

REPORT OF HEAD OF PARK DELIVERY

SUBJECT: Pembrokeshire Marine Code

Purpose of Report

For information – to make members aware of a ten year review of the Pembrokeshire Marine Code carried out by the Pembrokeshire Coastal Forum (PCF) at the request of CCW.

Introduction/Background

The National Park Authority was one of the founder members of the Pembrokeshire Marine Code and has contributed funding to the PCF on a regular basis. The Marine Code was developed in 2002 because of concerns over the increasing numbers of fast craft using key conservation sites for the purposes of wildlife watching and was established in cooperation with commercial boat operators. The code has been widely promoted for other boat users, canoeists and visiting clubs and is available through a dedicated website; (<http://www.pembrokeshiremarinecode.org.uk/>)

The PCF has managed the Marine Code and the Pembrokeshire Outdoor Charter in tandem but the response generally has been much more positive from the outdoor activity providers than from boat operators although the numbers of reported incidents around the coast of Pembrokeshire have been relatively few.

In August 2011 the National Park Authority considered a report explaining that there had been operators who had withdrawn from the Marine Code and that funding difficulties had meant that the group training and workshop elements of the Code would be scaled down and the focus would be more on offering the Code as a traditional good practice guide (much like a very locally detailed 'Countryside Code') rather than a membership arrangement. At the time, the Ramsey boat-owners in particular were keen on developing their own local code of good practice.

In 2012 it was felt that a ten year review of the progress of the code would be useful – not least in that it was seen as a national example of good practice which, nonetheless, had not achieved its full potential.

The ten year review is attached and goes into greater detail than this covering report. The main recommendations can be summarised as follows;

- We need a properly resourced approach to the management of marine leisure in Pembrokeshire. This should be led and core-funded by a single organisation responsible for long term development, promotion and monitoring.
- The majority of users are willing to follow good practice as long as they have 'ownership' of the code, are well informed and the guidance is clearly explained and justified.

- There should be a system to assess and licence new developments, activities and events in sensitive locations so that they are within the capacity of the marine and coastal environment.
- It is important that any system can be assessed in terms of impact – this requires much greater monitoring of activities and species together with a system of effective sanctions for instances of continued and serious non-compliance.

Comparisons

The Marine Code has been seen as a nationally important example of good practice but experience suggests that a voluntary code of practice can only be effective while it has the wholehearted support of the constituent members. The experience of the Code also suggests the need for increased monitoring of marine activity in environmentally sensitive areas. It also emphasises the need for dedicated staff time to provide the networking and training to support the membership groups involved.

The weakness of the present arrangement is that the Activity Liaison Officer post, based at PCF, is largely grant funded – this means that while some funding can be focussed on the core work of the project, most requires new or innovative work which actually takes resources away from the ‘bread and butter’ work of sustaining the Code. It also means that the Activity Liaison Officer may end up working out of Pembrokeshire – for example this year he has been funded to produce a series of Marine Wildlife leaflets for the whole of the coast of Wales. This is a good step in that it demonstrates that the Pembrokeshire approach is seen as being nationally significant, but of course it means that less time is spent in the county.

Options

The options for the future of the Marine Code will be discussed at a meeting of the main funding partners in July. However, unless one of the partner organisations is willing to ‘underwrite’ a significant proportion of the work, particularly in terms of Officer time, it is unlikely that the Marine Code will develop to its full potential.

Financial considerations

PCNPA provided core funding to PCF of £20,000 in 2011-12 which helps to support the Marine Code and Outdoor Charter work. This funding can be allocated as PCF decides. Before 2011 the Outdoor Charter and Marine Code together were funded at between £3500 and £4000 per year and staff time support for training events has been regularly offered.

Risk considerations

There is a real possibility that without long-term assured funding the Pembrokeshire Marine Code could lose its profile; even reprinting code leaflets has been a problem in some years and there is a continuing stream of issues to do with Marine Recreation where the time of the Activity Liaison Officer is of value. These include the Welsh Government’s ‘Highly Protected Marine Conservation Zones’ (PCF has received WG funding to carry out public consultations on these proposals). The proposed development of new marinas may also have a significant impact in the future.

Compliance

Without additional financial support the Marine Code will play a less significant role in preventing wildlife disturbance in and around the Pembrokeshire coast.

Human Rights/Equality impact issues

This decision has no human rights outcomes.

Biodiversity implications/Sustainability appraisal

The Marine Code report emphasises the importance of continued good practice by both members of the public and commercial operators who are often pursuing activities in areas that are both important and extremely sensitive in terms of biodiversity.

Welsh Language statement

None

Conclusion

The ten year report is welcomed as a record of a successful initiative which is not at present running to its full potential. Some of the tone of the report seems to underplay the success of the Marine Code and we would tend to see the funding issues experienced by PCF as separate from the issues of compliance and 'enforcement'.

Many of the concerns which the Marine Code helps to address are directly relevant to the special qualities of the National Park yet many of the 'controls' are outside the Authority's core remit. The Authority has no power to introduce or manage regulation over inshore waters or to licence the development of new boat operations.

The limited funds that PCNPA provides can only be invested in either monitoring or project management and it may be that this is an issue which would be better led nationally by the new 'Single Environmental Body' which will have a role over inshore waters.

Recommendation

Members are asked to consider the content of the 10 year review report (attached) and highlight any issues that they feel PCNPA should consider in their ongoing discussions with PCF and other related bodies.

Background Documents

- Pembrokeshire Marine Code Position Statement on behalf of the funding group. 15.7.2011.
- Previous NPA report (No. 45/11) – 10th August, 2011
- Pembrokeshire Marine Code website;
<http://www.pembrokeshiremarinocode.org.uk/>
- Wales Environment Link "A Study into a Voluntary Approach to Marine Management"

*(For further information, please contact *)*

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The Pembrokeshire Marine Code Review 2002 - 2012



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The Pembrokeshire Marine Code project – a review from 2002 - 2012

This review was prepared by Activities Liaison Officer (ALO) Tom Luddington as a required output for CCW grant funding for 2011-12. As part of this review process, in addition to this report, detailed input was provided to the Wales Environment Link for a case study on the PMC project for the report *'A Study into a Voluntary Approach to Marine Management'* which can be seen [here](#).

Abstract:

The PMC was developed to clarify, detail and agree best practice to help protect wildlife from disturbance by boat trip operators, adventurous activities providers and the general public & clubs undertaking marine leisure activities. The project has developed and tested a voluntary approach to agree best practice involving all key stakeholders.

The main findings of this report are that whilst there have been many positive and tangible achievements and outputs over the past 10 years, there have also been ongoing major issues both with securing sufficient funding for the PMC project to achieve basic aims, and of conflict between key stakeholders regarding the appropriateness of the code, and code breakage. The issues of conflict, compliance, self policing effectiveness, and lack of funding have significantly hindered the development of the PMC project to date.

In mid 2011, a decision was taken to refocus efforts away from the commercial wildlife tour boat operators and spend any remaining time and resources on raising awareness about the PMC to the general public. This decision was taken by the Pembrokeshire Coastal Forum (PCF), CCW and Pembrokeshire Coast National Park Authority (PCNPA) in light of the continuing difficulties with engaging and involving all key stakeholders in the scheme, but also critically due to the lack of available funding for the project.

In order to secure stakeholder sign-up and involvement with the PMC voluntary management approach, it was necessary to compromise on the detail of the PMC resulting in the 'lowest common denominator' regarding restricted areas that were agreed on, and recommended maximum approach distances to wildlife. The Pembrokeshire Marine Code of conduct is therefore more relaxed (allowing users of the marine environment more freedom) than other UK marine codes for operators (e.g. WiSe / Scottish Marine Wildlife Watching Code), leaving some conservationists unsatisfied with the level of protection afforded to wildlife by the PMC.

This review highlights that there has been a high level of criticism of the PMC scheme from some boat operators, and conservationists - including those involved in the process of developing and managing the PMC through the working group. Most stakeholders agree that without a properly resourced approach, either statutory or voluntary, it is impossible to achieve sufficient publicity, monitoring and follow up of a marine code of conduct.

It has not been possible to accurately comment on compliance levels of the PMC in this review over the past 10 years due to the lack of dedicated monitoring of compliance as well as code breakage. There have been some useful studies and surveys on compliance which are referenced below.

It is clear from the results of the feedback gathered from the leaflet feedback section (2009 – 2011 – see below) that the general public are very satisfied with the level of protection afforded to marine wildlife by tour operators during wildlife and adventure boat trips in Pembrokeshire. Whilst the general public's knowledge of the PMC remains low, the public opinion received from the survey show that the public feel that operators are 'very good – excellent' at passing on knowledge about marine wildlife, and 'very good – excellent' at minimizing disturbance to marine wildlife during activities. These are positive results, and reflect the professional and dedicated approach of many skippers and crew to enthuse their clients about marine wildlife helping to raise awareness about what makes Pembrokeshire so special.

Marine wildlife tourism is a well established, professional and growing sector in Pembrokeshire that provides huge benefits to the tourism offer for Wales, as well as many jobs in the area. In 2011, (just prior to when the decision was made to stop requiring operators to be members of the PMC by the PCNPA), there were 34 businesses offering either wildlife tours, boat charter, sailing, RYA courses, diving or fishing who were signed up to the PMC. Whilst the PMC is no longer a membership group, it is felt that the vast majority of operators in Pembrokeshire will continue to use and follow the guidelines developed by the PMC group. The Pembrokeshire Marine Code still stands as a code of best practice for operating around marine wildlife. The PMC has had input from all key stakeholders over a number of years, and represents the majority consensus on what is best practice when operating around marine wildlife. Funding is still in place for some officer time to be spent on promoting the PMC to the general public at events and through publicity where possible.

The concluding recommendations of this report are that a properly resourced approach be considered for the future, with a well resourced publicity and marketing strategy where there exist real benefits for all to being involved in the scheme (training events, marketing support, good communications etc). Such an approach would require independent and properly resourced monitoring to be in place across Pembrokeshire to measure effectiveness & for there to be real consequences for continued instances of non-compliance.

Introduction

Objectives & Scope

This report aims to outline some of the key achievements, lessons learned and problems encountered by the PMC project, and will conclude with recommendations for the future management of the marine environment in Pembrokeshire. This is not a progress report (these are prepared quarterly) but instead a review of the PMC project key achievements to date, and issues encountered.

