



Submission to the Department of Housing, Local Government and Heritage on Expanding Ireland's Marine Protected Area Network

July 2021

Introduction to the Forum

An Fóram Uisce | The Water Forum was established in June 2018 in accordance with the provisions of Part 5 of the Water Services Act 2017. The Water Forum is the only statutory body representative of all stakeholders with an interest in the quality of Ireland's water bodies. The Water Forum consists of 26 members including representatives from a wide range of organisations with direct connections to issues relating to water quality and public water consumers. Approximately 50 different organisations were involved in the nomination of members.

Background to the submission

The Water Forum welcomes the opportunity to respond to the Public Consultation on Expanding Ireland's Marine Protected Area (MPA) Network. The Forum recognises the scope of the work undertaken by the Department of Housing, Local Government and Heritage (DHLGH) and acknowledges the vast array of technical expertise of the MPA Advisory Group which allowed for the development of a highly technical document outlining the MPA process. The Forum supports the principles and rationale for the need to expand Ireland's MPAs as outlined in Part 1 of the document.

The Forum welcomed the briefing from the DHLGH on the MPA process on the 26th April 2021, delivered to a working group within the Forum dedicated to preparing this submission. Following this briefing the Forum sent a letter to the DHLGH on the 20th May outlining members concerns over the level of public engagement carried out as part of the public consultation process. The Forum did not receive any correspondence in return.

The key topics the Forum would like to address in this submission are below, which we hope will help guide the Government on the implementation of this plan to expand Ireland's MPA network:

1. Governance
2. Stakeholder engagement
3. Public engagement
4. Resources
5. Monitoring
6. Research needs for an evidence-based approach
7. The planning process
8. Specific questions outlined in the public consultation form

Governance

The Forum supports the key principle related to the governance of this plan;

“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.”

The Forum suggests that one Government department should coordinate and lead on the implementation of the plan (a statutory body), who will hold the overall responsibility for the implementation of the process.

In addition, the Forum recommends that an additional implementation group should be established, which should include representatives from all Government departments that have a role in various

stages of the process. This Implementation Group can be supported by the proposed MPA Scientific and Technical Committee, “to advise on scientific and technical matters, on an ongoing or issue-specific basis”.

The Forum also recommends that a Memorandum of Understanding is drafted between the coordinating body and each department or agency who have a role in the process of expanding Ireland’s MPAs.

While the Forum welcomes Section 3.3.1, which outlines all departments which currently have responsibilities in monitoring and management of Ireland’s marine environment, the Forum recommends that the Department publish an additional document as a first step in the process which will outline the proposed roles and responsibilities of departments and agencies in the process of expanding Ireland’s MPAs, which would add strength and transparency in the plan.

Furthermore, while the report outlines that “close coordination across a range of departments, divisions and agencies is essential for implementation of the MPA process” (Page 145), the Forum recommends that staffing resources are sought in the first stage of this process for a new staff with experience in marine governance, who will manage effective engagement and collaboration with all relevant departments and agencies and ensure coherence of any proposed changes in management of the marine environment, with existing national and EU legislation (e.g. renewable energy, fisheries and aquaculture).

Recommendations

1. The Forum recommends that an Implementation Group is established which has representatives of all government departments and agencies who have a role in the process of expanding Ireland’s MPAs.
2. The Forum recommends the Government publish a follow-on document, which outlines key roles and responsibilities of all departments and agencies in the process. This document should also include all resources (funding, staff, etc) and dependencies of the process.
3. The Forum recommends that the Government assign an expert in marine governance to the coordinating body to manage engagement across relevant government departments and agencies and ensure coherence with other relevant marine legislation.

Stakeholder engagement

The Forum welcomes the strong focus on stakeholder engagement in the process of expanding Ireland’s MPAs. The Forum welcomes the proposed co-managed approach (Recommendation 3.41) involving the government/state agencies with a leading role of management and enforcement, with close collaboration with stakeholders and local communities for co-design and management of MPAs.

