



Spatial Planning Working Group Record of Meeting February 16th 2009, Berlin, Germany

Rapporteur: Tony Hawkins

Agreed Draft

1. Welcome and Agenda

- 1.1 Euan Dunn welcomed participants to the Spatial Planning WG, which had one item on the agenda: the NSRAC's response to the JNCC's forthcoming consultation on the proposals for a Dogger Bank Special Area of Conservation (SAC). He expressed his thanks to the German Ministry for hosting the meeting in Berlin.
- 1.2 Apologies had been received from Henrik Lund (Danish Fishermen's Association), who had hoped to attend to present information on fishing by the Danish fleet on the Dogger Bank.
- 1.3 Ditte Degnbol, from IFM at the University of Aalborg, based in Copenhagen, was welcomed as an observer to the meeting. Ditte was looking at the role of science in designating protected areas. The chair had earlier agreed, subject to Chatham House rules, to a request by Ditte to make a digital recording of the meeting to assist her project.
- 1.4 The role of the NSRAC at this meeting was to become more aware of the proposal for a Natura 2000 site on the Dogger Bank, through a presentation from the JNCC, the UK government's conservation advisers for offshore sites, and then to bring forward information which might have a bearing on the designation of the site and assist with evaluating the economic impact of that designation upon fishing at the site. The meeting built upon the pre-consultation on the Dogger Bank proposal by JNCC with the Demersal Working Group in the European Parliament, Brussels, on November 25, 2008.
- 1.5 The current status of the consultation was that it was about to enter the formal stage (although this had not yet been announced by the UK), requiring comment from interested parties. The formal consultation period would last for three months.
- 1.6 There were two other sectors also being designated for the Dogger Bank, within the EEZs of Germany and the Netherlands. The NSRAC is a transnational body,

and is perhaps the only forum in which the overall picture can be grasped and discussed, and resolution of fisheries management issues across EEZ boundaries facilitated. Supporting information to develop fisheries management measures is being sought through an EMPAS study (now complete) in the German EEZ and an EMPAS-like study (called FIMPAS) about to start in the Dutch EEZ. To this end, the Dutch had held a trilateral meeting with the UK and Germany on 22 January. Ton Ijlstra would tell us about his work on Wednesday Feb 17 at the ExCom. Ton explained briefly that 4 new areas were being proposed by the Netherlands. Through the FIMPAS project the government was trying to develop coherent management regimes (conservation objectives and management measures) for these areas. He wished to bring the European NGOs and RACs into the process.

- 1.7 In addition to these N2000 proposals, the UK Crown Estate had also announced its third licensing round for offshore wind-farm development, and one of the areas for which tenders by developers is invited is the northern part of the Dogger Bank being designated as a SAC. A Strategic Environmental Assessment was being performed and we might wish to get involved in the consultation.
- 1.8 Euan Dunn remarked that several key points had emerged from the discussions at the Brussels Demersal WG on the Dogger Bank proposals:
 - Concern about the size of the area and the nature of the seabed within it
 - Concern over the impact of the area upon fishing activities, including the displacement of effort into adjacent areas
 - Particular concern over the flatfish fisheries, where fishing would be displaced into areas where higher by-catches would be inevitable
 - What management measures would be applied and who would draw up the management plan?
 - How were wind-farms and aggregate dredging compatible with SAC status?
 - The flawed nature of the Habitats Directive in relation to offshore sites and its lack of attention to economic and social aspects during site designation
- 1.9 Key steps we needed to take were:
 - To provide information on the types and location of fishing, and by whom, in order to enable an impact assessment to be carried out and a fisheries management regime planned
 - Information on seabed habitat – is it all sandbank?
 - The quantities and types of by-catch

All for specified locations.

2. Presentation by Charlotte Johnston, JNCC

- 2.1 The JNCC would be consulting on two sites, the Dogger Bank and the NW Rockall Bank. Consultation would start shortly and would last for 3 months although this presentation and the NSRAC's response to it should be regarded as a legitimate part of that consultation. It would then take two months to analyse the results in order to prepare an externally-contracted impact assessment for the UK Government, with a view to submitting the sites to the Commission in late summer.. The bigger picture was to meet the Commission's deadline for completion of the Natura 2000 network by 2010. There would be two JNCC documents available for the consultation; a scientific justification and draft conservation objectives specifying the likely management regime required.
- 2.2 The Dogger Bank was being designated for the following features/species listed under the Habitats Directive: 'sandbanks slightly covered with seawater all the time' and for harbour porpoise. Slope analysis had been used to define the bank, utilising geological and biological information. The German and Dutch sites were close by. The German site was already designated and the array of proposed Dutch sites was complete. An impact assessment had to be prepared for the UK government and would be available during the consultation. Impact Assessments examine the likely economic impacts of a policy change and the range of options for implementing it. The impact assessment[?] will be updated following the consultation incorporating information from all responding stakeholders.
- 2.3 The JNCC has already mapped oil and gas installations, gas fields and pipelines and aggregate extraction licensed areas at the site. A Round 3 wind-farm area has been defined by the Crown Estates. If a wind-farm development was approved, it was likely to occupy only small portion of the area up for licence, generating 8GW. Demersal fishing activity in 2004, for all countries, had been mapped from VMS data. This just showed where fisheries occur, not their effort, and more data was now being sought but was mostly only available for three large ICES squares. Some 80% of fishing activity in these squares was by the Dutch fleet. Plaice was the main species caught (>60% by weight). Catches also included sole, lemon sole and turbot.
- 2.4 The information now being sought from fishers, on the scale of ICES squares, from June 2000-2008, included:
- Identification of the number and types of vessel businesses that fish at the Dogger Bank, including home port and fishing days within the SAC;
 - How changes in landings at foreign ports might impact the UK economy;
 - Views on how fishermen will respond to any potential closure;

