

ENVIRONMENTAL POLICY FORUM

c/o Society for the Environment

RESPONSE TO THE DEFRA CONSULTATION ON
SUSTAINABLE FISHERIES FOR FUTURE GENERATIONS

1.6. Setting our course: questions

Q1: Do you agree with the proposed powers in the Fisheries Bill?

The Bill should establish a definition of and a duty to deliver sustainability; it should also establish further duties with regards to the establishment of fishing opportunities in the context of the duty to deliver sustainability.

Fisheries are part of a living ecosystem and so should be managed within sustainable limits and following the full guidance of the Ecosystem Approach (Convention on Biological Diversity).

The Bill should establish the relationship with the proposed Environment Act and ensure that fisheries be subject to the jurisdictions of the new environmental governance body proposed under the European Union (Withdrawal) Act 2018 (the Withdrawal Act). The key environmental principles established under this Act should also apply to the proposed Bill.

The Bill should clarify the roles and powers allocated to the UK Government and each of the devolved administrations in relation to negotiating access to waters and in addressing potential cross-border conflicts (such as marine aggregates, defence, conservation etc).

The Bill should establish access to UK waters only on the basis of adherence to the sustainability criteria established by the UK. Access to other countries should be conditional on the provision of UK powers of enforcement and compliance. It should place duties on other countries to provide for access to fisheries monitoring systems, including vessel tracking and landings information in exchange for any access, so as to enable monitoring of compliance with sustainability criteria.

The Bill should establish the role and responsibilities of the UK government and the devolved administrations in agreeing access to UK waters and provide that there cannot be a situation where any agreed access is in breach of the defined sustainability criteria.

It should be a clear duty within the Bill that, adjunct to the power to establish an effort

or quota-based system of fisheries allocation, fisheries should not become property rights, pursuant to recognition that fisheries are a public asset and to enable flexible allocation of fishing opportunities.

The White Paper provides that the Bill will require the Secretary of State to develop a policy statement, with devolved administration ministers, on how to apply specified sustainability principles and objectives in fisheries management. The powers in the Bill to allocate fishing opportunities should be subject to conditions that the allocations are based on clear, transparent and verifiable criteria and that the allocation should be preferential on the basis of objective social, economic and environmental criteria. The Bill should require that the criteria be published as part of the policy statement.

We agree that the Bill should create powers enabling retained EU law to be amended by secondary legislation and that this power must be “as tightly constrained as possible” but should also specify that it shall only be exercised after due and proper consultation.

We agree that the powers within the Marine and Coastal Access Act 2009 should be extended to allow for the regulation of fishing activity in order to protect the marine environment in the offshore zones outside Marine Protected Areas.

We considered that IFCAs’ powers should be amended in the Marine and Coastal Access Act 2009 to flexibly manage fisheries through the use of byelaws without the need to permit fisheries, pursuant to the protection and management of stocks.

It is clear that there is a need for a more responsive management regime for the protection of the marine environment, allowing the MMO offshore and IFCAs inshore to readily adopt appropriate measures including temporary ones. The MMO and IFCAs should be empowered to adopt management strategies that take into account future changes to fish stock distribution and abundance.

The fishing industry should pay for the costs of its management, and the costs should fall where the benefits are accrued, and dis-benefits felt. A progressive landings tax should therefore provide preferential favourable treatment of those vessels which demonstrate the highest level of social and environmental performance, and vice-versa. Where fishing opportunities are leased, the rent should internalise the environmental costs.

The definition of fisheries should be extended to include exploitation of marine biological resources and transitional species. Licensing should be extended for this purpose, in particular to account for seaweed harvesting, but also recognising that other marine resources have an increasing economic importance and may require management.

The Bill should make clear its role in the management of aquaculture, in particular given the government's aspiration to grow this sector. Growth in the marine environment has not developed because, we consider, there are inadequate marine planning provisions at the appropriate scale.

Q2: What are your priorities for UK negotiations with the EU on fisheries?

The overriding priority is the delivery of sustainability, and the following priorities will help deliver that objective.

Fishing limits must be set in line with the best available scientific advice. In agreeing fishing opportunities for shared stocks and having regard to the provisions for this in relation to the United Nations Convention on the Law of the Sea (UNCLOS), the Bill should contain the provision that unless the UK reaches agreement for catches of shared stocks consistent with sustainability criteria, shared stocks cannot be fished by other countries in UK waters and that the UK must set Total Allowable Catches (TACs) below sustainability criteria.

We agree that fishing opportunities should be established in accordance with Maximum Sustainable Yield (MSY) and this should be applied to all stocks, not just shared stocks. A transparent compliance regime is required to ensure that this requirement is observed.

We consider that a move from relative stability to zonal attachment could form the basis for future negotiations with the EU on fisheries. We are very mindful that the major failure of relative stability was the quality of information used in determining the allocations of opportunities; if lessons are to be learned from this they are that the process of attachment must be based on robust and transparent criteria and there is a duty to review evidence. It is also recognised that in the context of foreseen changes such as climate change and warming seas, or indeed unforeseen changes, this attachment will change, and hence the Bill must make provision for reaction to unforeseen pressures, with the over-riding duty to maintain ecological balance and deliver sustainability.

For access to be provided to UK waters other countries seeking that access should be required to provide specific and measurable compliance plans and provide for reciprocal access to fisheries monitoring and surveillance systems. The costs of compliance, management and science should be recovered through any access arrangement.

In establishing access to shared fishing opportunities on shared stocks there should

be predefined outcomes in the event of a lack of agreement on the fishing limits required to achieve MSY. This should be established to provide a clear incentive for EU member states to avoid dispute which, experience shows, is to the detriment of stocks and incomes. Where agreement cannot be reached on key economic stocks then there should be consequences for the allocation of other opportunities.

The IFM considers that there are opportunities to integrate angling into fisheries management plans and angling should be recognised in deciding fishing opportunities.

The IFM considers that the establishment of the UK approach to fisheries management should be set in the context of the UK's overall food security policy framework.

Q3. What are your priorities for controlling our waters after exit?

The first and over-riding priority is to deliver the long-term sustainability of our natural resources. Within that over-riding principle, the following are the key deliverables which we seek.

The creation of clear and transparent criteria for the allocation of fishing opportunities.

Re-focussing fisheries management and the allocation of fishing opportunities around sustainability principles.

Enabling food security in the long-term and the creation of flexible and adaptive systems of management. We believe that the Bill should make explicit reference to the government's policy on food security to recognise and value the benefit of sustainable fisheries in delivering government policy.

The creation of greater opportunities for small-scale, low impact fisheries, in exchange for further and greater protection of our marine environment, including the move towards whole site protection of marine protected areas.

The establishment of a transparent and robust fisheries enforcement system which incorporates the use of available and emerging technologies.

The protection of essential fish habitats, critically including spawning and nursery areas, and whole site protection of marine protected areas, with access only on the basis to such areas where damage is proven not to occur.

Temporal limitations on stock exploitation during vulnerable periods, such as spawning seasons.

That the rent derived from fisheries exploitation internalises the costs of management.

That recreational fishing opportunities are protected in the allocation of any fishing access, proportional to their potential impact on stocks, and that preferential access to certain stocks should be provided. More generally, sea angling representatives should be integrated into the management of fisheries.

In the context of food security, the UK develops and enhances its biosecurity capability.

In exchange for access to UK waters the UK should establish agreed mediation procedures, including reciprocal arrangements to provide rapid and effective means of dispute resolution.

We consider that there is significant advantage in managing the inshore area to 12nm, with exclusive access to UK vessels. We believe that this zone should be managed for the benefit of inshore fisheries and for recreational users. We anticipate that many of the benefits of increased quotas will accrue in the larger scale fisheries; securing the 12nm zone for inshore fishers will provide significant further opportunities for coastal communities.

Q4: What are your priorities for the UK's international role in fisheries (beyond the EU)?

For the UK to be a world leader in fisheries management and sustainability.

That the government extends its fisheries management policy to include the management and protection of UK Overseas Territories (UKOT). The IFM considers the importance of application of measures of sustainability in these waters should be a priority for the UK government and that the UK should maintain its commitment to effectively address illegal, unreported and unregulated (IUU) fisheries.

