



## **Consultation on marine Special Areas of Conservation (SACs) and Special Protection Areas (SPAS) in English, Welsh and offshore Waters around the UK**

### **Frequently Asked questions – Fisheries supplement**

#### **General Questions**

1. *Are you going to stop me fishing?*

European marine sites (EMS), consisting of SACs and SPAs, are put in place to protect the special features of our marine environment. Where fishing is taking place, there is a risk that it might damage the interest features of these sites, and so some limits may well be put in place. This doesn't mean the end of fishing, as there are lots of ways to change gear, the times that people fish, and the amounts that they fish, to protect these sites without a ban. In some areas, you might be able to carry on exactly as before. Restrictions may well be dependent upon the method of fishing undertaken, and will not necessarily follow the designated site boundary.

2. *Where is your proof that we are damaging the site? Considering you are letting windfarms and dredging take place this seems unfair.*

There is a lot of very strong scientific evidence that can show how some fishing methods can damage special marine features<sup>1</sup>. That is why fishing in these new EMS is likely to need some management. It is clear that other activities like windfarms and dredging also have an impact and any developers would also have to prove that they will not damage the interest feature before they could go ahead.

There are very strict regulations in place to minimise the impacts of activities including dredging and windfarms. Anyone wanting to carry them out has to prove that they won't damage the marine environment through an 'environmental impact assessment'. Without this, they won't be given permission to go ahead by the relevant authorities.

3. *If it will impact the gear I use, how will I be compensated?*

It is European law that the UK must use the best scientific evidence it has to decide where Natura 2000 sites should go. Natural England, the Joint Nature Conservation Committee (JNCC) and the Countryside Council for Wales (CCW) are legally responsible for recommending to Ministers where these sites should be located, and then the

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<sup>1</sup> Gubbay S and P.A Knapman 1999, A review of the effects of fishing within UK European Marine Sites, English Nature.

Also see the reference list in 'Sea Fisheries; Steps to Sustainability' 2009, Natural England.

Ministers designate them. As the European law governing these decisions states that they must only consider scientific evidence, we are not able to consider compensation for any restriction in human activity carried out on European marine sites.

However, it is very important that we work with all those people affected to help them adapt to these changes, and reduce any negative impacts. The first stage of this is to collect as much information as possible from people about how they may be affected. This will be vital in working out which type of management will cause the least impact to people using the site whilst still protecting the special features of the site.

It will not be possible, and there are no plans, to provide any financial compensation for lost fisheries. Instead, we plan to focus on helping people to adapt, finding ways to operate businesses and livelihoods that can fit with the new designations.

4. *What are we supposed to do now that we can't fish in the area (using the gear we've always used)?*

It is not necessarily the case that fishing is going to be stopped from all SACs and SPAs. The relevant authorities have not decided yet exactly what management measures will need to be put in place. One of the important parts about talking to fishermen and other people affected by these changes is deciding on the best new arrangements, and possibly testing some of these approaches. It is for this reason that the impact assessments, that are part of the consultation, are so important, and that your comments on them are absolutely vital.

5. *Is there any funding available to help us? Either from UK Government or from Europe?*

One of the aims of the European Fisheries Fund is to give grants to fishermen to help them make changes that protect or improve the environment, for example more environmentally sustainable fishing gear. There are facilitators available around England who can talk to people involved with fishing businesses about what money is available and how they can apply for it. Further information is available on the MFA website at [www.mfa.gov.uk/grants/eff.htm](http://www.mfa.gov.uk/grants/eff.htm)).

Defra is also running a project to develop a new approach to managing the inshore fishing fleet, to help it be more financially, environmentally and socially sustainable. The SAIF (Sustainable Access to Inshore Fisheries) project may well produce ideas for more sustainable approaches to managing inshore fishing that could be tested with those affected by these designations. See <http://defraweb/foodfarm/fisheries/documents/fisheries/saif-faq.pdf> for frequently asked questions about the SAIF project.

