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## Summary:

- There are more than 7000 protected wildlife sites in the UK, and many of these extend to the coast and inshore waters.
  - Some fishing activities may not have a significant impact on wildlife, some might need to be restricted in certain areas, but if so, it may be possible to find wildlife-friendly ways to keep working.
  - Breaking wildlife laws can result in a criminal prosecution and a fine of up to £20,000.
  - This Guidance Note will tell you about the protected wildlife sites in the UK, and how to work with the authorities to stay the right side of the law.
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## Protected marine wildlife

Did you know that there are hundreds of areas around the UK's coast where natural features such as wildlife and geology are protected from harm? These areas are home to some of our rarest and most fragile marine habitats and species, ranging from estuaries with huge flocks of migrating birds to submarine reefs hosting colonies of tiny rare sea anemones.

Over the past few years, wildlife protection laws have been changed and areas below the low water mark are now protected and they now apply to people involved with commercial fishing and aquaculture activities. These new laws require industry to work closely with conservationists to manage fisheries and protect wildlife.

The impact of these new laws will vary from place to place. Even in some protected sites, they may have no effect on commercial activities, providing the activities do not harm the wildlife for which the site was designated. Elsewhere, new restrictions on fishing may be required to protect wildlife. Generally speaking, if you are already working in an area, your activities are likely to be compatible with the local wildlife. It is, however, best to be proactive and check first.

Large areas of our seashore, inshore and offshore waters are protected under wildlife legislation – so these new laws could apply to you. This guidance note will tell you:

- About the types of protected sites in the UK;
- what these sites might mean to you;
- how to find out where they are; and
- how you can work with the authorities to help protect wildlife and your business.

## Some facts and figures

- There are just 3 Marine Nature Reserves (MNR) in the whole UK (at Lundy in England, Skomer in Wales, and Strangford Lough in Northern Ireland).
- There are 98 'Special Areas of Conservation' (SAC) around our coasts. These were established under the EC Habitats Directive, and protect over 5% of UK Territorial Waters (inside the 12nm limit).
- The 'No Take Zones' at Lundy and Lamlash Bay are the only areas in the UK where fishing has been completely banned to protect wildlife.
- 81 areas around the coast are 'Special Protection Areas' (SPA) that have been created to protect birds and the habitats they depend on;
- 7 new 'Offshore Special Areas of Conservation' have been proposed – these cover over 10,000 km<sup>2</sup> of sea within the UK's 200 mile exclusive economic zone (EEZ), and other EC Member States are proposing Offshore SACs within their EEZs;
- Extending out to mean low water mark, Sites of Special Scientific Interest (SSSI) are the most common protected site. There are over 6000 SSSIs in the UK. In Scotland alone, 430 of these are in coastal areas, covering 327,504ha;

This guidance note provides an overview of these different sites, and the laws that protect them. Sources of additional information can be found at the end of this note (including references to maps of where these sites occur and how to obtain individual site maps).

## Protected Sites: Legal Background

### Site designations: what to look out for

The most important wildlife conservation designations are explained briefly below:

- **Sites of Special Scientific Interest** (known as Areas of Special Scientific Interest in Northern Ireland). These sites are protected by UK laws, and protect nationally important wildlife. There are thousands of these sites, and they cover much of the UK's coastline down to the mean low water mark of ordinary tides.
- **Special Areas of Conservation** – these are areas that have international wildlife importance, and are protected by EC and national laws. There are presently 98 of these sites in marine areas, protecting 161,200km<sup>2</sup> of coastline and inshore waters (up to 12nm offshore).
- **Offshore Special Areas of Conservation** – these are SACs outside the 12nm limit. Seven new sites have been proposed for offshore areas (up to 200nm offshore), including Wyville Thomson Ridge and North Sandbanks and Saturn Reef. Formal consultation began in December 2007 for 3 months.
- **Special Protection Areas** – these are areas where birds and their habitats are protected under the EC 'Birds Directive'. There are more than 80 SPAs, covering a large area of coast as well as the open sea. Possible locations of offshore SPAs are currently being investigated by the Joint Nature Conservation Committee (JNCC).
- **Marine Nature Reserves** – there are only three MNRs in the UK (Lundy, Skomer and Strangford Lough). MNRs are protected by UK national legislation.
- **Other sites** – these are not the only protected sites you may find on the coast. Other sites, such as National Nature Reserves (NNRs) and Local Nature Reserves (LNRs) might, for instance, impose access restrictions through local byelaws that could affect your activities.

