

Joint Recommendation

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Joint Recommendation

1. Introduction

This joint recommendation contains a proposal for the regulation of fisheries activity and is initiated by the United Kingdom (UK) and submitted to the European Commission jointly by the UK and the following Member States: The Netherlands, Denmark, Germany, Belgium and France; being those Member States who have a direct management interest affected by the joint recommendation.

The overall aim of this joint recommendation is to ensure the protection of the broadscale habitats Subtidal coarse sediment (A5.1), Subtidal mixed sediments (A5.4) and high energy circalittoral rock (A4.1) within the Offshore Brighton Marine Conservation Zone (MCZ) from fisheries, thereby contributing to the obligation to recover these features to Favourable Condition in accordance with the Offshore Brighton Marine Conservation Zone Designation Order 2016¹. It is not considered that the geomorphological feature within the site (English Channel Outburst Flood Feature) is at risk from fishing activities and as such it is not included in the management proposal set out in this document.

It is the intention of the UK government (as the initiating Member State) to take forward measures in respect to fisheries activities exercised by all vessels including fishing vessels carrying the flag of other Member States of the EU.

2. The Recommendations to be Implemented

The following recommendation is proposed for adoption in the Offshore Brighton MCZ:

- the exclusion of demersal trawls and dredges (excluding seines) to protect a proportion of the protected sedimentary features across the east of the site
- the exclusion of all demersal towed gears (including seines) to protect the High energy circalittoral rock feature in the west of the site.

See Table 1 for details on gears proposed for exclusion.

Table 1: Gear types that are prohibited in the areas proposed for closure within the site.

Gear Types to be prohibited within the site's management areas.	Restricted in zone(s)	Gear code Annex XI in EU Regulation No 404/2011	International Standard Classification of Fishing Gears
Beam trawling	1, 2	TBB	TBB
Bottom/Otter trawling	1, 2	OTB, OTT, PTB, TBN, TBS, TB	OTB, OTT, OT, PTB, TB
Dredging	1, 2	DRB	DRB, DRH
Seines	1 only	SDN, SSC, SX, SV	SB, SPR, SDN, SSC, SX, SV

¹http://www.legislation.gov.uk/ukmo/2016/15/pdfs/ukmo_20160015_en.pdf

The coordinates of the site and management boundaries are as follows:

Table 2: Offshore Brighton site boundary

Point	Latitude	Longitude
1	50° 19' 14.392" N	00° 54' 12.161" W
2	50° 22' 54.934" N	00° 17' 53.722" W
3	50° 13' 09.728" N	00° 15' 34.963" W
4	50° 08' 10.705" N	00° 52' 59.416" W

Table 3: Co-ordinates of the Offshore Brighton MCZ management zone boundaries

Zone	Point	Latitude	Longitude
1	1	50° 18' 22.943" N	00° 54' 06.516" W
1	2	50° 19' 59.135" N	00° 46' 49.930" W
1	3	50° 20' 19.074" N	00° 43' 33.101" W
1	4	50° 19' 33.623" N	00° 40' 48.003" W
1	5	50° 15' 59.836" N	00° 31' 00.093" W
1	6	50° 13' 12.473" N	00° 30' 40.413" W
1	7	50° 10' 26.158" N	00° 53' 14.264" W
2	1	50° 22' 54.934" N	00° 17' 53.722" W
2	2	50° 19' 29.873" N	00° 17' 05.045" W
2	3	50° 18' 11.394" N	00° 30' 16.494" W
2	4	50° 21' 16.231" N	00° 34' 08.750" W

3. Control and enforcement of the proposed fisheries management measures

Control and enforcement of the proposed fisheries management measures will be based on the risk-based systems in accordance with the model developed by the UK's Marine Management Organisation (MMO).

Key provisions which should be included in an EC regulation to facilitate control, enforcement and compliance include:

- A prohibition on demersal towed gears and dredges (seines in some areas) being deployed in the identified management areas of the MCZ. All gear types are permitted to fish in the reporting zone outside of the management area with increased reporting.

- Establishment of a 1nm (1.852km) reporting zone around the Offshore Brighton MCZ's management area. All fishing vessels within this area shall be required to record or report vessel positions at 10 minute intervals. This area shall be defined by the reporting zone and coordinates displayed in Annex D.
- A requirement for all fishing vessels entering the reporting zone to have a system for recording and reporting vessel position which meets prescribed specifications (see section 8.2 of Annex B for minimal requirements) and is installed and operative. Any fishing vessel entering the Offshore Brighton MCZ management area or the reporting zone without such a system will be committing an offence.
- A requirement for all fishing vessels transiting the prohibited area carrying prohibited gears to have all gears on board lashed and stowed during transit.
- A requirement for all fishing vessels transiting the restricted area carrying prohibited gears to ensure that the speed during the transit is not less than six knots except in the case of force majeure or adverse conditions². In such cases, the master shall immediately inform the fisheries monitoring centre (FMC) of the flag member state which shall then inform the Marine Management Organisation (MMO FMC).

The proposal on which gear types to prohibit is formulated in terms of Gear Codes in Annex XI in EU Regulation 404/2011 and is explained in more detail in Section 8 of Annex C.

The ongoing management needs of this site will be assessed on an annual basis. If changes to the current management status are required, the UK will coordinate such a requirement in accordance with Articles 11 and 18 of the Basic Regulation and in collaboration with those Member States with a direct management interest in Offshore Brighton MCZ.

² Article 50 4(b) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:343:0001:0050:EN:PDF>

Joint Recommendation regarding the protection of high-energy circalittoral rock, sub-tidal coarse sediment and sub-tidal mixed sediments features within the Offshore Brighton Marine Conservation Zone in accordance with Article 11 necessary for the purpose of complying with obligations under Article 13(4) of Directive 2008/56/EC and Article 18 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy (the Basic Regulation).

Supporting Documentation

1. Introduction

1.1 General Remarks

The Offshore Brighton site was designated as a Marine Conservation Zone (MCZ) in January 2016. MCZs are designated by the UK government under the Marine and Coastal Access Act 2009 for England and Wales. These zones will contribute to the UK's commitment to have a well-managed and ecologically coherent network of Marine Protected Areas (MPAs) and will also assist in meeting commitments relating to the EU Marine Strategy Framework Directive (MSFD).

Commercial fishing has been identified as an activity which could adversely impact the integrity of this site's features and as such require being assessed and, if necessary, managed to reduce its impact. The General Management Approaches for Offshore Brighton MCZ are to recover all broadscale habitat features present to favourable condition.

As the proposed area of the Offshore Brighton site falls beyond 12 nautical miles (nm) of the UK coastline, all Member States have access to the site. However the UK, The Netherlands, Denmark, Germany, Belgium and France are currently the only Member States with an active fishing interest in the site. It is the intention of the UK government (as the initiating Member State) to take forward measures in respect to fisheries activities exercised by all vessels including fishing vessels carrying the flag of other Member States of the EU.

This document covers the 11 information items of the Commission's guidelines from 2008 concerning development of proposals for fisheries management measures in marine Natura 2000 areas within the scope of the Common Fisheries Policy³.

1.2 Overall aim of the present proposal

The overall aim of the present proposal is to ensure adequate protection of Subtidal coarse sediment (A5.1), Subtidal mixed sediments (A5.4) and High energy circalittoral rock (A4.2) from fishing activities that could adversely affect feature condition and thereby to contribute to the obligation of recovering all protected features to favourable condition in accordance with the Offshore Brighton Marine Conservation Zone Designation Order 2016.

The Conservation Objective for the Offshore Brighton MCZ is, subject to natural change, to ensure that Subtidal coarse sediment, Subtidal mixed sediments and High energy circalittoral rock are to remain in or be brought into favourable condition. To achieve the conservation objective, general

³ http://ec.europa.eu/environment/nature/natura2000/marine/docs/fish_measures.pdf

management approaches (i.e. recovery or maintenance of feature condition) have been set out for each protected feature. Except where direct evidence of condition is available, feature condition is typically based on a proxy assessment of feature sensitivity and the presence of activities to which the features may be sensitive. For the Offshore Brighton MCZ, the General Management Approaches (GMA) have been set to recover all features to favourable condition.

According to advice provided by JNCC, the UK Government’s statutory scientific advisor for offshore habitats, where fishing using demersal towed gears overlaps with the features it may pose a risk to achievement of the conservation objectives for the site.

The UK is proposing restrictions to fishing activity with demersal trawls and dredges overlapping a proportion of the sedimentary features and restrictions to all demersal towed gears (i.e. including seines) overlapping the entirety of the rock feature due to the risk posed to the achievement of the conservation objectives. Where there is uncertainty regarding the impacts of fishing on the features, an “adaptive management” approach is proposed, which would allow the site to move toward achieving its conservation objective while providing the opportunity to improve our understanding of the impacts and subsequently adapt management accordingly. The content of the proposed fisheries management measures is explained in more detail in section 7 of Annex B.

The proposal has been reviewed by CEFAS (see section 5).

1.3 Recommendation to be implemented

The following recommendation is proposed for adoption in the Offshore Brighton MCZ:

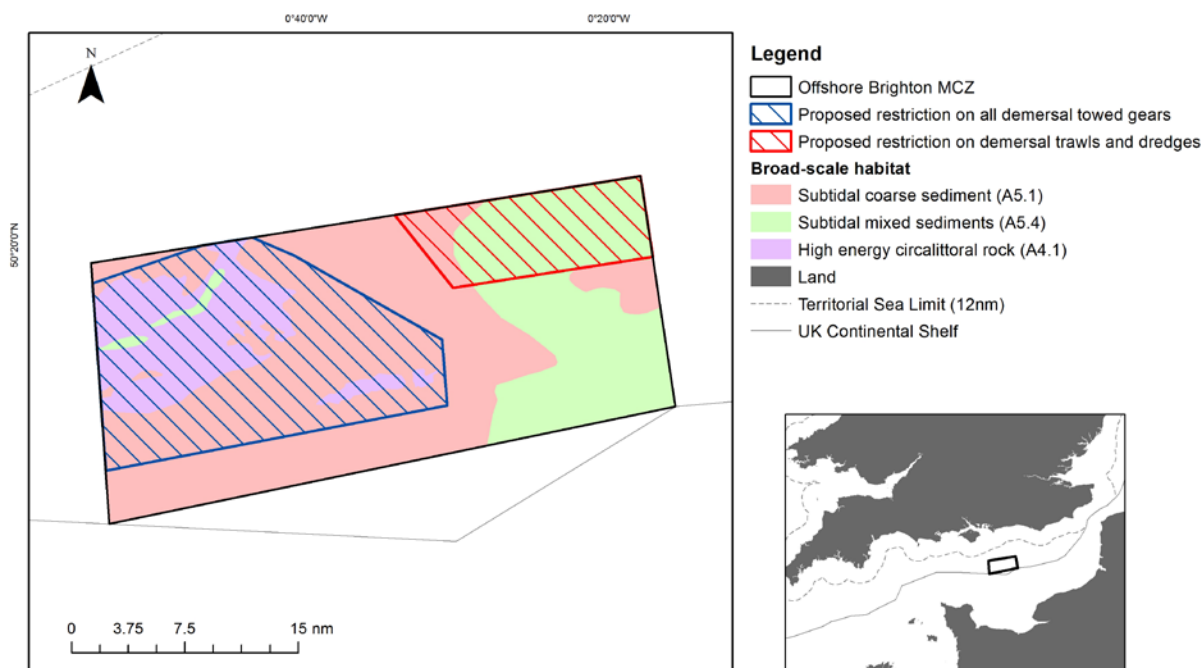
- the exclusion of demersal trawls and dredges (Table 4) to protect a proportion of the protected sedimentary features across the east of the site (Figure 1 and coordinates in Table 5)
- the exclusion of all demersal towed gears (Table 4) to protect the High energy circalittoral rock feature in the west of the site (Figure 1 and coordinates in Table 5).

Table 1: Gear types that are prohibited in the areas proposed for closure within the site.

Gear Types to be prohibited within the site’s management areas.	Restricted in zone(s)	Gear code Annex XI in EU Regulation No 404/2011	International Standard Classification of Fishing Gears
Beam trawling	1, 2	TBB	TBB
Bottom/Otter trawling	1, 2	OTB, OTT, PTB, TBN, TBS, TB	OTB, OTT, OT, PTB, TB
Dredging	1, 2	DRB	DRB, DRH
Seines	1 only	SDN, SSC, SX, SV	SB, SPR, SDN, SSC, SX, SV

Table 2: Co-ordinates of the Offshore Brighton MCZ management zone boundaries

Zone	Point	Latitude	Longitude
1	1	50° 18' 22.943" N	00° 54' 06.516" W
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1	4	50° 19' 33.623" N	00° 40' 48.003" W
1	5	50° 15' 59.836" N	00° 31' 00.093" W
1	6	50° 13' 12.473" N	00° 30' 40.413" W
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2	2	50° 19' 29.873" N	00° 17' 05.045" W
2	3	50° 18' 11.394" N	00° 30' 16.494" W
2	4	50° 21' 16.231" N	00° 34' 08.750" W



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 UK Territorial Sea Limit. Contains UKHO data © Crown copyright. All rights reserved. The exact limits of the UK Continental shelf are set out in orders made under section 1 (7) of the Continental Shelf Act 1964 and Continental Shelf (Designation of Areas) Order 2013. Combining source layers from UKHO. © Crown copyright © JNCC. UK Exclusive Economic Zone © Crown copyright. The exact limits of the EEZ are set out in The Exclusive Economic Zone Order 2013. World Vector Shoreline © US Defence Mapping Agency. Not to be used for navigation.

Figure 1: Offshore Brighton MCZ site map including protected features for which management is being proposed.

2. Legal framework

2.1. Common Fisheries Policy

The Common Fisheries Policy (Regulation No 1380/2013 (The Basic Regulation) Article 11) states that Member States are empowered to adopt conservation measures not affecting fishing vessels of other Member States that are applicable to waters under their sovereignty or jurisdiction. The UK has an obligation in recovering these habitat types to favourable condition in accordance with the Offshore Brighton Marine Conservation Zone Designation Order 2016.

Where a Member State (“initiating Member State”) considers that measures need to be adopted for the purpose of complying with the obligations referred to above, and other Member States have a direct management interest in the fishery to be affected by such measures, the European Commission shall be empowered to adopt such measures, upon request, by means of delegated acts. For this purpose cooperation between Member States having a direct management interest is foreseen with a view to formulating a joint recommendation in agreement on draft fisheries management measures to be forwarded to the Commission.

The initiating Member State shall provide the Commission and the other Member States having a direct management interest with relevant information on the measures required, including their rationale, scientific evidence in support and details on their practical implementation and enforcement. Member States shall consult the relevant Advisory Councils.

The initiating Member State and the other Member States having a direct management interest may submit a joint recommendation within six months from the provision of sufficient information. The Commission shall adopt the measures, taking into account any available scientific advice, within three months from receipt of a complete request (Reg 1380/2013, Articles 11 and 18).

The following chapters describe how the UK, as the initiating Member State, has taken the Commission’s criteria for decision making into account, as well as the requirements for regional coordination in line with the new Basic Regulation.

2.2 Fisheries Access to the Offshore Brighton MCZ

In accordance with the Basic Regulation the following Member States operate demersal towed gears within the proposed management zone: UK, Belgium, Denmark, France, Germany and the Netherlands.

2.3. Designation of the Offshore Brighton MCZ

The Offshore Brighton site was designated as a MCZ in January 2016 (see Figure 2). MCZs are designated by the UK government under the Marine and Coastal Access Act 2009 for England and Wales. These zones will contribute to the UK's commitment to have a well-managed and ecologically coherent network of MPAs by 2016 and will also assist in meeting commitments relating to the EC Marine Strategy Framework Directive (MSFD).

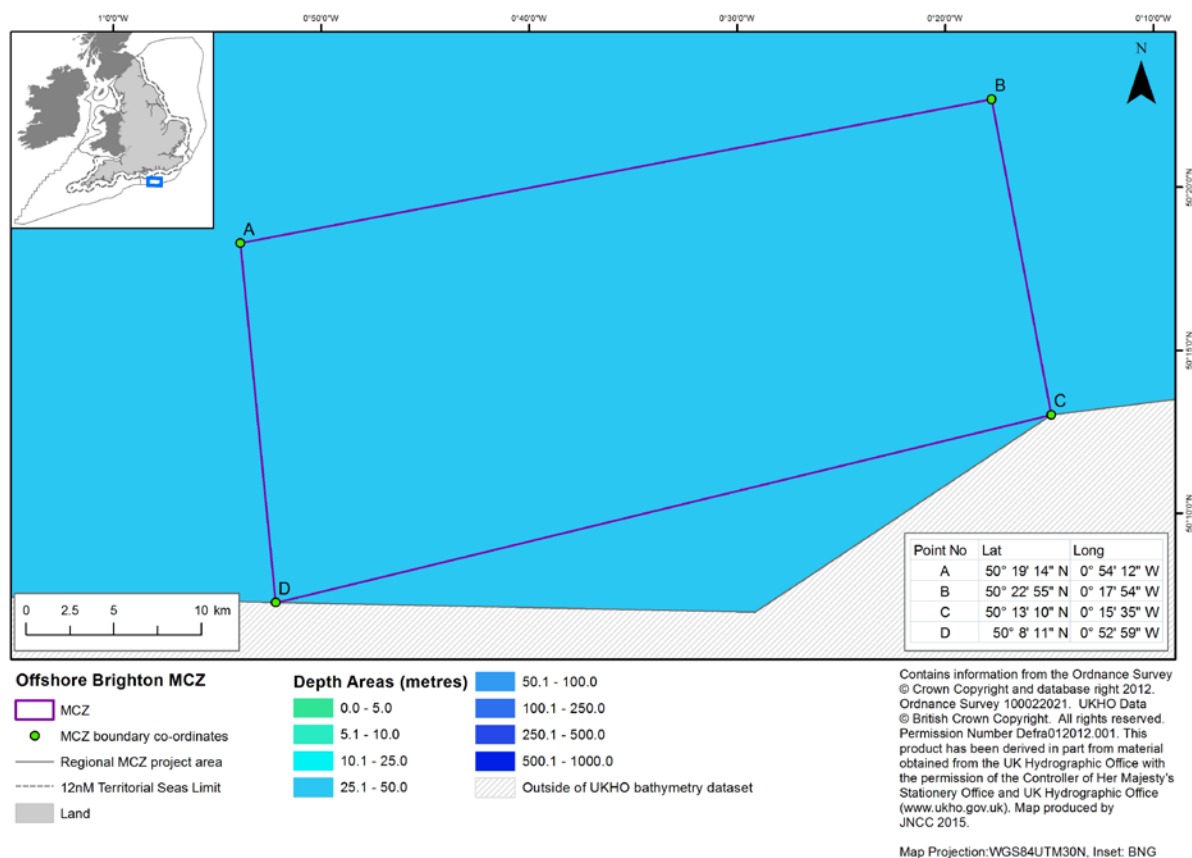


Figure 2: Site boundary for Offshore Brighton MCZ.

3. Process

This chapter describes the process from when the initiative to protect high-energy circalittoral rock, sub-tidal coarse sediment and sub-tidal mixed sediments from fisheries activities at Offshore Brighton MCZ were commenced at a fisheries management workshop held in Exeter in May 2016 by the Department for Environment Food and Rural Affairs (Defra) until the submission of fisheries management measures in the form of 'A Joint Recommendation' by the UK, The Netherlands, Denmark, Germany, Belgium and France .

3.1. Stakeholder workshops

A Defra-led workshop was held in Exeter on 18 and 19 May 2016 to discuss fisheries management measures for MPAs in the Channel and the Southwest Approaches with the intention of developing management measures in conjunction with stakeholders. The workshop was attended by French, Irish and UK fisheries representatives as well as delegates from the French, Irish and Spanish governments and the Northwest Waters Advisory Council (NWWAC). There was also representation from Non-Governmental Organisations (NGOs) and conservation organisations.

Ahead of these meetings the UK prepared fisheries management options papers for the sites which discussed the risk to achievement of the conservation objectives associated with a range of management options.

During the meeting, an initial Defra management proposal for the site was tabled and discussed. The meeting considered amendments to the proposal, which would limit socio-economic impact while still ensuring inclusion of the range of protected features within the site. All attendees agreed that proposals should ensure that the restricted fishing zones within the site were not too fragmented.

The site specific discussions from the report of the meeting are in Annex A.

3.2. Consultation on management proposals

Draft proposals for fisheries management measures were developed using feedback from the stakeholder workshops as well as advice from the UK's statutory nature conservation bodies, the JNCC and Natural England, and offshore fisheries regulator, the MMO.

Fisheries management measures were developed in close coordination with other Member States with a direct management interest in the sites.

Draft management proposals were subject to a six week period of consultation with Member States with a direct management interest in the sites and the Northwest Waters Advisory Council.

Finalised management proposals were then presented to other Member States with a direct management interest in the sites for agreement that sufficient information had been provided in order to commence the formal agreement of the proposals as Joint Recommendations. [Following this, ad hoc meetings of the Northwest Waters Article 11 sub-group were held to start formal agreement proceedings for the Joint Recommendations. Any outstanding issues were then addressed before agreement was reached on the Joint Recommendations by members of the Northwest Waters High-Level Group and they were submitted to the European Commission for adoption.]

3.3 Formal agreement of Joint Recommendations

[To be added following completion of Art.11 procedure]

3.4. Involvement of the North West Waters Advisory Council

The NWWAC attended the workshop in Exeter in May 2016 where initial proposals for management were discussed and the UK presented its rationale behind the measures proposed.

In January 2017 the UK consulted the NWWAC on proposals for fisheries management measures in 12 MPAs, in line with the provision outlined in Article 11 of the CFP. The UK also attended a meeting of the NWWAC on 28 February 2017 where the proposed measures were presented and discussed. On 30 March 2017 the UK replied to a response from the Secretariat covering general comments on the proposals as well as some specific comments on several of the proposals for the MPAs in question.

With respect to Offshore Brighton MCZ only, the UK responded with the following comments:

Some members of the advisory raised concerns that the views of active fishermen have not been taken into consideration. The expansion of the zone where bottom trawls are intended to be restricted is currently an area with high concentrations of bottom trawling.

The UK notes that during discussions at the Exeter workshop in May 2016 it was recognised that measures would be subject to change and no measures were final. In this instance changes to the restricted activities within the two proposed zones were deemed necessary in order to provide adequate protection of the features for which the site was designated against potentially harmful activities. Regardless, a large proportion of the site remains open to bottom trawling activity⁴.

