

Appropriate Assessment Conclusion Statement (Updated) by Licensing Authority for aquaculture activities in:
Slaney River Valley SAC (Site Code: 000781)
Raven Point Nature Reserve SAC (Site Code: 000710)
Wexford Harbour and Slobs SPA (Site Code: 004076) and
Raven SPA (Site Code: 004019) - (Natura 2000 sites)

This Conclusion Statement outlines how it is proposed to licence and manage aquaculture activities in the above Natura sites in compliance with the EU Birds and Habitats Directives. Aquaculture will be licensed in accordance with the standard licence terms and conditions as set out in the aquaculture licence templates.

These are available for inspection at:

www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/

Furthermore, the licences will also incorporate specific conditions to accommodate Natura requirements, as appropriate, in accordance with the principles set out in this document.

An Appropriate Assessment report for aquaculture activities, under Article 6 (3) of the EU Habitats Directive, has been carried out in the above ‘Natura 2000’ sites by the Marine Institute on behalf of the Department of Agriculture, Food and the Marine. This Appropriate Assessment assessed the potential ecological impacts of aquaculture activities on the qualifying interests of Natura sites in *and adjacent to* Wexford Harbour. Both the Special Areas of Conservation (SACs) and Special Protection Areas for birds (SPAs) were assessed. From an aquaculture perspective, the information upon which the Appropriate Assessment is based is the definitive list of applications and extant licences for aquaculture available at the time of assessment.

A number of other adjacent SACs and SPAs, located within 15 km of Wexford Harbour, were also considered, namely;-

Carnsore Point SAC (site code 002269), Long Bank SAC (site code 002161), Screen Hills SAC (site code 000708), Blackwater Bank SAC (site code 002953), Cahore Marshes SPA (site code 004143), Lady’s Island Lake SPA (site code 004009), the Saltee Islands SPA (site code 004002) and Tacumshin Lake SPA (site code 004092).

Appropriate Assessment

The function of the Appropriate Assessment is to determine if the ongoing and proposed aquaculture activities are consistent with the Conservation Objectives for these sites; and in the case of SPAs also those neighbouring sites where there is the potential usage of aquaculture areas by birds for which these SPAs have been designated. NPWS provide guidance on interpretation of the Conservation Objectives which are, in effect, management targets for habitats and species in the sites. The assessment of activities was informed by this guidance, which is scaled relative to the anticipated sensitivity of the habitats and species to disturbance by the proposed activities.

Description of aquaculture activities

The main aquaculture activity within the SACs (and vicinity) is the bottom culture of mussels, as well as a small number of applications to carry out intertidal oyster culture and subtidal suspended mussel culture. Spatial extents of existing and proposed activities within the qualifying interests (Mudflats and sandflats not covered by sea water at low tide (1140) and Estuaries (1130)) within the two SACs were calculated using coordinates of activity areas in Geographic Information System (GIS).

THE SACs AND SPAS

Slaney River Valley SAC

Slaney River Valley SAC is a large site comprising extensive terrestrial, freshwater, estuarine and marine features. In addition, six aquatic species as well as two mammal species are designated within the site. The marine areas are designated for Annex 1 habitats, Estuaries [1130] and for Intertidal mud and sand flats not covered by seawater at low tide [1140]. The area supports a variety of sub-tidal and intertidal sedimentary community types, including those that are sensitive to aquaculture related pressures (e.g. dredging in bottom shellfish culture). The area is also designated for and supports significant numbers of Harbour Seal and Otter while Salmon and Sea Lamprey and Twaite Shad, migrate through the harbour as smolts and as mature animals returning from sea.

Conservation objectives - Slaney River Valley SAC

The Conservation Objectives were identified by NPWS (2011a, c) and NPWS guidance on these objectives was provided (2011b, d). The objectives relate to the requirement to maintain habitat distribution, structure and function, as defined by characterizing (dominant) species in these habitats. For designated species the objective is to maintain various attributes of the populations, including population size, cohort structure and the distribution of the species in the Harbour.