- Where activity is displaced, difference in steam time, fuel costs, fishing levels and any other cost/profit information associated with displacement alternatives;
 - Costs to not fish if site was designated and there were no suitable alternative sites such that site designation made some vessels unprofitable;
 - Potential seasonal effects of designation;
 - Any other data that would improve comparison of costs, earnings and profits for vessel businesses under the different scenarios; and
 - Other sites for plaice catch, as well as level of catch at those sites and their sensitivity and importance for overall plaice stocks
- 2.5 Other additional sites being considered by the UK were the North Norfolk Banks and Saturn Reef and a number of inshore sites in the Wash, the Thames, and Straits of Dover. Nine marine SACs off England (inshore and offshore) were likely to be consulted upon in late 2009-10. All the information for the consultation will be available on the JNCC website: www.jncc.gov.uk/marineconsult alongside more general information currently available on SACs at: www.jncc.gov.uk/page-1455

3. Discussion

3.1 Points raised in the discussion included:

Regarding the UK % landings from different fisheries in different ICES squares, there was a need to break up the figures by quarters because 50% of the Dutch beam trawl fleet had been decommissioned during the course of 2008

The extraction application by the aggregates industry was for millions of tonnes, and yet this was a spawning area for young fish

The northern edge of Dogger Bank is deeper water and that is where the UK fleet fishes. That area should not be included.

If wind-farm sites were included inside the SAC, would additional areas need to be designated in mitigation?

Why was such a large area being designated? Much of it was not sandbank

Were the different proposals coming forward from member states properly coordinated?

3.2 The NFFO had agreed with the JNCC that it would provide two forms of data; seabed type and secondly fishing patterns and how they might be affected by

different sorts of management. However, there was concern that monitoring of the seabed was rather poor, and that fishing vessels would be displaced from area of low to high discards in the Norwegian sector. The NFFO wanted to change the overall shape and size of the site but were worried that there was no scope for the sort of negotiation they really wanted. It was difficult to do this under the Habitats Directive and it put them in the position of being 'suplicants'. We need a much better understanding of the Dogger Bank features (including the wide range of substrates) before we designate all of it. The NFFO was concerned that there was no scope for negotiation over the designation of the site. The JNCC agreed that there was a mix of habitat types on the Dogger Bank, and emphasised that it needed information on the level of fishing along the northern area of the bank. The JNCC would also welcome information on seabed types.

- 3.3 Nigel Proctor was also concerned that all parties had not been invited to the table for discussion and that this was just as important as talking to the JNCC now. There were many issues to be ironed out. Had the JNCC proposals and the Crown Estate's wind-farm proposals been discussed in the round? Charlotte Johnston said that she shared his concern. There has been cross-sectoral discussion on the site proposals, but there is currently no forum in the UK for multi-sectoral discussion in relation to habitats directive sites. . Different authorities are responsible for licensing different activities. It was pointed out that in Germany there is one department which is responsible for coordination; there is a process for spatial planning. In the Netherlands the Nature Conservation Act includes a cumulative impact clause which requires the impact of all activities to be considered together. Euan Dunn concluded from this that the UK was not showing joined up thinking. However, the Marine Strategy Framework Directive, within which Marine Spatial Planning is a key tool for achieving 'good environmental status', would require coordination of all these activities within a member state.
- 3.4 There was concern that the new Control Regulation from the Commission was introducing a minimum speed limit for vessels crossing closed areas. That was one of many stupidities within that regulation which would be discussed at the forthcoming Demersal W.G.
- 3.5 Charlotte Johnston said that the UK did not normally designate areas in compensation for activities on offshore SACs. Any wind-farm proposals in the area might be expected to have an impact upon conservation features, and would be assessed on a case by case basis.. A wind-farm could not itself be declared an SAC.
- 3.6 The issue of sandeel fisheries was raised. Did sandeel fishing take place on the Dogger Bank? The answer was yes, and that it was probably more extensive than the JNCC had estimated. Svend-Erik Andersen estimated that around 150,000 tonnes were taken off the Dogger Bank last year. The JNCC would welcome more information on this fishery.

