

MPAW 18

Ymateb gan : Cwmdeithas Pysgotwyr Cymru
Evidence from : Welsh Fisherman's Association

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)

In our considered opinion the strategic direction towards the sustainable management of natural renewing marine resources and the marine environment is consistent with supporting and sustaining the sustainable development principles and goals of the Well Being of Future Generations Act (Wales) 2015 (WFGA). We now have the Environment Act (Wales) 2016 (EA16) one of the main Pillars of the Act Section 9 is "Sustainable Management of Natural Resources" (SMNR). The first product of the EA16 is the State of Natural Resources Report (SoNaRR), this report considers how natural resources and ecosystems support the well-being goals and guidance to inform policy and decision makers. The 2nd product of the EA16 is the Natural Resource Policy (NRP) this document will set out Welsh Ministers' policies and priorities for contributing towards SMNR and in doing so the well-being goals of the WFGA, furthermore the NRP will apply to an Assembly term, SoNaRR and the NRP will be subject to review/ renewal on a 5 yearly cycle.

Existing legislation frameworks that underpin the management of the marine environment and fisheries activities in Welsh/UK and EU waters include:-

- The Marine & Coastal Access Act (2009): **UK Legislation:**
- Marine Planning and the Welsh National Marine Plan: **UK Legislation:**
- Marine Licencing - **UK Legislation:**
- All the saved bylaws of the former South Wales Sea Fisheries Committee and the former North Western & North Wales Fisheries Committee have been saved under the Transitional and Savings Provision of the Marine & Coastal Access Act (2009): **UK Legislation:**
- Biodiversity duties under the Natural Environment & Rural Communities Act (2006) Section 42 in Transition to Section 7 of the EA16: **UK Legislation:**
- Habitats & Birds Directive - 92/43/EEC: **EU Legislation:**



- Common Fisheries Policy – 1380/2013: **EU Legislation:**
- The Marine Strategy Framework Directive – 2009/56/EC: **EU Legislation:**

Further to the above the Marine & Fisheries Division of Welsh Government have the following fora for the purposes of engaging and informing all cross sector marine stakeholders in Wales the Marine Transition Programme (MTP) and its governance arrangements include:-

- Wales Marine Strategic Advisory Group (WMSAG): (MTP)
- Wales Marine & Fisheries Advisory Group (WMFAG): (MTP)
- The Marine Planning Stakeholder Reference Group (MPSRG): (MTP)
- Better Fisheries Project – Governed by the Fisheries Management Board: (MTP)
- Marine Biodiversity Task & Finish Group: (MTP)
- Marine Planning Project: (MTP)
- Marine Strategy Framework Directive Project: (MTP)
- Assessing Welsh Fishing Activities Project: (MTP)
- Marine Protected Areas: (MTP)

The above is not an exhaustive list, however, it does make clear the legal and stakeholder frameworks that exists to support and communicate the sustainable use and development of Welsh natural resources and the engagement/consulting processes that are firmly established. Wales is now in a position whereby the WFGA and the EA16 provides a new and unique framework that is underpinned by SMNR principles that will serve to deliver the strategic direction for current and future generations in these uncertain times, post EU Referendum:

Regarding the question of “sufficient resources” we are not in a; position to qualify or quantify a response other than to state the obvious Wales has endured significant budget constraints as a result of austerity which is inevitably going to impact non-statutory functions, however, as described above new legislation has been developed during austere times and implementation is progressing together with maintaining statutory obligations/functions. Looking forward it would seem prudent to regularly review resource requirement particularly given the potential implication of the UK’s exit from the EU as marine & fisheries policy and legal capacity is already stretched:

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)



The Natural Resources Policy (NRP) we understand will determine the scale and location of Area Statements (AS), however, it would appear sensible to align AS with Welsh local authority boundaries for three reasons:-

- 1) Plan consenting authorities would historically be applied to terrestrial boundaries, if Area Statements were aligned at this level it would provide for better integration and understanding of the intertidal/coastal zones land based plans and marine plans:
- 2) Special Area of Conservation (SAC) site officers, liaison groups and relevant authority groups have historically been hosted and co-ordinated via each coastal local authority – it would seem appropriate that (subject to consistent application) each AS would be aligned accordingly to maintain and enhance these existing structures:
- 3) Due to the highly dynamic nature of the marine environment change can occur at local levels and will require local understanding to inform decisions, therefore a single marine Area Statement would not in our view adequately address/consider point 1),2) or 3):

Wales specific evidence will be necessary to inform Welsh Ministers priorities/plans within the Natural Resources Policy and Marine Area Statements together with the appropriate monitoring/reporting programmes at a site/country level:

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)

The management of MPA's in Wales is usually shared between a number of management authorities and regulators eg. NRW, Local Authorities, (Environment Agency and IFCA's, cross boundary Dee and Severn Estuary) with overall responsibility resting with UK/Welsh Government for Welsh designations:

Surveillance and monitoring duties are carried out in accordance with Nature Directive 92/43/EEC Article 11 requirements annually to inform the Welsh Country Level Report to the UK Article 17 Reporting Process (compiled by JNCC) submitted to the European Commission every six years:

This Report assesses site feature conservation Status at a UK level. Other marine activities such as renewable energy and aggregate dredging require a marine licence and require Environmental Impact Assessments (EIA). Any permitted activity within a



European Marine Site (EMS) will undergo Test of Likely Significant Effect (TLSE) and if necessary a full Habitats Regulation Assessment (HRA) to assess the potential effects of impacts on features within the conservation objectives of the site:

Sectorally – Assessing Welsh Fishing Activities will deliver assessments of fishing activities within (EMS) in accordance with Article 6 92/43/EEC and will inform management if necessary:

NB: it is important to note that the majority of the Welsh fishing fleet are small scale artisanal fisheries employing low impact, passive capture methods such as potting, lining and netting:

The processes for managing activities within UK and Welsh MPA's are well established, however, conservation status is often misunderstood at a country level due to the way in which the Reports under Article 17 present – at a UK level, Welsh site level reports are not publically available and therefore it is not currently possible to assess the actual conservation status of sites in Wales independently of other Devolved Administrations. There are also perceived threats within site management plans that are not assessed, it is often the case that such possible threats/pressures do not take place but if not assessed will contribute to an unfavourable condition rating. This is a theoretical risk and not a direct impact and therefore must be understood:

Question 4

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

This question suggests a pre-determination that management in multi-use MPA's is not effective without referencing any evidence. As we have set out above and below, there are statutory processes in place to control, monitor, enforce and if necessary manage activities with Welsh MPA's and whilst there will be differing views on what the public perception of effective management is these remain opinions unless or until facts are established: Therefore to answer Question 4 objectively we would respectfully suggest undertaking a review of the long established processes for surveillance, monitoring, reporting an enforcement of SAC, SPA designations in Wales as this will provide an evidence base to inform and support future decisions and or measures as appropriate. On a practical level and given the work load involved in assessing activities within MPA's and the frequency of assessments capacity issues within Welsh Government marine & Fisheries Division particularly Science, Policy and Legal Departments together with counterparts in NRW will in our View require further resource consideration to ensure that current fishing activities are maintained. With the recent confirmation of Candidate SAC's in Welsh waters for Harbour Porpoise and that candidate Status requires the same level of protection as if the SAC's were designated Welsh water designations will have



risen from 5,592km² to 18,081km². Resources to facilitate these additional responsibilities will need to be carefully considered;

Question 5

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

Wales is a signatory to the CBD and Annex ii Features under the Habitats Regulations 92/43/EEC considers life stages important to mobile species eg. Prey species:

It is not possible to manage a highly dynamic natural environment such as the marine area only the anthropogenic pressures that take place within it. The sea & seabed habitats and Species in Wales have evolved to survive within a highly dynamic environment in some cases highly mobile seabed sediments can be more severely affected by natural disturbance in such cases the highest possible level of designation would not influence the outcomes of natural events, neither can assumptions be used from a single site location within Welsh territorial waters and applied at a National level – the marine environment changes dramatically within short ranges, therefore broad brush approaches are not the most appropriate methods by which to produce benefits without the risk of unintended consequences. It also has to be recognised that many species are and will continue to be influenced by climate change; these effects need to be better understood in terms of how climate change is influencing biodiversity. Invasive Non-native Species (INNS) area also acknowledged as being the single most significant cause for biodiversity loss globally. Furthermore marine aggregate dredging and pollution will dramatically effect marine biodiversity:

Question 6

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



Present day processes have improved; consultation/designation have greater transparency and engagement with stakeholders, however, it is not appropriate to use the term management in an isolated context. EU Nature Directives require habitats and species of community interest to be listed on Annex i & ii respectively, in doing so site boundaries are identified and if appropriate the process to designate a site of community importance is implemented: Further to designation the Nature Directives require under Article 11 (92/43/EEC) the annual surveillance and monitoring of Annex I and Annex ii Habitats & Species. The Directive also requires that the UK as a Member State reports at a country level into the UK Article 17 Reporting Cycle, therefore post designation, through statutory compliance with Articles 11 & 17, the UK and devolved administration would have an improved evidence base to inform measures that may be necessary to achieve the conservation objectives of the designated features therefore measures should be relevant to Annex i & ii features that fail to maintain or restore at Favourable Conservation Status. Surveillance and monitoring within the statutory reporting cycle should inform as to the Feature Conservation Status, this evidence based approach would inform what, if any, measures necessary. To use a precautionary approach to site management without evidence alienates stakeholders and is counterproductive. It is widely acknowledged that humans are an integral part of the ecosystem and therefore stakeholders must be fully engaged and considered in the process of designation and or management:

Question 7

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

There are many MPA's designated at a UK & EU level, sites are designated for different habitats and or species of conservation interest under the duty of Annex I (Habitats) and ii (Species) all of which are underpinned by the Habitats Directive KC 92/43/EEC. In theory all European Marine Sites should therefore be regulated in the same way at an EU Seas level, Feature designations will change from site to site however the statutory requirements to monitor and report at a UK level are clearly set out within Article 11 & 17 of the Directive therefore implementation and compliance should be applied consistently. Other MPA's have been designated under the Marine & coastal Access Act 2009 eg. MCZ's Tranche 1 & 2 in English Waters, Scotland has separate marine legislation and is establishing its own approach to prioritisation and designation there are No Take Zones (NTZ) in UK waters (Lundy) however the lessons learned are not all positive. Whilst lobster abundance and size increased within the NTZ negative impacts were also noted such as increased injury and shell disease. Significant increase in the size of brown crab was observed and a decrease in velvet crabs due to predation owing to competition by lobsters. A further study reported there were no conservation benefits



in terms of the investigated species arising from the exclusion of potting within the MPA. There are no doubt experiences elsewhere that Wales can learn from, however, in a highly complex, diverse and dynamic marine environment an evidence based approach to decision making would support best practice:

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)

In the first instance we are given to understand that the Great Repeal Bill when enacted will enable EU Law to be rolled over in UK Legislation thereby maintaining the Nature Directives in Law and in doing so preserving the existing marine designations and Feature Protection consistent with the site conservation objectives. Wales also has unique legislature in the Environment act (Wales) 2016 and the Wellbeing and Future Generation Act (Wales) 2015 that will provide a framework to future proof sustainable development in the natural environment post EU exit. Furthermore the Marine & Coastal Access Act (2009) (MCAA) provides robust powers to Welsh and UK Ministers for the conservation and if necessary management of the marine area. The Repeal Act will also present an opportunity in the longer term to re-visit the Nature Directives to ensure that the Regulation is more consistent with a regional approach to nature conservation rather than a broad brush application of regulation on the scale of 27 Member States (Community Territory) as defined within the Directive:

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)

Continue to develop a framework for adaptive management of the marine environment. Climate change will continue to influence the marine environment and our natural resources, by engaging with fishermen to participate in statutory monitoring the evidence base for the marine environment will be improved and importantly maintained. Periodic reporting and evaluation will enable managers to adapt measures as appropriate underpinned by evidence rather than an over reliance on the precautionary approach. To effectively engage stakeholders is, in our opinion, the most efficient and sustainable form of marine monitoring that will support an evidence based approach to sustainably managing our marine environment and natural renewable resources:



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)

There are statutory mechanisms in place that require regulators and managers to monitor, report and if necessary manage. Marine and Fisheries stakeholders would be more effective by engaging with data collection and monitoring programmes that are strategically and nationally co-ordinated to support statutory reporting requirements. This would be a more comprehensive means by which data can be collected and assessed to inform an adaptive ecosystem based approach to managing our marine resources for current and future generations. For environmental organisations to continue to use UK statistics to support a claim of unfavourable condition in Wales does not benefit conservation as to do so is unrepresentative and frankly misleading. Fishing has co-existed with the marine environment in Wales for many generations where certain fishing activities could be argued as being part of the ecosystem. Committee Members should be mindful of the difference between conservation and preservation. If you wish to conserve the marine environment you must consider fully the implications to our culture, heritage, language and social economics together with the environment otherwise you create a disconnect. Coastal communities and the marine environment are interdependent; the living breathing heart of the Welsh coastal strip, this fact pre dates any designation in Wales.

If however, you choose to preserve something, you pickle it, essentially preserving one thing at the expense of another.

The Welsh Fisherman's Association – Cymdeithas Pysgotwyr Cymru fully supports the sustainable management of natural resources and is a strong advocate for adaptive management within an ecosystem based approach underpinned by evidence led decision making, we believe that this is the best way to engage all marine users equally, fairly and positively to achieve consistency and balance:

