Comments on the Celtic Sea Ecological Sensitivity Analysis

A SUBMISSION FROM THE SEAFOOD INDUSTRY REPRESENTATIVES' FORUM

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A Submission

from the Seafood Industry Representatives Forum

to the

Department of Housing, Local Government and Heritage,

On the

Celtic Sea Ecological Sensitivity Analysis

1. Introduction

The Seafood Industry Representatives Forum are making this submission, jointly, to the Department of Housing, Local Government and Heritage (DHLGH) and the Ecological Sensitivity Analysis Study Group as a follow up to the two Celtic Sea Ecological Sensitivity Analysis stakeholder meetings held in Cork on the 9th and 16th February 2024. The aims of these meetings were to:

1. Inform stakeholders of the processes undertaken in the Celtic Sea Ecological Sensitivity Analysis (CS-ESA).
2. Allow stakeholders to view, comment on, discuss and inform the features selected for analysis.
3. Engage stakeholders in the process of conservation prioritization.
4. Allow stakeholders to contribute data and ask questions about this project.

In is important to note that this is the second iteration of a process that started with an Ecological Sensitivity Analysis of the Irish Sea, completed in 2023. Following that report a number of seafood industry organisations submitted comments on the process and report with a view to improving future versions of the analyses.

The Seafood Industry Representatives Forum are pleased to see some of these comments and suggestions have been adopted and applied to the Celtic Sea Ecological Sensitivity Analysis. That said, there are unresolved issues in the Celtic Sea analysis that should be addressed before the report is concluded and before any future Ecological Sensitivity Analyses are undertaken.

These issues are outlined in the following sections along with suggestions for how they may be addressed by the DHLGH and the Ecological Sensitivity Analysis study group.

2. Stakeholder Participation

A key recommendation of the 2020 Marine Protected Area (MPA) Advisory Group Report on Expanding Ireland's MPA Network [1] in that "*Early and sustained stakeholder engagement should be integral to the selection and management processes for MPAs. Engagement should be inclusive and equitable, and the process should be designed to ensure that it is transparent, meaningful and facilitating*." To this end DHLGH have stated that "*stakeholder participation and not just consultation*" is required if the MPA bill is to ensure effective engagement with stakeholders.

While the Ecological Sensitivity Analysis process is not selecting or defining MPAs, it is identifying areas from within which the future MPA network will be selected. As such it is part of the MPA process and, therefore, should implement the recommendations for effective stakeholder participation.

This was a key point in the comments submitted to DHLGH following the Irish Sea Ecological Sensitivity Analyses. In that process stakeholders were informed of the type of approach being followed by the study group and then were presented with the final report. They were however a) not part of the "*Level 2: Involve*" stage, b) were not informed of the feature list or data being used in the analyses until the final report was published and, c) were not afforded the opportunity to input in a meaningful way to the process.

While the Celtic Sea process has addressed this deficiency to some extent, by presenting the features list during the stakeholder meetings, accompanying data were not presented. Instead, the format of the meeting was very

similar to that used in the Irish Sea process and focussed on explaining the concept of prioritisation analyses rather than discussing the data.

In the current process, while stakeholders have been afforded the opportunity to bring forward data and submit comments in advance of the final analysis, a) the timeline for this is very short, and b) as the stakeholders have not seen the data already collated, that are limited in their ability to efficiently identify gaps.

While the compilation of a features list and the development of an ecological sensitivity analysis may be an iterative process, it is nonetheless essential that stakeholders have full participation throughout.

3. Timeline

In the Irish Sea process, the reason given for a *limited* stakeholder engagement was the short timeframe imposed by DHLGH. This was based on the need to complete the analysis prior to receipt of Phase 1 planning applications for Offshore Wind. Noting that these planning applications have not yet been received it is difficult to reconcile this logic.

Further, as there are no Phase 1 projects in the Celtic Sea, that process should have been afforded the necessary time for thorough stakeholder engagement and robust analysis of the data. However, only five months have been allocated for the study group to complete their final report. This is insufficient time to complete all aspects properly; 8-12 months is required to conduct a proper stakeholder engagement and effectively incorporate feedback into the analyses and final report.

