

P-04-415 Support for Designation of Highly Protected Marine Conservation Zones – Correspondence from the petitioner to the Clerking team, 23.09.13

Dear Sian,

Thank you for your e-mail, and the previous one advising that any further comments needed to be submitted by 15 September. Unfortunately time got away from me and I missed that deadline. Nevertheless, I would be grateful if you could forward to the members of the Petitions Committee the attached two articles I was invited to contribute to *Natur Cymru*. They speak for themselves and, I trust, capture my views on the Ministerial statement on MCZs.

Best wishes,

Blaise Bullimore



Gloom or hope? – an update

Blaise Bullimore updates his assessment of the prospects for marine nature conservation which appeared in Natur Cymru 47 (Summer 2013).

The scores are in and it's marine conservation nul points. It is back to the drawing board for possible new Marine Conservation Zones (MCZs), and the dashing of any hope that Skomer Marine Nature Reserve (MNR) might become an MCZ with even slightly improved protection in the foreseeable future.

Alun Davies, Minister for Natural Resources and Food, made his expected statement on MCZs and Marine Protected Areas (MPAs) in Wales on 18 July. Welsh Government (WG) aspirations for the marine environment's future were made clear: ensuring Welsh seas and their

biodiversity are healthy and robust enough "to support the demands we put upon them now and in the future", since many people in Wales rely upon and use them "to support their livelihoods and recreational activities". This utilitarian vision becomes even clearer with reference to developing WG's "blue growth agenda". Nothing about biodiversity or wildlife conservation for either their inherent importance or even for the ecosystem support functions that marine biodiversity underpins. It's crystal clear: the economy first, marine environmental conservation a poor second.

The Minister told us we need to

understand more about the wide range of marine habitats and species that are already protected. Yet the MCZ consultation document listed over 140 relevant survey and monitoring reports. We can always do with knowing more, though we'll never know everything our opponents demand.

We're also told that (another) assessment of Wales's current MPAs will be commissioned to identify any gaps and the options to fill those gaps. Is it too much to hope that by "gaps" he means both deficiencies in the protection of biodiversity in existing MPAs and some omissions from the network of sites? But gap filling, we are told, will need to be "proportionate". Could this possibly be code to indicate that long-term conservation measures, of benefit to all of society, mustn't get in the way

Blaise Bullimore



Out of sight, out of mind: few people get to experience marine wildlife in its natural habitat, or to witness its destruction.

To the Editor:

I was interested to read the article "Marine Conservation in Wales" in your magazine no 47. It seems to me there is a lack of interest in this subject because of lack of information. There are frequent references to damage being caused to marine areas but almost no pictures showing mature areas, before and after scallop dredging, with follow-up pictures showing how long it takes for recovery. People, myself included, are left to imagine the havoc caused. What happens under the sea is hidden from the large majority of people and the conservation issues seem not to be illustrated. I feel that all the effects of damaging agents need to be visually publicised to show what is happening and to stimulate interest.

*Yours faithfully
John Ferguson*

of the short-term economic interests of a few? The statement also refers to 125 current MPAs covering 36% of Welsh seas. I mentioned previously how the simple quotation of the percentage of sea that is "protected" is deceptive, but alluding to this apparently large number of MPAs is far more disingenuous.

Most of these "MPAs" are intertidal Sites of Special Scientific Interest (SSSI), many primarily designated for wildlife features such as birds, and salt marshes, or

designated sites that are nested one within another. Carmarthen Bay & Estuaries European Marine Site (EMS), for example, includes two Special Protection Areas, a Ramsar site and 17 SSSI within its footprint - so that takes care of 21 of those 125. Each of the five large Welsh EMS includes a similar number of SPAs and SSSIs. If Wales really had 125 discrete, well-managed MPAs we'd be exceptionally well provided for: we don't. In reality we have a handful of MPAs and most are far from well enough managed or effective - as the Countryside Council for Wales's 2012 reports on MPA management to WG made abundantly clear.

The report from the MCZ Task and Finish Group accompanied the Minister's statement. This report faithfully mentioned the divergence of consultee views, but it neglected to include the analysis of MCZ consultation responses that had been in a draft provided to the Stakeholder Group, or to note that 81% of responses supported MCZ designation. Instead it laboured minority beliefs that MCZs would negatively impact on Wales's maritime economy. Bearing in mind this Group included just two conservation representatives but three WG officers (two fisheries) amongst its seven members, its recommendations to dismiss the proposed sites and to repeat much previously completed work are less than surprising. Yet both the statement and the report had conspicuous omissions.

