

D&S IFCA's Response to Further Information on the Licence Application:

MLA 2018/00506

D&S IFCA is rather concerned that there appears to be the intention to accept and approve the proposal regardless of the impact of the farm on existing legitimate users operating in the proposed area under discussion. D&S IFCA appreciates that the MMO will be trying to enable such a development through the licencing process but the responses by those involved in the industries, that will be impacted by that, appear to be largely ignored. D&S IFCA has been asked, in particular, to review three documents sent in an e-mail dated 29th April 2019.

1. MLA/2018/00506_Altnerative site & relocation considerations

Bigbury Site:

It is interesting to note that this site is being referred to as a possible site. In 2016 Angela Mead contacted the IFCA about the possibility of a seaweed farm. Little detail was given. I contacted Angela to find out if this had progressed on 5th October 2016 because I had not heard anything, and I raised concerns that the Bigbury Bay area was a very important crab and lobster ground and any seaweed farm would severely impact the commercial fisheries in that area. (see e-mails attached). Angela responded saying that she would be transparent and open and avoid interacting with the commercial fisheries. I attended the South Devon and Channel Fishermen's (SD&CF) meeting where I raised the proposal. They had not heard about it and were concerned, so I emailed back to Angela with their concerns and suggested she contact Beshlie Pool SD&CF's Executive Officer. She replied that she would, but I believe she made no attempt to contact Beshlie at that time and no support was given by the SD&CF to locating the farm in Bigbury Bay or Challaborough. I heard nothing more from Angela until October 2018.

Torbay Site:

This site has been suggested, not just pre-the Beesands meeting, but on many occasions since, by several consultees. The photos shown in the alternative site location are misleading – comparing Start Bay to Brixham Harbour! Whilst Torbay has a relative high level of recreational activity this is currently occurring with a successful mussel farm and a developing scallop ranch in situ. Torbay is the ideal location for aquaculture as already demonstrated by the presence of these successful aquaculture businesses. Logistically it is more convenient than Start Bay for a developing business, with many marine vessels and shore line facilities available to facilitate further development and procession and growth. Recreational users in Torbay are familiar with the aquaculture developments and have learned to share the waters with them and therefore another small-scale trial is unlikely to impact them too much. It is not an enclosed loch or inland, as it is compared to in the document. It has free movement of currents and tides with a tidal range, similar if not greater, than Start Bay e.g.

19th April 2019 spring tidal range at Start Point was 4m

19th April 2019 spring tidal range at Torquay was 4.4m.

Torbay is exposed to easterly wind conditions and is impacted by storms but less so than Start Bay. The existing aquaculture businesses would not thrive there if the water flow and conditions were not suitable. I am concerned that throughout the application the applicant has talked about a trial but on p5. of this submission she is now saying the project will be investigating the feasibility of a large-scale stand-alone seaweed farm' which will 'significantly contribute to the progression of the industry in the UK.'

This appears to indicate that the trial is the start of a very large development and therefore this should be clarified, and any business projections should be included in the application. Will the MMO request this information and her future proposal for this large-scale farm? Can the MMO ask if this is the reason for not wishing to site the farm in Torbay rather than Start Bay?

The Torbay site has support from members of the fishing industry and SD&CF and whilst there may be some objections – it would need a full consultation - it appears to be the best site for a trial. The applicant suggests that a reason that Torbay is not suitable is because there may be objections from the NFFO and IFCA and industry and recreational users. At this juncture the NFFO and IFCA are supportive of investigating Torbay as a location. The site in Start Bay has received major objections from those people financially impacted by the proposal. The same may not be received in Torbay, consultation would determine this. The IFCA would suggest that the continued pursuit of Start Bay as a location without seriously considering other sites is not positive, inclusive, or transparent. It would appear from the document that the applicant is determined to find reasons not to move it anywhere else, as it would not be very convenient for her in terms of distance from her home. The applicant raises concerns about the large number of trawlers and potters travelling to and from Brixham Harbour, but these vessels can clearly keep their distance from aquaculture development as already proven. Start Bay is a mecca for recreational yachting and commercial vessel traversing across it and therefore can this be a reason for excluding Torbay as a location?

