



EVIDENCE TO THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE INQUIRY INTO PROGRESS ON MARINE POLICY IN WALES

13th February 2015

Wales Environment Link (WEL) is a network of environmental and countryside Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is officially recognised as the intermediary body between the government and the environmental NGO sector in Wales. Its vision is to increase the effectiveness of the environmental sector in its ability to protect and improve the environment through facilitating and articulating the voice of the sector.

This evidence is submitted by WEL's Marine Working Group (MWG) representing the views of the following member organisations – Marine Conservation Society, RSPB Cymru, Wildlife Trusts Wales and WWF Cymru.

WEL welcomes this opportunity to present written evidence to the Environment and Sustainability Committee's review of progress on marine policy in Wales. We have focussed our comments on the top-line issues and the progress made since the Committee's letter to Alun Davies AM (the then Minister for Natural Resources and Food) in May 2014 which provided further recommendations regarding marine policy implementation to the 2013 inquiry.

We look forward to elaborating on our written submission at the Committee's oral evidence session.

Summary of key points:

- **The review of sea fisheries legislation, commenced in 2010, needs to be completed as a priority to ensure effective protection and management of stocks and the environment.**
- **To ensure sustainable development in the Welsh marine area, the Welsh National Marine Plan needs to fully implement an ecosystem based approach and balance economic growth with that of social and environmental requirements. Success of the Plan will also be heavily reliant on long term monitoring and effective use of the marine planning portal.**
- **There are known gaps within the Marine Protected Area (MPA) Network that need to be completed; work to identify other gaps has stalled risking our ability to**

achieve an ecologically coherent network of MPAs. Improvements to managing the network are underway, but slow delivery has hindered progress

- **Proposed measures currently being consulted on to achieve Good Environmental Status of our seas by 2020 under the Marine Strategy Framework Directive (MSFD) are unambitious and do not offer anything new, compromising our ability to achieve agreed targets.**
- **An effective evidence base underpins the Marine Transition Programme, but inadequate resourcing of data collection means that there are still large gaps in our understanding of the marine environment.**
- **Resourcing of the Marine Transitions Programme remains an issue; the 2015/16 budget no longer has a ring fenced allowance for marine work, despite increasing work to deliver against legislative obligations.**
- **Lessons have been learned from previous ill-fated stakeholder engagement experiences, but the new Wales Marine Stakeholder Advisory Group is not yet functioning as it was intended.**

We expand and provide further detail below.

General Comments

WEL welcomed the Committee's assessment of progress made since its original inquiry into marine policy in Wales, as set out in the follow-up letter to the Minister in May 2014. We were pleased that in response to this letter the then Minister for Natural Resources and Food, Alun Davies AM, released a marine policy progress report on 3rd July 2014 which contained a number of updates and further actions on the Welsh Government's Marine and Fisheries Strategic Action Plan (MFSAP).

WEL believes that the publication of the MFSAP represents positive opportunities to sustainably manage the land and sea in an integrated manner through an ecosystem-based approach (EBA). However, we are yet to see these initiatives reflected in the Government's wider programme of work on the environment and natural resources in Wales (e.g. Natural Resource Management and the Environment Bill) and we remain concerned that these work areas do not provide sufficient consideration of Wales' marine environment.

Since the Committee's last evidence session in January 2014, WEL has responded to Welsh Government's White Paper consultation on proposals for an Environment (Wales) Bill. Overall our responses indicated our concerns over the general emphasis on economy and perceived change in focus from biodiversity to natural resource management. It is important to remember that our international obligations require Welsh Government have a duty to conserve biodiversity in its own right for its intrinsic and non-use value. Furthermore, we would welcome a binding measure within the Environment Bill for the delivery of an ecosystem-based approach to marine management. This will ensure that sustainable use of marine resources will continue to provide opportunities to benefit from non-developmental values such as tourism, health and wellbeing services and delivery of Welsh Government's ambition to live within our environmental limits.

