



EVIDENCE TO THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE LEGACY REPORT

FEBRUARY 2016

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 designated 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 representatives of WEL's Marine Working Group (MWG). WEL welcomes this opportunity to present written evidence to the Environment and Sustainability Committee preparation of its Legacy report. We have focussed our comments on the top-line issues, the progress made in marine policy during the fourth Assembly and the next steps for the next Assembly and Committee. For detailed information on what has been achieved and details of issues in this Assembly we advise that WEL previous evidence to the Committee in February 2015¹ is referred to.

General Comments

WEL greatly appreciates the Committee's inquiry into marine policy in 2013² and subsequent yearly follow up inquiries. WEL believes this has directly influenced the development of marine policy in Wales and resulted in the publication and updates of the Welsh Government's Marine and Fisheries Strategic Action Plan. WEL are keen for similar follow up inquiries to be undertaken in the next Assembly on a yearly basis to ensure the Welsh Government can meet targets under both national and international legislation to deliver Good Environmental Status of Welsh seas by 2020.

Marine Planning

Marine Planning has progressed at a slow pace over the past five years and WEL are aware that limited resource to develop the Plan has been a contributing factor to this. WEL are now

¹ <http://www.senedd.assembly.wales/documents/s36884/Paper%203.pdf>

² <http://www.senedd.assembly.wales/documents/s13300/Inquiry%20into%20marine%20policy%20in%20Wales%20-%20Report.pdf>

aware that the Plan is likely to be adopted in 2016. Slow progress in developing the Plan has meant a delay in securing plan-led ecosystem based management in the Welsh marine area, but equally WEL recognises that this additional time has given stakeholders more opportunity to influence the plan in its early draft stages. It is yet to be determined whether the Plan will support Sustainable Development and the achievement of Good Environmental Status of Welsh Seas by applying an ecosystem based approach. The Plan will only be as good as its evidence base, therefore looking to the future; a programme of work to fill gaps in evidence needs to be established with adequate resourcing allocated.

Marine Protected Areas

WEL has continually raised concern about the lack of monitoring of Natura 2000 sites (European sites) in Welsh territorial waters. This continues to be an issue, with the last assessment in 2007 that stated 79% of habitats of marine Natura sites were in unfavourable condition³. Without the necessary resource committed to monitoring of sites it will be impossible to determine whether sites are well-managed and for WG to meet international commitments.

The proposal to designate Marine Conservation Zones has proved controversial and has taken time but Welsh Government has now enacted Part V of the Marine and Coastal Access Act, creating Wales's first Marine Conservation Zone around Skomer Island. Looking forward we are yet to see where further sites of national importance are to be located in Welsh seas. We are aware there are gaps in the Welsh protected area network and WEL are still awaiting the outcome of the Welsh Government analysis. Designation of further sites of national and international importance will be required before the end of 2016 if Wales is to achieve Good Environmental Status by 2020 under the EU Marine Strategy Framework Directive.

EU Marine Strategy Framework Directive

With the publishing of the Marine Strategy Part 3⁴, it is apparent that Welsh Government and DEFRA have lacked ambition to do more than the status quo with regards to achieving Good Environmental Status (as a requirement of the EU Marine Strategy Framework Directive) by 2020. WEL recognise that a limited budget to undertake new measures is a contributing factor to this. WEL believes that current measures are not enough to achieve Good Environmental Status; particularly for some Descriptors (e.g. for marine litter and man made underwater noise). Going forwards, it is critical that further measures and more robust targets and indicators are developed, particularly for those Descriptors that will not meet Good Environmental Status in this reporting period.

New Legislative Framework

There continues to be ambiguity over how the Environment (Wales) Act 2016 applies to the marine environment. It appears that there are now conversations taking place between Welsh Government departments to determine how Area Statements and the National

³ M. Hatton-Ellis, L. Kay, K. Lindenbaum, G. Wyn, M. Lewis, M. Camplin, A. Winterton, A. Bunker, S. Howard, G. Barter & J. Jones, 2012. MPA Management in Wales 1: Overview of current MPA management in Wales and a summary of new MPA management tools. CCW Marine Science Report 12/06/01, 56pp, CCW, Bangor.

