



Agenda item B2

From: Katherine Stuart, Science and Conservation Officer
To: Kent and Essex Inshore Fisheries and Conservation Authority – 22
March 2024

Subject: Marine Protected Area update

Classification: **Unrestricted**

Summary:

The paper updates Members on the progress in developing fisheries management measures in the Dover to Deal, Goodwin Sands and Swanscombe Marine Conservation Zones. The preferred management option for each of these protected areas are presented for comment.

Recommendation:

The Authority is asked to **COMMENT** on the proposed management for the Dover to Deal, Goodwin Sands, and Swanscombe MCZs, and **AGREE** for the options that will be developed into a draft byelaw which will be presented at the May Authority meeting.

Background

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 summarises the assessments undertaken and the proposed management options for the remaining three MCZs in the district (Dover to Deal, Goodwin Sands and Swanscombe).

Site Overviews

Dover to Deal MCZ

The Dover to Deal MCZ (Figure 1) is a small, coastal site, extending approximately 1km from the mean high-water line. This MCZ protects a range of species and habitats, containing sixteen designated features. These features include rocky reef, chalk reef, biogenic reef, and sedimentary habitats.

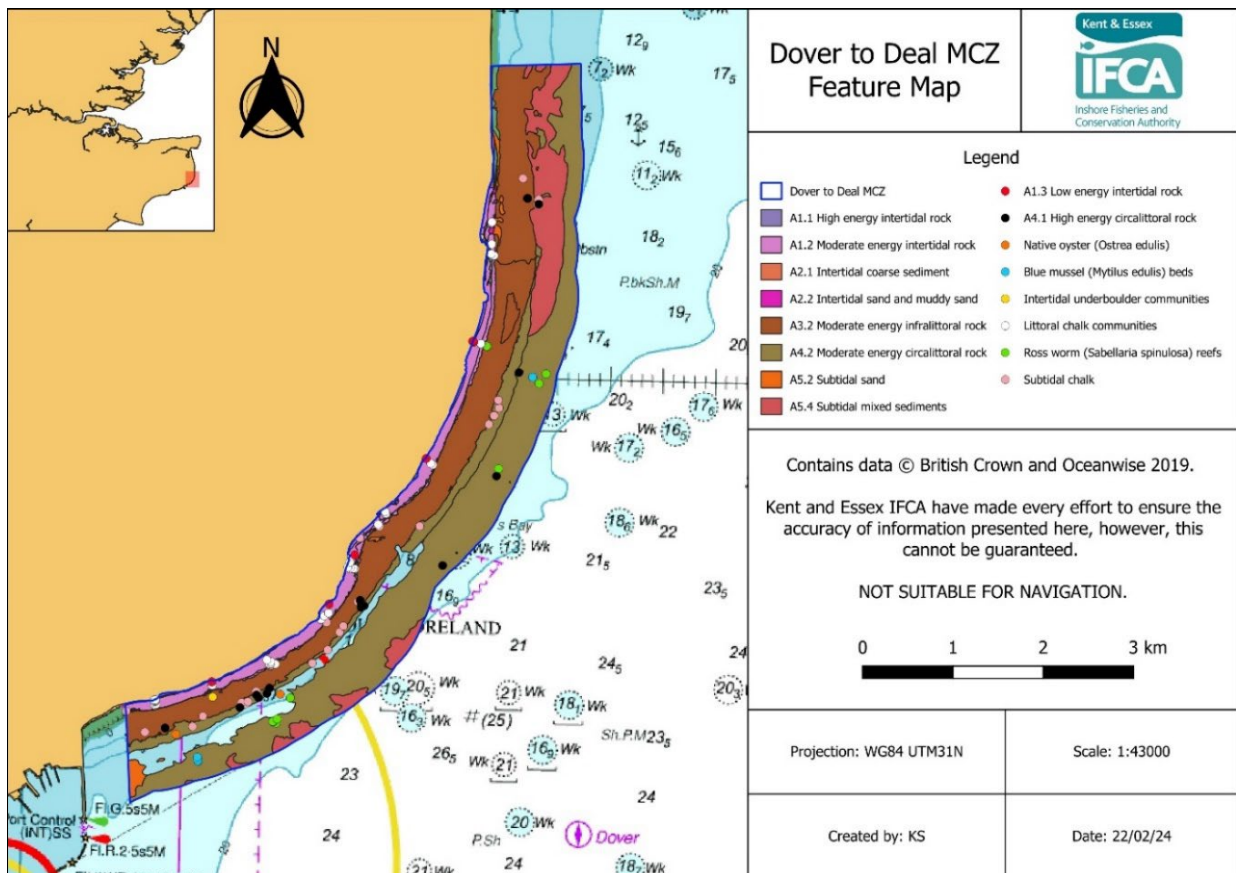


Figure 1: Dover to Deal MCZ feature map. Native oyster (*Ostrea edulis*) data was provided by Natural England in 2019. All other data provided by Natural England in 2023.

Goodwin Sands MCZ

The Goodwin Sands MCZ (Figure 2) is a large and highly dynamic site, dominated by mobile sandbanks, located off the coast of Kent. Within the MCZ, several features are legally designated for protection. These include the English Channel outburst flood geology, blue mussel (*Mytilus edulis*) beds, Ross worm (*Sabellaria spinulosa*) reef, subtidal coarse sediment, subtidal sand, and moderate energy circalittoral rock (rocky reef). Ross worm reef is composed of complex habitat formed by tube-building worms and is of ecological importance. The hard, complex habitat creates a biodiversity hotspot, and provides shelter for juvenile animals.

This site lies partially within the KEIFCA District (inshore from the 6nm), and partially within the jurisdiction of the MMO (offshore from 6nm limit). KEIFCA is responsible for the inshore portion of the site and this paper focuses primarily on this section of the site.

