Poole Harbour Special Protection Area (SPA)  
Appropriate Assessment  
Issue of Permits under Poole Harbour Dredge Permit Byelaw

<table>
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<th>Title</th>
<th>Issue of Permits under Poole Harbour Dredge Permit Byelaw for 2017-18 season</th>
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<td>Location</td>
<td>Poole Harbour, Dorset</td>
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| Nature/description of the plan or project | Purpose  
To permit the activity of using, retaining on board, storing or transporting a dredge within Poole Harbour.  
Description  
Fishing using a dredge occurs in Poole Harbour primarily for removal of clam and cockle species. The Poole Harbour Dredge Permit Byelaw regulates the wild shellfish fishery in the Harbour through the annual allocation of permit entitlements. The permit conditions regulate catch restrictions and reporting, gear types, gear construction and restrictions, spatial and temporal restrictions and the fitting of specified equipment to vessels. |
| Date recorded | |

This is a record of the appropriate assessment, required by Regulation 61 of the Habitats and Species Regulations 2010 (as amended), undertaken by Southern Inshore Fisheries and Conservation Authority (SIFCA) (formally known as Southern Sea Fisheries District Committee) in respect of the above plan or project, in accordance with the Habitats Directive (Council Directive 92/43/EEC).

Poole Harbour SPA and Ramsar site is afforded protection under the Habitats and Species Regulations 2010 (as amended). Initial advice was provided by Natural England, prior to the introduction of the byelaw in July 2015, on the potential impacts of shellfish dredging on the nature conservation features of Poole Harbour. Natural England advised that without adequate mitigation measures put in place, a likely significant effect on Poole Harbour SPA and Ramsar site from shellfish dredging cannot be excluded, either individually or in combination with other plans or projects.

Having considered that the plan or project may be likely to have a significant effect on the Poole Harbour Special Protection Area (SPA), potential Special Protection Area (pSPA) and Ramsar site, alone or in combination with other plans or projects, and that the plan or project is not directly connected with or necessary to the management of the site, an Appropriate Assessment has been undertaken of the potential impacts of the proposed fishery in view of the SPA, pSPA and Ramsar site integrity and conservation objectives.
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1. **Poole Harbour was designated a SPA because it is:**

1.1 regularly used by over 1% of 3 species (avocet, common tern and Mediterranean gull) listed on Annex 1 of the Birds Directive

1.2 used by 1% or more of two internationally important bird populations (shelduck and black tailed godwit)

1.3 supporting over 20,000 wintering waterfowl (including nationally important populations of dunlin, cormorant, dark-bellied brent geese, teal, goldeneye, red-breasted merganser, curlew, spotted redshank, greenshank, redshank, pochard and black headed gull)

1.4 Under the pSPA it is proposed to extend the seaward extent of the SPA to the Harbour mouth with an additional landward extension in Lytchett Bay. It is also proposed to add a further three qualifying species; Sandwich tern, little egret and Eurasian spoonbill.

2. **Poole Harbour was designated as a Ramsar site because it:**

2.1 regularly supports 20,000 waterfowl

2.2 regularly supports over 1% of avocet, black tailed godwit, common tern, Mediterranean gull and shelduck

2.3 supports an appreciable assemblage of rare, vulnerable or endangered species including a nationally scarce hydroid species *Hartlaubella gelatinosa* and nationally rare sponge *Suberites massa*

2.4 is of special value for maintaining the genetic and ecological diversity of a region because of the quality and peculiarities of its flora and fauna including supporting the nationally scarce plants narrow leaved eelgrass *Zostera augustifolia* and dwarf eelgrass *Zostera noltii*.

3. **Identifying significant effects of the Proposal:**

3.1 Natural England advised, prior to the introduction of the byelaw in July 2015, that shellfish dredging activity could prevent the site from achieving its conservation objections through impacts on the following attributes:

a. Disturbance caused by human activity affecting the foraging and roosting overwintering waterbird assemblage, avocet, black tailed godwit, shelduck and little egret

b. Change in extent and distribution of supporting non-breeding habitat

c. Change in extent, distribution and availability of supporting breeding habitat
d. Disturbance of nesting common tern, Sandwich tern and Mediterranean gull

e. Reduction in key prey species of preferred prey sizes supporting overwintering waterbird assemblage, avocet, black tailed godwit, shelduck and little egret

f. Reduction in key prey species of preferred prey sizes supporting breeding common tern, Sandwich tern and Mediterranean gull

g. Change in physical topography of intertidal feeding areas for black tailed godwits

h. Undermining or compromising conservation measures to maintain or restore structure, function and supporting processes associated with features and supporting habitats

4. Condition of Poole Harbour SPA

4.1 The latest analysis of data spanning over several decades by the British Trust for Ornithology (BTO) recorded declines in a number of some bird species in Poole Harbour. Comparison by BTO of national, regional and local trends suggest that for shelduck, curlew, redshank and lapwing these declines are likely to be due to site-specific pressures while the declining trends of the other species appear to reflect a broad-scale shift in population. For further information see the species accounts under http://www.bto.org/volunteer-surveys/webs/publications/webs-alerts

4.2 Bird count data (WeBs data) analysed by Natural England in 2012 also highlighted declines in the numbers of overwintering birds in some sectors of the Harbour. The data analysis highlighted in particular there was concern regarding declines in some species in Lytchett Bay (shelduck, redshank and dunlin), Brands Bay (shelduck, redshank, dark bellied brent geese, dunlin) and Wych (shelduck, black tailed godwit, dunlin).

4.3 Recent count data confirms that that site regularly supports qualifying numbers of over-wintering little egret (*Egretta garzetta*) and Eurasian spoonbill (*Platalea leucorodia*) and also breeding Sandwich terns (*Sterna sandvicensis*).

4.4 A condition assessment of Poole Harbour SSSI was compiled in 2010. The features of interest of the Ramsar and SPA were also covered in this assessment. The main concern for the assessment is the high inputs of nitrogen into the Harbour and the consequent algal mat growth which is at levels that could impact on bird prey availability and bird foraging behaviour. A further concern is the possible reduction in the abundance and variety of benthic invertebrates with a decline in biomass of some 26% between surveys in 2002 and 2009. This may be due to year to year fluctuations in variability and slight differences in the sampling methodology although the difference is
of sufficient magnitude to cause concern. There is still uncertainty as to the long term effects of pump scoop dredging and other disturbances on invertebrate distribution and abundance (Underhill-Day et al., 2010)\(^1\).

5. **In Combination Assessment**

5.1 When assessing the impact of shellfish dredging on the interest features of the SPA and Ramsar site the assessment is required to look at this activity in combination with other plans and projects that may make the potential effects of shellfish dredging (e.g. effects on bird disturbance and food availability) more significant. There are a number of plans and projects within Poole Harbour that need to be considered:

5.2 **Borough of Poole Core Strategy**

Increase in the number of dwellings in the Borough causing a potential increase in disturbance through an increase in recreational pressure.

A disturbance study in 2012 found the locations where birds were observed to be most frequently flushed in the Poole Harbour were at Bramble Bush Bay (Brands Bay) and south of Arne Bay. In busier areas, activities appeared less likely to result in disturbance events.

5.3 **Wildfowling Consent**

Wildfowling takes place in the western and southern parts of the Harbour between September and February. In order to find their bird quarry, wildfowlers target the quieter areas of the Harbour. Within the area leased by Dorset Wildfowling Association from the Crown, measures to manage disturbance include restrictions in the number of visits, refuge areas (including Arne Bay, the islands, the east side of Brands Bay and Middlebere) and conditions with respect to how the practice of wildfowling takes place in order to minimize disturbance. Areas where additional disturbance would be most significant include Keyworth, Brands Bay, Wych, Newton, Ower and Lychett Bays.

5.4 **Discharge Consents**

Water quality impacts contributing to an increase in algal cover in the Harbour and effects on prey availability.

A condition assessment of Poole Harbour SSSI in 2009 found the biomass and extent of algal cover in Newton Bay, Ower Bay, Brands Bay and Holes Bay was particularly high and would likely have consequential effects on bird food availability.

5.5 Bait digging and bait dragging may also potentially impact on the condition of the site through bird disturbance and effects on food availability with the main areas for activity being Holes Bay and Blue Lagoon. A Memorandum of Agreement for Bait Digging in Poole Harbour is currently in place which states that bait diggers should avoid defined bird sensitive areas during the sensitive period of 1st November to 1st April with additional restrictions in Holes Bay including no digging in the area to the north of the railway line at any time and no digging in the remainder of Holes Bay during January and February. There are also additional provisions requiring backfilling of any holes dug to promote faster recovery of the sediment. Bait digging and other hand worked activities are also prohibited in seagrass beds within Poole Harbour under the ‘Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds’ byelaw.

6. The Poole Harbour Shellfish Fishery

6.1 Between 2012 and 2014 commercial shellfish fishing within Poole Harbour was regulated through a combination of the Poole Fishery Order 1985, a hybrid Regulating and Several Order that licenced the wild clam fishery and provided leased ground for shellfish aquaculture, and the ‘Cockles’ byelaw, regulating commercial cockle fishing. There was also additional commercial clam fishing in areas of the Harbour outside the Poole Fishery Order 1985, namely Brands Bay and Lytchett Bay, and through unlicensed/unregistered fishing activity for both clam and cockle.

6.2 In 2013, the Southern IFCA introduced the ‘Bottom Towed Fishing Gear Byelaw’ to prohibit bottom towed fishing gear activity in seagrass beds, three of which are in the area of Whitley Lake, Poole Harbour. This byelaw prevents all dredging activity, including for both clam and cockle, in these areas which include the defined seagrass bed as well as a buffer zone, determined by a set methodology, to prevent accidental interaction between fishing gear and the habitat.

6.3 On 1st July 2015, the Poole Harbour Dredge Permit byelaw was introduced to regulate the use, retention on board, storage or transportation of a dredge through the allocation of permit entitlements. Simultaneously, the Poole Harbour Fishery Order 2015 was also introduced on 1st July 2015 to allow the promotion and development of aquaculture in the Harbour.

6.4 The 2016-17 dredge fishing season commenced on 1st July 2016 and ran until 23rd December 2016. As agreed with stakeholders, the Authority carried out a review of permit conditions following the end of the first dredge season (2015-16) under the Poole Harbour Dredge Permit byelaw. This review resulted in agreement from the Authority that the fishing season for 2016-17 would end on the 23rd December to facilitate removal of fishing gear and aid compliance at the end of the season. In addition it was agreed to align the permit validity period with the financial year so that the permits for 2017-18 would be valid from 1st April to 31st March from 2017 onwards. In addition, the Authority
agreed to increase the cost of the permit to £500, to introduce a submission deadline for monthly catch return forms of 14 days and a requirement to identify the buyer(s) of the catch for each day fished, to introduce a requirement to acknowledge the legislation and provide contact details on receipt of a permit each year and finally to include within the permit a definition of ‘auxiliary hydraulic equipment’ to reflect the wording of the Poole Harbour Dredge Permit byelaw. These changes were introduced for the 2016-17 permits issued on 1st July 2016. The changes to the permit conditions did not result in the issuing of permits having an adverse effect on the site.

6.5 A maximum of 45 permit entitlements were allocated for 2016-17. During the period 1st July to 23rd December 2016, 44 out of the 45 permit entitlements were taken out with all being actively used. 7 of these permits were issued in October 2016 and were only used for 3 months. Data submitted through the monthly catch return forms indicated that 21 out of the 44 permits were used for all months of the season with the remaining permits used for between 3 and 6 months. Catch data compiled from monthly catch returns submitted by permit holders showed that a total of 160 tonne of manila clam, 10 tonne of cockle and 12 tonne of ‘other’ species (including American Hard Shelled Clams and native clams) were removed from the fishery during the period 1st July to 23rd December 2016 with a total of 13,471 hours fished by permit holders.

6.6 Prior to the introduction of the byelaw in 2015, a total of 18 vessels were recorded as being unregistered and unlicensed fishing for cockle and clam species within Poole Harbour between 1st January 2012 and 1st September 2014. Following the introduction of the byelaw the number of unregistered and unlicensed fishing vessels operating in the Harbour has declined by 75% based on Southern IFCA sightings data and inspection records.

6.7 Fishing Method

Fishing for clam and cockle species in Poole Harbour is carried out through the use of the pump-scoop dredge, a method unique to the Harbour. Both a hand held and trailed form of this dredge have been used in the past. Following the Appropriate Assessment for the Licensed Clam Fishery 2012-2013 the use of trailed dredges was introduced in addition to the use of hand dredges. Following observations, Natural England indicated that there was no difference in the areas that the two dredge methods can fish in terms of proximity to the shore (i.e. potential displacement of birds) and depth (e.g. the likelihood of impacting on marine invertebrates in the channels of the Harbour). Southern IFCA and Southampton University conducted a survey to compare the hand held and trailed dredge methods. This study concluded no difference between the trailed dredging and hand held dredging techniques when comparing short term impacts on infaunal communities. The trailed dredge technique is more widely used as the increased mechanisation reduces the need for an additional crew member and increases health and safety however there has been no observed increase in intensity of the fishery.
when comparing the use of both dredge types to the use of the hand held dredge only.

6.8 Unregistered, Unlicensed Shellfish Fishing Activity

During the 2016-17 dredge season there has been a limited number of instances of illegal dredge fishing by unregistered and unlicensed vessels within Poole Harbour. Fisheries patrol vessel Endeavour has been used to good effect during this period to combat the issues of illegal shellfish harvesting leading to a significant decline in the levels of illegal activity in Poole Harbour during the season. There has also been a significant overall decline in illegal fishing activity for shellfish in the Harbour since the introduction of the byelaw with a 75% decrease in the number of unregistered and unlicensed fishing vessels since 1st July 2015.

7. Poole Harbour Dredge Permit

7.1 The permit issued under the ‘Poole Harbour Dredge Permit’ Byelaw (Appendix 2) regulates the use, retention on board, storage and transportation of a dredge within Poole Harbour.

7.2 Under the permit, a series of conditions are applied (Appendix 3), relating to catch restrictions and reporting; gear types; gear construction and restrictions and spatial and temporal restrictions (see map in Appendix 4). The permit also allows for a requirement to fit specified equipment to vessels.

7.3 There will be a maximum of 45 permit entitlements, reflecting the current level of effort for the 2016-17 season which is seen to be sustainable. The improved regulation provided by the byelaw and associated permit conditions prohibits unregistered/unlicensed dredging activity and provides more effective protection for the Poole Harbour SPA allowing for current levels of effort to be maintained without having an adverse effect on the site.

8. Poole Harbour Dredge Permit Access Policy

8.1 A Policy for the administration of permit entitlements for the Poole Harbour Dredge Permit Byelaw was adopted by the Joint Committee at their meeting on 9th June 2016.

8.2 The Access Policy (Appendix 5) outlines the way in which the Authority administers the allocation of permits under the byelaw and sets out criteria for applicants based on whether they have held a permit during the previous season or are a new entrant. In either case, the vessel for which an application is made must be a relevant fishing vessel as defined in the byelaw and the applicant must be a majority shareholder in that vessel or nominated for that
purpose by a majority shareholder of the vessel provided that the applicant is also named as a shareholder on the vessel’s certificate of registry.

8.3 This ensures that in order to gain a permit there is a rigorous process and set of criteria which will be tested by the Authority. The specified criteria are designed to ensure that permit entitlements are used during the season and that the fishery is open to those with a genuine desire to engage in the commercial shellfish fisheries within the Harbour. The process also prohibits unregistered/unlicensed fishing and creates a robust regulatory mechanism against illegal activity.

9. Mitigation

9.1 The Southern IFCA aims to mitigate potential impacts that may have an adverse effect on the integrity of the Poole Harbour SPA and Ramsar site as a direct result of the proposal. The Appropriate Assessment will aim to manage dredge fishing activity at a level which reflects the current effort recognising that through the mitigation measures outlined in the permit conditions, prohibiting unlicensed/unregistered activity and allowing more effective enforcement of legislation, the effort level of the fishery will be more effectively managed.

9.2 The use of a flexible permit allows the Authority to review the suitability of the permit conditions, attach conditions to the permit and vary or revoke conditions attached to the permit at any time after the permits have been issued, following a set process. Any changes will have regard to the Authority’s duties and obligations under section 153 and 154 of the Marine and Coastal Access Act 2009, advice by Natural England, scientific data and/or any Habitats Regulations Assessment. This flexibility allows proportionate management of the dredge fishery in Poole Harbour whilst achieving the conservation objectives of the site.

9.3 A review of permit conditions was carried out by the Authority following the end of the dredge season in December 2016. The review was triggered by permit holders who requested that the Authority review permit condition 5.3, the timing of the dredge season. The review involved an initial opportunity for permit holders to meet with IFCA Officers and present any feedback on the timing of the dredge season as well as discussion with Natural England. This initial stage resulted in three options for the dredge season being proposed; that the season remains the same as for 2016-17, a harbour zonation scheme and a winter fishery. Feedback from further consultation with permit holders on the three proposed options and advice from Natural England was presented to the Southern IFCA Byelaw Working Group in February 2017. Considering all the available evidence the Byelaw Working Group recommended that the dredge season remain the same as in 2016-17 starting on 25th May and ending on 23rd December. This decision was agreed by the Southern IFCA Joint Authority in March 2017. There is therefore no amendment required to permit condition 5.3 of the Poole Harbour Dredge...
Permit and the outcome of the review does not result in the issuing of permits having an adverse effect on the site.