Qualifying interests of Slaney River Valley SAC

The SAC is designated for the following habitats and species (NPWS 2011a), as listed in Annex I and II of the Habitats Directive:

- 1029 Freshwater Pearl Mussel *Margaritifera margaritifera*;
- 1095 Sea Lamprey *Petromyzon marinus*; 1096 Brook Lamprey *Lampetra planeri*;
- 1099 River Lamprey *Lampetra fluviatilis*;
- 1103 Twaite Shad *Alosa fallax*;
- 1106 Atlantic Salmon *Salmo salar* (only in fresh water);
- 1130 Estuaries;
- 1140 Mudflats and sandflats not covered by seawater at low tide;

- 1355 Otter *Lutra lutra*;
- 1365 Harbour Seal *Phoca vitulina*;
- 3260 Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation (Floating river vegetation);
- 91A0 Old sessile oak woods with *Ilex* and *Blechnum*;
- 91E0 * Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*).

Three constituent community complexes recorded within the qualifying interests of Estuaries (1130) and Mudflats and sandflats not covered by seawater at low tide (1140) are listed below (NPWS 2011a (version 1)):

- Mixed sediment community complex
- Estuarine muds dominated by polychaetes and crustaceans community complex
- Sand dominated by polychaetes community complex.

An additional community complex ‘fine sand with *Spiophanes bombyx* community complex’ is described for subtidal elements outside of the Estuaries habitat.

AA Screening – Slaney River Valley SAC

None of the aquaculture activities (existing or proposed) overlaps or likely interacts with the following features or species, given their exclusive freshwater nature, and therefore these three habitats and three taxa are excluded from further consideration in the assessment:

- 1029 Freshwater Pearl Mussel *Margaritifera margaritifera*;
- 1096 Brook Lamprey *Lampetra planeri*;
- 1099 River Lamprey *Lampetra fluviatilis*;
- 3260 Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation (Floating river vegetation);
- 91A0 Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles;
- 91E0 * Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*).

The **Atlantic salmon** (*Salmo salar*) migrates through outer Wexford harbour into the Slaney River Valley SAC. Given the nature of the activities proposed for aquaculture in Slaney River Valley, The AA indicated that it is unlikely that aquaculture activities will impact on the conservation attributes for Salmon.

The **Sea lamprey** (*Petromyzon marinus*) and the **Twaite shad** (*Alosa fallax*) migrate through outer Wexford Harbour into the Slaney River Valley SAC. The aquaculture activities do not present a barrier to migration of these species, given they are confined to on-bottom subtidal areas and any structures used (oyster trestles) will be deployed in intertidal areas away from channels. The AA report concludes that the aquaculture activities carried out or proposed for the Slaney River Valley SAC are unlikely to impact upon the other attributes for Sea lamprey and Twaite Shad, which are primarily freshwater in nature.

Raven Point Nature Reserve SAC

Ravens Point Nature Reserve SAC is a small reserve site adjacent to the Slaney River Valley SAC, comprising coastal and marine features.

The conservation objectives for the qualifying interests were identified by NPWS (2011c) and NPWS (2011d), respectively. The natural condition of the designated features should be preserved with respect to their area, distribution, extent and community distribution. Human disturbance should not adversely affect such habitats.

The SAC is designated for the following habitats:

- 1140 Mudflats and sandflats not covered by seawater at low tide;
- 1210 Annual vegetation of drift lines;
- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*);
- 2110 Embryonic shifting dunes;
- 2120 Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes');
- 2130 *Fixed coastal dunes with herbaceous vegetation ('grey dunes');
- 2170 Dunes with *Salix repens ssp. argentea* (*Salicion arenariae*);
- 2190 Humid dune slacks

AA Screening – The AA report screened out 7 habitats from further consideration on the basis that none of the aquaculture activities (existing or proposed) overlapped (1210 Annual vegetation of drift lines; 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*), 2110 Embryonic shifting dunes; 2120 Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes'); 2130 *Fixed coastal dunes with herbaceous vegetation ('grey dunes'); 2170 Dunes with *Salix repens ssp. argentea* (*Salicion arenariae*); 2190 Humid dune slacks).

