

Agenda – Climate Change, Environment and Rural Affairs Committee

Meeting Venue:

Committee Room 3 – Senedd

Meeting date: 22 May 2019

Meeting time: 09.30

For further information contact:

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1 Introductions, apologies, substitutions and declarations of interest

2 Inquiry into Marine Protected Areas in Wales – follow-up work: Evidence session 1

(09.30–10.15)

(Pages 1 – 19)

Professor Stephen Fletcher, Professor of Ocean Policy and Economy –
University of Portsmouth

Attached Documents:

Research Brief

3 Inquiry into Marine Protected Areas in Wales – follow-up work: Evidence session 2

(10.15–11.15)

(Pages 20 – 32)

Sue Burton, SAC Officer – Pembrokeshire Marine Special Area of Conservation
Jonathan Monk, Environmental Manager – Port of Milford Haven
Tegryn Jones, Chief Executive – Pembrokeshire Coast National Park Authority

Attached Documents:

Paper – Pembrokeshire Marine Special Area of Conservation

Paper – Port of Milford Haven

Paper – Pembrokeshire Coast National Park Authority and Snowdonia
National Park Authority



4 Paper(s) to note

(11.15–11.20)

4.1 Correspondence from the Chair to the Auditor General for Wales – Environmental governance and principles

(Pages 33 – 35)

Attached Documents:

4.1 Correspondence from the Chair – 8 May 2019

4.2 Correspondence from the Chair to the Future Generations Commissioner for Wales – Environmental governance and principles

(Pages 36 – 38)

Attached Documents:

Correspondence from the Chair – 8 May 2019

4.3 Correspondence from the Chair to the Public Services Ombudsman for Wales – Environmental governance and principles

(Pages 39 – 41)

Attached Documents:

Correspondence from the Chair – 8 May 2019

4.4 Correspondence from the Chair of External Affairs and Additional Legislation Committee to Secretary of State for Environment, Food and Rural Affairs – Forestry policy

(Page 42)

Attached Documents:

Correspondence from the Chair of External Affairs and Additional Legislation
Committee – 9 May 2019

4.5 Correspondence from the Chair to the Minister for Environment, Energy and Rural Affairs – Supplementary Legislative Consent Memorandum for the Agriculture Bill

(Pages 43 – 44)

Attached Documents:

Correspondence from the Chair – 14 May 2019

5 Motion under Standing Order 17.42 (vi) to resolve to exclude the public from items 6 and 7 of today's meeting

Break (11.20–11.30)

Private Session (11.30–12.00)

6 Allotment Visits – Feedback

7 Consideration of draft report on Rethinking food in Wales: Food branding and food processing

(Pages 45 – 82)

Attached Documents:

Draft Report

8 Consideration of draft report on Reducing plastic waste

(Pages 83 – 107)

Attached Documents:

Draft Report

Document is Restricted

Cynulliad Cenedlaethol Cymru | National Assembly for Wales
Y Prwyllgor Iawod Hirsawdd, 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 : Sir Benfro Forol Ardal Cadwraeth Arbennig Grŵp
Awdurdodau Perthnasol
Evidence from : Pembrokeshire Marine Special Area of Conservation
Relevant Authorities Group

Progress made by the Welsh Government in taking forward the recommendations to CCERA's MPA inquiry report "Turning the tide? Report of the inquiry into the Welsh Government's approach to Marine Protected Area management":

Introduction

The Relevant Authorities Group (RAG) for the Pembrokeshire Marine Special Area of Conservation (SAC) was very pleased to have been given the opportunity to input substantially to the original Marine Protected Area (MPA) inquiry in 2017. The RAG felt that CCERA members conducted a very thorough inquiry and were impressed at the comprehensiveness of understanding shown for the complex issues involved. We were particularly pleased to host a site visit by the Committee to the Pembrokeshire Marine SAC so that members could see at first hand the site's wonderful array of flora and fauna, as well as gaining an appreciation of the local management issues we face.

The final report and recommendations in "*Turning the tide? Report of the inquiry into the Welsh Government's approach to Marine Protected Area management*" summarised well what needed to be done to improve MPA management in Wales. We believe that the report has been very influential and has been the catalyst for significant progress since its publication.

The RAG found it interesting to compare the Committee's report with the report "Marine Protected Areas Revisited" by the House of Commons' Environmental Audit Committee published in April 2017. Many of the issues raised and comments made by the Audit Committee were comparable to the points made in your Committee's report.

The RAG is pleased to see this follow-up to the MPA Inquiry which we hope will help to encourage the Welsh Government and NRW to maintain and build on the recent momentum.

Please note that this response is the view of the majority of the RAG collectively and not necessarily the view of the individual member organisations. Some members may be making their own corporate response.

