

BAIT WORKING GROUP MEMORANDUM OF AGREEMENT FOR BAIT DIGGING WITHIN POOLE HARBOUR

1.0 THE PARTIES

Statutory Bodies

Non-Statutory Bodies

In this document, all parties listed above will be cumulatively referred to as “the parties”. Where tasks fall to individual parties, these parties will be named.

2.0 BACKGROUND

- 2.1 The Bait Working Group was set up by the Southern Inshore Fisheries and Conservation Authority (SIFCA) in 2012 with the aim to assess management options for bait collection activity across the SIFCA District. The working group brings together relevant authorities, nature conservation bodies and representatives of the industry.
- 2.2 SIFCA was vested on 1st April 2011, under the Marine and Coastal Access Act 2009 (MaCAA) and aims to champion and manage a sustainable marine environment and inshore fisheries within the SIFCA District. The District stretches from the Devon/Dorset border in the West to the Hampshire/Sussex border in the East and covers the entire counties of Dorset, Hampshire and Isle of Wight and out to 6 nautical miles offshore from baselines.
- 2.3 Under MaCAA (2009), bait became classed as a “sea fisheries resource” and as such fell under the remit of IFCA management. SIFCA has actively been involved in gathering data on effort levels and impacts of bait collection throughout the District in conjunction with local stakeholders, other relevant authorities and nature conservation bodies since 2011.
- 2.4 Digging for bait worms on the foreshore is ancillary to the public right to fish and can therefore only be exercised by a person who wishes to make use himself of the bait that has been dug. This right does not extend to digging for commercial purposes and all commercial diggers are required to obtain landowner permission before digging activity is carried out.
- 2.5 The area of Poole Harbour is designated as a Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and a Ramsar site, cumulatively making the area a European Marine Site (EMS). The site is designated for a number of habitats and species of conservation interest and competent authorities have a responsibility under the Habitats and species Regulations (2010)¹ to have regard for the requirements of the Habitats Directive (1992)² and the Birds Directive (1979)³ to ensure that the conservation objectives for these features are maintained. Poole Harbour comprises a mosaic of intertidal habitats which, each year, support important numbers of breeding birds as well as thousands of over-wintering and passage birds that are of national and international significance.

¹ The Conservation of Habitats and Species Regulations 2010. SI, 2010 No. 490, Wildlife, Countryside. (<https://www.legislation.gov.uk/ukSI/2010/490/contents/made>)

² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0043:EN:HTML>)

³ Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (<http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1979/L/01979L0409-20070101.en.pdf>)

- 2.6 In August 2012, The Department for Environment, Food and Rural Affairs (DEFRA) issued a revised approach to the way in which fishing activities are to be managed in EMS. The new approach involves assessing the impact of fishing activities against the habitats and species for which each site is designated and then managing these activities on a risk-prioritised basis.
- 2.7 The site features for Poole Harbour EMS for which bait collection is highlighted as a potential overlapping activity within the matrix for EMS management⁴ are as follows:
- Estuarine birds
 - Benthic feeding seabirds
 - Coastal lagoons
 - Saltmarsh spp. Salicornia and Seablite
 - Reedbeds
 - Intertidal mud
 - Intertidal mud and sand
 - Intertidal gravel and sand
 - Seagrass

3.0 PURPOSE OF THIS MoA

- 3.1 This Memorandum of Agreement (MoA) establishes the basis for a joint approach to management of bait digging activity within Poole Harbour between “the parties”. This agreement will enable us to develop and maximise opportunities to protect and improve the marine environment of the inshore waters in Poole Harbour and to further its sustainable use for the purposes of conservation of biodiversity, recreation, amenity and education.
- 3.2 This MoA, once agreed, will be distributed among all relevant stakeholders with an interest in bait digging within Poole Harbour. This agreement will operate on a voluntary basis with monitoring of success carried out by SIFCA and other relevant authorities where appropriate.
- 3.2 In making this Memorandum of Agreement (MoA) “the parties” recognise the mutual benefit to be gained from working closely together in order to maximise the effect of their respective actions for the environment, the community and the regional economy.

