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William Powell, AM
Chair, Petitions Committee
National Assembly for Wales
Cardiff Bay CF99 1NA

Your ref: P-04-415

By e-mail *via* Petitions Committee Clerk

29 January 2013

Dear William,

Petitions Committee 2 October 2012: Marine Conservation Zones

Thank you for your letter of 23 January.

You ask for my views on the MCZ consultation process and improvements that could be made, and whether I feel I have been sufficiently engaged with the process.

I provided my views on the consultation document and process at some length in my response to the consultation. I can probably express them no better than therein and consequently I simply append that response to this letter. I refer you specifically to pages 3 – 5 in respect of the process and pages 5 – 10 for comment on the document. With respect to improvements to the consultation process, I also made specific recommendations in my response letter; please see page 10.

With reference to evidence, it is vital that the evidence in support of arguments made against to designating MCZs are subject to the same scrutiny as the scientific evidence. It is all too clear that many objections are not supported by evidence at all, or that the evidence presented does not hold water.

Further, I recommend that:

- the advice on consultation requested from and provided to Welsh Government by the Countryside Council for Wales is better heeded, not least because it was derived from lessons learned from similar consultations elsewhere;
- Welsh Government cease paying disproportionately and inequitably high regard to objectors to the MCZ proposals and affording them greater opportunity to make their case than is afforded to proponents of MCZs. It was clear both during and since the consultation, for example in the membership of the present Stakeholder Focus Group, that Welsh Government staff have given greatest attention to those who shouted loudest against MCZs, particularly the fishing industry and vocal opponents on the Llyn Peninsula.

When I wrote to you on 19 October 2012 expressing my concern that the then widespread and established misinformation about the MCZ proposals may risk misleading your Committee, I also noted that your Committee's members had gathered evidence from individuals opposing MCZ designation during visits to North Wales. To redress this imbalance I offered to brief

Committee members, either in Cardiff or on site in Pembrokeshire, though I regret my offer was not taken up.

I also note that the Environment Minister recently attended a meeting with the fishing industry in West Wales to enable them to make their case and that a further meeting is scheduled for North Wales (Welsh Government news release “Environment Minister discusses marine conservation with Welsh Fishermen's Association” 11 January 2013). I am not aware of similar opportunities having being given to proponents of the MCZ proposals. Notwithstanding this, my fellow members of the Pembrokeshire local group of the Marine Conservation Society are writing to the Minister inviting him to meet us to enable us to reinforce the case for improved protection of the Skomer Marine Nature Reserve by redesignating it a highly protected MCZ. In the event that he accepts, we would be delighted if you would also consider meeting us at the same time.

With respect to my engagement in the consultation process, I was reasonably content about the opportunities open to me during the actual consultation period. Having said that, I have grave doubts as to the notice that was taken of my comments and response. Specifically, despite my having identified the inequitable opportunities afforded to interests opposing the MCZ process, this preferential treatment has continued or, possibly, actually increased.

However, I am dissatisfied with the opportunity to remain engaged during the current, extended, stakeholder process. I requested a seat on the Stakeholder Focus Group, specifically to represent the interests of the Skomer MNR. The Chairman of the Skomer MNR Advisory Committee made a similar request. Both our requests were rejected on the basis that nature conservation interests were adequately represented. Nevertheless, I understand that the community and fishing interests from the Llyn Peninsula opposing MCZs are disproportionately over-represented on the Focus Group. I acknowledge that I was offered a one-to-one meeting with Peter Davies, Chair of the Focus Group, which I immediately accepted; nevertheless I have heard nothing since, despite sending a reconfirmation.

Thank you for this opportunity to respond further and follow up my petition. Although the e-petition collected a modest number of signatures, I refer you to the 7,500 signature petition in support of designating the Skomer MNR as a highly protected MCZ which I submitted, on behalf of the Pembrokeshire MCS local group, to Jane Davidson in 2009, and resubmitted to John Griffiths in 2012.

Yours sincerely,

A handwritten signature in black ink that reads "Blaise Bullimore". The signature is written in a cursive, flowing style.

Blaise Bullimore

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Lindsey Powles
Marine Branch
Department for Environment & Sustainable Development
Welsh Government
Government Buildings
2nd Floor, CP2
Cathays Park
Cardiff CF10 3NQ

26 July 2012

Dear Mr Powles,

Response to Welsh Government consultation “Marine Conservation Zones: potential site options for Welsh Waters”

I warmly welcome and strongly endorse the Welsh Government’s policy and proposals to designate highly protected Marine Conservation Zones (HPMCZs) to complement other MPAs and to contribute to the protection, restoration and improved resilience of Wales’ marine environment.

I provide my credentials for making comment below, followed by a brief context for my response, comments on the consultation document, the consultation process and specific comments on the proposed Skomer site.