4. The provision of additional data

- 4.1 Charlotte Johnston said that the data they were seeking was mainly for the socio-economic impact assessment. However, it might also be used in future

discussions of the management of fisheries in the area. The latter would be the responsibility of the Commission. The data was required by the end of the 3 month consultation period, but the sooner the better to enable full analysis to be carried out.

- 4.2 Barrie Deas thought it would be quite difficult to supply the data being requested. It would be the management measures which would determine the degree of economic impact. The impact would be much greater if areas were completely closed to fishing. However, the NFFO would try to provide its information in a simple format. Barrie added that, compared to (e.g.) oil and gas extraction, fishing is a dispersed activity so it is difficult to 'weight' compared to these other, sedentary maritime activities. His experience was that fishing was perceived as being at the bottom of the scale and this disadvantaged the importance given to fishing in negotiations and decision-making. However, while the economic value of fishing might be low compared to these other sectors, the socio-economic value was high – livelihoods were affected.
- 4.3 Euan Dunn said that Barrie had already raised the question of each RAC needing its own support unit to deal with scientific issues and help translate knowledge into policy guidance. One role for such a unit might be to facilitate the setting up of databases on fishing activities. Pim Visser said we need a comprehensive NSRAC data-base to answer all of JNCC's questions; could we put together such a data-base? Ton Ijlstra thought this was an important issue not just for the NSRAC but also for member states. A lot of data had to be collected together from all the coastal states. If this NSRAC group took the initiative then others might be willing to join in. The Dutch FIMPAS (see 1.5) study could be developed to do this for the UK part of the Dogger Bank as well as the Dutch part. In addition, the CEFAS-led Lot 7 project on data collection between fisheries institutes and fishermen (due to report to the Commission in May 2009) includes a strand to map fishing effort on the UK's Dogger Bank SAC, using VMS and logbook data. The NSRAC would be asked to validate the mapping outputs in April.
- 4.4 Euan Dunn thought we should (when we received it) also circulate to the Spatial Planning Working Group Henrik Lund's paper on Danish fishing activities on the Dogger Bank as an exemplar of what was needed from other fishing fleets. Ann Bell took note of the discussions of lack of coordination between member states and the need for a data-base. The whole question of the NSRAC's role with respect to coordination of Natura 2000 issues between member states and to the provision of data-bases for the resolution of North Sea issues required further discussion and she would take this forward.

5. Summing-up

- 5.1 Euan Dunn said that we had now moved this issue of Natura 2000 areas further forward. We now had to look in greater detail at what information on fishing activities might be produced for this and other proposals. Once the period of consultation started there would only be three months to assemble and provide data. We needed to reflect on the data provided so far and consider how best to provide new data in the future.

- 5.2 These discussions had revealed the chaotic state of marine spatial planning, not just for this but for other purposes. It was clear that for the UK, given that there would be other maritime activities including a potential wind-farm in the same area, we needed a UK forum which brings all the sectors round the table. It was already clear that we needed to assemble relevant data-bases but progress so far had been very slow.
- 5.3 Pim Visser thanked Euan Dunn for the way he had conducted the meeting. No date was set for the next meeting of the SPWG as this will depend on progress with this consultation and other activities.

10. Action Points

1. The NSRAC should also be inputting to the Round 3 licensing of wind-farm development on the Dogger Bank, and needs to be aware of the remaining opportunities for consultation (1.6).	Euan Dunn
2. Fishers are invited to provide information to the JNCC on the types and location of fishing activities on the Dogger Bank, in order to enable an impact assessment to be carried out and a fisheries management regime planned. A 3 month period of consultation begins soon (1.8, 2.4)	Members
3. A much better understanding of the Dogger Bank features (including the wide range of substrates) is needed for designation of the site. Fishers are invited to send in any information they have on seabed types (3.2)	Members
4. There is concern over the lack of joined up thinking within the UK with respect to the different licensing regimes, which contrasts with the position in other member states (3.3, 5.2)	UK Representatives
5. The JNCC would welcome more information on the sandeel fishery in the North Sea (3.6)	Members
6. There is concern over the complex array of data the NSRAC needs to address this and other consultations for offshore development. The Dutch FIMPAS study will create a database which embraces the UK area of the Dogger Bank (4.3)	Ton Ijlstra
7. Once they are drafted, the Lot 7 maps of fishing effort on the Dogger Bank SAC need to be validated by the NSRAC (4.3)	Euan Dunn and Members
8. Henrik Lund's paper on Danish fishing activities on the Dogger Bank will be sought and circulated as an exemplar of what is needed from other fishing fleets (4.4)	Euan Dunn
9. The question of the NSRAC's role with respect to coordination of Natura 2000 issues between member states and to the provision of data-bases for the resolution of North Sea issues requires further discussion (4.4)	Secretariat

8. In Attendance

Euan Dunn

Chair

