

NPF Submissions,  
Forward Planning Section,  
Dept of Housing Planning Community and Local Government,  
Custom House,  
Dublin D01 W6X0

15<sup>th</sup> March 2017

Re: Ireland 2040 Our Plan- The National Planning Framework
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Dear Antonia,

I refer to your recent correspondence concerning the above and wish to submit the following, which includes an extract from the DAFM position paper on the NPF that was sent to the DHPCLG last July.

Where SEA scoping indicates potential impacts on sea-fisheries and the marine environment, the following information should be taken into account in the SEA.

**Relevant Legislation, Plans and Policies**

- Foreshore Acts 1933 to 2011
- Aquaculture Acts 1997 to 2006 (Fisheries (Amendment) Act 1997 and amendments)
- Sea Fisheries and Maritime Jurisdiction Act 2006 & Sea-Fisheries Regulations
- Fisheries Natura Plans & Declarations made under European Union (Birds and Natural Habitats) (Sea-fisheries) Regulations 2013 (online at <http://www.fishingnet.ie/sea-fisheriesinnaturaareas/natura2000sitesundermanagement/> )
- National Seafood Operational Programme (EMFF requirement) & National Strategic Plan for Aquaculture (CFP requirement) currently under preparation for 2014 – 2020
- Food Harvest 2020
- Harnessing Our Ocean Wealth – the national integrated marine plan for Ireland
- Implementation of pollution reduction programmes for designated shellfish waters (Shellfish Waters Directive 2006/113/EC)
- Classified Shellfish Production areas (classified for food safety and consumer protection purposes under Regulation (EC) No 854/2004)
- National Climate Change Adaptation Framework – particularly sector adaptation plans (including marine) due to undergo consultation in 2014.

**Issues for consideration**

In the development of any Plans or Programmes due consideration should be given to:

- Potential impacts, both positive and negative, on marine environmental quality including potential impacts on designated Shellfish Growing Waters. Examples include, but are not limited to the following: increased sedimentation; re-suspension of contaminants; discharge of contaminants; and introduction of non-native or invasive species.

- Potential impacts , both positive and negative, on the microbiological quality of shellfish in Classified Shellfish Production areas
- Potential impacts on human health resulting from the placing on the market of microbiologically contaminated shellfish
- Potential impacts on commercially important fish and shellfish stocks, licensed aquaculture sites and areas of importance for fish / shellfish and fisheries e.g. spawning grounds, nursery areas
- Potential impacts on freshwater aquaculture operations including the requirement for water abstraction and capacity of the receiving waters to assimilate discharges
- Future designations of areas of importance to the Aquaculture & Fisheries Sector
- Relevant EU Directives and National Legislation in the area of Marine Spatial Planning

#### **Potential Impacts on Sea-Fisheries & Aquaculture**

Major land-use changes can significantly impact the quality of the marine (particularly coastal) environment (e.g. sedimentation, hydrographic change, impacts on benthic eco-system, etc).

All aspects of the seafood sector rely on safe high quality water and assessment of potential impacts on water quality should include the seafood sector. To guarantee food safety the growing waters must attain certain standards. This is of relevance to the fishing and aquaculture sectors. In freshwater aquaculture (on land) a continuity of supply is important to ensure animal welfare and quality. Water supplies in this instance are sourced from rivers, wells and occasionally from mains supplies.

The seafood processing sector also requires a safe and reliable water supply to support its operations.

Designated shellfish waters are very important to the shellfish sector in Ireland working to maintain standards in product safety and quality and enabling sale for direct consumption from many areas, reducing production costs and contributing to the good international reputation of the products. The role of filter-feeding shellfish as a nutrient sink thus helping to reduce eutrophication potential and improve water quality is also important to consider in assessments.

#### **Sources of Marine Data**

Details of designated shellfish growing areas which are protected by law (2006/113/EC) are available at: <http://www.environ.ie/en/Environment/Water/WaterQuality/ShellfishWaterDirective/>

Details of Classified Shellfish Production areas (classified for food safety and consumer protection purposes under Regulation (EC) No 854/2004) are available on the Sea-Fisheries Protection Authority website: <http://www.sfpa.ie/>

The Marine Institute publishes a range of corporate reports, scientific and technical reports, peer reviewed articles and conference papers which are relevant to the SEA process. These can be found on the Marine Institute website: <http://www.marine.ie/home/Publications/> or Marine Institute Open Access Repository.

Relevant reports and on line GIS include:

- Shellfish Stocks and Fisheries Review 2011: An Assessment of Selected Stocks
- Atlas of Commercial Fisheries Around Ireland
- Atlas of Commercial Discarding



- Ireland's Marine Atlas

Information on the Initial Assessment of Ireland's marine waters, required under the Marine Strategy Framework Directive, is available at

<http://www.environ.ie/en/Environment/Water/WaterQuality/Marine/>

#### **Who to Consult With**

DAFM – Policies, plans and legislation concerning sea-fisheries & aquaculture

SFPA – Competent Authority for Seafood Safety (classifications, monitoring & sanitary surveys) & Sea-fisheries Control

Marine Institute – Fisheries & Marine Environment

BIM – Seafood Development Agency

Consideration should also be given to consulting directly with the seafood sector. This may include regional inshore fisheries forums, Fisheries Local Action Groups, fisheries representative bodies, including producer organisations, local advisory committees, associations, co-operatives; seafood processors; aquaculture representative bodies, etc.

