

**SKOMER MARINE NATURE RESERVE**  
**ADVISORY COMMITTEE**  
**MINUTES OF EXTRAORDINARY MEETING (INCREASED WILDLIFE**  
**PROTECTION FOR SKOMER MNR), TUESDAY 23<sup>RD</sup> NOVEMBER 2004**  
**HELD AT MARLOES VILLAGE HALL**

**P R E S E N T**

Mr T Allen	DEFRA
Mr J Archer Thomson	Dale Fort Field Centre
Mr J Brown	Wildlife Trust South & West Wales
Mr B Bullimore	Countryside Council for Wales
Mr M Burton	Countryside Council for Wales
Mr D Chant	South Wales Sea Fisheries Committee
Mr P Coates	South Wales Sea Fisheries Committee
Dr R Crump	CHAIRMAN
Mrs Y Evans	Marloes & St. Brides Community Council
Mr D Gardner	South and West Wales Fishing Communities
MR K Gainfort	Dale Sailing Company
Miss J Hodges MBE	Pembrokeshire Coast National Park Authority
Mr B Jones	British Sub-Aqua Club
Mr I Johnson	Old Mill Diving Services
Ms K Lock	Countryside Council for Wales
Mr D Love	West Wales Divers
Dr L Luddington	Countryside Council for Wales
Cllr B Morgan	Marloes & St. Brides Community Council
Mr P Marshal	DEFRA
Mr D Miller MBE	MCA
Ms A McConnell	Countryside Council for Wales
Mr P Newman	Countryside Council for Wales
Cllr W Roberts	Pembrokeshire County Council
Dr S Shackley	Countryside Council for Wales
Mr P Smithies	Marloes & St. Brides Community Council
Mr J Warneford	Pembrokeshire Coastal Forum, activity liaison officer

Apologies were received from:

Ms S Tomson (Royal Yachting Association), Ms S Bailey (World Wide Fund for Nature), Ms C Heeps (Crown Estate), Dr C Wooldridge (Department of Maritime Studies and International Transport, Cardiff), Mr P Crocombe (Welsh Association of Sub-Aqua Clubs), Mr J Orchard (Pembrokeshire Canoeists), Mr J Deason (Pembrokeshire County Council), Mr M Kaiser (School of Ocean Sciences, Bangor), Mr R Thomas, Dr D. Parker & Mr D Worrall (CCW), Mr F Bunker (Marine Conservation Society), Dr M Havard (Wildlife Trust South & West Wales), Mr T Theobald (Pembrokeshire County Council), Ms M Rees (Environment Agency), Ms C Millican (Orielson Field Centre), Mr B Deas (National Federation of Fishermen's Organisations), Mr R Ellis (National Trust), Ms B Emmett (Centre for Ecology and Hydrology, Bangor), Prof. L M Warren (Department of Law, Aberystwyth), Mr D McDonough (Welsh Yachting Association) and Mr S Morris (Pembrokeshire College).

Absent were:

Mr C Doyle (Welsh Federation of Sea Anglers)

## **1. INTRODUCTION**

The chairman Dr R Crump introduced the members present and explained that this meeting was solely to discuss the progress of the “no take zone” (NTZ) discussions and to get the members to comment on the proposals the MNR team have drafted.

## **2. PRESENTATION ON PROGRESS SO FAR.**

Mr P Newman gave a presentation summarising the reasons for wanting increased wildlife protection in the MNR, including data showing the year on year rise in the number of lobster pots being used in the MNR and examples of where this type of gear had been recorded damaging seabed organisms. He explained that progress so far had involved informal consultation with those concerned and the formulation of a proposal that answers concerns expressed by those that might be affected while still achieving the goal of increased conservation value of the area. This included local fishermen, Marloes & St Brides community council, dive charter operators and angling charter boat operators.