Q5: What are the fisheries policy areas where a common legislative or non-legislative approach (framework) across the UK is necessary?

Whilst respecting the role of devolved administrations in establishing policy, common frameworks will be needed in some areas; these frameworks must

reflect social, economic and environmental principles.

In establishing the principles identified in the consultation document it is essential that their delivery is based on sound environmental criteria; they should be based

on the best scientific advice and embedded in an ecosystems approach. We have earlier highlighted the possible role of the Environment Act as an arbiter in this regard. Whilst respecting the roles of the devolved administrations the provisions of the Act should ensure that the basic principles of sustainability are not undermined by divergence in policy. In the case of dispute, and the consequent negative effects of overfishing, the Act should provide a route for arbitration and ultimately, legal recourse.

Q6: Do you have any further comments relating to the issues addressed in this section?

In so far as the government has indicated its intention to allow access to UK waters to European vessels we consider that it is essential that they should be subject to the same controls as UK vessels. Because the economic link with such vessels will be different there is a case for appropriate charges to be levied.

We note that it is the intention of the UK to address the matters of management and access to markets separately. We understand the rationale for this approach, but do not agree with it as, in reality, it is far-fetched to consider these matters as divorced from one another. In this regard, once the initial phases of negotiations are completed we expect further clarity on this issue and we refer to our first point in Q6.

We welcome the intention of the government to set out its own policy. One of the failures of the CFP has been that the outcomes of the policy have not been clear to the communities affected. The impacts of these policies have not been placed in the context of their intended outcomes. The approach taken by government will require strong leadership and support to those organisations tasked with their delivery. The UK must take a long-term view, support those industries that are sustainable, but not be afraid to make difficult decisions.

2.8. Pursuing sustainable management: questions

Q7: Do you agree with the measures proposed to ensure fishing at sustainable levels?

We consider that targets should be set for all stocks at levels consistent with MSY in line with the international objectives. We observe that many such stocks have no stock assessment and consider that the current commitment should be extended to

cover all exploited species, including in principle, those that may be exploited in future. We note that the consultation as it is worded marks a reduction from the current level of commitment of the EU; this is not consistent with the government's stated policy and should be rectified if the UK is to be world-leading in fisheries management.

We consider that the current commitment for fishing stocks at or below MSY by 2020 should be maintained. The government should also commit in the longer term to management plans established for key stocks which move beyond individual species targets and establish a framework for multispecies targets and the adoption of an ecosystems approach.

We consider that the stock status should be published annually and subject to rigorous peer review processes; the UK having established its commitments to the International Council for the Exploration of the Sea (ICES), should reaffirm those commitments. Stock assessment should not be subject to political interventions.

We consider that a fisheries management plan should be established for all stocks.

Q8: Do you agree that existing quota should continue to be allocated on an FQA basis?

We recognise that the current FQA system provides stability for those businesses which have invested in quotas. However, the system should be phased out in a manner which recognises the investment in the resources, but does not reward fisheries which are not consistent with the stated objective of UK's fisheries being sustainable against a broader definition of criteria. In particular where the FQAs are held by operators using the most destructive fishing methods with the greatest amounts of discards then these FQAs should be subject to higher levels of taxation. Issue related exemption for small boat sizes should be scrapped.

The majority of inshore fisheries in particular do not rely on quota fisheries, because they don't have access to adequate FQAs. The proposal that FQA arrangements are not reorganised will challenge the future sustainability of inshore fishing communities, therefore the fate of inshore fishers is reliant on the allocation of additional quota (if any).

We argue strongly that the FQAs should not be allocated to 'slipper skippers'. We consider that the beneficiaries of FQAs should be clearly able to demonstrate that the resource allocation is linked to active fishing activity with a direct relationship with the beneficiary of the FQA. The economic link with beneficiaries of FQAs should be clearly established with landings into the UK.

Q9: How should any additional quota that we negotiate as an independent coastal state be allocated?

It should be based on clear objectives and transparent sustainability criteria; including

the use of social, economic and environmental criteria. There is a particular challenge in enabling the small-scale sector to have access to quota tendering or auctions; in particular this sector should have ring-fenced access, where it meets selective criteria.