⁴ Current management measures propose restricting demersal seining activity in 40.73% of the site (including areas of rock feature) and restricting trawls and dredges over 53.82% of the site.

4. Rationale

The seabed in the site has a diverse range of sediment types from rock to coarse and mixed sediments. These habitats are known to support a range of animal species, including those which live within the sediments and those that live on both the rock and sediment surface. The available evidence indicates that the features designated may be sensitive to prevailing fishing activities and as such measures are proposed to reduce the level of risk to achieving the conservation objectives for the site.

Demersal towed gears

Whilst it is unlikely that demersal towed gears can affect the long-term natural distribution of the features within the site, there is some evidence to indicate that they can impact the structure and function of the features.

This site covers a broad range of habitats and biological communities which is likely to be reflected in an equally broad range of sensitivities to towed fishing gears. It is likely that such gears may cause damage or death of fragile, erect species, such as sponges (Løkkeborg 2005, Engel & Kvitek, 1998), and reduce habitat complexity as boulders and cobbles associated with the hard substrate are moved around (Freese et al. 1999). Other species such as hydroids, anemones, bryozoans, tunicates and echinoderms associated with rocky structures may also be vulnerable (McConnaughey et al. 2000, Sewell and Hiscock 2005). For sedimentary features it is expected that mobile bottom contact gear activities could result in some degradation of the associated benthic communities relative to the un-impacted state particularly with a reduction in the abundance of fragile long lived species. Stable sediments are likely to be more susceptible to disturbance from demersal towed gears while in higher energy areas much of the natural fauna will be well adapted to recover from disturbance. There is evidence that severity of impact over certain habitats may be cumulative and may be less severe where fishing pressure is low. As with demersal trawls and dredges, demersal seines may impact the structure and function of sedimentary habitats and the long term survival of their associated species. However, demersal seines (Danish and Scottish seines) lack the heavy gear components of other mobile demersal gears, such as otter doors and trawl shoes (Suuronen et al. 2012; Donaldson et al. 2010), so the risk of impact to sedimentary features and thus to achieving the conservation objective for the site is likely to be lower.

Demersal static gear

It is not expected that demersal static gears will have a significant impact on sedimentary features within the site, however the impacts of repeated exposure to these types of fishing gear at high levels of fishing activity are unknown. Mechanical impacts of static gear on High energy circalittoral

rock (e.g. weights and anchors hitting the seabed, hauling gear over seabed, rubbing/entangling effects of ropes) may damage some species (Eno et al.1996). Other species appear to be resilient to individual fishing operations but the effects of high fishing intensity are unknown (Eno et al. 2001). Recovery will be slow (Foden *et al.*, 2010) resulting in significant reduction or even loss of characteristic species. The individual impact of a single fishing operation may be slight but cumulative damage may be significant (Eno et al. 2001; Foden et al. 2010; Roberts et al. 2010).

5. Principles

Based on scientific advice from JNCC considering the risk associated with a range of management options and the consideration of socio-economic interests the UK has decided to protect Subtidal coarse sediment (A5.1), Subtidal mixed sediments (A5.4) and High energy circalittoral rock (A4.1) in Offshore Brighton MCZ from physical disturbance due to demersal towed gears.

When formulating the Joint Recommendations, the following principles were applied:

1) Sound scientific basis

This proposal for fisheries management measures is based on available scientific evidence. JNCC has provided scientific advice in relation to the risk to achieving the conservation objective for the site. The proposal has also been reviewed by Cefas. The advice from Cefas was that this approach reduces the pressures from demersal towed gears sufficiently to contribute to long term progress in recovering the features towards favourable condition.

2) Stakeholder involvement

An important element of the process of formulating fisheries management measures has been the involvement of stakeholders. This has been outlined in further detail in sections 3.1 and 3.2.

3) Transparency

In this proposal the UK has been transparent on the data being used, the steps being taken and the methodology used, as well as the involvement of stakeholders.

4) Proportionality

An approach was sought that would deliver a regulatory proposal that delivers a key contribution to the achievement of the conservation objectives while minimising the effect on the fishing industry. A key safeguard in the process to deliver such an outcome was to follow the European Commission guidance in this regard, which described a proportional approach towards balancing sustainable

exploitation of resources and the need to conserve important habitats, including a precautionary approach to fisheries management.

5) Non discrimination

The proposal will need to ensure that measures are not applied in a discriminatory manner. A coordinated approach between Member States is the only way of ensuring non-discrimination for fleets affected by the proposed measures. Ultimately, a proposal is presented to the European Commission for regulation in the framework of the Common Fisheries Policy, ensuring a fair outcome across the fishing sector affected.

6. Proposal scope

The proposed management boundaries encompass approximately 55% of the site. Of the areas to be considered for management for the designated features, approximately 48% for the Subtidal coarse sediment, 43% for Subtidal mixed sediment and 100% of the High energy circalittoral rock areas are included.

This will be enforced by the control and monitoring measures described in section 8 of Annex A.

List of Annexes:

Annex A – Meeting note from the May 2016 workshop in Exeter.

Annex B – Overview of the 11 information items in the Commission's guidelines from 2008

Annex C – Map of MCZ network

Annex D – Map and Coordinates for the Offshore Brighton MCZ reporting zone with increased reporting

Annex E – References

Offshore Brighton MCZ

Attendees questioned the number of vessels reported to be operating in the site with some concerned that the number being discussed should have been higher. It was suggested Belgian ships appeared to be underrepresented. Dutch activity is seasonal and only occurs between November and May (seine netting). It was noted that this is an important fishing ground for the French industry with over €1m in landings value in 2015 (demersal trawls, pelagic and scallop dredges).

It was noted that there is a high level of fishing activity to the east and north of the site when compared to the activity that occurs within the boundary of the MCZ.

It was observed that scientific evidence now suggests that seine netting has little impact on the feature/seabed; attendees requested permission to submit proposals so that any proposed closure does not exclude seine activity entirely.

It was noted that whilst in Belgian waters demersal trawling is restricted from conservation sites, if a vessel is able to prove they are implementing a less damaging method of fishing they are allowed to fish there; albeit in specified areas. Defra agreed that this is something that will have to be taken into account if such technologies advance (refer to general discussion on matter).

All agreed that proposals should ensure that the restricted fishing zones within the site are not too fragmented in case it affects the opportunity to see recovery across ALL habitats and features within the site.

The proposals presented were deemed to be acceptable to the majority of the fishing industry, however, it was put forward that this agreement was based on the premise that any changes to the proposals should ensure the south and south-east of the site remain open to fishing activity.

Annex B – Overview of the 11 information items in the Commission’s guidelines from 2008

The Commission has issued guidance on a consistent approach to requests for fisheries management measures under the Common Fisheries Policy⁵. Accordingly, this document provides the scientific and technical information required to support a formal request to the Commission for fisheries regulation under the Common fisheries Policy.

4. Comprehensive description of the natural features including distribution within the site

Offshore Brighton MCZ is located in the eastern English Channel, approximately 45km south of Selsey Bill, West Sussex (Figure 1). The seabed is predominantly coarse sands, gravel and shingle with areas of exposed bedrock and mixed sediments (Figure 2). The site protects 862km² of seabed. These habitats support a diverse range of species living within and on top of the sediments including hydroids, bryozoans and sponges which colonise the boulders and cobbles. An assortment of burying animals such as polychaete worms, sea anemones and bivalves are commonly found living within the mixed sediments.

The MCZ currently has three designated features. Subtidal coarse sediment is the most widespread, located mainly in the western area. Subtidal mixed sediments are found in the eastern third of the site while the High energy circalittoral rock habitat occurs in the north west of the site where it has been exposed by a relic tributary channel system which merges with the deeper large scale geomorphological feature the English Channel Palaeovalley System. The sediment distribution in the region is heavily influenced by this system.

⁵ http://ec.europa.eu/environment/nature/natura2000/marine/docs/fish_measures.pdf

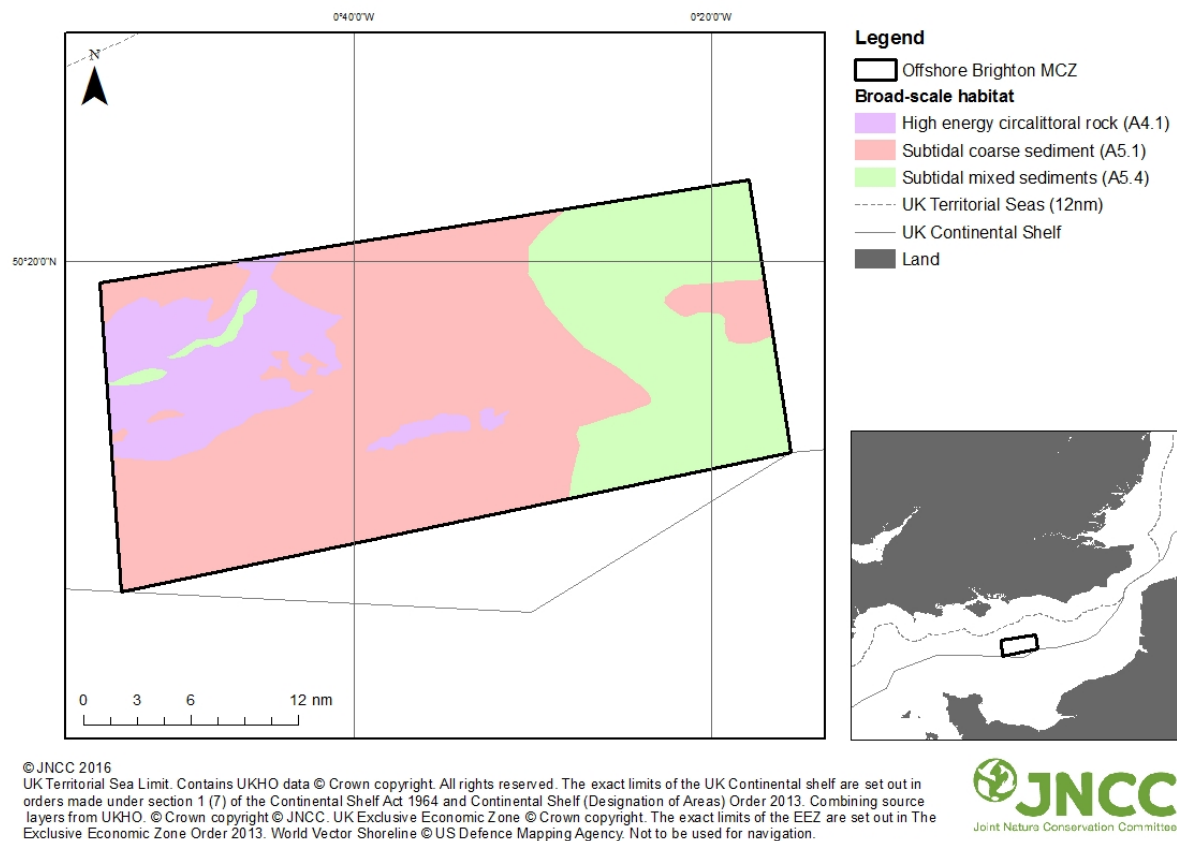


Figure 1: Offshore Brighton MCZ site map including features for which management measures are to be proposed

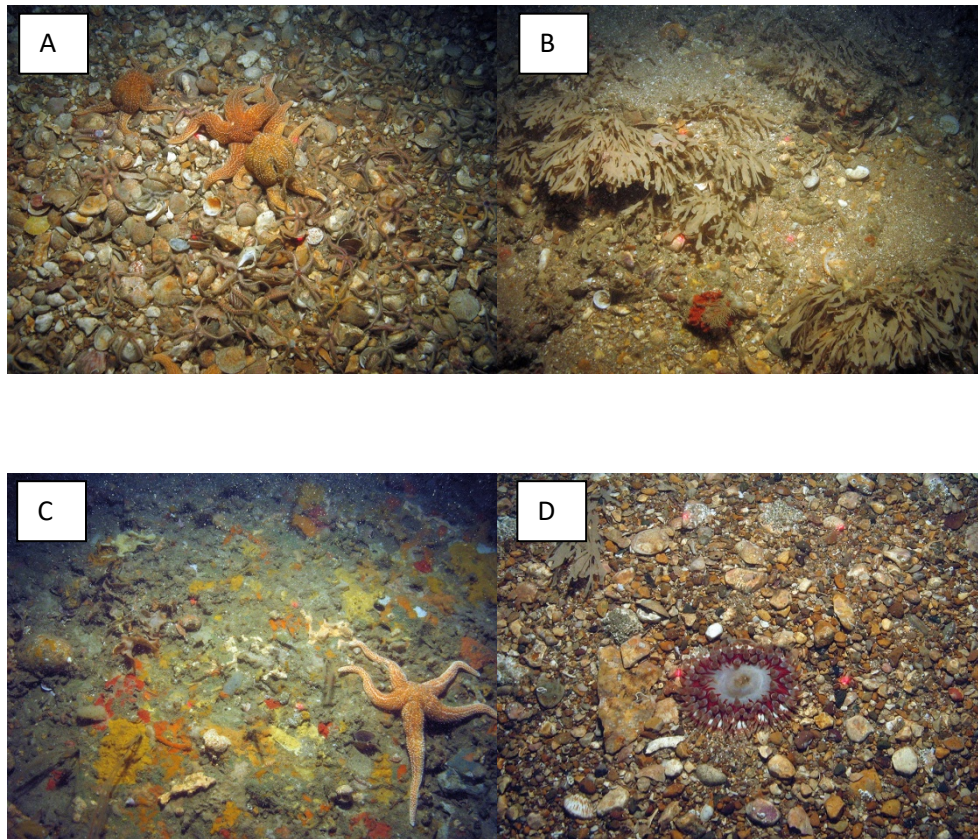


Figure 2: Photographs taken from the MB0120 survey 2012 of Offshore Brighton MCZ

A: Subtidal mixed sediments with common starfish (*Asterias rubens*) and common brittlestar (*Ophiothrix fragilis*)

B: Subtidal coarse sediment with horn wrack (*Flustra foliacea*) and encrusting bryozoan

C: High energy circalittoral rock with common starfish (*Asterias rubens*); encrusting sponges (Porifera) and rosette coral (*Pentapora foliacea*)

D: Subtidal coarse sediment with Anemone (*Urticina* species) and horn wrack (*Flustra foliacea*)

The site was comprehensively surveyed in 2012 through the Defra-funded MB0120 Offshore Brighton MCZ survey. This was a collaboration between Cefas and JNCC to collect acoustic and groundtruth data, in order to identify the presence and extent of broad-scale habitats and features. The broadscale habitat map was produced using outputs of the 2012 survey and also available bathymetry data (Astrium, 2011) in areas beyond survey coverage.

5. Scientific rationale for the sites' selection in accordance with the information provided in the Natura 2000 data form. Intrinsic value of its features. Specific conservation objectives

The MCZ selection guidelines were laid out by Defra to support the initial identification of recommendations through four regional stakeholder projects. The guidance covers the aim of the network; the involvement of stakeholders; the principles for design of an MPA network; principles for the identification of sites and also the conservation objectives and management of the selected sites.

The recommendations were based around the seven design principles laid out in the Ecological Network Guidance (ENG):

- Representativity
- Replication
- Adequacy
- Viability
- Connectivity
- Protection
- Best available evidence

Offshore Brighton MCZ is included in the MPA network for its contribution to the conservation of the broad-scale habitats of Subtidal coarse sediment (EUNIS habitat type A5.1), Subtidal mixed sediments (EUNIS habitat type A5.4) and High energy circalittoral rock (EUNIS habitat type A4.1).

5.4. Conservation objectives

Conservation objectives set out the desired state for the protected feature(s) of an MPA. To achieve the conservation objectives a general approach to management for each designated feature has been set by JNCC based on current knowledge of condition.

The GMAs for the protected features of the MCZ are:

- **Subtidal coarse sediments** – Recover to favourable condition
- **Subtidal mixed sediments** – Recover to favourable condition
- **High energy circalittoral rock** – Recover to favourable condition

6. Basis for the spatial extent of the site boundary clearly justified in terms of conservation objectives

The location and shape (a large rectangle) of the Offshore Brighton MCZ site was chosen to capture the desired broadscale habitats described above. However, given the wide distribution of these features in the wider region, it was possible through discussions at the Balanced Seas Regional Group stakeholder meetings, to design the boundaries so that socio-economic impact to both UK and French fishing fleets was reduced.

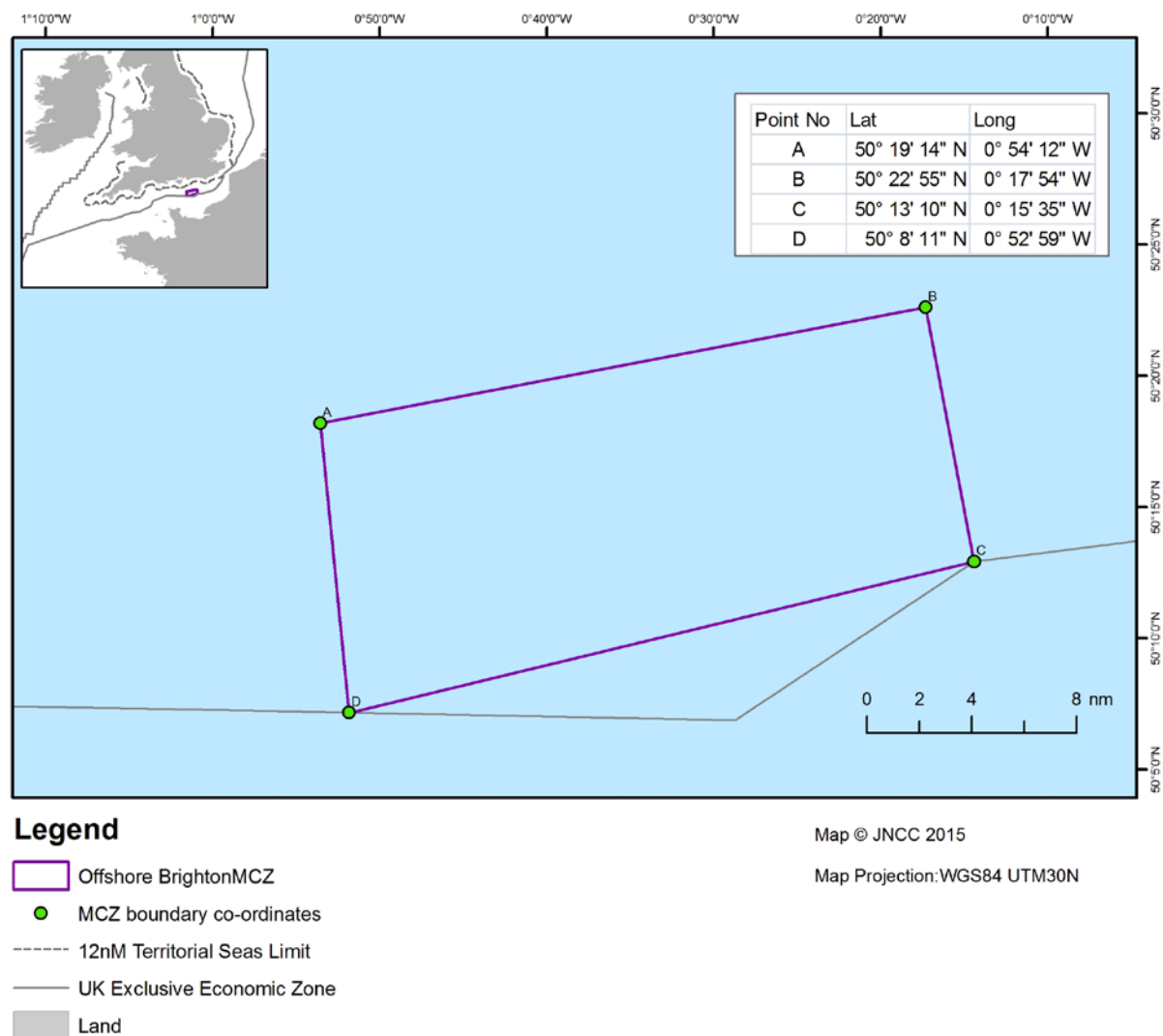


Figure 3: Site boundary for Offshore Brighton MCZ (coordinates rounded to nearest second)

7. Threats to the long-term natural distribution, structure and functions of the habitats and the long-term survival of associated species from different types of fishing gear. List of other human activities in the area that could damage the habitats

7.4. All demersal towed gears (including scallop dredges, beam trawls, otter trawls and seines)

It is unlikely that demersal towed gears can affect the long-term natural distribution of Subtidal coarse sediment, Subtidal mixed sediment and High energy circalittoral rock. However, there is evidence to indicate that their use can impact the structure and function of the habitats and the long term survival of their associated species.

The use of towed fishing gears is likely to cause damage or death of fragile, erect species, such as sponges (Løkkeborg 2005, Engel & Kvitek, 1998), and reduce habitat complexity as boulders and cobbles associated with the hard substrate are moved around (Freese et al. 1999). Other species such as hydroids, anemones, bryozoans, tunicates and echinoderms may also be vulnerable (McConnaughey et al. 2000, Sewell and Hiscock 2005). Where fragile, slow growing species occur, even low levels of fishing have the potential to change the structure and function of the habitats and may result in the loss of some characteristic species.

The broad scale habitat Subtidal coarse sediment includes sub-habitats with a wide range of sensitivities to trawling. Communities on unstable coarse sediments are considered to contain relatively robust fauna which are likely to be at a lower risk from impacts of surface abrasion (Hall et al 2008). More stable gravels may support a 'turf' of fragile species which are more likely to be impacted by mobile bottom contacting gears and recover slowly (Collie et al 2005, Foden et al 2010). Trawling may result in a modified benthic community with reduced abundance of fragile long lived species. Recovery time from dredging is likely to be longer than from trawling (Foden et al 2010).

The broad scale habitat Subtidal mixed sediments covers a wide range of different types of sediment from muddy, gravely sands to mosaics of cobbles and pebbles in or on a sand, gravel or mud seabed. Areas of mixed sediments may also include instances where waves or ribbons of sand form on the surface of a gravel bed (Anon, 2010). These different habitats can be expected to vary greatly in their sensitivity to fishing impacts (Roberts et al. 2010). However, as there are very few studies that directly evaluate fishing impacts on subtidal mixed sediments it is not possible to give general advice for this broad scale habitat. In the absence of specific advice, a reasonable proxy may be to consider the advice given for other, similar constituent habitats, outlined in the information above.