Skomer MNR was not mentioned in the statement, but the pronouncement that all proposed MCZs were being withdrawn

prompted BBC Wales news to report under the headline *New marine zone plans scrapped by minister* that "Skomer was one of the proposed zones but the minister will now look at the 125 existing marine areas." Cue confusion for the public and a splendid potential excuse for anyone intent on mischief-making.

The merger of Welsh Government's marine and fisheries functions, in a new Marine & Fisheries Division within the WG Agriculture and Food portfolio, is another indication of political priorities. Eight of the ten short-term priority tasks for the new division's initial six months are fisheries actions. Alun Davies describes the sea as a "living resource" with "significant sustainable economic potential", albeit "needing careful management"; and the only sector he identifies for helping WG deliver a "healthy and productive" marine environment is the fishing industry. And observe that although the now compulsory word "sustainable" is used, it is associated with the economy and not the environment.

Nevertheless, Alun Davies reassures us that he is "aware of some elements that may need strengthening" and promises to "outline" any necessary changes in a Marine and Fisheries Action Plan scheduled for November. I assume and hope he is speaking about environmental protection and wildlife conservation so I guess we mustn't give up hope yet. But I'm still not holding my breath watch this space.

Blaise Bullimore is a European Marine Site Officer, consultant and Skomer MNR Honorary Warden.



Marine nature conservation in Wales:

gloom or hope?

The struggle to win the attention of the public and the will of politicians to the cause of the conservation of nature at sea has not been easy.

BLAISE BULLIMORE
describes the slow progress that has been made, the part that Skomer Marine Nature Reserve has played, and the uncertain prospects for effective marine conservation management.

I first got involved with marine nature conservation in my twenties. I've just turned sixty. Over three decades have flown by and Wales still doesn't have a single square metre of seabed completely protected from damaging and exploitative activities. That's right – not one fully protected marine wildlife area in Welsh waters, although the seas around NW Europe have long been amongst the most pressured and overexploited on the planet. Marine wildlife's low profile has doubtless hindered its protection, but the cause has been insufficient political will to take the action needed.

It takes effort to see most marine wildlife first hand. From the 1950s onwards, scuba diving brought the shallowest 40 metres into view, and this played a major part in the origins of British marine nature conservation. Marine biologists and recreational divers came to understand and appreciate the wealth of marine life and its vulnerability.

In 1965, diving members of the newly established Underwater Association



for Scientific Research wrote to the Natural Environment Research Council (NERC), the parent body of the Nature Conservancy (predecessor of the current nature conservation agencies) recommending that some subtidal areas be set aside for protection. Skomer was one of three locations specifically suggested.

The roots of marine nature conservation in Wales can be traced to the Field Studies Council's (FSC) Pembrokeshire Dale Fort Field Centre (DFFC) in the late 1960s, and it too was triggered by scuba diving. Increasing numbers of professional marine scientists visiting DFFC, with its developing focus on subtidal biology, coincided with the rapid development of recreational diving.

Collection of shellfish and curios by divers landing at nearby Martin's Haven had become conspicuous and a point of conflict with local fishermen. This combination fostered a growing awareness that effective environmental stewardship might be as necessary in the sea as on land.

Dr Robin Crump joined DFFC for a year in 1969 and promptly set about organising underwater ecology courses for divers. These were welcomed, and attended by senior officers of the British Sub-aqua Club and Welsh Association of Sub-aqua Clubs (WASAC). Through these courses DFFC staff developed a broad picture of the area's subtidal ecology around the Dale and Marloes peninsulas. In 1971 the FSC's annual report recorded that under Robin's successor, Peter Hunnam, every course was booked to capacity.

The Centre's staff began a dialogue with the Nature Conservancy and Skomer Island's managers, the West Wales Naturalists Trust, to consider how an 'underwater nature reserve' might be established. The following year NERC invited DFFC to submit data to support the case for such reserves.

Skomer Island had become a National Nature Reserve for its nesting sea birds in 1959. Despite the sea's importance as the food source for the island's nesting birds, the marine environment had little respect: one early island warden recorded how empty food tins were thrown into the sea to dispose of them!