9.4 The mitigation measures provided by the dredge permit are designed to ensure that the dredge fishery in Poole Harbour will not have an adverse effect on the features and supporting habitats for the site. They reflect the advice from Natural England, which outlines that to protect the SPA, pSPA Ramsar and SSSI, the permit should seek to:

- Provide a network of areas where there is little or no noise and visual disturbance and sediment disturbance including; bird sensitive areas, areas where declines in some bird species have been observed (Brands Bay, Wych Lake and Lytchett Bay) that are likely to be in part attributable to site specific pressures, Mediterranean gull nesting sites at Seagull Island, areas where sediment recovery is likely to be slow (low energy sites), fringing saltmarsh, reedbed and lowland water habitats supporting breeding birds.

- Exclude or manage intensity where high levels of sediment disturbance could result in release of contaminants (Holes Bay).

- Manage shellfish dredging throughout the Harbour in a way that minimises its impact on prey availability and disturbance, for example through restrictions in the number of permits, the design of the pump and dredge used and restrictions in the timing of when the fishery should take place.

- Ensure measures are taken to protect habitats (eelgrass) that are potentially sensitive to damage if they are at risk of exposure to shellfish dredging.

The following section fully defines the mitigation measures against the potential impacts of the dredge fishery in Poole Harbour.

9.5 The Authority has lain down the following mitigation measures for the proposal that will help ensure that shellfish dredging avoids impacts on the following attributes:

a) **Disturbance caused by human activity affecting the foraging and roosting overwintering waterbird assemblage, avocet, black tailed godwit, shelduck, Eurasian spoonbill and little egret**

The frequency, duration and/or intensity of disturbance affecting the foraging and roosting overwintering waterbird assemblage, avocet, black tailed godwit, Eurasian spoonbill, little egret and shelduck should not reach levels which significantly affects the feature.

Natural England advise that shellfish dredging activity can cause noise and visual disturbance to features when taking place a key times of year for overwintering species and in proximity to important feeding and roosting sites.
The significance of this disturbance is likely to depend on the availability of alternative undisturbed areas for birds; and the frequency, seasonality and intensity at which shellfish dredging takes place. Significant numbers of black-tailed godwit are present between September and March; significant numbers of avocet between September and February and significant numbers of shelduck are present between October and March.

- The number of permits issued reflects the number of permit entitlements issued for the 2016-17 season. Improved regulation prohibits unlicensed/unregistered dredging activity and allows more effective enforcement of legislation. In addition, the closure of loopholes from previous regulation i.e. the ability to fish for clam year round in Brands Bay, has resulted in improved enforcement of unregistered/unlicensed fishing (declined by 75% since July 2015) resulting in an overall reduction in dredge fishing effort across the Harbour.

- Dredging is excluded year round from areas identified as preferred feeding and roosting sites for avocet at Holes Bay, Lytchett Bay and the upper reaches of Wych and Middlebere Lakes. These areas provide alternative undisturbed areas for roosting and feeding bird populations throughout the year.

- No fishing vessels are able to access Brownsea Lagoon where avocet preferentially feed, where there are important roosts for avocet, black-tailed godwit, Eurasian spoonbill, little egret and shelduck and components of the waterbird assemblage feed and roost.

- Dredging activity is prohibited between 24th December and 25th May each year, corresponding to the period of highest sensitivity to disturbance due to the likelihood of cold weather and depleted food resources prior to migration. Dredging is therefore prohibited during January to March when significant numbers of black-tailed godwit, shelduck and component species of the waterbird assemblage are present in the Harbour.

- Dredging is excluded from overwintering, feeding and roosting bird sensitive areas at Wych Lake, Middlebere Lake, Newton Bay, Ower Bay, Keysworth Bay and parts of Arne Bay and Brands Bay (Appendix 4) during key sensitive times of the year for bird species between 25th May and 1st July, 1st November and 23rd December. The inclusion of part of Brands Bay provides an additional area afforded protection during sensitive periods.

- Dredging activity is only permitted between 0600 and 1800 each day and is not permitted on a Sunday. This has been a reduction in the hours available to fish when compared to previous regulations for the Harbour.

- There are restrictions in the design and size of the pump and dredge used including a maximum horsepower of 15 for the pump, therefore restricting the noise output to minimise disturbance and the fluidisation of the seabed.
b) Change in extent and distribution of supporting non-breeding habitat

The extent and distribution of suitable habitat (either within or outside the site boundary) which supports overwintering waterbird assemblage, avocet, black tailed godwit, shelduck, Eurasian spoonbill and little egret for all stages of the non-breeding period (moulting, roosting, loafing, and feeding) is maintained.

Natural England advise that the main 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 shellfish dredging if it takes place within this habitat. The direct impact of shellfish dredging on seagrass beds is significant through uprooting shoots and cutting through shoots which immediately reduces seagrass density and biomass.

- The Southern IFCA ‘Bottom Towed Fishing Gear Byelaw’ prohibits bottom towed fishing gear activity within designated seagrass beds in Whitley Lake in Poole Harbour (Appendix 6). The byelaw has been in place since December 2013 and there have been no recording breaches of the legislation since it was introduced. Currently, the Authority is seeking confirmation for the ‘Bottom Towed Fishing Gear Byelaw 2016’ which will replace the ‘Bottom Towed Fishing Gear Byelaw’. The new byelaw includes the same prohibitions on bottom towed fishing gear activity within the Harbour’s designated seagrass beds so protection of these habitats will be maintained.

c) Change in extent and distribution of supporting breeding habitat

The extent, distribution and availability of suitable breeding habitat which supports common tern, Sandwich tern and Mediterranean gull for all stages of their breeding cycle (courtship, nesting, and feeding) is maintained.

Mediterranean gulls nest primarily at Seagull Island in the Wareham Channel. Shellfish dredging, if taking place in close proximity to saltmarsh nesting sites could potentially cause erosion of this supporting breeding habitat. Common and Sandwich tern nest at Brownsea Lagoon.

- No fishing vessels are able to access Brownsea Lagoon.

- The dredge fishing season runs between 25th May and 23rd December each year. Dredge fishing activity will not take place between the start of the key Mediterranean gull breeding period (1st April) and the 25th May.

- Dredging activity is only permitted between 0600 and 1800 each day and is not permitted on a Sunday. This has been a reduction in the hours available to fish when compared to previous regulations for the Harbour.
The Southern IFCA ‘Poole Harbour Roosting Sites Code of Practice (CoP)’ (Appendix 7) aims to avoid disturbance to nesting and roosting bird species and promote the protection of supporting breeding habitat within specific areas of Poole Harbour. During pervious dredge seasons all permit holders complied with the CoP.

An increase in the overall area of Poole Harbour available to dredge fishing activity during the period of 1\textsuperscript{st} July to 31\textsuperscript{st} October, encompassing the sensitive period for Seagull Island allows for the spread of effort more widely across the Harbour, reducing overall effort in the vicinity of Seagull Island.

d) Disturbance of nesting common tern, Sandwich tern and Mediterranean gull and effects on breeding population (productivity and survival)

The frequency, duration and/or intensity of disturbance affecting nesting common tern and Mediterranean gull should not reach levels which substantially affects the feature. 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 for all stages of its breeding cycle (courtship, nesting, feeding) is maintained.

Natural England advise that disturbance of Mediterranean gull nesting sites from fishing taking place in proximity to Seagull Island could cause a decline in the annual productivity or breeding success of the population (i.e. the number of chicks successfully raised per breeding pair per year) and this may adversely affect the overall size and structure of the breeding population and its long term viability. There is also common tern nesting sites at Brownsea Island.

The dredge fishing season runs between 25\textsuperscript{th} May and 23\textsuperscript{rd} December each year. Dredge fishing activity will not take place between the start of the key Mediterranean gull breeding period (1\textsuperscript{st} April) and the 25\textsuperscript{th} May.

The Southern IFCA ‘Poole Harbour Roosting Sites Code of Practice (CoP)’ (Appendix 7) aims to avoid disturbance to nesting and roosting bird species and promote the protection of supporting breeding habitat within specific areas of Poole Harbour with particular reference to avoiding disturbance of Mediterranean gulls for the period when the breeding (1\textsuperscript{st} April to 1\textsuperscript{st} August) overlaps with the dredge fishing season under the permit.
The code of practice sets out the following provisions to minimise disturbance to breeding and roosting bird species and promote the protection of supporting breeding habitat within specific areas of Poole Harbour:

- Avoid fishing in close proximity to saltmarsh areas
- When moving around areas of saltmarsh keep speed to a maximum of 6 knots
- Avoid landing or disembarking on any saltmarsh area
- Avoid contact between a vessel and any part of the saltmarsh
- When operating in areas defined under section 5.4 of the Poole Harbour Dredge permit during the period when these areas are open between 1\textsuperscript{st} July and 1\textsuperscript{st} November avoid excessive noise, beyond that caused by deployment of gear

The code of practice sets out the following provisions to minimise disturbance of Mediterranean Gull between 25\textsuperscript{th} May and 1\textsuperscript{st} August:

- Avoid dredge fishing between the three parts of Seagull Island
- Avoid contact between a vessel and any part of Seagull Island
- When moving around or between parts of Seagull Island keep speed to a maximum of 6 knots
- Avoid excess noise, beyond that caused by deployment of gear, when in close proximity to any part of Seagull Island

During pervious dredge seasons all permit holders complied with the CoP. Compliance with the CoP will continue to be monitored.

- An increase in the overall area of Poole Harbour available to dredge fishing activity during the period of 1\textsuperscript{st} July to 31\textsuperscript{st} October, encompassing the sensitive period for Seagull Island allows for the spread of effort more widely across the Harbour, reducing overall effort in the vicinity of Seagull Island.
- Fishing vessels are unable to access Brownsea Lagoon which is identified as the site of principle and possibly only nesting colony of Sandwich terns within Poole Harbour as well as an area where common tern are known to breed.

\textbf{e) Reduction in key prey species supporting overwintering waterbird assemblage, avocet, black tailed godwit, shelduck and little egret}

Maintain the overall prey availability of key prey species of preferred prey sizes which supports overwintering waterbird assemblage, avocet, black tailed godwit and shelduck.
Natural England advise that sediment disturbance as a result of shellfish dredging can potentially impact on bird prey availability, prey size and the birds ability to forage. This can be through removal (mortality) of target and non-target species and impacts on non-target prey availability through changes in habitat structure of the intertidal sediment communities. Survey work to assess sediment structure and infaunal composition indicated that due to the large variety of other activities occurring in the Harbour such as illegal clam fishing, anthropogenic pollution and bait dragging, it was difficult to isolate effects of the licensed clam dredging activity on infaunal communities and that pump-scoop fishing did not appear to have a significant impact of its own when other factors were taken into account (Main, 2005).

Shelduck is currently in decline (which has been attributed at least in part to site specific pressures). Shelduck feed throughout the Harbour, favouring the areas of Keysworth, Holes Bay and Brands Bay (Pickess, 2007)\(^2\). Areas where avocet preferentially feed are relatively small heightening the importance of maintaining key prey items in these areas (Brownsea Lagoon, Wych Lake, Middlebere Lake and upper parts of Holes Bay). Further data from Caldow et al., 2007\(^3\) indicates that the manila clam is exploited by oystercatchers during the winter lean period from mid-January providing an important food source. The prohibition on dredge fishing activity from 24\(^{th}\) December to 25\(^{th}\) May mitigates over-wintering bird disturbance during this lean period.

- The number of permits issued reflects the number of permit entitlements issued for the 2016-17 season. Improved regulation prohibits unlicensed/unregistered dredging activity and allows more effective enforcement of legislation. In addition, the closure of loopholes from previous regulation i.e. the ability to fish for clam year round in Brands Bay, has resulted in improved enforcement of unregistered/unlicensed fishing (declined by 75% since July 2015) resulting in an overall reduction in dredge fishing effort across the Harbour.

- Dredging is excluded from overwintering, feeding and roosting bird sensitive areas at Wych Lake, Middlebere Lake, Newton Bay, Ower Bay, Keysworth Bay and parts of Arne Bay and Brands Bay (Appendix 4) during key sensitive times of year for bird species between 25\(^{th}\) May and 1\(^{st}\) July, 1\(^{st}\) November and 23\(^{rd}\) December.

- Dredging is excluded year round from areas identified as preferred feeding and roosting sites at Holes Bay (shelduck), Lytchett Bay and the upper reaches of Wych and Middlebere Lakes (shelduck). These areas provide alternative undisturbed areas for roosting and feeding bird populations throughout the year. These sites are also identified as being lower energy sites therefore the year round exclusion of dredge activity will prevent disturbance of the sediment structure in these sites by this activity.


• Brands Bay has been included as an additional bird sensitive area where dredging will be prohibited during key sensitive times of the year for bird species between 25th May and 1st July, 1st November and 23rd December.

• Dredging is excluded all year round from Holes Bay (an area known in parts to have a high level of metal contamination within the sediment). This avoids the release of heavy metals from sediment disturbance by shellfish dredging which could also impact on prey availability.

• Dredging will not have a direct impact of the prey of fish eating species with no interaction between the gear used and these species in the water column.

• Dredging activity is only permitted between 0600 and 1800 each day and is not permitted on a Sunday. This has been a reduction in the hours available to fish when compared to previous regulations for the Harbour.

• Restrictions on the design of the dredge and pump used will limit the efficiency of the activity and the quantity of species removed. Dredges must be constructed of rigid bars having spaces of not less than 18mm between them. The overall dredge size is restricted to 460mm in width by 460mm in depth by 300mm high and the contents of the dredge may only be removed after the dredge has been lifted into the vessel.

• Only one pump is permitted on board any vessel and any hoses connected to the pump and/or dredge should have a diameter of no greater than a 3 inch inlet and a 3 inch diameter outlet. The maximum horsepower of the pump is restricted to 15.

• A riddle with 18mm bar spacing is mandatory for the sorting of shellfish and any shellfish must be sorted, with any discards re-deposited, forthwith. Within the Southern IFCA District, 18mm dredge and riddle spacing has been found to allow the retention of 79-99% of clams greater than 35mm in length (the European minimum size) and only 5-10% of clams less than 35mm.

f) **Reduction in key prey species supporting breeding common tern, Sandwich tern and Mediterranean gull**

Maintain the overall prey availability of key species of preferred prey sizes which supports common tern, Sandwich tern, little egret, Eurasian spoonbill and Mediterranean gull.

Natural England advise that sediment disturbance as a result of shellfish dredging can potentially impact on bird prey availability, prey size and the birds ability to forage. This can be through removal (mortality) of target and non-target species and impacts on non-target prey availability through changes in habitat structure of the intertidal sediment communities. Dredging
activity is less likely to pose a risk to the prey availability of common tern and Mediterranean gull as dredging will not directly impact the terns fish prey, while gulls have a wide ranging diet.

- The number of permits issued reflects the number of permit entitlements issued for the 2016-17 season. Improved regulation prohibits unlicensed/unregistered dredging activity and allows more effective enforcement of legislation.

- The sheltered areas in Poole Harbour of Holes Bay, Lychett Bay and the upper Wych Lake and Middlebere Lake, which are subject to lesser degrees of wave and tidal action, are excluded from the fishery all year round, providing areas where there will be no removal of target or non-target species and preserving areas highlighted as preferential feeding areas for Avocet. Caldow et al. (2005)\(^4\) found that the quieter, sheltered areas of Poole Harbour, including Lychett Bay showed greatest numerical densities of macro-invertebrates in the intertidal mudflats. In addition, no fishing vessels are able to access Brownsea Lagoon providing another area where no target or non-target species will be removed by dredge fishing.

- Restrictions on the design of the dredge and pump used will limit the intensity of the activity and the quantity of species removed. Dredges must be constructed of rigid bars having spaces of not less than 18mm between them. The overall dredge size is restricted to 460mm in width by 460mm in depth by 300mm high and the contents of the dredge may only be removed after the dredge has been lifted into the vessel.

- Only one pump is permitted on board any vessel and any hoses connected to the pump and/or dredge should have a diameter of no greater than a 3 inch inlet and a 3 inch diameter outlet. The maximum horsepower of the pump is restricted to 15.

- A riddle with 18mm bar spacing is mandatory for the sorting of shellfish and any shellfish must be sorted, with any discards re-deposited forthwith. Within the Southern IFCA District, 18mm dredge and riddle spacing has been found to allow the retention of 79-99% of clams greater than 35mm in length (the European minimum size) and only 5-10% of clams less than 35mm.

- Monitoring has been carried out in 2015 under a project run by Bournemouth University to assess soft sediment habitats and invertebrate community's pre and post the start of the dredge season. In addition, the Southern IFCA carries out an annual bivalve stock assessment survey prior to the opening of the dredge season to assess the clam and cockle populations across the Harbour.

