

MARINE CONSERVATION ZONES

BORG General response to DEFRA Public Consultation

Contact Details: Name: Jon Reed,
Organisation: Boat Owners Response Group

Bembridge (rMCZ 22)
Norris to Ryde (rMCZ 19)
Yarmouth to Cowes and Newtown Harbour rRA (rMCZ 23)
Studland bay (rMCZ 50)

BORG proposes to respond at two levels to the DEFRA Consultation. Dr Simons, BORG's Science Adviser will make in depth responses referring to technical data and reports.

This General Response will address the wider issues being raised by the Leisure Boating Community.

Boat Owners are broadly supportive of the MCZ process, believing that action is needed to preserve the wide diversity of Marine Life round our shores. There are misgivings about the scientific basis for some of the recommendations, which will be covered in a separate report.

DEFRA MCZ Consultation questions:

Q.9 Comments on other aspects of the Consultation

1. **Eelgrass as a FOCI.** BORG is specifically concerned about areas used as anchorage in which Eelgrass species *Zostera Marina* is present. These areas are used by leisure boats and others as important safe anchorages, providing in many cases key refuges in bad weather, as well as being popular destinations in their own right because of their natural beauty, and their convenient proximity to major leisure boating centres for day and weekend visitors.

The JNCC and Natural England Report to DEFRA highlighted many of these 'Eelgrass Anchorages' as being at high risk from anthropogenic activity. It suggested that eelgrass was being damaged by anchoring and urgent steps were needed to protect it. BORG, along with the majority of the leisure boating community, finds there is no evidence that our activities are having anything more than a marginal impact on these areas. The evidence presented by Natural England is flawed in the extreme, and based on wrong premise. This point is explored in full in our Technical Response.

The importance of Eelgrass and the wide range of habitats it provides is recognised, and boat owners are keen to co operate in ensuring our activities create as little disturbance to sensitive areas as possible. The Natural England Report relies heavily on the opinion of a small and unnamed group of 'experts'. They and NE refer throughout to 'Seagrass', avoiding any mention of the specific species involved and with no regard to numerous species specific research papers. Supporting evidence provided by NE is based largely on research on Mediterranean species of Seagrass, which are well known to be slower growing and a great deal more vulnerable. There are a number research papers specific to *Zostera Marina* which demonstrate clearly its resilience and ability to recover rapidly from damage events. The best known ones are listed at the Appendix below.

The NE and JNCC Report To DEFRA is also inconsistent in that while it regards the Solent and Hampshire eelgrass MCZs as being seriously damaged by anchoring activity, the extensive

Eelgrass beds in the Scilly Isles, also used by numerous visiting leisure vessels, is not. It is in fact awarded 'maintain' status although being subject to the same type of disturbance.

2. Lack of Transparency of the process: The process of identifying the MCZ areas has been far from transparent and although large numbers of people have been involved as stakeholders, other concerned people have been almost completely unable to obtain any firm information about specific areas and recommendations. Reports are presented with a degree of complexity which defeats anyone coming new to them.

3. What will MCZs mean to the boating public? We are asked even in this Consultation to comment on and endorse proposed MCZs, but without ANY indication of what is likely to happen in them. In the Solent region for example - UK's top leisure boating area - MCZs are proposed which *may* have serious implications for the leisure boating community. Until those implications are outlined and confirmed, it is virtually impossible for even those of us who are familiar with the reports to make any comment other than that based on a worse case scenario. The Socio-economic consequences can only be properly determined when we know what controls are proposed.

The Minister stated at a recent meeting of Leisure Boat owners on the Isle Of Wight (Newport, 25/03/2013) that he would not consider any 'blanket bans' on activities, a statement we welcome. However, alternative proposals for mitigating the claimed damage could still have serious ongoing consequences. The proposal to provide EFMs for example would be very costly to the industry, and their efficacy has yet to be proved. See below.