## **3. SOUTH WALES SEA FISHERIES COMMITTEE**

Mr P Coates summarised the legal and political framework any proposals would have to work within. SWSFC have the powers to prohibit the taking of sea fish with byelaws. The Welsh Assembly Government (WAG) could use a Statutory Instrument, which would be more appropriate for long-term closures. Either of these methods could be used.

He gave details of recent government reviews of fisheries and marine conservation. Historically the Welsh office has been reluctant to override significant objections however now marine conservation can be used as a case as well.

He explained how the process of bringing in a byelaw would work:

1. Any byelaw would have to be advertised and go out to public consultation.
2. The number of objections would have to be minimised.
3. The Welsh minister would then decide if the byelaw can be passed and if any of the objections mean the byelaw needs to be modified.

SWSFC has a responsibility to regulate the fishery and consider wider environmental concerns. The difficulty is providing a conservation/fishery benefit and making the costs socially and politically acceptable.

Mr P Coates summarised the findings of a government strategy group into Marine Protected Areas.

## **4. PRESENTATION OF PROPOSED STRATEGY**

Mr P Newman gave details of the proposal being suggested by the MNR.

CCW directors’ team had endorsed the proposal on the basis that it would eventually bring the effects of fishing down to nil in a large part of the Reserve whilst addressing the socio-economic problems.

To address comments made during earlier informal consultation about displacement of current fishermen into areas fished by others a permit scheme would be developed. Permits would be allocated to individuals with a track record of fishing in the Reserve during 4 out of the last 5 years to allow them to continue until they naturally finish. To prevent an increase in fishing effort there would need to be a limit on the number of pots used, calculated from the maximum number of pots fished during each year of the track record. In order for some

conservation gain we would also like to see an annual reduction from this maximum number of pots down to a level to be decided by negotiation with fishermen.

In order for CCW to achieve its eventual goal of no fishing in the Reserve the permit would extinguish when a fisherman dies and not be transferable or saleable. Because this could be a very long time (40 years?) an alternative option would be to have an end date (for example 10 – 15 years) at which all permits expired. This would be easier for all to understand but possibly less attractive to the fishermen.

Because it is essential to monitor the effects of the reduction of fishing and the effects of the ban on others (including divers) taking commercial species, then small areas of the MNR (about 5% in total) would need to be closed immediately to set up study plots. The location of these would be decided through consultation with the permit holders.

Members of the community council warned very early on that any proposal to prohibit anglers from the North Marloes Peninsula would be met with strong objections. Further investigation into the issue of shore angling has highlighted some huge problems in policing such a restriction and the legal position is uncertain / untested. With this in mind, and after consultation with the local anglers and angling charter boat operators, it is suggested that the area of the MNR to the east of Tusker rock be set aside from the general ban to allow angling from the shore or from a boat using hook and line only.

Mr T Allen commented that this would be a soft option where the regulated professionals are being targeted but recreational, unregulated fishermen are being let off.

Mr P Newman said that from the point of view of conservation there was no reason to allow angling but that this concession had been made on the basis that it would be impossible to enforce a no angling ban with the current resources.

Mr P Marshall asked whether boat anglers would be restricted from other areas in the Reserve.

Mr P Newman replied that 90% of all the boat angling that was recorded in the MNR occurred East of Tusker Rock (the point off Wooltack bay is known as “Tesco’s by the local anglers as it is a very good area for mackerel). The rest of the Reserve (85%) would have no angling what so ever in fact the taking of sea fish by any means would be prohibited (except for potting by historical permit holders) so this would also include divers, tangle nets, spear fishing etc.

Mr I Johnson asked if historical users would be able to net as well as pot.

Mr P Newman replied that all netting would be prohibited, as there is no track record of fishing by net over the last 5 years.

Mr D Gardener said that none of current fishermen wanted to tangle net in the area and that they would support a ban on tangle netting.

Mr T Allen said that this proposal reneged on a promise made to commercial fishermen when the Reserve was originally set up.

