

LUNDY MARINE PROTECTED AREA ADVISORY GROUP

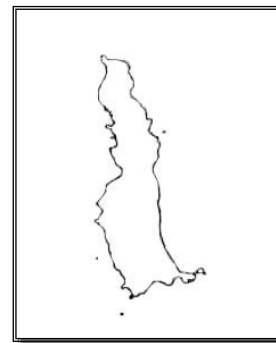
The Aims of the Group are: 1) to provide a nucleus of expertise on the marine habitats and waters surrounding Lundy; 2) to provide a forum for exchanging views on present and proposed activities around Lundy; 3) to safeguard the interests of all those who use the waters around Lundy and its natural resources; and 4) to advise the Management Forum for the island.

Established: 1985

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Notes of the 9th meeting of the Lundy Marine Conservation Zone Advisory Group

(formerly known as the Lundy Marine Nature Reserve Advisory Group, of which this was the 39th meeting, and prior to that the Lundy Marine Consultation Group, of which this was the 57th meeting)

held on **Wednesday 2nd April 2014** at 7.00 p.m. on board the MS *Oldenburg* alongside Bideford Quay, Bideford.

Present:

Keith Hiscock	(KH)	Marine Biological Association – Chair
Robert Irving	(RI)	Lundy Field Society – Hon. Sec.
Ben Bengay	(BB)	Lundy Diving
Peta Knott	(PK)	Wessex Archaeology
Andrew Bengay	(ABen)	<i>Obsession</i> Charters
Stuart Carpenter	(SC)	<i>Hampshire Rose</i> Charters
Beccy McDonald	(BM)	Lundy Warden
Vic Jenkins	(VJ)	Morte Wildlife Group
Dawn Murphy	(DM)	Morte Wildlife Group
Chris Mandry	(CM)	British Sub-Aqua Club
Clive Pearson	(CP)	Charter boat <i>Jessica Hettie</i>
Mike Deaton	(MD)	Appledore Sub-Aqua Club
John Balls	(JB)	N DFA & Clovelly Shellfishermen's Association
Sarah Clark	(SC)	Devon & Severn Inshore Fisheries Conservation Authority
Andy Bell	(ABel)	North Devon Biosphere Reserve
Llucia Mascorda	(LM)	Natural England
Ruth Porter	(RP)	Natural England

The Chairman (KH) welcomed all to the meeting, especially the new attendees. The purpose of the Group, he explained, was to allow the users of the Lundy MCZ to “have their say” and to raise any particular issues they would like to see addressed. Any concerns or matters of importance can then be conveyed to the Lundy Management Forum at their next meeting (usually the following day) by the Group's Hon. Sec. (or in his absence, the Group's Chairman). KH also thanked Derek Green (Island Manager) for making the MS *Oldenburg* available for the meeting.

1. Apologies for absence

Apologies had been received from: Derek Green (Lundy Manager); Martin Davis (local diver); Dr Jean-Luc Solandt (Marine Conservation Society); Carley Elson (Marine Management Organisation); Leigh Hanks (*Obsession* Charters); and Rob Durrant (North

Devon Coastwise).

2. Notes on the last meeting of the MCZ Advisory Group, held on 15th October 2013

Copies of these notes had been circulated by the Hon. Sec. prior to the meeting. The only amendment was that KH asked for the words “the condition of” to be inserted in paragraph 4.1, thus: “KH asked if anyone diving around the island this summer had looked at *the condition of* pink sea fans *Eunicella verrucosa*.” As there were no other points raised by those present, the notes were signed by the Chairman as being an accurate record of the meeting. There were no matters arising.

