



Department  
for Environment  
Food & Rural Affairs

Nigel Gooding  
Deputy Director – Marine  
Biodiversity  
Area 8B, Millbank  
17 Smith Square, London  
SW1P 3JR  
T: 020 7238 6827  
E-mail:  
nigel.a.gooding@defra.gsi.  
gov.uk  
[www.defra.gov.uk](http://www.defra.gov.uk)

7 August 2014

Tim Dapling  
Chairman of the Chief Officers Group  
Inshore Fisheries Conservation Authorities

By Email

Dear Tim

Following my letter of 29 May 2014, I would like to thank you and all Chief Officers and the Association of IFCAs for forwarding the individual plans and summary reporting tools with priorities for delivery by 2016. We also appreciate the significant amount of work put into producing these plans and reports.

The plans and the overarching summary reports were discussed at the Project Board (PB) and the Implementation Group meetings in June and July. After considering the proposed timescales and plans in the IFCAs' reporting summary and briefing paper submitted for the recent PB meeting on 17<sup>th</sup> July, the Board noted that IFCAs:

- reported that they would not be able to achieve all management measures for the remaining EMS feature/fishing gear interactions or Tranche 1 MCZs by 2016,
- are proposing to address 39 high priority interactions between fishing gear and MPA features across the IFCAs by 2016, and
- will complete the screening of the remaining interactions in the next year, which will allow a better estimate of where management is required, though not able to be delivered by 2016.

In my letter of 29 May and our related discussions I have referred to the importance of a single coordinated programme of action to put in place management measures on a risk prioritised, phased basis with appropriate management measures in place across all EMS and tranche 1 MCZs by 2016. The Board was therefore concerned that the 2016 deadline would not be met and made a number of comments and observations which are set out below.

- The impression given was that IFCAs will be focussing solely on the 39 high risk priorities and the likely significant effects screening tests (LSE) and not undertaking other work in

parallel. The PB recognised that the LSE screening tests need to be completed before an assessment can be made. However, the PB wanted clarification that AAs would start in parallel with other work after the LSE tests had been completed rather than waiting until all the LSE tests or even all the work on the 39 high priorities had been completed. I should also note that we have been approached by the NGOs who are concerned that a number of IFCA's are saying publicly that they are only focussing on the 39 priorities. NGOs have also raised concerns that the end 2016 date will not be met.

- It was unclear whether the focus on the 39 priorities meant that only these higher risk gear/feature interactions would be considered for a site initially, which would then be revisited, possibly numerous times, for consideration of other gear/feature interactions or whether IFCA's would be considering fishing activities management plans for a site as a whole, prioritising the sites where the high risk activities were occurring. While the Board recognised the gear/feature interaction approach had been used for the 'red' risk rated gear/feature interactions there were concerns that, in light of the resource constraints and the timetable, as now set out in the detailed plans, this may not be the most efficient and effective approach for the "ambers and greens" and MCZs. Have you considered alternative risk prioritised approaches that could reduce the burdens on IFCA's and help speed up the process?
- The LSE screening test step seemed to take a long time. Stephen Bolt indicated that 4 -14 hours per feature/gear interaction had been estimated by IFCA's to be the length of time it took to carry out a LSE test. LSE tests are expected to be simple screening tests and PB members considered IFCA time estimates to be too long and queried the processes IFCA's were using. Speeding up the screening would allow more time for carrying out AAs and implementing management measures as necessary ahead of the 2016 deadline. You and other Chief Officers may wish to consider reviewing your LSE processes to see if it would be feasible to simplify and therefore reduce resource burdens and speed up the work. If it would be helpful we could organise some training on carrying out LSE tests and can also look at alternative ways of carrying out these assessments e.g. subcontracting some of the work to a third party. Please let me know urgently if this is something that you would like us to pursue further.
- The suggestion that the screening step was dependant on site specific evidence which was sometimes lacking and sites with data issues were being 'parked' also caused some concern. As noted above, the LSE test is meant to be a short screen based on the best available evidence. Where evidence is lacking the assumption should be that there may be an effect and therefore an AA is necessary. The Board recognised that this may mean more sites going through to the AA stage but it was important to complete the screening quickly to enable AAs and consideration of management measures where necessary. We are also mindful that an AA can always be updated or revised in receipt of new evidence or information. The Board also welcomed the intention to work with Natural England and Defra to prioritise these sites.
- The PB was advised that the plans were first drafts and would be refined. The PB was also advised that the IFCA TAG had agreed joint working on some feature/gear interactions and other approaches to reduce the LSE test and AA workload which had not yet been factored into the plans. We very much welcome this collaboration and would encourage further collaboration between IFCA's, the MMO and Natural England to help simplify processes, reduce burdens and speed up delivery. I presume that you and other IFCA Chief Officers are updating plans before formal sign off by your Committees but would welcome confirmation for the Board.

We recognise that responsibility for putting in place management measures rests with the appropriate regulatory authority and that final decisions on IFCA's plans and management measures will be made by the respective IFCA committees. In approving these plans we anticipate that the Committees will be balancing all key risks, including those around pressures on resourcing, stakeholder engagement, reputation, legal challenge both national and EU infraction. In terms of infraction, the risks of this also increases in relation to the MSFD if we do not have appropriate management measures in place across MPAs by 2016.

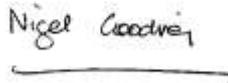
We are of, course, happy to continue working with the IFCA's in taking forward the next phase of MPA management and we will continue to do all we can to assist.

In view of the apparent difficulties that you have highlighted in putting in place all appropriate management by 2016, and the associated risks and concerns expressed by the PB, I think it would be sensible for us to meet to discuss these issues further. I would like to explore whether there are any opportunities for simplifying and speeding up the process without placing additional burdens on individual IFCA's, and exposing yourselves to an increased likelihood of challenge from interested parties. It would be helpful for an overall summary report that reflects updated plans and a revised timetable for delivery to be sent to us by mid-September so that they may be considered by the project board.

I will be in touch with your office shortly to arrange for me to come to you to discuss this letter and related issues when you are back from your leave.

I am send a copy of this letter to Stephen Bolt (AIFCA's), David McCandless (NEIFCA), Michael Coyle (MMO) and Mark Duffy (NE).

Yours sincerely



Nigel Gooding