Credentials

I am a professional marine scientist and conservationist with over 25 years of experience of attempting to implement UK marine nature conservation legislation.

Prior to the dissolution of the Nature Conservancy Council and the creation of the Countryside Council for Wales in 1990, I was responsible for steering the Skomer MNR through its pre-designation public consultation and slow conversion from voluntary reserve to statutory MNR, and for designing and managing impact assessments to inform the justification of new management measures. This process took almost four years and involved close liaison with fishing and other interests opposed to the designation. I am therefore familiar with and understand many of the arguments against MCZ designation made by self-interests and others ideologically opposed. The current process has a strong sense of *deja-vu*.

Following its eventual designation I was manager of Skomer MNR, one of only three MNRs in the UK, and certainly the most actively managed and monitored of the three, from the time of its designation in 1990 until 1998. From then, until early retirement from the Countryside Council for Wales in 2006, whilst a senior marine conservation officer with responsibilities

for delivering CCW's obligations for European marine sites, marine Sites of Special Scientific Interest and for providing advice and consultation responses across the full range of development and other proposals in the marine environment of SW Wales, I retained professional responsibility for the management of the Skomer MNR. Selection and designation of European Marine Sites in compliance with the EC Habitats Directive during this time again featured argument against designation by socio-economic sectors.

Since taking early retirement from CCW I have continued to work in both the development of European Marine Sites and as an independent consultant specialising in marine environmental monitoring. I am currently the Carmarthen Bay & Estuaries European Marine Site Officer and spent a year as the Pembrokeshire Marine SAC Officer. I retain a strong interest in the conservation and management of Skomer MNR; I am an independent member of the MNR's Advisory Committee, an Honorary Warden and a volunteer dive team member.

The combination of my first hand experience in negotiating agreement for pioneering marine protected area designation and delivering the UK's marine nature conservation legislation at a practical level in Wales is unique.

Despite currently working as an EMS officer, I make it explicitly clear that this consultation response is undertaken in my private capacity

Context

The planet's seas are under enormous pressure and are widely degraded. We are so familiar with the way things are now that we fail to recognise this and unless we explore the historical evidence we don't know what we have lost, or how less healthy our seas are now than they used to be. Pressures are both global and indirect, and local and direct, the most widespread of which is fishing. Direct, local pressures can only be tackled through local and direct action.

Although almost a third of Wales's sea is designated as marine SAC it needs more protection. This is in part because SACs are only designated to protect specifically listed habitats and species, not ecosystems; partly because they are multiple use areas, not nature reserves; and not least because they are far from well enough managed – over half the designated features in them are unfavourable.

There is nowhere in Welsh waters that has been ever been fully protected from direct human impacts. Even the protection offered by Skomer MNR – Wales's only Marine Nature Reserve – is strictly limited.

We need HPMCZs to give marine wildlife at least a few places it can exist and thrive unmolested by people - we do so on land, there shouldn't be a lower standard for the sea; to allow parts of the marine environment to recover to a near natural state and to increase its resilience; to protect the marine ecosystem for the goods and services it gives us which we cannot exist without; and to help us understand the effects of human pressures on the marine environment.

Evidence from round the world tells us that highly protected MPAs have positive benefits, and specifically that full protection delivers disproportionately greater benefit than partial

protection. However, we will never be in a position to gather evidence of their benefits in our own seas without actually designating and appropriately managing some.

1. Consultation process

The consultation document and the associated consultation exercise have been very disappointing and the unnecessary opposition they have generated distresses me greatly.

It is with genuine regret that I have to complain that the consultation process has been extremely badly misjudged and mishandled. Whilst the inaccessible and ambiguous document both unnecessarily alarmed and alienated many people, including both individuals naturally sympathetic to marine conservation and those previously holding neutral views (detailed comment on the document is provided below), the effect of the consultation and engagement process was even more negative.

Having worked for over twenty-five years towards one day seeing the achievement of what are now to be known as HPMCZs I was delighted by the Welsh Government's proposals for MCZs in *Protecting Welsh Seas*. I am therefore devastated to now fear that the groundswell of opposition so unnecessarily generated by the misjudged and mishandled process has quite likely doomed the HPMCZ process.

Sadly, the process has been so mishandled that I could even believe that it was a deliberate attempt by government to sabotage its own project. It is certainly difficult not to suspect that the ambiguity, implied need for management of benign activities and failures to clarify any lack of intent to prohibit such benign activities were a deliberate attempt to frighten sea users and local communities.

The delay in releasing the Frequently Asked Questions allowed misinformation and disinformation to take hold quickly and flourish. Even after the revised FAQs were posted to the Welsh Government's website I met people that remained unaware of them. Nevertheless, the FAQs failed to provide the clarification necessary in many instances; in some cases they served to further confuse since they appeared to contradict the consultation document itself.

