

By: Chief IFCO
To: Kent and Essex IFCA – 22nd January 2016 1.30pm meeting
Subject: Essex Estuaries SAC
Classification: Unrestricted

Summary: Draft Management options to manage trawling activities in Essex Estuaries SAC

The following paper outlines and evaluates the potential management options KEIFCA could use to address the impact trawling gear has on the sensitive features in the site. KEIFCA, where possible, will work with local stakeholders to develop management for Essex Estuaries SAC, applying the principles of management (Appendix 1). To meet the end of the 2016 deadline laid out in the Defra revised approach, a byelaw would need to be made by the Authority by the September 2016 meeting at the latest (which would then allow time for the statutory byelaw consultation process to be completed).

At present three options have been put forward as suggestions to manage the trawling activity on the site;

- 1. No additional management measures introduced**
- 2. The whole site closed to trawling activity**
- 3. Areas closed to trawling (the rivers and the Ray sand channel)**

1. No additional management measures introduced (suggested by local fishermen)

After holding discussions with the local fishing industry there was a significant component of fishermen that strongly advocated that no additional management measures were required to manage the trawling activity on the site. Unfortunately, the conclusions of the draft Appropriate Assessment of trawling activity on the site concluded that there would be an adverse impact of trawling over the sensitive features of the site and that additional management measures are required. KEIFCA officers have looked to work with local fishermen to develop the draft Appropriate Assessment, to try and include as accurate information as possible

regarding the trawling that occurs on the site. Whilst updating the draft Appropriate Assessment is currently an ongoing process, it is likely that additional management measures would be required.

2. The whole site closed to trawling activity

After initial discussions with environmental NGOs (Non- Government Organisations) and specifically the Marine Conservation Society (MCS), regarding management of trawling activity on the site, the Marine Conservation Society proposed that the whole site should be closed to trawling (Appendix 2). Whilst this management measure would protect the sensitive features of the site, a trawling ban over the whole site would include features deemed less sensitive and could be regarded as over precautionary.

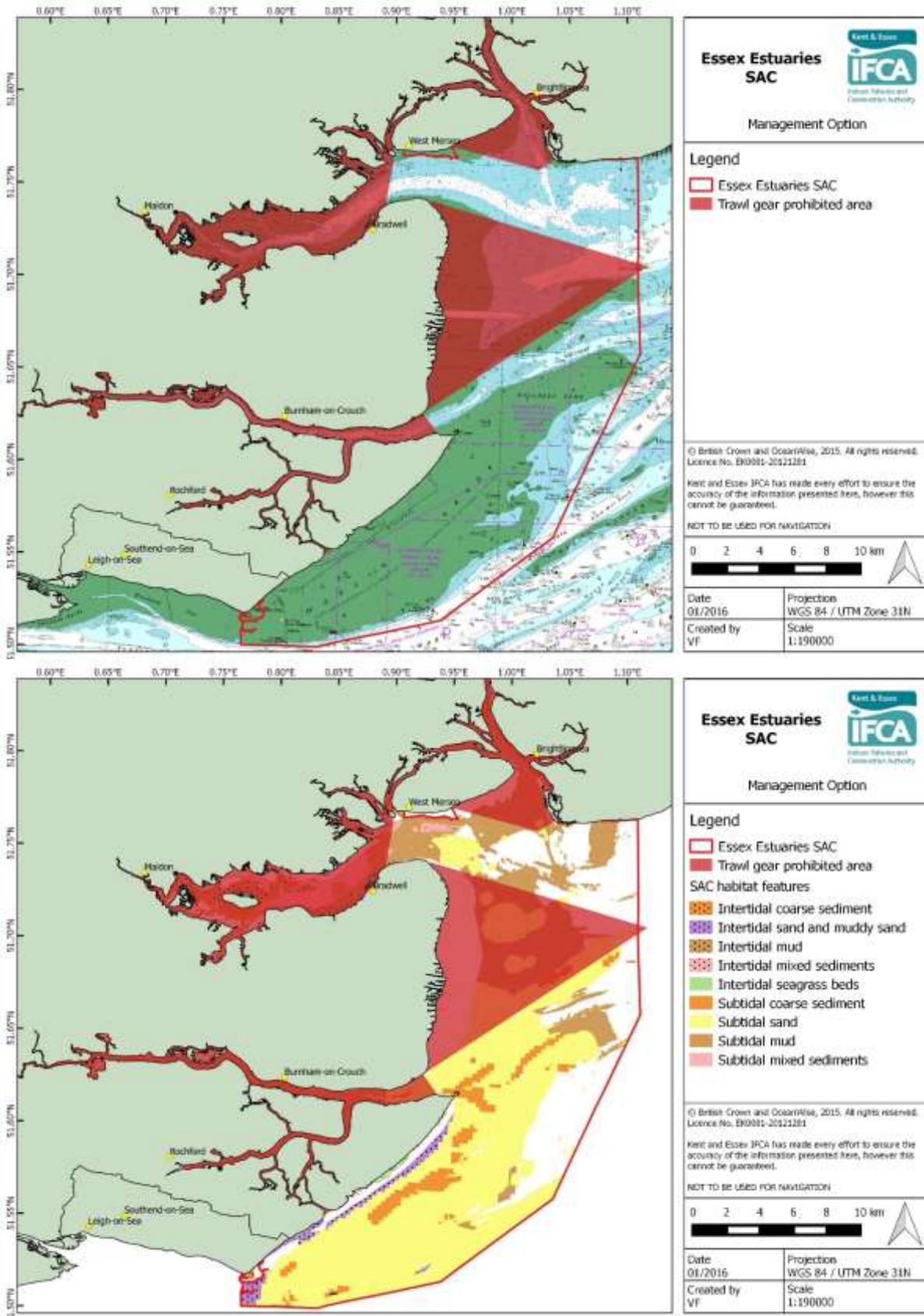
3. Areas closed to trawling (the rivers and the Ray Sand channel)

