

From: Will Wright, Chief Officer Kent and Essex IFCA

To: Kent and Essex Inshore Fisheries and Conservation Authority – 22 May 2018

Subject: **Marine plan update**

Classification: Unrestricted

Summary: This report will inform Members of the actions taken by officers since the last Authority meeting regarding the South-Eastern Marine Plan and makes recommendations on how to proceed with future engagement.

Recommendations:

1. The Authority **DISCUSS** the concept and use of the Essential Fish Habitat approach and **AGREE** to work with the MMO and local stakeholders in trying to develop this layer for the South East marine plan area
2. The Authority **DISCUSS** the concept and use of the Cumulative Effects Assessments approach and **AGREE** to work with the MMO and local stakeholders in trying to develop this layer for the South East marine plan area
3. The Authority **AGREE** a delegation from KEIFCA (Chairman, Vice-Chairman and Chief Officer) approach the MMO board and make a presentation highlighting the issues and suggested solutions.

Following on from discussions at previous Authority meetings, KEIFCA officers have continued to engage and input into the South Eastern Marine Plan, building on specific meetings with members of the planning team and inputting to regional events.

23rd November 2017- *KEIFCA hosted a meeting with the MMO and members of the local fishing industry*

The meeting was a useful introduction to the processes and functioning of marine plans and helped officers and members of the industry understand to discuss to engage and help shape the South Eastern Marine Plan. Some members of the local fishing industry clearly highlighted their major concerns with the current planning system and perceived lack of meaningful in

combination assessments. Detailed points were also made concerning specific licence conditions and how the fishing industry could more closely engage in the process.

22nd February 2018 - Marine plan development workshops – Iteration 2

The MMO held two workshops in the South East marine area to progress the next step in the development of the South East Marine Plan. The workshop provided an opportunity to contribute and comment on the MMO work on marine plan area visions and options to address the issues raised through previous engagement, as well as input into the detail of the next step in the marine plan development. In particular, the workshops included group discussions around potential options to address issues. The workshop was an opportunity to discuss policy options in greater detail with the MMO's marine planning team and to help influence the development of marine plans.

27th February 2018 – Helped facilitated communication between marine licencing and local fishermen on specific local licencing concerns

Emails/letters exchanged between the MMO and local industry addressing specific issues

22nd March 2018 – MMO South East Marine Plan project officer meeting with Chief and Assistant Chief to discuss key policy options/ wording of policy options

The meeting provided useful clarification on the process the MMO are using to develop their marine plans and also allowed a detailed discussion as to how the marine plan policies could be developed, written and applied. Subsequent follow up communication from the MMO has helped outline the research/data projects the MMO are undertaking that will help provide future data lays and that in turn will help inform future decision making.

How can we work to make the marine planning system work better?

From the engagement with the MMO planning team two major themes emerged; how can the spatial needs of fish be better included in marine planning/ decision making and how can in combination impacts of major marine projects be better understood and managed. Neither of these topics are new and the Authority has long wrestled with how to help resolve these issues. Many Authority meetings and stakeholder meetings have focused on these issues stretching back to the beginning of the London Gateway Project over 15 years ago. To try and progress these issues further officers have made efforts to research best practice nationally and internationally and have tried to develop a range of positive actions and recommendations.

