



The Irish Wildlife Trust,  
Sigmund Business Centre,  
93A Lagan Road,  
Dublin Industrial Estate,  
Glasnevin, D11 EP9P

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## **Re: Public consultation on the draft National Marine Planning Framework**

### **General points**

The draft National Marine Planning Framework (NMPF) is Ireland's first marine spatial plan (MSP). The creation of a maritime spatial plan which contributes to the effective management of marine activities and the sustainable use of marine and coastal resources, by creating a framework for consistent, transparent, sustainable and evidence-based decision-making, is a requirement under the EU's maritime spatial planning Directive (DIRECTIVE 2014/89/EU). Preamble 15 of the MSP Directive states that '*MSP has to contribute to achieving the objectives of, inter alia, the Marine Strategy Framework Directive (MSFD), the Habitats and Birds Directives, the Water Framework Directive as well as the Common Fisheries Policy (CFP).*'

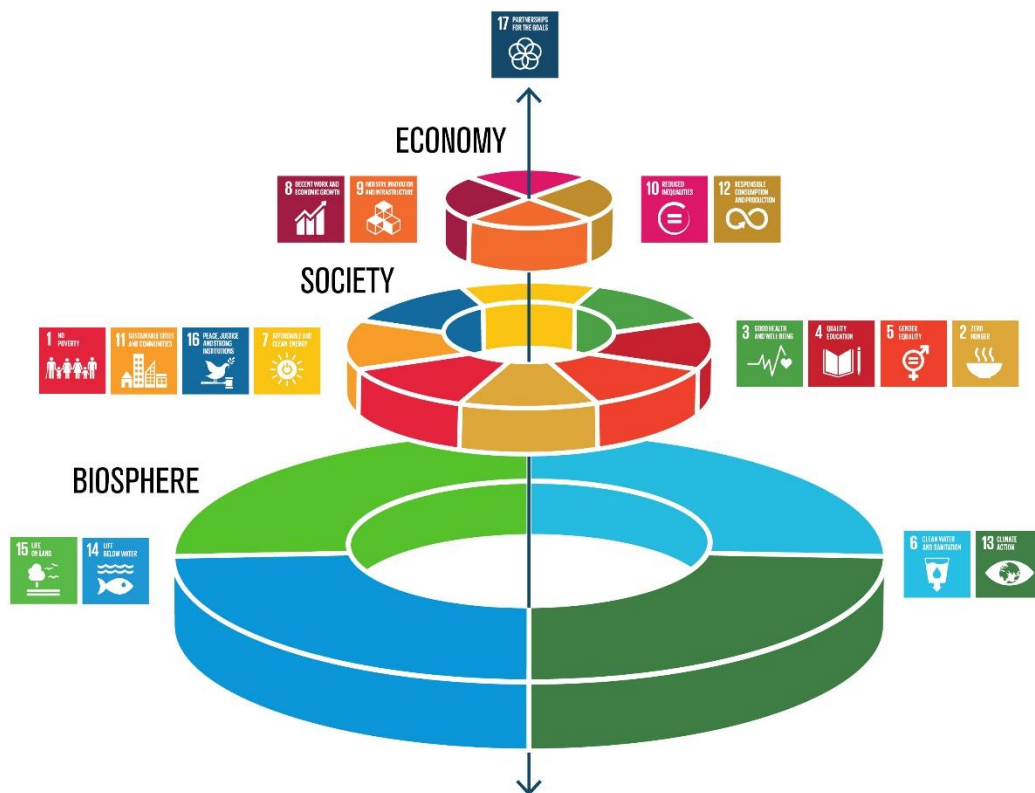
This means that the MSP must apply an ecosystem-based approach, the precautionary principle and all decisions must be in line with achieving Good Environmental Status (GES) under the MSFD and Favourable Conservation Status under the Habitats Directive as well as achieving the objectives of the CFP.

According to the previous MSP Baseline Report, the National Marine Planning Framework will be the spatial articulation of the overarching policy vision of the 'Harnessing Our Ocean Wealth' (HOOW) plan. In the HOOW plan, the overarching environmental, social and economic goals are all of equal importance. We do not agree with this vision. The obligations of the NMPF to contribute towards the objectives of EU environmental legislation should be cause enough to acknowledge the primacy of the first overarching objective on 'environment – ocean health'.