In designing a tendering or auctioning scheme the low impact inshore fleet should be given preferential or better ring-fenced access, based on selectivity criteria. It is recognised that the system of relative stability has resulted in inshore fisheries, which include some of the most important local communities, being disadvantaged. As a consequence, many of the fishing communities are too reliant on shellfish fisheries. Looking to the future, the desire of balancing inshore fisheries with recreational fishing opportunities is likely to be challenging. This challenge may be, in part, alleviated, where inshore commercial fishing fleets have greater access to resources – i.e. there is increased potential for spatial management in these fisheries.

Q10: Do you agree that Defra should run a targeted scientific trial of an effort system in English inshore waters?

No.

We expect that any trial will simply confirm the experiences in fisheries elsewhere which demonstrate the challenges associated with this over-simplistic system, in particular we consider that such an approach creates a race to fish; this does not favour sustainable fishers and it disadvantages low impact small-scale fleets. Our observation in this regard is supported from the MMO funded Ramsgate trial. In particular our experience shows us that this is a complex issue as most UK fisheries are mixed stock fisheries.

Q11: Do you agree with our proposals to explore alternative management systems for certain shellfisheries in England?

Yes.

The majority of shellfish fisheries do not have stock assessments, where stock

assessments exist the use of effort controls and technical conservation are not joined up between inshore and offshore waters. Therefore, whilst we agree that alternative management systems are developed, these should be based upon the establishment of management plans which are based on proper stock assessments and which ensure that fishing is undertaken within sustainable limits.

Due account should also be taken of wider damage to marine ecosystems from shellfishery activities (eg implications of scallop dredging on benthic communities) within a broader definition of sustainable fisheries.

It is necessary that the government develops sufficiently robust systems for the management of shellfish, as currently these systems are not adequately developed. We refer back to our earlier comments on the need for a management plan to be established for key stocks.

As mentioned elsewhere in this response the government should commit to move to a comprehensive MSY approach for all important species (noting the significance, for example, of crustacean fisheries) in terms of access and allocation of these stocks. There is significant potential in the use of a zonal attachment approach.

Q12: Do you agree that there is a case for further integrating recreational angling into fisheries management?

Yes

It is clear that sea angling is an important stakeholder in fisheries management both in terms of stock exploitation as well as socio-economic benefits flowing from sustainable fish stocks. It is therefore essential that the interests of recreational sea anglers are taken into account in fisheries management decisions. In particular where fishing opportunities are established as a consequence of additional resource allocation then these stocks may be allocated for the benefit of recreational fishers. Furthermore, for key stocks such as bass and cod, top slicing of existing FQAs for recreational fisheries should be considered, based on the economic value of these fisheries.

Charter boat fishing is currently not managed to a) value and recognise its importance or b) reflect the potential it has to affect fish stocks. Allocation of fishing opportunities to this sector will benefit these businesses. The Bill has the opportunity to provide a bespoke management system for these fisheries.

It should be a requirement to provide fish returns; we note the progress and importance of, for example, the EU data requirements in demonstrating the impacts

as well as the significance of recreational sea angling. Informal schemes such as the Sea Angling Diary (www.seaangling.org) Project could provide a model for recreational catch-per-unit-effort returns. The Bill therefore should allow for the management of all fishing activity whether recreational or commercial (and in so doing avoid the historic mistakes made in this regard).

We consider that in certain circumstances there is an argument for the introduction of a sea angling licence for certain stocks, for example, where preferential treatment is provided there is a case in the medium term for anglers to pay. This is because of the importance of the sector, the risk of non-compliance in the event that there is a catch limit (many participants – dispersed activity) – and because non-compliance is a risk to legitimacy of the activity. However, we recognise that enforcement activities may mean that an awareness-raising approach is more effective.

Q13: Do you agree with the proposed package of measures and initiatives to reduce wasteful discards?

No.

The allocation of fishing opportunities should consider the efficiency of fishing operations and provide preferential access on the basis of lowest discard rates. The incentive levy can have a role in delivering this ambition. Any levy could be geared towards charging those who undertake the most wasteful practice to incentivise best practice and internalise the cost of any wasteful practice.

