

EASTERN SEA FISHERIES JOINT COMMITTEE

EIDER PUBLIC INQUIRY – JUNE 2006

INSPECTOR'S QUESTIONS

1. What is the likelihood of the mussel lays being fished out if the appeals are refused?

It is highly probable that, if eiders return in the same numbers and predation persists at the same level as in 2005-06, the Toft, Roger and Clay Hole lays will be fished out. The large majority of the Toft lays were cleared in February to March 2006; the Roger lay was cleared in December 2005 to January 2006, but some stock has been replaced on this lay since the layholders were unable to sell this mussel following an import ban in the Dutch markets.

The remaining lays in the Wash are also likely to be cleared if eider predation starts to become a problem. This occurrence is not certain; however, it is highly possible, as the mussels on the remaining active lays would represent the most attractive food source available to the eiders following clearance of the Roger and Toft lays.

2. Would it be an overriding issue of public importance (in social, economic and ecological terms) if the appeals were to be refused and the lays were cleared?

Yes. The ecological consequences of the refusal to consent scaring on the appellants' lays have been outlined in detail in ESFJC's Statement (sections 3.1 – 3.10).

ESFJC focused its statement on the fisheries aspects of the case, with less emphasis on economic and social consequences. The Joint Committee considered that the appellants and their industry witnesses (the Shellfish Association of Great Britain and the SEAFISH Industry Authority) should present the socio-economic aspects. However, to answer the Inspector's question, we briefly expand on section 3.11 of the ESFJC statement that referred to these types of consequence:

The Several Fishery provides a huge level of stability in the Wash fisheries. The use of mussel lays provides a more reliable resource than the regulated beds, and the higher level of self-management of cultivated stocks gives the layholders a greater control over their activities and therefore some predictability of income. This also encourages better compliance with fisheries management regulations – itself an important consideration where fishing activity can affect the conservation features of the site.

Many of the fishing vessels used in the Several Fishery have been designed and commissioned specifically for this purpose; this significant investment would be lost if the lays were to be abandoned. If unable to pursue the Wash fisheries, these vessels could be redistributed around the coast. In effect, this fishing effort is displaced from the Wash, subsequently increasing pressure in other inshore fisheries, i.e. resulting in wider socio-economic and possibly ecological repercussions.

The regulated mussel stocks do not offer a marketable alternative to the clean, thin-shelled mussels as produced on the cultivated mussel beds.

3. If the appeals were consented, what compensatory measures would be required to maintain the coherence of the *Natura 2000* network?

ESFJC's statement showed, using cockle and mussel monitoring data from the past 15 years, that the current condition of the shellfish stocks in the Wash is healthy. We have argued that the Several Fishery provides ecological as well as socio-economic benefits to the Wash environment and to its fisheries. Scientific reports by the British Trust for Ornithology, used by both the appellants and English Nature, have stated that mussel lays provide an important food resource for bird populations in the Wash, particularly when natural stocks are at a low level. The opportunity to fish the Several Fishery enables the fishermen to be more able to accept the concept of protected beds within the Regulated Fishery.

ESFJC maintain that the benefits provided by the Several Fishery contribute significantly to the favourable condition of the European Marine Site and therefore to the coherence of the *Natura 2000* network.

EASTERN SEA FISHERIES JOINT COMMITTEE: CLOSING STATEMENT

1. English Nature have acknowledged that a condition assessment of the Wash carried out using the available 2000-2005 shellfish stock data, would show much of the site to be in **unfavourable/recovering** condition. This point is highly significant as it would mean the site is not in **unfavourable/declining** condition as reported in the existing SSSI condition assessment, which formed the basis of English Nature's and the RSPB's case. It is also noted that English Nature will use the 2003 Wash SSSI condition assessment, that is based on data up to 2000, to report to Europe on the condition of the Wash & North Norfolk Coast European Marine Site in 2006. ESFJC suggest that a re-evaluation of the condition of the Wash is required of English Nature, using appropriate data. This will ensure that future decisions on activities affecting the Wash will be based upon relevant information.
2. English Nature have stated that the presence of the Several Fishery in the Wash has led to a decrease in commercial fishing pressure, and therefore bird disturbance, on mussel beds within the Regulated Fishery. This concurs with ESFJC's statement outlining the ecological benefits of mussel cultivation in the Wash.
3. English Nature stated within this inquiry that an appropriate ecological target would be 75 separate mussel beds present within the Wash at any one time. This figure is unrealistic as it represents each historical and current mussel bed that has been recorded within the Wash. It must be noted that many mussel beds are ephemeral in nature (they form and are lost naturally) and have appeared on sands that have since shifted or disappeared completely. Indeed Dare *et al* 2004 stated that the level of 14 mussel beds in 1977 was a good level (favourable condition). There are currently 19 mussel beds within the Wash, in addition to areas of mussel present within the Several Fishery. English Nature have also suggested that mussel lays might be located in areas that could otherwise support naturally-occurring mussel or cockle beds. The Joint Committee have explained that this is highly unlikely to occur, since a key criterion for the selection of a lay site is the

absence of natural settlements of cockle or mussel at the time of selection. These sites have not historically been the location of natural cockle or mussel beds.

4. The presence of mature mussel beds in the Wash is a key factor in the recovery of natural mussel beds. Dare *et al* 2004 stated that larval supply is not limiting this recovery in the Wash; however the presence of a large spawning biomass of mussels in the Several Fishery enhances the larval supply in the Wash and reduces the risk of recruitment failure at times of low natural stocks. The Joint Committee believes that the recovery of mussels in the Regulated Fisheries has been largely due to the existence of the Several Fishery stocks within the Wash ecosystem, combined with the reduced fishing effort on the Regulated beds.
5. The RSPB stated that there are no indications that bird populations are recovering in response to the demonstrated recoveries in the commercially-important shellfish species. The reluctance on the part of the RSPB to accept the view presented by ESFJC (i.e. recovery of Wash condition as a whole) was based on RSPB's view that populations of other benthic invertebrates remained in a poor condition. It appears from this that RSPB will maintain that, no matter what the state of the commercial fisheries, fishing in the Wash is inhibiting the recovery of bird populations.
6. Mussel and cockle stocks fluctuate naturally; this is outside the control of fisheries management. Populations of both species exhibit cyclical patterns to their recruitment. There is no guarantee that this cycle will not coincide, even with a robust management regime, to produce conditions last seen in the mid-1990s. The British Trust for Ornithology however recognises that a significant Several Fishery can assist in minimising the impacts on bird population if the stocks within the Regulated Fishery (both cockle and mussel) were to exhibit a natural decline or crash.
7. The Joint Committee works towards the true sustainable development of the fisheries through the integration of environmental objectives and socio-economic factors to inform management decisions. The Several Fishery will be abandoned if the layholders are not allowed to protect their mussel stocks from excessive

EASTERN SEA FISHERIES JOINT COMMITTEE
Statement regarding English Nature's refusal to consent bird scaring on individual mussel lays in the Wash
CLOSING STATEMENT

predation. The Joint Committee appeals to the Secretary of State to direct the competent authorities governing activities in the Wash over the prioritisation of short-term species protection or the sustainable utilisation of resources within the site.

ESFJC

June 2006