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g) **Change in physical topography of intertidal feeding areas for black tailed godwits**

Maintain the density of channel networks within intertidal feeding areas for black tailed godwits.

Natural England advise that intense fishing could possibly alter the natural channel networks within intertidal feeding areas for black tailed godwits.

- The number of permits issued reflects the number of permit entitlements issued for the 2016-17 season. Improved regulation prohibits unlicensed/unregistered dredging activity and allows more effective enforcement of legislation.

- The increase in overall area of Poole Harbour available for shellfish dredging will further reduce intensity over any one specific site.

- Dredging activity is only permitted between 0600 and 1800 each day and is not permitted on a Sunday. This has been a reduction in the hours available to fish when compared to previous regulations for the Harbour.

h) **Conservation Measures - Management measures to maintain or restore structure, function and supporting processes associated with features and supporting habitats are undermined or compromised**

In order to manage bird disturbance in Poole Harbour, the Poole Harbour Aquatic Management Plan has identified bird sensitive areas where visual and noise disturbance is likely to be particularly significant to the bird features. Users of Poole Harbour are asked to avoid these areas at key times of the year (Nov-Mar for overwintering bird sensitive areas and Apr-Jun for breeding bird sensitive areas) if carrying out activities that may disturb the birds. These areas are Keysworth, Arne Bay, Wych Lake, Middlebere Lake, Newton Bay, Ower Bay, Brands Bay and parts of Lytchett Bay and Holes Bay.

- The number of permits issued reflects the number of permit entitlements issued for the 2016-17 season. Improved regulation prohibits unlicensed/unregistered dredging activity and allows more effective enforcement of legislation.

- Dredging is excluded year round from areas identified as preferred feeding and roosting sites for avocet at Holes Bay, Lytchett Bay and the upper reaches of Wych and Middlebere Lakes. These areas provide alternative undisturbed areas for roosting and feeding bird populations throughout the year.
Dredging is excluded from overwintering, feeding and roosting bird sensitive areas at Wych Lake, Middlebere Lake, Newton Bay, Ower Bay, Keysworth Bay and parts of Arne Bay and Brands Bay (Appendix 4) during key sensitive times of year for bird species between 25th May and 1st July, 1st November and 23rd December. The inclusion of part of Brands Bay provides an additional area afforded protection during sensitive periods.

The development and continued review of management through extensive consultation with stakeholders involved in the dredge fishery helps to ensure proportionate management whilst achieving conservation objectives, resulting in higher levels of compliance with the regulations.

At any time after the permits have been issued, the Authority may review the suitability of permit conditions, attach conditions to the permit and vary or revoke conditions attached to the permit following a set process and having regard to the Authority’s duties and obligations under section 153 and 154 of the Marine and Coastal Access Act 2009, advice by Natural England, scientific data and/or any Habitats Regulations Assessment.

i) Poole Harbour Special Protection Area extension, pSPA

In response to a review of information from the Joint Nature Conservation Committee (JNCC), breeding seabird data and distribution and abundance data for waterbirds in Poole Harbour, Natural England have identified additional areas and species that need to be considered for protection under the SPA. The recommendation from this review is to extend the Poole Harbour SPA to include all areas below Mean Low Water mark which lie within the Harbour entrance to ensure that all areas of marine habitat which are exploited for resting, roosting or feeding are included. Also, the recommendation is for the addition of three species; Sandwich tern, spoonbill and little egret for which Poole Harbour regularly supports greater than 1% of the population. The proposed extension became a potential SPA (pSPA) on 21 January 2016 and the features and species proposed for inclusion are considered as part of this Appropriate Assessment.

10. Site Condition

10.1 Bird count data (WeBs data) analysed by Natural England in 2012 highlighted a decline in the number of overwintering birds in some sectors of Poole Harbour including Lytchett Bay (shelduck, redshank and dunlin), Brands Bay (shelduck, redshank, dark bellied brent geese, dunlin) and Wych Lake (shelduck, black tailed godwit, dunlin). The areas of Lytchett Bay and the upper reaches of Wych Lake will be prohibited to dredge fishing activity at all times and the lower reaches of Wych Lake along with Brands Bay will be prohibited to dredge fishing activity during key sensitive times of year for roosting, feeding and breeding birds between 25th May and 1st July and 1st
November to 23rd December. Dredging is prohibited in all areas of the Harbour during the most sensitive period of 24th December to 25th May each year.

10.2 The main concern from the Condition Assessment of the Poole Harbour SSSI, carried out in 2010, was high inputs of nitrogen into Poole Harbour and the consequent algal mat growth which is at levels that could impact on bird prey availability and bird foraging behaviour. The main inputs of nitrogen to the system are from diffuse agricultural sources and it could be an extended period of time before these levels of nitrates in groundwater entering the Harbour begin to decline. In the meantime there is little that can be done to reduce algal mat growth.

10.3 A further concern is the possible reduction in the abundance and variety of benthic invertebrates with a decline in biomass of some 26% between surveys conducted in 2002 and 2009. The differences seen may be due to year to year fluctuations in natural variability and differences in the sampling methodology however changes are still at a magnitude to cause concern and require future surveys. The prohibition of dredge fishing activity seasonally and temporally increases the protection afforded to these areas of the Harbour by creating areas that are permanently closed and adding a bird sensitive area at Brands Bay which did not form part of the previous management scheme under the Southern IFCA byelaw ‘Prohibition on using or carrying a shellfish dredge, scoop or handrake in certain areas of Poole Harbour’.

10.4 There is no clear evidence to indicate that there is a long term significant effect of legal shellfish dredging by pump scoop dredge on infaunal community composition and survey work to assess sediment structure and infaunal composition indicated that due to the large variety of other activities occurring in the Harbour, such as illegal clam fishing, anthropogenic pollution and bait dragging, it was difficult to isolate effects of the licensed clam dredging activity on infaunal communities and that pump-scoop fishing did not appear to have a significant impact of its own when other factors were taken into account (Main, 2005).

10.5 Further data from Caldow et al., 2007 indicates that the Manila clam is exploited by oystercatchers during the winter lean period from mid-January providing an important food source. The prohibition on dredge fishing activity from 24th December to 25th May mitigates over-wintering bird disturbance during this suggested lean period.

11. Future Monitoring

11.1 Avoiding disturbance of breeding Mediterranean gulls and impacts on the saltmarsh habitat

Monitor compliance with the Poole Harbour Roosting Sites Code of Practice (CoP) and its success as a measure to avoid disturbance to breeding and
roosting bird species and promote the protection of supporting breeding habitat within certain areas of Poole Harbour. This will be assessed as part of existing compliance patrols in the Harbour.

11.2 Avoiding impacts on the food availability

A survey was carried out in 2015 to assess the impacts of pump-scoop dredging on the soft-sediment habitats and invertebrate communities within Poole Harbour. The survey involved the collection of sediment and invertebrate cores in some of the areas defined under the permit as open during 1\textsuperscript{st} July to 31\textsuperscript{st} October (Keysworth, Arne Bay, Wych Lake, Middlebere Lake, Brands Bay, Ower Bay, Newton Bay).

The survey was a Before-After-Control-Impact design and compared samples taken 7 days prior to the opening of the dredge fishing season in 2015 (1\textsuperscript{st} July 2015) to those taken at 7 and 30 days after the opening of the dredge fishing season. This allows for multiple comparisons between sites and accounts for temporal variations in measured outcomes during analysis. Sediment characteristics were determined using particle size analysis and invertebrate communities assessed to the lowest possible taxonomic level. The survey was carried out using a local fishing vessel, allowing primary stakeholder engagement in the process of assessing the fishery. The results from this survey are currently in draft form but indicate that there is no large-scale change in the overall biotope of the study sites with the identification that similar work would be beneficial in future years to assess for any longer term changes to the sites.

Since 2003, a Poole Harbour Bivalve stock survey has taken place with subtle alterations to the methodology in 2009, 2010 and 2011. Sampling has taken place annually with the last survey carried out in June 2015. There were further modifications to the survey in 2015 with samples being collected using a pump-scoop dredge to ensure that the data collected was more comparable to the fishing method employed by the permit holders. 23 shellfish beds were defined across the Harbour with between 1 and 5 dredges taken within each bed depending on size. For each sample, the clam species and cockles were separated out and each individual measured across the maximum dimension to the nearest millimetre. Each sample was then weighed before being returned alive to the fishery.

Comparisons between data collected as part of the survey in 2015 and previous years are limited due to the change in the method of sampling however the data collected in 2015 provided a baseline against which future survey data is compared. The survey was repeated in May 2016 using the same method of obtaining samples from a fishing vessel using a pump-scoop dredge. Additional shellfish beds were sampled in 2016 bringing the total number of sites to 27, ensuring that the sampling was representative of the whole Harbour including all the main fishing areas used during the dredge season. The number of dredges per shellfish bed were standardised to three. As in 2015 samples of clam species and cockle were retained, measured and
weighed before being returned alive to the fishery. In addition, in 2016, a second survey was carried out to assess the juvenile populations of clam and cockle. The same 27 sites were sampled using a specially designed hand-held dredge which was used to sample a 1m long section of the seabed. As with the pump-scoop dredge, three samples were taken for each shellfish bed. The samples obtained using this method were sieved with the shellfish retained for analysis in terms of numbers of juveniles of different species and size measurements. The combination of both parts of the survey in 2016 will allow a better understanding of the clam and cockle populations in the Harbour as a whole and will give an indication of the proportion of the population which could be recruited to the fishery in future years.

The 2016 survey methodology will be carried out annually. The data will also be analysed as part of a PhD project looking at sustainable fisheries management in Poole Harbour.

11.3 Monitoring of fishing effort and compliance will be carried out as part of existing compliance patrols as well as target enforcement work as required, this will include monitoring of key times of the year and key parts of the site for the SPA bird features.

12. Conclusion

12.1 Taking into account all the information provided in the Appropriate Assessment, it is the opinion of the Authority that the issuing of permits for the 2017-2018 season under the Poole Harbour Dredge Permit Byelaw will not prevent the site from achieving its conservation objectives and will have no adverse effect upon the integrity of the Poole Harbour SPA, pSPA and Ramsar site. Through the criteria required to be eligible for consideration of a permit and the permit conditions, as outlined in Appendix 3, the rationale for this assumption is:

12.2 That the number of permits issued remains at 45. The number of permits will continue to be capped at this level for the 2017-18 season. Improved regulation through the permit prohibits unlicensed/unregistered dredging activity, with a decrease of 75% in illegal activity since 1st July 2015, and provides more effective enforcement of the legislation which has resulted in an overall reduction of dredge fishing effort across Poole Harbour.

12.3 That the permit conditions specifying restrictions on catch reporting, gear type and gear construction as well as defining spatial and temporal restrictions will continue to mitigate against any potential impact of the fishery on the features and supporting habitats of the site.

12.4 That the use of a flexible permit allows the Authority to review the suitability of the permit conditions, attach conditions to the permit and vary or revoke conditions attached to the permit at any time after the permits have been issued, following a set process. Changes can therefore be made having
regard to the Authority’s duties and obligations under sections 153 and 154 or the Marine and Coastal Access Act 2009, advice by Natural England, scientific data and/or any future Habitats Regulations Assessment.

12.5 That monitoring of the fishery continues to take place as outlined in section 11 to monitor the outcomes of the mitigation put in place and assessed under this Assessment, so as to conclude that the activity is not preventing the site from achieving its conservation objectives.

Decision

That the Southern Inshore Fisheries and Conservation Authority issues 45 permits for the 2017-2018 season under the Poole Harbour Dredge Permit Byelaw to permit the activity of using, retaining on board, storing or transporting a dredge within Poole Harbour.
Table A: Southern Inshore Fisheries and Conservation Authority Appropriate Assessment table for the Poole Harbour SPA showing the potential for issuing permits to use, retain on board, store or transport a dredge within Poole Harbour under the Poole Harbour Dredge Permit Byelaw to affect designated status

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<th>POTENTIAL IMPACT</th>
<th>NATURE AND LIKELIHOOD OF IMPACT OCCURRING</th>
<th>PREVENTATIVE MEASURES</th>
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</table>
| Internationally important populations of regularly occurring Annex 1 bird species (e.g. avocet) | All habitats | Disturbance caused by human activity (minimising disturbance) | The frequency, duration and/or intensity of disturbance affecting foraging and roosting should not reach levels that substantially affects the feature. | Shellfish dredging activity can cause noise and visual disturbance (either alone or in combination with other plans and projects) to the feature when taking place at key times of the year for the overwintering species and in proximity to important feeding and roosting sites. The significance of this disturbance is likely to depend on the availability of alternative undisturbed areas for birds; and the frequency, seasonality and intensity at which shellfish dredging takes place. | Avocet are present in large numbers between September and February. Avocet have a localised distribution with respect to their preferred feeding (Wych Lake, Middlebere Lake and Brownsea Lagoon) and roosting sites (Brownsea Lagoon, the further reaches of Wych Lake and Middlebere Lake and north of Holes Bay). This is possibly linked to the distribution of their prey. Disturbance should be minimised across the site at key times of the year for this species but it is particularly important that disturbance of this feature is kept to a minimum at the locations listed above due to the lack of suitable alternative supporting habitat. | o Exclusion of dredging year round from Holes Bay, Lytchett Bay, upper Wych Lake and Middlebere Lake covers areas identified as preferred feeding and roosting sites for avocet.  
o No fishing vessels are able to access Brownsea Lagoon where avocet preferentially feed and roost.  
o Disturbance is avoided in other areas of the Harbour through:  
o The number of permits issued reflects the current number of permit entitlements issued for the 2016-17 season. Improved regulation prohibits unlicensed/unregistered dredging activity and allows more effective enforcement of legislation.  
o Dredging activity is prohibited between 24th Dec and 25th May each year. This corresponds with the period of highest disturbance sensitivity due to the likelihood of cold weather and depleted food resources prior to migration.  
o During the dredge fishing |
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| Internationally important populations of regularly occurring Annex 1 bird species (e.g. Mediterranean gull, common tern, Sandwich tern) | All Habitats        |                                                                                         |                                                                     |                                                                                  |                                          | - The dredge fishery season runs between 25<sup>th</sup> May and 23<sup>rd</sup> December each year. Dredge fishing activity will not take place between the start of the key Mediterranean gull breeding period (1<sup>st</sup> April) and the 25<sup>th</sup> May.  
- The Southern IFCA ‘Poole Harbour Roosting Sites Code of Practice (CoP)’ aims to avoid disturbance to nesting and roosting bird species and promote the protection of supporting breeding habitat within specific areas of Poole Harbour with particular reference to avoiding disturbance of Mediterranean gulls for the period when the breeding (1<sup>st</sup> April to 1<sup>st</sup> August) overlaps with the dredge fishing season, fishing activity is excluded from overwintering, feeding and roosting bird sensitive areas at Wych Lake, Middlebere Lake, Newton Bay, Ower Bay, Keyworth and parts of Arne Bay and Brands Bay during key sensitive times of year (1<sup>st</sup> Nov-23<sup>rd</sup> Dec and 25<sup>th</sup> May to 1<sup>st</sup> July).  
  - The inclusion of an additional bird sensitive area at Brands Bay  
  - Dredging activity is only permitted between 06:00 and 18:00 each day.  
  - There are restrictions in the design and size of the pump and dredge used |
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| Internationally important populations of regularly occurring Annex 1 bird species (e.g. avocet, Mediterranean gull, common tern, Sandwich tern, little egret and Eurasian spoonbill) | All sub-features | | long-term viability. Common and Sandwich tern nest at Brownsea Lagoon where there is no fishing access and would therefore not be exposed to disturbance. | Common terns breed at Brownsea Lagoon, which fishing vessels are unable to access. Brownsea Island lagoon is the site of the principle and probably only nesting colony of Sandwich terns in Poole Harbour. | - The Code of Practice sets out the following in relation to Mediterranean gulls:
  - Avoid dredge fishing between the three parts of Seagull Island
  - Avoid contact between a vessel and any part of Seagull Island
  - When moving around or between parts of Seagull Island keep speed to a maximum of 6 knots
  - Avoid excessive noise, beyond that caused by deployment of gear, when in close proximity to any part of Seagull Island
- An increase in the overall area of Poole Harbour that is available to dredge activity during the sensitive period for Seagull Island will reduce the intensity and concentration of fishing activity in this area |
| Absence of obstructions to view lines | No increase in obstructions to existing bird view lines. | N/A | N/A | N/A | |
| Conservation Measures | Maintain or restore the structure, function and supporting processes associated with the feature and it’s supporting habitat through | In order to manage bird disturbance in Poole Harbour the Poole Harbour Aquatic Management Plan has identified Bird Sensitive Areas, which have been | Clams and cockles are found within intertidal mudflats in overwintering bird sensitive areas and fishing takes place close to breeding bird sensitive areas for Mediterranean gulls. | - Dredge fishing activity is excluded from Holes Bay, Lymnchett Bay, upper Wych Lake and Middlebere Lake providing areas which are undisturbed for roosting and feeding bird populations throughout the year.
- During the dredge fishing season, fishing activity is |
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<td>Internationally important populations of regularly occurring Annex 1 bird species (e.g. avocet, Mediterranean gull, common tern, Sandwich tern, little egret and Eurasian spoonbill)</td>
<td>All sub-features</td>
<td>management or other measures (whether within and/or outside the site boundary as appropriate) and ensure these measures are not being undermined or compromised.</td>
<td>identified as areas where visual and noise disturbance is likely to be particularly significant to the bird features. Users are asked to avoid these areas at key time of year (Nov-Mar for overwintering bird sensitive areas and Apr-Jun for breeding bird sensitive areas) if carrying out activities that may disturb the birds.</td>
<td></td>
<td>excluded from the areas of Wych Lake, Middlebere Lake, Newton Bay, Ower Bay, Keysworth and parts of Arne Bay and Brands Bay during key sensitive times of year (1st Nov-23rd Dec and 25th May to 1st July).</td>
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- The Southern IFCA ‘Poole Harbour Roosting Sites Code of Practice (CoP)’ aims to avoid disturbance to nesting and roosting bird species and promote the protection of supporting breeding habitat within specific areas of Poole Harbour with particular reference to avoiding disturbance of Mediterranean gulls for the period when the breeding (1st April to 1st August) overlaps with the dredge fishing season under the permit.

