

Marine Protected Areas Bill 2022

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Abstract

The General Scheme for the Marine Protected Areas Bill 2022 was published on 16 December 2022. The primary purpose of the legislation is to set out provisions concerning the identification, designation and management of Marine Protected Area sites, and features that may be afforded protection under the legislation. This legislation is intended to work in parallel with the Maritime Area Planning Act (2021) and existing legal biodiversity protection measures, such as the Wildlife Acts, the Marine Strategy Framework Directive, the EU Birds and Habitats Directives, and the EU Common Fisheries Policy. The intent is to effectively balance all conservation requirements and long-term, sustainable use of Ireland's marine environment.



Table of Contents

Executive Summary	3
Introduction	4
Policy Context – the need for a Bill	4
Ireland’s Maritime Area	5
Regulatory and legislative context of Ireland’s Maritime Area.....	5
Policy gaps relating to Marine Protection in Ireland’s Maritime Area	6
The Marine Biodiversity within Ireland’s Maritime Area	7
Context – defining Marine Protected Areas	7
What is an MPA?.....	7
Levels of protection.....	8
Where have MPAs been implemented?.....	8
Factors that improve the chance of MPA success	9
MPA policy development in Ireland before the General Scheme publication	10
Starting the process and setting up of the MPA Advisory group	10
MPA commitments in the 33 rd Dáil Programme for Government	11
Public consultation on the developing MPA policy	11
Pre-Legislative Scrutiny	11
Legislative proposal – General Scheme of the Marine Protected Areas Bill 2022	12
Principal provisions.....	12
Head 5 – Advisory Role of the Expert Body.....	12
Head 6 - Ocean Environment Policy Statement.....	12
Head 7 – Identification of Potential Marine Protected Areas	12
Head 8: Proposals for Marine Protected Area Designation.....	13
Heads 9 & 10: Public Participation on Marine Protected Area Designations; Consultation	13
Head 11: Marine Protected Area Designation	13
Head 13: Urgent area proposals to facilitate climate adaptation.....	13
Head 14: Existing Authorisations	14
Public commentary surrounding the General Scheme	14
MPA policy development after the General Scheme publication.....	15
Ecological sensitivity analysis	15
Sensitivity analysis of the western Irish Sea	15

Sensitivity analysis of the Celtic Sea	16
Conclusion	17
Contact:	1

Executive Summary

This Briefing Paper examines the legal and policy context for the General Scheme of the Marine Protected Areas Bill. The purpose of this legislation is to close policy gaps that prevent Ireland from fully protect marine species, habitats, and ecosystems in certain situations.

Currently, Irish legislation provides for the protection of marine species, habitats, and ecosystems only within 12 nautical miles of the coast, primarily under the Wildlife Acts. Beyond this limit, some protections are afforded through EU law—specifically the Birds Directive, the Habitats Directive, and the Marine Strategy Framework Directive—which have been transposed into Irish law. However, these instruments do not offer a dedicated mechanism for the spatial designation and management of Marine Protected Areas (MPAs) in Ireland’s Exclusive Economic Zone. Nor do they allow for flexible or graduated levels of protection tailored to local conditions. As a result, marine species and habitats not listed in EU law, but which may be nationally or regionally important, cannot currently be adequately protected. References to international conventions—such as OSPAR—are relevant, but they do not substitute for enforceable national legislation.

By closing these legislative gaps, and allowing the relevant species, habitats and ecosystems to be afforded greater protection, the proposed legislation would enable Ireland to fulfil its EU obligations and international commitments.

Introduction

The [General Scheme for the Marine Protected Areas Bill 2023](#) (“the GS”) was published by the Department of Housing, Local Government and Heritage (DHLGH) on 16 December 2022. The GS contains provisions concerning the identification, designation and management of Marine Protected Area (MPA) sites and features that may be afforded protection under the legislation. This legislation is intended to work in parallel with the [Maritime Area Planning Act \(2021\)](#) and existing legal biodiversity protection measures, such as provisions under, among others, the [Wildlife Acts](#), the [EU Marine Strategy Framework Directive](#), the EU [Birds](#) and [Habitats Directives](#), and the [EU Common Fisheries Policy](#). The intent is to effectively balance all conservation requirements and long-term, sustainable use of Ireland’s marine environment. The GS sets out the criteria under which MPAs would be identified and designated in the legislation, provides for the publication of an *Ocean Environment Policy Statement*¹ and describes how, under the proposed legislation, relevant managing authorities will ensure that MPA conservation objectives are delivered.

The Joint Committee on Housing, Local Government and Heritage undertook Pre-Legislative Scrutiny (PLS) of the General Scheme of the Bill. It held hearings with selected stakeholders on [26 January 2023](#), [31 January 2023](#), and [2 February 2023](#).

The Committee published their [Report](#) on the Pre-Legislative Scrutiny of the General Scheme of the Marine Protected Areas Bill 2023 on 1st March 2023 focusing on seven key issues with 45 recommendations identified.

This briefing paper sets out the policy and legislative context for the introduction of this legislation. It briefly describes Ireland’s maritime area, the current environmental crises which necessitate new legislation, outlines the various types of MPAs and gives an overview of marine protection in Irish marine waters currently. It then concludes by outlining the principal provisions of the GS which seek to address these challenges.

Policy Context – the need for a Bill

This section provides an overview of the current policy and legal situation in Ireland as it relates to Ireland’s Maritime Area, policy gaps at the current time, and Ireland’s marine biodiversity. The primary objective of this legislation is to close policy gaps that result in an inability to fully protect marine species, habitats and ecosystems in certain situations. By closing these gaps, and allowing the relevant species, habitats and ecosystems to be afforded greater protection, the legislation would enable Ireland to fulfil its EU obligations and international commitments.

¹ The Ocean Environment Policy Statement (OEPS) will set the priorities for MPA designation based on international & national priorities and targets. OEPS will be produced every six years, which is intended to allow for alignment and harmonisation with the Marine Strategy Framework Directive. The inclusion of UNCLOS, MSFD and the OSPAR convention provides for international and regional cooperation on MPAs.

