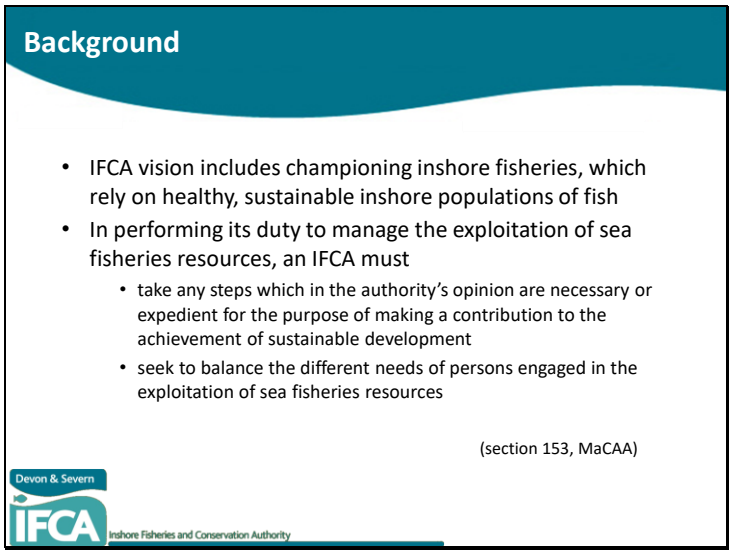
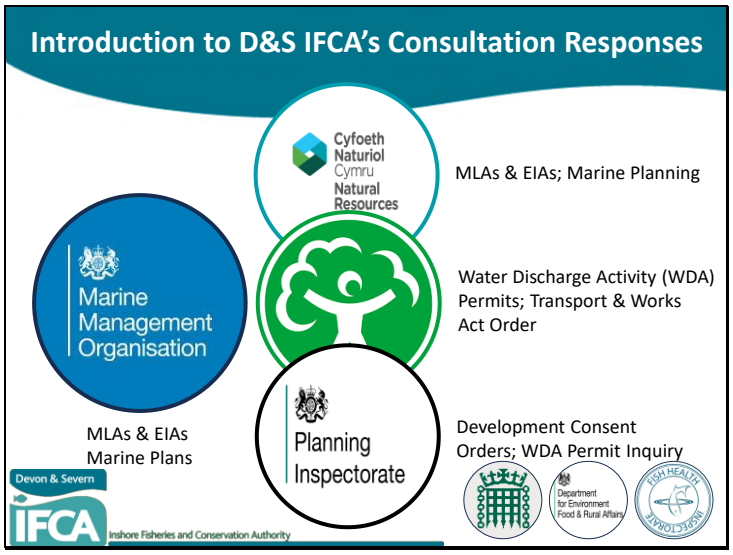




This provides lots of scope to contribute to consultations on marine developments to ensure that fisheries, fish and fish habitat are considered thoroughly and meaningfully by marine managers and developers.




D&S IFCA is a regular or statutory consultee on a range of marine developments, with the consultations spanning a variety of consent regimes. We are most frequently consulted on marine licence applications and environmental impact assessment scoping exercises through the MMO, and also contribute to the South and South West Marine Plans

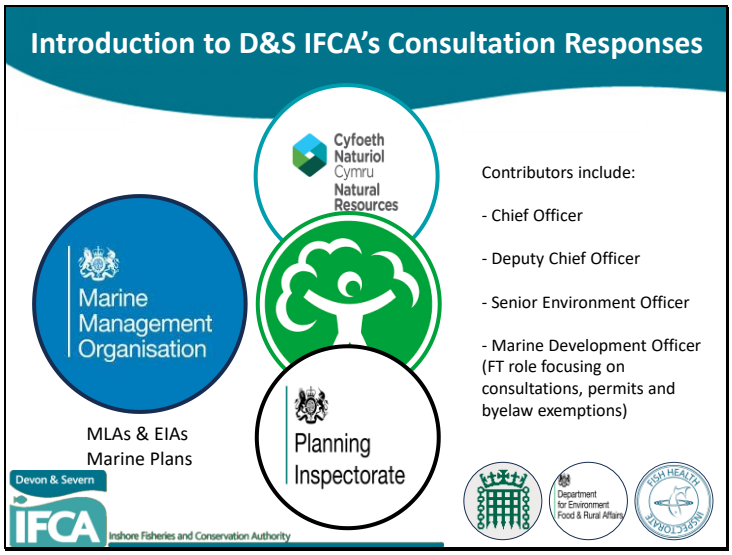
We have similar involvement but at a smaller scale with Nat Resources Wales - this is particularly important where there are cross-border activities such as aggregate dredging in the Severn, or activities in Welsh waters that may affect fish and habitats in D&S IFCA's District.

We have also had a lot of involvement in consultations through the environment Agency especially on Water discharge activity permits, as well as a WDA Permit Inquiry and DCOs through the planning inspectorate.

We have also contributed to consultations from the House of Commons Environmental Audit Committee, Defra and the Fish Health Inspectorate.

For our consultation responses we gather the best available evidence to consider the potential impacts that developments may have on fish and their habitats, and the fisheries that depend on them, and seek to have developers lessen, mitigate or compensate for their impacts.

Among D&S IFCA's officers, there are four regular contributors to marine licencing consultation processes, as shown here. (MDO specifically employed for this work alongside permitting and assessing applications for exemptions from our byelaws)

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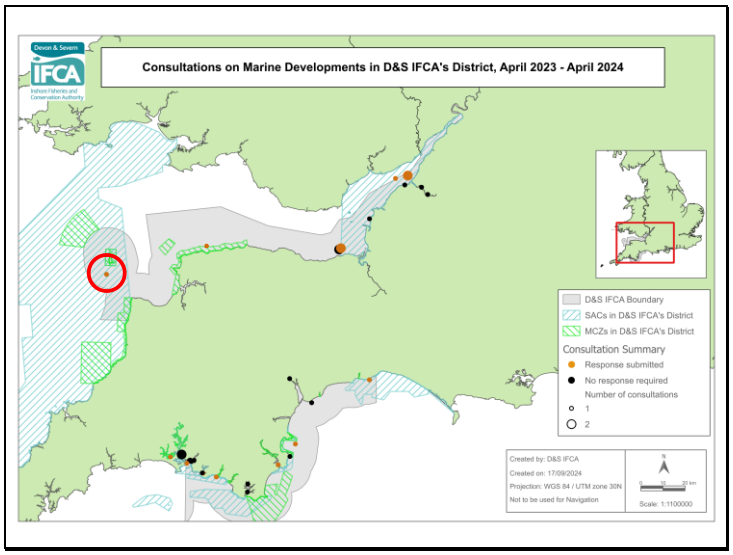
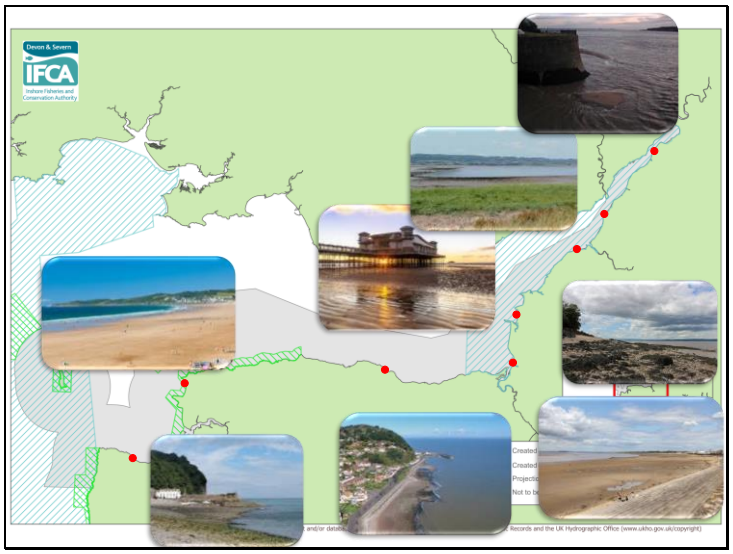


