



Northern Ireland
Assembly

Committee for the Environment

OFFICIAL REPORT (Hansard)

Marine Bill: Department of Agriculture and
Rural Development Briefing

24 May 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
Mr Simon Hamilton (Deputy Chairperson)
Mr Cathal Boylan
Mr Gregory Campbell
Mr John Dallat
Mr Tom Elliott
Mr Chris Hazzard
Mrs Dolores Kelly
Lord Morrow

Witnesses:

Mr Paddy Campbell	Department of Agriculture and Rural Development
Mr Ian Humes	Department of Agriculture and Rural Development

The Chairperson: The next briefing is from two officials from the Department of Agriculture and Rural Development (DARD), Paddy Campbell and Ian Humes. Hello, Paddy and Ian. Thank you for coming. Perhaps you will give us a briefing for five to 10 minutes, and then take questions from members.

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Mr Ian Humes (Department of Agriculture and Rural Development): Thank you very much. I am head of sea fisheries policy and grants in DARD. With me is Paddy Campbell, who heads up our policy team. He has particular expertise in sea fisheries legislation, and has also been involved in the consultation with the Department for Environment, Food and Rural Affairs (DEFRA) on the Marine and Coastal Access Bill, which is now an Act.

The Committee has asked the Department to comment on a number of clauses, and you have our response. In principle, DARD welcomes the Marine Bill. It should provide a framework within which the sustainable development of the marine environment can take place in a coherent manner that respects the interests of all those who undertake activities within it. Fishing is, obviously, a major activity on our seas. It is one that has been around for a long time. The response that you have has been prepared mainly from a sea fisheries perspective, but there are also interests in the Rivers Agency, which has a responsibility for coastal flood risk management. Both parts of the Department have had input to the response that the Committee has.

Our response covers the main points that you have raised, but we have also raised some issues that we consider to be important, particularly in relation to the consultation on marine conservation zones, including those that are outside the area of responsibility of the Department. The Irish Sea is a very

complex place in its different uses and different administrative and other boundaries. We have brought to the Committee a number of maps. We have presented them to the Committee for Agriculture and Rural Development, which found them helpful in understanding the position about the complexity of the business of planning and controlling and managing the sea. Paddy will run us through the first map.

Mr Paddy Campbell (Department of Agriculture and Rural Development): The first chart is illustrative, showing marine responsibilities in the Northern Ireland inshore and offshore regions. As the sea fisheries division of DARD, we have responsibility for sea fisheries management in an area beyond our 12 nautical mile limit. On the map, the area that is delineated by the solid red line is called, in our legislation, the Northern Ireland zone. We have responsibility for all of the fisheries in that area.

DEFRA is responsible for designating marine conservation zones (MCZs) throughout the Irish Sea in the offshore area, including part of the area for which we have sea fisheries responsibility. The Department of the Environment (DOE) has delegated responsibility for designating MCZs within the 12 nautical mile limit, the territorial sea limit. On the map, it is shown by a dotted line in the south Down area.

These days, our main fishing industry is based on nephrops fisheries — Dublin Bay prawns. It takes place on a mud habitat, mainly on the western Irish Sea. You can see from the map that it overlaps pretty much with the Northern Ireland zone area between Northern Ireland and the Isle of Man. That is part of the reason why, back in 1998 or 1999, when the devolved matters were decided, DARD lobbied hard for sea fisheries responsibility in that area so that it would have its major fishery under its control.

We are interested in integration and planning that is organised in a coherent way so that all the decisions that affect fisheries are taken together. One of our major concerns is that offshore renewable designations would take place in this area. DEFRA would possibly be designating MCZs in this area, and, behind that, with the Marine Bill, our local Administration would be designating MCZs. Our appeal to people is that these things be taken together. There is a chance and a risk that, if these things are not considered together but are developed separately, more area of sea could effectively be excluded from activities, including fishing, than is strictly necessary. That is one of the points that we wanted to make today. We support the local Administration having more of a say in the planning process over the larger area.

