Marine Advisory Group recommends that new legislation should consider the use and permissibility of satellite and remotely sensed data for monitoring and enforcement purposes. GPS, VMS and AIS data can be used to locate vessels within the boundaries of a MPA and in some cases also their activities. However, it is noted that special attention will need to be paid to potential privacy issues and that any regulation regarding this technology should take full account of these concerns.

In an Irish context, the use of onboard CCTV could be a prerequisite condition for granting licenses when vessels operate near MPA sites with vessels also enabling GPS tracking to better ensure compliance. An Taisce recommends that the requirement for onboard CCTV should be a condition for vessels over 12 metres long. The requirement for CCTV onboard super-trawlers in addition to smaller vessels better facilitates the ideals of a just transition (see Section 4), ensuring that smaller-scale fishing communities are not disproportionately impacted by the regulation. GPS use could also be a prerequisite for license approval.

6. Timeline for Implementation and Interim Protection

An Taisce welcome the recommendation put forward by the Expert Advisory Group that:

> "*The expanded national MPA network should be considered an integral component of implementation of the Marine Strategy Framework Directive (MSFD) and the National Marine Planning Framework (NMPF). This will necessitate clear guidance on how MPAs interact with marine activities and their planning and management*".

However, we would highlight that the new marine planning regime is set to be in place in advance of the designation of MPAs. As such, there is a very real risk that planning applications may be granted in some of the most diverse and ecologically important areas in Ireland's marine waters, which would likely be designated as MPAs in the future. This would immediately expose these areas to development that may reduce their ecological value. It could also lead to the designation of MPAs occurring in the remnant areas after all of the other marine sectors have advanced development proposals. This runs completely counter to the ecosystems-based approach required by the Marine Spatial Planning Directive and Marine Strategy Framework Directive.

The MPA designation process and the establishment of management plans will take time. However, there are numerous ecologically sensitive areas which have already been identified and these should not be left unprotected. We strongly urge the establishment of interim regulations to protect sites under consideration for designation as MPAs. Such sites should be provided with the same level of protection as will be afforded them following the legal establishment of their MPA status.

We note that the estimated timeline for enshrining MPAs into Irish law is two years. An Taisce would stress the urgency of this issue, and strongly urge the government to expedite the legislative process, along with the process for the designation and management of MPAs. We also urge the government to establish a timeline of significant milestones to be achieved to 2030, and recommend that at least 10% of the Irish marine region be protected by 2025.

Please acknowledge our submission and advise us of any further consultation periods.

Yours sincerely,

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