**The North Sea Advisory Council**

**Agenda No. 2 Paper no. 2.1**

**Spatial Planning Working Group
London, 13th January, 2015 Paper for Approval**

**Report of Last Meeting**

**Spatial Planning Working Group**

**Husa President Park Hotel**

**Brussels, Belgium**

**22nd September 2015**

**Rapporteur: Tony Hawkins Draft (2)**

**1 Welcome & Introduction**

1.1 The chairman Euan Dunn welcomed participants and especially those from the Belgian government who were attending to describe for us proposed fisheries measures for protected areas in Belgian waters.

1.2 Apologies were received from Malcolm Morrison of the Scottish Fishermen’s Federation.

1.3 Participants introduced themselves. The agenda for the meeting was then agreed, with the addition of an item on German proposals for a protected area within the North Sea to be inserted under Any Other Business.

**2 Report of the Previous Meeting**

2.1 The report of the previous meeting, held on the 7th July at Schiphol, was reviewed. The last line of paragraph 4.19 was amended to read: “…1200, 1600 and 4200km2.” The report also overstated the Danish position in paragraph 4.25. Euan Dunn would amend the text.

2.2 One of the action points was to clarify (to Ton IJlstra and NSAC) the consequences for the industry of not being able to fish in Cleaver Bank management zones. Concern had been expressed that the proposals for the Cleaver Bank were unreasonable for Dutch fishermen. This was now being dealt with through ongoing discussions within the Netherlands.

2.3 Another action point was to use the NSAC’s Focus Group’s TORs as a template for a working agreement for stakeholder consultations. There was a need to revise the TORs with external bodies so that responsibilities were clear. Euan Dunn would reconsider them, so that the NSAC is able to deal with external bodies in a professional manner.

**3 Proposed Fisheries Measures for the Belgian Part of the North Sea**

3.1 At its last meeting the Working Group had addressed the Dutch measures undertaken under the Marine Strategy Framework Directive (MSFD). Now we were addressing proposals from the Belgian Government. Such proposals affected a range of other national fleets. Today was an informal consultation, not an attempt to collate or find consensual NSAC advice. Julia Puplesyte and her colleagues from the Belgian Ministry would gather ideas and reflections from NSAC members, as required under Article 11 of the CFP basic regulation.

3.2 Julia Puplesyte from the Belgian Service of the Marine Environment presented the Belgian proposals. In March 2014 Belgium had issued a Royal Decree to establish a Marine Spatial Plan (MSP). In the MSP, the use of space in the Belgian part of the North Sea (BPNS) was established for the period 2014 - 2020. The MSP defined zones for many activities and also defined nature conservation areas and provided for a number of fisheries measures. The measures would apply in relatively small protection zones, covering only 0.6% of the total surface of the North Sea and only 9% of the Belgian area. There would be certain restrictions on fisheries, but the areas would not be closed to fishing. The measures would bring benefits to the marine environment on the Flemish Banks. They would protect those areas with the highest species richness and abundance and the fisheries measures would assist in achieving Good Environmental Status under the MSFD. Five zones had been selected to preserve sea floor integrity under Descriptor 6. Four of the zones were situated within the Natura 2000 area of the Flemish Banks and the fifth was a zone along the shoreline.

3.3 Kris Hostens described the habitats concerned. Some 20-60% of important habitats have to be assigned in Natura 2000 areas. Habitat types listed in Annexe 1 of the Habitats and Species Directive had been investigated. The designated area is characterised by the presence of a complex system of sandbanks, including biogenic reefs, and the presence of gravel beds. These sandbanks (code 1110), biogenic reefs and hard substrates (both code 1170) were the habitat types in the Belgian part of the North Sea to be protected under the Directive.

3.4 Four biotypes had been identified in the sandbank habitat, each connected to a specific substrate: the *Macoma balthica* (bivalve mollusc) community, the *Abra alba* (bivalve) community, the *Nephtys cirrosa* (polychaete worm) community, and the *Ophelia borealis* (polychaete) community. Abundance and species richness were investigated and it appeared that the *Abra* communities formed especially important biotopes. The *Abra* biotope was found mostly in coastal areas.

