Audit of D&S IFCA's Marine Protected Area Work

Officers' Recommendation

That Members note the Marine Protected Area Audit Report

Background

What is a Marine Protected Area (MPA)?

A protected area is defined by the International Union for Conservation of Nature as 'a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation with associated ecosystem services and cultural values.' Marine Protected Areas are designated to protect areas of the marine, coastal and estuarine environment.

The UK Government has a vision of clean, healthy, safe, productive and biologically diverse oceans and seas, and Marine Protected Areas help deliver this vision by providing healthy, functioning and resilient marine ecosystems. The UK signed up to international agreements that aimed to establish an ecologically coherent network of MPAs by 2012. The UK Administrations follow several key principles in their development of an ecologically coherent and well-managed MPA network. These principles were derived from:0

- **Features:** the network should represent the range of habitats and species for which MPAs are considered appropriate.
- **Representivity:** the network should include areas that best represent the range of habitats and species.
- **Connectivity:** the network should comprise MPAs that are well-distributed and take into account linkages between marine systems.
- **Resilience:** the network should include more than one example of a feature in individual MPAs and ensure they are of sufficient size to deliver conservation benefits.
- **Management:** the network should ensure the protection of marine habitats and species for which an MPA has been identified.

The type of Marine Protected Area (MPA) depends on the legislative measure in place to provide protection to the marine species and habitats that occur in them. Sites may be designated as part of European or National legislation. Lundy, situated in the Bristol Channel was Britain's first MPA. A voluntary marine nature reserve was established around the island in 1971.

Types of MPAs

The main types of MPAs in English waters are:

1. European Marine Sites

MPAs designated as part of the European Natura 2000 network are referred to collectively as European Marine Sites (**EMSs**). EMS are composed of Special Areas of Conservation (**SAC**s)

and Special Protection Areas (**SPA**s), which extend below mean high water. These are some of our most important marine and coastal habitats and species of European importance. An EMS can be either a SAC or a SPA, or a combination of both.

SACs are designated under the EC Habitats Directive and are designed to protect habitat type or species listed in the Annexes of the Directive. They contain animals, plants and habitats that are considered special or threatened in Europe. The EC Habitats Directive is transposed into UK law through the Conservation of Habitats & Species Regulations 2017 (Habitats Regs.).

SPAs are designated under the EC Birds Directive, to protect internationally and nationally important, rare, vulnerable, or regularly occurring migratory birds and their supporting habitats. These are list in Annexes of the Directive. The EC Birds Directive is also transposed to UK law through the Habitats Regs.

2. Marine Conservation Zones

Marine Conservation Zones (**MCZs**) are designated under the Marine and Coastal Access Act 2009 (MaCAA). MCZs protect a range of nationally important marine wildlife, habitats, geology and geomorphology in English inshore waters and offshore water off England, Wales and Northern Ireland. They are important in conserving diversity of rare or threatened habitats and species. They are designated to form part of an ecologically coherent network of MPAs alongside EMS, Sites of Special Scientific Interest (SSSIs) and Ramsar sites.

3. Ramsar Sites

Ramsar sites are Wetlands of International Importance under the Convention on Wetlands of Internal Importance Especially as Waterfowl Habitat (the Ramsar Convention) 1971 and came into force in 1975. The Convention adopts a broad definition of wetland, namely “areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres”. Wetlands “may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands”. As such, Ramsar sites that protect intertidal or subtidal habitats and species are considered MPAs.

4. Sites of Special Scientific Interest

Sites of Special Scientific Interest (**SSSI**s) are designated in England, Scotland and Wales to protect species, habitats and geological features of national importance. They are notified and managed under the Wildlife and Countryside Act 1981 (as amended). They are MPAs where they protect intertidal and subtidal habitats and species although they normally do not protect marine wildlife below the low water mark.

5. Marine Nature Reserves

Marine Nature Reserves were designated under the same legislation as SSSIs. However, MNRs are limited in scope, and the Marine and Coastal Access Act 2009 introduced the mechanism for them to become Marine Conservation Zones, such as for Lundy which became the UK’s first MCZ in 2013.

MPAs in D&S IFCA's District

There are 22 EMSs and MCZs in D&S IFCA's District and this audit focusses on these MPAs only. There are many SSSI in the District which can extent to the Low Water Mark. These are not all discussed in this paper but two notable sites that D&S IFCA are involved in more regularly are Taw Torridge Estuary SSSI and Salcombe to Kingsbridge Estuary SSSI. These two are discussed at the end of the paper. Figure 1 and Table 1 show the EMSs and MCZs in the D&S IFCA's District. These include twelve MCZs, three SPAs and seven SACs.

Table 1 MPAs in the District and their sizes.

Marine Conservation Zones		**Special Areas of Conservation**		**Special Protection Areas**	
Site Name	**Size km^2 (within D&S IFCA's District)**	**Site Name**	**Size km^2 (within D&S IFCA's District)**	**Site Name**	**Size km^2 (within D&S IFCA's District)**
Torbay	23.80	Lyme Bay and Torbay	137.77	Exe Estuary	23.39
Skerries Bank and Surrounds	238.30	Lundy	30.58	Tamar Estuaries Complex	14.15
Lundy	30.58	Start Point to Plymouth Sound and Eddystone	275.95	Severn Estuary	165.67
Tamar Estuary	15	Plymouth Sounds and Estuaries	31.66		
Bideford to Foreland Point	103.63	Severn Estuary	468.10		
Hartland Point to Tintagel	37.01	Braunton Burrows	3.80		
Morte Platform	25.47	Bristol Channel and Approaches	629.00		
Erme Estuary	1.00				
Devon Avon Estuary	2.00				
Dart Estuary	2.00				
Axe Estuary	0.33				
Otter Estuary	0.11				