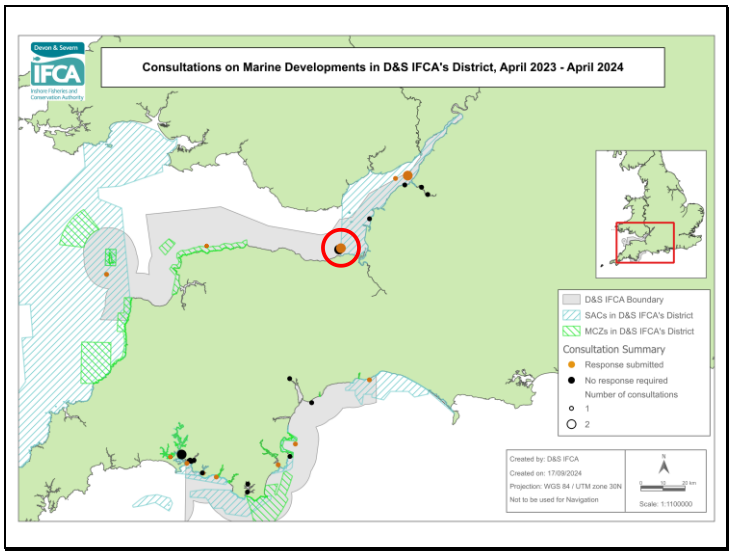

This slide shows the consultations that we were involved in between April 2023 – April 2024 only. There is an effective triage process in place but still there is significant work carried out for "no response required". The size of the point isn't necessarily representative of the scale of the development, for example, the red circle highlights an offshore wind development, representing the farm, cable corridor and landfall site in north Devon, which have the potential to interact with fish and existing users. The remainder of this presentation focuses on examples in the north of the District, and some detail on the importance of these areas



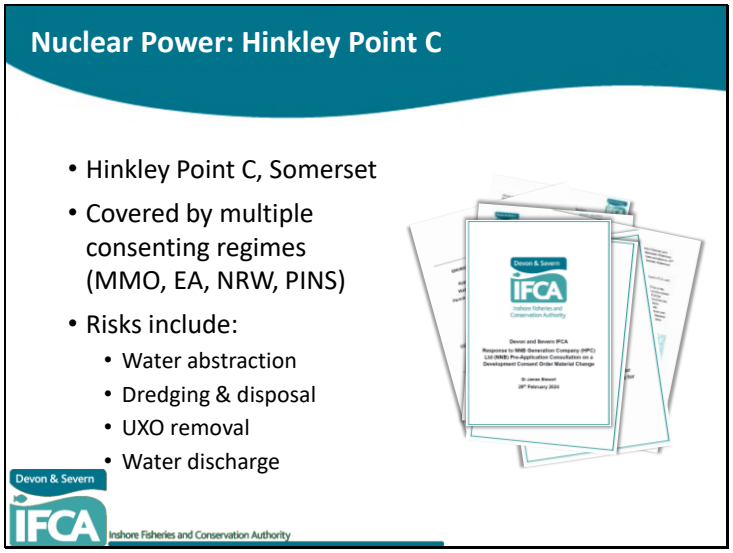

As you'll know, in the north of the District we are lucky to have an amazing coastline, and I've just picked a few examples such as
Clovelly, Woolacombe (North Devon),Minehead (Somerset), Burnham (Somerset), Weston-super-Mare (North Somerset), Portishead (North Somerset), Severn Beach (South Gloucestershire) and Sharpness (Gloucestershire).Ask a normal coastal visitor in any of these places what they see or what they value and there is likely to be a similar range of responses about the opportunity to be outdoors and connect with nature, will talk about the sea and the value of being near water and will often point out something like all of the sand or all of the mud.

However, what many people don't appreciate is the diversity of other habitats that exist just below the surface, and the value of sand and mud and other habitats for fish, including species that are valuable for commercial and recreational fisheries. For example, few people know of the range of lobster habitat offshore of Clovelly, or the nearby gravelly habitat that herring use for spawing. Similarly, wide sandy expanses are great habitat for ray species including as a feeding ground for young rays like this one. In areas like Minehead, Hinkley Point and Portishead, what looks at first glance to be a vast expanse of flat mud also harbours Sabellaria reef which is sometimes exposed at low tide. This is a 3d structure made of sand and muddy sand by a species of honeycomb worm, and all the nooks and crannies in this reef are like an underwater buffet for fish. A lot of the estuary including fringing saltmarsh is home to juvenile bass, and the mudflats and sandflats are a great feeding ground for juvenile flatfish, and many sandy areas are important for sandeel which supports the marine food web. This is just a snapshot of the more than 100 species of fish that use the estuary, many of which use habitats even further upstream than sharpness.

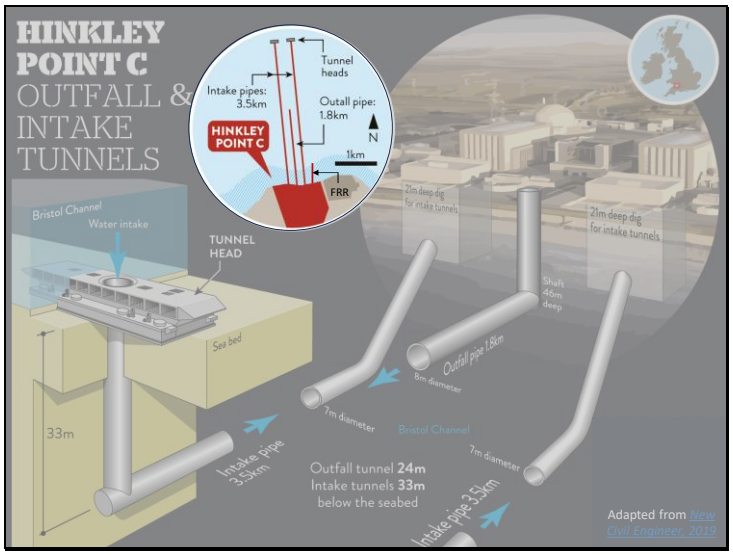
Many of these areas are what we call essential fish habitat – areas of fish habitat that provide an important function at one or more stages of a fishes life – from spawning habitat and feeding habitat for adults through to nursery habitat which is important feeding and refuge for juveniles. Something else which is underappreciated is that these areas of essential fish habitat support the many young fish that eventually join the wider adult population and that are caught in fisheries in areas far beyond the estuary. In the case of herring for example this is of enormous cultural heritage value, while rays make up a lot of the catch in north Devon, and flatfish are some of the most valuable fish landed in north Devon.



