

Wildlife & Countryside Link is calling for comprehensive legislation to achieve better protection for marine wildlife and effective management of our seas

Wildlife and
Countryside



Marine Bill Bulletin

A Future for our Seas – The Overfalls case study

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Wildlife & Countryside Link (Link) is calling for comprehensive legislation to achieve better protection for marine wildlife and effective management of our seas.

This bulletin examines 'the Overfalls', a site which provides an interesting case study of marine management issues and, in Link's view, illustrates the need for new legislation to enable the designation and effective management of Marine Protected Areas and the implementation of Marine Spatial Planning.

The Overfalls

The Overfalls is a series of offshore banks lying east of the Isle of Wight and covering an area of approximately 6 square miles. The banks consist of gravel overlain with sand, possibly with bedrock exposures between the ridges. The particular arrangement of the banks, combined with the water depth (around 30 metres) and strong tidal currents, causes the water to tumble over the banks. The site provides ideal conditions for sandeels, which are a favoured prey for bass and other predators. According to local anglers, bass wait in the slacks between the banks, picking off the sandeels and other prey as they spill over the top. The outer eastern Solent is known to be important for several species of shark and ray, and the Overfalls is particularly renowned for the blonde ray, which has suffered a well-documented decline in UK waters and is to be recommended for Red Data Book listing in 2006. Blonde rays are typically associated with sandbanks in areas subject to strong currents. The unusual geology and hydrodynamics of the Overfalls site thus contribute to its particular wildlife community.

Human activities

The Overfalls is highly valued by Solent anglers for the blonde rays, large 'trophy' bass and flatfish species that are caught there. The most recently published fisheries assessment (*in Area 372/2 Environmental Assessment for aggregate extraction from South East Nab, English Channel. Prepared by Emu Ltd. for Hanson Aggregates Marine Ltd., May 1999*) estimated that there are 4 commercial vessels and 30 charter angling vessels that regularly fish the

area with rod and line. The value of the catch was estimated in 1999 at £50,000 p.a., while revenue from charter angling was reckoned to be in the order of £150,000 p.a.. Much of the catch by recreational anglers is returned to the sea.

In addition to rod and line fisheries there is some long-lining, primarily for bass, as well as limited potting. Both French and UK trawlers are entitled to fish the Overfalls, and there is concern amongst anglers that this activity may be detrimental to the site and their catches. Other site uses include recreational sailing, scuba diving and commercial and naval traffic use.

Development threat

In 1999, Hanson Aggregates Marine Ltd. applied for a licence to dredge sand and gravel from an area of seabed (Area 372/2) that includes approximately half of the Overfalls banks. Within the Environmental Assessment (see above), the Overfalls banks were identified as a source of fine aggregate. The Environmental Assessment highlighted the importance of the Overfalls for fisheries and recreation but the impacts of the proposed dredging were not deemed significant. The proposed mitigation measures were a zoning scheme, to allow fishing to continue in the licence block, and monitoring of fisheries catches. Similarly, the impacts on the ecological status of the site were deemed low, with monitoring of certain parameters offered as mitigation.

In 2003, prior to the application being determined by Government, local anglers raised an objection. They expressed concern that dredging could permanently damage the Overfalls and decrease or destroy the ability of the site to support the species and quantities of fish for which it is renowned. The anglers formed an Action Group and contacted the local Wildlife Trust to help build support for their objection. The Wildlife Trust believes that the site may have importance for biodiversity and geodiversity and will undertake a habitat survey early in 2006 to assess this.

In June 2004 the Action Group met with Hanson to discuss their objection. Hanson offered to investigate an alternative area within the proposed licence block, where extraction would not impact the Overfalls. Surveys were undertaken and Hanson has

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provisionally reported that a suitable (though slightly smaller) quantity of fine aggregate is available at an alternative location. The company has stated that it would consider excluding the Overfalls from its application. However, it was noted that this would only safeguard the site in the short term as other aggregate companies might apply for a licence to dredge the same area. Thus, Hanson requires assurance that access to the resource will not be granted to their competitors. The licence application is currently on hold, pending resolution of this issue.

