

NWIFCA Quarterly Meeting
22 March 2013 10.30.a.m.

AGENDA
ITEM NO.
12

MCZ 2013 CONSULTATION – RESPONSE FROM THE NORTH WESTERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY

Purpose of Report

To present a NWIFCA response to the Defra consultation on designation of MCZ.

Recommendations

1. The report be considered and Members' comments sent to NWIFCA by 29 March.
 2. The final response be compiled by NWIFCA Officers and sent to Defra.
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1. A draft response to the consultation from the NWIFCA is attached at Annex A.

Chief Executive
6 March 2013

ANNEX A

MCZ 2013 CONSULTATION – DRAFT RESPONSE FROM THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY FOR DISCUSSION ON 22 MARCH 2013

MARCH 2013

Recommendations

1. The Fylde Offshore site is not supported
2. The Cumbria Coast site should have a NWIFCA prohibition on netting around St Bees head. The rest of the site should not be designated without further justification.
3. The Hilbre Island peat exposures should be protected. The rest of the site should not be designated without further justification.
4. rMCZ 1 and rMCZ2 should be reconsidered for early designation.
5. The inclusion of *Sabellaria alveolata* and *Mytilus edulis* as important conservation features on many sites should be explained
6. The designation of over 50% of the NWIFCA District already in place without MCZ should not be increased and a more balanced and fairer distribution of MPA in the Irish sea should be sought.

Introduction and overview

1. The NWIFCA is grateful for the opportunity to comment on the proposed designation of MCZ within its District in this first tranche of MCZ.
2. NWIFCA supports marine protected areas as a vital component of a strategy to protect and recover the marine environment where scientific evidence indicates that they will produce conservation benefits and they will contribute to an ecologically coherent network of sites.
3. NWIFCA agrees with the Government's phased approach to the designation of MCZ and the commitment to ensure there is scientific evidence to justify designation of each site. It is important that each site is shown that it will deliver conservation benefits. Each site must make a defined contribution to an ecologically coherent network of sites which will support recovery of damaged ecosystems and sustainable use of the marine environment for the future. If sites cannot be shown to make this contribution to conservation, there is a risk that the entire network will lose the support and trust of stakeholders, particularly those who will suffer damage to their livelihoods from these designated sites.
4. NWIFCA has recently held stakeholder engagement meetings in the NW. MCZ are the subject of a great deal of concern from the public, especially coastal sites in areas which they use recreationally. The types of management which will be imposed is not understood. Stakeholders are fearful that angling, netting, potting and even walking will be banned. There is also considerable confusion over the difference between EMS and MCZ. People do not understand the 2 sets of designated sites or the differences in their management.
5. In 2013, the NWIFCA will be required by the new Defra EMS policy to enact a byelaw to prohibit activities in areas where the banned activities do not take place. This policy will not help the cause of marine conservation or marine protected areas. Meaningful conservation

objectives for sites and proposed site management measures should be clear to all stakeholders from the time of designation to avoid the risk of a loss of trust in protected areas and the conservation sector

6. NWIFCA has a statutory duty to balance conservation and socio economic interests to achieve sustainable use. This duty leads the Authority to question whether the proposed sites in the District will deliver benefits for conservation. For the 3 sites proposed, other than the features noted in paragraph 5 below, the underpinning science is weak and the reasons for site selection are unclear. This is particularly the case for Fylde Offshore site where there are no very important conservation features, socio-economic impacts may be significant and there is already a very large area of the same features designated SAC adjacent to the MCZ.
7. The other proposed sites in NW England should address two important conservation issues. The Hilbre Island site aims to protect peat outcrops although the site is highly variable, subject to natural erosion and little is known about it. The Cumbria Coast site should protect a seabird feeding area off St. Bees Head.
8. The reasons for the choice of sites for this first tranche are unclear. Two other rMCZ appear to contain more important conservation features. The Mud Hole site (rMCZ1) contains rare biodiversity which warrants protection from sea-bed towed gear. The West of Walney site (rMCZ2) contains a part of the important Eastern Irish Sea prawn (*Nephrops*) fishery combined with a high biodiversity of other crustaceans and invertebrates in a muddy habitat. These features also merit conservation protection from bottom towed fishing gear. The West of Walney site could provide an important marine protected area refuge for *Nephrops* which would assist the sustainable use of the wider prawn fishing grounds in the area.
9. Both the Mud Hole and the West of Walney site would be expected to deliver much greater conservation benefit than Fylde Offshore or the other sites proposed.