On that basis, the RAG's responses to the Committee's questions are as follows:

Question 1: What progress has been made by the Welsh Government against the recommendations in the Committee's report?

Undoubtedly Welsh Government has made much progress with *recommendation 1*, having coordinated and delivered the MPA Network Management 2018-2023 Framework and 2018-2019 Action Plan. The RAG welcomes the framework document and action plan. Much work has been done by the Wales MPA Management Steering Group (MSG), NRW in particular, on determining which actions are likely to have the biggest strategic impact and on prioritising those actions.

Recommendation 2 put forward that Welsh Government must bring forward proposals for funding an area-based approach, with each management area having a dedicated officer. As a RAG with responsibility for managing one of these areas, this recommendation is of great interest. There does not seem to have been progress on this front since the publication of the Committee's report.

When this was originally discussed at the MPA MSG in 2015/16, the Group concluded that a 7 management-area approach was the preferred option. However, NRW and Welsh Government were of the opinion at the time that they could not fund the proposed MPA network and so further discussion on area-based funding was shelved.

From the MPA MSG minutes, 27th January 2016: "It was noted that a full time post at each of the current seven areas was the preferred option; however, a part-time post would be more practical and affordable. Group members expressed concerns over the enlargement of areas. It was suggested that when locality was lost, local authorities were less likely to support the areas."

The RAG continues to have reservations about the assumptions that underpinned the conclusion that the 7 management area approach was unaffordable. For example, it was proposed that NRW only put in the same amount towards MPA management across the whole of Wales as a single local authority or port. In the RAG's view, the Welsh Government and/or NRW should provide the lion's share of the funding, with others with an interest making contributions commensurate with their involvement. The RAG would like to see this recommendation readdressed by the MPA MSG.

Recommendation 3 called for an increase in public awareness of MPAs and improving Welsh Government's engagement with stakeholders and the public, ensuring stakeholders are fully engaged in the development of the MPA strategy. Visit Wales' Year of the Sea provided a good platform and opportunity to do this in 2018 and increased public concern about the impact of plastics on the sea has also raised the profile of some marine conservation issues. We recognise that other work priorities (notably Brexit) impeded the ability to really progress this recommendation.

Understanding of MPAs, their purpose and benefits, still appears low amongst the general public. For example, even supportive and engaged stakeholders mistakenly assume that the Skomer Marine Conservation Zone (MCZ) (the only MCZ in Wales and a Marine Nature Reserve since 1991) is a 'no-take' zone where marine wildlife is given maximum protection. This confusion over marine conservation designations extends to Special Areas of Conservation and Special Protection Areas and seems widespread amongst the coastal communities and visitors to Pembrokeshire.

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Awdurdod Porthladd Aberdaugleddau
Gwasanaethau Goleudy Trinity House
Dwr Cymru

Relevant Authorities Group
Pembrokeshire County Council
Pembrokeshire Coast National Park Authority
Natural Resources Wales
Porthladdau Penfro
Trinity House Lighthouse Service
Welsh Water

Chair
Sara Morris
Pembrokeshire County Council
County Hall, Haverfordwest
Pembrokeshire SA61 1TP

The RAG is involved in trying to raise the profile of the designations, e.g. through our work with local school children and the outdoor sector, and through siting buoys restricting moorings near protected features in the Haven, but we would like the opportunity to do much more.

Recommendation 4 was about risk-based enforcement. Since the inquiry, Welsh Government has spent £5.8m on two new fisheries enforcement vessels to effectively protect from illegal fishing activity in Welsh waters and safeguard Wales' fishing industry. We hope that the vessels' role will include ensuring that fishing activities in the MPAs are compatible with the sites' designations.

Recommendation 5 stated that Welsh Government must ensure it has in place effective data and research for MPA management, including monitoring and surveillance and recommended the establishment of a Wales marine science partnership. The RAG wish to highlight the existence and success of the Milford Haven Waterway Environmental Surveillance Group; this model has benefitted understanding of the local environment and helped inform marine conservation for >25 years. We also wish to highlight the pioneering work at the Skomer MCZ where the NRW team stationed there are able to gain insights into marine ecological functioning, without which understanding of the impacts of human activity in the marine environment founders. This work informs wider marine management.

Recommendation 10 considered reporting of Welsh MPA site condition and status. NRW, following the last reporting round, produced indicative Site Condition Reports in 2018, but with the next reporting round due this year, the RAG is mindful of the need for regular future reporting that is detailed enough to adequately inform site management; enable timely identification of pressures on the sites; as well as providing evidence to justify investment in improvements. We know that NRW is well aware of the importance of reporting to site management and understand that they are trying to progress this work.