3. Matters arising from the last Lundy Management Forum meeting

- 3.1. BM summarised the marine highlights of the last LMF meeting on 16th October 2013. The next meeting of the Forum will be held tomorrow (3rd April) on Lundy. The Forum is a partnership of all the stakeholders in Lundy and includes the Devon & Severn IFCA, the Environment Agency, English Heritage, Natural England, Landmark Trust, the Lundy Field Society, the National Trust, the RSPB and the Lundy MCZ Advisory Group.
- 3.2. As all present will be aware, the proposed Atlantic Array offshore windfarm project has been ‘withdrawn’. Although notification of this came after the last Management Forum meeting, it seems most appropriate to mention it here. In a letter of 25 November 2013 from the developer RWE Npower Renewables Ltd., “*Due to the technical challenges specific to the zone, coupled with the current market conditions, it is uneconomic for RWE to continue with the Atlantic Array development.*” However, as BM was keen to stress, the project has not gone away entirely and may well surface again at some time in the future if the technical challenges can be overcome and if market conditions improve. At any rate, it is due for review in 2020. BM also wanted to thank all of those who had helped acquire ‘evidence’ around Lundy, especially in the form of cetacean sightings, which will all be put to good use.
- 3.3. It was requested that the notes of the Advisory Group meetings be distributed to all members of the Management Forum.

4. Warden’s Report

BM presented her report (attached as Annex A). The following points were added:

- 4.1. The new ‘Seal Code of Conduct’, which BM had drawn up and which particularly affected the conduct of boats close to hauled-out seals, has now been circulated to all charter skippers and local dive clubs. CP pointed out that it was the small, non-charter boats, which might visit Lundy on weekend ‘days out’ from the mainland that made up the main target audience for the Code. It was suggested the posters be sent to the harbour masters of all of the N. Devon harbours for public display. [BM has since confirmed that the posters are now displayed at Ilfracombe and Bideford harbours, along with yacht clubs who hold season tickets.]
- 4.2. DM asked if the island’s seal ID photos could be shared with the Morte Wildlife Group, so that members of the Group could see which of ‘their’ seals also visited Lundy. BM was happy to do this. A dead seal had been washed up recently at Morte Point. JB also asked if there was a means of notifying the RSPCA (or other animal rescue organisations) should a seal be seen at Lundy (or elsewhere) bearing a numbered tag. BM explained that very few tagged seals had been seen at Lundy and when they were, their identifications were indeed reported back to the rescue centres.

All were encouraged to take photos of seals and submit them to BM to be added to her database. Markings on the head of an individual were most important, so shots of both sides of the head are required in order to plot the markings. There is a Flickr group called 'Lundy seals' and photos should be submitted to that group.

- 4.3. BM also added that she now had details of the local area police wildlife crime officer, so she could report any criminal wildlife matters which occurred on or around Lundy directly to him.
- 4.4. Three young (fledgling) puffins are due to be released off the island tomorrow, having been collected in poor states of health from various shores on the mainland and been brought back to good health at the West Hatch Animal Sanctuary in Somerset.
- 4.5. KH asked if there was evidence of cliff-falls following the bad weather over this past winter. BM confirmed that the west coast of the island looked a little different now, with ten separate incidents noted. Derek Green had taken some video from a helicopter to identify where falls had taken place.

5. Lundy's marine designations

- 5.1. Ruth Porter (Natural England's Marine Lead Advisor for Lundy and the Taw-Torrige) gave a PowerPoint presentation on the various designations which covered Lundy's marine interests. Ruth's presentation can be downloaded at:
- 5.2. The island has been protected for over 40 years on account of its marine interests (habitats and species). Voluntary marine nature reserve (1971), statutory Marine Nature Reserve (1986), No Take Zone (2003), Special Area of Conservation (2005), Marine Conservation Zone (2010).
- 5.3. The four main protected features of the SAC (under the EC Habitats Directive) are reefs, shallow sandbanks, sea caves and grey seals. Each of these is required to be monitored and their 'condition status' reported upon every six years. The MCZ Designation Order was published in late November 2013 with a single feature listed for protection, the spiny lobster *Palinurus elephas*.
- 5.4. Within Lundy's MCZ, any management measures for fishing activities are to be put in place by the IFCA (generally speaking, IFCAs have responsibilities out to 6 nm); and other management measures required are to be put in place by the Marine Management Organisation (MMO) relating to non-fishing activities. Natural England are statutory advisers to these bodies on non-fishery conservation matters.
- 5.5. Regarding the shallow sandbanks feature, SC asked if the results of the Environment Agency survey undertaken in 2012 were now available. KH interjected and highlighted the work being undertaken by the VALMER project which was bringing together all of the survey work which had been undertaken throughout the N. Devon coastal area (including Lundy). It was hoped that the species data from the Environment Agency survey would be available shortly, possibly under the umbrella of the VALMER project.
- 5.6. Physical and biological data on many of the island's sea caves appeared to be lacking. KH pointed out that a biological survey of some of the caves had been undertaken in the 1980s. In addition, information on the mapping of certain caves had appeared in Lundy Field Society Annual Reports in the past. RI also added that what was known about the caves up until 2005 had appeared in his English Nature-commissioned Literature Review for the SAC.
- 5.7. KH asked whether it was likely if the MCZ designation would be revised at some stage in the future, as the 'shallow muddy gravel' habitat off the island's east coast had not been recognised as a special feature and yet he thought it should have been. It is a recognised FOCI (Feature of Conservation Importance) habitat within the

