



Marine  
Management  
Organisation

# Managing commercial fisheries in marine protected areas (MPA) Call for evidence

Consultation responses overview  
March 2016

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## 1. Background

The Marine Management Organisation (MMO) is carrying out assessments on whether certain fishing activities are posing a risk to achieving the conservation objectives for marine protected areas (MPAs) in English inshore waters. These assessments will inform whether additional management action should be considered in order to help safeguard the designated habitats and species features in these MPAs.

MMO launched an informal consultation on 26 January 2016, to provide an opportunity for stakeholders to feedback on the initial assessment conclusions, and provide any additional relevant evidence for consideration. This consultation closed on 15 February.

The sites which the MMO are carrying out assessments for are:

- Fylde Marine Conservation Zone (MCZ)
- Inner Dowsing, Race Bank and North Ridge Site of Community Importance (SCI)
- Land's End and Cape Bank SCI
- Liverpool Bay Special Protection Area (SPA)
- Margate and Long Sands SCI
- Outer Thames SPA
- Shell Flat and Lune Deep SCI
- Skerries Banks and Surrounds MCZ
- Start Point to Plymouth Sound and Eddystone SCI

\*SCI/SAC – within MMO MPA assessments these types of site are collectively referred to as European marine sites (EMS).

Further information about the process and work to date can be found in [here](#).

The consultation asked for feedback via an online questionnaire, detailed in annex 1, and this included asking, based on the information provided, which management option is deemed most appropriate:

- option 1: Introduce a monitoring and control plan within the site to monitor current and potential fishing activities
- option 2: Reduce or limit levels of fishing activities within the site
- option 3: Prohibit fishing activities on features within the site

## 2. Raising awareness of the consultation

The consultation was publicised through the following methods:

- news story and summaries of draft MPA assessments were published on gov.uk
- online questionnaire was launched through MMO Connect
- news stories were featured on the MMO website and intranet pages
- flyer distributed at the 'Coastal Futures 2016' conference
- information and quotes were provided to *Fishing News* who published an article on the consultation
- article was published in Defra's *Fishing Focus* newsletter

- direct emails were sent to stakeholders and partner organisations (including: Environment Agency, Inshore Fisheries and Conservation Authorities (IFCA), Joint Nature Conservation Committee, Natural England, Seafish, other Member States government agencies with fisheries access)
- stakeholder newsletters and websites including the association of IFCAs, local IFCAs, the local sea anglers, Communications and Management for Sustainability and *Seafish*
- social media including Twitter, Facebook and LinkedIn

### 3. Consultation overview and MMO response

Comments were received for the following sites:

- Fylde MCZ – three responses received
- Inner Dowsing, Race Bank and North Ridge EMS – four responses received
- Land's End and Cape Bank EMS – two responses received
- Margate and Long Sands EMS – one response received
- Outer Thames SPA – one response received
- Shell Flat and Lune Deep EMS – two responses received
- Start Point to Plymouth Sound and Eddystone EMS – two responses received

In total 16 responses were received, with one response detailing general points which applied to all sites.

The following provides a summary of the information received, linked to the questionnaire (annex 1), and how the MMO has had regard to these:

#### 3.1 Fylde MCZ: Summary of information received

- no additional evidence was submitted on location or extent of designated features, though one respondent suggested that the rich bivalve communities identified as a feature should be protected
- there were no alternative views on the gear/feature interactions being considered or the summary of fishing activity at the site. Additionally, no further evidence on fishing activity (or other activities) was submitted
- in considering the favoured management options:
  - a view that bottom-towed fishing gears should be prohibited on features within the site
  - a view that use of static fishing gears should be reduced or limited
  - a view that all fishing activity should be prohibited in order to ensure protection of the integrity and favourable conservation status of the MCZ's protected features

##### 3.1.1 MMO response

Bivalve shellfish communities were considered as elements of the subtidal and subtidal sand features. However, due to the low levels of fishing activity at the site, we have determined that fishing activities are not likely to have a significant effect on the site.

