

SKOMER MARINE NATURE RESERVE
ADVISORY COMMITTEE
MINUTES OF EXTRAORDINARY MEETING (INCREASED WILDLIFE
PROTECTION FOR SKOMER MNR), THURSDAY 8TH SEPTEMBER 2005
HELD AT MARLOES VILLAGE HALL

P R E S E N T

| | |
|---------------------|---|
| Mr J Archer Thomson | Dale Fort Field Centre |
| Ms S Bailey | World Wide Fund for Nature |
| Mr B Bullimore | Countryside Council for Wales |
| Mr P Coates | South Wales Sea Fisheries Committee |
| Dr R Crump | CHAIRMAN |
| Mrs Y Evans | Marloes & St. Brides Community Council |
| Miss J Hodges MBE | Pembrokeshire Coast National Park Authority |
| Mr B Jones | British Sub-Aqua Club |
| Ms K Lock | Countryside Council for Wales |
| Dr L Luddington | Countryside Council for Wales |
| Mrs C Millican | Orielton Field Centre |
| Mr D Miller MBE | Maritime and Coastguard Agency |
| Mr S Morris | Pembrokeshire College |
| Ms A McConnell | Countryside Council for Wales |
| Mr P Newman | Countryside Council for Wales |
| Mr B Oxenham | Welsh Association of Sub Aqua Clubs |
| Mr G Phillpot | South and West Wales Fishing Communities Ltd |
| Cllr W Roberts | Pembrokeshire County Council |
| Dr JL Solandt | Marine Conservation Society |
| Mr P Smithies | Marloes & St. Brides Community Council |
| Ms V Swales | Pembrokeshire Coastal Forum, activity liaison officer |
| Mr T Theobald | Pembrokeshire County Council |

Apologies were received from:

Ms S Tomson (Royal Yachting Association), Dr C Wooldridge (Department of Maritime Studies and International Transport, Cardiff), Mr R Thomas, Dr D. Parker & Dr D Worrall (CCW), Mr F Bunker (Marine Conservation Society), Dr M Havard (Wildlife Trust South & West Wales), Mr F Bunker (Marine Conservation Society), Dr S Shackley (Country side Council for Wales), Mr T Allen, Mr P Marshall (DEFRA), Mr J O'Connor (Welsh Federation of Sea Anglers).

Absent were:

Mr B Deas (National Federation of Fishermen's Organisations), Mr J Reynolds (Dale Sailing Company), Mr R Ellis (National Trust), Mr J Deason (Pembrokeshire County Council), Ms B Emmett (Centre for Ecology and Hydrology, Bangor), Mr I Johnson (Old Mill Diving Services), Ms M Rees (Environment Agency), Mr D Love (RNLI).

1. INTRODUCTION

Dr R Crump, introduced the members present and explained that the meeting was to discuss the outcome of the MNR byelaw proposal put to the SWSFC meeting on the 28th June 2005.

2. SUMMARY OF PROPOSED BYELAW AND SWSFC MEETING

Mr P Newman gave a brief history of the proposed MNR byelaw and a summary of the byelaw itself. The proposal was that no fishing would be allowed in the MNR except for an area set aside for angling, and permits for historical fishermen (who had fished four of the five years up to and including 2004) to continue fishing in the area. Three fishermen would qualify for a permit allowing them to continue fishing at their 2004 fishing effort with a reduction of 5% effort each year. No more permits would then be issued after ten years. This ten-year phase out period would minimise the impact on fishermen's livelihoods. Mr Newman emphasised that the MNR represents only 0.28% of the sea area covered by the SWFC and less than 0.01 % of UK territorial waters.

The proposal was presented to the SWSFC in February 2005 and committee members voted in favour of putting it out to public consultation. Following the consultation, an extraordinary meeting of the SWSFC was held. Attendees were 3 County Councillors, 8 Welsh Assembly Government (WAG) appointed fisheries interests and 1 representative from the Environment Agency. The outcome was 7 to 5 against any form of no fishing zone, voluntary or statutory.

Mr P Newman was very disappointed with the SWSFC decision. He considered this a missed opportunity for a phased approach that would have lessened the impact on local fisherman compared with the sort of closure that other forms of legislation (existing and planned) might result in, especially with pressure on the government mounting for some form of Marine Bill (Agenda item 5). MNR staff were still concerned that the level of fishing effort in the MNR continued to rise in 2005 and the number of fishing boats had doubled since 2004.

