



An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

Legislative impacts of the Biodiversity Strategy

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- Disclaimer – informal exchange
- Policy context
- Action plan for the protecting and restoring marine ecosystems for sustainable and resilient fisheries
- Marine Strategy Framework Directive: Seafloor Integrity Threshold Values
- EU Draft Nature Restoration Regulation
- Forthcoming Irish Marine Protected Area Bill



Context

- Global crises

Biodiversity/climate/pollution: IPBES, IPCC, UNEA 5 14

- Global Agreements

UN Convention on Biological Diversity COP 15 Post-2020 Global Biodiversity Framework

Paris Climate Agreement

Biodiversity Beyond National Jurisdictions Agreement

- EU leadership

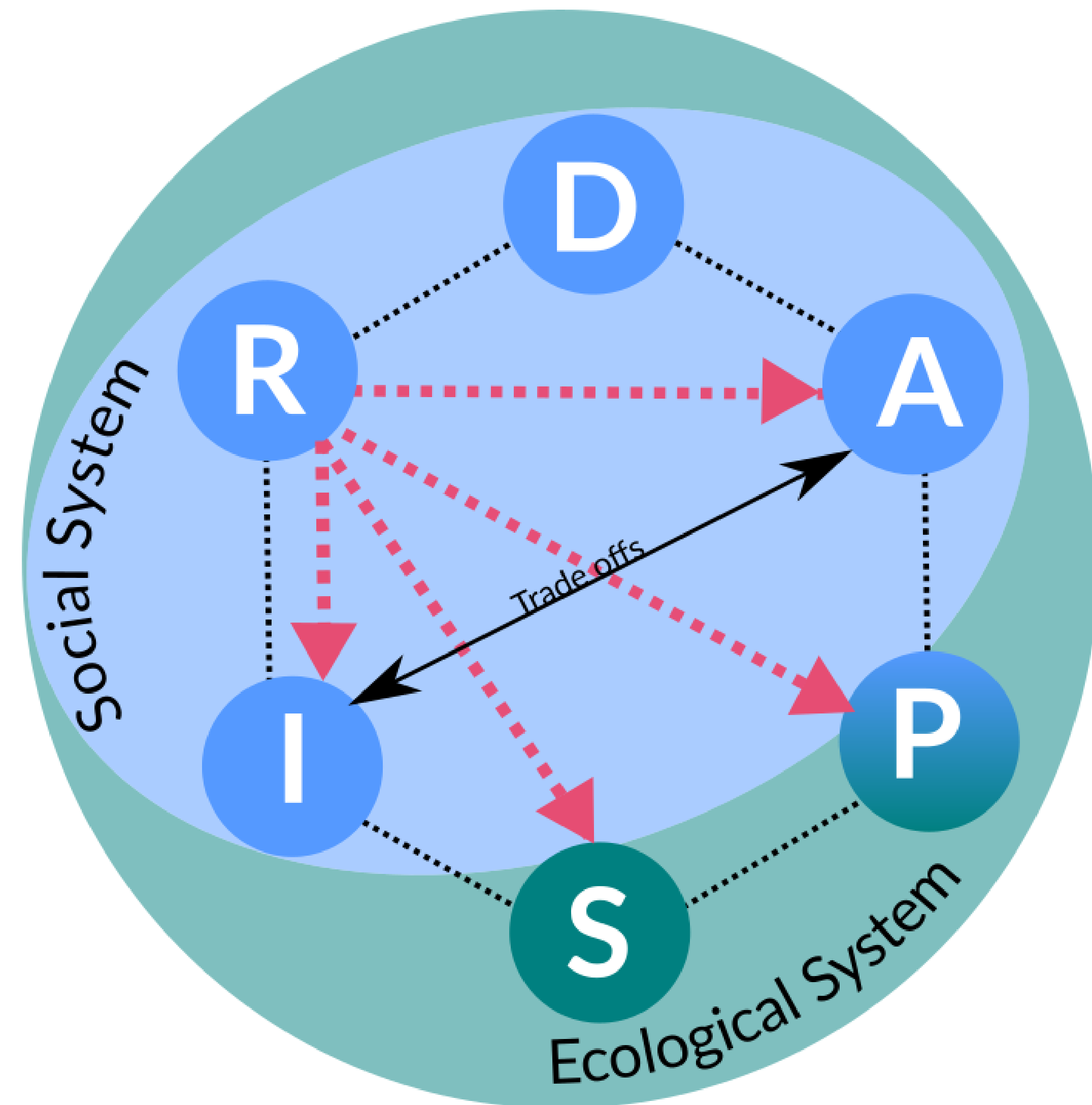
EU Green Deal; Biodiversity Strategy; Farm to Fork Strategy; Zero Pollution Strategy; Plastics Strategy

- National political programmes and legislative agendas

Programme for Government actions; ongoing programme development and delivery

An ecosystem based approach is one which integrates the connections between land, air, water, all living things including humans and their institutions.