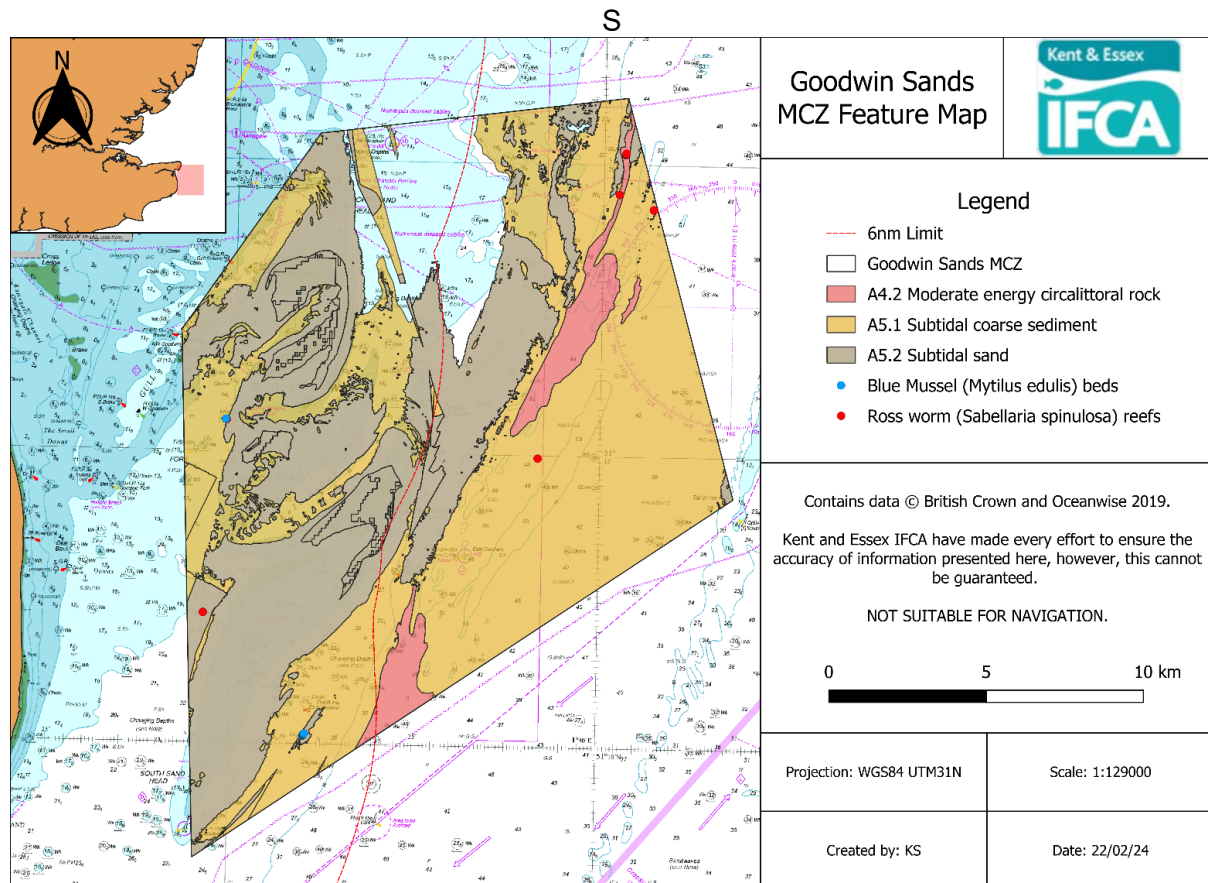


Figure 2: Goodwin Sands MCZ feature map. Data provided by Natural England in 2023.

Swanscombe MCZ

The Swanscombe MCZ (Figure 3) is a small site located near the Dartford crossing on the Thames. The site protects intertidal mud and the nationally scarce tentacled lagoon worm (*Alkmaria romijni*).

