



Consultation on the proposed introduction of  
Bottom Towed Fishing Gear measures for the  
Solent European Marine Sites (SEMS)

21<sup>st</sup> December 2015

## Overview

<b>Intended Audience</b>	This is a public consultation and is open to anyone to respond
<b>Coverage</b>	This consultation is primarily focussed on the Solent area, incorporating the coastal areas of Hampshire and the north of the Isle of Wight
<b>Purpose</b>	This consultation seeks views on introducing new spatial and seasonal restrictions to reduce the impacts of bottom towed fishing gears within the Solent European Marine Sites (SEMS)
<b>Duration</b>	This consultation will last 28 days between the 4 <sup>th</sup> January and 31 <sup>st</sup> January 2016
<b>Contact</b>	For further information please contact the Southern IFCA office. Email: <a href="mailto:enquiries@southern-ifca.gov.uk">enquiries@southern-ifca.gov.uk</a> or telephone 01202 721373
<b>Access</b>	This consultation is available online at <a href="http://www.southern-ifca.gov.uk">www.southern-ifca.gov.uk</a> Co-ordinates of areas and more detailed charts are available from the Southern IFCA office.

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This report is available to download from  
[www.southern-ifca.gov.uk](http://www.southern-ifca.gov.uk)  
Alternatively a hard copy can be viewed at:  
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64 Ashley Road, Poole, Dorset BH14 9BN  
Tel: 01202 721373  
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# Section 1 - About this consultation

## Introduction

- 1.1 The principle purpose of this consultation is to seek views on proposals to introduce new bottom towed fishing gear measures for the Solent European Marine Sites (SEMS) and to seek further information on how these measures affect all users. Southern IFCA is required by Defra to review fishing in Marine Protected Areas by 2016.
- 1.2 Southern IFCA is considering the introduction of spatial and seasonal restrictions to reduce the impacts of bottom towed fishing gears within the Solent European Marine Sites (SEMS), specifically within the following areas:
  - Southampton Water
  - Portsmouth Harbour
  - Langstone Harbour
- 1.3 Stakeholders invited to take part in this consultation include registered and licensed fishermen, recreational fishermen, local and national environmental Non-Government Organisations (NGOs), water-sports enthusiasts, Solent ports and harbour authorities and Solent councils. Other interested parties are welcome to submit comments.
- 1.4 This consultation will start on 4<sup>th</sup> January 2016 and will last 28 days until 31<sup>st</sup> January 2016.

## How to take part

- 1.5 This consultation document is available online at: [www.southern-ifca.gov.uk](http://www.southern-ifca.gov.uk). Electronic or paper copies of this consultation are available from the Southern IFCA office. To request additional copies please contact the office on 01202 721373 or email [enquiries@southern-ifca.gov.uk](mailto:enquiries@southern-ifca.gov.uk).
- 1.6 Throughout the consultation period stakeholders are invited to meet with Southern IFCA officers to facilitate effective communication. To arrange a user group specific meeting with Southern IFCA officers please contact the office on 01202 721373 or email [enquiries@southern-ifca.gov.uk](mailto:enquiries@southern-ifca.gov.uk).
- 1.7 Respondents are requested to specifically answer the consultation questions outlined in section 5 of this document. Consultation responses can be submitted in one of the following ways:

Email – You may email responses to us at: [enquiries@southern-ifca.gov.uk](mailto:enquiries@southern-ifca.gov.uk). Please state the email subject as: **Solent EMS consultation.**

Paper – responses can be posted or delivered to the Southern IFCA office: Southern IFCA, 64 Ashley Road, Poole, Dorset BH14 9BN.

Responses should be received by 31<sup>st</sup> January 2016. Responses received after this date may not be considered.

## After the consultation

- 1.8 At the end of this consultation period a summary of the responses received will be published. If you do not consent to this, you must clearly request that your response be treated as confidential. Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request. Respondents should also be aware that there may be circumstances in which the Authority will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000.
- 1.9 Following this consultation the feedback received will be considered by Southern IFCA officers and Authority Members so that the most appropriate management measures can be developed. Any measures developed will be recommended for consideration by the full Authority before they are made as part of a new Marine Protected Area Regulatory Notice byelaw. Once made, a new byelaw and management measures will be advertised on the Southern IFCA website and in local and national publications for two consecutive weeks before a statutory 28 day consultation begins.

## Section 2 – Background information

### Southern IFCA

- 2.1 Southern Inshore Fisheries and Conservation Authority (IFCA) is one of ten regional IFCAs established in 2011 to:

*“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“*

- 2.2 IFCAs were established to sustainably manage sea fisheries resources, to support a viable industry and to protect marine ecosystems from the impacts of fishing. Southern IFCA leads the management of the exploitation of sea fisheries resources in the inshore areas of Dorset, Hampshire and the Isle of Wight and aims to promote healthy marine habitats, including the management of Marine Protected Areas (MPAs).

