

27th September 2016

Your Ref: The River Stour Mussel Fishery Order 2016 - Harrison Clark Rickerbys

Our Ref: Co_2016_07_07-291

By email only - pscott@hcrlaw.com (Harrison Clark Rickerbys)
michael.gubbins@defra.gsi.gov.uk (Shellfish & Aquaculture
Team, DEFRA)

Dear Sirs

The River Stour Mussel Fishery Order 2016

1.1 Role of the Eastern Inshore Fisheries and Conservation Authority (Eastern IFCA)

The role of the Eastern IFCA is "to lead, champion and manage a sustainable marine environment and inshore fisheries" in our district which extends from the Humber to Harwich, and six nautical miles out to sea. The location of the project in the estuary of the River Stour is partially within the Eastern IFCA district therefore it is considered appropriate for Eastern IFCA to provide comment on the proposal. The proposed Several Order is in part within the area administered by Kent and Essex IFCA, and correspondence has been entered into with Kent and Essex IFCA regarding this response. It is our best understanding that Kent and Essex IFCA are in agreement with these comments.

2) We wish to make the following points, and would appreciate your comments, clarifications and assurances, as appropriate -

2.1) We note that the proposal is for several orders covering five areas totalling 84 Ha., whereas the proposed activity is for five plots, each of a maximum of 5 Ha. – a total of a maximum of 25 Ha. We request clarification as to the reason for this discrepancy, and that the applicant gives due consideration as to whether the overall area could be reduced to bring it more into line with the area actually required. This request is in line with our duty to ensure sustainable fisheries, in that we do not wish to see exclusion of general fishing activity over a greater area than strictly required.

2.2) The operation depends on the bringing in and re-laying of mussel seed. This operation must be conducted with the highest regard to biosecurity, which in many instances will go beyond the legal minimum. Each source of seed mussel (location, and occasion of which seed is to be fished) to be fully assessed as to ensure it is safe to act as a source. This concern is recognised in the document

“2012_Environmental_Statement”, with “*implementation of strict biosecurity measures*” as one of the mitigation measures. (Table 7, page 31). This request is in line with our duty to ensure sustainable fisheries by minimising risks to other shellfish within the area, and with our duty to ensure that fisheries and aquaculture operations do not impact negatively on the natural habitat. We request assurances that such levels of biosecurity will be implemented.

- 2.3) Control of predator, pest and nuisance species - We note that the applicant has decided not to conduct crab control, and that starfish control will be done “*if the starfish population levels within the mussel plots are sufficiently elevated to cause predation problems to the mussel fishery*” (“Review of potential impact to ecological receptors of the Stour Estuary Several Order Application”, Wash Mussels Ltd, APEM Ref: 414003, February 2017, section 3.4). We ask that the following be included as a condition of the granting of a several order, should that come about, in order to avoid future doubt -

For vertebrate pest, predator, nuisance or similar species –

- No lethal control measures to be used.
- No non-lethal control measures which could have an effect or impact beyond the boundaries of the 5 Ha area actually used for growing mussels to be used.

For invertebrate pest, predator, nuisance or similar species –

- Any proposed control methods to be subject to assessment of likely effect on the overall population of the proposed organism within the vicinity of the proposed activity, and of the wider ecological effects of the proposed activity.

This request is in line with our duty to ensure that fisheries and aquaculture operations do not impact negatively on the natural habitat.

- 2.4) The application is for a several order to permit the culture of mussels. We request that it be made a formal condition of the order that mussels (*Mytilus edulis*) be the only species which are removed for commercial purposes from any several order. We also request that it be made a condition of the order that if commercial mussel culture operations do not take place on any of the individual plots within a period of three years from the granting of the order, or within any period of two years thereafter (measured from the start to the end of the inactive period), that the several order relating to that plot be revoked. This request is in line with our duty to ensure sustainable fisheries, in that we do not wish to see exclusion of general fishing activity in areas other than strictly required for any aquaculture operation.

As a point of information – the document “STOUR ESTUARY SEVERAL ORDER APPLICATION Review of potential impact to commercial, charter and recreational fishing” Patrick Franklin, Chris Mowlam, Homarus Ltd DRAFT REPORT 2nd November 2015, contains an assessment of the value of landings of certain key fish species (Tables 1, 2, 3) with a subsequent evaluation of the potential financial implications of the loss of fishing areas associated (Page 14). It is our view that the total landings value of bass (the single most important species in this area to commercial fishers) is an appreciable underestimation. MMO figures do not fully account for the landings of bass, due to the normally low weight of individual landings, which remain below the minimum threshold for reporting under “Buyers and Sellers” regulations.

3. Administrative points

Eastern IFCA is continually seeking to improve how we respond to consultations, both in terms of efficiency and meaningful content. Therefore, if any of the points raised in this response are reflected in the licence outcome, for example – but not limited to – as licence conditions, we would appreciate being informed. Please do not hesitate to contact me should you have any queries on the above response.

Yours sincerely,

A handwritten signature in black ink that reads "S Thompson".

Stephen Thompson
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