'Ecological Network Guidance' document, but the habitat off Lundy had been mis-identified by the Finding Sanctuary project as being 'deep mud'.

6. New byelaws affecting fishing and fisheries

- 6.1. Sarah Clark (Senior Environmental Officer, Devon & Severn IFCA) informed the Group of how work is progressing on the introduction of new permitting byelaws to all European Marine Sites (EMSs) within the Devon & Severn IFCA district, of which there are six in total.
- 6.2. The specified feature of the Lundy EMS which falls within D&SIFCA's remit is 'reefs' and the most damaging activity in terms of fishing is mobile gear. D&SIFCA have had a year (to the end of December 2013) to assess background reef data, draw maps of the extent of the feature and to formulate new byelaws.
- 6.3. SC handed around a colour print-out of a chart of Lundy showing the No Access Area for Demersal Mobile Gear (this is included as Annex B). The new byelaw affecting Demersal Mobile Gear came into affect from 1 Jaunary 2014. It includes a buffer of 50 m extending beyond the edge of the known extent of the reef, shown in yellow.
- 6.4. The next fishing method being considered by the IFCA is potting on the reef feature, which has been given an 'amber' level of damaging risk (between red/high risk and green/low risk). As part of the assessment, a potting and netting survey questionnaire is being undertaken across the District. This will assess any changes in fishing effort.
- 6.5. The IFCA have now decided that instead of having a potting and shellfish byelaw, there will now be a potting byelaw and a separate diving byelaw. There would be a distinction between commercial fishermen and recreational fishermen: commercial fishermen would not be restricted with regard to the amount of gear (pots) they could set or the quantity of catch they could land, but there would be restrictions on recreational fishermen. Likewise, restrictions would be placed on recreational divers with regard to the amount of catch they could take. However, SC was keen to point out that because these byelaws were permitting byelaws, there could be alterations to their specifications in future, should the consensus demand this.

The diving byelaw would only apply to crabs, lobsters and scallops. Two lobsters, three crabs and 15 scallops would be permitted to be taken per diver per day. Individual divers would require a permit which would allow them to take these catches. SC was unclear as to whether a permit could apply to a single boat as well (covering several divers) and agreed she would check on this. CM queried why recreational divers were to be limited in the number of scallops that could be taken, while commercial scallop boats could take as much as they could catch. SC pointed out that the specified numbers of shellfish caught by a diver seemed to be a reasonable number for personal consumption per day. JB added that he had witnessed a diver landing 24 lobsters in a sack on day, which was the sort of unfair behaviour he wanted the byelaw to address. KH was confused whether divers would be required to purchase a permit to allow them to take their maximum daily quota, as he believed the consultation had implied there would be no charge for this.

SC was not sure whether divers going out on a dive from their club boat would each require a permit to take shellfish, or whether just one permit would be required covering everybody. Again, she agreed to check on this.

A draft of the byelaw is currently being drawn up which will be put to the IFCA's byelaw committee in June 2014. There will then be a period of public consultation when everyone can have their say.

BM asked if the existing byelaw remained in place until the new one was agreed, and

SC confirmed this. BM could therefore give the same advice to divers visiting Lundy this summer as she had done in the past. ABen wanted to add that any divers that he had on his charter boat (and CP agreed to this too) were not allowed to take anything from within the Lundy MCZ.