#### **Extract from the DAFM position paper on the NPF which was sent to the DHPCLG last July.**

'There are a number of on-going biodiversity and water quality challenges related to agriculture. DAFM has a number of measures and initiatives which are increasingly being spatially targeted to the most vulnerable and environmentally sensitive areas with a view to more focused and efficient delivery. For example measures are increasingly being targeted at designated Natura areas, important bird areas and high status water areas.

**Biodiversity** - The principle legislation protecting biodiversity in the EU are the Birds Directive (79/409/EEC, as amended, and codified in 2009) and the Habitat Directive (92/43/EC, as amended). Ireland's second National Biodiversity Plan was published in 2011 and covers the period to 2016. The National Biodiversity Plan was prepared against a background of increasing biodiversity pressures and losses at both a European and global level. The National Biodiversity Plan recognises the need for the integration of sustainable use of biological diversity into all relevant sectors and sets out a range of actions which will assist Ireland's contribution towards the over-arching EU 2020 biodiversity strategy. The third iteration of the National Biodiversity Plan will be developed during 2016.

**Water Quality** - Since 2000, water quality policy and legislation in the EU has been steered by the Water Framework Directive (WFD; 2000/60/EC), which encompasses the full implementation of 11 key existing EU Directives related to water. The WFD sets strict deadlines for meeting water quality objectives across Member States. Under the WFD, Ireland has assigned River Basin Districts (SI 722 of 2003) for each of which a River Basin Management Plan was published in July 2010. These plans describe all Irish waters and their quality status. Each sets out a programme of measures to assist all sectors in collectively achieving the WFD objective of 'good status' in all waters by certain deadlines (6 year cycles), i.e. the end of the second cycle of WFD implementation is 2021.

**Nitrates** - Ireland's National Action Programme under the Nitrates Directive (91/676/EEC), which includes the Good Agricultural Practice (GAP) Regulations (SI 31 of 2014), underpins the agricultural element of the programme of measures contained in Ireland's River Basin Management Plans under



the WFD, which are currently being revised. Water Policy Regulations (S.I. 350 of 2014) made by the Minister for Environment established a tiered governance structure to assist implementation of the 2nd cycle of WFD in Ireland. Tier 1 is concerned with national management and oversight, led by DECLG, and the Minister for Agriculture, Food and the Marine is represented at this governance level. Tier 2 comprises national technical implementation and reporting and is led by the EPA, which is responsible for the development of RBMPs. The Local Authorities support the EPA and DECLG at the Tier 3 governance level. DAFM is collaborating with DECLG, the EPA and the LAs at all three tiers of this governance structure, which are currently developing of 2nd cycle River Basin Management Plans (RBMP).

GAP Regulations play an important role in the protection of water quality. The most recent EPA publication, 'Water Quality Report 2010-2012' (published June 2015), indicates an overall sense of an improving water quality situation. DAFM, in conjunction with DECLG, carries out a comprehensive statutory review of the GAP Regulations on a regular basis and the next Nitrates Review will take place in 2017. Findings from the Agricultural Catchments Programme (a research programme which underpins the nitrates provisions) will contribute to informing the Nitrates Review and to further enhancing the accuracy and effectiveness of the GAP Regulations.

#### **Ammonia Emissions: Clean Air Package**

Ireland is a Party to the Convention on Long Range Transboundary Air Pollution (CLRTAP) under which certain transboundary air pollutants. As a member of the EU, implementation of the Gothenburg protocol is achieved through limits set out in the National Emissions Ceilings Directive (NECD). Irish agriculture contributes 98.5% of national ammonia emissions. While Ireland has met its target for 2010, an amendment to the directive is proposed, meeting the revised targets will present challenges for Ireland.

#### **Specific to the Marine Sector:**

In the development of any Plans or Programmes due consideration should be given to:

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#### **Sea-Fisheries & Aquaculture Interactions with Marine Environment**

The majority of the marine Natura 2000 sites (SAC and SPAs) are inshore, within Ireland's six nautical mile zone. A programme of risk assessment of sea-fisheries interactions with the features of these sites has been undertaken. Mitigation measures to date include site-specific spatial and temporal restrictions as well as the application of systematic requirements for particular methods of fishing and/or species. Appropriate assessment of aquaculture licences is also being systematically addressed.

Maintaining healthy stocks of commercially exploited fish & shellfish is also one of the qualitative descriptors for determining good environmental status under the Marine Strategy Framework Directive. Important inshore stocks (lobster and crab) are included in the stocks for this purpose. Marine protected areas, in addition to Natura 2000 sites, will also be designated for protection under MSFD. MPAs may be wider in purpose than Natura 2000 sites.

#### **Specific to the Forestry Sector:**

Forestry Planting and Special Protection Areas (SPAs) – The relationship between SPAs and Forestry is under review. For example, forestry planting in Hen Harrier SPAs has been curtailed since 2012 and a Plan is currently being drawn up by the National Parks & Wildlife Service to determine the circumstances in which afforestation, if any, might be accommodated in these SPAs without impacting on the conservation of the Hen Harrier species. The Freshwater Pearl Mussel (FWPM) species is in severe decline and a management framework for forestry within areas where populations of the freshwater pearl mussel exist is currently under development'.

Yours sincerely,



Liz McDonnell | Environmental Co-ordination Unit | Climate Change & Bioenergy Policy Division |  
Department of Agriculture, Food and the Marine | Pavilion A | Grattan Business Centre | Portlaoise |  
Co. Laois | [REDACTED] |

