

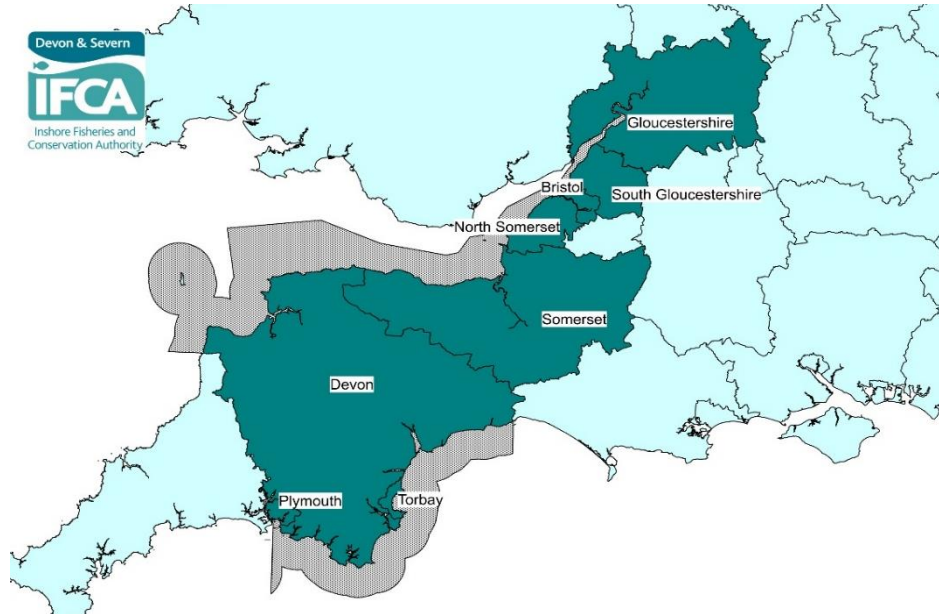


**Devon and Severn IFCA**  
**Response to MMO Consultation for**  
**MLA/2023/00113**

**12<sup>th</sup> August 2024**

## **Introduction and Scope of Response**

The role of Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA) is to lead, champion and manage a sustainable marine environment and inshore fisheries within its District, which covers the area from baselines out to six nautical miles in English waters as shown in Figure 1. As part of the proposed White Cross Windfarm falls within those boundaries, and the project may generate effects which interact with D&S IFCA's core role, it is appropriate that D&S IFCA comments on the proposed project.



*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 sections 153 and 154; 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. IFCAs must also seek to ensure the conservation objectives of any MCZs in the District are furthered. In all consultation responses, the Authority assesses proposals in light of these duties, while also considering the adherence of proposals with policies detailed in the relevant Marine Plan, as directed under section 58(1) of the Marine and Coastal Access Act 2009.

The Marine Plans relevant to D&S IFCA's District are the South and South West Marine Plans. D&S IFCA considers whether proposed developments will have a positive, negative or negligible effect on plan policies related to the IFCA vision to “manage a sustainable marine environment and inshore fisheries”. These considerations also enable D&S IFCA to provide advice in relation to the need to protect the environment, the need to protect human health and the need to prevent interference with other legitimate users of the sea.

This response outlines D&S IFCA's comments regarding this application, in line with the context provided above.

D&S IFCA has reviewed those documents that are indicated in the summary of the updates on the Marine Licence Application. These include:

- 1. FLO-WHI-REP-0002-05 Chapter 5 Project Description**
- 2. FLO-WHI-REP-0002-06 Chapter 6 EIA Methodology**
- 3. FLO-WHI-REP-0002-10 Chapter 10 Benthic and Intertidal Ecology**
- 4. Appendix U Updated Cable Burial Assessment**
- 5. Appendix V Updated Draft Marine Mammal Mitigation Protocol;**
- 6. Appendix Z Onshore Cable Route Assessment Summary**

Below are D&S IFCA's comments on the documents bullet-pointed above:

### **1. D&S IFCA's Comments on FLO-WHI-REP-0002-05 Chapter 5 Project Description**

D&S IFCA's comments refer to Appendix 5.B Taw Estuary and Braunton Burrows Crossing Method Statement. D&S IFCA is pleased to see Offshore Wind Ltd (OWL)'s commitments to use trenchless crossing techniques for both the Taw Estuary Crossing (S 1.3.1 ) and Braunton Burrows (S.1.3.2) and the rationale behind these commitments to avoid or mitigate risks of harm and disturbance to the natural environment and the non-statutory and statutory designated sites at the points of crossing. D&S IFCA is content that the applicant has undertaken the necessary assessments to avoid, reduce or mitigate environmental impacts of the engineering required to progress the export cables crossing the two sites of the project and that it will continue to liaise with Natural England and other stakeholders to determine optimal solutions.