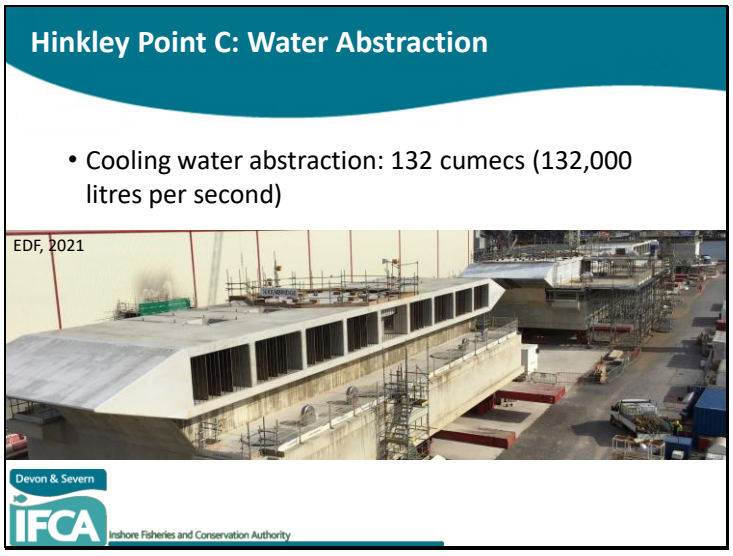

The first example will focus on Hinkley Point C nuclear power station in Somerset



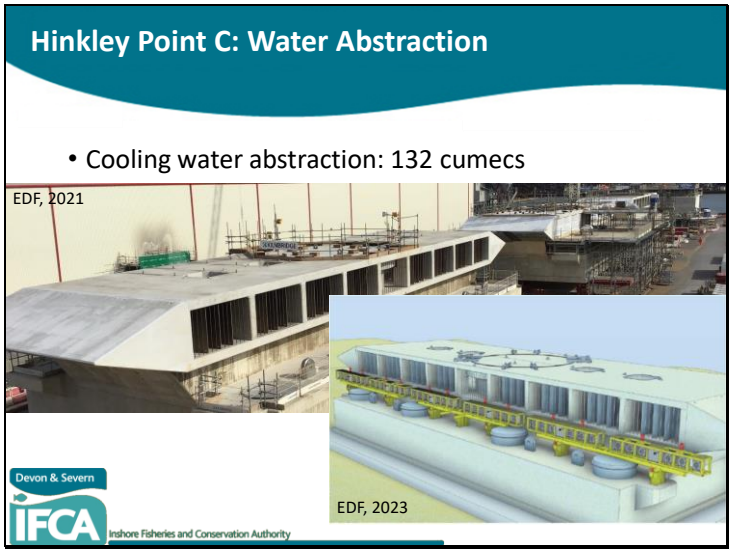

We have made many consultation responses in relation to HPC over the last few years. The number of responses required is in part due to the fact that the works being conducted are covered by multiple consenting regimes across the MMO, Env Ag. NRW and Plan Insp.; there are also a range of potential risks which require consideration including abstraction of cooling water, dredging and disposal of sediment from around offshore infrastructure locations, removal of unexploded ordnance, and discharge of thermally, biologically and chemically contaminated water into the marine environment. The examples will focus on the first two of these.




The developers – EDF - have a requirement for cooling water as part of the nuclear power plant. They decided to access this water by abstracting directly from the Severn Estuary, using two pipes that extend around 3.5 km into the estuary. The water then cycles once through the power station and back out an outfall pipe. Before the water gets to the station, it passes through a fish recovery and return system – a set of mesh screens designed to filter out fish and return them to the estuary, with very high mortality rates for a range of species




There will be four of these cooling water intakes in the Severn Estuary – see man and van for scale. In total, the water intake rate will be 132 thousand litres per second. There is the obvious risk of large scale fish kill due to this system, so Best Available Technique is required to reduce this – a key component of this is the acoustic fish deterrent – in the murky waters of the Severn fish would need a behavioural cue to tell them to move away from the intakes. However, the developers EDF have indicated that they want to remove the requirement to install the fish deterrent from their planning consent/environmental permits. Through consultations, we raised concerns with the Environment Agency and then the Planning Inspectorate during a public Inquiry.

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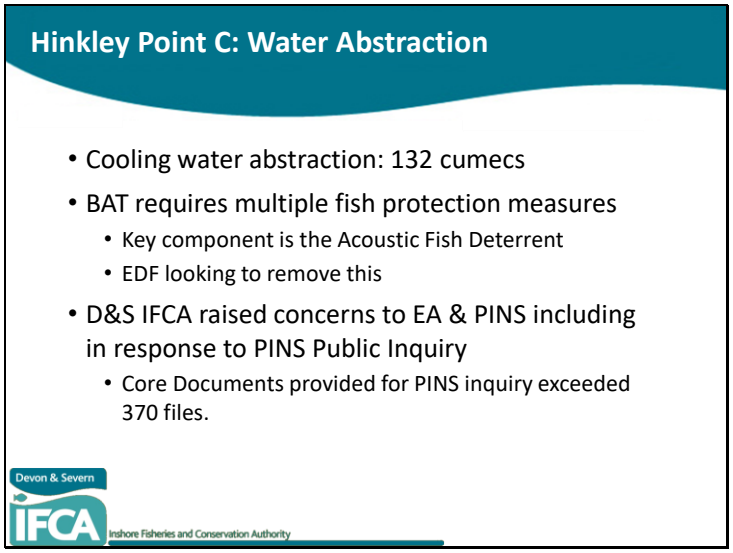


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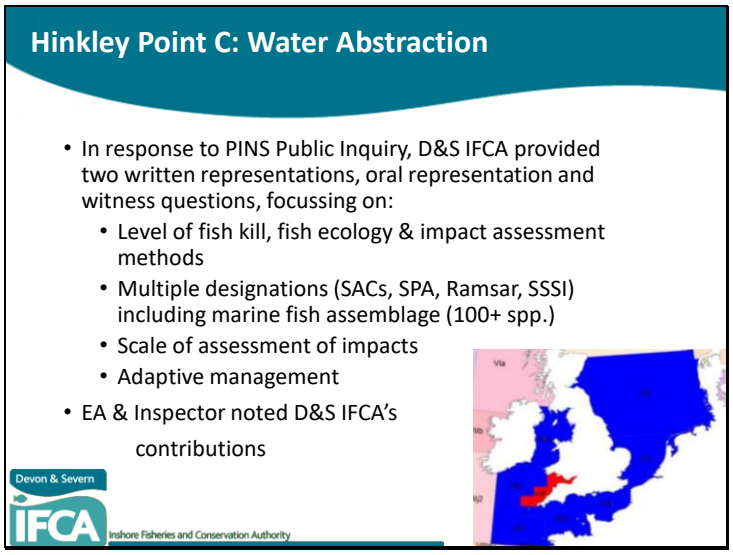



In response to the planning inspectorate inquiry, we provided two comprehensive written representations to the planning inspectorate and secretary of state, an oral representation to the inquiry and also questioned expert witnesses.

