

By E-mail Only

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Our Ref: SBS-MCZ-006 Towed demersal gear 2021v.2
Your Ref: 368447
Date: 9th March 2022

Dear Kate,

Marine Conservation Zone: Skerries Bank and Surrounds MCZ UKMO 20130019

I am writing to you following the formal advice you provided to D&S IFCA on the 20th September 2021 relating demersal fishing gear in the Skerries bank and Surrounds MCZ.

On detailed consideration and review of the formal advice, D&S IFCA Officers do not agree with the Natural England's conclusions as detailed in this formal advice. There are several points which have led us to this view:

1. Whilst D&S IFCA appreciates that the social and economic aspects of designation of the site are not part of the formal advice that Natural England provides, they are, as you pointed out, areas of D&S IFCA's consideration. Under S.117 of MaCAA when designating an MCZ, the appropriate authority may have regard to any social and economic factors consequences of doing so. These consequences were considered pre-designation of the Skerries Bank and Surrounds MCZ through the Finding Sanctuary Project and the selection of the site acknowledged that no changes in management would be introduced and social and economic factors did not need to be further evaluated and assessed, as there would be no impact of designation on the relevant stakeholders. This was not a time-dependency premise at the time of designation – it was the condition agreed by the Steering Group and relevant stakeholders prior to proposing this site for designation. The stakeholders would not have put forward the site for designation if this had not been agreed.
2. D&S IFCA disagrees with the updated 'modelled' habitat map and the confidence assessment of the quality of the habitat map as high. The evidence D&S IFCA has provided is very clear and detailed, proving that the modelling is not supported by the habitat survey results. Whilst you indicate that you cannot rule out the possibility that moderate energy circalittoral rock habitats could exist within the deeper water in the access areas, it cannot be proved that it does. The filming data clearly show that it is not present and therefore this should be evidence enough to inform the distribution of the rock feature. The modelling is just that – where there is evidence that rock is not present this should feed into the model. The verification survey report suggests that the habitat map 'underestimates the distribution of rock habitats but the modelling has clearly overestimated the presence of rock habitats. Further evidence of the inaccuracies of the modelling was detailed in the HRA where Cefas habitat modelling identifies wrecks (marked on UKHO charts) as reef (ref: HRA p.15).

3. In relation to point 2.2 in NE's advice – the percentages were calculated from the modelled habitat map – the only available source of habitat distribution. As pointed out above and in the assessment, D&S IFCA does not agree with this habitat map and therefore whilst we estimated percentages of likely area it is calculated on a modelled habitat map that is inaccurate and suggests rock habitat where footage clearly show there is no rock present. Therefore when the percentage is given as 15.56% of rock feature area this is not correct and will be much less (or non-existent) than this in the areas where there is access to demersal fishing gear. Using these percentages is not appropriate when considering the achievement of the conservation objectives. In the areas where there is access to demersal gear the rock feature was not identified through underwater video surveying and therefore the area of rock impacts will be zero or de-minimus. The vast majority, if not all the moderate energy circalittoral rock, is protected from the impact of demersal fishing gear, through the existing management measures under D&S IFCA's Mobile Fishing Permit Conditions and MMO fishing vessels' Licence Variation.
4. Regarding sub-tidal sediments, NE has agreed that the modelled area of sub-tidal coarse sediment and subtidal sand are relatively small (point 3.2). The conservation objective of these sediments is 'maintain in favourable condition', as set when the site was designated with the full knowledge of the activities that take place in the site. As stated in the Marine Conservation Zones Designation Explanatory Note (2013 S.4)) if the general management approach is 'maintain in favourable condition' this suggests 'it is currently in that state'. The activities must have been considered when setting the management approach and conservation objectives. The temporarily and spatially restricted demersal gear fishing activity in the three zones where access is permitted during a few months of the year, the activity has taken place since the 1990s although in recent years fewer mobile gear vessels are currently permitted to operate in D&S IFCA's District. D&S IFCA has concluded through the evidence gathered and literature reviewed that attributes and targets for the subtidal coarse sediment and sub-tidal sand to maintain in favourable condition can be met by the management measures that are currently in place, and therefore does not agree with the conclusion in section 3.2 of your advice.
5. NE's advice given in points 3.4 to 3.9 cites the literature and evidence used in D&S IFCA's MCZ assessment. The evidence provided suggests there may be some recovery of the habitat and species during the closed seasons in the three different zones open to demersal gear. Whilst this may indicate full recovery, there is evidence that some species and communities will recover, and it is difficult to discern whether natural spatial variation in sediments and other environmental factors may be limited recovery in these areas (Ocean Ecology, 2015). As mentioned in Point 4 above, the conservation objective is 'maintain in favourable condition' for the coarse sediment and subtidal sand and the distribution and presence of component communities and not full 'recovery to favourable condition'. Ocean Ecology found, when comparing the Area 2 (closed to demersal gear) and Zone 3 (open for three months per year) in general the sediments identified across Area 2 were constituted by greater proportions of gravel (boulders, cobbles, pebbles, shell and granules) than Zone 3. In contrast Zone 3 (Area B) had a greater proportion of sand and mud. These findings might suggest that fishing activity in Zone may be either removing or displacing coarser sediments. It should however be noted that without consideration of previous 'baseline' data the effect of natural spatial variability cannot be excluded as a possible explanation for the difference observed. Epifaunal diversity was relatively low across the two areas in comparison to the rest of the Skerries Bank and Surrounds MCZ. This is thought to reflect the dominance of homogenous coarse sediments recorded throughout the area as well as the sparse occurrence of bedrock and stony reef areas that support diverse epifaunal assemblages nearby. Whilst there was difference in the diversity of epifauna identified between the two areas, these were not statistically different.



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6. The areas, within the Skerries Bank and Surrounds MCZ, open temporally to demersal gear make up a relatively small part of the MCZ. As discussed above circalittoral rock has protection from the impact of demersal gear and 85.76% of the site is closed to demersal gear year. The remaining 14.24% of the site has access to demersal towed gear during restricted times, which differs for each Zone/Area. Zone 3/Area B is open for three months from 1st January to 31st March (inclusive) and represents 9.03% of the total site. The Corridor/Area A is open for one month from the 1st March to 31st March (inclusive) and represents 1.69% of the site. Zone 4/Area D is open for seven months from the 1st February to 31st August (inclusive) and represents 3.52% of the site. D&S IFCA believes that the protection of a significantly large part of the site and the associated habitats will allow for the 'maintain' conservation objectives (as set out when the site was designated with the confirmation that the temporal and spatially restricted demersal gear activities would continue) will be met.

Please do not hesitate to contact me if you have any questions.

Your sincerely,

Sarah Clark
Deputy Chief Officer
D&S IFCA