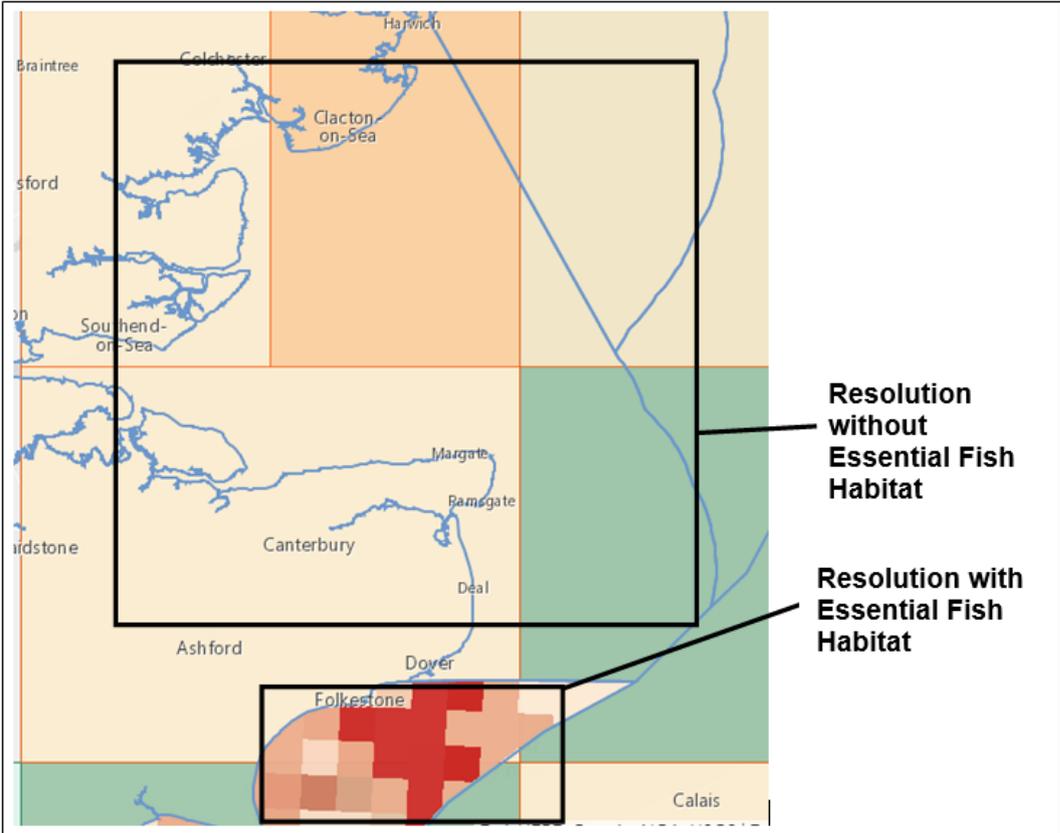
How do we make sure fish are adequately included in marine planning?

An effective marine spatial plan is vital to long term sustainable fisheries. Unlike our equivalents in North America our current fisheries policy does little to specifically link and manage the fish we harvest with the habitat they use and need to survive and flourish. In the USA for over 20 years there has been a legal requirement to identify and protect important marine fish habitat as part of the Magnuson-Stevens Fishery Conservation and Management Act. Protecting and restoring Essential Fish Habitat (EFH - "those waters and substrate necessary to

fish for spawning, breeding, feeding or growth to maturity") has helped to maintain productive fisheries and rebuild depleted fish stocks in the United States, with the Act helping to protect more than 800 million acres of habitat and supporting a \$200 billion U.S. fishing industry.

The current UK planning and fisheries management system does contain mechanisms for habitat management and planning to interact with fisheries, in broad terms through the Marine Strategy Framework Directive or more specifically through the marine protected area network (European Marine Sites, Marine Conservation Zones etc). Whilst these frameworks do create a system for specific as well as broad habitat monitoring and, if required, management, there is a strong feeling of the marine users that the systems generally have not integrated the habitat needs and functions of fisheries, and that this specific need falls between specific habitat legislation and specific fisheries measures. The South East Marine plan, gives an opportunity for these two systems to be far more integrated on a spatial scale that is relevant to fin fish stocks.

For the Southern Marine Plan area the MMO strategically invested in developing Spatial models of Essential Fish Habitat MMO (2013a & 2016). Whilst any model can always be improved, just looking at the difference in the resolution of the data between the Southern and South East marine plan (below) shows how important developing such a data layer can be to decision making.



KEIFCA officers have contacted the MMO to try and make sure the same type of information can be developed for the South East marine plan area. The MMO are currently undertaking a new project (Essential Fish Habitat validation - MMO1133) and officers have contacted the MMO to engage in the project and make sure the data that has been and is gathered in our district (CEFAS surveys, Water framework small fish surveys, new project EIA surveys) can be used to inform and update such a data layer. KEIFCA officer see there is potential to try and develop engagement from organisations like the Thames FLAG, University of Essex and Port of London.

How do we make sure 'in combination' assessments work in our district?

The assessment of cumulative effects is required through a number of legislative drivers (Strategic Environmental Assessment Directive, European EIA Directive, Habitats Directive, the Marine and Coastal Access Act and the Marine Works Regulations). Under the UK Marine Policy Statement (MPS), MMO has an obligation to ensure potential cumulative effects are taken into account in decision making. The identification and evaluation of potential environmental, social, and economic effects of marine activities allows for effective management measures to be established to minimise or remove negative effects. Such measures may potentially be put in place through, for example, licensing conditions or marine plan policies.

