

NATURE CONSERVANCY COUNCIL

SOUTH WEST REGION

PROPOSED LUNDY MARINE NATURE RESERVE

Minutes of an informal meeting held at the Royal Mail Hotel, Bideford on 6 August 1984 at 7 30 pm.

Present :	Mr F R Gomm	-	NCC, Deputy Regional Officer, SW (Chairman)
	Dr R Mitchell	-	NCC, Chief Scientist Team
	Mr J F Lamerton	-	NCC, Assistant Regional Officer, Devon
	Mr R A Irving	-	NCC, Marine Liaison Officer, Lundy
	Mr T Jones	-	Chairman, Devon Sea Fisheries Committee
	Mr H Worden	-	Chief Fisheries Officer, "
	Mr K Bower	-	Fisheries Officer, "
	Mr J Welfare	-	Director, Landmark Trust
	Mr J Puddy	-	Island Agent, "
	Mrs W Puddy	-	Island Secretary, "
	Dr K Hiscock	-	representing scientific research interests
	Mr P Cole	-	Secretary, Lundy Field Society
	Dr C Tydeman	-	Marine Conservation Society
	Mr J Shaw	-	Aquaserve Diving Ltd
	Mrs S Shaw	-	"
	Mr D Wybrow	-	South West Regional coach, British Sub Aqua Club
	Mr L Hobbs	-	South West Federation of Diving Clubs
	Mr C Clutterbuck	-	Royal Yachting Association

1. INTRODUCTION

The Chairman welcomed all present and thanked them for attending, particularly as some had travelled considerable distances to get to the meeting. Each was introduced in turn with an explanation of the interests they represented. The Chairman then explained that some of those present felt the meeting was long overdue, whereas others felt it was premature. Mr Jones stressed that he felt it was indeed premature, that the Sea Fisheries Committee were a statutory body who had yet to make a decision as to whether they supported NCC's intentions for a statutory MNR around Lundy, and that a meeting of this sort should take place after that decision has been made. Mr Hobbs pointed out, however, that many other interests in the proposed MNR, especially divers, felt they had been kept in the dark by NCC, and that a meeting of this sort would hopefully shed some light on the situation. Mr Jones added he was most concerned that no fishermen were represented. The Chairman replied that he had taken the Devon Sea Fisheries Committee to be representing fishing interests including fishermen themselves, but Mr Jones pointed out that local fishermen would best be represented through bodies such as the North Devon Fishermen's Co-operative or the Ilfracombe Fishermen's Federation. The Chairman took note of this and agreed to ask for such representation in future. Mr Shaw pointed out that there appeared to be a balance with regard to the numbers of representatives present from both fishing and diving interests, although Mr Worden made clear that the DSFC were a regulatory body.

The Chairman explained that the establishment of a statutory MNR was necessarily a long, drawn-out procedure, as all parties concerned were obliged to be fully consulted by NCC. Each would have full opportunity at a later stage to comment on NCC's proposals.

2. NCC'S ROLE IN MARINE CONSERVATION

Dr Mitchell summarised the background and developments that had led NCC to put forward Lundy as a statutory MNR. Since the formation of the Nature Conservancy Council (formerly the Nature Conservancy) in 1973, the NCC had undertaken a duty to conserve marine ecosystems as well as those on land. Before the 1981 Wildlife and Countryside Act, the remit for this to take place had only extended to

intertidal areas within Sites of Special Scientific Interest (SSSIs) or National Nature Reserves (NNRs). Under Section 36 of the 1981 Act, NCC were obliged by government to establish and manage Marine Nature Reserves within British territorial waters. However the procedure for carrying out this obligation has proved to be much lengthier than was at first anticipated and after 2½ years NCC are still a long way from establishing the first such Reserve. Dr Mitchell explained this was chiefly because NCC's powers were very limited: no existing legislation or rights can be overruled; even if new byelaws are introduced, they cannot interfere with those already in existence. In fact, it is felt there is considerable weakness in the current marine conservation legislation. Progress on establishing MNRs has not gone as well as was hoped. This has largely been due to lack of resources within NCC, and there have also been disappointments and mistakes made. Lundy is only one of seven sites in Britain at present being promoted as a MNR, and it is hoped that one may be established some time in 1985.

Dr Mitchell then outlined the consultation procedure which was carried out prior to the establishment of a MNR. Each party would be consulted at least 3 times, and probably more in many of the cases. This would be twice by NCC (at an informal level, and then later at a formal level), who would then submit their proposals and responses to such consultation to the Department of the Environment, who in turn would then readvertise these proposals. If there were still objections to the proposals at that stage, a public inquiry would be held.

