

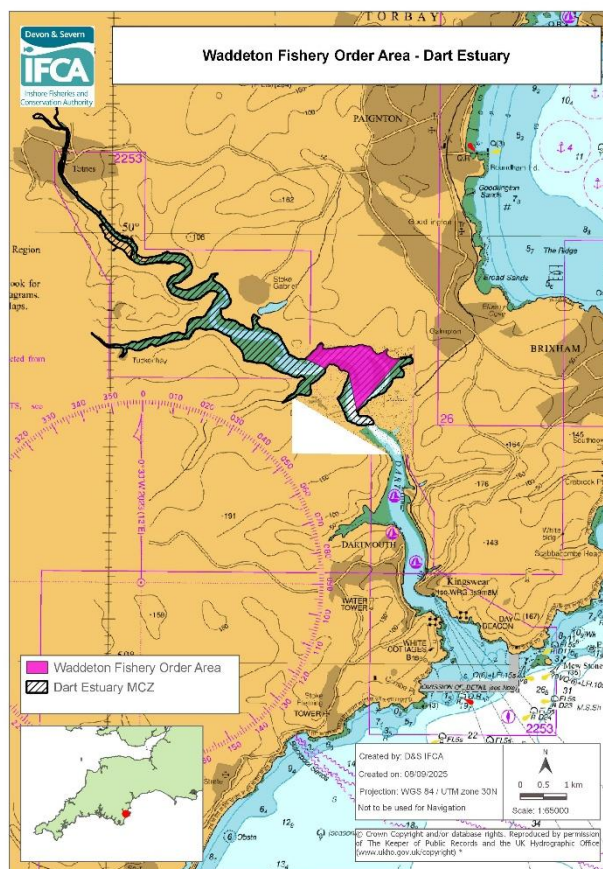
Invasive to Native Project Officers' Recommendation

That Members approve the use of up to £20,875.07 to support the delivery of the FaSS (ENGFaSS4921) Invasive to Native project

Background

D&S IFCA has had the right to manage a several fishery for the prescribed species as set out in the regulating order known as Waddeton Fishery Order 2001 (the Order) since its inception in 2011. The Order provided Devon Sea Fisheries Committee and more recently D&S IFCA with certain powers and duties in relation to managing mariculture activities on the site. However, to exercise those powers D&S IFCA requires the consent from the landowner, the Duchy of Cornwall. The Duchy of Cornwall hold the rights to the 'Water of Dartmouth' which includes the 117 hectares of the Waddeton Order. The arrangement between the Crown and the Duchy of Cornwall are held by the National Archives and date back to between 1862-1864. This consent was recorded in a licence between D&S IFCA and the Duchy of Cornwall, which commenced on 29th September 2003. The Waddeton Order also co-locates with part of the more-recently designated Dart Estuary Marine Conservation Zone (MCZ).

Figure 1- Waddeton Fishery Order Area



The cultivation of Pacific oysters has been the main activity on the site over the period of the Order, although some mussel harvesting also took place. A combination of incidents of poor water quality, loss of mussel beds, loss of markets and uncertainty over the future of the Waddeton Order beyond 2026 have led to the fishery having few fishers prepared to continue to cultivate Pacific oysters. There is currently only one fisher actively working a plot within the area of the Order.

Notably, Pacific oysters are already known to occur in wild populations in the River Dart, and there are abundant wild populations throughout the south coast of the UK, including South Devon in areas where no shellfish production areas or Pacific oyster cultivation has taken place. Therefore, the introduction to the region has already occurred. The established wild population in the South West considerably outnumber the farmed component and reproductive output is

likely to be driven mainly from the wild population. Modelling evidence supports this, demonstrating that larval dispersal from wild populations alone covers the majority of the south coast of the UK. The only impact of the farming of Pacific oysters could be to contribute larvae

from spawning of the reared stock. However, the evidence indicates that larval supply is plentiful from wild populations and therefore is unlikely to be the limiting factor in wild population growth. The continued aquaculture activity is therefore considered to have no bearing on the viability or spread of the species in the region.

D&S IFCA undertook an MCZ assessment on the potential impact of an additional Pacific oyster production plot within the Waddeton Fishery Order in the Dart Estuary MCZ and a Habitats Regulation Assessment of the potential impact of the Pacific oyster cultivation on the adjacent Lyme Bay and Torbay Special Area of Conservation (SAC). Natural England agreed with D&S IFCA's conclusion that Pacific oyster aquaculture through the additional plot would not have a significant effect in view of the sites' conservation objectives nor adversely affect the integrity of the two sites. The recent HRA conducted by the Fish Health Inspectorate (FHI) for Pacific oyster aquaculture in the Devon Avon reached the same conclusion, which has been supported by Natural England (FHI, 2023). D&S IFCA is aware that another HRA has been completed for Pacific oyster aquaculture activities occurring in Essex estuaries; this HRA also concluded beyond reasonable scientific doubt that the assessed activities would not have an adverse effect on the integrity of the assessed sites, either alone or in combination with other plans or projects.