The remaining habitat, i.e. 1140 Mudflats and sandflats not covered by seawater at low tide was fully considered. There are four constituent community complexes recorded within this qualifying interest:

- Mixed sediment community complex
- Estuarine muds dominated by polychaetes and crustaceans community complex

- Fine sand with *Spiophanes bombyx* community complex
- Sand dominated by polychaetes community complex

There are a number of applications for the culture/collection of wild mussel seed on longlines and rafts that might occur outside of the boundaries but are proximate to Raven Point Nature Reserve SAC (and also to Slaney River Valley SAC). These applications are deemed to be non-disturbing to the conservation features of the SAC on the basis of:

- There is no spatial overlap with the SACs
- Any impact on the seabed is likely to be confined to the footprint of the licensed area and is unlikely to impact on features or ecological functions within the SACs
- The hydrology regime at the sites is such that any dissolved nutrients will be quickly dispersed from the site and will unlikely enter into the estuary
- On the basis of published literature, the structures and activities associated with this culture operation are unlikely to impact negatively on Annex II species, harbour seal and otter

Consequently, these mussel seed capture sites were screened out from full assessment.

Screening of Adjacent SACs

In addition to the two SACs under consideration, there are a number of other Natura 2000 sites proximate to the proposed activities. A preliminary screening was carried out on the likely interaction with aquaculture and fishery activities based primarily upon the likelihood of spatial overlap or other interactions (*ex-situ* effects). This assessment found no spatial overlap of aquaculture activities on the SACs.

Annex I assessment carried out in relation to the SACs

A full assessment was carried out on the likely interactions between aquaculture operations (as proposed) and the features Annex 1 habitats Mudflats and sandflats not covered by seawater at low tide (1140) and Estuaries (1130) in the Slaney River Valley SAC (0781) and Mudflats and sandflats not covered by seawater at low tide (1140) in Raven Point Nature Reserve SAC (0710). The likely effects of the aquaculture activities were considered in light of the sensitivity of the constituent communities of these Annex I habitats.

The habitats feature Mudflats and sandflats not covered by seawater at low tide (1140) is primarily based on Ordnance Survey Ireland (OSI) mapping which appears to underestimate the extent of this habitat type as indicated by direct observations or other mapping e.g. the Geological Survey of Ireland (GSI) method (i.e. mapping of intertidal habitat based on satellite-derived bathymetry data covering the entire harbour zone). The majority of intertidal habitat (1140) occurs in the outer part of the harbour (where the quality of the GSI data is considered reliable) and the activities primarily interacting with intertidal habitat are in the southern and eastern part of the harbour.

The extent of intertidal habitat mapped by the GSI method is estimated at approximately 1,400 ha, as opposed to 1,027 ha, calculated from the OSI maps and presented with the Conservation Objectives (NPWS 2011).

Based upon spatial extent presented in the Conservation Objectives the level of spatial overlap between aquaculture (licensed and applications) activities and ‘Mudflats and Sandflats not covered by sea water at low tide’ is 608ha, which represent 59.2% of this Annex I habitat feature within the Slaney River Valley SAC; between aquaculture (licensed and applications) activities and ‘Estuaries’ is, approximately, 990 ha which is equivalent to 52% of the feature within this SAC. Similarly, high spatial coverage was calculated between aquaculture activities and marine community types described for both Annex 1 habitats.

Within the Raven Point Nature Reserve SAC, the level of spatial overlap between aquaculture activities (active and proposed) and ‘Mudflats and Sandflats not covered by sea water at low tide’ is 2.6 ha, which represent 3.6% of this Annex I habitat feature within the SAC.

Wexford Harbour Slob and, Raven SPAs

The Special Conservation Interests of the Wexford Harbour and Slob SPA are: -

- non-breeding populations of: Bewick's Swan, Whooper Swan, Greenland White-fronted Goose, Light-bellied Brent Goose, Shelduck, Wigeon, Teal, Mallard, Pintail, Scaup, Goldeneye, Red-breasted Merganser, Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Coot, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull and Lesser Black-backed Gull;
- a breeding population of Little Tern;
- a post breeding/roosting population of Hen Harrier and
- a wetland habitat within the Wexford Harbour and Slob SPA.

The Hen Harrier has been screened out for further assessment as there is no potential for significant overlap between it and the aquaculture activities. In addition the wetland habitat within the Raven SPA is listed as an SCI. The AA found that none of the activities being assessed will cause any change in the permanent area occupied by wetland habitat in either Wexford Harbour and Slob SPA or the Raven SPA.

The Special Conservation Interests of the Raven SPA are wintering populations of: Greenland White-fronted Goose, Red-throated Diver, Cormorant, Common Scoter, Grey Plover and Sanderling.

