Devon and Severn IFCA

Response to NRW Consultation for CML2147

1st November 2021

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. D&S IFCA's District includes cross-border Marine Protected Areas including the Severn Estuary Special Area of Conservation. Though CML2147 relates to a proposal entirely in Welsh waters, it has the potential to adversely affect cross-border sites such as the Severn Estuary SAC. It is on this basis that D&S IFCA is submitting this response.

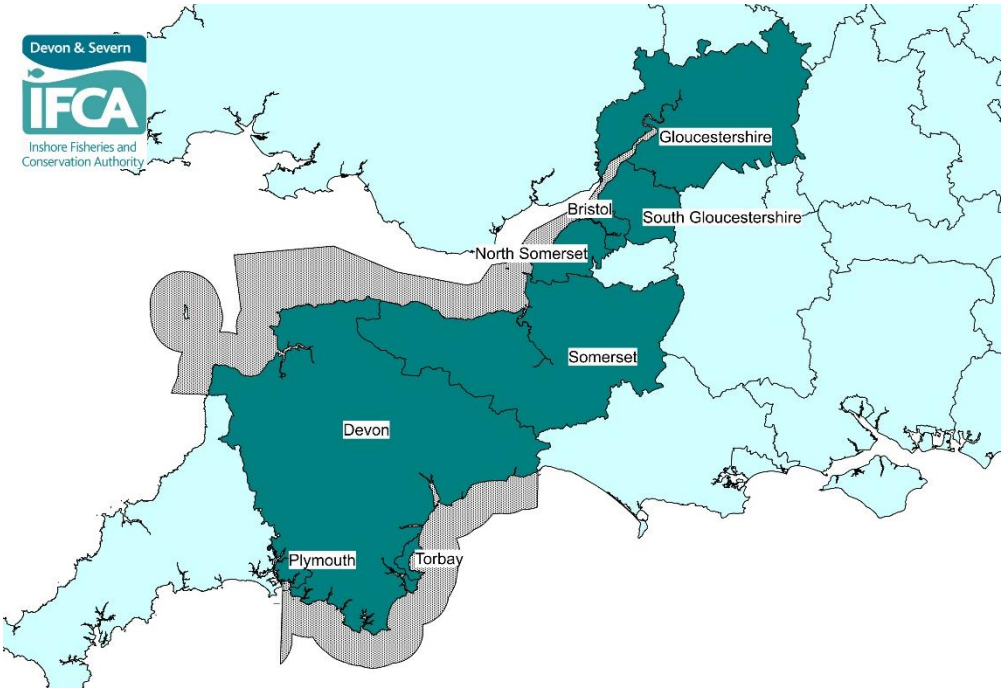

Figure 1. Map of Devon and Severn IFCA's District, showing in grey the sea area from baselines to 6nm (or the median line with Wales).

The 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."

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 and their habitats rather than migratory fish (salmon, sea trout, river and sea lamprey, twaite and allis shad and European eel), which do not fall under D&S IFCA's remit.

Severn Estuary SAC fish assemblage

In section 5.3.26 of the Environmental Statement, the applicant states "Ten other species, Cod *Gadus morhua*, Herring *Clupea hargenus*, Plaice *Pleuronectes platessa*, Sole *Solea solea*, Whiting *Merlangius merlangus* Blue Whiting *Micromesistius poutassou*, Hake *Merluccius merluccius*, Horse Mackerel *Trachurus trachurus*, Ling *Molva molva* and Saithe *Pollachius virens*, recorded in the Severn Estuary are recognised under the UK Post-2010 Biodiversity Framework which includes a number of strategic goals and supporting targets (JNCC and Defra 2012). Given the scheme will not impact upon nursery grounds or subtidal habitats it is not considered that the scheme will have an impact upon these species."

It is important to note that these species, and many others, are also a sub-feature of the SAC 'Estuaries' feature, and should be given due consideration in this regard. This assemblage includes over 100 species of fish, including many commercially and recreationally important species that are known to be present in the vicinity of the proposal (e.g. cod, bass, whiting, thornback ray, dover sole, conger, dogfish, pouting and flounder). The lack of consideration shown to this sub-feature should be addressed through more rigorous assessment, covering the estuarine fish assemblage and potential impacts including those highlighted below.

Impacts on fish and habitats

Although the Environmental Statement highlights that there are apparently no direct impacts on subtidal habitats (and therefore no impacts on fish), it is important to note that some fish species regularly utilise the intertidal (including extreme upper intertidal). For example, flatfish species move into the extreme upper intertidal to feed at high tide, then retreat to deeper areas as the tide falls. This is important given the predicted loss of intertidal habitat associated with the proposal. In addition, saltmarsh areas provide nursery and feeding habitat for a range of species including European seabass. The Environmental Statement (section 5.3.5) correctly states that "Mudflats are considered highly productive areas, providing feeding and resting areas for internationally important populations of migrant and wintering waterfowl, and are also important nursery areas for fish", but elsewhere states there are no suitable nursery grounds located in the plan area, and that nursery grounds will not be impacted. However, no evidence is provided to support this assertion.

NRW/ Ecology Officer comments have highlighted that impacts of sedimentation on Sabellaria should also be considered. In that case, it would seem appropriate to also assess the impacts of sedimentation on marine fish (a) directly, and (b) indirectly via the impacts on Sabellaria.

According to the relevant Regulation 33 advice package, the conservation objective to maintain the *Sabellaria* in favourable condition will be met when (i) the total extent and distribution of *Sabellaria* reef is maintained; (ii) the community composition of the *Sabellaria* reef is maintained; (iii) the full range of different age structures of *Sabellaria* reef are present; and (iv) the physical and ecological processes necessary to support *Sabellaria* reef are maintained. It is also important to note (given potential impacts on multiple areas of Sabellaria) that the Regulation 33 package advises that the populations of Sabellaria within the Severn (subtidal, and intertidal) should be regarded as a metapopulation, and that the ability to contribute larvae to metapopulation is established as a key measure of the reef feature