

MPA Public Consultation 2021,
c/o Marine Environment,
Department of Housing, Local Government & Heritage,
Newtown, Wexford,
Y35 AP90.

[Sent by email: marine.env@housing.gov.ie]

30 July 2021

Dear Sir/Madam,

The Irish Planning Institute (IPI) welcomes the opportunity to comment on the Marine Protected Area (MPA) Advisory Group's Report entitled Expanding Ireland's Marine Protected Area Network. The IPI represents the majority of spatial planners in the State, and some 900 IPI Members work right across the planning system – in Planning Authorities, Regional Assemblies, semi-state organisations, An Bord Pleanála, and Central Government, as well as planning consultancies, and for developers. The MPA Advisory Group Report is a welcome and timely contribution to implementing this important agenda.

The following comments should be considered to be the Institute's contribution to this consultation.

1. Legislation

The IPI recognises Marine Spatial Planning for sectoral maritime activities, and designation and management of Marine Protected Areas (MPAs) for conservation are mandated under separate EU Directives and should be regarded as being distinct processes. However, the IPI acknowledges that the relationship between them is critical and should be given careful deliberation to enable the delivery of sustainable development while achieving good environmental status, as required under the EU's Integrated Maritime Policy. The IPI supports in principle new legislation being required to underpin an effective designation and management of MPAs and support greater flexibility to protect, recover and restore important species, habitats and ecosystems, including those not explicitly protected under EU Directives.

2. MPAs Interaction with SACs and SPAs

Clarity is required on how MPAs will interact with sites designated under the EU Habitats and Birds Directives (SPAs and SACs). The advisory group's report in section 3.4.1 states that European sites will have to be considered as part of the MPA network. In addition, consideration should be made to areas of archaeological interest that are rich in ecology and marine life that are not necessarily contained in Natura 2000 sites. The focus on the MPA network should not hinder the development of a coherent maritime network of SACs and SPAs. In parallel to expanding our MPA network, Ireland should also expand its maritime SPA and SAC network to ensure that the network is comprehensive as not to do so would leave a potential gap when it comes to the assessment of projects under the new Maritime Area Planning (MAP) Act.

3. Timescale for Implementation

It is evident there is a need for greater MPA designations and the expansion of the network should be capable of delivering Ireland's MPA commitments, including national and international priorities for

the safeguarding of the marine environment. As the marine spatial planning regime in Ireland will be new for all sectors, developing a strengthened network of MPAs early and in consultation with plans for other sectors as they align with the National Marine Planning Framework (NMPF) and the MAP Act is vital to ensure all sectors can forward plan with certainty.

The recently published NMPF and the forthcoming MAP Act will be in force before the implementation of the MPA network. The timing of these designations is crucial for the Phase 1 Offshore Renewable Energy ORE projects. The application of Environmental Impact Assessment and/or Appropriate Assessment will be fundamental for assessing potential impacts of proposed developments. However, there is a clear risk that significant decisions on developments in the maritime area will be undertaken in advance of the enactment of the MPA legislation. In the absence of MPAs this provides no clarity for the developer or the Competent Authority and will leave the system open for Judicial Review.

4. Stakeholder Engagement & Public Consultation

The IPI believes a coherent governance structure needs to be established to achieve meaningful community engagement and build legitimacy in the MPA selection, management, and monitoring processes. To date, formal requirements and mechanisms for stakeholder involvement in MPA selection and management have been limited, significantly reducing their effectiveness. Local Authorities and Regional Assemblies will need to be consulted as key stakeholders and have an active role in assisting the lead Department on the designation of MPAs. The designation of MPAs should be subject to extensive and substantive public consultation with local communities and stakeholders. This process should include open, informed discussion and debate on the types and categories of MPAs to be implemented.

The implementation of MPAs will necessitate substantial resource investment in capital investment, staffing and upskilling across multiple organisations. A shortfall in resourcing will compromise the effectiveness of processes for site selection, designation, and management, including enforcement.

Furthermore, Ireland should seek to work closely with its neighbours to cater for coherent and cohesive ecological networks. Insofar as practical, the designation process should work beyond jurisdictions to promote healthy marine habitats. The IPI suggests the consultation frameworks established with Northern Ireland, Scotland, England, Wales and the Isle of Man for the preparation of the NMPF should continue to be utilised for the designation of MPAs.

5. Cross Departmental

A holistic approach to marine planning, governance and conservation is required, encompassing all sectors, interests and potential impacts, both positive and negative. Therefore, all available evidence and relevant perspectives should be brought together to underpin the designation of MPAs. In particular, the process needs to be cross departmental, ensuring the alignment between implementing the Common Fisheries Policy in our marine area and environmental protection within MPAs are compatible, consulted on and agreed upon by the relevant stakeholders for effective implementation and monitoring.

6. Specific Comments for the Designation of MPAs

- MPAs should recognise the dynamic nature of the marine environment and consider interrelationships between MPAs and non-MPA areas where specific boundaries can change in real time as natural ecosystems adapt to a changing climate. The IPI acknowledges that climate change necessitates flexibility in the design of protected areas and their legal frameworks to accommodate mitigation and adaptation. However, the flexibility and mobility nature of these designations should be subject to evidence based design and periodic reviews in the interest of clarity and certainty for applicants and Competent Authorities.
- Reference to the MPA designation process having regard to any social or economic consequences is noted in the advisory group's report. However, the IPI consider this will likely be a disputed and


contentious process as it is unclear how this would be undertaken in practice at the time of the designation. The IPI believes greater clarity on how this process will be undertaken is required.

- The IPI supports evidence based and ecosystem service-based approaches to designating and managing MPAs, using new tools such as Strategic Marine Activity Zones, where part of the maritime area can be established as a zone for activities that are of environmental, social and economic importance. It will be necessary to appropriately fund research to support the designation process.

7. Conclusion

The Irish Planning Institute is willing to engage further with the Department of Housing, Local Government and Heritage or the Advisory Group, to provide its expertise and perspective in relation to the issues raised in this. The Institute appreciates the opportunity to provide its views on the consultation thus far. If the Institute can be of any further assistance, please do not hesitate to contact us.

Yours sincerely,



Dr Conor Norton MIPI

President 2020 - 2021

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