



**Devon and Severn IFCA**  
**Response to MMO Consultation for**  
**MLA/2025/00025**

**25<sup>th</sup> April 2025**

## 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 the proposed Mussel Spat Collection Site (MLA/2025/00025) lies 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.

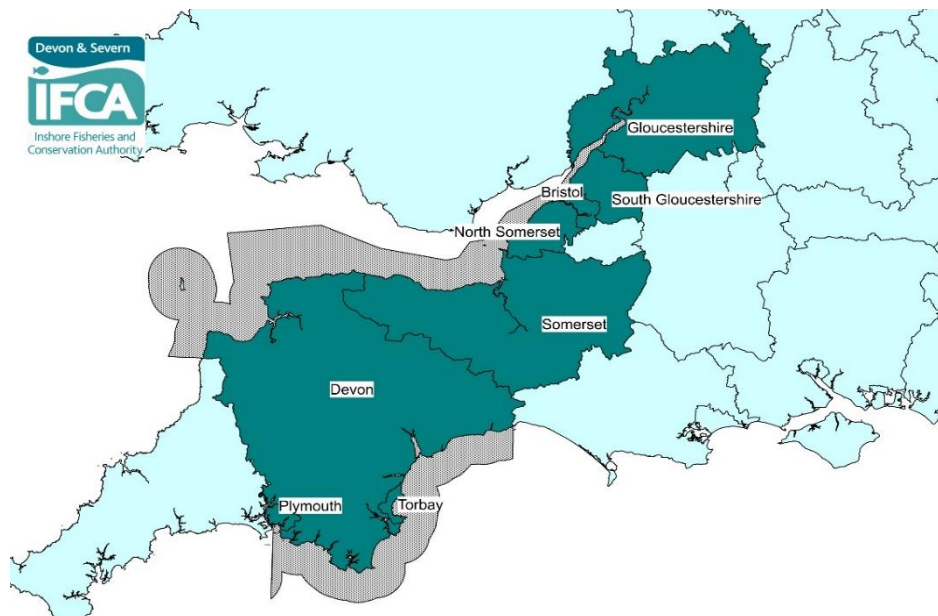


Figure 1. Map of Devon and Severn IFCA's District, showing in grey the sea area from baselines to 6nm (or the median line with Wales).

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, D&S IFCA 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 concerns or comments regarding this application, in line with the context provided above



OSL has provided in its application a Strategic Assessment. Within this document it covers the 'Avoidance of high fishing pressure areas'. OSL states that *'the site is located in a low-pressure area for commercial fishing, identified from accumulated IVMS fishing track data covering the previous 6.2 years. Removal of redundant equipment from the previously existing spat site provides alternative adjacent fishing areas of a similar size, which mitigate for any fishing activity lost or restricted by the presence the proposed site. No fish or shellfish other than mussel spat will removed by the presence of the new site and further mitigation is provided by the spillover effect of enhanced fish and shellfish populations from the new site into the surrounding area, where they can be exploited by commercial and recreational'*.

D&S IFCA disagrees that the proposed site location will not have an impact on the existing use of the area by commercial fishing.

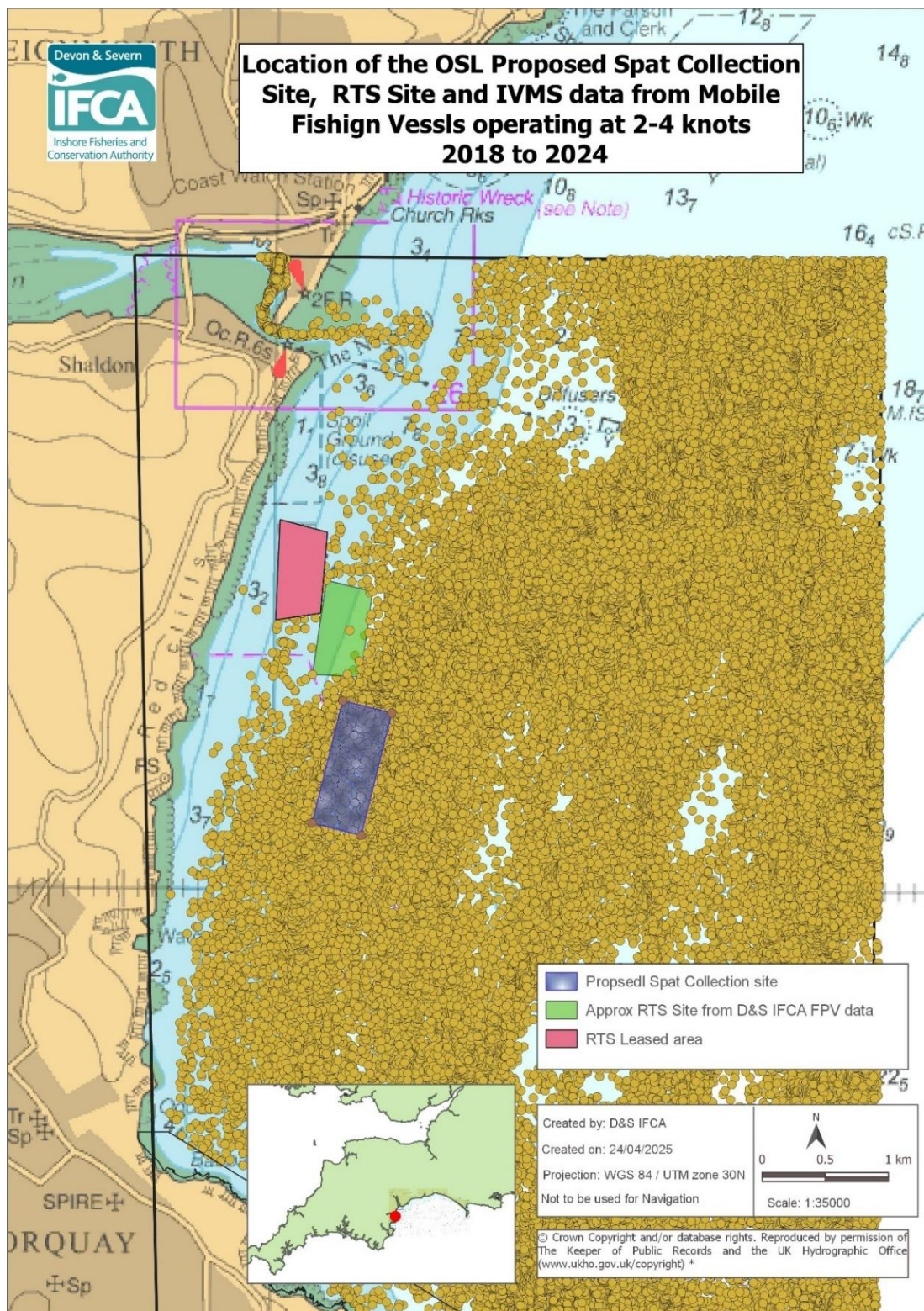
D&S IFCA has analysed IVMS data from August 2018 to April 2023 to identify mobile fishing vessels operating in the area of the proposed mussel spat site. Further data were then analysed for vessels operating between May 2023 to November 2024. The data analysed were for vessels travelling at speeds less than 6 knots. The data were further analysed for vessel speeds of 2-4 knots which is more likely to indicted fishing speeds.