The failure to plan and provide proactive engagement with any interests other than fisheries is deeply regrettable and the specific failure to proactively engage with the local communities adjacent to the proposed sites prior to or immediately on commencement of consultation was a particularly unfortunate error of judgement. Springing a complex, ambiguous, consultation that appeared likely to restrict benign use of the sites on those communities should have been predicted as likely to generate alarm and resentment.

The advisory body created to advise government on the consultation - the Stakeholders & Citizens Engagement Group - was underutilised and what little advice it was able to provide appears not to have been taken into account. Nevertheless, reference to the SCEG in the consultation document (pp 4 – 5) disingenuously implies that it oversaw and endorsed the consultation as carried out.

Public engagement by government in support of the consultation failed to adequately clarify confusion or clearly answer questions. Information provided in public-facing meetings has been both inconsistent between meetings, varying with audience and forum, and has contradicted that detailed in the consultation document.

Compounding the failure to present a rationale for the HPMCZ policy in the consultation document, government officials made little attempt at public-facing meetings to explain the rationale or policy, and no effort to support or defend it.

Ambiguity in the consultation document about the potential for prohibiting or introducing what were, unjustifiably, feared to be draconian management measures for benign activities particularly frightened and alienated a wide cross section of the public unnecessarily. Nevertheless, clarifications, explanations or reassurances of actual intent for management of proposed sites were too slow to emerge and generally failed to provide the needed clarification or reassurance. Inconsistent and unclear responses given in public fora clearly caused increased confusion; failures to answer direct questions at these fora also clearly reconfirmed public suspicions and distrust and allowed disinformation to thrive.

There has also been a failure by government to adequately attempt to clarify the confusion in the public mind about the availability of evidence for different purposes; *ie* evidence of ecological / ecosystem degradation (and the need for protection), information about the presence and distribution of species and habitats (underpinning site selection), and evidence for the benefits that HPMCZs can provide (to provide a rationale for designating HPMCZs) - each of which is different and distinct.

However, although this confusion appears to have been maintained, and even talked up, by interests opposed to HPMCZ designation to gather support for their position, I did not once hear the appropriate answer given in response to specific questions about evidence during public meetings.

Whilst there is considerable local (national and very localised) data and evidence showing ecosystem degradation and to enable site selection there is, of course, no evidence of the benefits of HPMCZs in Welsh waters for the simple reason that there are no such MCZs from which it could have been collected. Nevertheless, evidence from the very limited monitoring of the nearby Lundy 'no take zone' does indeed show some of the effects that were anticipated based on studies of other highly protected MPAs globally.

Welsh Government has failed to rebut, or has rebutted inadequately, mischievous disinformation promulgated and repeated by individuals opposed to HPMCZ designation, often despite the disinformation having been rebutted by CCW or others, myself included. Specifically, for example, predictions of collapse in local tourist economies, largely predicated on the belief or disinformation that benign recreational activities will be prohibited, are not supported by world-wide experience from MPAs.

The poor understanding of marine activities and their possible effects demonstrated by government has clearly compounded public distrust and lack of confidence in the process. Worse, clearly negative, prejudicial, and misleading statements have been made about some benign activities, particularly diving, by Welsh Government fisheries staff.

Furthermore, there is clear circumstantial evidence of a negative influence on the process from the Welsh Government Fisheries Unit. The consultation process has had a clear fisheries bias: whilst seven meetings were arranged for fisheries interests only two meetings for the general public were planned (albeit multiple reactive community and sectoral interest meetings were also ultimately held). Of particular concern, government fisheries staff were noted by environmental representatives on Welsh Government's Inshore Fisheries Groups as

advising fishermen that the Fisheries Unit did not support the government's HPMCZ policy and encouraging them to object to their designation. Such inflammatory behaviour is at best unprofessional; from my public sector experience I would have expected it to be considered a disciplinary matter.

Despite the consultation document being clearly identified as such - a consultation - this purpose is undermined by the questions that accompany the document and the statements by Welsh Government officials at public-facing meetings which make it clear that the current task is actually an information collection exercise rather than a consultation *per se*. Since this is a very different proposition, arguably the public have been seriously misled.

It is clear from my attendance at public-facing meetings (the Skomer MNR Advisory Committee meeting, a meeting for diving interests, the South Wales public meeting, the WCMP conference) that misunderstandings about the proposals, whether naïve or deliberate, are firmly entrenched and what clarifications or reassurances that have been offered have largely been disbelieved or rejected.

The mishandled consultation process has unnecessarily generated such a groundswell of opposition that it is hard to believe the entire process is not fatally wounded. It is clear from social media campaigns and public meetings that there is ideological opposition to HPMCZs, inflamed by the ambiguity of the consultation document and disinformation, that no reasonable amendments to the process or proposals are likely to appease.