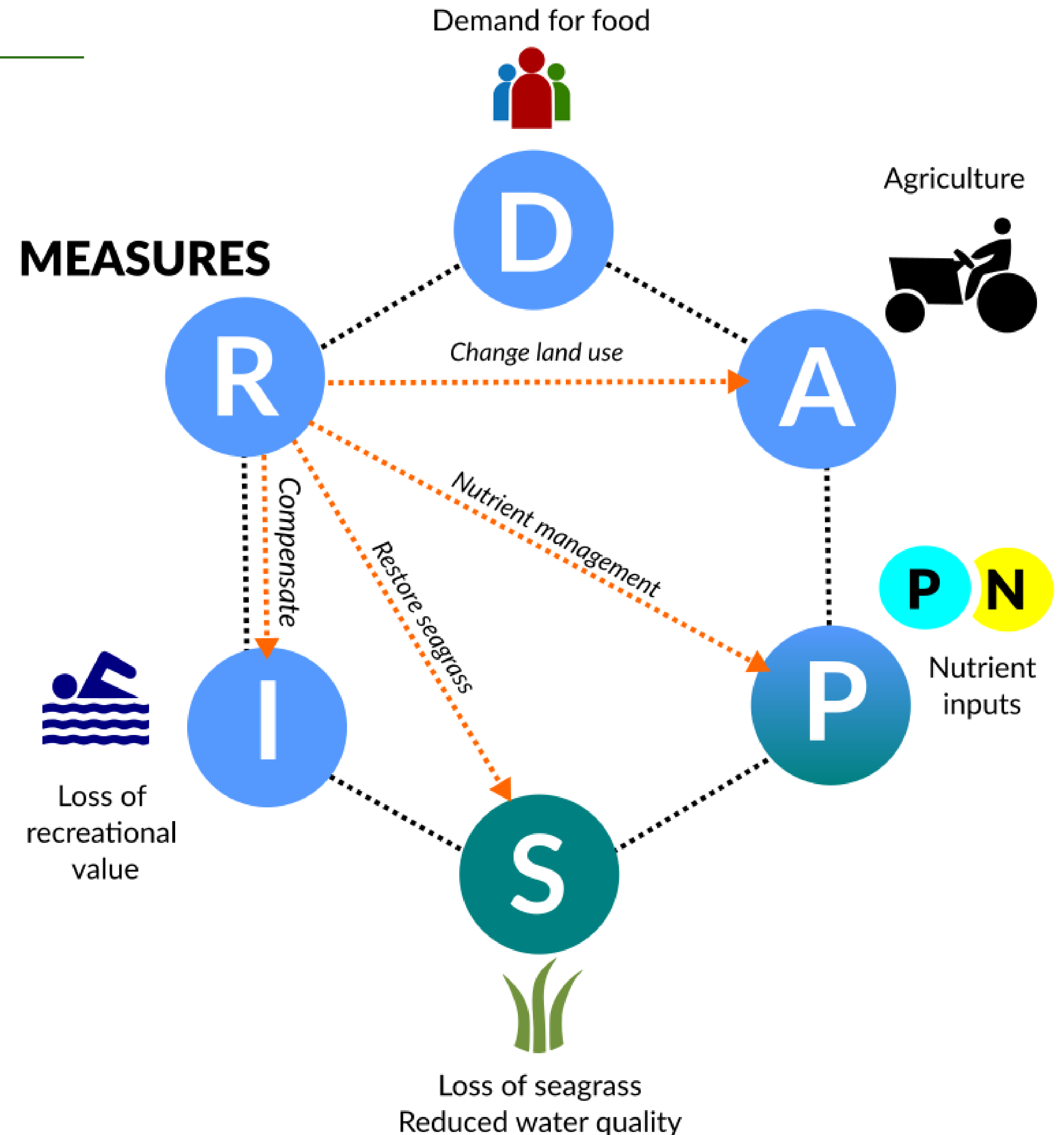
- Drivers
- Activities
- Pressures
- State
- Impact
- Response



Ecosystem Based Approach

Measures can be directed at any other element of the system.