Figure 2 shows the iVMS pings for all vessel operating between 2-4 knots between 2018 and 2024. This chart shows the proposed site hatched in blue and the original RTS site. The black box indicates the area where the IVMS data was requested and analysed. This chart clearly shows how the vessels have largely stayed clear of the area were RTS had their original site and the area where the infrastructure of this site had moved. The vessels have avoided the structures in these locations. The proposed site lies in the area where the vessels undertake their tows. Trawling tows tend to be long, often several hours, and the vessels cannot make sharp and quick manoeuvres due to the limited turning ability with length of warps and trawls on the seabed, so the vessels undertake long tows over established fishing areas. The established tows are in productive fishing grounds which is why fishers return to these areas. It is clear from this chart the location is important for mobile fishing vessels. Whilst the vessels may not operate in the area all year the ground is valuable to them and will have an impact on the original users of the site. Annex 1 includes charts of the anonymised individual fishing vessel's IVMS tracks travelling at 2-4 knots. It is evident from these charts the proposed location lies in the towing zone used by these vessels shown and the type of tows the vessels undertake. It is also clear they have endeavoured to avoid the RTS site, which as mentioned above has allowed potting vessels to utilise the area around the RTS site and inshore of it making it difficult for the towed gear vessels to use the grounds where the RTS site was located.

Under S69 (1) (c) MaCAA the appropriate licensing authority (MMO) 'must have regard to the need to prevent interference with legitimate uses of the sea' – in this case established trawling activity.

The South Marine Plan includes policies relating to fishing and aquaculture. Policy S-FISH-2 if states that proposals should look to avoid, minimise or mitigate significant adverse effects. Whilst this development is an aquaculture proposal, D&S IFCA does not agree that OSL has avoided or minimised the potential adverse impact of siting the farm in the proposed location. Although OSL has stated that they have removed the infrastructure from the RTS site, as a form of mitigation, this area may not be as productive as the established tows which the fishers

currently use, and from fishers' reports, has potting gear on the seabed. D&S IFCA believes that the proposed location could be moved to minimise the impacts to the mobile fishing fleet.



D&S IFCA, working with members of the mobile fishing fleet, who would be impacted by the proposed location of the OSL, has considered alternative sites. D&S IFCA has made suggestions to OSL of alternative sites that would have less impact. OSL maintains that the farm needs to be in a depth of 11 or 12m. Two alternative sites were considered by the trawler operators who fish in the area. One alternative site is close to the existing (actual) location of the RTS site (Figure 3) which straddles the 10m contour and the other site (Figure 4) lies in slightly deeper water between 10-12m. Fishers would prefer the option shown in Figure 3 (or one even further inshore over the RTS site) as it covers some of the area taken up by the RTS sites which the fishers have been avoiding for years and therefore would have the least impact to their fishing. This location would reduce the impact to the trawling vessels, their businesses and fishing grounds and it would be mitigation by OSL to existing users of this space. Fishers pointed out the RTS site was not in the location originally proposed and that it had spread out considerably due to the movement of the concrete anchors and structure left on the sea bed.

OSL has maintained that this site would not be suitable as it needs 11m depth, but the site straddles the 10m contour going into water of 11/12m in depth. D&S IFCA would ask if OSL can locate the farm in this area with adjustments to the anchor lines. Research on the optimum depth for spat collection in the Scandinavian fjords suggest that the optimum depth for spat settlement is in and suggested that the best settlement would be in the top ~3m in the Danish Fjord (Filgueira et al, 2017) and within the 6m depth (Taylor et al, 2019). D&S IFCA appreciates, from the diagram of the farm set up submitted in the application, that the lines/droppers are located between approximately 3m and 6m and therefore D&S IFCA would ask if it possible for the site to be located in 10m of water. The option shown in Figure 4 is parallel to the option in Figure 3 but slightly deeper. The fisher tows do take place in this area and therefore would have greater impact than the alternative site 1 (Figure 3) but this site would have less impact than the currently site proposed by OSL. Although the second option may impact some tows it would allow the trawlers to have the established tows that continue in the south west direction (across the OSL proposed site) as shown in the charts in Annex 1. The depth here is between 10-12m.