3.5 The various sandbanks were then differentiated based on their biological values and ranked according to 4 scenarios to protect, respectively, 5%, 10%, 15% and 40% of the preferential biotope. Another analysis was based on the identification of biogenic reefs where the sand mason worm (*Lanice conchilega*) was aggregated. Two candidate sites were investigated and the areas mapped. There was some overlap between the *Lanice* and *Abra* communities. Together with gravel beds these *Lanice* aggregations were hotspots of benthic biodiversity. Gravel beds were also mapped. They included a rich flora and fauna with a high species richness of both infauna and epifauna on the stones.

3.7 The presence of Annexe 2 species under the Directive was also investigated. These included the bottlenose dolphin (rare in the BPNS), the harbour porpoise (2% of NS population), the common seal (widespread, mainly Mar-Apr) and the grey seal. Available information was gathered from recent observations of dolphins, and data taken from a survey of the harbour porpoise. Some observations had been made on common seals, but only anecdotal information was available for grey seals. None of these Annexe 2 species were concentrated in particular areas. Other species taken into consideration were the lampreys, shads and sturgeon. Data were only available for the river lamprey and twaite shad and it was impossible to identify areas of concentration and take site-specific conservation measures, but the importance of the coastal area for migratory fishes had been recognised. Because it was impossible to take site-specific conservation measures for these fish species or the mammals in the BPNS, the delineation of the Flemish Banks was based only on Annexe 1 habitat types (1110, 1170).

3.8 All the data were integrated, taking a 40% overall protection criterion[[1]](#footnote-1), and simple lines were drawn to yield a box that protects all the sensitive biotypes. The area delineated protects much of the *Abra* community and some areas of very high biodiversity. The *Macoma* community is not so well protected though the main part was. The selected Natura 2000 area was sent as advice to the Ministry, and the area was adopted as part of the MSP.

3.9 At the end of the presentation by Kris, Pim Visser commented that all national agencies started with identifying protected habitats and species but then adopted different definitions and percentages to delineate the areas. There was little contact between different countries on this. A more unified approach would be helpful. Michael Kyramarios remarked that each country puts forward its proposals and the Commission then takes the decision on the normalisation (achieved at their biogeographic seminar) of the proposed protection under the Habitats Directive. That does achieve some unification. Pim Visser disagreed. The implementation rules are not really unified. Different countries have different approaches to benthic habitats because they have different percentages of these in their waters.

3.10 Julia Puplesyte resumed her presentation. Four zones had been chosen within the Natura 2000 area of the Flemish Banks for the adoption of fishery measures; 1 & 2 were close to the coast and 3 & 4 were further offshore. In zone 1: all existing coastal fishing activities could be continued on condition that beams with wheels (“roller shoes”) were incorporated into the fishing equipment. For shrimp fishing, a sieving net would be obligatory. Existing vessels might be replaced. New vessels would be allowed to fish in the area using non-seabed-disturbing fishing techniques. In zone 2: only non-seabed-disturbing fishing techniques and testing of alternative fishing techniques would be allowed. A three-year transition period would be established during which existing fishing techniques in the area would still be allowed. In zone 3: only non-seabed-disturbing fishing techniques would be allowed. In zone 4: only non-seabed-disturbing fishing techniques and testing of alternative fishing techniques would be permitted. An overview was given within the MSP of the main fishing methods and their seabed-disturbing effects. Adaptations that would reduce impacts were identified.

3.11 There is also a 5th zone, an area along the shoreline. In this coastal zone: fishing is prohibited for fishing vessels having a gross tonnage of more than 70grt. This is an existing measure, which only allows the smaller coastal fleet to operate in the area.