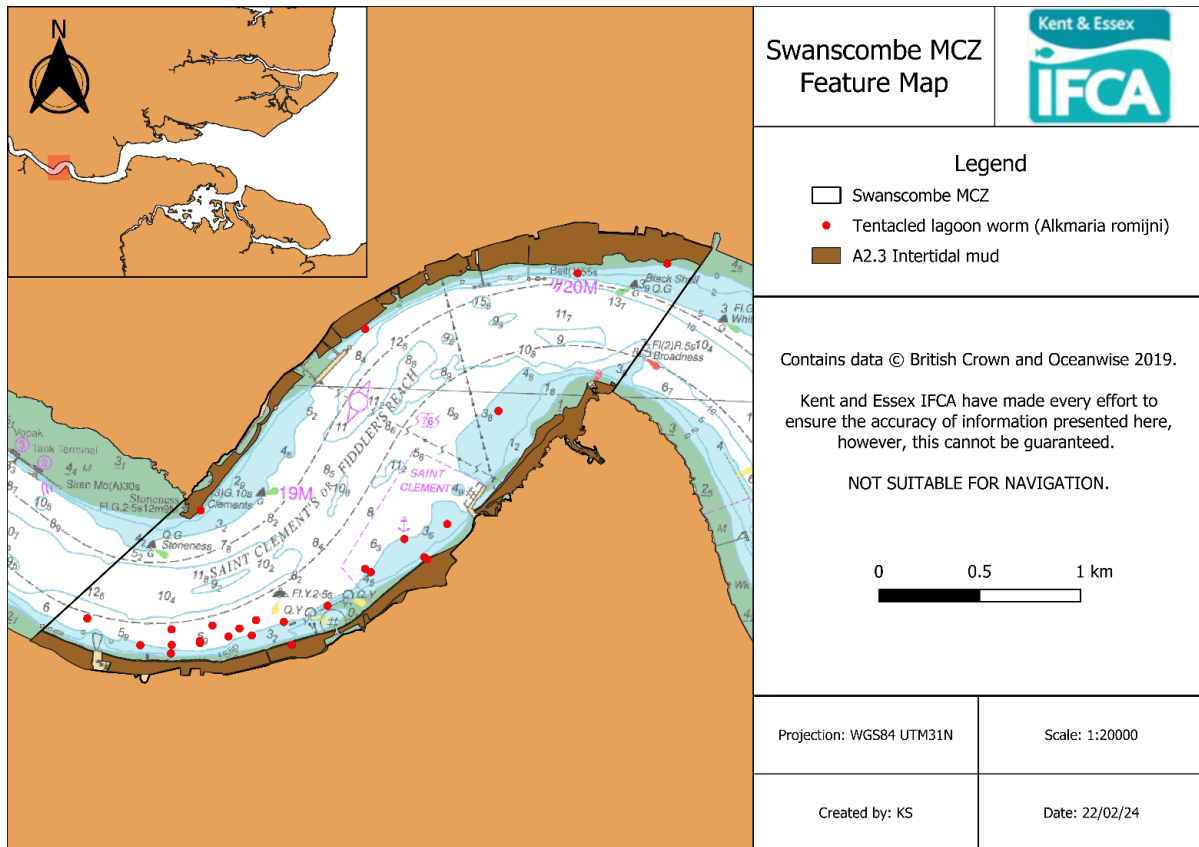


Figure 3: Swanscombe MCZ feature map. Data provided by Natural England in 2023.

Site assessments

KEIFCA has undertaken an assessment of fishing activity for each MCZ, which is completed using a staged approach. Fishing activities are scoped out until a concise list of activities that occur at the site and have the potential to damage designated features is produced. The intensity of each of these activities, the sensitivity of each of the designated features, and the Conservation Objectives of each designated feature is then assessed to determine whether an activity is not compatible with the conservation objectives. If the activity is not compatible, suitable management measures are required to be introduced to ensure that the conservation objectives are met.

Fishing activity and feature sensitivity in the Dover to Deal MCZ

The main fishing activities that occur at the Dover to Deal MCZ are lobster/crab potting, cuttlefish potting, and gill netting. All three of these activities are considered by KEIFCA to be occurring at a low intensity. Other fishing activities occur at the site infrequently, including whelk potting, intertidal handwork, trammel netting, drift netting, and angling. Drift netting and angling do not interact with any of the designated features.

There has been no KEIFCA sightings of trawling activity within the MCZ in the last five years. There are preferred trawling grounds located further offshore where the seabed is more even, and the risk of lost or damaged gear is reduced. Prospective mussel dredging is the only bottom towed fishing activity recorded by KEIFCA in the past. Therefore, bottom towed fishing gear use within the area is considered to be extremely low.

The following list of activities was assessed further for the Dover to Deal MCZ:

- Lobster/crab potting
- Cuttlefish potting
- Whelk potting
- Gill netting
- Trammel netting
- Intertidal handwork
- Mussel dredging