## 3.2 Inner Dowsing, Race Bank and North Ridge EMS: Summary of information received

- a suggestion that there is a lack of confidence in the evidence on location and extent of subfeatures. There is discussion about gravel relative to sandy habitat distribution, with the former being more vulnerable than the latter. There is no map that distinguishes between the two types. In the absence of such distinction of vulnerability, precaution should apply within the EMS.
- a suggestion that there is a lack of confidence on the summary of fishing activity due to no definitive understanding of historical and present use by the under 12 metre (m) fleet.
- a suggestion that assessment should consider species from neighbouring SPAs, when looking at the impact of activities (eg Outer Thames Estuary SPA and North Norfolk SPA).
- an observation that consideration of ongoing and historic aggregate dredging within the area and its impacts in combination with the fishing activity within the site should be undertaken.
- in considering the favoured management options:
  - one suggestion that a monitoring and control plan be introduced for the site, and that it considers seabird features of adjacent sites. It is important that should a damaging impact to these features be identified, or suspected, then measures must be taken to halt or prevent damage occurring to the mobile features. If a damaging effect is suspected then a precautionary approach must be taken to avoid damage.
  - a request that the MMO byelaw that came into force in 2014, prohibiting bottom-towed gear over reef features in the site from 6-12 nautical miles (nm), be retained as it has reduced the pressure on the site, and its results be considered in regards to any further measures or monitoring programs.
  - a view that there should be a prohibition of bottom-towed fishing gears within the site, based on the uncertainty about the extent of the features, the vulnerability of the features, and the amount of bottom towed gear operating within the site of different types.
  - a view that static fishing gears should be reduced or limited within the site.

### 3.2.1 MMO response

The feature information used to assess the need for management in this site is based on the latest advice from Natural England. Natural England does not have enough information to distinguish between different substrates (gravel or sandy habitats) within the sandbank feature at this time. However, given the very low level of fishing activity over the sandbank feature in the 6-12nm portion of the site, we have ascertained that fishing is not having an adverse effect on the site, regardless of the location of the more sensitive substrates.

We acknowledge that there is less information available for vessels under 12m than for those over, which are required to report using a Vessel Monitoring System (VMS). We have used a range of information to understand activity patterns for vessels under 12m including landings records, stakeholder workshops, MMO and IFCA officer expert opinion, IFCA recorded sightings, and the outputs of a

participatory mapping research project involving almost 600 skippers of under 12m vessels.

Combining these evidence sources, we have concluded that fishing activity is not having an adverse effect on the site.

Within 2016 we intend to review the current [MMO byelaw](#) for this site. New evidence has been received from Natural England, which has led to a change of regulatory leads. *Sabellaria* reef in the 0 to 6nm limit will be management by Eastern IFCA, with the MMO continuing to manage in the 6 to 12nm limit.

We will refresh the current MMO monitoring and control plan (which focusses on enforcement of the existing byelaw to prohibit bottom-towed gear on reef), to facilitate ongoing assessment of bottom-towed gear on sandbank features to ensure that future increases in fishing activity do not result in deterioration of the site.

### 3.3 Land's End and Cape Bank EMS: Summary of information received

- no additional evidence was submitted on the location or extent of features
- views were provided that the potting activity has declined substantially over recent years with just a handful of potting vessels operating within its limits. In addition, vessels activity is already constrained by natural causes (such as weather) and restrictions from the Western Waters effort management regime (restricted to 190 days for 2016)
- no evidence of other activities submitted
- in considering the favoured management options:
  - a view that there should be no restrictions as activity levels since 2009 are not causing an adverse effect
  - a suggestion that capping of effort at current levels through introduction of 'grandfather rights' should be considered

#### 3.3.1 MMO response

We acknowledge the additional information about fishing activity and will review our assessment for this site, taking the new information into account.

We will refresh the current MMO monitoring and control plan (which focusses on enforcement of the existing byelaw<sup>1</sup> to prohibit bottom-towed gear on reef), to facilitate ongoing assessment of potting/netting activities to ensure that future increases in fishing activity do not result in deterioration of the site.

