



Marine
Management
Organisation

Stage 2 Formal Consultation: Introduction

January 2023



...ambitious for our seas and coasts

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Introduction

The Marine Management Organisation (MMO) has launched a formal consultation to seek additional evidence and views on a draft byelaw and associated impact assessment, to manage fishing using bottom towed gear on certain designated features of 13 marine protected areas (MPAs).

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

Background

MMO manages activities in the 230,000 square kilometres of seas around England. We are responsible for assessing the impacts of fishing on designated features of MPAs and, if required, developing byelaws or other management measures to further MPA conservation objectives.

Following EU Exit, the UK is now an independent coastal state. In January 2021, MMO received new byelaw-making powers through the Fisheries Act 2020 to manage fishing throughout English waters for the purpose of conserving marine flora, fauna and habitats. This means we can now manage fishing in English offshore MPAs. On 13 April 2022 we announced the creation of byelaws to manage fishing in four offshore MPAs (Dogger Bank, South Dorset, The Canyons, and Inner Dowsing, Race Bank and North Ridge)¹. These first four byelaws make up the first of four stages of MMO delivery to meet the Government's ambition to ensure that suitable management is in place for all fishing in offshore English MPAs by the end of 2024.

As part of Stage 2 of this work we have created an assessment of the impacts of fishing using bottom towed gears on rock, and rocky and biogenic reef features in 13

¹ <https://www.gov.uk/government/news/government-uses-brexit-freedoms-to-protect-our-seas>

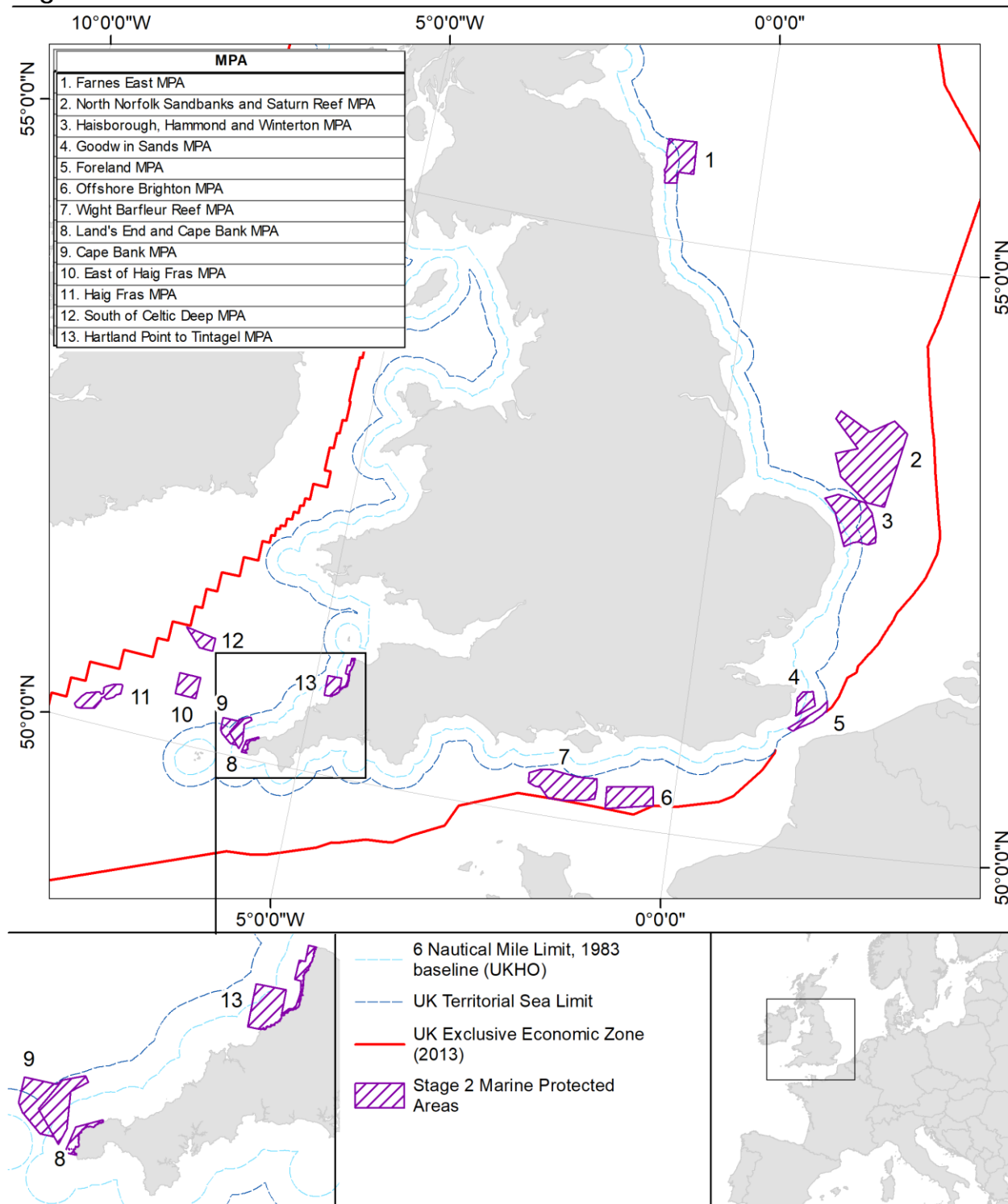
MPAs. These features were chosen for Stage 2 as they are some of the most sensitive to the impacts of bottom towed gears. The sites and designated features considered in the draft MPA fisheries assessment are set out in [Table 1](#) and the locations of these MPAs in English waters displayed in [Figure 1](#).

Table 1: MPAs and designated features included as part of Stage 2

Marine Protected Area	Feature(s)
Cape Bank	Moderate energy circalittoral rock
East of Haig Fras	High energy circalittoral rock, Moderate energy circalittoral rock
Farnes East	Moderate energy circalittoral rock
Foreland	High energy circalittoral rock, Moderate energy circalittoral rock
Haig Fras	Annex I reef (rocky)
Goodwin Sands	Moderate energy circalittoral rock, Ross worm (<i>Sabellaria spinulosa</i>) reefs
Haisborough, Hammond and Winterton	Annex I reef (biogenic)
Hartland Point to Tintagel	High energy circalittoral rock, Moderate energy circalittoral rock, Fragile sponge and anthozoan communities on subtidal rocky habitats, Pink sea-fan (<i>Eunicella verrucosa</i>)
Land's End and Cape Bank	Annex I reef (rocky)
North Norfolk Sandbanks and Saturn Reef	Annex I reef (biogenic)
Offshore Brighton	High energy circalittoral rock
South of Celtic Deep	Moderate energy circalittoral rock
Wight-Barfleur Reef	Annex I reef (rocky)



Stage 2 Marine Protected Areas



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Not to be used for navigation.
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Figure 1. MPAs included in the Stage 2 assessment.

The conservation objectives for all Stage 2 sites are that the features:

1. are maintained in favourable condition if they are already in favourable condition; or
2. are brought into (and remain in) favourable condition if they are not already in favourable condition.

The designated features assessed include both habitats (e.g., circalittoral rock, Annex I reef, and fragile sponge and anthozoan communities) and species (e.g., pink sea-fan). Habitat features include the communities and species supported by those habitats. The conservation objectives for these features can be achieved by maintaining or restoring, subject to natural change:

- The extent and distribution of the qualifying habitats in the site.
- The structure and function (including biological communities) of the qualifying habitats in the site.
- The supporting processes on which the qualifying habitats rely.
- The supporting processes on which qualifying habitats and the habitats of qualifying species rely.
- The populations of the qualifying species.
- The distribution of qualifying species within the site.

Stage 3 of MMO delivery to meet the 2024 government ambition will cover all remaining fishing activities within MPAs with seabed features not already assessed in Stages 1 and 2. This includes any fishing activities in the 13 Stage 2 MPAs not assessed during this stage. MPAs designated for mobile species (marine birds and harbour porpoise) will be covered in a separate Stage 4. Please see [Figure 2](#) and [Annex 1 – MMO MPA Fisheries Assessment for further details](#).

