



BY EMAIL ONLY

6 December 2017

Dear Sir or Madam,

Informal consultation on options for management of commercial fishing in the West of Walney Marine Conservation Zone (MCZ)

The Marine Management Organisation (MMO) is seeking views on draft proposals for the management of commercial fishing in the West of Walney MCZ. Maps of the MCZ showing the site's features and the draft management options are attached.

This letter provides a background to the MCZ and the role of the MMO, a brief summary of known commercial fishing activity in the site, the management options, supplementary information, and information on how to respond to the informal consultation and what to expect next.

Background

The West of Walney MCZ was designated in January 2016¹. The site has three designated features:

- sea-pen and burrowing megafauna communities (habitat feature of conservation importance)
- subtidal mud (broad scale habitat)
- subtidal sand (broad scale habitat)

The MMO has a duty to further the conservation objectives of MCZs. The expectation of the Department for the Environment, Food and Rural Affairs is that management measures for commercial fisheries in MCZs will be identified within two years of designation. We are therefore working to identify fisheries management measures by January 2018.

The conservation objectives set for the West of Walney MCZ are set out in the site's designation order as:

- so far as already in favourable condition, remain in such condition; and

¹ Ministerial Order 2016 No.22. Available online at:

www.legislation.gov.uk/ukmo/2016/22/pdfs/ukmo_20160022_en.pdf

- so far as not already in favourable condition, be brought into such condition, and remain in such condition.

Natural England has indicated that the general management approach for each of the site's features is 'recover to favourable condition'².

Natural England has also advised MMO that all of the site's features are sensitive to the impacts of bottom towed fishing. In particular, bottom towed fishing is likely to be hindering the ability of the subtidal mud and sea-pen and burrowing megafauna communities features to recover to favourable condition. Subtidal sand is also sensitive to the impacts of bottom towed fishing, but to a lesser degree, and appears to be subject to lower levels of bottom towed fishing activity.

Maritime boundaries

The West of Walney MCZ extends from approximately 4 to 15 nautical miles (nm) from the coast. The site therefore crosses two important jurisdictional boundaries, the 6 nm and 12 nm boundaries.

Within 6 nm of the coast in this area, the North Western Inshore Fisheries and Conservation Authority (NWIFCA) are the principal lead regulator for fishing in marine protected areas. However MMO byelaws to further the conservation objectives of an MCZ can apply anywhere in England and the adjacent territorial seas (within 12 nm of the coast).

To ensure a consistent approach to management of fishing within the West of Walney MCZ, the MMO and NWIFCA have agreed that MMO will lead on management of bottom towed fishing in the section of this site within 12 nm of the coast ('the inshore section').

Management of fishing in the part of the site offshore of 12 nm is subject to a different regulatory regime where it must be developed jointly by all European Union member states with a direct management interest as set out in Article 11 of the Common Fisheries Policy (Regulation (EU) 1380/2013³). Management measures for the part of the site offshore of 12 nm will therefore be developed as part of a separate process.

Summary of fishing activity within the site

Initial analysis of logbook and VMS information indicates that the main fishing activity within the West of Walney MCZ is trawling by UK vessels targeting nephrops and other demersal species. Vessels from the Republic of Ireland also target demersal fish using otter trawls, beam trawls and demersal seines in the part of the site more than 6 nm from the coast.

VMS data also show that the majority of fishing activity takes place over the subtidal mud and sea-pen and burrowing megafauna communities features, with less activity taking place over the subtidal sand feature.

² The West of Walney MCZ: factsheet. Available online at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/492471/mcz-west-walney-factsheet.pdf

³ Available online: <https://publications.europa.eu/en/publication-detail/-/publication/65394081-0736-49c1-b819-0f9269e8ae15/language-en>

Management Options

We are currently considering the following management options:

Management Option 1 – Prohibition of all bottom towed fishing gear in the inshore section of the site

This option would involve prohibiting bottom towed fishing in the whole of the site inshore of 12 nm.

Management Option 2 – Partial prohibition of bottom towed fishing gear (zoned management)

This option would involve prohibiting bottom towed fishing gear over the most ecologically sensitive features within the site. This would mean prohibiting bottom towed fishing over the sea-pen and burrowing megafauna communities, and subtidal mud features in the inshore sections of the site. No new management would be applied to the area of subtidal sand in the north east of the site.

Management Option 3 – Do nothing

This option would introduce no new restrictions on fishing within the MCZ.

At this time we do not believe that management option 3 'do nothing' will meet the conservation objectives for the site. We are currently considering in more detail management options 1 and 2.

Maps

The following maps are provided:

- A map showing the West of Walney MCZ and the location of its features.
- A map showing the West of Walney MCZ with the boundaries of management option 1 overlaid.
- A map showing the West of Walney MCZ with the boundaries of management option 2 overlaid.
- A map showing the West of Walney MCZ with the consented offshore windfarm (OWF) developments overlaid. Please note that the symbols representing renewable installations (eg turbines and cabling) indicate the location **but not** the actual size of the footprint of the installations.

Marine Developments

The West of Walney MCZ was designated as a co-location site with OWF developments. As a result of this, the permanent footprints of these OWFs are considered to be non-qualifying habitat within the boundary of the MCZ, which is not covered by the conservation objectives. This applies to the actual footprint of the consented windfarms within the site, not to the wider area licensed for renewable energy development.

Construction of the Walney 4 OWF has not yet been completed, therefore the actual footprint has not yet been finalised and is not shown on the map. The eventual footprint of renewable installations will fall within the wider area licensed for OWF development (shown on the map). This eventual footprint will be considered to be non-qualifying habitat insofar as it falls within the West of Walney MCZ.

More information on co-location at this site can be found in the impact assessment for the designation of the second tranche of MCZs⁴.

Questions to consider

Please provide us with any information you feel could be relevant to inform our decision for management at this site. In particular we are interested in understanding the following:

- Do you have information about the location, condition or sensitivity of the designated features?
- Do you have information about the level or nature of fishing activity in the inshore (ie within 12 nm of the coast) section of the site?
- How will each of the proposed management options affect you? (Please provide evidence of this impact if possible)
- What other effects will each of the proposed management options have?

How to respond

Please respond no later than **12 January 2018**. You can respond using any of the following methods:

By email to: conservation@marinemanagement.org.uk

By telephone to: 0300 123 1032

In writing to:

West of Walney MCZ informal consultation
Marine Conservation Team
Marine Management Organisation
Lancaster House
Newcastle upon Tyne
NE4 7YH

Next steps

We will use the information received during this informal consultation period, alongside other information (including analysis of academic literature, fishing logbook, vessel monitoring system data), to develop formal fisheries management proposals for this site.

We then plan to launch a formal consultation on a preferred option before the end of January 2018. This consultation will run for at least two months. We will base our management decision on the outcome of this consultation.

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

⁴ Paragraph 7.72, p.36. Available online:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/492534/mcz-second-tranche-consult-ia.pdf

If you wish to be alerted once this consultation is launched, or if you have any further questions or queries, please email conservation@marinemanagement.org.uk or call the MMO helpline on: 0300 123 1032.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'N. Greenwood', written in a cursive style.

Nicholas Greenwood
Principal Marine Conservation Manager
Marine Conservation Team
Marine Management Organisation