07 November 2018
Our Ref: 2018_10_10-458
Your Ref: 20010675

Dear Ørsted,

Written Representation - Eastern Inshore Fisheries and Conservation Authority (EIFCA)

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 Hornsea Project Three Cable Corridor lies partly within the Eastern IFCA district. Therefore, it is considered appropriate for Eastern IFCA to provide comment on the proposal. Our interest focuses primarily on the inshore section of the cable route corridor.

1.2 Use of the relevant marine plan

In all consultation responses, the Authority assesses applications (and pre-applications) according to the Eastern IFCA vision and adherence of those same applications with policies detailed in the relevant marine plan, as directed under section 58(1) of the Marine and Coastal Access Act 2009.

The plans relevant to the Authority's district are the East Inshore and East Offshore Marine Plans. We consider 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 the 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.

2. East Marine Plan policy considerations

T[redacted] reviewed the application and associated documents. We acknowledge that Ørsted Hornsea Project Three (UK) have requested a written representation for their application for an Order Granting Development Consent for the Hornsea Project Three Offshore Wind Farm. The authority considers the following policies to be relevant to the application:

Policy BIO1 and MPA1

Any activity that disturbs the seabed has the potential to have short and/or long-term negative impacts on habitats and biodiversity. The extent of these impacts can be highly dependent on sea bed habitats and communities and the nature of activities. The Hornsea Three offshore export cable corridor extends across the Eastern IFCA district and falls within two marine protected areas; Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ) and The Wash and North Norfolk Coast (WNNC) European Marine Site (EMS). The EMS includes a Special Area of Conservation (SAC) designation for The Wash & North Norfolk Coast, and a Special Protection Area (SPA) designation for the North Norfolk Coast.

The Cromer Shoal Chalk Beds MCZ protects a range of habitats including subtidal chalk features, which provide important habitat and nursery areas for a variety of marine species, including important commercial fish and shell fish species. To meet the conservation objectives of this designation, the general management approach for protected features is to maintain at favorable condition (Defra, 2016). A small proportion of the cable corridor footprint lies within the MCZ, close to the western edge of the subtidal chalk feature but avoids the feature as recommended in our previous responses. However, the rest of the cable corridor runs through The Wash and North Norfolk Coast SAC across subtidal mixed, coarse and sand and muddy sand sediments (Figure 1). For coarse and sand and muddy sand sediments, Eastern IFCA agree in general that the direct effects of cable installation on these habitats and their associated benthic communities will be localised and of a temporary nature, however for mixed sediments, effects can be increased and longer term.

We would like to emphasise that subtidal mixed sediment (EUNIS A5.4) is a sub-feature of the Annex 1 habitat feature “Sandbanks which are slightly covered by seawater all the time” (see online conservation advice[1]) and is a designated feature of the WNNC SAC. Paragraph 2.3 of the Clarification Note: Baseline and impacts of cable installation states that “mixed sediments present in this area may qualify as Annex I habitat (i.e. Annex I stony reef)” indicating that mixed sediments that do not qualify as stony reef have not been considered as Annex 1 habitat in this assessment. We suggest that advice is sought from the statutory nature conservation advisor, Natural England, in relation to the conservation status of the subtidal mixed sediment habitat within the SAC.

[redacted]

1 https://designatedsites.naturalengland.org.uk/SiteList.aspx?siteName=the%20wash%20and%20north%20norfolk%20coast%20sac&countyCode=&responsiblePerson=&DesignationType=All

The footprint of the cable corridor coincides with Eastern IFCA's byelaw 12 and 15 closure area which prohibits use of bottom towed fishing gears from 0-3 nautical miles from Blakeney to Mundesley (EIFCA, 2016). These byelaws were implemented in 1980 and 2008, respectively, to protect valuable potting grounds and the habitats supporting them. Had this area not already been closed to trawling and dredging, it would have been included in a new suite of closures to towed demersal fishing activity that Eastern IFCA is currently proposing to meet the conservation objectives of the WNNC SAC in relation to fishing and to protect mixed sediments which can be very sensitive to damage through abrasion or penetration.

