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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation – summary of response

Wheik Management Measures 2020

July 2020

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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1. Background

The Welsh Government is committed to the conservation and sustainable management of fisheries informed by robust scientific evidence. We want Wales to be able to meet the needs of current and future generations, by creating and maintaining a healthy marine environment and supporting a profitable, stable and diverse fishing industry.

The Welsh Government is now proposing to introduce a whelk authorisation scheme and an overall annual limit on the amount of whelk that can be taken from the Welsh zone. This annual limit will be linked to a revised flexible monthly landing cap on the amount of whelk each vessel can take.

The purpose of this consultation was to seek views on our detailed proposals to introduce:

- An authorisation scheme for all UK vessels taking whelk with pots in the Welsh zone,
- An annual limit on the total amount of whelk that can be taken from the Welsh zone, and
- A flexible monthly landing cap for authorised vessels.

2. Consultation Period and Distribution

The 12 week consultation commenced on 16 March 2020 with a closing date of 7 June 2020. Consideration was given to extending this consultation period due to the COVID-19 pandemic, however, because of the relatively good response level, this was considered unnecessary.

Persons with an interest in the Welsh whelk fishery were invited to respond to the consultation, these included fishermen, processors and environmental groups. The consultation was advertised on the Welsh Government Website, Twitter, and through direct communication with stakeholders and management groups.

Respondents were able to respond by using an online survey, email or by providing a written response form.

A Response Form which consisted of 15 questions seeking stakeholder views on possible management options was also provided.

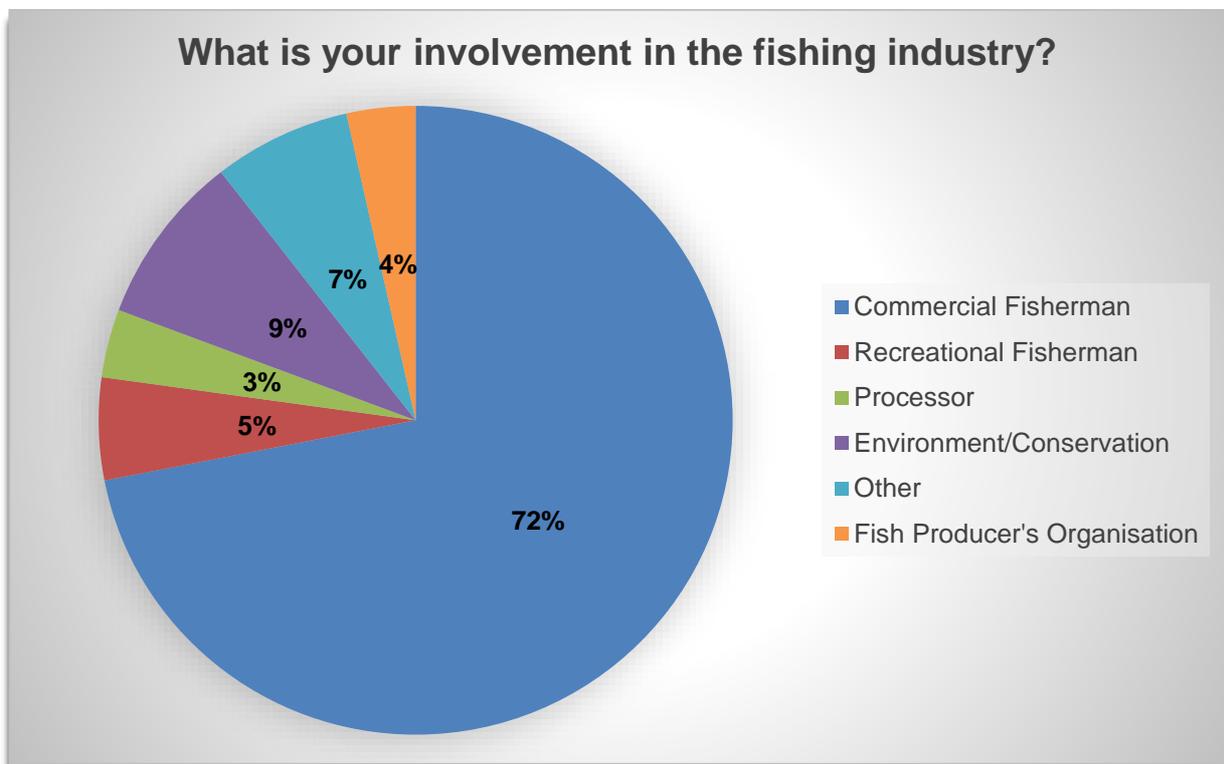
3. Responses

The Welsh Government would like to thank everyone who took the time to submit their views and respond to the consultation, all responses will be considered before new measures are introduced.