IFCA Delivery of MCZ

10. In the context of the new Defra EMS policy, NWIFCA does not see that it will be able to commit significant resources to the management of MCZ until the EMS work is completed in 2016. NWIFCA will do everything possible within available resources to deliver national and local priorities and will adjust deployment of resources to ensure the Government's aims are given the highest possible focus. Nevertheless, without additional resources, the limited capacity of the NWIFCA in the 2013-16 period should be recognised. Defra's new EMS approach has placed a major new demand on NWIFCA in 2013-14 and beyond to 2016. NWIFCA does not currently have capacity to develop new MCZ byelaws as EMS byelaws must take priority. While some protection of all MPA will be done through routine patrols, additional protection for EMS will be top priority and there are no new enforcement resources to increase patrols of MCZ.

Marine protected Areas in the NW.

11. Inshore seas of NW England from 0-6 miles area already protected to levels which exceed all national and international targets by a wide margin. 52% of the area between 0 and 6 miles and approximately 70% of the NWIFCA District coastline is already in marine protected areas. If the proposed MCZ were designated these figures would be increased by over 10%. These levels of protected areas could be seen as excessive and impractical to operate.
12. As levels of designation approach 100%, and levels of protection and regulation become ever tighter, the purpose of such protection becomes increasingly clouded. More importantly, the areas where fishing can take place are increasingly limited. Many entirely sustainable forms of fishing such as light trawling on sand, potting, shrimping and commercial angling become unviable and decline.

13. It is notable that no management measures are proposed for any of the proposed ISCZ sites at this stage. This begs the question: why are the sites needed if no further management is required? NWIFCA does not believe that it is justified to create MPA if little conservation benefit is expected and no management of the sites is needed.
14. If fishing recovered to past levels, new proposals for fishing restrictions on MCZ would be expected from the conservation sector. The uncertainty created by designation without clearly defining objectives and management measures, prevents redevelopment of an industry which has been almost eliminated. 'Conservation creep' has become a controversial characteristic of previous suites of designations such as European Marine sites where on-going activities were allowed to continue but will now be prohibited or subject to costly bureaucratic assessment. This should not be allowed to become a feature of MCZ.
15. The combined pressures of designations, windfarms and ill targeted CFP fisheries regulations have led to an almost terminal decline in the fishing industry in the Eastern Irish Sea. Fishing is now at such a low level that it poses very little threat to any features of conservation interest. The new priority is to find ways to encourage the fishing industry to recover to levels of fishing which will continue to provide an important healthy food supply within sustainable limits. The NWIFCA has duties and powers to ensure fishing in future within 6 miles is conducted sustainably but will find the level of MPA designation increasingly restrictive in preventing the IFCA deliver its duties in the most effective way.

Intertidal Honeycomb worm (*Sabellaria alveolata*) and Blue Mussel (*Mytilus edulis*): Do they need protection?

16. NWIFCA notes with concern that almost every occurrence of honeycomb worm and blue mussel however insignificant, along the shores of the NWIFCA District are proposed for MCZ and/or EMS designation. These species have somehow become an incomprehensible feature of conservation importance on national and international lists. There is no justification for such extensive designation of these ubiquitous species. Their ecological importance is over stated. So called reefs, usually no more than low mounds, are by their nature short lived, often growing and being lost within 1 year. Such colonies are said to support a high biodiversity of infauna but this also consists short lived and fast reproducing 'annual' species. In the NW, Mussels and Honeycomb worm can spread and grow rapidly when conditions are good but are eroded and destroyed in most winters. Protection of this species in MPA is futile.
17. Blue mussels are now one of the most commercially important species in North West England both farmed and harvested wild. It is difficult to see how this industry is logically compatible with stated needs to protect mussels in MPA throughout the NW coast. The NWIFCA requests a fully explained justification for the inclusion of these species in lists of important conservation features, how they are supposed to be protected and what such protection is designed to achieve.

Detailed comments on the 3 sites proposed for designation in the NWIFCA District

Fylde Offshore rMCZ 8.

18. The site mostly consists of mobile fine sediment subject to natural disturbance by wave action and storms. The infauna is low diversity, resilient to disturbance and recovers quickly. It is an area which could be fished with towed bottom gear with little environmental impact. If fishing were restricted on this site, the intensity of fishing on more sensitive sites would increase through displacement.
19. Fishing stakeholders and NW IFCOs dispute the figures, data certainty and statements in 'Marine Conservation Zones: Consultation on proposals for designation in 2013 Annex A1 –

Part 4. - Irish Sea Conservation Zones – Fylde Offshore’. The existence of a large area of sand gravel, (200 square kilometres) is questioned from local knowledge and Admiralty charts all of which suggests the site consists of fine sand not gravel of which there is very little in the area.