EIFCA acknowledge that the results from the drop-down video surveys carried out by the Applicant in summer 2018 and detailed in the Clarification Note: Baseline and impacts of cable installation, provide further evidence to support the classification of biotopes presented in Volume 2, Chapter 2: Benthic Ecology of the Environment Statement. Results indicate that approximately 50% of the cable route that runs across the WNNC SAC lies within mixed sediments.

Previously, we raised concerns regarding the increased footprint of the cable re-route. We understand the reasons why the proposed cable route was chosen over other alternatives and accept that despite the increase in the footprint of the cable route the impacts on Cromer Shoal Chalk Beds MCZ has been reduced. However, we would like to highlight again that there should be recognition and assessment of the impacts of the export cables on Annex 1 habitat sub-features (subtidal mixed sediments in particular) within the WNNC SAC.

Policy EC3 and ECO1

Recent experience of Race Bank cable installation in The Wash and North Norfolk Coast Special Area of Conservation (SAC) have shown operation and maintenance requirements have increased considerably beyond initial predictions, with subsequent increases in seabed disturbance. This raises the question of how realistic the predictions are for Hornsea Three cable installation, operation and maintenance activities, and increases the potential for cumulative impacts and increased in-combination effects with other activities.

E[redacted] the assessment of cumulative effects made by the applicant. However, we would like to highlight that there are still large knowledge gaps regarding the impacts of electromagnetic fields on fish and shellfish receptors. This includes the commercially important edible crab species where recent evidence has highlighted potential impacts on behavior and physiology (Scott *et al*., 2018).

Policy GOV3 and FISH 1

Within the EIFCA district the cable corridor and surrounding areas lie within extremely important fishing grounds, particularly for the East Anglian potting industry. In this area the use of towed gears is prohibited within 3nm (Byelaws 12 and 15) and is thus dominated by potting activity, almost exclusively targeting crab and lobster. Whelks are also fished, but further offshore between 3 and 6nm, and are mainly targeted in the winter, as opposed to crabs which are mainly targeted in the summer. The crab fishery represents a substantial contribution to both national and local economies (Welby, 2015). It is estimated that there are around 42 vessels operating out of ports on the North Norfolk coast between Sea Palling and Wells. Generally, fishers deploy between 200 and 1300 pots per vessel at any one time. Most fishers operate within the 3nm limit, as the fishery is generally exploited by single handed, small and open vessels. The potting fishery represents a substantial contribution to both national and local economies, including the tourism section, and any detriment experienced by the fishing community would have wider repercussions on the local economy/community.

Following discussions with some of the local potting fleet, it is apparent that the proposed cable route lies within an important area for the fishery. The heaviest impacts are expected to be on those that fish out of Cley-next-the-Sea and Weybourne. Concerns were also raised regarding the displacement effects of another cable route on the fishery. Fishermen stated that cable works for Dudgeon and Race Bank windfarm have displaced effort into the proposed Hornsea Three cable route area increasing the concentration of pots, and that further displacement out of this area will have increased impacts on adjacent grounds. This has resulted in increased competition for fishing ground between fishers and has the potential to have increased impacts on commercially important stock and habitats for local species. It was also stated that following cable works the Dudgeon cable route is now barren, increasing concerns over the recoverability of habitats following cable installation and maintenance works. EIFCA has no data to verify this, but we value local stakeholder knowledge and suggest that a robust monitoring programme be instigated to ascertain the impacts of the Hornsea 3 project on crab and lobster catch per unit effort.[2]

Other static gear fisheries occur in the area, but on a much smaller scale. These include gill and trammel netting for bass, skate and cod and drift netting for herring ([redacted]d cod. A very low level of shrimp trawling occurs outside of the 3nm boundary on softer ground, but this is generally impractical due to the concentration of pots in the area. Discussions are required with the potting industry to

[2] We note that a crab and lobster catch per unit effort monitoring scheme has recently been recommended to ascertain impacts of a new dredge disposal site off Harwich.

ascertain the level of activity within the cable corridor and the proportion of the fleet that will be affected to ensure appropriate mitigation is put in place. The inshore crab and lobster fishery generally runs from April to September so timing the construction and maintenance works, where possible, outside these months could potentially reduce impacts on the industry.