General information about these protected sites is available at the JNCC website ([www.jncc.gov.uk](http://www.jncc.gov.uk)) under the link to 'Protected Sites'. Further information can be found from the nature conservation agencies, their details are on page 5.

### How do they affect you?

The level of protection within each protected site varies, often from place to place. The first thing you should do if you think your activities may affect a wildlife site is contact your local fisheries

manager and nature conservation agency to check that you're not breaking the law.

Guidance on what to do next is set out in the Seafish Guidance Note on the environmental assessment of fishing and aquaculture projects, which can be found on the Seafish website.

### Multiple site designations

Most coastal wildlife conservation areas are protected by more than one of these wildlife site designations. This can create confusion. A single area can be a SSSI, SPA and an SAC at the same time. If it is, then all of the rules protecting all of the wildlife on the site must be obeyed. The Lundy Island case study demonstrates this.

### Wildlife laws

The main UK wildlife laws are listed on page 5 of this document. Much of this legislation is derived from EC laws, and it applies throughout Europe. This means that it is not just UK fishermen that must help protect wildlife – it's all fishermen in the EC.

### Who protects wildlife?

Marine wildlife protection in the UK is carried out by Government agencies, and through statutory duties that have been placed on fisheries regulators.

Your local fishery regulator has a statutory duty to work with the conservation agencies to protect wildlife. This means that fishing activities may be restricted if they are thought to cause harm to wildlife in protected sites.

Each of the UK's devolved administrations has its own conservation agency: Scottish Natural Heritage; the Countryside Council for Wales; the Environment and Heritage Service of Northern Ireland, and Natural England. Their role includes: nominating sites for protection; providing site conservation objectives; and, advising regulators and marine users of potentially damaging activities. If you need detailed information about protected wildlife in your area, these are the agencies to contact. National contact numbers are given on page 5 of this document.

As well as these statutory bodies, a host of non-government organisations (NGOs) also play an active role in marine wildlife protection. These include the Marine Conservation Society, The Royal Society for the Protection of Birds, and local Wildlife Trusts. Although these organisations do not have legal powers, they play an important and influential role in marine wildlife protection.

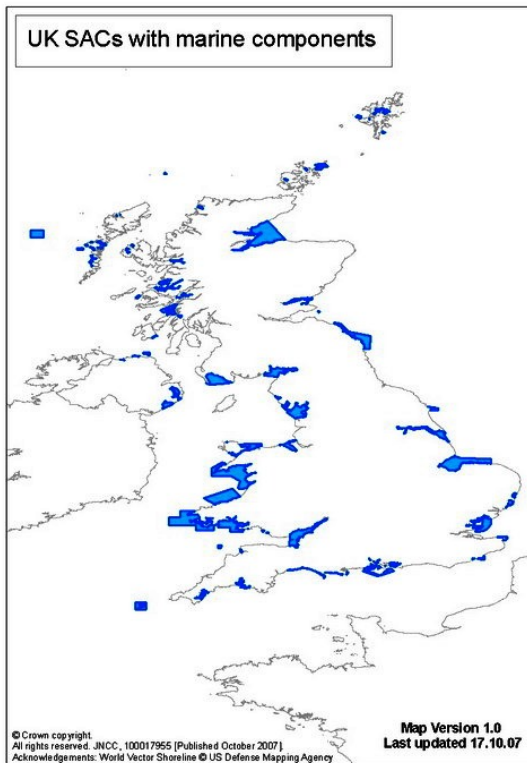
## Inshore Special Areas of Conservation

### Background

A network of SACs has been designated around the UK coast to protect a diverse range of marine habitats and species.

Thirteen marine habitats, including reefs, sandbanks and estuaries and eight species (excluding birds) including bottle nose dolphins, seals and otters qualify for protection from SACs.

The current distribution of inshore UK SACs:



### What is a reef?

Reefs encompass a wide range of seabed structures, from bedrock and boulders to living (known as biogenic) reefs, such as maerl and horse mussel beds. Reefs support rich and diverse communities of plants and animals, typically filter-feeding animals such as sponges and soft corals that in turn attract a variety of mobile creatures, such as crabs and fish.

