



By Email

Tim Dixon
Head of Marine Conservation
Marine Conservation Team
Marine Management Organisation
conservation@marinemanagement.org.uk
Tim.Dixon@marinemanagement.org.uk

RYA House
Ensign Way, Hamble
Southampton SO31 4YA
United Kingdom

Tel +44 (0)23 8060 4100
Fax +44 (0)23 8060 4299
www.rya.org.uk

Direct tel: +44 (0)23 8060 4228
Email: Richard.hill@rya.org.uk

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Dear Tim,

Studland Bay Marine Conservation Zone (MCZ) Habitat Protection Strategy

Thank you for the opportunity to respond further regarding the Studland Bay marine Conservation Zone (MCZ), Habitat Protection Strategy.

Firstly, we reiterate that the RYA and our members recognise the potential threats to the integrity of the Studland Bay MCZ and wish to work with the Marine Management Organisation (MMO) to safeguard the area's conservation features (long-snouted seahorse, sub-tidal sand, and seagrass beds), whilst taking account of the recreational ecosystem services Studland Bay provides with respect to enjoyment, user access, wellbeing and safety. The RYA welcomes the indication that rather than excluding recreational boating from Studland Bay, the MMO is open to the installation of Advanced eco-Mooring Systems (AMS), albeit via third party Marine Licence applications.

We have reviewed the Decision Document, Habitat Protection Strategy (September 2021) and other associated documents. Our understanding is that the MMO management proposal for the site will involve:

- Phased designation of a Voluntary No Anchoring Zone (VNAZ) within the Studland Bay MCZ, to be marked on charts.
- Marine licensing of moorings by unidentified third parties, with potential licencing conditions under Part 4 of the Marine and Coastal Access Act (2009), and.
- Implementation of a byelaw if the VNAZ is deemed ineffective.

All other activities (sailing, powerboating, diving, and snorkelling) will be subject to a monitoring and control plan.

It remains our view that plans for the protection of the conservation features should be developed through a partnership of representatives drawn from recreational users, conservation organisations and statutory agencies for the benefit of all. Such an approach will ensure that conservation objectives are met, and that recreational boater concerns around safety and access are adequately addressed.

The RYA would point towards the lessons learned from Estuary Management Partnerships and the use of Forums and Focus Groups to gain public support for potentially contentious initiatives. Such a

mechanism for engagement and gaining public support could easily be provided by extending the existing or previous structures associated with the Poole Harbour Aquatic Management Plan/ Steering Group, Poole Harbour Commissioners or continuing the involvement of the Dorset Coastal Forum.

Our detailed response is as follows:

A. Co-ordination of Voluntary No Anchor Zone with Marine Licence(s) for Moorings

We note that the introduction of appropriate management measures at Studland Bay is now dependent firstly upon a phased Voluntary No Anchor Zone (VNAZ), evaluated over a 6-month period (17/12/2021 to 01/06/2021), and secondly, the granting of a Marine Licence (or Licences) for the provision of moorings. Implementation of these two items appears to be uncoordinated (i.e., the introduction of the VNAZ is not phased to link with the provision of moorings).

It is our view that, for the conservation measures to be successful, recreational users must have access to moorings before or as part of Phase 1 of the introduction of the VNAZ. If not, the VNAZ may not be effective in discouraging anchoring. We note the position that *“The MMO is not planning to install moorings or advanced mooring systems within Studland Bay MCZ”*, and that *“The MMO will not be covering the costs of any applications to install advanced mooring systems and the liability of moorings rests with the licence holder.”* It is the RYA’s view that the MMO should have dedicated resources to place moorings at the site and engage an operator rather than be dependent on an, as yet, unidentified third party to carry out conservation management mitigation via a Marine Licence, as this would have enabled co-ordination of VNAZ operation with mooring provision. Given the MMO’s reluctance to provide conservation management mitigation it is the RYA’s view that the VNAZ will only be effective if co-ordinated with a Marine Licence for placement of moorings.

A.1 Recommendation: The RYA recommends that implementation of the VNAZ should be co-ordinated with the provision of moorings within the site to ensure effective implementation. Co-ordination may be via the MMO placing moorings using a contractor/ operator or delaying the implementation of Phase 1 of the VNAZ until a suitable third-party Marine Licence is in place.

