

Cynulliad Cenedlaethol Cymru | National Assembly for Wales

Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate Change, Environment and Rural Affairs Committee

Gwaith dilynol ar reoli Ardaloedd Morol Gwarchoddedig yng Nghymru | Follow up work on Marine Protected Area management in Wales

Ymateb gan : Prifysgol Aberystwyth

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What progress has been made by Welsh Government against the recommendations in the Committee's 2017 Report?

Thank you for giving me the opportunity to provide evidence to the Committee. It is some years now since I have been actively involved in MPAs so my observations are those of an outsider. I have given some detailed comments in response to some of your questions below but in summary my views are:

1 While a welcome addition to the management guidance for MPAs, the Framework and Action Plan are insufficient without a clear strategy on the purpose of MPAs.

2 Although more information is available if you know where to look for it, there is little evidence of any outreach about MPAs or marine conservation in general. This is still being left to the non-governmental sector.

3. The best way of engaging the wider public is to focus on key areas - Skomer MCZ is a good example. The provision of dedicated site officers whose responsibilities include public engagement may be expensive but could pay dividends in raising the profile of marine conservation.

4. The 139 MPAs in Wales do not constitute an ecological network. At best they are a series.

5. There are opportunities post-Brexit for re-designating sites to cover a wider range of ecosystems which could then become a network that provides connectivity for a wide range of species.

Recommendation 1: For Wales to realise the benefits of its MPAs, sites must be managed effectively. The Welsh Government must provide leadership on this matter by developing, as a matter of urgency, an MPA strategy and ensuring that all management authorities, including Welsh Government, are actively engaged in MPA management and fulfilling their duties and responsibilities.

The Welsh Government's primary response to the recommendation to provide **leadership** seems to have been to turn to the MPA Management Steering Group. As noted in the 2017 Report, this group had been tasked with producing an MPA management improvement plan which had not at that time been produced. The MPA Network Management Framework and Action Plan were produced by this group. Whether this was in response to the Committee's recommendation or was the result of work in progress on the improvement plan is unclear. As noted below, it is questionable whether these documents are sufficient to comply with the recommendation for a management strategy.

The MPA Management Steering Group, chaired by the Head of Marine & Fisheries Division, comprises bodies with management responsibilities and does therefore provide a platform for ensuring the **active engagement of management authorities**. Its purpose includes steering and championing effective MPA management and raising the profile of MPA management. It does not have any powers, however, so

cannot meet the requirement in the recommendation of ensuring authorities **fulfil their duties and responsibilities**.

Recommendation 3: The Welsh Government must increase public awareness of MPAs and improve its engagement with stakeholders and the public. It must also operate in a more transparent and efficient way, publishing information about the activities of the specialist groups it leads and ensuring stakeholders are fully engaged in the development of the MPA strategy.

One of the purposes of the MPA Management Steering Group is to increase buy-in from management authorities and wider stakeholders. It is surprising, therefore, that the membership is restricted to bodies with management responsibilities. As noted below, it is arguable that the Framework and Action Plan might have been more powerful if other organisations such as fisheries bodies and non-governmental conservation bodies had been involved. There is scant reference to the voluntary sector in the Framework just a remark in Section 1 acknowledging the role of volunteers in safeguarding the wildlife and habitats within Wales' marine environment with the hope that this will continue.

People find it difficult to engage with issues that are remote to them, things which do not touch on their day to day existence. For most of the population of Wales, what happens in the marine environment most of the time fits into this category. It does not mean that they are not interested or that they do not care what happens. Engaging the public and wider stakeholders is therefore a challenge. Publishing documents such as the Management Framework and the Action Plan will engage those who already have an interest in management issues but will not enthuse others. In my view, the best way of engaging people is through personal contact. The MNR team at Skomer were highly effective at doing this as is the Cardigan Bay Marine Wildlife Centre. **Recommendation 2** in the 2017 report referred to an area-based approach, with each management area having a dedicated officer. This sort of approach has been used successfully for European Marine Sites. A system of area based management with a dedicated officer whose responsibilities included public engagement would go a long way towards improving buy-in by the public.