This report reviews the PMC project from 2002 – 2012. It does not examine in detail the achievements of the Pembrokeshire Outdoor Charter (POC) group. The POC group and PMC do however share some common ground, especially regarding sea kayaking, and many of the outputs from the two projects are considerably interlinked, so the POC project will be referenced as necessary. This review will not assess the relative merits of a voluntary approach over a statutory approach for marine management - a report prepared by Wales Environment Link on '*A Study into a Voluntary Approach to Marine Management*' which includes a case study on the PMC can be seen [here](#) does this.

Development of the Pembrokeshire Marine Code

The waters around the Pembrokeshire coast have received statutory designation as a marine Special Area of Conservation (SAC) for a range of habitats and wildlife, and there are a number of Special

Protection Areas designated to protect wildlife, including Grassholm Island, Skokholm and Skomer, and Ramsey and St David's Peninsula Coast. In addition, Skomer Island is the only Marine Nature Reserve (MNR) in Wales.

Pre 2002 there was a basic code of good practice agreed informally between wildlife tour boat operators and Island wardens of Ramsey and Skomer to protect wildlife from disturbance, and bylaws were established for the protection of wildlife on Skomer Island as part of its designation as a MNR. At this time there was no unified code of conduct for the whole of Pembrokeshire. This situation was unsatisfactory to some conservationists, and it was felt that there was a need to do more to protect wildlife from the growing number of users of the marine environment, which included wildlife tour boat operators, sea kayakers and jet skiers. In 2002 the RSPB warden for Ramsey Island approached the Pembrokeshire Coastal Forum to explore whether there was potential for the PCF to assist with the development of the informal agreements around Ramsey Island into a more detailed code of conduct to map out where the most sensitive wildlife areas were. Ideas were also discussed with a view to seeking funding for a project officer to facilitate the extension of the code to the whole of Pembrokeshire.

Following a meeting between the RSPB warden for Ramsey with the PCF in 2002, an agreement was made to form a PMC working group. PCF felt from the outset that for this voluntary code to be successful it was necessary to involve all key stakeholders, including the wildlife tour boat operators, sea kayakers, jet skiers, as well as conservationists to ensure that the code was accurate and appropriate. The working group was formed in 2003 & undertook to seek funding for a project officer. In 2003, a project officer was recruited to take on the work identified by the PMC working group with input from all key stakeholders, as well as to continue the work of the Pembrokeshire Outdoor Charter group.

Since 2003, much positive work has been achieved by the PMC project, summarised below. The PMC project has completed much of what the initial aims were, and a considerable amount of the work done has been seen nationally as best practice. There is now a detailed code of conduct for the whole of Pembrokeshire, with many of the most sensitive wildlife sites mapped out and agreed on by the majority of stakeholders as seasonal access restrictions to protect wildlife from disturbance.

However the PMC group has had ongoing conflict issues between the key stakeholders involved with the project, both at PMC working group and full group meetings. In addition there have been major issues with sourcing funding for the management and delivery of the project, and for the provision of basic publicity materials and resources.

Findings:

Key Achievements since 2002

Project Management:

- Sourced circa £285,000 of funding from 19 different funders (both PMC & POC projects)
- Prepared 6 detailed business plans, 9 annual reports and 36 quarterly progress reports
- Held 34 'Core' meetings with PMC stakeholders & members.

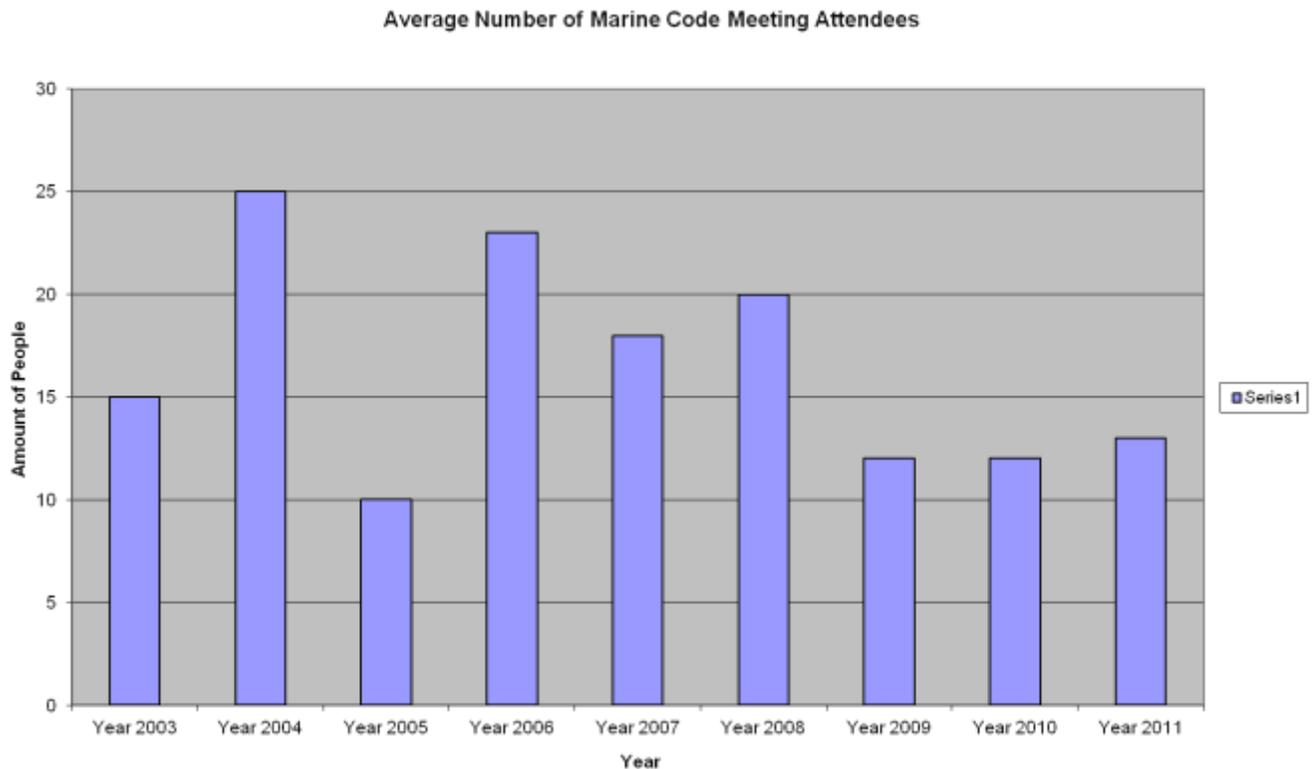


Figure 1 – Marine Code Meeting Attendance

NB Whilst there are lower average numbers in 2009 – 2011, during this time there were four full meetings being held during the year (two in North Pembrokeshire and Two in South Pembrokeshire pre and post season) as opposed to two full meetings a year between 2003 – 2008.

Partnership Working:

Database of all members kept up to date for the last 10 years. Lists include:

- All relevant statutory agencies and conservationists
- 34 Commercial MC Operator s – wildlife boat tour operators, divers and boat charter businesses
- 31 Commercial OC members (including sea kayakers) informed about PMC project
- 78 individual freelancers / skippers / instructors
- Personal Watercraft management group developed - 7 meetings held to date.
- Sub Aqua diving list of contacts created and three dive events delivered to raise awareness about the PMC & conservation.

Followed up 50+ allegations of MC code breakage, resolved numerous wildlife / recreation conflict issues.

Established a bespoke Pembrokeshire Marine Code policy agreed on by the majority consensus of all members. (See Appendix 2)

Publicity / Materials

- Developed detailed Marine Code maps – 400 waterproof copies produced and distributed to members and the general public.
- Developed MC leaflets for the general public to include the detailed maps - 10,000 copies produced and distributed.
- Conducted a full review of the maps and codes of conduct in 2009. Update, reprint / distribution of 10,000 more + 600 waterproof versions in 2010
- 2008 - Marine Code for kayaking developed with input from all key stakeholders. Marked reduction in reports of kayakers disturbing wildlife around Ramsey Island following publication of this code.
- 28 page wildlife / geology fact sheets produced in a waterproof format for skippers & outdoor activity leaders to raise awareness about Marine Wildlife – 550 copies printed and distributed to members.
- 121 Power Point presentations written and delivered throughout Wales and in Ireland & England.
- 36 press releases including an annual article in PCNPA publication Coast to Coast.
- 12 radio interviews
- 9 television appearances (including BBC news and Countryfile)
- Online 'you tube' videos (in partnership with PCNPA)
- MC Website developed and updated. New website launched in 2011. Top of search results for 'Marine Code' on Google.
- 4000 MC stickers designed / printed and distributed.

Events:

- Over 1,100 instructors, skippers, activity leaders and conservationists have attended 36 environmental instructor / skipper training events including seal walks, geology boat trips, wildlife crime training, sea kayaking with wildlife.
- 5 x WiSe Courses run (one day training course to raise awareness on the PMC and marine wildlife in Pembrokeshire), 170 skippers crew and sea kayakers now accredited in Pembrokeshire.
- 3 x Wildlife Sightings Events (2006, 07 & 2009) – 650 People attended, 2009 event films produced and posted online.

Public Perception of the PMC

In 2009, as part of the redesign and update of the PMC leaflets a cut out section of the leaflet asking for feedback on the PMC, and questions about quality of wildlife information / minimization of disturbance was developed.