### **2. D&S IFCA's Comments on FLO-WHI-REP-0002-06 Chapter 6 EIA Methodology**

D&S IFCA is pleased to see that the report to inform the Appropriate Assessment now includes the assessment of elements above Mean High Water Springs so that these are considered under the MLA and Planning application. The following text refers to specific sections and paragraphs of Appendix 6.A:

- **Chapter 6 P.35 Section 3.5.2 Para 87**

D&S IFCA wishes to reaffirm its previous comments relating to the burial depth of the export cable in particular in relation to the extent that crosses the Bideford to Foreland Point MCZ. The document states that the "the cable will be buried where possible to ensure that the cable is protected from damage by external factors. Typical burial depth is 1m but may range from 0.5m - 3m. The depth will be determined by a BAS and CBRA. The appropriate level of protection will be determined based on an assessment of the risks posed to the Project in specific areas". Due to the level of demersal mobile fishing gear across the cable route inside the 6nm and in Bideford Bay and in the area that the cable comes into land, D&S IFCA would suggest that the cable is buried at a maximum depth here to reduce or remove any potential impact between the fishing gear and cables.

- **Chapter 6 Section 3.6 Landfall (up to MHWS) Para 96 Trenchless crossing at Landfall:**

This section states: "Offshore Wind Ltd (OWL)'s commitment to the use of trenchless crossing techniques at the Landfall ensures that potential impacts on designated sites and the wider

estuarine and riverine environment are avoided as part of the Project's embedded mitigation. This commitment is anticipated to:

Avoid direct physical disturbance to the natural environment and non-statutory and statutory designated sites of ecological importance, including the Braunton Burrows SAC. Mitigate disturbance or harm to species such as waterfowl and potential destruction, damage or disturbance to habitats.”

D&S IFCA is reassured that the trenchless crossing will avoid potential impact to features of the Braunton Burrows SAC.

- **Chapter 6 Section 3.4 Taw Estuary Crossing (MHWS to MHWS) Para 100**

This section states: “OWL's commitment to the use of trenchless crossing techniques at the Taw Estuary Crossing ensures that potential impacts on designated sites and the wider estuarine and riverine environment are avoided as part of the Project's embedded mitigation.

This commitment is anticipated to:

- Avoid direct physical disturbance to the natural environment and non-statutory and statutory designated sites of ecological importance, including specifically the Braunton Burrows SAC adjacent to the crossing. Mitigate disturbance or harm to species such as waterfowl and migratory salmon and potential destruction, damage or disturbance to priority habitats such as coastal grazing marsh and mudflats
- Avoid direct disturbance to the River Taw's sediment transport pathways
- Avoid direct disturbance of the Taw/Torridge surface water catchment and the potential to alter the geomorphology and hydrology of the watercourse
- Mitigate increased sediment supply to the Taw/Torridge surface water catchment
- Mitigate the risk of contaminants supply to the Taw/Torridge surface water catchment and the River Taw and North Devon Streams groundwater catchment.”

D&S IFCA is reassured that the trenchless crossing will avoid potential impact to features of the Braunton Burrows SAC and the Taw Estuary. However, D&S IFCA would like to have seen reference to the designation of the Taw Torridge SSSI in this section, as it is important to include the designation of the estuary as well as the SAC at Braunton Burrows. The Taw Torridge Estuary SSSI notification includes: estuarine plant communities, estuarine fish and migratory fish species, sandbanks and mudflats that support invertebrates and mussel beds as well as nationally important overwintering birds.

- **Chapter 7 Section 7 (Pp 118-231) Appropriate Assessment: Annex II Species-Marine Mammals**

The applicant has clearly and thoroughly made an assessment of the potential adverse effects on integrity (AEoI) of the development on the Bristol Channel and Approaches SAC and its designated features. With reference to the Mitigation Table 7.1 this clearly summaries the risks and mitigation measures which look satisfactory, D&S IFCA would like to have sight of the Site Integrity Plan (SIP), and this should be shared with all consultees. D&S IFCA is reassured that the effects electro-magnetic fields will be negligible in particular on the crustacean specie listed in section 8.1.2.2.

### **3. D&S IFCA's comments on FLO-WHI-REP-0002-10 Chapter 10 Benthic and Intertidal Ecology**

D&S IFCA's focusses its comments on the Appendix 10.A Marine Conservation Zone Assessment. Under section 8.1.2.1 the effects of bedload sediment transport are considered in relation to the Bideford to Foreland Point MCZ. D&S IFCA would like to reiterate the importance of the burial of the cable as it comes across the Bideford to Foreland Point MCZ to landfall to avoid interaction with the trawling activity that takes place there. In paragraph 137 it states that no cable protection would be located in the near shore and within the MCZ which D&S IFCA assumes to refer to the fact that the cable will be buried across the extent of the MCZ.

### **4. D&S IFCA's comments on Appendix U Updated Cable Burial Risk Assessment.**

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.

### **5. D&S IFCA's comments on Appendix V Updated Draft marine Mammal Mitigation Protocol**

D&S IFCA is satisfied with the updated draft Marine Mammal Mitigation Protocol which highlights the measures to mitigate or reduce the risk of injury to marine mammals by noise that may causes permanent auditory injury and mitigation measures to reduce the risk for entanglement to marine mammals. D&S IFCA is pleased that the protocol gives a commitment by the applicant to develop a Project Environmental Management and Monitoring Plan (PEMMP) which details the monitoring of underwater noise and entanglement risks.

### **6. D&S IFCA's comments on Appendix Z Onshore Cable Route Assessment Summary**

D&S IFCA is satisfied that this route assessment summary is included in the MLA documents in response to comments from statutory consultees and the public. This summary clearly outlines the options considered and the rationale for the final route chosen.

Sarah Clark  
Deputy Chief Officer  
D&S IFCA