Other sites

Cahore Marshes SPA (004143)

The SCIs of the Cahore Marshes SPA are wintering populations of: Greenland White-fronted Goose, Wigeon, Golden Plover and Lapwing. In addition the wetland habitat within the Cahore Marshes SPA is listed as an SCI. All of the waterbird SCIs of Cahore Marshes SPA are also SCIs of the Wexford Harbour & Slob SPA and/or

the Raven SPA. Some of the Greenland White-fronted Goose using the Cahore Marshes SPA are known to commute to Wexford Harbour and the Raven to roost each night (NPWS). Wigeon, Golden Plover and Lapwing are species that can have very mobile populations in winter. Therefore, all these SCIs were screened in for full assessment.

Lady's Island Lake SPA (004009)

The SCIs of the area of Lady's Island Lake SPA are wintering population of Gadwall and breeding populations of Black-headed Gull, Sandwich Tern, Roseate Tern, Common Tern and Arctic Tern. In addition the wetland habitat within the Lady's Island Lake SPA is listed as an SCI. The Wetland habitats within Lady's Island Lake SPA will not be impacted. Wexford Harbour and the Raven does not regularly support significant numbers of Gadwall; this SCI was screened out.

As the potential that Black-headed Gull, Sandwich Tern, Roseate Tern, Common Tern and Arctic Tern forage within Wexford Harbour during either the breeding season and / or period of post-fledging dispersal could not be discounted, the AA included these for full assessment.

Saltee Islands SPA (004002)

The SCIs of the Saltee Islands SPA are breeding populations of Fulmar, Gannet, Cormorant, Shag, Lesser Black-backed Gull, Herring Gull, Kittiwake, Guillemot, Razorbill and Puffin. Based on consultation with NPWS, and consideration of their breeding / foraging ecology, the only SCIs from the Saltee Islands SPA where there was considered to be potential for significant interchange with Wexford Harbour and the Raven are the Cormorant and Shag breeding populations; all other species forage offshore and were screened out.

Tacumshin Lake SPA (004092)

The SCIs of the Tacumshin Lake SPA include wintering populations of: Bewick's Swan, Whooper Swan, Wigeon, Gadwall, Teal, Pintail, Shoveler, Tufted Duck, Little Grebe, Coot, Golden Plover, Grey Plover, Lapwing and Black-tailed Godwit. The SCIs also includes post breeding/roosting Hen Harrier. In addition the wetland habitat within the Tacumshin Lake SPA is listed as an SCI.

Most of the waterbird SCIs of Tacumshin Lake SPA are also SCIs of the Wexford Harbour & Slobbs SPA and/or the Raven SPA; due to the potential for interchange between sites these were fully assessed in the AA. The waterbird SCIs of Tacumshin Lake SPA that are not also SCIs of the Wexford Harbour & Slobbs SPA and/or the Raven SPA are: Gadwall, Shoveler and Tufted Duck.

Gadwall and Shoveler do not regularly occur in Wexford Harbour and the Raven and were screened out. Tufted Duck regularly occur in significant numbers at Wexford Harbour and the Raven and were fully assessed.

There is no potential for significant spatial overlap of the Hen Harrier populations with the aquaculture activities included in the AA.

Aquaculture activities in Wexford Harbour and the Raven will clearly not have any impact on wetland habitat in Tacumshin Lake.

Other SPAs in the wider environs were also considered and screened out.

Annex II Species interactions with Aquaculture

The likely interactions between the proposed aquaculture activities and the Annex II Species Harbour Seal (*Phoca vitulina*) and Otter (*Lutra lutra*) were assessed.

HARBOUR SEAL

It was acknowledged in the appropriate assessment that the favourable conservation status of the Harbour seal (*Phoca vitulina*) has been achieved given current levels of aquaculture production within the SAC. The aspect of the culture activities that could potentially disturb the Harbour seal status relates to movement of people and vessels within the sites as well as accessing the sites over intertidal areas and via water.

The current levels of aquaculture production are considered non-disturbing to harbour seal conservation features in all areas of the SAC. It is important to note that area covered by the (subtidal) bottom mussel culture activities would appear to be considerably smaller than those represented by licensed areas, which extend into the intertidal areas. If actual production were to occur over or close to the seal haul-out areas then a risk of disturbance to seal cannot be discounted.

