

Southern Inshore Fisheries and Conservation Authority

Pia Bateman – Chief Executive Officer



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25th April 2023

Dear Member,

MEETING OF THE TECHNICAL ADVISORY COMMITTEE – 4th May 2023

A meeting of the Technical Advisory Committee will be held in the meeting room at Unit 3 on Thursday 4th May 2023 at 14:00 to discuss the business on the under mentioned Agenda. Parking is limited, please consider other forms of transport, or share lifts. The nearby Holes Bay pub/restaurant allows parking if you partake of their refreshments and **ensure you enter your vehicle registration at the bar**. The Premier Inn also allow you to use their parking facilities, **please ensure you register your vehicle at their reception desk**. Poole railway station is approximately a 15-minute walk from the office.

Members of the public can request a guest telephone dial-in code from enquiries@southern-ifca.gov.uk.

Yours sincerely,

Liz Walker
Finance and Administration Manager

AGENDA

1. Welcome

2. Apologies

To receive apologies for absence.

3. Declaration of Interest

All Members and Co-opted Members are to declare any interests in line with paragraphs (16) and (17) of the Southern IFCA Code of Conduct for Non-Council Members.

3. Minutes – 2nd February 2023

To confirm the Minutes of the Technical Advisory Committee meeting held on 2nd February 2023 (Marked A) and consideration of any matters outstanding.

a. Recommendation 175: That Dr A Jensen and Ms L MacCallum represent the TAC at a meeting with wrasse buyers and fishers, prior to the 2023/2024 season.

GUEST SPEAKER

4. MMO Formal Consultation, Lyme Bay Potential Management Measures for Sole Fishery – to receive a presentation from Edward Baker of the MMO, on the current Formal Consultation which is being run to seek views on potential management measures for the sole fishery in Lyme Bay.

PROGRESS REPORTS

5. To consider the following:

- a. **Chief Executive Officer updates** – To receive an update from the CEO on any matters of relevance.
- b. **Byelaw Submission updates** – to receive an update from DCO Birchenough.

ITEMS FOR DECISION

6. Bottom Towed Fishing Gear Byelaw 2023 – to consider the draft Bottom Towed Fishing Gear Byelaw 2023 and supporting documentation from DCO Birchenough (Marked B)

7. Annual review of the Poole Harbour Several Order Management Plan (2023 update) – to consider the report from DCO Birchenough (Marked C)

ITEMS FOR INFORMATION

8. Poole Harbour Oil Spill Incident – to receive a report from DCO Dell & DCO Birchenough (Marked D)

9. 2023 Survey Programme – to receive an update from DCO Birchenough

10. Bass Guidance 2023 – to receive a report from DCO Dell (Marked E)

11. Review of the Net Fishing Around Piers Code of Practice – to receive a report from IFCO D Parry (Marked F)

12. Fisheries Management Plans – to receive a report from Project Officer Mullen (Marked G)

13. Marine Licencing Update – to receive a report from IFCO Cast (Marked H)

14. Date of Next Meeting

To confirm the date of the next meeting of the Technical Advisory Committee on the 24th August 2023 at Southern IFCA, Unit 3 Holes Bay Park, Sterte Avenue West, Poole Dorset BH15 2AA.

SOUTHERN INSHORE FISHERIES AND CONSERVATION AUTHORITY TECHNICAL ADVISORY COMMITTEE – 2nd FEBRUARY 2023

Minutes of the Technical Advisory Committee held in the meeting room at the Southern IFCA office in Poole at **14:00 on 2nd February 2023**

Present

| | |
|---------------------|-----------------------------------|
| Dr Antony Jensen | (Chairman, MMO Appointee) |
| Mr Richard Stride | (Vice Chairman, MMO Appointee) |
| Ms Louise MacCallum | (MMO Appointee) |
| Mr Gavin Black | (Natural England) |
| Mr Phil Rudd | (Environment Agency) |
| Mr Neil Hornby | (MMO Appointee) |
| Mr Colin Francis | (MMO Appointee) |
| Ms Rachel Irish | (MMO Appointee) |
| Ms Pia Bateman | Chief Executive Officer (CEO) |

Deputy Chief Officer (DCO) Ms Sarah Birchenough, Finance and Administration Manager (FAM) Ms Liz Walker, and IFCA Ms Emily Condie were also present. Mr Gordon Chittenden (Senior Marine Officer, MMO) and Co-opted Members Mr Steve Matthews and Ms Elisabeth Bussey-Jones were also in attendance.

Mr Gary Wordsworth (MMO Appointee), Mr Ted Legg (MMO Appointee) and Mr Lewis Tattersall (Seafish) attended the meeting virtually.

Dr A Jensen opened the meeting by welcoming Ms L Walker, Mr C Francis and Mr G Chittenden to the meeting and invited all attendees to introduce themselves.

Apologies

164. Apologies for absence were received from Dr Simon Cripps (MMO Appointee).

Declarations of interest

165. The following pecuniary interests were declared: Mr G Wordsworth (5). The following non-pecuniary interests were declared: Mr P Rudd (6 and 10), Mr N Hornby (9), Ms L MacCallum (6).

Minutes

166. Members considered the Minutes of the meeting held on 3rd November 2022 and these were confirmed and signed. It was confirmed that Recommendation 159 was completed.

Guest Speaker: Seafish Fisheries Management Plan

167. Members received a virtual presentation from Mr L Tattersall of Seafish, on the Crab, Lobster and Whelk Fisheries Management Plans (FMPs) for England. A copy of the presentation will be circulated to Members.

Dr A Jensen thanked Mr L Tattersall for an interesting and informative presentation and invited any questions.

Dr A Jensen commented on the patchwork of different FMPs across the home nations. Mr L Tattersall confirmed that Seafish were discussing this FMP with the different administrations to align them where possible.

Ms L MacCallum queried the level of confidence that this FMP will be signed off by August 2023. Mr L Tattersall confirmed that, ultimately, this will rest with Defra. Seafish will complete their work

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with the stakeholders and are working closely with the Fisheries Team in Defra. Currently, all teams are working to this deadline.

PROGRESS REPORTS

168. Chief Executive Officer Updates

The CEO announced that following receipt of £50k of the Defra funding, (intended for each IFCA to support Defra with its delivery of the Fisheries Act), a Project Officer has been recruited specifically for FMPs. The CEO confirmed that the remaining £100k of this funding is outstanding but, once received, additional Project Officer roles will be considered for recruitment.

The CEO updated Members that the MMO's current General Member recruitment campaign has been extended until the end of February. The CEO explained that following the successful appointment of Mr C Francis, it is hoped this campaign will provide the opportunity to fill the other RSA vacant position, as well as retain successful candidates on a merit list to ensure balance on the Board can be maintained.

The CEO provided an update on the IFCA Conduct and Operations Report 2018-2022. The CEO explained that Defra has yet to send the submission to the Secretary of State to agree the public consultation and content of the Expert Surveys, to include Members consultations. Taking into account of the aim for these surveys to be live by end of February, with a 6-8 week consultation period, the CEO suggested the final report could be delayed until late July/early August.

Whilst an update on the current position will feature under agenda item 4b, the CEO felt it was important Members are aware that the Net Fishing Byelaw continues to attract attention. The CEO explained that as well as DCO Birchenough working hard to respond to an extensive Freedom of Information (FOI) request on the subject, the CEO has recently been invited by The Fishing News to provide comment. The CEO committed to send a copy of the article to the full Membership for reference in due course.

The CEO discussed the ongoing formal consultations at the MMO; a call for evidence on a proposal to introduce a seasonal closure in ICES area 7d and Lyme Bay area of 7e to the king scallop dredge fishery closing on 19 March; and a formal consultation on the Marine Protected Areas Bottom Towed Fishing Gear Byelaw 2023, which prohibits the use of bottom towed fishing gear within specified areas of 13 offshore MPAs in order to conserve rock and reef habitats, closing on 28 March.

The CEO explained that in parallel with the latter, the MMO has launched a call for evidence on the impacts of remaining fishing gear interactions (anchored nets and lines and traps) on seabed features in offshore MPAs in England. The MMO are seeking views and further evidence regarding three gear-groups has been developed in specific documents to establish the evidence base relating to the impacts of different fishing gears on benthic designated features of MPAs.

Dr A Jensen commented that scientific information from University of Southampton is available for the Solent scallops, which would be of use to the consultation.

The CEO updated Members that the Crustacean Mortality Report regarding the unusual crustacean mortality in North-East England in 2021 and 2020, is now available online. The CEO explained that the independent expert panel had ruled out chemical poisoning and algae as the cause but suggested a new disease.

The CEO announced that the long-awaited Environmental Improvement Plan (EIP) has been published, which builds on the 25-Year Environment Plan and key legislative frameworks, including the Environment Act 2021 and the Fisheries Act 2020. The CEO explained that the EIP aims to create a "comprehensive delivery plan" to halt and reverse the decline in nature in the UK following the Government's commitment in December 2022 to leave the environment in a better

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state for future generations. The CEO went on to discuss some of the headlines of the EIP itself where of direct relevance to the work of the Southern IFCA, wider IFCAs and the AIFCA.

Resolved

169. That Members note the updates.

170. Deputy Chief Executive Officer Updates

DCO Birchenough updated Members that three rounds of quality assurance have been completed following submission of the Net Fishing Byelaw to the MMO in March 2022, as well as one round following the submission of the Pot Fishing Byelaw in October 2023. DCO Birchenough confirmed that no fundamental issues with the Byelaws or associated Impact Assessments have been identified to date and that, pending the MMO passing them to the Secretary of State, officers are doing as much as possible to prepare for their implementation.

DCO Birchenough discussed work in progress on the actions recommended by the Technical Advisory Committee in November 2022, and agreed at the meeting of the Authority in December 2022, to progress the Shore Gathering (SG) Review to Stage 2 of the Byelaw Making Process.

Following the informal consultation in 2022, DCO Birchenough explained that the proposed closed areas under the review of bottom towed fishing gear management are being reviewed by officers and a working group will be established late February/early March to make recommendations. DCO Birchenough confirmed that the aim is to complete the byelaw making process by Autumn 2023.

DCO Birchenough discussed the need to consider how the delivery of the various local and national workstreams align, which may require the development of priority actions to facilitate the allocation of resources. DCO Birchenough explained that the proposals will be outlined in the annual strategy for the Fisheries Management and Policy Team for the Authority to consider at their next meeting in March.

Resolved

171. That Members note the update.

ITEMS FOR DECISION

172. Poole Harbour Dredge Permit Byelaw Appropriate Assessment

DCO Birchenough provided Members with an overview of the report. Ms Elisabeth Bussey-Jones asked for clarification on the Natural England's concern outlined in paragraph 1.8 of the report. Mr G Black clarified that the concern relates to there being no new evidence available on long-term impacts on the sediment environment from pump-scoop dredging since a PhD study in 2017. The CEO confirmed that, in accordance with Defra advice, the HRA has been drafted on the best available evidence provided by Natural England (in this instance), and that it is Southern IFCA's role to manage the PHDP Fishery based on the best available evidence available.

The recommendations put forward were agreed by all Members.

Resolved

173. a) That, based on the evidence provided in the Habitats Regulations Assessment, Members agree the issuing of 45 permits for the 2023-24 dredge season under the Poole Harbour Dredge Permit Byelaw.

b) That Members authorise Officers to make any amendments to the HRA as required following feedback from Natural England.

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174. HRA – Studland to Portland SAC - Wrasse Fishery

DCO Birchenough provided Members with an overview of the report written by Project Officer Smith. Following a number of questions around process from members, DCO Birchenough explained the course of action outlined in the Monitoring and Control Plan, which requires a review of the HRA once a trigger point has been breached.

The HRA was reviewed as per this process and concluded no adverse effect on the Studland to Portland SAC from the wrasse fishery based on best available evidence. DCO Birchenough discussed the existing voluntary code of conduct in this fishery, which includes voluntary adherence to a MCRS, catch reporting via catch returns and receipt of data from buyers. Additionally, the Compliance and Enforcement team report excellent levels of compliance with the voluntary code, providing a good demonstration of where fishers are invested in the health of the fishery.

From this outcome, it was proposed that the wrasse fishery continue to be monitored in accordance with the Monitoring and Control Plan for the forthcoming season. DCO Birchenough discussed the commitment under the Monitoring and Control Plan to maintain annual reviews of this fishery and highlighted that a national Wrasse FMP would soon be developed, which would help to inform future reviews, as well as provide robust evidence of stock status. It was also recognised that, during the coming year there may be further evidence available to help support management decisions for this fishery in the form of a PhD study due for completion and that the IFCA would keep up to date with any developments in the best available evidence base and how this feeds into the FMP process.

Ms L MacCallum and Mr R Stride discussed the merits of a wrasse stock assessment to aid understanding of the impact of this fishery on wrasse stocks.

Ms E Bussey-Jones and Mr R Stride highlighted that fishers had stopped fishing when they had been advised that the trigger point had been breached.

Dr A Jensen suggested that Southern IFCA meet with the buyers and fishers to express disappointment about the situation prior to the 2023 fishing season and to encourage their commitment to the voluntary code, ensuring that the catch limit is not exceeded during the next season. Dr A Jensen added that the experiences of management of this fishery within the Southern IFCA District should feature in the wrasse FMP process. Both Dr A Jensen and Ms L MacCallum offered to represent the Technical Advisory Committee at a meeting.

The recommendations put forward were agreed by all Members, with the exception of Ms L MacCallum who abstained from the vote.

Recommendation

175. That Dr A Jensen and Ms L MacCallum represent the Technical Advisory Committee at a meeting with wrasse buyers and fishers, prior to the 2023/2024 season.

Resolved

176. a) That Members consider the updated Studland to Portland SAC Wrasse Fishery Habitats Regulations Assessment (HRA), which concludes no adverse effect.

b) That the wrasse fishery continues to be managed in accordance with the Studland to Portland Special Area of Conservation (SAC) – Monitoring & Control Plan for the forthcoming 2023 season.

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ITEMS FOR INFORMATION

177. Coastal Futures

Mr N Hornby provided a background on the conference, adding that the audience generally comprises representation from across sectors of conservation, government agencies and some developers, but very few from the fishing industry.

Mr N Hornby discussed that the sessions were England-focussed and included climate, blue carbon, Fisheries Management Plans and Marine Protected Areas (MPAs). Mr N Hornby added that IFCAAs were well discussed with representation by the Association of IFCAAs.

Mr N Hornby concluded that the overall message was that the ambition is good, but that delivery is lacking, adding that the complex and competing demands were recognised with a general feeling of optimism.

Mr N Hornby confirmed that the conference was recorded and can be found online.

Resolved

178. That Members note the update.

179. Fisheries Industry Science Partnership Projects

DCO Birchenough provided Members with an overview of the report. The Angling for Sustainability Project has been successful in receiving FISP funding and is active from 1st January 2023 for a period of two years. There are two other FISP bids which the Southern IFCA is involved with, the project leads are awaiting an indication of whether those bids have been successful at this time.

Members raised a concern regarding the Angling for Sustainability Project that data collected on the location and movements of black bream could result in fishing becoming more targeted, impacting the stocks. DCO Birchenough explained that a similar concern had been raised by the RSA sector in relation to this project and that a representative from the project lead, Plymouth University, would be invited to a future meeting of the Southern IFCA Recreational Angling Sector Group to discuss the project and answer any concerns regarding the data.

Resolved

180. That Members note the report.

181. Live Wrasse Fishing Monitoring and Control Report 2022

DCO Birchenough introduced the agenda item clarifying that it was separate to agenda item 6, in that the data was collected on an annual basis and is intended to provide an overview of trends.

IFCO Condie provided Members with an overview of the report. Mr N Hornby asked if enough is understood about the life cycle of wrasse and what could be early indicators of detriment to the population. DCO Birchenough commented this is a lagging indicator and not in the scope of this report.

Mr G Black commented that Natural England has good relationships with universities and asked if the gaps in information identified by the TAC could be submitted as topic suggestions for MSC programmes. The CEO confirmed that Southern IFCA normally submit three to four projects per year to local universities, with recent years seeing a limited uptake of submissions.

Mr C Francis asked if the wrasse fishery was complying with minimum and maximum sizes. DCO Birchenough confirmed this was the case. Mr C Francis added that catch of wrasse over 5lbs was very limited.

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Resolved

177. That Members note the report

Date and time of Next Meeting

178. That the meeting of the TAC will be on the 4 May 2023 at Southern IFCA Offices, Unit 3, Holes Bay Park.

There being no further business the meeting closed at 16:28.

Chairman:

Date:

DRAFT

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OFFICER'S REPORT

MARKED B

BOTTOM TOWED FISHING GEAR BYELAW 2023 AND SUPPORTING DOCUMENTATION

Report by Deputy Chief Officer Birchenough

A. Purpose of the Report

For the Members to receive the draft copy of the Bottom Towed Fishing Gear Byelaw 2023 and supporting documentation.

This byelaw has been developed following the Authority's decision in February 2020 to review and, where necessary, develop management measures for bottom towed fishing gear in the district under the following drivers:

1. Updates to the Marine Protected Area Network
2. Review of Existing Spatial Management

B. Recommendations

1. That Members:
 - a) Provide comment on the draft Bottom Towed Fishing Gear Byelaw 2023 and Supporting Documentation:
 - i. **The draft Bottom Towed Fishing Gear Byelaw 2023**
 - ii. **The draft BTFG 2023 Management Intentions Document**
 - iii. **The draft BTFG 2023 Impact Assessment**
2. In accordance with IFCA Byelaw Guidance¹, Members agree to formally notify² Authority Members and the Secretary of State of the intention to make the Net Fishing Byelaw at the Authority meeting on 8th June 2023.

C. Annexes

Annex 1: The draft Bottom Towed Fishing Gear Byelaw 2023

Annex 2: The draft BTFG 2023 Management Intentions Document

Annex 3: The draft BTFG 2023 Impact Assessment

1.0 Background

- 1.1 The Southern IFCA began a review of management of bottom towed fishing gear in 2020. It was initially framed as the 'T3 MCZs and MPA Spatial Management Review' in the Southern IFCA Annual Plan 2020 to 2021 and the Southern IFCA Annual Report: April 2020 to March 2021 as underpinned by the Southern IFCA Five-Year Legislative Forecast (2019-2023).

¹ <http://www.association-ifca.org.uk/Upload/About/ifca-byelaw-guidance.pdf>

² formal notification will be made, in writing, to Authority Members and the Secretary of State no less than 14 days (25th November 2021) before the date of the Authority meeting (9th December 2021) at which the byelaw is to be made. A 'Net Fishing Byelaw Package' will be included with a cover letter explaining the justification for, and purpose of, the above-named byelaw.

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- 1.2 The 'T3 MCZs and MPA Spatial Management Review' incorporated consideration of management requirements for newly designated T3 MCZs, additional features added to existing MCZs and a review of existing spatial management in line with updated best-available evidence on feature condition, location and extent. Undertaking this work in relation to bottom towed fishing gear was identified as a priority.
- 1.3 MCZ Assessments were undertaken for Tranche 3 sites and the Authority, at the meeting of the Technical Advisory Committee (TAC) on 6th February 2020, recommended that these assessments be sent to NE for formal comment. Formal comment from NE was received in May 2020. The findings of these assessments indicated that bottom towed fishing gear activities were not compatible with the Conservation Objectives for certain features of these sites and that additional management, most likely in the form of spatial closure, was required.
- 1.4 Additional MCZ Assessments and two Habitats Regulations Assessments, assessing the potential impact of bottom towed fishing gear on reef habitat and seagrass habitat in response to updated evidence, were considered by the Authority at a meeting of the TAC on 7th May 2020 and it was agreed to also submit these assessments for formal comment to NE. Formal comment from NE was received in August 2020. The Authority also agreed that, based on the findings of the assessments, that a Working Group would be convened as part of a Bottom Towed Fishing Gear Review to review the assessment outcomes.
- 1.5 At the TAC meeting on 26th August 2021, following consideration of the evidence to support the review, Members agreed to proceed the Bottom Towed Fishing Gear Review to Stage 2 of the Byelaw Making Process, to draft measures, operating under defined drivers which were 1) Updates to the Marine Protected Area Network, 2) Review of Existing Spatial Management, 3) Protection of Sensitive Habitats Outside MPAs.
- 1.6 An initial set of proposed management measures was drafted based on these three drivers. An inform consultation with the stakeholder community was held on these measures between 17th June and 1st August 2022. Members considered the outcomes of this consultation at a meeting of the TAC on 25th August 2022 and a meeting of the Authority on 29th September 2022 through a Summary of Responses document and agreed to progress the review to Stage 3, the drafting of a new byelaw to replace the existing Bottom Towed Fishing Gear Byelaw 2016.
- 1.7 In 2023, The Environmental Improvement Plan 2023 was introduced by Government as the first revision of the 25 Year Environment Plan. The Environment Plan identified the Government's intention to support progress towards the UN's Sustainable Development Goals under the Global Biodiversity Framework which includes protection of 30% of the global ocean by 2030. At a domestic level, the Government aim to achieve this by enhancing protection for MPAs. Under the Goal of Thriving Plants and Wildlife in the Environment Improvement Plan 2023, there is a target for 70% of designated features in MPAs to be in favourable condition by 2042 with the remainder in recovering condition and a new interim target of 48% of this to be achieved by 31st January 2028. The delivery of this is to be supported through strengthened protections in MPAs by 2024. Appropriate regulators, including IFCAs, are required to ensure that management measures are in place for all MPAs by 2024 in order for this interim target to be achieved.
- 1.8 In order to meet the Government target, Southern IFCA identified a need to prioritise workstreams and adopt a phased approach to the delivery of the bottom towed fishing

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gear review. This is based on the resource requirements for meeting the Government target and aims to allow for the consideration of wider district wide sensitive habitat management following an initial consideration of feature-based management within MPAs.

1.9 Applying this phased approach, the Bottom Towed Fishing Gear Review was split into two phases, Phase 1 and Phase 2.

- **Phase 1:** to consider feature based management interventions within MPAs: sites designated under the National Site Network (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Marine Conservation Zones (MCZs))
 - Under this Phase, to meet the IFCA's duties and to ensure that Government targets are met, feature-based management intervention will be considered within MPAs, defined as SACs, SPAs and MCZs.
 - The IFCA Core Functions under both the MaCAA (2009) and the Conservation Regulations set out the IFCA's duties to seek to ensure that the Conservation Objectives of any feature within an MCZ are furthered and ensure that fishing activity does not damage, disturb or have an adverse effect on the wildlife and habitats for which an SAC or SPA is protected respectively.
 - The legal duties of the Southern IFCA in relation to MCZs under the MaCAA and the Conservation Regulations for SACs and SPAs do not provide for the consideration of social or economic factors when making management decisions that are required to ensure the duties of the Authority in relation to protection of designated features are met.
- **Phase 2:** to consider district wide management interventions for sensitive habitats.
 - Following the completion of Phase 1 it is the intention of the Authority to commence Phase 2 of the review. Phase 2 would consider the location of sensitive habitats and species (yet to be defined, pending the scope of Phase 2) across the district, both inside and outside National Site Network Sites and MCZs. This would also include consideration of features within Sites of Special Scientific Interest (SSSIs) which are not also designated under overlapping MPAs, where IFCA duties under the Wildlife and Countryside Act (1981) required the Authority to take 'reasonable steps, consistent with the proper exercise of the authority's functions' to further conservation objectives for features within these sites.
 - Under this phase, social and economic factors can be considered alongside the protected of the marine environment, operating under the IFCA duties outlined under S153 of the MaCAA.
 - Phase 2 will also allow for the consideration of outcomes of currently ongoing restoration projects for specified habitats and consideration of how the IFCA can align with the Government's Vision of protecting 30% of land and sea by 2030 ("30x30").

1.10 The phased approach was considered by Members through a series of Working Groups on the Bottom Towed Fishing Gear Review in early 2023 and agreed by the Authority at their meeting on 16th March 2023 through adoption of the Southern IFCA Research and Policy Team Plan for April 2023 to March 2024.

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- 1.11 Through the same series of Working Groups, Members developed a set of principles which would underpin management decisions defining the management of bottom towed fishing gear under Phase 1 of the review. Defining principles to underpin management decisions aimed to ensure that the approach taken was transparent and applied consistently across the district.

2.0 Principles for the Bottom Towed Fishing Gear Review

- 2.1 The Principles for the Bottom Towed Fishing Gear Review which underpinned decisions on management areas are as follows:

1. Proposed closed areas are considered for Marine Protected Areas (MPAs) (SACs, SPAs and MCZs)
2. Proposed closed areas are feature based (incorporating buffers)
3. The best available evidence used to inform the prohibited areas under the Byelaw is the Natural England database provided to Southern IFCA in 2020
4. Buffers are drawn around features using national JNCC/NE buffer guidance
5. Features which exist in their entirety outside an MPA will be considered in a future phase of management for bottom towed fishing gear
6. The proposed closed area is extended if a feature or buffer extends outside of the MPA boundary and is a continuation of an MPA feature
7. With the exception of seagrass, the extent and distribution of feature-based management in the Solent Maritime SAC and District wide SPAs will be informed by outcomes of the relevant Habitats Regulations Assessment (HRA)

- 2.2 These Principles were applied to take Stage 3 of the Bottom Towed Fishing Gear Review forward resulting in the drafting of the Bottom Towed Fishing Gear Byelaw 2023.

3.0 Evidence Base

- 3.1 Under the Principles defined for the Bottom Towed Fishing Gear Review, the best available evidence used to inform the prohibited areas under the Byelaw is the Natural England database provided to Southern IFCA in 2020. This database consists of spatial data on the extent and distribution of designated features and supporting habitats within MPAs and extent and distribution of habitats and species outside of MPAs. This data layer is compiled by Natural England combining data from a variety of sources and is periodically updated. When an updated database is published, it is provided to Southern IFCA to aid in management decision making. The latest update is the database provided to Southern IFCA in 2020 which is the data that has been used to inform the Byelaw.
- 3.2 Detail on the JNCC/NE buffer guidance referenced in Principle 4 is provided in the Management Intentions document in Section 2.2.4.
- 3.3 Detail on the evidence underpinning the rationale of Principle 7 is provided in the Management Intentions document in Section 2.2.5.
- 3.4 Table 1 outlines the assessments that have underpinned decision making through the Bottom Towed Fishing Gear Review, these have all previously been reviewed by the Authority and agreed to be sent to Natural England for Formal Comment which has been received in all cases.

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Table 1: Assessments undertaken by Southern IFCA which have informed the Bottom Towed Fishing Gear Review

| MPA Type | Site | Assessment | Authority Sign Off | NE Formal Advice |
|----------------------------------|--|--|---|------------------|
| Site Specific Assessments | | | | |
| MCZ | Bembridge | Bembridge MCZ – Part B Fisheries Assessment – BTFG (001) | TAC Feb 2020 | May 2020 |
| | | Bembridge MCZ – Part B Fisheries Assessment – BTFG (002) | TAC Feb 2020 | May 2020 |
| | Yarmouth to Cowes | Yarmouth to Cowes MCZ – Part B Fisheries Assessment – BTFG | TAC Feb 2020 | May 2020 |
| | The Needles | The Needles MCZ – Part B Fisheries Assessment – BTFG (003) | TAC May 2020 <i>(Chair delegated to approve final version)</i> | Oct 2020 |
| | | The Needles MCZ – Part B Fisheries Assessment – BTFG (004) | TAC May 2020 <i>(Chair delegated to approve final version)</i> | Oct 2020 |
| | Southbourne Rough | Southbourne Rough MCZ – Part B Fisheries Assessment – BTFG | TAC Feb 2020 | May 2020 |
| | Poole Rocks | Poole Rocks MCZ – Part B Fisheries Assessment – BTFG | TAC Sept 2016 | Dec 2016 |
| | Studland Bay | Studland MCZ – Part B Fisheries Assessment – BTFG | TAC Feb 2020 | May 2020 |
| | Purbeck Coast | Purbeck Coast MCZ – Part B Fisheries Assessment – BTFG | TAC Feb 2020 | May 2020 |
| South of Portland | South of Portland MCZ – Part B Fisheries Assessment – BTFG | TAC Feb 2020 | Oct 2020 | |

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|-----|----------------------------------|--|---------------|-----------|
| | Chesil Beach and Stennis Ledges | Chesil Beach and Stennis Ledges MCZ – Part B Fisheries Assessment – BTFG | TAC Sept 2016 | Dec 2016 |
| | | Chesil Beach and Stennis Ledges MCZ – Part B Fisheries Assessment – BTFG | TAC May 2020 | Oct 2020 |
| SAC | Solent Maritime | HRA - Solent Maritime SAC – Clam Dredging | TAC Sept 2016 | Sept 2016 |
| | | HRA - Solent Maritime SAC – Beam trawl (whitefish) & Light otter trawl | TAC Sept 2016 | May 2016 |
| | | HRA - Solent Maritime SAC – Light otter trawl (sandeels) | TAC Sept 2016 | May 2016 |
| | | HRA - Solent Maritime SAC – Oyster Dredging | TAC Sept 2016 | Oct 2016 |
| SPA | Chichester and Langstone Harbour | Chichester and Langstone Harbours SPA – Clam dredging | TAC Sept 2016 | Sept 2016 |
| | | Chichester and Langstone Harbours SPA – Oyster dredging | TAC Sept 2016 | Oct 2016 |
| | | Chichester and Langstone Harbours SPA – Light otter trawl (sandeels) | TAC Sept 2016 | May 2016 |
| | Portsmouth Harbour | Portsmouth Harbour SPA – Clam dredging | TAC Sept 2016 | Sept 2016 |
| | | Portsmouth Harbour SPA – Oyster dredging | TAC Sept 2016 | Oct 2016 |

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| | | | | |
|----------------------|------------------------------|---|---------------|-----------|
| | Solent and Southampton Water | Solent and Southampton Water SPA – Clam dredging | TAC Sept 2016 | Sept 2016 |
| | | Solent and Southampton Water SPA – Oyster dredging | TAC Sept 2016 | Oct 2016 |
| District Wide | | | | |
| MCZ/SAC/SPA | All District | HRA – Bottom Towed Fishing Gear Byelaw Review 2020 - Seagrass | TAC May 2020 | Oct 2020 |
| MCZ/SAC/SPA | All District | HRA – Bottom Towed Fishing Gear Byelaw Review 2020 - Reefs | TAC May 2020 | Oct 2020 |

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4.0 The Bottom Towed Fishing Gear Byelaw 2023

The following section provides an overview of the Bottom Towed Fishing Gear Byelaw 2023 and Supporting Documentation, for Member's ease.

4.1 The Bottom Towed Fishing Gear Byelaw 2023

The following provisions will be introduced under the Bottom Towed Fishing Gear Byelaw 2023. All co-ordinates provided are subject to a final round of GIS quality assurance.

- a. The introduction of **Prohibited Areas**; areas where a person must not use bottom towed fishing gear.
- b. The introduction of a provision that a person must not use a vessel carrying bottom towed fishing gear while transiting through a prohibited area unless all parts of that gear are inboard and above the sea
- c. The ability for the Authority to issue a dispensation authorising an act which would otherwise constitute an offence against the byelaw for the purpose of educational, scientific, stocking or breeding purposes
- d. The ability for the Authority (or a sub-committee thereof authorised by the Authority to do so) to review the suitability of the byelaw in accordance with any changes in available evidence, to include any statutory advice provided by Natural England or other such bodies, organisations or persons as the Authority deem fit.
- e. The revocation of the Bottom Towed Fishing Gear Byelaw 2016.

4.2 Prohibited Areas

Prohibited areas are defined within the following areas of the district under the Byelaw. Figures 1 and 2 show the maps provided as part of both the Bottom Towed Fishing Gear Byelaw 2023 and the Bottom Towed Fishing Gear Byelaw 2016 for comparison. Site specific maps can be found in Annex 2 of the Management Intentions document.

- Chichester and Langstone Harbours
- Portsmouth Harbour
- Southampton Water
- Lymington, Keyhaven and Beaulieu
- Yarmouth
- Yarmouth to Cowes
- The Medina, Cowes and Osbourne Bay
- Ryde to South Wight
- South Wight
- Poole Bay
- Poole Harbour
- Studland Bay
- Purbeck Coast
- Portland and Stennis Ledges
- Chesil Beach and The Fleet
- Lyme Bay

4.3 The total area closed to bottom towed fishing gear through the prohibited areas under the Byelaw is 715.0km² representing 26.2% of the Southern IFCA District.

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This is compared to a total area closed under the Bottom Towed Fishing Gear Byelaw 2016 of 696.3km² representing 25.5% of the District. **The difference between the 2016 and 2023 byelaws is an increase in the total area closed of 18.7km² or 0.7% of the District.**

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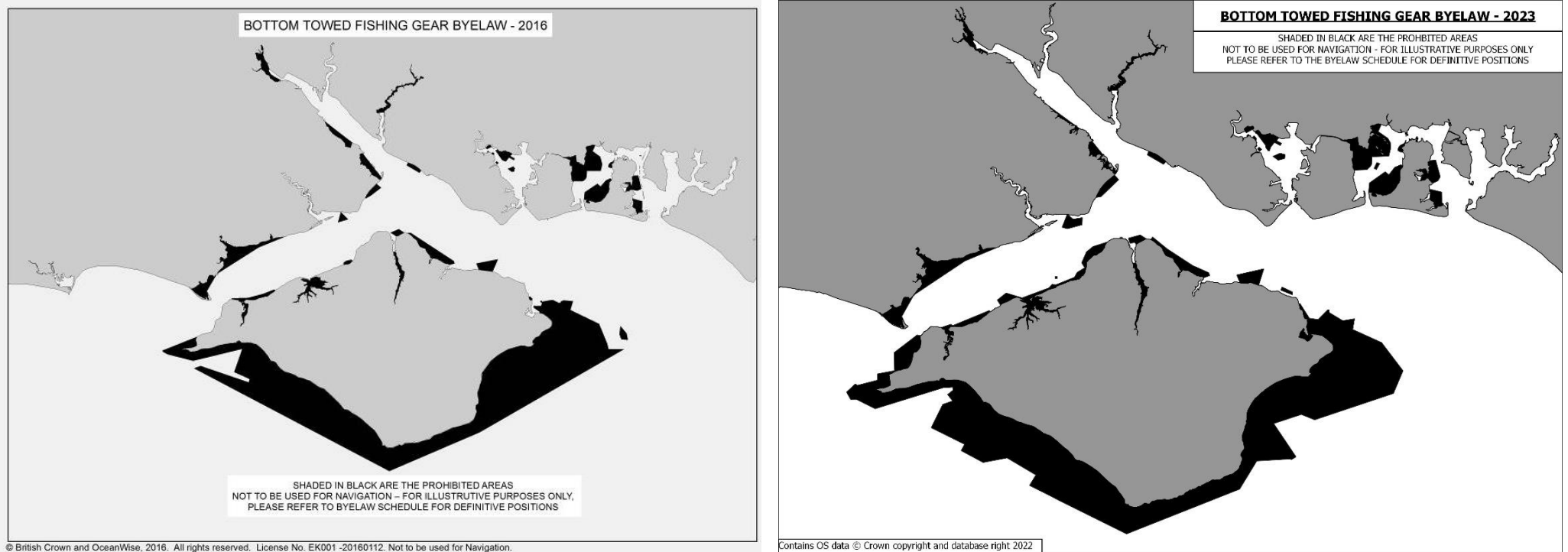


Figure 1: Maps of the eastern end of the Southern IFCA District from the Bottom Towed Fishing Gear Byelaw 2016 (left) and the Bottom Towed Fishing Gear Byelaw 2023 (right).

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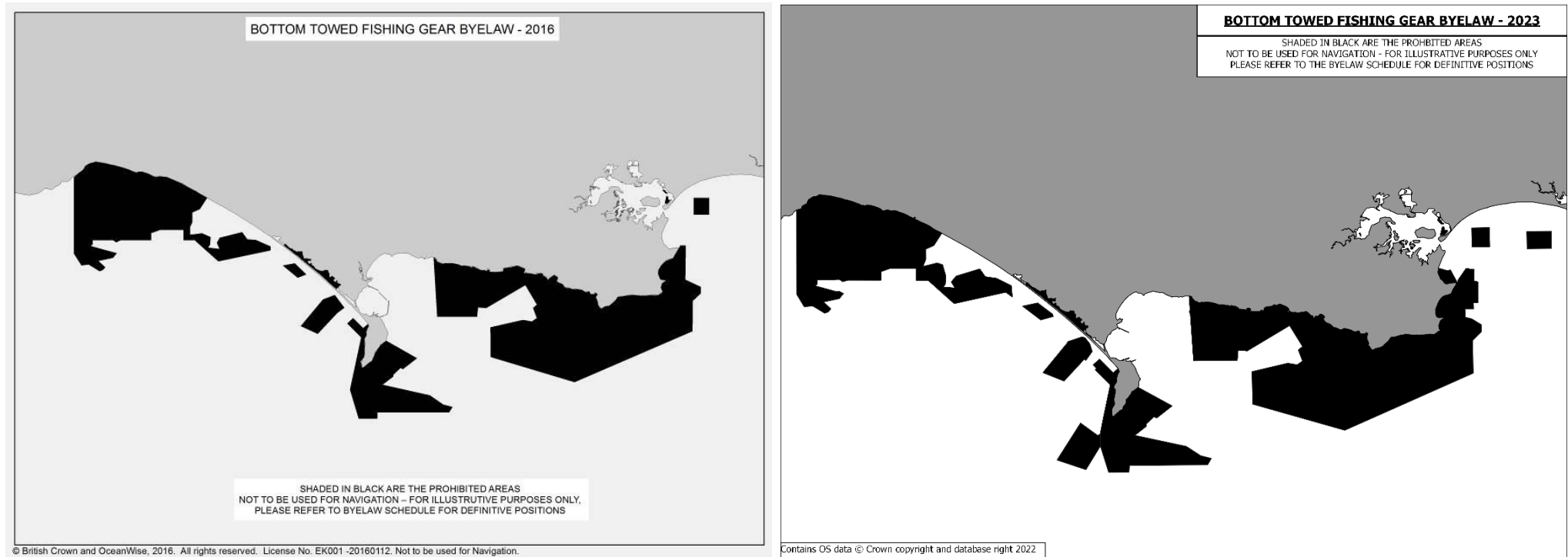


Figure 2: Maps of the western end of the Southern IFCA District from the Bottom Towed Fishing Gear Byelaw 2016 (left) and the Bottom Towed Fishing Gear Byelaw 2023 (right).

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4.3 **The BTFG Byelaw 2023 Management Intentions Document**

This paper seeks to provide context and transparency of the process which has informed management intervention, as well as providing clarity of intention regarding the ongoing management of bottom towed fishing gear in the district. The document also provides site specific maps illustrating prohibited areas under the Bottom Towed Fishing Gear Byelaw 2023 along with the location of designated features and supporting habitats, the buffers applied to those features, the boundaries of MPAs in the district. The maps also show the location of prohibited areas under the Bottom Towed Fishing Gear Byelaw 2016 for reference against those in the Bottom Towed Fishing Gear Byelaw 2023.

4.4 **The BTFG Byelaw 2023 Impact Assessment**

The BTFG Byelaw 2023 IA sets out the anticipated costs and benefits of the proposed byelaw and will be consulted on as part of the byelaw's formal consultation process. Costs and benefits have been monetised where possible.

The IA finds that the most significant costs will be incurred as direct costs to the fishing industry as a result of reduced access or loss of access to fishing grounds, however this cost is mitigated by the small change in overall area closed between the existing Bottom Towed Fishing Gear Byelaw 2016 and the Bottom Towed Fishing Gear Byelaw 2023. The Authority will incur costs associated with additional compliance and enforcement activities.

Benefits may include improved sustainability of the marine environment through the protection of sensitive designated features within MPAs that would otherwise be vulnerable to potentially damaging fishing techniques, a potential increase in the delivery of ecosystem services, a potential increase in the sustainability of the fisheries, leading to a socio-economic benefit for fishermen and associated businesses, a potential increase in opportunities for other fishing gear types and potential reputational benefits to bottom towed fishing gear users and the fishing industry

5.0 **Next Steps**

- 5.1 Should the TAC resolve to recommend that the byelaw is made, Members of the Authority together with the Secretary of State will receive a notice of the intention to propose making these byelaws, no less than 14 days before the date of the meeting of the Authority at which the byelaws are to be made.
- 5.2 The final Bottom Towed Fishing Gear Byelaw 2023 package will include the Byelaw, IA and Management Intentions Document, along with relevant Marine Conservation Zone Assessments and Habitats Regulations Assessments.
- 5.3 Should the Authority resolve to make the byelaw, the Authority will give notice of its intention to apply for confirmation of the byelaw by advertising it for 2 consecutive weeks. Following this, a 28-day formal consultation period will begin, during which stakeholders will have the opportunity to respond to the Authority. The Authority will then respond and, where appropriate, liaise with objectors with a view to resolving the objection prior to submitting the final byelaw to the MMO for confirmation by the Secretary of State. The MMO will make final quality assurance checks and assess the evidence prior to recommending the byelaw for confirmation by the Secretary of State. Any byelaw will only come into force following confirmation by the Secretary of State.

Bottom Towed Fishing Gear Byelaw 2023Version Control

| Version No. | Date | Edited By | Comments |
|--------------------|-------------|-------------------|---|
| 1.0 | 14.04.23 | Sarah Birchenough | First Draft |
| 1.1 | 19.04.23 | Sarah Birchenough | Updated following initial comments |
| 1.2 | 12.04.23 | Emily Condie | Updated schedule and closure maps |
| 1.3 | 24.04.23 | Sarah Birchenough | Updated schedule – grouping of area numbers |
| | | | |

SOUTHERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009

BOTTOM TOWED FISHING GEAR BYELAW 2023

The Southern Inshore Fisheries and Conservation Authority, in exercise of the powers conferred by sections 155(1) of the Marine and Coastal Access Act 2009, hereby makes the following byelaw for that District.

INTERPRETATION

- (1) In this byelaw:
- a) All positions given by means of coordinate are defined on World Geodetic system 1984 Datum (WGS84);
 - b) "the Authority" means the Southern Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Southern Inshore Fisheries and Conservation Order 2010 (SI 2010 No 2198);
 - c) "bottom towed fishing gear" means any fishing gear which is capable of being pulled or pushed along the seabed;
 - d) "the District" means the Southern Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of the Southern Inshore Fisheries and Conservation Order 2010;
 - e) "prohibited area" means an area defined in the Schedule.

PROHIBITION

- (2) A person must not, subject to paragraph (4), use bottom towed fishing gear within a prohibited area.
- (3) A person must not, subject to paragraph (4), use a vessel carrying bottom towed fishing gear while transiting through a prohibited area unless all parts of that gear are inboard and above the sea.

DISPENSATIONS

- (4) Paragraphs (2) and (3) do not apply to any person committing an act which would otherwise constitute an offence against this byelaw if that act was carried out in accordance with a written dispensation issued by the Authority authorising that act for the purpose of educational, scientific, stocking or breeding purposes
- (5) A dispensation issued under paragraph (4) will only be valid if:
 - a. The act being undertaken is in accordance with the purpose for which the dispensation was issued;
 - b. The dispensation is carried on board and produced for inspection when requested by an Inshore Fisheries and Conservation Officer of the Authority or any other person authorised by the Authority to make such a request.

REVIEW

- (6) The Authority (or a sub-committee thereof authorised by the Authority to do so) will review the suitability of the byelaw in accordance with any changes in available evidence, to include any statutory advice provided by Natural England or other such bodies, organisations or persons as the Authority deem fit.

REVOCATIONS

- (7) The byelaw with the title 'Bottom Towed Fishing Gear Byelaw 2016' made by the Authority, in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009, confirmed on 17th November 2017, and in force immediately before the making of this byelaw is revoked

I hereby certify that the above byelaw was made by Southern Inshore Fisheries and Conservation Authority at their meeting on 8th June 2023 (TBC).

.....
Pia Bateman
Chief Executive Officer
Southern Inshore Fisheries and Conservation Authority

The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 155(3) of the Marine and Coastal Access Act 2009, confirms the Bottom Towed Fishing Gear Byelaw 2023 made by the Southern IFCA on 8th June 2023 (TBC).

.....
A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs

Date:

SCHEDULE

DEFINITION OF "PROHIBITED AREAS"

| <u>Point Number</u> | <u>Latitude</u> | <u>Longitude</u> | |
|--|-----------------------|--------------------------|--|
| Chichester and Langstone Harbours – Areas 1-6 | | | |
| Area 1 | | | |
| 1 | 50 ° 49.030 minutes N | , 000 ° 57.295 minutes W | to |
| 2 | 50 ° 49.035 minutes N | , 000 ° 56.921 minutes W | to |
| 3 | 50 ° 48.320 minutes N | , 000 ° 56.647 minutes W | to |
| 4 | 50 ° 48.149 minutes N | , 000 ° 56.821 minutes W | to |
| 5 | 50 ° 48.054 minutes N | , 000 ° 57.177 minutes W | From point 5 along the coast at the level of mean high water spring tide to |
| 6 | 50 ° 48.175 minutes N | , 000 ° 58.000 minutes W | to |
| 7 | 50 ° 48.410 minutes N | , 000 ° 57.880 minutes W | From point 7 along the coast at the level of mean high water spring tide to |
| 8 | 50 ° 48.602 minutes N | , 000 ° 58.085 minutes W | to |
| 9 | 50 ° 48.641 minutes N | , 000 ° 58.084 minutes W | From point 9 along the coast at the level of mean high water spring tide to point 1. |
| Area 2 | | | |
| 10 | 50 ° 47.803 minutes N | , 000 ° 57.392 minutes W | to |
| 11 | 50 ° 47.664 minutes N | , 000 ° 56.579 minutes W | to |
| 12 | 50 ° 47.200 minutes N | , 000 ° 56.590 minutes W | From point 12 along the coast at the level of mean high water spring tide to |
| 13 | 50 ° 46.991 minutes N | , 000 ° 57.058 minutes W | to |
| 14 | 50 ° 47.062 minutes N | , 000 ° 57.076 minutes W | From point 14 along the coast at the level of mean high water spring tide to |
| 15 | 50 ° 47.376 minutes N | , 000 ° 57.410 minutes W | to |
| 16 | 50 ° 47.654 minutes N | , 000 ° 57.331 minutes W | From point 16 along the coast at the level of mean high water spring tide to point 10. |
| Area 3 | | | |
| 17 | 50 ° 49.515 minutes N | , 000 ° 59.104 minutes W | to |
| 18 | 50 ° 49.437 minutes N | , 000 ° 59.165 minutes W | to |
| 19 | 50 ° 49.440 minutes N | , 000 ° 59.314 minutes W | to |
| 20 | 50 ° 49.495 minutes N | , 000 ° 59.456 minutes W | to |
| 21 | 50 ° 49.609 minutes N | , 000 ° 59.418 minutes W | to |
| 22 | 50 ° 49.663 minutes N | , 000 ° 59.367 minutes W | to |
| 23 | 50 ° 49.731 minutes N | , 000 ° 59.246 minutes W | to |
| 24 | 50 ° 49.842 minutes N | , 000 ° 58.961 minutes W | to |

| | | |
|--|--|--|
| 25 | 50 ° 49.703 minutes N , 000 ° 59.004 minutes W | From point 25 along the coast at the level of mean high water spring tide to point 17. |
| Area 4 | | |
| 26 | 50 ° 47.775 minutes N , 001 ° 1.516 minutes W | to |
| 27 | 50 ° 48.140 minutes N , 001 ° 1.446 minutes W | to |
| 28 | 50 ° 48.600 minutes N , 001 ° 0.363 minutes W | to |
| 29 | 50 ° 48.465 minutes N , 001 ° 0.117 minutes W | to |
| 30 | 50 ° 48.781 minutes N , 000 ° 59.704 minutes W | to |
| 31 | 50 ° 48.887 minutes N , 000 ° 59.273 minutes W | to |
| 32 | 50 ° 48.824 minutes N , 000 ° 59.154 minutes W | From point 32 along the coast at the level of mean high water spring tide to point 26. |
| Area 5 | | |
| 33 | 50 ° 48.998 minutes N , 001 ° 0.917 minutes W | to |
| 34 | 50 ° 48.961 minutes N , 001 ° 0.710 minutes W | to |
| 35 | 50 ° 48.711 minutes N , 001 ° 0.953 minutes W | to |
| 36 | 50 ° 48.760 minutes N , 001 ° 1.107 minutes W | From point 36 to point 33. |
| Area 6 | | |
| 37 | 50 ° 50.635 minutes N , 001 ° 0.544 minutes W | to |
| 38 | 50 ° 50.331 minutes N , 001 ° 0.766 minutes W | to |
| 39 | 50 ° 50.031 minutes N , 001 ° 0.121 minutes W | to |
| 40 | 50 ° 49.842 minutes N , 000 ° 59.961 minutes W | to |
| 41 | 50 ° 49.633 minutes N , 000 ° 59.942 minutes W | to |
| 42 | 50 ° 49.264 minutes N , 001 ° 0.090 minutes W | to |
| 43 | 50 ° 49.264 minutes N , 001 ° 1.237 minutes W | to |
| 44 | 50 ° 48.937 minutes N , 001 ° 1.267 minutes W | to |
| 45 | 50 ° 48.840 minutes N , 001 ° 1.369 minutes W | to |
| 46 | 50 ° 48.711 minutes N , 001 ° 1.599 minutes W | to |
| 47 | 50 ° 48.711 minutes N , 001 ° 2.375 minutes W | From point 47 along the coast at the level of mean high water spring tide to point 48 |
| 48 | 50 ° 50.006 minutes N , 001 ° 3.280 minutes W | to |
| 49 | 50 ° 50.027 minutes N , 001 ° 3.257 minutes W | From point 49 along the coast at the level of mean high water spring tide to point 37. |
| Portsmouth Harbour – Areas 7-12 | | |
| Area 7 | | |
| 50 | 50 ° 49.514 minutes N , 001 ° 7.450 minutes W | to |
| 51 | 50 ° 49.448 minutes N , 001 ° 7.103 minutes W | to |
| 52 | 50 ° 49.284 minutes N , 001 ° 7.148 minutes W | to |

| | |
|----------------|--|
| 53 | 50 ° 49.219 minutes N , 001 ° 7.585 minutes W to |
| 54 | 50 ° 49.387 minutes N , 001 ° 7.930 minutes W From point 54 along the coast at the level of mean high water spring tide to point 50. |
| Area 8 | |
| 55 | 50 ° 50.180 minutes N , 001 ° 7.501 minutes W to |
| 56 | 50 ° 50.059 minutes N , 001 ° 7.667 minutes W to |
| 57 | 50 ° 49.937 minutes N , 001 ° 7.326 minutes W to |
| 58 | 50 ° 49.846 minutes N , 001 ° 7.426 minutes W to |
| 59 | 50 ° 49.986 minutes N , 001 ° 7.809 minutes W to |
| 60 | 50 ° 49.782 minutes N , 001 ° 8.074 minutes W to |
| 61 | 50 ° 49.630 minutes N , 001 ° 8.160 minutes W to |
| 62 | 50 ° 49.632 minutes N , 001 ° 8.251 minutes W to |
| 63 | 50 ° 49.791 minutes N , 001 ° 8.419 minutes W to |
| 64 | 50 ° 49.853 minutes N , 001 ° 8.396 minutes W to |
| 65 | 50 ° 50.370 minutes N , 001 ° 8.972 minutes W to |
| 66 | 50 ° 50.406 minutes N , 001 ° 9.079 minutes W to |
| 67 | 50 ° 50.471 minutes N , 001 ° 9.102 minutes W From point 67 along the coast at the level of mean high water spring tide to point 55. |
| Area 9 | |
| 68 | 50 ° 49.798 minutes N , 001 ° 8.864 minutes W to |
| 69 | 50 ° 49.700 minutes N , 001 ° 8.682 minutes W to |
| 70 | 50 ° 49.616 minutes N , 001 ° 8.829 minutes W to |
| 71 | 50 ° 49.722 minutes N , 001 ° 8.965 minutes W From point 71 to point 68. |
| Area 10 | |
| 72 | 50 ° 50.211 minutes N , 001 ° 9.300 minutes W to |
| 73 | 50 ° 50.289 minutes N , 001 ° 9.169 minutes W to |
| 74 | 50 ° 50.177 minutes N , 001 ° 9.030 minutes W to |
| 75 | 50 ° 50.103 minutes N , 001 ° 9.049 minutes W to |
| 76 | 50 ° 50.093 minutes N , 001 ° 9.079 minutes W From point 76 along the coast at the level of mean high water spring tide to point 72. |
| Area 11 | |
| 77 | 50 ° 50.567 minutes N , 001 ° 9.265 minutes W to |
| 78 | 50 ° 50.425 minutes N , 001 ° 9.700 minutes W to |
| 79 | 50 ° 50.499 minutes N , 001 ° 9.779 minutes W From point 79 along the coast at the level of mean high water spring tide to point 77. |
| Area 12 | |
| 80 | 50 ° 50.256 minutes N , 001 ° 9.627 minutes W to |

| | |
|----|---|
| 81 | 50 ° 50.300 minutes N , 001 ° 9.685 minutes W to |
| 82 | 50 ° 50.356 minutes N , 001 ° 9.580 minutes W to |
| 83 | 50 ° 50.345 minutes N , 001 ° 9.529 minutes W From point 83 along the base of the jetty until the southerly end of the jetty, then along the coast at the level of mean high water spring tide to point 80. |

