



Consultation Document

Consultation on the draft Fisheries Natura Plan (FNP) for Mussel Seed (*Mytilus edulis*) in the Irish Sea 2023-2027 and associated assessment documents

Purpose of the Consultation

The purpose of this consultation is to seek your views on a draft Fisheries Natura Plan for mussel seed (*Mytilus edulis*) in the Irish Sea 2023-2027 and associated documents, particularly a draft Appropriate Assessment report prepared by the Marine Institute.

Background Information

Mussel Seed Fishing

- Mussel seed spat falls occur in the wild and their location can be unpredictable. Despite this, some significant regular fisheries occur, particularly in the Irish Sea.
- Mussel seed is an essential raw material for the mussel aquaculture industry. Bottom grown mussel farmers fish for wild mussel seed for transplantation onto their licensed aquaculture sites for on-growing and subsequent harvesting over a two-year growth cycle. The fished seed is grown to maturity on the sea floor, as distinct from rope grown mussels.

Assessment of proposed Sea-Fisheries

- [Council Directive 92/43/EEC of May 1992](#) on the conservation of natural habitats and of wild fauna and flora, directed that "the preservation, protection and improvement of the quality of the environment, including the conservation of natural habitats and of wild fauna and flora, are an essential objective of general interest pursued by the Community".
- This Habitats Directive led to the establishment of Natura 2000 sites which are selected by Member States and the European Commission based on strict scientific criteria. They fall under two headings:
 - Special Protection Areas (SPAs) for birds, as specified by the Birds Directive, and
 - Special Areas of Conservation (SACs) for species other than birds as well as habitat types, as specified by the Habitats Directive.
- The Minister for Agriculture, Food and the Marine is responsible for ensuring sea-fishing activities are conducted in a manner that avoids the deterioration of designated features of Natura 2000 sites or the significant disturbance of protected species within those sites.
- Sea-fisheries in Natura 2000 sites are regulated in accordance with two sets of Regulations that transpose into Irish law the obligations on the Minister with regard to sea-fisheries arising from the EU Habitats and Birds Directives:
 - S.I. No. 477 of 2011 ([European Communities \(Birds and natural Habitats\) Regulations 2011](#)) (as amended) and



- S.I. No. 290 of 2013 ([European Union \(Birds and Natural Habitats\) \(Sea-fisheries\) Regulations 2013](#)).
- S.I. No. 290 of 2013 provides for the submission of a Fisheries Natura Plan where the Minister is satisfied that a sea-fishing activity has the potential to impact on the conservation objectives of Natura 2000 sites. The Fisheries Natura Plan must undergo screening and, if necessary, Appropriate Assessment in keeping with the obligations of the Habitats Directive.

Draft Fisheries Natura Plan for Irish Sea Mussel Seed

- The draft Fisheries Natura Plan for mussel seed in the Irish Sea 2023-2027 was developed by the Secretariat of the [Bottom Grown Mussel Consultative Forum](#) (BGMCF) in consultation with Bord Iascaigh Mhara (BIM) and industry members of the BGMCF. The draft Fisheries Natura Plan:
 - Follows on from the [previous five-year Fisheries Natura Plan](#) that came into effect in 2018;
 - Sets out proposed arrangements for the fishery, including surveys, reporting, monitoring, etc.;
 - Aims to ensure the proposed fishery operates in compliance with the Habitats Directive.
- In accordance with Reg. 4(1) of S.I. No. 290 of 2013, the Marine Institute (MI) screened the draft Fisheries Natura Plan for Appropriate Assessment and provided the Minister with a screening assessment report that recommended the draft Fisheries Natura Plan undergo Appropriate Assessment, as the possibility of the fishery having significant effects on protected habitats and species in or near Natura 2000 conservation sites in the Irish Sea could not be discounted.
- The Minister subsequently determined under Reg. 4(2) of S.I. No. 290 of 2013 that arrangements set out in the draft Fisheries Natura Plan may potentially have significant impacts on Natura 2000 sites and therefore Appropriate Assessment of the draft Fisheries Natura Plan is required in advance of determining whether or not the activities it describes may take place.

Draft Appropriate Assessment Report

- Under Reg. 5(2) of S.I. No. 290 of 2013, the Marine Institute has provided the Minister with a draft report in support of the Appropriate Assessment process. This draft Appropriate Assessment report assesses the potential ecological effects of the draft Fisheries Natura Plan on designated habitats and species in the SACs and SPAs where the Irish Sea mussel seed fishery can occur.
- The Marine Institute's draft Appropriate Assessment report makes a number of findings and recommendations, including:
 - The majority of mussel seed fishing since 1970 has occurred outside of SACs and SPAs. This is highly likely to be case in the period 2023–2027. The exceptions are the Blackwater Bank and Long Bank SACs, where seed beds regularly occur.
 - Although seed beds and seed fishing occur within the boundaries of the Blackwater Bank and Long Bank SACs, they do not occur on the designated



habitat (Sandbank) or in the benthic community of the sandbank (Nephtys, Bathyporeia). Seed fishing occurs in deeper water on the sides of the banks. The benthic community of the sandbank is, in any case, not sensitive to physical disturbance pressures which could be caused by mussel dredging. Mussel dredging in these SACs does not pose a risk to designated habitats or species.