The Forum recommends that the Government assign a communication lead, with expertise in social science and stakeholder engagement, who can manage and facilitate stakeholder engagement during all stages of the process. The Forum welcomes the anticipation for stakeholder conflict in the plan; an appointed communication lead could focus on the mechanism for dealing with stakeholder conflict and identify trade-offs where necessary. This expert in stakeholder engagement could lead a public

engagement exercise to allow for wider stakeholder dialogue, with a full representation of all stakeholders. Furthermore, this person could effectively communicate with governing bodies of international MPAs which have adopted a similar co-managed approach, e.g. Lyme Bay or Lamlash Bay, to build on their experience for effective implementation of the process in Ireland.

In relation to Table 3.5, “General guidelines for a successful MPA stakeholder participation process.”, the Forum recommends that the first step of this process should be to secure adequate funding for the resourcing of the stakeholder engagement process, to ensure the process does not revert to a top-down approach due to inadequate resources.

The Forum recommends that the Government build on existing structures to facilitate stakeholder engagement, such as the Marine Planning Stakeholder Advisory Group, which has a diverse representation from NGOs, local authorities, the wind industry, etc., and could support the identification of all relevant stakeholders for the MPA process. Similarly, the National Monuments Service (Underwater Archaeology Unit) have structures in place for the preservation of historic wrecks, including issuing permits to divers and bring statutory consultees for marine planning permissions, including dredging and dumping permits.

Recommendations

4. The Forum recommends that the Government assign a communication lead, with expertise in social science and stakeholder engagement, to manage and facilitate stakeholder engagement during all stages of the process.
5. The Forum recommends that the first step of this process should be to secure adequate funding for the resourcing of the stakeholder engagement process to ensure it does not revert to a top-down process.
6. The Forum recommends that the Government build on existing structures to facilitate stakeholder engagement, such as the Marine Planning Stakeholder Advisory Group.

Public engagement

While Section 3.1.2.1 outlines the importance of public engagement, giving examples of successful public engagement in international MPAs, there is no reference as to what needs to be done to achieve this in Ireland. In just one example from the literature, Ferreira et al. (2015)¹ highlighted some useful public engagement exercises, including assemblies for input from the fishing community regarding new regulations, or visual census and interviews directed at different users to assess the short-term effectiveness of the implemented management actions.

¹ Ferreira, A., Seixas, S., & Marques, J. C. (2015). “Bottom-up management approach to coastal marine protected areas in Portugal.” *Ocean & Coastal Management*, 118, 275–281. <https://doi.org/10.1016/j.ocecoaman.2015.05.008>

While the Forum welcomes Recommendation 3.8 “A communication campaign should be undertaken to inform the general public more broadly about the potential benefits of MPA designation in Irish waters”, there is no further supporting text in the report around the significance of this recommendation. The benefits of education and awareness in successful MPAs with a co-managed approach have been highlighted in the literature; Leisher et al. (2012)² measured the benefits and costs of community education and outreach in MPAs by carrying out random sample surveys before and after education and outreach activities, where results show that education and outreach investment changed local knowledge and attitudes, and increased willingness to be more engaged. Bennett & Dearden (2014)³ also noted a lack of adequate education was a limiting factor in the management of 17 MPAs in Thailand. Furthermore Beger et al. (2004)⁴, Beaumont (1997)⁵ and Pollnac et al. (2001)⁶ summarised the lessons learned from Community-Based Marine Reserves in the Philippines and globally, where educational workshops, community empowerment and stakeholder involvement were listed as some of the key factors for successful MPA management. It could be expected that more efforts in public awareness could result in more compliance and less resources required for enforcement.

The Forum believe that this communication campaign should have been started at the beginning of the public consultation process to provide for more meaningful public engagement. As quoted from the report. “Public understanding and acceptance of MPAs also depends on the perceived legitimacy of the public engagement process”. Going forward the Forum suggest that Recommendation 3.8 on the communication campaign should be prioritised and delivered very early in the process to allow local communities to understand and become involved in the planning phase. Once appointed, a communication lead could design a communication strategy for the whole process of expanding Ireland’s MPAs.