Furthermore, the MSFD is the environmental pillar of the MSP Directive and, as such, also of the NMPF. One of the main tools to achieve GES is to establish a network of MPAs under the MSFD. The primary legislation for the designation of these sites in Ireland is not yet written, while the target to double the value of Our Ocean Wealth to 2.4% of GDP by 2030 is constantly being pursued. If the NMPF was to truly apply the precautionary approach, pursue the achievement of GES by establishing a network of MPAs and achieve the objectives of the Habitats Directive and of the CFP, any pursuits of blue economic growth should be halted until a network of MPAs has been established and the afore mentioned objectives have been reached. As the NMPF rightly recognises, the health of Ireland's marine and coastal habitats are currently in decline. This is due to several factors including impacts of the fisheries and aquaculture sectors, agriculture and sewage pollution, spread of invasive

alien species and climate change. Until the underlying reasons for the decline in ocean health are addressed and marine ecosystems are recovered and/or restored to former conditions, any growth of the sectors causative to the decline will be in opposition to the objectives under ‘environment – ocean health’ set out in this plan.

Healthy marine ecosystems are of fundamental importance to all other maritime activities. The first overarching objective ‘environment – ocean health’ is the main tool to achieve good environmental status under the Marine Strategy Framework Directive, favourable conservation status under the Habitats Directive and the conservation of marine biological resources under the Common Fisheries Policy. It should therefore be prioritised over the social and economic objectives in order to truly contribute to achieving these objectives. **Therefore it is essential that the final NMPF explicitly sets out the primacy of the marine environment, like the SDG approach depicted in figure 1.**



Graphics by Jerker Lohrman/Azote

Figure 1: [Sustainable Development Goals](#) are all linked to healthy and stable environment allowing food production; Azote Images for Stockholm Resilience Centre, Stockholm University.

The spatial plan states that not all descriptors of GES are suitable to be addressed by a spatial plan and picks out descriptors 3, 4, 7 and 9. A coherent network of marine protected areas (MPAs) that is managed effectively under the NMPF can actively contribute towards most MSFD descriptors, including descriptors 3 (healthy commercial fish and shellfish stocks) and 4 (healthy marine foodwebs). MPAs contribute to overall environmental health and can have strong positive effects on fish stocks and foodwebs<sup>1</sup>. **We therefore recommend taking descriptors 3 and 4 out of this list and instead acknowledge the need to spatially manage**



**fisheries and other harmful human activities through a well-managed and coherent network of MPAs.**

### **General policies**

Besides the above mentioned issues with the weighting of the overarching policies, we agree with the first high level objective on 'environment – ocean health' and support its policies, especially those regarding MPAs. The spatial plan explains very well and in detail the environmental impacts of marine industries on the marine environment and the importance of healthy marine ecosystems for each sector, while making the point that marine life has intrinsic value beyond any value realised by humans. This section forms an important part of the spatial plan and offers a good source of information for marine users and decision-makers. Fostering a general understanding of ecological processes underlying ocean health will benefit all stakeholders and reduce the likelihood of misconceptions in the future.

### **Marine Protected Areas**

We appreciate the thorough consideration of MPAs in the NMPF and in particular the mention of the incomplete MPA network which, in order to be completed, requires that priority features that fall outside of the current network are considered in proposals and any adverse effects on these features are mitigated.

The first MPA planning policy is as follows:

*“Proposals that support the objectives of marine protected areas and the ecological coherence of the marine protected area network will be supported.*

*Proposals that may have adverse impacts on the objectives of marine protected areas must demonstrate that they will, in order of preference:*

- a) avoid,*
  - b) minimise, or*
  - c) mitigate*
- adverse impacts.”*

This policy wording does not reflect the large hurdles in place for a plan or project to proceed inside or near a N2000 site. It should have a clear reference to the Habitats Directive's requirement for an Appropriate Assessment (AA), even if this was mentioned in previous sections. An AA *“cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned”* (Sweetman v. An Bord Pleanála, Case C-258/11). **The requirement for an AA with reference to the site's conservation objectives should be mentioned here and repeated again in the sectoral policies.**

The second MPA planning policy is as follows:



*“Proposals that enhance a marine protected area’s ability to adapt to climate change, enhancing the resilience of the marine protected area network will be supported.*

*Proposals that may have adverse impacts on an individual marine protected area’s ability to adapt to the effects of climate change and so reduce the resilience of the marine protected area network, must demonstrate that they will, in order of preference:*