As with demersal trawls and dredges, demersal seines may impact the structure and function of sedimentary habitats and the long term survival of their associated species. However, demersal seines (Danish and Scottish seines) lack the heavy penetrating gear components of other mobile demersal gears, such as otter doors and trawl shoes (Suuronen et al. 2012; Donaldson et al. 2010), so the risk of impact to sedimentary features may be lower. The risk to achievement of the conservation objectives posed by demersal seining would need to be considered on a site by site basis.

7.5. All demersal static gears (including gillnets, trammel nets, longlines, pots and traps)

As with mobile gears, demersal static gears are highly unlikely to have a significant effect on the long-term natural distribution of the High energy circalittoral rock feature. However, due to the mechanical impacts of static gear (e.g. weights and anchors hitting the seabed, hauling gear over seabed, rubbing/entangling effects of ropes) there is a risk of impact on the structure and function of associated communities (Eno et al.1996). While some species appear to be resilient to individual fishing operations, the effects of high fishing intensity are unknown (Eno et al. 2001). Where impacts have occurred, recovery is likely to be slow (Foden *et al.*, 2010) resulting in significant reduction or even loss of characteristic species. Although the individual impact of a single fishing operation may be slight, the cumulative impacts may be significant (Eno et al. 2001; Foden et al. 2010; Roberts et al. 2010).

By contrast, it is unlikely that demersal static gears will have a significant effect on the long-term natural distribution of Subtidal coarse or mixed sediments, or on the structure and function of their associated biological communities.

7.6. Other Human activities

The information within this section represents current knowledge of the nature and extent of activities taking place within or close to the site.

Two cables cross the site located in the north-west corner and through the centre of the site. Due to the site's location in the English Channel, shipping activity is high. There are two major shipping routes which cross the MCZ, along with multiple RYA cruiser routes and passenger ferry routes passing through the site from Southampton and Portsmouth.

Under international law, ships have a right of passage at sea including in areas designated as MPAs (unless management specifies the restriction of ship transiting as outlined through an International Maritime Organisation measure). The pressures associated with shipping activity within Offshore Brighton MCZ are not considered likely to impact the protected features of the site. The MCZ is located in a military practise area with some restrictions in operation. Activities include acoustic trials with towed sonar equipment. The MoD have incorporated all designated MPAs into their Environmental Protection Guidelines (Maritime) and wider Marine Environmental and Sustainability Assessment Tool. These guidelines are used to manage MOD activity to minimise the associated risks to the environment. Sailing boats and recreational motor boats also utilise the site.

8. Fleet activity in the area and in the region, distribution of fleets (by nation, gear, and species), and information on target and bycatch species over six years from 2010 to 2015 inclusive.

8.4. Validity of data

In the section below relevant fleet statistics for the years 2010-2015 are provided as requested by the European Commission guidance. The UK, as the initiating Member State, analysed fishing from

Member States active in the Offshore Brighton MCZ over a six year period. This approach is consistent with other management proposal methodology across Member States. A four year dataset is considered to be representative of the contemporary fisheries carries out in the area and thus valid for the purpose of underpinning the current proposal.

Overall, fisheries have been changing since the early 2000s as a result of changes in economic and regulatory conditions, e.g. fuel prices and engine efficiencies, the introduction of individual transferable quota (ITQ) systems⁶ in various forms. Fishing fleets have been reduced in terms of the number of vessels and fishing effort has decreased. Fishing opportunities are dictated by stock status, market conditions, fuel prices and technological opportunities, as well as quota availability. In addition, policy decisions on alternative use of marine habitat, sustainable exploration and environmental policies will influence fishing opportunities.

The fisheries are dynamic and sound judgement is required when using the data. However, more recent datasets are expected to improve our understanding of the structure of fisheries.

Vessels from six Member States including the UK have been present within the relevant area according to VMS reports or “pings”. However, French vessels routinely report every hour and not every two hours like many other Member States’ vessels. The data concerning the number of French vessels will be accurate but their activity through pings may appear distorted. To maintain consistency across all vessels and Member States’ data, the information on French vessels has been displayed as it was received into the MMO Fisheries Monitoring Centre (FMC); therefore it has not been altered to reflect possible one hour vessel pings as this could alter the validity of the data further. To establish which vessels specifically report at a higher level would require additional processing and information.

To note, unknown gear classification relates to a specific VMS report which does not have valid corresponding log book information.

8.4.1. Data analysis

Data presented has been analysed by applying the standard methodology used to identify whether or not vessels have been active in a specified spatial area. VMS reports (“pings”) were used to indicate vessel fishing activity based on the speed of the vessel as contained in the VMS report. Each ping was classified as indicative of fishing activity if the speed was greater than or equal to zero knots and less than or equal to six knots⁷.

⁶ Individual transferable quotas (ITQs) are a type of catch share system, which is a tool used by some governments to manage fisheries

⁷ Article 50 of Council Regulation (EC) No 1224/2009 : <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:343:0001:0050:EN:PDF>

Each speed filtered VMS ping (0-6 knots) received from a vessel in ICES statistical rectangle 29E9 (the ICES rectangle location of the site) has been extracted from the UK VMS system. Each ping will hold the following information: the vessel identity (CFR) number; position and speed; and the date and time of that ping. These fishing pings from the rectangles concerned are then processed in GIS software to identify whether the position was inside or outside Offshore Brighton MCZ or the proposed management areas. This provides a proportion of pings falling within the area for the vessels of each Member State.

8.4.2. Data limitations

The data provided in this section is subject to several limitations:

1. Data is only available from vessels that are required to carry EU VMS systems (i.e. vessels 12 metres and above in length). As such their pattern of activity may differ from vessels of less than 12 metres in length.
2. Vessel numbers derived from VMS can suggest increase over the years analysed, however it is important to note that during this period VMS was introduced to the 12m and above fleet, in addition to the 15m and above fleet.
3. Unless stated otherwise, all data shown is over a six year period 2010- 2015.
4. The speed thresholds (0-6 knots) used to make assumptions as to whether a vessel is fishing or not only provide indications, not definitive proof of fishing and may not be equally valid for all gear types.
5. The proportion of activity inside the site is based on the number of pings as opposed to actual fishing time.
6. VMS reports are sent by every fishing vessel at 2 hourly intervals, with the exception of the French VMS activity. This was witnessed at an hourly rate.
7. Germany reported to the UK low management interests in the respective UK sites. Therefore no landing information has been supplied to the UK.
8. VMS information from 2010 indicates very high reports from French vessels. On closer analysis it appears that several French vessels were reporting at a much higher rate than hourly intervals. It appears that some vessels may have had faulty VMS on board and had over-reported. These reports are still included in the data presented.

8.5. Fleet activity by state

From 2010 to 2015 vessels from five Member States (in addition to the UK) were active within and around the Offshore Brighton MCZ (see table 1). Of these, the most significant activity was from French, UK and Dutch fleets.

Table 1: Number of vessels and pings (0-6knots) associated with the Offshore Brighton MCZ by year and Member State.

Nationality		2010	2011	2012	2013	2014	2015
		Total	Total	Total	Total	Total	Total
Belgium	Number of vessels	9	9	4	5	12	10
	Number of pings	55	36	19	42	47	55
Denmark	Number of vessels	1	0	0	1	1	0
	Number of pings	1	0	0	8	10	0
Faroese	Number of vessels	0	0	0	0	0	1
	Number of pings	0	0	0	0	0	3
France*	Number of vessels	110	108	89	115	77	83
	Number of pings	5498	3673	2910	3469	2073	3766
Germany	Number of vessels	2	2	3	2	1	3
	Number of pings	8	14	50	4	13	6
Ireland	Number of vessels	6	1	0	0	0	0
	Number of pings	9	6	0	0	0	0
Lithuania	Number of vessels	2	0	0	1	2	2
	Number of pings	3	0	0	2	3	3
Netherlands	Number of vessels	19	20	20	19	7	12
	Number of pings	156	175	263	130	18	92
UK	Number of vessels	34	36	41	33	24	23
	Number of pings	223	269	292	254	192	143

* See limitation point 8.

8.6. Landings values

As shown in Tables 2.1 and 2.2 the gear groups of major importance in terms of effort (tonnage) and economic importance (value) include (1) Beam Trawls directed at demersal fish (flatfish), (2) Otter

board bottom trawls for demersal fish, (3) otter board bottom trawls for demersal and semi pelagic fish. Fishing for these species occurs in the Southern Irish Sea, Celtic Sea and North East Atlantic.

Table 2: Vessel size and gear type for vessels operating in ICES rectangle 29E9 by year and Member State showing effort (tonnage caught)

Sum of tonnes (29E9)		YEAR						
Nationality	GEAR	2010	2011	2012	2013	2014	2015	Grand Total
BEL	Beam trawl	909.80	854.95	568.42	700.13	1,245.95	1,048.81	5,328.06
	Bottom trawls	0.00	0.00	11.95	0.53	0.65	0.33	13.46
	Dredge	2.08	24.63	16.20	40.88	86.84	110.20	280.82
	Fly shooting seine	86.77	90.75	76.36	95.43	50.76	75.34	475.40
	Nets	0.82	0.00	0.00	0.00	0.00	0.00	0.82
BEL Total		999.46	970.32	672.94	836.97	1,384.19	1,234.68	6,098.56
DNK	Otter Trawl midwater	0.00	0.00	499.90	170.60	369.30	98.00	1,137.80
DNK Total		0.00	0.00	499.90	170.60	369.30	98.00	1,137.80
FRA	Scallop Dredge	253.56	1,264.73	1,023.74	505.23	591.49	622.58	4,261.33
	Pots	0.00	1.33	0.86	0.00	0.00	2.50	4.69
	Gill nets (not specified)	0.64	0.00	0.00	0.00	0.00	0.00	0.64
	Trammel Nets	0.02	0.64	0.00	0.00	0.00	0.00	0.66
	Long Lines	1.59	0.05	5.38	4.21	0.00	3.01	14.24
	Otter Trawl bottom	3,565.55	1,963.69	2,070.49	2,137.79	1,616.01	1,747.16	13,100.70
	Otter Trawl midwater	1,600.57	2,262.72	2,296.05	748.33	918.62	1,470.32	9,296.62
	Otter Trawl twin	0.00	0.04	0.00	0.24	0.00	0.04	0.31
	Pair trawl bottom	0.34	1.39	0.64	5.74	0.03	0.37	8.52
	Pair trawl midwater	289.88	72.72	112.65	203.96	30.89	66.21	776.31
	Dutch Seine	204.62	57.53	83.07	37.32	30.30	136.67	549.51
	Scottish Seine	0.12	0.00	0.19	0.00	0.00	0.00	0.31
	Beam trawl	0.80	1.59	0.24	0.03	1.19	1.51	5.38
FRA Total		5,917.70	5,626.43	5,593.32	3,642.86	3,188.54	4,050.39	28,019.23
IRL	Dredge	0.00	4.79	0.00	5.36	95.15	0.16	105.47
IRL Total		0.00	4.79	0.00	5.36	95.15	0.16	105.47
NLD*	Handlines and polelines	14.82	0.84	5.08	0.00	0.00	0.00	20.74
	Otter Trawl bottom	8.65	0.87	0.00	0.00	0.98	0.00	10.50

	Otter Trawl midwater	7,090.62	11,007.09	7,595.64	2,589.58	2,274.64	9,569.93	40,127.49
	Otter Trawl twin	19.00	0.00	0.00	0.00	0.00	0.00	19.00
	Pair Trawl midwater	2,285.73	1,436.72	299.54	627.64	0.12	0.00	4,649.75
	Dutch Seine	50.32	52.26	93.16	59.43	0.00	0.00	255.18
	Scottish Seine	632.70	528.12	585.19	562.78	297.62	544.28	3,150.69
NLD Total		10,101.85	13,025.91	8,578.61	3,839.43	2,573.36	10,114.21	48,233.36
UK	Beam trawls	3.38	0.06	47.66	21.96	66.54	3.21	142.81
	Boat dredges	1,514.79	4,634.81	1,343.78	854.78	1,178.90	358.19	9,885.25
	Driftnets	0.00	0.00	0.00	0.00	0.00	0.42	0.42
	Gillnets (all)	4.21	0.00	0.03	3.32	0.00	0.00	7.55
	Hand lines and pole-lines (hand-operated)	0.00	0.00	0.00	0.00	0.00	0.06	0.06
	Hooks and lines (not specified)	2.41	0.49	0.53	0.08	0.18	0.00	3.69
	Longlines (not specified)	0.00	0.19	0.00	0.00	0.00	0.00	0.19
	Otter trawls (Bottom and not specified)	1.73	1,513.15	0.11	4.80	0.27	0.14	1,520.20
	Otter trawls – mid water	248.16	0.00	2,643.29	966.41	0.00	1,038.72	4,896.59
	Pair trawls – mid water	344.75	773.69	72.11	1,148.09	763.69	735.89	3,838.23
	Pots	0.74	1.03	0.00	0.68	0.00	148.10	150.56
	Scottish seines	332.54	137.79	185.25	205.93	188.25	267.47	1,317.23
	Trammel nets	0.68	0.07	0.00	0.00	0.00	0.00	0.75
UK Total		2,453.40	7,061.29	4,292.76	3,206.05	2,197.83	2,552.20	21,763.53
Grand Total		19,472.41	26,688.73	19,637.52	11,701.28	9,808.37	18,049.63	105,357.95

NLD* Revised data

Please note Germany reported to the UK low management interests in the respective UK sites. Therefore no landing information has been supplied to the UK.

Table 3: Vessel size and gear type for vessels operating in ICES rectangle 29E9 by year and Member State showing landing values

Sum of Value (£)		YEAR						
Nationality	GEAR	2010	2011	2012	2013	2014	2015	Grand Total
BEL	Beam trawl	£2,290,030	£2,237,540	£1,623,358	£1,753,249	£3,007,484	£2,339,202	£13,250,862
	Bottom trawls	£0	£0	£22,064	£4,086	£3,886	£3,204	£33,240
	Dredge	£2,065	£38,140	£28,604	£78,912	£158,784	£198,657	£505,162
	Fly shooting seine	£151,911	£173,205	£152,910	£134,340	£78,294	£142,384	£833,043
	Nets	£3,196	£0	£0	£0	£0	£0	£3,196
BEL Total		£2,447,201	£2,448,885	£1,826,936	£1,970,588	£3,248,447	£2,683,447	£14,625,503
DNK	Otter Trawl midwater	£0	£0	£422,171	£133,833	£231,647	£61,232	£848,882
DNK Total		£0	£0	£422,171	£133,833	£231,647	£61,232	£848,882
FRA	Scallop dredge	£390,388	£2,260,343	£1,806,034	£866,091	£1,063,658	£1,424,236	£7,810,751
	Pots	£0	£2,576	£1,731	£0	£0	£2,240	£6,547
	Gill nets (not specified)	£1,045	£0	£0	£0	£0	£0	£1,045
	Trammel nets	£38	£985	£0	£0	£0	£0	£1,023
	Long Lines	£1,758	£144	£6,379	£4,817	£0	£2,601	£15,699
	Otter Trawl bottom	£5,136,450	£2,797,020	£3,112,604	£3,023,830	£2,049,961	£2,790,401	£18,910,266
	Otter Trawl midwater	£604,574	£710,933	£717,198	£326,956	£362,349	£518,516	£3,240,526
	Otter Trawl twin	£0	£26	£0	£361	£0	£91	£478
	Pair trawl bottom	£1,431	£2,563	£2,316	£8,279	£12	£352	£14,951
	Pair trawl midwater	£512,182	£225,585	£218,077	£563,216	£61,853	£117,416	£1,698,330
	Dutch Seine	£304,628	£70,577	£121,089	£49,022	£44,245	£231,203	£820,764
	Scottish Seine	£202	£0	£628	£0	£0	£0	£830
	Beam Trawl	£2,050	£3,391	£692	£111	£1,672	£1,862	£9,777
FRA Total		£6,954,745	£6,074,142	£5,986,749	£4,842,682	£3,583,750	£5,088,918	£32,530,986
IRL	Dredge	£0	£29,206	£0	£13,791	£168,336	£522	£211,855
IRL Total		£0	£29,206	£0	£13,791	£168,336	£522	£211,855
NLD*	Handlines and polelines	£27,416	£1,806	£3,462	£0	£0	£0	£32,683
	Otter Trawl bottom	£9,671	£762	£0	£0	£777	£0	£11,210

	Otter Trawl midwater	£2,411,714	£5,019,139	£2,740,682	£731,318	£690,405	£2,397,895	£13,991,153
	Otter Trawl pair	£22,734	£0	£0	£0	£0	£0	£22,734
	Pair Trawl midwater	£830,206	£1,006,157	£197,896	£193,295	£843	£0	£2,228,397
	Dutch Seine	£102,228	£100,565	£140,172	£62,579	£0	£0	£405,544
	Scottish Seine	£1,124,485	£966,476	£878,952	£653,204	£463,710	£1,049,555	£5,136,382
NLD Total		£4,528,454	£7,094,905	£3,961,163	£1,640,397	£1,155,735	£3,447,451	£21,828,104
UK	Beam trawls	£20,581	£521	£111,555	£42,007	£180,143	£7,891	£362,699
	Boat dredges	£2,208,281	£8,280,009	£1,996,702	£1,419,287	£2,111,800	£699,758	£16,715,836
	Driftnets	£0	£0	£0	£0	£0	£2,279	£2,279
	Gillnets (all)	£28,713	£0	£198	£3,888	£0	£0	£32,799
	Hand lines and pole-lines (hand-operated)	£0	£0	£0	£0	£0	£914	£914
	Hooks and lines (not specified)	£21,977	£4,349	£3,468	£242	£1,815	£0	£31,851
	Longlines (not specified)	£0	£1,277	£0	£0	£0	£0	£1,277
	Otter trawls (Bottom and not specified)	£8,790	£1,063,937	£827	£13,804	£2,148	£498	£1,090,003
	Otter trawls – mid water	£173,710	£0	£409,341	£251,835	£0	£333,350	£1,168,237
	Pair trawls – mid water	£95,636	£212,775	£19,831	£316,837	£252,356	£263,791	£1,161,225
	Pots	£2,110	£1,761	£0	£2,660	£0	£139,755	£146,286
	Scottish seines	£758,269	£302,739	£552,879	£370,819	£342,083	£663,744	£2,990,532
	Trammel nets	£1,833	£466	£0	£0	£0	£0	£2,299
UK Total		£3,319,898	£9,867,835	£3,094,801	£2,421,378	£2,890,345	£2,111,978	£23,706,236
Grand Total		£17,250,297	£25,514,973	£15,291,820	£11,022,668	£11,278,261	£13,393,547	£93,751,567

NLD* Revised data

Please note Germany reported to the UK low management interests in the respective UK sites. Therefore no landing information has been supplied to the UK.

8.7. Annual variation in fishing activity

VMS Activity

Fishing effort is indicated by the number of VMS reports (pings) at speeds indicative of fishing (from 0 to 6 knots) received by the UK Fisheries Monitoring Centre. Reports are sent by every fishing vessel at two hourly intervals. Over the years analysed (2010-2015), the total volume of vessels fishing in the Offshore Brighton MCZ from other Member States is 759 and 191 from the UK, making a total of 950. However vessels have been counted more than once if they enter the MCZ in separate years. See Table 1.

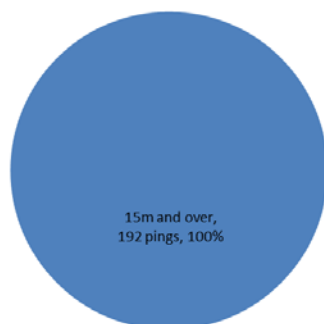
Belgian VMS activity suggests a gradual increase in vessel numbers in recent years, from just 4 in 2012 to 10 in 2015. However the numbers of VMS pings are generally consistent (with the exception of 2012) and average around 47 pings a year. The Belgian activity is primarily on the eastern side of the MCZ, generated through activity occurring east to the site in advance of ending in the area. Most of the pings in site lie within the proposed closure to demersal dredges and trawls.

Dutch VMS activity suggests a decrease on vessels numbers in recent years, from a peak of 20 vessels in 2012, down to 12 in 2015. This mirrors the number of VMS pings, from a peak of 263 in 2012, down to 92 in 2015. 2014 had the lowest activity with 7 vessels and 18 pings in total. The Dutch activity is primarily on the eastern side of the MCZ, generated through activity occurring east to the site in advance of ending in the area. Most of the pings in site lie within the proposed closure to demersal dredges and trawls.

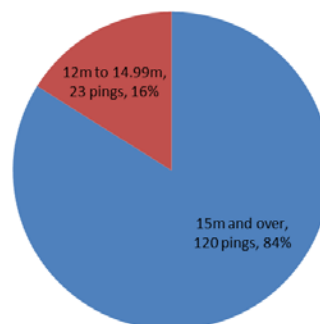
French VMS activity suggests a slight decrease on vessels numbers in recent years, from a peak of 115 vessels in 2013, down to 83 in 2015. However the VMS pings show a greater number in 2015 with 3766 pings compared to 2013 with 3469. This could be due to certain vessels over reporting data in certain periods or having a faulty VMS device at the time. Some of the VMS limitation has been captured in section 5.1.2. The French activity is spread across the majority of the site. Whilst some clear trawls lines that travel across the MCZ are not affected by the proposed closures, others are.

UK VMS activity suggests a gradual decrease in vessel numbers in recent years, from 41 in 2012 to 23 in 2015. This mirrors the number of VMS pings, from a peak of 292 in 2012, down to 143 in 2015. The introduction of VMS pings from the UK 12-15m fleet recorded in the MCZ made up 16% of the total UK VMS activity.

2014 UK VMS by vessel length



2015 UK VMS by vessel length



The location of the UK activity is primarily on the eastern side of the MCZ, generated through activity occurring east to the site in advance of ending in the area. Most of the pings in site lie within the proposed closure to demersal dredges and trawls.

Landings

Belgian Landings within ICES rectangle 29E9 has increased over recent years in terms of tonnes landed and value taken. The lowest year was in 2012 with 837 tonnes landed and an approximate value of £1.8million, compared to a peak in 2014 with 1,234 tonnes landed and an approximate value of £3.2million. This has predominately been generated through the beam trawling, but also through an increase of dredging activity in recent years. Landings from Fly shooting seines has remained fairly consistent during the years analysed (2010-2015).

