

# Agenda – Climate Change, Environment and Rural Affairs Committee

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Meeting Venue:

Committee Room 3 – Senedd

Meeting date: 6 June 2019

Meeting time: 09.30

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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 3

(09.30–10.20)

(Pages 1 – 29)

Professor Lynda Warren, Emeritus Professor – Aberystwyth University

Alan Terry, Blue Marine Foundation

Attached Documents:

Research Brief

Paper – Aberystwyth University

Paper – Blue Marine Foundation

## 3 Inquiry into Marine Protected Areas in Wales – follow-up work: Evidence session 4

(10.20–11.10)

(Pages 30 – 58)

Dr Mary Lewis, Marine and Coastal Policy and Planning Team Leader – Natural Resources Wales

Rhian Jardine, Head of Service for Marine – Natural Resources Wales

Attached Documents:

Paper – Natural Resources Wales



## **Break (11.10–11.20)**

### **4 Inquiry into Marine Protected Areas in Wales – follow-up work:**

#### **Evidence session 5**

(11.20–12.20)

(Pages 59 – 70)

Gill Bell, Wales Environment Link

Emily Williams, Wales Environment Link

Attached Documents:

Paper – Wales Environment Link

### **5 Paper(s) to note**

(12.20–12.25)

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

(Pages 71 – 72)

Attached Documents:

5.1 Correspondence from the Minister for Environment, Energy and Rural Affairs – 21 May 2019

#### **5.2 Correspondence from the Secretary of State for Environment, Food and Rural Affairs to the Chair of External Affairs and Additional Legislation Committee – Forestry Policy**

(Page 73)

Attached Documents:

Correspondence from the Secretary of State for Environment – 23 May 2019

**5.3 Correspondence from the Minister for Environment, Energy and Rural Affairs to the Chair – Dates of Inter-Ministerial Group Environment, Food and Rural Affairs meetings**

(Page 74)

Attached Documents:

Correspondence from the Minister for Environment, Energy and Rural Affairs  
– 24 May 2019

**6 Motion under Standing Order 17.42 (vi) to resolve to exclude the public from item 6 of today's meeting**

**Private Session (12.25–12.45)**

**7 Consideration of draft report on Supplementary Legislative Consent Memorandum for the Agriculture Bill**

(Pages 75 – 92)

Attached Documents:

Draft report

Document is Restricted

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

Evidence from : Aberystwyth University

***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 groups 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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Emeritus Professor  
Aberystwyth University

Cynulliad Cenedlaethol Cymru | National Assembly for Wales

Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate Change,  
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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 : Blue Marine Foundation

Evidence from : Blue Marine Foundation

### Key Points

- (i) Since taking over direct responsibility for the Welsh marine environment, the Welsh Government has failed to integrate fisheries management and marine conservation as effectively as has been achieved by relevant English authorities, particularly Inshore Fisheries and Conservation Authorities (IFCAs).
- (ii) A key contributing factor to this failure is that whilst MCAA created a clear statutory framework for England's IFCAs, Welsh Government resisted the imposition of similar management duties for Wales.
- (iii) The National Assembly for Wales has not used its legislative powers to create a suitably robust Welsh regime.

1. I am a geographer recently retired from a senior lectureship in the University of the West of England, Bristol. This written evidence is based on a qualitative study undertaken between April 2016 and February 2017 of key informants and secondary documents concerned with the management of the Welsh marine environment in the pre and post Marine and Coastal Access Act (2009) (MCAA) era. The study was co-authored with Ms Kerry Lewis, at the time of the study, a Lecturer in Law in Aberystwyth University and Mr Blaise Bullimore, a retired marine conservationist with many years' experience working in the Welsh marine environment in a variety of capacities. The study was undertaken for academic purposes and financed as part of my personal staff development research budget. As far as I am aware, it is the only independent academic research that has been undertaken on post-MCAA Welsh marine management over the time-scale we studied. In undertaking our research, we had hoped that it might be of some use in informing the evolving dialogue concerning Welsh marine management. The full study may be accessed at: [http://eprints.uwe.ac.uk/34112/1/Managing%20Welsh%20inshore%20marine%20env\\_AT-KL-BB\\_amended%20May2018%20%281%29.pdf](http://eprints.uwe.ac.uk/34112/1/Managing%20Welsh%20inshore%20marine%20env_AT-KL-BB_amended%20May2018%20%281%29.pdf)

A further paper, based on the report has since been published in the journal 'Marine Policy'. January 2019, Vol 99, pp 359-368 available at:

<https://www.sciencedirect.com/science/article/pii/S0308597X1830438X>

2. I have been asked to submit evidence to your committee by the marine conservation NGO, BLUE though I am not a member of that organisation.
3. With reference to the Terms of Reference, you will see from the date of our study that it would be difficult for me to comment on ToR 1 as our study terminated in February 2017. However, I believe that many of the difficulties experienced in Wales with respect to making progress on improved management of the Welsh marine environment in its widest sense may only be understood in the

context in which MCAA has been implemented in Wales compared to the rest of the UK. This, I believe, comes under part of ToR 2, especially with respect to the 'strategic direction' of marine management.

4. The Marine and Coastal Access Act 2009 (MCAA) introduced a new system of marine management in the UK, its provisions covering the inshore (0–12 miles) and offshore (12–200 miles) regions. MCAA was deemed necessary to ensure "...clean healthy, safe, productive and biologically diverse oceans and seas, by putting in place better systems for delivering sustainable development of the marine and coastal environment" (Boyes & Elliott, 2015). Although MCAA created a 'Welsh Zone', extending the jurisdiction of the Welsh Ministers for certain functions to the median line, discussion of the impacts of MCAA on Wales is notably absent in the published literature. On the introduction of MCAA, the Welsh Government (WG) assumed full responsibility for the management and enforcement of sea fisheries around the Welsh coast, delivered by a new, highly-centralised, in-house Fisheries Unit reporting directly to the Minister. In 2013 this Unit was merged with WG's Marine Branch to form the Marine and Fisheries Division (MFD).
5. **How has MCAA been implemented in England?** (I set out the English system here to facilitate a clear comparison with the Welsh regime).

4.1. Part 6 of MCAA: Management of inshore marine fisheries and conservation

4.1.1. England: Inshore Fisheries Conservation Authorities (IFCAs)

MCAA confers power on the Secretary of State to create inshore fisheries conservation districts in England (MCAA, 2009) (Section 149), for each of which there must be an Inshore Fisheries Conservation Authority (Section 150) Membership, powers and duties of IFCAs are comprehensively set out. Two **duties** are imposed on an IFCA: firstly, managing the exploitation of sea fisheries in its district (Section 153); secondly, ensuring that the conservation objectives of any Marine Conservation Zone (MCZ) in its district are furthered, without being compromised by its fisheries management duties (Section 154). In England, the key duties of an IFCA are to manage the exploitation of the fishery and to protect any MCZs in its district. IFCAs also have powers, including making byelaws (Section 155) for the purpose of performing these duties, as well as enforcement powers (Sections 165 & 166).

Under the Habitats Regulations (Conservation of Habitats and Species Regulations 2010 (SI 2010/490)), all public bodies (including IFCAs) must exercise any functions which are relevant to nature conservation to secure compliance with the EU Habitats Directive. IFCAs are also identified as a 'relevant authority', with power to establish or contribute to establishing management schemes for European Marine Sites (EMS) (Habitats Regulations 6 & 36).

Where an IFCA district adjoins a Welsh inshore region, it "...must take the steps it considers appropriate to co-operate with the Welsh Ministers" (Section 174). The remit of IFCAs is therefore founded on the basis of the need to integrate conservation objectives with one of the key anthropogenic pressures impacting the marine environment: fisheries.

## 6. **Wales: Inshore fisheries and marine conservation: the role of the Welsh Government**

For Wales, the position is set out in a much shorter Chapter (MCAA (2009) Chapter 3 Part 6. Welsh Ministers have the power to make any provision which an IFCA could make under section 155

(MCAA (2009) (Section 189)), i.e. make byelaws for the purpose of managing the exploitation of the fishery and furthering the conservation objectives of MCZs, **but powers are discretionary, and Welsh Ministers cannot be required to exercise them. In relation to Wales, MCAA is silent as to duties equivalent to those imposed on IFCA: in other words, in Wales, there is no statutory requirement to manage the exploitation of the fishery resource, or to further the conservation objectives of MCZs, or to co-operate with adjoining English IFCA.**

The underlying reasons for this situation relate to the devolution settlement. During the passage of MCAA, the Welsh Minister for Rural Affairs adopted the position that it was politically unacceptable for Westminster to impose duties on the Welsh Ministers:

“...there seems to have been a great deal of interest in the duties placed, or not placed, on Welsh Ministers as they relate to IFCA in the Marine Bill. ... I do not agree with the principle that UK legislation should put duties on Welsh Ministers. Giving us powers... is important, but placing duties on us is not appropriate for UK legislation... Welsh Ministers will be accountable to the Assembly and to the people of Wales... on any implementation of powers” (Jones, E. 2009). The Minister and WG's lawyer argued that the democratic accountability of Welsh Ministers was greater than IFCA, and that there would be little difference between the Welsh and English management regimes. Consequently, no duties were imposed on Welsh Ministers under MCAA.

Under the Habitats Regulations, whereas IFCA are ‘relevant authorities’ in respect of EMS management, and historically the Welsh Sea Fisheries Committees had been, the WG Marine & Fisheries Division is not. As noted above, relevant authorities may exercise their EMS management functions in collaboration with others, and in Wales generally do so through long-established (though non-statutory) relevant authority groups (RAGs). Despite WG's separate duty as a ‘competent authority’ to contribute to EMS conservation<sup>1</sup> and its earlier assurances that proposed changes arising from MCAA would not affect its participation in RAGs<sup>2</sup>, WG Marine & Fisheries Division has, since MCAA, declined to contribute to the work of RAGs in Wales (Interview sources: Marine Conservation Managers). Loss of the Welsh fisheries management authority from RAG membership undermines fully integrated and collaborative management approaches.

Despite having the legislative competence to do so since 2011, NAW has not imposed enforceable IFCA-style duties on WG. Under the MCAA framework, there remains a weakness, as the executive powers on WG cannot be enforced. NAW could address this lacuna in the Welsh inshore fisheries and marine conservation regime by bringing forward primary legislation setting out a more robust statutory framework for Wales with enforceable duties placed on the Welsh inshore fisheries

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<sup>1</sup> Welsh Ministers are identified as both appropriate and competent authorities in the Habitats Regulations 3(1) and 7(1)b respectively. As such, their duties toward EMS management include those in Regulation 9: “The appropriate authority and the conservation bodies must exercise their functions under the enactments relating to nature conservation so as the secure compliance with the Habitats Directive” (Regulation 9(1)) and “A competent authority must, in relation to a marine area, exercise any of their functions which are relevant to marine conservation, so as the secure compliance with the requirements of the Habitats Directive.” Regulation 9(3).

<sup>2</sup> In reply to a consultation response asking "How will the new structure be represented on SAC Relevant Authority Groups? WAG will need to be a Relevant Authority, not just a Competent Authority", WG's response was "There is no reason why WAG could not be a member of these groups". Welsh Government response to the consultation on the Government's proposal for the future management and enforcement of inshore fisheries in Welsh waters, 12/09/2008: This document is no longer available on the WG website.

manager, including mechanisms to deliver conservation objectives and to work collaboratively with other marine managers.

7. **Conclusions:** The post MCAA Welsh system centralised decision-making, creating a more remote, less responsive management structure than had existed previously.
8. MCAA did not create marine conservation duties for WG and the NAW has not used its legislative powers to create enforceable duties akin to those of the IFCAs. The sole MCZ in Wales is Skomer Island and the Marloes Peninsular, automatically designated as such under MCAA in 2014 (Part 5) because it was previously a Marine Nature Reserve. With an area of a little over 13 km<sup>2</sup> it occupies just 0.08 per cent of Wales' territorial seas. Despite the MCZ designation, neither it nor anywhere else in Wales is protected from all forms of fishing or other disturbing or damaging activities; consequently, there is no area in Wales that can be studied to demonstrate the outcomes of comprehensive protection from fishing or other disturbances (Bullimore, 2017). In theory Wales has the largest proportion of its marine area designated as MPA in the UK, it has failed to achieve even one per cent of the IUCN 20–30 per cent target of each marine habitat designated as Highly Protected (“No Take”) Marine Protected Areas by 2012<sup>3</sup>.

Thus, in Wales, the inshore fisheries management regime responsible for managing some of the most damaging impacts in marine protected areas, has side-stepped its responsibilities with respect to improving their management and condition by failing to implement less damaging fishing activities<sup>4</sup>. Although a substantially greater proportion of the Welsh inshore marine environment is under an MPA designation and therefore, on paper, better protected than those of England or Scotland, in practice, proactive management is lacking and this apparent protection is often ineffective. This is exacerbated by what is now acknowledged as resource and capacity constraints<sup>5</sup>, delaying WMFAG's priority work streams on fisheries and the introduction of improved management measures for EMS to ensure compliance with the Nature Directives<sup>6</sup>. However it could be argued that an equally important reason is that, in its inshore fisheries management function, WG has not engaged meaningfully with the EMS RAGs, despite having being invited multiple times, reflecting its tendency to separate fisheries from marine management<sup>7</sup>.

9. The fundamental weakness in the adoption of MCAA in Wales was the failure to create enforceable IFCA-style duties. The view that there would be greater democratic accountability in Wales than in England has not been realised, resulting in extremely slow progress with respect to fisheries, marine conservation management and the creation of MCZs. The failures are exacerbated because

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<sup>3</sup> Recommendations of the Fifth IUCN World Parks Congress, Durban, South Africa.