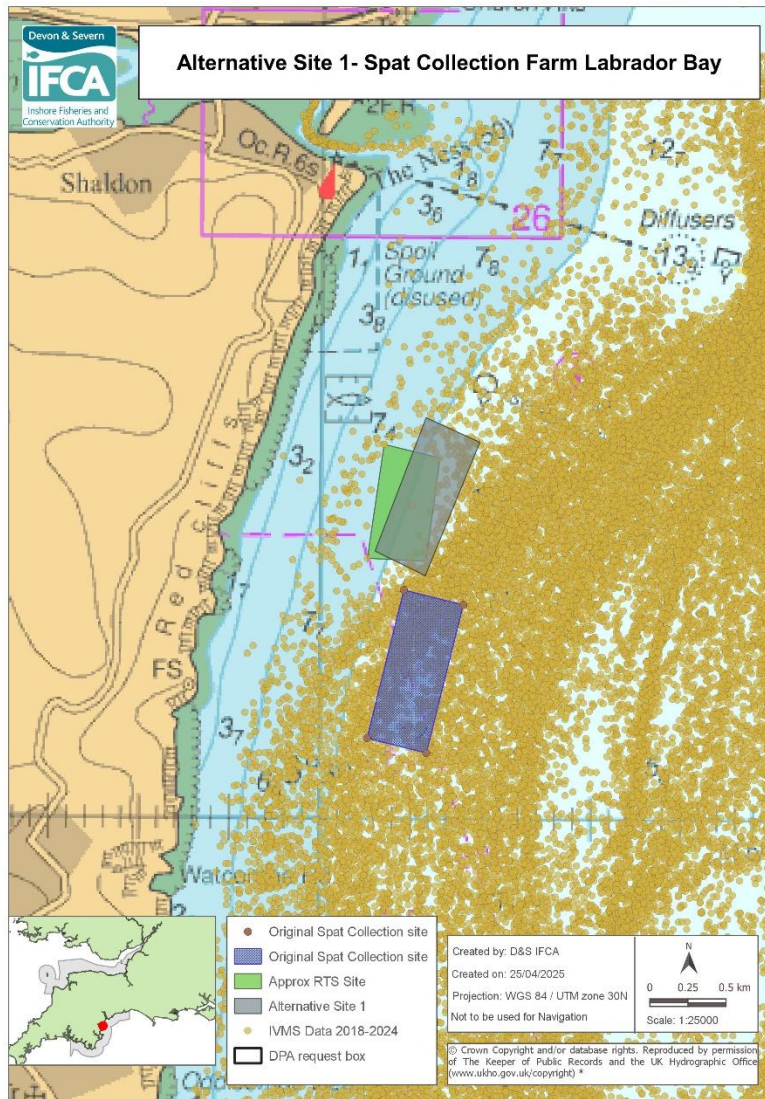


Figure 3 Alternative Site 1

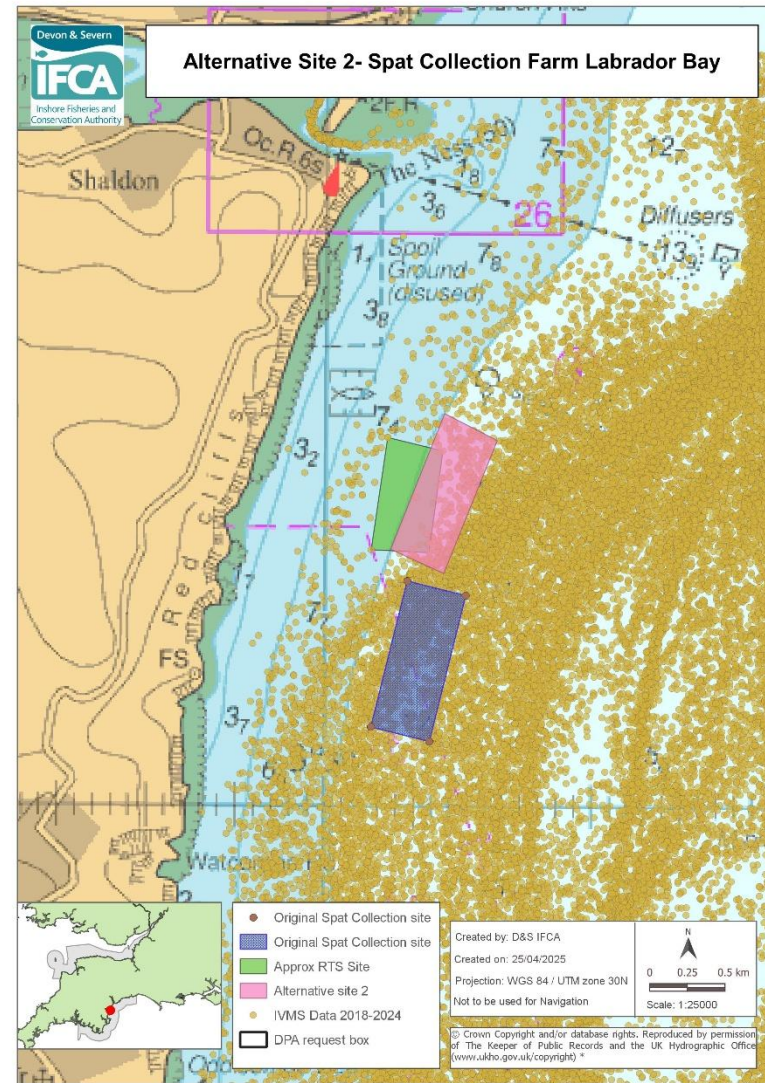


Figure 4 Alternative Site 2

## Engagement

OSL engagement log highlights engagement with Teignmouth fishers and that in person conversations were had. It would be interesting to know if these were mobile gear fishing vessels or potting vessels. There has been an increase in potting vessel in the area inside of the proposed site and the site of the RTS and therefore the fishers may see this an opportunity increase potting in the area. The increase of potting in the areas inshore and around the RTS site has limited the use of this area by the trawling vessels. OSL has suggested that moving the spat collection farm further out from the original site of the RTS site will allow the trawlers to go inside of new proposed site. However, with increased potting gear in this area will limit their ability to trawl in this area in the future without causing conflict with the potting fleet.

D&S IFCA has engaged with OSL on numerous occasions and has provided anonymised IVMS data to OSL. In the engagement log it states that local fishers from Brixham were engaged with via D&S IFCA. D&S IFCA arranged two meetings with mobile gear fishers whose IVMS indicated that they operate in the area. Unfortunately, at the first meeting no fishers attended. At the second meeting OSL did not attend but provided D&S IFCA with information to give to the fishers. However, D&S IFCA was not able to answer the fishers questions especially relating to why OSL is proposing a site further south west of the RTS site which will be in their main towing area, and why OSL could not be locate the farm in depth less than 11-12m..

D&S IFCA contacted 11 fishers likely to be impacted by the proposed site to inform them that OSL had removed the structure of the old RTS site and whether they could adjust their tows and use this area instead if the OSL kept to their proposed location. D&S IFCA received responses from five fishers. These have been anonymised and are attached in Annex 1. It is clear from the fishers responses that they have major concerns regarding the location of the proposed spat collection site. The main points from their responses are:

1. Concern that the site of the RTS mussel farm (where it was finally located) will not have been cleared totally and this will cause snagging issues and damage to their trawl gear.
2. Fishers have established tows to target species such as sole, squid, cuttlefish, plaice. and the location of the proposed farm is a key area where they target these species
3. This area is an important fishing area generally but especially in poor weather where the smaller boats can still fish when they can't go further offshore due to the bad weather conditions and prevailing winds. The proximity of the area close to Brixham means they can, more safely, use this area in poor weather. This area is fairly sheltered in these situations and is already busy with other vessel sheltering, which again restricts where they can tow.
4. Fishers stated that trawling vessels need a large turning area to avoid structures, and this will lead to further large areas of the seabed being lost to them and therefore lose more productive fishable ground.
5. Fishers pointed out that OSL have already established farms in Lyme Bay which has closed large areas to trawlers – fishers are concerned that one company is taking more ground when there are fishing vessels who rely on it for their businesses, and the skippers and crew families rely on it too.
6. Fishes raised concerns about the anchors location outside the visible parts of the farm and that this will remove more ground for them to operate in as they will need to stay well clear of any obstruction caused by the farms infrastructure.