Ireland's Maritime Area

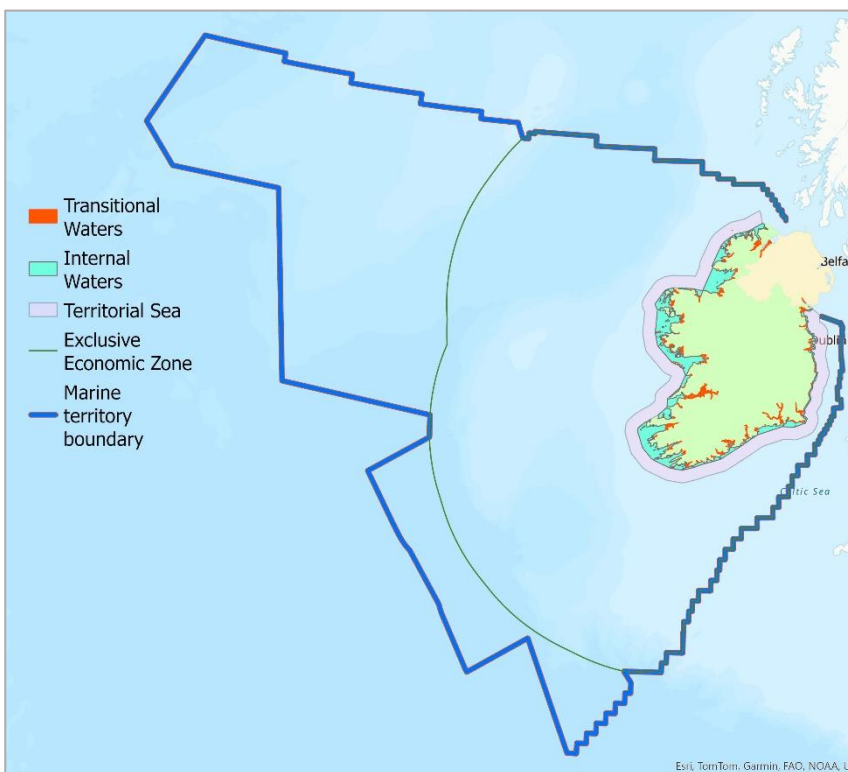
Ireland has extensive marine waters, consisting of near-shore coastal zones and estuaries, as well as expansive open waters. Ireland's marine territory covers over 880,000km², over ten times the land area.² Ireland's Maritime Area refers to Irish internal waters (landward of the baseline of Ireland's territorial waters), territorial waters (0 – 12 nautical miles (nm) from a baseline), the Exclusive Economic Zone (EEZ, 12 – 200nm) and in designated parts of the Continental Shelf.

Regulatory and legislative context of Ireland's Maritime Area

This Maritime Area represents the area to which the National Marine Planning Framework (NMPF) and the Marine Strategy Framework Directive will apply.

However, while most maritime jurisdictional zones are drawn from a baseline (often the Mean Low Water (MLW)), the Maritime Area under the NMPF will begin at the Mean High Water (MHW) mark. These zones represent the limits of Ireland's current jurisdiction in the sea (applicable to the seabed and subsoil only in the extended continental shelf beyond 200 nm) and cover an area of 488,762 km². On its own, Ireland's EEZ covers an area of approximately 426,872 km² (Figure 1).

Figure 1 Ireland's maritime area. data from [NPWS](#) and [Ireland's Open Data Portal](#).



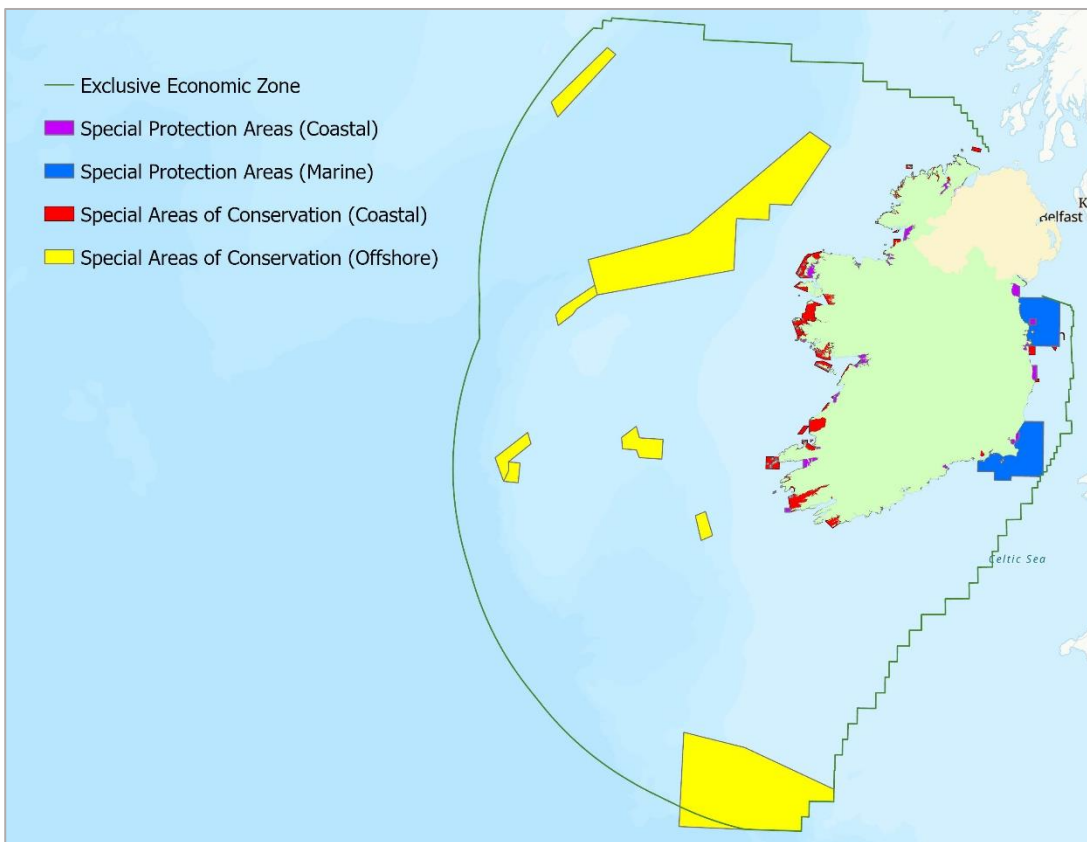
Given the size and complexity of Ireland's marine territory, it is subject to a wide range of legal obligations, policies, and regulatory frameworks. Ireland's estuaries and coastal waters within 1 nautical mile of shore are governed by the [Water Framework Directive](#) (WFD) (Directive 2000/60/EC), transposed into Irish law through the European Communities (Water Policy) Regulations 2003 (as amended). Beyond 1nm, the [Marine Strategy Framework Directive](#) (MSFD) (Directive 2008/56/EC), transposed by S.I. No. 249/2011, sets out the framework for

