



Regulation 6(1) Determination

Fisheries Natura plan for cockle (*Cerastoderma edule*) in Dundalk Bay 2021-2025

1. Determination

Charlie McConalogue, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on him under regulation 6(1) of the European Union (Birds and Natural Habitats) (Sea-fisheries) Regulations 2013 (S.I. No. 290 of 2013) and regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), has determined that the Fisheries Natura Plan for cockle (*Cerastoderma edule*) in Dundalk Bay 2021-2025, modified by his Department in accordance with regulation 6(2) of S.I. No. 290 of 2013, will not affect the integrity of designated habitats and species in Dundalk Bay SAC and SPA, and has determined to adopt the modified Fisheries Natura Plan.

2. Reasons for this Determination

In accordance with regulation 6(1) of S.I. No. 290 of 2013, the Minister has taken account of the following:

- The report (Appropriate Assessment) submitted by the Marine Institute;
- The submissions received as part of the public consultation;
- The response from the Marine Institute addressing in detail the relevant issues raised in the submissions.

The Appropriate Assessment report, prepared by the Marine Institute under regulation 5(2) of S.I. No. 290 of 2013, assesses the potential ecological effects of the proposed Fisheries Natura Plan on designated habitats and species in the Dundalk Bay SAC and SPA. It also examines the potential effects on the site of the operation of two other fisheries simultaneously – these being razor clam and cockle.

The Appropriate Assessment report makes the following findings:

- Hydraulic dredging for cockles: The activity can proceed, as described in the Plan, on the basis that habitat effects are insignificant or short lived.
- Interaction between hydraulic dredging for razor clams and hydraulic dredging for cockles: The two fisheries are spatially distinct and therefore in-combination effects are not significant.
- Effects of cockle fishing on waterbirds are assessed as non-significant given that no change in marine communities have occurred during the period 2008-2020 or are likely to occur during the Plan 2021-2025.

The draft Fisheries Natura Plan has been modified to:

- Insert the legal basis for the Plan and the rationale for mitigation.
- Clarify that the fishery will finish on 1 November.
- Clarify the daily maximum catch of 1000kg per vessel.
- Clarify restrictions on permitted tides and the number of tides that can be fished in a 24-hour period.



- Clarify that access to the fishery is limited by the requirement to hold a Fisheries Natura Permit and that the number of permits will be limited in line with an eligibility policy published by the Minister.
- Note that vessels operating a GPS monitoring system, as required under the Razor Clam (Conservation of Stocks) Regulations (S.I. No. 206 of 2015), must ensure that the system is fully functioning while fishing for cockles under a Fisheries Natura Permit.
- Make changes to layout for clarity, to change text to amend small textual errors and to insert the Department logo.

A total of five submissions were received as part of the public consultation. Two of the submissions were from fishermen whilst the other three were from the National Parks and Wildlife Service, Birdwatch Ireland and Irish Wildlife Trust. Two of the submissions were received after the consultation closing date.

- The two submissions from fishermen set out their view that there is a lack of opportunity to join the fishery and that this is unfair.
- The National Parks and Wildlife Service did not raise any issues with the Appropriate Assessment.
- Birdwatch Ireland raised concerns that the Natura Impact Statement (NIS) does not contain complete, precise and definitive findings and conclusions capable of dispelling all reasonable scientific doubt that there will be no significant adverse impacts of the Plan to the conservation interest of Dundalk Bay SPA and the integrity of the Natura 2000 network.
- Irish Wildlife Trust advised that the Appropriate Assessment report does not ascertain beyond reasonable scientific doubt that the proposed fishing activity, in conjunction with existing activity and maintenance dredging, will not cause further deterioration of the site, so the Plan should not be accepted.

The Marine Institute has provided a response addressing in detail the relevant issues raised in these submissions.

Having considered all of these matters, the Minister is satisfied that the conclusions of the Appropriate Assessment are valid.

23 July 2021