B. Phased Voluntary No Anchor Zone

We note the intention of the MMO to undertake monitoring throughout Phase 1 (17th December to 1st June), with a review in Spring of 2022. The RYA is surprised at this proposal, given that the recreational boating season does not start until spring, normally early May. It is therefore difficult to determine what the MMO will be monitoring to understand how the voluntary measure is working if recreational use of the area is low or not taking place. Monitoring between December and June is unlikely to demonstrate if the VNAZ is effective nor if an emergency byelaw is justified by non-compliance. To understand if measures are working (i.e., avoidance of the VNAZ by anchoring craft) the RYA would recommend monitoring between 15th June to 15th August when recreational use will be higher than the winter and early spring.

In addition, the RYA highlights that the success of the VNAZ or byelaws is not dependent on the MMO’s ability to introduce the scheme, but the agreement of the public to participate and support the initiative and/or observe byelaws. We support the phasing of implementation in co-ordination with engagement activities to gain public support and adherence to the VNAZ or the education period before the introduction of new byelaws.

Further, we note with concern the MMO’s position that it will not be marking the boundary of the VNAZ with special marks (usually yellow buoys, in this case mounted on AMS). Experience elsewhere, such as the recent VNAZ in Jennycliff Bay, Plymouth, is that marker buoys (Figure 1) have a significant

impact on boater behaviour. Relying on alterations to Admiralty charts, which can take many months or years to feed through to boaters' individual paper charts and chart plotters, will not make the VNAZ clear to most users. The ability to clearly see the zone "on the water" will be critical to the success of the VNAZ.

Figure 1: VNAZ marker buoy at Jennycliff Bay, Plymouth.



B.1 Recommendation: The RYA recommends that the Interim and Voluntary No Anchor Zones are phased over two recreational seasons to enable a determination of their effectiveness, with Phase 1 taking place between December 2021 and August 2022 and Phase 2 beginning by May 2023. The period between the two phases being used to evaluate Phase 1 (i.e., the success of the VNAZ in deterring anchoring craft), presenting results and gaining the support of the boating community through proactive engagement.

B.2 Recommendation: The RYA strongly recommends that the MMO marks the edge of the VNAZ with suitable buoys, mounted on AMS, with information boards on the buoys to indicate the reason for the zone. Success in other locations has been achieved through installing such buoys with "Please Keep Off the Seagrass" messaging and links to further online information, and learning from successes elsewhere will increase the likelihood of successful conservation outcomes.

C. Public and Private Use Moorings

Concern has been raised by our membership that allowing extensive installation of private moorings could lead to exclusion or interference with existing legitimate use of the area, with Studland Bay becoming a private preserve rather than a publicly accessible conservation site. A proliferation of private use moorings could potentially undermine the effectiveness of the VNAZ as boaters prevented from using moorings may, as a last resort, choose to anchor. It is the RYA's view that, as well as a cap being placed on the number of moorings in the 2022 VNAZ, a cap should also be placed on the number of private use moorings within this allocation, please also see comments on Existing Swing Moorings (below).

C.1 Recommendation: The RYA recommends a cap of no more than 10% private use moorings should be placed on the allocation of 100 moorings within the 2022 VNAZ.

D. Mooring Locations

The previously installed AMS are located outside the area traditionally used by boaters anchoring in Studland Bay. There is concern among the boating community that these may be too exposed for safe use in certain wind and wave conditions. It is essential that future moorings are located in consultation with experienced boat users.

Further, there appears to be confusion among the boating community as to whether AMS will be allowed within the seagrass beds of the VNAZ. It is our understanding that Natural England considers that AMS can be installed within this location. This appears to be implicit within Sections 3.2 and 3.3 of the *Studland Bay Marine Conservation Zone Habitat Protection Strategy, September 2021*; it is however not clear within the *Decision Document: Studland Bay MCZ, September 2021*.

Experience elsewhere would suggest that installing helical screw moorings with flexible rodes within seagrass does not compromise the habitat. Such installations would also discourage anchoring by creating no-go zones around the moorings. We therefore suggest that the description of AMS use within seagrass beds of the VNAZ should be clearer. In addition, whilst noting the 100 moorings cap and minimum distance between moorings, consideration should be given to the use of a greater density of moorings at closer proximity to further conservation objectives by decreasing areas available for anchoring and preventing craft speeding through areas sensitive to wash and subsurface turbulence from wake.