Dutch Landings within ICES rectangle 29E9 had decreased over the recent years in terms of tonnes landed and value taken until 2015. In 2011 (peak year) there was 13,025 tonnes landed with an approximate value of £7million, this dropped to 2,573 tonnes in 2014 with an approximate value of £1.1million. However in 2015 the landings increase again with 10,114 tonnes caught mainly through a reduction of just two gear types (Mid water otter trawl (OTM) and Scottish seines (SSC)) being used. This brought the 2015 total value to £3.4million.

French Landings within ICES rectangle 29E9 had gradually decreased over the recent years in terms of tonnes landed and value taken until 2015. In 2010 (peak year) there was 5,917 tonnes landed with an approximate value of £4.5million, this decreased to 3,188 tonnes in 2014 with an approximate value of £3.5million. However in 2015 the landings increased with 4,050 tonnes and an approximate value of £5million. The gears types commonly used in this ICES rectangle are from Dredges (DRB), Bottom Otter trawling (OTB), Mid water Otter trawling (OTM) and to a lesser degree Seining (SDN).

UK Landings within ICES rectangle 29E9 has decreased over recent years in terms of tonnes landed and value taken. In 2011 (peak year) there was 7,061 tonnes landed with an approximate value of £9.8million, this decreased to 2,197 tonnes in 2014 with an approximate value of £2.8million. In 2015, although the landings gradually increase to 2,552 tonnes, the value caught is lower at £2.1million. The gears types commonly used in this ICES rectangle are from Mid water Otter and Pair trawling (OTM and PTM), Dredges (DRB) and to a lesser degree Seining (SSC). Potting has also been detailed in 2015 where previously not recorded, this resulted in 148 tonnes landed with an approximate value of £139,755. This is considered to have been generated through the UK 12-15m fleet.

Figure 4: VMS reports indicating all fishing activity from ICES rectangle 29E9 associated with Offshore Brighton MCZ 2010 by Nationality

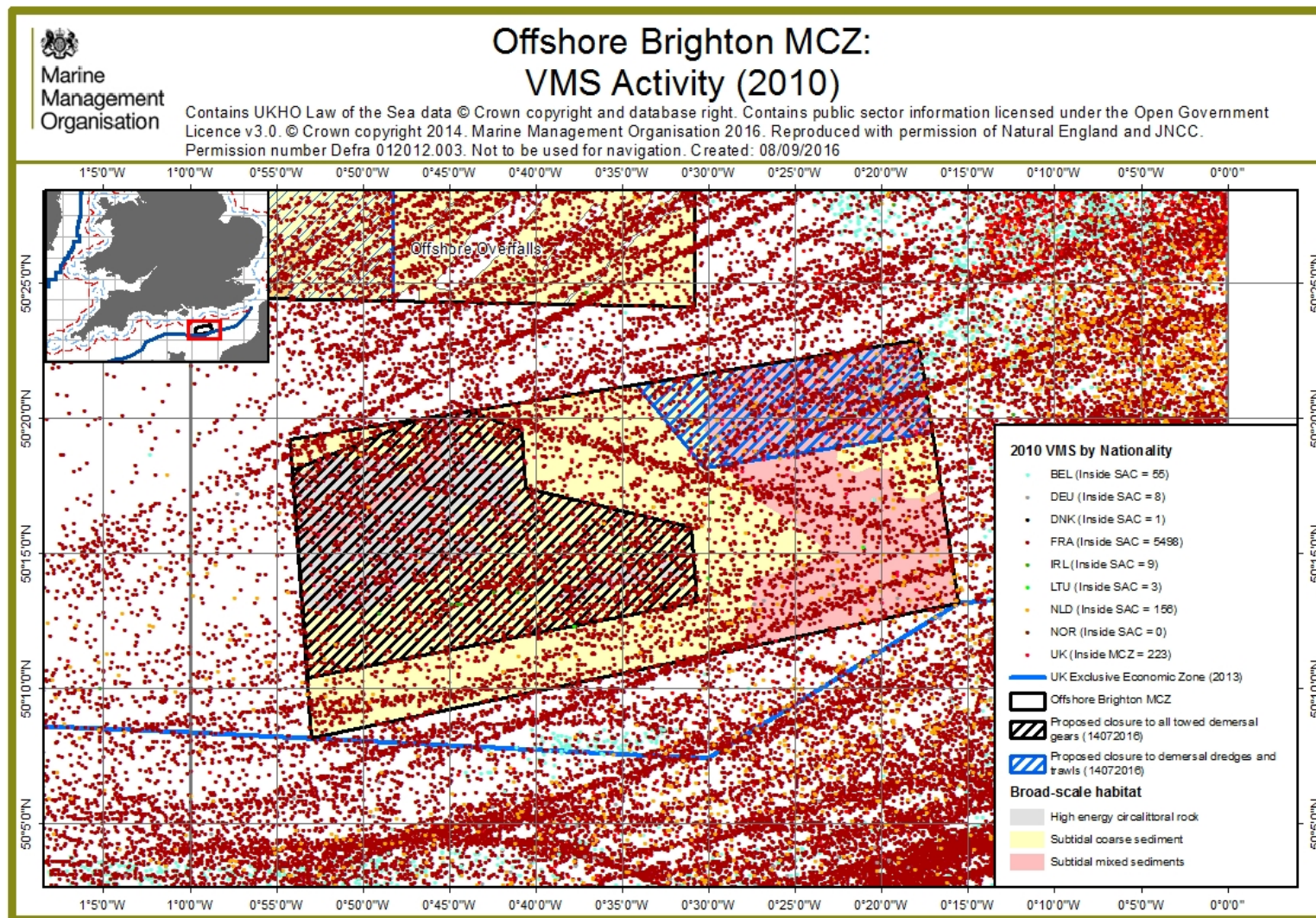


Figure 5: VMS reports indicating all fishing activity from ICES rectangle 29E9 associated with Offshore Brighton MCZ 2011 by Nationality

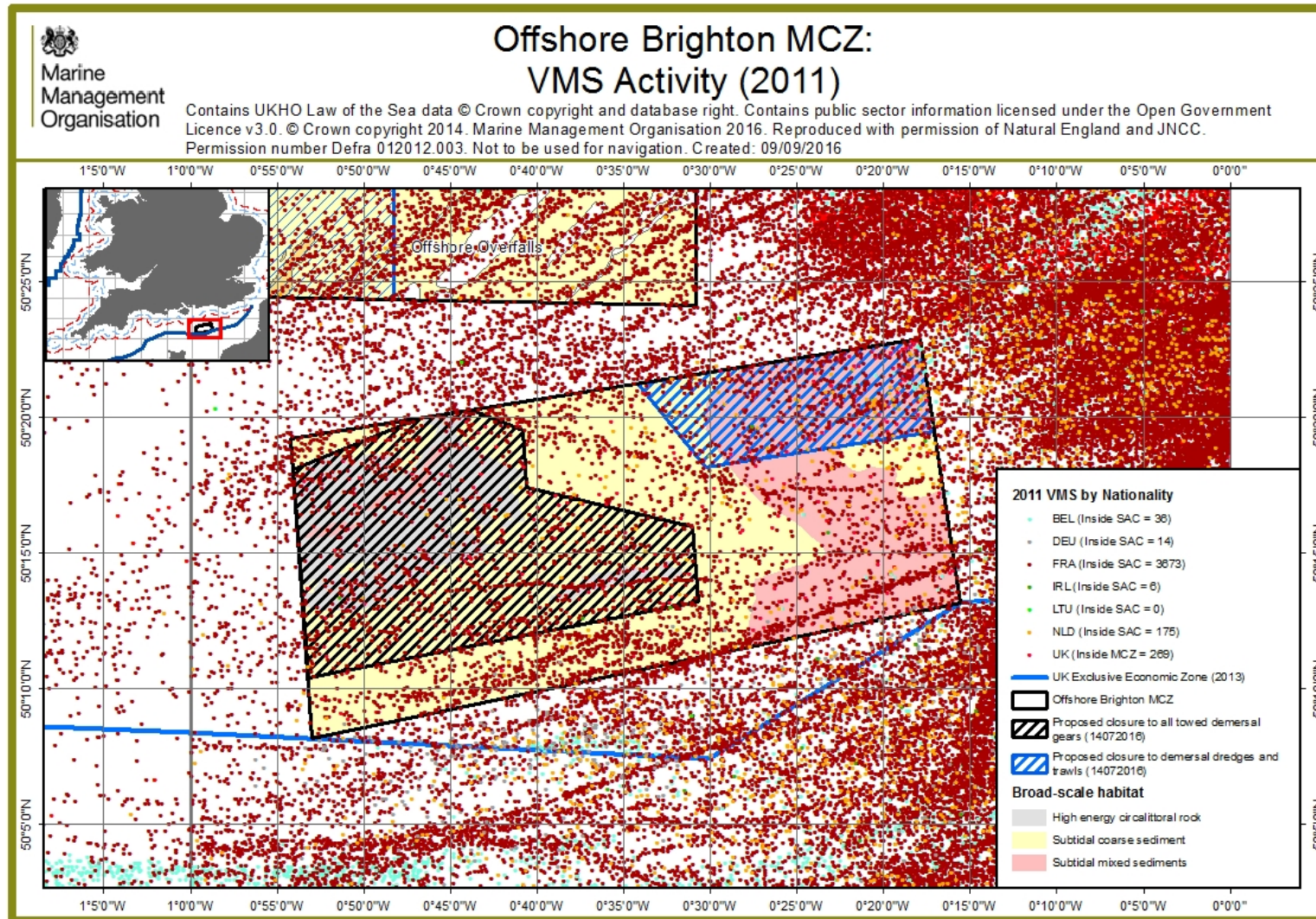


Figure 6: VMS reports indicating all fishing activity from ICES rectangle 29E9 associated with Offshore Brighton MCZ 2012 by Nationality

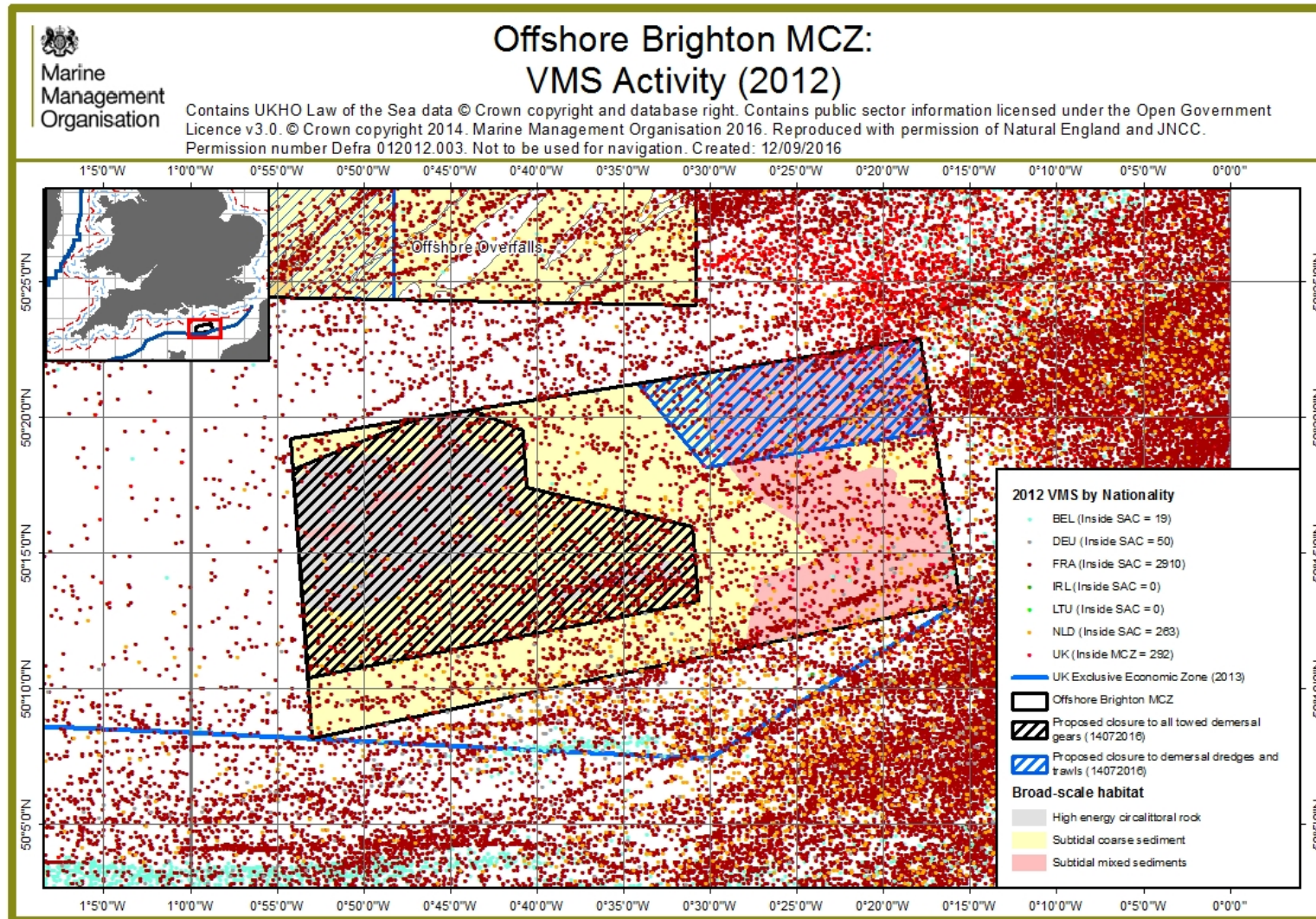


Figure 7: VMS reports indicating all fishing activity from ICES rectangle 29E9 associated with Offshore Brighton MCZ 2013 by Nationality

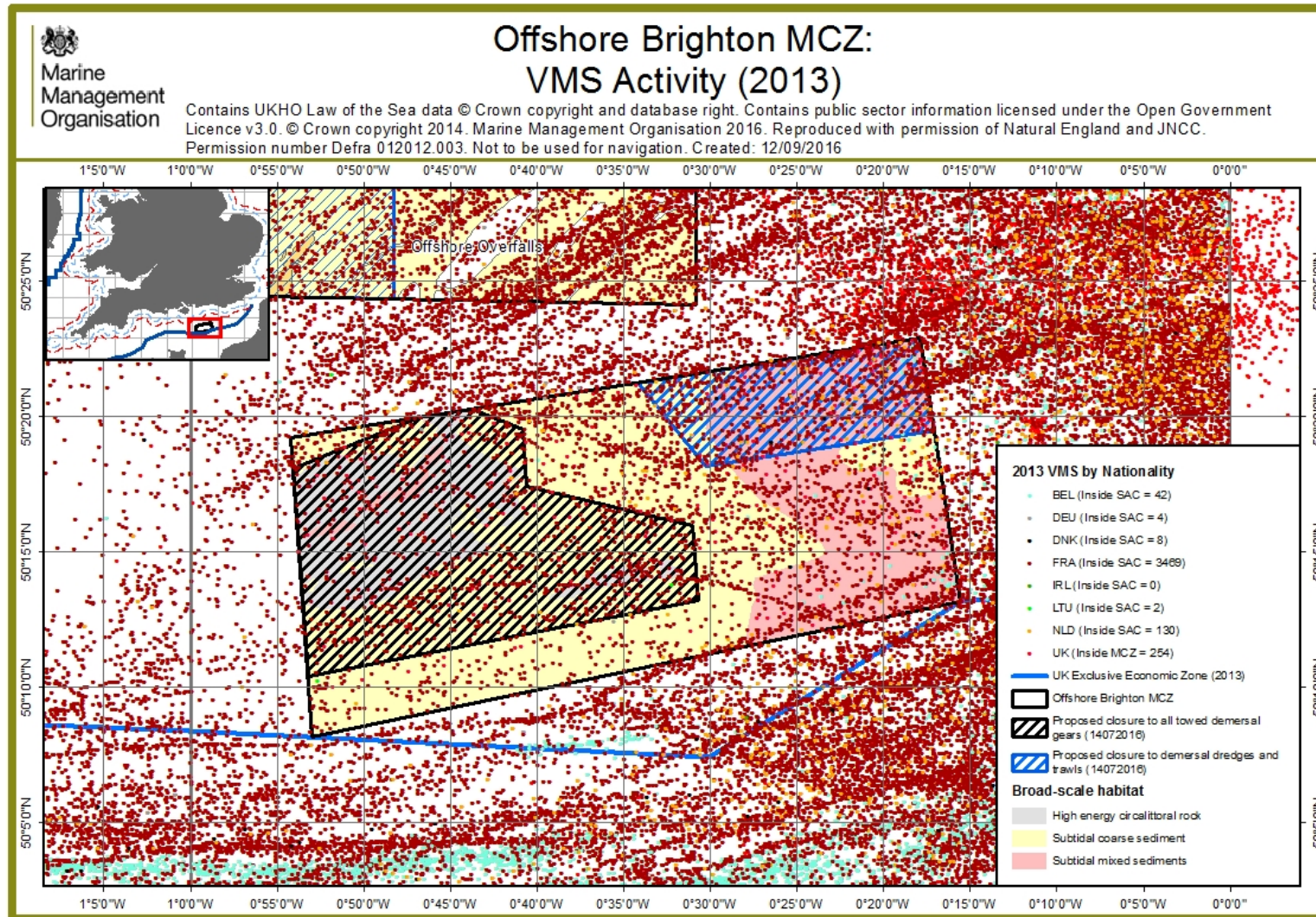


Figure 8: VMS reports indicating all fishing activity from ICES rectangle 29E9 associated with Offshore Brighton MCZ 2014 by Nationality

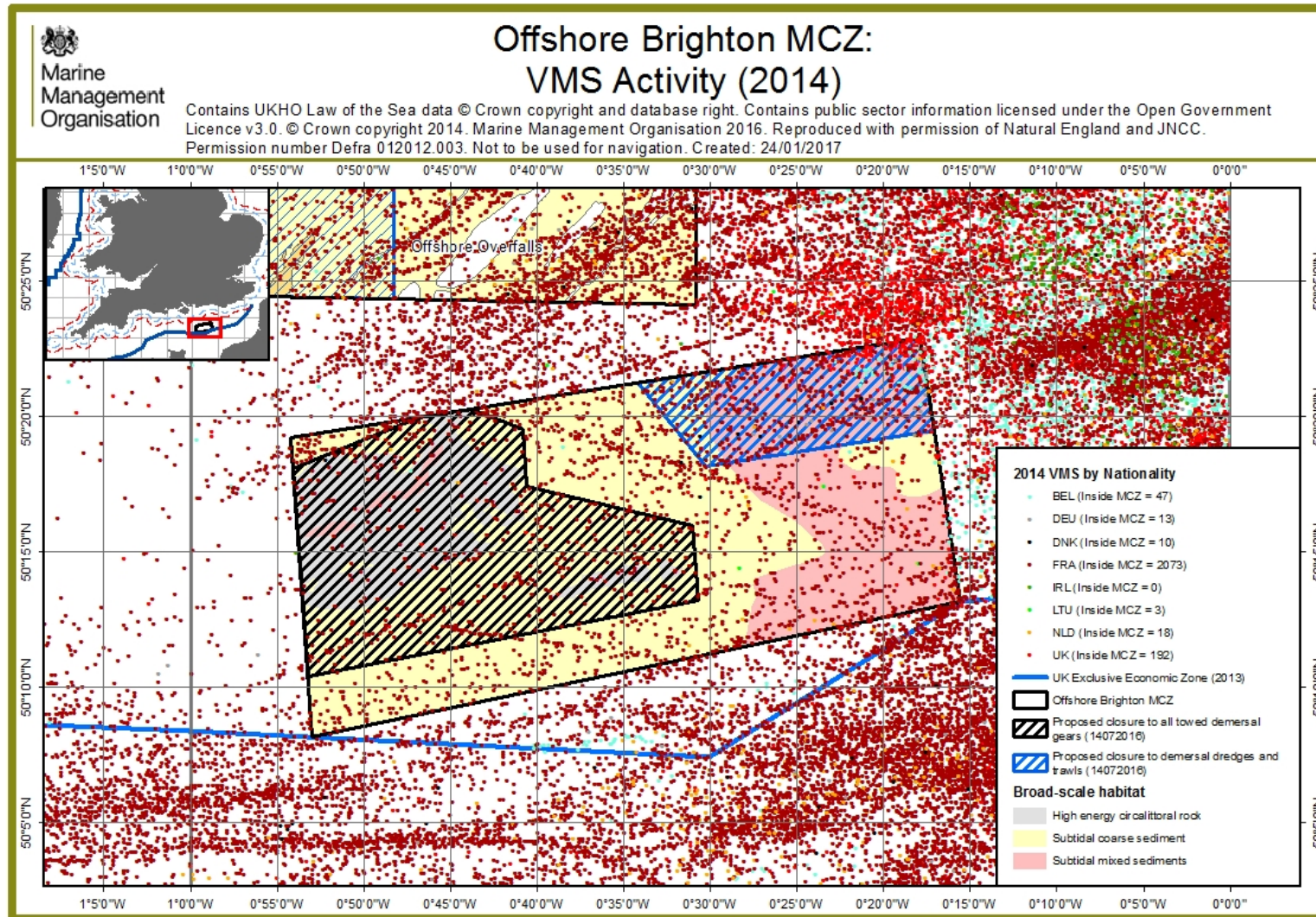
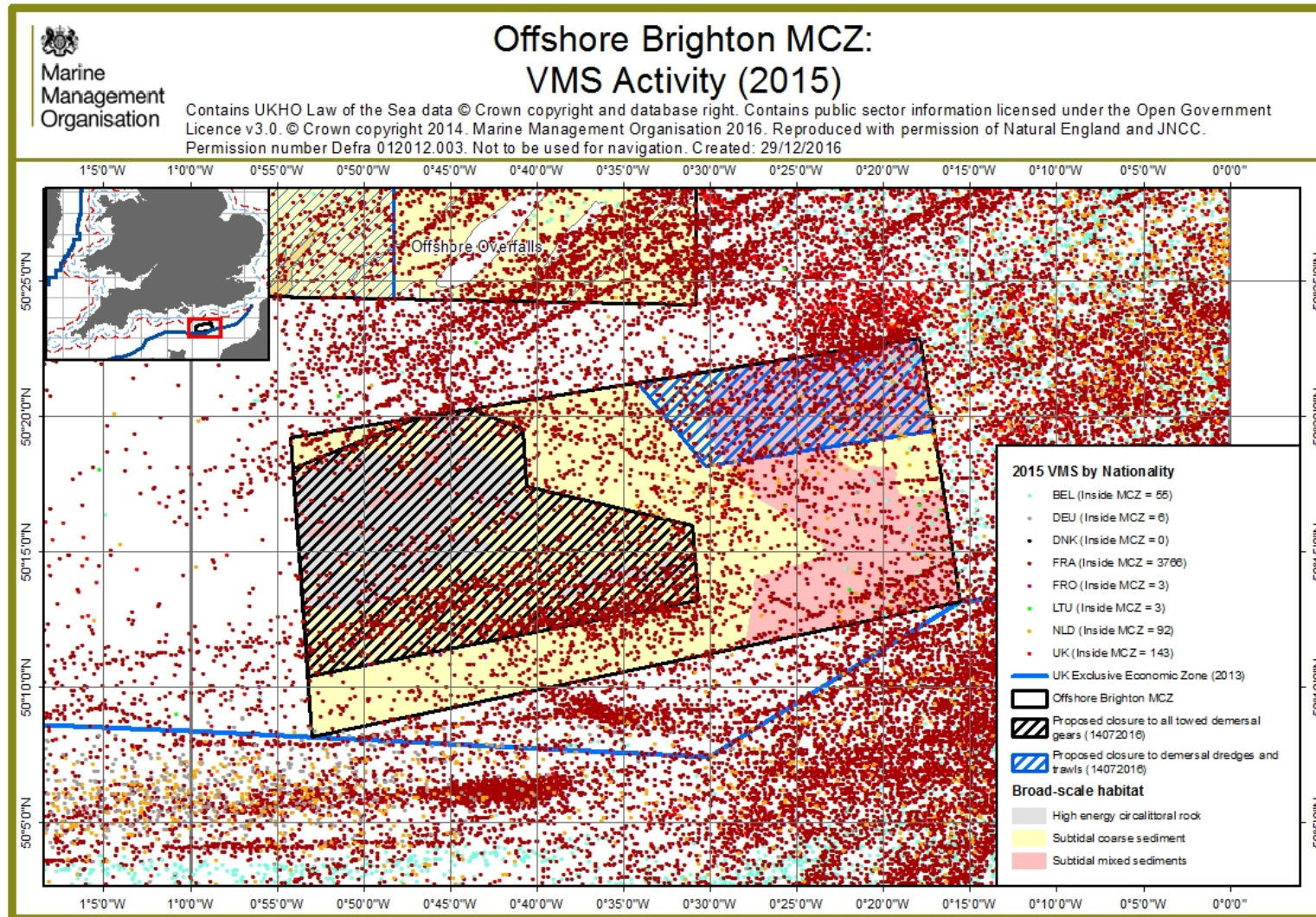


Figure 9: VMS reports indicating all fishing activity from ICES rectangle 29E9 associated with Offshore Brighton MCZ 2015 by Nationality



5.5 Fleet activity by gear group – Geographical distribution

In the charts depicted in Section 5.4, demersal towed gears, dredges and seines (in area 1) have been classed as all gear types which are to be excluded from the closed area(s) as stipulated in gear table 1. The charts show all demersal and non-demersal gear types for each year and each Member State and where possible, the specific gear type recorded has been included.

