

**Joint Oireachtas Committee on Housing, Local Government and
Heritage**

26 January 2023

**General Scheme of the Marine Protected Areas Bill 2023 - Pre-
Legislative Scrutiny**

**Department of Housing Local Government and Heritage
Opening Statement**

My name is Richard Cronin. I am the Principal Adviser for the Marine Environment in the Department of Housing, Local Government and Heritage. I am joined today by my colleagues Dr Oliver Ó Cadhla and Dr Tim O'Higgins, Scientific Policy Advisers and Mr. Conall O'Connor Assistant Principal Officer.

Marine protected areas (MPAs) are key measures to ensure that we have a healthy, productive and sustainably used marine environment. They are important tools to achieve the objectives of the EU Marine Strategy Framework Directive and the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic, for which my section has national responsibility.

Ireland's Programme for Government commits to achieving 30% MPA coverage by 2030 in line with European Biodiversity Strategy and the UN Convention on Biological Diversity.

The area of Ireland's seas and ocean that is currently under area-based protection stands at just over 8%. We have a long way to go to meet our national commitments.

Ireland has, up until now, relied mainly on the EU Birds and Habitats Directives to provide area-based protection in the marine environment. We have lacked the legislative tools to go beyond protecting the habitats, species and features listed in those Directives.

As a result, many marine habitats and species, including critically endangered species such as the Angel shark, and important or sensitive habitats such as coastal seagrass beds or cold-water coral gardens, have not had sufficient legislative protection.

In order to address this issue, in 2019, an expert group was asked to provide independent advice on how best to expand Ireland's network of MPAs.

The main findings of their 2020 report were:

1. The need for new primary legislation to address the legislative gap;
2. The need for full and meaningful participation in the design, production and delivery of MPAs;
3. The need to establish suitable structures for the effective management of MPAs.

These findings received resounding public support (99%) in a subsequent consultation in 2021.

It is important to note that, in general, MPAs do not have to be wholly sterile environments with no activity. They should instead be managed to achieve specific conservation objectives. Activities may be permitted within them so long as they are sustainable and compatible with the MPA conservation objectives. However, the proposed legislation will allow for the possibility of “highly protected” MPAs where no human activities are permitted.

The General Scheme presented here today attempts to translate these findings into a legal instrument. The goal has been to produce a scheme for modern environmental legislation to protect biodiversity, mitigate against climate change and to promote ecosystem-based management in the marine environment. We have also worked closely with the Office of the Attorney General in developing the General Scheme.

I will now briefly detail the main features of the General Scheme:

The General Scheme is divided into three parts.

The first part includes title, definitions and application. These are standard provisions.

Part 2 contains the main substance of the proposed bill. I will briefly touch on its main features.

The Ocean Environment Policy Statement, described in Head 6, will amongst other things set the priorities for MPA designations. This will enable the process

to focus, for example, on specific geographic areas; on particular species or ecosystem processes; or on particular site characteristics such as size, resilience or connectivity.

Participation is at the heart of the General Scheme. This includes participation in the identification of features and species for protection (Head 7) and in the development of MPA proposals, their management objectives and measures (Head 8).

The scheme provides for an independent scientific, technical and socio-economic advisory body referred to as the “Expert Body” (Head 16). This will be supported by a Secretariat and will advise the Minister on designation and effective management of MPAs.

It provides for working groups to directly support this expert body as required. This will ensure a flexible structure for effective participation that will facilitate MPA design which can be applied equally in busy coastal and remote offshore areas.

The scheme also gives the Minister powers to appoint management authorities (Head 11) and provides for emergency powers of MPA designation in the case of man-made or natural disasters (Head 12). It also makes provision for rapid identification of areas to facilitate climate adaptation (Head 13).

Part 3 of the general scheme includes the details of the duties of authorised personnel and of the prosecution of offences. It also provides for a regular review of the legislation to ensure that it remains fit for purpose.

With almost half a million square kilometres (km²) of highly valued marine territory, Ireland has a national obligation and a global responsibility to protect and conserve marine biodiversity and the extraordinary resources and benefits which marine ecosystems provide.

I believe that this General Scheme provides a basis for the legal structures that are needed to deliver MPA designation and management and to promote meaningful participation in the process, for people and for nature. I look forward to hearing the views of the Committee on the proposed General Scheme and to answer any questions arising.