

25 July 2014

Appendix 1 to Agenda B5

NOTES of a meeting of the Marine Protected Area Working Group of the **KENT AND ESSEX INSHORE FISHERIES AND CONSERVATION AUTHORITY** held Walbrook Wharf, Upper Thames Street, London on Friday 25 July 2014 at 11am

Present: Cllr J Lamb (Southend BC), Mr J Nichols (MMO), Mr W Baker (MMO), Mr L Roskilly (MMO), Cllr D Baker (KCC), Cllr A Wood (Essex CC), Miss I Chudleigh (Natural England), Dr J-L Solandt (Marine Conservation Society), Mr P Gilson (Leigh & Southend Fishermen's Assoc, NFFO South East committee), Ms B Chapman (Kent Wildlife Trust)

In Attendance: Dr W Wright (CIFCO), Mr D Bailey (ACIFCO), Dr J Heywood (LSCO), Miss E Lyons (IFCO), Mrs D O'Shea (Office Manager)

Apologies: Mr Terry Noakes (Folkestone Fishermen's Assoc)

The meeting opened at 11.00

The meeting was convened at the request of Members of the Authority to assist the Authority to assess the requirements and develop management options for Marine Protected Area (MPA) sites. This would be carried out by helping to develop recommendations concerning:

1. The prioritisation of KEIFCA European Marine Sites (EMS) and Marine Conservation Zone (MCZ) workstreams and the development of delivery time lines.
2. To review and assess the data gathered for each site and where necessary identify how data gaps can be filled.
3. Where possible to discuss and develop management options for sites and highlight areas of agreement and disagreement between different stakeholders.

Members of the Group and officers introduced themselves and gave a brief statement of what they would like to achieve from meetings. The Chief Officer advised them that Officers had developed plans and gathered information for various sites but that it was important to arrange for those persons affected to be involved in this process to ensure that the Authority was making the correct decisions. In order to achieve an effectively managed area then all parties needed to agree, respect and understand the need to protect the habitat or feature concerned.

The Group in their opening statements felt that it was important that the needs for a sustainable fisheries and the needs of a profitable industry were considered.

They felt it important that they as a Group gained a better understanding of the process and that the views and knowledge of other people were key to making the right decisions.

25 July 2014

The Group wanted to gain a better knowledge and understanding of the features the IFCA were being asked to protect and to ensure this protection was effective and proportionate.

They also felt it important to recognise that it was not just the fishing industry that had an effect on these sites, but also other industries such as wind farms, shipping, cables and port developments.

Terms of reference

The Chief Officer reminded the Group that the IFCA had a legal duty to ensure that designated features were adequately protected and to help further the conservation objectives of these sites under both the Marine and Coastal Access Act 2009 and as a Competent Authority under the Habitats Directive.

The group would run for a year with approximately 4 to 6 meetings held in that time. These meetings would move around the coast and be held in locations close to MPAs with stakeholders invited to attend.

Representations by stakeholders at these meetings would be allowed but stakeholders would need to inform the authority 48 hours before the meeting that they wished to speak.

The working group could also write to specific individuals or organisations and invite them to provide comment on specific issues.

The group would also be able to hold meetings or sections of meetings where the meeting would consist of solely members of the group and notes of these meetings would be published.

The group would not have any devolved powers from the Authority but would make recommendations for the consideration of the full Authority.

If clear recommendations could not be agreed by the group the matter would be debated by the full Authority. In these circumstances, the working group would be expected to identify and pass on these issues as quickly as possible to the full Authority.

Marine Protected Areas in the KEIFCA district

The Group was advised that MPAs could be separated into two main areas; European Marine Sites (EMS) and Marine Conservation Zones (MCZ). EMS came under designated European legislation and MCZs under National legislation with 70% of the Kent & Essex district covered by one or more MPAs.

Of England as a whole, 12% was covered by an MCZ with 35% of these being within the Kent & Essex district. Kent & Essex also had the second largest number of features in the country.

KEIFCA needed to look at the existing information available from all sources and review and ground truth this information, working with other bodies to do so. It

was important to understand that data was required to allow management plans to be developed. These management plans could range from voluntary orders to Regulating Orders which would then need to be introduced and enforced. It was important to understand that these management plans would not necessarily mean a no take area. As an example the cockle fishery currently operated in an area where there were 5 MPAs.

The Group felt that it was essential to consider the effect of human activity on the feature that needed to be conserved. The effects of port developments such as London Gateway, windfarms such as London Array, Kentish Flats, Gunfleet Windfarm, Thanet Windfarm, laying of underwater cables and shipping activity all potentially could affect the features. They requested that charts showed to them which indicated where the MPAs were within the district be updated to show this additional activity.