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<sup>1</sup> [www.gov.uk/government/publications/lands-end-and-cape-bank-european-marine-site-specified-areas-bottom-towed-gear-byelaw](http://www.gov.uk/government/publications/lands-end-and-cape-bank-european-marine-site-specified-areas-bottom-towed-gear-byelaw)

### 3.4 Margate and Long Sands EMS: Summary of information received

- no additional evidence was submitted on the location or extent of features
- a suggestion that there is a lack of confidence on the gear/feature interaction identified due to the lack of knowledge of the under 12m fleet, but no additional evidence on fishing activity was submitted
- a re-enforcement that MPA management should consider maintaining the physical habitats; the biotopes associated with those habitats; and the effects of the removal of commercial species to the structure and functioning of the site
- a view that raises concerns regarding how MMO has assessed the vulnerability of a feature. Concerns included our lack of understanding on what a properly functioning ecosystem would look like (without a control site in the area); the incorporation of “recoverability” to describe “sensitivity” of a feature; and moving away from Natural England’s formal advice that the impact of biological disturbance from trawling is moderate for sandbanks.
- In considering the favoured management options:
  - a view that there should be a prohibition of bottom-towed fishing gears within the site, based on perceived lack of confidence of fishing activity. It was also suggested that if inshore vessels were allowed to continue fishing, that inshore vessel monitoring systems (I-VMS) should be mandatory
  - a view that static fishing gears should be reduced or limited within the site

#### 3.4.1 MMO response

A map showing the different biotopes within the sandbank feature is included in the assessment document, but not included in the consultation document due to the need for Natural England to complete the quality assurance required. This map contains areas that are particularly sensitive to bottom-towed fishing; which correspond to where a relatively higher level of fishing is taking place. The MMO has concluded that it is these areas which are at risk of not meeting conservation objectives, and management recommendations are based around this. The reduced sensitivity and relatively low levels of fishing found in other areas of the site, means that these are lower risk areas.

We acknowledge that there is less information available for vessels under 12m than for those over, which are required to report using VMS. We have used a range of information to understand activity patterns for vessels under 12m including landings records, stakeholder workshops, MMO and IFCA officer expert opinion, IFCA recorded sightings, and the outputs of a participatory mapping research project involving almost 600 skippers of under 12m vessels. We believe that this information is enough to make conclusions about the need for management at the site.

We will continue to test our assumptions on feature sensitivity and vulnerability with Natural England to ensure that the tests we apply to determine management are based on sound scientific rationale.

We acknowledge the benefits of I-VMS. We are leading on an approval programme to ensure that suppliers providing I-VMS products to UK fishing vessels in English waters comply with a specification of requirements. Once suitably approved products

are available, we will look for opportunities to deploy this technology to develop and maximise their potential as a management tool for marine protected areas and inshore fisheries.

We have ascertained that bottom-towed fishing outside of the sensitive areas is not having an adverse effect on the integrity of the site. We have also ascertained that fishing with static gears (pots or nets) is not having an adverse effect on the integrity of the site.

Management options to reduce or limit levels of activity in sensitive areas within the site are currently being developed. These will be consulted on in spring/summer 2016.

### 3.5 Outer Thames Estuary SPA: Summary of information received

- no additional evidence was submitted on the location or extent of features
- no additional evidence was submitted on fishing or any other activities
- no comments were submitted on our assessment findings
- in considering the favoured management options:
  - a view that monitoring and reduction/limits on levels of fishing activities within the site is required in order to allow a recovery of site features and the species directly and indirectly affected by the fishing activities in the past and at this present time.

#### 3.5.1 MMO response

We note that some stakeholders have suggested reducing or limiting levels of fishing activities within the site. However, we have ascertained that fishing activities are not having an adverse effect on the integrity of the site, and we are therefore not proposing additional management.

### 3.6 Shell Flat and Lune Deep EMS: Summary of information received

- views received agreed with the extent of habitat features, and one request that assessments of birds (rafts of wintering common scoter and little gulls) be considered
- some agreement (no disagreement) with the findings that fishing activities are not likely to have a significant effect on the site
- some agreement (no disagreement) that the correct gear/feature activities are being assessed
- some agreement with the summary of fishing activity though the lack of confidence in the activity of under 12m vessels was raised, alongside the advocacy of I-VMS to address this
- additional information was received on the use of rod and line fishing from charter boats
- a view that it was important to reflect the differing management needs of the Shell Flat and Lune Deep portions of the EMS
- in considering the favoured management options:



- a view that there should be reductions of, or limits on, fishing activities within the site, and that activity levels should be limited to the current low levels

### 3.6.1 MMO response

The assessment for Shell Flat and Lune Deep EMS considers those features protected by this site. Features of other sites, including SPAs, are considered in assessments for those sites. For example the MMO assessment for Liverpool Bay SPA considers common scoter.