- 6.6. CP asked if the pink zone on the chart now indicated the extent of the NTZ. SC replied that it didn't – the NTZ still had the same boundary and had the same restrictions. The pink zone indicated where Demersal Mobile Gear was not allowed to be used.
- 6.7. BM commented that the blue hatched area did not seem to take into account the restrictions to potentially damaging fishing operations around the protected wreck of the *Iona II*. SC confirmed that that restriction would still remain in force as it came under a completely different byelaw.
- 6.8. Finally, SC added that with regard to the protection of spiny lobsters, these would come under the potting byelaw. Any boat found with a spiny lobster on board that was apprehended within the MCZ would be deemed to have caught that spiny lobster within the MCZ (i.e. illegally, under the MCZ byelaw).

7. The biology and conservation of Lundy's spiny lobster population

- 7.1. Keith Hiscock gave a PowerPoint presentation on the [European] spiny lobster or crawfish *Palinurus elephas*. This is the only marine species at Lundy which is recognised as a 'feature of conservation importance' under the Marine Conservation Zone designation (as announced by Defra on 21 November 2013). Keith's full presentation can be downloaded at:
<https://www.dropbox.com/s/854igt6ejxiw48/Spiny%20lobster.pdf>.
- 7.2. The main points of his talk are summarised here:
 1. There appear to be two distinct populations around the British Isles – one which covers Brittany and SW England and Wales; and the other which covers the west coasts of Ireland and Scotland. Its global range extends as far south as the Azores within the NE Atlantic province and includes the Mediterranean.
 2. Whilst there used to be a viable fishery for crawfish off the Cornish coast (and elsewhere) in the 1970s, catch numbers began to decline during the 1980s and 1990s and there are now very few landings in the south-west. The decline in the number of individuals landed or observed by divers has led to it being regarded as being 'critically endangered'. It is encouraging to note that over the past ten years or so, numbers at Lundy appear to be gradually increasing.
 3. Estimates of the maximum age of individuals range from 25 years to 100 years.
 4. Whilst other species of spiny lobster have been successfully reared within breeding programmes, all attempts to breed *P. elephas* have failed.
 5. Individuals found at Lundy may well originate as larvae (which remain in the plankton for up to five months) released from the Brittany population.
- 7.3. SC commented that the reason why fewer spiny lobsters are caught commercially these days may be because of the decline in the use of the type of pot that was used to catch them. Also, when they are caught, many pot fishermen return them to the sea as there really isn't a market for them any more.
- 7.4. JB suggested that a measure which could be adopted for any spiny lobsters caught at Lundy would be to V-notch individuals, thereby preventing their landing (as it is illegal to land a V-notched individual).
- 7.5. KH added that he thought it would be a good idea to encourage divers to report to

the Warden where they had seen spiny lobsters within the Lundy MCZ. He would be happy to draw up a small poster/recording form which would remind divers of this on charter boats and dive club boats.

- 7.6 CM asked if there were any fishing boats setting tangle nets off Lundy, which had been a common practice in the 1980s. SC confirmed that there wouldn't be any set within the MCZ as it would be illegal, but that further out they could still be set quite legitimately.

8. The new dive trail for the *Iona II* protected wreck

- 8.1. Peta Knott of Wessex Archaeology kindly gave the Group a PowerPoint presentation on the new dive trail for the *Iona II* protected wreck site, which had been commissioned by English Heritage. Her presentation can be accessed here:

https://www.dropbox.com/s/4mjc48du91exlxf/Iona_II_MCZ_presentation_with_info.pptx?n=1321046

- 8.2. Peta went through the history of the vessel – launched in June 1863 on the Clyde, designed as a fast ferry from Glasgow to the western isles but sold after just five months – and the fact that the vessel sank at Lundy within a year of being launched.
- 8.3. The wreck of the *Iona II* was discovered by John Shaw in 1976 and was protected under the Protection of Wrecks Act (1973) in 1990. The *Iona II* lies just 30 m from the popular dive wreck of the *Robert* off the island's east coast. Wessex Archaeology have undertaken a number of monitoring surveys on behalf of English Heritage since 1993.
- 8.4. Peta explained there would be no actual physical trail on the seabed for divers to follow, but instead there would be a number of guides which could be taken under water. There would also be four booklets which could be read back on the surface, together with a website where further information could be found. She handed around examples of four Dive Trail Cards which she had designed and which would be tested by volunteer divers on the wreck site during two weekends in May. Following this, the Trail would be launched at the island's Splash In! underwater photography competition on 14 June 2014.
- 8.5. Following her presentation, Peta answered questions. KH asked if she had managed to make contact with John Shaw, the discoverer of the wreck, who had undertaken some suction dredging work in the late 1970s. Peta had tried to contact him but without success. ABel asked if anyone had used a wreck site as a starting point for other monitoring studies (such as Seasearch or seal surveys), and Peta thought not. KH pointed out that the wreck of HMS *Scylla* in Whitsand Bay had been carefully monitored since its sinking, with lists of colonising species which divers have been asked to look out for. In response to RI's question about the possibility of increasing damage to the wreck by encouraging divers onto it, Peta agreed it was a delicate balancing act. Hopefully, the educational aspects of this project should help with this and encourage only responsible divers to visit.