- 2.3 Southern IFCA is a relevant and competent authority in relation to marine areas and European Marine Sites (EMS). The Conservation of Habitats and Species Regulations<sup>1</sup> (Habitats Regulations) outline how IFCAs and the nature conservation bodies must exercise their functions under the enactments relating to nature conservation so as to secure compliance with the requirements of the Habitats Directive.

## Natura 2000

- 2.4 Natura 2000 is an EU wide network of terrestrial and marine nature protection areas established under the 1992 Habitats Directive. The aim of the network is to assure the long-term survival of Europe's most valuable and threatened species and habitats. It comprises of Special Areas of Conservation (SACs) designated by Member States under the Habitats Directive, and also incorporates Special Protection Areas (SPAs) designated under the 1979 Birds Directive. These sites are often referred to as European Marine Sites (EMSs).
- 2.5 Special Areas of Conservation (SACs) are designated sites to protect habitat types and species that are considered to be most in need of conservation at a European level (excluding birds). Special Protection Areas (SPAs) are designated sites to protect rare and vulnerable bird species and regularly occurring migratory bird species.
- 2.6 Article 6(2) of the Habitats Directive<sup>2</sup> describes how, for existing activities such as commercial fishing, appropriate steps should be taken to avoid the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of the Directive.
- 2.7 The Solent EMS Management Group, the single scheme of management for the Solent EMS, has flagged fishing activities as a high risk in their 2015 Monitoring Report<sup>3</sup>. High risk activities are considered as potentially representing a high risk and/or not having sufficient “systems in place to ensure they are managed in line with the Habitats Regulations” and, therefore, require further management consideration. As a relevant and competent authority Southern IFCA has a legal obligation to exercise its functions to so as to secure, in relation to that site, compliance with the requirements of the Habitats Directive.

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<sup>1</sup> The conservation of species and habitats regulations 2010 - [http://www.legislation.gov.uk/ukxi/2010/490/pdfs/ukxi\\_20100490\\_en.pdf](http://www.legislation.gov.uk/ukxi/2010/490/pdfs/ukxi_20100490_en.pdf)

<sup>2</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora - <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>

<sup>3</sup> Solent European Marine Sites monitoring report 2015 - [http://www.solentems.org.uk/publications/SEMS\\_Annual\\_Monitoring%20Response\\_Report\\_2015.doc](http://www.solentems.org.uk/publications/SEMS_Annual_Monitoring%20Response_Report_2015.doc)

2.8 Southern IFCA has committed to Defra’s Revised Approach, a process of reviewing the impacts of commercial fishing activities upon European Marine Site features. To date this process has followed a risk-prioritised approach. Where activities are found to cause an adverse effect to site features, regardless of intensity, management has been introduced in the form of permanent spatial closure byelaws for bottom towed fishing gears and hand gathering activities. All remaining fishing activity interactions within European Marine Sites require a site level assessment of their impacts. These site level assessments are being carried out in a manner that is consistent with the provisions of Article 6(3) of the Habitats Directive, meeting the Article 6(2) responsibilities of Southern IFCA as a competent authority.

### The Solent EMS

2.9 The Solent EMS is a collective term for a network three Special Protection Areas (SPAs) (the Solent and Southampton Water SPA, Chichester and Langstone Harbours SPA and Portsmouth Harbour SPA) and one Special Area of Conservation (SAC) (Solent Maritime SAC). Site features, sub-features and supporting habitats within the Solent EMS include intertidal and subtidal sediments, coastal lagoons, seagrass and estuarine bird species.