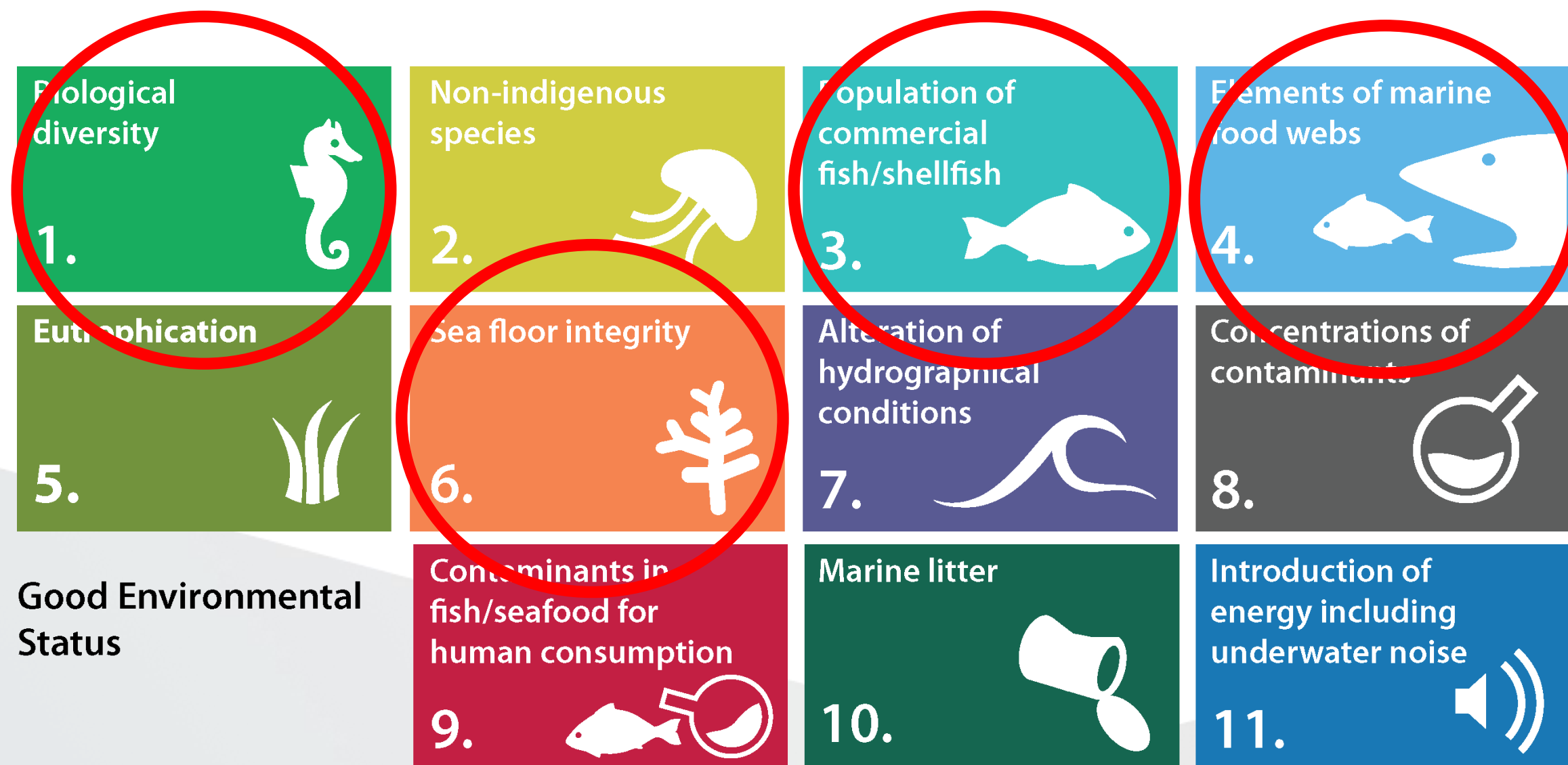
- **Drivers** can change
- **Activities** can be limited or banned
- Practices can be changed to reduce **pressures** (eg. Mesh size)
- Restoration acts directly on ecosystem **state**
- Economic **impacts** can be compensated



Action plan: protecting and restoring marine ecosystems for sustainable and resilient fisheries



Aim: making fishing practices more sustainable



Good Environmental Status

A policy communication – not (yet) a new instrument

Based on current instruments and obligations – the Common Fisheries Policy (2014) and Technical Measures Regulations (2019) and the Marine Strategy Framework Directive (2008).

Targeted actions 2023 – 2030

- Technical measures on gear selectivity 2024-2030
- Address bycatch through MSFD threshold values 2023
- Protect the seabed through MSFD threshold values 2023
- No bottom contact fishing in any MPA by 2030
- Fair and just transition but no new dedicated funding
- EU delivery group to be convened in Quarter 3 2023