There are a number of ways that trawling pressure could be reduced on the site, one option could be to limit the number of trawling vessels that are allowed to fish on the site and/or the number of days that trawling could take place. Practically, however this type of management could be burdensome to the fishing industry as vessels would need to apply and pay for a permit as well as complete additional daily paperwork. It could also be challenging and legally complex for the Authority, as decisions would need to be made regarding who should or should not get a permit and/or how many days fishing could be undertaken.

Managing the trawling activity using closed areas is considerably more straightforward for the industry and the Authority as there would be no need for additional permits and paperwork and it would be clear where trawling could or could not take place. If areas are closed to trawling the decision then becomes a question of which areas should be closed. A logical approach to this question would be to close the areas regarded as sensitive to trawling activity. In general the habitats in the rivers are more sheltered and generally regarded in broad terms as more sensitive. In conjunction to this there are a number of marine habitats located within the mud sub-feature that would also be regarded as sensitive to trawling activity.

Developing a closed area that focused on protecting these features (Fig. 1) could offer adequate protection to the sensitive features on the site, with the boundaries generally following known landmarks or buoys at sea. The proposed seaward closed area based around the Ray sand channel and extending to the Bell Swin Spitway is made up of a patchwork of habitats that in combination would protect a number of the important features and characteristics identified in the Essex Estuaries SAC designation.

Fig.1 Admiralty charts and sub-feature charts showing the proposed areas that would be closed to trawling.



Reviewing the proposed management measure

Overtime it is likely that our knowledge of the site would increase as well as our understanding of the impact of different types of fishing gear, and given this it would seem appropriate to consider developing a review procedure that could adapt a preferred management option in the future. It would make sense to review the byelaw every 3-4 years and if possible try and synchronise the review at some point with the Natural England 6 yearly MPA review process.

The review process could consider additional information such as:

- The evidence base for the feature extent on the site
- The conservation advice for the site
- The legal requirements of the Authority
- The evidence base for gear/ feature impact
- The fishing activity on the site and the gear types used
- Additional scientific and survey data relating to the site
- Scientific advice provided by Cefas or other persons approved by KEIFCA

Developing the appropriate regulatory vehicle

Byelaws can now be made that are very flexible and there are a range of different models that the Authority could chose to use to manage the trawling in Essex Estuaries SAC. The initial decision to make when developing the byelaw is to decide between developing a permit byelaw or regulatory byelaw.

Permit options

A permit byelaw would require an operator to apply (and pay) for and then work to the stated conditions of the byelaw. Without the required permit the operator would not be able to undertake the activity in the area defined in the byelaw (this could be the whole district or a subsection of the district). If the permit model was chosen the issue of fees and log books would have to be addressed. The fee of £100 per permit would be unlikely to cover the additional cost to the Authority of running the permit scheme and maintaining the vessel effort records in the site.

Regulatory options

A regulatory byelaw does not require the issuing of a permit with specific conditions but instead makes legislation that would apply to all operators. A regulatory byelaw can be flexible and be updated with notices after a review, however to achieve the flexibility such byelaws delegate a wide range of powers to the Authority that could be used to manage the site. When officers have discussed this approach with other controversial sites (Hythe Bay) the fishing industry strongly opposed this approach. Following a flexible regulatory byelaw approach could possibly set up a scenario where fishermen that could 'live with' the proposed management option strongly oppose the byelaw because of its flexible and possible wide ranging outcomes of future revisions of a byelaw. A possible solution to this issue could be to develop a regulatory byelaw and then periodically review the byelaw and if required remake the byelaw. Although this process would be more involved it would achieve the same outcomes and would reassure all parties that any changes would go through a statutory public consultation phase.

Conclusions

Developing management options for marine protected areas can be a complex and difficult process, as different stakeholders can have very different views. As an Authority we have tried to work hard to include and present the different views and suggested options of our stakeholders, and have encouraged stakeholders to engage in the process and provide the Authority with management options that they would consider appropriate.

Recommendation: to develop a regulatory byelaw that would close the area in Fig.1 to bottom towed gear. The byelaw would not contain a flexible mechanism but instead would be reviewed every 3-4 years and then if required would be remade.

Appendix 1 - 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 31st 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 Appropriate Assessment 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.