

**TRANSPORT AND WORKS ACT 1992  
TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004  
TOWN AND COUNTRY PLANNING ACT 1990  
BOSTON BARRIER ORDER**

**DOCUMENT EA/6/1  
PROOF OF EVIDENCE  
OF  
PATRICK FRANKLIN  
COMMERCIAL FISHERIES**

**FOR  
ENVIRONMENT AGENCY**

**MARCH 2017**



## SUMMARY TO PROOF OF EVIDENCE

### 1 Qualifications and Experience

- 1.1 I am Patrick Franklin, Managing Director of Homarus Ltd, independent fisheries advisers. I have a Degree in Marine Biology & Zoology from Bangor University.
- 1.2 I have 28 years' experience in fisheries sector advisory work, with specialism in assessing impact of external factors and events on commercial fishing (pollution events, coastal engineering, offshore wind farms, pipelines etc.).

### LOCAL FISHERIES CONTEXT

#### 2 Overview

- 2.1 Boston is a tidally restricted shellfish port receiving landings of three principal species: cockle, mussel and shrimp. Fishing grounds are within the Wash and less commonly along the Lincolnshire and Norfolk coasts.
- 2.2 Cockles are harvested by suction dredge (over high water) or hand raking (over low water), primarily in summer. Mussels are laid and harvested over high water, primarily autumn / winter. Shrimp is fished at any state of the tide, primarily in autumn.

#### 3 Landings values

Based on Eastern Inshore Fisheries & Conservation Authority data, total value at landing in Boston averaged approximately £1.6m with range from £0.5m to £3.3m/year over the period 2000-2016,.

#### 4 Boston Fleet

- 4.1 There are 17 vessels with Boston registered as home port according to Marine Management Organisation database as at January 2017. Other estimates, a site survey and Boston and District Fishermen's Association (**BDFA**) correspondence suggest the number is 21-27.
- 4.2 At present the fishing fleet use a quay on the right bank, upstream of the Swing Bridge and adjacent to London Road.

#### 5 Alternative schemes

##### 5.1 1994 Sea lock and barrage

- 5.1.1 I am aware from a 1994 report prepared by Balfour Maunsell (appended to the proof of evidence of Mr. Anderson (**EA/1/2**)) that a sea lock and barrage scheme was considered at the mouth of the Haven.

5.1.2 The advantage of this proposal from a fisheries point of view is that it appears to give the fishermen somewhat longer fishing time over the grounds, but involved uncertainties in environmental and contamination damage to shellfish beds.

## 5.2 Water Level Management

5.2.1 The Environment Agency's proposed WLM regime would retain water on the upstream side on alternate (in practice daylight) low tides between April and October.

5.2.2 Assessment showed as a best case net loss to the fleet would be some £240,000 with a worst case loss of some £439,000 per year.

5.2.3 This loss burden would be permanent and would create a threat to the viability of fishing in Boston.

## Current Scheme

### 6 Construction Phase

6.1 The main impact to fishing from construction of the Scheme is the placement of the cofferdam during the construction of the barrier itself. The cofferdam is planned to be in place for some 15 months.

6.2 During this time, navigation of fishing vessels past the cofferdam in either direction would only be allowed on High Water slack, or with a following current and subject to one-way traffic control.

6.3 This would moderately disrupt normal operations of the fishing fleet at their current London Road moorings.

### 7 Movement to Lairage Quay

7.1 To mitigate against this, and to provide additional safety whereby the fishing vessels do not need to pass the cofferdam at all, the Environment Agency have made arrangements for the fishing fleet to temporarily relocate to the Lairage Quay on outer wall of the commercial port, while the barrier is constructed.

7.2 Environment Agency have been in discussion with BDFA for some time. The Environment Agency has secured a lease from Port of Boston for the use of some 300m of quay, agreed to make various improvements to allow for normal, safe fishing vessel working from this location and offered a package of compensation.

7.3 Some of the details of the facilities are still subject to discussion between the fishermen and the Environment Agency. I am confident that what is proposed is adequate, based on current practices at London Road and at many other fishing ports around the UK.