The issues

In 2023, the Duchy of Cornwall gave notice to D&S IFCA that it did not want to see the continuation of Pacific oyster cultivation on the site. Given that the Order is to expire in 2026, it was a clear indication that should D&S IFCA wish to apply for a continuation of the Order, that the Duchy of Cornwall would not support the inclusion of Pacific oysters in the legislation. Officers have continued to engage with the Duchy of Cornwall but despite their best efforts, including providing documents supporting the national view with regard to Pacific oysters, the Duchy of Cornwall remain committed to their position.

The Licence for the Waddeton Shellfishery (between the Duchy & D&S IFCA includes a covenant "*To develop, manage and improve the oysterage and shell fishery in the licence area and at the end or sooner determination of the licence period to yield up the Rights in such improved condition*" (s 3.12), and S.3.14 "*If any equipment or structures or buoys are installed then [...] to remove them at the expiration or determination of the licence*". S 3.16 states "*to pay the legal costs and Surveyors' fees of His Royal Highness and incidental hereto*".

Officers recognise that the licence conditions require D&S IFCA to remove all equipment associated with the cultivation and given the Duchy of Cornwall's position regarding Pacific oysters. The removal of the remaining Pacific oysters is also anticipated to be required,

D&S IFCA's licence terms with the plot holders sets out that *The Licensee [...] shall at the expiration of the licence [...] the licensee shall deliver up the lay(s) to the Authority in good and proper condition in accordance with the conditions*"

D&S IFCA has not enacted these terms and a recent drone survey of the area identified some abandoned structures associated with the cultivation of Pacific oysters. Officers are also aware that there are Pacific oysters that have settled on the ground and are not part of the several fishery.

The Dart Estuary MCZ is designated for a range of habitats, and Officers are concerned that mechanical methods of removing wild-settled Pacific oysters may have a detrimental effect on

these habitats. It is therefore important to understand the potential impacts of oyster removal techniques before committing to their use within the Waddeton Order. Recent work on the 'Invasive to Native' project may help to address these issues (see below).

Invasive to Native Project

Large populations of Pacific oysters are present in the estuary systems in the D&S IFCA's District including the Exe Estuary. In the case of the Exe Estuary, some of the wild-settled Pacific oysters are present within an area worked by local fishers that operate a several fishery at Lymptone Harbour. This provides an opportunity for D&S IFCA to work with industry to assess the efficiency and impact of different techniques to manage and control wild settlement of Pacific oysters within shellfish farm sites in a Marine Protected Area. Officers have held several meetings with the fishers and an aquaculture consultant to discuss potential techniques that could be used to aid the site restoration via Pacific oyster removal, and how such techniques could be used without significantly impacting the features and conservation objectives of the Dart Estuary MCZ. These discussion have led to a project being submitted to the Fisheries and Seafood Scheme (FaSS) to apply for funding to investigate the different methodologies that might be employed to remove wild Pacific oyster from the estuarine foreshore and deeper channels. The project will look at the impact of the techniques trialled so that Officers and Natural England can be assured that if they are applied to the Dart MCZ that there will be no significant risk of the activities hindering the achievement of the conservation objectives for Dart Estuary MCZ.

In order to undertake the project D&S IFCA would need to contribute funding towards it. The funding contribution is forecast to be £20,875.07 (25% of the total project cost of £83,500.29), with the remaining cost to be met through the FaSS funding, if the application is successful. There is no expectation of expenditure if the FaSS funding is not successful. However, if successful, the total cost (forecast to be £83,500.29), would initially need to be met by D&S IFCA, with 75% (£62,625.22) reclaimed in arrears from the FaSS funds in mid-March 2026.

The project costs include use of highly specialised vessels and processing facilities for oyster removal trials, trial equipment and trial support staff, laboratory and digital analysis of data collected during the trials and independent analysis and production of project reports by specialist suppliers.

If the trials are successful, it is envisaged that the removal and processing of the Pacific oysters may provide sufficient economic return to the shellfishermen that they are encouraged to support the removal of Pacific oysters in other estuaries within D&S IFCA's District and potential in other areas of the UK too.

Recommendation

A significant amount of the required funding is forecast to be available from this year's research budget and historically the research budget has been underspent leading to a greater contribution to General Reserves.

Officers recommend that members support the use of up to £20,875.07 of General Reserves to support delivery of the FaSS project.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers

Waddeton Order 2001

Licence between D&S IFCA and the Duchy of Cornwall 29th September 2003

D&S IFCA's licence terms with the plot holders