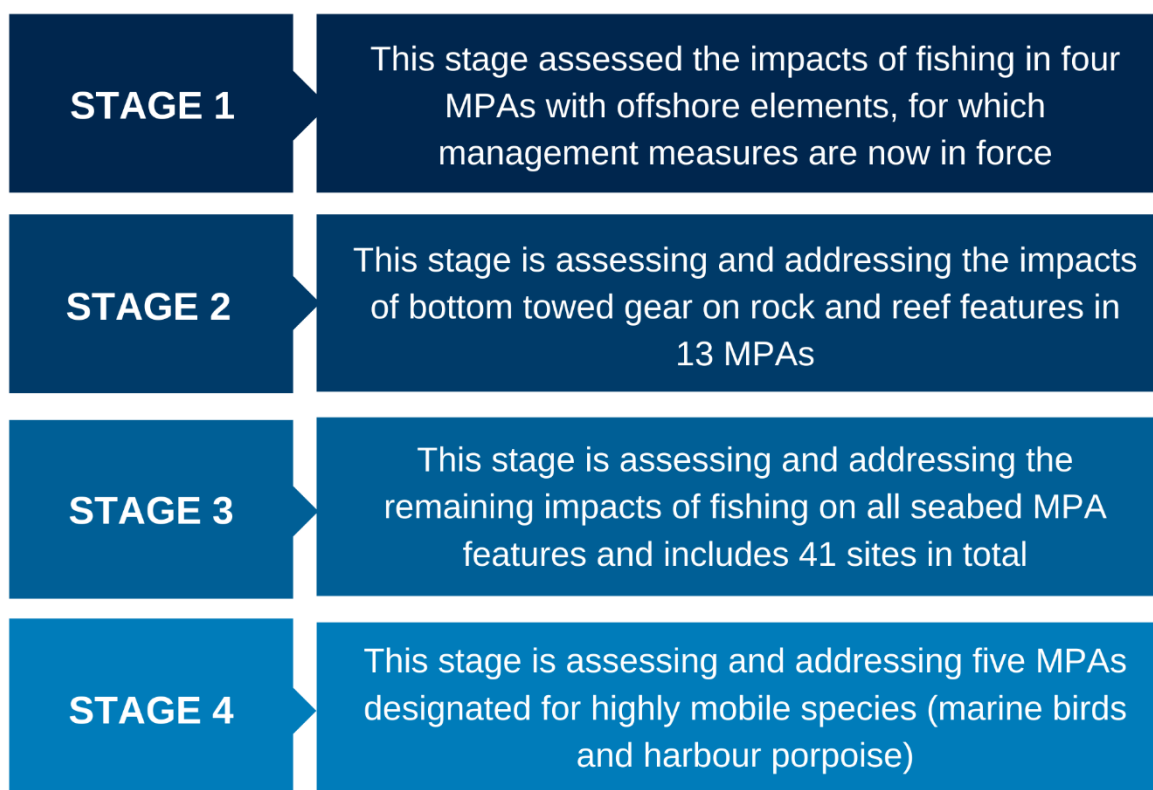


Figure 2. The four stages of the MMOs plan to assess the impacts of fishing in MPAs in England.

MPA Fisheries Assessment

The creation of the MPA fisheries assessment for the 13 sites mentioned above has involved the following steps:

- Conducting a literature review to gather evidence of the impacts of bottom-towed gear on selected features (reef and rock).
- Analysing the best available evidence to determine the resilience and recoverability of these features to the impacts of bottom towed gears on the selected features.
- Using fishing activity data to understand the level of activity in each of the sites.
- Seeking input and advice from statutory advisors (Natural England, Joint Nature Conservation Committee (JNCC)) and inshore fisheries and conservation authorities (IFCAs) on the draft MPA fisheries assessment.
- Seeking additional evidence and views from stakeholders in a call for evidence from May-July 2022.
- Updating the MPA fisheries assessment using information provided in the call for evidence.

The assessment concluded that bottom towed fishing was not compatible with the conservation objectives of the sites for the features assessed. A draft byelaw has therefore been created to further the conservation objectives of these sites by

conserving the relevant designated habitats. This consultation seeks views on the draft byelaw and associated impact assessment.

Management Options

A number of management options were considered when developing the draft byelaw:

- **Option 0:** Do nothing.
- **Option 1:** No statutory restrictions. Introduce a voluntary agreement.
- **Option 2:** Removal of pressures from specified areas of designated feature via prohibition of bottom towed fishing. This may include a whole site prohibition where sensitive designated features are distributed throughout the whole site.
- **Option 3:** Removal of pressures via a whole site prohibition across all sites. The use of bottom towed gear will be prohibited throughout the MMO section of all sites considered in this assessment.

Option 2 is the preferred option. The management areas for each MPA where the use of bottom towed gear will be prohibited can be viewed within the draft byelaw. Any management measures will apply equally to all fishing vessels, regardless of nationality.

Questions to consider

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

1. Do you have any additional information about the location, condition, or sensitivity of the designated feature(s)?
2. Do you have information about the level or nature of fishing activity within one of the MPAs?
3. Do you agree or disagree with the proposed management measures?
4. How will the proposed management measures affect you? Please provide supporting evidence if possible.
5. What other effects could the proposed management measures have? Please provide supporting evidence if possible.

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 process².