Mr P Coates explained that the public consultation had resulted in objections from individual fishermen (including those that fished in the MNR), the South & West Wales Fishing Communities Ltd (S&WWFC) and 3 sea anglers (one local). Support had mainly come from conservation interests and the diving community. The extraordinary meeting had been held specifically to discuss the byelaw due to its controversial nature and the need for consideration by the full committee. The minutes of the meeting were still in draft and would be available after ratification. The committee considered the following issues in making their decision:

1. Objections by historical fishermen;
2. Economic disbenefits for fishermen;
3. No clear cut evidence on economic benefits;
4. Lack of evidence that potting caused damage to marine life or habitat;
5. Fishery interests considered that the proposal represented the 'thin edge of the wedge' with regard to the management of the rest of the Pembrokeshire Marine SAC.

Mr Coates added that officers had not given any strong recommendations to the Committee because they themselves had mixed views about the proposal. He said he had hoped that there would have been some discussion of possible amendments to the byelaw and had been surprised that the Committee had not supported any form of restriction on fishing, whether statutory or voluntary.

3. FEEDBACK FROM CCW

Ms A McConnell read a statement from CCW directors:

"CCW are obviously disappointed by the decision of the SWSFC, particularly after all the hard work and negotiations undertaken by Phil and the MNR team, and of course some members of this Advisory Committee.

The decision has resulted in us taking a step back from the MNR and looking at the wider context of Welsh and UK seas. There are a number of other proposals that are possibly on the table in the marine environment, including the marine bill, OSPAR recommendations, other fishery conservation management recommendations and so on, so we are content to wait and see what might happen with these before we pursue this particular byelaw again.

If Marine Protected Areas, or something akin to them, are going to be adopted, or indeed trialled by the UK, Skomer MNR, being the only one in Wales, is an obvious place to consider for inclusion.

In the meantime, the SWWFC Ltd offer of further talks to discuss a voluntary scheme for the MNR is on the table, and we await the Committee's advice in this matter, although we believe that we should discuss the potential for voluntary "no-go" areas to protect scientific research sites. By continuing to work together we hope that we can derive benefits for both marine conservation and fisheries".

Dr R Crump commented that although the SWSFC had voted for no fishing restrictions, the S&WWFC had offered the potential of smaller, voluntary research areas in the MNR. Mr G Phillpot clarified this to say that the offer was for these areas to be 'no access' for all users rather than simply 'no take'.

4. FEEDBACK FROM MARINE PROTECTED AREA SEMINAR AT DALE FORT

Dr R Crump briefed the committee about the visit of Dr Bill Ballantine, an internationally respected advocate for and expert on Highly Protected Marine Areas, from New Zealand.

Dr Ballantine had run a week-long seminar on Highly Protected Marine Reserves (HPMRs), which are 'no take MNRs' by definition, in Plymouth at the invitation of English Nature earlier this year. Dr Crump had invited him to give a condensed one-day seminar for CCW and local marine conservation staff at Dale Fort FSC. The need for networks of HPMRs (no take) covering a range of habitats, the benefits of research and conservation and the benefits to local communities, including commercial fishermen, were discussed. In New Zealand 20 statutory marine nature reserves exist with a further 30-40 proposed. The aim is for 20-30 % of the New Zealand coast to become HPMRs by 2020.

Both Plymouth and Dale seminars concluded that there should be 'no take' HPMRs in the UK, but that new legislation was needed to enable this to happen. It was considered that the proposed Marine Bill might provide this opportunity.

Ms K Lock pointed out that the definition of a Marine Nature Reserve in New Zealand means total 'no take' whereas in the UK this is not the case; currently there are no "true" MNR's in the UK.

Mr B Bullimore said that some of the particularly interesting marine environmental benefits of HPMRs presented by Dr Ballantine were not always intuitive or obvious.

Dr R Crump has invited Dr Ballantine to talk to a wider group in Pembrokeshire when he visits again next year.

5. MARINE CONSERVATION SOCIETY "RESERVES NOW" CAMPAIGN

Dr J-L Solandt was invited to brief the committee on the new MCS Campaign for Marine Reserves.