All designated features at this site (aside from intertidal coarse sediment) are sensitive to static gear, but only at certain intensities, as cumulative "hits" of static gear on the ground are considered to cause incremental damage. All features are sensitive to bottom towed fishing activity, with the "first pass" of the gear causing significant damage to the features. This is especially true for fragile, erect structures, such as blue mussel beds, rocky reef, chalk reef, and Ross worm reef.

Potting and netting within the Dover to Deal MCZ are not occurring at high enough intensities for the COs of the site to be hindered, and therefore KEIFCA are confident that management of these activities is not necessary. Any significant increase in the use of these gear types will trigger a review of the management of the site.

All features (aside from intertidal coarse sediment) are sensitive to bottom towed gear use, with the first use of gear causing significant damage. The use of bottom towed gear, even in extremely low intensity, is therefore not compatible with the recover conservation objectives within the site. The assessment concludes that prohibition of bottom towed gear within the site is required to

protect recover features from potential current and future activity and meet the sites conservation objectives.

Fishing activity and feature sensitivity in the inshore portion of the Goodwin Sands MCZ

The main fishing activities that occur within the Goodwin Sands MCZ are whelk potting, drift netting, and crab/lobster potting. All three of these activities are considered by KEIFCA to be occurring at a low intensity. Other types of fishing occur at the site infrequently, including gill nets, trammel nets, and rod and line angling. Drift netting and angling do not interact with any designated features.

There have been no sightings of bottom towed fishing gear use by KEIFCA within the Goodwin Sands MCZ in the past five years. Historically, however, there have been reports of trawling and mussel dredging occurring at the site.