MPAs in D&S IFCA's District focussing on EMSs and MCZs

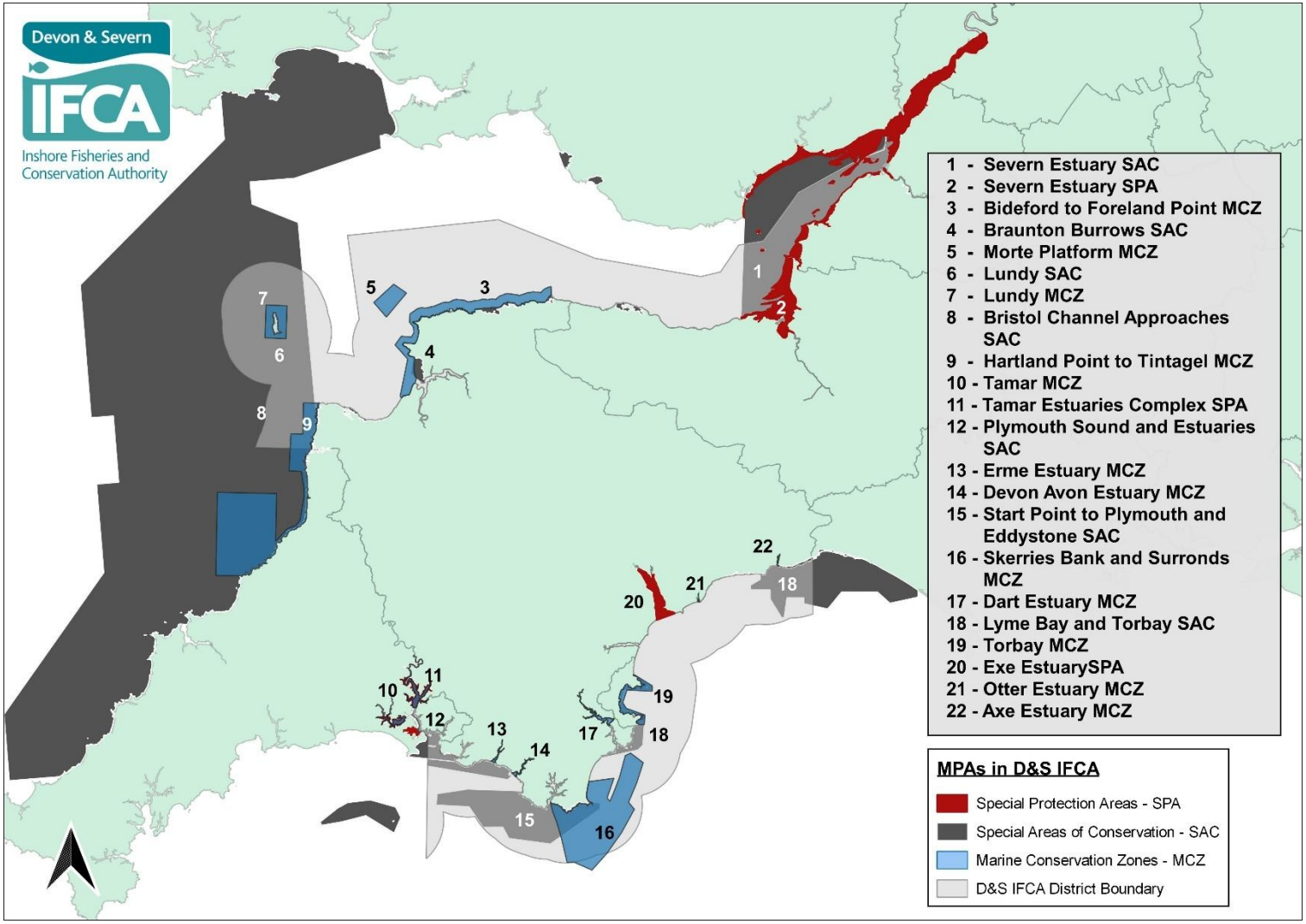


Figure 1 Chart of MPAs in the D&S IFCA's District

The total area of the MPAs equates to 2262 km^2 but some of the MPAs co-locate with each other (e.g. Severn SAC and SPA; Lundy SAC and MCZ), and they are designated under different legislation and to protect different species, habitats or features of conservation importance. When analysing the area of MPAs in the D&S IFCA's District Officers remove any area of co-location so there is no double accounting for the area within the District covered by MPAs.

D&S IFCA's District covers a coastal area of 4,522km^2. The area covered by MPAs in the District removing any co-location is 1,917km^2. Therefore 42.39% of D&S IFCA's District is covered by an MPA. The North of the District has 42.34% of the area designated as an MPA and in the South of the District 41.28% is designated as an MPA.

Assessments of the Interaction of Fishing Activities on the Features of MPAs in D&S IFCA's District

Under the legislation that designated the MPAs, D&S IFCA is required to assess the impact of fishing activities on the features (habitats and species) for which the site is designated. To date a total of 219 MPA assessments on 2459 fishing gear/designated feature interactions have been undertaken for the 22 EMSs and MCZs in the D&S IFCA's District. The following information details the process undertaken.

European Marine Sites

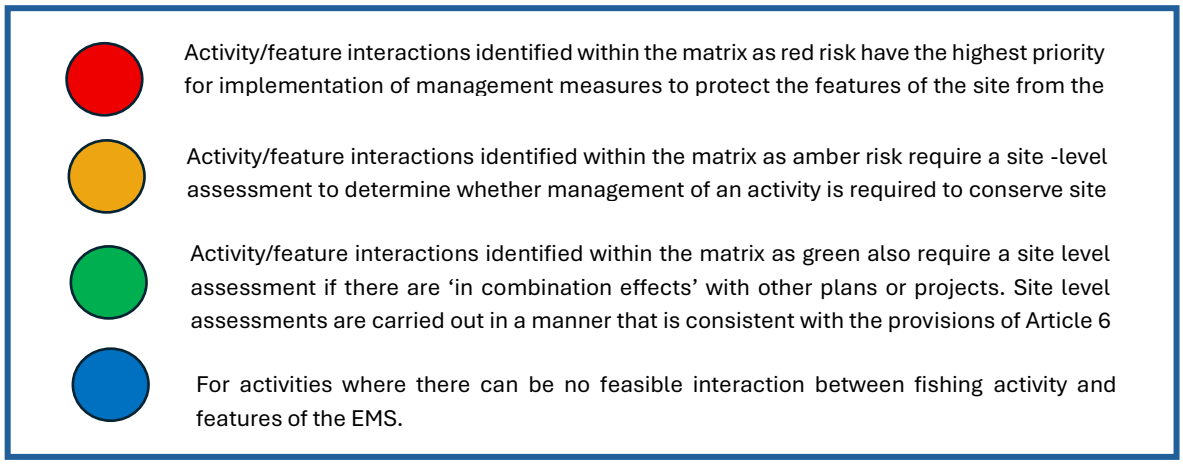
For European Marine Sites (EMSs) such as SACs and SPAs the requirement to undertake assessments of the impact of activities is covered by the EC Habitats Directive and EC Birds directive which have been transposed into UK law through the Conservation of Habitats & Species Regulations 2017 (Habitats Regs.). The assessments for EMSs are called Habitat Regulation Assessments (HRAs).

In 2012 Defra introduced a Revised Approach to the Management of Commercial Fisheries in EMSs. In order to ensure that EMSs receive the requisite level of protection, and ensure compliance with the EU Birds and Habitats Directives, Government decided to revise the approach to the management of commercial fisheries affecting EMSs. Building on existing management measures, this was introduced to ensure that all existing and potential commercial fishing activities are subject to an assessment of their impact on EMSs. Through these assessments, management measures needed to be identified for high risk (known as Red Risk) features such as reefs by December 2013, and any additional fishery management measures for the conservation of the EMS were in place by 2016.

Defra proceeded on the basis for the assessments through an evidence based, risk-prioritised, matrix type approach. This approach showed, at a high generic level, the effect different gear types have on the conservation objectives for the relevant features for which EMSs have been selected or designated. This generic matrix ("The Matrix") provided regulators with an indicator as to whether:

a. the activity requires priority management measures to be introduced to protect that feature without further site level assessment on the impacts of that activity on that feature or;
b. a further assessment may be necessary.

