

NWIFCA's MMO Stage 3 MPA Consultation Response – Shell Flat and Lune Deep SAC

Please note, all views herein are of the Executive arm of North Western Inshore Fisheries and Conservation Authority (NWIFCA). The Authority's members, who represent various stakeholders' interests, from marine conservation to commercial fishing, are likely to have differing views on the proposals, and have therefore been invited to submit their consultation responses individually.

The proposal to ban all bottom-towed gear in the entirety of the Shell Flat component of the Shell Flat and Lune Deep SAC is not supported by the NWIFCA Executive. This is for various reasons:

1. Lack of Site-Specific Evidence of Impact

No site-specific assessment of the impacts of bottom-towed gear on the protected features of the Shell Flat component of the Shell Flat and Lune Deep SAC have been made by the MMO; assessment has been made at a national level only. The protected feature is sandbanks which are slightly covered by sea water all the time. Data used in these assessments is limited to VMS data, which only applies to >12m vessels, and therefore no assessment has been made of smaller vessels' (<12m) activity at a site-specific level.

The MMO's own impact assessment acknowledges that sandbanks are less sensitive to fishing activity than other benthic habitat features (such as reefs) and are likely to recover more quickly. It states that these sandbank habitats are more at risk in intensively fished areas, but no assessment of the level of fishing activity in the Shell Flat component of the Shell Flat and Lune Deep SAC specifically has been carried out; fishing activity in the SAC is very low. It is known that the main fishing activity across the SAC is otter trawling, which, as the MMO's impact assessment states, has a lesser impact on sandbanks and their associated biological communities than beam trawls or dredges. The impact assessment does go on to state that the risk to sandbank feature from otter trawling is because of the size of the fleet nationally, and the features are therefore at risk from the sheer amount of pressure that is being applied from this gear type. However, no assessment of the level of otter trawling in the Shell Flat component of the Shell Flat and Lune Deep SAC has been made; again, it is low.

The MMO has not demonstrated clearly the positive impacts that will be achieved at the site from the prohibition on all forms of bottom-towed gear. No recent assessment of the status of the Shell Flat component's protected features has been made, nor of the current levels of fishing activity. In fact, the most recent evidence of any assessment of the potential impacts of fishing activity in the SAC that NWIFCA has had sight of is a letter from Natural England (NE) to the MMO in March 2020 (uploaded for reference), in which NE conclude "no significant risk of the [fishing] activities hindering the conservation objectives stated for the sandbank feature of Shell Flat and Lune Deep SAC providing that fishing activity at the site remains at or below current levels."

In its justification for the proposed bottom-towed gear prohibitions, the MMO states that it is necessary to ensure, beyond reasonable scientific doubt, that the conservation objectives of these MPAs can be achieved, but, in the case of the Shell Flat component of the Shell Flat and Lune Deep SAC, it appears it has not made any attempt to avail itself of any scientific evidence that could eliminate such doubt. It is NWIFCA's assertion that, had it attempted to do so, the MMO would have been able to assure itself that the conservation objectives for Shell Flat and Lune Deep SAC could be achieved based on the current very low levels of fishing activity.

NWIFCA had previously advised the MMO in 2020 that fishing activity within the Shell Flat component of the Shell Flat and Lune Deep SAC was low, and likely decreasing, and that we did not envisage any risks to the protected feature of the site. This was supported by the aforementioned March 2020 letter from NE to the MMO stating that there was no significant risk. Since then, fishing activity within the SAC is likely to have remained at the same low levels, if not decreased further.

2. Impact on Local Fishing Industry

In the process of consulting with stakeholders on the proposed prohibition on bottom-towed gears in the Shell Flat component of the Shell Flat and Lune Deep SAC, it has been made clear to the MMO and NWIFCA that a small number of small, inshore vessels based out of Fleetwood do fish inside this part of the SAC with otter trawls. In providing their views, these stakeholders have made clear to the MMO that this proposed prohibition would significantly affect their livelihoods, as most of their fishing activities occur within the Shell Flat component of the Shell Flat and Lune Deep SAC, or the adjoining Fylde MCZ, in which the MMO has also proposed to prohibit bottom-towed gear. These fishing stakeholders have claimed that they would not be able to fish economically in any other

areas that are suitable for, and within range of, the small inshore vessels that they operate. Whilst the number of vessels and level of economic impact, when compared nationally, are small, the localised impact of these proposed prohibitions is likely to be significant, and it is NWIFCA's view that the MMO has not demonstrated that these negative socio-economic impacts would be offset by any meaningful positive environmental / ecological impacts within the site.

3. Lack of Suitable Exemptions

Banning all bottom-towed gear within the Shell Flat component of the Shell Flat and Lune Deep SAC is not appropriate and infers that all types of bottom-towed gear are equally harmful to the site's sandbank protected feature; this is clearly not the case. As already mentioned, the MMO's own impact assessment acknowledges that otter trawling is not as harmful to sandbanks as beam trawling and highly damaging dredging activities. It is NWIFCA's view that, whilst appropriate to consider a ban on beam trawling and dredging, the MMO should consider exemptions for light otter trawl gear deployed by smaller, inshore fishing vessels. Furthermore, the risk of dredging has already been removed within NWIFCA's district (*i.e.* within the 6 nautical mile [nm] element of the site) due to NWIFCA's own Dredge Byelaw, which came into force in 2017, and banned all forms of dredging within the district. Most of the Shell Flat component of the Shell Flat and Lune Deep SAC sits within the 6nm limit. Additionally, NWIFCA has already made an assessment of 'red risk' fishing activities within the SAC, which was for bottom-towed gear trawling in the Lune Deep component of the SAC, which is protected for its reef features and sits entirely within NWIFCA's district. This 'red risk' assessment subsequently led to NWIFCA banning bottom-gear in the Lune Deep component through its Byelaw 6, which came into force in 2014.

Further consideration should be given by the MMO to allowing NWIFCA to manage the inshore (inside 6nm) element of Shell Flat component of the Shell Flat and Lune Deep SAC, which is most of the site and is where the Fleetwood inshore vessels spend most of their time. NWIFCA can manage fishing activity in this portion of the site in a more adaptive manner than the MMO, using site-specific evidence and up-to-date information on fishing activity, particularly with the implementation of the MMO's new I-VMS Byelaw, which will give us a much better understanding <12m vessels' activity in the site. Furthermore, as part of NWIFCA's long-term byelaw-making strategy, we plan to develop and implement a new Mobile Net Byelaw in the next few years. This Byelaw would include a flexible permit condition scheme, which would enable us to use technical conservation measures and control measures to manage trawling activity on a very fine spatial and



temporal scale. This would afford NWIFCA a much more adaptable and appropriate means with which to manage light otter trawling within the Shell Flat component of the site, at the same time balancing the conservation and socio-economic needs associated with fishing within the site. This is a much more appropriate way to manage the low levels of fishing activity within the inshore element of Shell Flat component of the SAC, rather than an inflexible, general blanket prohibition on all forms of bottom-towed gear.

North Western IFCA, September 2025