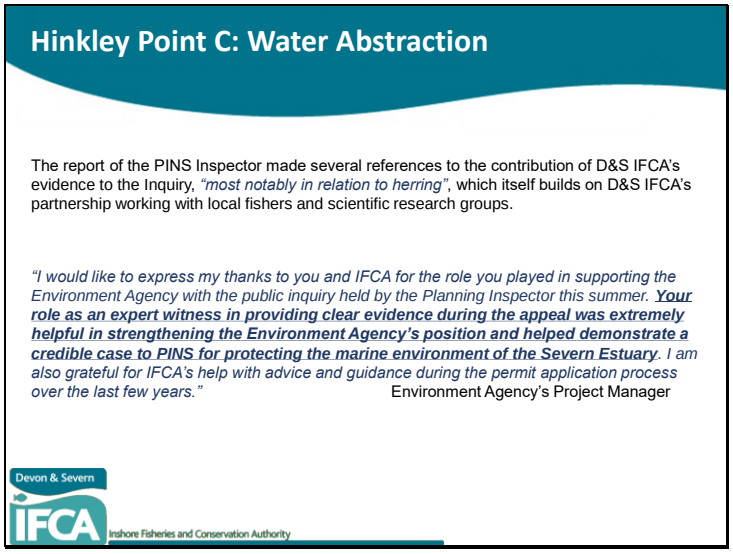
Through this, we focused on the level of fish kill associated with the cooling water intakes operating in the absence of acoustic fish deterrents, aspects of fish ecology that Officers felt were not well-represented by the developer, and the statistical methods used to estimate the fish kill.

We also focused on the multiple designations present at the site of the development – this is one of the most highly designated sites in the country – including the need to more appropriately consider the marine fish assemblage in Habitats Regulations Assessments, which the developers were not doing correctly.

The developer was also assessing the population-level impacts of fish kill at an inappropriate scale, so we provided evidence on this. For example in relation to bass the predictions suggest that the equivalent of over 16tonnes of adult bass would be killed per year – the developers argued that because ICES provide stock advice for bass over this whole blue area including the central and southern north sea, English channel and celtic and irish seas, they could compare the 16 tonnes of fish kill to the total amount of bass in that area, and therefore conclude that it is such a small proportion of the bass population that it wouldn't matter. We and others argued that there is good evidence from genetics and tagging studies that the bass near to Hinkley Point aren't from the same population as those in the north sea, and it would be better to compare the amountof bass killed to the amount of bass in this small red area. There were similar arguments for a numberof species. Finally, we finally highlighted the need for a precautionary approach in line with the legislation, particularly given that unlike in fisheries it is not possible to apply adaptive management to the cooling water intakes.

The inspectors report found in favour of the Environment Agency in this case, and the arguments made by D&S IFCA, and concluded that acoustic fish deterrents were an integral part of the fish protection measures.

The EA and the planning inspector both noted D&S IFCA's contributions... For example, the inspectors report to the secretary of state made several references to the contribution of D&S IFCA's evidence to the Inquiry, *"most notably in relation to herring"*, evidence which itself builds on D&S IFCA's partnership working with local fishers and scientific research groups. Meanwhile, the EA's project manager wrote to the Authority to express their thanks and highlighted that the D&S IFCA's role as an expert witness was extremely helpful in strengthening the agency's position and helped to demonstrate a credible case for protecting the marine environment.

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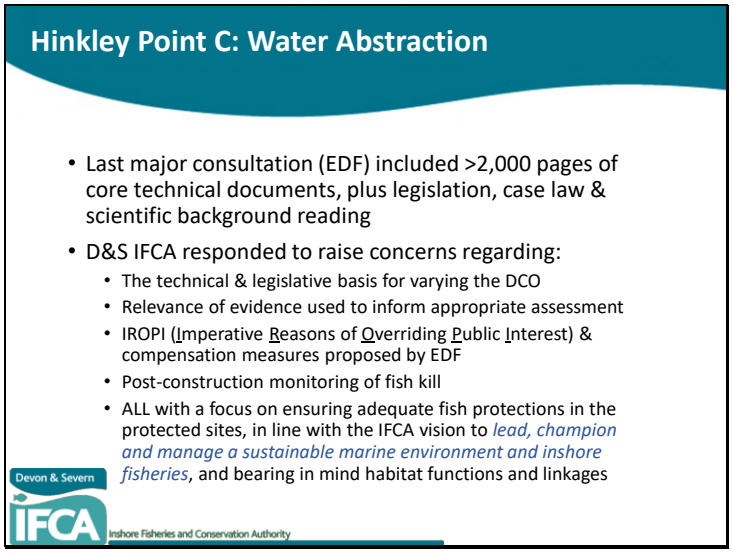



The developer is now exploring another route to remove the requirement to install an acoustic fish deterrent – by varying the development consent order. The most recent consultation as part of this process included over two thousand pages of core technical documents, in addition to the background understanding and reading required by officers regarding the relevant legislation, case law and scientific papers.

In response to the consultation, D&S IFCA has raised concerns regarding:

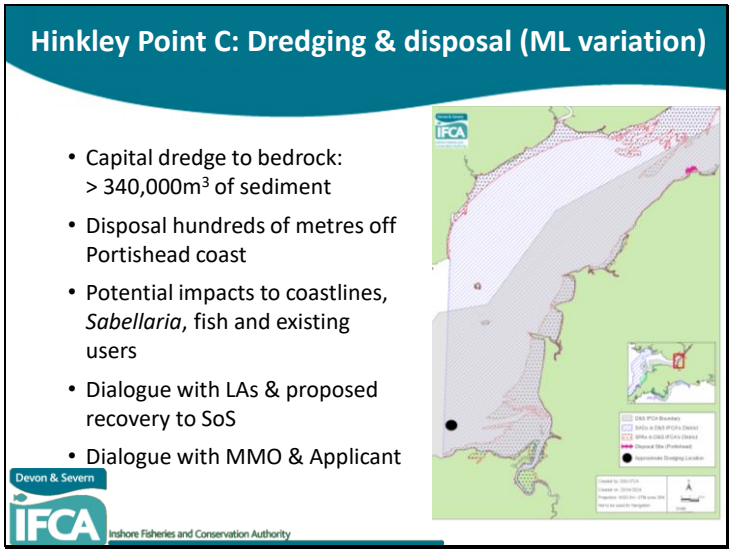
the technical and legislative basis for removal of the fish deterrent – EDF need to satisfy certain tests which we don't believe they have, and we outlined why,

the relevance and quality of the evidence used to inform the appropriate assessment, and we highlighted a range of evidence that should be taken into account including based on our partnership working with a range of stakeholders.