Southampton Water – Areas 13-18

Area 13

| | |
|----|---|
| 84 | 50 ° 49.275 minutes N , 001 ° 15.186 minutes W to |
| 85 | 50 ° 49.164 minutes N , 001 ° 15.357 minutes W to |
| 86 | 50 ° 49.584 minutes N , 001 ° 16.443 minutes W to |
| 87 | 50 ° 49.739 minutes N , 001 ° 16.334 minutes W From point 87 along the coast at the level of mean high water spring tide to point 84. |

Area 14

The Part of the District that lies below mean high water springs and north of a line drawn from:

| | |
|----|---|
| 88 | 50 ° 52.381 minutes N , 001 ° 18.341 minutes W to |
| 89 | 50 ° 52.385 minutes N , 001 ° 18.783 minutes W |

Area 15

The Part of the District that lies below mean high water springs and north of a line drawn from:

| | |
|----|---|
| 90 | 50 ° 54.097 minutes N , 001 ° 27.122 minutes W to |
| 91 | 50 ° 54.133 minutes N , 001 ° 27.119 minutes W to |
| 92 | 50 ° 54.290 minutes N , 001 ° 27.587 minutes W to |
| 93 | 50 ° 54.287 minutes N , 001 ° 27.875 minutes W to |
| 94 | 50 ° 54.424 minutes N , 001 ° 27.900 minutes W to |
| 95 | 50 ° 54.614 minutes N , 001 ° 28.103 minutes W to |
| 96 | 50 ° 54.687 minutes N , 001 ° 28.027 minutes W |

Area 16

| | |
|----|---|
| 97 | 50 ° 48.910 minutes N , 001 ° 18.557 minutes W to |
| 98 | 50 ° 50.213 minutes N , 001 ° 20.155 minutes W From point 98 along the coast at the level of mean high water spring tide to point 97. |

Area 17

| | |
|-----|--|
| 99 | 50 ° 50.762 minutes N , 001 ° 20.979 minutes W to |
| 100 | 50 ° 51.901 minutes N , 001 ° 23.316 minutes W From point 100 along the coast at the level of mean high water spring tide to point 99. |

Area 18

| | |
|-----|---|
| 101 | 50 ° 48.749 minutes N , 001 ° 18.690 minutes W to |
| 102 | 50 ° 48.547 minutes N , 001 ° 18.418 minutes W to |
| 103 | 50 ° 47.839 minutes N , 001 ° 19.635 minutes W to |

| | | |
|--|--|--|
| 104 | 50 ° 47.807 minutes N , 001 ° 19.970 minutes W | From point 104 along the coast at the level of mean high water spring tide to point 101. |
| <u>Lyminster, Keyhaven and Beaulieu – Areas 19-21</u> | | |
| <u>Area 19</u> | | |
| 105 | 50 ° 47.116 minutes N , 001 ° 21.947 minutes W | to |
| 106 | 50 ° 46.897 minutes N , 001 ° 21.560 minutes W | to |
| 107 | 50 ° 46.953 minutes N , 001 ° 20.936 minutes W | to |
| 108 | 50 ° 46.650 minutes N , 001 ° 20.963 minutes W | to |
| 109 | 50 ° 46.495 minutes N , 001 ° 21.959 minutes W | to |
| 110 | 50 ° 46.563 minutes N , 001 ° 22.317 minutes W | From point 110 to point 105. |
| <u>Area 20</u> | | |
| 111 | 50 ° 45.756 minutes N , 001 ° 26.754 minutes W | to |
| 112 | 50 ° 45.189 minutes N , 001 ° 28.936 minutes W | to |
| 113 | 50 ° 43.792 minutes N , 001 ° 32.437 minutes W | From point 113 along the coast at the level of mean high water spring tide to point 111. |
| <u>Area 21</u> | | |
| 114 | 50 ° 43.786 minutes N , 001 ° 32.446 minutes W | to |
| 115 | 50 ° 42.860 minutes N , 001 ° 33.300 minutes W | From point 114 along the coast at the level of mean high water spring tide to point 115. |
| <u>Yarmouth – Area 22</u> | | |
| <u>Area 22</u> | | |
| 116 | 50 ° 42.380 minutes N , 001 ° 30.598 minutes W | to |
| 117 | 50 ° 42.505 minutes N , 001 ° 29.975 minutes W | to |
| 118 | 50 ° 42.444 minutes N , 001 ° 29.859 minutes W | to |
| 119 | 50 ° 43.061 minutes N , 001 ° 27.360 minutes W | to |
| 120 | 50 ° 42.997 minutes N , 001 ° 27.293 minutes W | From point 120 along the coast at the level of mean high water spring tide to point 116 including the waters within the River Yar below mean high water springs. |
| <u>Yarmouth to Cowes – Areas 23-24</u> | | |
| <u>Area 23</u> | | |
| 121 | 50 ° 43.288 minutes N , 001 ° 26.599 minutes W | to |
| 122 | 50 ° 43.503 minutes N , 001 ° 26.805 minutes W | to |
| 123 | 50 ° 43.796 minutes N , 001 ° 26.198 minutes W | to |
| 124 | 50 ° 43.572 minutes N , 001 ° 25.127 minutes W | to |
| 125 | 50 ° 43.973 minutes N , 001 ° 23.302 minutes W | to |
| 126 | 50 ° 44.133 minutes N , 001 ° 23.059 minutes W | to |
| 127 | 50 ° 44.095 minutes N , 001 ° 22.852 minutes W | to |

| | | | | | | | | | | | |
|-----|------|--------|---------|---|---|-----|---|--------|---------|---|--|
| 128 | 50 ° | 44.406 | minutes | N | , | 001 | ° | 21.559 | minutes | W | to |
| 129 | 50 ° | 44.614 | minutes | N | , | 001 | ° | 21.362 | minutes | W | to |
| 130 | 50 ° | 44.806 | minutes | N | , | 001 | ° | 20.847 | minutes | W | to |
| 131 | 50 ° | 45.022 | minutes | N | , | 001 | ° | 21.043 | minutes | W | to |
| 132 | 50 ° | 45.482 | minutes | N | , | 001 | ° | 20.707 | minutes | W | to |
| 133 | 50 ° | 45.707 | minutes | N | , | 001 | ° | 20.248 | minutes | W | to |
| 134 | 50 ° | 45.891 | minutes | N | , | 001 | ° | 19.256 | minutes | W | From point 134 along the coast at the level of mean high water spring tide to point 121 including the waters within Newtown Harbour below mean high water springs. |

Area 24

| | | | | | | | | | | | |
|-----|------|--------|---------|---|---|-----|---|--------|---------|---|--|
| 135 | 50 ° | 44.453 | minutes | N | , | 001 | ° | 22.726 | minutes | W | to |
| 136 | 50 ° | 44.372 | minutes | N | , | 001 | ° | 22.729 | minutes | W | to |
| 137 | 50 ° | 44.374 | minutes | N | , | 001 | ° | 22.863 | minutes | W | to |
| 138 | 50 ° | 44.455 | minutes | N | , | 001 | ° | 22.860 | minutes | W | From point 138 along the coast at the level of mean high water spring tide to point 135. |

The Medina, Cowes and Osbourne Bay – Areas 25-28

Area 25

| | | | | | | | | | | | |
|-----|------|--------|---------|---|---|-----|---|--------|---------|---|--|
| 139 | 50 ° | 46.027 | minutes | N | , | 001 | ° | 18.427 | minutes | W | to |
| 140 | 50 ° | 46.071 | minutes | N | , | 001 | ° | 18.422 | minutes | W | to |
| 141 | 50 ° | 46.070 | minutes | N | , | 001 | ° | 18.255 | minutes | W | to |
| 142 | 50 ° | 46.023 | minutes | N | , | 001 | ° | 18.253 | minutes | W | From point 142 along the coast at the level of mean high water spring tide to point 139. |

Area 26

The Part of the District that lies below mean high water springs and south of a line drawn from:

| | | | | | | | | | | | |
|-----|------|--------|---------|---|---|-----|---|--------|---------|---|----|
| 143 | 50 ° | 44.962 | minutes | N | , | 001 | ° | 17.588 | minutes | W | to |
| 144 | 50 ° | 44.962 | minutes | N | , | 001 | ° | 17.419 | minutes | W | |

Area 27

| | | | | | | | | | | | |
|-----|------|--------|---------|---|---|-----|---|--------|---------|---|--|
| 145 | 50 ° | 45.767 | minutes | N | , | 001 | ° | 17.319 | minutes | W | to |
| 146 | 50 ° | 45.846 | minutes | N | , | 001 | ° | 17.444 | minutes | W | to |
| 147 | 50 ° | 45.803 | minutes | N | , | 001 | ° | 17.749 | minutes | W | to |
| 148 | 50 ° | 46.029 | minutes | N | , | 001 | ° | 17.847 | minutes | W | to |
| 149 | 50 ° | 46.155 | minutes | N | , | 001 | ° | 17.043 | minutes | W | to |
| 150 | 50 ° | 45.976 | minutes | N | , | 001 | ° | 16.618 | minutes | W | From point 150 along the coast at the level of mean high water spring tide to point 145. |

Area 28

| | | | | | | | | | | | |
|-----|------|--------|---------|---|---|-----|---|--------|---------|---|----|
| 151 | 50 ° | 45.955 | minutes | N | , | 001 | ° | 16.340 | minutes | W | to |
| 152 | 50 ° | 46.056 | minutes | N | , | 001 | ° | 16.210 | minutes | W | to |

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|---|
| 153 | 50 | ° | 45.536 | minutes | N | , | 001 | ° | 15.253 | minutes | W | to |
| 154 | 50 | ° | 44.789 | minutes | N | , | 001 | ° | 13.540 | minutes | W | to |
| 155 | 50 | ° | 44.473 | minutes | N | , | 001 | ° | 12.484 | minutes | W | to |
| 156 | 50 | ° | 44.346 | minutes | N | , | 001 | ° | 12.409 | minutes | W | to |
| 157 | 50 | ° | 44.261 | minutes | N | , | 001 | ° | 12.813 | minutes | W | From point 157 along the coast at the level of mean high water spring tide to point 151 including those waters within Kings Quay. |

Ryde to South Wight – Areas 29-30

Area 29

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|--|
| 158 | 50 | ° | 44.000 | minutes | N | , | 001 | ° | 10.372 | minutes | W | to |
| 159 | 50 | ° | 44.343 | minutes | N | , | 001 | ° | 10.582 | minutes | W | to |
| 160 | 50 | ° | 44.578 | minutes | N | , | 001 | ° | 8.742 | minutes | W | to |
| 161 | 50 | ° | 43.891 | minutes | N | , | 001 | ° | 9.112 | minutes | W | From point 161 along the coast at the level of mean high water spring tide to point 158. |

Area 30

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|-------|---------|---|------------------------------|
| 162 | 50 | ° | 43.778 | minutes | N | , | 001 | ° | 7.541 | minutes | W | to |
| 163 | 50 | ° | 43.553 | minutes | N | , | 001 | ° | 6.856 | minutes | W | to |
| 164 | 50 | ° | 43.430 | minutes | N | , | 001 | ° | 6.845 | minutes | W | to |
| 165 | 50 | ° | 43.648 | minutes | N | , | 001 | ° | 7.636 | minutes | W | From point 165 to point 162. |

South Wight – Area 31

Area 31

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|----|
| 166 | 50 | ° | 43.039 | minutes | N | , | 001 | ° | 6.443 | minutes | W | to |
| 167 | 50 | ° | 43.052 | minutes | N | , | 001 | ° | 6.359 | minutes | W | to |
| 168 | 50 | ° | 42.409 | minutes | N | , | 001 | ° | 5.752 | minutes | W | to |
| 169 | 50 | ° | 42.345 | minutes | N | , | 001 | ° | 5.163 | minutes | W | to |
| 170 | 50 | ° | 42.751 | minutes | N | , | 001 | ° | 4.492 | minutes | W | to |
| 171 | 50 | ° | 42.749 | minutes | N | , | 001 | ° | 4.401 | minutes | W | to |
| 172 | 50 | ° | 42.635 | minutes | N | , | 001 | ° | 4.408 | minutes | W | to |
| 173 | 50 | ° | 42.266 | minutes | N | , | 001 | ° | 3.5 | minutes | W | to |
| 174 | 50 | ° | 42.336 | minutes | N | , | 001 | ° | 2.702 | minutes | W | to |
| 175 | 50 | ° | 41.880 | minutes | N | , | 001 | ° | 2.845 | minutes | W | to |
| 176 | 50 | ° | 41.284 | minutes | N | , | 001 | ° | 0.914 | minutes | W | to |
| 177 | 50 | ° | 40.052 | minutes | N | , | 000 | ° | 59.524 | minutes | W | to |
| 178 | 50 | ° | 39.093 | minutes | N | , | 001 | ° | 0.211 | minutes | W | to |
| 179 | 50 | ° | 38.051 | minutes | N | , | 001 | ° | 5.57 | minutes | W | to |

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|--|
| 180 | 50 | ° | 38.297 | minutes | N | , | 001 | ° | 6.457 | minutes | W | to |
| 181 | 50 | ° | 37.935 | minutes | N | , | 001 | ° | 8.34 | minutes | W | to |
| 182 | 50 | ° | 36.486 | minutes | N | , | 001 | ° | 6.89 | minutes | W | to |
| 183 | 50 | ° | 36.371 | minutes | N | , | 001 | ° | 7.206 | minutes | W | to |
| 184 | 50 | ° | 36.351 | minutes | N | , | 001 | ° | 9.541 | minutes | W | to |
| 185 | 50 | ° | 35.162 | minutes | N | , | 001 | ° | 10.743 | minutes | W | to |
| 186 | 50 | ° | 33.357 | minutes | N | , | 001 | ° | 18.43 | minutes | W | to |
| 187 | 50 | ° | 35.526 | minutes | N | , | 001 | ° | 24.892 | minutes | W | to |
| 188 | 50 | ° | 35.969 | minutes | N | , | 001 | ° | 24.448 | minutes | W | to |
| 189 | 50 | ° | 36.726 | minutes | N | , | 001 | ° | 26.364 | minutes | W | to |
| 190 | 50 | ° | 36.555 | minutes | N | , | 001 | ° | 27.992 | minutes | W | to |
| 191 | 50 | ° | 37.080 | minutes | N | , | 001 | ° | 29.453 | minutes | W | to |
| 192 | 50 | ° | 37.348 | minutes | N | , | 001 | ° | 29.215 | minutes | W | to |
| 193 | 50 | ° | 38.088 | minutes | N | , | 001 | ° | 31.441 | minutes | W | to |
| 194 | 50 | ° | 39.076 | minutes | N | , | 001 | ° | 30.634 | minutes | W | to |
| 195 | 50 | ° | 39.216 | minutes | N | , | 001 | ° | 29.961 | minutes | W | to |
| 196 | 50 | ° | 39.497 | minutes | N | , | 001 | ° | 30.288 | minutes | W | to |
| 197 | 50 | ° | 39.671 | minutes | N | , | 001 | ° | 29.929 | minutes | W | to |
| 198 | 50 | ° | 39.810 | minutes | N | , | 001 | ° | 29.936 | minutes | W | to |
| 199 | 50 | ° | 39.796 | minutes | N | , | 001 | ° | 30.567 | minutes | W | to |
| 200 | 50 | ° | 38.949 | minutes | N | , | 001 | ° | 35.194 | minutes | W | to |
| 201 | 50 | ° | 39.368 | minutes | N | , | 001 | ° | 36.454 | minutes | W | to |
| 202 | 50 | ° | 39.370 | minutes | N | , | 001 | ° | 36.84 | minutes | W | to |
| 203 | 50 | ° | 39.685 | minutes | N | , | 001 | ° | 37.105 | minutes | W | to |
| 204 | 50 | ° | 40.026 | minutes | N | , | 001 | ° | 36.504 | minutes | W | to |
| 205 | 50 | ° | 39.964 | minutes | N | , | 001 | ° | 36.366 | minutes | W | to |
| 206 | 50 | ° | 40.170 | minutes | N | , | 001 | ° | 35.003 | minutes | W | to |
| 207 | 50 | ° | 40.438 | minutes | N | , | 001 | ° | 35.012 | minutes | W | to |
| 208 | 50 | ° | 40.562 | minutes | N | , | 001 | ° | 33.841 | minutes | W | to |
| 209 | 50 | ° | 41.335 | minutes | N | , | 001 | ° | 33.851 | minutes | W | to |
| 210 | 50 | ° | 42.075 | minutes | N | , | 001 | ° | 32.266 | minutes | W | to |
| 211 | 50 | ° | 42.049 | minutes | N | , | 001 | ° | 32.074 | minutes | W | From point 211 along the coast at the level of mean high water spring tide to point 166. |

Poole Bay – Areas 32-33**Area 32**

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|------------------------------|
| 212 | 50 | ° | 41.486 | minutes | N | , | 001 | ° | 46.576 | minutes | W | to |
| 213 | 50 | ° | 40.461 | minutes | N | , | 001 | ° | 46.581 | minutes | W | to |
| 214 | 50 | ° | 40.465 | minutes | N | , | 001 | ° | 48.873 | minutes | W | to |
| 215 | 50 | ° | 41.490 | minutes | N | , | 001 | ° | 48.869 | minutes | W | From point 215 to point 212. |

Area 33

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|------------------------------|
| 216 | 50 | ° | 41.760 | minutes | N | , | 001 | ° | 52.329 | minutes | W | to |
| 217 | 50 | ° | 40.618 | minutes | N | , | 001 | ° | 52.323 | minutes | W | to |
| 218 | 50 | ° | 40.618 | minutes | N | , | 001 | ° | 53.992 | minutes | W | to |
| 219 | 50 | ° | 41.757 | minutes | N | , | 001 | ° | 53.991 | minutes | W | From point 219 to point 216. |

Poole Harbour – Areas 34-35**Area 34**

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|------------------------------|
| 220 | 50 | ° | 41.833 | minutes | N | , | 001 | ° | 56.553 | minutes | W | to |
| 221 | 50 | ° | 41.656 | minutes | N | , | 001 | ° | 56.535 | minutes | W | to |
| 222 | 50 | ° | 41.616 | minutes | N | , | 001 | ° | 56.180 | minutes | W | to |
| 223 | 50 | ° | 41.351 | minutes | N | , | 001 | ° | 56.517 | minutes | W | to |
| 224 | 50 | ° | 41.349 | minutes | N | , | 001 | ° | 56.923 | minutes | W | to |
| 225 | 50 | ° | 41.851 | minutes | N | , | 001 | ° | 56.716 | minutes | W | From point 225 to point 220. |

Area 35

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|------------------------------|
| 226 | 50 | ° | 42.241 | minutes | N | , | 001 | ° | 56.816 | minutes | W | to |
| 227 | 50 | ° | 42.122 | minutes | N | , | 001 | ° | 56.757 | minutes | W | to |
| 228 | 50 | ° | 42.035 | minutes | N | , | 001 | ° | 56.559 | minutes | W | to |
| 229 | 50 | ° | 41.999 | minutes | N | , | 001 | ° | 56.564 | minutes | W | to |
| 230 | 50 | ° | 42.014 | minutes | N | , | 001 | ° | 56.832 | minutes | W | to |
| 231 | 50 | ° | 42.243 | minutes | N | , | 001 | ° | 57.150 | minutes | W | to |
| 232 | 50 | ° | 42.292 | minutes | N | , | 001 | ° | 57.024 | minutes | W | From point 232 to point 226. |

Studland Bay – Area 36**Area 36**

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|--|
| 233 | 50 | ° | 39.403 | minutes | N | , | 001 | ° | 57.142 | minutes | W | to |
| 234 | 50 | ° | 39.246 | minutes | N | , | 001 | ° | 56.329 | minutes | W | to |
| 235 | 50 | ° | 39.280 | minutes | N | , | 001 | ° | 56.014 | minutes | W | to |
| 236 | 50 | ° | 38.543 | minutes | N | , | 001 | ° | 55.407 | minutes | W | From point 236 along the coast at the level of mean high water spring tide to point 233. |

Purbeck Coast – Area 37

Area 37

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|----|
| 237 | 50 | ° | 38.581 | minutes | N | , | 001 | ° | 55.350 | minutes | W | to |
| 238 | 50 | ° | 38.670 | minutes | N | , | 001 | ° | 55.337 | minutes | W | to |
| 239 | 50 | ° | 39.350 | minutes | N | , | 001 | ° | 54.578 | minutes | W | to |
| 240 | 50 | ° | 39.352 | minutes | N | , | 001 | ° | 54.294 | minutes | W | to |
| 241 | 50 | ° | 39.307 | minutes | N | , | 001 | ° | 54.281 | minutes | W | to |
| 242 | 50 | ° | 39.297 | minutes | N | , | 001 | ° | 53.813 | minutes | W | to |
| 243 | 50 | ° | 38.613 | minutes | N | , | 001 | ° | 53.833 | minutes | W | to |
| 244 | 50 | ° | 38.551 | minutes | N | , | 001 | ° | 53.482 | minutes | W | to |
| 245 | 50 | ° | 37.312 | minutes | N | , | 001 | ° | 53.483 | minutes | W | to |
| 246 | 50 | ° | 37.315 | minutes | N | , | 001 | ° | 53.917 | minutes | W | to |
| 247 | 50 | ° | 36.942 | minutes | N | , | 001 | ° | 53.913 | minutes | W | to |
| 248 | 50 | ° | 36.948 | minutes | N | , | 001 | ° | 54.724 | minutes | W | to |
| 249 | 50 | ° | 36.461 | minutes | N | , | 001 | ° | 54.711 | minutes | W | to |
| 250 | 50 | ° | 36.364 | minutes | N | , | 001 | ° | 54.112 | minutes | W | to |
| 251 | 50 | ° | 36.003 | minutes | N | , | 001 | ° | 53.219 | minutes | W | to |
| 252 | 50 | ° | 35.588 | minutes | N | , | 001 | ° | 53.219 | minutes | W | to |
| 253 | 50 | ° | 35.078 | minutes | N | , | 001 | ° | 54.044 | minutes | W | to |
| 254 | 50 | ° | 33.132 | minutes | N | , | 001 | ° | 54.051 | minutes | W | to |
| 255 | 50 | ° | 29.849 | minutes | N | , | 002 | ° | 6.019 | minutes | W | to |
| 256 | 50 | ° | 31.461 | minutes | N | , | 002 | ° | 14.535 | minutes | W | to |
| 257 | 50 | ° | 33.393 | minutes | N | , | 002 | ° | 14.549 | minutes | W | to |
| 258 | 50 | ° | 33.869 | minutes | N | , | 002 | ° | 11.239 | minutes | W | to |
| 259 | 50 | ° | 33.770 | minutes | N | , | 002 | ° | 10.355 | minutes | W | to |
| 260 | 50 | ° | 33.987 | minutes | N | , | 002 | ° | 9.864 | minutes | W | to |
| 261 | 50 | ° | 34.642 | minutes | N | , | 002 | ° | 10.242 | minutes | W | to |
| 262 | 50 | ° | 34.853 | minutes | N | , | 002 | ° | 9.850 | minutes | W | to |
| 263 | 50 | ° | 36.098 | minutes | N | , | 002 | ° | 11.026 | minutes | W | to |
| 264 | 50 | ° | 34.620 | minutes | N | , | 002 | ° | 14.981 | minutes | W | to |
| 265 | 50 | ° | 34.675 | minutes | N | , | 002 | ° | 15.818 | minutes | W | to |
| 266 | 50 | ° | 34.064 | minutes | N | , | 002 | ° | 15.909 | minutes | W | to |
| 267 | 50 | ° | 34.066 | minutes | N | , | 002 | ° | 19.968 | minutes | W | to |
| 268 | 50 | ° | 36.917 | minutes | N | , | 002 | ° | 20.242 | minutes | W | to |

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|--|
| 269 | 50 | ° | 36.932 | minutes | N | , | 002 | ° | 20.322 | minutes | W | to |
| 270 | 50 | ° | 37.024 | minutes | N | , | 002 | ° | 20.335 | minutes | W | to |
| 271 | 50 | ° | 37.034 | minutes | N | , | 002 | ° | 20.251 | minutes | W | to |
| 272 | 50 | ° | 37.914 | minutes | N | , | 002 | ° | 20.335 | minutes | W | From point 272 along the coast at the level of mean high water spring tide to point 237. |

Portland and Stennis Ledges – Areas 38-39

Area 38

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|--|
| 273 | 50 | ° | 32.533 | minutes | N | , | 002 | ° | 25.117 | minutes | W | to |
| 274 | 50 | ° | 31.400 | minutes | N | , | 002 | ° | 21.983 | minutes | W | to |
| 275 | 50 | ° | 30.690 | minutes | N | , | 002 | ° | 23.424 | minutes | W | to |
| 276 | 50 | ° | 30.761 | minutes | N | , | 002 | ° | 23.676 | minutes | W | to |
| 277 | 50 | ° | 30.330 | minutes | N | , | 002 | ° | 24.397 | minutes | W | to |
| 278 | 50 | ° | 30.219 | minutes | N | , | 002 | ° | 24.380 | minutes | W | to |
| 279 | 50 | ° | 29.683 | minutes | N | , | 002 | ° | 25.467 | minutes | W | to |
| 280 | 50 | ° | 29.000 | minutes | N | , | 002 | ° | 20.700 | minutes | W | to |
| 281 | 50 | ° | 28.412 | minutes | N | , | 002 | ° | 19.352 | minutes | W | to |
| 282 | 50 | ° | 28.254 | minutes | N | , | 002 | ° | 18.393 | minutes | W | to |
| 283 | 50 | ° | 27.883 | minutes | N | , | 002 | ° | 18.757 | minutes | W | to |
| 284 | 50 | ° | 27.883 | minutes | N | , | 002 | ° | 26.000 | minutes | W | to |
| 285 | 50 | ° | 27.483 | minutes | N | , | 002 | ° | 26.033 | minutes | W | to |
| 286 | 50 | ° | 27.483 | minutes | N | , | 002 | ° | 27.917 | minutes | W | to |
| 287 | 50 | ° | 29.046 | minutes | N | , | 002 | ° | 28.668 | minutes | W | to |
| 288 | 50 | ° | 27.655 | minutes | N | , | 002 | ° | 30.019 | minutes | W | to |
| 289 | 50 | ° | 28.238 | minutes | N | , | 002 | ° | 32.693 | minutes | W | to |
| 290 | 50 | ° | 30.426 | minutes | N | , | 002 | ° | 30.490 | minutes | W | to |
| 291 | 50 | ° | 29.691 | minutes | N | , | 002 | ° | 28.929 | minutes | W | to |
| 292 | 50 | ° | 29.741 | minutes | N | , | 002 | ° | 28.692 | minutes | W | to |
| 293 | 50 | ° | 32.684 | minutes | N | , | 002 | ° | 27.711 | minutes | W | to |
| 294 | 50 | ° | 33.579 | minutes | N | , | 002 | ° | 29.101 | minutes | W | to |
| 295 | 50 | ° | 33.661 | minutes | N | , | 002 | ° | 28.981 | minutes | W | to |
| 296 | 50 | ° | 33.875 | minutes | N | , | 002 | ° | 29.282 | minutes | W | to |
| 297 | 50 | ° | 34.213 | minutes | N | , | 002 | ° | 28.701 | minutes | W | to |
| 298 | 50 | ° | 33.391 | minutes | N | , | 002 | ° | 27.436 | minutes | W | to |
| 299 | 50 | ° | 33.641 | minutes | N | , | 002 | ° | 26.984 | minutes | W | From point 299 along the coast at the level of mean high water spring tide to point 273. |

Area 39

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|------------------------------|
| 300 | 50 | ° | 35.541 | minutes | N | , | 002 | ° | 30.288 | minutes | W | to |
| 301 | 50 | ° | 35.479 | minutes | N | , | 002 | ° | 30.010 | minutes | W | to |
| 302 | 50 | ° | 35.128 | minutes | N | , | 002 | ° | 29.582 | minutes | W | to |
| 303 | 50 | ° | 34.666 | minutes | N | , | 002 | ° | 29.358 | minutes | W | to |
| 304 | 50 | ° | 34.140 | minutes | N | , | 002 | ° | 29.953 | minutes | W | to |
| 305 | 50 | ° | 34.207 | minutes | N | , | 002 | ° | 30.112 | minutes | W | to |
| 306 | 50 | ° | 32.919 | minutes | N | , | 002 | ° | 31.994 | minutes | W | to |
| 307 | 50 | ° | 33.431 | minutes | N | , | 002 | ° | 33.954 | minutes | W | to |
| 308 | 50 | ° | 35.227 | minutes | N | , | 002 | ° | 31.614 | minutes | W | to |
| 309 | 50 | ° | 35.255 | minutes | N | , | 002 | ° | 31.654 | minutes | W | From point 309 to point 300. |

Chesil and The Fleet – Areas 40-41**Area 40**

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|--|
| 310 | 50 | ° | 35.990 | minutes | N | , | 002 | ° | 29.940 | minutes | W | to |
| 311 | 50 | ° | 35.860 | minutes | N | , | 002 | ° | 30.170 | minutes | W | From point 311 along the coast at the level of mean high water spring tide to point 310. |
| 312 | 50 | ° | 38.680 | minutes | N | , | 002 | ° | 35.510 | minutes | W | to |
| 313 | 50 | ° | 38.775 | minutes | N | , | 002 | ° | 35.410 | minutes | W | From point 313 along the coast at the level of mean high water spring tide to point 312. |

Area 41

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|------------------------------|
| 314 | 50 | ° | 37.569 | minutes | N | , | 002 | ° | 34.394 | minutes | W | to |
| 315 | 50 | ° | 36.901 | minutes | N | , | 002 | ° | 33.020 | minutes | W | to |
| 316 | 50 | ° | 36.757 | minutes | N | , | 002 | ° | 32.952 | minutes | W | to |
| 317 | 50 | ° | 36.554 | minutes | N | , | 002 | ° | 34.124 | minutes | W | to |
| 318 | 50 | ° | 37.383 | minutes | N | , | 002 | ° | 35.811 | minutes | W | From point 318 to point 314. |

Lyme Bay – Area 42**Area 42**

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|----|
| 319 | 50 | ° | 41.735 | minutes | N | , | 002 | ° | 43.267 | minutes | W | to |
| 320 | 50 | ° | 41.000 | minutes | N | , | 002 | ° | 44.020 | minutes | W | to |
| 321 | 50 | ° | 40.790 | minutes | N | , | 002 | ° | 44.768 | minutes | W | to |
| 322 | 50 | ° | 40.180 | minutes | N | , | 002 | ° | 44.767 | minutes | W | to |
| 323 | 50 | ° | 39.764 | minutes | N | , | 002 | ° | 45.035 | minutes | W | to |
| 324 | 50 | ° | 39.970 | minutes | N | , | 002 | ° | 43.721 | minutes | W | to |
| 325 | 50 | ° | 39.864 | minutes | N | , | 002 | ° | 43.212 | minutes | W | to |
| 326 | 50 | ° | 39.219 | minutes | N | , | 002 | ° | 42.925 | minutes | W | to |

| | | | | | | | | | | | | |
|-----|----|---|--------|---------|---|---|-----|---|--------|---------|---|----|
| 327 | 50 | ° | 38.702 | minutes | N | , | 002 | ° | 42.963 | minutes | W | to |
| 328 | 50 | ° | 38.538 | minutes | N | , | 002 | ° | 43.162 | minutes | W | to |
| 329 | 50 | ° | 38.485 | minutes | N | , | 002 | ° | 42.086 | minutes | W | to |
| 330 | 50 | ° | 38.839 | minutes | N | , | 002 | ° | 42.418 | minutes | W | to |
| 331 | 50 | ° | 39.186 | minutes | N | , | 002 | ° | 41.962 | minutes | W | to |
| 332 | 50 | ° | 39.609 | minutes | N | , | 002 | ° | 39.759 | minutes | W | to |
| 333 | 50 | ° | 39.141 | minutes | N | , | 002 | ° | 39.243 | minutes | W | to |
| 334 | 50 | ° | 39.045 | minutes | N | , | 002 | ° | 38.214 | minutes | W | to |
| 335 | 50 | ° | 38.600 | minutes | N | , | 002 | ° | 36.833 | minutes | W | to |
| 336 | 50 | ° | 37.920 | minutes | N | , | 002 | ° | 36.743 | minutes | W | to |
| 337 | 50 | ° | 38.210 | minutes | N | , | 002 | ° | 37.356 | minutes | W | to |
| 338 | 50 | ° | 37.548 | minutes | N | , | 002 | ° | 42.154 | minutes | W | to |
| 339 | 50 | ° | 38.938 | minutes | N | , | 002 | ° | 44.570 | minutes | W | to |
| 340 | 50 | ° | 38.939 | minutes | N | , | 002 | ° | 45.676 | minutes | W | to |
| 341 | 50 | ° | 39.653 | minutes | N | , | 002 | ° | 45.683 | minutes | W | to |
| 342 | 50 | ° | 39.653 | minutes | N | , | 002 | ° | 48.090 | minutes | W | to |
| 343 | 50 | ° | 39.458 | minutes | N | , | 002 | ° | 48.942 | minutes | W | to |
| 344 | 50 | ° | 38.949 | minutes | N | , | 002 | ° | 48.945 | minutes | W | to |
| 345 | 50 | ° | 38.956 | minutes | N | , | 002 | ° | 52.009 | minutes | W | to |
| 346 | 50 | ° | 38.869 | minutes | N | , | 002 | ° | 52.502 | minutes | W | to |
| 347 | 50 | ° | 39.000 | minutes | N | , | 002 | ° | 52.807 | minutes | W | to |
| 348 | 50 | ° | 38.969 | minutes | N | , | 002 | ° | 54.864 | minutes | W | to |
| 349 | 50 | ° | 38.705 | minutes | N | , | 002 | ° | 54.856 | minutes | W | to |
| 350 | 50 | ° | 38.705 | minutes | N | , | 002 | ° | 55.000 | minutes | W | to |
| 351 | 50 | ° | 38.617 | minutes | N | , | 002 | ° | 55.000 | minutes | W | to |
| 352 | 50 | ° | 38.284 | minutes | N | , | 002 | ° | 53.089 | minutes | W | to |
| 353 | 50 | ° | 38.290 | minutes | N | , | 002 | ° | 52.785 | minutes | W | to |
| 354 | 50 | ° | 38.167 | minutes | N | , | 002 | ° | 52.433 | minutes | W | to |
| 355 | 50 | ° | 37.866 | minutes | N | , | 002 | ° | 52.817 | minutes | W | to |
| 356 | 50 | ° | 37.667 | minutes | N | , | 002 | ° | 54.300 | minutes | W | to |
| 357 | 50 | ° | 37.267 | minutes | N | , | 002 | ° | 53.600 | minutes | W | to |
| 358 | 50 | ° | 37.084 | minutes | N | , | 002 | ° | 53.830 | minutes | W | to |
| 359 | 50 | ° | 37.000 | minutes | N | , | 002 | ° | 54.185 | minutes | W | to |
| 360 | 50 | ° | 37.433 | minutes | N | , | 002 | ° | 55.300 | minutes | W | to |

| | | | |
|-----|-----------------------|--------------------------|--|
| 361 | 50 ° 37.382 minutes N | , 002 ° 56.083 minutes W | to |
| 362 | 50 ° 38.124 minutes N | , 002 ° 56.780 minutes W | to |
| 363 | 50 ° 43.070 minutes N | , 002 ° 56.780 minutes W | From point 363 along the coast at the level of mean high water spring tide to point 319. |

DRAFT

SOUTHERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Explanatory Note (not part of the byelaw)

This byelaw prohibits the use of bottom towed fishing gear for the exploitation of sea fisheries resources in areas of the Southern Inshore Fisheries and Conservation Authority District in order to protect designated features and supporting habitats within the following Marine Protected Areas: Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Marine Conservation Zones (MCZs).

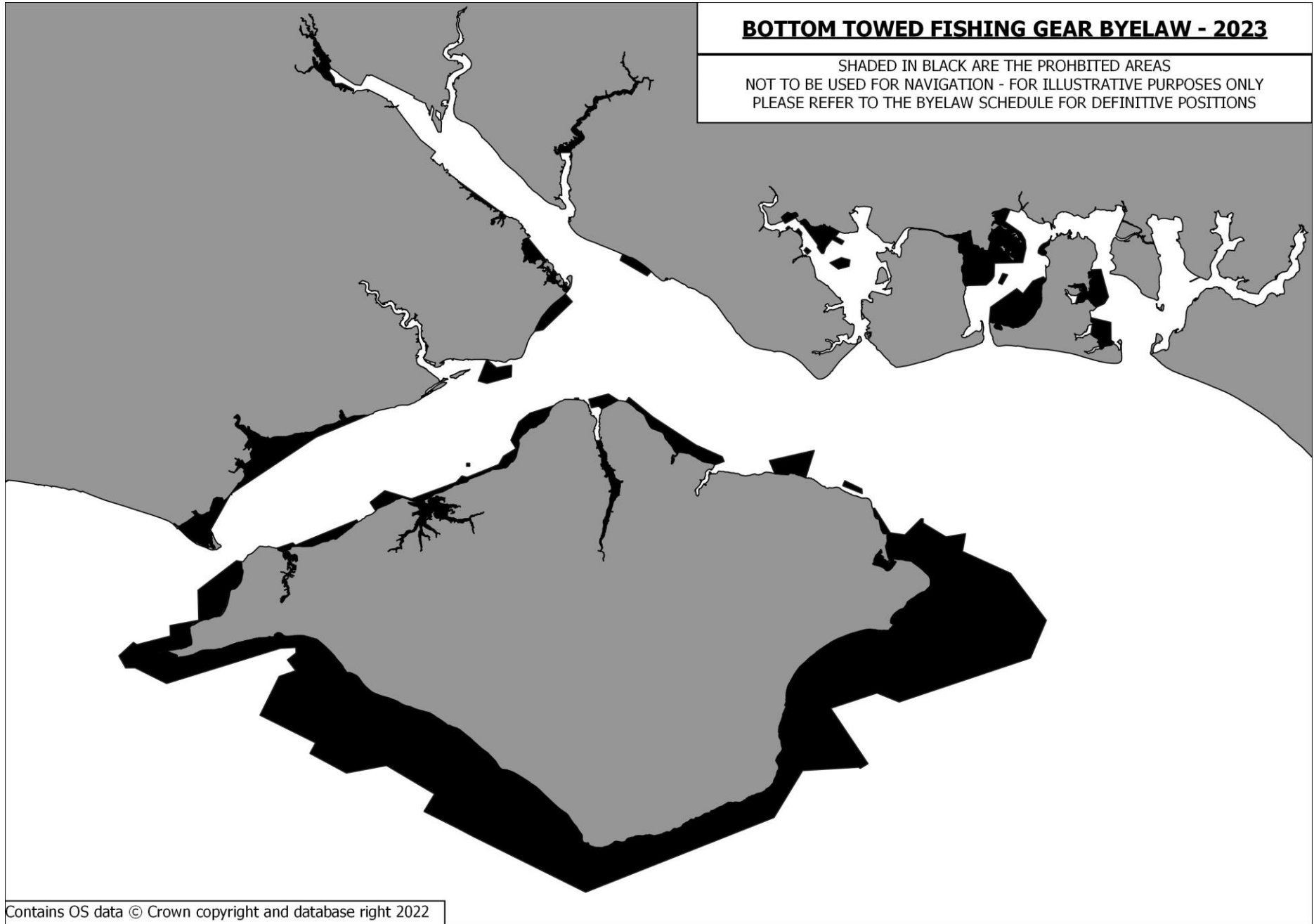
The byelaw also requires a vessel carrying bottom towed fishing gear while transiting through a prohibited area to have that gear inboard and above the sea.

Prohibited areas are defined in the Schedule and are shown, for illustrative purposes only, on the maps below.

DRAFT

BOTTOM TOWED FISHING GEAR BYELAW - 2023

SHADED IN BLACK ARE THE PROHIBITED AREAS
NOT TO BE USED FOR NAVIGATION - FOR ILLUSTRATIVE PURPOSES ONLY
PLEASE REFER TO THE BYELAW SCHEDULE FOR DEFINITIVE POSITIONS



BOTTOM TOWED FISHING GEAR BYELAW - 2023

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Bottom Towed Fishing Gear Byelaw 2023

Management Intentions Document

Supporting document for the Bottom Towed Fishing Gear
Byelaw 2023

Document Control

| | |
|------------------------------|--|
| Title | Bottom Towed Fishing Gear Byelaw 2023 Management Intentions Document |
| Author | Sarah Birchenough, Deputy Chief Officer |
| Approver | The Southern Inshore Fisheries and Conservation Authority |
| Approval Date (draft) | Draft documented approved at (TBC) |
| Approval Date (final) | TBC |
| Owner | Southern IFCA |

Revision History

| Date | Author | Version | Status | Reason | Approver(s) |
|-------------|---------------|----------------|---------------|---------------|--------------------|
| | | | | | |
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1. Introduction

This Management Intentions document has been produced to accompany the Southern IFCA Bottom Towed Fishing Gear Byelaw 2023 (“the Byelaw”).

This document seeks to provide clarity of intention and process, which has underpinned management decisions concerning bottom towed fishing gear in the Southern IFCA district.

This document is to be read in conjunction with the Byelaw. This document will be reviewed in line with any future review of bottom towed fishing gear.

1.1 Rationale

Southern IFCA is responsible for the management of fishing activities in the coastal waters of Dorset, Hampshire and the Isle of Wight. These waters contain highly biodiverse and ecologically rich habitats, providing a range of valuable ecosystem services. The value of these habitats and species is recognised through a range of Marine Protected Area (MPA) designations, collectively contributing to the UK’s MPA Network (“the National Site Network”).

Bottom towed fishing gears, or mobile demersal gears such as otter trawls or shellfish dredges, have been used by fishers for generations in the coastal waters of Dorset, Hampshire and the Isle of Wight. In certain areas these techniques have the potential to adversely affect sensitive habitats and species.

The Southern IFCA has a duty to manage fisheries within MPAs ensuring that designated features and supporting habitats are not adversely effected and that Conservation Objectives of the sites are furthered. These duties are set out in the Marine and Coastal Access Act 2009¹ (“the MaCAA”) and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019² (“Conservation Regulations”).

2. Review of Bottom Towed Fishing Gear Management

In line with the duties of the Southern IFCA, in 2020 Members of the Southern IFC Authority considered the need for a review of management of bottom towed fishing gear in the district in response to a change in the National Site Network through the addition of new Marine Conservation Zones (MCZs) and updates to the best-available evidence which had been used to inform the Bottom Towed Fishing Gear Byelaw 2016 as the current management mechanism for these gear types in the district.

The evidence to support this review was collated through a series of MCZ Assessments and Habitats Regulations Assessments which were reviewed and agreed by the Southern IFCA Technical Advisory Committee (TAC) in February 2020 and May 2020 as well as standing assessments which were compiled for the 2016 byelaw and were deemed to still be relevant to the evidence base in 2020.

¹ [Marine and Coastal Access Act 2009 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

² [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

2.1 Review Drivers for Drafting Management Measures

At a meeting of the Southern IFCA TAC in August 2021, following consideration of the evidence to support a review, Members agreed to proceed the review of bottom towed fishing gear management to Stage 2 of the Byelaw Making Process, to draft management measures, operating under defined drivers.

2.1.1 Driver - Updates to the Marine Protected Area Network

On the 31st May 2019, the Government announced a third tranche (T3) of Marine Conservation Zone (MCZ) designations which included 6 new sites within the Southern IFCA district and a further 12 new features added to existing MCZs, these are given in table 1.

In line with Southern IFCA's duties under the MaCAA, the Authority was required to undertake an assessment of the potential impacts of fishing activities on designated features to ensure that these activities are compatible with the site's Conservation Objectives. These assessments consider the nature of the gear type, scale of fishing activity, overlap between the extent of the feature and fishing and the vulnerabilities of the features. The Authority is required to consult with Natural England, the Government's statutory nature conservation advisors, on the outcomes of these assessments. The outcomes of the MCZ Assessments indicated that additional measures would be required for the management of bottom towed fishing gears in MCZs to ensure the Conservation Objectives for the sites can be met.

Table 1: Updates made to the Marine Protected Area Network in the Southern IFC District

| T3 MCZs | MCZs with Additional Features |
|-------------------|--------------------------------------|
| Bembridge | Chesil Beach and Stennis Ledges |
| Yarmouth to Cowes | Poole Rocks |
| Southbourne Rough | The Needles |
| Studland Bay | |
| Purbeck Coast | |
| South of Portland | |

2.1.2 Driver - Review of Existing Spatial Management

Previous management of bottom towed fishing gear under the Bottom Towed Fishing Gear Byelaw 2016 was informed by best-available evidence. In some areas this evidence, particularly in relation to MPA feature condition and extent, has been updated and improved since 2016. To ensure that management measures for bottom towed fishing gear are appropriate, additional MPA assessments were undertaken, focusing on reef and seagrass features against an updated evidence base. As a result of the updated evidence base, the assessments indicated that changes would be required to the management of bottom towed fishing gear in the district's MCZs as well as in Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). For MCZs, these assessments are MCZ Assessments and for SACs and SPAs they are Habitats Regulations Assessments. Details on the best-available evidence used in the 2020 review is given in Section 2.2.3. All MPAs within the National Site Network in the Southern IFCA District which are subject to consideration for management under the bottom towed fishing gear review are detailed in table 2.

Table 2: SACs, SPAs and MCZs that form part of the National Site Network which occur within the Southern IFCA District and are subject to consideration for management under the bottom towed fishing gear review

| District SACs | District SPAs | District MCZs |
|----------------------|----------------------------------|---------------------------------|
| Lyme Bay and Torbay | Chesil Beach and the Fleet | Bembridge |
| Solent Maritime | Chichester and Langstone Harbour | Yarmouth to Cowes |
| Studland to Portland | Poole Harbour | The Needles |
| South Wight Maritime | Portsmouth Harbour | Southbourne Rough |
| | Solent and Southampton Water | Poole Rocks |
| | | Studland Bay |
| | | Purbeck Coast |
| | | South of Portland |
| | | Chesil Beach and Stennis Ledges |

2.1.3 Driver - Protection of Sensitive Habitats Outside MPAs

Under the initial scope of the review, Members considered a third driver which considered where areas of sensitive habitat outside of MPAs may require management for bottom towed fishing gear. The identification of this driver was based on the Southern IFCA duty under the MaCAA to ‘*Seek to balance the social and economic benefits of exploiting the sea fisheries resources of the District with the need to protect the marine environment from, or to promote its recovery from, the effects of such exploitation*’.

During the progress of the review it was determined that this driver would sit in a subsequent phase of reviewing management for bottom towed fishing gear. The rationale for this and an outline of how this second phase is intended to be delivered is given in Section 2.2.1.

2.2 Progression of the Bottom Towed Fishing Gear Review

Following the progression of the review to Stage 2, an initial set of proposed management measures was drafted on the basis of the three review drivers outlined in Section 2.1. An informal consultation with the stakeholder community was held on these measures between 17th June and 1st August 2022³. Members considered the outcomes of this consultation at a meeting of the TAC in August 2022 and a meeting of the Authority in September 2022 where it was agreed to progress the review to Stage 3 which involved drafting a new byelaw to replace the existing Bottom Towed Fishing Gear Byelaw 2016.

2.2.1 Phased Approach to MPA Management Review

In 2023, The Environmental Improvement Plan 2023 was introduced by Government as the first revision of the 25 Year Environment Plan. The Environment Plan identified the Government’s intention to support progress towards the UN’s Sustainable Development Goals under the Global Biodiversity Framework which includes protection of 30% of the global ocean by 2030. At a domestic level, the Government aim to achieve this by enhancing protection for MPAs. Under the Goal of Thriving Plants and Wildlife in the Environment Improvement Plan 2023, there is a target for 70% of designated features in MPAs to be in favourable condition by 2042 with the remainder in recovering condition and a new interim target of 48% of this to be achieved by 31st January 2028. The delivery of this is to be supported through strengthened

³ Copies of the Consultation Document and Summary of Responses from this informal consultation can be obtained from the Southern IFCA upon request.

protections in MPAs by 2024. Appropriate regulators, including IFCAs, are required to ensure that management measures are in place for all MPAs by 2024 in order for this interim target to be achieved. This includes the management of bottom towed fishing gear in MPAs.

In order to meet the Government target, Southern IFCA identified a need to prioritise workstreams and adopt a phased approach to the delivery of the bottom towed fishing gear review. This is based on the resource requirements for meeting the Government target and aims to allow for the consideration of wider district wide sensitive habitat management following an initial consideration of feature-based management within MPAs.

Phased Approach to the Bottom Towed Fishing Gear Review

The phased approach is split into two, Phase 1 and Phase 2.

Phase 1: To consider feature based management interventions within MPAs: sites designated under the National Site Network (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Marine Conservation Zones (MCZs))

The IFCA Core Functions under both the MaCAA (2009) and the Conservation Regulations set out the IFCA's duties to seek to ensure that the Conservation Objectives of any feature within an MCZ in the District are furthered and ensure that fishing activity does not damage, disturb or have an adverse effect on the wildlife and habitats for which an SAC or SPA is protected respectively.

For MCZs, S154 of the MaCAA states that an IFCA's performance in meeting the duty to further Conservation Objectives should not be affected by anything listed in the general IFCA duties under S153 of the MaCAA, which include social or economic considerations. Likewise, for SACs and SPAs, the overarching legislation does not provide for the consideration of social or economic factors/impacts when making management decisions which are required to ensure that the duty of no adverse effect is met.

Under this Phase, to meet the IFCA's duties and to ensure that Government targets are met, management intervention will be considered within MPAs, defined as SACs, SPAs and MCZs. The Authority aimed to develop a set of principles for Phase 1 in order to guide and maintain consistency in decision making which will ensure that any subsequent management is applied equally and with full transparency across the Southern IFCA District, where applicable.

Phase 2: To consider district wide management interventions for sensitive habitats.

Following the completion of Phase 1 it is the intention of the Authority to commence Phase 2 of the review. Phase 2 would consider the location of sensitive habitats and species (yet to be defined, pending the scope of Phase 2) across the district, both inside and outside National Site Network Sites and MCZs. This would also include consideration of features within Sites of Special Scientific Interest (SSSIs) which are not also designated under overlapping MPAs, where IFCA duties under the Wildlife and Countryside Act (1981) required the Authority to take 'reasonable steps, consistent with the proper exercise of the authority's functions' to further conservation objectives for features within these sites.

Under this Phase, social and economic factors/impacts can be considered alongside the need for protection of the marine environment, operating under the IFCA duties outlined under S153 of the MaCAA, namely balancing the protection of the marine environment with a sustainable fishing industry, balancing the needs of different persons engaged in the exploitation of sea fisheries resources and ensuring sustainable fishing and continued sustainable development. In addition, Phase 2 will allow for the consideration of outcomes of currently ongoing restoration projects for specified habitats and consideration of how the IFCA can align with the Government's Vision of protecting 30% of land and sea by 2030 ("30x30").

A phased approach allows for the consideration of wider sensitive habitat management beyond the feature-based management approach taken in Phase 1. In staging the approach, Phase 2 will benefit from the inclusion of outcomes from ongoing research programmes and projects, currently underway in the district, to include those which are specifically focused on areas which may provide habitat restoration potential, ecosystem services, blue carbon habitats and Natural Capital benefits. Research in these areas will contribute vital information to help the IFCA to contribute to wider conservation targets and understand how the wider management of sensitive habitats can contribute to meeting the objectives of the Fisheries Act 2020. In addition, during Phase 2, and in order to deliver Southern IFCA's core duties under the MaCAA, extensive consultation across the district's communities will be required to capture site specific information regarding the social and economic benefits of fishing, coupled with the need to protect the marine environment.

The phased approach to the delivery of this workstream was adopted by the Southern IFC Authority at their meeting in March 2023 and is outlined in the Southern IFCA Research and Policy Team Plan for April 2023 to March 2024⁴.

2.2.2 Delivery of Phase 1

Members of the Southern IFC Authority agreed, through a series of Working Groups in early 2023, a set of principles which would underpin management decisions defining management of bottom towed fishing gear under Phase 1 of the review. Defining these principles ensures a transparent approach and that the approach is applied consistently across the district.

⁴ To be added once uploaded onto website

The principles are as follows:

1. Proposed closed areas are considered for Marine Protected Areas (MPAs) (SACs, SPAs and MCZs)
2. Proposed closed areas are feature based (incorporating buffers)
3. The best available evidence used to inform the prohibited areas under the Byelaw is the Natural England database provided to Southern IFCA in 2020
4. Buffers are drawn around features using national JNCC/NE buffer guidance
5. Features which exist in their entirety outside an MPA will be considered in a future phase of management for bottom towed fishing gear
6. The proposed closed area is extended if a feature or buffer extends outside of the MPA boundary and is a continuation of an MPA feature
7. With the exception of seagrass, the extent and distribution of feature-based management in the Solent Maritime SAC and District wide SPAs will be informed by outcomes of the relevant Habitats Regulations Assessment (HRA)

These principles were then applied to take Stage 3 of the Bottom Towed Fishing Gear Review forward through the drafting of a new titled the Bottom Towed Fishing Gear Byelaw 2023 which will replace the existing Bottom Towed Fishing Gear Byelaw 2016.