Dr Solandt explained that with the development of the Marine Bill there could be a link between marine spatial planning and inshore fishing legislation. He told the committee that non-government organisations, under the umbrella of the Wildlife and Countryside Link

which includes MCS, are working closely with DEFRA and others responsible for drafting the Marine Bill to ensure that the bill provides for the designation of nationally important marine areas as Highly Protected Marine Reserves which are closed to destructive human activities. The MCS have launched a campaign to raise awareness and to bridge the gap between the public and legislators. In August MCS launched a press release throughout England and Wales (a different approach is being followed in Scotland), but the only press interest shown was in the southwest of England, possibly due to awareness generated by Lundy MNR NTZ, which was set up in 2003, and the proposed Whitsand Bay marine reserve. To help generate more local recognition for marine reserves, the national MCS Beachwatch event in September aims to use 'Marine Reserves Now' posters to provide images of volunteer groups on beaches displaying the posters around the coast of Britain. These images will be used publicise the campaign on the MCS website and to demonstrate the level of public support for the campaign.

Dr Solandt said that although marine biodiversity was supported by European legislation there remained a need for UK legislation to be improved.

6. DISCUSSION

Dr R Crump read out comments from Mr F Bunker:

"Please convey to the meeting my disappointment with SWSFC that the proposed MNR bye-law was not approved. I believe that in order for no-take zones to have real value in Pembrokeshire Marine SAC, we need multiple no-take zones representing every habitat in the SAC. If SWSFC cannot even accept a watered down no-take zone in Wales's only MNR, it is obvious that new law making powers are required which will not rely on the SWSFC to enforce necessary marine nature conservation measures."

Mr B Oxenham asked Mr P Coates about the constitutional procedures of the SWSFC. He noted that the Committee is made up of 12 County Councillors, 8 fisheries interests and 1 Environment Agency (EA) representative, but at the extraordinary meeting only 3 Council Councillors and the EA representative were present alongside the 8 fisheries interest members, which led to a biased vote. Did Mr Coates acknowledge that the system is flawed and that his staff had been let down?

Mr P Coates replied that this level of attendance was not unusual and that it was up to the councils to ensure that their members attended. It was possible that more County Councillors might have attended if the meeting had been held in Carmarthenshire or Swansea instead of Pembrokeshire. He added that the SWSFC constitution is established by parliamentary legislation and that Welsh Assembly Government (WAG) appoints committee members.

Mr J Archer Thomson read from a prepared statement. He added that although the FSC was not a campaigning organisation there had been support for his comments from colleagues at the Dale Fort centre. Dr R Crump proposed that a copy of Mr Archer Thomson's comments be circulated to members; it is attached as an annex.

Dr R Crump asked the committee to consider the different options on how to proceed. He thought the decision of the SWSFC had been inevitable in the absence of any offer of compensation to commercial fishermen. He asked if members knew of any sources of funding available for possible compensation.

Mr G Phillpot replied that there was the possibility of compensation in the next round of funding from the European Fisheries Fund as one of the clauses relates to NTZs, but this would not be available until 2007.

Ms A McConnell added that she was not aware of any funding available from the UK government/WAG.

Mr B Bullimore commented that simple compensation for leaving the MNR area would lead to displacement of effort (i.e. number of pots used) to outside the MNR, whilst giving compensated fishermen a competitive advantage over other fishermen in neighbouring areas (from the conversion of compensation money into more gear). He believed that compensation should only be for removal of fishing effort.

Mr Coates said that he did not think that the implementation and policing of decommissioning would occur and that stopping fishing in 30% of UK waters, as is proposed by some authorities, was unrealistic. However, because at Skomer MNR the identity of fishermen and their levels of fishing effort were recorded, it did at least provide the basis for control measures. But implementing them and stopping overflow to the wider area would not be easy, especially given resource shortages already affecting fishery control.

Dr R Crump asked if this suggested that it would be worth resubmitting the proposal to SWSFC if money could be found for compensation.

Mr P Coates said that he saw four possible options: a “stop notice” (Section 5 order under the Sea Fishery Act); SWSFC byelaw; some form of voluntary closure; or new legislation.

Mr Bullimore believed that it would only be possible to have 30% NTZ in UK waters if there was the political will. He said that just such a level had been achieved in Australia’s Great Barrier Reef because the political support was there.