- **Existing restrictions on mussel fishing in a number of SACs in the Irish Sea exclude the possibility of effects of such fishing on these sites. These restrictions, set out in current Fisheries Natura Declarations, should remain in place.**
- In the case of SPAs, the fishery will not have any significant effect on designated bird species in the Irish Sea, with the exception of the effects of prey removal on common scoter. Common scoter is a species of conservation interest in the Dundalk Bay SPA and Raven SPA and it feeds on bivalve molluscs, including mussels.
- **An area of suitable common scoter habitat north of the Raven SPA should be closed to all bottom-towed fishing gears to protect prey resources for overwintering common scoter. Potential options for this spatial closure are explored in the draft report in relation to common scoter foraging requirements.**
- Common scoter sub-tidal foraging habitat occurs in and around Dundalk Bay SPA and particularly south of Dundalk Bay. Fishing for mussel seed generally does not occur in these areas, but the Fisheries Natura Plan does not explicitly exclude the possible development of a mussel fishery in them and there is a potential risk of significant effects on foraging habitat for common scoter. **Mussel seed fishing should be prohibited in Dundalk Bay SPA or in waters south to Skerries until a new Fisheries Natura Plan is proposed and assessed as there is insufficient information in the current Fisheries Natura Plan to conduct an assessment for this area.**
- In combination effects of fishing for razor clams and mussels in the same areas, such as in the Raven SPA and surrounding waters, cannot be discounted. **The Raven SPA should be surveyed for mussel seed annually to assess the possible impact of razor clam fishing there on common scoter. If mussel seed regularly occurs within the Raven SPA, the proposed closed area mentioned above should be reviewed.**
- Significant effects, working in combination with offshore renewable energy (ORE) projects, can be discounted. **Once sufficient data becomes available on ORE distribution, activity and the effects of disturbance from ORE on seabirds, in combination effects with all fishing practices should be reconsidered.**

Public Consultation and Next Steps

- This consultation is being carried out under Reg. 5(3) of S.I. No. 290 of 2013 and Reg. 42(13) of S.I. No. 477 of 2011, as amended by S.I. No. 293 of 2021 ([European Union \(Birds and Natural Habitats\) \(Amendment\) Regulations 2021](#)).
- At the end of the consultation period, submissions received will be reviewed by the Department and will be considered by the Marine Institute in finalising its draft



Appropriate Assessment report to the Minister. Upon receipt of the finalised report, the Minister may make a determination on whether or not to adopt the draft Fisheries Natura Plan.

Consultation Document

- This Consultation Document requires a response from you. The Consultation Document has two parts. These are:
 - **Part 1 - Tell us about you;**
 - **Part 2 - Give us your views.**
- Submissions will be accepted:
 - **Online:** The consultation can also be completed [online](#).
Please note: The survey will not operate correctly using Internet Explorer. To participate in the survey, you should use a different browser.
 - **By email to:** inshore@agriculture.gov.ie
(With the subject line “Draft Fisheries Natura Plan (FNP) for Mussel Seed in the Irish Sea 2023-2027”)
 - **By post to:** Draft FNP for Mussel Seed in the Irish Seed 2023-2027
Marine Programmes Division
Department of Agriculture, Food and the Marine
National Seafood Centre
Clonakilty, Co. Cork, P85 TX47

The closing date for submissions is close of business on 14 August 2023.

Freedom of Information

All submissions and comments submitted to the Department for this purpose are subject to release under the Freedom of Information (FOI) Act 2014 and the European Communities (Access to Information on the Environment) Regulations 2007-2014. Submissions are also subject to Data Protection legislation. Personal, confidential or commercially sensitive information should not be included in your submission, and it will be presumed that all information contained in your submission is releasable under the Freedom of Information Act 2014.

Data Protection

The Department of Agriculture, Food and the Marine is collecting this data for the Consultation on the draft Fisheries Natura Plan (FNP) for Mussel Seed in the Irish Sea 2023-2027 and associated assessment documents. This data will be processed in accordance with the EU General Data Protection Regulation (GDPR EU 2016/679), the Data Protection Acts 1988-2018, the Freedom of Information Act 2014 and the DPER Consultation Principles and Guidance. Any additional personal data received as part of your submission will not be processed, shared, or retained and will be destroyed upon receipt. Publication to the Department’s website of personal data associated with submissions will only take place where permission is received to do this. Further

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information on Data Protection can be found on our website at <https://www.gov.ie/en/organisation-information/ef9f6-data-protection>

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Part 1 – Tell us about you

1. I am making this submission:

On my own behalf

On behalf of an organisation/group

2. I am a:

Fisher

Political representative

Representative of fishing
association

Representative of an environmental
NGO

Representative of state body

Representative of trade association

Scientist / technical expert

Other (please specify)

Member of general public

3. My contact information is:

Name	
Address	
Email address	
Phone number (optional)	



Part 2 – Give us your views

Q1	In the space below, please give us your views on the draft Fisheries Natura Plan (FNP) for mussel seed in the Irish Sea 2023-2027.

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Q2

In the space below, please give us your views on the draft Appropriate Assessment report prepared by the Marine Institute and/or the other assessment documents.

Empty response area for providing views on the draft Appropriate Assessment report.



Q3	In the space below, please give us your views on the mitigation measures recommended in the Marine Institute's draft Appropriate Assessment report.

ENDS