Finally in relation to public engagement, the Forum believes that an executive summary report, to summarise the technical Advisory Report is essential to ensure members of the public, particularly in

² Leisher, C., Mangubhai, S., Hess, S., Widodo, H., Soekirman, T., Tjoe, S., Wawiyai, S., Neil Larsen, S., Rumetna, L., Halim, A., & Sanjayan, M. (2012). Measuring the benefits and costs of community education and outreach in marine protected areas. *Marine Policy*, 36(5), 1005–1011. <https://doi.org/10.1016/j.marpol.2012.02.022>

³ Bennett, N. J., & Dearden, P. (2014). Why local people do not support conservation: Community perceptions of marine protected area livelihood impacts, governance and management in Thailand. *Marine Policy*, 44, 107–116. <https://doi.org/10.1016/j.marpol.2013.08.017>

⁴ Beger, M., Harborne, A. R., Dacles, T. P., Solandt, J.-L., & Ledesma, G. L. (2004). A Framework of Lessons Learned from Community-Based Marine Reserves and Its Effectiveness in Guiding a New Coastal Management Initiative in the Philippines. *Environmental Management*, 34(6), 786–801. <https://doi.org/10.1007/s00267-004-0149-z>

⁵ Beaumont, J. (1997). Community participation in the establishment and management of marine protected areas: A review of selected international experience. *South African Journal of Marine Science*, 18(1), 333–340. <https://doi.org/10.2989/025776197784161009>

⁶ Pollnac, R. B., Crawford, B. R., & Gorospe, M. L. G. (2001). Discovering factors that influence the success of community-based marine protected areas in the Visayas, Philippines. *Ocean & Coastal Management*, 44(11), 683–710. [https://doi.org/10.1016/S0964-5691\(01\)00075-8](https://doi.org/10.1016/S0964-5691(01)00075-8)

coastal areas, understand the rationale for expanding Ireland’s MPAs, along with the proposed systematic planning approach.

Recommendations

7. The Forum recommends that the communication campaign (recommendation 3.8) is prioritised early in the process, led by a newly appointed communication lead.
8. The Forum recommends that the Government produce an executive summary report to communicate the technical advisory document to the public.

Resources

The Forum acknowledges that the report highlights additional resources would be required for this process; as outlined at the end of the recommended key principles, “appropriate resources and funding must be allocated to plan, implement, manage, monitor, and review the MPA network.”

Additionally, Section 3.5.1, ‘Resourcing the MPA Network’ gives a broad overview of the range of resources that could be required and states “To meet their objectives, MPAs require reliable, long-term sources of funding.”

The Forum recommends that the Government respond to the technical report by publishing a follow-on document (as proposed above) outlining all additional resources that will be required to successfully implement, monitor and evaluate this process. This will not only improve the transparency and confidence in the planning of the process, it can be presented within Government at the early stages to initiate the allocation of both short-term and long-term funding. This document should have specific detail of the resources required (unlike the broad discussion on resources in Section 3.5.1), including the staffing for the coordinating body (including an expert in marine governance and a communication lead as recommended above), the resources for stakeholder engagement, research and monitoring funding to develop adequate baseline data, a communication campaign to educate about MPAs and resources required for ongoing monitoring, evaluation and enforcement. The development of this plan for resources would also help to determine the likeliness of receiving funding for the various steps and therefore give an early indication of what aspects of the plan may not reach the proposed objectives.

The Forum agrees that a significant proportion of required funding should be supplied through public funds, based on the principle of “public money for public good”, where the ecosystem services provided by the marine environment are considered a public good. Furthermore, important indicators of human welfare can be shaped by MPAs (food security, resource rights, employment, community organization, and income) (Mascia et al., 2010)⁷, supporting the “public money for public good” principle.

Recommendations

9. The Government should respond to this technical advisory report by publishing a document outlining all additional resources that will be required to successfully implement, monitor and evaluate this process of expanding Ireland’s MPAs.

⁷ Mascia, M. B., Claus, C. A., & Naidoo, R. (2010). Impacts of Marine Protected Areas on Fishing Communities. *Conservation Biology*, 24(5), 1424–1429. <https://doi.org/10.1111/j.1523-1739.2010.01523>.

Monitoring

The Forum welcome the proposal that “monitoring of new MPAs should exploit synergies with monitoring programmes in operation”, supporting a whole-of-government approach and maximising capacity and available resources. In relation to Recommendation 3.47; the Forum suggests there should be some independent oversight in the monitoring and evaluation process to ensure objectives and targets are met. Furthermore the data produced from the monitoring process should be made publicly available to ensure transparency in the process. Details of who will carry out monitoring and evaluation should be included in the follow-on document as proposed above.