6. *How will these areas be managed once they are designated sites? Could we be involved as a form of subsidy if we are faced with restrictions as a result of designation?*

Natural England is responsible for monitoring the health of the special marine features regularly. This can take up a lot of boat time which normally Natural England would hire from marine consultants as we have no boats within the organisation. As a new idea, we are currently thinking about how fishermen could be involved in this process as an alternative.

7. *If this planned designation comes from the EU how do we know that France / Spain etc are going to approach this in the same way and restrict activities? If they don't then what is the point? How do we know we are not losing out?*

Other Member States are already protecting similar areas of special marine interest at the moment under the same laws. One example is a site in the Channel which will cross the English-French border (Bassurelle Sandbank). Spain, as another example, is also making sure they protect their sites from impacts. The Spanish SAC El Cacucho has fisheries closures to protect the special features, which have been put in place under the Common Fisheries Policy.

Member States which fail to designate or protect their sites are heavily fined. The fines are high; up to £100,000 a day or £1 million as a lump sum.

8. *How can protecting these species and habitats be more important than British jobs / my job / our livelihoods / families?*

The sites are only designated where there are features of special marine interest. This doesn't mean that the sites (and the species and habitats they protect) are more important than livelihoods or jobs – just that the science has shown the special features to be within the identified sites.

It's very important that any impacts to people from the sites are reduced as far as possible. Natural England want sea users to be involved with deciding which management measures can be used.

### **Site specific questions**

9. *(SPA sites) I've never had a bird tangled in my net, why can't I just carry on fishing as usual?*

If no birds have been entangled, you are probably fishing outside the areas or season used by the birds. This means no changes are likely to be needed. Fishing in SPAs will be able to carry on as usual unless it is found to be having an affect on red throated diver in the Outer Thames potential SPA, or red throated diver and common scoter in the Liverpool Bay potential SPA.

10. *How will the SPA designation affect my line / net fishing business?*

Netting can kill red throated divers and if too many birds are being killed some limits may be necessary. However, in many cases the SPA designation will make no difference to line and net fishing. This is because the birds are only in the SPA for some months of the year and there tends to be more of them in particular areas. This means that fishing in some areas and seasons will make no difference to the birds. Where birds are being killed, limits to management are likely to involve limits on particular areas for particular times of year, rather than a complete closure.

Line fishing is not known to kill red throated divers.

11. *How will the SAC sandbank designation impact my beam / otter trawling business in the sandbank troughs?*

Because there is less natural disturbance in the more sheltered troughs, animals and plants living here not adapted to disturbance and more vulnerable. Beam trawling can damage or kill some of these animals and plants. Otter trawling (on large part) will have less of an impact because the contact with the seabed is (usually) less. It is possible that some bottom trawling may need to be limited if this damage is significant.

12. *Why did the London Array get consent to build on the Margate and Long Sands pSAC but I might not be able to fish there?*

There is currently no decision to prevent fishing in the Margate and Long Sands pSAC. Once the sites are confirmed, the impacts of fishing activity on the site will be considered, and management will be put in place to prevent impact, if this is necessary. The same process has occurred for the windfarm. When the proposal was suggested, it was thoroughly reviewed through environmental assessment. This assessment showed that the windfarm would not significantly impact the site and therefore could go ahead.

13. *How will the SACs work in areas where they extend over the 6nm limit (for example Prawle Point to Plymouth Sound and Eddystone pSAC)? Will non-UK fishing vessels be allowed to fish within those portions of the SAC, while UK vessels are not?*

Fishermen, of any nationality, will still continue to fish where the special marine features are not going to be damaged. If fishing in the 6-12nm, or in sites in offshore waters, by any nationality, is damaging the special features, limits to prevent this will be requested, to apply to non-UK and UK boats. This will be achieved through the options available for management in the Common Fisheries Policy. The European Commission have issued guidance that any fisheries management measures requested under the Common Fisheries Policy should be 'non-discriminatory', whether within the UK 12nm zone or in offshore waters.