This response will not go into detail with regards to the other recommendations. The RAG considers that the recommendations above are the most relevant to our work.

Question 2: Has the management of Welsh seas received sufficient resource and strategic direction?

The RAG feel that the resource provided to MPA management in Wales to date has not been sufficient to meet the tasks required for improvement.

We understand that the Welsh Government's Marine & Fisheries Department did receive more funding (around £500k we believe) in 2018 and we hope that this should be maintained in 2019. This extra funding has gone into strategic MPA work and the actions identified in the MPA MSG's 2018-2019 Action Plan: this work is essential, and so the extra funding is very welcome. However, the RAG still feel that MPA management in Wales would benefit from a two-tiered approach where more strategic actions (often regarded as "top-down") from the MSG/Welsh Government/NRW are aided by locally delivered actions ("bottom-up"). These "bottom-up" actions can be specific to sites (e.g. the visitor buoys in the Haven); or can involve piloting new approaches to assess their value or wider relevance (e.g. trialling measures to limit the impact of bait digging); or form part of a cross-site or pan-Wales initiative (e.g. developing educational packages).

It is generally recognised that management is successful only where it is supported by local goodwill and is relevant to local circumstances. RAGs, who deliver local management, would be able to achieve far more if they were better resourced. As it is, the Pembrokeshire Marine SAC RAG have been fortunate to date in being able to collectively fund a part-time SAC Officer who investigates available grants to pursue SAC-related management implementation.

In the marine environment, a multi-sectoral approach is needed to deliver successful management implementation. It follows that the costs for MPA management should also be shared. This goes back to the argument that funding contributions should perhaps be proportionate to management authority jurisdiction and associated powers. Welsh Government and NRW have very wide and substantial spatial (national across ALL MPAs) jurisdiction, as well as having the lead conservation and activity management responsibilities. They also have the relevant regulatory powers and functions.

Unless these national management authorities lead by example in terms of their financial investment in the RAGs it is unreasonable to expect other authorities with more limited geographical interest or fewer management responsibilities and powers to contribute the same financial amount, far less to collectively shoulder the major burden of MPA costs.

These national management authorities used to lead by example in terms of their financial investment in the RAGs, but in recent years this has diminished or, for some RAGs, stopped altogether. During the MSG discussions in 2015/2016, European Marine Site (EMS) officers also justified the proposal that NRW pay the 'lion's share' to RAGs to aid national and cross-site collaboration by suggesting that perhaps individual EMS officers could, in addition to their site duties, undertake national work packages for individual topic areas whilst working alongside relevant staff in NRW and Welsh Government. Such work could encompass marine education/awareness, marine litter, water quality and pollution, non-natives etc. as appropriate.

A recent missed opportunity was the Enabling Natural Resources and Well-Being in Wales (ENRaW) grant scheme from Welsh Government. This specifically excluded marine work; we understand that it was wrongly assumed that marine work was 'covered' by the European Maritime and Fisheries Fund (EMFF). As a result of this exclusion some excellent land-sea joint working proposals did not go forward that would have given current nature partnership and RAG staff the opportunity to better collaborate and deliver biodiversity benefits across the environment as a whole.

ENRaW is being used as a replacement to Single Revenue Grant funding, but in reality it does not enable the same support. In Pembrokeshire this has resulted in a significant reduction in the funding available to the RAG from the local authority.

The RAG is aware that the Wales Council for Voluntary Action (WCVA) has recently been successful at gaining ENRaW funding for local nature/biodiversity officers; this is excellent news for terrestrial biodiversity conservation. Whilst exact details are yet to be confirmed, it is understood that the grant will award around £2.8m over the next 3 years to support local nature partnership officers in all 22 local authority areas. There are many similarities between the work of terrestrial nature partnerships and the RAGs in the marine environment (pooling funds to make biodiversity improvements, sharing expertise across different sectors, great stakeholder engagement and

awareness raising). However the biggest difference is that marine biodiversity partnerships are not given direct Welsh Government support at a local/regional level. Terrestrial biodiversity has traditionally been very much part of the Countryside and Environment Team's agenda, but the focus on marine biodiversity-related work tends to be dominated by fisheries.

Since 2013, the Welsh Fishing Association (WFA) has received close to £1m in funding directly from Welsh Government (a total of £946,715 with another £65,474 this financial year). In 2018-19 alone, Welsh Government provided the WFA with £201,732. The WFA facilitates liaison with stakeholders in the fishing industry and provides advice to Welsh Government and the RAG acknowledges the value of its role. However, we would argue that the RAGs similarly are well placed to liaise with multi-sectoral stakeholders and pass on information and advice to Welsh Government. Marine biodiversity, unlike fishing, is not so easy to 'represent' but industries such as tourism and recreation (as well as fishing) rely heavily on it.

