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Your ref: SBS-MCZ-006 Towed demersal gear 2021 v.2

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BY EMAIL ONLY

Dear Sarah,

Formal Advice to Devon and Severn IFCA: Marine Conservation Zone (MCZ) Assessment for Towed Demersal Gear (Trawls and Dredges) in Skerries Bank and Surrounds MCZ UKMO 20130019

Thank you for the above assessment, received by email on 20 September 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

In 2012, the Department for Environment, Food and Rural Affairs (Defra) announced a revised approach to the management of commercial fisheries in European Marine Sites (EMS). The revised approach was subsequently extended to ensure fishing activities in Marine Conservation Zones (MCZ) are managed in accordance with the provisions of the Marine and Coastal Access Act 2009.

Natural England has considered the assessment prepared by D&S IFCA for the purposes of making an assessment consistent with the provisions of the Marine and Coastal Access Act 2009. Please accept this letter as Natural England's formal advice on the assessment in accordance with Section 127 of the Marine and Coastal Access Act 2009 and the conclusions it makes.

The scope of this advice is limited by the provisions of Section 127 of the Act. As such, while we recognise the important implications of the evidence presented on the history of the designation of the site, and the long-standing management agreement represented by the South Devon Inshore Potting Agreement (IPA) operating in part of the site, we cannot take these matters into account when considering our advice. Our advice purely focuses on the likely ecological impacts of the activity on the features of the site, and achievement of the site conservation objectives.

In that context, we cannot agree with D&S IFCA's conclusion that demersal gear is unlikely to have a significant impact on the moderate energy circalittoral rock feature and its attributes within this site, and therefore will not hinder the achievement of the conservation objectives with a target set to recover.

Similarly, we cannot agree with the additional conclusion that the general management approach of "maintain in favourable condition" for subtidal coarse sediment will be met, and that the activity will not hinder the conservation objective target of maintain for this feature and its attributes.

Please see Annex 1 for our detailed comments relating to points raised in the assessment.

Please do not hesitate to contact me if you have questions or require further information.

Yours sincerely,

Kate Sugar
Natural England

Annex 1: NE comments on MCZ Assessment for Skerries Bank and Surrounds (Towed demersal gear – trawls and dredges)

1. Site history and socio-economic importance

1.1 Natural England recognises that the recommendation of the Skerries Bank and Surrounds site for designation as an MCZ by stakeholders was conditional at the time upon the existing management regime being maintained at the site. This is further borne out by the fact that the original Impact Assessment recorded the estimated value of landings affected by site designation as £0.00, on the understanding that management would not change.

1.2 Furthermore, we recognise the great value of the South Devon Inshore Potting Agreement (IPA) and its long history of providing a sustainable management solution locally. It is also clear that the 'access areas' within the site are frequently used by a significant number of vessels, and currently of great economic importance to the local towed gear fleet. These are all elements that are clearly central considerations for the IFCA, in discharging the duty (Section 153, Marine & Coastal Access Act) to seek to balance the social and economic benefits of fisheries within the District, with the need to protect the marine environment from the effects of this exploitation.

1.3 However, Natural England's role in this assessment process is to formally advise on assessments as laid out in Section 127 of the Marine and Coastal Access Act. This formal advice is limited to: matters that are capable of damaging or otherwise affecting any protected feature, or ecological/geomorphological process on which the conservation of any such feature is dependent; and how any conservation objectives for a site can be furthered, or how the achievement of those conservation objectives might be hindered. Therefore, while we recognise the validity of the arguments presented around site history and socio-economic importance, we cannot take them into account in our consideration of, and advice on, the ecological impacts that the activity may be having on the feature(s): this is the basis on which this formal advice is provided.

2 Presence and location of rock features within the site

2.1 The MCZ Verification survey referenced in the assessment (Curtis et al, 2015) presents an updated habitat map for the site, the quality of which is assessed as 'high' (75-80, MESH Confidence Assessment Tool). This habitat map shows a scattered, relatively minimal distribution of moderate energy circalittoral rock throughout the site. Out of 185 DDV stations across the whole site, rock was only recorded at four stations – the assessment correctly notes that none of these are within the access areas for towed gears. The verification survey report acknowledges that although the presence of the mapped habitats is supported by robust evidence, the habitat map may be underestimating the distribution of rock habitat. Any rock habitat present in deeper water is thought to be relatively low lying and therefore it is unclear how much rock might be permanently or sporadically covered by a sediment veneer. We cannot entirely rule out the possibility that moderate energy circalittoral rock habitat could exist within the access areas. We therefore do not agree with the proposal that hindrance of the 'recover' conservation objective for the moderate energy circlittoral rock feature can be ruled out on the grounds that the feature is not present within the access areas.