[http://www.uicnmed.org/web2007/CDMURCIA/pdf/durban/recommendations\\_en.pdf](http://www.uicnmed.org/web2007/CDMURCIA/pdf/durban/recommendations_en.pdf)

<sup>4</sup>Welsh Government are working with Natural Resources Wales on a project to evaluate the impacts of fishing on features of Marine Protected Areas (MPAs) in Wales but there have been significant delays in Welsh Government's delivery on this and, as yet, no decisions or public communication on management required by the assessments. Wales Environment Link, June 2018, Response: CCERA Committee Inquiry on the Impact of Brexit on Fisheries in Wales, p 5. <[http://www.waleslink.org/sites/default/files/180618\\_wel\\_response\\_to\\_ccera\\_fisheries\\_inquiry.p](http://www.waleslink.org/sites/default/files/180618_wel_response_to_ccera_fisheries_inquiry.p)> df

<sup>5</sup> Wales Environment Link, June 2018, Response: CCERA Committee Inquiry on the Impact of Brexit on Fisheries in Wales, p 3.

<sup>6</sup> Natural Resources Wales, 2016. Assessing Welsh Fisheries Activities Project. <<https://naturalresources.wales/about-us/our-projects/marine-projects/assessing-welsh-fishing-activities/?Lang=en>>

<sup>7</sup>Wales Environment Link, June 2018, Response: CCERA Committee Inquiry on the Impact of Brexit on Fisheries in Wales, p 4–5. <[http://www.waleslink.org/sites/default/files/180618\\_wel\\_response\\_to\\_ccera\\_fisheries\\_inquiry.p](http://www.waleslink.org/sites/default/files/180618_wel_response_to_ccera_fisheries_inquiry.p)> df

the 'emergent public' has failed to emerge with sufficient force to ensure that its elected representatives have acted<sup>8</sup>.

## References

Bullimore, B. (2017) All at Sea, Natur Cymru, 62

S.J. Boyes, M. Elliott (2015) The excessive complexity of national marine governance systems – Has this decreased in England since the introduction of the Marine and Coastal Access Act 2009? Marine. Policy, 51, pp. 57-65

Jones, E. (2009) Minister for Rural Affairs giving evidence to the National Assembly for Wales Sustainability Committee, 26th February, 2009. <[http://www.assembly.wales/Committee%20Documents/SC\(3\)-04-09%20%20Transcript%20\(PDF,%20198kb\)-26022009-119847/sc20090226qv-Cymraeg.pdf](http://www.assembly.wales/Committee%20Documents/SC(3)-04-09%20%20Transcript%20(PDF,%20198kb)-26022009-119847/sc20090226qv-Cymraeg.pdf)>

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<sup>8</sup>Despite the fact that there is widespread support amongst the British public for new laws that ensure we fish responsibly and protect the marine environment, with 79 per cent believing governments have a moral duty to ensure sustainable fishing. Client Earth, 2018. Press release: British public overwhelmingly support greater fisheries protections after Brexit. <<https://www.clientearth.org/british-public-support-fisheries-protections-brexit/>>

# Agenda Item 3

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 : Cyfoeth Naturiol Cymru

Evidence from : Natural Resources Wales

**Assessing the progress made by the Welsh Government in taking forward the recommendations in the *Turning the Tide Report*, and in delivering MPA Network Management Action Plan 2018-19.**

Thank you for allowing Natural Resources Wales (NRW) the opportunity to submit written evidence for your assessment on how Welsh Government are taking forward the recommendation in your Turning the tide Report and how they are delivering the MPA Network Management Action Plan 2018-19.

The statutory purpose of NRW is set out under the Environment (Wales) Act 2016. In the exercise of its functions under the Environment (Wales) Act 2016, NRW must pursue sustainable management of natural resources in relation to all of its work in Wales and apply the principles of sustainable management of natural resources in so far as that is consistent with the proper exercise of its functions. NRW's duty (in common with the other public bodies covered by the Well-Being of Future Generation (Wales) Act 2015) is to carry out sustainable development. This means, in general terms, looking after air, land, water, wildlife, plants, and soil to improve Wales' well-being, and provide a better future for everyone. NRW are also advisors to the Welsh Government on the natural heritage and resources of Wales and its coastal waters.

NRW is a Statutory Nature Conservation Body (SNCB) under the Conservation of Habitats and Species Regulations 2010 (as amended), as further amended by paragraph 189 of the Natural Resources Body for Wales (Functions) Order 2013. NRW's comments are therefore provided in the context of NRW's statutory purpose, functions, powers and duties.

Ruth Jenkins

Pennaeth Is-Adran Strategaeth, Cyfoeth Naturiol A Chynllunio / Head of Natural Resources Strategy and Planning

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## Introduction

The overall purpose of marine protected area (MPA) management is to achieve and sustain favourable condition of the features of MPAs. A well-managed network of MPAs has a positive impact on the health, functioning and overall resilience of the whole marine environment.

No single organisation has responsibility for management of MPAs in Wales. Management is a shared responsibility with the management of the different types of MPAs directly influenced by their associated legislative frameworks. Amongst MPA management authorities NRW does, however, have a particularly significant role due to:

- our remit to pursue the sustainable management of natural resources in relation to all our work,
- being the statutory nature conservation advisor to Government, and
- having a wide variety of relevant functions, including, for example: statutory advice (local and national), evidence, regulation, flood risk management and incident response.

As a result of our remit, NRW's work in MPA management is central in relation to evidence and advice on both the condition of MPAs, assessment of and advice on effective management, and delivery through a variety of advisory and regulatory functions. We therefore often lead work with other management authorities to advise on, support and deliver MPA management.

Although not always visible "on the ground", much of the management of protected sites is carried out through addressing the potential impacts of activities through both planning and regulatory processes.

Strategic planning processes such as the Welsh National Marine Plan, due for adoption this year, and various sectoral planning processes (e.g. The Crown Estate's planning processes for aggregates and renewable energy) set the context for the type of activity that is suitable and sustainable in Welsh waters and in different areas. The marine Area Statement also takes a whole-system approach and will identify the evidence and key opportunities for improving the management of natural resources across all of Welsh seas, including MPAs.

Activities that require permission to take place are regulated and assessed through various processes, including: Habitats Regulation Assessment (HRA), Environmental Impact Assessment (EIA), marine licencing, and a number of other consenting and decision-making processes. There are, however, activities that may impact on MPAs that are not normally regulated for which other management approaches are needed.

There are various challenges in detecting causal change in the marine environment, including the fact that it takes a significant amount of time for the result of any activity to be evidenced in a change to feature condition. Effective planning and assessment processes are therefore vital to ensure appropriate decision making up-front. There are also a number of processes underway to improve our understanding of condition over time, through monitoring and assessment.

NRW is committed to pursuing the sustainable management of marine natural resources (SMNR). Given the scale of the network, effective management of Welsh MPAs is a fundamental part of delivering SMNR for our coasts and sea. Addressed strategically at a network level, with clear prioritisation of activity and resources across the network, and fully integrated with whole-seas processes such as the marine area statement and WNMP, is, in NRW's view, the most effective way to secure sustained improvement in the management and condition of MPAs, and hence in the health and resilience of the wider marine environment.

(Please note: our response to question 1a is provided at the end of our comments, because our response to question 1a is in effect a summary of content across the other questions.)

**1. Since the CCERA inquiry into Marine Protected Areas, and report to the Welsh Government in August 2017:**

**1b. Has the management of Welsh seas received sufficient resource and strategic direction?**

***Strategic direction***

The overall strategic framework for MPA management is derived from the wider policy and legislative framework for sustainable management of the sea at an international, UK and Welsh level. This includes, for example, the Marine and Coastal Access Act (2009), the UK Marine Policy Statement, Wales National Marine Plan (WNMP), Oslo and Paris Convention (OSPAR), Marine Strategy Regulations (2010), the Environment (Wales) Act (2016) and the Well-being of Future Generations (Wales) Act (2015). Together this framework provides the requirements and drivers to:

- create an ecologically coherent and well-managed network of MPA,
- consider MPA site and network management in the planning and licensing process;
- apply an ecosystem-scale approach to considering pressures on and state of the marine environment; and
- consider MPA management in the context of the delivery of sustainable management of marine resources and wellbeing.

Within this framework, strategic direction on MPA management in Wales continues to be provided by Welsh Government. A central strategic message has been the focus on the *network* of MPAs and improving management in areas that can have the greatest impact on condition across the network.

A key vehicle for developing strategic direction for MPA management authorities is the Welsh Government run MPA Management Steering Group. It is important that authorities with statutory responsibilities in relation to the management of MPAs have a forum where they can collectively understand their respective statutory roles and responsibilities, and where they can begin to develop their understanding of these, at an MPA network scale.

The Steering Group has renewed its purpose and direction through the joint production of the MPA Network Management Framework and MPA Network Management Action Plan, building on the shared vision and objectives for the MPA network. The MPA Network Management Framework and particularly the Action Plan has provided a clear focus and stimulus for delivering effective management of our MPAs at the network scale. The annual action plan review and refresh cycle will continue this momentum.

***Collaboration***

The MPA Network Management Framework and Action Plan clearly articulates the key priorities for improving the management of the overall network to the wider community of stakeholders. Now that the Steering Group is established and has begun to fulfil part of the original intention of management authorities collectively improving their understanding of their roles and responsibilities, NRW, and other management authorities, recognise that there is a need to develop wider collaboration with stakeholders on MPA network management.

NRW and WG have identified the need to develop a vehicle for shared stakeholder liaison, to provide the opportunity to work collaboratively across the range of interrelated marine ecosystem resilience work areas, including:

- MPA network development and management,
- addressing marine ecosystem resilience through the marine Area Statement and other Environment Act requirements, and
- opportunities in Wales in relation to the Marine Strategy Framework Directive (MSFD) framework.

We will discuss with stakeholders, via the Wales Marine Advisory Action Group (WMAAG), how they wish to see this working in the coming months with a view to commencing in early summer. Initial discussions will be held at the WMAAG meeting in May.

### **Resources**

Resources are always challenging especially in a climate of constraint across all parts of the public sector in Wales. Of critical importance, therefore, is the need to work in collaboration with Welsh Government and other partners to inform decisions on prioritisation of both work programmes and allocation of resources. For NRW, improving the condition of the network of MPAs through effective management continues to be a key priority in our marine programme and we are still committed to working with Welsh Government and partners to achieve this aim.

The production of the MPA Management Action Plan has facilitated the creation of a ring-fenced WG fund to support delivery of priority actions. For example, NRW has received additional funding for actions contained within the 2018/19 action plan, at a time when the evidence base to inform appropriate MPA management is one of the critical challenges in Wales and an area where NRW has a particular role and expertise.

NRW has also received funding from the Welsh Government-managed European Marine and Fisheries Fund (EMFF) for three projects linked to MPA management and marine biodiversity:

- Improving marine site level feature condition assessment reporting in Wales (£65,000)
- Biosecurity Planning for Pen Llyn a'r Sarnau SAC (£188,000)
- Native oyster restoration project (£144,000)

Although the funds are European, the selection of projects were judged against Welsh Government priorities, including those for MPAs.

At a strategic level WG has also been providing dedicated support to NRW since 2015 for capacity to help deliver a variety of priority work areas across the wider programme of marine work in Wales. This includes 2 posts that, amongst other areas of marine programme work, deliver MPA management evidence and action projects.

NRW is also going through a process of organisation design, part of which includes the creation of an Operational Marine Service, supported by, and working with, a strategic marine evidence and advice team. These changes will focus marine capacity creating a more flexible, adaptive and efficient service. The changes will help support MPA network management and also deliver an area focus with four

lead area advice officers providing local and operational advice for all MPAs in four areas that together cover all Welsh coasts and seas. As a result, NRW is delivering an area-based approach with the necessary strategic direction, support and advice. It is important to reiterate that MPA management is a shared responsibility and multiple funding streams and staff capacity in different organisations are utilised for MPA management in different forms. In Wales, best use of available resources is being made in relation to MPA management and more resources have been made available recently, as identified, above. Enhanced resourcing, if and as available, through various avenues, would allow more action across a wider range of areas, including against the investigative work still needed before correct action can be identified.

**1. Since the CCERA inquiry into Marine Protected Areas, and report to the Welsh Government in August 2017:**

**1c. How has the condition of Wales’ MPA’s have changed?**

There has been a significant positive development in the assessment of the features of MPAs in Wales with the publication of the indicative condition assessments for all features of European marine sites in January 2018. This involved the assessment of 128 individual features across 22 sites in Wales. The results of the indicative condition assessments can be seen in Annex 1 and summarised in Table 1

**Table 1:** Summary of indicative condition assessments

| Condition    | Confidence | Number     | Percentage |
|--------------|------------|------------|------------|
| Favourable   | High       | 39         | 30%        |
| Favourable   | Medium     | 13         | 10%        |
| Favourable   | Low        | 7          | 5%         |
| Unfavourable | High       | 32         | 25%        |
| Unfavourable | Medium     | 15         | 12%        |
| Unfavourable | Low        | 10         | 8%         |
| Unknown      | N/A        | 12         | 9%         |
| <b>Total</b> |            | <b>128</b> |            |

There are various challenges in detecting causal change in the marine environment, and a number of processes underway to improve our understanding through monitoring and assessment, these are set out below.

***Challenge of detecting causal change in the marine environment***

As discussed with the Committee during the 2017 inquiry, it takes a significant amount of time for the result of any activity to be evidenced in a change to feature condition. As such, it is too early to say definitively whether any action in the MPA management action plan has led to improved condition – even major changes in activities can take many years to show a change in condition due to the time needed to show change and the difficulty of monitoring change. Ongoing monitoring is vital to detect change over these timescales.

Even when appropriate management has been put in place in the marine environment it takes time for positive effects to be recorded. For example, significant,

measures<sup>1</sup> have been put in place to control mercury inputs into the environment across the UK. However, many Water Framework Directive (WFD) waterbodies are still failing for mercury<sup>2</sup> due to its persistent nature and may do so for a number of years before the impact of the management measures are reflected in monitoring results. This delay in response time between management and positive impact on condition is reflected in the absence of a time limit in the Habitats Directive for achieving favourable conservation status.