There is a vast practical difference between guaranteed core funding you can rely on, and competitive grant funding you cannot predict with any certainty, and which is not intended to be used for ongoing work. If area-based MPA officers were guaranteed modest but adequate core funding this would aid local site management delivery (enabling stakeholder liaison, data gathering etc.) as well as enabling those officers to chase additional funding to deliver specific projects to improve site condition. Whilst funding for projects is very useful it does not necessarily allow progress with priority actions. Priority actions on sites do not always require a lot of funding resource but they do require staffing resource. Another disadvantage of reliance on "one-off" project work and grant funding is that there is often limited time to share best practice and information. The competitive nature of grants also reduces collaboration and results in silo working and duplication of effort.

Area-based MPA officers can help to deliver management improvements that benefit, not just local sites, but the MPA network as a whole. It would not require a lot of funding to support area-based MPA officers. For example, even a nominal £20,000 per site per year could make a real difference by providing some assured funding going forward. On this basis, a seven area approach would cost £140,000 per year – likely less than the cost of a new layby or access road.

Question 3: How has the condition of Wales' MPA's changed?

According to NRW's indicative site condition reports and our own observations, site features within the Pembrokeshire Marine SAC have generally not shown improvement since site designation. In fact, features (especially habitat features) are likely worse. To take one example, NRW marine monitoring staff recorded a large and rapid decline of live maerl on Wales' only remaining maerl bed in the Milford Haven Waterway; a recent video survey showed that more than 90% of the bed's live maerl had been lost. Because multiple issues are affecting feature condition, and because improvements can take time to manifest, any management efforts need to be planned, supported and evaluated over the long term.

Question 4: Does Welsh Government's MPA Network Management 2018-2023 Framework and 2018-2019 Action Plan address the key issues of effective management of multi-use MPAs?

The action plan addresses many underlying issues and most actions apply to management of activities or uses across the whole MPA network. For this reason many of the actions are for NRW; it is very useful to NRW to be

able to access this additional funding to do good and essential MPA-related work. For example the action plan has supported NRW with its MPA Condition Improvement Project, including the Unlicensed Activities Project. However, most of the strategic actions supported so far are policy related or concerned with processes and data. They are not directly impacting (or immediately improving) feature condition. So although they are worthwhile, they are not resulting in short term direct site management improvements. The one main exception to this would be fisheries management, but that has been overshadowed since Brexit began. The Assessing Welsh Fishing Activities Project has completed the highest priority fisheries assessment work, but management actions as a result have yet to be fully implemented.

The plan does not comprehensively cover delivery of management action. In terms of this 'active' MPA management, NRW focuses on the effective application of planning and regulation (including of plans and projects) to secure the conservation objectives of sites and wider benefits of the network. However, many site features have been in unfavourable condition since the first reporting round to Europe in 2006. Addressing future development and regulation is essential to preventing any additional negative impacts, but it does not do enough to tackle existing issues that have already caused deterioration of sites. The Habitats Regulations are about maintaining and improving sites, undertaking restoration and avoiding deterioration. But feature assessments and 'state of' reports seem to suggest we are simply maintaining impoverished sites rather than trying to make improvements. RAGs, as well as identifying and taking preventative steps to improve local management in the future, also seek proactive management actions to deliver corrective measures where resources allow. Examples include raising awareness and changing behaviour to reduce disturbance and allow species recovery (e.g. sensitive habitat zonation, recreational management) gathering data to inform marine management (e.g. 'SWEPT' a large scale water quality citizen science project gathering data on nutrient pollution, and intertidal legislative and impact reviews) and trialling new approaches to aid marine feature improvements (e.g. the Pembrokeshire Sustainable Shellfish Initiative testing escape hatches and anti-ghost fishing methods).

Question 5: Does Welsh Government's MPA Network Management 2018-2023 Framework and 2018-2019 Action Plan support the management of Welsh MPAs to conserve Welsh marine biodiversity?

For the reasons set out in our previous answers, whilst the framework and action plan are a very worthwhile step toward supporting MPA management, more time and practical effort is needed to conserve marine biodiversity.

Question 6: Does Welsh Government's MPA Network Management 2018-2023 Framework and 2018-2019 Action Plan take account of lessons learned from current MPA management activity in Wales (including designation, implementation and enforcement)?

Yes, but this could be improved with greater liaison and opportunities to share knowledge and best practice, e.g. A Wales 'Coastal Futures' conference? EMS Officers routinely liaise via their informal Group of European Marine Site (GEMS) network (and UK MPA network), but when funding is necessarily dominated by project delivery and grant deadlines, the ability to proactively share information and generally communicate is unfortunately limited. This negatively impacts upon engagement with Welsh Government and national work.