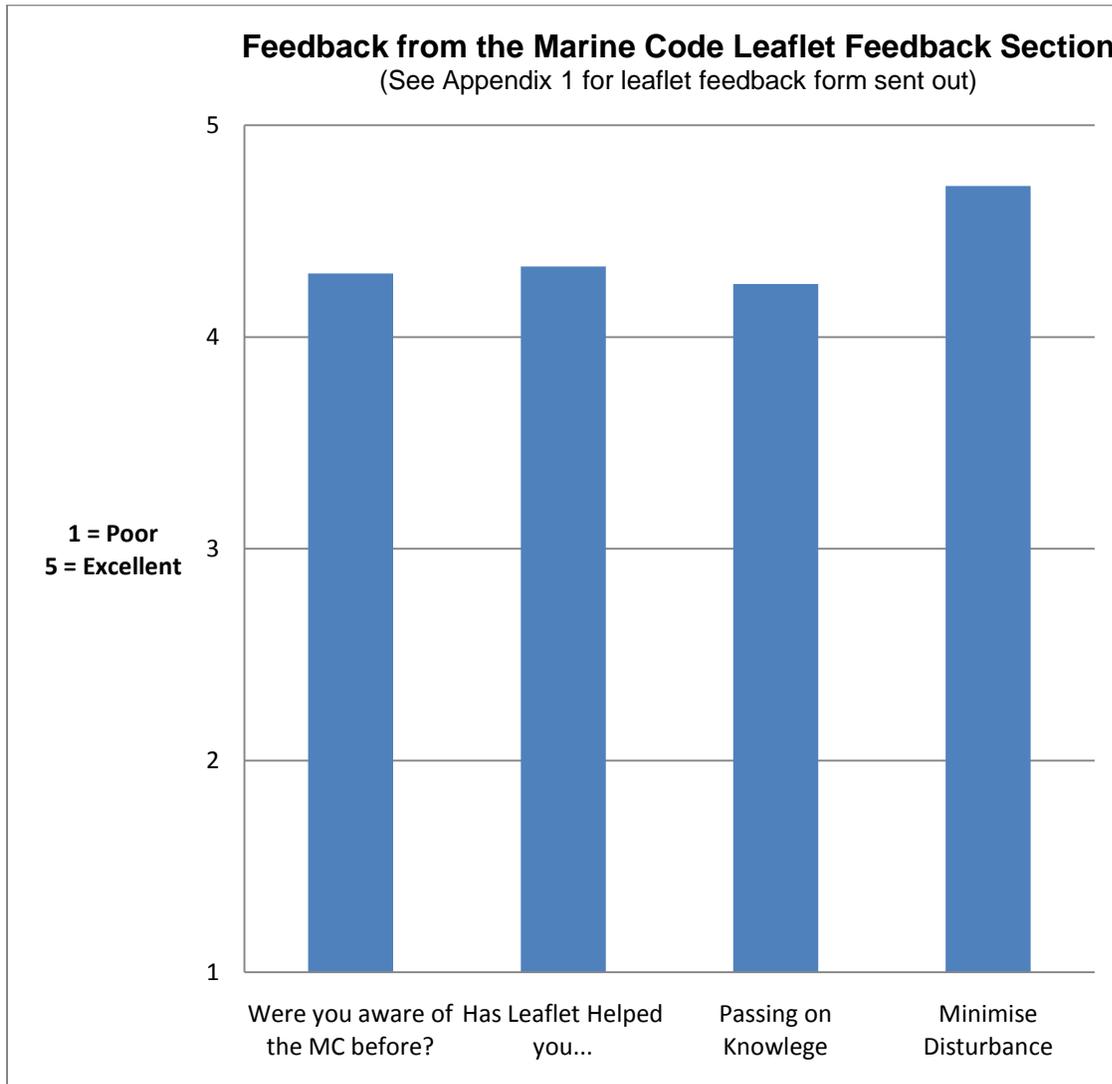


Figure 2 – PMC leaflet feedback

- Bar 1 (Were you aware of the marine code before reading this leaflet), result has been generated by an average. On average, 4.33 out of 5 respondents were not aware of the PMC before reading the leaflet. This is seen as a positive thing, as they are now aware due to the leaflet they have read.
- Bar 2 – on average people felt that the leaflet was close to excellent at helping them to understand how to minimise disturbance to Marine Life
- Bar 3 - on average people felt that operators were close to excellent at passing on knowledge about environments and marine wildlife of pembrokeshire.

- Bar 4 – on average people felt that operators were close to excellent at minimising disturbance to wildlife during activities.

Key Issues

Funding

The basic costs of running the PMC project are sourced by the Activities Liaison Officer each year with support from the Pembrokeshire Coastal Forum team. There are no core funds provided for the project, and funding has to be agreed on an annual or three yearly basis with the regular funding contributors.

The Finances of the PMC and Pembrokeshire Outdoor Charter (POC) project are linked to one account, as many of the outputs cross over (especially regarding activities such as sea kayaking). Expenditure of both the PMC & POC projects from 2002 is shown below.

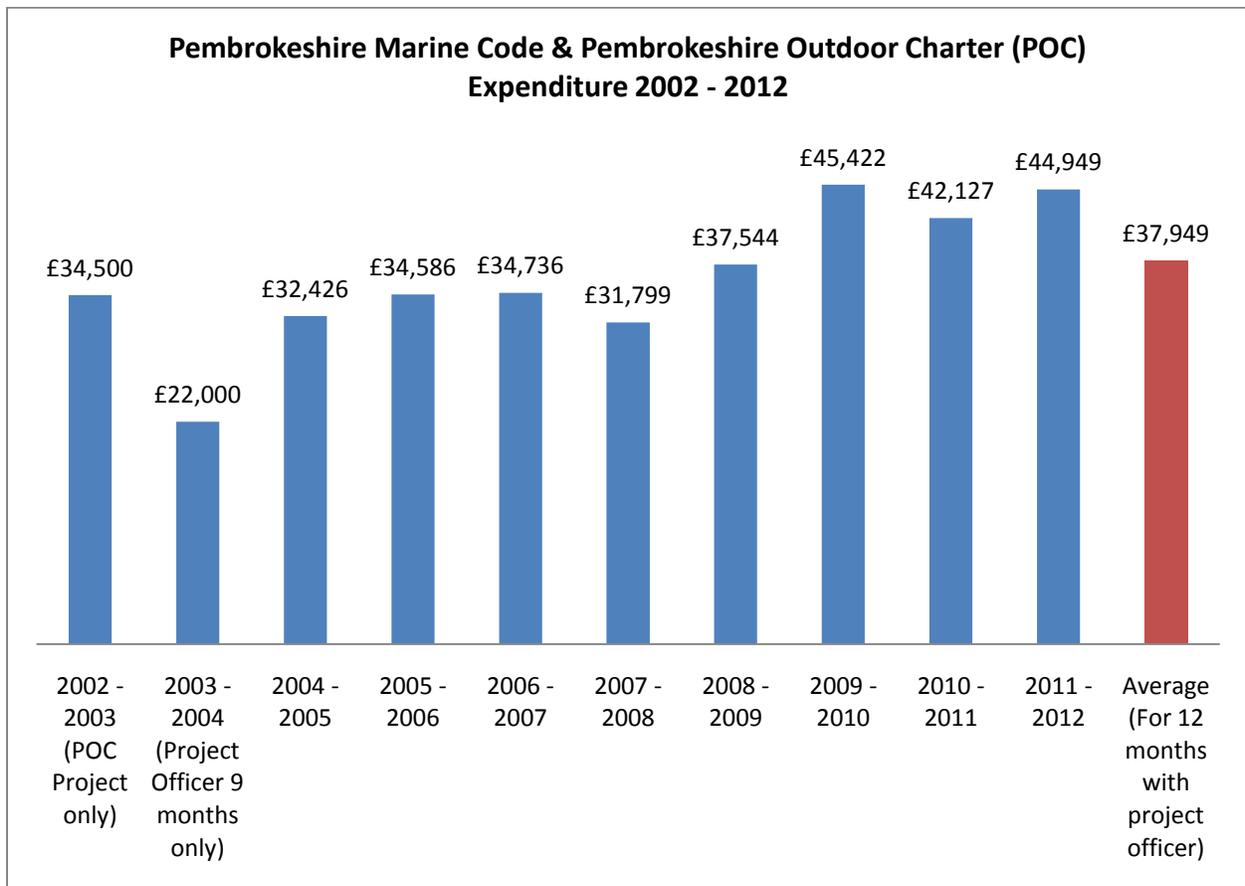


Figure 3 – PMC Expenditure

Average 'regular' income and average funding that has to be sourced by project officer for the PMC and POC projects is summarised below.

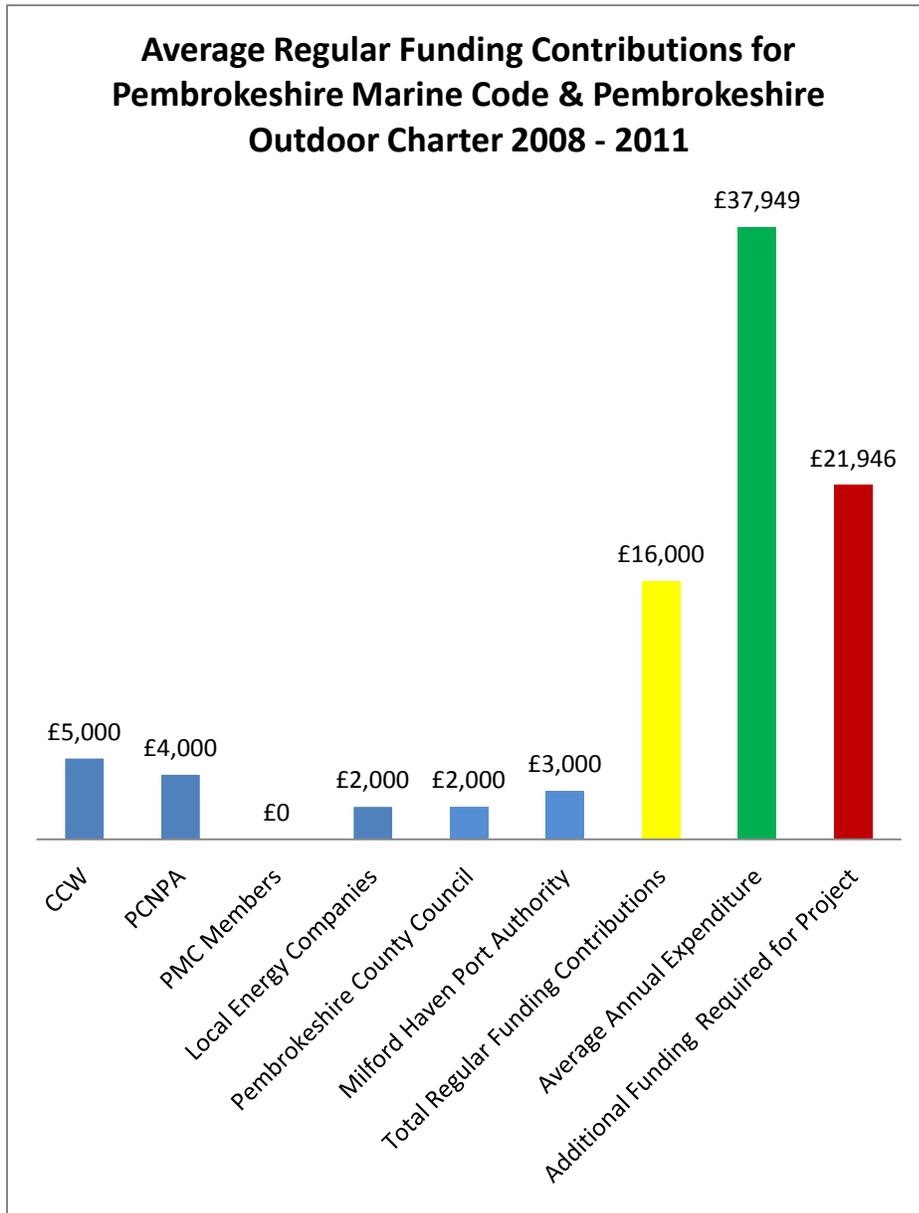


Figure 4 – PMC Funding

There is no core funding for the PMC project, nor any statutory requirement for any one organisation to fund the PMC project. The regular funding contributions to the PMC & POC projects, (shown in figure 4 in blue columns), require considerable officer time to secure each year. This is especially true for CCW funding due to the following reasons:

- Expression of Interest, followed by a full grant application has to be submitted every year including detailed and specific outputs.

