Advice from Natural England and JNCC
North Sea Whiting FMP

Advice issued 31 January 2024

Executive Summary

This advice provides an assessment of risks arising from the fisheries contained in the North Sea Whiting FMP to:

- The designated features of Marine Protected Areas in English waters
- UK Marine Strategy descriptors

Advice is presented separately for risks to MPA features and UK MS descriptors. Although the underlying impact pathways are very similar (e.g. bycatch poses a risk to both) and some species are both MPA features and are part of UK MS indicators, there are also important differences. The UK MS covers a much broader range of species than those protected by MPA designations, especially for cetaceans and fish. Also, the underlying objectives of the two legislative drivers are different and therefore there may be subtle but important differences to the ascription of risk and precaution.

This advice has scoped in otter trawls, pair trawls and seines as being the most relevant gear types for consideration. More specific information on gear types, location and fishing effort will improve the ability to assess risk within this FMP and may alter some of the risk-ratings1 presented. The primary aim of the advice is to provide a pragmatic steer on where the greatest concerns lie for interactions between fishing gear types, the designated features of MPAs and UK MS descriptors.

Risks relating to the designated features of MPAs in English waters

Fisheries contained in the North Sea Whiting FMP have the potential to impact the designated features of MPAs in English waters in three primary ways i) through the bycatch of designated features of MPAs ii) the direct (targeted) and indirect (bycatch) removal of prey species on which designated species depend, and iii) alterations to habitat condition. These impacts can affect the designated features of MPAs both inside and outside the boundaries of MPAs. Assessment of the impact of fishing activity occurring within MPAs in English waters has or will be carried out by the IFCAs or MMO. Therefore, it is assumed that appropriate management should either be in place or introduced soon to ensure any fishing

[1] **Indicative risk ratings**

Low Risk: An impact pathway exists, but evidence or expert opinion suggests that impacts are minimal or unlikely. In the MPA context, any theoretical impact is either absent or minimal at the relevant scales for the considered FMP. For UKMS GES, impacts are unlikely to obstruct achieving GES based on current indicators.

Moderate Risk: Interactions deemed as moderate risk typically have an evidenced impact or expert judgment indicates a genuine risk. In the MPA context, the overall impact level might be ambiguous, possibly due to limited spatial overlap between gears and protected features, significant impact fluctuations over space and time, or differences between fisheries in the FMP and those from which the evidence base was derived. In the UKMS GES context, a clear impact pathway exists between the fishing gear and the relevant UK MS descriptors. However, further evidence might be needed, or other activities also significantly influence the current indicator status. FMPs are encouraged to consider straightforward mitigation options if a risk is found, even without conclusive evidence of GES or MPA feature condition impact, taking a proactive approach towards minimising impacts.

High Risk: Interactions identified as high risk are those where available evidence or expert opinion suggests a scale that is concerning and likely to require mitigation. In the MPA context, this scale is concerning relative to MPA conservation objectives, and the fishing activities managed by the FMP are believed to significantly contribute to these risks. In the UKMS GES context, a well-evidenced link exists between the gear type and the failure to attain GES for a UK MS descriptor based on current indicators, with the fishing activity within the FMP being assessed contributing significantly to that failure.

within MPAs is compatible with the MPA's conservation objectives. Therefore, the existing assessment and management pathways mitigate risks arising from fishing activity within English MPA boundaries, and no additional action is suggested for the FMP within English MPA site boundaries. However, potential risks remain to designated mobile species when they move outside of the protection of the MPA.

The results of an initial consideration of the available evidence and expert opinion of the main risks arising from the North Sea Whiting FMP to the designated features of English MPAs are summarised below.