Mr Humes: I stress the importance of the Irish Sea nephrops fishery to the fishing industry. Ninety-five per cent of our boats fish for nephrops. It is the lifeblood of the fishing industry, and it is the material on which our processing firms depend. If you are to take ground away from the nephrops fishery, it is not as if the fishing industry can go somewhere else. That species is habitat-dependent. It lives in mud grounds. Mud grounds exist in the broad area that we have highlighted on the map. Although it is in the Northern Ireland fishing zone, it is in an area that is the responsibility of Secretary of State for Environment, Food and Rural Affairs to make a call about the MCZs.

The map is even more complicated. Look at where the Scottish fishing zone comes in. Above the Isle of Man, you have the Isle of Man extended territorial sea, and, from the south-east, you have Wales and Ireland. You have all of those administrative boundaries, but marine nature conservation does not respect administrative boundaries; a feature can exist on the seabed that transcends those boundaries. It is important that decisions about land or marine use be taken in a proper, integrated way. That, for the Irish Sea, involves discussions with our neighbours in the Isle of Man, Scotland and the Republic. It needs to be examined in a coherent way, which is why our Minister has suggested to her counterpart in DEFRA that any decisions about MCZs that are taken in the offshore region of the Northern Ireland fisheries zone should be deferred until we have a Marine Bill in place here and we can look at MCZs in a proper co-ordinated way.

The Chairperson: Thank you very much for your presentation. I understand your concerns: the fishing industry feels that legislation from different sections of the UK is coming at it. We had a briefing from someone from England who was quite critical of the engagement by DEFRA. At the time of the designation of MCZs under the Marine and Coastal Access Act 2009, they felt that very little consultation was carried out. Should we learn from those mistakes? How much engagement should we have with the fishing industry? We have talked to the fishing industry; it has a lot of concerns about no-take zones and further restrictions. From your point of view, how should we engage with that industry?

Mr Humes: I can relate only our experience, which is that it is best to talk to the industry at an early stage to get its views and opinions, not when you have made up your mind about what you are going to propose to the world at large. It has a great deal of expertise about the sea and what it contains, as does DARD and its scientists because they have been working in the marine area for a very long time on sea fisheries conservation. They know an awful lot about the benthic habitat, and they know about fish and fishing. There is a wealth of information to draw from in what is a relatively new area for DOE.

As in all things, if you talk to the stakeholders and have a rich vein of conversations with them first of all, the published proposal stands much more chance of flying and gaining support. We cannot introduce fisheries management measures by simply foisting them on the industry; we must talk to it about the feasibility of technical measures that it could adopt to reduce its impact on other species that it is not trying to catch. It knows how it works best. We have a problem with cod, for example, in the Irish Sea, which is in a particularly bad state. The Department and the Minister are committed to doing something about recovering cod, but not at the expense of the industry. We must work with it closely to develop technical solutions to avoid killing cod while continuing to maintain the viability of the industry. That is going on at the moment. We have a trial in which the industry and scientists are involved. We are also talking to the European Union about that. In my experience, the approach is to involve them in the conversation to develop the solution, not to come to them with a ready-made solution and ask what they think.

The Chairperson: The designation of MCZs on the English coast obviously impacts on the Northern Ireland fishing industry. How badly has it been impacted by the designation of all of those MCZs?

Mr Humes: The MCZs in the Irish Sea are proposed MCZs. I am not clear whether we know about the management of those.

Mr P Campbell: The proposals at this stage have gone to DEFRA for consideration. I understand that it is reviewing all of the MCZs, whether in the Irish Sea, the North Sea or the south-west, to improve the scientific data on which they are based. That is one of the criticisms that have been raised. We are speculating a little bit, but it is likely that most MCZs will require some restriction of fishing activity — dredging, for example, is probably the most obvious one. That is the sort of method that is likely to come in.