Designation of itself does little or nothing to improve conservation: it is practical measures to improve site and feature condition that are key.

Question 7: Does Welsh Government's MPA Network Management 2018-2023 Framework and 2018-2019 Action Plan take account of the implications of the UK's decision to leave the European Union?

No, but that is perhaps unavoidable given the continuing uncertainties surrounding the final arrangements for the UK's withdrawal.

We are aware that regulations have already been made to ensure that statutory site designations remain in place after Brexit. Amongst other things, the regulations mean that Wales' current marine Special Protection Areas and Special Areas of Conservation will form part of a national network of sites rather than the pan-European Natura 2000 network. The RAG welcomes the Welsh Government's commitment to ensuring that there is no drop in environmental standards post Brexit, and we hope that this will include meaningful action to protect the network of conservation sites that surround most of the Welsh coastline.

Management of MPAs could be seen to be analogous to addressing climate change. Fundamentally, with both, changes in the regulatory regime are needed to make big strategic improvements that will take time to have an effect. But a behavioural change is needed across sectors and communities and this will only happen through targeted delivery and awareness raising. A combination of a top-down (regulation/policy) and bottom-up (community engagement, individual responsibility, local action) approach is needed.

Best regards,

Sara Morris, Pembrokeshire Marine SAC RAG Chair

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on Marine Protected Area management in Wales
Ymateb gan : Porthladd Aberdaugleddau
Evidence from : Port of Milford Haven

The Port of Milford Haven (PoMH) has been invited by the CCERA committee to provide evidence to inform its follow-up work on MPA management, and to support that evidence with a written submission. It is in response to this invitation, which we gratefully accept, that I write.

The Committee will be aware of the MPA Management Framework document published by the Welsh Government, which sets out the responsibilities of all management authorities in Wales to the management of MPA's. The Committee will doubtless also be aware that the Cabinet Secretary for Environment, Planning and Rural Affairs wrote to the management authorities identified in that document to remind them of their responsibilities. PoMH did not reply to the Cabinet Secretary's letter but continued to engage with the publication of the Framework and its accompanying Action Plan through direct involvement in the MPA Management Steering Group, with other stakeholders.

PoMH does, of course, recognise its responsibilities, and can demonstrate clearly how it fulfils them, and has continued to fulfil them for many years. As an organisation with closely defined Port Limits set out in our establishing Acts of Parliament, our jurisdiction is very local, and accordingly we meet our responsibilities with local delivery. The principal actions PoMH undertakes to manage the Pembrokeshire Marine Special Area of Conservation (SAC) (within which it is located) are:

- Ongoing financial and in-kind contributions to the Pembrokeshire Marine SAC (which is much larger than Port Limits) through participation in the Pembrokeshire Marine SAC Relevant Authorities Group (PMSAC-RAG), a collaboration between several relevant management authorities;
- Provision of hosting, office space and financial services for the Pembrokeshire Marine SAC Officer, Sue Burton, who reports to the PMSAC-RAG;
- Ongoing financial and in-kind contributions (including deputy chairship) to the Milford Haven Waterway Environmental Surveillance Group (MHWESG), a science and knowledge collaboration between local statutory management authorities and industrial stakeholders to improve local marine science and evidence;
- Maintaining a high level of engagement with other management authorities and the wider environmental sector, through participation in several Welsh Government and stakeholder groups, and individually;



- Co-ordinating all Milford Haven Waterway dredging through the Port Dredging Working Group to minimize environmental impact and ensure consistent application of mitigation measures;
- Embedding sustainability and good SAC management in all of PoMH's work;
- Operating a Marine Works Licencing scheme as a Competent Authority under the terms of the Conservation of Habitats and Species Regulations 2017, which means PoMH is an environmental regulator within our Port Limits with a function complementary to (though not identical with) that of Natural Resources Wales (NRW).

All of this work carries a financial cost (estimated >£50,000 per annum), which, as a commercial entity, PoMH needs to demonstrate as good value for money. Accordingly, our delivery is focused on ongoing activity rather than individual projects, as we feel the level of continuity this delivers is cost-effective as well as environmentally effective, and on collaboration, which is one of our core values as an organisation, and is the most effective delivery model.

PoMH is proud of its contribution to MPA management in Wales, but as a local management authority, our contributions are necessarily on the local scale. We look to the national-scale management authorities (Welsh Government, NRW) to deliver on MPA management on a wider scale and to collaborate effectively with other local management authorities to deliver additionally on the local scale.