The developer is trying to invoke imperative reasons of overriding public interest in order to proceed with removing the acoustic fish deterrent, and has suggested a range of compensatory habitat measures to compensate for the large fish kills. Their argument is that although they are killing lots of fish, they can make up for that by improving the habitat for the remaining fish. Our response outlined some serious flaws in the evidence base and scale of ambition of compensatory habitat, drawing on knowledge of fish and habitat ecology.

Finally, we were able to make several points about the proposed post-construction monitoring scheme, though it was positive to see that the developer recognised the need to involve SNCBs and D&S IFCA in a future monitoring and management advisory group for the project.

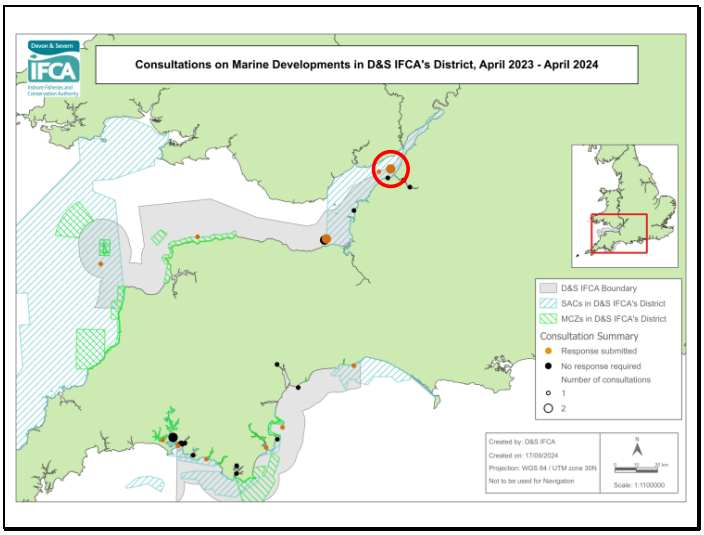
Important to note that ALL of this has been done with a focus on ensuring adequate fish protections in the protected sites, in line with the IFCA's duties under MaCAA – particularly section 153 paragraph 2c - and the IFCA vision to lead, champion and manage a sustainable marine environment and inshore fisheries, and also bearing in mind habitat functions and linkages. What I mean by that last point is that although fishing pressure in the area is low, so direct impacts to fisheries are also likely to be low, the Severn estuary provides vital spawning, nursery and feeding functions for a range of species, and there are important linkages between for example the juvenile bass in the fringing saltmarshes or the shad in Bridgwater Bay and the adult populations outside of the estuary – in that way, fish export from the Severn supports the fished stock and other ecosystem services.

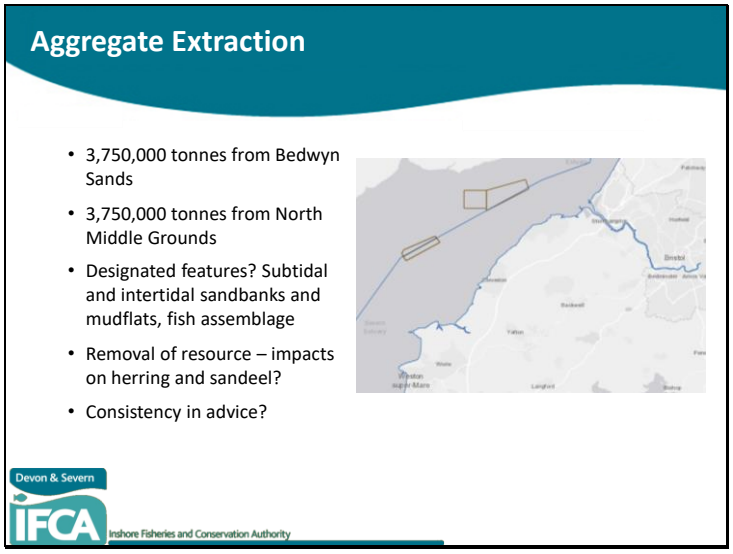



Finally on Hinkley Point C in this presentation – EDF proposed to dredge areas of seabed to make way for their cooling water infrastructure – dredging down to bedrock by removing hundreds of thousands of tonnes of sediment, including consolidated sediments and potentially associated contaminants. The dredge areas are shown here by the black dot off Hinkley Point in Somerset; this material was then disposed of at a site off the coast of Portishead shown in purple to the northeast.

D&S IFCA identified potential impacts to coastlines, Sabellaria (which is protected in its own right and important as fish habitat), and impacts to existing users (for example charter boats) from both the dredging and the disposal activities. Through discussions with our local authorities it was deemed appropriate to request that the application be recovered to the Secretary of State for consideration in a public inquiry. It was not possible to progress this because the legislation only allows for recovery in the case of de novo applications, and not in the case of licence variation requests, which this was. Overall though, through dialogue with the MMO and applicant, secured some changes to environmental statement and further consideration of Sabellaria – important as fish feeding habitat.

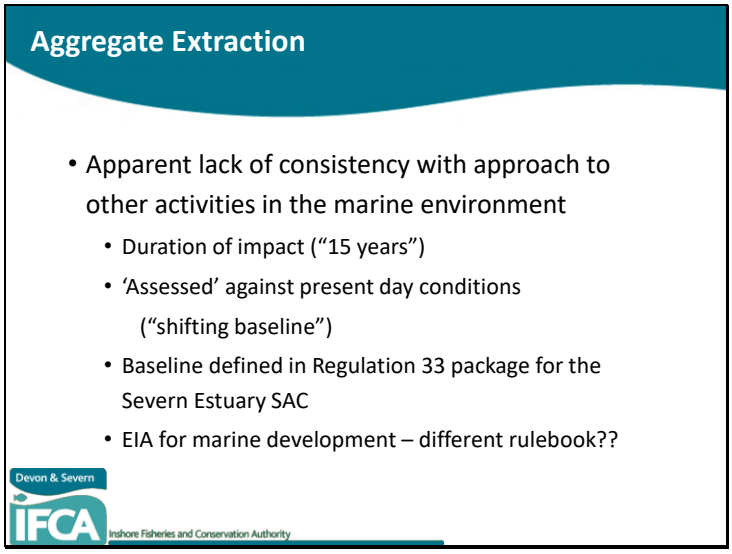
Following the MMO EIA Consent decision, conditions to be applied to the varied Marine Licence (licence number L/2013/00178/8) included that *the material to be disposed of within Portishead (LU070) disposal site must be placed within the boundaries of that site*. The reason given for this was "***To maintain the sediment budget of the Severn Estuary SAC***". This condition was included in the Marine License for the activity. Regulation 33 advice for the Severn Estuary/ Môr Hafren SAC. The first is to note that the advice specifies that "*Mobile sediments that form temporary sandbanks are considered to be associated sediments that* ***should be retained in the system****,*