Mr Humes: I think there is a proposed MCZ. If you look at the first map we provided, they are proposing an MCZ in that little sock-shaped area at the top, just west of the Isle of Man, to protect mud habitat. That will directly impact on the fishing industry. If you take 15% of its grounds away, there is 15% less to catch. In principle, you have to reduce the size of the fishing fleet, or everybody has to take less. At the moment, the finances are such that there are not enough fishing opportunities to go around to maintain a viable and sustainable industry in the longer term.

The Chairperson: Will they have to go further?

Mr Humes: They are nephrops fishermen. They would have to go further, to the southern part of the Irish Sea, off the south-east coast of Ireland. At the moment, they can do that, but if Europe decides to change the approach to the management of that particular stock, they may not be able to move to other places, so they could be hemmed into the northern part of the Irish Sea. If you take ground away from them there and they have no opportunity to move to other places to fish for nephrops, it would have a direct impact on the viability of the fleet.

Mr Boylan: Thanks for your presentation. It is very interesting, but the key for me is that everybody — all of the stakeholders and relevant bodies — gets their opportunity through the Bill. I am a bit concerned. I take it that this area on the map is the one you are pointing out. Do you not agree that any designation should be evidence based? The previous witness said that there could be conflicting evidence one way or the other, but I believe that, through all of the agencies, and particularly the fishing industry, there has been a body of evidence and good management practices until now that will influence the position. I am getting the impression that you feel that those are going to be designated no matter what your influence is. You keep asking to be involved in the process, but I get the underlying impression that you think they are going to be designated, irrespective of how much input you are going to have. From my point of view it is not just about consultation, it is about proper engagement and talking to the industry. Will you tease that out a bit more for me?

Mr Humes: In respect of MCZs, the Department of the Environment is carrying on a function that has been delegated to it by the Secretary of State, whereas fishing is a devolved responsibility, and our Minister is answerable to the Executive on that. It is a question of accountability for MCZs. There is a part of the Bill that refers to the responsibility of DOE in relation to the designation of MCZs. It mentions consulting the Secretary of State and other people.

Mr P Campbell: That is clause 14(4).

Mr Humes: Yes. That is quite different from what it says it will do in relation to marine planning. When an MCZ is being proposed, it may be the responsibility of the Secretary of State. It is a reserved matter, and, again, that is unique. In Scotland, marine nature conservation is the responsibility of Scottish Ministers, and, in Wales, it is the responsibility of Welsh Ministers. That is not the case here. We would like to think that Northern Ireland Departments will be fully consulted in advance of the introduction of MCZ proposals. Recently, we have had some consultation on special areas of conservation off Rathlin Island and at the Maidens. That consultation occurred a while ago, and we have not seen anything more about it. We believe that proposals have already gone to the Secretary of State. It is important that the process of engagement be adequate.

Mr Boylan: That is an important point. The Secretary of State may designate an area. We are bringing through a Marine Bill, and, if it is going to impact on any of our industries, we need to tie that in now. That has been highlighted today, and we need to bring that to the forefront of our discussions with the Department.

We have to go back to the issue of the evidence base. During the previous session, Tom Elliott brought that up with Professor Lloyd. He said that he could believe one piece of evidence and that I could take a view based on another. Therefore, unless all the Departments work together on this and try to balance that all out, how do you propose to address any of those issues? Have you enough of an evidence base in the Department?

Mr Humes: Our evidence base is for fisheries. We have very extensive information about fisheries in the Irish Sea. The nephrops fishery in the northern part of the Irish Sea is probably one of the best surveyed fisheries in Europe. We know that it is being fished in a sustainable way and at a level that is below maximum sustainable yield. That means that it is being fished responsibly and that it will be around in years to come. There is good information on other stocks, particularly herring. However, on other species, such as cod, the information is not as good because of the state of the stocks. We have a lot of information about fisheries, but less about other features that are in the marine area.