- **While the bycatch risk to the conservation status of designated mobile species from demersal trawls and seines is generally considered low, there are still significant gaps in the available evidence. As a result, the FMP risk rating has been upgraded to moderate, taking a precautionary approach into account. Gathering additional evidence has the potential to downgrade this risk in the future.**
- **There is a moderate risk to designated mobile species (harbour porpoise) from reductions in the availability of juvenile whiting as prey.**

Risks relating to UK Marine Strategy descriptors

The UK Marine Strategy Regulations 2010 (SI 2010/1627) provide the policy framework for delivering marine environmental policy at the UK level and set out how the vision of clean, healthy, safe, productive and biologically diverse oceans and seas will be achieved. The Regulations place a number of duties on the Defra Secretary of State, including the need to define the characteristics of Good Environmental Status (GES) and in turn develop an associated Programme of Measures required to deliver GES. Good Environmental Status (GES) establishes a 'benchmark' for our seas which seeks to '*protect the marine environment, preventing its deterioration and restoring it where practical, while allowing sustainable use of marine resources*'. For each descriptor there are a number of practical targets and indicators that facilitate assessment of our delivery against each descriptor.

This advice focuses only on the most relevant descriptors in terms of risks posed by commercial and recreational fisheries: D1 biodiversity, D3 commercial fish and shellfish, D4 foodwebs, D6 seafloor integrity and D10 marine litter.

In the UK MS, these descriptors are assessed using indicators for each of their constituent 'ecosystem components.' This is carried through to this advice resulting in advice on risks to eight descriptor-ecosystem component combinations: D1, D4 cetaceans; D1, D4 seals; D1, D4 seabirds; D1, D4 fish; D4 foodwebs; D1, D6 seafloor integrity and D10 Marine Litter.

Following initial advice development, three descriptor-ecosystem components have been scoped out of this advice for the following reasons:

- D3 commercial fish and shellfish: Achieving MSY is a foundational aim of the FMP and other Arm's-Length Body (ALB) advice packages seek to support delivery of this. Therefore, we do not provide further advice on D3. However, we do consider management of stocks where risks arise for UK MS descriptors which may be impacted by reductions in prey.

- D1, D4 Fish: Fisheries pose a risk to this indicator through bycatch pressures. However, further work by ALBs is required to understand whether management advice can be derived which would improve the status of the complex indicators for this descriptor, comprised, as they are, of over 100 sensitive species.
- Remaining D4 indicators (i.e. those not covered under cetaceans, seals, and seabirds) - further work by ALBs is required to understand whether management advice can be derived which would improve the status of the indicators for this descriptor which relate to fish and plankton community structure.

The UK Marine Strategy Regulations require management action to be taken to achieve or maintain GES. The Fisheries Act (2020) enables regulators to deliver on this ambition through the Ecosystem Objective, which states that fish. and aquaculture activities should be managed using an ecosystem-based approach, which is, in-part, defined in the Act by the achievement of GES. Equally, the recently published Joint Fisheries Statement (2022) lays out the ambition across UK administrations to take action to achieve or maintain Good Environmental Status (GES) in all UK waters (Joint Fisheries Statement, 2022).

The results of an initial consideration of the available evidence and expert opinion of the main risks arising from the North Sea Whiting FMP to UK MS Descriptors are summarised below.

- **There is a high risk to seafloor integrity (D6) due to benthic disturbance caused by demersal trawls and seines and the contribution to current failure to meet targets. Strategic work at a broad geographic scale is required to identify opportunities to mitigate risk and understand trade-offs.**
- **While the risk from demersal trawls and seines to achieving GES for marine mammals and seabirds (D1 & D4) through bycatch is generally considered low, there are still significant gaps in the available evidence. As a result, the FMP risk rating has been upgraded to moderate, taking a precautionary approach into account. Gathering additional evidence has the potential to downgrade this risk in the future.**
- **There is a moderate risk to cetaceans (harbour porpoise, D1 & D4) through reduction in the availability of juvenile whiting as prey.**
- **There is a moderate risk to marine litter (D10) due to abandoned, lost or discarded fishing gear.**