The applicant has been very misleading in the reference to the Defra 'Magic' map of Torbay. I have submitted, herewith, the same map, a little bit enlarged without some of the designations, but clearly showing the water quality – bathing water flags that she refers to and the supposed poor-quality red area. The water quality in Torbay is not poor. The map I have included shows that the bathing water is good or excellent at all bathing beaches in the area where the location of the farm was suggested to the north of Torbay off Torquay – see Blue and Green flags. The red area which the applicant says is poor water quality is not poor quality at all but in fact indicates the presence of seagrass. Torbay has wonderful designated features such as seagrass which are the designated habitat for seahorses in the Bay. In terms of designation the mussel farm is located within the MCZ and SAC in Torbay and the scallop ranch is outside. D&S IFCA believes there is the potential to locate the seaweed farm with no implications to WFD and where applicable the necessary assessments will need to be undertaken. The site does not need to be located where I suggested on the map on page 2. This was merely suggestion of a slightly more protected area within Torbay away from the prevailing winter easterlies. I am sure it could be located just outside the boundary line of the MCZ. As the applicant has not engaged with the IFCA and industry on the potential for any location within Torbay this has not been discussed. The suggestion that locating the farm in Torbay would lower the quality of the seaweed produced removing the ability to meet food standards is incorrect– as detailed above there is not an issue with water quality. Also this is a proposal for a trial not a fully productive industrial scale seaweed farm – isn't it?

It would appear that the applicant has not fully considered Torbay as a site, and therefore should not be discounted.

Start Bay Sites:

The bullet points on P6. of this document give me reasons for concern. Reading them I cannot help but wonder if I was at the same meeting at all, because the perception of the meeting by the IFCA and other stakeholders attending are very different from those summarised in this document being reviewed. I have attached the meeting notes with this response. The notes clearly raise the concern of locating the farm in the closed area of Start Bay due to the significant impact it would have to existing users of that area and the rationale behind why that area was so important from a heritage fishery point of view. Many concerns were raised – few of which are addressed in the application. However, one suggestion was that a site that straddled the closed area and the area open to trawling might be an option, because it would not have a significant impact of any one single fishing sector. In the meeting notes it suggest that placing the farm across the closing line between the closed and open area (i.e. 150m in the closed – 150m in the open) would unlikely to have a huge impact on the mobile gear – this was, however, raised as a question rather than a definitive proposal. D&S IFCA did not make this suggestion but it was felt that it could be considered, after wide consultation with all sectors. A map was provided at the end of the meeting to show the area where potentially the farm might be located across this straddling area. This was not a Carte Blanche to locate the farm in the area open to demersal fishing vessels. The applicant took it upon herself to locate the farm solely within the open area and did not provide to the IFCA nor to SD&CF the location of the proposal even after numerous requests. Biome (Ltd) acted singularly in locating it there – this area was not discussed at the meeting at all. As Chair of the IPA committee meeting I raised the point about the suggestion of a seaweed farm in Start Bay at the meeting in November 2018 but had to inform the committee that the applicant had failed, after requests from myself and Beshlie Pool (SF&DF), to provide a chart showing the location. It is remiss of the applicant to blame SD&CF or the IFCA for not ‘representing’ the project. It is not our role to do that. We were happy to raise it at the IPA meeting but because the applicant did not provide a chart of where she was considering the revised location we could not proceed on this. She did not contact either organisation for feedback nor asked to talk to the mobile fishing sector to discuss the revised location. D&S IFCA only found out about the new location in the license application. It is very frustrating to read details within the revised documents that are really not the case but are based on misinformation or the single-minded pursuit of locating the farm in Start Bay.