The following list of activities was assessed further for the Goodwin Sands MCZ:

- Crab/lobster potting
- Whelk potting
- Gill netting
- Trammel netting

All designated features, aside from the English Channel flood outburst, are sensitive to static gear, but only at certain intensities, as cumulative "hits" of static gear on the ground are considered to cause incremental damage. All biological features within the Goodwin Sands MCZ are sensitive to bottom towed fishing activity, with the "first pass" of the gear causing significant damage to the features. This is especially true for fragile, erect structures, such as blue mussel beds, rocky reef, and Ross worm reef.

Ross worm reef is highly sensitive to physical damage from bottom towed gear, as the fragile structure can be significantly destroyed on the first pass of bottom towed fishing gear. Ross worm reef forms when adult worms settle on top of one another over multiple generations. Reef formation is reliant on several factors, but primarily larval recruitment, suitable environmental conditions, and the absence of high intensity physical damage. Ross worm reef forms in patches surrounded by large areas of "crust". Crust is a thin layer of Ross worms that have settled directly on the seabed. As environmental or anthropogenic conditions change, patches of reef will expand and contract, along with the extent of crust.

Despite no KEIFCA sightings of bottom towed gear use within the site over the last five years, there are reports of trawling and mussel dredging historically. The assessment concludes that introducing bottom towed gear management

measures is necessary to protect sensitive features with a recover objective from potential current and future use of bottom towed gear.

Other gear types used within the Goodwin Sands MCZ are not occurring at high enough intensities for the conservation objectives of the site to be hindered. Any significant increase in the use of these gear types will trigger a review of the management of the site.

Fishing activity and feature sensitivity in the Swanscombe MCZ

At the Swanscombe MCZ, there have been no sightings by KEIFCA of commercial fishing activity taking place. The MCZ is a major shipping and navigational channel serving the London ports which limits fishing activities. The only fishing activity sighted by KEIFCA in the past five years is recreational rod and line fishing from the banks of the site, which does not interact with designated features.

Both tentacled lagoon worm and intertidal mud are sensitive to bottom towed fishing activity. There is a significant lack of data regarding the sensitivity of tentacled lagoon worm, however, it is assumed that due to limited movement of adults or larvae between populations, localised impacts have a large effect.

All features at the site are sensitive to bottom towed gear use. The sensitivity of tentacled lagoon worm to bottom towed fishing activity is largely unknown due to lack of data. The worm occurs in genetically distinct populations and is thus heavily impacted by localised disturbance. Therefore, the impact of bottom towed fishing gear use within the site is unknown but potentially significant. As a precautionary measure, the assessment concludes that bottom towed fishing gear should be managed within the site.

Proposed management for the three MCZ sites

Developing options

Building on the conclusions of the 3-site assessment a range of options were discussed when considering how to manage bottom-towed activity on these sites. KEIFCA officers worked closely with NE and with the MMO (Goodwin Sands MCZ) to develop management options for bottom-towed gear activity that would meet the conservation objectives. Each site had its own peculiarities and requirements and once options had been developed officers looked to engage with fishers, local conservation groups and other stakeholders to get their feedback before the management measures were developed further.

In developing management the most sensible option was to keep all of the bottom-towed gear legislation in one place and remake the Bottom Towed Fishing Gear (Prohibited Areas) Byelaw 2017 to include the Dover to Deal, Goodwin Sands, and Swanscombe MCZ management measures. The current byelaw prohibits the use of bottom towed fishing gear in specific areas within the KEIFCA District, and the intention would be to keep the current definition in the new byelaw:

"any beam trawl, otter trawl, multi-rig trawl, pair trawl, anchor seine, Scottish seine, dredge or other similar fishing instrument designed to take, or disturb, sea fisheries resources on the sea bed"

Dover to Deal MCZ

Initial options

Due to the small size, the location and the level of activity of the Dover to Deal MCZ site there was a limited range of possible management options available. A key feature of the site is the high number of varied and distinct habitats and species. Protecting this unique seascape that forms a diverse mosaic of interconnecting features was considered a key management objective. When practical enforcement considerations were included, and buffer zones were added around recover features, it became clear very quickly that there were few realistic options that would meet the conservation objectives other than closing the whole site to bottom-towed gear (Figure 4).