3.12 After the adoption of these proposals restrictions will apply. There is no intent to close these areas to fisheries. Only small areas have been selected to protect the most sensitive habitats. Seabed-disturbing techniques have been used in these areas in the past and there is very little data on the state of the benthos before the use of those techniques. Refugia where fishermen have not been active have been included. Currently the Belgian and Dutch fleets predominate in the area. Vessels from France, the UK and Denmark are much less active. Shrimp fishing is common and is pursued by mostly Belgian vessels and some Dutch. Beam trawling also takes place, mainly by the Dutch fleet. For the shrimp fisheries, the Flemish Banks measures will mainly affect the Belgian fleet, with coastal measures affecting both Belgian and Dutch vessels. For the beam trawl fisheries there is minimal presence of Belgian vessels on the Flemish Banks but the Dutch fleet is active over the whole area.

3.13 In terms of displacement of fisheries, no major or disproportionate effects are expected as a result of these measures. There is an incentive for vessels to use techniques that are much less disturbing to the seabed. In terms of control and monitoring, current monitoring will not need to be intensified and existing means of control will be sufficient.

3.14 Public consultation is now underway on the Marine Spatial Plan. There has been contact with Belgian stakeholders since 2012 and informal contacts made with adjacent countries. Transboundary consultations are taking place with the Netherlands, France and the UK. Further international coordination is continuing. Meetings with the Scheveningen Group took place in Apr and Sep 2015. Once the Belgian proposal is finalised, there will be further contact with the Scheveningen group through an *ad hoc* Spatial Planning Working Group.

3.15 Euan Dunn asked for clarification of the 70grt limit on vessels. The measure applies to vessels of 70grt or less. Vessels over 70grt are excluded. Euan then asked whether there would be a societal cost/benefit analysis, as in the Netherlands. The reply was that there had been no formal analysis but there had been discussions with the fishing fleet.

3.16 Sam Stone thought that the testing of benthic friendly fishing gears was a bit vague. Would there be trials of alternative gears? The reply was that it was not yet clear what experiments would take place but there was a wish to test new gears, through a scientific approach. Well-managed experiments would be required. Sam Stone said that there was still uncertainty and concern about some of the gears (such as pulse trawl) in terms of their meeting the objectives of the MSFD. Also there was an issue over site integrity. That integrity requires connectivity between sites. Had that really been considered here? The reply to the first was that alternative gears need to be tested to see if they’re an improvement and, to the second, the most sensitive sites had been selected within what was a very small area. The sites were not necessarily connected with each other but they were very close. The fishery measures applied over larger zones so we also need to bear in mind what neighbouring Member States are doing; France has proposed a large Natura 2000 area adjacent to ours and the Dutch have done likewise in the eastern part.

3.17 Pim Visser was concerned that the 70grt limit had been chosen to protect the smaller Belgian fleet – whether a vessel was less or greater than 70grt it was using the same gear so had the same seabed impact. These new rules were being introduced under the MSFD to achieve Good Environmental Status but there was a lack of evidence on how defining a new coastal zone extending the earlier one was going to achieve this. The reply from Jan Hostens was that the measure was originally produced to protect small-scale vessels by giving them exclusive access to the coastal zone. A biological evaluation of the measure was now being carried and more data were being gathered for presentation to the Commission. Studies had shown that the coastal zone was biologically important and valuable. Within the small fleet there were different types of vessel but they all had low impact. It was important to protect the coastal zone and the 4.5 nautical mile limit had been chosen on biological grounds.

3.18 Pim Visser said that there were hardly any vessels less than 70grt anyway and most of the *Lanice* communities were within the 3-mile limit. There was no scientific justification for extending the limit to 4.5 miles. This was a blatant attempt to remove Dutch vessels and protect the small-scale Belgian fleet. Jan Hostens stated that the original measure was intended to protect small vessels that were less harmful to the coastal zone but the new zone was an ecological measure. Further biological data could be circulated that was not in the current report.

3.19 Pim Visser then asked what data were available to evaluate the relative impacts of conventional beam trawls and beam trawls with ropes and rollers. Most of the damage from beam trawls comes from the tickler chains. Rollers do not cause significantly less damage; they simply reduce fuel consumption. Marijn Rabaut replied that while the greatest impact was indeed fuel consumption, they had to reduce the impact on the benthos even though they could not remove it entirely. The specified gears were not ideal or perfect but fishers were being taken through a transition to less harmful gears, and the Belgian fishermen were much in favour of this. Emiel Brouckaert said that there were other improvements that could be made in addition to rollers. Rollers were just given as an example. Discussions were under way on other measures to reduce seabed damage.