D&S IFCA disagrees with the concluding statemen on P.7 that Start Bay would in fact provide the least impact on all existing sea users, navigational issues, and the wider marine environment. This statement ignores the concerns of the fishing industry who would be significantly impacted by it.

2. MLA/2018/00506_Consultee response

D&S IFCA is concerned that the evidence drawn upon in this document see P5. is incorrect as stated in the response to the Alternative Site and Relocation Considerations detailed above. It appears that the applicant has repeated herself with some misinformation and incorrect outputs from the meeting with SD&CF, Start Bay fishermen and IFCA.

The applicant mentions that 40% of Start Bay is available to demersal gear. I believe that the actual information given to her was that 40% of the South Devon IFCA’s District has been closed to demersal gear. In fact between Berry Head and Plymouth 50% of

the area is permanently closed to demersal fishing gear vessels and a further 13% is closed for part of the year. This equates to a large area west of Berry Head closed to demersal gear. Any further closure of areas due to the seaweed farm would have a significant impact on the demersal fishing industry in South Devon. The applicant is not looking at the wider impacts and displacement effects of her proposal.

The applicant describes the size of the farm on P7. But she is asking for an area four times this as part of the application and lease from the Crown Estate. This will take up 6 Ha rather than the 1.5 Ha she details. Is this to accommodate a larger farm should the trial be successful?

The applicant discusses the IVMS tracks of 7 out of at least 18 vessels that operate in Start Bay area open to demersal fishing vessel. D&S IFCA is concerned that the applicant does not appear to recognise that the tracks are shown for one day's fishing only and that these tracks will change slightly with everyday the vessel fishes and therefore will likely to cover the whole of the ground that is open to the vessels to fish. The applicant has tried to demonstrate that the farm can be manoeuvred to fit in around these tracks, but this is missing the point. The vessels will fish across the whole area – the charts shown are only for one day of fishing and were used to give an example of the extensive and intensive use of that area by demersal fishing vessels. It is not appropriate to use them to manoeuvre the farm as the vessel tracks will change each day of fishing. Having the level of detail provided by the NFFO and fishing vessel is extremely useful indeed. IVMS can be used to identify fishing patterns and effort and they have been successfully used in this consultation to show an area where demersal gear is very much prevalent and any restrictions on this fishing area would have a significant impact on the industry. Therefore siting the farm in the open area of Start Bay is not a preferred option and will have significant impact.

To Point 4 of this document, D&S IFCA responded with the information regarding the classified shellfish harvesting area in response to detail within the document that suggested there was no classified shellfish harvesting area in the vicinity. When Biome (Algae) Ltd. suggested further locations it was necessary to raise this issue. The *Spisula* fishery is not intertidal – it is subtidal, and it was raised to show the importance of the area for other fisheries which the applicant failed to include in her initial licence application.

For item 5&6, the level of consultation with fishermen has been sporadic and poor. It was only on D&S IFCA's insistence that the applicant talk to the industry that any engagement took place. The results of this engagement do not seem to have influenced her decisions to relocate the farm and she has not engaged with the mobile fishing sector. This highlights a real concern with this and other future licence applications. Surely it should be a requirement of any potential license applicant to fully engage with all sectors that may be impacted, to inform any application. The applicant has failed to give necessary information to the IFCA and SD&CF and therefore both organisations were unable to help with this engagement further.

For point 1,5 D&S IFCA's concerns were mostly relating to the potential for INNS to be brought into the area by the seaweed that will be grown. Will a biosecurity measures plan be produced for public information?

The final note relates to the positive response received about the project. It is clear that on paper it looks like a good project but of course in reality it may significantly

impact likelihoods and therefore is not so positive. Those who responded positively are not impact financially or socially by the proposal.

3. MLA/2018/00506_Public representation responses

D&S IFCA has covered its main concerns and given relevant responses under 1 & 2 above.

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11th May 2019