2.2.3 Best Available Evidence

Under the principles defined in Section 2.2.2, the best available evidence used to inform the prohibited areas under the Byelaw is the Natural England database provided to Southern IFCA in 2020. This database consists of spatial data on the extent and distribution of designated features and supporting habitats within MPAs and extent and distribution of habitats and species outside of MPAs. This data layer is compiled by Natural England combining data from a variety of sources and is periodically updated. When an updated database is published, it is provided to Southern IFCA to aid in management decision making. The latest update is the database provided to Southern IFCA in 2020 which is the data that has been used to inform the Byelaw.

2.2.4 Buffer Guidance

A buffer is a spatial extension applied to known feature extent in order to safeguard the feature from damage by an activity. The process of applying a buffer around a feature is frequently used in fisheries management and was used in the Bottom Towed Fishing Gear Byelaw 2016. Natural England, utilising guidance from the Joint Nature Conservation Committee (JNCC), provide advice on the application of buffers which is available to IFCAs to use in determining management.

The JNCC guidance provides *“the appropriate distance beyond the seabed extent of the habitat by which the site boundary as the sea surface may be extended according to the maximum actual water depth of the feature in question...as a minimum measure to reduce the likelihood of habitat damage from demersal fishing”* i.e., the potential unintentional incursion of mobile fishing gear on a feature. The guidance distances were based on generalised warp length to water depth ratios, thereby taking into account water depth at the site and the possible location of mobile gear on the seabed relative to a vessel at the sea surface.

The following table is provided in the guidance.

| Water depth | Ratio warp length:depth | Approx. length of trawl warp | Boundary extension (i.e., buffer) to be added to the habitat area of interest |
|---------------------------------|--------------------------------|-------------------------------------|--|
| Shallow waters (\leq 25m) | 4:1 | 100m at 25m depth | 4 x actual depth |
| Continental shelf (25-200m) | 3:1 | 600m at 200m depth | 3 x actual depth |
| Deep waters (200 to over 1000m) | 2:1 | 2000m at 1000m depth | 2 x actual depth |

2.2.5 Feature-based management in the Solent Maritime SAC and District wide SPAs (excluding seagrass)

For designated habitats other than seagrass in the Solent Maritime SAC and District wide SPAs the management under the Bottom Towed Fishing Gear Byelaw 2023 is in line with an agreement on how to manage these habitats under the Bottom Towed Fishing Gear Byelaw 2016. This agreement was based on the Authority's consideration of the outcomes of HRAs relevant to those sites and feedback from two informal consultations held between January and September 2016.

The agreed approach was the identification of areas which provided good examples of SAC and SPA habitat and having those as prohibited areas to maintain the integrity of the sites whilst offering long-term stability to guard against the effects of fishing effort displacement. The approach was deemed to offer pre-emptive and precautionary measures which were proportionate to the risks to the site identified through the assessments. Factors considered in identifying these areas included existing levels of human disturbance, energy levels, habitat type and recoverability. A number of low-energy areas were identified as being most suitable for prohibited areas where levels of abrasion from bottom towed fishing gear activity would not allow the features and supporting habitats to reach favourable condition.

Good examples of estuarine habitat were also identified which included intertidal mud, subtidal mud and saltmarsh. These areas included parts of the River Hamble, Sinah Lake, Broom Channel, Russell's Lake, the River Medina, King's Quay, Newtown Creek, the River Yar, Ashlett Creek, Hythe foreshore, the River Test, Lymington, Keyhaven and additional parts of Langstone Harbour.

Protection of features and supporting habitats in these areas is also supplemented by management through the Solent Dredge Permit Byelaw (and previously the Solent Dredge Byelaw). The closed seasons under this byelaw are designed to enable the recovery of infaunal communities and to maintain the structure of intertidal and subtidal habitats, as well as supporting breeding shellfish populations. This approach acknowledges that dredge fishing will still take place within these sites, but the mitigation provided by a combination of closures to bottom towed fishing gear and through the Solent Dredge Permit Byelaw is considered sufficient to enable the physical and biological recovery of designated features and supporting habitats.

Members of the Authority considered this approach through consideration of the principles for the review and agreed to maintain this approach in the Bottom Towed Fishing Gear Byelaw

2023. It was determined that seagrass within these sites required an updated assessment in line with the wider district due to changes in extent and distribution identified in the 2020 evidence base. Management related to seagrass was underpinned by a specific district wide HRA for this habitat in relation to bottom towed fishing gear.

3. The Bottom Towed Fishing Gear Byelaw 2023

The Bottom Towed Fishing Gear Byelaw 2023 (“the Byelaw”) prohibits the use of bottom towed fishing gear for the exploitation of sea fisheries resources in areas of the Southern IFCA district in order to protect designated features and supporting habitats within the following Marine Protected Areas: Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Marine Conservation Zones (MCZs).

The Byelaw also requires a vessel carrying bottom towed fishing gear while transiting through a prohibited area to have that gear inboard and above the sea.

The Byelaw will revoke the Bottom Towed Fishing Gear Byelaw 2016 made by the Authority in November 2017 (see Annex 1 for a visual comparison of prohibited areas in the 2016 and 2023 byelaws).

3.1 Prohibited Areas

Prohibited areas are defined within the following areas under the Byelaw (please see the Schedule in the Byelaw for full coordinates). Site specific maps have been created showing the individual prohibited areas within each of these wider areas, these can be viewed in Annex 2 to this document.

- Chichester and Langstone Harbours
- Portsmouth Harbour
- Southampton Water
- Lymington, Keyhaven and Beaulieu
- Yarmouth
- Yarmouth to Cowes
- The Medina, Cowes and Osbourne Bay
- Ryde to South Wight
- South Wight
- Poole Bay
- Poole Harbour
- Studland Bay
- Purbeck Coast
- Portland and Stennis Ledges
- Chesil Beach and The Fleet
- Lyme Bay

4. Review

The Byelaw provides for reviewing management through a provision allowing the Authority (or a sub-committee thereof authorised by the Authority to do so) to review the suitability of the byelaw in accordance with any changes in available evidence, to include any statutory advice provided by Natural England or other such bodies, organisations or persons as the Authority deem fit.

At the time that any such evidence is available, prior to any review taking place, consideration will be given to the evidence provided in conjunction with the IFCA's priority workstreams, balancing any identified need for a review with resource capacity.

5. Phase 2 of Bottom Towed Fishing Gear Management

Following the completion of Phase 1 of the Bottom Towed Fishing Gear Review it is the intention of the Authority to commence Phase 2 of the review as outlined in Section 2.2.1. Following the implementation of any outcomes from Phase 2, this document will be updated accordingly.

6. Annex 1: Byelaw Maps – Bottom Towed Fishing Gear 2023 and Bottom Towed Fishing Gear 2016

The maps provided in Figures 1 & 2 in this Annex reflect the maps provided as part of the byelaws for both the Bottom Towed Fishing Gear 2023 and Bottom Towed Fishing Gear 2016 byelaws. There are two maps produced for each byelaw, one showing the eastern end and one showing the western end of the Southern IFCA District. The maps from the 2023 and 2016 byelaws have been provided side by side in each case to illustrate the differences in the location and/or extent of prohibited areas between the two byelaws.

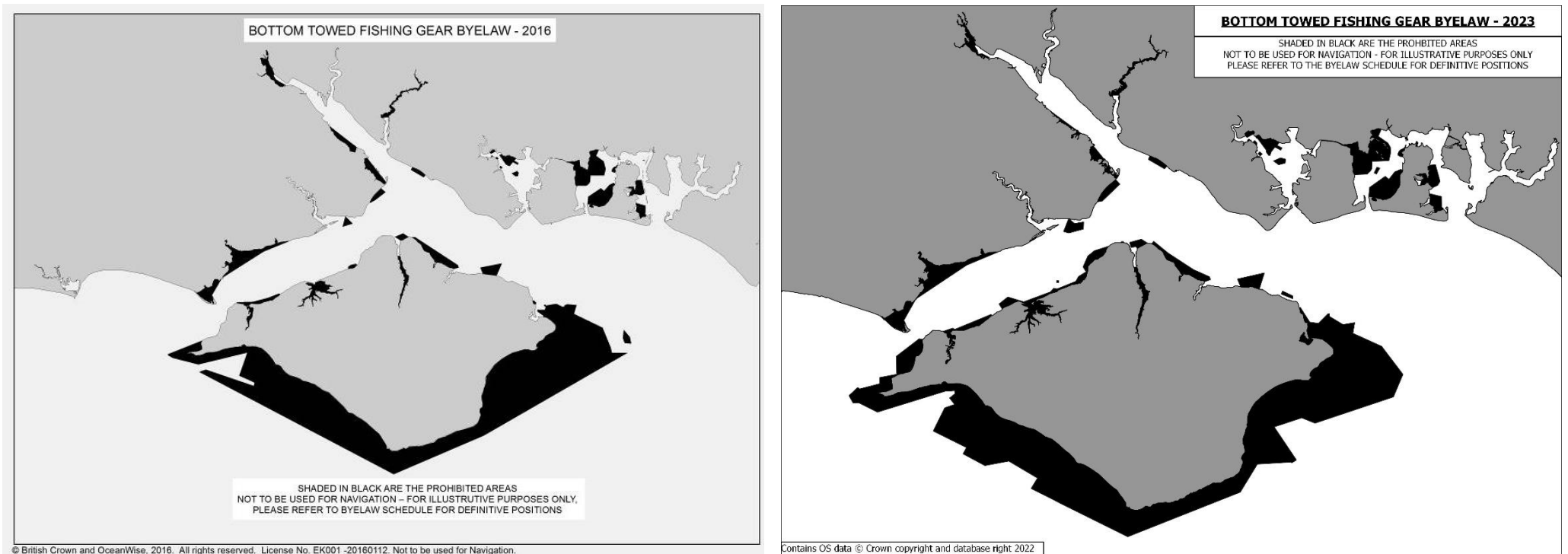


Figure 1: Maps of the eastern end of the Southern IFCA District from the Bottom Towed Fishing Gear Byelaw 2016 (left) and the Bottom Towed Fishing Gear Byelaw 2023 (right).



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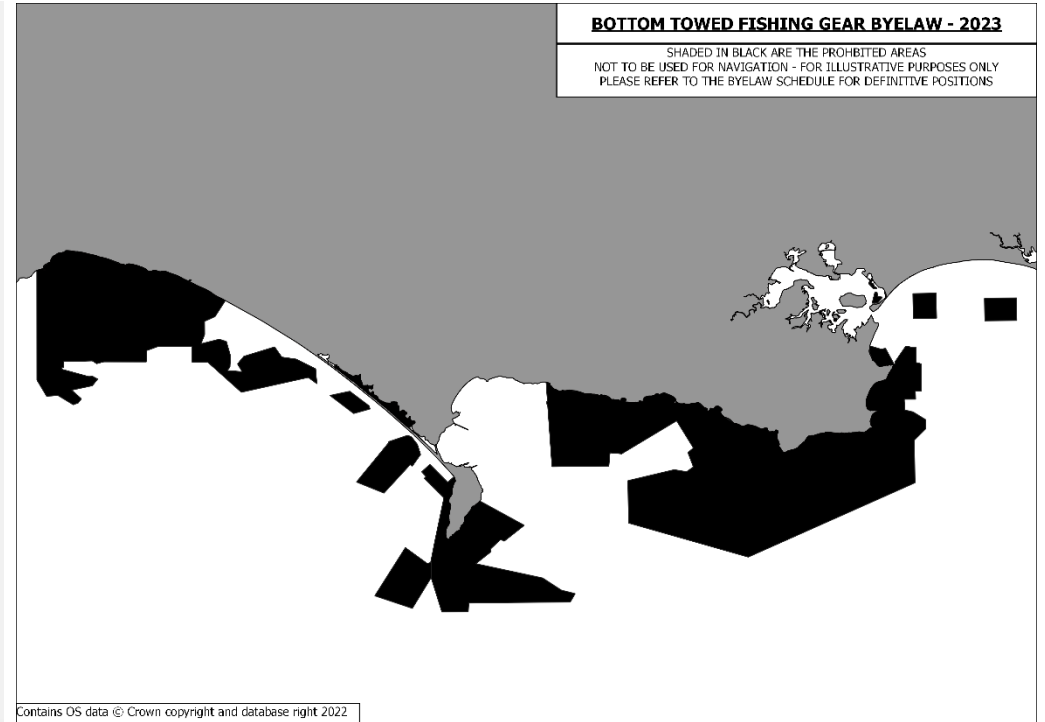


Figure 2: Maps of the western end of the Southern IFCA District from the Bottom Towed Fishing Gear Byelaw 2016 (left) and the Bottom Towed Fishing Gear Byelaw 2023 (right).

7. Annex 2: Site Specific Maps for Bottom Towed Fishing Gear Byelaw 2023

The maps provided in this annex show the prohibited areas under the Bottom Towed Fishing Gear Byelaw 2023 along with the location of designated features and supporting habitats, the buffers applied to those features and the boundaries of MPAs in the district.

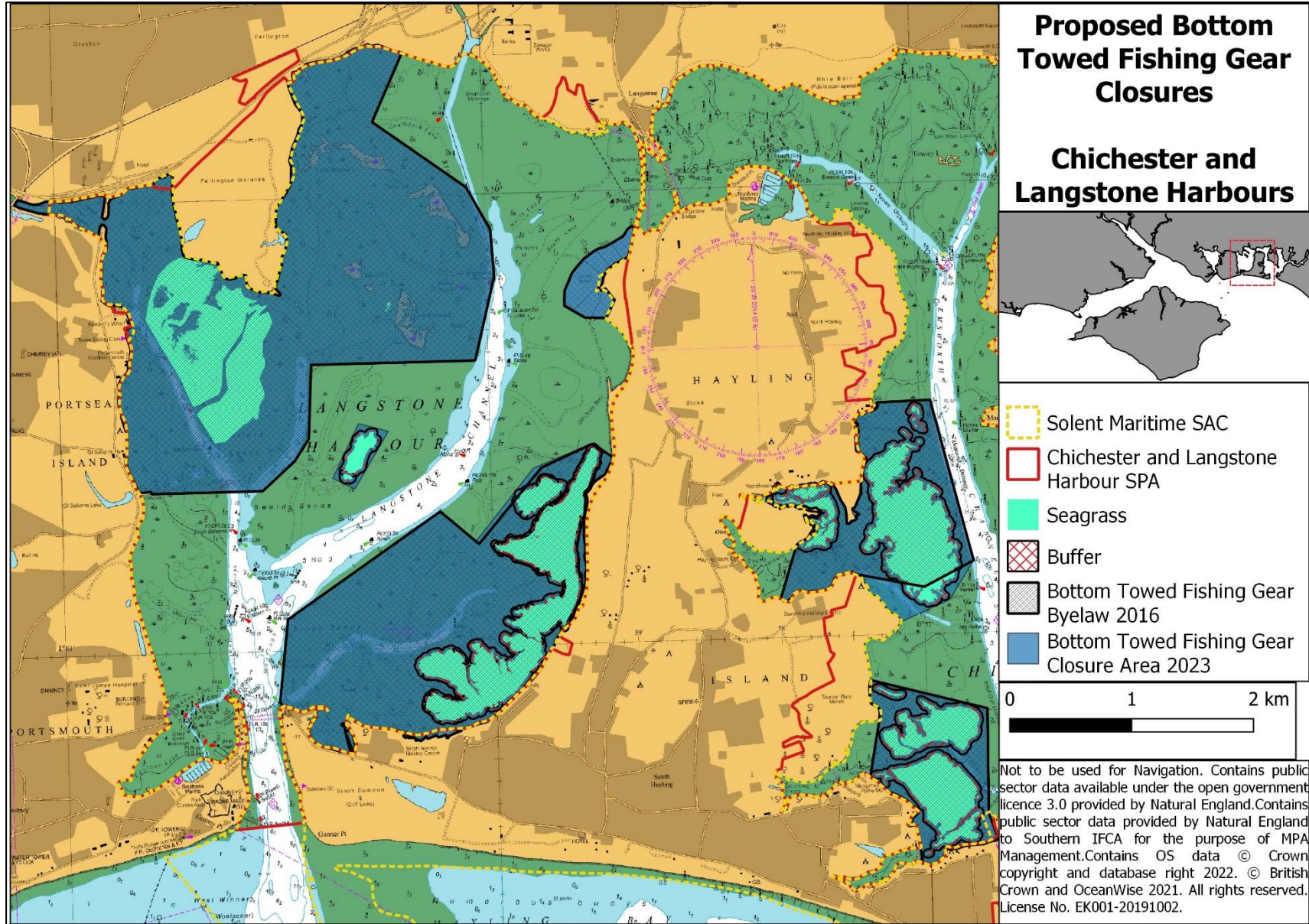
The maps also illustrate the prohibited areas under the Byelaw in relation to the prohibited areas under the Bottom Towed Fishing Gear Byelaw 2016. In adopting the Principles agreed by the Authority Working Group to define the prohibited areas under the Byelaw (2023), the resulting prohibited areas represent a combination of extensions to previous closures, reductions from previous closures and the inclusion of new prohibited areas.

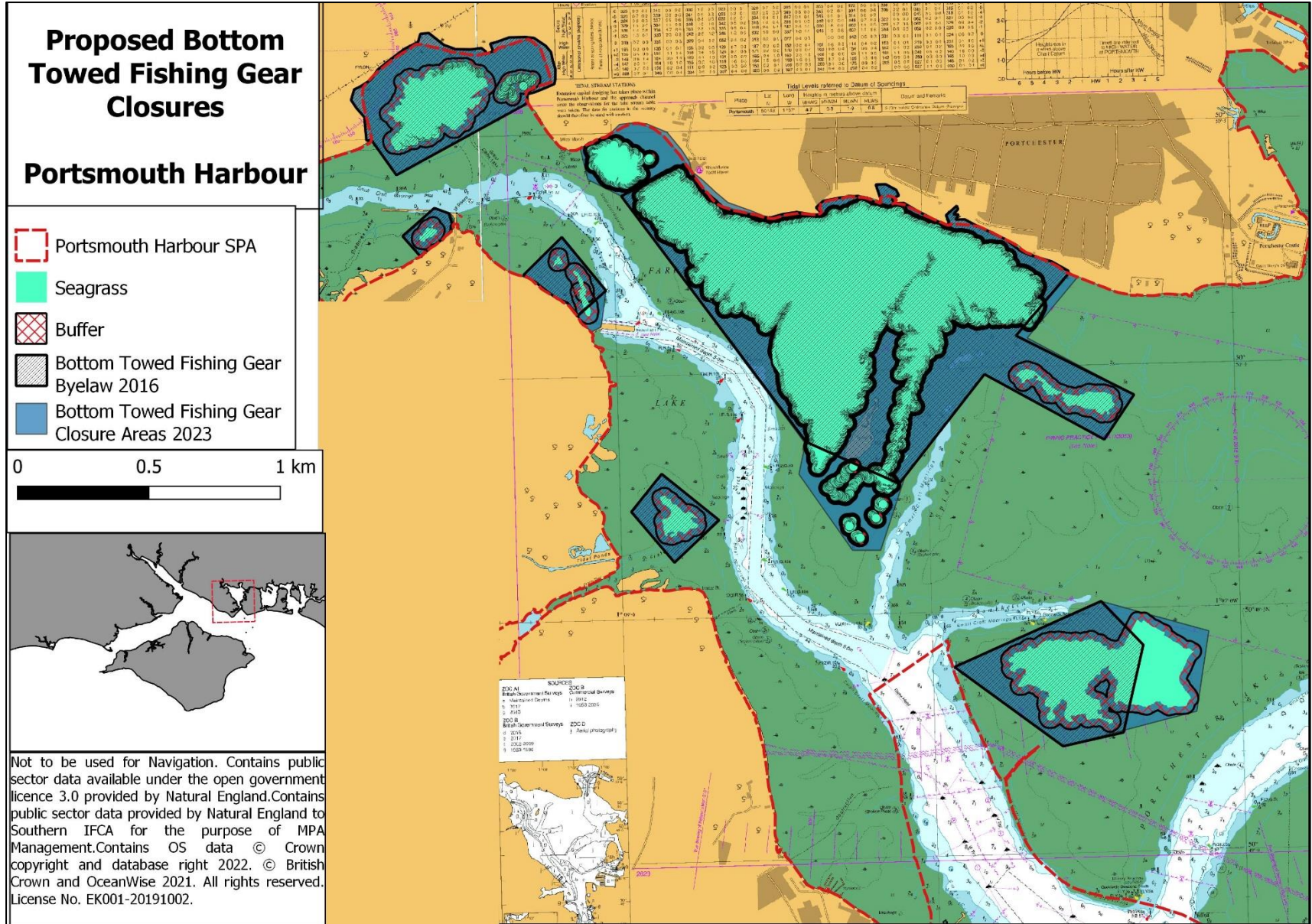
The total area closed to bottom towed fishing gear through the prohibited areas under the Byelaw is 715.0km² representing 26.2% of the Southern IFCA District. This is compared to a total area closed under the Bottom Towed Fishing Gear Byelaw 2016 of 696.3km² representing 25.5% of the District. **The difference between the 2016 and 2023 byelaws is an increase in the total area closed of 18.7km² or 0.7% of the District.**

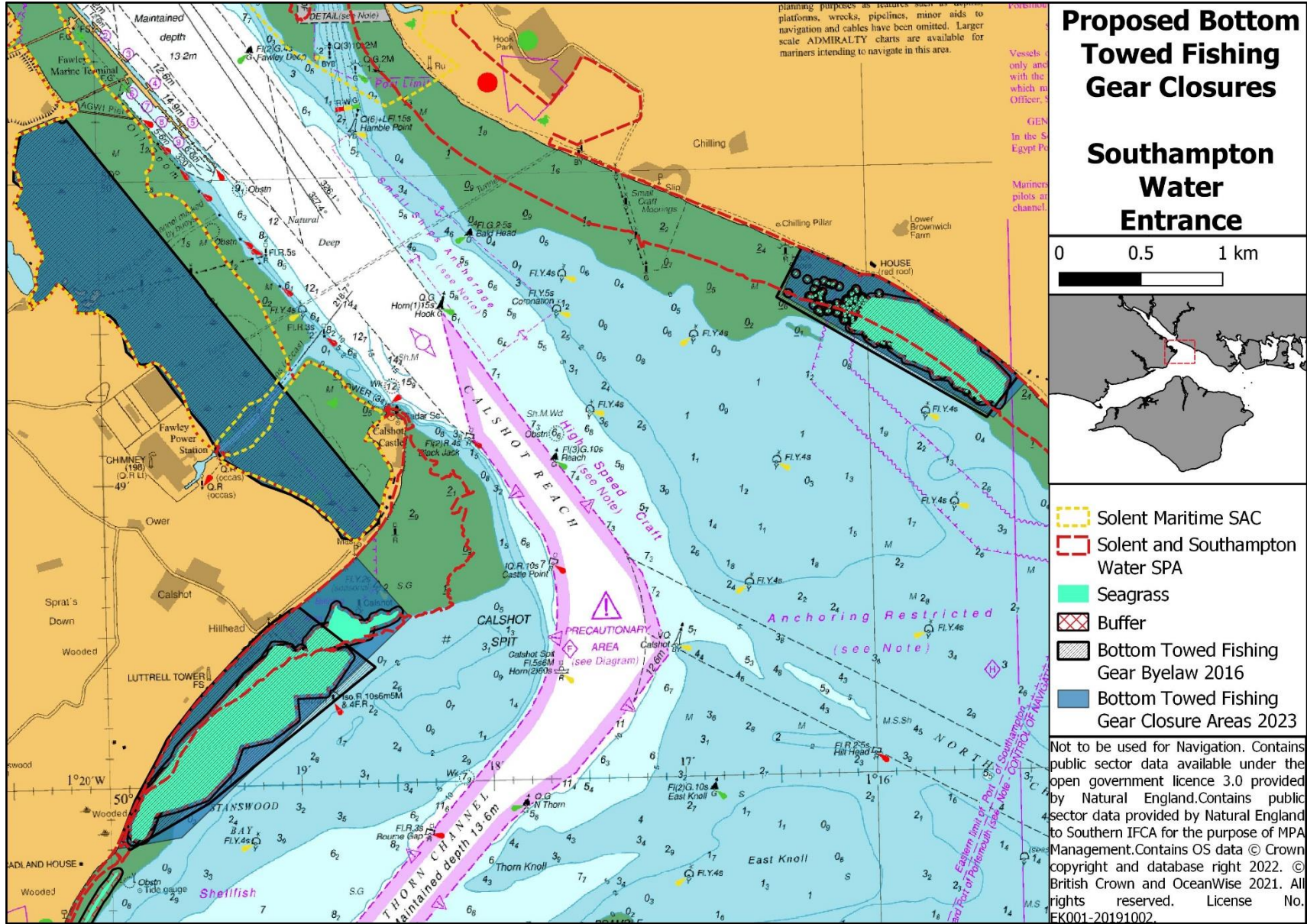
The following table provides page numbers for each map.

| Area Map | Byelaw Prohibited Area Numbers | Page Number |
|------------------------------------|--------------------------------|-------------|
| Chichester and Langstone Harbours | 1 – 6 | 17 |
| Portsmouth Harbour | 7 – 12 | 18 |
| Southampton Water | 13 – 18 | 19-20 |
| Lymington, Keyhaven and Beaulieu | 19 – 21 | 21-22 |
| Yarmouth | 22 | 21 |
| Yarmouth to Cowes | 23 – 24 | 22 |
| The Medina, Cowes and Osbourne Bay | 25 – 28 | 23 |
| Ryde to South Wight | 29 – 30 | 24 |
| South Wight | 31 | 25 – 26 |
| Poole Bay | 32 – 33 | 27 |
| Poole Harbour | 34 – 35 | 28 |
| Studland Bay | 36 | 29 |
| Purbeck Coast | 37 | 30 |

| | | |
|-----------------------------|---------|----|
| Portland and Stennis Ledges | 38 – 39 | 31 |
| Chesil Beach and The Fleet | 40 – 41 | 32 |
| Lyme Bay | 42 | 33 |

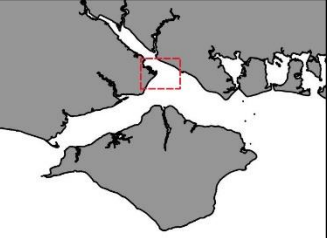
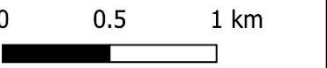






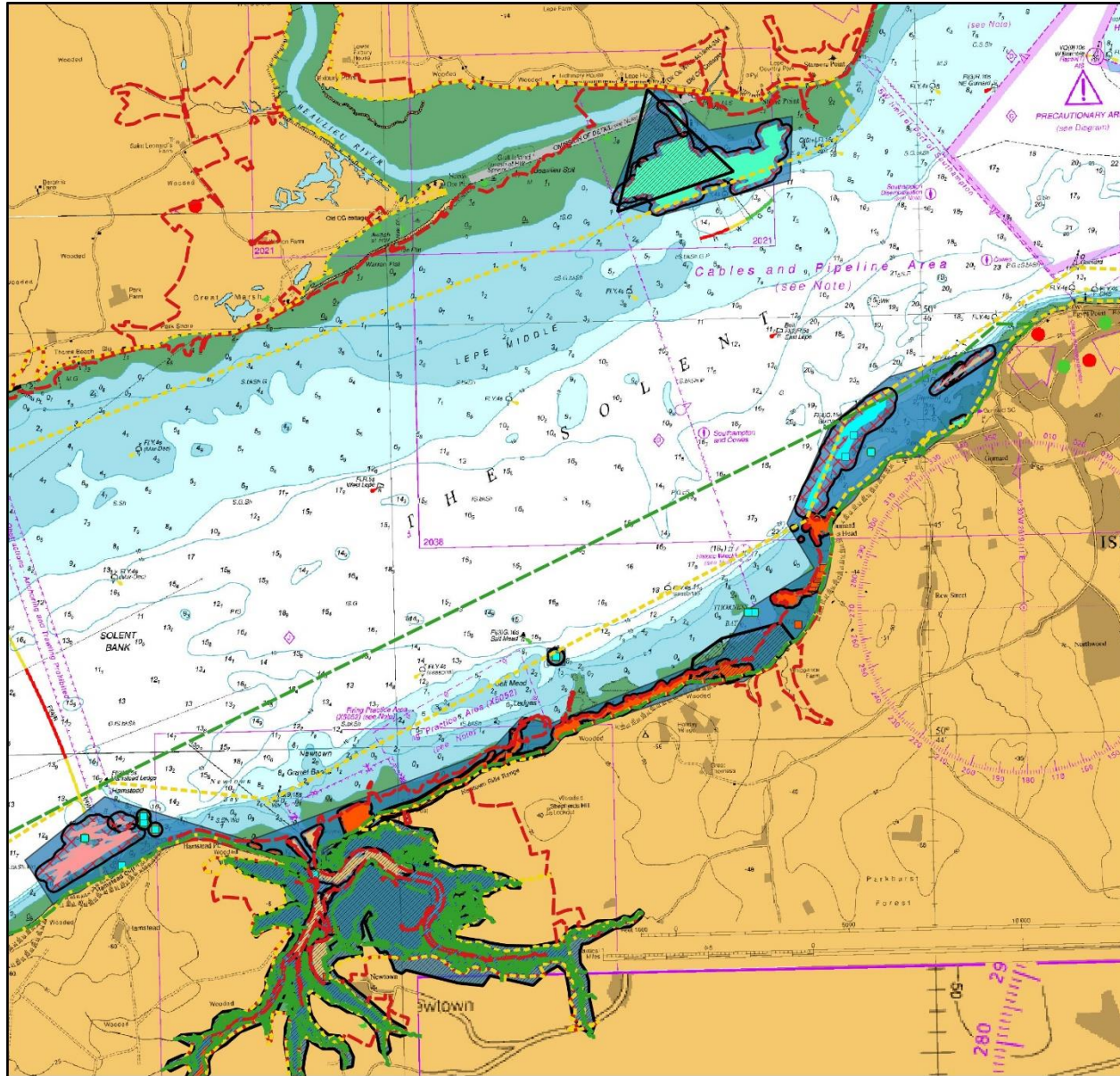
Proposed Bottom Towed Fishing Gear Closures

Southampton Water Entrance



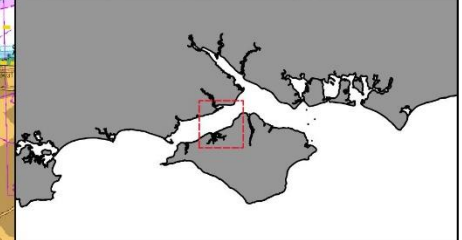
- Solent Maritime SAC
- Solent and Southampton Water SPA
- Seagrass
- Buffer
- Bottom Towed Fishing Gear Byelaw 2016
- Bottom Towed Fishing Gear Closure Areas 2023

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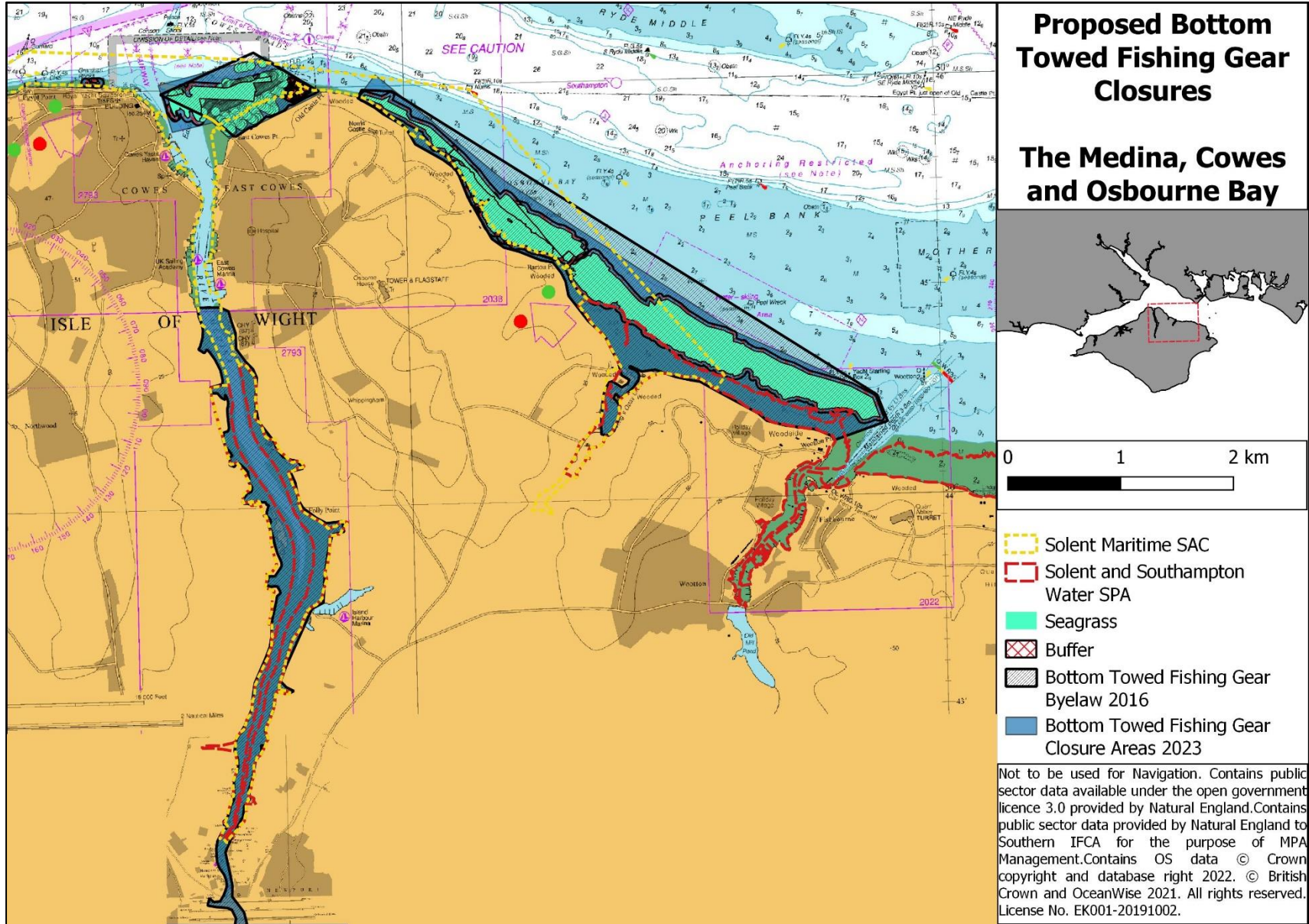
Proposed Bottom Towed Fishing Gear Closures

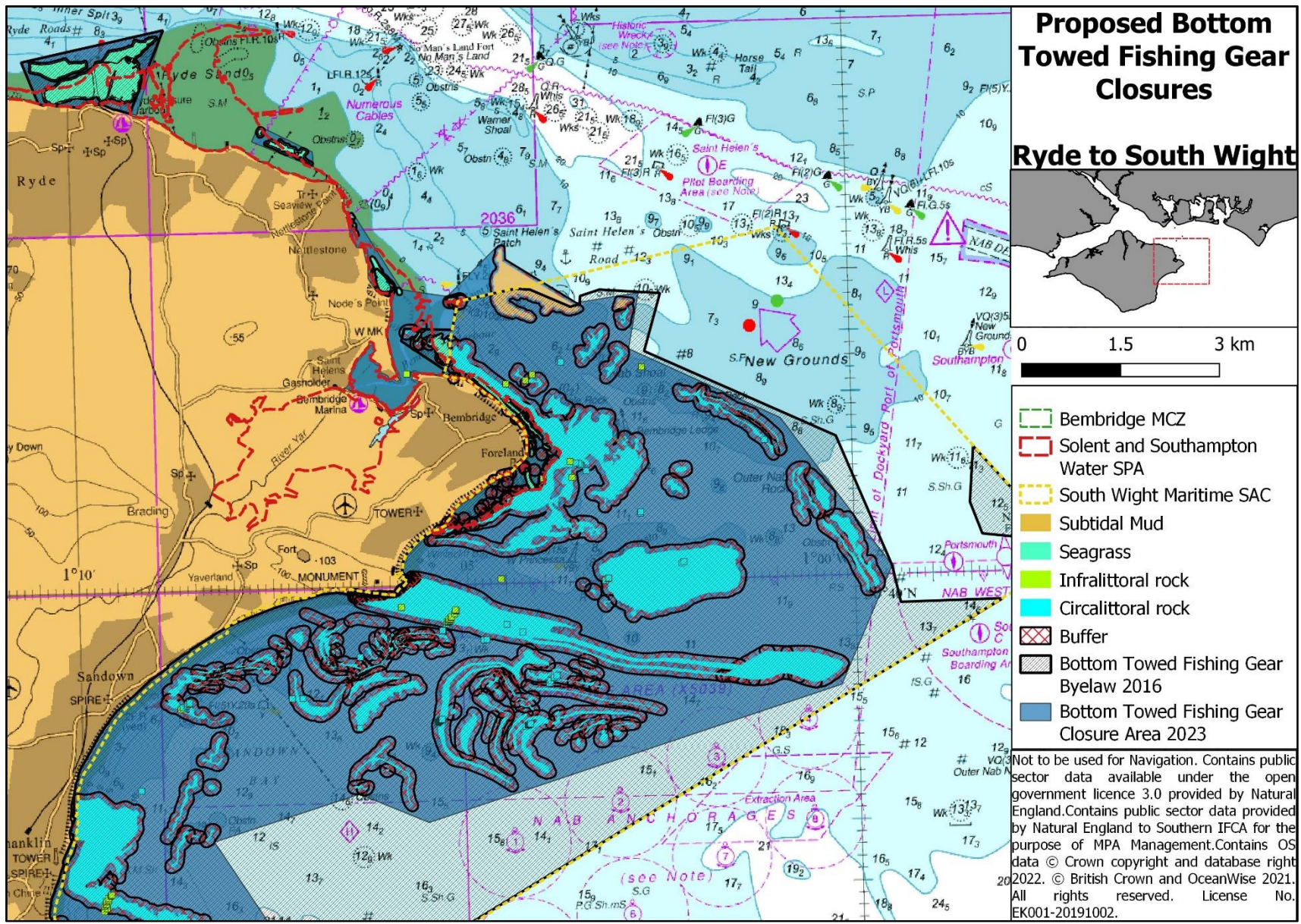
Beaulieu and Yarmouth to Cowes

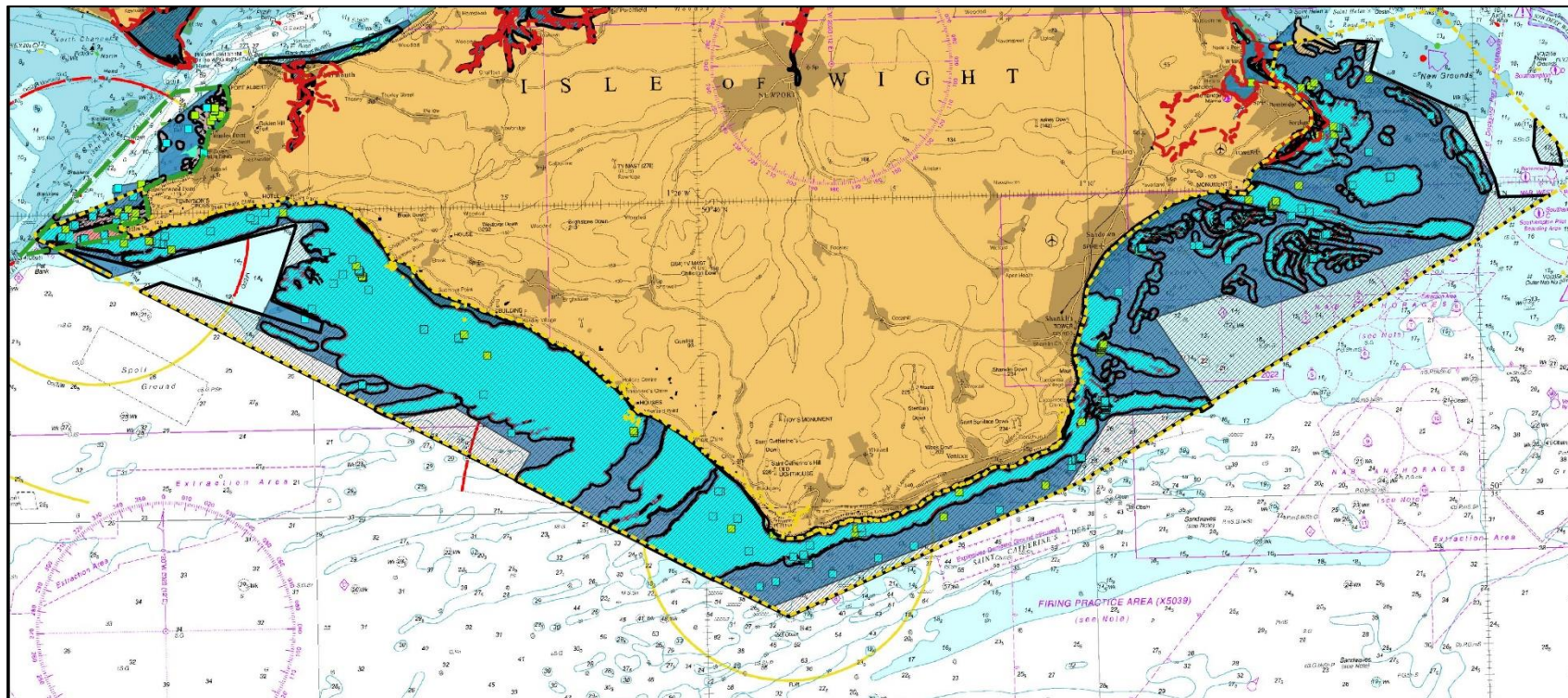


- Yarmouth to Cowes MCZ
- Solent Maritime SAC
- Solent and Southampton Water SPA
- Intertidal rock
- Circalittoral rock
- High energy infralittoral rock
- Subtidal mud
- Seagrass
- Buffer
- Bottom Towed Fishing Gear Byelaw 2016
- Bottom Towed Fishing Gear Closure Areas 2023

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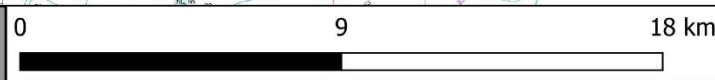
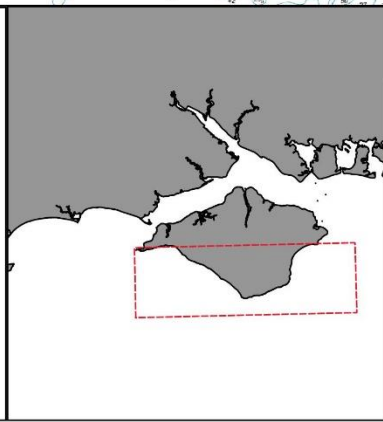






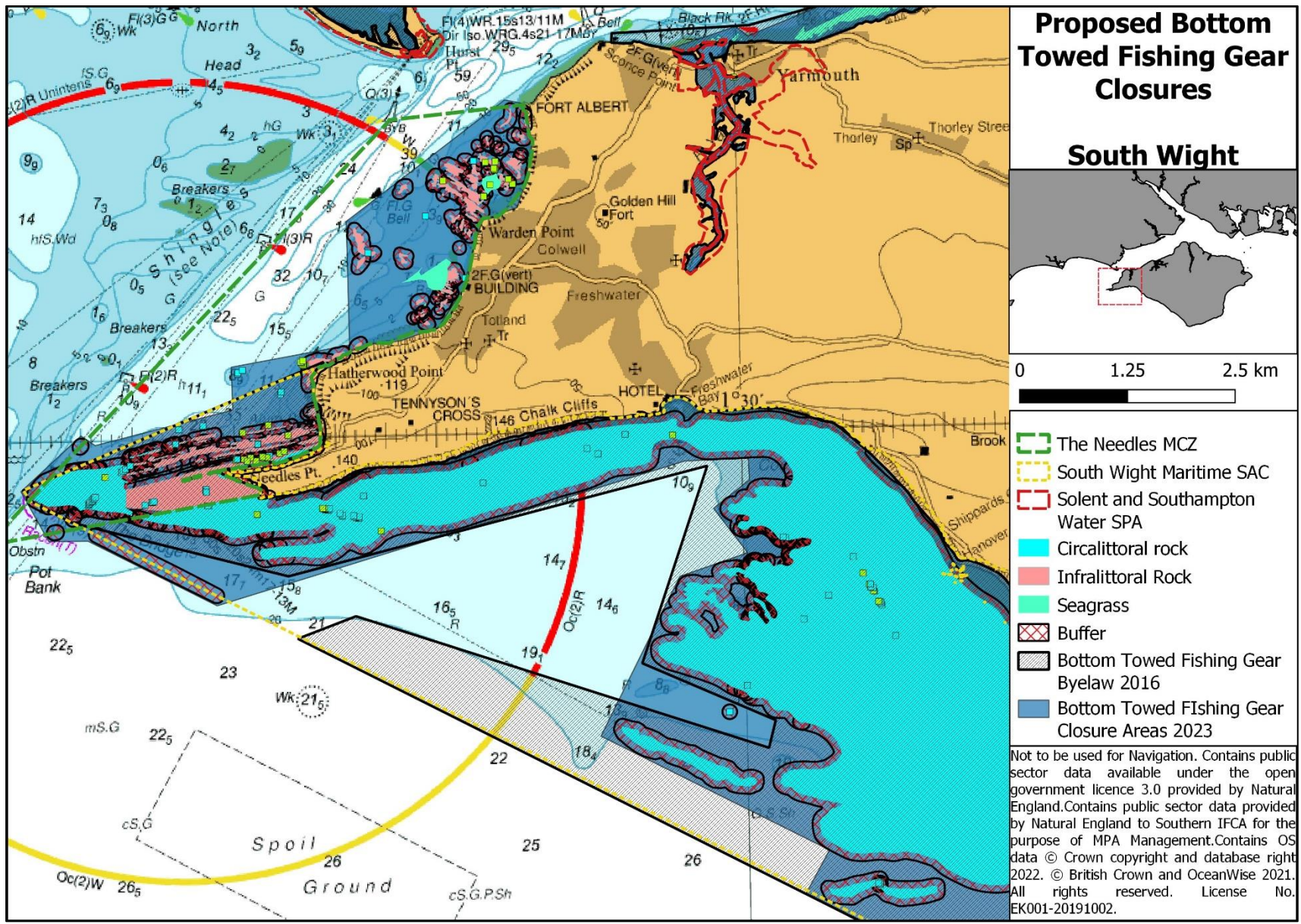
Proposed Bottom Towed Fishing Gear Closures

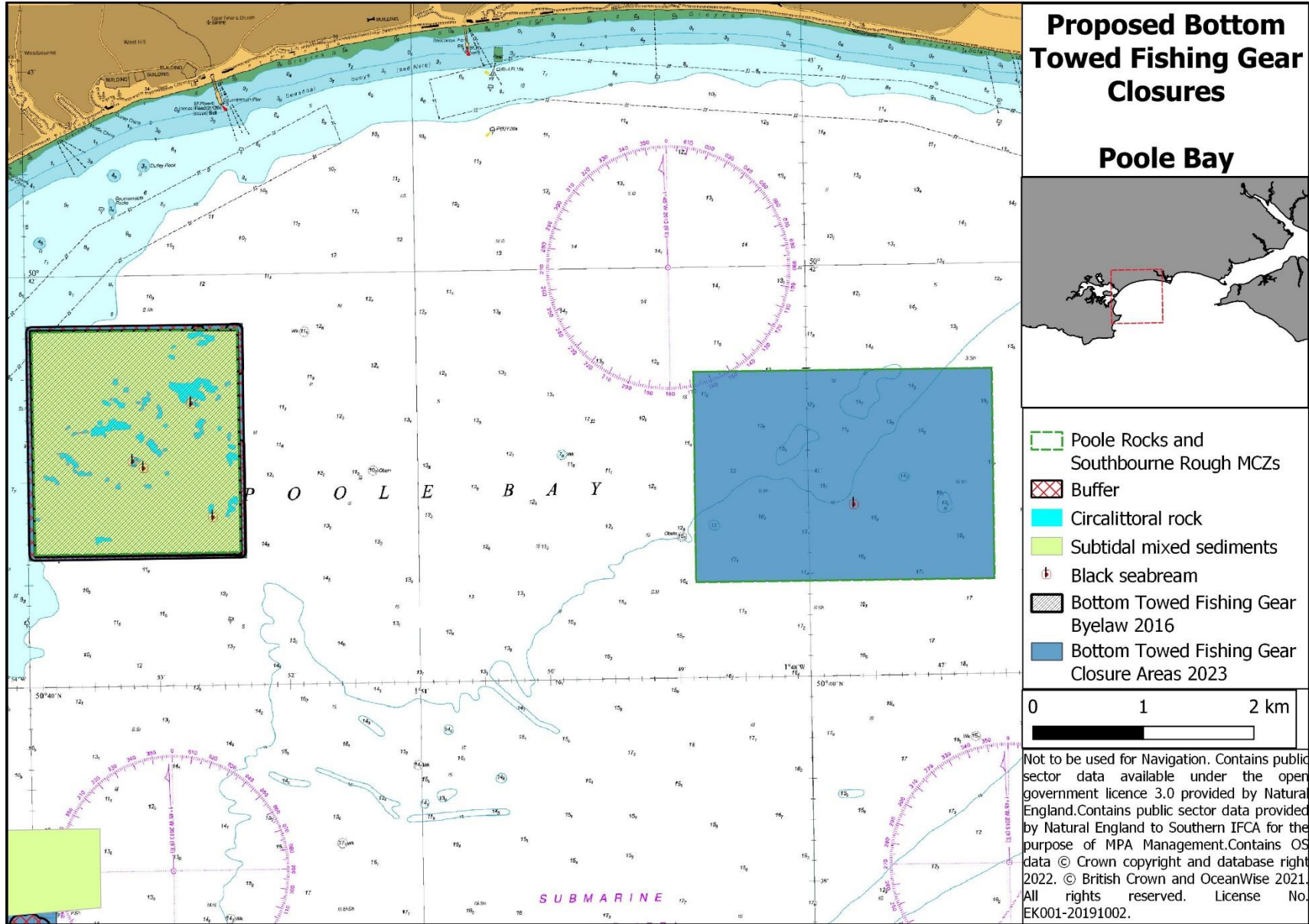
South Wight

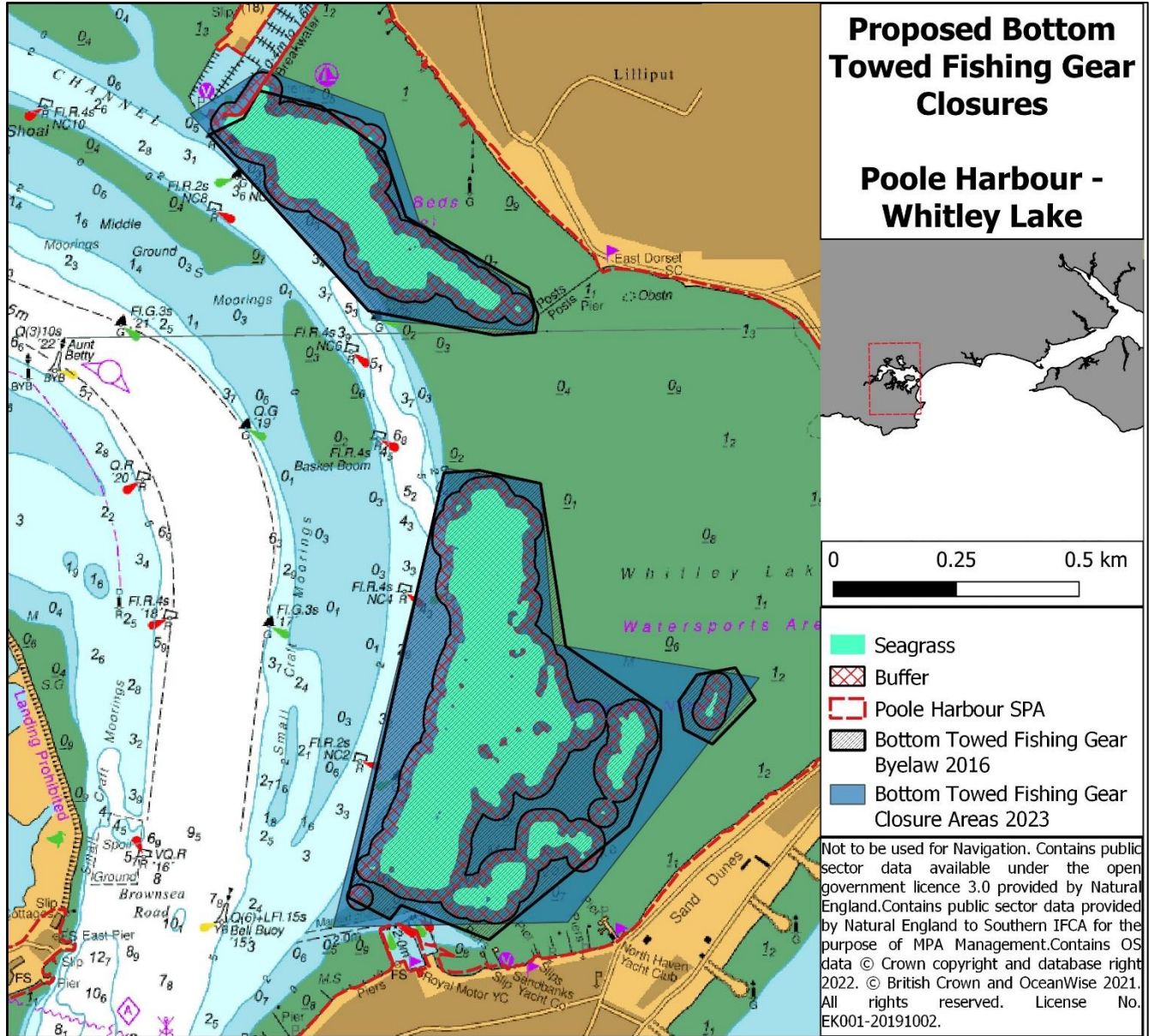


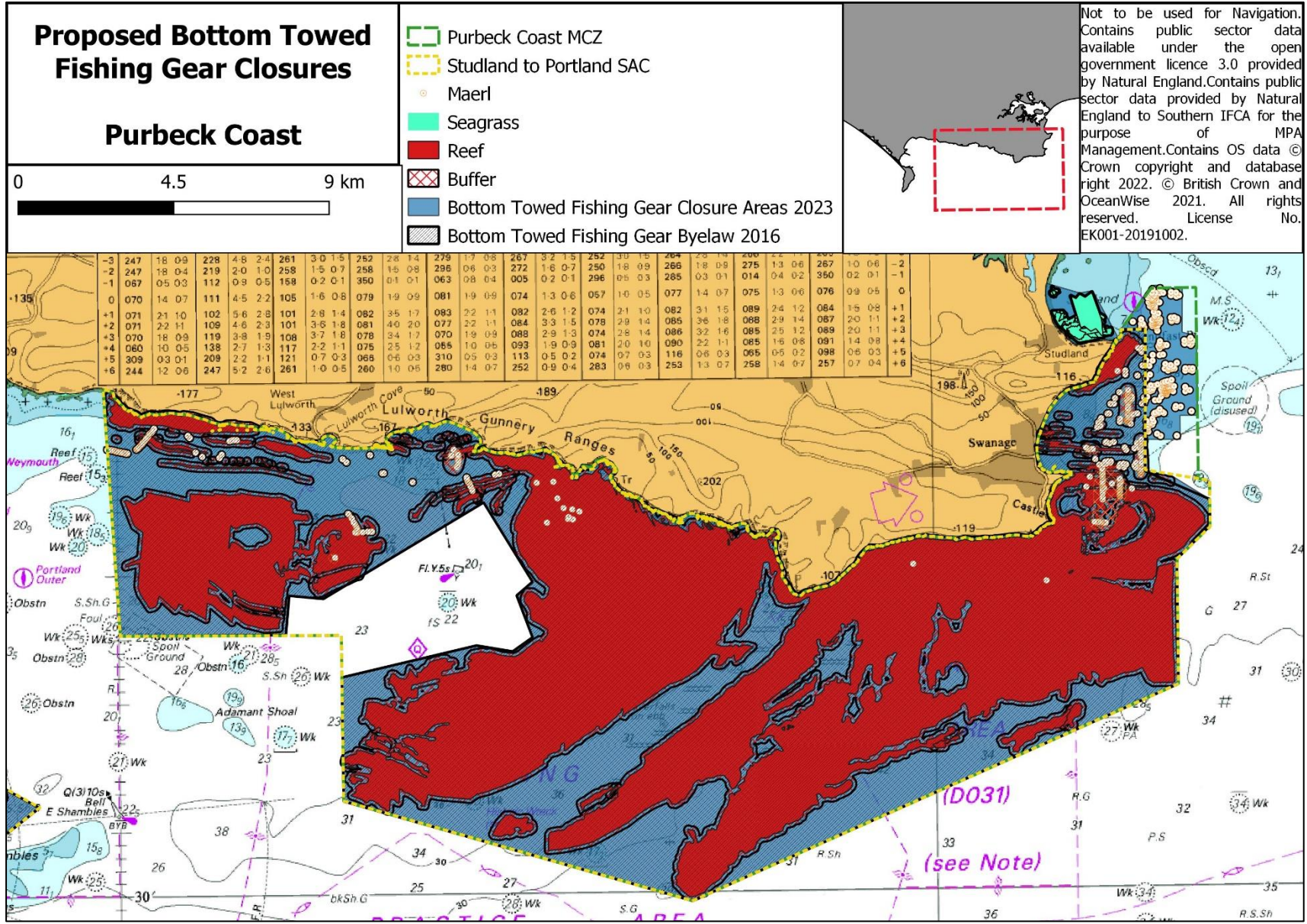
- The Needles MCZ
- South Wight Maritime SAC
- Solent and Southampton Water SPA
- Circlittoral rock
- Infralittoral Rock
- Seagrass
- Buffer
- Bottom Towed Fishing Gear Byelaw 2016
- Bottom Towed Fishing Gear Closure Areas 2023