### Rocky reefs

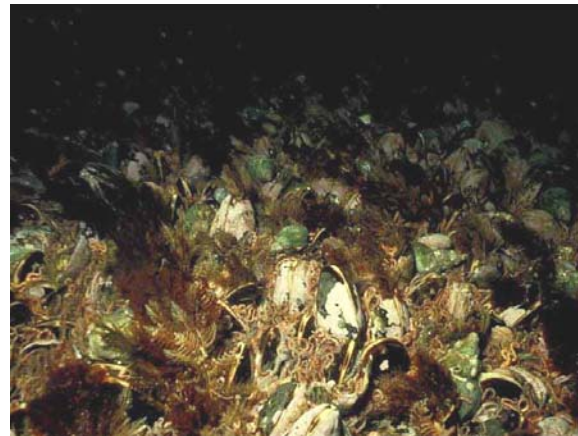
Rocky reefs are very diverse and range from vertical walls to horizontal ledges, hard rock to soft rock (eg chalk), boulder fields and aggregations of cobbles. In addition to the type of rock, local conditions, such as exposure to tidal streams and wave action determine the types of plants and animals found.

### Maerl beds

Maerl is a calcified (rigid) red seaweed typically found in relatively sheltered areas with some tidal flow. Maerl beds are an important habitat for a range of marine animals and plants that live amongst or attached to the maerl. The maerl is also very fragile and easily damaged.

### Horse mussel beds

Horse mussel beds provide a habitat for a rich assemblage of animals, including many commercially important species that use the beds as a refuge, feed on the mussels and predate on the animals and plants that reside there. Horse mussels can form substantial reefs, sometimes several metres above the seabed.



JNCC / Anon

### Where are SACs that protect reefs?

Reefs are a feature of the following inshore SACs:

**England:** Berwickshire and North Northumberland Coast, Flamborough Head, Isles of Scilly Complex, Lundy, Plymouth Sound and Estuaries, The Wash and North Norfolk Coast, Thanet Coast, Fal and Helford, Morecambe Bay, Severn Estuary, Solway Firth and South Wight Maritime

**Scotland:** Firth of Lorn, Loch Creran, Lochs Duich, Long and Aish Reefs, Papa Stour, Dornoch Firth and Morrich More, St Kilda, Isle of May, Loch Laxford, Loch nam Madadh, Luce Bay and Sands, Mousa, North Rona, Sullom Voe, Sunart, Sanday and Treshnish Isles.

**Wales:** Pembrokeshire Marine, Lleyn Peninsula and the Sarnau, Menai Strait and Conwy Bay, Cardigan Bay and the Severn Estuary.

**Northern Ireland:** Strangford Lough and Rathlin Island

## Fisheries & Protected Wildlife Sites: Controversial issues

### Introduction

In some areas, the impact of fishing activities and the sensitivity of the environment can cause major concerns. Ultimately these concerns can result in fishing activities being restricted or even banned so that wildlife is not harmed.

It's best to be proactive and find out about wildlife concerns before they become big problems. By working closely with statutory bodies you may be able to find new ways of working that are compatible with wildlife and their habitats. It is important to note that habitat degradation is as much a concern for fisheries as it is for wildlife.

### Impacts of fishing activities

Over recent years research experience has given us a good understanding of the impacts of fishing and aquaculture activities on marine wildlife, together with measures to reduce conflict with wildlife. Here are some examples:

- **Scallop dredging**

**Impacts:** Scallop dredges can damage fragile marine life on the seabed, which may take years to recover. This problem has become a major concern in a number of protected wildlife sites, such as the Fal estuary and in parts of North Wales (and it also causes controversy outside protected areas, such as Lyme Bay where protected species are present).

**Solutions:** Spatial measures – which might include temporary, seasonal or permanent restrictions – could make a significant contribution to reducing the impact of scallop dredging and could also benefit the fishery. For instance, voluntary agreements in the Sound of Arisaig and Milford Haven protect fragile shallow habitats.

- **Hydraulic suction dredging for shellfish**

**Impacts:** Suction dredges cause disturbance in the upper 10-60cm of the seabed. In some areas this can have a damaging effect – particularly in muddy areas where fragile species are found and recovery from disturbance can take a long time.

