

Marine Conservation Zones – Defra consultation, March 2013

Response submitted by Eastern Inshore Fisheries & Conservation Authority (Eastern IFCA)

Please note, answers to questions 1-8 relate to the single recommended MCZ within the Eastern IFCA district, the Balanced Seas site “Stour & Orwell Estuaries”. Please note this site falls partially within the Kent & Essex IFCA district, and that some of the specified features are situated only within one IFCA’s part of the recommended MCZ. Although collaboration between the two IFCAs will continue, the location of different features could result in separate measures being implemented by each of the two IFCAs.

Q	Consultation question	Eastern IFCA response
1	Do you agree that this site and specified features should be designated in the first tranche?	<p>We agree that designation of this site and specified features is, in principle, consistent with Eastern IFCA’s remit to ensure healthy seas and sustainable fisheries – however, it is not possible at this stage to ascertain whether designation is consistent with our third objective for “a viable industry” because management measures have not been identified. We recognise there are several elements of uncertainty that need to be addressed before we can fully support the designation of this site:</p> <ul style="list-style-type: none"> • We recognise that Natural England has advised that this site is a “high-risk” site, but “only because it contains highly sensitive features which are subject to one or more pressures causing damage or deterioration” (SNCB advice, p.12). Scrutiny of the SNCB supplementary information report (page 12) has highlighted that the key deciding factor for setting a conservation objective target of “recover” for native oyster beds in the site is “damaging activity overlapping with feature – VA (fishermap) LG and RSG knowledge” but also reports “uncertain of extent and intensity of activity”. This suggests that the grounds for selection as a high-risk site are uncertain. Further investigation of activities is required to ascertain whether this feature is in fact at risk. For two other HOI features with “recover” conservation objectives, <i>Sabellaria spinulosa</i> reefs and <i>Sabellaria alveolata</i> reefs, the same assessment reports “damaging activity overlapping with feature” but also “VA (fishermap) LG RSG knowledge of activities not taking place”, and also for both features “uncertainty of extent”. Despite these elements of uncertainty, the SNCB advice provides a rating of “reasonable certainty” for the conservation objectives for all features for this site. • We are aware that there are substantial concerns amongst inshore fisheries stakeholders, stemming from uncertainty over restrictions on their activities that would result from designation of this site. The Impact Assessment itself states “there is considerable uncertainty about whether additional management of commercial fishing gears will be required for certain gears” (p.253). As the primary regulators for inshore fisheries, IFCAs will be instrumental in delivering

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		<p>management measures to further the conservation objectives of MCZs – but at this stage we do not have feature baseline data or conservation objective details to enable meaningful management measures to be developed. We are concerned that stakeholders are unable to comment on the likely impacts of designation on their activities because of this uncertainty. This could lead to a lack of engagement with this consultation from key affected stakeholders, and an underestimation of eventual impacts on their activities.</p> <ul style="list-style-type: none"> We are concerned that there are strong disputes over the presence of certain specified features in the site, e.g. the broad scale habitat subtidal coarse sediment. This feature covers by far the largest proportion of the site compared with all the other features so it is vital that its presence and extent is verified before designation is taken forward. 				
2	Are there any additional features (not recommended by the Regional MCZ Project) located within this site that should be protected?	<ul style="list-style-type: none"> Eastern IFCA maintains its neutral position in relation to the selection of sites and features for protection. This position was taken in recognition that the site (and feature) selection process was designed to enable stakeholders (site users and those with an interest in marine conservation) to identify suitable sites. Once MCZ sites and features have been designated, IFCA will be responsible for implementing management measures (in inshore sites). 				
3	Do you have any comments on the proposed conservation objective(s)? <i>(Comments provided for each recommended feature)</i>	Feature type (shading denotes protection in 2013; non-shaded features require further evidence)	Feature name (shading denotes protection in 2013; non-shaded features require further evidence)	Area/No. records	Conservation Objective	Eastern IFCA comment
		BSH	Low energy intertidal rock	1km ²	Maintain	No comment
		BSH	Intertidal mixed sediments	0.1km ²	Maintain	No comment
		BSH	Subtidal coarse sediments	31km ²	Maintain	Eastern IFCA is aware of some uncertainty regarding these subtidal features – particularly the subtidal coarse sediments – despite Natural England’s “moderate” confidence score for this feature. This must be addressed
		Habitat FOCI	Subtidal sands and gravels	1km ²	Maintain	