20. Subtidal sand and gravel (if present) is already well protected in NW England, not least in the large Shell Flats EMS adjoining the MCZ. The consultation states that ENG targets for sand and gravel would be met without this site. Fylde Offshore is not essential for the site network. The Fylde Offshore site appears to be a rather devious means of extending the Shell Flats SAC which is already causing socio-economic impacts and will cause greater impacts as the new Defra EMS policy bites. It is not reasonable to prohibit towed gear - which does no demonstrable harm in this site - over the entire Shell Flats area.
21. Fishing industry representation on the NWIFCA asserts that the loss of fishing ground which would result from the Fylde Offshore site if fishing were restricted in future, would have unacceptable socio-economic impacts on the NW inshore fishing industry. The industry has been hit by extensive new EMS designation in recent years as well as loss of grounds to windfarms and other offshore developments. These losses have removed from fishing, critical areas close to ports and have had a disproportionately large impact on the viability of local inshore fisheries. The Fylde Offshore site is further area of important fishing ground close to the port of Fleetwood which local inshore vessels cannot afford to lose. Impacts on other sectors such as the adjacent gas platform should also be estimated.
22. This site could again become a vital fishing ground for inshore vessels from Fleetwood and other Eastern Irish Sea ports. Any proposal to designate this site must show what sort of management could be required if fish stocks were to recover to levels in the 1960s – 70s. NWIFCA /MMO now have powers to manage fishing sustainably. Such management should not be restricted by an over protective designation.
23. The site is memorable to regional stakeholders because it was introduced very late in the ISZ site selection process without proper consultation. Stakeholders felt that the site was forced on them without proper discussion. Contrary to assertions in the final ISZ report and the consultation document, NWIFCA and the fishing industry do not accept that this site was well supported by stakeholders. As far as we are aware, the beam trawlers with area 7a sole entitlement who are significant stakeholders were not consulted because time was not available. NFFO have voiced their objection to this site because of the impact it will have on local fishermen.
24. NWIFCA agrees with the Site Advantages table 3 comments that Fylde Offshore is an important nursery area for plaice and sole. The only species believed to spawn in the area is Thornback Ray while the area to the west of the site is a very important spawning area for several other species. None of this information is in the documentation and does not appear to have been taken into account in the site selection process. The chart provided in the consultation bears no resemblance to the other charts of the area and the sediment types identified should be clarified. Without further scientific evidence and justification, the NWIFCA does not consider this site is appropriate or necessary for MCZ designation.

Cumbria Coast

25. The shoreline and inshore waters around St Bees Head in the northern part of this site are of enormous importance for colonies of breeding seabirds. The CSFC and now the NWIFCA has a long standing policy to implement a closed area to fishing for this part of the Cumbria Coast site extending as far offshore as required to reduce accidental capture of diving birds. The MCZ is not required to implement such a byelaw which will be made as soon as resources allow.

26. Apart from around St Bees, this is mostly an intertidal site. It is little visited and used except by local residents so there are few if any threats to any features. The site is not being damaged or suffering any form of deterioration. The ISCZ final recommendations report on this site contains a picture of a common starfish – one of the most abundant species on English shorelines. This may be indicative of the lack of anything of rarity or interest on this site.
27. NWIFCA is not clear why the rest of this site away from St Bees Head should be designated and what it is designed to protect. *Sabellaria alveolata* is a ubiquitous species and the ‘so called’ reefs it builds are temporary and of little ecological significance. NWIFCA has been informed that Natural England is carrying out further survey work to underpin the designation of the site. If no further features of interest are identified, NWIFCA would not support designation of the site apart from the section around St Bees Head.

Hilbre Island

28. This mostly intertidal site contains the group of three islands: Hilbre Island, Little Eye and Middle Eye. The area features very little fishing activity but considerable recreational use. This mostly consists of visitors walking to Hilbre Island to visit the country park visitor centre.
29. The site’s ‘peat and clay exposures’ are given a conservation objective to recover. However, these features are eroded on every tide and are hardly amenable to protection. NWIFCA does not have powers or duties to manage recreation but this site requires a well managed footpath to the visitor centre so that visitors do not stray onto the exposures. Other than that, the meaning of the ‘recover’ objective is unclear.
30. NWIFCA agrees that the Honeycomb reef on the site is not of sufficient quality to include as a feature. NWIFCA also notes that the mussels are in small slow growing patches and do not normally reach a level where they are of any commercial interest. For this feature also the objective to recover has no obvious meaning.
31. There and no risk of direct physical interaction of existing commercial fishing with the peat and clay exposures so fishing poses no risk on the site. Nevertheless, both the NWIFCA and the EA continue to maintain regulations over commercial shell fishing so that the exposure features are protected.
32. NWIFCA notes that this MCZ is also largely protected by EMS legislation (as SAC and SPA), by the Wildlife and Countryside Act as SSSI and it is a local nature reserve. In the light of all this existing protection it is difficult to see what additional benefit an MCZ label will convey, other than create a further level of confusion for visitors and users.