2.2 The assessment goes on to state that the calculated area of moderate energy circalittoral rock currently exposed to towed gears represents 15.56% of the total area for this feature. This is not an insignificant proportion of the feature exposed to the activity, particularly when evidence points towards significant damage occurring to this feature from exposure to trawls and dredges: including damage and removal of epifauna (particularly impacting long-lived slow-growing species such as erect bryozoans and sponges); modification of the substrate and breaking up of reef integrity; and reduction in habitat complexity. These are significant alterations that if impacting 15% of the total area of the feature would certainly be expected to hinder the achievement of a 'recover' conservation objective.

2.3 Whether or not the current trawling and dredging activities are occurring over the moderate energy circalittoral rock feature, significant impacts from these activities are not limited to the rock features of the site alone. The evidence supports a conclusion that operation of trawls and dredges within the access areas would also adversely impact the sublittoral sediment features: in particular, the subtidal coarse sediment which makes up a considerable proportion of the site according to the updated habitat map presented by Curtis et al (2015). Therefore, we do not agree that absence of the rock features from the access areas, if proven, could be used to draw a conclusion of no hindrance to the site's conservation objectives overall.

3. Impacts on sublittoral sediment features

3.1 In order to assess the potential impacts on conservation objectives for the subtidal sediment features (subtidal coarse sediment, and subtidal sand), it is necessary to think about the degree of disturbance from the towed gear activity within the access areas, considering the impacts of the various types of gear employed, the frequency and intensity of the fishing activity, and the sensitivity of the habitats themselves.

3.2 The assessment presents evidence that much of the sediment features within the site are "fully protected", with a remainder of 17.69% of the subtidal coarse sediment, and 4.15% of the subtidal sand being exposed for at least part of the year. While we agree that these proportions are relatively small, and suggest that the majority of the feature is protected within the site already, we do not agree with the implication that this is an insignificant proportion of the features protected by the site as a whole, particularly for subtidal coarse sediment. We do not agree that the de facto protection of a large proportion of the feature (existing outwith the access areas) is sufficient to draw a conclusion of no hindrance to the feature's 'maintain' conservation objectives within the site.

3.3 The assessment considers the evidence for the impacts of the various towed gears and dredges under consideration on sublittoral sediment habitats. The key question that we have considered in drawing our conclusions for this advice is: could recovery of the sediment feature(s) within the access areas reasonably be expected to take place within the seasonal closure periods? If yes, then a conclusion that the current management regime does not hinder the achievement of the 'maintain' conservation objectives is supported. If not, and there is evidence that the trawling/dredging activity is altering those sediment features, then the conclusion must be that the use of bottom towed gears in the access areas is likely to be hindering the achievement of the sites conservation objectives for the sediment features.

Could recovery take place within the seasonal closure periods?

3.4 The assessment lists the management arrangements for the access areas within the Skerries Bank and Surrounds MCZ. Zone 3 – closed to trawling and dredging for 9 months of the year (1 April – 31 December). Zone 4 – closed to all trawling and dredging for 5 months (1 September to 31 January), and to scallop dredging for an additional 2 months (July and August) i.e. 7 months total closure to scallop dredging. The Corridor (Area C) – closed to trawling and dredging for 11 months (1 April to 31 January). Areas within the zones above are therefore closed to trawls and dredges every year for a period of time from 5 months to 11 months. The assessment notes that all areas are extensively fished when open – both by trawls and scallop dredges.

