

From: David Lyons (Housing) [REDACTED]
Sent: 26 September 2023 08:26
To: Carton, Margaret (Alab) <Margaret.Carton@alab.ie>
Subject: RE: ALAB: AP3-AP48 Wexford Harbour

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Dear Margaret
Please see attached comments from NPWS.

Kind regards
David

From: Carton, Margaret (Alab) <Margaret.Carton@alab.ie>
Sent: Wednesday 23 August 2023 10:03
To: David Lyons (Housing) [REDACTED]
Cc: Andy Bleasdale (Housing) [REDACTED]
Subject: ALAB: AP3-AP48 Wexford Harbour

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Dear Dr. Lyons

Please find attached copies of correspondence sent to you by registered post today.

Kind regards

Margaret



Margaret Carton
Secretary

An Bord Achomharc Um Cheadúnais Dobharshaothraith

Aquaculture Licences Appeals Board

**Cúirt Choill Mhinsí, Bóthar Bhaile Átha Cliath, Port Laoise, Contae Laoise, R32
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David Lyons,
National Parks and Wildlife
Service,
Custom House,
Flood Street,
Galway.

25th September 2023

Margaret Conlon,
Aquaculture Licences Appeals Board,
Kilminchy Court,
Dublin Road,
Portlaoise,
County Laois.

Re: Appeal to aquaculture licences in Wexford Harbour, Co Wexford
ALAB Ref: AP34-48/2019
NPWS ref: WX-DAFFWX-A180620-0106

National Parks and Wildlife Service welcomes the circulation of documents related to the appeal against licencing of aquaculture in Wexford Harbour and the opportunity to make a submission on the proposed works in the vicinity.

It is noted that Aquaculture Licensing Appeal Board are considering T03/30E; T03/035A, B, C, F & G; T03/48A; T03/91A; T03/30A2, B, C, E; T03/030/1 (site D); T03/099A; T03/46A, B, C; T03/047A, B, C; T03/083A; T03/085A; T03/049A, B, C, Cl & D; T03/077A; T03/52A & B; & T03/55E.

As part of the original statutory consultation notified by NPWS to the Competent Authority on the 6th June 2018 on the application for aquaculture licences in Wexford the following observations were submitted:

1. The conclusion statement acknowledges that for Slaney River Valley SAC (Site Code: 00781), the 15% disturbance threshold will be exceeded by 52% in the case of Estuaries and 59% in the case of Mudflats and sandflats not covered by seawater at low tide, should all applications be licensed. This Department's conservation objectives supporting document for marine habitats (NPWS, 2011) states "this Department takes the view that licencing of activities likely to cause continuous disturbance of each community type should not exceed an approximate area of 15%. Thereafter, an increasingly cautious approach is advocated. Prior to any further licencing of this category of activities, an inter-Departmental management review (considering inter alia robustness of available scientific knowledge, future site requirements, etc.) of the site is recommended." The Department would like to re-iterate this recommendation.
2. The guidance from the Commission has been very clear that the precautionary principle must be applied in all cases where support data is lacking. Therefore where the proposed

mitigation measures are not supported by clear unequivocal evidence the precautionary principle must be applied.

3. The Conclusion Statement asserts that the culture of mussels may have a positive effect on the water quality within the harbour. Given the large area of impact of the dredging activity associated with this bottom culture of mussels it is unclear to this department why these two elements are being combined.
4. The Conclusion Statement states that mussel culture will mainly occur in the deep subtidal areas of the SAC, however no area is given for the deep subtidal to which dredging will be confined. There is also no clear schedule for the relaying and harvesting of mussels within the bay. It is not clear if this will be a coordinated effort, if it will be staggered or if operators will act independently.
5. While the variability of seed mussel in any given year may fluctuate the precautionary principle must be applied and it must be assumed that there will be a sufficient supply of seed mussel each year.
6. It should also be noted that a number of intertidal sandbanks in the outer part of Wexford Harbour, and lying off the mainland at Raven Point, represent haul-out sites of regional and national significance for Grey seal (*Halichoerus grypus*) that are used all year round. Although this species is not a qualifying feature of the designated SAC site it is nevertheless protected under the Wildlife Acts 1976 to 2017 and appropriate efforts must be made to protect its resting sites from disturbance or interference. In this regard it is advised that vessel-based and human activity/works in the central, northern and southern parts of the outer harbour are confined to: Mid-tide to High-tide periods only (i.e. 3.5 hours either side of High Water, when seals are less likely to be hauling out ashore at the intertidal sites and thereby vulnerable to human disturbance).
7. The importance of this area for grey seals requires consideration when the buffer zones around seal haul-out areas as proposed in the Conclusion Statement, are being considered. The mitigation/management action must also be supported by scientific evidence regarding proposed distances that will reduce potential disturbance of seals to negligible levels.
8. Substantially more Harbour seal haul-out location information for the Wexford Harbour area has been gathered by this department since the conservation objectives were published in 2011. This more recent unpublished information is of critical relevance to several licences/applications. It will be sent on to the Marine Institute/DAFM and it is recommended that it be incorporated in the assessment and licence/application, particularly for the southern part of Wexford Harbour.
9. The Appropriate Assessment summary report includes a list of nine management responses/measures relating to the SPAs and states ".....the following management measures, research and information compilation is required to complete this assessment. This Department considers that this information is required before an adequate assessment can be undertaken for certain activities. For example, without further low tide data for the species Golden Plover, Grey Plover, Knot, Sanderling and Bar-tailed Godwit as stated in the Appropriate Assessment Summary Report, the assessment for the licensing of intertidal trestles at this SPA is not complete.

10. The adaptive management strategy on the issues of anthropogenic disturbance and the significant likelihood of an increase predator species at tern sites, as outlined in the Summary Report and the Conclusion Statement, does not provide sufficient information to this department to support such a strategy.
11. The screening out of the fish eating species, such as Red-breasted Merganser, on the basis that intertidal oyster cultivation in Wexford Harbour will not affect the habitat quality of species that only use the subtidal habitat is inconsistent with the later statement that trestle structures act as refugia for fish and other species. This Department is of the opinion that such structures could theoretically pose an impediment to the foraging behaviour of piscivorous birds such as Red-breasted merganser.
12. Given the identified weaknesses of the assessment of the effects of suspended mussel cultivation on Common Scoter and Red-throated Diver this Department would expect that suitable monitoring of the impacts of such activities in the Rosslare area on the scoters and other species would need to be undertaken to enable an adequate assessment to be carried out. Further data on the Common Scoter and diver usage associated with the Raven SPA and further details on the existing dredge fisheries related impacts on this SPA (including direct disturbance, competition for common prey resources and benthic habitat modification) would also allow a more robust assessment to be undertaken.
13. While the adaptive management strategy as outlined in the Appropriate Assessment Conclusion Statement proposes a solution to avoid significant disturbance impacts to the Little Tern breeding population, no potential solution, outside of a prohibition on night-time dredging, is proposed to avoid disturbance related impacts to Red-breasted Merganser and other waterfowl. This Department considers that the appropriate assessment process is incomplete in this regard.

There has been no additional correspondence or updates as part of the statutory consultation process in intervening period and no further information has been circulated to NPWS.

Yours sincerely,

David Lyons