- Funding will only be awarded for innovative and new work requiring that the project submits a bid to undertake different work - even if the existing work program is functioning well.
- Applicants must provide evidence of secured 50% match funding with non - exchequer funds.
- Monies must be spent prior to claiming any funding back which can put severe cash flow pressures on the project.
- Three separate grant claims, with accompanying written reports and evidence of expenditure must be submitted during the year.
- CCW grant claim forms are complex - it is financially more viable for the project officer to employ an accountant to assist with each grant claim rather than complete the forms without professional financial support.

When CCW funding has been secured, other regular contributions (shown in the blue columns figure 4) plus additional other funds to cover the funding required (shown Figure 4 in red - an average of £21,946) must be sourced annually.

Much time of the project officer is spent sourcing and securing funding taking staff resources away from the core PMC project aims, objectives and outputs. The majority of PMC member operators were against contributing any funds for any PMC project outputs.

Funding for the PMC project has been increasingly difficult to source, and despite the project officer approaching and re-approaching many of the key stakeholders and beneficiaries of the project there has been a continued unwillingness to provide adequate funding for even the basic outputs and membership services that the PMC has traditionally provided, such as membership services, conflict management, and publicity of the PMC.

In summary, the lack of core funding for the PMC project, and continued lack of stakeholder's willingness to contribute financially to the project has meant that less officer time can be spent on the project leading to the reduction of member services and refocusing of remaining resources (see appendix 5) in 2011.

Self Policing – Polarisation of stakeholders

To date, there has not been sufficient funding to put into place any specific independent monitoring of the effectiveness of the PMC across Pembrokeshire. Monitoring of the code therefore falls to all members of the PMC group, including boat operators themselves as well as conservationists (individuals and organisations such as the RSPB) through a self policing system. This approach is agreed through the membership criteria, and PMC policy.

The self policing of the PMC project is an area which has overall not worked well, particularly around Ramsey Island in North Pembrokeshire. Some members (both operators and conservationists) would openly inform the project officer that they would not report any perceived incidents of code breakage for fear of repercussions / ignominy locally. Those that did allege code breakage found that it was an unrewarding and stressful experience, often resulting in a marked increase in conflict and friction between those accusing, and those being accused. Ultimately there was a clear polarization of those few who were willing to continue to allege and provide evidence of code breakage / report incidents of bad practice, and those operators willing to attend voluntary PMC meetings to defend any such allegations.

PMC meetings in North Pembrokeshire were often dominated by conflict surrounding code breakage. Other aspects of the project (e.g. training events, marketing, information sharing, and development of further best practice and website development) suffered as a result.

Due to conflicts that arose at meetings between conservationists and operators around Ramsey Island, other operators from elsewhere in North Pembrokeshire stopped attending meetings. At the same time, other operators who were involved in allegations would chose not to attend meetings.

Alleging / reporting incidents of code breakage by filling in a PMC Report Card (See appendix 2) takes a significant amount of time to do to the required standard. Photos, date, time, sea conditions and the tide, and ideally video evidence is required to even begin to make an assessment of whether code breakage has actually occurred in many cases. Distances and speed are difficult to measure in the marine environment, even when all the above details and video footage are provided. Code breakage allegations involving the general public were on the whole well received, with the person/s involved simply being contacted by the ALO or Island warden to provide information on the PMC. As can be seen from the leaflet feedback received, a high proportion of the general public simply do not know about the PMC guidelines. The general public was generally pleased to have been informed about the PMC & apologetic that they had not known about the PMC, and resolved to follow the code in the future.

Whilst there were a number of proven allegations involving PMC member operators, (e.g. photos of wildlife tour boats clearly well within agreed seal exclusion zones during seasonally restricted times) there were also many occasions when evidence was deemed by the PMC working group to be insufficient and inconclusive or that code breakage had actually not occurred. There were also instances when allegations were made publically on blogs without adhering to the PMC policy on alleging code breakage. This only achieved causing further conflict and friction between those alleging code breakage, and those being accused.

Following the code represents what is agreed by the majority to be good practice, however where incidents of code breakage were proven; there was not necessarily always evidence of any significant wildlife disturbance. PMC members with a 'high awareness' of the PMC, but a 'low willingness' to follow the code often referred to this fact as their reasoning for not adhering to the PMC. For example an operator would state that whilst they may have been shown to be within a particular PMC agreed restricted area, they were doing so with awareness and causing only minor / no disturbance to wildlife.

PMC Compliance

Due to a lack of funding for independent monitoring of the code, there are no independent studies on PMC compliance across the whole of Pembrokeshire. There has been some site specific research on compliance of the PMC in relation to seals, and more recently in relation to seasonally agreed exclusion zones around Ramsey Island undertaken by Pembrokeshire College and RSPB respectively. RSPB have also provided written reports on logged incidents of disturbance to wildlife / marine code breakage annually since 2007 – see appendix 4. In 2008, monitoring of Ramsey Sound by WOW qualified cetacean experts increased, and so did alleged incidents of code breakage, especially in relation to the 'Extreme Caution' porpoise zone as shown as an area outlined in Figure 5 in red.

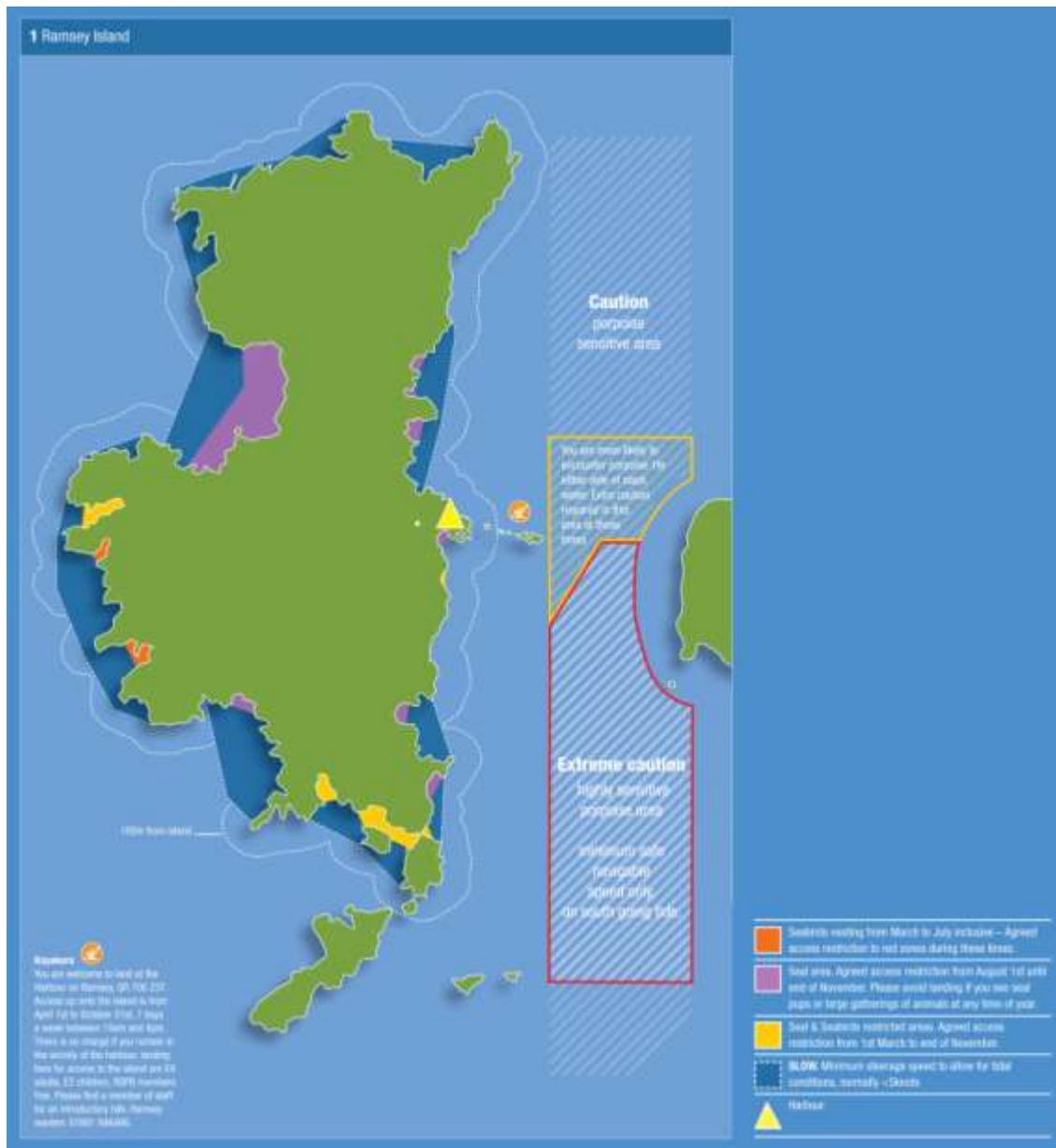


Figure 5 – PMC Map Ramsey Island

PMC Policy

In 2009 due to the difficulties encountered when following up on the increased level of allegations, the PMC working group felt that a dedicated PMC policy was needed to clarify the process when alleging / following up on PMC compliance issues. Members had also called into question the motives and methods of those alleging code breakage, and members wished to see a clarification of the process to ensure that the process was fair and understood by all, including those alleging code breakage.