During the consultation period 57 responses were received from a diverse range of respondents who have an interest in the Welsh whelk fishery. One response received after the closing date was not considered. Given the size of the fishery, this number of responses was considered good. Of the 57 responses, 55 provided answers to the questions in the questionnaire, 2 provided text answers only. As such, their answers are not considered in the analysis of those questions, however, their concerns are addressed in question 14.

4. Consultation Questions

The consultation consisted of 15 questions. The first question, which for analysis purposes has been left unnumbered, established the respondent's interest in the whelk fishery. Further questions sought to identify the opinions of respondents on specific details of the proposed measures:



Question 1: Do you agree with the Welsh Government's primary objective to conserve whelk stocks and thereby stabilise the Welsh whelk fishery?

Answer	Number	Percentage
Yes	55	100%
No	0	0%
No comment	0	0%

Question 2: Do you agree it should be prohibited for UK vessels to take whelk with pots from the Welsh zone without an authorisation?

Answer	Number	Percentage
Yes	53	96%
No	2	4%
No comment	0	0%

Question 3: Do you agree authorisations should be issued annually from the period beginning of March in one year to the end of February in the following year?

Answer	Number	Percentage
Yes	43	78%
No	9	16%
No comment	3	5%

Question 4: Do you agree the Welsh Government should charge a fee for an authorisation?

Answer	Number	Percentage
Yes	39	71%
No	13	24%
No comment	3	5%

Question 5: Do you agree with the process to set future landing caps in Box 2?

Answer	Number	Percentage
Yes	46	84%
No	4	7%
No comment	5	9%

Question 6: Do you agree it should be prohibited for vessel owners to fish beyond the authorised monthly landing cap?

Answer	Number	Percentage
Yes	48	87%
No	5	9%
No comment	2	4%

Question 7: Do you agree authorisation holders should provide statistical information to the Welsh Government, such as numbers of pots fished, amount of undersized whelk, location of fishing activity etc. to assist with stock assessment calculations?

Answer	Number	Percentage
Yes	47	85%
No	1	2%
No comment	7	13%

Question 8: Do you agree authorisation holders should be required to gather data (as described in paragraph 44) to assist with stock assessment calculations?

Answer	Number	Percentage
Yes	50	91%
No	4	7%
No comment	1	2%

Question 9: Do you agree authorisation holders should provide landings data direct to Welsh Government?

Answer	Number	Percentage
Yes	50	91%
No	5	9%
No comment	0	0%

Question 10: Do you agree the Welsh Government should ban authorised vessels from retaining or landing de-shelled whelk?

Answer	Number	Percentage
Yes	52	95%
No	0	0%
No comment	3	5%

Question 11: Do you agree authorisation holders should be required to have an active and functioning Vessel Monitoring System on board when fishing whelk with pots in the Welsh zone?

Answer	Number	Percentage
Yes	39	71%
No	7	13%
No comment	9	17%

Question 12: We would like to know your views on the effects of issuing whelk authorisations with a flexible landing cap on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

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

32 respondents gave no answer to this question. 4 respondents felt this question was irrelevant. 6 respondents stated that documents should be available in Welsh and English equally. 5 respondents gave answers unrelated to the Welsh Language. 3 respondents felt that use of the Welsh language was 'a waste of time and money'. 1 respondent felt that use of Welsh should be encouraged.

With specific regards to the policy, 2 respondents foresee a negative impact on the Welsh language, 1 foresaw no impact on the Welsh language and 1 felt this policy would have a positive impact on the Welsh language. Some key comments are shown below:

"In my opinion all documentation, authorisations, apps and any relevant literature and communications should all be available bi-lingually. The effect of issuing whelk authorisations in English only would be discriminatory, contrary to the Welsh Language Act 1993. Positive effects could be increased by providing all information in both Welsh and English."

"I am a Welsh speaker and am happy to use the English language in all correspondence. I feel it a waste of money and time corresponding bilingually."

"I think documentation should be issued in both Welsh and English. Unfortunately not all Welsh citizens are Welsh speakers and it would be unfair to have the documentation solely in Welsh. Responses in the documentation should of course also be allowed in Welsh and English to ensure fishermen who may well speak Welsh but are not 100% fluent will not be discriminated against."

Question 13: Please also explain how you believe the issuing of whelk authorisations with a flexible landing cap 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 favourably 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 favourably than the English Language.

41 respondents gave no answer to this question. 4 people answered that documentation and authorisations should be available in both English and Welsh. 3 people stated the question was not relevant. Two respondents gave answers which were unrelated to the question. 1 respondent said that Welsh vessels should be given priority for permits, however, as there is no limit on the number of permits, this is not a concern. 1 respondent reiterated that fishing has nothing to do with the Welsh language.

Some key comments are listed in full below.

“Again people should be encouraged to use the Welsh language more by providing the opportunity to complete any documentation in the language of choice be it Welsh or English.”