MSFD Threshold Values Seafloor Integrity

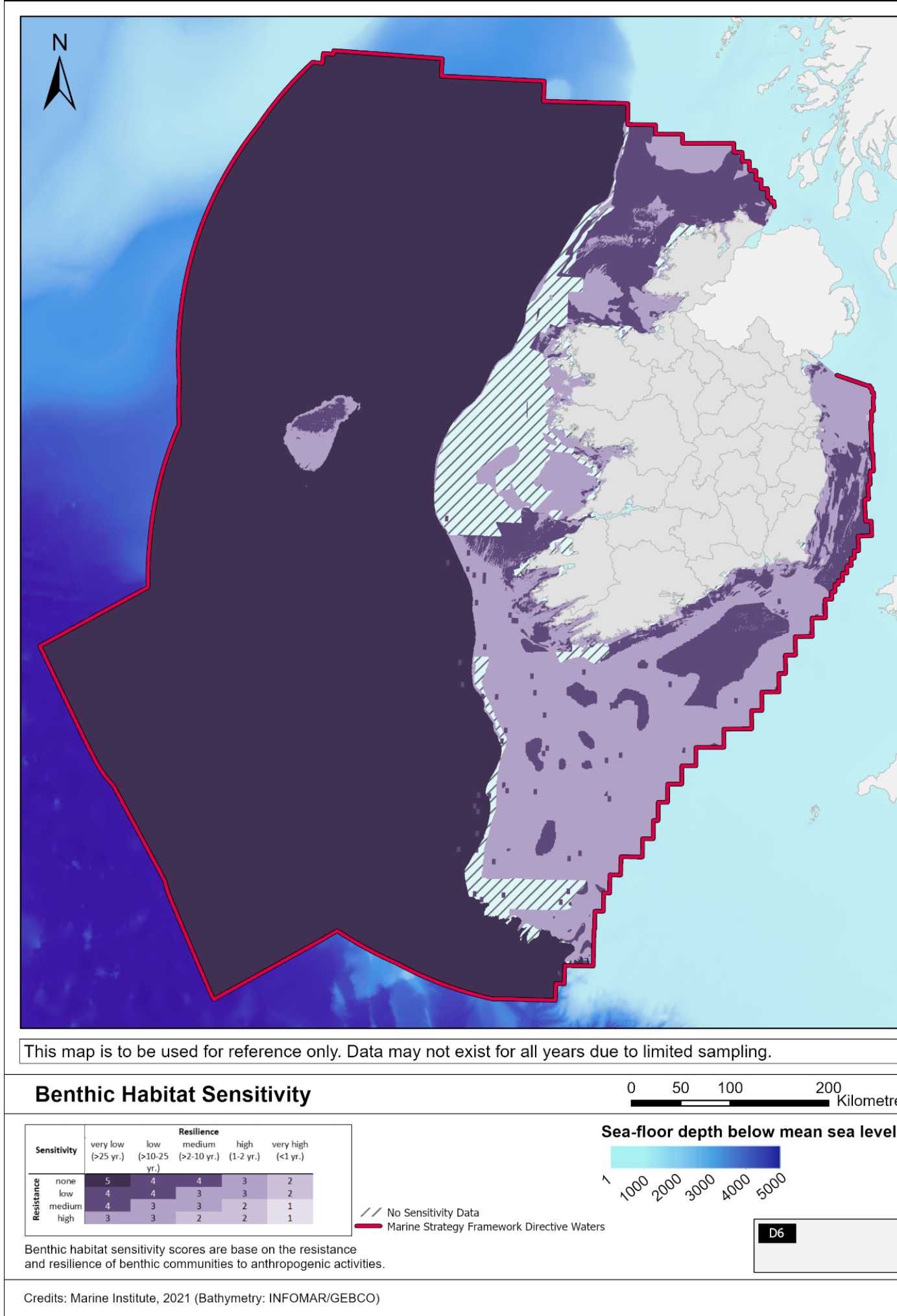
What is Seafloor Integrity?

The integrity of the sea-floor reflects the characteristics and condition (physical, chemical and biological) of the sea bottom. These characteristics determine the type of marine ecosystems that exist at certain locations, especially for species and communities living on the sea floor (benthic ecosystems).

Good Environmental Status assessment

- D6C1 Physical loss of the seabed
- D6C2 Physical disturbance to the seabed
- **D6C3** Spatial extent of adverse effects (T.B.D.) due to physical disturbance on benthic habitats → Extent of adverse effects
- **D6C4** Extent of habitat loss from anthropogenic pressures relative to natural extent
- **D6C5** Benthic habitat condition (extent of adverse effects from anthropogenic pressures)

Spatial
extent and
distribution



Extent to which GES
has been achieved

D6. Seafloor Integrity: Pressure and Loss



Commission Decision (2017) states that loss can be caused by:

- Physical restructuring;
- Extraction of non-living resources;
- Extraction of living resources;
- Production of energy;
- Cultivation of living resources;
- Transport;
- Tourism and leisure;
- Military operations (subject to Article 2(2));
- Urban and industrial uses

Anthropogenic pressures:

- Coastal infrastructure
- Fishing
- Dredging
- Pollution
- Eutrophication
- Offshore infrastructure
- **The extent and duration of these pressures is also important**

that results in a **permanent change*** of one of the following types:

- Sealing of natural substrate by an artificial structure or other allochthonous material.
- Loss of biogenic substrate.
- Seabed change (**unsealed loss**) (e.g. from sand to mud), or morphology or sediment changes

* Permanent change = no recovery after 2 cycles (12 years)

What does this mean for Ireland?