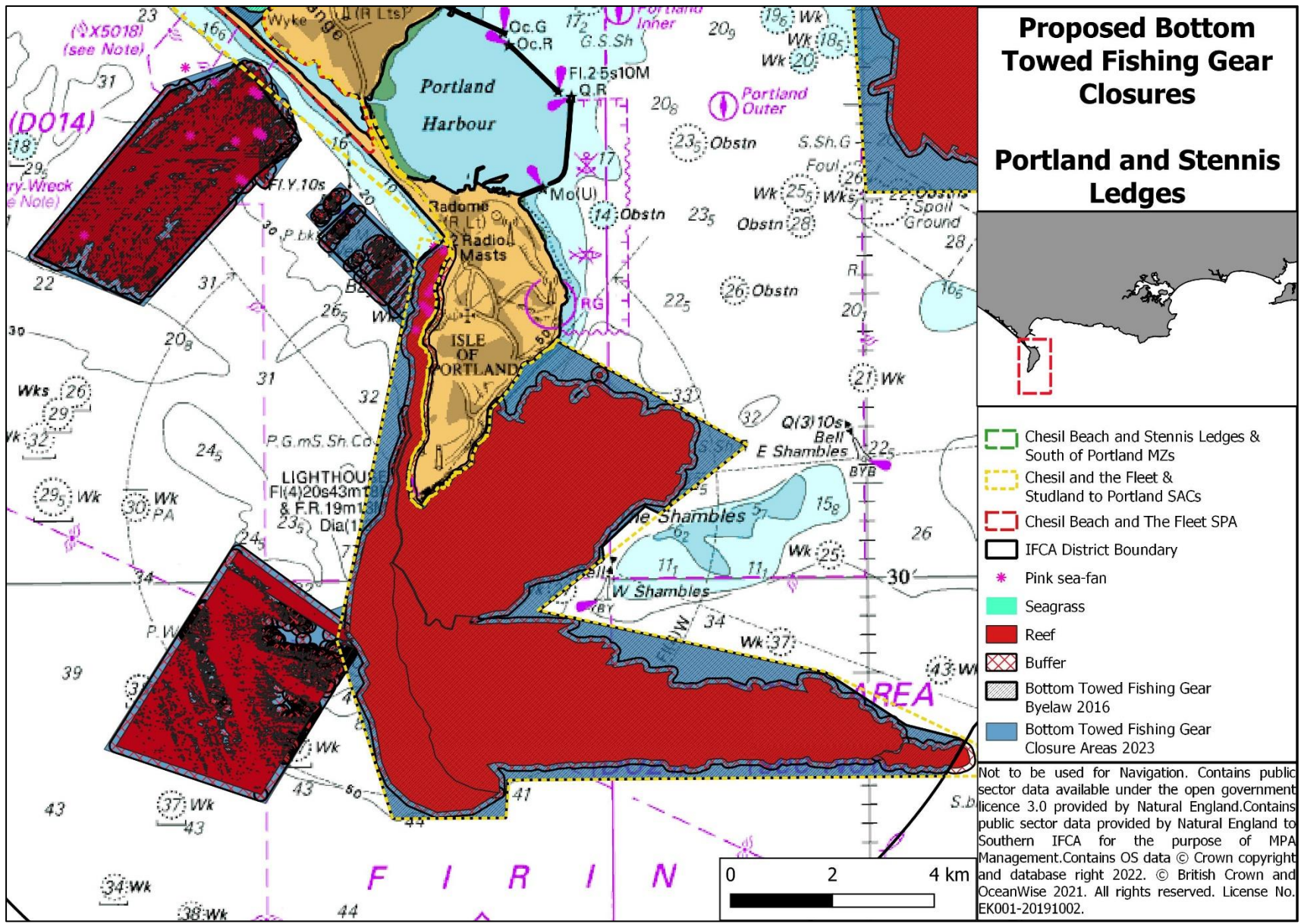
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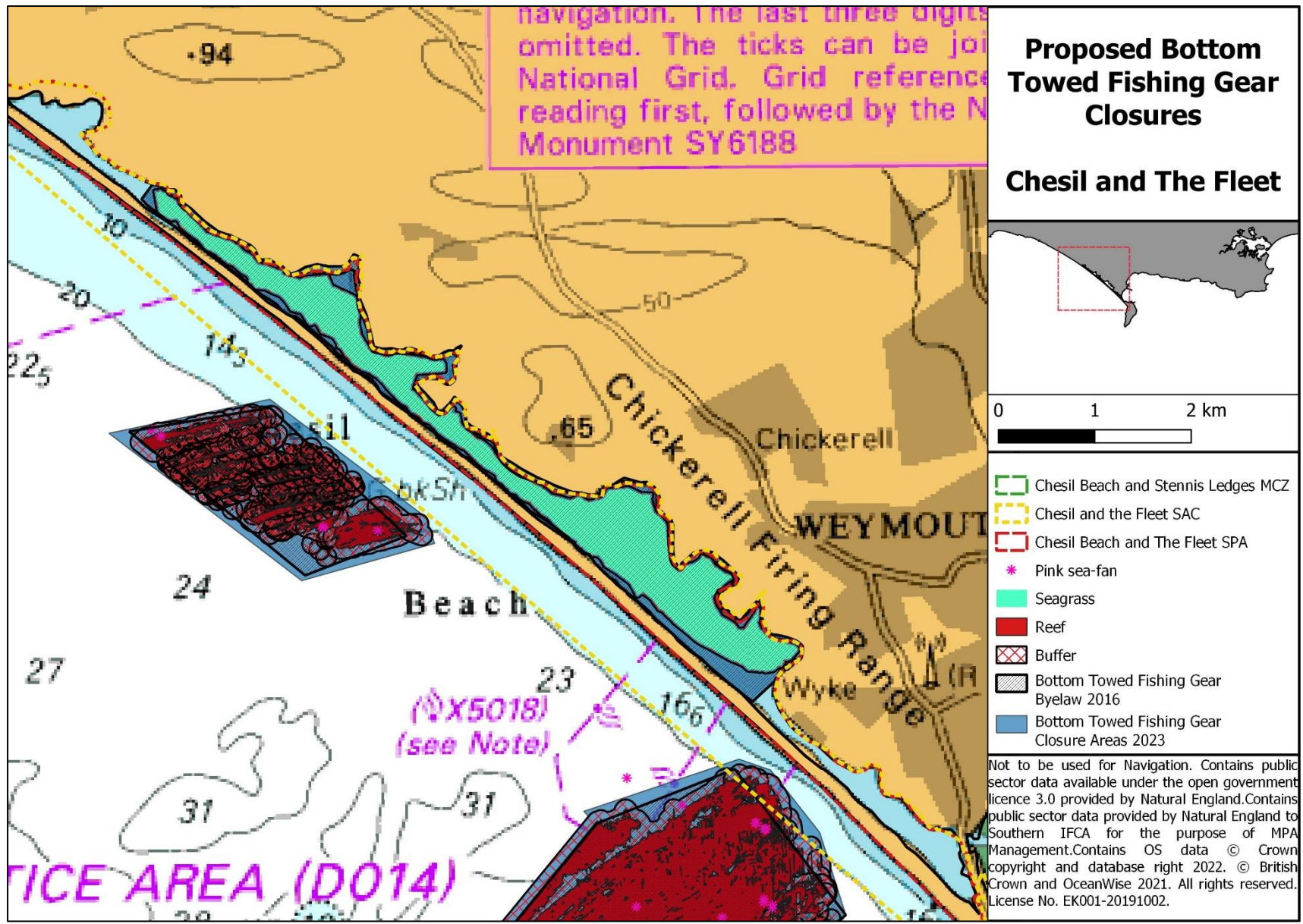


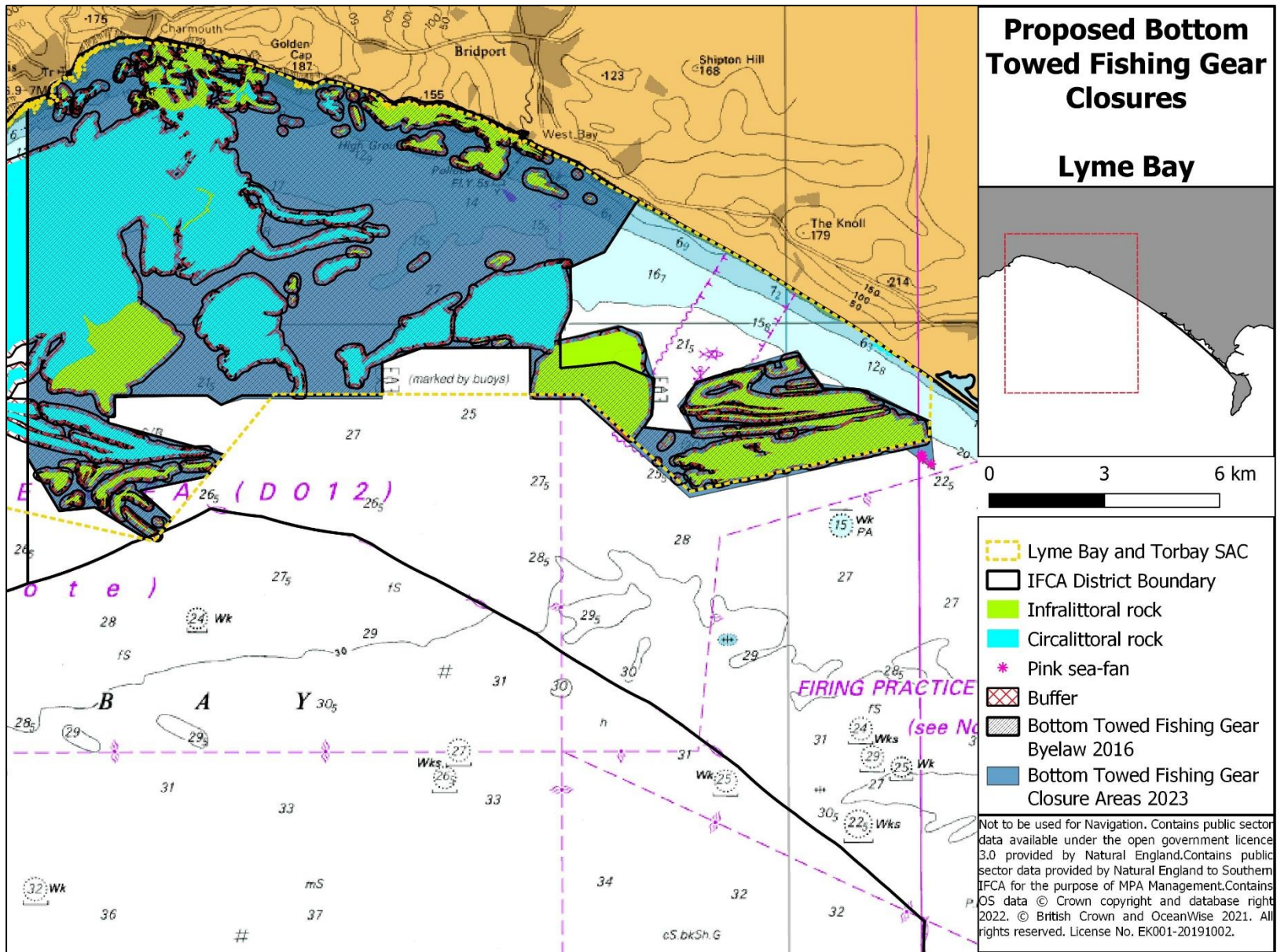












Title: Bottom Towed Fishing Gear Byelaw 2023
IA No: SIFCA 0123
RPC Reference No:
Lead department or agency: Southern Inshore Fisheries and Conservation Authority
Other departments or agencies: Marine Management Organisation, Natural England

Impact Assessment (IA)

Date: 17/04/23

Stage: Development

Source of intervention: Domestic

Type of measure: Secondary Legislation

Contact for enquiries: Southern Inshore Fisheries and Conservation Authority, 01202 721373, enquiries@southern-ifca.gov.uk

RPC Opinion: RPC Opinion Status

Summary: Intervention and Options

Cost of Preferred (or more likely) Option (in 2019 prices)

| Total Net Present Social Value | Business Net Present Value | Net cost to business per year | Business Impact Target Status Qualifying provision |
|--------------------------------|----------------------------|-------------------------------|--|
| £m -0.2 | £m -0.2 | £m 0.020302 | |

What is the problem under consideration? Why is government action or intervention necessary?

Bottom towed fishing gears, or mobile demersal gears, such as otter trawls or shellfish dredges, have the potential to impact or adversely affect certain sensitive features for which Marine Protected Areas (MPAs) are designated. Management intervention is required to ensure that the Southern IFCA can continue to meet its duties under the Marine and Coastal Access Act 2009 and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 to manage fishing activities within MPAs to ensure that designated features are not adversely affected, and that Conservation Objectives of the sites are furthered. A review of the existing Southern IFCA BTFG Byelaw 2016 is required in response to the creation of new Marine Conservation Zones (MCZs) within the Southern IFCA District and updated evidence on location and extent of designated features within other MPAs.

In accordance with the Government's Environmental Improvement Plan 2023, IFCAs are required to ensure that **management measures are in place for designated features in MPAs by 2024** in order for the Government to achieve an **interim target where 48%** of designated features in MPAs are in a favourable position by 31st January **2028**, with the **ultimate target where 70%** of designated features in MPAs are in a favourable position, with the remainder in a recovering condition by **2042**.

What are the policy objectives of the action or intervention and the intended effects?

- To avoid adverse impact from bottom towed fishing activity on, and further the conservation objectives of MPAs in the Southern IFCA District
- To incorporate updates to the Marine Protected Area network in spatial management of bottom towed fishing gear
- To review existing spatial management to ensure that it is based on best available evidence
- To manage bottom towed fishing activity proportionately by utilising a feature-based approach to management within MPAs
- To enhance environmental sustainability within the Southern IFCA District
- Intended effect is protection of designated sensitive features in MPAs from bottom towed fishing gear, success of this measure is measured by compliance with the regulation, measured through outputs from compliance and enforcement monitoring and, if required, associated enforcement action

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

0. Do nothing.
1. Update an existing Southern IFCA byelaw in order to introduce new and revise spatial management for bottom towed fishing gear within Marine Protected Areas, ensuring feature protection consistent with MPA conservation objectives
2. Create a Southern IFCA byelaw to prohibit bottom towed fishing gear across the full extent of all Marine Protected Areas.
3. Voluntary measures.

The preferred option is **Option 1**. The revocation of the 'Bottom Towed Fishing Gear Byelaw 2016' and the creation of the 'Bottom Towed Fishing Gear Byelaw 2023' would best enable Southern IFCA to meet its duties. The use of spatial management within MPAs utilising a feature-based approach is in line with the current legal duties of the Southern IFCA and is a proportionate response to ensuring appropriate protection of the marine environment from bottom towed fishing gear.

Will the policy be reviewed? It will be reviewed. If applicable, set review date:

| | | | | |
|---|-----------------------|---------------------|---------------------------|---------------------|
| Is this measure likely to impact on international trade and investment? | | | | |
| Are any of these organisations in scope? | Micro Yes | Small Yes | Medium Yes | Large Yes |
| What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent) | Traded: N/A | | Non-traded: N/A | |

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible CHAIR: _____ Date: _____

Summary: Analysis & Evidence

Policy Option 1

Description:

FULL ECONOMIC ASSESSMENT

| Price Base Year 2019 | PV Base Year 2020 | Time Period Years | Net Benefit (Present Value (PV)) (£m) | | |
|-------------------------|----------------------|----------------------|---------------------------------------|----------------|--------------------------|
| | | | Low: Optional | High: Optional | Best Estimate: -0.174719 |

| COSTS (£m) | Total Transition (Constant Price) Years | Average Annual (excl. Transition) (Constant Price) | Total Cost (Present Value) |
|---------------|--|---|-------------------------------|
| Low | Optional | Optional | Optional |
| High | Optional | Optional | Optional |
| Best Estimate | 0.179640 | 0.003003 | 0.174749 |

Description and scale of key monetised costs by 'main affected groups'

The average annual monetised costs for the UK fishing industry following the introduction of the proposed measures is estimated to be £30,026.81. These costs are likely to arise as a consequence of loss of fishing access. The cost to Southern IFCA associated with ensuring compliance with the new measures is estimated to be £14,970 and would come in the first year of the byelaw, the transitional phase. Ongoing compliance costs would form part of the normal annual delivery of work by Southern IFCA.

Other key non-monetised costs by 'main affected groups'

As a consequence of loss of access to certain areas, there is the potential for displacement of fishing effort to other areas, potentially creating additional conflict with other users and reducing the sustainability of fisheries and the marine environment.

| BENEFITS (£m) | Total Transition (Constant Price) Years | Average Annual (excl. Transition) (Constant Price) | Total Benefit (Present Value) |
|---------------|--|---|----------------------------------|
| Low | Optional | Optional | Optional |
| High | Optional | Optional | Optional |
| Best Estimate | - | - | - |

Description and scale of key monetised benefits by 'main affected groups'

It is not possible to estimate monetised benefits at this point.

Other key non-monetised benefits by 'main affected groups'

It is anticipated that the proposed measures will benefit the sustainability of the marine environment through the protection of sensitive designated features within MPAs that would otherwise be vulnerable to potentially damaging fishing techniques. These features can act as important nursery, feeding, breeding and protective areas for fish & shellfish with the potential for net migration of species & larvae into adjacent areas benefiting commercial and recreational fisheries. Recreational users and commercial static gear fishers are anticipated to benefit from the closed areas, potentially benefiting the local economy. Certain protected habitats are also blue carbon habitats contributing to offsetting climate change. Such benefits are difficult to quantify.

Key assumptions/sensitivities/risks

Discount rate (%)

3.5

A key assumption is that the management intervention will be successful in preventing bottom towed fishing gear from fishing within prohibited areas and that the exclusion of these activities will lead to maintenance and/or recovery of designated sensitive features. Costs to industry have been calculated using MMO landings data with the information required to be generalised over the district concerning the origin and distribution of catches within that data. Landings data is fishery dependent and assumes catches and landings have been correctly reported.

BUSINESS ASSESSMENT (Option 1)

| | | | |
|--|-------------------------|------------------------|--|
| Direct impact on business (Equivalent Annual) £m: | | | Score for Business Impact Target (qualifying provisions only) £m: 0.1 |
| Costs: 0.020302 | Benefits: N/A | Net: 0.02030 | |

Evidence Base

1. Problem Under Consideration and Rationale for Intervention

- 1.1 This Impact Assessment (IA) is for the Southern Inshore Fisheries and Conservation Authority (IFCA) Bottom Towed Fishing Gear Byelaw 2023 (“the Byelaw”). The Byelaw will manage bottom towed fishing gear in the Southern IFCA District and has been developed through reviews of MPA management and bottom towed fishing gear undertaken by the Southern IFCA Authority.
- 1.2 Bottom towed fishing gear fisheries (from here on referred to as “BTFG fisheries”) refer to fisheries where fishing gear is pushed or pulled along the seabed and occur across the Southern IFCA district for a variety of fish and shellfish species. Southern IFCA require commercial fishers to hold a Southern IFCA permit to fish in the district (freely available) and when applying for a permit, indicate types of fishing activity carried out. From these records, there are currently 159 fishers engaged in bottom towed fishing gear fisheries within the district, this incorporates fishers who have indicated either ‘trawling’ or ‘dredging’ or both on for their permit to fish. There is no pelagic trawling in the Southern IFCA district therefore ‘trawling’ is taken to mean bottom towed fishing gear.
- 1.3 Bottom towed fishing activity can potentially cause negative outcomes as a result of ‘market failures’. These failures can be described as:
 - **Public goods and services** – a number of goods and services provided by the marine environment such as biological diversity are ‘public goods’ (no-one can be excluded from benefiting from them, but use of the goods does not diminish the goods being available to others). The characteristics of public goods, being available to all but belonging to no-one, mean that individuals do not necessarily have an incentive to voluntarily ensure the continued existence of these goods which can lead to under-protection/provision.
 - **Negative externalities** – Negative externalities occurs when the cost of damage to the marine environment is not fully borne by the users causing the damage. In many cases no monetary value is attached to the goods and services provided by the marine environment, and this can lead to more damaging occurring than would occur if the users had to pay the price of damage. Even for those marine harvestable goods that are traded (such as wild fish), market prices often do not reflect the full economic cost of the exploitation or of any damage caused to the environment by that exploitation.
 - **Common goods** – A number of goods and services provided by the marine environment such as populations of wild fish are ‘common goods’ (no-one can be excluded from benefiting from those goods however consumption of the goods does diminish that available to others). The characteristics of common goods (being available but belonging to no-one, and of a diminishing quantity), mean that individuals do not necessarily have an individual economic incentive to ensure the long-term existence of these goods which can lead, in fisheries terms, to potential overfishing. Furthermore, it is in the interest of each individual to catch as much as possible as quickly as possible so that competitors do not take all the benefits. This can lead to an inefficient amount of effort and unsustainable exploitation.
- 1.4 The Byelaw aims to redress these sources of market failure in the marine environment through the following ways:
 - Management measures to further the conservation objectives of designated sites will ensure negative externalities are reduced or suitably mitigated.

- Management measures will support continued existence of public goods in the marine environment, for example conserving the range of biodiversity in the Southern IFC District.
- Management measures will also support continued existence of common goods in the marine environment, for example ensuring the long-term sustainability of stocks of sea fisheries resources in the IFC District.

Southern IFCA Legal Duties

- 1.5 Southern IFCA is responsible for the management of fishing activities in the coastal waters of Dorset, Hampshire and the Isle of Wight. These waters contain highly biodiverse and ecologically rich habitats, providing a range of valuable ecosystem services. The value of these habitats and species is recognised through a range of Marine Protected Area (MPA) designations, collectively contributing to the UK's MPA Network ("the National Site Network").
- 1.6 Southern IFCA has duties under section 154 of the Marine and Coastal Access Act 2009¹ ("the MaCAA") for the protection of marine conservation zones as follows:
- (1) The authority for an IFC district must seek to ensure that the conservation objectives of any MCZ in the district are furthered.
 - (2) Nothing in section 153(2) is to affect the performance of the duty imposed by this section.
 - (3) In this section –
 - a. "MCZ" means a marine conservation zone designated by an order under section 116;
 - b. the reference to the conservation objectives of an MCZ is a reference to the conservation objectives stated for the MCZ under section 117(2)(b)
- 1.7 Section 125 of the MaCAA also requires that public bodies (which includes the IFCA) exercises its functions in a manner to best further (or, if not possible, least hinder) the conservation objectives for MCZs.
- 1.8 Southern IFCA has duties under the Conservation of Habitats and Species Regulations 2017² and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019³ (referred to jointly in this document as the "Conservation Regulations"). The Conservation Regulations transpose the land and marine aspects of the Habitats Directive and Wild Birds Directive into domestic law and outlines how the National Site Network will be managed.
- 1.9 The National Site Network is a network of protected sites which are designated for rare and threatened species and rare natural habitat types. These sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), designated under the EC Habitats Directive 1992⁴ and the EC Birds Directive 2009⁵, respectively. The National Site Network also includes MCZs designated under the MaCAA.

¹ [Marine and Coastal Access Act 2009 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

² [The Conservation of Habitats and Species Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

³ [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

⁴ [EUR-Lex - 31992L0043 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu)

⁵ [EUR-Lex - 32009L0147 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu)

- 1.10 Under Regulation 6 of the Conservation of Habitats and Species Regulations 2017, Southern IFCA, as a named competent authority, must ensure that fishing activity does not damage, disturb or lead to a deterioration of a species which receives protection under the relevant designation (SAC or SPA), so as to ensure compliance with the Habitats Directive and Birds Directive.
- 1.11 For MCZs, where section 154 of the MaCAA states that an IFCA's performance in meeting the duty to further Conservation Objectives should not be affected by anything listed in the general IFCA duties under section 153, this includes social or economic considerations. Likewise, for SACs and SPAs, the overarching legislation does not provide for the consideration of social or economic factors/impacts when making management decisions which are required to ensure that the duty of no adverse effect is met.

Review of Bottom Towed Fishing Gear Management

- 1.12 Bottom towed fishing gears, or mobile demersal gears such as otter trawls or shellfish dredges, have been used by fishers for generations in the coastal waters of Dorset, Hampshire and the Isle of Wight. In certain areas these techniques have the potential to adversely affect sensitive habitats and species.
- 1.13 In line with the duties of the Southern IFCA, in 2020 Members of the Southern IFC Authority considered the need for a review of management of bottom towed fishing gear in the district in response to a change in the National Site Network through the addition of new MCZs under Tranche 3, the addition of new features to already designated MCZs and updates to the best-available evidence which had been used to inform the Bottom Towed Fishing Gear Byelaw 2016 - the current management mechanism for these gear types in the district.
- 1.14 The evidence to support this review was collated through a series of environmental assessments for MCZs, SACs and SPAs.
- 1.15 In order to document and determine whether management measures are required to achieve the conservation objectives of MCZs, Southern IFCA is required to undertake an assessment relevant to fishing activities.
- 1.16 The assessment process is staged, comprising of an initial screening stage to establish whether an activity occurs or is anticipated to occur/has the potential to occur within the site. Activities which are not screened out are subject to a simple 'Part A' assessment, akin to the Test of Likely Significant Effect required under the Habitats Directive. The aim of this assessment is to identify pressures capable of significantly affecting designated features or their related processes. Fishing activities and their associated pressures which are not screened out in the Part A assessment are then subject to a more detailed 'Part B' assessment, where assessment is undertaken on a gear type basis. The Part B assessment is akin to the Appropriate Assessment required under the Habitats Directive. The aim of this assessment is to determine whether there is a significant risk of the activity hindering the conservation objectives of the MCZ. If the Part B assessment is unable to conclude that there is no significant risk of an activity hindering the conservation objectives of the MCZ, then the activity may be subject to management.
- 1.17 In relation to bottom towed fishing gear and MCZs, assessments were undertaken for the following areas so as to secure compliance with the MaCAA:
- Bembridge MCZ
 - Yarmouth to Cowes MCZ

- The Needles MCZ
- Southbourne Rough MCZ
- Poole Rocks MCZ
- Studland Bay MCZ
- Purbeck Coast MCZ
- South of Portland MCZ
- Chesil Beach and Stennis Ledges MCZ

1.18 In order to document and determine whether management measures are required to ensure no adverse effect on the features and supporting habitats for which SACs and SPAs are designated, Southern IFCA is required to undertake an assessment relevant to fishing activities.

1.19 The first stage to this assessment is a Test of Likely Significant Effect (TLSE), which is designed to test whether a fishing activity is likely to cause a significant effect on the designated features of an SAC or SPA. All the features/sub-features and supporting habitats for a site are subject to the TLSE assessment. Where the potential for a likely significant effect cannot be excluded an Appropriate Assessment must then be undertaken which must consider, in detail, the potential effects of the activity being assessed on any features/sub-features and supporting habitats where a likely significant effect has been identified and indicate whether management of that activity is required to ensure no adverse effect. The full assessment (TLSE and Appropriate Assessment) is referred to as a Habitats Regulations Assessment (HRA).

1.20 In relation to bottom towed fishing gear and SACs/SPAs, assessments were undertaken for the following areas so as to secure compliance with the Conservation Regulations:

- Solent Maritime SAC
- Chichester and Langstone Harbour SPA
- Portsmouth Harbour SPA
- Solent and Southampton Water SPA
- District-wide HRAs for seagrass and reef as features of multiple sites

1.21 The outcomes of the assessments indicated that a review of management of bottom towed fishing gear in the Southern IFC District was required to meet the legal duties of the Southern IFCA in relation to MPAs, driven by updates to the National Site Network and a need to review existing spatial management as a result of an update to best-available evidence on feature/supporting habitat location and extent.

1.22 In 2023, The Environmental Improvement Plan 2023 was introduced by Government as the first revision of the 25 Year Environment Plan. The Environment Plan identified the Government's intention to support progress towards the UN's Sustainable Development Goals under the Global Biodiversity Framework which includes protection of 30% of the global ocean by 2030. At a domestic level, the Government aim to achieve this by enhancing protection for MPAs. Under the Goal of Thriving Plants and Wildlife in the Environment Improvement Plan 2023, there is a target for 70% of designated features in MPAs to be in favourable condition by 2042 with the remainder in recovering condition and a new interim target of 48% of this to be achieved by 31st January 2028. The delivery of this is to be supported through strengthened protections in MPAs by 2024. Appropriate regulators, including IFCAs, are required to ensure that management measures are in place for all MPAs by 2024 in order for this interim target to be achieved. This includes the management of bottom towed fishing gear in MPAs.

- 1.23 In order to meet the Government target, Southern IFCA identified a need to prioritise workstreams and adopt a phased approach to the delivery of the bottom towed fishing gear review. This is based on the resource requirements for meeting the Government target and aims to allow for the consideration of wider district wide sensitive habitat management following an initial consideration of feature-based management within MPAs.
- 1.24 The phased approach is split into two, Phase 1 and Phase 2.
- 1.25 Phase 1: To consider feature based management interventions within MPAs: sites designated under the National Site Network (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Marine Conservation Zones (MCZs))**
- Under this Phase, to meet the IFCA’s duties and to ensure that Government targets are met, management intervention will be considered within MPAs, defined as SACs, SPAs and MCZs. The Authority aimed to develop a set of principles for Phase 1 in order to guide and maintain consistency in decision making which will ensure that any subsequent management is applied equally and with full transparency across the Southern IFCA District, where applicable.
- 1.26 Phase 2: To consider district wide management interventions for sensitive habitats.**
- Following the completion of Phase 1 it is the intention of the Authority to commence Phase 2 of the review. Phase 2 would consider the location of sensitive habitats and species (yet to be defined, pending the scope of Phase 2) across the district, both inside and outside National Site Network Sites and MCZs. This would also include consideration of features within Sites of Special Scientific Interest (SSSIs) which are not also designated under overlapping MPAs, where IFCA duties under the Wildlife and Countryside Act (1981) required the Authority to take ‘reasonable steps, consistent with the proper exercise of the authority’s functions’ to further conservation objectives for features within these sites.
 - Under this Phase, social and economic factors/impacts can be considered alongside the need for protection of the marine environment, operating under the IFCA duties outlined under S153 of the MaCAA, namely balancing the protection of the marine environment with a sustainable fishing industry, balancing the needs of different persons engaged in the exploitation of sea fisheries resources and ensuring sustainable fishing and continued sustainable development. In addition, Phase 2 will allow for the consideration of outcomes of currently ongoing restoration projects for specified habitats and consideration of how the IFCA can align with the Government’s Vision of protecting 30% of land and sea by 2030 (“30x30”).
- 1.27 A phased approach allows for the consideration of wider sensitive habitat management beyond the feature-based management approach taken in Phase 1. In staging the approach, Phase 2 will benefit from the inclusion of outcomes from ongoing research programmes and projects, currently underway in the district, to include those which are specifically focused on areas which may provide habitat restoration potential, ecosystem services, blue carbon habitats and Natural Capital benefits. Research in these areas will contribute vital information to help the IFCA to contribute to wider conservation targets and understand how the wider management of sensitive habitats can contribute to meeting the objectives of the Fisheries Act 2020. In addition, during Phase 2, and in order to deliver Southern IFCA’s core duties under the MaCAA, extensive consultation across the district’s communities will be required to capture site specific information regarding the social and economic benefits of fishing, coupled with the need to protect the marine environment.
- 1.28 The phased approach to the delivery of this workstream was adopted by the Southern IFC Authority at their meeting on 16th March 2023. This development of the Bottom Towed Fishing Gear Byelaw 2023 falls under Phase 1 of this phased approach.

- 1.29 A set of principles were developed which would underpin management decisions defining management of bottom towed fishing gear under Phase 1 of the review. Defining these principles ensures a transparent approach and that the approach is applied consistently across the district.
- 1.30 The principles are as follows:
1. Proposed closed areas are considered for Marine Protected Areas (MPAs) (SACs, SPAs and MCZs)
 2. Proposed closed areas are feature based (incorporating buffers)
 3. The best available evidence used to inform the prohibited areas under the Byelaw is the Natural England database provided to Southern IFCA in 2020
 4. Buffers are drawn around features using national JNCC/NE buffer guidance
 5. Features which exist in their entirety outside an MPA will be considered in a future phase of management for bottom towed fishing gear
 6. The proposed closed area is extended if a feature or buffer extends outside of the MPA boundary and is a continuation of an MPA feature
 7. With the exception of seagrass, the extent and distribution of feature-based management in the Solent Maritime SAC and District wide SPAs will be informed by outcomes of the relevant Habitats Regulations Assessment (HRA)
- 1.31 More detail on the principles concerning best available evidence, use of buffers and feature-based management in the Solent Maritime SAC and District wide SPAs (excluding seagrass) can be found in the Bottom Towed Fishing Gear Byelaw 2023 Management Intentions Document.

2. Rationale and evidence to justify the level of analysis used in the IA (proportionality approach)

- 2.1 The level of evidence presented through the environmental assessments to inform management intervention is appropriate to the problem under consideration. These assessments have been based on best available evidence of feature/supporting habitat location and extent in MPAs as provided to the Southern IFCA by Natural England, as the Government's Nature Conservation Advisors, in 2020. In understanding the location of features/supporting habitats and the sensitivity of these to fishing activity, Southern IFCA utilise information made available by Natural England through their Designated Sites View⁶.
- 2.2 Given the phased approach adopted by Southern IFCA and the development of the Bottom Towed Fishing Gear Byelaw 2023 under Phase 1, namely considering feature-based management interventions within MPAs: sites designated under the National Site Network (SACs, SPAs and MCZs), the development of management through the Bottom Towed Fishing Gear Byelaw 2023 is unable to consider social or economic factors.
- 2.3 Information has been sought from MMO landings data to inform the anticipated cost to industry through the implementation of the Byelaw, however no further information on socio-economic impacts of the prohibited areas under the Byelaw has been sought from the industry on the prohibited areas as defined in the Bottom Towed Fishing Gear Byelaw

⁶ [Site Search \(naturalengland.org.uk\)](https://www.naturalengland.org.uk)

2023 given the inability for the IFCA to consider this information when making feature based management decisions within MPAs under the National Site Network.

- 2.4 Once the Southern IFCA begin undertaking Phase 2 of the review of bottom towed fishing gear, extensive consultation will be held with all interested parties, reflecting the ability (outside of feature-based management within MPAs) for the Southern IFCA to consider potential management under its wider duties under the MaCAA, namely *to seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or to promote its recovery from the effects of such exploitation.*

3. Description of options considered

3.1 Option 0: Do Nothing

Under this option, management of bottom towed fishing gear would continue to be managed under the Bottom Towed Fishing Gear Byelaw 2016.

- 3.1.1 This would result in no management of bottom towed fishing gear within MCZs designated under Tranche 3 and would not provide full feature-based protection for features/supporting habitats in relation to their location/extent under the updated best available evidence base. Under this approach, the Southern IFCA would not meet its duties under the MaCAA or the Conservation Regulations.

3.2 RECOMMENDED OPTION

Option 1: Update an existing Southern IFCA byelaw in order to introduce new and revise spatial management for bottom towed fishing gear within Marine Protected Areas, ensuring feature protection consistent with MPA conservation objectives

Under this option a byelaw would be created to replace the Bottom Towed Fishing Gear Byelaw 2016 to introduce new and revised feature-based spatial management for bottom towed fishing gear within Marine Protected Areas under the National Site Network (SACs, SPAs, MCZs).

- 3.2.1 This option would allow Southern IFCA to meet its duties for MCZs under the MaCAA and for SACs and SPAs under the Conservation Regulations. This option, operating under Phase 1 of the review of bottom towed fishing gear and under the principles defined by the Authority will allow the IFCA to meet the Government target of ensuring that management measures are in place for all MPAs by 2024.

- 3.2.2 Under this option the Southern IFCA 'Bottom Towed Fishing Gear Byelaw 2016' would be revoked.

3.3 Option 2: Create a Southern IFCA byelaw to prohibit bottom towed fishing gear across the full extent of all Marine Protected Areas.

Under this option a single byelaw would be created to prohibit bottom towed fishing gear use within the full spatial extent of all MPAs under the National Site Network (SACs, SPAs, MCZs).

- 3.3.1 This approach would allow Southern IFCA to meet its duties under the MaCAA, however under the Conservation Regulations, Southern IFCA must ensure that fishing activity does not damage, disturb or have an adverse impact upon the features for which an SAC or

SPA has been legally protected. As such, full spatial closures of MPAs would not align to the legislative requirements upon IFCA's under the Conservation Regulations.

3.4 Option 3: Voluntary measures

Due to the total area and environmental value of the District's MPAs, coupled with the number of fishery participants and the complexity of the different types of bottom towed fishing gear, it is believed that a voluntary agreement would pose a great risk to the integrity of the environmental designations. In addition, when Defra implemented the Revised Approach to the management of commercial fisheries in the then European Marine Sites (EMS) (now National Site Network), it was Defra's expectation that regulatory management measures would be introduced. The ongoing management of bottom towed fishing gear in the National Site Network is a continuation of the initial management implemented through the Revised Approach.

4. Policy objectives

4.1 The Policy Objectives of the Bottom Towed Fishing Gear Byelaw 2023 are:

- To avoid adverse impact from bottom towed fishing activity on, and further the conservation objectives of MPAs in the Southern IFCA District
- To incorporate updates to the Marine Protected Area network in spatial management of bottom towed fishing gear
- To review existing spatial management to ensure that it is based on best available evidence
- To manage bottom towed fishing activity proportionately by utilising a feature-based approach to management within MPAs
- To enhance environmental sustainability within the Southern IFCA District
- Intended effect is protection of designated sensitive features in MPAs from bottom towed fishing gear, success of this measure is measured by compliance with the regulation, measured through outputs from compliance and enforcement monitoring and, if required, associated enforcement action

5. The Bottom Towed Fishing Gear Byelaw 2023

5.1 Building on the 2016 Byelaw (currently in force), the Bottom Towed Fishing Gear Byelaw 2023 will introduce a series of prohibited areas across the Southern IFCA District within which the use of bottom towed fishing gear for the exploitation of sea fisheries resources is prohibited.

5.2 The byelaw will prohibit the use of bottom towed fishing gear in 42 areas of the District (Table 1). The Area numbers align with those in the schedule of the byelaw and Annex 2 of the Management Intentions Document.

| Area of District | BTFG Prohibition Area Numbers |
|-----------------------------------|-------------------------------|
| Chichester and Langstone Harbours | 1 – 6 |
| Portsmouth Harbour | 7 – 12 |
| Southampton Water | 13 – 18 |
| Lymington, Keyhaven and Beaulieu | 19 – 21 |
| Yarmouth | 22 |

| | |
|------------------------------------|---------|
| Yarmouth to Cowes | 23 – 24 |
| The Medina, Cowes and Osbourne Bay | 25 – 28 |
| Ryde to South Wight | 29 – 30 |
| South Wight | 31 |
| Poole Bay | 32 – 33 |
| Poole Harbour | 34 – 35 |
| Studland Bay | 36 |
| Purbeck Coast | 37 |
| Portland and Stennis Ledges | 38 – 39 |
| Chesil Beach and The Fleet | 40 – 41 |
| Lyme Bay | 42 |
| Portsmouth Harbour | 7 – 12 |
| Southampton Water | 13 – 18 |

- 5.3 The Byelaw requires a vessel carrying bottom towed fishing gear while transiting through a prohibited area to have that gear inboard and above the sea.
- 5.4 The Byelaw provides for the Authority to issue a written dispensation to any person committing an act which would otherwise constitute an offence against the byelaw if the act is for the purpose of educational, scientific, stocking or breeding purposes, is being undertaken in accordance with that purpose and the dispensation is carried on board and produced for inspection when requested by an IFCO of the Authority or any other person authorised by the Authority to make such a request.
- 5.5 The Byelaw provides for the Authority to review the suitability of the byelaw in accordance with any changes in evidence, to include any statutory evidence provided by Natural England or other such bodies, organisations or persons as the Authority deems fit. At the time that any such evidence is available, prior to any review taking place, consideration will be given to the evidence provided in conjunction with the IFCA's priority workstreams, balancing any identified need for a review with resource capacity.
- 5.6 There have been prohibited areas for bottom towed fishing gear across the Southern IFCA District since the introduction of the Bottom Towed Fishing Gear Byelaw in 2013. The network of prohibited areas was increased following the introduction of the Bottom Towed Fishing Gear Byelaw 2016. The network of prohibited areas under the Bottom Towed Fishing Gear Byelaw 2023 consists of new prohibited areas, extensions to existing prohibited areas and also reductions on existing prohibited areas to ensure that management is aligned with the principles developed by the Authority and represents a feature-based approach to management of sensitive habitats within MPAs. This ensures that protection is provided to those sensitive features and that the IFCA is meeting its duties under MaCAA and the Conservation Regulations through an approach which is proportionate to the level of risk.
- 5.7 The total area closed to bottom towed fishing gear through the prohibited areas under the Byelaw is 715.0km² representing 26.2% of the Southern IFCA District. This is compared to a total area closed under the Bottom Towed Fishing Gear Byelaw 2016 of 696.3km²

representing 25.5% of the District. **The difference between the 2016 and 2023 byelaws is an increase in the total area closed of 18.7km² or 0.7% of the District.**

6. Consultation

6.1 Informal Consultation

6.1.1 An informal consultation on an initial set of proposed prohibited areas developed by the Authority prior to the decision to adopt a phased approach was held between 17th June and 1st August 2022.

6.1.2 Responses were invited by email, post and via an online form. Throughout the consultation period, Southern IFCA officers contacted key stakeholders to inform them of the consultation and engaged with fishers whilst out on patrol. Officers helped fill out response forms where required and signposted fishers to the consultation document.

6.1.3 A total of 74 responses were received by the Authority through the duration of the consultation⁷.

6.2 Formal Consultation

6.2.1 To be added following completion of Formal Consultation.

7. Monetised and non-monetised costs and benefits

7.1 Option 1 will be analysed in comparison to Option 0

7.2 The creation of the Southern IFCA Net Fishing Byelaw may result in the following costs:

- Direct costs to the fishing industry as a result of reduced access or loss of access to fishing grounds;
- Indirect costs to the fishing industry associated with displacement to other fishing grounds;
- Costs to Southern IFCA for compliance and enforcement activities

7.3 Costs to the fishing industry from reduced access or loss of access to fishing grounds and compliance costs to Southern IFCA can be monetised and these estimated values have been collated and presented as part of this IA.

7.4 Indirect costs to the fishing industry associated with displacement are difficult to value and are therefore described here as non-monetised costs.

Costs to the fishing industry

7.5 Bottom towed fishing gear users have the potential to incur costs as a result of reduced access or loss of access to fishing grounds within prohibition areas under the Byelaw. These costs will be incurred as a direct result of the closure of the fishing area. It should be noted that whilst there will be some new closures and extensions of closed areas defined under the Bottom Towed Fishing Gear Byelaw 2016, there will also be areas

⁷ The Summary of Responses document for the informal consultation is available upon request from the Southern IFCA.

opened to bottom towed fishing gear which were previously closed due to management being aligned with the principles for the review.

7.6 Southern IFCA require commercial fishers to hold a Southern IFCA permit to fish in the district (freely available) and when applying for a permit, indicate types of fishing activity carried out. From these records, there are currently 159 fishers engaged in bottom towed fishing gear fisheries within the district, this incorporates fishers who have indicated either 'trawling' or 'dredging' or both on for their permit to fish. There is no pelagic trawling in the Southern IFCA district therefore 'trawling' is taken to mean bottom towed fishing gear.

7.7 To estimate the economic costs of the proposed management, Marine Management Organisation (MMO) catch data for bottom towed fishing gear catches landed to ports within the District between 2021 and 2023 (to Feb 2023) from UK registered vessels was analysed. Table 2 provides a the quantity landed (kg) and the associated value (£) of all species landed by either trawling or dredging into ports in the Southern IFCA District for those years.

| Year | Total quantity of all species landed by BTFG (tonnes) | | Total value of all species landed by BTFG (£) | |
|--|---|---------------|---|---------------------|
| | Dredges | Trawls | Dredges | Trawls |
| 2021 | 1093.90 | 246.00 | 2,265,420.56 | 920,376.30 |
| 2022 | 1219.00 | 218.97 | 2,273,778.66 | 1,081,131.24 |
| 2023 (to Feb 2023) | 75.58 | 34.57 | 194,097.50 | 151,716.63 |
| Total for 2 full years (2021 and 2022) | 2,312.90 | 464.97 | 4,539,199.22 | 2,001,507.54 |
| Average per year (based on 2021 and 2022) | 1156.45 | 232.49 | 2,269,599.61 | 1,000,753.77 |

(*) Note the 2023 data only represents two months of the year

7.8 It has to be assumed that the landings into these ports were made by vessels which are registered with the Southern IFCA under the Fish for Sale permit. On this basis, splitting the average values from the above table equally between the 159 registered vessels equates to an estimated average landings value per vessel of £14,274.21 per year for dredging and £6,294.05 for trawling.

7.9 These figures can be based on access to the area of the District available to bottom towed fishing gear under the Bottom Towed Fishing Gear Byelaw 2016 = 2036.7km². Converting the average value of landings per year for each gear type to a (£) value per square km, and then applying this value to the additional area which is proposed to be closed through prohibited areas under the 2023 Byelaw compared to the 2016 byelaw, an average value per year can be estimated of the proposed cost to industry from the new byelaw. This equates to an approximate annual cost (across all fishery participants) of £20,838.37 for dredging and £9,188.44 per year for trawling. Giving a combined approximate annual cost of £30,026.81. Dividing this cost by the 159 BTFG vessels in the District equates to an estimated cost of £188.84 per vessel per year.

Costs to Southern IFCA

7.10 Southern IFCA is anticipating that costs for compliance and enforcement as a result of the Byelaw will be minimal due to the total footprint of prohibited areas changing by 18.7km² from the Bottom Towed Fishing Gear Byelaw 2016.

- 7.11 Under section 153 of the MaCAA, Southern IFCA has the lead responsibility of enforcing an IFCA byelaw. The Authority's existing compliance and enforcement strategy would be the most likely and effective method of enforcing the recommended byelaw.
- 7.12 Based on knowledge of the compliance and enforcement resource requirements for the Bottom Towed Fishing Gear Byelaw 2016 and the small increase in total prohibited area size across the District it is anticipated that, in the first year of the byelaw being in place, there would be a day required per Fisheries Protection Vessel to update plotter information relating to positions of prohibited areas, this is anticipated at a total cost of £1,290 based on three patrol vessels. In the first year there would also be a requirement for 10 additional sea patrols across the District to engage with the bottom towed fishing gear industry on changes to prohibited areas, the cost of this would be £14,970.
- 7.13 The best form of engagement will be with the industry whilst they are on the water therefore the increased costs are based around sea patrols. It is anticipated that, given the small increase in total prohibited area size across the District, there will not be a need for additional land patrols utilising assets such as the Southern IFCA drone, the current level of land patrols will be sufficient to ensure compliance and enforcement activities can be carried out in relation to the new byelaw.

Total monetised costs

- 7.14 The Equivalent Annual Net Direct Costs to Business (EANDCB) as a result of the proposed measures are estimated to be £20,302.00

Non-monetised costs

- 7.15 There is likely to be displacement of bottom towed fishing gear activity as a result of the proposed byelaw. The consequences of this displacement include potential conflict with other users, an increase in exploitation of other fisheries and an increased environmental impact as a result of increased bottom towed fishing gear in other areas.
- 7.16 The level of displacement cannot be quantified, however the combination of management measures for gear types across the Southern IFCA District will provide a form of mitigation in relation to an increase in exploitation of other fisheries. The likely increase may be in the form of pot fishing, net fishing or shore gathering activities. The former two are aiming to be managed through Southern IFCA byelaws which are currently undergoing scrutiny through the MMO QA process prior to being considered by the Secretary of State. These byelaws seek to regulate the use of these gear types to limit impacts on stocks (whelk fisheries) and impacts on fish species utilising habitats for feeding, breeding and protection and impacts on migratory fish species and other sensitive species (net fisheries). The Southern IFCA are also undertaking a review of shore gathering activity across the National Site Network in the District which will inform appropriate management to avoid any adverse impact to the marine environment. Phase 2 of the bottom towed fishing gear review will also consider management of sensitive habitats in the wider District, both inside and outside of MPAs.

