



Department
for Environment
Food & Rural Affairs

Proposed Queen Scallop FMP – Statutory Nature Conservation Body Advice

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Executive summary

This advice forms part of a commission from Defra to Natural England and JNCC to provide nature conservation advice to support the development of England and UK Fisheries Management Plans (FMPs). The advice provides information on the risks arising from the fisheries incorporated within the Queen scallop FMP to:

- the designated features of Marine Protected Areas in English waters
- UK Marine Strategy descriptors

The advice has scoped in scallop dredging and bottom otter trawling as being the most relevant gear types for consideration. More specific information on gear types, location and fishing effort gathered during FMP development will improve the ability to assess risk within this FMP and may alter some of the risk-ratings presented. We have made the assumption that as the FMP is initially focussing on the Precautionary Objective in the Fisheries Act, and thus that actions will be put in place to fish the target stock at MSY or its equivalent; hence our focus in this advice is on impacts beyond those directly on the queen scallop stock.

The aim of the risk ratings is to provide a pragmatic steer on where the greatest concerns lie for interactions between fishing gear types, MPAs (gear-feature interactions) and UK MS descriptors (gear-descriptor interactions). For MPAs, indicative risk ratings are provided based on available evidence and expert advice. For UK MS descriptors, risk ratings were underpinned by work undertaken by French et al. (2022)¹ and adapted based on additional evidence or expert opinion. Where appropriate and feasible the assigned risk ratings may have been modified based on the specific context of the FMP. Risk ratings to UK MS descriptors were assigned as follows:

- **Low Risk**
 - **MPAs:** Although there might be a theoretical impact pathway, evidence of an actual occurrence is either absent or suggests minimal impacts at the relevant scales for the considered FMP.
 - **UK MS:** Gear- descriptor interactions are those where an impact pathway exists, but where evidence or expert opinion suggests that the impacts are unlikely to be at scale which will impede the achievement of Good Environmental Status for those descriptors, based on current indicators.
- **Moderate Risk:**

¹ French, N., Pearce, J., Howarth, P., Whitely, C., Mackey, K., Nugent, P. 2022. Risk-based approach to Remote Electronic Monitoring for English inshore fisheries. Natural England Commissioned Reports, Number 437. [Risk-based approach to Remote Electronic Monitoring for English inshore fisheries - NECR437](#)

- **MPAs:** Interactions deemed as moderate risk typically have an evidenced impact or expert judgment indicates a genuine risk. However, the overall impact level might be ambiguous, possibly due to limited spatial overlap between gears and protected features, significant impact fluctuations over space and time, or differences between fisheries in the FMP and those from which the evidence base was derived.
- **UK MS:** Gear-descriptor interactions where there is a clear impact pathway between the fishing gear under consideration and the relevant UK MS descriptors but i) further evidence may be required on whether the scale or impact is such that it affects current UK MS indicators or ii) other activities also significantly contribute to the current indicator status.
- **High Risk:**
 - **MPAs:** Interactions identified as high risk are those where available evidence or expert opinion suggests a scale that is concerning relative to MPA conservation objectives. The fishing activities managed by the FMP may significantly contribute to these risks.
 - **UK MS:** Gear-descriptor interactions where there is well-evidenced link between the gear type under consideration and the failure to reach GES for a UK MS descriptor, based on current indicators and where the fishing activity considered within the FMP being assessed makes a significant contribution to that failure.

Risks relating to the designated features of English MPAs

Marine Protected Areas (MPAs) in English waters include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) which are protected under the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017, collectively referred to as the Habitats Regulations. Additionally, Marine Conservation Zones (MCZs) are protected by the Marine and Coastal Access Act 2009. Impacts of activities are assessed against the conservation objectives of MPAs and activities should not have an adverse effect on the integrity of SACs or SPAs and should not hinder the conservation objectives of MCZs.

Scallop dredges and otter trawls have the potential to impact the features of MPAs in a number of ways. These include abrasion/disturbance of the substrate on the surface of the seabed, penetration, disturbance and abrasion of the substrate below the surface of the seabed, visual disturbance, bycatch of designated features, bycatch of important prey of designated features and through changes in suspended solids (water clarity). Assessment of the impact of fishing activity occurring within MPAs in English waters has or will be carried out by the IFCAs or MMO. Therefore, it is assumed that appropriate management should either be in place or introduced soon to ensure any fishing within MPAs is compatible with the MPA's conservation objectives. Current management measures

already in place are detailed on the [MMO Association of IFCAs](#) and websites. Therefore, the existing assessment and management pathways mitigate risks arising from fishing activity within English MPA boundaries, and no additional action is suggested for the FMP within MPA site boundaries.