We must suppose that where 'Recovery' of a feature is recommended, restrictions will follow? Are those restrictions likely to achieve their defined Conservation Objective? In MCZs designed to protect eelgrass, we are convinced that anchoring and mooring restrictions will have at best a marginal effect, and will not achieve the 'Recovery' objective assigned to them, because there is a body of clear evidence that such activities make little difference to this species or the habitats it supports.

4. Repression of evidence. Little research has been carried out in UK waters on Seagrass. With the MCZ process, two in depth surveys of Studland Bay were commissioned. The first of these, the Seastar Survey was completed in January 2012. Natural England did not release it for publication until 5 days before its own Report was due to be published thus conveniently missing their deadline for inclusion. This report stated conclusively that they could find no clear link between anchoring and the condition of the Eelgrass in Studland. Subsequently Natural England attempted to discredit this report on grounds of faulty methodology. As Natural England staff were directly involved with the methodology, we have to ask whether the report was set up to fail from the start?

A second in depth survey was conducted by MAIA, Their report was submitted to Natural England in June 2012. It has still not yet been published, and its content - which gives important and detailed information about the condition of the eelgrass in Studland - has not been available to the public during the Public Consultation period. BORG has been allowed access to the draft report by the MMO, and it is clear that had this information been publicly available, it would have materially influenced the outcome of the Consultation in regard to eelgrass sites.

Q.3 Comments on the proposed Conservation Objectives

Bembridge (rMCZ 22)
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Studland bay (rMCZ 50)

Studland Bay rMCZ 50

This is the most heavily used of these anchorages, and on a fine Bank Holiday Saturday, the author has counted 280 boats at anchor (Aug 2003). No long term data has been collected for visitor numbers, but there is photographic evidence in 1936 of over 60 boats at anchor here. Local residents have provided detailed estimates of the number of visitors. In early summer (May - June) a fine weekend will see around a 100 day visitors at any one time. Mid week numbers vary between 20 and 50 per day. During school holidays, it is not uncommon at weekends to see 150 boats at anchor at any one time, while mid week will see between 30 and 60. Weather has an immediate effect on visitor numbers, and in poor weather it is unusual to see more than 10 or 15 boats in the bay and for weeks at a time in 2012, the Bay was virtually empty of visitors.

The recent series of bad summers has reduced overall visitor numbers by an estimated 40%. (SBPA direct observation). Visitor numbers peaked around 2008, and have been falling ever since due to the recession and poor weather. Recorded Seahorse sightings have dropped substantially in that period from a reported 48 sightings in 2008 to 9 in 2012, evidence in itself that the reduction is not linked to visitor numbers, as is claimed by the Seahorse Trust. The 50 years preceding 2008 saw large numbers of regular visitors to the Bay. Numbers have now dropped to a 40 year low due to weather and the recession, and Boat Owners who now avoid using the Bay due to the adverse publicity surrounding it. No records were ever kept as Seahorses were regarded as a curiosity, on the same level as children's crabbing activities, but there are first hand accounts from local residents and fishermen of sightings in the Bay going back to the 1950s and earlier, throughout which time the area has been in regular use as a popular anchorage. It would be most strange if the seahorses had suddenly decided they had had enough in the last 5 years!

It is noted at the same time, that Diver numbers looking for the now much publicised seahorses have increased sixfold: In 2008 the only divers present were the fully briefed Seahorse Trust Researchers working under the direct supervision of individuals licensed by MMO to research this protected species. In 2011 following wide publicity over 380 dives were recorded over a five hour period each day from June to August, of which 113 were confirmed to have been the SHT. The actual number of dives that year is estimated to have been around 700 as almost as many divers were observed outside the daily recording period. (Source: BORG/SBPA records, unpublished. See Annexe)

In the absence of any known facts about this elusive and little known species, even experts can only speculate on the reduction in seahorse numbers at a time of extended bad weather, and reduced visitor numbers. However both local residents and visitors report that the Eelgrass beds continue to expand as they have done over the last 60 years, a fact born out by evidence presented in the MAIA report, and widely confirmed by aerial photography both in the report and elsewhere, for instance available in Google Earth and Bing Maps.