- a) avoid,*
  - b) minimise, or*
  - c) mitigate*
- adverse impacts.”*

We agree with this policy and would like to see an additional planning policy focused on climate change **mitigation** here. Habitat types that contribute to carbon sequestration and water filtration include plants such as maërl, seagrass, saltmarsh and kelp, as well as filter feeding bivalves like mussels and oysters. Fishing with bottom towed gear disturbs these habitats as well as seemingly ‘barren’ sedimentary habitats, emitting the carbon stored within them through remineralisation of resuspended sedimentary organic carbon<sup>2</sup>. In line with the plan’s mention of the importance of ecosystem services, we suggest the addition of the following policy:

Proposals that have adverse impacts on an individual marine protected area’s ability to **mitigate** the effects of climate change must demonstrate that they will, in order of preference: a) avoid, b) minimise, or c) mitigate adverse impacts.

The third MPA planning policy is as follows: *“where statutory advice states that a marine protected area site condition is deteriorating or that features are moving or changing due to climate change, a suitable boundary change to ensure continued protection of the site and coherence of the overall network should be considered”* applies to climate change stressors only. We would like to see specific policies for other stressors as well. **An additional planning policy could therefore be:**

If a marine protected area site is deteriorating (as many sites currently are), additional management measures should be established and enforced to eliminate the likely stressors causing the deterioration, as per Habitats Directive Article 6 (1).

The fourth MPA planning policy is as follows:

*“Until the ecological coherence of the marine protected area network is confirmed, proposals should demonstrate that they will, in order of preference:*

- a) avoid,*
- b) minimise, or*
- c) mitigate*



*adverse impacts on features that may be required to complete the network, or*

*d) if it is not possible to mitigate adverse impacts, proposals should state the case for proceeding.”*

This ensures that habitats and species outside of MPAs are protected to a certain extent by directing activities away from these areas so that they may be designated in the future. This approach will require robust mapping of seabed habitats at a fine scale which is currently not available for the entire Irish marine region. Some seagrass and maërl habitat locations are known, but these are all inside existing N2000 sites. **Future research is urgently needed to map fine scale habitats outside of the current MPA network in order to achieve this objective.**

It is important to note that any new MPAs must be identified on the basis of scientific criteria (described in the Habitats and Birds Directives or in OSPAR guidance to spatial plans). It is likely that sectoral plans will already be well advanced by the time the legislation for the designation of new MPAs is through, running the risk that MPAs will be designated on the ‘leftovers’ after all the space has been taken up by other sectors. It is not clear from the current plan what mechanisms are in place to avoid this from happening, especially since most sensitive habitats are not mapped yet. **Further clarification is needed on this point.**

In the section “key issues for marine planning”, one important key issue is missing: N2000 sites (which includes cSACs older than six years as well as statutory SACs and SPAs) need to have management measures in place that correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present in the sites (Habitats Directive Article 6 (1)). These management measures are currently missing for most sites in Ireland and once they are established they will have consequences for the activities taking place inside the N2000 sites, unless it can be shown that the activities are not adversely affecting the integrity of the site. **Consideration of conservation measures (these could be spatial closures for fisheries, aquaculture, mining, etc.) specifically designed to achieve the conservation objectives of the site should form a key part of any marine spatial plan.**

Furthermore, in the list of examples of what constitutes a plan or project, the spatial plan fails to list fisheries. All types of fisheries are considered plans or projects under the Habitats Directive and represent the sector with the highest impact on the marine environment compared to all other sectors and occupies the most space.

The spatial plan points out that *“some activities operate in the same space, such as recreational activities in a protected site”*. In fact, many activities take place inside Ireland’s protected sites, most of them non-recreational, including commercial fishing and aquaculture. The spatial plan needs to recognise the large spatial overlap between protected areas and harmful activities and include objectives and policies aimed at reducing the amount of commercial activity inside MPAs. **One sensible approach would be to introduce a policy on buffer zones around sensitive habitats and species or entire MPAs** where harmful activities be banned to ensure that sights can reach favourable conservation status under the Habitats Directive and/or good environmental status under the Marine Strategy



Framework Directive. Some reports by the Department of Culture, Heritage and the Gaeltacht already mention these buffer zones around seagrass and maerl habitat (e.g. [the 6<sup>th</sup> National Report on the Convention of Biological Diversity](#) and the [Interim Review of the Implementation of the National Biodiversity Action Plan 2017-2021](#)).