Welsh Government's Approach to MPA Network Management

The **key issue of effective management of multi-use MPAs** must surely be having an understanding of the objective of that management. Unfortunately there is no single, clearly stated objective. Conservation of marine flora and fauna is the basis for an MPA but there are differences in the range and types of wildlife to be protected and the extent to which their conservation has to be balanced against other interests, including the extent to which reference has to be made to the precautionary principle. The stated objective for the network of sites is ecological coherence but this is not defined either. Without a clear understanding of whether protection is to be extended to everything within the MPA or just to selected features, it is impossible to generalise about effective management.

Of the 139 MPA sites listed in the Framework document 107 are SSSIs and are, therefore, intertidal. The management of these sites is almost always going to involve dealing with different impacts and regulations under different legislation. With one exception the other sites are EU designations made under the Habitats and/or Birds Directives. The European legislation sets out a clear legal framework for assessing impacts and making decisions. Management is balanced in favour of the wildlife because of the ECJ's interpretation of the Directives as requiring a precautionary approach to management. This is an approach that has been strongly supported by the conservation movement.

There is a number of drawbacks with the implementation of these directives. Sites have to be proposed for designation (Habitats directive) or designated (Birds Directive) for listed species and habitats and the UK government has been put under considerable pressure to meet alleged deficiencies in coverage - e.g.

for harbour porpoise and offshore SPA sites. This has meant that scientific research has focused on finding the evidence for making these designations. A quick look at the species and habitats lists in the Habitats directive shows that only a small proportion of Welsh marine life is covered. For the vast majority of marine invertebrates, for example, there is no protection. In practice, of course, protection of a named species may ensure protection of others but there is no requirement for it to do so and no requirement for reporting. Worse still, there is no incentive for research. As noted by the Cabinet Secretary in evidence to the 2017 inquiry, research is commissioned on a needs must basis. Such a piecemeal approach is not conducive with adaptive management.

As noted above, effective management of multi-use MPAs can only be determined with reference to the purpose. For highly protected species or habitats the balance will be different from one where some loss can be tolerated. If a risk based approach is to be used, this requires detailed and accurate information on the impact of activities. The work being undertaken by NRW on assessing the impact of fishing activities on MPAs is to be welcomed but it is very worrying that over 35 years since the first legislation for MPAs in the UK, this is still something that needs to be investigated and information collated.

The most effective way of conserving marine biodiversity is to leave it alone! The marine environment is alien to humans; there are practical and financial limits to our ability to fully understand how the ecosystems work and how they will respond to pressures. Ensuring clean waters and no over-exploitation is all that is needed in most cases. The Framework and the Action Plan are, for the most part, about managing potentially conflicting activities, not about conserving marine biodiversity. Given the worldwide degradation of biodiversity and the loss of species, it is perhaps arrogant to think that we can manage our activities in a way that satisfies our needs and protects the biodiversity. We are clearly not very good at it.

The designation process in Wales for European sites is robust and is backed by strong scientific support from the JNCC. The impetus for the designations, however, is driven by the EU, not by Welsh Government. It is doubtful that there would be SACs for harbour porpoise or offshore SPAs and SPA extensions without pressure from Europe. To the best of my knowledge there have been no recent SSSI designations for marine sites in Wales.

The MPA Network Management Framework is not a strategy - nor does it contend to be. But without that strategy it is difficult to predict whether it will be effective. All of the five objectives are about process, fine in themselves but they need to relate back to the conservation objective which, as noted above is dictated by the legal framework for different types of MPA. The management principles set out in Box 1 are sound but would seem to be better placed in a marine planning document rather than an MPA network framework.

