



Marine
Management
Organisation

HPMA Fishing Byelaw Formal Consultation: Introduction

August 2023



...ambitious for our seas and coasts

HPMA Fishing Byelaw Formal Consultation: Introduction

Contents

1	Introduction.....	3
2	Background.....	3
3	HPMA fisheries assessment.....	6
4	Proposed management	6
5	Questions to consider	6
6	How we will consider new evidence.....	7
7	How to respond.....	7
8	Next steps.....	8
	Annex 1 – Glossary of terms.....	9

1 Introduction

Following the designation of three Highly Protected Marine Areas (HPMAs), the Marine Management Organisation (MMO) has launched a formal consultation to notify stakeholders of its proposal to make a byelaw to prohibit fishing activity in the three sites.

This document provides a brief background to the HPMAs and the role of MMO, the HPMAs fisheries assessment, information on how to respond to the consultation and what to expect next.

2 Background

In July 2023 the Department for Environment, Food and Rural Affairs (Defra) designated the first three HPMAs in English waters¹.

HPMAs have been designated as marine conservation zones (MCZs) under the [Marine and Coastal Access Act 2009](#) and as such MMO has duties to further their conservation objectives by developing byelaws or other management measures where required².

The sites designated as HPMAs in English waters are listed in **Table 1** detailing the designated feature, conservation objective and Defra factsheets providing background for each site. The locations of these HPMAs are displayed in **Figure 1**.

¹ Highly Protected Marine Areas - Policy Information: www.gov.uk/government/publications/highly-protected-marine-areas (Last accessed on: 20 July 2023).

² For more information see: www.legislation.gov.uk/ukpga/2009/23/section/126.

Table 1: Designated HPMAs, designated feature and conservation objective.

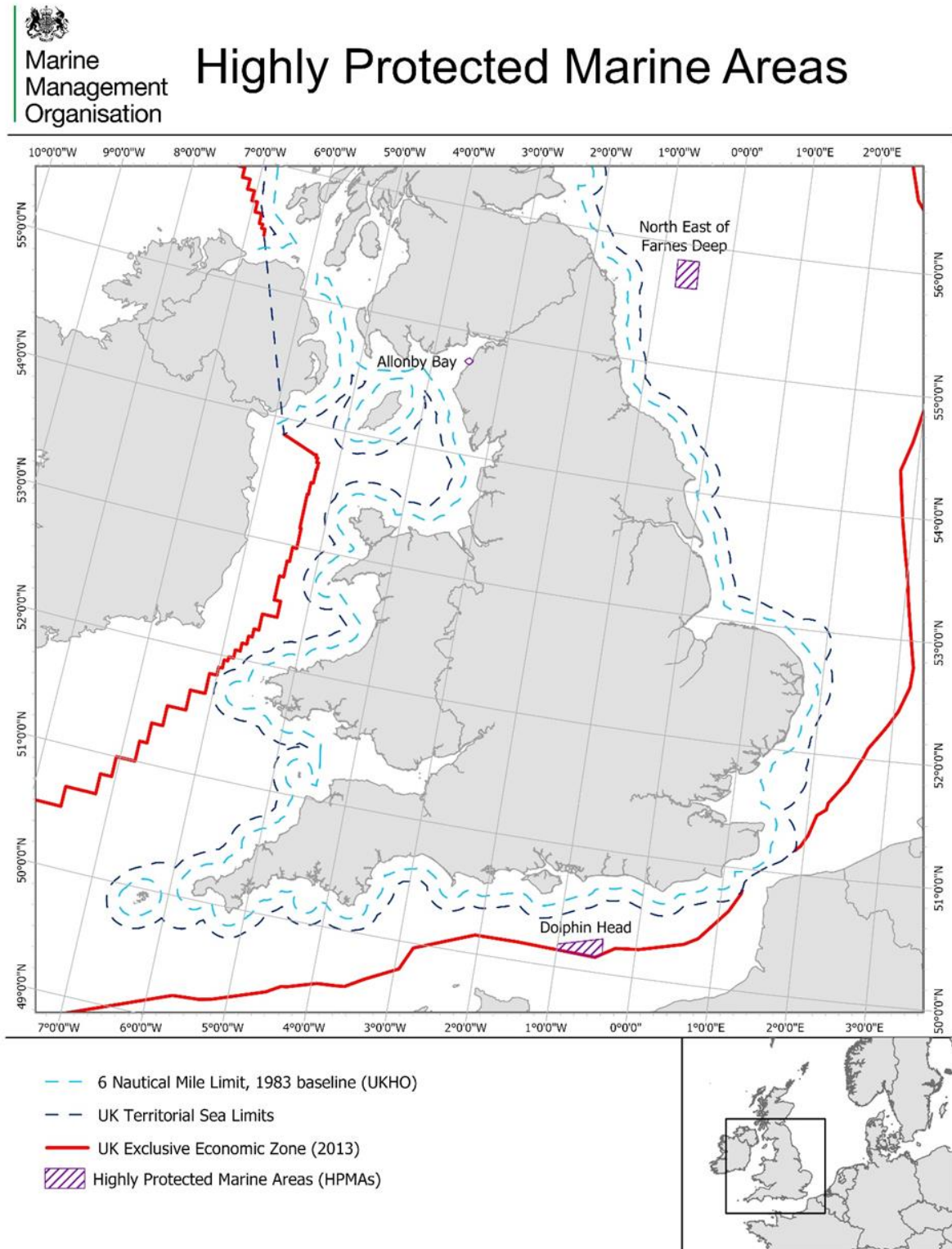
HPMA	Designated feature	Conservation objective
Allonby Bay ³	The marine ecosystem of the area, which means all marine flora and fauna, all marine habitats and all geological or geomorphological interests, including all abiotic elements and all supporting ecosystem functions and processes, in or on the sea bed, water column and the surface of the sea.	To achieve full recovery of the protected feature, including its structure and functions, features, its qualities and the composition of its characteristic biological communities present within the HPMA and prevent further degradation and damage to the protected feature, subject to natural change.
Dolphin Head ⁴		
North East of Farnes Deep ⁵		