HPC condition was for a maximum total volume of capital and maintenance dredge material of 360,284 $m^{3,}$ which was required to be maintained within the system. D&S IFCA argued strongly that the risk of contamination in dredged material to be disposed of at the Portishead disposal site warranted consideration of alternative disposal methods, including potential removal from the marine environment. However, regulators were keen to ensure that the sediment dredged as part of the Hinkley Point C project remained within the SAC system (particularly within the same sediment cell). It is not clear why a similarly precautionary approach is not being taken regarding the proposal by the Applicant in MLA/2023/00467, which is to entirely remove up to a maximum of 3,750,000 tonnes from Bedwyn Sands and 3,750,000 tonnes from NMG (totalling around 5,000,000 $m^3$ of designated features H1110 and H1140). This is over an order of magnitude more sediment removal than that proposed by NNB Generation Company for Hinkley Point C. Disposal of dredged material within the SAC was also included as a requirement of the Development Consent Order for Hinkley Point C, and this was agreed with all of the marine statutory stakeholders (Countryside Council For Wales, Natural England, MMO and Environment Agency). There has been no change to the Regulation 33 advice for the Severn Estuary/ Môr Hafren SAC, so presumably there is still a strong need to maintain the sediment budget of the system.

In addition, in the listed "Views About Management" of the Severn Estuary Site of Special Scientific Interest, it is stated that "*The sediment budget within the estuarine or coastal system should not be restricted by anthropogenic influences*".



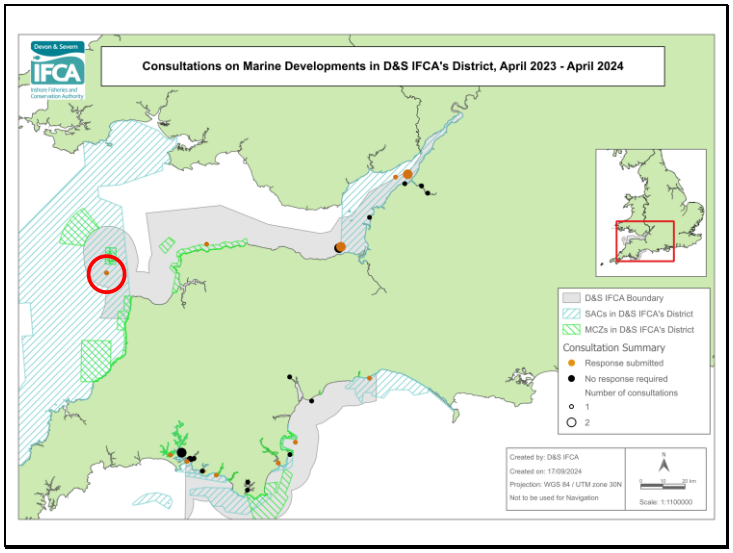

In D&S IFCA's original consultation response, D&S IFCA highlighted some assertions by the Applicant including that "*the duration of the impact associated with dredging in the Renewal Areas is considered intermediate (throughout the duration of the 15-year licence period) as it will be intermittent in nature, resulting in a medium probability of occurrence.*", and noted that D&S IFCA considers that the duration of the impact is not simply the 15-year licence period but will be a cumulative effect taking into account the dredging that has occurred at Bedwyn Sands since 2008, and at North Middle Grounds since 2011.

In response (specifically, in response via the NRW consultation process), the Applicant has stated that "*This marine licence application to NRW is for the proposed renewal of the existing Welsh marine licence to dredge aggregates from Bedwyn Sands and NMG for a proposed licence period of 15 years.* ***This renewal application needs to be treated as an entirely new and separate application in its own right. In accordance with standard EIA methodology and the EIA Regulations, the assessment has assessed the impact of the proposed activities*** *associated with the licence renewal (i.e.,* ***over a 15 year licence period****) against present day conditions* ***(i.e., the baseline environment). The present day conditions therefore will take account of the condition of the site as a result of past dredging that has occurred at Bedwyn Sands and NMG due to past licenced activity***." (D&S IFCA emphasis).

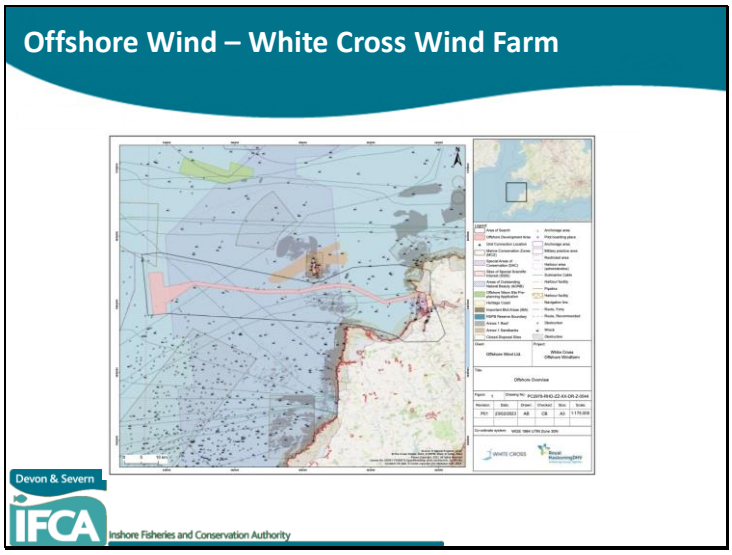
D&S IFCA also highlighted that the Application "*refers to a five year substantive review (5YSR; document R.3836), in which a ''baseline'' has been compared to recent survey data, for example in terms of particle size distribution (PSD) and macrofaunal presence across the dredged areas and adjacent ''context'' areas. Firstly it should be noted that the few years of dredging considered in the report are at lower levels than the levels of aggregate extraction proposed or projected in the licence. This makes projections of future impact difficult to infer from the data presented. In addition, Bedwyn Sands has been dredged since 2008, while NMG has been dredged since 2011, meaning that the 2016/17 ''baseline'' considered in the 5YSR is far from an appropriate baseline. Therefore, it is not possible to know what damage may have been caused to the habitat feature or associated communities (including Sabellaria) since dredging began, or whether ongoing dredging is preventing re-establishment.*"