WEL believes that it is critical that marine management be afforded the necessary level of political focus and vital resources to ensure effective management of Welsh seas, in order to deliver UK and Welsh Government's shared vision of clean, healthy, safe, productive and biologically diverse seas. We have serious concerns regarding the ability for Welsh Government to achieve its programme of work for marine through their new Marine Transition Programme given current and possible future resource constraints facing this Department of Government. We highlight these concerns further below.

Fisheries

WEL are encouraged by the commitment from Government to develop sustainable, local and shared management of marine activities, including fisheries, within the Marine and Fisheries Strategic Action Plan. We also welcomed further commitment from the Minister in his July 2014 update to implement obligations under the new EU Common Fisheries Policy (CFP), including establishing Quota Management Groups to facilitate discussion and agreement on Welsh quota options. Enacting changes under the new CFP and supporting sustainable fisheries at a local scale is essential if Welsh Government is to achieve Good Environmental Status by 2020 and an ecosystem-based approach to marine management.

WEL are aware that work on data capture and discards monitoring, which is an important requirement of the new CFP, is underway. The sampling regime in Wales is part of a joint England and Wales programme under the Data Collection Framework (DCF) which is the statutory evidence gathering part of the Common Fisheries Policy. WEL hope that the data capture process will not only assist delivery of the MSFD requirements for commercial and non-commercial stocks but also support a move towards ecosystem-based management of commercial fisheries.

Strengthening fisheries management legislation through consultation is critical to ensure sustainable management of fisheries in Welsh waters. However we are still awaiting the outcome of the 2014 consultation regarding the implementation of a system of penalty points on vessel licenses (a requirement under the EU Fisheries Control Regulation), which we believe would be a useful deterrent and a sensible way of addressing infringements. We urge Welsh Government to implement this system without further delay.

Fisheries enforcement still remains an issue within Welsh waters. Illegal landings undermine efforts to sustainably manage fish stocks. Limitations are in part due to a limited number of enforcement staff and the complexity of the legislation that mitigates against effective management. A review of fisheries legislation was announced by the then fisheries Minister Elin Jones AM in 2010 and was expected to take 5 years to complete. Whilst some legislative measures have been taken forward, further progress is needed to ensure this commitment is completed on time. WEL would suggest that the developing Environment Bill is used to address any legislative issues delaying effective fisheries management, ensuring an ecosystem-based approach and a greater level of control for adaptive management of Welsh seas. This would enable provision of more rapid preventative measures, through emergency orders as used recently in Scotland, and effort management in line with the limits of the marine ecosystem. In addition, this would ensure that Welsh Government ambitions for the growth of sustainable aquaculture, as announced by the then minister Alun Davies AM in May 2013, could be considered. To date WEL has not seen an effective roadmap as to how the ambition to double Welsh aquaculture will be delivered, beyond a review and possible repeal of the Sea Fisheries (Shellfish) Act 1967 proposed in the draft Environment Bill.

Marine Planning

WEL believes that marine planning should provide the framework for sustainable decision-making for Welsh seas, adding real value to the existing Marine Policy Statement. We therefore support Welsh Government's intention to develop a Plan by 2015 and remain committed to working with Government and other stakeholders in elaborating the Plan through the Marine Planning Stakeholder Reference Group. However, we have reservations over Welsh Government's ability to deliver a meaningful, fit-for-purpose plan within the current time frame without a significant increase in resources.

WEL welcomed the opportunity to input to the public consultation on the draft Vision and Objectives and the draft Strategic Scoping Exercise (SSE) of the Wales National Marine Plan (WNMP) in late summer 2014. WEL has deep concerns over the current wording of the draft Vision and Objectives of the Plan and the extent to which they adequately reflect sustainable development of the Welsh marine environment. The draft Vision and Objectives highlight an overriding priority to secure jobs and growth in the Welsh marine environment over the next 20 years. This contradicts the ecosystem-based approach, the Marine Policy Statement, and the adopted definition of Sustainable Development, which seeks to achieve equal weighting between the need for strategic growth and social and environmental requirements.