Following pressure from concerned organisations and individuals and parliamentary questions, NERC convened a working party on marine wildlife conservation. Its 1973 report concluded that there was insufficient ecological knowledge or evidence of risk to justify designation of marine reserves. It also forecast difficulties securing engagement by fisheries managers. Although there was a shortage of information at that time, these impediments – now excuses – are still alive and well.

A scientific seminar on marine conservation was convened at North Wales' Menai Bridge marine laboratory. Agreements were made to start tackling the problems and the Skomer/Martin's Haven area was one of the few locations discussed as a potential marine protected area (MPA).

In Pembrokeshire, Peter Hunnam and colleagues surveyed underwater habitats from Gateholm, around Skomer, to east of Martin's Haven, confirming the presence of a wide diversity of habitats and species.

Skomer becomes a voluntary marine reserve

By 1974 a steering committee was established to develop a voluntary marine reserve. On declaration of the Skomer Marine Reserve (SMR) in 1976, it evolved into the ambitiously named Management Committee, with Robin Crump as Scientific Secretary and WASAC providing the chairman.

The steering committee had initially struggled to engage the South Wales Sea Fisheries Committee



Broad or pink sea fans (*Eunicella verrucosa*) are one of the few marine invertebrates specifically identified for protection in the Wildlife and Countryside Act, but colonies are disappearing in the Skomer MNR.

(SWSFC - the local fisheries management body) until the intervention of Pembrokeshire-based SWSFC member Paul Raggett. The Committee gave an assurance that there was no intention at that time to try and curtail the then current 'traditional' pot-fishing effort as there was no evidence of harm - not that anyone had looked for any evidence of effects! Although these important caveats were recorded, they have been overlooked by the fishing industry ever since.

However, scallop-dredging impacts were a worry. Divers were able to see the damage which dragging over a ton of toothed scallop dredges caused to the seabed and its wildlife, and it became a potent focus for conservation campaigns, but the SWSFC wanted strong evidence that dredging caused damage in the proposed Marine Nature Reserve (MNR). In 1985, with SWSFC support and cooperation from a local fisherman, an experimental investigation of dredging's impacts was undertaken. The SWSFC accepted the resulting evidence and introduced a byelaw prohibiting dredging, beam trawling and collecting scallops by any method before the statutory MNR was legally designated. The consequential



Sea slug *Okenia elegans*

conservation benefits are still accumulating.

Despite a management plan, an inclusive

Management Committee and the distribution of an SMR leaflet, the voluntary reserve's success was expected to be limited as there was neither staff nor resources for management. Consequently the SMR Committee welcomed the 1981 Wildlife and Countryside Act (WCA) provisions for statutory MNRs and the inclusion of Skomer in the Nature Conservancy Council's (NCC) list of the first seven proposed MNRs.

Establishment of a statutory Marine Nature Reserve

A consultation on a proposed statutory MNR around Skomer and the Marloes Peninsula began in 1987 with the NCC making great efforts to liaise with consultees and Skomer Marine Reserve users. The proposal was judged an improvement on the voluntary SMR because it would legally re-enforce the existing code of conduct and bring resources to manage the MNR. Except for scallop fishing, it avoided tackling the difficult issue of fisheries management – commercial or recreational – because of the Government policy requirement for total consensus before it would designate an MNR. This policy, as much as the weak legislative provisions, eventually killed the MNR process.



Lomanotus genei

Two thirds of the British sea-slug list has been recorded in the Skomer MNR including species new to Britain and to science.

Limacia clavigera.

The consultation negotiations ran for four years. Compromises were made, including dropping some proposed byelaws, and the Skomer MNR was designated in July 1990, just months prior to the NCC being dissolved and the Countryside Council for Wales (CCW) established.

Over two decades later, the on-water public engagement and deterrence patrolling, coupled with onshore outreach and education, have secured the support of most users. Biological monitoring, including valuable volunteer 'citizen science' projects, has recorded real conservation gains, such as the dramatic recovery of the scallop population, the most diverse animal communities in Wales in formerly dredged areas, and an increase in the size of the Reserve's sea-grass bed. These successes were dependent on the expertise and dedicated effort of the MNR's staff, CCW's continued resourcing and staffing of the Reserve, the SWSFC's scallop fishing byelaw and the support of the MNR Advisory Committee which evolved from the former Management Committee.