### **Sectoral policies**

In addition to the high-level objectives that apply to all forms of marine development, each sector has several objectives and policies of their own. Recurring themes in these objectives and policies are the generic mention of economic growth and sustainability. Beyond this, the policies only refer to the potential interaction of one sector with another.

Simply stating these interactions is not enough. The marine environment is a shared space. Which sector takes priority over the other when conflict arises? Who makes the decisions when multiple government departments are involved?

Furthermore, sectoral policies should identify ways in which the overarching environmental objectives and Good Environmental Status will be reached. Currently it is not clear how the policies and actions will ensure that the key overarching objectives are fulfilled, and that the long-term vision is achieved. **The plan would benefit from sector-specific environmental objectives and it should be made clear that the creation of a coherent network of MPAs along with appropriate conservation measures is a priority under the Habitats Directive and the MSFD and this may affect the sector's ability to operate in certain areas.**

The only way to ensure coherence amongst decision-makers who give out licenses to marine users is to have a detailed, unambiguous planning framework with clear sector-by-sector objectives and policies, on how to proceed with an application for a plan or project in the marine environment. The more detailed the sectoral policies are, the better. Please see annex 1 for an example of the sectoral objectives and policies for fisheries in Scotland's National Marine Plan. There are nine objectives vs. the three in the Irish spatial plan, including environmental objectives such as objective 6 "fisheries managed in line with international and national environmental priorities". It is not enough to assume that the overarching objectives apply to each sector and are therefore only mentioned at the start of the spatial plan. **If the spatial plan is to be a decision-making tool for regulatory authorities, each sector needs to be specifically reminded of their duties to nature conservation and climate change mitigation in their particular sections as well as taking into consideration the overarching objectives on environmental health.**

### **Public engagement**

Public engagement throughout the MSP process leaves some room for improvement. Public meetings were held throughout the country, but they were segmented into themes. The whole idea of spatial planning is that it applies to all marine users and should aim to bring stakeholders together. The separation into themes with only one 'marine environment' session hosted in Dublin begs the question what was discussed at the other meetings if not



the marine environment? This is an overarching objective and therefore should have been the main theme of all the meetings. The meetings were also too short and very one-sided with much of the time spent on presentations. Participants did not feel as though they were feeding into the NMPF, but rather they were told about its existence.

Since this is a very important undertaking with much stakeholder participation required, we urge the Department to document and publish how our written submission and verbal comments have been integrated in the NMPF and how the spatial plan has been adapted accordingly.



## References:

- <sup>1</sup> Di Lorenzo, M., Claudet, J., & Guidetti, P. (2016). Spillover from marine protected areas to adjacent fisheries has an ecological and a fishery component. *Journal for Nature Conservation*, 32, 62–66. <https://doi.org/10.1016/j.jnc.2016.04.004>
- <sup>2</sup> Luisetti, T., Turner, R. K., Andrews, J. E., Jickells, T. D., Kröger, S., Diesing, M., Weston, K. (2019). Quantifying and valuing carbon flows and stores in coastal and shelf ecosystems in the UK. *Ecosystem Services*, 35, 67–76. <https://doi.org/10.1016/j.ecoser.2018.10.013>

## **Annex 1 – Scotland’s National Marine Plan excerpt p. 37 - 39, sectoral objectives and policies for fisheries**

### Objectives

1. Fish stocks are harvested sustainably (both environmentally and economically) leading to exploitation of Scotland’s commercial fish stocks at Maximum Sustainable Yield and with increased long-term stability.
2. A fishing fleet which is seen as an exemplar in global sustainable fishing practices, is confident in securing a long-term income from the available sustainable fishing opportunities across all sectors, and accounts for changes in species distribution and abundance due to climate change.
3. The sea fisheries industry can:
  - Optimise annual quota opportunities across Scotland’s fish stocks
  - Optimise the sustainable harvesting of wild fish
  - Optimise the value of its product, both on first landing and through the supply chain
  - Optimise the use of fuel by using fuel-efficient gear and vessels
  - Continue to contribute to food security and provision of a healthy food Source
4. Communities where fishing is a viable career option and value is added throughout the supply chain maximising the contribution fisheries makes to Scotland.
5. Management of fisheries on a regional sea-basin ecosystem basis with appropriate stakeholders empowered in the decision making process and, where appropriate, ecosystem-based management of inshore fisheries at local level, on the basis of participative management with interested stakeholders and involving both Marine Planning Partnerships and Inshore Fisheries Groups.
6. Fisheries managed in line with international and national environmental priorities.