In relation to new licence applications, similar to licensed areas, there is considerable overlap with seal haul out locations and a number of new applications. If actual culture activities were to extend to intertidal / shallower areas proximate to the seal sites then this would present a risk to seals.

On the basis of distance from the seal haul out locations, the proposed oyster trestle culture sites are considered non-disturbing to seal conservation features.

Otter (*Lutra lutra*)

The Slaney River Valley SAC is designated for the Otter. The likely interactions between the proposed aquaculture activities and the Annex II Species, Otter were assessed.

The conservation objectives can be found in detail in NPWS (2013a). The otter is known to forage within an 80m of the shoreline. According to NPWS (2013) the overall conservation assessment is “good” for otter. Given the crepuscular nature of otter activity, likely interactions (and disturbance) with operators on the foreshore are considered low. Furthermore, shellfish culture (intertidal and suspended) is not considered a threat to otters. In the threat response plan NPWS (2009) state “Little evidence has come to light in recent studies to suggest that disturbance by recreation is a significant pressure”.

The current and proposed levels of aquaculture are considered non-disturbing to otter conservation features in all areas of the Slaney River SAC.

Aquaculture and Fisheries interactions with SPA features

The following are potential impacts where the available evidence indicates a high likelihood of significant impacts occurring.

Bottom mussel culture impact on Red-breasted Merganser

Disturbance from bottom mussel-related boat activity may cause significant displacement impacts to Red-breasted Merganser. The mean area potentially disturbed could amount to around 19-27% of the total area of available habitat. High levels of impact could occur on around 80% of days in the October-December period, for periods of up to 55-66% of daylight hours. The population-level consequences of the displacement impact will depend upon whether the displaced birds can find suitable alternative habitat to feed in while they are displaced, or, if this is not the case, whether the undisturbed portion of the day provides sufficient feeding time for the birds to meet their daily energetic requirements. It should also be noted that the Merganser are likely to be there due to the presence of mussels (provision of habitat heterogeneity and therefore, increased fish abundance) and the level of disturbance from mussel vessels is unlikely to increase as the spatial extent of licensed mussel areas are likely to remain static or decrease.

Bottom mussel culture impact on Little Tern

There is potential for significant disturbance impacts to the Little Tern breeding colony. However, these can be avoided through an appropriate adaptive management strategy (see below).

Other potential impacts

The following are potential impacts where the available evidence is not sufficient to rule out significant impacts beyond reasonable scientific doubt. However, this does not mean that all these impacts are considered to be very likely to occur.

Bottom mussel culture impact on Greenland White-fronted Goose

Concerns were highlighted in the Appropriate Assessment report about the potential for dredger activity close to the North Slob to cause disturbance to Greenland White-fronted Geese feeding on the North Slob. The closest vessel activity to the North Slob will be around 400 m from the sea wall, or around 350m while the Branding is travelling to/from its site. It is not known whether Greenland White-fronted Geese are susceptible to disturbance from dredgers at these distances from the sea wall. Given the current low frequency of dredger activity in sites 46A, 49B and 52A, any disturbance of Greenland White-fronted Geese by dredger activity in these sites is likely to be a rare event and on a comparable scale to disturbance by licensed wildfowling (which occurs on around 5% of days during the October- March period).

There was another site close to the sea-wall (site 57F), but this licence has expired and no renewal application has been received.

Bottom mussel culture impacts on Scaup, Goldeneye, Red-breasted Merganser and Great Crested Grebe

There is potential for night-time dredging to cause disturbance to nocturnal roosts of these species. This potential impact can be mitigated by an appropriate licence condition prohibiting night-time dredging.

Bottom mussel culture impact on intertidal mussel beds

In the long term, it is possible that the seed collection method could prevent the regeneration of existing intertidal mussel beds and reduce the quality of the habitat for Oystercatcher, Knot, Curlew and Redshank.

Bottom mussel culture impact on high tide roosts

Mussel-related boat activity could cause disturbance to high tide wader and tern roosts on sandbanks in the mouth of Wexford Harbour.

Intertidal oyster culture impact on Golden Plover, Grey Plover, Knot, Sanderling and Bar-tailed Godwit

Taking all the relevant factors into consideration, it is probable that the displacement impacts for these species will be substantially less than 5%. However, there is a significant uncertainty attached to this assessment due to the very limited low tide count data.