D&S IFCA was instrumental in the development of the Matrix working with Natural England and the IFCAs' Technical Advisory Group (TAG), which consists of scientific officers from all IFCAs at a D&S IFCA hosted three-day workshop in Torquay, Devon. The Matrix provided the generic sensitivity of the features and sub-features of EMSs to a suite of fishing activities and was used as a decision-making tool. These feature-activity combinations have been categorised under specific definitions, as Red, Amber, Green or Blue according to the potential or actual impact of the gear type on the feature(s) for which a site has been designated. The Red Risk category relates to the activities that would clearly result in the conservation objectives of the EMSs not being achieved e.g. trawling on reef, scalloping on seagrass. Amber was defined as where there is doubt as to whether conservation objectives for a feature (or sub-feature) will be achieved because of its sensitivity to a type of fishing. In all EMSs where that feature occurs, the effect of that activity or activities on such features will need to be assessed in detail at a site-specific level. Appropriate management action should then be taken based on that assessment. Green category relates to those activities that are unlikely to significantly affect the features of the site unless through a combination effect with other activities and Blue relates to gear types which could not feasibly interact with the features of the site. The categories are summarised below:



Following Defra's Revised Approach, D&S IFCA classified all the interaction that could take place within the designated EMSs in its District. The Red and Amber and Green risk interactions were assessed. D&S IFCA undertook an audit trail and Red Risk assessments for five sites within the D&S IFCA's District were identified. These were:

1. Lundy SAC (demersal towed fishing gear interaction with reef habitat);
2. Lyme Bay and Torbay SAC (demersal towed fishing gear interaction with reef habitat);
3. Plymouth Sound and Estuaries SAC (demersal towed fishing gear interaction with reef and seagrass);
4. Severn Estuary SAC (demersal towed fishing gears interaction with sabellaria reef and seagrass);
5. Start Point to Plymouth Sound and Eddystone SAC (demersal towed fishing gear interaction with reef habitat).

D&S IFCA then undertook assessment of the all the Amber and Green interactions. Site level assessments are carried out in a manner that is consistent with the provisions of Article 6(3)

of the Habitats Directive. Table 2 shows the number of assessments undertaken for EMSs in the D&S IFCA's District.

Table 2 – Number of Gear Features Interactions and Assessments undertaken in EMSs in D&S IFCA's District.

Site	Number of Gear : Feature Interactions Assessed	Number of Assessments Undertaken
Lundy SAC	92	17
Plymouth Sound & Estuaries SAC	203	21
Lyme Bay to Torbay SAC	40	9
Braunton Burrows SAC	16	5
Severn Estuary SAC	149	32
Start Point to Plymouth Sound & Eddystone SAC	24	7
Bristol Channel and Approaches SAC	18	3 in draft
Severn Estuary SPA	69	22
Tamar Estuaries Complex SPA	78	11
Exe Estuary SPA	77	14
Totals	**766**	**141**

In assessing the impacts of different fishing activities on the designated features of EMSs, D&S IFCA gathers as much evidence as possible to inform the Habitat Regulation Assessments (HRAs) undertaken. These include:

- Site map(s) – sub-feature/feature location and extent
- Natural England's risk assessment Matrix of fishing activities and European habitat features and protected species
- the type and level of fishing activity taking (through fisher surveys and IVMS data) and D&S IFCA's production of fishing activity maps and reports for each EMS,
- the best available scientific and peer reviewed research,
- Natural England's conservation advice package for the site,
- the condition of the features of the site, if available,
- Natural England's monitoring reports,
- Natural England's supplementary advice on designated features and
- Natural England advice on operations.

In some cases, D&S IFCA will undertake research and evidence gathering where there are uncertainties in the information available. The research undertaken has involved surveys with

members of the fishing industry, ground truthing using underwater cameras to look at the location and extent of habitats present and directly assessing the impacts of certain fishing gears. Some of this work has been in collaboration with academic institutes and analysis by environmental consultants, as well as in-house research and analysis of data collected and report production by D&S IFCA's Environment Officers. For example, D&S IFCA worked with a PhD student from Plymouth University to undertake drop down underwater video research on the location of habitats and the potential impacts of potting on reef in the Start Point to Plymouth Sound and Eddystone SAC.

All this evidence is used to inform the HRAs undertaken by D&S IFCA. HRAs are a stepwise process – firstly undertaking a coarse test of whether a plan or project (in these cases - fishing activity) will cause a likely significant effect on the EMS. This is known as the Test of Likely Significant Effect (TLSE). If this test concludes there is potential for a likely significant effect an Appropriate Assessment is undertaken on the interaction between the activity and the feature. A further in-combination assessment is undertaken taking into account the potential impact of other activities and finally an integrity test is completed. Once complete, HRAs are then sent to Natural England for its formal advice. Where identified and appropriate, management may be necessary, and Officers refer this information to the Byelaw and Permitting Sub-Committee (B&PSC) for their decisions on the introduction of management options.

Currently there is only one site where assessments have not been completed and that is the Bristol Channel and Approaches SAC designated for harbour porpoise. This is a complex site which extends from Wales into English waters through part of D&S IFCA's District in North Devon and into Cornwall IFCA's waters. It was adopted by the European Commission as a Site of Community Importance in December 2017 and designated as an SAC by Ministers on 26th February 2019. D&S IFCA has been working closely with Cornwall IFCA and the MMO as the site crosses all these English jurisdictions. Regular meetings have been held where evidence has been shared, and Statutory Nature Conservation Bodies' (SNCB) advice has been discussed. D&S IFCA is in the final stages of its assessments. These assess the interaction of nets, pots, towed demersal gear and dredges on the harbour porpoise in terms of bycatch, prey removal, impact on prey habitats, underwater noise, and death or injury from collisions. D&S IFCA Officers are hoping to have assessments complete by November 2025, after which they will be sent to Natural England for its formal advice.

Marine Conservation Zones

MCZs are designated under the Marine and Coastal Access Act 2009 (MaCAA). MaCAA details the duties of Public Authorities in relation to MCZs – Ss.124 to126 and Ss.154 to 157. Under S.154 of MaCAA, IFCA's must seek to ensure the conservation objectives of any MCZ in the district are furthered.

IFCAs follow a similar process of assessing the impacts of fishing activity on the features and habitats of conservation importance in MCZs as is undertaken for EMSs. To determine whether each pressure is capable of affecting (other than insignificantly) the site's feature(s), the sensitivity assessments and risk profiling of pressures from the advice on operations section of the Natural England conservation advice package are used (Natural England, 2019). The conservation objectives, general management approach, relevant attributes and targets for favourable condition are identified within Natural England's conservation advice

supplementary advice tables. The type and level of fishing activity is assessed and whether there is a risk to that activities are hindering the conservation objectives of the MCZ. This forms the basis of the MCZ assessment and supporting information on the interaction of the fishing activity on the features is gathered from scientific papers and research. An assessment is made of the risk that the activity could hinder the conservation objectives of the MCZ, and whether D&S IFCA can exercise its functions to further the conservation objectives. An in-combination assessment is also made.

D&S IFCA produces a fishing activity report for each site and an activity occurring matrix. Table 3 shows the MCZs in the District and the number of assessments undertaken by D&S IFCA.

Table 3 Number of Gear Features Interactions and Assessments undertaken in MCZs in D&S IFCA's District.