Mr B Bullimore replied that he had researched the statement and that this “promise” was no more than an urban legend. He had not been at the meeting in which it was said, but the phrase used at a meeting some time in the late 1970’s was “there are no plans, at present, to prohibit traditional potting activities”. This was said against the background of the fishing effort at the time. Since then fishing boats and practices had changed. Just what traditional means is difficult to classify – is it 12 small boats each fishing 30 pots and powered by oars / small outboards or is it 30ft planing hull vessels with hydraulic winch haulers fishing 400 or more pots? Fishing methods have become significantly more intensive since that statement was made.

Mr D Chant agreed with Mr Bullimore saying that he had been present at the meeting and that is what was said.

Mr R Crump also agreed with Mr Bullimore's version of events having also been at that meeting. He added that fishing had changed considerably since that time.

He then asked if there was any news from Lundy, where a NTZ was set up just over a year ago.

Mr P Newman replied that they had released some results of their monitoring and that the initial results were quite positive.

Mr T Allen responded that the results were not credible as there was no baseline on which to judge the findings.

Mr B Bullimore agreed that the results released to date were premature and could not be used as evidence for or against closed areas.

The Chairman then asked for any responses from those not present to be read out.

Mr P Newman read out the written replies from the Environment Agency & the National Trust (see Appendix 1). Ms S Bailey (World Wide Fund for Nature) had spoken on the phone and expressed her support for the principle of the idea but was worried about the concession over angling. Mr Jean-Luc Solandt (Marine Conservation society) replied by phone to say that the MCS are supportive of the proposal to eventually achieve a closed area but that angling should be included as well.

Mr B Jones asked if the angling area would also permit any other collecting activities. Mr B Bullimore replied that all other activities would be prohibited.

Mr P Newman raised the issue of policing the whole scheme and that peer pressure had been a successful way of encouraging good behaviour in the diving community. Although it is suspected that a minority of divers still collect scallops, surveys in 2000 and 2004 have shown that the scallop population has increased significantly since the byelaw prohibiting their collection in the MNR was introduced.

Mr B Jones commented that this shows that if a population is left alone then it helps increase population size.

Mr P Coates added that the SWSFC would not issue a byelaw it saw as un-enforceable and that byelaws would have to be enforced by sea fishery officers. Talks with CCW had agreed that if necessary some of the MNR staff would be sent on the relevant training courses and become warrant-carrying officers to assist in the enforcement of byelaws in the Reserve area.

Mr I Johnson asked whether a restriction on commercial fishing could lead to other problems in the future if angling catches improved as a result.

Mr P Marshall commented that this was unlikely to have a big effect on pelagic species that were the target species of most anglers.

Mr J Brown asked if there were any plans of baseline monitoring of crustacean species in the Reserve before any byelaw restricting fishing was established.

Mr P Newman replied that this is planned but effective methods of monitoring are difficult to implement. One possible method would be to go out with one of the current fisherman and record all catch (including undersized specimens returned to the sea) 3-4 times during the season.

Mr B Bullimore added that technically fisheries research was under the remit of SWSFC, but with the reality of how under-funded the SWSFC was there would have to be a balance achieved by CCW giving time and money to achieve the necessary monitoring.

Mr R Crump reinforced that monitoring must be established to see the effects of no fishing, adding that if only 5% was going to be the initial closed area then this might not be a large enough area to conduct any meaningful research. He would like to see the area of the MNR around the island closed, i.e. 50% of the Reserve.

Mr P Newman replied that MNR staff had tried to come up with a realistic compromise that answered as many as possible of the concerns that had arisen through informal consultation.

Cllr W Roberts stated: Society appears as if it doesn't care about the environment. This is a chance to conserve an area of marine importance. Doing nothing is not an option because what will it be like in another 15 years time? We do need conservation and this proposal in principle is good, but the mechanics of bringing it into place will be very difficult and this is now what needs to be agreed by the committee.

Mr D Gardner stated: He was here to represent the interests of commercial fishermen and the fishing industry.