Jonathan Monk
Environmental Manager

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

Ymateb gan : Awdurdod Parc Cenedlaethol Arfordir Sir Benfro ac Awdurdod Parc Cenedlaethol Eryri

Evidence from : Pembrokeshire Coast National Park Authority and Snowdonia National Park Authority

1. Thank you for the opportunity to contribute to the Climate Change, Environment and Rural Affairs Committee's follow up work on Marine Protected Area (MPA) management in Wales. This is a joint response from Pembrokeshire Coast National Park Authority and Snowdonia National Park Authority¹.
2. Pembrokeshire Coast National Park Authority and Snowdonia National Park Authority welcomed the publication of the Committee's August 2017 report *Turning the tide? Report of the inquiry into the Welsh Government's approach to Marine Protected Area management*.
3. The report clearly identified what needed to be done to improve MPA management in Wales. We believe that the report has been influential and a catalyst for progress.
4. We are pleased to see this follow-up to the MPA Inquiry which we hope will help to maintain and build on this progress.
5. Pembrokeshire Coast National Park Authority represents the two coastal national parks in Wales on the MPA Management Steering Group (MPAMSG). We regard this follow-on inquiry as an opportunity for others to comment on the Marine Protected Area Network Management Framework for Wales and Action Plan, so we have not responded to the questions relating to these.

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

Comments on Recommendation 1

6. Welsh Government published a MPA Network Management Framework for 2018-23 and an associated action plan for 2018-19 in September 2018. Natural Resources Wales' (NRW) work to identify and prioritise the actions most likely to have strategic impact is welcomed.
7. A letter dated 8th May 2017 from Lesley Griffiths AM, then Cabinet Secretary for Environment and Rural Affairs, was sent to coastal local authorities and other key contributors to the statutory management of Marine Protected Areas in Wales. This clarified amongst other matters the powers and duties of management authorities.

¹ Pembrokeshire Coast National Park Authority is also contributing to a collective response from the Pembrokeshire Marine Special Area of Conservation Relevant Authorities Group.

8. These materials provide a basis for management authorities to become actively engaged in MPA management. However, it is our opinion that a stronger steer is needed if they are to fulfil their duties and responsibilities adequately.

Comments on Recommendation 2

9. In 2015 the MPAMSG consulted stakeholders on four options for MPA site management. Responses showed a clear preference for a local approach with seven management areas.
10. MPAMSG members took two options forward for further assessment:
 - Option 2 - a local approach with seven management areas
 - Option 5 - four management areas with more than one officer, depending on the area's needs.
11. MPAMSG meeting minutes for 27th January 2016 note that *“a full time post at each of the current seven areas was the preferred option; however, a part-time post would be more practical and affordable. Group members expressed concerns over the enlargement of areas. It was suggested that when locality was lost, local authorities were less likely to support the areas.”*
12. It is the opinion of PCNPA and SNPA that Welsh Government (directly or via NRW) should provide the principal core funding for MPA site management, including EMS officer posts, with relevant authorities continuing to make additional contributions. Pembrokeshire Coast and Snowdonia National Park authorities are committed as relevant authorities to reducing pressures on and improving the state of MPAs via the RAG model.
13. In conclusion regarding Recommendation 2, there has been a consultation and evaluation of management options, but proposals for funding an area-based approach, with each management area having a dedicated officer, have not yet been brought forward.
14. We note that the two Special Areas of Conservation (SAC) for harbour porpoise in Welsh waters (designated in February 2019) were consulted on in 2016 and were submitted to the European Commission for approval on 30 January 2017. This process would have largely post-dated the MPAMSG discussions above. The local approach preferred by stakeholders would need to consider and reflect the two new (February 2019) additions to the MPA network.

Comments on Recommendation 3

15. Visit Wales' 2018 *Year of the Sea* provided a good platform for awareness-raising. European Marine Site (EMS) officers have also capitalised on the public concern about marine plastic and worked with businesses to identify opportunities for reducing single-use plastics and to celebrate successes.
16. We regard public awareness-raising of MPAs as an ongoing task. EMS officers have key roles in awareness-raising locally (residents and visitors²) and in communicating the importance of MPAs within the wider network.

² A 2013 study estimated the Gross Value Added by marine recreation in a 92km² area around the St David's peninsula at £17.8m (conservative).

http://www.walesactivitymapping.org.uk/wp-content/uploads/2013/07/Wales-Activity-Mapping-Economic-Valuation-of-Marine-Recreation-Activity_Non-Tech-Summary-Nov-2013.pdf

Comments on Recommendation 4

17. Natural Resources Wales and partner organisations have identified and prioritised the unregulated activities with the greatest actual or potential adverse impact on the condition of features within Wales' Natura 2000 sites, with a view to implementing effective management to mitigate their impacts (May 2018). We welcome this work as a basis for managing threats common to many MPAs.
18. We welcome the five new fisheries protection vessels which we hope will effectively protect Welsh waters and Wales' fishing industry from illegal fishing activity. We hope that the vessels will also help ensure that fishing activities within MPAs are compatible with site features.