Recommendations

10. The Forum recommends that there is some independent oversight in the monitoring process and all future roles and responsibilities in monitoring and evaluation should be included in a follow-on report prepared by the Government.

Research for Evidence-based Approach

The Forum welcomes the acknowledgment within the report for “the process of MPA designation and management should be evidence-based to provide objective grounds for decision-making”, and also agree with the Recommendation 3.64 “A review should be undertaken of the current state of knowledge and availability of data relevant to Ireland’s MPA network”. The Forum suggests that sufficient resources are allocated in the short-term to start this research immediately to build adequate baseline data for the designation of MPAs and their management. Interim protections for sensitive sites should be adopted, supported by sensitivity mapping to identify these sites.

The Forum is concerned that there is too much emphasis in the report on the requirements for more data and more knowledge only in relation to new MPAs rather than the requirements for adequate protection of existing protected areas (SACs, SPAs). Only species protected under the Habitats or Birds Directives are protected at these sites, and they will therefore need to be reassessed to include other species/habitats currently not included. The Forum recommends that the leading department should prioritise management plans for sites already designated as SACs/SPAs.

Recommendations

11. The Forum recommends that Recommendation 3.64 to undertake the current state of knowledge is prioritised, with adequate resources allocated in the short-term.
12. The Forum recommends that the coordinating body should prioritise management plans for sites already protected (SACs, SPAs).

The Planning Process

While Section 3 indicates it “presents a roadmap outlining the steps proposed for expanding the national MPA network”, it does not provide a clear roadmap with timeframes for the various steps. The Forum would welcome the Government publish a clear roadmap outlining the timeframes and associated dependencies of the various steps of the process.

While Figure 3.3 outlines the “Proposed steps in a Systematic Conservation Planning process” where the first step is ‘Planning’, the Forum believes that this ‘Planning’ phase should include the allocation of sufficient funding for each phase of the SCP process, along with the establishment of the coordinating body, the implementation group and a document outlining the roles and responsibilities of all departments and agencies in the process, including monitoring and enforcement. If this cannot be included in the ‘Planning’ phase, the process should include a ‘Pre-planning’ phase to cover these essential steps.

Recommendations

13. The Forum recommends developing a roadmap outlining the timeframe and dependencies for various steps in the pre-planning, planning and implementation phases.
14. The Forum recommends expanding the ‘Planning’ phase of the Systematic Conservation Planning process, to include seeking adequate funding, the establishment of coordinating body and implementation group, and publishing a detailed document outlining the roles and responsibilities of all departments and agencies who will be involved in the process along with the resources and dependencies for each step.

Specific Questions in the public consultation form

1. In your opinion, what would a **good and effective MPA** look like?
 - A spatially defined area which is agreed by all stakeholders.
 - Where the protection of the natural environment and biodiversity takes precedence over human exploitation of that area, resulting in healthy, productive ecosystems.
 - A legally protected area with effective enforcement where required.
 - An actively managed area, with clear conservation goals and objectives, where management plans are subject to regular review to ensure the goals and objectives are being achieved.
 - An area where the social, economic and cultural values are also managed and protected.
 - A good and effective MPA will have adequate resources and staff to achieve all of the stated objectives.
2. Do you agree or disagree with the **proposed operational definition for MPAs** in Ireland?
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.

The Forum recommends removing “over the long term” from the end of the current definition and changing the last sentence of the definition to as follows;

“...and managed **continually** with the intention of achieving stated **conservation** objectives”

3. The expert group's report recommends the inclusion of existing legally-protected marine sites (for example, Reserves, Special Areas of Conservation, Special Protected Areas for birds) as part of the future network of MPAs in Ireland. Do you agree or disagree with this recommendation?

The Forum agrees with this recommendation that existing sites be included, however the Forum recommends prioritising the management plans for existing sites to assess if new species or habitats currently not protected under the Birds or Habitats Directives should be included, and also to ensure an adequate level of protection for each site.

4. Based on the analysis and details presented in the report, are there any **Animal species** or **Plant species** or **Habitat types** that you think must be given greater or improved protection through the legal designation of new MPAs?

This question is outside the remit of the Water Forum.

5. Are there any **Other** ecosystem, oceanographic, cultural or other natural processes or features that you think should be afforded legal protection as part of the MPA network?