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486623/marine-strategy-part3-programme-of-measures.pdf

Natural Resources Policy will apply to marine planning and wider marine policy. WEL are aware that currently there are planned to be 8 Areas Statements for the land and only 1 for the marine area. WEL would advise that 4 marine Area Statements are produced that cover the same extent as the current proposed Marine Protected Area spatial management areas. Guidance now needs to be provided for regulators and stakeholders and careful on how the Environment Act and marine policy interact, and consideration will need to be given to integrating timescales for reviewing marine planning and the outputs of the Act.

Natural Resources Wales

The restructuring of the Statutory Nature Conservation Bodies to a single body has taken time and up until recently there has been a perceived lack of clarity on the new remit of Natural Resources Wales (NRW) by stakeholders. The Environment (Wales) Act 2016 presents an opportunity to provide further clarity here. Looking forward, NRW needs to fully establish itself as Statutory Nature Conservation Body independent from Welsh Government and resources need to be safeguarded to ensure that there is enough staff on the ground to carry out all of its functions.

Evidence

WEL recognises the time and resource that has gone into producing the Wales Marine Evidence Report⁵. We also welcome the drive from Welsh Government to encourage those who collect data to voluntarily contribute to the marine evidence base. Development of the report is the first step towards identifying and filling gaps in evidence in the marine environment. The challenge now is to start filling these evidence gaps, and WEL recommend that Welsh Government commit to resourcing the Wales Marine Evidence Strategy in order to support evidence based decision making. Marine evidence will also need to be fully represented in the State of Natural Resources Report (SoNaRR).

Resourcing

WEL have continually highlighted over the past five years the difficulties faced by the Welsh Government Marine and Fisheries Division and Natural Resources Wales to carry out their duties on such a tight budget. Evidence has shown that the timescales for some areas of work, for instance development of marine planning and designation of MPAs have slipped as a result of this. Moreover, enforcement of management measures within Natura 2000 sites remains an issue. Wales currently only has one enforcement vessel and WEL are aware that at times this has been out of action. There is a real risk that Welsh Government may not be able to meet its requirements to deliver a well-managed ecologically coherent network of MPAs by 2016 and Good Environment Status by 2020 unless further resource is found to support these teams.

Engagement

The level of stakeholder engagement from the Welsh Government over the past five years has varied greatly. Specific task and finished groups have now been merged to form the Wales Marine Strategic Advisory Group. WEL believes that currently this group is not

⁵ <http://gov.wales/docs/drah/publications/151008-wales-marine-evidence-report-master-october-2015-en.pdf>

functioning to its full potential as there is still work to be done to ensure that engagement is meaningful. WEL would advise that further tasks and finish groups are set up in order for Welsh Government to access best advice from stakeholders with particular expertise.

Fisheries

Fisheries management and the marine enforcement regime in Wales have seen considerable changes over the past five years. WEL believe that the associated restructure and creation of one unit within Welsh Government responsible for fisheries policy, management and marine enforcement was an appropriate move. It has taken time to develop the same level of engagement with the Fisheries Unit as had been experienced with the Marine Branch.

WEL welcomed the establishment of Wales Marine Fisheries Advisory Group (WMFAG) and the Inshore Fisheries Groups (IFG) in bringing together cross-sectoral representation from interested parties. That said, there is more work to be done by Welsh Government to deliver meaningful engagement and to make the most of these groups considerable expertise by taking greater advice (informally) to better develop marine policy prior to public consultation. There also needs to be greater coordination of fisheries management with regulators at cross-boarder sites, such as with the Inshore Fisheries and Conservation Authorities on the Severn and the Dee estuaries.

The review of fisheries bylaws in Wales has taken considerable time and as a result this has hindered the ability to deliver sustainable fisheries management in Wales. Delays have lead to issues in delivering licenses and may affect future plans and management of fisheries. Whilst work has begun to tackle illegal fish sales, progress on this has not been fully demonstrated. As highlighted above, greater resource must be allocated for enforcement if the Welsh Government is to manage its fisheries sustainably to ensure future viability.