Recovery rates can also be very variable for example in the Pen Llyn a'r Sarnau horse mussel reef results from monitoring show physical damage to the reef persisting for many years after the damage has occurred.

Whilst a number of management actions have been put in place to address the issues identified within the MPAs, the scale of the features, combined with the time lag between implementation of an action and it manifesting clear positive results and the nature of the monitoring in place (which due to the size and nature of the features entails a sampling approach only) can make it difficult to demonstrate the direct links between action and condition. Overall, therefore, despite some good examples of positive results where there is more intensive and directed monitoring (see box 1), we are still amassing the evidence on the effectiveness of management measures on site and network condition. As a result, we are focussing effort in many areas, and in the current MPA Network Action Plan, on work to better understand the impact of certain activities and where and what management may, or as importantly, may not, be needed.

#### **Box 1: Skomer MCZ**

Skomer is Wales' only Marine Conservation Zone (MCZ) at present. The MCZ is monitored and managed by a small team of people, whose local liaison and regular patrolling ensures that byelaws are upheld. The removal of King scallops by any means has been prohibited within the MCZ since 1990. Regular monitoring has shown the average density of King scallops has increased from around 1-1.2/100m<sup>2</sup> pre-designation (1984) to 35/100m<sup>2</sup> in 2016. There has been good recruitment into the population, especially since 2012. These results suggest that the management of scallops within the MCZ, consisting of the byelaws and the enforcement of these through patrols, has been effective.

Despite the challenges identified above, we can, through regulatory processes and associated advice, identify development that has been designed to avoid impacts on MPA condition, and hence has helped to safeguard the condition of features or prevent deterioration; this is a very significant aspect of effective MPA management.

There are also a number of monitoring and reporting processes that will together over time continue to improve our understanding of changes in the marine environment and changes in condition of MPAs. These are set out below.

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<sup>1</sup> For example, the EU has banned the use of mercury in most products over the last ten years ([http://ec.europa.eu/environment/chemicals/mercury/pdf/tackling\\_mercury\\_pollution\\_EU\\_and\\_worldwide\\_IR15\\_en.pdf](http://ec.europa.eu/environment/chemicals/mercury/pdf/tackling_mercury_pollution_EU_and_worldwide_IR15_en.pdf))

<sup>2</sup> WFD Waterbody assessments 2015

### ***UK marine biodiversity monitoring programme***

The difficulty in monitoring change is one of the reasons why the JNCC and the Country Nature Conservation Bodies (CNCBs), including NRW, have been asked by the UK and devolved Governments to provide advice on options for a joint UK marine biodiversity monitoring programme. The objective of this programme is to fulfil nature conservation obligations for monitoring in a more coordinated, cost-effective manner, taking a risk-based approach to programme design, so that robust evidence for marine management purposes can be provided. The programme will monitor within and outside of protected sites.

Costed options for benthic monitoring in Wales are in the final stages of development. Once signed off, a costed plan for the final option preference will then be built into the business case being developed for all components at a UK scale (e.g. also including mammals, fish, birds, plankton and deep-sea habitats). These will then be presented through appropriate route(s) for ministerial approval; we await confirmation of the process and timescales at both UK and Wales levels. In the meantime, NRW continues to deliver out current marine monitoring programme, which contributes to various advice and assessment processes.

### ***Developing the approach to site condition reporting***

NRW will repeat site level condition assessments at a timescale that will, ideally, allow detection of some degree of change. The EMFF project *Improving marine site level feature condition assessment reporting in Wales* aims to develop indicators and a process for reporting on condition of features protected in Wales' network of MPAs.

The main activities of the project will be:

- The development of a series of reporting indicators, to allow the more efficient assessment and reporting of the condition of MPA features;
- The development of agreed guidance describing how site condition assessments will be carried out on all our MPAs; and
- The trial of the new methodology on a European marine site (EMS) in Wales.

The main achievement of the project will be:

- The ability to carry out site level condition assessments leading to a better understanding of the condition of our MPAs in Wales.

On completion of the project NRW would be happy to bring the results of this EMFF project to the Committee as well as details of how it will be implemented within NRW reporting duties.

### ***Article 17 reporting***

Since the MPA Management inquiry the UK has completed the country level assessments for Article 17 reporting. This reporting is based on Annex I and Annex II habitats and species across their range not just within sites and it may (and often does) give a different picture from site level feature condition assessments.

This round of Article 17 reporting has not been published or submitted to Europe yet and the assessments are not completed at the country level. However, after the Article 17 reports are submitted it is anticipated, depending on resources, that Wales

will produce some country level reports to aid understanding of the state of Annex I and Annex II habitats and species in Welsh waters. These can be made available to the Committee.

### ***OSPAR MPA management effectiveness assessment***

In 2018 the second OSPAR MPA management effectiveness assessment of Welsh EMS was carried out. This is part of a very high-level assessment of the management of MPAs across the whole of the OSPAR network. All Welsh sites were again assessed at a level of 'partial' in the overall assessment, which reflects the fact that some management mechanisms are in place but there is still progress to be made variably across the network. However, the prior completion of indicative feature condition assessments meant that we were able to give a more up to date response on whether the sites are in favourable condition. The "partial" result was in line with other sites across the UK and has fed into an OSPAR wide report.

### ***State of Natural Resources Reporting***

The second State of Natural Resources Report, due in December 2020, will provide an assessment of the extent to which the sustainable management of natural resources is being achieved. The marine component of SoNaRR 2 will incorporate information on MPA management and the feature condition into a wider assessment of ecosystem resilience and impacts on well-being.

## **2. Last year the Welsh Government's approach to the MPA Network Management was published. This included the 2018-2023 Framework and 2018-2019 Action Plan. Do these:**

### **2a. Address the key issues of effective management of multi-use MPAs?**

All MPAs in Wales are multi-use sites with activities assessed against the specific features of the sites. The MPA management framework is a useful summary of how our MPAs are currently managed and how the management authorities responsible for their management wish to manage them in the future. The framework highlights the types of activities that constitute MPA management and it allows the management principles developed by the Steering Group to be more widely disseminated.

### ***Planning and regulation***

The framework acknowledges the very significant but often undervalued role that planning and regulation play in the management of our sites.

Strategic planning processes such as the Welsh National Marine Plan, due for adoption this year, and various sectoral planning processes (e.g. The Crown Estate's planning processes for aggregates and renewable energy) set the context for the type of activity that is suitable and sustainable in Welsh waters and in different areas, including MPAs.

Assessment processes help modify activity and avoid impacts, for example, Strategic Environmental Assessment (SEA), Habitats Regulation Assessment (HRA) and Environmental Impact Assessment (EIA). This is an area of work with defined statutory advisory and regulatory roles, and it is not therefore something that wider stakeholders play a significant role in; hence it can be easy to overlook the significance for MPA management.



For activities within or adjacent to a European marine site (SAC or SPA) that require a permission (for example, planning application, marine licence or other consent), the consenting authority must carry out a HRA, to consider the effect the development or activity has on the features of the site(s) and the effect on the integrity of a site. As such, HRA is a very significant piece of regulatory assessment and one of the most important tools we have in the MPA management tool kit that also enshrines the precautionary principal in law. There are similar assessment requirements for MCZs, which will be equally relevant as Wales addresses the overall coherence of the network.

### **Priority actions**

The MPA management framework also captures our previous advice to the CCERA Committee inquiry on work carried out as a result of NRW's LIFE N2K project for European marine sites (EMS) to prioritise the most important issues for these sites. As a consequence of this project work, five priority areas have been identified where it is recommended effort should be focused for maximum impact on the condition of the network. The five priority areas are:

- Access and Recreation – e.g. damage to habitats or disturbance of species;
- Water management and issues – e.g. coastal squeeze, flood and coastal erosion risk management;
- Pollution and waste – e.g. marine litter and diffuse water pollution;
- Marine fisheries – e.g. potting and dredging activities; and
- Invasive species – e.g. marine non-native species.

The MPA Network Management Action Plan was not designed to capture all actions that *could* be implemented across the network but instead focusses on those that address the priority network pressures, including across the above five themes. While this may appear to some as if there are gaps, it is important to target resources at actions where we have the evidence that they will make the most difference to the network. Some examples of action are provided in Boxes 2-5.

The management framework and action plan were designed to capture the actions that Welsh management authorities can address in Welsh waters. The action plan was not designed to capture the wide-ranging or global scale issues that need a UK, European or global response such as climate change or ocean acidification. The Action Plan does, however, include actions that Welsh management authorities can take that relate to wider global issues, where there is effective action that Welsh management authorities can take; for example, responding to coastal squeeze in Welsh waters – an impact that is a consequence of the combination of climate change and coastal protection. Also, under the planning and regulatory action, NRW advises on, and makes marine licensing decisions on, activities that are a response to climate change, such as renewable energy development. We therefore need to understand and address these global challenges and associated opportunities in order to take account of them and the wider global context in MPA management decisions.

The framework and action plan also recognise that sometimes actions need to be taken to gather evidence or to trial management approaches before the actual management measure to improve condition can be implemented. For example, we are in the process of investigating the distribution of a variety of non-licensable activities in order to understand the location of activities and the sensitivity of the

habitats to activities before on the ground management measures can be prioritised in the most important areas. Without this systematic, strategic evidence gathering we risk investing significant resource into management measures that may not be needed or may not be effective.

The actions chosen to be included in the action plan underwent a rigorous prioritisation protocol developed by the MPA Management Steering Group. Only actions which scored above an agreed threshold were included although other actions out-with those prioritised for the action plan can be included in the MPA Management Annual Report. A call for actions/projects which have improved management on sites has already been issued by the Steering Group to relevant stakeholders to allow for the inclusion of these project in the annual plan to be published in June 2019.

### ***Site level actions***

Although site level actions were not included in the main table of the MPA Management Network Action Plan, as they did not meet the network criteria, they were prominently included in an annex and the results of these actions will be included in the annual report. A number of the site level projects included were grant funded by NRW; for example, a project to establish recreational activity carrying capacity of the coast within MPAs and another project to increase nitrate and phosphate monitoring data using citizen-led science for the Milford Haven waterway to aid pollution reporting and help inform management (The SWEPT (Surveying the Waterway for Environmental Pollution Threats) project).

This approach acknowledges the significant impact that some site level actions can have locally, whilst recognising that at a network scale there may be wider priorities.

## **2. Last year the Welsh Government's approach to the MPA Network Management was published. This included the 2018-2023 Framework and 2018-2019 Action Plan. Do these:**

### **2b. Support the management of Welsh MPAs to conserve Welsh marine biodiversity?**

The Welsh MPA network is a key tool for delivering conservation of Welsh marine biodiversity alongside the new biodiversity duty in the Environment (Wales) Act, and the MPA Network Management Framework and Action Plan are, in NRW's view, key tools for facilitating improved management of Welsh MPAs.

Recent work has assessed how well the MPA network protects the range of marine biodiversity in Wales; to achieve this Welsh Government commissioned JNCC, with technical support from NRW, to undertake an analysis of the ecological coherence of the network of Welsh MPAs<sup>3</sup>. The analysis found that Welsh MPAs make a substantial contribution towards an ecologically coherent network and hence makes a significant contribution to the conservation of marine biodiversity in Welsh waters and wider biogeographic seas.

Beyond MPAs, mechanisms to support the wider conservation and sustainable management of marine biodiversity exist through the Marine Strategy Framework Directive, Welsh National Marine Plan (in draft) and Environment (Wales) Act,

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<sup>3</sup> [http://jncc.defra.gov.uk/pdf/JNCC\\_NetworkProgressWelshWaters\\_Final.pdf](http://jncc.defra.gov.uk/pdf/JNCC_NetworkProgressWelshWaters_Final.pdf)

including Area Statements. NRW's State of Natural Resources report (SoNaRR) published in 2016 also identifies pressures and opportunities for the sustainable management of all-natural resources. Key opportunities identified for sustainable management of marine natural resources include managed realignment at the coast, and a plan led integrated approach to management of marine activities with specific opportunities for sustainable growth in certain sectors in particular via the Welsh National Marine Plan.

We refer the Committee to our response to question 2a, above for details on priorities for management within MPAs. Some of the actions underway as a result of the action plan also cover the wider Welsh seas and the projects focussed on both management improvements as well as developing the evidence base to allow us to identify the priority actions to help improve condition across the network. Some of the projects carried out in this category are highlighted in the following case studies in Boxes 2- 5.

### **Box 2: The Non-licensable Activities Project**

The overarching project aim focusses on the non-licenced activities of greatest concern at the network scale. It seeks to develop the evidence base on the spatial and temporal distribution, intensity and impacts of these activities on features protected in the network and will involve working with appropriate stakeholders to identify and implement feasible and effective management interventions (e.g. regulation, financial incentives, behavioural change, etc.), where required, to mitigate impacts.

The priority activities and associated actions at present are:

**Anchoring, mooring and launching (recreational):** Develop the evidence base for the location and intensity of this activity.

**Recreational Sea Angling:** Increase NRW's level of understanding of the impacts of this activity and how it links to MPA features.

**Bait digging / collection of living resources:** Develop NRW's understanding of the location and intensity of this activity in Wales and the potential for this activity to interact with 'sensitive' habitats.

**Foot Access:** Develop our understanding of the methods which could be used to estimate foot access intensity and behaviour on the intertidal areas of Wales and also gather improved data on sensitive areas for certain features of the MPA network.

Work on these activities took place from May 2018 to March 2019 and all are now complete. This work has developed our evidence base for high priority activities and will provide the future focus for investigation and / or the prioritisation and implementation of future management if it is considered necessary.

