

A Sea of Change

Consultation Response on a Marine Bill White Paper

Marine Legislation Division
Defra, Area 2E, 3-8 Whitehall Place, London SW1A 2HH

Dr Mark Fisher
Self-willed Land – advocacy for wild land and nature
27 Cornwall Crescent
Baildon
West Yorks
BD17 5LT
01274 584089
mark.fisher@self-willed-land.org.uk
www.self-willed-land.org.uk

In concert with many others, I call for a greater prominence to be given in the Marine Bill to Highly Protected Marine Reserves (HPMR) where no extractive activity can take place. These are sometimes called No Take Zones (NTZ). In addition, these HPMR need to be buffered by a Marine Conservation Zone (MCZ) that sets defined limits to the multiple use that can be made of them.

HPMR are mentioned only once in the proposed Marine Bill, and are couched in relation to the need for recovery of ecosystem structure and function of a particular site, perhaps contained within an MCZ, rather than what should be equally significant - the long term protection of an especially important site, as is the case of the Lundy NTZ.

While licensing of activities within MCZ by the Marine Management Organisation (MMO) will be the main enforcement of commercial activity in a marine protected area, the HPMR will need additional protection against activities that are currently unregulated. The proposed Bill falls back on the bylaw system of the Sea Fisheries Committees (SFC) - the mechanism under which the Lundy NTZ currently exists. There will therefore be no specific universal legislation on the setting up of HPMR. This is very unsatisfactory, as we know from the failure of an NTZ to be set up in the Skomer MNR. Fishery interests on the SWSFC held sway when the local authority members of the committee failed to turn up to vote for the bylaw.

The general language of the Marine Bill is of flexibility in being able to achieve the objects of the MCZ, using mostly a basket of existing mechanisms to regulate activity - and it very much seems to leave open the possibility of de-designation of MCZ and the removal of HPMR areas within MCZ.

I do not understand the continuing British compromise between commercial exploitation and nature protection that when carried over into the marine environment, seems incapable again of coming up with a bill for marine conservation that clearly and adequately describes its spatial and regulatory character in terms that are coherent, that stand alone, and are independent of any commercial consideration.

The error perhaps is in having a catch-all marine bill that covers both the regulation of an industry, but also protection of the environment in which that industry takes place. Yes - the two are linked - but the latter is compromised by consideration of the former. I don't think the (serious) marine reserves bills of other countries are compromised in that way, such as New Zealand's Marine Reserves Act, 1971, which gave rise to the first NTZ in 1975 and which now covers 28 marine reserves.

The NZ marine reserves are specified areas of the sea and foreshore that are managed to preserve them in their natural state as the habitat of marine life for scientific study. Marine reserves may be established in areas that contain underwater scenery, natural features, or marine life of such distinctive quality, or so typical, beautiful or unique that

their continued preservation is in the national interest. Within a marine reserve, all marine life is protected and fishing and the removal or disturbance of any living or non-living marine resource is prohibited, except as necessary for permitted monitoring or research (1).

To illustrate the site specific nature and the quality of marine habitat to which the mechanisms of a good marine protection bill could be applied, I give here an example from the Pembrokeshire coast.

Wooltack Point at the end of the Deer Park on the Marloes peninsula, overlooks the tidal race in Jack Sound that lies between the mainland, Middleholm and Skomer Island. I recently watched razor bills and guillemots feeding there, and three porpoise arched gracefully over. Sometimes you see gannets diving along with the porpoise, but not that day.

The sea around Skomer is an Marine Nature Reserve (MNR), but few people realise that the MNR boundary comes across to the mainland, reaching around Gateholm to the south and stretches about 2 kms along the north coast of the Marloes peninsula, thus including much of the coastline of the peninsula, and linking the mainland with the marine reserve.