It is our view that marine planning should support sustainable development, not growth at any cost. It should be recognised that in some instances development may not always be possible or advisable and that healthy ecosystems provide the foundation for sustainable development and lasting economic benefit. Based on the current draft Vision and Objectives, WEL believes that Welsh Government's approach to marine planning must be revised and go much further to embed an ecosystem-based approach throughout the Plan if they are to achieve sustainable development.

WEL are concerned, that little consideration seems to have been directed towards implementing an ecosystem-based approach through the Plan, or how the Plan will be developed to support delivery of Descriptor targets under the EU Marine Strategy Framework Directive (MSFD). Further work needs to be undertaken in both these areas if the Plan is to successfully support delivery of sustainable development and Good Environmental Status (GES) in the Welsh marine area. Wales Environment Link recently commissioned research to understand how marine planning can contribute towards achieving GES of our seas by 2020. The report provides a list of recommendations on how marine planning can help achieve specific Descriptor targets as well as how strategic planning can contribute to the effective management of the Marine Protected Area Network (the completion of which is a key requirement of the EU MSFD). This list of recommendations has been provided to Welsh Government and we hope that this will support strategic thinking on the integration of Welsh Government's national and international marine commitments. WEL has also provided guidance to Welsh Government on the application of an ecosystem-based approach to marine planning including recommendations on how this approach could be applied throughout the Marine Plan development process.

The draft Strategic Scoping Exercise highlighted that there are still significant uncertainties and gaps in our understanding of ecosystem functions and cumulative impacts of our activities. It is our view that long term monitoring programmes are essential in increasing our understanding

to enable informed and effective management. The Sustainability Appraisal, which is currently being undertaken to inform the likely effects of Plan policies on the social, environmental and economic aspects of the marine environment, should therefore adopt a precautionary approach where such gaps are identified.

Delivering an Ecologically Coherent Network of MPAs

Welsh seas play a pivotal role in contributing to an Ecologically Coherent Network (ECN) of well-managed Marine Protected Areas as required under the Marine Strategy Framework Directive (MSFD) and other international commitments. Marine Protected Areas (MPAs) are essential to the conservation and recovery of the marine environment and the wildlife it supports, whilst allowing sustainable and legitimate use of our seas to continue. Independent research has demonstrated that healthy marine ecosystems play a direct role in supporting key marine industries, including fisheries and tourism.

Such a network needs to include representative, rare, unique and nationally important species or habitats. Under the EU MSFD, Wales needs to “*establish spatial protection measures that contribute to a coherent and representative network of marine protected areas, adequately covering the diversity of the constituent ecosystems*” by 2016. The ecologically coherent MPA network is to be made up of sites of national and international importance. In Wales this would include, Marine Conservation Zones (MCZs) designated under the Marine and Coastal Access Act (England and Wales), EU Special Protected Areas (SPAs) and Special Areas of Conservation (SACs) designated under the EU Birds and Habitats Directives respectively, as well as marine components of existing Sites of Special Scientific Interest (Wildlife & Countryside Act 1981) and Ramsar sites (Ramsar Convention).

WEL welcomed further progress in the implementation of the EU Birds Directive in 2014 through the consultation and designation of three SPA maintenance extensions in the Welsh inshore area. With appropriate management, these new sites will ensure that internationally important seabird populations which choose to breed in Wales are not only afforded protection at their nesting sites, but also in key areas where they spend time feeding, loafing and preening.

However, significant work still needs to be undertaken by Welsh Government to complete Wales’ contribution to the Natura 2000 network. A number of European Protected Species, including seabirds and cetaceans, are still lacking adequate protection. Further SPA’s are required for offshore feeding aggregations, inshore wintering areas and other sites for non-breeding water birds. Furthermore, there is a requirement under the Habitats Directive to have a representative network for qualifying European Protected Species such as harbour porpoise, which is currently the subject of a formal complaint to the European Commission on the failure of the UK to propose SACs for this species.

