

Stour Mussel Fishery Order

Notes from meeting held on 1st May 2018, Suffolk Yacht Harbour, Levington

1. Welcome and Introductions (Chairman) (5 mins)

Cllr. Derek Davis, Chair
Peter Scott, Solicitor, Harrison Clark Rickerbys Limited
Andrew Lawrence, Director, Wash Mussels
Paul Rodhouse, Royal Harwich Yacht Club
Rob Dyer, Kent & Essex IFCA
Mike Graham
Kevin Howlett
Stuart Howells, Stour Sailing Club and Harwich & Dovercourt Sailing Club
Bob Calver, RYA
Graham Prior
Tim Goodwin
Tom Clayton
David Card
Mike Perkins
Peter Holborn
Geraint Pugh, Shotely Open Spaces
Gary Richens, Shotley Open Spaces
Rodney Chadburn, Stour & Orwell Society
Mark Nowers, RSPB
Chris Keeling, Natural England
James Meyer, Suffolk Wildlife Trust
John Cooledge
Simon Amstutz, AONB
Paula Booth, AONB

2. Update on application (Peter Scott) (15 mins)

a. Overview of application

Peter Scott gave some background to the mussel industry, which is considered to be a significant export product for which the English estuaries are ideal. Many of these are European Marine Sites and initially it was not possible to obtain consent to carry out a trial within a European protected site.

The proposal in the Stour is for bottom laid mussels, requiring no fixed or floating equipment. These take approx. 2 years to mature and require no fertilizer or other inputs.

The mussels accumulate whichever pollutants are present and therefore provide an important legal lever against pollution, in particular, micro-pollutants.

b. Determination process

Research and documentation relating to the proposed trial site within the Stour include:

Ecological report, fishery assessment, safety & hazard assessment, noise assessment ref. boats, legal report ref. section 7 of the Shellfish & Fisheries Act 1977. These were part of the consultation on the proposed trial site.

c. Developments since stage 1 Consultation

Measures being taken to ensure that all operations associated with the mussel fishery avoid significant impacts to bird species associated with the European protected sites and other species of national interest.

RSPB and Natural England comments on the aforementioned consultation initiated a Disturbance Study. This entails observations of the bird species of concern whilst dredgers are in operation. This is carried out during the 6-hour window either side of high tide.

The Disturbance Study is proposed to be carried out once in each of the plots, in each of the years of the trial as follows: day 1 – pre-operation, day 2 – during operation, day 3 – post operation. Optional day 4 and 5 if, on days 2 and 3, unusual bird behaviour is identified. It is important to note how long any unusual behaviour last.

RSPB are concerned that monitoring only 1 day prior to activity taking place is insufficient.

A video camera will be used to take images of the entire area of the river bed to be used in the trial. The aim of this is to avoid disturbance to anything within 10m of the Peacock Fan Worms known to be present in the Stour. A protocol for undertaking this survey has been approved by Natural England and the results of the survey will be shared with them.

Each 1 ha. plot is likely to take a day to survey with the camera. Any ecological areas of significance will be avoided as part of the trial.

Simon Amstutz will circulate a map of the proposed trial areas to attendees.

Area 5 – it has been agreed that this area will be removed from the trial under a precautionary principle, as it has been identified during the consultation as being the most sensitive. There remains concern over the inclusion of Areas 3 and 4 from some consultees based on the variation and undulations in the depth of the river bed. It is understood that a topographical survey has not been carried out.

A judgement will be made by the applicant and their specialist following the results of the survey relating to any features of topographical significance and their suitability or otherwise for inclusion in the trial.

It is the responsibility of Defra to carry out an Appropriate Assessment.

3. Agreements applicant has made with: (Peter Scott) (15 mins)

- a. With Defra
- b. With Natural England
- c. With Harwich Haven Authority

The Management Plan for the trail includes a commitment to the following:

The applicant will not be using any crab pots or any other method to remove crabs from the mussel beds during the trial. If, during the trial there is a crab problem, consideration will be given to how to manage this.

The right of navigation and anchorage has a legal precedence in the Act, over the rights associated with the Several Order. An exception would be deliberate grounding of a vessel on the mussel bed so as to cause damage. There is no distinction between recreational and commercial vessels when it comes to rights of anchorage. It was noted that Area 1 is a favoured spot for yachts to anchor.

Race Marks – RYA have suggested a form of words so that consent is given for the placing of race marks over any areas covered by the trial.