Dr Mitchell indicated that NCC would welcome the co-operation and advice of those present in order to establish Lundy as a statutory MNR. A large amount of marine biological research work has been completed within the area, undertaken chiefly by Dr Keith Hiscock. This work has shown that when compared to other sublittoral sites in the rest of south-west Britain which have now been surveyed, Lundy still remains the outstanding site. NCC was often asked why statutory MNRs are necessary, when voluntary ones seem to work fine. Dr Mitchell agreed that many of the voluntary reserves now in existence (including Lundy) did work well, but they did so only with the voluntary co-operation of the users of the area. There was no obligation for such users to adhere to any agreements made if they did not wish to. A statutory MNR would provide for greater protection of an area in this respect, as well as allowing NCC to provide funds for a warden and further interpretative and other facilities. When asked where such money came from, Dr Mitchell explained that it derived as grant-in-aid from the Department of the Environment. He went on to stress that NCC did not 'cold shoulder' voluntary marine reserves in favour of statutory ones, but recognised that they too had an important part to play. It was only a few certain outstanding areas which were being proposed as statutory MNRs.

3. PROPOSALS FOR LUNDY

The Chairman pointed out that NCC had very much an advisory role in dealing with marine conservation. Prior to advising the Secretary of State that Lundy should be designated as a MNR, NCC had to consult with as many parties as possible. In this respect, the co-operation of those organisations present was very important, in particular the Devon Sea Fisheries Committee, whose support was required in order to set up the Reserve, and also the Landmark Trust, who would hopefully be able to provide an operational base on the island for someone responsible for the day-to-day running and management of the Reserve. Meetings had already taken place and were continuing between NCC and both of these parties respectively.

In order to set matters in context, the Chairman then explained that NCC were asking for co-operation from the DSFC in supporting measures to help protect particular areas from potential damage by fishing gear within the Reserve. The first of these was a ban on the use of trawling or bottom dredging gear within the whole Reserve area, (primarily to protect soft sediment habitats from disturbance), and the second was a ban on the setting and lifting of pots within 100m of the Knoll Pins (where damage could be caused to the many delicate species growing proud of rock surfaces there).

The Chairman drew attention to the comprehensive draft Management Plan for the

Lundy MNR which had been compiled for NCC by Dr Keith Hiscock, a copy of which had been sent to all parties present. This document included reference to all of the scientific work undertaken over the past 12 years within the voluntary reserve, as well as proposals for the future management of the site.

At this stage, Mr Jones requested that in the absence of any other fishing interests being represented, he should be allowed to represent local fishermen, as he had had considerable experience of fishing around Lundy himself in the past. Mr Jones also asked for Dr Mitchell to explain more fully the 3 stages of consultation that were to be undertaken before a Statutory Reserve could be established. Dr Mitchell said the first was an informal stage (which was still continuing, and which this meeting was part of) during which time reactions to NCC's proposals could be assessed, and hopefully agreement could be reached concerning them; the second stage was a period of formal consultation, when written notification of the proposals would be sent to all interested parties (to include NCC's proposed byelaws, those byelaws requested to be introduced by DSFC, a code of conduct, and a map indicating the extent of the Reserve) and inviting their comments on the proposals; and the third stage which would allow an opportunity for further comment would be when the Secretary of State then advertised the proposals, after receiving them from NCC. Mr Jones stressed the need for local fishermen to be informed of these proposals, and the Chairman assured him that this was NCC's intention which was to be done (in agreement with DSFC) at a meeting to be held in the autumn prior to the October meeting of the DSFC. Mr Jones informed those present that the DSFC have resolved to support any decision made by the local fishermen themselves concerning the NCC's proposals for Lundy.

Dr Hiscock was then invited to summarise the history of the voluntary reserve, which he explained was established in 1973 after consultation with the Landmark Trust, the Lundy Field Society, the Nature Conservancy, and the DSFC. An Advisory Committee was recommended, to comprise the Landmark Trust's Agent on Lundy at the time (Col. R Gilliat), the Secretary of the Lundy Field Society (Mr P Cole), the Nature Conservancy (Mr J Lamerton), and Dr Hiscock (representing the interests of marine biologists). It was envisaged such a Committee would only need to meet occasionally to discuss problems concerning the voluntary reserve, and in fact there had been no formal meetings of the Committee. The voluntary reserve was not intended to be a formal affair, and it had provided a basis on which to carry out work, the results of which are now incorporated in the Management Plan.

In 1978, a gentlemen's agreement was reached with the DSFC for no dredging or bottom trawling to take place within a triangular area enclosed by a line taken from the Knoll Pins to Surf Point. This had been adhered to and there had been a large degree of co-operation with the fishermen in this respect. Dr Hiscock added that the voluntary reserve had also worked well with divers.