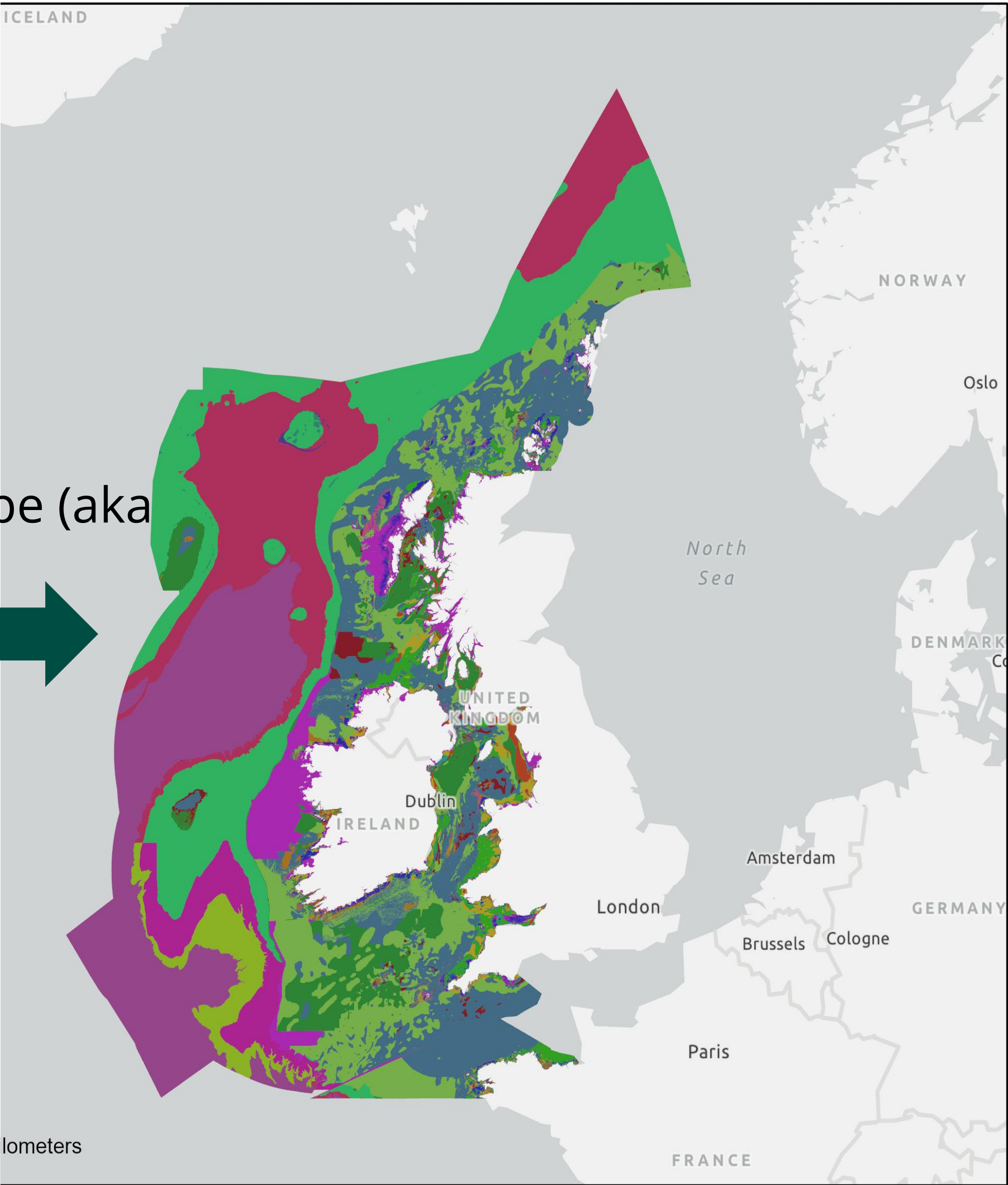
Data Used

EMODnet Seabed Habitats

EMODnet broad-scale seabed habitat map for Europe (aka EUSeaMap 2021)

OSPAR Common Indicator

Extent of Physical Damage to predominant and special habitats (BH3) from fishing pressure



MSFD Broad Habitat Types in Celtic Sea MRU

EUSeaMap 2021
MSFD_BBHT

Abyssal

Circalittoral coarse sediment

Circalittoral mixed sediment

Circalittoral mud

Circalittoral rock and biogenic reef

Circalittoral sand

Infralittoral coarse sediment

Infralittoral mixed sediment

Infralittoral mud

Infralittoral rock and biogenic reef

Infralittoral sand

Lower bathyal rock and biogenic reef

Lower bathyal sediment

Lower bathyal sediment or Lower bathyal rock and biogenic reef

Na

Offshore circalittoral coarse sediment

Offshore circalittoral mixed sediment

Offshore circalittoral mud

Offshore circalittoral rock and biogenic reef

Offshore circalittoral sand

Upper bathyal rock and biogenic reef

Esri, Garmin, FAO, NOAA

What does this mean for Ireland?

