

Annex E3. Existing local fisheries and recreation management (Irish Seas Conservation Zones)

E3.1 This annex describes the known site-specific fisheries restrictions, or fisheries restrictions that apply to a particular area within the Irish Sea Conservation Zones (ISCZ) Project Area. It does not describe fisheries or recreation restrictions applicable to the whole of the Irish Sea Project Area, such as those in the Marine Management Organisation's (MMO's) *The Blue Book*¹ or listed on the North Western Inshore Fisheries and Conservation Authority's (NWIFCA) website, that could contribute to the reductions in effort sought under the Impact Assessment (IA) management scenarios. Please note: there are no fisheries restrictions in the Irish Sea due to wrecks designated for protection under the Protection of Wrecks Act 1973.

1 Recommended Marine Conservation Zone (rMCZ) 1 and rMCZ Reference Area A

E3.2 A Common Fisheries Policy (CFP) herring closure area lies over most of the site (Lee, Stelzenmüller, Rogers (2010)).

2 Recommended MCZ 2

E3.3 Bottom-trawl twin rigs are already prohibited in the part of the site that lies within 6 nautical miles (nm), via an NWIFCA byelaw. A CFP herring closure area lies over most of the site (out to 12 nm) (Lee, Stelzenmüller, Rogers (2010)).

3 Potential Co-Location Zone (PCLZ)

E3.4 Bottom trawl twin rigs are already prohibited in the part of the site that lies within 6nm, via a NWIFCA byelaw. A CFP herring closure area lies over most of the site (out to 12nm) (Lee, Stelzenmüller, Rogers (2010)).

E3.5 There are currently no fishing exclusion zones in place around the wind farms in the PCLZ. However, during construction of Walney wind farm (phases 1 and 2), a 500-metre-radius safety zone was enforced around the construction vessels and a 50-metre-radius safety zone advised to fishers around the turbines. Exclusions do not apply during operation of the wind farm unless maintenance activities require a 500-metre-radius safety zone around the maintenance vessels. Vessels are recommended to stay 10 metres away from each individual turbine and not to anchor within the immediate vicinity of the turbines (and the substation), but this is not enforced. It is anticipated that the same fishing exclusions will be applied if and when the West of Duddon Sands and Walney Extension wind farms are constructed. (Dong Energy, pers. comm., 2012).

E3.6 During construction of the Ormonde wind farm (1 May 2010 to 30 November 2010, and 1 April 2011 to 31 September 2011), a 500-metre-radius advisory safety zone was requested (but not enforced) around all construction vessels while in the wind farm construction area. A 50-metre-radius advisory safety zone was requested (but not enforced) around each turbine and substation structure after installation. Following installation of the export cable (since 30 November 2010), a 250-metre anchor exclusion zone was requested (but not enforced) along the export cable route. (Vattenhall, pers. comm., 2012).

¹ http://marinemanagement.org.uk/fisheries/monitoring/documents/blue_book.pdf.

4 Recommended MCZ 3 and rMCZ Reference Areas S and B

E3.7 All three sites lie within the Welsh Zone as defined by the Welsh Zone (Boundaries and Transfer of Functions) Order 2010², which gives the Welsh Assembly Government (WAG) executive responsibility for fisheries out as far as the median line with the Republic of Ireland and the Isle of Man. The sites are also within WAG's marine planning zone for the offshore area.

E3.8 The sites lie completely outside 12nm. In most of rMCZ 3 and rMCZ Reference Area B (not S), a CFP cod closure is in place which prohibits the use of demersal trawls, seine or similar towed nets, any gill net, trammel net or tangle net or similar static net, or any fishing gear comprising hooks, between 14 February and 30 April (Council Regulation EC No. 43/2009 Annex III Point 8.0). A very small part of the site, the north-western corner, overlaps with a derogation area that allows the use of demersal otter trawls during this time period provided that no other fishing gear is retained on board, that the net mesh size is either 70–79mm or 80–99mm and that no individual mesh size is greater than 300mm³.

E3.9 An area covered by WAG's Scallop Fishing (Wales) (No. 2) Order 2010⁴, which places a seasonal and temporal restriction on scallop dredging within a large proportion of Welsh inshore waters, lies contiguous to rMCZ 3 and both rMCZ Reference Areas. This may result in displacement of scallop dredgers to fishing grounds within rMCZ 3 and both rMCZ Reference Areas.