DRAFT

Figure 10: VMS reports indicating demersal towed fishing activity from ICES rectangle 29E9 associated with Offshore Brighton MCZ 2010

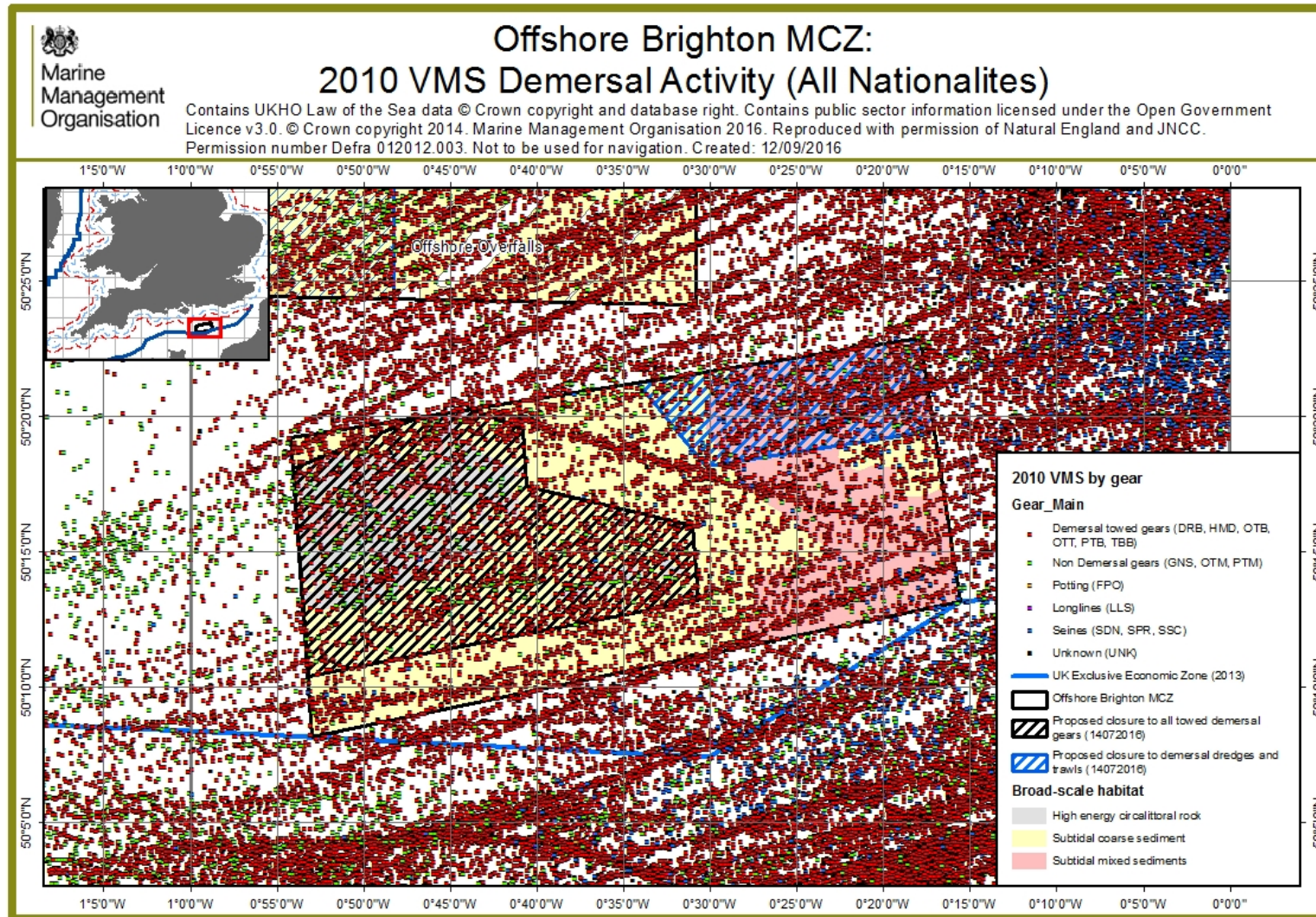


Figure 11: VMS reports indicating demersal towed fishing activity from ICES rectangle 29E9 associated with Offshore Brighton MCZ 2011

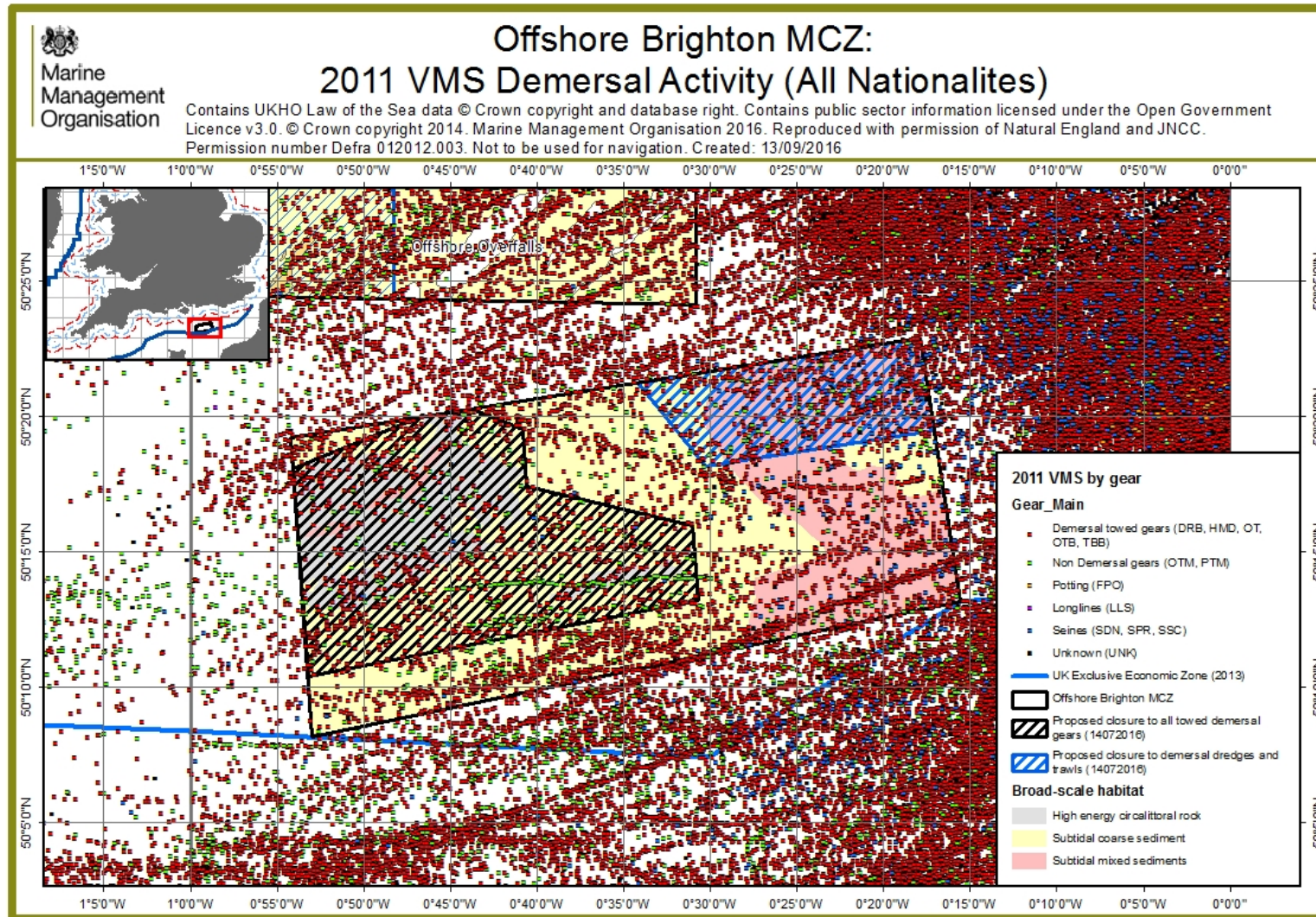


Figure 12: VMS reports indicating demersal towed fishing activity from ICES rectangle 29E9 associated with Offshore Brighton MCZ 2012

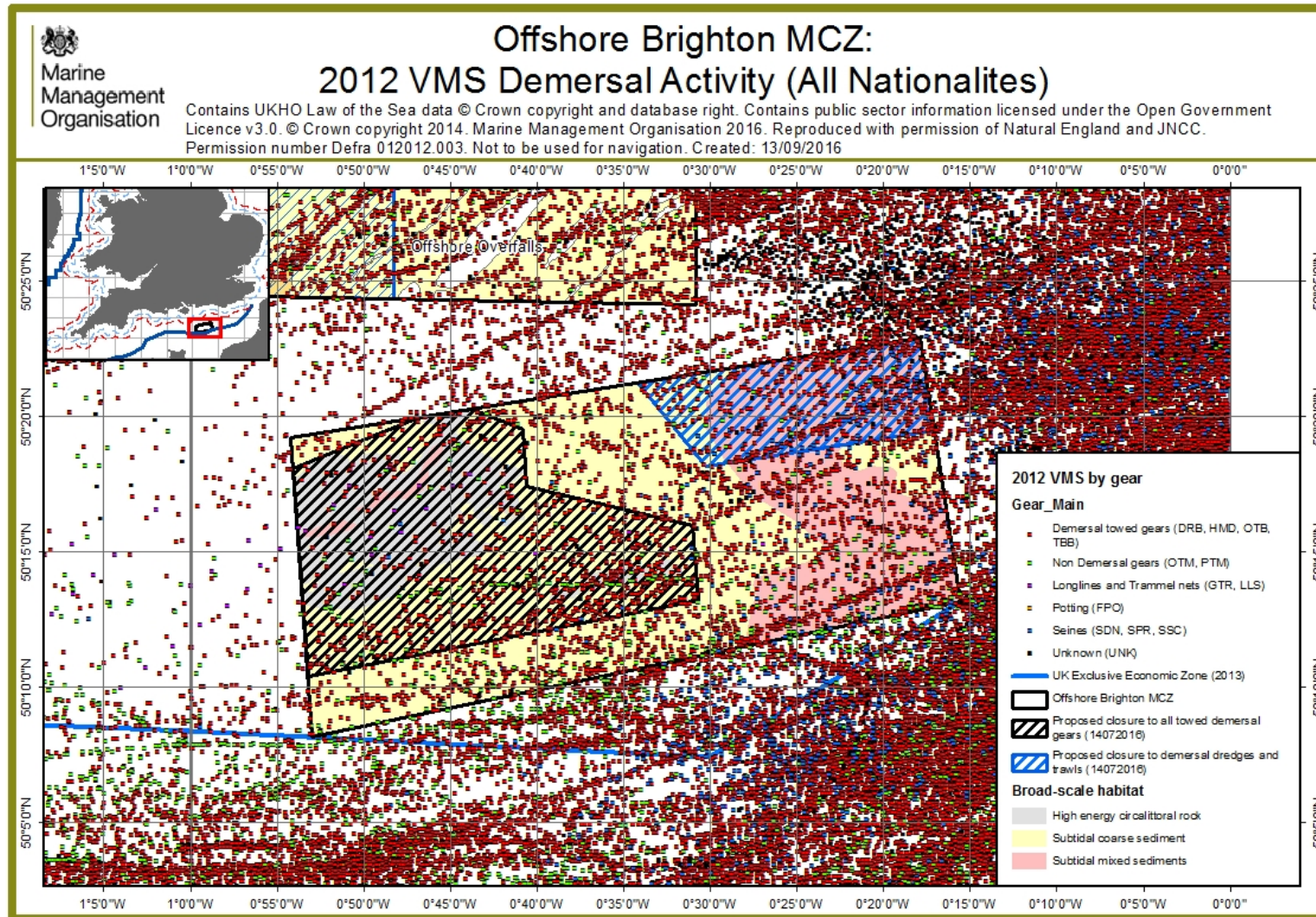


Figure 13: VMS reports indicating demersal towed fishing activity from ICES rectangle 29E9 associated with Offshore Brighton MCZ 2013

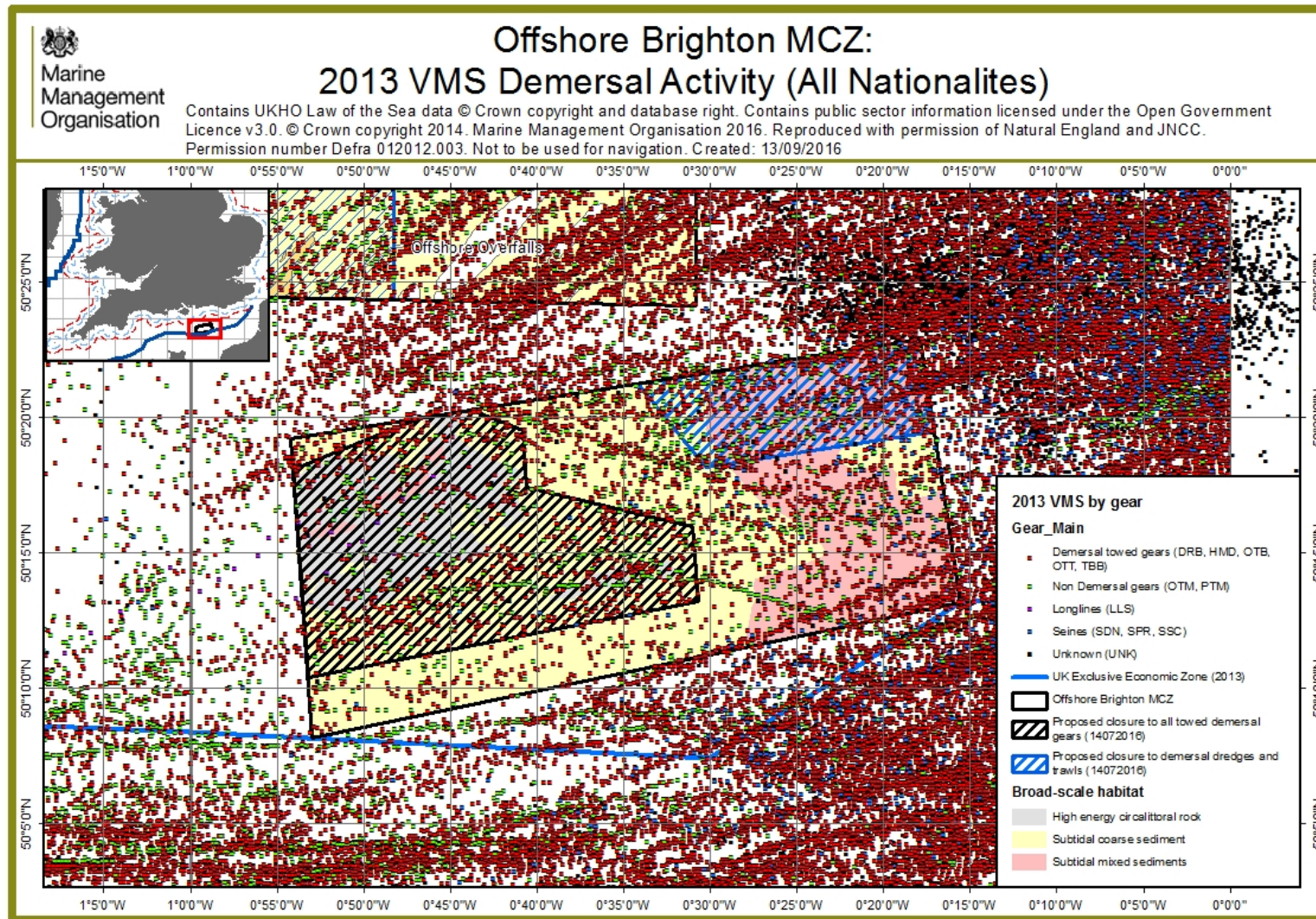


Figure 14: VMS reports indicating demersal towed fishing activity from ICES rectangle 29E9 associated with Offshore Brighton MCZ 2014