Site	Number of Gear : Feature Interactions Assessed	Number of Assessments Undertaken
Tamar Estuary MCZ	49	4
Torbay MCZ	252	14
Lundy MCZ	17	1
Skerries Bank and Surrounds MCZ	251	7
Bideford to Foreland Point MCZ	392	8
Hartland point to Tintagel MCZ	288	7
Axe Estuary MCZ	84	7
Dart Estuary MCZ	76	6
Devon Avon MCZ	36	4
Erme Estuary MCZ	152	9
Otter Estuary MCZ	36	6
Morte Platform MCZ	60	5
Totals	**1693**	**78**

All MCZ assessments have been undertaken. However, there is some on-going work relating to activities in the Torbay MCZ being undertaken by Officers. D&S IFCA undertook an assessment of the potential impact of cuttlefish potting on seagrass in the Torbay MCZ. D&S IFCA concluded that the activity may have an adverse effect on the seagrass beds and the long-snouted seahorse and has the potential to hinder the achievement of the conservation objectives. Natural England agreed with this conclusion and supported the introduction of

management of the activity although highlighted that there were uncertainties on the potential impact of single or strings of pots. Management of the activity is required to ensure the conservation objectives of the Torbay MCZ are furthered. This can take the form of voluntary measures or formal measures through the Potting Permit Conditions. Due to the uncertainties highlighted by Natural England, Officers determined to undertake additional research to investigate if gear modifications could reduce the risk of harm to the features of the site. D&S IFCA Officers have been engaging with active fishers to establish viable options for gear modifications, focusing mainly on the number of pots on a string, the spacing between pots on a string and pot spacing relative to the depth of water in which the gear is set. The outcome of the research will inform a paper at the next B&PSC meeting in October 2025.

Reviewing MPA Assessments

As detailed above, D&S IFCA has already completed a total of 219 MPA assessments on 2459 fishing gear/designated feature interactions for the 22 EMSs and MCZs in the D&S IFCA's District. However, MPA assessments are reviewed as and when necessary. This may be due to a range of factors including:

- changes in fishing activity within a site creating greater risk to the features,
- new scientific evidence on the impacts of activities;
- changes in conservation advice from Natural England;
- production of new conservation advice packages;
- Natural England's review of the condition assessments of features in MPAs in the District; and
- the designation of new MPAs in the D&S IFCA's District.

As part of D&S IFCA's Annual Plan for 2025/2026 a review of previously undertaken MPA assessments relating to fishing activity will be undertaken to ensure that management measures are effective in protecting sensitive marine habitats and species, in line with D&S IFCA's Statutory Duties. A review process is particularly important where a long time has elapsed since the last assessment, where fishing patterns have changed, and/or where new evidence is available regarding feature sensitivity and exposure, or compliance. Given the large number of assessments undertaken to date, and the limited resources available, Officers will establish a risk-prioritised timeline and register for review of previously completed assessments and begin the review process for higher-risk assessments.

Once the risk-based prioritisation of MPA review requirements has been undertaken, Officers will undertake a review of the higher-risk assessments; outputs from these assessments will be sent to Natural England for their formal advice and then be considered by Authority Members in terms of their relevance to management of the fishing activities assessed. As mentioned under the MCZ assessment section above, following on from the assessment review of cuttlefish potting on seagrass and through the initial review scoping process, consideration of a review of management will be presented to the B&PSC in FY2025/2026 ahead of the 2026 fishery. This scoping workstream has also highlighted other priority reviews of assessments for Plymouth Sound and Estuaries SAC (ring netting) and Skerries Bank and Surrounds MCZ (mobile gear). Other assessment reviews may be necessary depending on the level of risk.

Other MPA Assessment Work

D&S IFCA has introduced Monitoring and Control Plans (M&CPs) for six MPAs in its District. A M&CP is a mechanism to apply adaptive management where there are residual uncertainties in the information for the site in particular relating to the levels of fishing effort and the impacts of these activities on designated features. Figure 2 shows the process followed. M&CPs are introduced following the completion of MPA assessments where Officers have identified a low level of fishing activity but that there are uncertainties in the level of data available and where Natural England, in its formal advice, has suggested that a M&CP would be appropriate due to the uncertainties in data or information.

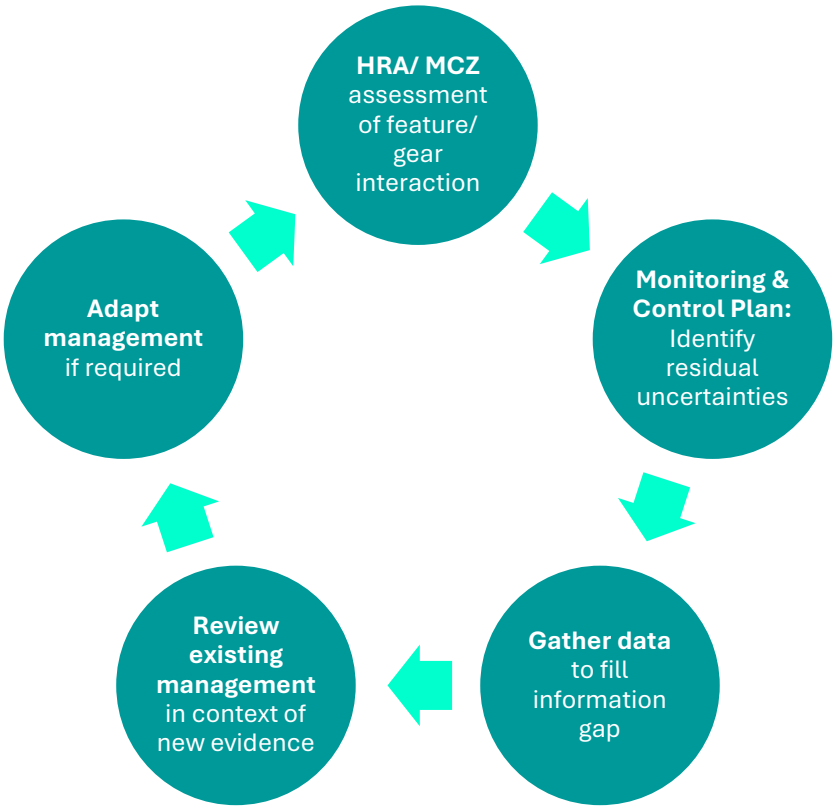


Figure 2 The Monitoring and Control Plan Process

M&CPs are developed through the production of a baseline report which highlights the uncertainties and through which actions are determined and trigger levels on the activities are set. Should the trigger levels of activity be exceeded, a review of the MPAs assessments will be undertaken and formal management measures may be considered by D&S IFCA.

D&S IFCA is, on occasions, required to undertake MPA assessments associated with requests for authorisations to undertake activities in MPAs, in particular in relation to external scientific research. For example, D&S IFCA undertook an HRA on activities proposed in an authorisation request against D&S IFCA Mobile Fishing Permit Byelaw Conditions, received from a consultant. The consultant wanted to undertake activities in the Severn Estuary SAC in relation to developing a fishing-independent methodology:

- to measure pre-fishing glass eel recruitment;

- to determine the density of glass eels per cubic metre of water and calculate the single tide population;
- to strengthen the knowledge regarding glass eel estuarine populations; and
- to validate some of the existing data from the open water trawl surveys carried out in 2012 and 2013.

D&S IFCA undertook an HRA which went to TLSE level and the TLSE concluded that this activity would not have a significant effect either alone or in combination with other activities. D&S IFCA then granted authorisation for the activity.

