

## MPAW 10

Ymateb gan : Grŵp Defnyddwyr a Datblygwyr Gwely'r Môr

Evidence from : Seabed User & Developer Group (SUDG)

### Question 1

Has the management of Welsh seas received sufficient resource and strategic direction to enable sustainable management that supports the well-being of current and future generations? (250 words)

There is a need for clarity about what the conservation objectives are for all MPAs and how these objectives can be met. It is therefore important that there is evidence to enable these to be determined. There is insufficient information available at present for real clarity in many areas and therefore there is a need for greater resources to make sure that this is the case.

Those marine industry sectors which comprise SUDG (see [www.sudg.org.uk](http://www.sudg.org.uk)) all try to work closely with regulators to achieve greater clarity and also provide information to help this process. The absence of information, or the lack of employing information means that too often the precautionary principle is adopted which can be unnecessarily time consuming and expensive.

It is important to understand that those industries in SUDG adhere strongly to the principles of sustainable development (SNMR in Welsh terms) and aim to apply these by, amongst other things, working closely with others. We believe that more could be done to provide strategic direction, but that it is not just a matter of more resources, it is also about more effective use of existing resources and better use of information; but we would also say that there is insufficient of either at present to do the job properly.

### Question 2

How should Area Statements, to be developed by Natural Resources Wales, cover Welsh seas? (*For example should the sea adjoining each Welsh Local Authority be included in its Area Statement, or should the marine environment be considered separately in one or more marine Area Statements?*) (250 words)

No comment



### Question 3

How well are Wales' MPAs currently being managed?

*(This can include aspects such as the condition of sites, staffing to deliver management, surveillance and enforcement activities and the data on the extent of activities taking place in MPAs) (250 words)*

I have insufficient knowledge to comment usefully on this but from the points I make in question 1, it is almost certain that there is a shortfall of resources to meet any of the topics included in the question.

### Question 4

What are the key issues affecting the effective management of multi-use MPAs? (250 words)

The main issues arise out of lack of good understanding of the relationships between different uses within an MPA. The emerging WNMP will help to identify where these potentially may occur, but more needs to be done to work out practical measures for ensuring co-existence or co-location. Industry can help in this by providing information and expertise based on experience, but it is important that if good practices can be developed, that they are applied on a wider basis and not just treated as one off applications, which is too often the case at present. It is also important to recognise that at times regulation may be needed. For example, if permission is granted for a subsea cable to be laid, it is also the responsibility of regulators to make sure that it is protected from other potentially damaging activity. The industry provides information on the presence of cables to all marine users, but it is also important that other users acknowledge this in their own activities. Equally, it is essential that in planning routes for cables, the industry ensures that it is aware of others' actions and assets, including conservation. The WNMP will help this but action is required post planning and via enforcement if necessary.

### Question 5

Do existing Welsh MPAs currently provide the right protection for the conservation of Welsh marine biodiversity? (250 words)

Quite rightly, there is a need to have a coherent network of MPAs which meet the needs of the parameters that define the network, but I am not aware of these and can only assume that WG, in conjunction with adjoining administrations, is. Beyond that there is probably insufficient resource to make sure that MPAs are given the right protection and there is also a need for greater emphasis on enforcement where activities are undertaken which do damage conservation resources.



Question 6

What lessons can be learnt from current MPA management activity in Wales (including designation, implementation and enforcement)? (250 words)

Not sure

Question 7

Are there MPA examples or practices elsewhere that Wales can learn from? (250 words)

From an SUDG perspective, which works on the basis that the marine industries which comprise SUDG are highly regulated, there is a view that voluntary measures applied in some cases elsewhere are not only of little value, but that without full monitoring and enforcement are simply a mechanism which allows for continuing damage of an MPA and its resources. There is a case for the development of good practices that can be built into licence conditions and which can be voluntarily provided by the developer from the outset which should be encouraged and adopted more widely.

Question 8

The majority of Wales' MPAs are designated under the EU Habitats Directive. How should the Welsh Government's approach to MPA management take account of the UK's decision to leave the European Union? (250 words)

SUDG members have learnt to understand the EU Habitats Directive and the requirements of the Articles within it. While there are still some areas that require further clarification, we largely understand the Directive which has been in existence for over 20 years and how it is applied. Consequently, there is a strong feeling in industry that if, quite rightly, the environment should continue to be protected and improved, the regulations which currently exist and the sites they protect should be retained in some form. Marine legislation is usually complex and requires considerable experience if it is to be implemented correctly. We are still learning from the Marine and Coastal Access Act (2009) and new legislation would create more uncertainty as it would require the same period of learning and understanding. Ideally therefore the outcomes of applying the Habitats Directive should simply be passed on and managed by WG post Brexit.

In addition, the requirements of the Habitats Directive mean that if a development is deemed to have an adverse effect, it must show that there are no suitable alternatives and that there are Imperative Reasons of Overriding Public Interest. Currently managed within a EU context, IROPI creates an opportunity which would require any project deemed to have an adverse effect not only to compensate in environmental terms, but also to show that it can meet the requirements of the WFG Act and meet the needs of



Welsh policies and plans without further consideration of EU commitment.

Question 9

If you had to make one recommendation to the Welsh Government from all the points you have made, what would that recommendation be? (250 words)

Work with industry more to find better ways of using limited resources to achieve better outcomes for industry and the environment.

Question 10

Do you have any other comments or issues you wish to raise that have not been covered by the specific questions? (250 words)