Nevertheless, I appeal to Welsh Government not to abandon the HPMCZ process. To do so, or to do nothing would be an unacceptable option risking increased damage to our marine environment. Instead, I urge government to learn from the errors of this first stage consultation and attempt to rebuild trust and understanding for the promised next stage.

2) Consultation document

The document is inaccessible, overly complex, repetitive and much is ambiguous and misleading. It is sufficiently complex and confusing to mislead many readers toward incorrect conclusions as to what government intends.

The lack of a brief overarching summary in a document of this length and complexity is astonishing and unacceptable. It should have been possible to provide a suitable summary that explained the scope and key proposals without creating confusion or being misleading.

The document is extremely long (over 320 pages) and too technical and detailed for most readers. Essential explanations, clarifications and caveats are buried deep in annexes. Yet at the same time, critical detail necessary for the technically aware reader to fully understand site and boundary selection is not presented.

The flow of the document is at times disjointed. Some of the text looks as if it has been copied and pasted from various sources without being properly edited and integrated to fulfil the purposes of the document.

The document fails to present a rationale for the HPMCZ policy, but simply refers to a three-year old, never finalised, draft policy. Nevertheless, there is no meaningful effort to support or defend the rationale referred to therein. Faced with a 300+ page consultation document it

must be doubtful whether another, out-dated, document would be sought out by consultees not already familiar with it. The lack of a rationale is a fundamental and unacceptable flaw.

Despite the aspirations for the proposed HPMCZs described in the Introduction, the government's reasons for this designation are not made clear. Specifically, it is unclear whether the reasons are to proactively protect areas of especially high quality (which is my understanding and which I fully concur with), or reactively address pressures or threats, or some combination thereof. This lack of clear statement of purpose has undoubtedly generated false expectations and assumptions.

The description 'highly protected' risks being understood to mean something is under threat and in need of protection from either actual or potential threat. Failure to identify such threats appears to have been interpreted as a failure to make the case for designation. If this is not the case (or only partly the case), which is my understanding, the precise purpose should have been more clearly explained. If the rationale for each of the proposed sites differs then this too should have been explained.

Nevertheless, the document presents no explanation of the pressures and threats the marine environment is under, not even a brief statement to the effect that the marine environment is under pressure and has been degraded. In so doing it fails to support the case for HPMCZs.

Reference to the existing suite of MPAs in Wales, specifically to SACs designated under the Habitats Directive, is superficial and misleading. In simply stating that those SACs are "protected" the document implies that all necessary management to safeguard designated features is in place and effective, and possibly that the features are in favourable condition. In reality, as is well known to Welsh Government, this is far from the case.

The assumption that the reader is familiar with the "A Living Wales" process in setting the context for the proposals is unjustified.

I am concerned that government's expectations of how much three or four very small sites would be able to deliver is unrealistic and that the proposed HPMCZs may be being set up to fail even prior to designation. Whilst it is certainly reasonable to expect improved ecosystem functioning and resilience within sites – if sufficiently large – a very few, very small sites will only be able to make a limited overall contribution to ecosystem functioning and their potential for contributing to the delivery of ecosystem services could only be slight. This criticism should not be read as an argument against their designation: clearly real benefits may be anticipated, but the point is that the success of any sites eventually designated should be judged against what is possible, not what is unrealistic.

Potential site options

There is considerable repetition; generic text is repeated for each site. Although there are some modifications to generic text in each site section it is sometimes so marginally different as to make the differences unapparent. There also appear to be inconsistencies between the text and the annexes.

Site activities tables (*ie* Tables 1 – 10) contain a large proportion of generic text and include significant text that is not relevant to each site. Such irrelevant text has evidently contributed

to undermining confidence in the document and generating unnecessary fears about management.

Site selection

The scientific selection criteria are poorly explained and depend on reference to the Site Selection Guidance document. Despite the description of the complex iterative process described in Part 5 and Annex 3, the scientific reasoning is likely to be opaque to most readers. It certainly is to me and, with my background, I consider myself likely to be one of the more knowledgeable consultees.

Despite the detailed information provided, without access to the data and the site and boundary selection tools it is impossible for the public to assess or critique the scientific basis, or the rigour or objectivity of the selection process. What understanding is possible unjustifiably necessitates reasonable familiarity and understanding of the Site Selection Guidance document, itself a long technical document. The description of the site selection process certainly gives a strong impression of a degree of inflexibility that is not present in the Site Selection Guidance; however, readers without an understanding of the Guidance document undoubtedly risk having been misled.