7.4 I understand that compensation has been offered by the EA both to mitigate any loss of fishing time, as well as for extra costs involved in moving the fishing equipment, and additional operating costs such as running forklifts etc.

7.5 I thus consider that the Environment Agency have made all reasonable efforts to assist the fleet to move to and use a temporary fishing base at the Lairage Quay.

## **8 Operation**

8.1 Once the barrier has been constructed it is proposed that the fishing fleet base will return to London Road Quay. Other proofs show that the barrier will not adversely affect navigation of fishing vessels. They will be able to fish as before.

8.2 There may be some short-term, very occasional delays to navigation. Delays and economic impacts on the fleet from maintenance should not be significant, if they happen at all.

8.3 Again the EA have agreed in principle to compensate the fishing fleet for any significant economic losses that do occur, for example through unforeseen long term maintenance.

8.4 Overall, therefore, there will not be any residual negative impact on the fishing fleet during the operational stage.

## **9 Comments regarding Compensation**

9.1 I am aware that the EA have offered the following compensation package to the BDFA:

9.1.1 The transfer of the freehold of the London Road Quay to BDFA, together with a lump sum of £363,000

9.1.2 In addition, there is an offer to pay BDFA for business losses to the fleet due to temporary closures of the river during construction if this amounts to more than 14 lost fishing days in aggregate. The rate is £16,000 per lost fishing day.

9.2 My estimate of losses likely to be suffered by the fleet covers:

- (a) Expenses of moving
- (b) Lost fishing income moving
- (c) Additional costs associated with Lairage Quay
- (d) Lost fishing time due to forecast navigational interruptions
- (e) They amount to £143,000

9.3 The £363,000 lump sum offered by the EA would thus leave a residual sum which could be put towards the long term refurbishment of the quay. The package offered thus appears eminently reasonable. The EA has been seeking to do the best it can to reach an agreement with the BDFA in advance of the works.

9.4 If agreement is not reached on this basis, the fishermen would still be provided the mitigation of the primary impact, (restrictions due to the cofferdam), by provision of the Lairage Quay, together with compensation on a proven losses basis, so would not suffer any uncompensated residual effects in any event.

## **10 Issues raised in Objections**

### **10.1 Location of the Barrier**

The site that would have least impact on commercial fishing operations is A. This is upstream of the London Road Quay. Only site B, the selected option, allows the opportunity for temporary relocation of the fishing fleet to a location below the construction site, the Lairage Quay.

### **10.2 Safety of Navigation of Barrier during high flows**

10.3 Many objectors have raised this matter. Navigational issues and mitigation matters are set out in other proofs and documents.

10.4 Most concern seems to centre on the navigation of the barrier channel travelling with strong downstream flows, i.e. at the ebb phase of spring tides when combined with high fresh water run-off. The probability of a need for downstream navigation in these conditions is quite low, as this navigating with the current is predominantly necessary for hand raked cockling, which takes place over summer, when fluvial run off is inherently low.

10.5 Concern has been raised by Shane Bagley (OBJ 17) that it may be impossible to navigate against the current in a commercial fishing vessel in the barrier channel. This concern seems to be unfounded.

## **11 Other issues**

11.1 The construction of Colne Barrier at Wivenhoe, Essex, did not cause the collapse of the fishing industry there, as has been stated.

11.2 The statements about industry value and employment are exaggerated. Any potential short term economic losses will be covered by the compensation scheme. The industry stands to gain some longer term security by the transfer of the London Road Quay into their ownership.

## **12 Conclusions**

12.1 For the construction phase of the barrier, the Environment Agency has invested significant resources in planning for provision of an adequate alternative fishing base for the Boston fleet. The Environment Agency has also offered to provide compensation that will be adequate to cover any residual impacts that cannot otherwise be mitigated.

12.2 For the operational phase, all the evidence shows that the fishing fleet would be able to operate as they do at present.

12.3 Overall, the fishing industry are one of the key commercial users of the river and a major flood defence scheme such as this cannot be built without some disruption to normal operations. The Environment Agency has carefully assessed all likely impacts that will arise from the Scheme and have made all reasonable efforts to ensure that there is no residual negative impact on the fishing fleet.