

## The Future Management of the Inshore Fisheries in England September 2005

*This paper is a working document and the proposals it contains may evolve as our thinking progresses.*

### **This paper is supported by the following organisations:**

- Buglife – The Invertebrate Conservation Trust
- Marine Connection
- Marine Conservation Society
- Royal Society for Protection of Birds (RSPB)
- Shark Trust
- The Wildlife Trusts
- Whale & Dolphin Conservation Society
- WWF-UK

### **Foreword**

Wildlife & Countryside Link (Link) is calling for comprehensive legislation to achieve better protection for marine wildlife and effective management of our seas.

This paper sets down what Link believes the Marine Bill must contain, as a minimum, in order to meet and implement the recommendations for inshore fisheries in England of both the “Net Benefits” report and the “Sustainable Fisheries Programme”. The latter recommended

1. That Defra Ministers should take forward action for the English inshore industry in response to the Prime Minister’s Strategy Unit report on Sea Fisheries (“Net Benefits”).
2. Action to strengthen the structure of the management system for sustainable inshore sea fisheries (i.e. including the marine environment aspects of fisheries management); and to promote the development of inshore sea fisheries.

### **Defra’s “Sustainable Fisheries Programme”**

The Sustainable Fisheries Programme was set up in response to the report [Net Benefits: a sustainable and profitable future for UK fishing](#) from the [Prime Minister's Strategy Unit](#) published in March 2004.

Initially the Sustainable Fisheries Programme was not going to consider inshore fisheries. Link recommended that a stakeholder working group should be established to make recommendations for a future inshore management framework. Link’s recommendation was that this working group should feed into both the Sustainable Fisheries Programme, providing that process with a complete picture of “a sustainable and profitable future for UK fishing”, and the Review of Marine Fisheries and Environmental Enforcement, giving that review a more solid foundation for building an effective and efficient enforcement framework.

In December 2004 Defra agreed to establish a subgroup known as the “the inshore working group” to look specifically at the inshore fisheries in England, and to provide a report to the Minister that takes forward both the “Bradley” report and the “Net Benefits” report.

The inshore working group reported to the minister in April 2005. A copy of the report that went to the minister is attached (Annex 2). This report contains the majority of the issues that Link has raised in previous papers. However the question is: how will the government respond and will they provide legislation to enable the recommendations of the group to be implemented?

## Recommendations of the inshore working group

The inshore working group of the Defra “Sustainable Fisheries Programme” considered carefully the aim and objectives of the future inshore management system. It recommended that the overarching aim should be the sustainable development of sea fisheries in the marine environment. The group also recommended that the sector needs to have the following objectives:

- Ensure sustainable marine ecosystems, having due regard to a precautionary approach.
- Maintain and where necessary rebuild stocks and their supporting ecosystems, thereby enabling exploitation of living resources on a sustainable basis.
- Optimise the social and economic benefits derived from living marine resources, with a view to ensuring their long-term viability.

These objectives should be brought about through:

- Good governance.
- Good communication and engagement between all those with a stake in inshore fisheries.
- Good quality data, information and understanding to support management decisions.
- Quality management, driven and informed by best environmental and fisheries science, and delivered at an affordable cost.
- Minimal unlawful fishing.
- Effective use of skills and resources.

**Unfortunately neither the recent Bradley Review<sup>1</sup> nor the Defra “Sustainable Fisheries Programme” have given due regard for the current status of legislation for inshore fisheries. We look to the forthcoming Defra consultation, which will draw together the conclusions of these two reviews, to address this.**

The purpose and principles of management set in the Bradley Review, and recommended by the Defra inshore working group, cannot be achieved with the current outdated legislation covering this sector. The Marine Bill provides us with a unique opportunity to provide new legislation that addresses the existing weaknesses and gaps in the management of inshore fisheries and which strengthens the powers of the Sea Fisheries Committees. This requires the adoption of a proactive, precautionary, ecosystem based approach to inshore fisheries management, which must be underpinned with new, adequate and secure funding. The Marine Bill provides us with an opportunity to ensure that environmental considerations are a central part of the way we manage and develop our inshore fisheries.

## Summary

A new legislative framework is required that will address the existing weaknesses, gaps and inadequacies and allow both current and new management practices to deliver the ecosystem approach. This framework needs to clarify the aims and objectives of the Sea Fisheries Committees (SFCs), strengthen their capacity and powers (including their powers of enforcement), require the adoption of a proactive, precautionary, ecosystem based approach and provide new, secure funding arrangements.

We currently support the continuation and development of the Sea Fisheries Committees. They have a strong track record of managing the inshore fishery in an environmentally sustainable way. They acknowledge they could be doing better but are hampered by out of date legislation. Although wide ranging changes at all levels are urgently required, there are

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<sup>1</sup> The Review of Marine Fisheries and Environmental Enforcement

elements of the current system of management that are working and need to be retained. In particular, the current framework for the management of inshore fisheries, based on the SFCs, involves local decision-making and participative management by people with local knowledge and experience of local fisheries, and thus has elements of local democratic accountability. The principle of sustainable management of fish stocks should embrace the conservation of both the natural and cultural marine heritage in an integrated way.

## **RECOMMENDATIONS**

### **The Government should introduce new legislation for inshore fisheries that:**

1. Furnishes clear, logical and well-defined terms of reference for all authorities involved in the management framework of inshore waters.
2. Must be applied appropriately and sensitively across all sectors, and introduces new ways of regulating the use, management, recovery, protection and monitoring of the marine environment, coupled with better enforcement.
3. Requires a joined up approach, with SEA undertaken on a sea area basis, as applicable to the fisheries involved, to include all future planning strategies that are developed for inshore fisheries and aquaculture.
4. Contains a requirement for all new inshore fishery projects to be the subject of an Environmental Impact Assessment (EIA), including developments in aquaculture, new fishery projects or practices, significant changes in gear design and new areas of exploitation.