Mr Boylan: You can only do your own bit. My final question is on the interdepartmental marine co-ordination group. Who do you think should best carry out the implementation of the Bill? Should it be cross-departmental? I know that it is the responsibility of DOE, but surely there are other factors.

Mr P Campbell: You mentioned the interdepartmental group. That is important in that it allows, at an official level, Departments to work together to bring concerns in front of the DOE. We anticipate that that will be a very important group for the detailed implementation. The Marine Bill talks about engagement, but it contains no detail on guidance. For example, Departments will be expected to evaluate the impact of any activities that they allow in the marine area, but that is just a blank statement in the Marine Bill. You will have to work together closely to develop guidance along with the DOE on what you mean by significant impact, what your thoughts are on what causes significant impact, and whether we agree on that. Some type of scientific agreement needs to be found so that one set of science is not saying that something is damaging and another set is saying that it is OK. Those sorts of things have to be worked out when we go forward into the detail.

The Chairperson: At the moment, that interdepartmental group has no legal status. It is very much a consultative group.

Mr P Campbell: It is a consultative group established by the DOE, and it involves all the representatives from all the other Departments with marine interests.

The Chairperson: Do you think that its terms of reference should be stepped up to give it more clout to bring forward policies, rather than just being a consultative group?

Mr P Campbell: You are putting me on the spot. I do not know whether I could comment on that.

The Chairperson: That would give the Departments a bit more say and enable them to be a bit more active in coming together to implement the Marine Bill.

Mr Humes: Once you have the Marine Bill, these things will get teased out, developed and improved over time. A conversation will have to continue. Post the Marine Bill, there is a huge amount of detailed work to be done to eventually get a marine spatial plan. As Paddy said, a lot of guidance will need to be developed. There will be a requirement to find out new information about what we have in our seas, to develop a science plan, to develop a database that will support all of this, and to look at the range of spatial information that we have about the marine environment. We have huge amounts of information about the benthic environment, water currents, water temperature and lots of other things, and that needs to be brought together. Most if not all of that information exists within the Agri-Food and Biosciences Institute (AFBI), which is an agency of DARD. It has been the main agency involved in the collection of data in the marine environment for very many years.

I noted that you were referred to Marine Scotland earlier in the meeting. It was established once Scotland took on responsibilities for the marine area. We used to deal with those colleagues when they were in the sea fisheries Department. Further responsibilities were added, and they became Marine Scotland. We have a lot of information available. Public money was spent to collect it, so it should be there for the public good.

The Chairperson: The Marine Bill impacts on six different Departments. Therefore, it makes sense to have people working together and to give them more clout and a more active involvement.

Mr Humes: Yes. Every region will have an approach that is appropriate to the size and scale of the issue that they are dealing with. Our marine area is relatively small in comparison with that of Scotland, which is absolutely huge as it extends out towards Rockall and way out into the North Sea. Similarly, Wales has a much longer length of coastline than we do. England's extends from Bristol right the way round to Berwick-upon-Tweed, so there is a huge area to cover. You need structures that are appropriate to the area that you are seeking to manage. We are fortunate — or unfortunate, depending on how you look at it — that we have a relatively short length of coastline and a fairly small marine area that we are being asked to manage.

Mrs D Kelly: Thanks for your presentation. You talked about the evidence that AFBI has provided over the years and the scientific knowledge that you have in relation to fishing. If that is the case, one wonders how we have got into such difficulties in relation to Strangford lough with the danger of infraction proceedings. I understand that that may well have been partly a political decision, but, nonetheless, the Northern Ireland taxpayer is at risk of serious infraction costs as a consequence of a failure to take action. I appreciate that there will always be competing priorities. Professor Lloyd said that there will be winners and losers. Unfortunately, that will be a feature of the Bill. We will want to minimise the losing aspect. Of course, none of the proposals can be divorced from the common fisheries policy (CFP) proposals, which you referenced when speaking about how the fishing catch will be moved around.

