



## MMO Call for Evidence – Stage 4 Fishing in Marine Protected Areas Consultation Response

Wildlife and Countryside Link is committed to supporting the Marine Management Organisation in its assessment of sustainable fisheries management across the MPA network, and specifically the five identified offshore MPAs in English waters. While there are data gaps, current evidence of the ecological impacts of some fisheries supports immediate action. We urge the MMO to focus on delivering stronger management measures and overcoming the barriers preventing their implementation by the end of 2024.

In England, 37% (66,690km) of offshore waters are designated as MPAs. Yet a maximum of 8% of English waters have effective protection for nature recovery in place against the most damaging forms of fishing activity. Partly as a result, the harbour porpoise and marine bird populations within the Southern North Sea, Bristol Channel Approaches, Greater Wash, Liverpool Bay, and Outer Thames Estuary MPAs are in decline.

A features-based approach, which focuses on byelaws offering partial site protection, is too piecemeal to address the scale of the problem. A whole-site approach is needed, with protection from all damaging activities and accompanying monitoring plans to deliver the intended recovery and protection within these MPAs.

Due to the cross-border, cross-agency implications of the proposed management measures, we recommend the publication of a clear agreement of delivery responsibility, monitoring and enforcement to ensure proper implementation.

Under the UK's legal obligation in the Environment Act 2001 and Fisheries Act 2020 'to have regard to' the Environmental Principles Policy, the precautionary approach should be applied when assessing the effectiveness of proposed management measures. This is because, by nature, the status of mobile species populations is extremely difficult to assess and inadequate monitoring inaccurately informs assessments of behavioural patterns and leads to low predictions of population decline.

With continued oil and gas exploration and development driving rapidly changing marine habitats (through deoxygenation, acidification, etc.), the viability of the UK EEZ to support seabirds and cetaceans is weakened further. Similarly, the expansion of offshore wind will disproportionately affect the protected features and associated supporting species of these five sites, so all management measures should sufficiently account for both the in-combination and cumulative impacts of these industries.

### SACs: Southern North Sea and Bristol Channel Approaches

The conservation objectives of the Southern North Sea SAC and Bristol Channel Approaches SAC will not be met with the current recorded level of cetacean bycatch.

While spatial and temporal fisheries closures and cetacean bycatch mitigation trials are welcome, they are not enough to reduce cetacean bycatch below exceedable threshold limits, nor achieve the legal requirement to 'minimise and where possible eliminate' the incidental catches of sensitive marine



species. In order to address this, the MMO and where appropriate Natural Resources Wales should implement two management measures immediately.

1. Require the use of Remote Electronic Monitoring (REM) with cameras onboard all vessels operating within the sites. REM is one of the most cost-effective ways of informing bycatch management decisions and ensuring accurate fisheries data. Without evidence of which gear type is causing the most bycatch, regulators and fishers will have little confidence in the necessity of transitioning towards more sustainable gear types.
2. A requirement for fishers to participate in cetacean bycatch mitigation trials to increase bycatch prevention and support the formulation of best practice guidance on cetacean bycatch for fishers.

Several other fisheries management measures are needed to support the site's conservation objectives. These include:

1. A requirement to use the data collected via Remote Electronic Monitoring to assess the impact of commercial fishing activity on harbour porpoise and supporting species populations.
2. A prohibition on the use of gill nets across the whole site to prevent cetacean bycatch and increase prey availability. This should be done as a reduction in gillnet effort rather than to displace activity outside the SAC. Within the under 10m fleet, the daily income for commercial fishers using hook and line is on average higher than those using gill nets across the UK.
3. A prohibition on the use of bottom-towed fishing gear across the whole site to prevent the damage it causes for prey availability and destruction of benthic habitats.

It is positive that the MMO has identified effective fisheries management as a significant contributor to the success of the Southern North Sea and Bristol Channel Approaches SACs.

However, the cumulative effect of concurrent activities can be masked by assessing threats in isolation, and therefore the impacts of different damaging activities must be considered in combination. Assessing the impact of fishing alone, separate to all other activities, does not take into account combined and cumulative impacts of other industries. We therefore recommend that cumulative impact assessments are carried out, taking into account species ecology (including supporting habitats/prey) and overlaps with all activities (including fishing, offshore developments and shipping) and considering the impacts of displacement. As a highly mobile species, the effects of bycatch, entanglement and habitat/prey reduction for harbour porpoise remains despite putting MPA management measures in place. Therefore, we encourage further assessment and monitoring to understand the implication of vessel displacement and/or increased alternative vessel use (e.g., greater static gear) across both areas.

