



Northern Ireland  
Assembly

Committee for Agriculture, Environment and  
Rural Affairs

# OFFICIAL REPORT (Hansard)

Fisheries Bill:  
Northern Ireland Marine Task Force

5 March 2020

# NORTHERN IRELAND ASSEMBLY

## Committee for Agriculture, Environment and Rural Affairs

### Fisheries Bill: Northern Ireland Marine Task Force

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#### **Members present for all or part of the proceedings:**

Mr Declan McAleer (Chairperson)  
Mr Philip McGuigan (Deputy Chairperson)  
Ms Clare Bailey  
Mr John Blair  
Mr Maurice Bradley  
Mr William Irwin

#### **Witnesses:**

Ms Ellen MacMahon	Northern Ireland Marine Task Force
Dr Kenneth Bodles	Royal Society for the Protection of Birds NI
Mr John Martin	Royal Society for the Protection of Birds NI
Ms Rebecca Hunter	Ulster Wildlife

**The Deputy Chairperson (Mr McGuigan):** We have Ellen MacMahon, a Marine Task Force officer; John Martin, head of policy from the RSPB; Rebecca Hunter, chair of the marine and fisheries group, Ulster Wildlife trust; and Dr Kenneth Bodles, marine policy officer for the RSPB. I hope that I got everybody's name right. You have 10 minutes to brief the Committee, and we will take questions thereafter.

**Ms Rebecca Hunter (Ulster Wildlife):** Thank you for the introduction, and thank you, members, for the invitation to provide evidence this afternoon. To start with a brief introduction, the Northern Ireland Marine Task Force (NIMTF) is a coalition of environmental organisations working to achieve healthy, productive and resilient seas for Northern Ireland. Our work areas include marine protection, marine planning and sustainable fisheries, and we are leading the marine and fisheries element of the Northern Ireland Environment Link's Brexit Coalition.

You have already received our written evidence, so I will just give short briefing on our key points. As an island nation, our seas and marine wildlife are at the heart of our culture, well-being and prosperity. We all rely on a healthy marine environment, which provides us with multiple resources and services, including food, raw materials, transport and energy. Our seas play a key role in reducing climate stress through carbon regulation and storage. They provide coastal protection and opportunities for tourism and recreation, as well as physical and mental health benefits, cultural heritage and learning experiences. But, our seas are in trouble. Last year, a global UN biodiversity assessment stated that approximately:

*"66% of the marine environment have been significantly altered by human actions."*

It also identified that, while overfishing is a threat to the health of our marine environment, our seas are under increasing pressure from a wide range of stressors, such as pollution, invasive species and climate change.

Further assessments at the UK and Northern Ireland scales have also shown decreases in many of our native species and habitats. The development of a new fisheries management regime for the UK represents a window of opportunity to revisit the way in which we manage our fishing and contribute to the wider health of our seas. We welcome the UK's aspiration to become a world leader in fisheries management.

Following the end of the transition period, at the end of this year, the UK will become an independent coastal state. The UK Fisheries Bill has therefore been brought forward to replace the European Union's Common Fisheries Policy, which has driven UK and devolved fisheries management over recent decades. We broadly welcome the Fisheries Bill as framework legislation that aims to deliver sustainable fisheries management alongside a healthy marine environment. We welcome the eight fisheries objectives in the Bill, in particular the sustainability precautionary ecosystem and scientific evidence objectives. This new iteration of the Bill also includes encouraging objectives which will help fisheries to mitigate and adapt to climate change and minimise the incidental by-catch of sensitive species such as seabirds and dolphins.

The detailed arrangements regarding how these fisheries objectives will be achieved across the UK will be agreed jointly between the Secretary of State and devolved Administrations with input from stakeholders. This will be published as a joint fisheries statement within 18 months of the Bill passing. We, as the Northern Ireland Marine Task Force, have been involved in an initial DEFRA workshop, under the previous version of the Bill, and look forward to representing the Northern Ireland environment sector through discussions.

