

Consultation Coordinator
Department for Environment, Food and Rural Affairs
2nd Floor, Foss House, Kings Pool
1-2 Peasholme Green
York
YO1 7PX

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To whom it may concern,

I am writing on behalf of Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA) in response to the consultation on Environmental Targets, which opened on 16th March 2022.

INTRODUCTION: Devon and Severn Inshore Fisheries and Conservation Authority

The Inshore Fisheries and Conservation Authorities (IFCAs), including Devon and Severn IFCA (D&S IFCA), are statutory regulators. The ten regional IFCAs have a shared vision: “Inshore Fisheries and Conservation Authorities will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry.”

The IFCAs are responsible for the sustainable management of sea fisheries resources in English waters from baselines out to six nautical miles. D&S IFCA's District includes waters from baselines to six nautical miles on the south and north coasts of Devon and north Somerset, and the waters of the Severn Estuary out to the median line with Wales. D&S IFCA's Authority is comprised of Local Authority representatives, local stakeholders with marine and fisheries expertise, and nominees from Natural England, the Environment Agency and the MMO. There is also a team of Officers who conduct the day-to-day operations to deliver the IFCA Vision.

The powers and duties of the IFCAs are provided by the Marine and Coastal Access Act (2009; the Act). The IFCAs' main legal duties are described in section 153 of the Act. They must manage the exploitation of sea fisheries resources in their Districts, balancing the social and economic benefits of exploiting the resources of sea fisheries in their Districts with the need to protect the marine environment, or help it recover from past exploitation.

Under section 154 of the Act, IFCAs must seek to ensure the conservation objectives of any MCZs in the District are furthered. IFCAs are also deemed Relevant Authorities for European Marine Sites (EMS; including Special Areas of Conservation and Special Protection Areas), under the Conservation of Habitats and Species Regulations 2017.

D&S IFCA fulfils these duties by implementing and enforcing Byelaws to manage fisheries and protect Marine Protected Areas, in addition to carrying out research and monitoring work to improve the evidence base for marine and fisheries management.

Devon and Severn IFCA's Response

D&S IFCA's response relates specifically to the question "Do you agree or disagree with the level of ambition proposed for the Marine Protected Area target?". This response is not required to remain confidential.

D&S IFCA broadly agrees with the level of ambition proposed for the Marine Protected Area (MPA) target (70% of the designated features in the MPA network to be in favourable condition by 2042, with the remainder in recovering condition), and would hope to see sustained effort to continue the proposed trajectory for improving designated feature condition into the future, beyond 2042. However, there are some key caveats that D&S IFCA strongly recommend are considered before a target is set, and when delivery of the target is being planned. These considerations are outlined in detail in the remainder of this response.

Whilst D&S IFCA welcomes the ambitious target and the benefits that will be gained by the marine environment and its users upon the target being met, D&S IFCA is disappointed to see that the costs of the introduction of the management measures to enable the target to be met (including monitoring) have been included in the baseline cost estimate, meaning that no extra funding would be provided to facilitate the achievement of this target. D&S IFCA would like to stress that simply maintaining delivery of current fisheries management obligations relating to MPAs and their features requires additional funding. There is a documented shortfall in funding available to D&S IFCA, which has made it increasingly difficult to fulfil its statutory duties regarding MPAs.

The Environmental Audit Committee's [Marine Protected Areas Revisited Report](#) (EAC, 2017) specifically highlighted the funding difficulties facing D&S IFCA, noting that significant additional funding (in particular for additional staff resource) was required to enable D&S IFCA to "both implement and enforce the coherent network of MPAs within their region".

D&S IFCA has 22 Marine Protected Areas designations (EMS and MCZ) within its District, covering over 42% of its sea area. When D&S IFCA was created it had only five EMS covering 12.33% of its District. D&S IFCA has introduced many management measures to protect MPAs and these require high levels of monitoring and enforcement (mainly due to the high number of trawlers and scallop dredgers operating in the District). However, the financial resourcing has not increased since D&S IFCA was created or to reflect the increase in the extent of MPAs.