Most of the sea bird nesting takes place on the cliffs of Skomer Island, but fulmars and kittiwakes do nest on the rocky cliffs of the mainland coast. In a recent Natural World program on BBC2 (23 May 2007) Roy Dennis made the connection between terrestrial cliff habitats and the marine habitat - his specific link being the availability of sand eels to bird breeding populations on coastal cliffs, and the need for regulation of the exploitation of waters off cliff breeding areas. Roy hoped that the proposed Marine Bill would recognise this in the placement of the new Marine Conservation Zones (MCZ).

The Skomer MNR already provides layers of protection to the marine habitat. A Zone Map exists for the MNR which shows a General Protection Zone (GPZ) that covers the whole of the MNR area. A Nearshore Protection Zone (NPZ) of about 200m width covers all of the coast around the Marloes Peninsula. A third zone, the Inshore Protection Zone (IPZ) of about 100m width surrounds all of Skomer, but not Middleholm nor the peninsula. Layered onto the IPZ around Skomer is a band of NPZ (100m) but again not around Middleholm. In reality, the only difference between the zones is that potting is disallowed in the IPZ but allowed in the other two, and a speed limit of 5 knots exists in the NPZ and IPZ. Overall in the MNR, there are exclusions across all the zones such as scallop collecting/fishing, crustacean fishing, speed boating, spear fishing, dredging, trawling, netting etc. Is this enough? Is there a great deal of worth in these thin ribbons of zones if they have little difference?

I have written previously about NTZ and how in 2005 the South Wales Sea Fishery Committee voted down an NTZ that would have covered most of the area of the Skomer MNR (2). Thus I was very pleased to find that the Marine Conservation Society had instituted a local petition for the Skomer MNR to be turned into an HPMR. I found the petition in the exhibition room of the Skomer MNR office at Martins Haven at the edge of the deer park. Displayed in there were delightful underwater photographs of the reserve and with explanatory text, which you can also take away in a free colour brochure. I don't have to see these things underwater myself, it is enough for me to know that there is this fabulous underwater "forest" being protected.

MNRs are to disappear in the Marine Bill and be replaced by MCZs. The intent is that there will also be HPMR that offer a greater protection than the MCZ, but as noted above, little profile is given to HPMRs in the Bill. Thus full marks again to the Marine Conservation Society who set up a national online petition to convince Government that marine conservation must be at the core of the Marine Bill. The petition gives ordinary people a say in how our seas are managed and protected by adding their name in support of HPMR (see www.marinereservesnow.org.uk).

If an HPMR does eventually cover the whole of the Skomer MNR, then it would do away with the ineffectual narrow zone bands of the current IPZ and NPZ. But there should be

more. On the day that I was at Wooltack Point, there were five tankers at anchor in St Brides Bay, the nearest perhaps only a few hundred metres from the MNR boundary. Although they were empty (they sat high in the water) they increase the risk of interference in the MNR - the HPMR that could be. There needs to be a buffer zone around the HPMR, and thus I would put a wide area MCZ around the Skomer HPMR. It should certainly include Skokholm Island, go out far enough to include Grassholm and the Smalls, making landfall at say St Anns Head in the south, and should encompass the whole of St Brides Bay before making landfall to the north somewhere along the coast past St Davids Head, the other place I occasionally see porpoise.

In fact that larger zone of the MCZ that I have described is only just slightly smaller than the current Pembrokeshire Coast Special Area of Conservation (SAC) which also takes in Milford Haven as it makes landfall near Freshwater West. There will be an outcry if this MCZ attempts to curtail fishery and tanker activities. But you only have to look at the ship and boat derived rubbish on the beach at say Freshwater West to see the most obvious menace of these activities, and we must get serious about shifting the balance towards marine conservation in important locations.

Dr Mark Fisher 4th June 2007

(1) Marine Reserve Information, Dept. of Conservation, NZ
www.doc.govt.nz/templates/summary.aspx?id=33757

(2) No take Zones - a maritime rewilding, Mark Fisher, Self-willed Land, October 2006
www.self-willed-land.org.uk/articles/no_take.htm