7. The space between the RTS site is already clogged with potting gear and this has removed their ability to tow inside of the proposed area so there is more ground lost to the trawlers and they would not be able to utilise the ground inshore of the proposed site.
8. Fishes raised concerns that the areas proposed seems large for a spat collection site and believe that the site will be another mussel farm which may increase over time.
9. Fishers suggest that the area of the RTS site should be used for the new proposed spat collection farm.
10. Fishers feel that the argument for a 12m depth is a moot one as spat collection takes place in shallower areas elsewhere.

### **Impact on MPAs**

The site lies approximately 2.7km from the Torbay MCZ boundary and approximately 930 m from the Torbay part of the Lyme Bay and Torbay SAC. Whilst research on the OSL farm in Lyme bay does show benefits of the offshore mussel farm for biodiversity including seabed biodiversity which D&S IFCA recognises and applauds, D&S IFCA would ask if has there been any consideration of any impact of pseudo faeces and faeces from the proposed spat collection site on the nearby features of the SAC and MCZ. The area here is shallower approximately 11-12m in depth and protected largely from the easterly winds that impact much of the Torbay area. The application does not include any information on research on the siting of a farm in close in shallower water in proximity to MPAs that could potentially lead to increased turbidity, smothering and the impact of prevailing winds and tides that could disperse the faeces and pseudo faeces from the mussel stock into MPAs.

### **Navigational Risk of Moving the Site**

OSL has stated that no navigational risk assessment was required by the MCA. The applicant shows a jpeg of RYA use of the area (see Figure 5). The alternative sites described in this response are in are slightly to the north east of the proposed site which has, from the RYA information and AIS data, similar or less recreational boating activity. Therefore, the alternatives site would cause less interference to recreational boating.