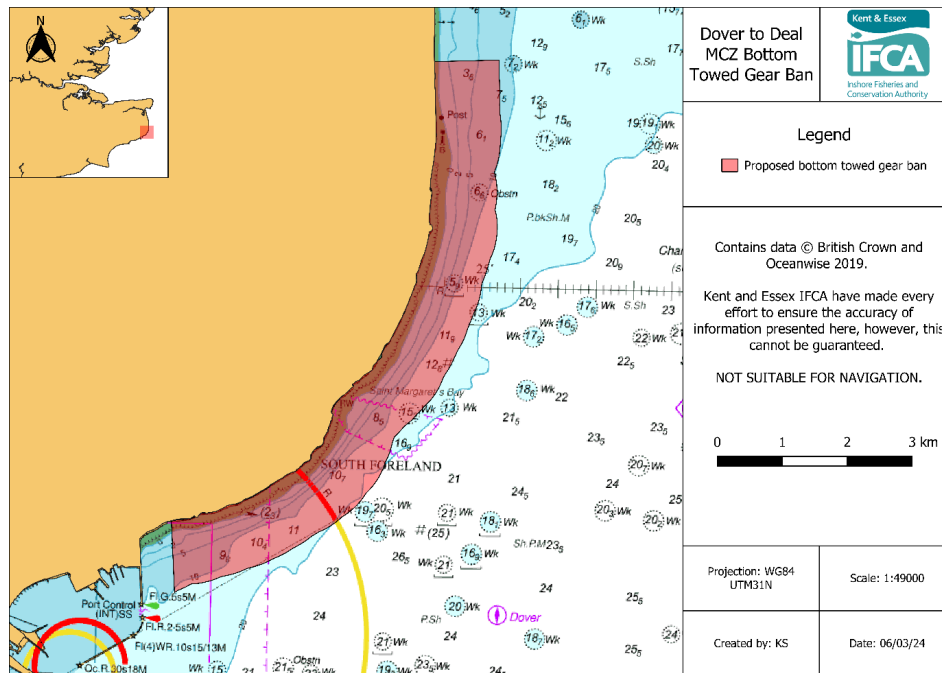


Figure 4: Proposed area to ban from bottom towed fishing gear activity to ensure that the conservation objectives of the Dover to Deal MCZ are not hindered by fishing activity at the site.

Community engagement

Rather than hold a meeting, officers visited fishermen and local ports to chat about the proposals as part of a pre-consultation. Flyers were handed out to fishermen known to fish in this area as well as organisations who might use the area. This included fishermen from Deal, Dover, Folkestone, and Ramsgate, along with the Thanet Fishermen's Association and the Dover Harbour Board. There were no issues raised in this process, with most fishermen concerned only with static gear management in the area.

Goodwin Sands MCZ

Initial options

Developing management options for the Goodwin Sands MCZ was far less straightforward than the other MCZs, as the site was much bigger, more dynamic and contained recover features like Ross worm reef that move and change over time. As the location and extent of the Ross worm reef was vital to developing spatial management options, over the course of two years officers located and surveyed Ross worm reefs on the site.

The mobility of this feature means that a significant buffer is necessary. In order to cater for the potential movement of this feature over time, management areas must be larger than the footprint of the feature itself. Initially the idea was that the surveyed reefs would provide a basis for a series of areas within the site where no bottom-towed gear would be banned. However, as officers undertook

more research into the site, especially studying the movement of the sand banks over the last 120 years, the folly of creating fixed no bottom-towed gear areas became apparent as areas that were deep channels in between sandbanks became significant sandbanks and vice versa. This led officers to develop an option to create a ban on bottom-towed gear over the whole of the KEIFCA area of the Goodwins Sands site (Figure 5).