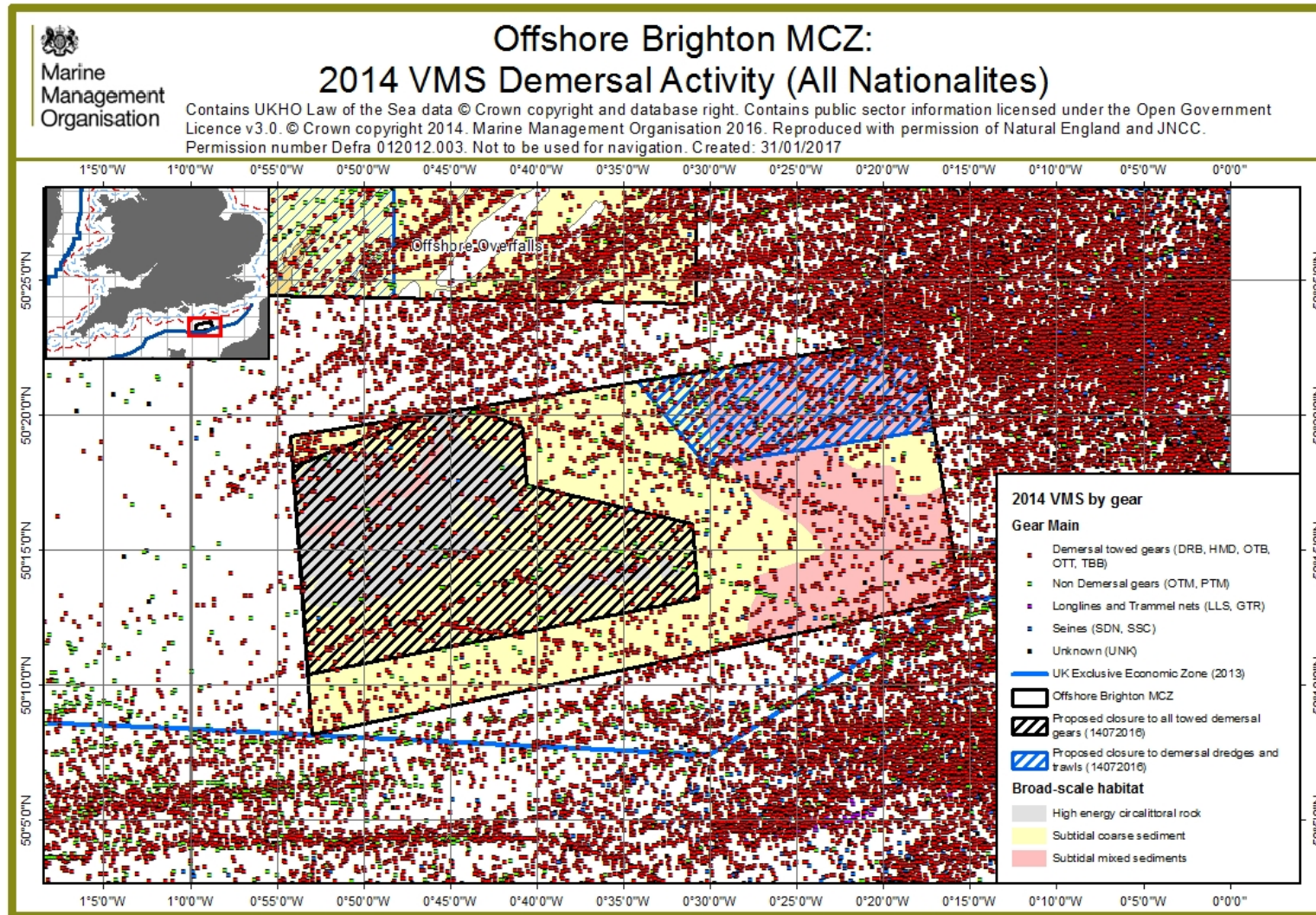
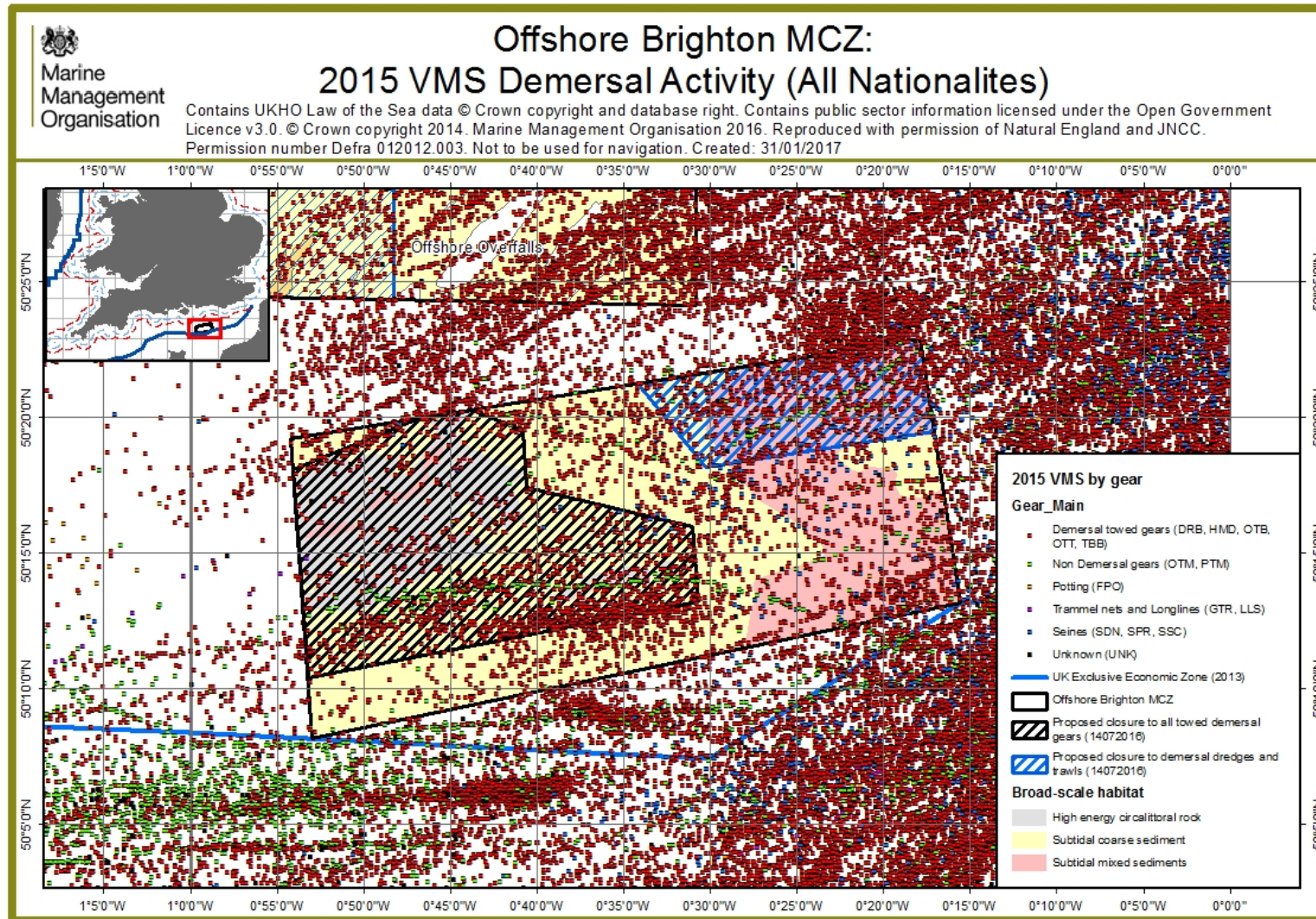


Figure 15: VMS reports indicating demersal towed fishing activity from ICES rectangle 29E9 associated with Offshore Brighton MCZ 2015



5.6 By-catch

Both mid-water (pelagic) and bottom (demersal) trawling using otter trawls are the most common activities by taking place in the site based on landings. Beam and bottom otter board trawl land a number of other species as by-catch (e.g. cod, lemon sole). Where these species are landed these are included in the total gross landing value statistics. Additional species may also be caught as bycatch but are not landed and there are no current systematic statistics available for these catch components. France mainly focused on bottom trawling (OTB) over the past years analysed (see charts 6.4).

The fishery focuses on both demersal and pelagic species in rectangle 29E9.

- The main species landed from the UK are Scallops, Mackerel, Herring, Pilchards
- Other member states generally land Sea Bream, Plaice, Gurnard, Pollack, and Sea Bass.

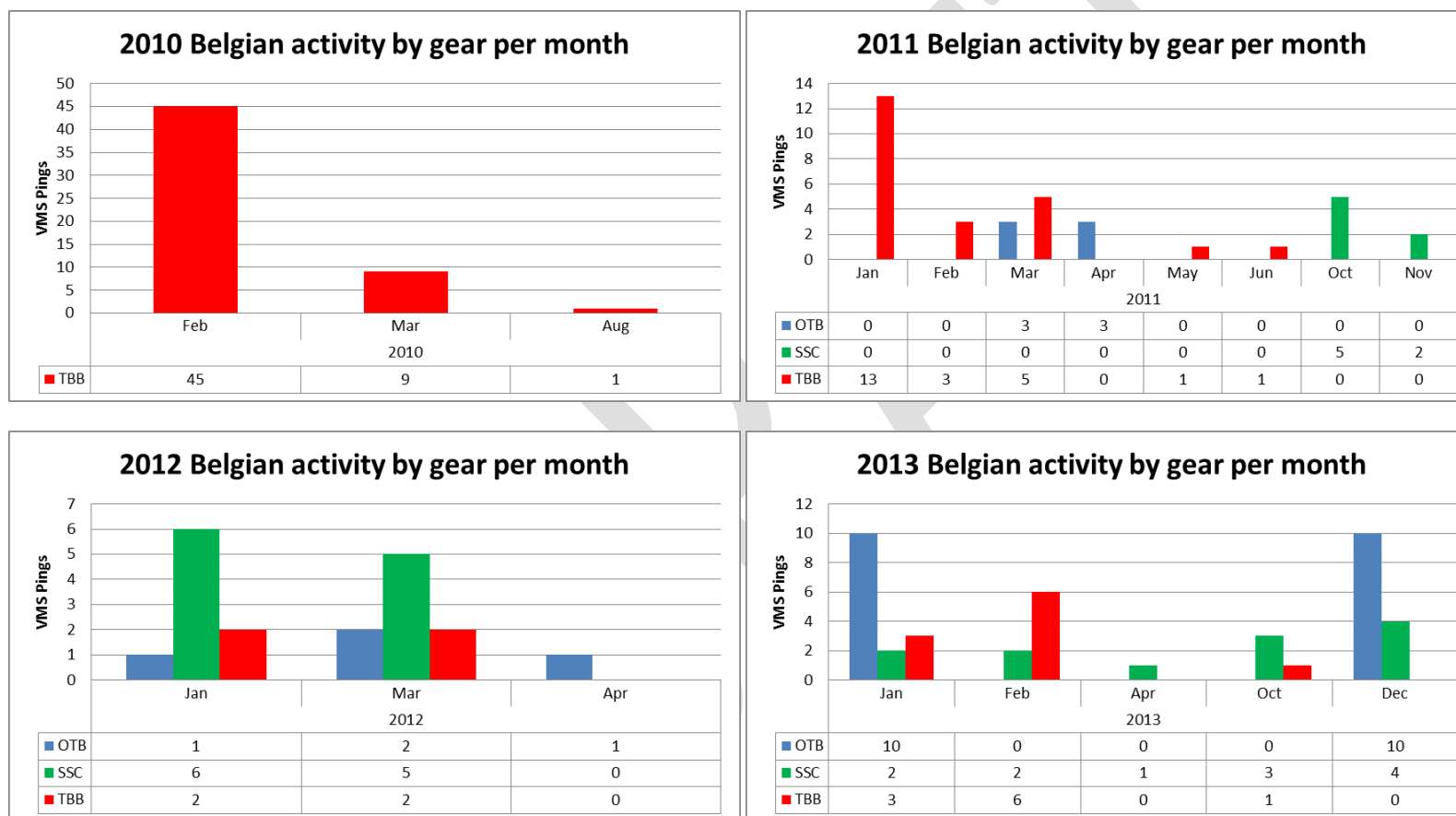
With the introduction of Common Fisheries Policy reform, which includes a landing obligation (namely a ban on the discard of certain species by certain vessels/within certain circumstances), it could become possible in the future to collate information on bycatch that could contribute to the overall catch and landings statistics in certain areas. A ban on demersal fish discards was introduced at the end of 2015, following a discard ban on pelagic fish introduced at the end of 2014, with a ban on discarding all other quota species by 2016.⁸

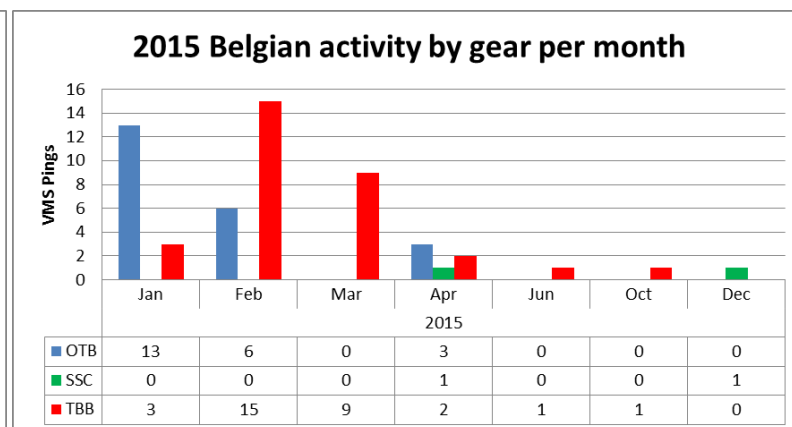
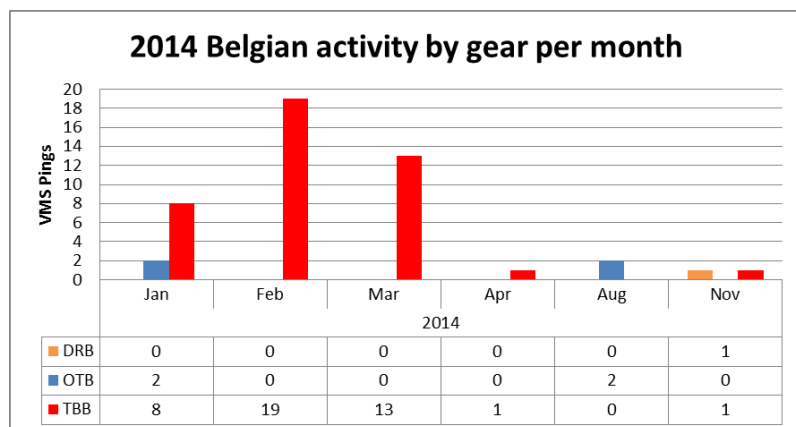
⁸ http://ec.europa.eu/fisheries/reform/docs/discards_en.pdf

6 Seasonal trends in fisheries over years 2010 to 2015 inclusive

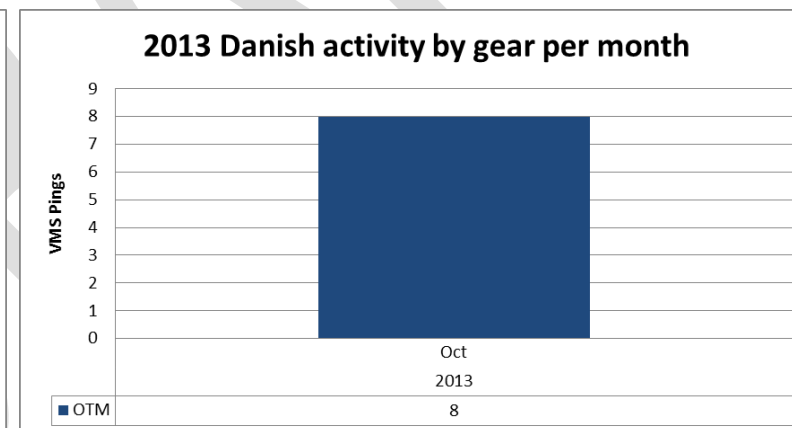
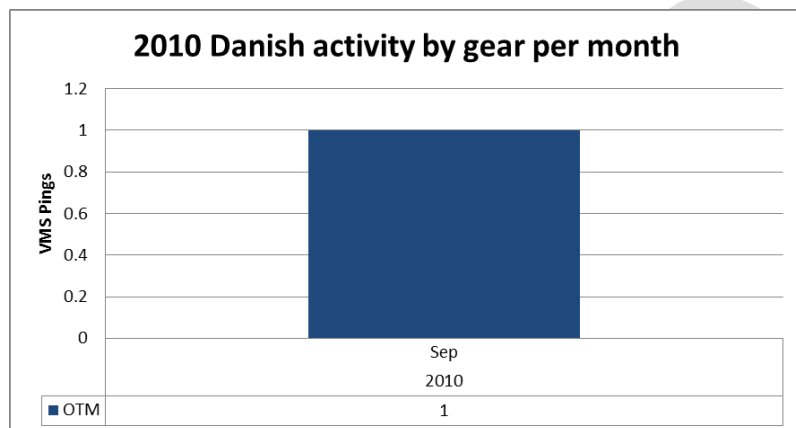
There were a total of 11 Lithuanian VMS pings, 15 Irish pings and 1 Faroese ping during the years analysed. These reports are considered to be rare and are not currently considered active in fishing within the MCZ.

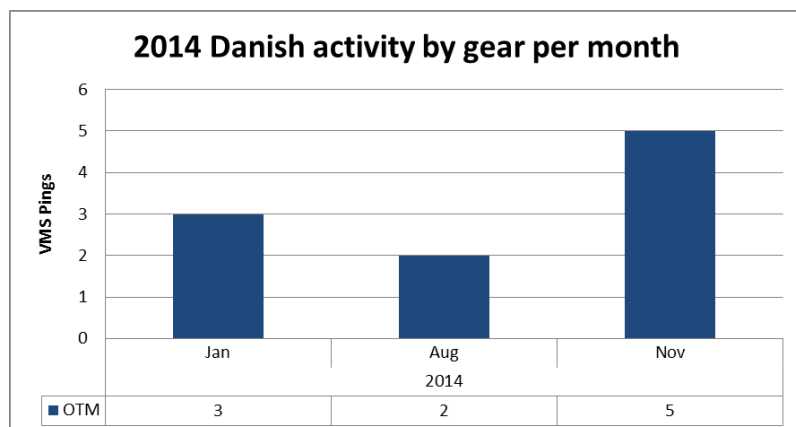
Charts 6.1: Belgian seasonal fishing activity (all gears) in Offshore Brighton MCZ





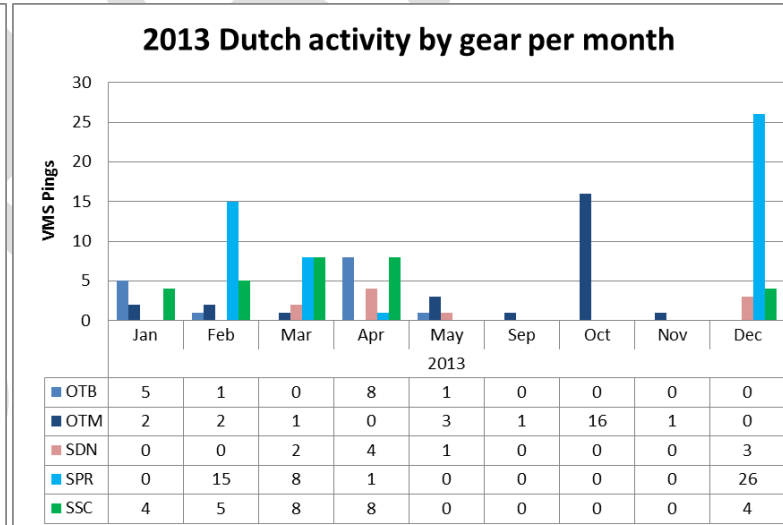
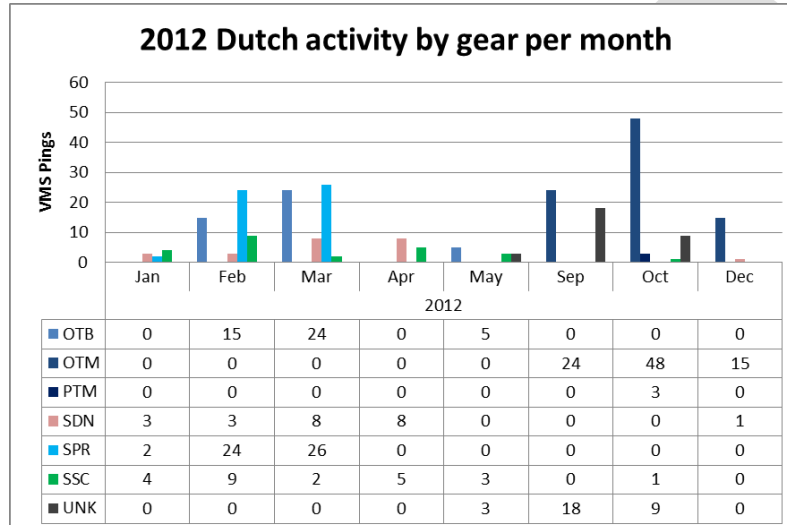
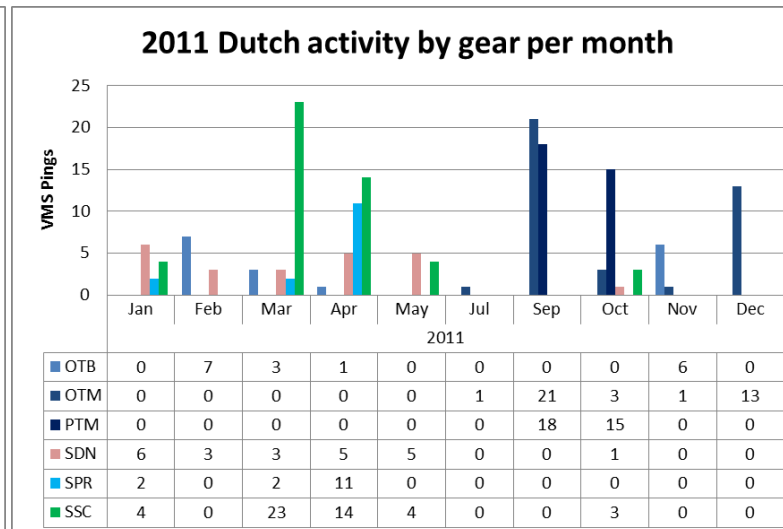
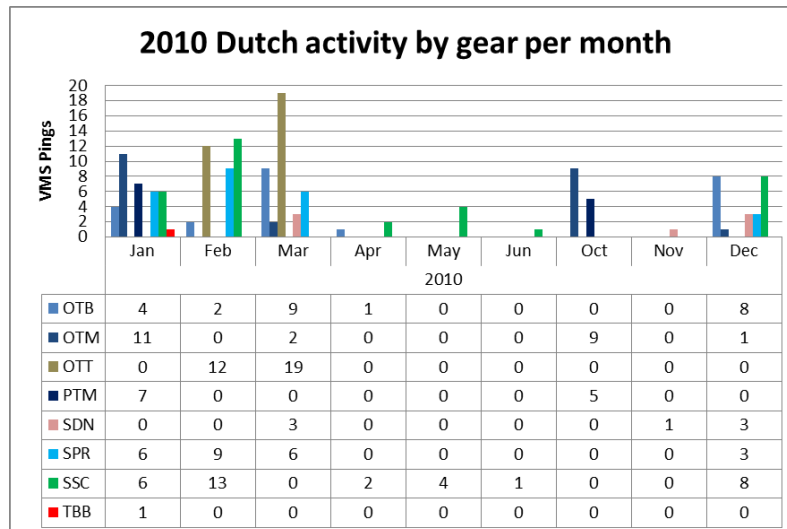
Charts 6.2: Danish seasonal fishing activity (all gears) in Offshore Brighton MCZ

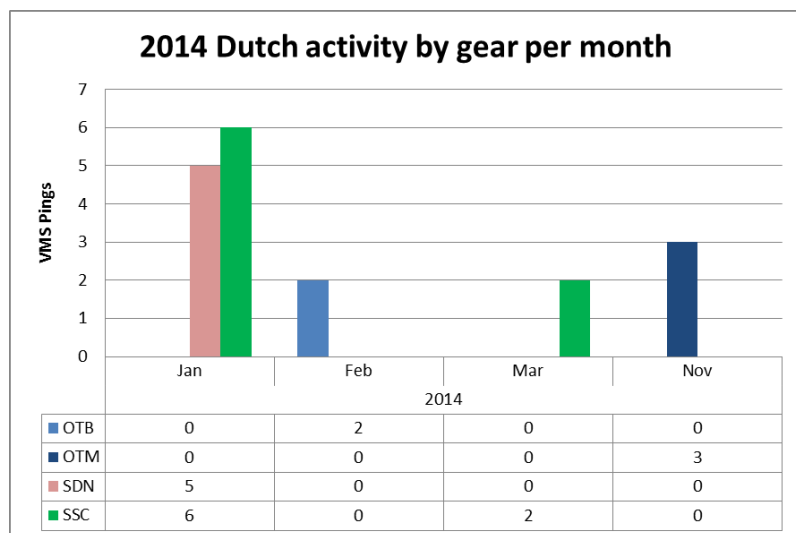




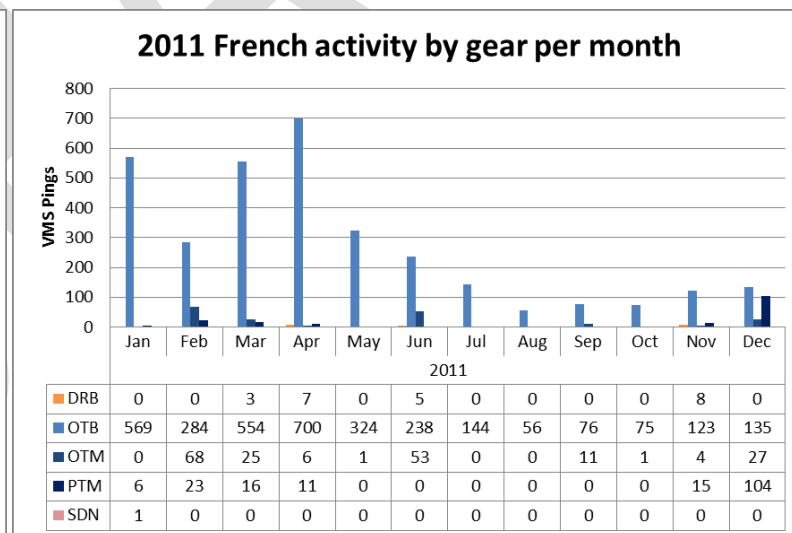
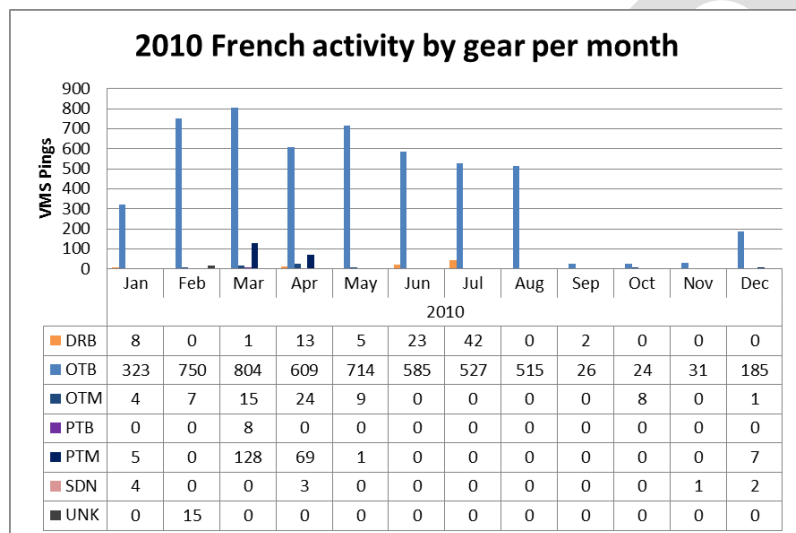
No Danish activity recorded in 2011, 2012 or 2015.