Screening Process

The Group were advised that the Habitats Directive required screening of all activities within EMS prior to them taking place. KEIFCA were classed as a competent authority to perform this assessment which were known as Habitats Regulations Assessments (HRAs).

To carry out an HRA two processes were required, the first step by assessing for potential impacts that might be significant (Test of Likely Significant Effect (TLSE)) and the second step by an in-depth assessment (Appropriate Assessment). The TLSE filtered any plan or project to uncover which activities needed further assessment by assessing if any activity would have a significant effect on any feature in an EMS.

Any gear feature interaction that failed an LSE test would have to undergo an appropriate assessment. This would be undertaken on a prioritised basis and would involve working with Natural England to fill in the data gaps that were currently present in the EMS.

The Group was advised that there were 13 different EMS, 40 different fishing activity categories and approximately 1600 interactions between the activities and features. The screening process had started in May 2014 and to date 170 TLSE had been carried out with another 230 due. It was estimated that in the region of 18 Habitat Regulation Assessments might be required.

Prioritising process

The group were provided with a series of fishing gear/feature interactions for the designated MPAs in the Kent and Essex District that might need to be managed. Members then split into two groups and together with officers reviewed 39 key gear/feature interactions covering MCZ gear feature interactions identified by the MCZ prioritisation tool and the possible 18 Habitat Regulation Assessments. The groups discussed the merits of prioritising assessment and management of different gear/feature interactions.

Prioritising Resources

The Group were advised that four high priority sites had been identified following discussions with Natural England as to the impact of gear/feature interactions on them. These were:

- Folkestone Pomerania MCZ (34km²) – to protect and recover fragile sponge and anthozoan communities of subtidal rocky habitats, Ross worm reefs and Honeycomb worm reefs by the banning of bottom towed gear. The evidence base was believed to be good with a potential management measure of a byelaw being preferred.
- Blackwater, Crouch, Roach and Colne MCZ (304km²) – to protect and recover Clams, Native oysters and Native oyster beds. Some evidence was available and currently management plans were in place with a Regulating Order potentially being required.
- Essex Estuaries SAC (460km²) – to protect subtidal and intertidal mud by the banning of towed dredges. Disputed rights to private grounds needed to be resolved and currently the evidence base required more information
- Hythe Bay MCZ (41km²) - to protect subtidal mud. The Group were advised that this site had been a tranche 1 site and had now changed to a tranche 3 one. However a lot of work had been carried out on this site and it was felt that it was important to continue with the management of it. Defra had been contacted to enquire about their plans for the site but the IFCA had not heard from them.

In addition there were 2 sites in Dover which have not been designated but the Group were advised that they might wish to consider one management solution for the Folkestone Pomerania MCZ, Hythe Bay MCZ and two Dover MCZ sites (Dover to Deal and Dover to Folkestone).

The Group were advised that initial work had been carried out by officers on these sites, clips of videos taken during these surveys were provided for the Group to view.

All the Group agreed with the prioritisation process and to address the high priority gear feature interactions as described. They discussed the outline of the initial delivery plans as described and agreed them as suitable.

Recommendations – matters for consideration

The Group unanimously made the following recommendations:

- the IFCA should contact Defra to ask that they attend the next meeting so that the Group could be informed as to how the wider MPA process is implemented and fits in with national strategy
- To write to Defra to enquire on the progress of the Hythe Bay site.
- The key gear/feature interactions discussed within the group and the outline management plans be given priority

25 July 2014

- The sites at Folkestone Pomerania MCZ, Blackwater, Crouch, Roach and Colne MCZ, Essex Estuaries SAC and Hythe Bay MCZ be given priority by the IFCA in the developing of management plans to maintain and recover the habitats and features of the sites considering the gear/feature interactions upon them.

That the two sites in Dover be combined with Folkestone Pomerania MCZ and Hythe Bay MCZ when considering management plans

- The next meeting should be held in November 2014 in Folkestone to discuss in more detail the Folkestone Pomerania MCZ site as well as management of the proposed Dover to Deal and Dover to Folkestone MCZ sites (Tranche 2) and Hythe Bay MCZ site (Tranche 3). Fishermen and Stakeholders to be invited to attend the first part of the meeting, following which the Group would discuss matters by itself.

15:05 meeting closed

Following this meeting on 30 July 2014, the Chief and Assistant Chief Fishery Officer met with Mr Terry Noakes (Folkestone fisherman) who had not been able to be present at the meeting. Mr Noakes was provided with the information presented to the Group and supported the recommendations of the Group. On the 13 August 2014 the Chief Officer met with Sarah Gregerson from the NGO Client Earth to discuss the information presented to the Group and the recommendations of the Group.