By and large, however, you appear to be satisfied with the general thrust and direction of the Marine Bill, other than some particular points that require clarification. How do you see the Bill sitting alongside what the CFP proposals are likely to contain? What are the key challenges to having a good Marine Bill that will provide a sustainable future for all the interested parties? What aspects of the Marine Bill does the DARD feel particularly uncomfortable with?

Mr P Campbell: The Marine Bill will help us to deliver our obligations under the marine strategy framework directive. It is likely that marine conservation zones will feature as part of the actions that we will take to meet our marine strategy framework obligations to achieve good environmental status by 2020. That is where the CFP comes in: one of the key objectives under the marine strategy framework directive is that commercial fisheries will have good environmental status as well. The common fisheries policy reform proposals will have to ensure that member states can deliver on that part so that all fish stocks are being fished sustainably by 2020. That is where those elements come together.

As we said, we are broadly content with the Marine Bill. It follows closely the Marine and Coastal Access Act 2009. We have already raised our concerns about consultation on MCZs. We are a wee bit different from DEFRA in that, as Ian said, we rely on the Secretary of State taking account of the

views and concerns of the Northern Ireland stakeholders rather than imposing on us something that we find very difficult.

Mrs D Kelly: Has DARD or the Minister made any representations to Margaret Ritchie, who is a Northern Ireland member of the Environment, Food and Rural Affairs Committee, so that a voice at that table articulates your specific concerns? Have representations been made to the Committee as a whole?

Mr Humes: The Minister has written to her counterpart about the MCZs that are being proposed in the offshore region of the Northern Ireland zone. Her counterpart will make the decisions about the MCZs. She has lodged her concerns with Richard Benyon about the proposals and their impacts. It is not that we do not want MCZs; rather, we want to have them considered alongside proposals that are coming forward here so that everything is done coherently.

Professor Lloyd made the point about winners and losers. When you zone an area or approve its use for alternative energy, you prevent fishing from happening in that area. Therefore, you already have a closed area. Once a wind farm is in place, you effectively have an MCZ. It is about being able to make the same thing do several things rather than saying, "Let's have a wind farm and another closed area to protect mud." If you are going to put the wind farm on a piece of mud ground, and fishing and navigation is excluded from that area, you will have a protected area for that mud habitat. It is about looking at those sorts of issues, and looking at them together. We have proposals for alternative energy running in parallel with our proposals for marine planning, although the two are running at a different pace. The proposal for part of our zone to be an MCZ is running at a pace dictated by DEFRA. Bringing those things together is important. Fishing will have to be excluded from some areas because of the nature of that fishing and the nature of the feature that you want to protect. It is important that we are able to take steps to include management measures for fishing, and we need to talk about those things so that we all move together at the same speed. However, we are not moving together at the same speed at the moment, and that is the difficulty.

Mrs D Kelly: That is a useful point for us to follow up on at another time.

The Chairperson: We could look at it more strategically and take a more a co-ordinated approach. Wind farms may not be permitted in MCZs.

Mr Humes: They may not. We talk about areas that are zoned to protect nature, we talk about areas that are zoned to provide for alternative energies, and a few people have talked about the need to establish fishing zones. If you look at a land-use plan, you will see areas that are zoned for recreation, industry, and so forth. I assume that a marine plan will look a little different in the longer term. That marine plan will depend on strategic guidance. Shaping Our Future is our regional strategic planning strategy, and people have to have regard to that. Every proposal will, I think, have to have regard to the policies that are developed for the marine environment.

Mr Elliott: Thank you for your presentation. I have only one question, and it has been half-answered. However, I will ask it directly. The previous presentation indicated that there will be winners and losers. Is the fishing industry going to be one of the losers?