D&S IFCA also considers the impacts of development and proposals within the D&S IFCA's District and responds to consultations and Marine Licence Applications in relation to the potential impact of these developments on the features of the MPAs. D&S IFCA's work on the Severn Estuary MPA is on-going due to the developments that are underway or proposed in the Severn Estuary MPA. These include Hinkley C Nuclear Power Station and its potential impacts on the fish assemblages and populations within the MPA; capital dredging of the sand feature in the Severn Estuary MPA and its impacts on fish spawning grounds; and the potential impact of floating wind farms on MPAs in the North of the D&S IFCA's District.

Management of Fishing Activities in MPAs

As a result of the assessments undertaken D&S IFCA has introduced management where necessary and appropriate.

As previously mentioned 42.39% of the D&S IFCA's District is covered by an MPA (excluding SSSIs). D&S IFCA has closed 27.4% of its District to demersal mobile fishing gear. Of the MPAs designated in the District, excluding the Bristol Channel and Approaches SAC, which is still under assessment, 91.38% of the total area (benthic habitats) within the MPAs is closed to demersal towed gear. Management introduced to protect the features, and to seek to ensure the conservation objectives of the MPAs in the District are met, are detailed below.

North of D&S IFCA's Districts

Severn Estuary EMS

D&S IFCA's Mobile Fishing Permit Byelaw and Permit Conditions introduced a prohibition on all demersal Mobile Fishing gear on 1st January 2014 in the Severn Estuary SAC to protect the *Sabellaria* reefs.

D&S IFCA's Netting Permit Byelaw and Permit Conditons have introduced restrictions on access to netting in the upper reaches of the Severn Estuary, in the River Axe (Somerset), in the River Brue and River Parrett to protect bass, marine fish species designated under the fish assemblage sub-feature, and shad and salmonids features of the Severn EMS. There are also spatial and time netting restrictions along the Somerset coast under the Netting Permit Conditons including an area within the Severn Estuary EMS stretching from Steart Point to Brean Down known as the Berrow Flats.

D&S IFCA has introduced a Monitoring and Control Plan (M&CP) for the Severn Estuary EMS in relation to netting and Twaite Shad. D&S IFCA monitors the number of netting permits issued and has set up a shad bycatch reporting system. Self-reporting forms and leaflets are

sent to Netting Permit holders when they apply or renew their permits. Due to the low level of bycatch reporting, a review of the HRAs relating to Shad for the site has not been required.

Bideford to Foreland Point MCZ

Under D&S IFCA's Mobile Fishing Permit Conditons access to demersal mobile gear (scalloping and trawling) has been prohibited in most of the site apart from an area within Bideford Bay, which has highly mobile sand and a few inshore trawlers operating out of Appledore and Bideford. The removal of spiny lobster (*Palinurus elephas*), which is a feature of the MCZ, has been prohibited in the site under D&S IFCA's Mobile Fishing, Netting, Potting and Diving Permit Byelaws Permit Conditions.

Braunton Burrows SAC

The Braunton Burrows SAC partly co-locates with the Bideford to Foreland Point MCZ. It is designated for its intertidal mudflat and sandbanks, and several dune habitats and species.. HRAs for commercial activities were undertaken and these concluded that these activities are not likely to have a significant effect in view of the site's conservation objectives. No management following the completion of MCZ assessments has been required in the site.

Morte Platform MCZ

The Morte Platform MCZ is designated for moderate and high energy circalittoral rock and subtidal coarse sediment. A prohibition of vessels using demersal mobile gear in parts of the site was introduced by D&S IFCA in 2024 through its Mobile Fishing Permit Conditions to protect the rock features of the MCZ, as this is a high risk (Red) interaction. The assessment on the interaction of towed demersal gear on the coarse sediment concluded that these gear types are not likely to hinder the achievement of the conservation objectives due to the very low or non-existent mobile gear activity on this feature.

Hartland Point to Tintagel MCZ

D&S IFCA has introduced a prohibition on vessels using scallop gear in the Hartland Point to Tintagel MCZ to protect all the features of the MCZ. D&S IFCA determined that the level of trawling in the northern part of the site was not occurring or very low. Natural England highlighted the uncertainties relating to the level of effort and in response D&S IFCA introduced a M&CP for trawling activity. Under this plan, D&S IFCA monitors demersal trawling activity on a weekly basis by reviewing IVMS data. To date no trawling activity has been detected.

Lundy SAC and MCZ

Lundy has been a MPA for many years. It became a statutory Marine Nature Reserve in 1986, the Lundy No Take Zone (NTZ) was designated in 2003 by D&S IFCA's predecessors Devon Sea Fisheries Committee, and it became the first MCZ in 2010. D&S IFCA has prohibited demersal towed gear in most of the SAC and MCZ, including the NTZ under its Mobile Fishing Permit Conditions. This pronation was introduced to protect the Habitats Regs Annex 1 reef habitat which is a designated feature of the Lundy SAC. An area to the east and north east of the SAC remains open to demersal trawl gear on the sandbank feature and scallop dredging is prohibited in the majority of the site apart from a small area to the far northeast of the site. These activities were assessed and as they were either occurring at a very low level or not at all, a prohibition was not introduced under the Mobile Fishing Permit Conditions. However, a M&CP was introduced to monitor the activity and set trigger points on the activity should it

occur. IVMS data have been reviewed, and trigger levels have not been exceeded. The habitat data for the site has also been reviewed and Natural England's Condition Assessment undertaken in 2022 concluded that the sandbank feature was in 100% favourable condition.

Spiny lobster is the designated feature of the Lundy MCZ. The removal of spiny lobster has been prohibited in the site under D&S IFCA's Mobile Fishing, Netting, Potting and Diving Permit Conditions.

