

Success Criteria: 2, 4 & 5

By: Chief IFC Officer

To: Kent and Essex Inshore Fisheries and Conservation
Authority – 20 May 2014

Subject: **DEVELOPING MANAGEMENT FOR MARINE
PROTECTED AREAS**

Classification Unrestricted

Summary: to appraise Members of the current situation regarding Marine
Protected areas in the district

Introduction

There are two main types of Marine Protected Areas within the Kent and Essex IFCA district; European Marine Sites and Marine Conservation Zones. The term 'European Marine Sites' (EMS) collectively describes Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) that are covered by tidal waters and protect some of our most important marine and coastal habitats and species of European importance. SACs contain animals, plants and habitats that are considered rare, special or threatened within Europe while SPAs protect important bird species. These sites are designated under the EU Habitats and Birds Directives respectively and form part of the European-wide Natura 2000 network of internationally important sites.

The Marine and Coastal Access Act 2009 (Part 5) enables Defra Ministers to designate and protect national (rather than international (EU)) Marine Protected Areas called Marine Conservation Zones (MCZs). Marine Conservation Zones (MCZs) protect areas that are important to conserving the diversity of nationally rare or threatened habitats and/or species and those places containing habitats and/or species that are representative of the biodiversity in our seas. EMS and MCZ sites along with SSSIs and Ramsar sites must form a well-managed ecologically coherent network of marine protected areas in the north-east

Atlantic by 2016 and meet the government's commitment to the OSPAR agreement.

European Marine Sites Revised approach

To bring fisheries in line with other activities, the Department for Environment, Food and Rural Affairs (Defra) announced on the 14 August 2012 a new approach to manage fishing activities within EMSs. In an effort to try and deliver this revised approach a risk matrix has been developed by the European Marine Sites Implementation Group to identify the level of risk for each European Marine Site. Based on the risk matrix, each site was assigned to one of three categories red, amber and green, which reflect the priority and order that the site assessments will be undertaken. "High risk" (red) sites were required to have protection in place by the end of 2013 and other sites (amber and green) by the end of 2016. On the 27th March 2014 KEIFCAs bottom towed gear byelaw was signed by Defra, addressing the chalk reef and seagrass red risk features on our district.

The process to address "amber and green" risks is more complicated than addressing the red risks as a site level, rather than a national assessment of the gear feature interaction, is required before management options can be developed. For the KEIFCA district this means that there are 16 European Marine Sites in our district and 1643 gear feature interactions needing to be assessed. The assessment process has two parts, there is an initial screening component (Test of Likely Significant Effect – TLSE) and a more detailed assessment (similar to an Appropriate Assessment) for the interactions that are flagged as potentially significantly deteriorating the feature.

Designation of Marine Conservation Zones

On the 21st November 2013, four MCZ sites were designated in the KEIFCA district with the Hythe Bay decision differed (this site is now going to be assessed as part of the third tranche of MCZ designations). Of the four sites, three have features that require recovery and potentially additional management. On 24 February 2014 Defra released a long list of 37 possible candidate recommended MCZ sites. Three of these sites are within the KEIFCA district.

KEIFCA duties

Within the KEIFCA district there are 20 designated Marine Protected Areas: 16 European Marine Sites and 4 MCZ sites protecting 58 different features. Kent and Essex IFCAs duties concerning the management of European Marine Sites and Marine Conservation Zones is clear:

- As KEIFCA is regarded as a 'Competent and Relevant Authority' the Authority is required to perform its duties in regard to the 'Habitats Directive' (Council Directive 92/43/EEC).

- Section 154 of the Marine and Coastal Access Act, 2009 requires KEIFCA to seek to ensure that the conservation objectives of any MCZ in the district are furthered.

Both these sets of duties require KEIFCA to take appropriate steps to manage fisheries activities on the MPA sites, within the context of the each sites conservation objectives and KEIFCAs powers and responsibilities. Both the EMS and the MCZ work streams are very significant pieces of work and given their significant political and legal ramifications, Defra have identified both work streams as high priority. Defra have thus asked each IFCA to develop delivery plans which combine both these work streams.