- The number of permits issued reflects the current number of permit entitlements issued for the 2016-17 season. Improved regulation prohibits unlicensed/unregistered dredging activity and allows more effective enforcement of legislation.

- The continued development of management through extensive consultation with stakeholders involved in the dredge fishery has helps to ensure proportionate management whilst achieving conservation objectives resulting higher levels of compliance with regulations.
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<tr>
<td>Shallow inshore waters</td>
<td>Extent and distribution of habitat</td>
<td>No decrease in extent from an established baseline, subject to natural change.</td>
<td>N/A</td>
<td>N/A</td>
<td>At any time after the permits have been issued, the Authority may review the suitability of permit conditions, attach conditions to the permit and vary or revoke conditions attached to the permit following a set process and having regard to the Authority’s duties and obligations under section 153 and 154 of the Marine and Coastal Access Act 2009, advice by Natural England, scientific data and/or any Habitats Regulations Assessment.</td>
<td>N/A</td>
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<tr>
<td>Food availability</td>
<td>Presence and abundance of prey species should not deviate significantly from an established baseline, subject to natural change.</td>
<td></td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td>N/A</td>
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<tr>
<td>Internationally important populations of regularly occurring Annex 1 bird species (e.g. avocet, Mediterranean gull, common tern, Sandwich tern, little egret and Eurasian spoonbill)</td>
<td>Intertidal sediment communities</td>
<td>Extent and distribution of supporting non-breeding habitat, seagrass</td>
<td>The extent and distribution of suitable habitat (either within or outside the site boundary) which supports the feature for all stages of the non-breeding period (moulting, roosting, loafing, and feeding) is maintained.</td>
<td>The main 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 shellfish dredging if it takes place within this habitat. The direct impact of shellfish dredging on seagrass beds is significant through uprooting shoots and cutting through shoots which immediately reduces seagrass.</td>
<td>Bottom towed fishing gear activity is prohibited from all seagrass beds within Poole Harbour.</td>
<td>- The Southern IFCA ‘Bottom Towed Fishing Gear Byelaw’ prohibits bottom towed fishing gear activity within designated seagrass beds in Whitley Lake in Poole Harbour. The byelaw has been in place since December 2013 and there have been no recording breaches of the legislation since it was introduced. Currently, the Authority is seeking confirmation for the ‘Bottom Towed Fishing Gear Byelaw 2016’ which will replace the ‘Bottom Towed Fishing Gear Byelaw’. The new byelaw includes the same prohibitions on bottom towed fishing gear activity within the Harbour’s designated seagrass beds so protection of these habitats will be maintained.</td>
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<td>FEATURE</td>
<td>SUPPORTING HABITATS</td>
<td>ATTRIBUTE</td>
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<td>POTENTIAL IMPACT</td>
<td>NATURE AND LIKELIHOOD OF IMPACT OCCURRING</td>
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<tr>
<td>Internationally important populations of regularly occurring Annex 1 bird species (e.g. avocet, Mediterranean gull, common tern, Sandwich tern, little egret and Eurasian spoonbill)</td>
<td>Intertidal sediment communities</td>
<td>Food availability (function and supporting processes)</td>
<td>Maintain availability of key prey species of preferred prey sizes which supports the feature.</td>
<td>Sediment disturbance as a result of shellfish dredging (and in combination with other activities e.g. bait digging and bait dragging) can potentially impact on bird prey availability, prey size and the birds ability to forage. 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.</td>
<td>Dredge fishing activity occurs over intertidal sediment habitat within the Harbour. Areas where avocet preferentially feed are relatively small heightening the importance of maintaining their key prey items in these areas (Brownsea Lagoon, Wych Lake and Middlebere Lake). The amphipod Corophium volutator is known to be an important prey item for avocet and has a relatively localised distribution linked to lower salinity with high densities in Middlebere Lake and the upper parts of Holes Bay. Dredging activity is less likely to pose a risk to the prey availability of common tern, Sandwich tern and Mediterranean gull.</td>
<td>- Holes Bay and the upper Wych Lake and Middlebere Lake are excluded from the fishery all year round. - Vessels are unable to access Brownsea Lagoon - Restrictions in the design of the pump and dredge used - Ongoing monitoring will aim to quantify impacts of activity by comparing sediment structure and benthic community composition in areas used for dredge fishing and areas excluded from the fishery. - Requirement to sort shellfish and return any deposits forthwith</td>
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<td>FEATURE</td>
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<tr>
<td>Saltmarsh</td>
<td>Extent and distribution of supporting non-breeding habitat</td>
<td>The extent and distribution of suitable habitat (either within or outside the site boundary) which supports the feature for all stages of the non-breeding period (moulting, roosting, loafing, and feeding) is maintained.</td>
<td>Shellfish dredging if taking place in close proximity to saltmarsh roost sites could potentially also cause erosion of this supporting non-breeding habitat.</td>
<td>Fishing activity does not take place within close proximity of saltmarsh.</td>
<td>N/A</td>
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<tr>
<td>Extent and distribution of supporting breeding habitat</td>
<td>The extent, distribution and availability of suitable breeding habitat which supports feature for all stages of their breeding cycle (courtship, nesting, feeding) is maintained.</td>
<td>Mediterranean gulls nest primarily at Seagull Island in the Wareham Channel. Shellfish dredging if taking place in close proximity to saltmarsh nesting sites could potentially cause erosion of this supporting breeding habitat. Common and Sandwich tern nest at Brownsea Lagoon where there is no fishing access.</td>
<td>Shellfish dredging activity is known to occur in proximity to Seagull Island, the shallow nature of the area and pattern of dredging activity means vessels most likely to be operating at slow speed in this area. No fishing vessels are able to access Brownsea Lagoon.</td>
<td>• The dredge fishery season runs between 25th May and 23rd December each year. Dredge fishing activity will not take place between the start of the key Mediterranean gull breeding period (1st April) and the 25th May. • The Southern IFCA ’Poole Harbour Roosting Sites Code of Practice (CoP)’ aims to avoid disturbance to nesting and roosting bird species and promote the protection of supporting breeding habitat within specific areas of Poole Harbour with particular reference to avoiding disturbance of Mediterranean gulls for the period when the breeding (1st April to 1st August) overlaps with the dredge fishing season under the permit. • Increase in overall area of the</td>
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<td>FEATURE</td>
<td>SUPPORTING HABITATS</td>
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<td>Internationally important populations of regularly occurring Annex 1 bird species (e.g. avocet, Mediterranean gull, common tern, Sandwich tern, little egret and Eurasian spoonbill)</td>
<td>Saltmarsh</td>
<td>Food availability</td>
<td>Presence and abundance of prey species should not deviate significantly from an established baseline, subject to natural change.</td>
<td>N/A</td>
<td>N/A</td>
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<td>Harbour available to dredge activity during the sensitive period for Seagull Island will reduce intensity and concentration of activity in this area.</td>
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<td>Vegetation characteristics</td>
<td>Vegetation height throughout areas used for roosting should not deviate significantly from an established baseline, subject to natural change.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Reedbed</td>
<td>Extent and distribution of habitat</td>
<td>No decrease in extent from an established baseline, subject to natural change.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<td>Water bird Assemblage</td>
<td>All Habitats</td>
<td>Disturbance caused by human activity (minimising disturbance)</td>
<td>The frequency, duration and/or intensity of disturbance affecting foraging and roosting should not reach a level that substantially affects the feature.</td>
<td>Shellfish dredging activity can cause noise and visual disturbance (either alone or in combination with other plans and projects) to the feature when taking place at key times of the year</td>
<td>Shellfish dredging activity will be restricted during key sensitive overwintering period, fishery closed between 24th December and 25th May inclusive each year. Shellfish dredging in overwintering, feeding and roosting sites</td>
<td>• The number of permits issued reflects the current number of permit entitlements issued for the 2016-17 season. Improved regulation prohibits unlicensed/unregistered dredging activity and allows more effective enforcement of legislation. • Dredge activity prohibited during</td>
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| Black tailed Godwit | All Habitats | Disturbance caused by human activity (minimising disturbance) | The frequency, duration and/or intensity of disturbance affecting foraging and roosting should not reach levels that substantially affects the feature. | Significant numbers of black tailed godwit are present between September and March. Shellfish dredging activity can cause noise and visual | Shellfish dredging activity restricted during key sensitive overwintering period, fishery closed between 24th December and 25th May inclusive each year Shellfish dredging in overwintering, feeding | • Upper Middlebere Lake excluded from the fishery year round  
  • No vessels are able to access Brownsea Lagoon  
  • The number of permits issued reflects the current number of permit entitlements issued for the 2016-17 season. Improved regulation prohibits |
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<tr>
<td>Black tailed Godwit</td>
<td>All Habitats</td>
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<td></td>
<td>disturbance (either alone or in combination with other plans and projects) to the feature when taking place at key times of year for the overwintering and in proximity to important feeding and roosting sites. The significance of this disturbance is likely to depend on the availability of alternative undisturbed areas for birds; and the frequency and intensity at which shellfish dredging takes place. Location of main roost sites: other than Brownsea Lagoon and Middlebere Creek (where the birds roost at the edge of the water or partly immersed) this wader normally roosts on Spartina saltmarsh with occasional small groups occurring on wet agricultural land (Pickess, 2007).</td>
<td>and roosting sites restricted during key times of year</td>
<td>No Shellfish dredging occurring in Lytchett Bay, Holes Bay, upper Wych Lake and Middlebere Lake at any time</td>
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<td>unlicensed/unregistered dredging activity and allows more effective enforcement of legislation.</td>
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<td>• Dredge activity prohibited during most sensitive seasonal period, 24th Dec to 25th May inclusive</td>
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<td></td>
<td>• Exclusion of dredging from overwintering, feeding and roosting bird sensitive areas at key times of year</td>
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<td>• Inclusion of additional bird sensitive area to those named in Poole Harbour Aquatic Management Plan at Brands Bay</td>
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<td>• Exclusion of dredging year round from Holes Bay, Lytchett Bay, upper Wych Lake and Middlebere Lake providing alternative undisturbed areas for bird species and reducing disturbance in particularly sensitive areas</td>
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<td>• Daily temporal restriction to dredging, only permitted between 06:00 and 18:00</td>
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<td>• Restrictions in the design of the pump and dredge used</td>
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<tr>
<td>Black tailed Godwit</td>
<td>All Habitats</td>
<td></td>
<td>Main foraging areas: Normally this is a nomadic species within the Harbour. Flocks tend to congregate in one bay to feed for a number of days or weeks before moving on to another bay or creek. Their roost attendance is thus limited to the area in which they are feeding (Morrison, 2002). With the exception of Brownsea Lagoon it was noted that preferred feeding sites were all in areas of fine silt and had medium to high biomass of <em>Hediste diversicolor</em> (Pickess, 2007).</td>
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</table>
| Shelduck         | All Habitats        | Disturbance caused by human activity (minimising disturbance) | The frequency, duration and/or intensity of disturbance affecting foraging and roosting should not reach levels that substantially affects the feature. | Shellfish dredging activity can cause noise and visual disturbance (either alone or in combination with other plans and projects) to the feature when taking place at key times of the year. Current concerns that Shelduck are declining in Poole Harbour and that trends do not mirror those seen nationally and regionally and are therefore likely to be linked to site specific pressures. |                                                                         | - Upper Middlebere Lake excluded from the fishery year round  
- No vessels are able to access Brownsea Lagoon  
- The number of permits issued reflects the current number of permit entitlements issued for the 2016-17 season. Improved regulation prohibits unlicensed/unregistered |
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<th>PREVENTATIVE MEASURES</th>
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</table>
| Shelduck| All Habitats        |           |        | for the overwintering species and in proximity to important feeding and roosting sites. The significance of this disturbance is likely to depend on the availability of alternative undisturbed areas for birds; and the frequency, seasonality and intensity at which shellfish dredging takes place. | Significant numbers of shelduck are present between October and March. | dredging activity and allows more effective enforcement of legislation.  
• Dredge activity prohibited during most sensitive seasonal period, 24th Dec to 25th May inclusive  
• Exclusion of dredging from overwintering, feeding and roosting bird sensitive areas at key times of year  
• Inclusion of additional bird sensitive area to those named in Poole Harbour Aquatic Management Plan at Brands Bay  
• Exclusion of dredging year round from Holes Bay, Lychett Bay, upper Wych Lake and Middlebere Lake providing alternative undisturbed areas for bird species and reducing disturbance in particularly sensitive areas  
• Daily temporal restriction to dredging, only permitted between 06:00 and 18:00  
• Restrictions in the design of the pump and dredge used |
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<th>NATURE AND PROBABILITY OF IMPACT OCCURING</th>
<th>PREVENTATIVE MEASURES</th>
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<tr>
<td>Internationally important assemblage including internationally important populations of migratory species</td>
<td>All Habitats</td>
<td>Supporting habitat: food availability within supporting habitat</td>
<td>Maintain availability of key prey species at preferred prey sizes.</td>
<td>Sediment disturbance as a result of shellfish dredging (and in combination with other activities e.g. bait digging and bait dragging) can potentially impact on bird prey availability, prey size and the birds ability to forage. 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.</td>
<td>Activity occurs over intertidal sediment habitat within the Harbour. Shelduck feed throughout the Harbour but favoured sections are Keysworth, Holes Bay and Brands Bay (Pickess, 2007). Significant numbers occur October to March.</td>
<td>• Dredge activity prohibited during most sensitive seasonal period, 24th Dec to 25th May inclusive • Exclusion of dredging from overwintering, feeding and roosting bird sensitive areas at key times of year including Keysworth. • Inclusion of additional bird sensitive area to those named in Poole Harbour Aquatic Management Plan at Brands Bay • Exclusion of dredging year round from Holes Bay, Lychett Bay, upper Wych Lake and Middlebere Lake providing alternative undisturbed areas for bird species and reducing disturbance in particularly sensitive areas • Restrictions in the design of the pump and dredge used • Ongoing monitoring will aim to quantify impacts of activity by comparing sediment structure and benthic community composition in areas used for dredge fishing and areas excluded from the fishery. • Requirement to sort dredge contents and return any deposits forthwith.</td>
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<tr>
<td>Landform</td>
<td>Maintain the density of channel networks within intertidal feeding areas for black tailed godwits.</td>
<td>Intense fishing could possibly alter the natural channel networks through a change in topography.</td>
<td>No intense activity over areas defined for distribution of feeding black tailed godwit.</td>
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<td>• Increase of overall area of the Harbour available for dredging reducing intensity over any one specific site • Restriction of effort allows better management of clam and</td>
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<td>FEATURE</td>
<td>SUPPORTING HABITATS</td>
<td>ATTRIBUTE</td>
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| Internationally important assemblage including internationally important populations of migratory species | All Habitats | Conservation Measures | Maintain or restore the structure, function and supporting processes associated with the feature and its supporting habitat through management or other measures (whether within and/or outside the site boundary as appropriate) and ensure these measures are not being undermined or compromised. | That permit conditions are not complied with or undermined or are unsuitable, resulting in reduced ability to maintain or restore the structure, function and supporting processes associated with the feature and supporting habitats. In order to manage bird disturbance in Poole Harbour the Poole Harbour Aquatic Management Plan has identified bird sensitive areas where visual and noise disturbance is likely to be particularly significant to the bird features. Users are asked to avoid these areas at key times of the year (Nov-Mar for overwintering bird sensitive areas and Ability to review, attach, revoke or vary permit conditions by Authority removes the impact of permit conditions being unsuitable over a long time period | Improved ability to enforce permit conditions, reducing impact of unregistered/unlicensed activity | • Dredge fishing activity is excluded from Holes Bay, Lytchett Bay, upper Wych Lake and Middlebere Lake providing areas which are undisturbed for roosting and feeding birds all year round.  
• During the dredge fishing season, activity is excluded from the areas of Wych Lake, Middlebere Lake, Newton Bay, Ower Bay, Keysworth and parts of Arne Bay and Brands Bay during key sensitive times of year (1st Nov-23rd Dec and 25th May to 1st July).  
• The Southern IFCA ‘Poole Harbour Roosting Sites Code of Practice (CoP)’ aims to avoid disturbance to nesting and roosting bird species and promote the protection of supporting breeding habitat within specific areas of Poole Harbour with particular reference to avoiding disturbance of Mediterranean gulls for the period when the breeding (1st April to 1st August) overlaps with the dredge fishing season under the permit.  
• The number of permits issued reflects the current number of permit entitlements issued for the 2016-17 season. Improved |
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<th>NATURE AND LIKELIHOOD OF IMPACT OCCURRING</th>
<th>PREVENTATIVE MEASURES</th>
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<tbody>
<tr>
<td>Internationally important assemblage including internationally important populations of migratory species</td>
<td>All Habitats</td>
<td></td>
<td>Apr-Jun for breeding bird sensitive areas) if carrying out activities that may disturb the birds.</td>
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<td>regulation prohibits unlicensed/unregistered dredging activity and allows more effective enforcement of legislation.</td>
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<td>- Continued development of management through extensive consultation with stakeholders involved in the dredge fishery helps to ensure proportionate management whilst achieving conservation objectives resulting in better compliance with the regulations.</td>
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<td>- At any time after the permits have been issued, the Authority may review the suitability of permit conditions, attach conditions to the permit and vary or revoke conditions attached to the permit following a set process and having regard to the Authority's duties and obligations under section 153 and 154 of the Marine and Coastal Access Act 2009, advice by Natural England, scientific data and/or any Habitats Regulations Assessment.</td>
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<td>SUPPORTING HABITATS</td>
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<td>Internationally important assemblage including internationally important populations of migratory species</td>
<td>All Habitats</td>
<td>Extent and distribution of habitat</td>
<td>No decrease in extent from an established baseline, subject to natural change.</td>
<td>N/A</td>
<td>N/A</td>
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<td></td>
<td>Shallow inshore waters inc. lagoons</td>
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<td></td>
<td>Food availability</td>
<td>Presence and abundance of food species should not deviate significantly from an established baseline, subject to natural change.</td>
<td></td>
<td>N/A</td>
<td>N/A</td>
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<td></td>
<td>Intertidal sediment communities</td>
<td>Extent and distribution of supporting non-breeding habitat, seagrass</td>
<td>The extent and distribution of suitable habitat (either within or outside the site boundary) which supports the feature for all stages of the non-breeding period (moulting, roosting, loafing, and feeding) is maintained.</td>
<td></td>
<td>The main 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 belliied brent geese. Physical damage could occur from shellfish dredging if it takes place within this habitat. The direct impact of shellfish dredging on seagrass beds is significant through bottom towed fishing gear activity prohibited from seagrass beds in Poole Harbour.</td>
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- The Southern IFCA ‘Bottom Towed Fishing Gear Byelaw’ prohibits bottom towed fishing gear activity within designated seagrass beds in Whitley Lake in Poole Harbour. The byelaw has been in place since December 2013 and there have been no recording breaches of the legislation since it was introduced. Currently, the Authority is seeking confirmation for the ‘Bottom Towed Fishing Gear Bye-law 2016’ which will replace the ‘Bottom Towed Fishing Gear Bye-law’. The new byelaw includes the same prohibitions on bottom towed fishing gear activity within the Harbour’s designated seagrass beds so protection of these habitats will be maintained.
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<td>Internationally important assemblage including internationally important populations of migratory species</td>
<td>Intertidal sediment communities</td>
<td></td>
<td>uprooting shoots and cutting through shoots which immediately reduces seagrass density and biomass.</td>
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<td>• Dredge gear type restrictions under permit conditions restrict species that can be taken.</td>
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<td>Food availability (function and supporting processes)</td>
<td>Maintain availability of key prey species of preferred prey sizes which supports the feature.</td>
<td>Sediment disturbance as a result of shellfish dredging (and in combination with other activities e.g. bait digging and bait dragging) can potentially impact on bird prey availability, prey size and the birds ability to forage. 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.</td>
<td>Activity occurs over intertidal sediment habitat within the Harbour.</td>
<td>• Ongoing monitoring will aim to quantify impacts of activity by comparing sediment structure and benthic community composition in areas used for dredge fishing and areas excluded from the fishery.</td>
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<td>Absence of obstructions to view lines</td>
<td>No increase in obstructions to existing view lines.</td>
<td></td>
<td>N/A</td>
<td>N/A</td>
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</tbody>
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<table>
<thead>
<tr>
<th>FEATURE</th>
<th>SUPPORTING HABITATS</th>
<th>ATTRIBUTE</th>
<th>TARGET</th>
<th>POTENTIAL IMPACT</th>
<th>NATURE AND LIKELIHOOD OF IMPACT OCCURRING</th>
<th>PREVENTATIVE MEASURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internationally important assemblage including internationally important populations of migratory species</td>
<td>Saltmarsh</td>
<td>Extent and distribution of supporting non-breeding habitat</td>
<td>The extent and distribution of suitable habitat (either within or outside the site boundary) which supports the feature for all stages of the non-breeding period (moulting, roosting, loafing, and feeding) is maintained.</td>
<td>Shellfish dredging if taking place in close proximity to saltmarsh roost sites could potentially also cause erosion of this supporting non-breeding habitat.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Food availability</td>
<td></td>
<td>Presence and abundance of crustaceans, annelids, fish and molluscs should not deviate significantly from an established baseline, subject to natural change.</td>
<td></td>
<td></td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>FEATURE</td>
<td>SUPPORTING HABITATS</td>
<td>ATTRIBUTE</td>
<td>TARGET</td>
<td>POTENTIAL IMPACT</td>
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</tr>
<tr>
<td>Internationally important assemblage including internationally important populations of migratory species</td>
<td>Saltmarsh</td>
<td>Food Availability</td>
<td>Presence and abundance of soft leaved and seed baring plants should not deviate significantly from an established baseline, subject to natural change.</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td></td>
<td>Vegetation characteristics</td>
<td>Vegetation height throughout the areas used for roosting should not deviate significantly from an established baseline, subject to natural change.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td></td>
<td>Absence of obstructions to viewlines</td>
<td>No increase in bird obstructions to existing viewlines.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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POOLE HARBOUR DREDGE PERMIT BYELAW