Starfish – could increase with the introduction of mussels. It is possible that there could be a plague of Starfish and if so, a method described as mopping would be carried out in order to clean them off the mussel beds. Some discussion about the practise in the Menai Straits of mopping off Starfish and feeding them to birds was discussed. PW welcomed further comment on what should be done with them in the event that they are mopped off in the Stour.

The source of the seed mussels is carefully controlled to ensure that non-native invasive species are not introduced. The proposed control of sourcing in this case is potentially above and beyond the usual requirements and would consist of 1 species of native mussel only.

Boat activity

The vessel proposed to be used is 14m long, is likely to operate from Harwich and would only operate over high water. The season for harvesting mussels commences at the end of September/mid-October and runs until the end of March/early April.

What constitutes a successful trial?

Successful results from micro-biological monitoring (classification of water ref. food safety), environmental monitoring and economics. If the trial is successful, the applicant would look to make a longer-term order or a permanent order before the end of the trial period.

Outstanding objections

Harwich Haven Authority have one outstanding objection which will only be removed when the objections raised by NE and EA have been satisfactorily addressed.

The Environment Agency raised 3 points on the 2nd consultation:

1. Does the project need a licence ref. flood risk management issues?
2. Water Framework Directive Assessment – EA are happy with what has been submitted
3. MMO licence may be required for dredging.

Defra advised that a licence may be required if a mussel ridge was proposed, however, this trial is proposing a mussel carpet only.

4. Concerns of Recreation Users (Recreation user group representatives) (30 mins)

a. Recreational boating

The standard wording of a Several Order states that the applicant should 'mark out or otherwise make known' (the location of the mussel beds). It is proposed that the words 'mark out' are not used in the order, to address concerns about the use of buoys or other markers raised by several consultees.

Concern was raised regarding Area 1 extending into the channel. The applicants confirmed that they would avoid all areas identified by yacht clubs, harbour authorities and that this was in the Management Plan.

The Management Plan includes provision for liaison with the RYA.

The Order would not be assignable to another company. It is only subject to Osborne & Sons Shellfish Ltd – inclusive of whole of Osborne family interests.

Clarification between what is in the Severals Order and what is in the Management Plan

What Status does the MP have, and if it fails, is the Management Plan enforceable?

The Several Order requires the applicant to undertake operations in accordance with the Management Plan – there is reference in the Order to this and therefore the Management Plan becomes a statutory obligation within a legally binding framework.

As soon as the Management Plan is finalised, it can be circulated, however, there will not be another public consultation.

b. Recreational fishing

Concerns were raised about the methods of fishing that become illegal with a several order in place.

Peter Scott explained that he has not been able to find anyone only using this type of fishing (mussels) within a several order location – it is highly unlikely to be enforced by the applicant. There is no proposal to use rope culture.

Peter Scott has previously asked anyone with catch data to share this and reiterated this request.

c. others

It was stated that the Crown Estate had to give consent before proceeding with the first order and that no further licences or leases were required from the Crown Estate.

It was the intention that good communication between the operator and those other local fishing operators is encouraged. It was noted that active commercial netters operated in this location. It was mentioned that in many cases, fishing opportunities increase near the mussel farm beds. The operator has been working for 25 years on a boat and reports no problems with conflict between the mussel fishing vessel and other vessels. Channel 6 is used for radio communication.

5. AOB

Shellfish areas are protected under the Water Framework Directive.

Noted that there are crashed WWII aircraft in the estuary.

Stour & Orwell Estuaries Management Plan and question over objectives relating to recovery of native oyster within the estuaries. There appears to be a lack of data on this.

K&EIFCA are alert to the problem of slipper limpets – cleared areas for the mussel beds would need to dispose of any slipper limpets.

6. Consideration for requirement for further discussion/meetings (Chairman)

Peter Scott wishes to establish a body through which to communicate to a wider audience of stakeholder interests. PS would like the opportunity to periodically gather those stakeholders. Liaison procedures specifically with yacht clubs is detailed in the Management Plan.

The Stour & Orwell Estuaries Management Group and The Stour & Orwell Society would wish to be kept informed of such liaison.

Suggestions of additional stakeholders not present:

Sarah Hopkinson, HASA, ensure that HASA are represented on the SOEMG.

Harwich Fishermen's Association

Felixstowe Association

Fishermen of Levington

EIFCA to link with fisherman, i.e. pass on PS's contact details

Poss. future meeting following publication of the Management Plan.

The AONB could help facilitate such a meeting.

Proposed monitoring Plan to be provided to NE and RSPB

Ends.