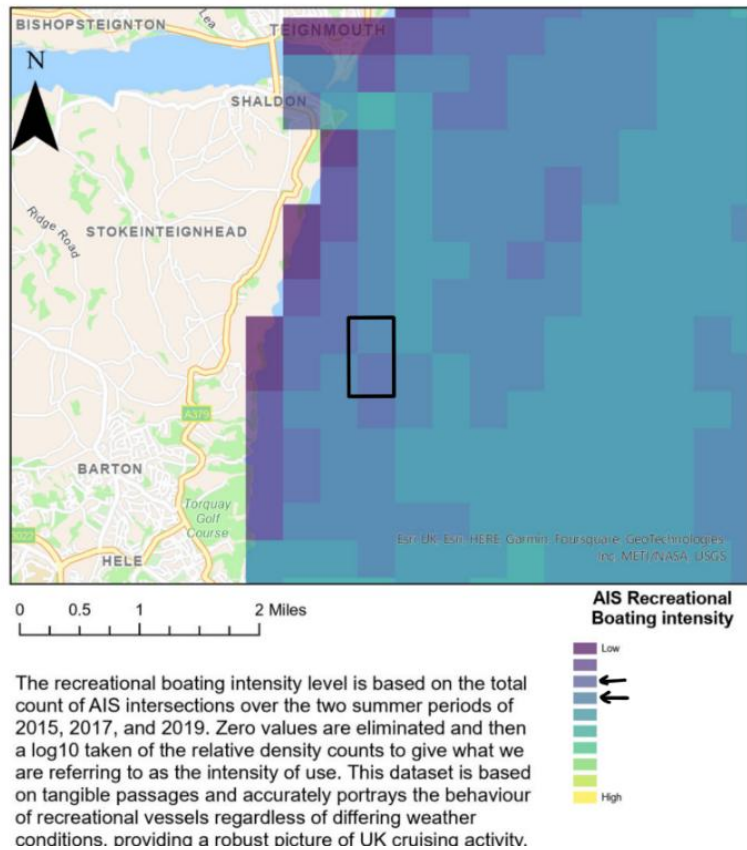


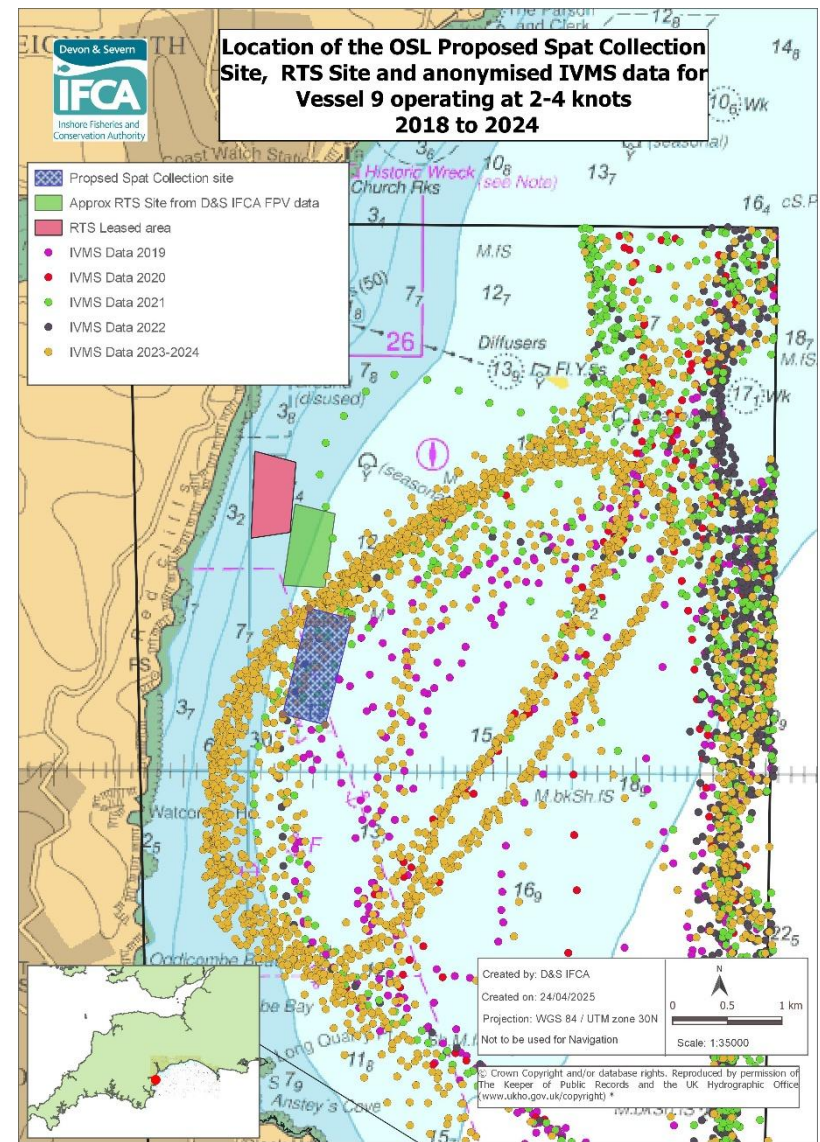
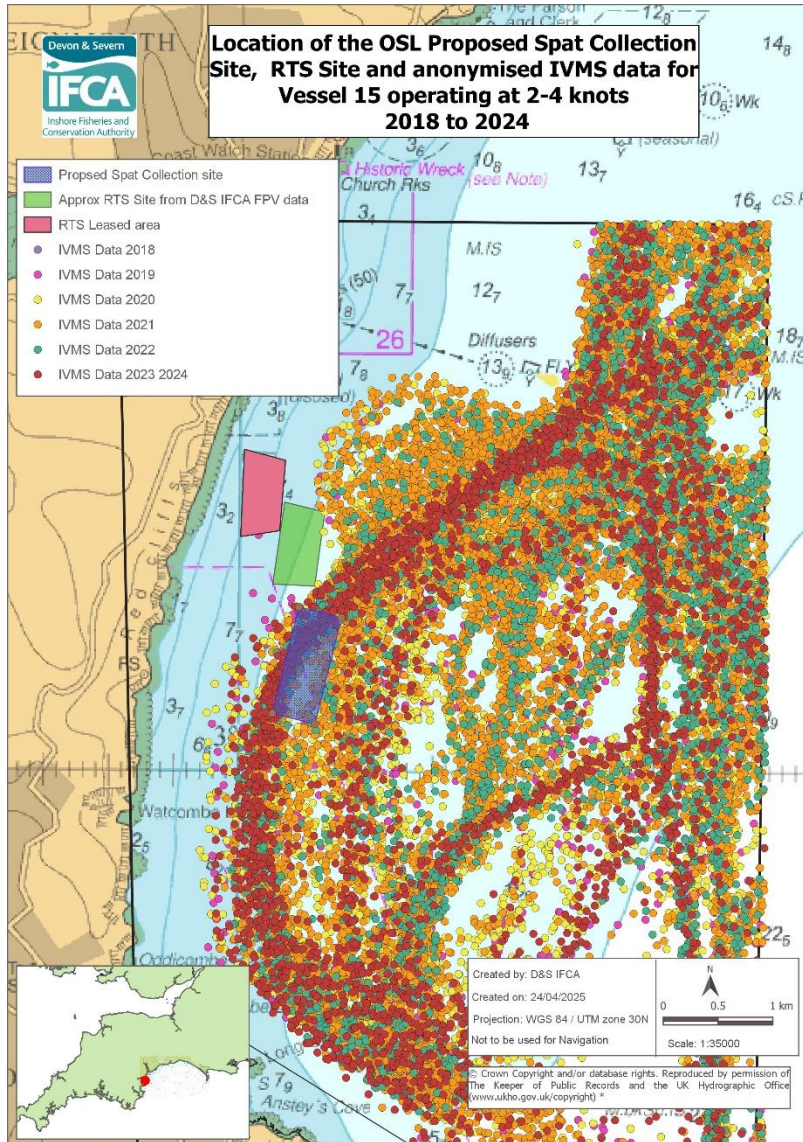
Figure 5 - OSL chart of Recreational Boating Activity

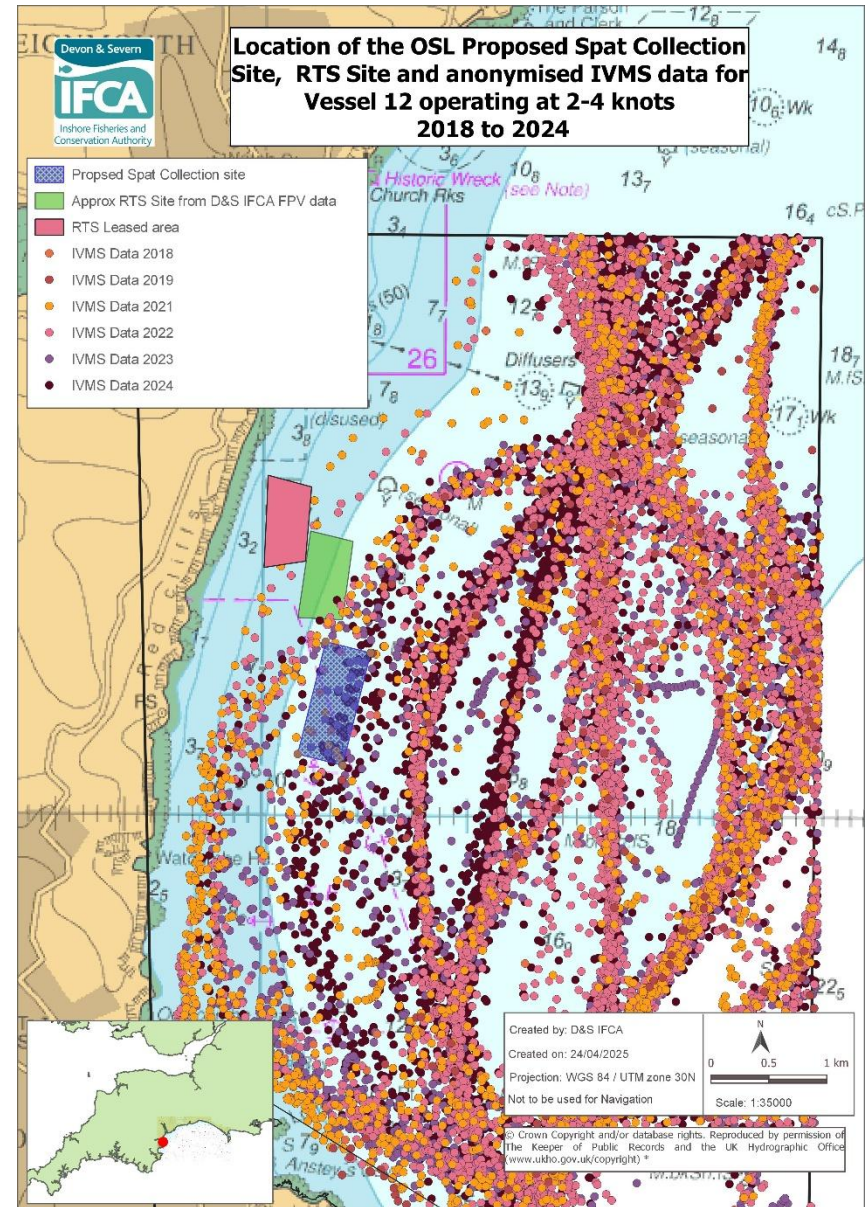
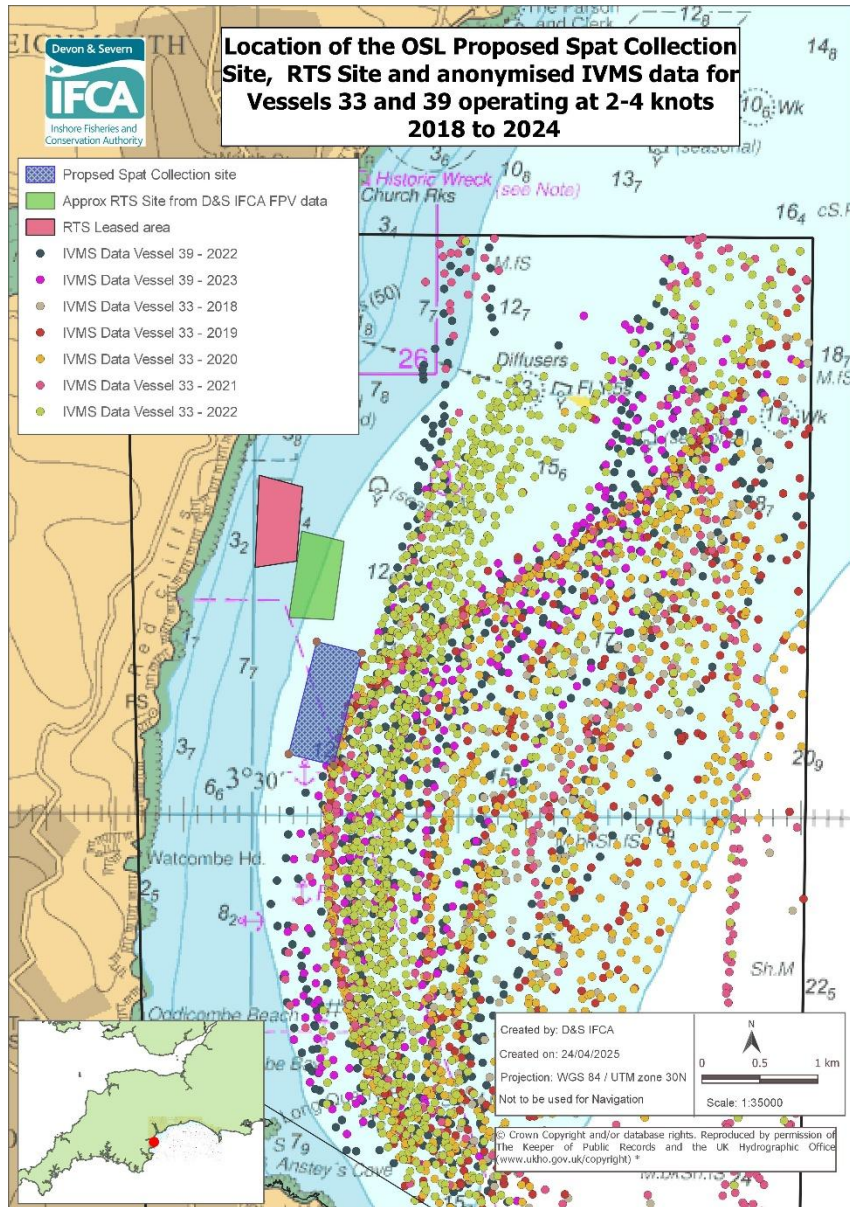
## Summary of D&S IFCA’s Response