³ Defra Policy Paper - Allonby Bay HPMA:
www.gov.uk/government/publications/highly-protected-marine-areas-allonby-bay
 (Last accessed on: 20 July 2023).

⁴ Defra Policy Paper - Dolphin Head HPMA:
www.gov.uk/government/publications/highly-protected-marine-areas-dolphin-head
 (Last accessed on: 20 July 2023).

⁵ Defra Policy Paper - North East of Farnes Deep HPMA:
www.gov.uk/government/publications/highly-protected-marine-areas-north-east-of-farnes-deep (Last accessed on: 20 July 2023).

Figure 1: HPMA overview map.



Date of Publication: 19/07/2023
 Coordinate System: ETRS 1989 LAEA
 Projection: Lambert Azimuthal Equal Area
 MMO Reference: 10735

Not to be used for navigation
 Contains Collins Bartholomew, MMO, UKHO, Natural England and JNCC data
 © Collins Bartholomew, MMO, UKHO, Natural England and JNCC copyright and
 database right 2023. Contains public sector information licensed under the Open
 Government Licence v3.0

3 HPMA fisheries assessment

Using the best available scientific evidence and advice, MMO assessed fishing impacts in HPMA and concluded that in order to further the conservation objective of the sites, the use of all fishing gear should be prohibited throughout each HPMA.

4 Proposed management

The proposed byelaw includes a whole site prohibition of all fishing activity (including removal of any animals or plants that habitually live in the sea, other than freshwater or certain migratory fish⁶) throughout the three HPMA and small areas surrounding the HPMA. The fishing prohibitions in surrounding areas ensure that no fishing activity bordering the HPMA can have negative impacts inside the HPMA.

The proposed byelaw also mandates that all fishing gear be inboard, lashed and stowed, meaning that it must be stored on a vessel in such a way that it cannot readily be used for fishing or any other purpose.