The RYA is concerned that the technical feasibility in the use of AMS is not being fully considered. We are particularly concerned with respect to the feasibility of using AMS within areas of shallow water landward of the 2 metre contour. However, confining the use of AMS to significantly deeper water, as per the existing installations, may lead to avoidance of moorings as craft anchor for better shelter.

Shallow-drafted boats that normally anchor close inshore will be tempted to continue to do so in the absence of suitably placed moorings. The RYA considers that the MMO marine licence review should consider a range of AMS and other designs that avoid abrasion/ scour damage (e.g. use of floats attached to chain rodes, floating material used as rodes) for use in shallow water, in addition to the technologies already deployed at Studland.

D.1 Recommendation: The RYA recommends that the MMO requires any applicant for an MLA for the installation of moorings in Studland Bay to properly consult local sailing/ boat clubs with experience of the area, and that the applicant must show how their advice has been incorporated into any proposed mooring layout.

D.2 Recommendation: The RYA recommends that the MMO provides clarity concerning the use of AMS within the seagrass beds of the VNAZ, in order to maximise the likelihood of meeting the conservation objectives.

D.3 Recommendation: The RYA recommends that the MMO should consider the technical feasibility of Marine Licence proposals with respect to the use of AMS in shallow waters, ensuring that the most appropriate technical solutions are applied for the conditions, and also take note that boaters are less likely to use AMS installed in exposed locations.

E. Existing Swing Moorings

The Habitat Protection Strategy indicates that a future marine licence(s) for moorings may be a mix of private and public moorings with a cap of 100 moorings. The RYA notes that there are already a number of private moorings within the area, and that these (excluding the sponsored free to use Advanced eco-Moorings Systems put in place by Boatfolk and the Seahorse Trust) are swing moorings which harm the seagrass habitat.

We note that the MMO has no powers to remove these moorings but intends to encourage upgrading of these to AMS as part of licencing for maintenance and removal. The RYA considers this may be a recipe for potential disaster that will encourage no maintenance and/ or abandonment of existing moorings that may lead to craft breaking away and drifting or abandoned moorings causing damage to the habitat.

E.1 Recommendation: The RYA recommends that future marine licences should only be for publicly available moorings, with the number of private mooring licences totalling the existing number of swing moorings (i.e., licences for private moorings will only be granted for replacement of the existing swing moorings). If this is not possible, the MMO should clarify what actions they will take to prevent unmaintained moorings from impacting the environment and navigational safety as part of their decision statement.

F. Monitoring

We note that monitoring of the site is dependent upon that undertaken by Natural England with respect to Conservation Advice on the quality of the site. We note variables such as seagrass percentage cover, number of shoots present, maximum shoot length, presence of epiphytes, and infection are defined, presumably as indicators of environmental quality/ abiotic conditions (e.g., water quality, sea water temperature etc.). Variables to be monitored for anthropogenic impacts (i.e., anchoring and mooring) are not defined (e.g., indicators for habitat damage derived from penetration and abrasion of the seabed). Given the timing of Phase 1, use of variables such as percentage cover and number of shoots may not demonstrate the effectiveness of the VNAZ at the beginning of the growing season following winter storms.

The RYA notes that the MMO will evaluate the effectiveness of the VNAZ after Phase 1. It is therefore important to have suitable indicators to detect the impact of recreational activity (penetration and abrasion). Such defined indicators (with a quantifiable link to levels of recreational activity) are important in demonstrating the effectiveness of the VNAZ, given that *Zostera marina* has been previously¹ defined as medium sensitivity to penetration and abrasion, with a distinction being made between sensitivity to natural and anthropogenic disturbance. Noting the resilience of *Z. marina* to penetration and abrasion impacts, the MMO monitoring strategy will need to demonstrate that the level of recreational anchoring impacts, and not natural events, can overwhelm the resilience of the site's habitat before further conservation/ mitigation measures are put in place. Such a finding will be difficult to provide if Phase 1 is limited to the Winter and Spring (storm period) outside of the boating season.