3.5 The assessment correctly points out that the sensitivity of the main biotope for the subtidal coarse sediment feature (A5.142 *'Mediomastis fragilis*, *Lumbrineris* spp and venerid bivalves in circalittoral coarse sand and gravel' - MedLumVen) is assessed as 'low' (using MarLIN's MarESA approach – Tillin, 2016) to abrasion or penetration impacts, and removal of non-target species. However, it should be noted that this is based on a 'high' resilience for the biotope – pointing towards recovery within 2 years. It is not correct to conclude that the biotopes present would be capable of making a full recovery within a 5 month period annually, or even an 11 month period i.e. within the closed periods currently in place. This is further complicated by the fact that the biotope description for A5.142

MedLumVen is broad, and in fact 'recovery' of the biotope within the short term may in fact be to a different assemblage of species that would still be recognized as this biotope – with some opportunistic species from within the biotope assemblage re-establishing quickly. The larger, longer-lived organisms typically found as part of this biotope would require a longer period for recovery. Recovery within 2 years might not represent full recovery to the previous status.

full recovery to what?

3.6 The assessment presents evidence from the Isle of Man scallop fishery that recovery of certain hydroid species can be very quick, especially when a summer fishery closure coincides with the key settlement period for many benthic invertebrates. However again this is not equivalent to full recovery of the biotope – it is known that some shorter-lived and more opportunistic species will be quick to recolonize areas after impact, but it will take longer for other organisms to come back. There is evidence from comparative studies between disturbed and undisturbed areas to indicate that abrasion and disturbance from bottom trawling on coarse gravels and sands will reduce abundance of organisms, biomass and species diversity (Collie et al., 1997), and in general, repeated, chronic removal of species or disturbance will impact recovery. Intensively fished areas are likely to be maintained in a permanently altered state, inhabited by fauna adapted to frequent physical disturbance (Collie et al 2000). While we agree that the closed periods for the access areas within the MCZ will allow for some recovery of the sediment biotopes, perhaps significant recovery for the more opportunistic species, the evidence points towards full recovery taking longer than the in-year closures of 5-11 months.

Is there evidence that current trawling/dredging is impacting the sediment features?

3.7 If full recovery is not taking place during the seasonal closures, then there should be measurable differences between the areas that are open (seasonally) to dredging and trawling, and the areas that are not. Blyth et al (2004) looked in detail at this area before MCZ designation and did find evidence that the trawling activity was having an impact. Their results showed no significant differences between total species richness or biomass of benthic communities in sites permanently open to towed gears, and sites subject to annual seasonal closures to towed gears. But there was significantly greater total species richness and biomass of benthic communities at sites where static gear only was permitted. The conclusion drawn by the authors of this study is that cessation of towed-gear fishing for a period of greater than 2 years would be necessary for benthic communities to recover such that they were indistinguishable from areas where towed gears had not been used.

3.8 The assessment references a further study (Ocean Ecology, 2015) undertaken to determine whether there were any high-level differences between areas that were trawled, and areas that were not open to towed gear, that may be attributable to or exacerbated by demersal fishing activities. The study found that, while both areas being compared were largely dominated by coarse sediments, there were some subtle differences in the proportions of particle sizes that could potentially be indicative of alterations to the substrate surface, attributable to the use of mobile gears in the trawled area. Taxa known to demonstrate moderate to high sensitivity to physical disturbance occurred more frequently in the not-trawled rather than the trawled area, whilst high sensitivity taxa were entirely absent from the video and stills footage collected across the trawled area. There is uncertainty surrounding these results, for example it is not possible to rule out the fact that sediment characteristics differ between the trawled and not-trawled areas, and this is influencing the differences in taxa found in each area. Equally however, it is not possible to rule out the conclusion that the trawling activity itself is altering the sediment composition of those areas and the resulting biotopes/species found.

3.9 In combination with the available evidence for sensitivity and anticipated recovery times for the relevant coarse sediment biotopes, the evidence from these studies supports the conclusion that the trawling and dredging activity currently taking place in the access areas of the site is potentially hindering the achievement of the conservation objective target of 'maintain' for the subtidal coarse sediment feature and its attributes.

4 Conclusions

Natural England agrees with the Pressure Audit Trail presented in Annex 4, and the features and attributes that have been picked out as relevant for this assessment. While we agree that subtidal mud and subtidal sand are not substantially at risk from the current management regime, we cannot agree with the conclusion that the current trawling and dredging activity within the site is not hindering the conservation objectives of the site for the moderate energy circalittoral rock and subtidal coarse sediment features.

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