There has evidently been an over-reliance on Marxan. Marxan is not magic; it is a decision support tool – the key word here being *support*. The Marxan website itself says: “Remember that Marxan is a decision support tool to help guide the selection of conservation networks; its output should never be interpreted as ‘the answer’” and “Marxan does not consider uncertainty in the data so the quality of what you put in is reflected in the results generated.” In short, Marxan output is driven by the parameters set and requires the user to exercise expert judgment. It is difficult to believe that expert judgment was applied to some of the proposed sites.

The singling out of the habitat diversity selection “criterion” at the expense of others was foreseeably likely to – and clearly did – drive Marxan to generate sites that encompassed unsuitable areas (such as the Dale mooring area) simply to maximise the number of habitats within an area of search.

Adopting a strict, one-size-fits-all, approach to the generic habitat viability guidance values listed in the Site Selection Guidance document is scientifically unjustifiable. No two areas of habitat are exactly the same and the viability of habitats in terms of their species composition and recruitment is immensely variable. Simply specifying a habitat of a generically specified area as viable or not is scientifically untenable. As well as unreasonably risking omitting viable areas deemed non-viable because they fall short of a subjective nominal value, seeking to minimise the area of habitats larger than such values is equally illogical; in general, the larger the habitat patch the more viable and robust it is likely to be.

In the event that the proposed sites need to be reappraised in order to move forward, the Site Selection Guidance needs to be used as guidance: the criteria need to be given more equal weight; other measures or biodiversity need to be given greater weight additional to the over-simplistic habitat diversity approach; expert judgment needs to be used; and socio-economic factors need to be taken into account, at least in refining sites.

Boundary selection

The boundary selection processes describe what appears to be an extremely complicated, possibly overly complicated, procedure that attempts to follow exceptionally rigid criteria whilst striving to keep encompassed habitats to ecologically indefensible “minimum viable” areas.

The document describes practical, good practice, boundary-setting principles (page 101) but then advises that they have not yet been applied. Describing but failing to apply them is, at best, unhelpful and potentially misleading.

The boundary selection process is further undermined by over-reliance on HABMAP modelled outputs. The density of data points in most areas is far too sparse to treat the polygons generated by HABMAP as sufficiently accurate for the purposes of determining “viable” areas of habitat, even in reasonably well surveyed areas (and notwithstanding the comments regarding viability above).

Socio economic considerations

The point at which socio-economic filters will be or have been applied is confusing and plainly self-contradictory. The process flow diagram (Fig 1) distinctly identifies at stage 3 that the first iteration of potential sites will be identified “in light of social, economic and practical considerations”. The remainder of the text is ambiguous at best, with the site-specific activity tables implying that little or nothing is known about socio-economic activities. In contrast, Welsh Government officers routinely insisted during public-facing meetings that socio-economics have not yet been considered, but that they will be at the close of this current first stage consultation.

Nonetheless, the “certain incompatible activities” (section 6.3) applied as a filter in developing the first list of potential sites are all, quite obviously, socio-economic. This selective filtering of socio-economic considerations sends multiple negative messages that government has ignored or been ignorant of information that is readily available and well known, that it applied double standards by deliberately cherry-picking certain activities or areas for preferential treatment, and has deliberately chosen avoid exercising realism checks to the (as noted above, subjectively driven) Marxan selections.

The failings of this double standards exercise is compounded by the inconsistent application of this filter; for example, the Beggars Reach area of Milford Haven, which is well outside the commercial section of the waterway, was excluded, yet the Dale area which includes a commercial tanker anchorage and more than 200 moorings, was included.

Conservation objectives and management measures

Whilst the generic conservation objectives are welcomed, some of the detail in the management objectives is unrealistic, contradicts statements elsewhere or is a hostage to

fortune. For example: is the “release of polluting ... substances” meant to include exhaust fumes? How is release of “chemical substances” supposed to be construed since everything is a chemical? How is exposure to fertilising nutrients supposed to be avoided since they occur naturally and anthropogenic inputs will be spread everywhere throughout the sea, albeit at vanishingly low concentrations?

The descriptions of potential management measures and their likelihood is unclear, and spread throughout different parts of the document and answers to the FAQs. Having to dig down to tables buried in Annex 4 to attempt to identify what may or may not be prohibited or managed is not good enough. Potential management measures are not, therefore, straightforward for readers to cross-refer between or fully understand; they are also potentially contradictory and apparently more draconian than necessary. Not surprisingly this has created unnecessary alarm amongst many members of the public, particularly those wishing to continue undertaking benign activities.

The scope of the definition of deposition appears to be over-simplistic and non-pragmatic. Explanations of the future prospects for maintenance of existing infrastructure (*eg* moorings, navigation aids) is poor and it is unclear whether these would be considered as deposits.

A realistic and pragmatic approach to management would recognise the benefits of providing recreational boat visitor moorings as a management measure, particularly since the technology for ecologically benign moorings exists. Furthermore, consideration should be given to whether the temporary deployment of light recreational vessel anchors in specified, resilient sediment areas should be classified as deposition. Light anchoring by recreational vessels in a strictly controlled manner is certainly accommodated in highly protected MPAs elsewhere, *eg* the Great Barrier Reef.