In response, the Applicant has stated that "*The purpose of including a summary of the Five-year substantive review (ABPmer 2022) is to provide a baseline description of the biotopes and macrofaunal species present at Bedwyn Sands and NMG against which the proposed activities can be assessed*" and that "***The baseline is not the condition of the environment before any dredging activity at Bedwyn Sands and NMG began.*** *In accordance with standard EIA methodology and the EIA Regulations, and as described in Section 4 of the ES, the baseline environment is defined as the present or current state of the environment. The baseline description should therefore take account of existing natural and anthropogenic pressures that are currently influencing the benthic habitat and species*

*that are present at a development site. This is a critical part of the EIA process as it provides a measure against which potential environmental effects can be assessed*".
However, this is contrary to the approach taken to the regulation of other activities in the marine environment, and appears to be contrary to the requirements of the Habitats Regulations and achievement of the Conservation Objectives of the Severn Estuary/ Môr Hafren SAC. **For example, if assessing the impacts of fishing activities within a Marine Protected Area (MPA), the regulator would be required to assess fishing impacts on habitats relative to favourable condition status, and ensure through their assessment and management approaches that the fishing activity would either allow for the designated habitat to be maintained in favourable condition, or would not hinder the recovery of the designated habitat to favourable condition. This emphasis on favourable condition is important, and does not appear to be emphasised in the Applicant's approach in this case.**
**Favourable condition targets for SAC features are defined in the Regulation 33 package for the Severn Estuary/ Môr Hafren SAC, and these define a specific baseline against which change should be measured**. It is not clear, therefore, why the applicant uses a different 'present day' baseline, which leaves site assessments highly vulnerable to 'shifting baseline syndrome': a gradual change in the accepted norms for the condition of the natural environment due to lack of consideration of past information or lack of experience of past conditions.




Leaving aggregate extraction in the Severn for now and travelling West to think about the White Cross wind farm. As I stated before, this point really underplays the size of the project which encompasses a very large offshore wind area, the cable corridor and cable landfall on the coast at Saunton Sands.



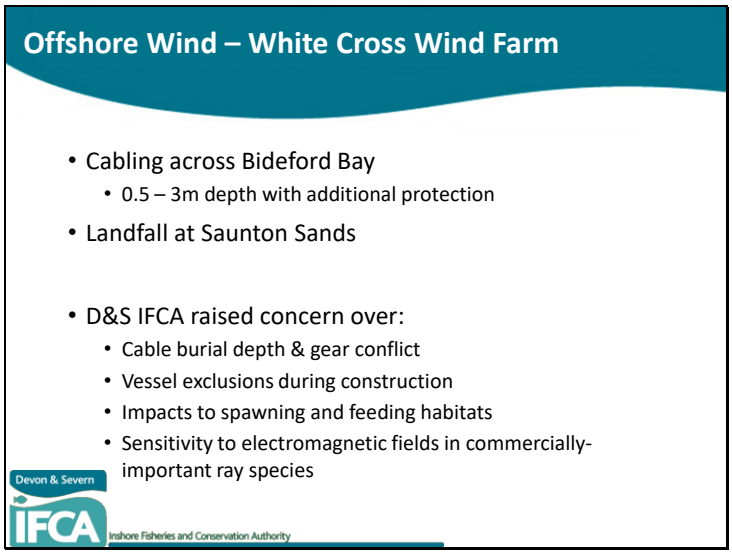

D&S IFCA considers it important for the cabling across Bideford Bay and the land fall at Saunton Sands to have consideration of the burial depth of the cable. Bideford Bay is an important fisheries area for trawling and netting. With regard to trawling in Bideford Bay, the cabling should be buried as deep as possible across the Bay so that trawling can continue in this vicinity. Trawling takes place for much of the year, is focussed in this area (see Appendix 1 Figure 4 of this response) and is an important income for those fishers operating out of Bideford, Appledore and Ilfracombe. D&S IFCA believes that the maximum depth of 3m would protect the cabling whilst allow for the trawling activity to continue. The cable depth considered in Chapter 11 states:
*The target burial depth is 1.5m where possible (recognised industry good practice and reducing effects of EMF), with a burial depth range of 0.5m – 3m. A detailed Cable Burial Risk Assessment (CBRA) will also be required, to confirm the extent to which cable burial can be achieved. Where it is not possible to achieve cable burial, additional cable protection (rock placement, concrete mattressing or grout bags) may be required, and this will also increase the minimum distance between the cable and a migratory fish. Cables will be specified to reduce EMF emissions, as per industry standards and best practice, such as the relevant IEC (International Electrotechnical Commission) specifications.*

D&S IFCA considers that 3m would be a preferable depth not only to protect the cable but to reduce the Electromagnetic field (EMF) impacts on fish in this vicinity. Rock placement would restrict or remove the fishing opportunities that are important to the local fishers and local economy and increase social and community impacts.
Encouraged a phased approach to construction so that the entire cable corridor would not be closed at the same time

Ger conflict not only with trawls and netters but also potting e.g. for whelks
Developer documents summarise some of the fish species caught in the area and how they might be impacted. Taking hering as an example, It states that herring is caught in smaller quantities and therefore of lesser concern. Atlantic Herring are referred to in detail in section 11.4. D&S IFCA raised the social and heritage importance of the small-scale fishery in Clovelly and Minehead and the important spawning grounds in this area and along the North Devon and Somerset coast

Appendix U On Page 41 figure 5-16 clearly shows the fishing activity that takes place across the route of the export cable . From this figure, the fishing activity within the 6nm and in Bideford Bay close to the point that the cable approaches the land is of medium intensity. This area is important for the inshore trawlers that operate out of ports along the Taw Torridge Estuary, namely Bideford and Appledore and also for vessels operating out of Ilfracombe. On page 54 it states “Based on research carried out and presented in the Carbon Trust CBRA

methodology documentation, the maximum penetration depth for typical fishing equipment is 0.3m, even in very soft sediments. If a typical factor of safety of 2 is applied, a minimum DOL of 0.6m is required in areas where bottom trawling occurs". It is good to see that minimum of 0.6m is needed but D&S IFCA would suggest that due to the mobile sand in this area that the burial depth is closer to the maximum depth of 3m.

