



Agenda item B3

From: Dominic Bailey, Assistant Chief IFCO  
To: Kent and Essex Inshore Fisheries and Conservation Authority – 22  
May 2024  
Subject: Bottom Towed Gear (Prohibited Areas) Byelaw 2024  
Classification: **Unrestricted**

**Summary:**

The paper provides background and next steps information with regards to making a byelaw to introduce fisheries management measures in the Dover to Deal, Goodwin Sands and Swanscombe Marine Conservation Zones.

**Recommendation:**

- The Authority is asked to **APPROVE** the making of the Byelaw taking account of the Impact Assessment provided; and
- that the Chief Officer is delegated by the Authority, in consultation with the Chairman and Vice-Chairman, to make amendments to the byelaw pursuant of taking into account the consultation and the MMO formal QA to the extent that such are not considered to alter the intended effect of the byelaw.

The UK is in the final stages of the Marine Conservation Zone Project, which aims to create a network of ecologically coherent marine protected areas. This network is composed of a range of types of marine protected area, including European Marine Sites, Ramsar sites, Sites of Special Scientific Interest, and Marine Conservation Zones (MCZs). MCZs are the most recent additions to the network, designated through the Marine and Coastal Access Act (MaCAA) 2009. Each MCZ is assigned legally protected “features”, which can be habitats, species, or geological attributes. Each feature is given a Conservation Objective (CO), which is defined using a condition assessment conducted by Natural England. COs can be either maintain or recover:

1. To **maintain** the feature in a “favourable condition”.
2. To **recover** the feature to a “favourable condition”.

“Favourable condition” is defined by the extent, structure, function, and health of the feature. Under section 154 of the Marine and Coastal Access Act 2009

KEIFCA has a duty to 'seek to ensure that the conservation objectives of any MCZ in the district are furthered'.

Since the first MCZs were created in 2013 KEIFCA has been working to systematically undertake fisheries assessments and then if required introduce fisheries management measures to help meet the Conservation Objectives. KEIFCA are now nearing the end of this process and this paper introduces a draft byelaw which will provide management for the remaining three MCZs in the district (Dover to Deal, Goodwin Sands and Swanscombe).

At the March 2024 Authority meeting, members were presented with a paper outlining the sites and their designated features (Appendix 1). At that meeting, Members agreed to officers formulating a draft byelaw and associated impact assessment. The draft byelaw, the Bottom Towed Gear (Prohibited Areas) Byelaw 2024, presented with this paper (Appendix 2) and its associated Impact Assessment (Appendix 3), are in essence updates to the existing KEIFCA Bottom Towed Gear (Prohibited Areas) Byelaw 2017.

#### *Next steps*

After the Authority makes a byelaw, it must be put to formal consultation as per Defra guidance. Once this is completed, the results of the formal consultation are taken into account and amendments to the byelaw are considered.

Once the formal consultation is complete, the byelaw can be formally submitted to the MMO for quality assurance (QA). Currently byelaws are taking nine to twelve months to progress through the statutory process.

Further changes may be required as a result of this process also. It is recommended that the Chief Officer is delegated the authority, in consultation with the Chairman and Vice-Chairman, to make amendments to the byelaw pursuant of taking into account the consultation and the MMO formal QA to the extent that such are not considered to alter the intended effect of the byelaw.

#### **Recommendation:**

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