



Department
for Environment
Food & Rural Affairs

Proposed Southern North Sea Demersal Non-Quota Species 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 Fisheries Management Plans (FMPs) in England and the UK. The primary focus is on the potential risks posed by the fisheries covered in this FMP to:

- Designated features of Marine Protected Areas in English waters.
- UK Marine Strategy descriptors. The current assessment identifies demersal seines and demersal trawls (including beam trawls, otter trawls, and bottom pair trawls) as the main gear types involved in these fisheries.

More specific information on gear types, location and fishing effort during subsequent FMP development will improve the ability to assess risk within this FMP and may thus in the future alter some of the risk-ratings presented. We have assumed 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 the target stocks.

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:**
 - **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

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](#)

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.

Fisheries contained in the Southern North Sea Non-Quota Species FMP have the potential to impact the designated features of MPAs in three primary ways (i) through the bycatch of designated features of MPAs (ii) the direct (targeted) and indirect (bycatch) removal of prey species on which designated species depend and (iii) the modification of habitat. These impacts can affect the designated features of MPAs both inside and outside the boundaries of MPAs.

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, 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 and Association of IFCAs' websites.

Considering the present assessments and management pathways, risks from fishing activities within English MPA boundaries are mitigated. Therefore, no extra action is recommended for the Fisheries Management Plan (FMP) within MPA site boundaries.

Whilst management within an MPA site 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 primary impacts of this fishery on MPA features outside the boundaries, along with their respective risk levels, are summarised below:

- **There exists a moderate risk of bycatch of mobile species that are integral features of Marine Protected Areas (MPAs).** However, significant evidence gaps remain. Collection of further evidence could improve confidence in assessment and may reflect a lower risk.

Enhanced understanding of these risks, bolstered by stakeholder insights, will guide decisions on potential mitigation measures. We anticipate providing more detailed insights on these matters in future and look forward to engaging with the Fisheries Management Plan (FMP) working group for more in-depth discussions.

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 several 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 several 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). In the UK MS, these descriptors are assessed using indicators for each of their constituent 'ecosystem components'. This is carried through to this advice resulting in advice on risks to seven 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 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 Southern North Sea Non-Quota Species FMP to UK MS Descriptors that have been identified in Section 3 of this advice and are summarised below.

- There is a **high risk** to D1, D6 seafloor integrity due to benthic disturbance caused by demersal trawls and seines and the contribution to current failure to meet targets for D6 seafloor integrity.
- There is a **moderate risk** to D10 marine litter due to abandoned, lost or discarded fishing gear.

Recommendations focus on the need for the FMP to engage with strategic actions to tackle bycatch, benthic disturbance, and marine litter. Collaborative working between Defra, ALBs and regulators is needed to urgently address the benthic disturbance issues, potentially through the setting up of a Benthic Impact Working Group. This could be a pragmatic option for ensuring a co-management approach to identifying, developing, and trialling possible mitigation or management options. Recommendations also include additional targeted evidence collection to improve estimates of bycatch marine mammals and seabirds, utilising Remote Electronic Monitoring where appropriate. Further work between Defra and its ALBs is recommended to elucidate management advice for D1, D4 fish – the indicators for which are complex and include a long list of sensitive fish species.

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 [Introduction to UK Marine Strategy](#)