9. Any Other Business

- 9.1. BM, after discussing the matter with RP, KH and RI, suggested that the name of the Marine Conservation Zone at Lundy was misleading, as many people had asked her whether the other designation of Special Area of Conservation still existed. She suggested that the area should be re-named the **Lundy Marine Protected Area**. This all-inclusive term would include the MCZ, the SAC, the intertidal part of the SSSI, and the No Take Zone, each of which would still exist in their own right. It would also mean that Lundy could be viewed as being different from all of the other

MCZs which had now been designated.

This Group would then become the **Lundy Marine Protected Area Advisory Group**.

Those present were asked for their opinion and there was considerable support and no dissenting voices to this proposal. RI agreed to put this name change to the Management Forum meeting the following day, who could either accept or decline the suggested change. [The Forum did indeed accept the suggested change].

- 9.3 BM had not heard of any marine research, survey or monitoring work which was due to take place on or around the island this summer. If anyone had heard of any, could they please let her know. Plymouth University were unable to continue with the C-POD cetacean monitoring, as their funding had run out. It was intended to continue with photographing individual seals and add to the identification database. Not only would this help to track visits to/from the island by individuals from other locations, it may also allow for the composition of harems around the island to be monitored.
- 9.2. KH suggested that those charter skippers who were present might like to keep a small number of copies of his book (40 years of science and conservation) on board their boats in order to sell them directly to punters. Both ABen and CP thought that the books might become damp and be spoiled, even if they were kept in a sealed container. KH was happy for them to try to sell a number this summer.
- 9.3. ABen asked if it would be possible for him to place a mooring buoy off Brazen Ward. This has proved to be a popular spot for dive boats to anchor between dives. Unfortunately, ABen has found that he often pulls up a clump of kelp when lifting his boat's anchor, which he is concerned about. Whilst supporting ABen's proposal, BM pointed out it would require a license from the MMO to do this, but this could happen if the proposal had the backing of other stakeholders. Additionally, the MMO would charge an 'administration fee' of £180 to issue a license. BM would be talking to Carley Elson of the MMO about this tomorrow and to see if there was some way around having to pay the fee, as responsible boat use around the island should be welcomed. ABen indicated that the mooring would simply be a chain wrapped around a large boulder which would be dismantled at the end of each season. KH thought it would be sensible to combine the installation of the mooring with a biological survey to make sure it would not damage any sensitive species.

10. **Date of next meeting:** Tuesday, 14 October 2014 at 19:00 hrs at the Ilfracombe Sub-Aqua Club, Ilfracombe.

Annex A **Warden's report (October 2013-March 2014)**

1. Staff

- 1.1 Nick Herbert is joining the Conservation Team as the Volunteer Seasonal Assistant Ranger on 1st April and the Volunteer Seasonal Assistant Warden position is being advertised for interviews on 16th April.

2. Marine - general & monitoring

- 2.1 The RIB provided by NE is fully repaired and ready for use. An application to North Devon FLAG has been made by DG and BM in order to provide the island with its own RIB which is to be used to increase access to the marine environment for visitors and to increase their awareness of the island's protected statuses and wildlife.
- 2.2 NTZ Infringements – no infringements have been reported since the last report.
- 2.3 Seals – monthly surveys of the seal population continued when the weather allowed. The pupping season continued until the middle of November with approximately 30 pups born at Lundy in 2013.
- 2.4 Annual reports on the seal population, cup corals and rockpool communities have been produced for NE. Alongside this a Marine Monitoring Handbook has been developed to ensure that all future surveys are replicable. Reports using all available Lundy data on the rockpool communities and Lundy's seal population have also been produced for NE.
- 2.5 Seabirds – the first puffin was spotted on 18th March in a burrow at Jenny's Cove. Productivity monitoring is being organised for the 2014 season for puffins, kittiwakes, guillemots and razorbills.