### Box 3: The Marine Area Statement

The marine Area Statement (one of 7 being developed by NRW) is identified as an action in the MPA Network Management Action Plan, due to the potential for the process to support the sustainable management of MPAs and wider marine biodiversity. The purpose of Area Statements is to facilitate the implementation of Welsh Governments Natural Resources Policy (NRP), identifying opportunities and risks in that area for the sustainable management of natural resources, taking a place-based approach. As part of the process, emerging themes have been developed for each area.

The Marine Area Supporting Statement Emerging Themes are:

- Nature based solutions and adaptation in the coastal zone
- Implementation of marine planning
- Building the resilience of the marine environment

The themes all relate to the management of MPAs and the conservation of Welsh marine biodiversity.

### Box 4: The Pen Llŷn a'r Sarnau Biosecurity Project

The Pen Llŷn a'r Sarnau SAC biosecurity plan project, although based within a large SAC in North Wales, focusses on – biosecurity, to prevent the introduction and spread of invasive species. This will benefit the wider biodiversity of Welsh waters not just that within sites.

#### Project background and summary

Marine Invasive Non-Native Species (INNS) are a significant threat to global biodiversity and can have detrimental socio-economic impacts on activities such as fishing, shipping and aquaculture. Biosecurity measures can prevent the introduction and spread of INNS and limit the likelihood of a species entering an area in the first place; such measures are particularly important for marine ecosystems, where eradication and control techniques have been shown to be less effective.

This EMFF project will develop a biosecurity plan for the PLAS SAC and inform the longer-term implementation of effective biosecurity planning for Wales' network of marine protected areas. A crucial aspect of the project is to engage with key stakeholders such as local fishermen and the SAC Liaison Group. The project will be delivered in 3 work packages which will;

1) Gather evidence to underpin biosecurity planning for PLAS:

- Assess and map the extent of INNS in the site
- Assess potential impacts of INNS on features and fisheries
- Investigate pathways of introduction and spread
- Work with fishermen to review outputs from the evidence gathered

2) Develop a biosecurity plan for PLAS to minimise new anthropogenic introductions and reduce the spread of existing marine INNS to include:

- Action plans for high-risk pathways of introduction and spread
- Species Action Plans
- Monitoring, management and awareness raising actions

3) Implement the biosecurity plan and monitor its effectiveness:

- Workshops to promote the biosecurity plan
- Work with Local Authorities to embed the plan through local planning policies and licences.
- Lessons learnt exercise

### Box 5: Assessing Welsh Fishing Activities project

Welsh Government and NRW are undertaking a comprehensive project to assess the impacts of all marine fisheries activities from licensed and registered fishing vessels on protected features of European Marine Sites in Wales.

There are 525 assessments to undertake which have been prioritised based on risk. NRW is leading on the production of these fishing gear assessments. These assessments form part of the evidence base to support effective MPA management. To date all the highest priority assessments have been concluded.

Welsh Government will use the assessments to consider any management which may be required to address potential impacts on a site-by-site or all-Wales basis. The project's outputs will be used to support the aims of The Habitats Directives/Habitats Regulations, The Environment Act and The Wellbeing of Future Generations Act.

## 2. Last year the Welsh Government's approach to the MPA Network Management was published. This included the 2018-2023 Framework and 2018-2019 Action Plan. Do these:

### 2c. Take account of lessons learned from current MPA management activity in Wales (including designation, implementation and enforcement)?

As we communicated in our original response to the Committee there are a number of lessons to be learnt from the last ten years of MPA designation and management activity. In summary the key messages are that:

- management activity needs to be at the appropriate scale;
- stakeholders and management authorities need to be actively engaged; and
- available resources need to be prioritised to areas of greatest need / impact.

The MPA management framework and action plan have taken on these messages and tried to address them by:

- Recognising the fundamental importance of **engaging management authorities** in relation to their roles and responsibilities, as a critical part of addressing effective MPA management
- Recognising the need for **good public engagement and involvement**, both locally and nationally for effective MPA management, with strong clear transparent messages through the framework and action plan highlighting the developed management principles as well as the network level objectives and vision.
- Identifying priority action at the **appropriate scale**. The Framework and Action plan recognises that local problems should be dealt with at the local level, whilst cross-site issues should be dealt with across the network allowing for efficiency of scale and also consistency of approach for national organisations engaged in using or managing multiple sites.
- With diminishing resources across the public sector, a difficult lesson has been that it is not possible to pursue all management action that could improve site condition. **Prioritisation of action** has been undertaken through the framework and action plan to ensure we can **focus available resources** and have a positive impact on issues that have the greatest impact on the condition of our MPAs.

- The Steering Group has also recognised the need to do more to **work collaboratively** and **engage wider stakeholders**. Minutes of the group are therefore available online, and now that the work has reached an appropriate stage, NRW and WG are in the process of establishing a shared stakeholder liaison mechanism, to provide the opportunity to liaise over a wide variety of interrelated marine ecosystem resilience work areas, including MPA management.
- Enabling MPA management to evolve and learn from previous work through a process of **adaptive management**. For example, one of the network level objectives set by the Group is on adaptive management:  
**Objective V. Adaptive management Objective:** *Management of the network is adaptive, incorporating change as new information becomes available. Environmental, social, cultural and economic information is used to support management, and is regularly updated and used for effective decision-making.*

Enforcement is challenging and costly in the marine environment. There are a variety of types of enforcement from formal enforcement or regulation (such as marine licenses and fisheries orders) to more informal local management. There is a specific fisheries enforcement action for Welsh Government (Action 9: Operate a risk-based approach to fisheries enforcement). Enforcement by other management authorities is also included in the general action on statutory responsibilities (Action 2: Deliver MPA management through regulatory consenting processes); this would include, for example, any enforcement that NRW carries out as it relates to our two cockle fisheries that NRW manages.

A number of activities that have the potential to impact on the condition of MPAs are unregulated and hence there is no formal associated enforcement; for these more adaptive local measures are needed and the non-licensable activities project is designed to identify where these are not in place but may be needed (see box 2).

## **2d. Take account of the implications of the UK 's decision to leave the European Union**

The MPA Management Framework and Action Plan remains relevant in its current form pre and post EU Exit as it builds on and utilises powers and responsibilities that will be retained in their current form post EU exit. It is therefore a valid and key mechanism for securing improvement management of the network of MPAs in Wales post EU exit and the annual review cycle will allow new opportunities and issues to be addressed as they arise. Some wider consideration of the legislative framework for MPA management and EU exit is provided below.

The current legislative framework for MPAs provides the necessary tools for securing an ecologically coherent and well managed network. Various challenges around implementation of these measures remain but broadly the existing framework is fit for purpose. In exiting the European Union (EU), consistency and certainty will be important to ensure continued progress towards effective management of the network of MPAs as well as securing the network of sites that are predominantly created via EU Directives. Allied to this, exiting the EU should not result in any lowering of environmental standards/quality. The MPA Management Network Framework for Wales and its action plan assumes that this will be the case.

In Wales we benefit from strong domestic legislation that supports sustainable management of MPAs, including the Marine and Coastal Access Act, Environment (Wales) Act and WBFG Act. The WBFG ways of working, the primary purpose of sustainable management of natural resources (SMNR), and the new integrated management frameworks provided by the WNMP and Area Statements, collectively provide a key opportunity to enhance the sustainable management of MPAs and the wider marine environment. Legislative change post EU should maximise the opportunities the above legislation offers.

Exiting the EU will clearly present challenges for the management of MPAs given the predominance of EU derived legislation currently underpinning the management regime for MPAs. A statutory instrument the *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*<sup>4</sup> has, however, been made in order to affect the necessary amendments to existing statutory instruments which transpose the Nature Directives to ensure that they remain operable post European exit. There is also an opportunity, if carefully planned, to allow even further integration of existing management regimes together with the key domestic legislation referred to above, to create a stronger regime for the sustainable management of MPAs and marine natural resources.

There are still some concerns about gaps in governance. The Welsh Government are currently consulting on<sup>5</sup>:

- gaps in environmental principles and governance that may open up in Wales as a result of the UK's exit from the EU and
- how we provide a coherent and effective governance framework for the long-term improvement of our environment in line with our Wellbeing of Future Generations and Environment Act.

### **3. Do you have any other comments or issues you wish to raise that have not been covered by the specific questions?**

Our response is as above.

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<sup>4</sup> <http://www.legislation.gov.uk/id/ukdsi/2019/9780111179512>

<sup>5</sup> <https://gov.wales/environmental-principles-and-governance-wales-post-european-union-exit>



1. Since the CCERA inquiry into Marine Protected Areas, and report to the Welsh Government in August 2017:
- a. What progress has been made by the Welsh Government against the recommendations in the Committee's report?

| CCERA Recommendation  | Progress made   |
|---|---|
| <p>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 the Welsh Government, are actively engaged in MPA management and fulfilling their duties and responsibilities.</p> | <p>The MPA Network Management Framework and Action Plan provides the MPA strategy. This has been developed by the Wales MPA Management Steering Group which consists of representatives of MPA management authorities, led and Chaired by WG.</p> <p>The Framework and Action Plan:</p> <ul style="list-style-type: none"> <li>• provides a strategic steer to MPA management authorities;</li> <li>• makes it clear to management authorities what their duties are, as they relate to MPA management;</li> <li>• sets out what constitutes MPA management together with MPA management principles to follow in Wales;</li> <li>• identifies priority actions.</li> </ul> <p>For further details, please see the answer to 1b above.</p> |
| <p>2a. MPAs cannot be managed effectively without the appropriate level of resources, including funding and staffing. The Welsh Government must:</p> <p>a) ensure it has sufficient staffing to deliver its marine conservation responsibilities;</p>   | <p>Welsh Government staffing and their internal resources are a matter for WG to respond to.</p> <p>In relation to wider resourcing for MPA management, please see the response to question 1b, under "resources".</p>  |
| <p>2b. The Welsh Government must:</p> <p>b) bring forward proposals for funding an area-based approach, with each management area having a dedicated officer; and</p>   | <p>This approach was considered and rejected by the MPA Management Steering Group due partly to funding issues, and partly due to the need to focus resources on work areas and projects that had the greatest potential to improve management and condition of features across the network, rather than a focus on management <i>structures</i>.</p>   |



| CCERA Recommendation   | Progress made   |
|--|---|
|  | <p>NRW is currently going through a process of organisation design, part of which includes the creation of an Operational Marine Service, supported by, and working with, a strategic marine evidence and advice team. These changes will focus marine capacity creating a more flexible, adaptive and efficient service. The changes will help support MPA network management and also deliver an area focus with four lead area advice officers providing local and operational advice for all MPAs in four areas that together cover all Welsh coasts and seas. As a result, NRW is delivering an area-based approach with the necessary strategic direction, support and advice.</p>  |
| <p><b>2c.</b> The Welsh Government must:<br/> c) ensure that Natural Resources Wales has sufficient resources to undertake its responsibilities for MPA management and improvements to the condition of the Wales Natura 2000 Network.</p> | <p>Resources are always challenging especially in a climate of constraint across all parts of the public sector in Wales. Of critical importance, therefore, is the need to work in collaboration with Welsh Government and other partners to inform decisions on prioritisation of both work programmes and allocation of resources. For NRW, improving the condition of the network of MPAs through effective management continues to be a key priority in our marine programme and we remain committed to working with Welsh Government and partners to achieve this aim.</p> <p>In terms of NRW's recent resources:</p> <ul style="list-style-type: none"> <li>• There have been some additional funding resources for MPA management activity recently which have supported NRW's MPA management work.</li> <li>• At a strategic level WG has also been providing support to NRW for 2 posts that, amongst other areas of wider of marine programme work, deliver MPA management evidence and action projects.</li> <li>• NRW is also going through a process of re-design and this will provide local advisory support for MPA management in four areas that cover the whole of Welsh coasts and inshore seas.</li> </ul> <p>Further details are in the response to question 1b and 2a.</p> |

| CCERA Recommendation   | Progress made  |
|--|--|
| <p>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.</p> | <p>In this first phase of developing and delivering the MPA Network Management Framework and Action Plan the focus has been on improving the understanding of management authorities of their responsibilities, and galvanising collective action. During this process, WG have published the minutes and a summary of meetings for the MPA Management Steering group and presented progress to WMAAG. The management framework and Action Plan were published online and circulated by the secretary of state to the relevant management authorities across Wales.</p> <p>The MPA Network Management Framework and Action Plan clearly articulates the key priorities for improving the management of the overall network to the wider community of stakeholders. A variety of stakeholders are also involved in direct delivery of MPA management action, both nationally and locally.</p> <p>Now that the Steering Group is established and has begun to fulfil part of the original intention, NRW, WG, and other management authorities, recognise that there is a need to develop wider collaboration with stakeholders on MPA network management.</p> <p>NRW and WG have identified the need to develop a vehicle for shared stakeholder liaison, to provide the opportunity to work collaboratively across the range of interrelated marine ecosystem resilience work areas, including:</p> <ul style="list-style-type: none"> <li>• MPA network development and management,</li> <li>• addressing marine ecosystem resilience through the marine Area Statement and other Environment Act requirements, and</li> <li>• opportunities in Wales in relation to the Marine Strategy Framework Directive (MSFD) framework.</li> </ul> <p>We will discuss with stakeholders, via the Wales Marine Advisory Action Group (WMAAG), how they wish to see this working in the coming months with a view to commencing in early summer. Initial discussions will be held at the WMAAG meeting in May.</p> |