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					before conservation objective extent targets are set.
	Habitat FOCI	Estuarine rocky habitats	0.2km ²	Maintain	No comment
	Habitat FOCI	Blue mussel beds	1km ²	Maintain	Does the stated area constitute an extent target for these two features? Eastern IFCA has provided some information on location and extent of these two features – does this form the baseline against which the extent targets will be set? Eastern IFCA requests clarification on whether the “Recover” objective is likely to rule out any fishing of the native oyster beds in the site, or whether carefully managed fishing will be able to occur if the feature extent is above the conservation objective threshold. The latter approach would be favoured by Eastern IFCA – it is successfully applied to mussel beds (attributes of sub-features of the site) in the Wash & North Norfolk Coast Special Area of Conservation. The outcome will affect the level of impact on fishing interests. Note also that the native oyster beds have been closed to fishing for several years through Sea Fisheries Committee/IFCA byelaw: if fishing activity has been the cause of decline, some recovery would have been expected by now.
	Habitat FOCI	Native oyster beds	1km ²	Recover	
	Habitat FOCI	Peat and clay exposures	0.01km ²	Maintain	No comment
	Habitat FOCI	Honeycomb worm reef	0.02km ²	Recover	Do the stated areas constitute the

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			<i>(Sabellaria alveolata)</i>			extent targets for these features? What baseline data is available for these features, and how will extent targets be identified? We are aware of some uncertainty in relation to the presence of honeycomb worm reef, but its presence in conjunction with ross worm reef has been cited as an important reason to designate this site.
		Habitat FOCI	Ross worm reef <i>(Sabellaria spinulosa)</i>	0.02km ²	Recover	
		Habitat FOCI	Sheltered muddy gravels	28 records	Recover	Again, a conservation objective extent target is required.
4	Are there significant reasons for alteration of this site's boundary?	Management considerations – although the proposed site straddles two IFCA districts, we do not recommend that the site boundary be altered on this basis (this would result in the site boundary being drawn down the middle of the River Stour estuary). Neighbouring IFCAs already collaborate to manage marine protected areas that straddle their boundaries, e.g. Humber Estuary SPA, and the Stour & Orwell Estuary SPA. In terms of introducing management measures, a straddling site does add complexity in that both IFCA Authorities must agree to the same measures, but this is recognised from the outset. As and when IFCAs propose management through byelaws for the MCZ, we request that Defra is aware of the need for co-ordination when confirming byelaws for the two IFCAs.				
5	Is there any additional evidence to improve data certainty for features within this site?	<p>We note that Natural England's confidence in the presence and extent of blue mussel beds is low, and confidence in the presence of native oyster beds is high but confidence in extent is low (SNCB advice, table 19, p.252). Eastern IFCA has provided copies of its own native oyster and blue mussel bed surveys in the Stour & Orwell estuaries to Natural England. This work is undertaken annually. We have previously expressed doubts about the extent of blue mussel beds, and feel that the conservation objective "recover" for both mussel and native oyster beds could be inappropriate, given the fact that existing beds have not been fished for some time yet have not improved.</p> <p>We are aware that a comprehensive range of physical and biological surveys is undertaken annually in the site on behalf of Harwich Haven Authority; we recommend that the latest reports are reviewed to ascertain whether they provide any additional evidence to improve data certainty for site features.</p>				
6	Are there any additional activities (that may have an	Eastern IFCA considers that the description of commercial fisheries given at the start of the IA is too generalist and paints an inaccurate picture of fishing activities within the Stour & Orwell rMCZ. Specifically, it does not mention that commercial fishing vessels also operate from Levington Marina, and it incorrectly states that there are plaice and whelk fisheries, and long-lining				