Developing MPA management delivery plans

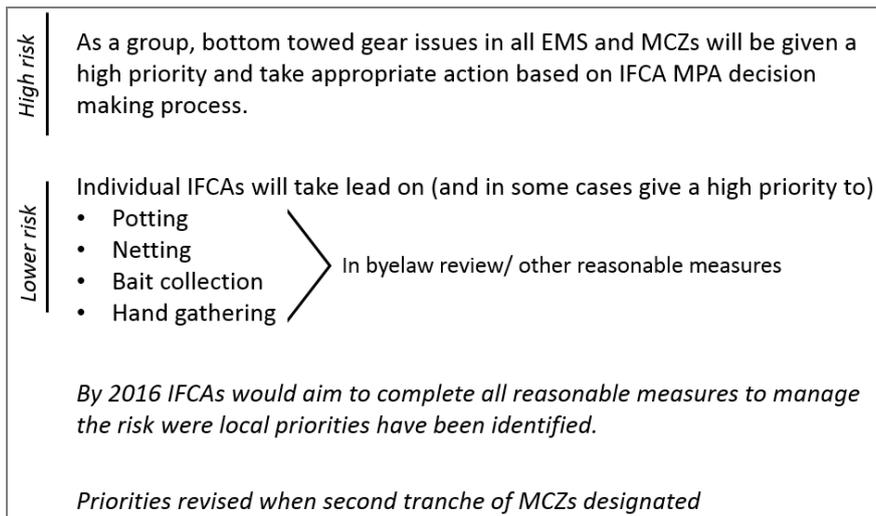
Developing a coherent rational to prioritise between EMS and MCZ sites is difficult and complex, as the legislation, the legal and political risk, the amount and quality of evidence as well as the level of national prioritisation and guidance is different between these two types of designation. Due to the delivery time lines involved in this process KEIFCA has also been asked to identify EMS high priority sites without finishing the screening process (the screening process would take 6-9 months or more to complete).

Identifying local issues

In an effort to try and develop a coherent and logical plan KEIFCA held a 2 day workshop with local Natural England staff to help identify and then prioritise the highest risk gear/ feature interactions on the designated EMS and MCZ sites in our district (Appendix 1). This initial scoping process based on the best available evidence and expert opinion of IFCA officers, NE site leads and senior NE advisors helped develop an initial KEIFCA/ NE joint action plan. The meeting also helped develop key actions for each organisation as well as identify individuals that would lead on specific areas. Both parties agreed that the plan would have to be an evolving document as the screening process and new evidence could change priorities.

Developing a national IFCA approach

Running in conjunction with the detailed local approach KEIFCA has worked in combination with the other 9 IFCA's around the coast to develop a potential combined national approach to identifying and developing MPA management solutions. The proposed combined approach prioritises using risk



The national approach also suggests that:

- Each IFCA has identified 3-4 priority work streams/ MPA management measures.
- That each IFCA works with partner organisations to develop these plans.
- Delivery plans will be created for each work stream with key milestone dates.
- The delivery plans and key variances to the plan, will be report back regularly to IG group/ Project board on progress against plan, as well as to the Authority at quarterly meetings and in annual reports.

At the time of writing the proposed approach is still being discussed with DEFRA. However DEFRA have asked that each IFCA develop detailed delivery plans and share the plans with DEFRA at the earliest possible date.

Identifying KEIFCAs MPA priorities

Combining the local detail with the national proposed approach, the following issues have been identified as requiring the development of detailed plans and are likely to require the development of management measures and possibly the creation of legislative management solutions.