Mr P Coates commented that during the consultation period questions had arisen about why shore angling would still be allowed to continue when there was evidence that angling did cause damage to the seabed. He added that the main reason for this exception to the general byelaw had been due to problems anticipated in enforcing any ban on shore anglers. It had also been argued by fishermen that divers caused disturbance to the seabed and that any area agreed upon should be ‘no access’ for all users of the MNR.

Mr B Jones said that a recent study funded by English Nature at the Farne Islands to assess the impacts of a busy weekend of divers had found no evidence of disturbance to the seabed by divers. He also stressed that NTZs are for conservation benefits, not for the benefits of recreational users, including divers. Mr Jones also said that having a protected breeding stock of commercial species must count as a benefit to the fishing industry.

Mr P Coates replied that had the Farne study been known to the SWSFC it might have influenced their decision. He stressed that he considered NTZs were just one tool for fisheries management and that there are other options that also need to be considered. Appropriate fisheries management is needed and effective enforcement.

Dr R Crump said that individual members of the committee should decide how to influence the Marine Bill as they saw fit, but that as a committee there was the option to ask CCW to proceed with something for the MNR other than just wait for the Marine Bill to be made. This might include an investigation into compensation for fishermen, or to negotiate with local fishermen for a voluntary ‘no take’ area. However, he did not see that a ‘no access’ area was feasible.

Dr R Crump agreed that to simply wait for the Marine Bill may mean that a resolution for the MNR may be imposed without due regard for local interests.

Ms A McConnell said that the WAG had indicated that they did not want a ‘Marine Agency’ for Wales as has been proposed for England.

Ms S Bailey added that the WAG is waiting for direction from DEFRA before formulating any specific plan for Wales.

Mr J Archer Thomson said that the historical background of scientific data at Skomer could not be ignored and that it had to be included in any network of HPMRs. He added that a solution for marine management had to be found soon in the face of increasing evidence that the marine environment was in serious trouble. To sit back and “fiddle while Rome burns” is not an option. Mr Archer Thomson added that he saw no reason to stop anyone going into a HPMR as long as they did not damage it.

There was general agreement that simply waiting for the implementation of a marine bill was not an option.

Ms K Lock added that a Marine Nature Reserve should be somewhere we are proud to have created for the benefit of our children.

Mr P Smithies suggested that fishermen could be employed within the Reserve to help with management and in that way supplement their income.

Mr B Bullimore agreed that there is potential, though not necessarily through direct employment.. However, he gave an example of one former fisherman who had turned to dive charter operation and derived a benefit in that way from the area’s MNR status.

Mr S Morris said that he saw no mileage in taking a proposal back to the SWSFC.

Dr R Crump called for a show of hands for the idea of resubmitting the proposal to the SWSFC, but with funding for compensation. There was no support for the motion.

Mrs Y Evans proposed that local AMs, MPs and MEPs be contacted in order to influence how the Marine Bill is adopted in Wales and that it was appropriate to local needs. She also added that there was a danger of misunderstanding what the debate was about, and that people, particularly anglers, are not sure of what is happening. She proposed that there be a targeted seminar for local AMs, MEPs and MPs to discuss the Marine Bill, what is happening in Wales and what they intend to do with respect to our local area.

Mr B Oxenham welcomed this as a constructive suggestion, particularly given the level of interest shown by local politicians. He suggested that the minister with this responsibility in Wales, Carwyn Jones, be invited to explain to the committee how the WAG will fulfil their obligations under European law and what WAG’s intentions were with regard to the Marine Bill.

Mr P Coates proposed that the committee write to Carwyn Jones to host a meeting/workshop to take this forward – this was seconded by Mr B Oxenham.

Ms S Bailey recommended that Mr Fred Jones, chair of the WAG Environmental Planning Committee (EPC; Carwyn Jones’s department’s scrutiny committee), also be invited.

Mrs Y Evan suggested that the proposed meeting/workshop should start with ‘Setting the scene of the MNR’ and then let a debate develop.

Dr Crump put the proposal for a seminar to members; it was unanimously accepted.

It was agreed that Dr R Crump, as committee chairman, would write to Carwyn Jones, local MPs, AMs, MEP’s and the EPC to invite them to hold a meeting in February 2006, and ask that it be chaired by Carwyn Jones. He also agreed to discuss options in hosting the seminar with both Pembrokeshire College and the Pembrokeshire Coastal Forum

Action: Dr R Crump

Dr R Crump suggested that there was a role for everyone on the committee to help influence the Marine Bill. Individuals can write with respect to the Skomer MNR case and make sure that it is not forgotten and ignored in Wales.