protecting marine biodiversity and achieving Good Environmental Status in marine waters. In

² EPA (2024) [Ireland's State of Environment Report 2024](#)

addition to these EU obligations, Ireland is a contracting party to the [OSPAR Convention](#)³, and is also committed to international environmental goals under the the [UN Convention on Biological Diversity](#) and the [UN Sustainable Development Goals](#), particularly SDG 14 (Life Below Water). While not all of these frameworks are legally binding at national level, they collectively reinforce the imperative to establish area-based marine protections. Ireland currently implements some spatial protections through Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) designated under the EU Birds and Habitats Directives respectively (Figure 2).

Figure 2 Ireland's current SPAs and SACs. Source: Map created by the author, data from [NPWS](#) and Ireland's [Open Data Portal](#).



Policy gaps relating to Marine Protection in Ireland's Maritime Area

Ireland's marine protection framework contains gaps, including the absence of a legal definition for Marine Protected Areas (MPAs) and limited powers under national law to designate such areas beyond 12 nautical miles. While the [Wildlife Acts](#) cover the foreshore and territorial waters, protections further offshore rely on EU instruments such as the Birds and Habitats Directives and the OSPAR Convention. These do not provide a national mechanism for

³ The [Convention for the Protection of the Marine Environment of the North-East Atlantic](#) (the 'OSPAR Convention') was open for signature at the Ministerial Meeting of the [Oslo and Paris Commissions](#) in Paris on 22 September 1992. It was adopted together with a Final Declaration and an Action Plan. In this decade, the Convention will be implemented through OSPAR's [North-East Atlantic Environment Strategy 2030](#).

spatial designation or zoning. As a result, important species and habitats not listed in EU law may lack protection, and national authorities have limited flexibility to apply varying levels of protection across Ireland's maritime area.

Given these limitations, to properly protect Ireland's marine environment a need to enact new legislation was identified by the government in 2019.⁴ Such legislation would allow for the designation of MPAs in the marine areas and species that currently fall outside of protections afforded by existing legislation.

The Marine Biodiversity within Ireland's Maritime Area

Ireland's marine waters are highly diverse, and as such are subject to a wide range of activities and impacts. The Environmental Protection Agency's (EPA) 2024 State of the Environment report has stated "*[a]lthough Ireland's offshore waters have generally been considered relatively clean and healthy, our nearshore coastal systems are under increasing pressure*".

The EPA's Water Quality in Ireland 2016-2021⁵ found that 81% of our coastal waters were in high or good ecological status, but that only 36% of our transitional waters (estuaries) were in high or good status. These figures represent **declines in water quality** for both transitional and coastal waters.

The OSPAR Quality Status Report 2023⁶ noted that the Celtic Seas (seas around Ireland) experience "*pressures associated with fishing, shipping, coastal development, tourism, and agriculture [that] are widespread in the Celtic Seas although the Region is not as intensively used as the Greater North Sea*". Further, the report stated that the ecological status of a number of species and fish populations was "*not good*". Species with "*not good status*" included small-toothed cetaceans (dolphins & porpoises), birds that were "*surface feeders, water column feeders, benthic (bottom dwelling) feeders and wading feeders*" and the majority of commercial and sensitive fish species. Additionally, the Celtic Seas are subject to the same pressures faced by most European seas: increasing marine litter, shipping noise, climate disturbances and energy infrastructure development.

Given the range of impacts in Ireland's Maritime area, new legislation is needed to establish a clear legal framework for designating and managing MPAs. This would strengthen Ireland's capacity to protect marine biodiversity across its maritime area.

Context – defining Marine Protected Areas

What is an MPA?

Marine Protected Areas (MPAs) have been defined in multiple ways, by multiple stakeholders, to achieve multiple objectives. Essentially, MPAs are places where there are limits on human activities with the primary goal of conserving and/or restoring the marine features, species,

⁴ Response to Parliamentary Question on 18 December 2019 to Minister of State Damien English, transcript available: [Maritime Spatial Planning – Wednesday, 18 Dec 2019 – Parliamentary Questions \(32nd Dáil\) – Houses of the Oireachtas](#).

⁵ EPA (2022) [EPA WaterQualityReport2016_2021](#)

⁶ OPSAR (2023) [Quality Status Report 2023](#)

habitats and ecosystem services provided within these areas. While individual sites can aid conservation efforts, ideally MPAs should form a network of protected areas that act together to meet overarching objectives.

In the Irish context, a suggested definition⁷ of an MPA is:

*“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”.*⁸

Levels of protection

Depending on their conservation objectives, different MPAs provide different levels of protection. MPAs which provide the most protection are “No Take Zones” (NTZs), which prohibit all fishing and extractive⁹ activity within an area. Other MPAs provide varying levels of lesser protections, and may only prohibit some activities, or only prohibit activities at certain times (e.g. during the night, or during spawning or breeding seasons).

