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**BY EMAIL ONLY**

Dear Elaine

**RE NWIFCA Draft Byelaw for Red Sites under Fisheries Review in EMS**

Thank you for your request regarding our advice provided to North Western Inshore Fisheries Conservation Authority over red sites under the Review of Fisheries within EMS and the proposed byelaw being developed for the North West, which was received by Natural England on 23 July 2013.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Below, at Annex 1 is a brief overview of each red site and our advice based on the information received from you regarding the byelaw. I will be providing a copy of this overview to NWIFCA also. I would like to take this opportunity to state that this advice is subject to change following further discussions with members of the Natural England national fisheries team or further evidence that may arise.

Should you require any further information regarding these sites or wish to discuss any of the points outlined below please contact myself through the details set out below.

Yours sincerely

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## Annex 1.

### Current Understanding of Proposed Management Measures by NWIFCA for Reds within the Review of Fisheries in EMS – Proposed Advice and Reasoning from Natural England (This is subject to change - following advice from National Fisheries Team)

#### Background

The NWIFCA submitted maps with exclusion zones for the Red Site management measures at the end of May. Chris Lumb our NWIFCA NE committee member was present at the most recent committee discussions in June where these were discussed and he delivered our advice verbally to the IFCA. The maps which have been sent to you have been amended to incorporate elements of that advice. Several issues arose around the time of this meeting, mainly regarding shrimp fisheries in the Solway SAC which are still waiting to be fully resolved.

#### Dee Estuary SAC

##### **Hilbre Island – Estuaries – Notable intertidal hard substrate communities – *Sabellaria alveolata***

Feature presence and extent area identified by biotope '*Sabellaria alveolata* reefs on sand-abraded eulittoral rock' from 2011 CMACS report to Natural England on EMS Condition Monitoring of Littoral Features. A verbal report from NWIFCA has indicated that there is *Sabellaria alveolata* currently present on the West side of Hilbre Island after conducting a survey. No formal survey report has been received detailing its extent and health of the *Sabellaria alveolata* recorded during this survey. The NWIFCA have applied the appropriate buffer as per the guidance issued and we are happy that it demonstrates protection from direct impact from towed gear.

#### Morecambe Bay SAC

##### **Heysham Flat – Intertidal boulder and cobble skears – *Sabellaria* spp. reef**

NWIFCA provided the 2011 survey report and review of historical *Sabellaria alveolata* presence at Heysham Flat. They have mapped the current edge of the skewer area and used the historical extent of known *Sabellaria alveolata* within that area as the feature extent – this was agreed upon at a meeting between NE and NWIFCA. We are aware of no other sites of *Sabellaria alveolata* reef at this time within Morecambe Bay SAC. NWIFCA have applied an appropriate buffer to the feature extent following the guidance provided. However the exclusion zone on the western seaward edge does not incorporate all of the applied buffer area, we would advise that it should do, to adequately demonstrate protection of the feature as per the issued guidance.

No buffer zone has been applied to the skewer portion of the feature. It would be advised that the NWIFCA apply an appropriate buffer to this area to demonstrate protection from direct impact of possible towed gear - either from a vessel, vehicle or animal.

##### **North Morecambe Bay – Eelgrass bed communities - Seagrass**

We provided the NWIFCA with historical and known areas of seagrass bed in the north of Morecambe known as Foulney and Walney. As there is currently limited knowledge of the extent of bait digging and vehicle usage within these areas, the buffer zones may be advised to be altered should further information come to light following the stakeholder meeting on 30 July 2013 of activity.

Area enclosed by points O,P,Q A and R (Roosecote Sands) has been monitored due to work undertaken by United Utilities review of consents and they have moved the a outlet pipe north-west of line O-P, to stop the damage to the seagrass bed. The most recent survey however is 2012 Envision Survey on behalf of Gateway Gas Storage, but the 2010 monitoring of recovery on behalf of UU. Both were provided to NWIFCA for consideration for feature extent. A buffer zone has been provided which could be considered to aid in the ecological coherence and allow for recovery and should be of sufficient width to enable this.

We would advise that the site of the desired recovery of seagrass following UU work should be

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included within buffer/exclusion zone. Line Q-R does not fully encompass the applied buffer zone and we advise for consistency that the exclusion box be amended to include it.

Box K, L, M and N (Snab Sands) feature boundaries are from surveys conducted by Envision on behalf of Gateway Gas storage in 2012. A good sized buffer has been applied to the area and demonstrates protection from direct physical contact. We would advise that line K-N should be moved to the west to fully demonstrate that buffer zone has been fully incorporated into the exclusion zone.

Box G, H, I and J encompassing the north east side of Foulney and B, C and F between Roa Island and Foulney have had appropriate buffer zones applied to the feature extent. The extent of seagrass within this area has been taken from a report by the Natural History Museum 1999. Consideration and verification of the extent would be advised in considering the natural changes of the area and potential for the area to have increased. Line H – I does not fully enclose the buffer zone applied to the feature near point I. We would advise that this be revised for consistency and as a precautionary measure as the feature extent is currently not known. Natural England is planning to survey this area to align it with the current level of survey outputs within north Morecambe Bay at the end of August 2013.