3.20 Pim Visser asked what the link was between the royal decrees to protect fish stocks and to protect the environment. Jan Hostens said it’s not only the fish stocks, it’s the balance with the environmental impact, hence the attention to small vessels. Pim also raised the issue of displacement. What was the evidence for the likelihood that there would be ‘minimal’ displacement of fishing activity? Jan replied that the intention of the measures was to reduce the impact of fishing in small areas. Julia Puplesyte added that their incentive was for fishermen to use alternative gears to cause less damage. Pim said that their experience was that fishermen would increase fishing intensity in adjacent areas and just intensify the impact on those. There have to be measures to mitigate this, otherwise the effects of displacement could be damaging. Fishermen will not go to other parts of the North Sea. They would fish close to their original areas. In reply, it was noted that the BPNS was a very small part of the North Sea, reducing the displacement potential. Emiel Brouckaert reported that Belgian fishers had said that the measures to reduce damage should be left to the fishermen, as they know what they are doing. But this suggestion had not been followed. It would be sensible to ask fishermen how best to reach ecological targets. Pim agreed. It is very important first to set targets and then to ask fishers how these can be achieved. The UK JNCC have done that on the North Norfolk Sandbanks and Haisborough SACs (unlike the Dogger Bank), where they have asked fishermen how to reach their goals. That approach would lead to better acceptance by fishers and better protection of the environment. Top down solutions were not as good.

3.21 Christine Absil asked how a sieving net could contribute to habitat integrity? The reply was that fishermen would be given a transition period to adapt their nets to reduce damage. Also the sieving net is not the same as the roller shoes - not everyone is using it now. There was general agreement that it was better to agree with fishermen which measures were best adopted. Christine then asked how monitoring and control would take place in these small areas if you don’t increase the ping rate? The reply was that higher frequency VMS systems would be necessary to locate vessels and determine whether fishing was taking place in an area. Given that the areas are small it’s easier to control with other high tech systems like IAS. Sam Stone later mentioned that in the UK access to some sites is on a permit only basis and there is sometimes a requirement to have inshore VMS to improve monitoring. He completely supported industry involvement but control and monitoring needs to be external in order to reward those fishermen who do the right thing. Pim Visser added that microVMS might provide a solution. There was a need for a common system to locate vessels. Later, the French fishers noted that IAS is designed as a safety measure, not for control, so they were rather surprised to hear about it as a control measure. Pim Visser agreed that IAS is only for safety but other options (like microVMS) were available. But he warned our boats don’t want a multiplicity of recognition technology, we just want one system. Christine then asked how new fishermen were to be defined. The answer was that the concept of new fishermen is defined in the Belgian Marine Spatial Plan: those boats that were active would be listed. Any additional boats would be new.

3.22 Heather Hamilton asked what the science was behind the decision that roller shoes were less damaging. When would this cease being a transitional measure and what other measures might be adopted within the Natura 2000 area? The reply was that the transition period would allow these gears (roller shoes) to be used while their impact was assessed. Other less damaging options would also be sought. Their introduction would start to reduce the damage. The alternative was to allow regular beam-trawling activity which would lead to higher impact. Heather also asked what percentage of these sites would be protected within the 4 zones. Julia Puplesyte replied that 9% of the 4 zones and coastal zone are protected.

3.23 The effects of human activities other than fisheries on the environment were also mentioned in the report. Those activities that were not prohibited in principle were subject to applicable permit and licensing regulations and involved environmental impact assessments so that their effects could be evaluated. Sand extraction is a major activity, with annual quotas allocated for each zone. Sport and recreational fisheries in the area would also be reduced if they were likely to have any adverse impacts. Those fisheries were mostly for shellfish.