Charts 6.3: Dutch seasonal fishing activity (all gears) in Offshore Brighton MCZ

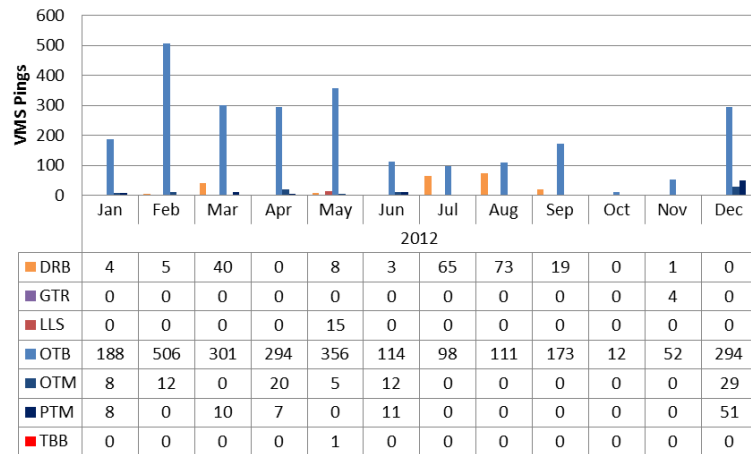




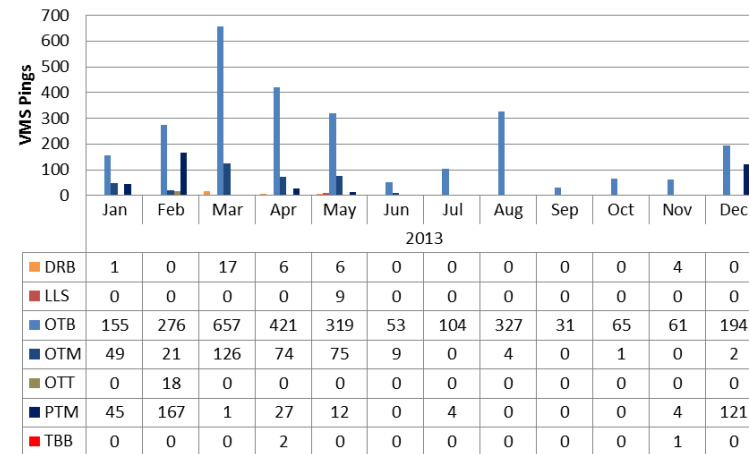
Charts 6.4: French seasonal fishing activity (all gears) in Offshore Brighton MCZ



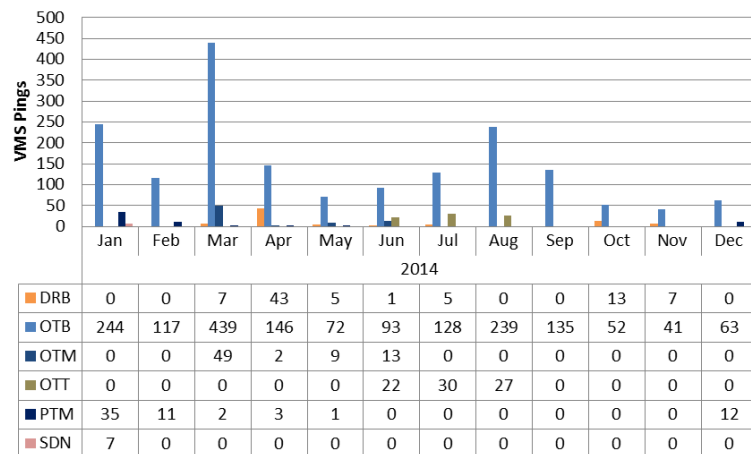
2012 French activity by gear per month



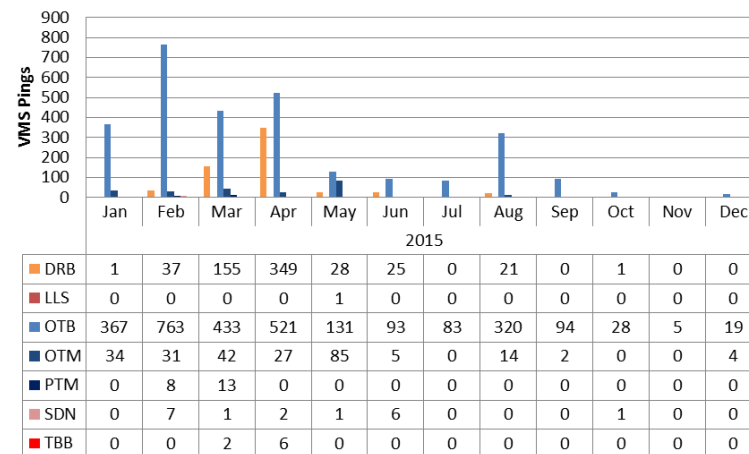
2013 French activity by gear per month



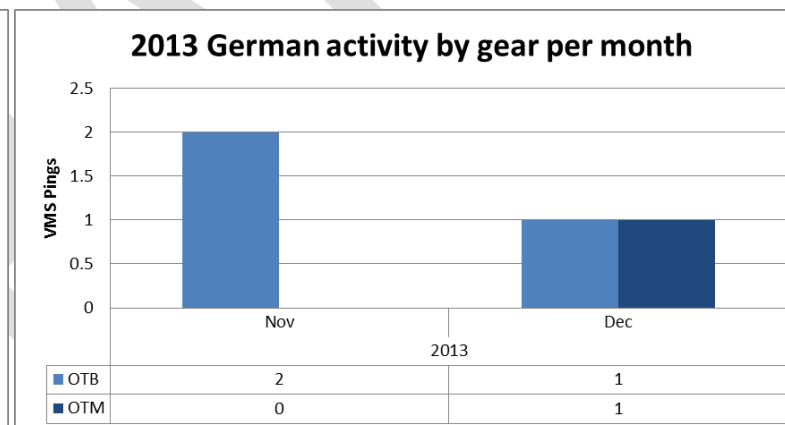
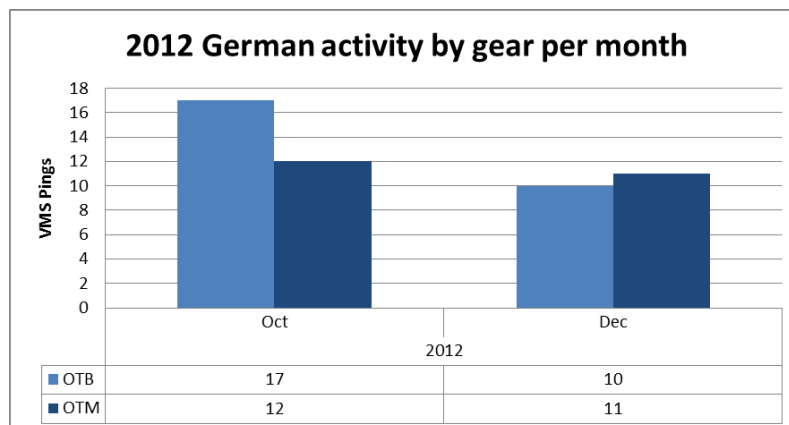
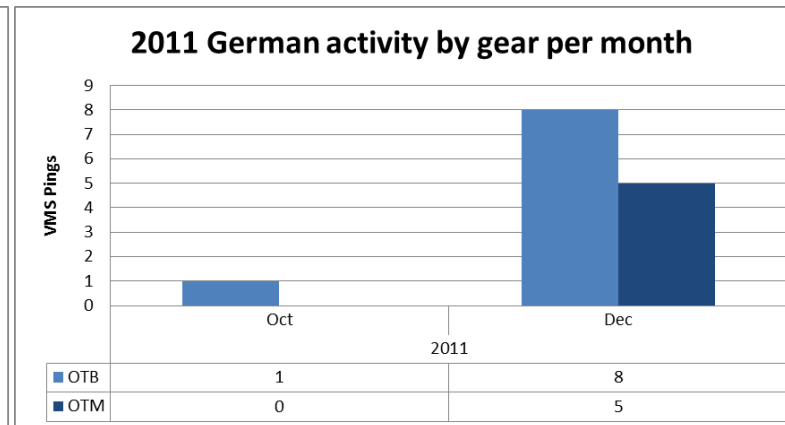
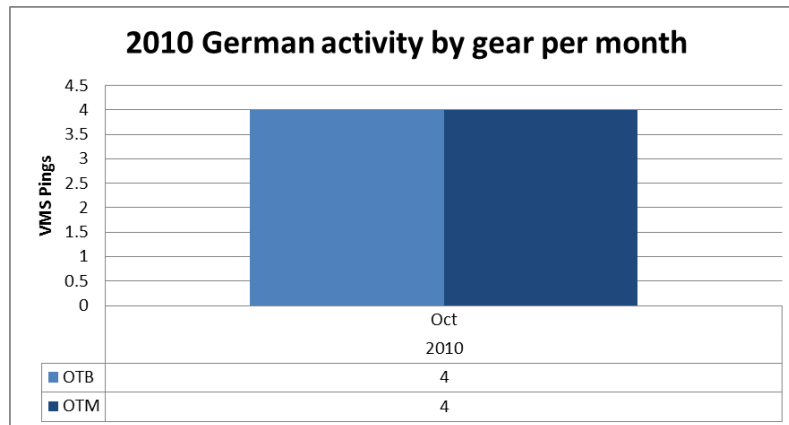
2014 French activity by gear per month

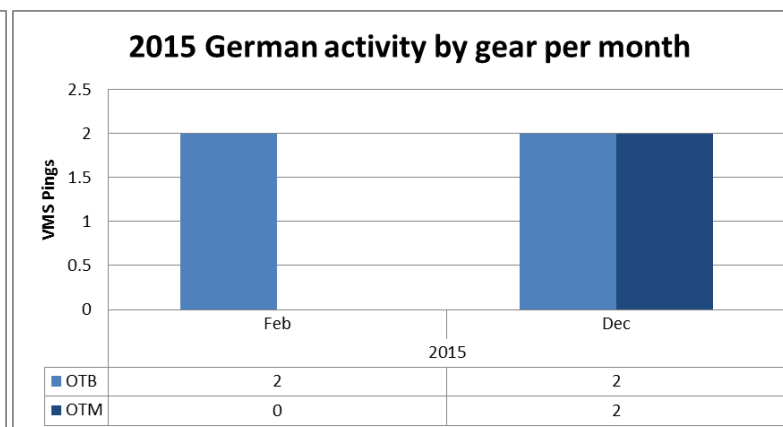
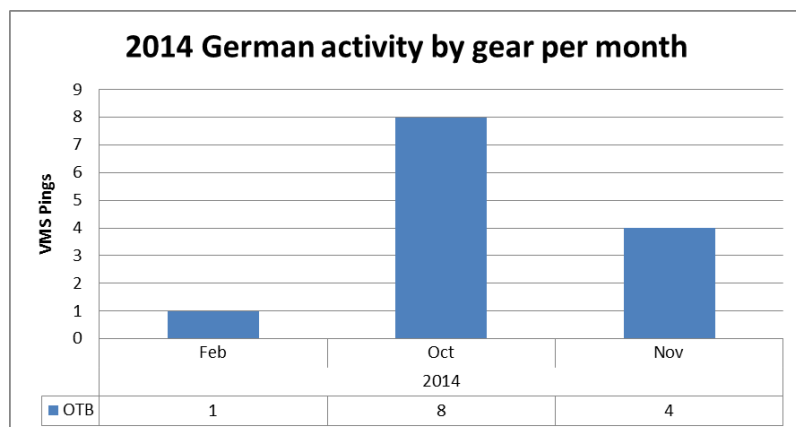


2015 French activity by gear per month

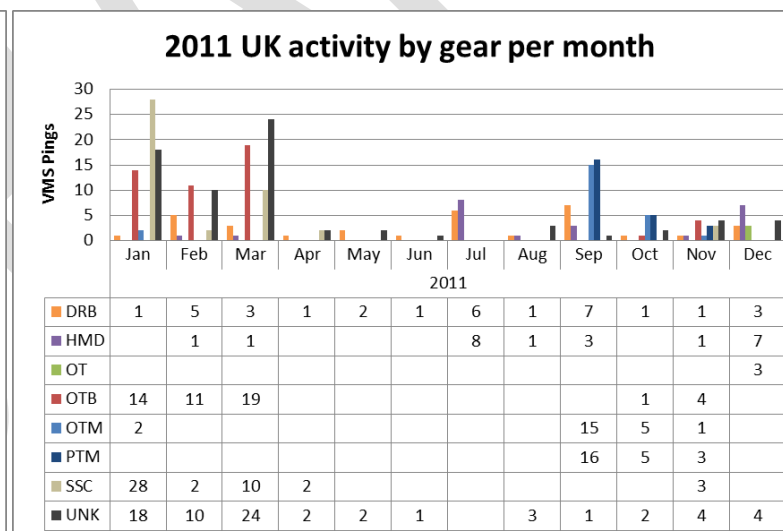
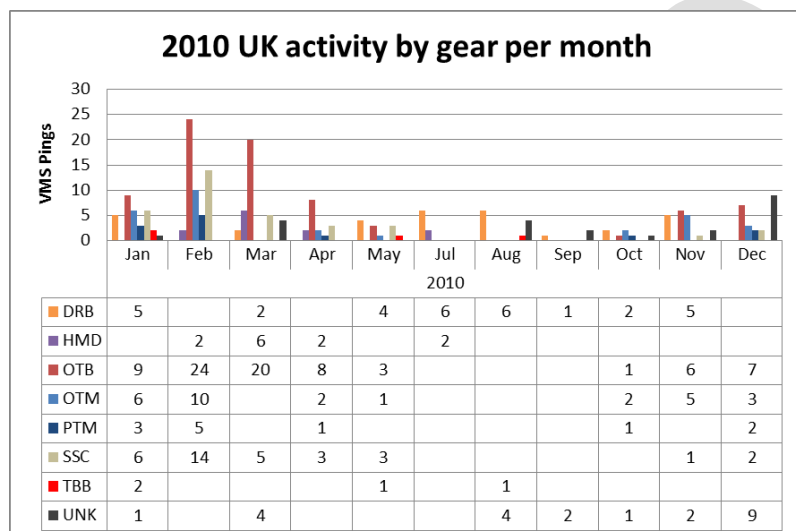


Charts 6.5: German seasonal fishing activity (all gears) in Offshore Brighton MCZ

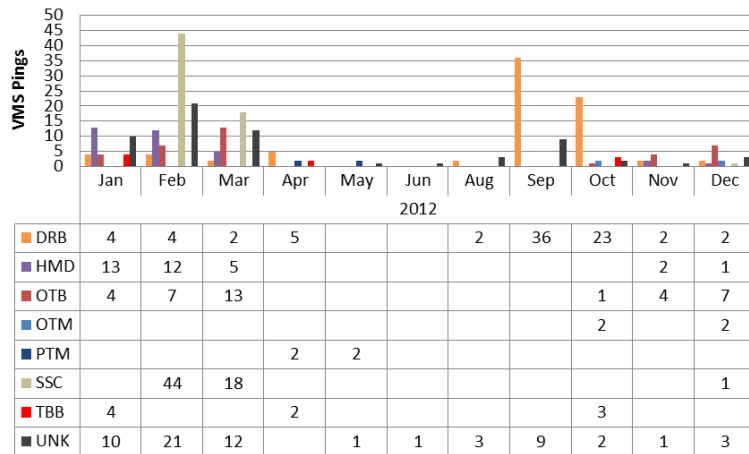




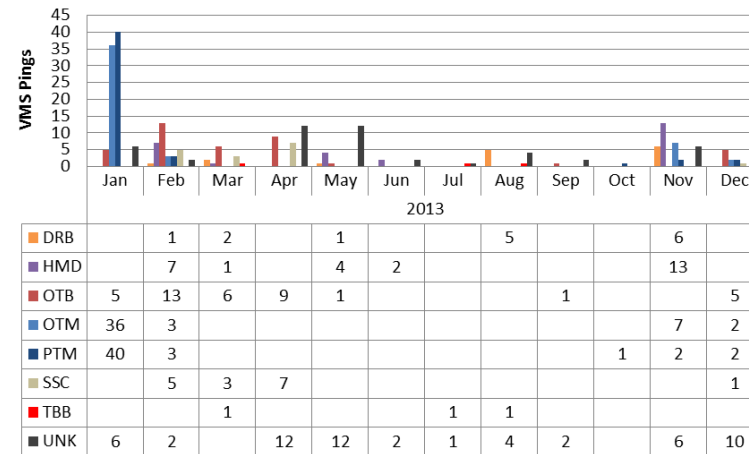
Charts 6.6: UK seasonal fishing activity (all gears) in Offshore Brighton MCZ



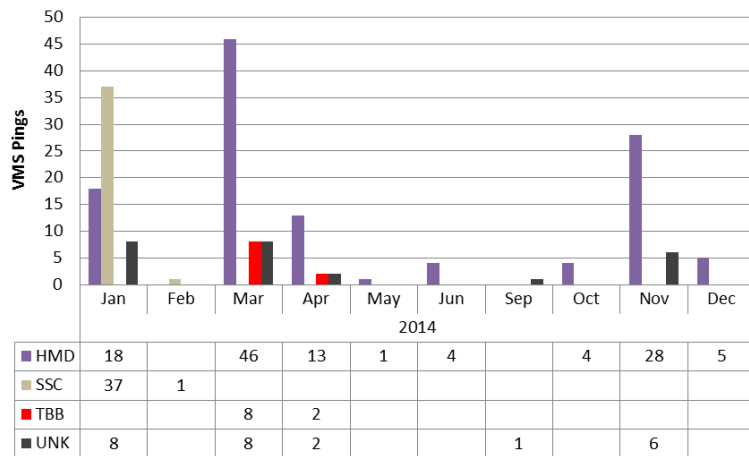
2012 UK activity by gear per month



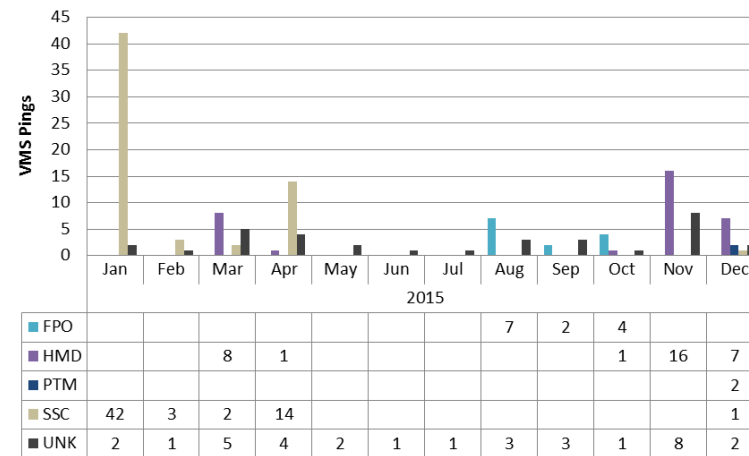
2013 UK activity by gear per month



2014 UK activity by gear per month



2015 UK activity by gear per month



7 Proposed fisheries management measures to maintain the habitat features in favourable condition. Are they proportionate and enforceable? Other conservation measures that apply to the areas

7.1. Options for fisheries management

A range of MPA fisheries management options are available to managers, differing in the degree of restriction they would play on fishing operations, and the risk they would pose to achieving the conservation objectives. These have been grouped into three broad categories of possible management: No additional management, additional management to reduce/limit pressures and additional management to remove pressures.

Although it is not generally possible to quantify the degree of risk to achieving the conservation objectives posed by each option, it is possible to identify where risks may exist, and where this could be reduced through the introduction of management measures.

Risks have been evaluated using existing data and information on protected features and our understanding of the relationships between the feature and relevant activities.