Policy CAB 1

The East Marine Plans Policy states that 'preference should be given to proposals for cable installation where the method of installation is burial'. The 'Cable Statement' (PINS Document Reference: A7.2, Section 5.1.4) states that the cable will typically be buried between 1-2m depth and where the cable cannot be buried cables will be secured using armoring, such as rock, mattress or proprietary separation layer, to maintain integrity. This is not in keeping with the East Marine Plans policy and efforts should be made to minimise the length of cable that will require armoring. Additionally, it should be highlighted that previous requests to use armoring in The Wash and North Norfolk Coast SAC have not been consented by Natural England and the MMO, because of impacts on existing soft-sediment habitats. Due to the uncertainty of habitat in this area, there are concerns that if large areas of rock or other unsuitable habitat exist, it will not be possible to bury a substantial proportion of the cable, and rock armouring will be used instead, resulting in significant changes to habitat within areas currently closed to towed fishing gears. Armouring cable instead of cable burial can have increased adverse effects on the environment but also on fishing activity. For example, the presence of the export cable if not buried can result in snagging of fishing gears, a significant safety implication particularly for the small vessels operating in this area, and thus could permanently exclude fishing activities from the area.

EIFCA acknowledge the estimation of up to 10% of cables within The Wash and North Norfolk Coast SAC could require protection. Whilst further assessment of sediment type along the cable route has been carried out using video assessment and identifies predominantly mobile sediments along the cable route (Clarification Note: Baseline and impacts of cable installation), Eastern IFCA's understanding of the habitat in this area is that mobile sediments could overlay subtidal chalk[3]. Depending on the depth of overlying sediments, cables might have to be buried into the chalk or protected using

[3] [redacted]/MagicMap.aspx?srs=WGS84&startscale=250000.0000000029&chosenLayers=marinesac,sacIndex,lagoonIndex,sacbaysIndex,sacmudPIndex,sacmudIndex,sacsandPIndex,sacsandIndex,sacreefPIndex,sacreefIndex,sacsaltmPIndex,sacsaltmIndex,backdropDIndex,backdropIndex,europeIndex,vmlBWIndex,25kBWIndex,50kBWIndex,250kBWIndex,miniscaleBWIndex&box=-0.23735558880938212:52.743238135063706:0.714428813522741:53.207233031200616&useDefaultbackgroundMapping=false

rock armouring. Video assessment of the seabed does not allow an assessment of underlying habitat below the top layer.

Policy FISH 2

Many coastal habitats, particularly biogenic habitats, provide important spawning and nursery areas for a variety of marine species. Therefore, any disturbance to these habitats has the potential to have negative effects of these populations. The inshore sections of the offshore cable corridor are known to provide spawning and nursery areas for important pelagic and demersal fish species, such as herring and whiting, and elasmobranch species, such as thornback ray (Ellis *et al*., 2013).

Eastern IFCA consider that effects of offshore wind farm construction on fish and shellfish spawning and nursery grounds should be considered at a regional scale. Although the best available information (Ellis *et al* 2013) shows extensive spawning grounds for many species, Eastern IFCA is concerned about the scale of offshore activities (particularly aggregate extraction and offshore wind farm construction) in the southern North Sea because of cumulative effects on seabed habitats. Whilst we appreciate the difficulty in studying potential wide-scale impacts, we consider the issue does warrant further consideration with regards to the value of the array area and offshore parts of the export cable route to fish and shellfish spawning/nursery grounds. This is increasingly important given the growing number of offshore renewable energy developments and the existing number of aggregate extraction areas in the southern North Sea.

3. General comments

Eastern IFCA is continually seeking to improve how we respond to consultations, both in terms of efficiency and content. Therefore, if any of the points raised in this response are reflected in the outcome we would appreciate being informed.

Please do not hesitate to contact me should you have any queries on the above response

Yours sincerely,

[redacted]

Samantha Hormbrey
Marine Science Officer
Eastern Inshore Fisheries and Conservation Authority

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