*(The Chairperson [Mr McAleer] in the Chair)*

On the face of it, the Bill shows ambition to manage fisheries in an environmentally sustainable way. However, we have serious concerns that these ambitions do not have the legal underpinning to deliver this aim. We believe that aspirations in the Bill can only be secured if there is a legal duty on fisheries policy authorities to achieve the fisheries objectives. In addition, there must be a legal commitment to fish at scientifically sustainable levels. We believe fisheries management plans should be introduced for all commercially exploited stocks and any other depleted fish stocks. It is crucial that there is a strong approach to the sustainable management of shared stocks, for example, those between Northern Ireland and the Republic of Ireland.

A commitment to implement remote electronic monitoring for any vessel fishing in UK waters must also be made. This will help to gather a true picture of what is being caught in our seas and provide improved data for effective management.

We believe that stakeholder engagement is vital to the development of fisheries management and we recommend that the Department develops a Northern Ireland discussion paper, alongside the development of the joint fisheries statement, across the UK to identify any potential gaps in Northern Ireland legislation and policy in order to ensure that we deliver on our commitment to the UK fisheries objectives. While the Fisheries Bill creates a new UK management regime, we must remain committed to meeting our international legal obligations, notably provisions under the United Nations Convention on the Law of the Sea and goal 14 of the UN Sustainable Development Goals, to conserve and sustainably manage the oceans. If the UK sets fishing opportunities above sustainable levels, it will fail to implement those international legal obligations.

It is important to note that the issues that we have raised in our previous written briefing have been tabled as amendments and are currently being debated in the House of Lords. This week, the House of Lords has debated the need for sustainability to be at the heart of the Fisheries Bill, stating that:

*"if you do not have environmental sustainability, neither do you have social and economic sustainability."*

As I mentioned previously, our marine environment is facing multiple pressures. We believe that it is important to place the Fisheries Bill within the wider context of necessary marine recovery. As a priority, the completion of a well-managed network of protected areas at sea in Northern Ireland would

benefit our wider environment and secure protection of essential fish habitats, such as seagrass meadows.

Finally, as the process to develop a new fisheries management system continues, we would welcome the opportunity to provide further briefings and evidence to the Committee, relating to these discussions and wider marine issues, to help ensure that Northern Ireland's marine environment is restored and resilient for our future generations.

Thank you for listening. We will be happy to answer any questions.

**The Chairperson (Mr McAleer):** OK. We will go round the members.

**Mr Blair:** Thank you for your presentation, Rebecca, and all of you, for the papers that you have brought to us. In your written evidence, you say that you are keen that any review of Northern Ireland's fisheries policy should be done alongside the work on the joint fisheries statement and that the two should be taken in tandem, as it were. I understand that completely.

I am thinking immediately about how we bring that to DAERA and try to progress it and, at the same time, try to tie in clear links with Departments such as Infrastructure, which would have a say on major planning applications along our coasts — we are all aware of some of those — and the Department for the Economy, which has a role to play. We can explore that as representatives here, but I am keen to know whether you have made some of those approaches already and, if you have, how best we can assist in progressing them.

**Ms Hunter:** The work that we did previously on the new fisheries management system was taken forward under DAERA's Brexit fisheries stakeholder group, which comprised representatives from the Department, the industry and the environment sector. It was a very useful group, and it worked well. One of the main outputs of that group was the development of a joint position paper on the future of Northern Ireland's fisheries, which was sent to the then Secretary of State, Michael Gove, back in 2018.

Because of the situation of the Government in Westminster, with the Fisheries Bill coming forward earlier this year, that group has not met since the position paper was submitted. Nevertheless, it was a really good forum for stakeholder engagement. We do not currently have a forum to engage outside of DAERA, so, my initial thoughts about that would be that the existing stakeholder group comprising the Department, the industry and the environment sector works well, and the potential to engage with other interested Departments would be really useful.

**Mr John Martin (Royal Society for the Protection of Birds NI):** Just to add to that, looking across the piece at other live Bills, the obvious one is the Environment Bill. It was great to hear that the previous witnesses were looking towards conservation, biodiversity, climate change etc, being integrated into future legislation on fisheries for Northern Ireland. It is important to remember that those Bills do not act in isolation and that there is read across between them, particularly the Environment Bill, which is being scrutinised at Westminster. We have been here previously to talk about that and the proposed office for environmental protection, which may provide additional scrutiny of government on the delivery of environmental commitments. We expect the marine environment to be another element that it would look at and provide some level of governance on, and which would have read across to fisheries.