Intertidal oyster culture impact on Little Tern

While the distance of site T03/092A from the Bird Island colony site appears sufficient to prevent disturbance to the colony (providing no dogs are brought out), there is some uncertainty about this assessment, given the lack of site-specific data on the response of Little Tern to disturbance in Wexford Harbour, and the perceived high sensitivity of Little Tern breeding colonies to disturbance in remote locations.

Assessment of impacts of suspended mussel cultivation

There are no sites currently licensed for suspended mussel cultivation in Wexford Harbour and the Raven. There are 10 sites (covering a total area of 128 ha) with applications for suspended mussel cultivation in the Raven SPA. There are also another six sites (covering a total area of 68 ha) in Rosslare Bay. The individual sites range in size from 7-15 ha, with a mean size of 12 ha. While the Rosslare Bay sites are outside the Wexford Harbour & Slob and the Raven SPAs, they are considered in this assessment as they occur in an area that is likely to be used by some SCI populations from these SPAs. The Appropriate Assessment has not identified any potentially significant impacts from the proposed suspended mussel culture in the Raven and Rosslare Bay. However, the reliability of this assessment for Common Scoter and Red-throated Diver is only moderate due to the high potential sensitivity of these species to disturbance impacts, and the limited quantitative data available on the nature of their disturbance responses.

Cumulative impacts

Fishing activities in the Lower Slaney River Valley SAC are confined to activities associated with the bottom mussel culture. Specifically, this relates to potting for crabs as a predator control measure to remove crabs from the mussel beds. Other fisheries occur outside of the SAC and specifically seed mussel fisheries which supply the majority of seed into the harbour which was assessed separately during 2013, and presents no in-combination effects with the aquaculture activities in the SAC. The potting is unlikely to impact on the habitat or species features in the SAC. There are a number of wastewater plants presenting a pollution risk to the SAC upstream and within the River Slaney Valley SAC. Details can be found in the shellfish water characterisation reports. Specifically, the wastewater treatment plant

in Wexford Town has secondary treatment, nutrient removal and UV disinfection. The pressure derived from these facilities is a discharge that may impact upon levels of dissolved nutrients, suspended solids and some elemental components e.g. aluminium in the case of water treatment facilities. It should be noted that the pressures resulting from fisheries and aquaculture activities are primarily morphological in nature. It was, therefore, concluded that given the pressure resulting from say, a point discharge location (e.g. urban waste-water treatment plant or combined sewer overflow) would likely impact on physico-chemical parameters in the water column, any in-combination effects with aquaculture activities are considered to be minimal or negligible.

Other activities that may occur in the SAC are primarily recreational activities (hunting, sailing, recreational fishing and beach activities). In summary, there are no likely in-combination effects between these other activities and aquaculture in relation to habitat qualifying features.

Ex-situ Effects

In addition to the two SACs under consideration in this report, Slaney River Valley SAC and Raven's Point SAC, there are a number of other Natura 2000 sites proximate to the proposed activities. The characteristic features of these sites were identified and a preliminary screening was carried out on the likely interaction with aquaculture and fishery activities based primarily upon the likelihood of spatial overlap or other interactions (*ex-situ* effects). All qualifying features screen out and are not considered further in this assessment.

CONCLUSIONS

Annex I Habitats

Conclusion 1

The culture/collection of wild mussel seed on longlines and rafts that might occur outside of the boundaries but are proximate to the two SACs are deemed to be non-disturbing to the conservation features of the SAC.

Conclusion 2

By virtue of extensive spatial cover (>15%) the levels of existing and proposed culture of bottom mussel culture activities are considered disturbing to habitat feature Estuaries (1130) and Mudflats and Sandflats not Covered by Seawater at Low Tide (1140) in the Slaney River Valley SAC as well as a number of constituent marine community types

Conclusion 3

By virtue of extensive spatial cover (>15%) the levels of existing and proposed culture of bottom mussel culture activities are considered disturbing to the community type - Estuarine muds dominated by polychaetes and crustaceans community complex within the habitat feature Mudflats and Sandflats not Covered by Seawater at Low Tide (1140) in the Raven Point Nature Reserve SAC.