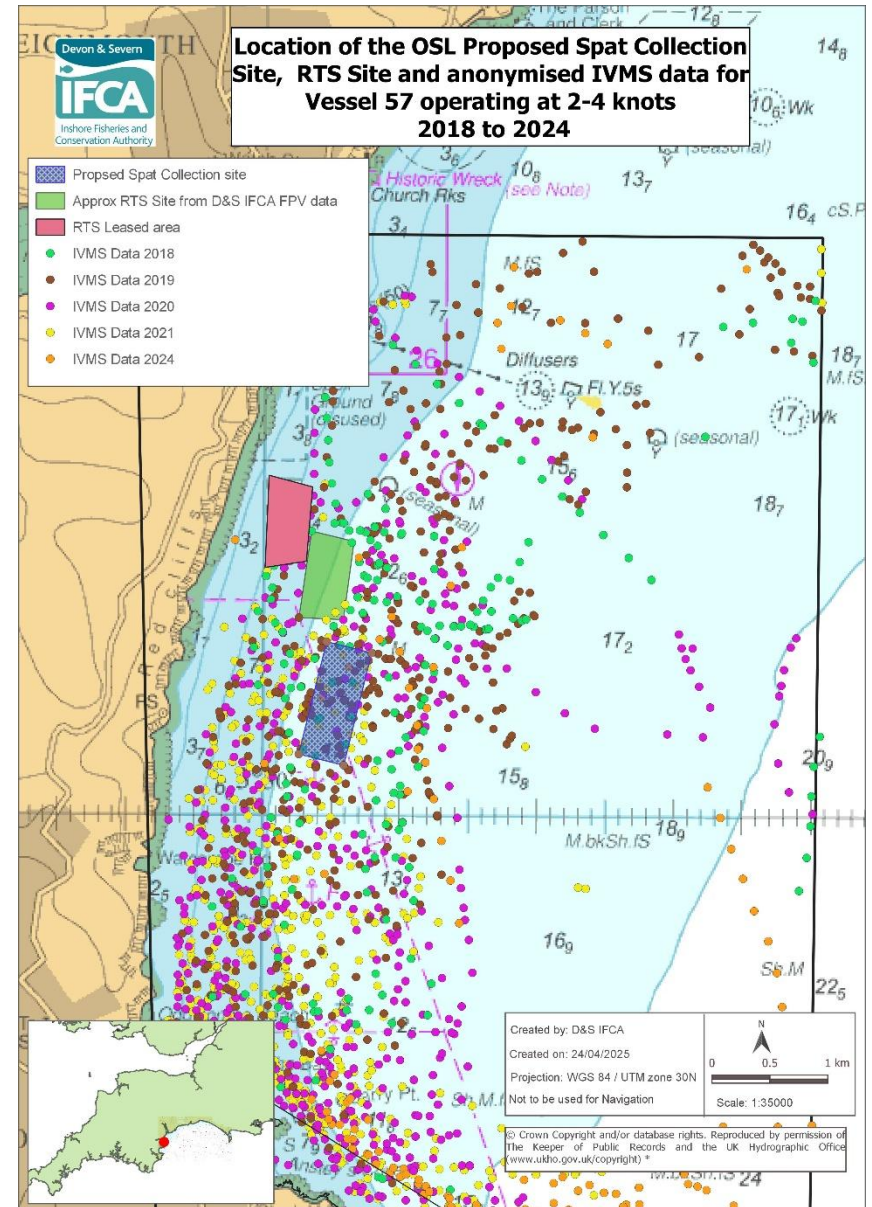
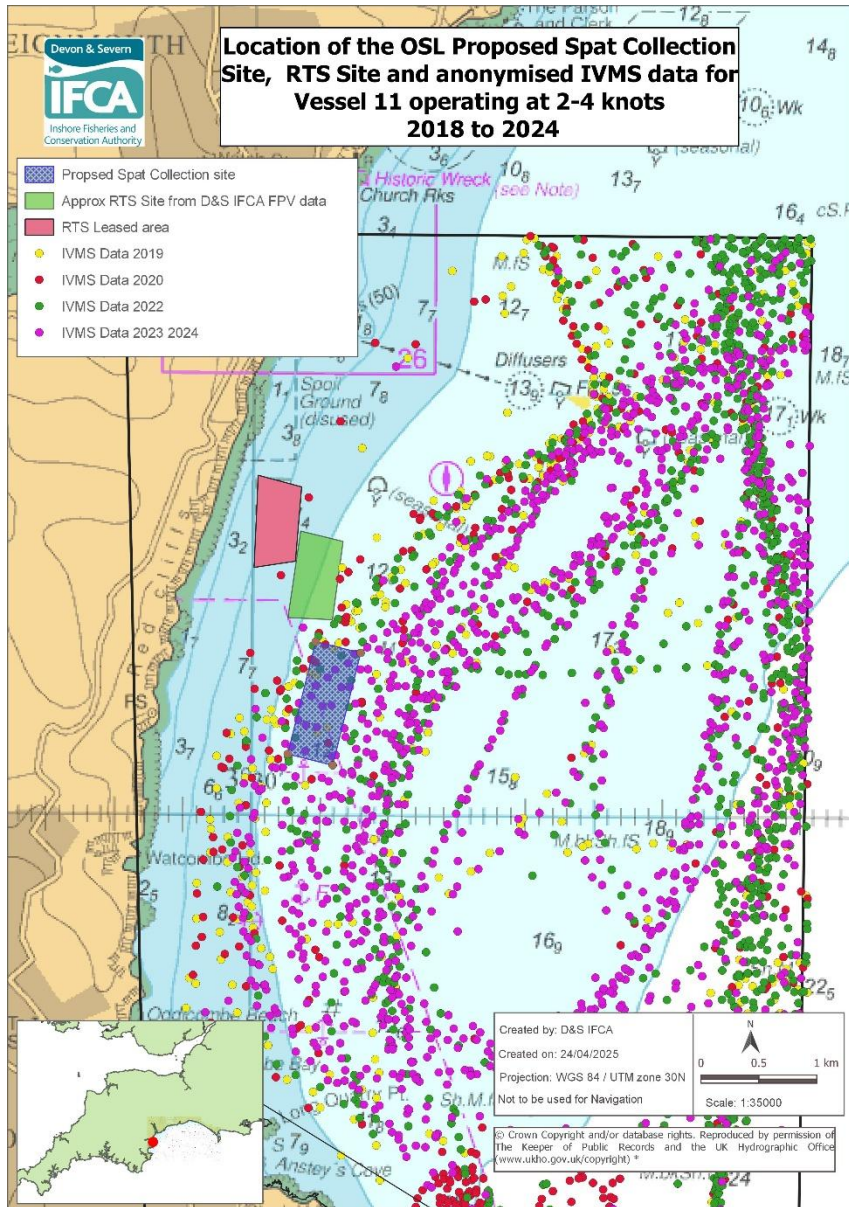
In summary D&S IFCA is not supportive of the proposed location of the spat collection farm in Labrador Bay and would ask the applicant, OSL, to reconsider siting in or near the location of the RTS farm (alternative site 1- Figure 3) to avoid or minimise the impact to mobile fishing fleet. D&S IFAC believes this would provide mitigation by OSL and fulfils the policy S-FISH-2 D&S IFCA is not opposed to the farm itself as it understands the needs of OSL for a consistent mussel spat resource.