Not surprisingly, problems remain. Over time it became clear that 'low-impact' shellfish potting was not quite so benign as had been popularly assumed. On Advisory Committee recommendation, a proposal for a 'no take zone' was developed in 2003. The proposal took two years of careful negotiations and would have enabled the fishermen then using

the MNR to phase out their effort over ten years, and angling to continue in the most popular area: it was rejected by the SWSFC. Shellfish potting effort then almost doubled in the following three years.

After Skomer, only one further MNR was designated and the MNR provisions became increasingly criticised by the conservation community, academics and environmental lawyers as too weak and ineffective. Unfortunately, in the haste to advocate for stronger marine nature conservation legislation, the achievements of Skomer MNR and the lessons it provided were frequently overlooked.

The Menai Strait was one of the other original sites on NCC's MNR shortlist. Although considerable effort went into seeking support for its designation there were many objections, some to MNRs in principle, and the proposal was quietly forgotten when European Marine Special Areas of Conservation came over the horizon.

European Marine Sites

When the UK regulations implementing the 1992 European Community Habitats and Species Directive and its pan-Europe system of protected sites – the *Natura 2000* series – appeared, they contained special provisions for marine *Natura 2000* sites, grandly titled European Marine Sites (EMS). With brand-new EMS centre stage, MNRs faded from the

collective memory and any aspirations to designate more evaporated.

However, there were ominous similarities between the regulations and the discredited MNR sections of the 1981 WCA. Also, rather than identifying any one organisation as having responsibility for managing EMS, the regulations gave a duty to all relevant public bodies to “exercise their functions so as to secure ... compliance with the requirements of the Habitats Directive” and enabled them to collaborate to develop a management scheme – if they felt like it. Whilst a collaborative, consensus approach



Scallop (*Pecten maximus*) population density in suitable habitat has increased by over 25 fold since dredging was banned in the MNR.



Scallop size range

appears attractive, EMS management schemes have gone on to demonstrate the difficulty of obtaining the necessary consensus and commitment to management action.

Most marine habitats listed for protection in the Directive are large physiographic features, so it appeared to make sense to select few large sites: just five wholly Welsh EMS and two cross-border estuary EMS cover over 70% of the coastline and 36% of territorial sea area (see back cover). The other UK countries selected many, mostly fairly small, sites.

It looks like a lot of protection, and it might be if designation equalled protection; unfortunately it doesn't. The relevant authorities for all except one EMS formed collaborative groups, which developed management schemes for each site. These consensus schemes took a long time to produce and the need to keep every authority engaged resulted in failures to agree on some issues and the omission of some necessary actions. Despite the schemes resulting in good liaison and outreach work it is difficult to identify changes to management resulting in conservation benefit. Known threats remain ineffectively managed; for example, illegal scallop

dredging continues and little effort goes into enforcing regulations.

Widespread discontent about the failures of the MNR process, and of EMS management, fuelled conservation NGO lobbying of government to introduce stronger marine nature conservation legislation throughout the late 1990s

and 2000s, which finally reached the statute book in 2009.

Marine Conservation Zones

The 2009 Marine and Coastal Access Act repealed MNR legislation and introduced provisions for Marine Conservation Zones (MCZs): the MNR is dead, long live the MCZ! But the MCZ management model is almost identical to that for EMS, despite its apparent lack of effectiveness. Simply giving public authorities a duty to do their jobs in a way that they think will support, or at least not hinder, achieving conservation objectives is just not good enough.

Also, as the primary purposes of Welsh Government's (WG) Fisheries Unit are to support and develop the industry, there is an inherent conflict of interest between fisheries exploitation and conservation goals.

In 2009 WG consulted on 'Protecting Welsh Seas', a draft strategy for Welsh MPAs and their contribution to an ecologically coherent UK network. Having taken advice from CCW, WG stated its intention to use the new powers to create highly protected MCZs (HPMCZs), within which no extraction, deposition or damaging activities would be permitted.