### **There should be new legislation for Sea Fisheries Committees that:**

5. Clarifies the aims and objectives of the SFCs, strengthens their powers and capacity (including to enforce), and requires the adoption of a proactive, precautionary and ecosystem-based approach.
6. Provides the SFCs with a secure funding framework, removes the uncertainty over their future support and enables them to perform their fisheries and environmental duties to the full.
7. Assures adequate resources for monitoring and scientific research capabilities to provide data and information for evidence-based management.
8. Introduces an effective licensing system for inshore fisheries that facilitates sustainable exploitation by giving the SFCs the power to attach conditions to fishing licences when issued.
9. Allows for the establishment of environmental objectives and a mechanism to achieve them via assessment, monitoring, and mitigation, followed by feedback into the system.
10. Develops clear lines of communication between SFCs and Central Government departments.

## **Issues that still need to be addressed**

### **1. Integrated Fisheries Management**

It is our view that fishery managers must be given the powers to manage inshore fisheries in an integrated way, and must attempt to balance the various objectives – ecological, biological, economic, social, cultural and administrative – which are implicit in the concept of sustainable development. Integrated management adopts the ecosystem approach as a core feature, but it also seeks to optimise the social utility of the resource base through a more carefully considered choice between the secondary objectives of economic efficiency and social benefit (Symes. 2002).

There is a fundamental need to move away from management of fisheries on a species basis to management on an ecosystem basis. A fished species cannot be conserved without also conserving the ecosystem that supports it - noting, of course, that different life history stages of commercial species often live in very different places within different ecosystems. This requires legislation to provide for the designation of a representative network of Nationally

Important Marine Sites which must include a series of Highly Protected Marine Reserves, along with new and improved measures to protect species and habitats throughout the marine environment, including provisions for monitoring.

If the ecosystem approach is to be successfully adopted, resources will be required for monitoring and scientific research capabilities, to provide data and information for evidence-based management. Research is needed to establish population status baselines and trends: the need for this information is far wider than just the fishing industry. A commitment to monitoring the environmental impacts of fisheries will allow the determination of appropriate mitigation targets and measures.

New provisions of the CFP that came into force on 1<sup>st</sup> January 2003, which allow states to take action to protect ecosystems (not just fisheries), could provide new opportunities for marine nature conservation. The requirement to ensure the integration of environmental considerations into fishery management is both an international and UK requirement. Future integrated fisheries management should incorporate and apply to all fisheries of the inshore sector, including: finfish, shellfish, mariculture and recreational sea angling.

## **2. Environmental Assessment of Fisheries**

An integrated, ecosystem based approach can be achieved through the utilisation of a range of management tools. Two key assessment tools within the ecosystem approach are Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA). The Review of Marine Nature Conservation Report (2004) states: *“The Strategic Environmental Assessment Directive should be applied to both inshore and offshore fisheries”* (Recommendation 9.14). Net Benefits also recommends: *“Fisheries departments should introduce Strategic Environmental Assessments of both inshore and offshore fisheries by the end of 2006 as the first stage of establishing comprehensive Environmental Management Systems (8.3.5)”*.

### **Strategic Environmental Assessment (SEA)**

SEA is a process that assesses the impacts of activities undertaken on an area-wide, regional, national or international scale as opposed to just examining the impacts that may be associated with an individual project (as would be the case with a project EIA). SEA also incorporates socio-economic assessment, as well as threat analysis. SEA can involve use of methods such as habitat mapping, risk analysis, and sensitivity mapping, and should be used to facilitate the decision-making processes for spatial planning. It provides a mechanism for ecosystem scale consideration that may not always be possible through individual project assessment.

SEA encourages consideration of alternatives, something that is not practical at the project EIA stage, and allows formulation of mitigation measures for later projects. Unlike EIA, SEA allows an effective analysis of cumulative effects and in combination effects. It also allows consideration of long range and delayed impacts. SEA should be viewed as a prerequisite to EIA, providing the essential context and overview. Together these tools can be used to produce a comprehensive system of environmental assessment. By applying SEA at an early stage, many of the shortfalls associated with the limited, project specific EIA approach are addressed (TWT. 2003b). SEA has not been applied to fisheries in the UK, as it is generally required only for statutory plans and programmes under the EU legislation.

In the marine environment, SEA has so far been applied sector by sector, so that an integrated approach has not been achieved. Link believes that multi-sectoral SEA, undertaken on a “sea area” approach in the context of Marine Spatial Planning, would greatly increase the cost-efficiency of the process and lay the foundations for genuine integrated management of UK waters.

Link is calling for Marine Spatial Planning, to allow an ecosystem-based approach to the management of human activities at sea, and is supporting the current Marine Spatial Planning Pilot Project ([www.abpmer.co.uk/mspp](http://www.abpmer.co.uk/mspp)). SFCs should be statutory consultees in the

development of marine spatial plans (MSPs), which would be subject to SEA. SFCs should have a significant role in the development of the MSPs (and associated SEAs) and should provide information on current fishing activities, the effect of these fishing activities on the environment, possible mitigation measures for these effects, the effects of other activities on inshore fisheries and on new and developing fisheries. All future strategies that are developed for inshore fisheries and aquaculture should be included in marine spatial plans.

### **Environmental Impact Assessment (EIA)**

The EU Directive requiring Environmental Impact Assessments (EIA) for large projects was adopted in 1985 (Directive 85/337/EEC). This Directive seeks to ensure that where a development is likely to have significant effects on the environment the potential effects are systematically addressed in a formal environmental statement. Marine fish farming and other large projects are listed in the Directive. In the UK, this Directive has not yet been applied to fishing practices.

EIAs should be carried out for all new inshore fishery projects including developments in aquaculture, mariculture, new fishing practices, significant changes in gear design and for new areas of exploitation. Guidelines on the production of robust and efficient EIAs should be provided.

SFCs should only consider a change in fishing practice or development of a new fishery after an EIA has been presented to the Committee. The conservation agencies and members of the committee should be fully consulted on the EIA.

Defra has recently published a “National Development Strategy for Shellfish”. The identification of development opportunities such as these must be subject to assessment of the implications for the environment, as well as the economic, social and biological implications, in accordance with the principles of sustainable fisheries (i.e. national strategies should be subject to SEA, and specific development projects to EIA). In order to create an effective and efficient process for assessing options, clear guidance is needed on how environmental assessment should be undertaken at the regional and local levels.