Any habitat or species feature evidence submitted during the call for evidence may be shared with Natural England or Joint Nature Conservation Committee for potential inclusion in MPA feature mapping. Please note data submitted may not be included in updated maps. This will be dependent on the quality of the data submitted compared with that which is already present. For any data submitted please include sufficient details of the evidence collection including date, location, surveyor, methodology etc.

How to respond

Please respond no later than **28 March 2023** You can respond by completing our online survey by visiting: <https://consult.defra.gov.uk/mmo/stage-2-formal-consultation>

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:

Stage 2 Draft Byelaw Consultation
Marine Conservation Team
Marine Management Organisation
Lancaster House
Newcastle upon Tyne
NE4 7YH

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 MMO helpline on 0300 123 1032.

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921894/qa-evidenceprocess002.pdf

Annex 1 - List of MPAs by stage

- **Stage 1 sites (blue)** - these sites have been assessed and undergone public consultation.
- **Stage 2 sites (orange)**: these sites include highly sensitive designated features to fishing gear interactions. These are the sites which are covered by this call for evidence.
- **Stage 3 sites (black and orange)**: these sites include all remaining MPAs (excluding mobile species sites) listed below, and designated feature-gear interactions not already assessed within the remaining Stage 2 sites (orange). Sites will be assessed, and management options identified no later than end of 2024.
- **Stage 4 sites (green)**: these sites contain mobile species (harbour porpoise or marine birds) as designated features. The gear interactions with these mobile species will be assessed separately to Stage 3 due to their complexity, with management options considered by the end of 2024.

Table A1.12. The location of MPAs (inshore, straddling, offshore) and their relevant stage.

Inshore (6 - 12 nm from coast)	Straddling 12 nm limit (6 - 200 nm)	Offshore (12 - 200 nm)
1. Land's End and Cape Bank 2. Foreland 3. Hartland Point to Tintagel 4. Goodwin Sands 5. Start Point to Plymouth Sound and Eddystone 6. Fylde 7. Shell Flat and Lune Deep 8. Albert Field 9. North West of Lundy 10. Margate and Long Sands	11. Inner Dowsing, Race Bank, and North Ridge 12. South Dorset 13. Haisborough, Hammond and Winterton 14. Cape Bank 15. Farnes East 16. Outer Thames Estuary 17. Liverpool Bay 18. Holderness Offshore 19. Orford Inshore 20. Kentish Knock (East) 21. Inner Bank 22. Offshore Overfalls 23. East of Start Point 24. South West Approaches to Bristol Channel 25. West of Walney 26. Greater Wash 27. Southern North Sea 28. Bristol Channel Approaches 29. South of the Isles of Scilly	30. Dogger Bank 31. The Canyons 32. North Norfolk Sandbanks and Saturn Reef 33. Offshore Brighton 34. Wight-Barfleur Reef 35. Haig Frs 36. East of Haig Frs 37. South of Celtic Deep 38. North East of Farnes Deep 39. Fulmar 40. South West Deeps (East) 41. South West Deeps (West) 42. North West of Jones Bank 43. Greater Haig Frs 44. Swallow Sand 45. West of Copeland 46. Markham's Triangle 47. Bassurelle Sandbank 48. West of Wight-Barfleur 49. Western Channel 50. North East of Haig Frs

Annex 2 – 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.

Inshore Fisheries and Conservation Authorities (IFCAs) – [IFCAs](#) 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 2009³ (for England and Wales) or the Marine Act (Northern Ireland) 2013⁴ (for Northern Ireland).

Marine Management Organisation (MMO) - [MMO](#) is an executive non-departmental public body, sponsored by the Department for Environment, Food and Rural Affairs and is the manager and independent regulator of England's seas. Please see **Error! Reference source not found.**

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).

³ www.legislation.gov.uk/ukpga/2009/23/contents

⁴ www.legislation.gov.uk/nia/2013/10/contents

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 \(PAD\)](#) 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 2017⁵, and the Conservation of Offshore Marine Habitats and Species Regulations 2017⁶ 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 Regulations 2017⁵, and the Conservation of Offshore Marine Habitats and Species Regulations 2017⁶.

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 habitats⁷.

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.

⁵ www.legislation.gov.uk/ukxi/2017/1012/contents

⁶ www.legislation.gov.uk/ukxi/2017/1013/contents

⁷ <https://data.jncc.gov.uk/data/c965d0a4-917d-48bd-b2cb-6549fa24455d/JNCC-ConservationAdvice-GlossaryOfTerms-2018.pdf>