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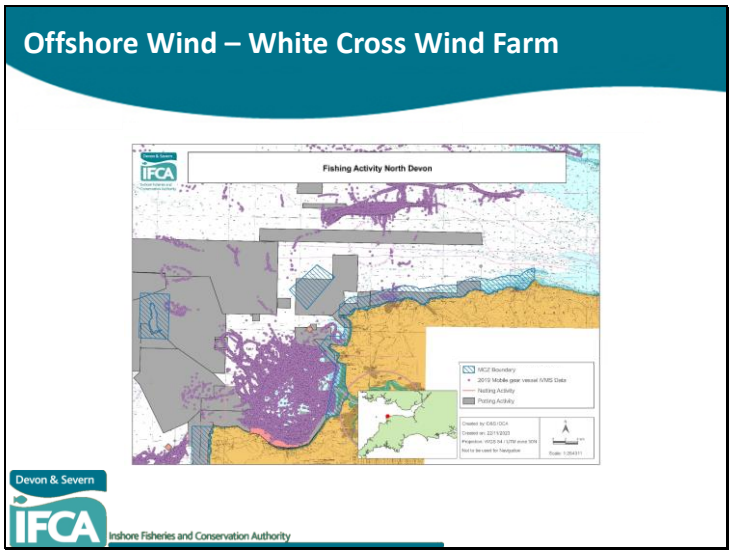


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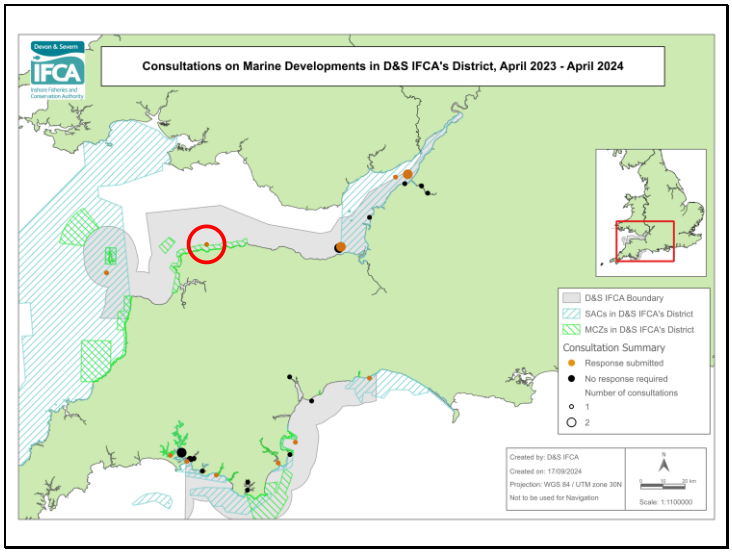
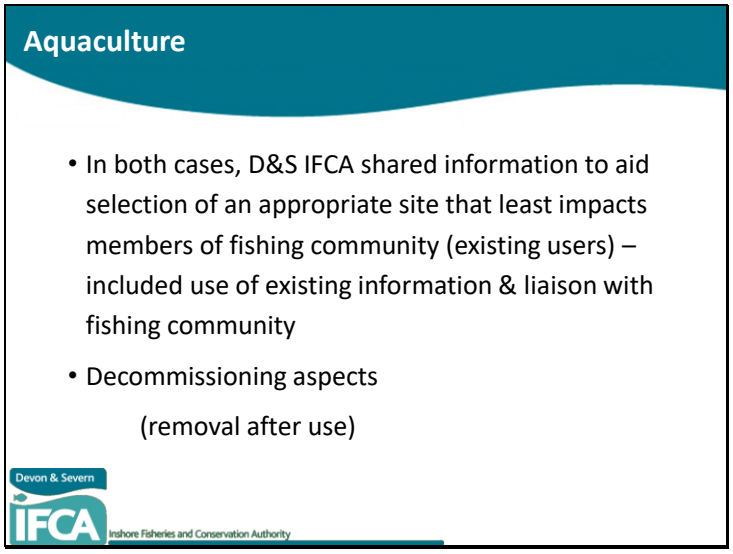




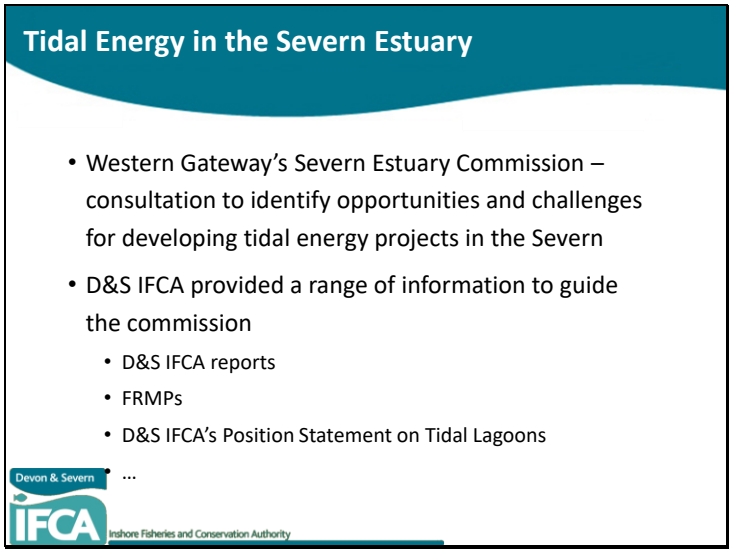

Combe Martin:

Bideford Bay: D&S IFCA is supportive of mariculture developments as it fulfils its statutory duties in particular those of sustainable development, but D&S IFCA must also be mindful of the need to seek to balance the needs of all persons engaged in the exploitation of sea fisheries resources.

Algapelago Marine Ltd had been in contact on several occasions through e-mails and virtual meetings regarding the proposal for a seaweed farm in Bideford Bay North Devon. The location was thoroughly discussed and D&S IFCA e-mailed the project proposal and introduction letter provide by Algapelago to twenty one D&S IFCA Commercial Fishing permit holders in North Devon who might be impacted by the proposal. D&S IFCA shared information arising from this contact with Algapelago. Further to this, meetings were held between D&S IFCA, Algapelago and John Balls of the North Devon Fishermen's Association. Suggestions were made to move the proposed farm slightly and a revised chart was shared with fishers. Following discussion, Algapelago adjusted their site to reflect the industry's views on the location. Algapelago also confirmed the maximum size of the farm, which is echoed in the MLA.

Algapelago has engaged in discussions with those who may be impacted by the proposal and has had regards for comments received. Some fishers may be impacted slightly and may have to adjust their fishing activity, but they have been involved in the discussions either individually or through the NDFA.

D&S IFCA has read the application and associated documents and has no objections to the proposal and the siting of the farm in this location. D&S IFCA would like there to be some assurance through formal documentation with the Crown Estate /MMO that if the farm ceases to operate that Algapelago removes all the infrastructure and anchors/ eco-blocks used to stabilise the headlines on the sea floor, and that nothing is left in situ on the seafloor.




D&S IFCA has collated a short list of previous reports published by D&S IFCA that are directly relevant to the needs identified above, in addition to a selection of relevant reports, Plans and legislation published by others

Devon and Severn IFCA response to a call for evidence under the Hendry Review of tidal lagoons, focussing on the environmental and economic considerations of potential lagoon impacts on fish and fisheries, FRMPs

through direct communications with the Commission, developers and statutory bodies, D&S IFCA may be able to:

- provide guidance on interactions between developments and existing users of the sea,
- provide guidance on interactions between developments and fish species,
- enable GDPR-compliant contact with relevant stakeholders
- provide summaries of current and recent fishing activity
- provide information to help explore opportunities for reducing negative interactions, and
- support efficient use of D&S IFCA's many published reports and consultation responses.