## **3. The need for a new legislative framework for inshore fisheries**

### **Why we need new legislation**

The current UK fisheries legislation originates from the 1960s and reflects the first origins of the system of fisheries management in the late 19<sup>th</sup> Century. There is a widely held perception that legislation is neither relevant, enforceable or appropriate for the effective management of today’s UK fisheries, which are characterised by a highly dynamic and competitive industry, intensively exploited stocks, and stakeholder conflict (Symes. 2002, Amos 2001, ASFC. 2000) (See Annex 1).

Link believes that it is only with the repeal of existing outdated and ineffective Acts and regulations and their replacement with new legislation that fisheries managers will be provided with the necessary powers, flexibility and adaptability to deliver true sustainable management of England’s inshore fisheries.

Above all it is essential that the legislative ‘toolkit’ that inshore fisheries managers have at their disposal is (at the very least) sufficient for them to be able to deliver against management objectives. Defra have said very little about any changes to this framework, seeming to indicate that only minor changes are needed to existing fisheries legislation.

### **Positive aspects of the existing system**

There are positive aspects within the existing system, which a new legislative and management framework for UK inshore fisheries management must continue to deliver. Of particular benefit has been the potential for local decision-making and participative management by people with a detailed knowledge and experience of the local fisheries. It is

vital that we do not lose the unique quality of community and involvement of individual fishermen that is presently found in the Sea Fisheries Committees. There must however also be a strong, central co-ordinating role to ensure consistency in structure, approach and enforcement.

There are distinct advantages to the local scale at which the Sea Fisheries Committees regulate fisheries. Different inshore fisheries exist side by side around the country, leading to a wide range of potential conflicts that need to be addressed by management schemes. Similarly, there is a wide range of marine habitats and species to be found in UK waters, each of which has its own sensitivities to different fishing activities. This patchwork of fishery and environmental concerns is best managed on a local basis, where management schemes can reflect local conditions and local needs. Local participation in the management of sea fisheries also allows more scope for the contribution of local fishermen who may otherwise feel excluded from the major decisions that affect them. As well as cutting off a useful source of local knowledge; such alienation may lead to increased levels of non-compliance (TWT. 2001). Marine Spatial Planning (through development of regional sea and sub-regional plans) should provide a context in which particularly important areas for inshore fisheries can be identified and potential conflicts between inshore fisheries and other sectors can be addressed.

### **Broadening the remit of the SFCs**

Under current law, SFCs can only be constituted “for the regulation of the sea fisheries”. This function should be broadened to include a wider stewardship role for the marine environment. SFCs should be given a duty to ensure that the management of inshore fisheries is based on a number of key principles.

- The need for ecologically sustainable management in the context of the wider marine environment;
- Setting of integrated environmental, social and economic objectives;
- Adoption of the precautionary principle;
- Introduction of the polluter and user pays principle; and
- The need for adaptive management styles.

The Sea Fisheries (Wildlife Conservation) Act 1992 requires fisheries managers to have regard for nature conservation in making decisions and to find a balance between this and other considerations. SFCs and other fisheries regulators have a duty to balance the conservation of marine flora and fauna with other factors that affect the exercise of their sea fisheries functions. Inshore fisheries, shellfish and recreational angling managers should be designated within Defra, whom in conjunction with the SFC managers have a duty to:

- Ensure sustainable, sound marine ecosystems;
- Maintain and where necessary rebuild stocks to allow sustainable exploitation of living resources;
- Maximise social and economic benefits through a competitive fishing industry with a long term future; and
- Encourage accessible recreational fisheries.

The Environment Act 1995 placed wider marine conservation obligations on the SFCs. However, despite being authorised to enforce EC and national fisheries regulations, and required to work as “relevant authorities” and “competent authorities” to deliver national obligations arising from the European Habitats and Birds Directives, SFCs do not at present receive adequate funding. Additional funding is required to enable the proposed enhanced environmental duties of the SFCs. Any new framework must provide secure adequate resources for SFCs along with a structure which reflects the enhanced marine conservation duties.

Where coastal areas are designated under the Habitats or Birds Directives, new legislation for schemes of management for these areas will need to broaden the powers and duties of Sea

Fisheries Committees to act for environmental purposes and assist in fuller participation in coastal management plans.

### **Increasing the powers of the SFCs**

In addition to their broader remit, the SFCs:

- Will need powers to regulate fisheries for the purposes of stock conservation, wildlife conservation, environmental protection and socio-economical purposes.
- Should fully take into account the view of all stakeholders who have an interest in inshore waters. An SFC should be able to negotiate directly with fishermen and organisations operating outside its limit of responsibility (since boats operating at the margin of its area of responsibility can have an impact on the inshore waters).
  - Stakeholders should include, but not be limited to, Non-Governmental Organisations (NGOs), Fishermen, Anglers, Fisheries Managers, Port Authorities, Shellfish Fishermen, Mariculture and Scientific Representatives. An SFC should be appropriately and fully funded to carry out the tasks it is charged with to manage local, national or international (CFP, Birds Directive, Habitats Directive, Water Framework Directive, etc) obligations.
- Should be empowered to:
  - License fishing
  - Charge users
  - Require reporting of effort, catches and landings
  - Require marking of fishing equipment
  - Use the following control measures:
    - Fishing effort (method restrictions, gear specifications and limitations etc)
    - Fishing areas/zones (including no- or low take zones)
    - Catch levels
    - Fishing seasons, periods and times
  - Consult relevant bodies on appropriate issues
  - Establish executive/consultative/advisory bodies as appropriate
  - Establish emergency regulations
- Officers should have powers (subject to the standard appropriate safeguards) to stop, inspect, search, seize and detain. These powers should match British Sea Fishery Officer (BSFO) powers (with safeguards to allow continued enforcement of SFC byelaws).
- Should phase out non-sustainable fishing methods, whilst encouraging sustainable fishing practices and promoting biodegradable netting and pots to reduce “ghost” fishing and pollution.

