

Consultation Paper: Proposals for additional designations under the Shellfish Waters Directive – Synopsis of responses

Issue 1 - Requirement to Designate	
Respondent	Comments
Aquaculture Initiative	<p>Welcomes the recognition of the obligation to protect and where necessary improve the quality of waters where shellfish grow and the designation of additional areas at this time.</p> <p>Welcomes the commitment to review the designations on a three-yearly basis.</p>
Department for Regional Development & Northern Ireland Water (joint response)	Welcomes the designation of shellfish waters under SWD and the clearer regulation and protection this affords.
3 Shellfish producers who replied using the same letter	Welcome the Department's recognition of the obligation to protect and where necessary improve the quality of waters where shellfish grow and supported the designation of additional areas at this time.
Department of Agriculture and Rural Development	Welcomes the proposals for periodic reviews and wishes to be involved in this process.
Water UK	Recognises the need to designate the existing shellfish growing areas.

Issue 2 – Designation Policy	
Respondent	Comments
Aquaculture Initiative	<p>Questions the criteria used for designation as shellfish beds used for growing of juvenile stock and for relaying stock would not be included.</p> <p>Considers that the requirement for ‘same species’ classification is not justifiable.</p> <p>Objects to the use of the term ‘Sustainable Criteria’ as this implies that aquaculture other than defined in the document is unsustainable.</p> <p>Questions how the Department will determine whether a site is ‘active’.</p>
Loughs Agency	Considers that the criteria used for designation automatically exclude wild shellfisheries from the process.
Invest Northern Ireland	Agrees that a shellfishery proposed for designation should have been active in the last three years.
3 Shellfish producers who replied using the same letter	Express concern about the selection criteria and requests that the Department in consultation with the industry re-examine them prior to the next review.
Department of Agriculture and Rural Development	<p>Expresses concern that the criteria do not provide adequate protection for wild shellfish or beds which have only recently begun to produce marketable shellfish.</p> <p>Recommends that the Department ensures that its approach is defensible in respect of the protection of wild shellfish beds and wishes to further discuss this issue with the DOE and Food Standards Agency.</p>

	Requests clarification of how the Department will determine whether a site is 'active'
Department of Regional Development and Northern Ireland Water (joint response)	Does not dispute the principle that designated areas should broadly match the shellfish harvesting areas under the Food Hygiene Regulations 2004, provided it is on the basis that harvested areas are in appropriate locations in the first place.
Water UK	Considers that the policy should have existing excellent water quality as the driver to encourage development of new farms in the best locations.

Issue 3 – De-Designation	
Respondent	Comments
Loughs Agency	Accepts the need for de-designation of sites no longer used but would be opposed to de-designation on the basis of location or farm practices.
Department of Regional Development & Northern Ireland Water (joint response)	Believe that although de-designation may be required in the future that this would be difficult in practice as this could lead to redundant investment by NIW.
Department of Agriculture and Rural Development	Wishes to be consulted on any proposals to de-designate a site.

Issue 4 – Waters Proposed for Designation	
Respondent	Comments
Aquaculture Initiative	<p>Suggests that the designation of all areas currently licensed for shellfish aquaculture is the most suitable approach, given the delay in the implementation of the Directive in Northern Ireland.</p> <p>Considers that the proposed areas for designation in Belfast Lough, Carlingford Lough, Dundrum Bay, Killough and Larne Lough are appropriate but contends that consideration should be given to extending the areas particularly in relation to Strangford Lough and Lough Foyle.</p>
Loughs Agency	<p>Contends that the current designations within Lough Foyle do not protect the majority of areas fished and used for culture.</p> <p>Contends that designation should be extended to areas where wild shellfish are harvested.</p> <p>Considers that the areas proposed in Lough Foyle are not consistent with the approach taken in other areas as the boundaries follow the spatial boundaries of the sites.</p> <p>Requests that the Department considers Lough Foyle as a special case for designation as it is a major production area for bottom culture mussels on the island of Ireland.</p>
Department of Communications, Energy and Natural Resources (ROI) as co-sponsor of the Loughs Agency	<p>Contends that the proposals do not include Lough Foyle</p> <p>Requests that the Department liaises with the Loughs Agency and the Department of Environment, Heritage and Local Government (ROI) to afford the protection of designation on Lough Foyle.</p>
Department of Regional Development & Northern Ireland Water (joint response)	<p>Consider that the areas proposed in Belfast Lough and Carlingford Lough are inappropriate due to their proximity to the discharges from waste water</p>

	treatment works.
3 Shellfish producers who replied using the same letter	Regard the proposed areas in Belfast Lough, Carlingford Lough, Dundrum Bay and Killough and Larne Lough as appropriate. Support the designations in Strangford Lough and Lough Foyle; however they suggest that not all production areas are included in these sea loughs.
Department of Agriculture and Rural Development	<p>Is generally content with the proposed designations and notes that all are commercially active and licensed under section 11 of the Fisheries Act (Northern Ireland) 1966.</p> <p>Requests that the Department considers designating the whole of Strangford Lough because of its special status and the current investment in the restoration of the horse mussel (<i>Modiolus modiolus</i>)</p>
UK Water	Recognises the need to designate the existing shellfish growing areas in Belfast Lough.

Issue 5 – Impact of Designation	
Respondent	Comments
Aquaculture Initiative	Agrees that the benefits of designation should include the costs of avoiding infraction proceedings. Contends that implementation of the Directive will provide benefits to the environment and other marine users and stakeholders.
Department for Regional Development & Northern Ireland Water (joint response)	<p>Consider that the long-term costs to NIW, such as the impact of upgrading the sewerage system to a 10-spill limit or a Category A shellfish classification, have not been taken sufficiently into account. This is of particular concern in Belfast Lough.</p> <p>Consider that while the costs of avoiding infraction have been included in the RIA the costs of not meeting the SWD quality standards because of designations based on inappropriate site selection would be greater.</p>
3 Shellfish producers who replied using the same letter	Consider that the costs of avoiding infraction and the benefits to the environment and other marine users and stakeholders have been underestimated.
Water UK	Although concerned about the impact of a requirement for Category A shellfish consider that the new designations, the already established waste water improvement programme and acceptance of current Category B status will meet the requirements of the Directive and minimise the additional treatment requirements from Northern Ireland Water.

Issue 6 – Other Issues	
Respondent	Comments
Aquaculture Initiative 3 Shellfish producers who replied using the same letter Food Standards Agency Northern Ireland AES Kilroot Power Ltd	In addition to providing comments on the consultation paper these respondents asked a number of specific questions of an operational nature.

Issue 7 – Other Responses	
Respondent	Comments
Northern Ireland Judicial Appointments Commission Disability Action Department of Environment, Heritage and Local Government (ROI)	Replied to the consultation but submitted no substantive comments. DEHLG complimented the Department on the clarity and quality of its consultation paper.