4.0 SCOPE OF THIS MoA

- 4.1 The geographic area which is the focus for this MoA is Poole Harbour within the SIFCA District, including all intertidal habitat contained within. The area of Poole Harbour is defined as being the enclosed harbour area within a line drawn between 50° 40.809 N, 001 ° 57.000 W and 50 ° 40.980 N, 001 ° 56.926 W.

⁴ MMO Risk Prioritised Matrix
http://www.marinemanagement.org.uk/protecting/conservation/ems_fisheries.htm

- 4.2 The MoA recognises the role of the MMO and nothing in this MoA interferes with their duties, but should seek to support them.

5.0 STATEMENTS OF PURPOSE

- 5.1 In signing up to this MoA “the parties” agree to uphold the conditions outlined in this section either directly or through the monitoring of the success of the agreement. These conditions are to ensure that the practice of bait digging can be undertaken within the Harbour whilst maintaining the important nature conservation features of the site.

5.2 Bird Sensitive Areas

Each year Poole Harbour hosts important numbers of breeding birds as well as overwintering and passage birds that are of national and international importance. In some areas of the Harbour visual and noise disturbance are likely to be more significant to bird interests.

Bait diggers are asked to avoid conducting activity within the bird sensitive areas in Poole Harbour between 1st November and 30th March inclusive. These areas are, at present, where there is relatively little disturbance and bays whose enclosed nature means that activities would have the potential to disturb birds over a large area.

The following bird sensitive areas are defined as the shoreline and area encompassed by the following co-ordinates:

- Keyworth
(50 ° 42.400 N, 002 ° 04.510 W; 50 ° 42.250 N, 002 ° 04.075 W;
50 ° 41.843 N, 002 ° 04.545 W; 50 ° 41.881 N, 002 ° 04.272 W)
- Arne Bay
(50 ° 41.950 N, 002 ° 01.640 W; 50 ° 42.199 N, 002 ° 01.849 W)
- Wych Lake and Middlebere Lake
(50 ° 41.255 N, 002 ° 01.1755 W, 50 ° 40.891 N, 002 ° 01.030 W)
- Newton Bay
(50 ° 40.351 N, 001 ° 59.493 W; 50 ° 40.402 N, 001 ° 59.750 W)
- Ower Bay
(50 ° 40.522 N, 002 ° 01.101 W; 50 ° 40.670 N, 002 ° 00.464)
- Brands Bay
(50 ° 40.621 N, 001 ° 58.692; 50 ° 40.288 N, 001 ° 57.910 W)
- Blue Lagoon
(50 ° 42.488 N, 001 ° 57.207 W; 50 ° 42.478 N, 001 ° 57.193 W)

5.3 Holes Bay

Holes Bay is a site of particular importance for bird species within Poole Harbour. The enclosed nature of the bay and its sheltered position create a refuge for bird species when other areas of the Harbour are affected by adverse weather.

In order to preserve this area during particularly vulnerable periods:

- Bait diggers are asked to avoid conducting activity within the area north of the railway bridge in Holes Bay, defined by a line drawn across the two railway bridges, Bridge 1: 50 ° 43.777 N, 002 ° 00.330 W to 50 ° 43.780 N, 002 ° 00.305 W; Bridge 2: 50 ° 43.795 N, 001 ° 59.725 W to 50 ° 43.794 N, 001 ° 59.698 W at any time of the year.
- Bait collection will not take place in Holes Bay during the months of January and February.

5.4 Seagrass

Seagrass beds are an important habitat in Poole Harbour, supporting a wide range of species such as overwintering, vulnerable and rare birds and estuarine fish species. Seagrass is considered to be highly sensitive to physical disturbance including that caused by trampling and digging and has been identified as one of the most sensitive features to hand worked activity under the revised approach to EMS management. Protection of EMS features falls under the legal obligations of SIFCA through the Habitats and Species Regulations (2010).