| CCERA Recommendation   | Progress made  |
|--|--|
| <p><b>4.</b> The Welsh Government should develop an enforcement strategy, based on risks, which addresses all pressures on MPAs - including water quality; litter; recreational pressures; fisheries and unregulated marine resource gathering - and should move quickly to implement management measures in MPAs where there are known risks.</p>   | <p>Enforcement is challenging and costly in the marine environment. There are a variety of types of enforcement from formal enforcement or regulation (such as marine licenses and fisheries orders) to more informal local management.</p> <p>The MPA network management action plan has a number of actions to help address these issues.</p> <p>Please see our response in 2a and 2b above and information on the non-licensable activities project in box 2.</p> |
| <p><b>5.</b> The availability of data, evidence and research is central to MPA policy development and management. The Welsh Government should establish a Wales marine science partnership to bring together industry, academia and stakeholders. The Welsh Government must also ensure it has in place effective data and research for MPA management, including monitoring and surveillance.</p> | <p>The MPA management action plan has a number of actions relating to improving the collection and processing of marine data as it pertains to MPA management.</p> <p>For more information please see our response to 1c above.</p>  |
| <p><b>6.</b> When designating MPAs in the future, the Welsh Government should set out the resources necessary for the associated management, monitoring, surveillance and enforcement that site(s) will require and how such resources will be provided.</p>   | <p>Welsh Government are working on an approach for the designation of MCZs in Wales, more information will be available on this approach as it progresses.</p>   |
| <p><b>7.</b> The Welsh Government should define its understanding of an Ecologically Coherent Network of MPAs in Welsh waters and work with stakeholders to address gaps in the network.</p>   | <p>A recent report by JNCC and NRW, commissioned by WG, has found that Welsh MPAs make a substantial contribution towards an ecologically coherent network and hence make a significant contribution to the conservation of marine biodiversity in Welsh waters and wider biogeographic seas. This report sets out criteria that define an ecologically coherent network of MPAs.</p> <p>Please see our answer in 2b for more information.</p>                       |
| <p><b>8.</b> A cornerstone of MPA management is recourse and access to justice. The Welsh Government must ensure that future</p>   | <p>The Welsh Government are currently consulting on:</p> <ul style="list-style-type: none"> <li>gaps in environmental principles and governance that may open up in Wales as a result of the UK's exit from the EU; and</li> </ul>   |

| CCERA Recommendation   | Progress made  |
|--|--|
| <p>arrangements in are in line with the Aarhus Convention and not prohibitively expensive for applicants.</p>  | <ul style="list-style-type: none"> <li>• how they can provide a coherent and effective governance framework for the long-term improvement of Wales environment in line with the Wellbeing of Future Generations and Environment (Wales) Act.</li> </ul> <p>Please see our response to 2d for more information.</p>   |
| <p><b>9.</b> The Welsh Government must assess the likely impact of exiting the European Union on Welsh MPAs, including whether designation and management can be harmonised, and commit to no loss of protection under future arrangements. It must also seek agreement with the UK Government about how marine environmental protections will be managed coherently in cross-border marine areas.</p> | <p>Exiting the EU will clearly present challenges for the management of MPAs given the predominance of EU derived legislation currently underpinning the management regime for MPAs. A statutory instrument the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 has, however, been made in order to affect the necessary amendments to existing statutory instruments which transpose the Nature Directives to ensure that they remain operable post European exit.</p> <p>Please see our response to 2d for more information.</p>   |
| <p><b>10.</b> The Welsh Government should ensure that reporting of Welsh MPA site condition and status currently required under European legislation is undertaken regularly after the UK exits the European Union, with reports published and provided to management authorities in a timely manner.</p>  | <p>A point of clarification, there is no requirement to report on site condition under European legislation. There is a requirement to report on the status of habitats and species in Annex I and Annex II of the Habitats Directive, this is for the habitat or species across its range in the member state it does not consider site level condition. However, there is a new duty in the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, Regulation 6a which calls for the publication for a report on the implementation of the measures for the conservation of the natural habitat types listed in Annex I to the Habitats Directive and species listed in Annex II to that Directive. This report must be published every six years from exit day.</p> <p>Under 6a (4) The report, must be submitted in draft to the devolved administrations for verification.</p> <p>NRW published a full suite of site condition reports in 2018 and is actively working on an ongoing process.</p> |

| CCERA Recommendation   | Progress made   |
|--|---|
|  | See response to question 1c for more details.   |
| <p><b>11.</b> The Welsh Government should work with the UK Government to ensure Wales' fisheries resources and the interests of the Welsh fleet are fully protected in Brexit negotiations. Future Welsh fisheries management arrangements should take into account the Wales National Marine Plan and a Welsh MPA strategy.</p> | <p>NRW is committed to working collaboratively with, supporting and advising the Welsh Government to ensure that Wales' fisheries resources and the marine environment are sustainably managed for both present and future generations.</p> <p>Of particular relevance to MPA management is NRW's role in delivering assessments of potential impacts from fishing gear types on MPA features as part of the Assessing Welsh Fishing Activity project (See Box 5 for more details).</p> <p>NRW is engaged in dialogue with the Welsh Government in relation its anticipated Brexit and Ours Seas consultation, in acknowledgement of the role that the consultation is anticipated to play in shaping future Welsh Fishing policy in a post-Brexit context.</p> |
| <p><b>12.</b> The Welsh Government must explain how it intends to address the potential shortfall in funding for MPA work that is currently met by EU funds, such as the European Maritime and Fisheries Fund and LIFE-Nature.</p>   | <p>WG is best placed to respond to this recommendation. NRW has been assured that the current EU-funded projects that NRW is involved in will continue to be funded post EU exit until their completion date; this includes a number of MPA management related projects.</p>  |

### Annex 1: Results of indicative condition assessments by site and feature

| No. | Site                         | Feature  | Overall Indicative Assessment | Overall Confidence Level |
|-----|------------------------------|--|-------------------------------|--------------------------|
| 1   | Dee SAC                      | Mudflats and sandflats not covered by seawater at low tide         | Favourable                    | Low                      |
| 2   | Dee SAC                      | <i>Salicornia</i> and other annuals colonising mud and sand        | Favourable                    | Medium                   |
| 3   | Dee SAC                      | Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) | Favourable                    | Medium                   |
| 4   | Dee SAC                      | Estuaries  | Unfavourable                  | Low                      |
| 5   | Dee SAC                      | River lamprey ( <i>Lampetra fluviatilis</i> )                      | Unfavourable                  | High                     |
| 6   | Dee SAC                      | Sea lamprey ( <i>Petromyzon marinus</i> )                          | Unfavourable                  | High                     |
| 7   | Menai Strait & Conwy Bay SAC | Mudflats and sandflats not covered by seawater at low tide         | Favourable                    | Medium                   |
| 8   | Menai Strait & Conwy Bay SAC | Reefs  | Favourable                    | Medium                   |
| 9   | Menai Strait & Conwy Bay SAC | Sandbanks which are slightly covered by seawater all the time      | Favourable                    | Low                      |
| 10  | Menai Strait & Conwy Bay SAC | Large shallow inlets and bays                                      | Unfavourable                  | Medium                   |
| 11  | Menai Strait & Conwy Bay SAC | Submerged or partially submerged sea caves                         | Unknown                       | Not Applicable           |
| 12  | Anglesey coast: Saltmarsh    | <i>Salicornia</i> and other annuals colonising mud and sand        | Favourable                    | Medium                   |
| 13  | Anglesey coast: Saltmarsh    | Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) | Unfavourable                  | Medium                   |
| 14  | Anglesey coast: Saltmarsh    | Estuaries  | Favourable                    | Low                      |
| 15  | Anglesey coast: Saltmarsh    | Mudflats and sandflats not covered by seawater at low tide         | Favourable                    | Low                      |
| 16  | Pen Llyn a'r Sarnau SAC      | Reefs  | Unfavourable                  | Low                      |
| 17  | Pen Llyn a'r Sarnau SAC      | Large shallow inlets and bays                                      | Favourable                    | Low                      |

| No. | Site                        | Feature   | Overall Indicative Assessment | Overall Confidence Level |
|-----|-----------------------------|---|-------------------------------|--------------------------|
| 18  | Pen Llyn a'r Sarnau SAC     | Sandbanks which are slightly covered by seawater all the time     | Unfavourable                  | Low                      |
| 19  | Pen Llyn a'r Sarnau SAC     | Estuaries   | Unfavourable                  | Medium                   |
| 20  | Pen Llyn a'r Sarnau SAC     | Coastal lagoons   | Unfavourable                  | High                     |
| 21  | Pen Llyn a'r Sarnau SAC     | Mudflats and sandflats not covered by seawater at low tide        | Unfavourable                  | Low                      |
| 22  | Pen Llyn a'r Sarnau SAC     | Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) | Unfavourable                  | High                     |
| 23  | Pen Llyn a'r Sarnau SAC     | <i>Salicornia</i> and other annuals colonising mud and sand       | Unfavourable                  | High                     |
| 24  | Pen Llyn a'r Sarnau SAC     | Submerged or partially submerged sea caves                        | Unknown                       | Not Applicable           |
| 25  | Pen Llyn a'r Sarnau SAC     | Grey seal ( <i>Halichoerus grypus</i> )                           | Favourable                    | Medium                   |
| 26  | Pen Llyn a'r Sarnau SAC     | Bottlenose dolphin ( <i>Tursiops truncatus</i> )                  | Favourable                    | Medium                   |
| 27  | Pen Llyn a'r Sarnau SAC     | Otter ( <i>Lutra lutra</i> )                                      | Favourable                    | Medium                   |
| 28  | Cardigan Bay SAC            | Bottlenose dolphin ( <i>Tursiops truncatus</i> )                  | Favourable                    | Medium                   |
| 29  | Cardigan Bay SAC            | Grey seal ( <i>Halichoerus grypus</i> )                           | Favourable                    | Low                      |
| 30  | Cardigan Bay SAC            | Reefs   | Favourable                    | Medium                   |
| 31  | Cardigan Bay SAC            | Submerged or partially submerged sea caves                        | Unknown                       | Not applicable           |
| 32  | Cardigan Bay SAC            | Sandbanks which are slightly covered by seawater all the time     | Unfavourable                  | Low                      |
| 33  | Cardigan Bay SAC            | River lamprey ( <i>Lampetra fluviatilis</i> )                     | Favourable                    | High                     |
| 34  | Cardigan Bay SAC            | Sea lamprey ( <i>Petromyzon marinus</i> )                         | Unknown                       | Not applicable           |
| 35  | Limestone coast of SW Wales | Submerged or partially submerged sea caves                        | Unknown                       | Not Applicable           |
| 36  | Pembrokeshire Marine SAC    | Large shallow inlets and bays                                     | Unfavourable                  | Medium                   |

| No. | Site                           | Feature  | Overall Indicative Assessment | Overall Confidence Level |
|-----|--------------------------------|--|-------------------------------|--------------------------|
| 37  | Pembrokeshire Marine SAC       | Estuaries  | Unfavourable                  | High                     |
| 38  | Pembrokeshire Marine SAC       | Reefs  | Unfavourable                  | Medium                   |
| 39  | Pembrokeshire Marine SAC       | Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) | Unfavourable                  | Medium                   |
| 40  | Pembrokeshire Marine SAC       | Mudflats and sandflats not covered by seawater at low tide         | Unfavourable                  | High                     |
| 41  | Pembrokeshire Marine SAC       | Coastal lagoons  | Unfavourable                  | High                     |
| 42  | Pembrokeshire Marine SAC       | Submerged or partially submerged sea caves                         | Unknown                       | Not Applicable           |
| 43  | Pembrokeshire Marine SAC       | Sandbanks which are slightly covered by seawater all the time      | Unfavourable                  | Low                      |
| 44  | Pembrokeshire Marine SAC       | Grey seal ( <i>Halichoerus grypus</i> )                            | Favourable                    | Medium                   |
| 45  | Pembrokeshire Marine SAC       | Otter ( <i>Lutra lutra</i> )                                       | Favourable                    | High                     |
| 46  | Pembrokeshire Marine SAC       | Shoredock ( <i>Rumex rupestris</i> )                               | Favourable                    | High                     |
| 47  | Pembrokeshire Marine SAC       | Allis shad ( <i>Alosa alosa</i> )                                  | Favourable                    | High                     |
| 48  | Pembrokeshire Marine SAC       | Twaite shad ( <i>Alosa fallax</i> )                                | Favourable                    | High                     |
| 49  | Pembrokeshire Marine SAC       | River lamprey ( <i>Lampetra fluviatilis</i> )                      | Unfavourable                  | Medium                   |
| 50  | Pembrokeshire Marine SAC       | Sea lamprey ( <i>Petromyzon marinus</i> )                          | Unfavourable                  | Medium                   |
| 51  | Kenfig                         | Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) | Unfavourable                  | Medium                   |
| 52  | Cemlyn                         | Coastal lagoons  | Favourable                    | High                     |
| 53  | Carmarthen Bay & Estuaries SAC | Estuaries  | Unfavourable                  | Medium                   |
| 54  | Carmarthen Bay & Estuaries SAC | Mudflats and sandflats not covered by seawater at low tide         | Unfavourable                  | Medium                   |



| No. | Site                           | Feature   | Overall Indicative Assessment | Overall Confidence Level |
|-----|--------------------------------|---|-------------------------------|--------------------------|
| 55  | Carmarthen Bay & Estuaries SAC | Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) | Unfavourable                  | High                     |
| 56  | Carmarthen Bay & Estuaries SAC | <i>Salicornia</i> and other annuals colonising mud and sand       | Favourable                    | Medium                   |
| 57  | Carmarthen Bay & Estuaries SAC | Large shallow inlets and bays                                     | Unfavourable                  | Medium                   |
| 58  | Carmarthen Bay & Estuaries SAC | Sandbanks which are slightly covered by seawater all the time     | Unfavourable                  | Low                      |
| 59  | Carmarthen Bay & Estuaries SAC | Otter ( <i>Lutra lutra</i> )                                      | Favourable                    | Medium                   |
| 60  | Carmarthen Bay & Estuaries SAC | Allis shad ( <i>Alosa alosa</i> )                                 | Unfavourable                  | Low                      |
| 61  | Carmarthen Bay & Estuaries SAC | Twaite shad ( <i>Alosa fallax</i> )                               | Unfavourable                  | Low                      |
| 62  | Carmarthen Bay & Estuaries SAC | River lamprey ( <i>Lampetra fluviatilis</i> )                     | Unfavourable                  | High                     |
| 63  | Carmarthen Bay & Estuaries SAC | Sea lamprey ( <i>Petromyzon marinus</i> )                         | Unfavourable                  | High                     |
| 64  | Severn SAC                     | Sea lamprey ( <i>Petromyzon marinus</i> )                         | Unfavourable                  | High                     |
| 65  | Severn SAC                     | River lamprey ( <i>Lampetra fluviatilis</i> )                     | Unfavourable                  | High                     |
| 66  | Severn SAC                     | Twaite shad ( <i>Alosa fallax</i> )                               | Unfavourable                  | Low                      |
| 67  | Severn SAC                     | Estuaries   | Unfavourable                  | Medium                   |
| 68  | Severn SAC                     | Mudflats and sandflats not covered by seawater at low tide        | Unfavourable                  | Medium                   |
| 69  | Severn SAC                     | Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) | Unfavourable                  | Medium                   |
| 70  | Severn SAC                     | Reefs   | Unknown                       | Low                      |
| 71  | Severn SAC                     | Sandbanks which are slightly covered by seawater all the time     | Favourable                    | Low                      |
| 72  | Dee Estuary                    | Sandwich tern (passage)   | Favourable                    | High                     |
| 73  | Dee Estuary                    | Little tern (breeding)  | Favourable                    | High                     |
| 74  | Dee Estuary                    | Common tern (breeding)  | Unfavourable                  | High                     |
| 75  | Dee Estuary                    | Bar-tailed godwit   | Unfavourable                  | High                     |
| 76  | Dee Estuary                    | Redshank (passage)  | Favourable                    | High                     |
| 77  | Dee Estuary                    | Shelduck (wintering)  | Unfavourable                  | High                     |

| No. | Site   | Feature                         | Overall Indicative Assessment | Overall Confidence Level |
|-----|--|---------------------------------|-------------------------------|--------------------------|
| 78  | Dee Estuary                                    | Teal (wintering)                | Unfavourable                  | High                     |
| 79  | Dee Estuary                                    | Pintail (wintering)             | Unfavourable                  | High                     |
| 80  | Dee Estuary                                    | Oystercatcher (wintering)       | Favourable                    | High                     |
| 81  | Dee Estuary                                    | Grey Plover (wintering)         | Unfavourable                  | High                     |
| 82  | Dee Estuary                                    | Knot (wintering)                | Favourable                    | High                     |
| 83  | Dee Estuary                                    | Dunlin (wintering)              | Unfavourable                  | High                     |
| 84  | Dee Estuary                                    | Black-tailed godwit (wintering) | Favourable                    | High                     |
| 85  | Dee Estuary                                    | Curlew (wintering)              | Favourable                    | High                     |
| 86  | Dee Estuary                                    | Redshank (wintering)            | Favourable                    | High                     |
| 87  | Dee Estuary                                    | Assemblage                      | Favourable                    | High                     |
| 88  | Liverpool Bay                                  | Red-throated diver              | Favourable                    | High                     |
| 89  | Liverpool Bay                                  | Common scoter                   | Favourable                    | High                     |
| 90  | Liverpool Bay                                  | Assemblage                      | Unknown                       | High                     |
| 91  | Traeth Lafan                                   | Oystercatcher (wintering)       | Favourable                    | High                     |
| 92  | Traeth Lafan                                   | Curlew (wintering)              | Favourable                    | High                     |
| 93  | Traeth Lafan                                   | Great-crested Grebe (wintering) | Unfavourable                  | High                     |
| 94  | Traeth Lafan                                   | Red breasted merganser          | Unknown                       | High                     |
| 95  | Traeth Lafan                                   | Redshank                        | Favourable                    | High                     |
| 96  | Anglesey terns                                 | Arctic Tern                     | Favourable                    | High                     |
| 97  | Anglesey terns                                 | Common Tern                     | Favourable                    | High                     |
| 98  | Anglesey terns                                 | Roseate Tern                    | Unfavourable                  | High                     |
| 99  | Anglesey terns                                 | Sandwich Tern                   | Favourable                    | High                     |
| 100 | Aberdaron Coast and Bardsey Island             | Manx shearwater                 | Favourable                    | High                     |
| 101 | Northern Cardigan Bay                          | Red throated diver (wintering)  | Unknown                       | Not applicable           |
| 102 | Skomer Skokholm and the seas off Pembrokeshire | Storm petrel                    | Unknown                       | Not applicable           |
| 103 | Skomer Skokholm and the seas off Pembrokeshire | Lesser black-backed gull        | Unfavourable                  | High                     |
| 104 | Skomer Skokholm and the seas off Pembrokeshire | Manx shearwater                 | Favourable                    | High                     |
| 105 | Skomer Skokholm and the seas off Pembrokeshire | Puffin                          | Favourable                    | High                     |
| 106 | Skomer Skokholm and the seas off Pembrokeshire | Assemblage                      | Favourable                    | High                     |

| No. | Site           | Feature                      | Overall Indicative Assessment | Overall Confidence Level |
|-----|----------------|------------------------------|-------------------------------|--------------------------|
| 107 | Grassholm      | Gannet                       | Favourable                    | High                     |
| 108 | Burry Inlet    | Oystercatcher                | Unfavourable                  | High                     |
| 109 | Burry Inlet    | Knot                         | Favourable                    | High                     |
| 110 | Burry Inlet    | Pintail                      | Favourable                    | High                     |
| 111 | Burry Inlet    | Shoveler                     | Unfavourable                  | High                     |
| 112 | Burry Inlet    | Teal                         | Favourable                    | High                     |
| 113 | Burry Inlet    | Wigeon                       | Unfavourable                  | High                     |
| 114 | Burry Inlet    | Turnstone                    | Unknown                       | High                     |
| 115 | Burry Inlet    | Dunlin                       | Favourable                    | High                     |
| 116 | Burry Inlet    | Curlew                       | Unfavourable                  | High                     |
| 117 | Burry Inlet    | Grey Plover                  | Favourable                    | High                     |
| 118 | Burry Inlet    | Redshank                     | Favourable                    | High                     |
| 119 | Burry Inlet    | Shelduck                     | Unfavourable                  | High                     |
| 120 | Burry Inlet    | Assemblage                   | Favourable                    | High                     |
| 121 | Carmarthen Bay | Common scoter                | Favourable                    | High                     |
| 122 | Severn Estuary | Bewick swan                  | Unfavourable                  | High                     |
| 123 | Severn Estuary | European White-fronted goose | Unfavourable                  | High                     |
| 124 | Severn Estuary | Dunlin                       | Unfavourable                  | High                     |
| 125 | Severn Estuary | Redshank                     | Favourable                    | High                     |
| 126 | Severn Estuary | Shelduck                     | Favourable                    | High                     |
| 127 | Severn Estuary | Gadwall                      | Unfavourable                  | High                     |
| 128 | Severn Estuary | Assemblage                   | Favourable                    | High                     |

Cynulliad Cenedlaethol Cymru | National Assembly for Wales  
Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Ceneddig |  
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 : Cyswllt Amgylchedd Cymru  
Evidence from : Wales Environment Link

### Summary

Wales Environment Link (WEL) welcome the CCERA Committee's return to the pressing issue of Welsh Marine Protected Area (MPA) management. This is a crucial time for biodiversity in Wales, and the protection and conservation of the marine environment must not be left behind; a very real risk in the face of increasing demands on policy makers, resulting from Brexit and 'day one readiness'. Only when Wales has "*clean, healthy, safe, productive and biologicals diverse seas*"<sup>1</sup> will Wales be able to realise the substantial economic, societal and wellbeing benefits of our MPAs and the wider marine environment.

The Committee's Marine Protected Area inquiry – 'Turning the Tide' – in 2017, was a klaxon signally the need for a change in the modus operandi of the Welsh Government towards MPA management. We do not consider that the Welsh Government embraced the central tenets within the report relating to the culture of MPA management in Wales. Despite eleven out of the twelve inquiry report recommendations either accepted or accepted in principle, in many areas there has not been demonstrable change in MPA management activity locally or nationally. Indeed, the 2017 inquiry built on the 2013 Marine Policy Inquiry by the Fourth Assembly's Environment and Sustainability Committee. Sadly, marine management and conservation is still given limited priority amongst other areas of Welsh Government policy, coupled with difficulty in sufficient resourcing to drive improvements in protecting marine biodiversity in Wales.

### Q1. What progress has been made by the Welsh Government against the recommendations in the Committee's report?

We have chosen to focus on those recommendations where we consider there has been either the least progress by the Welsh Government, or where the recommendation, if implemented comprehensively, would catalyse the greatest change for MPA management in Wales. These are recommendations are 1, 2 and 5.

#### *Recommendation 1.*

*The Committee recommends that 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 the Welsh Government, are actively engaged in MPA management and fulfilling their duties and responsibilities.*

**Welsh Government response: accepted.**

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<sup>1</sup> HM Government, Welsh Assembly Government, Scottish Government & Northern Ireland Executive, 2009. [Our Seas – a shared resource high level marine objectives](#); Welsh Government, 2013. [Strategic action plan for marine and fisheries](#).

Recommendation 1 was an important recommendation and we do not feel it has been fully taken on board nor put into practice. There has been a tendency in the rhetoric coming from the Welsh Government to focus on the nature of MPA management involving multiple management authorities and there being shared responsibilities.

However, Welsh Government do have overall responsibility for MPA management in Welsh waters, which includes duties and obligations under the UK Marine Policy Statement; Part 5 of the Marine & Coastal Access Act 2009; The Conservation of Habitats & Species Regulations 2017 and The Conservation of Offshore Marine Habitats & Species Regulations 2017<sup>2</sup>. As stated by the then Cabinet Secretary for Environment and Rural Affairs, in her written submission to the Turning the Tide inquiry<sup>3</sup>,

*“Welsh Ministers have overall responsibility for securing effective management of our MPAs, however, no one organisation is responsible for managing our MPAs”.*

Wales Environment Link (WEL) does not dispute that there are many stakeholders and management authorities<sup>4</sup> involved, however, effective management with successful outputs stems from strong leadership. Welsh MPAs need ownership and leadership to drive shared efforts nationally and locally and this task clearly lies with the Welsh Government in order to secure effective management of Welsh MPAs.

WEL supports the principle of co-management and the collective vision for the management of the MPA network in Wales. We are not advocating a move towards top-down management from the Welsh Government. The Wellbeing of Future Generations Act’s five ways of working<sup>5</sup> represents good governance, which we fully endorse and seek to demonstrate in our own working practices. However, WEL would advocate for a role whereby the Welsh Government better enables and empowers other management authorities, particularly through resource, to ensure the co-operation of all in the delivery of MPA management. We wish to see the Welsh Government lead from the front and ensure all management authorities are more actively engaged; only then will sites have the best chance of meeting their conservation objectives.

When examples of good MPA management are provided, these examples are often dominated by a few MPAs in particular<sup>6</sup>. As a result, there appears to be an inconsistency in the level of priority, approach and investment of resource afforded to MPA management by different MPA management authorities in Wales. Furthermore, it is noticeable that the number of management authorities that participate<sup>7</sup> in the MPA Steering Group directly is minimal compared with the list of authorities provided in the Welsh MPA Management framework document<sup>8</sup>. Whilst presumably many of those organisations that are members of the group are also

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<sup>2</sup> These are detailed in Table 1 of the Welsh Government’s report: [Marine & Coastal Access Act 2009: Report to the Assembly on MPAs in Wales.](#)

<sup>3</sup> Welsh Government, 2017. [Paper to CCERA.](#)

<sup>4</sup> The term ‘management authorities’ is used to refer collectively to all organisations with statutory responsibilities in relation to any type of MPA, or who are significant seabed or coastal land owners. This includes relevant and competent authorities under the Habitats and Species Regulations 2017 and public authorities under the Marine and Coastal Access Act 2009 and the Natural Environment and Rural Communities Act 2006.

<sup>5</sup> Five Ways of Working, 2015. [The Wellbeing of Future Generations \(Wales\) Act 2015: The Essentials](#), p7.

<sup>6</sup> Natural Resources Wales, 2017. [Letter to CCERA Committee and Briefing Note: Management of Marine Protected Areas in Wales.](#)

<sup>7</sup> MPA Management Steering Group, 2018. [Terms of Reference.](#)

<sup>8</sup> MPA Network Management Framework for Wales 2018-2023, 2018. [Annex 3.](#)

representing other management authorities and disseminating information, we would question whether that is as effective as having more authorities directly involved.

In addition, it is notable that of the management authority representatives participating, a significant proportion of those outside of NRW and Welsh Government are based in Pembrokeshire<sup>9</sup>, so there does not appear to be a breadth of coverage geographically across Wales which could present some challenges to achieving network-wide objectives e.g. around engagement. **WEL would like to understand what Welsh Ministers and their officials are doing to ensure that all management authorities are actively, and continuously, engaged in the work of the Steering Group and acting upon their own responsibilities for MPA management.** We must stress that, ultimately, engagement from other management authorities is likely to be affected by the level of proactive support, guidance and, crucially, funding provided to them by Welsh Government.

We are fully aware that the Minister wrote to management authorities<sup>10</sup> in May 2017 to remind them of the importance of fulfilling their statutory responsibilities. But capacity building, to deliver MPA improvements, requires more than one letter. **We suggest there might be a need for training staff in management authorities on MPA management, including Welsh Government civil servants, highlighting their legal duties and responsibilities.** This needs to be followed up with regular reporting of actions linked to improvements in site features and could be done through the annual review of the MPA Management Framework Action Plan.