In March, BM was invited to a rat incursion workshop on St. Agnes in the Isles of Scilly by the Isles of Scilly Seabird Recovery Project, to learn more about new monitoring strategies and changes to legislation affecting the use of rat bait. St. Agnes has not had any evidence of rats since the first week of November and aims to be classed as rat free from November 2015 (a period of two years must pass as this is the lifespan of a wild rat).

- 2.6 Historic wrecks: Wessex Archaeology are working hard on the *Iona II* dive trail and Peta Knott has been liaising with local dive groups and charter boat owners throughout the trail's development. The release date of the trail is Saturday 14th June, coinciding with the annual underwater photography competition, Splash In!

3. Terrestrial – General & monitoring

- 3.1 Rabbits and feral stock: The rabbit population was estimated at approximately 100 individuals at the end of 2013 and whilst there are more sightings, the population is still very low. Lundy Co. is currently awaiting the cullers' report from their visit in March. Due to concerns raised in the NT Vegetation Monitoring report, the stomach contents of all the culled animals were checked for the presence of heather though no evidence was found.
- 3.3 Working parties: In February two National Trust working parties joined the Conservation Team to carry out practical conservation tasks including rhododendron burning, seedling searches, tree planting and a feral stock count. A working party from the Lundy Field Society is presently on the island working on Millcombe gardens and burning the Rhododendron stacks.
- 3.4 Rhododendron management: Work continued throughout March with the assistance of the NT working parties. Seedling eradication took place in Plateau West 1 with 515

seedlings found and treated. Four days of burning took place with an estimated 125m of the rhododendron stacks burnt and area 10 has had its stacks arranged for further burning.

A specialist team from Ropeworks visited in late March treating and clearing the largest remaining cliff section below quarter wall cove.

3.5 Other invasive species: SP and the NT working parties spent time removing seed heads from Alexanders *Smyrnium olusatrum* and is currently developing management plans for the continuing eradication programme of Spanish Bluebells *Hyacinthoides hispanica* and Hybrids *Hyacinthoides x massartiana*.

3.6 No rat related incidents have occurred. BM undertook rat incursion training as commented on earlier. Permanent rat stations have been checked monthly.

3.7 Lundy and National rarities: Towards the end of the autumn migration, a Yellow-rumped warbler made a brief appearance on Lundy and created some excitement. However as all the charter boats and MS *Oldenburg* were in dry dock, only the original spotters were able to see the bird. Two Hoopoes appeared in mid March and are still on the island.

4. Education, interpretation & events

4.1 Warden events: Walks and talks have continued over the winter period and a summer programme of events has been developed ready for the season.

4.2 Education programme: Francis Stuart of the LFS has kindly offered her assistance in the development of Lundy's educational access pack and along with Simon Dell the programme being offered to schools in 2014 is progressing well.

4.3 The Lundy Cabbage leaflet is currently under development along with the island's Wildlife leaflet.

4.4 DG has produced three new interpretation boards: Lundy and The Landmark Trust, Hartland Heliport and The Landmark Trust and MS *Oldenburg*.

4.5 The Lundy Calendar 2015 is now available to buy from the shop and the shore offices.

5. Media

5.1 The 'Letter from Lundy' has been produced every month and is available on the lundymcz.org.uk website.

5.2 TV & Radio: Overall the winter period has been quiet. However the Bristol Channel earthquake created some attention with the Journal quoting Tavern staff member Ben Clarke's reaction and BBC Radio Bristol/Devon/Gloucestershire/Shropshire airing interviews with BM.

5.3 Magazine articles:

- Exmoor magazine published an article on MS *Oldenburg* in their Spring issue.

6. Miscellaneous

6.1 Work has continued on collecting data for the IDA's International Dark Sky Reserve application.

6.2 Lundy has applied for Dark Sky Discovery site status. BM was made aware of the national initiative through the NT's initiative for their properties across the country. We are currently awaiting a decision on our application.

Annex B Lundy SAC: No access area for Demersal Mobile Gear (within pink line)

