

Establishing fisheries management measures to protect Marine Conservation Zones

November 2010

When a Marine Conservation Zone (MCZ) is designated, it does not automatically mean that fishing in that site will be restricted; some species, habitats and features protected by MCZs are not sensitive to fishing activities, and in these cases changes to fishing activities will not be needed. However, where MCZ interest features¹ are vulnerable to fishing activities, some changes may need to be introduced to make sure that the MCZ interest features are maintained in, or able to reach, their conservation objectives. This is often described as introducing a 'management measure'. This also applies to MCZ reference areas. Separate guidance is available on reference areas.²

The design, implementation and enforcement of MCZ fisheries management measures is the responsibility of the Marine Management Organisation (MMO) and Inshore Fisheries and Conservation Authorities (IFCAs), informed by conservation advice from the Statutory Nature Conservation Bodies (SNCBs) such as Natural England and JNCC. Stakeholders in the regional MCZ projects, with input from regulators, such as the MMO, will identify possible options for management measures and these will be reflected in the impact assessments which need to accompany their proposals for MCZs.

Where management measures are required, it is Defra's policy that:

- 1 Both regulatory and non-regulatory mechanisms should be investigated (e.g. the consideration of both voluntary agreements and bylaws).
- 2 Management measures with the least social and economic impact should be implemented where effective in meeting conservation objectives (this could mean changes in gear type or seasonal closures rather than area closures).
- 3 Management Measures should be proportionate to the conservation objectives of the feature (for example this could mean introducing a permit scheme and monitoring program rather than a complete prohibition).
(from Guidance Note 1)

Any management measures that are required in MCZs will be applied on a case-by-case basis and may also come into effect at different times, with some coming into effect as soon as the MCZ is designated and others taking longer. What the management measure will look like when put in place, and from this how much they are likely to alter current or future fishing activities in the site will depend on the consideration of a number of factors. These are (a) the species or habitats to be protected (b) the sensitivity of the feature to the fishing pressure and other pressures (c) how much pressure the feature in the MCZ site is subject to (also known as exposure) and; (d) the consideration of social, economic, and practical considerations.

How fisheries management measures will be progressed in English waters

Within 6nm

Who: Fisheries management measures to protect MCZs will only apply to UK-based vessels as only they are allowed to operate within the 6nm limit.

How: Any regulatory restrictions to protect MCZs would preferably be introduced by the relevant IFCA. Other regulatory options include bylaws or fishing licence conditions introduced by the MMO or national fishing prohibition orders. Voluntary restrictions are an alternative option to regulatory management, and should be explored prior to any regulatory measure being implemented.

6-12nm

Who: Between 6-12nm the situation is different for areas where only UK-based vessels can fish and those areas where foreign vessels have historic fishing rights.

How: For MCZs in areas where only UK-based vessels can fish, any regulatory fishing restrictions to protect MCZs would be introduced by national fishing prohibition orders or by the MMO through bylaws.

For MCZs in areas in which foreign vessels have historic fishing rights, Defra would negotiate with the relevant governments before introducing national fishing prohibition orders applicable to all EU vessels or introducing CFP regulation measures. Fishing restrictions will not be imposed unilaterally on UK vessels before they can be applied to EU vessels.

Beyond 12nm

Who: All EU vessels, including UK-based vessels.

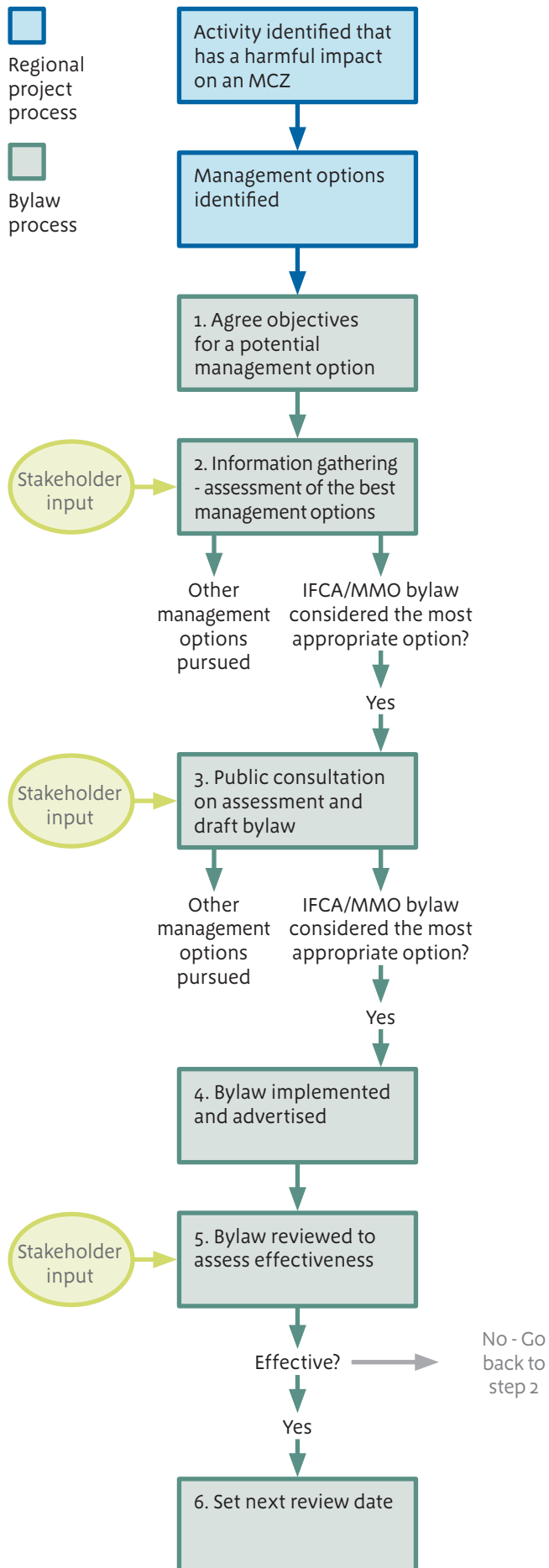
How: Regulating fishing activities in MCZs outside 12 nm will require fishing regulation under the CFP. Once introduced, these would apply to all EU vessels (including UK vessels) equally and at the same time.

- 1 List of features available from the Ecological Network Guidance available from Natural England and JNCC's websites.
- 2 Guidance available from Natural England and JNCC's websites.

Annex A:

Process for creating bylaws (0-12nm)

Sections 115 & 129 of Marine and Coastal Access Act



Annex B:

Process for CFP regulation

Articles 8 & 9 of CFP Regulation and Commission guidance on Natura 2000 sites