Abstentions

33. NWIFCA members representing Natural England, Environment Agency and Marine Management Agency wish to abstain from this response from the NWIFCA

Marine conservation is about proper management – not numbers

Critics argue that more areas should be protected, but the first set of designated zones is far from the end of our ambitions



A lobster caught by sustainable fishing methods in Dorset. The UK's sealife will be protected by 31 new conservation zones. Photograph: Kristian Buus/Alamy

Just off Beachy Head there is an area of the Channel where sea bream reproduce.

This remarkable [fish](#) pairs with its mate and creates an area of seabed that it will defend for around six weeks until spawning has ceased. This is one of the reasons why I would like to designate this as a [Marine Conservation Zone](#) (MCZ). If we get this right there will be more sea bream for our fishermen and a precious, species-rich area will be preserved forever.

This is just one of the [31 MCZs I want to see around England](#) that would add up to an area of sea three times the size of Cornwall.

Over the last three years, the government has been changing the way we manage our seas, introducing marine planning, setting up new organisations to police our seas, improving marine licensing, reforming domestic fisheries management and, vitally, introducing MCZs. Alongside this we are leading efforts in the EU [to reform the appalling common fisheries policy](#).

The furore around the designation of the first set of MCZs is the disappointment that we are not proposing to designate more. But this is far from the end of our ambitions.

For some it's a binary issue. Designate all 127 or you're a penny-pinching minister who's in the pocket of the [fishing](#) industry. In fact, it would have been easy to designate vast areas of the UK's waters that are of little ecological value because it would have looked good on a map.

Instead, we are doing this properly. We have found some of the most fragile and special sites and will designate them with proper management plans to ensure they will be protected.

Lyme Bay is an example of what we want to achieve. Fishermen working with conservationists, with support from my department, to manage a marine protected area. There are also plenty of examples around the world of how not to do it. I visited the Pacific and heard many boast of plans to protect areas of the sea but, noble though the intention may be, I was left with the clear belief that many of these areas were no more than lines on maps. Here, we will be requiring agencies such as the Inshore Fisheries and [Conservation](#) Authorities and the Marine Management Organisation to police these sites and prosecute any wrongdoers.

There is another problem. Many of the proposed sites extend or exist beyond our six nautical-mile line. There are historic fishing rights held by fishermen from other EU countries, just as our fishermen fish in other countries' waters. It's vital that any restrictions we apply are respected by all fishermen.

Can you imagine the spectacle of a UK skipper watching a Belgian trawler fishing in UK waters when he can't? We need to secure agreement with other EU countries if it's going to work.

Another myth is that I have raised the bar of scientific evidence so high that it is next to impossible for proposed sites to qualify. Not true. I'm not a scientist and I depend on independent scientific advice. All 127 proposed sites were looked at and, to my disappointment, many of the sites did not have enough evidence to support designation.

Then there is cost. When I received the bad news about the lack of evidence, we set about finding it. We found an extra £3m to carry out new survey work and have made good progress. The additional burdens we will impose on agencies to deliver enforcement will add to the cost. But we're still going ahead.

I had a conversation with [Hugh Fearnley-Whittingstall](#) and explained that it was quite an achievement to have got this far at a time when government budgets were being cut. I asked him to suggest, if I ignored the science and designated all 127 sites at a cost of millions, where should I get the money? He didn't think he would trouble his viewers with matters of cost. I don't have that luxury.

The problem with a running a short series on this issue is that a complicated argument is condensed to a few minutes. I understand that, it's the world in which we live. Don't get me wrong: I am grateful to Fearnley-Whittingstall and others for the popular support they got for our efforts to see an end to the discarding of fish. I am, however less worried about TV programmes and am far more concerned with creating meaningful marine protection.

I am very serious about signing off designation of as many of the realistic sites as possible as soon as possible. This network will join up with the other marine protected areas that have already been designated. Around a quarter of our inshore waters (out to 12 nautical miles) are in some form of marine protected area.

As this process rolls out across the English waters joining up with that being done in Scotland, Wales and Northern Ireland, as well as neighbouring countries across the North Sea, Channel and Irish Sea - it starts to make ecological sense.

Yes, I am being given a rough ride by parts of the fishing industry on this. I am also being put under pressure from other sea users. On the whole, I find realism across the spectrum from conservationists to those who derive a living from the sea.

In a national park it is perfectly possible to farm or run a variety of businesses as long as it is in keeping with what makes that landscape so special. I see MCZs in the same way. If we work together it can work to the benefit of all, and most importantly, benefit marine habitats and the species that are fighting for survival.

- Richard Benyon is the environment minister