WEL were pleased that the end of 2014 marked the enactment of part 5 of the Marine and Coastal Access Act (England and Wales) by Welsh Government. This has enabled the waters around Skomer to make the transition from a designated Marine Nature Reserve to Wales’s first Marine Conservation Zone (MCZ)¹. However, WEL believe that progress on the direction set out in the Welsh Government’s ‘Report of the Task and Finish Team on MCZs in Wales’ to “*work closely with the other UK administrations to ensure that MCZs in Welsh seas contribute*

¹ The 10 MCZ sites that were consulted on in 2012 were formally withdrawn as announced by the Minister for Natural Resources and Food in a written statement on 18th July 2013.

to a coherent MPA network” has demonstrated very limited progress. In a statement on the 18th of July 2013, the then minister Alun Davies announced that Welsh Government would be *“in a position to reach a view on whether further action is needed early next year, after considering the outcome of our MPA assessment”*. In February 2014, Welsh Government provided a report to the National Assembly for Wales on Marine Protected Areas, stating that *“Should any gaps be identified we will work collaboratively with a range of stakeholders to consider possible options for fulfilling Wales’ contribution to a coherent network of MPAs”*. We eagerly await an update of this assessment to be shared with marine stakeholders. It is WELs view that protecting nationally important habitats and species, through designation of domestic sites such as MCZs, are essential to fill the gaps within the current network comprised primarily of internationally designated sites.

WEL were also disappointed to learn that the five sites in the Welsh offshore area being considered for designation in Tranche 2 of the Defra-led MCZ process have been dropped from the consultation announced on 30th January. Whilst we understand this decision did not wish to pre-empt the outcome of the Silk Commission, we seek assurance from Welsh Government that these sites will be taken forward for designation should further conservation powers in the offshore be devolved to Wales in future. This would also provide the opportunity for more sensible ecosystem-based delineation of the MPA boundaries, which are currently artificially defined by the 12nm territorial boundary.

MPA management

The EU Habitats and Birds Directives form the cornerstone of Europe's nature conservation policy and are a key delivery mechanism for the spatial protection of Wales’ unique biodiversity. Effective management of the Welsh MPA network is therefore essential and needs to be addressed.

WEL welcomed the announcement by the Minister in July 2014 to create a MPA Management Steering Group to agree priorities and a consistent approach across Wales in order to ensure that MPAs are well managed. We are aware that the Group has now been set up and an informal consultation led by Natural Resources Wales (NRW) on MPA management has been shared as an output. However, we remain concerned over the slow progress being made to develop a consistent and effective approach to the management of the Welsh MPA network.

WEL believes that further progress needs to be made by Welsh Government in securing effective management, monitoring and enforcement of existing sites. If the right approach is taken, with the correct management structure in place, Wales will be in a stronger position to deliver their contribution to the EU MSFD target of GES by 2020. Without effective management, designation of new sites and current designations will fail to make a meaningful contribution to the UK network. WEL is pleased that NRW are looking at the management of the network of sites as a whole in Wales, but we have concerns on the progress to date in delivering effective management of existing sites. WEL are aware of ongoing work by Welsh Government in regards to the review of regulation 35 packages (the management plans that cover the current suite of designated marine sites in Wales). We would appreciate an update on the progress of this work, and advocate that any proposed changes are considered in conjunction with the outputs from the Management Steering Group.

WEL welcomes the ambition to improve the management of the Marine Protected Area (MPA) network in Wales, and the recognition that management requires robust decisions and effective management structures to ensure the MPA network achieves its conservation

objectives. WEL are particularly pleased that the recommendations arising from the review highlight the need to increase awareness of the value of a well managed network and development of a sound evidence base. Ecologically speaking, a network approach has the potential to deliver for a range of species, including mobile, ensuring that they benefit from management measures across their entire range. However an ecosystem-based approach also includes a site based management, which is appropriate for certain species and habitats, therefore balance between these approaches must be struck. WEL would also highlight the need for dedicated officers to liaise at a local level, addressing specific issues and to ensure consistency across the network. In our view this would require an increase in investment in marine management over the current spending.