The development of MPA Network Management Framework for Wales 2018-2023<sup>11</sup> and annual Action Plan<sup>12</sup> has not, in our view, generated a gear shift in engagement by Management Authorities in site-level MPA management. This is demonstrated by the majority of the 2018-19 Action Plan being assigned to the Welsh Government and Natural Resources Wales, with many of these being strategic oversight activities, and not 'on the ground' actions.

During the CCERA Committee's original 'Turning the Tide' inquiry, NRW stated in their follow-up letter<sup>13</sup>: *"NRW has also confirmed that our priority in terms of resource allocation is improving the condition of the network of MPAs through effective management. Overall, we are clear that the key mechanism for effective management of the MPA network is via the planning, assessment and regulatory regime, and it is here that resource needs to be focused."*

Whilst there is great value in these network-level actions, it is vital that other important mechanisms for conservation are not dismissed and that the ambition for MPAs is not lowered because of tightly-constrained resource. **We believe that network-level actions alone are insufficient if Welsh Government and NRW are to meet their duties in the Environment Act<sup>14</sup> and if biodiversity is to be enhanced.** Network-level actions must be coupled with local action to ensure site conservation objectives are met. Linked to this, we are also interested in understanding **whether an assessment has been undertaken to determine which features are only found in individual sites within the network, as these features would seem less likely to qualify for**

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<sup>9</sup> Welsh Government, 2019. [Minutes of the MPA Management Steering Group](#), 14<sup>th</sup> February 2019.

<sup>10</sup> Welsh Government, 2017. [Letter from the Cabinet Secretary about managing our MPAs.](#)

<sup>11</sup> Welsh Government, 2018. [MPA Network Management Framework for Wales 2018-2023.](#)

<sup>12</sup> Welsh Government, 2018. [MPA Action Plan for Wales 2018-2019.](#)

<sup>13</sup> Natural Resources Wales, 2017. [Letter to CCERA Committee and Briefing Note: Management of MPAs in Wales.](#)

<sup>14</sup> [Environment \(Wales\) Act](#), 2016.

**specific management actions under the current MPA Framework criteria.** In summary, we believe that additional funding is needed for both network and local level actions. Given these considerations, we also recommend that the Committee **revisit the recommendation in relation to independent site-level officers and funding of MPA management (recommendation 2)**, as discussed below.

Lastly, on the point of leadership, we would like to draw attention to the international leadership that Marine Scotland demonstrated by hosting Scotland's International Marine Conference 2019 (20<sup>th</sup>-21<sup>st</sup> February 2019). Perhaps this could have been an activity undertaken in Wales under last year's 'Year of the Sea' initiative. We are unclear whether the 'Year of the Sea' translated into any direct benefits or actions for MPA management or raised public awareness of Wales' sensational seas and MPAs, other than raising the profile of issues around plastic and other forms of pollution. We recommend that **Welsh Government considers how, going forward, it can better achieve the desired changes in terms of awareness both externally and within Welsh Government, to ensure greater recognition is given to this important area.**

*Recommendation 2.*

*The Committee recommends that MPAs cannot be managed effectively without the appropriate level of resources, including funding and staffing. The Welsh Government must:*

- *ensure it has sufficient staffing to deliver its marine conservation responsibilities;*
- *bring forward proposals for funding an area-based approach, with each management area having a dedicated officer; and*
- *ensure that Natural Resources Wales has sufficient resources to undertake its responsibilities for MPA management and improvements to the condition of the Wales Natura 2000 Network.*

**Welsh Government response: accepted.**

Please see our comments further on, under question 2 regarding resourcing within the three areas covered by Recommendation 2.

*Recommendation 5. The availability of data, evidence and research is central to MPA policy development and management. The Welsh Government should establish a Wales marine science partnership to bring together industry, academia and stakeholders. The Welsh Government must also ensure it has in place effective data and research for MPA management, including monitoring and surveillance.*

**Welsh Government response: accept in principle.**

Information is critical to effective adaptive management and evidence-based decision making. The evidence base for MPA management in Wales must be integrated with the wider marine management evidence base.

We are aware that the Welsh Government is working towards the development of a Marine Evidence Strategy, and we look forward to feeding into its development. The strategy represents a positive opportunity for the Welsh Government's Marine and Fisheries Division to shift to having a central focus for its evidence base, with a clear and shared strategy supporting its wide marine management portfolio from marine planning, to MPA management. We have held some discussions with officials regarding the development of this strategy but there has not been an update in some time with regards to this, or whether it will be consulted upon. **We would seek for this strategy to be consulted on with stakeholders, industry and academia.**



The following bullet points are examples of notable evidence gaps relating to marine biodiversity in Wales and are not exhaustive:

- Extent and distribution of Welsh marine habitats and species (Section 7 list under the Environment Act and those listed in the Habitats and Birds Directives). For example, identification of seabird foraging areas for the marine SPA sufficiency review.
- Condition of protected site features (species and habitats), including data gaps and unknown condition assessments identified in NRW's indicative site condition reports.
- Ecological interactions and requirements between many species, their habitats and habitat management, for example, to inform development of conservation objectives for the new harbour porpoise SAC sites and to enhance understanding of wider marine food webs (such as the requirements of predators, for example, cetaceans and birds, of different fish stocks).
- Extent of human activities that occur within the Welsh Marine Protected Area network, how they impact the features of interest and management measures to stop/mitigate/enhance features.
- An understanding of the impacts, vulnerability and resilience of the Welsh marine environment to climate change and from more severe and frequent storm events, for example, changes in plankton affecting marine food webs. As well as an understanding of the extent of blue carbon stores in Wales and the impact of their protection for climate change mitigation.
- Ecosystem service assessments on the value of Welsh marine ecosystem goods and services, how these can be improved and how they can support decision making.

Please see further comments on site condition information under question 3.

However, we would highlight that inaction because of the lack of full evidence or baseline data is unacceptable and counter to the Precautionary Principle. Where pressure and threats are known, immediate management action should be undertaken to cease those activities until the appropriate assessments can be undertaken. Welsh Ministers should be doing so under Article 6 of the EU Habitats Directive for marine Special Areas of Conservation (SACs). Related to this, there remains no management in place under the Assessing Welsh Fisheries Activities Project, which is focused on fishing impacts on Marine Protected Areas.

It is our understanding that the Marine Area statement – with its development being led by NRW – may seek to cover some of these points in relation to a theme on Ecosystem Resilience. However, the breadth of evidence required should not be underestimated. We question whether there is sufficient scope and resource for this process.

## **Q2. Has the management of Welsh seas received sufficient resource and strategic direction?**

Concerning strategic direction, the publication by the Welsh Government of the MPA Network Management Framework and the Action Plan, along with the forthcoming Wales National Marine Plan, do collectively set strategic direction for the management of Welsh seas. However, the forthcoming Nature Recovery Action Plan as drafted – which will be Welsh Government's biodiversity strategy – does not currently have enough ambition to recover the Welsh marine environment and we are very concerned that UK will fail to meet its 2020 target for Good Environmental Status, particularly for the biodiversity-related descriptors.

On the matter of resources, we have reflected on our submission to this same question in the 2017 inquiry, and whilst there has been positive investment in resources within the Marine and Fisheries Division of the



Welsh Government (i.e. vessels and staff), we do not consider this to be case for either independent local site officers or NRW. We would like to highlight that whilst we welcome additional resource within the Marine and Fisheries Division, there continues to be a lack of transparency regarding the distribution of these resources within the Division. This was something that Committee noted in its inquiry, and is still the case.

We have raised this with the Committee before, for example, last October during scrutiny of Draft Budget 2019-20. WEL continuously seeks to understand the true breakdown for the expenditure for marine biodiversity and conservation (for instance, the designation and overall management costs of MPAs). Grouping budgets together across the Division is confusing for stakeholders trying to tease out exactly what is being spent on certain areas of environmental policy and programmes. **We would value the Committee obtaining a budget breakdown for the different teams within the Welsh Government's Marine and Fisheries Division.**

Transparency would also allow for scrutiny of allocation on budget against the Wellbeing Goals (i.e. the 'Prosperous Wales' Goal is often given undue weight compared to the 'Globally Responsible Wales' or 'Resilient Wales' goals). It would be beneficial to see whether budgets are being provided to secure all goals equally. This could include consideration of return on investment, employment, GDP, as well as non-monetary factors such as benefits to local communities and the environment.

We must have greater transparency of the breakdown of spending into different areas in the Welsh Government's marine management portfolio including, where necessary, evidence of need. Otherwise, it may be impossible to understand whether there is a sufficient amount of resource being allocated to each branch and whether expenditure has increased or decreased. **Such information is vital to understand if there is sufficient resource to enable the Welsh Government to carry out their legal obligations and agreed priorities for marine conservation and management, particularly given the increase in powers under the Wales Act 2017**, relating to marine nature conservation functions for the offshore area (the sea beyond 12 nautical miles to the median line).

The identification, designation and management (including monitoring, surveillance and enforcement) of Marine Conservation Zones (MCZs) under Part 5 of the 2009 Marine and Coastal Access Act, in both the inshore and offshore areas, will undoubtedly be a large area of work and we would hope that the additional resource required for this workload is recognised and reflected in the resources being made available to the Marine Biodiversity Branch in the Marine and Fisheries Division, as well as the relevant teams in NRW. Linked to this, Welsh Government do not currently intend to consider mobile species in the first stage of this work. It is our understanding that this is due to resource constraints, despite the ecological need being apparent.

An area-based approach with dedicated officers is key to effective management of MPAs; such officers are an integral mechanism for MPA management. An additional concern of WEL's is the insufficient capacity for MPA management at a local level by independent site officers. As such, we continue to advocate for the important and necessary need for an Area-Based Approach, as supported by the Committee's report, for the following reasons and benefits:

- Sites with dedicated officers are vital to the delivery and coordination of site management actions<sup>15</sup>;

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<sup>15</sup> A notable number of the examples cited by NRW to the Committee of MPA management actions such as citizen science, marine codes, and codes of conduct are done by local European Marine Site Officers.

- Local independent site officers are essential to ensure that stakeholders are consulted, kept informed and engaged through local liaison;
- Dedicated officers can help to meet MPA monitoring needs;
- Dedicated officers often provide support for the development habitats and species recovery projects;
- Dedicated officers often support the control of activities that are not regulated (e.g. those which do not require a marine licence).

Sites therefore require staff, skills and money with national support. This includes cross-border sites; sites without such capacity may struggle with the long-term delivery of MPA management schemes and associated actions.

We have heard conflicting reports of the decision-making process that resulted in a proposal for seven areas and site officers being deemed unaffordable by the MPA Management Steering Group. We are disappointed that alternative funding options have not been explored, given there was support for the concept within the group. **We would ask that the Committee investigates this issue further as a matter of urgency.**

We note the ongoing work of CCERA Committee and the Public Accounts Committee in scrutinising the work of NRW. As iterated above, from a marine perspective, we continue to be concerned that resourcing (including budgets, staffing expertise and capacity) for marine monitoring and other statutory marine nature conservation duties are insufficient, with expectations from Welsh Government not being matched by sufficient grant in aid. The Minister's recent answer to a written question by Andrew RT Davies AM<sup>16</sup> did not generate clarity on whether there is sufficient resource. We also note NRW's letter to the Committee Chair, following an oral evidence session of the Turning the Tide inquiry<sup>17</sup>, which highlighted how challenging this situation was:

*"NRW has a variety of duties in relation to MPAs including statutory advice, certain monitoring, regulation etc. As part of our role, NRW undertakes a variety of marine monitoring on the extent and condition of MPA features. This focusses on supporting statutory requirements for monitoring and reporting under the EU Habitats and Birds Directives. **NRW's marine monitoring programme is, however, currently a minimum service and resources are challenging.** We are, however, working with JNCC to support the development of a UK marine biodiversity monitoring programme prioritised on the basis of risk. We will assess the funding requirements of this new programme with Welsh Government once work concludes later this year."*

In addition, since NRW commenced work on its MPA Condition Improvement Project (CIP) in 2016, for the majority of the actions identified there is yet to be funding found to complete delivery. To provide some examples as listed in their supplementary written evidence<sup>18</sup>; less than half the actions were underway for invasive species, pollution, waste and water management, and many were yet to be progressed with regards to actions needed to manage coastal access and recreation. **WEL therefore suggest that funding for the MPA Condition Improvement Project (CIP) is also prioritised.**

<sup>16</sup> National Assembly for Wales, 2019. [WAQ77900 – Letter from the Minister.](#)

<sup>17</sup> Natural Resources Wales, 2017. [Letter from NRW to Committee Chair.](#)

<sup>18</sup> Ibid.

**We would value the Committee exploring the current situation regarding NRW’s resourcing for marine monitoring, management and reporting.**

### Q3. How has the condition of Wales’ MPAs changed?

This question is difficult to answer as regular updates on site features or condition are not often available, however, we can bring to the attention of the Committee the results of the 2018 indicative site condition assessments prepared by NRW<sup>19</sup>, which they did not provide to the Committee during the 2017 inquiry. This form of information is critical to knowing the effectiveness of MPA management; without it, managers are working blind. The last time such information was published in the public domain was 2012 by the then Countryside Council for Wales in their review of MPA management<sup>20</sup>. Whilst we understand NRW are looking at how they can deliver these reports again in the future, we are concerned that given site condition reports are not a statutory requirement, they will cease or be de-prioritised and the status of features, the impacts of pressures and threats and changes in management, will be unknown. Indeed, NRW have stated: *“Site Condition Reports are the tool that most partners, management authorities, and WG, request from NRW to support effective MPA management decisions. This is a challenge for NRW to resource as there is no statutory requirement to produce such reports or collect the relevant monitoring information”*.<sup>21</sup> **Regular production of these reports is an area we hope the Committee will explore and continue to support in line with Recommendation 10 of the Turning the Tide report.**

The condition of MPA features is the litmus test to determine if management is effective. As reported by the Welsh Government in their report to the National Assembly for Wales in January 2019<sup>22</sup>: **in Wales’ inshore Special Areas of Conservation (SACs) and Special Protected Areas (SPAs), 45% of features are in unfavourable condition and 9% of features are in unknown condition, due to insufficient information.** Specifically in relation to SPAs, 33% of marine SPA features in Wales are in unfavourable condition and 42% of marine SPA features in Wales are in either unfavourable or unknown condition<sup>23</sup>.