Broad management options categories

- 1) No additional management** – where fisheries managers choose to apply no additional site specific fisheries management within a site. For some gear/feature combinations, where the feature is not considered sensitive to the pressures associated with demersal fishing activity, this management option may pose little or no risk to achievement of the conservation objectives. For features which are considered sensitive to the pressures associated with certain demersal fishing activities, the risk posed to achieving the conservation objectives will increase as the sensitivity of the feature increases. As outlined in the features fisheries impacts section, this will vary between features and gear types.
- 2) Additional management to reduce/limit pressures** – where fisheries managers may wish to consider a range of measures that could be used to reduce the risk posed by fishing activity to achieving the conservation objectives. These could include:
 - Area restrictions: This would involve closing some or all of a specific feature's area. Restrictions could be permanent in some cases or temporary/adaptive in others. The risk of the conservation objectives not being met will increase as the size of areas restricting pressure decrease, or if the pressure reduction across the site relative to natural change is low.
 - Gear restrictions: This could involve restricting the use of gears to which a feature is more sensitive.

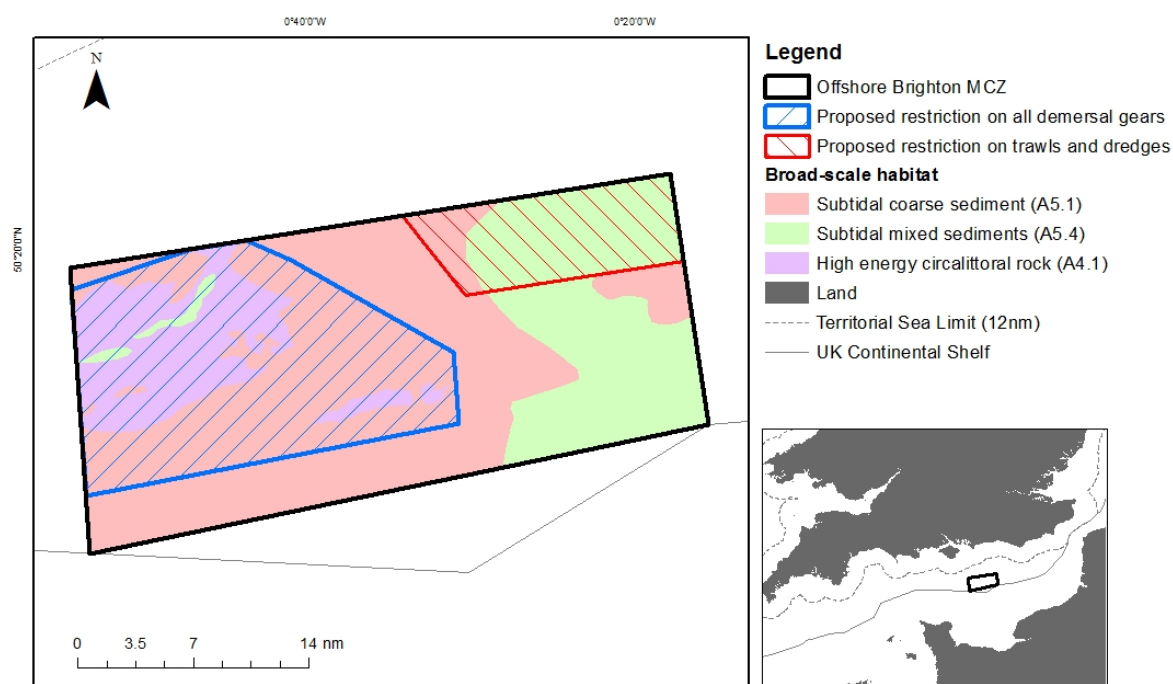
In situations where there is high uncertainty regarding the impacts of fishing on features, management measures to reduce/limit pressures could be “adaptive”, i.e. changes in the feature's condition following the introduction of management measures will be monitored and future management may be adapted accordingly.

- 3) **Additional management to remove pressures** – where managers choose to exclude fishing activities known to adversely affect a feature. Such exclusions may apply to the parts of the site where the feature is present, or to an entire site. This would reduce the risk of not achieving the conservation objectives to the lowest possible level.

7.2. Proposed management option

Management measures proposed for Offshore Brighton MCZ

The proposed management option is to reduce/limit pressure by restricting fishing activity with demersal trawls and dredges on protected sedimentary features across a zone in the north-east of the site and to restrict all towed demersal gears (i.e. including seine nets) across a zone in the west of the site overlapping the entirety of the high energy circalittoral rock feature (see Figure 16).



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Figure 16: Offshore Brighton MCZ site map including protected features for which management is being proposed.

7.3. Other fisheries measures which apply to the sites

Offshore Brighton MCZ is within the Cod Recovery Area (423/2004 Art 9) and Hake Effort Areas (EC Reg 811/2004 Art 7). These recovery zones are decided monthly so are not always active. There are no recovery zones in September each year.

8. Control measures envisaged by the Member State, possible ecological and control buffer zones to ensure site protection and/or effective control and monitoring measures

7.1. Measures envisaged by Member states for Control, Enforcement and Compliance

The proposed control, enforcement and compliance regime for Offshore Brighton MCZ consists of a reporting zone around the prohibited area, increased reporting within zones, remote monitoring of vessel position and at-sea surveillance measures. Such a regime would be in line with future control and enforcement challenges of the Common Fisheries Policy.

7.1.1. Surface surveillance

Surface surveillance of Offshore Brighton MCZ will be continued under the existing surveillance plans for the English Channel and Celtic Sea. These plans will coordinate the at-sea surveillance capacity of the UK which may include Navy fisheries protection vessels, or other enforcement vessels and aerial response. Changes to surveillance will be in line with the MMO's risk based compliance and enforcement strategy.

7.1.2. Remote Vessel Monitoring

Increased Positioning Reporting

Vessels entering the Offshore Brighton MCZ prohibited zone will be subject to increased vessel position reporting (every 10 minutes). EU fishing vessels over 12m in length are required to report, through satellite, every two hours. Reports can be viewed in real time but this reporting frequency would allow vessels to cross the prohibited area of the MCZ without being identified between the two hourly reporting times. Increased reporting within the prohibited zone will reduce this risk.

Vessels will be allowed to transit the prohibited zone. Increased reporting will also allow the MMO Fisheries Monitoring Centre (FMC) to identify fishing or transiting patterns and identify non-compliance.

Increased reporting zone

Vessels fishing within 1nm of the prohibited zone will be subject to 10min reporting.

Fishing patterns are likely to result in vessels 'clipping' the prohibited zone, or cutting across a corner rather than transiting across the entire site. A reporting zone which surrounds the prohibited area adds additional feature protection and ensures non-compliant vessels can be identified.

Vessels will still be allowed to fish in the increased reporting zone.

7.2. Vessel position monitoring system requirements

Increasing the frequency of vessel position reporting is integral to the preferred control, enforcement and compliance plan.

Increased reporting can be set up using geofences⁹ recognised by the vessel's VMS devices, which would trigger higher frequency reporting if a vessel enters the reporting zone.

In order to improve monitoring and compliance, fishing vessels within the Offshore Brighton MCZ and the reporting zone should be required to carry a system capable of:

- Recording high frequency position reports (up to one report per ten minute interval) when within the prohibited area or reporting zone around the Offshore Brighton MCZ.
- Transmitting position reports via GPRS/GSM¹⁰ (when available).
- When GPRS/GSM signal is not available: storing positions and forwarding when the signal is available.
- Recreate prohibited area and reporting zone coordinates and associated reporting frequency rules in the form of geofences
- Transmitting an email and/or text message alert via GPRS/GSM (when signal available) to the flag state and FMC when a vessel activates the geofence by entering the reporting zone for the Offshore Brighton MCZ.
- High frequency reporting would end when a vessel leaves the reporting area around the Offshore Brighton MCZ.
- Increased reporting via GPRS/GSM is recommended to reduce the reporting cost (which will be borne by the fishing vessels) as charges are made per report. Satellite reporting, currently used, is costly at high frequency.

Mobile network signal is not currently widely available for offshore sites; enforcement action using this system will therefore be retrospective.

In the UK, vessels which are fitted with a VMS+ device can meet all the above system requirements. The VMS+ device is also capable of transmitting increased reporting either through satellite or

⁹ A geofence is a spatial virtual barrier. Programs that incorporate geofencing allow an administrator to set up triggers such as increased reporting so when a device enters (or exits) the boundaries defined by the administrator it performs the trigger and if required a text message or email alert.

¹⁰ General Packet Radio System (GPRS) and Global System for Mobile communications (GSM): These are types of mobile phone technology which meet European telecommunications standards.

GPRS/GSM. There is also development work on another device known as I-VMS (inshore vessel monitoring system) which although designed primarily for the English inshore fleet (those vessels under 12m in length), can also meet the above requirements.

Estimation of the increased reporting costings for offshore Marine Protected Areas in English waters.

This information relates to the UK estimates of the increased reporting proposals.

The cost of a VMS report through GPRS¹¹ is approximately **\$0.06**¹² (As of April 2015). Please find below a table of the total cost of increased after a period of X minutes.

GPRS Costs	Total duration cost after X minutes					
Reporting rate (X minutes)	60	120	180	240	300	360
1 minute	\$3.60	\$7.20	\$10.80	\$14.40	\$18.00	\$21.60
10 minutes	\$0.36	\$0.72	\$1.08	\$1.44	\$1.80	\$2.16
30 minutes	\$0.12	\$0.24	\$0.36	\$0.48	\$0.60	\$0.72
60 minutes	\$0.06	\$0.12	\$0.18	\$0.24	\$0.30	\$0.36

To note: The UK proposes a reporting rate of ten minutes.

Increased reporting caveats:

- These costs are based on a 'pay as you go' (PAYG) service and correct as April 2015.
- Costs will vary depending individual member states VMS service providers.
- GPRS Network roaming may affect overall costs

It should be noted that fishing vessels affected by the proposed closures may potentially modify or change their activities, along with fishing patterns as a result of the implementation of an increased reporting zone.

¹¹ General Packet Radio System (GPRS) and Global System for Mobile communications (GSM): These are types of mobile phone technology which meet European telecommunications standards.

¹² GPRS values are presented in US dollars

7.3. Key provisions to include in EC regulation to manage the Offshore Brighton MCZ

Key provisions which should be included in an EC regulation to facilitate control enforcement and compliance include:

- A prohibition on any demersal trawls and dredges being deployed in the management area of the MCZ.
- Establishment of a 1nm (1.852km) increased reporting zone around the management area of the Offshore Brighton MCZ. All fishing vessels within this area shall be required to record or report vessel positions at 10 minute intervals. This area shall be defined by the reporting zone and coordinates displayed in Annex C.
- A requirement for all fishing vessels entering the reporting zone to have a system for recording and reporting vessel position which meets prescribed specifications (see Section 8.2 for minimal requirements) and is installed and operative. Any fishing vessel entering the management area of the Offshore Brighton MCZ or the reporting zone without such a system will be committing an offence.
- A requirement for all fishing vessels transiting the management areas carrying prohibited gears to have all gears on board lashed and stowed.
- A requirement for all fishing vessels transiting the restricted area carrying prohibited gears to ensure that the speed during transit is not less than six knots except in the case of force majeure or adverse conditions. In such cases, the master shall immediately inform the FMC of the flag member state which shall then inform the UK FMC.

The proposal on which gears to prohibit is formulated in terms of Gear Codes in Annex XI in EU Regulation 404/2011. In general prohibited gear types are demersal towed gears and dredges. Formulation of the regulation requires clear and precise definitions which distinguish allowed gear types from prohibited gear types. This includes, for trawls which can be operated both with and without bottom contact, distinguishing between these different gear riggings (if such a distinction is not feasible, these gears should be prohibited).

Management measures for the site will be periodically reviewed in line with advancements in technology, specifically the development of improved remote vessel monitoring and gear in/out technologies.

8. Measures to monitor and assess the maintenance and/or recovery of the features within the sites

Cefas/JNCC are currently leading a research and development programme to develop an integrated system of monitoring for marine biodiversity. The ambition is to cost-effectively encompass Defra's policy and statutory obligations, such as the:

- Marine and Coastal Access Act
- OSPAR Convention;
- EC Habitats Directive; and
- EC Marine Strategy Framework Directive (MSFD)

For benthic marine habitats, the task of developing monitoring options is extremely complex. The UK has 48 offshore Marine Protected Areas designated for benthic habitats covering an area of over 126,000 km². This presents a challenge due to the diversity of benthic habitats occurring in UK waters and the number, size and geographic spread of offshore MPAs, the paucity of data on the range, extent and condition of many habitat types (especially in the offshore environment) and the underdeveloped nature of suitable state and pressure indicators for monitoring.

The draft offshore habitats monitoring options evaluate the risk of damage to habitats in UK offshore MPAs, assess the type of monitoring required for each MPA and estimate the indicators, equipment and number of samples required to assess change in the condition of the habitats within MPAs. Due to the number of UK offshore MPAs, the area of seabed encompassed within the offshore MPAs, the diversity of offshore habitats and the cost of offshore monitoring surveys, it may not be possible to monitor every MPA within a single reporting cycle. In certain cases, monitoring studies to assess the effectiveness of management measures in one MPA may be used as a proxy for assessing the effectiveness of management measures in MPAs with similar features and management measures in the same regional sea.

9. Coordination with neighbouring Member States as appropriate

Draft proposals for fisheries management measures were developed using feedback from the stakeholder workshops as well as advice from the UK's statutory nature conservation bodies, the JNCC and Natural England, and offshore fisheries regulator, the MMO.

Fisheries management measures were developed in close coordination with other Member States with a direct management interest in the sites. Draft management proposals were subject to a six week period of consultation with Member States with a direct management interest in the sites and the Northwest Waters Advisory Council.

Finalised management proposals were then presented to other Member States with a direct management interest in the sites for agreement that sufficient information had been provided in order to commence the formal agreement of the proposals as Joint Recommendations. **[Following**

this, ad hoc meetings of the Northwest Waters Article 11 sub-group were held to start formal agreement proceedings for the Joint Recommendations. Any outstanding issues were then addressed before agreement was reached on the Joint Recommendations by members of the Northwest Waters High-Level Group and they were submitted to the European Commission for adoption.]

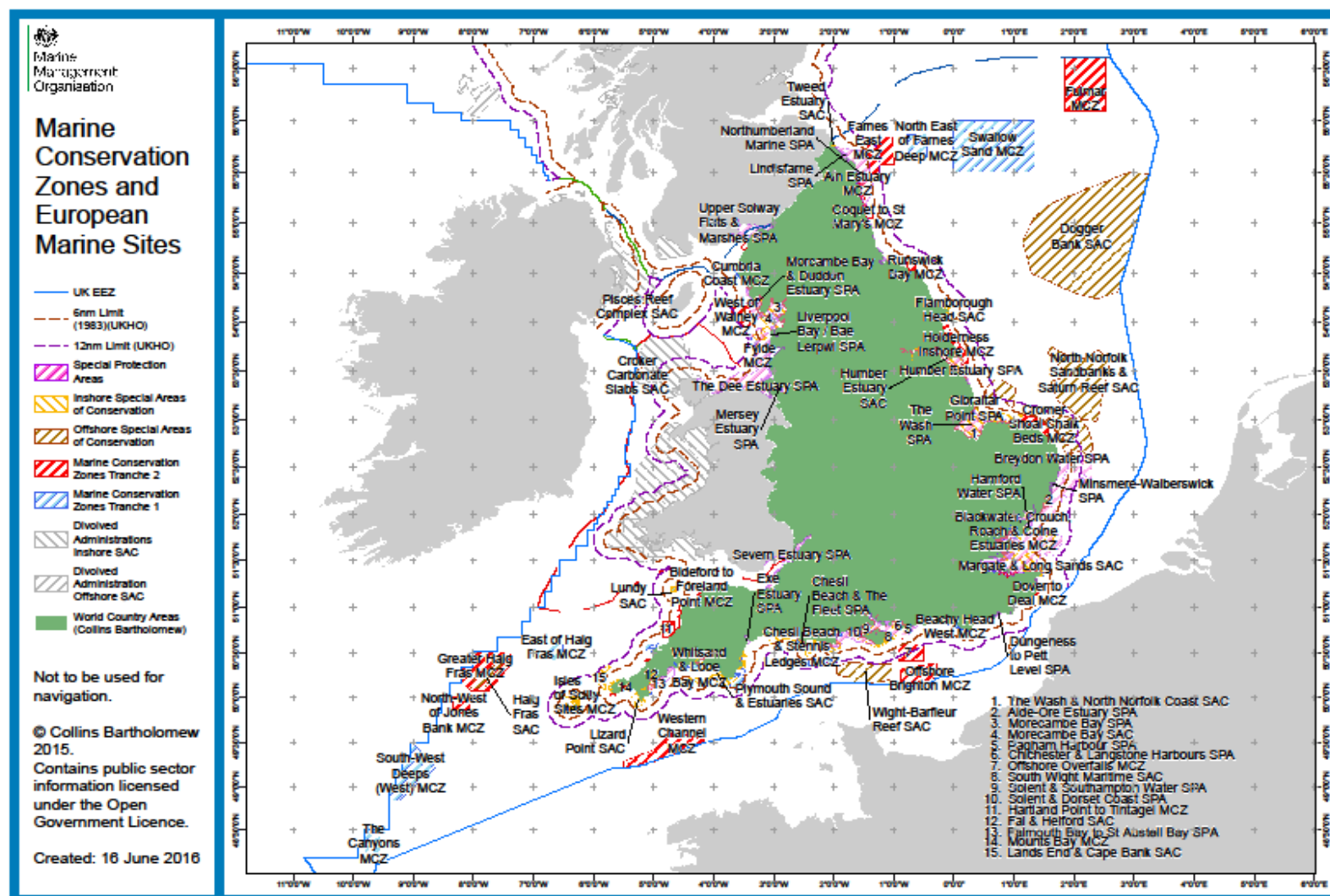
10. Evaluation of possible displacement of fishing effort and impact on new areas

As parts of the MCZ will be closed to demersal trawls and dredges, some displacement is likely to occur both within and outside the MCZ.

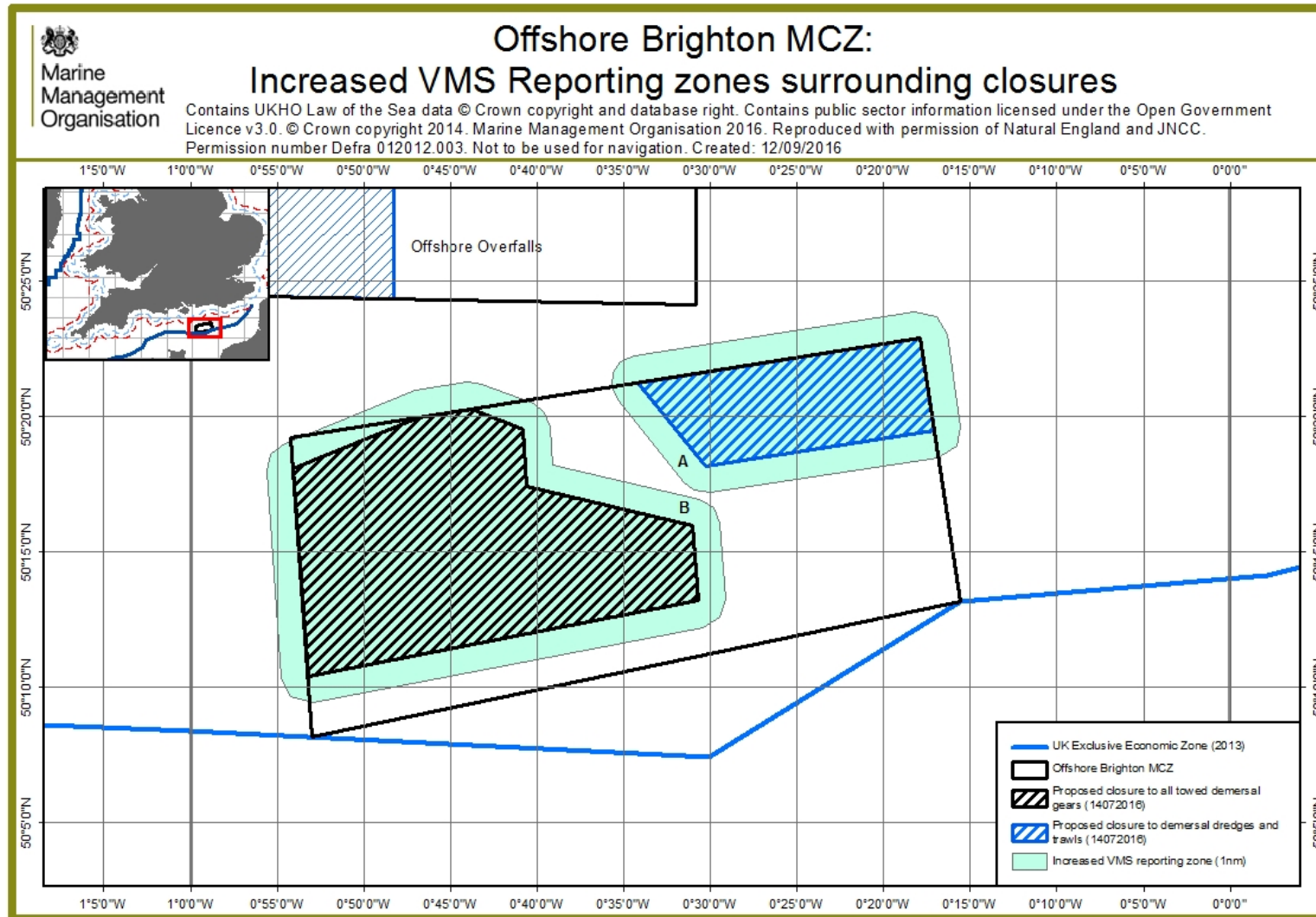
Displacement is difficult to quantify, and it is impossible to predict where exactly activities will be displaced to.

As part of the MMOs risk-based enforcement, regular monitoring of fishing activity is collated on a Monitoring Control and Surveillance System (MCSS). MCSS does not analyse fishing trends and activity, but stores information, which can be accessed at any time. The MMOs monitoring of activity in each site could assist in any future considerations relating to displacement and could be used to indicate any changes in fishing trends and activity.

Annex C – Map of English MCZ network



Annex D – Map and Coordinates for the Offshore Brighton MCZ reporting zone with increased reporting



Annex E – References

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