### **Limiting fishing effort through licensing and precautionary fishery objectives**

In particular, we believe that the current legislation fails to provide powers to limit excessive fishing effort, except by way of regulations made under Regulating Orders, and reactive byelaws. A SFC byelaw cannot be made to control new methods of fishing until it can be proven they impact adversely on the fishery or the environment. Furthermore, these reactive measures are typically subject to long delays brought about by the need to prove that a new byelaw is necessary for conservation of the fishery. The new legislative framework, if it is to deliver truly integrated management, should introduce an effective licensing system for inshore fisheries, which would facilitate sustainable exploitation of fisheries without compromising the integrity of the wider marine environment and replace or update the current old and inflexible system.

Such a licensing system would necessarily be designed to reduce fishing effort. The very process of issuing licences enables restrictions on numbers to be implemented, and this has proved a successful and equitable method of restricting fishing effort in several fisheries in other countries. Legislation should be included to allow SFCs to attach conditions (such as technical conservation measures) to fishing licences when issued. The SFCs should be able to introduce restrictive licensing for all kinds of fishing, setting numbers of licences, parts of

the district, methods of fishing, and duration of licences. They should also be able to discriminate between part-time and full-time fishermen, and between fishing methods (currently, all restrictions, tolls etc. must apply to all persons equally). The way in which quotas are set in shell-fisheries should be rationalised and a simpler system introduced that allows rapid adjustment of access to stocks to reflect available resources. Consideration should be given to ways in which setting the number of shell-fishing licences can be made more flexible to reflect the highly variable nature of shellfish stocks. The SFCs must also have the power to revoke licenses if a condition is breached or the situation changes.

Precautionary environmental objectives should be determined for each fishery with regard to issues such as the mortality of non-target species and habitat disturbance. The development of ongoing monitoring programmes will provide the data to assess the environmental impacts of the fishery and establish whether these environmental objectives are being met. Determining the nature and level of any environmental impacts will enable the development of appropriate mitigation measures (technical, restrictive or prohibitive) and abiding by these should be made a condition of the licence. Provisions for the enforcement of any licence conditions will need to be considered and included. The monitoring programme will also have to include studying the efficacy of any mitigation measures employed and a suitable feedback mechanism for the results of this will need to be in place so further changes can be brought in if environmental objectives continue not to be met.

### **In conclusion**

SFCs will in the future have to take on new ways of working, be increasingly proactive in their thinking, evaluating action taken in response to research and monitoring findings, and work with others to bring about a cultural and institutional change to a point where environmental conservation is seen as an asset in fisheries management (TWT 2001). A new legislative framework is required to clarify the aims and objectives of the SFCs, strengthen their powers, require the adoption of a proactive, precautionary, ecosystem based approach and provide them with new, secure funding arrangements.

Defra is currently reviewing marine fisheries and environmental enforcement. This is likely to alter the current inshore fisheries management framework and it will be essential to ensure that environmental considerations are a central element.

Link also calls for Defra's response on inshore fisheries to the Prime Minister's Strategy Unit's "Net Benefits report" and the "Bradley Review" to recommend a broad overhaul of inshore fisheries management. In our view, failure to do this will have two serious implications:

- a) that the future of the UK inshore fisheries and marine environment will continue to be threatened by the continuation of a rigid and outdated management framework.
- b) that stakeholders in the inshore fisheries and marine environment will be excluded from the type of detailed discussions about their future that is available to those involved on the offshore industry through Sustainable Fisheries Programme stakeholder working parties.

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**Annex 1**

<b>Summary of legislation governing Inshore Fisheries Management in England and Wales</b> (Source: Symes, D. 2002)	
Sea Fisheries Regulation Act 1966	Consolidates the provisions of Sea Fisheries Regulation Acts 1888-1930, confirming the establishment of the Sea Fisheries Committees (SFCs) in England and Wales, setting out the constitution of the committees and the appointment of sea fisheries officers to enforce SFC byelaws.
Sea Fisheries (Conservation) Act 1967	Consolidates provisions for the regulation of sea fisheries and authorises measures for improvement of resources by the issuing of statutory instruments, for example, to restrict the commercial use of undersized fish, to restrict the size of vessels using mobile gears within the district, to regulate the use of nets and gears . . . and powers to restrict fishing by order of the Minister and to take measures to increase or improve resources.
Sea Fisheries (Shellfish) Act 1967	Authorises the Minister to make, by order, regulations for the establishment or regulation of shellfish fisheries (several and regulating orders). Holders of orders have exclusive rights of deposition, propagation, dredging for and taking shellfish; consolidates previous Acts.
Salmon and Freshwater Fisheries Act 1975	Lays down the legislative framework for salmon and freshwater fisheries in inland and coastal waters (<6nm): prohibits the use of certain fishing methods, establishes rules governing closed seasons and allows for the regulation of salmon and migratory trout fishing through licensing schemes for both rod and line and commercial net fishing; grants powers to water bailiffs for the purpose of enforcing these regulations.
Water Resources Act 1991	Imposes a duty on the National Rivers Authority (now the Environment Agency) to maintain, improve and develop salmon, trout and eel fisheries within 6Nm of the baseline.
Sea Fisheries (Wildlife) Conservation Act 1992	Requires Ministers and relevant bodies (including SFCs) to have regard to the conservation of marine fauna and flora in discharging their functions.
Conservation (Natural Habitats, etc) Regulations 1994	Transpose the Habitats Directive (92/43/EEC) into UK law
Environment Act 1995	Establishes for SFCs inter alia new powers to make byelaws for nature conservation purposes and makes provision for the representation of wildlife conservation interests on the committees; also establishes the Environment Agency.