A Financial Situation Report submitted to the Secretary of State demonstrated that at the current level of funding D&S IFCA cannot meet all its current statutory functions and objectives and is not able to undertake work that other IFCA's regard as essential. This includes work that is vital for the achievement of favourable condition status in MPAs (e.g. habitat ground-truthing surveys, fisheries monitoring). A summary of this information is available in D&S IFCA (2021). In this context of insufficient funding for delivery of statutory duties, very significant further funding (in particular for additional staff) would be required to enable the additional monitoring, management and enforcement work that would be required in pursuit of the proposed target.

Additional funding is required not only to ensure that regulators' statutory duties can be met given the present combinations of fishing effort and feature condition, but would also safeguard against unforeseen future changes that may require additional management measures and monitoring to be implemented. For example, if a new fishery develops within

an MPA, or if there is a significant increase in the levels of a fishing activity that threatens the condition of the protected features, additional MPA assessments would need to be undertaken and new management measures and/or monitoring may need to be introduced. Without additional funding, scenarios such as these would hinder the achievability of the proposed target.

In the *Biodiversity Marine Targets – Impact Assessment* document provided as evidence for this proposed target, it is outlined that “the target will not place additional burden on regulating organisations as these bodies are those who are already responsible for management of the UK marine area”. D&S IFCA disagrees with this statement as the target also outlines that there will be “additional reporting on changes in individual feature condition”. Whilst this reporting will be fulfilled by Natural England, there is likely to be knock-on effects to D&S IFCA. For example, if a decline in feature condition is identified then this would prompt a review of protected sites assessments. Reviewing protected sites assessments can be a resource-intensive process itself, but the burden on D&S IFCA would be increased significantly where the outcome of the revised assessments includes a need for additional monitoring and management of activities that interact with the feature in question. Where there are large uncertainties in evidence on the distribution of features and/or fishing effort (and their interaction) in MPAs, and where these uncertainties may affect the outcome of MPA assessments (HRAs and MCZ assessments), D&S IFCA implements Monitoring and Control Plans in order to reduce such uncertainties (via research). The Plans provide information on what monitoring will be undertaken, how this new information will be used, the timeframes for data collection and review of any current assessments. The Plans identify suitable management mechanisms, should they be required following the outcomes of the data collection. Five Monitoring and Control Plans are already being implemented alongside D&S IFCA’s other research, management and enforcement work outlined in D&S IFCA’s Annual Plans.

D&S IFCA would like to highlight that the late arrival of the evidence packs online may have influenced others’ earlier responses to the consultation. There was also some key information missing from the Biodiversity Marine Target evidence pack document, which may have hindered others from being able to develop a fully informed response. For example, in the methods section of the evidence pack it is outlined that “the proposed MPA target is informed by our understanding of current MPA feature condition and how features may be expected to recover”, however there is no summary in the evidence pack of the current MPA feature condition, i.e. the baseline figure used to calculate the proposed target. Although there is an explanation of how current condition is assessed (i.e. via a condition assessment, and indirect evidence of vulnerability where direct evidence of condition is not available), in order for a conclusion to be made as to the appropriateness of the proposed ambition of the marine target, it is necessary that the figure for the current condition of MPA features used to calculate the proposed target is also shared. It would have been useful for all respondents (not just those who asked) to understand: (i) what percentage of MPA features are currently considered to be in favourable condition (whether determined via a condition assessment/direct evidence or indirect evidence of vulnerability) and (ii) what percentage of MPA features in England have had a condition assessment informed by direct evidence, compared to those that have been indirectly assessed with a vulnerability assessment.