Dr Mitchell confirmed that NCC would wish to maintain the 'status quo' of the area during the transition from voluntary to statutory Reserve status, especially with regard to fishing and diving interests. Mr Jones wished to have clarified the exact extent of the voluntary reserve, as he had been led to believe it only covered the same area as that for the gentlemen's agreement with the fishermen. Mr Lamerton explained that he was sure the DSFC had been informed of the complete extent of the voluntary boundary (i.e., all round the island) at an early stage of its development, but that no written confirmation of this could be found.

Mr Worden confirmed the existence of the gentlemen's agreement with fishermen, and that he had informed local fishermen of this agreement, which, he believed, they had respected. Mr Worden went on to explain that the DSFC were unable to introduce any legislative measures which would be discriminatory towards any one form of fishing, as the Ministry of Agriculture, Fisheries and Food would not allow them to do this. Mr Jones felt that a statutory MNR would be discriminating against fishermen in favour of divers. He maintained they had always had a good relationship with the British Sub Aqua Club concerning the taking of shellfish by divers, but that there was now an independent commercial diving company operating

around Lundy (Aquaserve) about whom he knew very little. Mrs Shaw pointed out that Aquaserve dealt with sports divers visiting Lundy on holiday and were not a shellfish commercial diving operation, although they did allow their divers to take small numbers of shellfish as allowed in the code of conduct for the voluntary reserve. She added that they had a good relationship with visiting fishermen and were able to provide certain facilities to visiting divers as well. Mr Wybrow said that a statutory MNR was indeed likely to be discriminatory but against divers rather than fishermen, as divers had no statutory body to protect their interests. Dr Mitchell added that NCC could not control shellfish-taking by divers within the MNR, but that this would come under the remit of the DSFC.

The Chairman introduced the matter of logistics as to who should manage the Reserve. He thanked the Landmark Trust for their co-operation in housing the NCC Marine Liaison Officer on the island. Clearly a warden for the MNR would need to be based on the island also. Discussions concerning this matter had already taken place between NCC and the Landmark Trust, and one possibility to emerge from these discussions was for the Landmark Trust to employ a warden, and for NCC to pay a proportion of his/her salary relative to the time and effort spent in dealing with the MNR. The Landmark Trust's Agent on the island could become a NCC voluntary warden, and help direct the warden in his/her work on a day-to-day basis. A work programme for the warden would be devised by the Advisory Committee well in advance, and the likely duties a warden would be asked to perform would centre around interpretation, research and protection of the Reserve. It was intended that discussion and modification of the detailed possibilities for management as set out in the draft Management Plan would be one of the first tasks of the Advisory Committee. Dr Mitchell added that the Management Plan followed a standardised NCC format, and was designed to set out all the known information for the site. 80% or so of its content was scientific information, the remainder being NCC's draft management proposals, which, as it was still only at a draft stage, could be altered and modified as necessary.

Mr Welfare asked what NCC's specific proposals for Lundy were. He felt so far they had been described only in general terms, that there had been no specific byelaws listed and that he was unsure of the exact management policies NCC were proposing. What, for instance, would the job of a warden involve? Mr Lamerton replied that the appointment of a warden for the voluntary reserve for 6 months in 1978 had been largely to discover what such a person might be expected to do, and that it revealed most of his time had been spent explaining the aims of the reserve to the various user groups, chiefly divers.

Dr Hiscock added that he envisaged there would be no real estate work. However, it was important that the underwater monitoring sites recently set up should be regularly checked by a warden. Much information could be acquired on the levels of disturbance to the site caused either by man-induced or natural trends. Additionally, regular monitoring of environmental factors would be important. Dr Mitchell said that NCC had purposefully gone for proposed MNR sites where minimal NCC management would be necessary. Policing of the site would be necessary but would purposefully be kept 'low key'. Dr Mitchell added that one could never tell what might happen in the future to the area around Lundy. At present it was regarded as a site less threatened than many others, though he emphasised Lundy was unique in what it had to offer. The proposed Severn barrage may lead to possible changes in currents affecting Lundy, but without scientific data obtained prior to its installation, no comparison could be made concerning the effect of the Barrage on the Reserve. Mr Hobbs agreed that monitoring studies would also help to determine whether the dumping of waste further up the Bristol Channel was affecting the island's waters, and if such practices were shown to be detrimental, more weight would be added to the argument if indeed the area became a statutory Reserve.