- Folkestone Pomerania MCZ – bottom trawling – sediment, rock, fragile sponges and anthozoans (*Recover Conservation Objective*)
- Blackwater, Crouch, Roach, Colne MCZ – oyster dredging – oyster beds and oysters (*Recover Conservation Objective*)
- Essex Estuaries SAC - Bivalve (Clam) dredging and bottom towed gear – mud
- Hythe Bay MCZ – bottom towed gear – subtidal mud (*Waiting on guidance from defra as to the priority and subsequent actions required on this site as this is now being considered as part of the Tranche 3 MCZ process*)

Running in combination with the creation of detailed plans there is also a requirement to work through the 2 stage EMS screening process. The initial

screening process has been prioritised as a key work stream within the organisation and IFCO Evanna Lyons has been put in charge of planning and delivering this work stream.

Summary

The amount of work involved in delivering both the EMS and MCZ work streams is considerable, and is equivalent to delivering the Bottom Towed Fishing Gear Byelaw (Thanet SAC byelaw) every year. KEIFCA officers have worked hard with NE to try and understand and make the best plans available with the resources in the organisation. Creating such a plan within the current legal and political landscape and with high expectations from stakeholders is challenging especially given the number of sites and MCZ recover features we have in our district. As one can imagine, there are significant drivers from DEFRA to achieve the MPA work streams as soon as possible, however KEIFCA also has a range of other fisheries duties to balance. If KEIFCA is going to fulfil its full brief it is important to discuss the appropriate balance of our duties both within the Authority and in our local communities so that stakeholders are aware of why and how work streams are prioritised.

- 1. The Authority is asked to APPROVE the development of more detailed plans for the 4 gear/feature interactions identified in the paper, with the detailed plans being submitted to the next Authority meeting.**
- 2. The Authority is asked to APPROVE the prioritisation of the screening process with progress on the screening being reported to the next Authority meeting.**
- 3. The Authority is asked to APPROVE that the KEIFCA MPA working group will meet before the next quarterly meeting to comment on the detail of the proposed plans (the formation and terms of reference of the working group was agreed at the November 2013 meeting).**

Appendix 1 to Agenda item B8

KEIFCA and NE initial screening and prioritisation meeting (10th and 11th February)

Meeting objectives:

- Identify the significant gear/ feature interactions in the Amber/ Green process for the 13 EMS in the KEIFCA district (This can then inform 'road test' and prioritise the TLS process as well as other work streams that follow on from this).
- Scope out the key data needed and any obvious gaps for likely Appropriate Assessments
- Discuss the MCZ prioritisation work and identify the significant gear/ feature interactions using local information
- Combine the MCZ and EMS work streams and identify shared priorities.

10th February

11:00 – 11:10	Introductions – Who does what	
11:10 – 11:30	MPAs in KEIFCA – overview and issues	KEIFCA presentation
11:30 – 12:10	EMS process – Red risk process. Amber and Green – TLS and RHA assessments	KEIFCA presentation
12:10 – 13:10	Go through Thanet SAC as example EMS covering key points: <ul style="list-style-type: none"> • Location of site • Features • Condition • Activities • Issues (Rank issues) 	KEIFCA lead discussion of whole group. Q&A
13:10 – 13:40	LUNCH	
13:40 – 14:30	Go through Thanet MCZ as example MCZ covering key points	KEIFCA lead discussion of whole group. Q&A
14:30 – 16:00	Break into 2 groups based on Kent and Essex. Run through questions for each SAC and MCZ site (divide up the Thames depending on workload)	

16:00 – 16:15	TEA	
16:15 – 17:00	Feedback from groups	
17:00 – 17:30	Identify/ Prioritise key issues	

11th February

9:00 – 9:30	Recap work from the previous day	
9:30 – 11:00	Break into 2 groups based on Kent and Essex. Run through questions for each SPA site (divide up the Thames depending on workload)	
11:00 – 11:30	Feedback from groups	
11:30 – 12:15	Identify/ Prioritise key issues	
12:15 – 12:45	LUNCH	
12:45 – 14:20	Discuss and draw up a list/plan of high priority actions for the next 2 years. Identify high priority data gaps and obstacles.	
14:20 – 15:00	Next steps – who does what	