Benefits

- 7.17 The creation of the Bottom Towed Fishing Gear Byelaw 2023 may result in the following benefits:

- Improved sustainability of the marine environment through the protection of sensitive designated features within MPAs that would otherwise be vulnerable to potentially damaging fishing techniques
- A potential increase in the delivery of ecosystem services
- A potential increase in the sustainability of the fisheries, leading to a socio-economic benefit for fishermen and associated businesses
- A potential increase in opportunities for other fishing gear types
- Potential reputational benefits to bottom towed fishing gear users and the fishing industry

- 7.18 These benefits are difficult to value and are therefore described here as non-monetised benefits.
- 7.19 The MCZ and HRA assessments carried out to inform the review of bottom towed fishing gear demonstrate that methods of bottom towed fishing gear are likely to have a significant effect on certain sensitive features/supporting-habitats for which sites in the District are designated and therefore prevent the sites from meeting their Conservation Objectives affecting overall site integrity. The creation of prohibited areas under the Byelaw provides a benefit to these MPAs through protection of these sensitive features/supporting-habitats allowing them to be maintained and/or recovered where required contributing to the achievement of overall site integrity.
- 7.20 The sensitive habitats and species designated for the National Site Network sites in the Southern IFCA District which relate to the assessments for bottom towed fishing gear include: seagrass, reef features, estuarine habitats (i.e. saltmarsh, intertidal sediments), sea-pens and burrowing megafauna, subtidal sediment habitats, black seabream, native oyster, maerl beds, pink sea fans and bird species with associated supporting habitats. The outputs from the assessments indicate that abrasion, penetration or disturbance of the seabed, removal of non-target and target species, changes in suspended solids, smothering and siltation rates and disturbance of bird species were identified as the main pressures which required management consideration. The degree to which each of these pressures requires management in relation to bottom towed fishing gear will vary between sites taking into account the evidence in literature as to the potential impacts of different types of fishing gear on each habitat/species.
- 7.21 The sensitive habitats and species listed above contribute to the biodiversity of the marine environment and provide a variety of roles in supporting food webs, providing areas for feeding, breeding, roosting and protection for species and supporting the development of species communities and characteristic biotopes. These services would be maintained and potentially enhanced by the Byelaw.
- 7.22 Protection of these features/supporting habitats is also anticipated to deliver additional ecosystem services. The range of habitats and species protected within the prohibited areas are known to provide a degree of coastal protection (reefs, saltmarsh, mudflats) and are important areas for nutrient cycling, carbon and nitrogen fixing and sediment stabilisation. By protecting areas of sensitive habitat, a natural refuge is created for populations of exploited and bycatch species.
- 7.23 It is anticipated that the closure of sensitive areas will benefit adjacent fisheries through two mechanisms: net emigration of adults and juveniles across borders (termed 'spill over') and the export of pelagic eggs and larvae. Inside the prohibited areas, there is the potential for populations to increase in size, with individuals able to live longer, grow larger and develop increased reproductive potential. This has the potential to lead to increased catches outside of these areas. Within carefully managed, sustainable fisheries,

additional fishing opportunities provided through increased catches may potentially offer employment opportunities, thus supporting the local economy.

- 7.24 In some areas, methods of towed fishing gear can restrict opportunities for other fishing activities such as static gear, shore gathering and recreational sea angling due to the potential for damage to fishing gear or through competition for a resource. Previous experience from the Lyme Bay area suggests that closures to bottom towed fishing gear may lead to an increase in fishing opportunities for other gear types such as pot fisheries. Within carefully managed, sustainable fisheries additional fishing opportunities may potentially offer employment opportunities, thus supporting the local economy.
- 7.25 It is anticipated that this byelaw will manage the fishery-ecosystem interaction, supporting biodiversity within the prohibited areas. The effective management of bottom towed fishing gear within MPAs demonstrates that these fisheries can be managed in an appropriate way within designated sites. This byelaw therefore provides these fisheries with the opportunity to demonstrate their environmental credentials. In an ever-more environmentally aware society, this information may increase consumer confidence in these fisheries which may in turn have associated social and economic benefits.

8. Risks and assumptions

- 8.1 Cost estimates are based on estimates of UK landings values. Landings information is reported by port landed into and therefore it is not possible to ascertain what proportion of the landings value was derived directly from the proposed prohibited areas under the Byelaw.
- 8.2 The number of potentially affected vessels has been obtained through analysing the number of fishers in the District who have indicated to the Authority when registering to fish for sale, that they fish with either trawls or nets or both. From officer knowledge, it is known that there are no pelagic trawling vessels operating in the Southern IFCA District therefore trawling is taken to represent bottom towed fishing gear.
- 8.3 Displacement of fishing effort is difficult to quantify, and impossible to predict where exactly activities will be displaced to.
- 8.4 Estimated costs to the fishing industry are likely to be an overestimate, as vessels are likely to offset some of the lost revenue by fishing in other areas. It is also possible that the increased environmental status within the prohibited areas could coincide with relatively more abundant fishing grounds, and therefore the analysis may have underestimated the value of reduced fishing ground.

9. Impact on small and micro businesses

- 9.1 The Byelaw will impact micro businesses (1-9 employees). There are two fishing vessels operating in the Southern IFCA District using bottom towed fishing gear which are >12m, all other vessels are <12m. The majority of vessels operate as a single business operated by one owner. Vessels will operate both single handed with only a skipper and with crew (maximum 2 crew).
- 9.2 It would not be possible to exempt small and micro businesses from the Byelaw.
- 9.3 Due to the size and range of these vessels, some may not be able to access alternative sources of income. These businesses may fail as a result. This has aimed to be mitigated by aligning the prohibited areas with the principles developed by the Authority to ensure

consistency in approach across the District and ensure that closures are developed around feature-based management within MPAs. This has resulted in some new prohibited areas and extensions to some existing prohibited areas but also a reduction in the size of some existing prohibited areas. The total difference in area closed to bottom towed fishing gear between the 2016 byelaw and the 2023 byelaw is 18.7km² (696.3km² under the 2016 byelaw compared to 715.0km² under the 2023 byelaw), this equates to a difference in the percentage of the District closed to bottom towed fishing gear of 0.7% (from 25.5% under the 2016 byelaw to 26.2% under the 2023 byelaw).

10. Wider impacts

- 10.1 There is the potential for business directly related to fishing to be affected as a result of the proposed measures. This is aimed to be abated through the mitigation to the fishing industry by the small difference in the total size of the prohibited areas within the District as outlined in section 9.3 of this IA.
- 10.2 As a result of possible environmental and fisheries benefits, there is the potential for other fishing and environmental businesses to benefit from the proposed measures, for example due to increased fishing opportunities.
- 10.3 There are potential social implications associated with the proposed byelaw, these have the potential to include the suppliers, fuel costs and time costs associated with sourcing new suppliers, travelling to and utilising alternative fishing grounds.
- 10.4 It is anticipated that the introduction of the proposed measures will achieve the conservation objectives of the MPAs within the District in the National Site Network (SACs, SPAs, MCZs) thus maintaining the overall integrity of these sites.
- 10.5 Increases in the density and biodiversity of species in the prohibited areas will positively contribute towards the health of the marine environment.

10.6 South Marine Plan

As per paragraph 58(3) of the MaCAA, Southern IFCA must have regard to the South Marine Plan⁸ when undertaking any decision which is not an authorisation or enforcement decision. By definition, as per paragraph 58(4), a byelaw would fall under the definition of 'authorisation or enforcement decision'.

10.6.1 That said, the proposed measures ensure compatibility with the following objectives and policies of the South Marine Plan:

- **Objective 3:** To support the diversification of a sustainable fishing industry **S-FISH-1**
- **Objective 10:** To support marine protected area objectives and a well-managed ecologically coherent network with enhanced resilience and capability to adapt to change **S-MPA-1, S-MPA-2**
- **Objective 12:** To safeguard space for, and improve the quality of, the natural marine environment, including to enable continued provision of ecosystem goods and services, particularly in relation to coastal and seabed habitats, fisheries and cumulative impacts on highly mobile species **S-BIO-3**

⁸ <https://www.gov.uk/government/collections/south-marine-plans>

11. Monitoring and evaluation

- 11.1 The Authority is able to review the suitability of the byelaw in accordance with any changes in evidence, to include any statutory evidence provided by Natural England or other such bodies, organisations or persons as the Authority deems fit. At the time that any such evidence is available, prior to any review taking place, consideration will be given to the evidence provided in conjunction with the IFCA's priority workstreams, balancing any identified need for a review with resource capacity.
- 11.2 Monitoring of compliance with the Byelaw will be carried out through the Authority's compliance and enforcement framework⁹.

⁹ [Compliance-and-Enforcement-Framework-2023.pdf \(toolkitfiles.co.uk\)](#)

Southern Inshore Fisheries and Conservation Authority

OFFICER'S REPORT

ANNUAL REVIEW OF THE POOLE HARBOUR SEVERAL ORDER MANAGEMENT PLAN (2023 UPDATE)

Report by IFCO Sarah Birchenough

A. Purpose of the Report

Under Section (4) of The Poole Harbour Fishery Order 2015, the Authority are required to undertake an annual review of the Poole Harbour Several Order Management Plan.

B. Recommendation

1. That Members approve the 2023 updates to the Poole Harbour Several Order Management Plan.
2. That Members approve the above-named document for publication on the Southern IFCA website.

C. Annex

- i. Poole Harbour Several Order 2015 Management Plan: 2020 Revision (2023 Review)

1. Background

- 1.1 The objective of the Poole Harbour Several Order Management Plan ('Management Plan') is to demonstrate how Southern Inshore Fisheries and Conservation Authority (IFCA) manage aquaculture activity within a defined area of Poole Harbour under The Poole Harbour Fishery Order 2015 ('the Order').
- 1.2 Under Section (3) of the Order, the Authority must manage the aquaculture in Poole Harbour in line with the Management Plan.
- 1.3 Under Section (4) of the Order, the Authority are required to undertake an annual review of the Management Plan and publish an updated version of the Management Plan on the Southern IFCA website.
- 1.4 If, during this review any significant changes are made to the Management Plan, then the Authority must notify, in writing¹ any interested parties². The Authority must, prior to publication of the updated Management Plan, take account of any representations it receives in writing from any interested party on the proposed changes.
- 1.5 The management of aquaculture within Poole Harbour must have specific regard to Southern IFCA's responsibilities, as defined in sections (153), (154) and (166) of the Marine and Coastal Access Act (MaCAA) 2009.
- 1.6 In addition, Southern IFCA is a Relevant Authority in the management of sites which

¹ At least four weeks prior to 1st July

² Paragraph 4 (4) of the Order defines 'interested parties' as the Secretary of State; Natural England; any person likely to be affected by the Management Plan or changes to it; or any person whom the Authority consider may be the owner, lessee or occupier of the fishery area.

Southern Inshore Fisheries and Conservation Authority

OFFICER'S REPORT

are within the National Site Network, designated under the Habitats Directive and/or Birds Directive, and has a statutory responsibility to ensure that fishing activity does not damage, disturb or have an adverse effect on the wildlife or habitats for which a site has been designated. This includes the governance of the conservation interests of the Poole Harbour Special Protection Area (SPA).

- 1.7 Under sections (28G) and (28I) of the Wildlife and Countryside Act, 1981, IFCAs are required to have consideration of any Site of Special Scientific Interest (SSSI) with marine components giving protection to species and habitats of national importance when carrying out its duties. This includes the governance of the conservation interests of the Poole Harbour SSSI. The Management Plan also has regard to the Poole Harbour Wetland of International Importance under the Ramsar Convention.

2. The 2023 updates to the Poole Harbour Several Order Management Plan

- 2.1 The following inconsequential amendments have been made to the Management Plan following the 2023 review.
 - Update in Section 3.2.1 regarding Pacific oyster monitoring data with other references to this work updated accordingly in Management Plan 5 (Section 7)
- 2.2 The following additions have been made to the Management Plan following the 2023 review.
 - Addition of text to Management Plan 5 (Section 7) to reflect updates from Defra regarding the farming of Pacific oysters
3. The above-mentioned additions made to the Management Plan following the 2023 Annual Review provide supplementary information which further informs the existing management of the Lease Beds under Lease Conditions. As such, the 2023 Review has not changed the overarching Management Plan.



Southern Inshore Fisheries and Conservation Authority

Poole Harbour Several Order 2015 Management Plan: 2020 Revision

(2023 Review)

Document Control

| | |
|-----------------|---|
| Title | Southern IFCA Poole Harbour Several Order 2015 Management Plan |
| Approver | Secretary of State |
| Owner | Southern IFCA |

Revision History: [Tranche 1 2015-2020](#)

| Base Document | Author | Reason |
|---------------|-------------------|--|
| As above | Sarah Birchenough | Developed In line with requirements under Poole Harbour Fishery Order 2015. Management Plan directs governance of the Tranche 1 lease allocations (July 2015-June 2020). |

| Annual Review | Author | Details | Approver |
|---------------|-----------------|--|-----------|
| 2016 | Neil Richardson | No significant changes | Rob Clark |
| 2017 | Neil Richardson | No significant changes | Rob Clark |
| 2018 | Neil Richardson | No significant changes | Rob Clark |
| 2019 | Pia Bateman | Addition of 2018 Natural England Site Management Statement | Rob Clark |

Revision History: [Tranche 2 2020-2025](#)

| Base Document | Author | Reason | Approver | Published |
|---|-------------|--|---|----------------------------|
| Southern IFCA Poole Harbour Several Order 2015 Management Plan (2020 Revision) | Pia Bateman | Revised edition to consider significant changes to management of lease beds as detailed in Section 1.1 of this document. The Management Plan directs governance of the Tranche 2 lease allocations for the period July 2020-June 2025. | (1) Southern IFCA Authority, May 2020. (2) Secretary of State sign off | 30 th June 2020 |

| Annual Review | Author | Reason | Approver | Published |
|---------------|-------------------|--|--|-----------------------|
| 2021 | Pia Bateman | <ul style="list-style-type: none"> Addition of Management Plan 3 (Section 7) following receipt of formal advice from NE in December 2020 on newly allocated lease beds 7, 8 and 12. Additions to Management Plan 5 (Section 7) following update in advice from NE regarding the farming of Pacific oysters. Additions to Section 5.3 re: Lease Condition Requirements following a change in ownership & methodology on Lease Bed 3. | Southern IFCA Authority, May 2021 | May 2021 |
| 2022 | Sarah Birchenough | <ul style="list-style-type: none"> Update in Section 1 and Section 2.2.2 (with removal of Section 2.2.3) to reflect legislative changes following EU Exit. Addition of text to Management Plan 5 (Section 7) to reflect 2022 update from Defra regarding the farming of Pacific oysters | Southern IFCA Authority, May 2022 | May 2022 |
| 2023 | Sarah Birchenough | <ul style="list-style-type: none"> Update in Section 3.2.1 regarding Pacific oyster monitoring data with other refs to this work updated accordingly in Management Plan 5 (Section 7) Addition of text to Management Plan 5 (Section 7) to reflect updates from Defra regarding the farming of Pacific oysters | Southern IFCA Authority, May 2023 – TBC | May 2023 (TBC) |

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1.0 Summary

The objective of this Management Plan is to demonstrate how Southern Inshore Fisheries and Conservation Authority (IFCA) manage aquaculture activity within a defined area of Poole Harbour under [The Poole Harbour Fishery Order 2015](#) ('the Order'). In accordance with Section (1) of the Sea Fisheries (Shellfish) Act 1967, the Order confers on Southern IFCA the right of several fishery for the cultivation of shellfish of any kind for a period of twenty years from the 1st July 2015.

Under Section (3) of the Order, the Authority must manage the aquaculture in Poole Harbour in line with the Management Plan entitled Poole Harbour Several Order 2015 Management Plan ('Management Plan').

Under Section (4) of the Order, the Authority are required to undertake an annual review of the Management Plan. If, during this review any changes are made to the Management Plan, then the Authority must notify, in writing¹ any interested parties² of any proposed changes to the Management Plan. The Authority must, prior to publication of the updated Management Plan, take account of any representations it receives in writing from any interested party on the proposed changes.

The management of aquaculture within Poole Harbour must have specific regard to Southern IFCA's responsibilities, as defined in sections (153), (154) and (166) of the Marine and Coastal Access Act (MaCAA) 2009.

In addition, Southern IFCA is a Relevant Authority in the management of sites within the National Site Network, designated under the Habitats Directive and/or Birds Directive, and has a statutory responsibility to ensure that fishing activity does not damage, disturb or have an adverse effect on the wildlife or habitats for which a National Site Network Site has been designated. This includes the governance of the conservation interests of the Poole Harbour Special Protection Area (SPA).

Under sections (28G) and (28I) of the Wildlife and Countryside Act, 1981, IFCA's are required to have consideration of any Site of Special Scientific Interest (SSSI) with marine components giving protection to species and habitats of national importance when carrying out its duties. This includes the governance of the conservation interests of the Poole Harbour SSSI. The Management Plan also has regard to the Poole Harbour Wetland of International Importance under the Ramsar Convention.

1.1. Significant Changes in the Management Plan 2020

The original Poole Harbour Several Order 2015 Management Plan³ was produced following full and extensive consultation with all interested parties, relevant bodies and stakeholders.

The 2020 edition of the Management Plan ('Management Plan 2020') underwent a full update in order to incorporate some main drivers for Tranche 2 of lease bed allocation as follows:

¹ At least four weeks prior to 1st July

² Paragraph 4 (4) of the Order defines 'interested parties' as the Secretary of State; Natural England; any person likely to be affected by the Management Plan or changes to it; or any person whom the Authority consider may be the owner, lessee or occupier of the fishery area.

³ Available from Southern IFCA

- The expiration of the first tranche (T1) of lease bed allocation on the 30th June 2020;
- A reallocation of lease beds grounds (where relevant) under the second tranche (T2) of lease bed allocation, in order to reflect the changes in conservation designations in Poole Harbour, specifically with regard to the expansion of the Poole Harbour SSSI in 2018 and the extension of the Poole Harbour SPA in 2017;
- A review and update of the conditions under the terms of lease allocation in line with advice received from Natural England (NE) regarding the farming of Pacific oysters in Poole Harbour.
- A review and update of the conditions under the terms of lease allocation in line with advice received from the Poole Harbour Commissioners (PHC) with regard to the leasing of grounds within a designated area for personal watercraft.

In Section 7.0 of this document there are five Management Plans which document the actions that have been taken by Southern IFCA since 2015 in response to either the advice received from NE with regard to management of aquaculture in Poole Harbour ensuring compatibility with marine nature conservation designations, as well as species specific measures and mitigations (Management Plans 1-6).

Management Plan 5 comprises a risk assessment undertaken in collaboration with PHC, which assesses the interaction between aquaculture activity and water users operating in an area designated for Personal watercraft.

The Management Plans are:

Management Plan 1: Aquaculture and the Poole Harbour SPA Designation.

Management Plan 2: Aquaculture and the Poole Harbour SSSI Designation.

Management Plan 3: Aquaculture & the Poole Harbour SPA & SSSI Designation (2020 update)

Management Plan 4: Aquaculture and the Poole Harbour RAMSAR site.

Management Plan 5: Aquaculture and species interaction.

Management Plan 6: Aquaculture and water user interaction.

2.0 Background

2.1 Poole Harbour

Poole Harbour is an estuary enclosed by a bar at the mouth with fresh water entering through several small rivers, the largest of which is the River Frome. The Harbour is the largest natural harbour in Europe and the second largest natural harbour in the world. The Harbour covers an area of 38 km² and contains five islands, the largest of which is Brownsea Island.

The Harbour contains a variety of different habitat types leading to a wide variety of benthic communities and a highly productive environment with the growth of seaweeds and saltmarsh providing a sustainable food source for suspension feeding species, deposit feeding species and grazing communities⁴.

Poole Harbour is subject to a large degree of anthropogenic activity both from fishing and other Harbour processes such as maintenance dredging and recreational activities. Fishing activity occurs throughout the Harbour in the form of aquaculture and an established wild shellfishery for clams and cockles, as well as a net fishery, commercial and recreational angling and collection of bait worms by both dragging and digging.

Poole Harbours' unique and varied marine habitat is recognised through its marine nature conservation designations, of both European and National importance. The Harbour provides an excellent case study demonstrating how both commercial (wild and farmed) and recreational fishing can coexist and thrive in these designated areas.

2.2 IFCAs duties in the management of aquaculture

2.2.1 The Marine and Coastal Access Act, 2009

IFCAs' main duties and responsibilities are defined in sections (153) and (154) of the Marine and Coastal Access Act (MaCAA) 2009 being:

(153) Management of inshore fisheries

- (1) The authority for an IFC district must manage the exploitation of sea fisheries resources in that district.
- (2) In performing its duty under subsection (1), the authority for an IFC district must—
 - (a) seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,
 - (b) seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation,
 - (c) take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development, and

⁴ Humphreys, J. and May, V. (eds.) 2005, *Proceedings in Marine Science 7: The Ecology of Poole Harbour*, Elsevier, Amsterdam

(d) seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

(154) Protection of marine conservation zones

(1) The authority for an IFC district must seek to ensure that the conservation objectives of any MCZ in the district are furthered.

By definition in sub paragraph (10) of Section (153) “sea fisheries resources” means any animals or plants...that habitually live in the sea, including those that are cultivated in the sea. By definition in sub paragraph (12) of Section (153) any reference to the “exploitation” of sea fisheries resources is a reference to any activity relating to the exploitation of such resources, whether carried out for commercial purposes or otherwise, including...introducing such resources to the sea or cultivating such resources.

Under Section (154) of MaCAA if a fishery within the IFCA District (to include a private or several fishery) is, will, or has the potential to damage an MPA, then it is the IFCA’s statutory responsibility to ensure that that site is managed so as to ensure compliance with the relevant legislations. In order to deliver these duties, IFCAs can introduce management measures, specifically the ability to make byelaws (under Section 156) to manage or restrict the several or private fishery rights. Importantly this can be done without the consent of the person enjoying those rights, if the right is being exercised in relation to a protected site (Section 158).

In addition, IFCAs can apply for the right of a Several Order under the Sea Fisheries (Shellfish) Act 1967 for the establishment, improvement and for the maintenance and regulation of a fishery for shellfish. The Poole Harbour Fishery Order 2015 is an example of this.

2.2.2 National Legislation

Southern IFCA is a Relevant Authority in the management of sites within the National Site Network designated under the Habitats Directive⁵ and the Wild Birds Directive⁶. Prior to 2021, these sites were referred to as European Marine Sites and, although the original designations sit under the two pieces of European legislation outlined above, the land and marine aspects of the Habitats Directive and the Wild Birds Directive have been transposed into domestic law by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019⁷, which outlines how the National Site Network will be managed and reflects any changes required by EU Exit. The National Site Network Sites are in place to protect and support rare and threatened species and rare natural habitat types. Southern IFCA has a statutory responsibility to ensure that fishing activity does not damage, disturb or have an adverse effect on the wildlife and habitats for which these sites are legally protected. Any management introduced should contribute to furthering the conservation objectives of the site, so ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Directives. This includes the governance of

⁵ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0043:EN:HTML>

⁶ Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds.

<http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1979/L/01979L0409-20070101-en.pdf>

⁷ <https://www.legislation.gov.uk/uksi/2019/579/contents/made>

the conservation interests of the Poole Harbour SPA when considering any aquaculture practices, current or future.

Section 28G of the Wildlife and Countryside Act (WCA) 1981 (as amended) defines ‘section 28G authorities’, including Southern IFCA and NE, who have a duty to take reasonable steps, consistent with the proper exercise of their functions, to ensure compatibility of activity with the conservation and enhancement of SSSI and to further the conservation and enhancement of the flora, fauna or geological or physical features by reason of which the site is of special scientific interest. Southern IFCA therefore must consider the conservation and enhancement of the Poole Harbour SSSI when managing aquaculture within Poole Harbour, to include any proposals for leased grounds under ‘The Order’.

2.3 Marine Conservation Designations within Poole Harbour

2.3.1 Poole Harbour Special Protection Area

The Poole Harbour SPA qualifies under Article 4.1 of the EU Birds Directive by regularly supporting more than 1% of the Great Britain populations of five Annex 1 species. It also qualifies under Article 4.2 of the EU Birds Directive in that it regularly supports more than 1% of the biogeographic population of two regularly occurring migratory species not listed in Annex 1 and is used regularly by over 20,000 waterfowl (as defined by the Ramsar Convention) or 20,000 seabirds in any season. The species and associated habitats, which qualify Poole Harbour as a SPA, are provided in Tables 1 and 2. Map 1 shows the extent of the Poole Harbour SPA.

The conservation objectives for Poole Harbour SPA are, subject to natural change, to maintain or restore: (1) The extent and distribution of the habitats of the qualifying features; (2) The structure and function of the habitats of the qualifying features; (3) The supporting processes on which the habitats of the qualifying features rely; (4) The populations of the qualifying features; (5) The distribution of the qualifying features within the site.

Table 1: Qualifying features for Poole Harbour SPA

| |
|---|
| Common shelduck (non-breeding) <i>Tadorna tadorna</i> |
| Pied avocet (non-breeding) <i>Recurvirostra avosetta</i> |
| Black-tailed godwit (non-breeding) <i>Limosa limosa islandica</i> |
| Mediterranean gull (breeding) <i>Larus melanocephalus</i> |
| Common tern (breeding) <i>Sterna hirundo</i> |
| Waterbird assemblage |
| Little egret (non-breeding) <i>Egretta garzetta</i> ⁸ |
| Eurasian Spoonbill (non-breeding) <i>Platalea leucorodia</i> |
| Sandwich Terns (breeding) <i>Thalasseus sandvicensis</i> ⁹ |

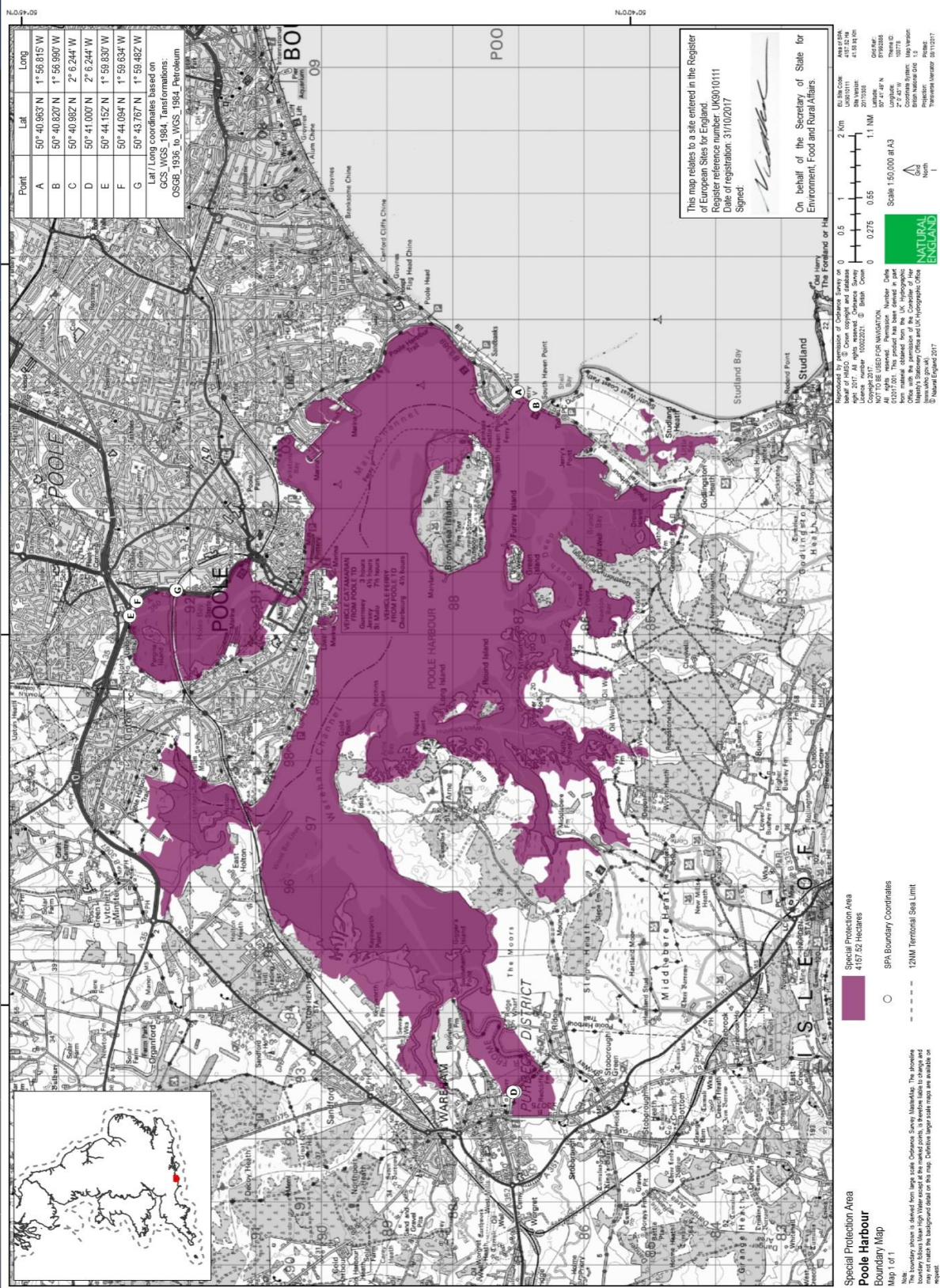
Table 2: Associated Habitats for Qualifying features

| | |
|--------------------------------------|--|
| Coastal lagoons | Mediterranean & thermo-Atlantic halophilous scrubs |
| Freshwater and coastal grazing marsh | Atlantic salt meadows (saltmarsh) |
| Spartina swards (saltmarsh) | Intertidal seagrass beds |
| Intertidal mixed sediments | Intertidal muds |
| Intertidal sand & muddy sand | Water column |

⁸ as identified in the 2001 UK SPA Review

⁹ these species have been recorded as occurring in internationally important numbers in Poole Harbour and Southern IFCA are advised that as a matter of best practice these additional qualifying features should be given material consideration when assessing impacts of aquaculture on the site

Map 1: Poole Harbour SPA



2.3.2 Poole Harbour Site of Special Scientific Importance

In 1990 the Poole Harbour was notified as a SSSI. The qualifying features are listed in Table 3.

Table 3: Qualifying features for Poole Harbour SSSI

Estuarine habitats including marshes, mudflats and subtidal communities

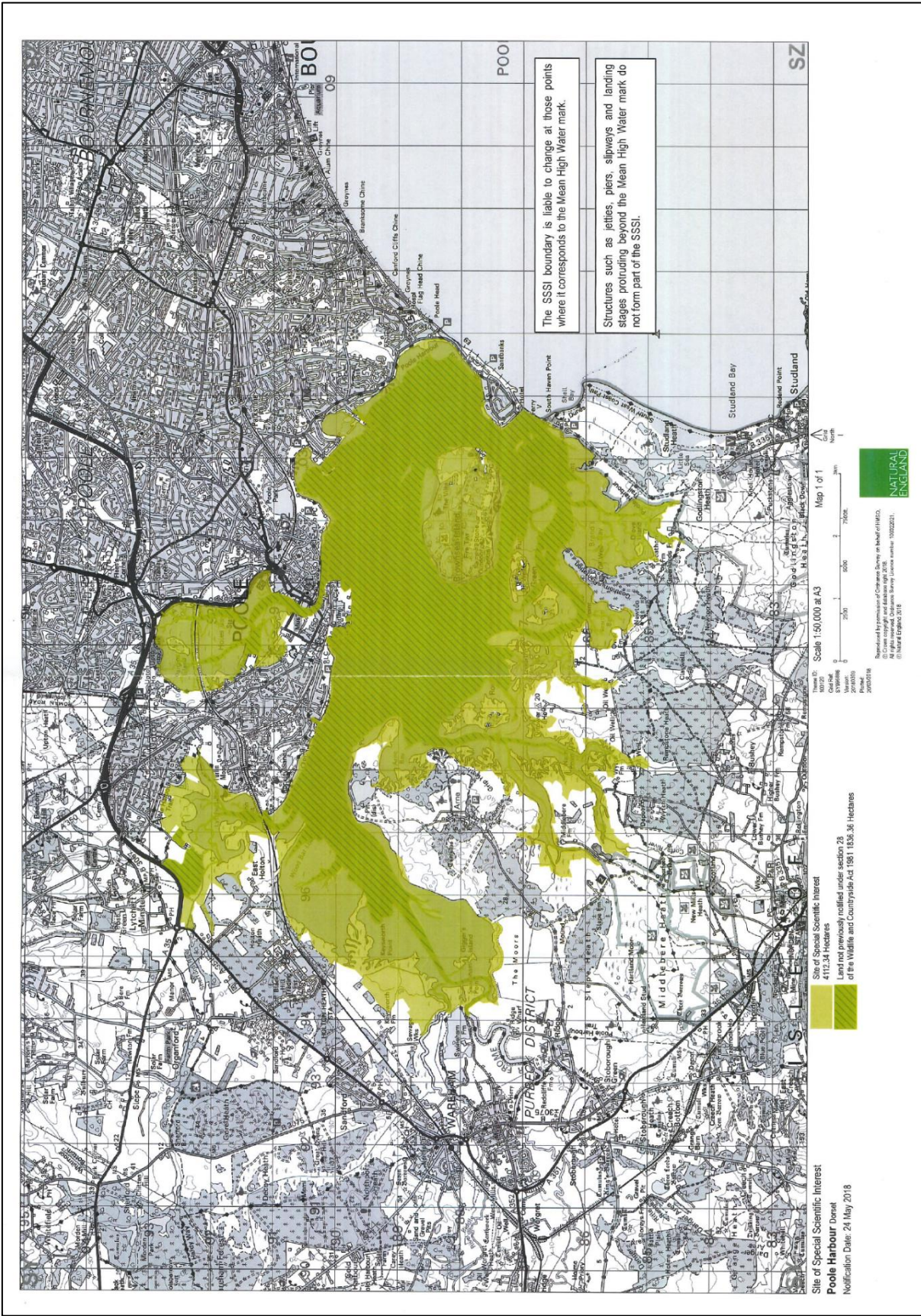
Fringing terrestrial habitats including heathlands and grasslands

Species supported by the above-named habitats including breeding & wintering birds, lichens, rare invertebrates and the red squirrel *Sciurus vulgaris*

On the 24th May 2018 Natural England notified additional land, considered to be of special interest as part of the Poole Harbour SSSI. The extension encompassed four areas of additional land, the largest of which being subtidal estuarine open water below the Mean Low Water (MLW), which extends to the Harbour mouth in the east and west to where the estuary meets the rivers Piddle and Frome (Map 2). The other three areas of additional land include saltmarsh, wetland and supporting habitats around the fringes of Lytchett Bay and Holes Bay. All four areas have been included in the designation as they support estuarine habitats and/or wintering wildfowl and waders for which the site is designated. The area below MLW is also seen to support other features for which the site is designated including foraging habitats for breeding seabirds and subtidal benthic habitats (such as peacock worm (*Sabella pavonina*) and the eelgrass (*Zostera marina*). The area is also included for coastal and marine geomorphological processes, as these are seen to be essential for the maintenance of the estuarine habitats such as saltmarshes and intertidal mudflats.

In some locations within Poole Harbour, the estuarial and intertidal areas support the following important subtidal benthic habitats:

- **High-density beds of the Peacock worm *Sabella pavonina*** - widespread within certain mid-stream areas of subtidal channels - these beds are of conservation interest as a habitat for other species. The species is not rare but Poole Harbour is the best-known location of where it forms high density beds;
- **The sponge *Suberites massa*** - this species has been recorded in a number of areas associated with artificial structures, for example in the Blackwater channel in Holes Bay and has been recorded as common in a restricted area in South Deep on the north-west side of Goathorn Point, associated with the American slipper limpet (*Crepidula fornicata*) shells.
- **Intertidal sediments** - These areas are a key estuarine habitat, which comprises a range of biotopes including areas of *Zostera marina*. No nationally scarce species or biotopes have been found within the intertidal sediments; however, the importance comes from the abundance and biomass of annelid worms and bivalve molluscs, which are a key prey species for waterfowl.
- **Bird species** - Large areas of intertidal mudflats lie below MLW provide an additional area of food resource for over-wintering waders and breeding water birds on certain tides. Areas of estuarial water below MLW are essential for fish-eating species to feed and rest and key roosting sites are found in saltmarsh areas across the Harbour. Common and Sandwich terns are part of the notified breeding bird interest of the SSSI and are known to forage within the open water of the Harbour and outside the Harbour entrance.



Map 2: Poole Harbour SSSI

3.0 The Poole Harbour Fishery Order 2015

In accordance with Section (1) of the Sea Fisheries (Shellfish) Act 1967, Southern IFCA manage aquaculture activity within a defined area of Poole Harbour under The Poole Harbour Fishery Order 2015 ('the Order'). The Order confers on Southern IFCA the right of several fishery for the cultivation of shellfish of any kind for a period of twenty years from the 1st July 2015. Leases are issued under the Order for a period of five years.

The Order covers an area of 837.8 hectares and allows for the cultivation of aquaculture species, namely 'shellfish' as defined in the MaCAA 2009 as "crustaceans and molluscs of any kind". The main species harvested on the lease beds are Pacific oysters and mussels however, in the past, native oysters, clam species and common cockle have also been farmed and cultivated in Poole Harbour. This definition provided in MaCAA allows Southern IFCA to retain flexibility for shellfish species that could potentially be the subject of future aquaculture activity within the Harbour.

3.1 Ensuring compatibility between aquaculture and MPA Designations

The Southern IFCA aims to promote and manage aquaculture in Poole Harbour under The Order with well-structured and appropriate governance that allow Southern IFCA to meet marine nature conservation duties, to develop the future potential for aquaculture practice and seek to better balance the interests of stakeholders.

3.1.1 Poole Harbour SPA

In order to achieve compliance with statutory duties under the Habitats Directive (as detailed in Section 2.2.2 of this document), Southern IFCA produce a Habitats Regulation Assessment¹⁰ (HRA), which is an assessment of the potential impacts of the proposed aquaculture activities and any mitigating measures proposed by Southern IFCA in order to demonstrate compatibility with the Poole Harbour SPA. The HRA is developed in consultation with NE who provide formal advice to Southern IFCA prior to NE ratifying the HRA.

Management Plan 1 & 3 (Section 7.0 of this document) provide a summary of advice received from NE with regard to the Poole Harbour SPA since 2015, a summary response to this advice is provided by Southern IFCA and a description of management measures Southern IFCA have adopted in order to mitigate against interactions between aquaculture operations and the Poole Harbour SPA.

The most recent HRA, accompanying the Tranche 2 Lease Bed Reallocation Programme can be found on the Southern IFCA website. This HRA has been updated (April 2021), following receipt of NE's formal advice received December 2020, specific to aquaculture activities taking place on newly designated lease beds and includes 'Evidence Packages' which are specific in demonstrating how the newly allocated lease beds under Tranche 2 are compatible with the conservation objectives of the SPA.

¹⁰ Document available from Southern IFCA

3.1.2 Poole Harbour SSSI

In the absence of a formal assessment process for SSSI's at the time the Order was introduced; in order to demonstrate compliance with statutory duties under the WCA (1981) (as detailed in Section 2.2.2 of this document), consideration of the potential interaction between aquaculture activity and the designated features of the Poole Harbour SSSI were recorded in the HRA. For the purposes of issuing Tranche 2 leases, SSSI assessments will continue to be considered under the HRA. Management Plan 2 & 3 in Section 7.0 of this document provides a summary of the advice received from NE since 2015.

To coincide with the extension of the SSSI in 2018, a joint Site Management Statement (SMS)¹¹ for Poole Harbour was formalised in 2018. The SMS is a public statement, which was prepared, jointly by Southern IFCA and NE in order to outline the management position in relation to fishing activity (to include aquaculture) operating within the Poole Harbour SSSI expansion. Management Plan 2 in Section 7.0 of this document provides a summary of the advice received since 2018 and the management measures taken by Southern IFCA in response.

3.1.3 Poole Harbour RAMSAR Site

Management Plan 4 in Section 7.0 of this document provides a summary of advice received from NE with regard to the Poole Harbour RAMSAR site since 2015 and a summary response to this advice provided by Southern IFCA.

3.2 Management of species subject to aquaculture activity

3.2.1 Pacific Oysters

Pacific oysters (*Magallana gigas*) have been farmed in Poole Harbour prior to the site being designated as a SSSI in 1990. Within the grounds leased by Southern IFCA there are a number of beds on which *Magallana gigas* are currently farmed, in a process in which the species is grown from spat at a facility before being laid directly on the seabed once individuals have reached a certain size.

The Pacific oyster is defined as an invasive non-native species and is categorised as a 'medium risk' under the Water Framework Directive by the UK Technical Advisory Group and a 'moderate risk' by the GB Non-Native Species Secretariat.

Management Plan 5 in Section 7.0 of this document provides a summary of advice received from NE in 2017 and 2020 with regard to the farming of *Magallana gigas* within Poole Harbour.

A survey of Pacific oysters was undertaken during 2021 into early 2022 by the University of Southampton. This survey work has been referenced in previous versions of this Management Plan. Based on an understanding of resource requirements, the methodology required to collect appropriate data and an ability to robustly review the data to help inform any reviews of the Management Plan, it has been determined that the data from this survey along with a consideration of any requirements for further monitoring work on this species will be reviewed as part of the wider process of developing the lease program for the period 2025-2030, with this work due to commence in the autumn of 2023.

¹¹ Document available from Southern IFCA

3.4 Ensuring compatibility between aquaculture and other water users

Working in partnership with Poole Harbour Commissioners (PHC), a risk assessment has been undertaken in order to manage and mitigate the interactions between aquaculture practice and other water users operating within an area of Poole Harbour designated as an area for personal watercraft. Management Plan 6 in section 7.0 of this document provides details on the management measures Southern IFCA will be taking forward in order to mitigate interactions.

3.3 Ensuring compatibility between aquaculture and biosecurity

Southern IFCA has produced a Biosecurity Plan covering the full extent of the Order. The document outlines the types of activities occurring in Poole Harbour and the potential risks associated with these activities, as well as inspection procedures and mitigation for the movement, laying and removal of sea fisheries resources in the proposed area. This is a standalone document¹².

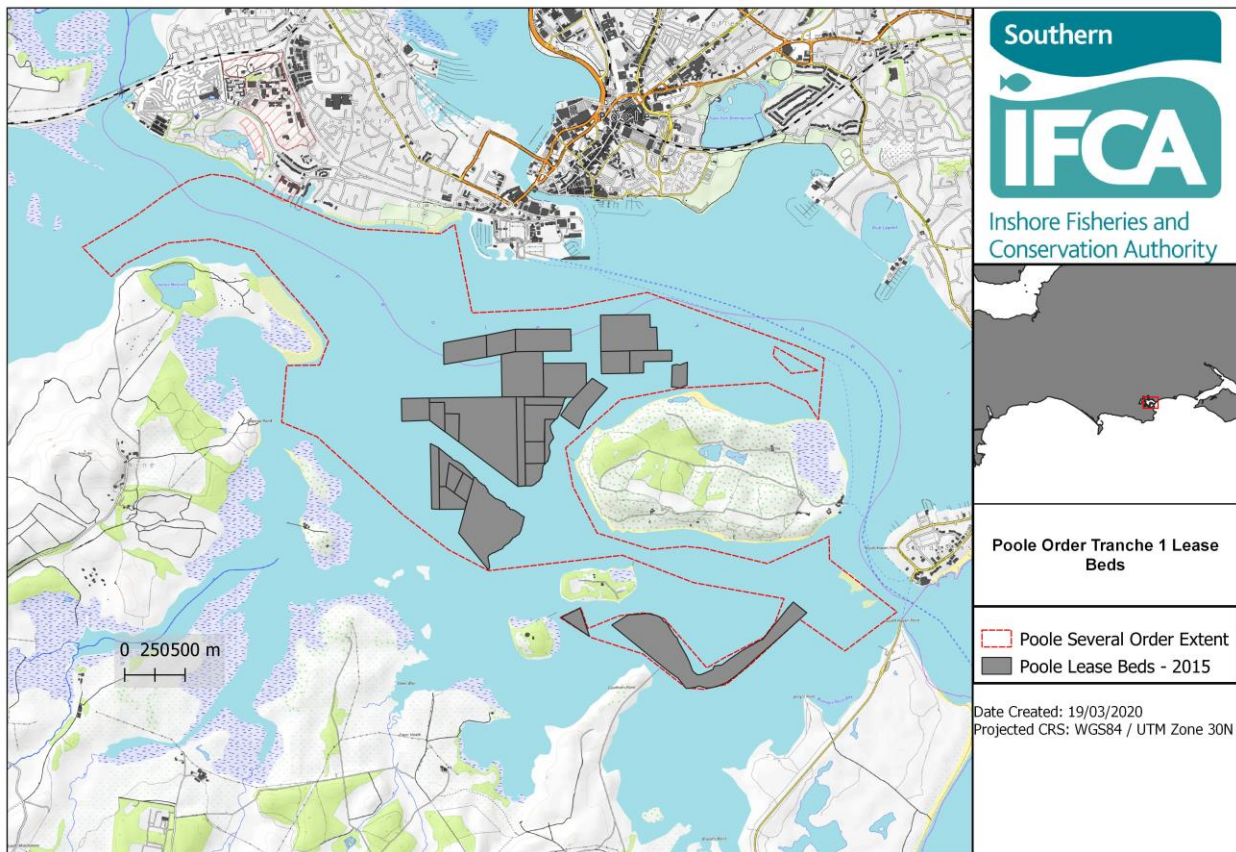
The IFCA work with Centre for Environment, Fisheries and Aquaculture Science (CEFAS) to conduct inspections of lease beds allocated under the Order. The process by which inspections will be carried out and the requirements on the rights holder for the inspection are set out in the conditions of the lease issued by Southern IFCA.

¹² Document available from Southern IFCA

4.0 Management under Tranche 1: 2015-2020

In 2015, under The Order, the first tranche (T1) of lease beds were allocated to nine companies or individuals for a period of five years, under the Terms of the Lease of Right of Several Fishery of Shellfish Laying in Poole Harbour. Under these Terms the T1 leases terminate on the 30th June 2020.

The footprint of the T1 beds (Map 3) replicated the lease bed allocations under the former Poole Fishery Order 1985 (which expired in 2015). Under T1, 31 lease beds were sub-leased from Southern IFCA with the consent of the Commissioners of Crown Lands under the provisions of the Southern IFCA lease from the Crown. Annex 2 provides a map of the 31 T1 bed allocations.



Map 3: Tranche 1 Lease Beds (2015-2020)

5.0 Management under Tranche 2: 2020-2025

5.1 T2 Lease Application Process

The second tranche (T2) of lease bed allocation will begin on the 1st July 2020 and expire on the 30th June 2025.

5.1.1 Expressions of Interest

In December 2019 Expressions of interest (EOI) were invited from T1 leaseholders; the basis of which was to enable Southern IFCA to determine whether T1 leaseholders intended to apply for lease grounds under T2 of lease bed allocation. In addition, the EOI sought to provide confirmation that any T1 leaseholders wishing to apply for a T2 lease had a full understanding of the following:

1. Of the terms under which a T2 application would be considered;
 - a) Which may include the need for closure and reallocation of an existing T1 lease bed if subtidal benthic habitats are present (Lease Bed Reallocation Plan);
 - b) That the boundaries of the T2 beds will be defined using WGS84 coordinates and as a result the existing T1 boundaries may be subject to change;
 - c) That the annual fee based upon price per hectare may be subject to change;
 - d) The requirement for T1 holders to provide a Business Plan 2020-2025 and an 'End of T1 Lease' Report;
 - e) There may be a monetary fee required at the point of application.
 - f) That consideration of lease allocation under T2 will be subject to applicants meeting specific and comprehensive criteria;
 - g) That each application will be considered on its own merits with Southern IFCA reserving the right to consider the proposals contained within the application in accordance with their statutory responsibilities.
2. The timelines for application.

5.1.2 Application Criteria

Consideration of the allocation of lease beds under T2 is subject to the production of the documentation outlined in this section at the time of application. Southern IFCA invited applications between the 7th February and 3rd April 2020.

5.1.2.1 A Business Plan 2020-2025

A comprehensive Business Plan must be provided at the point of application. Reference to the following must be included in the Business Plan:

- i. **Executive summary** providing an overview of your proposed business and plans.
- ii. **Methodology** to include:
 - a. The target species to be grown and harvested;
 - b. Details of supplier of seeds for laying;
 - c. Details of buyers/target market of harvested product;
 - d. Specification of vessel(s) and platforms to be used; and
 - e. Details of equipment used in both laying of seeds and harvesting of seeds (please note that the proposed activity must not place any structure on the seabed).
- iii. **Company and management summary**
 - a. Details of leaseholder and any other personnel involved in aquaculture operations.
- iv. **Financial Forecast**

- a. Funding and demonstrable sources of funding.
- b. The projected quantities of each species to be broken down into annual forecasts for years 2020 to 2025:
 - i. kg/year seeding forecast;
 - ii. kg/year harvesting forecast; and
 - iii. Identification of any variables, which may compromise achievement of annual forecasts.
- v. Details of how the proposed business operations are compatible and consistent with the following **conservation considerations**:
 - a. Applicants will need to demonstrate compatibility with the Southern IFCA HRA, in that there will be no significant impact on the Poole Harbour Special Protection Area (SPA) as a result of proposed business operations; and
 - b. Compatibility with the special interest of the Poole Harbour SSSI.
- vi. **Safety**
 - a. A Safety Plan to demonstrate that appropriate safety measures are in place for the proposed activity; and
 - b. To provide evidence of permissions granted by Poole Harbour Commissioners (PHC) for the use of a commercial vessel within Poole Harbour, under the Registration of Small Commercial Craft¹³, registration via <https://phc.co.uk/webforms/register/>
- vii. A **Biosecurity Plan** to detail the processes by which the lease bed operator will ensure that their activities are consistent with best practice and the legal requirements.

5.1.2.2 End of Tranche 1 Lease Report

A comprehensive End of T1 Lease Report must also be provided at the point of application, with reference to the following to be included:

- i. **Summary of business operations** under the T1 lease.
- ii. Demonstration of how lease holders **met their 2015-2020 Business Plan**
 - a. Where projected seeding and harvesting forecasts weren't met, to provide detail on:
 - How and why projected forecasts (seeding and harvesting) weren't realised;
 - Any lessons learnt
 - b. Future mitigation considerations for proposed business operations under T2.

5.2 T2 Lease Bed Allocation

Consideration of lease allocation under T2 is subject to applicants meeting the criteria detailed in this Management Plan. Following submission of relevant documentation all applications will be subject to an assessment undertaken by the Southern IFCA. This process will be carried out with each application being considered on its own merits and Southern IFCA reserve the right to consider the proposals contained within the required documentation in accordance with their statutory responsibilities. These duties are detailed under Sections (153), (154) and (166) of the Marine and Coastal Access Act (2009), which includes any provision made by or under The Poole

¹³ '...For the purpose of promoting or securing conditions conducive to the... safety of navigation...persons and property in the harbour, PHC seek to ensure that all commercial craft operating within Poole Harbour are properly maintained, equipped and manned and used only for the purposes for which they are capable...' Extract taken from the General Direction – Registration of Small Commercial Craft.

Harbour Fishery Order 2015 under Section 1 of The Sea Fisheries (Shellfish) Act 1967, conferring the right of regulating a fishery, as well as with specific regard to its duties as the competent and relevant authority for the governance of the conservation interests of the Poole Harbour SPA and the Poole Harbour SSSI, the former under Section 9(3) of the Conservation of Habitats and Species Regulations 2017 and the latter under Sections (28G) and (28I) of the Wildlife and Countryside Act 1981. More details on statutory duties can be found in Section 2.2 of this Document.

The Authority reserve the right to consider the proposals contained within documents and plans submitted by applicants in terms of the risk to the conservation interests of the site and any mitigation proposed to avoid deterioration of notable communities, such as peacock worm (*Sabella pavanina*). Where mitigation is proposed to avoid active use of ground to ensure that such communities are maintained, Southern IFCA will consider the transfer of the lease in question within the extent of The Order and in so doing, recognising the risk to the Authority of not attaining its duties under section (153) of MaCAA 2009 by causing unnecessary and unsustainable damage to the marine environment.