At this time the Pembrokeshire Coast National Park Authority also officially proposed that all commercial tour boat operators become members of the PMC prior to being allowed to advertise in PCNPA publications. The PCNPA felt that this would ensure that all commercial wildlife tour boat operators would be aware of and signed up to follow the PMC. However his approach was not well received by some operators who felt that the PMC was therefore no longer a voluntary code.

The full PMC policy developed by the PMC working group, with flowchart and report card can be seen in Appendix 2. Below is a summary of the ethos of the PMC policy:

The Pembrokeshire Marine Code has been agreed upon by the majority of member operators and conservationists as a 'workable code of practise' when operating in the marine environment in Pembrokeshire which minimises disturbance to wildlife, whilst allowing businesses and the general public to continue to view and enjoy encounters with wildlife.

It is intended that the Marine Code group be an inclusive group of operators and conservationists, and it is widely regarded by the group that the 'educational approach' is of far greater value than excluding any operators or conservationists from the group.

However members cannot be seen to continue to receive the benefits of membership without being accountable for their actions (both operating on the water, and if alleging code breakage) so the following policy has been agreed on by the Marine Code working group (a representative of all key stakeholders). This policy will be reviewed annually at the pre-season working group meeting.

Allegations of code breakage of members will not be treated as code breakage until the evidence has been viewed by the ALO and PMC working group, and deemed to be a valid and verifiable allegation, AND the operator concerned has been presented with the evidence and provided no reasonable reason / explanation to the ALO and PCF Manager. If the allegation is not 'proven' as above, then the report card and all associated evidence will be destroyed / deleted.

The maximum number of code breakage allegations involving PMC members operators received during one year since the development of the PMC policy was 17 allegations in 2010. Of those, eight were confirmed as code breakage by the PMC working group and followed up with operators. (During 2010 there were also 17 allegations involving the general public).

During a dedicated week of survey of compliance to the PMC by RSPB volunteers on Ramsey and surrounding areas from 01/08/10 – 09/08/10, there were 75 boat movements noted by commercial operators signed up to the PMC, and 7 allegations of code breakage (all of which were confirmed). This survey snapshot provides a figure of 93% compliance by commercial operators to the PMC during for that week of commercial wildlife watching activity around Ramsey Island. It should be noted that the methodology of this survey was criticised at a PMC working group meeting, however the survey was conducted by volunteers, and not meant to be scientific.

Following up on the allegations such as those that were contained within the above RSPB report was an extremely time consuming and stressful experience for all involved - a series of working group meetings to review the allegations and subsequent follow up meetings with operators had be organised. For those allegations that were proven, operators were sent letters of warning in line with the code breakage policy. The RSPB did report a resultant improvement in compliance with the PMC subsequent to the follow up meetings and letters sent out to operators.

A reduction of PMC services

In 2011 one of the main operators in North Pembrokeshire decided to withdraw from the PMC group & voluntary code of conduct. This was not due to any outstanding issues with code breakage, but due to conflicting attitudes within the PMC group as outlined in the below communication:

“As indicated to you last year I am unhappy about the attitude of the "left" wing of the forum and feel that a code operated and controlled by those indigenous to the Ramsey area will have a better chance of success...”

“...our course will now take us to relinquish our membership and maintain/develop our own code of practice and working measures.”

The PCNPA had to make a decision as to whether to now limit the advertising of this wildlife tour boat operator, as per the PMC policy, as they were now no longer members of the PMC group. Due to the fact that there were no current outstanding issue or allegations of code breakage involving this particular operator, it was decided not to restrict advertising as per the PMC policy.

There were at this time some outstanding allegations of code breakage involving other operators. It was felt highly likely that members would rather voluntarily relinquish their membership of the PMC group rather than allow the PMC policy to be followed to stage 5 – removal of all membership benefits. An urgent PMC funding group meeting was called to discuss the future of the PMC group - specifically membership, conflict management and funding issues.

At the meeting it was suggested that the PMC no longer be seen as a membership group, and that services be reduced to allow officer time and remaining funding to be focused on raising awareness of the PMC to the general public. The diagram below illustrates the shift of focus proposed.

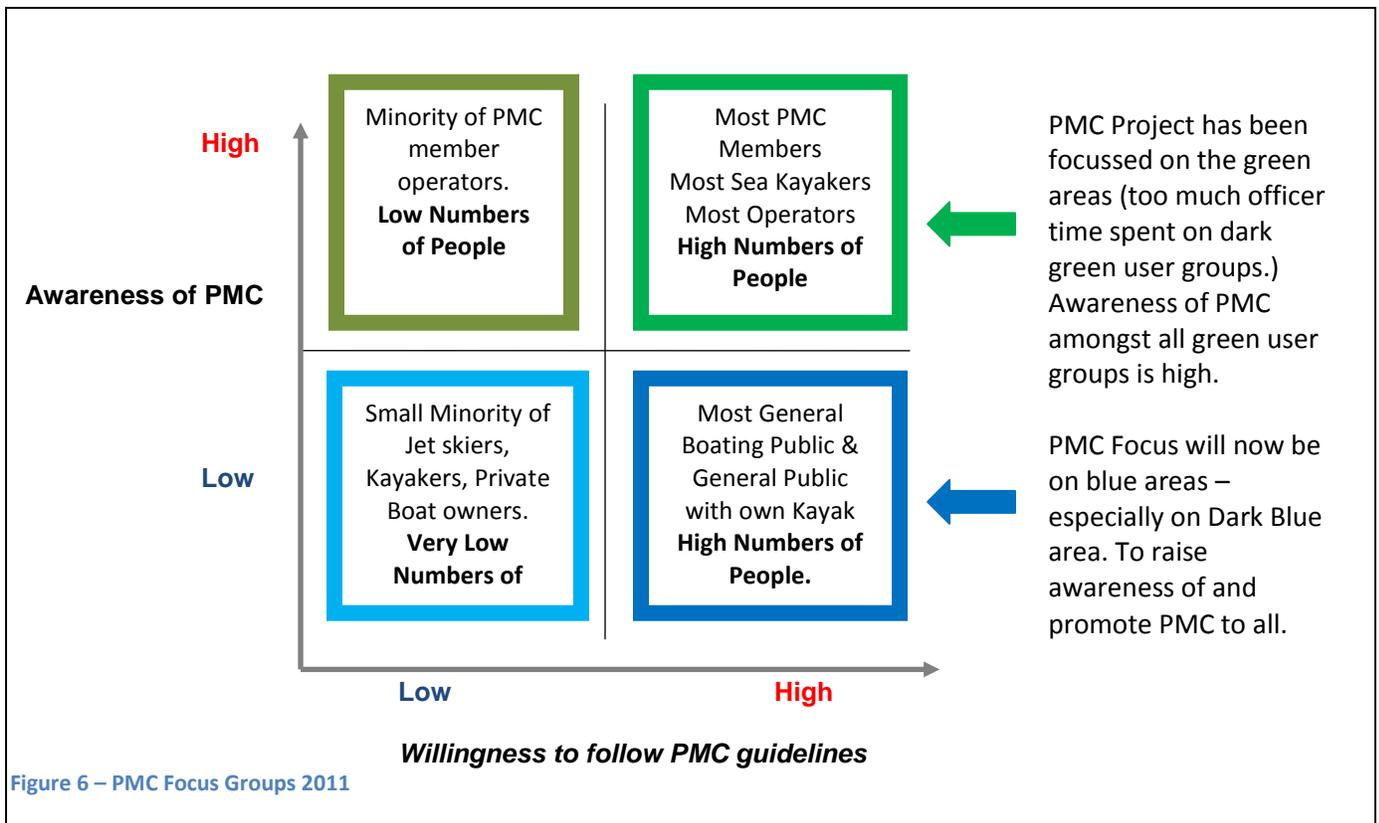


Figure 6 – PMC Focus Groups 2011

Position Statement

Following the PMC funders meeting in mid 2011, a decision was taken to refocus efforts away from the commercial wildlife tour boat operators and focus any remaining time and resources on raising awareness about the PMC to the general public. This decision was taken by the Pembrokeshire Coastal Forum (PCF), CCW and Pembrokeshire Coast National Park Authority (PCNPA) in light of the continuing difficulties with engaging and involving all key stakeholders in the scheme, but also critically due to the lack of available funding for the project. Report of wildlife disturbance, or bad practice around wildlife would now be forwarded on to the relevant organisation (e.g. RSPB or Pembrokeshire Marine SAC officer).

The PMC funding group issued the a position statement which was circulated to members - a summary is below – the full statement can be seen in Appendix 5.

A reduction of PMC project services:

Organising PMC group meetings, undertaking conflict management, and following up code breakage allegations has taken up a great deal of officer time, and often generated a more negative response than it should have done, especially around Ramsey. It will no longer be possible in future to offer the follow up service for complaints and allegations of code breakage, nor deal with conflict between PMC group members.

Where PMC infringements occur involving the general public through a lack of awareness of the code, every effort will be made to follow up and provide the general public with information on the PMC and best practice where possible.

We have provided funding resources and support with the best intentions of making a voluntary code of practice work well in Pembrokeshire, and in general see this as a really good and positive way to work. However it has become clear that because the operation of the PMC for commercial operators depends on voluntary commitment, and self policing, there are always likely to be those who will ignore or resent the perceived constraints, or remain unhappy with the level of protection afforded to wildlife by a voluntary code. It may therefore be necessary to encourage the development of a more statutory approach.

Ultimately our aim continues to be to encourage and promote the sustainable enjoyment of the wonderful Pembrokeshire Coast. The Pembrokeshire Marine Code still stands as a code of good practice developed through a full stakeholder engagement process, and when followed correctly the PMC will help to ensure that all users of the marine environment minimise disturbance to wildlife, and show respect to other users of the coast.

Recent Developments

Since the position statement issued by the PMC funders group, there have been a number of recent developments. Funding and project officer time has been refocused on raising awareness of the PMC project to the general boating public as agreed, with funding secured for the re-print of PMC leaflets for forthcoming events such as Fish Week and Sea Kayaking Festival. Funding has also been secured from South West Wales Marine Leisure Federation (SWWMLF) to produce nine information sheets about

marine wildlife in Wales targeted at the general boating public, marinas, and people sailing and cruising around Wales. These information sheets will have information about codes of conduct to raise awareness of the need to protect wildlife when operating in the marine environment of Wales.