If the truncated timeline is, as indicated at the Cork meeting, based on the timeline required for completing the Designated Marine Area Plan (DMAP) process within the Celtic Sea, this is not sufficient justification. Proper inter-departmental planning is needed to avoid future timeline constraints.

The need for more time to conduct the Ecological Sensitivity Analysis should be stipulated in the final report, an indicative timeline of the time required for the different steps of the analysis should be included and these issues communicated clearly to DHLGH to avoid a repeat when the next analysis is undertaken.

4. Features list

It was clear from the stakeholder meetings that much thought and discussion by the study group had gone into the features list. As stakeholders were not privy to these discussions and have not seen any of the underlying data it is difficult to understand the justification for the inclusion or exclusion of particular features and there was not sufficient time to discuss each feature in detail at the stakeholder meeting. Therefore, any recommendations made here may already have been discussed at length and the following comments may represent wasted effort on the part of stakeholders.

A significant part of the features list are the broad benthic habitats that are defined in the Marine Strategy Framework Directive (MSFD). Thirteen of twenty-two broad benthic habitats identified in Irish waters are listed, and it should be clarified if those omitted i) did not occur within the study area, or, ii) if they were omitted for another reason. There is a significant issue with the inclusion of these habitats as features as it must be determined what percentage of each should be prioritised for conservation. Under the MSFD and Marine Action Plan a defined percentage of these habitat types need to be afforded protection within each member states EEZ.

This does not mean that defined percentage of each type must be protected in the Irish Sea and also in the Celtic Sea but rather the total percentage of each habitat type in the entire Irish EEZ must meet the defined targets. Therefore, to properly assess where these habitat types may be best afforded the required protection it is necessary to take a holistic and complete view of their distribution in Irish waters. By treating the Irish Sea and Celtic Sea analyses in isolation from each other and from the rest of the Irish EEZ, the Ecological Sensitivity Analyses have not considered this requirement in the correct manner. As a result, the outputs of the analyses with these features considered will not be meaningful. See also Point 4 for compatibility issues with Irish Sea Ecological Sensitivity Analysis.

- A notable change in the features list in the Celtic Sea analysis is the inclusion of species which are managed individually under the Common Fisheries Policy (CFP). These were excluded from the Irish Sea analysis as there are legal provisions for their conservation and sustainability already in place. Their inclusion in the Celtic Sea analysis is encouraging, however it would be informative to understand the justification and reasoning for including each species. For example, Cod in the Celtic Sea is considered "*least concern"* by the European Red List *and* is strictly managed under the CFP. This stock is currently in a poor state and spatial conservation measures have failed to aid recovery. Recent research has shown that the temperature in the Celtic Sea may be too high to sustain successful spawning and recruitment of Cod [2], which raises the question, how will the inclusion of Cod as a feature in the analysis improve upon this? One must also consider the recent Cod tagging project conducted by the Marine Institute and AFBI, which showed significant movement of Cod between the Irish Sea and Celtic Sea [3]. Therefore, these areas should be considered together if conservation is the primary aim regardless of the current assessment and management areas. The fact that Cod was not considered in the Irish Sea analysis also highlights the lack of comparability between the two analyses (see Point 4).
- The Common Thresher Shark is a vagrant species in Irish waters, which are at the northern extreme of the species distribution. There are less than twenty records of the species in Irish waters. The Celtic Sea does not represent a significant part of the species range and it is unlikely that spatial protection within the Celtic Sea would have any impact on the species conservation status. Therefore, it should not be included in the features list. It may be more appropriate to include species such as Porbeagle sharks, which are more common in the area and of higher conservation concern on the ICUN Red List.