**Solutions:** Spatial measures have also been successful in allowing the use of hydraulic suction dredges to harvest razor clams from specific areas in the Wash.

- **Aquaculture (fish and shellfish farming)**

**Impacts:** aquaculture often requires the use of cages or trestles, and these can cause changes to the environment in the vicinity of the cultivation area. Waste products from cultivation, such as excess feed and faeces (including pseudofaeces from shellfish) can change the seabed habitat.

**Solutions:** Careful controls are needed to ensure non-native species are not spread into important wildlife sites. Within these areas, the location of aquaculture sites must be carefully selected so that impacts are minimised.

### Sensitive habitats and species

Some species of wildlife and natural habitats are particularly sensitive to the effects of a wide range of fishing activities, e.g:

- **Birds**

**Impacts:** Fishing and aquaculture activities that take place on the shore or at sea can disturb feeding birds. For instance, wading birds and ducks often feed on the same species of shellfish that are being taken by fishermen, causing direct competition between fishermen and birds.

**Solutions:** These problems can often be avoided by seasonal restrictions so that fishing activities don't disturb birds at vital times of year. Fishing quotas may also be imposed so that enough fish or shellfish remain to feed birds after fishing has taken place.

- **Seabed habitats and species**

**Impacts:** Some seabed habitats and species can be damaged by very light fishing pressure. Species like maerl and tube worm reefs are fragile and can be damaged or killed by a single pass of even lightweight fishing gear.

**Solutions:** In addition to spatial measures to protect fragile and rare seabed habitats and species, alternative techniques such as diving could be acceptable in areas where dredging isn't.

### But I've been doing this for years!

These new rules apply to everyone, whether you have been working in an area for years, or are just about to start on a new venture.

The chances are that if you are already working in an area, your activities are likely to be compatible with the local wildlife. It is best to be proactive and check this first. If in doubt – consult!

### Staying within the rules

Seafish has produced several Guidance Notes to help you stay within the rules and help to conserve wildlife. These notes will give you a general overview of wildlife protection measures, guidance on how to assess the impacts of your activities, some help on how to go about gathering environmental information, and more detail about the impacts of fishing and how to solve them.

There's more info on our website at [www.seafish.org](http://www.seafish.org).

**Key contacts:**

First points of contact with the different organisations involved in marine wildlife protection are:

**Fishery managers:**

Cornwall Sea Fisheries Committee  
Tel: 01736 369817 [www.cornwall.gov.uk/seafisheries](http://www.cornwall.gov.uk/seafisheries)

Cumbria Sea Fisheries Committee  
Tel: 01946 693047 [www.cumbriasfc.org.uk](http://www.cumbriasfc.org.uk)

Devon Sea Fisheries Committee  
Tel: 01803 854648 [devonseafish@btconnect.com](mailto:devonseafish@btconnect.com)

Eastern Sea Fisheries Committee  
Tel: 01553 775321 [www.esfjc.co.uk](http://www.esfjc.co.uk)

Isles of Scilly Sea Fisheries Committee  
Tel: 01720 423371  
[www.scilly.gov.uk/environment/fisheries/](http://www.scilly.gov.uk/environment/fisheries/)

Kent and Essex Sea Fisheries Committee  
Tel: 01843 585310 [www.kentandessex-sfc.co.uk](http://www.kentandessex-sfc.co.uk)

North Eastern Sea Fisheries Committee  
Tel: 01482 393690 [www.neseafish.gov.uk](http://www.neseafish.gov.uk)

North Western and North Wales Sea Fisheries Committee  
Tel: 01524 68745 [www.nwnwsfc.org](http://www.nwnwsfc.org)

Northumberland Sea Fisheries Committee  
Tel: 01670 731399 [www.nsfsc.org.uk](http://www.nsfsc.org.uk)

Southern Sea Fisheries Committee  
Tel: 01202 721373 [www.southernsfc.org.uk](http://www.southernsfc.org.uk)

South Wales Sea Fisheries Committee  
Tel: 01792 654466 [www.swsfc.org.uk](http://www.swsfc.org.uk)

Sussex Sea Fisheries Committee  
Tel: 01273 454407 [www.sussex-sfc.gov.uk](http://www.sussex-sfc.gov.uk)