The Pothstinian Boat Owners Association (PBA) (which represent the majority views of all the mooring holders at St Justinian & Ramsey Island boat operators) have committed by vote to continue to follow the PMC until such time as they are able to agree on any changes to the agreed code of conduct for the area with CCW and RSPB. It is the intention of the PBA to ensure that all boat operators maintain a good standard of practice around wildlife in accordance with wildlife legislation, and to put into place consequences for those that do not. PBA& RSPB have commented that there are unlikely to be any major changes to the PMC for Ramsey Island as they were involved in writing the code through involvement with the PMC group. Any changes will be communicated to the Activities Liaison Officer.

Conclusions

The PMC project has, during the past 10 years, succeeded in many of the initial goals envisaged by the PMC working group. There is now a unified code of conduct for Pembrokeshire which represents the majority views of what represents best practice when operating around marine wildlife, with detailed maps published online and as leaflets. The PMC for kayakers has also been a particular success with a marked decrease in incidents of disturbance to wildlife involving kayakers. Funding has been applied for to extend the Marine Code for Kayakers to the rest of Wales. There has also been an increase in good management of personal water craft (PWC or 'Jet Skis') in Pembrokeshire facilitated by the PMC project, and a decrease in incidents of PMC breakage reported. Recently an event for Divers was a success, promoting the PMC and conservation.

Funding has been secured for work with sea kayakers and the PWC management group to continue for 2012. The PMC will continue to be promoted to the general public involved with marine leisure activities.

Due to the large number of meetings, training events, and publicity materials that have been delivered and produced, members of the PMC group and the wider public have been made more aware of the need to protect wildlife from disturbance, and to ensure they observe best practice when out exploring the marine environment. Posters outlining the PMC, and a flow chart for 'Wildlife in Distress' will continue to be displayed in all beach notice boards county wide working with the Pembrokeshire County Council for 2012.

The reduction of services outlined in the position statement issued by the PMC funding group in 2011 represents both the difficulties with funding that the project has had and the issues with conflict surrounding compliance of the PMC by a minority of member operators.

The lack of willingness of partner organisations, stakeholders and PMC group members to contribute financially to the project can partly be attributed to the conflict that has arisen as a result of the polarisation of stakeholders that self policing of the PMC has compounded.

Recommendations

The main concluding recommendation of this review is that a properly resourced approach for the management of all marine leisure activities in the marine environment of Pembrokeshire be considered for the future.

- It is recommended that one organisation is statutorily responsible for core funding the development, publicity and monitoring of best practice to protect marine wildlife from disturbance from marine leisure activities.
- The majority of users of the marine environment are willing to follow reasonable codes of conduct to protect wildlife. However the general public's awareness of the PMC is very low, so publicity and marketing resources with appropriate signage and training events are required to make people aware and understand that best practice guidelines exist for an area.
- Due to the increase in usage of the marine environment, it is recommended that any future approach considers the carrying capacity of areas for commercial wildlife watching & adventure activities.
- It is recommended that the suitability of the marine environment for particular activities such as powerboat racing be considered.
- For any approach to be shown to be successful or not, it must be measurable. Therefore it is a recommendation of this review that independent, detailed and properly resourced monitoring is required across the whole of Pembrokeshire.
- For instances of continued and serious non-compliance, it is recommended that there are real consequences which are properly and fairly enforced on all user groups whether they are the general public, commercial tour boat operators, kayakers, fishermen or tourists.
- Ideally, project officer time would be core funded to allow project officer to focus on the work program agreed.
- The funding of any such work detailed above should carry a proportionate amount of paperwork and time to secure, and be provided longer term than on an annual basis.

Appendix 1 – Public Survey as part of Leaflet

FOR YOUR **CHANCE TO WIN** A WILDLIFE TOUR
BOAT TRIP/ KAYAK TRIP PLEASE ANSWER THE
FOLLOWING QUESTIONS...

Please tick your answers...

The Pembrokeshire Marine Code was one of the first of its kind in the UK.

Were you aware of the Pembrokeshire Marine Code before reading this leaflet? YES NO

Have you recently been marine wildlife watching / exploring the marine environment in Pembrokeshire? YES NO

If yes how did you choose to do it? Please tick.

Kayak Sailing Powerboat
Coastal walk Diving Coaststeering
Other

Was your trip / activity guided by a professional company?
YES NO

Company Name (optional) _____

All major boat operators and activity centres in Pembrokeshire are members of the Pembrokeshire Marine Code group. Where possible members aim to pass on their knowledge about the importance / diversity of Pembrokeshire's natural environments. How did we do?

(Poor) 1 2 3 4 5 (Excellent)

Comment _____

Members also aim to minimise disturbance to wildlife during activities. How did we do?

(Poor) 1 2 3 4 5 (Excellent)

Comment _____

This leaflet has been produced to give all coastal users information on the Pembrokeshire Marine Code to help protect wildlife. Has the leaflet helped you to understand how to minimise disturbance to wildlife?

(Poor) 1 2 3 4 5 (Excellent)

Name _____

Address _____

Postcode _____

email _____

Appendix 2 – PMC Code Breakage Policy

Pembrokeshire Marine Code (PMC) Breakage Policy Document for Members of the PMC



A reporting / follow up system for dealing with allegations of Pembrokeshire Marine Code breakage by members.

Background

The Pembrokeshire Marine Code (PMC) is a voluntary code which individuals and organisations (conservationists and anyone using boats / craft / kayaks in the marine environment of Pembrokeshire) can voluntarily sign up to. The code of conduct represents a majority view of all members of a reasonable way of behaving in the marine environment in the vicinity of wildlife and protected habitats / species.

NB Allegations of code breakage involving **non-members** which are reported to the Activities Liaison Officer (ALO) will be dealt with on a case by case basis, and anyone found to be breaking the agreed codes of conduct will be contacted where possible and provided with PMC guidelines and encouraged to become a member of the PMC group if appropriate. The ALO will decide on the appropriate action and may call on the assistance of the working group / Sgt. Ian Guildford (CCW Wildlife Crime Officer) if required.

Self Policing

The PMC is self policed by the members, and the general public. Any members reporting allegations of code breakage should do so directly and solely to the Activities Liaison Officer (ALO). Each allegation of code breakage is considered on a case by case basis by the ALO and PMC working group, and the action to be taken decided upon by the group. Allegations can be made in confidence, however this may well place limits on the available actions that can subsequently be taken in following up the allegation. All members are encouraged to report any disturbances to wildlife or code breakage by any user of the marine environment. Any allegations of code breakage are to be followed up where possible with **as much primary evidence**, (photos, video, time, date etc) as possible to support the allegations. All allegations will be recorded by the ALO by filling in a report card. Report cards can also be used by members as a guide to help ensure any reports made are valid and verifiable. Report Cards are available to download from the MC website here and can be seen below.

Notes on the ethos of the PMC group with regard to code breakage:

In general it is not the intention of the Marine Code group to exclude any stakeholders from the group. The Pembrokeshire Marine Code has been **agreed upon by the majority** of member operators and conservationists as a **'workable code of practise' when operating a boat / kayak on the water which benefits the wildlife, whilst allowing businesses and the general public to continue to view and enjoy encounters with wildlife**. Indeed members will have to have been proven to have broken the voluntary code **both significantly and consistently** for **Action 5** (see below) to be appropriate.

It is intended that the Marine Code group be an inclusive group of operators and conservationists, and it is widely regarded by the group that the **'educational approach' is of far greater value** than excluding any operators or conservationists from the group.

However members cannot be seen to continue to receive the benefits of membership without being accountable for their actions (both operating on the water, and if alleging code breakage) **so the following policy has been agreed on by the Marine Code working group** (a representative of all key stakeholders). This policy will be reviewed annually at the pre-season working group meeting.

Allegations must be 'Proven'

Allegations of code breakage of members will not be treated as code breakage until the evidence has been viewed by the ALO and PMC working group, and deemed to be a valid and verifiable and allegation, **AND** the operator concerned has been presented with the evidence and provided no reasonable reason / explanation to the ALO and PCF Manager. If the allegation is not 'proven' as above, then the report card and all associated evidence will be destroyed / deleted.

Breakdown of Procedure (for a summarised schematic see below)

Action 1: ALO to log all allegations by filling in, or reviewing a completed Report Card, and establish the validity / level of accuracy and significance of the allegation by looking at all the evidence.

If the allegation is not deemed to be valid, verifiable and significant by the ALO, then no further action will be taken, and the allegation will not be logged as code breakage. The ALO may still choose to discuss the allegation with the member concerned if deemed appropriate.

If the allegation is deemed by the ALO to be a valid and verifiable allegation, and the code breakage alleged to be sufficiently significant, the ALO is to call a meeting with the PMC Working Group.

If the allegation is deemed to be valid by the PMC working group, then take **Action 2:**

Action 2: Company and / or individual to discuss the valid allegation with the ALO + PCF Manager. If the operator provides a reasonable explanation for actions (e.g. safety / conditions etc) no further action will be taken. ALO + PCF Manager may refer back to the working group for help determining whether any explanations for actions given are reasonable.

If the operator can provide no reasonable explanation / reason why they have broken the agreed voluntary code, then the allegation will be deemed to have been proven. At this stage the allegation will be logged as code breakage and ALO to take **Action 3** if deemed necessary.

Action 3: A written notification detailing the infringement of the voluntary code to be issued with recommendations, including detail about the code breakage policy. Skipper / crew / kayaker etc involved to (re)attend an environmental training course e.g. WiSe within 1 year if possible / deemed appropriate.