	<p>impact on the recommended features) occurring within this site that have not been captured within the Impact Assessment?</p>	<p>activity in these estuaries, whereas in fact these activities do not occur within the site.</p> <p>We seek advice as to whether bait digging, a popular activity within this site, could have an impact on the recommended features. This activity is currently managed to some extent through a voluntary Code of Conduct, in order to minimise disturbance to SPA bird populations, and to encourage sustainable bait populations. Should this activity need to be restricted because of impacts on MCZ features (e.g. intertidal mixed sediments), displacement of bait digging effort could have considerable impacts at other sites. Displacement of bait digging activity into the Stour & Orwell estuaries has actually already been predicted, as a result of proposed measures to reduce this activity in several Essex estuaries. Given the small area of the intertidal MCZ feature, however (0.1km²), we consider it is unlikely that bait digging could be said to impact on the recommended features.</p>
7	<p>Do you have any new information on costs to industry not covered in the Impact Assessment, that would be directly attributable to MCZs (as opposed to costs stemming from existing regulatory requirements), or evidence that suggests the need for changes to the methodologies or assumptions used in estimating costs</p>	<p>Eastern IFCA does not have any new information on costs to industry. However, we have several comments to make on the impact assessment and its findings:</p> <ul style="list-style-type: none"> • The fisheries impact assessment (value of landings affected) is based on an assumption that 75% value is displaced to other areas. This % should be discussed with local fisheries stakeholders –it seems unrealistic to suggest that 75% of the value lost because of MCZ designation will be regained by fishing in other areas, particularly since the Stour & Orwell estuaries provide a “back-up” fishery for small vessels when bad weather prevents fishing in other areas. The assumption of displacement to other areas is not sound, and exacerbates an already difficult problem caused by existing drivers for displacement of activities such as wind farms, aggregate dredging, etc. • As the impact assessment reported “unknown” numbers of vessels using bottom trawls, hooks and lines, or nets, it could be useful to set out predicted costs in terms of percentages of activity as well as actual financial cost. E.g. scenario 1 (partial closure of the site to bottom trawling) is a 25% reduction in the current value of landings; scenario 2 (total closure of the site to bottom trawling) is a 100% reduction¹¹. These percentages are more meaningful for local stakeholders than figures based on modelled estimates of current landings value. • Eastern IFCA would request that clarity is provided within the impact assessment with regards to the approach to develop fisheries management measures. The two scenarios presented, partial or total closure of the rMCZ to bottom trawling (and hooks and lines, and netting), do not necessarily reflect the approach that will be taken by the IFCAs. Any

¹¹ For completeness, the commercial fisheries impact assessment estimates the following reductions in value of landings for the following gear types under two scenarios – partial closure of the site to bottom trawling, or full closure of the site to bottom trawling, hooks and lines, and netting): bottom trawling 25% or 100% reduction; hooks and lines 0% to 100% reduction; nets 0% to 100% reduction.

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	<p>(including in relation to fishing displacement)?</p>	<p>restrictions on particular gear types will be developed on the basis of evidence and nature conservation advice that those particular gear types will damage the site’s features. It is important to clarify that within particular gear categories, there is a range of gear that varies in size and weight, and whose impact on seabed habitats can vary greatly.</p> <ul style="list-style-type: none"> ● Potential additional costs to industry arise from implementation of Defra’s revised approach to the management of commercial fishing in European Marine Sites. The Stour & Orwell estuaries are a Special Protection Area; fishing activities within the site will be reviewed between 2013-2015 and if activities are found to threaten SPA features, restrictive measures will be implemented by the IFCAs. ● In relation to the impact assessment for recreational anchoring, there was no consideration of the likely ephemeral nature of <i>Sabellaria spinulosa</i> reef, and the fact that restrictions on anchoring could change over time depending on the distribution of reef at a given point in time. This point is currently being addressed by IFCAs, MMO and SNCBs as part of the revised approach to the management of commercial fishing activities in European Marine Sites. The impact assessment did record the request from the Local Group for additional surveys of this feature because of the low confidence in the information presented. Any impacts on recreational anchoring could affect recreational sea angling as well as recreational boating.
8	<p>Do you have any new information that was not available or used in the Impact Assessment to inform or quantify the value of the benefits of MCZs?</p>	<p>Eastern IFCA is not aware of any new information to inform or quantify the value of the benefits of the MCZs, but has the following comments to make:</p> <ul style="list-style-type: none"> ● The site documentation (Balanced Seas proposed sites) states that the site is an important spawning and nursery ground for flatfish species and important for other marine creatures such as the starlet sea anemone and the tentacle lagoon worm. We would welcome evidence of how designation of the site as an MCZ would benefit fish populations, in order to compare the benefits of this indirect fisheries management tool with benefits of targeted fisheries measures. This is particularly relevant as IFCAs consider the national inshore fisheries sustainability assessment, which is likely to lead to direct fisheries management measures whether or not the MCZ is designated. It is noted in the anticipated benefits to ecosystem services section of the IA that “it is unclear whether the scale of habitat recovered and the magnitude of reduced harvesting (on-site) will be enough to have any significant positive impact on commercial stocks.” Any action to restrict fishing activity needs to be based on likely benefits. ● The same section states that “the estuaries have extensive wild native oyster beds and blue mussel beds”. Eastern IFCA would argue that although native oyster beds exist, they are not extensive (they occur in a single bay within the site),