7. An evidence-based approach to fisheries management which is underpinned by a responsible use of sound science and is supported by the whole sector.
8. Tackle discarding through the avoidance of unwanted catches and the implementation of the EU's obligation to land all catches of quota stocks in a way which is workable and sensitive to the impacts on fishing practices both offshore and onshore.
9. Management of removals rather than landings, where necessary, through fully spatial planned fisheries.

### **Marine planning policies**

FISHERIES 1: Taking account of the EU's Common Fisheries Policy, Habitats Directive, Birds Directive and Marine Strategy Framework Directive, marine planners and decision makers should aim to ensure:

- Existing fishing opportunities and activities are safeguarded wherever possible.
- An ecosystem-based approach to the management of fishing which ensures sustainable and resilient fish stocks and avoids damage to fragile habitats.
- Protection for vulnerable stocks (in particular for juvenile and spawning stocks through continuation of sea area closures where appropriate).
- Improved protection of the seabed and historical and archaeological remains requiring protection through effective identification of high-risk areas and management measures to mitigate the impacts of fishing, where appropriate.
- That other sectors take into account the need to protect fish stocks and sustain healthy fisheries for both economic and conservation reasons.
- Delivery of Scotland's international commitments in fisheries, including the ban on discards.
- Mechanisms for managing conflicts between fishermen and/or between the fishing sector and other users of the marine environment.

FISHERIES 2: The following key factors should be taken into account when deciding on uses of the marine environment and the potential impact on fishing:

- The cultural and economic importance of fishing, in particular to vulnerable coastal communities.
- The potential impact (positive and negative) of marine developments on the sustainability of fish and shellfish stocks and resultant fishing opportunities in any given area.
- The environmental impact on fishing grounds (such as nursery, spawning areas), commercially fished species, habitats and species more generally.



- The potential effect of displacement on: fish stocks; the wider environment; use of fuel; socio-economic costs to fishers and their communities and other marine users.

FISHERIES 3: Where existing fishing opportunities or activity cannot be safeguarded, a Fisheries Management and Mitigation Strategy should be prepared by the proposer of development or use, involving full engagement with local fishing interests (and other interests as appropriate) in the development of the Strategy. All efforts should be made to agree the Strategy with those interests. Those interests should also undertake to engage with the proposer and provide transparent and accurate information and data to help complete the Strategy. The Strategy should be drawn up as part of the discharge of conditions of permissions granted.

The content of the Strategy should be relevant to the particular circumstances and could include:

- An assessment of the potential impact of the development or use on the affected fishery or fisheries, both in socio-economic terms and in terms of environmental sustainability.
- A recognition that the disruption to existing fishing opportunities/activity should be minimised as far as possible.
- Reasonable measures to mitigate any constraints which the proposed development or use may place on existing or proposed fishing activity.
- Reasonable measures to mitigate any potential impacts on sustainability of fish stocks (e.g. impacts on spawning grounds or areas of fish or shellfish abundance) and any socioeconomic impacts.

Where it does not prove possible to agree the Strategy with all interests, the reasons for any divergence of views between the parties should be fully explained in the Strategy and dissenting views should be given a platform within the Strategy to make their case.

FISHERIES 4: Ports and harbours should seek to engage with fishing and other relevant stakeholders at an early stage to discuss any changes in infrastructure that may affect them. Any port or harbour developments should take account of the needs of the dependent fishing fleets with a view to avoiding commercial harm where possible. Where a port or harbour has reached a minimum level of infrastructure required to support a viable fishing fleet, there should be a presumption in favour of maintaining this infrastructure, provided there is an ongoing requirement for it to remain in place and that it continues to be fit for purpose.

FISHERIES 5: Inshore Fisheries Groups (IFGs) should work with all local stakeholders with an interest to agree joint fisheries management measures. These measures should inform and reflect the objectives of regional marine plans. <applies to inshore waters>



Regional Policy: Regional marine plans should consider:

- Whether they require to undertake further work on any data gaps in relation to fishing activity within their region.
- The potential socio-economic impacts for the local fishing industry (and parts of the industry using their area) of any proposed activity or conservation measure.
- How to include local Inshore Fisheries Groups as a key part of their planning process.
- The potential consequences and impacts for other marine regions; and for offshore regions of their approach to planning for fisheries.
- Taking account of ongoing local initiatives, such as Clyde 2020, which may be relevant to their work. <applies to inshore waters>