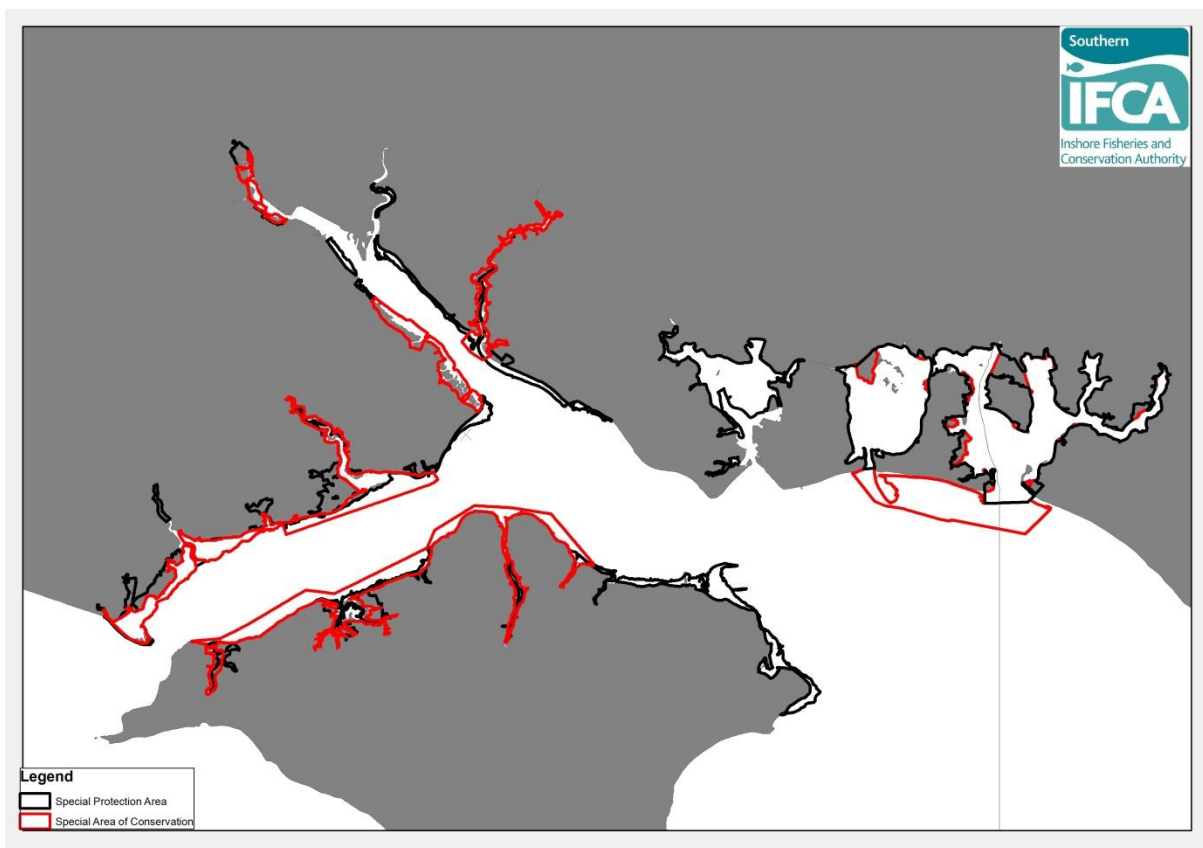


Figure 1 - Marine Protected Areas within the coastal waters of Hampshire and the Isle of Wight.

- 2.10 Site level assessments of the impacts of commercial fishing activities have identified that within areas of the Solent EMS, at current levels, methods of bottom towed gear fishing are likely to cause significant disturbance and deterioration of designated habitats and species. In order for these activities to continue it is necessary to introduce measures so that site conservation objectives can be met.

## Section 3 - Fishing Activity Impacts

### Site level assessments

- 3.2 Conservation advice packages exist for each individual site, containing a series of conservation objectives broken down to attributes for designated features and sub-features. When completing a site level assessment of the impacts of fishing activities it is important to directly refer to these conservation objectives, firstly understanding the potential pressures and associated impacts before considering level of exposure by a feature attribute, such as species composition of benthic communities, to an activity, such as clam dredging.
- 3.2 Site level assessments have indicated that at current levels methods of bottom towed fishing gear, particularly clam dredging and oyster dredging, are likely to cause significant disturbance and deterioration of features and habitats in parts of the Solent EMS. Potential pressures include siltation, abrasion and disturbance to the seabed and benthic communities, the associated reduction in bird prey availability and the disturbance of bird species.
- 3.3 Fishing activity sightings data suggests that since 2013 a maximum of 11 fishing vessels dredged for clams during any one month within all areas of the Solent EMS and an average of 5 different vessels operated each month. Fishing activity is believed to be intermittent and widely spread throughout the sites. The most popular periods for fishing are the winter months of December through to February. Due to a decline in the Solent oyster fishery over the past two years oyster dredging has been restricted to a two week season in Portsmouth and Langstone Harbours. During the 2015 oyster season 10 vessels dredged for oysters mostly within Portsmouth Harbour.
- 3.4 Site level assessments indicate that evidence suggests measures are necessary to remove significantly damaging and disturbing pressures within the Solent EMS. This can be achieved through spatially and seasonally closing sensitive areas to bottom towed fishing gears.