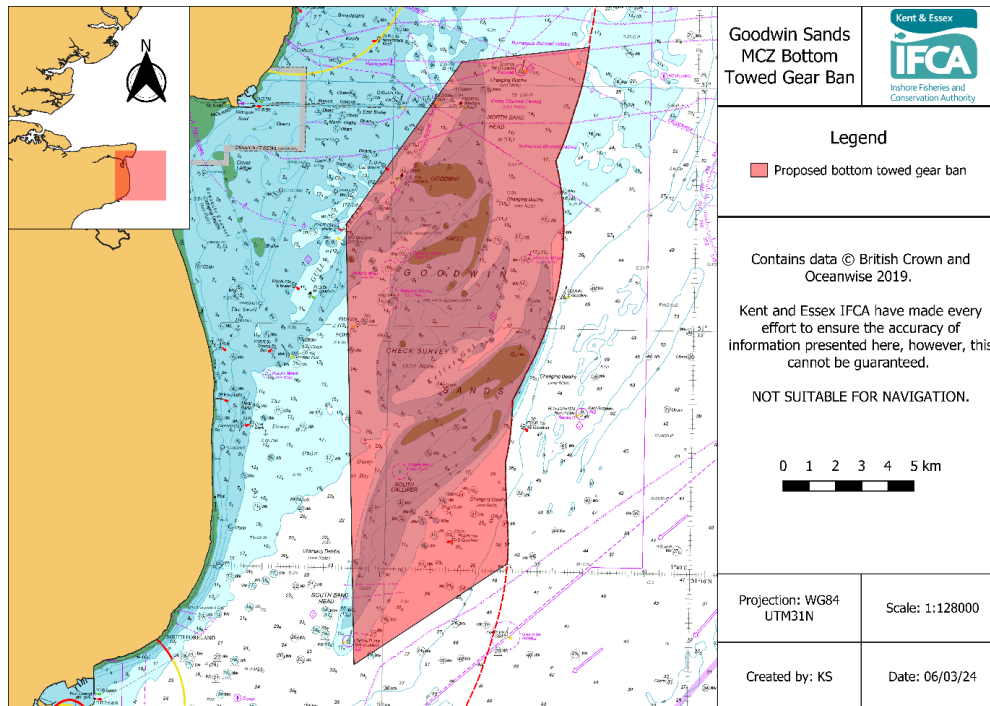


Figure 5: Proposed area to ban from bottom towed fishing gear activity to ensure that the conservation objectives of the Goodwin Sands MCZ are not hindered by fishing activity at the site.

Community engagement

The process of developing management has involved significant stakeholder engagement, particularly for the Goodwin Sands MCZ. A pre-consultation meeting was held, in which the proposed management for the Goodwin Sands MCZ was discussed. Representatives from NE, the MMO, the Goodwin Sands Conservation Trust, the Thanet Fishermen's Association, and local fishermen were present, and the bottom towed gear restriction did not raise any issues.

Goodwin Sands MCZ – MMO area

The offshore portion of the Goodwin Sands is being managed by the MMO. Currently, formal consultation for management in the offshore portion of the site is scheduled for April 2024. Originally, KEIFCA was going to wait for formal consultation to start so that the whole site could be presented to stakeholders. However, due to time constraints this is no longer possible, and KEIFCA has

engaged with stakeholders before the MMO has released their management decisions.

The MMO is considering changes to the currently proposed bottom towed gear byelaw in the offshore portion of the Goodwin Sands MCZ. Further, management of anchored lines, anchored nets, and potting is being considered. KEIFCA is working to collect data on the use of this gear in the Goodwin Sands MCZ to ensure that the MMO has access to high resolution data when considering these gear types.

Swanscombe MCZ

Initial options

As the Swanscombe site is already protected from trawling by an inherited EA byelaw that prohibits trawling upstream of a line between Coalhouse Fort in Essex and Cliffe Fort in Kent, two management options quickly emerged, either sandwich a no-bottom towed area between two no-trawling areas or make the whole area a no bottom-towed gear area. The practicality and enforcement of three different management zones along a 17km stretch of narrowing river, would be significant, whereas combining the management into one no bottom-towed gear area that has little or no bottom-towed activity, seems a more straightforward and sensible option to protect for the rare and sensitive tentacled lagoon worm. (Figure 6).

