

REPORT OF HEAD OF RECREATION AND TOURISM

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 events and with some meetings being contentious, particularly 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. There has been an increase in reported code breakages, in part because the boat use around the island has been more closely monitored by independent cetacean experts than in other locations, leading to an increase in the need for 'arbitration' which has proved both resource intensive and, ultimately, unsuccessful

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 (in that there are limited powers available to all parties to enforce any action) or that it is not always being fully followed by a range of parties. A number of people involved have started to give more public vent to their concerns through blogging websites and articles which has aggrieved some operators who, quite correctly, highlight that there is no clear evidence of damage to local wildlife. As a consequence of the above general 'confidence' in the code and how breakages are dealt with has rapidly eroded over the last 12-18 months and meetings have become acrimonious. This has led to the Porthstinian Boatowners' Association suggesting that they will establish their own code group who will monitor and enforce 'infringements' in and around Ramsey.

In parallel with the above issues, 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 only by linking to the Marine Code site. 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.

Options

This was not a situation where the NPA was able to make a unilateral decision, it operates within a wider 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 £3,500 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 refocussing 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 unfortunate. 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, and Coast to Coast, 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/>

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