Finally we would also highlight NRW's important LIFE bid work in relation to the management of the Natura 2000 network, of which the current MPAs are part. We understand that the project has now developed specific pilots in line with ambitions to provide a basis for an area based approach to management. WEL urges that progress in this area be fed into the Management Steering Group work-stream.

EU Marine Strategy Framework Directive (MSFD)

WEL are pleased that Welsh Government has committed to working with Defra and the UK Devolved Administrations to ensure a joined-up approach to managing human activities in the marine environment. We believe this is critical if Good Environmental Status (GES) is to be achieved in European waters by 2020.

WEL noted inclusion within the Welsh Government's MFSAP of the requirement to identify and implement a Marine Monitoring Programme by 2014, a Programme of Measures by 2016 and a commitment to undertake an evidence audit of Welsh waters to identify and seek to fill any gaps necessary to meet targets under the MSFD.

Despite this, we are deeply concerned about the current lack of ambition from Defra and the UK Devolved Administrations to implement *new* measures to support delivery of GES by 2020. Existing measures such as the Common Fisheries Policy, marine planning and the UK's MPA network (when complete) will contribute towards achieving targets for some Descriptors, however, new measures for Descriptors such as marine litter (which historically has had less targeted management at a UK scale) will need additional management if the UK is to meet GES of its marine waters by 2020. WEL are aware that lack of long-term data is likely to be proposed as an exemption for implementing measures for some Descriptors, however in such cases a precautionary approach should be adopted (a requirement of the ecosystem-based approach) and management to reduce the risk of damaging activities having an impact on the marine environment should be implemented.

We note the commitment from Defra and the UK Devolved Administrations to work at OSPAR Regional Seas level to ensure a joined-up approach to managing human activities in the marine environment. We currently have reservations as to the level of co-ordinated effort made between Member States and between Devolved Administrations to ensure that existing measures are being implemented consistently across Regional Seas. We recommend that, as part of the consultation on Programmes of Measures, identification of gaps in measures across marine areas is undertaken with a view to fill these gaps in a standardised way to ensure consistency across Regional Seas.

Whilst WEL welcome the opportunity to input into the Joint UK administration Programme of Measures currently being consulted on, WEL believe that there has been little opportunity to

date to engage with the Marine Strategy Framework Directive in Wales beyond that provided through the Celtic Seas Partnership project. Effective stakeholder engagement is a key requirement of the ecosystem based approach (a requirement of the MSFD) and will ensure that Welsh Government are aware of all monitoring and management measures currently being undertaken in Wales, enabling a better understanding of what further work needs to be undertaken to achieve GES. WEL recommends that engagement on MSFD management and monitoring takes place early in the development process and that, post-adoption of measures, Welsh Government should continue to work with stakeholders to review the effectiveness of measures put forward.

Evidence Collection

Within the Committee's 2013 recommendations there was a clear wish for Welsh Government to identify existing data sources to underpin the marine planning process in Wales. The committee also recommended Welsh Government explored opportunities to work with industry, university research centres and the Third sector to co-ordinate data collection efforts.

WEL welcomed a number of evidence-related initiatives outlined in the Marine and Fisheries Strategic Action Plan in 2013. These have since been packaged up to form one strand of the Marine and Fisheries Division's 'Marine Transition Programme', labelled the Effective Evidence Base project. This information will be used to inform evidence-based marine policy decision making within Welsh Government. WEL believe it is critical that a commitment is made to maintaining resources for the Effective Evidence Base project to ensure ongoing work in this area continues, particularly for the ongoing identification of priority research areas. Welsh Government's 'Report of the Task and Finish Team on MCZs in Wales' stated it will "maximise EU funding opportunities to address identified evidence gaps through collaborative working." WEL hopes that this recommendation is delivered upon and used to ensure that projects such as the Effective Evidence Base project are delivered with adequate resourcing.

The Marine and Fisheries Strategic Action Plan also committed Welsh Government by the end of 2014 to "Establish a clear marine evidence governance structure including a Marine Evidence Group and develop a Welsh marine and fisheries evidence strategy including prioritised evidence and research needs". This has not been delivered as far as we know. Given that an effective evidence base underpins delivery of the Marine Transition Programme, and marine planning in particular, we would be interested in hearing Welsh Government's proposals for taking forward this strand of work.