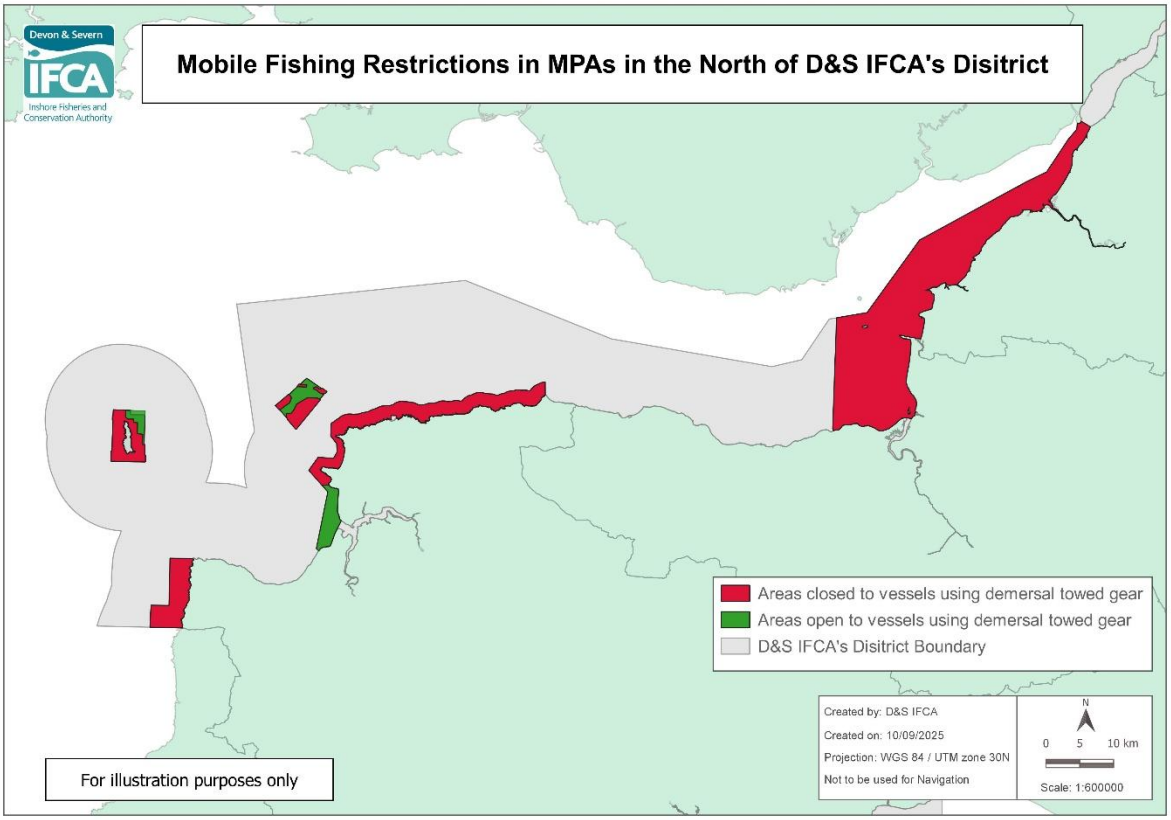


Figure 3 Mobile Fishing Restrictions in MPAs in the North of D&S IFCA's District

South of D&S IFCA's District

Lyme Bay and Torbay SAC

The Lyme Bay and Torbay SAC is designated for Habitats Regs Annex 1 reefs including subtidal bedrock reef, subtidal stony reef and sub-tidal biogenic reef communities. D&S IFCA undertook a Red Risk HRA, which concluded that, to prevent deterioration of the designated feature, towed demersal fishing activities would need to be prohibited. D&S IFCA introduced a prohibition on towed demersal fishing gear on the reef habitats in 2014 under its Mobile Fishing Permit Conditions.

Exe Estuary SPA

The Exe Estuary SPA is designated to protect important (Birds Directive Annex 1) overwintering and migratory population of birds and waterfowl such as avocets, Slavonian grebes, Brent geese and oyster catchers. The sub-features that support the bird populations include intertidal mud and sand, saltmarsh, seagrass, and intertidal boulder and coble reef. A prohibition on trawling in the Exe Estuary (and most of the Estuaries in the District) has been

in place since 1998 and has been incorporated into D&S IFCA's Mobile Fishing Permit Conditions.

D&S IFCA undertook an assessment of the impact of the mussel elevator harvester that operates in shellfish production areas within the Exe Estuary. Whilst the TSLE concluded that this activity would not have a significant effect either alone or in combination with other activities. D&S IFCA, through its Mobile Fishing Permit conditions has restricted the activity to sub-tidal areas within the public fishery (Crown Estate owned fundus areas) as there are large areas of the foreshore and subtidal areas of the Exe estuary that are privately owned. This restriction also limits potential impact with seagrass and other sub-features of the SPA and disturbance to overwintering birds. Due to the decline in intertidal mussel on the Exe Estuary, which is a food source for the birds, D&S IFCA has introduced a temporary closure to the removal on mussel on certain public intertidal beds within the site, through its Temporary Closure of Shellfish Beds Byelaw 9.

Torbay MCZ

The Torbay MCZ has many designated features including seagrass; the long snouted seahorse; intertidal sediments, mud, sand and rock; and subtidal mud. D&S IFCA has introduced management to protect the seagrass from the impacts of demersal mobile gear under its Mobile Fishing Permit Conditions. Scallop dredging is prohibiting in the site. Under the Mobile Fishing Permit Conditions, D&S IFCA has allowed time-limited access to trawling on the mud feature between April and June (inclusive) to allow seasonal otter trawling for cuttlefish. The trawling activity is monitored through a M&CP where the number of permits issued is checked annually and IVMS data of vessels operating within the MCZ are interrogated and analysed. Since 2020 there was limited trawling activity over the sub-tidal mud with only three occasions when trawlers entered the access areas during April May and June. Due to this low level of activity, which is below threshold levels, a review of the MCZ assessment has not been required and the current management of mobile fishing is appropriate.

D&S IFCA has also been monitoring netting and potting activity in the MCZ following Natural England's Formal Advice on D&S IFCA's assessments of the impact of these gear types on the seagrass habitat. D&S IFCA is currently reviewing management of cuttlefish potting on seagrass and Officers are preparing a B&PSC paper, with regard to the potential management measures that may be introduced for this activity.

Start Point to Plymouth Sounds and Eddystone SAC

The Start Point to Plymouth Sound and Eddystone(SPPSE) is a large MPA, most of which lies within the D&S IFCA's Boundary. Much of the site inside the D&S IFCA's District lies within the Inshore Potting Agreement (IPA) Area under which large areas had been closed to access by demersal towed gear vessel since the 1970s under a voluntary agreement, and since 2002 it has been formally managed under MMO Fishing Licence Condition. In order to ensure protection of all areas of Habitats Regs Annex 1 Reef, D&S IFCA prohibited demersal towed gear vessels from operating in 93.2% of the site. This was done in 2014 under the Red Risk approach through the Mobile Fishing Permit Byelaw. Further protection of the site was afforded when D&S IFCA required all mobile fishing vessels in the District to have a fully functioning IVMS units installed so that these vessels' activity could be monitored for compliance.

Skerries Bank and Surrounds MCZ

The Skerries Bank and Surrounds MCZ is also a site that co-locates with the IPA area and part of the SPPSE SAC. The majority of the site is within D&S IFCA's District with a small triangle extending outside the 6nm boundary. This site is designated for spiny lobster, sub-tidal rock, mud, sand and coarse sediments; intertidal rock, sand, muddy sand, mixed, coarse sediments; and the pink sea fan (*Eunicella verrucosa*).

A majority of the site is closed to demersal towed gear under MMO Commercial Fishing Licence Condition (to reduce conflict between fishing sectors) and under D&S IFCA's Mobile Fishing Permit Conditions to protect the sensitive features such as rock and pink sea fans present in the site. Only three zones remain open for limited periods of the year to demersal towed gear. D&S IFCA has undertaken MCZ assessments of the fishing activity in the site and this has included demersal mobile fishing gear impacts on the coarse sediment in the access zones. D&S IFCA concluded that the management currently in place under the Mobile Fishing Permit Conditions is appropriate and sufficient to not hinder the achievement of the conservation objectives for the sediment feature. Natural England did not agree with this conclusion and currently D&S IFCA Officers are drafting a document outlining a process called Measures of Equal Environmental Benefit (MEEB) where potentially an area of similar habitat in another MPA could compensate for the habitat in the seasonally opened zones in the Skerries Bank and Surrounds MCZ. These seasonally opened zones have been integral to the endurance of the Inshore Potting Agreement and in reducing conflict between the potting and towed gear sectors. D&S IFCA will potentially be reviewing its MCZ assessments for the site in 2026.

With reference to spiny lobster, which is the designated feature of the Lundy MCZ, D&S IFCA has introduced a prohibition on the removal of this species from the site through its Mobile Fishing, Netting, Potting and Diving Permit Conditions.