**Mr Blair:** And across other Departments.

**Ms Ellen MacMahon (Northern Ireland Marine Task Force):** To touch on marine planning, fishing is included in our marine plan at the moment, which remains in draft. Obviously, the marine plan cuts across various Departments and will require sign-off at Executive level. As the plan continues to be developed, it is a good opportunity for other Departments and stakeholders to feed into it. It is a holistic way of looking at the different activities in the marine environment.

**Mr Blair:** I am sure the panel is aware of the reasons I ask that, but just to clarify, if you have a fisheries plan, it may be well and good and a very commendable plan to protect what is in the water. You need to be very mindful that another Department might be considering an application that pumps something out into that water and could have a detrimental effect.

**The Chairperson (Mr McAleer):** Thank you, John. I want to just pick up on something that was discussed earlier. I ask your views on it. We heard from a researcher who contributed earlier about the legal dispute over the ownership of Lough Foyle. It has created a legislative limbo, and the Loughs Agency has been unable to effectively wield its powers. Have you any assessment of the impact that that will have on aquaculture or the management of the lough?

**Dr Kenneth Bodles (Royal Society for the Protection of Birds NI):** I will answer that if I may. We have been raising this issue for quite some time now. We raised it when we discussed the implications of Brexit on the fishing industry in a previous inquiry at Westminster.

We have concerns about the status of Lough Foyle as a disputed water. There is no border in the lough as you are aware, and that flags up some risk issues for future management.

We do not necessarily have the answer as to how that is to be resolved, but we know that there are significant industries in that area. There are also significant wildlife reserves that require management to be put in place to meet the objectives of those sites. We encourage dialogue on this issue. That border issue has arisen in the likes of marine planning, where the border is not marked on the Northern Ireland draft marine plan. We think that that issue could potentially be exacerbated in future. It is a high priority.

**The Chairperson (Mr McAleer):** Is Carlingford lough not similarly managed by the Loughs Agency?

**Dr Bodles:** It is similarly managed by the Loughs Agency on a catchment-based approach. Carlingford lough has a slightly different set of circumstances, in that there is an agreement to a border that runs down the shipping channel, which conveniently happens to be pretty much in the centre of Carlingford lough. That has allowed the designation of sites in the past. However, in Lough Foyle, a border has not been agreed, and there is no form of neighbourhood or gentleman's agreement to a border. Carlingford lough has had a slight progression in that respect, but not Lough Foyle.

**Mr Martin:** If you do not mind, Chair, I am looking at the protocol. Although it is untested, it will be something that will come into play, probably, on North/South cooperation. Article 11(1) states:

*"maintain the necessary conditions for continued North-South cooperation, including in the areas of environment, health, agriculture, transport, education and tourism,"*

etc.

There is some potential allowance for continued cooperation, but it does not specifically mention the marine or fisheries environment. The protocol is untested, and we are still not sure as to whether it will be an effective means of governance. It mentions the environment in general, and there are other bits of it — article 16 in particular — that specify governance. However, it is untested to date so we do not know how effective it may be.

**Ms Bailey:** Thank you for coming here. This has been touched on, but how well do you think this Bill fits with the Environment Bill? The roll-out of them is intrinsically linked, but they sit as two stand-alone Bills. I asked the Department about that earlier. Although there was an acknowledgment that the two Bills have come along together, the fact is that we are in 2020 and they are coming only now. I assume that you have gone through the Bills in great detail. What are your thoughts on them?

**Mr Martin:** I can take that one. The Environment Bill is, as we know, mostly for England. The Secretary of State for Environment, Food and Rural Affairs took powers in the Bill for Northern Ireland, because of where we were at that point. The Assembly was down, so there was a move to take powers for Northern Ireland to ensure that the governance gap was filled, at least in part, between our leaving the EU and starting up whatever new environmental governance institutions are required.

Nothing specific in the Environment Bill relates necessarily to the marine environment. It takes more of a holistic view of the environment in general. We therefore would like to think that any of the clauses that relate to Northern Ireland cover both terrestrial and marine biodiversity and environmental governance. Our preference in Northern Ireland would be for the environmental strategy, on which the Department has consulted and taken views, to cover in equal measure both terrestrial and marine biodiversity. We have some information on that. NIMTF responded to the consultation, as did the wider ENGO sector. We can forward the responses to the Committee in order to give it a more

detailed view of how we would expect the strategy to look. We would like to see the marine environment included in any legislation that may or may not be developed on the environment strategy.