The Dolphin Head HPMA management area of the proposed byelaw overlaps partly with the Offshore Brighton Marine Conservation Zone specified area of the proposed draft MMO Marine Protected Areas Bottom Towed Fishing Gear Byelaw 2023⁷.

The proposed Highly Protected Marine Areas Fishing Byelaw 2023 will prohibit all fishing activities including bottom towed gears in Dolphin Head HPMA. To avoid dual regulation of bottom towed gears in the overlapping areas of the two byelaws, the Highly Protected Marine Areas Fishing Byelaw 2023 will amend the Offshore Brighton Marine Conservation Zone specified area to remove any overlapping areas.

This management measure will apply equally to fishing vessels from the UK and from any other country with fishing access rights.

5 Questions to consider

When reviewing the consultation documents, please provide us with any information you feel could be significant to inform our decision on management. We are interested in understanding the following:

1. Do you have information about the level or nature of fishing activity within the HPMA?

⁶ Salmon, trout, eels, lampreys, smelt and shad, or any other freshwater fish or fish which migrates between salt and freshwater in order to spawn.

⁷ Formal Consultation - MMO management of fishing activity impacts in marine protected areas - Stage 2: consult.defra.gov.uk/mmo/stage-2-formal-consultation/ (Last accessed on: 20 July 2023).

2. Do you agree or disagree with the proposed management measures? Please provide reasons for or against.
3. How will the proposed management measures affect you? Please provide supporting evidence if possible.
4. What other effects could the proposed management measures have? Please provide supporting evidence if possible.

6 How we will consider new evidence

We always seek to use the best available evidence to inform our decisions. The purpose of this consultation is to seek additional evidence and views on the draft byelaw and associated impact assessment.

It is important that we understand the strengths and limitations of any evidence received to understand how it can contribute to our decision making.

Any evidence received will therefore be assessed in accordance with MMO evidence quality assurance process⁸.

7 How to respond

Please respond no later than **14 September 2023**. You can submit your response by [completing our online survey](#)⁹.

If you are not able to access the above survey, you can respond via the details below. We are asking all stakeholders to use email rather than post if possible.

By email: conservation@marinemanagement.org.uk

By telephone: 0300 123 1032

In writing:

HPMA Byelaw Formal Consultation
Marine Conservation Team
Marine Management Organisation
Lancaster House

⁸ Evidence and the Marine Management Organisation (MMO): www.gov.uk/government/publications/evidence-and-the-marine-management-organisation-mmo (Last accessed on: 20 July 2023).

⁹ HPMA Fishing Byelaw Formal Consultation - Online survey: consult.defra.gov.uk/mmo/hpma-fishing-formal-consultation (Last accessed on: 26 July 2023).

Newcastle upon Tyne
NE4 7YH

8 Next steps

We will review the information received during this consultation, alongside any other relevant information to make a final decision on the draft byelaw. If we decide that the proposed management measures are required, we will make the byelaw and submit it to the Secretary of State for confirmation.

More information on MMO byelaw making process can be found at www.gov.uk/guidance/marine-conservation-byelaws

If you have any further questions or queries, please email conservation@marinemanagement.org.uk or call the MMO helpline on 0300 123 1032.

Annex 1 – Glossary of terms

Bottom towed gear - A range of fishing gear types designed to take or disturb species living on or near the bottom of the seabed. Forms of bottom towed gear include bottom and semi-pelagic trawls, dredges and seines.

Call for evidence – informal consultation conducted by MMO during byelaw process. The purpose of this is to collect evidence from stakeholders. This allows the best available evidence to be used for the drafting of site level assessments and recommended management options (if required).

Conservation objectives – Conservation objectives are set for each designated feature of an MPA, to either maintain or restore a designated feature of the protected site.

Designated features – a species, habitat, geological or geomorphological entity for which an MPA is identified and managed.

Highly protected marine area (HPMA) - a type of MPA in English, Welsh and Northern Irish waters designated under the Marine and Coastal Access Act 2009¹⁰ (for England and Wales) or the Marine Act (Northern Ireland) 2013¹¹ (for Northern Ireland).