The Authority for the Southern Inshore Fisheries and Conservation District, in exercise of the powers conferred by sections 155 and 156 of the Marine and Coastal Access Act 2009 hereby make the following byelaw for that District.

DEFINITIONS

(1) In this byelaw:

a) “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);

b) "certificate of registry" means a certificate of registry issued under the Merchant Shipping (Registration of Ships) Regulations 1993;

c) “the District” means the area defined in Articles 2 and 3 of the Southern Inshore Fisheries and Conservation Order 2010 (SI 2010 No 2198);

d) “dredge” means a dredge, scoop or similar device and any auxiliary hydraulic equipment that is designed for, or capable of taking any shellfish;

e) “Poole Harbour” means that part of the District in Poole Harbour as lies below Mean High Water Springs and to the west of and within an imaginary line between Point 1 (50° 40.809’N 001° 57.000’W) and Point 2 (50° 40.980’N 001° 56.926’W);

f) “relevant fishing vessel” means any fishing vessel which:

i) is registered in Part II of the Register of British Ships in accordance with Part II of the Merchant Shipping Act 1995 and the regulations made under that Act; and

ii) is licensed to fish by virtue of a licence issued by an appropriate minister under the Sea Fish (Conservation) Act 1967;

g) "using" in relation to a fishing dredge shall mean pulling or pushing it along, through or above the seabed and “use” shall be construed accordingly;

PROHIBITION

(2) Subject to paragraphs (3) and (4) no person on board or by means of a vessel shall use, retain on board, store or transport a dredge within Poole Harbour.

(3) Paragraph (2) shall not apply to the use, retention on board, storage or transportation of a dredge on any occasion when all of the following conditions are met:

a) The use, retention on board, storage or transportation of the dredge by the vessel is authorised by a permit issued under paragraph (5) of this byelaw;
b) The holder of the permit is a shareholder of the vessel;

c) The holder of the permit is on board the vessel when the dredge is in use or is being transported;

d) The permit is carried on the vessel;

e) The permit is produced for inspection when requested by an Inshore Fisheries Conservation Officer of the Authority or any other person authorised by the Authority to make such a request; and

f) All the conditions attached to the permit are being complied with.

(4) Paragraph (2) shall not apply to the use, retention on board, storage or transportation of a dredge on any occasion when all of the following conditions are met:

a) That use, retention on board, storage or transportation, as the case may be, of the dredge by the vessel is authorised by written dispensation issued under paragraph (13);

b) The dispensation is 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; and

c) The use, retention on board, storage or transportation of the dredge is for the purpose for which the dispensation was issued.

PERMITS

(5) The Authority may issue a permit in respect of any relevant fishing vessel authorising the use of a dredge to fish for or take shellfish within Poole Harbour in accordance with paragraphs (6) to (12) provided that all the following conditions are satisfied in relation to the application for the permit:

a) It is made in respect of a named relevant fishing vessel;

b) It is made:

i. by a person who holds the majority of shares in the named relevant fishing vessel for which the application is made, as recorded on the vessel's certificate of registry; or

ii. by no more than two shareholders as have been nominated in writing for that purpose by shareholders who hold a majority of shares in the named relevant fishing vessel as recorded on the vessel's certificate of registry

c) It is made using the printed forms available from the Authority.

(6) A permit issued under paragraph (5):
a) Shall be issued to the applicant (“the permit holder”) in respect of a named vessel;

b) is not transferable from the permit holder to another person or from the named vessel to another vessel;

c) remains the property of the Authority; and

d) is valid for the period stated in the permit up to a maximum of one year and is not renewable.

(7) The Authority may charge a fee of no greater than £1,000 for each permit.

(8) The Authority may limit the number of permits that it may grant.

PERMIT CONDITIONS

(9) The Authority may attach to the permit such conditions as it considers appropriate and in particular conditions relating to the following matters:

a) Catch restrictions and reporting;

b) Gear types;

c) Gear construction and restrictions;

d) Spatial and temporal restrictions;

e) The fitting of specified equipment to vessels.

(10) At any time after a permit has been issued, the Authority may

a) Attach conditions to it;

b) Vary or revoke conditions attached to it.

(11) The Authority shall review the suitability of permit conditions, permit fees and limitations on the number of permits every three years or sooner in accordance with the following procedure:

a) a consultation meeting will be held with permit holders to present available data and discuss options;

b) the Authority will decide what changes, if any, are required to the permit conditions or permit fees, having regard to:

i. the Authority's duties and obligations under sections 153 and 154 of the Marine and Coastal Access Act 2009;

ii. any available scientific and survey data;

iii. any statutory advice given by Natural England;

iv. any Habitats Regulations Assessment;
v. an Impact Assessment relating to any proposed changes to additional permit conditions or permit fees;
vi. any feedback received from consultation with permit holders under sub-paragraph (a);

c) the outcome of the review will be notified by the Authority to permit holders.

(12) The Authority shall, when attaching any conditions under paragraph (10) to any permits issued prior to the first review under paragraph (11) following the coming into force of this byelaw, have regard to the Impact Assessment that accompanies this byelaw.

DISPENSATIONS

(13) The Authority may issue a written dispensation to any vessel authorising the use, retention on board, storage or transportation of a dredge within Poole Harbour for any of the following purposes:

a) Scientific, stocking or breeding purposes; or

b) Accessing fishing grounds outside Poole Harbour; or

c) Accessing or fishing within any several fishery within Poole Harbour.

I hereby certify that the above byelaw was made by Southern Inshore Fisheries and Conservation Authority at their meeting on 18th September 2014.

Robert Clark
Chief Officer
Southern Inshore Fisheries and Conservation Authority
64 Ashley Road, Parkstone, Poole Dorset BH14 9BN

The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155 (3) of the Marine and Coastal Access Act 2009, confirms the Poole Harbour Dredge Permit Byelaw made by the Southern IFCA on 18th September 2014. The byelaw comes into force on 1st July 2015

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

Date: 2014.
Explanatory Note (not part of byelaw)

The purpose of this byelaw is to manage the gathering of shellfish through the use of dredges within Poole Harbour. The byelaw will support the development of sustainable shellfish fisheries in Poole Harbour.

The byelaw prohibits the use, retention on board, storage or transportation of dredges within Poole Harbour by or on any vessel, except in accordance with a permit issued by the Authority, or in accordance with a written dispensation for certain lawful activities.
Poole Harbour Dredge Permit

This permit authorises the named person in respect to the named vessel, for the period of validity specified below, to use, retain on board, store or transport a dredge within Poole Harbour, subject to the provisions of the Poole Harbour Dredge Permit Byelaw and to the additional conditions listed in this permit.

Vessel Authorised is: NAME and PLN

Permit is issued to: Mr/Mrs X

Permit Number: 2017-18 001

Vessel length (m):

Vessel engine power (kw):

Cost of Permit: £500.00

Permit valid for period: 1st April 2017 – 31st March 2018

The permit holder should ensure that they have read and understand the Southern IFCA Poole Harbour Dredge Permit byelaw and the Permit Conditions prior to fishing.

Failure to comply with any of the Permit Conditions constitutes contravention of the Poole Harbour Dredge Permit byelaw.
Permit Conditions

1. Definitions

1.1 In this permit:

“spray bar” means any object that directs a pressurised jet(s) of water;

“riddle” means a table with spaced bars for the sorting of shellfish;

“tooth bar” means the bar, to which is attached teeth, the ends of which point downwards and are dragged along the sea bed when the dredge is towed;

“auxiliary hydraulic equipment” shall include but is not limited to any water pump and associated hoses that are designed for, or capable of being used in connection with a shellfish dredge and any hydraulic lifting equipment, when used in connection with a shellfish dredge.

2. Catch restrictions and reporting

2.1 For the months of May, June, July, August, September, October, November and December the permit holder must submit to the Authority a completed catch return using a ‘Poole Harbour Dredge Permit Monthly Catch Return Form’. Completed catch returns must be submitted either in hard copy or as an electronic PDF document and must be received by the Authority no later than the 14th day of the following month.

2.2 For each day of the month the permit holder must state in their catch return the hours spent fishing, the quantity in kilograms of each species caught that day and the name(s) of the company or individual to whom all parts of the catch was sold or declare that no catch was taken on that day by entering the word "nil" in the column for "Species caught and Quantity". If no fishing has taken place during a month, the permit holder must indicate this to the Southern IFCA by submitting a “nil” catch return.

2.3 The permit holder must sign and date each catch return verifying that the information contained in the catch return is correct.

2.3 A catch return must be submitted for each of the months specified in section 2.1. Failure to submit a catch return, failure to submit a catch return by the date specified in section 2.1, submission of an incomplete catch return (requirements specified in section 2.2) or submission of a catch return containing information known to be incorrect or false constitutes a contravention of the Poole Harbour Dredge Permit byelaw which may result in further action being taken and may affect the ability of the permit holder to apply for a permit for the following year.

2.3 No person shall fish for or take from Poole Harbour any Native oyster (Ostrea edulis).
3. **Gear types**

3.1 Dredge designs are restricted to a basket size not exceeding 460 mm in width by 460 mm in depth by 300 mm high excluding any pole or attachments.

4. **Gear construction and restrictions**

4.1 Dredges must be constructed of rigid bars having spaces of not less than 18 mm between them. Any cross pieces used to strengthen the basket must have minimum spaces of 40 mm between them.

4.2 Only one dredge is allowed to be used at any one time on each vessel.

4.3 The contents of the dredge may only be removed after the dredge has been lifted into the vessel.

4.4 A second dredge may be carried on board but it must be inboard, stowed and disconnected.

4.5 Only one pump is permitted on board any vessel and any hoses connected to the pump and/or dredge should have a diameter of no greater than a 3 inch inlet and a 3 inch diameter outlet.

4.6 The maximum horsepower of the pump is 15 (fifteen).

4.7 A maximum of one spray bar is permitted to be used per dredge and must be fixed to the dredge. When using a dredge fitted with a tooth bar any associated spray bar must direct the flow of water towards the rear of the basket and at no times directly towards the seabed.

4.8 A riddle with 18mm bar spacing is mandatory for the sorting of shellfish. Any shell discards are to be re-deposited forthwith.