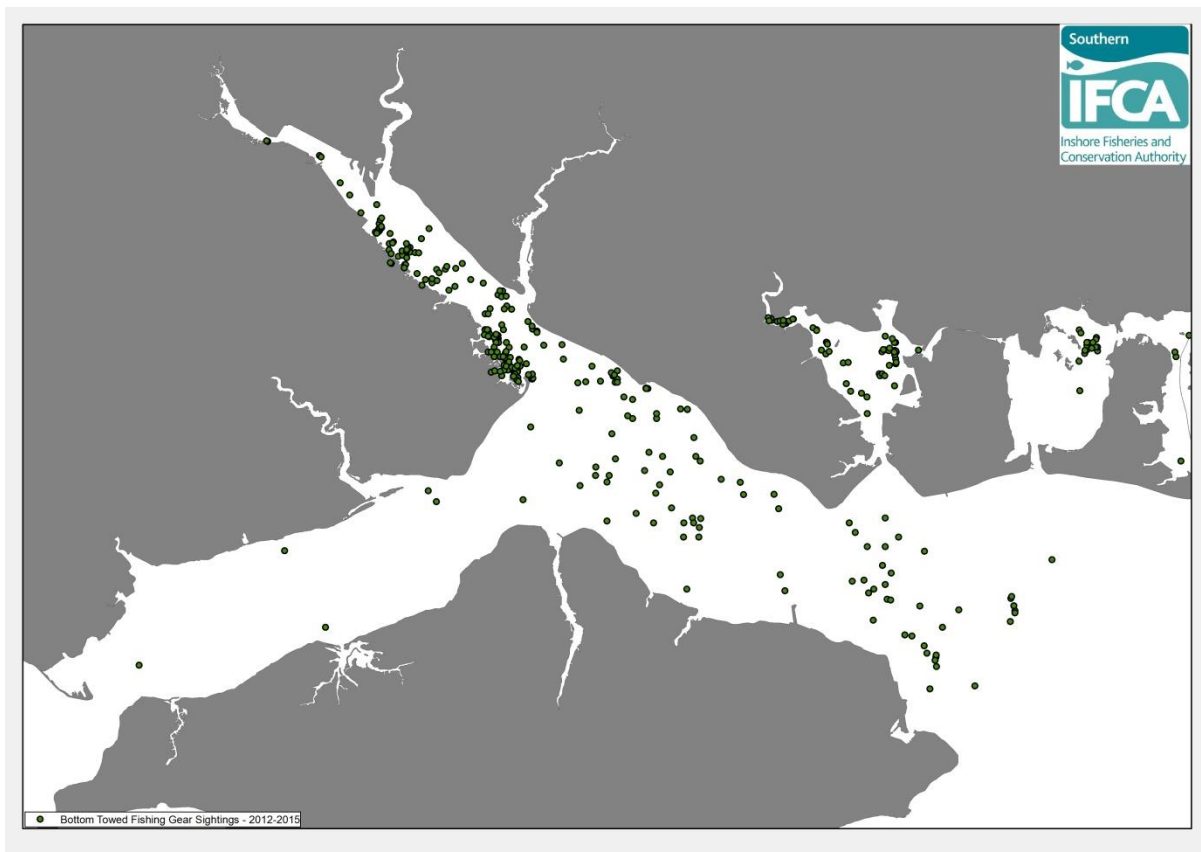


Figure 2 - Bottom towed fishing gear sightings data 2012-15

## Section 4 – Management measures

4.1 The Authority is in the process of developing a new Marine Protected Area Regulatory Notice byelaw that would provide the ability to flexibly introduce fisheries management measures within the District’s MPAs through the issue of Regulatory Notices. It is believed that this approach would enable the Authority to make best use of the evidence available, providing the opportunity to regularly refine and improve management to reflect the needs of the local area. Built into this byelaw will be a clear and transparent methodology for the review and introduction of new measures, placing and emphasis on stakeholder engagement. It is anticipated that management measures for bottom towed fishing gear within the Solent EMS will be introduced as a regulatory notice under this new byelaw.

### Selection of management areas

4.2 Using the best available evidence, including comparable benthic impact and bird disturbance studies, site conservation advice packages, feature mapping data and fishing activity sightings data, a series of management areas covering a total 38.37km<sup>2</sup> have been selected to enable the development of

measures for bottom towed fishing gear activities. The areas have been selected due to existing site level pressures through the disturbance and deterioration of features. These 'areas of search' are designed to provide focus for the development of management measures and this consultation offers the opportunity for further refinement of these boundaries with the provision of additional evidence.

4.3 Management areas have been selected considering the following criteria below; areas excluded are not currently believed to meet these criteria:

- a. **Bird Sensitive Areas (BSAs).** Within Special Protection Areas (SPAs) a series of BSAs have identified areas where relevant bird species feed through information provided in the Regulation 33/35 conservation advice packages, various pieces of literature associated with the Solent Bird Disturbance and Mitigation Project and data generated from the Wetland Bird Survey (WeBS) Low Tide Counts<sup>4</sup>. The removal of activity within these areas during **bird sensitive periods** will reduce existing disturbance pressures, whilst allowing a period of recovery for bird prey species.
- b. **Bird sensitive periods** within Special Protection Areas (SPAs) have been identified using site specific bird seasonality tables provided by Natural England through recent interim conservation advice. These tables show the periods when significant numbers of each designated bird species are present within the site. The sensitive periods are for those species considered to be of key concern. Species of key concern include birds which feed on invertebrates within the intertidal whose prey availability may be affected by clam dredging (i.e. worms, molluscs) and in areas that overlap with the activity.
- c. **Sensitive features and sub-features.** Based on scientific literature, the site level assessments identified areas of features and sub-features in the Special Area of Conservation (SAC) that are likely to be sensitive to different types of bottom towed fishing gear. These features have been mapped using data provided by Natural England. Evidence suggests that habitat recovery is influenced by levels of natural energy and can be aided by periodic closures.
- d. **Fishing activity access.** A range of datasets including historic fishing activity sightings data, expert knowledge, water depth, habitat type and existing or historic shellfish classification areas have been used to identify areas of existing or potential interaction with site features.

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<sup>4</sup> The most recent WeBS Low Tide Counts can be presented as point data maps on the WeBS interactive online interface <http://app.bto.org/webs-reporting>. This provides valuable information on designated bird species distribution.

## Southampton Water

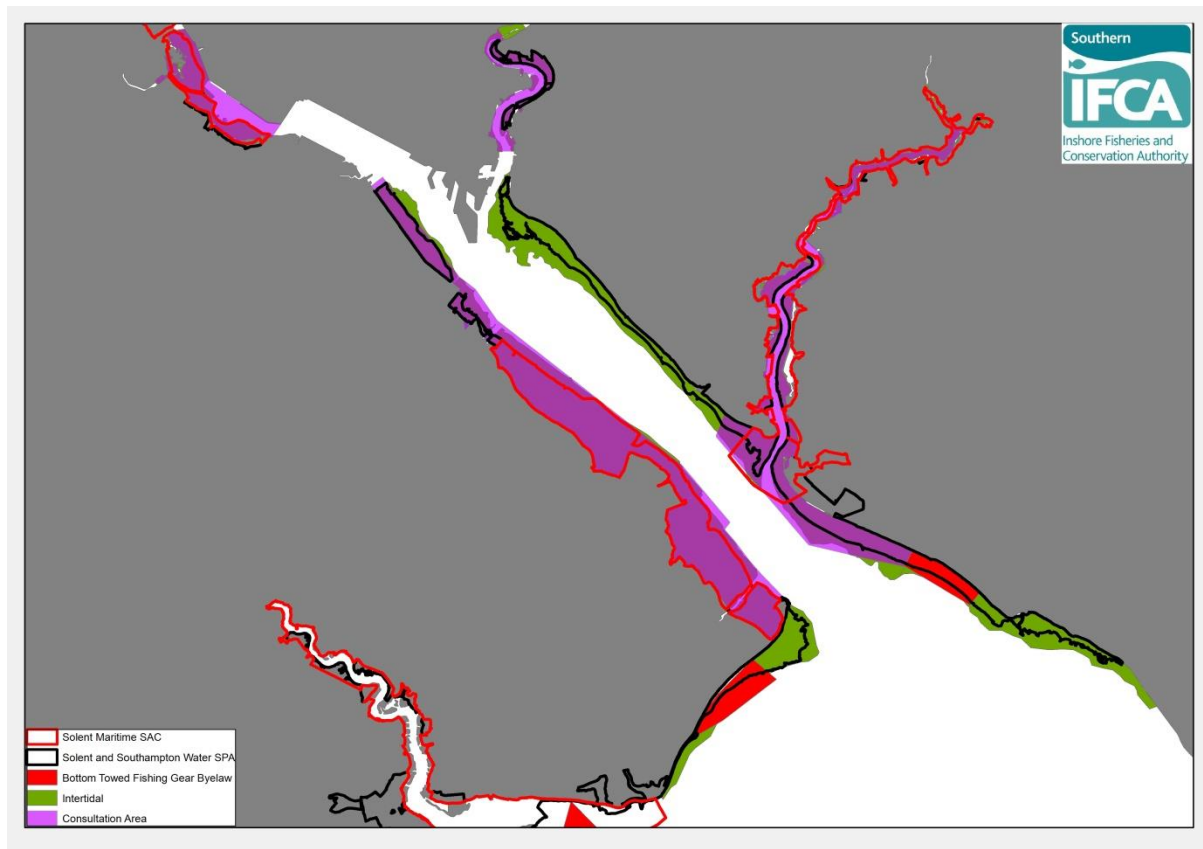


Figure 3 - Southampton Water EMS designations and proposed management areas (marked in purple)

4.4 Parts of Southampton Water, principally the coastal inter-tidal sections, are designated as a European Marine Site (EMS) under the Solent Maritime SAC and the Solent and Southampton Water SPA. These designations overlap in certain areas, including the Test, Fawley foreshore and the Hamble. Seagrass areas at Chilling and Stanswood are permanently closed to bottom towed fishing gears under an Authority byelaw.