MPA management authorities must be enabled to do more to reverse such findings and improve the condition of protected features. A number of these large European Marine Sites were designated over a decade ago. For example, the majority of marine SACs in the UK were formally designated in 2004, and we would expect to be seeing positive results for marine biodiversity which has not been the case. Management tools to improve the status of features include management schemes. However, as these are administered by the local site officers – who are underfunded – they are unable to undertake regular reviews of the effectiveness of the schemes. WEL would also welcome confirmation from Welsh Government as to what percentage of MPAs in the network have management schemes in place<sup>24</sup>.

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<sup>19</sup> Natural Resources Wales, 2018. [Indicative feature condition assessments for European marine sites \(EMS\)](#).

<sup>20</sup> Countryside Council for Wales, 2012. [MPA Management in Wales 1: Overview of current MPA management in Wales and a summary of new MPA management tools](#).

<sup>21</sup> Natural Resources Wales, 2017. [Letter from NRW to Committee Chair](#).

<sup>22</sup> Welsh Government, 2019. [Marine & Coastal Access Act 2009: Report to the Assembly on MPAs in Wales](#).

<sup>23</sup> NRW, 2018. [Special Protection Areas in Welsh waters: Indicative site level feature condition assessments 2018](#).

<sup>24</sup> The Conservation of Habitats and Species Regulations 2017 states that *“the relevant authorities, or any of them, may establish for a European marine site a management scheme under which their functions (including any power to make byelaws) are to be exercised so as to secure compliance with the requirements of the Directives in relation to that site.”*

Q4. Last year the Welsh Government's approach to the MPA Network Management was published. This included the 2018-2023 Framework and 2018-2019 Action Plan. Do these:

- a. Address the key issues of effective management of multi-use MPAs?
- b. Support the management of Welsh MPAs to conserve Welsh marine biodiversity?
- c. Take account of lessons learned from current MPA management activity in Wales (including designation, implementation and enforcement)?
- d. Take account of the implications of the UK's decision to leave the European Union?

Wales Environment Link were not able feed into the development of either the MPA Framework for Wales or the 2018-2019 Action Plan, and have since struggled to adequately feed into the current drafting of 2019-2020 Action Plan. This has reduced our sense of ownership or understanding of the prioritisation that occurred to develop (for example, we are unclear why there is a focus on strategic oversight type actions but not 'on the ground' actions). As WEL are not a member of the MPA Management Steering Group, we are in discussion with the Welsh Government as to what the best mechanism might be to enable our input given the importance of this area of work and our expertise.

It is our view that, the Welsh Government should be judged not by their ability to produce strategies and convene stakeholder meetings, but by their impact on the ground (or at sea in this case). As we have stated, there still remains much work to be done, to drive effective change at the site level, beyond merely the monitoring of sites and research-type projects stemming from the Action Plan.

4a. We have reflected on our answers to these four same questions under the last inquiry, and consider that the key issues we raised then still remain. We have summarised them here:

- Ensuring site features and conservation status are monitored and assessed, leading to management actions;
- Marine biodiversity restoration and enhancement of degraded MPA sites;
- Inclusive and transparent decision-making approach to counter those instances where stakeholder engagement in MPA management in Wales has been patchy, frustrating and ineffective;
- Activities in MPAs that must be managed and regulated to address pressures on MPA sites; and
- Understanding of environmental limits must inform management and for marine planning to seek sustainable management of natural resources, rather than solely economic development.

Whilst we recognise that the MPA Framework and Action Plan have gone some way to seek to address some of these points, we would suggest that they all need further action and prioritisation within Welsh Government. Furthermore, the points on restoration, stakeholder engagement and understanding environmental limits in particular could be given much more weight within the Action Plan going forward. The latest minutes from the MPA Steering Group suggest that the actions for the 2019-2020 Action Plan have already been defined but one remains as a 'potential action' only<sup>25</sup>. We hope that if resource has constrained these actions, this can be addressed and re-visited.

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<sup>25</sup> Welsh Government, 2019. [Minutes of the MPA Management Steering Group](#), 14<sup>th</sup> February 2019.

4b. As is recognised by the Welsh Government<sup>26</sup>, there is a need to complete the Welsh contribution towards the MPA network in UK waters. Wales Environment Link has been waiting two years since the 2016 network assessment for the Welsh Government to convene a MCZ Task and Finish Group. We welcomed the recent report to the National Assembly on MPAs in Wales<sup>27</sup>, which stated that the Welsh Government will consider whether there is a need for MCZs for highly mobile species within the MPA network during the next reporting period. Nonetheless, we remain concerned that this is not being done through the process of MCZ designation commencing this year and that this timescale (six years) is far too long.

During discussions on this topic, a question has been raised as to whether MCZs are needed to protect marine birds in addition to SPAs designated under the Birds Directive. It is essential that both mechanisms are used to protect marine birds. For example, without MCZs for seabird colonies, those areas that do not meet population thresholds for SPA designation remain unprotected, yet they remain very important for both the UK and Welsh population levels. In the same way as we have Sites of Scientific Interest (SSSIs) on land protecting seabirds of national importance, we need to afford the same level of protection to these birds when they are sea. Information on SSSIs for seabirds which do not have corresponding marine protection is readily available to aid Welsh Government and Natural Resources Wales (NRW) in identification of areas needed for near-shore MCZ protection.

In addition, because of an absence of nationally-important protected seabird areas at sea, foraging areas for most cliff-nesting birds have not been protected by either Special Protection Areas (SPAs) or MCZs in Wales. Advances in tracking technology are rapidly enhancing our understanding of important feeding grounds for seabirds, which can enable identification of protected sites offshore. **Given a review on marine SPAs has been significantly delayed, the MCZ process is a key opportunity to address this.**

4c. The 2012 MPA management review by the Countryside Council for Wales<sup>28</sup> does not appear to have been taken on board by either NRW or the Welsh Government. We would advocate for the findings to be considered again by the Committee. WEL are optimistic about the forthcoming MCZ Task and Finish Group process. Whilst we applaud the work to create an Ecologically Coherent Network, further designation of MPAs in Wales must be well-managed to protect marine biodiversity and to enhance the resilience of Welsh seas.

4d. We would like to draw attention to the Ministers' answer dated 8th March 2019 to a written question from Andrew R.T. Davies<sup>29</sup>. It states that EU funding provided for projects related to marine biodiversity conservation and MPA management over the last 10 years equates to approximately £5.72 million, which has been accompanied by £2.22 million funding from the Welsh Government. **Wales Environment Link are therefore concerned about how any potential shortfall from European funding to support Welsh MPA will be addressed.** This includes NRW's MPA Condition Improvement Project that is funded under LIFE N2K, given its importance on supporting actions to support the condition of the MPA network sites.

The Minister for Environment, Energy and Rural Affairs continues to assure stakeholders that there will be no loss or reduction in environmental standards in Wales and in the marine context, and has placed great

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<sup>26</sup> Welsh Government, 2017. [Written Statement: Completing the Welsh contribution towards an ecologically coherent, well-managed network of Marine Protected Areas in the UK.](#)

<sup>27</sup> Welsh Government, 2019. [Marine & Coastal Access Act 2009: Report to the Assembly on MPAs in Wales.](#)

<sup>28</sup> Ibid.

<sup>29</sup> [WAQ77920](#)

emphasis upon the investment in new marine enforcement vessels as testament to this. WEL, however, remains cautious given the potential for rogue illegal fishing activity post-Brexit, which could damage protected MPA species and habitat features. WEL is responding the Welsh Government's consultation on environmental governance and principles and may wish to come back to the Committee on this matter.

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

WEL would like to see marine conservation be given higher priority in overall Brexit resourcing and forward planning. Although we understand that examining and preparing for the potential effects of Brexit on our fishing industry has been necessary, there has been a lack of debate around how to create a sustainable industry through any measures. There is also a lack of debate or any kind of proposals on how to examine other economic or environmental measures.

The Brexit Ministerial Roundtable 'Seas & Coast' Group was set up to enable this process, but it did not progress wider considerations and it was a missed opportunity. The lack of debate is limiting and WEL members have become increasingly frustrated. We are concerned about the lack of direction and the inability to set out a path to achieve the sustainable management of natural resource in our seas.

As an area that includes both UK and Welsh Government policy structures, it's vital that it does not get forgotten or made the lowest priority in Brexit preparations. WEL are happy to assist Welsh Government, the Assembly and the CCERA Committee in any further information that is required to create truly clean, healthy, safe, productive and biologically diverse seas.

**Wales Environment Link (WEL)** is a network of environmental, countryside and heritage Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is a respected intermediary body connecting the government and the environmental NGO sector in Wales. Our vision is a healthy, sustainably managed environment and countryside with safeguarded heritage in which the people of Wales and future generations can prosper.

This paper represents the consensus view of a group of WEL members working in this specialist area. Members may also produce information individually in order to raise more detailed issues that are important to their particular organisation.



Lesley Griffiths AC/AM  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs

Agenda Item 5.1



Llywodraeth Cymru  
Welsh Government

Mike Hedges AM  
Chair of Climate Change, environment and Rural Affairs Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff CF99 1NA

May 2019

Dear Mike

Thank you for your letter of 14<sup>th</sup> May regarding the Supplementary Legislative Consent Memorandum for the Agriculture Bill. I am pleased to provide the further assurance you seek on the UK and Welsh Government Bilateral Agreement on WTO provisions within the Agriculture Bill (Part 7, WTO Agreement on Agriculture).

The Agreement sets out a robust process which ensures Welsh interests are properly protected. I can confirm the Agreement I have made with the Secretary of State is far more than a consultation commitment and is based on a requirement to seek to proceed by consensus. Where consensus cannot be reached the Agreement sets out clear and transparent mechanisms which must be used to resolve disagreements.

In the case of making regulations under the powers in Part 7, draft regulations will be presented to the Welsh Ministers with the aim of securing agreement, followed by an exchange of letters. This will provide the opportunity for the Welsh Ministers to set out their position, and for the Secretary of State to explain the reasons for the final form of the regulations and how UK Government has sought to reach agreement. Any disagreements would be escalated in line with the existing MoU governing Intergovernmental relations and any future agreements on dispute resolution. In the event of a dispute, once all these attempts at resolution have been exhausted, the exchange of letters should be made available to both Houses of Parliament in advance of the affirmative vote on the regulations required under Part 7.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



A mechanism giving the Welsh Ministers a clear role in determining the classification of financial support is also part of the Agreement. The Welsh Ministers will propose classifications for support for agricultural producers in Wales, consistent with the regulations made under Part 7 and the detailed process set out in a Memorandum of Understanding on their operation. The proposed classification will be considered by the Secretary of State and the other UK agriculture Ministers. In the event of agreement, the Secretary of State will notify the classification to the WTO. If consensus cannot be reached through existing dispute resolution mechanisms, issues will normally be referred to an expert panel for an independent, expert view on the issue being considered. The Secretary of State is required to have regard to the advice and to share with the Welsh Ministers the advice, the Secretary of State's decision and the reason for the decision.

Officials are working with Defra on an extensive package to address concerns raised by the Committee in its report on the first LCM. I can confirm good progress is being made with this and while I am not in a position to respond formally at this stage will do so soon after the Bill resumes its Parliamentary passage.

A handwritten signature in blue ink that reads "Regards Lesley". The word "Regards" is written in a cursive style, and "Lesley" is written below it in a similar cursive style.

**Lesley Griffiths AC/AM**

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



**Department  
for Environment  
Food & Rural Affairs**

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

**Agenda Item 5.2**

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David Rees AM  
Chair of the External Affairs and  
Additional Legislation Committee  
Welsh Government  
Cardiff Bay  
Cardiff CF99 1NA

23<sup>rd</sup> May 2019

*David Rees*

**Forestry Policy**

Thank you for your letter of 9 May expressing the view of the External Affairs and Additional Legislation Committee that forestry policy is a devolved competence.

I note that this view is also specifically referring to the Explanatory Memorandum for the UK-Indonesia Voluntary Partnership Agreement on Forest Law Enforcement, Governance and Trade (FLEGT) in Timber Products (agreement CS Indonesia No.1/2019).

International forestry policy, in particular the FLEGT regime, is reserved. We recognise that domestic forestry policy is a devolved competence. The statement you refer to in the Explanatory Memorandum explains this division of responsibility using the phrase 'overall responsibility for UK forestry policy' to mean responsibility for UK's international forestry policy. I hope this clarifies any ambiguity.

With regard to your letter dated 12 March on fisheries policy, my officials will respond to you on this issue at a later date.

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.

Thank you again for your letter.

With every good wish,

*Yours,*

*Mich*

**Michael Gove**



# Agenda Item 5.3

Lesley Griffiths AC/AM  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Our ref: MA/P/LG/1981/19

Mike Hedges AM  
Chair  
Climate Change, Environment, and Rural Affairs Committee  
National Assembly for Wales

24 May 2019

Dear Mike,

I am writing to inform you of the dates of Inter-Ministerial Group Environment, Food and Rural Affairs (IMG EFRA) meetings as per the Inter-Institutional relations agreement between the National Assembly for Wales and the Welsh Government.

There are four meetings of the IMG EFRA scheduled between now and the end of the year. These are on the following dates:

- 24 June
- 16 September
- 28 October
- 25 November.

These meetings focus on key issues relating primarily to EU Exit including governance between the administrations, legislation, and readiness for EU Exit.

Yours Sincerely,

**Lesley Griffiths AC/AM**

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs

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