## **Annex 2**

### **Final Draft v3.0**

## **SUSTAINABLE FISHERIES PROGRAMME (“NET BENEFITS” REPORT)**

### **REPORT BY WORKING GROUP ON INSHORE FISHERIES TO THE DEFRA FISHERIES MINISTER**

#### **Summary**

1. The report recommends how DEFRA Ministers should take forward action for the English inshore industry in response to the Prime Minister’s Strategy Unit report on Sea Fisheries.
2. It recommends action to strengthen the structure of the management system for sustainable inshore sea fisheries (i.e. including the marine environment aspects of fisheries management); and also to promote the development of inshore sea fisheries.
3. The Working Group of stakeholders, with Defra, plans to continue to meet to take forward a range of issues, which have arisen, from the work it has so far undertaken. This work will include development of a blueprint for next generation sustainable management of the inshore zone. Working Group members may need to involve a wider range of their membership in that work.

#### **Summary of Recommendations**

##### **Inshore Management**

- Most members consider that the zone to be managed by the future inshore system should extend to 12 miles, though some disagreed, considering that 6 miles remained appropriate.
- Most considered that Ministers should consider sympathetically an approach to the EU to increase national control over all vessels in the 12 mile limit.
- The WG recommends an aim, objectives, management principles, and powers for an inshore management organisation.
- A future management structure must have a strong regional/local base, with full involvement of all stakeholders.
- A majority consider the Sea Fisheries Committee model to be a good basis for a future management structure, though two prefer an alternative approach based on merging the Environment Agency and SFCs.
- Improvements to provision of fisheries data were recommended.
- Members other than EA and English Nature argued against early introduction of cost recovery.
- Appointments to SFCs and successor bodies should provide fair representation for sea angling.
- Measures should be developed to manage certain species with sea angling interests specifically in mind.
- **Development**
  - Long run commercial strategies for the sustainable development of inshore shellfish and finfish should be developed.
  - Sources of advice and support for fisheries businesses should be improved.

##### **Purpose of Report**

4. This report makes recommendations to the Defra Fisheries Minister on how the Government should implement recommendations of the Prime Minister's Strategy Unit in their report on sea fishing ("Net Benefits"). It covers the two recommendations 6 and 15 on inshore fishing. The recommendations take account of the parallel recommendations about the management of inshore fisheries in Defra's review of Marine Fisheries and Environmental Enforcement (the Bradley Report).
5. This report to the Minister was prepared by a Working Group set up by Defra to engage the main stakeholders in a partnership to consider the way forward for the sustainable development and management of inshore fishing in England. Represented on the Working Group with representatives of Defra's Fisheries Directorate and Sea Fisheries Inspectorate were the Association of Sea Fisheries Committees, English Nature, Environment Agency, National Federation of Fishermen's Organisations, National Federation of Sea Anglers, Sea Fish Industry Authority (Seafish), Shellfish Association of Great Britain, South West Regional Development Agency, and the Wildlife Trusts. The meetings were chaired by Defra, whose representatives did not take a formal position on the issues considered by the WG.

## **Management of Inshore Fisheries**

### **Strategy Unit Recommendations**

6. Recommendation 15 reads (in part): *Fisheries Departments should reform inshore fisheries management and give a focus on developing the sector, including explicit management of recreational sea angling interests (9.6.2/3 of the Net Benefits report).*
  - a. *The inshore fisheries management system in England and Wales needs to be modernised and strengthened. The current review of SFC enforcement could be extended to cover broader management issues and make recommendations by mid-end 2004 (9.6.2)*
  - b. *fishing access and use rights inside the 12-mile limit should be better defined to safeguard the sector's future (9.6.2)*
  - c. Inshore/shellfish managers should champion development and innovation in the sector.

### **Sea Area to be Managed**

7. The WG considers that sustainable management of inshore sea fisheries requires the bringing together of fisheries management and marine environmental skills and arriving at a clear understanding of the geographical extent of the inshore zone; the task to be delivered; and the relationship between the inshore manager and Defra, and the inshore manager and the new Defra Sea Fisheries Agency.
8. The WG considered the area over which the future inshore fisheries management system should have powers. Most members consider that this should extend to 12 miles from baselines. The justification for this is that:
  - a) there are a number of current or potential tasks in the 6-12 mile zone which are suitable for the type of management control appropriate to inshore fisheries management, e.g.:
  - b) many shellfisheries extend out beyond the 6 mile limit
  - c) there are many nursery grounds out to 12 miles,

- d) under 10m vessels (usually regarded as the inshore fleet) regularly work in the 6-12 mile zone
  - e) while only about 70% of recreational sea angling is carried out within 6 miles, perhaps 95% occurs within 12 miles
  - f) there is much competition in the 6-12 mile belt between different users of the sea, and a need for improved management
  - g) the existing network of Marine Protected Areas is about to be extended offshore and will entail new monitoring and enforcement that such a management body could undertake
  - h) the current SFC vessels are able to patrol out to 12 miles and are economical to utilise;
  - i) 12 miles is the limit of territorial waters, the zone for which a derogation from the CFP exists. It is the limit of the remit of English Nature, and it is operationally sensible to give the advisers and the inshore managers who have to work in the light of that advice, responsibilities within identical boundaries.
9. The WG notes that, under the current EU legislation, the 6-12 mile limit is subject to CFP regulation, like any other waters, and an extension of UK powers for an inshore fisheries management body to regulate would apply only to UK vessels, unless their powers were drafted to allow them to work through Article 9 of the basic CFP Regulation. The WG is clear that, if no controls can be applied to the many non-UK EU vessels which fish within the zone, effective management of marine resources within the 12 mile limit would be more difficult, and the playing field between UK and other fleets would not be level.
10. Most members consider that Ministers should consider sympathetically an approach to Brussels to increase national control over the operations of all vessels in these waters. They suggest that the case to be put to the EU should in the first instance aim to secure the effective operation of Article 9 of the basic fisheries Regulation. In practice that means that at an early date all vessels in the 6-12 mile zone would be subject to the additional obligations already required of UK vessels. The second stage would be to provide that the inshore manager's rules in the 6-12 mile zone are applied equally to UK and other fishing vessels.
11. Some members disagree that inshore management should extend to 12 miles. They note the substantial use of historic rights in our 6-12 mile limit (e.g. more French than UK boats off Cornwall at certain times of the year). Extension to 12 miles presupposes other EU countries being willing to give the coastal member States new powers to manage all EU vessels. In addition they consider that any boundary between inshore and offshore management would be arbitrary and confusing as far as fin fish are concerned; and that a boundary would also jeopardise operational flexibility for UK vessels. EA recommends that, in practical terms, inshore management to 6 miles would be appropriate, taking into account the tasks required inside and outside that boundary and the challenges of resolving CFP issues that require to be addressed at UK level.
12. The WG accepts that to manage an area out to 12 miles, including the fin fish stocks in it, would involve considerable change to the current SFC task. A developmental period would be required.