However, by the time a prolonged, complicated and secretive site selection process was completed, WG's rationale for its HPM CZ approach had either been forgotten by the public or had never come to many people's notice at the time. The consultation was so mishandled that it was a master-class in how not to carry one out! The consultation document was inaccessible, ambiguous and misleading. It unnecessarily alarmed many people and seemingly alienated everyone, including those naturally sympathetic to marine conservation. Failures to plan engagement with any interests other than fisheries, or to proactively engage with local communities adjacent to proposed sites, were serious errors of judgement. Legitimate confusion was worsened by misinformation that was repeated by economic self-interests and ideologically opposed protestors, but which went uncorrected by WG, who demonstrated a clear pro-fisheries bias.

Although considerable information had been collected in the 40 years since NERC's 1973 report, the evidence used to make the case for HPM CZs was criticised as insufficient. The contribution of dozens

of selfless, conscientious, volunteer Seasearch survey divers was vilified and discounted by objectors. It doesn't matter how much ecological information is collected, it never seems to be sufficient, nor good enough. Yet, the same standards of evidence are not demanded from challengers to MPAs, whose assertions of potential economic losses are accepted without question.

Wales Environment Link mounted vibrant advocacy campaigns for MCZ provisions in the 2009 Act and, later, their application, but in the face of the vitriolic objections to Wales' initial HPM CZ proposals its NGO members – with the notable exception of the Marine Conservation Society – suddenly back-pedalled. Promotion of comprehensive proactive protection was diluted to supporting reactive 'risk-based' management and 'sustainable' harvesting in MCZs. It's sad to see such double standards applied to the sea: would a suggestion to 'sustainably' crop the puffin and shearwater populations on Skomer – using indiscriminate traps that damage habitats and crush sensitive vegetation – not be greeted with horror by these same NGOs?



Spiny starfish, sponges, swimming crab and soft corals.



Grazing Common or Edible sea urchins (*Echinus esculentus*). Depletion of their predators by fishing can result in population increases which may over-graze habitats

An 'alternative' to HPMCZs published by the fishing industry was widely, though naively, greeted with open arms. Its core recommendation was to adopt almost the exact approach that EMS management has followed for over a decade, but with a twist – 'co-management' by the fishing industry. Whilst fishermen should indeed be involved in marine management, their industry's track record of self-control and compliance with regulation leaves so much to be desired that it does not inspire confidence in co-management.

After a silent period following the consultation, a Task and Finish Group was appointed by the environment minister to "reflect on" the almost 7000 responses to the consultation and, advised by a Stakeholder Focus Group, to "fully explore all the information received, to inform how we move ahead with MCZs". Though outputs from these Groups were not shared widely, what trickled out revealed that, rather than an overwhelming opposition to the initial proposals, 81% of consultation responses supported HPMCZs. Yet, because many of these had been stimulated by environmental NGO campaigns, they seemed to have been considered less valid than objections. Recommendations went to the minister at the end of April. Time will tell what they are and what the minister decides to do, but it's looking like Skomer

MNR will be renamed an MCZ and everything else will be scrapped and we'll start again.

A National Assembly for Wales' Environment and Sustainability Committee marine policy inquiry reported in January this year that, four years after the 2009 Act, WG had not delivered on the responsibilities it had been given and that the marine environment in Wales had not been given sufficient priority.

Marine conservation in Wales is struggling. The success and value of the single MNR has been underappreciated almost since the day it was designated, and EMS implementation has been, at best, disappointing. At present the MCZ process seems to have set progress back, not moved it forward. Where will marine conservation in Wales be in five years' time? Comprehensive and effective EMS management and several fully protected and well resourced and managed MCZs, starting with Skomer, would be marvellous, but given the history of false optimism I trust you will forgive me for not planning to hold my breath.

Blaise Bullimore was the Skomer MNR's first manager and is now a European Marine Site Officer, consultant and Skomer MNR Honorary Warden and scientific dive team volunteer.

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Gwarchod natur y môr yng Nghymru: gobaith ynteu anobaith?

Nid yw'r frwydr i ennyn sylw'r cyhoedd ac ewyllys da gwleidyddion tuag at warchod natur y môr wedi bod yn hawdd. Mae BLAISE BULLIMORE yn disgrifio'r cynnydd araf sydd wedi'i wneud, y rhan y mae Gwarchodfa Natur Forol Sgomer wedi'i chwarae, a'r dyfodol ansicr sy'n wynebu rheoli cadwraeth y môr.