Whilst management within an MPA site generally considers fishing activity that occurs within the site boundaries, there remains the potential for fishing activity occurring outside of an MPA to have impacts on designated features. This can happen when either the pressures exerted by the fishing activity impact protected features beyond the fishing's spatial footprint or when the MPA feature is mobile and travels outside the site. Therefore, the potential impacts considered in this advice are bycatch of designated features of MPAs outside site boundaries and reductions in prey through the targeted or bycatch of important prey of designated features.

The main impacts of the fisheries incorporated in this FMP on the designated features of MPAs arising from fishing activity outside MPA site boundaries, with an indication of their risk level, are summarised below.

- There is a **moderate risk** of bycatch of mobile species that are designated features of MPAs in queen scallop fisheries using otter trawls.
- There is a **low risk** of bycatch of important prey species that designated species depend on in queen scallop fisheries.

Risks relating to UK Marine Strategy descriptors.

The UK Marine Strategy Regulations 2010 (SI 2010/1627) provide the policy framework for delivering marine environmental policy at the UK level and set out how the vision of clean, healthy, safe, productive and biologically diverse oceans and seas will be achieved. The Regulations place a number of duties on the Defra Secretary of State, including the need to define the characteristics of Good Environmental Status (GES) and in turn develop an associated Programme of Measures required to deliver GES. Good Environmental Status (GES) establishes a 'benchmark' for our seas which seeks to 'protect the marine environment, preventing its deterioration and restoring it where practical, while allowing sustainable use of marine resources'. For each descriptor there are a number of practical targets and indicators that facilitate assessment of our delivery against each descriptor.

The UK Marine Strategy Regulations require management action to be taken to achieve or maintain GES. The Fisheries Act (2020) enables regulators to deliver on this ambition through the Ecosystem Objective, which states that fish and aquaculture activities should be managed using an ecosystem-based approach, which is, in-part, defined in the Act by the achievement of GES. Equally, the recently published Joint Fisheries Statement (2022) lays out the ambition across UK administrations to take action to achieve or maintain Good Environmental Status (GES) in all UK waters (Joint Fisheries Statement, 2022).

Previous work by Natural England investigating the impact of the pressures associated with the fishing industry across all 11 descriptors of Good Environmental Status (GES)² in the UK marine environment has highlighted risks arising from fisheries to five UK MS descriptors (D1 biodiversity, D3 commercial fish and shellfish, D4 foodwebs, D6 seafloor integrity and D10 marine litter). This is carried through to this advice resulting in advice on risks to eight descriptor-ecosystem component combinations: D1, D4 cetaceans; D1, D4 seals; D1, D4 seabirds; D1, D4 fish; D4 foodwebs; D1, D6 seafloor integrity and D10 Marine Litter. Advice has not been provided here on D3 commercial fish and shellfish as achieving MSY is a foundational aim of the FMP and other ALB advice packages seek to support delivery of this.

The main risks arising from the Queen scallop FMP to UK MS Descriptors that have been identified in Section 3 of this advice are summarised below.

- There is a **moderate risk** to D1, D4 cetaceans, D1,D4 seals and D1,D4 birds associated with otter trawls
- There is a **high risk** to D1, D6 seafloor integrity due to benthic disturbance caused by scallop dredges and otter trawls and the Queen scallop fishery is likely to be contributing to the UK failing to meet its targets for D6 seafloor integrity.
- There is a **moderate risk** that the Queen scallop fishery contributes to marine litter (D10) through part or whole gear loss.

Recommendations focus on the need for the FMP to engage with strategic actions to tackle bycatch, benthic disturbance, and marine litter. In particular, collaborative working between Defra, ALBs and regulators is needed to urgently address information gaps in our knowledge on benthic disturbance issues. This could potentially be delivered through the setting up of a Benthic Impact Working Group. Such a group could also provide a pragmatic option for ensuring a co-management approach to identifying, developing and trialling possible mitigation or management options.

² The 11 descriptors include: biodiversity; non-indigenous species; commercial fish; food webs; eutrophication; sea-floor integrity; hydrographical conditions; contaminants; contaminants in seafood; marine litter and underwater noise. For more information, see [Introduction to UK Marine Strategy \(cefas.co.uk\)](https://www.cefas.co.uk)