Plymouth Sound and Estuaries MPA

There are several MPAs that co-locate within the Plymouth Sound and Estuaries area, those being:

- Plymouth Sound and Estuaries SAC designated for Habitats Regs Annex 1 habitats found both intertidally and subtidally such as rock; seagrass beds; sand, mud, mixed and coarse sediments and Habitats Regs Annex II species such as Allis Shad.
- Tamar Estuaries Complex SPA which is designated for important population of birds such as Avocets, Little Egrets and their supporting habits of intertidal mud, sand and sediment; intertidal seagrass; saltmarsh; grazing marsh; reedbeds and drift line vegetation.
- Tamar Estuary MCZ which is designated for the protected features of Smelt; intertidal biogenic reefs; blue mussels beds, native oyster and intertidal coarse sediment.

In order to protect these features, D&S IFCA has introduced the appropriate management of fishing activities in the site. The estuaries (Tamar, Tavy, Plym and Yealm), located within the MPA in the D&S IFCA's District, are closed to vessels using towed demersal gear under the Mobile Fishing Permit Conditions. Only vessels using encircling ring nets have managed access in the part of the site under D&S IFCA's Mobile fishing Permit Conditions. Due to the presence of the designated species, Allis Shad, D&S IFCA has introduced a M&CP for the site, in relation to ring netting and netting. D&S IFCA monitors the number of permits that are

issued to vessels that state they use ring nets and has set up a shad bycatch reporting system. D&S IFCA has monitored IVMS data for vessels fitted with units but little or no activity was identified in the MPA. D&S IFCA also monitors the number of Netting Permits issued and has surveyed fishers to find out the areas netted with the Plymouth Sound area (but outside of the estuaries closing lines' as netting is prohibited in the estuaries). Self-reporting forms and leaflets are sent to Mobile Fishing and Netting Permit holders when they apply or renew their permits. Monitoring continues on an annual basis checking that trigger points on activities have not been exceeded. Due to the low level of activity and reported bycatch, a review of the HRAs relating to shad for the site has not been required.

D&S IFCA managed a Live Wrasse Pot Fishery which took place in the Plymouth Sound and Estuaries MPA between 2015 and 2022. D&S IFCA Officers undertook annual surveys of the level of fishing for wrasse and the impacts on wrasse populations in the Sound. Officers undertook HRAs and reviewed these annually using the results of the research work undertaken. Wrasse are part of the reef communities in the MPAs and whilst D&S IFCA's assessments on the impact of potting for wrasse on the features and sub-features of the MPA concluded that no adverse effect was identified, Officers were concerned about the potential for the fishery to impact the wrasse populations themselves. D&S IFCA reviewed its Potting Permit Conditions in light of the evidence gained from the research undertaken, and D&S IFCA introduced management to limit the number of pots in the fishery, set minimum and maximum conservation reference sizes for each species of wrasse fished, and to prohibit the removal of certain species, adopting an adaptive management approach to these measures whilst the fishery was still active.

Axe Estuary MCZ

D&S IFCA has introduced, under its Permit Conditions, a prohibition of mobile fishing and netting in the Axe Estuary MCZ. D&S IFCA assessed the interaction of all commercial fishing on the intertidal coarse sediment, intertidal mixed sediment, intertidal mud, estuarine rock habitats and coastal saltmarshes and reedbeds which are the designated features of the site. D&S IFCA concluded that none of these activities posed a risk of hindering the conservation objectives of the site. No further management following the completion of MCZ assessments has been required in the site.

Otter Estuary MCZ

D&S IFCA has introduced, under its Permit Conditions, a prohibition of mobile fishing and netting in the Otter Estuary MCZ. D&S IFCA assessed the interaction of all commercial fishing on the protected features of the site, which include intertidal coarse sediment, intertidal mud and coastal saltmarshes and saline reedbeds, and concluded that none of these activities posed a risk of hindering the conservation objectives of the site. No further management following the completion of MCZ assessments has been required in the site.

Dart Estuary MCZ

D&S IFCA has introduced, under its Permit Conditions, a prohibition of mobile fishing and netting in the Dart Estuary MCZ. D&S IFCA assessed the interaction of commercial fishing activities such as hand working, crab tiling, bait collection, seine and fyke netting, pots, traps, and nets on the protected features of the site and concluded that none of these activities posed a risk of hindering the conservation objectives of the site. D&S IFCA also undertook an assessment of aquaculture activities, in particular Pacific oyster cultivation within the Dart Estuary and an application for an additional plot within the Waddeton Fishery Order area. An

additional HRA was undertaken on the potential impacts of the aquaculture activities occurring within the Dart Estuary on the Torbay part of the Lyme Bay and Torbay SAC. All assessments concluded that these activities do not pose a risk of hindering the conservation objectives of the MCZ nor have an adverse effect on the site integrity either alone or in combination with other plans or projects in the SAC. Natural England agree with these conclusions and no further management has been introduced in the site.

Devon Avon MCZ

D&S IFCA has assessed all commercial fishing activities within the Devon Avon MCZ, both within the Estuary and within a small section of the site that falls outside of D&S IFCA closing lines for netting and demersal towed gear restrictions. All assessments concluded that possible gear interactions on the MCZ designated features of intertidal sand and muddy sand, intertidal rock, tentacled lagoon worm, and coastal saltmarsh and reedbeds do not pose a risk of hindering the conservation objectives of the MCZ. No further management following the completion of MCZ assessments has been required in the site.

Erme Estuary MCZ

D&S IFCA has introduced, under its Permit Conditions, a prohibition of mobile fishing and netting in the Erme Estuary MCZ. The Erme Estuary MCZ is designated for intertidal rock, intertidal coarse and mixed sediments, estuarine rock habitats, sheltered muddy gravels and the tentacled lagoon worm. D&S IFCA assessed the interaction of all commercial fishing on these features and concluded that none of these activities posed a risk of hindering the conservation objectives of the site. No further management following the completion of MCZ assessments has been introduced in the site.

