

Success Criteria: 2, 3, 4, 5 & 6

By: Chief IFCO and Lead Scientific and Conservation Officer

To: Kent and Essex Inshore Fisheries and Conservation Authority –  
24<sup>th</sup> November 2015

Subject: MARINE PROTECTED AREAS UPDATE

Classification Unrestricted

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Summary: To report on progress in the Habitat Regulations Assessments of fishing gear in European Marine Sites.

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## **1. Background to KEIFCA Marine Protected Area work**

### Introduction

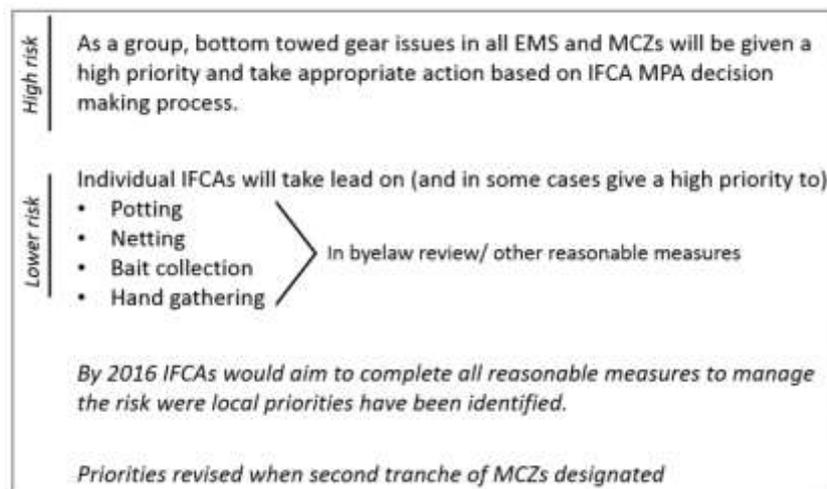
To bring fisheries in line with other activities, the Department for Environment, Food and Rural Affairs (Defra) announced on the 14 August 2012 a new approach to manage fishing activities within European Marine Sites (EMS). In an effort to try and deliver this revised approach a risk matrix was developed 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 reflected the priority and order that the site assessments would 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 27th March 2014 KEIFCA's 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 15 European Marine Sites in our district and 1851 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.

In November 2013, four MCZ sites were designated in the KEIFCA district with the Hythe Bay decision deferred (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. Defra have requested that appropriate management is developed for these sites by the end of 2016.

## Developing MPA management delivery plans

Developing a coherent rationale to prioritise between EMS and MCZ sites is difficult, 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. In an effort to try and develop a coherent and logical plan, KEIFCA held a 2 day workshop in February 2014 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. This initial scoping process is based on the best available evidence and expert opinion of IFCA officers, NE site leads and senior NE advisors helping to develop an initial KEIFCA/ NE joint action plan. Running in conjunction with the detailed local approach KEIFCA has worked in combination with the other nine IFCAs around the coast to develop a potential combined national approach to identifying and developing MPA management solutions for 3-5 priority work streams.



## Identifying KEIFCAs MPA priorities

Combining the local detail with the national proposed approach, the following issues were 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)

The priorities of the Authority were discussed in detail by the KEIFCA MPA working group held in July 2014. As well as local Authority members, local fishermen and NGOs took up seats on the group and, after reviewing the issues across all the MPA sites in the district, agreed with the priorities presented.

## **2. Progress so far**

In developing a two speed process the resource has been allocated to clearly identify the risks to the sites and when appropriate to develop management. In combination with this but at a slower rate the IFCA officer time has also worked through the process of undertaking TLSE and, where needed, developing Appropriate Assessments (AA).

### Actions taken so far on high priority sites

#### ***Folkestone Pomerania MCZ – bottom trawling – sediment, rock, fragile sponges and anthozoans (Recover Conservation Objective)***

- A byelaw banning the use of any bottom towed gear over the whole site was made by KEIFCA on the 6<sup>th</sup> March 2015 and signed by the Secretary of State on the 26<sup>th</sup> July 2015.