14. *Will closed areas under the Common Fisheries Policy really happen, and will they apply to boats from all countries within the sites?*

Yes, fisheries restrictions for a number of SACs in offshore waters are already in place through the Common Fisheries Policy. The Darwin Mounds cSAC in UK offshore waters off north western Scotland has a ban since 2004 on bottom fishing methods (eg. trawling), but not on pelagic (mid water) fishing. Similar restrictions on bottom trawling but not pelagic fishing are already in place for four Irish cold water coral SACs. The North West Rockall Bank pSAC proposed in this consultation already has a ban on bottom fishing methods in place over most of the area recommended as a SAC. All these closures apply to all European Member States, and those closures outside the European 200 mile fishing zones in the North East Atlantic Fisheries Committee area (eg part of the NW Rockall Bank pSAC) also apply to Russia, Iceland, Norway and Denmark (for the Faroes and Greenland).

### **Questions about the processes around determining management measures**

15. *What is the process for determining management measures? For example if we are looking to restrict potting, what evidence do we have that potting is causing damage? Would Natural England/JNCC/CCW need to gather evidence on this first or commission a study prior to bringing in any management measures of this kind if the fishing industry argues that stocks are stable and no damage is occurring?*

The onus of proof is actually the other way around – before an activity can go ahead there needs to be evidence that it will not damage the feature of interest.

The process is likely to be as follows:

- a) The conservation objectives are used as the baseline to indicate what condition the habitats and species of conservation interest should be in.
- b) The advice on operations indicates the kind of activities which may need management to ensure that the conservation objectives are met.
- c) Where there is evidence to suggest that activities (one of which is fishing) may be impacting on the features to the extent where the conservation objectives will not be met, management will be implemented.
- d) This management must meet these objectives but its design will be open to discussion i.e. there may be two different ways the same objective can be achieved and one may have a lesser socio-economic impact.

16. *Who will decide on the management measures that are to be implemented?*

The majority of fishing activities are ongoing activities in European marine sites. Ongoing activities in the European marine sites are managed by the relevant or competent authorities. With regards to fishing the competent authorities include the Sea Fisheries Committees for inshore waters in England and Wales. In deciding what management might be needed, these authorities are advised on conservation objectives for the sites, and activities that might damage the habitats or species at the sites, by the nature conservation agencies – Natural England for English waters, and CCW for Welsh waters. Management of activities may be agreed and implemented under a Management Scheme.

In offshore waters beyond 12nm (and where there are historic fishing rights for other EU member states in waters from 6-12nm) fisheries management measures for sites will need to be implemented through the CFP. It is likely that the UK Government will propose appropriate fisheries management measures for sites to the European Commission, as was the case for the Darwin Mounds CFP closed area.

17. *How might stakeholder engagement contribute to development of the management measures?*

Stakeholder engagement will contribute at two levels:

- a) help to determine the degree of risk exposure (in the context of the conservation objectives); and
- b) enable discussion, where management is identified as necessary, about which type of management measure could be best implemented.

For offshore waters (and where there are historic fishing rights for other EU Member states in waters from 6-12nm) it is likely that the Regional Advisory Councils (RACs) set up by the European Commission to represent the European fishing industry, will be involved in development of proposed management measures under the CFP.

18. *Why have management measures scenarios been set out in the impact assessments, if the process of developing management measures has not yet been properly considered?*

The management measures in the impact assessments are scenarios and were developed solely for economic analysis purposes. Management measures for the sites have not yet been determined by the relevant or competent authorities. A range of minimum and maximum potential management measures has been used in the impact assessments to reflect that we do not know what the final management measures will be.

The formal consultation on the IAs is an opportunity for us to get as much information from the stakeholders as possible about your activities in the sites, and how designation might impact on you. This information may be used to improve our advice on conservation objectives and operations that may damage the sites, and to develop appropriate management measures with the relevant or competent authorities.