4.5 Site level assessments indicate that pressures exist within areas where clam dredging activity interacts with the distribution of ringed plover and intertidal mud and intertidal mixed sediment habitats. The period of sensitivity for bird species within the site spans between November and March each year.

## Portsmouth Harbour

4.6 The intertidal sections of Portsmouth Harbour, including the intersecting channels, are designated as a SPA. Areas of seagrass in the north-western section of the harbour are permanently closed to bottom towed fishing gears under an Authority byelaw.

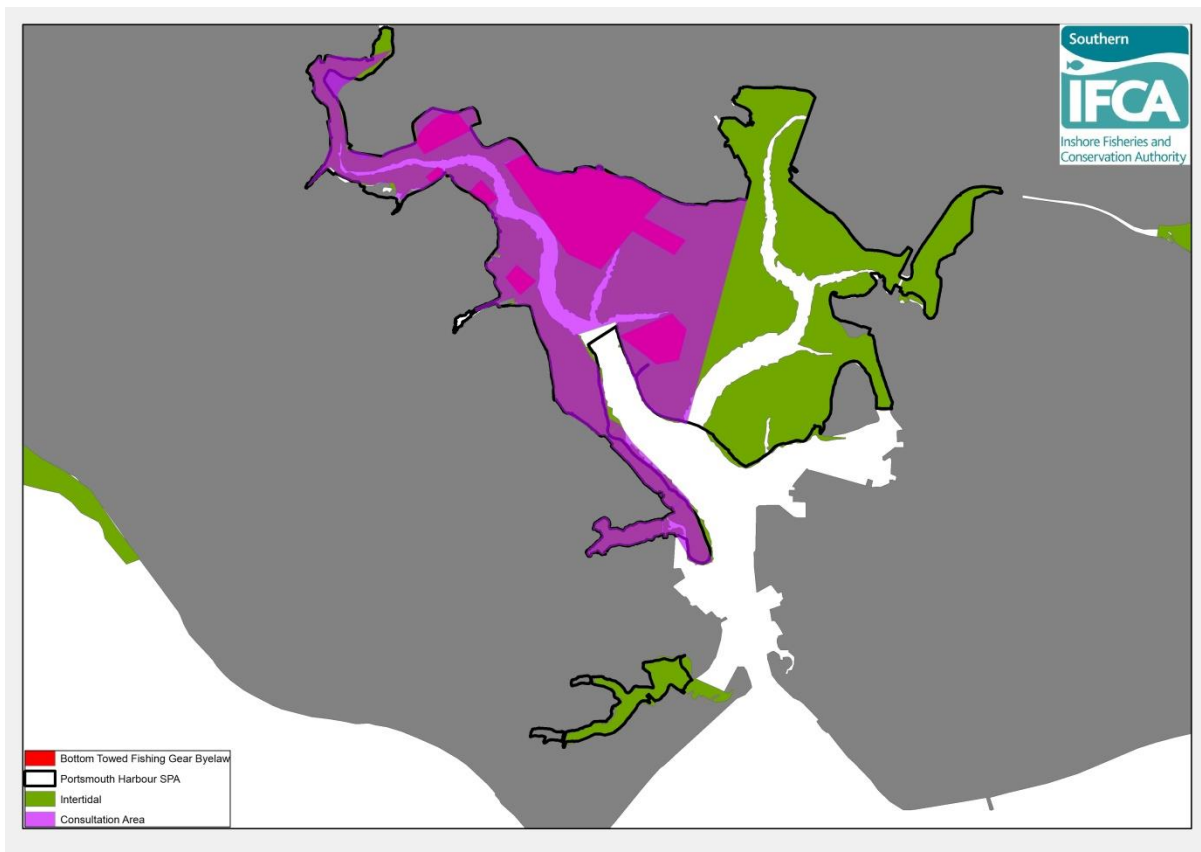


Figure 4 - Portsmouth Harbour EMS designations and proposed management areas (marked in purple)

4.7 Site level assessments indicate that potential pressures exist within areas where clam and oyster dredging activity interact with the distribution of dunlin and black-tailed godwits. The period of sensitivity for bird species within the site spans between December and April each year.

### Langstone Harbour

4.8 Langstone Harbour is designated as a European Marine Site (EMS) under the Solent Maritime SAC and the Chichester and Langstone Harbour SPA. These designations overlap and cover the whole harbour. Seagrass areas on the eastern and north-western shores of the harbour are permanently closed to bottom towed fishing gears under an Authority byelaw.

4.9 Site level assessments indicate that potential pressures exist within areas where clam and oyster dredging interact with the distribution of dunlin, redshank, grey plover, shelduck, ringed plover, curlew and turnstone, together with areas of intertidal mud, intertidal mixed sediments and intertidal sand and muddy sand. The period of bird species within the site spans between September and April each year.

