Devon and Severn IFCA

Response to MMO Consultation for EIA/2022/00002

18th March 2022

Introduction and Scope of Response

Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA) is the statutory manager of sea fisheries from baselines out to six nautical miles in English waters as shown in Figure 1. The ten regional IFCAs have a shared vision to:

"lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry."

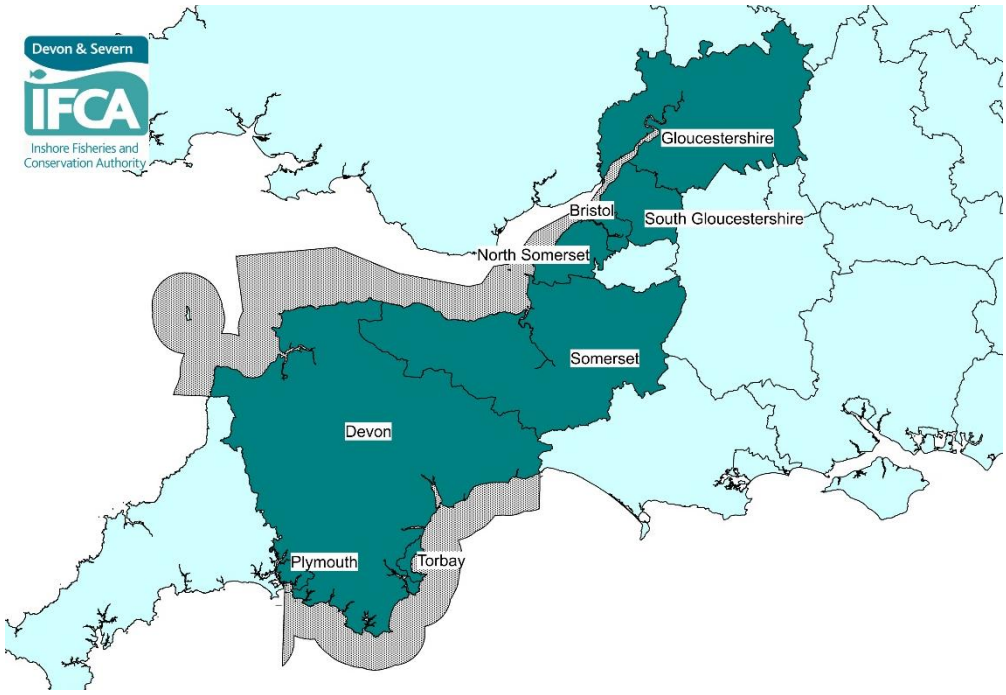

Figure 1. Map of Devon and Severn IFCA's District, showing in grey the sea area from baselines to 6nm (or the median line with Wales).

The powers and duties of all IFCAs are provided by the Marine and Coastal Access Act (MaCAA, 2009), in which the main legal duties are described in section 153: IFCAs must manage the exploitation of sea fisheries resources in their District, balancing the social and economic benefits of exploiting these resources with the need to protect the marine environment, or help it recover from exploitation. Under section 154 of MaCAA, IFCAs must seek to ensure the conservation objectives of any MCZs in the District are furthered. Additionally, under the Conservation of Habitats and Species Regulations 2017 (as amended), IFCAs are deemed to be relevant authorities for European Marine Sites (SACs and SPAs).

The D&S IFCA's response, below, focuses on seafish (including shellfish) and their habitats rather than migratory fish (salmon, sea trout, river and sea lamprey, twaite and allis shad and European eel). The Environment Agency is responsible for managing migratory fish and the relevant fisheries.

Fish and habitats

For information on fish, the Applicant is broadly relying on large-scale survey programs for data. These large-scale surveys are useful but typically under-represent phenomena such as fish spawning in inshore areas. For example, there are thought to be herring spawning grounds inshore near to Clovelly, which are not well-represented by International Herring Larval Surveys or the distribution of spawning and nursery grounds as defined in Coull *et al.* (1998) and Ellis *et al.* (2012) (to which the Applicants refer). It would be beneficial if the Applicant considered other evidence where available. This may be particularly important for herring, which exist as several distinct spawning populations in the area. This local-scale population structuring likely increases the vulnerability of 'local' populations to exploitation and habitat disturbance. For more information, please see https://www.devonandsevernifca.gov.uk/content/download/7305/52672/version/2/file/DSIFCA_AppealRepresentation_08June2021.pdf, in particular numbered paragraphs 28 – 39 and the associated Appendix 1, which provide some detail on the local herring populations including evidence of temporal genetic structuring in herring near Clovelly.

Table 2.12 of the EIA Scoping Report highlights sandeel as being of low commercial importance; however, the Applicant should also consider the ecological role of this species and others, beyond the immediate commercial importance. Though there may not be large commercial fisheries for certain species, they still serve important functions including as forage fish for commercially-targeted species.