5. **Spatial and temporal restrictions**

5.1 A dredge shall not be used in any area of Poole Harbour between 18.00 and 06.00 each day.

5.2 A dredge shall not be used in any area of Poole Harbour during all Sundays.

5.3 A dredge shall not be used, retained on board, stored or transported in any area of Poole Harbour from 1st April to 24th May 2017, both days inclusive, and from 24th December 2017 to 31st March 2018, both days inclusive.
5.4 A dredge shall not be used, retained on board, stored or transported in the following areas from 1st November to 23rd December, both days inclusive, in the same year:

**AREA 1 – NEWTON BAY**
The area enclosed by a line drawn from:
Point 1 (50 Degrees 40.351 minutes North, 001 Degrees 59.493 minutes West) to
Point 2 (50 Degrees 40.402 minutes North, 001 Degrees 59.750 minutes West)
From point 2 along the coast at the level of mean high water spring tide to point 1

**AREA 2 – OWER BAY**
The area enclosed by a line drawn from:
Point 3 (50 Degrees 40.522 minutes North, 002 Degrees 00.101 minutes West) to
Point 4 (50 Degrees 40.670 minutes North, 002 Degrees 00.464 minutes West)
From point 3 along the coast at the level of mean high water spring tide to point 4

**AREA 3 – WYCH LAKE AND MIDDLEBERE LAKE**
The area enclosed by a line drawn from:
Point 5 (50 Degrees 41.255 minutes North, 002 Degrees 01.755 minutes West) to
Point 6 (50 Degrees 40.891 minutes North, 002 Degrees 01.030 minutes West)
From point 6 along the coast at the level of mean high water spring tide to point 7
Point 7 (50 Degrees 40.468 minutes North, 002 Degrees 01.529 minutes West) to
Point 8 (50 Degrees 40.795 minutes North, 002 Degrees 01.911 minutes West) to
Point 9 (50 Degrees 40.896 minutes North, 002 Degrees 02.157 minutes West)
From point 9 along the coast at the level of mean high water spring tide to point 5

**AREA 4 – ARNE BAY**
The area enclosed by a line drawn from:
Point 10 (50 Degrees 41.941 minutes North, 002 Degrees 01.651 minutes West) to
Point 11 (50 Degrees 42.204 minutes North, 002 Degrees 01.843 minutes West)
From point 11 along the coast at the level of mean high water spring tide to point 10

**AREA 5 – KEYSWORTH**
The area enclosed by a line drawn from:
Point 12 (50 Degrees 42.400 minutes North, 002 Degrees 04.510 minutes West) to
Point 13 (50 Degrees 42.264 minutes North, 002 Degrees 04.078 minutes West) to
Point 14 (50 Degrees 41.890 minutes North, 002 Degrees 04.259 minutes West) to
Point 15 (50 Degrees 41.842 minutes North, 002 Degrees 04.555 minutes West)
From point 15 along the coast at the level of mean high water spring tide to point 12

**AREA 6 - BRANDS BAY SOUTH**
The area enclosed by a line drawn from:
Point 16 (50 Degrees 40.156 minutes North, 001 Degrees 58.984 minutes West) to
Point 17 (50 Degrees 40.156 minutes North, 001 Degrees 58.249 minutes West)
From point 16 along the coast at the level of mean high water spring tide to point 17

**AREA 7 – BRANDS BAY WEST**
The area enclosed by a line drawn from:
Point 16 (50 Degrees 40.156 minutes North, 001 Degrees 58.984 minutes West) to
Point 18 (50 Degrees 40.610 minutes North, 001 Degrees 58.702 minutes West)
From point 18 along the coast at the level of mean high water spring tide to point 16

5.5 A dredge shall not be used in the following areas at all times:

**AREA 8 - LYCHETT BAY**
The area enclosed by a line drawn from:
Point 19 (50 Degrees 43.212 minutes North, 002 Degrees 02.412 minutes West) to Point 20 (50 Degrees 43.205 minutes North, 002 Degrees 02.439 minutes West)
From point 20 along the coast at the level of mean high water spring tide to point 19

**AREA 9 - HOLES BAY**
The area enclosed by a line drawn from:
Point 21 (50 Degrees 42.771 minutes North, 001 Degrees 59.539 minutes West) to Point 22 (50 Degrees 42.734 minutes North, 001 Degrees 59.591 minutes West)
From point 22 along the coast at the level of mean high water spring tide to point 21

**AREA 10 – WYCH LAKE**
The area enclosed by a line drawn from:
Point 7 (50 Degrees 40.468 minutes North, 002 Degrees 01.529 minutes West) to Point 8 (50 Degrees 40.795 minutes North, 002 Degrees 01.911 minutes West)
From point 8 along the coast at the level of mean high water spring tide to point 7

**AREA 11 – MIDDLEBERE LAKE**
The area enclosed by a line drawn from:
Point 8 (50 Degrees 40.795 minutes North, 002 Degrees 01.911 minutes West) to Point 9 (50 Degrees 40.896 minutes North, 002 Degrees 02.157 minutes West)
From point 9 along the coast at the level of mean high water spring tide to point 8

6. **The fitting of specified equipment to vessels**

6.1 None.
As the holder of this permit, I ………………………………………………… agree that I have read and fully understand the Poole Harbour Dredge Permit byelaw and permit conditions outlined above. I understand that the failure to comply with any of the conditions outlined on this permit would be a contravention of the Poole Harbour Dredge Permit byelaw for which I will be liable on summary conviction to a fine. In such circumstances the court may suspend my permit or disqualify me from holding a Poole Harbour Dredge Permit.
1. **Poole Harbour Dredge Permit Access Policy**

1.1 The following policy for the administration of permit entitlements for the Poole Harbour Dredge Permit Byelaw (“the Byelaw”) replaces the Poole Harbour Dredge Permit Access Policy that was adopted by the Technical Advisory Committee at their meeting on 27th August 2015.

1.2 This policy was adopted by the Joint Committee on 9th June 2016.

1.3 The purpose of this policy is to enable the Authority to fulfil its obligations under s. 153(2) of the Marine and Coastal Access Act 2009 to:

i. Seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way

ii. 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.

iii. Seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

The Authority believes that it will fulfil those obligations by:

i. Granting the maximum number of permits, consistent with its periodic review under paragraph 11 of the Poole Harbour Dredge Permit byelaw, to applicants who meet the criteria for holding a permit set out in this policy

ii. Stating with clarity its procedure and criteria for the annual consideration of applicants for permits

iii. Setting out its procedure for changing this policy in future years

2. **Criteria for 2016-17 permit entitlements**

2.1 Permit entitlements will be offered to those who satisfy the criteria set out in section 2.2 up to the maximum number of entitlements for the 2016-17 season determined by the Authority as a result of its periodic review under paragraph 11 of the byelaw. If the total number offered is less than the maximum number determined, permit entitlements will be offered to applicants who satisfy the criteria set out in section 2.4 so that the number offered to both categories of applicants in total is the same as the maximum number determined by the periodic review.

2.2 To be eligible for consideration for a 2016-17 permit entitlement, the applicant must demonstrate to the satisfaction of the Authority that:

They were the holder of a dredge permit under the Byelaw for the 2015-16 season; and
They had paid for the dredge permit for the 2015-16 season by 30 June 2016; and

They had used the dredge permit for the 2015-16 season by 30 June 2016.

2.3 Prior to the issue of a permit entitlement under section 2.2, the applicant must establish to the satisfaction of the Authority that:

i. they hold the majority of shares in the named relevant fishing vessel (as defined in the byelaw) for which the application is made as recorded on the vessel's certificate of registry; or

ii. that they have been nominated in writing for that purpose by shareholders as recorded on the vessel's certificate of registry who hold a majority of shares in the named relevant fishing vessel and that they themselves are a shareholder as recorded on the vessel's certificate of registry.

2.4 If the applicant was not the holder of a dredge permit under the byelaw for the 2015-16 season, in order to be eligible for consideration for a 2016-17 permit entitlement, the applicant must demonstrate to the satisfaction of the Authority that:

They hold the majority of shares in the named relevant fishing vessel (as defined in the byelaw) for which the application is made as recorded on the vessel's certificate of registry; or

That they have been nominated in writing for that purpose by shareholders as recorded on the vessel's certificate of registry who hold a majority of shares in the named relevant fishing vessel and that they themselves are a shareholder as recorded on the vessel's certificate of registry; and

The vessel for which the application is made is ordinarily berthed within the area governed by Poole Borough Council or Purbeck District Council; and

They have commercially fished legally for shellfish within the area of Poole Harbour during the period 1st January 2010 to 1st January 2012.

2.5 Permit entitlement applications may be considered if the applicant under section 2.4 has changed vessel since 1st January 2012 or has a newly registered vessel and can demonstrate through appropriate evidence that they have fished legally for shellfish within the area of Poole Harbour during the period 1st January 2010 to 1st January 2012.

2.6 If the number of applicants for a permit entitlement under section 2.4 exceeds the number of permit entitlements available then all applications received, that meet the stated criteria, under this section will be entered into a ballot with applications selected at random until all available permit entitlements have been awarded.
3. **Criteria for permit entitlements post 2016-17**

3.1 Permit entitlements will be offered to those who satisfy the criteria set out in section 3.2 up to the maximum number of entitlements for that season determined by the Authority as a result of its periodic review under paragraph 11 of the byelaw. If the total number offered is less than the maximum number determined, permit entitlements will be offered to applicants under section 3.5 so that the number offered to both categories of applicants in total is the same as the maximum number determined by the periodic review.

3.2 **Applicants who have held a permit under the previous season**

To be eligible for consideration for a permit entitlement, the applicant must demonstrate to the satisfaction of the Authority that:

- They were the holder of a dredge permit under the byelaw for the preceding season to that for which the application is made; and
- They had paid for the dredge permit for the preceding season to that for which the application is made by the 31st March; and
- They had used the dredge permit during the preceding season for which the application is made. ‘Use’ shall be defined by the submission of the ‘Poole Harbour Dredge Permit Monthly Catch Return Form’ during the preceding season for which the application is made, as required under section 2 of the Poole Harbour Dredge Permit, indicating that fishing activity had been carried out for a minimum of 3 months by the applicant on the vessel for which the application is made. Submitted catch returns indicating ‘nil’ for a month will not contribute to this definition of use.

3.3 Lack of use of a permit due to exceptional circumstances may be considered by the Authority whose decision will be final. Exceptional circumstances might include but are not limited to:

- Medical condition of permit holder; or
- Total loss of vessel

3.4 Prior to the issue of a permit entitlement under section 3.2, the applicant must establish to the satisfaction of the Authority that:

i. They hold the majority of shares in the named relevant fishing vessel (as defined in the byelaw) for which the application is made as recorded on the vessel’s certificate of registry; or

ii. That they have been nominated in writing for that purpose by shareholders as recorded on the vessel’s certificate of registry who holds a majority of shares in the named relevant fishing vessel and that they themselves are a shareholder as recorded on the vessel’s certificate of registry.
3.5 If the total number of permit entitlements offered to applicants under section 3.2 is less than the maximum number determined then those persons entered into the ballot for the 2016-17 season under section 2.6, who were not offered a permit entitlement, will be invited to enter into the ballot for the proceeding season provided they can supply evidence that they are still the majority shareholder in the named relevant fishing vessel for which the application is made or that they are still nominated in writing for that purpose by shareholders as recorded on the certificate of registry for the vessel for which the application is made, who hold a majority of shares in that named relevant fishing vessel and that they themselves are a shareholder as recorded on that vessel’s certificate of registry. At the point where the number of permit entitlements available under this section is greater than the number of applicants entered into the ballot then criteria for applications for new entrants to the fishery will be established.

4. **Procedure for application for a permit entitlement**

4.1 Applications for a permit entitlement should be made using the Poole Harbour Dredge Permit Application Form.

4.2 Completed application forms should be sent to the office of the Southern IFCA at 64 Ashley Road, Parkstone, Poole, Dorset, BH14 9BN.

4.3 Completed application forms should be received no later than 14 days after the final day of the preceding season. Application forms received after this date will not be considered.

4.4 If the appropriate criteria for a permit entitlement are met through applications and associated evidence submitted under sections 2.2 and 2.3 or sections 3.2 and 3.4 then the Authority may choose to award a permit entitlement without the need for an interview.

4.5 It shall be at the discretion of the Authority if an applicant requires an interview based on an assessment of the application submitted.

4.6 In the event that an interview is required, the interview will be carried out by the Permit Interview Sub-Committee who will meet as necessary to interview applicants prior to the award of permit entitlements, in order to decide whether the applicant meets the criteria for the grant of a permit entitlement.

4.7 The Permit Interview Sub-Committee will make recommendations to the TAC as to whether an applicant it has interviewed meets the criteria for the grant of a permit entitlement.

4.8 The Permit Interview Sub-Committee will consider any applications made to the Authority for an entitlement to use a vessel different to that named on their permit based on the procedure and criteria outlined in section 5.
5. **Change of vessel**

5.1 A permit is not transferable from the permit holder to another person or from the named vessel to another vessel.

5.2 A permit entitlement holder may apply to the Authority for an entitlement to use a vessel different to that named on their permit, provided that:

i. the engine power of the new vessel in kw is equal to or less than the vessel that is being replaced; or

ii. there are exceptional circumstances.

5.3 The Authority reserves the right not to award a new permit under these circumstances having regards to the duties of the Authority.

5.4 Should the Authority approve the use of a different vessel by a permit entitlement holder, the existing permit will be cancelled a new permit will be awarded for the named vessel upon application and payment of a fee of £50.

6. **Appeals Procedure**

6.1 Any person who is dissatisfied with any decision made by the Authority with respect to the issuing of a Permit is to have the following right of appeal:

6.2 In writing or in person either alone or accompanied by a legal adviser or friend to an Appeals and Scrutiny Sub-Committee. The Appeals and Scrutiny Sub-Committee will consist of 3 Members of the Authority who:

i. are not Members of the Permit Interview Sub-Committee;

ii. do not have any direct interest in the relevant fishery; and

iii. did not take part in any discussion or vote on any relevant recommendations of the Permit Interview Sub-Committee.

6.3 An appeal will only be heard if a request is received, in writing, within 28 days of written confirmation of an Authority decision.

6.4 For any appeal the Authority and the appellant will each be responsible for their own costs.

7. **Review of the Access Policy**

7.1 At any time the Authority may decide to review the suitability of the Access Policy.

7.2 In reviewing the Access Policy and deciding on any changes to be made, the Authority will have regard to:
The Authority’s duties and obligations under sections 153 and 154 of the Marine and Coastal Access Act 2009

Any available legal advice

7.3 Stakeholders will be notified of any outcomes of the review.
SOUTHERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

SOUTHERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009 (2009 c23)

BOTTOM TOWED FISHING GEAR BYELAW

The Authority for the Southern Inshore Fisheries and Conservation District, in exercise of the powers conferred by sections 155 and 156 of the Marine and Coastal Access Act 2009 hereby makes the following byelaw for that District.

DEFINITIONS

(1) In this byelaw:

a) “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);

b) “bottom towed fishing gear” means any fishing gear which is capable of being pulled or pushed along the seabed;

c) “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 (SI 2010 No. 2198);

d) “the prohibited areas” means the areas defined in the Schedule;

PROHIBITION

(2) No person shall use any bottom towed fishing gear within a prohibited area.

(3) No person shall 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.

EXCEPTIONS

(4) This byelaw shall 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 under paragraphs 5 and 6.

(5) A written dispensation may authorise:

a. an act undertaken for scientific, stocking or breeding purposes; or

b. the dredging of mussels for the purpose of relaying.

(6) A written dispensation:

a. may be issued subject to conditions; and

b. unless revoked by the Authority, shall expire on the date stated in the written dispensation.

REVOCATION

The byelaw with the title ‘Protection of the Portsmouth Harbour Special Protection Area byelaw’ made by the Authority, in exercise of their powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 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 19th September 2013.