Data Used

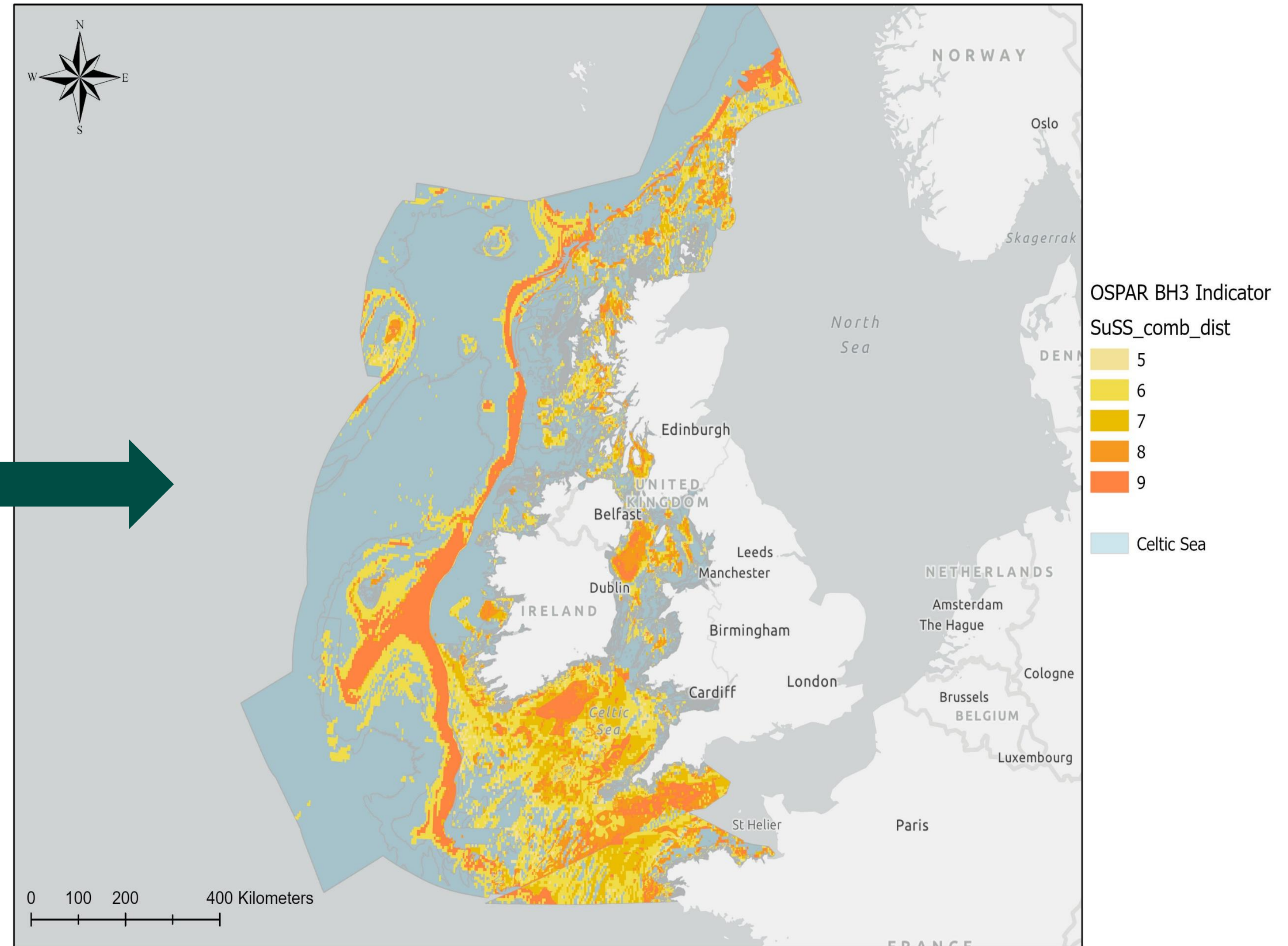
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Further work required by TG Seabed on unsealed loss (D6C4), quality indicators and ecological functioning and recovery of different habitat types