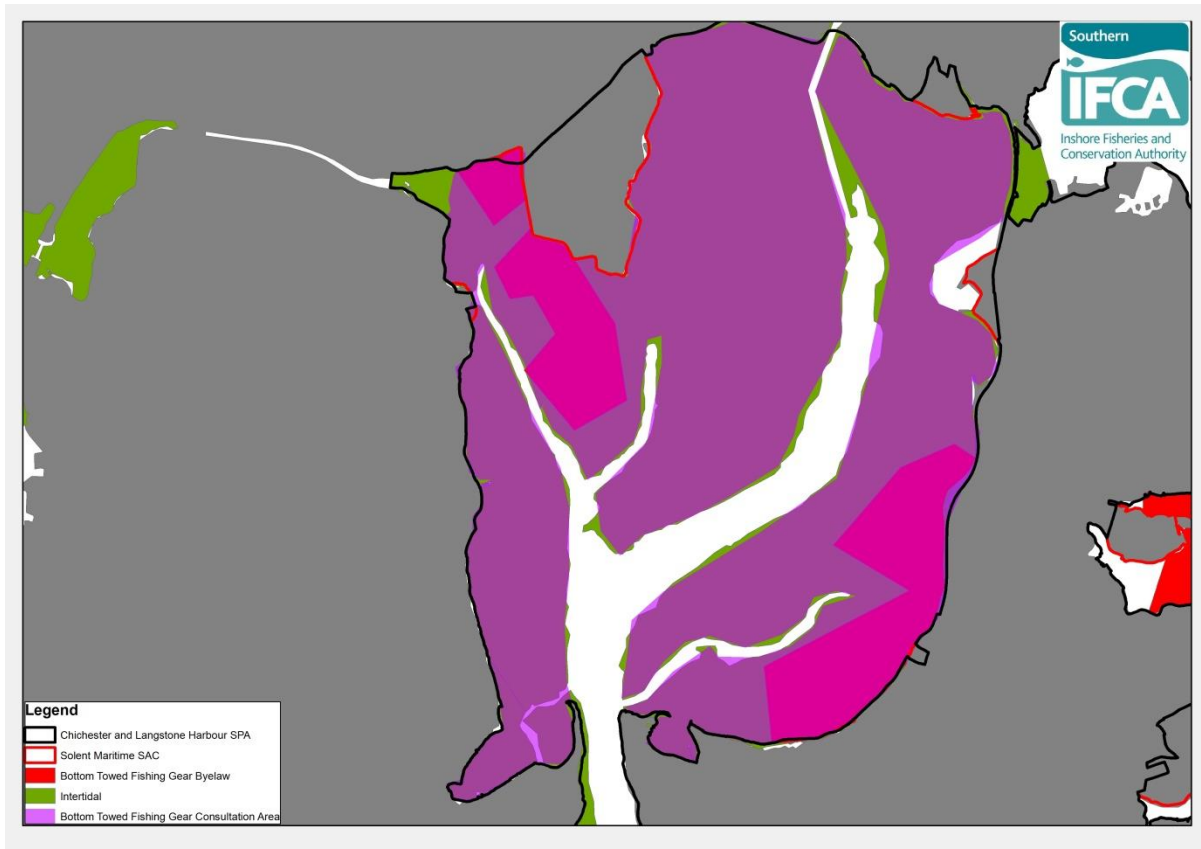


Figure 5 - Langstone Harbour EMS designations and proposed management areas (marked in purple)

## Management options

4.10 Southern IFCA has considered a range of options for the management of bottom towed fishing activities within the Solent EMS. These range from no intervention to permanent site closure:

No management – under this approach no management will be introduced. This is not considered to be a realistic option due to the legal obligation for Southern IFCA as a Relevant and Competent authority to secure compliance with the requirements of the Habitats Directive.

Permanent site closure – under this approach the full extent of the Solent EMS will be permanently closed to bottom towed fishing gears. This approach is not believed to be proportionate to the risk identified and will unnecessarily impact site users.

### Proposed approach:

**Seasonal closure to bottom towed fishing gear within sensitive areas (identified as management areas in purple on the individual site maps) in Southampton Water, Portsmouth Harbour and Langstone Harbour during the following periods:**

**Southampton Water – November to March (inclusive);  
Portsmouth Harbour – December to April (inclusive);  
Langstone Harbour – September to April (inclusive).**

This approach is believed to be necessary to meet the conservation objectives of the Solent EMS whilst striking the correct balance between precaution and proportion.

- 4.11 This consultation presents site users with the opportunity to provide informed feedback on the proposed approach to enable the effective development of management measures within the Solent EMS. The management areas represent 'areas of search' selected using the best available evidence however this consultation provides an opportunity for further refinement of these areas should additional evidence be made available.

