



Irish Wildlife Trust

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Registered Charity (CRA) Number: 20010966

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## **Re: Public consultation submission for the FNP for mussel seed fishery in the Irish Sea**

### **Fisheries Natura Plan**

The FNP was drafted using mostly historical data which renders it unsuitable as there may have been significant ecological changes in species distribution, species interactions and community diversity. Changes in habitats and changes in the ecological status of protected areas may also have occurred and screening reports are needed to confirm this.

Aquaculture is a significant pressure on maerl beds in Roaringwater Bay, invasive alien species impact on *Zostera nolteii* beds in Castlemaine with potential for more invasive species being introduced through relaying of mussel seed, while Dundalk has experienced changes to the bay's sediment composition (NPWS, 2019), which could be a direct result of dredging activity in the bay (Hauton, Hall-Spencer and Moore, 2003), only a handful of Irish SACs have Fisheries Natura Plans in place – and even those SACs are mostly in a poor state. Areas 'under management' according to the website [www.fishing.net](http://www.fishing.net) are Castlemaine Harbour, Dundalk Bay, Roaringwater Bay, Rosslare and Cahore, Blacksod Bay and Hook Head and the Saltee Islands. Of these, Castlemaine Harbour, Dundalk Bay, Roaringwater Bay and Blacksod Bay currently contain Habitats Directive Annex I habitats that are in unfavourable or bad status caused by the activities 'under management'.

While most mussel seed dredging does not occur within current protected areas (aside from a few examples) it does not take into account the upcoming Marine Protected Area legislation for Ireland. Ireland currently has just over 9% of its waters designated as protected areas with promises to increase this to 30% by 2030. Protected area designation will ramp up in the following years and sufficient management measures must be in place in these areas for them to be effective in their conservation objectives. Any future Fisheries Natura Plans should include this and be flexible to change in regards to future protected area designation and management.

Current SACs and SPAs are designated due to certain species and features and do not take the entire ecosystem into account and as we move forward with new MPA legislation, an ecosystem based approach to managing protected areas should be undertaken. Bottom

towed gear such as trawling and dredging should not occur within protected areas and historically, hand raking of seed is conducted along the Louth and North Dublin Coast and this would be preferable to bottom towed gears. Our ask is that Ireland must take all necessary measures to ensure a full transition to low impact fisheries, including the phasing out the use of non-selective and destructive fishing gears and techniques by 2030.

A new SPA was recently designated in the North West Irish Sea, and while we acknowledge that the FNP and AA was developed before this designation, it now needs to be updated to take into account the new protected area. The updated FNP and AA needs to acknowledge the conservation objectives of this site and the management measures needed to be undertaken to ensure this site and the species within it reach and maintain good environmental status.

### **AA notes**

The AA states that in the case of Blackwater Bank and Long Bank, the fishery has not occurred and is highly unlikely to occur in protected sandbank habitat although it occurs within the borders of the sites. If mussel seed is found within sandbanks this area should not be dredged. While it states the communities in this habitat are said not to be sensitive to dredging, there is no citation of scientific literature in the AA to prove this statement. Sandbank habitats are vitally important for the protection of marine biodiversity as well as for providing protection of the coast along the east of our island where erosion is already a serious issue. We haven't begun to appreciate the value of these systems in the face of rising sea levels and more extreme, and frequent, weather events.

It also states within the AA that a screening assessment of the Fisheries Natura Plan was completed in June 2023 although Sandbanks slightly covered with water all the time within Blackwater Bank and Long Bank SAC were not included. It also states that screening assessments did not occur for harbour and grey seal inside and outside Lambay Island SAC, harbour porpoise within and outside Rockabill to Dalkey SAC, common scoter inside and outside Dundalk Bay and The Raven SPA with respect to prey removal pressure and all qualifying interest (QI) species within The Raven, Dalkey Islands, Howth Head Coast, Irelands Eye, Lambay Island, Skerries Islands and Wicklow Head with respect to disturbance pressure. In combination pressures which could not be screened out include the potential effects of prey removal by the seed mussel fishery and indirectly by the razor clam fleet and the future disturbance effect from offshore renewable energy. These are the majority of the qualifying interests which have not undertaken screening. The AA cannot have a full and comprehensive view on the sites and protected species without up-to date screening and it relies on the FNP which mostly uses literature from over a decade ago (we acknowledge that some species data is more recent and therefore more suitable for use although it doesn't take into account all the pressures which will be faced by the species and so updated data is still needed). While historical evidence is necessary, there have been significant ecological changes in the species and habitats found in the area and so up to date screening is vital to establish an accurate AA. This must be undertaken as soon as possible to ensure no deterioration to protected sites or species.

The AA does not provide complete, precise and definitive findings and conclusions capable of dispelling all reasonable scientific doubt that the mussel seed fishery does not adversely impact the conservation objectives of the site. Without this certainty, the fishery should not be operating within the Dundalk Bay SAC or SPA. This is especially pertinent given the decline in conservation status of the estuary is not even mentioned in the AA, so clearly the impacts on the estuary have not been properly assessed.

The AA is also based on a 15% disturbance threshold which is derived from NPWS guidance. The policy from the NPWS was loosely based on an EU guidelines document (which is not legally binding) on applying thresholds to describe the conservation status of habitats. The 15% threshold used by the NPWS is not mentioned in the EU guidelines and it is our view that the NPWS has misinterpreted the guidance. The application of the 15% policy has previously led to licencing of aquaculture and fisheries in SACs and has directly led to habitat deterioration (e.g. Roaringwater Bay). Licencing activities based on the 15% threshold is in breach of Ireland's legal obligations under the Habitats Directive to:

- “take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated” (Habitats Directive Article 6 (2))
- Carry out “Appropriate Assessments” on plans or projects “likely to have a significant effect” on a protected site and to only authorise such a plan or project where it has been ascertained that it will not adversely affect the integrity of the site concerned (Habitats Directive Article 6(3)).
- To generally take measures under the Habitats Directive that are “designed to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest” (Article 2 (2)).

By allowing significant and ongoing disturbance on up to 15% of a protected habitat, the state is admitting deterioration in direct breach of Habitats Directive requirements. Since the recent court case with the European Commission and Ireland being found to have breached its obligations under the Habitats Directive, this Nature plan should be focussing on ensuring this does not reoccur.

## **Mitigation measures**

We welcome the recommendation that appropriate mitigation in the form of a spatial closure, to all mobile fishing gears that come in contact with the seabed, is implemented in an area identified north of the Raven SPA and we welcome the mention that surveys for seed mussel should be undertaken in the Raven SPA including in areas where the razor clam fishery operates to further inform possible in combination effects.

We would also like to recommend further screening assessments for the protected habitats in the area. There is a lack of up to date data used for certain habitats and the ecological status of these habitats has considerably changed. There is also a lack of data looking at all the possible pressures on species in the area which also fails to take into account cumulative effects. Efforts to close these gaps in data should be undertaken asap and up to date data should be used to inform future FNPs and AAs.

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