Management options under the current regime

The local English Nature team advised the Action Group that there is no statutory ecological or geological conservation mechanism suitable for the site. 'Sandbanks which are slightly covered by sea water all the time' are eligible to be designated as Special Areas of Conservation (SACs) under the EU Habitats Directive. However, this is currently only applied to sites in water depths of less than 20 metres. Although some of the banks rise to depths of less than 20 metres, much of the site is deeper than this. If bedrock reefs are found between the banks, these could qualify the site for SAC status under the 'Reefs' category (this possibility is currently being explored), though this may not offer suitable protection for the sandbanks as marine SACs are only 'protected' for the species or habitat which is stated as the 'primary' designating feature for the site. These limitations in terms of the features protected under the Habitats Directive, along with other deficiencies in the way in which SACs are implemented in UK seas (see Marine Bill Bulletin no. 4), mean that SAC status cannot be assumed to offer adequate protection to our nationally important marine biodiversity.

Turning to non-statutory measures, 'Sublittoral sands and gravels' is a UK Biodiversity Action Plan priority habitat. However, in practice BAP status affords little or no protection to marine habitats and wildlife. **It is Link's view that there is currently no conservation or marine management measure suitable for conserving the interest of the Overfalls site.**

Scoping the options

In 2005, the University of Portsmouth's Centre for the Economics & Management of Aquatic Resources (CEMARE) secured a grant from English Nature, through Defra's Aggregates Levy Sustainability Fund, to deliver 'The Overfalls Project'. The project is 'bringing together a wide range of stakeholders to seek consensus over how best to plan and manage a diverse range of activities and objectives in the Overfalls area.' (www.port.ac.uk/special/theoverfalls). This project is due to finish in March 2006. If a consensus is reached at that time, a second phase will seek to develop and implement a new management framework utilising voluntary codes of conduct, consensual agreements between users or other tools.

Could marine spatial planning offer the answer?

If current work by CEMARE, the Wildlife Trust and others were to indicate that the Overfalls is of regional, national or international importance for its biodiversity, geodiversity and/or fishing interest, then a statutory Marine Spatial Plan for the Eastern English Channel could possibly include a presumption against licensing of aggregate extraction from the site. However, this would only be effective if the regulatory body for marine aggregate extraction (currently the Office of the Deputy Prime Minister) were required to follow the plan's recommendations. Government policy relating to marine spatial planning is still being formulated and we await further detail in the forthcoming Marine Bill consultation (see also Marine Bill Bulletin 5).

Could a new Marine Protected Area (MPA) network offer the answer?

The Overfalls appears to be ineligible for protection under the EU Habitats and Birds Directives, the only statutory MPA mechanisms that are actively pursued in the UK. This will be clarified by CEMARE's work. Link believes that the Marine Bill presents a critical

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opportunity to provide for the designation of a representative network of Nationally Important Marine Sites (NIMSS), which must include Highly Protected Marine Reserves (HPMRs) (see Bulletin 4). Criteria must be developed for the identification of NIMSS and HPMRs, together with powers to enable appropriate protection from activities deemed to be damaging to the interest features of each site. If the Overfalls were found to be of national importance, such an approach could offer protection, perhaps through a multi-use NIMS in which certain activities were prohibited or restricted while others were unrestricted. If there were justification and support for it, the site might also include a smaller HPMR within the NIMS boundary, offering full protection to a proportion of the area.

Link's view on future management options

Link believes that only a statutory framework will offer the planning and management that such a site requires. Hanson's option to exclude the Overfalls from its application is a positive voluntary step, but there is no mechanism for providing the assurance

that the company needs that the aggregate resource will not be secured by another dredging company. CEMARE's project is a sound, forward-thinking attempt to engage stakeholders. The project may build a voluntary agreement with buy-in from the majority of stakeholders, taking a valuable first step towards sustainable management of the site. However, Link believes that such an agreement needs to be strengthened by statutory measures - Marine Spatial Planning and Marine Protected Areas - particularly given the multiple interests at the site.

In conclusion, Link believes that this case study highlights the need for new legislative powers and a statutory framework to effect sustainable management of the marine environment.

For more information on Link's marine campaign please log on to our website: http://www.wcl.org.uk/marine_campaign.htm or contact Helen Meech on 020 7820 8600 or helen.meech@wcl.org.uk

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