We consider that quota risk pools should be established and that preferential access to this quota should be provided for low impact fishers; this is to further incentivise this type of fishing.

We consider that where real time closures have been used they have enabled the fishing industry to effectively minimise the risk of high grading. This type of approach should be encouraged and fishers incentivised to provide data and inform such an approach. This approach could be rolled out more extensively. To achieve this there is a need to create a forum for engagement by fishers in the management approach.

We support the further extension of the use of vessel monitoring systems; to improve marine planning and confidence in UK fisheries, VMS should be used as standard and enhanced with the use of further onboard monitoring where necessary in fisheries where there is a high risk of discarding. VMS would also make a significant contribution to improving the safety record of the fishing industry.

The IFM considers that there should be a requirement in marine plans for identifying

essential fish habitats. In this regard the Magnus Stevenson Act provides clear leadership in such an approach, where it is a requirement for such habitats to have appropriate management with specified timescales. If the UK is to be world-leading, then such an approach is essential.

Q14: Do you agree with the proposed approach to protecting our marine environment in relation to fisheries including the powers proposed in the Fisheries Bill (see section 1.2)?

No.

So as to achieve the ambition of the Government's 25-year Environment Plan to move towards a whole site approach to marine protected areas we consider that there should be a general presumption that fishing should not occur within marine protected areas until that activity is demonstrably compatible with the designation of the sites. This will require a shift in the current process of a feature-led approach. To achieve this, nature conservation advisors should work with fisheries managers. The licensing of fishing activity would reflect such an approach and this approach should be a prerequisite of any access to UK waters.

The Bill should establish the relationship with the proposed Environment Act and enable that fisheries are subject to the jurisdictions of the new environmental governance body proposed under the European Union (Withdrawal) Act 2018 (the Withdrawal Act). The key environmental principles established under this Act should apply to the proposed Bill.

Q15. What opportunities are there for the sector to become more involved in both the provision and direction of science and evidence development needed for fisheries management?

Access to quota on the basis of social, economic and environmental criteria should underpin the government's approach; to enable this, there is a requirement to demonstrate that fisheries minimise their negative impact on the marine environment. Such an approach can be designed such that it provides an incentive, say through conservation credits, where there is an incentive to participate in such schemes. The costs of quota could, for example, be offset by credit for expenditure on REM, VMS etc. monitoring.

We note the current function of Seafish and its funding structure provides an opportunity to engage fishers in fisheries management decisions. We observe that the interests of small-scale fishers have often been overlooked in fisheries

management decisions; this should be rectified.

We have discussed elsewhere that anglers should play a greater role in fisheries management decisions.

We consider the IFCA committees should be consulted on decisions and have a

greater involvement in setting fishing opportunities in inshore fisheries.

Q16: Do you have any further comments relating to the issues addressed in this section?

No.

3.4. Resourcing the new approach: questions

Q17: What would be your priorities for any future funding for the sector or coastal communities?

As stated, costs should increasingly be borne where they fall, so the cost of management should be borne where there are benefits of such management, and, especially, preferentially costs should be borne where they are, or on those causing, dis-benefits. So, we advocate both “incentivise for good” and “penalise for bad” approaches, at the same time, ie not one or the other. We agree the MMO and IFCAs should have the cost recovery systems available to them as should Defra to increase funding to advisors such as CEFAS and others. Ideally this could be internalised within a hypothecated system.

Looking to port infrastructure, the fishing community has benefited from funding for port infrastructure, but it is also true that this infrastructure has also benefitted many other port users, including recreational users. It should be recognised that fishing activity plays an important part in tourism, be it direct participation in angling or the sense of place and ambience of our coastal villages. Repeatedly, fishing is one of the main reasons people say they visit many of our remote coastal ports. The intrinsic and wider value of such investment should be recognised and accommodated within wider structural development programmes, and sustainability should be key to this approach, in every sense.

Any access by international fleets to UK waters should include the ability of the UK to charge for such access in recognition of the cost of management.

The current local authority levy system which raises funds for IFCA activities is

financially constrained in the current economic climate. These bodies could conduct efficient expanded operations if some element of an industry-based levy could be directed at their work. A distribution system to fund local socio-economic sustainability and controls on fishing would be required.