In answering Mr Welfare's question concerning byelaws, Mr Lamerton explained there would be two sets of byelaws introduced, one from the DSFC concerning fisheries' interests, and the other from NCC which would control the taking of non-commercial species or the disturbance of the various seabed habitats.

Mr Welfare asked if information could be made available for discussion at a further meeting on how NCC's draft model byelaws might affect Lundy, and on the exact nature of the warden's job. The Chairman replied that the draft byelaws were still in preparation after 2 years and that they remained with the Department of the Environment. However, the latest draft of the model byelaws could be distributed, although it was pointed out these would be included in the 'package' drawn up by NCC to be sent out during the formal consultation stage. The activities which NCC wished to control were all listed in the Management Plan. In most cases, byelaws did not seem appropriate and it was hoped the code of conduct would be sufficient to control such activities. Dr Hiscock added that the Management Plan was so devised as to be able to incorporate new sections and/or alter existing ones by simply extracting the relevant pages and inserting new ones. He hoped that the Advisory Committee would be able to work through the whole of the Plan at its next meeting, in order to reach agreement concerning its content.

On more than one occasion, the question was asked as to why a statutory Reserve was now necessary for Lundy, when by all accounts the voluntary one appeared to be working well. The Chairman explained that the 1981 Act provided legislation for MNRs to be established, and NCC had been given the task of seeing this was done. As Lundy was accepted as being an outstanding site for its scientific interest, statutory status for the area may well help to avoid adverse influences from affecting the island. MNRs might well act as an "insurance policy" for an area, and safeguard it from potential new damaging operations being carried out in the future. Another reason put forward was that in order to carry out the proposed monitoring studies within the Reserve, someone must be on the spot and NCC would be able to fund such a person.

Dr Tydeman wished to put others in the picture as to the present status of marine conservation as a whole in this country. He likened the situation to being akin to land conservation after the last war. Since then 95% of hay meadows have disappeared, a 'horror story' which had been repeated in other areas. There was now an overall realisation that similar events could also lead to the destruction of underwater habitats. As a statutory Reserve, Lundy would not only receive funding from NCC but there was also the likelihood that other organisations such as the World Wildlife Fund would then be able to contribute to further research projects. In addition, statutory reserves offer a large educational potential which are of enormous value to the promotion of marine conservation in Britain as a whole.

Mr Wybrow pointed out that one of the main concerns for all those present was that NCC was going to suddenly introduce measures which would impose limitations of one sort or another on users of Lundy's waters. Dr Mitchell assured him that NCC was very keen to maintain the present 'status quo' of the area, a point that Mr Worden agreed would be most important.

It was mentioned that a statutory Reserve would be likely to attract more people to the area, though it was appreciated that the geographical isolation of the island put a limit on the number of boats which could get there. Mrs Puddy indicated that regardless of the voluntary or statutory status of the site, damage could be done if someone really wanted to. She was concerned that NCC might introduce further byelaws in the future, if it was found those initially introduced proved inadequate. Dr Mitchell explained that if NCC wished to alter their own byelaws, the whole process of consultation would have to be repeated and that NCC were anxious to get it right first time.

Mr Worden asked the Chairman to explain what had happened to NCC's proposals for a MNR around the Isles of Scilly. The Chairman replied that the Isles of Scilly Sea Fisheries Committee felt they could not support the NCC proposals at the time (a year ago), and that the proposals there had since been "put on ice". He added that it was now felt there might be more support, as some local fishermen saw the possibility of a MNR affording them added protection from fishing vessels from outside the area.

4. AN ADVISORY COMMITTEE FOR THE MNR/FUTURE MEETINGS

The role of this Committee was briefly mentioned earlier in the meeting, and there was a general feeling that such a committee was most important. The Chairman wished to hear the views of those present as to the composition of such an Advisory Committee as there were several other parties not represented here who may wish to have a say. In response, acknowledging the points made by Mr Jones of the DSFC regarding fishermen's interests, it was felt that those present adequately represented the main interests and other parties could be sent minutes of meetings, if desired. It was agreed that Exeter may make a better venue than Bideford for the next meeting, which the Chairman suggested could be held at the end of October or the beginning of November. A circulation list of all those present was requested (attached).

R A Irving
NCC Marine Liaison Officer (Lundy)

22 August 1984

NATURE CONSERVANCY COUNCIL

SOUTH WEST REGION

PROPOSED LUNDY MARINE NATURE RESERVE

Circulation list of those present at the meeting held at the Royal Mail Hotel, Bideford on 6 August 1984 at 7 30 pm.

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Mr H Worden Chief Fisheries Officer, Devon Sea Fisheries District (Ditto)

Mr K Bower Fisheries Officer, Devon Sea Fisheries District, (Ditto)

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