### **Potential costs and benefits**

- 4.12 It is anticipated that the seasonal closure of bottom towed fishing gears within areas of Southampton Water, Portsmouth Harbour and Langstone Harbour will result in the following benefits:

- An improvement in the condition of designated features of the Solent European Marine Sites
- A potential increase in the sustainability of marine fisheries resources within Solent area, particularly within the Solent's clam population
- A potential increase in activities associated with the conservation of the marine environment, including birdwatching.

- 4.13 It is anticipated that the proposed approach will result in the following costs:

- A loss of access to fishing grounds for licensed and registered fishing vessels, particularly those engaged in clam dredging
- A loss of income for commercial fishermen and associated businesses including fish and shellfish merchants
- The potential displacement of fishing activity to other methods or fishing grounds placing increased pressure on different fisheries
- A loss of fishing opportunity
- An increase in enforcement costs associated with achieving compliance with new closures.

## Section 5 - Consultation

Please complete all the questions that are relevant to you. It is important that you provide evidence to support your answers where possible. Whilst recognising that some information will be commercially sensitive, it is preferable that your evidence is quantified in monetary terms or in the proportion of impact where possible. In all cases it would be helpful if you explain your answers and provide examples.

### Section 1: About you

1. Please tell us your name and your interest in the Solent European Marine Site (EMS), including the activities that you carry out in the Solent.
2. How many people do you employ in relation to your activities within the Solent EMS?
3. Which area(s) of the Solent EMS do you visit to carry out your activity?

### Section 2: Our proposal

4. Are you in favour of the proposal to introduce spatial and seasonal closures for bottom towed fishing gears in Southampton Water, Portsmouth Harbour and Langstone Harbour? Please refer to specific areas within your answer and provide reasons for your conclusions.
5. What do you see as the key risks surrounding the introduction of our proposal and why?
6. Would you like to see any changes made to our proposal, if so what are these changes?
7. Can you identify any opportunities to refine the boundaries of the management areas whilst continuing to meet the conservation objectives of the sites?
8. Do you have any additional evidence to support these changes and would you be willing to share this with us?

### Section 3: Impacts on you

9. How would our proposals affect your activities within the Solent EMS? Please indicate whether this effect would be positive, negative or no effect.
10. Are our proposals likely to have a financial effect on your activities and how?

### Section 4: Other impacts

11. Do you expect our proposals to achieve the conservation objectives of the Solent EMSs?
12. Are there any additional impacts that we need to consider?
13. Can you identify any additional costs or benefits associated with our proposals?

### **Section 5: Other comments**

14. Do you have any additional comments?



## Glossary

**Defra's Revised Approach** - To bring fisheries in line with other activities, the Department for Environment, Food and Rural Affairs (Defra) announced on the 14 August 2012 a revised approach to managing fishing activities within European marine sites (EMS). This change in approach will promote sustainable fisheries while conserving the marine environment and resources, securing a sustainable future for both.

<https://www.gov.uk/government/collections/fisheries-in-european-marine-sites-implementation-group>

**Habitats Directive** – A European Directive that aims to protect some 220 habitats and approximately 1,000 species, listed in the Directive's Annexes, to contribute towards ensuring biodiversity.

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01992L0043-20070101&from=EN>

**Birds Directive** – A European Directive to protect all species of naturally occurring birds in the wild state in the EU, with an overall objective to maintain populations of all wild bird species in the EU at a level which corresponds to their ecological, scientific and cultural requirements, or to adapt the population of these species to that level.

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0147&from=EN>

**Risk-prioritised approach** – An approach used to address the highest risks first.

**Article 6(3)** – An article of the Habitats Directive that places a legal requirement on the assessment of the effects of plans or projects.

**Conservation Advice packages** - Marine site packages and supporting documents, produced by the statutory nature conservation bodies, to help with site assessments and the impact of marine activity in sensitive areas.

**Marine Protected Area Regulatory Notices byelaw** – Southern IFCA has agreed to develop a new 'Marine Protected Areas Regulatory Notices' byelaw under which the Authority will be able to issue Regulatory Notices to flexibly manage specific fishing activities for the protection of MPAs. This approach, incorporating adaptive management, will enable the Authority to refine management as new and improved evidence, including feature mapping, gear impacts evidence and conservation advice, becomes available.

**Feature** – The bird species or broad-scale habitat type that a site was designated for.

**Sub-feature** – An ecologically important sub-division of a broad scale habitat type/feature i.e. intertidal mud communities is a sub-feature of mudflats and sandflats not covered by seawater at low tide.

**Supporting habitat** – A habitat on which designated bird features of a Special Protected Area (SPA) rely on.

**Conservation Objective** – A statement describing the desired state or quality of a European Marine Site feature and whether it must be maintained or restored to meet that state.