Has the management of Welsh seas received sufficient resource and strategic direction?

19. We understand that Welsh Government's Marine and Fisheries Department has been allocated additional resources which have contributed to strategic MPA work and to funding actions identified in the 2018-2019 Action Plan. We warmly welcome this, and Welsh Government's vessel replacement programme. We also welcome the Welsh Government / Natural Resources Wales *Assessing Welsh Fishing Activities Project*. We see a clear complementarity between such network-level effort and site- and feature-specific collaboration - which also increases network integrity.
20. We warmly welcome Welsh Government's Enabling Natural Resources and Well-Being in Wales funding, and suggest that it or successor schemes should include marine project proposals in future.
21. Overall, it is our opinion that resources are insufficient to meet the tasks required for improvement given the state of MPA features. Therefore we wish to repeat the suggestion that Welsh Government (directly or via NRW) should provide core funding for MPA site management, including EMS officer posts, with relevant authorities making additional contributions. There are also opportunities to redesign policy in ways that would reduce some pressures on MPAs. We mention these briefly below.

How has the condition of Wales' MPAs changed?

22. We welcome the publication by NRW of indicative site condition assessments in 2018; monitoring is a cornerstone of management and NRW must have sufficient resources to provide timely monitoring data and conservation advice.
23. The results of the indicative assessments are of great concern. For example, 9 of the 15 features evaluated in Pembrokeshire Marine SAC are in unfavourable condition, as are 7 of the 12 features evaluated in Pen Llŷn a'r Sarnau SAC. There is only low to medium confidence in the assessment of the 4 features identified as in favourable condition in Pen Llŷn a'r Sarnau SAC. In our view, insufficient progress has been made on the UK Marine Policy Statement commitment and the high level marine objective to live within environmental limits³.

³ "Biodiversity is protected, conserved and where appropriate recovered and loss has been halted; healthy marine and coastal habitats occur across their natural range and are able to support strong, biodiverse biological communities and the functioning of healthy, resilient and adaptable marine ecosystems; our oceans support viable populations of representative, rare, vulnerable, and valued species."

24. We conclude this response with the observation that the UK's withdrawal from the EU offers a prime opportunity to redesign fisheries management, within the context of the international agreements which will remain in force post-Brexit. In particular, it affords the devolved administrations the opportunity to design a common framework for ecosystem-based and equitable fisheries management, with appropriate resourcing and enforcement.

Thank you for the opportunity to input to this inquiry.

Adrian Crompton
Auditor General for Wales

8 May 2019

Dear Adrian

You may be aware that the Welsh Government recently published a consultation which seeks views on ways to fill the post-Brexit environmental governance gap and considers environmental principles needed to ensure high environmental standards in Wales.

To coincide with the consultation, the Climate Change Environment and Rural Affairs Committee ('the Committee') is carrying out an inquiry into environmental governance and principles. The terms of reference for the inquiry is attached at **Annexe A**. This work builds on the Committee's report published last year in which it made recommendations to both the UK and Welsh Government on environmental governance and principles post-Brexit.

The consultation refers to the well established structures in Wales for holding public bodies to account, including the Auditor General for Wales, the Public Services Ombudsman for Wales and the Future Generations Commissioner. It acknowledges that, while these will continue to operate post-Brexit, there is "an opportunity to enhance our national governance arrangements by introducing new mechanisms which address the [environmental governance] gap, arising as a result of the loss of oversight of EU law provided by the EU Commission". It states that any new oversight body should not conflict with, but complement and enhance existing structures.

Part 3 of the consultation seeks views on the gaps in environmental governance and includes proposals for the role, objectives, constitution and functions of a new body to oversee the implementation of environmental laws in Wales. Several questions are of significance to your role for example Question 6 asks "what role should existing accountability bodies provide in a new environmental governance structure for Wales".



The Committee would be interested in:

- your views on the outlined proposals, in particular the implications of the proposals for your role and the delivery of your functions, and
- the level of engagement between the Welsh Government and your office to date to determine how your role might fit within the new environmental governance arrangements.

Should you wish to provide views on any other aspects of the Welsh Government's consultation, or on any other matters referred to in the Committee's terms of reference, please feel free to do so.

I should be grateful if you would respond no later than 5 June.

If you have any queries regarding the above, please contact the Clerking team at SeneddCCERA@assembly.wales.