Robert Clark
Chief Officer
Southern Inshore Fisheries and Conservation Authority
64 Ashley Road, Parkstone, Poole Dorset BH14 9BN

The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155 (3) of the Marine and Coastal Access Act 2009, confirms the Bottom Towed Fishing Gear Byelaw made by the Southern IFCA on .................. 2013. The said byelaw comes into force on ................................2013

Chris Preston
Head of Marine Planning and Sustainable Fisheries
A senior Civil Servant, for and on behalf of the Secretary of State
For Environment, Food and Rural Affairs

DATE 2013
SOUTHERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

SCHEDULE

DEFINITIONS OF “THE PROHIBITED AREAS”

AREA 1 – CHICHESTER HARBOUR
The area enclosed by a line drawn from:
Point 1 (50 Degrees 49.030 minutes North, 000 Degrees 57.295 minutes West) to Point 2 (50 Degrees 49.035 minutes North, 000 Degrees 56.921 minutes West) to Point 3 (50 Degrees 48.320 minutes North, 000 Degrees 56.647 minutes West) to Point 4 (50 Degrees 48.209 minutes North, 000 Degrees 56.996 minutes West) to Point 5 (50 Degrees 48.273 minutes North, 000 Degrees 57.473 minutes West) From point 5 along the coast at the level of mean high water spring tide to Point 6 (50 Degrees 48.175 minutes North, 000 Degrees 58.000 minutes West) to Point 7 (50 Degrees 48.410 minutes North, 000 Degrees 57.880 minutes West) From point 7 along the coast at the level of mean high water spring tide to Point 8 (50 Degrees 48.588 minutes North, 000 Degrees 58.038 minutes West) to Point 9 (50 Degrees 48.650 minutes North, 000 Degrees 58.040 minutes West) From point 9 along the coast at the level of mean high water spring tide to point 1

AREA 2 – CHICHESTER HARBOUR
The area enclosed by a line drawn from:
Point 10 (50 Degrees 47.803 minutes North, 000 Degrees 57.392 minutes West) to Point 11 (50 Degrees 47.664 minutes North, 000 Degrees 56.579 minutes West) to Point 12 (50 Degrees 47.200 minutes North, 000 Degrees 56.590 minutes West) From point 12 along the coast at the level of mean high water spring tide to Point 13 (50 Degrees 46.991 minutes North, 000 Degrees 57.058 minutes West) to Point 14 (50 Degrees 47.058 minutes North, 000 Degrees 57.072 minutes West) From point 14 along the coast at the level of mean high water spring tide to Point 15 (50 Degrees 47.376 minutes North, 000 Degrees 57.410 minutes West) to Point 16 (50 Degrees 47.622 minutes North, 000 Degrees 57.337 minutes West) From point 16 along the coast at the level of mean high water spring tide to point 10

AREA 3 – LANGLEY HARBOUR
The area enclosed by a line drawn from:
Point 17 (50 Degrees 47.617 minutes North, 001 Degrees 00.506 minutes West) to Point 18 (50 Degrees 47.943 minutes North, 001 Degrees 00.558 minutes West) to Point 19 (50 Degrees 48.262 minutes North, 001 Degrees 00.596 minutes West) to Point 20 (50 Degrees 48.453 minutes North, 001 Degrees 00.998 minutes West) to Point 21 (50 Degrees 48.782 minutes North, 001 Degrees 00.649 minutes West) to Point 22 (50 Degrees 48.880 minutes North, 001 Degrees 00.291 minutes West) to Point 23 (50 Degrees 48.820 minutes North, 001 Degrees 00.149 minutes West)

From point 23 along the coast at the level of mean high water spring tide to point 17

AREA 4 – LANGLEY HARBOUR
The area enclosed by a line drawn from:
Point 24 (50 Degrees 49.909 minutes North, 001 Degrees 01.333 minutes West) to Point 25 (50 Degrees 49.797 minutes North, 001 Degrees 02.354 minutes West) to Point 26 (50 Degrees 50.030 minutes North, 001 Degrees 02.600 minutes West)

From point 26 along the coast at the level of mean high water spring tide to point 24

AREA 5 – LANGLEY HARBOUR
The area enclosed by a line drawn from:
Point 27 (50 Degrees 49.660 minutes North, 001 Degrees 01.820 minutes West) to Point 28 (50 Degrees 49.386 minutes North, 001 Degrees 01.546 minutes West) to Point 29 (50 Degrees 49.063 minutes North, 001 Degrees 01.467 minutes West) to
Point 30 (50 Degrees 48.935 minutes North, 001 Degrees 01.818 minutes West) to
Point 31 (50 Degrees 49.197 minutes North, 001 Degrees 02.129 minutes West) to
Point 32 (50 Degrees 49.344 minutes North, 001 Degrees 01.946 minutes West) to
Point 33 (50 Degrees 49.503 minutes North, 001 Degrees 02.092 minutes West) to
Point 34 (50 Degrees 49.489 minutes North, 001 Degrees 02.247 minutes West) to
Point 35 (50 Degrees 49.624 minutes North, 001 Degrees 02.352 minutes West) to
Point 36 (50 Degrees 49.790 minutes North, 001 Degrees 02.105 minutes West)
From point 36 along the coast at the level of mean high water spring tide to point 27

**AREA 6 – PORTSMOUTH HARBOUR**
The area enclosed by a line drawn from:
Point 37 (50 Degrees 50.670 minutes North, 001 Degrees 09.399 minutes West) to
From point 37 along the coast at the level of mean high water spring tide to
Point 38 (50 Degrees 50.566 minutes North, 001 Degrees 09.270 minutes West) to
Point 39 (50 Degrees 50.426 minutes North, 001 Degrees 09.699 minutes West) to
Point 40 (50 Degrees 50.500 minutes North, 001 Degrees 09.775 minutes West)
From point 40 along the coast at the level of mean high water spring tide to point 37

**AREA 7 – PORTSMOUTH HARBOUR**
The area enclosed by a line drawn from:
Point 41 (50 Degrees 50.255 minutes North, 001 Degrees 09.627 minutes West) to
Point 42 (50 Degrees 50.300 minutes North, 001 Degrees 09.685 minutes West) to
Point 43 (50 Degrees 50.355 minutes North, 001 Degrees 09.580 minutes West) to
Point 44 (50 Degrees 50.344 minutes North, 001 Degrees 09.533 minutes West)
From point 44 along the base of the jetty until the southerly end of the jetty, then along the
cost at the level of mean high water spring tide to point 41

**AREA 8 – PORTSMOUTH HARBOUR**
The area enclosed by a line drawn from:
Point 45 (50 Degrees 50.210 minutes North, 001 Degrees 09.295 minutes West) to
Point 46 (50 Degrees 50.289 minutes North, 001 Degrees 09.168 minutes West) to
Point 47 (50 Degrees 50.178 minutes North, 001 Degrees 09.031 minutes West) to
Point 48 (50 Degrees 50.124 minutes North, 001 Degrees 09.127 minutes West)
From point 48 along the coast at the level of mean high water spring tide to point 45

**AREA 9 – PORTSMOUTH HARBOUR**
The area enclosed by a line drawn from:
Point 49 (50 Degrees 50.185 minutes North, 001 Degrees 07.532 minutes West) to
Point 50 (50 Degrees 50.064 minutes North, 001 Degrees 07.703 minutes West) to
Point 51 (50 Degrees 49.935 minutes North, 001 Degrees 07.324 minutes West) to
Point 52 (50 Degrees 49.847 minutes North, 001 Degrees 07.426 minutes West) to
Point 53 (50 Degrees 49.986 minutes North, 001 Degrees 07.809 minutes West) to
Point 54 (50 Degrees 49.766 minutes North, 001 Degrees 08.094 minutes West) to
Point 55 (50 Degrees 49.853 minutes North, 001 Degrees 08.395 minutes West) to
Point 56 (50 Degrees 50.370 minutes North, 001 Degrees 08.970 minutes West) to
Point 57 (50 Degrees 50.434 minutes North, 001 Degrees 08.766 minutes West)
From point 57 along the coast at the level of mean high water spring tide to point 49

**AREA 10 – PORTSMOUTH HARBOUR**
The area enclosed by a line drawn from:
Point 58 (50 Degrees 49.793 minutes North, 001 Degrees 08.860 minutes West) to
Point 59 (50 Degrees 49.700 minutes North, 001 Degrees 08.681 minutes West) to
Point 60 (50 Degrees 49.616 minutes North, 001 Degrees 08.827 minutes West) to
Point 61 (50 Degrees 49.720 minutes North, 001 Degrees 08.964 minutes West) to point 58

**AREA 11 – PORTSMOUTH HARBOUR**
The area enclosed by a line drawn from:
Point 62 (50 Degrees 49.514 minutes North, 001 Degrees 07.449 minutes West) to
Point 63 (50 Degrees 49.422 minutes North, 001 Degrees 07.315 minutes West) to
Point 64 (50 Degrees 49.244 minutes North, 001 Degrees 07.386 minutes West) to
Point 65 (50 Degrees 49.219 minutes North, 001 Degrees 07.585 minutes West) to
Point 66 (50 Degrees 49.384 minutes North, 001 Degrees 07.929 minutes West) to point 62

**AREA 12 – THE SOLENT**
The area enclosed by a line drawn from:
Point 67 (50 Degrees 49.295 minutes North, 001 Degrees 15.222 minutes West) to
Point 68 (50 Degrees 49.166 minutes North, 001 Degrees 15.386 minutes West) to
Point 69 (50 Degrees 49.575 minutes North, 001 Degrees 16.470 minutes West) to
Point 70 (50 Degrees 49.740 minutes North, 001 Degrees 16.333 minutes West)
From point 70 along the coast at the level of mean high water spring tide to point 67

**AREA 13 – THE SOLENT**
The area enclosed by a line drawn from:
Point 71 (50 Degrees 48.595 minutes North, 001 Degrees 18.995 minutes West) to
Point 72 (50 Degrees 48.384 minutes North, 001 Degrees 18.602 minutes West) to
Point 73 (50 Degrees 47.952 minutes North, 001 Degrees 19.486 minutes West) to
Point 74 (50 Degrees 47.802 minutes North, 001 Degrees 19.899 minutes West) to
Point 75 (50 Degrees 47.840 minutes North, 001 Degrees 19.950 minutes West)
From point 75 along the coast at the level of mean high water spring tide to point 71

**AREA 14 – THE SOLENT**
The area enclosed by a line drawn from:
Point 76 (50 Degrees 47.097 minutes North, 001 Degrees 22.017 minutes West) to
Point 77 (50 Degrees 46.698 minutes North, 001 Degrees 21.389 minutes West) to
Point 78 (50 Degrees 46.521 minutes North, 001 Degrees 22.260 minutes West) to point 76

**AREA 15 – THE ISLE OF WIGHT**
The area enclosed by a line drawn from:
Point 79 (50 Degrees 42.418 minutes North, 001 Degrees 31.205 minutes West) to
Point 80 (50 Degrees 42.477 minutes North, 001 Degrees 31.199 minutes West) to
Point 81 (50 Degrees 42.511 minutes North, 001 Degrees 29.844 minutes West) to
Point 82 (50 Degrees 42.726 minutes North, 001 Degrees 28.544 minutes West) to
Point 83 (50 Degrees 42.956 minutes North, 001 Degrees 27.637 minutes West) to
Point 84 (50 Degrees 42.900 minutes North, 001 Degrees 27.520 minutes West)
From point 84 along the coast at the level of mean high water spring tide to point 79

**AREA 16 – THE ISLE OF WIGHT**
The area enclosed by a line drawn from:
Point 85 (50 Degrees 44.280 minutes North, 001 Degrees 21.795 minutes West) to
Point 86 (50 Degrees 44.439 minutes North, 001 Degrees 21.769 minutes West) to
Point 87 (50 Degrees 44.483 minutes North, 001 Degrees 21.552 minutes West) to
Point 88 (50 Degrees 44.550 minutes North, 001 Degrees 21.108 minutes West) to
Point 89 (50 Degrees 44.470 minutes North, 001 Degrees 21.010 minutes West)
From point 89 along the coast at the level of mean high water spring tide to point 85

**AREA 17 – THE ISLE OF WIGHT**
The area enclosed by a line drawn from:
Point 90 (50 Degrees 45.779 minutes North, 001 Degrees 17.300 minutes West)
From point 90 along the base of the breakwater until the northerly end of the breakwater to
Point 91 (50 Degrees 45.987 minutes North, 001 Degrees 17.835 minutes West) to
Point 92 (50 Degrees 46.172 minutes North, 001 Degrees 17.128 minutes West) to
Point 93 (50 Degrees 45.980 minutes North, 001 Degrees 16.640 minutes West)
From point 93 along the coast at the level of mean high water spring tide to point 90
AREA 18 – THE ISLE OF WIGHT
The area enclosed by a line drawn from:
Point 94 (50 Degrees 45.950 minutes North, 001 Degrees 16.340 minutes West) to
Point 95 (50 Degrees 45.988 minutes North, 001 Degrees 16.311 minutes West) to
Point 96 (50 Degrees 45.975 minutes North, 001 Degrees 16.089 minutes West) to
Point 97 (50 Degrees 44.472 minutes North, 001 Degrees 12.484 minutes West) to
Point 98 (50 Degrees 44.346 minutes North, 001 Degrees 12.409 minutes West) to
Point 99 (50 Degrees 44.261 minutes North, 001 Degrees 12.815 minutes West)
From point 99 along the coast at the level of mean high water spring tide to point 94

AREA 19 – THE ISLE OF WIGHT
The area enclosed by a line drawn from:
Point 100 (50 Degrees 44.000 minutes North, 001 Degrees 10.372 minutes West) to
Point 101 (50 Degrees 44.343 minutes North, 001 Degrees 10.582 minutes West) to
Point 102 (50 Degrees 44.576 minutes North, 001 Degrees 08.744 minutes West) to
Point 103 (50 Degrees 43.900 minutes North, 001 Degrees 09.200 minutes West)
From point 103 along the coast at the level of mean high water spring tide to point 100

AREA 20 – THE ISLE OF WIGHT
The area enclosed by a line drawn from:
Point 104 (50 Degrees 42.544 minutes North, 001 Degrees 06.155 minutes West) to
Point 105 (50 Degrees 42.589 minutes North, 001 Degrees 06.061 minutes West) to
Point 106 (50 Degrees 42.434 minutes North, 001 Degrees 05.822 minutes West) to
Point 107 (50 Degrees 42.380 minutes North, 001 Degrees 05.900 minutes West)
From point 107 along the coast at the level of mean high water spring tide to point 104

AREA 21 – THE ISLE OF WIGHT
The area enclosed by a line drawn from:
Point 108 (50 Degrees 41.696 minutes North, 001 Degrees 05.255 minutes West) to
Point 109 (50 Degrees 41.747 minutes North, 001 Degrees 05.229 minutes West) to
Point 110 (50 Degrees 41.988 minutes North, 001 Degrees 05.775 minutes West) to
Point 111 (50 Degrees 42.089 minutes North, 001 Degrees 05.728 minutes West) to
Point 112 (50 Degrees 42.071 minutes North, 001 Degrees 05.107 minutes West) to
Point 113 (50 Degrees 42.271 minutes North, 001 Degrees 05.050 minutes West) to
Point 114 (50 Degrees 42.247 minutes North, 001 Degrees 05.132 minutes West) to
Point 115 (50 Degrees 42.336 minutes North, 001 Degrees 05.185 minutes West) to
Point 116 (50 Degrees 42.359 minutes North, 001 Degrees 05.058 minutes West) to
Point 117 (50 Degrees 42.301 minutes North, 001 Degrees 05.020 minutes West) to
Point 118 (50 Degrees 42.392 minutes North, 001 Degrees 04.288 minutes West) to
Point 119 (50 Degrees 42.385 minutes North, 001 Degrees 04.097 minutes West) to
Point 120 (50 Degrees 42.233 minutes North, 001 Degrees 03.579 minutes West) to
Point 121 (50 Degrees 42.251 minutes North, 001 Degrees 03.458 minutes West) to
Point 122 (50 Degrees 42.316 minutes North, 001 Degrees 03.454 minutes West) to
Point 123 (50 Degrees 42.367 minutes North, 001 Degrees 03.200 minutes West) to
Point 124 (50 Degrees 42.328 minutes North, 001 Degrees 02.418 minutes West) to
Point 125 (50 Degrees 41.856 minutes North, 001 Degrees 02.644 minutes West) to
Point 126 (50 Degrees 41.119 minutes North, 001 Degrees 00.209 minutes West) to
Point 127 (50 Degrees 40.053 minutes North, 000 Degrees 59.524 minutes West) to
Point 128 (50 Degrees 39.762 minutes North, 000 Degrees 59.412 minutes West) to
Point 129 (50 Degrees 39.756 minutes North, 000 Degrees 58.113 minutes West) to
Point 130 (50 Degrees 35.310 minutes North, 001 Degrees 10.280 minutes West) to
Point 131 (50 Degrees 33.224 minutes North, 001 Degrees 17.911 minutes West) to
Point 132 (50 Degrees 38.739 minutes North, 001 Degrees 34.402 minutes West) to
Point 133 (50 Degrees 38.865 minutes North, 001 Degrees 33.834 minutes West) to
Point 134 (50 Degrees 37.992 minutes North, 001 Degrees 29.789 minutes West) to
Point 135 (50 Degrees 38.161 minutes North, 001 Degrees 29.714 minutes West) to
Point 136 (50 Degrees 38.535 minutes North, 001 Degrees 31.006 minutes West) to
Point 137 (50 Degrees 39.770 minutes North, 001 Degrees 30.340 minutes West) to
Point 138 (50 Degrees 39.127 minutes North, 001 Degrees 34.463 minutes West) to
Point 139 (50 Degrees 39.482 minutes North, 001 Degrees 36.615 minutes West) to
Point 140 (50 Degrees 39.616 minutes North, 001 Degrees 37.010 minutes West) to
Point 141 (50 Degrees 39.689 minutes North, 001 Degrees 37.083 minutes West) to
Point 142 (50 Degrees 40.440 minutes North, 001 Degrees 34.090 minutes West)
From point 142 along the coast at the level of mean high water spring tide to point 108

**AREA 22 – THE ISLE OF WIGHT**
The area enclosed by a line drawn from:
Point 143 (50 Degrees 41.007 minutes North, 000 Degrees 58.438 minutes West) to
Point 144 (50 Degrees 40.615 minutes North, 000 Degrees 57.900 minutes West) to
Point 145 (50 Degrees 40.248 minutes North, 000 Degrees 57.781 minutes West) to
Point 146 (50 Degrees 40.290 minutes North, 000 Degrees 58.348 minutes West) to
Point 147 (50 Degrees 40.556 minutes North, 000 Degrees 58.500 minutes West) to point 143