		<p>and that recent Eastern IFCA surveys have identified evidence of historic blue mussel beds limited to a small area of the upper Stour estuary. The estuaries are already closed to harvesting of these shellfish because the IFCAs consider the stocks to be too low to support fishing activity. MCZ designation is therefore not thought to be likely to enhance these features.</p> <ul style="list-style-type: none"> • The site is popular with recreational anglers – a possible benefit of designation could be a perceived or real improvement in fishing experience in the knowledge that certain commercial activities are excluded from the site or from parts of the site. This benefit would be difficult to quantify, but Eastern IFCA (with its remit for sustainable fisheries and a viable industry) considers it should be carefully weighed against the potential impact on commercial fishers who utilise the site out of necessity in bad weather rather than as an option for recreation.
9	<p>You may wish to provide comments on other aspects of this consultation such as evidence requirements, identification and treatment of high risk sites. Where you disagree with the approach taken please provide evidence to support your views.</p>	<ul style="list-style-type: none"> • A key concern for Eastern IFCA is the lack of detail in the proposed conservation objectives, particularly the absence of any area extent targets for features. As IFCAs will be responsible for developing fisheries management measures in order to further the conservation objectives of the MCZ, it is vital that targets are set in order that the need for measures can be evaluated. • Also linked to this point is the question of whether new feature evidence could be presented post-designation that could result in additional fisheries management measures being required. The consultation has stated that in the first instance, the Stour & Orwell Estuaries MCZ would be designated for five features, but this could increase to eleven as further evidence is gathered. This could increase the level of impact on site users. • To re-iterate a point made many times already, this consultation on proposals to designate MCZs in 2013 has been difficult for stakeholders to respond to, given the significant uncertainty over management measures likely to be required. This is true for all sectors, not just commercial fishing – although the impact assessment has outlined, impacts on this sector could be hugely significant: 100% of certain fishing activities could be restricted in the site if scenario 2 is taken forward. • We have already outlined in this response the areas where we consider additional evidence is needed, for both feature location/extent and for fishing activity location/intensity. • We consider that although the information in the consultation documents is clearly presented, the need to refer to a wide range of documents has made the consultation difficult and very time-consuming to review adequately. As an organisation that has been closely involved in the MCZ process, Eastern IFCA is aware of the relevance of the various

		<p>documents. However, we would strongly emphasise that the majority of fisheries stakeholders are not likely to be in a position to provide a detailed response to this consultation because of its complexity. Many inshore fishermen are not members of nation fisheries associations (e.g. NFFO and NUTFA) so their views are not necessarily captured by these agents. It is therefore likely that many relevant views will not be captured in the consultation. We applaud Defra for recent efforts to meet fisheries stakeholders in order to understand their views, but we remain concerned that the level of interest in the proposals, and concerns felt within this sector will not be properly reflected in the number of responses provided by this sector.</p> <ul style="list-style-type: none">• Eastern IFCA would recommend that some evaluation is made of the social importance of inshore fisheries, within the impact assessment for all MCZs. The measure of impacts has been financial; however, inshore fisheries play a crucial role in coastal communities in terms of tapestry, heritage and tourism. These factors are difficult to quantify but we consider that an attempt should be made to recognise this added value within the impact assessment. There is a growing body of evidence reflecting social aspects of coastal fisheries.• It is vital that further, clear engagement is held with potentially affected stakeholders with regards to possible future MCZs to be presented in further rounds of designation (and with regards to possible additional features for MCZs designated in 2013). Feedback to Eastern IFCA from several inshore fishermen, who had been involved in the regional MCZ projects, was that the outcome currently being presented did not reflect their input. We feel that effective engagement with local fisheries stakeholders requires face-to-face meetings, rather than just the web-based formal consultation.
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Eastern Inshore Fisheries & Conservation Authority

28 March 2013