According to section 1 of the Framework, it is designed to provide a steer to management authorities and, in this respect, includes information on relevant management priorities and activities to improve the condition of the network. I have been unable to discern what these priorities and activities are in the Framework document most of which consists of summary information about the types of MPA and lists of protected species and habitats. The vision, objectives and principles set out in section 3 are what one might expect in the process section of a strategy but without the strategic vision, objectives and principles it is difficult to see how they can assist management authorities. It is good to see reference to the objective of adaptive management - something that the Welsh Government and NRW are very familiar with following the requirements of the WFD and MSFD. But this relies on being able to measure change. This is covered in MP4 which states that management should be informed by, and consistently refer to, formal assessment and reporting on the health and condition of features etc. Section 4.4 refers to SoNaRR 2016. This addresses the marine environment under 3 headings: coastal

waters, subtidal and intertidal. In each case there are evidence gaps, sometimes quite considerable, for example, *gaps in our understanding of the extent, condition and trends of subtidal habitats, particularly in terms of how the extent and distribution of habitats has changed over time and outside of protected areas, where we have the least knowledge*. The feature level site condition reports published by NRW for all inshore SACs and SPAs with marine features only covers the features that are protected and, where features were assessed as in unfavourable condition, only 'around half' were assessed with high confidence. Given the limitations of our knowledge of Welsh marine ecosystems, the objectives and principles appear to be aspirational rather than of practical use.

The MPA Network Management Action Plan appears to have been put together from actions submitted by Steering Group members rather than from any strategic overview of priorities. The selection of priority actions has been made against a set of agreed prioritisation criteria which were themselves put together by the Steering Group. It is unclear whether these were consulted on. Also there is no indication how many actions were submitted so it is impossible to assess the extent to which resources are limited. The mere fact that there is a need to prioritise implies resource limitations however. The list of 21 priority actions is alarming. Most of them appear to be fundamental to MPA protection so it is difficult to understand why they have not been dealt with previously. Some of them referred to risk-based approaches.

Implications of leaving the EU

Welsh Government's approach does not address the implications of Brexit and this is probably the greatest problem with the approach. In March 2017 the NRW Board considered a paper on the implications of Brexit for NRW natural resource management. This implied that, because Welsh Government had chosen to have larger SACs and SPAs compared with other parts of the UK, there had been less need for MCZs. This is not the full story. Welsh Government had planned to use the MCZ legislation to create a small series of sites that would provide a high level of protection but this proposal was dropped in the face of strong opposition during the stakeholder engagement phase of the work. There is now just one MCZ in Wales, the previous Skomer Marine Nature Reserve. The list in Annex 1 of the Framework notes that the marine features for this site are TBD. The legislation for MNRs did not require the designation to list the features that were to be protected; this approach was introduced for MPAs designated under EU legislation. A quick scan of the species and habitats listed for protection under the Habitats Directive shows that this is extremely limited with many species groups and habitat types largely ignored. So it is not the case that the extensive coverage of SACs and SPAs in Wales ensures the protection of the whole marine ecosystem within the boundaries. The emphasis on protected features may, or may not, provide incidental protection to other parts of the MPA. The identification of features is also a requirement under the MCZ legislation but it is not subject to the same constraints as the EU legislation. It is to be hoped that Skomer's features will be the wildlife that exists within the reserve.

Given the commitment to maintain environmental standards etc post Brexit, the main issues for consideration in respect of MPAs in Wales are (1) how will the Welsh Government be held to account once there is no oversight from the European Commission? (2) will future European case law on the directives be taken into account in Wales? and (3) in the long term, what opportunities might there be to turn SACs and SPAs into proper ecosystem MPAs?. The first two issues are under consideration by the UK government and devolved administrations. The third issue is something that Welsh Government could take forward in an imaginative way.

Given the extensive physical coverage of MPAs in Wales, it is essential that management is taken forward in the context of marine planning. Indeed the Framework reads very much as part of a marine planning document. The key thing that is missing to take this forward, is a clearly stated strategy that

identifies the ecological goal for each MPA so that this can guide the decision-making. Existing European sites might, for example, be rebadged as MCZs with a wider purpose and might include zones for different uses. There is also much merit in establishing some highly protected sites either within existing MPAs or as additional sites.

The difficulty of obtaining sufficient information and developing sufficiently comprehensive understanding of marine ecosystems is unlikely to get easier. It is, of course, essential to have appropriate information in order to recognise the importance of a site in the first place but I think we delude ourselves when we think we can understand not only how it functions but the precise impacts of proposed human activities. The time has come for a more pragmatic approach. If we wish to have healthy biodiverse marine environments, the establishment of a few core areas that are left without human interference can only help. Brexit might provide the opportunity to do this.

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