However, cumulative effects are often not fully assessed due to the complexities of the effects, and the lack of available information on both proposed or existing developments and their interactions with the surrounding environment. The marine environment is highly complex with a multitude of environmental, social and economic interactions, therefore understanding and predicting cumulative effects is a challenging exercise. In addition, naturally occurring changes (e.g. due to climate change) must be taken into account as physical drivers when considering further impacts of human activity.

Using, developing and improving Cumulative Effects Assessments (CEA) have been identified as a key 'next step' throughout Europe and North America and a number of initiatives have been taken forward in the UK, particularly driven by the requirement to adequately assess the cumulative impacts of offshore wind development. These include work to develop methodologies for CEA with respect to seabirds (King et al., 2009), a general review of cumulative effects for offshore wind farm development (MMO, 2013b), and work to develop guiding principles for offshore wind CEA (RenewableUK/NERC, 2013). Building on this work the MMO commissioned "A Strategic Framework for Scoping Cumulative Effects" (2014).

In the light of all this work and progress there seems an opportunity to apply this work to the South East marine plan area and develop a specific project that can use the South East marine plan area as a pilot for the rest of the country. This is specifically relevant when in an already highly developed area there is a new swath of major marine works planned over the next few years which is only likely to grow (Appendix 1).

Better integrated marine management is key to finding the correct balance between development and environmental protection. A good example of how the system needs to improve can be found in the Medway where significant capital

dredging is being planned in close proximity to the Medway nursery area. The Medway nursery area is the country's largest 'no take zone', removing bottom-towed gear pressure from the site and protecting internationally designated habitats. Unfortunately, whilst the actions of ROFF and KEIFCA have looked to reduce impacts on the site/ reduce pressures, undertaking a significant dredging campaign increases the pressure on the site. Working with the MMO to develop a cumulative effect assessment/model will help both ourselves and the MMO work more efficiently to understand how we can more efficiently manage pressures on the sea bed and wider ecosystem.

Whilst we recognise that developing cumulative effects assessments are challenging and complex, feedback from officers has highlighted some simple steps that could be introduced quickly and cheaply into the environmental impact assessment process that would help everyone contextualise decisions.

1. Cumulative Impact Assessments are undertaken relative to the activities in the whole SE marine plan area. Many assessments take a much smaller spatial distribution (10-20km around the project) this means that they fail to include other major projects in their assessment that are taking place within the whole SE plan area. Whilst this might make sense for looking at the impact of sediment plumes from dredging, research shows that fish use the whole area and impacts need to be studied on this larger SE Marine plan spatial scale.

2. Develop a basic standard table that shows the combined footprints of the major marine works in the SE marine plan area. The MMO marine planning portal makes significant strides in showing where activities are taking place and what data is available to draw upon when making decisions. However, it is very difficult to judge in combination impacts from this portal.

Creating a simple table including each of the major pressures, windfarms, aggregate dredging, cables, dredging for navigation and recording key aspects like the number of projects, the combined spatial footprint in km² the habitat or biotope that the development is impacting and the MarLIN sensitivity assessment/ MarESA approach. This information could be displayed online like the work done by the Marine Conservation Society (MPA Reality Check <https://map.mpa-reality-check.org/>) and/or developing such a table and accompanying chart, and putting it in the front of the EIA/ES. Developing reporting like this would really help both non-technical decision makers and marine stakeholders be able to put into context the activities and pressures that are happening in the South East marine planning area.

Next steps

KEIFCA officers have worked with MMO planning leads and with some members of the local fishing industry to help inform and develop the SE marine plan. Whilst the engagement has been positive it has been very difficult to unpick the marine planning and marine licence responsibilities and feel as though considerable progress is being made on the issues identified by KEIFCA. Marine planning will always be challenging as good data is limited and terrestrial planning concepts do not transfer easily into the marine. Good plans will also

make decisions and flowing from this will sometimes be losers as well as winners.

The MMO has already strategically identified and invested in key aspects that could significantly help make better informed planning decisions in the South East marine plan area (Essential fish habitat and Cumulative Effects Assessments) the next step is to work with the MMO and KEIFCA stakeholders to get the projects running in our district. It is suggested that a delegation from KEIFCA (Chairman, Vice-Chairman and Chief Officer) approach the MMO board and make a presentation highlighting the issues and suggested solutions. The outcomes of these discussions would be report back to the next available KEIFCA meeting.

Recommendations

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References

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