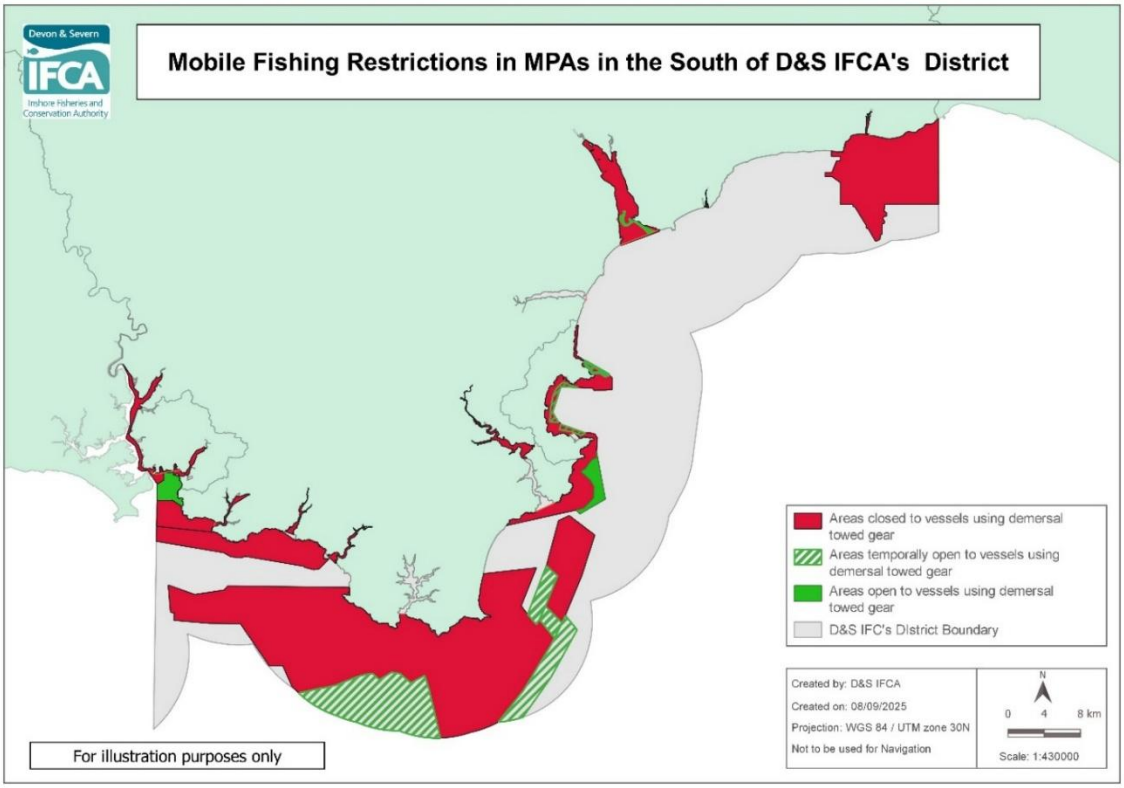


Figure 4 Mobile Fishing Restrictions in MPAs in the South of D&S IFCA's District

Sites of Special Scientific Interest (SSSIs)

Whilst there are many SSSIs within the D&S IFCA's District which D&S IFCA does have regard for, but as previously mentioned there are two notable SSSIs within the District where D&S IFCA has been involved in the management of commercial fishing activities.

Taw Torridge Estuary SSSI

The Taw Torridge estuary SSSI was notified under the Wildlife and Countryside Act 1981 as amended. It was notified due to its importance for its overwintering and migratory and regularly supports nationally important number of curlew, golden plover, lapwing, redshank, dunlin and oystercatcher. The large area of mudflats and sandbanks within the Estuary provide a rich and varied source of food for many bird species. The intertidal mussel beds located in the estuary form part of this food source.

D&S IFCA has been monitoring these intertidal beds since 2012. The intertidal mussel beds in the Taw-Torridge Estuary have suffered significant reductions in both population size and biomass, as well as spatial coverage, following the 2014 storms. With the decline in mussel stock nationally, and an increased interest in shellfishermen from across the country wishing to harvest the mussels from the Taw Torridge Estuary, Natural England and D&S IFCA introduced management measures to place a restriction on the amount of mussels that can be harvested commercially from the intertidal beds within the Taw Torridge. This is to ensure that enough mussels would be available to provide an adequate food supply for the birds for which the SSSI is designated. The estimated mussel stock calculated in D&S IFCA's intertidal stock assessments feed into a shellfish ecological requirement model which calculates the maximum amount of mussels that can be removed per month by fishers. All fishers involved in the mussel fishery are required to report monthly removal of mussel from each individual beds so that total removal can be monitored.

D&S IFCA has recently collaborated with Bournemouth University, Association of IFCAs, Natural England and EAD Ecology on a project to assess the shellfish food requirements of oystercatcher (*Haematopus ostralegus*) overwintering in the Taw Torridge Estuary. This is to help update and inform the management of the site and its intertidal mussel fishery. D&S IFCA will continue to monitor the intertidal mussel beds for changes, to inform Natural England of food availability for wading birds and to ensure sustainable management of the intertidal mussel beds.

Until 2020, the extent and density of the subtidal mussel resource in the Taw-Torridge system had not previously been assessed, though the subtidal mussel may play an important role in reseeding intertidal areas, providing food and habitat for local wildlife, and performing other important 'ecosystem services'. Therefore, in October 2020, D&S IFCA worked with two local fishermen to conduct a broad-scale survey of the estuary to define the location of subtidal mussel beds, and to ground-truth and update knowledge of mussel distribution. Results of this survey have expanded D&S IFCA's understanding of the subtidal mussel resource, which will help to inform future management of local mussel beds and the development of shellfisheries in this part of the D&S IFCA's District.

Salcombe to Kingsbridge Estuary SSSI

The Salcombe-Kingsbridge Estuary possesses a very rich and diverse intertidal and subtidal

flora and invertebrate fauna, with certain communities being outstanding examples of their type in the North-east Atlantic. Originally an unglaciated river valley, the Estuary has been partly drowned following the post-glacial rise in sea level and is now a sheltered marine inlet or Ria. The lower estuary is partially separated from the open sea by a submerged sandbar and is characterised by rocks and sandy bays, while the upper estuary comprises mainly intertidal mudflats. There are very few examples of a marine SSSI. Many species are listed in the SSSI notification including algae species, anemones, sponges and bird species such as wigeon, Teal and shelduck. One species, located in the lower reaches toward the sea, is seagrass *Zostera marina.*

There is a small-scale highly regulated king scallop fishery operating in Salcombe Estuary which is managed under the D&S IFCA Mobile Fishing Permit Conditions. The fishery is restricted to a three-month period and is open from 15th December to 15th March each year. Under the Permit Conditions, dredging is spatially restricted to an area within Salcombe Estuary between a line drawn across the estuary from Snapes Point to Scoble Point and a line drawn across the estuary from Woodville Rocks to Ager Point, avoiding the seagrass beds. Vessels involved in the fishery must not exceed seven metres in length and dredges must not be toothed and no wider than 85cm, and a maximum of two dredges can be used at any one time. Dredges must be hand hauled, and fishing can only take place between 0900hrs and 1600hrs on weekdays, but not during public holidays. All scallops landed must be above the Minimum Conservation Reference Size of 100mm and landings data must also be sent back to D&S IFCA at the end of the season.

Data have been collected from fishers taking part in the fishery since 1998 and on-board surveys have taken place since 2007. A small-scale scallop stock assessment was undertaken to look at the abundance and sizes of scallops pre- and post-fishing for the 2011/2012 and 2012/2013 seasons. Several tows with the dredges were carried out over a one-day period, before and after the fishery opened and closed, with each scallop being measure. The results showed little variation between stock levels and size distributions of scallops across the surveys. An in-depth analysis of the catch data collected from Salcombe scallop fishery from 1998 to 2020 was undertaken in 2022. Catch per unit effort (CPUE) and landings per unit efforts (LPUE) analysis based on days fished was undertaken for the full data set and then more in-depth analysis was undertaken on the more detailed data which was collected from 2011 onwards.. The results of the analysis of the data indicated that although there has been variation between the years, there have been no sustained declines in CPUE or LPUE. This suggests the fishery, at its current and recent historical level, is not having a detrimental impact on the harvestable scallop stocks of the estuary and that the current management measures provide an effective way to manage the fishery.

D&S IFCA remains up to date on the extent of the seagrass beds within the estuary from external surveys undertaken so that, where appropriate, changes in management can be considered should the fishery have the potential to impact the seagrass beds located in the lower part of the SSSI..

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers

Many of the documents referred to can be found on D&S IFCA's website or can be obtained from D&S IFCA's Officers

End.