The IFM considers that the Bill and associated policy should be accompanied by an

Impact Assessment which is realistic. We note that there have been significant cuts in the operating budgets of the MMO. We also note that the IFCAs' roles and responsibilities have been significantly expanded since they were created. We note that the Impact Assessment that accompanied the development of the Marine and Coastal Access Act stated that the budget requirement for IFCAs was twice that which they currently receive. It is clearly therefore unrealistic that these organisations' responsibilities are expanded without increased funding. We strongly suggest that the ambitions of government though the White Paper should be accompanied by a regulatory impact assessment to consider the adequacy of the funding for IFCAs and the MMO to deliver what is expected of them.

We recognise that the devolved administrations have different fisheries management structures; clearly this will need to be considered. We note the progress of IFCAs in England and consider that effective management structures will be required elsewhere. We note the government's commitment to replace the European Maritime and Fisheries Fund (EMFF). We welcome such an approach. We consider that there are important lessons from the progress made by some Fisheries Local Action Groups; the best parts of these programmes should be expanded to enable community led local development (CLLD) in coastal fisheries.

One particular issue has remained as an historic and persistent failure of management in the UK. There has never been any recognition that the marine ecosystem is not in fact a separate entity, but rather is fully linked to both terrestrial and freshwater systems. This has been manifest in the past and continues in current management regimes, which make little or no recognition of this important interconnection. This has been damaging to the interests of migratory species, such as salmonids and eels. It is not even the case that these migratory species represent some special issue. Recent evidence indicates that the optimal nursery grounds for the early life stages of important "marine" species such as sea bass, grey mullets and to lesser extent common sole, lie within areas of low salinity (estuaries and saltmarshes). Some estuaries support critically important marine nursery grounds at a regional level. These areas are designated as transitional waters under the Water Framework Directive (WFD). MSFD does not overlap with the transitional water bodies of WFD. We need to achieve Good Ecological Status (GES) under MSFD as well as GES under WFD. Sustainable management of all species that move across these man-made boundaries can only be achieved with

effective linkage between these two drivers and by an overhaul of management controls and funding mechanisms. In the future more sustainable management demands a much more holistic approach.

Q18. Do you have any further comments relating to the issues addressed in this section?

No.

4.1. Partnership working: questions

Q19: How far do you agree with our future vision to pursue a partnership approach with industry and others for sustainably managing fisheries?

We welcome a partnership approach. Throughout our response we have referred to open and transparent processes that can only be achieved through a partnership approach. The process of setting and agreeing TACs must have the opportunity for partners to peer review and provide evidence to inform decision making.

The UK must build relationships with different users; for example, the Bill must build dialogue with anglers.

As an institution the IFM provides vocational training in fisheries management. For the UK to be world-leading we must build upon our excellence in university research to provide training for our fisheries managers. The IFM would welcome further dialogue on this matter and how we can support government in the delivery of world-leading fisheries management.

We have highlighted elsewhere in our response the need for fully integrated fisheries management. The UK's approach to catchment management is delivering improvements to our water bodies. These partnership approaches provide a model to enable and engage a broad section of government agencies and civil society to improve water quality. The lessons learned here can be expanded to the coast. Catchment partnerships and fisheries managers should be supported (in terms of policy direction and resources) to extend their remit to the coastal zone. Such an approach is necessary if integration is to occur.

The UK has the most extensive network of MPAs in Europe; the rapid expansion in the designation of these areas and the variety and types of MPAs and the delays between designation and management has led to confusion. The IFM recognises the challenges and opportunities this presents to the UK government and strongly supports government policy for the establishment of individual MPA management

plans, which should be based on the principles underpinning the catchment-based approach.

We have noted elsewhere in our response the importance of effective fisheries management in UKOT. The Bill should be clear on its intent in this regard.

We believe that the UK's universities should be enabled to play a greater and more significant role in developing stock assessments. We consider that universities should be provided with the opportunity to tender for the provision of fisheries management advice directly to government. Presently this sector, with notable exceptions, has not developed this role, this is in contrast to other world-leading fisheries management systems which exist in the US and Australia.

Q20. Do you have any further comments relating to the issues addressed in this section?

No.