Local fishermen suggested they do not normally operate west of the main ship channel in to Poole, although local residents claim otherwise. Studland bay is listed for protection under the new SIFCA regulations, so that protection from trawling is now ensured. Given that anchoring has only a minimal effect, there seems little justification for creating an MCZ in light of the serious damage it will do to local leisure boating and associated businesses, as detailed in our technical response.

SOLENT REGION:

Osborne Bay - Norris to Ryde rMCZ19

Seaview and Priory Bay - Bembridge rMCZ22

Yarmouth I.o.W and Newtown River - Yarmouth to Cowes rMCZ23

Osborne Bay

In close proximity to Cowes, Osborne provides an important overspill facility for the UK's main yachting centre, particularly during the Internationally supported Cowes Week Regatta. It is also a popular destination in its own right for day and weekend sailors in the Solent and at peak times may have as many as 100 boats at anchor. Its proximity to the Hamble River, the largest concentration of Leisure Boating facilities in the UK further enhances its importance as a short term destination.

Zostera Marina is present in the anchorage, with Recover status, suggesting that restrictions need to be placed on its use as an anchorage. There is clear evidence the Eelgrass beds are expanding, and 'Maintain' status is appropriate. This area too receives protection under SIFCA regulations, so there should be no immediate threat to the Eelgrass.

Bembridge

Seaview and Priory Bay

This location provides an important waiting area at low tide for boats wishing to enter the important tidal harbour at Bembridge as well as being a popular destination in its own right and with extensive small boat moorings. Eelgrass is not widely reported in the Priory Bay anchorage area, the main bed being located close inshore in a position unfavourable for anchoring due to offlying shallows, and proximity to the rocky headland at the Southern end of Priory Bay beach.

Again Eelgrass has been given 'Recovery' status when again there is clear evidence the beds are healthy and expanding. 'Maintain' status is appropriate here also.

Yarmouth.

Another important destination providing a waiting area for vessels waiting for the tide to pass through the Hurst narrows. Yarmouth harbour at busy times can be full by as early as 11.00 am and vessels arriving later have to use the sheltered area outside the harbour. Again Zostera Marina is present in the anchorage.

Newtown River: The current careful management of this beautiful area would appear from the reports to provide more than adequate protection for the FOCI present. Its inclusion as an rRA would appear to stem from the need to fulfill FOCI quotas rather than from any real concerns about the wildlife and FOCI present there.

As one of the most beautiful natural harbours in the area, Newtown is one of the most popular anchorages in the West Solent, providing complete shelter, and one of the best locations in the area for bird loving boat owners.

Alum Bay

An important anchorage for small vessels awaiting passage of the dangerous Needles channel, as well as a destination of choice for holidaymakers. The uncertainty over the presence of the Stalked Jellyfish in this area needs to be resolved.

Many weekend visitors to the Solent do not leave the area, but seek out places such as Osborne or Priory Bay, then spend a peaceful night in beautiful Newtown River. Even in indifferent weather, the Solent can provide a small cruiser with sufficient variety to never have to leave the area during a

weeks cruise. The closure of these strategic anchorages would substantially reduce the attraction and amenity of this whole region, as there would be almost nowhere nice to go except the already crowded and full harbours and Marinas. Many owners particularly of smaller boats actively avoid using marinas!

The closure of these facilities would have a marked effect in the entire Solent region. As one of the UK's largest leisure boating areas, these anchorages provide important destinations for holidaymakers, cruisers, and racing at both local and international level. Any reduction in amenity will be reflected in a reduction in numbers of water-borne visitors and local residents, with potentially grave social and economic effects in the region. Our technical report explores this more fully.