“There should be an opportunity for the fisherman/vessel owner to receive their authorisation in either English or Welsh - individuals wishing to engage in the process in either language should not be subject to any discrimination on the basis of their language of choice”

“[...] agrees that use of the Welsh language should be treated no less favourably than the English language.”

Question 14: 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:

Many responses included free text in question 14 as requested. Where respondents had responded with free text answers in questions 12 and 13, these issues are considered here.

The main concerns raised included:

- Gear Conflict
- Ghost fishing
- The timing of the consultation due to Covid-19
- MLS
- Limited Authorisations
- A “race to fish”
- Increased effort
- Monthly landing cap
- Biologically sensitive period
- Annual limit

Gear conflict

“If it is 50 tonnes a month then there will be massive steaming and relocation not only to mention massive gear/area conflict every month when people have to move.”

Ghost Fishing

“Also please consider dormant gear taking up the sea bed that wouldn’t be fished when out of area, with the 3 monthly option we wouldn’t have gear dormant for weeks on end.”

COVID-19

“This consultation has been conducted during a National/Global crisis (COVID-19), during which many prospective respondents, NGO’s and Government bodies of all UK Administrations, have either been closed or partially staffed. We would contend that this consultation is therefore not compliant with the “Gunning” principles of public consultation.”

“We recognise also that the consultation has occurred at an inauspicious time when most stakeholders are struggling to cope with the COVID-19 crisis, and we would thus question whether the Gunning Principles for Public Consultation have been adequately met.”

Minimum Landing Size

Concerns were raised that the consultation did not provide data or predictions on the impact of the increase to MLS from the previous consultation.

Limited Authorisations

Concerns were raised that after the transition period ends vessels may return to UK waters to target whelk. Strong prices along with an easily accessible fishery make it likely effort will increase.

Race to Fish

Concerns were raised that vessels, who previously fished only a few tonnes, may now try to fish the full monthly cap each month in order to create a track record.

Increased effort

6 respondents felt that these proposals would lead to increased effort as the annual landing limit had been calculated from landings of 45mm whelk, whereas landings of whelk 65mm and over would take more effort to reach the same totals, leading to more gear or days at sea.

Monthly Landing Cap

Several respondents made comments regarding the landing cap, wanting more information as to how the flexible cap could change. Others mentioned it would not allow businesses to plan, or that Welsh boats would be forced to fish outside Wales.

Biologically Sensitive Period

2 suggestions were made that a biologically sensitive period may be required as an additional precaution, as the limit in the proposal was based on 45mm whelk over the highest landing period.

Annual limit

“The level of the TAC is based on an average of landings recorded in Welsh ports from these waters. Catches taken from these waters but landed elsewhere are not accounted for. It is not clear therefore whether the 5-year average landing is an accurate reflection of whelk taken from these waters. Ideally landings from Welsh

waters to non-Welsh ports should be considered to avoid the annual TAC limit underestimating available harvestable biomass.”

“.. setting annual catch limits at 5298 tonnes may cause unhealthy declines in whelk populations, as it is significantly higher than the amount landed in 2019.”

5. Summary

The consultation asked a number of specific questions relating to:

- Conserving the Welsh whelk stocks
- Authorisations for potting for whelk
- Fees for authorisations
- Landing caps
- Data collection
- Impact on Welsh language

The results showed there was a high level of support for the proposals.

Welsh Government officials have made every effort to ensure the figures quoted in this document are accurate.

6. Next Steps

Welsh Government policy officials will now consider all responses and comments which have been received. Officials will now prepare a brief for the Minister on the results and seek to prepare new legislation and a new management process to sustainably manage the Welsh whelk fishery.

Officials continue to liaise with stakeholders and will work collaboratively to proceed with the drafting of a Statutory Instrument to allow the introduction of the new permitting scheme.

Officials will consider the impacts of EU exit and the Covid-19 pandemic before introducing measures that may cause undue impact on industry.

7. List of respondents

The following respondents have chosen not to remain anonymous. The details of those who chose to remain anonymous have been withheld.

Nigel Sanders
Dr John Anthony Oconnor
Jonathan Haines
Brett James Garner
Mark Roberts
Albert Glyndwr Phillips
Jan Tuttle
Cyfoeth Naturiol Cymru/Natural Resources Wales
Peter Carmichael
Alex Passmore
Carl Davies
Bill and Charlie Brock
Marine Conservation Society
SWFPO Ltd
Cyswllt Amgylchedd Cymru/Wales Environment Link
Western Fish Producer's Organisation Ltd
Waterdance
Dean Parry
Liam Ridgway
Lisa Roberts
Shaun Williams
Stuart Jones
UK Whelk Management Group
Allan Denman
Ashley Tainton
Barry Thomas
James Wilson
South and West Wales Fishing Communities
Kieron Samples
Macduff's
Mike Thomas
Robert Moore
The Welsh Fishermen's Association – Cymdeithas Pysgotwyr Cymru (WFA-CPC)
Dyfyd Davies
Tim Bowman