European examples of NTZs¹⁰ suggest that they can substantially increase the proportion of mature and large individuals (i.e. adults), and thereby also the reproductive potential of fish populations within these areas. The increase in abundance of large predatory fish also likely contributed to restoring ecosystem functions. These large predators can restore ecosystems by controlling the numbers of invasive and rapidly reproducing species which would outcompete other more slowly reproducing species.

NTZs are quite rare internationally, and are often part of a network of MPAs. NTZs can form a core area of strict protection, surrounded by rings of “buffer zones” where human activity is allowed under defined conditions. Additionally, a single MPA may be zoned, so that it contains a mix of no-take areas, and zones which allow certain activities. However, the primary objective of such an MPA must be conservation of biodiversity.

Where have MPAs been implemented?

MPAs have been established all over the world (Figure 3), and have successfully been used to improve both the ecological and economic prospects of the areas where they are implemented. Some well-known and successful MPAs include the [Galápagos Marine Reserve](#), [Raja Ampat Marine Park](#), [Cocos Island National Park](#), [Great Australian Bight Marine Park](#) and a great many more.

⁷ This definition has been put forward by the Marine Protection Area Advisory Group, an expert group set up by the then Minister of State at the Department of Housing, Planning and Local Government in December 2019.

⁸ Marine Protected Area Advisory Group (2020). [Expanding Ireland’s Marine Protected Area Network: A report by the Marine Protected Area Advisory Group](#). Report for the Department of Housing, Local Government and Heritage, Ireland.

⁹ The term “extractive activities” means activities which take life, materials or energy from an area, e.g. fishing, dredging, mining, etc.

¹⁰ Bergström, U., Berkström, C., Sköld, M. (eds.), Börjesson, P., Eggertsen, M., Fetterplace, L., Florin, A-B., Fredriksson, R., Fredriksson, S., Kraufvelin, P., Lundström, K., Nilsson, J., Ovegård, M., Perry, D., Sundelöf, A., Wikström, A., Wennhage, H. (2022) [Long-term effects of no-take zones in Swedish waters](#). Aqua reports 2022:20. Swedish University of Agricultural Sciences. 289 p

Factors that improve the chance of MPA success

Designation alone does not ensure that an MPA will be effectively implemented or be ecologically successful. Several studies have identified factors that increase the odds that an MPA will be “successful”, with success being defined as achieving the ecological, social and economic objectives of the MPA¹¹. These include:

- High levels of stakeholder participation¹²
- Supporting legislation¹³
- Leadership¹⁴
- Explicit objectives
- Strong social networks & communication
- Conflict resolution/sanctioning mechanisms¹⁵

¹¹ Giakoumi, S., McGowan, J., Mills, M., Beger, M., Bustamante, R.H., Charles, A., Christie, P., Fox, M., Garcia-Borboroglu, P., Gelcich, S. and Guidetti, P., 2018. [Revisiting “success” and “failure” of marine protected areas: a conservation scientist perspective](#). *Frontiers in Marine Science*, 5, p.223.

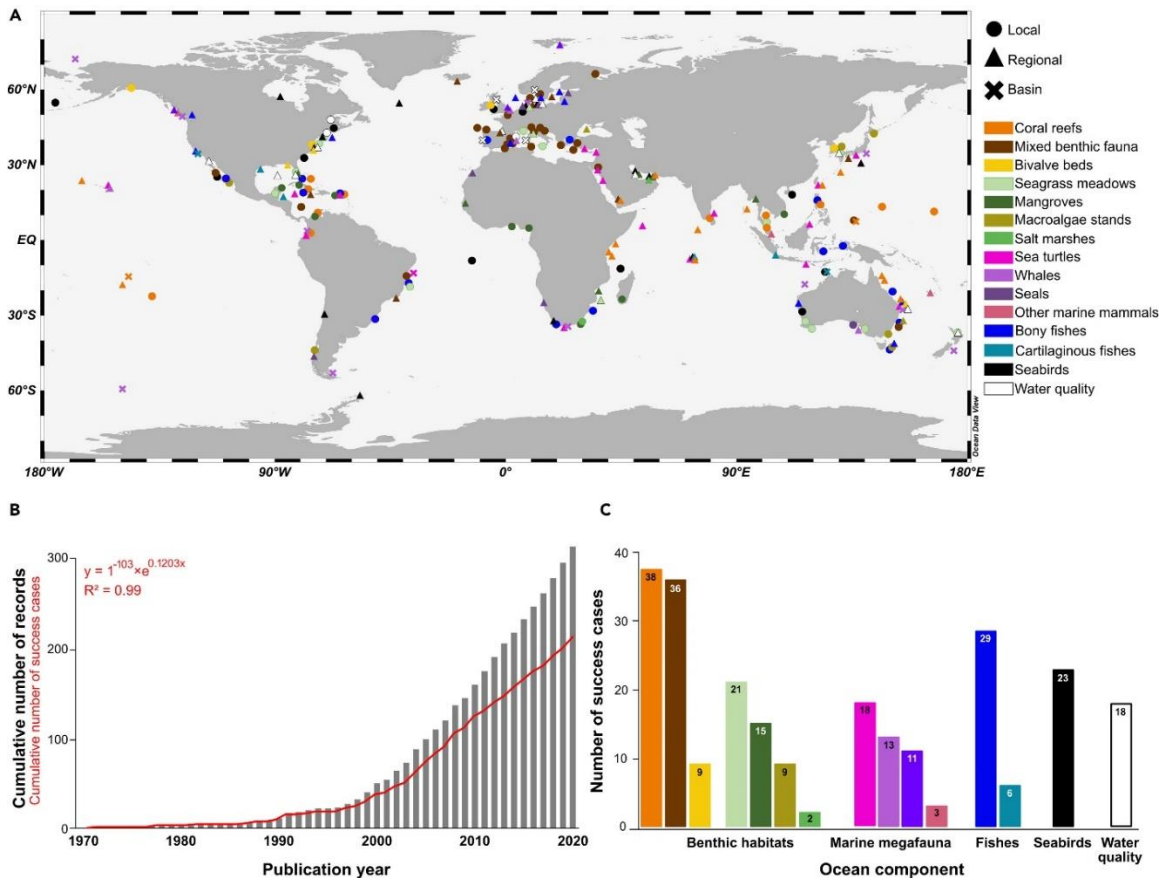
¹² Huber, J.M., Newig, J. and Loos, J., 2023. [Participation in protected area governance: A systematic case survey of the evidence on ecological and social outcomes](#). *Journal of Environmental Management*, 336, p.117593.

¹³ Sink, K.J., Lombard, A.T., Attwood, C.G., Livingstone, T.C., Grantham, H. and Holness, S.D., 2023. [Integrated systematic planning and adaptive stakeholder process support a 10-fold increase in South Africa's Marine Protected Area estate](#). *Conservation Letters*, 16(4), p.e12954.

¹⁴ Russi, D., 2020. [Governance strategies for a successful marine protected area—the case of torre guaceto](#). *Marine Policy*, 115, p.103849.

¹⁵ Duce, S., Pressey, R.L., Simpfendorfer, C.A., Weeks, R. and Diedrich, A., 2019. [Global opportunities and challenges for shark large marine protected areas](#). *Biological Conservation*, 234, pp.107-115.

Figure 3 Distribution of conservation successes across the world's oceans, different habitats, and taxonomic groups. Image taken from [Rossbach et al., 2023](#).



MPA policy development in Ireland before the General Scheme publication

Starting the process and Establishment of the MPA Advisory group

In Autumn 2019 the 32nd Dáil [started the process](#) of expanding Ireland's MPAs network. The then Minister of State at the Department of Housing, Planning and Local Government stated that this was in accordance with Ireland's "commitments made under the Marine Strategy Framework Directive (MSFD), the National Biodiversity Action Plan (2017-2021), the 1992 OSPAR Convention and the Convention on Biological Diversity (CBD)".

This was followed by the setting up of an MPA Advisory Group in December 2019. The MPA Advisory Group was asked to produce a report containing advice and recommendations that would support the expansion of Ireland's MPA network in a "coherent, representative, connected and resilient" way that meets Ireland's international commitments under, among others, the MSFD, the OSPAR Convention, the [UN Convention on Biological Diversity Aichi target 11](#) and the UN Sustainable Development Goal 14, Life Below Water.

MPA commitments in the 33rd Dáil Programme for Government

The 33rd Dáil continued the ambition to create MPA legislation started by its predecessor, with the [Programme for Government](#) of the 33rd Dáil containing the ambition for Ireland to “realise our outstanding target of 10% under the Marine Strategy Framework Directive as soon as is practical and aim for 30% of marine protected areas by 2030”, in line with the [EU Biodiversity Strategy](#). This ambition was [reaffirmed](#) by then Minister of State for Heritage and Electoral Reform Malcolm Noonan following the [2022 UN Ocean Conference](#), and [again](#) by former Minister for Housing, Local Government and Heritage Darragh O’Brien in 2023.

Public consultation on the development MPA policy

Several rounds of consultation have been held relating to Marine Protection Areas, beginning in 2020. Firstly, the MPA Advisory Group gathered and facilitated knowledge sharing on MPAs from over 100 stakeholders from the fisheries, aquaculture, recreation, tourism, energy and shipping sectors as well as from environmental NGOs, community groups, government departments, agencies and advisory bodies. This was a two-stage process that included an online questionnaire and online focus groups.

The online questionnaire was circulated in August 2020, and provided an opportunity for respondents to share their views on MPAs, the future expansion of Ireland’s MPA network, and the preferred approach to selecting, designating and managing MPAs in the short and longer term.

The online focus group meetings took place in September 2020, and occurred in parallel with the online questionnaire. Over 40 stakeholders, from various representative bodies, sectors, authorities and interest groups, participated in these focus group meetings.

The Advisory Group used the information to inform its considerations, analysis and ultimately its final report, [Expanding Ireland’s Marine Protected Area Network](#). Following the publication of the Group’s final report, a round of [public consultations](#) was held between February and July 2021 to consider its findings, as well as the wider MPA process.

The public consultation feedback was then the subject of an [Independent Analysis and Report on Marine Protected Area \(MPA\) Public Consultation Submissions](#). This report was published on 31st March 2022.

Pre-Legislative Scrutiny

The Joint Committee on Housing, Local Government and Heritage undertook Pre-Legislative Scrutiny (PLS) of the General Scheme of the Bill. It held hearings with selected stakeholders on [26 January 2023](#), [31 January 2023](#), and [2 February 2023](#). The Committee published their [Report](#) on the Pre-Legislative Scrutiny of the General Scheme of the Marine Protected Areas Bill 2023 on 1st March 2023 focusing on seven key issues with 45 recommendations identified. The PLS process and any recommendations made by the Committee arising from the PLS process will be considered in a forthcoming Bill Digest, which will be published ahead of Second Stage debate.

Legislative proposal – General Scheme of the Marine Protected Areas Bill 2022

The GS of the MPA Bill contains 26 Heads and 3 Schedules. The GS covers several key areas that are needed for an effective Bill including:

- Establishing an Expert Body which may provide advice to the Minister,
- Drafting of an Ocean Environment Policy Statement,
- Identifying potential MPAs,
- Designating potential MPAs.

Principal provisions

Head 5 – Advisory Role of the Expert Body

This Head sets out that the Minister shall establish an Expert Body (or other specialist body) to provide advice on scientific, technical and socio-economic matters in accordance with this Act, or any other matter as the Minister considers appropriate. This Head also allows the Minister to seek advice from a person or body they deem appropriate, and establish ad-hoc working groups to achieve aims and priorities set out in the Ocean Environmental Policy Statement.

Head 6 - Ocean Environment Policy Statement

This Head sets out that the Minister for Housing, Local Government and Heritage shall publish an Ocean Environment Policy Statement. The purpose of this Statement is to set out priorities for the protection of the marine environment, targets for the designation of MPAs and provide guidance to an Expert Body for the purposes of enabling provision of advice to the Minister.