Any 'proven allegations' **within 2 years** (from the date of the first proven allegation) involving the same individual / company then either take **Action 3** if not taken before, or if skipper / kayaker / individual has already recently (re)attended a Wise course then take **Action 4**

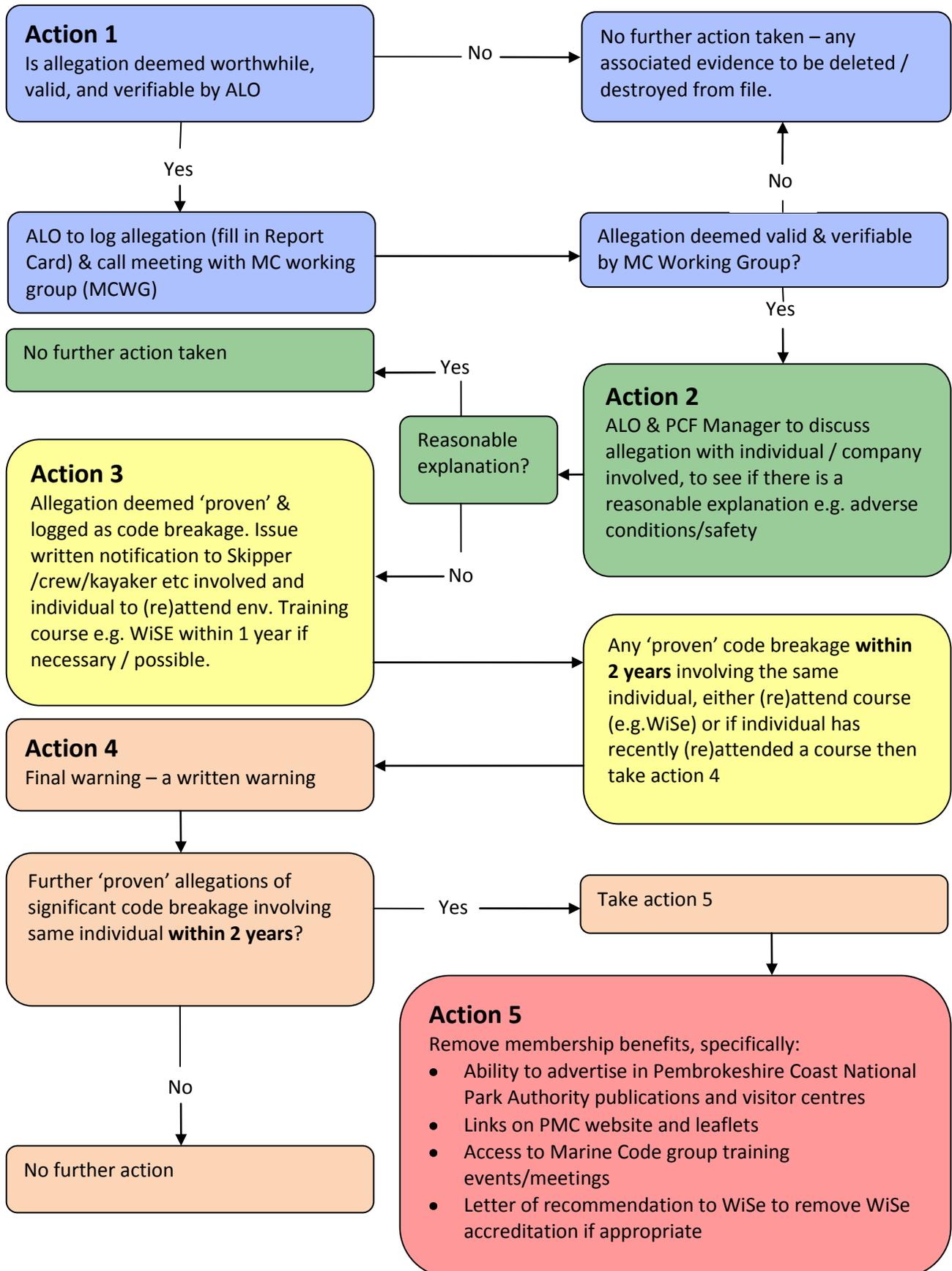
Action 4: Final warning – a written warning

Following **Action 4**, Any proven allegations **within 1 year** from the date of the final written warning involving the same individual take **Action 5:**

Action 5: Removal of all membership benefits, specifically;

- Members' ability to advertise in any Pembrokeshire Coast National Park Authority publications and visitor centres,
- Links on PMC website and leaflets,
- Access to Marine Code group training events / meetings,
- Letter of recommendation to WiSe to remove WiSe accreditation if appropriate.

Process for allegations involving PMC members.



Report Card

Date:



Your Name:

Profession:

Contact details:

Date and Time of alleged incident:

Witnessed yes no

Details:

Photo yes no

insert link / embed photos here

Video yes no

insert link

How was this report logged?

Email In Person Phone Other

Has this report been logged with any other organisations?

Police Marine Unit Sgt Ian Guildford (CCW) Warden Land Owner Other

Report Logged by:

Action to be taken (see Code Breakage Policy below)

Appendix 3 - PCNPA Status Report:

Report No. ****/10**
* Committee

REPORT OF Head of Recreation and Communication

SUBJECT: Pembrokeshire Marine Code

Purpose of Report

For information – to explain the thinking behind recent changes in the way in which the Pembrokeshire Marine Code is applied around the National Park.

Introduction/Background

The National Park Authority was one of the founder members of the Pembrokeshire Marine Code. This code of good practice was initially developed because of concerns over the increasing numbers of fast craft using key conservation sites for the purposes of wildlife watching and was established in cooperation with commercial boat operators. The Marine Code was established in 2002 and has been coordinated by the Pembrokeshire Coastal Forum alongside the Pembrokeshire Outdoor Charter. The code has been widely promoted for other boat users, canoeists and visiting clubs.

The level of support for the code from commercial operators has never been as strong as the support for the Outdoor Charter but until recently the initiative has been seen as successful albeit with lower levels of attendance at training and more contentious and difficult meetings when the code was being reviewed. In the last few years however, especially around Ramsey (The location with the highest concentration of commercial trips, with up to 500 people per day being taken around the island) the situation has become more difficult. This is partly because the boat use around the island has been particularly closely monitored by independent cetacean experts.

In fact the numbers of reported infringements, in relation to the numbers of trips, has not been great but those undertaking monitoring have felt that the code (Which is voluntary) was either not strong enough or not fully followed. They have started to give more public vent to their concerns through blogging websites and articles. This has inflamed the operators who were already unhappy about the Code and meetings have become acrimonious, one key member has left the group and there has been a suggestion that the Porthstinian Boatowners' Association wish to set up their own code group monitored and enforced locally.

At the same time as this process has been going on, the funding situation of the Marine Code/ Outdoor Charter project has become more uncertain and the time available for the officer concerned to become continually involved in following up possible infringements has been necessarily limited. In July the funding group met and concluded that the way forward for the

code was to refocus it more generally as a code of good practice available for individual users and operators to adopt, as opposed to a membership organisation which had developed something of a promotional role. This means that any promotion of the operators in Coast to Coast will be limited to paid-for advertising (In the past the text of the paper has included a list of Marine Code members) and that the Marine Code website will no longer list the members' website details. The National Park Enjoy website will continue to promote the opportunity for wildlife boat trips but by only linking to the Marine Code site, will reduce its promotional role. This brings this part of the website more in line with the policy of the site generally.

Comparisons

The Marine Code has been seen by other agencies as a nationally important example of good practice but experience elsewhere has suggested that a voluntary code of practice could only be effective while it had the wholehearted support of the member group. The question now is what, if anything replaces this approach. One of the main operators has set up a discussion forum online to examine options including statutory regulation but progress on this is likely to be slow.

Options

This was not a situation where the NPA was able to make a unilateral decision, it operates within a partnership. The funding group met last month and discussed the main options, the twin issues of limited funding and limited support made a significant change in the operation of the Code and the officer concerned also felt that he could not continue to hold the line between the operators who felt under threat from the reports of apparent infringements of the code and the conservation monitors – some of whom are independent, who felt that not enough was being done to enforce what is, after all a voluntary code.

The options were

- ❖ To pull out of the code altogether; this was felt to be unproductive, we have a well understood and widely accepted code which has a good base of information for users.
- ❖ To re-target the code to put more emphasis on individuals and harbours and to reduce the focus on commercial operators while still remaining available to operators who supported it.
- ❖ To carry on trying to pull the operators who had left the group back into a supportive position – this was felt to be unlikely to work and had been tried for some 18 months.
- ❖ To see if the operators themselves have both the cohesion and the will to develop a convincing code that they themselves can operate.
- ❖ To start a process in parallel with one or more of the above, to seek a statutory approach to the issue.

Financial considerations

The funding from the NPA of the Outdoor Charter and Marine Code have been at around £3500 pa for the last five years. This was added to NPA funding of the core Pembrokeshire Coastal Forum of around £11,000 pa and separate project funding of between £4000 and £6000. In addition grant aid from other agencies has been used to fund PCF to staff to act as contractors for the NPA on one off tasks. This year a block grant with conditions has been offered to PCF of

£20,000 allowing the Forum to allocate the money more flexibly to support those areas of work which attract other grant aid.

From this commitment the Authority has been able to work with PCF to develop the Recreation Plan, Recreation Audit, Enjoy Pembrokeshire website and an input into the Visit Wales Destination Management website in the last three years as well as the Marine Code and Outdoor Charter process. We have seen a significant input into the development of a national coastering Code of conduct and the development (Funded by Visit Wales) of the Wales Activity Tourism Organisation an organisation working with similar partnerships in Brecon and Snowdonia to improve the management of outdoor activities in all three parks in Wales.

Risk considerations

The risk of refocusing the Marine Code is that the operators will feel that they are no longer under scrutiny or that they will feel alienated from the code process or will try and fail to set up their own satisfactory code. The opportunities are that the operators may succeed themselves to set up a satisfactory code of practice, or that so many of them continue to follow the existing code that peer pressure encourages others to take the same level of compliance. There is also a risk that, having no longer a way of addressing concerns about poor practice, some of those in monitoring roles will become frustrated or that legal enforcement action may be an unwanted outcome.

There is a possibility that the perceived failure of this part of the code may encourage a more statutory approach to what is a very unclear legal situation, much more fully addressed in other countries.

Compliance

The change in the direction of the code has been forced by circumstances and is not ideal. The way of working alongside operators is a core principle of the new recreation plan and this change, while it may lead to positive outcomes, is in itself a step backward. The important thing now is to try and build the initiative, perhaps in a different direction as funding permits.

Human Rights/Equality impact issues

This decision has no human rights outcomes but may have a marginally negative impact on businesses that can no longer gain the free exposure in Marine Code leaflets etc.

Biodiversity implications/Sustainability appraisal

As outlined in 'risks' above, this change has the potential for a negative impact on the special qualities of the Park and we now need to ensure that other benefits develop from the partnership to make up for any problems resulting.

Welsh Language statement

None

Conclusion

This report summarises changes in the way in which the Pembrokeshire Marine Code will be operated in the immediate future. The changes have been made in response to problems of implementation and issues of reducing funding and thus reductions in the time available to

follow up the code. We will closely monitor the progress of this issue and hope that we can find positive ways to take forward the purposes of the code which is broadly to protect the special qualities of the coast, islands and inshore waters and to help improve the understanding of those who use these waters. The operation of the second partnership, the Pembrokeshire Outdoor Charter, should not be affected by these changes.

