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F.A.O. Mr Tim Croucher
Marine & Fisheries Division
Welsh Government
Sarn Mynach
Llandudno Junction
Conwy
Wales
LL31 9RZ

3rd May 2019

By email

Response to consultation on Vessel Monitoring Systems for Fishing Boats in Wales

Dear Mr Croucher,

Natural Resources Wales (NRW) welcomes the opportunity to respond to the consultation on vessel monitoring systems for fishing boats in Wales.

The statutory purpose of NRW is set out under the Environment (Wales) Act 2016. In the exercise of its functions under that Act, NRW must pursue the sustainable management of natural resources in relation to all its work in Wales, and apply the principles of sustainable management of natural resources in so far as that is consistent with the proper exercise of its functions. NRW's duty, in common with the other public bodies that are covered by the Well-Being of Future Generations (Wales) Act 2015, is to carry out sustainable development.

NRW is also a Statutory Nature Conservation Body (SNCB) under the Conservation of Habitats and Species Regulations 2017, as further amended by paragraph 189 of the Natural Resources Body for Wales (Functions) Order 2013, and an advisor to the Welsh Government on the natural heritage and resources of Wales and its coastal waters.

Please find NRW's response to the consultation below. This is provided in the context of NRW's statutory purpose, functions and duties outlined above.

If you require any further information please contact Sean Evans, Marine Fisheries Advisor via sean.evans@cyfoethnaturiolcymru.gov.uk or 0300 065 3712.

Yours sincerely

A handwritten signature in cursive script that reads "Mary Lewis".

Mary Lewis
Marine Strategic Planning, Energy and Advice Team Leader

Cc: Mary Lewis (NRW)
Keith Davies (NRW)
Ann Purser (NRW)

Consultation Response Form

Vessel monitoring systems for fishing boats in Wales¹

Your name: Sean Evans

Organisation (if applicable): Natural Resources Wales

email / telephone number: 0300 065 3712

Your address: Natural Resources Wales, Maes Newydd, Llandarcy, Neath Port Talbot, SA10 6JQ

Question 1: Do you agree with the proposal that VMS is needed on under 12m vessels? Yes / No / Unsure, please provide comments below in support of your view.

Yes.

NRW welcomes acknowledgement of the need for improved fishing activity data gathering in order to better inform management of marine fisheries in Wales and supports the proposed introduction of a Vessel Monitoring Systems (VMS) requirement for all licensed British fishing boats under 12 metres in length operating in Welsh waters, and all Welsh fishing boats under 12 metres wherever they are operating, in this regard.

Since 2012, Council Regulation (EC) No 1224/2009 has required that all European fishing vessels over 12 metres in length have a functioning VMS on board. Currently, there is no such requirement for the majority of under 12 metre vessels, except for those vessels prosecuting the Welsh scallop fishery in accordance with the requirements of The Scallop Dredging Operations (Tracking Devices) (Wales) Order 2012. The consultation states that “of the 408 licensed Welsh fishing vessels, only eleven are over 12 metres and are currently being tracked using VMS”. NRW welcomes that the proposals would, in effect, achieve a level of parity between the VMS requirements for under 12 metre vessels, and the existing requirement for the over 12 metre vessels, albeit using mobile (rather than satellite) technology for data transmission and at a greater reporting frequency.

Whilst no implementation date has been specified in the consultation, NRW understands that there is an ambition to bring forward the required statutory instrument using powers available under section 5 of the Sea Fisheries Act 1968 and fully implement the proposals by early 2020², which we support.

¹ <https://gov.wales/vessel-monitoring-systems-fishing-boats-wales>

² <https://www.gov.uk/government/consultations/introducing-inshore-vessel-monitoring-systems-i-vms-for-fishing-boats-under-12m/outcome/summary-of-responses#summary-of-responses>

NRW considers that the data generated by the proposed requirement for, and roll out of, VMS for under 12 metre vessels is crucial to informed management of marine fisheries and the wider marine environment. NRW notes that the Welsh Government (jointly with Defra) has also recently consulted on proposals to introduce mandatory catch reporting requirements for the under 10 metre fleet³ which, together with vessel monitoring data, could provide fisheries managers with a more complete, high-resolution understanding of the spatio-temporal distribution of fishing effort and intensity in Welsh waters.

Question 2: *What alternative approaches could be taken to achieve the same aim?*

NRW does not consider there to be an alternative that would deliver the same level of benefits as the proposed VMS requirement at present.

Whilst some information on the distribution of fishing activity of under 12 metre vessels can be gleaned through retrospective analysis of sales notes, catch returns and log book data, for example, this information is typically only available at coarse geographic scales and doesn't yield the same sort of high-resolution, near real time fisheries management data that would be provided for through the proposed VMS requirement. VMS data would not only further facilitate risk-based, intelligence led enforcement, but also assist fisheries managers in the development of proportionate future policy and regulation.

