

ANNEX A

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Dr Judith Clark
Chair – North West IFCA
(By e-mail only)

14 August 2012

Dear Dr Clark

Re: Fisheries in European Marine Sites in England

I am writing to update you about a change in the approach to the management of commercial fisheries in European Marine Sites (EMS). This is part of Defra's agenda to develop sustainable fisheries and conserve the marine environment and resources for the long term.

In order to ensure EMS are protected in line with the requirements of the EU Habitats Directive, particularly Article 6, we need to be able to understand the potential impacts of commercial fishing activities in these sites, and manage them effectively. Ministers have decided that we need to modify our approach to better enable us to do that, and we have today written to key fishing and environment groups to make them aware of this. Although we have been working with you in reaching this decision, I thought it would be helpful to set out what this will mean, and how we intend to implement the new approach with you.

The new approach will be more proactive, assessing the potential impact of commercial fishing activities in these sites and, where appropriate, introducing local management measures to prevent damage to those sites. This will build on existing arrangements, moving towards the approach where, if a fishing activity is proposed within an EMS, and is considered by the relevant consenting authority to be a plan or a project which is likely to have a significant effect on the site, it will need to undergo an Appropriate Assessment before a decision is taken on whether or not that activity can proceed (taking into account any mitigation measures). This will bring the management of commercial fishery activities in line with the approach taken for other consented activities taking place in EMS.

We are keen to drive this process forward, taking impacts, evidence and resources into account towards the precautionary management of EMS. We will be adopting a risk-prioritised, phased approach to implementation. This will start with the most sensitive and vulnerable sites and features, and those fishing activities most likely to impact on them. Initial assessment work indicates that reef features and bottom towed gear should be a priority for action. Further assessment will determine the risk and therefore order of action for other sites and activities.

We want to work with those likely to be affected as this new approach is introduced, and ensure IFCA's and the MMO are closely involved in determining next steps. We will therefore be setting up an Implementation Group of marine stakeholders to provide advice on the approach, which will include representatives from the fishing industry and NGOs, as well as IFCA's and the MMO. That will include providing evidence and advice on the effects of different fisheries in EMS, as well as management measures available in implementing the phased approach. We will be using the analysis conducted by the MMO and Defra, which considered data on fishing activities in EMS. Further work is needed, but this, as well as other evidence, will be used by the Implementation Group to help inform discussions.

We understand that members of your IFCA – particularly from the fishing industry - will be concerned about what this means for them. It is not our intention to introduce a blanket ban on all commercial activity in all EMS through general fishing licenses. We would envisage decisions on measures and their implementation being carried out locally by the MMO or IFCA's as appropriate for each site, drawing on a range of legislative and management tools available. We believe that byelaws are the way to reflect local needs and issues, particularly inshore. Management measures will be applicable to both UK and non-UK fishing vessels in accordance with the CFP and the location of the site in question.

We want to move things along quickly, and will need to establish an appropriate timetable for implementation and would like the Implementation Group to advise on this too. We want an implementation plan to be in place by the end of October.

I will be in touch shortly about next steps. A copy of this letter is being sent to the Chief Fishery Officer.

Yours sincerely

A handwritten signature in black ink that reads "Nigel Gooding". The signature is written in a cursive style. Below the signature is a horizontal line that starts under the first name and extends to the right, ending under the last name.

Nigel Gooding