Scottish Environment LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment organisations, with over 30 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society. Details of LINK's Marine Taskforce are at the end of this document.

Consultation on Fisheries Management in Luce Bay Special Area of Conservation

LINK's Marine Taskforce warmly welcomes the opportunity to comment on the future management of fishing with mobile gear in Luce Bay and Sands Special Area of Consultation (SAC). The Scottish Government's Marine Atlas raises concerns around the condition of the majority of habitats in Scotland's marine environment. In particular, it identifies 'many concerns' around the health of shallow and shelf subtidal sediments in the Solway Firth and North Channel, and highlights their vulnerability to damage from dredging and bottom trawling.

LINK strongly believes the creation of an ecologically coherent network of well-managed marine protected areas, including European protected sites and Nature Conservation MPAs, is essential to address these concerns, helping to protect and recover the health of our seas. The successful management of SACs, including Luce Bay, is crucial to the creation of an ecologically coherent network of MPAs, as required under national and international obligations.

Questions 1 and 2

We support Marine Scotland's decision to amend the current management measures within Luce Bay. Article 6(2) of Council Directive 92/43/EEC (herein referred to as the Habitats Directive) requires a precautionary approach to SAC site protection. It places a duty on Member States to take preventative action by requiring appropriate steps to be taken to **avoid** the deterioration of habitats for which the SAC has been designated.

While we note the work of the Solway Firth Partnership, and the statement that it may be possible for SNH to refine its advice once the information on fishing has been considered, we are disappointed with the level of detail contained in the consultation document. In particular, we are disappointed site specific survey work has not been undertaken in order to assess the current condition of features. We note the SAC is due its six-yearly site-condition monitoring, and request that this work is carried out as soon as possible.

However, in the absence of site-specific work, we stress that there is a large body of evidence showing the potential for negative interactions between mobile fishing gear and the relevant qualifying features of the SAC[1]. In Scottish inshore waters, scallop dredging is perceived to be the main fishing activity threatening marine benthic habitats[2], with reefs, and in particular biogenic substrates identified as the most sensitive habitat types. Just a single pass of a dredge can cause significant damage, where possible recovery could take decades[3].

[1]Hall-Spencer, J. M. and Moore, P. G. (2000). Scallop dredging has profound, long-term impacts on maerl habitats. *ICES Journal of Marine Science* 57, 1407-1415; Hall-Spencer, J., Allain, V. and Fossa, J. H. (2002). Trawling damage to Northeast Atlantic ancient coral reefs. *Proceedings of the Royal Society of London Series B-Biological Sciences*
269, 507-511; Kaiser MJ, Ramsay K, Richardson CA, Spence FE and Brand AR (2000) Chronic Fishing
disturbance has changed shelf sea benthic community structure. Journal of Animal Ecology **69**: 494-503; Kaiser MJ, Clarke KR, Hinz H, Austen MCV, Somerfield PJ, Karakassis I (2006) Global analysis of response and recovery of benthic biota to fishing. Mar Ecol-Prog Ser 311:1-14

[2] BD & JS Beukers-Stewart (2009), *Principles for the Management of Inshore Scallop Fisheries around the United Kingdom*, Report to Natural England, Scottish Natural Heritage and Countryside Council for Wales, University of York

[3] BD & JS Beukers-Stewart (2009), *Principles for the Management of Inshore Scallop Fisheries around the United Kingdom*, Report to Natural England, Scottish Natural Heritage and Countryside Council for Wales, University of York, p20; Hall-Spencer JM, Moore PG (2000) *Scallop dredging has profound, long-term impacts on maerl habitats*. ICES J Mar Sci 57:1407-1415;

Conversely, there is compelling evidence that more complex benthic communities protected in closed areas could benefit scallops by allowing greater spat settlement[4].

We therefore strongly support SNH's recommended management approach, and believe it is essential that mobile fishing gear is prohibited in the areas of the Bay identified in the consultation as 'most' sensitive and 'moderately' sensitive.

Further, we believe it may also be appropriate to prohibit fishing with mobile gear within the 'least' sensitive sites. While the sensitivity of subtidal sandbanks varies, and their capacity to recover is higher than reef structures, there is evidence that trawling reduces structural complexity in the habitat with consequential decrease in biodiversity[5].

Given the documented potential for significant adverse impact on the features for which the SAC is designated, and in light of evidence from other protected sites designated for similar features[6], we believe it is appropriate under Article 6(2) of the Habitats Directive to exclude mobile fishing gear from all areas of the SAC until further site specific assessments are carried out. Fishing with mobile gear must only be permitted within areas of the SAC where it can be demonstrated the site is achieving favourable conservation status and there is no adverse impact on designated features from permitted activity[7].

Questions 3, 4, 5 and 6

Should fishing with mobile gear be allowed to continue in areas of the Bay, we believe strict management measures must be implemented in order to ensure the requirements of the Habitats Directive are met. We would support the implementation of a package of measures designed to reduce effort and capacity, including weekend bans, nigh time curfews and dredge limits. However, we seek further information on how these will be implemented, monitored and enforced. We look forward to further consultation on how these issues should this approach be followed.

We note that the maps in Annex A and Annex B appear to indicate that the most sensitive habitats extend southward of the SAC boundary. It is there important that wider seas measures, such as regional marine planning and IFG management plans, recognise the sensitivity of these features where they occur and take action to protect them. This approach is in keeping with principle 2.5.e of the Scottish Government's guidelines on the selection of nature conservation MPAs and development of the MPA network which states –

' management of MPAs should be integrated with wider marine management. By providing the framework within which all marine management will occur, marine planning will help ensure better integration between the needs of Nature Conservation MPAs and those of surrounding areas.'[8]

This principle should be applied to Luce Bay and all other SACs.

[4] Howarth, L.M., Wood, H.L., Turner A.P. and Beukers-Stewart, B.D. (2011) Complex habitat boosts scallop recruitment in a fully protected marine reserve. Mar Biol 158:1767–1780; Bradshaw C, Veale L. O, Hill A. S, Brand A. R (2001) The effect of scallop dredging on Irish Sea benthos: experiments using a closed area. *Hydrobiologia* 465:129–138

[5] Sewell, J. & Hiscock, K., 2005. Effects of fishing within UK European Marine Sites: guidance for nature conservation agencies. *Report to the Countryside Council for Wales, English Nature and Scottish Natural Heritage from the Marine Biological Association.* Plymouth: Marine Biological Association. CCW Contract FC 73-03-214A. 195 pp. And Thrush, S.F., Hewitt, J.E., Funnell, G.A., Cummings, V.J., Ellis, J., Schultz, D., Talley, D. & Norkko, A., 2001. Fishing disturbance and marine biodiversity: role of habitat structure in simple soft-sediment systems. *Marine Ecology Progress Series,* 221, 255-264.

[6] http://www.seafish.org/media/Publications/A047_Lyme_Bay_Bangor.pdf

[7] Favourable Conservation Status is defined in relation to Article 1(e) of the Habitats Directive. FCS for habitats is therefore considered across their natural range ie at biogeographical level, or Natura 2000 Network level. However, since coherence of the network depends on the contribution of each individual site FCS assessment is also carried out at site level. Please see EC Guidance Document: Managing Natura 2000 sites available at http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf

[8] http://www.scotland.gov.uk/Resource /Doc/295194/0114024.pdf

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