Chapter 2.5.2 of the EIA Scoping Report doesn't appear to consider physical disturbance impacts of cable laying and impacts at the landfall site, which should be given further consideration – particularly on spawning grounds, sedimentation impacts on (shell)fish and disturbance to sub- and inter-tidal mussel beds. Habitat loss and physical disturbance only included in the operational impacts section; D&S IFCA would suggest that permanent and temporary physical habitat loss during the construction phase should be screened in to the EIA, as should cumulative permanent habitat loss. These additional considerations would also inform the Applicant's assessment of displacement or disruption of commercially important fish and shellfish grounds.

In paragraphs 333 and 334 of the EIA Scoping Report, the Applicant uses the mobile nature of fish to justify the decision not to undertake site-specific surveys. While this is broadly true, there may be some benefit to conducting site-specific surveys (particularly for shellfish, and finfish spawning grounds) depending on where the landfall is situated. D&S IFCA is likely to be able to provide guidance and/or data depending on the choice of landfall site; for example, D&S IFCA conducts annual monitoring of mussel stocks in the Taw-Torridge estuary and so will be able to comment on this species in particular if the landfall site is placed within that system. See *Fisheries: Shellfisheries* section below for more information.

Fisheries: Vessel monitoring data

There appears to be an under-representation of the inshore fishing fleet in the EIA Scoping Report, and a lack of data in the EIA Scoping Report on fishing within 6nm limit in D&S IFCA's District. Vessels above 15.24m in length are not permitted to fish within D&S IFCA's District. Therefore, the vessels fishing within D&S IFCA's District are unlikely to be captured by the VMS data that the Applicant has highlighted as part of the EIA evidence base. This is partly recognised in paragraph 494 of the EIA Scoping Report, and further consultation with the fisheries industry and stakeholders including D&S IFCA would be valuable.

Under the Permit Conditions associated with D&S IFCA's Mobile Fishing Permit Byelaw, a permit holder or named representative is not authorised to use a vessel between 6.99m and 15.25m within D&S IFCA's District unless a fully functioning, remotely accessed electronic

reporting device (iVMS device) is on board the vessel at all times and the required information is transmitted at least every ten minutes (more frequently in certain areas). Therefore, D&S IFCA is able to access iVMS data for all such vessels in the District. These data can demonstrate the location and intensity of fishing by inshore vessels, particularly in the cable corridor. D&S IFCA has also conducted potting surveys in north Devon which are likely to be valuable in informing the EIA.

Paragraph 533 of the EIA Scoping Report states that "Detailed analysis of baseline datasets will be undertaken to characterise long-term (i.e. over several years) patterns in commercial fisheries activity across the study area and predict potential impacts upon commercial fishing activities". However, the Applicant earlier states that VMS data have been obtained for 2019. The Applicant should ideally consider additional years of VMS data, in addition to the iVMS data outlined in D&S IFCA's response above.

Fisheries: Shellfisheries

Paragraph 304 of the EIA Scoping Report highlights that there are exploitable populations of mussels in the Taw-Torridge estuary. The Taw Torridge Estuary in North Devon is one of the few estuaries in D&S IFCA's District that has a commercially viable public mussel resource with intertidal and subtidal mussel beds. D&S IFCA has conducted annual intertidal mussel surveys since 2011. As the Taw Torridge Estuary is a Site of Special Scientific Interest the results of the mussel surveys are fed into a bird food availability model to determine the food source available for the designated overwintering birds and the amount of mussel resource that can be commercially harvested on an annual basis. D&S IFCA continues to work with Natural England (NE) to manage the resource and determine the monthly biomass of mussels that can be commercially harvested. In 2020 and 2021 a sub-tidal mussel survey was undertaken, working collaboratively with a member of the fishing industry and Natural England (and, in 2021, with Cornwall IFCA). NE gave assent to remove some of the subtidal resource and relay it in specific areas of the intertidal beds to determine if this a viable option to manage the resource within the estuary. For FY 2022/2023 a Taw Torridge Mussel Fishery Management Strategy will be developed to provide a framework for the management of the mussel resources and fishery in this estuary. D&S IFCA is therefore concerned about the potential impact of works associated with the White Cross windfarm project on the subtidal and intertidal mussel beds, and on the associated harvesting practices. These factors should be considered when determining the cable laying and landfall areas and associated works. There are also cockle populations near to the intertidal mussel beds, which are also likely to be important for overwintering birds in the SSSI. D&S IFCA will be surveying some of the cockle beds during 2022.

Fisheries: Landings data

Data collection for the EIA should recognise that landings often under-represent the landings of the inshore fleet, especially as there has historically been no requirement to record the sale of fish where those sales are for quantities < 30 kg.

Fisheries: Mariculture

D&S IFCA is aware of ongoing discussions regarding proposed seaweed mariculture in Bideford Bay, potentially in the vicinity of the cable corridor (MLA/2021/00328). Care should be taken to minimise conflict with this site, and to take into account potential in-combination impacts in terms of fisheries displacement that may arise from these projects.

Fisheries: Stakeholder engagement

Further engagement with the fishing industry would also be invaluable, and D&S IFCA is well-positioned to facilitate such communication.