3.24 French fishers asked why there was to be a transitional period for zone 2 and not for zone 4 where testing of gears was also to take place. The reply was that the distinction was based on feedback from the public consultation on the MSP but the Belgian Ministry was looking at this to see whether there was a need for a transitional period in the other zones. Antony Viera then asked whether there was a full technical description of the shrimp fishing sieving net. The reply was that there was a full description available. Julia Puplesyte then recapped on the process for adoption and the timetable. There would be meetings with the Scheveningen Group to arrive at a joint recommendation. The Belgian proposal would then be finalised. Under Article 11 the NSAC would have to be consulted. The proposal would be ready over the next few months and we might expect to see a joint recommendation emerging towards the end of 2015. Euan thanked Julia and members of the Belgian contingent for their attendance at the meeting, their scientific support, and their willingness to take part in these informal discussions.

**4 Any other Business**

4.1 Pim Visser had attended a “fisheries day” at which there had been an exchange of views with the German authorities over the establishment of a particular reef/sandbank as a protected area in the German part of the North Sea. Pim had asked the German authorities to communicate with international stakeholders on this proposal. We needed to introduce ourselves to the appropriate German authorities, including those responsible for the environment, and to ask them to communicate with the NSAC over these proposals. This would avoid the unhelpful unilateral discussions we had experienced over the Dogger Bank. Peter Breckling said that there were no written documents on this proposal. There was some oral agreement between authorities that would be passed to the Scheveningen Group. A total area of 5,000 km2 would be closed to heavy beam trawlers. The German Government is convinced that it will not harm German fisheries, but German fishermen do not accept this and will take action through the courts once formal procedures begin. Peter would like the Spatial Planning Working group to become involved in this issue. Euan Dunn asked Peter to provide some briefing material on this issue.

**5 Next Meeting**

5.1 An important next step is to get our interactions with the Scheveningen Group sorted out. More Dogger bank issues were also likely to arise. The Working Group would need to meet before the end of the year.

**6 Action Points**

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| **Actions** | **Responsible** |
| 1. The report of the previous meeting will be amended to take account of an overstatement of the Danish position in paragraph 4.25 (2.1).
 | Euan DunnSecretariat |
| 1. The TORs with external bodies will be amended so that responsibilities are clear. This will allow the NSAC to deal with external bodies in a professional manner (2.3).
 | Euan DunnSecretariat |
| 1. Briefing material will be provided to the Working Group on emerging proposals for a reef/sandbank-protected area in German waters that will be closed to heavy beam trawlers (4.1).
 | Peter Breckling Secretariat |
| 1. The Working Group will meet before the end of the year. An important next step is to get our interactions with the Scheveningen Group sorted out. More Dogger Bank issues were also likely to arise (5.1).
 | SecretariatEuan Dunn |

**8. Attendance**

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| **Family Name** | **Given Name** | **Organisation** |
| Absil | Christine | Seas at Risk |
| Anderson | Anne-Margaret | SWFPA |
| Anderson | John | SFO |
| Breckling | Peter | Deutscher Fischerei-Verband |
| Brouckaert | Emiel | Rederscentrale |
| Degloire | Mieke | Belgian Ministry of Environment |
| Duguid | Lorna | NSAC |
| Dunn | Euan | Birdlife |
| Grigorjeva | Joanna | NSAC |
| Hamilton | Heather | Client Earth |
| Hawkins | Tony | NSAC |
| Hostens | Jan | Belgian Ministry of Environment |
| Hostens | Kris | ILVO |
| Kyramarios | Michael | Belgian Ministry of Environment |
| Puplesyte | Julia | Belgian Ministry of Environment |
| Rabaut | Marijn | Cabinet of the Belgian Secretary of State |
| Stone | Samuel | MCS |
| Teisseire | Nicolas | Blue Fish |
| Van Gaever | Saskia | Belgian Ministry of Environment |
| Viera | Antony | CRPMEM Nord Pas de Calais Picardie |
| Visser | Pim | VisNed |
| Wichmann | Niels | Danish Fishermen’s PO |

1. The term ‘protection criterion’ refers to the so-called ’20-60% criterion’ used by the European Commission for assessing Member State proposals for a Natura 200 area under the Habitats Directive. For more information see Commission document Hab97/2 rev4. [↑](#footnote-ref-1)