We wish to draw the attention to other regions where Eelgrass is present in anchorages: including Torbay, Salcombe, Plymouth, Falmouth and the Scilly isles, where similar proposals have been made, and the same objections detailed above generally apply. In all these locations SIFCA and SWIFCA regulations provide full protection from bottom trawling activity.

The Scilly Isles have some of the largest and most closely studied eelgrass beds in the UK. 7500 yacht/ nights a year are estimated to anchor in nearly this location, yet other than two small control areas, the entire area enjoys 'Maintain' status.

CONCLUSION

1. We do not believe anchoring causes the damage and fragmentation claimed, and we have shown that anchoring has at most a marginal effect on the health of Eelgrass beds.
2. We do not believe that the proposal to install expensive environmentally friendly mooring systems in these locations will achieve the desired Conservation Objectives. It is our expert opinion that these moorings would require rigorous testing in the UK's fast flowing tides before they can be accepted for use. However in most locations many leisure boat owners would welcome the provision of safe moorings an alternative to anchoring, although others prefer to rely on their own ground tackle.
- We have been in touch with one or two of the larger Solent Yacht Clubs who are currently trialling the recommended EFM systems. No results are available as yet, but we understand they are not proving very successful. The buoys tend to be dragged below the surface in strong currents, and in areas of mobile seabed, the helical screw assembly can be scoured out, and fail. On a silting seabed, the attachment screw becomes deeply buried, and impossible to recover for maintenance. It is also observed that they need much more frequent attention than conventional chain and sinker moorings.
3. Boat Owners are deeply concerned for the environment we use, and seek to do all that we can to ensure our activity causes the minimum of disturbance to that environment. We are happy to co-operate with reasonable voluntary codes of conduct and to assist in setting them up, provided they are based on sound scientific practice and are likely to achieve their objectives. We seek assurance that our traditional rights of mooring and anchoring in open waters will be protected.
4. We deplore the obscure way in which the reports have been presented, and the delays to key reports, ensuring that the few people who will have much chance of understanding and responding to the Public Consultation.

NOTE RE SAFETY AFLOAT

A major concern of many boat owners is that MCZ restrictions will compromise key safety aspects of our sport. Restriction of access and anchoring in important places of refuge will undoubtedly result in loss of life and equipment. The sea is an entirely unpredictable and hostile place. This is part of the challenge of our sport, but any limitation in access to safe refuges will result in loss of life.

We strongly oppose any restriction on the right to stop and secure by any reasonable means any boat, particularly for reasons of safety. Minor problems can rapidly escalate at sea to become catastrophic, with loss of life

RNLI statistics show that frequently accidents and fatalities at sea stem from a series of minor mishaps, so what would be the status of skipper wishing to stop to investigate a minor problem while in a restricted anchoring zone? An engine misfiring or 'not quite right'. A potential problem in the rig or equipment on a boat. All are scenarios which could and have lead to loss of life if left unresolved, but are not in any way 'emergencies' in themselves.

Many boats sail short or single handed. Will they be allowed to stop for urgently needed rest in a restricted anchorage area such as Studland where there is no alternative within easy reach? Or will they be forced to push on when judgement is impaired by fatigue or seasickness, with potentially tragic results? A middle aged husband and wife team on their annual cruise are at far greater risk than an otherwise identical boat with a full, fit and experienced crew.

Studland particularly provides a unique and important safe haven for sailors in the central Channel: It is the only place of shelter fully accessible at all states of tide for small boats. It has been said that anchoring for 'reasons of safety' will always be permitted in any MCZ protected area. We have grave concerns how this would be interpreted: a full emergency situation with SAR services in attendance is clear enough. But there is a huge 'grey area' of need, which does not constitute an emergency - yet. Studland is bound to the East by the tide race off St Katherine's Point, and to the West by tide races at St Albans and Portland. Poole and Hurst Castle have dangerously strong tidal flows and Christchurch entrance dries at low water. There are at times no alternatives.