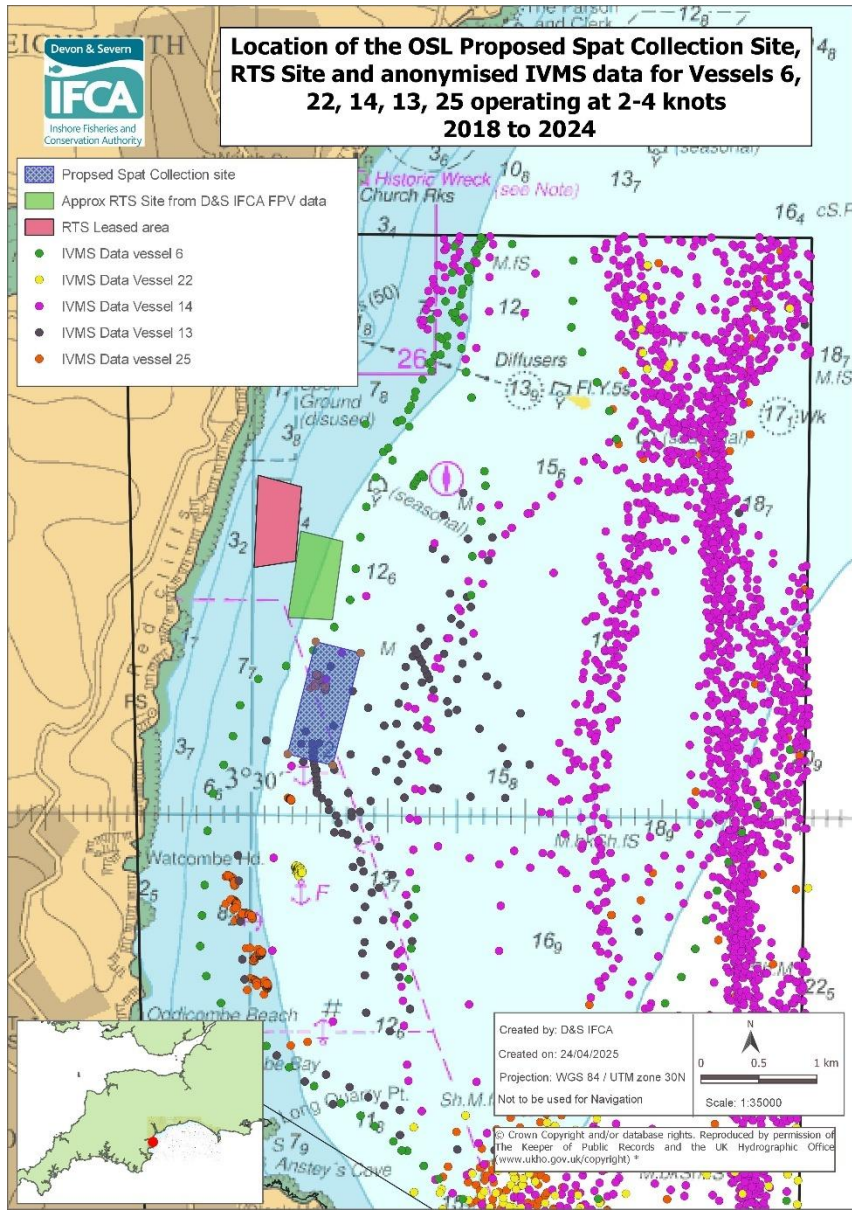
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# Annex 1 – Individual Vessel's IVMS Data 2018-2024