Inshore Fisheries and Conservation Authorities (IFCAs) – IFCAs¹² are responsible for fisheries management from 0 to 6 nautical miles (nm). There are 10 IFCAs in England, each one funded by local authorities.

Joint Nature Conservation Committee (JNCC) - a public body that advises the government on UK and international nature conservation. This includes aspects related to the marine environment from 12 nm to 200 nm and have a statutory responsibility to provide conservation advice for MPAs and report on the condition of protected features.

Marine conservation zone (MCZ) – a type of MPA in English, Welsh and Northern Irish waters designated under the Marine and Coastal Access Act 2009¹⁰ (for England and Wales) or the Marine Act (Northern Ireland) 2013¹¹ (for Northern Ireland).

Marine Management Organisation (MMO) - MMO¹³ is an executive non-

¹⁰ For more information see: www.legislation.gov.uk/ukpga/2009/23/.

¹¹ For more information see: www.legislation.gov.uk/nia/2013/10/.

¹² Association of IFCAs: association-ifca.org.uk/ (Last accessed on: 20 July 2023).

¹³ MMO: www.gov.uk/government/organisations/marine-management-organisation (Last accessed on: 20 July 2023).

departmental public body, sponsored by the Department for Environment, Food and Rural Affairs and is the manager and independent regulator of England's seas.

Marine plans – MMO marine plans have been designed to help manage the seas around England.

Marine protected area (MPA) - a generic term to cover all marine areas that are a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values. This includes special areas of conservation (SAC), special protection areas (SPA) and marine conservation zones (MCZ).

MPA fisheries assessment – MMO assessment of the impacts of fishing on an MCZ, or European marine site (SAC or SPA).

Natural England - government advisor for the environment in England. This includes aspects of the marine environment of 0 to 12 nm. This organisation has a statutory responsibility to provide conservation advice for MPAs and report on the condition of protected features.

Pressure – the mechanisms through which an activity has an effect on a feature. Individual pressures are broadly defined in JNCC's Marine Pressures-Activities Database (PAD)¹⁴ in the 'pressures' tab of the data tables.

Resilience – the ability of a species or habitat to recover from disturbance or stress.

Resistance – the ability of a species or habitat to absorb disturbance or stress without changing in character.

Sensitivity – the sensitivity of a feature (species or habitat) is a measure that is dependent on the ability of the feature (species or habitat) to resist change and its ability (time taken) to recover from change.

Special area of conservation (SAC) – SACs are MPAs designated under the Conservation of Habitats and Species Regulations 2017¹⁵, and the Conservation of Offshore Marine Habitats and Species Regulations 2017¹⁶ to protect important habitats and species.

Special protection areas (SPA) – SPAs are MPAs put into place to protect threatened bird species, classified under the Conservation of Habitats and Species

¹⁴ JNCC Pressures Activities Database: hub.jncc.gov.uk/assets/97447f16-9f38-49ff-a3af-56d437fd1951 (Last accessed on: 20 July 2023).

¹⁵ For more information see: www.legislation.gov.uk/uksi/2017/1012/.

¹⁶ For more information see: www.legislation.gov.uk/uksi/2017/1013/.

Regulations 2017¹⁵, and the Conservation of Offshore Marine Habitats and Species Regulations 2017¹⁶.

Sublittoral zone – extending from the lowest limit of the intertidal to the outer edge of the continental slope. This can be divided into the infralittoral zone (characterised by algae) and the circalittoral zone (the subzone below the infralittoral dominated by animals) (JNCC, 2022).

Supporting processes – used to describe the natural processes that support the feature. These include hydrodynamic regime, water and sediment quality and supporting habitats¹⁷.

Vessel monitoring system (VMS) – all commercial fishing vessels over 12 metres in length in UK waters must report their position via VMS when at sea. VMS devices on the vessels send regular reports of position and vector.

Warp – the wire used for towing fishing gear which connects the gear to the vessel.

¹⁷ JNCC conservation advice - Glossary of terms: hub.jncc.gov.uk/assets/c965d0a4-917d-48bd-b2cb-6549fa24455d (Last accessed on: 20 July 2023).