The two examples above highlight the uncertainty surrounding the species and habitats selected for the features list.

i) These features will have a significant impact on the results of the prioritisation analysis, and, as such, the features, and the data available for each should have been the focus of more open discussion at the stakeholder meetings. To not do so, risks introducing unintended bias.
ii) There may be other species that are more appropriate to add. These include small eyed ray, which have discrete spawning grounds and are amenable to spatial protection measures. Note: Small eyed ray is also managed by individual TAC at species level.

iii) Blonde Ray and Thornback Ray also appear on the features list for the Celtic Sea, these are commercially important, and consideration must be given to evolving management measures in the EU to create individual TACs and other measures to protect vulnerable species.

iv) Certain areas have been shown to be critical habitat for species such as Sea Bass, yet these have been excluded as many are within harbours or are in inshore areas that are not covered by available data.

v) As was the case with the Irish Sea analysis, the only ecosystem service included as a feature was "*Carbon Sequestration*". This is a subjective decision, and it must also be noted that there is little if any empirical data related to carbon storage or sequestration in Irish or wider European waters. Therefore, any data included is likely to be based on assumed importance of different sediment types to this ecosystem service.

vi) It is important that seafood provision is also included as an important ecosystem service. It is widely proven and accepted that seafood, relative to terrestrial protein sources, provides a low carbon footprint and highly nutritious food source. As such seafood production systems and key production areas provide vital ecosystem services and should be added as a feature in the analysis.

In conclusion it is apparent that it would have been better to have allowed full stakeholder participation during the selection of the features and the discussions of underlying data. This would have allowed full engagement by stakeholders and enabled full understanding of the decisions made prior to the main analysis being undertaken.

5. Compatibility with Irish Sea Ecological Sensitivity Analysis

As highlighted above there are a number of differences between the Irish Sea and Celtic Sea Ecological Sensitivity Analyses. Whilst it is encouraging to see the methodology develop and improvements being made, it is also important to highlight a potentially adverse impact of this i.e. the outputs for the two analyses will not be directly comparable or combinable. The result is that different criteria will have been applied to identifying potentially sensitive areas in the two areas despite these areas being ecologically linked and the results being ultimately part of the same MPA network process. Hence different criteria will also be applied to identifying potentially suitable areas for OWFs to be sited in the adjoining areas. This is neither desirable nor a scientifically sound approach. The primary differences between the two analyses are as follows:

i) Inclusion of Species managed under single TACs in the CFP

As noted above the Celtic Sea analysis includes species such as Cod which are individually managed under the CFP, whereas these species were excluded from the Irish Sea analyses. Therefore, the fundamental basis of the analyses is different.

ii) Inclusion of Habitats listed under the EU Habitats Directive

Similarly, it was explained at the stakeholders' meetings that habitats that are protected under the EU Habitats Directive are included in the Celtic Sea analyses but were specifically excluded from the Irish Sea analyses. This was a significant omission in the case of the Irish Sea as many sensitive sandbanks were marked as low sensitivity and highlighted as potentially suitable areas for OWF development when in fact they should be the target of conservation.

In light of the significant changes in approach it is important to revisit the Irish Sea analysis using the same criteria used in the Celtic Sea.

6. Exclusion of species in the Birds and Habitats Directives

The exclusion of those species listed in the birds and habitats directive is a major failing of the current approach and will make outputs difficult to interpret or use. It was explained that this was due there already being legal provisions for their conservation and sustainability in place. However, this was also the case for the species managed under the CFP and habitats listed in the Habitats Directive, yet they have now been included.

It should also be noted that the Ecological Sensitivity Analysis is not defining MPAs but merely trying to identify potentially sensitive species and areas. Therefore, excluding known sensitive species does not make sense.

7. Additional Prioritisation Scenarios

The study group was asked to nominate additional scenarios to be run as part of the prioritisation analysis.

i) Existing Activity Scenario.

As there are currently no offshore wind farms and no Phase 1 planning applications in the Celtic Sea study area, there is no need to treat Offshore Renewable Energy (ORE) as an equal cost layer alongside existing activities including fishing, shipping, angling etc. Nor is there justification for using the DMAP area as a single cost layer with equal weighting. The proposed *Existing Activity Scenario* therefore would involve existing activities *only*, that is, fishing, shipping, biodiversity etc but not ORE.