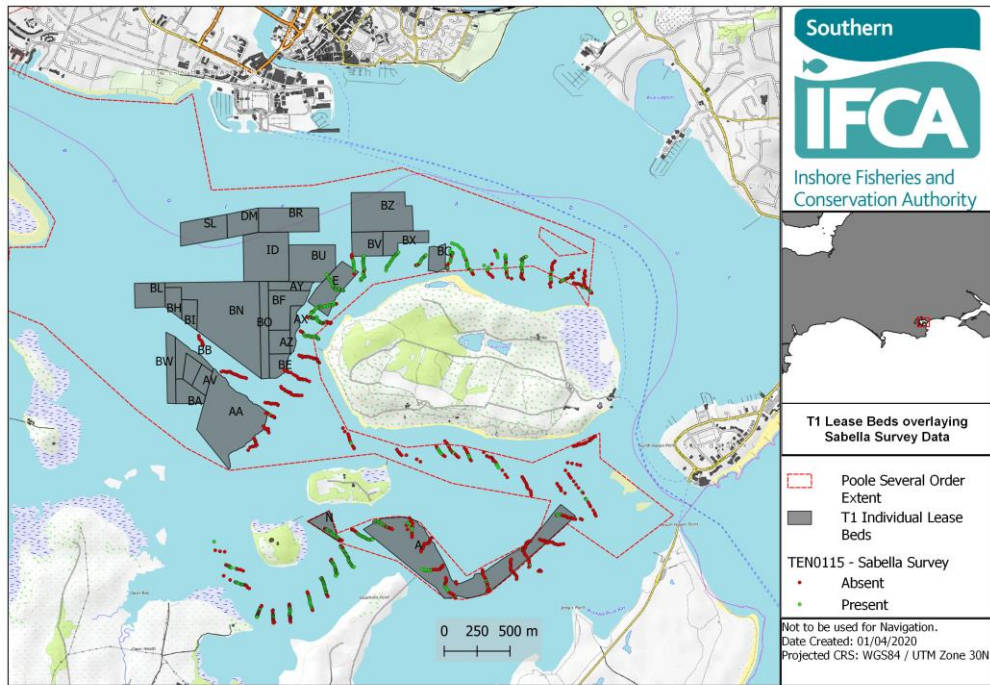
5.2.1 Tranche 2 Lease Bed Reallocation Plan

Following the Poole Harbour SSSI extension in 2018; below MLW, encompassing subtidal estuarial waters and lower shore intertidal mudflats, which support subtidal benthic habitats such as *Sabella pavanina* and intertidal sediments; advice from NE was that no aquaculture is to be allowed to operate in areas of *Sabella pavanina* beds and in areas of associated sponge communities including *Suberites massa*. In addition, where lease beds overlay areas of intertidal sediments the impact of aquaculture must be considered to ensure that there is no adverse effect on the integrity of the site.

In direct response to the advice received by NE, as documented in Section 7.1 of the Site Management Statement, under the T2 Lease Bed Reallocation Programme Southern IFCA will close three of the T1 lease beds highlighted by NE to be affected by *Sabella pavanina*. The total area of these closures equates to 32.4 hectares. The footprint of these areas will receive permanent protection from bottom-towed fishing through separate management.

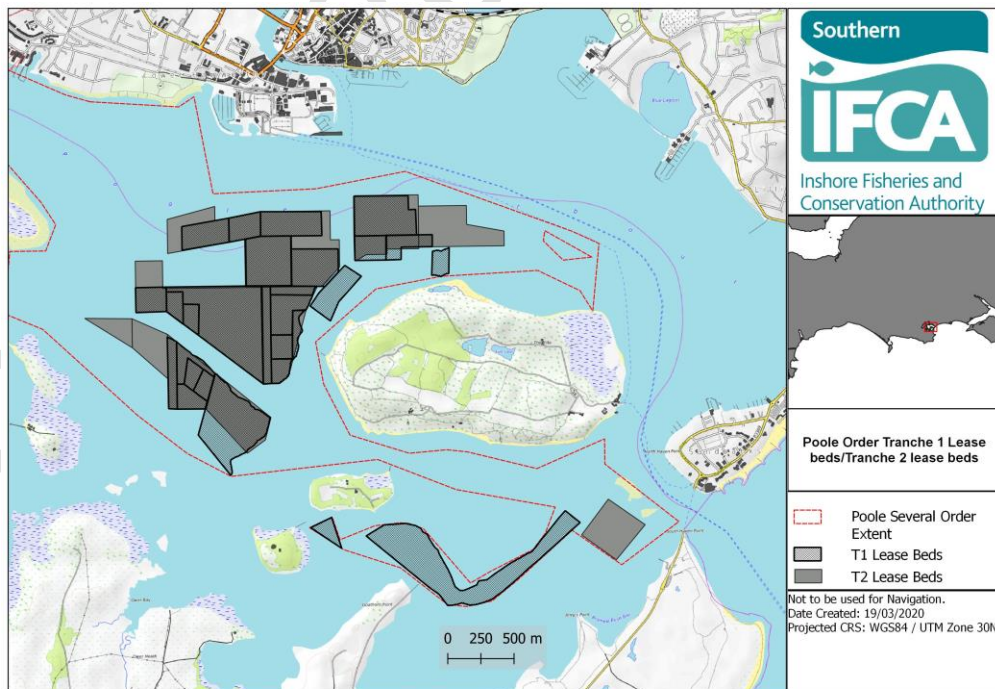
In addition, following Southern IFCA's undertaking of a *Sabella* survey (Map 4) in the vicinity of the Poole Harbour T1 lease beds:

- One other T1 lease bed requires full closure and reallocation (to coincide with the second tranche of lease bed allocation), due to the presence of *Sabella pavanina*. The total area equates to 9.8 Hectares. The footprint of these areas will receive permanent protection from bottom-towed fishing through separate management;
- Two T1 lease beds require part closure and reallocation (to coincide with the second tranche of lease bed allocation), due to the presence of *Sabella pavanina*. The total area equates to 1.77 Hectares;
- One T1 lease bed requires part closure and reallocation due to its location on intertidal sediments. The total area equates to 7.09 Hectares.

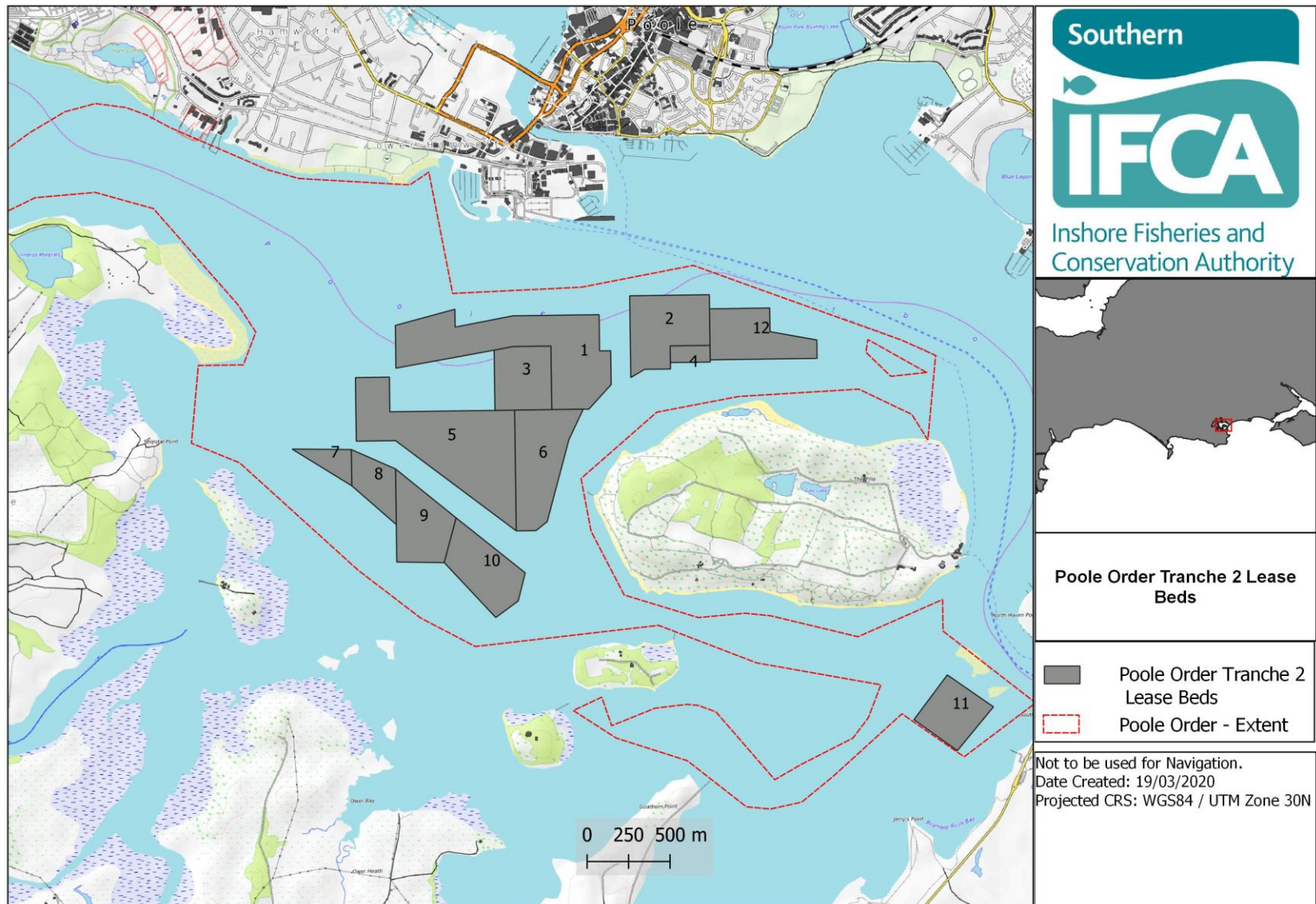


Map 4: Presence and absence of *Sabella pavonina* in Poole Harbour (specific to vicinity of T1 lease beds)

Map 5 overlays the T2 Lease beds with the T1 lease beds, in order to demonstrate where T1 lease beds have been closed and reallocation has occurred as a result of the presence of *Sabella pavonina*. Map 6 shows the proposed footprint of the T2 lease beds. More detailed charts and coordinates for each of the proposed beds is contained within the Annex 3 of this document.



Map 5: The footprint of Tranche 1 (2015-2020) vs. Tranche 2 (2020-2025) lease beds



Map 6: Tranche 2 Lease beds (2020-2025) More detailed charts and coordinates for each bed available in Annex 3

5.3 Conditions on Lease Holders under Tranche 2

Each leaseholder is managed under the terms of a 'Lease of the Right of Several Fishery of Shellfish Laying'. The lease agreement documents the provisions and management measures that the Lessee must observe. These may be general conditions, or specific to individual lease beds and may include, but are not limited to:

- a) The requirement for lease holders to use and manage the lease beds in accordance with the provisions submitted in the lease holders Business Plan (as submitted at the time of application);
- b) Restrictions on the removal of shellfish, to include compliance with minimum conservation reference sizes and the identification of persons permitted to remove shellfish;
- c) Compliance with species specific measures, such as measures specific to the farming of Pacific oysters;
- d) Compliance with vessel length requirements;
- e) The requirement for leaseholders to specify in writing any proposed changes in methodologies within a specified time frame to enable Southern IFCA to ensure compatibility of methodologies with the conservation objectives and biosecurity objectives of the site;
- f) Compliance with temporal or spatial measures, in order to reduce water user interactions in Poole Harbour;
- g) Compliance with temporal or spatial measures, in order to mitigate against interactions between conservation objectives of the SPA and the specific methodologies employed by leaseholders;
- h) The requirement for lease holders to mark and maintain the limits of lease bed boundaries;
- i) Compliance with any issues detailed in the HRA assessments within a given timeframe;
- j) The requirement for leaseholders to facilitate inspections;
- k) Requirement for all relevant lease holder(s) who relay shellfish from the wild fishery in Poole Harbour to provide documentation in line with conditions specified in Lease
- l) The requirement for all relevant lease holders who relay shellfish from the wild fishery to notify Southern IFCA, in line with the conditions of the Lease, prior to undertaking activity.

Leaseholders will be required to comply with all conditions outlined in the lease issued by the Authority. These conditions may be specific to a particular area of lease ground. Any leaseholder that contravenes any conditions may, at the discretion of the Authority, have the lease revoked and any lays shall return to the possession of the Authority.

5.3.1 Dispensations

The Authority, in its sole discretion, may consider issuing of a Dispensation, following an application made in writing to the Authority, from the Leaseholder. Leaseholders may apply for dispensations for the following purposes:

- a) The replacement of a Main Vessel;
- b) The use (to be time limited and activity specific) of an Ancillary Vessel;
- c) The replacement of an Ancillary Vessel;
- d) The removal of shellfish less than that specified in the lease.

5.3.2 Compliance with Conditions

Under Section (166) of the Marine and Coastal Access Act 2009, an Inshore Fisheries and Conservation Officer (IFCO) has the powers to enforce any provision made by or under Section 1 of the Sea Fisheries (Shellfish) Act 1967 conferring the right of regulating a fishery and whilst enforcing the Order, has common enforcement powers. Any person operating under the Order is subject to the provisions under section 292 of MaCAA (2009).

Southern IFCA Officers may monitor the area covered under the Order at any time and formal inspections of areas leased will be conducted as appropriate with additional inspections forming part of routine compliance patrols of the Harbour.

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7.0 Management Plans

| Management Plan 1: Aquaculture and the Poole Harbour SPA Designation | | | |
|---|--|--|--|
| Disturbance caused by human activity | <i>Frequency, duration and/or intensity of disturbance affecting foraging and roosting overwintering waterbird assemblage, avocet, black tailed godwit, shelduck and little egret should not reach a level which significantly affects the feature.</i> | | |
| | NE Advice (2015) | Southern IFCA Response (2015) | Management Measures |
| | <i>"...it cannot be dismissed that boat movements used for aquaculture together with other disturbance factors would not cause a significant disturbance to the features of the SPA when taking place in proximity to key feeding and roosting habitats. Aquaculture activity could cause noise and visual disturbance (either alone or in combination with other plans and projects) to the features listed above when taking place at key times of the year for the overwintering birds and in proximity to important feeding and roosting sites..."</i> | The extent of the Order excludes areas designated as 'Bird Sensitive Areas' in the Poole Harbour Aquatic Management Plan ¹⁴ to avoid disturbance to bird species during key sensitive periods. The majority of these areas are also closed to shellfish dredging and hand raking through the Southern IFCA byelaw 'Prohibition on using or carrying a shellfish dredge, scoop or handrake in certain areas of Poole Harbour'* ensuring that disturbance in these areas is further minimised. Existing aquaculture activity in the Harbour also does not take place within these defined areas. <i>*The Byelaw applicable in 2015 has since been replaced by The Poole Harbour Dredge Permit Byelaw and the Poole Harbour Hand Gathering Byelaw</i> | <u>Relevance to the extent of the Order (2015):</u> No action required <u>Relevance to T1 lease beds (2015-2020):</u> No action required <u>Relevance to T2 lease beds (2020-2025):</u> See Management Plan 3 |
| Extent and distribution of supporting non-breeding habitat | <i>The extent and distribution of suitable habitat which supports overwintering waterbird assemblage, avocet, black tailed godwit, shelduck and little egret for all stages of the non-breeding period (moulting, roosting, loafing and feeding) is maintained.</i> | | |
| | NE Advice (2015) | Southern IFCA Response (2015) | Management Measures |
| | <i>"...eelgrass beds within the intertidal sediment communities in Poole Harbour are known to support fish eating species such as red breasted mergansers as well as providing a food source for dark bellied Brent geese. Physical damage could occur from laying of shellfish and structures support aquaculture on intertidal sediment communities including eelgrass beds. In addition, shallow inshore waters provide important feeding and roosting habitats, some aquaculture practices could potentially have an impact on the extent of this habitat e.g. where floating structures are causing a loss in the extent of the habitat..."</i> | The extent of the Order excludes the eelgrass beds in the Harbour. These beds are protected from bottom towed fishing gear and hand gathering under the Southern IFCA byelaws 'Bottom Towed Fishing Gear Byelaw*' and 'Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw' respectively. Aquaculture activity currently taking place in Poole Harbour does not occur over this feature. <i>* The Bottom Towed Fishing Gear Byelaw has since been replaced by The Bottom Towed Fishing Gear Byelaw 2016</i> | <u>Relevance to the extent of the Order (2015):</u> No action required <u>Relevance to T1 lease beds (2015-2020):</u> No action required <u>Relevance to T2 lease beds (2020-2025):</u> See Management Plan 3 |
| Extent and distribution of supporting | <i>The extent, distribution and availability of breeding habitat which supports common tern, sandwich tern and Mediterranean gull for all stages of their breeding cycle (courtship, nesting and feeding) is maintained.</i> | | |
| | NE Advice (2015) | Southern IFCA Response (2015) | Management Measures |
| | <i>"...shallow inshore waters provide key feeding habitat for breeding common and sandwich terns and Mediterranean gull. Some aquaculture</i> | Shallow inshore waters will be included within the extent of the Order however areas where species are seen to preferentially feed will be assessed against the positioning of individual lays | <u>Relevance to the extent of the Order (2015):</u> No action required. |

¹⁴ <http://www.pooleharbouraqmp.co.uk/viewplan.html>

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| breeding habitat | <i>practices could potentially have an impact on the extent of this habitat e.g. where floating structures area causing a loss in the extent of the habitat...</i> | and proposed activity within those lays. Lays which are to be included in the Tranche 1 allocation do not currently use floating structures and this will be considered against the business plans proposed through this tranche. | <p><u>Relevance to T1 lease beds (2015-2020):</u> Methodologies in Business Plans screened and assessed to ensure floating structures are not an intended practice.</p> <p><u>Relevance to T2 lease beds (2020-2025):</u> Methodologies in Business Plans screened and assessed to ensure floating structures are not an intended practice.</p> |
| Breeding population (productivity and survival) | <i>Overall breeding productivity and adult survival is at a level which is consistent with maintaining the structure and abundance of the population of Mediterranean gulls at or above its current or target level, whichever is the higher at all stages of its breeding cycle (courtship, nesting and feeding) is maintained.</i> | | |
| | <p>NE Advice (2015)</p> <p><i>“...disturbance of Mediterranean gull nesting sites from boat movements for aquaculture taking place in proximity to Seagull Island could cause a decline in the annual productivity or breeding success of the population and this may adversely affect the overall size and age-structure of the breeding population and its long-term viability...”</i></p> | <p>Southern IFCA Response (2015)</p> <p>The extent of the Order excludes the area of Seagull Island and Brownsea Lagoon. The extent into the Wareham Channel is deemed to be of a distance great enough not to cause disturbance to Mediterranean gull by remaining in the area of the channel and avoiding areas designated as intertidal sediment. Lays proposed under tranche 1 allocation are not within proximity to Seagull Island or Brownsea Lagoon.</p> | <p>Management Measures</p> <p><u>Relevance to the extent of the Order (2015):</u> No action required</p> <p><u>Relevance to T1 lease beds (2015-2020):</u> No action required</p> <p><u>Relevance to T2 lease beds (2020-2025):</u> No action required</p> |
| Food availability (function and supporting processes) | <i>Maintain the overall prey availability of key prey species of preferred prey sizes which supports overwintering water bird assemblage, avocet, black tailed godwit, shelduck and little egret and breeding common tern, sandwich tern and Mediterranean gull.</i> | | |
| | <p>NE Advice (2015)</p> <p><i>“...sediment disturbance as a result of aquaculture (and in combination with other fishing activities) can potentially impact on bird prey availability, prey size and the bird’s ability to forage over intertidal sediment communities and shallow inshore waters. This can be through removal (mortality) or target and non-target species and impacts on non-target prey availability through changes in habitat structure of the intertidal sediment communities. In addition, aquaculture practices could also potentially affect the water quality which in turn could impact on the prey availability...”</i></p> | <p>Southern IFCA Response (2015)</p> <p>The extent of the Order excludes the supporting habitats designated for the SPA; areas of intertidal sediment above mean low water (other than that already used for aquaculture), reed bed and saltmarsh are not contained within the extent. Lays under the Tranche 1 allocation have been in place for a period of 30 years and therefore under the Order will have a minimal impact on prey availability and habitat structure as the seabed within these lays is already well defined and developed for aquaculture. Currently under the Tranche 1 lays there are no structures placed on the seabed, which may affect prey availability access, the majority of these areas are also not exposed at low tide making them unsuitable for foraging. Currently there are no structures placed on the seabed for aquaculture, should this be proposed in the future, the IFCA will require a lease from the Crown Estate to cover the ground where structures would be placed, consideration will also be made to the impact on the available sediment on the placing of these structures.</p> | <p>Management Measures</p> <p><u>Relevance to the extent of the Order (2015):</u> No action required</p> <p><u>Relevance to T1 lease beds (2015-2020):</u> Methodologies in Business Plans to be screened and assessed to ensure structures are not placed on seabed.</p> <p><u>Relevance to T2 lease beds (2020-2025):</u></p> <ul style="list-style-type: none"> • Methodologies in Business Plans screened and assessed to ensure structure placed on the seabed are not an intended practice. • See Management Plan 3 |

Management Plan 2: Aquaculture and the Poole Harbour SSSI

| NE Advice (2015) | Southern IFCA Response (2015) | Management Measures |
|---|--|--|
| <p>In addition to the overwintering birds the SSSI is designated for nesting birds using the fringing reed bed and saltmarsh habitats of Poole Harbour and several marine invertebrate species. Natural England advise that aquaculture has the potential to damage the breeding bird assemblage feature through disturbance in proximity to their nesting and feeding sites. Additional notable communities, including <i>Sabella</i>, have been identified in some channels in the Harbour. Natural England advise that proposals for aquaculture could potentially damage these communities.</p> | <p>The extent of the Order excludes reed bed, saltmarsh and key areas of intertidal sediment. The extent also excludes areas defined as 'Bird Sensitive Areas', which are also closed to shellfish dredging and hand raking, removing disturbance impacts and providing an area for nesting and feeding sites. Any proposals for aquaculture activity will be considered in relation to any notable communities' present in designated areas.</p> <p>In addition to the above considerations, Southern IFCA are advised that bird count data analysed by Natural England in 2012 indicates declines in numbers of overwintering birds in sectors of the Harbour. The areas of Lychett Bay and Brands Bay were highlighted; these areas are excluded from the extent of the Order.</p> <p>Mid-stream areas of the subtidal channels of Poole Harbour have high-density beds of the polychaete <i>Sabella</i> species. These are particularly widespread in the South Deep area and are of particular conservation interest as a habitat for other species (Dyrynda 1991). The species itself is not rare but Poole Harbour is the best-known example of where the species form high-density beds with a substantial associated fauna. As such they exhibit a high species richness and diversity, with the tubes colonised by seaweeds, sponges (including the rare <i>Suberites massa</i>), bryozoans and ascidians while crabs and fish are associated with these <i>Sabella</i> beds. (Dyrynda 1991; Baldock, 2016). <i>Sabella pavonia</i> is not a feature of the SSSI, however it supports the features and habitats of the designation and should be maintained in favourable condition, therefore any damage to <i>Sabella</i> beds constitutes damage to the feature and should be maintained.</p> | <p><u>Relevance to the extent of the Order (2015):</u> No action required</p> <p><u>Relevance to T1 lease beds (2015-2020):</u> Voluntary non-farming of following lease beds: A, E, N (39.8 Hectares) to account for the presence of <i>Sabella</i>. Provision written into Business Plan</p> <p><u>Relevance to T2 lease beds (2020-2025):</u> (1) Specific objectives for ongoing and future aquaculture management were outlined in the Site Management Statement. It is these management objectives that are being taken forward in the Lease Bed Reallocation Programme 2020 and will coincide with the second Tranche (T2) of lease bed allocation under the Order, as well as the introduction of new lease conditions.</p> <p><u>(i) Full closure of:</u></p> <ul style="list-style-type: none"> • T1 beds A, E, N: due to presence of <i>Sabella pavonina</i> (equating to 39.8 hectares) in South Deep and Wych Channel. • T1 bed BC: due to presence of <i>Sabella pavonina</i> (equating to 2.4 hectares) within Wych Channel. <p>The footprint of these areas (A, E, N, BC) will receive permanent protection from bottom-towed fishing under a revised Southern IFCA Bottom Towed Fishing Gear Byelaw in order to take into account the extension of the SSSI. This byelaw is currently under revision.</p> <p><u>(ii) Part closure of:</u></p> <ul style="list-style-type: none"> • T1 bed BV: due to presence of <i>Sabella pavonina</i> (equating to 0.85 hectares) within Wych Channel • T1 bed BX: due to presence of <i>Sabella pavonina</i> (equating to 0.92 hectares) within Wych Channel • T1 bed AA: (equating to 7.09 hectares) due to location in intertidal sediments, which under the SSSI are key estuarine habitats, which comprise a range of biotopes including areas of <i>Zostera marina</i>. In addition, intertidal mudflats provide important areas for wintering waders and breeding rare birds in certain tides. <p>(2) See Management Plan 3</p> |
| NE and Southern IFCA Site Management Statement (2018) | | |
| <p>Within Poole Harbour there are a number of areas where <i>Sabella pavonina</i> has been located. Advice received from Natural England was that aquaculture practice could potentially damage the <i>Sabella pavonina</i> beds. With the SSSI extension below mean low water and a clearer understanding of the location of <i>Sabella pavonina</i> beds and associated important sponge communities including <i>Suberites massa</i>, the advice from Natural England is that no aquaculture is to be allowed to operate in these areas. In addition, where lease beds overlay areas of intertidal sediments the impact of aquaculture must be considered to ensure that there is no adverse effect on the integrity of the site. This advice is clarified in a Site Management Statement¹⁵, which is a public statement prepared jointly by Southern IFCA and Natural England in order to outline the management position in relation to fishing activity (to include aquaculture) operating within the Poole Harbour SSSI expansion, as notified on the 24th May 2018.</p> <p>The Joint Management Statement was agreed at the Meeting of the Full Authority in December 2018.</p> | | |

¹⁵ Document available from Southern IFCA

Management Plan 3: Aquaculture and the Poole Harbour SPA and SSSI Designations 2020 update

NE Advice on interactions between overwintering birds and Lease Beds 7, 8 and 12 (December 2020)

“...the key period of the year for most overwintering bird features in Poole Harbour SPA is between September and March. Based on this...there is clear overlap in terms of the presence of protected bird features and the planned ‘cleaning’ and ‘harvesting’ operations. Due to the location of these lease beds (7, 8, 12)) these activities could be impacting potentially important SPA supporting habitat if bird features are using these areas. We appreciate that these lease beds are below the mapped mean low water mark but parts are above chart datum and could be exposed at certain times over the winter. There is evidence that although rarely exposed these lower shore habitats can provide an extremely dense and therefore valuable source of prey items for wildfowl and waders...”

NE advice specific to Lease Beds specified

Southern IFCA Response (2020)

Management Measures

Lease Bed 12:

Feeding and Prey Availability:

‘...based on the anecdotal evidence provided by local ornithologists, NE understands that few of the protected features use this area and the key species are red-breasted merganser and goldeneye. Given the preferred prey for both bird species (fish and various invertebrates including *M.edulis* respectively), NE...concludes that the prey availability and the ability of bird features to prey on species using the area around lease bed 12 will not be impacted by planned operations...’

Night-time rafting:

‘...Natural England recognises that vessel-based activity such as dredging will take place at high water, during day light hours (and any night-time activity will only take place April to May) and since the nearest area of exposed supporting habitat is likely to be some distance away (ca. 500m), pressures related to disturbance of birds using the intertidal supporting habitat such as ‘visual disturbance’ and ‘above water noise’ are not likely to be relevant. In addition, any rafting species such as red-breasted merganser and goldeneye that could aggregate to roost on the water will not be disturbed due to operations only taking place in daylight hours.

Conclusion: ‘...Natural England recognises that while there will be impacts associated with lease bed operations, it can be confidently concluded that, given the proposed methods of aquaculture being employed, the species being farmed and the mitigation implemented, these impacts are not significant and will not adversely affect integrity of the SPA. Natural England therefore agrees with SIFCA’s conclusion...’

The most recent HRA 2020 (updated February 2021, following the receipt of NE’s formal advice in December 2020) can be found on the Southern IFCA website. This updated version of the HRA includes ‘Evidence Packages’ demonstrating how the newly allocated lease beds under Tranche 2 are compatible with the conservation objectives of the SPA.

Relevance to T2 lease beds (2020-2025):

Seasonal and Temporal Restriction: Lease Bed 12
Prohibition of aquaculture activity outside of the hours 20:00 to 08:00 daily, during the calendar months April, May, June, July, August and September.

Lease Bed 7&8:

Feeding and Prey Availability:

‘...As above (re: bed 12) and using the same rationale Natural England agrees with SIFCA’s conclusion that prey availability and the ability of bird features that use the area (specifically red-breasted merganser and goldeneye) to prey on species using the area around lease bed 7 and 8 will not be impacted by planned aquaculture operations...’

Night-time rafting:

‘...since all activities are proposed to take place between 08:00-16:00 NE concludes that aquaculture operations will not present a risk to any birds using the area for rafting at night as there will be no interaction, and therefore no disturbance.

Abrasion:

‘...While not specifically supporting habitat for SPA features, Natural England supports the SIFCAs proposed measure to require leaseholders to carry out any lease bed ‘cleaning’ operations (i.e. one off dredging to flatten the seabed and remove undesirable material of permanently submerged seabed), after winter after the over-wintering birds have largely left the site. NE advises that ideally this should take place after March in order to avoid the over-

Relevance to T2 lease beds (2020-2025):

Seasonal and Temporal Restriction: Lease Beds 7&8
Prohibition of ‘bed cleaning’ during the calendar months September, October, November, December, January, February, March.

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| <p>wintering period as set out in the seasonality table in Natural England's conservation advice for the site. As demonstrated as part of this Appropriate Assessment, although the time spent 'cleaning' these beds over these months is considered to be small, and resulting pressures unlikely to impact prey availability, by avoiding this period goldeneye can use the lease beds for feeding without any disturbance at all. This will further reduce any residual impacts on the waterbird assemblage feature...'</p> <p>Conclusion: '...Natural England recognises that while there will be impacts associated with lease bed operations, it can be confidently concluded that, given the permanently submerged nature of the lease beds, proposed methods of aquaculture being employed, and the mitigation implemented, these impacts are not significant and will not adversely affect the integrity of the SPA. Natural England therefore agrees with SIFCA's conclusion...'</p> | | |
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| Management Plan 4: Aquaculture and the Poole Harbour RAMSAR Site | | |
|---|---|---|
| NE Advice (2015) | Southern IFCA Response (2015) | Management Measures |
| <p>In addition to overwintering waders and wildfowl the Ramsar site is designated for eelgrass beds. Natural England advised that physical damage could occur to this habitat if shellfish or structures supporting aquaculture were laid over the eelgrass beds.</p> | <p>Eelgrass beds are excluded from the Order extent and will not be subject to aquaculture activity. In addition, these areas are protected from bottom towed fishing gear and hand gathering under the Southern IFCA byelaws 'Bottom Towed Fishing Gear Byelaw'* and 'Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw' respectively. Aquaculture activity currently taking place in Poole Harbour does not occur over this feature.</p> <p><i>* The Bottom Towed Fishing Gear Byelaw has since been replaced by The Bottom Towed Fishing Gear Byelaw 2016</i></p> | <p><u>Relevance to the extent of the Order (2015):</u> No action required</p> <p><u>Relevance to T1 lease beds (2015-2020):</u> No action required</p> <p><u>Relevance to T2 lease beds (2020-2025):</u> No action required</p> |

Management Plan 5: Aquaculture and species interactions

| NE Advice (2017) | Southern IFCA Response (2017-18) | Management Measures |
|--|---|---|
| <p><i>'...Due to the proximity of the Poole Harbour lease beds to the SSSI, SPA and Ramsar site, we believe that there is a risk that wild oyster settlement could adversely affect the features and supporting habitats of these sites. It is Natural England's view that in most cases, the risk of wild settlement can be minimised by using triploid oysters...on this basis we would support revised management measures to prohibit the laying of diploid oysters under the terms of the Poole Harbour Several Order. The advice provided above is consistent with Natural England's general guidance on Pacific oyster aquaculture within or adjacent to designated sites. However, in the absence of formal policy guidance, there may be circumstances where an applicant specifically requests the use of diploid oysters. In such cases, we would review the request on a site-specific basis with regard to local environmental conditions and seek assurance that any potential impacts of wild settlement are adequately mitigated.</i></p> <p><i>In addition, Natural England have further clarified that their current view for Poole Harbour is that, as there has been no evidence of Pacific Oysters spreading over the intertidal mudflats in Poole Harbour as a result of current cultivation, Pacific Oysters may be laid on leased beds providing the oysters are of triploid stock or are subject to another method of sterilization including but not limited to the laying of quadriploid stock. Provided that appropriate amendments are incorporated into the Management Plan Natural England do not object to the farming of Pacific Oysters within Poole Harbour...'</i></p> | <p>In order to ensure that the stock of Pacific oysters laid onto leased ground in Poole Harbour is of triploid stock or subject to another method of sterilization, an amendment will need to be made to the Poole Harbour Fishery Order 2015 Management Plan to stipulate a provision relating to the specific farming of Pacific oysters. This amendment to the Management Plan will also state that applications to farm Pacific Oysters using a type of stock different to that stipulated will be considered on a case-by-case basis with the proposed method being subject to an Appropriate Assessment.</p> | <p>Relevance to the extent of the Order (2015): No action required</p> <p>Relevance to T1 lease beds (2015-2020): Specific objectives for ongoing and future aquaculture management were outlined in the Site Management Statement in 2018 – lease holders were made aware of the need to use triploid stock , or stock subject to another method of sterilisation on lease grounds.</p> <p>Relevance to T2 lease beds (2020-2025): Management Plan and lease conditions updated to reflect advice received from NE. New conditions relating to Pacific oysters to be introduced in the T2 leases, being:</p> <ol style="list-style-type: none"> 1. The stock of Pacific oysters laid onto lease ground in Poole Harbour must be of triploid stock or subject to another method of sterilisation; 2. Applications to farm Pacific oysters using a type of stock different to that stipulated in (1) will be considered on a case-by-case basis, with the proposed methodology subject to an Appropriate Assessment. <p>For reference: it is anticipated, following the formulation of a Pacific Oyster Review Group in the Department for Environment, Food and Rural Affairs (DEFRA), that a National Policy on the use of Pacific oysters in aquaculture may be introduced in the future. Where appropriate, both the Management Plan and Lease Conditions may be subject to amendments in line with the introduction of future National Policy.</p> <p>Update 2022: At a meeting of the Shellfish Association of Great Britain Mollusc Committee in March 2022, a representative from Defra provided an update that it had been determined that a National Policy on Pacific Oysters was not required. It had been decided that each Pacific Oyster aquaculture enterprise (farm) would require an individual HRA based on site-specific considerations. An HRA is already completed in line with the issuing of leases for the Order, it is therefore expected that any future amendments to the Management Plan and Lease Conditions which may be required will be determined on the basis of the drafting of the HRA every five years.</p> <p>Update 2023: In September 2022 a new national position on Pacific oysters was published by Defra. This position includes the following points:</p> |

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| | | <ul style="list-style-type: none"> • Pacific oysters are currently considered to be established in England south of latitude 52°N and therefore, with current technology, cannot be prevented from establishing in, or be successfully or economically eradicated from, this area • Defra does not support the expansion of the Pacific oyster farming industry north of latitude 52°N • Authorisations for farms south of 52°N within 5km of an MPA will continue to be granted only after the regulator has considered the outcome of site based environmental impact assessments. These must take into account the impact of the Pacific oyster on the current condition of local MPAs, if there is a likely adverse impact, Defra supports regulators to introduce mitigating authorisation conditions such as using triploidy or monitoring • Cefas are working to carry out all outstanding environmental assessments for existing Pacific oyster farms near MPAs <p>Pacific oysters are currently covered under the HRA for the issuing of leases for 2020-2025 (updated February 2021, following the receipt of NE's formal advice in December 2020) with a specific annexed Evidence Package on the management of this species.</p> |
| NE Advice (December 2020) | Southern IFCA Response (December 2020) | Management Measures |
| <p><i>'...(1) NE advise the need to establish and demonstrate that the current levels of Pacific oyster production are not causing an impact. To that end and in order to conclude no adverse effect on site integrity beyond reasonable scientific doubt, NE advises that 2 further aspects (in addition to the lease conditions introduced) are considered:</i></p> <p><i>(a) That current levels of effort i.e. the amount of stock laid should be capped until it can be demonstrated that there is no risk to the Poole Harbour SPA and RAMSAR site;</i></p> <p><i>(b) that robust annual monitoring and reviews will be implemented to demonstrate that no feral populations have or will become established – the annual monitoring to be of particular relevance in light of expected CEFA's Pacific oyster analysis due in 2021...'</i></p> | <p>Southern IFCA provided evidence of Mills (2016) as the most relevant source of data that demonstrates the status of Pacific oysters in the SPA. This PhD study presents an assessment of Pacific oyster presence and distribution in Poole Harbour based on data from 2013 and provides a comparison with other sites such as Southampton Water. The study reflects the apparent lack of feral populations of Pacific oysters in Poole harbour and suggests possible reasons for this.</p> | <p>Relevance to T2 lease beds (2020-2025):</p> <p>a) Current effort (amount of stock laid) has been capped in line with current (2020) and/or historic levels on beds farming Pacific oysters. Details of which can be found in the HRA.</p> <p>b) Annual monitoring and outcomes to be published in this Management Plan annually. The first monitoring to take place in April 2021 and continue annually for the duration of the leases in order to establish a baseline and provide a robust assessment of change overtime. NE will be involved in discussions around methodology and outcomes (resulting analyses).</p> <p>The report for the 2021-22 survey is due to be provided in spring 2022.</p> <p>Update 2023: A survey of Pacific oysters was undertaken during 2021 into early 2022 by the University of Southampton. This survey work has been referenced in previous versions of this Management Plan. Based on an understanding of resource requirements, the methodology required to collect appropriate data and an ability to robustly review the data to help inform any reviews of the Management Plan, it has been determined that the data from this survey along with a consideration of any requirements for further monitoring work on this species will be reviewed as part of the wider process of developing the lease program for the period 2025-2030, with this work due to commence in the autumn of 2023.</p> <p>c) A National Policy on the use of Pacific oysters in aquaculture is anticipated to be introduced in 2021. As such, and where appropriate,</p> |

| | | |
|--|--|---|
| | | <p>both the Management Plan and Lease Conditions may be subject to amendments in line with the introduction of future National Policy.</p> <p>Update 2022: as per section above, Defra will not be producing a National Policy for Pacific oysters at this time.</p> <p>Update 2023: as per above, Defra produced a national policy for the farming of Pacific oysters in September 2022.</p> |
|--|--|---|

Draft - 2023 Review

Management Plan 6: Aquaculture and water user interactions

Management Measures

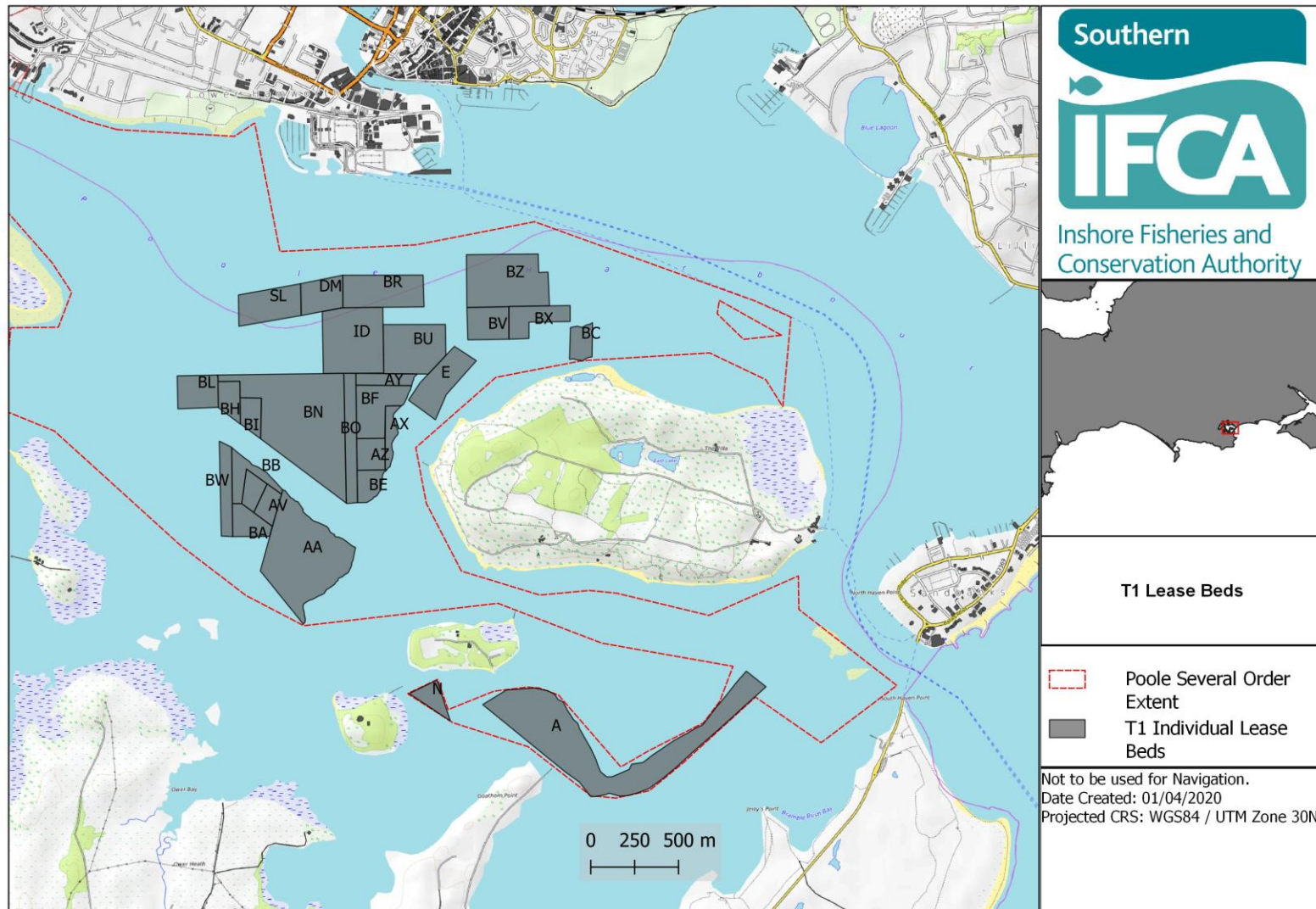
| | | |
|---|--|---|
| Relevance to the extent of the Order (2015): Full assessments of interactions with other water users (navigation, wild fisheries and shellfish beds, personal watercraft interactions e.g. jet ski designated areas), small craft moorings, Port of Poole operations) undertaken during the consultation phase for The Order. | Relevance to T1 lease beds (2015-2020): As per relevance to extent of the Order (2015) | Relevance to T2 lease beds (2020-2025): Risk assessment (below) undertaken to quantify the interaction of aquaculture operations (vessel on site) on Lease Bed 12 with personal watercraft users. Outcomes: specific lease conditions to be introduced as per Risk Assessment controls. |
|---|--|---|

| | | |
|--|--|--|
| Annex 1: Risk Assessment for aquaculture vessel operations and personal watercraft interactions | Risk Assessment undertaken: 11/04/2022 Review: Annually | Assessor: Southern IFCA (in collaboration with PHC) |
|--|--|--|

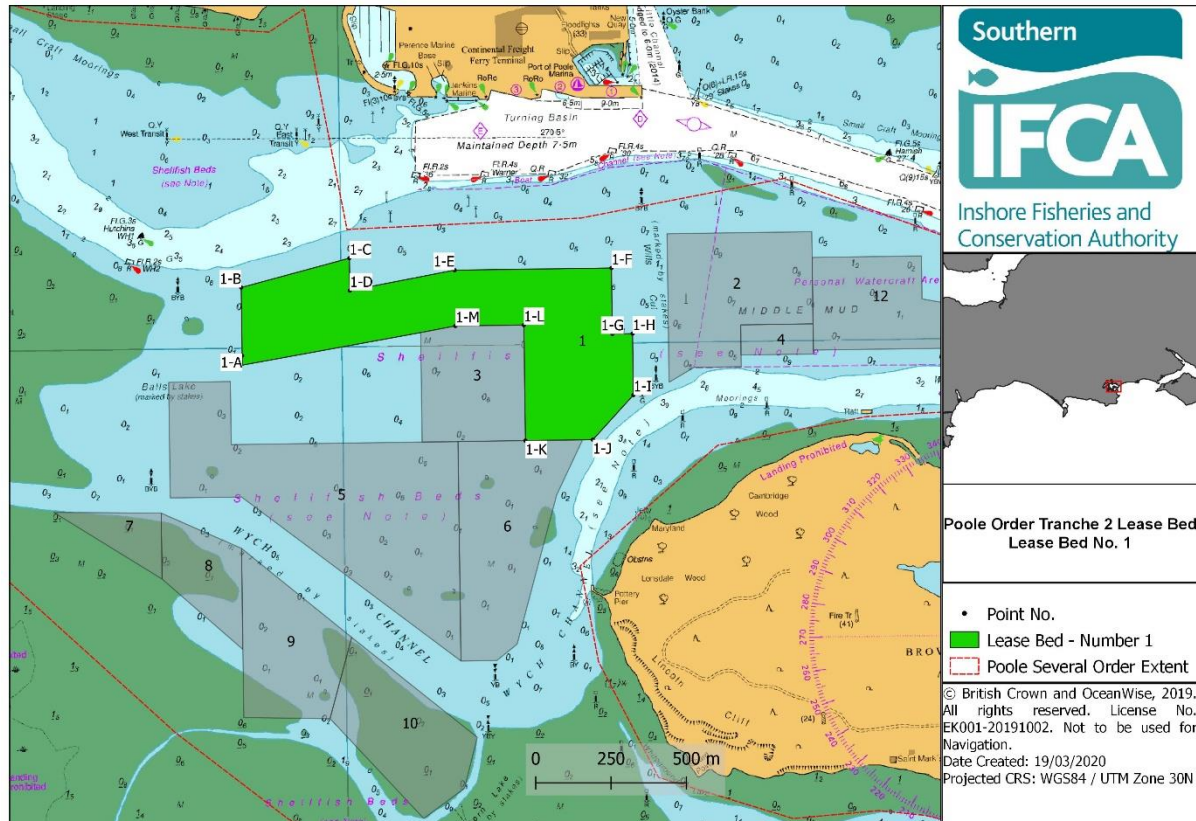
| <u>Activity/Process</u> | Number of persons at risk: | | |
|---|----------------------------|-----------------------------|---------------------------|
| | Number | Lease holder and operatives | Personal watercraft users |
| Interaction between aquaculture vessel operations (cleaning bed, seeding and harvesting) on Lease Bed 12 with the Personal Watercraft Area north of Brownsea Island | 1 | | |
| | 2-5 | | |
| | 6-10 | | |
| | 10+ | | |
| | | | |

| <u>Hazards Involved with Activity/Process</u> | | Without control measures | | | With control measures | | |
|---|--|--------------------------|------------|--------|-----------------------|------------|--------|
| | | Likelihood X | Severity = | Rating | Likelihood X | Severity = | Rating |
| A | Collision between vessel used for aquaculture and personal watercraft users | 4 | 4 | 16 | 1 | 4 | 4 |
| B | Collision between personal watercraft users and buoys used to demarcate the boundary of the lease bed | 4 | 4 | 16 | 1 | 4 | 4 |
| <u>Basic Safety Measures/controls/mitigation</u> | | | | | | | |
| 1 | Prohibition of aquaculture activities outside of the hours: 08:00 and 20:00 during the months April to September , with the intention to reduce the interaction between water users and vessels used for the purposes of aquaculture. Assumption that the peak number of water users will be operational during daylight hours and during the spring and summer months. | | | | | | |
| 2 | Requirement for leaseholder to have functional AIS onboard vessel and active during hours of operations . This will negate the need for physical marking of the lease bed area (buoys), and thus remove the potential for interaction between personal watercraft and buoys. | | | | | | |

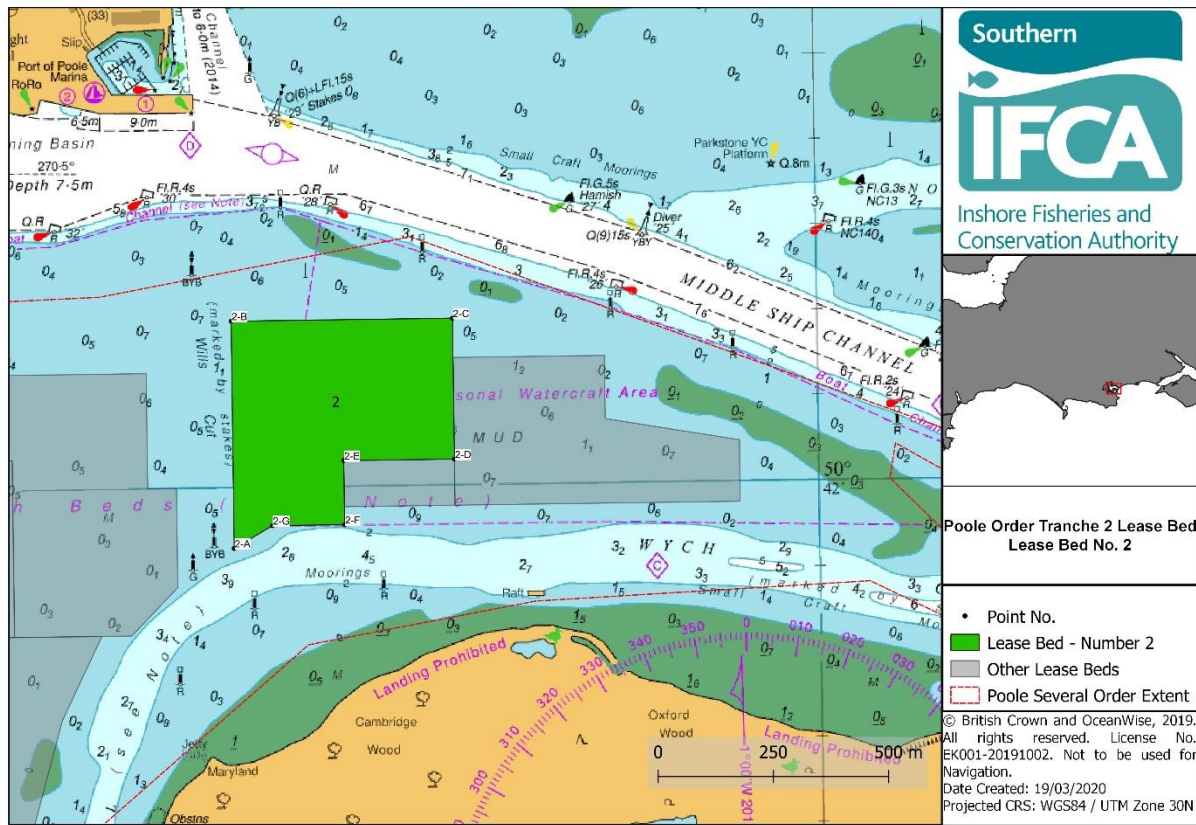
Annex 2: Tranche 1 lease bed locations



Annex 3: Tranche 2 lease bed charts and coordinates

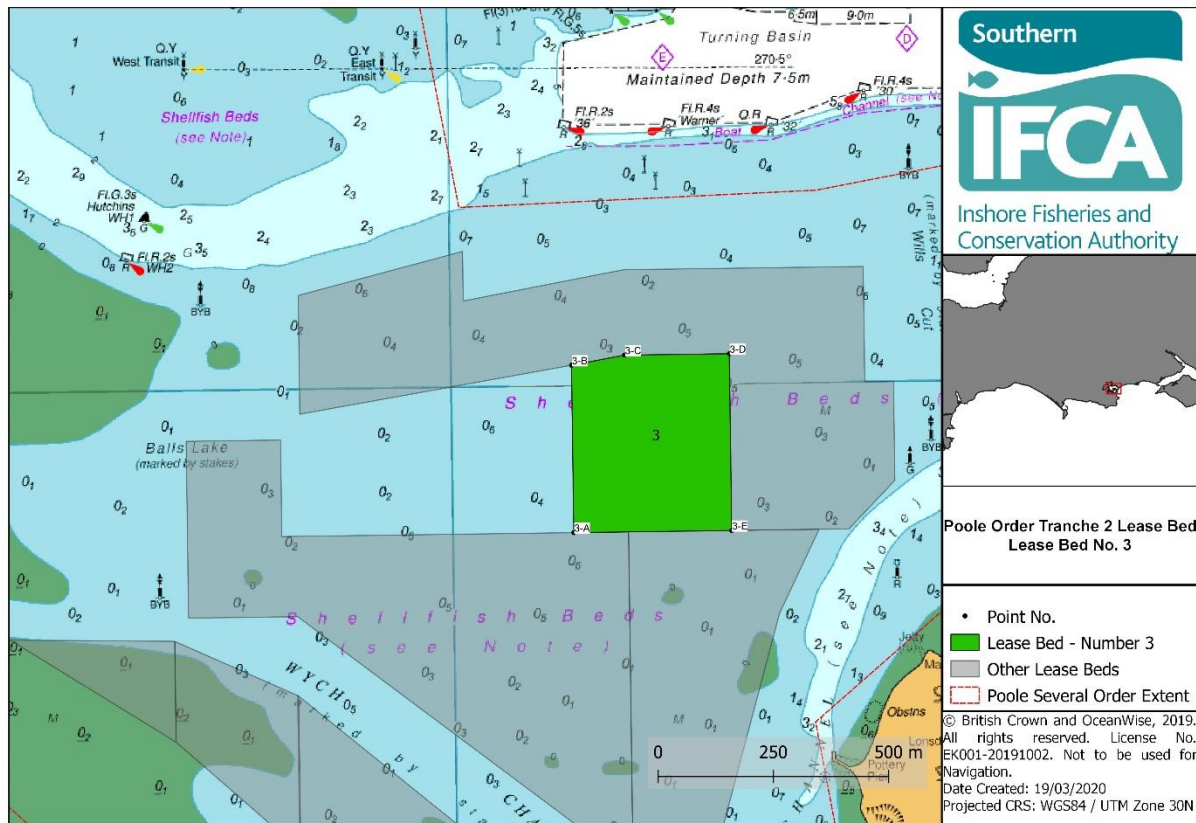


| Lease Bed 1 – external coordinates | | |
|------------------------------------|----------------|---------------|
| Point No. | Longitude | Latitude |
| 1-A | 002° 00.282' W | 50° 41.970' N |
| 1-B | 002° 00.282' W | 50° 42.109' N |
| 1-C | 001° 59.976' W | 50° 42.158' N |
| 1-D | 001° 59.976' W | 50° 42.100' N |
| 1-E | 001° 59.680' W | 50° 42.134' N |
| 1-F | 001° 59.238' W | 50° 42.134' N |
| 1-G | 001° 59.238' W | 50° 42.016' N |
| 1-H | 001° 59.181' W | 50° 42.016' N |
| 1-I | 001° 59.181' W | 50° 41.906' N |
| 1-J | 001° 59.297' W | 50° 41.827' N |
| 1-K | 001° 59.487' W | 50° 41.827' N |
| 1-L | 001° 59.487' W | 50° 42.034' N |
| 1-M | 001° 59.680' W | 50° 42.034' N |