#### ***Blackwater, Crouch, Roach, Colne MCZ – oyster dredging – oyster beds and oysters (Recover Conservation Objective)***

- KEIFCA with part funding from NE undertook an oyster survey of the site to identify and quantify oyster beds on the site (Aug 2014).
- KEIFCA have agreed to use the Shellfish Beds byelaw to close the site to oyster dredging from 2014 and at the May 2015 meeting and agreed to extend the closure for the next 3 years.
- KEIFCA working with local fishermen are running trials to study the effectiveness of harrowing as a method of actively encouraging oyster recovery.

#### ***Essex Estuaries SAC - Bivalve (Clam) dredging and bottom towed gear – mud***

- Draft Appropriate Assessment completed and feedback received from NE. Gathering further data to help inform decision.

#### ***Hythe Bay MCZ – bottom towed gear – subtidal mud (to be considered as part of the Tranche 3 MCZ process)***

- After working closely with local fishermen and NGOs a draft byelaw has been developed in conjunction with a survey plan. Unfortunately a number of issues need to be resolved before the byelaw can be taken further.
- KEIFCA are waiting for guidance from Defra as to the priority and subsequent actions required on this site.

### Tests and assessments completed so far

Of the fifteen EMS within the KEIFCA district, one has no marine features (Sandwich Bay SAC), while five are cross boundary sites for which other regulators are taking the lead (MMO, Sussex IFCA and Eastern IFCA).

For the nine sites KEIFCA is the lead regulator for, a total of 360 tests of LSE have been completed and reviewed by Natural England (with similar fishing gears and features grouped together where applicable). Out of these, 27 fishing gear / feature interactions failed the test of LSE and these 27 interactions will progress onto the appropriate assessment phase (Fig. 1 and 2).

**Fig. 1: Summary of appropriate assessments on fishing gear / feature interactions to be carried out on SAC's in the district.**

Feature or sub feature	EMS: Special Area of Conservation (SAC)	
	Essex Estuaries SAC	Thanet Coast SAC
Subtidal sandbanks	Fixed netting Trawling Potting	
Subtidal mud, muddy sand and mixed sediments	Fixed netting Trawling Potting Other shellfish dredging (clam)	
Seagrass		
Intertidal mud and sand	Cockle suction dredging Hand gathering and bait digging	
Saltmarsh	Hand gathering and bait digging	
Subtidal and intertidal chalk reef		Hand gathering and bait digging Potting Fixed netting

**Table 2: Summary of Appropriate Assessments on fishing gear / feature interactions to be carried out on SPAs in the district.**

Feature or sub feature	EMS: Special Protection Area (SPA)			
	Mid-Essex Coast SPA	Benfleet and Southend Marshes SPA	Medway Estuary and Marshes SPA	Thanet Coast and Sandwich Bay SPA
Bird Species	Hand gathering and bait digging		Bait digging	Hand gathering and bait digging
Seagrass		Bait digging Cockle suction dredging		
Intertidal gravel and sand	Cockle suction dredging			Hand gathering and bait digging
Intertidal mud and sand	Cockle suction dredging Bait digging		Bait digging	Hand gathering and bait digging
Saltmarsh	Hand gathering and bait digging	Bait digging		
Intertidal mixed sediments				Hand gathering and bait digging

### **3. Next steps**

Two AAs have been identified as high risk and might require further management; clam dredging on subtidal mud and trawling on subtidal mud in the Essex Estuaries SAC. Draft AAs have been submitted to NE and NE have given feedback.

#### *Progress with clam dredging in the Crouch*

Following the need for more detailed information to best inform the AA, KEIFCA officers met with the 2 clam operators on 9<sup>th</sup> October to discuss and quantify their operation. The meeting was constructive and both operators agreed to meet with KEIFCA officers in the future to help accurately describe their operation. From the meeting it became apparent that both operators were working under a CEFAS Aquaculture Production Business (APB) authorisation. From discussions with Defra, CEFAS would seem to be regarded as the lead regulator for this activity, and KEIFCA will pass the appropriate assessment information to CEFAS.

