

D&S IFCA Response to the Skerries Bank and Surrounds MCZ Condition Assessment

D&S IFCA has reviewed the summary document condition assessment for the Skerries Bank and Surrounds MCZ, and this response includes comments and concerns relating to that assessment.

D&S IFCA still has concerns that relate to the extent of the moderate energy circalittoral rock that has been modelled by Cefas and which is being used as the evidence for its extent. D&S IFCA has given detailed information to Natural England relating to the fact that on examination by several D&S IFCA Officers of the video footage by Cefas that circalittoral rock is not present in some of the zones where the modelled data suggest it is. Only one still in one video tow showed rock present. Whilst the MESH confidence level was assessed as high, D&S IFCA has not been able to identify rock in the areas, currently open for some of the year to demersal gear, but which are causing the assessment of circalittoral rock to lead to unfavourable condition declining. On page 2 of the summary assessment the driver for the unfavourable assessment, for both abrasion /disturbance on the surface of the seabed and removal of non-target species, is fishing. The fact that circalittoral rock has not been identified in these areas from the video footage, D&S IFCA does not agree with this assessment. The modelled habitat data used is clearly inaccurate, not only for making the assumption that rock is presence in the zones open to demersal gear but also identified charted wrecks as reefs (as pointed out in D&S IFCA's response to NE formal advice – see Annex 1). D&S IFCA is concerned that Natural England is including the Cefas modelled data in the condition assessment and that further evidence is needed to prove the presence of circalittoral rock in the areas discussed.

In the [Curtis et al \(2015\) post-survey site report](#), the authors say that the initial phase of habitat classification takes place as follows: *The video record is initially viewed rapidly (at approximately 4x normal speed) in order to segment it into sections representing different habitats. The start and end points of each segment are logged, and each segment subsequently subject to more detailed analysis. Brief changes in habitat type lasting less than one minute of the video record are considered as incidental patches and are not logged.* The rocks are such a small component of the video that D&S IFCA believes this should have been classified here as incidental.

The summary assessment details the attributes assessments. D&S IFCA comments relate to moderate energy circalittoral rock and coarse sediment.

Moderate Energy Circalittoral Rock

On pages 8, 9 and 10 there is reference to D&S IFCA's Skerries Bank and Surrounds MCZ assessment for demersal fishing activity on rock. The percentage of the rock feature that lies within the zones open to demersal fishing is quoted as 15.56%. This actually equates to 0.5602 km² if the rock feature is actually present, which was not observed in the video footage. The figure was calculated from the Cefas modelled reef extent, which D&S IFCA does not agree with. The figure was used in the assessment to indicate the small amount of rock feature as modelled by Cefas not the actual presence. Within the attribute assessment it states that this is likely to be an underestimate due to the influence of sediment veneers. D&S IFCA makes the following observations:

1. There is no conclusive evidence of sediment veneers covering rock in the zones open to demersal fishing for some of the year. The assessment points to the

suggestion that sediment veneers may be present *'the presence of sediment and scour tolerant biotopes suggest that there is a strong fluctuation of sediment veneers within the site'* although there is clearly uncertainty that this is the case. D&S IFCA appreciates that Natural England raised the point about sediment veneer, but more evidence is needed to use this as a satisfactory argument in the condition assessment to be able to know if there is a veneer, how thick it is, its permanency and therefore what is a veneer and what is an independent biotope. D&S IFCA does not support the point raised that the feature extent is likely to be underestimated due to the presence of sediment veneers.