**Ms Bailey:** Great. Thank you.

**Ms MacMahon:** In the Environment Bill, we have environmental improvement plans, as John mentioned, of which the environment strategy may be our first. What is key with the Fisheries Bill [HL] is that we have got our eight objectives. It is really important that the environmental improvement plan be consistent with those objectives and that the fisheries management plans contained in the Fisheries Bill [HL] be referenced in our future environment strategy. We are looking for a strong level of coherency between the two. We will welcome working with the Department on the development of the strategy as it comes forward to make sure that there is good read-across between both Bills.

**Ms Bailey:** I want to tease out your thoughts a wee bit more on remote electronic monitoring and how you think that it could work. You address it in your briefing paper, but how do you see the robust monitoring and enforcement elements of it working? Would it be for each vessel? Do you think that we are ready for REM?

**Ms MacMahon:** Yes. Remote electronic monitoring is a fisheries management tool. It is an array of sensors on the vessel, as well as video cameras. We would like to see it rolled out for all UK vessels, but we also think it important that the Bill include that any vessels that fish in UK waters must have the same requirement to have REM and CCTV on board. It is becoming a world-leading best-practice fisheries management tool. In Northern Ireland, using technology to monitor enforcement is really coming into the narrative. The Department is looking at rolling out a pilot trial of an inshore vessel monitoring system (IVMS). REM adds additional sensors to that system.

REM is quite important as a data-collection tool as well. It has been shown in pilots in New Zealand, Australia and America to be quite cost-effective. We have our future grant schemes. When we finish with the European Maritime and Fisheries Fund (EMFF) at the end of the year, we will have new national grants. There could be a funding mechanism to help with REM's roll-out on vessels.

**Ms Hunter:** The Fisheries Bill [HL] is a Westminster Bill, so we are working through the Greener UK coalition, which is a UK-wide coalition of environmental organisations. Remote electronic monitoring is one the key asks across the Greener UK coalition, and an amendment has been tabled for debate in the Lords this week, although I do not think that it has come up yet.

**Ms Bailey:** Great. Thank you.

**The Chairperson (Mr McAleer):** Picking up on what Clare said, I want to mention a couple of things about the fisheries management plan. The buzzwords in various circles now are "co-production" and "co-design". Has the Department engaged with you to on designing the draft plan? Have you any assessment of where it is at at present?

**Ms Hunter:** The plan is that any existing fisheries management plans will be listed in the joint fisheries statement. Currently, the Bill asks for other stocks for which the Department intends to bring forward fisheries management plans also to be listed. Our ask here is that stocks that are commercially targeted and other depleted fish stocks all be listed. That piece of work still needs to begin. We sit on the Inshore Fisheries Partnership Group, which is a forum for discussing fisheries management issues with the Department and industry, but, so far, none of the new fisheries management plans has been brought forward. As we said, we have previously been involved in DEFRA's UK-wide stakeholder workshops on the development of the joint fisheries statement. What we expect is that those workshops will begin again now that the Bill has returned. It will be at those workshops that we will begin to see exactly what will be included in each fisheries management plan, and we will have input into that.

**The Chairperson (Mr McAleer):** Finally, I am seeking your view or, indeed, your knowledge. I was surprised earlier by evidence from the Fishery Harbour Authority. It currently has to contend with seven vessels that have been abandoned in harbours. There is a legislative gap when it comes to the decommissioning and disposal of such vessels. Presumably, among many other things, there is an environmental impact. What is best practice for dealing with those vessels? Have you any evidence of how such vessels are decommissioned in other jurisdictions?

**Dr Bodles:** I will take that one. It is a very interesting question. We do not have evidence of what the procedure might be in other areas. There are waste management issues, certainly, but there is also an environmental impact. We are moving to a new process for how we manage fisheries, and that is a classic example of an issue that needs to be brought to the table. We have not seen evidence of how issues in the Bill, and other issues, that affect the marine environment and the fisheries are brought to the table, so we are not convinced. That is why we would encourage the Department to consider putting together a discussion paper, which would be a tool developed alongside the joint fisheries statement to allow the Department to consult on issues such as the one that you have just mentioned. It would bring a range of stakeholders around the table to work out how best to deliver the objectives and how to develop other policy tools, such as the fisheries management plans.