#### *Progress with trawling in Essex Estuaries SAC*

After initial discussions with Natural England, when the trawling activity on the site looked unlikely to pass the AA, KEIFCA officers held a meeting on 10<sup>th</sup> November with the local fishing industry to discuss and quantify their operations and to discuss possible management options. A meeting was also held on 16<sup>th</sup> November to update regional and national NGOs (Kent and Essex Wildlife Trusts, Marine Conservation Society and Client Earth), with a section of the meeting discussing this issue. KEIFCA officers have worked closely with Natural England to look at possible management options required for this activity to pass an appropriate assessment and as part of this work have developed a framework that can be used as a starting point to develop management options.

#### *Principles of management for Essex Estuaries SAC discussions*

*The following statements would be used as a framework for discussions to consider when developing a management option:*

- *KEIFCA is a competent Authority and under the 2012 Defra EMS revised approach management of 'amber' activities is required to be in place by 2016 (taken as December 31<sup>st</sup> 2016)*
- *The statutory byelaw making process takes 4-5 months. This means that byelaws need to be made by the Authority by the September 2016 Authority meeting.*
- *Trawling on the site requires additional management to pass the AA process*
- *Any management proposals for the site needs to pay due regard to the conservation objectives for the site*
- *The Essex Estuaries SAC site is designated as it is representative of a dynamic estuary (Habs reg exact definition)*
- *Trawls primarily impact the features of the site by abrasion and penetration.*
- *KEIFCA would regard introducing a byelaw as primary method of addressing the impacts and reducing the trawling on the site.*
- *The primary method of managing trawling on the site would be to close areas of the site to trawling.*
- *Trawling area closures would prioritise areas which are considered sensitive habitats*
  - *Riverine habitats would be considered very sensitive*

- *Representative habitats outside the rivers would also require a level of protection. Area closures encompassing a range of habitats would be considered the primary method of achieving this.*
- *Reducing the impact of trawling on the site by measures that would either reduce intensity of activity or reduce the impact of the fishing gear could be considered but would probably need to be part of package of management measures that had a component including closed areas.*
- *Enforcement and practicality needs to be considered when identifying potential closed areas. Where possible boundaries of any closed areas would be based on well-known landmarks or features on land and by buoyage at sea.*

#### *Developing Management*

The proposed next step would be to make management recommendations that would apply the principles of management and discuss them in a dedicated section of the next quarterly meeting in January 2016. Experience from introducing controversial management in Thanet suggests that a full Authority meeting would be the best forum for this discussion. In addition to this, efforts will also be made to help collate fishermen's information and gather key data as to the gear they use on the site, the areas they fish and the intensity of fishing. In discussing this issue with fishermen sharing the information used in the appropriate assessment was seen as a constructive first step.

#### **4. Emerging issues**

##### *Bottom-towed gear on Margate and Long Sands SAC*

As KEIFCA has been undertaking assessments of the fishing activity in the district so the MMO has been undertaking similar assessments outside the district. The Margate and Long Sands SAC straddles both jurisdictions and as such the MMO have been taking the lead. Following an Appropriate Assessment undertaken by the MMO it has been confirmed that additional management measures are likely to be required to manage bottom-towed gear on this site. The MMO have produced an initial draft management options paper which suggests two distinct areas for management (one in the district and one outside – Appendix 1). The management options discussed in this document are very much the first initial ideas in the process of developing management for the site and the options and detail within them is likely to change as more evidence and/or advice comes forward and discussions with stakeholders start to take place.

Although it was agreed that MMO would lead the assessment process there is a decision to make regarding who would lead and make the relevant byelaw for the area within the KEIFCA district. If KEIFCA took the lead in developing management options for the area within our district there would be a significant resource implication as all the officers with MPA duties are currently working on developing Essex Estuaries SAC management measures. It would also be likely that this work would not be completed before the 2016 Defra deadline.

Members are asked to **NOTE** this report and **COMMENT** on it