Conclusion 4

The proposal to culture oysters (intertidally on trestles) is not considered disturbing to habitat feature Estuaries (1130) and Mudflats and Sandflats not covered by Seawater at Low Tide (1140) in the Slaney River Valley SAC.

Conclusion 5

Removal of seed resources from intertidal habitat will also result in disturbance to 1140 habitat features by destabilising the reef structure formed by mussels and reducing habitat complexity and associated biodiversity.

This conclusion formed part of the previous version of the Conclusion Statement and the Marine Institute has confirmed that only one site currently under consideration is affected. Full account of the relevant recommendations made in the Appropriate Assessment report will be taken in any licensing decisions.

Conclusion 6

Based upon experience elsewhere, the introduction of ‘½ grown’ or ‘wild’ oyster or mussel seed stock into aquaculture plots (both within and proximate to the SAC) from outside of Ireland does pose a risk of establishment of non-native species in the SAC.

Annex II Species

Conclusion 1

The current levels of aquaculture production are considered non-disturbing to harbour seal conservation features in all areas of the SAC. It is important to note that area covered by the (subtidal) bottom mussel culture activities would appear to be considerably smaller than those represented by licensed areas, which extend into the intertidal areas. This is verified by aerial imagery which shows no mussel beds in the vicinity of the seal sites. If actual production were to occur over or close to the seal haul-out areas then a risk of disturbance to seal cannot be discounted.

Conclusion 2

In relation to new licence applications, similar to licensed areas, there is considerable overlap with seal haul out locations and a number of new applications. If actual culture activities were to extend to intertidal/shallower areas proximate to the seal sites then this would present a risk to seals. On the basis of distance from the seal haul out locations, the proposed oyster trestle culture sites are considered non-disturbing to seal conservation features.

Conclusion 3

The current and proposed levels of aquaculture are considered non-disturbing to otter (*Lutra lutra*) conservation features in all areas of the SAC.

MITIGATION / MANAGEMENT MEASURES

1. Benefits of mussels to the system

Mussels have been a historical constituent in the waterbody in Wexford Harbour. The filtration capacity of the mussels may have a beneficial impact on the eutrophication status of the bay and the habitat provision by mussels can be beneficial to the ecological function of the system. In summary, the view is that bottom mussel culture, at current levels, does have an overall positive role in ecosystem.

The addition of more mussels to the system (with new applications) should have additional benefit in terms of reducing effects of eutrophication, and may mitigate the water quality status in the Lower Slaney water-body.

2. Estuaries

Threshold of 15% will be exceeded if all applications are licensed. However, the benefits of mussels to the system, as outlined above, are also a significant consideration in possibly allowing exceedence of the 15% threshold in the estuaries feature.

3. Remove spatial coverage over Mudflats and Sandflats

There is a clear distinction between current licence levels and current levels of activity. Mussel culture mainly occurs in deeper subtidal areas of the SAC. It is anticipated that no culture (and disturbance from same) will occur in intertidal and shallow subtidal areas. This is an important consideration, particularly in the outer parts of the water body where the qualifying feature is Mudflats and sandflats not covered by seawater at low tide (1140).

The Department and its scientific advisors consider that the GSI estimates of intertidal areas are more accurate and reflect the reality of intertidal extent in Wexford. On this basis, the Department proposes that the determination of aquaculture licence applications for sub-tidal activities (bottom mussel culture) be informed by the outputs of GSI mapping. Therefore, all recommendations relating to likely disturbing activities will be on the basis of GSI mapping of intertidal habitat rather than the intertidal mapping primarily generated by the OSI discovery series.

On the basis of the Appropriate Assessment report findings, it is proposed to re-draw the boundaries of sites which will take bottom mussels out of intertidal areas. This will result in minimal or no coverage of the qualifying feature Mudflats and sandflats not covered by seawater at low tide (1140).

4. Placing of appropriate Buffer zones around Seal haul out areas, as required. Vessel and human activity to be confined to mid-tide to high-tide periods only when seals are less likely to be hauling out.
5. Any licences issued will include a prohibition on night-time dredging

6. The use of updated and enhanced Aquaculture and Foreshore Licences containing terms and conditions which reflect the environmental protection required under EU and National law.

7. Full account will be taken of the recommendations made in the Appropriate Assessment in relation to the Little Tern Colony with regard to the licensing of affected sites.