It is unclear whether handling certain wildlife would be considered as extraction. The educational and awareness-raising benefits of children rock-pooling for example are considerable. Whilst such activities should doubtless be subject to codes of good behaviour, their benefits in capturing hearts and minds would outweigh any trivial risks to wildlife and arguably should not encompassed within the definition of catch and release.

Site management and enforcement do not appear to have been thought through. There is no acknowledgement of the need for day-to-day management, including the critical public engagement and deterrent roles, nor is there any identification of a body to undertake any role other than legal enforcement. However, the statement that legal enforcement will “likely” lie with Welsh Government’s Fisheries Enforcement Team implies this has not been agreed within government. Whether this is the case or not, I am deeply concerned that the Fisheries Unit not only lacks the necessary resources, but has little sympathy for MCZs, no expertise in management for environmental purposes and no environmental management culture.

It is no secret that known threats to Welsh seas, including European Marine Sites, are ineffectively managed. Illegal scallop dredging continues in areas from which it is legally prohibited and too little effort is expended in enforcing existing regulation. Simply designating HPMCZs will not deter anyone from flaunting unenforceable regulation and designation is pointless if it is merely a paper exercise. HPMCZs certainly risk only being “paper parks” without meaningful and committed deterrent presence and enforcement as well

as local and user buy-in. I encourage the Welsh Government to make these essential commitments

Risk Management Areas

The scope and potential scale of Risk Management Areas are ambiguous and there is inadequate cross-reference to other parts of the document to reduce that ambiguity. It is plain and understandable that Welsh Government has no intention of compromising the operation of ports or energy operations (p.118). It is also clear that the conservation objectives recognise “broad-scale human influences ... may prevent {a fully natural state} being achieved” (p.89), that MCZs are not intended to have implications for “far reaching impacts” (p.95) and that wider effects, including “diffuse pollution” should be addressed through wider measures (p.96). However, unqualified terms such as “close to” and “near” make it difficult for consultees to determine whether their activities at some distance might be subject to regulation, which has caused unnecessarily alarm and prompted unjustified objections (see specific example below of unjustified objections to the Skomer site from the Milford Haven Port Authority).

Recommendations

I implore the Welsh Government to learn the lessons from the failures at this stage and to ensure crystal clear consultations with proactive engagement with interested parties for future phases of the process.

On the basis of the shortcomings detailed in this letter, I implore government to scrutinise negative responses with great care to ensure that they are not predicated on erroneous understandings and beliefs.

I very much welcome the MCZ process being evidence based. Consequently, it is unacceptable for evidence that does exist and is relevant to be overlooked, ignored or disregarded. It is equally unacceptable for claims of socio-economic values or sustainability to be accepted without any supporting evidence and, if necessary, without challenge. It is clear that scientific information has been required to meet high standards; I implore government to ensure the same rigour is demanded of socio-economic evidence.

3. Skomer proposed site option

It is inappropriate to consider Skomer as any other site. It has been acknowledged as of conservation importance and deserving of protection since 1973. It became a voluntary marine reserve in 1976 and was designated Wales only statutory Marine Nature Reserve in 1990. Since that time it has been well managed and monitored by a team of professional marine scientists and it has been remarkably well safeguarded in spite of the very limited legal protection it enjoys. It is the one of the most well surveyed marine locations in the UK and by far the best monitored.

Despite this, it remains under considerable fishing pressure, the level of which has increased substantially - roughly double - since a proposal to increase the level of protection to a ‘no

take zone' was rejected in 2005. The risk of even further increased pressure in the event that the current MCZ process fails to deliver additional protection is of considerable concern to me. One additional fisherman has already made clear his intention to move his fishing effort to the MNR in the near future. It would be deeply regrettable if the MNR suffered greater pressure and damage as a result of this HPMCZ consultation.

Although it is acknowledged on page 2 of the document that Skomer MNR exists and (in a footnote) that it will become an MCZ on commencement of the MCZ provisions of the Marine & Coastal Act, there is no mention of its MNR status nor its management or monitoring in the potential site option description. There is only a cursory reference to the existing MNR boundary in Annex 3. The lack of acknowledgement of almost 40 years of marine conservation management, twenty-two as a statutory MNR, as a material consideration in this HPMCZ selection process is impossible to understand and I find it unacceptable.

Data & information

It is apparent that more than 25 years of MNR user information, both recreational and commercial, was not taken into account (commercial fishing effort has been more and better systematically recorded within the MNR since 1987 than anywhere else in Wales). Further, I understand (Skomer MNR Advisory Committee meeting) that the MNR was not approached for any of its data.