The timing for this proposal was very bad for 2 reasons;

- 1) Fishermen are currently developing their interests in Wales and are trying to develop the fishing industry in a professional way to benefit the whole of Wales and for environmental sustainability. If the professionals are excluded the void will be filled by the less scrupulous, cowboy element. A strong industry is important for the environment as well as the industry.
- 2) There is serious concern over the effect the SAC will have on potting. SAC's currently cover 70% of Wales' coastline and potting has been targeted as a potentially damaging activity that may need to be controlled. This has implications for the whole fishing community, not just those at Skomer, and if fishermen are going to be displaced into other areas there is an unwillingness to give up any area until the SAC issue is resolved.

He added that this proposal would directly affect 4 local fishermen (one of which fishes there early in the season) and that these individuals needed to make a living and be economically viable in an industry with high overheads and time available for fishing limited by sea conditions.

This proposal is asking them to give up some or all of their livelihood and a resource for future generations of fishermen and yet they get nothing in return. If you want to get the fishermen onboard you need to offer them benefits and a win/win situation.

Temporary compromises may be achievable in the short term but at the moment the fishing industry is adamantly against the proposal until the SAC issue is clearer.

Research into NTZ will only be seen by the industry as gathering evidence against them. The proposal to extend the NTZ at Lundy has been turned down by the whole fishing industry.

Mr P Newman replied that one win / win situation could be maintaining the current catch weight (and therefore fishermen's income) whilst reducing effort, as this proposal gives the fishermen involved the chance to manage the area for commercial fishing. Allowing the current users to continue, albeit with some form of "sunset clause" was intended to remove the issue of displacement.

Mr P Marshall responded that this would still leave the issue of removing the area for future generations. One fisherman is concerned as his 16 year-old nephew has started fishing with him and he wanted the option to continue fishing in the future.

Mr P Smithies added that the issue of use of the area for future generations was a concern of the community council.

Mr P Newman asked about the rights of future generations to enjoy and have an unspoilt area of marine heritage.

Mr P Smithies asked if it was possible to set a level of sustainable fishing that could be distributed between the local fishermen and for some additional rights for some local community members to fish the area. He added that these were some of the biggest concerns from the local community.

Mrs Y Evans added that the Reserve staff have met the community council once but they need to meet again and present what the Reserve is about and what it is we are trying to conserve.

Mr P Smithies asked if compensation had been looked into, as this had been a solution to conservation schemes involving farmland.

Mr D Chant said that CCW could have a NTZ if only it was prepared to compensate for the loss of revenue to the fishermen.

Mr P Marshall said that one of the fishermen had commented that no money would be enough to compensate for not fishing in such a beautiful area.

Mrs Y Evans asked whether there existed a right to set lobster pots for one's own consumption? Would the Statutory Instrument option involve the UK government or just the WAG and how would it view the removal of public rights?

Mr P Coates replied that only the WAG would be involved. As for the removal of public rights the minister would have to balance the losses against the gains.

Mr P Marshall added that the public right of fishery is a difficult area and goes back to the *Magna Carta*.

Mrs Y Evans asked what time table was set for the proposal?

Mr P Coates replied that there was no set timetable. A discussion document of the proposal would be presented to the SWSFC on 3<sup>rd</sup> Dec 2004, but after that a draft byelaw would have to be drawn up and presented 14 days before any of the SWSFC quarterly meetings (next meeting 4<sup>th</sup> Feb 2005).

Mr B Bullimore also responded to various issues raised:

This proposal has bent over backwards to accommodate the livelihoods of the local fishermen and the concerns of the local community. Setting sustainable levels is very difficult, as no one knows what level of fishing is sustainable in terms of the nature conservation interest. Without an area free of fishing it is difficult if not impossible to assess.

Farming and fishing are fundamentally different when it comes to compensation as a farmer owns the land, a fishermen does not own any of the fishery just his boat / licence.