Recommendation

Members are asked to receive the report for information.

Background Documents

Pembrokeshire Marine Code Position Statement on behalf of the funding group. 15.7.2011.

Pembrokeshire Marine Code website;

<http://www.pembrokeshiremarinecode.org.uk/>

*(For further information, please contact *)*

*Author: Charles Mathieson Head of recreation and Tourism
Consultees:*

Appendix 4 – RSPB Report 01/08/10 – 9/08/10

Ramsey Sound				
DATE	Slack Period	Time	Vessel	Comments
03/08/2010	13:50-15:50	15:45	Info Removed	Crossed sound from St J at speed, weaving, made several U turns just north of bitches and Ramsey Harbour causing passengers to scream!
05/08/2010		09:30	Info Removed	Out wide to north from St J, avoiding zone completely
		09:45	Info Removed	Island to St J, slowly across zone
		10:00	Info Removed	St J - Island. Out wide to north avoiding zone
		10:15	Info Removed	Island - St J Slowly through zone
		10:40	Info Removed	Out wide north of zone and into islands north coast avoiding zone
		10:43	Info Removed	St J towards Island at high speed weaving through sensitive area, U turns at speed causing passengers to scream.
		10:55	Info Removed	Fishing for an hour just off Carneweg. No problems
		11:15	Info Removed	Directly across zone from St J to island, not art excessive speed
		11:20	Info Removed	St J to island wide north from lifeboat station, avoiding zone
		11:35	Info Removed	Returning from south to St J, stayed close to coast avoiding zone.
09/08/2010		08:15 - 10:15	10:00	Info Removed
	10:05		Info Removed	From St J wide out north and across sound. Avoided sensitive zone completely
	14:08		Info Removed	Wide north from island to St J avoiding sensitive zone
	14:15		Info Removed	Wide north from island to St J avoiding sensitive zone
	14:20		Info Removed	Wide north from island to St J avoiding sensitive zone
	14:26		Info Removed	From St J to Ramsey. Out wide north avoiding sensitive area completely
	14:31		Info Removed	From St J to Ramsey. Out wide north avoiding sensitive area completely
	14:38		Info Removed	Slowly into harbour area from north and then straight across sound, steady speed in a straight line. No problems
	14:40		Info Removed	
	14:44		Info Removed	Ramsey north coast to St J avoiding sensitive zone
	14:30-16:30		14:54	

DISTURBANCE MONITORING 2010

DATE	SITE	TIME	OBS	Seals present	Activity Vessel	Code Breach?
01/08/2010	Aber Mawr	13:30-14:35	LR	1m + 2f	Info Removed Info Removed Info Removed Info Removed Info Removed Info Removed	NO NO NO NO On edge of exclusion zone but no problems NO
01/08/2010	Porth Lleuog	13:25-14:50	CF	Class I seal pup in cave	Info Removed Info Removed Info Removed Info Removed Info Removed	YES - Within exclusion zone for 2-3 minutes, slow movements but at least 2 boat lengths within restricted area. Photos taken. Day visitor also made complaint about this boat to CF NO NO - slowly moved past outside exclusion zone No No -Passed north without stopping
02/08/2010	T Williams	13:30-14:30	LR	None seen	Info Removed Info Removed Info Removed Info Removed Info Removed Info Removed Info Removed	No - Passed by didn't stop No - Passed by didn't stop
02/08/2010	Colomennod	13:30 - 14:30	CF	1f + 1 Class I pup	Info Removed Info Removed Info Removed Info Removed Info Removed Info Removed Info Removed Info Removed Info Removed Info Removed	No - Passed by didn't stop No - Passed by didn't stop Into exclusion zone for 5 minutes. In over an area where a cow had been bottling for some time. Caused a hazard for day visitors on the island who all went over to dangerous cliff edge to see what the boat was doing! Photos taken. No - Passed by didn't stop
02/08/2010	Porth Lleuog	13:30 - 14:50	EB	3f + Class I pup in cave	Info Removed Info Removed Info Removed Info Removed	No No YES - Well within exclusion zone looking into entrance of cave on the north side of bay where new born seal pup is present. 1 seal in water at time. Photos taken
03/08/2010	Capel	13:15 - 14:45	LR	None seen	Info Removed Info Removed Info Removed Info Removed Info Removed Info Removed Info Removed Info Removed	All boats (except Gower Ranger) entered cave at entrance to Capel but did not enter exclusion zone. No problems.
06/08/2010	Colomennod	13:10-14:45	EB	1 pup + 1 dead pup +2 cows	Info Removed Info Removed Info Removed	No No
06/08/2010	Porth Lleuog	13:00	CF	2 cow in water	Info Removed Info Removed	Came into bay well within exclusion zone, stayed 3-4 minutes. Photos taken No - passed by but didn't enter
07/08/2010	Porth Lleuog	13:40-14:35	CF	1 cow in water	Info Removed Info Removed Info Removed Info Removed	NO -Slowly approached area, stopped outside for 1-2 mnutes No - Slowly approached stopped well outside area No - Passed by didn't stop Came to edge of area for 1 minute, left to north at speed.
07/08/2010	Thomas Williams	13:35-14:30	EB	1 pup+1bull in water	Info Removed Info Removed Info Removed	No - Passed by didn't stop No - Passed by didn't stop No - Passed by didn't stop YES - Into east side of bay, well within exclusion zone, is aware of pup on beach. Photo taken
07/08/2010	Capel	14:45-15:10	LM	1 cow in water	Info Removed Info Removed Info Removed	No - Into cave outside Capel then away to south slowly No - Into cave outside Capel then away to south slowly No - Straight past at slow speed, didn't stop
08/08/2010	Porth Lleuog	13:25-14:00	EB	2 cows on beach, bull in water	Info Removed Info Removed Info Removed Info Removed Info Removed	All boats past by outside zone moving from south to north. All outside exclusion zone

Appendix 5 – Position Statement issued by Funding group

Pembrokeshire Marine Code Position Statement on behalf of the funding group.

The Pembrokeshire Marine Code (PMC) has been operating since 2002 and is seen as an example of best practice in managing marine based recreation.

From the start the PMC was devised and implemented in consultation with commercial boat operators who, between them account for a good proportion of the powered boat trips into the main wildlife areas around the coast. In more recent years the PMC has continued to engage with commercial operators, but also developed information on best practice for other users – especially sea kayakers, recreational boat users and divers.

The Marine Code has had a group of operators who have given reliable support to the project over many years, some who have regularly taken advantage of the meetings and training opportunities provided. We have been greatly encouraged by their continuing engagement and contribution to the development of the PMC.

There is however a number of operators who have either consistently avoided joining in the process, or who, even though they have been involved in the process, have nonetheless been highly critical of the PMC. This last group has taken a disproportionate amount of the time and resources of the project. Every effort has been made to try and resolve these issues, but in spite of these best endeavours we have never been able to achieve the degree of partnership support from all the operators as a whole that has made the Pembrokeshire Outdoor Charter (POC) such a success.

Given the resource constraints we are all facing, the funding group has asked the Pembrokeshire Coastal Forum (PCF), which coordinates both PMC and POC initiatives, to review their input into the PMC and to reprioritise work and profile. The intention now is to reduce and refocus the work on the PMC away from commercial operators, but to continue to raise awareness about the PMC to a wider user profile. Please note that work and meetings of the Pembrokeshire Outdoor Charter group, and Personal Watercraft Management groups will continue as per normal.

A reduction of PMC project services:

Organising PMC group meetings, undertaking conflict management, and following up code breakage allegations has taken up a great deal of officer time, and often generated a more negative response than it should have done, especially around Ramsey. It will no longer be possible in future to offer the follow up service for complaints and allegations of code breakage, nor deal with conflict between PMC group members. Please note that forthcoming PMC working group and full group meetings are now cancelled.

Where PMC infringements occur involving the general public through a lack of awareness of the code, every effort will be made to follow up and provide the general public with information on the PMC and best practice where possible.

The PMC website will be maintained as a freely available source of information on the PMC, but this will no longer include the names and links to specific operators. Individual operators

who wish to commit themselves to continue to abide by the code as it stands are welcome to say this on their own sites, but any operators with reservations about the PMC are requested to not use the PMC logo.

The Pembrokeshire Coast National Park Authority (PCNPA) 'Enjoy' website will no longer carry links to information about companies offering boat trips. This will make the website more consistent as it generally only promotes free activities like swimming or walking.

It is hoped that funding will be obtained to reprint the Pembrokeshire Marine Code leaflets (currently printed as a waterproof version) which gives details of the PMC and maps for all marine leisure users for the whole of Pembrokeshire. Funding will not be sought to continue to produce the North and South Pembrokeshire leaflets which give details of member operators.

The PCNPA will continue to offer advertising in Coast to Coast to supporters of the code but, given that there is no longer a process of follow up on the code, will not include free text promoting boat trips in that publication.

These changes are partly linked to the funding available to the project but partly also down to the inability of the group to draw some operators along to support the initiative.

We understand that the Porthstinian Boatowners Association (PBA) is planning to set their own code of good practice for Ramsey Island and monitor their own activity. We (CCW, PCNPA, PCC and RSPB) do not feel that this is of benefit either to the county as a whole or to the particular local area, and may create confusion, however the partners in this group are of course willing to work with any groups which do exist and will watch progress with interest.

We have provided funding resources and support with the best intentions of making a voluntary code of practice work well in Pembrokeshire, and in general see this as a really good and positive way to work. However it has become clear that because the operation of the PMC for commercial operators depends on voluntary commitment, and self policing, there are always likely to be those who will ignore or resent the perceived constraints, or remain unhappy with the level of protection afforded to wildlife by a voluntary code. It may therefore be necessary to encourage the development of a more statutory approach. The PCF will be preparing a 10 year review of the PMC project, and will be communicating recommendations from that report to Welsh Government.

Ultimately our aim continues to be to encourage and promote the sustainable enjoyment of the wonderful Pembrokeshire Coast. The Pembrokeshire Marine Code still stands as a code of good practice developed through a full stakeholder engagement process, and when followed correctly the PMC will help to ensure that all users of the marine environment minimise disturbance to wildlife, and show respect to other users of the coast.