- Bait diggers must abide by the SIFCA byelaw "Prohibition on gathering (sea fisheries resources) in seagrass beds byelaw" and are prohibited from digging within the three seagrass beds identified in the Whitely Lake area of Poole Harbour.
- Bait diggers are asked to avoid walking across seagrass beds, thus trampling the seagrass, in order to reach other areas of the foreshore.

5.5 Backfilling

All diggers will ensure that they backfill any holes which are dug. Holes that are not backfilled can take many weeks to refill depending on the tide and wave action of a particular area. This reduces the speed of recolonisation by invertebrates and reduces the area available for feeding. Backfilling also reduces the risk of people falling into holes.

5.6 General Provisions

Bait diggers are asked to observe the following general conditions for collecting bait in the Harbour:

- Collect bait sustainably and only gather what is needed to ensure future stocks
- Avoid taking green spawning worms
- Keep to access paths and avoid trampling saltmarsh, reedbeds and other similar habitats

- Avoid digging around moorings, slipways and sea walls
- Be aware of use of torch lights at night which can disturb roosting birds
- Keep to all local byelaws and regulations

5.7 Exclusion

Operation of this MoA will be without prejudice to the statutory duties and powers of SIFCA.

6.0 DELIVERY

- 6.1 The delivery of this MoA will be achieved through the Bait Working Group and "the parties". Members will distribute the detail and conditions of the MoA to relevant stakeholders, groups and organisations that engage in bait digging activity within Poole Harbour.
- 6.2 Monitoring of the success of the MoA will be carried out by "the parties" when present in Poole Harbour. SIFCA will be responsible for compiling data on location of effort and, where appropriate, will make record of activity occurring against the conditions set out above.
- 6.3 The Bait Working Group will review the progress and success of the MoA at each meeting and, where necessary, will discuss amendments to the conditions as new evidence, improvements in knowledge and/or strategic or organisational policy changes occur.
- 6.4 The Bait Working Group will disseminate the MoA and any changes made through review to "The Parties".
- 6.5 "The Parties" will communicate the contents of the MoA and any changes made through review to all relevant stakeholders and those engaged in bait digging activity within Poole Harbour.

Name of organistaion/individual: ANGLING TRUST WESSEX
 Signature: [Signature] Date 20/1/2014

Name of organistaion/individual: System Angling Fisheries and Conservation Authority
 Signature: [Signature] Date 20/1/14

Name of organistaion/individual: Natural England SUE BURTON
 Signature: [Signature] Date 20/1/14

Name of organistaion/individual: POOLE HARBOUR COMMISSIONERS
 Signature: [Signature] Date 20/1/14




Name of organistaion/individual: Individual
 Signature: [Signature] Date 20/1/2014

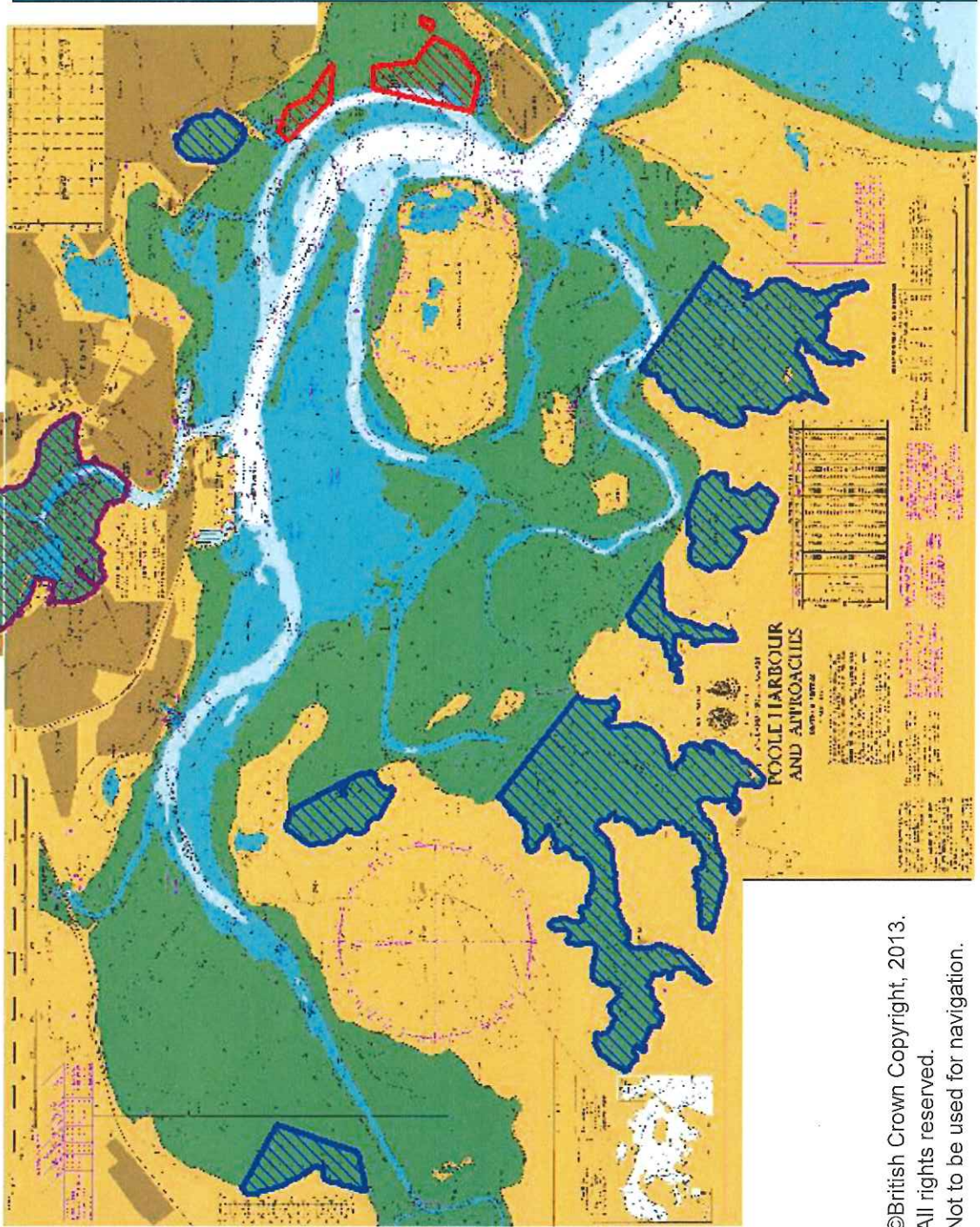
Name of organistaion/individual: Breva A. Rose
 Signature: [Signature] Date 21/3/2014

Name of organistaion/individual: SABDA
 Signature: [Signature] Date 21/3/2014

Bait Digging in Poole Harbour Harbour Map of Sensitive Areas

Key

-  Bait digging prohibited all year (Holes Bay north and seagrass beds)
-  Holes Bay sensitive area – avoid digging 1st Jan – 29th Feb inclusive
-  Bird Sensitive Areas – avoid digging 1st Nov – 30th March inclusive



Bait collectors in Poole Harbour are asked to avoid the bird sensitive areas highlighted in blue for the period of 1st November to March 30th inclusive and the area of Holes Bay, highlighted in purple, between 1st January and 29th February inclusive. These areas have been agreed in partnership with local bait diggers, anglers, conservation bodies and local authorities through the Southern IFCA Bait Working Group. These areas highlight where digging activity at certain times of the year will affect bird interests more significantly.

Bait collectors are required to stay out of the seagrass areas and the area north of the railway bridge in Holes Bay, highlighted in red, throughout the year. The seagrass areas are contained within the Southern IFCA "Prohibition on gathering (sea fisheries resources) in seagrass beds byelaw". Seagrass beds are an important habitat supporting a wide range of species such as overwinter, vulnerable and rare birds and the area north of the railway bridge in Holes Bay is of particular importance to nationally and internationally important bird species.

All bait diggers are also asked to adhere to local codes of practice and commercial diggers are required to seek landowner permission.