Rationale: Recognising that the siting of offshore wind is heavily influenced by the need to minimise costs, while fishing is restricted to areas where fish occur, this approach can help determine sites within the study area suitable for new activities, including offshore wind, while minimising impacts on existing activities. It may be more pragmatic to relocate an offshore wind farm rather than prevent fishing.

ii) Combined fishing layer scenario.

As stated by the study group at the stakeholder meeting, the fishing activity layers can only be put into the existing model one at a time rather than as a single layer or in combination. This deficiency should be addressed as a priority and provision made to model:

- all fishing activity accounted for in a single combined layer.
- an assessment of inshore fisheries where no VMS data exists.
- an assessment of international fishing activity based on VMS data.

iii) Sensitivity weighting.

The sensitivity of the model to different weighting options for traditional activities including fishing, should be investigated.

8. Socio-economic analyses

It is important to note that the study group was not tasked with gathering data or assessing the socio-economic impact of any of the choices made in the Celtic Sea analysis. Given the requirements of Fishery Policy number 1 of the National Marine Planning Framework[1] the Seafood industry are strongly of the view that the Celtic Sea Ecological Sensitivity Analysis (and all future such analyses) should also consider impacts on fishing activity, and where appropriate, perform appropriate analysis, including Multi Criterion Decision Analysis, as part of a comprehensive assessment.

This is particularly the case if this analysis is also used as a tool to help identify areas suitable for ORE development.

The Seafood Industry has identified the absence of any priority clearly identifying the need for a systematic Economic and Socio Impact Assessment (ESIA) as a major omission in both this and the development of offshore renewables[2]. Its non-appearance in this analysis, and more generally from Irish planning legislation, appears at odds with the wider concept of sustainable development, as defined in the United Nations *Brundtland* report[3], which emphasises the need to find a balance between economic development, environmental protection, and social well-being.

9. Review and transparent feedback on final report.

It was highlighted during the stakeholders meeting that the prioritisation approach being used is relatively novel and that it should undergo an external peer review. This was also highlighted during the Irish Sea study and feedback provided to DHLGH on how this process would typically be undertaken if it was an ICES benchmark process. No external review of the Irish Sea study was conducted; this should be addressed in the Celtic Sea study.

Following the publication of the Irish Sea report there was no formal or transparent process for feedback to be provided to DHLGH and the study group. Feedback was provided by some seafood industry groups, and it is unclear if any additional feedback was provided by other stakeholders. A formal process should be established where feedback can be provided in advance of the final report being published so that additional scenarios can be run, queries addressed and data errors etc corrected. There should then be a consultation on the final report and all submissions made publicly available to ensure full transparency.

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[1] This requires proposals that may have significant adverse impacts on access for existing fishing activities, to demonstrate that they will, in order of preference: a) avoid, b) minimise, or c) mitigate such impacts. d) If it is not possible to mitigate significant adverse impacts on fishing activity, the public benefits for proceeding with the proposal that outweigh the significant adverse impacts on existing fishing activity must be demonstrated.

[2] The European Union COUNCIL RESOLUTION ON THE EU WORK PLAN FOR CULTURE 2023–2026 notes that the cultural and creative ecosystem is inconceivable without the people who create cultural content in countless forms: artists and other cultural and creative professionals, institutions, and organisations. Strong cultural and creative sectors (CCS) are therefore indispensable.

[3] United Nations, World Commission on Environment and Development, *Brundtland* report *Our Common Future.*

10. References

1. Marine Protected Area Advisory Group (2020). Expanding Ireland's Marine Protected Area Network: A report by the Marine Protected Area Advisory Group. Report for the Department of Housing, Local Government and Heritage, Ireland.
2. Kjesbu O. S., Alix M., Sandø A. B., Strand E., Wright P. J., Johns D. G., Thorsen A., et al. 2023. Latitudinally distinct stocks of Atlantic cod face fundamentally different biophysical challenges under on-going climate change. Fish and Fisheries, 24: 297–320.
3. European Commission, European Climate, Infrastructure and Environment Executive Agency, Lundy, M., Poppleton, V., White, J., Tagging study to determine mortality sources on cod in the Irish Sea – Final report, Publications Office of the European Union, 2022, https://data.europa.eu/doi/10.2926/869813