2. Referring to the [JNCC's EUNIS classification guidance](#), section 5.3 deals with habitat mosaics but says that *biotope is considered to extend over an area at least 25m² but that other areas with patches of biotopes of <25m² could be considered a biotope mosaic. Later, the guidance states In the past it has not been common practice to assign mosaics of two substrate types to data. Instead, data have generally been assigned to the predominant substrate type. A common mosaic substrate is rock (stable pebbles, cobbles and boulders) with mixed sediment (mud, sand and gravel²⁴). In the past these substrate types have frequently been assigned to mixed sediment if the sediment proportion is greater than the rock proportion. This means it is then not possible to distinguish between mixed sediment with a rock component, and mixed sediment without. This can cause issues for trying to identify those areas which could be classed a 'stony reef'. Considering this, it is now recommended that a rock/sediment mosaic is assigned to any substrates with significant proportions of both.* Table A4 of the guidance suggests the rock needs to comprise >10% to classify as Annex 1 reef habitat. D&S IFCA estimates that in the zones temporally open to demersal gear the modelled rock equates to 0.56 km² (within the 6nm) and the sediment features in these zones equates to 16.712 km², therefore 3.35% would be the rock proportion, and therefore lower than the JNCC EUNIS Classification guidance.
3. Whilst the conservation objective is to recover to favourable condition this was not the initial recommendation of the Finding Sanctuary (FS) Project, which recognised the significant importance of the Inshore Potting Agreement (IPA) and the support from stakeholders for designation if the management remained the same. The FS project recommended a maintain in favourable condition for all features. Once designated this changed to a recover objective for moderate energy circalittoral rock. On page 9 of the condition assessment summary, it states that: *'expert judgement and proxy evidence has deemed that the pressure from demersal gear on moderate energy circalittoral rock communities, within the open areas of the South Devon IPA will not allow for an opportunity for recovery across the whole site causing the overlap feature it fail to meet its target'*. D&S IFCA does not support this comment as it does not agree with the Cefas model rock extent in the areas that are opened temporally for demersal gear vessels.
4. On Page 11 it states that the IPA management for demersal towed fishing has been in place for 35 years. Whilst management was more formal in the 1990s onwards there were voluntary measures put in place in 1978 and demersal fishing taking place in south Devon for hundreds of years.

Subtidal Coarse Sediment

Subtidal coarse sediment was given a maintain objective on designation, with the full knowledge that demersal fishing took place in three zones of the site for part of the year. D&S IFCA believes this was done to take into account the fact that, through the Finding Sanctuary project, it was made clear to stakeholders that there would be no change in the management of the site and that the towed fishing areas would be maintained. A letter to Natural England in response to its formal advice on towed demersal gear in the zones within the Skerries Banks and Surrounds MCZ is embedded in this document – Annex 1. D&S

IFCA would like some of the comments raised in this letter noted in the condition assessment. A key point to reiterate is that the evidence provided in D&S IFCA's Skerries Bank and Surrounds MCZ assessment of towed demersal gear on coarse sediment 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 not 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). Ocean Ecology also pointed out without consideration of previous 'baseline' data the effect of natural spatial variability cannot be excluded as a possible explanation for the difference observed in Area 2 and Zone 3. Epifaunal diversity was relatively low across the two areas in comparison to the rest of the Skerries Bank and Surrounds MCZ. Whilst there was difference in the diversity of epifauna identified between the two areas, these were not statistically different.

It would appear there has been a change in direction in terms of the setting of conservation objectives/targets. D&S IFCA maintains its supports for the rationale behind the designation and assurance that the management of the IPA area would be upheld, as it was agreed during the designation process.

On page 14 of the Skerries Bank and Surrounds MCZ condition assessment summary a reference is made to the report by Ocean Ecology. D&S IFCA has reviewed the report- *Ocean Ecology Limited (2015). Skerries Bank and Surrounds Marine Conservation Zone Seabed Imagery Analysis – Summary Report. Report No. SBSMCZ0315 prepared for Devon and Severn IFCA, 15 pp.* – and appreciates that no deep circalittoral coarse sediment was recorded. However, in the condition assessment it states that *A5.15' deep circalittoral sediment' was absent from the sample data within the demersal towed areas* and this appears to have led to the conclusion it is the demersal towed gear that accounts for the absence of this biotope. Nowhere in this section does it state that deep circalittoral sediment was found in the area closed to demersal fishing gear. D&S IFCA would like to understand how expert judgement has been used to state that the absence of deep circalittoral coarse sediment in the areas where demersal fishing gear has caused the feature to fail its objective of maintain. On page 15 of the summary assessment, it states: *Expert judgement applied to conclude that the target has not been met, as the subtidal coarse sediment is subject to demersal gear and the anthropogenic activities associated with this area have the ability to reduce biomass and recolonisation of species.* D&S IFCA would like to understand how the objective has not been met as per this assessment but was met when the site was designated with the full knowledge of the activity taking place. 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 initially 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 has been managed voluntarily since the 1970s and formally since the 1990s although trawling has taken place in the inshore area off Devon for hundreds of years. It is worth noting that in recent years fewer mobile gear vessels are currently permitted to operate in D&S IFCA's District.

Another point outlined in Annex 1 is the lack of evaluation of the social and economic impact of designation of the Skerries Banks and Surrounds MCZ. 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 the 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.

Whilst the on-going national discussions on Measures of Equal Environmental Benefit are being considered in relation to demersal fishing activity in the Start Point to Plymouth Sound and Eddystone SAC and the Skerries Bank and Surrounds MCZ, it might be appropriate to delay publication of the Skerries Bank and Surrounds MCZ Condition Assessment.

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Annex 1



Reply to NE Formal
Advice Towed Gear SI