Yours sincerely,



Mike Hedges AM

Chair of Climate Change, Environment and Rural Affairs Committee



Terms of reference

The Committee is seeking views on:

- Gaps in environmental governance structures and principles post-Brexit in Wales and whether the Welsh Government's analysis (within the consultation) correctly and comprehensively identifies the deficiencies;
- The Welsh Government's consultation proposals and questions regarding the environmental principles, and the function/constitution/scope of the proposed governance body; and
- The value and practicality of a UK joined approach given the UK Government's Department of Environment Food and Rural Affairs's (DEFRA) proposal that new governance structures in England could exercise functions more widely across the UK.



Sophie Howe
Future Generations Commissioner for Wales

8 May 2019

Dear Sophie

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Yours sincerely,



Mike Hedges AM

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Nick Bennett
Public Services Ombudsman for Wales

8 May 2019

Dear Nick

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Should you wish to provide views on any other aspects of the Welsh Governments consultation, or on any other matters referred to in the Committee's terms of reference, please feel free to do so.

I should be grateful if you would respond no later than 5 June.

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Yours sincerely,



Mike Hedges AM

Chair of Climate Change, Environment and Rural Affairs Committee



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The Rt. Hon. Michael Gove MP
Secretary of State for Environment, Food and Rural Affairs

9 May 2019

Dear Secretary of State,

Forestry policy

As you are aware, the External Affairs and Additional Legislation Committee has recently adopted a process for assessing the implications for Wales of UK international agreements.

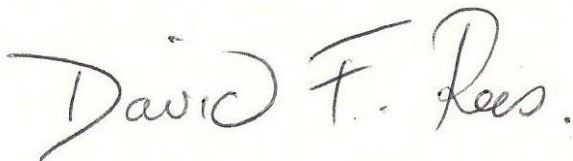
At our meeting on 29 April 2019, we considered the UK-Indonesia Voluntary Partnership Agreement on Forest Law Enforcement, Governance and Trade in Timber Products (agreement CS Indonesia No.1/2019) and noted that the Explanatory Memorandum states that “[...] the Secretary of State for the Environment, Food and Rural Affairs has overall responsibility for UK forestry policy”.

It is the view of the Committee that forestry policy is a devolved competence. We would be grateful for clarification of your view on this, in light of the statement in the Explanatory Memorandum we refer to above.

I wrote to you in similar terms on 12 March 2019 regarding fisheries policy, and I would also be grateful for your view on that matter.

I am copying this letter to the Welsh Minister for Environment, Energy and Rural Affairs, the Chair of the Assembly’s Climate Change, Environment and Rural Affairs Committee, and the Chair of the House of Lords EU Committee.

Yours sincerely,



David Rees AM

Chair of the External Affairs and Additional Legislation Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. | We welcome correspondence in Welsh or English.



Lesley Griffiths AM
Minister for Environment, Energy and Rural Affairs

14 May 2019

Dear Lesley

Supplementary Legislative Consent Memorandum for the Agriculture Bill

Thank you for your letter, dated 26 March covering the Supplementary Legislative Consent Memorandum for the Agriculture Bill.

The Committee had an initial discussion on the Supplementary LCM at its meeting on 8 May and agreed I should write seeking further assurances from you in relation to the Secretary of State's powers under **Part 7 of the Bill (World Trade Organisation Agreement on Agriculture)**.

In our report on the first LCM, we raised concern about the powers, in particular those which would enable the Secretary of State to determine the classification of agricultural support across the UK, and set limits on levels of domestic support.

We note the *UK and Welsh Government Bilateral Agreement on WTO provisions within the Agriculture Bill* ('the Agreement'), which sets out the governance mechanism for use of the Secretary of State's powers under Part 7. We remain to be convinced that the Agreement is sufficiently robust to ensure that the Welsh interest is properly considered or safeguarded. **We seek further assurance from you on this matter.** You told this Committee that "a commitment to consult is insufficient given the importance of this matter". However, on the face of it, the Agreement describes a process consisting of the Secretary of State consulting



Welsh Ministers. We would be grateful to know how the agreement ensures an appropriate level of engagement, above and beyond consultation.

In our report, we called for the Welsh Government to pursue with the UK Government an amendment to the WTO provisions, to provide the Welsh Ministers and other devolved administrations with a clear role in determining classification of financial support and spending limits. **We would like you to clarify whether you have pursued this matter with the UK Government, and to provide details of the outcome. If you have not pursued this matter, we would like you to outline your reasons for this.**

Finally, on a related matter, it would be helpful if you could provide an indication of when the Committee can expect a response from the Welsh Government to its report on the first LCM.

As you know, the reporting deadline for reporting on the Supplementary LCM is **11 June**. Given this, I should be grateful if you would respond as soon as possible, and by **24 May**, in order to enable the Committee to take account of your response in its report.

Yours sincerely,



Mike Hedges AM

Chair of Climate Change, Environment and Rural Affairs Committee



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