This Statement is to take into account Ireland's obligations under international, European and national laws/treaties/programmes relating to conservation and restoration of the marine environment. This would include, among other things, the [Climate Action and Low Carbon Development \(Amendment\) Act 2021](#), any [Designated Maritime Area Plans](#) (DMAPs), planning policy statements or guidelines prepared under the [Maritime Area Planning Act 2021](#), and “*other policies of Government such as renewable energy policies, fishery and aquaculture policies*”.

This Head also sets out that the Minister **shall** designate “*up to 10% of the maritime area as Marine Protected Areas as soon as practicable after commencement of this Act and up to 30% of the maritime area as Marine Protected Areas by 2030*”.

Head 7 – Identification of Potential Marine Protected Areas

This Head sets out that the Minister **shall** compile a list of potential MPAs based on the extensive criteria contained within subsections of this Head. When compiling this list the Minister may request advice from an expert body (e.g. the MPA Advisory Group or similar). Additionally, this Head states that the list of MPAs should take into account Ireland's international, European and national conservation obligations and objectives and be based on “*the best available scientific information*”.

Head 8: Proposals for Marine Protected Area Designation

Once the list of potential MPAs has been generated, this Head sets out that the Minister **shall** develop proposals for areas to be designated as MPAs. These proposals, which must be published, will describe the MPA characteristics including:

- A map of the area including coordinates;
- A full list of species and marine features proposed for conservation;
- A description of the area's ecosystem services if relevant;
- A list of Activities¹⁶ occurring within the area;
- A list of Management Authorities¹⁷ with competence for the Activities in the area;
- A list of conservation objectives to ensure marine protection happens;
- A list of conservation measures to ensure conservation objectives are achieved.

Heads 9 & 10: Public Participation on Marine Protected Area Designations; Consultation

These Heads set out the processes for public consultation and notification, including a broad variety of actors from government and the public at large (Head 9), as well as with 'interested parties' such as the holders of leases and/or licences in the area proposed to be designated (Head 10). These Heads also set out the role of the Minister, upon receipt of relevant information from these consultations, in accepting, rejecting or amending proposals for designation of an area as an MPA.

Head 11: Marine Protected Area Designation

This Head gives the Minister the power to designate MPAs. The areas designated may be existing protected sites (e.g., already enjoying protections under the Birds or Habitats directives, or the Wildlife Acts) or be 'new' MPAs, i.e., sites having no previous protections.

This Head includes sections that set out the obligations for the Minister when making the designation order including the identification of appropriate Management Authorities. Management Authorities are agencies (e.g. local authorities, EPA, OPW, etc.) with the competence to manage human activities in the MPA in order to achieve the conservation objectives.

Lastly, this Head sets out that the Minister has the power to make regulations for activities in an MPA but **does not apply** to activities that have already been licensed.

Head 13: Urgent area proposals to facilitate climate adaptation

This Head gives the Minister the power to direct the Expert Body to identify areas that are incompatible with specific activities or developments, and propose these areas for designation as MPAs. This Head was included so that areas **not** suitable for Offshore Renewable Energy (ORE) could be rapidly identified, so ORE projects would not waste time developing business cases in areas that would ultimately not go ahead.¹⁸

¹⁶ A list of relevant Activities is included in Schedule 1 of the General Scheme.

¹⁷ Management Authorities means the authorities appointed by the Minister under Head 11(4)(i) of the General Scheme.

¹⁸ This is the rationale for the inclusion of this Head, as given by the department in the explanatory notes that accompanied the General Scheme.

Head 14: Existing Authorisations

This Head confines the application of recommendations and regulations made under the Bill to within the boundaries of areas designated as MPAs, as well as guarantees the rights of current license holders. This Head also requires the Minister to satisfy themselves that any authorisation or renewal of activity in the MPA is in compliance with conservation objectives. The Minister can vary or amend the conditions of carrying out the activity as they deem appropriate. This Head also provides for derogations for reasons of overriding public interest. Lastly, this Head sets out how the MPAs will interact with different forms of licensing, including under the Maritime Area Planning Act, EPA licensing and the interaction with Aquaculture licensing.

Public commentary surrounding the General Scheme

When the GS was published, there was mixed commentary regarding its contents. Some commentators¹⁹ positively noted the inclusion of public participation in many areas of the GS, for example when drafting the Ocean Environment Policy Statement and when designating an MPA.

Conversely, some other commentators had some negative criticisms regarding the GS's contents. [Fair Seas](#), a coalition of Irish environmental non-governmental organisations and environmental networks, while generally supportive of policy development in the area, had several criticisms relating to the GS. These criticisms include:

- Claiming that the language of the GS is too weak,
- That the GS did not explicitly identify a “*hierarchy of different MPA management levels and strategies*”,
- That the GS does not make clear how nature protection of sites currently designated under the EU Birds and Habitats Directives will be improved when these sites are designated as MPAs,
- That the GS is mainly focused on conservation, and not restoration, of marine ecosystems.
- That the GS needs clearer and stronger language showing the mechanisms by which Ireland will implement effective and timely fishing management measures in new offshore areas.
- That the GS's language around stakeholder engagement and participation principles must be strengthened at every stage of the process.

Additionally, Fair Seas called for 10% of Irish waters to be “*fully protected MPAs, meaning no human activity is permitted*”²⁰, i.e. that 10% of Irish waters would be not just *No Take Zones* but that all or nearly all commercial and recreational activity would be prohibited in these areas.

¹⁹ E.g. commentary from Byrne Wallace Shields LLP - [General Scheme of the Marine Protected Areas Bill published](#)

²⁰ [Ten Key Asks of Ireland's MPA Bill | FairSeas](#)

MPA policy development after the General Scheme publication

Government MPA policy development has continued since the publication of the GS in 2022, while awaiting publication of a finalised Bill. As noted above, Ireland has EU obligations and made international commitments to protect 30% of its marine environment by 2030. Additionally, successive governments have stated their ambitions to deploy ORE infrastructure at very large scales. The current [Programme for Government](#) has restated the ambition of the [previous government](#) for “*at least 5GW of offshore wind by 2030*”.