The Poole inshore fishermen too placed it on record at Finding Sanctuary (FS:DLWG meeting, Jan 2012) that there 'will be fatalities' in the inshore fishing fleet if access to Studland is restricted in any way.

...AND FINALLY

BORG has proposed, in conjunction with the RYA, and with the support of Natural England, MMO, Crown Estates, Studland Bay Protection Asscn, Hampshire, Dorset and Devon Wildlife Trusts, and the Seahorse Trust, to produce a leaflet detailing a 'Best practice' Code of conduct for boat owners wishing to visit anchorages which have Eelgrass present, together with specific local information to help avoid eelgrass Beds. The leaflet is intended to be distributed widely round the Hampshire Dorset and Devon Coast in time for the 2013 boating season, through Marinas, Clubs, Harbour Offices and other marine leisure facilities.

Our aim is to provide the necessary information for boats seeking to visit these areas so that they can do so safely and responsibly, knowing how to minimise any disturbance, and avoid sensitive areas.

APPENDIX

Bibliography:

1 Survey and monitoring of seagrass beds, Studland Bay, Dorset

Second seagrass monitoring report

(reporting on data collected between October 2009 and October 2011)

A report by Seastar Survey Ltd. for The Crown Estate and

Natural England

June 2012

2. Major reports of research in to the Eelgrass species *Zostera marina*

1. Olesen B. and Sand-Jensen K., Demography of Shallow Eelgrass (*Zostera Marina*)

Populations--Shoot Dynamics and Biomass Development, *Journal of Ecology*

82, No. 2 (Jun., 1994), pp. 379-390

10. Plus M., Deslous-Paoli J.M., Dagault F. Seagrass (*Zostera marina* L.) bed recolonisation after anoxia-induced full mortality. *Aquat. Bot.* 2003;**77**:121-34

11. **Ks Lee, Ji Park, Yk Kim, Sr Park, Jh Kim**, Recolonization of *Zostera marina* following destruction caused by a red tide algal bloom: the role of new shoot recruitment from seed banks, *Marine Ecology Progress Series (2007)*, **342,105-115**

2. Greve T., Krause-Jensen D., Rasmussen M., Christensen P., Means of rapid eelgrass (*Zostera marina* L.) recolonisation in former dieback areas, *Aquatic Botany (2005)* **82**, 2, 143-156

3. Jarvis J.C. and Moore K.A., The role of seedlings and seed bank viability in the recovery of Chesapeake Bay, USA, *Zostera marina* populations following a large-scale decline

Hydrobiologia, 2010, **649**, 1, 55-68

4. Boese B.L., Kaldy J.E., Clinton P.C., Eldridge P.M. and Folger C.L., Recolonization of intertidal *Zostera marina* L. (eelgrass) following experimental shoot removal, *Journal of Experimental Marine Biology and Ecology*, **374**, 1, 15 June 2009, 69–77

5. Leatherbarrow, K.E., Monitoring environmental impacts of recreational boat anchoring on eelgrass (*Zostera marina* L.) and benthic invertebrates in the Gulf Islands National Park Reserve of Canada, *MSc Thesis, UVic*, 2006,

<http://dspace.library.uvic.ca:8080/handle/1828/1858>

6. Montefalcone, M., Rovere, A., Parravicini, V., Albertelli, G., Morri, G., Bianchi, **Evaluating change in seagrass meadows: A time-framed comparison of Side Scan Sonar maps**, *Aquatic Botany*, online from June 2011,

<http://www.sciencedirect.com/science/article/pii/S030437701100088X>

Diver Survey at Studland 2011. BORG/SBPA

Beach workers were commissioned by SBPA at BORG's request to make a record of the number of divers present on South Beach Studland, during the period May Bank Holiday, to August Bank Holiday 2011. The worker was present each day from 11.00am until 3.00pm, and recorded each dive event. The beach workers were not asked to differentiate between SHT controlled divers and others, although they attempted to do so, and SHT subsequently provided BORG with their own dive record for that period but with the condition the record was not made publicly available.