We note that initial analysis indicates that the 2022 VNAZ could support or carry 100 AMS without hindering conservation objectives. Given that the results from Studland Bay may define the

¹ Griffiths, C. A. et al. 2017, Anchoring and Mooring Impacts in English and Welsh Marine Protected Areas. DEFRA

management approach in other areas there is a need to demonstrate the basis for this *Carrying Capacity* of 100 moorings.

F.1 Recommendation: The RYA recommends that the MMO/ Natural England monitoring strategy should define indicators for anthropogenic impacts (penetration and abrasion damage from anchoring and moorings) derived from the scientific literature, together with a quantifiable method to demonstrate correlation with levels of recreational boating activity in contrast to natural events.

F.2 Recommendation: The monitoring strategy and associated analysis should determine the validity of the 100-mooring carrying capacity for the 2022 VNAZ as a guide for other areas or expansion of the VNAZ after 2022.

G. Education and Awareness

The RYA welcomes the MMO's undertaking to use a range of communication channels to raise awareness of the proposed management approach. Based on the experience of the previous six months, we note the difficulty in identifying and engaging with recreational stakeholders. It is our view that education and awareness raising should be based upon a Communications Strategy involving the use of social media, websites, on-site and point of access information (e.g., signboards and leaflets at points of departure to Studland Bay) and direct contact with recreational clubs and other stakeholders.

At present *The Green Blue* provides a guide to Anchoring and Moorings, which supplements the site-specific guidance provided by the RYA via the *Studland Bay Anchoring with Care* leaflet. We envisage that *The Green Blue* information will need to be updated to advise on the introduction of VNAZs or byelaws, whilst the Studland leaflet will need to be withdrawn.

G.1 Recommendation: The RYA can advise regarding an MMO led Communications Strategy to engage all recreational users of the Studland Bay VNAZ.

G.2 Recommendation: That the MMO agrees modification to and / or withdrawal of existing anchoring and mooring information provision provided by *The Green Blue* and the RYA.

H. RYA Review of Marine Licence Applications and Monitoring

The RYA is recognised by the UK Government as being the primary consultative body for the activities that it represents. As such, the RYA will expect to review and comment upon Marine License Applications (MLAs) concerning the Studland Bay area, particularly in respect to moorings. To assist the MMO, the following sets out the RYA's criteria for reviewing such an MLA:

- a. How operation of the moorings will ensure that the public right of navigation is maintained.
- b. The availability of moorings to the public (i.e., the proportion of public to private moorings).
- c. The incorporation of partnership working to engage and involve the boating community in the location, installation and operation of the moorings.
- d. The applicant's technical ability in safeguarding conservation features and their experience in providing long-term provision of cost-effective moorings for the boating community
- e. The use of any restrictions, e.g., limitations placed on:
 - the number of days/times a boat can moor.
 - how many times a particular boat or individual can use a mooring over a period (e.g., in a year).

- minimum/ maximum length of stay on any one occasion.
- f. The maximum length and displacement of craft that the mooring can sustain.
- g. How the moorings area/ VNAZ are marked to inform recreational boat users.

The RYA will also consider issues related to the approach being taken by the statutory agencies (MMO and NE) concerning monitoring of Marine Licences with respect to:

- What monitoring arrangements are in place to define the “carrying capacity” of the site for moorings.
- What mechanism is in place to increase or decrease the number of moorings if supported by monitoring results.
- Implementation of no net habitat loss techniques (use of propagules, reseeding etc.) to replace areas damaged by moorings placement.
- Setting of time limits for the securing of funding/ placement of moorings to meet the MMO deadline for the establishment of the VNAZ.

Conclusion

The RYA believes that unless the issues and recommendations raised within our response are addressed, then the VNAZ may only be established to fail. Our recommendations are based upon consultation with recreational users and our experience of previous initiatives, together with the Natural England led ReMEDIES project. It is our view that voluntary initiatives, and indeed statutory approaches, are unlikely to succeed without proper resourcing and engagement to gain public support.

Please do not hesitate to contact me if you wish to discuss further.

Yours sincerely,



Richard Hill
Planning and Environment Officer

CC. Gavin Black, Natural England.