Mr Humes: It is bound to be, Mr Elliott, because, at the moment, it has had unfettered access to the seas. When I say unfettered access, I should say that there have always been restrictions on the fishing industry, because we have closed certain areas to protect fish stocks or certain other things. However, there are now greater pressures on the sea, because more ground has been taken for other uses, and use has to be planned in a co-ordinated and sensible way. The fishing industry will undoubtedly be a loser, because it will lose ground.

The Chairperson: The aim of the Bill is to protect the environment.

Mr Elliott: At the cost of the economy, obviously.

The Chairperson: It is trying to perform a balancing act, mitigating certain circumstances.

Mr Humes: Absolutely. This will be a political decision. Our map indicates where the Irish Sea nephrops fishery is. If someone decides to use part of the ground for alternative uses that exclude fishing, that will be a political decision, because, on balance, people have felt that there is an

environmental feature that needs to be protected there, or there is an alternative use that it can be put to that will benefit Northern Ireland plc more than fishing. However, that is about politics, and planning is about politics.

The Chairperson: Thank you. It is very good to end on that note. Sorry, John, I had yet to call you.

Mr Dallat: You said at the beginning of your presentation that you have detailed research on fishing grounds, and so on. The Marine Bill is focused very much on Strangford Lough and a wee bit of Rathlin Island. Does your research extend beyond that? For example, do we know anything about the Foyle estuary and Barmouth?

Finally, I am interested in the fact that there may be a revival of herring stock and would like to hear a bit more about that. It is a lifetime since I have seen anything at sea that would suggest that there are herring present.

Mr Humes: Sorry, but your last point was about the revival of —

Mr Dallat: Herring.

Mr Humes: Perhaps we will start with that, because it is a really good news story.

Mr Dallat: I remember as a young boy being out on a boat, seeing this oily top and saying, "Ah, there are the herring". I have not seen them for a lifetime.

Mr Humes: Herring used to be a very important species to the fishing industry around the UK, and, at one time, it was prosecuted by small boats and family businesses. They fished for herring when it was in season and then moved on to something else. Herring stocks became seriously depleted, and management measures were put in place some 20 years ago. We have spent a lot of money recently improving our research on the stock, and that was benchmarked by the International Council for the Exploration of the Sea (ICES), which is the independent body that looks at fishery science. We believe that it will produce, for the first time in 20 years or more, a full stock assessment and will be able to recommend a level of fishing that is consistent with maximum sustainable yield. We do not know what the new total allowable catch (TAC) will be, but we know that we now have a robust scientific assessment of the stock, as we do for our nephrops fishery. Indications in recent years have shown that the stock is stable and is, in fact, increasing. It is a well-managed fishery. It is prosecuted by only two boats now. However, those boats are much larger and are capable of catching much more. The stock is very healthy.

I said that we have good information, but I must add that we also have bad information. We have not got enough information, or as much as we would like, on some species stock. It is a question of resource, too. How much resource do you put into stock that is worth, say, £150,000 to the Northern Ireland industry? The nephrops stock is worth £15 million to £17 million to the Northern Ireland industry. That is where a lot of our money on scientific research goes. Sorry, can you repeat your earlier question?

Mr Dallat: I just do not understand why the Marine Bill does not focus on other parts of the shoreline. That question may not be to you directly. Does your interest in monitoring what is happening under the water include, for example, the Foyle estuary and Barmouth?

Mr P Campbell: There is a lot of research. The Agri-Food and Biosciences Institute has been working closely with the Northern Ireland Environment Agency (NIEA) for a number of years on the water framework directive and water quality monitoring. There has been a lot of good information on, as Ian said, hydrography, temperature and salinity — all those sorts of features.

Mr Humes: As well as on contaminants and pollution. Some of that information has been provided to meet the UK's obligations to the OSPAR Convention and other things.

Mr P Campbell: That research is on all over Northern Ireland.

The Chairperson: That concludes the briefing from DARD. Thanks very much indeed for coming.