Highly Disturbed area in the Celtic Sea MRU due to fishing activities

EU Nature Restoration Law

Everything Everywhere All At Once

- **Binding regulation**
 - **pollinating insects** –
 - **forest ecosystems** –
 - **urban ecosystems** – no net loss of green urban space by 2030, and an increase in the total area covered by green urban space by 2040 and 2050
 - **agricultural ecosystems** – increasing grassland butterflies and farmland birds, the stock of organic carbon in cropland mineral soils, and the share of agricultural land with high-diversity landscape features; restoring drained peatlands under agricultural use
 - **marine ecosystems** – restoring marine habitats such as seagrass beds or sediment bottoms that deliver significant benefits, including for climate change mitigation, and restoring the habitats of iconic marine species such as dolphins and porpoises, sharks and seabirds
 - **river connectivity** –
- National restoration plans required within 2 years including full and meaningful participation
 - National restoration plans to cover 30% of habitat types not in good condition by 2030; 60% by 2040 and 90% by 2050
 - Presidency aiming for General Approach at June 2023 Env Council



EU Nature Restoration Law



Text is still being negotiated so the landing zone is not yet clear

- Concern that it does not represent an ecosystem based management approach
- Community policy misalignments still persist
- Finance misalignment persists
- Timelines - 2 years to make restoration plans in place make meaningful participation a challenge
- One-size fits all (cookie-cutter) approach for all ecosystems and Member States doesn't work
- Baseline data and extensive habitat condition in the marine uncertain
- MS Competence and ability to refer measures
- Transboundary cooperation required

What is a Marine Protected Area (MPA)?



- “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.” *MPA advisory group report, Oct 2020*



- National:** *Programme for Government – Our shared future (June 2020)*
- European Union & International:** *Marine Strategy Framework Directive (Art.13.4 & Programme of Measures), EU Green Deal, EU Biodiversity Strategy 2030 (30% of marine waters, incl. 10% strict protection); OSPAR Strategy 2030*
- Global:** *UN Sustainable Development Goal 14 - Life Below Water, UN Convention on Biological Diversity: 10% (Aichi target) & COP15 (Dec 2022)*
- Target:** *10% by 2020, 30% by 2030; Ireland currently at ~8% protected sites*

Progress to date



- Group established by Minister, October 2019
- Stakeholder engagement by expert advisory group August – September 2020
- Report delivered in October 2020 - *250 Pages*
- Translated and published bilingually in January 2021
- Public consultation 17 February – 30 July 2021
- Publication of public consultation results (independent analysis) - March 2022
- July 2022: Government Decision for development of General Scheme of a Bill to provide for Marine Protected Areas
- December 2022: General Scheme adopted priority drafting of Bill to commence
- January 2023: Drafting Commences
- January – February 2023: Pre-legislative scrutiny completed

EXPANDING IRELAND'S MARINE PROTECTED AREA NETWORK


A report by the Marine Protected Area Advisory Group
for the Department of Housing, Local Government and Heritage
October 2020

PUBLIC CONSULTATION

DHLGH Marine Protected Area Advisory Group Report

*"Expanding Ireland's Marine
Protected Area Network"*
– October 2020

Overview of Public Consultation Feedback 17 February - 30 July 2021

 **2,311** submissions received
> 1,431 written submissions
> 880 submissions to focused survey

Strong Support & Positive Feedback
> 99% of submissions supported MPAs
> Strong support for the 30% MPA coverage by 2030 target

Survey Respondents Agree

89% with the proposed MPA definition

87% with the guidelines for successful stakeholder participation

On expansion of MPA Network

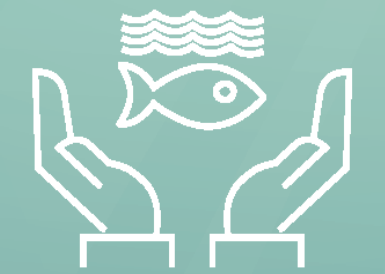
93% support including existing conservation sites

84% support including Other Effective Area Based Conservation Measures

91% support the key principles for ongoing MPA process

Ambition for MPAs

- > Conserve and protect marine habitats and ecosystems
- > Large enough to provide adequate protection
- > Connected
- > Achieve Good Environmental Status
- > Enhance water quality
- > Protect cultural, social and economic value of marine environment



Meaningful public and stakeholder engagement and involvement are key to MPA delivery

- > Coastal / Island Communities
- > Environmental Sector
- > Fisheries and Aquaculture
- > Offshore Renewable Energy
- > Tourism
- > Ports and Harbours
- > Science and Research
- > Other Government Departments

Areas for Improvement

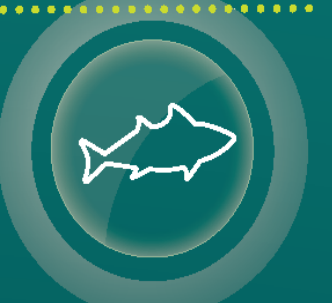
- > Current 2% MPAs coverage in Irish waters is not on target
- > Information and data gaps
- > Education and awareness raising