### **Walney Channel - Subtidal boulder and cobble skear communities – subtidal boulder and cobble reef**

Feature extent is taken from 2000 survey data which identified the biotope circalittoral rock with associated sponges and fauna. Additional data from a further survey mapping subtidal seabed in 2008 has also been included. This feature extent of both survey has been used to identify boulder and cobble reef and the buffer has been applied appropriately to these features. Further surveys are proposed to assess the extent of the feature and we would advise that following the survey this site should be reviewed.

### **Heysham Lake – Subtidal Boulder and Cobble Skear**

Initially the area known as Heysham Lake was raised as a proposed feature site following a review of MCA acoustic data. However currently at this time there is limited information to support the extent of the feature. It was hoped that an appropriate survey could be undertaken to establish if there was a cobble and boulder feature present through. Currently at this time the project is still ongoing. The NWIFCA had decided not to include this area at this time, and we acknowledge and accept their comments regarding insufficient evidence to support its inclusion. We would advise that this site be reconsidered following the completion of survey work should findings find subtidal cobble and boulder skears.

## Shell Flat and Lune Deep SAC

### **Lune Deep – Reefs – Stony Reef Communities – subtidal boulder and cobble reef and Bedrock reef communities – subtidal bedrock reef**

Areas of reef identified formally during preparation for candidate SAC in 2010. NWIFCA have applied a variable buffer to the sections using charted data. NWIFCA have used the SAC boundary to define the exclusion box rather than the buffer zone, which provides adequate protection from direct impact based on the buffer guidance. However, due to the known fishing practises at this site and the narrow nature of the feature it is understood that the vessel may be present within the exclusion box while the gear is fishing outside. We would like to understand how the exclusion box can be demonstrated to be clearly protecting the feature, if visual sightings or VMS/GPS positioning of the vessel cannot give clear evidence that the gear itself is not within the exclusion box. We would advise that exclusion box be amended to be enforceable (made bigger) if no alternative measures can be demonstrated at this time for the byelaw to be adequately enforced.

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### Solway Firth SAC

#### **South of Silloth – Reefs – Intertidal boulder and cobble skears – *Sabellaria* spp reef and subtidal boulder and cobble skear communities – subtidal boulder and cobble reef, *Sabellaria* spp.reef**

We are still waiting to provide the NWIFCA with formal advice following information arising at a stakeholder meeting in June 2013. Parts of the area within the exclusion box are key fishing areas for shrimp. Following the meeting we looked to seek ways in which to further collection of information on the extent and presence of features could be undertaken to inform this further. This included – exploring going out with the local fishermen and gathering information from them as well as looking at other methods of data collection.

The NWIFCA were going to go out on their vessel to use acoustic equipment (New Side Scan Sonar or alternative older equipment) to gather information and it was suggested that they could look at grab sampling to ground truth. So far we and they have been unable to gather additional data to look at the extent of the current status due to time and the NWIFCA vessel is now out of action. There are still outstanding questions over the subtidal cobble and boulder features.

Based upon the current data there is perhaps two potential routes which our advice, mainly in relation to the subtidal features could go down. We are currently awaiting guidance from our National team as which is the appropriate to maintain a standardised approach. But due to the current ask from MCZ work a large amount of national resources are dedicated to this and as yet have not had an answer. An outline of the issues and possible routes is found below.

#### **Zoned Management – Flexible spatial and temporal closures**

In other areas such as Devon and Severn IFCA where features which are variable and fishing activity is not well known, an adaptive management scheme where all towed gear vessels would require a permit and fishing would be subject to temporal and spatial closures has been proposed. They are would require that all vessels have a monitoring system onboard to reduce at sea enforcement but also increase knowledge of fisheries practises. This flexible management scheme will also allow for further changes should additional management measures arise following assessment of amber features. We are unclear if we should be advising NWIFCA to have a more flexible byelaw to allow for assessment of features on a regular basis and adaptive spatial closures rather than their current proposed fixed exclusion zone.

#### **Precautionary Boundary**

Alternatively, the use of existing evidence could be used to develop a precautionary boundary, until further evidence is able to be collected to inform management measures such as feature or fishing activity. Using the current evidence the boundary indicated on the map currently would demonstrate this with some slight amendments.

Within the intertidal area – there are two distinct areas: - the southern area(Beckfoot- Allonby Bay) which has been surveyed by NWIFCA and has demonstrated that there is *Sabellaria alveolata* cobble and boulder skears. The northern area – has areas of sand which is understood to have appeared several years ago covering the skear. NE undertook a walk over survey of the area (23<sup>rd</sup> July) and found along the edge of the intertidal section in the north, is a strip of patchy mussel which was also recorded in the same spot in 2009. Small and fragmented clumps of *S. alveolata* were found within a small part of this mussel area. Some of it was dead but others showed healthy apertures and was alive. There was also small patches of cobble and boulders which were seen coming out of the sand. Fishermen have indicated that they have fished in this area previously. We maybe likely to recommended that the intertidal section to the north of Beckfoot should be included in the exclusion box to allow for recovery of the feature at this time. We would advise that the extension of the boundary of the exclusion zone outside the SAC to incorporate the *S. alveolata* features which would maintain the ecological connectivity of the site should be maintained.

The NWIFCA have provided no information regarding the level of activity of fishing vessels within that area and we are not sure what other bottom towed gear maybe used. Also in previous years there has been mussel dredging activities within the Silloth channel.