DEFRA Tel: 0845 33 55 77 (Helpline)  
<http://www.defra.gov.uk/marine/fisheries/index.htm>

Scottish Executive Tel: 0845 774 1741 (Sea Fisheries Division)  
[www.scotland.gov.uk/Topics/Fisheries/Sea-Fisheries](http://www.scotland.gov.uk/Topics/Fisheries/Sea-Fisheries)

Welsh Assembly Government (Dept for Rural Affairs and Heritage) Tel: 0845 010 3300  
<http://new.wales.gov.uk/topics/environmentcountryside>

Department of Agriculture and Rural Development, Northern Ireland Tel: 02890 524 999 (Helpline)  
[www.dardni.gov.uk/index/fisheries-farming-and-food/fisheries/sea-fisheries.htm](http://www.dardni.gov.uk/index/fisheries-farming-and-food/fisheries/sea-fisheries.htm)

Environment Agency Tel: 08708 506 506 (General Enquiries) [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

Marine & Fisheries Agency Tel: 020 7283 6000 (London) [www.mfa.gov.uk](http://www.mfa.gov.uk)

**Nature conservation agencies:**

Natural England Tel: 0845 600 3078 (Enquiry Service)  
[www.naturalengland.org.uk](http://www.naturalengland.org.uk)

Scottish Natural Heritage Tel: 01463 725000 (HQ Inverness) [www.snh.org.uk](http://www.snh.org.uk)

Countryside Council for Wales Tel: 0845 1306 229 (General Enquiries) [www.ccw.gov.uk](http://www.ccw.gov.uk)

Environment and Heritage Service, Northern Ireland  
Tel: 028 9054 0540 (Dept of the Environment)  
[www.ehsni.gov.uk](http://www.ehsni.gov.uk)

Joint Nature Conservation Committee Tel: 01733 562 626 (Enquiries) [www.jncc.gov.uk](http://www.jncc.gov.uk)

**Fishing industry associations:**

National Federation of Fishermen's Organisations  
Tel: 01904 635430 [www.nffo.org.uk](http://www.nffo.org.uk)

Scottish Fishermen's Federation Tel: 01224 646 944  
[www.sff.co.uk](http://www.sff.co.uk)

Welsh Federation of Fishermen's Associations  
Tel: 01437 779 312 [www.wffa.org.uk](http://www.wffa.org.uk)

North Ireland Fishermen's Federation Tel: 02842 771946

Shellfish Association of Great Britain Tel: 0207 283 8305 [www.shellfish.org.uk](http://www.shellfish.org.uk)

Association of Scottish Shellfish Growers Ltd  
Tel: 01471 844324 [www.assg.co.uk](http://www.assg.co.uk)

**Wildlife legislation**

The main UK wildlife laws are:

- Wildlife & Countryside Act 1981
- Nature Conservation and Amenity Lands Order (1985) – for Northern Ireland
- Conservation (Natural Habitats &c) Regulations 1994 in England, Wales and Scotland (established in Northern Ireland in 1995)
- Countryside & Rights of Way Act 2000
- Environment (Northern Ireland) Order 2002
- Nature Conservation (Scotland) Act 2004
- Natural Environment & Rural Communities Act 2006
- Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

The text of UK legislation can be found online at [www.opsi.gov.uk](http://www.opsi.gov.uk). An excellent summary of UK wildlife law can be found on the Joint Nature Conservation Committee website, [www.jncc.gov.uk](http://www.jncc.gov.uk).

**Seafish and the environment**

Seafish exists to provide support to the fishing industry. In 2006, we identified that wildlife conservation is a major concern to the industry. We are working to make it easier for the fishing industry to work in harmony with wildlife conservation interests. We have a dedicated Environmental Assessment Support Officer who can provide you with free advice on environmental issues:

Mark Gray, Seafish, Seafish House, St Andrew's Dock, Hull HU3 4QE, Tel 01482 327837 Mob 07966 764150 email [m\\_gray@seafish.co.uk](mailto:m_gray@seafish.co.uk). Links to useful information sources can be found on the Seafish website, [www.seafish.org](http://www.seafish.org).