**Mr Martin:** What you described would not be allowed to happen with cars, so why is it allowed to happen in the marine environment? We listened to evidence earlier on the commitment towards the polluter-pays principle, which we support as well. I wanted to add those last two comments.

**Mr M Bradley:** Thank you very much for your presentation. It is vital that stocks be fished in a sustainable way. I am keen to see how everything rolls out as the process develops. The migration of fish, particularly Atlantic salmon and sea trout, is a concern of mine as a recreational angler from the shore who has never caught one of either. *[Laughter.]* A fishing plan should protect commercially exploited stocks, especially depleted stocks. Have you any implementation time frame for achieving that?

**Ms Hunter:** The time frame would be very stock- and species-specific, and that is one reason that we are very supportive of having fisheries management plans. Fisheries management is not a one-size-fits-all idea. It depends on the exact conditions at a particular time of year and on the biology of a particular species, and even that changes depending on the part of the UK in which the species is found. Therefore, taking a very close and detailed look at all those matters would allow for that to happen. With a time frame, it is about striking the balance between being realistic about what is achievable and having the biology and a lot of the best science, such as that on species' growth rates, current recruitment levels and how quickly the stock is likely to be restored, feed into that. It is then about looking at the potential measures that can be brought in. On a stock-by-stock basis, we would welcome being involved in the process with other stakeholders.

**Mr M Bradley:** What financial commitment is required to develop a plan to have sustainable fisheries and marine ecosystems? What is the cost?

**Ms MacMahon:** We do not have a cost analysis. Other ENGOs across the UK might be working on that. At the moment, we have about €26 million of EMFF funding, which runs out at the end of this year. On top of that is a €6 million additional national contribution. Especially as we look at this new way of managing our fisheries, it is vital that, with the next national grant scheme, which will kick off next year, enough money be dedicated to rolling out and developing the fisheries management plans. The wider issues in the marine environment also need to be resourced. We will wait and see what is in the pot for that.

**Ms Bailey:** Rebecca, you mentioned pollution but did not go into any details. Do you have any information on levels of pollution in our waters? I do not mean just plastic. I know that plastic pollution gets the headlines at the minute, but there is a lot of other damaging pollution going on. One of your next-stage calls in your briefing paper is to ask the Minister to produce a fisheries discussion paper. Has that been asked of the Minister? Has the Department engaged with that idea?

**Ms Hunter:** On pollution, I do not have specific figures to mind, but I think that something like 6,300 pieces of plastic were found per kilometre around our shores, according to the last marine litter survey. The problem is intensifying. The figure was up about 43% on the previous year.

**Ms Bailey:** You have a better chance of catching a plastic bottle, Maurice. *[Laughter.]*

**Mr M Bradley:** A lot better chance.

**Ms Hunter:** In addition, the Department does water framework directive reporting, and, at present, around 60% of marine water bodies around Northern Ireland are in moderate or poor status. That is just from run-off from the land. To link that with the discussion paper, when we are looking at fisheries management, the idea of an ecosystem-based approach is that you are looking at all the pressures on

the marine environment, not just one area in particular. The fisheries discussion paper has been brought to the Department, but we have not yet brought it to the Minister, although we do have a meeting with the Minister scheduled.

**Dr Bodles:** There is nothing specific in the Bill about pollution measures, but, as Ellen mentioned earlier, the funding from the EMFF can be used to address pollution issues. One example of that is the ongoing Fishing For Litter scheme in Northern Ireland, where fishermen land plastic that they catch as by-catch. That is an example of where funding can be used to deliver on pollution objectives, and we would like to see that continue.

**Mr Martin:** Looking forward, I note that there are elements in the protocol that may or may not help with some of that, although my previous comments on it being untested still ring true with all of us. Article 16, which is on safeguards, states:

*"If the application of this Protocol leads to serious economic, societal or environmental difficulties that are liable to persist, or to diversion of trade, the Union or the United Kingdom may unilaterally take appropriate safeguard measures."*

For any of the legislation that is coming through Westminster, there is another element that needs to be looked at through the lens of the protocol. It is really important that ENGOs and the Assembly get to grips with exactly how that will work, because it is the new future for Northern Ireland.