Beyond fisheries management, the MMO and where appropriate Natural Resources Wales must implement robust management measures to mitigate the adverse effects of underwater noise. Due to an increase in oil and gas licensing and necessary offshore wind deployment, it is expected that noise thresholds within both protected areas will be breached by May 2024. This not only impacts the health of harbour porpoise but will cause all offshore wind construction to cease until noise is returned below the legal limits, potentially delaying delivery of net zero targets. We suggest:

1. No new oil and gas licences or consents should be granted within MPAs, or across the wider North Sea. In addition to the noise impacts and the risk of oil spills, ocean heating and



acidification, caused by emissions associated with oil and gas significantly undermines the conservation objectives.

2. Implementation of the proposed **Offshore Wind Environmental Standard on a noise decibel limit** for offshore wind construction. In the absence of published policy, the MMO and where appropriate Natural Resources Wales should use Deemed Marine Licences (DMLs) to implement wholesale trials of proposed limits in the Southern North Sea and Bristol Channel Approaches SACs.
3. Use the Joint Position Statement on Unexploded Ordnance to **favour a presumption for low order detonation of unexploded ordnance** through licensing conditions.

### SPAs: Greater Wash, Liverpool Bay and Outer Thames Estuary

The conservation objectives of the Greater Wash; Liverpool Bay, and Outer Thames Estuary SPAs will probably not be met without a dramatic increase in prey availability for seabirds. Shrinking numbers of small fish, on which seabirds feed, are largely responsible for seabird species decline and the widespread breeding failure of several protected species. While we applaud the Government's recent decision to close all commercial sandeel fisheries within UK waters, similarly bold management measures are needed across these three SPAs. To increase prey availability, we support the implementation of the English Seabird Conservation and Recovery Pathway Technical report.

1. Prohibit the use of bottom-towed fishing gear across the whole site due to the damage it causes to benthic habitats.
2. Prohibit fishing for forage fish species that are key prey for the protected seabird features within the site (e.g., Little Tern, Sandwich Tern);
3. Establish non-invasive methods to monitor forage fish species within the site.

By restricting some of the most damaging commercial fishing practices, independent fishers operating small vessels and sustainable fishing practices could work without spatial/temporal restrictions and continue to support the socio-economic health of coastal communities up and down the country.

While spatial and temporal fisheries closures are welcome within these SPAs, management measures should also seek to 'minimise and where possible eliminate' the incidental catches of seabirds and their prey. To ensure bycatch is reduced to zero, again we support the implementation of the English Seabird Conservation and Recovery Pathway Technical report.

1. Require the use of Remote Electronic Monitoring (REM) with cameras onboard all vessels operating within the sites. REM is one of the most cost-effective ways of informing bycatch management decisions and ensuring accurate fisheries data. Without evidence of which gear type is causing the most bycatch, regulators and fishers will have little confidence in the necessity of transitioning towards more sustainable gear types.
2. Require the use of seabird bycatch mitigation measures in fisheries for which best-practice guidance exists; and in fisheries for which best-practice guidance to mitigate seabird bycatch has not yet been established, require vessels to participate in appropriate trials to address this knowledge gap.

Beyond fisheries management, the MMO must implement robust management measures to mitigate the adverse effects of seabird displacement caused by offshore wind expansion. We strongly support the implementation of the proposed **Offshore Wind Environmental Standard on a 10 KM Red**



**Throated Diver Buffer Zone for offshore wind infrastructure** across these SPAs. In the absence of published policy, the MMO should use Deemed Marine Licences (DMLs) to implement wholesale trails of proposed buffer zones in the Greater Wash; Liverpool Bay, and Outer Thames Estuary.

It is positive that the MMO has identified a transition to more sustainable fishing policies as a significant contributor to the success of the Greater Wash, Liverpool Bay, and Outer Thames Estuary protected areas. However, the cumulative effect of concurrent activities can be masked by assessing threats in isolation, and so the effects of different activities must be considered in combination. Assessing the impact of fishing alone, separate to all other activities, does not take into account combined and cumulative impacts of other industries. We therefore recommend that cumulative impact assessments are carried out, taking into account species ecology (including supporting habitats/prey) and overlaps with all activities (including fishing, offshore developments and shipping).

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Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 82 organisations to use their joint voice for the protection of the natural world and animals. Wildlife and Countryside Link is a registered charity number 1107460 and a company limited by guarantee registered in England and Wales number 3889519.

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The following organisations support this consultation response.





**BLUE MARINE  
FOUNDATION**



**ORCA** *Looking out for  
Whales and Dolphins*

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