Mr P Coates asked if the committee supported consideration of a voluntary research area.

Ms K Lock asked for confirmation of what was being offered by S&WWFC. Mr G Phillpot replied that the offer was for 'no access' areas, but none had yet been identified.

There was general agreement that this offer should be followed up.

Mr P Phillpot suggested that he would arrange a meeting with the fishermen. Mr B Bullimore said that potential areas first needed to be identified and then a meeting could be arranged with the S&WWFC. **Action: MNR staff**

7. OTHER BUSINESS

Mr Newman said that there had been a meeting with Ruth Davies the Interpretation Officer for Wildlife Trust of South and West Wales to discuss the interpretation and education plans for the Skomer visitor centre, Deer Park lookout, Fisherman's Cottage and Lockley Lodge. Plans are at a very preliminary stage and a working group will be formed. Members of the MNR interpretation/education group will be invited to this group to represent the MNR advisory committee.

Dr Crump thanked the Dale and Marloes WI for providing refreshments and cakes and closed the meeting.

Reminder to members: Next Advisory Committee meeting to be on Tuesday, 25th April 2006 at 1400 (venue to be confirmed).

SOME THOUGHTS FOR THE SMNR MEETING 8/9/05.

John Archer-Thomson, Sept 2005.

To date the MNR committee meetings have been about dialogue and compromise (a point in favour of the committee process I believe). The total rejection of the proposals for a limited no-take approach around Skomer by the SWSFC was a disappointment, as it seemed to be a slap in the face for the process mentioned above.

In the event (and perhaps surprisingly) I would like to congratulate the SWSFC for their rejection of the proposals. Despite the best intentions of many that were involved and considerable hard work of the few, I think the proposals were weak, flawed and almost an apology for the scientific and conservation aims of the Reserve.

My feelings have always been that it is nonsense to have a Marine Reserve where damaging activities are allowed to continue (e.g. fishing – damaging by definition as fish and by-catch are removed hence altering the balance and behaviour of marine communities; potting – pots are heavy, they have to be, if you drop one on a ross coral or sea fan for example damage is inevitable; pollution – obvious; angling – gear gets left on the sea bed, line gets entangled around sea fans etc. etc.). The best option for the Marine Reserve has always been that it be a fully protected area where all damaging human activities are banned on principle, as far as is practical and sensible.

I am acutely aware that I am a very small fish in a very small pond and my opinion is of very little consequence. It might be instructive to hear the opinion of some slightly bigger fish, namely the Royal Commission on Environmental Pollution. The following extracts from their recent (2004) report to the UK government are relevant to our discussions.

“Society has given much lower priority to protecting the seas compared with protecting the land. This needs to change – urgently.”

“Progress towards existing commitments on marine protected areas is too tentative and too slow.”

“...the UK government should develop selection criteria for establishing a network of marine protected areas (MPAs) so that, within five years, a large-scale, ecologically coherent network of marine protected areas is implemented within UK waters. **This should lead to 30% of the UK’s exclusive economic zone being established as marine reserves closed to commercial fishing.**”

“**The UK government should amend UK legislation to allow MNRs to be designated even when there are objections.**”

“We recommend that funds be made available to help the transition of the industry during the establishment of the UK network of marine protected areas and no-fishing reserves.”

Necessarily I have had to restrict the quotes to the absolute minimum to make the point, the report is a comprehensive look at Fisheries Management in a British and EU context.

What the Skomer MNR committee was asking for in its recent proposals was a compromise and an extremely reasonable one at that. That was rejected. What we should now go for is that **the MNR, in total, becomes a highly protected marine reserve where all damaging human activities are banned on principle, as far as is practical and sensible.** As such it would be a key research area within a broader (30%) local area where the balance is finally reversed such that “applicants for fishing rights.....should have to demonstrate that the effects of their activity will not harm the sea’s long term environmental sustainability.”

There is an opportunity here for Skomer MNR (specifically) and Wales (more generally) to lead the way to where our whole approach to the marine ecosystem has to go, in the very near future. Alternatively we can wait until the changes are imposed on us from outside.