Ecological sensitivity analysis

To ensure that ORE deployment (and other marine activities) can continue at pace, and in order to safeguard ecologically sensitive areas, the last government commissioned ecological sensitivity analyses of the:

1. Western Irish Sea
2. Celtic Sea

The outputs of these analyses allow policy makers to identify, in advance, areas where there may be potential conflicts between ORE deployment and ecological considerations. Additionally, the analyses identified suitable areas from which an effective network of MPAs could be selected to protect important species, habitats and marine features as Ireland progresses the MPA Bill under the current government.

Sensitivity analysis of the western Irish Sea

The scientific analysis of the western Irish Sea was undertaken by members of the MPA Advisory Group between December 2022 and April 2023, with the [analysis report](#) published in May 2023. This analysis had three primary aims:

- Identify areas of comparatively higher and lower ecological sensitivity based on the best available evidence;
- Inform planning decisions to be taken about the potential siting of ORE infrastructure, taking account of stakeholder views, conservation requirements and other sectoral activity;
- Establish methods and collate and characterise the evidence base that could be applied to the process of identifying, designating and managing MPAs under the forthcoming legislation.

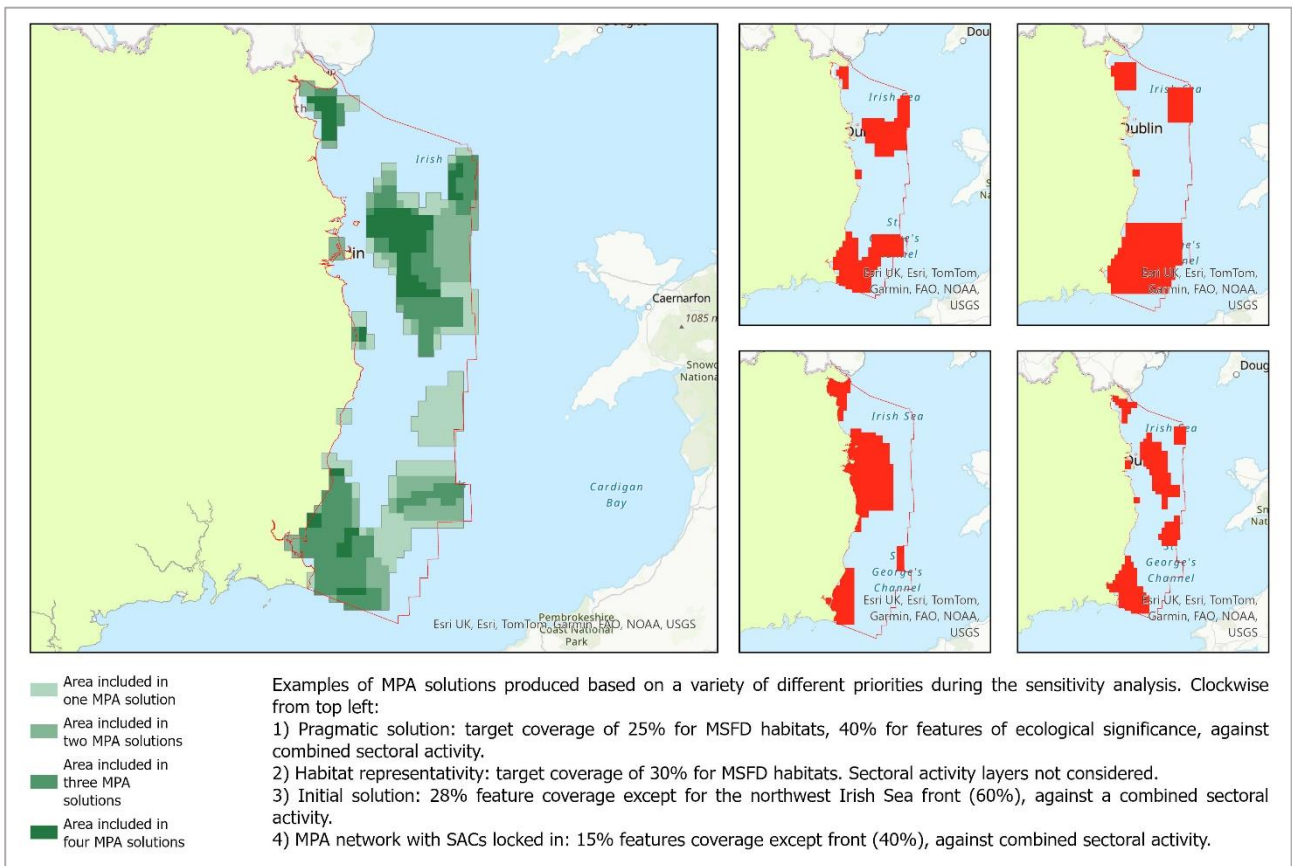
The project team identified 40 biological and environmental features that could be considered for protection under the proposed MPA Bill, if enacted. The features included species and habitats classified as threatened or declining on national and/or international lists, species and habitats of recognised ecological importance, high biodiversity areas and a feature with high potential for restoration. The team selected the features using criteria aligned with international approaches and with reference to the provisions of the GS of the MPA Bill.

For each selected feature, the team analysed the available evidence to determine the sensitivity of that feature to relevant sectoral activities, i.e., ORE development, shipping, and fishing. The team also undertook significant stakeholder engagement to inform the process.

A number of different options for MPA networks were generated based on different considerations (e.g., minimising MPA overlap with sectoral activities), and then these results were combined to identify areas of comparatively higher priority for ecological protection (Figure 4). Any future MPAs could be selected from **within** these identified areas. **It is important to note that any future MPAs would be a subset of the identified areas.**

Figure 4: Selected results of the Irish Sea Sensitivity Analysis. Left panel; Areas of comparatively higher priority for ecological protection. Right panel; Four examples of MPA solutions based on different priorities.