In response to questioning by D&S IFCA, the Defra Marine Biodiversity Team confirmed that “in total 47% of features are currently assessed as unfavourable, 44% favourable and 9%

not assessed. Those features that are unassessed are assumed to be in unfavourable condition.” It is D&S IFCA’s understanding that these figures are based on all features in English MCZs that have had either a condition assessment or a vulnerability assessment. Based on these figures, and assuming reliable assessments have been made of feature condition, it is clear that the proposed target for 2042 is ambitious but the content of the evidence pack suggests that this level of ambition is achievable.

D&S IFCA is concerned that very few marine sites have had full condition assessments completed. It would therefore seem that there must be some uncertainty in current estimates of feature condition. For example, although vulnerability assessments have been applied based on the best available evidence (e.g. spatial data on habitats and human activities), it is not clear whether uncertainties in these data have been quantified or accounted for. The evidence pack does not present any estimates of the scale or implications of that uncertainty. Overall, this situation makes it difficult to conclude confidently that feature condition can be improved (or indeed be reliably assessed) with the level of ambition set out in this consultation.

D&S IFCA also has concern that those features that are viewed as favourable currently may require further monitoring and management. In a recent response to an MCZ assessment, NE advised that the ‘*General Management Approach refers to a direction of travel needed to achieve favourable ecological condition*’ despite acknowledging that the GMA at designation was maintain in favourable condition.’

Finally, there is a continuing misguided belief, held by many in Government and elsewhere, that by focussing on reviewing the condition assessment of existing features, designating additional Marine Protected Areas and the introduction of further management we are protecting important habitats.

In theory, the exclusion of fishing activity across features, sensitive to such interaction, can achieve the proposed targets. However, to provide actual protection to the MPA network and the designated features it requires an effective monitoring and enforcement regime to be in place. D&S IFCA’s own data shows that the Authority has not been able to fully achieve this and at a national level the situation is far less encouraging.

In order to deliver actual protection for the MPA network, D&S IFCA believes that there has to be significant investment in technology. The national roll out of IVMS devices is welcome but further monitoring devices (cameras and sensors) should be required on board the demersal towed gear fleet. Relying on fisheries patrol vessels to detect illegal incursions within MPAs has been shown, by in large, to be ineffective and costly compared to the results achieved by D&S IFCA from adopting a technology-based approach to monitoring and enforcement.

In summary D&S IFCA believes there is an appropriate level of ambition associated with the proposed target for MPA feature condition by 2042 but it is important to note that:

- simply maintaining delivery of current fisheries management obligations relating to MPAs and their features requires additional funding;
- significant additional funding is required to implement and enforce the coherent network of MPAs;
- achieving the proposed target will place substantial additional burdens on regulators including D&S IFCA;

- significant further funding would be required to enable the additional monitoring, management and enforcement work that would be required in pursuit of the proposed target;
- properly protecting MPAs, including from extractive uses, will require an effective monitoring and enforcement regime supported by significant investment in technology;
- there are uncertainties associated with MPA feature condition assessments and the evidence pack lacked data on the current condition of features, which will have made it difficult for consultees to thoroughly consider the appropriateness of the proposed target.

Yours faithfully,



Matthew Mander

Chief Officer

References

D&S IFCA (2021). Delivery of Statutory Duties. Annex A to Agenda Item 9a of the December 2021 meeting of Devon and Severn Inshore Fisheries and Conservation Authority. Available at

<https://www.devonandsevernifca.gov.uk/content/download/7788/56699/version/2/file/Annex+A+-+Agenda+Item+9a+Delivery+of+Statutory+Duties+FY2022-23.pdf>

EAC (2017). *Marine Protected Areas Revisited*. Environmental Audit Committee, UK Parliament. Available at

<https://publications.parliament.uk/pa/cm201617/cmselect/cmenvaud/597/59702.htm>

Agenda Item 7.5 Skerries Bank And Surrounds MCZ – D&S IFCA Byelaw and Permitting Sub Committee 9th June 2022 at

<https://www.devonandsevernifca.gov.uk/Authority-Meetings>