It is often claimed that the right of fishery is included in the Magna Carta, but after studying the document in detail he had failed to find any reference to it.

Miss J Hodges supported this having also studied the document in detail.

Mr J Archer Thomson asked how bad do things had to get before people eventually do something. He had personal experience of the destruction of the Gann flats in Dale. He used to take students there to study its amazing marine life and now he doesn't even walk across it because it has been turned into a lunar landscape devoid of the previous diversity of life and now dangerous to walk over. Does it have to get that bad at Skomer before any thing is done?

Ms K Lock added that in the 70's a local fisherman used to dive commercially for crayfish and regularly bring up over 20 crayfish per dive diving twice a day. In the last 8 years she had only seen maybe 6-8 sizeable crayfish in total in the Reserve Area. The actions of people exercising their rights in the past have shaped what we see now.

Mr T Allen responded that this proposal only tackles the commercial fishermen, who are already regulated through fishery byelaws, and leaves the divers / recreational users untouched. The MNR should consider restricting the number of divers as well as the professional fishermen.

Ms A McConnell replied that this proposal does restrict the activities of all users – no one would be allowed to take anything, in fact the only ones allowed to continue would be the permit-holding commercial fishermen.

Mr P Coates added that divers are already regulated and that if they want to fish commercially then they need a licence. Recreational divers are currently limited to one shellfish per person with a maximum of eight per boat; this is a reduction from the previously allowed four shellfish per person. Divers' attitudes have changed and they are now more interested in looking at the marine life rather than taking it.

Mr B Jones emphasised that from personal experiences at his dive school, divers have never been interested in taking fish or shellfish and their focus has always been in observing the marine life. He has witnessed only 3-4 incidents of divers taking shellfish in the last 10 years. It has always been a minority of divers that will take shellfish.

Mr M Burton said that policing divers has already been successful with a voluntary code of conduct supported by peer pressure. This year there were examples of divers reporting suspected incidents of code of conduct infringements by other divers. Slowly the message was getting across and divers now had a real sense of ownership of the Reserve and came to enjoy the scenery and the wildlife and not remove anything.

Ms K Lock added that dive charter operators now bring a significant proportion of the divers to the Reserve and they operate a no taking policy with all their divers.

Mr P Newman added that one dive charter operator had approached him with a proposal to start a petition to get "no-take" status for the MNR, before any of the consultation had even started.

Mr B Bullimore added that there were definitely a minority in the diving community that took crustaceans from the Reserve, but it was a small number and that a rogue element could be found in all sports/walks of life.

Cllr W Roberts stated that this is all about why there is a Marine Nature Reserve in the first place and that the focus of the Advisory Committee should be to support the Reserve. The strategy of this proposal is good but again he stressed that the mechanics will be very difficult when people's livelihoods are at stake.

He agreed with Mr J Archer-Thomson about the tragedy of the failure to do anything about the 'rape' of the Gann Flats. A lot of noise was made but nothing happened. Today we have an opportunity to enhance this area for prosperity and if someone loses out in the short-term we should hope that their grandchildren will be proud of them in the future.

Miss J Hodges echoed Cllr Roberts' thoughts. There had already been a lot of hard work put into the consultation and development of these ideas and this work had tried to ensure a long-term benefit for the conservation of the area without threatening the livelihoods of those working there now. The approach has been very thorough and should not be set aside lightly. It is a very difficult problem but we do have an opportunity to do something at the cutting edge of UK fishing and conservation management.

The chairman Dr.R.Crump concluded by saying that the proposal was not an easy or soft option and that Mr.P.Newman and Mr.P.Coates had tried hard to achieve a consensus by meeting and talking to all those concerned. They should be greatly commended for their efforts.

The members of the committee were asked to consult with their relevant organisations and respond to this proposal in writing.

Christmas (25/12/04) deadline for written responses was agreed.

Many thanks to Marloes and Dale WI for providing the refreshments.