### **Objectives of a modern inshore management structure**

13. The WG considered carefully the aim and objectives of the future inshore management system. It recommends that the overarching aim should be the sustainable development of sea fisheries in the marine environment, and that the wording used should take account of the recommendations being made by the Government Objectives WG.
14. Objectives should include:

- ensuring sustainable marine ecosystems, having due regard to a precautionary approach
- maintaining and where necessary rebuilding stocks and their supporting ecosystems, thereby enabling exploitation of living resources on a sustainable basis
- optimising the social and economic benefits derived from living marine resources, with a view to ensuring their long term viability.

15. These objectives should be brought about through:

- good governance
- good communication and engagement between all those with a stake in inshore fisheries
- good quality data, information and understanding to support management decisions
- quality management, driven and informed by best environmental and fisheries science, and delivered at an affordable cost.
- minimal unlawful fishing
- effective use of skills and resources.

**Powers**

16. The Group noted that the existing statutory basis under which Sea Fisheries Committees of England (and also Wales) must operate dated from the 1880s. This legislation was drafted to address a completely different set of circumstances from those obtaining today. Whether the existing SFC system is maintained or a new inshore fisheries management organisation is created new and relevant primary legislation is required: and the Marine Bill will provide a suitable Parliamentary opportunity to secure this legislation. A substantial majority of the WG concluded that it agreed with detailed recommendations made in a paper by the ASFC called “Statutory Powers needed for an Inshore Management Body”. In summary the WG recommends that the management body:

- a. will need powers to regulate fisheries for the purposes of stock conservation, wildlife conservation, environmental protection and socio-economic purposes.
  - i. it was agreed that the management body was well placed to manage shellfish stocks
  - ii. as regards fin fish it was noted that a body responsible for inshore fisheries could have only limited impact in conserving those fin fish stocks which covered a wider sea area than the inshore belt. Because of biological and political factors there is a need for nearly all species of fin fish of commercial interest, in both inshore and offshore waters, to be managed jointly and as a whole. However it was considered by a majority of the WG that the inshore body could make a useful contribution to management of such stocks, subject to compatibility with overall policy for the management of the stock concerned in consultation with offshore managers and RACs
  - iii. NFFO however considered that the role of the management body as regards finfish should consist of an advisory contribution to management in consultation with offshore managers and Regional Advisory Councils, covering issues such as identifying nursery areas, advising on specific protective measures, as well as implementation of controls, monitoring and enforcement of protected areas and mechanisms to avoid conflict between users of the sea
  - iv. it was also noted that inshore fisheries managers do not have the resources (particularly financial and staff) and legislative powers to fulfil

their current environmental obligations. The reform process provides an excellent opportunity to address hitherto neglected international environmental obligations;

- b. should fully take into account the view of all stakeholders who have an interest in inshore waters. It should be able to negotiate directly with fishermen and organisations operating outside its limit of responsibility, since boats operating at the margin of its area of responsibility can have an impact on the inshore waters
- c. should be appropriately and fully funded to carry out the tasks it is charged with to manage local, national or international (CFP, Habitats, Water Framework Directives etc) obligations. Additional resources would be required to undertake effectively the broader range of responsibilities envisaged by the WG. Reasonable limits should be applied to funding levels. The WG has considered options for the source of future funding. Most members of the WG consider that local authorities remain well placed to continue contribute funds to this work, since there are wider socio-economic benefits to coastal communities from the effective management of sea fisheries. The WG is not able to assess whether full funding for all the work to be done would be available from this source. An alternative option which some members would favour is that funding should come from central Government. The Group notes that where functions can be transferred from central Government to the inshore organisation there should be a parallel transfer of existing Government expenditure. The WG recognised that the provision of central Government funding may have implications for the management structure.
- d. should be empowered to:
  - license fishing
  - charge users
  - require reporting of catches and landings
  - require marking of fishing equipment
  - use the following control measures:
    - fishing effort (method restrictions, gear specifications and limitations etc)
    - fishing areas/zones (including no. or low take, zones)
    - catch levels
    - fishing seasons, periods and times
  - consult relevant bodies on appropriate issues
  - establish executive/consultative/advisory bodies as appropriate
  - establish emergency regulations.

NFFO consider that powers with regard to fin fish should be limited to those needed to fulfil the role the body undertakes for fin fish

- e. officers should have powers (subject to the standard appropriate safeguards) to stop, inspect, search, seize, and detain. These powers might usefully match BSFO powers (with safeguards to allow continued enforcement of SFC byelaws).

### **Structure of the management organisation**

- 17. The WG is clear that the future management structure must have a strong regional/local base. Most of the activities to be managed are local or locally based and have a considerable local environmental, economic and social impact. It is important that local interests are fully understood, and that management is close to the people and environment affected (without downplaying the need to consult those using local waters but based elsewhere). The structure must

ensure effective consultation arrangements covering all stakeholders. The WG recognised that if management regions were excessively large, true participative management would be hard to achieve.