WEL have been engaged in the development of the marine planning evidence portal for Wales through our involvement with the Marine Planning Stakeholder Reference Group (MPSRG). We believe that the portal will be a critical tool for stakeholders and marine planning authorities to make planning decisions based on best available evidence and enable better consideration of cumulative and in-combination effects of human activities in the marine area. Whilst the portal promises to be a useful tool, we believe further improvements in its functionality and content would encourage greater use and add value to the decision-making process. It is our view that if the portal were able to ratify and verify data sources from all sectors, it would provide an extremely useful standardised marine data resource to inform and support delivery of Welsh marine policy. Furthermore such an approach would help identify data gaps ensuring resources are targeted to where most needed.

Stakeholder engagement

WEL welcomed the formation of the Wales Marine Stakeholder Advisory Group (WMSAG) in July 2014, which has been created to advise the implementation of the Government's Marine Transition Programme (MTP). Although the development of the group is still in its infancy, WEL are pleased that there is now a clear mechanism for stakeholders' views to be heard. The permanent continuation of this group should ensure greater stakeholder 'buy in' of marine governance and support Welsh Government in its implementation of marine policy in Wales.

It is too early to provide opinion on the effectiveness of the WMSAG in ensuring stakeholder views are considered in the development of marine management decisions. However, it is our view that Welsh Government could benefit from the substantial knowledge available from its members. We would suggest that, rather than the WMSAG meeting format consisting of updates from Welsh Government and NRW, these are instead provided in advance, with meetings used as workshops to discuss proposed developments. From such discussions, Task and Finish Teams (TFT) could be identified as necessary providing an essential mechanism to ensure effective Welsh Government collaborative working with stakeholders. This is how the WMSAG was intended to run as highlighted by the Minister in his July 2014 update *"I want this group...to work proactively to support our work and will encourage it to establish Task and Finish Groups to do so. It will also work with the existing fisheries stakeholder groups..."*

WEL are pleased that the role of the Inshore Fisheries Groups and Wales Marine and Fisheries Advisory Group has been revised following a review of their role in 2014. Whilst the approach is still in its infancy, it does appear to be making some progress in utilising the stakeholder input to the management of Welsh seas. However WEL feels that better use should be made of other existing multi-interest groups such as the coastal forums (such as Pembrokeshire Coastal Forum and the Severn Estuary Partnership) relevant authority groups, and ecosystem groups. These groups represent a diverse range of interests, and should in our view have specific work programmes that add value to Welsh Government's priorities set out in the Marine and Fisheries Strategic Action Plan.

Resourcing

Whilst we appreciate that in these austere times additional resource is difficult to guarantee, we would ask Welsh Government to consider the delivery of the marine programme of work in the wider context and across the cabinet portfolio. With that in mind, we welcomed the continued financial commitment from Welsh Government since the 2013 inquiry to maintain the staff levels within the fisheries team of the Marine and Fisheries Division. That said, WEL is gravely concerned that without adequate resources ring fenced in 2015/16 for other strands of the Marine Transition Programme (MTP), and with possible cuts to NRW funding, there is a real risk that the ambitious targets and commitments set out within the Marine and Fisheries Strategic Action Plan, brought together under the MTP, will falter.

For further information please contact:

Karen Whitfield
Policy Coordinator / **Cydlynnydd Polisi**
Wales Environment Link / **Cyswllt Amgylchedd Cymru**
Baltic House / **Tŷ Baltic**
Mount Stuart Square / **Sgwâr Mount Stuart**
Cardiff / **Caerdydd**
CF10 5FH

Tel / **Rhif Ffôn:** 02920 497 509

Email / **Epost:** www.waleslink.org

The following WEL members support this document:

Marine Conservation Society

RSPB Cymru

Wildlife Trusts Wales

WWF Cymru

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Reg. Charity No: 1022675 Rhif Elusen Gofrestredig: 1022675