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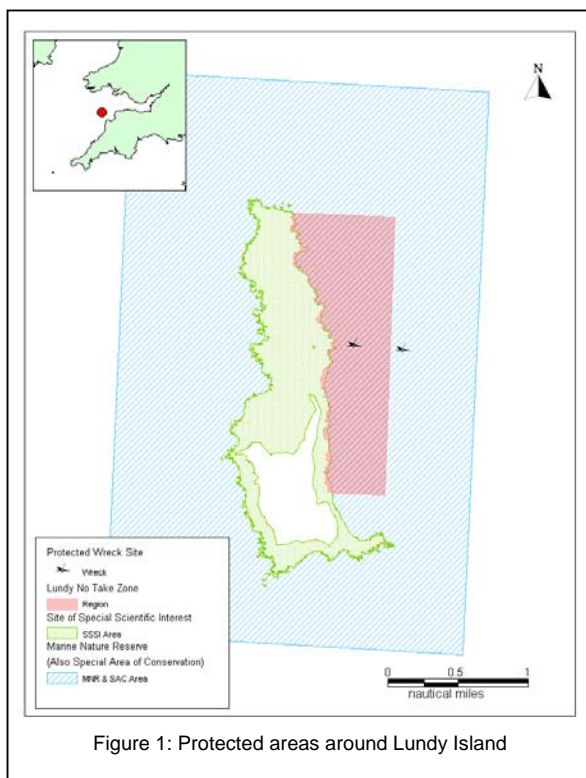
The material provided in this guidance note is general in nature and should not be regarded as an attempt to comprehensively cover every possible aspect of the particular issues being addressed. It should not be relied upon or treated as a substitute for legal advice in relation to individual situations. Except in respect of the Seafish Industry Authority, the author shall have no responsibility for any loss which may arise from reliance on any part of the material contained in this guidance note.

## A Case Study: Lundy Island

### Background

Lundy is an island in the Bristol Channel. Although it's just a small island, Lundy is home to diverse wildlife both above and below the water. The seas around Lundy support a thriving seal population, and diverse marine life on the sea bed, such as pink sea fans. Above water, Lundy is home to seabirds such as puffins, the rare Pygmy Shrew and the infamous 'Lundy Cabbage' which is only found on the island.

Lundy's wildlife is well protected. The sea around the island is protected by a Special Area of Conservation and England's only Marine Nature Reserve, as well as one of only two of the UK's marine conservation 'No Take Zones' for fishing activities. There are even two wrecks near the island that are protected for their archaeological value. Ashore, most of the island is protected by a Site of Special Scientific Interest (see Figure 1 below).



The story of Lundy helps to show how wildlife protection laws work, and how you might be able to work with them.

### Why so many designations?

Lundy is protected by four different designations: Marine Nature Reserve, Special Area of Conservation, Site of Special Scientific Interest and Protected Wrecks. This might look like bureaucracy gone mad, but there are good reasons for it.

Firstly, both Sites of Special Scientific Interest and Marine Nature Reserves are limited in terms of the area that they can cover. SSSIs can't go below the mean low water mark<sup>1</sup>, and MNRs can't come ashore above the high water mark. So the two designations are required if both pygmy shrews and sea fans are to be protected.

The Special Area of Conservation at Lundy covers the same area as the MNR. It adds extra protection for wildlife, stemming from the EC 'Habitats Directive'. The Protected Wrecks are solely for archaeological purposes, and aim to stop historic wrecks from being damaged – something that SACs, SSSIs and MNRs can't do.

### The No Take Zone (NTZ)

Lundy's NTZ is protected by a Devon Sea Fisheries Committee (DSFC) byelaw, rather than national legislation. It's the only fishing NTZ in England and it was created by a partnership between nature conservation interests, fishermen, and the DSFC. It's illegal to fish anywhere in this area.

### What ifs

So, if you wanted to fish around Lundy, what would these designations mean to you? The main thing, of course, is that you shouldn't fish in the No Take Zone. Elsewhere around Lundy, any normal fishing activities should be acceptable as long as you comply with SFC byelaws, but it would be advisable to consult with Natural England before fishing.

### Lessons from Lundy

There are several things we can learn from Lundy:

- Most wildlife sites around the UK are protected by several different designations;
- The type of fishing activities occurring at this site are generally compatible with wildlife, but might need to be restricted in some areas; and
- Fisheries can benefit from wildlife protection measures that protect commercial stocks as well.

<sup>1</sup> Although in some estuaries, SSSIs have been extended below Mean Low Water