18. The structure must enable and require management to shift towards an ecosystem based approach, to which Defra has committed itself and which is required by the CFP and the World Summit on Sustainable Development. This will enable a sustainable fisheries regime to be applied, through which the social and economic benefits derived from the natural resource can be safeguarded for the long term.
19. 19. The management structure must ensure a fair balance between the various interests affected by the role of the organisation. For example Ministers should note that recreational sea angling is an important economic sector, particularly on some parts of the English coastline, and has its own development needs. Management needs to take full account of the interests of all forms of fishing, including sea angling, which must be fairly represented in the management process. The issue of sea angling is more fully considered below.
20. A majority of the WG membership consider that Sea Fisheries Committee model has proved its worth as an effective means of management for inshore fisheries and strongly recommend building on this SFC model. It has many strengths, including being locally based, locally accountable and anchored in the communities served through a mix of stakeholders. All of these members would welcome improvements being made to the functioning of SFCs, using the principles outlined above under the headings of objectives and powers.
21. Several other WG members however note that the commitment to engagement of all interests, the approach to sustainability principles and success in conserving stocks and providing financial resources have proved inconsistent between Committees. Of these one nevertheless considers that a reformed SFC structure is the right way forward. Two others remain concerned at the difficulties of achieving appropriate national consistency under the SFC structure. EA notes that the requirements of the Water Framework Directive, applying to its current limit of 1 mile from baselines, will have implications for future management.
22. The EA, with support from the NFSA, proposes an alternative approach, set out in its response to the Bradley Review, that it suggests offers the opportunity to provide for:
  - a national framework for sustainable management
  - local delivery and local engagement
  - integration of inshore fisheries management with broader environmental management and management of inland waters
  - efficient deployment of people, skills, equipment and resources
  - strong engagement of both recreational and commercial users
  - the opportunity for efficient, staged extension of licensing and user charging.

The EA refers to its proposal to the Bradley Review of a merger of EA and SFC resources to deliver inshore management working alongside the Defra SFI.

23. This EA proposal was not discussed by the WG. Several WG members expressed strong concern that a body without relevant experience in the marine environment should be involved in the management of resources.
24. Some members of the WG see benefits in the creation of a wider Marine Agency that they believe would provide closer relationships between future inshore fisheries management and the management of other users of the marine environment. Others by contrast consider that bringing such a wide range of

responsibilities into a single Agency would jeopardise the effectiveness of fisheries management.

### **Defra Inshore Fisheries/Shellfish Manager**

#### **Strategy Unit Recommendation**

25. The SU recommends that *an inshore/shellfish manager should be appointed within Defra.*

#### **Inshore Team**

26. The WG welcome the intention of Defra to create an Inshore Team as part of the restructuring of Fisheries Directorate. The team would bring together strands of work on inshore fisheries matters currently dealt with in separate parts of the Directorate.
27. If the inshore managers were to deliver on this recommendation then they may also need to establish a primary contact through whom the fisher could access information about management rules, development opportunities etc. There would need to be robust linkages with Defra and with Business Link (see below).

#### **Data Collection**

##### **Strategy Unit Recommendation**

28. *A 'light-touch' data collection system covering under-10s and shellfish should be initiated by 2005 (9.6.2).*

##### **Data Needs and Provision**

29. The WG notes that it is vital to ensure collection and timely dissemination of data appropriate to management needs. The current lack of data on the inshore sector has routinely led to the significance of the sector being under represented and understated.
30. It welcomes Defra's undertaking to provide data on a regional level. It recommends that all vessel data available to Defra be made publicly available (aggregated where necessary to observe Data Protection Act requirements).
31. As regards data on volumes of fish landed it is noted that the system is to be strengthened by additional material resulting from introduction of the shellfish licensing scheme and from the registration of buyers and sellers. The ASFC will also be piloting new data arrangements with the SFI in April 2005. The WG recommends that it should review the need for further data later this year once the volume of material from these initiatives can be assessed for adequacy.
32. The WG also recognised the significance of spatial data on fishing activity not least for managing habitat protection. They learned that a number of the Sea Fisheries Committees are engaged in GIS mapping of inshore fishing activity. This will provide a key tool for future marine spatial planning and management. This work poses no burden on the industry. The information is collected by patrolling SFC officers. The WG recommends that efficient collection of spatial data on fishing activity be pursued.
33. The WG recommends that any calls for further material from the industry should be fully reasoned and the data provided if possible without the need for additional forms.

## Cost Recovery

### Strategy Unit Recommendation

34. *That incremental cost recovery be implemented (9.6.2).*

## Cost Recovery

35. The WG notes that it is Defra policy to charge for regulatory services. A large number of members of the Group make the following points against early introduction of cost recovery measures:
- large parts of the industry are not in a sound financial situation
  - it would be unfair and would distort competition if charges were introduced for one sector of the industry in advance of others, or if charges were introduced for the English fleet when they did not apply to the fleets of other parts of the UK, or to fleets of other EU countries which sell fish in competition with English vessels.
36. EA and EN noted that the impactor-pays principle is used in other areas of environment management that no specific time is likely to offer all of the ideal conditions for introducing cost recovery and that issues of fairness can be managed through a proportionate, transparent and staged approach. The Environment Agency noted that it already levies charges for salmonid coastal and estuarine net and eel fisheries and for inland angling.

## Sea Angling

### Strategy Unit Recommendations

37. *The UK Government and the devolved administrations should determine the most appropriate body in each region to represent the needs of recreational sea anglers by the end of 2004 (9.6.3).*

*Fisheries departments should ensure that angling needs are represented at the local fisheries management level during their reviews of inshore management (9.6.3).*

*Relevant departments should determine the funding and administrative requirements of operating a voluntary licensing and catch record scheme for sea anglers, which would be developed in co-operation with representative sea angling organisations (9.6.3).*

*Fisheries departments should review the evidence supporting arguments for re-designating commercially caught species for wholly recreational sea angling, beginning with bass by the end of 2004 (9.6.3).*

## Representation in Defra

38. The WG recommends that Defra build expertise in the needs of the sea angling industry in its Inshore Team, so that Defra policies and proposals for fisheries management take full account of the particular needs of the sea angling industry. In so doing Defra should consider the relationship of sea angling to other angling and the implications for Defra's arrangements between its new Inshore Team and its Salmon and Freshwater Fish Team. Inshore managers will also need to strengthen their expertise in this area.