Benefits and Potential of MPAs

- 
- > Biodiversity
 - > Resilience and adaptation to climate change
 - > Benefits to economy and society
 - > Recreation and health
 - > Position Ireland as world leader in MPAs

Calls for

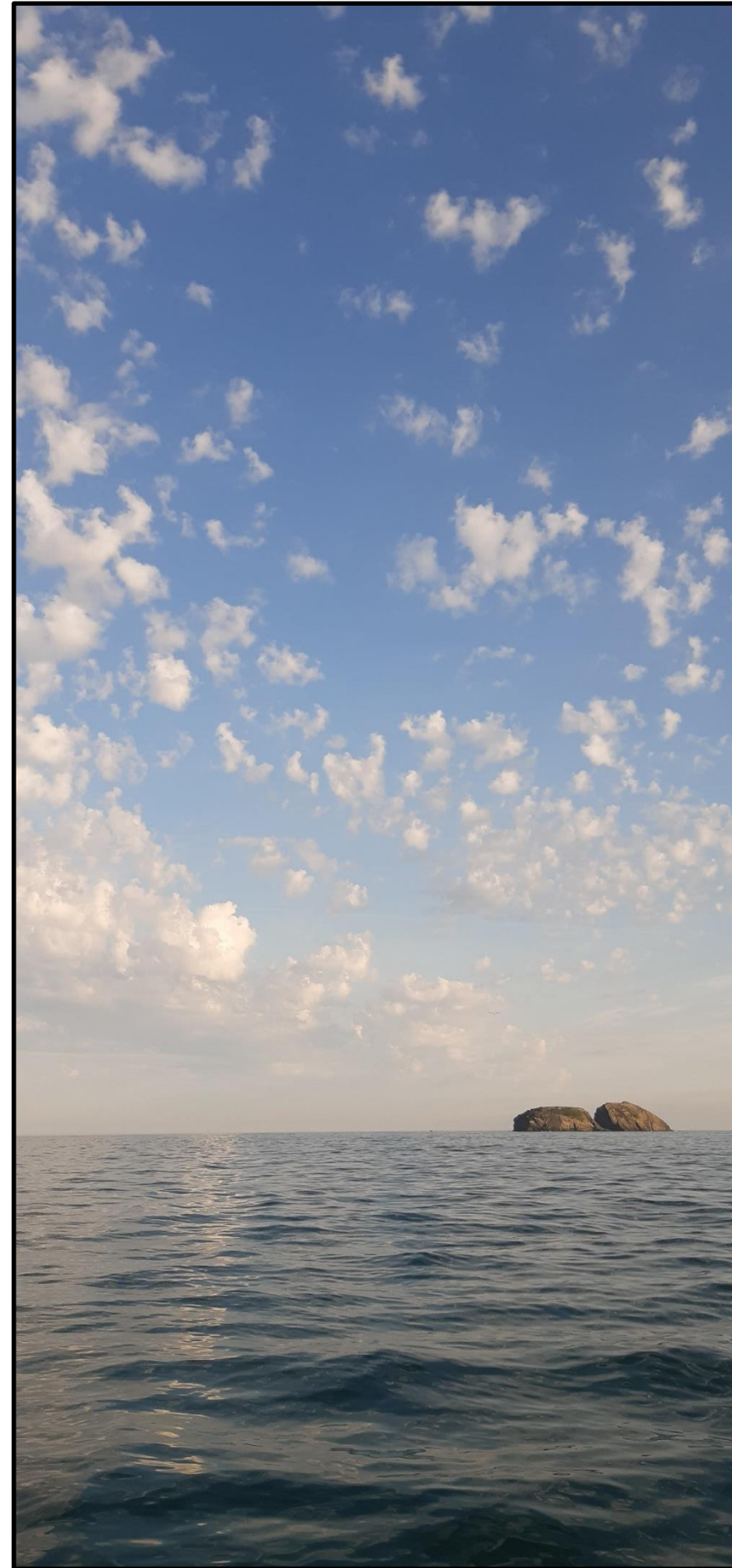
- > Urgent Action
- > Evidence-based Approach
- > Ecosystem-based Approach
- > More Research
- > More Resources – staff and expertise
- > Legislation and Policies working together



Key features



Sovereign Islands SPA



- Statutory policy context (ocean environment policy statement)
- Ecosystem based approach
- Independent Advisory Body (scientific, technical and socio-economic)
- Not replicating EU Birds and Habitats Directives
- Will address climate and natural blue carbon
- Participation by all relevant stakeholders at all stages:
 - *policy statement*
 - *nomination of species, habitats, features, ecosystems, their services and cultural features*
 - *development of designation proposal and site management plan*
- Consultation
- Powers of enforcement



- A decade of change
- Timelines and sectoral capacity for change
- Socio-cultural issues
- Policy misalignment
- Participation
- Equitability and distribution
- Who pays for biodiversity?