5 Recommended MCZs 4 and 5 and rMCZ Reference Area C

E3.10 The sites lie completely outside 12nm. Recommended MCZs 4 and 5 lie within the Welsh Zone as defined by the Welsh Zone (Boundaries and Transfer of Functions) Order 2010², which gives WAG executive responsibility for fisheries out as far as the median line with the Republic of Ireland and the Isle of Man. The sites are also within WAG's marine planning zone for the offshore area.

E3.11 An area covered by WAG's Scallop Fishing (Wales) (No. 2) Order 2010⁴, which places a seasonal and temporal restriction on scallop dredging within a large proportion of Welsh inshore waters, lies contiguous to rMCZs 4 and 5. This may result in displacement of scallop dredgers to fishing grounds within the sites.

6 Recommended MCZs 6 and 7 and rMCZ Reference Areas F and G

E3.12 The sites lie completely outside 12nm. In most of the sites, a CFP cod closure is in place which prohibits the use of demersal trawls, seine or similar towed nets, any gill net, trammel net or tangle net or similar static net, or any fishing gear comprising hooks, between 14 February and 30 April (Council Regulation EC No. 43/2009 Annex III Point 8.0)³. However, in most of the site (except the north-eastern part of rMCZ 6 and Reference Area F) there is a derogation area that allows the use of demersal otter trawls during this time period provided that no other fishing gear is retained on board, that the net mesh size is either 70–79mm or 80–99mm and that no individual mesh size is greater than 300mm.

² <http://www.legislation.gov.uk/ukdsi/2010/9780111491836/contents>

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:022:0001:0205:EN:PDF>

⁴ <http://www.legislation.gov.uk/wsi/2010/269/contents/made>

E3.13 The sites lie completely within the Northern Ireland Zone as defined by the Adjacent Waters Boundaries (Northern Ireland) Order 2002⁵, which gives the Northern Ireland Assembly executive responsibility for fisheries, but not nature conservation powers, within this zone.

7 Recommended MCZs 10, 11, 13 and 14 and rMCZ Reference Areas H, I, J, K, T, W, Y and Z

E3.14 Various IFCA byelaws apply to the English territorial waters within 6nm of the coast and therefore apply to each of the sites listed⁶. It is important to note that twin-rig trawls are not permitted within 6nm of the coast and that a CFP herring closure area (in which fishing for herring is prohibited all year) applies within 6nm of the coast.

E3.15 There are no known Dog Control Orders in place in any of the rMCZs (Natural England, pers. comm., 2012). Reportedly, byelaws are in place to manage sailing, angling and bait digging in rMCZ 14 under the Hilbre Island Management Plan 2009 (Wirral Borough Council, pers. comm., 2011). Transit of vehicles is also reportedly managed by Wirral Borough Council (Wirral Borough Council, pers. comm., 2011). Motor vehicles are prohibited in rMCZ 10 and rMCZ Reference Area H by an Allerdale Borough Council byelaw (AONB Officer, pers. comm., 2011).

8 Recommended MCZ 14

E3.16 The following byelaws apply with regard to the gathering of mussels within the River Dee:

'No person shall fish for mussels, except by hand or with a rake not exceeding 3 feet in width, used only from a boat, and when the mussel bed is covered with at least 4 feet of water. No person shall take mussels during the months of May, June, July or August in any year. No person shall remove from a fishery any mussel measuring less than 2.25 inches in length. Any person who takes any mussel, the removal of which from a fishery is prohibited by any byelaw in force in the district, or the possession of which is prohibited by any Act of Parliament, shall forthwith re-deposit the same without injury as nearly as possible in the place from which it was taken. The use of mechanically propelled vehicles on the intertidal areas of the River Dee is only allowed under permit issued by the Environment Agency, Wales, who are the grantees of the Dee Estuary Cockle Fishery Order'.⁷

Reference

Lee J, Stelzenmüller V, Rogers S. 2010. *Provision of geo-data on human activities and pressures to support the selection of MCZ sites*. DEFRA contract MB106: Milestone 2.

⁵ <http://www.legislation.gov.uk/uksi/2002/791/contents/made>

⁶ www.nw-ifca.gov.uk/ContentDetails.aspx

⁷ <http://www.nw->

<http://www.nw-ifca.gov.uk/contents/images/File/Byelaws%20from%201st%20April%202011/NRA%20Byelaws%20for%20Dee.docx>[1].pdf (page 7) [Accessed 29 June 2011]