**AREA 23 – POOLE HARBOUR**
The area enclosed by a line drawn from:
Point 148 (50 Degrees 42.270 minutes North, 001 Degrees 57.030 minutes West) to
Point 149 (50 Degrees 42.251 minutes North, 001 Degrees 56.921 minutes West) to
Point 150 (50 Degrees 42.197 minutes North, 001 Degrees 56.818 minutes West) to
Point 151 (50 Degrees 42.125 minutes North, 001 Degrees 56.780 minutes West) to
Point 152 (50 Degrees 42.045 minutes North, 001 Degrees 56.568 minutes West) to
Point 153 (50 Degrees 42.020 minutes North, 001 Degrees 56.555 minutes West) to
Point 154 (50 Degrees 41.999 minutes North, 001 Degrees 56.560 minutes West) to
Point 155 (50 Degrees 41.997 minutes North, 001 Degrees 56.630 minutes West) to
Point 156 (50 Degrees 42.024 minutes North, 001 Degrees 56.846 minutes West) to
Point 157 (50 Degrees 42.219 minutes North, 001 Degrees 57.120 minutes West) to point 148

**AREA 24 – POOLE HARBOUR**
The area enclosed by a line drawn from:
Point 158 (50 Degrees 41.842 minutes North, 001 Degrees 56.722 minutes West) to
Point 159 (50 Degrees 41.846 minutes North, 001 Degrees 56.658 minutes West) to
Point 160 (50 Degrees 41.829 minutes North, 001 Degrees 56.553 minutes West) to
Point 161 (50 Degrees 41.645 minutes North, 001 Degrees 56.515 minutes West) to
Point 162 (50 Degrees 41.577 minutes North, 001 Degrees 56.353 minutes West) to
Point 163 (50 Degrees 41.539 minutes North, 001 Degrees 56.351 minutes West) to
Point 164 (50 Degrees 41.456 minutes North, 001 Degrees 56.409 minutes West) to
Point 165 (50 Degrees 41.332 minutes North, 001 Degrees 56.652 minutes West) to
Point 166 (50 Degrees 41.371 minutes North, 001 Degrees 56.800 minutes West) to
Point 167 (50 Degrees 41.363 minutes North, 001 Degrees 56.820 minutes West) to
Point 168 (50 Degrees 41.383 minutes North, 001 Degrees 56.895 minutes West) to point 158

**AREA 25 – POOLE HARBOUR**
The area enclosed by a line drawn from:
Point 169 (50 Degrees 41.621 minutes North, 001 Degrees 56.286 minutes West) to
Point 170 (50 Degrees 41.627 minutes North, 001 Degrees 56.222 minutes West) to
Point 171 (50 Degrees 41.589 minutes North, 001 Degrees 56.190 minutes West) to
Point 172 (50 Degrees 41.542 minutes North, 001 Degrees 56.264 minutes West) to
Point 173 (50 Degrees 41.558 minutes North, 001 Degrees 56.311 minutes West) to
Point 174 (50 Degrees 41.589 minutes North, 001 Degrees 56.317 minutes West) to point 169
Area 26 – Studland to Portland
The area enclosed by a line drawn from:
Point 175 (50 Degrees 38.583 minutes North, 001 Degrees 55.350 minutes West) to
Point 176 (50 Degrees 38.667 minutes North, 001 Degrees 55.333 minutes West) to
Point 177 (50 Degrees 38.667 minutes North, 001 Degrees 54.733 minutes West) to
Point 178 (50 Degrees 36.467 minutes North, 001 Degrees 54.783 minutes West) to
Point 179 (50 Degrees 36.000 minutes North, 001 Degrees 53.217 minutes West) to
Point 180 (50 Degrees 35.583 minutes North, 001 Degrees 53.217 minutes West) to
Point 181 (50 Degrees 35.083 minutes North, 001 Degrees 54.033 minutes West) to
Point 182 (50 Degrees 33.133 minutes North, 001 Degrees 54.050 minutes West) to
Point 183 (50 Degrees 29.850 minutes North, 002 Degrees 06.017 minutes West) to
Point 184 (50 Degrees 31.462 minutes North, 002 Degrees 14.535 minutes West) to
Point 185 (50 Degrees 33.393 minutes North, 002 Degrees 14.548 minutes West) to
Point 186 (50 Degrees 33.870 minutes North, 002 Degrees 11.238 minutes West) to
Point 187 (50 Degrees 33.772 minutes North, 002 Degrees 10.350 minutes West) to
Point 188 (50 Degrees 33.985 minutes North, 002 Degrees 09.867 minutes West) to
Point 189 (50 Degrees 34.642 minutes North, 002 Degrees 10.241 minutes West) to
Point 190 (50 Degrees 34.855 minutes North, 002 Degrees 09.848 minutes West) to
Point 191 (50 Degrees 36.098 minutes North, 002 Degrees 11.026 minutes West) to
Point 192 (50 Degrees 36.620 minutes North, 002 Degrees 14.980 minutes West) to
Point 193 (50 Degrees 36.674 minutes North, 002 Degrees 15.816 minutes West) to
Point 194 (50 Degrees 34.058 minutes North, 002 Degrees 15.906 minutes West) to
Point 195 (50 Degrees 34.067 minutes North, 002 Degrees 19.967 minutes West) to
Point 196 (50 Degrees 37.917 minutes North, 002 Degrees 20.333 minutes West)
From point 196 along the coast at the level of mean high water spring tide to point 175

Area 27 – Portland
The area enclosed by a line drawn from:
Point 197 (50 Degrees 32.533 minutes North, 002 Degrees 25.117 minutes West) to
Point 198 (50 Degrees 31.400 minutes North, 002 Degrees 21.983 minutes West) to
Point 199 (50 Degrees 30.690 minutes North, 002 Degrees 23.424 minutes West) to
Point 200 (50 Degrees 30.761 minutes North, 002 Degrees 23.876 minutes West) to
Point 201 (50 Degrees 30.330 minutes North, 002 Degrees 24.397 minutes West) to
Point 202 (50 Degrees 30.219 minutes North, 002 Degrees 24.380 minutes West) to
Point 203 (50 Degrees 29.683 minutes North, 002 Degrees 25.467 minutes West) to
Point 204 (50 Degrees 29.000 minutes North, 002 Degrees 20.700 minutes West) to
Point 205 (50 Degrees 28.412 minutes North, 002 Degrees 19.352 minutes West) to
Point 206 (50 Degrees 28.254 minutes North, 002 Degrees 18.393 minutes West)
From point 206 Southwest along the District boundary to
Point 207 (50 Degrees 27.883 minutes North, 002 Degrees 18.757 minutes West) to
Point 208 (50 Degrees 27.883 minutes North, 002 Degrees 18.757 minutes West) to
Point 209 (50 Degrees 27.483 minutes North, 002 Degrees 26.000 minutes West) to
Point 210 (50 Degrees 27.483 minutes North, 002 Degrees 26.033 minutes West) to
Point 211 (50 Degrees 29.367 minutes North, 002 Degrees 28.817 minutes West) to
Point 212 (50 Degrees 33.617 minutes North, 002 Degrees 27.383 minutes West) to
Point 213 (50 Degrees 33.550 minutes North, 002 Degrees 26.917 minutes West)
From point 213 along the coast at the level of mean high water spring tide to point 197

Area 28 – The Fleet
The area enclosed by a line drawn from:
Point 214 (50 Degrees 35.990 minutes North, 002 Degrees 29.940 minutes West) to
Point 215 (50 Degrees 35.860 minutes North, 002 Degrees 30.170 minutes West)
From point 215 along the coast at the level of mean high water spring tide to
Point 216 (50 Degrees 38.680 minutes North, 002 Degrees 35.510 minutes West) to
Point 217 (50 Degrees 38.775 minutes North, 002 Degrees 35.410 minutes West)
From point 217 along the coast at the level of mean high water spring tide to point 214
**AREA 29 – LYME BAY**

The area enclosed by a line drawn from:

- Point 218 (50 Degrees 41.740 minutes North, 002 Degrees 43.260 minutes West) to
- Point 219 (50 Degrees 41.000 minutes North, 002 Degrees 44.020 minutes West) to
- Point 220 (50 Degrees 40.791 minutes North, 002 Degrees 44.767 minutes West) to
- Point 221 (50 Degrees 40.180 minutes North, 002 Degrees 44.767 minutes West) to
- Point 222 (50 Degrees 39.859 minutes North, 002 Degrees 45.000 minutes West) to
- Point 223 (50 Degrees 39.373 minutes North, 002 Degrees 45.000 minutes West) to
- Point 224 (50 Degrees 39.393 minutes North, 002 Degrees 44.631 minutes West) to
- Point 225 (50 Degrees 39.452 minutes North, 002 Degrees 43.800 minutes West) to
- Point 226 (50 Degrees 39.219 minutes North, 002 Degrees 42.924 minutes West) to
- Point 227 (50 Degrees 38.704 minutes North, 002 Degrees 42.996 minutes West) to
- Point 228 (50 Degrees 38.538 minutes North, 002 Degrees 43.162 minutes West) to
- Point 229 (50 Degrees 38.450 minutes North, 002 Degrees 42.033 minutes West) to
- Point 230 (50 Degrees 38.833 minutes North, 002 Degrees 42.300 minutes West) to
- Point 231 (50 Degrees 39.167 minutes North, 002 Degrees 42.000 minutes West) to
- Point 232 (50 Degrees 39.533 minutes North, 002 Degrees 39.733 minutes West) to
- Point 233 (50 Degrees 39.067 minutes North, 002 Degrees 39.200 minutes West) to
- Point 234 (50 Degrees 39.050 minutes North, 002 Degrees 38.383 minutes West) to
- Point 235 (50 Degrees 38.600 minutes North, 002 Degrees 36.833 minutes West) to
- Point 236 (50 Degrees 38.350 minutes North, 002 Degrees 36.850 minutes West) to
- Point 237 (50 Degrees 37.633 minutes North, 002 Degrees 42.133 minutes West) to
- Point 238 (50 Degrees 37.538 minutes North, 002 Degrees 44.533 minutes West) to
- Point 239 (50 Degrees 39.000 minutes North, 002 Degrees 45.669 minutes West) to
- Point 240 (50 Degrees 39.660 minutes North, 002 Degrees 48.070 minutes West) to
- Point 241 (50 Degrees 39.660 minutes North, 002 Degrees 48.942 minutes West) to
- Point 242 (50 Degrees 39.458 minutes North, 002 Degrees 48.942 minutes West) to
- Point 243 (50 Degrees 39.000 minutes North, 002 Degrees 48.942 minutes West) to
- Point 244 (50 Degrees 39.000 minutes North, 002 Degrees 52.043 minutes West) to
- Point 245 (50 Degrees 38.870 minutes North, 002 Degrees 52.501 minutes West) to
- Point 246 (50 Degrees 39.000 minutes North, 002 Degrees 52.009 minutes West) to
- Point 247 (50 Degrees 39.000 minutes North, 002 Degrees 54.856 minutes West) to
- Point 248 (50 Degrees 38.705 minutes North, 002 Degrees 54.856 minutes West) to
- Point 249 (50 Degrees 38.705 minutes North, 002 Degrees 55.000 minutes West) to
- Point 250 (50 Degrees 38.617 minutes North, 002 Degrees 55.000 minutes West) to
- Point 251 (50 Degrees 38.167 minutes North, 002 Degrees 52.433 minutes West) to
- Point 252 (50 Degrees 37.866 minutes North, 002 Degrees 52.817 minutes West) to
- Point 253 (50 Degrees 37.667 minutes North, 002 Degrees 54.300 minutes West) to
- Point 254 (50 Degrees 37.267 minutes North, 002 Degrees 53.600 minutes West) to
- Point 255 (50 Degrees 37.084 minutes North, 002 Degrees 53.830 minutes West) to
- Point 256 (50 Degrees 37.000 minutes North, 002 Degrees 54.185 minutes West) to
- Point 257 (50 Degrees 37.433 minutes North, 002 Degrees 55.300 minutes West) to
- Point 258 (50 Degrees 37.383 minutes North, 002 Degrees 56.083 minutes West) to
- Point 259 (50 Degrees 38.124 minutes North, 002 Degrees 56.780 minutes West) to
- Point 260 (50 Degrees 43.070 minutes North, 002 Degrees 56.780 minutes West)

From point 260 along the coast at the level of mean high water spring tide to point 218.
Explanatory Note

(This note is not part of the Byelaw)

Penalty

By virtue of s. 163 of the Marine and Coastal Access Act 2009, it is an offence for a person to contravene any byelaw made under section 155 of the Act. In addition, where any vessel is used in contravention of any byelaw made under section 155, the master, the owner and the charterer (if any) are also guilty of an offence under s. 163. The penalty for an offence under s. 163 is a fine not exceeding £50,000.

Entry into Force and Duration

This byelaw will come into force on .......................... 2013 and will remain in force until revoked by the Secretary of State.

This byelaw prohibits the use of bottom towed fishing gear for the exploitation of sea fisheries resources in prohibited areas of the Southern Inshore Fisheries and Conservation Authority District in order to protect Seagrass (Zostera spp) and reef areas.

Before deciding to authorise a dispensation it may be necessary to make an appropriate assessment of the implications for the European Marine Site in view of that site’s conservation objectives.

The prohibited areas are defined in the Schedule and are shown, for illustrative purposes only, on the maps below.
SOUTHERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

PROHIBITION OF BOTTOM TOWED FISHING GEAR BYELAW

SHADAED IN BLACK ARE THE PROHIBITED AREAS
NOT TO BE USED FOR NAVIGATION – FOR ILLUSTRATIVE PURPOSES ONLY, PLEASE REFER TO BYELAW SCHEDULE FOR DEFINITIVE POSITIONS
SHADED IN BLACK ARE THE PROHIBITED AREAS
NOT TO BE USED FOR NAVIGATION – FOR ILLUSTRATIVE PURPOSES ONLY, PLEASE REFER TO BYELAW SCHEDULE FOR DEFINITIVE POSITIONS
Poole Harbour
Roosting Sites Code of Practice

To prevent disturbance to breeding and roosting bird species and promote the protection of supporting breeding habitat within specific areas of Poole Harbour the points listed below should be observed by any person carrying out dredge fishing activity within Poole Harbour between 25th May and 23rd December:

- Avoid fishing in close proximity to saltmarsh areas
- When moving around areas of saltmarsh keep speed to a maximum of 6 knots
- Avoid landing or disembarking on any saltmarsh area
- Avoid contact between a vessel and any part of the saltmarsh
- When operating in areas defined under section 5.4 of the Poole Harbour Dredge permit during the period when these areas are open between 1st July and 1st November avoid excessive noise, beyond that caused by deployment of gear

Additionally, between 25th May and 1st July each year, to avoid disturbance to Mediterranean Gull (*Larus melanocephalus*), a feature of the Poole Harbour Special Protection Area (SPA), in the area of Seagull Island, any person carrying out dredge fishing activity within Poole Harbour should observe the following:

- Avoid dredge fishing between the three parts of Seagull Island
- Avoid contact between a vessel and any part of Seagull Island
- Avoid landing or disembarking on any part of Seagull Island
• When moving around or between parts of Seagull Island keep speed to a maximum of 6 knots

• Avoid excessive noise, beyond that caused by deployment of gear, when in close proximity to any part of Seagull Island

**Explanatory Note**

This Code of Practice (CoP) aims to avoid disturbance to breeding and roosting bird species and promote protection of supporting breeding habitat within specific areas of Poole Harbour with particular reference to avoiding disturbance to the Mediterranean Gull (*Larus melanocephalus*) during the key breeding period of 1st April to 1st July in the area of Seagull Island where a large colony of this species is known to breed each year. By following the advice provided, fishermen will minimise the disturbance impact to this feature of the Poole Harbour SPA, a European Marine Site (EMS). The IFCA has a duty under the Habitats Directive 2010 to ensure that fishing activity does not disturb or have an adverse effect on the wildlife for which an EMS is legally protected.

This CoP was developed as a first alternative to a regulatory permit condition under the Poole Harbour Dredge Permit Byelaw as the disturbance can potentially be minimised through small changes to fishing practice.
Poole Harbour, Seagull Island Extent:
Under section 2 of the Poole Harbour Dredge Permit Conditions permit holders must submit to the Authority a completed catch return using this form. For each day of the month the permit holder must state the hours fished, the quantity in kilograms of each species caught that day and name(s) of the company or individual to whom all parts of the catch was sold. If no fishing has taken place during a month the permit holder must indicate this by submitting a “nil” catch return.

**Name ........................................**

**Vessel ........................................**

**Month ........................................**

**Year ...........................................**

<table>
<thead>
<tr>
<th>Day</th>
<th>Hours Fished</th>
<th>Species Caught and Quantity</th>
<th>Name(s) of company or individual catch sold to</th>
<th>Day</th>
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<tbody>
<tr>
<td>Eg.</td>
<td>5.5</td>
<td>CMM – 275 kg</td>
<td>Mr X</td>
<td>16th</td>
</tr>
<tr>
<td>1st</td>
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<td>17th</td>
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<tr>
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<td>31st</td>
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<th>Species</th>
<th>Code</th>
<th>Native Clams</th>
<th>Cockles</th>
<th>American Hard Shelled Clams</th>
<th>Other – please specify</th>
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<td>CMM</td>
<td>CLX</td>
<td>COC</td>
<td>CLH</td>
<td></td>
</tr>
</tbody>
</table>

I certify that the information contained in this catch return is correct

(Signature of permit holder)...........................................................................(Date).....................................

*Monthly catch return data will be cross-checked to ensure that it is accurate. Data will be treated in accordance with the Data Protection Act 1998.*