Careful reading of the document and discussions with CCW science staff lead me to strongly suspect that some ecological and biological survey and monitoring data has not been taken into account because it lies outwith the Marine Recorder database. However, without access to the detail of precisely which data was taken into account I am not able to verify these suspicions.

Nevertheless, the evidence justifying inclusion of the area seaward of Marloes Sands is vanishingly weak, particularly in comparison to robust monitoring data for sites to the north of the Skomer Island and the Marloes peninsula that appears to have been disregarded.

I am also concerned that some information on "sensitive" species may have been unavailable because it was redacted or not publicised by CCW for fear of fisheries exploitation.

Despite the foregoing omissions, Skomer MNR's unparalleled history of survey, monitoring and surveillance and the wealth of data it has generated makes it uniquely suited in Wales to enable determination of the effects of effective protection and removal of extractive activities.

Management

The management experience of the MNR has not been drawn on and no reference has been made to the existing measures that have been widely accepted and which could be adopted as models for management of potentially damaging activities in HPMCZs. Specifically, the lesson of the value of provision of visitor moorings as a habitat management measure, which also generates very positive public relations and appreciation, at insignificant environmental cost appears to have been overlooked.

I refer to the general comments on possible boundaries made above. The proposed Skomer HPMCZ boundary also fails to follow the best practice guidelines of using an existing boundary where one exists and of using straight lines latitude and longitude.

The socio-economic effect of using the existing MNR boundary for the Skomer HPMCZ will be little or no different from proposed boundary since most activities take place inside the proposed boundary.

Misleading consultation responses from socio-economic interests

I reiterate my comment above regarding the risk of objections to the proposed sites based on erroneous understandings. Specifically in respect of the Skomer proposal, I am aware that the Milford Haven Port Authority have objected to the designation on the basis that it would risk preventing the Port's use of the currently licensed dredge spoil disposal sites. At least in part as a consequence of this, Pembrokeshire County Council have also been reported in local Pembrokeshire newspapers as planning to object. These objections are unjustifiable for two reasons.

Firstly, MHPA (and PCC) have focussed on the genuinely ambiguous statements in the document (and in so doing, I understand the potential for their concern) but they have disregarded the clear reassurances elsewhere in the document that diffuse influences or distant activities with insignificant effects on proposed sites are not at risk of being prevented. Specifically, the Welsh Government's clear intent to avoid conflict with key government policies and constraints (including spoil disposal sites) and the explicit identification in section 6.3 of Skomer as not presenting any constraints have been disregarded.

Secondly, the risk from dredge spoil disposal at the currently licensed sites is a non-issue. After it became clear in the late 1980s and early 1990s (when I was manager of the MNR) that spoil disposal at the former disposal site immediately outside the entrance to Milford Haven was adversely affecting Skomer MNR (and other inshore areas), measures were taken to identify and designate alternative disposal sites. Considerable efforts were made to validate that these sites do not adversely impact the Skomer MNR.

I was closely involved in the investigations into potential alternative disposal sites and advised both the Port Authority and the (then) Marine Consents and Environment Unit basing that advice on over fifteen years local knowledge of the area. Comprehensive tracer studies funded by MHPA demonstrated no significant downstream deposition from new offshore disposal sites.

I enclose a CD with a copy of the last of a series of reports on the sediment tracing work contracted by MHPA "Review of dredge spoil grounds F (LU168) and 1 (LU168 sic {should read 169})". The penultimate paragraph of the Executive Summary reads: "The net effect of fine sediment dredge disposal at Site 1, based on a disposal volume of 250,000m³, is not significant within SMNR {Skomer MNR}". This report was produced prior to my leaving CCW and I recall CCW being content with its findings and concluding no significant effect. I am sure there will be an exchange of correspondence in the CCW files confirming this though I do not, of course, have copies. Nevertheless, I trust that the report alone counters MHPA's particular concern with respect to disposal at these sites under current license conditions.

I am also disappointed by the statements attributed in media reports to both PCC and MHPA that designation of HPMCZs would send a negative message to industry that Wales is closed for business. On the contrary, I suggest that Welsh Government should be sending a message to the world that we are proud of our natural environment, have a determination to protect it and whilst business is very welcome we expect high standards of environmental behaviour.

Answers to specific questions detailed on the consultation response form

Question 1 (*Do you have any additional ecological information (including survey information) for this area or know of any?)*

I refer to my comment above on the apparent omission of ecological information. Nevertheless, without the details of exactly which data sources were actually taken into account for Skomer it is impossible to identify additional information, or overlooked information, with any confidence. If it has not already been done, the Skomer MNR staff should be asked to provide details of any survey or monitoring data they are aware of that is not included in the Marine Recorder database.