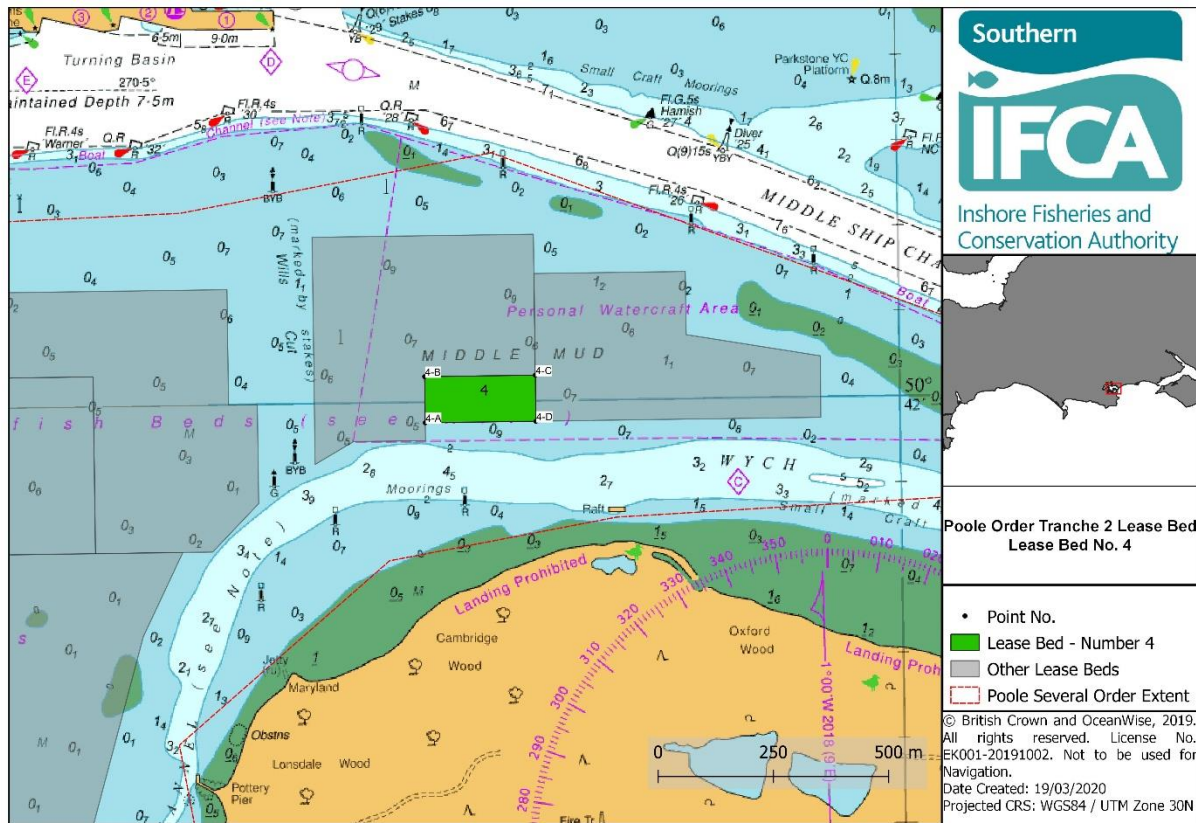
Lease Bed 2– external coordinates

| Point No. | Longitude | Latitude |
|-----------|----------------|---------------|
| 2-A | 001° 59.080' W | 50° 41.928' N |
| 2-B | 001° 59.080' W | 50° 42.194' N |
| 2-C | 001° 58.672' W | 50° 42.194' N |
| 2-D | 001° 58.672' W | 50° 42.029' N |
| 2-E | 001° 58.876' W | 50° 42.029' N |
| 2-F | 001° 58.876' W | 50° 41.954' N |
| 2-G | 001° 59.009' W | 50° 41.954' N |



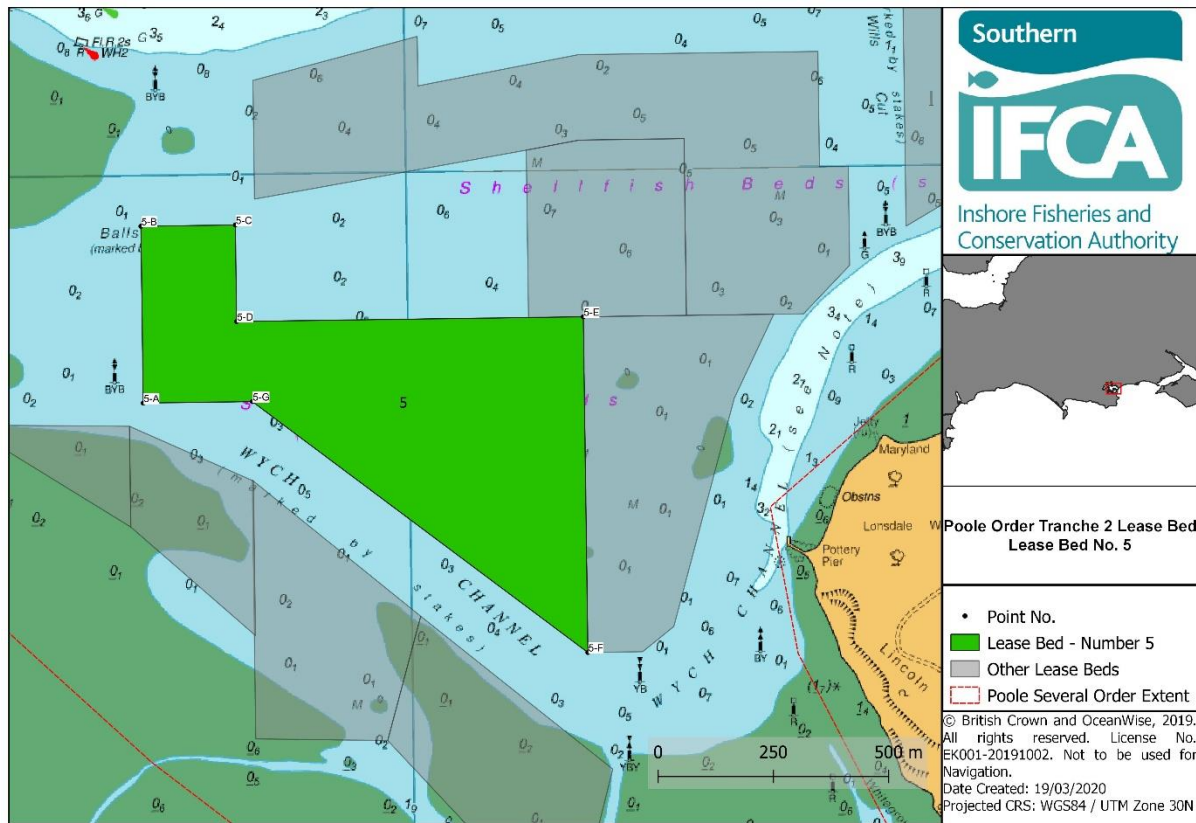
Lease Bed 3 – external coordinates

| Point No. | Longitude | Latitude |
|-----------|----------------|---------------|
| 3-A | 001° 59.778' W | 50° 41.827' N |
| 3-B | 001° 59.778' W | 50° 42.023' N |
| 3-C | 001° 59.680' W | 50° 42.034' N |
| 3-D | 001° 59.487' W | 50° 42.034' N |
| 3-E | 001° 59.487' W | 50° 41.827' N |



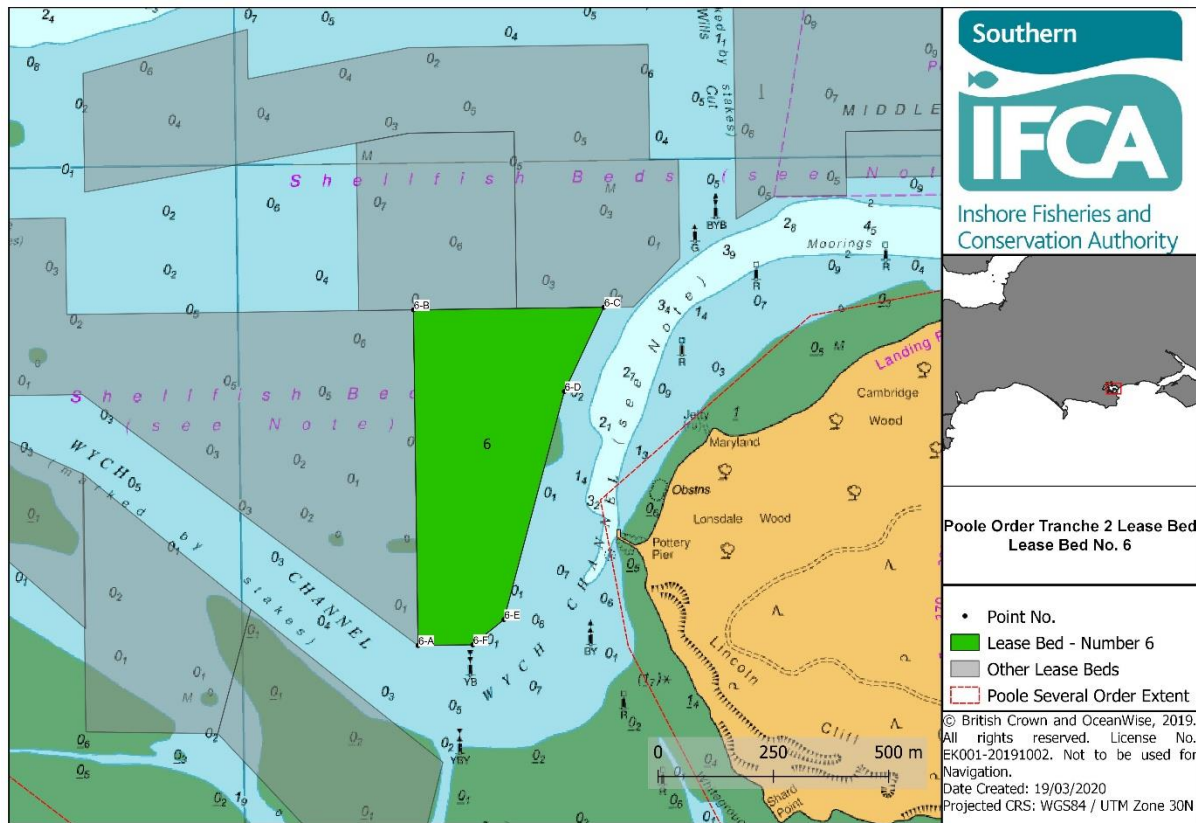
Lease Bed 4 – external coordinates

| Point No. | Longitude | Latitude |
|-----------|----------------|---------------|
| 4-A | 001° 58.876' W | 50° 41.975' N |
| 4-B | 001° 58.876' W | 50° 42.029' N |
| 4-C | 001° 58.672' W | 50° 42.029' N |
| 4-D | 001° 58.672' W | 50° 41.975' N |



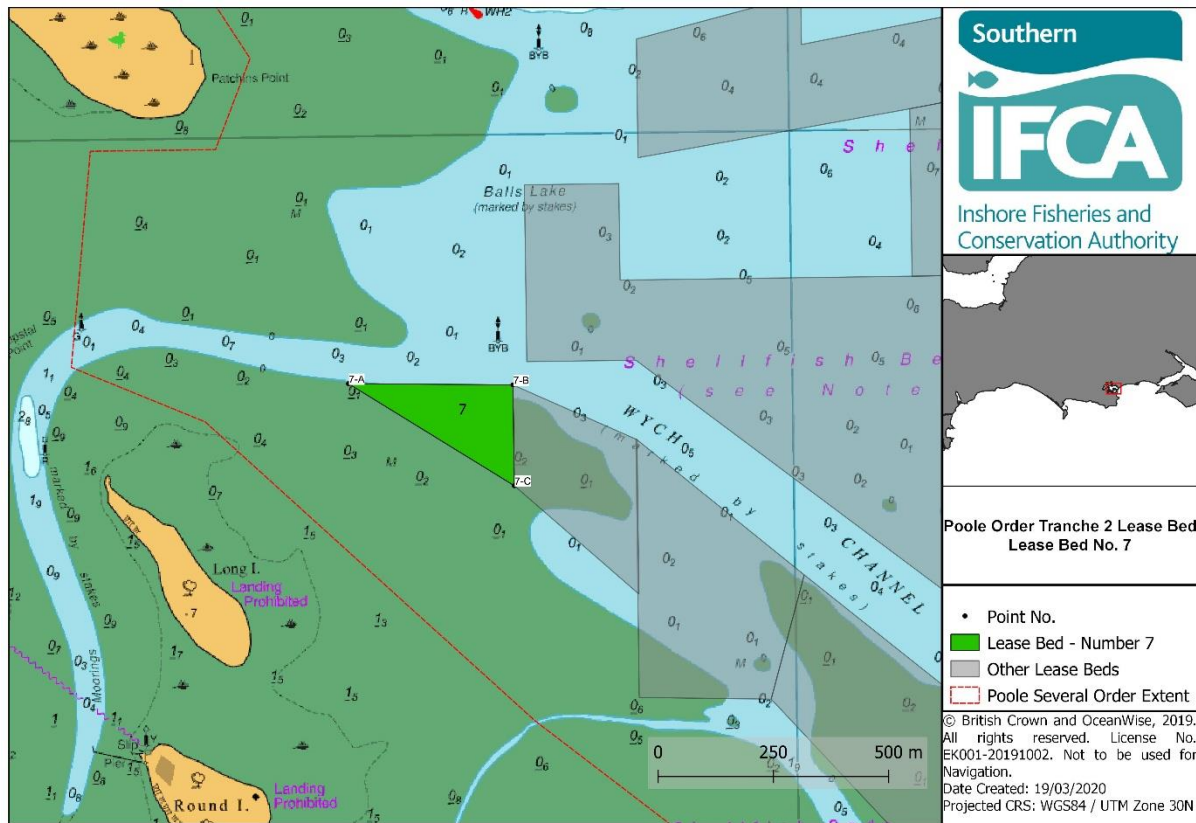
Lease Bed 5 – external coordinates

| Point No. | Longitude | Latitude |
|-----------|----------------|---------------|
| 5-A | 002° 00.490' W | 50° 41.733' N |
| 5-B | 002° 00.490' W | 50° 41.940' N |
| 5-C | 002° 00.316' W | 50° 41.940' N |
| 5-D | 002° 00.316' W | 50° 41.827' N |
| 5-E | 001° 59.677' W | 50° 41.827' N |
| 5-F | 001° 59.677' W | 50° 41.434' N |
| 5-G | 002° 00.289' W | 50° 41.733' N |



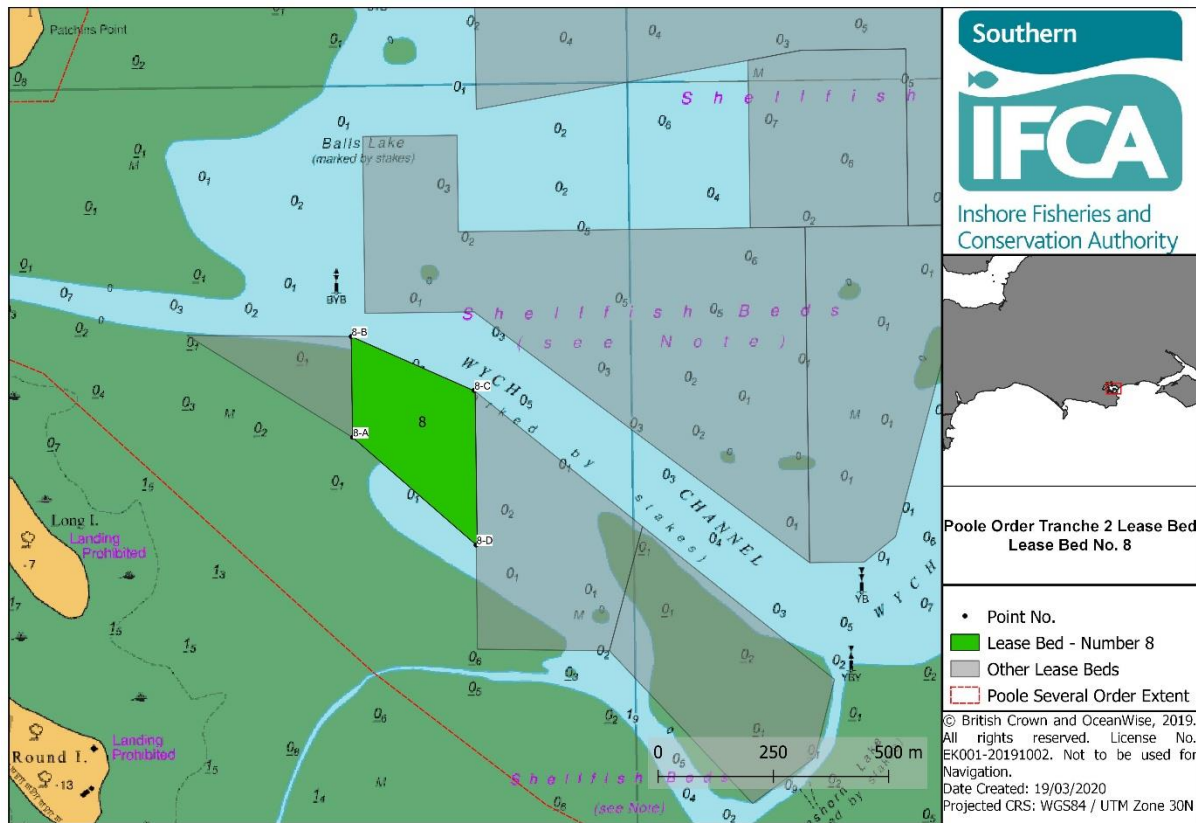
Lease Bed 6 – external coordinates

| Point No. | Longitude | Latitude |
|-----------|--------------|---------------|
| 6-A | 1° 59.677' W | 50° 41.434' N |
| 6-B | 1° 59.677' W | 50° 41.827' N |
| 6-C | 1° 59.326' W | 50° 41.827' N |
| 6-D | 1° 59.401' W | 50° 41.729' N |
| 6-E | 1° 59.518' W | 50° 41.463' N |
| 6-F | 1° 59.576' W | 50° 41.434' N |



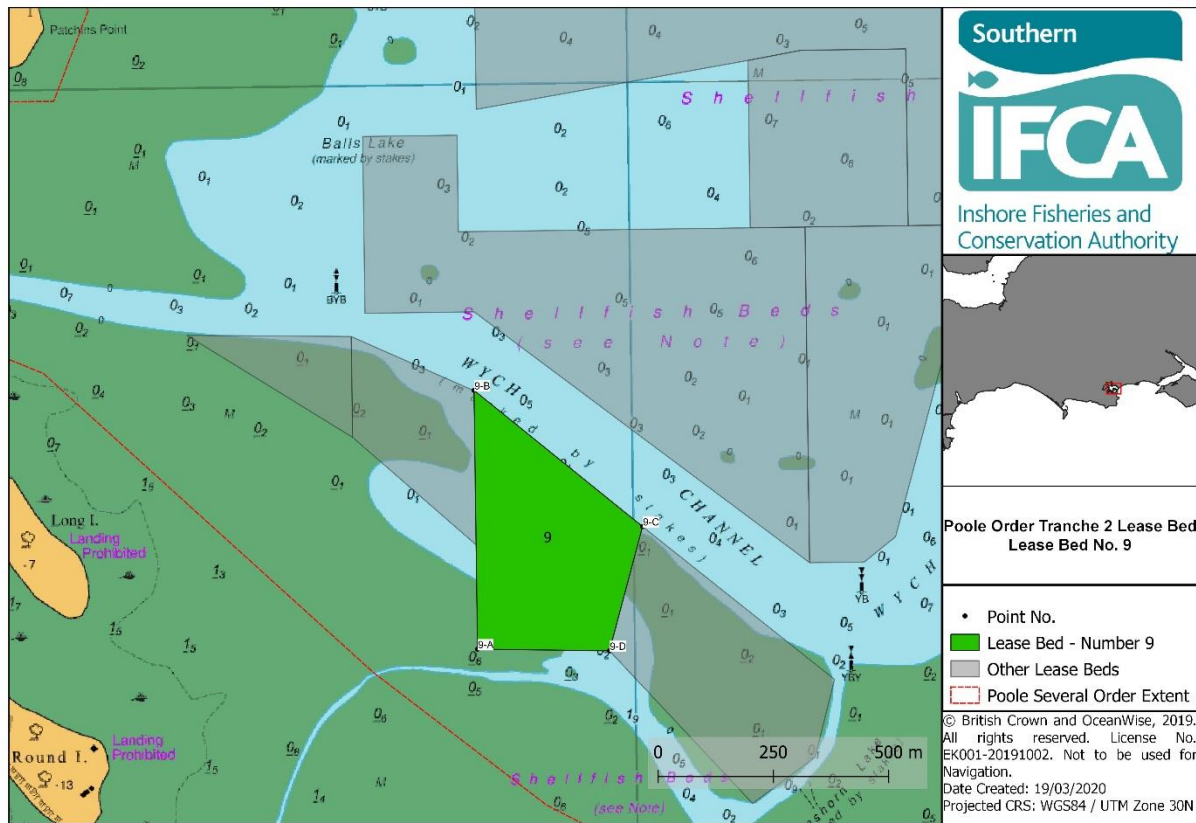
Lease Bed 7 – external coordinates

| Point No. | Longitude | Latitude |
|-----------|----------------|---------------|
| 7-A | 002° 00.819' W | 50° 41.710' N |
| 7-B | 002° 00.516' W | 50° 41.706' N |
| 7-C | 002° 00.516' W | 50° 41.588' N |



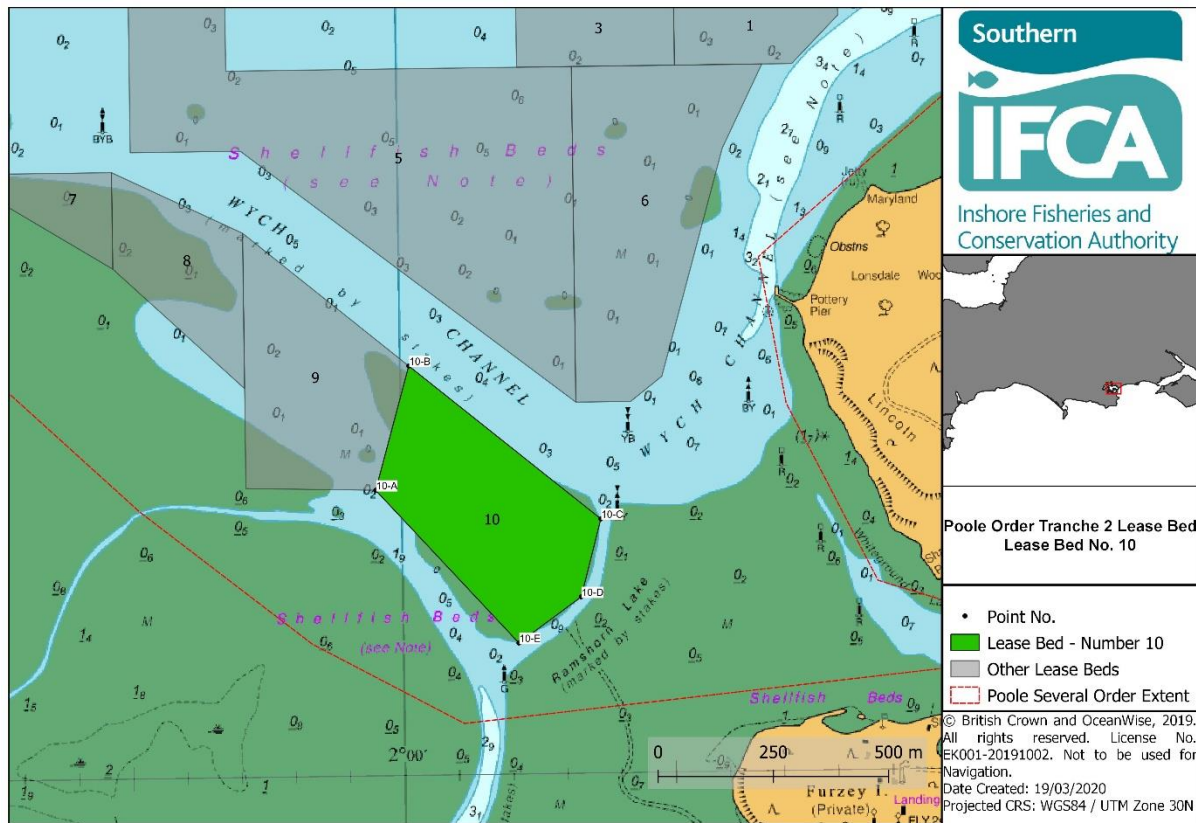
Lease Bed 8 – external coordinates

| Point No. | Longitude | Latitude |
|-----------|----------------|---------------|
| 8-A | 002° 00.516' W | 50° 41.588' N |
| 8-B | 002° 00.516' W | 50° 41.706' N |
| 8-C | 002° 00.291' W | 50° 41.641' N |
| 8-D | 002° 00.291' W | 50° 41.460' N |



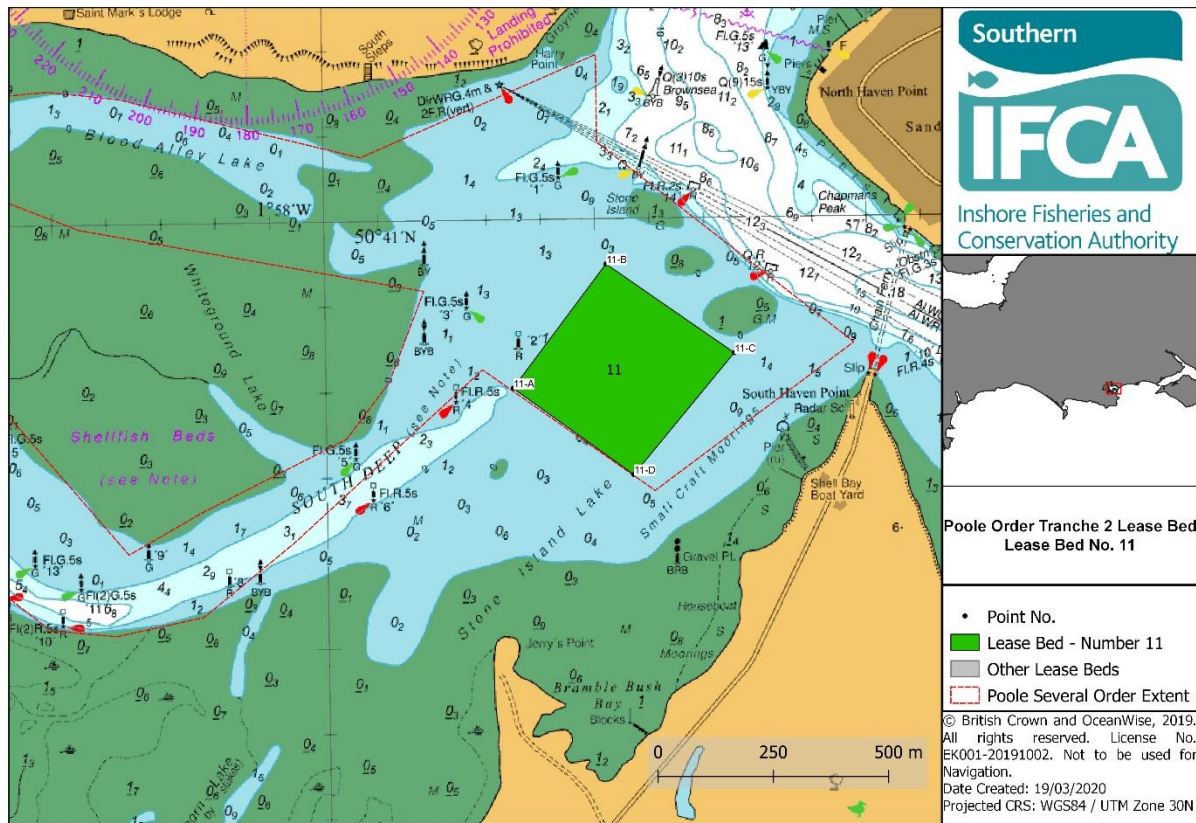
Lease Bed 9 – external coordinates

| Point No. | Longitude | Latitude |
|-----------|----------------|---------------|
| 9-A | 002° 00.291' W | 50° 41.338' N |
| 9-B | 002° 00.291' W | 50° 41.641' N |
| 9-C | 001° 59.984' W | 50° 41.479' N |
| 9-D | 002° 00.048' W | 50° 41.334' N |



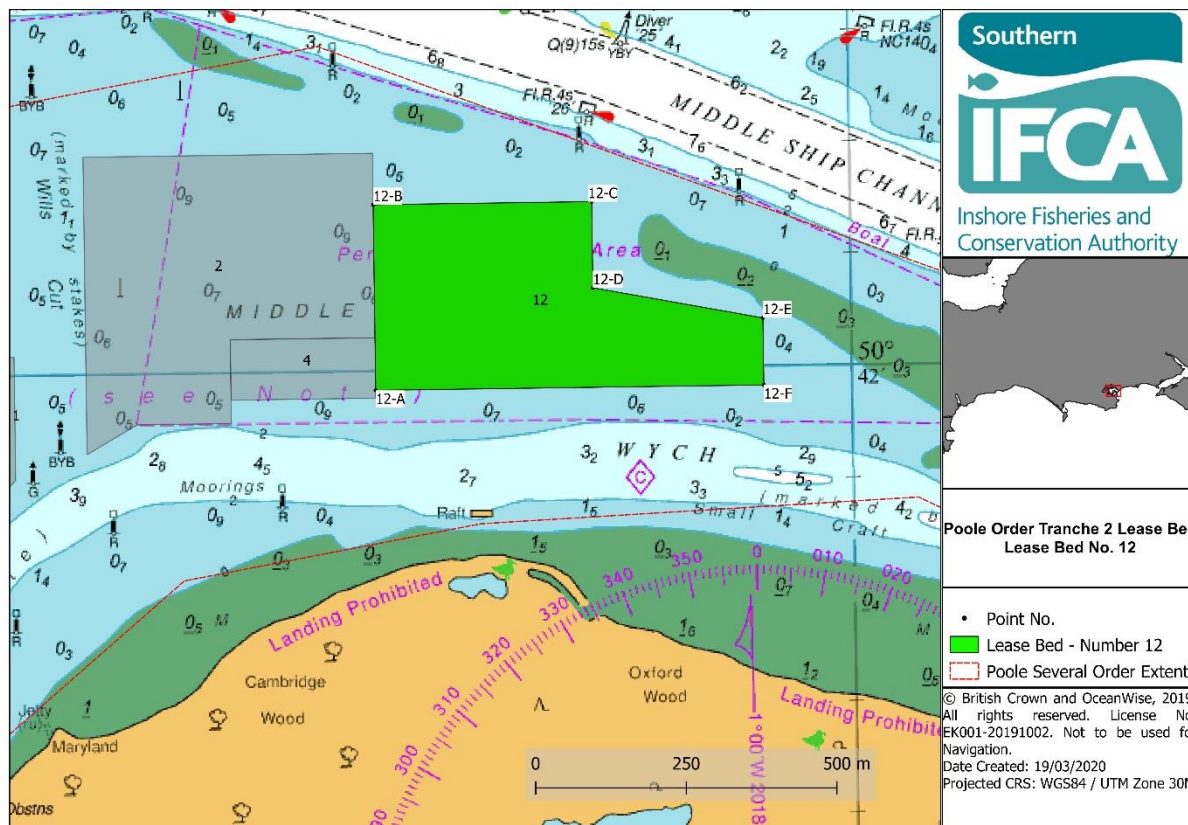
Lease Bed 10 – external coordinates

| Point No. | Longitude | Latitude |
|-----------|----------------|---------------|
| 10-A | 002° 00.048' W | 50° 41.334' N |
| 10-B | 001° 59.984' W | 50° 41.479' N |
| 10-C | 001° 59.634' W | 50° 41.297' N |
| 10-D | 001° 59.672' W | 50° 41.206' N |
| 10-E | 001° 59.788' W | 50° 41.153' N |



Lease Bed 11 – external coordinates

| Point No. | Longitude | Latitude |
|-----------|----------------|---------------|
| 11-A | 001° 57.655' W | 50° 40.802' N |
| 11-B | 001° 57.481' W | 50° 40.946' N |
| 11-C | 001° 57.247' W | 50° 40.840' N |
| 11-D | 001° 57.435' W | 50° 40.699' N |



Lease Bed 12 – external coordinates

| Point No. | Longitude | Latitude |
|-----------|----------------|---------------|
| 12-A | 001° 58.672' W | 50° 41.982' N |
| 12-B | 001° 58.672' W | 50° 42.148' N |
| 12-C | 001° 58.363' W | 50° 42.148' N |
| 12-D | 001° 58.363' W | 50° 42.071' N |
| 12-E | 001° 58.125' W | 50° 42.042' N |
| 12-F | 001° 58.125' W | 50° 41.982' N |

Southern Inshore Fisheries and Conservation Authority

OFFICER'S REPORT

MARKED D

POOLE HARBOUR OIL SPILL MAJOR INCIDENT

Report by the Deputy Chief Officer Dell and Birchenough

A. Purpose of the Report

To provide an update to Members on Southern IFCA involvement in the response to the Poole Harbour Oil Spill Incident.

B. Recommendations

- a. That Members note the report.

1. Oil Spill Response – Major Incident [26th March to 4th April 2023]

- 1.1 On the 26th March 2023 a leak occurred at a pipeline operated by Perenco at Ower Bay in Poole Harbour. Perenco advised that a small amount of reservoir fluid (approximately 85% water and 15% oil) escaped from the pipeline. The pipeline was shut down and booms were placed on either side of the leak in order to minimise any pollution. Poole Harbour Commissioners (PHC) activated its emergency oil spill plan and specialist oil spill response companies were brought in to assist with the operation. A Major Incident was declared. Southern IFCA were contacted by PHC requesting assistance from the team including the use of the Patrol Vessel Endeavour and the Drone.
- 1.2 Southern IFCA Officers, then operating from the PHC Incident Room working with OSRL (Oil Spill Response Limited), were tasked from the 27th to the 30th March to carry out Shoreline, Clean Up, Assessment Techniques (SCAT) across the harbour utilising both the Drone to conduct ariel surveillance and Patrol Vessel Endeavour to reach remote parts of the Harbour including the Islands.
- 1.3 Southern IFCA, working closely with BCP Council, the Food Standards Agency (FSA) and Centre for Environment, Fisheries and Aquaculture Science (CEFAS), set up and co-ordinated a shellfish sampling programme to test multiple commercial shellfish species to help inform an FSA position on the harvesting and marketing of shellfish for aquaculture and wild fisheries.
- 1.4 A number of Incident Response Groups were set up with Southern IFCA's Senior Management Team sitting across various advisory groups, these included daily Sit Rep briefings, a daily Standing Environment Group meeting and twice weekly PREMIAM monitoring cell meetings. Southern IFCA also provided DEFRA with information to inform Ministerial briefings regarding fisheries and in particular the potential impact of the spill on the aquaculture businesses operating in Poole Harbour.
- 1.5 As directed by the PHC Incident Room, during the incident response all external communications and media requests were coordinated through the PHC incident room.
- 1.6 These communications included on the 27th March, Environmental Health Officers at BCP Council contacting all Poole Harbour Lease Bed holders advising that Shellfish harvested from Poole Harbour from Sunday 26 March onwards should not be relayed or marketed, with this advice remaining in place until a further assessment has been made and advice has been received from the Food Standards Agency FSA and CEFAS regarding the safety.
- 1.7 On the 27th March Southern IFCA also facilitated BCP Council by providing contact details for PHDP holders, hand gathers, and net fishers to allow direct contact by BCP Council and also aided in developing joint updates from BCP Council and Southern IFCA which were disseminated across relevant platforms.
- 1.8 During the Major Incident phase, Southern IFCA continued to work with BCP Council and PHC to provide updated communications as required and disseminate those accordingly to PHDP holders and via relevant platforms.

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- 1.9 On the 31st March the media releases specific to fisheries from BCP Council and PHC were released. This media release included information relating to shellfish testing, aquaculture activity, commercial shellfish fisheries, commercial net fisheries, recreational fisheries and bait dragners and bait diggers. The release was cross referenced to the Southern IFCA website and social media in order to provide accurate and up to date advice on the Oil Spill Incident.

| |
|---|
| <p><u>Shellfish Testing</u></p> <p>BCP Council and Southern IFCA are continuing to work closely with CEFAS and the FSA to ensure that appropriate sampling and testing is prioritised to help inform the current position on shellfish.</p> |
| <p><u>Aquaculture</u> - Aquaculture operators in Poole Harbour have been advised not to relay or market shellfish harvested from Poole Harbour from Sunday 26 March onwards. This advice will remain in place until further assessment has been made and advice has been received from the Food Standards Agency (FSA) and the Centre for Environment, Fisheries and Aquaculture Science (CEFAS) regarding safety.</p> <p>BCP Council and Southern IFCA are continuing to work closely with CEFAS and the FSA to ensure that appropriate sampling and testing is prioritised to help inform the current position on shellfish.</p> <p>Joint updates from BCP Council and Southern IFCA will be provided to the aquaculture industry as soon as the measures needed to enable the safe harvesting of shellfish have been agreed with the FSA.</p> <p>We are collectively doing everything we can at this time to prioritise ongoing investigations. In the meantime, we do encourage you to visit www.phc.co.uk for the latest updates and press releases on the ongoing incident.</p> |
| <p><u>Poole Harbour Dredge Permit (PHDP) Holders</u> - BCP Council and Southern IFCA are continuing to work closely with CEFAS and the FSA to ensure that appropriate sampling and testing is prioritised to help inform the current position on shellfish.</p> <p>We are collectively doing everything we can at this time to prioritise ongoing investigations. In the meantime, we do encourage you to visit www.phc.co.uk for the latest updates and press releases on the ongoing incident.</p> |
| <p><u>Commercial Shellfish Fisheries</u> - The fishing industry who are currently engaged in gathering shellfish by hand in Poole Harbour have been advised not to market shellfish harvested from Poole Harbour from Sunday 26 March onwards. This advice will remain in place until further assessment has been made and advice has been received from the Food Standards Agency (FSA) and the Centre for Environment, Fisheries and Aquaculture Science (CEFAS) regarding safety.</p> <p>BCP Council and Southern IFCA are continuing to work closely with CEFAS and the FSA to ensure that appropriate sampling and testing is undertaken to help inform this current position on shellfish.</p> <p>Joint updates from BCP Council and Southern IFCA will be provided to the shellfish industry as soon as the measures needed to enable the safe harvesting of shellfish have been agreed with the FSA.</p> <p>We are collectively doing everything we can at this time to prioritise ongoing investigations. In the meantime, we do encourage you to visit www.phc.co.uk for the latest updates and press releases on the ongoing incident.</p> |
| <p><u>Commercial Net Fisheries</u> - The fishing industry who are currently engaged in net fisheries in Poole Harbour have been advised to cease fishing operations. This advice will remain in place until further assessment has been made.</p> <p>In the meantime, we do encourage you to visit www.phc.co.uk for the latest updates and press releases on the ongoing incident.</p> |
| <p><u>Recreational Fisheries</u> - All recreational fishers are advised to refer to the latest Notice to Mariners available at www.phc.co.uk. In addition, we do encourage you to visit www.phc.co.uk for the latest updates and press releases on the ongoing incident.</p> |
| <p><u>Bait Dragners and Bait Diggers</u> - Those currently engaged in bait dragging and bait digging in Poole Harbour are advised not to undertake these activities. This advice will remain in place until further assessment has been made. In the meantime, we do encourage you to visit www.phc.co.uk for the latest updates and press releases on the ongoing incident.</p> |

- 1.10 Southern IFCA, working closely with BCP Council, the Food Standards Agency (FSA) and Cefas, set up and co-ordinated a shellfish sampling programme to test multiple commercial shellfish species to help inform a FSA position on the harvesting and marketing of shellfish for aquaculture and wild fisheries.
- 1.11 The FSA has assured Southern IFCA and BCP Council that analysis of the samples is being prioritised and as soon as results are received, they will act quickly to issue their advice regarding the safety of recommencing harvesting. Southern IFCA are working with BCP Council, FSA and Centre for Environment, Fisheries and Aquaculture Science (CEFAS) in doing all that

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is possible to move the position forward. It is vital that the safety of shellfish from Poole Harbour, following the Oil Spill incident, can be demonstrated before harvesting recommences, both from a food safety perspective and to protect the reputation of Poole Harbour shellfish. BCP Council will contact the trade directly when the FSA has provided advice following the results of the sampling carried out.

1.12 The table below details the sampling program carried out during the Major Incident phase and into the Ongoing Phase (see Section 2 below):

| Date | Fishery | Samples Taken | Samples taken for | Results Received | Action Taken |
|----------|--------------------------|---|---|---|---|
| 29.03.23 | Aquaculture | Samples of: <ul style="list-style-type: none"> • Pacific oyster • Blue mussel • Manila clam • Cockle <i>1x sample of each species</i> <i>Water sample taken</i> | Ensuring a T0 sample record was available – results will not inform fishing activity | 11.04.23 | No indication of any significant oil exposure |
| 29.03.23 | Wild shellfish fisheries | Samples of: <ul style="list-style-type: none"> • Manila clam • Common cockle <i>24x samples across 6 sites (2x of each species per site)</i> <i>Water sample taken at each site</i> | Ensuring a T0 sample record was available – results will not inform fishing activity | Samples unable to be tested due to issues with courier delivery delays making them unsuitable | |
| 03.04.23 | Aquaculture | Samples of: <ul style="list-style-type: none"> • Pacific oyster • Blue mussel • Manila clam • Cockle <i>10 samples taken across lease beds in proximity to spill site</i> | Testing to inform FSA and BCP advice on harvesting activity on aquaculture beds | BCP advice issued 19.04.23 | Harvesting activity able to resume on aquaculture beds as of 20.04.23 (see Section 2.2) |
| 18.04.23 | Wild shellfish fisheries | Samples of: <ul style="list-style-type: none"> • Manila clam • Cockle <i>18 samples from sampling sites aligned with SIFCA Poole Bivalve Survey – 10 samples from sites in proximity to spill site, 8 samples from wider shellfish beds distributed amongst clam and cockle grounds</i> <i>Sediment samples also taken from each sampling site</i> | Testing to inform FSA and BCP advice on harvesting from wild shellfish beds (hand gathering and dredge for coming season) | Awaiting results at time of publication of this agenda | |

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2. Oil Spill Response – Ongoing [5th April 2023 to present]

- 2.1 The Senior Management Team continue to represent Southern IFCA on various advisory groups in relation to the Oil Spill Response to include The Environment and Infrastructure Subgroup, which aims to develop a Remediation Plan to feed into the Recovery Coordination Group, the PREMIAM Monitoring Cell and a Sit Rep and In Field Report group.
- 2.2 Southern IFCA continue to engage with key stakeholders providing the latest information to the industry with joint updates from BCP Council and Southern IFCA to be provided to the shellfish industry as soon as the measures needed to enable the safe harvesting of shellfish have been agreed with the FSA.

Current Advice (as of 25th April 2023):

- The aquaculture shellfish beds within Poole Harbour have been closed as a precautionary measure since the start of the incident in Poole Harbour on 26th March. Following sampling carried out by BCP Council and SIFCA, and facilitated by the Food Standards Agency, these sites can now open as of Thursday 20th April 2023. The FSA have advised that operators of these sites should continue to take appropriate action to ensure that any harvested shellfish are fit for consumption.
 - The wild shellfish beds are fished on a seasonal basis and are currently closed to dredging until 25th May 2023. Additional sampling has been carried out of these sites and the results, expected within two weeks, will enable an informed decision to be made as to whether fishing can safely commence when the season opens. The advice remains that hand gathering of shellfish from the intertidal zone should not be carried out until the results from these areas has been received.
 - Fishing and/or netting for **fish** in Poole Harbour was able to resume from 00:01 on Wednesday 5th April. Those fishing should avoid any areas of the Harbour which are evidently contaminated with oil (spill site). Any fish found to be dead, dying or visibly contaminated with oil residues should not be consumed or marketed.
- 2.3 The first results relating to informing the activities of the aquaculture fisheries were received on 19th April 2023 and BCP Council updated their advice to operators as above (Section 2.2) indicating that aquaculture sites could open as of Thursday 20th April 2023.
- 2.4 BCP Council and Southern IFCA undertook further sampling of shellfish from Poole Harbour in order to inform the position for the wild shellfish dredge fishery which is due to open on the 25th May 2023 and the wild shellfish hand gathering fishery. This sampling took place on 18th April 2023 as detailed in the table under Section 1.12 and informed the updated communications detailed above (Section 2.2). The results of this sampling will be assessed by the FSA to inform the position regarding the wild fishery.
- 2.5 To date Southern IFCA have committed significant time and resource (marine assets and officers) to support the initial and ongoing incident. A full account of this is currently being prepared to ensure remuneration of costs.
- 2.6 PHC are continuing with the clean-up operation. **Should any oil be sighted on the water, sightings should be reported to Harbour Control on 01202 440 230 or via pooleharbourcommissioners@phc.co.uk. Further Frequently Asked Questions are available to view on the Poole Harbour Commissioners website: www.phc.co.uk/oil-spill-frequently-asked-questions-faqs/**
- 2.7 Any further updates which become available following the finalisation of the agenda for the TAC meeting on 4th May will be delivered verbally at the meeting.

BASS UPDATE 2023

Report by DCO Sam Dell

A. Purpose of the Report

To provide an update to Members on the rules, regulations and restrictions for bass fishing from 1 April 2023.

B. Recommendations

- a. That the report is noted by members of the Authority.

C. Annex

- I. Southern IFCA Recreational Bass Fishing Leaflet 2023

1. Background

- 1.1 The Sea Fisheries (Amendment) Regulations 2023 have retained and amended the Bass Measures 2020, as per Article 10 of Council Regulation (EU)2020/123. This means that revised measures on vessels catching European Seabass were introduced on 1 April 2023. The bass control measures described implement measures designed to manage fishing effort to help protect and improve bass stocks.

2. Recreational Fishing

- 2.1 When recreational fishing for bass from a boat or from the shore:

- bass may only be retained between 1 April to 31 December 2023¹.
- within this period (1 April to 31 December 2023) two bass may be retained per person, per day.
- bass retained within this period (1 April to 31 December 2023) must measure at least the Minimum Conservation Reference Size of 42cm in length.
- fixed nets and drift nets cannot be used to catch or retain bass for recreational purposes.

3. Commercial Fishing

- 3.1 When undertaking commercial operations (catching, retaining, transhipment and landing of bass):

- It is prohibited to retain bass in February and March.
- During January and during the period from 1st April – 31st December in each calendar year, commercial vessels may fish for, retain, tranship, relocate or land bass with the following gear and within the following limits:
 - Demersal trawls and seines - maximum 5% by weight of all marine organisms per trip. Unavoidable by-catch 3.8 tonnes (3800kg) per vessel per year.
 - Hooks and lines - not exceeding 6.2 tonnes per year.

¹ For 2024, the retained EU law will be amended to align the closed season with the commercial closed season – February and March.

Southern Inshore Fisheries and Conservation Authority

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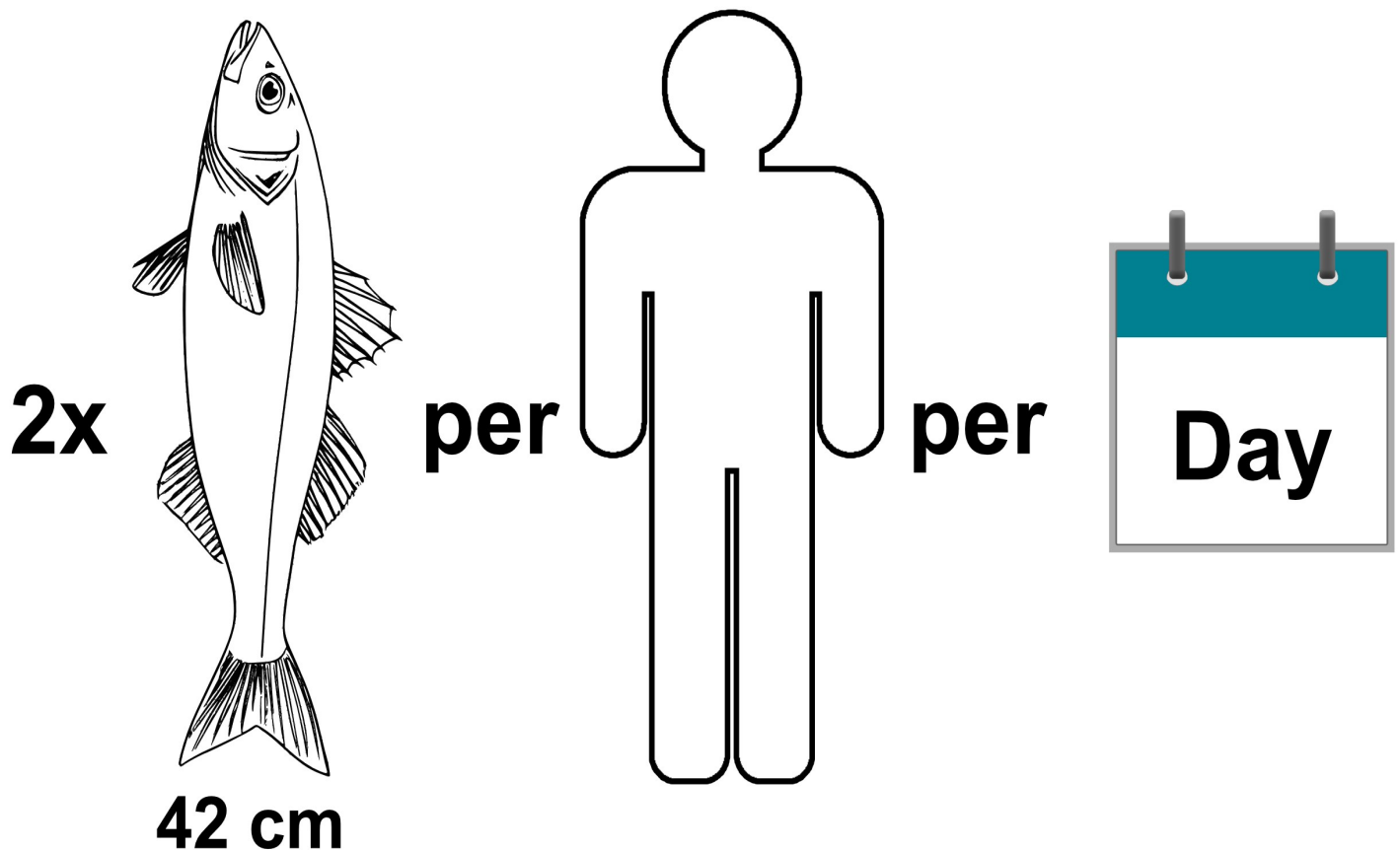
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- Fixed gillnets - By-catches not exceeding 1.6 tonnes per year
 - Commercial operators using hooks and lines or fixed gillnets require a specific authorisation from the Marine Management Organisation (MMO) to catch and retain bass.
 - All other gear types are prohibited including pelagic trawls, ring nets and nets that drift with the current or are capable of doing so.
 - The legislation also prohibits any commercial bass fisheries from the shore.
- 3.2 The **landing obligation** does not apply to bass. Therefore any catches with unauthorised gears and catches with authorised gears over the authorized limit must be discarded. During February and March all bass fishing is prohibited and bass catches must be returned to the sea. Fishers should take all reasonable measures to avoid and minimise bass discards.
- 3.3 A UK fishing vessel may only carry **one authorised fishing gear** on a fishing trip when retaining bass on board.