Question 3: *What are your views on the costs and benefits as set out in the draft Regulatory Impact Assessment, do you agree with them? Yes / No, please provide comments below in support of your view.*

Yes.

NRW notes the potential costs to industry in relation to: purchase and installation; ongoing data transmission; unit repair/replacement; and loss of time at sea during repair/replacement related downtime. However, we welcome the intention to minimise such costs through a funded roll out using European Maritime and Fisheries Funds, inclusive of data reporting cost for a minimum of a least 1 year. NRW considers that the proposals have the potential to provide evidence which is fundamental to the sustainable management of marine fisheries resources and the marine environment, and that the benefits of the proposals (i.e. enabling sustainable management for present and future generations through improved monitoring, enforcement and evidence-led intervention) outweigh such costs.

Question 4: *Do you agree with the analysis of the costs and benefits as set out in the draft Regulatory Impact Assessment - Yes / No, please provide comments below in support of*

³ https://consult.defra.gov.uk/mmo/consultation-on-the-introduction-of-catch-recordin/consult_view/

your view.

Yes.

NRW notes that data reporting frequency requirements influence data usage and ultimately, therefore, annual data reporting cost. Whilst the consultation does not mention the intended reporting frequency, NRW understand that the Welsh Government is considering a circa 10-minute reporting interval, with a specification for monitoring systems to be capable of reporting at around 1 minute or 30 second intervals under certain circumstances (such when undertaking specific activities in specific areas). The Regulatory Impact Assessment states that “Owners/Masters will be responsible for the annual data charge of the VMS device approx. £100 - £150 after the first 12 months”. NRW, therefore, takes these costs to be indicative of those associated with such reporting frequency requirements.

NRW acknowledges that a 10-minute reporting frequency is considerably greater than that currently required of over 12 metre vessels under Council Regulation (EC) No 1224/2009 (i.e. 2 hourly) and considers that a such a reporting frequency is fundamental to understand spatio-temporal fishing patterns at regional and local geographic scales.

Question 5: *Are there any costs or benefits that have not been identified in the draft Regulatory Impact Assessment. What evidence do you have to support this?*

NRW notes that, in addition to the stated marine spatial planning related benefit of enabling “fishermen to demonstrate evidence of fishing activity which can be used to respond to proposed developments in the marine environment that may have an impact [on] their business”, such information might also lend itself to business plan development and, if coupled with catch reporting data, enable fishers to demonstrate a track record in fisheries for which the allocation of or access to fishing opportunities is subject to such demonstration.

Question 6: *We recognise that the introduction of this new technology onto vessels provides an opportunity to deliver some additional benefits to industry outside the scope of our proposals. We would welcome your suggestions for any additional safety or vessel management features (e.g. – man over board, bilge alarms etc) which may be able to be incorporated onto any systems that are developed?*

NRW understands that monitoring systems to be provided are intended to include additional ‘bolt on’ capacity and we would welcome discussion on the merits of incorporating complimentary technology, such as gear-in gear-out technology, to further refine understanding of activity specific distribution and effort in this regard.

NRW would welcome and support any potential additional features that improve industry safety and contribute towards the achievement of stated safety targets⁴.

Question 7: *We would like to know your views on the effects that the introduction of VMS would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.*

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

NRW has no specific representations to make in this regard.

Question 8: *Please also explain how you believe the Welsh vessel monitoring system could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.*

NRW has no specific representations to make in this regard.

Question 9: *We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:*

In summary, NRW supports the proposed introduction of a VMS requirement for under 12 metre vessels in Welsh waters (and all Welsh fishing boats under 12 metres wherever they are operating) given the highly valuable contribution that we consider VMS data could make towards effective delivery of marine fisheries management and the development of a detailed spatial and temporal understanding of the activity of the under 12 metre fleet.

In a post-Brexit scenario and period of marine spatial plan implementation, VMS data could prove invaluable in supporting the industry, fisheries managers and other authorities to better understand, and therefore proactively manage where required, changes in fishing effort, distribution and intensity so as to avoid any potentially negative effects arising through activity diversification or displacement.

NRW welcomes Defra's stated intention⁵ that, whilst its VMS proposals⁶ do not extend to third countries and other Member States' vessels, "any foreign vessels granted access to fish in UK waters [post EU-Exit] may need to meet the same requirements as our fleets across all UK fishing zones".

⁴ https://www.seafish.org/media/1659099/wales_seafood_strategy.pdf

⁵ <https://www.gov.uk/government/consultations/introducing-inshore-vessel-monitoring-systems-i-vms-for-fishing-boats-under-12m/outcome/summary-of-responses#summary-of-responses>

⁶ <https://consult.defra.gov.uk/marine-management/introduction-of-inshore-vessel-monitoring-systems/>

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please state here:

Natural Resources Wales is content for this response to be made public.