Question 2 (*In addition to the ecological benefits, what other benefits would you expect from this site?)*

All available evidence suggests that there will likely be socio-economic benefits but that they may take some time to develop. These are likely to include:

- Improved scientific understanding of marine ecological process, effects of removal of fishing and other pressures, naturalness of ecosystems.
- Improved assessment of environmental pressures and threats through the provision of scientific control sites.
- Enhanced public appreciation and awareness and public education opportunities.
- Enhanced tourism and leisure value; potentially increased visitor numbers and consequential benefit to local tourism provision economy; marketing opportunities. However, increased visitor numbers and economic benefits may not be great as these have already been influenced by Skomer Island NNR and Skomer MNR for many years.
- Enhanced “ownership” and pride of place by local community.
- Population increases in commercially exploited crustacean and mollusc species, with enhanced reproductive capacity, larval export and adult overspill (of mobile species); the scallop population increase since protection in 1989 has already demonstrated the potential for such increases.

Question 3 (*Do you expect any disadvantages for people using or enjoying this area?)*

Regrettably, most robust environment protection designations carry some socio-economic impacts, though many may be expected to be short term. However, these need to be assessed

in the context of the wider public good, but every reasonable effort should be made to minimise any pain caused.

Displacement of commercial fishing. However, this should be offset against the likely medium to long-term increases in shellfish populations (as has been well demonstrated by the recovery of the scallop population following prohibition of taking scallops by any method in 1989) and the resultant overspill of mobile species (*ie* crustaceans) and eggs and larvae in the plankton as a consequence of increased reproductive capacity (see above).

Displacement of recreational anglers. However, my experience as the MNR manager suggests that many would accept the minimal loss of angling opportunity if carefully explained, particularly visiting anglers.

There are almost certainly risks of alienating and splitting local community opinion with some local people appreciating the value of their local environment and the tourism value of a protected area, but with others resenting any intrusion in what may be perceived as their local rights and custom. The evidence from other nature conservation designations is that many initially opposed local people become won over eventually. As an example, stopping the long established tradition of collecting seabirds eggs when Skomer became a National Nature Reserve caused huge local resentment; however, it would be difficult now to identify anyone from the nearby Marloes village that does not appreciate the economic benefits derived from the Island NNR.

Question 4 (*Do you currently use or enjoy or plan to use or enjoy the sea or coast within or near this site?*)

I have been using the Skomer sea area professionally for marine biological research and monitoring and as the MNR manager, and in a personal capacity for underwater photography, recreation and relaxation since 1976, *ie* for 36 years.

Although retired from the Countryside Council for Wales and a managerial role in the MNR, I am now an Honorary Warden and voluntary member of the MNR's scientific diving team. In this capacity I continue to contribute to the MNR's monitoring work, which is both incredibly important in itself and of incredible importance to me. It is also of equal importance to me to see the MNR continue to be managed and safeguarded.

I also continue to dive in the MNR for recreation, mostly for photography but also as a member of a Pembrokeshire based group of divers that carry out underwater litter picks (Neptune's Army of Rubbish Collectors – NARC), the only such group in the UK. The group regularly revisits the same locations in the MNR, in liaison with the MNR staff, and routinely collects bag-fulls of line, hooks and weights that anglers have lost or discarded and which pose a threat to marine wildlife.

These activities take place throughout the whole of the MNR. In addition I routinely visit the mainland adjacent to the MNR, walking and sea-watching, both with family and visitors throughout the year, including during the autumn to see the year's seals pups and during the winter to watch porpoises feeding in the tide races.

I brought my son up virtually living in the MNR and from it he developed his passionate love of the sea and marine wildlife. He has gone on to gain a first class degree in marine biology,

having undertaken his undergraduate research project in the MNR, and is beginning a career in marine environmental monitoring.

My memories of past activities, my current activities and the legacy from involving my family in the area are of immense importance to me, as is the environmental value and continued and enhanced protection of the marine wildlife and habitats on the MNR.

Question 5 (*Are you aware of other human activities or pastimes that overlap with or relate to this area?*)

Yes, many. These are fully documented in Skomer MNR annual reports from 1991 and in the Liaison Officer reports from 1987 – 1990 to which Welsh Government should refer. In addition reference should also be made to the MNR's reports on fishing effort and monitoring.

Once again I thank you for the opportunity to respond. I will be happy to expand on any of the points raised.

Finally, on the accompanying CD, I also include a copy of a 7500 signature petition to designate the Skomer MNR as a "no take zone" which was originally presented to Jane Davidson by the Pembrokeshire local group of the Marine Conservation Society at an event celebrating the passing of the Marine and Coastal Access Act in November 2009.

Yours sincerely,

A handwritten signature in black ink that reads "Blaise Bullimore". The signature is written in a cursive, flowing style with some loops and flourishes.

Blaise Bullimore