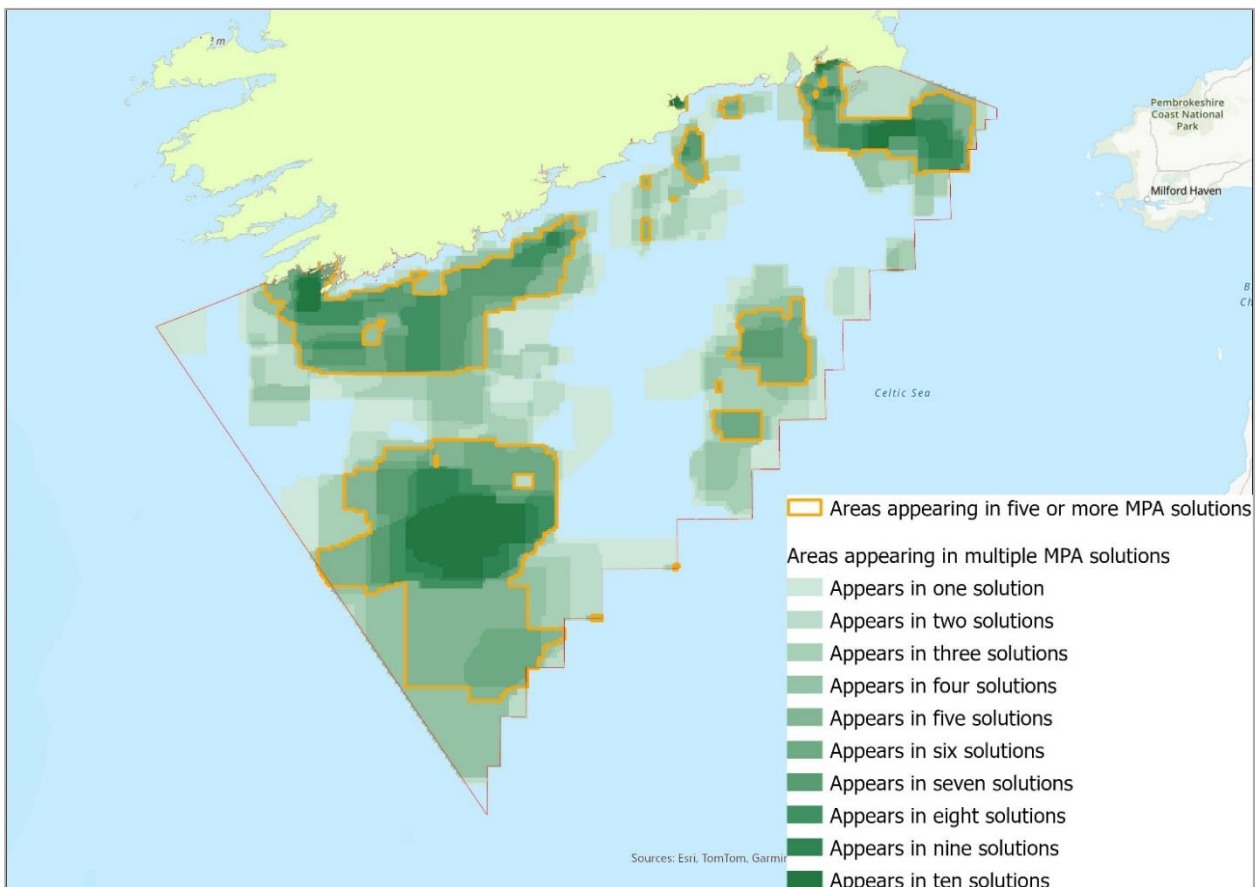
Source: map created by author using the data outputs generated by the sensitivity analysis group.



Sensitivity analysis of the Celtic Sea

A very similar sensitivity analysis was conducted for the Celtic Sea between November 2023 and May 2024. This analysis also produced a number of different MPA network options based on different considerations, and a combined output identifying areas of higher ecological value (Figure 5). As with the Irish Sea analysis, any future MPAs could be selected from **within** these identified areas, and **any future MPAs would be a subset of the identified areas.**

Figure 5: Areas of comparatively higher priority for ecological protection identified by the Celtic Sea Sensitivity Analysis. Source: map created by author using the data outputs generated by the sensitivity analysis group.



Conclusion

The publication of a finalised Marine Protected Areas Bill has been a legislative priority in [2023](#), [2024](#) and [2025](#). The Spring 2025 Government Legislation Programme lists the status of the Bill as “*work is ongoing*” and that it is one of the pieces of “*Legislation for Priority Publication Spring Session 2025*”. The delay in publication of the finalised Bill, let alone its passage through the Houses of the Oireachtas and subsequent enactment, has been a cause for concern for some actors in the marine sector. In July 2024 [Fair Seas](#) and [Wind Energy Ireland](#) called for “*immediate government action on Marine Protected Areas Bill*”. They stated that “[f]ailure to enact the Bill will have serious consequences for both the State’s ability to meet its offshore renewable targets and its ability to meet its international obligations to protect 30% of Ireland’s seas by 2030.”

Specifically relating to offshore wind development, Justin Moran, Director of External Affairs at Wind Energy Ireland said in 2024:

“Our members are committed to the sustainable development of offshore wind energy in a way that protects, and even enhances, our marine biodiversity. The Marine Protected Areas Bill is

central to Ireland's sustainable energy future and we want a commitment from the Government that this will be a priority when the Dáil meets again in September [2024]”.

As stated above, publication of a finalised Bill is stated as a legislative priority for the current government. The current government also stated in its Programme for Government²¹ that it will “[r]eview and strengthen conservation measures for marine ecosystems and wildlife. We will also expand Marine Protected Areas (MPAs) and establish wildlife sanctuaries”, and that it will “[s]upport coastal communities towards benefitting from the development of offshore renewable energy projects”.

Given these commitments, it can be hoped that a finalised Marine Protected Areas Bill will be published within the lifetime of current government.

²¹ [Programme for Government 2025 Securing Ireland's Future](#)

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