## **Annex 2 Anonymised Letters from Fishers**

### **Fisher 1:**

*We are unable to change our tows, we have lost so much money through closed areas and boxes already and we are not prepared to loss more when they already have massive sites. Also, the site that they have proposed is over a very large area for a spat farm and we would be interested to know how they have come to the agreed size when at the moment they are sharing the scallop farm off of Torquay to grow their Spat.*

*Where they have proposed the site is where we catch the most of the sole in that area. We have already discussed an area that we would all be happy with and that wouldn't impact the fishing community that use it, but they have turned this down.*

*We also use this area on bad weather days so that the smaller vessels can still catch to earn and provide for their families.*

*When we are in the area there is also a lot of ships that anchor because of the weather causing us to navigate around them as well, so add a couple more fishing vessels and the proposed closed box we would be completely stuck with not being able to fish the ground at all due to the length of the gear we work ,to make it viable.*

*Also can the Offshore Shellfish prove that the old site is completely cleared, and are they willing to compensate us if we tow through the area and lose a trawl or worst*

*So unless they are able to compensate all the fishing vessels that work the area for their loss for the next 10 years we are not happy to agree to this box closure.*

### **Fisher 2:**

*I'm not great at letter writing so I will list the reasons why I think this is in the wrong place.*

*I don't think that the old site will have been cleared well enough for us to work there*

*How much further will the buoys and anchors protrude out from the proposed area?*

*By the time we leave a safe distance for our gear to clear a obstruction like the farm it will push us further away from the closed off area.*

*The space between the proposed farm and the shore will become clogged up with static fishing gear closing off a larger area to us, meaning we wouldn't be able to run up the inside of it anyway.*

*The mussel company already has a huge closed area which is nowhere near full to capacity and I think they just want an area to farm with their smaller vessel.*

*why can it not be located in the already closed area at the bottom end of Start Bay, is that too far for them to travel?*

*This seems unfair that one company can come along and completely take over a sea area and have it for their own benefit, If I bought a set of netting gear will you give me a huge chunk of sea area and ban anyone else from fishing there?*

No doubt they are receiving huge amounts of grant money for this too whilst I struggle on my own without any grant funding or help whatsoever, to even claim a grant you have to put the money up yourself first which I cannot afford to do and you see set ups like this coming along and making it harder for us with public funding.

### **Fisher 3**

*I'm the skipper of a vessel and previously of another vessel that fish in that area.. The position of this new farm will be very bad for me personally and my family it's very good for Dover sole ,squid, cuttlefish ,plaice in that area by the time we have give the farm clearance we will miss the best fishing spot and also it's very good for shelter from prevailing winds surely there must be a better position to put it..we've already lost good fishing grounds to aquaculture.*

### **Fisher 4:**

*My main concern with offshore shellfish saying they have cleared the area is, that we have no guarantee that they have completely cleared all the debris and the concrete blocks. This was also promised when the Napoli wreck was said to be cleared and there are still large areas unable to be fished due to the wreckage and containers that haven't been cleared As you can understand, this is a huge hazard and would not only destroy that days work but, maybe a weeks worth of fishing too, depending on the damage, not to mention the risk to life.*

*I still have concerns about the size of the proposed site, as the existing sites they have are so big and they have not used all the area that they buoyed off. Because the areas is under a licensed condition they will never be available for trawling purposes again.*

*They say it's for spat but it's a very large area probably far more than they would need for that purpose.*

*It would be better to let them use the old mussel farm area because when, or if, we surrender a new site it's lost for trawling purposes forever due to the protection of the licensing conditions.*

*Their argument about 12m of depth needed, seems to be moot point as there are people growing mussels in depths less than that already in Torbay, unless their intention is to change to a full blown mussel fishery in the future, as it's a sheltered area that would be better for all year round production, there by obtaining this area by deceit.*

*In my opinion using the existing site and leaving things as they are as this doesn't disturb any more grounds. We really must protect the fishing industry and not keep taking areas away on the whim of a new company, if for what ever reason, they don't continue, as the Teignmouth mussel company did, the ground is just left useless and damaged for future fishing. It seems obvious that using the existing site as the ground has already been spoilt and no longer safe for fishing.*

### **Fisher 5:**

*I have spoken to my son who is the skipper of a fishing vessel working in the area.*

*He is 100% against losing this fishing ground as it is a useful area we fish over the years.*

*The area concerned holds good Sole fishing plus Squid, Cuttle Fish, Plaice.*

*The problem is its not just the box that has been shown, by the time they Bouy off the corners*

*To protect there gear the area becomes a lot larger.*

*With the large turning area required by our trawlers to avoid the proposed area and seabed fastenings we lose a huge piece of fishable productive ground.*

*Another point I would like to make clear is that area is very useful to us as it is close to Brixham and Is fishable in strong winds coming from the West, Northwest and Southwest.*

*We lost our previous vessel in June 2023 to a capsized in Brixham harbour, This vessel spent a huge amount time in the proposed area, The new vessel fishes this area.*

*We recently sold another vessel which also fished the area and we are in the process of buying another boat to replace it.*

*All we can say is please be ready to pay genuine fisherman Compensation as of this moment there are 3 families relying on making a living from our Trawlers*

*Please take your decision seriously as it does have a huge effect on our future.*

## References

Filgueira, Ramón & Grant, Jon & Petersen, Jens. (2017). Identifying the optimal depth for mussel suspended culture in shallow and turbid environments. *Journal of Sea Research*. 132. 10.1016/j.seares.2017.11.006.

Marine and Coastal Access Act 2009

### [South Marine Plan Inshore](#)

Taylor D, Saurel C, Nielsen P and Petersen JK (2019) Production Characteristics and Optimization of Mitigation Mussel Culture. *Front. Mar. Sci.* 6:698. doi: 10.3389/fmars.2019.00698