## Representation in Regional Management

39. The WG strongly supports the need for sea angling to be fairly represented now in Sea Fisheries Committees, and in future successor management

arrangements. It is necessary to recognise properly the scale of its economic and social importance in various parts of England, as also for commercial fishing. Regional management must be fully alive to the fact that fisheries management measures have implications for sea angling; and that management measures need to take account of sea angling priorities. A clear focus on the agreed objectives for fisheries management (paras 13-15 above) is critical to attaining optimal benefits for all involved. The WG recommends that Defra make forthcoming appointments to Sea Fisheries Committee with this in mind; and that in determining successor management arrangements fair representation is provided for all relevant sectors including sea angling.

### **Voluntary licensing and catch record scheme for sea anglers**

40. The WG notes that there are potential benefits to be gained from introduction of suitable arrangements of this type. There is a need for accurate data on all fishing methods, including angling, to feed into accurate estimates of stock mortality. The Group notes the view that sea angling interests could well be willing to consider how measures might be introduced, but only subject to action being taken in relevant areas of fisheries management to promote the development of fish stocks to meet sea angling priorities. The WG recommends that Defra, the sea angling interests and the ASFC consider how such arrangements might be developed, once action is seen to have been put in place on the following recommendation. As to the form of any arrangements it was suggested that consideration be given to building on the existing EA scheme for freshwater fisheries. A single scheme covering both freshwater and sea angling could potentially provide for economies in administration, and recognise the fact that many sea anglers are also freshwater anglers.

### **Species for recreational sea angling**

41. The WG considered the needs of the sea angling industry and learned that the primary need is for larger fish in a relatively limited range of species. Subject to achievement of that objective there was no necessity to designate species wholly for sea angling, since both sea anglers and commercial fishermen could have access to the same stocks in a properly managed way. The WG accepted the approach of sea angling organisations that the priorities were to identify certain stocks which could be managed primarily in the interests of sea angling, and to draw up suitable management measures for these stocks, including increases in minimum landing sizes. It is noted that without adjustment to mesh sizes an increase in minimum landing size can increase commercial discards. The WG recommends Defra to promote arrangements in which fisheries managers involve all relevant interests in developing proposals for individual species management with the aim of conserving stocks and optimising the value derived from them and notes the willingness of fishermen's organisations to cooperate in consultations.
42. Suitable species for consideration would include bass, on which sea angling organisations have already drawn up careful proposals. They could also include several of relatively limited interest to commercial fishermen, such as larger species of sharks. The WG notes the recent publication of a JNCC report on elasmobranch stocks, and the catch and release policy of sea anglers.

### **Development**

#### **Strategy Unit Report**

43. The Strategy Unit recommended (point 6) that *Fisheries Departments should focus on support for the development of the inshore/shellfish industry to take advantage of its large growth opportunities (para 6.1.2)*

*6a) Fisheries Departments must work with the fishing industry to understand their long run commercial strategies in each sector in order to guide policy, regulation and industry support (6.1.2)*

*6b) A review should be undertaken of how effectively existing government business support instruments (and Seafish) are used by the fishing industry (6.1.2).*

### **Long term sustainable development strategy**

44. The WG supports the approach of developing a long run commercial strategy for inshore sea fisheries and onshore sectors supporting it, as a basis for planning both by members of the industry (in its widest sense) and public bodies responsible for support and management of it. This should be prepared as a sustainable development strategy, fully recognising the need for environmental and social sustainability as well as commercial development.
45. Members of the WG are cooperating in preparing a national strategy for English shellfish, coordinated by Seafish, with additional resources as needed, with a view to achieving a working strategy before the end of 2005. It would be an industry strategy, to be endorsable by all on the WG. It will build on a strategy prepared by SAGB in 2005, to describe the development opportunities for expanding mariculture and catching wild shellfish, as well as for increasing value of the catch through good handling of catch, marketing and processing. It will make recommendations to help resolve the issues constraining the sustainable development of shellfisheries and mariculture, including regulatory constraints, and for directing financial support to optimise industry benefit.
46. The WG also favours production of a national framework strategy for finfish caught in the inshore zone. This would provide guidance to action at the regional level within England. Importantly, the framework would recognise the significance and broader socio-economic benefits of both commercial and inshore recreational fishing, as well as environmental considerations, identify the range of activities to be taken into account in planning and point up cross regional issues relating to the industry. This work will be taken forward by members of the WG with Defra over the next six months.
47. The WG believes that ideally the 0-12 mile belt should be under national control, to promote long term development of the industry.
48. The WG notes that Strategic Environmental Assessment may be applicable to the creation and implementation of industry strategies (as well as of policy formulation) and that the Marine Environment Working Group will be advising Ministers on this issue.

### **Government business support operations**

49. The WG recognised the need for business support to be focussed on the real needs of fisheries businesses, including both commercial fishing operations, recreational sea angling businesses and on shore businesses. It was suggested that there are many needs which relate to the generic activity of running a business, with a smaller proportion of issues which are specific to fisheries.
50. The WG identified Business Links as a key first stop shop for generic business questions for businesses. Defra should encourage RDAs to task their Business Links with being able to respond to such questions. Where fisheries businesses use Business Links as a first stop shop, in areas with significant fishing activity, BLs should be knowledgeable about the sources of advice on fisheries specific questions, including availability of finance: this requires such sources of advice to

pass relevant data on for the BL network's databases and for a link to be set up between their websites and those of BLs.

51. The WG identified Defra, Seafish, SFCs, CEFAS, EA and Group Training Associations as sources of fisheries specific advice, as well as trade bodies. It also considered that many fishermen, especially inshore fishermen, were more likely to seek advice from local fisheries or harbour officials than from an impersonal Business Link contact number. Defra should ensure that local officials are in a position to route relevant enquiries to their nearest BL, who in turn must be able to connect the enquirer with the most relevant source of advice/expertise.
52. There are various sources of finance for sea fisheries, including Defra, RDAs and local authorities. The WG recommends that regionally based mechanisms should be developed further to clarify what support is available, and to provide help to the industry in sourcing further funding and in preparing applications. Assessment of applications for funding should take account of environment and social implications of projects, as well as commercial benefits.

**Inshore Working Group  
March 2005**