2023 Regulations on Bass for Recreational Fishers

1st April to 31st December 2023

Two size European seabass (42 cm or over) per fisher per day



No European seabass can be taken by fixed nets

These rules apply if you are fishing from a boat or from the shore

Any additional European seabass caught must be returned immediately. Bass must be handled carefully to ensure a high survival rate of released fish. Anglers are advised to carry forceps or long-nosed pliers to assist removal of hooks and to support fish in water until they are able to swim away.

OFFICER'S REPORT**NET FISHING AROUND PIERS CODE OF PRACTICE**

Report by IFCO D. Parry

A. Purpose of the Report

The purpose of this report is to inform Members of the outcome of a review of the Net Fishing Around Piers Code of Practice (implemented 2nd June 2021).

B. Recommendation

That Members note the review of the Net Fishing Around Piers Code of Practice and the identified need for no changes to the current method of management.

C. Annex

i. Net Fishing Around Piers Code of Practice

1. Background

- 1.1 When managing the exploitation of sea fisheries resources in the District, the Authority has duties under Section 153 of the Marine and Coastal Access Act, 2009 to seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.
- 1.2 Recreational Sea Angling (RSA) is an important social and economic activity in the Southern IFC District. In 2017 the total economic impact of sea angling in the UK was estimated to be £1.94 billion, providing £388 million of GVA (direct) and supporting around 16,300 jobs. Sea angling also has important social and well-being benefits including providing relaxation, physical exercise, and a route for socialising. Many of the District's piers provide easy access to RSA participants at all levels, including those with disabilities, and have developed as focal points for the pastime in the District with strong associations having developed with clubs, angling shops and competitions.
- 1.3 Concerns were raised through the Southern IFCA's review of net fishing management in the District over the potential for fishing nets, when used near pier structures, to negatively impact RSA activity. The Authority received a high level of feedback on this matter through two periods of informal public consultation on the net fishing review. Following further consultation with both the commercial and recreational fishing sectors, involving representatives from the South Coast Fisherman's Council (SCFC) and the Recreational Angling Sector Group (RASG), an opportunity was identified to address the matter through small changes in fishing practice, by introducing a voluntary Code of Practice.
- 1.4 The Netting Working Group recommended that a Net Fishing Around Piers Code of Practice (CoP) was introduced to exclude the use of fishing nets from within 200m of nine pier locations within the District. On the 28th May 2021 at the meeting of the Technical Advisory Committee, Members agreed the Net Fishing Around Piers Code of Practice with the CoP subsequently implemented on the 2nd June 2021. A review date for the CoP was set for 31st December 2022.

OFFICER'S REPORT

- 1.5 Officers commenced a review of the CoP, identifying any reports of non-compliance with the voluntary measures since its implementation, collected through the Southern IFCA Compliance and Enforcement Framework. Since June 2021, a total of 5 incidents of non-compliance with the CoP have been identified: three involving Swanage Pier, one involving Weymouth Pleasure Pier and one involving Weymouth Stone Pier. In all instances, Officers aimed to engage with any persons involved, providing information about the CoP and the importance of adhering to the provisions within it. This engagement has been successful in contributing to low levels of non-compliance with the voluntary CoP. Officers also undertake continued engagement with stakeholders in the District on the CoP as part of wider compliance and enforcement work and general engagement with the relevant fishing sectors.
- 1.6 Engagement was sought with representatives from the South Coast Fisherman's Council (SCFC) and the Recreational Angling Sector Group (RASG) as part of this review. The representative for the RASG believed the Voluntary CoP worked well and would be happy for it to continue in its current form, reporting only one incident of non-compliance having been brought directly to their attention. The representative for the SCFC reported that no fishers have been in contact with any issues regarding the CoP and was also happy for it to continue in its current form.
- 1.7 Based on the review of relevant information carried out by Officers and the input from the SCFC and RASG, the CoP will be maintained as a voluntary code of practice with no changes required to the provisions contained within.
- 1.8 Section 36 of the Southern IFCA Standing Orders 2022 relates to powers delegated to the TAC for the purposes of fisheries and marine conservation management throughout the District, with part a) stating "*to consider and approve any proposed changes to existing voluntary measures*". On the basis that the CoP has not undergone any changes, and therefore no decision is required, the review and outcomes are being brought to Members as an item for information.
- 1.9 Monitoring of the success of the CoP will continue through the gathering of information relating to any incidents of non-compliance. On the basis of this information, the IFCA will determine if any future review of this CoP and associated measures is required, retaining the ability for the Authority to consider the introduction of updated measures (including regulatory measures) should the CoP be deemed to not be achieving its objectives.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**List of Background Papers**

Marine and Coastal Access Act, 2009 <https://www.legislation.gov.uk/ukpga/2009/23/section/153>

Net Fishing Around Piers Code of Practice

In order to appropriately balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district and promote the benefits of recreational fishing from piers, **the use of fishing nets, except landing nets and drop nets, should be excluded from within 200m** of the following piers in the Southern IFC District:

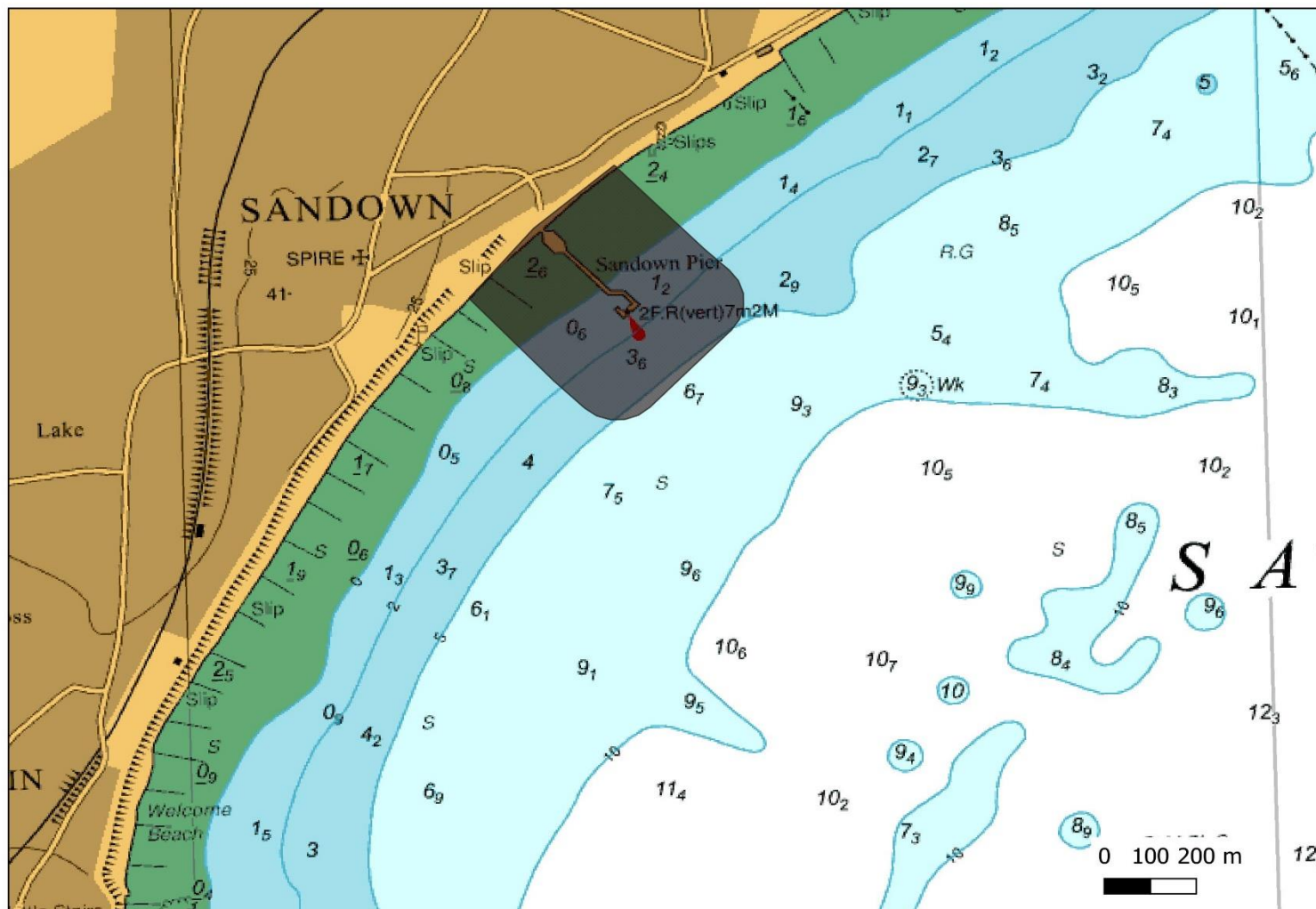
- **Sandown Pier**, Sandown, Isle of Wight;
- **Ryde Pier Head**, Ryde, Isle of Wight;
- **South Parade Pier**, Portsmouth, Hampshire;
- **Yarmouth Pier**, Yarmouth, Isle of Wight;
- **Boscombe Pier**, Bournemouth, Dorset;
- **Bournemouth Pier**, Bournemouth, Dorset;
- **Swanage Pier**, Swanage, Dorset;
- **Weymouth Stone Pier**, Weymouth, Dorset; and
- **Weymouth Pleasure Pier**, Weymouth, Dorset.

EXPLANATORY NOTE

This Code of Practice (CoP) prevents the use of fishing nets, except landing and drop nets, from within 200m of nine piers in the Southern IFC District. These measures aim to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the Southern IFC District. Recreational sea angling is popular activity in the Southern IFC District and the pier locations in this CoP provide important access for participants. Concerns have been raised over the potential for fishing nets, when used near these pier structures, to negatively impact recreational sea angling activity. Landing nets and drop nets are used in these locations by recreational sea anglers as part of their activity. This Code of Practice was developed as a first alternative to a byelaw because sector representatives from the Recreational Angling Sector Group (RASG) and the South Coast Fisherman's Council (SCFC) have identified the potential to address the matter through small changes in fishing practice. Should the COP prove ineffective, Southern IFCA will consider the introduction of regulatory measures.

ANNEX I – NET FISHING EXCLUSION ZONE MAPS

SANDOWN PIER



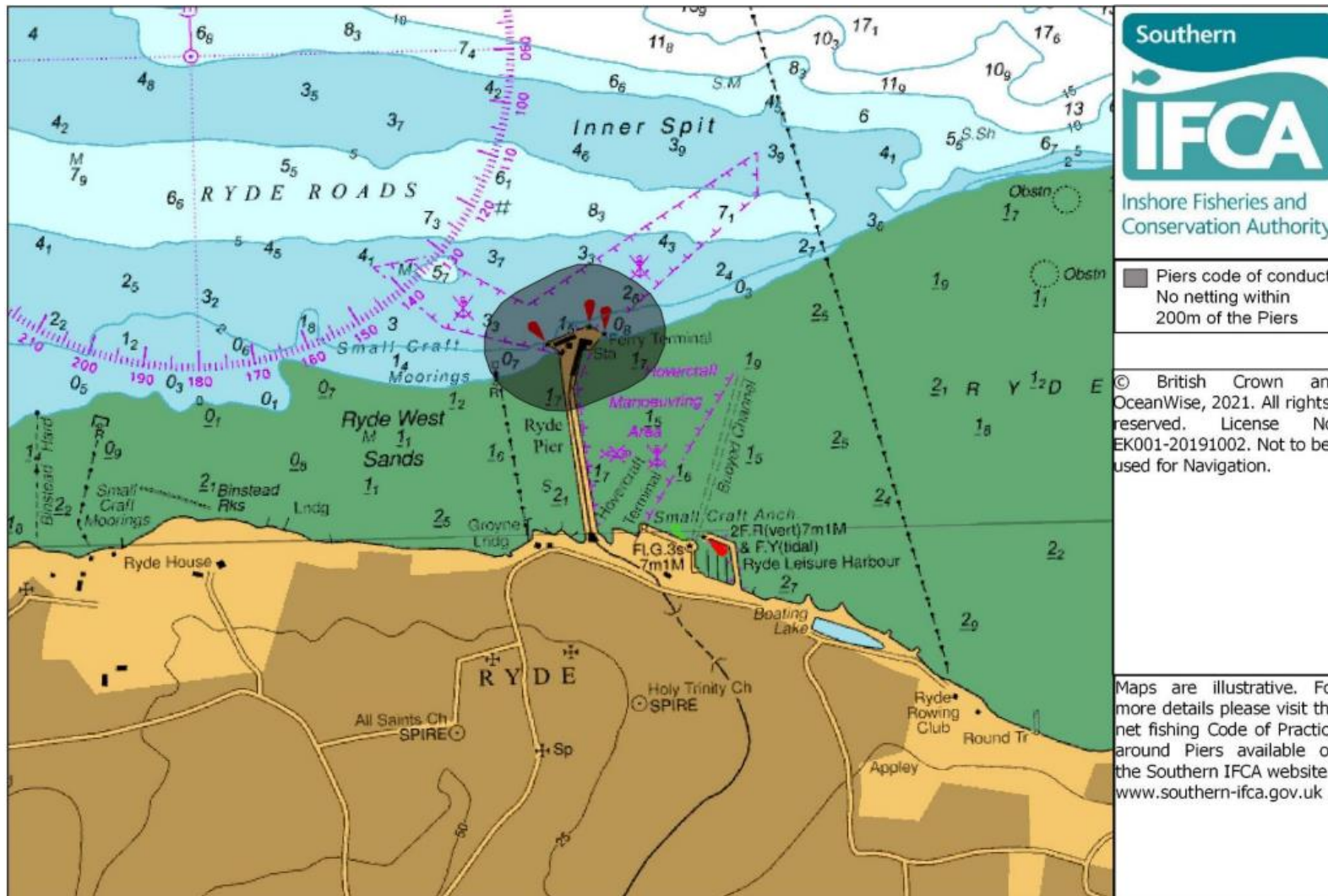
Southern
IFCA
Inshore Fisheries and Conservation Authority

■ Piers Code of Conduct - No Netting within 200m of the Piers

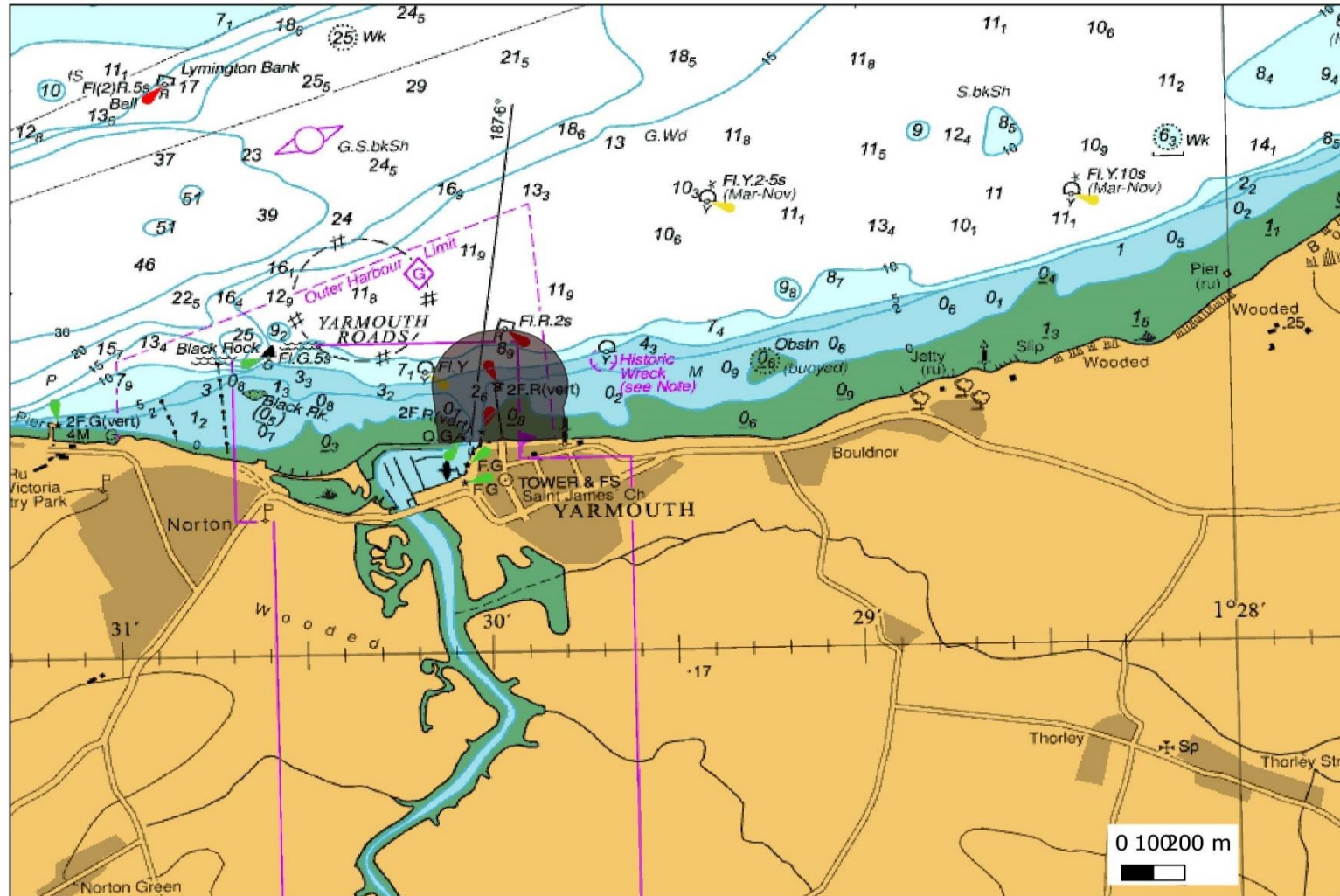
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For more details please refer to the Net Fishing Code of Practice around Piers available at www.Southern-IFCA.gov.uk.

RYDE PIER HEAD



YARMOUTH PIER



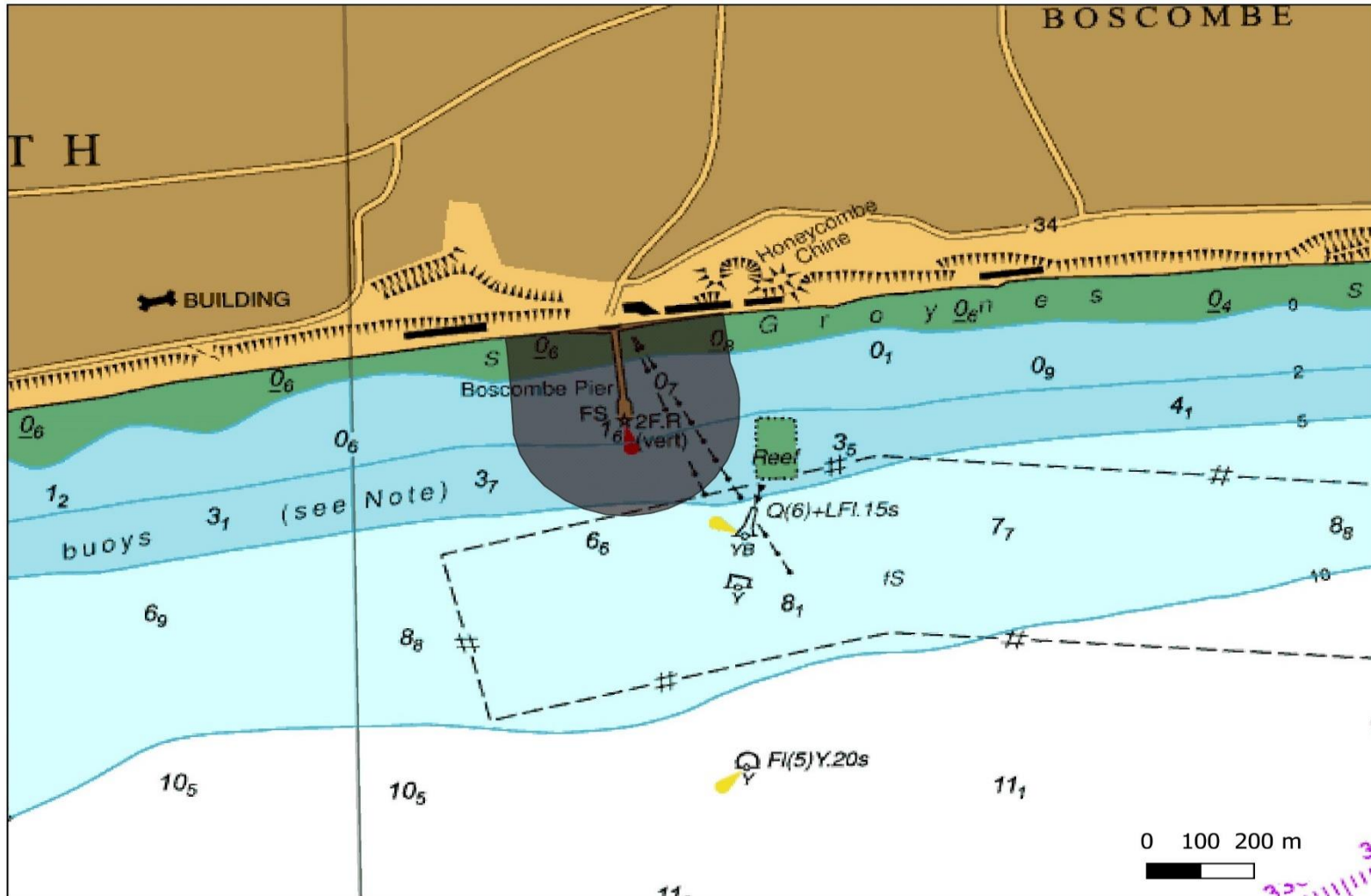
Inshore Fisheries and Conservation Authority

■ Piers Code of Conduct - No Netting within 200m of the Piers

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For more details please refer to the Net Fishing Code of Practice around Piers available at www.Southern-IFCA.gov.uk.

BOSCOMBE PIER



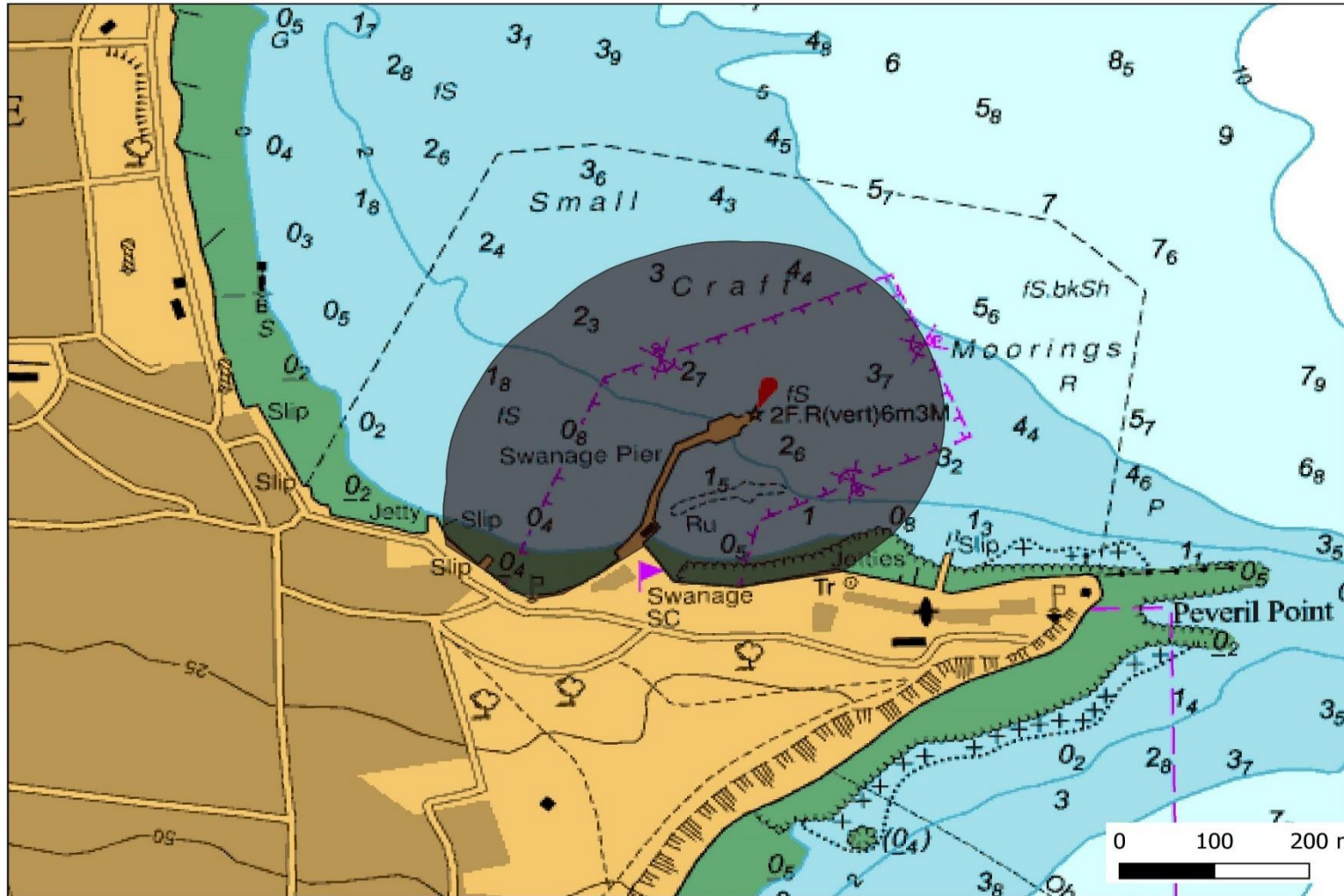
Southern IFCA
Inshore Fisheries and Conservation Authority

■ Piers Code of Conduct - No Netting within 200m of the Piers

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For more details please refer to the Net Fishing Code of Practice around Piers available at www.Southern-IFCA.gov.uk.

SWANAGE PIER



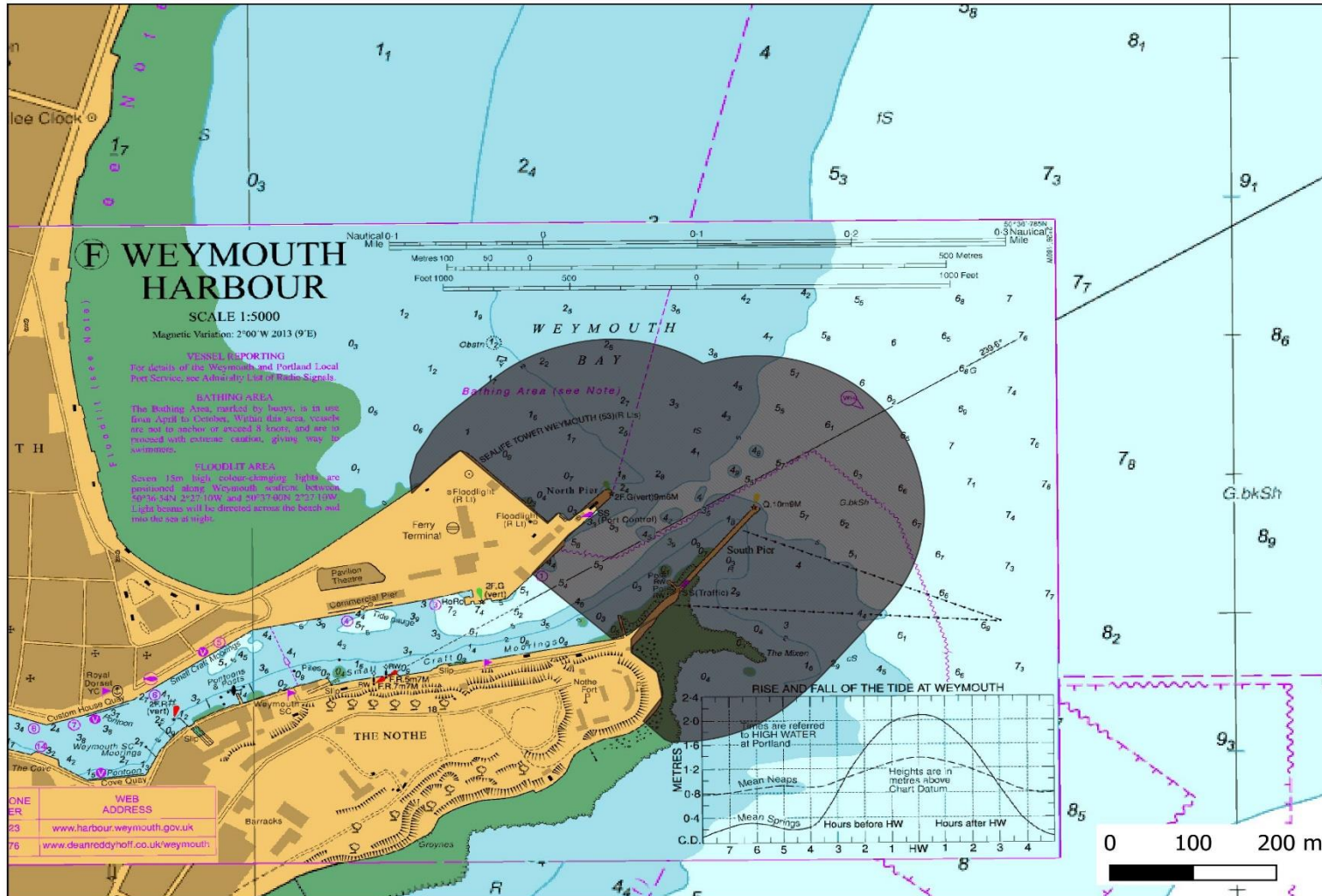
Inshore Fisheries and Conservation Authority

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For more details please refer to the Net Fishing Code of Practice around Piers available at www.Southern-IFCA.gov.uk.

WEYMOUTH PIERS



Inshore Fisheries and Conservation Authority

■ Piers Code of Conduct - No Netting within 200m of the Piers

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For more details please refer to the Net Fishing Code of Practice around Piers available at www.southern-ifca.gov.uk.

OFFICER'S REPORT

FISHERIES MANAGEMENT PLANS

Report by PO Celie Mullen

A. Purpose of the Report

For Members to receive updates on the development of Fisheries Management Plans.

B. Recommendation

That Members note the report.

C. Annex

Annex I: Shellfish FMPs – Early Indications of Potential Management Interventions being Explored through the Drafting Process

1. Background

- 1.1 Fisheries Management Plans (FMPs) are evidence-based action plans set in place under the Joint Fisheries Statement (JFS, [Joint Fisheries Statement link](#)) to carry out objectives of the Fisheries Act 2020. They will ensure the continued provision of a shared natural resource for future generations, through the management of fish stocks, geographical area, and fishing methods.
- 1.2 To ensure the plans are effective, stakeholder engagement is crucial. Throughout the preparation and publication steps, there will be collaborative engagement between the delivery partners and interested parties which includes but is not limited to, conservation bodies, fishing communities (both commercial and recreational), researchers and regulatory authorities.
- 1.3 Once implemented, FMPs will be monitored, reviewed and adapted every 6 years, using statutory review cycles. This ensures the objectives of the plans are continually effective. Throughout each cycle of an FMP it is intended that research will be undertaken and associated reports produced to note the progress of implementation of the FMP in relation to elements such as stock levels of relevant sea fisheries resources, environmental sustainability and other objectives as outlined in the FMP.
- 1.4 6 Frontrunner FMPs have been prioritised for delivery in 2023, to act as a baseline framework for the future development of 43 FMPs listed in the JFS. Plans may be developed by 2 or more fisheries policy authorities while others may be developed by a singular lead.
- 1.5 The Southern IFCA FMPs website page provides informative updates surrounding the planning, preparation and publication of FMPs. This is a source of information and relevant links for each of the frontrunner FMPs and any upcoming stakeholder engagement opportunities ([Fisheries Management Plans: Southern IFCA \(southern-ifca.gov.uk\)](#))

2. Fisheries Management Plans – Update to end of April 2023**2.1 Progress and Timeline**

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The 6 active frontrunner FMPs are as follows:

- **Crab and Lobster FMP** in English Waters, prepared by Seafish.
- **Whelk FMP** in English Waters, prepared by Seafish.
- **King Scallop FMP** in English and Welsh Waters, prepared by Seafish.
- **Channel Demersal Non-Quota Species FMP** in English Waters, prepared by the Marine Management Organisation (MMO).
- **Bass FMP** in English and Welsh Waters, prepared by Policy Lab.
- **Southern North Sea and Eastern Channel Mixed Flatfish FMP** in English Waters, prepared by DEFRA.

Shellfish FMPs (Crab and Lobster, Whelk and Kind Scallop)

FMPs underwent stakeholder engagement in Summer 2022 and draft FMPs were released in Feb 2023. The drafts are now being revised ahead of undergoing public consultation. See Annex 1 for details of early indications of potential management interventions that are being explored through this drafting process.

Channel Demersal Non-Quota Species FMP

Initial informal engagement was held in Summer 2022 through to the end of 2022 to provide baseline knowledge on the outline of the FMP, species that could be involved and the geographical location covered. FMP drafting began in Jan 2023, and throughout Jan-April 2023, further stakeholder engagement was held, asking specific questions on objectives for the FMP and aiming to refine the list of species which would be included based on stakeholder perspective on priority species. Discussions on initial proposed measures are now currently taking place within the FMP Working Group.

Bass FMP

There is an extension on the timeline to initiate the stakeholder engagement process, however, preliminary timelines for final publication have been maintained (end of 2023).

Southern North Sea and Eastern Channel Mixed Flatfish FMP

There is an extension on the timeline to initiate the stakeholder engagement process, however, preliminary timelines for final publication have been maintained (end of 2023).

2.2 Engagement Events

There have been various engagement events across the District, both in person and online. Online sessions have shown increased engagement of relevant stakeholders. This may be due to the nature of the meetings (more accessible, easier to attend, convenient times).

Shellfish FMPs (Crab and Lobster, Whelk and Kind Scallop)

An online event was held on 01/03/2023 and 02/03/2023 to update the progress of the Shellfish FMPs. Attendance numbers were 50 and 75, respectively. The event covered overall feedback from previous engagement, and key aspects of draft objectives (see Annex 1).

Channel Demersal Non-Quota FMP

In person events have taken place across the District with February and March as key stakeholder engagement periods. These were drop-in events to give information to interested parties as well as answering any questions relevant to the FMP.

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The following events were attended by a representative from Southern IFCA:

- 20/02/2023: Poole, Broadstone Conservative Club (session designed to help engagement with RSA sector), ~30 participants
- 21/02/2023: Poole Quay, ~3 participants
- 22/02/2023: Portsmouth Quayside, understood that the MMO had attended this event but engagement was limited due to a closure of the main dock area and the resulting relocation of local fishing vessels
- 07/03/2023: Weymouth, ~5 participants
- 08/03/2023: Lyme Regis, ~6 participants

An online update session was held on 07/03/2023 to highlight the progress of the NQS FMP, and 16 participants were in attendance. A recreational sector update meeting was also held 16/03/2023 with 13 in attendance. A report was published by the MMO in April 2023, outlining the feedback from stakeholder engagement ([Channel Demersal NQS FMP stakeholder engagement feedback document 2023.pdf](#))

Bass FMP

Various initial engagements events were held in person and online throughout October 2022, however, no upcoming events have been publicly scheduled.

Southern North Sea and Eastern Channel Mixed Flatfish FMP

There are no current scheduled engagement events. An email address is provided (FlatFishFMP@defra.gov.uk) for anyone wishing to register their interest in future engagement events.

2.3 General FMP Feedback as observed.

In attending the engagement events, the following points have been picked up in relation to FMPs in general. There is support for the FMPs, a clear interest in collaborative management from the relevant stakeholders and support for increased and improved data collection to help decision making. However, there is concern about the level of transparency with information in the FMPs and how this will be used i.e., to inform management. FMPs leads have highlighted in previous engagement sessions that there will be full transparency in terms of data and evidence and decision making to help build trust with stakeholders. The fishing community also have requested clearer engagement that is accessible to all, which would develop general understanding of the FMP process. It has been suggested that this would help boost support for the FMPs from the fishing industry. In response, FMP leads have aimed to include informative but straightforward infographics and short videos as part of the packages of information on each FMP.

2.4 Additional Information

Southern North Sea and Eastern Channel Mixed Flatfish FMP

There is consideration of changing the FMP preparation lead from DEFRA to the Marine Management Organisation. This would be to aid alignment with the Channel Demersal Non-Quota Species FMP.

Channel Demersal Non-Quota Species FMP

Lemon sole, brill, bib and smoothhound have been added to the NQS FMP after consultation feedback. Commercial fishing stakeholders highlighted through the consultation that all species listed in the FMP are important and valuable to the industry

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and there has been a decline in all species listed within the FMP. MCRS for turbot, dogfish and brill as well as maximum size has also been discussed, along with bag limits for recreational anglers. At this time, these are points for discussion arising from the consultation period, the drafting of this FMP, following consideration of consultation outcomes is outlined in the next section.

Future timelines 2024 onwards

2024: 6 FMPs- Southern North Sea and Eastern Channel Mixed Flatfish FMP, Cockles FMP, North Sea and Channel Sprat FMP, Queen Scallop FMP, Southern North Sea Non-Quota Demersal FMP, Southern North Sea and Channel Skates and Rays FMP.

2025: 4 FMPs- Celtic Sea and Western Channel Demersal FMP, Celtic Sea and Western Channel Pelagic FMP, Black Seabream FMP, Wrasses complex FMP

2.5 Next Steps and Key Dates

Shellfish FMPs

Revisions of drafts are currently being made. Formal Consultation is anticipated for Spring/Summer 2023 before final publication of the 3 FMPs by the end of Autumn 2023.

NQS FMP

The draft is set to be published in Spring 2023 followed by two weeks of public consultation in May to consider feedback and revisions. Formal consultation will begin July/August, led by DEFRA. Final publication is aimed for Dec 2023.

Bass FMP

Defra are aiming for drafting and public consultation in summer 2023 and final publication by Dec 2023.

Southern North Sea and Eastern Channel Mixed Flatfish FMP

Defra are aiming for drafting and public consultation in summer 2023 and publication by Dec 2023.

As per the recommendation from the meeting of the Authority in March 2023, Southern IFCA are preparing to hold Member workshops to consider the anticipated releases of the formal consultations, so that a collective response can be considered.

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FISHERIES MANAGEMENT PLANS

Annex I: Shellfish FMPs – Early Indications of Potential Management Interventions being Explored through the Drafting Process

The following information has been provided as part of ongoing engagement on the Shellfish FMPs (Crab & Lobster, Whelk and King Scallop) as potential 'Early Management Interventions' which are being considered for inclusion in these FMPs. The Formal Consultation on these FMPs anticipated in Spring/Summer 2023 will provide an opportunity for comment and feedback on management interventions which have been included in the FMP.

Crab and Lobster FMP

The following proposed management interventions are being explored in addition to other management measures which will be detailed in the draft FMP for the Formal Consultation.

1. Harmonisation of national lobster and crawfish MLS to 90mm and 110mm respectively.
 - Aim to safeguard stocks, allowing individuals to mature and promoting stock recovery.
2. Prohibiting the landing of 'soft' brown crab.
3. Piloting finer spatial scale management in selected Crab Fisheries Units.
 - Current management is felt to be fragmented between different units.
4. Implementing measures to improve the information base on recreational shellfish catches.
 - Currently recreational fisheries are largely exempt from catch reporting so not all removals are accounted for.

Whelk FMP “Early Management Interventions”

The following proposed management interventions are being explored:

1. Options around managing access to whelk fisheries to stabilise the expansion.
2. Options around seasonal closures to protect spawning stocks. The aim being to allow a greater chance for reproduction and maturity and thus long-term recruitment to the fisheries.

King Scallop FMP

The King Scallop FMP is exploring draft harvest strategies and associated harvest control rules, to date the following is being explored under this approach:

The harvest strategy will:

- Set out the actions required to bring about sustainable management of the fishery and achieve the aims of the FMP.
- Specify a process for conducting assessments and monitoring biological and economic attributes of the fishery.
- Set out the harvest control rules that control fishing effort.
- Be pragmatic, cost effective, transparent, easy to understand and adaptive.

Key principles for the King Scallop Harvest strategy:

- Responsive to state of the stock
- A clear fishery specific strategy

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- Updated as appropriate to meet the management objective.
- The following potential management approaches are also being explored through this FMP:
- Having a high-level management approach at this stage
 - Looking at output controls i.e., a scientifically based catch limit
 - Looking at input controls, i.e., having effort-based control which is reactive to stock levels such as days at sea
 - Use of permanent closures to activity
 - Use of seasonal closures to activity
 - Harmonisation of measures (particularly dredge specification and max dredge permitted) between fisheries and/or areas
 - Use of spatially defined management

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MARKED H

Report by IFCO Cast

A. Purpose of the Report

To provide a quarterly update on Southern IFCA's input into the marine licencing process between January 2023 and April 2023.

B. Recommendation

That members receive and note the report.

1 Background

- 1.1 Marine Licensing is one of the principal responsibilities of the Marine Management Organisation (MMO) as described under Part 4 of the Marine and Coastal Access Act 2009 (MaCAA). This is a delegated power from the secretary of state under the Marine Licensing (delegation of functions order) 2011 (amended). The purpose of marine licensing is to facilitate the sustainable use of the UK marine environment so that economically beneficial activities within the marine environment such as construction, deposits (e.g. of sediment), removals (e.g. of marine aggregates), and dredging can be permitted whilst minimising negative environmental effects and avoiding interference with navigation.
- 1.2 Southern IFCA is a consultee on Marine Licence Applications (MLAs). When an application is submitted to the Marine Management Organisation and is sent out for consultation, the authority is notified and provided the opportunity to comment and provide advice relevant to its remit on marine licence applications with a 21-day consultation period for each application.

2 South Marine Plan

- 2.1 The South Marine Plan introduces a strategic approach to planning within the inshore and offshore waters between Folkestone in Kent and the River Dart in Devon. The aim was to provide a clear, evidence-based approach, to inform marine users and regulators on where activities might take place within the Marine Plan area, allowing for national policies to be applied in a local context. The South Marine Plan came into force in July 2018.
- 2.2 The plan supports the development of proposals by:
 - setting out requirements that apply irrespective of specific location, including how an activity or development is undertaken

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- identifying factors within plan objectives which will improve chances of success within the decision-making process, for example encouraging proposals to sustain local jobs, draw on the local skills base and support diversification
 - providing context for when 'imperative reasons of overriding public interest' are being considered such as the need for nationally significant infrastructure
 - increasing awareness of which other relevant legislation, policy, regulations, existing measures and available guidance should or must be taken into consideration
 - reiterating the importance of other relevant project-level regulation and assessment within the decision-making process
- 2.3 The plan sets out a number of policies aimed to address issues and encourage sustainable development within the marine plan areas. The policies cover a wide range of topics and include activities and uses, economic, social and environmental consideration. 53 policies are found within the South Marine Plan, with 23 of these specific to the area, whereas 30 fulfil nationally relevant policies and are found in other marine plans (e.g. East Marine Plan).
- 2.4 In responding to MLAs the authority should provide advice relevant to its remit as a fisheries regulator and with regard to the South Marine Plan. Annex 1 of this document includes those policies of particular relevance to the work to the exploitation of fishing activities.

3 Southern IFCA Marine Licence Procedure

- 3.1 On receiving a consultation, the application is logged by officers and an initial scoping exercise takes place to consider the application against relevant marine plan policies. Officers consider whether any further evidence/information is available that could be used to provide more information to the MMO on considering that application and consider whether any relevant marine plan policies could be impacted by the project.
- 3.2 Where appropriate to make comment a response letter is drafted highlighting those aspects of the South Marine Plan where there is the potential for conflict, as well as any other concerns or advice. This letter undergoes QA. If any follow up is required, these responses are also subject to QA.
- 3.3 A summary of MLA consultation requests and those highlighted concerns can be found in Table 1. This includes details of the application and any relevant concerns for this reporting quarter (January to April 2023).

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Table 1 – Summary of MLA consultation requests submitted to Southern IFCA that received a response.

| Project Name | Deadline | Application Number | Application Type | Applicant | Summary | Comments made in Southern IFCA Response |
|---|------------|--------------------|----------------------------|---|---|---|
| Dredging at the cooling water intake of Marchwood Energy Recovery Facility | 16/01/2023 | MLA/2022/00484 | Marine License Application | Mr Richard Gledhill VEOLIA E.S HAMPSHIRE LTD Integra South West Energy Recovery Facility Oceanic Way Marchwood industrial Park SO404BD | Facilitate a capital dredge (1,400m ³ material) in 2023 of the cooling water intake channel in Southampton Water, and the potential for annual maintenance dredging to maintain this channel. Up to 14,300m ³ of sediment is proposed to be removed and disposed of at the Nab Tower Offshore Disposal site in the English Channel. NB: Borderline exceedance Action Level 1 for copper, benzo(b)fluoranthene, benzo(e) pyrene and pyrene. | Affected S-FISH-2 Impacts of resuspension need to be explored in relation to dredge site as well as disposal site - potential for resuspension from dredging resulting in sediment bound PAHs becoming remobilised in the water column. Recommended testing for Pyridine to determine suitability for disposal at sea. Recognised that this is an emerging issue but in light of recent study findings suggested testing for this compound would be beneficial. |
| LIFE Recreation ReMEDIES Seagrass Restoration in the Solent and Plymouth | 20/03/2023 | MLA/2022/00526 | Marine License Application | Miss Caitlin Napleton NATURAL ENGLAND - LONDON NOBEL HOUSE 17 SMITH SQUARE LONDON SW1P 3JR | Aim to create 4.29 hectares of subtidal seagrass (<i>Zostera marina</i>) bed habitat as part of the LIFE Recreational ReMEDIES project. The aim is to contribute to restoring favourable condition of Plymouth Sound SAC & Solent Maritime SAC. This will be achieved through the introduction of seed within carrying media into areas of bare subtidal sediment, identified | Affected S-FISH-2 Recognised beneficial aims of the project to the marine environment and relevant marine plan policies. Comments made to aim to support effective delivery. Applicant informed that the proposed area overlaps with |

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| <p>Life Recreational ReMEDIES Seagrass Restoration Plymouth Sound SAC & Solent SAC</p> | <p>21/03/2023</p> | <p>MLA/2022/00530</p> | <p>Marine License Application</p> | <p>Mr Mark Parry NATIONAL MARINE AQUARIUM National Marine Aquarium ROPE WALK PLYMOUTH PL4 0LF</p> | <p>through modelling suitable supporting habitat for Z. marina bed. SCUBA divers will use handheld adapted mortar guns to deploy 10ml of tackifier at 1m intervals containing 20 Z.marina seeds 40mm under the sediment surface. 1 ha will be deployed at a time resulting in 10,000 seed / tackifier pumps totalling 100 litres of carrying media being deployed into sub sediment surface per hecter.</p> <p>The planting will be intermittent through spring and autumn since the creation of the planting media is mixed completed by hand, seeds need to be sown/deployed to the seabed within a 24 hours creation of the planting mix.</p> | <p>existing fishing grounds and does not sit within any fishing prohibited areas so may be subject to fishing activity. Suggested that consideration of areas already closed to certain types of fishing activity would be a beneficial factor to include in any process for identifying suitable areas under the project.</p> <p>Suggested targeted communication with local fishing community prior to commencement of works to be essential in ensuring the viability of the project as well as reducing potential impacts to local fishers. Suggested potential impacts need to be better explored in relation to relevant marine plan policies.</p> <p>Similar comments were raised via a previous license application MLA/2021/00489. Suggested that any parties engaged through that licence application should be re-engaged to ensure most up to date information on fishing activity is captured. An offer to help facilitate that engagement was made.</p> |
| <p>Environmental impact assessment</p> | <p>11/04/2023</p> | <p>EIA/2022/00052</p> | <p>Environmental Impact Assessment</p> | <p>Drew Wrintmore</p> | <p>Strengthening of existing open piled pier to include additional piling and erection of a circa 9 storey hotel</p> | <p>Provided further explanation on the commercial and recreational fisheries that operate in the</p> |

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| <p>Town Quay Marina Redevelopment, Southampton</p> | | | | <p>NICOLAS JAMES LIMITED The Lathe Northbrook Farnham Surrey England GU10 5EU</p> | <p>with associated car parking and new Red Jet passenger terminal with new ferry berths;</p> <ul style="list-style-type: none"> • Reclamation of circa 9,200m² of land below MHWS to enable construction of 4 new residential towers (to include piling); Part demolition of existing office building to create new pedestrian thoroughfare leading to new boardwalks (includes piling) fronting marina along with new public realm & open spaces; • Reconfiguration & extension of existing marina with additional pontoons to increase number of berths (possible piling); • Construction of new breakwaters & construction of wave screens to existing pier below MHWS (possible piling); | <p>Solent. Provided links to relevant documents on the Southern IFCA website.</p> <p>Suggested that there is a need for the application to use more up to date data to help inform reporting on fishing activity in the local area. Links to relevant documents provided.</p> <p>Indicated that fishery recovery programs exist within the Solent e.g. Oyster Restoration Project, Suggested these are referenced in scoping report.</p> <p>Suggested that the issue of underwater noise should be included as a potential impact in the scoping report.</p> <p>Welcomed suggested establishment of a Fisheries Working Group and a Fisheries Liaison Officer, suggested this needs to include representation from recreational and commercial sectors. Offer to help facilitate communications with local industry.</p> |
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() Note that in all Southern IFCA responses, information is provided on local fishing activities, targeted species and, where required, levels of activity.*

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| Annex I – South Coast Marine Plan – Policies of particular relevance to the IFCA | |
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| Policy | Detail |
| S-CO-1 | Proposals will minimise their use of space and consider opportunities for co-existence with other activities. |
| S-FISH-1 | Proposals that support the diversification of a sustainable fishing industry and or enhance fishing industry resilience to the effects of climate change should be supported. |
| S-FISH-2 | Proposals that may have significant adverse impacts on access to, or within, sustainable fishing or aquaculture sites must demonstrate that they will, in order of preference: a) avoid, b) minimise, c) mitigate significant adverse impacts, d) if it is not possible to mitigate the significant adverse impacts, proposals should state the case for proceeding. |
| S-FISH-3 | Proposals that enhance access to, or within sustainable fishing or aquaculture sites should be supported. |
| S-FISH-4 | Proposals that enhance essential fish habitat, including spawning, nursery and feeding grounds, and migratory routes should be supported. Proposals must demonstrate that they will, in order of preference: a) avoid, b) minimise, c) mitigate significant adverse impact on essential fish habitat, including, spawning, nursery, feeding grounds and migration routes. |
| S-MPA-1 | Proposals that support the objectives of marine protected areas and the ecological coherence of the marine protected area network will be supported. Proposals that may have adverse impacts on the objectives of marine protected areas and the ecological coherence of the marine protected area network must demonstrate that they will, in order of preference: a) avoid, b) minimise, c) mitigate adverse impacts, with due regard given to statutory advice on an ecologically coherent network |
| S-MPA-2 | Proposals that enhance a marine protected area's ability to adapt to climate change and so enhance the resilience of the marine protected area network will be supported. Proposals that may have adverse impacts on an individual marine protected area's ability to adapt to the effects of climate change and so reduce the resilience of the marine protected area network, must demonstrate that they will, in order of preference: a) avoid, b) minimise, c) mitigate adverse impacts. |
| S-MPA-3 | Where statutory advice states that a marine protected area site condition is deteriorating, or that features are moving or changing due to climate change, a suitable boundary change to ensure continued protection of the site and coherence of the overall network should be considered. |
| S-MPA-4 | Until the ecological coherence of the marine protected area network is confirmed, proposals should demonstrate that they will, in order of preference: a) avoid, b) minimise, c) mitigate adverse impacts on features ¹⁴ that may be required to complete the network, d) if it is not possible to mitigate adverse impacts, proposals should state the case for proceeding. |
| S-AQ-1 | Proposals for sustainable aquaculture in identified areas of potential sustainable aquaculture production will be supported. Proposals in existing or within potential sustainable aquaculture production areas must demonstrate consideration of and compatibility with sustainable aquaculture production. Where compatibility is not possible, proposals must demonstrate that they will, in order of preference: a) avoid, b) minimise c) mitigate significant adverse impacts on sustainable aquaculture, d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding. |
| S-AQ-2 | Proposals that enable the provision of infrastructure for sustainable fisheries and aquaculture and related industries will be supported. |