**Mr Blair:** Chair, I am wondering whether your own record of catching fish is any better than Maurice's [Laughter.] I know from my previous life that you are at least enthusiastic.

Littering, pollution and all the issues that have been raised are very relevant. It is quite shocking that a vessel that has been discarded in the water is not treated with the same seriousness as a car that is abandoned either there or on land. All of us have genuinely taken note of that.

I want to ask about species protection. I know that you did not go into detail on that in your report, so if you do not have the answer today, that is fine, but are there any species that we should be particularly concerned about conserving more than others?

**Ms Hunter:** The Department has created a list of species of conservation importance to be designated under marine conservation zones (MCZs). An assessment of Northern Ireland's current network of marine-protected areas was conducted by the Joint Nature Conservation Committee (JNCC), which is the UK adviser to government on conservation matters. The Marine Task Force conducted its own assessment of the network as well. We are in agreement that gaps remain in the Northern Ireland network. The native oyster represents one of those gaps. It is useful to bring that to the Committee's attention.

You discussed Lough Foyle today. The lack of a boundary in Lough Foyle has stalled the designation of marine protected areas at that site. Our priority is that the protected area network be completed and the remaining gaps filled. It is also key to consider that, although there are species that are protected through marine protected areas, only 4.48% of our marine protected area network is under favourable management. The protected areas need to have management plans in place so that the necessary measures to protect and restore those species are being taken.

**Mr Martin:** Last week's delegation talked about 'State of Nature', the report that came out last year. It stated that 272 species in Northern Ireland are at risk of extinction, which is 11% or 12%. That information is not broken down into marine species, but I am sure that we could do that and provide it to the Committee. Kenny might want to say a wee bit more about seabirds in particular.

**Dr Bodles:** The issue of highly mobile species has troubled our production of management plans. Rebecca is absolutely right to say that there are still gaps in the network, and we are happy to share our assessment of those gaps with the Committee. We require management plans to be put in place to consider them.

Unfortunately, our seabird population is still in decline. For example, the puffin was upgraded in the International Union for Conservation of Nature (IUCN) red list of threatened species just last year. If I may bring this back to the Fisheries Bill [HL], one of the issues is that we do not have an assessment of the interaction between the activities of the fishing industry and by-catch, by which I mean not other fish but mammals and seabirds. That assessment has not been done in Northern Ireland. Under the

joint fisheries statement and the discussion document, we would encourage consideration of how we assess the impact, if any, of what we do at sea, namely fishing and the by-catch of seabirds and mammals.

**Ms Hunter:** Another thing in the Fisheries Bill [HL] is the new climate objective. Climate is being talked about more and more now. However, when we consider measures to mitigate the impact of the industry on climate and to help it to adapt, we also need to be conscious of the need to protect our current carbon stocks. If we allow those to be depleted, that increases our emissions and weighs against all our efforts on the other side and so is a bit pointless. In our marine environment, we have quite a number of what are termed "blue carbon habitats", such as seagrass meadows, which store huge amounts of carbon but are very fragile to a lot of human activities. Seagrass stores up to 40 times the carbon of forests, so it has a huge balancing and buffering effect on the climate issue. The protection of blue carbon habitats will also be key in delivering on the climate objective.

**Mr Martin:** The former Environment Committee played a really important role in taking forward marine legislation in Northern Ireland, particularly the designation of marine conservation zones, which allowed us to protect some of Northern Ireland's most precious habitats and species, including ocean quahog in Belfast lough, and to have the first MCZ for seabirds anywhere in the UK, on Rathlin. The Committee and other legislators here have a very important role to play in maintaining the legacy of those protections and to grow them where that is needed.

**The Chairperson (Mr McAleer):** There are no further questions, so I take the opportunity to thank you for coming and answering all our questions. We wish you well. Everything that you have said today has been noted, and the Hansard report of the meeting will be forwarded to you as part of our discussion on the Fisheries Bill. Thank you all very much.