Rod and line fishing from charter boats will be considered for inclusion in the assessment, although it is unlikely that this activity is capable of having a significant effect on the site.

Management of activities in the site depends on the interactions between those activities and the sites designated features. Management of activities in the Shell Flat and Lune Deep portions of the site will therefore reflect the differences in activities and features present.

We acknowledge the additional information about fishing activity and will review our assessment for this site, taking the new information into account.

## 3.7 Start Point to Plymouth Sound and Eddystone EMS: Summary of information received

- no additional evidence was submitted on location or extent of features
- no additional evidence was submitted on fishing or other activities
- there was a request for more clarity as to existing management of bottom-towed gears
- in considering the favoured management options:
  - a view that a monitoring and control plan should be introduced within the site to monitor current and potential fishing activities

### 3.7.1 MMO response

Bottom towed fishing was prohibited around reefs in the 6-12nm portion of the site through a [MMO byelaw](#) introduced in 2013.

## 4. Next steps

We will review our MPA assessments, taking into consideration any additional information provided.

Assessments will be finalised in spring 2016. Where we have determined that management of particular activities is required to protect an MPA from damage, management proposals will be advertised for formal consultation during spring/summer 2016, with the intention to have management in place by the end of 2016.

## Annex 1: Online questionnaire published to facilitate consultation

Name

Organisation

### Question 1: Which MPA site would you like to comment on?

- Fylde Marine Conservation Zone
- Inner Dowsing, Race Bank and North Ridge European Marine Site
- Land's End and Cape Bank European Marine Site
- Liverpool Bay Special Protection Area
- Margate and Long Sands European Marine Site
- Outer Thames Estuary Special Protection Area
- Shell Flat and Lune Deep European Marine Site
- Skerries Bank and Surrounds Marine Conservation Zone
- Start Point to Plymouth Sound and Eddystone European Marine Site

### Question 2: Site location and features:

Do you agree that the location and extent of the feature(s) as shown in figure 1 are correct?

Yes

No - If no please provide a brief explanation

### Question 3: Site locations and features:

Do you have additional evidence about the location and extent of the feature(s) that you are able to submit as part of this site assessment?

Yes - If yes please provide evidence details, including type, area, source and date

No

### Question 4: Summary of draft assessment findings:

Do you agree that findings on the adverse effect on the integrity of the site (for European marine sites) or the significant risk to the site (for marine conservation zones) are correct?

Yes

No - If no please provide a brief explanation and any supporting evidence.

### Question 5: Assessment process overview of activities being assessed:

Do you agree that the correct gear/feature interactions have been identified which could affect the site, and hence subject to a full assessment?

Yes

No - If no please provide a brief explanation.

### Question 6: Summary of evidence Fishing activity:

Do you agree that the summary of fishing activity within the site and around the feature(s) is correct?

Yes

No - If no please provide brief explanation.

**Question 7: Summary of evidence Fishing activity:**

Do you have any additional evidence about fishing activities at this site that you are able to submit as part of this site assessment?

Yes - If yes please provide evidence details, including type, area, source and date

No

**Question 8: Summary of evidence – Sensitivity/Vulnerability (if applicable):**

Do you agree that the assessment is correct?

Yes

No - If no please provide brief explanation and any supporting evidence

**Question 9: Summary of evidence – Sensitivity/Vulnerability (if applicable):**

Do you have any additional evidence on site sensitivity, and/or vulnerability that you are able to submit as part of this site assessment?

Yes - If yes please provide evidence details, including type, area, source and date

No

**Question 10: Other activities occurring within the site:**

Do you have any evidence of other activities, including recreational activities, within this site that you are able to submit as part of this site assessment?

Yes - If yes please provide details, including any relevant sources.

No

**Question 11: Management Options:**

Which of the identified management options do you think would be most appropriate?

Option 1: Introduce a monitoring and control plan within the site to monitor current and potential fishing activities

Option 2: Reduce or limit levels of fishing activities within the site

Option 3: Prohibit fishing activities on features within the site

**Question 12: Management Options:**

Why do you think this management option is the most appropriate?