Community engagement

Officers visited the site to see firsthand the layout of the site and assess if any specific pre-consultation engagement was required. As outlined in the site assessment this section of the river is full of commercial marine traffic and there were no obvious stakeholders that would be affected by the management, to engage with

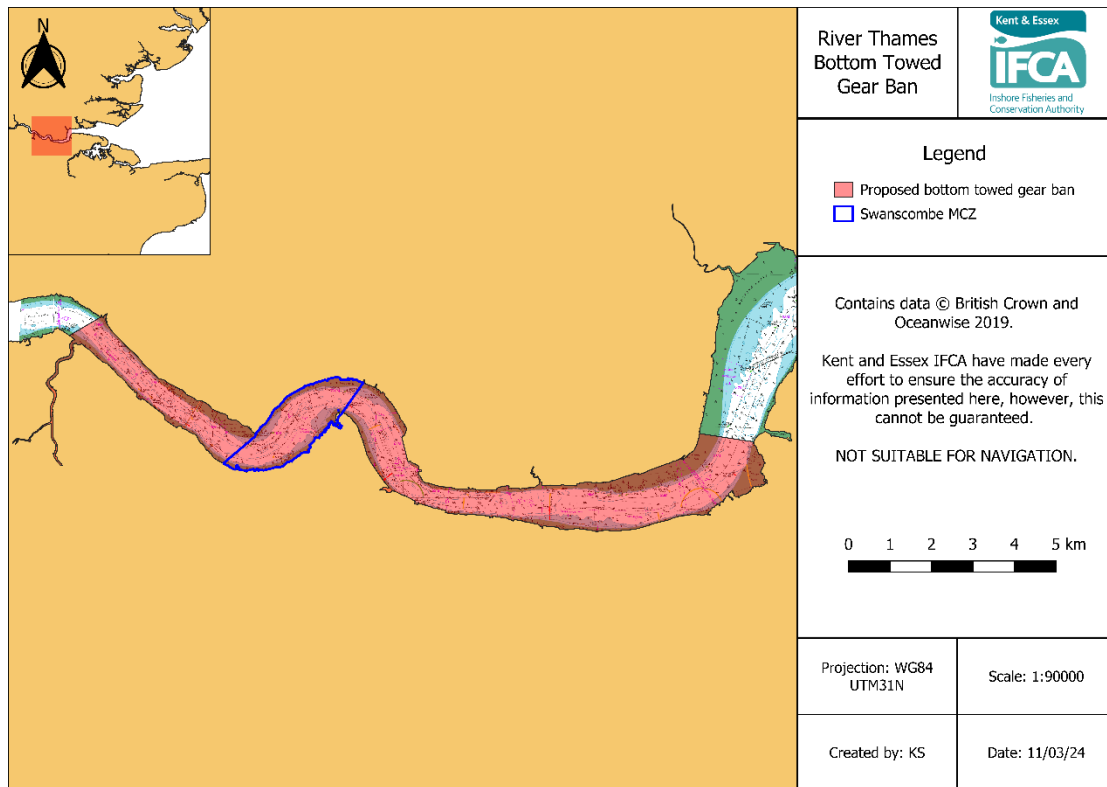


Figure 6: Proposed area to ban from bottom towed fishing gear activity to ensure that the conservation objectives of the Swanscombe MCZ are not hindered by fishing activity at the site.

Next steps

KEIFCA officers are working to present the authority with an impact assessment and an updated Bottom Towed Fishing Gear (Prohibited Areas) Byelaw, including the management measures outlined in this paper, for the next quarterly Authority meeting held 22nd of May 2024. The hope would be the Authority would make the byelaw presented and following this, the management will go to statutory consultation process. After formal feedback has been received, the management will be passed on to the MMO for review, before being presented to the Secretary of State for final confirmation and implementation. The aim is to bring the byelaw into force by the end of this year (2024) and meet the government deadline.

Recommendation:

The Authority is asked to **COMMENT** on the proposed management for the Dover to Deal, Goodwin Sands, and Swanscombe MCZs, and **AGREE** for the options that will be developed into a draft byelaw which will be presented at the May Authority meeting.