

Wildlife Legislation Review, Legislation and Guidance Unit, 2nd Floor
National Parks and Wildlife Service
Department of Housing, Local Government and Heritage
90 North King Street
Dublin 7, D07 N7CV

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To Whom it may Concern:

This submission is made by the Sustainable Water Network (SWAN), an umbrella network of 25 of Ireland's leading environmental NGOs, working together to protect and enhance Ireland's water environment. Due to SWAN capacity, our current response to the Wildlife Legislation review will focus on the marine and coastal environment and the importance of these unique and complex ecosystems and their species. We refer you to our members' submissions for responses covering freshwater wildlife.

With Ireland's marine territory extending to an area of more than 10 times our land mass, revised wildlife legislation must take into account the specific and unique requirements of the 24 species of seabird, 26 cetacean species, 71 elasmobranchs, and many species of fish, which form integral parts of the marine food web and ecosystems in Irish waters. Currently, basking sharks are the only non-mammal marine animal afforded protection under Section 23 of the Wildlife Act; other elasmobranch species are also vulnerable and require additional legislative protection. Irish waters also include habitats such as kelp forests, seagrass meadows, deep-sea cold-water corals rocky shores and salt marshes which provide vital nursery and feeding grounds for marine species and other necessary ecosystem services.

Ireland's marine wildlife is at risk from a multitude of threats. Warming waters, invasive species, eutrophication, marine litter, habitat destruction, bycatch and underwater noise are all threats requiring mitigation. Per the targets of Marine Strategy Framework Directive (MSFD) Good Environmental Status (GES) descriptors, biological diversity must be maintained: *"The quality and occurrence of habitats and the distribution and abundance of species are in line with prevailing physiographic, geographic and climate conditions; all elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity."*

When European directives (including the MSFD, Water Framework Directive, and the Birds and Habitats Directives) are transposed into Irish law, they should be approached

as a floor, not a ceiling. This review and update of Irish wildlife legislation is an opportunity to enact more ambitious levels of protection, rather than taking directives as a minimum standard to be met.

Under Ireland's marine spatial planning, the prioritisation of an ecosystems-based approach, per the Maritime Area Planning Act, is a must, with environmental factors at the centre of decision-making, whether considering aquaculture licencing, trawling restrictions or the expansion of offshore renewable energy.

In a period of rapid offshore renewable energy development, relevant legislation must ensure the protection of marine biodiversity. Co-location with Special Areas of Conservation and Special Protection Areas should be avoided, with environmental concerns prioritised at each stage.

SWAN responded to the consultation on trawling activity inside six nautical miles, supporting the option to exclude inshore trawling by vessels over 18m and await the Government's decision on this. Such legislation would be one of the most important fisheries policies in the state's history and its immediate implementation is vital.

The aquaculture industry in Ireland must be better regulated to ensure it does not compromise WFD and MSFD objectives and does not put wild fish at risk or harm natural ecosystems. Robust and effective licencing systems must be implemented, with consequences (including closure) for those which do not comply with EU Birds and Habitats Directives (per the finding of the Court of Justice of European Union in 2007).

We also call on NPWS to recognise the importance of public participation, citizen science, and the role and expertise of environmental NGOs in the protection of marine wildlife.

We recognise that the enforcement of wildlife crime in the marine environment brings additional challenges and requires different resources, which must be recognised in legislation. We call for an increase in patrols of marine region, particularly within Marine Protected Areas (MPAs) and legal consequences for those not following regulations, such as illegal fishing practices or the dumping of waste. NPWS must be adequately resourced to commit to its mandate to protect Irish waters within the EEZ.

While this consultation specifies that MPA legislation does not form part of the review, SWAN reiterates that wildlife legislation must complement future MPA legislation to ensure effective protection of marine wildlife.

At a time of countering the triple planetary crises, Ireland can, and should, be a leader in biodiversity protection and preservation. Robust legislation specific to unique marine habitats and species is a necessity, with related resourcing and enforcement.



SWAN looks forward to working with our partners and NPWS to ensure Ireland's legislation pertaining to marine and other aquatic wildlife is reviewed and updated to ensure the continued preservation of our unique and precious marine and freshwater biodiversity.

Regards,

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