This question is outside the remit of the Water Forum.

6. Such sites may come under the broad category of **Other Effective Area-based Conservation Measures (OECMs)**; these could include protected historical wrecks, protected spawning/nursery grounds for commercial fish or managed renewable energy sites, for example. Based on this information and further details presented in the report, do you agree or disagree with the inclusion of OECMs as a potential part of Ireland's MPA.

The Forum do not agree that OECMs should be included within the quota for new MPAs and believe that the allocation of MPAs must be based on conservation needs, as the proposed definition and proposed key principles suggest.

While spawning or nursery grounds of commercial fish are important for sustainable fishing to continue to supply food for the growing population, these spawning/nursery grounds should be included in MPAs (not OECMs) if the species are in any way threatened.

7. Do you agree or disagree with the recommended principles for the process of MPA network expansion that are given in the green text above?

The Forum recommend the following in relation to the recommended principles; that the principles should also acknowledge the need for enforcement as part of the process, and the principle that begins with "Carefully designed monitoring" should acknowledge the need for time bound targets to properly evaluate the effectiveness of the MPAs

8. Informed by the expert group report, what do you think are the most significant challenges to implementation of an expanded MPA network in Ireland?

Resources: the allocation of sufficient funds (short and long term) and personnel required for management and monitoring will be a significant challenge. The Government will have to agree to provide funds now, while understanding the benefits will not be seen for a number of years.

Governance (top down); there will be a challenge to achieve a cultural shift within Government to a new way of thinking for the proposed co-managed approach, which will require coordination between departments and active engagement with stakeholders and the public. Governance is currently fragmented which will result in difficulty to respond to stakeholder input. Additional resources will require co-operation from the Department of Public Expenditure and Reform.

Effective Public participation: it will be a challenge to gain community support without sufficient effort and resources to engage closely with local communities. With limited resources for public engagement, there will be less opportunity for persuasion to adhere to new policies, resulting in more resources required for enforcement.

Enforcement; The resources must allow for effective enforcement if MPA objectives are to be met. The policing of existing activities in an area is as important as managing new activities.

Data gaps; New research funding and collaborations with research institutes will be required to ensure sufficient baseline data to designate new MPAs, this process may take years. Without sufficient data there is a risk of mis-designation and subsequent lack of trust in the management process.

Lack of legislation; While new legislation is planned, this will be a slow process. It is hoped that research and public stakeholder engagement can proceed before legislation is finalised.

Conflicting strategies; The requirement for space designated areas for MPAs must consider marine spatial planning for renewable energy sites, where both must be balanced weighing up the benefits of each.

9. In Part 3 of the report it's recommended that a **Systematic Conservation Planning** approach be adopted for planning, implementation and management of the expanded network, with some scope also for individual site proposals. Key phases and steps in the proposed planning approach are described in section 3.3.4 (including Figure 3.2 & Figure 3.3) of the report? Do you agree or disagree with the systematic, structured approach recommended by the expert group?

While the Forum largely agree with the SCP approach adopted for planning, members recommend adding a pre-planning phase is developed which highlights the dependencies (resources, coordinating body, legislation, implementation group, etc) of the entire process.

Step 2 outlined in the SCP "Identify and involve stakeholders", should also specify public engagement, due to the significance of this to the overall success of the process.

Step 4 should be exchanged with Step 3; "collect and review data on species, habitats.....etc" should precede "identify target species, habitats...set interim MPA network objectives".

Step 9 "Manage and monitor all MPAs", should also specify 'with enforcement where required'. Management plans for existing protected sites (SPAs and SACs) should be prioritised.

Step 10 “Periodically review network designation and MPA management and adapt as appropriate”, should also specify, assess the effectiveness of the MPAs with pre-agreed targets and objectives within a set timeframe.

10. When you consider a structured approach like this, are there any elements or steps that you think should be **prioritised** over others?

As discussed earlier in this submission, public engagement consisting of a communication and education campaign should be prioritised to build trust and knowledge with local communities that will be expected to adapt to new MPA legislation. This is essential for a co-managed approach as proposed. Furthermore, the allocation of required funding is a priority, as it will be difficult to meet objectives and effectively manage all stages of the processes without adequate funding or staff.